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PROCEEDINGS AND DEBATES OF THE 99th CONGRESS, SECOND SESSION

SENATE—*Tuesday, August 12, 1986*

(Legislative day of Monday, August 11, 1986)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the President pro htempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our prayer this morning will be offered by Rev. Dan Roberts, pastor of the Darlington Presbyterian Church. He is sponsored by the President pro tempore.

PRAYER

Most Gracious Father, we stop for a moment at the beginning of our demanding duties and think about You. That's most refreshing. The thought of You nudges us toward humility. It reminds us that in the middle of all the world calls important, You who neither slumber nor sleep allow us to legislate at Your pleasure.

Though we are gathered to conduct great affairs these Your servants are, at the same time, husbands and wives, sons and daughters, fathers and mothers. They face the same pressures and skirt close to the same disasters as do those they represent. Be a source of comfort and encouragement as they seek to strengthen their own homes even as they pursue the health of this Nation. May the days of recess just ahead give to our Senators and those who assist them healing reunion with loved ones, quiet restoration, and godly re-creation.

God, bless the United States of America. May the things done in this building and this room, on this day edge our Republic ever closer to the ideal for which You have designed her: Showing mercy rather than vengeance; justice over special pleading; righteousness in the place of self-interest.

We pray all these things in the name which is above every name, even Christ Jesus our Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able and distinguished majority leader, Senator ROBERT DOLE, of Kansas, is recognized.

Mr. DOLE. Mr. President, I thank the distinguished Presiding Officer, Senator THURMOND, from South Carolina.

SCHEDULE

Mr. DOLE. Mr. President, I would just say very quickly, because we will be on the Boren PAC amendment at 9, that under the standing order—did the leaders' time come out of the overall time or do we have 10 minutes each?

The PRESIDING OFFICER (Mr. EVANS). The leaders do have 10 minutes each.

Mr. DOLE. So we can yield part of our time?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Mr. President, following that, at 9 o'clock, we will go back on the Boren amendment. There will be a vote at about 10 and then there will be 1 hour of debate on the Boschwitz amendment and a vote, I assume, about 11:20.

Again, I urge my colleagues, the first vote we will probably let slide a bit for about 20 minutes, but thereafter today we hope to stick to a 15-minute record vote schedule.

Then we will not have any recess today for policy luncheons. We will, at least, on our side, be having a luncheon, but there will be activity on the Senate floor.

Mr. President, I do have a statement on Contra aid. I would like to yield 3 minutes of my time, when I complete my statement, to the distinguished Senator from North Carolina, Senator BROYHILL, and 3 minutes to the distinguished Senator from Florida, Senator HAWKINS.

CONTRA AID

Mr. DOLE. Mr. President, yesterday, finally, we began work on the "military construction appropriations bill," including its important provisions on aid for the democratic resistance in Nicaragua, the so-called Contras, or freedom fighters.

It is about time that we have reached the point when we can put the Contra aid program into law, and into effect. We have already debated this issue many times; for many, many hours. The Senate is already on record in support of the program—earlier this year, in a bipartisan vote of 53 to 47, the Senate approved an aid-for-the-Contras package similar to the one we are considering now.

Yet we still delay. First, the House leadership stalled and stalled. And, when it finally did act, opponents of the program in the Senate dragged their feet, threatening a filibuster, and refusing to consent to an agreement that would allow the Senate to work its will.

But we have crossed that bridge and I believe now the Senate is prepared to act decisively and act hopefully as early as tomorrow, not too late tomorrow evening. And I believe we will still have that same strong bipartisan support.

Let us face it. This is a controversial program. There are Republicans who do not support it and there are Democrats who do not support it. But I believe, in the long run, we are moving in the right direction.

It would seem to me, one thing we must do is to act and to try to have something passed and signed by the President. I know it is not going to happen before the so-called Labor Day recess, but shortly thereafter.

PAST DELAYS COSTLY

While we have finally worked out an agreement that will permit us to act, these unwarranted delays have already been at great cost.

While we talked, the Sandinista regime—and its allies in Moscow and Havana—acted. Nicaragua invaded Honduras; continued its support for vicious insurgencies in the neighboring democracies; received new, threatening weapons systems from the Soviet Union; and scuttled the last, and most promising, round of "Contadora

talks." The Sandinistas also accelerated their determined crackdown on freedom at home, tightening the screws of their state of emergency; closing the last voice of journalistic opposition, La Prensa; and using the Catholic Church as a punching bag, booting Bishop Vega out of the country, despite the protest of Pope John Paul II.

Well, we have just about run out of time. The Sandinistas are already firmly in Moscow's pocket. Their military machine, by far the region's largest, is already in a position to dominate Central America: The Sandinista regime has already tightened the noose around the people of Nicaragua.

We have to respond, before it is too late.

AID FOR CONTRAS PART OF BROADER STRATEGY

Now let me be clear. Aid for the Contras is not the entire answer to these Sandinista policies. Contra aid by itself is not going to turn the "Managua regime" around. We need to continue and expand our support for the democracies of Central America, to help them defend themselves against the "Sandinista threat." Provisions for increased aid are included in this bill. We need to work closely with our allies and friends, both in the region and around the world, to keep up the political and diplomatic pressure on Managua. We need to pursue every reasonable channel for negotiations, whether it be the "Contadora process," the "OAS," or whatever. We want a negotiated settlement. Even more important, we know that no other kind of settlement is realistically possible in the foreseeable future.

The problem, though, is twofold. First, the Sandinistas have goals which they know are not likely to be achieved through a fair, negotiated settlement—goals such as cementing their alliance with the Soviet Union and Cuba; becoming the dominant military power in Central America; intimidating their neighbors into political silence; establishing a totalitarian, one-party state at home. Those goals are inconsistent with the goals of the other parties to a real negotiation—the United States, and the other governments of Central America. The Sandinistas know that, and they are not going to negotiate seriously unless they have to.

Second, the Sandinistas have not yet been convinced that they must negotiate seriously. They have not yet seen that a negotiated settlement is the only way out for them, too. They remain convinced that they can win, outright, without negotiations or concessions. And, looking at our sorry record of action—or I guess I should say, inaction—on Contra aid, I am not very surprised that they feel that way. For understandable reasons, they have concluded that we will be too divided, too indecisive, too preoccupied, too afraid to really stand in their way, in the long run.

And they will continue to feel that way until we show—by our actions, as well as by our words—that we are not going to let them get away with it; that we are not going to stand idly by while our security interests, and allies in Central America, go down the drain, and while the people of Nicaragua sink into the mire of Marxist oppression.

AID TO CONTRAS POWERFUL MESSAGE TO MANAGUA

That is where aid for the Contras fits in. It is not a strategy in itself, but it is an essential—and let me stress that word, because it is literally true—it is an essential part of any strategy to achieve a fair, negotiated settlement. Without some truly strong outside pressure, the Sandinistas just are not going to negotiate seriously. Without the Contras, any other pressures we can realistically bring to bear just are not going to do the job.

Aid for the Contras, though, can send a very powerful message to Managua—that we are prepared to stand up for our interests and our friends; that we are prepared to help those who share our goals, and who are struggling for their own freedom; that we are not prepared to give the Sandinista regime a clear field to do what it wants, when it wants, to whomever it wants.

Only if that kind of message sinks in with "Ortega and his crowd" can we ever have the kind of negotiated settlement that we all want.

TIME FOR SENATE TO ACT

The opponents of the freedom fighters on Capitol Hill have stonewalled, dillydallied, and delayed. But the game is over, and now it is time to act. Unless we do, it may be too late: Too late for the Contras; too late for the people of Nicaragua; too late for the democracies of Central America; and too late to avoid another, more agonizing set of decisions somewhere down the road.

Let us get on with our work, meet our responsibility and do what must be done.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BROYHILL. Mr. President, I thank the distinguished majority leader for yielding.

MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 1987

Mr. BROYHILL. Mr. President, I was not able to be here yesterday to take part in the debate on the military construction appropriation bill, for 1987, H.R. 5052. I did want to express my concern about some deletions that were made in that bill.

I regret that I was unable to take part in the earlier debate on title I.

Allow me to commend the distinguished chairman, Mr. MATTINGLY, and the ranking minority member, Mr. SASSER, on their efforts to deliver this measure to us in a timely manner; both gentlemen are diligent and we are grateful to them.

While I fully intend to support the bill, I am compelled to express my disappointment with certain funding recommendations made by the committee with respect to various military construction projects in North Carolina.

The Defense Department budget for fiscal year 1987, as submitted to Congress, contained funding requests from the Department of the Navy for two major construction projects at the Cherry Point Naval Air Facility in North Carolina. For the first project, a total of $15.6 million in funding was requested to construct an aircraft engine blade rework facility to house and support expanded vane and blade repair activities. While the House Appropriations Subcommittee on Military Construction agreed with the need for this project and recommended full funding for it, the Senate committee did not.

The enhanced capability this facility provides would allow damaged engine blades and vanes to be restored to a reusable condition. This would result in a reduction of blade scarcity and a decrease in unnecessary and costly new blade and vane procurements which would yield substantial savings of taxpayer dollars. The Navy estimates that a potential annual savings of $54 million could be realized from the successful repair and reuse of blades and vanes. Of the 950,000 blades that are now discarded annually, the Department predicts that 350,000 could be repaired at this facility. The development of new and innovative blade repair technologies will ensure even greater repair success of nicked and cracked parts and reshaping of distorted blades. This, in turn, will permit the Navy to reinstall these blades and reuse them in its high performance jets. Another expected benefit will be reduced delays in engine repair. This will help improve defense readiness and increase the mission availability of Navy fighter aircraft jets, which are among our Nation's most valuable defense assets.

The committee also did not recommend $21.6 million requested by the Navy for construction of an aircraft rework facility at Cherry Point Naval Air Station. However, the House Appropriations Subcommittee on Military Construction provided the full amount requested by the Department. These funds would be used to build a facility with the full capability for the repair and remanufacture of technologically advanced components incor-

porated in the AV-8B aircraft and other weapons systems. This aircraft fulfills the requirements for an advanced vertical short-takeoff and landing [V/STOL] attack aircraft which will extend Marine Corps air arm capability by providing responsive close air support to ground forces.

The V/STOL aircraft is a second generation aircraft that combines the speed and firepower of a modern attack jet aircraft with unique basing flexibility, thereby increasing the effectiveness of Marine Corps' integrated air/ground teams. Cherry Point is the sole rework point depot level maintenance of V/STOL aircraft currently in the Defense Department inventory, and no other facility vacancies exist which could be converted to provide the necessary capability for full support of this program. Overhaul work on the AV-8B is scheduled to begin in fiscal year 1988 and build up to an average of 80 aircraft per year. If this funding is not provided, support of the AV-8B Rework Program would be severely diminished, resulting in longer leadtimes, increased costs to fleet aircraft operations and reduced capability for quick repair of the AV-8B aircraft. It is important to note that this project has been fully reviewed and approved by the Joint Military Construction Board.

In addition to these urgently needed projects, the committee also did not recommend funding for other items requested by various other service branches which are included in the other body's bill as follows: $6.5 million for the special forces mission support facility at Fort Bragg; $6.8 million for the troop and cargo staging facility at the Marine Corps Air Station at Cherry Point; and, $5.9 million for the field maintenance complex at Marine Corps Base Camp LeJeune.

These requests made by the Defense Department as part of its fiscal year 1987 budget submission on behalf of various services and full funded in the recently passed military construction appropriations bill for fiscal 1987 represent legitimate national defense needs. Projects such as these would help fulfill some of the more important defense requirements of this country and would enable it to accomplish many of its vital national security goals. It is my fervent hope that the Senate conferees will recognize the necessity of providing funding for these projects and recede to and concur with the other body's position on funding levels for these items.

Let me add, the State of North Carolina is proud of its role as a home to many of our Nation's important defense facilities and its residents are equally proud to host some of America's finest young men and women who serve this Nation in times of war and peace with distinction, dedication, and commitment unmatched elsewhere in the world.

The PRESIDING OFFICER. The Senator from Florida, Mrs. HAWKINS, is recognized.

ANOTHER OPPORTUNITY FOR MEXICO

Mrs. HAWKINS. Mr. President, Mexican President Miguel de la Madrid will visit the United States this week. He is to meet with President Reagan on Wednesday. There are some difficult economic problems to be worked out. Mexico has an enormous foreign debt, much of it owed to American banks. The outlook for Mexico has become even more grim in recent days with the oil prices tumbling. Mexico's major export and source of foreign earnings is oil.

When the prices are low, the impact on the economy is severe. It is in our self-interest that the Mexican economy be spared wild gyrations and that the government be stable. Mexico is our third largest market, our third largest source of imports, our major foreign supplier of oil. We share a 2,000-mile border. That border is porous. Illegal immigrants pour across the rickety boundary fences and unguarded open spaces every night. The potential danger from the activities of drug smugglers and saboteurs is obvious under such conditions.

I hope that President Reagan will discuss with President De la Madrid the border problem, drugs, and corruption in high places. The extent of Mexican corruption was touched on recently by our former Ambassador in testimony before a Senate Foreign Relations Subcommittee.

Our former Ambassador had a good opportunity to observe in depth what is going on down there. In his testimony, Mr. Gavin roundly condemned the Governors of two Mexican states as notorious drug traffickers and said they are "up to their elbows" in the drug trade. One of them, the Ambassador related, has given "shelter, protection, and comfort * * * to the drug overlord of Mexico."

Alleged corruption in Mexico reaches into the top echelons of government. The head of the Mexican Judicial Police is alleged to be involved in drug trafficking. Relatives of the President are said to be cozy with traffickers. Assistant Secretary of State Elliott Abrams said recently that corruption is so widespread that it threatens to undermine the authority of the Mexican Government.

Richard Slattery, second in command of the DEA's San Diego office, says there is no way that Mexican Federal Police can crack down on drug traffickers—the traffickers know too much about police involvement in drugs.

Hope springs eternal. We are hoping things will be better. They have to get better because the current situation is intolerable. Meanwhile, we are still waiting for some sign from Mexico that it is willing to do something concrete about its drug problem.

It has been nearly 18 months since DEA agent Enrique Camarena was kidnaped, tortured, and killed by Mexican drug traffickers. A half dozen suspects are in jail, but no one has been brought to trial yet. Ambassador Gavin says another 50 people were involved in the murder in one way or another, but Mexican authorities are not looking for them very hard.

Mexico could give us assurances that they are pursuing the killing of Glenn Miles, U.S. customs official on patrol near the border in southern Arizona. Miles was gunned down last February after he spotted three backpackers he suspected were carrying drugs. True the slaying did occur on the American side of the border, but there is a Mexican angle to this.

There are those who say this is not the time to kick Mexico, while she is down, suffering economically from the Siamese twins of plunging oil prices and mass unemployment caused by the closing of inefficient state-operated steelmills, fertilizer plants, sugar factories, and petrochemical complexes.

I am not kicking the Mexicans or anyone else for that matter. But it is time for them to crack down on drugs and clean up corruption. This would be in their own interest as well as ours.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the acting Democratic leader [Mr. PROXMIRE] is recognized.

Mr. PROXMIRE. Mr. President, I yield 5 minutes of the Democratic leader's time to the Senator from West Virginia, Senator ROCKEFELLER.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. ROCKEFELLER], is recognized.

THE STUDENT DRUG ABUSE EDUCATION AND PREVENTION ACT OF 1986

Mr. ROCKEFELLER. Mr. President, in just a couple of weeks, school will start back up for millions of American children and teenagers. So, too, will the pressure for our kids to experiment with drugs.

Unfortunately, most kids who will be pressured to smoke marijuana at lunchtime or sniff cocaine in the parking lot after school, will get little or no education about the dangers of drugs—that is, unless Congress, and the President, act immediately to

assist schools to prevent students from taking drugs.

For example, in West Virginia, the State police have reported the appearance of "crack" in different parts of the State. School officials believe that drug use in the urban and rural areas of the State reflects the patterns of the rest of the country—a possible slight increase in smoking "pot," and a steady rise in the use of cocaine. And yet, our counties do not even have the funds to repair their school buildings and invest in badly needed academic reforms. They simply cannot afford to start new drug education programs on their own. Out of our 55 school districts, only one—Kanawha County—has a full-time drug education coordinator.

Today, I am introducing legislation proposing to respond to the emergency of drug abuse among young people. This bill is along the lines of its counterpart in the House of Representatives, sponsored by Congressman RANGEL, the chairman of the House Select Committee on Narcotics Abuse and Control. The Student Drug-Abuse Education and Prevention Act of 1986 would distribute $50 million in funding, and other needed resources such as training and model curriculum to States and local schools to help them initiate drug education efforts.

Joining me in cosponsoring this bill are some very distinguished colleagues of mine: Senator BYRD, Senator CHILES, Senator BIDEN, Senator DECONCINI, Senator MOYNIHAN, Senator BUMPERS, Senator LEAHY, and Senator CRANSTON.

We have to act now to defend our children from drugs. Last year, 50 percent of seventh graders reported pressure to try marijuana. About 61 percent of all high school seniors—roughly 2 million young men and women—tried an illicit drug at least once; 13 percent of those seniors used cocaine, reflecting the highest percentage ever reported among this age group.

Drug abuse among young people is a national crisis. Current efforts are a far cry from an adequate response to a problem of this scope. In 1985, the U.S. Department of Education spent $3 million out of its $18 billion budget on drug education. This is ridiculous, and is not nearly enough if we are to reach children effectively and convince them to turn down drugs. With the school year approaching, I hope that Congress will recognize that now is the time to devote greater resources to preventing student drug abuse. Parents, teachers, health officials, and community leaders across the country are asking us to make drug education a top priority—officers in law enforcement, in the Coast Guard, and with U.S. Customs argue that a major effort to reduce the demand for drugs must accompany the equally important efforts to control the supply and trafficking of drugs. Communities and schools are asking for our help—for expertise, information on what works, training, and financial resources. We must respond quickly and assist schools and communities in every part of the country to fight drug abuse.

Again, I remind my colleagues that school starts in less than a month. We cannot afford to stand by as drugs continue to spread to every community and school in our country, and as more and more children become victims to drugs. Our best hope for the future is to focus on our younger generation—to follow them from elementary through secondary school with information about the dangers of drugs, to involve their parents and role models in giving them other ways to gain self-esteem, to reshape peer pressure so that drugs are not the cool thing to do, and to show them we care enough to invest time and resources in turning them off from, not onto, drugs.

I urge my colleagues to join me as cosponsors of the Student Drug Abuse Education and Prevention Act, and to assist in achieving its prompt passage.

Mr. President, I ask unanimous consent that a copy of my bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Drug Abuse Education and Prevention Act of 1986".

SEC. 2. FINDINGS.

The Congress hereby makes the following findings:

(1) drug abuse among young Americans is a national crisis;

(2) in 1985, 61 percent of all high school seniors representing about two million adolescents tried an illicit drug at least once, and 41 percent of all seniors used drugs other than marijuana;

(3) in 1985, one in twenty high school seniors drank alcohol daily and 37 percent had five or more drinks in a row at least once every two weeks;

(4) the use of cocaine is increasing among young people;

(5) in 1985, 13 percent of high school seniors used cocaine, the highest percentage ever reported;

(6) the use of crack (cocaine freebase), a dangerous and addictive form of cocaine, is being used by a growing number of young people; and

(7) drug abuse costs the United States billions of dollars in health care, law enforcement, and lost productivity.

SEC. 3. ESTABLISHMENT OF OFFICE OF DRUG AND ALCOHOL ABUSE EDUCATION AND PREVENTION WITHIN THE DEPARTMENT OF EDUCATION.

(a) ESTABLISHMENT OF OFFICE.—Title II of the Department of Education Organization Act (Public Law 96-88) is amended by adding at the end thereof the following new section:

"OFFICE OF DRUG AND ALCOHOL ABUSE EDUCATION AND PREVENTION

"SEC. 215. (a) There shall be in the Department an Office of Drug and Alcohol Abuse Education and Prevention to be administered by the Assistant Secretary for Drug and Alcohol Abuse Education and Prevention appointed under section 202(b).

"(b) The Office of Drug and Alcohol Abuse Education and Policy shall be responsible for—

"(1) developing and coordinating, in consultation with appropriate Federal agencies, including law enforcement and health authorities, a long-term and detailed strategy for the Federal Government's drug and alcohol abuse education efforts to curb drug abuse among young people;

"(2) monitoring, promoting, and disseminating, in cooperation with the National Institute of Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, and the Mental Health Administration, research in the area of drug and alcohol education and prevention;

"(3) providing technical assistance to State educational departments and local school districts in implementing promising drug and alcohol abuse education and prevention programs;

"(4) developing and demonstrating new and promising drug and alcohol abuse education programs that are appropriate and flexible for the unique needs of individual States and local school districts, and promoting the implementation of such programs by State educational departments and local education agencies;

"(5) significantly expanding the Department of Education's existing program for training elementary and secondary school administrators, teachers, counselors, athletic directors, and other school personnel in the area of drug and alcohol abuse education and prevention; and

"(6) disseminating information to State educational departments and local school districts relating to research, programs, and training opportunities in drug and alcohol abuse education and prevention.".

(b) TECHNICAL AMENDMENTS.—Subsection (b)(1) of section 202 of such Act is amended—

(1) in clause (F) by striking out "and" after the semicolon;

(2) in clause (G) by striking out the period and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(H) an Assistant Secretary for Drug and Alcohol Abuse Education and Policy.".

(c) REPORT BY THE SECRETARY.—The Secretary of Education shall submit to Congress one year after the date of enactment of this title, a report which shall detail the Department of Education's progress in establishing the Office of Drug and Alcohol Abuse and Prevention and the long-term strategy of the Office for drug education and prevention efforts by the Federal Government.

SEC. 4 ESTABLISHMENT OF DRUG PROGRAM.

The Secretary of Education, acting through the Assistant Secretary for Drug and Alcohol Abuse Education and Prevention, shall establish a program of Federal grants to the States for drug abuse education in elementary and secondary schools in accordance with the provisions of this Act.

SEC. 5. USE OF FUNDS.

(a) STATE USE OF FUNDS.—

(1) Funds available to a State under this Act shall be used for—

(A) the development, dissemination, implementation, and evaluation of drug abuse education curricula and teaching materials for elementary and secondary schools throughout the State;

(B) demonstration projects of drug abuse education;

(C) drug abuse education training;

(D) technical assistance to local educational agencies; and

(E) State administrative costs.

(2) Not more than 10 percent of the funds available to a State under this Act may be used under paragraph (1)(E).

(b) AUTHORIZED ACTIVITIES FOR LOCAL EDUCATIONAL AGENCIES.—Funds available to a local educational agency under this Act shall be used for—

(1) the development and implementation of drug abuse education curricula for elementary and secondary schools;

(2) drug abuse prevention counseling programs including peer and professional counseling;

(3) programs of drug abuse treatment referral;

(4) programs of in-service and pre-service training in drug abuse prevention for teachers, counselors, and other educational personnel, public service personnel (including law enforcement officials), and community leaders;

(5) programs in primary prevention and early intervention, such as the interdisciplinary school-team approach development by the Department of Education;

(6) community education programs on drug abuse prevention, particularly programs for parents;

(7) public education programs on drug abuse, including programs utilizing professionals, and former drug abusers and drug dependent individuals; or

(8) other programs of drug abuse education and prevention consistent with the purpose of this Act.

SEC. 6. ALLOTMENTS TO STATES.

(a) FORMULA.—From the sums appropriated to carry out this Act in any fiscal year, the secretary shall reserve 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, to be allotted in accordance with their respective needs. From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to the amount of such remainder as the school-age population of the State bears to the school-age population of all States.

(b) REALLOTMENT.—The Secretary is authorized to reallot any amount of any allotment to a State to the extent that the Secretary determines that the State will not be able to obligate such amount within two years of allotment. Any such reallotment shall be made on the same basis as an allotment under subsection (a).

(c) DEFINITIONS.—The purposes of this section:

(1) The term "school-age population" means the population aged five through seventeen.

(2) The term "States" includes the fifty States, the District of Columbia, and Puerto Rico.

SEC. 7. STATE APPLICATIONS.

In order to receive grants under this Act a State shall submit an application with the Secretary which—

(1) provides assurances that the State has a Statewide requirement that each local education agency in the State establish a drug abuse education curriculum or that the State will use funds available under this Act to implement such a requirement;

(2) designates the State educational agency as the State agency responsible for the administration and supervision of programs assisted under this Act;

(3) describes how the State will coordinate its efforts with appropriate State health, law enforcement, and drug abuse prevention agencies in particular, the State authority which administers the Alcohol, Drug Abuse, and Mental Health block grant;

(4) identifies the student populations most at risk of drug abuse and the local areas most in need of assistance for the development of drug abuse education programs, and describes the method used to identify such populations and areas;

(5) describes a plan for allocating funds under the Act that will target the students and areas identified in clause (4);

(6) provides for an annual evaluation of the effectiveness of programs assisted under this Act;

(7) provides that the State educational agency will keep such records and provide such information to the Secretary as may be required for fiscal audit and program evaluation; and

(8) contains assurances that there is compliance with the specific requirements of this Act.

SEC. 8. ALLOCATION TO LOCAL EDUCATIONAL AGENCIES.

(a) FORMULA.—From the sum made available each year under section 4, the State educational agency shall reserve not more than 20 percent for State activities under section 3(a). The State educational agency shall reserve an additional amount, consistent with the number of children enrolled in private schools in the State, for the purposes of section 8. From the remainder of such sum the State educational agcncy shall allocate to each local educational agency an amount which bears the same ratio to the amount of such remainder as the school-age population of the local educational agency bears to the school-age population of the State not served by programs under section 8.

(b) PAYMENT.—From the funds paid to it pursuant to section 4 during each fiscal year, the State educational agency shall distribute to each local educational agency which has submitted an application as required under section 7 the amount of its allocation as determined under subsection (a).

(c) REALLOCATION.—The State educational agency is authorized to reallocate any amount of any allocation to a local educational agency to the extent that the State educational agency determines that the local educational agency will not be able to obligate such amount within two years of allocation. Any such reallocation shall be made on the same basis as an allocation under subsection (a).

SEC. 9. LOCAL APPLICATIONS.

A local educational agency may receive its allocation of funds under this Act for any fiscal year for which its application to the State educational agency has been certified to meet the requirements of this subsection. The State educational agency shall certify any such application if such application—

(1) provides assurances of compliance with the provisions of this Act;

(2) provides for an annual evaluation of the effectiveness of programs assisted under this Act;

(3) provides assurances that the local educational agency will coordinate its efforts with appropriate State and local drug abuse agencies; and

(4) agrees to keep such records and provide such information to the State educational agency as reasonably may be required for fiscal audit and program evaluation, consistent with the responsibilities of the State agency under this Act.

SEC. 10. PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) EQUITABLE PARTICIPATION.—To the extent consistent with the number of children in a State who are enrolled in private nonprofit elementary and secondary schools, the State educational agency (from funds reserved under section 6 and after consultation with appropriate private school officials) shall provide for such services and programs as will provide such children equitable participation under this Act.

(b) AUTHORITY OF SECRETARY.—If a State is unable or unwilling to provide for the participation under subsection (a), the Secretary shall withhold from the allocation of the affected State the amount necessary to provide such services and shall arrange for the provision of services and programs to such children.

SEC. 11. FEDERAL COORDINATION AND TECHNICAL ASSISTANCE.

(a) FEDERAL ASSISTANCE.—The Secretary of Education and the Secretary of Health and Human Services shall through cooperative efforts—

(1) collect and disseminate information to State and local educational agencies on effective drug education curricula and other proven student drug abuse education and prevention approaches;

(2) provide technical assistance to State and local educational agencies in the selection and implementation of drug abuse education curricula and programs to most effectively address the needs of the elementary and secondary schools served by such agencies; and

(3) identify research and development priorities with regard to student drug abuse education and prevention.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 12. GENERAL PROVISIONS.

(a) DEFINITIONS.—Except as otherwise provided, the terms used in this Act shall have the meaning provided under section 595 of the Education Consolidation and Improvement Act of 1981.

(b) USE OF FEDERAL FUNDS.—Federal funds made available under this Act shall be used to supplement and, to the extent practical, to increase the level of funds that would, in the absence of such Federal funds, be made available by the recipient for the purposes described in this Act, and in no case supplant such funds.

SEC. 13. DEFINITION.

For purposes of this Act, the term "drug abuse" includes abuse of—

(1) any substance listed in section 102(17) of the Controlled Substances Act; and

(2) alcohol.

SEC. 14. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $50,000,000 for each of the fiscal years 1987, 1988, 1989, 1990, and 1991 to carry out the purposes of this Act.

(b) AVAILABILITY OF APPROPRIATIONS ON SCHOOL-YEAR BASIS.—Appropriations for any fiscal year for payments under this Act, in accordance with regulations of the Secre-

tary, may be made available for obligation or expenditure by the agency or institution concerned on the basis of an academic or school year differing from such fiscal year.

(c) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated for any fiscal year under this Act shall remain available for obligation and expenditure until the end of the fiscal year succeeding the fiscal year for which such funds were appropriated.

SEC. 15. EFFECTIVE DATE.

This Act shall take effect October 1, 1986.

THE STUDENT DRUG ABUSE EDUCATION AND PREVENTION ACT OF 1986

Mr. BUMPERS. Mr. President, I am pleased to join the distinguished Senator from West Virginia in cosponsoring the Student Drug Abuse Education and Prevention Act of 1986. I commend the Senator for his leadership in developing this legislation. This bill is aimed at getting resources to local school districts to help them in their drug abuse prevention efforts. I believe the education and prevention efforts funded by this bill will be valuable weapons in our fight against drug abuse.

I have cosponsored legislation to toughen our criminal penalties for drug offenses and to help stem the supply and distribution of illicit drugs in this country. Efforts to restrict drug supplies and toughen our criminal laws must continue, but they must be made in conjunction with education and prevention efforts if we are to have a real hope of turning the tide against drugs.

All available evidence indicates that there is still an epidemic of drug abuse in this country, and its victims are too often young Americans. The most recent survey of drug use among American high school students, college students, and other young adults revealed that in 1985 the steady 4-year decline in overall illicit drug use among high school seniors halted. This survey, funded primarily by the National Institute on Drug Abuse, also revealed that 17 percent of seniors in 1985 tried cocaine, a significant increase from 1984, and that 61 percent of all high school seniors had tried an illicit drug at least once. Perhaps most disturbing was the survey's finding that most initial experiences with marijuana, alcohol, and cigarettes took place before high school.

The survey also found that two-thirds of all high school seniors considered the regular use of cigarettes to entail a great risk of harm for the user; and more than 70 percent of seniors judged regular use of marijuana to involve great risk. The increase in the percentage of seniors considering marijuana dangerous—up from 35 percent in 1978—is encouraging because the increase coincides with efforts since 1979 by scientists, policy makers, and the media to draw the attention of young people to the potential hazards of regular marijuana use. Educational efforts can work, but they require funding if they are to work.

The percentage of seniors who perceived great risk in trying cocaine once or twice was 43 percent in 1975; only 34 percent of seniors in 1985 perceived risk in trying cocaine once or twice. That trend alone should tell us that stronger educational efforts are needed.

I have cosponsored bills which would provide Federal funds for State and local programs, including demonstration programs, to prevent drug abuse. I am pleased to cosponsor the Student Drug Abuse Education and Prevention Act of 1986 because I believe its approach is an effective one. To qualify for the funds of this program, a State must adopt a requirement that drug and alcohol abuse education be part of the curricula of its schools. Funds authorized by the Student Drug Abuse Education and Prevention Act would be distributed nationwide by the Department of Education. Allotments would go to each State in proportion to its school-age population. States could use up to 20 percent of funds for activities including training of personnel, technical assistance, and evaluation of school programs; 80 percent of funds would go to local school districts, which would use the funds for teaching materials, counseling, training of teachers, and other purposes.

I frequently hear from school officials in my State who are aware of drug and alcohol abuse problems in their schools or who want to prevent those problems. Those educators are struggling to initiate school or community drug abuse prevention programs, and they call me when they have exhausted all local and State sources of funding. With a limited amount of funding, those officials could reprint materials and provide some training for their teachers. They are convinced that the investment in drug abuse prevention is worthwhile, and I agree with them, but I have not been able to point them toward any funds. I believe the legislation proposed by the Senator from West Virginia answers the needs of the superintendents, principals, and teachers I have heard from. And it is an appropriate role for the Federal Government to take in the fight against drug abuse. The Federal Government should take a leadership role in encouraging drug abuse education and prevention at the local level.

I lend my wholehearted support to this legislation and urge prompt action on it.

STUDENT DRUG ABUSE EDUCATION AND PREVENTION ACT OF 1986

Mr. CRANSTON. Mr. President, I am very pleased to join the distinguished Senator from West Virginia (Mr. ROCKEFELLER) and many of my colleagues from the new Senate Democratic Working Group on Narcotics and Substance Abuse in introducing the proposed "Student Drug Abuse Education and Prevention Act of 1986."

This legislation was previously introduced on August 5 as part of a comprehensive measure on drug abuse—S. 2715, the proposed "Emergency Crack Control Act of 1986"—of which I am also an original cosponsor.

Mr. President, much attention has been focused recently on drug abuse in the United States. Although illegal drugs and abuse of those drugs have been of concern to Americans for decades, the problem has never been more widespread than it is today. Tackling the problem successfully has never been more urgent.

Mr. President, Americans now consume 60 percent of the world's production of illegal drugs; 12 tons of heroin, 65 tons of marijuana and 150 tons of cocaine will come into the United States this year alone. An estimated 20 million Americans are regular users of marijuana; 500,000 are heroin addicts.

THE COCAINE CRISIS

Between 20 and 26 million Americans have tried cocaine; 2 million are addicts and 5 million are regular users. Last year, 563 Americans died of cocaine. And, the recent tragedies of Len Bias and Don Rogers symbolize a far deeper and ominous problem.

Mr. President, the legislation we introduced on August 5, S. 2715, specifically focuses on the "crack" epidemic. Although cocaine in any form is dangerous and addictive, "crack" poses the greatest threat. It is much cheaper, more accessible, and 10 times more powerful than cocaine. Addiction can occur within a very short time—in a matter of weeks, and in some cases, days.

Mr. President, cocaine is often described as a "recreational" or "occasional-use" drug. However, it is becoming increasingly clear that cocaine is highly addictive even with casual use and in any form, whether snorted, injected, or smoked.

We must get the message out to people of all ages, but most importantly to youngsters that cocaine is a dangerous, highly addictive drug.

Every school and community must become actively involved in increasing public awareness about cocaine and other drug abuse problems and in developing strategies to combat them. Getting that job done is what this legislation addresses.

Mr. President, in order to prevent youngsters from first taking drugs, and to encourage others to stop, the proposed "Student Drug Abuse Education and Prevention Act of 1986" would authorize the provision of technical and financial assistance to States to establish or expand their school-based drug abuse prevention programs.

On August 4, President Reagan announced a new drug policy. He emphasized prevention and education and the need to reduce the demand side of drugs. One of the President's six major goals is drug-free schools, from grade schools through universities. I couldn't agree more. We must continue efforts to shut down illegal trafficking of drugs into the United States. But to be truly successful in curing the drug epidemic, we must find ways to turn our children off drugs.

This legislation would establish a modest program within the Department of Education to assist State Boards of Education and local school districts in developing appropriate teaching materials and in training teachers and other school personnel how best to convey the message. At the local level, funds under this bill could be used in any number of programs that involve schools, parents, communities, and law enforcement.

It would also authorize the Departments of Education and of Health and Human Services to assist State and local education agencies in implementing drug abuse prevention programs by acting as a clearinghouse to promote effective drug education curricula.

COMMUNITY EFFORTS TO COMBAT DRUG ABUSE

Mr. President, I am very pleased and proud that the Californians for Drug-Free Youth, Inc., a statewide organization encompassing many local parent and community groups, is sponsoring, along with the California Department of Alcohol and Drug Programs, a statewide public education program on drug abuse, called the Red Ribbon Campaign, during the week of October 27. I and my staff, along with many others, will be participating in the Red Ribbon Campaign to help get the message out. These types of private undertakings can be of great help in the overall effort.

CONCLUSION

Mr. President, this legislation is needed to step up our efforts to reach our country's children before they begin experimenting with drugs. I urge all my colleagues to consider the urgent need for the bill very carefully and to support it.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The acting Democratic leader is recognized.

□ 0850

ARE SOVIET SILOS EMPTY? WEINBERGER DENIES IT

Mr. PROXMIRE. Mr. President, the most forthright attack this Senator has read on arms control appeared in the Wall Street Journal on July 18. It was also a sled length endorsement of the strategic defense initiative. Sam Cohen is a physicist. He also invented the neutron bomb. Joe Douglass is a Washington defense analyst. Cohen and Douglass wrote the article. Why do they argue that arms control cannot work? They contend arms control must rely on verification. On that, they are right. Without verification of compliance with arms control treaties, both sides would assume, and wisely assume, that the other was violating the treaty. Cohen and Douglass then take dead aim on the United States ability to verify Soviet arms control compliance. They charge that our country is putting virtually all of its reliance on verification through satellite detection. Satellite detection, say Douglass and Cohen, cannot work. It cannot work because it cannot tell which of the Soviet launching sites actually have missiles and which are empty. According to Cohen and Douglass the Soviet construction of missile sites is cheap and easy. They say many of these sites are empty. They are, in effect, decoys. The real missile sites are often carefully concealed. The charge is that satellites can tell us that the Soviets are lowering cannisters into launching sites. They cannot tell us whether those cannisters actually do contain nuclear missiles or do not.

This is why—according to Cohen and Douglass—the SALT II Treaty was flawed. They charge that supporters of the treaty mistakenly cite our intelligence information that the Soviets had restrained their deployment of ICBM's to comply with the treaty. They charge that the deliberate deception by the Soviets has deceived our intelligence into the faulty belief that the Soviets complied with the treaty. The result: The Soviets have far more ICBM's than we know about. These ICBM's are concealed in launching sites that are invulnerable because we do not know the decoys from the real thing.

And in many cases our intelligence has misinformed us by identifying decoys as the real thing and missing entirely the actual ICBM launchers.

So what do Cohen and Douglass propose the United States should do about this hoax? They propose that this country should forget arms control. They say that absent effective verification, arms control gives a sense of security that is strictly false. They say go sled length with SDI. Why? Because they say SDI can and will defend against Soviet ICBM's. And there is no sense in the United States increasing its own ICBM force because our intelligence cannot find the Soviet targets our ICBM's should hit. We do not know where they are.

What is wrong with this strategy? Answer: Just about everything. First, the SDI alternative. If we do not know where the Soviet launchers are, how can SDI work? Administration SDI proponents, including General Abrahamson, have told the Congress that the best prospect that SDI can work at all is to strike Soviet ICBM's in the boost phase, that is in the first 4 or 5 minutes when the ICBM is rising from its launcher. How would SDI do that? It would do it by orbiting hundreds of battle stations in constant, established orbit ready to destroy ICBM's in the first crucial minutes after they emerge from their launchers. But if our intelligence cannot locate the Soviet launchers as Cohen and Douglass charge, is it logical to expect that in the few short minutes from the time Soviet ICBM's leave the pad until they finish the boost phase, SDI can pick them up, all of them, and destroy them?

Second, like it or not, both superpowers hold the adversary's cities, not their ICBM launching pads, as the ultimate hostage in a nuclear attack. Mutual assured destruction works because the Soviets know as we know that our retaliation for a Soviet attack would not be limited to their missile sites. The real power is in the adversary industry that produces its military power, and ultimately in its population.

Finally, Mr. President, Secretary of Defense Weinberger has responded to my inquiry about this article that appeared in the Wall Street Journal. Secretary Weinberger has responded in no uncertain terms. He writes:

> First, the Soviet missile silos do contain missiles. They include the SS-11, SS-13, SS-17, SS-18, and SS-19. Historically through national technical means we have been successful in determining these facts. Second, we can verify that these missiles are actually deployed in hardened silos. Third, the Soviets have not caught the U.S. in a grand hoax. We have known for over a decade about deployments of the mobile SS-25 intercontinental missile. Fourth, we have high confidence in our assessment of the number of missiles deployed in Soviet silos.

Mr. President, I ask unanimous consent that the article to which I have referred from the Wall Street Journal of July 18 and the letter to me from Secretary Weinberger of August 6 be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT IF SOVIET SILOS ARE EMPTY?

(By Sam Cohen and Joe Douglass)

In 1976, three years before the SALT II treaty was signed, Soviet Marshal of Aviation C.V. Zimin wrote: "It is especially important to observe intelligence satellites in order to take measures prohibiting their gathering intelligence."

What Mr. Zimin wrote stresses the most important tenet of Soviet nuclear doctrine, surprise. To achieve surprise the Soviets employ deception and disinformation techniques to mislead U.S. intelligence. They are aware of the basic physical limitations on surveillance from outside the U.S.S.R., such as from satellites, on which the U.S. banks almost totally to gather intelligence on Soviet nuclear-weapons systems and verify

strategic-arms agreements such as SALT II. The Soviets work hard to make certain that the U.S. sees only what they want it to see and to hide that which they do not want it to see.

Never, since nuclear arms control negotiations began, have the Soviets provided the U.S. with essential data on their nuclear capabilities. (This led to an early impasse in the SALT I talks where, to "resolve" the problem, the U.S. declassified top-secret intelligence acquired through satellite reconnaissance and presented it to the Soviet delegation, which claimed to be oblivious to its own nuclear arsenal.) Rather, the Soviets always have chosen to accept U.S. estimates of their capabilities in consenting to arms-control agreements. This should have had the U.S. darkly suspicious from the very beginning, but it didn't because of the overriding political objectives for arms control in the U.S. government. As a consequence, in negotiations the U.S. has been playing a game whose rules have really been set by the Soviets. In such a game the U.S. could only lose, the question being: how badly? Only the Soviets can answer this question, and they are not about to.

VITAL INTELLIGENCE INFORMATION

The basic flaw of SALT II is that the U.S. entered into the agreement largely in ignorance of Soviet strategic nuclear forces. The U.S. assumed, for the sake of reaching agreement, that what the Soviets allowed the outside surveillance to see was mainly what actually existed.

The U.S. assumed that their ICBMs were being deployed in hardened silos, even through it was unable to verify this. Satellites can easily see silos being constructed and modified, but they cannot see missiles being lowered into them unless the Soviets choose to let them be seen. Even then, the U.S. never sees the missiles, which the Soviets don't want seen because this is vital intelligence information they don't want the U.S. to have. Instead, what is seen are canisters that the U.S. assumes contain missiles. In all probability, this may not be the case, for very sound military reasons—Soviet reasons.

When SALT II was being negotiated, U.S. strategic nuclear policy had been changed to stress military counterforce attacks, the highest priority target system being Soviet ICBMs. The U.S. informed the world, including the Soviets, that these were in silos. The compelling military logic for the Soviets, in such a case, would have been to base their missiles elsewhere, hidden from satellite surveillance, which readily can be accomplished, and which Nikita Khrushchev stated they were doing 25 years ago. That this unmistakably has happened has been brought home by flight tests a few years ago of a family of mobile ICBMs that the U.S. does not know how to find, follow or target. In light of this, one might reasonably ask, how can there ever be progress in SALT or START when the very objects of the treaty are wholly elusive?

To enhance the success of such deception, the Soviets would want to conduct missile flight tests and reloading exercises from their silo fields, which the U.S. monitors with great precision. This they have done, enhancing their confidence in their missile-launching capabilities and enhancing the U.S.'s ill-advised confidence in outside monitoring. But considering that their silo fields would be a prime target for U.S. nuclear attack, why would the Soviets want to reload their silos, which would either be destroyed or be in areas of such radioactive rubble that reloading operations would be virtually impossible?

Those urging continued U.S. compliance with the terms of SALT II claim the Soviets have faithfully complied with specified ICBM limits by destroying old missiles as new ones enter the force. There is no evidence that the Soviets have been doing this, nor are they obliged to provide the U.S. with such evidence, because outside surveillance cannot verify such destruction any more than it can tell how many missiles the Soviets manufactured in the first place. If new silos are being built the Soviets are obliged to dismantle the old ones, which readily can be observed by U.S. satellites, However, such a game of compliance and verification most likely bears little relationship of actual Soviet ICBM deployments. Constructing new silos, presumably to accommodate new missiles, is dirt cheap in the U.S.S.R., where slave labor is used for such construction. The silos thus can represent inexpensive decoys.

Another claim made by SALT II backers is that U.S. discontinuance of the treaty will give the Soviets an excuse to produce ICBMs far above the limits set by the treaty. This presumably would force the U.S. to expand its own ICBM force, setting off an unbridled arms race. Such a claim implies that the U.S. knows two things about Soviet ICBMs: their numbers and their production rates. It knows neither, and can only assume it knows, so that it can continue the arms-control process. For all the U.S. knows, the Soviet ICBM force may already be at this feared level. But there is no way of telling. This is an uncertain threat the U.S. has to recognize and live with, but the best way of coping with this threat is not to mindlessly increase its own ICBM force. The best way, the logical way, is to move at the highest priority with the Strategic Defense Initiative: not only to be able to defend against Soviet ICBMs but because there is no logical basis for increasing the U.S. ICBM force, in view of the gross uncertainty over where the Soviet missiles to be struck are located.

NEEDS SUPPORT

In 1980, presidential candidate Ronald Reagan declared SALT II to be "fatally flawed." As president, however, he changed his politics and chose to keep the strategic arsenal within SALT II limits. He also chose to constrain the SDI program within the terms of the ABM treaty (from SALT I). But now he has let it be known that he no longer feels bound to base national security on treaties the Soviets regularly violate and instead will do what is required to maintain U.S. security. This has led his detractors to declare that he never was serious about arms control in the first place, as evidenced by the total lack of arms-control agreements during his presidency. Let us pray they are right.

On the other hand, if the president desires the support of the American people for these courageous decisions, and for his SDI program as well, he should level with the country on the limits of our intelligence. "The truth hurts," it is said and as painful as it might be to know how little we know about the Soviet nuclear threat, unless we accept this unhappy fact of life there will be no way to plan intelligently for our survival in the nuclear age. Such planning would have to involve a fundamental shift in U.S. nuclear policy, where the major emphasis would be on the defense of the U.S.–SDI, bomber defense and civil defense.

The expectation the U.S. can survive the Soviet threat by attempting to contain and even eliminate it through nuclear arms control is, to use the president's words, "fatally flawed."

SECRETARY OF DEFENSE,
Washington, DC, August 6, 1986.

Hon. WILLIAM PROXMIRE,
U.S. Senate, Washington, DC.

DEAR SENATOR PROXMIRE: I am responding to your July 22, 1986 letter questioning the Department's position on an assertion that Soviet silos are empty as part of a grand hoax to foil the effectiveness of the U.S. deterrent. The four questions that you raised stemmed from an article contained in a recent issue of the Wall Street Journal.

I am pleased to answer the specific questions that you have posed. First, Soviet missile silos do contain missiles. They include the SS-11, SS-13, SS-17, SS-18, and SS-19. Historically, through National Technical Means, we have been successful in determining these facts. Second, we can verify that these missiles are actually deployed in hardened silos. Third, the Soviets have not caught the U.S. in a grand hoax. We have known for over a decade about deployments of short- and medium-range mobile missiles as well as their more recent deployments of the mobile SS-25 intercontintental missile. Fourth, we have high confidence in our assessment of the number of missiles deployed in Soviet silos.

However, the Soviets do engage in deception and concealment; in part they did this in violation of provisions of the SALT II treaty. They are building mobile ICBMs that could pose severe problems for us in the future to verify numeric limits on these missiles. Our President's approach to arms control, therefore, has to be designed to overcome this risk of unverifiable mobile missiles.

Sincerely,

CAP WEINBERGER.

FEDERAL CONTRACTORS' SELF-GOVERNANCE ACT

Mr. PROXMIRE. Mr. President, the bill I am introducing today is entitled the "Federal Contractors' Self-Governance Act." It amends the Securities and Exchange Act of 1934 to require Federal contractors to establish systems of internal accounting and administrative controls, and to report on their systems to the Government. The bill covers all Government contractors, defense and nondefense. The need for this legislation has been demonstrated by the many disclosures of defense contract abuses.

This legislation is part of a package of bills I am preparing to improve defense contracting and financial accountability. At present, the Pentagon neither requires nor obtains the information and assurances that would be required in an adequate system of defense industry financial reporting and accountability. For this among other reasons, I believe the defense community's financial house needs to be put in order. In the near future, I will introduce bills dealing with other aspects of the problems.

The present bill was drafted after extended consultations between the staffs of the General Accounting Office and the Joint Economic Committee. Valuable assistance and comments were also obtained from experts in the accounting profession and former SEC officials. The bill is intended to reduce waste, inefficiency, and fraud in defense contracting. It does so by taking preventive steps. First, it provides for better information from defense contractors so that problems in the performance of a defense contract can be identified and acted upon by the contractor. Second, it provides assurance that upper management is aware of any problems and the steps that have been taken to correct them.

The seemingly unending revelations of defense contract abuses cover a wide spectrum from falsified time cards, to the keeping of two sets of records for cost accounting, to mischarging of unallowable expenses. Such scandalous activities have been documented in congressional hearings, and investigations by the General Accounting Office and the Pentagon's Office of Inspector General. One thing many of the revelations have in common is the inadequacy of contractors' systems of internal controls.

What do we mean by internal controls? In corporate parlance, a system of internal control is defined as the procedures which a firm uses to first, safeguard its assets, second, provide reliable accounting information, third, encourage adherence to management's policies, and fourth, ensure operating efficiency. In plain English, the accounting and administrative systems of many defense contractors are so poor that violations of Federal laws and regulations, and of management's own policies, sometimes occur undetected by the firm's internal and outside auditors.

The bill would implement the Packard Commission's recommendation for improvements in corporate "self-governance." In an interim report, the Commission found that the problems of waste and fraud in defense contracting must be pursued through aggressive and sustained enforcement of civil and criminal laws governing procurement, and that misconduct needs to be punished and deterred.

Indeed, President Reagan said, when announcing the formation of the Commission, "Waste and fraud by corporate contractors are more than a ripoff of taxpayers—they're a blow to the security of our Nation. And this the American people cannot and should not tolerate." Obviously, much needs to be done to see that civil and criminal enforcement of procurements laws are enforced and made more effective.

We are very far from the goal of effective enforcement of the procurement laws. But there are limits to even effective law enforcement. The contractor community itself must share a major responsibility in making the system work. The Packard Commission says in its final report that, although Government oversight is critically important to the acquisition process, no conceivable number of additional Federal auditors, inspectors, investigators, and prosecutors can police it fully, much less make it work more effectively.

The Commission concluded that significant improvements in corporate self-governance can redress shortcomings in the procurement system and create a more productive working relationship between Government and industry. It calls for corporate managers to take bold and corrective steps that will ensure the integrity of their own contract performance. It recommends specifically that financial and administrative systems be put in place to ensure compliance with pertinent Government regulations and contract requirements. These systems, known as internal controls, are intended to prevent violations from occurring and to make it clear that, when violations do occur, contractors are responsible not only for taking immediate corrective action, but also for making disclosures to the Defense Department. My bill implements these recommendations.

The Packard Commission goes on to say that recent cases have involved violations of contractual and regulatory provisions, and that many of these violations have resulted from management's failure to establish internal controls to assure compliance with Defense Department requirements. Contractors must do much more than they have done in the past to comply with contractual, regulatory, and statutory standards, and to provide adequate supervision and instruction for employees. To accomplish these objectives, contractors must put in place broad and effective systems of internal controls. Finally, the Packard Commission concludes "the requirements of Defense contracting establish an especially high standard against which the adequacy of systems of contractors internal controls must be measured."

As the Packard Commission points out, the Government should not dictate to contractors the contents of the systems of internal control that should be established. Each contractor must determine the internal controls needed in light of the circumstances and the nature of its business. But it is also true that many contractors do not have adequate systems of accounting or administrative controls. It is my belief, based on numerous investigations and studies, that many defense contractors will not institute such controls unless they are prodded by the Government.

My bill, therefore, requires Federal contractors to establish and maintain a system of internal accounting and administrative controls that are sufficient to ensure that long-term government contract cost and price information is accurate, complete and current and allowable under the laws and regulations. The bill also requires that management of the company report periodically to the Securities and Exchange Commission on its internal controls, and for the company's independent public accountant to review the sufficiency of the system and issue appropriate public reports.

Mr. President, I ask that the bill be printed in the RECORD and appropriately referred.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2738

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This act may be cited as the "Federal Contractors' Self-Governance Act".

REQUIRED CONTROLS AND REVIEW

SEC. 2. Section 13(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(b)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting the following paragraph immediately after paragraph (2):

"(3)(A) for any period during which an issuer directly or indirectly receives, either as a prime contractor or a subcontractor, revenue from a major long-term Federal Government contract, the issuer shall establish and maintain a system of internal accounting and administrative controls that provides reasonable assurance that estimate, cost, price, billing, and performance measurement data reported, submitted, or otherwise made available to the Government are reasonably accurate, complete, and current, and are in conformance with applicable law and regulation.

"(B) Beginning with the first annual report filed under subsection (a) after October 1, 1987, each issuer which is subject to subparagraph (A) shall include in its annual report a statement on whether, for the period covered by the annual report, a system of internal accounting and administrative controls was maintained and provided the reasonable assuranec required by subparagraph (A). The lesser shall disclose any control weaknesses that are material to the estimate, cost, price, billing, and performance measurement data made available to the Government, and the plans and schedules for correcting such weaknesses.

"(C)(i) Every issuer subject to subparagraph (A) shall have an independent public accountant determine whether the issuer has a system of internal accounting and administrative controls sufficient to provide the reasonable assurance required by subparagraph (A). In making this determination, the independent public accountant shall, in addition to the study and evaluation of the system of internal control conducted in accordance with generally accepted auditing standards for the purpose of ex-

pressing an opinion on the issuer's financial statements, test a representative number of transactions relating to each of the issuer's major long-term Federal Government contracts and perform such other procedures as may be necessary under the circumstances.

"(ii) Every annual report filed by an issuer shall include a report by an independent public accountant on the issuer's system of internal accounting and administrative controls with respect to the requirements contained in subparagraph (A), and also shall include any material control weaknesses identified by the independent public accountant.

"(D) As used in this paragraph, the term—

"(i) 'major long-term Federal Government contract' means a Federal Government contract which at the time of award is expected to cover more than one year and is estimated to result in payments by the Government to the contractor or subcontractor of at least $10,000,000;

"(ii) 'internal accounting controls' comprise the plan of organization and all methods and procedures that are concerned mainly with, and relate directly to, the safeguarding of assets and the reliability of the financial records, including such controls as the systems of authorization and approval, separation of duties concerned with record-keeping and accounting reports from those duties concerned with operations or asset custody, physical controls over assets, billing, and internal auditing; and

"(iii) 'internal administrative controls' comprise the plan of organization and all methods and procedures that are concerned mainly with operational efficiency and adherence to managerial policies and usually relate only indirectly to the financial records, such controls as estimating procedures, statistical analyses, time and motion studies, performance measurement and reports, employee training programs, and quality controls.".

PENALTIES

SEC. 3. Section 13(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(b)) is amended by adding at the end thereof the following:

"(5) Any issuer, or any director, officer, or employee of an issuer, or any independent public accountant who willfully and knowingly makes or causes to be made any statement in the reports required by paragraph (3) of this subsection which was, at the time and in the light of the circumstances under which it was made, false or misleading with respect to any material fact shall be subject to sections 18 and 32 of this title.".

ADVANCE PAYMENTS

SEC. 4. Section 305 of the Property and Administrative Services Act of 1949 (41 U.S.C. 255) is amended by adding at the end thereof the following new subsection:

"(d) For any major long-term Federal Government contract defined in section 13(b)(3)(D)(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(b)(3)(D)(i)) awarded after October 1, 1987, an executive agency shall not make, and an issuer shall not be entitled to, any advance payment under subsection (a) under such contract if the issuer reports under section 13(b)(3)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(b)(3)(B)), or an independent public accountant expresses an opinion under section 13(b)(3)(C) of such Act (15 U.S.C. 78m(b)(3)(C)), that the issuer's system of controls does not provide the reasonable assurances required by section 13(b)(3)(A)) of such Act (15 U.S.C. 78m(b)(3)(A)).".

ACCESS TO DATA

SEC. 5. Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x) is amended by adding at the end thereof the following:

"(c) An issuer which is subject to section 13(b)(3)(A) shall provide the Commission, the General Accounting Office, and any Federal agency which has a major long-term Federal Government contract with the issuer access to, and shall permit copying of, all papers, documents, and records relating to the issuer's internal controls and the reports provided to the Commission under section 13(b)(3).".

Mr. PROXMIRE. Mr. President, if there is any time left, I yield to my good friend from Illinois.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 9 a.m.

The Senator from Illinois.

CAMPAIGN FINANCING

Mr. DIXON. Mr. President, I rise this morning to comment upon the pending legislation sponsored by my distinguished friend from Oklahoma.

As I understand the situation, Mr. President, ultimately this morning, at about the hour of 10 a.m., a vote will take place on that question.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIXON. Is it correct, Mr. President, that immediately subsequent thereto there will be another vote on a pending amendment by the distinguished Senator from Minnesota, Senator BOSCHWITZ, on a related question?

The PRESIDING OFFICER. The amendment will be proposed. There will be 1 hour of debate followed by a vote on the second amendment.

Mr. DIXON. May I say first of all, Mr. President, that I have some mixed emotions about these votes we are about to cast. My first observation would be that I am concerned about the manner in which we are addressing this problem. As I understand it, the amendment of the distinguished Senator from Minnesota cannot be considered as an amendment to the amendment of the distinguished Senator from Oklahoma by virtue of the unanimous consent amendment agreement previously obtained.

That causes me some concerns.

I very frankly think, Mr. President, that we desperately need to correct our campaign financing laws. I think they are in shambles. I think they need substantial improvement.

I have a bill pending, S. 2016, that would turn to a mix between private financing and public financing with a cap to address our problems. Frankly, I think the major thing we need to do is to find some kind of a way to put a cap on the amount of campaign contributions that candidates for the Congress, for the House, and for the Senate, may receive.

I have some problems about the way my friend from Oklahoma addresses this bill. I think dropping the PAC contributions from $5,000 to $3,000 and increasing the individual contributions from $1,000 to only $1,500 does not adequately respond to the problem.

I think beyond that, the most significant problem that I have with his amendment is that by adopting the language in the amendment by the Senator from Missouri, Senator DANFORTH, there are serious first amendment problems in suggesting that in the event of negative advertising against a candidate by separate PAC's and other groups, the radio and television stations would have to respond by offering free equal time.

For that reason, I do want to support the amendment by the distinguished Senator from Minnesota, Senator BOSCHWITZ, who, as I understand it, does delete that part, and also requires full reporting and full disclosure of soft funds that are contributed on behalf of candidates.

Let me say this in conclusion: I understand that after this is voted on, this entire question, that it goes into limbo somehow. Nobody quite knows, Mr. President, what happens next, except that, clearly, this bill is not going to pass and go over to the House at this point in time and ultimately to the President's desk.

For that reason, I suppose I want to make these final points, Mr. President:

First, I think that ultimately we must resolve this whole question of campaign financing by putting some kind of a realistic cap on the amount of campaign contributions candidates may receive. In view of the U.S. Supreme Court decisions on this question, in order to place a cap on the amount they may receive, clearly, you must have public financing and private financing to come from individual contributions and PAC's, according to whatever determination the Congress may ultimately make.

Clearly, I think we need to have a limit on the amount we may obtain for a campaign.

May I say again, this must be a realistic amount; I do not think it makes much sense to make the caps so small that people will not engage in the mix of private and public financing. I think it should be a reasonable type of cap.

Finally, I want to say once again that I am a little disturbed about the way we are meeting this whole obligation today. The manner in which this unanimous-consent agreement has been crafted in effect says you have to vote on the Boren amendment up or down and then turn to the Boschwitz

amendment. I think that is a flawed way to deal with this legislation. I suspect most people who have some reservations about what we are doing here will be concerned about that. But I think it is important if we are going to vote for the Boren amendment, and I think on balance I will, to understand we will also then vote for the Boschwitz amendment to strike that portion of the pending legislation that I think is flawed, that would do violence, I believe, to the rights of television and radio stations to conduct their own affairs under our Constitution.

That part of his bill which would force radio and television stations to make equal time available to aggrieved candidates who are attacked in negative ads during the course of a campaign I think is flawed. Frankly, though I am presently engaged in a campaign largely involving negative attacks, I do not think that is the way to answer that problem.

Mr. President, I yield back the remainder of my time and I thank the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, a parliamentary inquiry. What is the pending business?

The PRESIDING OFFICER. The Senate is conducting morning business until 9 a.m. There is approximately a little over 1 minute remaining.

Mr. HART. A further inquiry, Mr. President. At 9 a.m. the Senate then commences what?

The PRESIDING OFFICER. The Senate will resume consideration of S. 655.

Mr. HART. I thank the Chair.

□ 0900

CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

The PRESIDING OFFICER. The hour of 9 o'clock having arrived, under the previous order, the Senate will resume consideration of S. 655, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 655) granting the consent of Congress to the Central Interstate Low-Level Radioactive Waste Compact.

The Senate resumed consideration of the bill.

AMENDMENT NO. 1168

(Purpose: To amend the Federal Election Campaign Act of 1971 to change certain contribution limits for congressional elections and to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes)

The PRESIDING OFFICER. The pending question is the amendment No. 1168 by the Senator from Oklahoma.

Mr. BOREN. Mr. President, I am proud to yield at this time 5 minutes to the principal cosponsor of this measure, the distinguished Senator from Arizona [Mr. GOLDWATER].

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am pleased to join with the Senator from Oklahoma and others in support of an amendment to curb the influence of special interest groups in congressional campaigns.

You have heard from some that the proposal is not comprehensive enough. Others say it goes too far and is unconstitutional. The fact is that the amendment has a sound footing in the Constitution and is an important first step in controlling the major threat nor facing our system of free elections, the influence of political action committees with their selfish and narrow vision of what is good for the country.

Mr. President, in just 10 years the total number of PAC's quadrupled to more than 4,000. PAC donations to congressional campaigns rose five times in the same 10-year period, and they are still climbing at a record rate. Total PAC spending in all Federal campaigns stood at a record $113 million in 1984, and it is up 32 percent in the current campaigns.

PAC gifts furhished 26 percent of all moneys raised in the congressional races of 1984, the highest level in history. This dependence has grown to 43 percent for many candidates in the 1986 campaigns.

Mr. President, PAC money is destroying the election process. It is breaking down public confidence in free elections and it is ruining the character and quality of campaigns. It is reported that some candidates spend 50 percent of their time raising money, instead of meeting with voters.

And I do not think there is a Member of Congress who cannot agree with that. I have never counted up the invitations I get, but everybody else in Congress gets the same invitations. Nightly, sometimes twice nightly, there is a dinner someplace in this town to raise money for a PAC, which, of course, goes to candidates.

Many people look on candidates and elected legislators as being bought and paid for by whomever gives the most money. The average voter, who cannot make a large campaign gift, feels his or her vote means nothing in deciding public policy.

As far as the general public is concerned, it is no longer "we the people," but PAC's and the special interests they represent, who set the country's political agenda and guide most candidates on the important issues of the day.

There can be no doubt of it. PAC money is discouraging voter turnout and ruining whatever is left of the public's perception that elected officials are, what James Madison in the Federalist Papers said we should be, agents of the sovereign people and not the instruments of narrow factions.

The way to make representative government work is to take elections out of the hands of the moneyed groups, who often speak for selfish fringes of the whole community, and return them to the people where they belong.

By curbing the influence of PAC's, it would help to assure that the outcome of elections will be determined by the broad public consent of the voters and not by those who give the most money.

I urge the Senate to adopt this proposal and help return the power over elections to the people where it belongs. That is what this amendment is all about.

Mr. President, I ask unanimous consent that following my remarks, there be printed an explanation of the Boren amendment.

(Mr. ANDREWS assumed the chair.)

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATION OF BOREN-GOLDWATER PAC AMENDMENT TO S. 655

Limits to $100,000 the amount a House candidate can accept from all political action committees in each election cycle. Raises the PAC limit by $25,000 if two or more candidates qualify for the ballot in the primary and general election.

Limits Senate candidates to an amount varying with the population of that state—with the low of $175,000 ($200,000 if two or more candidates qualify for the ballot in the primary and general elections); and an overall cap of $750,000. [Formula: $35,000 times number of Congressional Districts]

Allows for an additional $25,000 in PAC money in the event of House runoff election. Allows for an additional amount in a Senate runoff, the greater amount of $25,000 or $12,500 times that State's number of Congressional Districts.

Lowers the current PAC contribution limit from $5,000 to $3,000—raises the individual limit from $1,000 to $1,500.

Closes the current loophole for conduit contributions through PAC's by requiring the candidate to count such contributions toward the limits for PAC's.

Requires a disclaimer for PAC's that make media or material advertisement, not authorized by a candidate, in a federal election disclosing that such advertisement is "authorized and paid for by" the committee, and that "its presentation is not subject to any campaign law contribution limits."

Allows for a candidate to be provided "equal time" from broadcasting stations when such candidate is subject to negative advertisement through an independent expenditure by a political action committee, and strengthens the definition of "independent expenditure."

Effective date—December 31, 1986—affecting the 1988 election cycle.

Mr. GOLDWATER. Mr. President, I thank my friend from Oklahoma and yield the floor.

Mr. BOREN. Mr. President, I thank my friend, the senior Senator from Ar-

izona. I deeply appreciate his support of the measure. It is a bipartisan measure, as he said. It is an effort to return the power of the political process back to the people where it belongs instead of leaving it in the hands of the special groups.

At this time, Mr. President, I yield 2½ minutes to my colleague, the junior Senator from Arizona [Mr. DECONCINI].

Mr. DECONCINI. I thank my dear friend from Oklahoma. May I make a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. DECONCINI. How much time is left over from the time yielded to the senior Senator from Arizona?

The PRESIDING OFFICER. Thirty seconds.

Mr. BOREN. I am happy to yield the extra 30 seconds to the Senator.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. DECONCINI. Mr. President, I thank my friend from Oklahoma. I realize the constriction of time. I am not one to make long speeches in the Senate, but I am pleased to join my senior colleague, Mr. GOLDWATER, and the Senator from Oklahoma [Mr. BOREN] in attempting to move this country away from a special interest image as well as the reality that our political system finds itself in today.

The time is long overdue that this body deal actively and effectively with the PAC scourge. It is an embarrassment to the Senate, to individual Senators and to our way of Government. If we do not act to place some controls on political action committees, now, we may find ourselves facing a crisis in confidence. And, Mr. President, without the confidence of the electorate, we may well lose our moral legitimacy.

This amendment, which I am proud to cosponsor, is not a cure-all. I would not claim it is such, nor would the Senator from Oklahoma or my senior colleague from Arizona. But this amendment is substantial and significant. In this body we often refer to an amendment as being "a step in the right direction" or "a good beginning." This amendment is far more than that. This amendment, if adopted and enacted into law, will send a message to individual Americans that they do count. It will make very clear that influence is not for sale.

Political action committees are not inherently evil. In fact, I believe that PAC's serve an important function in increasing the political involvement and interest of their members. I accept PAC contributions. However, during my last campaign I voluntarily limited the amount of PAC contributions I accepted. I believe this is important to my constituents not only to ensure their confidence in me, but also because I raise campaign funds from them. My goal is not to eliminate PAC's, only to keep them within bounds.

Political action committees are currently out of control. Hardly a month goes by that there is not a new article, or spate of articles, regarding the level of PAC contributions to individual Senators and Members of the House. The Wall Street Journal recently ran a series entitled "The Influence Peddlers." The final article detailed the influx of funds from political action committees to members of the tax-writing committees. Congressman ROSTENKOWSKI is quoted as saying that all the campaign money gives him a "chilly" feeling. I share Chairman ROSTENKOWSKI's "chilly" feeling, in fact this Congress is at risk of catching pneumonia.

In 1974, PAC contributions to House and Senate candidates totaled $12.5 million. Ten years later in 1984 the figure had risen to $104.9 million—an increase by a factor of 8. Not only have the totals risen, but the level of PAC giving by individual PAC's has risen as well. In 1972, the AFL-CIO's PAC, COPE, was the largest single giver of PAC contributions with a total of $824,301. Ten years later, in 1982, the National Association of Realtors topped the list at $2 million. Additionally five other PAC's topped $1 million. Is it any wonder that the American people ask—"What are these contributions buying?"

Let me briefly outline how the pending amendment attempts to put that question to rest. First, it sets absolute limits on the total amount candidates may receive from PAC's. Candidates for House races would be limited to $100,000 of PAC money. Senate candidates would be allowed a minimum of $175,000 and up to $750,000 depending upon State population. This provision should radically alter the landscape. In 1984 two senatorial races topped $1 million of PAC giving. Likewise House races received the big money in the 1984 campaign cycle. One House race exceeded $600,000 and the top 10 House races received almost $4 million in PAC money. These ever escalating numbers should be reason enough to convince the most hardened skeptic of the need for the Boren-Goldwater amendment.

Second, the amendment lowers the level of PAC contributions from $5,000 per candidate per election to $3,000 per candidate per election. Under present law, this effectively means that PAC's can give $10,000 per candidate in each election cycle. As an offset to this, the allowable individual contribution would be increased from $1,000 to $1,500 per candidate per election.

These are the guts of the amendment—reduce overall PAC giving and reduce the amount candidates may receive from individual PAC's. This amendment can restore confidence—confidence in the election process, confidence in our elected leaders and confidence in our system of Government.

As so often happens in this body, we are facing a crisis. But this crisis is more serious than most. We are experiencing a crisis in confidence. I urge all my colleagues to join me in support of the Boren-Goldwater amendment so we can restore the faith of our citizens.

People say you cannot buy a Senator for a $5,000 political contribution or by putting together a number of $1,000 contributions. I think that is fair to say. No one really is for sale in the sense that you buy them, you own them, and they are going to do exactly as you say on any issue. But in fact, the image today is different.

The image with the public is that some of us are so entrenched with certain interests and it so happens that those interests contribute to our campaigns; those contributions flow from $5,000 for a single election to $10,000 if you give to both elections. Similarly, PAC's in the same industry or same business make contributions. Is it any wonder that the American public is losing confidence in its political system, at least on the national level? So today, we have before us an opportunity to take a major step—not the first step, not just a beginning, but a major step by doing something substantial in passing the Boren-Goldwater legislation.

I am an original cosponsor of this measure. I have talked to the Senator from Oklahoma at great length on this subject matter. Quite frankly, I would go further. I think we are at the point now that we must put some clamps on the total amounts which can be spent in any political campaign on the Federal level. Failure to do that, we see, is causing a tremendous escalation of the cost of these campaigns.

The first time I ran for the Senate, my own campaign cost $615,000. We, my family and friends, thought that was astronomical, for a small State of 2¼ million people to spend that kind of money. The last time it was just under $2 million. This time, the Senate race for the seat of my retiring senior colleague [Mr. GOLDWATER] will be anywhere from $2.25 to $3 million alone for one candidate.

That is absurd, Mr. President, for a State with 3 million people. Look at the large States of New York and California, where each candidate will spend $10, $12, or $14 million to try to convince the people that they can best represent them.

Well and good. You have to have the advance media, you have to have the technology of today, the special letters to special groups to get their attention. But in that whole process, we

have developed a dire need to spend time to secure money.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. DECONCINI. I thank the Chair. I shall end by saying it is absolutely necessary that we pass this legislation; not just pass it on the floor, but that it be enacted into law.

I thank the Senator from Oklahoma.

Mr. BOREN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota controls the time in opposition.

□ 0910

Mr. BOSCHWITZ. Mr. President, I suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Is there objection? The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOSCHWITZ. I yield 3 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 3 minutes.

Mr. EVANS. Mr. President, I wonder if the Senator from Oklahoma will yield for several questions to clarify the amendment which he has before us. I share with him the real concerns about excesses in campaign contributions and I want to make sure that the corrections he is trying to make really will be correctons.

Mr. BOREN. Mr. President, with the understanding it will be on the time of the other side, I am happy to yield in that we have a number of speakers and I am constrained not to use up the rest of our time on this side, but I would be happy to yield with the understanding it was on the Senator's time.

Mr. EVANS. It would be on my time. In the place where the Senator attempts to control so-called bundling by applying the campaign limits to the person, also the intermediary or conduit, would a husband and wife be prohibited under this from sending in their contributions in the same envelope?

Mr. BOREN. It would be my understanding, Mr. President, that they would not be as long as it is an independent contribution from each. What we are really trying to do here when we talk about bundling is prohibit the wide-scale solicitation of money, let us say, by PAC's. The PAC has given the candidate $5,000 that the PAC can give now under current law, but then they get around that limit by going out—there have been cases reported in the press where PAC's have gone out and raised from individual members of their PAC's as much as $125,000 more. The PAC collects it, the PAC then takes it and hands it to the candidate, thereby evading the $5,000 limit. The same thing would be true of an individual, I say to my good friend from Washington, if an individual would go out and solicit from other people and then bundle from other people and send it in. But I would think that it would be rather difficult to say that a husband and wife would not, especially in this day and time thankfully, exercise their own independent judgment.

I would doubt very, very much if a spouse would automatically contribute without his or her own independent judgment. So I would not think that just because——

Mr. EVANS. In all cases everyone contributes according to their own independent judgment, I presume. But if a husband then collects from his wife and three independent children, I presume that that constitutes bundling and would be illegal.

Mr. BOREN. Under current law——

Mr. EVANS. I am not talking about current law. I am talking about under the Senator's amendment.

Mr. BOREN. Current law would require disclosure. Our amendment does not change any provision. We applied the very same rule to individuals who go out and bundle that we apply to PAC's.

Let me say to the Senator I think it is now in the courts—and it is important that we tighten up the bundling language. That we have done already—it is now in the courts as to whether or not the current law prohibits bundling. The FEC has ruled that it does not. They have absolutely opened up the floodgates to allow PAC's or individuals to get around bundling, and that is the reason why we need to restate the provision and tighten up this law.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. EVANS. I ask for 1 more minute.

Mr. BOSCHWITZ. I yield another 3 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for an additional 3 minutes.

Mr. EVANS. Let me go further. I presume then under the description of bundling as it appears in the Senator's amendment, a host or hostess at a pledge breakfast would be soliciting funds and in putting those funds together to deliver to a campaign that would be an illegal act?

Mr. BOREN. Not if the people are there independently, on their own and giving their contributions. We put teeth into the law this way. If a person actually solicits and bundles and delivers—let us say solicits through the mail and delivers—then that contribution counts against the limit.

Now, there is really not an enforceable way of dealing with it. If the PAC raises $125,000 more and the PAC delivers the money as opposed to the candidate being at an event and the candidate receiving the money from the people who are there at the event making their contributions, for example, that $125,000 in my example will count against the limit of what PAC's can give, so it will be $125,000 over the limit. That part of the contribution will have to be returned.

Mr. BOSCHWITZ. If the Senator will yield for a moment——

Mr. EVANS. I yield. I am not satisfied.

Mr. BOSCHWITZ. The Senator may continue in that case.

Mr. EVANS. It seems to me that the Senator is making a distinction then between whether someone happens to be in attendance at a meeting or whether it is solicited in some other fashion. Is that a distinction? I see no place in the amendment where it makes that distinction.

Mr. BOREN. Will the Senator repeat what he just said? I do not think I understand his question.

Mr. EVANS. The Senator is attempting to place a distinction in bundling between a candidate appearing at a pledge breakfast and contributions collected and delivered to that candidate and an individual going out and soliciting others and bundling it and delivering it to a candidate.

Mr. BOREN. I say to my good friend the current law makes exactly that same distinction. It requires disclosure. If someone collects money for you and turns it over to you, rather than individuals giving you that contribution directly, they send it in or they give it to you in a fundraiser, then you must disclose the fact that that individual or that PAC was the conduit. It has to be disclosed under current law. That is the current law.

The only problem with the current law—a very serious problem—is that there does not appear to be any teeth in the mechanism for enforcing it. It is simply said that it must be disclosed. If it is not disclosed that a conduit is being used, it is illegal. But what happens when it is disclosed, when the PAC, for example, or the individual says I collected instead of $5,000 as a PAC or $1,000 as an individual, $50,000 for Senator X and gave it to him.

Now, it has to be disclosed under current law. That is the current law. If someone has a fundraiser for you, they collect all the money and they give it to you instead of the individual contributors giving it to you or sending it to you, that must be disclosed as bundling under current law, whether it is an individual or a PAC. But there

is no way of enforcing it because if they exceed the personal contribution limit or the PAC limit, they are still able to do it under current law.

What we are saying is bundling is bad and it is a way of getting around all the limits. Of course, then we should simply credit those contributions against the individual or against the PAC that has solicited, put the money together, served as the conduit and gotten the credit with the candidate for giving the money.

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mr. BOSCHWITZ. Does the Senator require more time? I must tell my friend from Oklahoma, I am having a little difficulty in following some of his statements at the moment. There is no question that under his amendment to this bill if the chairman of a PAC decides to have a fundraiser and he has given $3,000 from the PAC and maybe $3,000 after the primary and now he is going to host a breakfast fundraiser as you have been talking about, that he can collect as much money as he wants from his friends and it not be counted toward the PAC limitation. It is not clear to me after listening to my friend from Oklahoma as to whether if it comes in the mail it is different than if it is given right there.

If the person fills out a pledge card and sends the pledge in the mail as I would understand my friend from Oklahoma, there might be some type of distinction. But I would say to my friend from Oklahoma that his amendment really is just going to change the nature of giving.

Mr. EVANS. At that point will the Senator from Minnesota yield?

Mr. BOSCHWITZ. Yes.

Mr. EVANS. What would be the situation, for instance, if a candidate or a candidate's committee received an envelope with money from a whole series of people, perhaps with the same interest or the same concern and the envelope is unmarked; you cannot tell who bundled it or put it together. Are you supposed to sue the Postmaster General?

□ 0920

Mr. BOSCHWITZ. That is correct. Under this amendment, the Senator would begin an action. That would be bundling. The Senator would bring an action against the Postmaster General. I do not know exactly how to handle such a situation.

While I have no argument with my friend from Oklahoma about the nature of his amendment or the intent of his amendment, my argument is that it is a very narrow one that deals with only one of a myriad of problems with respect to campaign reform.

The Senator from Oklahoma has said that at least we ought to do this little bit of reform. I submit to him that it is merely a matter of rearrangement, because the PAC's are now going to become involved in independent expenditures in order to get around the Senator's amendment. That, really, is a far less chartered course and a far more difficult course to deal with than PAC's in my opinion.

I do not say that PAC's should not be in some way regulated. At the conclusion of the vote on the Senator's amendment, I am going to seek to regulate PAC's somewhat, because my amendment, which will follow the Senator's amendment, will deal with the fact that the PAC's should not be able to give to parties; that soft money that is now given to parties should at least be reported. That is all we ask. We are not saying that it should be limited, because that would unduly penalize my friends on the other side of the aisle, as was so broadly and completely pointed out this morning in the Washington Post, in a very long and detailed article that shows some very interesting things about PAC's, about where money comes from. I will deal with that article at some length later in this discussion.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 17½ minutes remaining.

Mr. BOSCHWITZ. I will reserve the remainder of my time. I will want to make a statement about this amendment, reviewing again my thoughts with respect to it.

Mr. BOREN. How much time remains on this side?

The PRESIDING OFFICER. The Senator from Oklahoma has 20 minutes remaining.

Mr. BOREN. I yield 2½ minutes to the distinguished Senator from Kansas [Mrs. KASSEBAUM], who, I am proud to say, is a cosponsor of this campaign reform proposal.

Mrs. KASSEBAUM. Mr. President, I should like to speak briefly.

I spoke yesterday on behalf of the Boren amendment. It is a first step. I think the Senator from Oklahoma has stated that clearly. Throughout the debate yesterday, many facts and figures were laid out.

I think the Senator from Minnesota [Mr. BOSCHWITZ] has some very good points to make with his three amendments, one of which would require the disclosure of all so-called soft money to national party committees. I believe that is a very wise amendment. Also, it would prohibit PAC contributions to political parties. Third, it would remove the rules requiring broadcasters to give away time to offset independent expenditures.

I think these are three additional amendments which enhance the Boren amendment.

I am a strong believer that we do need campaign expenditure reform, and I hope that when we come back in September and have additional debate on final passage, we can consider the Goldwater constitutional amendment, which I think has great merit.

These are important steps, and it begins with the amendment of the Senator from Oklahoma [Mr. BOREN]. I am proud to be a supporter of that amendment. I think it would behoove us all to lend our support to his first efforts as well as the three additional amendments of the Senator from Minnesota [Mr. BOSCHWITZ].

Mr. BOSCHWITZ. I would be pleased to add the name of the Senator from Kansas as a cosponsor of my amendment.

Mrs. KASSEBAUM. Mr. President, I ask the Senator from Minnesota if his amendment encompasses the three I mentioned.

Mr. BOSCHWITZ. The Senator from Kansas has properly described my amendment.

Mrs. KASSEBAUM. Mr. President, I will be happy to have my name added as a cosponsor.

Mr. BOSCHWITZ. The amendment has not yet been laid down, but we will add the Senator's name.

Mrs. KASSEBAUM. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, at this time I am pleased to yield 3 minutes to the distinguished Senator from Michigan [Mr. RIEGLE].

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. RIEGLE. I thank the Senator from Oklahoma.

Mr. President, I support this legislative initiative, and I do so because I think the evidence is now clear that the aggregate financial effect of political action committees has grown too great in our political process.

I represent the eighth largest State, with a population of roughly 9.5 million people. In the last election, my colleague, Senator LEVIN, in order to run the campaign that was necessary in a State our size, had to raise $3.9 million. In running for reelection in 1988, I fully expect to have to raise that much or more. It is very difficult to do that under existing circumstances.

I grew up in the industrial town of Flint, MI, on the east side of that city. Coming from a family of modest circumstances, I had the good fortune, with the help of a lot of people—volunteers, and so forth—to come to the U.S. Senate.

I am not sure that a young person growing up today on the block I grew up in Flint, MI, under the way campaign financing works today, and the trends carrying it into the future, would have the same chance to come to the U.S. Senate—the chance that

was accorded to me. I am concerned about that.

I see more and more people of great personal wealth not only coming to the U.S. Senate but also dominating the political process by virtue of the access they have, in their own right, to personal or family money. Something has to be done about it.

You have the PAC's on the one side, which I think have grown too large in influence and have to be limited, and you have on the other side the growing inability of people of modest circumstance to win, especially in large States, when they are up against candidates of enormous wealth.

The Boren proposition is a first step and only that. We have to have some significant measure of public financing available in this country to candidates across the spectrum who wish to run.

It is also true that the party on the other side of the aisle, the Republican Party, has an enormous advantage in terms of its financial resources. Stories yesterday and today, and any day you look at the paper, illustrate the fact that they are much better situated in terms of their ability to finance their candidates. That is another growing inequity that I think damages the American political system. It should not be that way. The way we overcome it is to move in steps to a system where we have significant public financing that can offset the power of political action committees, can offset the disproportionate power of the financial resources of one political party and finally can overcome the disproportionate power of great personal wealth.

Here in the U.S. Senate stories reflect well over half of the membership——

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. RIEGLE. May I have an additional 30 seconds?

Mr. BOREN. Yes.

Mr. RIEGLE. Stories indicate that well over half of the Senate membership are in personal circumstances millionaires in terms of their personal balance sheets. I think that is fine in terms of what they have been able to accomplish in their own situations.

But if we keep moving in that direction the time is coming where the only people who are going to get here are going to be people who have that kind of great wealth or dependence upon other kinds of massive financial resources on the outside that tilt this system way off balance.

It is time to change. It is time to move toward public financing.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, my friend from Michigan has apparently not read the morning paper with adequate care. When he talks about we have tried not to make this a partisan matter between myself and the Senator from Oklahoma, he tells me about the great advantages this side of the aisle has with respect to financing. I certainly agree that we are well organized in that regard and have been effective in that regard.

But I direct the attention of my friend from Michigan to the fact that this article points at that small contributions from individuals play a much greater part in Republic contributions than they do in Democratic contributions, and I quote from this article:

> Along with its dependence on special interest groups, the Democratic Party raises money from individual contributors who are significantly richer than Republican contributors, according to John C. Green, a political scientist at Furman University in Greenville, S.C., who has conducted extensive surveys of campaign contributors.
>
> While givers to both parties are far richer than the national average, Green said his research showed that "more than half the Democratic donors earn more than $100,000 a year and it was only around 43 percent for Republicans. The Republicans reach down lower. The Democrats tend to draw pretty much from national-level big wigs, while the Republicans, in their direct-mail campaigns, reached right down into Main Street across the country."

Mr. RIEGLE. Mr. President, will the Senator yield for a question?

Mr. BOSCHWITZ. No, the Senator will not.

Mr. RIEGLE. I thought he probably would not yield for a question.

Mr. BOSCHWITZ. The Senator is going to complete his statement; then he will yield for a question.

Mr. RIEGLE. I appreciate that.

Mr. BOSCHWITZ. I will yield on the time of the Senator from Oklahoma.

It also points out the enormously greater dependence the Democratic Party has on special interest money and it has had an impact on the substantive position adopted by the Democratic Party and candidates on controversial issues.

This article, which I will introduce into the RECORD in my own time on my own amendment, points out very clearly in percentages and numbers the enormous reliance of the Democratic Campaign Committee upon PAC and upon special interest money and upon the wealthy of this country.

I yield on the time of the Senator from Oklahoma for any questions.

Mr. RIEGLE. Will the Senator from Oklahoma yield to me so I might ask a question of the Senator from Minnesota?

Mr. BOREN. I prefer because we are very short on time—we have five or six other speakers on this side—to yield to my friend from Michigan 1 minute to make a statement and then if the Senator from Minnesota wishes to respond to it on his own time he will be welcome to do so.

Mr. RIEGLE. I thank the Senator from Oklahoma.

I raised several points in my comments. One is the tremendous effect of personal wealth in financing Senate campaigns.

I ask the question of the Senator from Minnesota how much he spent of his own resources to run for the U.S. Senate on either occasion when he ran. I think it would be interesting to know that; second, also, reliance on other special interest money, if you will, that was available to him. I am sure he is more familiar with his own financial situation than probably any other.

Mr. BOSCHWITZ. The Senator from Minnesota responds by saying——

Mr. RIEGLE. I ask if he does, he respond on his own time.

Mr. BOSCHWITZ. I am responding on my own time.

The Senator from Minnesota in his first campaign loaned the campaign some money initially. I believe it was approximately $100,000. It was all repaid and the Senator from Minnesota has not spent any of his own funds. From the standpoint that if he did, he felt he could never raise any money from the general public.

I would point out to the Senator from Michigan that in my State of 4 million people, I had 60,000 contributors to my campaign. I would also point out to him, and I would challenge him to respond on the time of the Senator from Oklahoma, that so-called special interest money if it is indeed that, PAC money, represented 15 or 16 percent of the money that I raised in 1984, less in 1978 in my first campaign, and I would submit to the Senator from Michigan that it was substantially less in percentage points than it was in his campaign.

If the Senator from Michigan would like to respond, I would be happy to hear his response on the time of the Senator from Oklahoma.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield time?

Mr. BOREN. I yield to the Senator from Michigan, Senator LEVIN, 2½ minutes.

The PRESIDING OFFICER. The Senator from Oklahoma yields to the Senator from Michigan 2½ minutes.

Mr. LEVIN. I thank my friend from Oklahoma.

Mr. President, given the immense workload the Senate is facing, some people may wonder why—with South Africa and Central America and the budget waiting in the wings—why we are taking the time to debate whether we ought to limit the contributions that Political Action Committees can make to campaigns.

That is a reasonable question. And there is a reasonable answer: We are taking the time because this is a fundamental issue, one which relate to

the essence of our political system and to our future as a democratic state.

You see, the power of our Government comes from the consent of the governed. And that consent is a product of their faith in our willingness and ability to make decisions in the national interest. If our decisions are to be accepted and endorsed, then the people have to believe that those decisions were, in fact, made in the public interest.

Mr. President, the faith of people in our ability to base our decisions on the national interest is now being tested—and we may be failing that test.

The main problem with PAC's is the perceptions they create. There is a huge difference between individuals who make a contribution to a candidate and PAC's which make contributions. PAC's are, by design, single issue in their orientation. People are, by nature, multi-issue in their interests.

When we accept contributions from individuals, we are being supported by people—people with a multitude of interests and a myriad of concerns. But PAC's, by their very definition and nature, are oriented toward single issues. A lawyers' PAC, for example, is designed to let candidates know that lawyers, as a group, are interested in politics. Beyond that, the PAC usually identifies specific issues of interest to lawyers which will be considered before contributions are made. Contrast that with five individuals who happen to be lawyers and contribute to a candidate. Their interests are broader than their PAC. As people they care about legal issues—yes; but they also care about other issues as well.

Now there isn't anything inherently wrong with focusing on single issues. But when the political process becomes permeated by single issue groups, then the American people begin to get concerned. They begin to worry about how much attention their interests get.

This is not a partisan issue. My colleagues may recall—some with glee and some with despair—that the Democratic Presidential primary process of 1984 featured a good deal of discussion about the influence of "single interests." Similar discussions are taking place in 1986: the spectre of single interest influence, symbolized by PAC contributions, has been raised against a number of Republican and Democratic candidates in Senate and House races and there have even been a couple of stories about the role of single issue money in the 1988 Presidential selection process.

I do not believe that politicians are "bought" by PAC contributions to their campaigns. I know my colleagues better than that. And I know some of the people who contribute to and organize PAC's. That just isn't what happens.

Having said that, Mr. President, let me also say that many of our constituents don't think that PAC's make contributions out of the goodness of their hearts. Many of our constituents think that PAC's are buying votes for their contributions because they think that many, if not most, politicians are corrupt.

Now that isn't an accurate perception. But it is a perception that we need to come to grips with. And it is a perception which we can understand if we look objectively at some of the shame of the past three decades: In the 1960's the public read the Pentagon Papers which demonstrated an intent to deceive the American people; in the 1970's they listened to the Watergate tapes which revealed corruption in high places; in the 1980's they watched the Abscam tapes which illustrated that some people were willing to use their office for personal gain. Objectively, then, people have a reason to be concerned.

And subjectively, there is reason for politicians to be fearful. We need to understand that the American people are exposed, on an almost daily basis, to newspaper stories which suggest that PAC's are influencing, if not controlling, the political process. Let me share with you a sampling of some of the stories that appear regularly in the press.

Let's begin with the Washington Post. In April of this year, it discussed the passage of the McClure-Volkmer bill in the House under this headline: "How Gun Lobby Filled Friendly House Holsters." The story began with these words: "In the key House votes on gun control last week, there was a striking correlation between campaign contributions from the National Rifle Association's political action committee and ballots cast for a bill to weaken Federal control of gun sales."

On the same issue, the Boston Globe ran this headline: "Money, pressure seen as keys in gun-bill vote." And that story analyzed a core group which supported "every proposal put forward by the lobby [The NRA]" in this way: "there is little to define the group . . . [other than] the contributions the members received from either the gun lobby or manufacturers of civilian guns or ammunition."

In a more general story, the Christian Science Monitor ran this headline: "PACs hold 'mortgage' on Congress: Predominance of special interests raises issues of excessive influence." The story indicated that "Members of the tax-writing panel receive big PAC donations, especially from groups affected by tax legislation, and news reports frequently connect lawmakers' votes to their campaign contributors."

This sort of constant linkage between contributions and political behavior is not restricted to the major media. Let me use a recent story in the Pottsville Pennsylvania Republican as an example of the sort of thing which appears in the daily press all around this country. The story begins with a mild observation: "There's nothing sinister in accepting PAC money. That's how the political election game is played," the story begins. But then it goes on to make this point: "But the sheer proliferation and domination of special-interest financing should send up a red flag to those who are concerned that officials could cater more to special interests than constituents." And then back to a balanced—but warning—tone: "That's not to say every elected official ignores the will of the people back home. But it is a possibility."

The PAC's that these papers are talking about were originally designed to clean up the political process. In the wake of Watergate, we thought we could prevent a few fat cats from controlling our politics by encouraging folks to join together and form these political action committees. Well, it didn't work. It didn't work. We simply shifted the threat from individuals we could identify to collective associations with a single-issue focus and perceived power to influence legislation.

I don't need to cite the warnings of Common Cause or similar groups to my colleagues because we all know—better than any academic observer—what raising money is like. And we know the potential for abuse which fundraising involves. We know that the entire fundraising process is tainted with a public perception that favors are being traded.

The more dependent we are on PAC's, the stronger those perceptions become. We cannot totally prevent those perceptions from developing nor can we eliminate the dangers they create. But we can reduce our dependence on PAC's, we can reduce the possibility of abuse and, as a result, we may reduce the corrosive public cynicism which threaten the integrity of the political process.

This amendment is a modest first step. If the Senate of the United States is unwilling to take this sort of modest step, the public may take a giant step toward accepting the conclusion that we care more about our own political futures than the future of the country.

Mr. President, political reform is a complex and emotional issue. It is emotional because it directly effects each and every one of us. It is complex because any time we fix one element of the system, we may create problems in other areas. As I indicated, PAC's were originally a "reform." And some oppose this amendment because they believe that creating a ceiling on total PAC contributions may create an advantage for candidates who have suffi-

cient personal wealth to fund their own campaigns from their own resources. That is a potential problem—and at some point we need to address the entire issue of limiting overall spending. But it is not an argument against this amendment. The PAC limits we create are real, but they are also generous. Many of us would be delighted to raise as much from PAC's as this bill allows us to. But even without a limit, even with access to unlimited PAC contributions, very few of us could raise enough to match the multimillionaires who fund themselves. This amendment does not, in short, create either new disadvantage nor does it resolve a current inequity.

Beyond that, Mr. President, let me make another point. We all assume that money wins elections. That is only partially true. In reality, candidates win elections. I will grant you that a candidate must have sufficient funds to be credible, to have a chance to win. But once that admittedly irreducible minimum is available, candidates can win even though they are outspent. In Michigan this year, for example, in a primary fight for the Republican nomination for Governor, a self-financed campaign by a wealthy candidate outspent the other candidates by a huge amount. Yet the self-financed—and better financed—campaign failed. The winner spent far less money and got far more votes.

My point is that more than money determines the outcome of elections. If we don't believe that, if we don't agree that people can distinguish between style and substance—then maybe we ought to get out of politics and get into media consulting.

There is more to say Mr. President, but as I indicated, the Senate workload requires us to deal with this issue quickly. I believe we can. We understand it. We live with it.

So just a quick summary: We often say that in this body, all a Senator has is his or her word. Well all our system of government has is the trust of the people. That trust is being eroded by a perception—a perception—that policy decisions are made on the basis of political contributions. I don't believe that perception is accurate—but I do know that it is widespread and destructive. The Congress very legitimately is concerned about such appearances of conflicts when we look at Presidential nominees; we ought to be equally concerned when we look at ourselves in the mirror.

The old adage which we hear around here a lot says "if it ain't broke don't fix it." If we don't adopt this amendment, the American public may think they hear us saying "my campaign ain't broke so there is no need to fix it." Mr. President, our campaigns may not be broke—but public faith in our political system is dangerously close to the poverty line. Perceptions of single-issue influence and PAC power and leading more people to question the integrity of the system and the honesty of their representatives.

The price tag for PAC contributions is just too high. We ought to adopt this amendment and begin the process of buying back public faith in the process and public trust in us.

I urge adoption of the Boren amendment and I commend, once again, the Senator for Oklahoma for his dedication, his persistence and his determination to assure that the Senate will speak on this issue.

Mr. BOREN. Mr. President, I yield myself 1 minute.

Mr. President, I think it is very interesting and I hope when the next speakers speak on the other side they will answer this question. They have been here saying this morning we ought to ban PAC contributions to parties. I am not opposed to that, but that is a very interesting point in that the very same people have been here saying we should not ban PAC's to candidates to the U.S. Senate or candidates to Congress. They will let the PAC's give all they can to candidates.

That is very interesting. They want to allow PAC's to give to the candidates where it will be very clear where they will stand out individually so that that candidate will know which special interest is giving them the money and as Senator DOLE himself said when PAC's give to candidates they expect something a little more than just good government in return, and yet they turn right around, right around and say but we should ban all PAC contributions to parties where the identity of those funds is more submerged and not quite so clear to the person receiving it.

I do not understand the double standard unless we have had a last-minute conversion by the Senator from Minnesota and others to the idea and realization that we should start to do something to control PAC contributions.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Does the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. BOSCHWITZ. I yield 6 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator is recognized for 6 minutes.

Mr. HEINZ. Mr. President, I thank the Senator from Minnesota for the time, and I will try to be brief, although I have a lot to say on this subject.

During the course of the debate, Mr. President, we have heard a great deal of the pros and cons of the Boren amendment and I know that the Senator from Oklahoma has the best of intentions in offering his amendment, but I must say to him that although there are some parts of it that I agree with and even like, there is much more to it, as he has presented it to us, that I dislike very strongly and simply do not get to the root of the problem I think confronts every person in this country who has any dream of running for Federal elected office. The biggest single problem, notwithstanding the issue of the perception of whether political action committees are good or bad, the real problem that any individual who wants to run for Congress or the Senate finds himself confronted with is whether or not he can afford a political campaign.

Now, this is not the first time that the issue of PAC campaign financing has been addressed in the years I have been in the Senate. It has recurred over and over again, and let me tell you one thing: When I was elected in 1976, the new finance laws were just being implemented, the 1974 Campaign Act, and it was an important reform because what it said above all is that disclosure, telling people where candidates, and for that matter the parties, are getting their financial support from is the single most important principle of campaign finance law.

□ 0940

In addition to that, there were certain limits enacted. Back in 1974, there was a cap put on PAC's as to how much they could give to an individual. That limit has not changed since 1974. It is still $5,000.

The individual limit was $1,000. Twelve years later, it is still $1,000. Political parties, for reasons that, frankly, as we look back on them, seemed very sound at the time, were nearly excluded from the picture. They were allowed 2 cents per voting age person, if they were a State party, to contribute on what is called a coordinated basis to a Senate candidate, and 2 cents from the national party. And the result back then was very modest, small amounts.

Fortunately, the framers of the 1974 Campaign Act had the perspicacity to at least index those for inflation. We have not done that with any of the other limitations in the legislation.

That sets the stage for where we are today and the problem that we confront, which is how, in the face of inflation in all the costs of campaigning—the cost of a 30-second spot has more than tripled since 1974; the cost of postage has more than tripled since 1974; the per diems of consultants have more than tripled since 1974; the length of the campaign cycle has expanded since 1974; the ability of campaigns to employ resources and spend it quickly, whether we like it or not, in this day and age of negative campaign advertising and response advertising and then attack and counterattack, simply means that candidates have to

wage more and more expensive campaigns whether they want to or not. And the result is that we are here on the Senate floor saying, "we have got a solution to that problem. We are going to limit one other source of money for candidates to turn to."

Now, whether that is a good idea or a bad idea—and I would be happy to talk more about that later, because I am going to run out of time—the fact is that what we ought to be doing is making it easier, less time consuming, less demeaning for our candidates—whether they are my colleagues here in the Senate or people who want to challenge my colleagues or people running for an open seat—we ought to make it easier for them to be able to raise money.

That is why what we ought to do, above all, is expand the role of the political parties, give them the opportunity to truly support their candidates, and then we are not going to have to have this argument as to whether a $3,000 limitation on a political action committee is right, or a $5,000 limitation. Then candidates will have a choice, Mr. President. They will be able to turn to the party whose nominee they are and be able to accept as much or as little support as they want. And then the public will have every right to ask them: "Well, you took as much money as you wanted from the national party. Why do you need to raise a million dollars from political action committees?" That is the kind of debate that I would like to see us be in, the position to have.

This legislation before us actually turns the clock back. It makes it more difficult for candidates to raise money. And, in addition, in imposing the so-called per candidate PAC cap, it does the one thing I am sure the author of the amendment, Senator BOREN from Okalhoma, never intended.

I ask unanimous consent to continue for 30 additional seconds.

The PRESIDING OFFICER. The Senator's 6 minutes has expired.

Mr. BOSCHWITZ. I yield the Senator an additional 30 seconds.

The PRESIDING OFFICER. The Senator from Minnesota yields an additional 30 seconds.

Mr. HEINZ. It does the one thing I am sure the Senator from Oklahoma never intended. The PAC cap is an invitation to the largest, best financed, most powerful PAC's to get in under the limitation on aggregate giving by political action committees and make their influence felt first and foremost. That should not be what we are doing. I will have more to say on this later.

The PRESIDING OFFICER. The Senator's time has again expired.

Who yields time?

Mr. BOSCHWITZ. I yield 4 minutes to the Senator from the State of Washington.

The PRESIDING OFFICER. The Senator yields 4 minutes of his 5¾ minutes remaining to the Senator from Washington.

Mr. BOSCHWITZ. The senior Senator from the State of Washington.

The PRESIDING OFFICER. The senior Senator from the State of Washington.

Mr. GORTON. Mr. President, I intend to vote in favor of the Boren amendment, but I will do so with grave reservation. I will do so in anticipation that the Boschwitz amendment will later be passed, and that other amendments also will be passed that change the Federal Election Code in ways that are advantageous to the campaign.

Basically, Mr. President, I believe political action committees have much to be said in their favor. They clearly have created greater participation on the part of individuals in the political process than was the case before the Federal election laws of 1974.

Thoughtful observers, from James Madison in the Federalist Papers to a special task force of the 20th Century Fund, have stated that this kind of political activity should be encouraged rather than discouraged.

I do believe that there are improvements that could be made to the political action committee system. Among others, a requirement that every political action committee permit its individual members to direct their own contributions, rather than simply having them directed by a small group of trustees of the system itself.

I feel that the Boren amendment, in its increase in individual limits, is valid. I think it is debatable, however, as to whether an individual political action committee should have its maximum gift reduced.

I am particularly concerned about the Boren amendment's limit on the total amount which can be given by political action committees, for reasons which have been stated eloquently by the senior Senator from Pennsylvania. We should perhaps have a percentage limitation on the amount of money which can come into a given political campaign from political action committees.

Unfortunately, whether one favors this Boren amendment or not, it omits several of the most important reforms which I believe necessary to reform the system of campaign financing. It does nothing about the trememdous advantages of the millionaire candidate, the candidate who can put hundreds of thousands or even millions of dollars into his or her own campaign. These contributions cannot be matched by the less wealthy candidate, often because of artificial limitations in the present system. The Boren proposal does nothing to strengthen the participation of political parties in the system.

It does something to address perhaps the greatest single evil of the present system, the unguided, independent expenditures system, by requiring equal broadcast time. But that will be withdrawn and taken out of the amendment.

So, the Boren amendment standing alone, Mr. President, is not election campaign finance reform. The Boren amendment should be one part of a pattern which does a number of things to strengthen parties, to even the opportunity that various candidates have for access to the campaign system, and to encourage even greater individual participation in the system. With those changes, we could have a system which vastly improves the justice and efficacy of the present election system.

At times, the campaign financing process reminds me of the relationship between a father and a rebellious son. There certainly will be problems that strain the relationship. In most cases, however, the father does not drop the boy off on the steps of the nearest orphanage, and the son does not run off to join the circus. The two instead focus on strengthening those aspects of their relationship that promote a better living situation, while working to reduce the friction between them.

The role of PAC's in our campaign finance relationship becomes troublesome when PAC's overshadow the other players in our political process. When encouraging and coordinating citizen participation in the political system, PAC's are at their finest. But by building central war chests to allow lobbyists to assert direct political influence through large campaign contributions, PAC's raise questions about the responsiveness of our political system. Just as if we were counselors to our troubled father and son, we must nurture the positive role of PAC's, while attempting to minimize the negative aspects of the campaign financing relationship.

I would like to elaborate on some of my concerns about the means used by the Senator from Oklahoma to bring our campaign financing relationship back into balance. The Boren amendment places an upper limit on the amount of PAC money that a candidate may receive. The amendment also lowers the amount that individual PAC's can give to candidates, and raises the individual contribution limit. Under this proposal, independent political advertising must include a statement which names the organization that sponsored the ad. While some aspects of the Boren amendment will reduce the friction in our campaign financing relationship, I am concerned that other parts of the amendment will increase the perception that PAC's are evil organizations.

One of the most troubling aspects of this legislation is its cap on total PAC contributions. Under the Boren amendment, we will find ourselves in a contributions race that will be won by the richest and most influential PAC's. These large PAC's have the lawyers and expertise to be aware of a contribution ceiling, and ensure that a contribution is made early in the campaign season. On the other hand, smaller grassroots PAC's, which organize later in the campaign season, will find themselves locked out of the political process. Rather than preserving what is best about the PAC's—their ability to bring more people into the political process—we will be telling these people that there is no sense in taking part in Federal campaigns because those with a larger voice have already foreclosed PAC contributions.

I have an additional fear that an increase in independent expenditures will be an unintended side effect of placing an upper limit on total PAC contributions. Since the Supreme Court's decision in Buckley versus Valeo, the campaign process has been subject to severe distortions arising from an explosion in independent expenditures.

This increase is most disturbing. First, independent expenditures destroy the basic fairness of the campaign system. Campaign laws provide a set of rules that are designed so that all candidates for a Federal office operate under the same limitations on the sources and amounts of their contributions. Independent expenditures are not subject to these limitations, and those making independent expenditures are accountable to no one but themselves.

The fact that independent expenditures have been used overwhelmingly for negative purposes is a second disturbing aspect of these expenditures. Negative advertising tends to swamp voters with half-truths and distortions, and drowns out the positive exchange of ideas that should be at the center of all campaigns. A candidate forced to answer negative ads must spend his or her limited campaign funds responding to outside groups instead of focusing on election issues.

The danger arising from the Boren amendment is that, by placing an upper limit on total PAC contributions, money will be diverted from candidates and directed to independent expenditures. Political action committees that find themselves unable to contribute to their chosen candidate because of the cap may well feel compelled to use their funds independently on behalf of their candidate. PAC dollars that might be used constructively by candidates in discussing issues may instead be spent on negative ads. Rather than keeping PAC dollars under the scrutiny of our campaign finance laws, the Boren proposal may drive PAC's to use these funds on independent expenditures which have no disclosure or accountability requirements.

Other provisions in the Boren amendment also detract from active citizen involvement in Federal campaigns. The amendment's effective prohibition against a PAC acting as a conduit for earmarked campaign contributions is such a provision. Under existing law, many Americans have chosen to use payroll deductions as a means of making political contributions through PAC's. The Boren proposal would limit the ability of these contributors to earmark their payroll deductions for individual candidates.

I see nothing sinister about this earmarking practice. Our campaign laws require PAC's to disclose these contributions. Earmarking does nothing more than allow the individual contributor to decide which candidate will receive his or her support. This arrangement is far preferable to letting some PAC manager in Washington, DC, decide which candidates will receive contributions. Instead of limiting this practice, we ought to be requiring PAC's to inform their members that they can direct contributions. Such a modification would bring more people into the campaign decisionmaking process, thus improving our campaign financing relationship.

Mr. President, despite these glaring deficiencies in the proposal from the Senator from Oklahoma, I believe that, as a whole, his amendment is drafted in the proper spirit. As a package, it attempts to improve the campaign financing relationship, albeit with limited success.

The Boren amendment does reduce some of the friction in the campaign financing relationship. I support the amendment's move to strengthen the relative ability of individuals to participate in the campaign process. The political voice of our citizens has been slowly stilled by the force of inflation. Measured in 1974 dollars, the present $1,000 individual contribution limit is worth a mere $478 today. By raising the individual contribution limit to $1,500, the amendment does take account of the impact of inflation on our campaign laws.

I also applaud the Senator from Oklahoma's initiative to require a disclaimer on electronic media advertisements. The electorate has a right to know who is paying for political ads.

While I can support this amendment as a helpful step in repairing our campaign financing relationship, I must express disappointment at what has been left out of the Boren proposal. First, the amendment completely ignores the important role of our political parties in the campaign process. The Twentieth Century Fund Task Force report on campaign reform noted the vital role played by the parties in campaigns, and urged Congress to raise the limits on party contributions. The amendment of the Senator from Oklahoma fails to address this issue.

"Soft money" is another pressing issue avoided by the sponsor of the amendment. Present law permits the national parties to raise and spend money on State and local elections without disclosure. The editors at the Washington Post and the Center for Responsive Politics suggest that soft money is fast becoming the biggest loophole in the Federal campaign finance laws. Common Cause has asked the Federal Election Commission for tougher soft money rules. Yet, the Boren proposal fails to address this issue. Voters should know where soft money is coming from, and where it is going. Soft money should be disclosed, and I support the Boschwitz amendment which will require disclosure.

The Boren amendment fails to address a further deficiency in our campaign financing laws—the unfair advantage of personal wealth in elections. Although personal wealth has always been an asset in political campaigns, it has become more of an advantage since the establishment of strict limitations on other sources of campaign contributions. The existing law thus has served to enhance the prospects of candidates who use their own resources to augment their campaigns, while less wealthy opponents must spend time fundraising to stay competitive.

Mr. President, taken as a package, the Boren proposal is a small move toward a better campaign financing relationship. I wish that this package reflected a more balanced approach to campaign finance reform, and I am bothered that, in some respects, it undermines the best aspects of our campaign system.

The PRESIDING OFFICER. The Senator's time yielded to him has expired.

The Senator from Minnesota has 1 minute and 42 seconds remaining.

Mr. BOSCHWITZ. I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I yield 30 seconds to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. BENTSEN. Mr. President, I certainly know and support the good work of the Senator from Oklahoma. There is no question that the cost of political campaigns is running amok and is becoming extremely expensive. A person of modest means has a very difficult time participating in the electoral process.

I am also deeply concerned about the contributions from PAC's of cor-

porations that are foreign entities, in effect, owned by those living abroad.

□ 0950

I frankly do not think that they ought to be participating and trying to influence political opinion in this country. In addition to that, I have some amendments that I will propose to offer later that will add to some of the objectives that the distinguished Senator from Oklahoma is seeking to achieve.

I have a reservation about one aspect of the package, the part that would increase the individual contribution limit from $1,000 to $1,500.

Mr. President, while I plan to vote for this package and urge my colleagues to join me in that vote, I must state that at the appropriate time I will offer an amendment that would in effect retain the $1,000 individual contribution limit.

I have been told that the purpose behind Boren-Goldwater is to bring back into the political process all those who have become disaffected by the current system. It is said that big money and special interests have so taken over the system that huge numbers of Americans have been turned off. It is said that most Americans do not think they can make a difference when faced with big PAC's pouring money into campaigns.

It seems to me that big money is big money, and it's a big problem in politics. It has become far too expensive to run a Federal office today, and lifting the $1,000 individual contribution limit to $1,500 will only make things worse. That's my primary concern with the higher limit.

There is also a problem of unfair advantage. Most of those who contribute to Federal elections cannot even think about giving $500, much less increasing their contributions by that much. On the other hand, I would venture to say that most of those who now give $1,000 contributions will be able to afford the $1,500 limit. If most people in this country contribute less than $100, our raising the limit will provide the big contributors with at least a 15 to 1 advantage over the average giver.

Mr. President, if we are interested in true campaign finance reform; if our attempt at reform is aimed at bringing our political system that much closer to the ideal one man/one vote system, we should not raise the cost of campaigns and increase the advantage of one small group over the vast majority of other Americans.

I do want to be very clear that I will be voting for Boren-Goldwater. My concerns are not enough to warrant throwing the baby out with the bath water. We must move forward on campaign finance reform, and Boren-Goldwater is an excellent jumping off point. So, again I urge my colleagues to vote for Boren-Goldwater.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. The yeas and nays have already been ordered.

Mr. BOREN. Mr. President, I yield 1 minute to the distinguished Senator from Maryland, Senator MATHIAS.

The PRESIDING OFFICER. The Senator from Maryland [Mr. MATHIAS], is recognized for 1 minute.

Mr. MATHIAS. Mr. President, the Senator from Oklahoma has been tireless in his efforts to bring discussion of campaign finance reform to the Senate floor. As we embark on this discussion, I regret that there is not before the Senate any recommendation of the Senate Committee on Rules and Administration on the subject of campaign finance reform legislation. Let me note for the benefit of my colleagues that the printed record of hearings held before the Senate Rules Committee is currently available and I believe copies may be obtained from the cloakrooms.

When the Senate last December discussed the Boren amendment, I had hoped that the Rules Committee consideration would contribute to the wisdom with which the Senate would work its will on proposed reforms. As Senators know, however, the problems of campaign finance reforms are among the most contentious and intractable of domestic issues. The committee probably reflects that division of views as evidenced by the failure to obtain a quorum that would have permitted the markup and approval of legislation to be reported to the full Senate. As a consequence, Members of the Senate do not have before them a distillation of the issues or the committee recommendations.

In addition to S. 1806, Senator BOREN's PAC proposal now before the Senate in the form of an amendment to S. 655, hearings held in November last year and in January and March of this year by the Senate Rules Committee covered a number of proposals to reform the campaign finance laws—S. 59, Senator GOLDWATER's bill, would reimpose expenditure ceilings on House and Senate campaigns, similar to those proposed in the 1974 act and struck down by the Supreme Court; S. 1891, Senator HEINZ' bill, would strengthen the role of political parties in the financing of House and Senate campaigns.

Testimony was also taken on S. 1787, which Senator SIMON and I introduced to provide for public funding of Senate general election campaigns. Our bill closely parallels the system of public finance which has been proven a success for Presidential general elections. There has been no lack of other public financing proposals. Senators DIXON, PROXMIRE, and DODD also have introduced legislation to take the vast sums of private funds out of Senate campaigns and provide for limitations on spending in these increasingly costly races.

Ultimately I believe the Congress must come to the conclusion that the problem of money in campaigns will not be solved until we find a way to limit massive campaign expenditures. And the only means the Supreme Court has left us to do that is through a system of public finance.

In the current parliamentary situation, the Senate will have an opportunity to vote up or down on the Boren PAC-limitation legislation. Candidly, I believe this legislation does not go far enough to remedy the crisis in our current system of campaign finance. I have doubts that placing limits on aggregate PAC contributions to a candidate, the centerpiece of the Boren legislation, will do more than put a slightly better public relations face on the way in which campaigns are financed. I also have reservations about the increase in the contribution limit for individuals.

I intend in spite of my reservations to vote for the Boren amendment. It is important that we take steps to make the outcome of Federal elections less dependent on raising the massive amounts of money that seem to be critical to successful Senate races. The Boren amendment may be one such step. There is growing recognition in this country and in the Congress that our campaign finance system has to be improved if we are to assure the continued vitality of the American system of government. I regret that there are not pending before the Senate far more comprehensive and fundamental reforms than those currently under consideration. But since there are not, I have concluded that a vote in favor of the current proposal at least will state the intention of Congress to seriously address problems that are all too evident in the current system.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 7½ minutes.

Mr. BOREN. Mr. President, I want to thank the distinguished Senator from Maryland. No one has done more year in and year out to try to advance the cause of campaign reform than he has.

I am honored to have his support on this measure as a first step to get us on the road, and to get the issue of campaign reform finally implanted on the national agenda.

I apppreciate his remarks very much.

Mr. President, I yield 2 minutes to the distinguished Senator from Florida, Mr. CHILES, who is a cosponsor of this proposal.

The PRESIDING OFFICER. The Senator from Florida, Mr. CHILES, is recognized for 2 minutes.

Mr. CHILES. Mr. President, I am pleased to be a cosponsor of Senator BOREN's bill to reform campaign financing. I strongly support the package of changes to the election laws proposed in this legislation. It is a long overdue step. It goes the right direction by limiting the money candidates can receive from PAC's. It goes the right direction by encouraging individual contributions; and it goes the right direction by establishing certain controls on negative advertisements by independent PAC's.

I agree with the Senator from Oklahoma's characterization that this is a modest step in the right direction. It certainly is not an extreme measure. But it is a needed measure.

This will be an important vote. Senator BOREN's persistence has worked to successfully frame an opportunity for the U.S. Senate to vote on what direction we want our political system to go. Do we begin to limit the growing influence of PAC money; or do we continue to permit the drift to more and more PAC dollars—more PAC money in absolute amounts; more PAC money as a proportion of all the money spent on campaigns.

Is this explosion in PAC dollars good or bad? I think the answer is self-evident. I see the PAC dollar as a coercive and undue influence on the legislative process.

The vote we face relates directly to the very integrity of the political process. Put simply, I see this as a vote for or against the principle that PAC's must be controlled.

Mr. President, let me point to the fact that the legislative process is far from a perfect or even a smooth process. The viewing public should understand what legislators learn early on. The hardest job is often just trying to get the right question before this body for a vote. Moreover, if you are going to succeed, you need a proposition that can win 51 votes. The legislative process is one which seeks a consensus among the majority.

Senator BOREN deserves high marks for this proposal to limit and control PAC's. His attempt is an effort to do the doable. I enthusiastically support it.

But I do want to say that if this Senator had his preference, he would go further. Frankly, I believe only individuals should be permitted to contribute to Federal electons. I go by the rather basic idea that only individuals can vote and so only individuals should be able to contribute.

I do not buy the argument that PAC's stimulate individual participation. I think they stifle participation. For many, the fact of PAC's with their large contributions means that one person can't make a meaningful contribution. For others, the PAC is a barrier between the individual and their representative in Congress. A person is told, "don't give to your Congressmen or Senator. Don't make your own choice of whom to support. Give to the PAC and we will decide." This distance between the individual voter and their representative by PAC's is compounded when you see the way PAC's are more and more running in packs. They take on the character of a flock of sheep following certain shepherds.

The end result is a powerful pleading for special interests. It is a result that challenges the concept of political equality central to the American democratic system. It has been a long and difficult path for this Nation to fulfill the promise of "one man, one vote." The increasing domination of the political action committee is working to negate that promise.

In 1976 I offered an amendment to the Federal Election Campaign Act to limit contributions to individuals. It got a number of votes, the Senate chose not to table it, but it failed to pass.

My point, Mr. President, is that I am sure there are other Members here persuaded Congress should go beyond the Boren proposal. There are others, as we shall see, that think it goes too far.

By the nature of the beast within all of us as politicians, each of us has given a lot of thought to the relationship between campaigns, money, how you get it, and how it affets the way you do your job.

I think most of us have ideas on what piece of surgery could be done on the Boren proposal.

But let us be clear on the vote we face. Let us be understandable to the American public.

We are going to vote either to reverse the direction of increasing PAC money or we are going to vote to continue the drift to more PAC influence.

If you think about the answers to the questions posed about the role of PAC's in modern day elections, I believe you will find the merits for this bill more than compelling.

Congress needs to act. The time is more than ripe for this change. We run the risk of becoming rotten in the public's eye.

Consider what was intended by the Federal Election Campaign Act passed in 1971. Consider what was intended by the 74 amendments.

The system we have today was never intended by Congress. No one I know envisioned the number would go from some 600 in 1974 to some 3,500 10 years later.

No one I know envisioned the flow of money would go from $11.6 million in 1974 to some $105 million 10 years later. That is an explosion.

PAC's now are the source for a quarter of all the funds received by congressional candidates. That is a proportion that will get larger if the PAC's are left uncontrolled.

I sense the American political scene is already replete with "scandals waiting to happen."

A large part of the American public already believes this Congress is the best money can buy. That "special interests" prevail over the "public interest".

Any thoughts about partisan or incumbent advantages will disappear Mr. President, if this body continues to ignore the need to reverse the erosion of public confidence in Congress. It will not get easier if we do not step in the right direction now, it will get harder. More money will make it harder.

Let us not wait to put this stake in the ground. I urge my colleagues to vote for the Boren proposal.

Mr. President, I have been listening to some of the debate today. I think it is interesting because I hear a lot of people say we need to do something but we need to take this other step first or we move somewhere else, we take this first, and we had better not opt for the Boren bill right now. It seems to me the ox is in the ditch. And the question is, Are we going to start doing something about reform? Everybody has their idea of what should be done. The Senator from Florida certainly does. A lot of us have talked about the study commission. We need to try to get in to totally overhaul. But we have to start

The Senate has an opportunity today to make that start. I think the public will be looking to see what the Senate does. The Boren bill is a good place to start. Many of us would like to see something further. But we know that we have to start making some kind of limitation. If you look back and see what has happened over the history from 1971-74, the proliferaton of not only the PAC's themselves but of the amount of money and the percentage of candidates' contributions that are coming in from the facts, you see how alarming this is. It is to the point now where basically you do not have to go home and ask anybody to raise any money. You simply hold your cocktail parties up here and your money is raised that way.

What in the world is this doing to our whole electoral system. Mr. President, we now know the PAC's are running in packs. As they sit down together with their own pollsters, looking at the realm of candidates, and the ability of certain industries or segments to decide what kind of money they are

going to put together, we are not talking about a $1,000 or $2,000 or $3,000 contribution. We are talking about contributions in terms of $250,000. That is the area that we have to stop. We have a chance to start today.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. BOREN. Mr. President, I yield 2 minutes to my distinguished colleague and cosponsor, the senior Senator from Mississippi, Senator STENNIS.

The PRESIDING OFFICER (Mr. BROYHILL). The Senator from Mississippi is recognized for 2 minutes.

Mr. STENNIS. Mr. President, I want to make two points. I am encouraged by the need and growing concern that has manifested itself by the membership of this body. This bill and this debate has brought everything into focus, and causes a clearer realization that absolutely something must be done. If I may illustrate, I will point to my record on this subject. When the present law was passed, I was strongly opposed to the idea of paying any of the campaign costs for candidates for U.S. Senate from the public Treasury, or the House of Representatives, either one. But in view of what has happened now, I have changed my mind. I welcome the chance for payment from Federal funds for amounts covering various phases, fundamental parts of the campaign. That would just be a start. I am satisfied we must absolutely go further and work out a better system.

May I respectfully call this to the attention of our respected and our excellent floor leaders on each side of the aisle? In my humble judgment, nothing is more important than is the need for a better settlement of this tangled, difficult subject to bring about a more practical plan that will involve the people. That is what the whole thing is about in the election. It centers around the people, the voters, the ones that are actually served. I hope we will continue. I commend our leaders on this subject.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

Mr. BOREN. I reserve the balance of my time. How much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes and 14 seconds.

Mr. BOREN. I reserve the balance of my time.

Mr. BOSCHWITZ. I say to my friend from Oklahoma that I will briefly conclude because I only have a couple of minutes left. Then we will vote. Then I will lay down my amendment and we will vote on that.

Mr. President, yesterday we had the opportunity to outline the basic issues facing us when we begin to talk about campaign finance reform. Senator BOREN and his supporters attempted to make the point that political action committees, or PAC's, should be further controlled if we are ever going to be able to reduce the "avalanche of money" in the political system.

So before we move to the vote on the Boren amendment let me quickly explain again my reasons for opposing my friend from Oklahoma's proposal.

First, because I do not buy the basic premise that PAC's are bad. I believe that PAC's have increased many people's participation in politics in fact more than twice as many people 4.5 million in fact—gave to PAC's in the 1983-84 election cycle than gave directly to Senate candidates. And I have always believed the theory that getting people involved through contributions—either of their time or their money—is the best way to get them more involved in the overall political process. So getting millions of people involved in the political process strengthens our institutions. I believe PAC's have done that.

Senator BOREN quoted from a study done by a political science professor at the University of Minnesota to make the point that people who give to PAC's are less involved than those who give directly to candidates. And somehow my friend thinks that is a bad thing. But what he fails to mention is those folks giving to PAC's are certainly much more involved than the 40 percent of Oklahomans who do not even go to the polls. And now he wants to discourage their participation further—when it is already too easy not to get involved. What kind of reform is that?

In addition, I do not begin to buy the argument that Senators and Congressmen are for sale. I am certainly not for sale, and I think that I can speak for the rest of my colleagues when I say they are not for sale either.

But unfortunately, Mr. President, too many people find it easy to label all PAC's as some type of evil thing. Somehow the idea of a group of people giving $50 a year—and that is about average—to a PAC which then turns around and contributes $1,000 to a candidate is viewed as worse than a single contributor writing out a $1,000 check to his favorite candidate.

And as I noted yesterday the average PAC contribution is less than $1,000.

But somehow Senator BOREN and his supporters argue that PAC's are much worse than large individual contributions, for his bill actually increases the amount an individual can give. In fact one of the most interesting arguments I have heard was that while it is awful that campaigns are so expensive and we have to do something to reduce their cost—while we are at it we should also raise the limit for individuals so they can make up for the money lost by the reductions made elsewhere. In fact some actually argued that with inflation the $1,000 contribution did not have the same buying power it used to.

My second concern is the old law of unintended effects. We all recall that PAC's really came about after the last round of campaign reform, then we must take a look at what else could well happen if the Boren amendment were to become law.

So what would happen if direct PAC contributions were strictly limited. Would PAC's disband? No. Would they cease to ask for contributions? No. Would less people give to their PAC? No.

But Senator BOREN claims that that $50 million will be squeezed out of campaigns.

Well as I noted earlier, it seems very clear to me, and frankly I am very surprised that it is has not been equally clear to the supporters of the Boren amendment as well, that if you limit direct contributions, it only follows that the money will flow instead into indirect contributions—namely, independent expenditures.

So that means we will take the dollars out of the reported, controlled, and regulated channels and most certainly put them into the uncontrolled region of independent expenditures. Now is that a first step toward reform? Again I say no.

My final point of opposition is also fairly simple. If we really are serious about campaign finance reform—which I must question if the Boren plan is anyone's idea of reform—then we should measure the proposal against a fairness yardstick. And ask who comes out ahead—the incumbent or the challenger? Clearly today the cards are stacked in favor of the incumbent.

Mr. President, I think the Boren amendment makes it even more difficult for a challenger. In the areas of early and late money the Boren amendment would severely reduce the only real outlets the challenger has—namely the national political party committees.

Mr. President, let me briefly summarize and outline what the Boren amendment will accomplish if signed into law. Once again, I say to my colleagues and I do not disagree with the intent of the Boren amendment. I certainly feel that it is a piece of legislation that the Senator from Oklahoma says with great enthusiasm that it is truly reform. I do not think it is. First, millions of dollars are going to be shifted from direct, reportable, and limited contributions into independent, unlimited and uncontrolled expenditure because of the independent expenditures rules and the inability constitutionally to limit it.

Second, political parties will be further limited as to the assistance they can provide their candidates. They are clearly the best defense against

wealthy candidates or, excessive single issue politics and the Boren amendment restricts what parties can give to candidates.

Third, finally, the already sizable advantage of incumbency is going to be further enhanced by the Boren amendment.

So I urge my colleagues to vote against it. I yield the floor.

Mr. HEINZ. Mr. President, will the Senator yield 15 seconds?

Mr. BOSCHWITZ. Yes.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 15 seconds.

Mr. HEINZ. Mr. President, the article editorializes against the Boren amendment. It criticizes the Boren amendment for much the same reason that I have that it would not end political action committee's purchase of leverage on legislators. Indeed, it would increase it. It points out, if I may continue for 15 more seconds, that the public interest would not be advanced by starving candidates of the means to attract public support.

Mr. President, I ask unanimous consent to place in the RECORD at this point an article from the largest paper in my state of Pennsylvania, the Philadelphia Inquirer.

Mr. BYRD. Mr. President, I ask unanimous consent that each side have an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PAC MONEY FLOODS POLITICS, BUT LAW CAN CHANNEL FLOW

This week the Senate is expected to vote on a proposed reform to limit the total funds any congressional candidate could accept from private political action committees (PACs).

The proposal is well-intended. It addresses a serious problem—the growing perception that Congress is for sale and that special interests are buying it one legislator at a time. The reform, cosponsored by Sens. David Boren (D., Okla.) and Barry Goldwater (R., Ariz.) enjoys broad bipartisan support. It is championed vigorously by Common Cause, the self-styled "citizen lobby." Nevertheless, it should not be enacted. It would not solve the problem, and it likely would be counterproductive.

The heart of the proposal would limit to $100,000 the total PAC money that any House candidate could accept in any election cycle, and set limits varying by state from $175,000 to $750,000 for Senate candidates.

This would not end PACs' purchase of leverage on legislators; indeed it could increase it. Today a House member legally can accept as much as $5,000 from each of hundreds of PACs—and many do—but when so many hold equal claims on one's attention, no single PAC's voice becomes one's master. Under this reform, fewer than 30 PACs would get in under the limit so each one's proportional leverage on a legislator would increase. Of course, PACs must be limited to one modest gift each per legislator, but the current $5,000 limit is reasonable, so the reform's proposed reduction of it to $3,500 would be pointless.

The central flaw of this reform stems from its unspoken premise—that somehow rules can dam the flow of money into politics. It can't be done, nor should it be. Rules can and should only channel the financial flow.

Mounting a congressional campaign in modern America legitimately and inescapably costs money. The public interest would not be advanced by starving candidates of the means to attract public support. Yet this reform would not provide public financing to replace the private funds it would limit, as any reform worthy of the name should. All qualifying congressional candidates should get a minimum floor of taxpayer-financed funding sufficient to mount a credible campaign, as do presidential candidates.

The First Amendment entitles Americans to promote their political views by spending money, as the Supreme Court ruled in 1976 and again in 1985. Ceilings on direct PAC contributions only would drive PAC sponsors to seek influence indirectly. As experience has demonstrated too well, the biggest beneficiaries of such campaign-finance limits are independent political forces such as the National Conservative Political Action Committee (NCPAC), whose slash-and-burn assaults on its enemies polarize and coarsen U.S. political life.

Genuine reform should steer PAC funds through political parties for distribution to legislative campaigns. That would free legislators from having to go hat-in-hand to PACs and dispel suspicion that their votes are payoffs to PACs. Parties are accountable to voters and drive factions toward consensus by their need to forge winning coalitions, unlike NCPAC. Thus they serve the public interest and merit such preference.

Campaign-finance law needs an overhaul, not cosmetic tinkering.

Mr. HEINZ. Mr. President, I only make the further editorial observation on my own that this is the newspaper that is for public financing. They are not in love with the current financing system. Yet, nonetheless, they for the reasons I have outlined and others oppose the Boren amendment.

Mr. BOSCHWITZ. Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Oklahoma.

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Mr. BOREN. Mr. President, how much time remains to this side?

The PRESIDING OFFICER. Four minutes.

Mr. BOREN. And the other side?

The PRESIDING OFFICER. Two-and-a-half minutes.

Mr. BOREN. I yield 2 minutes to the distinguished minority leader.

Mr. BYRD. I thank the distinguished Senator from Oklahoma for the leadership he is showing on this very important matter, Mr. President.

Mr. President, the faith and the confidence of the people of this country are involved in this vote. Senators spend an inordinate amount of time in traveling all over this country raising money because of the necessities that have been forced upon them in this electronic age. They go all over the country to raise money. They stay away from the Senate; they miss Senate votes; they miss Senate committee meetings. And they stay away from their families.

Mr. President, there is a growing awareness on the part of the people of this country of this evil, or at least the appearance of an evil. Senators are not violating the laws in accepting money from PAC's and PAC's are not violating the laws in contributing money to the campaigns of Senators and challengers of Senators.

We are playing within the rules but the rules are bad. There is the appearance of evil here, and it is taking more and more of the time of Senators away from their responsibilities for which they were elected. If there is anything that is aimed at the heart of our representative form of government and at this institution made up of both Houses, it is this money chase, and the growing influence of special interest PAC's.

Mr. President, Oscar Wilde said:

Yet each man kills the thing he loves.
By each let this be heard.
Some do it with a bitter look.
Some with a flattering word.
The coward does it with a kiss.
The brave man with a sword!

Mr. President, the thing we love is this institution and our representative form of democracy. Money is going to kill this thing we love. We have to do something about it. There has to be a better way.

I thank the Senator. I urge the Senate to vote for the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota. The Senator has 1½ minutes remaining.

Mr. BOSCHWITZ. The Senator from Minnesota is prepared to yield back the remainder of his time.

Mr. BOREN. The Senator from Oklahoma wishes to make concluding remarks.

Mr. President, this is the first opportunity the Senate has had in about a decade to cast a serious vote for campaign reform. This is a serious vote. If our colleagues go on record in this vote, those of us favoring campaign reform intend to push ahead until we have a chance to bring this matter to final passage.

All of us have heard during this debate that campaign spending is skyrocketing. The average cost of a U.S. Senate race in 8 years has gone from $600,000 to $3 million. It is not good for America. It is not good for this institution.

How long, Mr. President, are we going to wait to take the first step to do something about it?

We are being pounded by a tidal wave of special interest money. PAC contributions have gone from $12 million to $104 million in just 10 years. How long, Mr. President, are we going to wait before we do something about it?

Eighty percent of all of that money, that $104 million, has gone to incumbents, keeping challengers and new people with new ideas foreclosed from the political process.

How long, Mr. President, are we going to wait until we do something about it?

One-third of all the people elected to Congress in this last election received over half of their contributions from special interest groups controlled largely in Washington, DC, instead of from the people back home, threatening the very concept of grassroots democracy itself.

How long, Mr. President, are we going to wait until we take the first step to do something about it?

We must not allow the high positions of public trust in this Government to be put on the auction block. We must not allow government of the people to be replaced by government of the special interests.

I urge my colleagues to go on record and help us when we come back after the recess to push this measure on through to final passage.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LEAHY. Mr. President, I would like to commend my colleagues on both sides of the aisle for working out a time agreement under which we can consider important campaign finance reform legislation. In all likelihood, this will be our last opportunity to consider campaign finance reform legislation in the 99th Congress, and I believe that consideration is long overdue.

I am a cosponsor of Senator BOREN'S bill, S. 1806, the Campaign Finance Reform Act of 1985, which we are considering today as an amendment to S. 655.

To be completely candid, I was not an original cosponsor of the legislation. Although I supported Senator BOREN'S initiative last December, I withheld cosponsorship because I had hoped that we could pass more sweeping campaign finance reform legislation. In particular, I preferred to see a cap on the total amount of money that could be spent in a campaign, and not only a cap on PAC contributions.

This is because there has been an escalation of campaign spending in recent years. We need to ask ourselves where it will end? How high is the sky, Mr. President? Is it really necessary to spend hundreds of thousands—and in some cases millions of dollars—to get our message across to the voters?

The voters don't think so.

I am in the midst of a reelection campaign, as are many of my colleagues. All of us have at one time or another faced the hectic schedule of a campaign. But I am sure I speak for most of us when I say that we would rather spend more time serving our constituents and less time seeking campaign dollars. A cap on total campaign spending would offer reasonable limits, and I believe would best serve our electorate.

Realizing that a total cap is not in the cards this year, I decided to cosponsor Senator BOREN'S amendment because I believe it is a good first step in campaign finance reform.

The amendment contains important provisions. By capping the total dollar amount of PAC contributions to a campaign, the amendment ensures that PAC's will not have an overlarge voice in any one election.

Under the Boren amendment, the individual contribution limit in any given campaign would be increased to $1,500 from $1,000. This would give individuals who have the financial means and desire the opportunity to give greater contributions. It correctly places the emphasis in campaign contributions on individuals, rather than PAC's.

I know that there is substantial concern that if PAC's are limited in what they can contribute directly to a campaign, they will circumvent this limitation by increasing their independent expenditures. Independent expenditures include using the media to support candidates of choice—or in some cases, to attack candidates PAC's would like to defeat.

The Boren amendment addresses this concern by requiring PAC's who make unauthorized media advertisements to issue disclaimers that advertisements are authorized and paid for by the particular PAC.

Mr. President, my constituents in Vermont have been very vocal in letting me know that they support the Boren amendment. They see this effort not only as one to cut excessive campaign spending, but as a way to encourage greater individual participation in elections. If we in the Senate have an opportunity to foster participation by individuals in the electoral process, we should take it. We should act now.

I hope we pass Senator BOREN'S campaign finance reform amendment. The voters in this country are waiting.

Mr. HARKIN. Mr. President, the role of money in politics is an old problem. But as the costs have escalated in recent years, the problem has intensified to proportions that truly endanger our democratic foundations.

The average cost of winning a Senate campaign in 1984 was $3 million. What that means to an incumbent is, at best, that he or she must spend an inordinate amount of time fundraising—time that could and most likely should be spent on Senate business.

What that means to a challenger is that he or she may be discouraged from running for office or will run and be unable to effectively compete for sufficient funds without seeking out funds from a wide variety of special interests.

And what it means to the public is that the average citizen's voice will not receive its full weight because elected official's ears are more closely atuned to wealthy contributors.

This situation cries out for reform and I believe that the amendment before us is a step in that direction. Certainly, it has a worthy goal. Unfortunately, it will not solve the real campaign financing problem.

The problem is more than the huge amount spent on campaigns. It is the acceptance of funds which create an appearance of favoritism. Fair or not, a linkage is created in the public's mind between contributions and congressional actions. The press regularly writes about PAC contributions because they are easy to identify. There is little chance of error when you add up PAC contributions into categories. You know what the interests are of those that make PAC contributions. But, political action committees are only the tip of the iceberg.

Large individual contributions are more difficult for the press to easily classify. It may be very clear to a fundraiser what somebody's main concern is. It is not so clear to outsiders looking at a name and perhaps some vague listing of an occupation. It is very difficult to add up all of the individuals who are heavily involved in a certain business from the Federal Elections Commission reports. For these reasons, PAC contributions have received a great deal of attention in the media, as they should.

The Boren-Goldwater amendment really does cut down on the direct campaign contributions of these groups. It limits the amount that a PAC can give to $3,000. It places an overall limit of $100,000 that all PAC's can give to a House candidate. Senate candidates would also have an overall limit on the amount of PAC contributions that can be accepted based on the State's population.

But, the amendment does not effectively address non-PAC narrow interest contributions. It does not stop the flow of money from those with a particular interest to a candidate. It only stops the most publicly visible method of that money reaching the candidate. Perhaps, it may even cause some damage by driving those funds into conduits that are less visible, driving the process underground.

Under the amendment, organized groups having a specific concern still

can spend funds to support or oppose candidates. Yes, there is a provision in the amendment prohibiting the head of a political action committee or some other formally associated person can't hand over a packet of checks. But, the amendment does not stop the process of an association's or a company's officer working to urge contributions to a particular candidate. Does anyone here believe that the antibundling language in the amendment is going to stop that practice? Does anyone here really doubt that the candidate's fund raiser is not going to know that *x*, *y*, and *z* $1,000 checks came from people with a particular interest?

The fundraising process that we have is damaging to our democratic processes. And, I believe that we should truly change it. Cosmetics are not enough. And, this amendment is largely cosmetic. I'll vote for it because it will have some positive effect, but, rarely.

To truly reform the process, we must look at the whole structure of election campaign financing. The National Journal estimated that $1.155 billion was spent on the 1984 Federal elections subject to Federal Election Commission reporting requirements. And, that is not even the total sum. Political parties at the State and local levels spend money on many things such as voter registration and general persuasion activities that do not fall under the FEC limits. Many groups spend large sums independently which are not reported. A limit on the amount that can be contributed by one type of political organization to congressional campaigns will not really reduce the amount of such donations. It will simply funnel the money to other channels.

The general public perceives that a candidate for the U.S. Senate organizes his own campaign, that the candidate and his organization raise the money for that campaign and make the decisions on how that money is to be spent. But, in fact, the official campaign is only one part of the effort, admittedly an important part. The strength of the other campaigns on the ticket and the political party organizations are also very important. Independent activities by unions, companies, associations, and individuals are important. The total campaign is a coalition of many organized and some not so organized efforts.

The campaign industry is going through major technological change. Methods are changing. Computers are making it easier to reach individual voters with specially tailored messages. The interests that create large PAC's are going to be heard. And, the candidate that the PAC supports or the opponent of the candidate that is opposed is going to be well aware of those activities and will probably appreciate those actions.

Under the Supreme Court's Buckley versus Valeo decision, we cannot by law place a limit on the amount of money that people can spend to express their political views. Only limitations on the amounts that official campaign organizations receive can be limited.

With the nature of today's fundraising techniques, many very narrow interest groups can easily generate a considerable amount of contributions to a specific candidate from a large number of their members even if the political action committee mechanism were completely denied to them. The special interests simply are too important a part of the campaign process under those circumstances.

We must recognize that we cannot really stop organized narrow groups from spending funds on elections. But, we cannot allow the present system to continue either.

There is a real solution to the problem of the influence or the appearance of influence of large campaign contributions. The solution is public financing of campaigns. With public financing, a candidate can be provided with public funds. In return, the Government can get something back of far greater worth: An elimination of candidates dependence on funds from organized narrow special interest groups.

I have cosponsored a bill introduced by the Senator from Maryland known as the Senatorial Election Campaign Act. Under this bill, in order to receive Federal funds, the candidate must agree to a limit on total expenditures and the candidate could receive that amount from the Government. This bill, I believe, under our constitutional restraints, offers the way to really solve the major problem that we face.

Some will say we can't afford it or the Government should not be involved. But, we have had public financing of Presidential elections since 1976. It has worked well. I believe that we must extend the same process to congressional elections as well. We can't afford not to. Faith in the fairness of the electoral system is a fundamental cornerstone of our democracy. And, to the extent that special interests may have an inordinate impact on decisions in the Congress or, give the appearance of doing so, our faith in that system is weakened. Public financing might save the Treasury and the American people many, many times more than its actual cost through reductions in favorable treatment which the contributors might receive through special interest legislation. Most importantly, it will remove the appearance, and I believe the reality, of special preferences for those who give.

Public financing under the Senatorial Election Campaign Act would assure that in each election for the Senate, a candidate would have sufficient funds to mount an effective campaign effort without appealing to any narrow interest group. It would not make the system perfect—incumbents would still have considerable resource advantages. But, of course, they will still have what is often a burden of a clear position on hundreds of issues. Candidates could still benefit from efforts made by others and by having party organizations that are well financed. But, each candidate, and perhaps, more importantly, each incumbent, would know that a well-run campaign could be financed without the benefit of support of any narrow interest.

Public financing of campaigns will strengthen the structure of our democratic system. I urge that my colleagues consider the advantages of public financing regardless of what happens to the measure before us today.

Mr. GLENN. Mr. President, I rise to express my concern on the proposed election campaign finance reforms. In my view, the goals we want to reach in this area are simple and can be simply stated. They are to encourage the maximum number of individual contributions on the one hand—and to reduce the proportion of special interest money on the other.

Public funding of Presidential campaigns has been a major step forward in the first area—and public disclosure of contributions and contributors has gone a long way toward reducing the suspicion of financial corruption.

We all remember the abuses—culminating in the Watergate era—that led to the enactment of these reforms, and I think most of us would agree that they were long overdue. Today, the public is told who contributes, how much and to whom—and they also know that the public funds candidates receive come with no strings attached.

But I believe a few problems still remain—particularly in the area of contributions from political action committees. I believe that people of similar political beliefs have a right to band together—and to express those beliefs by contributing their time and money to candidates who share their philosophy. That's one reason I have accepted PAC money in my own campaigns, and it's why I continue to regard these contributions as a legitimate form of political expression.

Although my position on issues is not influenced by PAC contributions, I'm concerned about the fact that PAC contributions are becoming the dominant mode of campaign finance—and I'm troubled by the growing perception that these contributions determine candidates' stands on the issues.

However, I believe that this particular proposal to further limit the amount PAC's may have many unintended consequences. I am concerned

that this reduction does not ensure that the costs of election campaigns will be met. As we all know, the costs of campaigns have risen enormously. Candidates already spend too much time raising money and by reducing PAC contributions candidates will be forced to spend even more time raising funds. Furthermore, without adequate funding, candidates will be unable to communicate their positions on issues so that voters may make informed decisions.

The Boren proposal provides that wealthy contributors can increase their contributions from $1,000 to $1,500, but I do not believe that this will compensate for the reduced PAC contributions or be much of an improvement. I understand that the $1,000 individual limit has been eroded by inflation since its establishment, but I do not believe that we are improving our system of campaign finance by limiting PAC's and at the same time increasing the ability of wealthy contributions to give more money.

Now if we really want to reduce the proportion of single issue and special interest money in our political system, there is another way of doing it. And that is to increase the number of contributions we receive from average Americans. I believe that we might consider expanding the current tax checkoff and giving a portion of it to candidates for the U.S. House and Senate, or creating a separate checkoff box for the same purpose. This would make public funding available for all Federal elections and would bring the same kind of improvement we've seen in Presidential races to Senate and House campaigns.

Furthermore, I would like to see us consider an expansion in the current political contribution tax credit. Right now, our tax laws permit a 50-percent credit for political contributions up to $100. I think we should increase this credit so that the average citizen is encouraged to contribute to his or her favorite candidate for Federal office. In my view, this would serve a number of purposes. It would encourage more people—even those in lower income brackets—to feel as though they're part of the system and to take an active interest in it. It might persuade those who have never contributed to a political campaign to invest in democracy. And last but not least, it would fundamentally improve our political system by increasing the influence of the average American, and decreasing the influence of organized elites.

I appreciate the concerns expressed by many Senators that something should be done. I also appreciate Senator BOREN bringing this issue to our attention. Although I have many concerns about this particular measure, I will vote for it because it does attempt to reduce the impact of special interest groups and would hope that the Congress will soon consider efforts to encourage small contributors to play a greater role in our election processes.

Mr. MATTINGLY. Mr. President, I agree with the Senator from Oklahoma that reform is needed in the area of campaign financing. The cost of election campaigns and the time Members of Congress have to spend raising money are out of control. I would like to commend the senior Senator from Oklahoma for an excellent statement yesterday on this problem.

There are elements in the Boren amendment that I can support. One of the best features would lower the maximum amount PAC's may contribute to a campaign and raise the maximum contribution for individuals. This would be a direct way of lowering the influence of PAC's in elections.

Other features of his amendment, however, cause me some concern. I question the constitutionality of provisions that would cap the overall amount candidates could accept from political action committees. The effect would be that a campaign would accept contributions from some political action committees and then later in the year the campaign would have to refuse contributions from other PAC's.

Another aspect of the Boren amendment would require disclaimers on commercials and advertisements purchased by PAC's that were not authorized by any candidates. These are the independent commercials that are often negative attacks against one of the candidates in a race.

I agree with this provision and support it's enactment. The public deserves to know that these independent ads are not subject to campaign contribution limits.

I do not agree with the provision that would give the candidate attacked by independent commercials free equal time from broadcasting stations. In many of the situations where these independent attack ads have been used, they have backfired. The biggest loser has been the candidate the independent ads were supposed to help.

So we could easily have a situation where a candidate opposes a political action committee coming into his State, does all he can to discourage them from coming into his State. But there is no way he can stop them. The ads could create a backlash among voters in favor of his opponent. Then under this provision, his opponent would also get free airtime. It wouldn't be fair to punish a candidate for something over which he has no control.

Now let me discuss an area which this amendment does not cover and admittedly there may not be any way constitutionally we can deal with it. I am concerned about the vast amounts of personal money some candidates pour into their campaigns.

The Senate is already getting to be the home of millionaires. It is very difficult now for candidates of modest personal wealth to run for Congress, especially for the Senate. There have been some campaigns in recent years where the candidate poured in millions of dollars in personal wealth. If the opponent is not also a millionaire, the only choice he has is to go out and raise the money. It bothers me that we are going to limit the ability of a candidate to raise campaign money while not doing anything about potential millions in personal wealth going into an election.

Now I understand that constitutionally you cannot stop a candidate from spending his or her own money in a campaign. However, I would be more comfortable with the limit on PAC contributions contained in this amendment if there was a provision that would raise those limits if an opponent began to throw millions in personal money into a race.

To summarize my position Mr. President, I do believe there is room for constructive reform. But these reforms need to be carefully thought out. Let me remind my colleagues that the problems we face now are a direct result of earlier reforms passed by Congress. We corrected old problems and invented new ones. I don't want to see that process continued.

As for political action committees, I do not see them as inherently evil. In point of fact, in some ways the PAC's have brought about more involvement in political campaigns. There is nothing wrong with groups of individuals banding together and endorsing candidates. That's always been a part of our system.

The problem is that the very same people who write the checks are also the people who lobby on legislation. Every organization and interest group now has a PAC. Some PAC's will contribute to candidates whose views they generally abhor as long as that candidate sits on the House Ways and Means Committee or the Senate Finance Committee. That's no secret. They are attempting to buy access and influence. We have a responsibility to maintain public confidence in the system. This confidence can be eroded by the appearance of impropriety. Thereform reform is needed. Lowering the amount PAC's can contribute and raising the limit on individual contributions will be a step forward.

As the only way we can reach the stage where we can offer and debate amendments is by voting for the amendment, I will vote "aye." But only with the understanding that I plan to support amendments that will deal with some of the difficulties I have outlined.

Mr. HELMS. Mr. President, in opposing the amendment of the distin-

guished Senator from Oklahoma [Mr. BOREN] I must say that the most significant problem with it is this: It fails to address what is a blatant violation of political freedom—the use of compulsory union dues for political purposes.

The Federal Election Campaign Act, as amended in 1976, has only the appearance of restricting the use of compulsory union dues for political purposes. While the law does prohibit the use of compulsory dues for direct cash contributions to political candidates, it does not—does not—prohibit the use of forced union dues for a number of other indirect means of supporting union-backed political candidates and causes.

Mr. President, there is absolutely no justification, legal or otherwise, for this distinction. The Supreme Court has clearly stated that nonunion employees have a constitutional right to prevent unions from spending compulsory dues "to express political views unrelated to its duties as exclusive bargaining representative." The Court has also made it clear that "[t]he amount at stake for each individual dissenter does not diminish this concern. For, whatever the amount, the quality of respondents' interest in not being compelled to subsidize the propagation of political or ideological views that they oppose is clear." [Chicago Teachers Union versus Hudson].

The Senator from Minnesota pointed out yesterday that if you limit the amount of direct contributions that groups or associations may contribute to a candidate, as this amendment would do, you will necessarily increase the amounts of indirect contributions to candidates. This will exacerbate what is already one of the most blatant inequities in our election laws.

Mr. President, despite the clear enunciation of constitutional rights by the Supreme Court, our Federal election laws continue to give organized labor a special privilege enjoyed by no other private association—the right to take money from American workers as a condition of employment and to contribute that money to political causes and candidates the workers themselves may not necessarily support.

In light of this legal dichotomy, union officials have divided their political expenditures into two categories. The first is commonly referred to as union hard money. It consists of money given directly to candidates in the form of cash or in-kind contributions taken from funds given voluntarily by union members. The second category is referred to as union soft money, spent by union officials on behalf of—but not contributed directly to—political candidates.

Soft money comes directly from compulsory union dues. It finances the operations of union PAC's and provides extensive in-kind political services. While it represents the overwhelming bulk of union political expenditures, it is neither documented nor reported to the Federal Election Commission.

Even voluntary PAC contributions from union members originate with compulsory dues soft money. Compulsory dues bankroll the administrative overhead costs of union partisan political fundraisers. Compulsory dues soft money used for financing union PAC's runs well into the millions every year. In July 1976, AFL-CIO public relations director, Bernard Albert, admitted that the annual budget of the national COPE alone ran to approximately $2 million.

In spite of the vast sums of compulsory union dues that finance the operating costs of union PAC's, the bulk of compulsory dues soft money goes for unreported, unlimited in-kind political expenditures. Mr. Paul Jensen, Walter Mondale's campaign liaison to organized labor, estimated that the unions' soft money contributions to Mr. Mondale's Presidential campaign was worth about $20 million.

The July 1979 issue of Steelabor, the official newspaper of the United Steelworkers of America, offered its readers a surprisingly candid and straightforward explanation of in-kind political spending. "Union dues money," reported the union paper, "can't go for direct political contributions—but it can do a lot; mailings supporting or opposing political candidates, phone banks, precinct visits, voter registration, and get-out-the-vote drives."

In spite of these admissions, the account in Steelabor only tells half of the story. To fill out the picture, several key expenditures need to be added to the list: thousands of union employees devoted almost solely to partisan political election day workers paid overtime rates from compulsory dues; millions of political pamphlets and flyers; and paid election-day carpools and babysitters, to name a few.

Mr. President, once again, these indirect union in-kind political expenditures are not subject to any limitations under the FECA. They are paid for with dues money taken from workers as a condition of employment. And without question they represent the overwhelming bulk of union political expenditures.

Mr. President, I have introduced legislation (S. 1563) which would amend the Federal Election Campaign Act of 1971 to prohibit the use of compulsory union dues for all partisan political activity. If any further effort is made to reform our Federal election laws, it must include provisions similar to S. 1563.

Let me take a moment to rebut an argument circulated by opponents of my proposal. Claiming that the use of compulsory union dues for politics is analogous to the use of corporate funds to establish political action committees with which stockholders may disagree, they say my legislation would unfairly tip the political balance of power in favor of business interests by restricting only union politics.

Those who have been confused by this smokescreen argument should read a recent decision by the U.S. court of appeals in Federal Election Commission versus International Association of Machinists, which shatters this bogus argument once and for all.

In that case, Mr. President, attorneys for the International Association of Machinists union charged that 11 corporations had violated the Federal Elections Campaign Act by soliciting contributions to their political action committees from administrative personnel under what they termed "inherently coercive" conditions. Although the district court ruled that no such violation had occurred, it did allow several constitutional issues raised by the plaintiffs to be heard by the U.S. Court of Appeals for the District of Columbia.

Union attorneys asked the appeals court to decide, among other constitutional issues, whether the use of general corporate assets to establish and support corporate political action committees violates the first amendment rights of dissenting shareholders. Union attorneys cited the landmark Supreme Court decision in Abood versus Detroit Board of Education.

In Abood, the Supreme Court held that the first amendment prohibits unions from forcing employees to support political causes against their will through the use of compulsory union dues. The union attorneys attempted to draw a parallel between the situation in Abood and the use of Treasury funds by corporations to establish and administer PAC's. The court of appeals was not convinced.

Noting that "in Abood the Supreme Court had held that the first amendment prohibited a public employee union from requiring any employee to contribute to the support of an ideological cause he may oppose as a condition of holding a job," the appeals court ruled that there was no valid analogy between the union position in FEC versus IAM and Abood. The Court stated that a corporate shareholder is under no such compulsion to support a political cause against his will. Citing another Supreme Court decision, First National Bank of Boston versus Bellotti, the court of appeals said "the shareholder invests in a corporation of his own volition and is free to withdraw his investment at any time and for any reason." A more appropriate analogy, according to the reasoning of the court, would be the employee who voluntarily joins the union, and later finds himself in dis-

agreement with its stand on a political issue.

Mr. President, let me reiterate that any campaign reform effort must deal with the abusive use of compulsory union dues. The time has come to return to individual workers the right to choose for themselves which political candidates and causes their dollars will be used to support.

Any restriction on voluntary political activity, which does nothing to curb the abuses of compulsory dues for politics, only makes a bad situation worse. By further restricting voluntary participation of citizens in the electoral process, while leaving untouched the misuse of compulsory dues for politics, the pending amendment would exacerbate the already existing imbalance which results from the unique power of union officials to collect forced dues and spend them on the pet political candidates of union officials.

Mr. KERRY. Mr. President, I support the effort of Senator BOREN and my other distinguished colleagues to place limits on PAC funding. I agree with them that the power and the influence of PAC money has gotten out of hand, and must be curbed. I am, along with Senators PROXMIRE and BOREN, one of three Members of this body who does not accept any PAC funding.

I support this legislation because it would decrease the amount of money that candidates would be allowed to receive from multicandidate PAC's, and would increase the individual contribution limits. In doing so, it would limit the power of the PAC's to influence our election process.

People have been trying to find a fair way to finance political campaigns in the United States for a long time. No one in a democracy wants to believe that their representatives are for sale to the highest bidder. And yet, for nearly a century, Congressmen and Senators have been struggling to get elected without being beholden to special interest money.

The first major campaign finance reform bill, the Tillman Act, was filed in 1907 at the urging of Republican President Teddy Roosevelt. Its goal was to eliminate undue influence by special interests in the electoral process by prohibiting corporations and national banks from making financial contributions to Federal election campaigns.

The Tillman Act passed, as have a variety of other campaign reform measures over the years. But Teddy Roosevelt recognized even in 1907 that limiting contributions by special interests was not enough. Such laws, Roosevelt told Congress in his annual message, would not "hamper an unscrupulous man of unlimited means from buying his own way into office."

President Roosevelt therefore proposed what he called a "very radical measure." He said:

> The need for collecting large campaign funds would vanish if Congress provided an appropriation for the proper and legitimate expenses of each of the great national parties, an appropriation ample enough to meet the necessity for thorough organization and machinery, which requires a large expenditure of money."

Today, more than 75 years later, Congress has an opportunity to begin to act on the wisdom of Teddy Roosevelt. It is impossible for anyone concerned about the future of our country not to be alarmed at the ever-growing flood of special interest money in our campaigns. Nor can we be sanguine about the stupendous increase in the overall cost of campaigning. The numbers are appalling. And we all know that the present system of campaign financing is a disgrace.

In the last election cycle, 65 Senate candidates raised $146 million, an increase of 26 percent over the 1982 election. Senate candidates accepted $28 million of that money from political action committees, a 28-percent increase over PAC contributions in 1982.

Let me cite a few statistics to indicate the alarming increase in PAC spending, and the increase in the power and influence of PAC's which that spending represents.

There are currently 3,300 PAC's registered. From 1974 to 1984, there was an increase of 1,625 percent in the number of new corporate PAC's.

PAC spending increased from $12.5 million in 1974 to $105.3 million in 1984.

During the 1984 political season, PAC's dispensed $104.9 million to House and Senate candidates, a 25-percent increase over the previous election year in 1982.

Five of the top thirty PAC's contributed more than $1 million each to candidates for Congress from January 1985 through June 1986; 7 of these 30 PAC's have raised more than $2 million each through June 30 of this year, and 10 of the 30 PAC's had over $1 million cash on hand as of June 30, 1986.

Twenty-two Senate candidates, including eighteen Senate incumbents, reported PAC receipts of more than $500,000 from January 1, 1985 through June 30, 1986. In the same time period in 1984, only five Senate candidates received the same amount of PAC funds.

Twenty-four of the twenty-seven incumbent Senators seeking reelection this year have already surpassed their total PAC receipts for their entire 1980 Senate campaigns.

So it's obvious that the amount of PAC money is steadily increasing. But let's look also at where the money goes.

For every dollar current Senate challengers received from PAC's, incumbent Senators received $4.60, or nearly five times as much.

During the 1983–84 election season, 72 percent of all PAC money went to incumbents. Only 16 percent went to challengers, and 11 percent for open seats.

In 1980, $1.8 million went to unopposed candidates for House seats. In 1984, that figure nearly quadrupled, to $6.4 million.

In 1980, $6.9 million in PAC money went to Congressmen who won by 70 percent or more. In 1984, that figure tripled, to $19 million.

And let's look at some examples of the influence of PAC money.

The National Campaign Against Toxic Hazards reviewed FEC records. They found that the chemical industry contributed $6.19 million in PAC money. Not surprisingly, they also found that they contributed far more to opponents of Superfund, than to its supporters.

Ninety-five percent of Congressmen who received over $20,000 from dairy lobby PAC's voted for dairy price supports. Only 42 percent of those who received no dairy PAC money voted for price supports.

Of Congressmen who received over $4,000 from the National Association of Auto Dealers, 90.2 percent voted to kill auto safety regulations proposed by the FTC. Of those who did not receive this money, only 34 percent voted to kill the regulations.

On April 9 of this year, the House of Representatives voted 248–176 to reject a law enforcement package offered by Representative BILL HUGHES, which was opposed by the National Rifle Association. Of those voting with the NRA, 80 percent had received NRA PAC money. Of those voting against the NRA, 80 percent had not received NRA funds.

The examples go on and on. And the pattern is obvious. I won't say that PAC's are buying these votes. But you would have to be foolish to believe that they aren't buying something.

Even if a Congressman or Senator can say in all sincerity that he or she isn't influenced by the tens of thousands of dollars taken in PAC money, the public is fully justified in believing that they have not necessarily elected the best Congress—but merely the best Congress that money can buy.

My distinguished colleague from Wisconsin, Senator PROXMIRE, has made an interesting suggestion. He has suggested publicly that, since the Senate proceedings are now televised, the television screen should flash the amount of PAC money that a Senator has received on a given subject, when that Senator is speaking on the floor about that particular issue. I am not prepared to go so far as to endorse that suggestion, or offer it as an amendment to this bill. But I think

that it might be very illuminating to the American public to have that information. It might do more than any other single thing to speed reform of our campaign finance laws.

But I do believe that passing this piece of legislation today would be a significant step toward restoring public confidence in the integrity of the electoral process, and of the Congress. I believe that it is a step in the right direction. I hope that we can go further. But this is a first step, and a necessary step.

We all know of the need for reform of our campaign finance system. Our distinguished colleague Senator THOMAS EAGLETON, in announcing his retirement from the Senate, stated that the high cost of political campaigning is "the single thing that's most wrong with public life in America." And I fully agree with him.

The most precious heritage that we have in America is our democratic system of government. It is the envy of all the world, and has been the model for many other nations. But our democratic system is slowly being corroded and eroded by the influence of PAC money. As the amount of PAC money increases, our credibility and our appearance of integrity decreases. I urge my colleagues to act now to preserve the credibility of our political process, and the integrity of our democratic system of government, by supporting this legislation.

● Mr. CRANSTON. Mr. President, I opposed the Boren amendment when it came before the Senate on December 3, 1985.

I oppose it now—for the reason I expressed then.

So I submit for the RECORD the same statement I made last year against the Boren amendment. All my substantive views stand as stated then, and I have not revised them in any way. The only changes I've made relate to the fact that the procedure is different today—the 1985 vote was on a motion to table Boren—and I've updated the statistics at the very end regarding contributions to my current campaign.

My own reelection campaign is by no means overdependent upon PAC contributions. I already have over 100,000 contributions to my 1986 campaign—a California record. Of every $100 I've raised, only $14 has come from PAC's.

This is what I said in 1985—and what I say now—about the Boren amendment:

I applaud the Senator from Oklahoma for causing this debate. I applaud him for forcing us to consider the need for campaign reform, I applaud him for his devotion to the cause of campaign reform.

I do not believe, however, that the Senator from Oklahoma's amendment is the way to reform a system of campaign financing that must be reformed.

I believe that real reform will only come with public financing.

Few Senators would argue about the problems the Boren amendment avows to remedy. Campaigns are too long and too costly. Candidates are required to spend too much time in fund raising. As a consequence they are too dependent on PAC's as well as well-to-do citizens as a source of larger contributions. And this dependency relates not only to PAC's and individuals concerned about so-called special interests as to PAC's and individuals concerned about all sorts of causes.

Unfortunately recent history teaches us that our legislating of electoral reform more often has not provided what all can agree is true reforms. PAC's are the offspring of our efforts to reduce the political influence of large individual contributors, Independent expenditure committees are direct outgrowth of our establishing contribution limits. And the unbelievable redtape and bureaucracy of the FEC that frustrates all concerned is a consequence of the need to police the regulations our reform legislation has spawned.

So we should approach the Boren amendment warily.

At the surface level, I am concerned with four aspects of the legislation.

First, any change in the contribution limits should at least account for inflation since we adopted the limits 10 years ago. If the contribution limits were indexed for inflation, the individual limits today would be $2,275 and the PAC limit would be $11,375. And these increases would not keep pace with the extent to which campaign costs have exceeded the inflationary rise over the past 10 years. The last Senate race in California exceeded the 1974 race by a factor of at least three.

Second, the PAC limits under Boren are capped at $750,000, which discriminates against larger States. The maximum for California should be $1.575 million under the Boren formula of $35,000 per congressional district. Even if one agrees with the theory of the Boren aggregate PAC limit, what conceivable justification is there for not treating large and small States equally?

Third, I believe the Boren efforts to remedy "bundling"—a practice which is probably unpreventable—will not really work.

Current law requires that anyone who serves as an "intermediary or conduit" for a contribution from a person must report the contribution to the FEC even though the contribution counts against the person's limits. This reporting requirement is largely ignored and obviously unenforceable.

The Boren amendment would change this by making the contribution also count against the contribution limits of the "intermediary or conduit." This is intended to prevent someone from "buying influence" with a candidate by collecting contributions for the candidate. Yet anyone who wants to buy influence with candidates by raising money can escape—even as Boren would change the law by agreeing to serve on a candidate's finance committee.

Finally, the equal time provision would require broadcasting stations to give equal time when a candidate is attacked on that station by an independent expenditure committee. This is arguably an invasion of freedom of the press.

Beyond these immediate concerns, I question the basic direction of the Boren amendment.

When the Supreme Court threw out as unconstitutional the expenditure limits Congress adopted in 1974 while leaving the contribution limits in place, it created a basically untenable situation where political survival for many candidates is dependent on finding legal ways around the contribution limits in a world of unlimited expenditures. It's giving us such permutations as the personal PAC, independent expenditure committees, hard money, soft money, and soft-soft money.

While it's easy to criticize most if not all of these innovations, remember that they are an outgrowth of a situation where—to give one example of the unfairness—there is no limit on the expenditure of personal funds by a candidate—be he or she rich or poor.

I do not believe that legislating lower contribution limits is an answer to these problems. What tightening up on contribution limits does is, first to force the candidate to spend more time raising money and, second to enhance the incentive to find loopholes and other ways around the expenditure limits. It certainly won't decrease the cost of campaigning, and it certainly won't decrease the influence of the special interests, who are best able to hire the legal expertise to find the loopholes.

I suggest we look in another direction. For example, if our aim is to decrease the influence of PAC's, why not increase the individual contribution limit to equal the PAC Limit? If a candidate could raise as much from an individual as from a PAC, clearly the influence of the PAC would be diminished.

In short, it may be time to reconsider the whole question of contribution limits in a political system where expenditure limits are unconstitutional. In my own State of California, we have a very strong campaign contribution disclosure law. But California has no limits on campaign contributions—and I haven't observed that California's Legislature is any the worse or that the special interests are any more powerful in Sacramento than on Capitol Hill.

But whatever we may decide on that question, the only real solution to the influence the special interests accrue through campaign contributions is public financing or congressional elections—something I've long supported and worked for.

Public financing may be the one and only way to deal with the problem created by the Supreme Court ruling banning any limit on expenditures by a candidate can make personally on his or her own campaign. This situation puts a poor candidate in a very disadvantagous circumstance vis-a-vis a well-to-do opponent. Public financing could provide this remedy: public funds to the poor candidate to match the personal funds invested in the campaign by his or her rich opponent.

As I make these arguments in the midst of my own reelection campaign, let me assure my colleagues that my own campaign funding is quite broad-based and not overly dependent on PAC contributions. I already have over 100,000 contributors to my 1986 reelection. Of every $100 I've raised for my campaign, only $14 has come from PAC's. But I nevertheless believe that I and every other Senate candidate must spend too much time in fundraising and that the Boren amendment would make the situation worse.●

Mr. HOLLINGS. Mr. President, 469 congressional races are now in full swing. I regret to note that the candidates—Democrats and Republicans alike—are preoccupied with one over-

riding concern: not the face-to-face courting of voters, but the pursuit of money. In 1986 as in years past, the electoral process is being compromised—and too often corrupted—by the vast sums of money collected and spent in Federal campaigns.

Mr. President, the distinguished Senator from Oklahoma and I share a deep concern about out-of-control campaign spending. We differ, however, in our perception of the cause of this problem. The Senator from Oklahoma takes a supply-side approach. He identifies PAC's as the culprit and advocates further limits on how much money they can supply to candidates.

Mr. President, PAC's are not the principal problem. It is true that some PAC's have been guilty of excesses—some have exerted undue influence. However, on the plus side, let's not overlook the fact that PAC's encourage citizen participation and give millions of individuals a voice in the political process they otherwise wouldn't have. Congress has already imposed reasonable, effective ceilings on how much PAC's can contribute.

No, Mr. President, PAC's are not the enemy. We have met the enemy, and he is us—candidates for Federal office—and our often mindless pursuit of ever-fatter campaign war chests. Accordingly, in my own bill, Senate Joint Resolution 313, I have proposed a demand-side approach to this problem of escalating campaign costs. This is a proposed amendment to the U.S. Constitution that would permit Congress to impose legal caps on campaign spending. Through this amendment, we would—we can accomplish two objectives: First, we will moderate candidates' obsession with fund raising; and second, at the same time, we will limit wealthy candidates' ability to gain unfair advantage by spending huge sums out of their own pocket.

Mr. President, this body faces unfinished business in the field of electoral reform. Twelve years ago, in the Federal Election Campaign Act amendments, Congress provided for public financing of Presidential elections and set political contribution and spending limits for candidates in Federal elections. Regrettably, in the case of Buckley versus Valeo, the Supreme Court struck down the spending limits provision of those amendments. The Court held that spending limits would curb the freedom of contributors and candidates to express themselves in the political marketplace.

In its ruling, the Court purported to defend freedom of speech. In reality what it said is this: Yes, if you have personal wealth or if you are well heeled with PAC money, then you have access to television—you have freedom of speech. But if you do not have personal wealth or big PAC money, then you are denied access to television. Instead of freedom of speech, you have only the right to remain silent.

Mr. President, every man and woman in this Chamber realizes that television advertising is the name of the game in modern politics. In warfare, if you control the air, you control the battlefield. In politics, if you control the airwaves, you control the tenor and focus of a campaign.

Probably 80 percent of campaign communications take place through the medium of television. And most of that TV airtime comes at a dear price. In South Carolina, you're talking $2,400 for 30 seconds of prime-time advertising. In New York City, you're talking some $30,000 for the same 30 seconds.

The hard fact of life for a candidate is that if you're not on TV, you're not truly in the race. Wealthy challengers as well as incumbents flush with PAC money go directly to the TV studio. Those without personal wealth are sidetracked to the time-consuming pursuit of cash.

Justice Thurgood Marshall zeroed in on this disparity in his dissent to Buckley versus Valeo. By striking down the limit on what a candidate can spend, Justice Marshall said, "It would appear to follow that the candidate with a substantial personal fortune at his disposal is off to a significant head start."

Indeed, Justice Marshall went further: He argued that by upholding the limitations on contributions but striking down limits on overall spending, the Court put an additional premium on a candidate's personal wealth.

Justice Marshall was dead right. And it is time for the Nation to correct this injustice. To that end, I have proposed a bill—Senate Joint Resolution 313—which reads as follows:

> The Congress may enact laws regulating the amounts of contributions and expenditures intended to affect elections to Federal offices.

Mr. President, as I have said, the culprit here is not PAC's per se. PAC's are a very healthy instrumentality of politics. We ask everyone to participate and the overwhelming feeling in many instances is that, "My one vote won't count or my small contribution won't count." We repeatedly point to important votes that were determined by 1 vote. Now, with a political action committee, those of modest means can band together with those of a mutual interest knowing that their contribution is heard and known.

The ordinary laborer for years has contributed to his union hall for political action, and the effect of labor PAC's has made its mark on American elections. But now individuals not members of a union banding together in political action committees are labeled "special interest" or something abhorrent. This is not right. The fact that teachers or nurses or doctors or farmers or environmentalists or small business folks band together encourages their interest in civic affairs and sustains their participation between elections. For years I have admonished people to participate. Now that they have, I am told that group participation with a $1,000 or $5,000 is evil or special but an individual with $1,000 to contribution or $5,000 to spend on himself is just right. This is wrong. The evil to be corrected is not the abundance of participation but the abundance of money. Congress has attempted to correct this in Presidential races. To qualify for matching funds in a Presidential race, the candidate is limited to spending so much per voter. In 1984, the South Carolina limit was $713,287. Today I have collected twice that much to make a race for reelection and it is deemed insufficient. The culprit is not participation. The culprit is runaway campaign spending.

To a distressing degree, elections are determined not in the political marketplace but in the financial marketplace. Our elections are supposed to be contests of ideas, but too often they degenerate into megadollar derbies, paper chases through boardrooms and union halls with unseemly frequency. At best, this process diverts candidates from the people's business. At worst, it corrupts and degrades our political process.

I repeat: The problem is not campaign contributions but campaign spending. I want to attack the disease itself, which is excessive campaign spending. The bill I have proposed—Senate Joint Resolution 313—would permit Congress to impose fair, responsible limits on Federal campaign expenditures.

Such a reform would have three important impacts. One, it would moderate candidates' obsession with fundraising. Two, it would curtail the influence of special interests. And three, it would create a more level playing field for our Federal campaigns—a competitive environment where incumbency or personal wealth do not give candidates an insurmountable advantage.

Mr. President, the Supreme Court has chosen to ignore the overwhelming impact of TV on a candidate's ability to be heard. In Buckley versus Valeo, it prescribes a bogus "if you have the money you can talk" version of free speech. It its place, I urge passage of Senate Joint Resolution 313, the "Freedom of Speech in Federal Campaigns" bill. Let us ensure freedom of expression for all who seek Federal office.

● Mr. CHAFEE. Mr. President, I once again rise in strong support of the amendment offered by my good friend and distinguished colleague from Oklahoma, Senator BOREN. I voted for his legislation last December—irrespective of the unique parliamentary

situation at that time—and will do so again today with equal enthusiasm.

In "The Work, Wealth and Happiness of Mankind," H.G. Wells wrote:

In England we have come to rely upon a comfortable time lag of 50 years or a century intervening between the perception that something ought to be done and a serious attempt to do it.

Fortunately, Mr. President, we can make things different in the United States, at least as far as political action committees are concerned. We in the Senate will not have to wait that long to seriously attempt to do something that ought to be done: moderate the ever-increasing influence and pervasiveness of PAC's.

It is particularly instructive, Mr. President, that two of this bill's cosponsors, the distinguished Senator from Mississippi, Senator STENNIS, and the distinguished Senator from Arizona, Senator GOLDWATER, have served ably in this body for more than 30 years. These gentlemen have served the United States with honor and integrity, and they have the experience to perceive the possible dangers posed by PAC's. I share their view.

With regard to the American electorate, I can speak only for the constituents of my home State of Rhode Island. Still, theirs is an illuminating perception. Of the 317 Rhode Islanders I heard from concerning Senator BOREN'S bill, an overwhelming 315 urged my support of it.

Now, Mr. President, I realize that there is nothing inherently evil in PAC's. We are a nation comprised of interest groups. America consists of bankers, dairy farmers, dentists, Democrats, Republicans, civil libertarians, and a myriad of other professions and political stripes. A PAC exists to represent nearly every group. That is not innately bad.

Yet, when the various layers of American society—represented by PAC's—vie to influence the outcome of legislation, it is cause for concern. As the distinguished majority leader, Senator BOB DOLE, has said, "When these PAC's give money, they expect something in return other than good government."

According to the Federal Election Commission, Mr. President, as of July 14 the total number of PAC's stood at 4,092. When PAC's first came into being, in 1974, there were 608. Of the six types of PAC's—corporate, labor, trade/membership/health, independent/nonconnected, cooperative, and corporations without stock—none grew faster then corporate and independent, nonconnected.

Indeed, their growth has been meteoric. Whereas in 1974 there were 89 corporate PAC's, in July of this year there were 1,734. As for independent PAC's none existed in 1974. Now, there are 1,063. Those increases are startling.

Mr. President, I am not suggesting that these 4,000-plus PAC's are in collusion with each other, attempting to undermine our representative form of government. Nothing of the sort. What I am saying, however, is that taken as a whole, they pack a powerful financial punch.

By limiting aggregate PAC contributions, raising the amount individuals can contribute, and closing the "bundling" loophole, I believe that the Boren amendment takes sound and necessary steps to restore integrity to campaign financing.

The opponents of the Boren amendment have attacked the measure from every conceivable angle, Mr. President, and I share some of their concerns. As for the independent political expenditures provision, I certainly do not wish to tread on unconstitutional ground.

Conversely, some proponents of this measure have called for the abolition of PAC's. At this time, I do not believe that PAC's should be abolished but I do believe they should be trimmed back. What is the correct amount that PAC's should be able to give to candidates? Who knows?

To sum up, Mr. President, PAC's are not the only malady in our body politic. They are, however, one of the big ones. We must begin somewhere, and in my view, the Boren amendment is the right place. Hopefully, it will be the first of many steps to curing an ailing patient, the American election process.

Mr. President, I ask unanimous consent that an FEC press release, to which I earlier referred, be made part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEC RELEASES NEW PAC COUNT

WASHINGTON.—The Federal Election Commission has released its semi-annual count of political action committees. Increasing slightly over the number registered at year's end, the total number of PAC's now stands at 4,092, as of July 1, 1986.

Figures below represent PAC growth over the past 12 years:

PAC GROWTH—FROM 1974

Date	Committee type						Total
	Corporate	Labor	Trade/membership/health	Nonconnected	Cooperative	Corporation without stock	
December 31, 1974 [2]	89	201	[1] 318				608
November 24, 1975 [3]	139	226	[1] 357				722
May 10, 1976 [3]	294	246	[1] 452				992
December 31, 1976	433	224	[1] 489				1,146
December 31, 1977	550	234	438	110	8	20	1,360
December 31, 1978	785	217	453	162	12	24	1,653
August 1979	885	226	483	206	13	27	1,840
December 31, 1979	950	240	514	247	17	32	2,000
July 1, 1980	1,107	225	544	309	23	41	2,279
December 31, 1980	1,206	297	576	374	42	56	2,551
July 1, 1981	1,253	303	579	441	38	64	2,678
December 31, 1981	1,329	318	614	531	41	68	2,901
July 1, 1982	1,417	350	627	628	45	82	3,149
December 31, 1982	1,469	380	649	723	47	103	3,371
July 1, 1983	1,514	379	664	740	50	114	3,461
December 31, 1983	1,538	378	643	793	51	122	3,525
July 1, 1984	1,642	381	662	940	53	125	3,803
December 31, 1984	1,682	394	698	1,053	52	130	4,009
July 1, 1985	1,687	393	694	1,039	54	133	4,000
December 31, 1985	1,710	388	695	1,003	54	142	3,992
July 1, 1986	1,734	386	707	1,063	56	146	4,092

[1] For the years 1974–76, these numbers represent all other political committees—no further categorization is available.
[2] On Nov. 24, 1975, the Commission issued Advisory Opinion 1975–23 "SUNPAC".
[3] On May 11, 1976, the President signed the Federal Election Campaign Act Amendments of 1976, Public Law 94–283.●

Mr. BOSCHWITZ. I know my friend from Oklahoma wanted to make the concluding remarks on his amendment. But my friend from Kentucky has just arrived and wishes to make a brief statement.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. McCONNELL. Mr. President, I thank my friend from Minnesota.

I rise to oppose the Boren PAC amendment. Mr. President, I speak from the perspective of a challenger.

As a matter of fact, the only challenger of my party in 1984 to be successful in the U.S. Senate race, a challenger who got virtually no PAC money, virtually none. My friend from Oklahoma just asserted that somehow challengers were foreclosed from the process because they got very few PAC contributions.

I am here to tell you that is not true. No one is foreclosed from the process.

Limits on PAC contributions are based on several false assumptions, Mr. President—4.5 million individuals voluntarily contribute to committees sponsored by corporations, unions, trade and professional associations. That is what a PAC is, Mr. President.

PAC's are individual contributions.

All ideologies representing the broadest——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCONNELL. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. All ideologies representing the broadest political spectrum make up PAC contributions. They spread their resources for all. The average PAC contribution is only a little over $1,000. Existing limits check the influence of any one PAC, as we all know. No PAC can contribute more than $5,000. Few PAC's ever give the maximum to any candidate, Mr. President.

All PAC contributions are thoroughly reportable and all politicians are thoroughly accountable as a result of the reporting. Most Members at some point receive contributions from PAC's on opposing sides of the same issue.

My goodness, how can it be asserted that they are going to have undue influence over a Member?

The Boren amendment is misguided. Any politician who abuses the system of fundraising is subject to judgment where it counts——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCONNELL. I ask unanimous consent for 30 more seconds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCONNELL. Any politician who abuses the system of fundraising is subject to judgment where it counts, and that is the voting booth. Any candidate for office can solicit PAC contributions. Any election, I am here to tell you or I would not be here in the Senate, can be won without PAC contributions. There is no reason to impose these restrictions on an individual's right or a group's right to participate.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment of the Senator from Oklahoma. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] is necessarily absent.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—69

Abdnor	Gorton	Moynihan
Andrews	Grassley	Murkowski
Baucus	Harkin	Nickles
Bentsen	Hart	Nunn
Bingaman	Hatfield	Packwood
Boren	Hawkins	Pell
Bradley	Heflin	Pressler
Bumpers	Hollings	Proxmire
Burdick	Inouye	Pryor
Byrd	Johnston	Riegle
Chafee	Kassebaum	Rockefeller
Chiles	Kasten	Rudman
Cohen	Kennedy	Sarbanes
D'Amato	Kerry	Sasser
DeConcini	Lautenberg	Simon
Dixon	Leahy	Simpson
Dodd	Levin	Specter
Eagleton	Mathias	Stafford
Exon	Matsunaga	Stennis
Ford	Mattingly	Thurmond
Glenn	Melcher	Trible
Goldwater	Metzenbaum	Warner
Gore	Mitchell	Wilson

NAYS—30

Armstrong	Evans	Lugar
Boschwitz	Garn	McClure
Broyhill	Gramm	McConnell
Cochran	Hatch	Quayle
Cranston	Hecht	Roth
Danforth	Heinz	Stevens
Denton	Helms	Symms
Dole	Humphrey	Wallop
Domenici	Laxalt	Weicker
Durenberger	Long	Zorinsky

NOT VOTING—1

Biden

So the amendment (No. 1168) was agreed to.

□ 1030

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BOREN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, let me indicate to my colleagues as we indicated last night——

Mr. BYRD. Mr. President, may we have order? We cannot hear the distinguished majority leader.

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. Mr. President, this was a 20-minute vote. I just want to alert my colleagues that the next vote is going to be 15 minutes, and every vote after this, today, will be a 15-minute vote. We apologize to those who may miss a few votes. But based on our experience with the DOD authorization bill, where we had about 4 hours of total time because of overtime on votes, we are going to try it this way, because we have a very tight time agreement.

Everybody has been alerted; it has been on both hotlines. The next vote, on the Boschwitz amendment, will be terminated in 15 minutes.

Mr. McCLURE. Mr. President, will the Senator yield for a question?

Mr. DOLE. I yield.

Mr. McCLURE. Mr. President, the Committee on Energy and Natural Resources has scheduled a markup hearing for today, starting at 10 o'clock, and obviously, with the rollcall vote, we have not convened. We have asked for permission to sit so that the committee can have that markup.

My inquiry is whether or not the committee will be granted permission to sit for the purpose of debating the amendments with respect to possible natural gas legislation.

Mr. DOLE. Has a request been made?

Mr. McCLURE. A request has been made.

Mr. DOLE. As I understand, this request has not been cleared. I will hand it to the distinguished minority leader now.

Mr. McCLURE. If there is objection, obviously we cannot sit, under the rules of the Senate. But if there is objection, I would like to have it stated.

Mr. BYRD. Mr. President, there are objections.

Mr. McCLURE. There are objections on the minority side?

Mr. BYRD. There are some on that side.

Mr. McCLURE. There are none on this side.

Mr. BYRD. There are objections.

Mr. McCLURE. Let the RECORD reflect what is the fact—that there are no objections on this side and there are objections on the other side.

Mr. DOLE. I thank the distinguished Senator from Idaho.

Mr. BIDEN. Mr. President, I missed the last vote by about 30 to 40 seconds, and I am not complaining about that. It was my fault. But I want the RECORD to reflect that it is only because this body has not appropriated enough money for Amtrak that the train I was on broke down. [Laughter.]

It is hoped that that will be rectified, although my colleagues realize that I might not be voting, based on Amtrak's inability to run. There may be less money for improvement, I suspect.

I ask unanimous consent that the statement I was going to make on the Boren amendment be printed in the RECORD as if read. I want the RECORD to reflect that had I been here 45 seconds earlier, I would have voted "aye" for the Boren PAC amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, there appears to be in the Senate today more interest in campaign finance reform than has existed since the post-Watergate period of the mid-1970's. The reason political pressure is growing again is not simply that we miscalculated the effect of the provisions of the law concerning PAC's.

The reason is that we did not go far enough in the 1970's. Although we came close, we failed to enact any form of public financing of congressional campaigns. Until we do that the Congress will revisit this issue again and again.

Unfortunately, I sense that the political pressure that we are feeling today is not going to be enough to persuade a majority of my colleagues to support public financing. But that should not deter us from taking what steps we can, under the political circumstances, to reform the campaign laws.

I believe that Senator BOREN's proposal to limit the influence of PAC's is a modest step in the right direction.

There is no question that over the past 10 years political action committees have thrust the viewpoints of narrow, well-financed special interests onto the national political stage.

During the past months we have heard an unending stream of statistics attesting to the growing wealth and power of PAC's. We have been told, for example, that in 1972, 600 PAC's contributed $8 million to congressional campaigns, but that a mere 12 years later, in 1984, 4,000 PAC's contributed $104 million—13 times the 1972 level. Other statistics have been cited to demonstrate the fact that PAC activity is propelling overall campaign spending to levels that were unimaginable 10 or 12 years ago.

These statistics are important, in that they focus our attention. But we do not need statistics to tell us what we already know are the essential dangers of keeping the present laws on the books. To continue the existing trends in campaign finance is to threaten the foundation of our democratic system.

The first danger is that the public is becoming increasingly cynical. They doubt our integrity. They wonder whether there is a quid pro quo involved—whether PAC's are getting something in return for their dollars.

The second danger to our system involves the issue of participation. The ordinary citizen has begun to doubt whether he or she can participate in the political process. They wonder what difference a $50 contribution makes when Washington lobbyists control millions of PAC dollars. And they doubt whether ordinary citizens—with neither wealth nor connections to "the right people"—can even consider running for Federal office.

Senator BOREN's bill addresses both problems—integrity and participation. By decreasing the role of PAC's, we limit the influence, and the perception of influence, of PAC money. And by decreasing the amount of PAC money a candidate can receive, we will decrease the cost of elections.

I do not deny that this is an incremental measure. This bill will not eliminate, or even substantially limit, the role of money in politics. But it is a step in the right direction.

The opinion has been expressed in this body that we should go all the way, and enact public financing, or we should do nothing at all; that the Boren bill is mere "tinkering at the edges" of the problems of campaign finance and that by putting our energies into enacting it into law, we will defuse the sentiment that exists for dealing with the larger problems of campaign finance.

I agree that by enacting this measure into law we should not delude ourselves into thinking that our work on campaign finance reform is over. We should be right back at it again next year, and the year after that.

But for now, I am of the conviction that the incremental reform of the Boren bill is what is politically realistic.

As Senator BOREN has so wisely counseled us, we should not allow our vision of the perfect to inhibit our ability to accomplish the good. Or as the British philosopher Thomas Carlyle put it over a century ago:

> Our grand business is not to see what lies dimly in the distance but to do what clearly lies at hand.

What clearly lies at hand is the Boren bill; our business is to enact it into law. What lies dimly in the future is public financing of congressional campaigns, and our business is to see to it over the course of the coming years, that the day will arrive when enacting a system of public financing into law will be the business that lies at hand.

Mr. WEICKER. Mr. President, during previous consideration of the Boren PAC amendment, I stated my concerns about this legislation. Today I would like to add to those concerns my reservations concerning amendments to the Communications Act.

The Boren PAC amendment would affect televised political advertisements paid for by PAC's in this way: If a broadcaster sells time to a PAC, the candidate, who is opposed by the PAC or who is running against the person endorsed by the PAC, must be given free response time of an equivalent amount during the same period of the day. This is a substantial revision of the equal time rule, and I submit that its constitutional consequences have not been adequately considered.

First, the Commerce Committee has several bills before it that deal with political advertisements. On September 10, 1985 and October 8, 1985, the committee held hearings on S. 1310, the Clean Campaign Act. I am advised that the committee is contemplating additional hearings on this and other related measures. So far, neither the Federal Communications Commission nor the broadcasters have been given an opportunity to testify on the potential impact of granting free response time to PAC advertisements. I think it is important to hear their opinions. before voting.

Second, communications law with respect to the equal-time rule is dramatically altered by the Boren PAC amendment. Under current law and practice, if a broadcaster sells time to one candidate, the broadcaster is required to sell time to an opposing candidate. This, however, is not free time, but time bought by the other side. The same requirement applies to advertisements paid for by PAC's. However the Boren amendment sets a new standard for PAC's. One side has to buy its time; the other side gets free time.

What will be the impact of this on future campaigns? Mr. President, I submit that the communications provisions would have a "chilling effect" on free speech. The incentive for the broadcaster to accept PAC advertisements would be diminished, given that it would have to grant this free time to other side. Then, one has to ask themselves whether this amendment corrects the problem that is billed to fix. Right now PAC's run advertisements. The other side may or may not choose to spend the money to respond to that ad. The broadcaster is required however to run that response if it is paid for. If PAC ads triggered off free response time, the burden on the broadcaster may prove so heavy that he would choose to get out of the PAC advertisement business altogether.

Mr. President, I submit that this restricts the information flow to the public instead of trying to balance it. If information is restricted, we risk abrogating the very principle that our Founding Fathers wanted to protect when they included the requirement that "Congress shall make no law * * * abridging the freedom of speech, or of the press. * * *"

Mr. President, I appreciate those who are concerned about the tone of recent political campaigns, but once again the Congress is considering legislation that has serious first amendment implications. But we have not yet done our homework. We need more information in order to make an educated and informed decision about this sweeping legislation. Mr. President, I believe this is bad legislation, I believe that it is full of unintended consequences, and I believe that fur-

ther hearings on this matter will prove me right.

I ask unanimous consent that a legal analysis of S. 1806 that was prepared by Thomas Durbin of the American Law Division of the Congressional Research Service and the bill be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

CAMPAIGN FINANCE PROPOSALS TO LIMIT PACs AND TO GRANT FREE BROADCAST TIME: A LEGAL ANALYSIS OF S. 1806 (SEN. BOREN, 99TH CONGRESS)

I. INTRODUCTION

In the first session of the 99th Congress, Senator David L. Boren and several other Senators [1] proposed legislation that would amend the Federal Election Campaign Act of 1971 (FECA) concerning contribution limitations for congressional offices and that would amend the Communications Act of 1934 regarding the broadcasting of certain material relating to federal office candidates. Senator Boren announced in the latter part of the first session of the 99th Congress that he would request that the Senate vote on this legislation by offering it as an amendment to an unrelated "Compact of Free Association" legislation (Amendment No. 880 to S.J. Res. 77, 99th Cong., 1st Sess.).[2] However, by agreement the amendment was ordered to lie on the table with the understanding that the proposal would be debated on December 2, 1985 and a vote taken on December 3.

On December 2 and 3, 1985 that proposal by Senator Boren and others was debated as Amendment Number 1168 to an unrelated bill (S. 655) concerning low-level radioactive waste.[3] After approximately four hours of debate, the Senate avoided a vote on that proposal by agreeing to consider it in the second session, and there was a recorded vote of 7-84 against tabling the Amendment.[4]

On October 29, 1985, Senator Boren and several other Senators (Senator Goldwater, Senator Hart, Senator Levin, and Senator Kassebaum) introduced S. 1806 entitled "Campaign Finance Reform Act of 1985" which was the same as the above amendments.[5] The major provisions of the bill would do the following:

(1) limit to $100,000 the amount of contributions a House candidate can receive from all political action committees (PACs),[6] in each two-year election cycle;

(2) raise the PAC limitation amount by $25,000 if two or more House candidates in a district qualify for the ballot in the primary and general elections;

(3) limit the amount that Senate candidates can accept from all PACs in an election cycle, which would vary with the population of their state from the lowest amount of $175,000 ($200,000 if two or more candidates qualify for the ballot in the primary and general elections) to the maximum amount of $750,000; the formula that would be used would be based on $35,000 times the number of congressional districts in a state;

(4) provide for an additional $25,000 in the amount of contributions from PACs when a House candidate is in a runoff election;

(5) provide for an additional amount of contributions for Senate elections totalling $25,000 or $12,500 times a state's number of congressional districts, when there is a Senate runoff election;

(6) lower the contribution limitation amounts to federal office candidates for PACs from $5,000 to $3,000 with respect to any federal election;

(7) raise the contribution limitation amounts for individuals to federal office candidates with respect to any election from $1,000 to $1,500;

(8) count bundled contributions[7] received by candidates through PACs against the overall PAC-limitation amounts;

(9) require PACs when advertising in the print or electronic media to disclose that such advertisements are paid for by their PACs and that the costs of such advertisements are not subject to any campaign contribution limits;

(10) allow federal office candidates to be provided equal opportunities from broadcast station licensees when such candidates are subjects of negative advertisements by independent expenditures.

The major provisions of S. 1806 generally affect five areas of federal election laws and raise the following constitutional issues: (1) whether or not aggregate contribution limitations on the amount of contributions which House and Senate candidates can receive from PACs are constitutional; (2) whether or not amendments to the contribution limitations raise further constitutional questions which were not addressed in *Buckley* v. *Valeo* [8] in 1976; (3) whether or not the restrictions on bundling contributions through PACs pose possible First Amendment problems; (4) whether or not the attribution statement required of PACs when advertising in the print or elections media pose any constitutional problems; and (5) whether or not the requirement that broadcast station licensees grant equal opportunities to federal office candidates when they are subject to negative advertisements by independent expenditures is constitutional.

II. CONSTITUTIONALITY OF AGGREGATE CONTRIBUTION LIMITATIONS FROM PACS TO HOUSE AND SENATE CANDIDATES

Political action committees (PACs) which are also generally nonparty multicandidate political committees are restricted by certain contribution limitations under the Federal Election Campaign Act of 1971, as amended (FECA):

1. $5,000—to a federal office candidate separately for each nominating convention, primary election, runoff election, or general election;

2. $5,000—to any other political committee in any calendar year.

3. $15,000—to political committees established and maintained by a national political party, which are not authorized political committees of any candidate, in any calendar year

4. Unlimited—total aggregate amount of contributions.[9]

The contribution limitation provisions under the FECA were found to be constitutional against a First Amendment challenge by the Supreme Court in *Buckley* v. *Valeo* since they are justified by the Federal Government's interest in the prevention of corruption or the appearance of corruption that may be caused by the coercive influence of large financial contributions on candidates' positions and their decisions after being elected to office.[10] However, the Court in *Buckley* held that expenditure limitations were unconstitutional because they imposed direct and substantial restraints on the quality of political speech.[11]

The federal campaign finance reform legislation in the 1970's, embodied in the Federal Election Campaign Act of 1971 and the 1974, 1976, and 1979 Amendments to that Act, reduced the roles of large individual contributors and increased the roles of special interest groups and business organizations and labor unions by providing for the establishment of separate segregated funds or political action committees.[12] On December 31, 1974 there were 608 PACs, and by January 1, 1986 the number of PACs had grown to 3,992.[13] In the 1977-78 two-year election cycle, PACs contributed $34.1 million to Senate and House candidates; this aggregate amount increased to $105.3 million in the 1983-84 two-year election cycle.[14]

Because of the significant growth in the number of PACs and of the mushrooming of PAC contributions to Senate and House candidates, legislation such as S. 1806 (99th Cong.) has been introduced that would limit and reduce the influence of PACs. One of the major provisions of this limitation would impose an aggregate limit on the amount a federal office candidate could receive from all PACs in a two-year election cycle.

S. 1806 would set an aggregate limitation of $100,000 in PAC contributions which a House candidate could receive; an additional $25,000 in PAC contributions would be allowed for House candidates if there are two or more House candidates in a district who qualify for the ballot in the primary and general elections. Under S. 1806 U.S. senatorial candidates would be limited to aggregate amounts of contributions from PACs which would vary with the population of their state from the lowest amount of $175,000 ($200,000 if two or more candidates qualify for the ballot in the primary and general elections) to the maximum amount of $750,000 which would be based on a formula using $35,000 times the number of congressional districts in a state.[15]

One of the first legislative proposals advocating an aggregate PAC limitation on contributions received by House candidates was H.R. 4970 introduced by Representatives Obey and Railsback and co-sponsored by approximately 120 other Members in the 96th Congress, first session (1979). H.R. 4970 provided for an aggregate limitation of $50,000 on the amount that a House candidate could accept from all PACs in a two-year election cycle. A similar proposal was offered as an amendment to the FEC authorization raising the aggregate limitation amount to $70,000 and was passed by the House in 1979, but no further legislative action was taken by Congress in the 96th Congress.[16] Legislative proposals providing for aggregate limitations on the amount of PAC contributions which congressional candidates can accept in a two-year election cycle have been introduced many times since the Obey-Railsback proposal in the 96th Congress, and S. 1806 in the 99th Congress is one of the latest examples of this type of legislation.[17]

In examining the constitutionality of the proposal of S. 1806 and other legislation to set aggregate limits on the amounts of PAC contributions which congressional candidates can accept in a two-year election cycle, an examination of the 1976 Supreme Court decision in *Buckley* v. *Valeo*[18] is necessary especially in regard to the Court's analysis of the constitutionality of contribution limitations. In *Buckley*, the Court found that Congress had the power to provide for certain campaign finance reform legislation, and it more particularly held that contribu-

[1] Footnotes at end of article.

tion limitations, despite First Amendment issues, are constitutional since they are justified by the Federal Government's interest in the prevention of corruption as well as the appearance of corruption.[19] According to the *Buckley* decision, large campaign contributions to federal office candidates may have a coercive influence on candidates' positions and their decisions after being elected to office.[20] Even though limitations on contributions involve some impingement on such First Amendment rights as speech, expression and association, contribution limitations are nevertheless appropriate legislative weapons against the reality of or appearance of corruption due to the dependence of candidates on campaign contributions.[21] Contribution limitations serve the basic Federal Government interest of preserving the integrity of the electoral process without directly infringing upon the fundamental First Amendment rights of individuals and candidates who engage in political speech, debate, and discussion.[22] Thus, unlike expenditure limitations,[23] contribution limitations are constitutional in that they serve important governmental interests of preventing corruption or the appearance of corruption when they are balanced against the First Amendment rights of speech, expression, and association.[24]

Legislative proposals such as S. 1806 to expand the contribution limitation provisions of the FECA by setting aggregate limitations on the amount of PAC contributions receivable by congressional candidates are arguably constitutional under the rationale of the *Buckley* decision upholding the constitutionality of limitations on contributions. The issue is essentially a First Amendment one in which the interests of the Federal Government in preventing corruption or the appearance of corruption are balanced against the First Amendment freedoms of speech, expression, and association. The closer the relationship of such legislation is to pure political speech, the narrower is the scope of permissible First Amendment infringement [25] since the laws and regulations imposing restraints on pure speech are subject to strict constitutional scrutiny which can be sustained only because of compelling governmental interests.[26] And laws restricting forms of conduct that are speech-related would be subject to a less rigorous scrutiny than if they were pure speech.[27] At issue is whether or not such proposals are pure speech or speech-related conduct that would require First Amendment protection. The Supreme Court in *Buckley* v. *Valeo* addressed such an issue when it considered the constitutionality of limititations on federal campaign contributions.[28]

In *Buckley*, the Supreme Court upheld that campaign contributions simply could not be equated with such conduct as the destruction of a draft card.[29] Campaign contributions are neither simply speech-related conduct nor pure speech, but they are "symbolic speech" which is a form of expression between speech-related conduct and pure speech.[30] The contribution limitation provisions of the FECA were permissible marginal restrictions on speech. The two governmental interests in preventing actual corruption and the appearance of corruption would outweigh the speech element of contributions under a balancing test of such interests and any restrictive effects on political speech.[31]

However, the *Buckley* Court noted that contribution limitations could have a severe impact on political dialogue if they prevented candidates from amassing funds and resources for an effective advocacy.[32] The contributions limitations of the FECA according to *Buckley* were drafted in such a way that they focused precisely on the problem of large campaign contributions while allowing for independent political expression and a limited but substantial financial assistance to candidates and political committees.[33]

Thus, the issue arises whether or not further amendments to the contribution limitation provisions of the FECA, such as the proposed aggregate limitations on the amount of contributions that congressional candidates can receive from PACs, are constitutional in light of the *Buckley* constitutional analysis of contribution limitations. Would these proposed amendments to the contribution limitation provisions of the FECA so limit the amount of contributions that congressional candidates could receive from PACs that they could not wage an effective campaign? Would these amendments impact on political dialogue in such a way that congressional candidates would be unable to afford the high cost of print and electronic media advertisements? If the aggregate PAC limitations so severely restrict the First Amendment speech, expression, and association rights of congressional candidates, then they may arguably be impermissible restrictions on such First Amendment rights. But, if they invoke only minimal direct restraint on the First Amendment speech, expression and association rights that can be justified by such governmental interests in preventing corruption and/or the appearance of corruption, then they would appear to be constitutional in the same manner that the contribution limitations of the FECA were upheld as constitutional in *Buckley*.

In summary, if the proposals to further restrict contribution limitations of PACs are reasonable and only marginally affect any First Amendment rights of speech, expression, and association, they would seem to be constitutional in light of the *Buckley* Supreme Court decision in order to protect the electoral process from actual corruption and/or the appearance of corruption.[34] However, if such limitations severely impede PACs so that they are ineffective, and, if such limitations prevent candidates from being able to amass the necessary funds and revenues for effective political advocacy, then there may be First Amendment problems with such limitations. Moreover, severe limitations on PAC contributions may pose a First Amendment freedom of association problem since such limitations may effectively eliminate a collective voice and a mechanism by which electors can express their goals and concerns.[35] But this does not appear to be the case in the aggregate contribution limitation proposal concerning PACs in S. 1806.

LOWERING AND RAISING CERTAIN CONTRIBUTION LIMITATION AMOUNTS OF THE FECA

S. 1806 and other similar federal campaign finance legislation propose: (1) lowering the contribution limitation amounts that PACs may give to federal office candidates from $5,000 per election to $3,000 and (2) raising individual contribution limitations from $1,000 per election to $1,500.[36] Generally it would seem that reasonable and justifiable increases or decreases in the contribution limitation provisions of the FECA would be constitutionally acceptable under the analysis and rationale of the *Buckley* decision regarding the constitutionality of campaign contribution limitations. The obvious purpose of the proposal in S. 1806 to lower the contribution limitation amount for PACs to a federal office candidate from $5,000 per election to $3,000 per election is to reduce the influence of PACs in financing federal office campaigns. And the obvious purpose of increasing the amounts of the individual contribution limitation from $1,000 to $1,500 per election is to enhance the role of individual contributions in federal elections.

The new contribution limitation provisions of S. 1806 would seem to be constitutional as long as they accomplished the primary purpose of the contribution limitations as set forth in the *Buckley* decision—that is to limit actual corruption and/or the appearance of corruption.[37] The *Buckley* Court was concerned about the extent to which large contributions are given to secure political *quid pro quos* from current and potential federal office holders as well as the appearances of corruption which may come from a public awareness of the possibilities of abuse of the electoral system due to large campaign contributions.[38] In focusing on the individual $1,000 per election contribution of the FECA, the *Buckley* Court found that the $1,000 contribution limitation focuses:

". . . precisely on the problem of large campaign contributions—the narrow aspect of political association where the actuality and potential for corruption have been identified—while leaving persons free to engage in independent political expression, to associate actively through volunteering their services, and to assist to a limited but nonetheless substantial extent in supporting candidates and committees with financial resources."[39]

The governmental interests served by restricting the size of contribution limitations to federal office candidates were sufficient to justify the limited effect on First Amendment freedoms caused by contribution limitations.[40]

If further amendments to the contribution limitation provisions were proposed that would substantially reduce the contribution limitation provisions, such as those for PACs, so that they would impede effective political dialogue and advocacy, then there might be First Amendment problems with such amendments; but this does not appear to be the case with regard to the proposed amendments of S. 1806. While the proposed contribution limitation amendment of S. 1806 ($3,000 per election limit) as it relates to PACs is substantially more restrictive than the $5,000 limit of the 1974 FECA Amendments,[41] it may pass constitutional muster if it serves the governmental interests of preventing both actual and apparent corruption by offsetting any actual or apparent *quid pro quo* between the donors and recipients of such contributions. However, one negative aspect of further restrictions on PACs is that such new PAC restrictions might encourage PACs to engage more in and rely on independent expenditures in congressional campaigns.[42]

The increase in the individual contribution limitation amount from $1,000 to $1,500 would not seem to pose any problems of corruption or the appearance of corruption by effecting any new substantial quid pro quo arrangements between the donors and recipients of campaign contributions. The $1,000 contribution limitation of the 1974 FECA Amendments has not been increased since 1974, and the inflationary factor of $1,000 in 1974 has made a $1,000 contribution in 1986 less meaningful and less valuable than a $1,000 contribution was in 1974.

Consequently, a modest increase in the contribution limitation provision for individuals, such as from $1,000 to $1,500, would not seem to pose any problems as to actual corruption or the appearance of corruption, and thus this amendment should not pose any First Amendment constitutional problems.

IV. PROHIBITION OF "BUNDLING" OF CONTRIBUTIONS BY PACS

A provision in S. 1806 would effectively eliminate conduit contributions through PACs by requiring that such contributions be treated as coming from the PACs and counted against the PAC's contribution limitations applicable to federal office candidates.[43] "Bundling" is a method of giving contributions to federal office candidates: (1) whereby a PAC requests of its contributors that they make contributions to a particular candidate by drafting checks written out in the name of a candidate, but not to the PAC; (2) whereby the PAC then delivers the number of checks in large bundles to the federal office candidate; and (3) whereby the PAC can circumvent the maximum $5,000 per election contributions directly, such as the benefit of knowing that a certain recipient candidate understands that a particular PAC with certain special interests was the conduit for such bundled contributions.[44]

The Federal Election Campaign Act, as amended, presently provides: (1) that the contribution limitations are applicable when persons either directly or indirectly make contributions to a particular candidate through an intermediary or conduit; (2) and that such contributions are to be treated as contributions from such persons to such candidate, and (3) that the intermediary or conduit shall report and disclose to the FEC and to the intended recipient both the original sources of such contributions and the intended recipient.[45] The provision in S. 1806 would essentially amend this section by substituting for "person" everywhere it appears the phrase "person and also intermediary or conduit." This amendment would basically close the loophole in the FECA for conduit contributions through PACs by requiring both PACs and candidates to count such contributions toward the contribution limitations for PACs.[46]

Both the FECA and the FEC regulations permit the earmarking of contributions to a federal office candidate through a conduit or intermediary, including a political action committee, so long as the intermediary or conduit reports the original source of the contribution and the intended recipient of such contributions to both the FEC and to the intended recipient.[47] An advisory opinion by the FEC in 1982 ruled that a plan by a union PAC which would allow union members to earmark their contributions made through a payroll deduction plan to specific candidates and committees was permissible under the FECA and the FEC regulations. In this opinion the Commission asserted that, if the PAC did not exercise any direction or control over the members' selections of candidate-recipients of earmarked contributions, the contributions so made under the earmarking plan would not count against the PAC's contribution limitation.[48] Moreover, a 1981 FEC advisory opinion concluded that a contributor could earmark a contribution to a federal office candidate through federal PAC accounts and that the earmarked contributions would be charged only to the contributor's limits and not the PAC's limits in regard to that candidate, provided that the PAC exercised no direction or control over the contributor's selection of the candidate recipient.[49] And, in a 1980 advisory opinion, the FEC ruled that an earmarking plan in which the PAC, as the conduit or intermediary, exercised control over the contributors' selection of the recipients of the earmarked contributions would result in the contributions being made by both the intermediary PAC as well as by the original contributors.[50]

The provision of S. 1806, that essentially would expand the contribution limitation's provision of the FECA[51] that would provide that earmarked contributions for conduit contributions through PACs be counted toward the contribution limitations for PACs, does not seem to pose any unusual or new constitutional problems that were not addressed in the Buckley decision upholding the limitations on contributions as well as the reporting and disclosure aspects of the FECA.[52] It would seem that balancing arguments could be made to justify any curtailment of the First Amendment rights of PACs concerning speech, expression, and association if Congress were to adopt such provisions prohibiting the so-called "bundling" of contributions whereby PACs can act as conduits between individual contributors and federal office candidates and thus avoid also any contribution limitations which such donations would normally incur.

Obvious balancing arguments supporting the prohibition of "bundling" by PACs would be the prevention of actual corruption or the appearance of corruption in the electoral process.[53] Moreover, it would seem that such a provision is an appropriate means by which Congress could protect the integrity of the provisions concerning contribution limitations by further limiting the influence that PACs may have on individual contributions when they are "bundled" through a PAC. It would not seem that affected contributors or the affected PAC would suffer serious First Amendment infringements on their rights of speech, expression, and association since there would still be other methods of making such contributions to federal office candidates. Such further restrictions on the contribution limitation provisions would not seem to directly infringe on the ability of contributors to express their own political views since contributions could still be directly made to the candidates. And such restrictions would seem to serve important governmental interests in preventing corruption and the appearance of corruption caused by the "bundling" of large amounts of individual contributions through PAC conduits.[54]

V. INDEPENDENT EXPENDITURES BY PACS AND MEDIA ATTRIBUTION STATEMENTS

Another provision of S. 1806 would require PAC's which make independent expenditures in the print or electronic media in connection with any candidate's campaign to include the following attribution: "This message has been authorized and paid for by (name of committee/or any affiliated organization of the committee), (name/title of treasurer and/or president). Its cost of presentation is not subject to any campaign contribution limits."[55]

The FECA, as amended, presently requires certain attribution for print and electronic media advertisements involving expenditures advocating the election or defeat of a clearly identified candidate. This section of the FECA (2 U.S.C § 441d) reads as follows:

(a) Whenever any person makes an expenditure for the purpose of financing communications expressing advocating the election or defeat of a clearly identified candidate, or solicits any contribution through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, or any other type of general public political advertising, such communication—

(1) if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee, or

(2) if paid for by other persons but authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication is paid for by such other persons and authorized by such authorized political committee;

(3) if not authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state the name of the person who paid for the communication and state that the communication is not authorized by any candidate or candidate's committee.

(b) No person who sells space in a newspaper or magazine to a candidate or to the agent of a candidate, for use in connection with such candidate's campaign, may charge any amount for such space which exceeds the amount charged for comparable use of such space for other purposes.[56]

In a 1973 decision in *United States* v. *Insco*[57] this provision (formerly 18 U.S.C. § 612) was found to be constitutional. The federal court did not find that the requirement of an attribution clause is void on its face because of overbreadth since it is applicable only to statements relating to federal office candidates and since it is limited in its coverage to requiring fairness in elections.[58] Also in 1961, a federal court in *United States* v. *Scott*[59] concluded that this provision prohibiting willful publication and distribution of pamphlets concerning a federal office candidate without disclosing the names of the persons responsible for the publication and distribution did not violate the First Amendment. The *Scott* Court found that Congress earmarked the attribution-clause provision so that the electorate would be informed and make its own appraisal of the reasons why a particular candidate was being supported or opposed by a certain individual or group.[60] In the *Scott* case, the Court, moreover, found that the defendant's theory of fear of reprisal was highly speculative and conjectural which could be used by almost anybody and that the mere possibility of reprisal was not enough to avoid prosecution under the statute and to find such statute unconstitutional.[61] In applying the balancing argument whereby the value to the public of the attribution statute is weighed against the supposed infringement of the First Amendment rights of the defendant, the *Scott* Court concluded that the statute was a valid and constitutional exercise of the legislative power of the Congress to protect the integrity of the electoral process from surreptitious publications by unknown authors.[62]

Similar arguments such as those expressed in *United States* v. *Insco* and *United States* v. *Scott* could be used to support the constitutionality of the attribution statement required by S. 1806. It seems that arguments could be made: (1) that Congress has the power under the Constitution to enact such legislation so as to protect the integrity of the electoral process;[63] (2) that such provision is not vague and overbroad in that it is limited in its coverage requiring fairness in federal elections[64] by specifically

requiring certain attributions for print and electronic media political advertisements without interference as to the substance of the messages; (3) that the mere possibility of reprisal and the fear of reprisal because of such attribution statements are too speculative and conjectural to invalidate such provision;[65] and (4) that the interests of the Government in protecting federal office candidates from surreptitious publications by unknown authors engaging in political advertisements funded by independent expenditures outweigh the infringement on individual First Amendment rights.[66]

VI. CONSTITUTIONALITY OF THE EQUAL OPPORTUNITIES REQUIREMENT FOR FEDERAL CANDIDATES SUBJECTED TO NEGATIVE ADVERTISEMENTS PAID FOR BY INDEPENDENT EXPENDITURES

S. 1806 proposes that federal office candidates be provided equal opportunities from broadcast station licensees when such candidates are subject to negative political advertisements which are financed by independent expenditures.[67] At issue is whether or not the proposal to grant equal opportunities and free broadcast time to federal office candidates who are either the targets of negative advertisements or who are candidates whose opponents are the beneficiaries of such advertisements, is constitutional under the First Amendment.

In the area of broadcasting, unlike other areas of the First Amendment involving the rights of speech, expression, and association, the Supreme Court in a series of cases has allowed for certain types of equalization and fairness due to the scarcity of television and radio frequencies. In the 1969 *Red Lion Broadcasting Co* v. *FCC* decision, the Supreme Court upheld the fairness doctrine principles and the personal attack rules of the Federal Communications Commission (FCC) and found that they do not violate the First Amendment.[68] Because of the scarity of electronic media frequencies, the Court found that Congress can enact laws to put restraints on broadcast licensees in favor of those whose views should be expressed.[69] It is the free speech rights of viewers and listeners which are paramount and not those of the broadcasters.[70] The fairness doctrine[71] essentially requires a broadcast licensee: (1) to provide coverage of public issues and (2) to present to the listeners and viewers conflicting points of view on such issues.

As an extension of the fairness doctrine, the equal opportunities doctrine (or as it is popularly called the equal-time rule) is concerned with the use of broadcast facilities by candidates for public office. The equal opportunities doctrine as an amendment to the Communications Act of 1934 is stated as follows [47 U.S.C. § 315(a)]:

"If any licensee shall permit any person who is a legally qualified candidate for any public office to use a broadcasting station, he shall afford equal opportunities to all other such candidates for that office in the use of such broadcasting station: *Provided*, That such licensee shall have no power of censorship over the material broadcast under the provisions of this section. No obligation is imposed under this subsection upon any licensee to allow the use of its station by any such candidate. Appearance by a legally qualified candidate on any—

(1) bona fide newscast;

(2) bona fide news interview;

(3) bona fide news documentary (if the appearance of the candidate is incidental to the presentation of the subjects covered by the news documentary); or

(4) on-the-spot coverage of bona fide events (including but not limited to political conventions and activities incidental thereto); shall not be deemed to be use of a broadcasting station within the meaning of this subsection"

Besides the four exceptions relating to certain news-type broadcast programs, the equal opportunities doctrine provides that, if a broadcast licensee permits a legally qualified candidate for public office to use a broadcast station, the licensee shall afford equal opportunities to all other such candidates for that office in the use of that station. In the *Red lion* decision, the Supreme Court recognized that, without the equal opportunities doctrine, a broadcast licensee could ban all campaign appearances by certain candidates and broadcast only the appearance of a candidate favorable to the station.[72]

The equal opportunities requirements provides that a candidate be granted upon request of a broadcast licensee an equal amount of time at the same cost and during an equivalent time period that was afforded to another candidate for the same office. Under the so-called *Zapple* doctrine, the FCC has held that, when a broadcaster has sold time during an election to supporters of a candidate, the broadcaster is also obligated to sell time to the supporters of the opposing candidate.[73] However, in such a situation involving supporters of a candidate, free broadcast time would not have to be provided under this provision of the fairness doctrine as it would have to be when presenting nonpolitical controversial issues since it would be inappropriate to require broadcast licensees in effect to subsidize the campaign of an opposing candidate by providing free response time.[74]

Under the present law, FCC regulations, and federal court decisions, the requirement of equal opportunities in political broadcasting does not require the broadcasters to provide free time to the candidate or to the supporters of a candidate if the candidates cannot pay for the broadcast.[75] Moreover, if a broadcast licensee airs political advertisements of a PAC opposing or supporting a candidate by independent expenditures, the licensee is obligated also only to offer equal opportunities to other candidates and not free time.[76]

The proposal of S. 1806 to grant free broadcast time to candidates under certain circumstances such as those candidates who are targets of negative political advertiments by PACs would not seem to violate the First Amendment rights of broadcast licensees to any greater degree than the Supreme Court has already allowed under the fairness doctrine and equal opportunities doctrine of section 315(a) of the Communications Act of 1934 as upheld in the *Red Lion* decision. The fairness principles and the equal opportunities rationale of the Supreme Court in the *Red Lion* case would seem to be valid reasons for the constitutionality of such proposed legislation providing for free time to candidates under certain circumstances.[77] Such legislation arguably would not be any more intrusive on the First Amendment free speech rights of broadcasters than the fairness and equal opportunities doctrines have been on them, which doctrines the Supreme Court has found to be constitutional against First Amendment challenges in the *Red Lion* case. Because of the scarcity of electronic media frequencies, the Government is permitted to put restraints on broadcast licensees in favor of others whose views should also be expressed; moreover, it is the First Amendment rights of viewers and listeners and not those of the broadcast licensees which are paramount; and it is the purpose of the First Amendment to preserve an uninhibited marketplace of ideas and to prevent a monopolization of the marketplace either by the Government or by a private broadcast licensee.[78]

Some of the purposes of the fairness doctrine are: (1) to require broadcast licensees to provide a balanced coverage of controversial issues[79] and (2) to require broadcast licensees to provide coverage which is fair and accurately reflects opposing viewpoints.[80]

Similarly, the proposal of S. 1806 providing for "equal time" when candidates are subject to political advertising by PACs is an attempt to provide balanced coverage as well as coverage providing for opposing viewpoints. To offset negative political advertising by independent PACs which are often better financed than many campaign committees of candidates, the "equal time" proposal would be a means of: (1) putting a candidate on the same level as an independent committee when a negative political advertisement is aired or when an opposing candidate has the benefit of the political advertisement; (2) providing fairness to the public viewers and the electorate in the presentation of contrasting viewpoints of the candidates; and (3) forcing broadcast licensees to be more responsible is airing independent political advertisements by independent or nonconnected PACs.

However, the free response time of S. 1806 would have to overcome the holding of the FCC in the *Zapple* decision[81] that it would be inappropriate to require broadcasters to provide free response time to candidates since it would have the effect of subsidizing their campaigns. It would seem that the proposed legislation should have a provision that any free response time provided to a candidate who is a target of independent political advertisements by PACs would not be considered a contribution under the FECA. Amendments to the definition section of the FECA relating to the terms "contribution" and "expenditure" should be made in a way so that when broadcast licensees provide free response time, exemptions will be allowed so that the free-time for broadcasting will neither be a contribution nor an expenditure under the FECA.[82] By exempting the free-time proposal by broadcasters from being any possible contribution or expenditure under the FECA would also seem to alleviate any problems that might arise in connection with the ban on corporate contributions or expenditures under the FECA.[83]

Moreover, the free-response time proposal, such as that incorporated in S. 1806, would not seem to affect the First Amendment rights of broadcast licensees any more than as the right of access provision for federal office candidates under section 312(a)(7) of the Communications Act of 1934 which was upheld by the Supreme Court in *CBS, Inc.* v. *FCC*.[84] The Court found that the right of reasonable access by federal candidates did not violate the First Amendment rights of broadcasters by unduly circumscribing their editorial discretion but rather balanced the First Amendment rights of federal office candidates, the public viewers, and the broadcasters.[85] The free-time proposal of S. 1806 in comparison with the right of access provision[86] does not require that free broadcast time be granted to all candidates but only to those candi-

dates who have been targeted by independent political advertisements and paid for by independent expenditures.

Should independent or nonconnected PACs feel restrained from purchasing broadcast media time for fear that such political advertisements would trigger free-response time to candidates when they appear, there would still be other First Amendment outlets for the expression of their political advertisements such as in the print media which would not be subject to the free-time requirement. In *Miami Herald Publishing Co.* v. *Tornillo*,[87] the Supreme Court held that Florida's "right to reply" statute which granted a political candidate the right to equal space in the print media to reply to criticisms and attacks was unconstitutional in that it violated the First Amendment's guarantee of a free press. Thus, the free response time proposal of S. 1806 would only regulate the electronic media and not the print media.

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FOOTNOTES

[1] Other Senators co-sponsoring this legislation included: Senator Barry Goldwater, Senator Gary Hart, Senator Carl Levin, and Senator Nancy Landon Kassebaum.

[2] 131 Cong. Rec. S14094 (daily ed. Oct. 24, 1985).

[3] See generally 131 Cong. Rec. S16678-S16697 (daily ed. Dec. 3, 1985).

[4] 131 Cong. Rec. S16697 (daily ed. Dec. 3, 1985).

[5] See generally S. 1806 (99th Cong. 1st Sess. (1985)) in the Appendix *infra*.

[6] The terms "political action committee" or "PAC" are not found in the Federal Election Campaign Act of 1971, as amended or in the FEC regulations; rather they are referred to in the FECA and FEC regulations as separate segregated funds and also as nonparty multicandidate political committees. See generally 2 U.S.C. §§ 441a, 441b, and 11 CFR §§ 100.5, 110.2, 114.5 (1985).

[7] "Bundling" is a contribution technique which has been allowed by the Federal Election Commission that permits PACs to solicit contributions in a way that suggests that donors make contributions directly to a candidate by writing checks to the candidates and not to the PAC; when the PAC receives the checks written out to the candidate, it then delivers them in large bundles to the candidate.

[8] 424 U.S. 1, 23-38 (1976).

[9] 2 U.S.C. § 441a(a)(2).

[10] 424 U.S. at 25.

[11] *Id.*, 39.

[12] H. Alexander, "Financing Politics, Money, Elections Political Reform," p. 81 (2d CQ Press 1980).

[13] See FEC Press Release, "PAC Numbers Continue to Drop in 1985" Jan. 20, 1986.

[14] See FEC Press Release, Dec. 1, 1985, p. 1:

	1983–84	1981–82	1979–80	1977–78
PAC contributions to all Federal candidates	$113.0	$87.6	$60.2	$35.2
To Senate and House candidates seeking election this cycle [1985–86]	105.3	83.6	55.2	34.1
Receipts	288.7	199.5	137.7	80.0
Disbursements	266.8	190.2	131.2	77.4

Note.—(Figures in millions of dollars) Ibid.

[15] See S. 1806 in Appendix *infra* at pp. 2-4.

[16] H.R. 4970 was offered as an amendment to S. 832 (relating to FEC's authorization), and the aggregate PAC contribution limitation was raised to $70,000 ($85,000 in case of any runoff election). The amended Obey-Railsback proposal was passed by the House in 1979 by a 217-198 vote, but the Senate failed to consider S. 832 as amended with that proposal due to a threatened filibuster. See generally C. Buchanan, *"PAC limitations: Obey-Railsback Plan Stalled In the Senate By Threat of Filibuster,"* Congressional Quarterly, V. 38, No. 1, Jan. 5, 1980 at p. 33.

[17] For examples of similar legislation in the 96th through 98th Congress see, J. Cantor, "Political Action Committees: Their evolution, Growth And Implications For the Political System," Library of Congress, CRS Rep't No. 84-78 Gov., Nov. 6, 1981, updated Apr. 30, 1984 at pp. 202-219.

[18] 424 U.S. 1 (1976).

[19] *Id.*, 25.

[20] *Ibid.*

[21] *Id.*, 28-29. And see, *California Medical Association* v. *Federal Election Commission*, 453 U.S. 182, 196 (1981).

[22] 424 U.S. at 24-28.

[23] According to the Supreme Court in *Buckley* v. *Valeo*, 424 U.S. at 15-23, 39-59 (1976), expenditure limitations were unconstitional in violation of the First Amendment freedoms of speech and association; moreover, the governmental interests in supporting expenditure limitations involve suppressing communication and restricting the voices of people and groups who have money to spend. *Id.*, 18.

[24] *Id.*, 28-29.

[25] R. Birnbaum, *The Constitutionality of the Federal Corrupt Practices Act After First National Bank of Boston* v. *Bellotti*, 28 American University Law Review 149, 153 (1979).

[26] See, *New York Times Co.* v. *United States*, 403 U.S. 713, 714 (1972) (injunction of a classified study); *Freedman* v. *Maryland*, 380 U.S. 51, 58 (1965) (film censorship); and *Near* v. *Minnesota*, 283 U.S. 697, 713 (1931) (prior restraint of publication).

[27] See R. Birnbaum, *supra* at p. 153. And see, *Grayned* v. *City of Rockford*, 408 U.S. 104, 117-119 (1972) (anti-noise statute upheld); *Cox* v. *Louisiana*, 379 U.S. 559, 560-564 (1965) (picketing statute upheld); *Talley* v. *California*, 362 U.S. 60, 64-65 (1960) (struck down a municipal ordinance banning handbills).

[28] 424 U.S. at 16.

[29] 424 U.S. at 16-17, 21.

[30] *Ibid.*

[31] *Id.*, 22-38.

[32] *Id.*, 24-29.

[33] *Id.*, 28.

[34] *Id.*, 25, 28-29.

[35] S. Rothenberg, "Campaign Regulation And Public Policy: PACs, Ideology, And The FEC," The Free Congress Research and Education Foundation, pp. 44-45, 1981.

[36] For the present contribution limitation provisions under the FECA, see 2 U.S.C. § 441a(a)(2)(B) (PACs) and 2 U.S.C. § 441a(a)(1)(A) (individuals). And see S. 1806 at pp. 1-2 in the Appendix *infra* for the proposed amendments to the contribution limitation provisions.

[37] 424 U.S. at 26. See generally, J. Cantor, "Political Action Committees . . ." *supra* at pp. 202-206.

[38] 424 U.S. at 27.

[39] *Id.*, 28.

[40] *Id.*, 29.

[41] It should also be noted that the $5,000 per election contribution limitation for PACs that was enacted in 1974 (Pub. L. No. 93-443, tit. I, sec. 101, 88 stat. 1263 (1974)) has not been adjusted for inflation; consequently, the inflationary factor alone has made the 1974 $5,000 contribution limitation for PACs substantially less in 1986 dollars.

[42] According to the FEC Press Release of Sept. 9, 1985 at p. 1, the following figures reflect independent spending in congressional races:

INDEPENDENT SPENDING IN CONGRESSIONAL RACES

[In millions of dollars]

	1979–80	1981–82	1983–84
Total spent independently congressional races only	$2.3	$5.75	$5.3
Total spent against congressional candidates	$1.4	$4.6	$1.9
Percentage of total spent	61	80	36

[43] See S. 1806 *infra* in the Appendix, Section (c), at p. 5.

[44] "The Boren Bill: Analysis of An Upcoming Senate Vote," Campaign Practices Reports, V. 12, No. 23, Dec. 2, 1985 at pp. 1-2.

[45] This section (2 U.S.C. § 441a(8)) presently reads as follows: (8) For purposes of the limitations imposed by this section, all contributions made by a person, either directly or indirectly, on behalf of a particular candidate, including contributions which are in any way earmarked or otherwise directed through an intermediary or conduit to such candidate, shall be treated as contributions from such person to such candidate. The intermediary or conduit shall report the original source and the intended recipient of such contribution to the Commission and to the intended recipient.

[46] 131 Cong. Rec. S14360 (daily ed. Oct. 29, 1985) (remarks and statement of Sen. Boren on S. 1806).

[47] See 2 U.S.C. §441a(a)(8) and 11 C.F.R. § 110.6 (1985).

[48] See FEC Advisory Opinion No. 1981-57, Jan. 25, 1982.

[49] See FEC Advisory Opinion No. 1981-21, June 4, 1981.

[50] See FEC Advisory Opinion No. 1980-46, June 25, 1980.

[51] 2 U.S.C. § 441a(a)(8).

[52] See generally 424 U.S. at 23-38 (contribution limitations) and 60-84 (disclosure and reporting provisions).

[53] 424 U.S. at 26.

[54] See *California Medical Ass'n* v. *FEC*, 453 U.S. 182, 193-194 (1981).

[55] See S. 1806 in Appendix *infra* at § (c) p. 5.

[56] 2 U.S.C. § 441d.

[57] 365 F. Supp. 1308, 1311-1312 (M.D. Fla. 1973). *Cf.*, *Talley* v. *California*, 362 U.S. 60 (1960).

[58] *Ibid.*

[59] 195 F. Supp. 440, 443 (D. N.D. 1961).

[60] *Ibid.*

[61] *Id.* 443.

[62] *Id.* 444.

[63] *Burroughs and Cannon* v. *United States*, 290 U.S. 534, 545 (1934); *Ex Parte Yarbrough*, 110 U.S. 651 (1884).

[64] 365 F. Supp. at 1312.

[65] 195 F. Supp. at 443.

[66] *Id.*, 444.

[67] See S. 1806, § d, pp. 5-8 *infra*. See also statement of Sen. David L. Boren on introducing S. 1806 131 Cong. Rec. S14360 (daily ed. Oct. 29, 1985).

[68] 395 U.S. 367, 373, 396 (1969).

[69] *Id.*, 390.

[70] *Ibid.*, See also *FCC* v. *Sanders Bros. Radio Station*, 309 U.S. 470, 475 (1940) and *FCC* v. *Allentown Broadcasting Corp.*, 394 U.S. 358, 361-362 (1955).

[71] A 1959 Amendment to section 315 of the Communications Act of 1934 provides in pertinent part: "Nothing in the foregoing sentence shall be construed as relieving broadcasters, in connection with the presentation of newscasts, news interviews, news documentaries, and on-the-spot coverage of news events, from the obligation imposed upon them . . . to operate in the public interest and to afford reasonable opportunity for the discussion of conflicting views on issues of public importance. 47 U.S.C. § 315(a).

[72] 395 U.S. at 378-379.

[73] See *Nicholas Zapple*, 23 F.C.C. 2d 707-708 (1970).

[74] See *Cullman Broadcasting Co.*, 40 F.C.C. 576, 577 (1963).

[75] 23 F.C.C. at 708.

[76] See, for example, *Carter-Mondale Reelection Committee*, 81 F.C.C. 2d 409 (1980). In this case the Carter-Mondale Reelection Committee sought free time on stations which had broadcast advertisements of independent political committees which had opposed their reelection. The FCC denied the complaint holding that section 315(a) of the Communications Act of 1934, as amended, requires only that a broadcast licensee offer an equal opportunity to purchase time at an equivalent cost but not free time.

[77] See S. 1806, §§ 1(e)(f)(g), pp. 6-8, 99th Cong., 1st Sess. (1985) *infra* in Appendix.

[78] *Red Lion Broadcasting Co.* v. *FCC*, 395 U.S. at 390.

[79] *United Broadcasting Co.*, 10 F.C.C. 515 (1945).

[80] *1949 Report On Editorializing By Broadcast Licensees*, 13 F.C.C. 1246 (1949).

[81] *In Re Nicholas Zapple*, 23 F.C.C. 2d 707 (1970).

[82] Section 301 (8)(B) and 301 (9)(B) of the Federal Election Campaign Finance Act relating to the definitions of "contribution" and "expenditure" and exemptions from such terms would have to be amended. See the corresponding provisions in the United States Code 2 U.S.C. § 431(8)(B) and § 431(9)(B).

[83] See 2 U.S.C. § 441b relating to the prohibition of corporate contributions and expenditures.

[84] 453 U.S. 367, 396-397 (1981).

[85] *Id.*, 394-395.

[86] See 47 U.S.C. § 312(a)(7).

[87] 418 U.S. 241, 258 (1974).

S. 1806

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Campaign Finance Reform Act of 1985".

(a) Section 315(a)(1)(A) of the Federal Election Campaign Act of 1971 is amended by striking out "$1,000" and inserting in lieu thereof "$1,500".

(b) Section 315(a)(2) of the Federal Election Campaign Act of 1971 is amended—

(1) by striking out "or" at the end of subparagraph (B);

(2) striking out "$5,000." in subparagraph (C) and inserting in lieu thereof "$3,000;"; and

(3) by adding at the end the following new subparagraphs:

"(D) to any candidate and his authorized political committees with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed $100,000 ($125,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election relating to such general or special election) when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election); or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed $25,000 when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such runoff election; or

"(E) to any candidate and his authorized political committees with respect to—

"(i) a general or special election for the office of Senator (including any primary election, convention, or caucus relating to such general or special election) which exceed the greater of $175,000 ($200,000 if at least two candidates qualify for the ballot in the general or special election involved and at least two candidates qualify for the ballot in a primary election to such general or special election) or the amount equal to $35,000 times the number of Representatives to which the State involved is entitled, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election);

"(ii) a runoff election for the office of Senator which exceed the greater of $25,000 or the amount equal to $12,500 times the number of Representatives to which the State involved is entitled, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such runoff election; or

"(iii) a general or special election for the office of Senator (including any primary election, runoff election, convention, or caucus relating to such general or special election) which exceed $750,000 when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election).".

(c) Section 315(a)(8) of the Federal Election Campaign Act of 1971 is amended—

(1) by striking out "person" the second place it appears and inserting in lieu thereof "person and also the intermediary or conduit".

(d) Section 315(a)(8) of the Federal Election Campaign Act of 1971 is amended—

"(1) by adding at the end of the paragraph the following subparagraph:

"(A) Notwithstanding any other provision of this Act, each multicandidate political committee which makes an independent expenditure in a Federal election in connection with such candidate's campaign, shall not do so in any newspaper, magazine, broadcast or other media advertisement without the following notice placed on, or within such advertisement: "This message has been authorized and paid for by (name of committee/or any affiliated organization of the committee), (name/title of treasurer and/or president). Its cost of presentation is not subject to any campaign contribution limits."

(e) Section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) by inserting immediately after subsection (a) the following:

"(b)(1) If any licensee permits a person to utilize a broadcasting station to broadcast material which either endorses a legally qualified candidate for any Federal elective office or opposes a legally qualified candidate for that office, such licensee shall, within a reasonable period of time, provide to any legally qualified candidate opposing the candidate endorsed (or to an authorized committee of such legally qualified candidate), or to any legally qualified candidate who was so opposed (or to an authorized committee of such legally qualified candidate), the opportunity to utilize, without charge, the same amount of time on such broadcasting station, during the same period of the day, as was utilized by such person.

"(2) For purposes of this subsection, the term 'person' includes an individual, partnership, committee, association, corporation, or any other organization or group of persons, but such term does not include a legally qualified candidate for any Federal elective office or an authorized committee of any such candidate.".

(f) Section 315(a) of the Communications Act of 1934 (47 U.S.C. 315(a)) is amended by striking "section" and inserting in lieu thereof "subsection".

(g) Section 315(e) of the Communications Act of 1934, as so redesignated by subsection (a) of this section, is amended to read as follows:

"(e) For purposes of this section—

"(1) the term 'authorized committee' means, with respect to any candidate for nomination for election, or election, to any Federal elective office, any committee, club, association, or other group of persons which receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding $1,000 and which is authorized by such candidate to accept contributions or make expenditures on behalf of such candidate to further the nomination or election of such candidate;

"(2) the term 'broadcasting station' includes a community antenna television system; and

"(3) the term 'license' and 'station licensee' when used with respect to a community antenna system means the operator of such system.".

(h) Section 301(17) of the Federal Election Campaign Act of 1971 is amended to read as follows:

"(17) The term 'independent expenditure' means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate, or any authorized committee or agent of such candidate.

"(A) For purposes of this subsection, 'cooperation or consultation with any candidate' with respect to an election cycle means, but is not limited to the following—

"(i) the person making the independent expenditure communicates with, advises, or counsels the candidate at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office;

"(ii) the person making the independent expenditure includes as one of its officers, directors, or other employees an individual who communicated with, advised or counseled the candidate at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office; and

"(iii) the person making the independent expenditure retains the professional services of any individual or other person also providing those services to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any services relating to the candidate's decision to seek Federal office.".

(i) If any provision of this Act or the application of it to any person or circumstance is held invalid, the remainder of the Act and the application of the provision to any other person or circumstance shall not be affected by such invalidation.

(j) The amendments made by such sections (a) through (i) of this section shall apply with respect to general, special, and runoff election occurring after December 31, 1986.

AMENDMENT NO. 2690

(Purpose: To amend the Federal Election Campaign Act of 1971, to prohibit PAC contributions to national parties, require disclosure of soft money, and for other purposes)

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized for the purpose of offering an amendment.

Mr. BOSCHWITZ. Mr. President, I have an amendment at the desk, and I ask that it be stated at this time.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Minnesota [Mr. BOSCHWITZ] (for himself, Mr. DIXON, Mr. COCHRAN, Mr. HEINZ, and Mrs. KASSEBAUM) proposes an amendment numbered 2690.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following new section:

SEC. . (a) Section 315(a)(2)(B) of the Federal Election Campaign Act of 1971 is amended by striking out all after "party" and inserting in lieu thereof a semicolon.

(b) Section 304(b) of the Federal Campaign Act of 1971 is amended—

(1) in paragraph (2)—

(A) by striking out "and" after the semicolon in subparagraph (J);

(B) by inserting "and" after the semicolon at the end of subparagraph (K); and

(C) by adding at the end thereof the following:

"(L) for a national committee of a national party, all funds received, from any source, for purposes other than to influence a Federal election, except funds received in accordance with section 301(8)(B)(viii);";

(2) in paragraph (3)—

(A) by striking out "and" after the semicolon in subparagraph (F);

(B) by inserting "and" after the semicolon at the end of subparagraph (G); and

(C) by adding at the end thereof the following:

"(H) for a national committee of a political party, person or organization providing funds reportable under subsection (b)(2)(L) of this section;"; and

(3) in paragraph (4)—

(A) by striking out "and" after the semicolon in subparagraph (H)(v);

(B) by inserting "and" after the semicolon at the end of subparagraph (I); and

(C) by adding at the end thereof the following:

"(J) for a national committee of a political party, all disbursements from funds reportable under subsection (b)(2)(L) of this section;".

(c)(1) Notwithstanding any other provision of law, section 315 of the Communication Act of 1934 (47 U.S.C. 315), as amended by this Act, is amended—

(A) by striking out subsection (b), as added by this Act; and

(B) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(2) Section 315(a) of the Communication Act of 1934 (47 U.S.C. 315(a)), as amended by this Act, is amended by striking out "subsection" and inserting in lieu thereof "section".

(3) Section 315(c) of the Communication Act of 1934 (47 U.S.C. 315(c)), as redesignated by subsection (a), is amended to read as follows:

"(c) For purposes of this section—

"(1) the term 'broadcast station' includes a community antenna television system; and

"(2) the term 'license' and 'station license' when used with respect to a community antenna television system means the operator of such system.".

The PRESIDING OFFICER. Under the previous order, the time is limited to 1 hour. The Senator from Minnesota is recognized for 30 minutes. The Senator from Oklahoma will be recognized for 30 minutes.

Who yields time?

Mr. BOSCHWITZ. Mr. President, the amendment is offered on my behalf and is cosponsored by Senators DIXON, COCHRAN, HEINZ, and KASSEBAUM.

I yield 3 minutes to the senior Senator from New Mexico.

Mr. DOMENICI. I thank the Senator from Minnesota.

Mr. President, I rise implicitly in support of the Boschwitz amendment, but I would like to address the vote which just occurred, since I voted "No." I would like to explain to the Senate why I did.

First, I have the greatest respect for the distinguished Senator from Oklahoma. I am convinced that very few Senators who voted "aye" on the Boren amendment voted "aye" with the hope, wish, expectation, and commitment to its adoption. Most Senators voted for it knowing that it would not solve the problem. Nonetheless, they voted for it.

So, in a sense, many voted to be on record for some kind of reform. But at the same time, they were hoping against hope that it would not be adopted. Obviously, the Senator from New Mexico chose not to put himself on record, in a broad sense, for anything labeled campaign reform with the idea that maybe that measure, if I voted for it, will never become law.

I do not like to vote that way, so I did not. But I have no reluctance in telling the Senate—and some can refute me—that there are not 51 U.S. Senators who would vote for the Boren amendment if they thought it was going to become law, because, as a matter of fact, it will not cure anything. Let me give a couple of examples.

Most small States would have a PAC limitation of $175,000, but nowhere in this legislation would an opponent who has the ability to spend his own money or the ability to borrow money in his own name and put it in the campaign—nowhere in that amendment is there any limitation on that. Is that not great campaign reform—to say that a Senator who is going to run and who does not have any money is limited to $175,000 of PAC money, but his opponent can borrow $3 million.

What a joke it is! He can also borrow the $3 million, get elected, and then after he is elected, quietly get PAC money to pay off his debt, and there is nothing in that amendment that changes that.

If you happen to be a Senator that an independent group would like to run against, be it on the conservative side or some group on the liberal side, they can come to your State and spend $1 million, $2 million, $3 million, or $5 million.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI. I ask for 2 additional minutes.

Mr. BOSCHWITZ. I yield the Senator 2 additional minutes.

Mr. DOMENICI. Independent expenditure campaigns can come into your State and spend all that money, and under this amendment, you can go to the television stations and media and demand equal time to run your ads. That is no protection at all. The equal time provision will be in court in 5 minutes, and the consensus is that it will be thrown out by the courts as being unconstitutional.

Mr. President, I voted "no" because I thought the real subject was, "Do you want that bill to become law?" I said, "No." "Yes" to campaign reform, but "no" to "campaign reform," in quotation marks, that does not get at the heart of the problem.

We have to solve the problem I have just discussed before we start putting limits on Senators and U.S. Representatives going to PAC's for their money, or to individuals, and we are even limited on the individuals' contributions. That is not changed substantially—a little, but not much.

So if you have a wealthy person—and there are plenty of them in this body, I regret to say, without naming names, who were elected spending $1 million, $2 million, $3 million, $10 million, $12 million of their own money. Here we have campaign reform that says that is OK, but the other fellow running against him cannot use this dirty PAC money, and he can get $1,500 from each individual.

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We need real reform, not that.

So, if one wants to vote "aye" saying "I am for reform but I am not sure what it ought to be," and I am sure we have to do a lot more than the Boren amendment, then that is a very, very good vote. But if one voted "no" because he is literally saying that will not work, I think this is a very legitimate vote, too, and I believe the compelling majority of Senators would vote that way on those premises stated.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I say to my friend from New Mexico that he will find the unanimous-consent agreement does not allow us to offer additional amendments. We will file for the record a series of amendments that will cover the things he spoke about.

With respect to candidates who are willing to spend millions of dollars of their own money, an amendment that the senior Senator from Washington, Senator GORTON, has outlined, will be filed.

So a whole series of amendments will be filed dealing with campaign reform.

Finally, I would say to my friend from New Mexico that an amendment will be filed suggesting that a commission be appointed, not for the purpose of delay, not for the purpose of sandbagging campaign reform, but on the basis that it is very difficult on the floor of the U.S. Senate or the House for Members to either deal with their own salary or deal with how their campaign is financed.

Mr. DOMENICI. I thank the Senator for explaining that.

Let me suggest, however, I have seen the amendments that will allegedly cure the disproportionate contributions that are made to one's campaign by those who can afford it and I am convinced you cannot fix that.

Mr. BOSCHWITZ. As the Senator knows, constitutionally you cannot limit what an individual spends on his own campaign.

Does the majority leader seek recognition on this subject?

Mr. DOLE. Could I ask 5 minutes on the amendment?

Mr. BOSCHWITZ. I say to the majority leader when he asks for 5 minutes, of course he can have 5 minutes. We only have a half hour. I have a request for 10 minutes and 5 minutes from others. Certainly 5 minutes is as much as possible.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 minutes.

Mr. DOLE. Mr. President, first I commend both Senators, the Senator from Oklahoma, Senator BOREN, the Senator from Minnesota, Senator BOSCHWITZ.

What I would like to do, rather than to point fingers at each other and at different groups, is to indicate right up front that we need to reform the system.

We can take a look at this morning's Washington Post and point our finger at the Democrats on soft money. Or we can take a look at those who receive PAC contributions—this Senator being one of them—and say we can find almost any area of campaign financing that needs to be looked at so we could figure out some good way to make some changes.

How are we going to do that? In fact, I was not certain whether I was going to vote yes or no. I voted "no" because of the equal time provision when it comes to independent expenditures.

I do not quarrel with the thrust of Senator BOREN'S amendment and I do not quarrel with the thrust of Senator BOSCHWITZ' amendment. I think they are probably both good amendments.

But I think we also have to be realistic. I am not certain we are going to do anything on campaign financing this session of Congress. I am not certain if we pass this bill anything would happen on the House side. In fact, I mentioned this possibility to the Speaker in my visit last week. It's not that he does not want reform; he does not see how we could get to it this year. Nonetheless, we are debating it and we have kept our word to the distinguished Senator from Oklahoma. We are voting.

We may be able to get back to it in October—I am not certain—or September. Hopefully not October, but September.

But I think when all is said and done, what we ought to be looking at is some way for us to address this on a bipartisan, nonpartisan basis. This should not just be Members of Congress, Senators and House Members, but also the leaders of our parties, those involved in other levels of campaign financing. And I am suggesting and will suggest at some appropriate time, I hope before we leave this session of Congress, that we have a commission. We should be the commission. We are the Congress.

We have had commissions that have worked in the last few years. The Social Security Commission did an outstanding job. What they recommended was embraced by both political parties.

Campaign financing is another area that I believe needs to have some bipartisan, nonpartisan hearing. And I would hope that if we can agree on anything else before the year is out, we might agree that we ought to really go after what we consider to be problems in the financial area.

When I first ran for Congress, I spent the total sum of $19,000. Now we are told if we are running in a State the size of Kansas, we ought to raise $3 million. Admittedly, it was only one district and it was 1960 compared to 1986, but that is extremely large growth.

I heard the Senator from Oklahoma indicate this morning how campaign expenditures have risen—much of it going directly to the media—the very people who criticize us for campaign spending. I do not say it goes to those who write the stories or report the stories on radio and television. But most of our money goes to their concerns, whether it is a TV station, a radio station, a newspaper. I do not know what percent—60 to 70 percent—but that is where the money goes.

So I suggest we are conduits. We collect it and give it to someone else.

They are concerned about buying influence and access and a lot of other things that I am not certain we are ever going to address in Congress. We have not addressed them in the past.

I do believe there is a climate for reform. I would hope that whatever happens on the Boschwitz amendment, and I hope it is going to be approved, that in the final analysis we can sit down together, Republicans and Democrats, to take a look at what we might be doing in the next 2 or 3 or 4 months by establishing a blue ribbon commission to study election law reform.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I ask that I be yielded 8 minutes.

The PRESIDING OFFICER. How many minutes?

Mr. HEINZ. Eight minutes. I hope not to take all of that.

Mr. BOSCHWITZ. I yield 8 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator is recognized for 8 minutes.

Mr. HEINZ. Mr. President, I rise in support of the amendment of the Senator from Minnesota and just want to note that earlier I voted against the Boren amendment after having said that there are some good things and some bad things in the Boren amendment.

The two worst things and the reason I voted against the Boren amendment were because of the counterproductive effects of the cap, the aggregate giving caps on PAC contributions which would have a most unusual effect, particularly on House Members as well as Senate Members.

I spoke to that a minute ago and inserted an editorial from the largest paper in our State on that point.

Second, the broadcast provisions which are contained in the Boren amendment are unconstitutional in my judgment and should not be a part of any effort at campaign reform.

Mr. President, I associate myself with the Boschwitz-Heinz amendment as a cosponsor, because I have proposed to the Senator from Minnesota a number of the provisions that he has seen fit to retain in the amendment. The reason I believe that this amendment is important is it sets us on the road to correcting some of the flaws in the Boren amendment. The Boschwitz-Heinz amendment contains three very important reforms.

First among those is to strike what I believe to be the unconstitutional broadcasting and independent expenditure provisions. Many have objected to the proliferation of negative advertising, the use of people's perfect right under the first amendment to attack without accountability candidates of one party or another. The Constitution does not allow us to clamp down on freedom of speech in a way that could have the effect of chilling the ability and the desire of news media organizations to properly cover political campaigns and the events that take place in them.

A second provision of the Boschwitz-Heinz amendment is to require the reporting of soft money.

Mr. President, people will probably ask, "Well, what is soft 'money'?" Soft money is money that is legally collected by party committees from a variety of sources—labor, corporate, trade associations, wealthy individuals, and others—that can be collected and be spent for a variety of purposes but none of those purposes include the direct furtherance of a political candidate's reelection effort in a campaign.

Soft money has become an enormous proposition for our parties. What is wrong with soft money is that Federal election law does not require its disclosure and as a result nobody can be sure who the major supporters of our political parties are.

□ 1050

It seems to me that that is fundamentally inconsistent with everything we believe about disclosure under the campaign finance laws, and that the American people have a right, notwithstanding those laws, to know whether there is anybody contributing $20,000, $50,000, $100,000, $500,000. The sky is the limit with soft money. The American people have the right to know if anybody is trying to buy a piece of either the Republican or Democratic Party or its official campaign committees. I ask unanimous consent that a Washington Post editorial of soft money appear in the RECORD at the conclusion of my remarks. [See exhibit 1.]

I think we ought to be much troubled, Mr. President, by the article that appeared in the Washington Post this morning entitled "Firms, Lobbies Provide Much of Democrats' Funds." I will not go into it in detail, because I do not want to make it sound like this is a partisan issue.

Frankly, the Republican National Committee takes soft money and does not report it either. I do not think that is right.

But today it is the Democrats who have gotten themselves on the griddle. And it is a hot one indeed, because the article points out that fully 28 percent, between one-quarter and one-third, of all the money collected by the Democratic National Committee is soft money. It is not reported. Nobody knows who is putting up how much of that money. And, in addition to that, some 18 percent of its money comes from inside the beltway.

By the way, that is largely political action committee money. And that leads to my third and last point.

Why should we ban, as this amendment proposes to do, political action committees from giving to party committees? Is there something wrong with political action committees that they should not be able to give to the party committees? Not in this Senator's view. Mr. President, that is not the reason.

The reason, at least insofar as this Senator is concerned, that we have party committees and we have political action committees—and nobody is proposing to ban the latter—and they serve different purposes. People know there are Republican and Democratic committees, whether they are congressional, senatorial, or national. I am reminded daily, as chairman of the Senate Campaign Committee on the Republican side, how much direct mail they get from all of us. There is no doubt that they know there are Republican methods of giving their money and that there are Democratic alternatives to that.

The role political action committees play—and they are not all single issue committees, as some would have us believe—is that they would allow people to participate in the political process beyond the borders of their own State or beyond the confines of their own party. A partial list of all the political action committees includes such rather broad interests, at least to my mind, as the Human Rights Campaign Fund, the Women's Campaign Fund, the American Security Council, the Council for a Livable World, Veterans of Foreign Wars PAC, the League of Conservation PAC, the Delaware Valley Political Action Committee, the Kids PAC; on the left, the Americans for Democratic Action, the National Committee for Effective Congress; PAC's on the right, the Free Congress PAC; a Proliferation of Leadership PAC; there is even a Red Lobster Restaurant PAC. Talk about variety. When it comes to the political action committees, we indeed have that, Mr. President.

And it is that kind of variety that we intended and that should be permitted to continue to express itself. There is simply no need to permit political action committees to give to parties. And I think that the amendment that we have crafted, therefore, makes sense and would substantially improve the Boren amendment.

EXHIBIT 1

MORE ON SOFT MONEY

The latest episode in the fight to close the "soft money" loophole is the lawsuit filed in federal court the other day by Common Cause against the Federal Election Commission. "Soft money" is a contribution illegal under federal law but allowed by state law: examples include money given by corporations and unions and individual contributions over the federal limit of $1,000 per candidate. Fund-raisers for both Democrats and Republicans have admitted that they have been raising millions in soft money out of their national headquarters and disbursing the money to states where it's legal. But this money, though centrally raised and centrally disbursed, is not centrally reported.

That violates the first principle of the federal campaign finance laws: the flow of money in politics should be disclosed. Big contributors, corporations and unions can now give the national parties contributions of $100,000 or even $1 million and get credit for it with the politicans—and leave the public in the dark. Dribbles of the money may be disclosed in some state capitals. But that's not an effective substitute for federal disclosure.

Yet a 4-to-2 majority on the Federal Election Commission, after delaying for more than a year in responding to a Common Cause complaint, rejected even the modest changes in current regulations recommended by the agency's own general counsel. The commission refused to recognize that there is a problem, and airily dismissed the admissions of the national party's own custodians of soft money as anecdotal evidence. That is the decision Common Cause is now challenging in court. We leave to others the technical question of whether the court can review the FEC decision. The FEC, in our view, should take a second look at soft money and reverse its earlier decision.

Congress can also do something about the soft money loophole. A demand for revising the campaign finance laws has been percolating. If Congress actually does something about them, it ought to remember one very simple thing about soft money. Funds that are centrally collected and centrally disbursed should be centrally disclosed.

The PRESIDING OFFICER. The Senator's time has expired.

Who seeks recognition?

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. First of all, I want to thank my colleagues for going on record in a very, very important vote just a few moments ago on the amendment which I offered, along with Senator GOLDWATER, and others.

As I said in my closing remarks, it has now been some 10 years since the Senate has had an opportunity to express itself on the need to reform the way that campaigns are financed. And with the millions of dollars now pouring in to campaigns and the distortion caused by money in the political process, it is certainly time that we took that action.

Senator BIDEN was delayed on the train coming in. He, of course, was a cosponsor. Had he been here, the vote would have been 70 to 30. I point that out, Mr. President, because clearly we have the votes expressed on behalf of that amendment to end a filibuster and to invoke cloture.

This is a clear expression on the part of the Members of the Senate that we want to move forward on campaign reform. I hope that those who voted with us would want us to press ahead. I hope that no pressures will be brought to bear now on the majority leader, so that those that want to kill campaign reform for this session will try to do so by hiding behind the skirts of the majority leader and bringing pressure to bear on him not to return to this issue later in September.

The Senator from Minnesota has indicated he has other amendments, refining amendments, other than the

one he has offered today to the amendment that passed. He hopes to have an opportunity to offer those in the future.

I see the distinguished Senator from Maine on the floor. I know that he and the Senator from Illinois and the Senator from Maryland have an amendment they hope to offer when we return to it. The Senator from Arkansas has an amendment that he hopes to offer.

The important thing is that we have taken a first step; a major step, not a minor step. We have voted to squeeze out of the political process some $50 million that has been going into the campaign coffers and indirectly driving up the costs of campaigns in this country. We have moved to take action to end the sole dominance of the special interest groups in terms of the financing of campaigns, where we have over one-third of the Members of Congress receiving over half their contributions from that source rather than from the people back home. So it is an important first step.

This Senator intends to do all that he can—based upon this clear expression, clear expression from 70 Members of the U.S. Senate that we want to move forward along these lines—to make sure we return to it after the recess.

Let me say, Mr. President, we have seen in the offering of the Boschwitz amendment—and I say this in all good humor—what I believe is an amazing, amazing change of heart. I can hardly believe my own ears when I hear the Senator from Minnesota, who has been on the floor extolling the virtues of PAC's saying how good they are, how they have been involving people in the political process, to now witness this conversion. I must say I am very, very happy. I have been worrying about my good friend. He and I have been together on so many issues on the floor, on agricultural proposals, on budget proposals and many others.

Mr. BOSCHWITZ. Will the Senator yield?

Mr. BOREN. I will in just a minute.

I have been worrying about him, in all sincerity, about how he could be so misled on this issue. And I am pleased that, between the last vote and this vote, something has happened. He has had a conversion, an experience of some kind, because he just voted a minute ago—when we were trying to put limits on political action committees giving directly to individual candidates, where it is very, very clear that there is no intermediary, that the candidate knows that political action committee that has rated him or her only on that series of a few votes, these three or four votes on that particular economic interest, that they found that candidate deserving because they voted 75 or 80 or 90 percent of the time with that economic interest, and so they give that campaign contribution directly to that candidate.

And $104 million went through that channel in the last election process. It is up 53 percent just since 1984.

And the Senator from Minnesota said, during the debate, that that was fine. He did not think he ought to vote to put limits, aggregate limits or individual limits being restricted on the amounts that PAC's could give to candidates, where the candidates get the clear message of where the money is coming from.

But now, in the intervening few minutes, there has been a conversion. And it warms my heart to see that conversion. He now says that the PAC's are so evil that we should not let them give a single dollar to a political party—a political party where it is not too clear where the PAC comes from, where the party gives it all to the candidates. At least it is not quite as obvious that some of that money came from a PAC as it is when the PAC directly gives the money to the candidate so the candidate is bound to know where the special interest money is coming from.

□ 1100

You know, I am glad to see my friend converted to this way of thinking. I am glad to see between the last vote and this vote that he now sees some evil. I am glad to see my friend now sees some evil in the special interest financing. But you know, as high regard as I have for him, I must confess and perhaps it is wrong of me to think this, that I have a sneaking little suspicion planted somewhere in the back of my head that his motivation, his change of heart might not really be because he sees evil of special interest financing.

(Mr. HATFIELD assumed the chair.)

It might be because he sees that as far as individuals are concerned, that incumbents have the advantage, and that advantage goes to Republican incumbents or the majority of the Senate. But when it comes to parties, he has discovered, as he said was reflected in some recent studies, that PAC contributions favor a little bit more the party on this side of the aisle at this moment in time than they do the other party. The other party just simply counsels the PAC's to give the money directly to the candidates instead of giving to the party committee.

So I suppose, Mr. President, that I should welcome 11th hour conversions, conversions between rollcalls. I am glad my friend from Minnesota has not stopped thinking. I am glad that he listened to the arguments this morning. I am glad that he understands the evil of single-issue politics, fragmenting our community on the basis of economic interest because he who opposed us doing anything to shut off the $104 million of such money to individuals now comes out riding his shining steed, ready for the battle, Don Quixote, to stop all contributions.

Remember, we were not stopping all PAC contributions but only trying to restore a reasonable balance in terms of contributions to individual candidates. He even goes us one further. Now that he has recognized this evil which he only a few minutes ago was describing as a virtue, goes us one further and has this conversion experience. I am glad of it. I am very happy. I would like before I yield to ask him. I have been reading the amendment. I have been trying to read the fine print of the amendment.

Mr. BOSCHWITZ. Mr. President, will the Senator yield for a question?

Mr. BOREN. I will yield. Then we will resume.

Mr. BOSCHWITZ. The Senator is certainly getting lyrical here this morning on the floor of the Senate. Is he now announcing that he will favor our amendment? Is that correct?

Mr. BOREN. The Senator still is trying to determine what is in the amendment.

Mr. BOSCHWITZ. I might say to my friend that there is no conversion. This is an improvement. The Senator from Minnesota is quite adept at counting votes. He did not want the amendment of the Senator from Oklahoma to pass without having some reasonable limitation.

Mr. BOREN. Let me ask the Senator from Minnesota.

Mr. BOSCHWITZ. As a result, the Senator from Minnesota has filed this amendment so that the intent of my friend's reform will not be frustrated. I am very pleased to hear that my friend from Oklahoma is becoming so lyrical—although I would advise him not to become too lyrical in his remarks—is indeed going to support our amendment. It has been filed for several days. He has been familiar with its contents. I am surprised to hear him now say he has to study it still.

Mr. BOREN. Let me say to my friend from Minnesota that I am inspired when I see him taking this position to become lyrical. I hope he is not offended by that. As I mentioned it warms my heart. I ask him does he see the merit in the argument I was making earlier that it is not healthy for the political process to have $104 million pumped in to individuals and it is not healthy to have so much of the money coming from groups that are not rating the Senator from Minnesota or any other Senator on his overall record for service to this country but primarily on how he has voted and a series of small votes, a few votes, a narrow range of votes on the narrow economic interest.

Mr. BOSCHWITZ. In responding to the Senator on his time, Mr. Presi-

dent, I would say that the Senator from Minnesota wants true reform in the political process, and would expect the money coming into the political process will not decline, so that in the event that he limits the amount the PAC's give to a candidate, then indeed the PAC's will engage in independent expenditures instead. That will then be the next series of reforms. The Senator from Oklahoma seems mistaken in his ways on this particular amendment because he will come back to us 3, 4 years from now to change things again. Because to avoid the limits, moneys that cannot be given to candidates will go to the parties instead and then PAC's can go to candidates and say, "I can't give you more than $3,000, but I have given a nice chunk to the party, and I have told them to give you more." That, indeed, will only complicate the problem that both the Senator from Oklahoma and I are seeking to remedy.

Mr. BOREN. Mr. President, I thank my colleague for his comments. I am still not sure whether he is saying that he now sees the danger in allowing so much special interest money to go to individuals. I guess he does because he is so worried it might now flow to the parties. He is so worried that the money will flow there.

Mr. BOSCHWITZ. I ask my friend from Oklahoma, is he going to support my amendment?

Mr. BOREN. I do not yield any further amount of time at this point.

I would like to yield myself 2 minutes of my own time. How much time is remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has 20 minutes remaining.

Mr. BOREN. I thank the Chair.

Mr. President, there are a couple of other matters that give me some concern and perhaps they can be worked out as I hear the Senator from Minnesota describe further from his amendment. As I have been reading the amendment in detail, I find he has an exemption in the proposal which in terms of the disclosure of soft money contributions he exempts from disclosure funds that are given for the building funds of parties.

He says any gift, subscription, loan, advance, deposit money, anything of value to the national or State committee of a political party designed to defray costs of construction or purchases an office facility shall be exempt.

I do not quite understand that. I do not know if one party has an advantage over another in gifts to building funds. But it seems to me strange if we are going to have full disclosure of soft money that we have that exemption. It seems to me we should either have full disclosure or not. I would think we would want to have full disclosure. The Senator from Minnesota also removes a requirement that if a candidate is attacked by a so-called independent committee on television with advertising, that a broadcast station has voluntarily accepted that the free response time will not now be allowed as was allowed under the original amendment.

Mr. President, I have said several times that I cannot speak for other cosponsors of my proposal but I do not think that this proposal as written is absolutely essential. I know the broadcasters have some trouble with it because they feel it is making them the referee in the process. I would have hoped, however, Mr. President, that if this section had been removed—and I certainly expect an effort to remove at some point in the process of debate perhaps later this fall and we will go back to it—that we would have at least put something in its place. Those in the industry have indicated, and they have put out a white paper on the problems of independent expenditures—I yield myself an additional minute, Mr. President—and they have indicated that they are sensitive to the problem.

There has been a white paper circulated through the broadcast media, a study paper pointing out the ethical and moral responsibility which stations should exercise in the airing of negative ads to which the other candidate may not have sufficient funds to respond.

But I would have hoped we would have had some kind of monitoring device, either at the Federal Election Commission or elsewhere, so that if we tried to rely upon voluntary restraint as I think perhaps we can on the part of the industry, we would have at least a monitoring device to have determined the amount of so-called negative independent advertising that was taking place, and being utilized through paid advertising on the airwaves.

So, Mr. President, if the Boschwitz amendment does pass, I would hope to revisit it later this fall with some clarifying amendments, and perhaps when the Senator from Minnesota goes into further explanation he might mention why the building fund is exempt from the soft disclosure.

I reserve the balance of my time.

Mr. BOSCHWITZ. I would say the building fund——

The PRESIDING OFFICER. Does the Senator from Minnesota seek recognition?

Mr. BOSCHWITZ. The Senator from Minnesota seeks recognition.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. I say to my friend from Oklahoma that building funds should not be eliminated from the amendment of the Senator from Minnesota, and that the amendment that has been filed should not exclude such soft money.

I note that the Senator from Oklahoma has not yet answered whether or not he will support the amendment in furtherance of what he has already expressed.

I yield the balance of my time.

□ 1110

Mr. BOREN. Mr. President, I yield myself 30 seconds.

Mr. President, on line 4, page 2, unless the Senator misunderstands, the section referred to would seem to continue to exempt the disclosure of building fund moneys from any disclosure of soft money. It says what shall be reported in soft money, such funds received in accordance with section 301, which I believe refers back in the law to the provision on the building fund.

Mr. BOSCHWITZ. I will give the Senator a copy of the amendment which we have.

Mr. President, I reserve the remainder of my time.

Mr. BOREN. Mr. President, I yield 10 minutes to the distinguished Senator from Maine.

The Senator from Maine is recognized.

Mr. MITCHELL. Mr. President, this debate makes clear one thing: That we need a system of public financing of Senate campaigns in this country. No one could listen to what has occurred here this morning and objectively reach any other conclusion.

We do it in Presidential campaigns voluntarily. Ronald Reagan has twice accepted public financing of his Presidential campaigns, as have Democratic candidates in 1976, 1980, and 1984. If it is good enough for Presidents, I believe it is good enough for Senators.

I supported the Boren amendment because I believe it includes several positive provisions that will improve the campaign finance laws. But I do not regard those changes as substantial; the Boren amendment would not make the fundamental changes that are necessary to correct our system of financing elections for public office.

I have introduced legislation to provide for public financing of general election campaigns for the Senate. My bill provides for a system of partial public financing through matching funds as opposed to the full funding that is contemplated in other public financing amendments.

When Congress writes laws, we always face the fact that our inability to predict the future course of human behavior may mean that well-intentioned laws do not work well in practice. But nowhere is the distance between expectations and outcome more glaring than in the effects of the 1974 campaign finance reform laws.

When the Federal Campaign Act Amendments of 1974 were signed into law in October 1974, President Ford hailed it as "landmark reform legislation" which would restore public trust in the integrity of the political process.

And to the degree that the law prevented the recurrence of the kind of fundraising that so marred the 1972 Presidential elections and contributed to the entire scandal of Watergate, it has succeeded.

Cabinet officers no longer shake down corporate chiefs to obtain campaign funds. Large amounts of cash no longer flow through campaign coffers. No individual contributor can give the enormous sums which so clearly raise the question of an individual's influence over a candidate or officeholder.

The reporting and disclosure provisions of the law have also helped serve the purpose of making it clear who has given money to which candidate. While those provisions could be improved to make that information available in a more timely manner to the public, disclosure has had the healthy effect that openness generally has in the public sphere—it has helped make both candidates and voters recognize that the appearance as well as the reality of improper influence must be condemned.

But to the degree that the act was intended to increase the role of small contributors and average citizens in political campaigns, its goal has not been met.

That is not because ordinary people have no interest in political campaigns. My experience and the experience of virtually all candidates belies such a claim. Americans are interested in public policy and give willingly of their time and energy for candidates they support.

What has helped prevent the emergence of grassroots campaigners as central actors in election campaigns—as I believe they should be—is the result of the Supreme Court's ruling in Buckley versus Valeo.

By holding that the Constitution prohibits any limits on expenditures by candidates, or on expenditures on behalf of candidates by independent organizations or individuals, the Court made certain that the contributions of average voters would be drowned by the immense flood of money that large organizations and wealthy individuals can use to communicate their views.

The Court's decision to preserve the right to unlimited use of funds by candidates who wish to communicate with potential voters has had the troubling result of leaving us with a system where those with more money have broader first amendment freedoms than do others.

One result of that decision has been an explosion of campaign spending that has made the American political system more and more dependent on money.

That is clear from what has occurred since the 1974 legislation was enacted.

In the last election cycle, in 1984, a total of almost $400 million in campaign contributions was made. Contributions to congressional candidates increased almost fivefold from 1974 to 1984. Even after adjusting for inflation, the increase amounted to almost 250 percent.

Over the course of the past decade, it has seemed that each election cycle takes us further into unchartered territory, with exponential increases in the cost of congressional campaigns.

From 1978 to 1980, spending increased 23 percent. Then it increased 43 percent from 1980 to 1982. Spending in the last election was only 9 percent above 1982, primarily because the two largest States did not have Senate elections. Yet, in one State, with a voting age population of 4½ million, $27 million was raised by the two Senate candidates. In another State with a voting age population of 1.4 million, over $13 million was raised.

The effect of this continued increase in spending is to make our political process increasingly dependent on money. We start fundraising earlier, we employ newer techniques and strategies, and we are forced to invest more and more of our time in the effort.

It can be said without fear of contradiction that today, too great a proportion of the available time of Members of Congress is devoted to fundraising and campaigning. And that demand on our time comes, as it must, at the expense of developing policy to guide our Nation.

The overriding problem is the excessive amount of money needed to campaign for Federal office and the distortions this creates when candidates have unequal opportunities to present their case to the public.

As Skelly Wright has written, "political equality is the cornerstone of American democracy," but the "political arena is less likely to serve the public interest and democratic ideals if the agenda and discussion are dominated by those with ample resources."

We are, all of us, personally aware of potentially good candidates who have been deterred from seeking elective office, not because of the personal commitment and effort that such an effort needs, but because of the tremendous burden of fundraising.

The vitality of our political system, its ability to respond to the challenges of a changing world, and its ability to survive the strains of social change—all are based on the premise of an elected legislative body that represents the different streams in our society over time.

When our system loses that flexibility and openness, when Americans of average means are virtually cut out from running for national office, when they are compelled to spend so much of their time seeking funds to make the race, our system loses one of its major strengths and an important source of legitimacy, for it will no longer be a representative system.

Today, both hopeful candidates and elected Members of Congress must spend a disproportionate amount of time dealing with the financial aspects of campaigning. Candidates must do so to mount a respective challenge. Members do so to ensure their reelection.

In 1974, when they passed legislation to provide for public financing of Senate elections, the Rules Committee report remarked that "modern campaigns are increasingly expensive and the necessary fundraising is a great drain on the time and energies of the candidates." If that was the case 10 years ago, it is much more true today.

The time demands on Members of Congress are one thing; far more important is the effect the current campaign financing process has on the electorate and its faith in the system. This is where the most damage has been inflicted.

It is not my intention to impugn the integrity of Congress, to vilify political action committees or suggest that the system is corrupt.

But it would be idle to try to deny that the impression created in the minds of the people by these huge amounts of money raises all those questions. How do we expect Americans to react when individuals spend $6 and $7 million to run for an office whose annual pay is less than $75,000?

The public cannot understand it and, frankly, unless you have been through a campaign personally and know the costs involved, it is very hard to understand.

What is left is the overwhelming impression that those who run for the Congress, who are willing to raise and spend these astronomical amounts of money, are not motivated by a belief in public service or a concern for the public welfare.

And so long as our political process demands the expenditure of these enormous sums of money, every candidate—every incumbent and every challenger—will be forced to overcome this enormous burden of skepticism on the part of the electorate.

Not only do members of the public question the motivations of those who run for electoral office, the enormous resources devoted to electoral campaigns automatically raise the most self-evident questions about the motivations of those who contribute.

Individuals and political action committees who play an active or major role in any campaign can expect to have their motives questioned, their

integrity impugned and their actions subjected to microscopic examination.

Public disclosure and close public examination of the sources of financing for campaigns is healthy. But when obsession over the sources of funds overtakes the discussion of legitimate and competing policy positions, the public interest in electoral campaigns is shortchanged.

Americans care, as they should, who is financing the elections of public officials. But Americans also care about the policies set forth by competing candidates. When so much attention is focused on money and so little focuses on issues, one of the principle purposes of the electoral process itself is subverted.

This situation was created when the Buckley decision which eliminated key elements of the 1974 legislation.

The intent of Congress was not only to ensure full public disclosure of campaign finance sources, and not only to ensure that all contributors were playing on a level playing field. By enacting limits on spending, Congress also intended to make certain that candidates played on a level playing field in the election process itself. The hope was that by ensuring that each candidate could spend no more than the other, the messages of both individuals could be equally amplified, equally well heard, and the election determined on the merits.

That congressional intention was thwarted by the Buckley decision. But an alternative does exist. In its decision, the Supreme Court expressly gave Congress latitude to provide for spending limitations on Presidential campaigns within the context of public financing. And indeed, the Senate version of the 1974 legislation provided for public funding of congressional races.

In the final version of that bill, the public funding mechanism was limited to Presidential campaigns. The Buckley decision thwarted the will of Congress to control spending in congressional races. But there is no reason that the principles of public financing that we have applied to the Presidential campaign process should not be made applicable to the congressional campaign process.

This can be accomplished in a reasonable and rational way. Public financing would remove our dependence on more and more money and restore reason to our election campaigns.

Mr. MITCHELL. Mr. President, I would also like to speak to the amendment offered by the Senator from Minnesota.

I am opposed to that provision in his amendment which would prohibit political action committee contributions to national political parties. I am not opposed to the other provisions of the amendment regarding broadcasting and the reporting of soft money contributions.

No one should be misled into believing that the provision regarding party committees has anything to do with reform of our campaign finance laws. Instead, this is a plainly, openly, cynically partisan attempt to increase an already embarrassingly one-sided advantage in the financing of congressional campaigns. It would do nothing to correct the problems in the current system. Its sole purpose is to give an even greater advantage to the political party which already enjoys an overwhelming advantage.

The Senator from Minnesota proposes to prohibit PAC contributions to political parties on the alleged ground that this is necessary to prevent the Boren amendment limitations from resulting in an increase of PAC money going to the national party committees. But there is no evidence, and none has been offered, that new limitations on contributions to candidates will cause contributions to be diverted to the party committees. And the Senator from Minnesota offers no reasons why such an occurrence would be a negative influence on the campaign finance process.

The cynical nature of this amendment is clear from the fact that the sponsor voted against the Boren amendment which would have limited PAC contributions to individual candidates.

Note also that while the Boren amendment would have reduced PAC contributions to individual candidates by 40 percent, not prohibiting them entirely, this amendment would prohibit entirely PAC contributions to political committees.

If it were, in fact, to be consistent with the Boren amendment it would call for a reduction, not a total prohibition.

Regardless of the reasons offered for this amendment, the partisan purpose behind this proposal is obvious to anyone familiar with the enormous financial imbalance in the American political system.

According to official reports of the Federal Election Commission, for the 1983–84 election cycle, the Republican Senatorial Campaign Committee, raised almost $83 million. In the same period, the Democratic Senatorial Campaign Committee raised just under $9 million. In case anyone thinks they did not hear the figures correctly, I will repeat them: The Republican Senatorial Campaign Committee, $83 million. The Democratic Committee, $9 million.

For the House Campaign Committee in the 1983–84 election cycle, the comparable figures show the Republican Party with $61 million compared to $10 million for the Democratic Party. When the Senate and House Campaign Committee receipts are combined, the Republicans have a $144 million to $19 million edge in money received.

For the Senate campaign committees PAC's accounted for 20 percent of the funds of the Democratic Party but less than one-half of 1 percent of the funds raised by the Republican Party Committee.

Is there any Member of this body, is there any person in this country, who believes that the Senator from Minnesota who heads up a Republican task force that put this amendment together, would be making this proposal today if those figures were reversed; if the Democratic Senate Campaign Committee had a 9-to-1 advantage in campaign funds yet was 40 times less reliant on contributions from political action committees?

Mr. BOSCHWITZ. Mr. President, will the Senator yield?

Mr. MITCHELL. No, I will not yield to the Senator. He has time on his own to make a statement.

To ask the question is to answer it. The answer is clearly no. If those figures were reversed, this amendment would not be offered in the Senate today and every Member of this body knows that to be a fact.

No one should be mistaken about the intent of the amendment of the Senator from Minnesota or the effect it would have on a system already badly in need of change. It would further increase the influence of money on our political system, give the party with an advantage an even greater fundraising advantage.

It is already overwhelming. And it would continue the perversion of our democratic election process.

I want to conclude with what I said at the outset.

What we are debating today, is only tinkering at the margins of the problem. We are not addressing the real problem of the American political system, which is the lack of overall campaign spending limits. In a very unwise, poorly reasoned, poorly written opinion the Supreme Court in 1976 prohibited overall campaign spending limits. That is the law of the land. We must abide by it.

But that opinion leaves open the possibility of voluntary spending limits if connected to public financing.

Mr. President, and Members of the Senate, we must change the system we are now under. We must adopt a system of public financing that gets rid of all of the excesses and the wrongs and the demeaning processes through which candidates and contributors alike must now go.

That is the only change that will really make the difference in the election system that we are operating under.

The changes that are proposed today are marginal, they are peripher-

al. They will have no substantive effect. The only way to effect real change is to put an overall limit on the amount that can be spent. That is the one change that we must ultimately make.

When we revisit this issue, it is my intention to offer an amendment to that effect.

Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD tables which show campaign receipts by the various party committees.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

1983–84 POLITICAL PARTY CONTRIBUTORS

Committee	Total receipts[1]	Party	PAC		Individuals
			Amount	Percent	
Democratic committees	$71,701,685	2,833,243	$4,688,798	6.5	50,099,233
Democratic National Committee Services Corp.	46,626,873	599,610	1,437,963	3	32,194,466
Democratic Senatorial Campaign Committee	8,904,115	1,439,950	1,779,116	20	5,240,840
Democratic Congressional Campaign Committee	10,391,548	793,683	1,471,719	14	6,907,921
Association of Democratic State Chairpersons	5,779,149	0	0	0	5,755,986
Republican committees	246,112,246	6,577,202	1,290,396	.5	229,312,650
Republican National Committee	104,533,518	272,433	668,431	.64	99,877,524
Young Republican National Federation	220,627	0	200	.1	161,862
National Republican Senatorial Committee	81,655,723	3,165,050	378,710	.46	77,007,210
National Republican Congressional Committee	58,304,587	1,955,865	243,055	.42	52,266,054

[1] Total receipts: Includes all contributions received, but excludes transfers from affiliated political party committees.

Total receipts—Democratic and Republican party committees, 1983–84

National Democratic committees:	
Democratic National Committee	$46,626,873
Democratic Senatorial Campaign Committee	8,904,115
Democratic Congressional Campaign Committee	10,391,548
Association of Democratic State Chairpersons	5,779,149
Total	71,701,685
National Republican committees:	
Republican National Committee	104,533,518
Young Republican National Federation	220,627
National Republican Senatorial Committee	82,640,651
National Republican Congressional Committee	61,582,300
Total	248,977,096

Mr. BOSCHWITZ addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BOSCHWITZ. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that following the material just inserted into the RECORD, that an article from this morning's Washington Post be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIRMS, LOBBIES PROVIDE MUCH OF DEMOCRATS' FUNDS

(By Thomas B. Edsall)

The Democratic Party, which has traditionally claimed to represent the working man and woman, depends substantially more than the Republican Party on the contributions of special-interest groups, corporations and on the large donations of rich individuals.

Much of the money the Democrats raise from these sources is "soft money"—direct donations from corporations, lobbying firms and union treasuries, or from persons who have already given the maximum allowed under federal law.

Money from these sources would be illegal if used to promote the candidacy of anyone running for federal office. But the two parties have used a loophole in a 1979 law, designed to encourage the growth of state and local political parties, to raise millions in soft money from corporations, unions and big individual donors.

Raising soft money from corporations and unions, which are not permitted to make direct contributions to political campaigns for federal offices, has been attacked by such reform groups as Common Cause and the Center for Responsive Politics, and by some present and former staff and members of the Federal Election Commission. But the FEC, a politically appointed body, has rejected suggestions that it issue new rules to govern the raising and spending of soft money.

Soft money contributions now account for 28 percent of the annual receipts of the Democratic National Committee (DNC). The Republican National Committee (RNC), by comparison, raises less than 5 percent of its considerably larger budget in soft money.

For the Democratic Senatorial Campaign Committee (DSCC) and the Democratic Congressional Campaign Committee (DCCC), money from political action committees (PACs)—most of which have been set up by trade associations, corporations and unions to influence legislation—now accounts for 27 and 22 percent of reported contributions respectively.

PAC contributions to the two Democratic campaign committees have grown from $271,000 in 1979–80 to $3.3 million in 1983–84, a twelvefold increase.

Today the Senate is scheduled to vote on legislation that would limit PAC contributions to House and Senate campaigns. One proposal to be considered in the Senate woud prohibit PAC contributions to the Republican and Democratic parties and would mandate public disclosure of all soft money contributions.

The three major Democratic committees collect at least 35 percent of their funds from PACs and soft-money contributors; for their Republican counterparts, those sources provide less than 5 percent of total receipts.

All three Democratic Party committees have been able to raise increasing amounts of money from direct mail solicitations, but each receives a far higher percentage of support from PACs and large donors than their GOP counterparts, which raise much more in small contributions from individuals. And in the last 18 months, according to Frank O'Brien, director of direct mail for the DNC, the number of direct mail contributors to the national committee has ceased to grow.

Democratic dependence on special-interest money has had an impact on the substantive positions adopted by the party and its candidates on controversial issues.

In the 1984 presidential campaign, for example, the adamant opposition of real estate developers, a major source of Democratic cash, to the depreciation provisions of tax reform proposals was a significant factor in the decision of officials of Walter F. Mondale's presidential campaign against endorsing tax reform legislation, according to reliable sources within the campaign.

That decision effectively allowed the Reagan administration to gain credit for what had been a Democratic legislative proposal, sponsored by Sen. Bill Bradley (D-N.J.) and Rep. Richard A. Gephardt (D-Mo).

Real estate developers were among the most important fund-raisers and donors to the Mondale effort: Nathan Landow of Bethesda, William Batoff of Philadelphia, Thomas Rosenberg of Chicago, Jess Hay of Dallas, Robert H. Smith of Arlington, Va. "I would say half of the money from our list was from real estate," Landow, who emerged as one of the premier Democratic fund-raisers in 1984, said recently.

In addition, the fund-raising process has prompted key Democratic leaders to take on unusual roles for elected politicians.

The chairman of the DCCC, Rep. Tony Coelho (D-Calif.), for example, sometimes performs the same functions as a lobbyist, providing access to members of the House

for campaign contributions, as an integral part of his drive to raise money for the DCCC. Coelho is now the leading candidate to become House Democratic whip after the 1986 elections.

Coelho, whose DCCC expects to raise $2 million to $3 million in soft money during this election cycle and which has already raised $1.6 million from PACs, also takes pride in acting as a broker, joining contributors who want representation on Capitol Hill with favored lobbyists seeking additional clients.

Coelho argued that the services he provides for campaign contributors are the same as he would give anyone "important to the party, be it contributors or noncontributors." He argued that he has pushed hard to increase donations from PACs and from soft money contributors in order to build a television production facility, a headquarters building and to buy computers.

These expenditures have allowed the DCCC to expand its direct mail operations significantly so that they now produce 48 percent of all funds raised, compared with 12 percent of receipts in 1980, according to a Coelho aide.

Along with its dependence on special interest groups, the Democratic Party raises money from individual contributors who are significantly richer than Republican contributors, according to John C. Green, a political scientist at Furman University in Greenville, S.C., who has conducted extensive surveys to campaign contributors.

Whie givers to both parties are far richer than the national average, Green said his research showed that "more than half the Democratic donors earn more than $100,000 a year and it was only around 43 percent for Republicans. The Republicans reach down lower. The Democrats tend to draw pretty much from national-level big wigs, while the Republicans, in their direct mail campaigns, reached right down into Main Street across the country."

Moreover, according to Green and James L. Guth, a colleague at Furman, their surveys reveal wide divisions among different groups of Democratic donors on basic issues. For example, contributors to trade union PACs are much more enthusiastic about national health insurance than the Democrats' big donors. Indeed, almost as many Democratic donors are hostile to labor unions as favorable to them, Green and Guth have found.

Terry Michael, DNC spokesman, contended that there is no way "to square what is our financial base with our political base."

He pointed out that political contributors—both major givers and those who respond to direct mail appeals—tend overwhelmingly to be upper middle class or affluent, and any substantial effort by the Democratic Party to raise money from "keypunchers or steelworkers" would be futile.

Perhaps the most telling sign of Democratic dependence on special-interest money is reflected in the pattern of major—$500 and more—contributions from individuals reported to the FEC.

During the past year alone, the percentage of large contributions going to the DNC from donors in the Washington area has grown to 19.7 percent of the total, compared with 11 percent from California, 9.7 percent from New York and 6.4 percent from Texas.

This represents more than a doubling of the proportion of Washington-area major contributions, signaling a much stronger presence for the "inside the Beltway" lobbying community in Democratic Party finances. In the 1983-84 election cycle, Washington-area contributors made up 9.1 percent of the major donations from individuals. In that period, California dominated with 20.4 percent, in part because the party chairman, Charles Manatt, was from California, but New York was also much more important, providing 18.1 percent. along with Texas, which supplied 8.3 percent.

In contrast, Washington-area major donations to the Republican National Committee—though greater in dollar terms that the Washington-area donations to the Democrats amounted to 7.3 percent of the GOP total in 1985, the most recent period for which figures are available from the FEC, and to 5.1 percent in 1981-82.

C. Victor Raiser II, DNC finance chairman, said he and Paul G. Kirk Jr., DNC chairman, are making a concerted effort "to develop new sources of support outside the Beltway." Raiser contended that this drive is beginning to pay off, particularly in the South.

Meanwhile, the party is doing well raising soft money from special interests. For the first seven months of this year, a total of 28 percent of the DNC's budget, or $1.6 million out of $5.7 million, came from unreported donations of soft money. The DNC does not disclose the identity of contributors of soft money.

Soft money is illegal if it is spent on behalf of a party's nominees for federal office. How it can legally be spent is a matter of intense debate among the small group of lawyers who follow the election law. It is accepted that corporate and union money can be used for building party headquarters, buying computers and similar capital expenditures not connected to a specific campaign.

Both the DNC and RNC also raise soft money for state and local candidates and for state parties where there are no restrictions on contributions. In 1984, Mondale backers used the DNC to raise $5.3 million in soft money for get-out-the-vote and voter registration programs, much of it channeled to state party organizations. If the cash had gone directly to the Mondale campaign, it would have violated the law.

The DCCC, under the leadership of Coelho, has aggressively sought out soft money support. In this election cycle, according to DCCC officials, the committee will raise $2 million to $3 million in soft money, out of a total budget of $15 million.

In contrast to the DNC, which gives general figures but refuses to identify soft-money donors, the DCCC does list soft money contributors who donate specifically for capital projects. The DCCC also gave a reporter copies of campaign expense reports filed in California, where the committee used soft money to fight Republican efforts to kill the state's redistricting plan.

The names of those DCCC donors provide a glimpse of who is giving the party this soft money. Major contributors include Merchant Sterling Corp., which was chaired by W. Averell Harriman, who died last month, $150,000; International Brotherhood of Painters and Allied Trades, $50,000; Phillips Petroleum, $15,000; Chevron Corp., $10,000; Atlantic Fichfield, $20,000; the Tobacco Institute, $40,000; and the lobbying firm of Camp, Carmouche, Palmer, Barsh and Hunter, whose clients include many major oil companies, $55,000. These contributions are, in most cases; made in addition to individual and PAC contributions reported publicly under federal election law.

Figures provided by the DNC showing general sources of soft money (committee officials declined to identify specific donors) show that over the past five years, corporate money has become far more important than union money.

In 1982, the DNC received a total of $2.92 million of soft money, of which $1.8 million, or 61 percent, came from unions; $909,370, or 31 percent, came from corporations; and $218,519, or 8 percent, came from rich individuals.

So far this year, union contributions to soft money accounts have dropped to just 34 percent of the total, or $542,381 out of $1.56 million; while corporate contributions have grown to 57 percent of the total, and individual contributions remain virtually the same at 9 percent.

In 1984, when the Mondale campaign and the DNC raised $5.3 million in soft money, just under half—$2.37 million, according to campaign documents obtained by The Washington Post—came from labor unions, particularly the Operating Engineers, $225,000; the International Ladies Garment Workers, $150,000; the Sheet Metal Workers, $250,000; the Steelworkers, $303,000; and the United Auto Workers, $372,800.

Mr. BOSCHWITZ. Mr. President, I yield to the Senator from Wisconsin.

Mr. KASTEN. Mr. President, skyrocketing costs of political campaigns combined with the enormous effort needed to raise funds have diverted too much time and energy from Congress' legislative responsibilities. In the last 8 years, the average campaign expenditure in the Senate has gone from $609,100 to over $2.9 million.

That is the average, the average campaign for the Senate now being at roughly $3 million. Something must be done to slow these expenditures down. That is why I have supported and will continue to support campaign finance reform. No one knows the problems better than those of us who are up for reelection this year, those of us who are right now seeking reelection. All of us are spending too much time, I believe, and too much effort in fundraising and not enough time on our legislative responsibilities.

The Boren amendment does not solve all of the problems with the current election process; however, it is an important first step. Much needed reform of campaign financing is long overdue.

While Senator BOREN'S legislation is a step in the right direction, we need to go further in closing the loopholes found in current election law. These supplemental changes not only tighten control of campaign financing, they also impose disclosure requirements on national party committees. Currently, national committees are permitted to receive certain contributions without regard to Federal contribution limits or disclosure requirements. This new disclosure provision is designed to provide both greater responsibility and accountability to the electorate.

Campaign finance reform will lessen the amount of time that congressional candidates must spend in raising money and will help restore public

confidence in the integrity of our democratic process. I am pleased that we are beginning to address these important campaign reform issues. I lend my support to the Boren amendment and also to the important amendments that will follow.

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Mr. BOSCHWITZ. Mr. President, I reserve the remainder of my time.

Mr. BOREN. Mr. President, how much time remains to this Senator.

The PRESIDING OFFICER. The Senator from Oklahoma has 9 minutes and 18 seconds remaining.

Mr. BOREN. Mr. President, I yield 3 minutes to my distinguished colleague from Arkansas, who has been doing some landmark research on a problem that is now ongoing in terms of spending money in the political process and I yield him 3 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 3 minutes.

Mr. PRYOR. I thank my friend from Oklahoma for yielding and I thank my friend from Oklahoma for bringing this issue before the Senate today.

Mr. President, may we have order in the Senate please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. PRYOR. I thank the Chair.

Mr. President, 26 years ago I ran for my first political office, and I will put myself up against anyone in this body if you want to weigh the amount of fried chicken, catfish, hush puppies, apple pie, and whatever that I have consumed on the campaign trail. I love campaigning. However, I do not like campaigning as much today as I used to, because today, Mr. President, rather than going out and asking people in our home States to vote for us, asking them to give us money. The campaign system has been turned upside down by money. Today when we finish raising money for our own races, then—and we want to do it—we try to assist our colleagues by raising them money, and then when that cycle is over we try to assist our respective Democratic and Republican Finance Committees to raise money.

Well, Mr. President, what we are doing is raising money full time to fuel the political process, and it is not getting any better. I do not know whether the Boren amendment or the Boschwitz amendment is going to change this practice. But let me warn, if I might, Mr. President, my colleagues about a growing concern that I and I think a lot of Members of this Senate have.

A few years ago a rules change was accorded on the floor of this Senate to allow something called combo accounts which are now commonly used by one of the political committees involved in this Chamber. I might as well say it. It is the Republican Senate Campaign Committee. With the establishment of that account the Rules Committee and the Ethics Committee said, "Well, we are going to allow just a few dollars each year to go from the Senate Campaign Committee into the office accounts of Members of the Senate so that you can have your picture made with Miss Mississippi or so that you can have your picture made with so and so, whoever it might be and send back home; that is not much of a problem."

Well, maybe that was not a problem in 1977, but, Mr. President, the combo account situation has become atrocious. Today over $1 million each year is now being funneled into the Senate office accounts of our good friends on the other side, a 45-percent increase in the past 2½ years. I say to my friend from Minnesota that at the proper time, not on this bill—we cannot amend this bill—I am going to give the Senate an opportunity to prohibit combo accounts, because it is nothing but an explosion about to happen.

Mr. BOSCHWITZ. Will the Senator yield?

Mr. PRYOR. I yield on the Senator's time, not on mine.

Mr. BOSCHWITZ. The Senator is not suggesting that this is something that is available only on the Republican side; it is available both on the Republican and the Democratic side.

Mr. PRYOR. It is not available on this side because——

Mr. BOSCHWITZ. It is by law available on both sides.

Mr. PRYOR. It may be available if we had any money in our campaign account, Mr. President. You may say this might be a vote between the haves and the have nots. We can call it anything we want. But to infuse and commingle those funds is absolutely wrong. It has gotten out of control, and I am going to give this body an opportunity to stop it.

Finally, Mr. President, when we talk about reform——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PRYOR. Will the Senator yield me 1 additional minute?

Mr. BOREN. I will be happy to yield 1 additional minute.

Mr. PRYOR. Mr. President, we are not really going to get to the basis of reform unless we do something that is very drastic and very dramatic. I would say, Mr. President—some of my colleagues may want to read me out of the Senate for even proposing this—I truly think that we could have meaningful reform if we would only say that Senator PRYOR from Arkansas could not receive any political contributions unless it was from a resident of his State. The Senator from Kansas [Mr. DOLE] could not receive a political contribution unless it was from a resident of Kansas. That would apply to PAC funds and it would apply to individuals. If we would adopt such a concept, we would automatically put a cap on spending in our own State and we would automatically clean up this terrific mess in which we find ourselves and that frankly from which I do not think we can extricate ourselves by dealing with these amendments that we have on the floor today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? Who yields time?

Mr. BOREN. Mr. President, I reserve the remainder of my time. How much time remains to the Senator?

The PRESIDING OFFICER. The Senator from Oklahoma has 4 minutes and 45 seconds. The Senator from Minnesota has 4 minutes and 11 seconds.

Mr. BOSCHWITZ. I reserve the remainder of my time.

The PRESIDING OFFICER. The time will be divided equally between the two managers on a rollcall. The clerk will call the roll.

Mr. BOSCHWITZ. Mr. President, in that case, unless the Senator from Oklahoma wishes to first conclude, I would then——

Mr. BOREN. Mr. President, let me reserve 2 minutes in case the Senator from Maine wishes to make a concluding comment. I will try to determine that, and also the Senator from Minnesota and I have been discussing a modification. I do know if he intends to take some action.

The PRESIDING OFFICER. The Senators are out of order. Who seeks recognition?

Mr. BOSCHWITZ. I seek recognition.

The PRESIDING OFFICER. The Senator from Minnesota is recognized on his time.

Mr. BOSCHWITZ. The Senator from Oklahoma was correct. We had misdrafted the reference to that involved section of the law and I ask unanimous consent that I be allowed to modify the amendment which I have cleared with the Senator from Oklahoma, eliminating lines 3 and 4 on page 4 of the amendment which make reference to section 301(8)(E)(viii).

The PRESIDING OFFICER. Is there objection? If not, the Senator may modify his amendment.

Will the Senator send the modification to the desk.

The amendment, as modified, is as follows:

At the appropriate place, add the following new section:

SEC. . (a) Section 315(a)(2)(B) of the Federal Election Campaign Act of 1971 is amended by striking out all after "party" and inserting in lieu thereof a semicolon.

(b) Section 304(b) of the Federal Election Campaign Act of 1971 is amended—

(1) in paragraph (2)—

(A) by striking out "and" after the semicolon in subparagraph (J);

(B) by inserting "and" after the semicolon at the end of subparagraph (K); and

(C) by adding at the end thereof the following:

"(L) for a national committee of a national party, all funds received, from any source, for purposes other than to influence a Federal election."

(2) in paragraph (3)—

(A) by striking out "and" after the semicolon in subparagraph (F);

(B) by inserting "and" after the semicolon at the end of subparagraph (G); and

(C) by adding at the end thereof the following:

"(H) for a national committee of a political party, person or organization providing funds reportable under subsection (b)(2)(L) of this section;"; and

(3) in paragraph (4)—

(A) by striking out "and" after the semicolon in subparagraph (H)(v);

(B) by inserting "and" after the semicolon at the end of subparagraph (I); and

(C) by adding at the end thereof the following:

"(J) for a national committee of a political party, all disbursements from funds reportable under subsection (b)(2)(L) of this section;".

(c) (1) Notwithstanding any other provision of law, section 315 of the Communication Act of 1934 (47 U.S.C. 315), as amended by this Act, is amended—

(A) by striking out subsection (b), as added by this Act; and

(B) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(2) Section 315(a) of the Communication Act of 1934 (47 U.S.C. 315(a)), as amended by this Act, is amended by striking out "subsection" and inserting in lieu thereof "section".

(3) Section 315(c) of the Communication Act of 1934 (47 U.S.C 315(c)), as redesignated by subsection (a), is amended to read as follows:

"(c) For purposes of this section—

"(1) the term 'broadcast station' includes a community antenna television system; and

"(2) the term 'licensee' and 'station licensee' when used with respect to a community antenna television system mean the operator of such system.".

Mr. BOSCHWITZ. Mr. President, as I mentioned during yesterday's debate, one of my principal objections to the Boren amendment is that it is a very narrow attempt at campaign finance reform when greater reform is needed.

I have submitted one amendment that addresses some additional reform issues. It would require the disclosure of all so-called "soft money" to the national party committees. It would also prohibit PAC contributions to the political parties which would surely result if the Boren proposals were to become law. In addition, it strikes the provision in the Boren amendment requiring broadcasters to give free air time in response to independent expenditures.

The unanimous-consent agreement allows only the consideration of my amendment and the Boren amendment, at this time. However, there are a number of other campaign finance reform proposals that deserve the consideration of the Senate.

We have a number of these proposals in amendment form and at this time I would like to file them and describe them to my colleagues in the Senate.

Mr. President, I send two amendments to the desk on behalf of Senator HEINZ, for himself and me, and ask unanimous consent that they be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT 2702

At the appropriate place, insert the following:

SEC. . (a) Section 315(d)(3)(A) of the Federal Election Campaign Act of 1971 is amended—

(1) in clause (i) by striking out "2 cents" and inserting in lieu thereof "4 cents"; and

(2) in clause (ii) by striking out "$20,000" and inserting in lieu thereof "$40,000".

(b) Section 315(d)(3)(B) of the Federal Election Campaign Act of 1971 is amended by striking out "$10,000" and inserting in lieu thereof "$20,000".

AMENDMENT 2703

At the appropriate place, insert the following:

Section 315(a)(2) of the Federal Election Campaign Act of 1971 is amended—

(1) by inserting in the first line of (a)(2) between "No" and "multicandidate" the following additional language: "non political party."

New additional Section 315(a)(3) the present subsections to be renumbered to read as follows:

(2) No multicandidate political committee of a political party shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000;

(B) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

Section 315(a)(8) of the Federal Election Campaign Act of 1971 is amended—

(1) by striking out "person" the second place it appears and inserting in lieu thereof "person and also the intermediary or conduit other than any committee of a political party."

Mr. BOSCHWITZ. Mr. President, the first Heinz-Boschwitz amendment, which is also being cosponsored by Senator GORTON, would double the so-called "coordinated expenditures" the political parties are allowed to make on behalf of a candidate. It is the parties which are best able to counteract the advantages of special interests and wealthy candidates in political campaigns. Unfortunately, the principal political parties have both suffered serious declines over the past 10 to 15 years. Virtually all political scientists agree that this decline should be reversed.

The Boren bill takes the opposite approach and actually reduces the amount parties can give. The Republican and Democratic National Committees, the House campaign committees and the State parties all face the same reduction as PAC's in their direct giving. The two senatorial committees are not affected.

The second Heinz-Boschwitz amendment would exempt the parties from the provisions of the Boren amendment. Under the Boren amendment, the limits placed on PAC's would also apply to the political parties. The direct contributions parties could make to candidates would be reduced from $5,000 to $3,000 and the individual contributions raised by party committees for its candidates would apply to the party contribution limits. Again, most political scientists agree that the parties should be strengthened, not further weakened. This amendment would exempt the parties from the restrictions the Boren amendment places on PAC's.

Mr. President, I send a third amendment to the desk on behalf of Senator GORTON and ask unanimous consent that it be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT 2704

At the appropriate place, add the following new section:

CONDITIONS FOR ADJUSTING CONTRIBUTION LIMITS

SEC. . (a) Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9)(A) The limitations provided in paragraphs (1)(A) and (2)(A) of this subsection shall be increased by an amount equal to $2.00 for every $1.00 contribution that a candidate, in an election for the office of Senator, or Representative in, or Delegate or Resident Commissioner to, the Congress, makes to his own campaign from his personal funds in excess of $25,000.

"(B) Notwithstanding the provisions of paragraph (A)—

"(i) no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $25,000; and

"(ii) no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $10,000.

"(C) The increase in contribution limitations described in subparagraph (A) shall not apply to persons or multicandidate committees making contributions to any candidate and his authorized committees where such candidate has made contributions to his campaign from his personal funds in excess of $25,000.

"(D) Each candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, shall notify the Commission and each other candidate for the same office within five days after he makes a contribution to his own campaign which makes his total contribution to his own campaign from his personal funds in excess of $25,000.

"(E) The reporting requirement described in subparagraph (D) shall also be in effect

when debts are incurred, by the candidate or his authorized committees, the repayment of which the candidate has reason to believe will require the candidate to make contributions to his campaign from his personal funds in excess of $25,000.

"(F) The increases in contribution limitations described in subparagraph (A) shall be in effect immediately when any candidate in such election first notifies the Commission, either as part of the reports of his authorized committees as required by sections 304(b)(2)(B) and 304(b)(2)(G) or pursuant to subparagraph (D) of this paragraph, that he has made or has incurred a debt which may require him to make a contribution to his campaign which makes his total contribution to his campaign from his personal funds in excess of $25,000.

"(G) If a candidate fails to file a timely declaration pursuant to this paragraph, the increase in contribution limitations described in subparagraph (A) shall take effect immediately upon the determination by the Commission that such candidate has so failed to file a timely declaration.".

(b) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i)(1) The aggregate of the appropriate limitations which apply pursuant to paragraphs (A) and (B) of subsection (d)(3) shall be increased by an amount equal to $2.00 for every $1.00 contribution that a candidate, in an election for the Office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, makes to his own campaign from his personal funds in excess of $25,000.

"(2) The increase in the contribution limitation described in paragraph (1) shall not apply to the national committee of a political party, or the State committee of a political party, including any subordinate committee of a State committee, making contributions to any candidate and his authorized committees, with respect to the election of such candidate, where such candidate has made contributions to his campaign from his personal funds in excess of $25,000.

"(3) Each candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, shall notify the Commission and each other candidate for the same office within five days after he makes a contribution to his own campaign which makes his total contribution to his own campaign from his personal funds in excess of $25,000.

"(4) The reporting requirement described in paragraph (3) shall also be in effect when debts are incurred, by the candidate or his authorized committees, the repayment of which the candidate has reason to believe will require the candidate to make contributions to his campaign in excess of $25,000.

"(5) The increases in contribution limitations described in paragraph (1) shall be in effect immediately when any candidate in such election first notifies the Commission, either as part of the reports of his authorized committees as required by sections 304(b)(2)(B) and 304(b)(2)(G) or pursuant to paragraph (3), that he has made or has incurred a debt which may require him to make a contribution to his campaign which makes his total contribution to his campaign from his personal funds in excess of $25,000.

"(6) If a candidate fails to file a timely declaration pursuant to this subsection, the increase in contribution limitations described to paragraph (1) shall take effect immediately upon the determination by the Commission that such candidate has so failed to file a timely declaration.".

Mr. BOSCHWITZ. Mr. President, this proposal would increase the party and individual limits of contributors to opponents of candidates personally financing their campaigns. For every $1 over $25,000 a candidate loaned, guaranteed or contributed to his or her own campaign, the opponent could raise $2 from the party or individual who had already reached their contribution limits.

This is a very important provision dealing with the issue of candidates spending millions of their own money to run for a House or Senate seat. I agree with what has been said on the floor, on both sides of the aisle, about that.

Mr. President, I send a fourth amendment to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT 2705

On page 1 of the amendment, beginning with line 11, strike out through line 8 on page 9, and insert in lieu thereof the following:

(3) by adding at the end thereof the following new subparagraphs:

"(D) to any candidate and his authorized political committees with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election), an amount equal to 30 percent of the total contributions received by such candidate for that election; or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the total contributions received by such candidate for that election; or

"(E) to any candidate and his authorized political committees with respect to—

"(i) a general or special election for the office of Senator (including any primary election, convention, or caucus relating to such general or special election) which exceed, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election), an amount equal to 30 percent of the total contributions received by such candidate for that election;

"(ii) a runoff election for the office of Senator which exceed, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the total contributions received by such candidate for that election; or

"(iii) a general or special election for the office of Senator (including any primary election, runoff election, convention, or caucus relating to such general or special election) which exceed, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election), an amount equal to 30 percent of the total contributions received by such candidate for that election.".

Mr. BOSCHWITZ. Mr. President, this amendment would establish a percentage cap on PAC receipts, something that has been suggested by Senator RUDMAN in the past.

The sponsors and supporters of the Boren amendment argue that too much "special interest" PAC money threatens the independence of Members of Congress and therefore jeopardizes the basic concept of grassroots democracy. Unfortunately, their response is to establish aggregate dollar limits on how much PAC money can be raised by candidates, depending on the size of the State.

The problem with a dollar limit on PAC receipts is that the result will be an explosion of independent expenditures. Clearly, that would not be a good change since independent expenditures are not controlled by a candidate.

A percentage cap, allowing no more than 30 percent of a candidate's receipts to be raised from PAC's would ensure that a large majority of a candidate's funding would come from individuals or the political parties. This would accomplish the goal of the Boren amendment supporters of lessening the large reliance by so many candidates on political action committees, and in this I agree with the Senator from Oklahoma. But a 30-percent rule, which was first suggested by Senator RUDMAN, is more sensible.

Mr. President, I send a fifth amendment to the desk, on behalf of myself and Senator BENTSEN, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT 2706

At the appropriate place add the following new section:

SEC. . Notwithstanding any other provision of law, or any other provision of this Act, section 315(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended by this Act, is amended by striking out

"$1,500" and inserting in lieu thereof "$1,000".

Mr. BOSCHWITZ. Mr. President, this amendment would retain the $1,000 individual limit. The Boren amendment would increase that limit to $1,500. That would be a clear way to avoid some of the restraints that both the Senator from Oklahoma and I are trying to establish.

Over and over in this debate we have heard that there is too much money in politics. I have also heard many of my colleagues say campaigns are 4 or 5 or 10 times as expensive as they used to be. They say that we have to reduce the cost and the way to do that is to limit what is available, thus their proposal to limit direct PAC contributions.

But while I listened, I kept thinking that these are the same people who have endorsed the idea of letting the wealthy individual contributor increase his contribution by 50 percent. Now that's not going to reduce the amount of money in politics, it's going to increase it. Nor is it going to broaden the base of contributions—new givers are not suddenly going to get involved because the limits have been raised. Obviously if you can afford to give the $2,000 now, you are almost certainly in a position to give $3,000 next year.

This provision in the Boren amendment might be called the heavy hitters relief provision, raising the individual limit to $1,500. So it is important that this amendment also be filed.

Mr. President, I am working on a sixth proposal with the Senator from Kentucky [Mr. FORD] that would prohibit retiring Members of Congress from shifting their campaign treasuries to their personal accounts. Currently, certain Members of Congress are allowed to personally take the funds in their campaign treasuries with them when they retire. For some Members this can amount to as much as $500,000 to $1 million. It is an absolutely egregious provision of current law that allows this to happen. This amendment would prohibit it. I will work with the Senator from Kentucky on this.

Mr. President, I send a seventh amendment to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT 2707

At the appropriate place add the following:

TITLE II—COMMISSION ON CAMPAIGN FINANCING

SHORT TITLE

SEC. 201. This title may be cited as the "Bipartisan Commission on Congressional Campaign Financing Act".

DECLARATION OF POLICY

SEC. 202. It is the policy of the Congress to develop a means of campaign financing which—

(1) promotes the availability of qualified candidates for congressional office,

(2) permits candidates, irrespective of their personal financial resources, the opportunity to communicate effectively with the electorate,

(3) protects the integrity of the legislative process, and

(4) promotes participation of political parties in the electoral process, and

(5) promotes, to the greatest extent possible, public confidence in both the electoral and legislative processes.

ESTABLISHMENT OF COMMISSION

SEC. 203. For the purposes of carrying out the policy set forth in section 202, there is hereby established a commission to be known as the Bipartisan Commission on Congressional Campaign Financing (in this title referred to as the "Commission").

IMPLEMENTATION OF POLICY BY COMMISSION

SEC. 204. (a) In carrying out the policy set forth in section 202, the Commission shall consider and study the Federal laws and regulations and public commentary relating to the financing of the elections of Members of Congress, the financial disclosure requirements made of candidates in such elections, and the effects of such laws and regulations and the practices which they permit or require. Such study and consideration shall give particular attention to the extent, if any, to which current and proposed campaign financing practices and financial disclosure requirements affect the availability of candidates for congressional elections, and to the extent, if any to which such practices and requirements affect the integrity of the legislative process or undermine public confidence in our representative form of Government.

(b) Consistent with the goals set forth in section 2, the Commission shall consider the effects of aspects of congressional campaign financing and candidates' financial disclosure which shall include the following—

(1) increases or decreases in the amount of money which individuals, political parties or political action committees may contribute to a candidate for Congress;

(2) increases, decreases, or the elimination of the Federal income tax credit available to an individual who contributes to a candidate for Congress;

(3) making available free or subsidized broadcasting time to candidates for election to Congress;

(4) the constitutional right of individuals, particularly wealthy individuals, to contribute their own funds without limit to their own congressional campaigns;

(5) the role of independent expenditures, as defined in section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(17)), which are made either by individuals or political action committees;

(6) financial and other assistance given by national banks, corporations, or labor organizations as defined in section 316 of the Federal Election Campaign Act of 1971 to candidates for congressional office;

(7) existing or alternative financial disclosure requirements made of candidates for Congress under provision of the Ethics in Government Act of 1979 or the Federal Election Campaign Act of 1971, including the relationship between such disclosure requirements and the availability of qualified candidates; and

(B) any other measure which the Commission deems appropriate.

(c) On the basis of its consideration and study, the Commission shall make findings and recommendations, including specific proposals for changes in federal laws and regulations, to promote the policy set forth in section 202. The Commission is specifically directed to make very reasonable effort to achieve the broadest possible bipartisan consensus in arriving at such recommendations.

(d) In carrying out its consideration and study, the Commission shall avail itself of relevant information and data gathered by such public and private organizations and individuals as it deems appropriate. The Federal Election Commission, the Clerk of the House of Representatives, and the Secretary of the Senate shall cooperate with the Commission, to the extent allowed by law, in providing whatever statistical and other appropriate and relevant information the commission requests.

ORGANIZATION OF THE COMMISSION

SEC. 205. (a) The Commission shall be composed of ten members as follows:

(1) One Member of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) One Member of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(3) One Member of the Senate appointed by the Majority Leader of the Senate.

(4) One Member of the Senate appointed by the Minority Leader of the Senate.

(5) Four members, one each appointed by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate, chosen from the private sector or academic community.

(6) The Chairman of the Republican National Committee and the Chairman of the Democratic National Committee shall each serve, ex officio, as voting members.

(b)(1) Appointed members of the Commission shall, to the extent possible, be chosen from among persons with a broad knowledge and understanding of the major areas under the Commission's consideration and study, particularly the legislative process and the manner in which congressional campaigns are financed.

(2) One Co-Chairman shall be designated by the Majority Leader of the Senate, and one Co-Chairman shall be designated by the Speaker of the House of Representatives, from among the members of the Commission, and not affiliated with the same political party.

(3) Six members of the Commission shall constitute a quorum, but the Commission may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

(4) Any vacancy in the Commission shall not affect its powers, and shall be filled in the manner in which the original appointment was made.

(5) An individual who is appointed to the Commission in the status of a Member of Congress, and who thereafter ceases to have such status, shall nevertheless continue as a member of the Commission and shall (if he has returned to the private sector except for his membership on the Commission) be treated as an individual appointed from the private sector for purposes of compensation under section 206.

COMPENSATION OF COMMISSION MEMBERS

SEC. 206. (a) The members of the Commission who are Members of Congress shall serve on the Commission without additional compensation. The members of the Commission who are not otherwise full-time employees of the federal government or of a political party shall each be paid at a rate equal to the daily rate of pay for level IV of the Executive Schedule for each day such member is engaged in the actual performance of his or her duties as a member of the Commission.

(b) All members and employees of the Commission shall be reimbursed for travel as authorized by section 5703 of title 5, of the United States Code, subsistence, and other necessary expenses incurred by them in the performance of their duties.

ADMINISTRATIVE PROVISIONS

SEC. 207. (a) Subject to such rules and regulations as may be adopted by the Commission, the Co-chairmen, acting together, shall have the power to—

(1) appoint, terminate, and fix the compensation without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code, or of any other provision of law, relating to the number, classification, and General Schedule rates—

(A) of such personnel as it deems advisable to assist in the performance of its duties, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(B) of an Executive Director for the Commission contingent upon confirmation by the Commission members at an annual rate of compensation not to exceed a rate equal to the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(2) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule.

(b) Service of an individual as a member of the Commission, or of an advisory council or committee under section 8, or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Commission, or of such advisory council or committee, or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(c) The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

ADVISORY COUNCILS AND COMMITTEES

SEC. 208. The Commission may establish, without regard to the Federal Advisory Committee Act, such advisory councils and advisory committees as it may deem appropriate to provide specialized assistance in the performance of the duties vested in the Commission by this title. Members of such advisory councils and committees, while attending meetings of such councils or committees or while otherwise serving at the request of the Commission away from their homes or regular places of business (unless otherwise eligible for travel and subsistence expenses under chapter 57 of title 5, United States Code), may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for individuals in the Government serving without pay.

POWERS OF THE COMMISSION

SEC. 209. (a)(1) The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpoenas may be issued to any person within the jurisdiction of the United States courts, authorized and issued under the signature of either of the Co-chairmen, or any member duly designated by the Commission, and may be served by any person designated by such Co-chairman or member. In the case of the failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the provisions of sections 102 through 104, inclusive, of the Revised Statutes (2 U.S.C. SS 192-194), shall apply to the Commission to the same extent as such provisions apply to Congress. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this title.

(b) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require for the purpose of this title, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish, to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by either Co-chairman.

(c) Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this title, unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services, or personnel available to the Commission and so notifies the Co-chairmen in writing.

(d) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) No officer or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress.

MEETINGS, PUBLIC INVOLVEMENT, REPORTS, EXPIRATION

SEC. 210. (a) The Commission shall first convene within two months after the date of enactment of this title and no later than December 31, 1986, and shall meet from time to time thereafter, as the Co-chairmen deem appropriate.

(b) Consistent with other provisions of this title, the Commission shall structure its operations and activities to assure the appropriate and meaningful involvement of the public in its deliberations. In doing so, the Commission shall consider the desirability of holding public hearings, particularly in locations outside of the District of Columbia, or establishing or utilizing other mechanisms whereby members of the public can readily contribute suggestions for Commission consideration.

(c) The Commission shall from time to time submit to the Congress such reports as it may deem appropriate with respect to its activities under this title. No later than eighteen months, following the date of enactment of this title the Commission shall submit to the Congress its final comprehensive report of its activities including all of its findings and recommendations.

(d) Ninety days after the submission to the Congress of its final report under subsection (c), the Commission shall cease to exist.

PREPARATION FOR THE COMMISSION

SEC. 211. Upon enactment of this title, the Director of the Congressional Research Service and the Chairman of the Federal Election Commission shall begin to prepare briefing papers for the Commission. Such briefing papers shall catalog and synthesize any recent public or private reports, analyses, and recommendations pertinent to the work of the Commission, and shall contain such other information relevant to the work of the Commission. The briefing papers shall be completed and transmitted to the Commission no later than two months after the date of enactment of this title.

DEFINITIONS

SEC. 212. For purposes of this title—

(1) the term "candidate" means an individual who seeks election to the Senate or the House of Representatives of the United States, and for purposes of this paragraph, an individual shall be deemed to seek election—

(A) if such individual has received contributions aggregating in excess of $5,000 or has made expenditures aggregating in excess of $5,000; or

(B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of $5,000 or has made such expenditures aggregating in excess of $5,000;

(2) the term "election" means a general, special, primary or runoff election to the Senate or House of Representatives of the United States; and

(3) the definitions in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) shall apply to this title.

AUTHORIZATION

SEC. 213. There are hereby authorized to be appropriated $1,000,000 to carry out the purposes of this title.

Mr. BOSCHWITZ. Mr. President, this amendment would establish a bipartisan commission to review campaign financing and make recommendations. The commission would be made up of 12 Members appointed by the majority and minority leader, and the Speaker and the House minority leader.

Some may label this as a stall tactic by those who really do not want reform. I do not agree. There are many aspects of campaign financing that need attention, and they should not be considered in a haphazard manner or, in a couple of years, the same people will be leading the charge to fix the problems they created in the 1986 reforms.

In addition, a commission would be much less likely to develop partisan solutions or ones with a proincumbency slant. The amendment of the Senator from Maine has a bipartisan bent to it, and we have tried not to do that. The article in this morning's paper will indicate what we are getting at, rather than something that is partisan. If we really want to level off the playing field, that may be the only way to do it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOSCHWITZ. I ask unanimous consent that I may have an additional 2 minutes.

Mr. BOREN. Mr. President, how much time remains to this side?

The PRESIDING OFFICER. Four minutes and 39 seconds.

Mr. BOREN. In order that Senator HART and Senator BUMPERS may speak, would the Senator modify the request to give 2 additional minutes to each side?

Mr. BOSCHWITZ. To each side.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota is recognized for 2 additional minutes.

Mr. BOSCHWITZ. This proposal for a commission was first suggested by our colleague from New Hampshire, Senator RUDMAN, and this amendment closely mirrors his bill which now has 27 cosponsors. In addition, the majority leader has been extremely interested in this idea. As a matter of fact, this legislation is being considered today in the Senate Governmental Affairs Committee.

There are many other campaign finance reform ideas that have been suggested by various Members of Congress. I have a number of them here as amendments. I will not propose them now but I do ask unanimous consent that copies of them be printed in the RECORD so Senators have the opportunity to study them.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

At the appropriate place, insert the following:

SEC. . Notwithstanding any other provision of this Act, the amendments made by this Act regarding contributions shall apply only to contributions received or made after the date of enactment of this section.

At the appropriate place, insert the following:

SEC. . (a) Section 316(b)(2)(C) of the Federal Election Campaign Act of 1971 is amended by inserting before the period ": *Provided*, That all contributions, gifts, or payments for such activities are made freely and voluntarily, and are unrelated to dues, fees, or other moneys required as a condition of employment".

(b) Section 316(b)(3) of the Federal Election Campaign Act of 1971 is amended by—

(1) striking out "and" at the end of subparagraph (B);

(2) striking out the period at the end of subparagraph (C) and inserting "; and"; and

(3) adding after subparagraph (C) the following:

"(D) to use any fees, dues, or assessments paid to any organization as a condition of employment, or money or anything of value secured by physical force, job discrimination, or financial reprisal for (i) registration or get-out-the-vote campaigns, (ii) campaign materials or partisan political activities used in connection with any boadcasting, direct mail, newspaper, magazine, billboard, telephone banks, or any similar type of political communication or advertising, (iii) establishing, administering, or soliciting contributions to a separate segregated fund, or (iv) any other expenditure in connection with any election to any political office or in connection with any primary election or political convention or caucus held to select candidates for any political office.".

At the appropriate place, insert the following:

SEC. . Section 315(a)(3) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following: "Contributions by individuals to political party committees are not subject to the limitation provided in this paragraph.".

At the appropriate place, insert the following:

SEC. . Section 301(11) of the Federal Election Campaign Act of 1971 is amended by inserting "State," after "individual,".

At the appropriate place, insert the following:

SEC. . Section 301(8)(B)(xii) is amended by—

(1) inserting "national," before "State";

(2) repealing clause (1); and

(3) redesignating clauses (2) and (3) as clauses (1) and (2), respectively.

At the appropriate place, insert the following:

SEC. . Section 301(8)(B)(x) of the Federal Election Campaign Act of 1971 is amended by striking out "nominees" and inserting in lieu thereof "candidates".

At the appropriate place, insert the following:

SEC. . Section 309(a)(3) of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following: "Respondent may also request a closed hearing before the Commission on the General Counsel's recommendations. Such a request will be granted absent extraordinary circumstances. The hearing will be scheduled and held as quickly as is practical.".

At the appropriate place, insert the following:

SEC. . Section 301(4)(C) of the Federal Election Campaign Act of 1971 is amended by—

(1) striking out "$5,000" each place it appears and insert in lieu thereof "$50,000"; and

(2) striking out "$1,000" each place it appears and inserting in lieu thereof "$10,000".

At the appropriate place, insert the following:

SEC. . Section 312(a)(2)(B) of the Federal Election Campaign Act of 1971 is amended by striking out "file," through the end of such subparagraph and inserting in lieu thereof "file with the Secretary of State for the State in which they are organized.".

At the appropriate place, insert the following:

SEC. . Section 322(1) of the Federal Election Campaign Act of 1971 is amended by inserting before the semicolon at the end thereof "or for purposes of raising money; or".

At the appropriate place, insert the following:

SEC. . (a) Section 304(a)(2)(A)(iii) of the Federal Election Campaign Act of 1971 is amended by inserting before the semicolon at the end thereof the following: "or the treasurer shall file monthly reports no later than the 20th day after the last day of each month, except that, in lieu of filing the report otherwise due in November and December, a pre-general election report shall be filed in accordance with paragraph (2)(A)(i), a post-general election report shall be filed in accordance with paragraph (2)(A)(ii), and a yearend report for the period ending December 31 shall be filed no later than January 31 of the following calendar year".

(b) Section 304(a)(2)(B) of such Act is amended by—

(1) striking out the period at the end of clause (ii) and inserting in lieu thereof "; or"; and

(2) adding at the end thereof the following new clause:

"(iii) monthly reports may be filed no later than the 20th day after the last day of each month.".

At the appropriate place, insert the following:

SEC. . Section 321 of the Federal Election Campaign Act of 1971 is amended by striking out all after "or any foreign country" through the end of such section and inserting in lieu thereof "to any political committee which, in the aggregate, exceed $100, and no person shall knowingly accept such a contribution".

At the appropriate place, insert the following:

SEC. . Section 315(d) of the Federal Election Campaign Act of 1971 is amended by—

(1) redesignating paragraph (3) as paragraph (4);

(2) inserting after paragraph (2), the following:

"(3) A local party of a national party may not make any expenditure in connection with the general election campaign of any candidate for President of the United States who is affiliated with such party which exceeds $1,000, provided the local party committee has been in existence for at least two years prior to the expenditure. Any expenditure under this paragraph shall be in addition to any other limit."; and

(3) striking out "and (3)" in paragraph (1) and inserting in lieu thereof ", (3) and (4)".

At the appropriate place, insert the following:

SEC. . Section 315(b)(1)(A) of the Federal Election Campaign Act of 1971 is amended by striking out all after "office" and inserting in lieu thereof "; or".

At the appropriate place, insert the following:

SEC. . Section 9008(e) of the Internal Revenue Code of 1954 is amended by striking out "July 1" and inserting in lieu thereof "January 1".

At the appropriate place, insert the following:

SEC. . Section 311 of the Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following:

"(g) A reimbursement account is hereby established into which fees paid for services such as coping of documents, publications, and computer tapes may be placed. This fund may also be used for depositing costs awarded in litigation (e.g. printing, but not civil penalties) and payments for Commission expenses in responding to Freedom of Information Act requests. The Commission may use such reimbursement to cover these costs without fiscal year limitation, and without a reduction in the Commission appropriation.".

At the appropriate place, insert the following:

SEC. . Section 309(a)(2) of the Federal Election Campaign Act of 1971 is amended by striking out "has reason to believe that" and inserting in lieu thereof "should investigate whether".

At the appropriate place, insert the following:

SEC. . (a) Section 315(c)(1) of the Federal Election Campaign Act of 1971 is amended by striking out "as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor," and inserting in lieu thereof "but no later than February 15th,".

(b) Section 315(e) of such Act is amended by—

(1) striking out "During the first week of January 1975, and every subsequent year," and inserting in lieu thereof "By February 15th of every year,"; and

(2) striking out ", and of each congressional district".

At the appropriate place, insert the following:

SEC. . Subparagraph (D) of section 316(b)(4)(D) of the Federal Election Campaign Act of 1971 is amended by inserting "or cooperative" after "trade association" each place it appears in such paragraph.

At the appropriate place, insert the following:

SEC. . Section 310 of the Federal Election Campaign Act of 1971 is amended in subsection (a) by striking out ", which shall hear the matter sitting en banc".

At the appropriate place, insert the following:

SEC. . Section 301(8)(B)(XIV) is amended by striking out "section 323 of this Act" and inserting in lieu thereof "the Ethics in Government Act of 1978".

At the appropriate place, insert the following:

SEC. . Section 315(c)(1) of the Federal Election Campaign Act of 1971 is amended by striking out "subsection (b) of this section and subsection (d) of this section" and inserting in lieu thereof "subsections (a), (b), and (d) of this section".

At the appropriate place, insert the following:

SEC. . Section 301(8)(B)(v) of the Federal Election Campaign Act of 1971 is amended by striking out ", except" through "advertising" at the end of such clause.

Mr. RUDMAN. Mr. President, will the Senator yield for 10 seconds?

Mr. BOSCHWITZ. I yield.

Mr. RUDMAN. I should like to advise the Senator from Minnesota that the bill to which he referred was reported by the Governmental Affairs Committee this morning and reported to the floor.

Mr. BOSCHWITZ. That bill, I say to my friend from New Hampshire, appoints a commission. I think that is the best resolution of this, so that we can come up with broad-ranging campaign financing reform.

Mr. President, in conclusion, I want to emphasize again that if we are going to address the issue of campaign finance reform, we must do so in a comprehensive manner. There are many other needed reforms. I have not mentioned them all. Any fair assessment of the approach of the Senator from Oklahoma indicates that it needs more comprehensive treatment. It is my hope that the issue will be reviewed in its entirety, rather than in a piecemeal fashion.

I reserve the remainder of my time.

Mr. BOREN. Mr. President, I yield 2 minutes to the distinguished Senator from Arkansas [Mr. BUMPERS].

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. BUMPERS. Mr. President, I simply want to commend my distinguished colleague from Oklahoma [Mr. BOREN] for taking the initiative and being tenacious enough to pursue some election law contribution reform.

This is not perfect. I suspect that if every person in this body were going to draft their own amendments to what all of us find an increasingly inescapable method of financing campaigns, we each would come up with a different solution.

The Senator from Oklahoma has taken that first big step in bringing this matter to the attention of this body. Incidentally, this body does not need this brought to their attention. Everyone who has run for office in the last 6 or 8 years knows that we have a situation that is almost out of control.

This is designed to put some brakes on and draw in the reins on our present system.

The thing that had concerned me to some extent about the Boren amendment was the provision that required that broadcasting stations, presumably television and radio, would provide equal time to any candidate where independent expenditures of a particular PAC, such as the national conservative political action committees—and that is the one most people think of when they think of having negative ads run against them—and require that the stations provide equal time to answer that.

It occurs to me that a much better solution of that—and I do not know how you deal with this constitutionally—than putting the burden on the broadcasters, would be simply to say to those PAC's, "You can't do it." Most of it is highly misleading. Most of it distorts. Some of it is downright untruthful and should not be permitted on the air against the candidate, in the first place.

For that reason, I intend to vote for the Boschwitz amendment, which I think does add some strength to the Boren amendment.

□ 1140

Mr. President, I thank the Senator for yielding and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BOREN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Oklahoma has 4 minutes and 39 seconds remaining.

Mr. BOREN. Mr. President, there are some questions that have arisen in regard to the Boschwitz amendment from several of our colleagues. I yield myself the balance of the remaining time.

Does the Senator from Colorado still wish to make a comment?

Mr. HART. Just 1 minute.

Mr. BOREN. Let me yield myself all remaining time except 1 minute and then I will yield that remaining minute to the Senator from Colorado.

There are several who have spoken to me and said that they see some inconsistency in the amendment we have passed on PAC's contributing to individuals. We just did not totally outlaw it. We put an aggregate limit on it, reduced the amount of the PAC's contribution to each candidate.

The suggestion is if we are going to proceed with the balance reports the same sort of proposal might apply to parties.

Instead of outlawing all PAC contributions we should condition balance reports the same as with individuals

where we put on aggregate limits on individual limits.

Also the question has been raised if we completely dispense with the equal broadcast time might we also have the FEC or someone else at least keep a report for us to determine whether or not there have been voluntary compliance, self-restraint on the part of the industry.

I would just like to ask my colleague from Minnesota, if his amendment passes, would he perhaps be amenable to at least considering these kinds of modifications to his proposal when we hope to return to this issue later this fall?

Mr. BOSCHWITZ. I certainly would. And I would hope that the Senator would approach modifications to his proposal in the same spirit of compromise. I certainly would consider the things he is talking about. As he knows, we took out the broadcast proposal.

Mr. BOREN. There are those who feel, for example, on the PAC proposal there is a little imbalance between the total prohibition of parties opposed to aggregates and proportional limits and those kinds of limits to individuals.

So I thank the Senator very much for his willingness to be openminded on that so we could return to try to refine it in the fall if this amendment is adopted.

I thank the Chair.

I yield the remainder of my time to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. HART. Mr. President, I want to strongly support the very courageous efforts the Senator from Oklahoma made here today.

In space of less than a decade, a reform that was meant to put controls and limits on special interest contributions has clearly gotten out of hand. The original intent of the political action committee structures was to respond to the excesses and the scandals of Watergate and to channel, control, divulge, and disclose where special interest money was coming from and where it was going to.

In the space of a period between 1974 and 1984, the system has gotten out of hand. Many of our colleagues say, "I would like to control, perhaps even eliminate PAC's, but I cannot because I need those contributions in my reelection campaign."

Mr. President, at the expense of personal reference, let me just say having accepted political action committee contributions in a State race in 1974 and 1980 and seeing what was then happening in late 1970's, early 1980's, with this explosion of targeted and pyramided special interest money on Senate-House races and national races as well, I made a determination in a contest that I was pleased to make for national office not to accept that political action committee money.

I can only say, with the extraordinary expenses of seeking national office and running a national campaign under any circumstances, it makes it almost impossible to do without that special interest or political action committee money. The result in my own case—I ended up with a sizable campaign debt which is still being retired. I was told by a number of people in this town if I would change that policy and accept those political action committee contributions we could retire that debt in the space of 30 to 60 days. It was very tempting.

I think, Mr. President, we are seeing in Congress in the 1980's throughout our political system a scandal waiting to happen. I think we cannot afford not to change these laws. I think the Senator from Oklahoma and those who have supported him have taken a major step in the direction of bringing not only sanity but integrity back to this political system.

I hope this legislation prevails throughout the Senate and House and the President will support it. We must limit political action committee and special interest money if we are to preserve the integrity of the legislative process and public support for Government.

Mr. President, when I first ran for the Senate, campaign scandals were front page news. The public heard chilling stories of illicit corporate contributions and hundreds of thousands of dollars changing hands. Milk producers, rice merchants and shipbuilders were accused of buying access and influence. The public was appalled. They understood that elections had become auctions—that democracy was at risk.

Many of us who ran for office at that time thought there was a better way. Not easier, better.

We sought to restore power and influence to the public. We wanted fundraising from the grassroots, not the corporate boardrooms. Volunteers rang doorbells, cooked pot-luck dinners, and brought the campaign small contributions one at a time. It wasn't easy. But it was right. It was the kind of democracy that Americans wanted. It was the kind of democracy the Founding Fathers had in mind.

My first Senate race, including a contested nomination, cost $350,000—substantially below what my opponent spent. When I ran for reelection in 1980, I raised and spent just over a million dollars and again was overspent by my opponent.

But in the last Senate election we had in Colorado, two successful candidates raised close to $3 million. In the space of about a decade, the cost of running for the Senate in the State of Colorado increased by a factor of about 10.

These past 12 years have seen a fundamental change in our electoral process. Watergate is now memory. Campaigns have changed, but not for the better.

To my knowledge I'm the only candidate from one of the major parties to seek the nomination for President, and refuse to accept PAC money. I did not accept 1 cent of political action committee money in 1983 or 1984, nor have I since. I have been told by close friends and financial supporters and advisers, that if I were to change that policy today—if I were to accept PAC money for the limited purpose of paying off the campaign debts of 1984—we could eliminate that debt in the space of months or probably even weeks.

Without doubt, the emergence of PAC's as the dominant source of campaign funds is the single, most destructive force I've seen in 12 years in public life. The people have been squeezed out, and special interest groups have muscled in. What was a scandal 12 years ago to the public has become politics as usual for us. It's PAC's 4,000 and counting, the public interest zero.

Mr. President, we cannot wait any longer. The public's patience is near exhaustion waiting for the politicians to wake up. They realize that PAC money is the toxic waste of American politics. When will we?

Political action committees exist for only one reason. Campaign costs are out of control. Raising money is unpleasant, and $5,000 contributions go a long way. When that kind of favor is offered, the contributing party hopes someday that favor will be returned.

Perhaps the point was best made by Senator DOLE when he said: "When these PAC's give money, they expect something in return other than good Government.

"That's what this scandal is all about."

The opponents of the Boren amendment echo the same argument we've heard in opposition to any kind of campaign reform. They say, in essence, that PAC money doesn't carry influence. Contributions don't matter. Lobbyists with PAC's enjoy no special access, only the fulfillment that comes with charitable giving.

Mr. President, that argument is laughable.

If it were true, Congressman BARNEY FRANK would be right. He once said in jest that politics is the only business where strangers can give you $5,000 and expect nothing in return. Congressman FRANK doesn't believe that. The public doesn't believe it. And neither do we.

In a recent Congressional Quarterly article, it was reported that 27 Members of Congress have established PAC's to give cash contributions to in-

cumbents and candidates. Five are announced candidates for congressional leadership positions. Three already hold leadership positions. Four are reportedly running for the Presidency. These committees would never have been established if they were impediments to their founder's aspirations.

It's an astonishing development, politicians forming PAC's. After energy PAC's, medical PAC's, agri-PAC's, and bank PAC's, we now have pol-PAC's. The political addiction to PAC's and PAC contributions has become a spiraling and ugly dependency. We may have already fallen from the precipice.

Our distinguished colleague from Oklahoma, Senator BOREN, doesn't think so and neither do I. We've been joined by 12 cosponsors in offering the Senate a way back. It is not the final answer to the scandal of campaign spending and finance. But it is a worthy start.

The amendment offered by my friend from Oklahoma has a number of worthy goals:

First, it would limit the influence of PAC's. The amendment would limit House candidates to $100,000 in PAC money in each election cycle. For Senate candidates, the limit would vary between $175,000 and $750,000 depending on State population. In addition, the amendment prohibits bundling of individual contributions by PAC's, and lowers the limit on each PAC contributions from $5,000 to $3,000.

Second, the amendment would increase the influence of those who should have it—individual voters. Senator BOREN's proposal would increase the amount individuals can contribute to a Federal candidate from $1,000 to $1,500 in each election.

Third, the amendment would help control independent expenditures by PAC's running negative campaigns. It would require broadcasters to provide equal time to candidates who are subjected to negative ads paid for by independent expenditures by PAC's.

Without these basic, long overdue reforms, politicians will be shackled to special interest groups forever. The people will feel further isolated from their leaders, and they will ultimately become contemptuous of their Government. If that occurs, something very precious about this democracy will be lost. The Boren amendment seeks to avert that danger.

Mr. President, I want to pay a special tribute to the Senator from Oklahoma. We first considered this issue 9 months ago. Since that first vote, he has stood on this floor, often alone, asking when the Senate would return to this issue. He is a man of conscience, a man of conviction, and a man of limitless patience. I admire his commitment to clean and democratic elections in this country.

I urge adoption of this amendment.

Mr. LEVIN. Mr. President, as a cosponsor of the Boren amendment, I oppose the proposal put before us today by Senator BOSCHWITZ. There are three reasons to reject this amendment.

First, it is inconsistent with the approach just adopted by the Senate in the Boren amendment. There we placed limits on PAC contributions to individual candidates. Senator BOSCHWITZ seeks to place an absolute prohibition on PAC contributions to political parties and their committees.

Second, it has an unequal impact on the two major political parties. As almost every Senator indicated today, the Democratic Party is more dependent on PAC contributions to fund its national organization than is the Republican Party. The prohibition contained in this amendment, then, would intensify an already existing dramatic imbalance which threatens the health and viability of the two-party system which has served this Nation so well for so long.

Third, as a result, this amendment interjects a note of partisanship into what has been, up to this point, a bipartisan effort to solve some very real problems. One of the attractive elements of the Boren proposal was the fact that it was bipartisan. The Boschwitz amendment, on the other hand, gets its support from only on one side of the aisle. If we are serious about reform, then we have to approach it in a fashion which does not disadvantage either major party and does not damage the sort of consensus which will be needed if we are to make the system both cleaner and fairer.

The PRESIDING OFFICER. Who yields time?

Mr. BOREN. How much time is remaining?

The PRESIDING OFFICER. The Senator from Oklahoma has no time remaining. The Senator from Minnesota has 30 seconds remaining.

The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. MITCHELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

Mr. DOLE. Mr. President, first let me ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the vote be set aside until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 1987

Mr. DOLE. As I understand, we will now turn to the consideration of the military appropriations, military construction appropriations bill.

The PRESIDING OFFICER. The Senator is correct.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5052) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Sasser-Dodd Amendment No. 2700, to strike Titles II and III of the bill, assistance for Nicaragua and for African famine relief.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I yield myself such time as may be necessary.

Mr. President, to the surprise and dismay of those who support funding of the Contras, this debate has been conducted with a seriousness of purpose. Where, in the past, there has been effort by those who support Contra aid to trivialize the concerns of opponents, in this debate it is the opposition which has raised the level of discourse to a thoughtful examination of the conduct of our Government and the destiny of four people.

In place of the sarcasm and sophistry of the administration's defense of its policies in Central America, we have seen the emergence of a thoughtful opposition which relies on the integrity of ideas and the plain-spoken common sense of the American people.

From the supporters of Contra aid, we have heard that we have debated this issue enough—that it is time to get on with it, to provide the guns and bullets, to end the talking.

I would suggest that patience wears thin only because there is no depth to understanding. The opponents of this assistance understand that there is a logic to the consequences of our actions. We know that the provision of funding to a disorderly band of armed terrorists, led by a disreputable remnant of the despised Guardia National of Gen. Anastacio Somoza, will inevi-

tably lead to American complicity in acts of terror and destruction and the denial of human life.

That consequence is what we are concerned about. We are not and never have been concerned with the reputation of Daniel Ortega. We are concerned with the pride and integrity and reputation of the American people.

Not long ago, the President of the United States compared the Contras of Nicaragua to our Founding Fathers. He needs to be reminded, as we all need to be reminded, that the men and women of our revolution, the founders of our Government, spoke, in the words of Thomas Jefferson, of a "decent respect to the opinions of mankind."

I cannot believe, when he wrote those words in our Declaration of Independence, Thomas Jefferson imagined that the Government he and others were founding would one day scorn the opinions of mankind. And yet, as we have seen in the administration's reaction to the World Court, that has been a consequence of U.S. support of the Contras.

Mr. President, the decision of the Reagan administration to withdraw the United States from the World Court and its compulsory jurisdiction, because our Government feared the opinions of mankind, has done more harm to the rule of law and order than any possible action by the Sandinistas, or their leader Daniel Ortega. Our reputation, not his, was damaged by this act.

Which will history recall, that Daniel Ortega bought expensive sunglasses on a visit to New York or that the United States was found guilty by the World Court of support for acts of terrorism.

□ 1150

Mr. President, when our opponents of assistance to the Contras seek to examine the reputation of the leadership of the Contras, to discuss their character, we are often told to compare their reputation and behavior with that of the Sandinistas.

Let me be blunt, Mr. President. I hold each in contempt. In my opinion, each richly deserves the censure and condemnation of all people who love freedom. The Sandinistas have stolen the revolution of the people of Nicaragua; the Contras would deny that the revolution ever occurred. The Sandinistas wish to impose a Marxist-Leninist totalitarian state; the Contras wish to impose the past.

The Sandinistas, seizing the standard of liberation from oppression, repress freedom of body and soul, they deny personal liberties and religious freedom in the name of national liberation. They manipulate the symbols of freedom in order to imprison their countrymen.

The Contras wrap themselves in the flag of the freedom fighter. They claim the cause of justice. They pretend to democracy. All the while they are led by former commanders of Somoza's national guard. Of the leaders of the Contras, 12 of 13 are Somocistas.

If you dwell on that observation for a moment, the irony becomes clear and even assumes the proportions of tragedy. The Contras are freedom fighters, we are told. Mr. President, they are men whose history is that of fighting against freedom.

Does anyone believe that Enrique Bermudez, the commander of the Contra forces who was Somoza's trusted friend and who served Somoza as his military eyes and ears in Washington, will relinquish his authority to a civilian government after he defeats the Sandinistas? Is there anything in the background of this man to suggest that he fought for freedom when he was in power?

When we raise these questions about the character and integrity of those who lead the Contra forces, we are told that we should consider the political leadership of the Contras, we should take note of Arturo Cruz.

From all accounts, Mr. President, Arturo Cruz is man of integrity. He actively participated in the revolution against Somoza. He participated in the revolutionary government and, when he saw it turning against the people, he tendered his resignation. Later, he courageously entered the contest for election to the Presidency of Nicaragua and, at some personal risk, campaigned in Nicaragua before ultimately withdrawing because he saw that the elections would not be open and fair.

The presence of Arturo Cruz is unquestionably a positive factor. It is, however, outweighed on the scales of reason and justice by the on-going violence perpetrated by the Contra forces on noncombatants in Nicaragua, as well as civilians in the border areas of Honduras where the Contra camps are located.

Mr. President, Arturo Cruz may be a decent democratic leader, but I would suggest that blind, unquestioning support of men like Enrique Bermudez does not strengthen his position. The strength of men like Arturo Cruz is their ideals and their ideas. We do them an injustice when we turn our backs on the abuse of human rights by the Contra forces. If we tarnish those ideals by excusing abuses, we destroy the prospects for democracy.

Mr. President, a moment ago I noted the plain-spoken common sense of the American people. They do not support the President's policy in Nicaragua, because it does not make sense.

The American people do not believe that this great country of ours, with a population of 233 million and untold power, is threatened by an impoverished, backward country of less than 3 million which is led by a government of scoundrels.

The American people do not believe that the Contras can win the civil war in Nicaragua.

The American people do not believe that the Contras will establish democracy in Nicaragua.

The American people do not believe that the Contra leadership can renounce their past and become the champions of freedom and democracy.

I believe that the American people—a people who revere the ideals and principals which guided the founders of our country and which shaped the institutions of our Government—have seen those ideals and principals debased by officials who use them as instruments of power to be wielded in ways which serve the narrow objectives of the moment rather than the enduring purposes of our country's founders.

Mr. President, more than 100 years ago, at Gettysburg, President Lincoln noted that the American Civil War was testing whether any nation conceived in liberty could long endure. He spoke of the courage and honor of the brave men who had fought at Gettysburg and noted that it was the duty of those who would honor them to ensure that our country have "a new birth of freedom."

When Lincoln spoke in 1863, the future of our country was in doubt. We now know that the Nation he spoke of has endured. It has endured because of the manner in which it was conceived and the dedication to principles which guided the founders of our country.

The American people, using their common sense, know that the Contra cause, conceived as it was in the aftermath of the revolution against Somoza, cannot long endure. The American people do not believe that men who are capable of vicious atrocities and abuses of human rights such as those which have been committed by the Contras can conceive a nation in liberty or provide a new birth of freedom.

Mr. President, as we look to Nicaragua and our involvement with the Contras, we are reminded of our past. Again, the cause is uncertain, the call to arms unclear. Abroad in this land today is a profound sense of the danger of coming war; a sense that we have traveled this path before and that the path we followed blindly led inexorably to American combat involvement.

That, too, is a consequence of a favorable vote on this funding.

Mr. President, I oppose funding for the Contras. I join Senator SASSER in his amendment to strike all funding of this misbegotten effort.

I yield the floor.

Mr. DODD. Mr. President, will the Senator yield?

Mr. INOUYE. I am pleased to yield.

Mr. DODD. Mr. President, I just want to take 30 seconds to commend my distinguished colleague from Hawaii. Once again, he has demonstrated not only eloquence in the presentation of his thoughts, but the clarity of his thinking as well. Certainly there are very few other Members of this body who speak not only intelligently about this issue but with a great experience of a conflict in his own background, his personal background.

□ 1200

There are very few other Members who can say with the degree of certainty and understanding as this Senator can about the horrors of war and what can happen when a nation stumbles its way into a conflict. Certainly his remarks this morning ought to be read and appreciated by all who are interested in this issue, interested in this Nation's future, and in this hemisphere.

I commend him for his comments.

Mr. INOUYE. I thank the Senator.

I yield the floor.

Mr. STEVENS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Alaska is recognized for a parliamentary inquiry.

Mr. STEVENS. Is the total time controlled at this time?

The PRESIDING OFFICER. All time is controlled.

Who yields time?

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER (Mr. KASTEN). The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I yield 15 minutes on the amendment to the distinguished chairman of the Appropriations Committee, Senator HATFIELD.

Mr. HATFIELD. I thank the Senator from Tennessee.

Mr. President, I would like to associate myself with the Senator from Tennessee on this matter pending on the floor relating to Contra aid.

I want to begin by posing one simple but fundamental question: What is the real justification for this request of $100 million in military aid to the Contras? In the early days of the so-called "secret war" we were told that the primary purpose was to interdict arms flowing from Nicaragua into El Salvador. But soon the flow of arms diminished to the point where the maintenance of an army to perform that mission was difficult to justify. We were in need of a new rationale. So the administration planted the idea that the Contras would meet with enough support in the Nicaraguan countryside to create a provisional government. But that did not remain a credible goal for very long. The Contras have not been able to hold an inch of the countryside. So yet another rationale was needed. This is a third one. And this time the pursuit of "Peace" was introduced to fill the vacuum.

"Peace" is the stated objective of the legislation we are considering today. Let me read from the first few sentences of the bill:

> The purposes of this title are to promote economic and political development, peace, stability and democracy in Central America, and to encourage a negotiated resolution of the conflict in the region.

I happen to be the chairman of the committee from which those words emerged. They are not my words. I opposed them. They are meant to be soothing, but I am not soothed at all.

Because what that statement really means is that we will give $70 million worth of guns to anyone who will point them toward Managua. What it really means is that we do not care what they stand for. We do not care who they shoot or why. What that statement really means is that we have given up thinking. The Contras are simply a mirror image of our diplomacy: Incoherent, lacking in purpose, undirected—excessively reliant on violence. "Shoot first, ask questions later" is fast becoming an apt description of U.S. diplomacy itself.

It seems elementary that you do not just go around invading every country you do not like. We are not some oversized bully who picks on skinny kids in the school playground. This is not a playground. This is a dangerous world. And we are not some bumbling oversized bully: We are a superpower. One would expect a superpower, with all the genius and capability that term implies, to have a super strategy. Yet we have no strategy. We have the Contras.

It is my firm conviction that the range of possibility for this policy is from bad to worse. Let us analyze the best possible outcome of the administration's Nicaragua policy.

Edgar Chammorro, the former Contra leader, sums it up about as well as it can be said.

> Suppose after years of protracted conflict, thousands more deaths and millions of dollars spent—suppose the Contras win. The fighting will not be over. The Sandinistas would fight on from the hills, from neighboring Costa Rica and Honduras—destabilizing the fragile democracies. The northern Contras would fight the southern Contras—because they don't fight for the same reasons. The Miskitos would fight whatever government for their autonomy. In short, you would have the fragmentation—the Lebanonization—of Nicaragua and an increased possibility of regional war.
>
> If the Contras win with direct U.S. intervention, then we are back to 1928. Back to the Marines in Nicaragua and the creation of new Somoza, a new National Guard and a new Sandino.

The administration goes to great lengths to conjure up images of a second Libya on America's doorstep. What about a second Lebanon on America's doorstep? Another Lebanon in Central America. Endless bloodshed.

The hospitals will be full. The food lines will be long. The hatred of Americans will increase. The embrace of Castro will tighten. More pain—more suffering—more hate. More money for the Contras.

That scenario does not seem to disturb the geopolitical minds in the State Department and the National Security Council. But it disturbs me. That broken record has always disturbed me. We hear it over and over again. Republican and Democratic administrations alike. It is fine to risk war, but not the other side of the coin—not peace. It is never the right time to risk peace.

That is not a policy, Mr. President. It is a war masquerading as diplomacy.

Let us take another look at the downhill slide from bad to worse.

Things continue to go about as badly as they always have for the Contras. They hold no territory. There is no progress—no popular support. Just the same dirty little war. But we Americans begin to grow numb. We become bored with the dirty little war. The media's interest begins to wane—just as it has in El Salvador. The Congress grows tired. The war against Nicaragua becomes fixed in our minds—as commonplace as conflict in the Middle East or the Soviets in Afghanistan or world hunger or the arms race. It becomes as much a part of our daily routine as any number of things that we do not like, but about which we do not know what to do.

That stage of anesthesia is the moment the fraternity of compulsive interventionists will be waiting for. That is when they will send the combat troops in. Oh, they will not go into combat at first, just like they did not in Vietnam. But eventually, the distinction between combat and noncombat will begin to blur. And eventually American boys will get killed as they did in Vietnam. So we will send in more as we did in Vietnam. The Nicaraguans will grow more and more dependent on the Soviet bloc and Soviet weapons. And we will ratchet the pressure upward with even more troops and more money and more sophisticated weapons.

That is not a policy, Mr. President. It is a war masquerading as diplomacy.

The action we are about to take today with the unleashing of the CIA and American military advisers virtually guarantees that we will create a monster in Central America. A monster which we will ultimately be forced to destroy. Here we are, once again, old men creating a monster for young

men, young Americans, to destroy. What a waste of life. What utter disregard for the lessons of history.

We helped to create a monster out of Ho Chi Minh. He was our friend and ally in the war against the Japanese during World War II. He presented, to be sure, a challenge for U.S. diplomacy once the war had ended, because he also happened to be a Communist. The cold war changed all that. It allowed us to turn our minds off. It rendered us blind to the potential which certainly existed to strengthen the common bonds between us: To provide incentives for Ho Chi Minh to moderate those aspects of his ideology which we could not—and should not—have tolerated. The cold war caused us to fear and misunderstand nationalism. So we chose instead a dead-end road. We chose colonialism. America's sons paid the price for our geopolitical illiteracy.

□ 1220

Now the armchair warriors are back at it again. Back again telling us that a Communist is a Communist is a Communist. Well, there is a man who would take issue with that simplistic interpretation. His name is Richard Milhouse Nixon. And if you would take the time to read his books you will find that there is indeed a difference between Communists. He will not tell you that they really are not red, he will say they are all red as a firetruck. But he will also tell you that red can be made to blend with other colors if you are smart enough. Chairman Mao was as certifiable as a Communist can be. And President Nixon is as certifiable as an anti-Communist can be. Yet they found one path they could travel together. And that one path has widened and stretched to the point where both nations are so mutually dependent that they do everything possible to avert confrontation. That is geopolitical brilliance.

In the early days of this administration Secretary Haig frequently spoke of "going to the source" to head off the spread of communism in Central America. I want to resurrect his proposal here today, but with a slightly different twist. Everyone here knows that there is a line which runs from Moscow to Havana to Managua. I say if you want to sever the umbilical cord between Havana and Managua you must first sever the umbilical cord between Moscow and Havana. And you do not do it by dropping a bomb on Castro. You do it by making a deal with him. You do it through the application of creative geopolitics. You do it because a regional war in Central America as the first resort rather than the last is insanity, pure and simple.

Let me read for you a few excerpts from the press reports over the last few years to give you a sense of the current orientation.

Administration officials have begun openly discussing the possibility that American combat forces might one day be sent into Nicaragua. Military experts indicate that discussions of the issues have become commonplace in official circles.

Senior administration officials say that contingency plans are being drawn for the possible use of United States combat troops in Central America if the current strategy for defeating leftist forces in the region fails.

According to American military and intelligence assessments the United States could quickly and easily rout the Sandinistas who govern Nicaragua. One official in the same report said that the attainment of that objective would be as easy as falling off a log.

These statements not only imply geopolitical illiteracy, they imply a vacuum of immorality in which human life is cheap.

So when the messengers of destruction come here with their bankrupt ideas and their bloody invitations to war, I say this:

Do not try to tell me that it is easier to kill a Nicaraguan communist than it is to find common ground. Because I will not buy that.

Do not try to tell me that these people have reached the point of no return—that the only way to bring them to their senses is to kill enough of them. I am repulsed by such ignorance.

And do not try to tell me that the litmus test of my patriotism is to erase from my mind the lessons of Vietnam. Because that is precisely the problem we face.

You see, there is only one lesson the proponents of this policy learned from Vietnam. They do not think we did it right. And they are going to make damn sure that we do it right this time around. But it cannot be done right.

Because it is wrong. The premise is wrong. The morality is wrong. The knee-jerk preference for force over law is wrong.

It is bad enough that we would identify these Contra bandits with the Founding Fathers; but when we do it concurrent with our withdrawal from the International Court of Justice—we destroy the one guiding principle that America has stood for from its inception: that we believe in institutions to resolve political disputes, economic disputes and social disputes within the context of jurisprudence. Within the context of a system of due process. We are supposed to believe in a rule of law and not a rule of the giants who can use only muscle and intimidation to get their way. In the vernacular of the school playground. They would not play it our way at the World Court; so we picked up our marbles and went home. Home to the rule of the jungle.

Even though the pace may not always be satisfactory, let us move always with a commitment toward enlightenment, toward peace through law and a world which seeks to resolve its disputes through civilized institutions.

And until we reach that point—and I know as well as anyone here that it is far from reach—let us exercise geopolitical creativity. They say a mind is a terrible thing to waste. I say we are wasting the collective mind and genius of this Nation. And we are going to pay for it. We are going to pay for it in money. We are going to pay for it in lives. We are going to pay for it in moral leadership. Some believe we are taking a great step forward in the courageous war against communism here today. We are not. We are taking two steps back. And we are going to regret it.

Mr. STEVENS. Mr. President, will the Senator from Georgia yield 4 minutes to me that I might share 2 with the Senator from Virginia?

Mr. MATTINGLY. Mr. President, I ask unanimous consent that we proceed as in morning business for 6 minutes to be distributed between the Senator from Alaska, the Senator from Georgia and the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Alaska.

BRIEFING OF SENATE ARMS CONTROL GROUP

Mr. STEVENS. Mr. President, this morning the arms control group appointed by the Senate had an interesting briefing from former Secretary Harold Brown, who is working with the Johns Hopkins Foreign Policy Institute. He presented a series of constructive suggestions which have been endorsed by former Secretaries Melvin Laird, James Schlessinger, and Cyrus Vance, together with General Scowcroft.

They have given these suggestions also to the Secretary of State.

I want to commend them to the Members of the Senate and to the administration because they appear to us to be a broadening of a national dialog in the area of modernization and basic support for the research efforts of our Government, particularly research efforts such as SDI, which have been endorsed on the basis of a little more moderate growth than sought by the administration.

I found their suggestions very constructive and they contribute to the thoughtful and thorough perspective that we need in this national dialog.

I yield to my friend from Georgia, who is involved in our committee also.

Mr. NUNN. I thank my friend and colleague from Alaska, the chairman of the group. We had a meeting this morning and it is not our intent here today to scoop the report, which will be issued later this week, I understand. We had a very distinguished group

here: former Secretary of Defense, Harold Brown; former Secretary of Defense, James Schlessinger; former Secretary of Defense, Melvin Laird; former Secretary of Defense, Cyrus Vance; and General Scowcroft, who agreed on a report of some of the most important subjects we have in the field of overall national security today.

That is the whole question of our strategic forces, what kind of modernization program we are going to have, the question of our strategic defenses and how those defenses interrelate between our strategic offensive forces and our whole arms control purposes.

They also related the arms control role here and the importance of that role and how all these matters interrelate.

It is a very important report. I think it is particularly important now that we have negotiations going on in a serious way with the Soviet Union. I commend the report to our colleagues. I think it is on target in general and I believe it is something that all of our colleagues will very much enjoy. I am grateful to the Senator from Alaska as chairman of the group for calling this meeting this morning to receive the report. I am sure our colleagues will be interested in it when it comes out.

Mr. WARNER. Mr. President, as a member of this group, I wish to also commend the leadership of Senator DOLE and Senator BYRD for having designated the Senator from Alaska and the Senator from Georgia to work along with the rest of us very seriously on this subject. We meet at least once a week.

As stated, we met with the former Secretary of Defense, Harold Brown, here today.

There are many of us in the Senate who have spent an enormous amount of time on this subject, should the administration at some point in time send to the Senate under the advice and consent clause a treaty for ratification.

□ 1220

That document, whatever it may be, someday will be indeed a very complicated one, and this preliminary work by a group of us I think will contribute to the Senate as a whole in our consideration of any future treaty.

Mr. STEVENS. Mr. President, the report that we have mentioned will be released later this week. I commend it to the Members of the Senate when we send it to them and to the administration generally. It is a very thoughtful perspective as I indicated and it does demonstrate the interrelationship between force structure and arms control that we think will be very important in terms of the future of that endeavor in Geneva.

I thank my friends for their consideration in letting us make this announcement.

MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 1987

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. MATTINGLY. Mr. President, I assume that we are back on the bill.

The PRESIDING OFFICER. That is correct.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. I yield 10 minutes to the distinguished Senator from California.

OPENING STATEMENT OF SENATOR ALAN CRANSTON OPPOSING AID TO THE CONTRAS

Mr. CRANSTON. The issue before the U.S. Senate today presents one of the fundamental war and peace questions of our time. Simply put, we must ask whether Nicaragua presents such a central threat to the security of the United States as to warrant our prosecution of war against the Nicaraguan people?

Here in this small Chamber we must decide this question.

We must define American interests—our security concerns and our moral purpose on this planet.

It is altogether appropriate that we do so.

For it is to decide such questions that the people of this Nation have sent us here.

I for one was first elected in 1968 on a pledge to do all in my power to end America's tragic military involvement in Indochina. I worked towards this end—and to help heal the wounds this divisive conflict inflicted in our own land—as my first and most enduring priority.

And I know that many other Senators have come to Washington with a deep awareness of their responsibilities on fundamental issues of war and peace.

With respect to the issue before us today, I have heard it asked "why is this latest request for Contra aid different from the last?"

This is a fair question, which gets to the heart of the matter before us.

Today the Senate is being asked to give final approval for a war. We are not being asked formally to declare war—a prerogative reserved to Congress by the Constitution. But for all intents and purposes, that is the question before us.

The fact is that we are being asked to grant a 350% increase in funds for the war against Nicaragua. If you include the "hush money" to placate the neighboring countries of Costa Rica and Honduras—who are being forced to accept staging bases for our war—the request contained in the bill before us is closer to a 1500% increase in funding for the war effort.

The fact is that we are being asked to approve lethal military aid to the Contras with no limitations whatsoever on backup support from American soldiers and national guardsmen in Honduras or from CIA personnel in the region.

The fact is that we are being asked to approve prosecution of a war in this hemisphere—a war that will be run each day out of the suburban Virginia offices of the CIA and the Pentagon. CIA facilities and secret bases will be made available to the Contras. American troops from their quarters in Honduras will virtually be at the Contras' disposal—with no limitation on U.S. military deployments right up to the Nicaraguan border.

If this package is approved, we will have made the war against Nicaragua an American war—there will no longer be any "plausible deniability." The war will become American in most every respect except one—we remain unwilling to send our sons to fight and die in this foreign struggle.

Mr. President, the American people do not support this war. I repeat: the American people do not support this war

Once again, we are stumbling down the slippery slope towards direct American involvement in a foreign war without the support of the American people.

Yet while the lessons of the Vietnam experience are different for different people, there is one lesson upon which hawks and doves, generals and footsoldiers, ministers and munitions manufacturers are in firm agreement. And that is that American forces must not ever again be committed to a foreign conflict without the full support of the American people.

In this respect, I would note the fact that a number of Vietnam Veterans' in California are currently sending the medals they earned for their service in Vietnam to be placed at the Vietnam Veterans' Memorial here in Washington, D.C. as a protest against our backing of the Contras—which they see as another step toward another Vietnam tragedy.

Every respectable poll taken shows that the American people do not support this Administration's actions against Nicaragua. And well they shouldn't.

The American people do not support the laying of land mines on rural roads—mines which have murdered dozens of innocent peasants, women and children. Let me read just one account of such a horror, as reported last July 13 in the San Jose Mercury News:

CIVILIANS FALL VICTIM TO CONTRAS MINES

(By Steven Donziger)

BOCAY, NICARAGUA.—This town spent the Fourth of July burying the charred corpses

of 30 of its residents killed when a truck ran over an anti-tank mine, apparently placed in the road by U.S.-financed Contra rebels.

Among the dead were 12 women and 12 children, the youngest 2 months old. The blast the afternoon of July 2 wiped out 2 percent of the population of Bocay, a farming community of 1,500 about 130 miles northeast of Managua and 30 miles south of the Honduran border.

"In four years of war this has never happended," said Pedro Justin Garcia, a subsistence farmer who lost his wife and 5-month-old son in the blast. "It makes no sense. . . Why do they do things like this? It causes nothing but pain. I am now alone with seven young children."

The July 2 incident has fueled a growing consensus among Western diplomats and governments officials that the rebels are using anti-tank mines a powerful new weapon in an increasingly deadly war. A top-level Western diplomat in Managua confirmed that the rebels would receive more of the mines as part of a $100 million aid package approved last month by the House of Representatives.

The anti-tank mine, which contains the explosive power of 23 pounds of TNT, is designed to disable a tank or armored vehicle. Such vehicles are considered unsuitable for guerrilla warfare and are not used in the rugged Bocary region, according to army officials and residents.

"Lacking sufficient power to fight our forces, the Contras have turned to this out of frustration," said Luis Talavera, the Sandinista military commander in Bocay. "They are trying to terrorize people who are guilty of nothing."

Talavera said Sandinista troops had deactivated a mine at 5:30 a.m. the morning of the fatal blast. He said the army does not have the equipment or manpower to sweep the roads every day.

The Western diplomat said the use of the mines is part of classic insurgency technique designed to subvert confidence in the government. If the Sandinistas cannot assure safe travel, transport will be paralyzed and the supply of food and services in war zones will dwindle.

"In theory, when you undermine the belief the government is in charge you create the conditions for a broad-based insurgency," said the diplomat. "But I have never been comfortable with that, even from a purely military point of view and leaving aside the ethics, it does not seem to be the best way to get people behind you."

According to the diplomat, the rebels are placing the mines on roads used to move Sandinista troops northward to the Honduran border. "Obviously, some of these mines are hitting things they should not."

Observers agree the mining of roads could be an effective strategy in Nicaragua because of the limited infrastructure in rural areas. Most towns in the north, including Bocay, are connected to the rest of the country by one road carrying all traffic and supplies, civilian and military.

"The mines are our biggest worry at the moment," said Danilo Marena, an official with UNAG, the largest organization of farmers and cattle ranchers in Nicaragua. "Nobody wants to move about in the countryside."

Olwia Torres, a clothing merchant who travels between Jinotega and Bocay in a private vehicle every 15 days, said she felt "tremendous fear" and was thinking of selling elsewhere. The company operating the only remaining bus between Bocay and Jinotega has announced that the bus no longer will go past El Cua, 30 miles up the road.

The July 2 incident was the second near Bocay in two months.

On May 24, nine civilians died and three more were wounded when their vehicle reportedly hit a mine less than 10 miles from the site of the July 2 blast. Among the dead was a Spanish doctor, Ambrosio Mogorron, who had worked in Bocay for six years and was known throughout the region.

"Any support the Contras had in Bocay vanished that night," said Senia Lopez, a nurse who worked with the 33-year-old Spaniard. "In his simple manner, Ambrosio had won the confidence of everyone in the area. People could not believe he was dead."

Journalists have independently verified 41 civilian deaths by road mines since the beginning of May in Matagalpa and Jinotega provinces, where the rebels have been active for years. The Sandinista army says an additional 25 civilians have been killed in four blasts since May 1.

In the July 2 blast, the disc-shaped mine destroyed the back axle of the large red truck and threw it 20 feet into a ravine on the side of the road. The truck's reserve barrel of gasoline exploded, trapping the passengers.

Nicolas Castilblanco, a 44-year-old pastor, was the only survivor. He had the luck of being the last man to board the crowded truck and was forced to stand on the running board and hold on with his hands. The blast blew him into the underbrush and knocked him unconscious. The only thing Castilblanco remembers is that all the passengers on the truck were civilians. "Just poor people traveling out of necessity," he said.

The American people do not support such actions. They do not support the mining of harbors—the destruction of neutral commercial shipping, the violations of international law.

The American people do not support the impressment of Nicaraguan peasants into Contra forces, assassination training books, the strafing of commercial airports.

The American people do not support the systematic use of their taxpayer dollars for acts of terrorism—acts of terrorism against a government with whom we will maintain diplomatic relations.

The American people do not support our Government's actions in contravention of the OAS Treaty and the United Nations Charter.

The American people are saddened to see our Government condemned by the International Court of Justice, to see our Nation isolated because of the administration's obsessive battle against the Sandinistas—a battle which but a handful of nations support.

The American people are tired of the administration falsehoods about this issue, they are tired of doctored documents and cooked intelligence, they are tired of hearing our Government give lip service to direct negotiations and to the Contadora process at the same time the administration makes war against the Nicaraguans and pressures our allies to work with us to undermine any dialog with Nicaragua.

The American people are tired of hearing that a vote for or against Contra aid is a vote for or against communism.

Mr. President there is no communism in this Chamber. You know that. And I know that. Yet on the last vote on this issue, 47 of 100 U.S. Senators had the guts to stand up to the pressures of a popular President and say "This is wrong. This is wrong and I cannot support it."

That is what this debate is about today. Many of us among that 47 are pledged to do all in our power to bring the people's will into this Chamber, to find a majority in this Senate who will stand up and say "This is wrong. This is not in America's interests. This is not in America's tradition. And I cannot support it."

Make no mistake. There is no champion for the Sandinistas in this Chamber. Those in the Sandinista leadership—the Ortegas and the like—have betrayed the very revolution they helped bring about. They are Marxists who have betrayed the fervent hopes of the Nicaraguan people for genuine democracy. Americans deplore the constriction of freedom in Nicaragua, the harassment of opposition leaders, the closing of La Prensa. For these and other deeds, they should be condemned.

But if it is our Government's policy to weaken this leadership, what have we to show for 5 years of administration efforts? Has the policy of funding a war against the Nicaraguan people furthered our interests or promoted democracy throughout the region?

No. It has not.

On the contrary, it is clear that this effort has undermined basic American interests. The presence of counterrevolutionary rebels in Honduras coupled with the United States military buildup poses a threat to democracy in Honduras. That country is awash in American dollars, corruption, payola, and crooked generals threatening civilian rule. Meanwhile, the Government of Costa Rica has been under a great deal of pressure to move away from its neutral stance in the region. It deplores the presence of United States-backed Contras who bribe Costa Rican journalists and politicians with CIA money. Furthermore, the administration's present strategy makes Nicaragua more and more dependent on the Soviet Union and Cuba. It serves to justify otherwise reprehensible censorship measures. And is all too likely to drag us into the use of U.S. combat troops.

The United States has been supporting the Contra effort for more than 5 years now. Our Government has nurtured it. We have orchestrated it. We have manipulated it.

Yet the Contras are failing. They have failed to seize and hold 1 square inch of Nicaraguan soil. They have failed to rally support for their cause within Nicaragua.

Why? Contrary to the President's portrayal of the Contras as freedom fighters, the Contra military leadership still is composed, for the most part, of former members of Anastasio Somoza's hated National Guard.

The Contras still lack the support of the people of Nicaragua. The Contras' terrorist tactics—of attacking civilian, industrial and community facilities—have alienated the hearts and minds of Nicaraguans. The Contras are deplored even by those who vigorously oppose the Sandinista regime, the many Nicaraguans who yearn for true democracy.

Mr. President, I for one do not believe President Reagan deliberately wants to get American troops into war in Nicaragua. But I do believe that the policy he is following is likely to get us into war, whether he wants it or not, and whether he realizes it or not.

In military matters, there is a certain momentum which escalates, a certain inner drive in the course of events which, once past a critical point, propels us farther than anyone may originally have intended to go.

History is replete with examples of nations tinkering in other people's civil wars and ending up engulfed themselves.

The last example in our own history was Vietnam.

Once a global power commits itself to military action, direct or indirect, to achieve political objectives, the operative word becomes "victory."

And the code word for victory is "more."

We are told that more money, more guns, more ammunition, more planes, more bombs, more approved targets, more men will bring us victory.

And when, for all that, victory continues to elude us, the operative words become "still more."

Still more money, still more weapons, still more men. But, as we found to our sorrow in Indochina, still no victory.

After paying a heavy price in lives and money, we got out of the war in Indochina. But the deep scars from that war remain with us today.

We must beware getting ever more deeply into the warfare in Nicaragua.

We have already spent tens of millions there on the war effort—in both overt and covert aid.

Now President Reagan says we should spend $100 million more, including the money to bolster neighboring nations reluctantly backing the Contra effort. But I know of no Member of this Chamber who believes this bill alone can topple the Sandinistas.

What happens next?

What happens when it is clear air strikes and troops and blockades are needed if we seek military conquest in Nicaragua?

President Reagan says he is the last one in the world who would ever want to put American troops into Latin America.

But history has shown that once our Nation is embarked on a military course, it becomes difficult for us to retreat.

The fact is, Mr. President, that the legislation before us today is both the functional equivalent of a declaration of war. It is the moral equivalent of the Gulf of Tonkin resolution.

In the final analysis, Congress is being asked to give the Pentagon and the CIA carte blanche to make war on Nicaragua—with no restrictions whatsoever.

Unless we stop this war—and stop it today—this could become a rerun of Vietnam: first American money, then American advisers, then American control of the war, then American troops.

Many Members of Congress who voted for the Gulf of Tonkin resolution were unaware at the time of the full military implications of that seemingly reasonable and moderate resolution.

But through a series of events growing out of that resolution what was a civil war in Vietnam rapidly became an American war, with 50,000 Americans dead before our involvement was ended.

That is why I have pledged to do all in my power to end the travesty of American military action against Nicaragua now, and to do all that I can to ensure that my colleagues and the American people are fully cognizant of the stakes in the vote ahead.

Mr. President, there are many causes in this world worth fighting for. We stood up to Hitler and Tojo, as well as we should have. We sought to aid South Korea when it was the victim of naked aggression. And our military forces remain at the ready in Western Europe and around the globe to defend American interests and American allies. But the fact is that we cannot use force indiscriminately to remake all the governments of the planet in our own image. It is perilous and impractical to think that we could use our military to impose our will on, say, the Fascist Chile of General Pinochet, the racist South African regime of Botha, or the Marxist reign of Cuba by Castro. We can employ other tools at our disposal—sanctions and the like—to press for these ends. But we cannot blindly declare war against every government of whom we do not approve. To do so would be folly. This the American people understand.

I will have more to say later in this debate about a number of issues. But at this point I would like to leave my colleagues with a thought from Walter Lippmann written 20 years ago in describing the perils of pursuing such self-defeating policies in Latin America:

> A policy is bound to fail which deliberately violates our pledges and our principles, our treaties and our laws. In the great struggle with communism, we must find our strength by developing and applying our principles, not abandoning them.

I urge my colleagues to support the pending Sasser amendment to end the Contra Aid Program.

In the event that we fail in that vote, I urge my colleagues to vote against cloture when those votes come tomorrow so that the matter can be pursued further and so that there will be a clear situation where the Senate is unwilling to provide approval for this money for a war in Nicaragua.

Mr. President, I yield the floor.

□ 1230

Mr. MATTINGLY. Mr. President, what is the time remaining on both sides on this amendment?

The PRESIDING OFFICER (Mr. MCCONNELL). The Senator from Georgia has 3 hours and 18 minutes on the bill, plus 30 minutes on the amendment.

Mr. MATTINGLY. How about the opponents?

The PRESIDING OFFICER. The Senator from Tennesee has 1 hour and 17 minutes on the bill, plus 13 minutes on the amendment.

Mr. MATTINGLY. I thank the Chair.

Mr. President, I yield 10 minutes to the senior Senator from Florida.

Mr. CHILES. Mr. President, we have witnessed a great deal of debate over the past 5 years on the issue of the Nicaraguan Contras.

It would be easy to walk away from the problem of Nicaragua. It would be easy to end our support for the Contras. It would certainly save us a lot of time.

But it would not solve the problem.

Because the problem is not the Contras; it is the Sandinistas.

Years ago, Mr. President, members warned this body that the Sandinistas were more interested in consolidating their power than reconciling with their opponents. They claimed that congressional reluctance to aid the Contras would be an opportunity to consolidate their hold over the country—not an olive branch for peace negotiations.

Many felt that they were wrong.

Well, Mr. President, I think history is beginning to show that they were right.

Last month, the International League for Human Rights published their "Report on Human Rights Defenders in Nicaragua." The league is among the oldest of human rights organizations. Their report was written

by objective reviewers. People who did not have axes to grind against the Sandinistas.

It was prepared by Patricia Derian, President Carter's Assistant Secretary of State for Human Rights and Humanitarian Affairs; Joseph Onek, former Deputy Counsel in the Carter White House; Robert Leiken, noted scholar on Central American Affairs; and Nina Shea, an attorney and program director for the International League for Human Rights.

Their report is a devastating indictment of what has been going on inside Nicaragua since the Sandinistas came to power. This report shows that while this nation has hemmed and hawed at what to do, the Sandinistas have wrapped an iron fist around the Nicaraguan people.

I would like to read to this body some excerpts from the report.

On the subject of regional and church groups:

Since 1981, the Nicaraguan Government has arrested and detained for short periods numerous dissident Catholic priests and Protestant leaders; deported about 15 foreign priests; expelled two prominent Nicaraguan priests; drafted 11 of 60 Catholic seminarians despite an agreement with the Church not to do so; mutilated a Protestant pastor; banned the national television broadcast of the Catholic mass; shut down the Catholic Church's newspaper; closed Radio Catolica; seized and occupied for eight months the Church's social welfare office; prevented the opening of the Church's human rights office; curbed other Church humanitarian activities; frozen a Church bank account and confiscated some other Catholic Church property; temporarily seized and occupied Protestant churches; blocked worshippers from attending a mass; prohibited numerous open-air religious processions and liturgical ceremonies; and, prohibited clergy from making pastoral visits to prisons and military bases.

Mr. President, that is about repression of the church. Yet, we have heard in many instances where our church groups go over there and talk about why we should be supporting the Sandinistas; and we see a devastating report like this detailing, step by step, the closing of church offices and facilities.

On journalists and media:

Press and media freedoms have been curtailed by the Sandinista Government since 1979 and continued to erode throughout the first half of 1986, culminating in the shutdown of La Prensa in June.

The Nicaraguan Government has imposed excessive prepublication censorship for the remaining independent press, harassed independent publishers, editors, writers, and distributors and has levelled severe, discriminatory economic measures against the press.

On labor unions:

Nicaragua has violated human rights by the banning of all strikes, collective bargaining, and other union activities, the arrest and harassment of many hundreds of leaders and union members and the government occupation of union offices.

Such harassment has including firings, bribes, arrests, threats, and blackmail. The independent labor confederations have been subjected to police takeovers and surveillance and disruption by government infiltrators.

On political parties:

The government has arrested and imprisoned many hundreds of political opposition activists, prohibited their public indoor meeting without prior government approval requested one week in advance, which has been commonly granted, banned outdoor assemblies and demonstrations altogether and infiltrated the groups to monitor their activities and cause some of them to splinter.

On arbitrary arrest and detention:

The Nicaraguan Government does not abide by the various international standards delineating minimum due process guarantees in a state of emergency.

In Nicaragua, the suspension of such due process rights has led to a situation where many hundreds of Nicaraguans have been arrested in government dragnets and held without charge for several weeks or months before release; where relatives of suspects have been detained for the alleged acts of their family members; where independent labor unionists, political party oppositionists, independent church leaders, journalists, defense attorneys and others have been arrested and detained for lawful activities and/or membership in lawful associations; and where short-term detention has become a form of harassment against political suspects.

Between 3,500 and 6,500 Nicaraguans are arbitrarily detained at any given time.

On conditions of detention:

Conditions are deplorable in Nicaraguan prisons. Problems include "inadequate outside contacts, food, water, fresh air, exercise, lighting, space, bathing and sanitation facilities and medical care.

Nicaragua is also responsible for torture and cruel, inhuman and degrading treatment or punishment. Methods of torture reported by Nicaraguan prisoners inlcude beatings, rape, mock executions, death threats, food and sleep deprivation, forced postures, prolonged isolation, prolonged detention in darkness, prolonged denial of medical care, hooding and submersion in water.

Mr. President, these are the same torture elements we have seen used by the most repressive governments in the world. These are the same kinds of tactics we have seen used by the most inhumane people in the world. This is the problem we are talking about. This is the Sandinistas. This is not a problem of Contras. The problem is the Sandinistas.

On courts:

Tribunals fail to comport with the minimum due process standards effective even in a state of emergency.

Most convictions are based solely on the defendants' own statements, which are commonly exacted under duress or torture.

Mr. President, this government welcomed the Sandinista revolution and tried to support what we thought was a commitment to democratic principles. In the first 2 years since the revolution, we gave $118 million in aid to the Sandinistas. They, in turn, made a commitment to the Organization of American States that they would establish pluralism and do away with repression.

Instead they have done just the opposite. Somoza had 1 prison for political prisoners—the Sandinistas have 11.

I find it ironic that, to date, we have given more to the Sandinistas than we have given to the Contras.

While we are debating whether to go ahead with $100 million for the Contras, the Soviets are likely to give six times as much to the Sandinistas.

It is time to vote for this $100 million. It is time to move forward.

It is time to express clearly that we see where the problem is here, and the problem here is in the Sandinistas and the way they are conducting their affairs.

(Mrs. KASSEBAUM assumed the chair.)

Mr. MATTINGLY. Madam President, I yield the Senator from Indiana 10 minutes from the bill time.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator from Indiana.

Mr. LUGAR. Madam President, the important question of aid to the armed resistance in Nicaragua is again before the Senate. The issue has obviously been widely discussed on many occasions in the past few years. But it still ought to be our first priority to set forth our objectives very clearly. Only then can we deliberate effectively the obstacles, risks, and means that must be taken into account in devising a policy to attain our goals.

Ironically, in view of all of the controversy that has attended this question, I believe that the basic objective of all of us is the same. We want to see a democratic, prosperous, and united Nicaragua that is at peace with its neighbors and enjoys good relations with the United States. We want to be on the side of democracy and development in Central America. And, we want to see the security interests of the nations of that region—as well as our own security interests—firmly protected.

□ 1250

We believe that only a democratic and peaceful Nicaragua can guarantee its own security and the protection of the interests and realization of the ideals which we share for the people of Central America.

Madam President, this is an important point, because clearly I believe that it separates a number of us in terms of the ways and means of obtaining it. I am asserting, and I repeat, only a democratic and peaceful Nicaragua can guarantee its own security and the protection of the interests and realization of the ideals that we share.

Clearly, Madam President, Nicaragua is not democratic. Nicaragua has not been peaceful. Allegations of other neighboring states abound with the

substance that have been given to insurgence. The whole idea of revolution without frontiers has been an aggressive policy, not a policy of a nation at peace with itself or its neighbors. A great deal of the difficulty of all the surrounding states which Nicaragua comes from starts the fear the aggressive intent of Nicaragua has been all too clear. And a number of persons coming from Nicaragua into those states jeopardizes the security, quite apart from any hoped-for development in the surrounding states.

Now the Nicaragua question is a difficult one—for policymakers and for the American people alike. Those of us who have supported the administration's policy know and should be attentive to the arguments of the critics, which have been abundant in the 2 days of debate we have thus far. Critics have argued that the type of involvement in which we are engaged in Nicaragua is a dubious proposition, morally and practically. They have pointed out defects in the forces that we have supported and the means by which we have supported them.

I shall not reiterate all of the charges of the critics but they are substantial and they are a matter of record.

The critics have pointed out not only the defects but they have suggested that the armed opposition that we support cannot win and the dynamics of the administration's policy could lead to more direct U.S. involvement. Indeed, Madam President, the charge has been made on many occasions during this current debate that a vote for the $100 million of assistance for freedom fighters in Nicaragua is a direct roadmap toward United States troop participation, participation by our Armed Forces.

Finally, critics have held that the provision of armed assistance to the armed opposition undermines possibilities for alternative political solutions to which the administration should pay more attention.

In short, critics have said we ought not to be arming the Contras; we ought to be involved in negotiations. There ought to be negotiated settlement, as if abandonment of the Contras or the lack of any pressure from Armed Forces would lead to negotiations.

And I suspect this is indeed an arguable matter, Madam President. It is not at all clear why the Sandinista government or Nicaragua wishes to negotiate anything without the threat that, in fact, the armed forces of the Contras represent.

I would suggest that the critics, however their arguments read and whatever strength they may have, should also try to be understanding of the arguments on our side. We believe that abandonment of the forces opposed to the present regime in Managua would lead straight to the institutionalization of a one-party Marxist dictatorship that would crush all hopes of democracy in that country.

We believe that abandonment of the Contras would result in a permanent military and subversive threat in Nicaragua that would make democracy and other economic developments in Central America jeopardized, perhaps impossible, in the neighboring states. And, furthermore, that that kind of Nicaragua would threatening the security interests of the United States.

It is that threat, Madam President, that could lead to a situation in which direct United States involvement is more probable.

And I want to underline that point. This is not a slippery slope in which support of the Contras leads to the United States involvement in Nicaragua. Quite to the contrary. Ineffective support by the United States of the Contras and thus a one-party Marxist Nicaragua, a Nicaragua that subverts its neighbors, that makes developing possibilities around Nicaragua virtually impossible, that exhausts the resources of Central American countries, and that, finally, Madam President, a Nicaragua without Contras, without any pressure, that finally, bases Soviet aircraft, Soviet submarines, Eastern European forces. What are the stoppers, then, Madam President?

And the suggestion is, "Well, in those cases, in those instances, with the United States clearly threatened, with the Soviets, there in uniforms, on planes marked, using it as a base 2 hours' flight time from the United States, then we will become involved."

I think those who oppose the Contra option, Madam President, have to weigh very carefully the probability of U.S. involvement under those circumstances. The clear alternative presented by those who support the administration are that we believe the pressure of the Contras, the pressure toward a negotiated settlement that comes because the Contras must negotiate, the pressure that comes from the Contras that keeps the Soviets from consolidating a base operation in Nicaragua, those propositions are most likely to lead to much less U.S. involvement and prayerfully to no U.S. involvement.

Whereas, the side that the opposition suggests today, that somehow we abandon the Contras—we find fault with them abounding. We find them ineffective. We find they cannot win. We find that they commit atrocities, that they are accused of drug dealing, that they have a whole legion of things wrong with them. Notwithstanding the legitimacy of any of those criticisms, the argument of the opposition leads to no Contras, no pressure.

Madam President, I would say it also leads to a Soviet base in our hemisphere and that we ought to take that seriously. And I have yet to hear really how that is to be prevented aside from U.S. forces. And if those who oppose the administration today are prepared to tell the American people that we are prepared to send American forces in to stop the Soviets, because there are no longer any Nicaraguan opponents, so be it. But I think that is a serious argument that must be addressed.

Madam President, as a nation we need to get a practical and realistic program, not a perfect one, but a commonsense, practical program that has as its objectives the freedom of Nicaraguans and democratic elections in Nicaragua.

Why do we place such a high premium on that? Madam President, we do so because democratic nations do not conduct wars secretly. They do not send insurgents into every other country. They do not disrupt everybody in the neighborhood. They do not harbor Soviets or Soviet bases.

A democratic Nicaragua is ultimately the responsibility of the people of Nicaragua. But we know from results in recent years that the United States of America can help a great deal. In the case of Nicaragua, given a Marxist consolidation, is a more difficult one than the promotion of democracy in El Salvador or in Guatemala or the continued support for democracy in Costa Rica or in Honduras.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. LUGAR. May I have 5 more minutes?

Mr. MATTINGLY. Yes.

Mr. LUGAR. Presently it is a difficult case. But, Madam President, during the debate last evening I centered upon the fact that the goal in Nicaragua is the same goal we had in the Philippines. It is democracy. And in the case of Nicaragua, it is democracy on the left. In the case of the Philippines, it was democracy replacing a repressive government of the right.

Now, very rapidly, the opposition to that proposition arose and said, "No, it is not the Philippines. That is not the metaphor or the analogy that we want to use. It is Vietnam."

Again and again, those who have opposed the Contras have said it is another Vietnam. I say nonsense to that, Madam President. That is a way of trying to drag up emotions and history in a false way.

The thrust of our foreign policy is not to go to war. It is to try to bring about democracy.

And the game plan is very simple. The game plan is that we believe that there are four solid Central American States around Nicaragua; four elected Presidents, four Presidents who know that they must have security for their countries if they are to put more bread

on the table for their people. They want the United States to help them. They inform us of every one of their plans and aspirations.

They are determined that, before a Contadora agreement or any other Central American agreement is signed, there will be a table for democratization of Nicaragua, that there will be verification of what is going on in the armed camps in Nicaragua. The Contadora process is important, but it can work only if there is some reason why Nicaragua is prepared to go into a table of democratization and verification of what it is doing.

Madam President, I would say that is virtually impossible without the Contras and the pressures that they present.

I mentioned last evening that in conversations that I have had with Phil Habib, our negotiator. He has said again and again, "I can't make headway with the Contadora process, with any process, without the hundred million dollars of aid to the process." That is the sine qua non for anything occurring. It is fatuous to talk about negotiations and not talk about aid to the Contras.

(Mr. HECHT assumed the chair.)

Mr. SASSER. Will the distinguished chairman of the Foreign Relations Committee yield for a question?

Mr. LUGAR. I am happy to yield.

Mr. SASSER. I would ask the distinguished chairman if any leader, elected leader, of any of the Contadora countries has publicly expressed support for $100 million in aid to the Contras, either military or humanitarian?

□ 1300

Mr. LUGAR. I would respond to the distinguished Senator from Tennessee that I know of no game plan in which they have given us advice on specific amounts of money in the particular form in which it is coming. But I suspect, I am here to tell the Senator, that the democratization table, the pressure that implies, the verification procedures implied, the U.S. assistance, a lot of it the expert U.S. personnel, and it implies also the pressure that the Contras have there. We cannot go to negotiations without that.

Mr. SASSER. I ask the distinguished chairman if it is not the case that a number of elected leaders of the Contadora countries, and at least one Central American country, have expressed their view that it would be erroneous for the United States to continue to support the Contras in their military endeavors.

Mr. LUGAR. Yes. I am certain that sort of criticism comes frequently. There is a great deal of agony attached to it because they would like to proceed with economic development. Everyone would like for the war to be over. They would like for the Nicaraguans to get back inside of their borders, and for the Contras to get back inside Nicaragua, too. It is very much a shared hope.

Mr. SASSER. I thank the distinguished chairman.

Mr. LUGAR. Let me conclude. It is not enough to say one favors negotiations, and not enough to say one favors democracy in Nicaragua. Clearly we all do. There has to be practical means of getting to that point. And the United States believes that the pressure provided by the Contras will lead to a couple of options. One would be that the Sandinista government would say, "Let us think again about a constituent assembly, a new constitution, freedom of the press, freedom of religion, free and fair elections. Let us let the people decide which group they want."

Another option is of course that the Contras in their activities as they attempt to get into Nicaragua will destabilize a regime that may be more fragile than we think. It is hard to make judgments about that. But there could be simply a disintegration of that Government in many parts of Nicaragua. In that case, we are still back to ground zero. The Contras in that case must call for the constituent assembly, and must call for the elections. And the American people will support the Contras only so long as there is a firm commitment, a firm charter that they are for democracy, and that is what we are for. That is why we are engaged in this situation.

Mr. President, we will have many amendments that will go back and forth across much of the same territory. There has to be some game plan that gets to negotiation, that gets to democracy, that gets to a condition in which we are confident the Soviets are not going to make Nicaragua a second Cuba in this hemisphere. That is what the argument is about today. I would urge all Members to defeat the motion to strike titles II and III because II and III contain the entire program with regard to the Contras to which we have been referring.

Mr. DURENBERGER. Mr. President, I wonder if the chairman of the Foreign Relations Committee would submit to a question.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. MATTINGLY. I yield additional time from the bill to the Senator from Indiana to reply to the question.

Mr. DURENBERGER. As the Senator well knows, he and I and a few other Members have spent a great deal of time on the floor of the Senate since 1979 debating this issue. But right now we have a rather curious situation in which I think there is some doubt out there about whether or not we are making foreign policy or something else. I wonder if the chairman might clarify for me how the game plan might evolve. The chairman has indicated that negotiations and so forth are appropriate.

But one of the questions that is bothering me and bothering a lot of other people is how the expenditure of $100 million on the current FDN organization as a practical matter lead us over the next 6, 12 months, or some other period of time to a negotiation or whatever our other objectives might be?

Mr. LUGAR. Let me respond to the distinguished chairman of the Intelligence Committee by saying that prior to this day in which we debate once again the $100 million, our negotiator, Phil Habib, sent by the President to Central America, has made substantial progress in trying to work with the other four democracies in trying to understand what their game plans are, what the Central American's parliament is all about, or how they might be more secure.

In the course of these negotiations he has found that they would like to sign a treaty in Central America. It may be one that the Contadora group, along with the Central American democracies that have been formulating which may be another. But there is a desire to settle this thing down.

Phil Habib has also indicated that at least two of the countries, El Salvador and Honduras, before they sign the treaty want a table of democratization. They realize Nicaragua cannot become a democracy overnight, but in a reasonable period of time could be and there ought to be steps along the path. They want verification. That means other Central American countries and Nicaragua making certain that they are not going to be surprised by armed forces and other people that bother them. The United States believes those are reasonable objectives. Indeed, we would have suggested them if they had not in terms of their own security.

Even Guatemala, does not express feelings along these lines, has suggested there cannot be this harmony without at least some timetable for reform, and Costa Rica without any armed forces simply knows it is at the mercy. Therefore, its President, Monge Alvarez, very courageously said to Ortega's face there has got to be an election if we get into a Central American parliament, and you have got to elect people too in free and fair elections, whether you ever go about that or not. So there is quite a bit of unity here.

Phil Habib has come back and said we are not going to make any headway with the Sandinistas without there being the Contras in the field—the Contras with enough money in terms of enough munitions, and enough training in order to put pressure upon the Sandinistas. They will not pay

much attention to anybody else in the area.

So the game plan is to assist the Contras.

Our conditions ought to be, I think, readily available, and that is we do not want to assist people that are not for democracy. I agree entirely with the critics who say we support a group who could go in there and create something that is undemocratic. That would be a travesty of the whole process. We have every reason to see reform, see control, see the charter that they are for, that they are well trained, that they do not create human rights violations, and that they are monitored. But having said all of that, we have decided and the Central Americans have reinforced this, they would much prefer to have Central Americans doing the fighting than American troops. In other words, if there is a choice, clearly they want Nicaraguans in there supported by Hondurans or El Salvadorans or what have you. Therefore, they are willing to take some risks. Also they often want deniability that there is anybody there, or that they are taking any risks.

Ultimately, our hope would be that the pressure that is created by this brings about negotiations. The Sandinistas for various reasons say, "Very well; let us talk about democracy. Let us talk about how we get to that point, how we change our constitution, our civil rights, our election procedures." Our only hope is that that occurs, because without a democratic Nicaragua, the other countries believe that simply left alone the nature of that government is aggressive and it will be difficult to live with; if we walk away from it, that they will be in trouble down the trail.

So this is sort of an overall idea at least of how we get there.

Mr. DURENBERGER. But it does not quite answer my question. In other words, it is a marvelous sketch of where we would all like to be. And it gives us some idea in a diplomatic sense what is the most practical way to carry on a negotiation, Nicaraguan with Nicaraguan, Central Americans with Central Americans. But it still does not answer the part of the question of how does investing $70 million in legal aid and $30 million in equipment in a band of what is approximately 18,000 campesinos who are largely located someplace in Honduras—although it is deniable that they are there, and not very often do they come across the river. When they do they have not taken any land or anything like that. And they do not appear to pose a threat.

How does one take the status as it is today, use the $100 million investment and say a year from now, 6 months from now, 18 months from now, choose the date, and how does one convert that into a threat to a country that has been Sovietized, unionized, Marxist-Leninized and all the other things we have heard? How does that process come about?

Mr. LUGAR. I think the Senator raises a very good point.

Mr. DURENBERGER. How do we measure the value of our investment if we are back here on the floor next spring or next summer debating the success of this year's investment so that we could be persuaded that we reup for another investment? How would the Senator, in advance, advise me to measure the value of the investment?

Mr. LUGAR. I suspect I can only answer the Senator by saying I would hope that the Contras were credible in terms of their organization, and in terms of the way they handled themselves in that period of time. I do not know what the response will be of the Sandinistas. I do not suggest that there will be battles, that they will be successful, and how much territory will have been controlled, although I think perhaps some at this point.

□ 1312

That might mean that the fight is going on in Nicaragua and it is being perhaps well conducted, which is perhaps a benchmark. If the Senator is suggesting that of $100 million—$70 million military and $30 million for humanitarian—might not be correct, but the critics say we are going to be back to this question again, and they are probably right in any event. I would suggest to the Senator if we were to defeat the Contra aid we would be back on this subject 6 months from now, too, and we will probably be in worse condition.

In other words, the practical problems here come down to how you are going to control the Contra group so that they are credible, they are democratic, they handle themselves well, they are an instrument moving toward negotiations and democratization. The question is not how to abandon them, which you would do at that point. At that point there are great dangers; namely, what do you do about Soviets on the bases at that point, absent Contras, absent any plan at all? That, I think, is a much scarier prospect and one that I think probably has to be part of this debate when we are looking at alternative solutions.

Mr. DURENBERGER. Just one further question, and I cannot disagree with my colleague in terms of dressing up the Contras. The proposition that is before us does a lot of that, 300 million dollars' worth of economic aid, 30 million dollars' worth of humanitarian aid, boots and shoes, routine, the human rights and that sort of thing. But that does not have anything to do with forcing the Sandinistas to negotiate. The only thing that is going to force the current Government of Nicaragua to negotiate is a fear that if they do not negotiate, something worse is going to happen to them; either the gringos are going to come or they are going to lose the war to the Contras.

The problem, it seems to me, in the responses so far—and I am not necessarily requesting a further response or there might not even be one—is a lot of us cannot see where the pressure comes. Where does the pressure point come? You may have 30,000 people in uniform inside Honduras rather than 18,000. They may be doing no human rights violations. They will not be shooting old men in the fields; they will not be killing each other; they will take the Red Cross oath or something like that.

But I still am at a loss as to how this brings the appropriate pressure.

Mr. LUGAR. The pressure comes because the Contras begin winning. To win what? I would say they are effective in their encounters with the Sandinista forces. They win battles. They occupy territory.

Mr. DURENBERGER. How would you measure that? How much territory would we have to occupy? I made the point yesterday, and I think most people will verify it, that very few of the current Contra forces have ever been to Managua to say nothing of the other communities, where the population base of Nicaragua is located.

How would you measure the success of their operation? Would they have to take the northeast quadrant, half of the country? Would they have to live in Nicaragua?

I ask these questions because for at least the next 5 months I am going to continue to be on the committee, and I am going to have to make some of the judgments on behalf of some of the rest of you. How would you measure the success of our investment if it is not in terms of land yield? Maybe there is some other measurement. Would the Senator suggest some other measurement?

Mr. LUGAR. I would think some of the measurement comes in the opinions we receive from surrounding countries and their degree of support for the process. I think that is measurable at least in terms of testimony we have received privately, not publicly. I think we will see indices of the economy of Nicaragua or the political stability of that country.

The Senator asked, can you hold Managua and nothing else and still have a government? Perhaps. I would expect at some point, however, that even the Sandinistas at some point will have some thoughts about talking more seriously.

One thing that might come to the fore is simply the economic collapse or the prospects of how you hold togeth-

er a government, whether that becomes credible to the neighborhood as well as to ourselves.

Mr. MATTINGLY. May I ask a question? The Senator asked how do you measure progress. I think title II sets out a path for progress, sets out a plan. I think we have to observe that without, as the Senator refers to it, some type of pressure there is not going to be any progress. I think the chairman of the Foreign Relations Committee, and everybody on both sides of the aisle, want a peaceful settlement in Nicaragua. I think that is the ultimate goal.

You ask, how do you measure progress? That is where you want to be in the end. How do you get to that point? Obviously, I feel, and I think the majority feel, that doing nothing is not going to create a pressure point to get to that peaceful process.

I would just suggest to ask the chairman to maybe try to outline this plan week by week and month by month in order to get to the end that the Senator wants and all of us want would be very difficult.

Mr. DURENBERGER. I think one of the points which has been difficult to the chairman of the committee and to others is to suggest that the final settlement has to be between Nicaraguans. It is not going to be an imposed U.S. settlement or anything else. It has to be among Nicaraguans. The question then gets to be whether or not the FDN, the military group, the much criticized group, if they are going to be able to force that, or if there is not a political alternative. The contribution that I am referring to that the chairman of the Foreign Relations Committee has made both now and in the past has been to be helpful to some of us in raising the value, if you will, of something which is now called the United Nicaraguan Opposition, though it is not very united. Maybe the chairman of the Foreign Relations Committee can enlighten us a little bit on the political role of what a lot of us have been characterizing as the democratic opposition, people who used to be in the revolution, people who were in the Government of Nicaragua in its first 3 or 4 years, and who are now semiorganized in opposition to that government.

How might we evaluate the wisdom of this investment in terms of the expansion of the opposition to the Sandinistas inside the country and outside the country? We have not made much progress, as I am sure each of you would acknowledge. There are still only three people involved.

Is there a way by which we might measure the progress of unifying the opposition? Where does this investment tie into that?

Mr. LUGAR. The distinguished Senator from Minnesota has almost answered the question he raised. That is, clearly, there must be people who finally say they support the Contras, people who are there in the country, who rally to the flag, and people who are outside the country who have been reticent to become involved because they did not like the leadership structure.

The Senator suggested it was not very united, seemed rag-tag, if not corrupt on occasion.

I think we have a great responsibility in shaping this policy to make certain there is a pretty strong standard for people to repair to, and the number who do so is a pretty good index of how well we are doing.

Yesterday I suggested the only alternative strategy I have heard as opposed to simply abandoning everything is the quarantine strategy, the fact that you really cannot do much about the government and the people in Nicaragua will just have to live through that situation, like it or lump it. You sort of shore up everybody around that.

But that is fraught with some expenses that are substantial for Honduras, Guatemala, Costa Rica, El Salvador, and some risk to American personnel at that point.

In other words, it occurs to me that still our best option, given all the frayed edges to it, is that Nicaragua is trying to work out their own destiny and our best contribution is our own sense of democratic principles and how they ought to be doing it in return for the assistance that we are giving, which is substantial.

Mr. DURENBERGER. But where are we going?

Mr. MATTINGLY. You were asking for a comment, how do you measure the progress. When you read title II, with reference to progress, it says when they attain freedom of speech, assembly, religion, political activity, when those things are being respected in Nicaragua, progress being made toward holding free and scheduled elections, when there has been a halt in the flow of arms and introduction of foreign military personnel into Nicaragua and the withdrawal of all foreign military personnel has begun, when a ceasefire with Nicaraguan democratic resistance is respected, and Nicaragua restrained from acts of aggression, including terrorism in other countries. That is the measure.

Mr. DURENBERGER. That is success, I would say.

Mr. MATTINGLY. Right; but those are the things you can use to measure how far you are going. I would just say if they want to reopen La Prensa that would be progress. If they want to allow Bishop Vega to come back, I would say that would be progress. If they want to open negotiations with UNO, that is progress.

If they want to give amnesty to the Contras, that would be progress.

If they want to reduce the Cuban and the Soviet pressure, that is progress. That is how you are going to measure it.

The pressure point is title II and title III of this bill.

Mr. DURENBERGER. I do not disagree with my colleague at all. I would measure that as success, each one of those as success.

Mr. MATTINGLY. I am saying that you have to make moves toward those.

Mr. DURENBERGER. The question is, How do you measure the progress toward that success? I rank each of those as a success because the conditions are improved. But how do you measure the progress? We really do not know the answer to the military progress. Now I am trying to explore how do we measure political progress.

Mr. MATTINGLY. Obviously, the free elections would be progress.

Mr. President, how much time is left on the bill?

The PRESIDING OFFICER (Mrs. HAWKINS). The Senator from Tennessee has 1 hour 17 minutes. The Senator from Georgia has 2 hours 38 minutes.

Mr. MATTINGLY. Mr. President, I yield 5 minutes to the Senator from Kansas.

Mr. SASSER. If the distinguished manager of the bill would withhold for just a moment, I would like to propound one additional question to the distinguished chairman of the Foreign Relations Committee, if I may.

Mr. Chairman, the discussion here evolves around appropriating $100 million to aid the so-called Contra forces, $70 million of which would be military aid, and $50 million classified as humanitarian aid, whatever you want to call it.

I would inquire of the distinguished chairman of the Foreign Relations Committee if he is of the view that $100 million will be enough to get the job done. Will $100 million be enough to allow the Contras to successfully prosecute the policy which this administration has outlined for them? Or will it be necessary during this appropriation period to go for additional funding from discretionary funds of the Central Intelligence Agency or from the Department of Defense?

□ 1230

Mr. LUGAR. My own judgment as I respond to the distinguished Senator is that more money will be required. I do not know the timetable with the money, but my own estimate is that the severity of the difficulties in Central America will lead to substantial U.S. foreign and military assistance for many years. I do not know the specific form, but I say in all honesty to the Senator I would say that $70 million military assistance even if very successfully used—we have been dis-

cussing this in reponse to the Senator from Minnesota—will not be enough in my judgment to complete the task.

Mr. SASSER. I thank the distinguished chairman for the frankness and candor of his response this afternoon, and if I might just sharpen the question and inquire of the chairman if he is of the view that the $100 million appropriated for this coming fiscal year will be adequate for this fiscal year or will the administration dip into discretionary funds of the Central Intelligence Agency or the Department of Defense to allocate additional funding to the Contras? Will that be necessary?

Mr. LUGAR. Obviously, I have no idea of what the intent of the administration may be with regard to classified funds or Department of Defense funds. I do believe that the $70 million will make a substantial impact. My guess is that any other expenditure from any department of Government will be based upon that success. But I have already indicated I suspect $70 million is not enough over an 18-month period, or at least the stretch of the bill, to complete the task.

Mr. SASSER. But if I understand the distinguished chairman—I shall conclude with this question—if I understand the distinguished chairman correctly, he is advising us today that this $100 million, or $70 million, is the beginning, and there is going to be additional funding coming in subsequent years to fund the Contra operations.

Mr. LUGAR. I am advising the Senator that I do not know whether we will fund the Contras with more money. I think there are costs for the United States in Nicaragua that are substantial. Let me advise the Senator that in the event we did not fund the Contras and the Soviets occupied bases there with aircraft and submarines and what-have-you, we might spend a great deal of money trying to eradicate that situation.

So I see a lot of dollars down the trail. I would like for the most inexpensive option and I think the one we were looking at happens to be that one.

Mr. SASSER. Let me, if I may, inquire of the chairman about an additional option which appears to have presented itself in recent days, indeed in recent weeks. The Government of Nicaragua, the Sandinista government, through its Ambassador has communicated with a number of Senators, and I assume with the chairman of the Foreign Relations Committee. I know the communication went to the ranking member of the Foreign Relations Committee. In this communication the Ambassador from Nicaragua states that his Government is prepared to sign a binding and enforceable agreement guaranteeing that stated U.S. security interests are met. As part of such an agreement, the Central American nations and Nicaragua would, No. 1, have all foreign military advisers withdrawn.

Clearly, that would encompass Soviet, Cuban, and Eastern bloc advisers from Nicaragua.

No. 2, that they would renounce the acquisition of new systems of armaments and impose strict and verifiable compliance and control mechanisms on these commitments.

Mr. MATTINGLY. Will the Senator yield for just a moment?

Mr. SASSER. Yes.

Mr. MATTINGLY. If he is going to go through and recite a long list——

Mr. SASSER. Take it off my time on the bill, Mr. President, That will be fine.

And, No. 3, guarantee that Nicaraguan territory will never be used as a base for any foreign power or for subversion of any other government, and allow onsite inspection to assure its full compliance with these obligations.

My question to the distinguished chairman is this. He has advised this body that perhaps this $100 million will be the initial downpayment, but there will be additional expenses in dealing with the problem of Nicaragua by way of military assistance, and et cetera.

I ask the distinguished chairman, would it not be the better part of judgment before we go down this road of appropriating additional funds for armaments and heating up this war in Central America much more, would it not be the better part of judgment to explore whether or not the Nicaraguan Government is sincere in these assertions, to put them to the test and hopefully to avoid broadening the war in Central America? I would propound that question to the distinguished chairman.

Mr. LUGAR. I think, of course, we ought to test the sincerity of the Government, but I would indicate, as perhaps the Senator knows, there are two basic problems each given the pledge that onsite inspection might occur. It has not been easy for the Central American countries, quite apart from the Contadora group, to begin to work our acceptable verification procedures. The verification idea is crucial in this respect.

I suppose a second problem comes in the call by Honduras and El Salvador for a democratization timetable. They feel, and I would certainly back their thoughts about this, without there being a democratic government in Nicaragua, the pledges that are made there are not subject to the checks and balances of a free press, to free opposition, to criticism within the country, as is the case with the other surrounding countries, and therefore they are still vulnerable.

The Nicaraguan proposal I think is an important one, and so are other conversations going on, which have included Nicaragua.

When the group of five met in Guatemala for the summit conference, Daniel Ortega was there with the other four elected Presidents. They had very frank conversations.

So the Senator's question deals with a paper that was surely in front of them. Some questions were raised by neighbors quite apart from ourselves. This does not mean that these things are insurmountable, and as a matter of fact Phil Habib pointed out that in the event we came to a Contadora success; namely, that all five of those countries backed by the Contadora group and the support group came to a conclusion, the United States would back it, Phil Habib ran into great criticism in this country, people saying, "We did not expect the Contadora process might work. Things were serious." Habib was serious. The President is serious. So are most Senators serious about it. But I say to the Senator, despite the constructive suggestions made by that Government, there are, I think, two very, very critical problems in verification of democratization and the simultaneity of all these steps and these are not simply dodges to frustrate diplomacy; they are the pillars I think of a sound agreement.

Mr. DODD. Will the Senator yield so I might ask a question on that last point?

Mr. MATTINGLY. I believe we are back on the Senator's time.

Mr. DODD. I will use my own time.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. If the Senator from Connecticut has time remaining, I would ask him to use his time.

Mr. DODD. Mr. President, I ask unanimous consent that my time be used, but I ask my colleague to yield on my time just to address the question.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. The Senator raised I think a very important point in his last comment having to do with Phil Habib, for whom I think all of us have a tremendous amount of respect. The chairman of the Foreign Relations Committee will recall that that letter which Phil Habib sent to several Members of the House, the other body, in response to some questions about how that Contadora process was moving said in that particular letter he would be willing to subscribe to the notion that should a draft agreement be reached satisfactory to the Central American countries including Nicaragua and ourselves, that would be the reason or the rationale for stopping all funding of the Contra operation.

There was some question at the time as to whether or not Phil Habib was speaking for himself or speaking for

the administration with regard to that particular point. I was led to believe at that time—in fact, subsequently I have talked to Ambassador Habib and he has indicated he believed he was speaking for the administration generally. I would just ask my chairman whether or not he agrees with that conclusion as well, that the administration's viewpoint today is that should a draft agreement be reached, that would be sufficient to terminate or to stop all funding for the Contra operation?

Mr. LUGAR. I think the question is a very important one. My understanding is the same as Ambassador Habib, that he was speaking for the administration and that he could not be credible as a negotiator moving from country to country if he was not speaking for the administration.

The other Presidents of the four surrounding countries believe he is speaking for our administration.

Now, Phil Habib during the time of this particular argument went to Costa Rica, and I was privileged to be a part of that group going to the inauguration of Oscar Arias. The Vice President of the United States was also a part of that group and so were others who are interested in Central American policy in the administration. And clearly the fears surrounding the Habib letter or that approach were that perhaps not everybody understood the entirety of the diplomatic framework which did include this table for democratization, the verification aspect, the simultaneity of the withdrawal of forces. In other words, these were the items that were on the table, and it required at least agreement by the Sandinista Government as well as the surrounding countries to bring a draft treaty to a point it became a live treaty, one that might be signed by the parties.

The Contras or those groups that make up those forces could be active political competitors in free and fair elections. There would be no reason for our country to offer military support. We would have obtained our objective, which is to see democracy in Nicaragua, with the same checks and balances that are in each of the surrounding countries.

I think that was the point of the Habib letter. That is just the point of the administration's policy.

Mr. DODD. I thank the Senator for his comment.

Mr. President, I ask unanimous consent to have printed in the RECORD the Philip Habib letter, dated April 11, 1986.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, April 11, 1986.

Hon. JIM SLATTERY,
House of Representatives.

DEAR MESSRS. SLATTERY, BARNES, AND RICHARDSON: I am prompted by our conversation of April 10 to restate for the record the Administration's position with respect to a Contadora agreement and U.S. support for the Nicaraguan resistance.

Part I, Chapter III, Section 6, Paragraph 32 of the Contadora draft agreement of September, 1985 prohibits any "political, military, financial or other support to individuals, groups, irregular forces or armed bands advocating the overthrow or destabilization of other Governments . . ." Paragraph 34 of Section 6 requires signatories to "deny the use of and dismantle installations, equipment and facilities providing logistical support or serving operational functions in their territory, if the latter is used for acts against neighboring Governments." Paragraph 35 of this Section would permit governments interested in bringing peace to Central America to provide financial and logistical support for the purpose of relocating disarmed irregular forces or returning them to their respective countries, in accordance with the conditions laid down by the Governments concerned.

Part III, Paragraph 4 of the draft treaty states that "The parties, as from the date of signature, shall refrain from any acts which would serve to frustrate the object and purpose of this Act . . ."

We interpret these provisions as requiring a cessation of support to irregular forces and/or insurrectional movements from the date of signature. We do not believe these provisions would prohibit financial or other humanitarian aid for the purpose of relocating or repatriating such forces.

Although the United States is not a party to the Contadora negotiations and would not be legally bound by signature of a Contadora treaty, we will as a matter of policy support and abide by a comprehensive, verifiable and simultaneous implementation of the Contadora Document of Objectives of September 1983, as long as such an agreement is being fully respected by all the parties. We would not feel politically bound to respect an agreement that Nicaragua was violating.

This has been U.S. policy from the outset of the Contadora process. On April 27, 1983 President Reagan stated to a joint session of Congress that "We will support any verifiable, reciprocal agreement among Central American countries on the renunciation of support for insurgencies on neighbors territory."

On June 25, 1984, the first day of bilateral talks with the Government of Nicaragua, the United States proposed a comprehensive agreement that would include a mutual cessation of support to irregular forces.

On July 26, 1985 in Mexico City, Secretary of State Shultz stated:

"The United States fully supports efforts to achieve a political solution to the Central American crisis. . . . In our view, there exists in the Contadora Document of Objectives a fair, comprehensive and balanced framework for such an outcome. We expressed our support for a comprehensive and verifiable implementation of the Document of Objectives when it was agreed in September 1983. We reaffirm that support today."

This continues to be the Administration's position, and is written into the legislation that was approved by the Senate March 27.

Please feel free to share this letter with interested colleagues.

Sincerely,

PHILIP C. HABIB.

□ 1330

Mr. DODD. Mr. President, I say to my colleague in that regard that it seems to me that if that letter is to be the policy as of August 12, 1986, we are taking a tremendous risk. There is movement; there are talks going on. The parties are involved. We have not yet reached agreement on the various aspects of this, to the regret of all of us.

It seems to me that if that is the thrust and the purpose, I would like to think there is a better way of achieving that goal than to finance another $100 million for military operations. It is almost unprecedented for this means to reach the goal as stated in the Habib letter and as stated by the chairman. There are far better ways of achieving that. We lose the ability to restore that agreement if we reject the Sasser agreement and engage militarily. I think it becomes harder rather than easier to bring those parties together, and you risk the inflammatory situation we all fear.

I appreciate the Senator's response. The Habib letter was enlightening because at least today we appreciate that there may be a termination.

Those of us who oppose the Contra aid fear that this particular policy of supporting the Contras will have the opposite effect of what is the stated goal of the Habib letter.

Mr. LUGAR. I wish to make two points.

First, Philip Habib, himself, believes it is important to have the pressure of Contra money.

Second, the $100 million cannot be spent under this legislation, so as long as there is any vestige of hope in these talks. That was the legislation we passed in March, and that is still the case before us.

Mr. DODD. I understand that Phil Habib believes that Contra aid is something he supports. But I think we all understand and appreciate that we are starting a process with 20,000 people involved who stated publicly that they would continue to fight, no matter what, and we are hoping to build that machine. Even when we reach an agreement, we may have built a machine so large that it may continue on its own momentum.

The goals as stated in the Habib letter may be thwarted as a result of the actions we take here today and tomorrow with regard to the Contra assistance.

Mr. MATTINGLY. Mr. President, how much time remains on the Sasser amendment?

The PRESIDING OFFICER (Mr. GARN). Thirteen minutes to the distinguished Senator from Tennessee and

20 minutes to the distinguished Senator from Georgia.

Mr. MATTINGLY. I thank the Chair.

I yield time on the bill to ask the Senator from Indiana a question.

When the Senator from Tennessee made the comment about the $100 million and stated there was a possibility that they might take more money than that in the next fiscal year, is it the understanding of the Senator from Indiana that title II, as written, specifically prohibits that?

Mr. LUGAR. That is my understanding. But I was attempting to be as honest as possible in the overall import of his question. I think he was asking whether the $100 million is going to be sufficient within the period and is this a downpayment on the future. I suppose the gist of my answer is that I do not know what the intent of the administration is with regard to any other funds, other than those provided here.

Second, I suspect that we are going about continuing expenditures in Central America, probably pertaining to Nicaragua, and they could be very expensive if this policy were not adopted.

Mr. MATTINGLY. But there could be no way, the way this law is so tightly drawn, that the administration can exceed the $100 million without going back to Congress, no matter where they may want to find the money?

Mr. LUGAR. I do not see any possibility of their not having reviewed this with Congress.

Mr. MATTINGLY. It reads:

> Nothing in this title shall be construed as permitting the President to furnish additional assistance to the Nicaraguan democratic resistance from funds other than the funds transferred under section 6(a) or otherwise specifically authorized by the Congress for assistance to the Nicaraguan democratic resistance.

Mr. LUGAR. The Senator's point is well taken.

Mr. KERRY. Mr. President, will the Senator yield?

Mr. LUGAR. I yield.

Mr. KERRY. Mr. President, I should like to take this opportunity, first, to thank the distinguished chairman of the Foreign Relations Committee for his cooperation with me personally and his staff's cooperation with me with respect to efforts the Foreign Relations Committee is making to pursue some of the allegations which have been made with respect to certain activities of the Contras.

As the chairman well knows, I have withheld from bringing to the floor certain as yet unpublicly discussed aspects of this because of our joint efforts. I wonder if the chairman would share with the Senate, and particularly for the record, where we are now proceeding and why it is that we are currently going down that road.

Mr. LUGAR. In response to the work of the distinguished Senator from Massachusetts and the staff of the Foreign Relations Committee, a number of questions have been raised with regard to individuals and criminal activity that might be involved in Contra undertaking. At least, that has been alleged.

The committee has written the Department of Justice asking for substantial information. This step was taken because I believe it is appropriate that the Department of Justice should respond and be helpful and because I think, as a courtesy to that branch of government, we should do so.

I am aware that information came from the Department of Justice as late as yesterday, and it was not helpful in terms of being forthcoming. I have asked staff to approach the Department again as to the seriousness involved. This step was taken preliminary to consideration by the full committee of issuing subpoenas for information that might not be forthcoming. It seemed logical that we should request material that could be forwarded by the Department, as opposed to subpoenaing it first. In the event the information is not forthcoming, the committee would have to consider subpoenas.

The committee would also have to consider its rules and amendments that would be made to those rules. Although I have not discussed this with the distinguished Senator from Massachusetts off the floor, I will discuss it on the floor.

I believe that we must, in changing our rules, think carefully about rules that are good not only for this inquiry but also for every inquiry, for as long as we both may serve, and others after us.

So it is an important undertaking, too. The Senator has some idea of drafts of particular rules that the committee and its staff might be willing to adopt.

The Senator, himself, has other rules that may be more extensive and go into other cases; but I think that lies in front of us presently, if we are not able to obtain the information from the department.

Mr. KERRY. I thank the distinguished Senator.

I would like the record to show that I am not going to discuss that information on the floor, in keeping with our agreement, because I think the distinguished chairman has made it clear that we are proceeding in good faith. I believe it is his intention to make certain that, where necessary, those subpoenas will be issued and that we will pursue this matter. It is in that effort of mutual respect that this Senator is going to withhold proceeding with that particular aspect of the discussion. I think the Senator is in agreement with me that those meetings and discussions with respect to those rules and the processes are ongoing, and we hope to bring that to a satisfactory conclusion.

Mr. LUGAR. The Senator is correct. The meetings are ongoing.

The only criteria that I feel relevant are issues of foreign policy over which our committee should have jurisdiction.

I have indicated to the Senator that we do not have the capacity to be a grand jury or to be an investigatory body, except in a very limited way. But where there are issues with respect to an important debate, we should look into it.

Mr. KERRY. I thank the distinguished chairman.

Now I would like to switch to a question.

Mr. MATTINGLY. Mr. President, I request that the time be equally divided on the bill.

Mr. KERRY. That is fine. The distinguished Senator from Tennessee is somewhat concerned about time.

Mr. MATTINGLY. Would the Senator like to go to his own time?

Mr. KERRY. I would like to take the time off one of my two amendments and not off the 1 hour remaining.

Mr. MATTINGLY. I object.

The PRESIDING OFFICER. That would require unanimous consent.

Mr. KERRY. Mr. President, how much time remains on the bill?

The PRESIDING OFFICER. The Senator from Tennessee has 1 hour and 11 minutes. The Senator from Georgia has 2 hours and 31 minutes.

Mr. MATTINGLY. You also have your time which, I think, is 1 hour.

Mr. KERRY. Mr. President, I yield myself not more than 5 minutes from my time and I will try to make my question very brief and would appreciate it if we could keep within that time.

I would ask the distinguished chairman if he was aware that just a few days ago, shortly after the House vote, an article appeared and a statement was issued by the six opposition political parties in Nicaragua; and that all of the internal, major internal opposition parties within Nicaragua, those who were fighting against the Sandinistas, specifically issued an appeal not to have aid to the Contras because they feel it gives to the Sandinistas the ability to be more repressive and sidetrack their abilities to build an opposition effort within Nicaragua itself.

Specifically, Eric Romeriz, of the Social Christian Party, said that Sandinista leaders "are deepening the totalitarian project under the pretext of the House vote."

I wonder how that appeal from Nicaraguans themselves squares with our

own decision to proceed forward to give aid to the Contras.

Mr. LUGAR. I would respond to the distinguished Senator from Massachusetts by saying that I did read that article. I think it is an important statement. It is an agonizing problem for those six parties and their leaders inside of that country as they try to evaluate their best course of action.

But, it seems to me that common sense would indicate that it is going to be very difficult for those six parties, or others who remain. And, of course, many people have fled Nicaragua by this point who are deeply interested in democracy and its future, so they are heard from, too. And in the course of——

Mr. KERRY. Mr. President, I say to the chairman, who is more interested: Those who remain in Nicaragua to fight or those who leave to go to Miami to live the high life?

Mr. LUGAR. Some may be in Miami and some may be somewhere else, and some may be living the high life or low life or what have you.

But I think we have to listen to a good number of people, because many people have left Nicaragua during this particular period who are going to be instrumental in the future. So I think it is a judgment call. If one takes a look at the present situation in Nicaragua, it does not appear that democracy is likely to be successful under those conditions until some pressure is placed on the regime now to get into a different constitutional framework.

Mr. KERRY. I thank the distinguished chairman. I reserve whatever time remains.

I thank the distinguished Senator from Hawaii for his forbearance.

The PRESIDING OFFICER. Who yields time?

Mr. MATSUNAGA. Will the manager yield me 12 minutes?

Mr. LEAHY. Yes.

Mr. MATSUNAGA. I thank the Senator for yielding.

Mr. President, today the Senate is once again considering legislation that would provide $100 million in military and humanitarian aid to the Nicaraguan Contras. As I have stated earlier, I believe this proposal to be inimical to the best interests of both Nicaragua and the United States. For a number of reasons, I urge my colleagues to reject the administration's heavy-handed approach to a Central American peace, and to oppose the Contra aid provisions embodied in this bill by adopting the Sasser amendment.

First of all, Mr. President, I cannot support a policy that flaunts international propriety, custom, and law. Perhaps no other nation prides itself more as an avatar of moral rectitude than ours; perhaps no other country relies on moral justification for its actions to the degree ours does. What country judges transgressors of international law quite so harshly as the United States? I need only point to our blanket condemnation of terrorists to make this point. Yet, Mr. President, here we are contemplating aiding 15,000 to 20,000 guerrillas in their attempt to overthrow a government that is recognized by the world community, and is a member of the United Nations—a government, in fact, with whom we have normal diplomatic relations. While American diplomats attend receptions in Managua, American-backed rebels are engaging government troops in the countryside.

In no case is this self-evident hypocrisy better demonstrated than in the administration's rejection of the World Court's adverse ruling on the legality of American aid to the Contras and mining of Nicaraguan harbors. To make matters worse, the administration disavowed the Hague's jurisdiction not at the beginning of proceedings, but only after it became clear to our lawyers that we could not win the case. How could any observer not conclude from the foregoing that U.S. policy is based less on principle than convenience? It is indisguisedly clear that in an area of the world where American motivations are historically suspect, the administration is expending what little moral capital we possess on dubious short-term gains.

Second, I question whether the elements we are asked to support are as worthy of our aid as the administration avers. It seems, indeed, that the Sandinistas are Marxist-Leninists; that they have displayed an unfortunate friendship with the Cubans and Soviets; that they have actively repressed the Catholic church; that they have actively persecuted the indigenous Miskito Indians; and, that they have not tolerated public discourse as much as we would like them to, as the restrictions on La Prensa demonstrate.

But the administration's portrayal of the Contras as benign, democratic freedom fighters who enjoy widespread support increasingly has been shown to be misleading, if not downright false. Reports indicate that the Contras are as guilty of human rights violations as the Sandinistas, and, in fact, enjoy the expert knowledge of torture techniques of many ex-Somocista national guardsmen. As a matter of record, a recent arms control and foreign policy caucus study points out that 12 of the 13 members of the Contras high command are ex-national guard officers, a fact which does not lend credence to the rebels' image as morally upstanding freedom fighters. It also calls into question the leadership's commitment to democratic principles. Efforts to make the leadership more democratic—efforts which, I must say, only came after public outcry in this country—have been cosmetic for the most part. Serious questions have been raised regarding the Contra leadership's handling of the $27 million in humanitarian aid Congress appropriated for the Contras last year, questions which include outright corruption, embezzlement, and fraud. News reports also charge that many Contras may be connected to drug trafficking. It is perhaps because of their knowledge of the Contras' shortcomings that the Nicaraguan people themselves appear to be undecided about the relative merits of the Sandinistas and Contras. In any case, the Contras certainly do not enjoy an outright popular mandate, contrary to what the administration would have us believe. One observer roughly calculates support for the government at one-third, support for the rebels at another third, with the remaining third either indifferent or passively acquiescent to the status quo.

Are we to install in Managua people who are as questionable in character and intent as the Sandinistas, and yet claim a victory for democracy?

Third, and perhaps most important, Mr. President, I cannot support a crude military solution to the Nicaraguan crisis when a peaceful diplomatic one stands ready at hand. I speak, of course, of the Contadora process already endorsed by the Central and South American countries which have the most to lose from the regional conflict. Implicit in the Contadora approach is the recognition of the Nicaraguan conflict for what it is: less a problem of ideology than one of social and economic injustice. The Contadora initiative posits that, in order of significance, the Nicaraguan crisis is first an internal Nicaraguan problem; second, a regional Latin dilemma; and, last, an American strategic concern. As such, the Contadora process assumes that those who have the most immediate and pressing interests, those who have the most to lose and sacrifice, should take primary responsibility in resolving the conflict. Mr. President, our role in this should be what geography suggests it to be: as a relatively distant, but interested, supporter of a peaceful, negotiated settlement. As a good neighbor of our Latin American friends, we should assist them to the fullest extent in negotiating an agreement, including exhausting every means available to bring the opposing forces together.

□ 1400

Insofar as our strategic interests are concerned, it baffles me why the President cannot accept the fact that they can best be addressed through peaceable negotiations. The Nicaraguan Government has propounded on many occasions a willingness to address all reasonable national security interests. Ambassador Tunnerman has stated

that his country is willing to have all foreign advisers withdrawn, renounce the acquisition of new systems of armaments, impose strict compliance mechanisms, and guarantee that Nicaragua "will never be used as a base for any foreign power or subversion of any other government." Even if the Sandinistas' sincerity is questioned, Mr. President, is it not reasonable and proper that we at least give the proposals a chance? According to the administration, it is not. The President has refused to engage in any negotiations unless and until the Sandinistas give in to substantial concessions, including the holding of free elections. The President will forgive me if I sound impertinent in saying that if one could obtain concessions without negotiating, one would not need to negotiate in the first place.

This is the President's point, of course. He sincerely believes that an impoverished nation of 3 million constitutes a strategic, that is to say, ideological, threat to the safety and well-being of a highly industrialized nation of 250 million. In contradiction to the wave of democratic transition that is now sweeping over South and Central America, the President believes that the allure of democratic pluralism pales in comparison to the attractions of militant orthodox Marxism-Leninism: in his eyes, it is necessary to arm the Contras and force the people of Nicaragua to accept democracy, whether they want it or not. Of course, the new democratic leaders of the Nicaraguan Republic would then be ex-members of Somoza's national guard. Can we credit them as having had considerable experience in democratic practices?

Mr. President, common sense would tell us that the problem of Nicaragua is not ideology but an unfortunate history of social, economic, and political injustice, a history that we helped to fashion, and a legacy which we may yet help to preserve. If we are to retain our self respect and the goodwill of our Latin American neighbors, if we are to obtain our long range security goals, we must forsake reactive military policies that will only polarize deep-seated fears and hatreds. We must give up our arrogant unilateral approach to Nicaragua in particular, and Latin America in general, and adopt a statesmanlike approach in following the Contadora lead.

I urge my colleagues to reject the measure now before us, by adopting the Sasser amendment, before the administration commits us inexorably to a path that can only lead to the introduction of American troops in Nicaragua—a repeat of our tragic experience in Vietnam.

CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

The Senate continued with the consideration of the bill (S. 655).

AMENDMENT NO. 2690, AS MODIFIED

The PRESIDING OFFICER (Mr. COHEN). Under the previous order, the Senate will now proceed to the vote on the amendment of the Senator from Minnesota.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The order was for a vote to occur without any intervening action.

Mr. DOLE. Mr. President, I ask unanimous consent that we put in a quorum call.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand there has been a request that there be 10 additional minutes on the so-called Boschwitz amendment equally divided with 5 minutes on a side. I make that unanimous-consent request.

Mr. LEAHY. Reserving the right to object, and I shall not object, I wonder if the majority leader would also entertain a further unanimous-consent request that after the vote on the Boschwitz amendment that I be recognized on my own time which has already been reserved under a unanimous-consent agreement during which time I intend to yield prior to that such time as the Senator from Vermont [Mr. STAFFORD] needs. I ask that that be made a part of the unanimous-consent request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BOREN. Mr. President, I yield myself 2½ minutes.

Mr. President, we have made an effort in the past several minutes since the time expired on the debate on the Boschwitz amendment to see if we could work out some sort of fair and impartial compromise that would not have partisan overtones. Thus far, we have attempted to present campaign reform on a bipartisan basis reflecting limits on what individual candidates could receive from PAC's without regard to party advantage.

The PRESIDING OFFICER. The Senate is not in order. Those Senators talking in the aisle will please take their seats.

The Senator from Oklahoma.

Mr. BOREN. Mr. President, this Senator and others on this side of the aisle were prepared to accept and enthusiastically support a limitation on the amount that parties could receive in the aggregate from political action committees. But to move immediately to zero instead of keeping a balance as we have had on the individual side seems geared clearly to establishing a partisan advantage.

I am also concerned about this amendment because it does not provide anything in the place of the provision for equal time for those who have been attacked by negative advertising which has been voluntarily accepted by stations.

There is a concern that funds might flow into that kind of advertising, PAC's might start engaging in that kind of advertising if they were not able to give as much money to candidates. That is why we had that provision in my proposal. I am not opposed to deleting that proposal but to delete it without putting something in its place, at least a reporting requirement so that Congress can be informed on a regular basis of the amount of such advertising that is going on, so that we can determine whether or not the industry is restraining itself in the acceptance of that kind of advertising I believe would be a mistake.

So, Mr. President, for that reason, I am going to have to oppose the Boschwitz amendment. I regret that we were unable to work out a compromise that would have had a parallel amount on the amount that parties could have received from PAC's that would parallel more or less restrictions in individuals. I hope whatever the result of the Boschwitz amendment, we will push ahead for final action on campaign reform.

With or without this amendment I will still be pushing for the passage of this bill. If the amendment passes, I intend to offer some refinement to it when we come back later in the fall.

I yield at this time the remainder of the time to the Senator from Maine on this side, Senator MITCHELL.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. MITCHELL. Mr. President, the Boschwitz amendment as described by the Senator from Minnesota has three principal provisions. One deals with the disclosure of "soft money" contributions. I want to make clear that Democratic Senators are unanimous in support of that provision. If the Senator would permit a separate vote on that issue, I believe the vote in this Chamber would be unanimous. I will ask him when I complete my remarks if he would agree to do so. There is no opposition to that.

Second, Democratic Senators are unanimous in support of a limitation

on PAC contributions to party committees that is proportionate to the limitation on PAC contributions to individual candidates which has already been voted on in the Boren amendment.

□ 1410

The Boschwitz amendment does not do that. It flatly prohibits contributions to party committees. That, in my judgment, stands logic on its head with respect to this whole approach.

The premise of the Boren amendment, approved by an overwhelming margin in the Senate, is that PAC contributions to individual candidates create an unhealthy dependence by individual candidates on PAC's.

If we are going to permit PAC contributions at all, they ought to be permitted to go to party committees which serve to insulate the candidate from the PAC. Then you do not have the direct contribution and you do not have the direct dependence.

A combination of the Boren amendment and the Boschwitz amendment would be counterproductive.

It would permit the continuation of PAC contributions to individual candidates while prohibiting PAC contributions to party committees, thereby defying the logic which underlies the entire approach being taken in the Senate here today.

In conclusion, I want to emphasize, we, on this side of the aisle, are unanimous in supporting disclosure of soft money contribution. We are unanimous in supporting a limitation on the amount that PAC's can contribute to political parties. We do not support the provision which requires a total prohibition of PAC contributions to party committees.

Mr. DOLE. I was hoping that we could just accept the Boschwitz amendment and go to final passage. Apparently now there is resistance to the Boschwitz amendment.

Mr. BOREN. I certainly do not care whether the Boschwitz amendment is passed or not. This Senator is prepared to go to final passage now.

Mr. DOLE. It makes a difference on whether the Boschwitz amendment is adopted. I think we can all say that this benefits this group or that group, as I said earlier, and some may think that the earlier amendment was aimed at Republicans and the Boschwitz amendment at Democrats. But we would be willing on this side to not have the vote until 6 or 7 o'clock tonight, to see if the principal parties might still work out some reform package that both sides can live with. We can either do that or go to the vote in about 3 minutes. If somebody will let me know in a couple of minutes, we can make a request.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. BOSCHWITZ. This amendment has been known to all sides for some time now.

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order.

The Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, the elements of the amendment that we have offered have been well known for some time. We could count votes like anybody else. When the Boren amendment passed, we did not decry the idea that there should be limitations. However, now, with the $15,000 item on PAC, we should be closing one door and throwing another one wide open. We would also be opening the door of independent expenditures. We felt that we should move as we did to try to control those things.

The Boren amendment has some problems. It raises the individual contribution from $1,000 to $1,500. I think that is too much.

The people on the other side talk about smaller contributions. We are the party who receive the Main Street contributions.

The PRESIDING OFFICER. The Senate is not in order. Will Senators standing in the aisle please take their seats?

The Senator from Minnesota.

Mr. BOSCHWITZ. I thank the Chair.

Much of the Boren amendment was directed at this side of the aisle, so we think that our amendment fairly balances it out. I think I have to agree with the Senator from Oklahoma, that the broadcasting amendment should be removed, that it was a violation of the first amendment. It was on that basis that we remove it in our amendment.

Mr. Leader, I am perfectly willing to go ahead and vote and take care of this. I am not sure that negotiations on this whole thing will be very fruitful unless we come up with a commission. That is what we need to do. It is very difficult to legislate this, the financing of campaigns.

Mr. DOLE. If the Senator will yield, if we can adopt the Boschwitz amendment, having adopted the Boren amendment, there might be the seeds of a good compromise. I have discussed that off the record with Senator BOREN.

Mr. BOSCHWITZ. In that case, I think we should proceed with a vote. If further compromise is in order, we can proceed from that point.

Mr. DOLE. Vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 42, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—58

Abdnor	Gramm	Murkowski
Andrews	Grassley	Nickles
Armstrong	Hart	Packwood
Baucus	Hatch	Pressler
Boschwitz	Hatfield	Quayle
Broyhill	Hawkins	Rudman
Bumpers	Hecht	Simpson
Chafee	Heinz	Specter
Cochran	Helms	Stafford
Cohen	Humphrey	Stevens
D'Amato	Kassebaum	Symms
Denton	Kasten	Thurmond
Dixon	Kerry	Trible
Dole	Laxalt	Wallop
Domenici	Lugar	Warner
Durenberger	Mathias	Weicker
Evans	Mattingly	Wilson
Garn	McClure	Zorinsky
Goldwater	McConnell	
Gorton	Melcher	

NAYS—42

Bentsen	Ford	Metzenbaum
Biden	Glenn	Mitchell
Bingaman	Gore	Moynihan
Boren	Harkin	Nunn
Bradley	Heflin	Pell
Burdick	Hollings	Proxmire
Byrd	Inouye	Pryor
Chiles	Johnston	Riegle
Cranston	Kennedy	Rockefeller
Danforth	Lautenberg	Roth
DeConcini	Leahy	Sarbanes
Dodd	Levin	Sasser
Eagleton	Long	Simon
Exon	Matsunaga	Stennis

So the amendment (No. 2690), as modified, was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

□ 1430

The PRESIDING OFFICER. Under the previous order, the Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, were either of the leaders seeking recognition?

The PRESIDING OFFICER. Will the Senator suspend?

The Senate is not in order.

Mr. BOREN. Mr. President, will the Senator yield?

Mr. DOLE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Senators standing in the aisle please take their seats.

The Senator from Vermont.

Mr. BOREN. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. LEAHY. Mr. President, the Senator from Kansas was seeking recognition. I yield to him——

Mr. DOLE. I was not seeking recognition. I just wanted to make an observation.

Mr. LEAHY. Without losing my right to the floor, of course.

Mr. DOLE. Mr. President, I will just say we have had two votes which I think are indicative on both sides there is strong consensus we need campaign financing reform, and I would just say on this side we are certainly willing to sit down as we have in the past with Senator BOSCHWITZ, Senator BOREN, and the committees we have on each side and maybe reach some agreement to permit us to complete action on this bill—if not today, sometime this week.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

Mr. BOREN. Will the Senator from Vermont yield to me for a unanimous-consent request?

Mr. LEAHY. I yield to the Senator from Oklahoma for a unanimous-consent request provided I can do so without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, in light of the progress we made today, so we can get this measure on over to the House of Representatives now I would like to ask unanimous consent we might proceed immediately to final passage and a rollcall vote on S. 655, as amended, with the understanding that we would then immediately revert to the pending order with the Senator from Vermont having the floor.

The PRESIDING OFFICER. Is there objection? The majority leader is recognized.

Mr. DOLE. Mr. President, I may be willing to do that later on this afternoon, but I still think we may want to work out one or two additional amendments, one that the Senator from Oklahoma had an interest in and one we had an interest in so at that time I will object but I hope the Senator will raise that later on today.

The PRESIDING OFFICER. Objection is heard. The Senator from Vermont has the floor.

Mr. BUMPERS. Mr. President, will the Senator from Vermont yield for a question of the majority leader?

Mr. LEAHY. I yield for that purpose without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I was just wondering—we have quite a few Senators on the floor at this moment—if the majority leader could give us some idea of how late we will be here this evening.

Mr. LEAHY. I ask unanimous consent that it not be on my time, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Was there objection?

Mr. LEAHY. No, there was no objection.

Mr. DOLE. I think it is safe to assume it is going to be fairly late because there are a number of amendments. We have not even gotten to the amendment stage yet. We will vote on the Sasser motion to strike, I guess, within the next hour. But I would guess with 10 or 12 amendments pending, it could be 9 o'clock at least.

Mr. BUMPERS. I thank the leader.

The PRESIDING OFFICER. The Senator from Vermont has the floor.

MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 1987

Mr. LEAHY. Mr. President, I ask unanimous consent that I be allowed to yield to my friend and distinguished senior colleague from Vermont, Senator STAFFORD, and that upon completion of his remarks, if there is time remaining under the order for me, he then be allowed to yield back to me the remainder of that time.

The PRESIDING OFFICER. The Senator will suspend. The Senate is not in order. The Chair points out that the Senator from Vermont has the right to yield time to the distinguished Senator from Vermont.

Mr. LEAHY. I yield such time to the distinguished Senator from Vermont as he might need without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. Will the Senator suspend for a moment. Senators standing in the aisle conversing please remove themselves from the Chamber or take their seats.

Mr. STAFFORD. Mr. President, I rise to speak in opposition to the sending of any American tax dollars to the Contras in Nicaragua.

Such expenditures to finance a military operation against a government which we officially recognize is not only morally and legally reprehensible, it is in this Senator's estimation an absolute waste of resources and lives.

Because, Mr. President, $100 million of American tax funds is not going to result in the overthrow of the Sandinista Government in Nicaragua by the Contras, 18,000 irregulars cannot defeat 100,000 regulars with interior lines of communication. The only result will be more bloodshed—more killing—and more involvement by the Soviet Union in Central America.

If our objective is the military overthrow of the Sandinista Government, the only way that will be accomplished is the full use of U.S. conventional military force—and I have heard no one who is proposing such action.

If, however, our objective is simply to convince the Sandinista Government to be more like us—to repent of its association with Cuba and the Soviet Union—then I submit there are better ways of accomplishing this than using American tax dollars in a disjointed military operation that is doomed to failure.

I have supported the economic and limited military assistance which the United States has provided to duly elected governments in El Salvador, Honduras, Costa Rica, and now Guatemala. The democratic process is making slow but encouraging progress in these Central American nations.

And we can speed this process up by directing more of our aid to these countries toward improving educational opportunity, health standards, and day-to-day living conditions. I am encouraged, therefore, that the administration plans to increase assistance to these countries for such purposes.

I believe very strongly, Mr. President, that if the United States can assist those nations friendly to us in Central America to tend to the needs and aspirations of their own people, than the people of Nicaragua will take care of their own problems and their own Government.

This Nation should not forget that by the graciousness of its people 40 years ago Germany, Japan, and Italy were rebuilt into strong democratic allies and the Soviet bloc could only respond some 15 years later by erecting the Berlin wall. I do not believe the Nicaraguan people will allow a Managua wall if we assist surrounding Central American nations to strengthen freedom, education, and opportunity.

We in America are at our best—and do our best—when we assist our friends in rebuilding peaceful, democratic societies—not when we become engaged in playing military games that we cannot control.

Mr. President, as one among many of my colleagues who battles daily here in the Senate to find a few dollars here and a few dollars there to allocate to present and future generations of Americans who seek a decent educational opportunity and a healthier environment, I have to wonder where our priorities are when I see a proposal to waste $100 million of American tax dollars in Nicaragua. Because I am convinced beyond any reasonable doubt that this is an absolute waste.

Mr. LEAHY. Mr. President, I compliment my friend and senior colleague for that statement, and I heartily concur in what he said.

Mr. President, how much time is available to me?

The PRESIDING OFFICER. The Senator has 26 minutes.

Mr. LEAHY. Mr. President, I should like to alert my colleagues about an amendment to this bill that I will bring up in due course. This amendment will probably raise some ques-

tions, and I want Senators to be well aware of it.

I will have an amendment which says that if this money for the Contras goes through, no funds would be able to be obligated or expended by the Central Intelligence Agency or any other intelligence agency or entity of the United States.

The purpose of my amendment is to get the Central Intelligence Agency out of a program which has done immeasurable harm and where there is no intrinsic need for the CIA to be involved.

I challenge anybody in the Senate—or in the executive branch, for that matter—to contend with a straight face that the CIA's long and disastrous involvement in the anti-Sandinista activities of this administration in Central America fits the definition of covert action.

The facts are that this insurgency and the longstanding U.S. support of it have been on the front page of newspapers from the beginning. That is not a covert action, when you can read about it sooner in the newspapers than the executive branch of the Government gets to read the classified reports. We all remember the mining of Nicaraguan harbors and the psychological warfare manual. These events, together with the reports of atrocities committed by some in the Contra forces, are severely damaging the standing of the CIA among the American people. It has damaged the CIA after we have worked hard to reestablish the credibility it deserves in this country, and to bring back the type of professionalism that we need in our intelligence agencies.

The CIA's engagements in the paramilitary operation in Nicaragua has reawakened fears of abuses, improper behavior and uncontrolled actions that we have spent all these years trying to calm.

But what has gone on in Central America is small potatoes compared to what we are going to have if we give them this $100 million payment—really a downpayment, because we know it is a downpayment for what is going to be a much larger and more costly and very controversial war by proxy against the Sandinistas.

There is not one Senator here who does not understand that. There are going to be ugly scenes on nightly television of dead and maimed civilians, destroyed schools and hospitals, and schoolbuses blown up by mines.

If the CIA is in charge of that effort, then it is going to be tarred with the same brush, whether it deserves it or not.

So you may ask: Why is the administration so intent on having the CIA in charge of this operation? I think one of the main reasons is not because the CIA is better equipped to run this misguided operation. Rather, it is the desire to minimize public scrutiny, and to minimize the ability of Congress to hold the administration accountable for this proxy war.

The CIA is doubtlessly more efficient than the State Department or the Defense Department or AID in running such a program out of the eye of public scrutiny. It does not have all the rules and the regulations and the procedures to contend with. It does not have to go to the same number of committees for every decision and dollar. But anyone who argues that there is some way that this proxy war could be run covertly by the CIA, totally misunderstands the nature of our involvement down there in Central America. It is going to be a war like Vietnam. It is going to be on television screens every night. There are not going to be any secrets, not because the Congress will not keep secrets, but because it is going to be out there every day for the press to see and to follow as they should.

The CIA can make no special or unique contribution.

In my 7 years on the Intelligence Committee, I have been a strong supporter of the CIA and our other intelligence agencies. In that committee, we have all worked hard to rebuild the agency after the batterings of the mid-seventies. Great progress has been made. I am very proud of what we have been able to accomplish in the rebuilding of the agency. It has been a case of Republicans and Democrats working very closely together on the Intelligence Committee. And we have succeeded.

It is painful to see all that we have accomplished, all that we have accomplished in a bipartisan effort, jeopardized in this foolish and totally unnecessary commitment for the CIA paramilitary action that is going to drag on for 2 or 3 or 4 more years.

I might say, Mr. President, as vice chairman of the Intelligence Committee, people in the CIA come to me quite often and they voice concerns about what has happened to their agency and even worse about things they think will happen if we continue with this plan.

Today, the Senate can help these proud and very serious professionals, true patriots, by voting to save the CIA from this quicksand. Let us keep the CIA doing what it is supposed to do. Let us allow it to work on issues of arms control, of combating terrorism that endangers the United States and our allies, of doing those things that a great power like the United States needs an intelligence agency for.

Mr. President, I also have other reasons for opposing what we are doing in Nicaragua. I come from a very special State, a very conservative and very careful State. People are concerned about issues not only within the State of Vermont, but outside. I think during the past 3 or 4 years there have probably been more Vermonters who have traveled to Nicaragua than to any other place outside our country. They have done it not because it is a place for a vacation, but because they are deeply concerned about what kind of directions this country is taking there.

They want to find out for themselves. They do not want to rely on either news accounts or congressional accounts or administration accounts.

We have had Vermonters of all ages and all political affiliations that have made such trips.

The vast majority of these Vermonters come back to me with one crystal clear message, and that is that the United States support for the Contras is wrong.

I am in Vermont virtually every week. I hear from Vermonters every single time I go home that the United States support for the Contras is wrong. I hear it from Republicans and Democrats, conservatives, liberals, moderates, old and young alike.

Let me tell you about one. He is a respected veterinarian from Vergennes, VT—which, incidentally, is the smallest city in the United States—Dr. Roger Ellis.

Dr. Ellis has visited Nicaragua twice in the past year. He proudly describes himself as a conservative Vermonter, but he speaks with passion and conviction about the need for the United States to adopt a policy that will help the people in Nicaragua rather than prolong aid to the Contras.

He told me of an experience that he had that speaks volumes about the tragedy of the military and economic war being waged by the United States against Nicaragua. While he was visiting a Nicaraguan farm, he noticed a farmer with a Soviet-built tractor. When he asked the farmer why he preferred Soviet equipment, Dr. Ellis was then told by the farmer that he had an American tractor, and he much preferred the American tractor to the Soviet tractor, but he was unable to get the needed spare parts to make it run.

So the farmer used a Russian tractor rather than an American tractor because he could not get spare parts for one, but he could for the other.

This farmer certainly, in preferring the Soviet tractor of necessity over the American tractor, was not saying he preferred Karl Marx over Adam Smith. He was simply facing up to realities.

Dr. Ellis wrote a guest editorial on his Nicaraguan experience and it was published in USA Today. It is one of the most sensible, straightforward commentaries I have seen.

He said that he made two trips there and he talked about meeting with

these farmers. He talked about what he saw. He ended up by saying:

We failed in Cuba and Vietnam with military solutions. Will we let some of our leaders take that road again? Let us North Americans join with our fellow Americans in Nicaragua to end the suffering.

John Lamperti of Norwich, VT, is a professor at Dartmouth College. He has been an active student of arms control and United States foreign policy in Central America. Earlier this year, he wrote a sober and compelling Op-Ed piece for the Barre, VT, Times Argus which raises many troubling questions about the administration's Nicaraguan policies, and points out some interesting inconsistencies in a foreign policy that makes little sense to anyone outside the Washington beltline.

At the appropriate time in my remarks, I will include in the RECORD not only his article but others I will refer to.

Mr. President, I like to think that people from Vermont are among the best informed and most active citizens in the United States. We led the Nation in our attempts to secure a mutual, verifiable nuclear freeze. The interest in turning around our Central American policy is just as great. And it goes across the political spectrum. In fact, since word has gotten around that we may be talking about this bill for a while, my mailroom has been clogged by hundreds of letters. You have to keep in mind there are only a half-million people in Vermont. Some days I think all half-million are calling on this one issue. And the vast, vast majority of Vermonters who have written or called or stopped me or my wife or my children in Vermont, have asked me to do everything in my power to reverse the Senate's previous position in favor of aid to the Contras.

In that light, I applaud the senior Senator from Vermont, Senator STAFFORD, for his position in opposition, and our State's lone Representative in the House of Representatives, Congressman JEFFORDS, for his position against this aid.

I would like to read from some of these letters. They are written by good, solid Vermonters—teachers, lawyers, doctors, priests, retirees, students, men, women, young, old.

One letter begins:

I come from a long line of citizens who have never hesitated to serve their country. Three of my direct ancestors fought in the American Revolution and my family has been well represented in most of our country's subsequent wars. As a young man, I volunteered and served two tours with the First Infantry Division in Vietnam. I hold the Combat Medic badge. I have no illusions concerning the nature of war.

(Mr. ARMSTRONG assumed the chair.)

Mr. LEAHY. Speaking now of what we are doing in Central America, he writes:

I have always believed that if the only thing America gained from our experiences in Vietnam was the assurance that it would never be allowed to happen again, then perhaps my buddies would not have died, or become maimed, in vain. That perhaps, in a sense, it might have even been worth it in its own tragic way. What we do now in funding the contras, defying the World Court and making enemies where we need have none betrays this hope—a hope shared by many.

Sir, I implore you—please use every means at your disposal to halt this madness. The American people do not support it, they do not want to pay hard earned money to hire mercenaries to kill impoverished peasants and, ultimately, I assure you, they do not want to construct another wall in Washington to commemorate yet another tragically misled generation of our youth. History, honor and decency are with you. May God strengthen you in your efforts to persuade your colleagues.

This letter is from another person who wrote:

DEAR SENATOR LEAHY: I am writing to urge your continued opposition to the Contra aid money in any way you are able.

I am a nurse, and one of the Vermont delegation who spent July 9 through 20 in El Salvador and Honduras where I was privileged and saddened to see the effects of our national policies. We were stopped and sometimes searched by the military in both countries. We heard testimony after testimony of arrest without warrant, torture, assassination, and disappearances.

We saw so many displaced persons, forced to call refugee camps "home," each with their personal tragedy of being wrenched from their land and livelihood. Small children stared at my gray hair—and I realized that few people there grow old enough to warrant that achievement.

□ 1500

This case is speaking of El Salvador, she went on to say the life expectancy there is but 45 years. She writes "What we are doing in Central America is immoral, no matter how we disguise our posture there. Again, please represent not only the people of Vermont in this issue, but human beings everywhere as a force that can translate rhetoric into sane foreign policy."

Another:

We write to you to support the defeat of Contra aid. We do not wish to have our tax dollars spent in this manner. We write to you in many capacities. We write to you as parents of two young sons. We do not wish to see them involved in war.

We write to you as teaching parents in a group home for neglected and delinquent adolescents. We do not wish to see military defense budgets taking our tax dollars while services for families and children are desperately needed.

Another is a full-time mother, wife, and homemaker and is a part-time grocery clerk. She writes:

My opinion on whether our country should be giving aid to the Contras may be thought by some to be less than "expert." My expertise, however, comes from personal involvement and responsibility for the actions of my government within the parameters of the participatory democracy that is integral to the existence of our country. It is my money that will pay for weapons and support of a group of people who, at best, are suspect because of their roots in a dictatorial regime the likes of which would never be tolerated in this country, and, at worst, are terrorists trying to prey on the anti-communist fears of the United States in order to seize power from the present government in Nicaragua.

One last:

DEAR SIR, let me take a moment of your time to express my displeasure with our current policy in regard to Nicaragua. I have come to the conclusion that we must stop contributing to the killing, swallow our pride, and leave Nicaragua to the Nicaraguans.

Mr. President, there are editorials from the Burlington Free Press, eloquent editorials in opposition to our activities there.

Those also I will include at the appropriate point.

You know, Mr. President, today there is no consensus on the administration's Nicaraguan policy. The American people oppose it. The majority of Congress has at one time or another voted to end this war. Presidential arm-twisting may bring narrow political victories, but it only deepens the tragedy that is continuing to unfold in Central America.

I ask my colleagues to think long and hard before casting their vote. This is a time when our vote puts us in, as I said last night, the inevitable morass, ultimately drawing American troops into Central America.

I am just one of many, many thousands of Vermonters who will get no solace in saying, "I told you so." We would rather be heard now, before it is too late.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the materials to which I have referred.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

DEAR SENATOR LEAHY, I am writing to urge your continued opposition to the contra aid money in any way you are able.

I am a nurse, and one of the Vermont delegation who spent July 9 through 20 in El Salvador and Honduras where I was privileged and saddened to see the effects of our national policies. We were stopped and sometimes searched by the military in both countries. We heard testimony after testimony of arrest without warrant, torture, assassination, and disappearances.

We saw so many displaced persons, forced to call refugee camps "home," each with their personal tragedy of being wrenched from their land and livelihood. Small children stared at my gray hair—and I realized that few people there grow old enough to warrant that achievement. The life expectancy in El Salvador is but 45 years!

The message we were asked to carry to our people and especially to our leaders—like yourself—was please, please, stop the supply of money which buys only weapons and fear and torture. Never the relief of poverty or safety. The people want only to

return to land they can farm to support themselves.

What we are doing in Central America is immoral, no matter how we disguise our posture there.

Again, please represent not only the people of Vermont in this issue, but human beings everywhere as a force that can translate rhetoric into sane foreign policy.

In gratitude and prayer,

ELSIE R. SKOLFIELD,
Burlington, VT.

DEAR SENATOR LEAHY, I come from a long line of citizens who have never hesitated to serve their country. Three of my direct ancestors fought in the American Revolution and my family has been well represented in most of our country's subsequent wars. As a young man, I volunteered and served two tours with the First Infantry Division in Vietnam. I hold the Combat Medic badge. I have no illusions concerning the nature of war.

Nor do I have any illusions regarding the post war problems, both physical and psychological, of veterans once they have returned from the front. This is not the place to itemize either the direct organizing efforts or the veterans program boards, committees, etc., I have been involved with in past years. The commitment has been considerable.

In addition to my firsthand experiences and observations, I have read seemingly endless books and articles about our past involvement in Southeast Asia and, more recently, about our deepening involvement in Central America—especially Nicaragua. Granted, there are numerous and marked differences between the two and I offer no simple-minded analogies, but one cannot fail to recognize the pattern of deceit at home and escalation abroad. I fear we are again entering that tunnel which has no light.

I have always believed that if the only thing America gained from our experiences in Vietnam was the assurance that it would never be allowed to happen again, then perhaps my buddies would not have died, or become maimed, in vain. That perhaps, in a sense, it might have even been worth it in its own tragic way. What we do now in funding the contras, defying the World Court and making enemies where we need have none betrays this hope—a hope shared by many.

Sir, I implore you—please use every means at your disposal to halt this madness. The American people do not support it, they do not want to pay hard-earned money to hire mercenaries to kill impoverished peasants and, ultimately, I assure you, they do not want to construct another wall in Washington to commemorate yet another tragically misled generation of our youth. History, honor, and decency are with you. May God strengthen you in your efforts to persuade your colleagues.

Sincerely,

DAVID ROSS,
Essex Junction, VT.

DEAR SENATOR LEAHY, We write to you to support the defeat of contra aid. We do not wish to have our tax dollars spent in this manner. We write to you in many capacities. We write to you as parents of two young sons. We do not wish to see them involved in war.

We write to you as teaching parents in a group home for neglected and delinquent adolescents. We do not wish to see military defense budgets taking our tax dollars while services for families and children are desperately needed.

We write to you as members of All Saints Church, Episcopal. We do not wish to support atrocities against our Central American neighbors.

We write to you as citizens of this democratic nation. We do not wish to have our nation involved in war and atrocities in Central America. We wish to have our nation be a peaceful neighbor.

We thank you sincerely for representing us as we wish to be represented. We support your extended debate in hopes that other Senators will vote to end aid to the contras.

Sincerely,

ELIZABETH A. YOUNG.
GERARD C. MCDOUGAL.

[From the Valley News, Jan. 29, 1986]

THE CONTRAS ATTACKED

To the Editor: I am currently living in Esteli, Nicaragua, with a local family. There is a group of us here, 24 total, mostly from North America. We are students, health care workers, professionals, a Vietnam veteran, old and young, here to study Spanish and learn about Nicaragua firsthand.

On Friday, Jan. 10, U.S.-backed contras ambushed and killed an agronomist and two aides on a road four miles outside of Esteli. The dead included two Estelianos. The next day, government militia pursued the contras and at least two more people were killed, including a man whose job was to defend his local coffee cooperative.

Meanwhile, my group had gone to a cooperative nearby to help with the all-important coffee harvest. When I returned home, my Nicaraguan family greeted me with news of the attacks. One of those killed was from my family's neighborhood. I had missed the funeral where, as the Nicaraguans say, "a mountain of people" came to share the grief; the Nicaraguans bury their dead immediately.

Last night, the U.S.-backed contras bombed an electricity tower, cutting off all power and the water pumps to Esteli, affecting the town of 60,000 people and the surrounding zone. Today, a truck dispensed water to all those who came with buckets. There's no electricity in the hospital where premature babies may die. This letter is being written by the light of a candle. The entire town is in darkness, on alert, forced to prepare against further terrorist attacks.

Attacks by CIA-trained contras against a civilian population are a violation of international law and the laws of the U.S. Constitution. To foment this kind of terrorism is not becoming of my country, or any civilized nation. Article 6 of our Constitution states that all treaties entered into are part of the supreme law of the land. The charter of the Organization of American States and numerous treaties call for non-aggression and peaceful resolution of conflict.

I call on my people to urge an end to all U.S.-directed military, financial and logistical aid to the contras. A dialogue should be resumed between Nicaragua and the United States, and the trade embargo against Nicaragua lifted. Nicaraguans have the sovereign right to self-determination.

As a North American, I have come to Nicaragua to learn why my government makes war against this country. I have learned that the people of Esteli have a history of heroic resistance, first against the U.S.-supported dictator Somoza and now the contras. These people have long suffered at the hands of U.S. foreign policy, yet they intend to persevere, to rebuild their country after years of war. The victims of U.S. aggression are the everyday people, the kids in the street, the mothers, the men and the farmworkers. Our group is contributing material and money to aid the displaced persons and families of the dead.

My duty is to name the nameless people who are dying: Bayardo Aguilera, Bayardo Ruiz, Virgilio Talavera, Gilberto Diaz and Uriel Tercero.

DINNY FORBES.

DEAR SENATOR LEAHY: Thank you for your continuing courageous stand against Contra Aid. I agree whole heartily that the current Administration policy is disastrous.

With this in mind, I urge you to continue to do everything possible to stop the $100 million from getting through the Senate.

The Reagan Administration has shown no reluctance to use nefarious tactics to push this aid package through—from threats to waivering members of Congress to covering up reports of contra wrongdoing. Under the circumstances, I feel that a filibuster is very much in order. It is an honest, necessary, last-ditch effort on our part to adopt a sane and neighborly policy towards Central America.

Keep up the fight, your efforts are noticed and appreciated.

Sincerely,

DAISY GOODMAN.

TWO NICARAGUAN JOURNEYS

I'm a Vermonter, a mother of two teenage sons and foster mother of a Cambodian teenage daughter. My first trip to Nicaragua was in February of 1984. I went for two reasons. First because I had heard of atrocities being committed against women and children by counter-revolutionaries who were being funded by my country. As a woman this made me sick and angry. Secondly I felt strongly as a mother that it was incumbent upon me to work for peace in Central America before my sons were sent there to militarily "defend democracy." The more I studied the history of U.S. intervention in Latin America over the past fifty years, the more clearly it seemed that this history was repeating itself in Nicaragua.

My second trip to Nicaragua was in February of '86. As in '84, I travelled with a dozen other Vermonters, who had religious affiliations and were committed to working for justice and peace with our Nicaraguan brothers and sisters. In my work as a campus minister at the University of Vermont, I have been inspired by the student concern over issues relating to Central America. This active concern was instrumental in my decision to return to Nicaragua.

On both trips the stories of Contra atrocities were confirmed by first hand experiences. In February of '84 I visited with a mother and family in Teotecacinte, a Nicaraguan border town between Honduras and Nicaragua. The mother told of how her little four year old daughter's head was blown off by a Contra mortar shell.

On Feb. 21st of '86, I visited a thirteen year old girl in intensive care at the hospital in Leon. Her name was Pilar Betanco Castillo. She was one of approximately sixteen victims of a Contra attack that occurred outside the town of Somotillo on Feb. 16th. Our group had heard about the massacre the following day as we gathered at Ocatal to participate in a religious pilgrimage. This was a pilgrimage that had its counterpart

throughout Nicaragua, during the first two weeks of Lent.

It was from this pilgrimage that Pilar was returning when the pick-up truck carrying her was ambushed by Contras. All the passengers in the truck were unarmed civilians, women and children. It was driven by a dedicated Swiss agricultural worker, Maurice Demierre. He was beloved by the campesinos for his effective work in organizing farm cooperatives.

The Contras killed Maurice plus five women and children. Nine persons were wounded. Our Vermont group visited the hospitalized victims in an effort to make some reparation for the terrible suffering and death caused by our administration's policy in Nicaragua.

Standing beside Pilar, who was immobilized by shrapnel in her spine and a metal brace riveted into her skull, I thought of my own thirteen year old in Vermont. Pilar's agony is still with me, even though she died a month or so ago.

From my experience of living with and listening to Nicaraguan campesinos, I am convinced that my country supports terrorism and is a scandal to the world community. As a woman I vow to do everything in my power to change the immoral policy that is responsible for the deaths of over 15,000 Nicaraguans over the past four years.

RODDY O'NEIL CLEARY.

DEAR SENATOR LEAHY: I lived in Costa Rica in 1980-81. My next-door neighbor was a Nicaraguan who had fled before the revolution. He was not a very political man, more devoted to his family and his job—as an accountant—than anything else. But he hated Somoza with a passion.

I also spoke to several who had traveled in Nicaragua and I still correspond with some other friends in Costa Rica. They tell me hatred of Somoza is still vivid in everyone's memory. The contras are seen as Somoza's old cronies and have the support of almost no one in Nicaragua—including opponents of the Sandinistas. They are not a political force—not even much of a military one.

The U.S. will not endear itself to the Nicaraguan people—nor will we forestall communism—by supporting the contras. Please do everything you can to defeat the contra aid.

I fear for my fellow Americans in South and Central America and indeed for myself and my children to think this mad war may escalate.

Yours sincerely,

CYNTHIA NORMAN.

DEAR SENATOR LEAHY: I have deeply appreciated your thoughtful and vigorous opposition to any aid for contra rebels in Nicaragua. As the pastor of a Vermont United Church of Christ, I have had several opportunities to see first-hand what is happening there. These people, without exception, are people of uncommon integrity and compassion. They are not friends of oppression anywhere and do not support everything that the Sandinista government has done and is doing. But they all come away from Nicaragua with the definite opinion that aid to the contras greatly increases the suffering of the people and encourages the sandinistas to curb civil liberties in the name of national security. My friends are also convinced that many good, constructive changes have taken place under the Sandinistas that are simply not acknowledged by our government or our media.

Oppression, whether it be from a Somoza government in Nicaragua or any government in any country, should be opposed by our freedom-loving country. But military opposition is not the answer for Nicaragua; it only increases more human misery, with little or no hope of improving conditions in the short or long term. I find the South African government repugnant, and I look forward to radical changes there, but I would oppose military aid to liberation forces in South Africa as vigorously as I oppose such aid to the Nicaraguan Contras. Let us not be party to this blood-letting any longer.

I hope your effort to change the minds of several senators on this issue is successful. Our country's moral integrity and the lives of many Nicaraguan people depend upon the defeat of the ill-advised course the Reagan administration is pursuing in Nicaragua.

Sincerely,

JAY SPROUT.

BURLINGTON, VT,
August 7, 1986.

Senator PATRICK LEAHY,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: I am writing in regard to the upcoming Senate vote on Contra aid.

I work for the State of Vermont's Division of Vocational Rehabilitation. I develop jobs for Vermonters with disabilities. The total annual budget of our agency is $3 million this year. Many potentially productive Vermonters will sit home this year because that amount is insufficient to provide all those who are in need with the basic equipment or training needed to become employed or even to function independently.

Meanwhile, the U.S. Senate contemplates sending $100 million to an international force of mercenaries to fight a legitimate and popular government. The force we seek to support violates all norms of human decency. They kidnap and torture teachers and agricultural workers, and rape and murder women and children. Support for this group of terrorists would directly violate international law and a direct order of the International Court of Justice. It sounds unbelievable, doesn't it?

Revolutions have occurred for over one hundred years in Central America, since long before there was a Soviet Union. And revolutions will continue to occur in Central America as long as the basic injustices and inequities continue. These revolutions will become more frequent and of greater magnitude if we continue to fuel the forces of oppression which propogate the injustices and inequities.

I ask you to urge your colleagues in the Senate to realize the insanity of supporting a group such as the Contras, while those of working for the basic human rights of us Americans in need see our budgets drastically cut.

Sincerely,

STEVEN P. DICKENS.

WORCESTER, VT,
August 5, 1986.

Senator PATRICK LEAHY,
Washington, DC.

DEAR SENATOR LEAHY: Thank you very much for your opposition to Contra aid. I am proud that you are taking a lead role in opposing it. As a citizen of Vermont and a mother of two, I am appalled by the knowledge that U.S. dollars are being used to fund an illegal war against the Nicaraguan people. I am outraged that innocent people are being murdered in the name of stopping Communist aggression, in a situation where self-determination and not "communist aggression" is what is at issue.

I feel privileged to be able to raise my family in an atmosphere of peace and security here in the State of Vermont. All mothers who love their children deserve that same right. Please let me know if I can do anything further to support your extended debate against U.S. aid to contras.

Thank you again.

Yours very truly,

JOAN BAUER,
Attorney at Law.

NORTH CONGREGATIONAL CHURCH,
UNITED CHURCH OF CHRIST,
St. Johnsbury, VT, August 5, 1986.

Senator PATRICK LEAHY,
Burlington, VT.

DEAR SENATOR LEAHY: I have deeply appreciated your thoughtful and vigorous opposition to any aid for Contra rebels in Nicaragua. As the pastor of a Vermont United Church of Christ (Congregational) Church, I have had several opportunities to hear and talk with a number of church people who have gone to Nicaragua to see first-hand what is happening there. These people, without exception, are people of uncommon integrity and compassion. They are not friends of oppression anywhere and do not support everything that the Sandinista government has done and is doing. But they all come away from Nicaragua with the definite opinion that aid to the Contras greatly increases the suffering of the people and encourages the Sandinistas to curb civil liberties in the name of national security. My friends are also convinced that many good, constructive changes have taken place under the Sandinistas that are simply not acknowledged by our government or our media.

Oppression, whether it be from a Somoza government in Nicaragua or any government in any country, should be opposed by our freedom-loving country. But military opposition is not the answer for Nicaragua; it only increases more human misery, with little or no hope of improving conditions in the short or long term. I find the South African government repugnant, and I look forward to radical changes there, but I would oppose military aid to liberation forces in South Africa as vigorously as I oppose such aid to the Nicaraguan Contras. Let us not be party to this blood-letting any longer.

I hope your effort to change the minds of several senators on this issue is successful. Our country's moral integrity and the lives of many Nicaraguan people depend upon the defeat of the ill-advised course the Reagan administration is pursuing in Nicaragua.

Sincerely,

JAY SPROUT.

THE UNINTENDED WAR

President Reagan says he has no intention of sending American boys to fight in the jungles of Central America. But those who accuse him of leading the U.S. into a Nicaraguan war fear that, once events pick up momentum, his intentions may be irrelevant.

The Senate voted Thursday in favor of the president's request for $100 million in aid for the Nicaraguan rebels, known as Contras. Sen. Pete Wilson, R-Calif., called that sum a pittance, which is false. Sen. James Sasser, D-Tenn., said the action would unleash the dogs of war, which is closer to the truth.

The expenditure of $100 million is a commitment of more than money for the U.S. If the House now succumbs to the Reagan-induced hysteria over Nicaragua, America's prestige would then be hitched to the Contra effort. American advisers would be sent to help them put our aid to use, and the momentum toward a wider war would have begun.

And once it begins, increased American involvement will almost certainly follow. The Contras have little chance of overthrowing the Nicaraguan government because they have no compelling political ideology, they are tainted by their past, and they command little allegiance among the Nicaraguan people. Our $100 million would produce nothing but mayhem and demands for more money, advisers, helicopter pilots, support troops and, finally, infantry divisions.

Issues of war and peace quickly deteriorate into oversimplified, broad-brush extremes. Thus, as the Reagan administration exaggerates the threat posed by Nicaragua, it creates a demon that it will be honor-bound to destroy. For if the Sandinistas are demons, how could the job of defeating them be left unfinished? How could we abandon our allies in the field? How could we let ourselves lose?

Those who view the Reagan policy as both impractical and immoral would then be branded as defeatists or Sandinista sympathizers. It is not defeatist, however, to counsel common sense, and it is not Leninist to oppose Leninism methods more effective than military conquest.

If, as in Vietnam, we respond to the failure of our clients by sending more American troops, the result will be a long, bloody war, renewed anti-Americanism, and a conflict that would rend American society. The president may not intend it, but he is making it happen.

UNDECLARED WAR

It is a comfort to know that Rep. James Jeffords, Vermont's lone representative to the U.S. House, had the guts and the sense to vote against President Reagan's request for $100 million in aid to the rebels trying to overthrow the government in Nicaragua. But it is also frustrating, because there is nothing else we can do through our congressional delegation. It is nice to know that Vermont did not contribute to this travesty, but that does not lessen the outrage.

No one should be mistaken about what happened when the vote was taken. The U.S. has jumped four-square into another undeclared war. The package approved by the House represents a major increase in overt military aid. It can be assumed that there will be an escalation of CIA activity as well. And it is clear that no one thinks this is a one-time expenditure that will fulfill our obligation to the Contras. The House didn't just give Reagan his $100 million—it gave him a green light. The signal was not missed by the administration. Less than 24 hours after the House voted to approve the Contra aid package, White House spokesman Larry Speakes said the president would be back next year for more money.

The vote at the end of last month put us out in front of what can only be described as a war against Nicaragua. If you think the latest move will intimidate the Sandinista government, you're mistaken. In a little while we will hear about some action that makes the Sandinistas seem patriotically defiant of the giant to the north, that increases their reputation among other Latin American countries—and will impel our administration to "save face" by trying some further action, like bombing Managua or blockading the coastline.

It is not good to enhance the reputation of the Sandinistas in the eyes of the rest of the world, but that will be the result of the congressional action last month. If Congress really thinks this is the course the U.S. should be following, if it really thinks we have the right to force a country of three million people to choose leaders that meet with our approval, then it should have the strength of conviction to declare war and own up to what it is doing. Congress won't do that, however, because it knows the public won't stand for it. But the public shouldn't stand for an undeclared war either.

CONTRA AID PLAN IS THROWBACK TO FLAWED POLICY

However repetitive it may seem, the warning against U.S. intervention in the internal affairs of other nations bears repeating.

Yet the Reagan administration's foreign policy in Central America, bearing a remarkable resemblance to what passed for diplomacy in the past, is based on the mistaken assumption that Washington has a right to interfere in matters that rightfully belong to the people of sovereign states.

The region is not the exclusive fiefdom of the United States. That some believed meddling was necessary earlier in this century does not mean it was justified or excusable. Sending in U.S. Marines to put down rebellions and restore order violated the territorial integrity of the nations in the region. Unrest in the banana republics grew out of the misery and despair of an impoverished citizenry. Critics have since claimed the interventionism was prompted by demands that North American business interests be protected. Uprisings, after all, interrupted the steady flow of products from Central America to the United States. Once the Marines had quelled rebellions, control was turned over to despots who more often than not were cruel and corrupt.

U.S. meddling in Nicaragua resulted in the establishment of the Somoza dynasty which shamelessly exploited the peasantry. Through widespread graft and corruption, the Somozas amassed fortunes for themselves while doing little to improve the conditions of the people. When the regime was overthrown in 1979, Washington at first appeared sympathetic to the new Sandinista government and provided some financial aid to Managua.

But the situation changed drastically after President Reagan was elected. In the intervening years, the White House has thrown its weight behind the contras, guerrillas whose avowed purpose is to oust the Sandinistas and establish a "democratic" government in Nicaragua. Millions of U.S. dollars have been spent to provide them with military and humanitarian aid. Yet they have made scant gains in their war against the Sandinista regime. They have few supporters in Nicaragua and hold little, if any, territory inside its borders. But the White House would have the public believe that the contras are on the frontline in the war against the spread of Communism in Central America. Reagan's optimism is shared by few in Congress and in the country. Many think that the contras are as effective as a gnat on an elphant's hide.

What is basically wrong with Reagan's foreign policy is its assumption that any hemispheric government that is not a carbon copy of the U.S. model is inherently evil and a friend of Moscow. Democratization is the catchword in the White House. Yet is it ironic that the administration says little about the oppressive, non-democratic regimes in Chile, Guatemala, Honduras, Bolivia and Paraguay. Such inconsistencies either indicate that the administration is indifferent to the plight of people in those countries or is simply blind to the genuine needs of Central and Latin America.

Certainly Reagan's persistence in attempting to persuade Congress to provide another $100 million in aid to the contras is a clear symptom of that obsession. If he does not by now know that the contras are ineffective, then he is a victim of a grand delusion. If he does not recognize that anything short of full scale military intervention by the United States will not bring down the Sandinistas, then he is ignorant of the realities of the situation. Yet he has applied new pressure on Congress to approve the aid measure. He even requested approval to address the House on behalf of the bill, a proposal which was wisely rejected by House Speaker Thomas P. "Tip" O'Neill, Jr., D-Mass.

Should the House approve further aid to the contras today, lawmakers will be casting a vote for a flawed foreign policy that is at least a half a century behind the times.

Intervention in the internal affairs of other countries is inconsistent with U.S. principles which recognize the right of people to determine the shape of their governments.

[From the Burlington Free Press, June 10, 1986]

BACKING CONTRAS IS BAD SUBSTITUTE FOR DIPLOMACY

Substantial amounts of U.S. foreign aid dollars have a remarkable capacity for disappearing after they are poured into the pipeline in Washington and channelled toward their recipients.

The latest fiasco involves padded and phony invoices submitted by two Nicaraguan rebel groups who are part of the network that makes up the contras. The contras ostensibly are fighting against the Sandinista government in Managua. Some contend the aim of the contras is to force the Sandinistas to liberalize their human rights policies. Others claim that the contras are dedicated to the overthrow of the Ortega regime. Whatever the case may be, the Reagan administration has thrown its support behind the contras as "freedom fighters" who are seeking to save Central America from the Communists.

To help the rebels in achieving their goals, the administration has appropriated millions of dollars for military and non-military aid and next week will ask Congress to approve President Reagan's request for another $100 million for the same purpose. Charges that between $13 million and $15 million in taxpayers' money have been misappropriated certainly are not calculated to persuade lawmakers to send more money to the contras. Reagan's case has been seriously, perhaps fatally, damaged by accusations from former contras and Americans who worked with them that the rebel organization has been involved in corruption, drug-smuggling, gunrunning and assassination plots.

That the administration advocated intervention in Nicaraguan affairs through the contras was wrong to begin with. Instead of dealing with the regime that was estab-

lished after the overthrow of Anastasio Somoza, the White House chose to deal with the issue on an ideological basis, claiming that the Sandinistas were the Kremlin's surrogates in spreading Communism through Central America. And there should be little doubt in anyone's mind that contra champions in the administration would cheer lustily if the government in Managua were overthrown.

Interfering in the internal affairs of Nicaragua or any other country in the world, however, is a violation of the right of self-determination. That principle should be a fundamental element in American foreign policy to which presidents must subscribe.

To insure that it is observed, Congress should reject Reagan's request for more aid to the contras and should demand that he seek a diplomatic solution to the differences between Washington and Managua.

Undeclared War

It is a comfort to know that Vermont's lone representative to the U.S. House had the guts and the sense to vote against Rambo Reagan's request for $100 million in aid to the rebels trying to overthrow the government in Nicaragua. But it is also frustrating, because there is nothing else we can do through our congressional delegation. It is nice to know that Vermont did not contribute to this calamity, but that does not lessen our outrage.

No one should be mistaken about what happened on Wednesday. The U.S. has jumped four-square into another undeclared war. The package approved by the House represents a major increase in overt military aid; it can be assumed that there will be an escalation of CIA activity and funding as well. And it is clear that no one thinks this is a one-time expenditure that will fulfill our obligation to the Contras. The House didn't just give Reagan his $100 million, it gave him a green light. The signal was not missed by the administration. Less than 24 hours after the House voted to approve the Contra aid package, White House spokesman Larry Speakes said the president would be back next year for more money.

Wednesday's vote didn't drag the United States deeper into the Contras' struggle; it put us out in front of what can only be described as a war against Nicaragua. If Congress really thinks this is the course the U.S. should be following, if it really thinks we have the right to force a country of 3 million people to choose leaders that meet with our approval, then it should have the strength of conviction to declare war and own up to what it is doing. Congress won't do that, however, because it knows the public won't stand for it. But the public shouldn't stand for an undeclared war either.

Until All Aid to Contras Cut, U.S. Is Party to War

What bears repeating to the proponents of military aid to Nicaraguan insurgents is that the United States should not intervene, militarily or politically, in the internal affairs of other nations.

No matter how oppressive the Sandinista government may be, and there is evidence that it is adopting an increasingly hostile stance toward dissidents within the country, the fact is that such conduct does not provide sufficient grounds for Washington to provide weapons and supplies to the opponents.

While American troops are not yet involved in the war between the rebels and the Sandinistas, the Contras are nothing more than U.S. mercenaries who are carrying out Washington's policies. The Reagan administration has made no secret of the fact that it would prefer a different type of government in Managua and the rebels are the tools to achieve that goal.

It is perhaps unnecessary to point out once again that the Nicaraguan people are entitled to select the form of government which they perceive is most suitable for their country. Enough has been heard and said on that subject to awaken the public to the hazards of interventionism.

That is not to say, however, that the Sandinistas are not guilty of grave injustices against their people by arbitrarily cancelling their freedoms.

Yet people in this country must be reminded that the United States has declared war on Nicaragua by backing the contras. That might in part account for the extraordinary measures that the government has taken. Silencing the opposition press and expelling a Roman Catholic prelate who urged the Sandinistas to talk with the rebels apparently were part of an effort to tighten security within the nation.

A group of senators, among them Sen. Patrick J. Leahy, D-Vt., have said they will filibuster against $100 million in military and non-military support for the rebels when the legislation comes to the floor of the Senate later this summer. The House already has approved the plan. Sen. Jim Sasser, D-Tenn., a leading opponent of the measure, said the group believes it is "improper and counterproductive to the interests of the United States." Sen. Alan Cranston, D-Calif., has defined it as the equivalent of the Gulf of Tonkin resolution which was considered a go-ahead for American involvement in Vietnam.

The opponents hope to wring concessions from the Senate on the aid measure and impose tighter controls over the use of the money. Cranston said the bill might be amended to bar American advisers from operating within 20 miles of the Nicaraguan border. Other senators said they want to block the Central Intelligence Agency from supervision of Contra activities.

Even if the filibuster succeeds in accomplishing its goals, lawmakers will not prevent U.S. aid from flowing to the rebels in violation of the principles which nations live by.

Until all aid is cut off from the contras, the United States will be involved in a war with Nicaragua which ultimately could result in the use of American troops in Central America.

Today, Nicaraguan rebels are dying with scant hope of overthrowing the Sandinista regime; tomorrow, American soldiers may be fighting and dying in the region's jungles for the same purpose.

Aid to Contras Will Strengthen Ortega's Hand

In the land of Myopia, inhabitants can only see what is near at hand; the future is too dim and distant to have any shape or form.

That perhaps is why Myopians stumble over their mistakes before seeing them. Afflicted with shortsightedness as they are, they cannot make decisions that will stand up to the test of time.

It may be considered unfair by some to say it, but it must be said that 221 congressmen Wednesday qualified for Myopian citizenship by voting to approve a $100 million aid package for the contras, rebels whose avowed purpose is the overthrow of Nicaragua's Sandinista government. What they voted for was more money to support mercenaries who have surely demonstrated their ineptitude over a five-year period. What the majority voted for was a dilution of U.S. principles which protect the right of other people to choose the type of government that best meets their needs. What they voted for, no matter how much they may say it was not so, was direct intervention by the United States in the internal affairs of another country through the appropriation of funds for a surrogate army.

Their action was reminiscent of another time when the gringos to the North so dominated Central American affairs that the genuine aspirations of the people were crushed to serve U.S. business interests. That Nicaraguans after decades of oppression by a corrupt and repressive regime overthrew their nemesis in 1979 is considered offensive to the hemispheric superpower because they had the temerity to adopt a different style of government. That is not to say that the Sandinistas are plaster saints. They are not. But it is to say that Nicaraguans should be granted the right to make their own mistakes. It is possible, for instance, that the Sandinistas would fail without outside pressure from either the contras or Washington.

But the 221 myopic congressmen, heeding the plea of a president who is obsessed by the "Red menace," have given Nicaraguan leader Daniel Ortega a reason to breathe easier. Now the Sandinistas can continue to use the threat of military intervention by the United States as an excuse for imposing even more restrictive measures on the Nicaraguan people. Ortega's enemy has invented itself. And the caricature can be used by the Sandinistas to strengthen the resolve of many Nicaraguans to defend the government even though they believe it does not serve their best interest.

By giving the Reagan administration a license to intervene in Nicaragua through the medium of the contras, a slim House majority has committed the United States to a course which is antithetical to the rules that a democracy should live by.

The seeds they have planted may bear bitter fruit for Myopians and their compatriots to eat in the years to come.

Filibuster Hope: Influence Policy

Providing aid to Nicaraguan rebels whose goals are as vague as their successes in the field has become an obsession with the Reagan administration.

In spite of an apparent lack of public support for his flawed policies in Central America, President Reagan has used his powers of persuasion to keep the issue alive in Congress where sentiments are sharply, almost evenly, divided on the subject. Using deception and hints that lawmakers who oppose aid are soft on Communism, the White House succeeded in winning a narrow victory for its $100 million aid package in the House. Now attention has shifted to the Senate. The request for the moneys was approved—again narrowly—Tuesday by the Senate Appropriations Committee. When it will be brought to the floor is difficult to say.

Opponents of the measure, among them Sen. Patrick J. Leahy, D-Vt., have vowed to filibuster against the appropriation when it is brought to the floor. To forestall that possibility, the Republican leadership is attempting to corral the necessary 60 votes to

invoke cloture which would cut off debate on the issue. Sen. Robert Dole, R-Kansas, Senate majority leader, is holding a bill which would impose sanctions on South Africa as a hostage in the controversy over the measure to provide aid to the Nicaraguan rebels, according to Sen. Richard G. Lugar, R-Ind., chairman of the Senate Foreign Relations Committee. Dole offered to guarantee opponents of the measure a vote on South African sanctions on the Senate floor. When that was rejected, he decided to round up the votes to cut off debate on the rebel aid measure. Lugar predicted that cloture eventually will be invoked "with some pushing and pulling."

While agreeing that Reagan would ultimately win the fight, Leahy said the strategy of the opponents of rebel aid was to make the battle so "painful" that the administration would not try to bring the issue to Congress next year. "In the long run, we win if no one wants to go to the well again," he said.

By offering to allow a vote on the South African sanctions measure in exchange for a pledge to abandon plans for a filibuster, the Senate's Republican leadership engaged in the worst type of trading. Since the two issues are not related, they should be decided separately on their own merits. But the bargaining effort is characteristic of the methods which have been used by the White House and Republican leaders during the debate over the rebel aid program.

What should be clear to the public is that a filibuster can be useful if it can finally persuade the administration to develop a policy of non-intervention in Central America.

It is time for Reagan to realize that aid to the Nicaraguan rebels is nothing more than an exercise in futility.

DEAR SENATOR LEAHY: As a full time mother, wife and homemaker, and as a part time grocery clerk, my opinion on whether our country should be given aid to the contras may be thought by some to be less than expert. My expertise, however, comes from personal involvement and responsibility for the actions of my government within the parameters of the participatory democracy that is integral to the existence of our country. It is my money that will pay for weapons and support of a group of people who, at best, are suspect because of their roots in a dictatorial regime the likes of which would never be tolerated in this country, and, at worst, are terrorists trying to prey on the anti-communist fears of the United States in order to seize power from the present government in Nicaragua.

It is also my children who will be asked to risk their lives for these contras. Is there really any illusion in Congress that this will be the last time President Reagan or the contras will ask for aid? Is there any illusion that this aid will actually end the war? What will be the next request? More money, more guns, more advisors?

And it is my voice—my vote—that causes you, my representatives to consider the will of the people you represent, the people for whom you are committing our money, our lives and our consent.

Vietnam was such a clear lesson to the country—we, the greater military power, actually lost the war. Unless there is some secret agreement that we are now prepared to use nuclear weapons in Nicaragua, there seems to be no real difference in the escalation of events between the two wars. Clearly this war was not an effective means either financially or ideologically to "get our way." Since war doesn't seem to work, why cannot we be a little more creative with resolving our conflicts? For centuries, man has been wasting his life in the name of defending ideology. Yet, in spite of all our technological advances, we still resort to the basic method of solving conflict that was used when man was a neanderthal: killing other human beings.

It is time the representatives of the American people showed a little confidence in the integrity of the people they represent who clearly are not in favor of aiding the contras. It is also time we as a people showed a little confidence in the integrity and the will of our neighbors to the South and their need and right to determine their own governments. It is not our right or duty either morally or legally to impose our view of what is best for them. Let's get on the correct side of the moral issues for a change.

As a citizen of a free country which recognizes that embracing all races and ideology as one of the bases for its strength, I say, no more to the horrors in Central America which are promulgated by my money. Give the Nicaraguans the right to decide for themselves what their government will be. It is their right to determine their future, not ours. For their sake and for the sake of our future, vote no for more contra aid.

TENA PERRELLI VENET,
Underhill, VT.

DEAR SIR: Let me take a moment of your time to express my displeasure with our current policy in regards to Nicaragua. I have come to the conclusion that we must stop contributing to the killing, swallow our pride, and leave Nicaragua to the Nicaraguans. I do not make these statements out of ignorance of the evils of having a second Soviet client state in this hemisphere. Nor am I ignorant of the issues of war. Also, I spent a tour of duty in Panama guarding our interests there. I feel it is time America chose a higher moral road to preserving freedom. Let's work to build up the economies of Central America and stop putting our energies into acts of destruction. Let's show by example that real freedom comes from economic and moral supremacy, not from military might. Communism will ultimately fail by this path, not by bloodshed. Therefore, I ask that you use your power and influence to halt the flow of weapons to the contras and start a "Marshall" type plan for our friends in Central America.

Sincerly,

GREG LAFRANCE,
Rutland, Vermont.

DEAR SENATOR LEAHY: I want to record my unequivocal support for your effort, along with other senators, to make a last effort to stop the proposed $100 million and to the so-called "contras" in Nicaragua.

I have watched with growing disbelief and horror that the Congress would continue, time after time, to fall in line behind the Administration's one-dimensional mania to send money to this questionable organization. Polls, over and over, show that the American people are against this policy. The comparison to the early days on entanglement in Vietnam are unmistakable. But most of all, it is not our business or our right to interfere in the affairs of another country—a position Reagan seems to take with ease, for example, on South Africa.

I thank you for this effort, and for whatever you can do to put a stop to this insanity.

Sincerely,

MS. MARTY LEVIN,
Plainfield, Vermont.

DEAR SENATOR LEAHY: You have my unequivocal support of your position, not only as to military aid, but also as to the so-called "humanitarian aid." If a filibuster can put a stop to such dangerous foolishness, more power to you.

Under other circumstances, a filibuster might be regarded as an anti-democratic measure, but in this case it is the Administration which is ignoring the sentiments of the people and, therefore, such a measure can be justified.

We are both old enough to have seen the United States take steps such as this, which one by one are acceptable to Congress, but serve in aggregate to embroil our country in the affairs of others to the great detriment of all. I cannot see that our intervention in Nicaragua will do anything to improve the lot of its people, but on the contrary will, if not stopped, bring ruin to them and obloquy to the United States. A review of recent United States positions in its external relations makes one wonder which nation is truly the outlaw in today's world. I am afraid that we are in very bad company.

If there is anything more that I can do to support your position on this issue, please let me know.

Sincerely,

MARGORIE POWER,
Montpelier, Vermont.

[From USA Today, June 25, 1986]

NICARAGUA'S PEOPLE NEED OUR HELP

(By Roger G. Ellis)

VERGENNES, VT.—Since February, this conservative veterinarian has made two trips to Nicaragua.

At an agricultural school near Estell, a veterinarian from Mexico was on staff. Two to five Cubans were coming to help. The director said U.S. veterinarians would be welcome, but none came. A small barracks was being built to house soldiers. The school is a contra target, since it is successful in helping farmers.

Spending the day with a prominent private farmer, I saw U.S.-made farm machinery crippled for lack of a part, while a Russian tractor was being repaired. He preferred the durability of the U.S. equipment, but parts aren't available due to the U.S. trade embargo.

Flour couldn't be found for his daughter's birthday cake. Poorly dressed and shoeless children abounded. The economy was worse than under Somoza, but Somoza had gotten too greedy and had to go. Now, the contra war makes things worse. The U.S. government could help Nicaraguans instead of helping the contras. This would encourage a middle-of-the-road government.

A large shipment of veterinary supplies had been delayed over a year by the embargo. Drugs had passed their expiration dates. To determine the use of the supplies, I visited a year-old private cooperative—16 families had been given 600 acres of former Somoza land to farm privately. They showed off their farm proudly and heard my suggestions, but without supplies and resources, few could be implemented.

One co-op member talked of going to a town meeting to discuss the new draft con-

stitution. For the first time, this elderly man could participate in his government.

We visited an 1,100-acre farm near Boaco, the first North American-Nicaraguan farm project. The Nicaraguan government is providing the land and financing for the buildings. Nicaraguan farmers will join five U.S. farmers to develop a dairy co-op.

We failed in Cuba and Vietnam with military solutions. Will we let some of our leaders take that road again? Let us North Americans join with our fellow Americans in Nicaragua to end the suffering.

TRIP TO NICARAGUA—JUNE 1-10, 1986

(By Roger G. Ellis, D.V.M.)

Purpose: To take a second look at Nicaragua. To get a feeling of how the situation has changed. To learn more about agriculture and veterinary medicine in Nicaragua. To renew friendships with people I know there. To make new friends and contacts. To do something to help veterinary medicine and animal health in Nicaragua.

PART I

After an unexpected stay at the Sheraton in San Salvador, El Salvador (due to a TACA airlines delay) we arrived in Managua on Monday morning, June 2nd. All of our bags arrived safely and the period I feared the most of getting through customs was very routine and easy. CEPAD was waiting for us and we were quickly on our way to the CEPAD offices. As we drove into Managua a feeling of depression hit me. The situation seems worse than it was in February. I can't explain it in concrete terms, but in general everything seems more scarce and more run down. Certainly things are no better than February 1986.

At the office I met Octavio Cortes, the head administrator of CEPAD, Beatriz Aburto (Director of Agricultural Development with emphasis on education), Vidal Siero (Director of Agricultural and Cattle in Regions 2, 3, and 5) and Pierre Gingerich, my interpreter. After a brief meeting and lunch we were off to the bodega (warehouse) to start our work.

The CEPAD Bodega is located in the old Hotel Nicaragua, a hotel destroyed by the earthquake in 1972. It is now used as a warehouse, sturdy and dry, but totally rundown. The shipment of 135 boxes almost entirely filled a small hotel room. The smell gagged me and a bat flew out over my head. The smell, we found out later was not the warehouse room, but some lice and fly dust bags which had broken in shipment. We had been told by CEPAD that no numbers appeared on the boxes and I mistakenly assumed this was correct. They said we could use the room across the hall to start organizing. This was just an empty hotel room but a table was found and we began our improvised veterinary supply room. We began to bring boxes into the room with the help of two very nice and strong warehouse workers, Jose and Francisco. They were good help and a lot of fun but a little rough on the boxes.

There were some problems with the shipment but in the end I feel positive about it. I'm sure some of the problems, such as drug expiration, are somewhat due to the delay of the shipment by the embargo. There were problems on both ends that must be resolved.

I also have a dream project for the future of the 2 rooms I have started to organize. This will be detailed in the appendix. I feel proud of the effort made and I know much of the supplies will be put to good use. However, we do have to clean up our act in the future and the only way this can be accomplished is by Heifer Project getting more volunteers like myself to work on the shipments both in the U.S. and at the destination.

PART II

The four visits I made were very informative and allowed me to make some very significant contracts in Nicaraguan agriculture and veterinary medicine.

1. Wednesday, June 4, 1986—School of Zootecnics of the University of Central America, Managua, Nicaragua.

Contacts: Oscar Miranda, Vice Dean of Faculty of Agriculture & Cattle; Dr. Sonya Garcia, Director of Veterinary Diagnositic Center for Nicaragua; Dr. Consuelo Rios, M.Sc. in Pathology, Head of Pathology at UCA.

Had Vet School from 1960-1969; closed due to lack of funds.

Started school of Zootecnics in 1969 to partially fill the void of lack of vet school.

Hope to start a professional veterinary program in 1987-88.

Desperately need supplies; lack reagents to do testing for Lepto, Burucellosis, African swine fever, and to identify bacteria.

Labs do exist and have the beginnings of equipment: centrifuge, incubators, microscopes, microtome, etc. Most equipment looks old but well kept.

Have a small necropsy lab. Saw a very good autopsy done by Dr. Rios. Diagnosed pneumonia. She had to do it with Playtex gloves that did't fit well and had holes in them.

Said they really needed supplies and reagents. Would send a specific list in near future.

I said that we could make no promises but would try our best.

They offered to test the Omnizole boluses for efficacy by fecals if Merck said they were likely to be o.k.

2. Thursday, June 5, 1986—Visit to MIDINRA.

Contact: Carlos Torres, Direcion Grad de Ganaderia, Km 3½ Cantera, Masaya Midinra, Managua, Nicaragua.

Very interested; he is head of large livestock department (horses and cattle) in the general department of livestock.

Three sectors—Private individuals, Private Cooperatives, State Cooperatives.

Lisa Rosenthal of UNAG will be Managua Coordinator.

Heifer Project will co-sponsor.

Tentative schedule: Arrive Sunday; Monday and Tuesdays: interviews in Managua; Wednesday through Saturday; tour country: Matagalapa area, Boaco, Chiltepe, CEPAD Coop, the beach; Sunday: relax in Managua; Monday: final meetings; Tuesday: home.

Cost: Round trip from Miami with hotel accommodations—$995/person.

The flaps just went down and the captain said to prepare for landing at Miami. Why do I want to cry? The window shows me fluffy clouds and beautiful coral reefs below; all God's wonderful creation. I fly on one of the most beautiful and advanced airplanes.

Had a meeting for them to listen to ideas. They were so attentive and showed that their lives depended on their success. They need so much help and soon if it is to work.

4. Monday, June 9th, UNAG and Boaco North American Coop Project

Contacts: Lisa Rosenthal, North American Coordinator, UNAG Nacional, Apartado 4526, Frente Parque Las Palmas, Managua, Nicaragua, Telephone: Home 25841, Work 62077, 60632 or 96110; Daniel Nunez, President of UNAG, member of National Assembly and Sandinista Assembly; Faustino Alguera, Director of Cattle for UNAG; Rapheal Falle, Director of Projects for UNAG.

Political talk by President, talking about how badly the Contra War effects Nicaragua and agriculture.

1,000 producers killed.

2 projects they are interested in Heifer Project participation include: (1) North American Farm Coop in Boaco, (2) Regional supply centers in each region for campesinos.

North American Farm Coop: Were officially given 1100 acres in Boaco area on June 9, 1986; are getting funding from many agencies; will involve 5 American and 5 Nicaraguan farm families from similar intellectual and social backgrounds (medium size farms); specialize in milk production and have a goal of 400-450 head of cattle; beautiful farm on a very remote road about 20 miles from Boaco, very scenic, but isolated; adequate corral area, old house, no well, river down hill; corn already planted, electricity with transformer, but far from infrastructure; Americans will sure have some getting use to a new life style; much needs to be done; a very big project; also plan on cheese plant on the farm; veterinary clinic closer to Boaco; farms are small and far apart, very rough roads; clinic probably needed but I have to wonder about feasibility.

Regional Supply Centers: To fulfill veterinary supply needs; no plan for training except for Boaco farm; might be able to help supply through CEPAD warehouse; regions are very large and I would think satellite centers would be needed; seems more feasible for Heifer Project under the circumstances.

An idea.—A tour of Nicaragua for USA veterinarians; tentative date February 1987. Goal to acquaint U.S. veterinarians with Nicaragua, its agriculture and its veterinary needs. Eight veterinarians and spouses, minimum; 16 veterinarians and spouses, maximum. Dr. Bob Pelant of Heifer Project will be Program Coordinator and Dr. Roger Ellis will be Tour Coordinator. Lisa Rosenthal of UNAG will be Managua Coordinator. Heifer Project will co-sponsor.

Tentative Schedule: Arrive Sunday; Monday and Tuesdays: interviews in Managua; Wednesday through Saturday: tour country: Matagalapa area, Boaco, Chiltepe, CEPAD Coop, the beach; Sunday: relax in Managua; Monday: final meetings; Tuesday: home.

Cost: Round trip from Miami with hotel accommodations—$995/person.

The flaps just went down and the captain said to prepare for landing at Miami. Why do I want to cry? The window shows me fluffy clouds and beautiful coral reefs below; all God's wonderful creation. I fly on one of the most beautiful and advanced airplanes, the new Boeing 767, a tribute to man's talents and creativity. The faces of the men at the CEPAD coop are in my eyes. Ernesto with his swollen ankle who insisted on carrying our camera bag on a 2 mile hike to see the plantain grove they are planting. Their desire to learn. All they have is staked on this coop; the first time they have ever owned something. The faces of the children in Boaco with 2 milk cans on the front porch. The view is so beautiful it makes me think of the land of milk and honey, but they don't have safe water or electricity.

They do have a new schoolhouse down the road which they didn't have 8 years ago.

The wheels are on the ground. The job now is to gently convince my fellow Americans that we should not be forcing the Nicaraguan economy into a survival economy. Where no more development can occur they must try to survive until a new administration comes into power in the U.S.A. We must extend our hands as I believe the majority of North Americans would like to do and make the people of Nicaragua look at us as brothers and sisters and also fellow Americans.

God, give this humble North American the wisdom, grace and courage to make a difference. Amen.

APPENDIX: A PROPOSED PROJECT

Entire project based on assumption we can ship more supplies.

Create a veterinary medical supply room or rooms at CEPAD warehouse: Open room for large quantities: i.e. boots, glycerine, gloves, etc.; room with wooden shelves for organizing the many smaller items. Also a table (nothing fancy) in the middle for organization and opening. Might also want a refrigerator for vaccines and other perishable items.

The first room in the center could be for receiving shipments. The two room we have are fine with the back room being used for receiving and the front room for storage and distribution.

Must educate warehouse workers to be gentler with boxes. Shipment probably destroyed some, but they handled the boxes very rough. They don't seem to understand the value of the shipment.

Need a protocol of distribution: Esteli and UCA: They need a great deal, but drugs may go to large government projects which don't benefit compesinos (or do they?). This country needs all the help it can get.

CEPAD's Projects: Need a CEPAD person (Beatriz or Vidal) to work with us to find uses. Need requests from specific schools.

Hospitals: Obviously bandages and gloves could be used there, but what is more important? Working with the vets and letting other sources take care of hospitals, but when supplies are so scarce can we do this? We need a policy.

STEPPING UP WAR AGAINST NICARAGUA

(By John Lamperti)

News last month that U.S.-backed Contras shot down a Nicaraguan Army helicopter with a Soviet-made surface-to-air missile was coupled with U.S. claims of increased Cuban participation in Nicaragua's defense efforts. Use of the missile indicates a new escalation of the ugly war in Nicaragua. And these and other recent Reagan Administration charges against Nicaragua signal a new round of scare tactics to pressure Congress into stepping up the United States' role in the war.

According to U.S. government sources, Nicaragua's Army has about 700 of those missiles, known as SA-7's. In July 1984, a State Department official predicted ominously that SA-7's would soon appear in the hands of rebel forces in El Salvador, presumably transferred from Nicaragua. That has not occurred, despite administration claims of a continuing flow of arms in that direction. Ironically, the missiles have instead been obtained and used by Contra forces. A spokesman told the Los Angeles Times that private contributors in the United States provided the money to buy them, and that retired U.S. Army General John Singlaub arranged for the Contras to receive essential training in their use and maintenance.

The State Department says that two of the 14 people killed in the downed helicopter were Cubans, and calls this evidence of a Soviet, Cuban and Nicaraguan "cancer in the region." Whether or not there actually were Cubans present, condemning foreign involvement in Central American conflicts is a strange line for our government to take. U.S. pilots and ground personnel, working for the CIA or as mercenaries, have made numerous trips over and into Nicaragua to supply and assist Contra groups, and at least two of them have died there. The CIA has mined Nicaragua's harbors and attacked its port facilities. In El Salvador's civil war, U.S. Air Force pilots regularly fly training and reconnaissance missions for the government forces and sometimes find themselves in combat. If "outside" (Cuban) participation in Nicaragua's Contra war is so wrong, how can the United States justify its own deep and growing involvement?

In rationalizing its military and economic campaign against Nicaragua, the Reagan Administration stands reason and justice on their heads. An impoverished little country of barely three million people is pictured as a threatening military giant. Nicaragua, many times in this century the victim of U.S. aggression, is accused of unprovoked hostility toward us. Nicaragua is constantly denounced for human rights shortcomings, although its record is far superior to that of U.S. allies in the region, such as Guatemala and El Salvador. Not least strange, terrorists and murderers become, in President Reagan's words, "freedom fighters" and "the moral equivalent of our founding fathers." It is consistent with this record that the current escalation of the war by the Contras is presented by U.S. officials as if it were somehow a provocation on the part of the government they seek to overthrow!

This logic doesn't work. The campaign against Nicaragua, which the administration wants to expand, is a mistaken policy that hurts U.S. interests in many ways. For example, the United States is increasingly at odds with its most important allies, none of whom support the U.S. embargo on trade with Nicaragua. Earlier this month, a United Nations resolution calling for an end to the embargo passed by a vote of 84 to 4, only Israel, Gambia and Grenada voted with the United States.

The credibility of the United States as a peaceful and law-abiding nation is eroding badly. Our government's refusal to answer Nicaragua's charges in the World Court looks very much like an admission of guilt. The damage these policies do to the role of law in international affairs may in the long run become one of the greatest costs of the administration's anti-Nicaragua vendetta.

Secretary of State George Shultz was quoted as being "all for" Contra use of the SA-7's against Nicaraguan government forces. "I hope they have more of these weapons," he added, and threatened that the United States might itself take "further steps" against Nicaragua. This is shocking and sad. Escalating the war in Central America is not in the interest of the United States or any of the peoples in the region.

Elsewhere in the world, Mr. Shultz sees things with different eyes. On Dec. 11, he said, "A country cannot be expected to make a concession to those who resort to terrorism and who treat negotiations as only a way station on the road to its ultimate destruction." He was speaking at that time of Israel's policy toward the Palestine Liberation Organization. It is strange and unfortunate that the secretary does not see that his words accurately describe the position of Nicaragua in relation to the attacks by the Contras and the CIA—attacks which, anywhere else, he would not hesitate to call external aggression.

Mr. LEAHY. Mr. President, how much time does the Senator from Vermont have?

The PRESIDING OFFICER. There remain 3 minutes and 20 seconds to the Senator.

Mr. LEAHY. I yield that to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I thank my colleague.

Mr. President, there continues today what seems to be an endless debate on the President's policies in Central America. This Senator's views are well-known. I remain unconvinced that aiding a civil war in Nicaragua, with our dollars and the ever-increasing potential of involvement of our forces in the future, makes any sense. Of course, the Sandinista government of Nicaragua is Communist. This Senator was convinced of that in the late 1970's when I opposed the first give-away of dollars to the Sandinistas.

We never learn. This $100 million is just a little money to tide them over. There will be more and more and more. I hope and pray that we waste only money in this latest little war in this latest jungle offensive. The irony of all of this is that we are openly and with malice aforethought assisting in the attempted overthrow of a government with whom we have full diplomatic relations. It establishes a precedent that will come home to haunt us. It is an exercise in total hypocrisy. The first thing any President should do if he determines an established foreign government is hostile to our country is to sever diplomatic relations before financing a war against it. Why has the President not exercised this option if the situation is as bad as some are led to believe?

But Mr. President, all of that has been argued previously.

A key reason we should not proceed is that we can't afford it. Oh yes, I have heard the limp excuse that this $100 million will not cost the taxpayers anything, or increase the runaway annual deficit of $200 million or the mushrooming national debt of $2.3 trillion because this little $100 million is small potatoes as a part of the whole, and anyway these funds are already appropriated and are just languishing around over at the Pentagon waiting to be spent. As a member of the Budget and Armed Services Committees, right in the middle of all of this madness, I find such an explanation the most ludicrous of all.

The best-kept secret in the country is who are the big spenders in Wash-

ington. Everyone knows President Reagan is a conservative. He says so and his obedient servants follow him and bask in his old-style pay-as-you-go philosophy. It is a given. The fact that the facts prove the contrary is of no consequence. You gotta believe.

Under the banner of Gramm-Rudman, to the tune of "Onward Christian Soldiers," they march forward to crush communism. It will be interesting, Mr. President, to count the supporters of Gramm-Rudman to reduce spending and view their votes on the $100 million giveaway.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I yield myself time on my amendment.

Mr. President, the Sasser amendment that is before us today is very simple. It would simply strike sections 2 and 3 of this military construction bill, strip off the funding for the Contras, strip away the $300 million in additional foreign aid for four other Central American countries.

Mr. President, we have heard a lot in the recent past about the problems of Nicaragua. We will hear considerably more today. We have listened to a tremendous mass of information, some of it most illuminating, and we have heard views expressed with deep passion and, I submit, deep conviction.

But in all the debate we cannot allow the corruption and frightening simplicity of this moment to pass without comprehending it clearly and feeling it deeply. Let us be honest with ourselves. We are at a crossroads with this vote.

It is a crossroad that will be viewed as a watershed in American foreign policy. Indeed, young men and young women may a decade from now see our debate today as a crisis in our national consciousness that asks fundamental questions about who we are as a people, and what we stand for as a nation. And I believe the American people understand the issue that we are addressing today. They understand that we are not simply talking about $100 million and the funding of a distant military operation in a foreign land. They understand also that we are not talking about an additional $400 million that will probably be forthcoming in covert aid from the Central Intelligence Agency or other agencies of the Department of Defense once this Congress gives the green light to the initial $100 million.

□ 1510

We are talking today about the first step toward war, a war in which we will not be spectators and we will not be covert manipulators any longer.

Rather, it will almost certainly be a war in which the young people of this country will be directly involved.

I believe the continued opposition of the American people, and that opposition is confirmed in every poll that is taken on the subject, I believe that that public opposition is based on a deep and instinctive comprehension.

I find, Mr. President, in my travels across my State—and I hold town meetings in every one of the 95 counties in my State every year, and over that period of time talk to literally thousands of average Americans—collective wisdom. They do not agree on every subject, not at all, and there is great diversity of opinion among them.

But there is a collective, instinctive wisdom, and that instinctive wisdom knows that this administration's policy is not what it appears to be. They know on the face of it the policy cannot work so there must be more to it. That is part of the issue.

No one person in the administration or those who support the administration's views has offered one iota of substantiation for the idea that the Contras are an effective fighting force or that they could ever be, or under any circumstances could they become an effective governing body of Nicaragua. I can say to my colleagues that I have journeyed to Honduras, Costa Rica, Guatemala, and El Salvador and not one leader of those four countries indicated that the Contras have any hope of gaining a military victory. And not one leader of those four countries stated that the Contras are capable of governing in the unlikely event they should be militarily successful.

And not one leader of those four Central American countries has come forward to state publicly that they support aid to the Contras.

Oh sure, there are whispers here and there that, well, they do support it but they just do not want to say so in public. What kind of support is that? If they favor it, let us hear from them. That would be, I think, determinative of a lot of things to this Senator.

No one truly believes, so far as I can tell, that $100 million is going to sway the balance of power in Nicaragua and force the Sandinistas out of power. The distinguished chairman of the Foreign Relations Committee, a man for whom I have much respect and much admiration, a man learned and knowledgeable in matters of foreign affairs, indicated today on the floor of this body that there would be additional funding needed in the out years for this particular endeavor in Central America.

So let us not think for a moment that simply by appropriating $100 million that is going to be the end of it. I do not think any of our colleagues really believe that.

Let me lay out a scenario that, in my judgment, is a far more realistic interpretation of what we are facing here today than anything the administration has been willing to discuss publicly. This is what the American people know instinctively.

Most of the weapons that we would be approving with this legislation will be sent to the Contras in late winter or early spring. Next spring, the expectation is, and the gossip in the administration is, the President will be asking for an additional $400 million in arms and logistical assistance to deepen and widen the Contra war.

With that kind of prospect before them, the Contras are not simply planning on a limited guerrilla war, a limited guerrilla action; they are forming themselves into an order of battle of an army. The additional funds the administration wishes to provide will allow the Contras to expand their forces, expand them into an army that will then seek to invade Nicaragua and hold a substantial piece of territory in the northern part of that country.

Once it becomes clear that the Contras have secured that territory, then the scenario will be that they request diplomatic recognition from the United States as the provisional government of Nicaragua.

When that time comes, as it surely will if we approve these funds today, then I submit there will be no turning back by the United States.

If we recognize the Contra government at that point as the legitimate provisional government in Nicaragua—and how can we fail to recognize it if we support it principally with our funds and our arms—we will be in an automatic war with the Sandinista government.

Mr. President, that is the logical outcome of the course embarked upon by this administration. It has to be the logic of it because we know the Contras cannot win militarily. It will be the inevitable outcome of any vote by this body to approve military aid, lethal aid, if you will, for the Contra fighters.

Can we in conscience choose this road when we cannot claim to be ignorant of the circumstances? We know that if we send this money to Central America, that men will die who would otherwise live, and we know in the fog of war that encompasses these things, men and women will also die. And children, even though no one wills it, it will happen. It will happen.

Mr. President, I suggest that we cannot take this path of duplicity, of dishonesty, that will ultimately lead to war. There is no need to take it. There is another path open to us here, the path of compliance with international law, a path that is in the best tradition of the American people, of their Government, of honorable, forthright dealing with our neighboring countries.

I am talking about the path of reasoned negotiation with a country that we concede is antagonistic to our be-

liefs and our ideals, but the kind of reasoned negotiation that will maintain the stability of Central America, will maintain the allegiance of our allies, not just in that region but in Western Europe and around the world, and will maintain our peace here at home.

What do we have to lose by doing it? The government that presently controls the country of Nicaragua has stated that it will negotiate the exodus of foreign military advisers—Soviet, Cuban, and other Eastern bloc advisers. It stated that it will negotiate no Soviet bases in Nicaragua. It stated that it will negotiate an agreement not to subvert its neighbors or conduct armed aggression against them, although it clothed that proposition in more diplomatic terms than I have just stated. And it states that it will allow an onsite inspection by the Contadora countries and does not even close the door to inspection by the United States to make sure that these conditions are being met.

□ 1420

So that is why, I submit, Mr. President, before loosing the dogs of war in Central America, it is incumbent upon our people and this Government to seek a negotiated diplomatic settlement in this region.

Mr. President, I yield myself such additional time from the bill as I might consume.

We have a clear choice before us today. The legislation before us may turn out to be the most important piece of legislation addressed by the U.S. Senate since the ill-fated Gulf of Tonkin resolution. I say that without intending to draw false analogies between Central American and Southeast Asia. There are differences. Nicaragua is not Vietnam, it is not the Philippines, it is not Iran. Central American is its own unique tinderbox, with its own unique history.

I submit, Mr. President, that our history in that region of the world is not something that we can be proud of. If we go down this path that the administration is leading us, then we will contribute to our own historical wrongdoing.

Our historical experience will not provide an exact map for how we should deal with Nicaragua in the future, but it should give us some guidance. Our historical understanding can guide us in pursuing a course of reasoned diplomacy instead of one of knee-jerk violence.

Mr. President, it is not yet too late for us to exercise reasoned diplomacy. It is not too late for the Senate of the United States to tell the President that we share the views of two-thirds of the American people that his policies as they relate to the country of Nicaragua are wrong. It is not too late to achieve diplomatic solutions to the regional security threat posed by the Sandinista government in Nicaragua.

If we are to avoid war in Central America, we have no choice but to enter into negotiations with the principal beligerent in that region, the Sandinista government of Nicaragua. We can enter into negotiations with one of their principal sponsors, the Soviet Union; why can we not enter into negotiations with the Sandinista government? If we fund the Contras, the last precious chance to avoid war may be lost forever.

Once we commit ourselves to this policy, how do we back away from it? The policy develops its own inertial drive and we say we cannot back away from it, we cannot lose face, we must persevere. Elected officials, bureaucrats, generals, all have a vested interest once the policy is adopted in seeing it succeed. So it becomes more and more difficult to divorce ourselves from it and to change the policy once we go down the road to war.

Mr. President, we know the Sandinistas are not going to willingly stop meddling in the affairs of their neighbors; indeed, trying to subvert the governments of their neighbors. We know they are not going to willingly share power with the internal opposition. And we know, to our regret, that now the Sandinistas are indeed Marxist-Leninists. They stand exposed, wishing to develop a government and build a government in Nicaragua on the Cuban model.

Those of us who oppose this administration's policy and their course of action are under no illusions about what the Sandinistas stand for. But we say you will not halt Marxist-Leninist influence by promoting war, by undercutting our democratic allies, and further destabilizing the Central American region. If we are going to bring about true reconciliation inside Nicaragua, we must have the support of the Contadora countries and of our own Western allies. Indeed, Mr. President, the leaders of the internal opposition in Nicaragua state that it is a mistake for our Government to fund the Contras.

Mr. President, Erick Ramirez, the president of the Social Christian Party of Nicaragua, states that funding the Contras will cause "more violence and pain for Nicaraguans," in an AP dispatch. The Associated Press indicates that six opposition parties—this is dated July 8, 1986—

> Six opposition political parties charged that United States military aid for Contra rebels fighting the leftist Sandinista government will cause more violence and pain for Nicaraguans. In a joint statement issued Monday, the parties also repeated an earlier call to the Sandinistas to open talks with political opponents, although they said the Contras should be barred from any such talks.

This, Mr. President, is a dispatch from Managua dated July 8, 1986. In this dispatch, the leaders of these six opposition parties, including Mr. Erick Ramirez, whom I referred to a moment ago, states:

> The decision by the United States Congress to militarily support Nigaraguan insurgent groups and the repressive response of (the Sandinista government) only strengthens the military options and * * * consequently presages more violence and pain for Nicaraguans.

So says the president of the Social Christian Party in the country of Nicaragua.

So, If we are going to bring about true reconciliation of the internal opposition in Nicaragua, supporting the Contras militarily is the wrong way to go and they say so. We will not get international support from our allies by openly flouting international law. At the present time, a number of Western European countries are supporting the Sandinista government economically. We will not get their support by conducting a lone-wolf military policy that is designed only to draw blood.

□ 1530

Mr. President, we will never have the support of the community of democratic nations by continuing to fund the Contra war. The course must be different. We must isolate the Sandinistas and bring about a political settlement. The Sandinistas continue frankly to assist us in this enterprise by closing down the opposition newspaper, by increasing repression against the church, by tightening relations with the Soviets and the Cubans, and we can help the Sandinistas to self-destruct by adopting a policy that is acceptable to the nations of the free world. We cannot expect to achieve our aims by attempting to destroy the Sandinistas from without, through an illegal and immoral war.

So, Mr. President, that is why I am offering this amendment today. I am asking the Senate to strike the Contra sections of this bill and to permit the executive branch of our Government another opportunity to reflect upon the potential for war posed by its current policies. I am asking the Senate to join with those of us who have told the administration that we stand ready to work with the President in developing a bipartisan policy toward Nicaragua, a policy that will avoid war, a policy that will work and meet our national policy goals and security interests in that region of the world.

Several months ago I said before this body that we should not embrace military options until diplomatic options have been exhausted. I remain convinced that the President will only be able to achieve a consensus toward Nicaragua if he goes forward with a sufficiently aggressive diplomatic policy to demonstrate to the world, if they are, that the Sandinistas are un-

willing to negotiate in good faith. Only after that is clearly proven to the rest of the world can we expect any support at all for a military solution. And diplomacy has been by no means exhausted. I for one have a great deal of confidence in Ambassador Philip Habib. I believe that if he is given negotiation instructions, Phil Habib will bring back an agreement which will lead to reconciliation and to peace in Central America. I think Phil Habib has negotiating skills to bring back an agreement that will protect the security interests of the United States and other countries in Central America.

I ask the Members of this distinguished body is it too much to ask the President of the United States that he give this skilled diplomat a charge to go to Central America and to negotiate a solution to this problem? I think not. I believe it is the only reasonable and honorable course of action for the world's largest democracy.

Mr. President, how do we explain to the American people that in a time of great fiscal austerity, when our farmers in my region of the country are going broke because of a flawed policy, because of a drought, that this body is willing to appropriate on the face of it an additional $400 million, $300 million of which is additional foreign aid, for countries, in Central America, additional aid on top of the economic aid that we already give them, additional aid that will be used to try to influence them to either endorse our policies in the region or at least keep quiet about them?

Mr. President, if we choose to support the administration's policy today, we will look back on this day as a failure to take the road to peace. We will look back on it with remorse and with regret. I ask the Senate to vote for my amendment and send a message to the administration that they are wrong. We must adopt a policy that is worthy of our great Nation in the eighth decade of the 20th century.

Mr. KENNEDY. Will the Senator yield?

Mr. SASSER. I will yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all, I commend the Senator from Tennessee for his excellent statement. I listened to it in its entirety. The Senator from Tennessee reminded us of his own deep interest in this area. I think all of us who have been a part of this debate know the work he has done on the question of the military buildup in Honduras over the last two Congresses. And all of us appreciate his efforts to bring this issue to the attention of this body and to the American people. His very detailed report today is something that I hope all of the membership would have a chance to examine closely because I think he makes a very strong and compelling, rational, reasonable argument in favor of his amendment, and it is a position that I intend to support.

I would like to ask the Senator just very briefly some questions, given his knowledge of this particular——

Mr. MATTINGLY. Will the Senator yield for a unanimous-consent request?

Mr. DOLE. Could we get an agreement on when we might vote?

Mr. MATTINGLY. Will the Senator yield so we might ask unanimous consent that the vote occur on the tabling motion no later than 4:15?

Mr. KENNEDY. It is up to the Senator from Tennessee.

Mr. SASSER. Mr. President, the Senator from Iowa wishes to speak. May I inquire of the Senator how much time he might consume?

Mr. HARKIN. Not more than 15 minutes. Not more than. Hopefully, it will be less than that.

Mr. SASSER. And then the distinguished minority leader also wishes to speak. Do we have any idea as to how long the distinguished leader would wish to speak?

Mr. MATTINGLY. How much time is left on the amendment?

Mr. SASSER. I am advised that the distinguished leader would consume approximately 10 minutes.

Mr. DODD. If the distinguished Senator from Tennessee will yield, he might want to inquire as well—I believe Senator KERRY of Massachusetts may have some time remaining under the unanimous-consent request which he would have to consume before the first vote.

Mr. MATTINGLY. Mr. President let me ask the question how much time remains on the amendment?

The PRESIDING OFFICER. There are 19 minutes to the Senator from Georgia, a bit more than 19 minutes and the time of the Senator from Tennessee has expired.

Mr. MATTINGLY. So there is no time remaining on the amendment.

Mr. DODD. Will the Senator yield? I assumed we had to consume that time before the first vote. We can consume that time before the cloture vote so he has time prior to the vote.

Will the Senator from Tennessee yield?

Mr. KENNEDY. He can yield on the bill.

Mr. SASSER. I yielded to the distinguished Senator from Massachusetts.

Mr. MATTINGLY. Mr. President, let me withdraw my request for a unanimous-consent agreement at this time.

The PRESIDING OFFICER. The request is withdrawn. The Senator from Tennessee has the floor and has yielded time from the bill.

Mr. SASSER. Let me say to my distinguished friend from Georgia, the manager of the bill, that we have no wish to prolong this and we may be able to work out an agreement here in the not-too-distant future. I yield to the Senator from Massachusetts.

Mr. DOMENICI. Will the Senator from Massachusetts yield for a question?

Mr. KENNEDY. The Senator from Tennessee has the floor.

Mr. SASSER. I yielded to the Senator from Massachusetts for a question.

Mr. KENNEDY. If he yields 5 minutes on the bill, I could inquire of him. But if he wants to yield to our friend from New Mexico, I am quite delighted to wait to inquire of the Senator from Tennessee.

Mr. DOMENICI. Could I ask a question of the Senator from Tennessee on our time? Will the Senator from Georgia yield me time for the question?

Mr. MATTINGLY. Yes.

Mr. SASSER. Let me say to my friend from New Mexico I think I have already yielded for a question to the Senator from Massachusetts.

Mr. KENNEDY. The Senator from Tennessee I believe has yielded 5 minutes on the bill to himself.

Mr. President, I will have the opportunity to bring to the Senate an amendment to prohibit the use of American combat troops in Nicaragua later in the debate—hopefully later in the afternoon. It is an issue which we have debated on previous occasions and I think the membership is familiar with it.

I am aware that the chairman of the Foreign Relations Committee now has addressed this body on the issue of support of the Contra aid in two different speeches.

□ 1540

I am wondering whether the Senator from Tennessee, who has made a very compelling case on the issue of Contra aid, has received any assurance from the chairman of the Foreign Relations Committee that would give parents in this country a sense of relief that their sons would not be drafted to go to Central America or to serve in Nicaragua if we were to continue down this path of escalating military aid and assistance to the Contras. Has he received any indication of what the administration plans to do once the current restrictions on the Central Intelligence Agency have expired in October?

Did the Senator from Tennessee, who is the floor manager of this bill and who has been following this issue closely, hear anything from the chairman of the Foreign Relations Committee or any administration official with respect to such assurances to this body and to the American people?

Mr. SASSER. No such assurances were given by the distinguished chairman of the Foreign Relations Committee.

I did inquire of the distinguished chairman if, in his view, the $100 mil-

lion that the administration seeks would lay this controversy to rest, so to speak, in Central America, or whether they would be back next year, the next year, and the year after for additional funding. He replied that, in his view, there would be a necessity for additional expenditures in that region for a considerable period.

Mr. KENNEDY. I spoke yesterday in the Senate about the historical analogy of Vietnam, Southeast Asia, and Nicaragua. I am wondering, in the Senator's evaluation of the history of our involvement in Vietnam and Southeast Asia and Nicaragua, whether the Senator sees any parallel, starting off with aid and assistance; second, aiding the Contras; third, seeing the entrance of military advisers. That was the case in Nicaragua and in Vietnam.

As to South Vietnam, the American people were given assurances that no Americans would be involved in that conflict. I am wondering whether the Senator from Tennessee also has a sense of pause about whether we are learning the real lessons of history, not only in terms of becoming further involved in Nicaragua but also the real, potential danger—I think it is a very immediate danger—of the entrance of American combat troops in that particular conflict. I am interested in the Senator's evaluation.

Mr. SASSER. The Senator's question is a good one, and I think the parallels are very clear.

In Nicaragua and Central America, first, we are asked to fund indigenous fighters, just as we were asked to fund the army of Vietnam. Next comes the request for advisers. Following the appropriation of this $100 million, the administration has made it clear that there will be American trainers training these Contra forces.

Interestingly enough, I was in the country of Honduras last summer, at one of the forward bases that had been prepared by the Corps of Engineers of the United States Army, in company with a colonel who had fought in Vietnam. He made the statement to me there, in the presence of a number of other officers who had fought in Vietnam, with sort of a laughing chuckle: "Senator, it's just like Vietnam. It even looks like it."

So I say to my friend from Massachusetts the parallels are clear.

There was a wise man who said that those who do not learn from the lessons of history are bound to repeat them.

Mr. HARKIN. Mr. President, will the Senator yield for a question?

Mr. SASSER. I yield to the Senator from Iowa.

Mr. HARKIN. Just picking up there, the first request, if I am not mistaken, 4 years ago was $19 million; then it was $24 million; last year it was $27 million. this year we are being asked for $100 million. Did the chairman of the Foreign Relations Committee give the Senator any idea what they would be asking for next year?

Mr. SASSER. I say to the distinguished Senator from Iowa that the chairman of the Foreign Relations Committee did not indicate the dollar amounts, but he did indicate, as I recall, that there would be additional expenditures in Nicaragua for a number of years to come.

I say to my friend from Iowa that the $100 million that we debate today is the tip of the iceberg. That does not include the $300 million that is implicit in this bill. That totals $400 million and does not include what has been discussed and publicly reported in the popular press, an additional $400 million in goods and services that will come from the Central Intelligence Agency.

So, all told, we are talking about close to a billion dollars this year.

Mr. DODD. Mr. President, will the Senator yield?

Mr. SASSER. I yield.

Mr. DODD. I think the Senator just made an extremely important point that is going to be lost in this debate.

I think it is important that people understand the numbers that the Senator from Tennessee just went through. I believe everyone thinks this is a $100 million deal. The bill has an additional $300 million to go to the region. That is in the bill. That is $400 million.

Is it also the understanding of the Senator from Tennessee that in addition to the $200 million here, to support the $100 million in military assistance to the Contras, there will be a need for additional appropriations just to pay for the support systems, to deliver the $100 million? What, in the Senator's estimation, is that number?

Mr. SASSER. I say to the Senator from Connecticut that there will be the necessity for funding for the so-called support systems, and I have no information that would indicate the total amount. But I would say that it would be a substantial amount of money.

Mr. DODD. There was a recent article in a national publication that indicated that a ballpark figure for support of the $100 million would require the expenditure of $400 million, to support the $100 million.

Mr. SASSER. That is correct.

Mr. DODD. Is that a figure that the Senator from Tennessee is comfortable with?

Mr. SASSER. That is correct, I say to the Senator from Connecticut. It has been reported that an additional $400 million would be utilized for goods and/or services, in an effort to get the maximum bang for the buck, so to speak.

Mr. DODD. Just out of that $100 million. So the $300 million in economic aid, $400 million to support the $100 million, plus the $100 million. So we are talking about roughly $800 million this year alone.

Mr. SASSER. This year alone.

Mr. DODD. I thank the Senator from Tennessee.

Mr. SASSER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. I yield the Senator from New Mexico 10 minutes on the amendment.

Mr. DOMENICI. I thank my friend from Georgia.

Mr. President, I will not use the full 10 minutes, but let me take just a few minutes of the Senate's time to express my views.

I should like to say up front to the Members of the Senate that obviously this is an issue upon which reasonable men and reasonable women can differ. I do not stand here, as a Senator from New Mexico, thinking that I have all the answers, nor necessarily that my opinion of what we should do and the way I am going to vote is absolutely calculated to succeed.

I honestly believe this is a difficult issue, probably as difficult as we will be called upon to vote on here in the Senate in many months.

However, a couple of things are very clear to me. First, it sounds, as I listen, as one Senator, to the debate and the discussions, that we are all of a sudden confronted in the U.S. Senate with a new issue; that all of a sudden we want to share with the American people a brandnew issue that we have not discussed before. And I hope everyone knows, I think all the Senators know, that that is not the case.

As a matter of fact, there is very little new about it as far as the Senate is concerned. We voted on this proposition in March of this year. A majority of the U.S. Senators, as we always do in matters that require our consent, voted for this matter. A majority of the Senators said, "Yes, let's go with the President and provide some assistance to the freedom fighters."

□ 1550

So what is new? In the intervening time, the Democratic-controlled U.S. House agreed with the U.S. Senate, which voted in March of this year, as I just indicated, and they, by a compelling bipartisan majority, voted to give the Nicaraguan freedom fighters some assistance, as prescribed and limited in this bill that is before us. That is new.

What else is new? There are a few other things that are new. In the meantime, the Communist regime in Nicaragua has violated more rights. It has tightened the screws on the people in Nicaragua such that they have little or no rights left. As a matter of fact, the Sandinistas have decided that if

they can expell some of the good priests and religious people, such as Bishop Vega, if they can keep them out, they will.

They essentially have said, "We want Catholicism, but we want it our way. We don't want the way of the hierarchy. We are not going to let loyal priests back into the country."

What else is new? They have decided it was not good enough to have one opposition newspaper. The Sandinistas decided each day before La Prensa went to press what could be in it. It was censored. They decided, since our vote in March, that there would be one new thing. They closed the last independent paper. So essentially there is no opportunity for anyone to write truthfully about what is going on in Nicaragua.

What else is new? They confiscated the Catholic radio run by the hierarchy of the country. They did not like what they broadcast, so they closed it. The excuse is that they violated the rules by missing part of a broadcast by Daniel Ortega.

What else is new? In the meantime, it is obvious to everyone that is reporting from Nicaragua that the Sandinistas' control of the people of that country in the block by block model suggested by Cuba and the Soviet Union, so that the people dare not say a thing if they want food ration coupons. Sandinista control is getting stronger and stronger. And there sits this little country of Nicaragua with these brave people who just a few years ago had hope for a great revolution, the so-called Sandinista revolution.

Incidentally, Mr. President, in the victorious moments of that revolution, this U.S. Senate, with this Senator voting aye, sent $118 million to aid them through the crisis of transition—$118 million. That is more than the U.S.A. sent to the Somocista regime that preceded it in the 10 previous years.

We were told then, Mr. President, why we ought to help. Today the Sandinistas have excuses, that they are reacting to the U.S.A. That is their excuse today for denying freedom to their people. "You have religious freedom, but if you do not practice Sandinista religion, get out of the country or we will put you in jail."

When we helped the Sandinistas in 1979 and 1980, they said, "We are going to move toward a pluralistic society. Please help us. We have defeated the Somoza regime and we want to help our people."

We tried. There is little or no evidence that the Sandinistas had the slightest intention of helping the Nicaraguan majority. As a matter of fact, as each month passed, the revolution was betrayed. As each month passed, more and more of the repression that is inevitable under a Communist Marxist regime in the midst of poverty became obvious. Each month, there was less freedom.

Now, it has been said here today that the leaders of the surrounding countries do not support aid to the freedom fighters. Mr. President, would you, would any United States Senator, as a leader of one of the countries surrounding Nicaragua—Guatemala, Honduras, Costa Rica, El Salvador—openly support an unclear and inconsistent United States policy? Would any of them, based upon the consistency of the U.S. Government to aid them when they are in need, dare conclude that we are serious about helping them maintain their freedom and their democracies? Of course not.

It took us 4 years—4 years of debate, acrimonious debate—to unite behind the President in helping El Salvador, as they moved toward freedom, democracy and elections. Has that been forgotten?

There were those saying support for democracy in El Salvador was wrong there, too. While the Communists were infiltrating and fighting, some were making excuses for not wanting to help the struggling democratic forces in El Salvador. Now with the new President, Jose Napolean Duarte, we want to get our pictures taken with him, because democracy is working.

Ninety-one percent of Central and South America now lives under a democracy of one type or another. That is forgotten. Much of that occurred in the last 5 years. Much of it occurred while we had Ronald Reagan in the Presidency.

Now, Mr. President, I do not stand here and say that the administration has handled this issue of the Contras or the freedom fighters perfectly. Not at all. But neither has Congress. I mean, we have carried on this debate for 5 years. We voted in March. The Senate passed it. Then the House passed it. And look at where we are? We debated Nicaragua all last night. Before then, it was the subject of a week of deliberations as to whether we were going to vote again. Should we wonder why people in Central America doubt whether we have a bit of consistency about our intentions to help.

Mr. President, listening to the remarks of my distinguished colleagues on the issue of Nicaragua, I cannot help but be amazed that we are still debating this issue. This debate seems to be an oral history of Nicaragua, leading to a microscopic examination of the background, motivation, and behavior of each and every Nicaraguan who dares oppose the Government of Nicaragua.

Have we not lost sight of what this is all about? Over the past 4 years, almost every Member has come to agree that the Sandinista leadership is bad for Nicaragua and a danger to other Central American countries. And El Salvador and Guatemala have moved further toward popular and democratic governments than anyone would have guessed.

In 1982, meanwhile, Nicaragua has moved in the opposite direction from that time to now, as I just indicated. I see no sign that their leadership is the least bit willing to change their course. If there is increasing consensus that the Sandinista have failed their own people and constitute a danger to their neighbors and all of the surrounding democratic leadership, admit to that.

What are our choices? Let us start with one simple fact. Tens of thousands of Nicaraguans have fled Nicaragua because they could not live under the totalitarian dictatorship that replaced Somoza. Many of these people are simple farmers, not just the middle class. Many of these people have chosen to take up the armed struggle to recover their betrayed revolution. These are the people whose support we are debating today.

There is a group, a large group, of Nicaraguans willing to fight and die for the principles we and they consider to be so important. They are not asking for U.S. troops to do their fighting. They only ask for some help to balance the odds against the massive influx of Soviet arms and Cuban advisers who form the backbone of the Sandinista forces.

Mr. MATTINGLY. I yield the Senator 5 minutes from the bill.

Mr. DOMENICI. I thank my friend from Georgia.

This legislation, originally crafted in the back rooms of the Senate last March prior to our last Contra debate, attempts to cure the abuses by some Contra leaders and poor planning by our Government that has plagued our support of these people who want to fight for their own freedom.

This is critical. I think this legislation covers, as best legislation can, the real problems regarding human rights, devotion to democratic ideals, and corruption that concern all of us.

Everyone knows if the executive branch of our Government does not fully implement this legislation, there will not be another vote on this matter. Those of us who have supported this effort, and the Nicaraguans who want to put their lives on the line in behalf of their own freedom, will not stand for continued toleration of such abuses.

I have no illusions about the current Contra leadership. Some of them have the right motivations and some do not. There must be change and an openness to new leadership elected by the Nicaraguans themselves. The Nicaraguans know that as a fact better then we do. Their ability to survive and attract fencesitters inside of Nicaragua depends upon it.

How many of those listening to this debate know about the official objec-

tives of the Contras—political pluralism; a government with separation of powers; an independent army; freedom for unions, religion, and the press; efficient and honest use of state funds; demilitarization and rehabilitation of soldiers; and an independent foreign policy.

□ 1600

Mr. President, I ask unanimous consent to place in the RECORD at this point the record of the full principles and objectives of the Nicaraguan resistance.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRINCIPLES AND OBJECTIVES

I. Regarding the Political System:

1. To democratize Nicaragua, guaranteeing and promoting political pluralism and the participation of all citizens at the local and national level, through the exercise of representative democracy, respecting their ethnic, cultural and religious values;

2. To establish a political system which guarantees the separation and independence of the powers of the government;

3. To establish a rule of law which assures the equality of the citizens before the law; respect for, the full exercise of, and effective development of Human Rights through the independence of the Judicial Power; giving guarantees to national Human Rights organizations, and adhering strictly to international obligations deriving from written agreements;

4. To guarantee the strictest respect for freedoms, especially those of speech, association, worship and unions with respect for agreements numbers 87 and 98 of the International Labor Organization, such as the undeniable right to strike;

5. To recognize the primacy of Civil Society over the State and the achievement of the common good as its principle objective;

6. To create an autonomous electoral system which guarantees representative democracy and respect for the popular will, freely expressed in periodic elections, assuring alternability in office, through the principles of non re-election;

7. To promulgate a Civil Service Law, establishing the administrative career. There will be created the National Comptrollership Commission to guarantee the efficient and honest use of public funds and State resources;

8. To abolish any and all types of capital punishment and to eliminate permanently and unequivocally the special tribunals which have been abusively created by the Sandinista Front;

9. To decree a General Amnesty for political and related common crimes, as an expression of the process of rehabilitation and reconciliation, without exception;

10. To recognize the historic rights of the indigenous peoples of Nicaragua, adopting special administrative and developmental measures in order to accelerate the progress of the Atlantic Coast; fostering the participation of its people in matters affecting the region, preserving their cultural identity and strengthening the nationality and territorial integrity of the Nation;

11. To demilitarize society by subjecting the military to the civil authority, proceeding to dismantle military, para-military and security organizations and the organizations of repressive nature of the Sandinista regime;

12. To create a National Army in the service of the Nation and the defense of its sovereignty, of adequate proportions for those objectives and composed principally of those Freedom Fighters who wish to serve professionally and loyally in democratic institutions, and by other Nicaraguans who also meet the conditions of moral character. No person with a record of human rights violations will be able to become a part of the new National Army.

II. Socio-Economic Affairs:

1. To recognize the family as the basis of society, making its protection a fundamental objective of the Government of Reconciliation;

2. To give preferential use of state resources to satisfy basic human needs: especially employment, food, health, education and housing;

3. To assure that education responds to the fundamental principles of freedom of instruction and the right of parents to select the best for their children. The preservation and the development of culture and sports will be an important part of the programs of teaching, outreach and information.

4. To carry out an integral agrarian reform, which responds to the natural right of private property, taking into account efficiency in the utilization of resources and the utility of giving land to those who work it;

5. To establish a new social contract, democratically adopted, which recognizes the equitable participation of all sectors of civil society, both in effort as well as in benefits;

6. To provide immediate assistance to the victims of the civil war, providing programs which permit their rehabilitation and economic security;

7. To adopt measures which facilitate full participation in productive civilian life by combatants who do not join the new army and national police.

Mr. DOMENICI. We have heard these promises before from the Sandinistas. Why should we believe the Nicaraguan resistance, the Contras? This is why. In my view, neither the Nicaraguan people nor their neighbors in Central America will be fooled as easily the second time. As we can tell from this debate, Congress and the American people are unwilling to be fooled a second time.

In view of this, taking into account the failure of the Sandinista rule in Nicaragua and the conditions of this legislation, we have little choice other than support titles II and III as reported by the Appropriations Committee.

This approach is not riskfree. Our Government may botch the job. The reform efforts may fail to remove the bad elements from the Contra leadership. The Nicaraguan resistance may give up. Still we must try.

The issue is simple: I am amazed that others view it so differently but as I indicated, I understand that it is a matter of great concern.

I want to close by addressing another issue. In debate here on the floor of the Senate some have said that we will send arms, and, as a result, people may die in Nicaragua from those arms that we supply who might not otherwise die. Mr. President, from what I understand about the current Sandinista regime, people would continue to die violently under their dictatorial regime if our support for the freedom fighters stopped.

The Miskito Indians continue to die because of Sandinista reprisals against those Indians who did not believe they had to concede their culture to the regime.

Less obviously elsewhere in Nicaragua, freedom is dying daily. The spirit of thousands of people in Nicaragua under the Sandinista regime are dying daily. Who knows how many will die under that kind of government?

Last, but not least, if the Sandinistas are left to their own doings, how many people will die in surrounding countries when the Sandinistas are strong enough to proceed to take over countries around them in order to secure their failed political system.

I yield the floor.

Mr. METZENBAUM and Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, does the majority leader desire to make a statement?

Mr. DOLE. If the Senator from Georgia will yield, I would like to see if we could not agree on a time to vote within the next 30 minutes. There are still 20-some amendments pending. There will be a lot of opportunity for one to speak.

I have a statement I would like to make. But I am not compelled to do that if we can reach some agreement on when we might vote, say, at 4:30 or some definite time.

There are conferences around. We have the Rules Committee meeting. Then we could indicate to Senators about what time we would vote.

Would there be any disposition to vote at that time?

Mr. SASSER. Let me say to the majority leader that on our side I know the minority leader wishes 10 minutes before we vote. The distinguished Senator from Ohio wishes 5 minutes. I am not sure about our colleagues from Iowa and Massachusetts.

Mr. HARKIN. Mr. President, if the distinguished Senator from Georgia will yield—I said half-hour—I have a 15-minute speech that I wanted to give on this before we voted.

Mr. KERRY. Mr. President, as the distinguished majority leader knows, I purposefully reserved my time for this period. I think this is the most important amendment upon which we will vote obviously because it is fundamental to the entire issue. I would like a portion of my time now. I think it would be in the majority leader's in-

terest to see those of us who have the special order period under the UC to chew it up now as well as later as long as the process is moving.

Mr. DOLE. If the Senator from Georgia will yield, how much time would that be?

Mr. KERRY. Mr. President, I believe I have about an hour remaining. I was going to yield a portion of that to the distinguished minority leader who I think needs some time which would leave me approximately 50 of which I might use 30 to 40.

Mr. MATTINGLY. Does the Senator want to yield 10 minutes to the minority leader and the Senator use 40, and the Senator from Iowa wanted 15, and the Senator from Ohio wanted 5; an hour and 10 minutes and the majority leader I assume would use between himself and myself approximately 10 minutes at the most.

Mr. DOLE. If the Senator from Georgia will yield, it looks like about 5:30 would be my guess to take care of most of the requests.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the Senator from Massachusetts be allocated 40 minutes, the Senator from Iowa 15 minutes, the Democratic leader 10 minutes, the Senator from Ohio 5 minutes, and the Senator from Kansas 10, and the Senator from Georgia 10. I ask unanimous consent that the vote occur after that 1 hour and 20 minutes in relation to the amendment but no later than 5:30.

The PRESIDING OFFICER (Mr. GORTON). Is there objection?

Mr. SASSER. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. HARKIN. Reserving the right to object, I do not mind to be limited to 15 minutes. But I am afraid if we ask unanimous consent that only those people be allowed to speak but for that time period, I am afraid others will be getting on the floor, getting recognition and I would get bumped back. I have been waiting 2 hours.

Mr. MATTINGLY. That is right. There are only approximately 10 minutes left on the amendment.

Mr. DOLE. I think what he has reference to, if the Senator from Georgia will yield, these will be the ones——

Mr. MATTINGLY. The Senator wants to take 15 minutes of his time.

Mr. HARKIN. That is fine. The Senator listed a number of Senators to speak and asked for a definite time of 5:30 but what this Senator is asking is whether or not other Senators might be recognized to come in and speak or is the list he read the only Senators who would be recognized to speak prior to that?

Mr. MATTINGLY. If anybody else comes in, they can take it from the time of the Senator from Iowa, or Senator KERRY or anyone else who wanted to yield time from the time allocated.

Mr. SASSER. Reserving the right to object, it is my understanding that none of the time will come off of the bill. This is the time that will be consumed from the time of the various Senators who have reserved in the unanimous-consent request. As I understand it, time will be yielded by the distinguished Senator from Massachuetts to the distinguished minority leader, and then the distinguished Senator from Iowa will give 5 minutes to the distinguished Senator from Ohio. Is that correct?

Mr. KERRY. Mr. President, if I may ask a parliamentary inquiry, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 1 hour.

Mr. KERRY. The request from the distinguished Senator from Tennessee is what?

Mr. SASSER. My understanding is the distinguished Senator from Ohio has requested 5 minutes.

Mr. KERRY. I would be happy to yield 10 minutes to the distinguished minority leader and 5 minutes to the distinguished Senator from Ohio which will leave me 5 minutes outside of our current agreement. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. MATTINGLY. I ask the 20 minutes of the majority leader and myself be taken from the balance of the time we have on the amendment plus from the bill.

Mr. SASSER. To be sure, Mr. President, that I understand this, the distinguished minority leader has 10 minutes. The distinguished Senator from Ohio has 5 minutes. The distinguished Senator from Iowa has 15 minutes.

□ 1610

And that leaves how much time to our distinguished colleague from Massachusetts?

Mr. KERRY. Forty minutes, and that leaves me, I believe, 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is correct.

Is there objection? Without objection, it is so ordered.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I am for freedom in Nicaragua. I am against the Sandinista regime.

But I do not support aid to the Contras.

That is because supporting the Contras is inconsistent with advancing the cause of freedom in Nicaragua. In short, Contra aid will not bring the dawn of democracy. But rather, will bring days of darkness, death, and terror.

We are told almost daily that the Contras are freedom fighters, but repetition does not make it so.

It takes more than American dollars, guns, and slogans to make a freedom fighter. It takes a commitment to democracy, to egalitarianism, to human rights and equal justice.

Mr. President, make no mistake: the Contras are not freedom fighters, they are U.S.-backed terrorists more interested in self-aggrandizement than democracy. They have more in common with Ferdinand Marcos and Augusto Pinochet than with Thomas Jefferson.

Unfortunately, Mr. President, the record of the Contras does not support the view that they are freedom fighters.

Objective news reports from Nicaragua bear witness to the fact that Contras are terrorists, not freedom fighters.

Last February 19, a landmine tore through a pickup truck carrying 17 civilians. A rebel band waiting in ambush then opened fire on the helpless passengers.

When the shooting was over, five women, ranging in ages from 28 to 70, lay dead.

In July, a 12-year-old and a 5-year-old were killed in their beds when Contras lobbed a hand grenade into a home during the crossfire of an attack on a cattle cooperative. Three others died and a 9-month-old baby was badly wounded.

The attack on the cattle cooperative was one in a series of operations against primarily civilian or economic targets by the Contras.

Mr. President, there is more.

In fighting in mid-May at a state resettlement project in Miraflores, in the northern province of Esteli, three children were killed and houses and barns were burned by rebels. A battle at the Daniel Teller Cooperative in Matagalpa Province May 31 left 10 children and 9 noncombatant women wounded, official sources reported, and a school was burned.

These are America's allies in Nicaragua. These are the rebels that we are asked to believe will bring freedom to the Nicaraguan people.

A Contra victory will mean that America has simply installed totalitarians of the right for those of the left. I do not believe that is an outcome in the best interests of America or Nicaragua.

But opposition to the Contras does not mean that I support the Sandinistas.

It simply means that I oppose financing an unwinnable war which will inevitably lead to the death of young Americans.

Nor does opposition to this package mean I accept the Sandinista reign of repression.

It simply means we look for another alternative. That alternative is the Contadora process.

The plain fact is that aid to the Contras will not bring about negotiation, but wider war. The Contras are not interested in a settlement; they are interested in seizing power.

I believe that negotiations are preferable to war; I believe that trading words is better than trading hand grenades;

Finally, Mr. President, this administration, indeed, this Congress, continues to ignore the underlying causes of unrest throughout Central America; That is, poverty and minimal economic opportunity.

And unfortunately, this Congress and administration seem more interested in waging war than creating those opportunities.

But Contra success will do nothing to eliminate the conditions underlying unrest in Central America. That is why in the final analysis, any military success in Central America will be ephemeral. Today's victors will inevitably become tomorrow's enemies unless we give significant economic assistance to that troubled region.

Poverty and repression are the causes of unrest; and neither poverty nor repression will vanish with a Contra triumph.

Mr. President, the choice is not freedom versus repression; it is not democracy versus totalitarianism; it is a choice between an unwinnable war with American lives on the line versus pursuit of an elusive, and perhaps, imperfect peace.

I opt for the latter.

Mr. President, I ask unanimous consent that an editorial from the Cleveland Plain Dealer of this morning, entitled "Filibuster This One," be included in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FILIBUSTER THIS ONE

With the Senate this week scheduled to debate—and most likely approve—$100 million in additional U.S. aid to the contras, Americans deserve to know just what the administration hopes to achieve with its policies toward Nicaragua.

Initially, the White House maintained that the contra campaign was to interdict the flow of arms from Nicaragua to rebels fighting nearby in El Salvador. Later, the campaign's purpose was to force Managua to negotiate peace with its Central American neighbors. Still later, it was to keep Nicaragua from undermining the governments of those countries. Later still, we were told that action was needed to prevent the Soviet Union and Cuba from using Nicaragua to establish a beachhead in the region.

Finally, administration officials have maintained that the contra campaign is necessary to force the Sandinistas to negotiate with their democratic opposition and to bring about a freely elected government in Nicaragua. Secretary of State George Shultz reiterated that goal last week when he spoke to Latin leaders at the inauguration of Colombia's new president, Virgilio Barco Vargas.

To accomplish the administration's goal means to rid Nicaragua of the Sandinista regime. Does the administration really think the Sandinistas can be driven from power by the contras and $100 million?

And what about the contras? Their ranks do include some people committed to a free, pluralistic society. But their top military commanders, former National Guard officers of dictator Anastasio Somoza, fought in the past to keep Nicaragua from becoming free. These are many of the same officers who today are being accused of atrocities against Nicaraguan civilians and of operating drug smuggling operations, not to finance the war but to fatten foreign bank accounts. Can a democratic Nicaragua be expected to emerge from such an army in the unlikely event that the contras topple the Sandinistas?

These and other questions may be explored if Senate opponents of the aid proposal carry through with earlier threats to filibuster the issue. Instead of employing such delaying tactics as reading from a telephone book, filibuster proponents plan to use the Senate's tradition of unlimited debate to educate the American public on the dangers of the contra campaign.

Certainly much more is at stake than $100 million. The possibility for a regional war cannot be ignored. Given the administration's rhetoric about the seriousness of the situation, neither can future military intervention by U.S. troops. A filibuster may be the last remaining option to inform the public of the stakes involved. Senators should not hesitate to use it.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Tennessee.

Mr. President, before I get into my formal remarks, I ask unanimous consent to include in the RECORD two letters which I have received. One is from the U.S. Catholic Conference, dated August 7, 1986, opposing any aid to the Contras.

In accord with this position, the U.S. Catholic Conference remains firmly opposed to the use of military force and violence as a means to pressure the Nicaraguan Government.

The U.S. Catholic Conference, speaking for the U.S. Catholic Bishops, says:

We urge the Senate to reject the provision of military assistance to the Nicaraguan opposition which, in our view, will only intensify and prolong the conflict, result in much greater death and suffering, and serve no valid political, still less humanitarian, objective.

I also ask unanimous consent that a letter from the National Office of Jesuit Social Ministries, dated March 16, 1986, be included in the RECORD. They say:

We urge opposition to any form of aid for the Contra forces trying to achieve the violent overthrow of the Government of Nicaragua.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. CATHOLIC CONFERENCE,
Washington, DC, August 7, 1986.

DEAR SENATOR: As the Senate once again takes up the troublesome issue of military aid to the Nicaraguan contras, I would like to re-state the position of the U.S. Catholic Conference on the matter.

Our opposition to such aid has been unvarying since the question first arose. It is not based on our negative assessment of the contras' human rights record, although all are agreed that this continues to be a serious problem. Still less is it based on any positive assessment of the human rights performance of the Nicaraguan government. Quite the contrary, the USCC has consistently denounced specific violations of human rights in Nicaragua and we have vigorously protested government infringement of the rights of the Church.

The silencing of church media, the appropriation of church property and especially the expulsion of foreign church workers remains serious and still unresolved sources of tension between church authorities and the government. To these are now added the unjustifiable expulsion of Bishop Pablo Antonio Vega and the refusal to readmit Msgr. Bismarck Carbillo. We are unalterably opposed to these actions of the Nicaraguan government, considering them legally unjust and morally wrong, as well as politically ill-considered.

It should be recognized, however, that the Bishops of Nicaragua, in their pastoral letter of April 6, 1986 stated:

"We believe that any form of aid, no matter where it comes from, if it is the cause of destruction, pain or death for our families or of hatred among Nicaraguans, is to be condemned."

In accord with this position, the U.S. Catholic Conference remains firmly opposed to the use of military force and violence as a means to pressure the Nicaraguan government.

The proposed package of military aid to the contras must therefore, in our view, be rejected. We deplore the recent vote in the House of Representatives approving such and urge that the Senate exhibit the superior wisdom of rejecting it.

Furthermore, the legislation passed by the House calling for an additional $300 million to be provided in economic aid to four countries of Central America specifies three possible sources for this added money: unobligated Food for Peace (P.L. 480) funds, the Emergency reserve for African Famine Relief, and Development Assistance Accounts. We are concerned lest humanitarian and development aid funds be diverted to purposes and regions for which they were not intended. Humanitarian programs must not be converted into mere tools of political expediency.

We urge the Senate to reject the provision of military assistance to the Nicaraguan opposition which, in our view, will only intensify and prolong the conflict, result in much greater death and suffering, and serve no valid political, still less humanitarian, objective. We join our opposition to military assistance, as we have in the past, to support for a political settlement in Central America, following the lines of the Contadora process, and a continuing concern for human rights in Nicaragua and the rest of Central America.

Sincerely yours,
REV. MONSIGNOR DANIEL F. HOYE,
General Secretary.

NATIONAL OFFICE OF
JESUIT SOCIAL MINISTRIES,
Washington, DC, March 16, 1986.

MEMBER OF CONGRESS,
U.S. Congress,
Washington, DC.

DEAR MEMBER OF CONGRESS: We urge opposition to any form of aid for the contra forces trying to achieve the violent overthrow of the government of Nicaragua. We do so as the National Board of Jesuit Social Ministries which represents the concern of U.S. Jesuits for peace and justice. We are mindful as well of hundreds of our fellow Jesuits working in Central America, whose lives are committed to the hope that the violence and injustice of present policies in the region can be overcome.

Pope John Paul II has spoken strongly in favor of negotiation rather than military solutions, specifically praising the Contadora efforts. The U.S. Catholic bishops, along with other U.S. religious leaders, oppose contra aid on the grounds that it is immoral and ineffective. We join our voices with theirs to condemn the use of military force.

The foreign ministers of the five Central American countries support instead the peaceful solution of the region's problems through the Contadora process. The foreign ministers of the major Latin American democracies were recently in Washington to urge the Administration to abandon seeking military solutions. They asked the U.S. instead to join in the recently reinvigorated Contadora process. Contrary to Administration claims, they see continued U.S. aid for the contras as being in direct conflict with the Contadora proposals.

It is also against the best interests of the U.S. itself to continue any form of such aid. It reinforces throughout Latin America an image of U.S. intervention in the internal affairs of Latin countries. It allies us with the Somocista forces of injustice and terror which for so long oppressed the poor of Nicaragua. In a time of drastic budget reductions, it is a costly "solution" which has proven itself counterproductive in any case.

Specifically, we reject the contentious portrayal of the issues put forward by President Reagan on Sunday evening, March 16, 1986. Ideological distortions of the truth and simplistic analogies are poor masks for the continuation of a militaristic U.S. policy which is fundamentally unjust, violent and ineffective.

We ask you to be courageous in resisting all aid to the contras. And we thank you for your serious consideration of this urgent matter of conscience and public policy.

Sincerely,

The National Board of Jesuit Social Ministries, meeting in Seattle, March 16, 1986.
Rev. James B. Joyce, S.J., Chair, Director of Social Ministries, New York Province.
Rev. Joseph P. Daoust, S.J., Detroit Province Assistant for Social Ministries and Higher Education.
Rev. Jeremiah Helfrich, S.J., Director of Social Apostolates, California Province.
Rev. Alfred C. Kammer, S.J., Director of Social Ministries, New Orleans Province.
Rev. Patrick Lee, S.J., Oregon Province Assistant for Social Ministries and Formation.
Rev. Daniel Lewis, S.J., Provincial Assistant for Social and Pastoral Ministries, New England Province.
Rev. Gaspar Lo Biondo, S.J., Maryland Province Assistant for Social-Pastoral Ministries.
Rev. Harold R. Meirose, S.J., Director of Social Ministries, Chicago Province.
Rev. Thomas S. Prag, S.J., Assistant for Justice and Peace, Missouri Province.
Rev. Eugene Zimmerman, S.J., Director of Pastoral and Social Ministries, Wisconsin Province.
Rev. Joseph R. Hacala, S.J., Director, National Office of Jesuit Social Ministries.

THE REAGAN DOCTRINE AND CENTRAL AMERICA: A PRESCRIPTION FOR DISASTER

Mr. HARKIN. Mr. President, our support for freedom, democracy, and human rights of people around the globe, is shared by all my colleagues in this body.

Nowhere is the concern for freedom, and this embracing of democratic values stronger than in the newly established democracies in Latin America.

Even President Reagan is fervently committed to freedom and democracy. Indeed, he has dramatically stated that his policy would not break faith with "those imprisoned in regimes held captive * * * those beaten for daring to fight for freedom and democracy."

Yet, a democratic person must be democratic in the means and the ends. The instruments we select to pursue our ends must be compatible with those ends.

We cannot restore respect for the law by pursuing a lawless policy.

We cannot thwart terrorism by arming terrorists.

And we cannot help construct a new future for our Latin neighbors by relying on past policies, rooted in U.S. intervention and Latin dependency.

Mr. President, it is my plan during these remarks to point out that our policy toward Nicaragua cannot be looked at as just a policy toward Nicaragua, but that our policy must be looked at in the broader context of a regional policy toward Central America and toward all of Latin America.

This is what we are being asked to do: In his desire to oust the present Government from Nicaragua, President Reagan is prepared to sacrifice the new freedoms and democracies in emerging Latin America to overthrow a legitimate government in Central American with which we might disagree. The United States violates international law by mining Nicaraguan harbors and then thumbs its nose at the World Court.

To promote freedom in Nicaragua, Mr. Reagan created a counterrevolutionary force out of the remnants of the hated Somoza national guard and then call them freedom fighters.

Mr. President, there recently appeared a story written by Linda Drucker, in the August issue of the Progressive magazine. She is a staff writer for the Albuquerue Journal. It is entitled "A Contra Story." I commend it to the reading of all my colleagues. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Progressive, August 1986]

A CONTRA'S STORY

(By Linda Drucker)

(I first met Miguel in 1983 while I was accompanying the contras on a military mission into Nicaragua. Months later, I ran into him again in the airport at San Salvador after he had narrowly escaped from Honduran military authorities who had ordered his arrest.

(Miguel was a contra commander with the Nicaraguan Democratic Front (FDN). By his own admission, he helped organize a secret Death Squad in Honduras, with the approval and collaboration of the U.S. Central Intelligence Agency. The Honduran government agreed to host the Death Squad and provide it with cover, since the group would kill Honduran dissidents at the government's request. Miguel acknowledges that he participated in assassinations.

(Miguel has come forward with his haunting experiences because he feels the Hondurans betrayed him and tried to make him a scapegoat. Though he spoke on the condition that he be identified only as "Miguel," he provided documentation—including a false identification card from the Honduran government and a contra manual on kidnapping techniques—that proves his identity and corroborates his account. My interviews with the commander are all tape-recorded in Spanish. What follows is Miguel's story.)

One evening in the summer of 1982, Miguel received a call from Alexander Hernandez, a Honduran army captain who was chief of the Direccion de Investigaciones Especiales—known by the Acronym DIES—a clandestine anti-communist intelligence network. Hernandez told Miguel there were "two packages to be picked up."

The contras were told to meet a Honduran military jeep on a freeway near Tegucigalpa. There a Honduran soldier handed over two young men, Eduardo Lanza and Felix Martinez. The Hondurans referred to the two men only as "the skinny one" and the "the bigger one." Lanza was emaciated after forty days of detention and torture by Honduran authorities.

"Our orders were that Eduardo Lanza was to vanish, to never appear again," Miguel says. "As for Felix Martinez, he was to be found dead, and to have died in such a brutal way that no communist who saw him would want to be in his skin."

Hernandez told Miguel the orders came directly from the Honduran commander-in-chief, General Gustavo Alvarez Martinez.

The contras drove south from Tegucigalpa toward Choluteca, where they stopped to dig a grave on an isolated hillside. "Don't kill me," Lanza begged Miguel. "I'll go to work for you people."

Lanza told Miguel he was a leader of a student federation at the medical school in Tegucigalpa. "My name is Eduardo Lanza," he said. "Give me a pencil and a piece of paper so I can write a note to my mother."

Lanza was made to lie down in the grave. One of the contras was handed a knife and instructed to kill him. "But our man did it badly, as if he was afraid, and the kid screamed," Miguel recalls. "There were some houses at the edge of the hill. So four or five bullets were fired into his head using a pistol with a silencer. Then lime was shoveled over him. You know, so there wouldn't be a bad smell."

The contras continued south on the Concepcion de Maria highway toward a village named Las Pintadas. It was Felix Martinez's turn.

"He was shot three times in the chest, on the left side," Miguel says. "Then he was stabbed sixty-nine times but without touching his face. What we wanted was that he be identified, that it be known that it was him," Miguel recalled.

The disappearances of Lanza and Martinez created a controversy in Honduras at the time. The Committee for the Defense of Human Rights in Honduras reported that Lanza had disappeared August 1, 1982. Honduran newspapers also carried accounts of the discovery of Martinez's mangled corpse.

These were just two of the assassinations in which Miguel participated. But it was not just Miguel's doing. He and the contra Death Squad worked hand in glove with the Honduran military and the CIA.

"The gringos knew," Miguel says, mentioning a CIA officer known to the contras as Colonel Raymond, who served as their contract. "One time Raymond congratulated me," Miguel says. "The jobs are very well done," he recalls Raymond saying. "Not even the CIA can do work like that."

In early 1982, when Honduran strongman General Gustavo Alvarez Martinez came under pressure from the Reagan Administration to interdict Nicaraguan weapons shipments to neighboring El Salvador, Alvarez approached the FDN for assistance.

"There is no better communist than a dead communist," Alvarez told the group. The meeting concluded with an agreement that the FDN's counterintelligence unit would work directly with the Honduran DIES, the directorate of special investigations. In exchange, the contras could expect continued cooperation from the Honduran military and free run of Honduran territory in their guerrilla war against the Sandinistas. The Hondurans assigned themselves the task of controlling the major cities, while the contras were given the entire length of the Nicaraguan border to patrol.

The primary mission of the FDN's counterintelligence unit was "investigate and investigate and investigate," says Miguel. "To find out where the weapons from Nicaragua were being shipped, who the contacts were, and then to capture and interrogate the suspects." These suspects included not only gun-runners, but also political dissidents, trade unionists, student leaders, and human-rights activists.

Members of the squad shadowed suspects and made notes on them in cheap little red notebooks. They then sent the reports on to Hernandez at the DIES.

"As soon as an investigation was completed, a study was made," Miguel says. "Was this guy worth capturing to get more out of him, or was it worthwhile to simply grab him and kill him—not to make him disappear, just simply to kill him?"

Those who weren't simply killed were interrogated first by the contras and then by the Hondurans at the DIES. "If they thought it was important to keep you alive, they kept you alive," Miguel says. "And if it was not important, you were killed."

Many interrogations were conducted at a contra safe house in the fashionable suburb of Valle de Angeles, where the screams of victims could be drowned out by the revving of a motorcycle engine outside.

The contra Death Squad members would pick up any Central Americans they considered subversive; the particular nationality of the suspect did not concern them. "It was necessary to eliminate whoever they were," Miguel says. "It did not matter where they were from, Panamanian, Guatemalan, Honduran, Nicaraguan, from wherever."

To carry out their tasks, the contras were given Honduran army uniforms and official Honduran military identification cards. Two CIA advisers were present at the meeting at Casamata, the Honduran police headquarters, when the Honduran military agreed to this arrangement.

Miguel received an identification card from the Special Investigations Directorate that identified him as a second lieutenant in the Honduran army. The card, stamped with the official Honduran seal and bearing the signature of Hernandez, says Miguel is on a "special mission" for the DIES.

Miguel also received other false credentials from the Hondurans, including a permit to bear arms, which identified him as a technician, and a driver's license, which described him as a civil engineer.

"When someone was captured and interrogated, he didn't realize he was in the hands of the contras; he thought he was in the hands of the Honduran G2 (military intelligence)," Miguel says. "It was never the contras; it was always the G2. We had the documents and everything, as if we were part of them."

Though the contras had their own autonomous unit, most of their actions were taken with the consent of the Honduran military. It was as if the Hondurans had said, "I'm going to let you kill inside my house, but only if you kill the ones I want killed," Miguel says.

After General Gustavo Alvarez Martinez was ousted in a coup in March 1984, newly installed commander-in-chief Walter Lopez initiated a seven-month investigation into the human-rights abuses that occurred during Alvarez's tenure. The investigation implicated the contra Death Squad in eighteen disappearances but at no point was the role of the Honduran military in the killings officially acknowledged.

Raymond, the supervisor of all CIA agents working with the contras was about forty-five years old, five feet seven inches tall, weighing some 170 pounds. He had yellowish hair, green eyes, and lots of freckles. Miguel recalls. He drove a small gray car, never using a chauffeur or bodyguard. He always dressed in casual civilian clothes and carried a brown briefcase. On his left wrist, he wore a black Casio watch.

Every Monday, Raymond received an oral report from the FDN intelligence chief, Colonel Ricardo "El Chino" Lau, a former member of Anastaso Somoza's National Guard. Lau would update Raymond on the activities of the counterintelligence squad since, according to Miguel, the Americans wanted comprehensive information about everything the unit had done and how much it had spent. The FDN was accustomed to filing written reports on all investigations, captures, and killings it had committed, but Raymond specifically ordered Lau never to file written reports on the killings of people captured by the Hondurans and turned over to the contras.

Lau, however, had become a liability by mid-1983 because of his unsavory reputation for human-rights abuses. Raymond and the CIA were instrumental in removing him from his highly visible position on the FDN's staff and transferring him to be head of the still little-known Death Squad. It was Raymond who notified the officer then serving as chief of the counterintelligence unit that he was being reassigned to a military command so that Lau could assume control of the Death Squad operation.

Besides moving the players around, the CIA administered lie-detector tests to all FDN commanders to ensure they were loyal to the cause. What's more, at least on one occasion, the Agency took a more direct role in contra brutality.

One afternoon, Felix Icabalzetawete was walking along a street in the city of Danli when the contra Death Squad kidnapped him. "It was fast," Miguel recalls. "There were no shots, no fighting, nothing."

Icabalzetawete had been fingerd by another prisoner shortly before that prisoner was murdered by one of the contras. But from the beginning of Icabalzetawete's interrogation, something was amiss. "As time goes by," says Miguel, "the longer you work in this business, you start to realize who is lying and who isn't lying."

When the prisoner was confronted with the allegations against him, he continued to insist he was innocent and demanded that his accuser be brought in front of him. "Let him repeat it to my face, " he said.

Icabalzetawete was taken to an FDN safehouse in Tegucigalpa, where he was held captive in a bathroom for about ten days. Then he was transferred to the Special Investigations Directorate, which took him to a prison called "El Manchen" where the interrogations resumed. Finally, Hernandez, head of the DIES, telephoned the contras, Miguel recalls. "You blew it," Hernandez said. "This guy doesn't know anything. He's innocent."

"We agreed," Miguel says. "And I decided to free him. So I took him back to my office where I kept him four of five days. I gave him food, treated his wounds. The man would take baths. I'd give him cigarettes. The man was living like a king. What I wanted was that he recuperate. He was all skinny."

Lau was not pleased at this treatment, but Miguel defended it. "I'm not going to kill him," Miguel told Lau. "Definitely I'm not going to do anything to him. The guy is innocent. And if I have to give him my pistol so he can defend himself, I'll do it. But he can't be killed."

Lau went to Raymond, the CIA agent. Raymond called Miguel. He told him he wanted to see him.

Raymond advised against releasing the captured man. "If this man says something that compromises the Hondurans, the FDN, or us, it's not going to be his head that rolls, it's going to be yours," Raymond told him.

"So," Raymond asked Miguel. "Are you going to let him go?"

"He's not going to live five minutes after you turn him loose. And you'll be risking your own head."

Miguel relented. "I decided against my own principles, against my own will—I was forced to decide—that he had to be eliminated," Miguel says.

Without blindfolding him or tying him up, Miguel loaded Icabalzetawete into his personal car in the middle of the night. Javier, another member of the squad, was in the back seat. The three of them drove along the highway toward San Pedro Sula, stopping at a hill not far from the entrance to the Santa Rosita mental hospital.

"Don't kill me, don't kill me," Icabalzetawete pleaded. "I'm innocent. Don't kill me."

When they reached the top of the hill, Miguel gave the signal to Javier. "Felix got down on his knees and took my hand, my left hand, and said, 'Don't kill me,'" Miguel

recalls. "That hurt me, I knew that I was going to do it, and that he was innocent." Then Miguel gave the signal, and Javier shot him in the head.

His body was never discovered. "It looks as if the buzzards ate him," Miguel says.

For Miguel and his associates, killing had become routine, part of their way of life. They tried to rationalize it in various ways. They referred to the killings as "eliminations" or ajusticiamentos [the meting out of justice]. And they prided themselves on killing only communists, and not the innocent.

"You're either on the side of God or on the side of the devil, you understand?" Miguel said. "The communists are atheists and as a result, they are against God. For me—for us—this is a holy war."

Miguel also looks to the U.S. system of justice as precedent for killing.

"Christian law says in its commandments, 'Thou shalt not kill.' But even American democracy has given powers to judges—who are men—to kill people with an electric chair. And that's a nation that is not at war. So if the United States does it legally, why can't we do it because we're in a war—a war that the United States has pushed us into?"

But despite the rationalizations, the horror of killing eventually got to Miguel.

Following FDN policy, when the Death squad captured a group of Sandinista soldiers, the prisoners were given the option of surrendering and joining the contras instead. Those who agreed were allowed to keep their rifles and were given ammunition.

One day, one of them was sent on a patrol with two FDN troops. When the troops knelt down beside a river to fill their canteens, the Sandinista machine-gunned them from behind. He was later recaptured and brought to Miguel. Incensed, Miguel took out his knife and tore into the man until he was dead.

"I got my hands all bloody, and I went and washed my hands and face," Miguel recalls. "It was early. It was a beautiful day. We were on the edge of a river and I went down to it, put my rifle aside, bent over and stared at myself in the water. I cupped my hands and put them in the water to fill them up so I could drink, and I saw my hands full of blood. It was my imagination. I thought it wasn't water but blood.

"That shook me. Morally, that shook me. I'll never forget it. It was something ugly, horrible. I don't want to go back to that."

Mr. HARKIN. A freedom fighter is one who fights for the independence of his or her country against the dependence induced on it by a major regional power.

The Afghans and Poles who struggle against Soviet domination of their countries are freedom fighters.

The Contras are not. They are more like the Frankenstein monster. Though their face resembles that of a democrat, their mentality is one of an Argentine general. Their arms are from the CIA. Their hearts are pure Somocista.

The military command of the Contras is headed by Col. Enrique Bermudez, who entered Gen. Anastasio Somoza's National Guard in 1952 and who loyally served the ousted dictator for 25 years. His chief deputies include several other Somoza lieutenants.

No, the Contras are not freedom fighters, they are to quote from Nobel Prize writer Carlos Fuentes, "stooges of Washington."

President Reagan's Nicaragua policy ignores the history of that country.

The Nicaraguans can't afford to.

No other nation in this hemisphere—not Mexico, not Cuba—has been so consistently abused by the United States. From the usurpation of the country by the American adventurer William Walker in 1855, to the occupation by the Marines from 1913 to 1933, to the murder of Augusto Sandino and the installation of the Somoza dynasty, Washington has nurtured and protected dictators and undemocratic regimes for more than a century in Nicaragua.

The rhetoric of freedom is just a veneer for hard-nosed, unthinking anticommunism. I do not mind our being hard-nosed anti-Communists, but I do object to the unthinking aspect. This administration's commitment to destroying communism is so passionate and unthinking that it is willing to sacrifice international law and national sovereignty to achieve that goal.

Tragically, by ignoring the history of U.S. intervention in Central America, all Americans may be forced to relive it. For the Contras cannot overthrow the Nicaraguan Government, which is the goal of the Reagan administration policy.

That goal can be achieved through direct intervention by U.S. Armed Forces.

Secretary Shultz has written that "Our ties with our democratic friends abroad have an enduring quality because they rest on a moral base, not only a base of strategic interest."

But we are about to abandon that moral base, by ignoring the counsel of our democratic friends in Latin America, and by pursuing military rather than diplomatic means to promote democracy in Nicaragua.

The Contadora process, begun by the heads of state of Panama, Mexico, Colombia, and Venezuela, offers the last chance for a negotiated solution to the crisis in Central America.

□ 1620

Mr. President, in May of this year, the Center for International Policy issued a study called "Contadora: Under the Gun." I commend it for reading to all my colleagues. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

CONTADORA: UNDER THE GUN

(By Jim Morrell, William Goodfellow)

Recent diplomatic initiatives by the United States and Nicaragua and a final push for agreement by the Contadora countries have raised expectations that a Central American peace treaty could be signed in a month. El Salvador, Costa Rica, Guatemala and Honduras all have agreed to sign Contadora by the June 6 deadline set by the Contadora countries. Nicaragua also has agreed to sign, but only if the United States ends its aggression against Nicaragua and if agreement is reached on two remaining provisions of the September 1985 Contadora draft.

Serious obstacles remain, however, and in the most recent twist in three years of Contadora negotiations, the United States is again in a position to block final signature. Only the United States can provide assurances to Nicaragua that aid to the contras and related American hostility has truly ended; the Contadora countries hardly can be counted on to restrain the United States with military force. For its part, however, the United States refuses to sign a protocol to the Contadora agreement promising to abide by its provisions, or to make any formal, legal commitment to Contadora.

Moreover, the current Contadora draft includes two provisions the Nicaraguans feel they cannot live with. The first concerns U.S. military maneuvers in Honduras, which Nicaragua wants banned outright. The second would set limits on the size of each Central American country's army and would require Nicaragua to make sharp reductions in troop levels and scrap some of its arsenal, steps the Nicaraguans are extremely hesitant to take in the face of continuing U.S. military pressure.

Unless the United States, through its allies in the region, is willing to show some flexibility on these final two disputed provisions, the administration is well aware that Nicaragua will not sign the Contadora agreement.

U.S. INITIATIVE

On April 11 U.S. special envoy to Central America Philip Habib sent a letter to Representative Jim Slattery citing the specific section of the Contadora draft agreement prohibiting any "political, military, financial or other support to individuals, groups, irregular forces or armed bands advocating the overthrow or destabilization of other Governments . . ." He went on:

"We interpret these provisions as requiring a cessation of support to irregular forces and/or insurrectional movements from the date of signature. We do not believe these provisions would prohibit financial or other humanitarian aid for the purpose of relocating or repatriating such forces.

"Although the United States is not a party to the Contadora negotiations and would not be legally bound by signature of a Contradora treaty, we will as a matter of policy support and abide by a comprehensive, verifiable and simultaneous implementation of the Contadora Document of Objectives of September 1983, as long as such an agreement is being fully respected by all the parties. We would not feel politically bound to respect an agreement that Nicaragua was violating."

Ambassador Habib's letter was greeted with enthusiasm by many in Congress who believed at first reading that the letter represented a shift in U.S. policy and a breakthrough in the negotiations, the first clear commitment to stop funding the contras if Contadora were signed by all parties.

A more careful reading of Ambassador Habib's letter reveals ambiguities that allow the administration plenty of room to maneuver. For example, a senior State Department official, when asked about the letter, said the United States would abide by the

agreement and end aid to the contras only if all twenty-one points of the September, 1983 Document of Objectives were being implemented. Given the timetable set up by the agreement, implementation of some provisions is not mandatory until six months after signature.

This same State Department official emphasized that if Nicaragua fully implemented all points of the Document, there would be no need for the United States to support the contras, indeed no need for the contras at all since they would be integrated into the Nicaraguan political process.

In addition to its ambiguities about timing, the letter has these potentially serious escape clauses:

1. The United States still refuses to sign a protocol to Contadora that would legally bind Washington to abide by its terms.

2. Since the United States would be operating outside the Contadora structure, it would be making its own determinations about violations. Washington would not be bound to accept the findings of the verification commission provided by the Contadora agreement to investigate violations.

3. Thus the United States might decide on its own, for example, that internal reconciliation required negotiating with contra leaders based in Miami or that remaining Cuban doctors, teachers and civilian technicians were really military advisers.

4. If the administration decided that Nicaragua was in violation of any of its provisions, the United States would no longer feel politically bound to respect the agreement.

If Ambassador Habib's letter merely restates existing administration policy, there is some question why it was written at all. For one thing, it was addressed to a congressman, and no doubt was intended to help convince skeptical members that the United States was sincere in its support of Contadora.

Moreover, Ambassador Habib could use the letter in meetings he held in late April with diplomats in Latin America to help end America's diplomatic isolation. The extent of this isolation was dramatized when eight Latin American foreign ministers came to Washington on February 10 to petition Secretary Shultz to stop aid to the contras.

NICARAGUA ANSWERS CONTADORA

On April 7 in Panama the Contadora and support-group countries appealed to President Daniel Ortega to agree to sign the Contadora agreement on June 6. Nicaragua had been the only country at the Panama City meeting unwilling to sign. Letters from the presidents of Peru and Uruguay underlined the urgency of Contadora's appeal.

In his April 12 response President Ortega says:

"Nicaragua agrees to sign the act on June 7 if the United States has ceased its aggression against Nicaragua by that date and if agreement has been reached on the pending issues of the modified act."

Does this mean Nicaragua will sign? Only Managua can define the phrase "cease its aggression," and the hedged responses of middle-level Nicaraguan diplomats can hardly anticipate the comandantes' actual decision on June 6. A congressional delay in the appropriation of military aid to the contras seems to fall short, even given the past record of Nicaraguan conessions; essentially, President Ortega has referred to the "political will" of the U.S. Government and wants the U.S. administration to agree to leave Nicaragua alone. Failing that, the strong Sandinista inclination is to refuse the unilateral disarmament in the face of U.S. power that the Contadora treaty would require.

On the other hand, the de facto cutoff of contra aid through June 6 by Congress, in addition to the nearcertainty that no aid could pass once Contadora was signed gives Managua piecemeal some of what it asks for.

In the rest of his communique, President Ortega accepts the invitation to resume negotiations with the other Central Americans on army sizes and foreign military exercises. This marks another Nicaraguan concession, as only a week earlier Foreign Minister Miguel d'Escoto had left Panama saying that Nicaragua would not continue these negotiations until the aggression ceased.

President Ortega also endorsed the Civilian Commission on Investigation and Inspection of the Nicaraguan-Costa Rican border and called for a similar commission with Honduras.

Typically, Nicaragua's hard stance at the Panama City meeting on April 5–7 got front-page and network television coverage in the United States, allowing President Reagan to claim Nicaragua had "torpedoed" the Contadora talks. The reportage gave no historical perspective on the Contadora talks. Nicaragua's subsequent concession in agreeing to sign on June 6 and immediately return to the negotiating table got routine back-page reportage.

DILEMMAS FOR U.S. POLICY

By early 1986 the conspicuous lack of support for the administration's policy, whether from Congress, the public, Europe, or the hemisphere, was imperiling the whole contra project almost as much as the contras' miserable showing on the battlefield. President Reagan appointed Ambassador Habib in February to line up greater support in Congress and the hemisphere. In April Ambassador Habib left on a South American tour aimed at reversing the U.S. isolation on the contra issue.

The liability in Ambassador Habib's approach was that Nicaragua could indeed sign and force the administration's hand on its cutoff pledge. If the administration reneged by falsely claiming Nicaraguan violations, the whole Contadora verification machinery could well uphold Nicaragua's position and rob the administration's claim of any credibility, even in Washington.

HISTORY OF NICARAGUAN CONCESSIONS

Nicaragua took a bold step in September, 1984 in accepting the Contadora draft. Ironically, the very extent of its concessions then may have robbed it of maneuvering room now.

It is impossible to understand the current Contadora negotiations without a grasp of what has gone before, especially the extent of concessions Contadora has already wrested from Nicaragua.

In accepting the September, 1984 draft Nicaragua agreed to:

Expel all Soviet-bloc military advisers, now estimated by the State Department at 3,500.

Stop all imports of Soviet weaponary from Mi-24/HIND helicopters to AK-47 ammunition.

Shrink its 100,000-man army and scrap part of its inventory.

Stop all aid to the Salvadoran guerrillas.

Enter into a dialogue with the internal opposition.

Let in a verification commission with powers of on-site inspection to verify all these commitments.

As only one measure of these concessions, consider that since they were offered in 1984 Nicaragua has received between $100 to $350 million more in Soviet weaponry, according to various U.S. figures, including all of its Mi-24/HIND helicopters. All would have been prevented if Washington had accepted that first Contadora draft.

EXTENT OF CONCESSIONS

Nicaragua's concessions have been so extensive that they have caught even the State Department by surprise.

On September 7, 1984 Secretary of State Shultz praised the Contadora draft treaty, noted its conditional acceptance by Costa Rica, El Salvador, Guatemala, and Honduras, and offered this view of Nicaragua's position:

"Nicaragua, on the other hand, has rejected key elements of the draft, including those dealing with binding obligations to internal democratization and to reductions in arms and troops level." [1]

No wonder, then, that the State Department was caught unawares two weeks later by this message from Nicaraguan head of state President Daniel Ortega to the Contadora countries:

"We inform you of the Nicaraguan government's decision to accept in its totality, immediately and without modifications, the revised proposal submitted on September 7 by the Contadora group."

This acceptance included the sections "dealing with binding obligations to internal democratization and to reductions in arms and troop levels" referred to by Secretary Schultz.

A flabbergasted State Department briefer said, "It's not at all clear to me that in the long run Nicaragua won't come to regret its precipitous action." [2]

It was not until October 30 that the National Security Council could relax:

"We have effectively blocked Contadora group efforts to impose the second draft to the Revised Contadora Act * * * We have trumped the latest Nicaraguan/Mexican efforts to rush signature of an unsatisfactory Contadora agreement * * * Contadora spokesmen have become notably subdued recently on prospects for an early signing." [3]

At this point, the State Department could only hope that Congress and the media would eventually forget about Nicaragua's acceptance and U.S. blocking of the treaty—a hope that has been fulfilled.

It is important to note that Secretary Schultz, while stating reservations about verification and timing provisions, had called the treaty "an important step forward," one that "presents many positive elements." [4] Only after Nicaragua accepted it did it become "unsatisfactory" and "one-sided."

MANZANILLO CONCESSIONS

The State Department now dismisses the Nicaraguan acceptance as a public-relations ploy and a "fraud." [5] Far from accepting Contadora merely for propaganda reasons, Nicaragua now made the treaty the basis of its negotiating position in the September round of talks with the United States at Manzanillo, Mexico. As the State Department admits, "At the same round, Nicaragua adopted the Contadora draft agreement of September 7, as its negotiating position." [6] The United States rejected this offer as well, saying it needed to continue its military exercises in Honduras which the

Footnotes at end of articles.

Contadora draft outlawed. The State Department explained, "Given the Sandinista position, agreement would have been possible only if the United States approved the September 7 draft without change, despite the imperfections acknowledged by Contadora participants." [7] Here the State Department admits that agreement was possible on the basis of the Contadora treaty and the United States blocked it. And as for the alleged "imperfections" found by Contadora participants, none of them found any until after Nicaragua agreed to sign the treaty and after the United States subjected Costa Rica, El Salvador and Honduras to what it called "intensive consultations." Before that, all the Central American countries had indicated their conditional acceptance. Salvadoran president Napoleon Duarte said he was ready to sign it before November, 1984 and Foreign Minister Carlos Guttierez of Costa Rica said his country had already decided to sign it.

ADDING NEW DEMANDS

The pattern of Nicaragua offering concessions only to find Washington piling on new demands has continued throughout the negotiations.

Washington objected to Nicaragua's Soviet arms imports; Nicaragua offered to stop them. It objected to Nicaragua's Soviet and Cuban military advisers; Nicaragua offered to send them home. It objected to Nicaragua's becoming a Soviet base; Nicaragua refused the Soviets a base and offered to make that a legal obligation. It wanted Nicaraguan to shrink its army and scrap part of its weaponry; Nicaragua agreed to do so. It wanted all these agreements to be verifiable; Nicaragua agreed to let in an international verification commission empowered to go anywhere and talk with anyone. It wanted Nicaragua to talk to the contras; Nicaragua offered them an unconditional amnesty including the right to form political parties and run for office in full safety.

CONTADORA CONCESSIONS

In the Contadora talks as well, Nicaragua has made a string of concessions which have not been widely reported in the United States. When in September 1984 Nicaragua became the first country to formally agree to sign Contadora, it agreed to do so "without modifications." A year later, on September 12, 1985 the Contadora countries sent out another draft incorporating many of the objections the United States had raised through its proxies Costa Rica, El Salvador, and Honduras. For example, the new draft lets the United States keep its exercises and bases in Honduras, albeit under restrictions. On November 11 Nicaragua backed off its earlier take-it-or-leave-it position. It accepted 100 of 117 provisions of the new draft, saying, "Nicaragua once again yields its position in the greater interests of Central American peace and harmony." [8] Before the United Nations, President Ortega said Nicaragua had only "a message of friendship for the United States." [9]

On the other seventeen provisions, Nicaragua called for a return to the 1984 draft. On December 3, disturbed that the Contadora countries were overlooking the threat from the contras, Nicaragua called for the postponement of Contadora talks for six months to concentrate on stopping U.S. aid to the contras and to allow new presidents to be inaugurated in three of the other Central American countries.

In only six weeks, however, Nicaragua backed off its postponement call and agreed to return to the table by accepting the Caraballeda declaration. This declaration, accepted by all thirteen Contadora participants in mid-January, called for work on signing the Contadora treaty to go forward simultaneously with work on ending aid to the contras. It was in pursuance of this pledge that on February 10, 1986 the eight Contadora and support group foreign ministers met with Secretary of State Shultz in Washington to appeal for an end to aid to the contras. They returned empty-handed. Nevertheless, Nicaragua, in a further concession, participated in the February 14-15 Contadora negotiating session in Panama without aid to the contras having ended.

More concessions were forthcoming. No later than March 5 Nicaragua backed off its, and Contadora's insistence that the United States end its military exercises in Honduras by suggesting that they would accept something less than an outright ban.[10] A week later Nicaraguan Deputy Foreign Minister Victor Hugo Tinoco announced in Costa Rica that Nicaragua was "willing to sign the Contadora Group's document on pacification and cooperation in Central America if compliance with the eight points of the Caraballeda declaration is guaranteed." [11] This announcement, totally ignored in the United States, prefigured President Ortega's April 12 communique.

BORDER AGREEMENT

Starting at the February 14-15 Contadora meeting in Panama, which the White House hastened to dismiss as "inconclusive," Nicaragua made a series of concessions to Costa Rica to bring about a border agreement.[12] Agreement became possible after President Ortega apologized for Nicaragua's role in the death of two Costa Rican civil guards at Las Crucitas on May 31, 1985. While still believing Costa Rica was mainly to blame, on February 14, 1986 President Ortega wrote Costa Rican president Luis Alberto Monge, "The Nicaraguan Government . . . regrets that the actions it was forced to take to defend its territory and the national sovereignty of Nicaragua from the actions of mercenary forces coming from other countries resulted in the death of two Costa Rican civil guards." [13]

Costa Rica called the apology and explanations "effective steps taken toward a permanent, respectful, and peaceful coexistence between the two nations." President Monge said that Nicaragua had earlier rejected the proposal for an international team to watch the border, but now had changed its position "because of international pressure." [14]

PANAMA MEETING

The contra issue reemerged dramatically at the Contadora talks in Panama on April 5-7, 1986. Mexico opened the meeting by proposing, in the name of all the Contadora countries, that the conference issue an appeal to the United States to suspend consideration of aid to the contras so as to allow time for negotiating and signing Contadora. Costa Rica, El Salvador and Honduras refused, calling aid to the contras an internal American matter outside the scope of Contadora negotiations. They insisted that treaty negotiations go forward without any condemnation of aid to the contras. Nicaragua, however, insisted on the appeal as proposed by Contadora and the conference wrangled over these issues fruitlessly for three days.

In one final communique, twelve of the thirteen countries present agreed to the proposal to sign Contadora on June 6. Only Nicaragua refused to agree. The talks broke down over Nicaragua's insistence on simultaneous work to stop aid to the contras and sign the treaty. The very extent of Nicaragua's earlier concessions led to this impasse.

These concessions were so extensive that Nicaragua finally had to insist that aid to the contras be stopped before Nicaragua could carry them out. Otherwise it would be sending its Soviet and Cuban advisers home, turning away weapons shipments at the ports, and dismantling part of its army at the same time the United States was sending $70 million in weapons to the contras. "We were not born to commit suicide," the Nicaraguans said.

Nicaragua's earlier concessions have now limited its room for maneuver. Carried out in the face of an extremely hostile U.S. administration, they would clearly jeopardize Nicaragua's safety. If Nicaragua is now being called intransigent, it is paying the price for going the extra mile earlier in the negotiations.

Despite the temporary setback in Panama, Americans concerned for peace should still support the Contadora process as wholeheartedly as before. The Contadora treaty would still keep the United States out of war in Central America. It would still remove the Soviet-bloc military presence from Nicaragua without firing a shot.

NICARAGUA'S DILEMMA

At the same time, Americans must be aware of Nicaragua's acute dilemma at this stage of the talks. Signing the current draft now would mean disarming while under U.S. attack. But not signing would risk hemispheric isolation, which would enbolden the United States to attack. By May, 1986, Nicaragua was caught between these two choices.

When President Ortega accepted 100 out of 117 provisions of the September, 1985 draft, he left for further negotiation the provisions on troop reductions and U.S. military exercises, of which the troop reduction seemed the most troublesome.

The draft called for new, lower troop and armament levels to be set on the basis of each Central American country's internal and external security needs (a provision helpful to Nicaragua) but also on the basis of objective indicators such as comparative population, territory and GNP. These indicators implied a drastic cut from Nicaragua's 100,000-man level, especially since the country's GNP was artifically shrunken by the war. All would depend on how much weight security needs received as against the application of the mathematical formulae.

Furthermore, according to the draft, if the Central Americans could not agree on army levels, the verification commission would impose levels which Nicaragua would be bound by treaty to accept. The make-up of the commission—four neutral or ideologically balanced countries and a Contadora secretary—scarcely guaranteed a favorable ruling for Nicaragua, given the enormous pressure the United States might exert on these countries.

Nicaragua insisted on changing the provision to guarantee each country enough forces to defend its independence. Furthermore, all the Central American countries would have to agree on troop levels—thus giving Nicaragua a veto. By November, 1985 Nicaragua had won Mexican support for its position.

On U.S. exercises in Honduras, the draft limits them to a maximum of three hundred thousand troops at a time (only one-half of

them could be Americans), with advance notification and other restrictions to make them less threatening. The draft also calls for their eventual elimination. Nicaragua wants elimination now, but may settle for tightened restrictions.

In his April 12 communique, Ortega also set resolution of these two disputed provisions as his other condition for signing. If the United States encourages its allies in the region—especially El Salvador and Honduras—to dig in their heels, these provisions could be a sticking point. And the United States has usually succeeded in getting the other Central American countries to follow its lead.

CONTADORA—OPPORTUNITY OR TRAP?

At the end of April, the Contadora process could go either way. The opportunity was there: if the United States formally agreed to stop aid to the contras, Nicaragua would sign a Contadora agreement.

Below the surface symmetry, however, the fine print looked more and more troublesome. And Contadora could prove a trap to Nicaragua if contra attacks continued while Nicaragua was required to disarm.

One month before the signing deadline, the Sandinistas had not yet made up their minds.

FOOTNOTES

[1] Secretary of State George Shultz to European Economic Community foreign ministers, Sept. 7, 1984.

[2] Department of State briefing on the Contadora process, Oct. 1, 1984.

[3] Internal National Security Council memorandum, Oct. 30, 1984 (mimeo).

[4] Shultz to EEC, Sept. 7, 1984.

[5] Interview with State Department official, Nov. 14, 1985.

[6] U.S. Department of State, "Fact Sheet: US efforts to Negotiate A Peaceful Settlement in Central America" (February 1986), p. 3.

[7] Ibid., p. 4.

[8] President Ortega to Contadora presidents, Nov. 11, 1985, in United Nations, "Letter dated 13 November 1985 from the Permanent Representative of Nicaragua to the United Nations addressed to the Secretary-General" (A/40/894, S/17634, Nov. 15, 1985), p. 6.

[9] As reported in United States, "Foreign Broadcast Information Service," Oct. 24, 1985, pp. P 9-10.

[10] Interview of Nicaraguan Deptuty Foreign Minister Victor Hugo Tinoco by William Goodfellow, Managua, Mar. 5, 1986.

[11] FBIS, Mar. 14, 1986, p. P 10.

[12] "Inconclusive" characterization in message of President Reagan to Congress, Feb. 25, 1986.

[13] FBIS, Feb. 14, 1986, p. P 10.

[14] Ibid., Mar. 18, p. P 1. i

Mr. HARKIN. Mr. President, if we are really concerned about a democratic opening inside Nicaragua, the Contras are not the answer. The fact is that U.S.-bankrolled efforts to undermine the Sandinistas have proven utterly counterproductive. They have increased domestic nationalist, support for the Sandinistas. They have isolated Nicaraguans opposed to the Sandinistas and have made them, by association, allies of CIA-backed terrorists.

They have provided the Sandinistas with ready-made excuses for curbing press and political freedoms curbing religious freedom and for relying heavily on Warsaw pact nations for security assistance. Indeed, our policy toward Nicaragua has become a self-fulfilling prophecy.

This aid obstructs progress toward a negotiated settlement, as do Nicaragua's increasing ties to the Soviet Union and Cuba.

That this administration is not interested in a negotiated solution is not my conclusion. It is that of the recently fired American Ambassador to Honduras, John Ferch. "Our goal," according to Ferch, "is something different. It's a military goal."

In the Friday, July 25, issue of the Washington Post, John Ferch, Ambassador to Honduras, said, "If the administration fails to seize the moment and push for negotiations, the $100 million is going to go so fast it is really just the first step. The logic of it all means that the next stage is an expanded military operation."

Those are the words of President Reagan's Ambassador to Honduras, who, I might add, was canned, was fired because of his opposition to our policy in Nicaragua.

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. IS SAID TO SEEK MILITARY SOLUTION IN NICARAGUA: FIRED AMBASSADOR TO HONDURAS SAYS $100 MILLION AID WILL BE DOWN PAYMENT

(By Roy Gutman)

John Ferch, fired recently from his post as ambassador to Honduras, believes the Reagan administration is seeking a military solution in Nicaragua despite claiming publicly that it wants a negotiated settlement.

The 27-year Foreign Service veteran was dismissed last month after serving less than a year. Honduras is the staging ground for President Reagan's campaign to topple the Sandinista government in Nicaragua.

Days before Ferch's ouster, the House approved $100 million in aid for Nicaraguan rebels based in Honduras. Ferch said in an interview that if the administration does not pursue a negotiated settlement in Nicaragua, the $100 million will be just a "down payment."

The ex-ambassador said the time is ripe for diplomacy. He said his view "until the time they canned me was that you've got them [the Sandinistas] to the point where they've panicked so much they would negotiate some meaningful concessions."

If the administration fails to seize the moment and push for negotiations, he said, the $100 million "is going to go so fast, it's really just the first step. The logic of it all means that the next stage is an expanded military operation."

"I always thought we meant what we said. We wanted pressures so we could negotiate," Ferch said. "I'm beginning to think I accepted something that wasn't true." Ferch said the manner of his dismissal suggested that "our goal is something different. It's a military goal."

Ferch spoke by telephone from Canada, where he is vacationing.

Ferch previously served as head of the U.S. mission in Havana and deputy chief of mission in Mexico City. Administration officials said he had demonstrated excellent political skills in Honduras but blamed "significant" morale problems in the embassy on his management. He was also faulted for strained relations with the large Central Intelligence Agency station in Tegucigalpa. The State Department insists that policy differences had nothing to do with his firing.

In the interview, Ferch also said:

Cuba and the Soviet Union are unlikely to interfere if the Sandinistas come under heavy military pressure. "I don't think they're going to fight down to the wire," he said. "The Cubans and Russians are not going to throw in troops like that. They are so concerned about a clash with us that they'll be very cautious."

Honduras has a more comprehensive approach to Nicaragua than does the U.S. government. "They have been far better at negotiations than we have," he said. "When I would get instructions to go in and tell them things, I would follow them in my own way, because it was teaching them to suck eggs. They really were ahead of us always.

The manner of his ouster undercut the newly elected civilian leadership in Honduras. He said U.S. officials "have let out the word that my relations with the military down in Honduras were not good. That is not true." Ferch said he always went first to President Jose Azcona rather than to the military. "I did that very consciously, and the military were understanding but not happy," he said. "They knew they were accepting a new role in life." But in saying that he did not get along with the military and suggesting that was a problem, Ferch said U.S. officials have "set alight a sleeping fire. It doesn't help Honduran democracy. There's no question about that. It's not me personally. The combination of getting rid of me and saying 'He didn't get along with the military' really does undercut the president."

Ferch said he believes he was fired "because they want somebody down there to be strong enough and proconsul enough that no Honduran government is going to object to anything. They're going to want someone to go in and say' "Baby, this is the way it's going to be.' " He warned that if that was the intention, "nothing is going to happen" because Hondurans will not take orders.

The administration has not announced Ferch's successor, but officials said Everett Briggs, a career diplomat who was ambassador to Panama, is the leading candidate. Ferch called Briggs an excellent choice, but said, "What's ironic about this is that Ted isn't that type of diplomat. Ted really will support the civilian side of the house."

Ferch's view that a negotiated settlement is no longer the U.S. goal in Nicaragua is bound to be disputed by State Department officials, but his remarks underscored the current absence of any concerted diplomatic initiative.

Reagan named veteran diplomat Philip C. Habib as special negotiator in March, but despite several trips to the region, Habib has yet to visit Managua, Nicaragua's capital. Ferch said he was "extraordinarily impressed" by Habib during Habib's brief visits to Honduras. "Then, all of a sudden, he faded. You didn't hear from him," Ferch said.

Ferch said he had been convinced that military and psychological pressures by the United States would force the Sandinistas to the bargaining table to make meaningful concessions. "You know, the pressures are in place at two points; they are in place right now when you pass the vote [by Congress for military aid to the rebels]. Then the first time [the rebels] start shooting down helicopters," the military pressures against the Sandinistas are in place, he said.

Ferch said he had relayed to the State Department his assessment that the United States should take advantage of these pressures in negotiating. "But what can I tell you? I'm up here in the North Woods now. My overview has been discarded," he said.

Ferch said he was "fed up" with the Foreign Service because of anonymous criticism of him by foreign colleagues. After a sabbatical, he said, he will look for a job, but "I really don't think I want to have anything to do with the Foreign Service anymore."

Ferch and his family are building a cabin by a remote lake north of Lake Huron in southern Ontario.

"There is life after diplomacy," he said. "I am screwed but happy."

Mr. HARKIN. Removing the Sandinistas from power—or to use the President's phrase, making them "cry uncle"—is the goal of the Reagan policy.

To achieve that goal, Mr. Reagan has assured us that U.S. forces will not be used, that the Contras alone move the Sandinistas from power.

Mr. President, we have heard these promises before. Twenty-two years ago, another President made those very same promises. Twenty-two years ago, on the verge of another war in Southeast Asia, Lyndon Johnson stated, and I quote:

What I have been trying to do * * * was to get the boys in Vietnam to do their own fighting with our advice and with our equipment. That is the course we are following:

A half a year later, President Johnson announced he was raising our fighting strength from 75,000 to 125,000. Plans were already underway to increase the U.S. commitment to 200,000 troops.

It all began with military advisers, 55 military advisers. Our involvement in Nicaragua is beginning the same way, because we are being asked not just for $100 million. As has been pointed out, we are being asked for about $800 million plus an unlimited number of military advisers—an unlimited number of military advisers which can be used to help the Contras overthrow that government.

Talk about opening the way for another involvement in another Vietnam war.

Staying the course in Nicaragua could produce the same outcome. The Contras have proven to be better at drug smuggling, gun running, and black marketeering than at fighting the Sandinistas.

If Mr. Reagan intends to make the Sandinistas cry uncle, he must ultimately chose between escalation or withdrawal. And at that point, retreat will result as it did in Vietnam, in loss of American credibility abroad. Escalation will lead to the direct intervention of U.S. Armed Forces, and that would plunge the United States into a ferocious civil war that would certainly overflow into Honduras, Costa Rica, even Guatemala and also lead to the loss of American influence throughout Latin America.

If I have ever seen a dead-end street policy, the policy of funding the Contras is a dead-end street. Throughout Latin America, an invasion of Nicaragua could be the detonator the explosive continent is awaiting. Yet another gringo invasion would be an intolerable humiliation, a moral and political trigger to ignite issues of inflation, unemployment, debt, and destroy fragile democracies and disillusion the burgeoning middle classes in those countries.

The burning question in Latin America today is not whether Marxism will be rolled back in Nicaragua. It is whether the region's new democracies will endure.

The obstacles to consolidating Latin America's fragile new democracys are immense. Democratic governments in Argentina, Brazil, and elsewhere confront staggering debts, unstable economies, and the lingering threat of military coups.

Concrete measures should be taken to help foster democracy: public diplomacy in favor of democratic movements; a ban on economic and military assistance to regimes that systematically violate human rights; judicial reform; promotion of freedom of the press; efforts to establish and preserve civilian control of the military; and aid to address the fundamental problems of inequality and injustice that breed revolution and repression.

This is the course we ought to take if we really want to insure democratic governments in Central America and, indeed, in Nicaragua.

Again, an article that appeared in the April 24 issue of the New York Times entitled "Ways to End the Impasse with Managua," written by Edgar Chamorro, who left the Contras last year because of his disillusionment with the Somocista elements. This article ought to point the way to what should be our policy. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 24, 1986]

WAYS TO END THE IMPASSE WITH MANAGUA

(By Edgar Chamorro)

KEY BISCAYNE, FLA.—After the long and arduous debate over United States assistance to the contras, a fundamental question remains: What is the best way to reach a political solution in Nicaragua? The only way to answer this question is to analyze clearly the motives and goals of the actors involved.

The conflict in Nicaragua is a struggle for power. The Sandinistas have power and want to keep it. Others want that power and are asking the United States to help them obtain it. The United States and Soviet Union both have interests in the region. The Soviet Union seeks short-term political gains at little risk. The United States seeks to reassert control over a wayward satellite. Therefore, the pleas for military and political support from the Nicaraguans find ready backers in Moscow and Washington. In the end, the Nicaraguans end up as pawns.

This scenario is familiar. It is reminiscent of the 1920's, when marines were sent to Nicaragua to stop the Mexican "Bolshevik revolution" from spreading to Nicaragua. The results are well-known: a protracted conflict against the nationalist Augusto César Sandino, the founding of the Nicaraguan National Guard and the beginning of the Somoza dynasty.

Present United States policy is based on the same mistaken assumptions and techniques, although this time a more ideological anti-Communism guides the policy. The United States assumes that the Sandinistas are Communists, that Communists can't be trusted and that they will respond only to military pressure. The techniques are economic pressure and gunboat diplomacy; the old means of dealing with Latin American rebellion. These techniques have not worked in the past; continuing them risks a new round of anti-Americanism in the hemisphere.

Yet other assumptions are possible. We could, for example, assume the Sandinistas are nationalists, fashioned after Sandino, who want recognition and respect from the United States and who will respond to a variety of initiatives emanating from Washington—not just military pressure.

If our goal is a political solution that brings democracy to Nicaragua, giving weapons to one or another armed faction will not help. Support for the war strengthens the radicals on both sides of the conflict. In addition, in fighting the Sandinistas militarily, we fight them where they are strongest. Fighting is what they do best. Where they are weak is in running a country effectively and efficiently. Meanwhile, there is no consensus anywhere—not even in the United States—in favor of the contra war.

The way to reach a political solution is to engage in serious diplomacy. This means ending the war and backing the Contadora effort to reduce the conflict as well as the threat of destabilization throughout Central America. Such a policy of accommodation will force the Sandinistas to make good on their promises and challenge them to govern Nicaragua instead of simply confronting the United States.

To win the hearts and minds of ordinary Nicaraguans, the United States should remove economic restrictions, facilitate loans and credits to Nicaragua and help victims of the conflict on both sides with humanitarian aid. At the same time, the United States must demand concessions from the Sandinistas. The first priority must be the security concerns of the United States and Nicaragua's neighbors—and this means addressing the presence of foreign advisers and bases inside Nicaragua. There must be a restoration of civil rights accompanied by an extension of amnesty to the contras, and guarantees of safe passage back to Nicaragua for the contra leaders so they can organize political parties and compete for power by political rather than military means. The Sandinistas must be made accountable to the promises of the revolution.

This approach is one that promotes a political solution. It works toward the goal of accommodation between the United States and Nicaragua and toward reconciliation among Nicaraguans, whereas the present policy offers only protracted war and suffering.

Mr. HARKIN. Mr. President, for our Latin American neighbors, the most

pressing problem is debt relief, not Contra aid.

The President has sounded the trumpet of retreat. Funding the Contras means retreating to a 100-year history of intervention and dependency, and rejecting a future of greater independence and self-determination in Latin America.

Funding the Contras means going it alone, and isolating ourselves from our Latin American neighbors.

Funding the Contras means adopting Soviet methods to combat the spread of communism.

Funding the Contras means becoming terrorists to combat terrorism.

Funding the Contras is a retreat from regional support and cooperation with the real democracies of Latin America.

□ 1630

Mr. President, we ought to be engaged in a regional answer to the problems in Central America, not with a narrow focus of Nicaragua but encompassing all of Latin America. That can only happen through the Contadora process, not through funding the Contras.

Let us not sound the trumpet of retreat to a century's old invasion of Nicaragua. Let us move ahead by adopting the Sasser amendment.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I had originally reserved time with the possibility that there would be an aspect of the Contra involvement that I would be discussing in greater detail on the floor. As I think those colleagues who are listening know, in an earlier colloquy with the distinguished chairman of the Foreign Relations Committee, it was made clear that the committee is at this time investigating some of the aspects that I might have discussed and I am satisfied that we are proceeding in an orderly way on that matter. And so if I may, I would like to take a few of the minutes of the time that I have reserved to discuss some of the debate which has transpired here on the floor and to place in perspective, at least this Senator's perspective, the choice we have as we come to the moment of the first vote with respect to the Contra issue.

I have listened carefully, as I am sure others have, to all of the debate over the course of the last hours, and at the center of all the arguments put forward by proponents of Contra aid is the condemnation of Sandinista excesses, whether the closing of the opposition press, the delay in elections, human rights abuses, the attempt to spread revolution, the oppression of the Catholic Church, all abuses that elicit a quick, an appropriate, and a total condemnation by all Americans. But unfortunately for American policy, or whatever there is of American policy, as the distinguished Senator from Minnesota and the chairman of the Intelligence Committee has questioned, unfortunately for that so-called policy these quick and easy condemnations are the first and the very last point of departure. For rational argument, for clear-eyed certainty about the betrayal of the Sandinista revolution, a perception shared by most fairminded observers of Central America, these supporters leap across an enormous divide to offer up the Contras as the only viable alternative to address Sandinista perfidy, leaping so far and so fast that they leave common sense and logic behind them on the other side. They conjure up the image of Castro and Cubans playing upon Americans' fears and admonish against Nicaragua's becoming a Cuba II, and in so doing they ignore the very lesson of Cuba and the Bay of Pigs, which was that without American military interference a small insurgent force cannot throw out an entrenched regime. So in a terrible twist of logic and macabre irony, those who labor hardest in support of the Contras to avoid bringing us a Cuba II, labor best to bring us another Bay of Pigs or Vietnam.

No one who supports the Contras has dared stand up and say, "The Contras can win," because they cannot. No one who supports the Contras has said it will not cost us an enormous amount of money, so much that we cannot even predict how much, because they cannot. No one has refuted the violations of international law because they cannot. No one has quoted Contadora and support group presidents who say to us, "Pursue this policy; we want you to do it."

I listened to a very fine speech by the distinguished Senator from Tennessee, who has spent time traveling in that region, and not one of the presidents whose interests we are supposedly protecting says to us, "fund the Contras."

Last night, Mr. President, and over the course of today, I have listened to a number of speeches in support of the Contra aid and many have drawn a parallel between support for democracy in the Philippines and support for democracy in Nicaragua. We were requested each to demand of Managua nothing less than we sought from Marcos.

Well, Mr. President, I am confident that every Senator demands of Managua nothing less than we demanded of Marcos. But I also, and I think other Senators also, demand of our own administration nothing less than we have come to expect from American Presidents, and that means ending wars, not starting them. It means adhering to the law, not breaking it. And I would point out that the analogies between Nicaragua and the Philippines are simply not valid.

Mr. President, I had the privilege of bringing the first amendment to the floor of the Senate that began to alter our policy with respect to the Philippines, and it changed our relationship with Marcos precisely because we had a relationship that we were able to change. What gave us leverage over Marcos was the fact that we had aid that we gave to the Philippines. If we are going to draw the lessons from the Philippines, than let us at least draw the right lessons. In the Philippines we were not fighting against an outside insurgency. We were fighting an internal insurgency and we did so from an economic, social, and political relationship that could be ours with Nicaragua if the Contras did not preclude it.

We were asked yesterday, Mr. President, to care as much about democracy in Central America as in the Philippines. Well, Mr. President, I believe that every opponent of Contra aid cares as much about democracy as any supporter of Contra aid, and that is exactly what is wrong with this debate, Mr. President. This is not a contest about who cares more about democracy. It is a debate about what policy, about what we implement that will serve to protect democracy both here and abroad.

What does it mean, Mr. President, to mouth concern about democracy while violating international standards of law and behavior to overthrow a government? What does it mean to pay lip service to democracy and support an instrument of reckless, wanton killing of civilians? What does it mean to care about democracy while ignoring the very institutions that we ourselves have set up to foster democracy? What does it mean to call the Contras the democratic resistance? Is it democratic, Mr. President, to descend on a village with guns and assemble all the residents in the town square and then in full view of everyone there begin to kill each person who works for the government, to kill the farmers, to kill the teachers, to kill the local militia members and the party members? Because that is how the Contras have gone about recruiting supporters. As a former Contra leader, who swore in an affidavit, said, "It was easy to persuade those left alive to join."

That is not my idea of democracy, Mr. President. That is not my idea of how a democracy recruits. Such a democracy, if that is a democracy, is not worth preserving. And if it continues, Mr. President, this new definition of democracy will stain our own definition with the blood of Nicaraguans. If democracy is anything, it is respect for, and adherence to, the rule of law.

Some people say to me, "But the Sandinistas are bad or worse even than the Contras." And well they may be, Mr. President. But what I do know is that we do not send our American taxpayer dollars to subsidize what they do that is wrong. We do send it to the Contras or we may send it to the Contras. They are our Contras, not our Sandinistas. We can affect what the Contras do or do not do. Moreover, we are not defenseless against the Sandinistas. And as we try to affect the behavior of many other countries in the world—we will be debating this week on how we affect the outcome of events in South Africa—why is it that we cannot take the same kind of actions as we do to affect the outcome of events in China or the Soviet Union or Angola or other places? Why is it that we must resort to this special kind of action?

I have listened carefully to the arguments of those who want to aid the Contras. Perhaps the most persistent refrain of that argument is that you must have the Contras in order to be able to negotiate. Phil Habib argues that. The President has argued that. Others have argued that. How many times have we heard that argument on the floor now: "You won't get the Sandinistas to negotiate without the military pressure of the Contras. The Contras are essential and without that military presence we cannot change the government." But then, after arguing for the Contras as leverage to negotiate, in a most baffling and bewildering twist of logic, these very same advocates of Contra aid take pains to point out that no Marxist-Leninist regime will allow itself to be voted out of existence.

□ 1640

I believe that is a quotation from one speech: No Marxist-Leninist regime will allow itself to be voted out of existence. So if it will not allow itself to be voted out of existence, why the Contras? I think Americans know the answer by now. It has been made clear in statements of the President. It has been made clear in statements of supporters. It has been made clear in our committee that the real goal is the overthrow of the Sandinistas. It is their replacement, even if what replaces them is more akin to the Shah of Iran, Marcos of the Philippines, or Pinochet of Chile.

Mr. President, not only are there precious few arguments of good sense for supporting the Contras, but the administration has shifted from one rationale to another, documenting by its own vacillations the lack of coherent policy.

First the Contras were to interdict the flow of arms from Nicaragua.

Then they were to force the Sandinistas to negotiate a peace with their Central American neighbors.

Then they were to prevent Nicaragua from undermining the governments of those neighbors.

Then they were to prevent a Soviet or Cuban beachhead in the region.

But, lo and behold—as the Contadora process showed it could eliminate these rationales, or other events proved them insufficient, the rationale shifted.

Last week, it shifted again. Now, we are told, we need the Contras to force the transition to a freely elected government in Nicaragua—a noble goal, incidentally, which I have no doubt everyone on this floor supports, but hardly a justification for turning to the Contras as the mechanism by which that takes place.

We have heard again and again—and this comes back to the central catch-22 of the argument of the proponents—that obviously there is a total unacceptability to the Sandinistas. But then comes the leap of faith that somehow the Contras will be able to provide the difference.

In the next breath, they say that they will not vote themselves out of office. So, if they do not vote themselves out of office, therefore they will not voluntarily negotiate. If they will not voluntarily negotiate because the result is to vote themselves out, why are we funding the Contras, if the purpose of the Contras is supposedly to make them negotiate?

So we go around a vicious circle in argument and in rationale, but not a circle on the battlefield; because in the field, American interests will be at stake. In the field, American ego and pride will become linked to the Contra progress or lack of progress. And on the battlefield, real lives will be lost.

But that is not the only reason this is a bankrupt policy.

Lt. Col. Edward King (U.S. Army, retired), a recognized military expert on Central America, who testified before our committees, said in testimony before the House Committee on Foreign Affairs.

CONTRAS SERVE SANDINISTA PROPAGANDA

In my estimation, if the United States did not provide the Contras, the Sandinistas would have probably had to invent them because they serve their propaganda and political purposes so well.

Why do we follow this policy of failure? Aren't there viable alternatives? I believe we should begin to examine those alternatives. In doing so we should first be clear that at this point there is only one way to remove the Sandinistas from power and that is through the direct intervention of United States [sic] military forces. The time has passed when we had a chance to use the Contras to do it for us for the reasons that I have already pointed out to you. Even if we are going to retrain them for 2 more years and put another $500 million into them and that is the minimum needed to make them an effective military force, they are still going to be behind the curve militarily against the improving Sandinista forces. I do not believe—that they are going to be able to defeat the Sandinista army or have any appreciable effect on changing the direction of the Sandinista government. And since there is no popular support in the United States for using American armed forces against Nicaragua and the President has repeatedly pledged not to do so, it would appear to me the United States should certainly seek an alternative option for our policy in Central America.

Gen. Paul Gorman, former head of southern command in Panama, said before the Senate Armed Services Committee last year in praising the so-called "freedom fighters":

I don't see any immediate prospect that these guys in blue suits in the hills are going to march into Managua. * * * the answer lies in some kind of combination of pressure and diplomacy.

But where is the diplomacy, Mr. President?

We laid out yesterday, in the course of debate, the history of the Contadora negotiations. We know that the moment Philip Habib, on behalf of the President, began to come close to the prospect of getting an agreement, Members of Congress and others jumped on him, and he was forced to pull back from the notion that if Nicaragua signed a Contadora agreement, that would be adequate to cease aid to the Contras.

Our own intelligence experts have publicly said it is essentially meaningless to continue aiding the Contras.

I quote from a report that is the intelligence assessment of the CIA, Defense Department Intelligence Agency, the FBI, Department of Energy, and others.

It is interesting to note in this debate, Mr. President, that the chairman of the Intelligence Committee and vice chairman of the Intelligence Committee both oppose aid to the Contras, raising the question whether they, who have watched what the intelligence community estimates, have learned something the others have failed to take into account.

I read from the report:

It continues to be the assessment of the U.S. intelligence community that only U.S. forces could truly resolve the conflict in Nicaragua on a military basis.

I repeat: "only United States forces can resolve it." Notwithstanding that, we are proceeding ahead with the notion that $100 million this year will make that difference.

As every Senator knows, there are countless other appraisals and warnings about where support for the Contras takes us.

That should be reason enough not to support the Contras.

But there is more:

The Contras do not deserve our support because they violate our standards of behavior—here and abroad.

They shoot old men off donkeys.

They line villagers up and execute them.

They force people to lie in self-dug graves and knife them to death.

They mine roads and blow up or dismember innocent children.

Their members and leaders have knowingly used profits from putting Americans on drugs to finance their war or their own bank accounts.

The Contras do not deserve our support because they drag the United States or individual Americans into illegal activities both here and abroad.

Violations of the Boland amendment by which, even as Congress prohibited certain actions, the administration or its agents continued to be involved with the Contras; the mining of Nicaraguan harbors; the dissemination of CIA assassination manuals; the illegal transfer of weapons from our country—these are not the actions of people who believe in the law and who espouse to set a standard for freedom-loving people of the world, and we drag ourselves down with such an association.

The Contras work against our own best interests:

They guarantee that we will see more Soviet weapons—tanks and helicopters—Cuban and Soviet advisers. That is the choice our policy gives Nicaragua.

In doing so, we increase the military presence of all parties in the region—we create the fulfillment of our own worst fears. We feed the hysteria that will permit further requests for response to these newfound threats that we ourselves have created.

The Contras guarantee that rather than bringing ourselves closer to our allies, they will isolate us even more, creating greater tensions, building on an increasing suspicion, if not dislike, of the United States.

Mr. President, this is an editorial from the Tico Times, an English-language paper in Costa Rica. It says:

THE CONTRA VOTE

President Ronald Reagan got his way again this week, when the U.S. House of Representatives reversed its March vote and approved his request for $100 million in aid for the anti-Sandinista rebels.

The Great Communicator's victory was all the more stunning in view of the revelations in recent weeks of alleged criminal activity by certain contra recipients of $27 million in "humanitarian" aid, much of which apparently vanished somewhere along the line, and has yet to be accounted for.

Well, allá ellos, as they say in Costa Rica. If U.S. lawmakers want to dispose of more millions in taxpayer funds without at the very least demanding that any scoundrels in the contra ranks be identified and held accountable, that's a problem for the U.S. electorate. What concerns us right now is the looming problem facing Costa Rica.

President Oscar Arias incurred Uncle Sam's wrath last February when he suggested that the $100 million might be better spent on bolstering the area's economies. Though he is certainly no friend or admirer of the Sandinista regime, Costa Rica's new President well realizes that continued U.S. support for the contras' war can only spell bad news for this country.

Like his predecessor, Arias now can look forward to growing pressure to permit Costa Rica to be used as a supply and staging area for the contra army—never mind this country's claims of neutrality.

As has happened countless times before, this can only fuel tensions along the border with Nicaragua and start the vicious circle of tragic, mindless violence whirling again—a circle blessedly quiet these past few months, ever since the contras ran out of money. Charges will be hurled and denied, fingers pointed, protests exchanged, envoys recalled, shots fired. Nicas and Ticos will be hurt or killed. Perceived threats of Sandinista subversion/incursion will push this peace-loving country further along the panicky path toward militarization. Thus further provoked, Nicaragua will seek new, improved weaponry from its Eastern Bloc buddies.

None of this activity, of course, is even remotely productive or constructive. A hastily-improvised result of the U.S. failure to design a coherent Latin American policy, it is tantamount to blowing up the barn after (and because) the horse got out. Not only will it continue to fail to dislodge the Sandinistas, it can contribute nothing to the progress or long-term well-being of the region as a whole. To the contrary. Countries at war, by definition, can only regress—dragging their unfortunate neighbors back with them.

It is particularly tragic irony that no amount of U.S. aid can ever repair the lasting harm done to Costa Rica and the rest of the region by five years of civil war in Nicaragua—damage which worsens with every year the conflict drags on.

President Arias understands all of this all too well. It's too bad that President Reagan and the U.S. Congress don't.

□ 1650

For some reason, Mr. President, I do not know exactly what it is, for some reason we seem to find it difficult to listen to our neighbors, to listen to the very people who are supposedly threatened directly by the Sandinistas; that we have a certain kind of arrogance about deciding that we know best what is best for them.

The Contras also drag us down a road that permits the Soviet Union to gain an enormous propaganda advantage for a very small investment as we get sucked into the quicksand of illegal activity that also accompanies our support. The Contras allowed the Sandinistas to focus the political energy of their country around opposition to the external threat, not the internal economic and social and political threats and the shortcoming of the Sandinistas themselves.

Mr. President, we heard the distinguished Senator from Tennessee earlier cite the opposition parties in Nicaragua who themselves have said that this will make life harder for them and more difficult for them to be able to act as opposition parties.

Mr. President, we do not have to be pursuing this course. And I think that, more than anything, is what strikes at the absurdity and the frustration of the situation that we are now in. There are many, many other choices available to us. And, Mr. President, they are not wimpy, liberal reliances on pieces of paper. They are not trusting, simplistic, naive courses of action.

They are, instead, actions that are within the best standards and traditions of this country. They are actions that President after President previous to this President have sought to invoke, from Woodrow Wilson to Dwight Eisenhower to Franklin Roosevelt to Harry Truman to John F. Kennedy. They are actions that Americans can understand are the actions of a great country, a country that is powerful enough that it knows how to avert war, it knows when to avert war and it is willing to have the guts to exercise the discretion to take the steps to avert war.

That is what is really saddest about this course of action, Mr. President—none of it is necessary.

Earlier today, I heard the chairman of the Foreign Relations Committee ask why no one has come to the floor to answer the question of what happens if you do away with the Contras. How, then, will we prevent a Soviet beachhead from being created in Nicaragua?

I believe there is an answer to that and I believe that answer has been put forward and that we have ample ways in which to respond to prevent that from happening. We have the Contadora agreement. We have the Treaty of Rio, which literally calls for us to come to the mutual aid of each other in the event of those kinds of actions. We could work with our allies instead of dividing them. We could go through the Organ of Consultation of Foreign Ministers of the Organization of American States, as other Presidents have. We could easily pressure Nicaragua into a signing of a Contadora agreement.

In fact, Mr. President, it is most fascinating that when Nicaragua was ready to sign a Contadora agreement and the time the most progress in the negotiations was made at a time when the Contras were not receiving money, not while the Contras have been receiving money.

We could establish a foundation for building a consensus around our policy and we would not be threatened one iota by a tiny country with a few tanks, with barely an air force, with an inability to even marshal those forces against its neighbors at this point, let alone against the United States.

We could join with our allies, Mr. President, to mutually enforce not only the agreements we already have on the books, but to mutually enforce a Contadora agreement itself for which not only is there a mechanism established within the agreement to be able to create that enforcement,

but where there is also a mechanism outside of that agreement through a number of other entities, including the Treaty of Rio and the Organization of American States.

We could exhaust these remedies available to us, Mr. President, if we wanted, and we could do that in the interest of building a consensus. So that if we are ever threatened, we would then have a vote in this Chamber that is a vote of 100 to nothing or some such vote that would, in fact, show the kind of consensus of policy that is so obviously lacking when you send lethal weapons to a country on a vote of 53 to 47. Fifty-three to forty-seven in the U.S. Senate and a margin of 12 votes in the House of Representatives is not the foundation for a consensus. It is not a vote by which America should go to war, whether it is a surrogate war or not.

Mr. President, I do not think that, based on experience, it is asking too much of us to make that kind of effort before we ask others to do our dying for us. I think there is something both cowardly and arrogant in our being satisfied to have poor farmers and peasants die at our enticement because we sense a threat, but not such a threat that Americans feel we ought to join in the fighting and the dying. What kind of a threat is that, I ask?

Our national sense of morality has been turned upside down. It is OK for Nicaraguans to kill Nicaraguans to protect the paranoia of the American right. But, then, I forgot, morality is a word that is not supposed to enter into politics today because it is fuzzy and it shows weakness and somehow it is less than what we ought to be in the pursuit of the politics of Ramboism.

Mr. President, many of my colleagues have invoked the memory of Vietnam during this debate. Others have tried consciously to avoid it or to say that it does not fit. I wish it were possible to do so.

Obviously, Nicaragua is not Vietnam and obviously merely by being in this hemisphere it presents us with a different set of choices than Vietnam.

And we do have choices in this hemisphere that we ought to protect. We should not have Soviet bases. We should not have Cuban and Soviet advisers. Indeed, we do not want offensive weapons and indeed we have a right to ask for a true democratic pluralism in Nicaragua.

But, Mr. President, we do have the right to invoke Vietnam and to discuss and think about its memory when we talk about policies that avoid the alternatives that would give us the option to protect those interests while, at the same time—while at the same time—pursuing standards of behavior that are in the larger interests not only of this country but of the Nicaraguan people themselves.

I do not believe, Mr. President, that tomorrow this administration wants to see us fully immersed in a conflict in Central America. No, I hope, legitimately and genuinely, that the memory of Vietnam is enough that this administration and the proponents of Contra aid—and I believe that they, too, want to avoid that past.

The problem is that the best that they can do is hope that it will avoid the past. And events have their own way of building their own momentum and making decisions for us, Mr. President.

Many a leader during Vietnam would have liked to have gotten us out, but the question was always, "How?" Who had the courage to place political careers second? Who, besides Senator Aiken, was willing to declare victory and depart? Who was able to overcome pride, ego and fear of recrimination? And who could resist the promises that victory was right around the corner? Just a few more thousand troops, just a few more battles, just a few more hearts and minds.

Mr. President, I can tell you there were Hamburger Hills and Hill 81's and Kaesongs, because we did not have the courage to make that kind of choice.

And that is why, at least, this Senator is suspicious of those words, today, Mr. President, because we have heard those words before.

We have heard them since 1954 when President Eisenhower said, "We would not get into a war except through the constitutional process, which, of course, involves the declaration of war." And so people's fears were put to rest.

Then we heard the Senate majority leader say: "Using United States ground forces in the Indo-China jungle would be like trying to cover an elephant with a handkerchief—you just can't do it."

"I would go to Congress before committing combat troops," said the President.

"I would oppose the use of United States troops as the direct means of supressing the guerrillas in South Vietnam," Gen. Maxwell Taylor, Joint Chiefs of Staff.

"We have no plans at present to send combat troops to South Vietnam," Robert S. McNamara, Secretary of Defense.

"I do not feel that the expanded use of American ground troops is an effective addition to the war." BARRY GOLDWATER, from Arizona.

"The commitment of American boys anywhere on the Asian mainland is a mistake." BARRY GOLDWATER, Senator from Arizona.

□ 1700

I might add that he made that statement on June 10 of 1968, Mr. President, one-half of the men that died in Vietnam died after that statement was made.

"In cooperation with the Armed Forces of South Vietnam, attacks are being launched this week to clean out major enemy sanctuaries on the Cambodian-Vietnam border. * * * We shall avoid a wider war * * * Richard M. Nixon, President of the United States.

Then we have a whole series of engagements after we began to send troops.

"The United States * * * seeks no wide war." Lyndon B. Johnson, Presidend of the United States.

"We can plainly say we are not escalating the war." John A. Sparkman, Senator from Alabama.

"We seek no wider war." William P. Bundy, Assistant Secretary of State for Far Eastern Affairs.

"We seek no wider war." White House announcement of air strikes on North Vietnam.

"The United States still seeks no wider war." Lyndon B. Johnson, President of the United States.

"We still seek no wide war." Lyndon B. Johnson, President of the United States.

"The United States could not win militarily in a classic sense—because of our National Policy of not expanding the war." Gen. William. C. Wesmoreland, Commander, U.S. Forces in Vietnam.

"There is a grave danger at the present time that the administration will go overboard in increasing American forces in Vietnam. We might be able to win the war, but by doing so we would have on our hands a dependency for a long time to come. That's the wrong way to handle it." Richard M. Nixon, former Vice President of the United States.

So, Mr. President, when I hear people say to me with assurance, "Don't worry; we won't get in there; Don't worry; it is not our intention. Don't worry; you won't see American boys go and fight," I measure that against the reality of this situation. I think back on these words. I say no.

Already, Mr. President, already the conflict in Nicaragua is producing its own set of Vietnamisms. I quote from an article in the Washington Post 3 days ago.

Contra leaders have promised publicly to topple the Sandinista government within a year, every year since they began blowing up power lines and picking off Sandinista soldiers in early 1982.

Mr. President, Adolfo Calero personally predicted in that article that Senate passage of $100 million would be "the light at the end of the tunnel for thousands of Nicaraguans." The light at the end of the tunnel; the light at the end of the tunnel is a phrase that brings back shivers to those who remember the stories of Vietnam. Again and again we heard in

Vietnam how the next troop replacement, the next battle, the next year was the light at the end of the tunnel. We heard it so many times, Mr. President, that we finally began to joke and began to realize indeed there was light at the end of the tunnel, the light of another train coming the other way.

Mr. President, I do not want the United States to get into another tunnel. I do not want the United States at least to have to wind up in a situation where we get into a train wreck when we can avoid it.

Mr. President, the day will come when we will negotiate with someone after something happens. The day will come when somehow we negotiate because we have heard from the chairman of the Senate Foreign Relations Committee and others in fact that is now our policy. In fact when we put in the Contras, the Sandinistas go out into the hills and start picking people off from the trees, blowing up cars, and conducting warfare. No matter what happens at some point in time there will be a negotiation in an effort to try to bring peace.

I believe that many Senators will ask themselves could that negotiation have taken place before the killing, before the maiming, and before the carnage? We have that opportunity, Mr. President.

(Mr. DENTON assumed the chair.)

Mr. President, I will close with a couple of personal thoughts. We keep hearing on the floor of the Senate, and I am pleased because the President in the Chair, the Senator from Alabama, will understand these thoughts as himself a Vietnam veteran. I do not think there is anybody who can speak for Vietnam veterans. And I do not dare to try to do so because I think there are too many different perceptions, too many different lessons, too many different sorrows and too many different scars. But I can tell you from my own personal experience that I thought we had all learned at least one thing from Vietnam. Maybe not the same lesson about where you fight or when; maybe not the same lesson about exactly how you fight. But certainly one of the things I thought we learned was that if we have the opportunity to make a choice before we send people off today or are responsible for people being killed, we will make that choice to the best of our ability and with the best of our judgment.

I shared during the last debate a memory of mine and a feeling that I have sometimes, Mr. President, when I visit the Vietnam Memorial here in Washington. I would hope that every Senator has either visited it, or will at some point in time. It is without question one of the most remarkable monuments, and for anyone who goes there and sees the line of names on each black piece of granite, it cannot help but serve as a reminder, a very personal reminder of the kind of choice that we have before us in the U.S. Senate today.

I do not know why it is, Mr. President. But for some reason there are the names of too many of my personal friends, close friends on that monument, people like John White with whom I went to college, debated with, grew up with, and people like Steve Kelsey, with whom I went to school and vacationed with, and joked about a future; people like Bob Crosby, a fellow citizen of Massachusetts whom I met in the service who was there with me, who fought with me alongside me in the Mekong Delta, who was killed only weeks before he was to return; people like Don "Dinky" Droz, one of my best buddies in Vietnam, the skipper of the 43 boat, a person who dreamed of returning to share a future with his daughter and his wife; Richard Pershing, the grandson of the general with that great name, who played with me on teams at college, who grew up with me, one of my best friends. Each of these names and more are on that memorial.

When you walk down there, Mr. President, and you look into that monument one of the first things that hits you is you see your own reflection. In that reflection, Mr. President, with the names of friends in front of you, there is a special kind of message. I am not even sure that I can sum up the totality of that message. But I know that it says to me that each of us who are veterans are still embarked on a mission, and that mission is to guarantee that while our loved ones and friends may indeed be on a wall, we have the opportunity by virtue of the grace by which we are still alive to make the effort to guarantee that someone else's loved ones and friends will not be on a wall.

That is what this vote is about. It is awfully easy to get caught up in the U.S. Senate with policy. I spent a lot of time on it. It is easy to talk about Contadora. It is easy to talk about hullabaloo and throw highfalutin ideological sounds back and forth at each other. But, Mr. President, people are dying. Kids are being blown up. Human beings about whom we are supposed to care as the greatest democracy in the world are being taught how to kill each other, and it is our bullets, our guns, our teaching, our advisers, and our will that is being expressed in the process by which those people are killing each other.

Mr. President, what saddens me is that the lesson of Vietnam is not being displayed on this floor today as a learned lesson. When we do not make the effort to avoid those consequences, when there are other options available to us which we have not yet exercised—and we have not exercised those options, Mr. President. You know it. Other Senators know it. Make no mistake about it. We have not exhausted the possibilities of negotiation. We have not exhausted the possibilities of peace, and we are willfully making a choice to arm those people to kill each other notwithstanding that alternative.

Mr. President, I think that is unconscionable. I think that runs against everything that we are and ought to be as a country. It runs against notions that have been expressed by Senators far greater than any who perhaps are here today who have spoken from this floor.

□ 1710

Mr. President, I would hope that we would act in the best traditions of this country and in the best tradition of what we know to be right and to make a choice today that says exhaust those possibilities; do not be the instrument of death, do not give to these people an alternative that will drag them down and into a cycle of death and viciousness.

I yield the floor.

Mr. MATHIAS. Mr. President, I do not plan to speak at length. I am not even going to examine many of the principal reasons why we should vote against this legislation.

I do not need to point out that a large majority of Americans do not support this avenue to dealing with a difficult and complex problem. I do not really need to point out that all, I repeat, all of our allies in Central America, do not support this approach. And I do not need to reiterate the view of our major allies throughout the world on the the most effective, long-term strategy.

I would simply like to try to place this conflict in a historic context, to enable us at this critical moment to look at the problem with perspective, with detachment, with some hope of finding a more promising, more legitimate, and more widely accepted solution to the problem posed by the establishment of a Marxist state in this hemisphere.

I think we must begin by remembering the past; we must proceed by examining the present; and we must conclude by trying to lay the basis for a policy in the future that points to regional stability and growth, not sow the seeds for more bitter hostility and war.

When we turn our minds to Nicaragua, we must try to look beyond the revolutionary rhetoric and objectionable policies of the Sandinista government in Managua. We do not have to ignore their flagwaving and bravado, the cabinet ministers who wear fatigues and the priests who refuse to respect their Pope. And we certainly need not neglect any Nicaraguan activity which threatens the integrity of

other states in the region. But we have to be mindful of the source of their emotion and the origin of their nationalism.

If the Sandinista revolution has gone too far, it also should be viewed from a Nicaraguan perspective—as the ill-fated aftermath of a brutal dictatorship of the right, a government headed by one family, for the benefit of roughly fourteen wealthy families and dependent on the military training and support of one country—the United States. It should be viewed from a Latin American perspective, as one revolution that did not turn in a more democratic direction.

Now we have a budding dictatorship of the left in Nicaragua, and for good reasons, we do not like it. To be blunt about it, some of us want to be rid of it.

I am not necessarily opposed to that, but I am firmly opposed to the way we are going about it. History provides few examples of internal liberalization accomplished by the use of external force—especially when the external force is so closely identified with the country's previous oppressors. Thus, every new weapon in the Contra's arsenal can be expected to be matched by new weapons of comparable sophistication in the Sandinista camp. Furthermore, every new threat or attack by the Contras continues to give the regime in Managua another pretext for adopting tighter control, for shutting down the few freedoms that remain.

Now, if that is our real purpose—to intensify the conflict, to raise the military stakes and eventually intervene with force, on the grounds that Nicaragua poses a real and present danger to the security of the United States—then we should say so right now. And vote on it right now. But I do not believe that is the case, and even if it were, other, more effective policies would be necessary to deal with it.

Let us look at the current situation. There is no dispute about many facts. There is no dispute that the Government of Nicaragua is predominantly Marxist-Leninist; many of their leaders do not deny it, they proclaim it. There is no dispute that Nicaragua now allies itself with the Soviet Union and Cuba. There is no dispute that Nicaragua is willing to exploit divisions in its neighboring countries, in hopes of encouraging more Sandinista-style revolutions. There is plenty to deplore and enough to condemn.

I do not like the Sandinista government any more than the next person, but I think some of us get carried away when we argue that the existence of this government "imperils the United States." We are a nation of 236 million people, Nicaragua is a nation of 3 million, less than the population of my own State, Maryland. We are a superpower with immense military strength, vast economic resources, and global diplomatic presence. Nicaragua is a poor, developing nation that struggles to feed its people, educate its children, and take care of basic health needs—and, one might argue, doing a better job of meeting such elementary human needs than the Somoza regime. The gross national product of the United States is more than $4 trillion; that of Nicaragua is $3 billion.

On the third point, looking to the future, I do not believe another $100 million to the Contras is going to accomplish what we want to accomplish in Nicaragua or the region. The funds are going to raise the level of the conflict, but they will not cure the fundamental problems—unite the opposition behind a recognized and democratic leadership, promote the Contadora process, and encourage a peaceful transition to a democratic Nicaragua.

Instead, the funds are more likely to expand the arms race in Central America, to make negotiations all the more difficult, and quite possibly, to destabilize the region and weaken our already troubled position in all of Latin America.

This raises the true stakes for the foreign policy of the United States. Is it merely the question of who rules in Managua that is at stake, or should we consider the impact of our policies in Nicaragua on governments in Buenos Aires and Mexico City and Brazilia as well?

There is a big difference between the practice of gunboat diplomacy in an age of the Pony Express and an age of the global village. A century ago, a gunboat sailed in, unleashed its salvos and disappeared over the horizon before news of its attack reached anyone; today, television and radio make every viewer a participant. We must consider how our actions are perceived in the rest of Latin America, and how our relations with those countries are affected.

President Reagan is right when he says that it matters who is in charge of Nicaragua. But it matters even more who is in charge of Argentina and Mexico and Brazil and of the other capitals of the Latin American world. Not only do we strain their patience and friendship when we maintain a course of action that they have condemned, but we also make serious problems for them at home, endangering the resurgence of democracy in so many countries.

The friendship, cooperation, and assistance of the 250 million people in the rest of Latin America is always important and may someday be vital. We should not risk losing it—or even impairing it—for a cause that is at best doubtful and uncertain.

Last, I would make one appeal to each and every one of my colleagues. Answer this fair and basically uncomplicated, three-part question!

Do you really think that $100 million in aid to a group of rebels, and please let's not equate them with George Washington, Thomas Jefferson, and John Adams—do you really believe that $100 million to the Contras amounts to a constructive policy, based on a sound long-term strategy, that has the full—or even majority—support of the American people?

I cannot resist suggesting that the answers to all three are—no!

The PRESIDING OFFICER. Who yields time?

Mr. KERRY. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The time of the Senator has expired. The 40 minutes have expired.

Mr. KERRY. I thank the Chair.

Mr. SASSER. A parliamentary inquiry, Mr. President. Does the Senator from Massachusetts have no time remaining or just no time remaining under this unanimous-consent request?

Mr. KERRY. No time under the unanimous-consent request.

The PRESIDING OFFICER. The Senator has 15 minutes left, 10 minutes of which he said he would yield to the minority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Massachusetts for yielding to me.

POLICY FIASCO IN CENTRAL AMERICA

Mr. BYRD. Mr. President, I rise in support of the amendment offered by the distinguished senior Senator from the State of Tennessee [Mr. SASSER] and commend him for his statement. The amendment offered by Mr. SASSER would strip the funding requested by the administration in support of the so-called Contra forces based in southern Honduras and attempting to overthrow the Government of Nicaragua.

I support this effort by Mr. SASSER because the policy road laid out by the administration is full of potholes, has been poorly engineered, and leads straight into a brick wall. The policy, in my judgment, is failing and will continue to fail badly from a number of perspectives. First, it is unrealistic—I am not persuaded by the evidence I have seen or the case that the administration has made. Our current policy will not cause the Sandinista government to fall through the stimulation of an insurrection or uprising inside Nicaragua. Our current policy will not scare the Sandinistas into becoming instant democrats, or force them to schedule new elections next year. Our current policy will not convince the Sandinistas to decide to share power with the Contras. And most importantly, our current policy will not make a military victory by the Contras plausible in the foreseeable future.

I believe that there are other alternatives, diplomatic alternatives, that may have promise. Many responsible

American officials with experience in the region, and many responsible officials within the Central American nations feel that diplomacy should be exhausted before this country resorts to military solutions. I agree with that assessment. The United States is not pursuing a balanced policy—and the failure to balance that policy will have an adverse effect on our relations with all our friends in Central and South America, will not accomplish its purposes in regard to Nicaragua, and will, in the final analysis, drive us even closer to the brink of using direct American power to accomplish political change in Managua.

Mr. President, the American people do not endorse the direct use of American power, and I am talking about military power, to bring about political change in Managua. Without the support of the people, the result of our policy will be the ineffective use of the range of American influence in Central America. The result will be an erosion of American influence, and, possibly, an increase in the influence of Cuba and the Soviet bloc in the region.

Mr. President, I certainly could support a genuine two-track approach to Nicaragua. I certainly would endorse keeping some military pressure on through the Contras, if this "stick" were also to be accompanied by some "carrots." There are other forms of pressure—diplomatic, in concert with our European allies, and the nations of Central and South America—to moderate the Sandinistas behavior in the areas of human rights, press freedoms, freedom of religion, and the preservation of independent organizations, the preservation of free enterprise, the reform of the judicial system, and the full range of other matters that constitute true political pluralism in the Western sense. Pressures can be brought through international organizations of all types to push the Sandinistas in this direction. Furthermore, besides pressure points, there are incentives that can be used with considerable weight—a guarantee that the United States will not invade Nicaragua under conditions that certain changes occur in that nation, both in the security area and in the democratization area, would be a major incentive for the Sandinistas to consider those changes.

My point, Mr. President, is that there is the possibility of a two-track policy which constitutes a balanced approach to this problem. The current policy is just on one track, and it is a sidetrack to nowhere because it cannot work, and the American people will not support it. We see that in the polls. We should understand that.

Mr. President, I am in favor of a bipartisan policy toward Nicaragua and Central America. I think this Nation needs to rethink where it is going and I hope the Senate will encourage such a rethinking and register disapproval of this military request.

I do not endorse the behavior of the Sandinista government. The Sandinistas are putting together a Marxist-Leninist state incorporating Stalinistic internal tactics. They seem to be headed down the road of building a miniature Czechoslovakia, but I fear that our shortsighted policy may inadvertently be helping the cause of the Soviets and the Cubans and the Sandinistas.

The Cubans, it is clear, do not want the multilateral diplomacy called the Contadora process, to work. They want diplomacy to fail. Why? It is because Cuban influence increases in proportion to chaos and in proportion to the failure of democratic institutions, and in proportion to the loss of influence of the United States. If the Contadora process leads to a sound and verifiable treaty which cuts the Soviet bloc out of the region, and promotes democracy, Cuba and the Soviet Union lose. That is why the United States must not let the Contadora process flounder.

In the view of many, the United States is actually throwing obstacles in the way of the Contadora process. That process needs the influence, the power, the prestige, the wisdom, and, most importantly, the political weight of the United States and the American people to help propel it forward.

Consider these comments by key officials in Guatemala and Costa Rica about United States support for diplomacy in Central America.

A key Guatemalan foreign ministry official recently said that the future of the Contadora process was "not optimistic. There have not been adequate attempts to advance diplomatic efforts. We are willing to continue. The United States is the problem."

A key Costa Rican official with long experience in the Contadora negotiations said last month:

> If the United States gave a green light, Contadora could go forward. We need the help and understanding of the U.S. Government, with whom we have very close ties. If we had a good negotiating team outside the glare of publicity, we could reach an agreement with them—the Sandinistas—and with one polarizing factor, the United States, softening its position.

He continued:

> If the negotiations are to have any meaning at all, the U.S. has to be present. There are many procedures in diplomacy which can work if enough force and weight are thrown behind them from Washington.

But, Mr. President, it is not just responsible officials of Central American countries voicing these concerns. The U.S. Ambassador to Honduras, Mr. John Ferch, who was peremptorily removed from his position in July, has publicly denounced United States policy, indicating that he has come to believe that we are simply promoting a military solution to the Nicaraguan question.

And, it is not just officials who have been fired who have voiced these views. A very senior and highly respected American diplomat in the region indicated to a staff delegation I authorized to visit the region last month the following points:

First, the Contras probably cannot win and the concept of pressuring the Sandinistas to negotiate probably cannot succeed.

Second, the current United States policymakers hold the views that the buttoning down of Nicaraguan society is advantageous to us, that the repression on the church and the closing of the newspaper La Prensa are good for our ultimate objective—which is the people rising up to overthrow the government.

Third, over the next year or so, there will have to be a reassessment of the Contra aid policy and we will face the next step, in 1987, of the question of using our own power.

Fourth, the Sandinistas were ready for a security agreement with the United States in 1984. They may not be quite as ready now, but that is unclear.

Mr. President, these contentions raise serious questions about what American policy toward Central America and Nicaragua really is.

At a public briefing on August 1, 1986, a senior State Department official responsible for Contra aid policy, Mr. James Michael—Principal Deputy Assistant Secretary for Inter-American Affairs—said that he expected the situation "to come to a head within the next 2 years." When queried about what he expects the $100 million to accomplish, he responded: To cause the Contras to grow from 20,000 to 30,000 and to stimulate internal opposition insurrection against the Sandinistas. All the Nicaraguan public has been waiting for is the Contras to demonstrate political credibility and military might. The $100 million will accomplish that. He did not mention pressure to push the Sandinistas to negotiate a political or regional solution.

The narrow and increasingly vigorous concentration of United States policy on aid to the Contras, putting diplomacy on the back burner, has had adverse effects on our bilateral relations with Guatemala, Honduras, and Costa Rica.

Because of our tunnel vision on Nicaragua the United States is not actively supportive of, and nurturing of democratic institutions and individuals promoting democracy in, for example, Guatemala and Honduras. The driving force of U.S. policy is to press all the governments to fall behind the U.S. policy line of destabilizing the Sandinista government, and to deemphasize diplomacy as a hopeless effort.

In the case of Guatemala, for example, the United States is withholding strong support for President Cerezo at a critical time in his tenure because his government will not endorse the United States-Nicaraguan policy. The first democratically elected government in decades is fragile and in need of U.S. support. The new President governs at the sufferance of the Army, and he needs help from the United States to shore up his stature and help him accumulate power. Instead, the United States is holding back even an invitation for him to make an official visit to the United States because his government will not endorse the Contra aid policy. Guatemala remains officially neutral on the United States-Nicaraguan fight and prefers diplomacy. In essence we are punishing President Cerezo because of his neutrality. The major thrust of our policy is to increase United States military assistance and ties to the Guatemalan Army which will have the effect of undermining the actual authority of the new democratic president.

Mr. President, I have written to President Reagan encouraging him to extend an early invitation to President Cerezo to make an official visit to the United States.

There is increased discomfort evident in Honduras as a result of the abrupt firing of the United States Ambassador. This has been interpreted by Honduras as a signal of a shift in United States policy which will exert pressure on Honduras to accommodate both an expanded United States military presence and increased Contra presence and activity on Honduras soil. These developments are not favored by that government. There is fear of a new aggressive United States Ambassador who will ride roughshod over Honduras democratic sensitivities and interests to prosecute an expanded war against Nicaragua from Honduran soil. The threshold of Honduran tolerance is uncertain, but a continuation of the blatantly unsophisticated way that the administration is perceived and feared to be planning to use Honduras to further its goals in Nicaragua could result in a serious souring of United States-Honduras relations over the next 18 months.

There are indications of increased nervousness on the part of Costa Rica as well, a country which, like Guatemala, takes a neutral position on the United States-Nicaraguan issue, but is more dependent on the United States in a number of ways. Administration pressure on Costa Rica to go along with United States policy is intense. The problem is that the long-term interests of Costa Rica are highly vulnerable to a failure of United States policy, and the Costa Ricans are acutely aware of this vulnerability. These examples clearly demonstrate that the actions of the United States are contributing to uncertainty and instability in the region. And, the reapers of the benefits of that uncertainty will very likely be the Soviet Union and Cuba.

The Sandinistas have said that they are willing to negotiate with the United States. They are specifically willing to offer the following: First, no foreign military presence in Nicaragua; second, no foreign military bases or troops in Nicaragua; third, no foreign military advisers in Nicaragua; fourth, reduction in the size of their troop level, to accommodate the concerns of their neighbors; fifth, certain caps on the level of the sophistication of armaments; sixth, following the Swiss model of a citizen army; and seventh, considering a recent Honduran point proposal in regard to troops and arms as a basis for negotiations. In return, they have asked from the United States: First, cessation of aggression against us; and second, a political commitment of the U.S. Government, which need not be formalized in a treaty, to respect our sovereignty. This, they say, can be done within the context of Contadora or in bilateral negotiations with the United States. The format could be a Contadora Treaty with a side protocol between the United States and Nicaragua.

I think we ought to challenge the Sandinistas to deliver on these assertions.

Current indications are that the Sandinistas are gearing up a campaign which would challenge the Reagan administration to bilateral negotiations and produce a series of offers which appeared reasonable in both the areas of Soviet bloc influence and internal Sandinista behavior.

Such a campaign is now underway. Ortega's visit to the United Nations and Chicago in late July, early August 1986, along with recent interviews with the Washington Post and New York Times included the following points:

A willingness to open bilateral discussions with the Reagan administration at any time;

An invitation to Reagan to visit him in Nicaragua;

A call for the United States to abide by a recent decision by the World Court to end the arming and training of the Contras;

A proposal for a Central American demilitarized zone, in which Honduras and Costa Rica would be invited to conduct joint border patrols with Nicaragua under the auspices of the United Nations;

A call for the reinvigoration of the Contadora process;

A stated willingness to establish serious discussions with the Vatican to explore complaints from the Catholic Church over antireligious reprisals by the Sandinistas;

Proposed talks with the owners of La Prensa during which the conditions under which the newspaper could be reopened specifically that La Prensa accept the legal framework in Nicaragua and distance itself from the Contras.

All of this, of course, puts the United States on the defensive. The United States is made to look like the bellicose party, the unreasonble power, the bully. Why not talk to the Ortego government and explore and expose the level of Sandinista sincerity?

The Contadora process, at this moment, is stalled. There are four reasons for this: First, there are rivalries and suspicions among the Central American nations themselves which make the negotiations complicated. Second, the latest draft Central American Peace Treaty, labaled as the Contadora countries' final effort, produced by the Mexicans, and submitted to the five Central American countries, has been deemed unacceptable by all five countries. Third, the United States is not supporting the process in any meaningful way. Fourth, the House-passed $100 million aid vote has undermined the diplomatic process and emphasized the military orientation of U.S. policy. That House vote is considered, in the region, as a major watershed in U.S. policy, and many feel it is a one-way trip to war involving American forces.

The United States is not vigorously pursuing diplomatic solutions on the central matters which could lead to escalating military actions in Central America. It is not exercising its powers of economic, political, and diplomatic influence to erect an architecture designed to effect a peaceful settlement of the United States-Nicaraguan conflict, to contain Nicaraguan expansionist tendencies, and to accomplish the removal of Communist bloc advisers, arms, and influence from the region.

It does not seem that the successful conclusion of negotiated settlements of outstanding issues, both bilaterally between the United States and Nicaragua and multilaterally through the Contadora process, is of interest to the administration.

Instead of putting its political weight behind diplomacy, the administration: First, rejects outright bilateral discussions; and second, does nothing to encourage the Contadora process, the purpose of which is to draft a treaty ratifiable by the five Central American countries which addresses both their security concerns and provides for basic democratic principles which should be operative in each country. Neither Mr. Habib nor any other American official of stature engages in discussions with the Sandinista leaders. The policy is to avoid en-

tering Nicaragua at all for such discussions.

Furthermore, there are assertions that the United States is working actively behind the scenes to erect obstacles to progress within the complicated diplomacy of the Contadora process. Putting aside the assertions of the Sandinista leaders on this question, we received indications from key officials in both Guatemala and Costa Rica that the United States acts in ways that introduce difficulties into the multilateral diplomacy of the region.

Clearly, the Contadora process is currently at a watershed stage, and, although there appears to be substantial pessimism among knowledgeable Central American officials about its prospects, there seems to be real reluctance to abandon the process—simply because there appear to be no other viable diplomatic alternative.

A two-track strategy of opening bilateral talks to resolve outstanding United States-Nicaraguan issues, particularly security issues, and promoting in every way the successful conclusion of the Contadora process, is a legitimate strategy for the United States. It follows the principle that before we reach for military solutions, we should explore and exhaust diplomacy. The corollary to this rule is the open question of what response we would get from the Sandinistas if they were put to a rigorous and public test on what they are willing to do to eliminate Soviet bloc influence, advisers, arms, and bases.

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The PRESIDING OFFICER. The minority leader is warned that his time has expired. The remaining 10 minutes are under the control of Senators DOLE and MATTINGLY.

Mr. DOLE. Mr. President, I yield time to the minority leader.

Mr. BYRD. I thank the distinguished majority leader.

This, then is a time for a reappraisal, a rethinking—as Mr. SASSER says, we should together, in a bipartisan way, rechart our course, rebuild our road in regards to our policies toward Central America and, of course, Nicaragua. We should have an appropriate mixture of carrots and sticks. Right now, we are relying only on a very shaky stick, a precarious tool. We have to give diplomacy a chance.

Mr. President, the amendment by Mr. SASSER would give diplomacy a chance. I urge the Senate to adopt that amendment.

Again, I thank the distinguished majority leader for his courtesy in yielding me some time.

Mr. MATTINGLY. Mr. President, I yield the majority leader 4 minutes.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Georgia. I have made a statement earlier today on this amendment. I want to yield 2 of the 4 minutes to the Senator from Indiana [Mr. QUAYLE].

Mr. President, yesterday, the distinguished Senator from Connecticut [Mr. DODD] said that the vote on the Sasser amendment would really be the key vote we make on the whole question of aid to the democratic resistance in Nicaragua, the Contras. Senator DODD and I do not agree on a great deal about Central America, but we do agree on that point. This is the key vote about to come up.

SIMILAR VOTE ON KENNEDY AMENDMENT IN MARCH

As we get ready to cast this vote, I want to remind the Senate that we have already voted on this issue before this year. Back in March, when we were in the process of passing the President's original request for aid to the Contras, we were faced with an amendment offered by the distinguished Senator from Massachusetts [Mr. KENNEDY] which amounts to the same thing as the Sasser amendment.

Both amendments put the issue simply. If you favor any kind of support to the Contras, vote against the amendment. If you oppose all aid to the Contras—no military aid, no humanitarian aid, no refugee aid, nothing—vote for the amendment. The case could not be presented more clearly.

26 DEMOCRATS, INCLUDING SASSER, OPPOSED KENNEDY

That was the issue in March when we voted on the Kennedy amendment. At that time we defeated Senator KENNEDY's proposal, 74 to 24—26 Democrats joined with 48 Republicans to defeat Kennedy's no aid to the Contras. Among those Democrats who voted against the Kennedy amendment was the distinguished Senator from Tennessee [Mr. SASSER] who now offers essentially the same amendment today.

And nothing much has changed since March, except for changes for the worst. The Contras are more in need of aid than ever. The Sandinistas military is stronger and more aggressive than ever. Their alliance with Moscow and Cuba is tighter than ever. Their crackdown on democracy at home is more severe than ever. The chances that they might change their course and seek a negotiated settlement are more remote than ever—so remote they are practically nil.

A VOTE THAT MAKES SENSE

The Senate showed great sense in March. I believe it is about to show the same sense now.

Mr. President, I urge all of my colleagues to join with me in voting to table the Sasser amendment, so that our policy, our friends, and the causes of peace and democracy in Central America have a chance.

I want to say again that I agree with Senator DODD. This is the key amendment. We may not agree on the policy in that part of the world but we do agree that this is the key amendment. We already had this vote in March. Essentially the same amendment, same vote, and 26 Members on the Democratic side joined to defeat that same amendment offered by the distinguished Senator from Massachusetts [Mr. KENNEDY]. If I remember correctly, the effort to defeat that amendment was supported by the distinguished author of this amendment before us now, the Senator from Tennessee [Mr. SASSER].

I suggest we have been here, we were here in March. Since that time, in effect, the Contras have been bleeding to death for lack of any assistance from the United States. If we are for freedom, wherever it may be in the world, we have to do more than talk about it. We have delayed, we have dillydallied, we have done everything we could to prevent aid to the freedom fighters. Now is our opportunity. I assume we will have one more shot at it some way before this session ends. But I suggest the time is now. We should defeat the Sasser amendment, get on with the other amendments, pass this bill, get on to South Africa and complete our work by Friday afternoon.

I yield the remainder of my time to the Senator from Indiana.

Mr. QUAYLE. Mr. President, we have heard a lot of discussion this afternoon about how we need a negotiated settlement. The Contadora process will go forward. But I want to state for the record that there is not one case in the history of the world where a Marxist-Leninist government has negotiated any kind of settlement where there will be a change of power from a Marxist-Leninist government to a true democracy. Never in the history of this world. That is a fact, Mr. President.

Why are we interested in Nicaragua, Mr. President? The reason we are interested in Nicaragua is that it is being used as a beachhead to establish a place to export revolution to the rest of Central America. That is the reason we are interested in Nicaragua. If they were not interested in expanding beyond their borders, we would not be interested in what is going on in Nicaragua. But that is the reason we are interested in Nicaragua. In fact, when they continue to go beyond their borders, there is regional instability.

We have heard a lot of discussion that the Contras cannot win. That is a convoluted argument. There are more Contras—freedom fighters—today than there were when the Sandinistas came to power. We keep making the argument that this is another Vietnam. That is nonsense, Mr. President.

What is wrong with helping people who want to help themselves? These Contras and these freedom fighters have given up on the Sandinista revolution that promised pluralism and democracy.

They have been betrayed by their government. That is a totalitarian government that suppresses human rights, freedom, and dignity and freedom of the press in that country.

The Contras need our help because it is the only way we are going to see any changes to pluralism, democracy, and freedom.

Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MATTINGLY. Mr. President, I oppose the amendment although I agree with the Senator from Tennessee on one thing. We are at a crossroads today. And the road we take will either demonstrate U.S. resolve and lead to freedom, and human dignity for millions, or, strike the aid to the democratic resistance, follow the path of inaction, and in so doing, deny the people of Nicaragua their best remaining hope of enjoying basic human dignity and freedom.

I have seen the polls cited by the Senator from Tennessee. But the Nicaraguans who have left their homes and families to go fight with the resistance forces, have conducted their own type of poll. And we should not be ignoring those numbers either.

Mr. President, it is unfortunate that the Congress seems at times to become so entangled with rules and procedures that it reaches the point where it appears incapable of resolving the difficult issues that confront it. Thoughtful consideration is one thing. Paralysis is another. We debate these important issues over and over and over. We tinker and amend and adjust. We filibuster and debate and discuss. But Mr. President, we cannot walk away from our duty to support the measure before us; to reaffirm the vote that we took in March and to determine our course.

Now the time has come when we can demonstrate that indeed this body is able to resist the temptress of delay; that we are able to confront the difficult issues; and that we do have the will to decide.

The Sasser amendment represents a giant step backward for our foreign policy generally; for our policy toward Nicaragua and Central America; and for the millions of people whose future freedom and human dignity depend in large part on what we do on this vote.

As I said yesterday, we have come a long way to reach the point where we stand today. We have before us a package that has the endorsement of the President of the United States. The assistance recommendations have been approved in a bipartisan vote in the House of Representatives. The Senate, in March of this year, endorsed by a bipartisan vote of 53 to 47 essentially the same proposal that we have before us and which the Sasser amendment would strike.

Mr. President, there does not seem to be much debate about the nature of the Sandinista regime. We can get a pretty good idea about that from watching Commandante Ortega running around and courting such friends as Castro, Qadhafi, Khomeini, and Gorbachev. The debate has not seemed to center around the question of whether the Sandinistas are designing their government after the principles of Jefferson and Lincoln or after those of Marx and Lenin.

The question is what we should do about it. The policy outlined in titles 2 and 3 represents a specific plan on how we can help the men, women, and children of Nicaragua gain the basic freedoms that are rightly theirs.

Mr. President, I urge my colleagues to affirm their judgment as cast this past March on the Lugar resolution. Join the President and a bipartisan majority in the House of Representatives in supporting the package before us.

□ 1730

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 46, as follows;

[Rollcall Vote No. 211 Leg.]

YEAS—54

Abdnor	Goldwater	McClure
Armstrong	Gramm	McConnell
Bentsen	Grassley	Murkowski
Boren	Hatch	Nickles
Boschwitz	Hawkins	Nunn
Bradley	Hecht	Pressler
Broyhill	Heflin	Quayle
Chiles	Heinz	Roth
Cochran	Helms	Rudman
Cohen	Hollings	Simpson
D'Amato	Humphrey	Stennis
Danforth	Johnston	Stevens
Denton	Kassebaum	Symms
Dixon	Kasten	Thurmond
Dole	Laxalt	Trible
Domenici	Long	Wallop
Evans	Lugar	Warner
Garn	Mattingly	Wilson

NAYS—46

Andrews	Chafee	Ford
Baucus	Cranston	Glenn
Biden	DeConcini	Gore
Bingaman	Dodd	Gorton
Bumpers	Durenberger	Harkin
Burdick	Eagleton	Hart
Byrd	Exon	Hatfield
Inouye	Metzenbaum	Sarbanes
Kennedy	Mitchell	Sasser
Kerry	Moynihan	Simon
Lautenberg	Packwood	Specter
Leahy	Pell	Stafford
Levin	Proxmire	Weicker
Mathias	Pryor	Zorinsky
Matsunaga	Riegle	
Melcher	Rockefeller	

So the motion to lay on the table the amendment (No. 2700) was agreed to.

□ 1750

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MATTINGLY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

Mr. MATTINGLY. Mr. President, may we have order?

The PRESIDING OFFICER. The regular order is the Republicans now have the option to offer an amendment.

Mr. MATTINGLY. Could we have order, Mr. President?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. If there is no Republican seeking to offer an amendment, I am going to recognize a Democrat who seeks to offer an amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, let me say, under the agreement, we are supposed to rotate. That is why the Chair was doing that.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2710

(Purpose: To prohibit the introduction of U.S. personnel into Nicaragua for the purpose of ground combat.)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2710.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

Mr. SYMMS. Objection.

Mr. HARKIN. Mr. President, a point of order. We cannot hear a thing.

The PRESIDING OFFICER. Objection is heard.

The clerk will read the amendment.

The legislative clerk read as follows:

Notwithstanding any other provision of law, no member of the United States Armed Forces or employee of any department, agency or other component of the United States Government shall be introduced into

the territory of Nicaragua to engage in ground combat unless:

(a) Congress has declared war or authorized the introduction of such forces in advance by a joint resolution signed by the President of the United States; or

(b) The President has determined that the presence of such forces is necessary to protect American lives, to provide for the immediate evacuation of United States citizens or to respond to a clear and present danger of military attack on the United States.

Mr. KENNEDY. Mr. President, as I understand it, we are allocated an hour's time on the various amendments, and am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. And the time is evenly divided.

I know that there are a series of additional amendments. I feel strongly about this measure, but we have debated it.

The PRESIDING OFFICER. If the Senator would withhold. It is impossible to hear the Senator from Massachusetts. Please remove the conversations from the Senate floor.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we have voted on no combat troops into Nicaragua on four different occasions. I know that Members are familiar with this particular amendment, but I do think it is important that we address it.

If I could have the attention of the floor manager, in terms of accommodating the other Members, I would be glad to reduce the time somewhat, if that is his desire, to move on ahead. Otherwise, we can do the hour, evenly divided, and yield back the time. I am glad to proceed in either way to accommodate the other Members.

I know there are other Members—the Senator from Connecticut, the Senator from Montana—who have amendments, as well.

So it it was your desire to reduce the time somewhat, I would be responsive to that. If it is not, we would just proceed.

Mr. MATTINGLY. I would be willing to do that. How much time would the Senator like?

Mr. KENNEDY. Forty minutes, evenly divided, would be fine.

Mr. MATTINGLY. I have no objection.

The PRESIDING OFFICER. Without objection, there will be 40 minutes, equally divided.

Mr. KENNEDY. Mr. President, I yield myself 8 minutes.

I offer an amendment that, if enacted, will prohibit the introduction of United States ground combat forces into Nicaragua without advance approval of Congress except to protect American lives, evacuate Americans or to respond to clear and present danger of attack on the United States. This amendment, if enacted, will change the scope of the War Powers Act but only with respect to the use of United States ground forces in Nicaragua.

In his messages to the people of the United States on this issue, President Reagan has described what he believes is at stake in Nicaragua. He has said that we must help the Contras to "prevent a Communist takeover of Central America." He has said that "there is a mounting danger in Central America that threatens the security of the United States." He has said that "if we don't want to see the map of Central America covered in a sea of red, eventually lapping at our own borders, we must act now." He has said that we must help the Contras "For the defense of our own southern frontier." He has said that "nothing less than the security of the United States is at stake."

That is the rhetoric of a President preparing the American people to go to war.

President Reagan and his advisers have also made clear what the real objective of administration policy is. In the words of Ronald Reagan, it is to "get rid of the Sandinistas." The Contras are similarly open about their objectives. They always have been. They care little about reducing the flow of weapons from the Sandinistas to other countries in Central America. They care little about forcing the Sandinistas to the negotiating table. They want to drive the Sandinistas from power.

The stakes are high and the stated objectives of the policy are a fraud on the American people. But there is no one in the U.S. military or intelligence community that believes that the Contras can defeat the Sandinistas. That end can only be accomplished with the use of combat forces from the United States of America.

But, says the President, "American troops have not been asked for and are not needed." He says that "We (should) send money and materiel now so we'll never have to send our own American boys."

The President's claim that United States combat troops will not become involved in Nicaragua is totally inconsistent with his statement of what is at stake in that country. That pledge is similarly inconsistent with the real objectives of his policy. Secretary of State Shultz was more honest with the American people when he said, last May 23, in a speech to the American Bar Association that sending U.S. troops "must realistically be recognized as an option given our stakes in the region."

If American combat troops or American military advisers are to be sent to participate in the war in Nicaragua, Congress should have a voice in the matter. Under the Constitution, the power to make war is reserved to Congress, and Congress has a solemn responsibility to exercise that power.

This debate has a haunting familiarity to it. Twenty-two years ago, on August 7, 1964, the U.S. Senate approved the Gulf of Tonkin resolution. The arguments in 1964 were much the same as we are hearing today. The purpose of the Gulf of Tonkin resolution was "to promote the maintenance of international peace and security in Southeast Asia." The result of our policy could not have been further from that goal.

The purpose of this Contra aid is "to promote economic and political development, peace, stability and democracy in Central America." The result of our policy will be economic devastation, political disruption, more war, instability, and an increasingly totalitarian Nicaragua.

When the Gulf of Tonkin resolution was introduced, Senator Morse called it a "predated declaration of war." He argued that our actions in Asia were the actions of warmaking. He said our military policies in South Vietnam have sought to impose a military solution upon a political and economic problem. Senator Morse stated, "We have been making covert war in Southeast Asia for some time, instead of seeking to keep the peace. It was inevitable and inexorable that sooner or later we would have to engage in overt acts of war in pursuance of that policy."

At the time of the debate, Senator Morse predicted that future generations will look with dismay and great disappointment upon Congress' approval of such a historic mistake. I don't think I need to point out to my colleagues how right Senator Morse was. His words could not have proven more true—and yet he lost by a vote of 88 to 2.

Article 1, section 8 of the Constitution empowers Congress with the decision to declare war. That is what our Founding Fathers envisioned and that is where the power should stay. The Gulf of Tonkin resolution, in effect, provided the President of the United States the power to make war in the absence of a declaration of war. The tragedy of the Vietnam war stands as a stark testimony to the dangers of leaving such powers in the hands of the President. That "secret war" deeply divided our own country, and left the country of Vietnam divided and in the hands of a Communist regime. And now we are about to repeat that exercise in Central America.

This amendment would keep the warmaking powers where they belong—in the U.S. Congress.

The War Powers Act was intended to give the President the freedom—for 30 days—to respond to an unforeseen emergency. Under that provision, the President would be entitled to introduce U.S. troops into combat for that

specified period of time; any longer would require the approval of Congress. But the situation in Nicaragua is clear. There is little there that is unknown or unknowable, unforeseen or unforseeable. Our present course is taking the United States toward unilateral and direct intervention in Nicaragua—toward a war which, whether we want it or not, whether we like it or not, will inevitably involve American forces in combat.

The American people should have some voice in that decision—and the magnitude of that decision should not be dismissed, denied, or diminished. President Reagan says that the Sandinistas threaten the security of the United States; he seeks to rid the region of the Sandinistas. But the only way he can accomplish his objectives and achieve his aims is by sending in the Marines. Congress has been fully and fairly forewarned.

But when it comes to going to war in Nicaragua, Congress should not give President Reagan a blank check. Congress has a responsibility to the people that elected us, and we have a duty to the Constitution. We must make sure that we are a part of any decision to send American troops or advisers into combat. We have seen in our own history what kind of tragedy can occur when Congress ducks this issue.

The United States does have legitimate security interests in Central America. The United States will not tolerate the existence of a Soviet or Cuban military base in Nicaragua, or the presence of sophisticated offensive weaponry in that country. Nor will we tolerate attempts to subvert or destabilize other nations in the region. There is no more certain way for the Sandinistas to lose their revolution and to plunge their country into conflict and chaos than to ignore or dismiss such concerns. On those issues, there is consensus in this country. But there will also be time for Congress to act to protect those interests.

This amendment would allow the President, without advance congressional approval, to order air strikes over Nicaragua should he determine such action is necessary to counter a clear threat to the security of the United States such as the introduction of Mig's into the territory of Nicaragua. My amendment simply keeps United States men and women out of ground combat in Nicaragua without advance approval of Congress or a declaration of war.

It is time for us to heed the words of the former President of Venezuela, Carlos Andres Perez, who said: "The United States is strongest when it acts for social justice and democratic change. It is most effective when it acts multilaterally, and most successful when it deals with its neighbors as equals, dedicated to peace, freedom and democracy."

We must approach the Government of Nicaragua not as a colossus from the north but as one member of the community of nations in the Western Hemisphere. For too long, we have been cavalier with the Contadora nations; for too long, we have ignored the Organization of American States. There is much that we can achieve if we are willing to work with others. We will continue to falter if we stubbornly persist in going it alone.

I believe that this is a moment of truth—not only for the Members of the Senate, not only for the Members of the U.S. Congress, but for all the people of this country.

I urge you to support this amendment.

Mr. President, this amendment is a very simple one. I would just conclude these brief remarks at this point. Without accepting this particular amendment, we are saying to the parents of every young American that we are going to permit the President of the United States to make the decision, not the Congress of the United States, not the Senate of the United States, whether your son or daughter is going to fight in Central America. It seems to me, Mr. President, that we in this body ought to be called upon to make such a serious judgment about the commitment of young Americans in Nicaragua. Whether we are going to send combat troops into that country ought to be a decision which is debated, discussed here on the floor of the U.S. Senate, and not made in a closed room by a single individual, be it the President of the United States. That is really what this amendment is about.

Finally, I say this, Mr. President: I am a strong supporter of the War Powers Act. What we are talking about in Nicaragua is a very unique set of circumstances, unique set of conditions, unique policy which this President has spoken about, addressed the Nation about, and which we have debated for days and for years. Therefore, it is unique. What we are asking here is for a resolution on the question of the entrance of combat troops to be considered as a very unique set of circumstances. The Congress and the Senate of the United States ought to make that judgment, not the President of the United States alone.

The President of the United States has said he has no intention of using American combat troops. If that is the case, what is the reluctance? Why not accept this particular amendment and ensure that the Senate of the United States, the Congress of the United States will have any voice in any decision to alter that policy question?

Mr. HART, Mr. CRANSTON, and Mr. DODD addressed the Chair.

Mr. KENNEDY. I yield to the Senator from Connecticut.

Mr. DODD. I thank the Senator for yielding.

Mr. KENNEDY. Without losing my right to the floor.

Mr. DODD. Mr. President, we should focus particularly on the last two lines, lines 4 and 5, of the amendment of the Senator from Massachusetts before getting into the conditioning clauses. To reiterate those words, it says "shall be introduced into the territory of Nicaragua to engage in ground combat." We are not talking about a fact situation as I understand the Senator's amendment where you have someone who may be near that area or may be flying over that area. A lot of us may have some concerns about that. But this is not a radical proposal that is being made. These are troops that would be on the ground in Nicaragua in a combat situation. If we are confronted with a decision where the President wants to do that, the Senator is merely saying come here and get a vote, ask the Congress of the United States to support United States forces crossing the Nicaraguan border and engaging Nicaraguan forces in battle, and that we should have the right to vote on that issue. Is that the issue?

Mr. KENNEDY. The Senator is exactly correct. I appreciate the Senator's comments because we refined this amendment from previous ones to prohibit only the introduction of ground combat troops. Air strikes, for instance, would not be prohibited should the President determine a need for such action. The Senator from Connecticut has described my amendment accurately—no American ground combat troops in the Nicaraguan territory without congressional involvement in that decision. I appreciate the Senator.

I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Massachusetts has yielded to the Senator from Colorado.

Mr. KENNEDY. Without losing my right to the floor.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. HART. Mr. President, as the author of a very similar amendment a couple of years ago, which was not vitally understood, I think it would be important if the Senator from Massachusetts made clear as the Senator from Connecticut says, the amendment has to do with combat troops. It is my understanding that the amendment would not prohibit advisers in El Salvador, for that matter even military advisers in Honduras. It has to do with combat troops, and I think as the Senator from Connecticut has pointed out, in Nicaragua. Is that correct?

Mr. KENNEDY. The Senator is correct. It does not prohibit the intelligence gathering offshore. It does not prohibit intelligence gathering even in

Nicaragua. But it does address, as the Senator from Connecticut stated, the issuing of combat troops on the territory of Nicaragua.

Mr. HART. I want to congratulate the Senator from Massachusetts. I think it is a very sound amendment.

Mr. KENNEDY. I thank the Senator.

I would be glad to yield and let the Senator speak on his own time. How much time remains, Mr. President?

The PRESIDING OFFICER (Mr. GRAMM). The Senator has 8 minutes remaining.

Mr. KENNEDY. I yield 4 minutes to the Senator from California.

Mr. CRANSTON. Mr. President, when the United States stumbled into the Vietnam war, we did it blindly.

It took more than a decade.

First, we sent money, but that was not enough.

Then we sent trainers and advisers, but that was not enough.

Then this body voted on the Gulf of Tonkin resolution—thinking that the vote was simply to defend U.S. forces in the region.

All, that is, of the Senators except two, Senator Morse and Senator Gruening who had the wisdom to vote no. Then we took over day-to-day management of the war. But that was not enough.

So—soon we were mired in a tragic war, a war which widened throughout Indochina, a war which divided the American people, mother from son, son from father, brother from brother, sister from brother, a war which did nothing to advance American interests or American principles.

Today as we continue our momentous debate on aid to the Contras, no one in this Chamber can rightly say they are in the dark.

We are voting for or against a war today.

We are voting for or against using American taxpayer dollars to lay landmines to kill peasants on the rural roads of an impoverished Central American nation.

We are voting for or against funding forces who employ terrorism and subversion in a vain effort to undermine a government with whom we have diplomatic relations.

I repeat: We are voting for or against war.

And what will be the next step after the funds we consider today are exhausted?

I know of no Member of this Chamber, no Senator in this body who seriously believes that today's installment will cause the hated Sandinistas to cry "Uncle," to pack their bags and sail off into the sunset.

No, the $100 million for a rag-tag band of former Somoza followers will not be enough to overthrow the Sandinistas.

And what then?

Nobody believes, and nobody states this amount of money will do the job. We know that more will be asked.

Will proponents of Contra aid be satisfied?

No; they will demand more. They will demand victory. They will say that American credibility is at stake. They will say we cannot retreat under fire, that we cannot abandon the forces we have led into the jungle and funded and armed. They will charge that another Bay of Pigs looms.

And then, Mr. President, they will demand troops. They will demand that the blood of young American men be shed in a vain effort to remake the Government of Nicaragua in our own image.

Why does the Government of the United States have thousands of troops on constant maneuver in southern Honduras, practicing invasion techniques? Why have we maneuvered flotillas of unprecedented size off both shores of the Nicaraguan isthmus? Why if not for war?

All that remains, Mr. President, is for today's vote, for today's vote and more months of frustration—when it becomes apparent that Contra aid opponents will not get their way until American men are committed directly to the fighting.

I ask this: Will the formal question of a declaration of war be put to this body? Will the President come back to Congress to seek authority before committing American forces? Or will some pretext or some incident force the issue, some border skirmish where the Sandinistas pursue the forces which attack Nicaragua from north and south, some flimsy excuse to commit American men to the fighting? Some attack on American forces in the area. Then we will hear the voices warning of a Bay of Pigs, crying that America cannot retreat under fire, calling out for victory at any price.

Mr. President, that is why the amendment offered by the Senator from Massachusetts, which I am cosponsoring, is so important.

We must guarantee that Congress does not give up its constitutional right to declare war before American forces are committed to the war against Nicaragua.

Mr. President, there is no sympathy in this Chamber for the Marxists of Managua. But if violation of human rights and political freedoms were themselves causes for war, we would be at war with many nations with whom we share this planet.

The American people do not support a war against Nicaragua. We must not allow American combat troops to be committed without a vote of Congress, and therefor should adopt the Kennedy amendment.

Mr. KENNEDY. Mr. President, I withhold the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GOLDWATER. Mr. President, will the Senator from Georgia yield to me just a couple of minutes?

Mr. MATTINGLY. I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. GOLDWATER. Mr. President, a couple years ago we debated on this floor the War Powers Act which became the law of the land. During the course of that debate, I think it was thoroughly brought out that the Congress could not go to war. Only the President has the power to order troops as they have done a little more than 200 or 202 times since the Constitution was written.

□ 1810

As I understand it, the first Constitution had to be rewritten because of this one point. We nearly lost the Revolutionary War because of congressional interference, where Members would go out in the fields and assume command, assume the power to make orders, make the motions, and so forth.

To make this abundantly clear—and I may be wrong, but I have heard about it for a long time—I would like to ask the Foreign Relations Committee if they would have their legal staff make a study of this and submit it to the Senate. I repeat, the Congress cannot go to war. We can declare war, which we have only done five times in the history of our country, and two of those declarations were in the same war.

I would like to ask the chairman if he would do that so that we might give the body the proper edification.

Mr. LUGAR. I will be glad to respond to the Senator. Indeed, the committee will research that matter and make a prompt report. I think it is a most important point.

I thank the distinguished Senator.

Mr. President, in response to the amendment that has been offered by the distinguished Senator from Massachusetts, let me point out this amendment has had a considerable history, a history, I suppose, as long as the number of debates we have had on this general issue. As has evolved during the course of the debate today, the issue has been modified or changed or amended or improved each time around because objections have come to the Senator's amendment. In its most recent form in our last debate on March 27 of this year, the amendment of the distinguished Senator from Massachusetts failed on a tabling motion by a vote of 68 to 32.

It is not a surprise, Mr. President, that the Senate has rejected this idea frequently, nor is it a surprise that it is raised every time we have the

debate, the deliberate attempt to try to inject the thought that somehow or other forces of this country are going into—not into Vietnam, that is the argument—into Nicaragua again and again. We keep getting back to Vietnam. Others have said that is not a proper analogy. Let us talk about democracy, how do we get democracy on the left as opposed to always worrying about it on the right? We will argue, I suppose, back and forth which is the proper analogy.

Mr. President, the problem with the amendment today in its new incarnation, the new part of it, is "shall be introduced in the territory of Nicaragua to engage in ground combat," still runs up against the same problems that are being touched upon by the questions of the distinguished Senator from Arizona; namely, this country has obligations. Among our obligations are the Rio Treaty. We are actually a part of that general treaty operation which, if we are called upon to help out a neighbor, we have some obligation to do so. We do not look forward to those opportunities. As a matter of fact, this particular bill that we are on today has also undergone some modifications over the course of time. A lot of Senators worried about this problem of the introduction of American troops.

So on page 26 of H.R. 5052, the bill we have before us today, these lines are in this legislation:

> Notwithstanding any other provision of this title, no member of the United States Armed Forces or employee of any department, agency, or other component of the United States Government may enter Nicaragua to provide military advice, training, or logistical support to paramilitary groups operating inside that country. Nothing in this title shall be construed as authorizing any member or unit of the Armed Forces of the United States to engage in combat against the Government of Nicaragua.

That is in the text of the bill that we are debating today that this Senator and others are supporting. It is not in there by chance. It is in there because this debate has gone on and on and on again. In the same way that the distinguished Senator from Massachusetts raises this issue each time, those who are hopeful that we are going to authorize the money are sensitive to the issue. So is the President. So is the entire executive branch. This sensitivity goes a long way.

Let me point out, Mr. President, the first time we had the debate, unfortunately for the proposer of the amendment, almost that very day there were activities along the border of Honduras and Nicaragua. It became apparent the Nicaraguan forces had come across the border. Some Senators during that debate were reticent to believe that could have occurred. There were many people in the news media who found that very difficult to understand or even to report.

During the course of the debate, in fact, finally Nicaraguan captives were produced at Tegucigalpa and it became apparent that an invasion had occurred. One can argue why, but nevertheless there they were.

From time to time these things occur. We find a friendly state, Honduras, and we have reciprocal obligations under the Rio Treaty with Honduras, Honduras could have called upon us to help them. Honduras, of course, did call upon us to help them.

Even then, the United States of America was very careful about the use of American forces.

We cannot, Mr. President, circumscribe all of the contingencies of the Rio Treaty. What an amazing coincidence even while we were discussing it the last time a friendly state was invaded by this very country, Nicaragua, that has been described today as nonpredatory, perfectly willing to sort of stay behind its borders and tend to its own affairs.

Not so, Mr. President, These are the problems that occur.

The most fatal flaw of the amendment comes back to the question raised by the distinguished Senator from Arizona.

Mr. President, I would contend today, as I did on March 27, simply that the amendment of the Senator from Massachusetts is unconstitutional. It seeks to confine and restrain the constitutional powers of the President of the United States as Commander in Chief and this in my judgment Congress simply cannot do.

The amendment is an interesting debating ploy. It conjures up images of Congress being overlooked, of a President or an executive branch in secret doing things that are not countenanced.

There has been mention made during this debate by the distinguished Senator from Massachusetts that the War Powers Act is out there, and, of course, it is. Most of us believe that the War Powers Act does give the President of the United States the power to act, if he believes it is in our national interest.

That might involve the power to act in Nicaragua. It should, in fact, involve that power. He should not be constrained anywhere.

The President of the United States, if he does act on such a matter, has to gain the approval of the Congress in due course, and there are other stipulations with regard to the reporting to the Congress, the seeking of consultation.

We have had, since the time of our last debate on March 27, a specific example in which Members of this body were involved to a lesser or greater extent. The problem was the strike on Libya.

In the event the Senators want to inquire about that, there are aspects we can discuss here and aspects we cannot.

Let me just say in my judgment the President sought consultation. Some Senators have argued that he merely informed, that it was not the proper consultation. But in any event the War Powers Act did play a part in that and the President took the initiative and he acted. In my judgment, he did the right thing.

Members argue about that, but I think he did the right thing.

He had the power to act. I think no one debates that. Why that should be constrained in this particular situation I find difficult to understand, aside from the types of analogies and images that are drawn up with regard to Vietman experience and extrapolated over to Nicaragua.

It seems to me, Mr. President, the amendment still has the same defects it had on March 27 when it lost by a vote of 68 to 32. I hope the result will be fairly comparable again today.

Let me just mention, Mr. President, one other aspect of this debate. It could very well be that we shall, in the next few hours, go on seriatim through each of the amendments that we trod through on March 27. I have a feeling on occasion the nature of this debate is simply to make the process as tortuous as possible. It is not very illuminating. The arguments are the same. The events are the same. The constitutional picture is the same. It may be that opponents of our participation in assisting the Contras in Nicaragua simply hope the sheer tedium of going through the whole thing again and again will somehow be a deterrent all by itself.

□ 1820

I hope that is not the strategy, Mr. President. In any event, this amendment seems very similar to the path we have gone down before. Therefore, Mr. President, at an appropriate time I shall move to table.

Mr. SYMMS. Mr. President, will the Senator yield for a question?

Mr. LUGAR. I yield.

Mr. SYMMS. I compliment the Senator from Indiana, the distinguished chairman of the committee [Mr. LUGAR] for what he has just said. I just want to reclarify this.

What the Senator said is that this amendment would clearly be in violation of the Rio Treaty, the OAS Charter, and the War Powers Act, is that correct?

Mr. LUGAR. I said it constrains our ability to act under the Rio Treaty to fulfill our obligations, in my judgment. And I cited an example. But it also seems to me it is manifestly unconstitutional.

We are restraining the powers of the President of the United States and

Congress does not have the constitutional authority to do that.

Mr. SYMMS. I thank the distinguished Senator from Indiana and I look forward to his tabling motion.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 5 minutes remaining.

Mr. DODD. Would the Senator yield? I just want to clarify one point if I could.

I appreciate what the chairman of the committee has said about the Rio Treaty, but I think it is important to clarify it for purposes of the debate.

All of those treaties have provisos that all are subject—correct me if I am wrong—to the Constitution of the United States. So obviously, there is the question of whether or not restraints—clearly, this is a restraining amendment, there is no question about it. And obviously, a vote here that would adopt such an amendment would say that this particular situation which we are now embarking on by the injection of some $100 million-plus in assistance is something that we ought to look at seriously. I think many people on both sides, even those who strongly support the $100 million, including the President—he has said he is absolutely opposed to the idea of United States forces being on the ground in Nicaragua.

It seems to me the adoption of this kind of amendment would entirely conform to the statement of the President, the statement of almost anyone—I do not know of anyone who disagrees with this amendment in substance. Why not reassure or try to reassure the people of this country that this is something the Congress or the President do not want to get involved in. As a matter of fact, the Senator from Massachusetts has added two provisos that would allow the President to put U.S. forces on the ground in Nicaragua.

My question is, why not accept an amendment like this because we have in fact now embarked on a course that could lead us to that? At least many people feel it does.

Mr. LUGAR. Let me respond by simply pointing out, as I have in my remarks, that on page 26 of the act we are debating, it puts very great restraint upon the use of any U.S. forces. It finally ends up by saying nothing in this title should be construed as authorizing any member or unit of the Armed Forces of the United States to be engaged in combat in Nicaragua. What I am suggesting is that the pressing of this amendment simply goes beyond the language that is already so clear.

It simply presses ultimately the constitutional issue and I think that ought not to be pressed. I would say as I said earlier and we have heard back and forth in this debate: The amendment of the Senator from Massachusetts changes each time a bit and so does the language in the bill. Both have been accommodating, I would say, but we keep getting back to the same situation. We phrase it another way but, it seems to me, press to the ultimate our fulfillment of our obligations and the constitutional picture.

Mr. DODD. As I said, we on this side keep hoping for that great conversion on the road to Damascus that some of you on that side may hear and see the light and understand.

Mr. LUGAR. I understand.

Mr. DODD. That is the reason the debate goes on.

Mr. KENNEDY. Mr. President, I shall make a brief comment and then yield. It is of interest that we talked about the Rio Treaty when I think the action of the United States in support of the Contras is so completely in violation of international law. Our support for the Contras is in direct violation of article 18 of the charter of the Organization of American States, prohibiting the intervention in the internal or external affairs of any other state—for any reason whatever. And I doubt I need to remind my colleagues of our flagrant rejection of the ruling by the International Court of Justice regarding the mining of Nicaraguan harbors.

Mr. President, you can call this amendment whatever you want, but you really cannot get around what we are basically addressing. That is a feeling among American people that, before American combat troops are going to enter into combat in Nicaragua, the American people want to make sure that Congress is going to be involved in that decision. In the most recent polls, 83 percent of the American people have indicated that they are concerned about United States troops going to Nicaragua. What we want to do is to make sure that Congress and the Senate of the United States will be part of the process if there is going to be a decision that would involve American ground combat troops in Nicaragua.

I am a subscriber to the War Powers Act. But what we are talking about is a unique set of circumstances, where the President of the United States has identified Nicaragua as a threat to our national security, where we have debated United States policy toward Nicaragua repeatedly in Congress, where United States policy is increasingly militaristic, where the American people are focused on Nicaragua, and where there is a very legitimate concern by the American people about the entry of American combat troops there. Too many of them remember the recent history in Southeast Asia. We have tried to focus and sharpen this amendment to deal with that particular concern. It is a very real one; it is a legitimate one.

With all respect to my good friend and colleague from Arizona, my belief in the constitutional allocation of powers is as others have described it: The President is the Commander in Chief, but also, we, here in Congress, have the responsibility and the authority for the declaration of war. It is a shared responsibility. I think parents across this country want it to be a shared responsibility before their sons are going to go into Nicaragua and fight in the jungles there. That is what they are telling us. This amendment gives life to that concern.

So, Mr. President, I am very hopeful that we would be willing to accept this particular amendment. I believe that the American people want it. I believe that they are entitled to it. I believe that we should be willing to accept it as far as this particular amendment goes.

I would ask unanimous consent that the most recent Harris Poll on U.S. aid to the Contras be inserted at this point in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

[The Harris Survey, April 14, 1986]

PUBLIC SOLIDLY OPPOSES AID TO CONTRAS

(By Louis Harris)

A decisive 62-33 percent majority of the American people are opposed to "the U.S. sending $100 million in military and non-military aid to the Contra rebels in Nicaragua." In addition, a closer 54-39 percent majority is also opposed to "the U.S. sending just $30 million in non-military aid to the Contra rebels."

These latest results, taken in a special Harris Survey conducted by telephone among a national cross section of 1,254 adults between April 5th and 8th, indicate little change in public opinion over the past two years. Simply put, the case for aiding the Contras in Nicaragua just has not been made effectively to the American people. A vote in the House of Representatives has been scheduled for April 15th to reconsider their rejection last month of Reagan's proposal to send $100 million in military and non-military aid to the Contras.

In the past, the set of public opinion has not been much different from what it is today. In 1985, for example, a 53-36 percent majority opposed "arming and supporting the rebels in Nicaragua, who are trying to overthrow the Sandinista government in that country." A higher 60-31 percent majority opposed such a move in an identical question asked in 1984.

Perhaps even more significant is the 54-39 percent majority who also opposes sending $30 million in non-military aid to the Contras. In the past, the Congress has compromised by agreeing to send such non/lethal or humanitarian assistance to the Contra forces. The results this year are scarcely different from those of a year ago, when a slightly higher 58-37 percent majority opposed sending non-military aid to the Contras.

However it is measured, the gains for the pro-Reagan position of helping the Contras have been minor at best.

The central reason for the public opposition to sending aid to the Contras is not hard to find:

By 83-16 percent, an overwhelming majority of the American people say they are "concerned" over the prospect that "the U.S. will end up sending American troops to fight in Nicaragua." This is up slightly from a comparable 81-18 percent majority who felt identically in 1985.

Then, by 63-30 percent, a better than 2 to 1 majority categorically says they are opposed to "the U.S. invading Nicaragua to overthrow the Sandinistra government." This latest result marks some change from a year ago, when a higher 75-20 percent majority expressed opposition to American fightng in Nicaragua. Thus, an even 10 percent of the adult public has now been converted to the side of advocating armed military intervention by the U.S. in that country. However, the dominant weight of public opinion still stands in solid opposition to any such military incursion by this country. Again, the change has been in the President's direction, but only marginally and not decisively.

On the question of holding of the U.S. military maneuvers in Honduras, there has been some of the same movement:

By 52-41 percent, a majority of the American people oppose "the U.S. holding military maneuvers using 4,000 American troops in Honduras which is right next to Nicaragua." A year ago, a higher 67-34 percent majority opposed the U.S. holding such military exercises there. This latest result is significant, because just prior to this survey, much attention was given to the fact that the Sandinista government had "invaded" Honduras. This was taken by the Reagan Administration as another sign that the left-wing Nicaraguan government wanted to spread the conflict into neighboring countries throughout Central America. This in turn buttressed the argument that the domino threat of the spread of communism in Central America would go from Nicaragua all the way up through Central America to Mexico, right to the U.S. border itself.

While there has been some obvious movement toward justification of this country keeping troops on maneuvers in Honduras, nonetheless it is significant that a clear majority still opposed such military activity. The obvious worry of the American people is that ultimately this country will find itself embroiled in a war in Central America.

The Harris Survey prefaced all of its questioning on the Contra issue with this introduction, read to each person interviewed in the special survey: "As you know, the Reagan Administration has been backing the Contra rebels in Nicaragua who have been fighting to overthrow the Sandinista government there. The House of Representatives refused to send the $100 million the Administration asked for in military and non-military aid to the Contra rebels, mainly because of fears the U.S. would end up having to send American soldiers to fight in Nicaragua. The Senate then passed the $100 million aid to the Contras, mainly because of fear that communism can spread all through Central America all the way up to the United States."

TABLES

Between April 5th and 8th, the Harris Survey asked a nationwide cross section of 1,254 adults by telephone:

How concerned are you that the U.S. will end up sending American troops to fight in Nicaragua—highly concerned, somewhat concerned, not very concerned, or not concerned at all?

CONCERN ABOUT U.S. TROOPS FIGHTING IN NICARAGUA

[Percent]

	1986	1985
Highly concerned	49	50
Somewhat concerned	34	31
Not very concerned	10	9
Not concerned at all	6	9
Not sure	1	1

"If it came to it, would you favor or oppose the U.S. invading Nicaragua to overthrow the Sandinista government?"

FAVOR U.S. INVASION OF NICARAGUA

[Percent]

	1986	1985
Favor	30	20
Oppose	63	75
Not sure	7	5

"Do you favor or oppose the U.S. holding military maneuvers using 4,000 American troops in Honduras which is right next to Nicaragua?"

FAVOR U.S. MILITARY MANEUVERS IN HONDURAS

[Percent]

	1986	1985
Favor	41	34
Oppose	52	61
Not sure	7	5

"Do you favor or oppose the U.S. sending $100 million in military and non-military aid to the Contra rebels in Nicaragua?"

Favor $100 million in military and nonmilitary aid to Nicaragua—1986

	Percent
Favor	33
Oppose	62
Not sure	5

"Do you favor or oppose the U.S. sending just $30 million in non-military aid to the Contra rebels in Nicaragua?"

Favor only nonmilitary aid—1986

	Percent
Favor	39
Oppose	54
Not sure	7

METHODOLOGY

This Harris Survey was conducted by telephone within the United States between April 5th and 8th, among a cross section of 1,254 adults nationwide. Figures for age, sex, race and education were weighted where necessary to bring them into line with their actual proportions in the population.

In a sample of this size, one can say with 95 percent certainty that the results have a statistical precision of plus or minus three percentage points of what they would be if the entire adult population had been polled.

This statement conforms to the principles of disclosure of the National Council on Public Polls.

Mr. MATTINGLY. Mr. President, I feel the concerns of the Senator from Massachusetts have been wrapped into this title II of the military construction bill. Not only has it included language that prohibits United States troops' involvement in Nicaragua, we have provided language that specifically states that no language or title could be construed as authorizing any member of our Armed Forces to be engaged in combat operations against the Government of Nicaragua. So the bill not only contains the specific prohibition of troop involvement in Nicaragua, it also includes the specific statement that this can in no way be used in the same manner as, as is often referred to, the Gulf of Tonkin resolution.

I feel as the distinguished chairman of the Foreign Relations Committee, who not only spoke eloquently about this on March 27, but again today. I think the vote taken in March, 68 to 32, will be repeated now.

I relinquish the remainder of my time to the Senator from Indiana to make his motion.

Mr. LUGAR. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 5 minutes.

Mr. LUGAR. How much time remains to the opposition?

The PRESIDING OFFICER. None.

Mr. KERRY. Mr. President, will the Senator yield for a quick question?

Mr. LUGAR. It will have to be very brief because I have a short amount of time before I make the tabling motion.

Mr. KERRY. The Senator has invoked the Rio Treaty in support of his motion. I ask the Senator if article I of the treaty, in which we agree not to resort to the threat or use of force indirectly or directly, has been adhered to, and, two, whether article II, which requires that we submit any controversy between signatory parties to settlement under the procedures set up in the inter-American system, has been adhered to?

Have article I and article II been adhered to by the United States?

Mr. LUGAR. Yes, in my judgment, they have been adhered to, and I appreciate the considerable debate that surrounds both. I believe we have been careful with regard to our compliance.

□ 1830

I would say, Mr. President, the argument on the Rio Treaty situation comes down to the fact that we may be called upon to undertake obligations to help others, in which case we are not intervening in their affairs; we are being asked. That is the point I have tried to make at least in this regard.

Let me just say furthermore, Mr. President, that the invocation of an image of the jungles of Nicaragua may make this entirely different from Grenada, Libya, or what have you, but in this administration the President of the United States has acted. This is arguable. There are Members of this body who would not be in favor of

military action on any account with regard to our situation. Our President has acted. He may do so again. He has constrained himself and the language of the bill constrains Congress, constrains all of us. But I come back to the point, Mr. President, that we cannot in a constitutional way constrain the overall powers of the President of the United States in this way. Therefore, I offer a tabling motion and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 40, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—60

Abdnor	Glenn	McClure
Armstrong	Goldwater	McConnell
Baucus	Gorton	Murkowski
Boschwitz	Gramm	Nickles
Bradley	Grassley	Nunn
Broyhill	Hatch	Packwood
Bumpers	Hawkins	Pressler
Chafee	Hecht	Quayle
Chiles	Heflin	Roth
Cochran	Heinz	Rudman
Cohen	Helms	Simpson
D'Amato	Hollings	Stennis
Danforth	Humphrey	Stevens
Denton	Johnston	Symms
Dixon	Kassebaum	Thurmond
Dole	Kasten	Trible
Domenici	Laxalt	Wallop
Durenberger	Long	Warner
Evans	Lugar	Wilson
Garn	Mattingly	Zorinsky

NAYS—40

Andrews	Harkin	Moynihan
Bentsen	Hart	Pell
Biden	Hatfield	Proxmire
Bingaman	Inouye	Pryor
Boren	Kennedy	Riegle
Burdick	Kerry	Rockefeller
Byrd	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
DeConcini	Levin	Simon
Dodd	Mathias	Specter
Eagleton	Matsunaga	Stafford
Exon	Melcher	Weicker
Ford	Metzenbaum	
Gore	Mitchell	

So the motion to lay on the table the amendment (No. 2710) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. MATTINGLY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, a Republican is to be recognized for an amendment if a Republican wishes to offer an amendment.

Mr. MATTINGLY. Mr. President, there are no Republican amendments at this time. I have two Senators who would like to speak on the bill.

Mr. BYRD. Mr. President, if there are no Republicans who have amendments at this time, I would like to lay my amendment down at least. I have no objection to Senators talking.

Mr. MATTINGLY. I have no objection.

The PRESIDING OFFICER. The distinguished minority leader is recognized.

AMENDMENT NO. 2711

(Purpose: To restrict the aggregate amount of assistance which may be provided to the Nicaraguan democratic resistance)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] for himself and Mr. KENNEDY, proposes an amendment numbered 2711.

Mr. BYRD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of Title II add the following new section:

Section 217. (a) Funds available to the Department of Defense, the Department of State, the Central Intelligence Agency, or any other agency or entity of the United States may be obligated or expended during fiscal year 1987 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only—

(1) Pursuant to Section 206 of this Title; or

(2) If otherwise specifically authorized by law for use for such purposes.

(b) For purposes of subsection (a), the term "assistance" means assistance of any kind, including, but not limited to that which is provided by grant, sale, loan, lease, bailment, credit, guaranty, insurance, or properly chargeable services.

(c) No funds available from the Reserve for Contingencies of the Central Intelligence Agency may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except if such activities have been specifically authorized by law formally acted upon by the Congress.

(d) Nothing in the preceding three paragraphs shall prevent the conduct of—

(1) Activities which are intended for the collection, analysis, production and dissemination of intelligence information; or

(2) Diplomatic activities.

Mr. BYRD. Mr. President, as I say I have no objection to Senators speaking on the bill.

Mr. President, if Senators are going to talk on the bill, then I will not proceed at this time on the amendment. I ask unanimous consent, of course, that no time on the amendment run until those Senators have stopped using time on the bill.

Mr. MATTINGLY. No objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATTINGLY. I yield time on the bill to the Senator from Texas, Senator BENTSEN, and the Senator from Idaho, Senator SYMMS.

Mr. BENTSEN. Mr. President, will the distinguished manager of the bill yield 15 minutes off the bill?

Mr. MATTINGLY. Fifteen minutes to the Senator from Texas and 15 minutes to the Senator from Idaho, and then after that proceed to the distinguished minority leader's amendment.

Mr. BYRD. So we might have an understanding then as to when the Senate will get back on my amendment, at what time will that be?

Mr. MATTINGLY. 7:24.

Mr. BYRD. Very well.

I ask unanimous consent that I be recognized at 7:25 or 7:30 then to proceed with my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The distinguished minority leader.

Mr. DOLE. Mr. President, I wonder if the distinguished minority leader will take the full time on his amendment. Maybe we could advise Members if they wanted a little window now there will be two speakers that will take 30 minutes and if the minority leader is going to take his full time and it will take nearly all the time here, could we indicate when we might be able to vote on the amendment, maybe 7:45?

Mr. BYRD. I heard the distinguished majority leader say we vote on the amendment. Did he really mean that?

Mr. DOLE. Maybe a tabling motion. Excuse me.

Mr. BYRD. Could we have a vote, let us say, so that Senators would know when the vote would occur, let us say 7:45?

Mr. MATTINGLY. That would be only 15 minutes equally divided. The Senator might want more time than that.

Mr. DOLE. That would be 8:45. Excuse me.

Mr. MATTINGLY. 7:30?

Mr. DOLE. 8:30.

Mr. BYRD. 8:30 is fine.

Mr. MATTINGLY. 8:30.

Mr. BYRD. So we begin at what time?

Mr. MATTINGLY. Begin at 7:30 with an hour on the amendment equally divided.

Mr. BYRD. Fine.

Mr. DOLE. So I advise Members the next vote will come not before 8:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Texas.

Mr. BENTSEN. Mr. President, realizing the next vote is not until 8:30 p.m. and there is a window, I may not speak as long as I had planned to speak.

This is the second time this year that this issue has been before us.

Each time this issue has arisen during the past 18 months, the Senate has voted in favor of such aid, most recently in March of this year when we approved $100 million in humanitarian and military assistance.

Now we are considering the question once again, and there are those among us who suggest that we ought to reverse ourselves and change our previous record of support. So let us consider this proposition. Let us examine what has happened in Nicaragua recently and see whether there are persuasive reasons for changing our votes and our support of the Contras.

Consider first the Sandinista record of internal repression versus the pledges they made at the time of the revolution in 1979. Take freedom of expression.

For years the only independent newspaper in Nicaragua, the only one not controlled by the Government, has been La Prensa. This newspaper is no Johnny-come-lately publication that opposes the Sandinistas just to make headlines for itself or because it is staffed with closet Somocistas. No, La Prensa has had a long and distinguished history of opposition to tyranny and of speaking out with an independent voice. It challenged Somoza on his own turf, and Somoza responded by sending its editor to prison. La Prensa could not be silenced, though, and it continued to publish even when that courageous editor, Pedro Joaquin Chamorro, was gunned down on a Managua street by unidentified assassins.

Under the Sandinistas, conditions have been even worse. Government controls have limited the size of the paper.

I was down in Managua talking to Mrs. Chamorro. I went out to her newspaper and saw the first page of La Prensa on the bulletin board outside with great gaping holes in it. It did not really resemble a newspaper because of what had happened in the way of the Sandinista's coming in and editing it and censoring it that very day. That went on day after day. Government censorship has been almost a daily routine. Sometimes they could not even publish at all. Sometimes it was delivered so late that it did not get to the people who wanted to read it.

Still, La Prensa hung on, printing stories of a nonmilitary nature and contradicting materials that were carried in the state-controlled press. Finally the Sandinistas had had enough. On June 26, following the House vote in support of aid to the Contras, La Prensa was closed completely, something that even Anastasio Somoza never dared to do.

Nicaraguan President Daniel Ortega then suggested that Violeta Chamorro, publisher of La Prensa and widow of Pedro Joaquin Chamorro, ought to be tried by one of the so-called people's anti-Somocista tribunals and sentenced to 30 years in prison.

□ 1900

That is right. The President of Nicaragua, Daniel Ortega, had already made up his own mind and had already proposed a lifetime sentence because she had the temerity to stand up for freedom and to speak out.

She is a strong and courageous lady, who served on the first revolution junta that took over after Somoza in 1979. She served on that junta for 9 months until it became obvious that the Sandinistas were not nationalists just trying to help the people of Nicaragua, but they were internationalists out to create a Marxist-Leninist dictatorship and a one-party State.

So she left the junta and she opposed the actions of the Government, both in person and on the pages of La Prensa. I do not believe she is going to be silent and remain silent, even under the threats she is receiving, even under the threats of imprisonment. But I do fear for her and for the safety of others in Nicaragua who have the courage to speak out.

That courage is demanded today of church leaders in Nicaragua, who are coming under increasing pressure from the Sandinistas. The Roman Catholic Church played a leading role in the overthrow of Somoza, and the archbishop of Managua, Miguel Obando y Bravo, was the leading spokesman in that effort.

Somoza could not successfully intimidate the archbishop, so he attempted to bribe him with a new Mercedes. Obando y Bravo responded by raffling it off and giving the proceeds to the poor. The archbishop consistently opposed the Somoza regime, and under his leadership the Nicaraguan bishops issued a pastoral letter recognizing the legitimacy of armed revolt against that regime. Now he is Cardinal Miguel Obando y Bravo, and he is no closet Somocista, either. It is no wonder, I suppose, that the Sandinistas are afraid of him and are doing what they can to undermine him and to silence the church.

Late last year, for example, the Sandinistas closed down Radio Catolica, the church station, and confiscated the first issue of Iglesia, the church's eight-page newsletter. The Sandinistas then dispatched the secret police to raid the offices of the church social service agency.

The early months of this year continued the crackdown on church activities, and on April 28 the Sandinistas denied reentry into the country to Monsignor Bismarck Carballo, the official spokesman for the church in Nicaragua. Finally, on July 4, the Sandinistas expelled Bishop Pablo Antonio Vega, a move which Pope John Paul II called "An Almost Incredible Act."

Things have gotten so bad in Nicaragua that the New York Times, which is certainly no friend of aid to the Contras, denounced the regime in an editorial entitled, "The Sandinista Road to Stalinism," and surmised that the "regime's loss of popularity at home drives the suppression" that is taking place now.

This suppression is further reinforced by increasing shipments of military aid from the Soviet Union and its bloc allies. Through May of this year the Sandinistas have received some 8,000 metric tons of military supplies—8,000 metric tons—including at least 10 MI–17 helicopters and several hundred jeeps, trucks, and other military vehicles. By comparison, they received only 7,600 tons from the Soviets and the bloc in all of 1985. That is really ironic, is it not?

We are considering whether to give basic arms, ammunition, and humanitarian supplies to the Contras, while the Soviets are giving the Sandinistas first-line, multi-million-dollar transport and air-assault helicopters and gunships.

Finally, let us examine the Sandinista record with respect to the Contadora negotiations, those peace talks on which so much hope has been based. A little over a year ago, in June 1985, the Sandinistas disrupted a Contadora meeting, causing a 4-month break in the negotiations. When the diplomats finally met again in November, the Sandinistas presented detailed objections to a draft treaty that was similar to one they had accepted earlier. In December they insisted on a suspension of negotiations until May 1986.

In February of this year they refused to discuss areas of disagreement on the treaty. In April they refused once again to discuss the issues at stake, causing that very temperate and tolerant Costa Rican President Arias to comment that "In Panama the true situation was made very clear." Twelve Latin American Foreign Ministers supported the prompt signing of the Contadora Act. Only Nicaragua was opposed, thus demonstrating once again that it has neither a true interest in, or the will for, peace in Central America.

In May they refused to negotiate in good faith, by presenting a list of weapons they were willing to give up in trying to bring about peace. Here is some of what they were. They were things such as certain heavy mortars, self-propelled anti-aircraft guns, self-

propelled artillery, and surface-to-surface missiles on warships.

The only problem with this offer was that none of these were weapons that are in their military inventory. Just another example of Sandinista hypocrisy.

Finally, in June, in a transparent attempt to influence the House vote on Contra aid, the Sandinistas reverted to game-playing once again. A draft treaty had been presented to the Central American nations and rejected by the four democracies because it did not address issues like democratization, arms limits, and verification.

Once it had no chance of being accepted, the Sandinistas decided they might like it. More Sandinista hypocrisy? They may well have invented new definitions of the word. Contadora is not dead, but I do not hold out great hopes for its ultimate success.

As I said when we were debating this issue in March, I do not know of a single example of a Communist government once in control that has willingly relinquished power. If further negotiations are to have any hope of success, though, they have to be backed with more than just words.

If the Sandinistas are to be persuaded to change their ways, to stop supporting subversion against their neighbors, and to live up to the promises they made in 1979, it is vital that we offer meaningful assistance to the Contras who are fighting against these betrayers of the revolution.

Once again, we are being asked to vote on funding for Nicaraguans who are fighting to free their country from a Communist regime supported directly by the Soviet Union and its allies.

We are comfortable here in this Chamber, discussing the issue with one degree of intensity or another, but as we do so, there are men and women moving in combat patrols through Nicaragua, knowing that if they are hit by a Soviet AK-47 round, and if they survive at all, it may take a month before they will reach a medical facility. Chances are, if the wound is a bad one, they lose the leg or arm, and maybe there life. But they continue to fight.

These are peasants. They are people trying to regain their country. They live on beans and rice and water from nearby streams, and they never know when they are going to be strafed by a Soviet-made gunship or whether they will even see their families again. But they continue to fight. And it they finally do make it out of Nicaragua for a brief rest, they might learn of the debate that has been raging in the Congress of the United States, and they have to wonder just what it is that all the discussion is about.

As I said, I have met Mrs. Chamorro. I have talked with her in Managua. She is a strong and courageous lady who served on the first revolutionary junta that took over after Somoza in 1979. She served on that junta for 9 months, until it became obvious that the Sandinistas are not nationalists, out to do what is best for Nicaragua. They are internationalists, out to create a Marxist-Leninist dictatorship and a one-party state. So she left the junta and opposed the actions of the Government, both in person and in the pages of La Prensa.

□ 1910

Because they, after all, are the ones who are fighting and dying for goals that most of us can agree with. I am not naive about the difficulties facing the Contras, how tough an uphill fight it is for them. I understand those odds. They are confronting some enormous ones. They are fighting a regime that is far and away the best military equipped machine in Central America. In spite of all of that, Contra forces continue to grow. They are now greater in number. They develop more military ability, and the discontent with the Sandinista regime continues to increase.

I think the desperation of the Sandinistas is seen in some of this repressive action that they have taken in recent months and especially in what they have done since we voted on this issue in March. Indeed, I think these actions are symptomatic of a regime that is on the verge of panic, consumed by a fear that continued aid to the Contras is going to bring about their downfall.

No, I have not seen anything that has taken place in Nicaragua since our vote on March 27 that makes me change my opinion on aid to the Contras. As long as the Sandinistas continue to act as they do and as long as the Contras are our best hope for bringing about constructive change in Nicaragua, I am in favor of aid to some brave men and women fighting to regain their country, fighting and dying to restore the forgotten promises of the revolution of 1979.

Mr. President, I yield back the balance of my time.

(Mr. HUMPHREY assumed the chair.)

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I wish to compliment my friend from Texas, who I work with on two committees, both the Environment and Public Works Committee and the Finance Committee. I compliment him for a very thoughtful and informative statement. I hope it gets wide publicity in this country because I think it is important that those ideas reach the American people so we can have a consensus of support for what the President is trying to accomplish.

Mr. BENTSEN. Will the Senator yield?

Mr. SYMMS. Yes.

Mr. BENTSEN. I thank the distinguished Senator. He has been long in the forefront of this fight. He understands the uphill odds. Frankly, he understands that this is not a very popular issue. But it is one he happens to believe in because he thinks it is right in trying to bring about some democracy in Central America, and believes that we should not be turning our backs on what is happening here. It is important to the welfare of this country and its security.

Mr. SYMMS. I thank my good friend for those kind and generous comments.

Mr. President, the issue of aid to the Contras has been before us many times now; each time we have furious debates and close votes. It is entirely fitting that this important issue be carefully considered, but it is frustrating to face this question time and time again without ever committing ourselves to any long-term policy.

Despite the numerous debates we have had on this floor, this issue continues to be clouded by false and misleading information. The confusing tangle of conflicting testimony which the news media has helped to weave has combined with our vacillation to completely confuse the public. As a result, although public interest in Central America and United States foreign policy there is high, public understanding of the situation in the region is not.

In my judgment it is important that we build a consensus for a firm, lasting policy in Central America, a consensus based on a goal we all share—encouraging democracy and freedom in Central America.

I might just say, Mr. President, that our long-term goal should be the victory of freedom and liberty over the forces of tyranny and communism. The United States should be unabashed and proud to support those in Central America who are fighting the battle to attain the ideals that made this country great.

I have long been concerned about the problems in Central America and their effect on the future of democracy in this hemisphere and the security of the United States. My views on the situation in El Salvador, Honduras, Guatemala, and Nicaragua are based on detailed analysis of State Department, CIA, DIA, and Defense Department intelligence; on information and insight gained from congressional hearings, my personal visits to the region, the many visits of members of my staff—who have served as official poll watchers for the Nicaraguan, Guatemalan, and El Salvadoran elections, and discussions with refugees and officials of the nations of Central America. I also carefully study press accounts of the situation there, re-

ports of human rights groups and comments from constituents who have visited the region.

My study has led me to conclude that the President's policy in Nicaragua is correct and deserves the support of the Congress of the United States. It deserves also the support of the people of the United States.

The administration policy is based on several major assumptions, which I believe the facts justify:

That the Sandinista regime is a militaristic, expansionist Marxist-Leninist dictatorship which is a threat to its neighbors and the stability of the region;

That peaceful negotiations, in the absence of a military threat, are ineffective in deterring Sandinista aggression;

That force, applied through the Contras, is the only way to achieve what peaceful negotiations has not—the democratization of Nicaragua and the elimination of the Sandinista threat to the region; and,

That the Contras who indigenous, prodemocratic freedom fighters who need and deserve our aid in their fight to liberate their country.

The validity of these premises can be demonstrated by study of the present situation in Central America and of the history of the Sandinista regime.

That the Sandinistas are a Communist, pro-Soviet military dictatorship is best proven by analysis of their own words and actions.

Comandante Humberto Ortega, Nicaragua's Minister of Defense, said in a speech in August of 1981:

> Marxism-Leninism is the scientific doctrine that guides our revolution. * * * We cannot be Marxist-Leninist without Sandinismo, and without Marxist-Leninism, Sandinismo cannot be revolutionary. * * * Our doctrine is Marxist-Leninism.

Tomas Borge, the Minister of Interior and overseer of censorship and internal security, stated in September of 1983 that he was a Communist and that:

> You cannot be a true revolutionary in Latin America without being a Marxist-Leninist.

Bayardo Arce, the comandante in charge of elections, made an unusually candid speech in May of 1984 in which he stated that the elections were a nuisance and should be used to "demonstrate that the Nicaraguan people are for Marxism-Leninism." He admitted that:

> If we did not have the war situation imposed on us by the United States, the electoral problem would be totally out of place in terms of usefulness.

In other words, he is saying that if there were no Contras there would be no elections, and those elections, according to members of my staff who observed them, were at best a poor excuse for free elections.

True to its Communist nature, the Sandinista regime, as many of my colleagues on both sides of this issue have noted, is a ruthless, repressive Cuban-style dictatorship.

A recent report by the Permanent Human Rights Commission of Nicaragua states that there are over 6,900 political prisoners in Nicaraguan jails—this means that Nicaragua has the most political prisoners of any Latin American country. Because of systematic, institutionalized human rights abuses, persecution of the Catholic Church, Evangelical groups, Jews, political parties, labor unions, Miskito Indians and the private sector, over 200,000 Nicaraguans have become refugees since 1979—a number immensely greater than the total refugees from all the years of Somoza's pre-Sandinista government.

The example of the Miskito Indians is, and ought to be, often quoted. In a land of torment and persecution the Miskitos have been the most vilely repressed. In reviewing a recently produced PBS documentary on the plight of the Miskitos, the New York Times said:

> There is compelling evidence that the Nicaraguan Government murders innocent people.

According to the New York Times—

> 49 Miskito villages along the Coco River were burned down by the Sandinista soldiers; 65 bombs were dropped on six villages in 11 days. People were hanged, machine gunned and burned.

Before the Sandinistas took control of Nicaragua, the Miskitos were not refugees. Now, over one-fourth of the Miskito Indians have fled Nicaragua and its concentration camps.

As the New York Times reviewer concluded:

> The Nicaraguan Government uses the full resources of the State to carry out domestic policy and oppress peaceful people. This is a devastating indictment.

□ 1920

This barbaric repression is not limited to the Miskito Indians. As the International League of Human Rights says:

> Repression of human rights in Nicaragua is systematic and widespread.

The suppression of religion and freedom of the press is now nearly total in Nicaragua. Even in the darkest days of the murderous Somoza regime this was not true. Pope John Paul II recently issued a strong attack on the Nicaraguan Government for expelling Catholic Bishop Pablo Antonio Vega Montilla. He described the expulsion as an act out of the "dark ages * * * an almost incredible act" which he deeply deplored.

The expulsion which "deeply saddened" the Pope was only the most recent attack in a long and determined Sandinista war on the Catholic Church in Nicaragua. Jews have also been persecuted by the Sandinistas. All the synagogues in Nicaragua have been closed and the entire Jewish population has fled rather than remain to be persecuted.

In retaliation for the recent House vote for Contra aid last June, the Sandinistas finally closed the last semifree newspaper in Nicaragua. La Prensa, which operated throughout the Somoza regime, was boarded-up by the Sandinistas. Violetta Chamorro, La Prensa's owner and editor, has been an outspoken critic of the Sandinista dictatorship, as her husband was against the Somoza regime. Her words in a recent letter to Daniel Ortega, are a powerful condemnation of Nicaragua's dictators; she said:

> Your Sandinista Party has already created a great concentration camp in Nicaragua, but the Nicaraguan people are not losing their liberating spirit and will never lose it even in the worst of the Gulags which your mind is able to conceive.

The threat which an unchecked Sandinista regime in Nicaragua poses is not limited to its own people. Supplied and trained by the Soviets and Cubans, the Nicaraguan military force has grown stronger than any other in Central America.

In the fall of 1979, immediately after seizing power, the Sandinistas began a relentless military buildup. By early 1985, the active-duty strength of Nicaragua's army had reached 62,000 and active reserves and militia increased the total to 119,000. The massive infusion of weapons and material from the Soviet Union has given this army a sophisticated, mechanized capability unmatched in Central America.

When they grabbed power in 1979 the Sandinistas inherited three World War II tanks from Somoza's national guard. By 1984 they had an armored force of over 110 Soviet T-55 tanks and about 30 PT-76 light tanks. They also have received about 200 other armored vehicles, mostly BTR-152 and BTR-60 armored personnel carriers. These numbers continue to increase.

In addition to these formidable ground forces the Nicaraguans are also bolstering their naval forces with imports from the Soviets, North Koreans, and Cubans. Their air force has become a potent threat with the introduction of the deadly MI-24 Hind helicopter gunship, which the Soviets are now supplying.

Added to this enormous material and manpower reserve is the presence of hundreds of Soviet, Cuban, North Korean, PLO, Libyan, and East European troops and advisers.

These military forces have no application other than aggression against Nicaragua's neighbors and repression of Nicaragua's citizens. The Sandinistas have been candid about their determination to use these resources to

expand their Communist revolution. The Sandinista's infamous "72 Hour Document" states:

> The foreign policy of the Sandinista People's Revolution is based on the full exercise of national sovereignty and independence on the principle of revolutionary internationalism.

Tomas Borge has declared that:

> This revolution goes beyond our borders. Our revolution was always internationalist from the moment Sandino fought his first battle.

And Bayardo Arce has declared that, "We cannot cease being internationalist unless we cease being revolutionaries."

What does it take, Mr. President, for us in this country to wake up to what is happening right off our borders?

Nicaragua's neighbors are aware of and fear the threat posed by the militaristic Sandinistas. In addition to the recent, much-publicized Nicaraguan invasion of Honduras, the Sandinistas have consistently violated the frontiers of their neighbors since the very beginning of their regime. Their support of the Communist rebels in El Salvador is well-documented and understood by all of my colleagues.

Carlos Jose Gutierrez, the Foreign Minister of Costa Rica said in a 1985 interview:

> Nicaraguan planes and helicopters have violated Costa Rican airspace many times in the last three months. Nicaragua is responsible for 34 major border incidents since 1983, including an ambush of a patrol of Costa Rican rural police inside Costa Rica in May in which two policemen died. * * * Nicaragua is placing the peace of the region in great peril.

As Gutierrez concludes:

> Most Central American leaders want the Sandinistas removed from power. They continue to be a threat; once they consolidate they will be more of a threat.

The Sandinista determination to use their military outside Nicaragua was bluntly stated in the threat delivered by Daniel Ortega on the MacNeil-Lehrer Newshour of June 26, 1986. Of the American military advisers in Honduras, Ortega stated:

> Those military advisers that are being sent to train the terrorists who attack our people are going to run the very same risks that the terrorists run when they attack us.

Moderator MacNeil then asked, "Do you mean that American advisers could be killed?"

Ortega answered: "That simply means that they may die."

The simple meaning of this threat is obvious. Ortega not only demands the right to attack his neighbors, he reserves the right to kill American advisers who are attempting to help these nations defend themselves.

Mr. President, I regret that these problems cannot be solved peacefully. The Sandinistas have shown no willingness to negotiate any meaningful restrictions on their aggression or their military buildup.

From the beginning, the United States attempted to work with the new Nicaraguan Government to achieve a peaceful transition from the Somoza dictatorship to democracy. But democracy was not in the plans of the Sandinista comandantes, despite their pledge to the Organization of American States to implement it.

American attempts at diplomacy and friendship were rebuffed and answered with Sandinista support for subversion in El Salvador. In 1979 this Congress voted to give the post-Somoza government of Nicaragua $75 million in aid. By January of 1981, President Carter was forced by the continuing Sandinista subversion, terrorism and aggression to threaten cancellation of the U.S. aid program.

Since that time, numerous American attempts at peaceful negotiation have received no encouragement from the Sandinistas. In fact, each time the Congress defeats a Contra aid bill the Sandinistas embark on some new folly, such as the invasion of Honduras, or Ortega's celebrated friendship trip to Moscow. And I am not talking about Moscow, ID, Mr. President. I am talking about the Moscow of our adversaries.

I have heard much criticism of the Reagan administration for "rejecting the jurisdiction of the World Court." Anyone who has analyzed the opinions of the World Court can understand why the President decided to reject their jurisdiction on this matter.

The critics make this sound as if it is the ultimate crime, yet the United States is one of only 44 nations in the world who have accepted the World Court's authority. Most of the countries in the world have a policy of never accepting the Court's jurisdiction, among these are France, Italy, West Germany, and, of course, the Soviet Union.

Much has been said in the debate on this issue about the Contadora peace process. I support and applaud the goals of the Contadora nations. The Sandinistas, of course, do not. I support the demilitarization of the region, but the Sandinistas, obviously, do not. All we are seeing is a continuation of a massive buildup.

The Contadora process is proceeding at a very slow pace, an unacceptably slow pace for those being oppressed by the Sandinistas in Nicaragua and those in El Salvador, Costa Rica, and Honduras who are being victimized by Sandinista-supported guerrillas. In addition, Contadora faces great difficulty in guaranteeing that the large Nicaraguan military machine will be dismantled, or that the Soviet and Cuban presence in Nicaragua will be ended. The Sandinistas have rejected any proposal which would allow inspection by OAS representatives of their compliance with any Contadora agreement.

Thus, Contadora is a good idea and a noble effort which I support, but in practical terms it will neither solve the problem fast enough to keep it from spreading, nor bring about a solution which will eliminate the threat of an aggressive Nicaragua.

Thus, the only effective type of persuasion left open to us is force. I wish it were different, but there is no alternative. And the only way we can apply force without involving the military forces of the United States is to support the indigenous democratic forces of Nicaragua: the Contras.

The Contras are freedom fighters. Their's a cause which we have a moral duty to support. The democratic opposition to the Sandinistas is a direct result of the Sandinista failure to implement the goals of the anti-Somoza revolution. The Contras are trying to retrieve a stolen revolution. That is what is happening in Nicaragua.

The Sandinistas, as part of a pluralistic, anti-Somoza revolution, pledged to democratize post-Somoza Nicaragua. But, after the revolution they proceeded to turn their guns against their partners in the struggle against Somoza. The Sandinistas have reneged on their promises to the OAS and to the people of Nicaragua. The Sandinistas have simply replaced one dictatorship with another.

Since 1981, over 20,000 people have taken up arms against the Sandinistas. These people, known as the Contras, represent the democratic aspirations of the Nicaraguan people. They are composed largely of peasants, former Sandinistas and longtime Nicaraguan human rights activists. According to Robert Leiken, the Carnegie Endowment's Central American analyst,

> The Contras have grown into a diverse army of 20,000 that is now a popularly based vanguard for a widespread and growing rebellion.

A myth has arisen, and I have heard it repeated on the floor during this debate, that the Contras are all "Somocistas." This is simply false. There are more Somocistas in the Sandinista government than in the Contra organizations. Over 30 top leadership positions in the Sandinista government are held by former Somocistas. There are far more former Sandinistas fighting with the Contras than former Somoza supporters.

Figures are hard to get and necessarily rough, but of the 17,000 members of the FDN, the largest Contra organization, only about 150 are former Somoza National Guard members. The top leadership of the FDN is composed of long-time Somoza opponents, such as Adolfo Calero. The few former Somoza supporters who are in the FDN leadership are greatly outnumbered by the democratic leaders who were long and ardent opponents of Somoza.

Over 30 percent of the FDN members are former Sandinistas who turned to the FDN when the Sandinistas betrayed the revolution. The three other large Contra groups do not have any former Somoza guardsmen and are composed entirely of peasants, former Sandinistas, and Miskito Indians.

The Contras are often charged with being murderers and terrorists. In a guerrilla war fought in a nation which tightly controls its press, it is difficult to get reliable information, even so, none of the charges of Contra atrocities have been substantiated by anyone but Sandinistas, or people held in their custody. During Senate investigations last year of one of these atrocities, many of the witnesses against the Contras were found to have been paid or threatened by the Sandinistas to perjure themselves.

According to the State Department, the Sandinista government "regularly blames the opposition for abuses committed by Sandinista forces." The armed democratic resistance has consistently sought to direct its military operations only against military or strategic targets.

Nevertheless, the war in Nicaragua is a guerrilla civil war. Such enterprises are not without risk—or threat to innocent bystanders. The Contras are not perfect, few governments in Central America are, much less guerrilla movements. But we should support the Contras as the best—by far the best—alternative in this conflict.

Foreign policy is often the art of choosing the best of imperfect alternatives. Jeffersonian Democrats are scarce in Third World nations. I say again Jeffersonian Democrats are very scarce in Third World nations; but a choice can and must be made. Inaction brings the worst of results. Surely, we must be able to see, by looking back through recent history, for the people of Vietnam, Diem and Thieu were better alternatives than Le Duan and the ruthless Communists. Lon Nol was an easy choice in Cambodia over the murderous Pol Pot. And the Shah was easily preferable to the insane Ayatollah. In Nicaragua, the Contras are clearly a better alternative for the people of Central America than the despotic Soviet-conrolled Sandinistas.

It is in our interest to encourage democracy and freedom in the Western Hemisphere. It is necessary and honorable for us to support and protect our friends and allies in Central America from aggression from Nicaragua and Cuba. For our own security we cannot afford to have a Soviet puppet state on our southern flank. President Reagan's request for Contra aid represents a wise policy necessary to preserve our security and Central America's freedom.

Some opponents of this aid claim that it is a violation of international law. But U.S. military aid to the Contras does not violate the United Nations Charter. Article 51 of the U.N. charter clearly protects the right of "individual or collective self-defense if an armed attack occurs against a Member of the United Nations." The OAS Charter, which also applies in this case, reaffirms this basic right to collective self-defense, as does the Rio Treaty. The United States is involved in aiding the Nicaraguan Contras because we have a duty to ourselves and our allies in the region to help stop Sandinista aggression in Central America.

There is no question that U.S. military aid to the Contras constitutes use of force against the Sandinista government. But this use of force is justified by continuing aggression of Nicaragua against its neighbors. The fact that Nicaragua has, since 1980, been directly and militarily involved in attempting to overthrow Costa Rica, El Salvador and Honduras—all of which are democratic U.S. friends—is affirmed by the U.S. State and Defense Departments, the U.S. Congress, the Governments of El Salvador, Honduras and Costa Rica, the Contadora nations, the Kissinger Commission and the Sandinista themselves.

United States aid to the democratic Contras represents a minimal effort to support our friends in the region who are under attack.

Direct American intervention in Central America is not necessary at this time, nor do I believe it will be in the future if the President's proposal for Contra aid is accepted and we stand together in a consensus that we recognize there will be more aid if necessary to see it through to the end. If we are irresponsible enough to allow the Soviets and their clients—Nicaragua and Cuba—to continue their destabilization and military conquests in the region, this might change.

Democracy is finally starting to gain ground in Latin America. Throughout the region despots of both the left and the right are being ousted and replaced with fledgling democracies. El Salvador and Guatemala are well on the way to developing a stable democratic tradition. Grenada and Haiti have both been given a second chance by timely and prudent U.S. assistance. Nicaragua, along with Cuba, is the glaring exception. In Cuba, democracy has been extinguished. In Nicaragua it is still flickering, thanks to the Contras and U.S. aid. If the Contras are crushed, Sandinistas and Cubans will turn their attention to wiping out democracy in other nations in the region. American aid to the Contras can act as a preventative medicine to forestall that eventuality.

In 1983, liberals in the Senate opposed assistance to El Salvador. To help a "corrupt" government against infiltrating Communist guerrillas,they argued, would demean the moral integrity of the United States. In May 1984 the House voted 211 to 208 to give military aid to the embattled Government of El Salvador, such was our commitment to democracy in El Salvador. How many of us today when we see what has happened in El Salvador regret the passage of that bill? Did it result in "another Vietnam?" Of course not.

In 1986, El Salvador, largely because of American assistance, is well on the way to a stable democratic future. Two elections have demonstrated the overwhelming desire of the people there to live in a democracy. The government there has started effective implementation of many democratic reforms. Human rights abuses have dropped dramatically. President Duarte has had success rallying the people against the Sandinista-supported rebels.

We should be proud of our Nation's role in this transformation. We should continue our commitment and our aid to El Salvador to ensure that these gains are not lost.

Now the focus is Nicaragua. This time Congressional liberals and their supporters in the public say it is "immoral" for the United States to help native democratic guerrillas against a totalitarian Communist government.

In reality, these people oppose any use of American military aid to support democracy in Central America. This attitude places the United States in a dangerous position; it destroys our flexibility in the region. If we adopt this isolationist policy, we will have no option but direct U.S. intervention when the situation becomes desperate.

Many people in my State have become so concerned about Nicaragua that they have visited that country. Their interest is commendable and their intentions are admirable, but they cannot get a proper perspective on the situation there from a short, government-controlled visit. These "Potemkin village" tours never include a stop-off at the local political prison, or a weekend in a Miskito concentration camp. One might easily visit the Soviet Union and see no evidence whatsoever of Gulags or labor camps for political prisoners. But this does not mean they do not exist.

These Americans, for all their good intentions, have been and are being used by the Sandinistas as pawns in their propaganda offensive against the democratic resistance in Nicaragua. It has always puzzled me that so many educated, prosperous, middle-class Americans are willing to accept the word of Marxist dictators over the testimony of their own government. We have seen this phenomenon over and over again, in 1917 Russia; in 1949 China; in 1959 Cuba; in Vietnam, throughout our involvement there; and now in Nicaragua. The irony is

that these Americans, because of their education and their prosperity, would have been the first people to be executed had they lived in any of these nations after the Communists came to power.

That is one of the definitions of a free country. But do not believe those countries whose guards will shoot you at the border if you try to emigrate.

That is one of the definitions of a repressive country.

In his recent trip to the United States, Daniel Ortega used well the platform given him by these naive and idealistic Americans. In his attempt to spread disinformation, Ortega knows no shame. In a speech to a church group in New York he said: "I too represent a people who are fundamentally religious. Christ is a part of our revolution." "His words were met," according to the New York Times, "with a thunderous ovation and shouts of viva Nicaragua Libre."

It is sad to see American citizens duped by an enemy's propaganda, but after listening to the speeches on the floor today, it is easy to understand why Americans are so confused about this issue.

The evidence that Nicaragua is military aggressive is overwhelming. It can only be denied by those seeking to apologize for that regime who deliberately ignore the facts. It is equally clear that the Sandinistas are wholly dependent on and committed to the Soviet Union and Cuba. The military buildup in Nicaragua and its continuing human rights violations cannot be denied, nor can the ongoing genocide of the Miskito Indians.

Mr. President, the question before us is whether the United States should act, or sit idly by as Central America is infected with the cancer which has consumed much of Asia, Europe and Africa. I believe that we must act decisively to stop the spread of that cancer and cut it out of this continent.

As in Grenada, the Reagan administration policy in Nicaragua will, if carried out, restore freedom and democracy to a whole nation of people. As in Grenada, the President's policies will enhance the security of the United States. If Congress acts wisely and swiftly, these goals can be achieved, as they were in El Salvador, without use of American forces or loss of American lives.

We have allies in the field who are willing to die in the struggle to restore freedom to their country. All they ask from us is a small amount of financial and material support. That is a small price for us to pay.

I recall a statement my beloved late friend, Senator John East made on this floor. He said,

> Mr. President, if not us, if we will not help these people fight for freedom in the Americas, who will help them? And if we do not, God help the freedom of the people in the United States.

□ 1950

I would like to conclude my comments by quoting from the late President John F. Kennedy:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and success of liberty.

That heroic rallying cry was delivered on January 20, 1961, here on the steps of this historic building. It expresses perfectly what I believe our policy in Central America should be.

Mr. President, I thank the distinguished Senator from Georgia, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the minority leader is to be recognized.

Mr. SASSER. Mr. President, the distinguished Senator from Washington indicated that he might wish 5 minutes, and in that interim we can dispose of that, while we send word to the distinguished minority leader that his amendment is up.

Mr. MATTINGLY. I have no objection.

Mr. SASSER. I assume the time will be charged——

Mr. MATTINGLY. Equally against the amendment, because the amendment will be voted on at 8:30.

Mr. SASSER. I do not think we want the time charged against the amendment.

The Senator from Washington indicated to me that he was going to seek unanimous consent to speak for no longer than 5 minutes, in the event Senator BYRD was not here.

Mr. MATTINGLY. Mr. President, I yield the Senator 5 minutes on our bill time, but that does not change the unanimous-consent agreement to vote at 8:30. Is that correct?

Mr. SASSER. As I understand it, that is correct. The minority leader wanted to vote at 8:30. I was not concerned about losing some of the time. I was concerned about holding to the 8:30 vote. I am sure that will occur.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mr. EVANS. Mr. President, I will not take long, because I may speak later at appropriate times during future amendments.

I do want to explain, however, the rationale I used in voting against the Sasser amendment which came before us earlier today.

Unfortunately, it was an amendment which combined two very important elements, perhaps the key or the heart of this whole bill—the $100 million military aid and $300 million of economic aid.

I have opposed in the past the former, but I believe the latter is the cornerstone, or ought to be the cornerstone, of our Central American policy. Being the cornerstone of our Central American policy, I could not vote in favor of an amendment that would eliminate the $300 million of economic aid.

Mr. President, an old Chinese proverb warns that if we do not change our direction, we are likely to end up where we are going. I think those facts of the past and the bills now before us prove that to be all too true.

I had many meetings as Governor, during the mid-1960's, with other Governors, with President Johnson and his advisers. They thought each year that just a little more help and a little more military aid would do the job in Vietnam. It proved not to be true, and it destroyed his administration and his Presidency. But despite the apparent similarities, I think it is far too simplistic to apply either Vietnam or any other historic precedent to what we now face in Central America.

There is, however, a historic cycle, a cycle of the Sandinistas fighting as revolutionaries from Costa Rica to Honduras, finally gaining sufficient strength to overthrow a Somoza regime. Now we are going to see another repetition of that historic cycle, with others seeking to overthrow—and perhaps successfully overthrowing—the Sandinista Government, to install themselves in Managua, to fight once more.

Mr. President, I think there is something about the armed resistance we should keep in mind and which I feel, unfortunately, is lacking in the current armed resistance in Nicaragua. It is not that the Contra fighters, those in the field, are not brave, have not fought well, and perhaps do not even have a sense of what they are about. I am concerned about the leadership. The leadership in the field in Afghanistan is there, with their troops and with their resistance fighters, and they are there constantly. Jonas Savimbi is in the field, leading his troops in Angola, and doing it very well—and, I might add, with considerable success.

Even in our own revolutionary history, George Washington lived with his troops in Valley Forge and acted as a real leader there, in front of and not behind his men.

Unfortunately, the leadership of the Contras too often spends their time in Miami and not in the field.

How can those who fight in the jungles fight well if their leaders are not with them?

Mr. President, I believe we have now changed the goals of this administration quite clearly, although we are not saying it in so many words. A year ago when coming before this body for aid, we said it was to force negotiations, to bring the Sandinistas to the bargaining table, to seek voluntary change in

the government, and to regain human rights, free elections, freedom of religion, and the other basic elements we would like there and in every country on this Earth.

However, now it is quite clear, with this proposal before us, that we are seeking military aid, unfettered military aid, to the Contras in order to overthrow the Government of Nicaragua. I think that is quite clear, and perhaps it would be wise if we would say it explicitly, rather than implicitly.

It is the administration's policy to overthrow the Sandinista Government by military force. But if this does not work, if the $100 million does not do the job, then what? More money? Air strikes? American troops?

Mr. President, there are painful choices, with no clear answers. We all in this Chamber struggle with our conscience and struggle to find the truth. But the decisions will ultimately not be made here, even with any aid we might provide. The ultimate decision will be made in Nicaragua, by the people of Nicaragua. Not just the Contras, but those who live and work and suffer and resist will ultimately prevail.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. EVANS. I yield the floor.

AMENDMENT NO. 2711

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. BYRD. Mr. President, under the agreement, what time will the vote occur in relation to the amendment I have offered?

The PRESIDING OFFICER. At 8:30.

Mr. BYRD. This means that there are 32 minutes for debate.

The PRESIDING OFFICER. That is correct.

Mr. BYRD. How much of that time is under my control?

The PRESIDING OFFICER. Half.

Mr. BYRD. Mr. President, as all Senators can see, I have been very generous. I began with 1 hour for debate, to be equally divided, which would have given me 30 minutes, to which I was entitled. Now I have 16 minutes. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

□ 2000

Mr. BYRD. Well, I do not mind that. The merits of the issue are on my side in any event and so it will not take 30 minutes for me to explain them.

Let me speak about the amendment that I have offered. We have been debating today and yesterday the question of providing $100 million in aid to the Contras. The House of Representatives debated prior to the action by the Senate.

The polls show that the American people are 2 to 1 against aid to the Contras. The American people, who opposed U.S. military involvement in the war in Nicaragua, are now being told that, in spite of the fact that they, the American people, are 2 to 1 against Contra aid, a majority of the Senate nevertheless supports this aid. That vote occurred earlier today.

The House, the other body, swam uphill against the tide, against the 2-to-1 majority in American opinion and voted for the $100 million.

So, that amount now has been nailed down by the Senate in this bill.

What we have said to the American people is, "Well, you are 2 to 1 against it, but we are going to ram it down your throats," $100 million in aid to the Contras; $70 million of that is military aid, $30 million is in other assistance.

The administration is saying to the people in West Virginia who are out of work—in McDowell County and other countries, where the coal mines are down, "We will send $30 million to Nicaragua in foreign assistance to the Contras, but you do not qualify for foreign assistance, you do not qualify in West Virginia, you do not qualify in the other States throughout this country where the people are standing in lines of unemployment, where they have lost their jobs, where the steel furnaces have gone cold and the steel plants have closed in many instances forever. You do not qualify for this aid."

But the Senate has said by a vote here today that $30 million is going to Nicaragua for assistance to the Contras and that $70 million is going there for military aid.

All right. That decision has been made and we go on from there.

But is $100 million really the extent of the planned U.S. aid program? Is that all, or is there something more? What is the real depth of America's planned investment in war, w-a-r, in Nicaragua?

I am somewhat uncertain of the extent of military involvement that is being planned by the administration at this time.

We are debating a $100 million aid program in this measure. But it has been reported, in the July 7, 1986, issue of Newsweek, that the administration is planning a level of involvement that is far, far more extensive than the administration publicly advertises.

According to Newsweek, what the administration really is talking about is a level of involvement the magnitude of which the American people and their elected representatives in this body are not aware.

And if they are opposed by a majority of 2 to 1 to the $100 million in Contra aid that they know is being talked about, if they are opposed by a majority of 2 to 1 to what they are told is going to be the level of support, then by how much less would they support a sub rosa, an under-the-table, back-door additional involvement—a level of involvement that has not been requested for the Contras?

Certainly, I have not been apprised of it, and if any other Senator on this floor or off this floor knows of the heavier involvement that may be in the works, then we ought to be told about it.

The Newsweek story was as follows, and I shall ask later that it be printed in the RECORD at the conclusion of my remarks.

Newsweek learned that the agency, the CIA, is preparing to provide the rebel forces with covert logistical support, training, communications, and intelligence, worth the equivalent of $400 million.

In other words, aid to the Contras that is four times as much as the Senate knowingly voted for a little earlier today.

Mr. President, this information was verified by a responsible American Embassy official in Honduras on July 7, 1986. He indicated it was correct that the CIA intended to provide unappropriated aid that could reach that amount.

This is in addition, may I emphasize again, to the $100 million in appropriated aid that the administration has publicly requested and the majority in this Senate has now voted to support.

When asked how the CIA would actually provide this additional assistance, he said it primarily would be by purchasing materials that would be turned over to the Contras but to which the CIA would retain legal title.

So this would appear to be a back-door type of capital investment program.

Mr. President, the Senate has today essentially approved a $100 million program. But it has not approved a $200 million aid program. It has not approved a $300 million aid program. It has not approved a $400 million aid program. It has not approved a $500 million program.

I am, therefore, offering this amendment to restrict the Contra aid program to the amount that the President has publicly requested and to the amount that the House approved and to the amount that the Senate has approved—$100 million, not $400 million, not $500 million. If the Senate wishes to add another $400 million in hidden U.S. involvement, then it should reject this amendment. If the administration wants another $400 million, then let its supporters in this Chamber know about that, tell them up front, and let us debate it and vote on it.

It should be clearly explained to the American people what this impending vote on this amendment means.

It well may affect one-half of a billion dollars of U.S. aid to the Contras beginning this fall. My amendment prohibits the use of the CIA contin-

gency fund for this purpose. If this Nation is going to go to war in Central America, I do not feel that it should be done secretly. Let us air it all. Let us let the American people know. After all, it is their sons and daughters and it is their tax money, earned in the sweat of their brow. Let them see it all. Let us just air it all out, and hang it on the line. Let us know it now and let us have a vote on it.

If there is no hidden program, Mr. President, then voting for this amendment will not do the administration any harm. Such a vote will simply endorse the public request that the President has made. If there is such a secret program, though, this amendment stops it; cuts it out until the President decides to lay it on the line for all to see and to come clean on where we are going in Central America. He will have to publicly request additional money necessary to take us to where he wants us to go.

Mr. President, how much time do I have remaining?

□ 2010

The PRESIDING OFFICER (Mr. BOSCHWITZ). The minority leader has 3½ minutes remaining.

Mr. BYRD. I will reserve control of that.

Mr. DODD. Will the minority leader yield for 1 minute, less than a minute?

Mr. BYRD. Yes; I yield a minute to my friend from Connecticut.

Mr. DODD. I thank the minority leader for yielding.

I want to commend the minority leader for this amendment. Early today the distinguished Senator from Tennessee and I had a brief colloquy that addressed the very question the minority leader has raised in his amendment, and that is, of course, the fact that there are substantial funds in excess of the $100 million that we are talking about with the adoption of this particular program, the Contra Program.

And I do not think many people are aware of that and they should be aware of it; that, in addition to what other additional costs this program may cost us in the years ahead—because I think most would agree that this is not a program that is going to be successful merely with the appropriation of $100 million, but in fact is apt to take far in excess of that. But this is just not the $100 million. It is the underlying costs to sustain and support that $100 million that we will additionally be calling upon the American taxpayers to finance this year.

The PRESIDING OFFICER. The distinguished Senator's 1 minute has expired.

Mr. DODD. I ask for 10 more seconds.

I just did not want to miss this opportunity to thank him for raising this amendment. Our hope is that the people understand what we are really talking about here is a sum vastly in excess of $100 million this year.

I thank the minority leader.

Mr. BYRD. I thank my friend, the distinguished Senator from Connecticut [Mr. DODD].

I reserve the balance of my time.

The PRESIDING OFFICER. Does the minority leader wish to insert some matters in the RECORD that he made earlier reference to?

Mr. BYRD. Yes. I ask unanimous consent that the newspaper article I referred to earlier be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek, July 7, 1986]

REKINDLING THE MAGIC

The cause was a matter of deep conviction, his own credibility was on the line—and Ronald Reagan, defying the widespread belief that he must sooner or later succumb to lame-duckery, pulled out all the stops. In a lobbying blitz targeted on 50 wavering congressmen the president worked his septuagenarian magic to build a decisive victory on what may be the single most controversial foreign-policy issue of his administration; by 12 votes, the House of Representatives approved U.S. military aid to the contra rebels for the first time. "His optimism and his commitment are simply contagious," a senior White House staffer marveled. "Not a bad week's work for an old lame duck," another aide chortled, "Maybe one of these days he'll fall apart, but I wouldn't start laying any bets just yet."

The real significance of the event was almost lost in the euphoria--for the House vote almost surely means more fighting in the Nicaraguan outback and a long-term wholly public U.S. commitment to oust the Marxist government in Managua. "A virtual declaration or war" was the way Sandinista leader Daniel Ortega put it. Reagan's men convinced the tide is now running their way in Central America, seemed not to care. Though they really conceded that the $100 million in U.S. aid approved by the House is not enough to defeat the well-equipped Sandinista army, they predicted that the vote will have far-reaching impact. For one thing, it will once again unleash the CIA, which has been barred from military involvement with the contras since 1984: Newsweek learned the agency is preparing to provide the rebel forces with covert logistical support, training, communications and intelligence worth the equivalent of $400 million. More broadly, administration officials argued that last week's demonstration of congressional support will trigger dissent within Nicaragua and rally other nations in the region to back the contras. "The most profound effects of the vote will be political, not military," one senior U.S. official said. "A lot of people have been sitting on the fence waiting to see which way the wind is blowing. Now that they know, they'll jump."

No one expected the Sandinistas to sue for peace. News of the House's action prompted Ortega to new heights of rhetorical defiance—he called Reagan "a new Hitler"—and set off an intensified crackdown against critics of the regime. The first target: La Prensa. the respected Managua newspaper that opposed the Somoza dictatorship before the revolution and, more recently, has criticized Sandinista repression as well. Within hours of the House vote, the government ordered La Prensa to shut down indefinitely—a decision that the paper's editors called "a black chapter" in Nicaraguan history. The government also warned the remnants of Nicaragua's moderate opposition, including the Roman Catholic church, to toe the line. "Some political groups and religious leaders have become instruments of the terrorist policy of the U.S. government." Ortega declared. "Let them go to Reagan. And if they are courageous enough, may they go to the mountains and to the contra camps. Here the people will await them in that terrain."

Ortega got new ammunition for his war of words when the World Court upheld the Sandinistas claim that the United States is violating Nicaraguan sovereignty by supporting the contra insurgency. Ortega called it a "political and moral victory" and said it made the United States "an outlaw government." The Reagan administration, which rejected the court's jurisdiction in 1985, shrugged off the decision. State Department spokesman Charles Redman said the World Court "is simply not equipped to deal with a case of this nature, involving complex facts and intelligence information" Nicaragua, he said, "is engaged in a substantial, unprovoked and unlawful use of force against its neighbors."

MORE WEAPONS

The immediate question was how the U.S. aid would be spent. Administration sources said the contras need more weapons of all types, but particularly portable surface-to-air missiles to attack the Sandinistas Soviet-made M1-24 Hind helicopter gunships. Under the terms of the House bill. $30 million of the $100 million aid package will be spent on "humanitarian" assistance, including tents, clothing and medical supplies for the contra camps in Honduras. The remaining $70 million will buy assault rifles, machine guns, mortars, missiles and improved air transport to contra supply points. U.S. sources said the CIA has recruited more Spanish-speaking agents and rebuilt its intelligence network in Central America; it will also funnel money and supplies to the contras from supporters all over the world. Although they conceded the U.S. escalation is likely to lead to expanded Soviet and Cuban military aid to the Sandinistas, administration sources predicted the Soviets will not send fighter jets or other high-tech weapons into Nicaragua. "Gorbachev won't set himself up for a fall by increasing the Soviet profile," one official said.

The contras themselves are an even bigger gamble—and administration sources said the House vote had substantially raised the stakes for the rebel army. Congressional critics have repeatedly charged that the contra leadership is corrupt and that U.S. aid has been misspent or stolen; Nicaraguan exiles complain that the contras' political objectives are vaguely defined and that moderates have been excluded from the movement's leadership. "We've got to tighten up, there's no question about that," one State Department official said last week; other sources argued that it will now be easier for U.S. officials to monitor the contras' finances.

Most of all, administration officials said, the contra army must now achieve at least some measure of success in the field—a few "spectacular" guerrilla raids to attract world attention and shake the Sandinista government's resolve. "As they develop

more effective logistics, the freedom fighters will be able to operate deeper inside Nicaragua and closer to the population centers," said one source. "That in turn will have a political impact." Another U.S. official took a more skeptical view. "Now the administration has to figure out some way to get these guys off their butts and doing something," he said. "You might say [the House] has given Reagan and the contras $100 million to hang themselves with." The bottom line on Reagan's legislative victory, in short, is the clear commitment of U.S. power and prestige to the contras cause—and no one, including the president himself, can be sure where that commitment will lead.

Mr. KENNEDY. Mr. President, I rise to join the distinguished minority leader in offering this amendment and urge the Senate to adopt it. Its purpose is straightforward: It would prevent one additional dime of assistance to the Contras over the $100 million appropriated in this bill.

The administration has asked for $100 million in aid to the Contras. I oppose that aid, but if the Congress approves that aid, I intend to assure no additional slush funds are tapped to supplement it.

We all know this administration has vast sums in various accounts that can be diverted to the Contras. We all know that this administration can play around with the accounts and books to get its "freedom fighters" more funds for their war in Nicaragua. We all know that, unless the Senate acts to prevent it, hundreds of thousands of additional assistance will be channeled to the Contras. And I think we all know that this request for $100 million is just the first step on the slippery slope toward more funds, more advisers and U.S. troops heading straight for Managua.

This amendment says no to more aid, no to slush funds, no to the slippery slope. The administration says it needs $100 million to "keep up the pressure." This amendment assures that Congress will have a voice in any funds over the $100 million.

Make no mistake about it. The entire package of aid to the Contras is far larger, far more lethal than the $100 million requested. Unless Congress acts to prevent it, at the end of this fiscal year all restrictions on the CIA and contingency funds will be lifted.

The July 7 issue of Newsweek reported that the CIA was planning to provide the Contras with covert logistical support, training, communications and intelligence worth the equivalent of $400 million. I don't know if that figure is correct, but if it is in the ballpark we will be providing the Contras—not with $100 million—but with half a billion dollars in aid—aid in which the Congress will play no role whatever in providing or overseeing.

Before plunging ahead down the path of more war and more bloodshed, let us ask ourselves the fundamental questions: What do we hope to accomplish by providing additional assistance to the Contras of Nicaragua? President Reagan has said that support for the Contras is necessary to prevent Central America from going Communist and to restore democracy to Nicaragua.

But the record shows that President Reagan's policy has achieved just the opposite. After 5 years of U.S. military "pressure," after 5 years of mined harbors and Contra killings, the people of Nicaragua are further away from democracy than ever before, and the influence of the Soviets and Cubans has grown by leaps and bounds. U.S. policy has made a bad situation worse. Wrapped in the banner of Nicaraguan nationalism, the Sandinistas continue to crack down on the church, the press, the labor unions, the opposition parties, the private sector—all of whom have witnessed the steady stripping away of civil liberties and fundamental freedoms. In the name of Nicaraguan "national security," the state of emergency continues.

Rather than reducing the influence of the Soviets and the Cubans, the administration's policy has had the opposite effect. The flow of arms has increased, and the Nicaraguan military is now the most powerful in the region.

Support for the Contras will not contain communism in Central America, and the administration's belief that the Contras can restore democracy in Nicaragua is refuted by their lack of support by the Nicaraguan people, by their serious violations of human rights, and by their utter failure to pressure the Sandinistas into meaningful reforms.

If the purpose of the assistance is to oust the dictatorial Sandinistas, the administration's request is far too little. Effective military pressure on the Sandinistas would require vastly greater amounts of U.S. assistance—and direct involvement of U.S. military personnel.

If the goal of the administration's proposal is to pressure the Sandinistas into reform—a lifting of the state of emergency, a restoration of human and civil rights and free and fair elections—then the administration's proposal is clearly counterproductive. Our policy has not and cannot achieve these goals. Adoption of the administration's request will not bring Nicaragua any closer to democracy. The Contras enjoy little popular support; their military leaders are former members of Somoza's national guard who have committed numerous atrocities against the Nicaraguan population. Attempting to impose the Contras on the people of Nicaragua would be like attempting to reimpose Ferdinand Marcos on the people of the Philippines.

The only result of our misguided policy over the past 5 years has been a disruption of the Nicaraguan economy, murdered civilians, political prisoners, and a pretext for further Sandinista repression and closer ties to Cuba, the Soviet Union and international terrorists. And escalation of our current policy will only further entrench the Sandinistas in power and further polarize the hemisphere.

The United States clearly has vital security interests in Central America. But we also have the resources and the political will to defend ourselves and our region against any threat to that security. Any attempt by the Soviet Union to place bases or Migs in Nicaragua would be prevented by the President of the United States—with the full support of the American people.

The people of the United States are not united behind President Reagan and his freedom fighters. Polls demonstrate that over 60 percent of the American people oppose aid to the Contras. Nor do the people of Nicaragua support the Contras. UNO is a creation of the White House—without popular support in Nicaragua and without hope of overthrowing the Sandinistas.

Nicaragua has moved steadily away from democracy and the Western countries throughout Reagan's years of "pressure" while the involvement of United States personnel in the conflict has steadily increased. We now have a permanent military presence in Honduras and are building airfields; barracks, and roads which lead straight to Managua. Our former Ambassador to Honduras, John Ferch, stated last month that the Reagan administration is seeking a military solution in Nicaragua, despite public claims it wants a negotiated settlement. He says this $100 million is just a first step—"the next stage is an expanded military operation." He claims our goal is not negotiations but rather a military goal.

We heard a lot from the administration lately about how negotiations won't work. We're all aware of the problems of resolving the issue of control and verification of the Contadora agreements. We've all read the DOD document claiming that Nicaragua will never abide by an agreement and that the United States would have to send in 100,000 U.S. troops with large-scale air and naval forces. And I think we all know that unless this administration abandons its militaristic approach and puts its full weight behind the Latin American negotiations efforts the United States will indeed be sending U.S. troops into combat in Central America.

We all recognize the difficulties involved with enforcing and verifying any agreement for peace in the region.

But adherence to a treaty can be enforced; limitations on arms and troops can be verified. But this administration is using these difficulties as a pretext for justifying its illegal war in the region. What the administration does not say much about is that the very same documents that raise the issue of verification and control also urges an end to the policies of the Reagan administration. In his July 2 report on the Central America crisis, the Secretary General of the United Nations underscored two points of disagreement among the Contadora nations. One was control and verification of armaments; the other was military maneuvers—that is, the United States continuous and increasingly permanent presence in Honduras.

The report also states the concern of the Contadora nations at the existence of outside pressures—that is, Contras—on certain countries of the area, "which had unfortunately been increasing as the group's chances of success grew." The Contadora nations have consistently and repeatedly—in public and in private—maintained that United States policies in the region are an obstacle to peace and called for the end to United States support for the Contras.

Consider the statements of the Contadora nations after the House vote last June approving the aid. The Mexican Foreign Secretary called the vote "a historic error that could damage inter-American relations." The Venezuelan Government said the vote is "not favorable for the negotiating process." The Uruguayan Foreign Minister called the aid "a new obstacle to peace" and the Panamanian Foreign Minister said the vote was "unfortunate" because it hurts and contravenes the Contadora Group peace actions. The Peruvian Government deplored and rejected the House vote and pointed out that the aid "will represent a new and clear violation of the principle of nonintervention that is enshrined in the United Nations and OAS Charters."

Over and over again these nations have urged the United States to cease its support for the Contras, to give peace a chance. But this administration is not listening.

U.S. support for the Contras is illegal, immoral, and counter-productive. The "founding fathers" President Reagan has chosen to bring democracy to Nicaragua are former Somoza National Guard members. They are guilty of gross violations of human rights including kidnaping, murder, and rape. They have killed civilians, women, and children. They have planted mines which have killed dozens of innocent civilians traveling peacefully on those roads. They have kidnaped German citizens and then subjected those captives to inhumane treatment.

These may be President Reagan's freedom fighters, but they are not ours. Let me just read one account of Contra brutality based on sworn testimony. The incident occurred on March 28, 1986—one day after the U.S. Senate voted to approve the $100 million in aid to the Contras.

On March 28, seven or eight Contras seized a 66-year-old man, Gregorio Ruiz Borge, who had been working to put a fence around a school built by a North American work brigade. The Contras stole money and other goods from his home and then forced Gregorio to leave with them. I will quote from his sworn testimony, but I will also delete the most graphic descriptions of the atrocities that were done to him. I quote:

Afterwards, we continued on the road to San Lucas. "Go with those two," they said to me. "They are going to interrogate you." We left the road, about 25 yards away. They told me to lie down, face up, that they were going to leave me there. All I could do was recommend myself to God.

Then one of them put his foot on my forehead and they stabbed my throat. He gave me the first stab. But, of course, [my] body was still moving. Then the one whose foot was on my forehead said: "Stab him again, so we won't lose any time." In that second stab they cut my esophagus . . . Then, they put their finger on my nose like this [gesture] to see if I was breathing. Since they saw that I was still breathing, one of them said, "Give him another, he's still breathing."

Then they stabbed me again with the knife. Then they put their finger on my nose to see if I was breathing, and I made a big effort to hold my breath. They said, "Now he's dead." They put their foot like this [gesture] to move me and said, "His body's loose." Then one said to the other, "Take his shoes and the belt. They're good. They're new." They took them and left.

This is not an isolated incident. Numerous human rights groups have documented hundreds of incidents where U.S.-supported Contras have violated the most basic human rights of Nicaraguans. These abuses have continued throughout all the time that the administration has supported the Contras. They continue. But as long as the United States continues to support the Contras, this country cannot avoid responsibility and association with those abuses.

The policy is not working.

It is not bringing democracy to Nicaragua.

It has not convinced the Sandinistas to reform.

It is not promoting our interests in Nicaragua or the region.

It runs counter to our own interests and our own best values. We are being led deeper into a prolonged Central American conflict which cannot be resolved without the introduction of U.S. troops. This policy has shamed the United States in the eyes of the Latin American nations, in the eyes of our European allies, and in the realm of international law.

Ending support for the Contras may not bring peace to the region, but it will open the door to the countries of that region to achieve peace among their neighbors.

President Lincoln called the United States, "The last, best hope of Earth." If we act in our tradition of peace and respect for international law, if we reject the use of force as a first resort—then in the years ahead, we can bring victory for both our national interest and our national ideals.

I urge the Senate to adopt this amendment and to put the United States back among the family of nations committed to peace and democracy.

Mr. MATTINGLY. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. There are 18 minutes remaining on the amendment, 16 minutes under the control of the Senator from Georgia and 2 minutes under the control of the Senator from Tennessee.

Mr. MATTINGLY. Mr. President, the package that has passed the House, has been endorsed by the President, and which the Senate has now endorsed again, contains a section, No. 209. In which there is a specific prohibition against the use of any funds for assistance to the Nicaraguan resistance forces other than the funds specifically authorized for such purposes in this legislation. And the legislation itself contains a series of checks and balances that ensure that these funds will be used only for the purposes authorized and only after a rigid system of reporting requirements has been met.

Congress does not, and has not, removed itself from the process after passage of this proposal. We have all manner of oversight and investigatory committees and subcommittees here in the Senate. And I dare say that no funds will be as carefully tracked, scrutinized, and followed as those that we provide for aid to the resistance forces.

Mr. President, the legislation already contains, as I said, protective language that meets the Senator's concerns. His amendment really just duplicates the provisions that we already have in this bill.

My concern, as I said yesterday in my opening remarks, is that no matter how well-intentioned suggested changes may be to these titles, they would require a resolution with the House in conference. That would further delay what has already been a far too lengthy process in approving the resistance package.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I yield myself 2 minutes off the bill.

Mr. President, I wish to commend the distinguished minority leader for bringing this amendment before the Senate this evening. There has been much discussion in the media to the effect that the $100 million that the Congress is asking to appropriate is simply the tip of the iceberg and that there will be an additional $400 million at least in goods and services rendered by the intelligence agencies to support this Contra war effort in Central America.

Now what the distinguished minority leader is simply asking his colleagues with this amendment is: "Are we indeed voting on simply $100 million? And, if we are, then support my amendment." If you wish to appropriate more than $100 million, then obviously you would not support this amendment.

What this amendment will do—and I commend the minority leader for offering it here this evening—what this amendment will do is simply lock the back door so there can be no back door funding of the Contra war in Central America.

Now, with regard to tracking funds going into that region, I have endeavored to do that myself on more than one occasion.

Mr. President, I can assure you that that is an extremely difficult process. Various and sundry agencies of this Government, particularly intelligence agencies, have discretionary funds for which there is no necessity that they be accounted to anyone in this Congress other than members of the Intelligence Committee.

So what we are doing if we support the distinguished minority leader's amendment, what we are saying is $100 million, and that is all. And if you wish more, then you must come before the appropriate committees of this Congress and seek authorization.

I yield the floor.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the distinguished minority leader has indeed offered an amendment which hopes to close the back doors, side doors, in essence to enclose the $100 million that this legislation would appropriate or would authorize for the Contras in Nicaragua. Mr. President, I do not mean to be redundant, but I think it is important simply to trace the language that has been offered in the amendment and the language which is in the bill we are considering.

The distinguished minority leader's amendment says:

> Funds available to the Department of Defense, the Department of State, the Central Intelligence Agency, or any other agency or entity of the United States may be obligated or expended during fiscal year 1987 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only—
>
> (1) Pursuant to Section 206 of this Title; or
>
> (2) If otherwise specifically authorized by law for use for such purposes.

□ 2020

That is the clear intent of the amendment. That is clear on the face of it.

In the bill that we are looking at today, H.R. 5052, as the distinguished Senator from Georgia has pointed out, section 209(c) says:

> Nothing in this title shall be construed as permitting the President to furnish additional assistance to the Nicaraguan democratic resistance from funds other than the funds transferred under section 206(a)—

precisely the provision made by the distinguished minority leader—

> or otherwise specifically authorized by the Congress for assistance to the Nicaraguan democratic resistance.

Mr. President, if the two thoughts seem similar, they are. They are identical. I just make this point, Mr. President, because as in the case of debating the last amendment this evening, offered by the distinguished senior Senator from Massachusetts, we proceeded back over almost the same trail as that language contained in the legislation. And the point I suppose the distinguished Senator from Georgia has made is this needs to be reiterated.

At the outset of this debate, we tried to point out the parliamentary situation, the precarious nature of all of this legislation. It was not the choice of this body that the House of Representatives chose to debate the Contra issue on the military construction bill. In our judgment, the House might very well have followed our action on March 27. We took action on a bill explicitly dealing with the Nicaraguan situation. It was a very clean-cut situation. They could have debated that bill and have taken action on it. They did not. They decided in fact many months later to deal with this on the military construction bill. So we now have a situation on which the House has acted.

We are attempting to act in identical ways because if our language is not identical, then we are going to be in a conference on this situation. We already know from press accounts that a conference on this will be difficult. Various Members of the House, including some leaders in the other body, are not eager to get into a conference, and are not eager to accelerate this situation. It has been suggested they may not want to get into a conference at all. They might finally decide as a consolation prize to throw this into the continuing resolution at the end of September or early October, thus delaying once again.

In short, Mr. President, the basic argument against the distinguished minority leader's amendment is that he seeks by indirection to do what did not occur earlier in the evening by direction. The amendment offered by the distinguished Senator from Tennessee would simply demolish titles II and III, was a very direct way of getting at the problem as he saw it. It would have terminated the issue. It would have terminated aid to the Contras, or any further discussion of it. That amendment lost 34 to 46. Senators may lament or be happy about that result. But nevertheless, that has occurred.

We are into more subtle problems now. In short, we are hearing amendments which are identical in their intent, in their scope with what is in the law but not identical word for word. For example, in the distinguished minority leader's amendment there is this phrase "properly chargeable services." That particular clause has a history of its own. What kind of overhead provisions are made in the reaches of the Department of Defense of State or CIA and how you attribute those overhead services are not at all clear, and people have argued about that in this body and elsewhere in the Federal Government. One can say, after all, we can work that out. It is a commonsense item. Indeed it is.

I understand the intent of what the distinguished minority leader is driving at. All I am saying is you get into a conference situation. H.R. 5052 does not have that kind of language in it. Somebody who does not want this legislation to progress one day further is likely to seize upon the most minor discrepancy.

In short, Mr. President, the dilemma that we face I suspect now with each of these continuing amendments—and an amendment could be offered by the distinguished minority leader to lop off $50 million, and we understand that, or $75 million or $25 million. Or there could be an amendment, as has been suggested, that the Department of Defense cannot spend any of it, or the CIA could not be involved. We have been through all of those amendments before, too.

This is a much more subtle situation. It tracks pecisely what the bill already wants to do, and what the folks on our side of the aisle want to do. But there are enough changes in language that we would have a conference, and a conference on this situation may very well mean a killer amendment.

So what is being argued sounds like common sense and ought to have almost a unanimous feeling about it. But it is not a unanimous feeling, Mr. President, because those of us who are proponents of the bill see a very great obstacle posed by a conference on this or any other amendment on title II and title III.

So I hope, Mr. President, and I appreciate the feeling that may have led

to the amendment, the containment problem. I suspect I would differ from my distinguished friend from West Virginia about the judgments he has reached on the wisdom of spending the money.

I certainly sympathize as he does with those who are in the unemployed situation in steel, or unemployed in any other way, and the need for assistance. But with this expenditure at least we are undertaking, we believe, in terms of the security of our Nation, we spend money willingly to try to make certain our hemisphere is secure. Some of us believe that without this activity we may be faced with another Cuba in our hemisphere. We would like to have a negotiated settlement, and the distinguished minority leader would. I know from his previous speeches on it.

I would hope the Senators would seriously consider the tabling of this motion. I shall offer a motion to table at the proper time so that we can keep the text clean, and we can eliminate the conference situation.

I would simply say to Members that section 209(c) contains the assurance that the minority leader's amendment sought.

I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I would say in response to statements made by the distinguished chairman of the Foreign Relations Committee that——

The PRESIDING OFFICER. Does the Senator yield himself time?

Mr. SASSER. I yield myself such time as I may consume.

I say to the distinguished chairman of the Foreign Relations Committee in response to his statements that this bill must be kept clean so that it will not be conferenceable that there is already a difference existing between the military construction appropriation bill here in the Senate, and the one that came over from the House.

The military construction appropriations bill that the Senate is called upon to act upon this evening, and tomorrow and days beyond contains a title III that is not in the House legislation. I would also indicate that it has come to the attention of this Senator that the leadership of the House has indicated that they are not going to act on this military construction appropriation bill anyway until after September. That is, it is not going to be conferenceable until the continuing resolution is taken up sometime in September.

If that be the case, I wonder why we are continuing to belabor this point here until the late hour when as a matter of fact if Contra aid is going to be taken up, and that is the bone of contention, it will have to be taken up later after the August recess in September on the continuing resolution.

I yield the floor.

Mr. MATTINGLY. How much time remains on the amendment, Mr. President?

The PRESIDING OFFICER. There are 30 seconds left before the hour of 8:30, and the vote has been ordered for 8:30.

Mr. MATTINGLY. Has all time of the sponsor of the amendment expired.

The PRESIDING OFFICER. The sponsor of the amendment has 2 minutes, and the Senator from Georgia has 3 minutes.

□ 2030

The hour of 8:30 having arrived——

Mr. BYRD. Mr. President, would the distinguished Senator from Georgia withhold his motion?

As the Senator will recall, I started out with 30 minutes but when I began to speak, I had only about 16 minutes left. I wonder if I might proceed for another 3 minutes.

Mr. MATTINGLY. If I could have 30 seconds.

Mr. BYRD. Please.

Mr. MATTINGLY. After you.

Mr. BYRD. Mr. President, I wonder if I can proceed for 5 minutes and I will let the distinguished Senator have a full minute.

Mr. MATTINGLY. You go ahead with 3 and I will just take 20 seconds. [Laughter.]

Mr. BYRD. Mr. President, I may need more than 3. I know that Senators recognize the fairness and generosity I have shown already by giving up 12 minutes of my own time.

Mr. President, the distinguished manager of the bill and the distinguished chairman of the Foreign Relations Committee have said that there is nothing really in this amendment that is new—that there may be a minor change in language. They say that the language that was put in the bill by the House, section 209(c), which we have already voted on, does not permit the furnishing of additional assistance to the Nicaraguan democratic resistance.

Mr. President, saying that the language "does not permit" is a long way from saying that the language "prohibits" the President from furnishing additional assistance:

> Nothing in this title shall be construed as permitting the President from furnishing additional assistance to the Nicaraguan democratic resistance from funds other than the funds transferred under section 6(a) or otherwise specifically authorized by the Congress for the Nicaraguan democratic resistance.

Mr. President, in my amendment I am not talking about furnishing additional assistance from "funds." I am talking about the transfer of resources through the back door, through a lend-lease program.

The Newsweek article to which I referred earlier spoke of a sub rosa program whereby war materiels would be provided to the Nicaraguan resistance but with the title of the goods and equipment remaining in the hands of the CIA.

That is what this amendment would prevent. The Defense Department, the CIA, the National Guard, for example, all have a large amount of militarily useful equipment which they already have purchased. They do not have to draw those purchases from additional "funds." They have already purchased these items. They do not need to spend additional funds. They could still expand aid to the Contras by lending helicopters and other equipment and supplies.

The language in the bill does not prohibit the use of the CIA's contingency fund. Get that. The prohibition on the use of that fund expires at the end of next month, the end of September 1986. Thereafter, that fund could be used without a further vote of the Congress.

So the legislation in the House bill does not address or prevent the transfer of resources through a new kind of lend-lease program. It does not address or prohibit the possible use of that contingency fund.

Remember, the prohibition on that fund expires at the end of September. There are only 30 days in September. Today is the 12th day of August. That leaves 19 more days in August. Thirty plus 19—49 more days and that prohibition expires.

So let us just be very frank about this, Mr. President. The American people believe that the Senate has today just voted for $100 million in military aid and assistance to the Contra forces in Nicaragua. What we want to be sure of in this amendment is that there is nothing hidden from the public view. If those who say that this amendment just tracks the language in the bill and that there is nothing new in the amendment, then let them vote for the amendment. There is no harm done, if they really believe that. I do think they believe it. But I am not sure they really know, and I want to protect them from something which they do not know, also.

Just to be safe, I say to them, vote for this amendment, and if they are wrong, if they have not been told, if the administration indeed does have this reported secret backdoor plan, then they would do well to support this amendment and shore up their own belief in what the administration really means.

The PRESIDING OFFICER. The time has expired.

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 2 additional minutes.

Mr. LUGAR. Reserving the right to object, would the distinguished minority leader then permit this Senator to have 3 minutes?

Mr. BYRD. Mr. President, I ask unanimous consent for an additional 5 minutes with 3 to be under the control of the distinguished chairman of the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I am reminded of a saying: "the moving finger writes and having writ, moves on."

We are making a record here. Every Senator in this body is going to have to answer to this record and here is every Senator's chance to be safe and to vote right and to stand up tonight for the people of this country."

They are told that we have just voted for $100 million more for Contra assistance. Let us not have any backdoor aid here. Let us not have any sub rosa, under the table, lend-lease. If Senators really believe that the administration has no secret plan, then let those Senators vote for this amendment. If they are in doubt, as I am in doubt, then they should vote for this amendment because it is additional insurance. The people's representatives here have a right to know. The people have a right to know. If this administration has this secret plan let it come in the front door here, right here, and present the plan and let all of us debate it, and have hearings on it and vote on it.

I say to my friends, stay on the safe side. Let us vote to uphold the right of the people of this country to know because, after all, it is their sons, it is their daughters, and it is their tax dollars earned in the sweat of their brow.

I urge the Senate to adopt the amendment. I thank all Senators.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I wish the distinguished minority leader did not have these doubts about Nicaragua and the Contras. I appreciate the history of the situation. He has been generous in suggesting that we, too, want to be cautious and careful. This is the reason section 209(c) was drafted in this way.

The distinguished minority leader may have his interpretations and there may still be doubt. I would simply say so far as I am concerned, it simply says what it means and means what it says, that they cannot spend other money than provided here.

Let me offer one further sort of assurance. That is that the Foreign Relations Committee takes seriously its oversight procedures. This is going to be a very carefully monitored program.

I trust the Intelligence Committee will have a similar purview. I trust really all Senators with the checks and balances of this Chamber will watch very carefully.

I finally respond to the distinguished minority leader that if the amendment carries, and in spite of his assurances, we are not going to have a conference for a long while, that depresses me.

□ 2040

I started my argument with the thought that we are in this parliamentary predicament because the House did not act and in the way they have acted and in the way apparently they will continue to act, we are having problems getting to a conclusion. The Senate apparently has voted for assistance to the Contras. For that reason, I ask that we not throw an additional roadblock into this situation. I hope the amendment will be tabled, that the tabling motion will be supported. I hope we will not have that additional problem as we proceed to send the Contras this aid.

Mr. President, I move to lay the motion on the table.

Mr. MATTINGLY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I ask for 30 seconds. I ask that the Senator have 30 seconds, also.

Mr. MATTINGLY. I do not need 30 seconds. I would like to get to the vote.

Mr. BYRD. Mr. President, we heard the plea: "We do not want to have to go to conference." Let us have this conference, even if it does take a few days longer to resolve the differences between the two Houses. That reminds me of an old song, "I cried but my tears came too late." Let the Senate and House take a few more days in conference if need be lest we shed tears that will come too late.

I thank all Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment on the table.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Ohio [Mr. GLENN] and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

I further announce that, if present and voting, the Senator from Ohio [Mr. GLENN] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—51

Abdnor	Armstrong	Broyhill
Andrews	Boschwitz	Cochran
Cohen	Hecht	Murkowski
D'Amato	Heflin	Nickles
Danforth	Heinz	Pressler
Denton	Helms	Quayle
Dole	Hollings	Roth
Domenici	Humphrey	Rudman
Durenberger	Johnston	Simpson
Evans	Kassebaum	Stafford
Garn	Kasten	Stevens
Goldwater	Laxalt	Symms
Gorton	Long	Thurmond
Gramm	Lugar	Trible
Grassley	Mattingly	Wallop
Hatch	McClure	Warner
Hawkins	McConnell	Wilson

NAYS—47

Baucus	Exon	Mitchell
Bentsen	Ford	Moynihan
Biden	Gore	Nunn
Bingaman	Harkin	Packwood
Boren	Hart	Pell
Bradley	Hatfield	Proxmire
Bumpers	Inouye	Pryor
Burdick	Kennedy	Riegle
Byrd	Kerry	Rockefeller
Chafee	Lautenberg	Sarbanes
Chiles	Leahy	Sasser
Cranston	Levin	Simon
DeConcini	Mathias	Specter
Dixon	Matsunaga	Weicker
Dodd	Melcher	Zorinsky
Eagleton	Metzenbaum	

NOT VOTING—2

Glenn	Stennis

So the motion to lay the amendment (No. 2711) on the table was agreed to.

□ 2050

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Could we have order, Mr. President?

The PRESIDING OFFICER. The Senator is correct. The Senate will come to order. The majority leader.

Mr. DOLE. Mr. President, if I just briefly could have a quorum to discuss with the managers what we may do the rest of the evening and then I understand the distinguished Senator from Connecticut wanted to lay down an amendment. I guess the question is whether we are going to lay it down and finish it or lay it down and go home. I suggest the absense of a quorum.

The PRESIDING OFFICER. The Chair would state to the majority leader that under the unanimous-consent agreement a Republican Senator has a right to be recognized and to offer an amendment unless there is none; in that case, the Senator from Connecticut would be recognized.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 2100

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2712

(Purpose: To prohibit funds from being used to support military actions which are likely to result in the loss of civilian lives, and for other purposes)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Connecticut [Mr. DODD].

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 2712.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 31, between lines 11 and 12, insert the following new paragraph:

(3) (A) None of the funds transferred under this subsection may be made available, directly or indirectly, for planning, directing, executing, or supporting military actions in, over, or offshore from the territory of Nicaragua which are directed against civilians or which are likely to result in the loss of civilian lives.

(B) The prohibition on funding contained in subparagraph (A) shall be carefully monitored by the Comptroller General of the United States who shall report quarterly thereon to the appropriate committees of the Congress.

The PRESIDING OFFICER. The Senate will be in order. Senators are asked to take their seats. Those Senators conversing are asked to retire to the cloakroom.

Mr. DODD. Mr. President, this amendment is a very straightforward one which goes directly to one of the major concerns that I think many of us in this body have expressed over the last several years, since the Contra operation has been functioning. It goes to the whole question of human rights and the alleged abuses that have occurred at the hands of the Contras.

A number of Senators, Republicans and Democrats, have expressed their concern about this rogue elephant that we call the Contras.

Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order. Democratic Senators in the aisle who are conversing are asked to retire to the cloakroom. Republican Senators conversing in the aisle are also requested to retire to the cloakroom.

Mr. DODD. Mr. President, there are numerous provisions in the bill, in titles II and III, which refer explicitly to various concerns regarding human rights abuses by the Contras, the inability to really account accurately for the resources, the moneys, they have received in the past from this Government.

I offer this amendment to try to bring these military operations into focus so that they will do what I believe the proponents of this legislation would like them to do.

□ 2110

I have not heard anyone here suggest that these Contras, if they receive $100 million, should do anything else but hit military targets to work on the military targets so this legislation says very specifically that none of the funds transferred under this subsection may be made available, directly or indirectly, for planning, directing, executing, or supporting military actions in, over, or offshore from the territory of Nicaragua which are directed against civilians or which are likely to result in the loss of civilian lives.

Back in 1984, I offered a similar amendment to this which was narrowly defeated by a couple of votes which said none of the funds for the Contras could be used for terrorist activity. I did not think I was going to have any problem with that amendment. In fact, I thought it would be accepted by both sides because I did not believe that anyone in this country was willing to see their tax dollars be used to finance or subsidize terrorist activities.

What I am trying to do with this amendment here is just say if the Government and Congress here decides they are going to fund this operation, let us make sure our dollars will be used against the military targets and not the innocent civilians within Nicaragua itself.

Mr. President, I should add this amendment further requires that the Comptroller General monitor this prohibition and report quarterly to the appropriate congressional committees.

We require that in a number of other provisions in this bill in regard to the accountability of funds, a problem again which has been raised. I think at the very least we owe it to the taxpayer of the country to see that the dollars the Contras receive will be used for the purpose we in Congress intend them for.

Mr. President, I believe I can demonstrate here to my colleagues in the brief time we have—we may call this amendment unnecessary—to refer them to a report in the July 1986 edition of the Washington Post which reported a report which is entitled "Rebels Kill Youngster on a Farm."

Again, this is not an isolated case as we have known from reports of our own U.S. officials who come back.

I do not happen to support the Contra operation. I have spoken out clearly and honestly. I have tried to speak out over the past 4 years on this issue. I am not here at this moment to argue against Contra aid. I have made that argument, but I do not think anybody here who voted for Contra aid would like to have their fingerprints over a program or a policy which has individuals going out and specifically, not accidentally, but specifically raiding civilian operations. That is not the way we do our business and that is what goes on in cooperatives, farms, and schools and you do not have to read the Washington Post, you do not have to read Newsweek or Time magazine. You can listen to our own U.S. officials who will tell you that this is what is going on.

All I am suggesting with this amendment is that if we are going to engage in this operation, then let us insist, let us at least try to insist, let us at least in the bill say in the legislation that these funds will not be used or should not be used, cannot be used where the target is specifically a civilian one.

I understand well enough that civilians get hurt in war. Lord knows in conflict since the beginning of time, there have been innocent civilians who end up in the line of fire. I am not talking about that situation. I accept that.

I have expressed earlier, as I said a moment ago, my opposition to the bill, but I understand when you have a conflict, civilians get hurt. This amendment does not address that.

This amendment merely says they cannot be your explicit targets. They cannot go out and have civilians be the target or be part of that target.

If it is accidental, that is one thing, but we are not going to allow tax money to be used to finance, to support, or underwrite an operation that has those civilians be the specific targets.

That is the sum and substance of this amendment, Mr. President.

I would hope it was the kind of amendment that might be accepted, because again, and I can refer on numerous occasions in this legislation and the bill itself where there is this recognition.

Mr. President, may I ask how much time remains?

The PRESIDING OFFICER. The Senator has 24 minutes and 23 seconds remaining.

Mr. DODD. I thank the President.

Mr. President, I would ask my colleagues or draw their attention to page 26 of the bill entitled "Policy Toward Nicaragua Democratic Resistance."

On line 14, the legislation before us says:

It is the policy of the United States to assist all groups within the Nicaraguan democratic resistance which—

(1) are committed to work together for democratic national reconciliation in Nicaragua based on the document issued by the six Nicaraguan opposition parties on February 7, 1986, entitled "Proposal to the Nicaraguan Government for a Solution to the Crisis in Our Country"; and

(2) respect international standards of conduct and refrain from violations of human rights or from other criminal acts.

Mr. LUGAR. Mr. President, will the Senator yield?

Mr. DODD. It goes on further and it says, if I may complete my statement, on page 27:

> No assistance under this title may be provided to any group that retains in its ranks any individual who has been found to engage in—
>
> (1) gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961); * * *

I am delighted to see that passage in there. I commend the chairman and others for putting that language in. That was the amendment in 1984 that I tried to have adopted on this same legislation. It was rejected then. But it says something, I suppose, when you have to write into legislation on an aid program that the recipients of this aid should be warned in legislation that they are not supposed to engage in gross human rights violations.

I thought we were talking about the political equivalency of Jeffersonian Democrats when we talked about these people. That is how they were referred to.

These are not people who are supposed to be engaging in human rights violations if, in fact, they are seeking democratic principles.

So, Mr. President, I ask that this amendment be added because of the very reasons that created or caused the language in this legislation to be adopted in its original form.

There is obvious concern, the concerns on the part of both the majority and the minority, that the recipients of these funds have demonstrated in the past a willingness to engage in activities which we would abhor in this country.

The reason we wrote this language into this legislation is because of our knowledge of those kinds of acts.

I am just suggesting we add further that we are not going to allow the funds in this legislation to be used where the specific target, not the accidental target, but the specific target is a civilian, or civilian population, or civilian installation.

I will be glad to yield to my chairman.

Mr. LUGAR. Mr. President, I apologize for interrupting the argument of my distinguished colleague. My purpose in doing so is trying to establish the framework of this debate.

In the conference we had here in the front, it was agreed there would be a 30-minute amendment, 15 minutes to a side.

I would like now in a formal way to ask unanimous consent that we have 30 minutes of debate on the Dodd amendment, 15 minutes to a side.

Mr. DODD. I apologize. The chairman is correct. We did start to engage in that. I will be glad to have that. If you want to say we have a vote on this amendment, say, in 15 minutes is fine with me.

Mr. LUGAR. Let me just respond. Perhaps we just keep the framework that way, 15 minutes to a side and assume that is the framework we are operating. We can conclude or press to the vote as the time runs down.

The PRESIDING OFFICER. Is there objection to that unanimous-consent request?

I ask the Senator from Indiana, does he intend that half hour begin now or whether the time thus consumed be taken from that 30-minute period?

Mr. LUGAR. The time consumed be taken from the period, 30 minutes starting the beginning of the debate.

Mr. DODD. If I may add, what the chairman is saying, we would have a vote; should there be adequate second, there would be a vote on this amendment at 9:30?

The PRESIDING OFFICER. The unanimous-consent request is that there be 30 minutes equally divided between the two sides. The time consumed thus far will be taken from that 30-minute time period.

Is there objection to that unanimous-consent request?

Without objection, it is so ordered.

The Chair would advise the Senator from Connecticut thus far he has consumed 10 minutes. He has 5 minutes remaining.

Mr. DODD. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, the distinguished Senator from Connecticut has offered an amendment that bears similar characteristics to the amendments that we have heard earlier in the evening.

I make that point advisedly because in the previous instance, the distinguished minority leader's amendment, I tried to make the point that the drafters of the legislation had contemplated the importance of what the distinguished minority leader was saying and accomplished in the language of the bill 2019(c), essentially that point in good faith.

□ 2120

It was clear, in the case of the distinguished Senator from Massachusetts earlier in the evening in his amendment, that we have had this debate many times before. And the drafters of legislation have heard the amendment, have tried to encompass this in the bill, have been successful, in my judgment, and the Senate so voted.

In the debate we are now having, the Senator from Connecticut has pointed out that in the past he has offered this amendment. He pointed out that it was rejected by a narrow vote. In fairness, the distinguished Senator from Connecticut has pointed out that he is pleased that somebody has been listening to him, too, in these debates; that even if unsuccessful on one occasion, he has been remarkably successful in this particular piece of legislation.

And given credit where credit is due, much credit is deserved by the distinguished Senator from Connecticut in the human rights section that is on page 22 of the legislation.

I shall not recite all of the human rights aspects of it, but they clearly are targeted to meet the very real objections the Senator had with regard to alleged conduct of persons involved in these activities before.

Now on this occasion, the Senator from Connecticut has decided to reach further, which is certainly his privilege. But I would just point out, Mr. President, we are once again in a situation in which Senators have no basic disagreement, not even a minor disagreement. The whole aspect of war is horrible to begin with. The fact that military combatants may lose their lives is a source of great sorrow for anybody thinking about these issues. It is not our purpose to look for loss of life nor the loss of civil liberties by any person, in uniform or civilian.

But Mr. President, in the language of this amendment, the Senator from Connecticut has said:

> None of the funds transferred under this subsection may be made available, directly or indirectly, for planning, directing, executing, or supporting military actions in, over, or offshore from the territory of Nicaragua which are directed against civilians or which are likely to result in the loss of civilian lives.

Mr. President, I suspect that it may, in some instances, be possible to contemplate activities which offer a reasonable guarantee that there is no likely result of loss of civilian lives. But I would submit, Mr. President, not only now are we proceeding beyond the human rights sections that have been adopted and in which both sides of the aisle thoroughly agree, but stretching and contemplating situations in which somehow in an area of war, in acts of conflict, in situations in the field, that somehow that careful a discrimination could be made with regard to U.S. dollars which are indirectly involved to the support of the Contras in terms of their materiel or however else they may use these funds.

I would just say, Mr. President, that once again we have a reach for perfection and it is a reach that many Senators would want to support. We really do not want to be involved in war at all. But it is a reach, Mr. President, that once again threatens this legislation.

As I visited with Senators during our debate on the last amendment and during the vote following that debate, I pointed out that we have no objection to containing the $100 million of

expenditure, but if we get into a parliamentary situation which we must go back to the House—and the distinguished minority leader mentioned in his arguments that the House is very reluctant to get into a conference on this legislation. They may want to delay it all the way through the month, not only of August, but September onto a continuing resolution if it is to be contemplated at all.

We have been forced by opponents of the legislation into a situation which they refuse to acknowledge our action in March, have now structured this on a military construction appropriation bill, and apparently have some thoughts of refusing even to conference that. Now, beyond that, if we are to change sections of the bill or to get into conference with the opposition on this, Mr. President, clearly the bill is jeopardized.

Now I appreciate from the voting we have just witnessed—I visited with the distinguished Senators and they said, "Your argument is absolutely right. We do not want aid to the Contras. It is a killer amendment. And that is why we are voting for it. Not only is it a good expression of idealism, it kills the aid."

Now, Mr. President, I would just ask Senators to contemplate for a moment this situation. We did vote earlier tonight on titles II and III. We voted down a motion to strike those two. That was a direct confrontation. These amendments, in my judgment, are designed to do indirectly what could not be done directly.

When Senators saw the situation right in front of them—the Senator from Connecticut has not offered to slice $25 million off or $50 million or $75 million, something that we can visualize, something that we know destroys the legislation. Rather, he has offered the thought that none of these funds should be used in any activities likely to result in the loss of civilian lives. And that, Mr. President, I think defies definition quite apart from activity in war and in the field.

So, Mr. President, at the proper time, I will offer a tabling motion with regard to this amendment. For the moment, I yield the floor.

Mr. DODD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 5 minutes and 17 seconds remaining.

Mr. DODD. Mr. President, let me just say to my good friend and chairman, the Senator from Indiana, I specifically said in the legislation that this would be targeted civilian populations or individuals, not accidental ones. I want to emphasize that point.

I have also covered those situations where, if, in fact, the Contras were to know specifically that going into an area, hitting an area, was likely to result in significant civilian death, that would be a problem. So we are trying to cover that.

My good friend from Indiana has said this is a killer amendment. He said that amendments like this would kill the legislation, it would destroy the bill.

Well, I would say, respectfully, that, while some may be concerned about killer amendments, others are concerned about programs that kill. Frankly, we are worried that this program is not only going to do significant damage in Latin America, but significant damage to this country in the final analysis. Because the truth be known, we do not have the vaguest or foggiest notion of where we are going in this program. All we know is we are going to vote 100 million bucks tonight and take us on a slide to God knows where by the time we are through with it.

Mr. President, there are countless examples. Let me tell you about the folks we are going to fund this money for tonight, this great crowd who got advice a few weeks back, a few months back, to put together a human rights office because that would look good, because all those wacky liberals in Washington needed to have a human rights office. So let us put a human rights office down there in Honduras on the border. They established a human rights office.

Guess what they did last week? They got rid of it. They tore it down. It does not exist any longer. They do not need it any longer. They got the votes.

As I stand before you tonight in this Chamber, I will tell you: Before this is over with, before this is over with, you are going to see a crowd that you will not even want to mention their names, let alone admit we support them and back them and finance them and subsidize them. That is how much trouble they are going to get our country into before it is over.

This is not our crowd. This is not our kind of people. This is not the Mujahideen in Afghanistan. These are thugs. These are thugs. These are drug pushers. They are criminals and they do not deserve a nickel of American taxpayers' money.

We can beat Fidel Castro and Gorbachev with programs better than this. There are programs that are far better than this that will beat back Marxism. This is the best thing the Marxists ever had happen to them. Before we are through, we will regret it.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Mr. President, I yield back the balance of my time.

The PRESIDING OFFICER. The Senator from Connecticut has yielded back his remaining time.

The Senator from Georgia.

Mr. MATTINGLY. Mr. President, I would just say that I agree with the statement of the chairman of the Foreign Relations Committee. I believe this will be the fourth amendment that we have considered.

□ 2130

These are all so-called killer amendments—they are intended to prevent or delay any economic assistance to the Nicaraguan resistance and to Central America.

If you look closely at the content of this amendment, you will see that a similar provision is already written into this bill. The bill contains the strongest possible bar to human rights violations by the Contras. If any such violations occur, all assistance is going to stop flowing to that group if it retains any individual in its ranks guilty of any human rights violations.

To be perfectly blunt about it, Mr. President, this amendment, like the other amendments, just duplicate provisions already in the bill so when this chairman goes to conference with the House of Representatives there will be a difference in the legislation; there will be yet another delay helping the men, women, and children who seek freedom and liberty in Nicaragua.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Three minutes remain.

Mr. LUGAR. I thank the Chair.

Mr. President, as the distinguished Senator from Georgia pointed out, on page 27 of the bill, I read these words "gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961)" is covered.

This provision happens to deal with atrocities, situations to which civilian casualties are contemplated deliberately. We are not in favor of that. No one in the Senate is in favor of that. I would simply submit, Mr. President, as my distinguished colleague has already pointed out, that the debate has progressed from the talk about civilians, the talk about killer amendments to a suggestion by the distinguished Senator from Connecticut that he has very great qualms about the persons we are supporting. I think that is arguable.

We have talked about that a good bit, too, and the need for reform, the need for consolidation of our efforts. But that is a different argument, Mr. President.

I simply get back to the basic point that what has not been done directly is being attempted indirectly. This

does have the effect of making passage of this legislation very difficult by changing an ideal and the language of it in this legislation if the amendment shall be successful. Therefore, in order to protect what the Senate has already acted upon I think by the clear intent of the Senate by the vote, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana to lay on the table the amendment of the Senator from Connecticut. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Ohio [Mr. GLENN] and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—51

Abdnor	Goldwater	McClure
Andrews	Gorton	McConnell
Armstrong	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Hatch	Pressler
Broyhill	Hawkins	Quayle
Chiles	Hecht	Roth
Cochran	Heflin	Rudman
D'Amato	Helms	Simpson
Danforth	Hollings	Stevens
Denton	Humphrey	Symms
Dixon	Kassebaum	Thurmond
Dole	Kasten	Trible
Domenici	Laxalt	Wallop
Durenberger	Long	Warner
Evans	Lugar	Wilson
Garn	Mattingly	Zorinsky

NAYS—47

Baucus	Gore	Mitchell
Bentsen	Harkin	Moynihan
Biden	Hart	Nunn
Bingaman	Hatfield	Packwood
Bradley	Heinz	Pell
Bumpers	Inouye	Proxmire
Burdick	Johnston	Pryor
Byrd	Kennedy	Riegle
Chafee	Kerry	Rockefeller
Cohen	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
DeConcini	Levin	Simon
Dodd	Mathias	Specter
Eagleton	Matsunaga	Stafford
Exon	Melcher	Weicker
Ford	Metzenbaum	

NOT VOTING—2

Glenn	Stennis

So the motion to lay on the table the amendment (No. 2712) was agreed to.

□ 2150

Mr. DOLE. I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. THURMOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2713

(Purpose: To provide for compensation of noncombatant victims of anti-Sandinista forces)

Mr. PELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment of the Senator from Rhode Island [Mr. PELL] will be stated.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. PELL] proposes an amendment numbered 2713.

On page 51, between lines 6 and 7, insert the following new section:

COMPENSATION OF CERTAIN NONCOMBATANT VICTIMS

SEC. 217. (a) Of the funds transferred under section 206(a), $10,000,000 shall be available only for the compensation of noncombatant victims of anti-Sandinista forces.

(b) In order to carry out the purpose of subsection (a), there is established a bi-partisan commission to gather evidence and certify the eligibility for, and the amounts of, awards to persons who are noncombatants and (1) who have suffered bodily injury or loss of property as the result of actions of anti-Sandinista forces or (2) who are the next of kin of persons whose death was caused by anti-Sandinista forces.

(c) (1) The commission shall consist of four Republican members and four Democratic members who shall be appointed by the President. The President shall designate one member to serve as chairman. For purposes of this subsection, a Democratic member shall be considered to be a person who supported his party's nominee for President in 1980 and 1984.

(2) No officer or employee of the United States may be appointed as a member of the commission established by subsection (b).

(d) In addition to amounts allocated by subsection (a), of the funds transferred under section 206(a), $500,000 shall be available only for staff, travel, and other expenses of the commission established by subsection (b).

(e) No payment may be made under this section to an individual until the commission established by subsection (b) certifies to the President that such individual is eligible for such payment. Thirty days after the receipt of such certification, the President or his designee shall make the award certified by such commission.

(f) For purposes of this section, the term "awards" means—

(1) payment or requirement for medical treatment in the area where the injury occurred or, if adequate care is not available in the area, in the United States, of persons who have suffered bodily injury at the hands of anti-Sandinista forces and who are noncombatants;

(2) payment of appropriate death benefit to the next of kin of non-combatant persons whose death was caused by anti-Sandinista forces; and

(3) compensated at replacement cost for private property of noncombatants taken, destroyed, or damaged by anti-Sandinista forces.

(g) In determining eligibility for awards, the commission shall weigh all available evidence and shall make its decisions regarding awards on the basis of whether there are reasonable grounds to believe that an injury, death, or loss of property was caused by action of anti-Sandinista forces.

(h) The Secretary of State shall make every effort to publicize the compensation program authorized in this section.

(i) For purposes of this section, the term "anti-Sandinista forces" means those forces receiving assistance under section 206.

The PRESIDING OFFICER. There are 30 minutes allotted to debate on the amendment, 15 minutes to a side. The Chair is in error: There is an hour allotted to debate on this amendment. The Senator from Rhode Island is recognized.

Mr. PELL. I agreed with the leadership to 30 minutes equally divided.

Mr. DOLE. Mr. President, I ask unanimous consent that there be 30 minutes equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Let me indicate there will be no more votes this evening. As I understand, the Senator from Rhode Island is willing to lay down his amendment, debate that amendment, and might be willing to reserve a few minutes to explain again in the morning. Then if the Senator from Iowa [Mr. HARKIN] would lay his amendment down, take 5 of his 15 minutes, then we would conclude action on those two and vote on those two in the morning if that is satisfactory.

Then I think the distinguished Senator from Montana has been waiting for sometime, as has the distinguished Senator from Vermont. There are no amendments on this side as yet. We would slip the cloture vote from 10 o'clock until, I guess we could slip it until 11:30. It might mean we would have to stay even later tomorrow night if we had to make up time if that is all right with the distinguished minority leader.

Mr. BYRD. I think we would not be losing any time. Otherwise, these amendments will be piling up. May I ask the distinguished majority leader what time he expects the first rollcall vote in the morning?

Mr. DOLE. If we come in at 8:30 and get on the bill by 9, it would be up to those who offered the amendments. I would be willing to stack the first two votes. Some may not wish to do that. If we do not do that, the vote on the Pell amendment could come as early as 9:15. If we stack the Pell vote with the Harkin vote, it would be about 9:45.

Mr. PELL. As an act of mercy to my colleagues, I would be more than glad to stack my vote.

Mr. BYRD. The quality of mercy is not strained. It falleth as the gentle rain from Heaven on the place beneath.

Mr. SASSER. Mr. President, will the distinguished majority leader yield to me?

Mr. DOLE. The Senator from Rhode Island has the floor.

Mr. PELL. Is the majority leader trying to say to me he would like me to speak for 2 minutes tomorrow? Then I will speak for 13 minutes tonight.

Mr. DOLE. I guess the first vote would come around 9:45 or 9:50. I ask unanimous consent to move the whole series of cloture votes from 10:30 to 11:30.

Mr. SASSER. Reserving the right to object, I calculate here that we have 4 hours and 20 minutes that will be used on our side for amendments if all time is consumed. I doubt seriously that that is going to occur. Then we are going to have rollcall votes that will have to be taken also. Between 9 and 11:30, that is 2½ hours. I say to the distinguished majority leader that either we are going to have to get some of our Senators to agree to carry these amendments over until after the cloture or we are not going to be able to fulfill all the time requirements they have requested. They have cut their time in half, as the majority leader knows—most of them have. That is our problem.

Mr. DOLE. If the Senator from Rhode Island will yield, as I understand, if I could make a parliamentary inquiry of the Chair, the only difference between offering an amendment before or after cloture is that the amendments before cloture have 1 hour; the amendments after cloture, if invoked, have 30 minutes. Is that correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. DOLE. There is not any difference; particularly if you could take care of those with 30 minutes agreed to after cloture, it would just about accommodate the other two.

Mr. SASSER. May I inquire of the Chair how much time is available after the cloture vote? As I recall, 4 hours equally divided.

Mr. TRIBLE. Four hours is the time available for debate.

Mr. SASSER. Equally divided. Is that correct?

Mr. PELL. I hope this conversation is not coming out of my time.

Mr. CRANSTON. Yes, you have lost your time.

□ 2200

The PRESIDING OFFICER. The Chair is not charging this against the distinguished Senator from Rhode Island.

Mr. PELL. Thank you.

Mr. DOLE. Notwithstanding the fact that the cloture would be invoked, the amendment by the distinguished minority leader would be, rather than 30 minutes, 60 minutes.

Mr. SASSER. If the Senator from Rhode Island will yield further without it being charged to his time, I would say to the distinguished majority leader if we could slip the cloture vote until noon and the distinguished minority leader then would take up his amendment after the cloture vote, then I think all of our problems are solved. We could accommodate our colleagues on this side of the aisle who wish to call up their amendments and have discussion and I think we could accommodate rollcall votes.

Mr. DOLE. Then I would ask that the series begin at noon rather than 11:30 tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. And what?

Mr. DOLE. And that the distinguished minority leader, even though cloture may be invoked, be permitted 60 minutes on his amendment equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. We come in at 8:30 in the morning and we are on the bill at 9, and that would give us 3 hours there to dispose I think of a number of these amendments. Would that be all right?

Mr. HARKIN. Who has the floor?

Mr. DOLE. The Senator from Rhode Island has the floor. He has not had it long.

Mr. HARKIN. If the distinguished Senator will yield, I understand the distinguished Senator from Rhode Island is going to talk about his amendment. Rather than laying mine down right now, what I would like to do is right after this vote—that will be the first vote—I will just take 10 minutes in the morning and vote at that time. I do not need more than 10 minutes. We can do it in the morning.

Mr. DOLE. That is fine. In other words, we will just do this one this evening.

Mr. HARKIN. Yes.

The PRESIDING OFFICER. The Senator from Rhode Island is now recognized under the unanimous-consent agreement; 30 minutes are allotted to debate the amendment offered by the Senator from Rhode Island, 15 minutes to a side. That time begins to run now.

Mr. PELL. I thank the Chair. I will take 13 minutes now and 2 minutes tomorrow in accordance with our conversation.

Mr. President, this amendment responds to the moral indignation and revulsion that has been growing in our Nation over our administration's support for the Contras. The Contras are, I believe, our terrorists. If the definition of terrorism is the performance of acts of wanton violence in order to change the policy of a government, that is exactly what the Contras, or our terrorists, are doing at this time. Despite declarations that they are improving their human conduct, the Contras continue to commit barbaric, inhumane acts against civilians—noncombatants—resulting in deaths, maimings, and destruction of property. In its last report on human rights in Nicaragua, Amnesty International wrote that the Contras had been responsible for "a persistent pattern of abuses." Amnesty has testimony from witnesses attesting to execution-style killings in which captives were bound and tortured and their throats slit by FDN forces. The Americas Watch report refers to mutilation and murder of civilians who the Contras believe are Sandinista activists. The report commissioned by the Washington office on Latin America conducted by the former assistant general of Missouri, reported indiscriminate kidnappings, rapes, assassinations, and other forms of violence.

A reading from testimony taken from victims who have survived Contra atrocities serves as a vivid illustration of how the Contras, the people who are on the threshold of receiving $100 million from the U.S. Government, wage the so-called fight for freedom.

Here we have some of the statements depicting actual abuses that have been assembled and brought up to us. It does not matter what the President may certify according to this legislation. This is what is going on at this very moment.

I want to read one of those statements so that everyone will understand what is happening and what is behind this amendment. This past March 28, seven or eight Contras took a 66-year-old man and his grown son from their home in Chontales. After walking along the road for a short time, the old man was told to lie down, face up. The man testified that "one of them put his foot on my forehead and they stabbed my throat * * *." In a second stab he says, "they cut my esophagus, and blood with foam came out * * *. One of them said, Give him another, he's still breathing. Then they stabbed me again with the knife, and they must have pushed it in farther." The Contras left this man for dead, but he lived to tell his story.

On May 11, late at night, six Contras entered a home in Zelaya and killed the mother and 10-year-old brother of a 12-year-old girl who was wounded. On June 27, about 60 Contras attacked the Pan American Cooperative, killed a civilian on guard duty and then killed 4 children in his house when they threw a grenade inside. Three other children were wounded. The house was burned down along with four other houses. Five men were taken away. I have many more statements and other data along these lines.

A disturbing new tactic is the use of mines by the Contras as well as the targeting of foreign civilians working in rural Nicaragua. In recent months a number of civilians have been killed or injured when trucks and other nonmilitary vehicles hit mines in the roads.

Putting mines indiscriminately in the roads this way is an example of indiscriminate and wanton violence by anybody's definition. If you put a mine in the road, you do not know if a tank is coming along or if an automobile with a family going to market is coming along. It is indiscriminate and wanton. For instance, in May, nine civilians, including a Spanish medical worker, were killed when their truck ran over a mine near San Jose de Bocay. Now, the so-called Contras may say that that mine was meant to damage or destroy a tank, but you cannot assume that only tanks are coming down the road. The laying of mines is an action of indiscriminate and wanton violence.

Just this past July, at least 34 civilians were killed near El Cua in Jinotega when their truck ran over a mine. Twelve children died, three infants among them. Fourteen of the victims were women. A Contra leader denied that mines were being used. Adolfo Calero said that the Sandinistas may be planting mines to discredit the Contras. To me it does not seem likely that the Sandinistas would mine roads when they know that the Contras mainly travel on foot through the mountains because they do not want to meet up with Sandinista military vehicles on the roads.

This amendment is a recognition that we have a moral responsibility for the immoral acts perpetrated by the people who wage this war with the support and assistance of the U.S. Government. Therefore, what this amendment does is provide that our Government will compensate the noncombatant victims, not the Nicaraguan soldiers, but the noncombatant victims, the women and children and old men and boys, using funds from the $100 million requested.

As clearly stated in this amendment, a bipartisan Commission appointed by the President would gather evidence and make awards to noncombatants who have suffered injury or loss of property as a result of actions of Contra forces or who are next of kin to noncombatant persons whose death was caused by the Contras. Under the amendment medical treatment would take place in the area where injury occurred; but if adequate care was not available, treatment would take place in the United States.

The definition of a Democratic member of the Commission would rest on the fact that he had supported his party's candidate for President in the last two elections.

To my mind, this is a good solid amendment, a bipartisan amendment, a worthy amendment, and I urge my colleagues to support it.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I deeply appreciate the opportunity to engage in debate with my distinguished colleague on the Foreign Relations Committee, for whom I have great respect and affection. I must differ with him on this amendment. Clearly, the compassion that he has expressed is not exceptionable. Once again the idealism of the amendments with which we have been dealing this evening is certainly without opposition on this side.

Mr. President, let me just say a few things as a matter of common sense and we will have the remainder of this debate tomorrow morning so that we may refresh the memories of our colleagues before they cast a vote on the Pell amendment.

□ 2210

Unhappily, the difficulties that are faced by Nicaraguans presently come from many sources. There are allegations that from time to time Contras have been responsible for the death and the injury of persons or for the destruction of property. But the numbers of instances in which the Sandinista government has imprisoned people, has killed people, has tortured people, has taken away their property—these are legion.

As we take a look at any sense of equity in this proposition, I suppose one would ask fairly of the distinguished Senator from Rhode Island: who will pay for those who have been hit by the Sandinistas, the Soviet Union? Could we have a parallel amendment that somehow we assess the Soviets or the East Germans or the Cubans? That would simply be a transfer of funds from the Soviets to pay for the people in jails now.

In my opening statement, I pointed out that there are more people imprisoned by the Sandinistas, in that very small country, than were imprisoned by Marcos in the Philippines.

If one is looking for human rights violations, gross violations, thousands of violations, one looks at the government that happens to be the object of our debate today.

We take seriously, on this side of the aisle, the thought that democracy is important to all people; that democracy is possible for the people of Nicaragua again. But I must differ with my distinguished colleague from Rhode Island when he says "our terrorists." I do not accept that for a moment. We are not sponsoring terrorists and we never have. It is an interesting cliche and an interesting debating point. We are not sponsoring terrorists. We are sponsoring people who want democracy, who want freedom, who would like to see religious expression again in that country, who would like to vote again in that country, to live in decency as human beings should live in freedom.

We are for freedom. We are not for terrorists. Any stacking up of terroristic acts, if we are to become involved in that kind of argument, is clearly going to be won by the Sandinistas, going away. They have the force—the possibilities, really—to wreak havoc in the lives of people, and they have done so.

Mr. President, 500,000 Nicaraguans have left that country. Only 3 million remain. That is a testament, I expect, to how Nicaraguans feel about that situation.

Mr. President, this puts a great burden, as we know, upon other countries. I want to address that question for a moment.

As a matter of fact, all Senators know that this country has provided humanitarian assistance to people in Nicaragua. A portion of that humanitarian assistance, I am advised by the staff, 20.2 percent of the $27 million, has gone to hospitals for medicines, for bandages, to assist persons who have been casualties.

The Senator from Rhode Island does not bring up a unique situation tonight. It has been contemplated and acted upon by our Government in a humanitarian way.

I might also say that there is great credit to those in Honduras who have offered this compassionate service to many persons who were victims not only of allegations levied against the Contras but victims, as far as we know, of atrocities committed by the Sandinistas—victims of war.

Mr. President, I stated earlier tonight that we wish there was not a war going on. We wish there was a democracy there that respected four other democracies around it. We wish there were people there who had the decency to allow religious services and freedom of the press and other things we take for granted, but that is not the case. That is why we are supporting persons who we hope will bring about a restoration of those freedoms. In recognition of that, U.S. assistance has gone to these compassionate services.

I assume that if $30 million is authorized and appropriated for humanitarian services under this legislation, that will continue to be the case. I cannot see any reason why that would not be the practice.

One further point: The Senator from Rhode Island contemplates a group of persons to be appointed for the purpose of trying to find eligibility for the evidence that is required to es-

tablish the amounts of the awards to people who are noncombatants.

I suppose that if one is going to get into this business, there is the necessary aspect of other determinations: Who has been hurt by Contras, as opposed to anybody else, and how much damage has been sustained.

Mr. President, as a matter of practical common sense, think along with me, if you will: The battlefield in Nicaragua—all sorts of battlefields for that matter, all sorts of circumstances. As a practical matter, is it reasonable to suggest that a group of U.S. citizens—and the Senator from Rhode Island contemplates that the Commission would consist of four Republican Members and four Democratic Members to be appointed by the President—would try to make these allocations and these judgments?

I respectfully say that this situation is bizarre. I cannot imagine how such a Commission would begin to function in a war zone of this variety, assessing blame, assessing damages, working through the whole process.

I must say, in all candor, that this strikes me, once again, as the kind of amendment that not only is different from anything in the bill presently and the legislation passed by the House—it is not only an element that would require a conference—but also it is something that would be very difficult, I think, for practical people, sitting around the table, to figure out what this means and how to administer it.

However, more practical is our present practice, in which, as victims are found, we try to treat them, we try to directly help human beings, without assessing guilt, blame, or who is responsible. I think that is by far the better way to proceed, the way we are proceeding now, with the funds contemplated by this legislation.

For those reasons, I oppose the amendment of the distinguished Senator. In due course, when we come to the end of the debate, we will offer a motion to table that amendment, when that is appropriate, sometime tomorrow morning.

The PRESIDING OFFICER. Is there further debate?

Mr. PELL. Mr. President, I listen with interest and always with respect to the well-measured views of my colleague, the chairman of the Foreign Relations Committee; but I would like to touch on a couple of points here.

First, as to the skepticism about the use of my terms of "our terrorists," I looked up the definition again of "terrorism" to refresh my memory.

The American Heritage Dictionary gives this definition: "The use of terror, violence and intimidation to achieve an end."

The definition in Public Law 95-511: International terrorism means activities that involve violent acts, acts dangerous to human life, or a violation of the criminal laws of the U.S. or any State, or that would be a violation if committed within the jurisdiction of the United States or any State, appearing to be intended to intimidate or coerce the civilian population * * *.

□ 2220

Under those two definitions I think it would be very hard to argue that the actions of our terrorists, some of whose actions I cited earlier, are not an example of terrorism or in one case international terrorism.

I would be very interested in learning from the chairman where I am incorrect in my reading of the definition.

Second, there is another point here, if this bill goes through. We are paying for, hiring, if you want to use that term, our terrorists—the Contras—and if we do that, we have to take responsibility. We have not given money to the Nicaraguan Government, the Nicaraguan Army, or the Nicaraguan people, nothing in the way of compensation for the last several years. Some years back, there was an aid program. Since then, however, we have not. We do not have a direct responsibility for the heinous actions of some of the Sandinistas.

I agree with the Senator from Indiana that some of those actions are very heinous indeed, they are cruel and wrong. But the various reports that come back indicate that as heinous and cruel and wrong as they are, the actions of the Contras are even more cruel, more wrong, and more heinous and, more to the point, more numerous.

The question comes up what we can do about it. That is where this Commission could come in. Maybe the Commission should be arranged in a different way. Maybe it should be established so it would not take effect immediately but at least we would be indicating that we are trying to respond to the terrible damage that we will have done through our support of the Contras.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, let me respond respectfully to my distinguished colleague.

Once again I have no quarrel with the definitions that the Senator has read from the dictionary. I do have a quarrel with the characterization that people that we are supporting who are fighting for their own freedom are terrorists.

I expect, Mr. President, that all of war can be described as terrible acts of horror that unhappily abound in conflict.

Mr. President, we are not sponsoring persons deliberately to prey upon the Government of Nicaragua's people. We are trying to bring about a change in that Government. We are trying to bring about democracy and we are supporting people who are prepared to fight for that.

I think that is a significant difference from the generally accepted idea of international terrorism, indiscriminate harm on isolated individuals, kidnapings, and what have you, which have no particular purpose in terms of trying to establish a democracy which are used purely for purposes of intimidation and terror.

Be that as it may, Mr. President, that is part of our argument. I appreciate it. On our side we believe that these people have been well organized, have their objectives in mind. We believe they are getting better at that definition of their objectives and better in their attempts to attain them, and we are prepared to support them because they are fighting for freedom and democracy and so are we.

We stand for this and we hopefully will have that opportunity.

For the moment, Mr. President, I yield the floor and I look forward to renewing the debate on the Pell amendment tomorrow.

Mr. PELL. I ask the Chair how much time remains on each side.

The PRESIDING OFFICER. The Senator from Rhode Island has 5 minutes and 29 seconds remaining. The Senator from Indiana has 4 minutes and 30 seconds remaining.

Mr. PELL. Did I understand the Chair that there is no further debate until tomorrow?

The PRESIDING OFFICER. If no further debate takes place tonight, that would be the course that we would follow.

The majority leader is recognized.

Mr. DOLE. Mr. President, what I would hope we might do, and I will just sketch it out for the managers and they can get the agreement if it is obtainable: It would be when we are on the bill at 9 o'clock tomorrow there would be 5 minutes debate of the distinguished Senator from Rhode Island and 5 minutes of the manager on this side. Then because many of our Members are not expecting to vote until around 10 o'clock, when they thought they were going to vote on cloture, we could go to the Harkin amendment, which I understand will take 20 minutes equally divided. It could take a little longer than that. That would get us to about 9:30, 9:35, or 9:40; then vote on the Harkin amendment, followed by a vote on the Pell amendment.

Then the consent would also include laying down the Melcher amendment which I think would be helpful to Senator MELCHER since he has been waiting.

Mr. SASSER. If the majority leader will yield, the Melcher amendment would be laid down after the vote on the Pell amendment.

Mr. DOLE. That is correct. It would be pending I would guess about 10:05 or 10:15 a.m.

Mr. SASSER. That would be satisfactory.

Mr. LUGER. Mr. President, I suggest the absence of a quorum.

Mr. SASSER. May I inquire as to whose time is this quorum call charged to?

The PRESIDING OFFICER. It is not being assessed against either side.

Mr. SASSER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the role.

The assistant legislative clerk proceeded to call the role.

□ 2230

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LUGAR. Mr. President, is the distinguished minority manager of the bill prepared to enter into a unanimous-consent agreement?

Mr. SASSER. Mr. President, I have read the agreement and it is satisfactory.

Mr. LUGAR. I thank the Senator.

Mr. President, I ask unanimous consent that at 9:15 a.m. tomorrow, the Senate resume the military construction appropriations bill. Pending is the Pell amendment to be debated for 10 minutes, equally divided. Then the Senate will turn to the Harkin amendment, with 30 minutes equally divided, then a vote will occur on the Harkin amendment, to be followed by a vote on the Pell amendment. Then the Senate will turn to the consideration of a Melcher amendment, 40 minutes equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair.

Mr. President, I am asked to announce that the first vote tomorrow night come as early as 9:55, more likely about 10 o'clock in the morning. For the benefit of all Senators, they should be alerted to that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

● Mr. HART. Mr. President, in 1974, in a response to the excesses of the Watergate era, Congress set out to reform our campaign finance laws. Their original intent was to control the type and the amount of money involved in races for Federal office. They also intended to mandate full disclosure of campaign funds—where they come from and how they are spent.

But in the 12 years that have passed, their means have not led us to just ends. All of us have seen how these political action committees are taking over our Nation's Capital.

When I first came to the Senate in 1974, there were about 600 PAC's and their contributions totaled about $12 million. Today, there are over 4,000 PAC's, and they contribute over $100 million to congressional campaigns.

Their influence has grown with their explosion in number. In 1974, PAC funds accounted for less than one-sixth of the money spent by congressional candidates. Today, they account for nearly a third.

The growth of PAC's represents a national scandal waiting to happen. The Congress cannot afford to leave the current laws unchanged. It is essential that we limit the influence of PAC's, for at stake is the integrity of the legislative process and public support for Government.

The votes today, as well as this issue, transcend partisanship. The issue is far greater than the short-term interests of one political party.

In short, the two votes cast today by the Senate were votes of principle.

House Speaker TIP O'NEILL has said that "PAC's are destroying this Government." On that point, I could not agree more. But PAC's have an influence that spreads beyond the Government itself. Their influence on public perception and public support is nothing less than dramatic.

For two centuries, the Government of the United States has been blessed with a most precious asset: A public with a basic faith that its Government and its elected officials work on the behalf of all Americans. There is no greater resource in times of trial and challenge. It is a resource we must not squander.

These votes may cause some individuals to lose their bids for seats in the Senate or the House of Representatives. But principles must stand long after the polls close. And principles must stand as a higher priority than the legitimate short-term needs of a political party.

For our country and for ourselves, it is far better to sacrifice a few votes for our principles than to sacrifice our principles for a few votes.

In embracing the amendments offered today by Senators BOREN and BOSCHWITZ, the Senate took important, initial steps toward the reform of our system of campaign finance.

By approving the Boren amendment, the Senate approved limits on PAC contributions to individual campaigns and prohibited the "bundling" of PAC contributions—two reforms that will increase the political power of individual Americans relative to the special interests.

The Senate passed another important amendment by Senator BOSCHWITZ to help curtail the spreading influence of PAC's. The Boschwitz amendment mandates full disclosure of so-called "soft money" and virtually eliminates PAC contributions to political parties.

Unfortunately, the Boschwitz amendment took one step backward. It preserves so-called PAC attacks—allegedly independent expenditures for broadcast attacks against candidates—without providing reply time for the injured parties. In the name of fairness in elections, free broadcast reply time, as envisioned by the Boren bill, should be restored.

Many members of my party opposed the Boschwitz amendment on the grounds it eliminated PAC aid to the national parties. They argued that this restriction would have a greater impact on the immediate ability of the Democratic Party to raise money to balance off and enormous imbalance in favor of the Republican Party. I would have preferred voting for an amendment that limited such contributions.

But presented with a choice of supporting no limits on PAC contributions to the parties or voting an absolute ban on them, I supported the Boschwitz ban as a matter of principle. With the integrity of the legislative process at stake, we must do all in our power to restore faith in our Government and our leaders.●

THE CALENDAR

Mr. SIMPSON. Mr. President, after conferring with the acting Democratic leader, Senator SASSER, prior to concluding our efforts for the day and as I say after reviewing these matters with him, I would like to inquire of the acting Democratic leader if he is in a position to pass or indefinitely postpone any or all of the following calendar items: Calendar Item No. 632, No. 643, No. 794.

Mr. SASSER. Mr. President, we are agreeable to postponing 632 and 643 and agree with passing 794.

Mr. SIMPSON. Yes, Mr. President, that is correct. I believe indefinite postponement of 632 and 643 and passage of 794. Is that correct?

Mr. SASSER. That is correct.

Mr. SIMPSON. If so, I ask unanimous consent that the calendar items just identified be considered en bloc and passed or indefinitely postponed en bloc and that all committee reported amendments and preambles be considered agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO INDEFINITELY POSTPONE HOUSE JOINT RESOLUTION 462 AND SENATE JOINT RESOLUTION 331

Mr. SIMPSON. Mr. President, I ask unanimous consent that Calendar Orders numbered 632, House Joint Resolution 462, and Calendar Order No. 643, Senate Joint Resolution 331, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATE COMPREHENSIVE MENTAL HEALTH SERVICES PLAN ACT

The Senate proceeded to consider the bill (S. 1744) to require States to develop, establish, and implement State comprehensive mental health plans, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "State Comprehensive Mental Health Services Plan Act of 1986".

STATE COMPREHENSIVE MENTAL HEALTH SERVICES PLAN

SEC. 2. Part B of title XIX of the Public Health Service Act is amended—

(1) by inserting before the heading for section 1911 the following:

"SUBPART 1—BLOCK GRANT"; and

(2) by adding at the end thereof the following:

"SUBPART 2—STATE COMPREHENSIVE MENTAL HEALTH SERVICES PLAN

"DEVELOPMENT GRANTS

"SEC. 1921. (a) The Secretary shall make grants to States for the development of State comprehensive mental health services plans which comply with section 1922. In order to receive a grant under this section, a State shall submit an application to the Secretary. Such application shall be in such form, and shall contain such information, as the Secretary may by regulation prescribe.

"(b)(1) Except as provided in paragraph (2), the amount of a grant to a State under this section for a fiscal year shall be the amount which bears the same ratio to the amount appropriated to carry out this section for such fiscal year as the population of the State bears to the total of the population of all States which submit applications under this section.

"(2) Notwithstanding paragraph (1), the amount of a grant to any State under this section shall not be less than $150,000.

"(c) To carry out this section, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1987 and 1988.

"STATE COMPREHENSIVE MENTAL HEALTH SERVICES PLANS

"SEC. 1922. (a) For each fiscal year, beginning with fiscal year 1987, each State shall submit a State comprehensive mental health services plan (hereafter referred to in this subpart as the 'State plan') to the Secretary.

"(b) A State plan shall, for the fiscal year for which the plan is submitted and each of the 2 succeeding fiscal years, meet the following requirements:

"(1) The State plan shall provide for the establishment and of implementation of an organized community-based system of care for chronically mentally ill individuals.

"(2) The State plan shall contain quantitative targets to be achieved in the implementation of such system, including numbers of chronically mentally ill individuals residing in the areas to be served under such system.

"(3) The State plan shall describe services to be provided to chronically mentally ill individuals to enable such individuals to gain access to mental health services, including access to treatment, prevention, and rehabilitation services.

"(4) The State plan shall describe rehabilitation services, employment services, housing services, medical and dental care, and other support services to be provided to chronically mentally ill individuals in order to enable such individuals to function outside of inpatient institutions to the maximum extent of their capabilities.

"(5) The State plan shall provide for activities to reduce the rate of hospitalization of chronically mentally ill individuals.

"(6) Except as provided in paragraph (7), the State plan shall require the provision of case management services to each chronically mentally ill individual in the State who receives substantial amounts of public funds or services. For purposes of this paragraph, the term 'chronically mentally ill individual' means a chronically mentally ill individual as defined under State laws and regulations.

"(7) The State plan may provide for the implementation of the requirements of paragraph (6) in a manner which—

"(A) phases in, beginning in fiscal year 1989, the provision to all chronically mentally ill individuals to which such paragraph applies the case management services required to be provided under such paragraph; and

"(B) provides for the substantial completion of the phasing in of the provision of such services by the end of fiscal year 1992.

"(8) The State plan shall provide for the establishment and implementation of a program of outreach to, and services for, chronically mentally ill individuals who are homeless.

"(c) In developing each State plan required under this section, the State shall consult with representatives of employees of State institutions and public and private nursing homes who care for chronically mentally ill individuals.

"(d) The Secretary shall provide technical assistance to States in the development and implementation of State plans which comply with this section. Such technical assistance shall include the development and publication by the Secretary of model elements for State plans and model data systems for the collection of data concerning the implementation of State plans.

"ENFORCEMENT

"SEC. 1923. (a) If the Secretary determines that a State has not, by the end of fiscal year 1988, developed the State plan required by section 1922, the Secretary shall reduce the amount of the State's allotment under subpart 1 for fiscal year 1989 by the amount specified in subsection (d).

"(b) If the Secretary determines that a State has not, by the end of fiscal year 1989, developed and substantially implemented the State plan required by section 1922, the Secretary shall reduce the amount of the State's allotment under subpart 1 for fiscal year 1990 by the amount specified in subsection (d).

"(c) If the Secretary determines that a State has not, by the end of fiscal year 1990, developed and completely implemented the State plan required by section 1922, the Secretary shall reduce the amount of the State's allotment under subpart 1 for fiscal year 1991 and each succeeding fiscal year by the amount specified in subsection (d). The Secretary shall discontinue the reduction under this subsection of a State's allotment under subpart 1 for a fiscal year if the Secretary determines that the State has, in the preceding fiscal year, developed and completely implemented the State plan required by section 1922.

"(d) The amount referred to in subsections (a), (b), and (c) with respect to a State is the total amount expended by the State for administrative expenses for fiscal year 1986 from amounts paid to the State under subpart 1 for such fiscal year.

"(e) Notwithstanding any other provision of this subpart, the Secretary shall not require a State government, in carrying out a State plan submitted under this subpart, to expend an amount for mental health services for any fiscal year which exceeds the total amount that would have been expended for such services by such government for such fiscal year if such plan had not been implemented.

"MODEL STANDARDS FOR THE PROVISION OF CARE TO THE CHRONICALLY MENTALLY ILL

"SEC. 1924. (a) Within one year after the date of enactment of this subpart, the Secretary shall develop and make available a model plan for a community-based system of care for chronically mentally ill individuals. Such plan shall be developed in consultation with State mental health directors, providers of mental health services, chronically mentally ill individuals, advocates for such individuals, and other interested parties.".

STATE MENTAL HEALTH SERVICES PLANNING COUNCILS

SEC. 3. Section 1916(f) of the Public Health Service Act is amended—

(1) by striking out "With amounts available under section 1915(a), the chief executive officer of the State may" and inserting in lieu thereof "The chief executive officer of the State shall"; and

(2) by adding at the end thereof the following new sentence: "The State may use amounts available under section 1915(a) to establish and operate such a council.".

DEMONSTRATION PROJECTS FOR SERVICES FOR HOMELESS CHRONICALLY MENTALLY ILL INDIVIDUALS

SEC. 4. (a) Section 504(f)(1) of the Public Health Service Act is amended by striking out "and elderly individuals" and inserting in lieu thereof "elderly individuals, and homeless chronically mentally ill individuals".

(b) Section 504(f)(3) of such Act is amended by striking out "1985, 1986, and 1987" and inserting in lieu thereof "1985 and 1986, and $24,000,000 for fiscal year 1987".

(c) Section 504(f) of such Act is further amended by adding at the end thereof the following new paragraph:

"(4)(A) Not more than 25 percent of the total amount of a grant for fiscal year 1987 made to a State under this subsection for a project for services for chronically mentally ill adults (other than a project for services for elderly individuals or a project for services for homeless chronically mentally ill individuals) may be used by the State for administrative expenses in carrying out such grant in such fiscal year.".

"(B) Not more than 25 percent of the total amount of any grant made to a State under this subsection for any fiscal year (beginning with fiscal year 1988) may be used by the State for administrative expenses in carrying out such grant in such fiscal year.".

Mr. HATCH. Mr. President, the actions of this body are often guided by what for want of a better term could be called conventional wisdom. That "conventional wisdom" is often the result of our observations of the world around us without the benefit of a great deal of empirical study—and for that reason is too often cast aside in the course of debate even though those observations often prove to be highly reliable.

A conventional wisdom is developing today about mental illness, based on what we see in the streets of just about every major city in America. Where can you go even in this great capital city without seeing pitiful, desperate people fighting for survival under the most lonely, heartbreaking conditions imaginable? A visitor from another country might get the impression that we have dumped out the patients from our mental health institutions on the street like so much human refuse—and cruelly left them to fend for themselves.

Unfortunately, testimony before the Committee on Labor and Human Resources last year on barriers to mental care revealed this may be one of those situations in which the conventional wisdom comports with reality. I was dismayed to learn at this hearing that up to 50 percent of the homeless in America are chronically mentally ill patients discharged from hospitals.

But even more unfortunately, what we observe on our streets is just the tip of the iceberg. I also heard from parents who are struggling to find the kind of services for their children with chronic mental illness that will allow them to avoid the tragic and heartbreaking decision to commit them to an institution. I heard from providers of mental health services who told me they are stretching their budgets to the breaking point to ensure humane and compassionate treatment for their citizens with debilitating mental illnesses.

And, yes, I heard from some victims of mental illness. They reiterated that we have made great strides in providing better facilities, better treatment, and better research. We have moved the responsibility for mental health programs to the States, closer to the people who administer them and who need them. But most important, we have begun to wash away the stigma of mental illness in our society.

Despite our efforts, an estimated 1.7 to 2.4 million persons in this country still suffer from some persistent, severe form of mental illness. According to testimony before the Committee on Labor and Human Resources by Dr. Shervert Frazier, Director of the National Institute of Mental Health [NIMH], approximately 900,000 of these chronically mentally ill persons reside in institutional settings—130,000 in State mental hospitals and 770,000 in nursing homes. Between 800,000 severely disabled and 1.5 million moderately to severely disabled mentally ill individuals were estimated to be living in the community.

The hearings made it clear to me that throughout our communities and in institutions, literally millions of mentally ill men, women, and children, their families, and those who attend them feel they have been left just as alone to face the pain, the strain, the fear, and the heavy financial burdens which mental illness brings.

But, Mr. President, if this body has anything to say about it, they will not be alone any more. I am pleased today to urge my colleagues to consider favorably S. 1744, the State Comprehensive Mental Health Service Act. I am proud to have worked with Senator KENNEDY and others on the Senate Committee on Labor and Human Resources Committee to help States fill the void felt by so many mentally ill individuals and their families.

This legislation helps communities, through incentives to coordinate various care services for the chronically mentally ill—from psychiatric care to toothbrushes—instead of bouncing confused patients from pillar to post and all too often, dropping some of them through the cracks of the system. It will help families who today do not know where to turn for help in handling the crushing blows mental illness deals their loved ones. But most important, it will help the mentally ill to lead happier, more productive lives within their communities.

Specifically, this legislation authorizes $10 million for 2 years for grants to States for the development and implementation of comprehensive mental health services plans. These plans would help States coordinate housing, treatment, rehabilitation, and other support services which allow chronically mentally ill individuals to function outside of institutions. And the bill directs the Secretary of Health and Human Services to help States to develop and carry out these plans.

Finally, this legislation makes sure that services provided by Community Support Programs reach the homeless, chronically mentally ill. The CSP is one of the most successful Federal programs I know of—because for every $1 the Federal Government spends, CSP generates $18 in public and private funds at the State and local level. That is why I have great faith that CSP will help us, once and for all, to solve the up-to-now intractable problem of getting aid to these most needy individuals in our society.

Mr. President, I am not going to pretend that this legislation is going to solve all the difficult problems facing the mentally ill, their families, and their communities. It is just a small step in assisting States to provide services to the chronically mentally ill.

But it is an important step, because it tells these beleaguered people that after years of being part of their problems, we want to be part of their solution. It shows we don't want to leave them alone to deal with their pain—or to celebrate their many triumphs. It shows that we care.

If only for that simple but psychologically important reason, I urge my colleagues to approve this legislation.

Mr. KENNEDY. Mr. President, I am pleased to join my colleague, Senator HATCH, in urging passage of S. 1744, the State Comprehensive Mental Health Service Act of 1985.

The bill we are offering today is a compromise version of legislation I introduced last October and, in my view, preserves the most important features of the original bill. The compromise was developed with the assistance of all the major groups involved with mental health and it was unanimously approved by the Labor Committee. I would like to take this opportunity to thank the groups that helped develop the compromise, the other members of the committee, and especially Senator HATCH, for their contribution to and support of this bill.

I believe passage of this legislation will make an important contribution to the well-being of the millions of Americans afflicted with chronic mental illness, and I hope that it will be followed by the passage of two equally important bills—S. 1743 and S. 1745—that I introduced at the same time.

The last three decades have witnessed both great hope and cruel disappointment for the chronically mentally ill. Beginning in the early fifties, the development of psychotropic drugs produced a true revolution in the treatment of this population. For the first time, medicine could significantly improve the ability of the chronically mentally ill to function in society and could reduce the pain, anguish, and delusions produced by psychoses.

With these new developments, there was widespread awareness that long-term confinement of the mentally ill in large institutions should be replaced by a system of community care. Hospitalization should, by and large, be restricted to acute episodes of illness. As President Kennedy stated in his 1963 State of the Union Message, "The abandonment of the mentally ill to the grim mercy of custodial institutions too often inflicts on them a needless cruelty which this Nation should not endure."

The advancements in psychotropic medications did lead to a remarkable decline in the number of mental patients confined to mental hospitals. Between 1955 and today, the number of patients resident in public mental institutions declined from over half a million to 120,000.

But the removal of patients from mental hospitals was not matched by the growth of the community-based system of care President Kennedy envisioned in his 1963 address. Instead, the deinstitutionalized mentally ill too often faced a future of isolation, abandonment, and despair. Many of the chronically mentally ill live in a single room occupancy hotels or board and care homes. With no services, no treatment, and no integration into the larger society, they spend their days staring at walls or wandering the streets.

And they are not the most unfortunate members of this population. On an average day in this great country of ours, there are between 125,000 and 250,000 chronically mentally ill individuals without any home at all. It is a sad commentary on our society that one can walk a block from the White House and find confused, hallucinating, mentally ill people, talking to themselves, dressed in rags, and sleeping on grates on the coldest days of Washington winters.

This situation would be heartrending if it were unavoidable. But the sad state of so many chronically ill Americans is not unavoidable; it is disgraceful.

We know how to care for the mentally ill in the community. We know how to assure that each mentally ill individual can live in humane conditions. We know how to provide the care and treatment that will allow each mentally ill individual to come closer to his or her full potential.

But far too many States and communities have failed to provide the care for the chronically mentally ill that constitutes simple justice. And the Federal Government has not only failed to provide the leadership that is its responsibility; key Federal policies have actually contributed to the mistreatment of chronically mentally ill Americans.

The key features of an effective, community-based program for the chronically mentally ill include:

Case management, so that someone is responsible for the care and support services each chronically mentally ill individual needs;

A program of habilitation and rehabilitation which would provide services to the chronically mentally ill appropriate for their level of functioning and responsive to their individual needs. Needed activities can range from regular social contact to assist with reintegration in the community to vocational training, supervised work, or assistance in obtaining and keeping competitive employment.

Medical treatment, which would provide treatment ranging in intensity from day hospitalization to a periodic appointment with a psychiatrist to check on and adjust medication;

Assistance to families, who often provide the front-line care for the mentally ill in the community and have too often been left to cope with the severe strains of mental illness without any assistance from the society at large; and

Housing services, ranging from halfway houses with staff in residence providing continuous supervision to largely independent living.

A program of this type is not particularly costly—especially when compared with the expenditures for the extensive institutionalization that it would largely replace. The Community Support Program demonstrations funded on a modest scale by the Federal Government and other activities at the State level have shown how effective and humane this approach can be. Indeed, evaluations of the Community Support Program have shown that it can reduce days of hospitalization among the chronically mentally ill by 50 percent. States like Colorado and Wisconsin, that have well-developed community-based programs have also been able to reduce the number of days of hospital care per capita as much as 50 percent below the national average. And studies of some model programs have found total costs for a good system of community care to be no more than the costs of our current nonsystem of noncare.

But, despite the progress that has been made by individual States and communities, the gap between good practice and typical practice still remains shamefully wide. Some States and communities have simply failed to live up to their responsibilities to this population, and Fedral policies have too often been inadequate or even counterproductive.

The legislation we are considering today is designed to cure those failings. It says that we as a nation have a responsibility to the chronically mentally ill and it says that the Federal Government must exercise leadership by insistence that States and communities live up to their responsibilities as the price of receiving Federal funds.

I know that there are some who will say that the care and treatment of the chronically mentally ill is appropriately a State and local responsibility. I agree that the actual delivery and organization of services must remain primarily a State and local role. But to assert that there is no important responsibility for the Federal Government is to say that Washington should ignore both fiscal facts and simple morality.

From the fiscal point of view, the Department of Health and Human Services estimated that 1983 expenditures for the chronically mentally ill totalled $8.7 billion. Of this amount, $3.9 billion, or 45 percent came from the Federal Government. So the Federal Government has a large financial stake in this population, even if the Federal investment is too frequently spent neither wisely or well.

But the moral argument for Federal leadership is even more compelling. To argue that the Federal Government has no responsibility to see that justice is done is to argue that it should remain as indifferent to the sufferings of its chronically mentally ill citizens as it was to the sufferings of our black citizens for far too many years of our country's history.

As Dorothea Dix told the U.S. Congress in 1848:

> May it not be demonstrated as the soundest policy of the Federal government to assist in the accomplishment of great moral obligations by diminishing and arresting widespread miseries which mar the face of society, and weaken the strength of communities? I confide to you the cause and the claims of the destitute and desolate who, through the providence of God, are wards of the nation, claimants on the sympathy and care of the public, through the miseries and disqualifications with which humanity can be visited.

The legislation we are considering today requires States to develop a comprehensive plan to provide essential community services for the chronically mentally ill. The plan must provide for the development of all the essential services the chronically mentally ill need to make the transition from institutional to independent living and to avoid unnecessary institutionalization. It must provide that these services be linked into a true system of care that reflects the needs of chronically mentally ill individuals at different stages of illness, habilitation, and rehabilitation.

Under the requirements of the legislation, the plan must consider utilization of all the myriad funding sources potentially providing care to the chronically mentally ill, including Medicaid, State and county funds, private insurance, income maintenance, housing, employment services and other funding sources—not just the relatively small proportion of funds spent on this population that are provided under the Public Health Service Act.

The plan is to be developed with the aid of a broad-based advisory committee, including advocates for the chronically mentally ill as well as representatives of public and private agencies. The Secretary of HHS is required to offer States technical assistance in development and implementation of these plans and is also required to develop model plans to aid States in

their efforts. The sum of $10 million is authorized to be appropriated to aid in development of the plans.

Plans, of course, are not ends in themselves. Planning is particularly important in this area because funding sources are so diverse and often so uncoordinated, but the key to a successful program is not planning—it is plan implementation. Accordingly, this legislation requires that the plans establish measurable targets for implementation, and that, at a minimum, case management services be provided for all chronically mentally ill individuals who are recipients of public income support or services.

Failure to develop a plan that meets the requirements of the act or failure to implement the plan to the satisfaction of the Secretary will result in a financial penalty—withdrawal of administrative funds provided under the ADAMHA block grant.

In addition to these general requirements for comprehensive and adequate programs for the chronically mentally ill, the legislation makes some other useful changes. The authorization for the effective Community Support Program demonstrations for the chronically mentally ill is raised and the new resources are directed at one of the most deprived subgroups of this population—the homeless chronically mentally ill. More of the CSP resources are required to be directed away from the State level to the community level where services are actually provided.

Enactment of these proposals will mean a major improvement in the care and treatment of the chronically mentally ill—an improvement that is long overdue.

I offer this legislation in the firm conviction that the time is now to begin to offer the chronically mentally ill and their families the opportunities for humane and effective treatment that is the obligation of a civilized society.

The great artist Vincent Van Gogh was a victim of chronic mental illness and suffered terribly from his episodes of psychosis. In a letter to his brother composed shortly before his suicide at the age of 37, he wrote, "Oh, if I could have worked without this cursed disease, what things I might have done."

Passage of this legislation I am offering today will be a small step toward the prevention of the tragic waste of human potential that chronic mental illness represents.

I urge prompt enactment of this legislation.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read a third time, and passed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DISTRICT OF COLUMBIA APPROPRIATIONS, FISCAL YEAR 1987

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar order No. 771, H.R. 5175.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5175) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1987, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1987, and for other purposes, namely:

TITLE I

FISCAL YEAR 1987 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1987, **[**$414,147,000**]** *$444,500,000*, as authorized by the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93-198, as amended (D.C. Code, sec. 47-3406): *Provided*, That none of these funds shall be made available to the District of Columbia until the number of full-time uniformed officers in permanent positions in the Metropolitan Police Department is at least 3,880, excluding any such officer appointed after August 19, 1982, under qualification standards other than those in effect on such date.

FEDERAL PAYMENT FOR WATER AND SEWER SERVICES

For payment to the District of Columbia for the fiscal year ending September 30, 1987, in lieu of reimbursement for charges for water and water services and sanitary sewer services furnished to facilities of the United States Government, $28,810,000, as authorized by the Act of May 18, 1954, as amended (D.C. Code, secs. 43-1552 and 43-1612).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96-122), $52,070,000.

TRANSITIONAL PAYMENT FOR SAINT ELIZABETHS HOSPITAL

For a Federal contribution to the District of Columbia, as authorized by the Saint Elizabeths Hospital and District of Columbia Mental Health Services Act, approved November 8, 1984 (98 Stat. 3369; Public Law 98-621), $35,000,000.

CRIMINAL JUSTICE INITIATIVE

For the design and construction of a prison within the District of Columbia $20,000,000 to become available October 1, 1987 together with funds previously appropriated under this head for fiscal year ending September 30, 1987: Provided, That the District of Columbia shall award a design and construction contract on or before October 15, 1986: Provided further, That, the District of Columbia is directed to proceed with the design and construction of a prison facility within the District of Columbia without respect to the availability of Federal funds: Provided further, That a plan that includes the construction of not less than a 700 bed, medium security facility on the South part of Square E-1112 as recorded in Subdivision Book 140, Page 199 in the office of the Surveyor of the District of Columbia is hereby approved: Provided further, That this approval shall satisfy the provisions as enumerated in Public Law 99-190.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, **[**$108,407,000**]** *$108,353,000*: *Provided*, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further*, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further*, That not less than $320,000 shall be used by the Office of Personnel exclusively for the administration of programs for the training of District of Columbia government employees: *Provided further*, That notwithstanding any other provision of law, there is hereby appropriated $3,772,000 to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board, of which **[**$754,000**]** *$700,000* shall be derived from the general fund and not to exceed **[**$3,018,000**]** *$3,072,000* shall be derived from the earnings of the applicable retirement funds: *Provided further*, That the District of Columbia Retirement Board shall provide to the Congress and the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement

Board shall provide the Mayor for transmittal to the Council of the District of Columbia an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further,* That of the $100,000 appropriated for fiscal year 1987 for Admission to Statehood, $50,000 shall be for the Statehood Commission and $50,000 shall be for the Statehood Compact Commission: *Provided further,* That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $129,460,000, of which $2,000,000 shall be for non-recurring pay-as-you-go capital projects of the Department of Housing and Community Development: *Provided,* That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2-135; D.C. Code, sec. 45-2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further,* That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the holders of any bonds or notes issued by the Agency and shall be repaid to the District of Columbia only from available operating revenues of the Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further,* That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of not to exceed 135 passenger-carrying vehicles for replacement only (including 130 for police-type use and five for fire-type use) and 14 replacement passenger-carrying vehicles for fire-type use without regard to the general purchase price limitation for the current fiscal year, **[**$580,765,000**]** *$600,165,000: Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That, notwithstanding any other provision of law, in the case of the 23 employees who retired from the Fire Department of the District of Columbia between November 24, 1984, and March 28, 1985 (both dates inclusive), and who on the date of the enactment of this Act are receiving annuities based on service in the Fire Department, the District of Columbia Retirement Board shall cause to be paid not later than October 15, 1986, to each such employee a lump-sum payment equal to three percent of his or her annuity: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93-412; D.C. Code, sec. 11-2601 et seq.), for the fiscal year ending September 30, 1987, shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1975: *Provided further,* That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5-129; D.C. Code, sec. 16-2304), for the fiscal year ending September 30, 1987, shall be available for obligations incurred under that Act in each fiscal year since inception in fiscal year 1985: *Provided further,* That $50,000 of any appropriation available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Emergency Preparedness for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Mayor: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further,* That not to exceed **[**$50,000**]** *$100,000* of this appropriation shall be used to reimburse Fairfax County *and Prince William County,* Virginia, for expenses incurred by the **[**County**]** *Counties* during fiscal year 1987 in relation to the Lorton prison complex. Such reimbursement shall be paid in all instances in which the District requests that the **[**County**]** *Counties* provide police, fire, rescue, and related services to help deal with escapes, riots, and similar disturbances involving the prison. The District shall make a quarterly report to the House and Senate Subcommittees on District of Columbia Appropriations regarding the amount and purpose of reimbursements made to the **[**County**]** *Counties,* and the amount of the authorization remaining for such reimbursements: *Provided further, That within 30 days after the date of enactment of this Act, the District of Columbia shall establish a free, 24-hour telephone information service, whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District officials on all disturbances at the prison, including escapes, fires, riots, and similar incidents: Provided further, That the District of Columbia shall also take steps to publicize the availability of that service among the residents of the area surrounding the Lorton prison: Provided further, That none of the funds appropriated by this Act may be used to implement any plan that includes the closing of Engine Company 3, located at 439 New Jersey Avenue, Northwest: Provided further, That none of the funds provided by this Act may be used to implement District of Columbia Board of Parole notice of emergency and proposed rulemaking as filed with the District of Columbia Register July 25, 1986.*

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, **[**$540,718,000**]** *$540,872,000,* to be allocated as follows: $393,806,000 for the public schools of the District of Columbia, of which $8,000,000 shall be for non-recurring pay-as-you-go capital projects of the public schools of the District of Columbia; $58,800,000 for the District of Columbia Teachers' Retirement Fund; **[**$68,861,000**]** *$69,015,000* for the University of the District of Columbia; $16,646,000 for the Public Library; $2,368,000 for the Commission on the Arts and Humanities; and $237,000 for the Educational Institution Licensure Commission: *Provided,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1987, a tuition rate schedule which will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further,* That of the amount made available to the University of the District of Columbia, **[**$1,146,000**]** *$1,300,000* shall be used solely for the operation of the Antioch School of Law: *Provided further,* That acquisition or merger of the Antioch School of Law shall have been previously approved by both the Board of Trustees of the University of the District of Columbia and the Council of the District of Columbia, and that the Council shall have issued its approval by resolution: *Provided further,* That if the Council of the District of Columbia or the Board of Trustees of the University of the District of Columbia fails to approve the acquisition or merger of the Antioch School of Law, the **[**$1,146,000**]** *$1,300,000* shall be used solely for the repayment of the general fund deficit.

HUMAN SUPPORT SERVICES

Human support services, $654,315,000, of which $298,000 shall be for non-recurring pay-as-you-go capital projects of the Department of Human Services: *Provided,* That the inpatient rate (excluding the proportionate share for repairs and construction) for services rendered by Saint Elizabeths Hospital for patient care shall be at the per diem rate established pursuant to section 2 of an Act to authorize certain expenditures from the appropriation of Saint Elizabeths Hospital, and for other purposes, approved August 4, 1947 (61 Stat. 751; Public Law 80-353; 24 U.S.C. 168(a)): *Provided further,* That total funds paid by the District of Columbia as reimbursements for operating costs of Saint Elizabeths Hospital, including any District of Columbia payments (but excluding the Federal matching share of payments) associated with title XIX of the Social Security Act, approved July 30, 1965 (79 Stat. 343; Public Law 89-97; 42 U.S.C. 1396 et seq.), shall not exceed $71,200,000: *Provided further,* That $13,800,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation.

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $204,748,000, of which not to exceed $4,150,000 shall be available for the School Transit Subsidy: *Provided*, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business or from apartment houses with four or more apartments, or from any building or connected group of buildings operating as a rooming or boarding house as defined in the housing regulations of the District of Columbia.

WASHINGTON CONVENTION CENTER FUND

For the Washington Convention Center Fund, $6,261,000: *Provided*, That the Convention Center Board of Directors, established by section 3 of the Washington Convention Center Management Act of 1979, effective November 3, 1979 (D.C. Law 3-36; D.C. Code, sec. 9-602), shall reimburse the Auditor of the District of Columbia for all reasonable costs for performance of the annual convention center audit.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with an Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79-648); the Departments of Labor, and Health, Education and Welfare Appropriation Act of 1955, approved July 2, 1954 (68 Stat. 443; Public Law 83-472); section 1 of an Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, sec. 9-219); section 4 of an Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86-515); and section 723 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 821; Public Law 93-198; D.C. Code, sec. 47-321, note); and section 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act, approved October 13, 1977 (91 Stat. 1156; Public Law 95-131; D.C. Code, sec. 9-219, note), including interest as required thereby, $204,514,000.

REPAYMENT OF GENERAL FUND DEFICIT

For the purpose of reducing the $244,934,000 general fund accumulated deficit as of September 30, 1985, [$20,000,000, of which not less than $11,325,000 shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government (including amounts appropriated by this Act or revenues otherwise available, or both)] *$8,675,000: Provided*, That if the Federal payment to the District of Columbia for fiscal year 1987 is reduced pursuant to an order issued by the President under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177, approved December 12, 1985), the percentage (if any) by which the [$20,000,000] set aside for repayment of the general fund accumulated deficit under this appropriation title is reduced as a consequence shall not exceed the percentage by which the Federal payment is reduced pursuant to such order.

SHORT-TERM BORROWINGS

For the purpose of funding interest related to borrowing funds for short-term cash needs, $3,750,000.

CAPITAL OUTLAY

For construction projects, $310,551,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58-140; D.C. Code, secs. 43-1512 to 43-1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83-364); an Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85-451; D.C. Code, secs. 9-219 and 47-3402); section 3(g) of the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved August 20, 1958 (72 Stat. 686; Public Law 85-692; D.C. Code, sec. 40-805(7)); and the National Capital Transportation Act of 1969, approved December 9, 1969 (83 Stat. 320; Public Law 91-143; D.C. Code, secs. 1-2451, 1-2452, 1-2454, 1-2456, and 1-2457); including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided*, That $17,425,000 shall be available for project management and $24,139,000 for design by the Director of the Department of Public Works or by contract for architectural engineering services, as may be determined by the Mayor, and that the funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That $10,298,000 of the $310,551,000, shall be financed from general fund operating revenues to be allocated as follows: $8,000,000 for pay-as-you-go capital projects for public schools of the District of Columbia; $2,000,000 for pay-as-you-go capital projects for the Department of Housing and Community Development; and $298,000 for pay-as-you-go capital projects for the Department of Human Services: *Provided further*, That $19,218,000 of the $310,551,000, shall be available to the Board of Education of the District of Columbia for pay-as-you-go capital projects (maintenance improvements), for the construction of new roofs for various school buildings, and for school safety and building improvements projects, with $15,999,000 of these funds available for construction, $1,881,000 available for architectural design, and $1,338,000 available for project management: *Provided further*, That notwithstanding the last sentence of section 405(b) of the District of Columbia Public Postsecondary Education Reorganization Act, approved October 26, 1974 (88 Stat. 1423; D.C. Code, sec. 31-1535(b)), the Board of Education of the District of Columbia may procure contracts for its pay-as-you-go capital projects, for the construction of new roofs for various school buildings, and for school safety and building improvements projects: *Provided further*, That all such funds shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 7-134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1988, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1988: *Provided further*, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $176,876,000, of which $32,834,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $54,850,000, as authorized by an Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; D.C. Code, sec. 43-1512 et seq.): *Provided*, That the requirements and restrictions which are applicable to general fund capital improvement projects and which are set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund established by the District of Columbia Appropriation Act for fiscal year 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97-91, as amended), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172; D.C. Code, secs. 2-2501 et seq. and 22-1516 et seq.), $5,458,000, to be derived from non-Federal District of Columbia revenues: *Provided*, That the District of Columbia shall identify the sources of funding for this appropriation title from its own locally-generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5-36; D.C. Code, sec. 43-1801 et seq.), $250,000.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures

of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor, except for those funds and programs for the Metropolitan Police Department under the heading "Public Safety and Justice" which shall be considered as the amounts set apart exclusively for and shall be expended solely by that Department; and the appropriation under the heading "Repayment of General Fund Deficit" which shall be considered as the amount set apart exclusively for and shall be expended solely for that purpose.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcyles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84-460; D.C. Code, sec. 47-1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4-101; D.C. Code, sec. 3-205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90-445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. Not to exceed 4½ per centum of the total of all funds appropriated by this Act for personal compensation may be used to pay the cost of overtime or temporary positions.

SEC. 110. Appropriations in this Act shall not be available, during the fiscal year ending September 30, 1987, for the compensation of any person appointed to a permanent position in the District of Columbia government during any month in which the number of employees exceeds [33,355] *33,549*, the number of positions authorized by this Act.

SEC. 111. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 112. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1988, shall be transmitted to the Congress by no later than April 15, 1987.

SEC. 113. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on the District of Columbia, the Subcommittee on Governmental Efficiency and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 114. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2-20; D.C. Code, sec. 47-421 et seq.).

SEC. 115. None of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 116. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

[SEC. 117. None of the funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term.]

SEC. 117. None of the Federal funds provided in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus were carried to term; or except for such medical procedures necessary for the victims of rape or incest, when such rape or incest has been reported promptly to a law enforcement agency or public health service. Nor are payments prohibited for drugs or devices to prevent implantation of the fertilized ovum, or for medical procedures necessary for the termination of an ectopic pregnancy.

SEC. 118. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowing and spending progress compared with projections.

SEC. 119. The Mayor shall not borrow any funds for capital projects unless he has obtained prior approval from the Council of the District of Columbia by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 120. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 121. None of the funds appropriated in this Act may be used for the implementation of a personnel lottery with respect to the hiring of fire fighters or police officers.

SEC. 122. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96-443) which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96-93), as modified in House Report No. 98-265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-361 et seq.)

SEC. 123. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 124. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96-425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 125. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) for any position for any period during the last quarter of calendar year 1986 shall be deemed to be the rate of pay payable for that position for September 30, 1986.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79-592; D.C. Code, sec. 5-803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, a per diem compensation at a rate established by the Mayor.

SEC. 126. Notwithstanding any other provision of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 790; Public Law 93-198; D.C. Code, sec. 1-242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 127. None of the funds appropriated by this Act may be used to transport any output of the municipal waste system of the District of Columbia for disposal at any public or private landfill located in any

State, excepting currently utilized landfills in Maryland and Virginia, until the appropriate State agency has issued the required permits.

SEC. 128. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72-212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency and the District's best interest.

SEC. 129. (a) Section 131 of the District of Columbia Appropriation Act, 1986 (H.R. 3067 as enacted by reference in section 101(c) of Public Law 99-190), is amended—

(1) by inserting "or leased" after "owned" in subsection (a); and

(2) by inserting before the period at the end of subsection (b)(3) the following: ", and includes any tax imposed with respect to the use or rental of a motor vehicle and levied on, with respect to, or measured by the sales price or market value of the vehicle or the gross proceeds from the rental".

(b) The amendments made by subsection (a) shall apply to all taxable periods described in section 131(c) of such Act.

SEC. 130. No later than 30 days after the end of the first quarter of fiscal year 1987, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1987 revenue estimate as of the end of the first quarter of fiscal year 1987: *Provided,* That these estimates shall be used in the fiscal year 1988 annual budget request: *Provided further,* That the officially revised estimates at midyear shall be used for the midyear report.

SEC. 131. Section 466(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 806; Public Law 93-198; D.C. Code, sec. 47-326), is amended by striking out "sold before October 1, 1986" and inserting in lieu thereof "sold before October 1, 1987".

SEC. 132. The District of Columbia shall construct three signs which contain the words, "Sakharov Plaza". These signs shall be placed immediately above existing signs on the corners of 16th and L and 16th and M Streets, Northwest. These should be similar to signs used by the city to designate the location of Metro stations. In addition, a sign shall be placed on city property directly adjacent to, or directly in front of, 1125 16th Street designating the actual location of Sakharov Plaza. Hereafter all official correspondence with the Soviet Embassy in Washington shall be properly addressed to No. 1 Andrei Sakharov Plaza in accordance with United States law.

TITLE II

FISCAL YEAR 1986 SUPPLEMENTAL

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

For an additional amount for "Governmental Direction and Support", $1,738,000.

ECONOMIC DEVELOPMENT AND REGULATION

For an additional amount for "Economic Development and Regulation", $5,658,000.

PUBLIC SAFETY AND JUSTICE

For an additional amount for "Public Safety and Justice", $34,358,000: Provided, That the use of overtime funds in the Second Police District shall be discretionary.

PUBLIC EDUCATION SYSTEM

For an additional amount for "Public Education System" for the fiscal year ending September 30, 1986. $92,000 for the Commission on the Arts and Humanities: Provided, That of the amount available for the District of Columbia Teachers' Retirement Fund ("Fund") for the fiscal year ending September 30, 1986, $3,423,000 shall be transferred to the fund for the purpose of reducing the fund's unfunded liabilities.

HUMAN SUPPORT SERVICES

(INCLUDING RESCISSION)

For an additional amount for "Human Support Services", $1,563,000: Provided, That of the amount available from the revenue sharing trust fund for the fiscal year ending September 30, 1986, $2,463,000 are rescinded.

PUBLIC WORKS

For an additional amount for "Public Works", $4,216,000.

WASHINGTON CONVENTION CENTER FUND

For an additional amount for "Washington Convention Center Fund", $150,000.

REPAYMENT OF LOANS AND INTEREST

(RESCISSION)

Of the funds appropriated for "Repayment of Loans and Interest" for fiscal year ending September 30, 1986, $16,316,000 are rescinded.

PERSONAL SERVICES

(INCLUDING RESCISSION)

Of the funds appropriated for "Personal Services", within the various appropriation titles in section 101(c) of the Joint Resolution making continuing appropriations for the fiscal year 1986, and for other purposes, effective December 19, 1985 (Public Law 99-190; 99 Stat. 1224), $2,423,000 are rescinded with increases and reductions to be allocated as follows: For an additional amount for optical and dental costs for nonunion employees to be apportioned by the Mayor of the District of Columbia from within the various appropriation titles, $1,000,000; and for a reduction to personal services to be apportioned by the Mayor of the District of Columbia from within the various appropriation titles, $3,423,000.

ADJUSTMENTS

(RESCISSION)

The Mayor shall reduce authorized appropriations and expenditures within Object Class 30A (energy) in the amount of $1,000,000 within the various appropriation titles in section 101(c) of the Joint Resolution making continuing appropriations for the fiscal year 1986, and for other purposes, effective December 19, 1985 (Public Law 99-190; 99 Stat. 1224).

REPAYMENT OF GENERAL FUND DEFICIT

For the purpose of eliminating the general fund accumulated deficit, $5,000,000.

CAPITAL OUTLAY

For an additional amount for "Capital Outlay", $126,791,000.

WATER AND SEWER ENTERPRISE FUND

For an additional amount for "Water and Sewer Enterprise Fund", $300,000.

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated for the fiscal year ending September 30, 1986, by section 101(c) of the Joint Resolution making continuing appropriations for the fiscal year 1986, and for other purposes, effective December 19, 1985 (Public Law 99-190; 99 Stat. 1224), shall be used by the Mayor of the District of Columbia ("Mayor") to pay the expenses of the U.S. Marshals Service for extraordinary evictions from housing units owned by the District of Columbia for evictions based solely on excessive numbers of persons occupying the unit unless and until the Mayor submits to the Council of the District of Columbia a reprogramming request and transmits with that reprogramming request the proposed criteria by which these units are to be selected, a proposed plan for the implementation of the proposed criteria, an estimate of the number of units that meet the proposed criteria, and if the proposed criteria involve the displacement of persons who will be unable to afford housing on the private market, an alternative plan for housing those displaced persons.

SEC. 202. Notwithstanding any other provision of this Act, appropriations under this title shall be available upon enactment.

This Act may be cited as the "District of Columbia Appropriation Act, 1987".

Mr. SPECTER. Mr. President, the District of Columbia appropriations bill for fiscal year 1987, presented here today, is a balanced budget. The bill includes $560 million in Federal funds, which is within the subcommittee allocations made under the budget resolution.

This amount includes: $444 million for the Federal payment to the District; $80 million for reimbursements to the city for services provided to the Federal Government; $35 million for the payment to the District required by the St. Elizabeths Hospital transfer legislation. The District will take charge of the hospital beginning October 1, 1987.

The District's budget also includes $2.6 billion in locally generated revenue in addition to the already mentioned Federal funds.

The bill also includes an advance appropriation of $20 million to complete the funding of the new prison to be constructed in the District of Columbia. This appropriation will bring to $50 million the amount provided to design and construct this facility.

It was back in January 1985, that Mayor Barry first committed to building a prison in the District. The subcommittee has held numerous hearings on the prison problem, four this year alone. It is a well known fact that the city's corrections system is in a crisis. We have been frustrated by the lack of progress of the District government on the new prison. Therefore, the subcommittee has recommended bill language that provides that if the District does not sign a design and construction contract by October 15, 1986 they will lose the funds already appropriated for 1987 and the recommended advance for 1988, a total of $40 million. This is the most effective statement we can make to underscore our view of the urgency of the need to push ahead on this project.

The bill also includes $5.5 million to renovate and operate existing District-owned space to provide minimum security bedspace. This will held alleviate some of the pressure on the correc-

tions system while the new prison is being built. We are also recommending funds for the superior court's intensive probation program for greater supervision of high-risk probationers.

Also included in the bill is $7 million for the vocational and educational programs in the Department of Corrections. A new professional director has been placed in charge, and is making recommendations and taking needed action to bring these programs to the national model status we have sought.

During the last 3 fiscal years the Congress has provided $41 million in special appropriations for these programs. On June 6, 1986, I requested the General Accounting Office to audit these funds to ensure that these funds have been used efficiently. I think they have made significant progress in this programs to try to change the pattern where functional illiterates are released without a trade or a skill and return to a life of crime.

The committee is also recommending language in the bill which prohibits the D.C. Parole Board from implementing its proposed rule changes concerning use of PCP. Parolees who test positive for this drug are currently returned to prison. We feel strongly that if a parolee is using PCP and test positive in that respect, that is a red flag that ought to require taking that parolee into custody for a further determination as to what ultimate action would be appropriate with a presumption being that if the parolee is on PCP, he does not deserve to be on parole. That is a factor which indicates a serious risk to the community.

Before closing, Mr. President, I want to thank the members of the subcommittee and particularly our ranking minority member, the Senator from New Jersey, for his time, interest and knowledge in developing this bill. He has taken a leadership role in the matter of raising the drinking age in the District. He conducted a hearing on this matter on July 29, 1986, and has suggested report language which is included in the committee report strongly urging the District council to take prompt action on this matter. The committee and the Senate are indebted to him for his leadership on this issue. I also want to express my appreciation to the chairman of the Appropriations Committee, the Senator from Oregon, for his support in bringing this bill to the floor.

GOVERNMENTAL DIRECTION AND SUPPORT

For the departments and agencies under this appropriations account, the committee recommends $108,353,000 the same as the budget request and House allowance.

Included in this amount is $700,000 and 10 positions for the Retirement Board that is to be funded from the general fund appropriation.

The Retirement Board controls and manages the retirement funds for police officers, firefighters, judges, and teachers. It also certifies the contributions required of the District and Federal Governments and of employees covered by the Retirement Reform Act, Public Law 96-122.

ECONOMIC DEVELOPMENT AND REGULATION

The committee recommends $129,460,000 for the activities under this appropriation account, this is $29,425,000 above the 1986 budget request.

These increases represent $17,026,000 and 37 positions above the 1986 appropriation and, the same as the House allowance.

The Department of Housing and Community Development goals are to provide decent and affordable housing; increase homeownership opportunities for low- and moderate-income persons; develop declining neighborhoods and preserve neighborhood diversity; and maintain all public housing in sound, standard condition.

PUBLIC SAFETY AND JUSTICE

For the public safety and justice appropriations account the committee is recommending $600,165,000.

A total of $70,784,000 and 1,871 positions are recommended for the fire department. This amount is $2,500,000 over the House allowance. The department currently operates 32 engine companies, 17 aerial ladder companies, 4 rescue squads, 22 ambulance companies and the fireboat.

The committee recommends $2,500,000 to keep Engine Company No. 3 open, located at 439 New Jersey Avenue, NW., by providing the required funding and positions for the new fire station to open at First and Atlantic Street, SE. Engine No. 3 service area includes the U.S. Capitol, Supreme Court Building, Library of Congress, Union Station as well as the North Capitol Street corridor.

The committee also recommends $44,506,000 and 1,057 positions for the operation of the Superior Court of the District of Columbia. Included in this amount is $153,000 for communications; $113,000 and eight positions in the civil division; and $70,000 and two positions in the clerk of the Superior Court. The committee intends that these positions be used to speed processing and reduce delays.

PUBLIC EDUCATION SYSTEM

A total of $540,872,000 is recommended for fiscal year 1987 for the operation of the public education system of the District of Columbia. This is an increase of $25,656,000 and 140 positions above the fiscal year 1986 budget.

The D.C. Public Schools provide preschool, kindergarten, elementary, secondary, and continuing education programs for more than 88,000 District students. The committee recommends resources for the expansion of current services to support the projected increases in elementary school enrollment, the second phase of an extended full-day prekindergarten program, resources for needed improvements in special education services, and support for secondary math, English, and counseling services, among other areas.

HUMAN SUPPORT SERVICES

The committee recommends a total of $654,315,000 for fiscal year 1987 for the agencies and departments under the human support services appropriation title.

A total of $541,241,000 and 3,524 positions are recommended for the programs and activities operated by the Department of Human Services.

PUBLIC WORKS

For the public works appropriations account the committee recommends $204,748,000 for the activities relating to maintaining the infrastructure of the Nation's Capital.

WASHINGTON CONVENTION CENTER FUND

A total of $6,261,000 for the Washington Convention Center in fiscal year 1987. This amount will finance the difference between the convention center's estimated fiscal year 1987 operating revenue of $4,346,000 and its total spending needs of $10,607,000.

REPAYMENT OF LOANS AND INTEREST

The committee recommends approval of the budget request of $204,514,000 for fiscal year 1987. This allowance is $6,105,000 above the 1986 appropriation.

REPAYMENT OF GENERAL FUND DEFICIT

The committee recommends $8,675,000 be applied toward reducing the District's accumulated general fund deficit which total $269,860,000. This amount is the same as the budget request and House allowance. The House required that the mayor identify an additional $11,325,000 for this account during the fiscal year.

DISTRICT OF COLUMBIA ENTERPRISE FUNDS

The committee recommends a total of $182,584,000 for the activities funded through this appropriation. This allowance is $22,252,000 above the 1986 appropriation, the same as the budget estimate and House allowance.

Mr. LAUTENBERG. Mr. President, I thank my able friend for his kind words and want to commend him for his hard work on this legislation. Senator SPECTER takes his responsibilities as Chairman of the District of Columbia subcommittee very seriously, and he devotes a great deal of his time and effort to the problems of the District and its citizens. His reputation as a reliable friend and protector or the Nation's Capital is well deserved.

BILL SUMMARY

The bill the committee is recommending to the Senate reflects this

commitment to the District's welfare. I share this commitment, and I support the bill. In all candor, I must say that I have misgivings about the increases that are provided in the Federal funds accounts. But on balance, this is a good bill and it deserves the approval of the Senate. It is within the subcommittee's 302(b) allocation and provides, as is required under the Home Rule Act, for a balanced District budget. Would that we could do the same for the Federal budget.

FEDERAL FUNDS

The bill includes a total of $560,380,000 in Federal funds. This is an increase of $30,353,000 over the fiscal year 1986 post-sequester level and the House allowance. This amount, together with the advance appropriation of $20 million for a new prison approved in last year's bill, would bring total Federal funds available to the District in fiscal year 1987 to $580,380,000, an increase of $50,353,000 above current level.

DISTRICT FUNDS

The bill also enacts the District's appropriated budget. Total District funds come to $3,009,098,000. This is an increase of $305,411,000 over the post-sequester fiscal year 1986 level. It is $19.5 million more than the estimates and the House allocation. The additional $19.5 million over the request is allocated to the Department of Corrections for vocational education programs, prerelease detention facilities, and payments to the bureau of prisons for the costs of incarcerating District prisoners. Otherwise, the bill provides the amounts requested by the mayor and council.

FISCAL YEAR 1986 SUPPLEMENTAL

Title II of the bill enacts District fiscal year 1986 supplementals and budget amendments, which net to a total increase of $31,567,000. The supplemental request approved by the mayor and council. includes $67,023,000 in increases and $35,456,000 in rescissions. The net increase of $31.6 million is financed by additional local revenues owing primarily to tax receipts in excess of projections.

DISTRICT DRINKING AGE

Now, Mr. President, last year when we had the District appropriation bill on the floor, I spoke at some length about the District's drinking age policy. Unfortunately, that issue is still unresolved. The District is still a mecca for teenage drinkers in the metropolitan region. The resulting carnage on regional streets and highways continues.

There should be no misunderstanding on this matter, Mr. President. The Congress and the administration are committed to achieving full compliance with the Uniform Minimum Drinking Age Act of 1984. The District is now the only jurisdiction on the entire eastern seaboard not in compliance with the act. Unless action is taken within the next few weeks, the District will lose $2.5 million in fiscal 1987 Federal highway funds. In fiscal 1988, $5 million in Federal highway funds will be withheld.

The city administration, I am glad to say, has decided that the best interests of the District will be served by complying with national policy. The Mayor has stated his support for raising the minimum legal drinking age to 21 and is submitting the necessary legislation to the council. I want to commend the Mayor for choosing the responsible course of action on this issue.

Both the House and the Senate reports accompanying this bill reemphasize the depth of congressional concerns about the District's refusal so far to change its bloody border policy. These concerns should not be taken lightly. The bill before us contains a $19.5 million increase in the Federal payment. I do not believe the council would be well advised to count on this increase to offset the loss of highway funds if it fails to enact the needed changes. I do not mean this as a threat. But, it is a realistic assessment, in my judgment, of the important role this issue could play in the conference of this bill. The increase in the Federal payment is, after all, unauthorized and the administration has threatened to veto the bill if the additional $19.5 million is included. So, I urge the council to act on the Mayor's recommendations without delay.

Once again, Mr. President, I want to say what a pleasure it is to serve with the distinguished junior Senator from Pennsylvania on this subcommittee. He is always considerate and cooperative and he has done an exemplary job in moving this bill through the committee process. We were, in fact, the first Senate subcommittee to mark up. He deserves the Senate's commendation.

Finally, Mr. President, we would be remiss if we did not take a moment to recognize the contributions of the staff. B. Timothy Leeth, the majority clerk, has done his usual solid, professional job. His assistance and cooperation are valued by Members on both sides of the aisle. I would also like to thank Jerry L. Bonham, our minority clerk, for his help and hard work on the bill. All of us, of course, rely on Lula Joyce and Dorothy Douglas. Without their skills and patience, none of us would get very far with our legislative duties.

Mr. President, I know of no other statements on this side. We are prepared to proceed in the usual fashion. I yield the floor.

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Mr. SIMPSON. Mr. President, I move adoption of the committee amendments.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. TRIBLE. Mr. President, I rise today to discuss several proposals of mine relating to the District-run Lorton Prison in Fairfax County, VA.

For many years now, the Lorton facility has been a source of concern to northern Virginians. Not only is the bulk of the District's prison population housed in the State of Virginia, but over the years, frequent escapes, riots, and similar disturbances at the prison have imposed tremendous financial and emotional costs on my constituents who live in the area surrounding Lorton Prison.

For that reason, I have worked closely with the distinguished chairman of the D.C. Appropriations Subcommittee, Senator SPECTER, to help alleviate the burdens imposed on northern Virginia by the Lorton facility. I am pleased that the Appropriations Committee has already adopted two of my amendments directed toward that goal. I would like to discuss those amendments briefly, and then proceed to offer two additional amendments relating to Lorton.

The first of the committee-approved amendments is designed to ensure that northern Virginia citizens do not bear the costs of responding to disturbances at Lorton. All too frequently, escapes, riots, and fires occur at the prison. Indeed, a major fire took place at Lorton just over 2 weeks ago. The emergency public safety services of northern Virginia jurisdictions must respond to such incidents, and in so doing, they often incur substantial costs.

My amendment ensures that the District of Columbia government will repay those costs to the affected jurisdictions in northern Virginia. It continues a proposal of mine approved by Congress last year, under which up to $50,000 in D.C. funds was made available to Fairfax County, VA. The amendment approved by the Appropriations Committee this year increases the reimbursement earmark to $100,000 for fiscal year 1987, and makes those funds available to both Fairfax and Prince William Counties.

The second of my amendments that the committee has approved is designed to help ease the uncertainty and fear that often beset residents of the Lorton area. While a siren is sounded in the event of an escape from Lorton, many of my constitutents have complained that they simply are not informed of other disturbances at the prison, and are tired

of reading in the morning papers that a major riot or fire occurred the night before. To address that concern, the committee has adopted my amendment requiring the city to provide a 24-hour telephone information service to Lorton-area residents so that they can quickly obtain accurate information on disturbances at the prison.

I appreciate the committee's approval of these amendments.

AMENDMENT NO. 2714

Mr. SIMPSON. Mr. President, I send an amendment to the desk on behalf of Senator TRIBLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for Mr. TRIBLE, proposes an amendment numbered 2714.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 24, before the period, insert the following:

": *Provided further*, That the District of Columbia shall not renovate or construct prison bedspace at the Occoquan facilities of Lorton prison beyond the number of prison bedspaces which were damaged or destroyed there during the fire that occurred on July 25, 1986."

Mr. President, the floor amendments I am offering to the D.C. Appropriations bill relate to the prison construction situation facing the D.C. Department of Corrections.

The first of these two amendments stems from a severe fire that struck the District-run Lorton Prison in late July. In that fire, a number of prison bedspaces were damaged or destroyed at Lorton's Occoquan facilities. I understand that some of that bedspace has already been renovated and is again in use by the District. But roughly 147 bedspaces have yet to be renovated and brought back on line.

I want to ensure that renovation of the 147 bedspaces does not result in expansion of the facilities at Occoquan. District officials have sought to expand their prison facilities in Lorton, VA, in order to help deal with the overcrowding problem. Neither I nor my constituents want to see the Occoquan facilities expanded, and this amendment simply ensures that any repairs or renovations at the Occoquan facility not exceed the spaces destroyed by the fire July 25.

My second amendment deals with the urgent need for the District to proceed with the construction of new prison space within they city itself. The District's overcrowding problems are longstanding ones, and they are likely to worsen as more and more people are convicted under tough drug sentencing laws. But the answer to the prison crowding problem is not to continue to seek bailouts from the Federal prison system, which already houses over 2,500 D.C. inmates. The answer is not to continue to dump prisoners into the Lorton facility in northern Virginia. And the answer certainly is not to grant early release to convicted persons.

Rather, the best solution is for city officials to get on with the business of building a new permanent prison within the District. I note that the Appropriations Committee has set a deadline of October 15 for the Mayor to award a contract for the design and construction of a new prison, and I applaud this action. But I also believe the Senate should insist on prompt construction, especially given the city's repeated delays on this matter. To that end, my second amendment simply expresses the sense of the Senate that construction on the new D.C. prison should begin and be completed as soon as possible.

I believe these amendments are a responsible approach to the myriad problems facing the D.C. prison system. Their passage will do much to alleviate the concerns of my constituents in northern Virginia, and I believe they will help to resolve the public safety crisis that afflicts the D.C. corrections system.

AMENDMENT NO. 2715

Mr. SIMPSON. Mr. President, I send a second amendment to the desk in behalf of the occupant of the chair and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for Mr. TRIBLE, proposes an amendment numbered 2715.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 29, after line 20, insert the following:

SEC. (A) The Congress finds that, more than 2,500 District of Columbia prisoners are now incarcerated in Federal prisons or at prison facilities belonging to Virginia, Maryland, and Delaware;

The continuing shortage of prison space within the District of Columbia has contributed to overcrowding and related problems at the Lorton prison in Fairfax County, Virginia;

The continuing shortage of prison space within the District of Columbia has helped to create a public safety crisis that could endanger the residents of the D.C. metropolitan area;

This public safety crisis is best resolved by the construction of additional prison space within the District of Columbia;

(B) It is the sense of the Congress that, in order to help alleviate the public safety problem facing the District and residents of the surrounding jurisdictions, construction should begin and be completed as soon as possible on the new permanent prison proposed to be built within the District of Columbia.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 2715) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the votes by which the amendments were agreed to.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 5175, the District of Columbia Appropriations bill for fiscal year 1987, as reported by the Senate Appropriations Committee.

The bill now before us provides $0.6 billion in both budget authority and outlays for the Federal payment to the District of Columbia and other programs associated with the Federal presence.

When outlays from prior-year budget authority and other completed actions are taken into account, the Senate Subcommittee is less than $50 million in both budget authority and outlays under its 302(b) allocation under the fiscal year 1987 budget resolution.

I urge my colleagues to support the reported bill and to hold the line on Federal spending in this bill.

Mr. President, I ask unanimous consent that a table showing the relationship of the reported bill to the subcommittee's 302(b) allocation, the President's budget request, and the House-passed bill be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

DISTRICT OF COLUMBIA SPENDING TOTALS—SENATE-REPORTED BILL

[Dollars in billions]

	Fiscal year 1987	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed	(1)	(1)
H.R. 5175, as reported to the Senate	0.6	0.6
Subcommittee total	0.6	0.6
Senate subcommittee 302(b) allocation	0.6	0.6
President's request	0.6	0.6
House-passed bill	0.5	0.5
Subcommittee total compared to:		
Senate subcommittee 302(b) allocation	−(1)	−(1)
President's request		
House-passed bill	+(1)	+(1)

[1] Less than $50 million.

Note.—Details may not add to totals due to rounding.

Mr. SIMPSON. Mr. President, I move passage of H.R. 5175, as amended.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time the question is, Shall it pass?

So the bill (H.R. 5175), as amended, was passed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DIPLOMATIC SECURITY AND ANTITERRORISM ACT—CONFERENCE REPORT

Mr. SIMPSON. Mr. President, I submit a report of the committee on conference on H.R. 4151 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4151) to provide enhanced diplomatic security and combat international terrorism, and for other purposes having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, August 12, 1986.)

Mr. LUGAR. Mr. President, I rise to ask my colleagues' consideration of the conference report on H.R. 4151, the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

This bill is a product of more than 6 months of intensive effort on the part of the Committee on Foreign Relations. I believe it is one of the important bills we have considered this year.

Mr. President, we know all too well that American citizens and American diplomatic missions overseas are the targets of international terrorism and espionage. This bill is a strong and clear response to these threats and it puts the United States in an active role in the fight against terrorism.

The Senate bill passed by voice vote on May 20. In conference, the Senate was able to maintain its fundamental positions on the authorizations and on important aspects of the legislation.

The bill authorizes about $1.1 billion for diplomatic security in fiscal years 1986 and 1987. This includes money for upgrading security at American diplomatic missions overseas, technical security programs and the protection of U.S. Government representatives overseas and foreign diplomats here in the United States.

The bill also authorizes $418 million in embassy construction and security upgrades from fiscal years 1988 through 1990.

One title of the bill is devoted to the victims of terrorism. It compensates the American Government employees held hostage in Iran and makes provision for the fair and compassionate treatment of any future hostages and victims of terrorism.

Mr. President, this bill is a truly bipartisan effort with both Democratic and Republican Members demonstrating strong support for diplomatic security and counterterrorism.

We have put provisions in this bill requiring the participation of American companies in the large construction program. My colleague, the distinguished Senator from New Hampshire, Senator RUDMAN, has added important provisions to guarantee that American small businesses will work in the sensitive technical security programs. The distinguished Senator from Minnesota, Senator DURENBERGER and his colleague on the Senate Intelligence committee, the distinguished Senator from Vermont, Senator LEAHY, sponsored an important provision to guarantee adequate funding for counterintelligence and technical security programs.

In addition to the embassy security titles, the conference report contains eight other titles, almost all of them dealing with the scourge of international terrorism. Included in these provisions are the Terrorism Prosecution Act, a measure sponsored by Senator SPECTER which makes it a U.S. crime to murder or cause serious bodily harm to an American overseas in an act of international terrorism, the Nuclear Power Plant Security and Antiterrorism Act, sponsored by Senator DENTON, which strengthens the security checks on those with unescorted access to a nuclear reactor, and a "terrorism services" measure which regulates the provision of certain types of services to countries identified as state supporters of terrorism.

The conference report also contains a very important piece of legislation sponsored by Senator STEVENS which allows for the forfeiture of assets by those convicted of espionage and ensures that those convicted cannot profit by receiving royalties or other payments from depictions of their crimes. This year has tragically been termed "the year of the spy." Senator STEVENS legislation will make it much less likely that those who wish to sell secrets to foreign powers for personal profit will profit later because of the notoriety they received for having committed such heinous crimes.

Numerous other provisions have been added making technical corrections to existing antiterrorism legislation and expressing the sense of Congress on various challenges posed by international terrorism. The maritime security title, in particular, represents a comprehensive piece of legislation by which security at seaports and on vessels will be reviewed. An authorization of $12.5 million for each of the next 5 years is provided to improve Coast Guard checks on maritime security. It should be noted that the appropriations for this purpose is not intended to come from any of the 150 functional accounts but from the authorization levels provided the Department of Transportation.

Among the more difficult issues the conference committee faced was the issue of whether or not to repeal the District of Columbia law which restricts demonstrations at foreign embassies in the District to a perimeter of 500 feet or more. The twin concerns of providing adequate security to the foreign missions of other countries which we host here in Washington as well as ensuring that first amendment rights are not improperly abridged made this a troubling issue for the conference. The conference report in section 1302 notes these difficulties with sense-of-Congress language.

Senator GRASSLEY is to be congratulated for bringing this important issue to the attention of the Congress. I look forward to working with Senator GRASSLEY and other interested Senators in seeing this issue addressed in the future.

I would like to take this brief opportunity also to extend recognition to my colleague, the distinguished ranking member of the Committee on Foreign Relations, Senator PELL, for his support and efforts and for the efforts his staff has made to bring this piece of legislation to final passage.

Mr. President, when we began consideration of this bill we had before us two very important objectives: to protect American lives and American interests overseas and to require the Department of State to carry out this program in the strict budget environment which we face today.

I believe this bill accomplishes both of those objectives, and I urge my colleagues to vote in favor of the conference report.

Mr. PELL. Mr. President, I would like to join the chairman in urging my colleagues to vote favorably on the conference report on H.R. 4151, the Omnibus Diplomatic Security and Antiterrorism Act of 1986. This bill represents a compromise on approximately 69 provisions involving over 10 differ-

ent committees of the House and the Senate.

The primary purpose of this legislation is to fund the administration's 5-year effort designed to improve the security of diplomatic activity in the United States and abroad. Specifically, the conference bill contains provisions which:

Consolidate all the overseas diplomatic security responsibilities in the Department of State and create a new bureau to carry out these functions;

Establish a board of inquiry and accountability to review security breaches and recommend action against negligent personnel;

Increase the protection of foreign official visitors and diplomats in the United States;

Replace or modify many diplomatic facilities that do not meet minimum security standards and strengthen the residential security for employees at high risk posts;

Increase staffing, training, and professionalism for State Department security personnel;

Provide additional and improved security and communications equipment to reduce the vulnerability of U.S. diplomatic missions;

Provide additional enforcement authority and resources for the U.S. Coast Guard to enhance port, harbor and facility security against maritime terrorism;

Provide compensation and additional benefits for victims of international terrorism; and

Provide increased protection at military bases abroad and nuclear facilities.

Mr. President, the conference bill will greatly enhance the protection of American personnel and facilities abroad. Therefore, I urge my colleagues to vote in favor of the conference report.

Mr. STEVENS. Mr. President, I am pleased to join with my colleagues in calling for approval of the conference report before the Senate. This measure contains many improvements and additions to current law which will aid our efforts to maintain security at home and abroad. It improves diplomatic security, making our diplomatic missions abroad more safe. It gives us new tools to fight international terrorism. It also provides something else which many of us in this body strongly believe in—it requires spies to forfeit the profits from espionage.

As the sponsor of the amendment which added this provision to the Diplomatic Security Act, I am pleased the conferees agreed that the concept of forfeiture should be applied in espionage cases. The measure approved by the conferees, however, is very different from the amendment which was adopted by the Senate. The final version, before us now, is much more limited.

My amendment, the substance of which came from a bill having 41 cosponsors, applied to the three felonies contained in the espionage chapter of the United States Code. The three offenses involve the gathering of information which is critical to national defense with the intention of passing it to a foreign government, actually providing this information to foreign powers, and providing information about sensitive, classified communications to foreign powers.

My amendment required that, upon conviction for any of these offenses, the defendant must forfeit any proceeds from the crime. The amendment further required that any royalties the convicted person is to receive for telling the story of his crime are to be forfeited. Spies—like the Walkers or Ronald Pelton—have become infamous. There is no justice in letting them profit from our shock at the audacity of their crimes.

After the Senate had passed the Diplomatic Security Act articles appeared in the press claiming that requiring forfeiture in espionage cases was a threat to free speech, and that if this provision became law the Government would shortly be coming in and hauling away their presses. I was surprised by this position, since it was clear from the language of the amendment that a party would have to be convicted of espionage before forfeiture could be applied. In reviewing the cases under the espionage statutes I could not find a single case where a newspaper had been found guilty of espionage. I do not see a threat to free speech in denying a person convicted of espionage payments related to that crime.

One case which has been mentioned repeatedly by those with doubts about this proposal is that of Samuel Morison. Morison was convicted of theft of classified documents and was sentenced to 2 years. Morison provided a high resolution photo of a Soviet aircraft carrier to Jane's Defense Weekly. The photograph, taken from a U.S. surveillance satellite, provides information about our intelligence gathering technology. It graphically demonstrates the accuracy of information we can obtain from our satellites.

It is exactly this sort of information which threatens the effectiveness of satellites as a surveillance tool. And yet there is an outcry against Morison's conviction simply because he provided this information to a publisher, rather than a foreign agent. The information was made available to the public in a way which could injure the United States. It makes little difference that the information went to the press rather than directly to a foreign government. No action was taken, however, against Jane's for accepting and printing the photograph. To my knowledge, no such action was ever contemplated.

While I do not accept the notion that requiring spies to forfeit the profits from espionage is a threat to a free press, I entered into negotiations to modify the forfeiture language of my amendment to protect the press from its scope. The result of those negotiations is before us.

The conference report presents a restricted version of the language adopted by the Senate. Forfeiture will not be applied to those convicted under one of the three felonies originally covered—involving disclosure of classified communications information. While this was one of the statutes relied upon in Jerry Whitworth's case, it is also one which the House believes might be applied to the press. Therefore, the conference report drops application of forefeiture to those convicted under this section.

Samuel Morison was convicted for an offense which provides for up to 10 years' imprisonment for gathering sensitive defense information and passing it to someone not entitled to receive that information. Again, there was concern expressed by the House that the language of this statute might be interpreted to apply to the press. Therefore, forfeiture resulting from an offense under this section was limited to payments received from a foreign power. There is to be no forfeiture of royalties for someone convicted under this section.

The conference report allows the full range of forfeiture remedies provided by the Senate bill to be applied to convictions under section 794 only. This offense involves the most serious cases of espionage, where national security information is passed directly to the agents of a foreign power. Payments a spy receives for information, as well as property he used to commit espionage, will be forfeited upon conviction under this section.

Those convicted under this section are also subject to forfeiture of royalties or other payments for telling the story of their crime. This area, too, sparked interest in the House. As adopted by the Senate, forfeiture of royalties would have been applied to a conviction under any of the three espionage felonies. The conference report applies this form of forfeiture only to those who are convicted under section 794.

In part, the restriction of royalties forfeiture to the most serious of the three offenses was intended to avoid the possible application of this form of forfeiture to the media. However, it was also based on a recognition that those spies who are covered by the press have in almost every case been charged and convicted under this section.

The additional remedy of royalty forfeiture against those convicted under section 794 is not a criminal penalty, but a civil sanction. Forfeiture of royalties is intended to prevent the spy from deriving additional income from their illegal actions. These spies are offered large sums of money for books or appearances because their crime has ingrained their faces in the mind of the Nation. Denying them the profit from this publicity is intended to prevent them from making a career out of being a former spy. It is my understanding and intent that this civil sanction should apply to all espionage cases—including those currently under prosecution, and those which have just been concluded.

While scaled back from the measure passed by the Senate, I feel that this provision adds an important feature to our espionage laws. The changes made in the legislation were necessary to obtain a consensus. I am pleased to see us imposing forfeiture on some of the individuals convicted of espionage. This is a major step in the right direction.

Mr. DENTON. Mr. President, I rise in strong support of the conference report on H.R. 4151, the Omnibus Diplomatic Security and Antiterrorism Act of 1986. I believe that this bill will provide a number of useful tools in our fight against terrorism. I am particularly pleased that the conference report maintained three sections added by the Senate which incorporated legislation reported by the Judiciary Committee.

The first such section incorporates the substance of S. 274, the Nuclear Power Plant Security and Antiterrorism Act, a bill which I introduced on January 24, 1985. The section would allow the Nuclear Regulatory Commission to require each licensee or applicant for a license to operate a utilization facility to fingerprint each individual who is permitted unescorted access to the facility or is permitted access to safeguard information. The fingerprints would be submitted by the Commission to the Attorney General and then referred to the Federal Bureau of Investigation for identification and a criminal history record check. The results of the search will then be submitted back to the Commission for submission to the licensee or applicant.

While the section provides that the complete criminal history record will be submitted to the licensee or applicant, including arrest data unaccompanied by disposition, the section also provides that the Commission promulgate regulations protecting the rights of the prospective employees to correct, supplement and explain the criminal history record. The section also mandates regulations which will protect against the misuse of the records.

In sum, this section will establish a uniform procedure for criminal history checks, applicable to all commercial licensees, regardless of ownership. This procedure will help to ensure that only individuals who are reliable and trustworthy have access to critically sensitive areas, thereby significantly improving the security of nuclear powerplants.

The second judiciary section incorporates the substance of S. 1429, the Terrorist Prosecution Act. This section establishes extraterritorial criminal jurisdiction over serious violent attacks by terrorists upon U.S. nationals. Presently, Federal law prohibits extraterritorial murder of and assaults upon only certain U.S. high ranking officials, diplomats, and law enforcement officers. This new section which adds chapter 113A to title 18, United States Code, will extend coverage to any terrorist murder or manslaughter and serious physical assault of any U.S. national. The section also covers terrorist conspiracies or attempts abroad to kill a U.S. national whether that national is outside the United States or within the United States, as well as covering violent attacks against property, including, but not limited to, bombing and arson, if the attack is intended to, or does, result in serious bodily injury to a U.S national. The section does not reach non-terrorist violence (for example simple bar room brawls or normal street crime). To ensure that the statute is used for its intended purpose, the bill provides that, the Attorney General must certify the prosecution.

Finally, the third Judiciary section incorporates the substance of S. 1654, an espionage forfeiture bill introduced by my distinguished colleague from Alaska, Mr. STEVENS. The section provides that anyone convicted of a violation of 18 U.S.C. section 793 shall forfeit to the United States any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, from foreign government, or any faction or party or military or naval force within a foreign country, whether recognized or unrecognized by the United States. For a violation of 18 U.S.C. section 794 the convicted individual shall forfeit all property and proceed without condition. Additionally, the section applies the current Son-of-Sam provisions to convictions under 18 United States Code section 794. The section also provides that the amounts from the forfeiture shall be deposited in the Crime Victims Fund.

I believe that this section will remove the financial incentive from those who would engage in espionage and will provide us with an additional tool to fight espionage.

Mr. President, I urge my colleagues to adopt the conference report on H.R. 4151.

Thank you, Mr. President.

Mr. GRASSLEY. Mr. President, on behalf of myself and Mr. LUGAR, as the Senate considers the conference report accompanying the Omnibus Diplomatic Security and Antiterrrorism Act of 1986, we would like to take the opportunity to comment on section 1302 of the act relating to demonstrations at embassies in the District of Columbia.

The original embodiment of that section repealed District of Columbia Code section 22-1115 which made congregating within 500 feet of an embassy a crime.

In effect, that section replaced the local law with a more recent and more comprehensive statute codified in Federal criminal law. The Federal statute protects foreign diplomats in all 50 States, such as New York, the headquarters of the United Nations and home to many foreign diplomats of ambassadorial rank. This 1972 law prohibits activity within 100 feet of a diplomatic facility when it is designed to threaten, harass, coerce or intimidate those entering or leaving the facility. Congress did not extend this law to the District of Columbia only because it was said that the District already had a sufficient law similar to this 1972 Federal law.

However, the District of Columbia law is in no way similar. Unlike the Federal law, D.C. law prohibits more than two people from standing in front of an embassy. On its face this law infringes on our constitutional rights of freedom of speech and assembly.

Moreover, selective enforcement of the D.C. statute has resulted in the arrests of peaceful demonstrators—arrest that has taken these people through an ordeal of prosecution, trial, sentence and even prison. It is grossly offensive to our constitutional values to subject a U.S. citizen to prosecution simply because he or she stands peacefully on a public street holding up a sign reading "Russia Out of Afghanistan" or "Solidarity" or "Apartheid Is Evil." There is no reason that professional diplomats in the District of Columbia need more protection from seeing such demonstrations than those located in New York, Chicago or Los Angeles.

Therefore, language repealing the D.C. code provision and replacing it with the Federal law was added to H.R. 4151 when it underwent Senate consideration.

Claims that this section of the act violated the tenets of Home Rule and in the interests of expediting the implementation of an extremely important embassy security program led to the current language in the conferenced bill. This language in no way diminishes our interest in this issue or our commitment to seeing that the

law is consistent with the exercise of free speech.

We urge that the D.C. Council act on this resolution immediately.

Mr. SIMPSON. Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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MAINE CENTRAL RAILROAD COMPANY AND PORTLAND TERMINAL COMPANY LABOR-MANAGEMENT DISPUTE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate turn to the consideration of House Joint Resolution 683, to provide for a temporary prohibition of strikes or lockouts with respect to the Maine Central Railroad Co. and Portland Terminal Co. labor-management dispute.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 683) to provide for temporary prohibition of strikes or lockouts with respect to the Maine Central Railroad Company and Portland Terminal Company labor-management dispute.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time by title.

Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. MITCHELL. Mr. President, I urge the Senate to adopt House Joint Resolution 683, the joint resolution which was adopted by the House of Representatives earlier today, to extend by the cooling-off period in the dispute between the Maine Central Railroad [MCRR] and the Brotherhood of Maintenance of Way Employees [BMWE].

On July 20, 1986, the cooling-off period initiated by President Reagan's May 16 Emergency Board Order expired. The provisions of the Federal Railway Labor Act have been exhausted. The railroad has moved unilaterally to impose a 20-percent paycut and sweeping work rule changes. Yesterday, the Federal district court in Maine declined to issue a temporary restraining order against the railroad's action, on the grounds that there is no longer authority under the law to do so.

Congress needs to fill the statutory vacuum and move immediately to avert a national rail shutdown. Under the law, the union equally retains the right to self-help. The union has the right to strike against the railroad and to extend pickets to carriers such as Conrail or Norfolk-Southern. The dispute threatens to escalate at any time to a national strike, with serious impact on interstate commerce.

Congress should introduce a measure of stability into the situation; require a return to the prestrike status quo; and allow negotiations to continue.

Since 1963, Congress has intervened 11 times in labor disputes once the provisions of the Federal Railway Labor Act have been exhausted. The pattern of precedents establishes a clear preference for moving cautiously, minimally, and incrementally. That is exactly what House Joint Resolution 683 proposes to do.

It extends the President's original cooling-off period, so that expiration would occur on September 18.

It requires a three-person panel appointed by the National Mediation Board to take a fresh look at the dispute, and to report to Congress on September 8, 10 days before the expiration of the extension. The report shall describe the status of negotiations; make findings of fact on financial and other circumstances related to the dispute, including developments since March 3 when the strike began; and make recommendations for a proposed solution to the dispute, including issues covered by the Presidential Emergency Board.

Most importantly, the resolution allows the collective bargaining process to continue. It in no way attempts to impose a settlement on either of the parties. It preserves the ability of the railroad to reduce its workforce to react to economic conditions. Extension of the cooling-off period will not displace the orders of the U.S. District Court in Maine of July 11 and 21, 1986, which allow the railroad to implement layoffs in response to economic circumstances, as long as such action is not motivated by any antiunion animus or a desire to circumvent the purposes of the Railway Labor Act.

This action is proposed unanimously by the Maine congressional delegation, with the encouragement of the Governor of Maine. It has received broad bipartisan support. On July 24, Senators COHEN of Maine, DODD of Connecticut, LEAHY of Vermont, KENNEDY and KERRY of Massachusetts, D'AMATO of New York, SIMON of Illinois, METZENBAUM of Ohio, and SPECTER and HEINZ of Pennsylvania joined me in introducing a similar measure in the Senate. Additional language and modifications were worked out jointly by Republicans and Democrats in both the Senate and House. The House Energy and Commerce Committee amended the proposal last week with such changes, and the final version was adopted this morning by the full House.

I urge the Senate to act swiftly now on the resolution. It is a modest, balanced, and fair proposal. It is in the best interests of Maine, New England, and the rest of the country.

The collective bargaining process should be preserved. Negotiations should continue.

The railroad and the union are wrestling with difficult job security and work rule issues which are shared throughout the industry. Such issues are of major significance for the future of railroads. It is my sincere hope that both labor and management will rise to the challenge, and in a committed, cooperative fashion, use the collective bargaining process to find a resolution that will serve their mutual interests, as well as the public interest.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 683) was ordered to a third reading, was read the third time, and passed.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. SASSER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHILDREN'S JUSTICE AND ASSISTANCE ACT

Mr. SIMPSON. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 140.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 140) entitled "An Act to amend the Child Abuse Prevention and Treatment Act to establish a program to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of the child abuse cases, especially child sexual abuse cases", do pass with the following amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Justice and Assistance Act of 1986".

TITLE I—CHILDREN'S JUSTICE

SECTION 101. SHORT TITLE.

This title may be cited as the "Children's Justice Act".

SEC. 102. CHILDREN'S JUSTICE GRANT.

(a) GRANT AUTHORIZATION.—Section 4 of the Child Abuse Prevention and Treatment Act

(hereinafter in this title referred to as "the Act") is amended—

(1) by redesignating subsections (d), (e), (f), and (f) (the second time such designation appears), as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d)(1) The Secretary (acting through the Center and in consultation with the Attorney General) is authorized to make grants to the States for the purpose of assisting States in developing, establishing, and operating programs designed to improve (A) the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim, and (B) the investigation and prosecution of cases of child abuse, particularly child sexual abuse.

"(2) In order for a State to qualify for assistance under this subsection, such State shall—

"(A) fulfill the requirements of subsections (b)(2) and (4) or receive a waiver of such requirements under subsection (b)(3);

"(B) establish a task force as provided in paragraph (3);

"(C) fulfill the requirements of paragraph (4); and

"(D) submit an application to the Secretary at such time and containing such information and assurances as the Secretary considers necessary, including an assurance that the State will make such reports to the Secretary as may reasonably be required and will maintain and provide access to records relating to activities under this subsection.

"(3)(A) Except as provided in subparagraph (B), a State requesting assistance under this subsection shall establish or designate a multidisciplinary task force on children's justice (hereinafter referred to as "the task force") composed of professionals with knowledge and experience related to the criminal justice system and issues of child abuse. The task force shall include individuals representing the law enforcement community, judicial and legal officers (including individuals involved with the defense as well as the prosecution of such cases), child advocates, health and mental health professionals, individuals representing child protective service agencies, individuals experienced in working with handicapped children, parents, and parents' groups.

"(B) As determined by the Secretary, a commission or task force established after January 1, 1983, with substantially comparable membership and functions, may be considered the task force for the purposes of this subsection.

"(C) Before a State receives assistance under this subsection, the task force shall (i) review and evaluate State investigative, administrative, and judicial handling of cases of child abuse, particularly child sexual abuse, and (ii) make recommendations in each of the categories described in paragraph (4). The task force may make such other comments and recommendations as are considered relevant and useful.

"(4)(A) Subject to the provisions of subparagraph (B), the State shall adopt recommendations of the task force in each of the following categories:

"(i) investigative, administrative, and judicial handling of cases of child abuse, particularly child sexual abuse cases, in a manner which reduces the additional trauma to the child victim and which also ensures procedural fairness to the accused;

"(ii) experimental, model, and demonstration programs for testing innovative approaches and techniques which may improve the rate of successful prosecution or enhance the effectiveness of judicial and administrative action in child abuse cases, particularly child sexual abuse cases, and which also ensure procedural fairness to the accused; and

"(iii) reform of State laws, ordinances, regulations, and procedures to provide comprehensive protection for children from abuse, particularly sexual abuse, while ensuring fairness to all affected persons.

"(B) As determined by the Secretary, a State shall be considered to be in fulfillment of the requirements of this paragraph if—

"(i) the State adopts an alternative to the recommendations of the task force, which carries out the purposes of this subsection, in each of the categories under subparagraph (A) for which the task force's recommendations are not adopted; or

"(ii) the State is making substantial progress towards adopting the recommendations of the task force or a comparable alternative to such recommendations.

"(5) For grants under paragraph (1), the Secretary shall use the amount authorized by section 1404A of the Victims of Crime Act of 1984.".

(b) CRIME VICTIMS FUND.—(1) Section 1402(c)(1) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(c)(1)) is amended by striking out "$100 million" and inserting in lieu thereof "$110 million".

(2) Section 1402(d)(2) of such Act is amended to read as follows:

"(2) The Fund shall be available as follows:

"(A) Of the first $100,000,000 deposited in the Fund in a particular fiscal year—

"(i) 49.5 percent shall be available for grants under section 1403;

"(ii) 45 percent shall be available for grants under section 1404(a);

"(iii) 1 percent shall be available for grants under section 1404(c); and

"(iv) 4.5 percent shall be available for grants as provided in section 1404A.

"(B) The next $5,500,000 deposited in the Fund in a particular fiscal year shall be available for grants as provided in section 1404A.

"(C) Any deposits in the Fund in a particular fiscal year in excess of $105,500,000 shall be available for grants under section 1404(a).".

(3) The Victims of Crime Act of 1984 is amended by inserting after section 1404 the following new section:

"CHILD ABUSE PREVENTION AND TREATMENT GRANTS

"SEC. 1404A. Amounts made available by section 1402(d)(2) for the purposes of this section shall be obligated and expended by the Secretary of Health and Human Services for grants under section 4(d) of the Child Abuse Prevention and Treatment Act. Any portion of an amount which is not obligated by the Secretary by the end of the fiscal year in which funds are made available for allocation, shall be reallocated for award under section 1404(a), except that with respect to funds deposited during fiscal year 1986 and made available for obligation during fiscal year 1987, any unobligated portion of such amount shall remain available for obligation until September 30, 1988.".

(4) Section 1404(c) of the Victims of Crime Act of 1984 is amended by striking out "(c)" and all that follows through "The Federal Administrator shall—" in paragraph (3) and inserting in lieu thereof the following: "(c)(1) The Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs, shall make grants—

"(A) for training and technical assistance services to eligible crime victim assistance programs; and

"(B) for the financial support of services to victims of Federal crime by eligible crime victim assistance programs.

"(2) Of the amount available for grants under this subsection—

"(A) not less than 50 percent shall be used for grants under paragraph (1)(A); and

"(B) not more than 50 percent shall be used for grants under paragraph (1)(B).

"(3) The Assistant Attorney General for the Office of Justice Programs shall—".

(5) Section 1404(a)(1) of the Victims of Crime Act of 1984 is amended by striking out "not used for grants under section 1403" and all that follows through "subsection (c)" and inserting in lieu thereof "made available by section 1402(d)(2) for the purpose of grants under this subsection, or for the purpose of grants under section 1403 but not used for that purpose".

SEC. 103. THE NATIONAL CENTER ON CHILD ABUSE AND NEGLECT.

(a) STUDIES AND REPORTS.—Section 2(b) of the Act is amended—

(1) by redesignating paragraphs (2), (3), (4), (5), (6), and (7) as paragraphs (3), (4), (6), (7), (8), and (9), respectively;

(2) by inserting after paragraph (1) the following new paragraph:

"(2) compile, evaluate, publish, and disseminate to each State such materials and information as may assist the States in achieving the objectives of section 4(d), including an evaluation of various methods and procedures for the investigation and prosecution of child physical and sexual abuse cases and resultant psychological trauma of the child victim;";

(3) by inserting after paragraph (4) (as so redesignated) the following new paragraph:

"(5) develop and disseminate, to appropriate State and local officials, model training materials to assist in training law enforcement, legal, judicial, medical, mental health, and child welfare personnel in appropriate methods of interacting during investigative, administrative, and judicial proceedings with children subjected to child abuse;";

(4) by amending paragraph (7) (as so redesignated) to read as follows:

"(7) conduct research on the causes, prevention, identification, and treatment of child abuse and neglect, and on appropriate and effective investigative, administrative, and judicial procedures in cases of child abuse;"; and

(5) by inserting after paragraph (9) (as so redesignated) the following new paragraph:

"(10) not later than two years after the first fiscal year for which funds are obligated under section 1404A of the Victims of Crime Act of 1984, the Secretary shall—

"(A) evaluate the effectiveness of assisted programs in achieving the objectives of section 4(d); and

"(B) submit a report to the appropriate committees of the Congress of such evaluation and of technical assistance in achieving the objectives of such section provided to the States through the National Center on Child Abuse and Neglect.".

(b) DISSEMINATION REQUIREMENT.—Information and materials under sections 2(b)(2) and 2(b)(5) of the Act shall be made available to appropriate State officials not later than 180 days after the date of enactment of this Act.

SEC. 104. COORDINATION OF FEDERAL PROGRAMS CONCERNING CHILD ABUSE.

Section 6(a) of the Child Abuse Prevention and Treatment Act is amended—

(1) by inserting after the first sentence "The Advisory Board shall meet at least every six months."; and

(2) in the second sentence by inserting "in order to prevent unnecessary duplication of such programs, to ensure efficient allocation of resources, and to assure that programs effectively address all aspects of the child abuse problem" after "Board".

SEC. 105. ACQUISITION OF STATISTICAL DATA.

(a) DATA ACQUISITION FOR 1987 AND 1988.—The Attorney General shall acquire from criminal justice agencies statistical data, for the calendar years 1987 and 1988, about the incidence of child abuse, including child sexual abuse, and shall publish annually a summary of such data.

(b) MODIFICATION OF UNIFORM CRIME REPORTING PROGRAM.—(1) As soon as practicable, but in no case later than January 1, 1989, the Attorney General shall modify the uniform crime reporting program in the Federal Bureau of Investigation to include data on the age of the victim of the offense and the relationship, if any, of the victim to the offender, for types of offenses that may involve child abuse, including child sexual abuse.

(2) The modification, once made, shall remain in effect until the later of—

(A) 10 years after the date it is made; or

(B) such ending date as may be set by the Attorney General.

SEC. 106. AMENDMENT TO PUBLIC HEALTH SERVICE ACT.

(a) SECTION 523.—Section 523(e) of the Public Health Service Act (42 U.S.C. 290dd-3(e)) is amended by adding after and below paragraph (2) the following: "The prohibitions of this section do not apply to the reporting under State law of incidents of suspected child abuse and neglect to the appropriate State or local authorities.".

(b) SECTION 527.—Section 527(e) of such Act (42 U.S.C. 290ee-(3)) is amended by adding after and below paragraph (2) the following: "The prohibitions of this section do not apply to the reporting under State law of incidents of suspected child abuse and neglect to the appropriate State or local authorities.".

TITLE II—TEMPORARY CHILD CARE FOR HANDICAPPED CHILDREN AND CRISIS NURSERIES

SEC. 201 SHORT TITLE.

This title may be cited as the "Temporary Child Care for Handicapped Children and Crisis Nurseries Act of 1986".

SEC. 202. FINDINGS.

The Congress finds that it is necessary to establish demonstration programs of grants to the States to assist private and public agencies and organizations to provide: (A) temporary non-medical child care for children with special needs to alleviate social, emotional, and financial stress among children and families of such children, and (B) crisis nurseries for children who are abused and neglected, at risk of abuse or neglect, or who are in families receiving child protective services.

SEC. 203. TEMPORARY CHILD CARE FOR HANDICAPPED AND CHRONICALLY ILL CHILDREN.

The Secretary of Health and Human Services shall establish a demonstration program of grants to States to assist private and public agencies and organizations to provide in-home or out-of-home temporary non-medical child care for handicapped children, and children with chronic or terminal illnesses. Such care shall be provided on a sliding fee scale with hourly and daily rates.

SEC. 204. CRISIS NURSERIES.

The Secretary of Health and Human Services shall establish a demonstration program of grants to States to assist private and public agencies and organizations to provide crisis nurseries for children who are abused and neglected, are at high risk of abuse and neglect, or who are in families receiving child protective services. Such service shall be provided without fee for a maximum of 30 days in any year. Crisis nurseries shall also provide referral to support services.

SEC. 205. ADMINISTRATIVE PROVISIONS.

(a) APPLICATIONS.—

(1) Any State which desires to receive a grant under section 203 or 204 shall submit an application to the Secretary in such form and at such times as the Secretary may require. Such application shall—

(A) describe the proposed State program, including the services to be provided, the agencies and organizations that will provide the services, and the criteria for selection of children and families for participation in projects under the program;

(B) contain an estimate of the cost of developing, implementing, and evaluating the State program;

(C) set forth the plan for dissemination of the results of the projects; and

(D) specify the State agency designated to administer programs and activities assisted under this title and the plans for coordinating interagency support of the program.

(2) Such application shall contain assurances that—

(A) not more than 5 percent of funds made available under this title will be used for State administrative costs;

(B) projects will be of sufficient size, scope, and quality to achieve the objectives of the program;

(C) in the distribution of funds made available under section 203, a State will give priority consideration to agencies and organizations with experience in working with handicapped and chronically ill children and their families and which serve communities with the greatest need for such services;

(D) in the distribution of funds made available under section 204, the State will give priority consideration to agencies and organizations with experience in working with abused or neglected children and their families, and with children at high risk of abuse and neglect and their families, and which serve communities which demonstrate the greatest need for such services; and

(E) Federal funds made available under this title will be so used as to supplement and, to the extent practicable, increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses specified in this title, and in no case supplant such State or local funds.

(b) AWARD OF GRANTS.—

(1) In reviewing applications for grants under this title, the Secretary shall consider, among other factors, the equitable geographical distribution of grants.

(2) In the award of temporary non-medical child care demonstration grants under section 203, the Secretary shall give a preference to States in which such care is unavailable.

(3) Of the funds appropriated under section 206, one-half shall be available for grants under section 203 and one-half shall be available for grants under section 204.

(c) EVALUATIONS.—States receiving grants under this title, shall annually submit a report to the Secretary evaluating funded programs. Such report shall include information concerning costs, the number of participants, impact on family stability, the incidence of abuse and neglect, and such other information as the Secretary may require.

(d) DEFINITIONS.—For the purposes of this title—

(1) the term "Secretary" means the Secretary of Health and Human Services;

(2) the term "handicapped children" has the meaning given such term in section 602(a)(1) of the Education of the Handicapped Act;

(3) the term "crisis nursery" means a center providing temporary emergency services and care for children; and

(4) the term "non-medical child care" means the provision of care to provide temporary relief for the primary caregiver.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for the purposes of this title such sums as may be necessary for each of the fiscal years 1987 and 1988. Such sums shall remain available until expended.

SEC. 207. EFFECTIVE DATE.

This title shall take effect October 1, 1986.

Amend the title so as to read: "An Act to amend the Child Abuse Prevention and Treatment Act to establish a program to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of child abuse cases, particularly child sexual abuse cases, and to establish demonstration programs of temporary child care for handicapped children and crisis nurseries.".

Mr. DENTON. Mr. President, I rise in strong support of S. 140, the Children's Justice Act, as amended by the House. I also rise to commend Senator HAWKINS for her continued commitment to fight for our Nation's children, especially those children who have become victims of abuse or neglect. As an advocate for children, Senator HAWKINS has become an indispensable part of this body.

Mr. President, the issue of child abuse has exploded into public view during the past several years. One need only to read the newspapers or to watch television news to realize that child abuse is a problem of immense proportions. Estimates regarding the incidence of child abuse vary greatly depending upon the study, setting, the definitional criteria, and the methodology used for collecting the information. Most studies, however, would suggest that perhaps 200,000 to 400,000 children are victimized very year.

Some studies would suggest that the numbers are much higher. The National Committee for Prevention of Child Abuse reported in February of this year that in 1984, 1,726,649 children were officially reported as victims of child abuse and neglect by child

protective service agencies in the United States. This rate of reporting is estimated at 27.8 children out of 1,000 children an increase by 158 percent between 1976 and 1984. The National Center for Missing and Exploited Children projects that, on a national basis, one out of three minor girls and one out of every seven minor boys will be sexually abused. Reports from the Children's Trust Fund of Montgomery, indicate that over 28,000 young Alabamians were abused in 1984.

These abused children have suffered extreme trauma at the hand of an insensitive justice system which allows an overzealous defense attorney to intimidate, confuse, and badger the child witness into making courtroom statements which might be inconsistent with previous statements. Instead of providing the child victim with the necessary respect, understanding and compassion, the justice system, with its insensitive and intimidating investigative and adjudicative procedures, reduce the child victim to an automaton, caught in the drawn-out adult drama leading up to and including the courtroom.

Mr. President, I believe that S. 140, as amended, will remedy the problem and will encourage the necessary respect, understanding, and compassion for the child victim. The bill will encourage the States to implement protective reforms for the investigation and adjudication of child abuse cases, particularly child sexual abuse. Such reforms would minimize the additional trauma to the child victim and improve the chances of successful criminal prosecution or legal action.

Mr. President, I am pleased that the House drafted an amendment to the Children's Justice Act which contains key provisions drawn from S. 1156, the Child Victim Witness Protection Act, which I introduced on May 16, 1985. I am further pleased that Senator HAWKINS has graciously agreed to accept those provisions.

Chief among the accepted provisions is what has commonly been referred to as the Denton funding mechanism. Under this provision, the level of the Crime Victim's Fund would be increased from $100 million to $110 million to allow the Secretary of Health and Human Services, in consultation with the Attorney General, to provide modest Federal financial assistance to the States for the purpose of assisting States in developing, establishing, and operating programs designed to improve the handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim, and the investigation and prosecution of cases of child abuse, particularly child sexual abuse.

Mr. President, in light of the current budgetary situation, we must continue to look for innovative ways to fund programs without adversely affecting existing child-related programs and without imposing an additional burden on the taxpayer. By drawing from the Crime Victim's Fund, the amended Children's Justice Act will be financed from first, fines collected by the Federal Government; second, penalty assessments levied upon convicted Federal defendants; third, forfeited bail bonds and collateral in Federal criminal cases, and; fourth, certain profits made by criminals from publishing their misdeeds in literary, visual, and audio productions. In other words, the bill will now impose a type of users' fee on criminals in order to protect abuse victims.

Additionally, under the Denton funding mechanism the Children's Justice Act will be funded, even if the victim's fund does not exceed the $100 million limit. That is, if the users' fees for a given year do not exceed $100 million, then the Children's Justice Act will be funded by using 4.5 percent of the amount in the fund. The balance of the fund will be allocated in the following manner: 49.5 percent for State crime victim compensation grants; 45 percent for grants to States for the purpose of aiding crime victim assistance programs; and 1 percent for Federal crime victim assistance purposes. The next $5.5 million deposited in the fund—between $100 million and $105.5 million—must be used for the children's justice grants. All money deposited in the fund in excess of $105.5 million will be available for grants to States for the purpose of aiding crime victim assistance programs.

Mr. President, I ask unanimous consent that a more detailed analysis of this provision be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. DENTON. Mr. President, by raising the ceiling of the Crime Victims Fund to $110 million, the amended bill explicitly reaffirms congressional support for the victims fund; thereby rejecting the administration's request to make devastating cuts in the ceiling of the fund.

Mr. President, the amended Children's Justice Act also incorporates certain additions to the mandatory multidisciplinary task force. As a result of the two hearings I conducted on S. 1156, the Child Victim Witness Protection Act, I have become firmly convinced of the need to establish Statewide multidisciplinary or interdisciplinary teams to work with victims of child abuse. At my suggestion, the House expanded the task force to include individuals representing parent groups and individuals experienced in working with handicapped children. The former would allow for representation by groups such as the PTA and would echo the language dealing with the State advisory groups which I placed in the Reauthorized Juvenile Justice and Delinquincy Prevention Act in 1984. The latter takes into account the belief that disabled children constitute a high-risk group for abuse and that they may need special attention during the investigation and adjudication of the alleged abuse and was based on recommendations by the Alabama Developmental Disabilities Advocacy Program in Tuscaloosa, AL.

Mr. President, as the U.S. Supreme Court noted in the famous case of New York versus Ferber, "the prevention of sexual exploitation and abuse of children constitutes a Government objective of surpassing importance." It is with that objective in mind that I offer my strongest support for the amended Children's Justice Act.

Again, I offer my strong commendation to Senator HAWKINS for her leadership in the fight for the protection of our Nation's children. I look forward to continued cooperative efforts with Senator HAWKINS in this most imperative battle.

I urge my colleagues to support this bill as amended.

Mr. President, as I have noted, S. 140 as amended by the House incorporates key elements of S. 1156, the Child Victim Witness Protection Act, which I introduced and which is now pending before the Judiciary Committee. As such, I see no need to process S. 1156 to Senate passage. I would, however, ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 1156 and that S. 1156 be indefinitely postponed.

EXHIBIT 1

SECTION-BY-SECTION ANALYSIS OF AMENDMENT IN THE NATURE OF A SUBSTITUTE TO S. 140

SECTION 102

[discussion of section 102(a)]

Section 102(b) of the amendment makes changes in the Victims of Crime Act of 1984, Pub. L. No. 98-473, title II, ch. 14, 98 Stat. 2170-78. Section 102(b)(1) amends Victims of Crime Act section 1402(c)(1), which places a ceiling of $100 million on the Crime Victims Fund, to raise the ceiling to $110 million.

Section 102(b)(2) amends Victims of Crime Act section 1402(d)(2), which sets forth how money in the Fund is to be allocated. The present formula calls for the Fund to be divided equally between state crime victim compensation grants and crime victim assistance grants. Section 102(b)(2) establishes a three-part formula. Of the first $100 million deposited in the Fund, 49.5% is to be available for crime victim compensation grants under section 1403 of the Act; 45% is to be available under section 1404(a) of the Act for grants to states for the purpose of aiding crime victim assistance programs; one percent is to be available under section 1404(c) of the Act for federal crime victim assistance purposes; and 4.5% is available for child abuse grants

under section 1404A of the Act. All of the next $5.5 million deposited in the Fund is to be available for child abuse grants under section 1404A of the Act, and all money in the Fund in excess of $105.5 million is to be available under section 1404(a) for grants to states for the purpose of aiding crime victim assistance programs.

Section 102(b)(3) adds a new section (1404A) to the Victims of Crime Act of 1984. Section 1404A authorizes the Secretary of Health and Human Services to make grants from the Crime Victims Fund for the purposes set forth in section 4(d) of the Child Abuse Prevention and Treatment Act (see section 102(a)(2) of the amendment in the nature of a substitute). New section 1404A also requires the timely use of money available to the Secretary from the Fund. Except for money deposited in the Fund during fiscal year 1986 (and therefore available to the Secretary during fiscal year 1987), money available to the Secretary must be obligated within 12 months (by the end of the fiscal year in which the money is made available), and any money that is not obligated reverts to the Fund and is to be used under section 1404(a) for grants to states for the purpose of aiding crime victim assistance programs. Because fiscal year 1987 is nearly over, new section 1404A gives the Secretary 14 months (i.e., until the end of fiscal year 1988) to use money from the Fund made available during fiscal year 1987.

Section 102(b)(4) amends Victims of Crime Act section 1404(c), which authorizes the Attorney General to use up to 5% of the Crime Victims Fund for federal crime victim assistance purposes and to appoint a Federal Crime Victim Assistance Administrator. As amended, section 1404(c)(1) of the Victims of Crime Act will authorize the Attorney General, acting through the Assistant Attorney General for the Office of Justice Programs, to make grants (1) for training and technical assistance services and (2) for support of services to victims of federal crimes. Section 1402(c)(2), as amended, will require that at least half of the amounts available for grants under section 1402(c) be used for training and technical assistance. Section 1402(c)(3), as amended, will make the Assistant Attorney General for the Office of Justice Programs directly responsible for administering the Victims of Crime Act.

Section 102(b)(5) amends Victims of Crime Act section 1404(a)(1), which authorizes the Attorney General to make grants to states for crime victim assistance purposes under Victims of Crime Act section 1404 from any money not used for crime victim compensation grants and money available for crime victim assistance purposes, less any money (not exceeding 5% of the total in the Crime Victims Fund) that the Attorney General earmarks for use by the federal government for crime victim assistance purposes. The change is technical and conforms Victims of Crime Act section 1404(a)(1) to other changes in the Victims of Crime Act made by the amendment in the nature of a substitute.

Mr. HATCH. Mr. President, I am pleased that we are close to enactment of S. 140, the Children's Justice Act. By enacting this legislation we are reaffirming our love for childen by addressing the frightening epidemic of child abuse in our Nation.

It was a little over a year ago that I urged my Senate colleagues to consider and pass the Children's Justice Act. This bill, which was developed by my colleague, Senator PAULA HAWKINS, seeks to address the vexing problem of the further trauma child victims often encounter after the tragedy of child abuse has been discovered. In hearings in the Labor and Human Resources Committee, citizens from around our country illustrated the plight of the children who have been victimized by child abuse. They described the terror and trauma their children often encounter during administrative and court proceedings. The legislation we are considering today seeks to lessen that trauma. This bill seeks to improve the administrative and judicial system within States by requiring States to bring together their best professionals in the area of child abuse—judges, prosecutors, defense attorneys, child protection officials, mental health professionals, religious leaders, and educators—to review and suggest methods and reforms that could be implemented to better protect children.

Mr. President, the legislation before us today has been revised by my colleagues in the House of Representatives. The two modifications changes the funding mechanism for this program and develops a new program for the care and treatment of infants and children. I fully support the new program for the care and treatment of children and I applaud the Members of the House of Representatives who were instrumental in this provisions development. However, I do have some reservations about the funding mechanism for the Children's Justice Act. I have been notified of various individual's concern that this new funding mechanism which utilize a previously untapped portion of the Victims of Crime Trust Fund may be harsh upon Federal victims of crime. Therefore, I will revisit the funding mechanism issue during this next year to see its impact on other victim assistance programs. Let me reiterate, however, that I support the Children's Justice Acts enactment. All in all this legislation is important in increasing the capacity of child protective services to prosecute and convict child abusers and to provide additional protections to children who are victims of child abuse.

Mr. President, I urge my colleagues to support S. 140 as amended. This legislation provides families support and assistance when the tragedy of child abuse occurs.

Mr. GRASSLEY. Mr. President, as a member of the Subcommittee on Children, Family, Drugs and Alcoholism, I am pleased to see final action on S. 140 which provides important incentives to States to enact legislation to protect the most vulnerable in our society, our children.

I would particularly like to call to the attention of my colleagues two amendments I offered in subcommittee which are now part of the bill. The first provision calls for the coordination of Federal programs involving child abuse prevention in order to prevent overlap and duplication of such programs, which result in waste of scarce resources and funds.

For example, the Office of Juvenile Justice and Delinquency Prevention and the National Institute of Justice have already done some research in this field. That information needs to be shared with the National Center on Child Abuse and Neglect so to avoid duplication of efforts and better targ scarce Federal resources.

Additionally, Federal agencies should be joining their efforts with other Federal agencies in order to ensure that such programs effectively address all aspects of the child abuse problem.

The original provision called for a yearly report detailing the coordinated efforts, though I understand the House substitute does not contain this provision.

The original purpose of the second provision was to provide more detailed information regarding crimes of child sexual exploitation to law enforcement and educational researchers.

However, due to the decentralized nature of the FBI criminal file system, where most of the information is entered and maintained at the local level, my original amendment required a technologically superior system to what presently exists.

Nevertheless, by working with the Justice Department, and FBI representatives, as well as with the House, we created new language that more appropriately embodies my original concept as well as meets current technological capabilities.

Under this new language as reflected in the House substitute, the Attorney General must acquire data regarding sexual crimes against children from existing data banks and publish summaries of these data for the years 1986, 1987, and 1988.

No later than January 1, 1989, the Attorney General must modify the FBI's uniform crime reporting program to include child sex crime data. This modification is strongly recommended by the Department of Justice Task Force's blueprint for the Future of the Uniform Crime Reporting Program.

I believe that this provision will substantially enhance the ability of law enforcement and education researchers to effectively evaluate the problems of sexual crimes against children and perhaps lead to better methods in safeguarding our children.

Lastly, I would like to raise several questions with respect to the House-passed provisions which establish temporary child care for handicapped children and crisis nurseries. While I laud efforts to assist such individuals

and families, several questions do come in mind. What is defined as a handicap for those who would participate in this temporary child care? I also have questions with respect to the crisis nurseries. As the provision outlines, demonstration program grants to States are to assist private and public agencies and organizations to provide nurseries for children who are abused and neglected, are at high risk of abuse and neglect, or who are in families receiving child protective services. Crisis nurseries shall also provide referral to support services. My question is who would the referral services be for—the child or the parent? At the minimum, I think that services, especially counseling for parents, is a must. To treat only symptoms—by providing a crisis nursery for a child—and not deal with the root of the problem, the abusive or potentially abusive parent, is not the best approach.

I would encourage others to examine these provisions in more depth.

I want to commend the efforts of Senator HAWKINS for her initiative and leadership in ensuring protection for our Nation's children through this legislation.

I would like to engage in a colloquy with the distinguished Senator from Florida.

Mrs. HAWKINS. I would be pleased to join with my distinguished colleague from Iowa.

Mr. GRASSLEY. Mr. President, S. 140 passed the Senate on August 1, 1985, and included a provision which states that within 1 year of the date of enactment of the Children's Justice Act, and annually thereafter, the Secretary of Health and Human Services shall report to Congress with respect to the actions carried out by agencies and departments of the United States for the purpose of coordinating programs involving child abuse prevention and treatment. The purpose of this provision was to eliminate duplication of efforts, and thus, waste of scarce Federal resources and dollars.

It is my understanding that the House substitute does not contain this provision.

Mrs. HAWKINS. If the Senator from Iowa would yield, the gentleman is correct in his understanding of the Senate bill and the House substitute.

It is my position that coordination of programs involving child abuse, that is, coordination among the Federal agencies, is essential. Thus, I agree with the objectives of the provision of S. 140. However, I do agree with the other body that this can best be achieved if the study is conducted and the report submitted by the independent agency, the General Accounting Office.

Mr. GRASSLEY. Then, would the distinguished Senator from Florida join me in requesting that the GAO conduct such a study and then submit its findings to Congress?

Mrs. HAWKINS. Yes; I would be pleased to join the distinguished Senator from Iowa in such a request.

Mr. GRASSLEY. It is my understanding that several of our colleagues in the other body share our concerns and it is my hope that we could jointly submit such a request to GAO.

Mrs. HAWKINS. I agree with the gentleman and believe that a joint letter would be the most appropriate way of proceeding. Therefore, I would be pleased to join the gentleman in that endeavor.

Mr. GRASSLEY. I thank the distinguished Senator from Florida for her understanding.

Mr. President, I yield back the remainder of my time.

Mrs. HAWKINS. Will the Senator from Alabama yield for a question?

Mr. DENTON. I would be happy to yield to my distinguished colleague from Florida.

Mrs. HAWKINS. It is my understanding that funds deposited into the Crime Victims Fund during the current fiscal year will be used to support programs for fiscal year 1987.

Mr. DENTON. That is correct.

Mrs. HAWKINS. It is also my understanding that although S. 140, as amended, takes effect on the date of enactment, that 4.5 percent of the funds deposited into the Crime Victims Fund between October 1, 1985, and September 30, 1986, must be used by the Secretary of Health and Human Services for Children's Justice Act programs; not simply 4.5 percent of the funds deposited after the date of enactment?

Mr. DENTON. I concur with the Senator's understanding.

Mr. BIDEN. Would the Senator from Alabama yield for a question?

Mr. DENTON. I would be happy to yield to the distinguished ranking member of the Judiciary Committee.

Mr. BIDEN. As my colleague from Alabama is aware, the administration has proposed to lower the ceiling of the Crime Victims Fund to $65 million for money collected in fiscal year 1985—and expended in fiscal year 1986—and $35 million for money collected in fiscal year 1986—and expended in fiscal year 1987. How does the bill before us affect the administration's proposal?

Mr. DENTON. I would say to my colleague from Delaware that the administration's proposal was carefully considered by the House and Senate drafters of the amendment to S. 140. After such consideration, we concluded that the proposed cuts, if carried out, would devastate the Crime Victims Fund thereby significantly diminishing Federal efforts to help crime victims.

We concurred with the National Association of Attorneys General which, after noting the "beneficial impact that the Victims of Crime Act is already having to help rehabilitate victims," and pointing out that the massive cut proposed by the administration will severely damage the major reforms engendered by the Victims of Crime Act, and will significantly demoralize the growing network of service providers and volunteers," unanimously adopted a resolution opposing any reduction in expenditures from the fund.

We believe not only that the proposed reductions for fiscal years 1986 and 1987 should not be implemented, but also that the fund should be increased. S. 140, as amended, therefore raises the ceiling on the Crime Victims Fund to $110 million. This action ensures that all money deposited in the fund during fiscal years 1985 and 1986—up to $110 million—will be expended.

Mr. BIDEN. I thank the Senator, and I concur in the conclusion that S. 140, as amended, represents an explicit rejection by the Congress of the administration's proposed cut in the expenditures from the Crime Victims Fund. As the coauthor with Senator THURMOND of the Victims of Crime Act of 1984, I oppose any reduction of funds for those most in need of aid or assistance in our criminal justice system. In fact, we purposely increased fines and created a separate surcharge for criminal violations in an effort to ensure that there would be sufficient funds for the Crime Victims Fund. For the administration to propose a cut in authorization level for the Victims Fund; a program which they have rhetorically claimed to be valuable and badly needed, is a disingenuous response to providing needed services to thousands of crime victims across this country.

Mr. CRANSTON. Mr. President, the Senate is about to complete action on S. 140, the proposed Children's Justice Act, which was introduced last year by the Senator from Florida [Mrs. HAWKINS]. I am pleased to be a cosponsor and strong supporter of this legislation, and I appreciate very much the willingness of the Senator from Florida to incorporate into this measure a number of provisions which I authored as part of S. 1320, the proposed Child Abuse Reporting and Clearinghouse Improvements Act of 1985.

This legislation strengthens our national commitment to deal with the devastating problem of child abuse, particularly sexual abuse. As the Senate coauthor of the 1978 legislation which first established a Federal program to provide prevention and treatment services for sexually abused children, I have had a longstanding interest and concern about this problem. The legislation being approved today deals primarily with the judicial and

law enforcement aspects of these cases. Its purpose is twofold: First, to reduce the trauma that these young children suffer when they become involved in criminal investigations and prosecutions; and second, to strengthen the procedures for investigating and prosecuting these cases, thereby making it more likely that child abusers and molesters will be brought to justice in our criminal courts.

The Children's Justice Act will encourage States to review and revise their handling of these cases in a more sensitive manner in terms of the child victims. The reforms proposed include such approaches as the use of multidisciplinary teams of specially trained personnel to handle the investigation and prosecution of child abuse cases and modification of courtroom procedures to accommodate the special needs of the child victims, consistent with the constitutional rights of the alleged abusers. The legislation also mandates the Department of Health and Human Services, through the National Center on Child Abuse and Neglect, to provide national leadership in assisting the States in improving and strengthening their laws relating to investigation and prosecution of child abuse cases.

Mr. President, the legislation also contains provisions derived from S. 1320 which will clarify the obligation of employees of federally assisted alcohol and drug abuse programs to comply with State laws mandating the reporting of suspected incidents of child abuse and neglect. Some interpretations of the general confidentiality provisions of the Public Health Services Act had suggested that employees of these agencies were forbidden from complying with State child abuse reporting laws. This legislation removes any ambiguities in this area.

Finally, Mr. President, the proposed Children's Justice Act contains provisions to improve the collection of data relating to child abuse which were also contained in S. 1320.

This legislation passed the Senate on August 1, 1985, and again on July 14, 1986, as part of the proposed Human Services Reauthorization Act, S. 2444. On those occasions, I made more extensive statements, explaining the history and purpose of the various amendments to S. 140 which were derived from my legislation, S. 1320. Those statements appear at S9018 of the CONGRESSIONAL RECORD of July 14, 1986, and S10676 of the CONGRESSIONAL RECORD of August 1, 1985. Last Monday, August 4, the House amended and passed S. 140. Although the House-passed version changed certain provisions in the initial Senate version, the basic thrust of the legislation remains the same as that approved in this body last year.

CALIFORNIA LAW ENFORCEMENT EFFORT

Mr. President, the provisions of S. 140 which were derived from S. 1320, were based upon recommendations that grew out of a comprehensive study carried out by the California Attorney General's Commission on the Enforcement of Child Abuse Laws. That commission, which issued its report in April 1985, identified a number of areas, at both the State and Federal level, where law enforcement procedures could be improved with respect to child abuse cases. Fifteen months ago, California Attorney General John Van de Kamp and I announced our joint effort to see to it that these recommendations were implemented. With the Senate's final approval of S. 140, we will have completed action on the recommendations for Federal legislative changes.

Mr. President, implementation of these reforms will increase the likelihood that child molesters will be brought to justice. As the California Attorney General's Commission pointed out, "Many legitimate cases are dropped, set aside or lost during the complex, lengthy, grueling court process." Parents have often been reluctant, justifiably so, to subject their children to the further trauma of a court proceeding. As a result, the perpetrators of these crimes go free to prey on other young victims. This legislation has had strong support from law enforcement officials at all levels. It is a much-needed step toward protecting children and putting child molesters behind bars.

BIPARTISAN EFFORT

Mr. President, the measure represents the culmination of the efforts of many concerned Members from both sides of the aisle in both bodies. The Senator from Florida [Mrs. HAWKINS] deserves special credit for her willingness to incorporate into S. 140 the suggestions and amendments of other Members. The ranking member of the Subcommittee on Children, Family, Drugs, and Alcoholism, the Senator from Connecticut [Mr. DODD], has also been a major leader in this effort. In his capacity as cochairman of the Senate children's caucus, Senator DODD was responsible, to a major extent, for stimulating congressional interest in the need for this legislation by convening in 1984 a Senate children's caucus forum on the subject of child sexual abuse.

On the House side, Representative PAT WILLIAMS, chairman of the House Subcommittee on Select Education of the Labor and Education Committee, contributed a great deal to developing the consensus measure which passed the House on August 4 by a voice vote. The legislation has also had strong backing from a number of members of the California congressional delegation, including the esteemed dean of the California delegation, my good friend, Representative DON EDWARDS, who introduced the House companion to S. 1320, H.R. 2791, as well as Representatives GEORGE MILLER, MEL LEVINE, and HENRY WAXMAN, who have strongly supported these efforts.

CONCLUSION

Mr. President, I am very pleased to see the Senate take final action in approving S. 140. I believe that the reforms provided for in this legislation will go a long way toward protecting the innocent young children who are victims of child abuse and making sure that the perpetrators of heinous crimes against young children are not allowed to go free to prey on other children.

Mr. SIMPSON. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. SIMPSON. Mr. President, I move to consider the vote by which the motion was agreed to.

Mr. SASSER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DATE FOR PROCEEDING TO CONSIDERATION OF ARTICLES OF IMPEACHMENT

Mr. SIMPSON. Mr. President, I send a resolution to the desk on behalf of Senators DOLE and BYRD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 476) to establish a date for proceeding to the consideration of Articles of Impeachment.

Mr. SIMPSON. This is a resolution to establish a date and time for proceeding to consideration of the Articles of Impeachment, exhibited to the Senate on Wednesday last.

Mr. President, on August 6, 1986, Managers on the Part of the House of Representatives exhibited to the Senate Articles of Impeachment against Harry E. Claiborne, a judge of the U.S. District Court for the District of Nevada. After the House managers exhibited the articles, the President of the Senate announced that the Senate would take proper order and notify the House of Representatives.

The following day, August 7, the Senate reached a unanimous consent agreement not to proceed to the consideration of the Articles of Impeachment until a time to be fixed later by the Senate.

We are now prepared to fix a date and time for the Senate to accomplish several preliminary matters in preparation for the impeachment trial.

These include the administration of the oath to Members of the Senate, as

required by the Constitution when the Senate sits for the purpose of trying an impeachment, and the issuance of a summons to the impeached official.

To accomplish these and other preliminary matters, our resolution provides that the Senate, sitting as a Court of Impeachment, shall proceed, on August 14, 1986, to the consideration of the Articles of Impeachment which have been exhibited against Harry E. Claiborne. All Members are requested to be in the Senate Chamber at that time that will be specified, so that the oath may be administered conveniently to the entire membership.

It will also be our intention to call for the establishment of a committee as provided for under the rules whose purpose it will be to receive evidence and prepare a report to the Senate. The members of that committee will also be announced on Thursday.

By proceeding in this fashion, it is our hope that the preliminary work can be done during the recess so that active work on the trial can begin as quickly as possible in September.

Mr. SIMPSON. Mr. President, I move adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 476) was agreed to, as follows:

S. RES. 476

Resolved, That on August 14, 1986, the Senate, sitting as a court of impeachment, shall proceed to the consideration of the articles of impeachment which have been exhibited against Judge Harry E. Claiborne.

SEC. 2. The Secretary of the Senate shall so notify the House of Representatives.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. SASSER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. SIMPSON. We have, I believe, another nomination cleared. I have reviewed that with the acting Democratic leader. It is Calendar Item No. 960, Clarence Thomas of Montana to be a member of the Equal Employment Opportunity Commission for a term expiring July 1991.

Mr. SASSER. That is satisfactory.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nomination just mentioned.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination will be stated.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

The legislative clerk read the nomination of Clarence Thomas of Missouri, to be a member of the Equal Employment Opportunity Commission.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. SIMPSON. I move to reconsider the vote by which the nomination was considered and confirmed.

Mr. SASSER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the President be notified immediately of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:13 p.m., a message from the House of Representatives, delivered by Mr. Allen, one of its clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1963. An act to direct the Secretary of the Interior to convey certain interests in lands in Socorro County, New Mexico, to the New Mexico Institute of Mining and Technology.

The message also announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 2069. An act to amend the Job Training Partnership Act.

The message further announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 4037. An act relating to the Indiana Dunes National Lakeshore, and for other purposes;

H.R. 4645. An act to modify the boundaries of the Cuyahoga Valley National Recreation Area;

H.R. 4811. An act to establish the San Pedro Riparian National Conservation Area in Cochise County, Arizona, in order to assure the protection of the riparian wildlife, archeological, paleontological, scientific, cultural, educational, and recreational resources of the conservation area; and

H.J. Res. 683. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Maine Central Railroad Co. and Portland Terminal Co. labor-management dispute.

At 1:39 p.m., a message from the House of Representatives, delivered by Mr. Allen, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4151) to provide enhanced diplomatic security and combat international terrorism, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4174. An act to amend the Indian Self-Determination Act of 1974, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bills and joint resolutions:

H.R. 483. An act for the relief of Edwin Marcos Rios (also known as Marcos Edwin Rios) and Geovanna Rios;

H.R. 1693. An act for the relief of Enrique Montano Ugarte;

H.R. 1757. An act for the relief of Leonard Leslie Gambie;

H.R. 3093. An act for the relief of Juan Ricardo McRae;

H.R. 3154. An act for the relief of John Patrick Brady, Ann M. Brady, and Mark P. Brady;

H.R. 3323. An act for the relief of Alexander Lockwood;

H.R. 3365. An act for the relief of Mountaha Bou-Assali Saad;

H.R. 3577. An act for the relief of Milanie C. Escobal Norman;

S.J. Res. 256. Joint resolution designating August 12, 1986, as "National Neighborhood Crime Watch Day"; and

H.J. Res. 630. Joint resolution designating the College of William and Mary as the official United States representative to the Tercentenary Celebration of the Glorious Revolution to be celebrated jointly in the United States, the Netherlands, and the United Kingdom.

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated.

H.R. 4037. An act relating to the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4174. An act to amend the Indian Self Determination Act of 1974, and for other purposes; to the Select Committee on Indian Affairs.

H.R. 4645. An act to modify the boundaries of the Cuyahoga Valley National Recreation Area; to the Committee on Energy and Natural Resources.

H.R. 4811. An act to establish the San Pedro Riparian National Conservation Area in Cochise County, Arizona, in order to assure the protection of the riparian, wildlife, archeological, paleontological, scientific, cultural, educational and recreational resources of the conservation area; to the Committee on Energy and Natural Resources.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, August 12, 1986, she had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 256. Joint resolution designating August 12, 1986, as "National Neighborhood Crime Watch Day".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Report to accompany the bill (S. 2334) to amend section 207 of title 18, United States Code, to prohibit Members of Congress and officers and employees of any branch of the U.S. Government from attempting to influence the U.S. Government or from representing or advising a foreign entity for a proscribed period after such officer or employee leaves Government services, and for other purposes (Rept. No. 99-396).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. Res. 48. Resolution to refer S. 273 entitled "A bill for the relief of Mildred C. Eide of Leavenworth, Kansas" to the chief judge of the U.S. Claims Court for a report thereon (Rept. No. 99-390).

H.R. 1529. A bill for the relief of Gerald M. Hendley (Rept. No. 99-391).

H.R. 1783. A bill for the relief of Mary E. Stokes (Rept. No. 99-392).

H.R. 2316. A bill for the relief of Paulette Mendes-Silva (Rept. No. 99-393).

By Mr. MATHIAS, from the Committee on Rules and Administration, with an amendment in the nature of a substitute and an amendment to the title:

S. Res. 439. Resolution to authorize the reprinting of Senate Document 93-102, 93d Congress, 2d session (Rept. No. 99-349).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 466. Original resolution relating to the purchase of calendars (Rept. No. 99-395).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

H.R. 4331. A bill to authorize the Secretary of Agriculture to make grants for the purpose of establishing institutes of rural technology development.

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

H. Con. Res. 288. A concurrent resolution authorizing printing of additional copies of the committee print entitled "U.N. Conference to Review and Appraise the U.N. Decade for Women: Report of Congressional Staff Advisors to the Nairobi Conference."

H. Con. Res. 301. A concurrent resolution authorizing printing of additional copies of a message from the President, transmitting certain rescissions, deferrals, and revised deferrals of budget authority.

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 476. An original resolution to pay a gratuity for Thomas A. Baldwin, John C. Baldwin, Mary E. Alley, and Jean E. Baldwin.

S. Res. 468. An original resolution to pay a gratuity to Christie R. Basham.

S. Res. 469. An original resolution to pay a gratuity to Dora L. Campbell.

S. Res. 470. An original resolution to pay a gratuity to Paul Hadley and Mary Hadley.

S. Res. 471. An original resolution to pay a gratuity to Theresa B. Hudson.

S. Res. 472. An original resolution to pay a gratuity to Robert W. Rienhold.

S. Res. 473. An original resolution to pay a gratuity to Richard L. Tyner, John F. Tyner, and Mary G. Tyner.

S. Res. 474. An original resolution to pay a gratuity to Edwin A. Bernstein and Phyllis J. Bernstein.

S. Res. 475. An original resolution to pay a gratuity to Carter L. Jackson.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Government Affairs:

Daniel R. Levinson, of Virginia, to be a member and Chairman of the Merit Systems Protection Board for the term of 7 years expiring March 1, 1993;

Mary F. Wiesman, of Maryland, to be special counsel of the Merit Systems Protection Board for a term of 5 years;

Jean McKee, of the District of Columbia, to be a member of the Federal Labor Relations Authority for the remainder of the term expiring July 1, 1989;

Crocker Nevin, of New York, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1992;

James E. Colvard, of Virginia, to be Deputy Director of the Office of Personnel Management;

John H. Suda, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years; and

Janet D. Steiger, of the District of Columbia, to be a Commissioner of the Postal Rate Commission for the term expiring October 14, 1992.

(The above nominations were reported from the Committee on Governmental Affairs with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. PROXMIRE:

S. 2738. A bill to amend the Securities Exchange Act of 1934 to require Federal contractors to establish and report on their system of internal accounting and administrative controls; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (by request):

S. 2739. A bill to require the Secretary of Health and Human Services to impose fees under the Federal Food, Drug, and Cosmetic Act for the review of applications for marketing approval for new human drugs, antibiotics, and biological products, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROCKEFELLER (for himself, Mr. BYRD, Mr. CHILES, Mr. BIDEN, Mr. DECONCINI, Mr. MOYNIHAN, Mr. BUMPERS, Mr. LEAHY, and Mr. CRANSTON):

S. 2740. A bill to establish a program of Federal grants to States for drug abuse education in elementary and secondary schools.

By Mr. JOHNSTON (for himself and Mr. LONG):

S. 2741. A bill to establish the Bayou Sauvage Urban National Wildlife Refuge in the State of Louisiana; to the Committee on Environment and Public Works.

By Mr. PELL:

S. 2742. A bill to provide limits in the tort system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THURMOND (for himself, Mr. MOYNIHAN, Mr. HELMS, Mr. COHEN, Mr. HEFLIN, Mr. NUNN, Mr. STENNIS, Mr. MITCHELL, Mr. HOLLINGS, Mr. DECONCINI, Mr. MATTINGLY, Mr. SASSER, Mr. KERRY, Mr. D'AMATO, Mr. WILSON, Mr. KASTEN, Mr. PROXMIRE, Mr. RIEGLE, Mr. HEINZ, Mr. BOREN, Mrs. HAWKINS, Mr. PRYOR, Mr. SPECTER, Mr. GLENN, Mr. BROYHILL, and Mr. HATCH):

S.J. Res. 392. Joint resolution to designate the month of December 1986 as "Made in America Month"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MATHIAS, from the Committee on Rules and Administration:

S. Res. 467. An original resolution to pay a gratuity for Thomas A. Baldwin, John C. Baldwin, Mary E. Alley, and Jean E. Baldwin; placed on the calendar.

S. Res. 468. An original resolution to pay a gratuity to Christie R. Basham; placed on the calendar.

S. Res. 469. An original resolution to pay a gratuity to Dora L. Campbell; placed on the calendar.

S. Res. 470. An original resolution to pay a gratuity to Paul Hadley and Mary Hadley; placed on the calendar.

S. Res. 471. An original resolution to pay a gratuity to Theresa B. Hudson; placed on the calendar.

S. Res. 472. An original resolution to pay a gratuity to Robert W. Reinhold; placed on the calendar.

S. Res. 473. An original resolution to pay a gratuity to Richard L. Tyner, John F. Tyner, and Mary G. Tyner; placed on the calendar.

S. Res. 474. An original resolution to pay a gratuity to Edwin A. Bernstein and Phyllis J. Bernstein; placed on the calendar.

S. Res. 475. An original resolution to pay a gratuity to Carter L. Jackson; placed on the calendar.

By Mr. SIMPSON (for Mr. DOLE (for himself and Mr. BYRD)):

S. Res. 476. Resolution to establish a date and time for proceeding to the consideration of articles of impeachment; considered and agreed to.

By Mr. D'AMATO (for himself and Mr. MOYNIHAN):

S. Con. Res. 159. Concurrent resolution expressing the support of the Congress for the awarding of the Ellis Island Medal of Honor as a symbol of the Statue of Liberty Centennial Celebration; to the Committee on the Judiciary.

By Mr. SIMON (for himself, Mr. HATCH, Mr. DIXON, Mr. LAXALT, Mr. RIEGLE, and Mr. HATFIELD):

S. Con. Res. 160. Concurrent resolution expressing the sense of the Congress that the jamming of radio broadcasting is contrary to the best interest of the people of the world and should be terminated; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 2738. A bill to amend the Securities Exchange Act of 1934 to require Federal contractors to establish and report on their system of internal accounting and administrative controls; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. PROXMIRE and the text of the legislation appear earlier in today's RECORD.)

By Mr. HATCH (by request):

S. 2739. A bill to require the Secretary of Health and Human Services to impose fees under the Federal Food, Drug, and Cosmetic Act for the review of applications for marketing approval for new human drugs, antibiotics, and biological products, and for other purposes; to the Committee on Labor and Human Resources.

NEW DRUG APPLICATION FEE AMENDMENTS

● Mr. HATCH. Mr. President, today I am introducing the New Drug Application Fee Amendments of 1986. This is an administration proposal which would direct the Secretary of Health and Human Services to impose fees for the review of applications for marketing approval for human drugs, antibiotics and biological products. The bill would not require fees for abbreviated new drug applications (for generic drugs), or for investigational new drug exemptions which do not result in a new drug application.

I would like to review quickly the background of the proposal. Last year the Food and Drug Administration gave notice that it intended to propose user fees for various approval functions, on the rationale that the primary and direct economic beneficiary of an approval is the manufacturer, who should be expected to pay the significant costs associated with the products review. Committee language contained in last fall's supplemental appropriations bill implicitly condoned the FDA plan.

In response, Senator KENNEDY, the ranking minority member on the Labor and Human Resources Committee, joined me in writing to Senator COCHRAN, the subcommittee chairman with Appropriations jurisdiction. We pointed out that the FDA proposal represented a significant policy change, that the Labor and Human Resources Committee had jurisdiction over the legislative issue, and we requested that the Appropriations Committee delete its language so that the matter could be considered in due by the Labor and Human Resources Committee. Senator COCHRAN graciously assented and the bill as it emerged from conference contained the House provision forbidding the agency to move forward with its proposal.

The subsequent enactment of the Gramm-Rudman-Hollings Act and the resulting prospective cut of some $26 million from the Food and Drug Administration's budget have given new urgency to efforts to supplement FDA's resources. The functions performed by the Food and Drug Administration in reviewing and licensing human drugs, animal drugs, medical devices, vaccines, antibiotics, food additives and processing, are vital to the health of our citizens. To carry out its legislative mandate, FDA must maintain sophisticated laboratories, a corps of scientific and health professionals, and numerous field officers who inspect manufacturing and processing facilities and monitor compliance with the law at the local level. Significant cuts in the funds devoted to these duties carry significant risks for our people. Among those risks is a very predictable lengthening in the already unconscionably long period of time which a new drug must spend in FDA review before it is approved for marketing. By some estimates the time period will increase from less than 2 years to over 2½, on average. This means needless suffering on the part of those who will benefit from new drug therapies, therapies which often avoid far more costly forms of treatment and will further aid us in our cost-containment efforts.

These facts add impetus to the user fee proposal, as a possible means of bridging the Gramm-Rudman-Hollings gap, and more importantly of increasing the amount of money devoted to new drug review. The bill I am introducing today has been significantly refined from last year's FDA proposal. It is narrower in concept, applying only to new drug, vaccine, and antibiotic applications. It provides that the fees collected would be used only for costs connected with carrying out the particular approval activity, whether new drug, antibiotic, or vaccine. And it contains authority for the Secretary to waive or reduce the fees in exceptional cases where the public interest would be served.

Even in the absence of the Gramm-Rudman-Hollings cuts, I would welcome any proposal to increase FDA's resources for product review. I am convinced that additional funds for personnel and equipment, in particular, would permit significant reductions in the time required for product approval. Thus I welcome the opportunity to review the administration's proposal. However, while it is much improved, I know that significant questions still remain to be answered.

I anticipate that the Labor and Human Resources Committee will hold hearings on the bill. It is my hope that these hearings will provide us with a foundation to move forward with this proposal.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section summary be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "New Drug Application Fee Amendments of 1986".

REQUIREMENT TO ESTABLISH FEES FOR CERTAIN PREMARKET REVIEWS REQUIRED TO BE CONDUCTED BY THE FOOD AND DRUG ADMINISTRATION

SEC. 2. The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 16 et seq.) is amended by adding after section 709 (21 U.S.C. 379a) the following new section:

"FEES FOR REVIEW OF HUMAN DRUGS, ANTIBIOTICS, AND BIOLOGICAL PRODUCTS

"SEC. 710. (a) The Secretary shall establish by regulation, in accordance with the provisions of this section, fees for reviews conducted by the Secretary of—

"(1) applications with respect to new drugs submitted pursuant to section 505(b);

"(2) applications with respect to antibiotic drugs submitted pursuant to section 507; and

"(3) applications for licensing of biologic products submitted pursuant to section 351 of the Public Health Service Act, in amounts up to the full amount which the

Secretary reasonably estimates to be sufficient to cover all costs to the Secretary associated with such reviews, including costs incurred pursuant to section 505(i).

"(b) Regulations establishing fees pursuant to this section may make reasonable provision for reduction or waiver of fees in exceptional circumstances in the public interest.

"(c) Fees collected pursuant to this section shall be credited to the appropriation account for the activities of the Department of Health and Human Services under the Federal Food, Drug, and Cosmetic Act, and shall be available without fiscal year limitation, but subject to annual appropriations, for salaries and expenses necessary to carry out the responsibilities of the Secretary of Health and Human Services in connection with reviews specified in subsection (a), including the conduct of scientific research, development of methods of analysis, purchase of chemicals, fixtures, furniture, and scientific equipment and apparatus; acquisition, maintenance, and repair of real property; and expenses of advisory committees. Fees collected for each category of review activities specified in paragraphs (1) through (3) of subsection (a) shall be separately accounted for, and shall be used only to finance the costs related to carrying out responsibilities in connection with the same category of review activities for which such fees were collected.".

CONFORMING AMENDMENTS

SEC. 3. (a) Section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)(1)) is amended by adding at the end the following new sentence: "The application shall be accompanied by any fee required by regulation pursuant to section 710.".

(c) Section 507(a) of that Act (21 U.S.C. 357(a)) is amended by adding at the end the following new sentence: "The application shall be accompanied by any fee required by regulation pursuant to section 710.".

(d) Section 351(d) of the Public Health Service Act (42 U.S.C. 262(d)) is amended by adding at the end the following new sentence: "Each application for a license under this section shall be accompanied by any fee required by regulation pursuant to section 710 of the Federal Food, Drug, and Cosmetic Act.".

NEW DRUG APPLICATION FEE AMENDMENTS OF 1986—SUMMARY

SHORT TITLE

Section 1 of the draft bill gives its short title. When enacted, it would be cited as the "New Drug Application Fee Amendments of 1986".

REQUIREMENT TO ESTABLISH FEES FOR CERTAIN PREMARKET REVIEWS REQUIRED TO BE CONDUCTED BY THE FOOD AND DRUG ADMINISTRATION

Section 2 of the draft bill would amend the Federal Food, Drug, and Cosmetic Act ("the Act") to add a new section 710, entitled "Fees for Review of Human Drugs, Antibiotics and Biological Products".

Subsection (a) would require the Secretary to establish by regulation fees for premarket reviews, conducted by the Food and Drug Administration (FDA), of new drug applications (NDAs) under section 505(b) of the Act, antibiotic drug applications under section 507 of the Act, and applications for licensing of biological products under section 351 of the Public Health Service Act. The fees charges could be set at levels up to the full amount the Secretary estimates to be sufficient to cover all costs to FDA associated with the review of such applications. Fees for NDAs could include amounts to cover the costs of reviews of requests for exemption with respect to products for investigational use (INDs) with respect to the same product.

Subsection (b) would permit regulations under this new authority to make reasonable provision for reduction or waiver of fees in exceptional circumstances, where such waiver or reduction was found to be in the public interest.

Subsection (c) would credit collections to the FDA appropriations account. Collections credited would be available without fiscal year limitation, but subject to annual appropriations, for FDA's administrative costs connected with carrying out the activities for which the fees were collected. Fees collected for each type of review activity could be used only for costs connected with carrying out that type of activity.

CONFORMING AMENDMENTS

Section 3 of the draft bill would make conforming amendments.●

By Mr. ROCKEFELLER (for himself, Mr. BYRD, Mr. CHILES, Mr. BIDEN, Mr. DECONCINI, Mr. MOYNIHAN, Mr. BUMPERS, Mr. LEAHY, and Mr. CRANSTON):

S. 2740. A bill to establish a program of Federal grants to States for drug abuse education in elementary and secondary schools; to the Committee on Labor and Human Resources.

(The remarks of Mr. ROCKEFELLER and the text of the legislation appear earlier in today's RECORD.)

By Mr. JOHNSTON (for himself and Mr. LONG);

S. 2741. A bill to establish the Bayou Sauvage Urban National Wildlife Refuge in the State of Louisiana; to the Committee on Environment and Public Works.

BAYOU SAUVAGE URBAN NATIONAL WILDLIFE REFUGE

● Mr. JOHNSTON. Mr. President, today I have introduced legislation to establish the Bayou Souvage Urban National Wildlife Refuge within the boundaries of the city of New Orleans, LA. This refuge will encompass approximately 19,000 acres of high value wetlands and other wildlife habitat. It is truly unique to have a diversity of habitat and wildlife in such close proximity to the largest urban area in Louisiana. It is perhaps the best remaining wetlands and waterfowl habitat in southeast Louisiana and as such is home to 40,000 wintering waterfowl annually, and thousands of shore birds and wading birds using the area year round. It is home as well to a sizable deer herd, otters, raccoons, furbearers, and thousands of alligators and serves as an important nursery and growth area for shrimp, crabs, and many species of fish.

Mr. President, the Bayou Sauvage area with its unique fish and wildlife would be a welcome addition to the National Wildlife Refuge system even if it was not located within the boundaries of a major urban center. The fact that it is within minutes of downtown New Orleans gives it the potential to become a model urban national wildlife refuge, and as such, one of the crown jewels of the refuge system. The opportunities for using the area as an environmental education center along with the policy of multiple use espoused by the U.S. Fish and Wildlife Service, will make it valuable to people as well as to fish and wildlife. We, in the Southeast, and the Nation as a whole are realizing the values of such wetlands for a viable continued economy and as necessary areas that add to a quality life for people. We have too long undervalued wetlands and considered our swamps, marshes, and bogs as wastelands to be altered for what we considered to be a higher use. These are the areas that provide us with nursery grounds for important shellfish and fishery resources, for habitat for a large variety of waterfowl, and other wildlife, for flood and hurricane protection, pollution abatement and many other complex biological, physical, and chemical functions. Let us establish the Bayou Sauvage Urban Wildlife Refuge as a center for environmental education so the people of New Orleans, the South, and the Nation can better understand the value of our dwindling wetlands and that the abundance of life they support does not become only a memory.

Mr. President, as development of the refuge proceeds, opportunities for public recreation will increase and attract and educate visitors from all walks of life about wildlife and its relationship to our everyday life. The Bayou Sauvage Refuge will draw thousands of visitors who want to fish, view wildlife, hike, canoe and develop an in-depth appreciation for the incredible diversity and productivity of Louisiana's wetlands.

The Bayou Sauvage Urban National Wildlife Refuge will also be unique because of the way it is established. Too often public officials are drawn into conflicts between developers and environmentalists, trying to find an often unattainable balance between protection of the environment and economic growth through development. Several months ago we seemed to be heading for just such a confrontation in the Bayou Sauvage area. The owners, South Point, Inc., planned a major development in the area. The development was opposed by the environmental community both on the local and national level. Lawsuits were threatened and confrontation seemed imminent. However cooler heads prevailed; people on both sides of the issue started talking, listening, and negotiating—the result—a proposal for the Bayou Sauvage Urban National Wildlife Refuge.

While the final details have not been worked out, South Point, Inc., has made a unique offer. They have announced that they are willing to convey most of their property to the U.S. Fish and Wildlife Service. They are also willing to work with the city of New Orleans, the environmental community and other interested parties on a plan to develop, in an environmentally sensitive manner, the areas not included in the refuge. I am working with the parties involved and expect that final resolution of the remaining issues can be achieved in the next several weeks.

I have introduced this legislation even though the final agreements have not been readied because quite frankly, time is of the essence. It is essential that this legislation pass in this session of Congress. I expect to bring this legislation, perfected by the committee process, to the floor in September.

Mr. President, in conclusion, this tract of land represents a large area of coastal Louisiana's wetlands which are being lost in Louisiana alone at a rate of 55 square miles, or 35,000 acres per year. This loss for Louisiana translates to over $14 million per year. Let's not have our wetlands and the great diversity of natural resources they provide and support become only a memory.●

● Mr. LONG. Mr. President, today, I am pleased to join my Louisiana friend and colleague, BENNETT JOHNSTON, in introducing legislation to establish the Bayou Sauvage Urban National Wildlife Refuge within the boundaries of the city of New Orleans, LA.

This refuge will encompass approximately 19,000 acres of the best remaining wetlands in southeast Louisiana. This property, with these high value wetlands, has been the goal and dream for decades of both developers and conservationists.

The present owners, South Point, Inc., planned a major development in this area which was opposed by the conservation community at both the local and national levels. Lawsuits were threatened and confrontation seemed imminent. However, after many discussions and negotiations both sides of this issue have agreed to a proposal that would establish an urban national wildlife refuge and also dedicate approximately 4,000 acres to development.

While some details have not been worked out, South Point, Inc., has made a unique offer. They are willing to convey most of their property to the U.S. Fish and Wildlife Service. Also, they are willing to work with the city of New Orleans, the conservation community, and other interested parties to develop in an environmentally sensitive manner the areas not included in the proposed refuge.

Mr. President, the Bayou Sauvage area is truly unique in having such a diversity of fish, wildlife, and habitat in close proximity of New Orleans. It is home to 40,000 wintering waterfowl annually and to thousands of wading and shore birds year round. It is home to a sizable deer herd, otters, raccoons, other fur bearers, and thousands of alligators. In addition, it serves as an important nursery and growth area for shrimp, crabs, and many species of fish.

This area would be a welcome addition to the National Wildlife Refuge System even if it were not located within the boundaries of a major urban center. Being within minutes of downtown New Orleans gives this refuge the potential to become a model urban national wildlife refuge and as such one of the most important refuges in the national system.

It will not only be a refuge for fish and wildlife but a place for people to enjoy a pristine and natural heritage. Mr. President, this Nation is beginning to realize the importance and values of wetlands such as the Bayou Sauvage area to the local and national economy and as an important entity for a quality of life for people.

We have too long undervalued our wetlands, and considered them as wastelands to be altered or destroyed for what was considered to be a higher use. Aside from the obvious values of wetlands to fish and wildlife, there are the values for flood and hurricane protection, pollution abatement, and many complex biological, physical, and chemical functions still not fully understood.

Additional benefits of the proposed refuge will come as increased opportunities for public recreation and as a place where people from all walks of life can better understand the values of our shrinking wetlands. Truly, Bayou Sauvage Urban National Wildlife Refuge could be a place where nature touches the souls of people and where people can touch nature.

Mr. President, I am cosponsoring this legislation even though the final agreements have not been reached because time is of the essence. If is essential that this legislation pass in this session of Congress. We expect to bring this legislation, perfected, by the committee process to the floor in September.

In conclusion, Mr. President, this tract of land represents a large area of coastal Louisiana's wetlands which are being lost in Louisiana alone at a rate of 55 square miles or 35,200 acres per year. This represents an economic loss of $14 million per year and immeasurable loss of fish and wildlife.

Future generations who will enjoy both the continued esthetic and economic benefits of such a refuge will consider us to have been people of vision.●

By Mr. PELL:

S. 2742. A bill to provide limits in the tort system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

LIABILITY INSURANCE REFORM ACT

● Mr. PELL. Mr. President, recently, an overweight man with a history of coronary heart disease suffered a heart attack while trying to start a Sears lawnmower. He sued Sears, charging that too much force was required to yank the mower's pull rope. A jury in Pennsylvania awarded him $1.2 million plus damages of $550,000 for delays in settling the claim.

In my own home State of Rhode Island, I have read that many schools may drop valuable sports programs because they can no longer afford huge liability premiums.

In our litigious society, it seems that everyone has an anecdote similar to those I have related here. On the face of it, these stories may seem laughable to many. In reality, these stories are all too common and the implications they present are far greater than the ordinary layman could ever begin to imagine. The litigation explosion and the liability crisis it has generated, has, in fact, had a pervasive effect on nearly every aspect of our society.

Day care providers, doctors, nurse-midwives, commercial fishermen, product manufacturers, architects, builders, and bar and restaurant owners are especially affected by the ballooning liability insurance rates or the loss of liability coverage. The list goes on. Schools, airports, trucking and bus companies, high technology industries, municipalities and townships, even States themselves are finding it difficult—if not impossible—to obtain liability coverage. Indeed, anyone who makes a product or provides a service is potentially affected by what one economist calls "the most significant threat to our economy today."

Insurance and its availability ineluctably affect the cost of nearly every product or service that you could ever possibly want to secure. Nationally, insurance availability and cost has a concomitant impact on nearly every aspect of our economic system from the largest corporation down to each individual consumer.

One feature of the liability problem is illustrated by the exponential growth of awards. I recently read that in the case of medical malpractice awards, the average jury verdict increased from $220,000 in 1975 to $1,017,716 in 1985, a 363-percent increase. Average product liability jury verdicts during this same period increased from $393,580 to $1,850,452, a 370-percent increase.

The growth in the number of product liability suits has been astounding as well. For example, the number of product liability cases filed in Federal district courts has increased from

1,579 in 1974 to 13,554 in 1985, a 758-percent increase. State courts have also experienced a similar increase in the number of such cases.

In my view, this explosion in damage awards and number of liability cases filed in courts around the country amply demonstrate the magnitude of the problem we are presently confronted with.

Because of the importance of this problem I am today proposing a comprehensive measure which I believe can bring the liability insurance problem under control.

I am not alone in such efforts. Other legislators around the country have been searching to pinpoint the contributing factors in order to provide thoughtful solutions to mitigate the current crisis. However, liability reform is an extremely complex problem that cannot be easily solved by instituting simplistic, short-term measures. Thus far, many contending groups have sought to focus blame on either the court system, lawyers, the insurance industry or the public. Naturally, each group has advocated a piecemeal approach to address that factor which they feel is to blame for the entire crisis. Unfortunately, the result brings us no closer to a real solution.

In my own examination of the problem, I felt that there are three fundamental questions that are most pertinent to the debate. First, why have rates skyrocketed to the point where few, except the largest concerns, can afford insurance? Second, what factors have conspired to create the current dilemma? Third, and most important, what can be extrapolated from the data for the use of policymakers? Unfortunately, the last and most important question has also been the most contentious. The problem of finding truly comprehensive solutions to mitigate the crisis is no easy matter due to the multiplicity of causes which are very complex in themselves. What exactly are the various points of view which are currently being hurled about with such vehemence in this debate?

A very large contingent of interests in the debate advocate reforming the tort system. This group would contend that lawyers have manipulated both juries and their clients in an effort to procure fat contingency fees. They would also say that juries have been too ready to grant outrageous and extravagant settlement awards. Finally, lest no one escape blame, judges have been characterized as having an overwhelming propensity to interpret liability in its strictest sense, meaning that business and their insurers should pay the costs of an accident even if fault was peripheral in nature.

Consumer advocate groups scornfully reject this thesis. Such individuals would claim that there is nothing wrong with the tort system at all. Indeed, they would claim that the insurance industry has been engaged in a conspiracy which may be evidenced from the underwriting policies of the industry.

According to the consumer advocate interests, this conspiracy may be explained through the following scenario. In 1981, for example, with both interest rates and the rate of return on equity running near 20 percent, insurers offered low liability rates to get premium dollars to invest.

Today, on the other hand, interest rates have declined. The industry finds itself paying claim on policies that were written in the days of hyperinflation, when its rates were too low. In order to compensate for losses, the industry substantially raised rates by an average of 72 percent for general liability policies and reduced coverage.

In an effort to rebut this claim, insurers would simply maintain that this process is a natural cycle that has nothing to do with an alleged conspiracy. They would further argue that their industry is reeling under the weight of huge jury awards.

In fact, the industry has not fared all that poorly in recent years. Over the past 10 years the stock of the leading property/casualty insurance stocks rose in value by almost 500 percent. Clearly, the debate between consumer interests and insurers illustrates that there is a wide difference of opinion regarding the business policies of the insurance business and the state of its current health.

While the insurers and consumer interests trade accusations, others are contending that the whole problem is simply attitudinal in nature and is generally reflected in the growing litigiousness of American society. This attitude can be seen in the view, held by many, that everyone who is injured in the slightest way is entitled to a windfall. This is also known as the lottery mentality.

It is probably close to the truth to suggest that no single factor listed above is responsible for the liability insurance crisis. Instead, the current crisis has been generated by the combination of these factors.

Whatever the causes, the public does not need to be told that insurance companies have been canceling liability policies and hiking rates to exorbitant levels thus threatening the ability of businesses and many other organizations to obtain affordable insurance. The burden has fallen especially hard on small businesses that have a great deal less leverage than large concerns in negotiating and obtaining affordable insurance. This, in many cases, has threatened not only the ability of these small businesses and other concerns to compete but to survive. What is more, all of society, especially the consumer, eventually suffers since the cost of liability insurance is inevitably reflected in higher prices for goods and services.

Thus, it is quite clear that it will be essential to initiate action in an expeditious and logical fashion to provide the necessary relief to the many who have been adversely affected. The focus in Congress has been on legislative action to address the crisis through legislation that is piecemeal and short term in nature.

My own efforts have include cosponsorship of several bills which would grant relief to various groups who have been affected by the crisis. I have cosponsored S. 1804, the Federal Incentives for State Health Care Liability Reform Act of 1985, S. 827, the National Childhood Vaccine Injury Compensation Act of 1985 and S. 1999 the Product Liability Voluntary Claims and Uniform Standards Act. However, it must be noted that all these bills are not designed to attack the insurance availability crisis in an inclusive manner.

Any inclusive bill to attack this problem will have to combine tort reform, insurance regulation, and public education in order to address the combination of causal factors which I elaborated upon previously. Such a bill would provide a comprehensive solution, rather than a piecemeal attack, thus creating a more stable and predictable environment for all rather than a few specialized interests.

I am convinced that this three-pronged attack is a sound way to attack the problem and begin to provide the necessary relief for every single interest and group that is currently experiencing difficulty. I believe my legislation, if implemented, will encourage the availability of necessary insurance, affordable rates and strengthen small business, other entities, their insurers and consumers. It will also eliminate necessary litigation which has plagued the court system.

These are the principal provisions of the prepared legislation.

First, my bill would encourage long-needed reform of the tort system. This bill would cap pain and suffering awards at $250,000 and would mandate a staggered payment method for awards over $500,000 instead of the current lump-sum payment system. According to this payment method, the plaintiff could receive no more than $500,000 up front or up to 50 percent of future damages immediately for cause shown; payment could continue after the death of the plaintiff, based upon actuarial projection of life.

In addition, this bill would place a schedule system on contingency fees. This scale would allow an attorney to receive 33⅓ percent of the first $250,000 of an award, 25 percent of

$250,000 to $1 million; and 20 percent of the amount for awards over $1 million.

The second focus of this bill would address the excesses of the insurance industry by instituting a rational system of sensible and moderate limitations.

First, this section of the bill would prohibit midterm cancellation of liability policies and require 90 days advance notice of nonrenewal of insurance. Second, this legislation would require an insurer that chooses not to renew a client to demonstrate in writing that the client has undergone a material change in the level of risk. It would also require a similar showing on the part of insurance companies where annual premium increases in excess of 10 percent are charged.

Finally, the third and final section of this bill would be the first attempt to utilize legislation in order to educate the public about the crisis. I believe it is necessary to alert people to the fact that unnecessary litigation and massive awards have a hidden cost that is inevitably reflected in the price of goods and services. Many have argued that this aspect of the crisis is immune from legislation. However, I do not believe this is so. My own experience as a public servant has demonstrated to me that the public is the most powerful force of all for necessary change when the citizenry is adequately informed of its best interest through the dissemination of cogent, rational, and reliable factual information.

Accordingly, I am proposing that Congress authorize the President to appoint an Advisory Council on Insurance Premium and Liability Awareness. This special council would be composed of representatives from every part of the spectrum in this debate. The council would consist of 12 members, 3 appointed by the President pro tempore of the Senate—on the advice of the majority and minority leaders—3 appointed by the Speaker of the House and 6 public members appointed by the President.

The following groups are required to have at least two representatives on the council: the insurance industry, small business, municipalities, State government/State insurance regulatory agencies, consumer groups, and the bar association or lawyers' groups.

The primary goal of the council would be to raise public consciousness and convince people to settle disputes outside the court system when this is a viable alternative to unnecessary litigation. The council would also make recommendations to Congress on the need for new legislation in the area of insurance regulation. Specifically included in the council's mandate would be the examination of the need for reform of the so-called McCarron-Ferguson Act, which exempts the insurance industry from Federal regulation. I have long believed that the McCarron-Ferguson Act should receive extensive review and part of the council's mandate will be to recommend changes in this area.

This bill is a comprehensive attempt to address a problem which is manifold in its complexity and implications. It will do so in a complete fashion by addressing tort reform, insurance reform and public education. In my view, the ambitious agenda of this bill makes it an important piece of legislation that attempts to alleviate this crisis in an all-encompassing, logical, and forceful manner. If passed, I feel that this legislation will provide relief to all the groups or interests affected by the complexities with which we are currently faced as a society due to this crisis. In the final analysis, it will work to produce a more stable environment for all those interests who currently feel powerless to influence forces which they may feel are beyond their control.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Liability Insurance Reform Act of 1986".

TITLE I—TORT REFORM

APPLICABILITY

SEC. 101. The provisions of this title apply to any civil action against any person, in any State or Federal court, alleging negligence, strict or product liability, intentionally tortious conduct, or professional malpractice, in which damages for physical injury or physical or mental pain or suffering are sought.

(b) The provisions of this title shall preempt and supersede State law to the extent such law is inconsistent with the limitations on liability contained in this Act.

PERIODIC PAYMENTS

SEC. 102. (a) In any action to which the provisions of this title apply, if the court awards an individual future damages in excess of $500,000—

(1) 50 percent of such award may be made at one time and the payment of the remainder of such future damages shall be made in such amounts and at such intervals as determined by the court, over a scheduled period of time or over the estimated lifetime of such individual; and

(2) such payments shall be made until the total amount of such award is paid to such individual, except that if such individual dies prior to the date on which the final payment is to be made, the party obligated to make the payments shall make any additional payments to the heirs or assigns of such individual if directed to do so by the court.

LIMITATION ON DAMAGES FOR NONECONOMIC LOSSES

SEC. 103. Notwithstanding any other provision of law, in any action to which the provisions of this title apply, the amount of damages for noneconomic losses resulting from the conduct of the judgment debtor shall not exceed $250,000.

LIMITATION ON CONTINGENCY FEE AGREEMENTS

SEC. 104. Except as provided in subsection (c), in any action to which the provisions of this title apply, and in which the plaintiff receives a settlement or an award for damages, the amount of payments to the plaintiff's attorney or attorneys shall be determined pursuant to this subsection. If the total award or settlement is—

(1) not more than $250,000, the attorney's fee shall not exceed 33⅓ percent of such amount;

(2) more than $250,000 but less than $1,000,000, the attorney's fee shall not exceed 25 percent of such amount; or

(3) equal to or greater than $1,000,000, the attorney's fee shall not exceed 20 percent of such amount.

TITLE II—INSURANCE INDUSTRY REFORM

INSURANCE REQUIREMENTS

SEC. 201. No insurance company authorized to write insurance in any State, territory, or possession of the United States may write any such insurance unless such company:

(1) allows for the cancellation of an insurance policy providing liability insurance except at the end of the period for which such insurance was provided;

(2) provides written notice to a client having an insurance policy with such company, at least 90 days before the end of the term for which such insurance is provided, that such company will not renew such insurance policy;

(3) provides written notice to any client currently insured with such company that such company has determined not to renew the policy previously issued to such client, demonstrating that such client has undergone a material change in the level of risk; and

(4) provides written notice, at least 90 days prior to the end of the term for which insurance is provided, to all clients who will be allowed to renew their insurance policies if the company intends to increase annual premium for such policy is increased by an amount in excess of 10 percent. Such notice shall state the reasons for such an increase.

TITLE III—COUNCIL ON LIABILITY INSURANCE PREMIUMS

ESTABLISHMENT

SEC. 301. There is hereby established a National Citizens' Council to study liability insurance problems, hereinafter referred to as the "Council".

MEMBERSHIP

SEC. 302. (a) The Council shall be composed of 12 members appointed as follows:

(1) 3 members shall be appointed by the President pro tempore of the Senate on the advice of the majority and minority leaders;

(2) 3 members shall be appointed by the Speaker of the House of Representatives; and

(3) 6 members shall be appointed by the President from the private sector.

(b) Members of the Council shall, to the extent possible, be chosen from among persons with a broad knowledge and understanding of the areas under the Council consideration and study of the Council and shall represent the insurance industry, small business, municipalities, State govern-

ment, or State insurance regulatory agencies, consumer groups, and trial lawyers.

(c) Seven members of the Council shall constitute a quorum, but the Council may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, or receiving evidence.

(d) Members of the Council shall be appointed for the life of the Council.

(e) The Council shall select a Chairman from among its members who shall serve as Chairman for the life of the Council.

(f) A vacancy in the Council shall not effect its powers, and shall be filled in the same manner in which the original appointment was made.

(g) The members of the Council shall be appointed within 60 days after the date of enactment of this Act.

(h) The President shall provide that the members of the Council will have their first meeting within 90 days after the date of enactment of this Act at a time and place determined by the President.

COMPENSATION AND ADMINISTRATION

SEC. 303. (a) Members of the Council shall serve without compensation, except that each member shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(b) The Council shall appoint a staff director who shall be paid at a rate not to exceed the rate of basic pay provided for level V of the Executive Schedule pursuant to section 5316 of title 5, United States Code.

(c) The Council is authorized to appoint and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of such additional publicly paid personnel up to five persons, as the Chairman finds necessary to carry out the purposes of this Act. Such personnel shall be compensated at a rate not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

POWERS

SEC. 304. (a) The Council may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at a rate of pay not to exceed the rate of basic pay for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(b) The Council is authorized to procure supplies, services, and property, and make contracts, in any fiscal year, only to such extent or in such amounts as are provided in appropriation Acts.

(c) The Council is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

(d) The Council may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(e) The Council or, on the authorization of the Council, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Council or such subcommittee may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

DUTIES OF THE COUNCIL

SEC. 305. (a) The Council shall—

(1) examine the area of liability insurance generally, including insurance industry reform and the need for further reforms in the law relating to tort claims, and

(2) make recommendations to the Congress on the need for new legislation governing liability insurance, specifically including the need for legislation to amend section 2(b) of the Act entitled "An Act to express the intent of Congress with reference to the regulation of the business of insurance" (15 U.S.C. 1012), commonly known as the McCarran-Ferguson Act.

(b) The Council shall seek the cooperation, advice, and assistance from both private and government agencies and organizations, including consumer groups, insurance industry advisory panels, and academic departments engaged in the study of laws and regulations governing insurance.

(c) The Council may, in carrying out the purposes of this Act, delegate authority to State advisory commissions to assist in implementing this Act.

(d) Within one year after the first meeting of the Council, such Council shall submit to the President and each House of the Congress a comprehensive report, containing the findings of the Council and incorporating their specific recommendations.

TERMINATION

SEC. 306. The Council shall terminate on the date 60 days after the date such Council submits its final report pursuant to section 305.

AUTHORIZATION OF APPROPRIATIONS

SEC. 307. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.●

By Mr. THURMOND (for himself, Mr. MOYNIHAN, Mr. HELMS, Mr. COHEN, Mr. HEFLIN, Mr. NUNN, Mr. STENNIS, Mr. MITCHELL, Mr. HOLLINGS, Mr. DECONCINI, Mr. MATTINGLY, Mr. SASSER, Mr. KERRY, Mr. D'AMATO, Mr. WILSON, Mr. KASTEN, Mr. PROXMIRE, Mr. RIEGLE, Mr. HEINZ, Mr. BOREN, Mrs. HAWKINS, Mr. PRYOR, Mr. SPECTER, Mr. GLENN, Mr. BROYHILL, and Mr. HATCH):

S.J. Res. 391. Joint resolution to designate the month of December 1986 as "Made in America Month"; to the Committee on the Judiciary.

MADE IN AMERICA MONTH

Mr. THURMOND. Mr. President, it gives me great pleasure today to introduce a joint resolution authorizing and requesting the President to designate the month of December 1986 as "Made in America Month."

The importance of this commemorative resolution is that it focuses attention on the many fine products that are made in the United States. It comes at a time when many of America's vital industries are fighting to survive. Last year our country became a debtor nation for the first time since before World War I. Our trade deficit reached a record level of $123 billion in 1984 and then exceeded $148 billion in 1985.

Over 1.6 million manufacturing jobs have been lost since 1980 as a result of imports. The impact of imports has been felt across all manufacturing sectors. The United States has already lost to imports all or major portions of such industries as machinery, textiles, clothing, shoes, radios, television sets, cameras, optical equipment, tractors, shipbuilding, and steel production.

This trend present a problem of great magnitude for our Nation. It puts our national security in a vulnerable position. To continue as a world power, the United States must maintain the capacity to produce steel, textiles, rubber, food, and other basic commodities.

Instead, we see our productive capacity dwindling to dangerous levels and jobs being created in foreign countries at the expense of U.S. jobs. America's basic industries are being dismantled one by one. The time has come for us to go on the offensive. We must stop the export of American jobs. The first step in doing this is through an increased awareness on the part of the American public. That is what "Made in America Month" is all about.

Mr. President, through passage of this commemorative resolution, Congress can reaffirm its support of American industry and appropriately recognize the essential role it plays in sustaining the American economy. I invite my Senate colleagues to join as cosponsors of this resolution, and to join in bringing about its prompt passage.

● Mr. D'AMATO. Mr. President, many of my Senate colleagues and I, because we are concerned about the U.S. trade deficit, have signed on as original cosponsors to legislation introduced today by the distinguished senior Senator from South Carolina. This legislation for 1986 designates the month of December as "Made in America Month," as did a similar, successful measure for 1985—Public Law 99-175—designates the month of December as "Made in America Month." I urge those of my colleagues who have not already done so to support this resolution. This country needs to reverse its spiraling trade deficits, and every effort counts.

The deficit in the U.S. trading account in 1984 was roughly $123 billion; in 1985, when, for the first time since before World War I, the United States became a debtor nation, our trade deficit reached $150 billion; and for 1986 it

is predicted to increase still further. In May of this year, the United States posted the first agricultural deficit in the 20 years the Government has been recording farm trade figures under the current method.

At the very least, these numbers show a dramatic decline in the competitiveness of American industries in the international marketplace. When this happens, when America's domestic manufacturing capacity is threatened, a rash of unfortunate consequences result, and it is the American consumer who is shortchanged. The quality, price, and fashion values of American-made products are swept aside as foreign imports flood our markets. Foreign producers are then able to gain substantial control of American markets, and prices rise. It's already happened to steel, autos, electronics, and machine tools. America's plants close down. Retailers lose customers. Unemployment payments go up. Everyone suffers. The problem is serious, and we all must work together to correct it.

The Federal Government has the responsibility to negotiate agreements with foreign nations who erect tariff and nontariff barriers to open their markets to American goods. Failing this, the Federal Government has the responsibility to protect our domestic industries against these and other unfair trade practices. This is a proposition which, unfortunately, we are forced to entertain as we shape the trade bill. The barbed wire of foreign barriers, price dumping by foreign companies, and subsidization of foreign goods by foreign treasuries are damaging to American industries.

I believe in free-market trade. But only if it operates fairly: If our markets are open to foreign goods, so, too, must foreign markets be open to our goods. The arrangement must be reciprocal.

American industries have their responsibility, as well. I believe they understand this and realize that protectionist measures are only a partial alternative to balancing the U.S. trade account. Evidence of this is contained in an article which appeared in the Economist in April of this year. I ask unanimous consent that a portion of this article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

QUALITY SCHMUTTER

Some American producers are beginning to recognise at last that the path to salvation lies not in protection, but in being more responsive to what American consumers want. Among the early pioneers of the new way was Milliken, a privately-run family textile business, with, it claims, the best profit record in the industry. During the past few years, Mr. Roger Milliken, its chairman and a staunch Republican, has turned what was a conservatively-run, production-biased firm into one more responsive to the demands of the market place.

Quality-performance boards are posted throughout the company's headquarters and factories. In 1983, after visiting the annual Italian textile-machinery fair, Mr. Milliken ordered 1,148 Nissan looms worth $30m. It was Nissan's biggest order. To win it, the Japanese firm promised to help Milliken use the looms to produce fabric that contained no faults ("zero-defect" fabrics). It took until mid-1985 before the looms were running, but half the fabric they turn out is zero-defect, against as little as 1% from some of the water-jet looms that Milliken used previously. This leaves Milliken with less imperfect material, and imperfect material has to be sold cheaply.

Milliken has also developed a system, called Millitron, to design coloured fabrics (from tartans to floral prints) directly on a computer screen. This helps reduce the time and cost of producing samples for a customer. When a final order is placed, the design computer can directly instruct automated plant at the dye works on how to mix the various dyes. Factories are also being pressed into taking smaller orders. Mr. Milliken notes that stock levels can be lucratively reduced if the time between an order being placed and the clothing maker getting his fabric is cut. Orders for clothing fabrics can now be placed only a few months in advance of delivery, instead of the usual 1-2 years.

Manufacturers so serviced are better able to sell to the fashion market. If this sort of "quick response" was introduced across the textile industry, stock savings of $15 billion could probably be made.

Mr. Milliken has other ideas for improving competitiveness. He was behind the "Crafted with Pride" publicity campaign to persuade American consumers to buy American-made clothes using American fabrics. It was that campaign that led to the law passed in 1984 that clothing sold in America had to specify its country of origin. Now Mr. Milliken, after talks with Britain's Marks and Spencer, a high-street chain which makes a marketing point of the high-proportion of British-made clothes and fabrics it buys, is pressing American retailers to buy only American-made goods. Wal-Mart, a clothing discount-store chain, has agreed, when satisfied with the quality. Sears, Roebuck, America's biggest retailer, and the J. C. Penney stores chain have started a partial buy-American policy.

If American textile firms institute quick-response production and become more fashion-conscious and efficient, Mr. Hunter of Celanese thinks they will remain uncompetitive with fast-moving Asian producers only in lightweight goods (such as women's blouses) which the Asians can fly to foreign markets. American retailers prefer to buy them because the greater returns on sales more than offset the cost of air freighting.

Mr. D'AMATO. Mr. President, this article shows how one American company has responded to market pressures to increase its competitiveness, how it has changed to meet consumer demands. I believe that similar changes are beginning to take place throughout American industry, from autos to textiles to apparel. More significantly, it shows how many American companies have joined forces in an effort to promote American-made products. And, to a certain extent, it has been working.

The "Crafted With Pride in U.S.A." sales promotion campaign, briefly discussed in this article, is mounted by the U.S. industry and seems to have struck a nerve among consumers. The theme of the campaign's TV advertising being launched in roughly 20 major cities across the Nation, is "It Matters to me." Most of us have already seen Bob Hope, Diahann Carroll, Cathy Lee Crosby, O.J. Simpson, or Don Johnson on television urging Americans to buy U.S.-made textiles and apparel products.

In January 1986, Elrich & Lavage of Atlanta conducted a study on the effectiveness of television advertising polling 3,500 people: 66 percent had seen the campaign's commercials and found them to be convincing. Of that group, 47 percent were motivated to look for American-made clothing. And of the lookers and seekers, 87 percent had purchased American-made apparel. Surveys have shown that, if price and quality are comparable, the public prefers to buy American. More and more major retailers are, as a result, beginning to feature larger selections of U.S. products.

Despite these and other efforts, however, the U.S. trade deficit continues to rise. The U.S. textile and apparel industry, for example, faces the greatest threat in its 200-year history. Twenty-five years ago, you could walk down to the local clothing store and find fewer than four imported garments for every 100 made in America. Today, 24 out of 100 playsuits are imported; 62 out of 100 girls' and women's sweaters are imported; and 55 out of 100 men's and boys' cotton sport coats are imported. It all adds up to $19 billion in textile and apparel imports for 1984, compared to roughly $4 billion a decade ago. From 1973 to 1984, employment in the textile industry dropped 21 percent. More than a half million men and women were put out of work. At least that many could lose their jobs in the next 10 years if we fail to act now.

I believe that Americans have the ingenuity and dedication to outthink and outproduce any other nation. I believe we have the capacity to correct the U.S. trade imbalance. But we all have to pull together to make it happen. I feel positive that Congress will act responsibly to produce a trade bill which will benefit American industry. In many ways, private sector companies are pulling together and must continue to do so in the years ahead. American jobs are at stake. So, too, is the economic health and stability of the American economy.

I urge my colleagues to review the "Made in America Month" resolution introduced today and to lend it their full support.●

ADDITIONAL COSPONSORS

S. 1296

At the request of Mr. MATHIAS, the names of the Senator from California [Mr. CRANSTON], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of S. 1296, a bill to amend the Immigration and Nationality Act to modify the requirement for naturalization of an understanding of the English language.

S. 1322

At the request of Mr. HECHT, the names of the Senator from Idaho [Mr. SYMMS] and the Senator from California [Mr. WILSON] were added as cosponsors of S. 1322, a bill to amend the Geothermal Steam Act of 1970.

S. 2455

At the request of Mr. MITCHELL, the name of the Senator from Michigan [Mr. REIGLE] was added as a cosponsor of S. 2455, a bill entitled the National Organ and Tissue Donor Act.

S. 2539

At the request of Mr. WARNER, the names of the Senator from Oregon [Mr. HATFIELD], the Senator from Nevada [Mr. HECHT], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 2539, a bill to consolidate and improve provisions of law relating to absentee registration and voting in elections for Federal office by members of uniformed services and citizens of the United States who reside overseas.

S. 2550

At the request of Mr. SPECTER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2550, a bill to amend the Packers and Stockyards Act, 1921, to remedy burdens on commerce in poultry, poultry products and eggs, and protect poultry sellers and growers and egg producers and suppliers, and for other purposes.

S. 2554

At the request of Mr. DURENBERGER, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 2554, a bill to improve the quality of information available with respect to the prospective payments system under Medicare Program, and for other purposes.

S. 2577

At the request of Mr. LAUTENBERG, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 2577, a bill to insure that amounts paid for home improvements to mitigate indoor air contaminants such as radon gas qualify for the tax deduction for medical care expenses.

SENATE JOINT RESOLUTION 352

At the request of Mr. METZENBAUM, the names of the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Louisiana [Mr. JOHNSTON], and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Joint Resolution 352, a joint resolution to designate the week beginning September 7, 1986, as "Gaucher's Disease Awareness Week."

SENATE JOINT RESOLUTION 386

At the request of Mr. DODD, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of Senate Joint Resolution 386, a joint resolution to designate October 6, 1986, as "National Drug Abuse Education Day."

SENATE JOINT RESOLUTION 387

At the request of Mr. HECHT, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Joint Resolution 387, a joint resolution to designate the week of October 19, 1986, through October 26, 1986, "National Housing Week."

SENATE RESOLUTION 455

At the request of Mr. DIXON, the names of the Senator from Utah [Mr. HATCH], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Resolution 455, a resolution to call for the creation of an early notification system for nuclear accidents.

AMENDMENT NO. 1168

At the request of Mr. BOREN, the names of the Senator from Texas [Mr. BENTSEN] and the Senator from Rhode Island [Mr. CHAFEE] were added as cosponsors of amendment No. 1168 proposed to S. 655, a bill granting the consent of Congress to the Central Interstate Low-level Radioactive Waste Compact.

AMENDMENT NO. 2690

At the request of Mr. BOSCHWITZ, the names of the Senator from Illinois [Mr. DIXON], the Senator from Mississippi [Mr. COCHRAN], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of amendment No. 2690 proposed to S. 655, a bill granting the consent of Congress to the Central Interstate Low-level Radioactive Waste Compact.

AMENDMENT NO. 2700

At the request of Mr. SASSER, the name of the Senator from Rhode Island [Mr. PELL] was added as a cosponsor of amendment No. 2700 proposed to H.R. 5052, a bill making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes.

SENATE CONCURRENT RESOLUTION 159—SUPPORTING THE AWARDING OF THE ELLIS ISLAND MEDAL OF HONOR

Mr. D'AMATO (for himself and Mr. MOYNIHAN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 159

Whereas on October 28, 1986, in honor of the actual dedication of the Statue of Liberty, there will be an official rededication ceremony in New York;

Whereas on that occasion the Ellis Island Medal of Honor, to be awarded by the Statue of Liberty Ellis Island Foundation and the New York Statue of Liberty Centennial Commission in cooperation with the National Ethnic Coalition of Organizations, will be presented to a group of distinguished American citizens;

Whereas the Ellis Island Medal of Honor will be awarded to individuals who exemplify the ideal of living a life dedicated to the American way while preserving the values and tenets of a particular heritage group;

Whereas the Medal will be awarded to individuals who have made special contributions to the reinforcement of the bonds between a heritage group and the people of its land of origin; and

Whereas the Medal will be awarded to individuals for distinguished service to humanity in any field, profession, or occupation: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States endorses and supports the awarding of the Ellis Island Medal of Honor, on October 28, 1986, as an appropriate symbol of the Statue of Liberty Centennial Celebration.

● Mr. D'AMATO. Mr. President, I rise today to submit a concurrent resolution which is also being submitted today in the House of Representatives by my good friend and colleague, Congressman BIAGGI, to express the support of this Congress for the awarding of the Ellis Island Medal of Honor.

The Ellis Island Medal of Honor, which represents the spirit behind our recent celebration for the Statue of Liberty, will be presented to a group of notable American immigrant citizens on October 28, 1986, when an official rededication ceremony will take place in honor of the Statue of Liberty centennial celebration.

The American citizens selected for this award will exemplify the blending of foreign cultures with the American way of life. Indeed, America is a Nation of immigrants—immigrants who all become Americans.

Mr. President, I urge my colleagues to review this concurrent resolution. I am certain they will agree with the need for this award; that it is necessary to honor those individuals who have made, and who represent, the special contributions to the strength of this Nation and to the reinforcement of the bonds between this Nation and its people.●

SENATE CONCURRENT RESOLUTION 160—RELATING TO THE JAMMING OF RADIO BROADCASTS

Mr. SIMON (for himself, Mr. HATCH, Mr. DIXON, Mr. LAXALT, Mr. RIEGLE, and Mr. HATFIELD) submitted the following concurrent resolution; which

was referred to the Committee on Foreign Relations:

S. CON. RES. 160

Whereas the free flow of information across national boundaries is in the best interests of the people of the world;

Whereas increased communication between the people of the United States and the people of the Soviet Union will reduce the chance that conflict will arise out of misunderstanding and will thereby bring about a more secure and lasting world peace;

Whereas free and open communication reinforces the "spirit of Geneva" which the United States and the Soviet Union have been trying to foster since November 1985;

Whereas the United States and the Soviet Union are obligated under the United Nations Declaration on Human Rights to guarantee the right to "seek, receive, and impart information and ideas through any media and regardless of frontiers";

Whereas the United States and the Soviet Union, as signatories of the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Accords"), have commonly declared it "their aim to facilitate freer and wider dissemination of information of all kinds";

Whereas the United States and the Soviet Union, as signatories of the 1973 International Telecommunications Convention, have committed themselves to taking all practicable steps to prevent the jamming of the radio services or communications of other signatories;

Whereas the Voice of America, as a radio service of the United States Government, is bound by law through its charter to uphold the highest standards of truth and credibility in its presentation of the news, significant American thought and institutions, and the policies of the United States;

Whereas, during the period beginning in 1973 and ending in 1980, the Voice of America was free from jamming of its broadcasting in all Soviet languages;

Whereas August 20, 1986, marks the 6th anniversary of the resumption of the jamming by the Soviet Union of the Voice of America and other Western radio broadcasts, including broadcasts of the British Broadcasting Corporation, Deutsche Welle, Kol Israel, and Radio Peking: and

Whereas the jamming of radio broadcasts is contrary to the interest of the people of the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress, recognizing the significant potential for improving communications, enhancing mutual understanding, and aiding the free flow of information among the people of the world—

(1) calls upon the Government of the Soviet Union to cease harmful interference with radio broadcasting and, in particular, with the broadcasts of the Voice of America;

(2) urges the President to enter into discussions with the Soviet Union on the existence of harmful interference with radio broadcasting, with a view to reaching an agreement that will enhance the prospects for a more secure and lasting peace, by emphasizing the goals of improved communication, enhanced mutual understanding, and a freer flow of information among the people of the world; and

(3) calls upon freedom-loving people throughout the world to lend their support and moral authority to this effort.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

SENATE RESOLUTION 466—ORIGINAL RESOLUTION REPORTED RELATING TO THE PURCHASE OF CALENDARS

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 466

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, upon vouchers approved by the chairman of that committee, not to exceed $68,640 for the purchase of one hundred and four thousand 1987 "We The People" historical calendars. The calendars shall be distributed as prescribed by the committee.

SENATE RESOLUTION 467—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO THOMAS G. BALDWIN, JOHN C. BALDWIN, MARY E. ALLEY, AND JEAN E. BALDWIN

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 467

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Thomas G. Baldwin, John C. Baldwin. Mary E. Alley and Jean E. Baldwin, children of Bryan W. Baldwin, an employee of the Senate at the time of his death, a sum to each equal to one-fourth of ten months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 468—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO CHRISTIE R. BASHAM

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 468

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Christie R. Basham, widow of William R. Basham, an employee of the Senate at the time of his death, a sum equal to seven months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 469—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO DORA L. CAMPBELL

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 469

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Dora L. Campbell, mother of Frank A. Campbell, an employee of the Senate at the time of his death, a sum equal to seven months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 470—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO PAUL HADLEY AND MARY HADLEY

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 470

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Paul Hadley and Mary Hadley, parents of Paula Hadley, an employee of the Senate at the time of her death, a sum to each equal to one-half of three months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 471—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO THERESA B. HUDSON

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 471

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Theresa B. Hudson, mother of Sally S. Heet, an employee of the Senate at the time of her death, a sum equal to three months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 472—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO ROBERT W. REINHOLD

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 472

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Robert W. Reinhold, widower of Ruth M. Reinhold, an employee of the Senate at the time of her death, a sum equal to eleven and one-half months' compensation at the rate she was receiving by law at the time of her death, said sum to be

considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 473—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO RICHARD L. TYNER, JOHN F. TYNER, AND MARY G. TYNER

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 473

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate, to Richard L. Tyner, John F. Tyner, and Mary G. Tyner, children of Lillian G. Tyner, an employee of the Senate at the time of her death a sum to each equal to one-third of seven months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 474—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO EDWIN A. BERNSTEIN, AND PHYLLIS J. BERNSTEIN

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 474

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Edwin A. Bernstein and Phyllis J. Bernstein, parents of James Lee Bernstein, an employee of the Senate at the time of his death, a sum to each equal to and one-half of three months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 475—ORIGINAL RESOLUTION REPORTED TO PAY A GRATUITY TO CARTER L. JACKSON

Mr. MATHIAS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 475

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Carter L. Jackson, brother of Burroughs J. Jackson, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

SENATE RESOLUTION 476—RELATING TO THE DATE AND TIME FOR PROCEEDING TO ARTICLES OF IMPEACHMENT

Mr. SIMPSON (for Mr. DOLE, for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 476

Resolved, That on August 14, 1986, the Senate, sitting as a court of impeachment, shall proceed to the consideration of the articles of impeachment which have been exhibited against Judge Harry E. Claiborne.

SEC. 2. The Secretary of the Senate shall so notify the House of Representatives.

AMENDMENTS SUBMITTED

CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMPACT

HEINZ (AND OTHERS) AMENDMENT NO. 2702

(Ordered to lie on the table.)

Mr. BOSCHWITZ (for Mr. HEINZ, for himself, Mr. BOSCHWITZ, and Mr. GORTON) submitted an amendment intended to be proposed by them to the bill (S. 655) granting the consent of Congress to the central interstate low-level radioactive waste compact; as follows:

At the appropriate place, insert the following:

SEC. . (a) Section 315(d)(3)(A) of the Federal Election Campaign Act of 1971 is amended—

(1) in clause (i) by striking out "2 cents" and inserting in lieu thereof "4 cents"; and

(2) in clause (ii) by striking out "$20,000" and inserting in lieu thereof "$40,000".

(b) Section 315(d)(3)(B) of the Federal Election Campaign Act of 1971 is amended by striking out "$10,000" and inserting in lieu thereof "$20,000".

HEINZ (AND OTHERS) AMENDMENT NO. 2703

(Ordered to lie on the table.)

Mr. BOSCHWITZ (for Mr. HEINZ, for himself, and Mr. BOSCHWITZ) submitted an amendment intended to be proposed by them to the bill S. 655), supra, as follows:

At the appropriate place, insert the following:

Section 315(a)(2) of the Federal Election Campaign Act of 1971 is amended—

(1) by inserting in the first line of (a)(2) between "No" and "multicandidate" the following additional language: "non political party."

New additional Section 315(a)(3) the present subsections to be renumbered to read as follows:

(2) No multicandidate political committee of a political party shall make contributions—

(A) to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $5,000;

(B) to any other political committee in any calendar year which, in the aggregate, exceed $5,000.

Section 315(a)(8) of the Federal Election Campaign Act of 1971 is amended—

(1) by striking out "person" the second place it appears and inserting in lieu thereof "person and also the intermediary or conduit other than any committee of a political party."

GORTON (AND BOSCHWITZ) AMENDMENT NO. 2704

(Ordered to lie on the table.)

Mr. BOSCHWITZ (for Mr. GORTON, for himself and Mr. BOSCHWITZ) submitted an amendment intended to be proposed by them to the bill S. 655, supra, as follows:

At the appropriate place, add the following new section:

CONDITIONS FOR ADJUSTING CONTRIBUTION LIMITS

SEC. . (a) Section 315(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)) is amended by adding at the end thereof the following new paragraph:

"(9)(A) The limitations provided in paragraphs (1)(A) and (2)(A) of this subsection shall be increased by an amount equal to $2.00 for every $1.00 contribution that a candidate, in an election for the office of Senator, or Representative in, or Delegate or Resident Commissioner to, the Congress, makes to his own campaign from his personal funds in excess of $25,000.

"(B) Notwithstanding the provisions of paragraph (A)—

"(i) no person shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $25,000; and

"(ii) no multicandidate political committee shall make contributions to any candidate and his authorized political committees with respect to any election for Federal office which, in the aggregate, exceed $10,000.

"(C) The increase in contribution limitations described in subparagraph (A) shall not apply to persons or multicandidate committees making contributions to any candidate and his authorized committees where such candidate has made contributions to his campaign from his personal funds in excess of $25,000.

"(D) Each candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, shall notify the Commission and each other candidate for the same office within five days after he makes a contribution to his own campaign which makes his total contribution to his own campaign from his personal funds in excess of $25,000.

"(E) The reporting requirement described in subparagraph (D) shall also be in effect when debts are incurred, by the candidate or his authorized committees, the repayment of which the candidate has reason to believe will require the candidate to make contributions to his campaign from his personal funds in excess of $25,000.

"(F) The increases in contribution limitations described in subparagraph (A) shall be in effect immediately when any candidate in such election first notifies the Commission, either as part of the reports of his authorized committees as required by sections 304(b)(2)(B) and 304(b)(2)(G) or pursuant to subparagraph (D) of this paragraph, that he has made or has incurred a debt which may require him to make a contribution to his campaign which makes his total contribution to his campaign from his personal funds in excess of $25,000.

"(G) If a candidate fails to file a timely declaration pursuant to this paragraph, the increase in contribution limitations de-

scribed in subparagraph (A) shall take effect immediately upon the determination by the Commission that such candidate has so failed to file a timely declaration.".

(b) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i)(1) The aggregate of the appropriate limitations which apply pursuant to paragraphs (A) and (B) of subsection (d)(3) shall be increased by an amount equal to $2.00 for every $1.00 contribution that a candidate, in an election for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, makes to his own campaign from his personal funds in excess of $25,000.

"(2) The increase in the contribution limitation described in paragraph (1) shall not apply to the national committee of a political party, or the State committee of a political party, including any subordinate committee of a State committee, making contributions to any candidate and his authorized committees, with respect to the election of such candidate, where such candidate has made contributions to his campaign from his personal funds in excess of $25,000.

"(3) Each candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress, shall notify the Commission and each other candidate for the same office within five days after he makes a contribution to his own campaign which makes his total contribution to his own campaign from his personal funds in excess of $25,000.

"(4) The reporting requirement described in paragraph (3) shall also be in effect when debts are incurred, by the candidate or his authorized committees, the repayment of which the candidate has reason to believe will require the candidate to make contributions to his campaign in excess of $25,000.

"(5) The increases in contribution limitations described in paragraph (1) shall be in effect immediately when any candidate in such election first notifies the Commission, either as part of the reports of his authorized committees as required by sections 304(b)(2)(B) and 304(b)(2)(G) or pursuant to paragraph (3), that he has made or has incurred a debt which may require him to make a contribution to his campaign which makes his total contribution to his campaign from his personal funds in excess of $25,000.

"(6) If a candidate fails to file a timely declaration pursuant to this subsection, the increase in contribution limitations described in paragraph (1) shall take effect immediately upon the determination by the Commission that such candidate has so failed to file a timely declaration.".

BOSCHWITZ AMENDMENT NO. 2705

(Ordered to lie on the table.)

Mr. BOSCHWITZ submitted an amendment intended to be proposed by him to amendment No. 2705 proposed by Mr. BOREN to the bill S. 655, supra, as follows:

On page 1 of the amendment, beginning with line 11, strike out through line 8 on page 9, and insert in lieu thereof the following:

(3) by adding at the end thereof the following new subparagraphs:

"(D) to any candidate and his authorized political committees with respect to—

"(i) a general or special election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress (including any primary election, convention, or caucus relating to such general or special election) which exceed, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election), an amount equal to 30 percent of the total contributions received by such candidate for that election; or

"(ii) a runoff election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress which exceed, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the total contributions received by such candidate for that election; or

"(E) to any candidate and his authorized political committees with respect to—

"(i) a general or special election for the office of Senator (including any primary election, convention, or caucus relating to such general or special election) which exceed, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election), an amount equal to 30 percent of the total contributions received by such candidate for that election;

"(ii) a runoff election for the office of Senator which exceed, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such runoff election, an amount equal to 30 percent of the total contributions received by such candidate for that election; or

"(iii) a general or special election for the office of Senator (including any primary election, runoff election, convention, or caucus relating to such general or special election) which exceed, when added to the total of contributions previously made by multicandidate political committees to such candidate and his authorized political committees with respect to such general or special election (including any primary election, convention, or caucus relating to such general or special election), an amount equal to 30 percent of the total contributions received by such candidate for that election.".

BOSCHWITZ (AND BENTSEN) AMENDMENT NO. 2706

(Ordered to lie on the table.)

Mr. BOSCHWITZ (for himself and Mr. BENTSEN) submitted an amendment intended to be proposed by them to the bill S. 655, supra, as follows:

At the appropriate place add the following new section:

SEC. . Notwithstanding any other provision of law, or any other provision of this Act, section 315(a)(1)(A) of the Federal Election Campaign Act of 1971, as amended by this Act, is amended by striking out "$1,500" and inserting in lieu thereof "$1,000".

BOSCHWITZ AMENDMENT NO. 2707

(Ordered to lie on the table.)

Mr. BOSCHWITZ submitted an amendment intended to be proposed by him to the bill S. 655, supra, as follows:

At the appropriate place add the following:

TITLE II—COMMISSION ON CAMPAIGN FINANCING

SHORT TITLE

SEC. 201. This title may be cited as the "Bipartisan Commission on Congressional Campaign Financing Act".

DECLARATION OF POLICY

SEC. 202. It is the policy of the Congress to develop a means of campaign financing which—

(1) promotes the availability of qualified candidates for congressional office,

(2) permits candidates, irrespective of their personal financial resources, the opportunity to communicate effectively with the electorate,

(3) protects the integrity of the legislative process, and

(4) promotes participation of political parties in the electoral process, and

(5) promotes, to the greatest extent possible, public confidence in both the electoral and legislative processes.

ESTABLISHMENT OF COMMISSION

SEC. 203. For the purposes of carrying out the policy set forth in section 202, there is hereby established a commission to be known as the Bipartisan Commission on Congressional Campaign Financing (in this title referred to as the "Commission").

IMPLEMENTATION OF POLICY BY COMMISSION

SEC. 204. (a) In carrying out the policy set forth in section 202, the Commission shall consider and study the Federal laws and regulations and public commentary relating to the financing of the elections of Members of Congress, the financial disclosure requirements made of candidates in such elections, and the effects of such laws and regulations and the practices which they permit to require. Such study and consideration shall give particular attention to the extent, if any, to which current and proposed campaign financing practices and financial disclosure requirements affect the availability of candidates for congressional elections, and to the extent, if any to which such practices and requirements affect the integrity of the legislative process or undermine public confidence in our representative form of Government.

(b) Consistent with the goals set forth in section 2, the Commission shall consider the effects of aspects of congressional campaign financing and candidates' financial disclosure which shall include the following—

(1) increases or decreases in the amount of money which individuals, political parties or political action committees may contribute to a candidate for Congress;

(2) increases, decreases, or the elimination of the Federal income tax credit available to an individual who contributes to a candidate for Congress;

(3) making available free or subsidized broadcasting time to candidates for election to Congress;

(4) the constitutional right of individuals, particularly wealthy individuals, to contribute their own funds without limit to their own Congressional campaigns;

(5) the role of independent expenditures, as defined in section 301(17) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 (17)), which are made either by individuals or political action committees;

(6) financial and other assistance given by national banks, corporations, or labor organizations as defined in section 316 of the Federal Election Campaign Act of 1971 to candidates for Congressional office;

(7) existing or alternative financial disclosure requirements made of candidates for Congress under provisions of the Ethics in Government Act of 1979 or the Federal Election Campaign Act of 1971, including the relationship between such disclosure requirements and the availability of qualified candidates; and

(8) any other measure which the Commission deems appropriate.

(c) On the basis of its consideration and study, the Commission shall make findings and recommendations, including specific proposals for changes in federal laws and regulations, to promote the policy set forth in section 202. The Commission is specifically directed to make ever reasonable effort to achieve the broadest possible bipartisan consensus in arriving at such recommendations.

(d) In carrying out its consideration and study, the Commission shall avail itself of relevant information and data gathered by such public and private organizations and individuals as it deems appropriate. The Federal Election Commission, the Clerk of the House of Representatives, and the Secretary of the Senate shall cooperate with the Commission, to the extent allowed by law, in providing whatever statistical and other appropriate and relevant information the Commission requests.

ORGANIZATION OF THE COMMISSION

SEC. 205. (a) The Commission shall be composed of ten members as follows:

(1) One Member of the House of Representatives appointed by the Speaker of the House of Representatives.

(2) One Member of the House of Representatives appointed by the Minority Leader of the House of Representatives.

(3) One Member of the Senate appointed by the Majority Leader of the Senate.

(4) One Member of the Senate appointed by the Minority Leader of the Senate.

(5) Four members, one each appointed by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate, chosen from the private sector or academic community.

(6) The Chairman of the Republican National Committee and the Chairman of the Democratic National Committee shall each serve, ex officio, as voting members.

(b)(1) Appointed members of the Commission shall, to the extent possible, be chosen from among persons with a broad knowledge and understanding of the major areas under the Commission's consideration and study, particularly the legislative process and the manner in which congressional campaigns are financed.

(2) One Co-Chairman shall be designated by the Majority Leader of the Senate, and one Co-Chairman shall be designated by the Speaker of the House of Representatives, from among the members of the Commission and not affiliated with the same political party.

(3) Six members of the Commission shall constitute a quorum, but the Commission may establish a lesser number as a quorum for the purpose of holding hearings, taking testimony, and receiving evidence.

(4) Any vacancy in the Commission shall not affect its powers, and shall be filed in the manner in which the original appointment was made.

(5) An individual who is appointed to the Commission in the status of a Member of Congress, and who thereafter ceases to have such status, shall nevertheless continue as a member of the Commission and shall (if he has returned to the private sector except for his membership on the Commission) be treated as an individual appointed from the private sector for purposes of compensation under section 206.

COMPENSATION OF COMMISSION MEMBERS

SEC. 206. (a) The members of the Commission who are Members of Congress shall serve on the Commission without additional compensation. The members of the Commission who are not otherwise full-time employees of the federal government or of a political party shall each be paid at a rate equal to the daily rate of pay for level IV of the Executive Schedule for each day such member is engaged in the actual performance of his or her duties as a member of the Commission.

(b) All members and employees of the Commission shall be reimbursed for travel as authorized by section 5703 of title 5, of the United States Code, subsistence, and other necessary expenses incurred by them in the performance of their duties.

ADMINISTRATIVE PROVISIONS

SEC. 207. (a) Subject to such rules and regulations as may be adopted by the Commission, the Co-chairmen, acting together, shall have the power to—

(1) appoint, terminate, and fix the compensation without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 of the United States Code, or of any other provision of law, relating to the number, classification, and General Schedule rates—

(A) of such personnel as it deems advisable to assist in the performance of its duties, at rates not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of such title; and

(B) of an Executive Director for the Commission contingent upon confirmation by the Commission members at an annual rate of compensation not to exceed a rate equal to the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code; and

(2) procure, as authorized by section 3109 of title 5, United States Code, temporary and intermittent services to the same extent as is authorized by law for agencies in the executive branch but at rates not to exceed the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule.

(b) Service of an individual as a member of the Commission, or of an advisory council or committee under section 8, or employment of an individual by the Commission as an attorney or expert in any business or professional field, on a part-time or full-time basis, with or without compensation, shall not be considered as service or employment bringing such individual within the provisions of any Federal law relating to conflicts of interest or otherwise imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with claims, proceedings, or matters involving the United States. Service as a member of the Commission, or of such advisory council or committee, or as an employee of the Commission, shall not be considered service in an appointive or elective position in the Government for purposes of section 8344 of title 5, United States Code, or comparable provisions of Federal law.

(c) The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization, and personnel.

ADVISORY COUNCILS AND COMMITTEES

SEC. 208. The Commission may establish, without regard to the Federal Advisory Committee Act, such advisory councils and advisory committees as it may deem appropriate to provide specialized assistance in the performance of the duties vested in the Commission by this title. Members of such advisory councils and committees, while attending meetings of such councils or committees or while otherwise serving at the request of the Commission away from their homes or regular places of business (unless otherwise eligible for travel and subsistence expenses under chapter 57 of title 5, United States Code), may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government serving without pay.

POWERS OF THE COMMISSION

SEC. 209. (a)(1) The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpoena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpoenas may be issued to any person within the jurisdiction of the United States courts, authorized and issued under the signature of either of the Co-chairmen, or any member duly designated by the Commission, and may be served by any person designated by such Co-chairman or member. In the case of the failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the provisions of sections 102 through 104, inclusive, of the Revised Statutes (2 U.S.C. SS 192-194), shall apply to the Commission to the same extent as such provisions apply to Congress. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission.

(2) The provisions of the Federal Advisory Committee Act shall not apply to the Commission established under this title.

(b) The Commission is authorized to secure directly from any officer, department, agency, establishment, or instrumentality of the Government such information, suggestions, estimates, and statistics as the Commission may require for the purpose of this title, and each such officer, department, agency, establishment, or instrumentality is authorized and directed to furnish,

to the extent permitted by law, such information, suggestions, estimates, and statistics directly to the Commission, upon request made by either Co-chairman.

(c) Upon request of the Commission, the head of any Federal agency is authorized to make any of the facilities and services of such agency available to the Commission or to detail any of the personnel of such agency to the Commission, on a reimbursable basis, to assist the Commission in carrying out its duties under this title, unless the head of such agency determines that urgent, overriding reasons will not permit the agency to make such facilities, services, or personnel available to the Commission and so notifies the Co-chairmen in writing.

(d) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) No officer or agency of the United States shall require the Commission to submit any report, recommendation, or other matter to any such officer or agency for approval, comment, or review before submitting such report, recommendation, or other matter to the Congress.

MEETINGS, PUBLIC INVOLVEMENT, REPORTS, EXPIRATION

SEC. 210. (a) The Commission shall first convene within two months after the date of enactment of this title and no later than December 31, 1986, and shall meet from time to time thereafter, as the Co-chairmen deem appropriate.

(b) Consistent with other provisions of this title, the Commission shall structure its operations and activities to assure the appropriate and meaningful involvement of the public in its deliberations. In doing so, the Commission shall consider the desirability of holding public hearings, particularly in location outside of the District of Columbia, or establishing or utilizing other mechanisms whereby members of the public can readily contribute suggestions for Commission consideration.

(c) The Commission shall from time to time submit to the Congress such reports as it may deem appropriate with respect to its activities under this title. No later than eighteen months, following the date of enactment of this title the Commission shall submit to the Congress its final comprehensive report of its activities including all of its findings and recommendations.

(d) Ninety days after the submission to the Congress of its final report under subsection (c), the Commission shall cease to exist.

PREPARATION FOR THE COMMISSION

SEC. 211. Upon enactment of this title, the Director of the Congressional Research Service and the Chairman of the Federal Election Commission shall begin to prepare briefing papers for the Commission. Such briefing papers shall catalog and synthesize any recent public or private reports, analyses, and recommendations pertinent to the work of the Commission, and shall contain such other information relevant to the work of the Commission. The briefing papers shall be completed and transmitted to the Commission no later than two months after the date of enactment of this title.

DEFINITONS

SEC. 212. For purposes of this title—

(1) the term "candidate" means an individual who seeks election to the Senate or the House of Representatives of the United States, and for purposes of this paragraph, an individual shall be deemed to seek election—

(A) if such individual has received contributions aggregating in excess of $5,000 or has made expenditures aggregating in excess of $5,000; or

(B) if such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received such contributions aggregating in excess of $5,000 or has made such expenditures aggregating in excess of $5,000;

(2) the term "election" means a general, special, primary or runoff election to the Senate or House of Representatives of the United States; and

(3) the definitions in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) shall apply to this title.

AUTHORIZATION

SEC. 213. There are hereby authorized to be appropriated $1,000,000 to carry out the purposes of this title.

COMPREHENSIVE ANTI-APARTHEID ACT

PRESSLER AMENDMENT NO. 2708

(Ordered to lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (S. 2701) to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes, as follows:

On page 79 of the bill, strike lines 10 through 13 of Section 313(b).

CENTRAL INTERSTATE LOW-LEVEL RADIOACTIVE WASTE POLICY

BENTSEN AMENDMENT NO. 2709

(Ordered to lie on the table.)

Mr. BENTSEN submitted an amendment intended to be proposed by him to the bill S. 655, supra, as follows:

At the appropriate place add the following:

SEC. . Section 319 of the Federal Election Campaign Act of 1971 is amended—

(1) in subsection (a) by inserting after "foreign national" the first place it appears the following: "including any separate segregated fund or nonparty, multicandidate political committee of a foreign national"; and

(2) in subsection (b) by adding before the semicolon at the end thereof the following: ", but shall include any partnership, association, corporation, or subsidiary corporation organized under or created by the laws of the United States, a State, or any other place subject to the jurisdiction of the United States if more than 50 percent of such entity is owned or controlled by a foreign principal".

MILITARY CONSTRUCTION APPROPRIATIONS ACT FISCAL YEAR 1987

KENNEDY AMENDMENT NO. 2710

Mr. KENNEDY proposed an amendment to the bill (H.R. 5052) making appropriations for military construction of the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes, as follows:

At the appropriate place in the bill add the following:

Notwithstanding any other provision of law, no member of the United States Armed Forces or employee of any department, agency or other component of the United States Government shall be introduced into the territory of Nicaragua to engage in ground combat unless:

(a) Congress has declared war or authorized the introduction of such forces in advance by a joint resolution signed by the President of the United States; or

(b) The President has determined that the presence of such forces is necessary to protect American lives, to provide for the immediate evacuation of United States citizens or to respond to a clear and present danger of military attack on the United States.

BYRD AMENDMENT NO. 2711

Mr. BYRD proposed an amendment to the bill H.R. 5052, supra; as follows:

At the end of Title II add the following new section:

SEC. 217. (a) Funds available to the Department of Defense, the Department of State, the Central Intelligence Agency, or any other agency or entity of the United States may be obligated or expended during fiscal year 1987 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only—

(1) Pursuant to Section 206 of this Title; or

(2) If otherwise specifically authorized by law for use for such purposes.

(b) For purposes of subsection (a), the term "assistance" means assistance of any kind, including, but not limited to that which is provided by grant, sale, loan, lease, bailment, credit, guaranty, insurance, or properly chargeable services.

(c) No funds available from the Reserve for Contingencies of the Central Intelligence Agency may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except if such activities have been specifically authorized by law formally acted upon by the Congress.

(d) Nothing in the preceding three paragraphs shall prevent the conduct of—

(1) Activities which are intended for the collection, analysis, production and dissemination of intelligence information; or

(2) Diplomatic activities.

DODD AMENDMENT NO. 2712

Mr. DODD proposed an amendment to the bill H.R. 5052, supra, as follows:

On page 31, between lines 11 and 12, insert the following new paragraph:

(3)(A) None of the funds transferred under this subsection may be made available, directly or indirectly, for planning, directing, executing, or supporting military actions in, over, or offshore from the territory of Nicaragua which are directed against civilians or which are likely to result in the loss of civilian lives.

(B) The prohibition on funding contained in subparagraph (A) shall be carefuly monitored by the Comptroller General of the United States who shall report quarterly thereon to the appropriate committees of the Congress.

PELL AMENDMENT NO. 2713

Mr. PELL proposed an amendment to the bill H.R. 5052, supra, as follows:

On page 51, between lines 6 and 7, insert the following new section:

COMPENSATION OF CERTAIN NONCOMBATANT VICTIMS

SEC. 217. (a) Of the funds transferred under section 206(a), $10,000,000 shall be available only for the compensation of noncombatant victims of anti-Sandinista forces.

(b) In order to carry out the purpose of subsection (a), there is established a bi-partisan commission to gather evidence and certify the eligibility for, and the amounts of, awards to persons who are noncombatants and (1) who have suffered bodily injury or loss of property as the result of actions of anti-Sandinista forces or (2) who are the next of kin of persons whose death was caused by anti-Sandinista forces.

(c)(1) The Commission shall consist of four Republican members and four Democratic members who shall be appointed by the President. The President shall designate one member to serve as chairman. For purposes of this subsection, a Democratic member shall be considered to be a person who supported his party's nominee for President in 1980 and 1984.

(2) No officer or employee of the United States may be appointed as a member of the commission established by subsection (b).

(d) In addition to amounts allocated by subsection (a), of the funds transferred under section 206(a), $500,000 shall be available only for staff, travel, and other expenses of the commission established by subsection (b).

(e) No payment may be made under this section to an individual until the commission established by subsection (b) certifies to the President that such individual is eligible for such payment. Thirty days after the receipt of such certification, the President or his designee shall make the award certified by such commission.

(f) For purposes of this section, the term "awards" means—

(1) payment or reimbursement for medical treatment in the area where the injury occurred or, if adequate care is not available in the area, in the United States, of persons who have suffered bodily injury at the hands of anti-Sandinista forces and who are noncombatants;

(2) payment of an appropriate death benefit to the next of kin of noncombatant persons whose death was caused by anti-Sandinista forces; and

(3) compensation at replacement cost for private property of noncombatants taken, destroyed, or damaged by anti-Sandinista forces.

(g) In determining eligibility for awards, the commission shall weigh all available evidence and shall make its decisions regarding awards on the basis of whether there are reasonable grounds to believe that an injury, death, or loss of property was caused by action of anti-Sandinista forces.

(h) The Secretary of State shall make every effort to publicize the compensation program authorized in this section.

(i) For purposes of this section, the term "anti-Sandinista forces" means those forces receiving assistance under section 206.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, FISCAL YEAR 1987

TRIBLE AMENDMENTS NOS. 2714 AND 2715

Mr. SIMPSON (for Mr. TRIBLE) proposed two amendments to the bill (H.R. 5175) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1987, and for other purposes; as follows:

AMENDMENT NO. 2714

On page 9, line 24, before the period insert the following:

: *Provided further*, That the District of Columbia shall not renovate or construct prison bed space at the Occoquan facilities of Lorton prison beyond the number of prison bed spaces which were damaged or destroyed there during the fire that occurred on July 25, 1986.

AMENDMENT NO. 2715

On page 29, after line 20, insert the following:

SEC. . (A) The Congress finds that, more than 2,500 District of Columbia prisoners are now incarcerated in Federal prisons or at prison facilities belonging to Virginia, Maryland, and Delaware;

The continuing shortage of prison space within the District of Columbia has contributed to overcrowding and related problems at the Lorton prison in Fairfax County, Virginia;

The continuing shortage of prison space within the District of Columbia has helped to create a public safety crisis that could endanger the residents of the D.C. metropolitan area;

This public safety crisis is best resolved by the construction of additional prison space within the District of Columbia;

(B) It is the sense of the Congress that, in order to help alleviate the public safety problem facing the District and residents of the surrounding jurisdictions, construction should begin and be completed as soon as possible on the new permanent prison proposed to be built within the District of Columbia.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. HELMS. Mr. President, I wish to announce that the Subcommittee on Foreign Agricultural Policy, of the Committee on Agriculture, Nutrition, and Forestry, will hold the second in a series of hearings entitled "Overview of U.S. Food Aid Programs and World Hunger." The hearing will be chaired by Senator BOSCHWITZ.

The hearing, originally scheduled for Tuesday, August 12, 1986, has been rescheduled for Thursday, August 14, 1986, at 10 a.m. in room 332 Russell Senate Office Building. The topic of the hearing will be "humanitarian relief in threatened areas" with questions focusing on: First, causes of world hunger, Second, how world hunger can be avoided, and Third, effectiveness of U.S. response to world hunger.

If further information is needed, please contact Darryl Nirenberg, at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, August 12, to mark up S. 2083, the Asbestos Hazard Emergency Response Act of 1986; and other pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, August 12, to mark up the following:

S. 2197. Federal Employees' Optional Early Retirement Act.

S. 2452. Solomon Blatt, Sr. Post Office Building.

S. 2134. Postal Service Appeal Rights.

S. 2250. Anti-kickback Enforcement Act.

H.R. 2721. To require the collection of statistics on domestic apparel and textile industries.

H.R. 2722. To eliminate the requirement relating to decennial censuses of drainage.

S. 2551. Youth Suicide Prevention Act.

S. Res. Resolution on Nixon Papers.

S. 528. Bipartisan Commission on Congressional Campaign Financing Act.

S. 1620. National Access to Health Care.

S. 786. Information Age Commission Act.

S. 1209. National Commission to Eliminate Infant Mortality.

S. 1569. [H.R. 2436]—Nutrition Monitoring.

NOMINATIONS

Daniel Levinson—Chairman, NSPB.

Jean McKee—Member, FLRA.

Crocker Nevin—Governor, Postal Board of Governors.

John Suda—Associate Judge, D.C. Superior Court.

James Colvard—Deputy Director, OPM.

Mary Wieseman—Special Counsel, MSPB.

Janet Steiger—Commissioner, Postal Rate Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, August 12, 1986, in order to conduct a business meeting.

On its legislative agenda, the committee will be considering the following items: Senate Resolution 438, directing the Senate Committee on Rules and Administration to study the Senate rules and precedents applicable to impeachment trials; Senate Resolution 439, to authorize the reprinting of a Senate document from the 93d Congress entitled "Procedures and Guidelines for Impeachment Trials in the United States Senate;" an original bill to authorize appropriations for the Federal Election Commission for fiscal year 1987; an original bill that would amend 2 U.S.C. 58a in order to authorize the Senate Sergeant at Arms to pay for State long distance telephone charges based on the amount of time the service is used; S. 2539, to consolidate and improve provisions of law relating to absentee registration and voting in elections for Federal office by members of the uniformed services and citizens of the United States who reside overseas; S. 1311, to authorize the Smithsonian Institution to plan, design, and construct facilities for the National Air and Space Museum; Senate Joint Resolution 269, to provide for the reappointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution; two printing resolutions for the House of Representatives (H. Con. Res. 288 and H. Con. Res. 301); an original resolution to amend rule XXXV of the Standing Rules of the Senate so that the chairman of the Ethics Committee can give notice in the CONGRESSIONAL RECORD of approval of foreign travel by a Member, officer, or employee after the foreign travel has concluded; an original resolution to authorize the purchase of 1987 U.S. Capitol Historical Society wall calendars for the use of the Senate; and several original resolutions to pay gratuities to survivors of deceased Senate employees.

Administrative business scheduled to be considered are the results of the test period of the Dole proposal for subway service to the Hart Building during rollcall votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Constitution of the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, August 12, to mark up S. 2457, California-Nevada interstate compact; and to hold a hearing on Senate Joint Resolution 364, proposing an amendment to the Constitution of the United States; and Senate Joint Resolution 370, proposing an amendment to the Constitution of the United States regarding judges appointed pursuant to article III.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

REAL ESTATE PROVISIONS OF THE SENATE TAX REFORM BILL

● Mr. LEAHY. Mr. President, this week is a crucial one in the important House-Senate conference on tax reform. I was proud to support the Senate tax reform bill, because it promises to cut taxes for the average Vermont family by more than $700.

Currently, more than one-half of all Americans must seek professional help to prepare their tax returns. The Senate tax reform bill should make filing returns simpler for the majority of Americans, by eliminating dozens of tax forms.

The bill also goes a long way toward increasing tax fairness for working families, especially those near the poverty line, struggling to make a better life for themselves.

All of us support these aspects of the Senate tax reform bill. Certain provisions of the bill concern me, however, due to the detrimental effect they will have on Vermont's economy. I speak of the provisions which would treat all rental housing as tax shelter property, and do so retroactively.

This week, conferees will begin hammering out the final business provisions of the tax reform bill. The House and Senate negotiators have no easy task. But one thing is certain. The conferees must correct one fundamental unfairness in the Senate tax reform bill—the retroactive real estate investment rules.

Congress has made major changes in the Tax Code 6 years in a row. The result: Instead of making investment decisions based on sound business judgment, leaders in business and industry have been forced to cope with annual changes in our Nation's Tax Code which affect the way they conduct their affairs.

Even worse, the real estate provisions of the Senate tax reform bill would make major changes in our tax laws, affecting business decisions and investments which have already been made. This must not be allowed. We cannot change the rules in the middle of the game. Business people had no way of anticipating the sweeping changes in the tax reform bill and should not be penalized for making critical business decisions based on current law.

Mr. President, earlier this year the Senate unanimously adopted a resolution opposing any retroactive tax changes. I supported that resolution. In talking with business people and investors in my State and across the Nation, I have learned that they are perfectly willing to adjust to changes in our tax laws. But the business community needs to know the rules, in order to plan accordingly and create economic growth and jobs.

The retroactive provisions are unfair. They are bad for business and bad for the economy. The conferees on the tax reform bill should keep the commitment both Houses of Congress made earlier this year—that the tax reform legislation which ultimately becomes law will contain no retroactive provisions.

The effective date of the real estate provisions is not the only threat created by this bill to the economy of Vermont. In addition, the substance of those retroactive real estate provisions are well-intended, but overly broad. The Senate tax reform bill intends to deal a harsh blow to real estate tax shelters. Tax shelters have been abused, Mr. President. You know it and I know it. Tax shelters ought to be closed and closed tight.

However, the bill also unintentionally slams the door on legitimate real estate investments that strengthen our Nation's supply of affordable housing, especially rental housing.

In Vermont, there is a terrible shortage of affordable housing, at a time when growing numbers of Vermonters are finding economic opportunity within our borders. Young people used to leave Vermont to pursue careers in urban areas. Now, those jobs are available in Vermont, but we cannot build homes and apartments to house young families.

The real estate provisions of the tax reform bill define the development or management of all rental property as a tax shelter. Members of the Finance Committee justify this tough tax treatment of rental property, citing examples of abuses, including empty skyscrapers in Dallas and Los Angeles—investments which meet no real economic demand, but which are motivated only by tax avoidance.

Mr. President, there are no empty skyscrapers in Vermont. But, we do have hundreds of young families in search of safe, decent, and affordable housing.

The rental property provisions will worsen the housing shortage in Vermont, by discouraging builders and realtors from building and marketing rental housing. How many Americans could afford to build or buy a home, if interest on the mortgage were not deductible? The same is true of those who build and manage rental property in Vermont. If they cannot deduct the interest on loans to build rental housing, they simply will not build it.

Or worse yet, what rental housing is built could become absolutely unaffordable. Higher costs will be passed on to consumers, who, in my State, are largely young people just starting out. They don't stand a chance.

The rental real estate changes are overly broad. To correct one inequity, we have created another. Yes, get rid of tax shelters. But the bill ultimately approved by Congress must not lump tax shelters with real housing needs and treat both alike. Vermonters cannot afford to pay any more for housing.

One solution which has been proposed is to permit investors with a working interest in rental property to deduct actual costs and losses, such as interest expenses. Only those who take the risk of investing would be entitled to deduct the costs of that investment. At the same time, real estate tax shelters would be effectively eliminated. This proposed remedy gets rid of the bathwater, but saves the baby.

There is a real feeling in this country that true tax reform is about to take place. That euphoria will be short lived, however, if we don't come to grips with the inequity in the provisions of the bill affecting the availability of affordable housing in States like Vermont. I urge the conferees on the tax reform bill to correct these problems.●

ALPENA BABE RUTH ALL-STARS WIN CHAMPIONSHIP

● Mr. LEVIN. Mr. President, during these dog days of August my mind is prone to wander to my younger days when the most important thing at this time of year was not OMB, SDI, and homeporting, but RBI's, ERA's, and home runs. In those days, in all due deference to my colleague from Kentucky Senator MCCONNELL, the only Louisville Slugger I knew was my trusty bat. So, I ask your indulgence as I congratulate some "boys of summer" who still know how to spend their days.

I am referring to the Alpena Babe Ruth Junior Division all-star team which captured the 1986 Michigan championship on July 22. This was the first State championship for Alpena's junior division and it allowed them a berth in the Ohio Valley regionals.

I salute the all-stars manager, Bob Ross and the coaches, Dick Gouin and Mike Anderson, but most of all I congratulate—and envy—the 14- and 15-year-olds who came to play: Charlie Koss, Raury LeFave, Rick Pearson, Rob DeWyre, Pat Ashley, Todd Glawe, Eric Corwin, Paul Geyer, Brian Haight, Dave Talbot, Dave Schaedig, Brad Mills, Tom Sharp, and Tim Kieliszewski.

I am pleased to have this opportunity to honor these outstanding youngsters and all those affiliated with the Alpena Babe Ruth Junior Division. My best wishes for future championship seasons.●

EMERGENCY ASSISTANCE TO DROUGHT-STRICKEN FARMERS

● Mr. SASSER. Mr. President, 2 weeks ago I, along with my colleague, Senator GORE, offered an amendment to the debt limit bill which would have provided much-needed emergency assistance to drought-stricken farmers in the Southeast. At that time, we heard charges that we were simply playing politics. We were told that the Department of Agriculture was going to announce a major drought-assistance package—coincidentally the very next day. We were told that legislative remedies would not be necessary in light of the administration's pending action.

Yesterday's Washington Post contained an article which cast a dark shadow over the rosy predictions of effective administration action to combat that drought. The Post reported that of the $1 billion in the largest single item in the administration's drought relief package, less than 4 percent will go to farmers in the Southeast. Only $32 million of this $1 billion in advance deficiency payments will go to drought-stricken farmers in the Southeast. This, despite the fact that the Secretary of Agriculture announced the advanced deficiency payments as part of "significant new and expanded programs to aid drought-stricken farmers in Southeastern States designated as agricultural disaster area."

Quite clearly, Mr. President, the administration is falling far short of its bold promises to our Southeastern farmers. Some have suggested that, indeed, the Department of Agriculture is simply trying to fool our drought-stricken farmers into believing the administration is moving ahead with a drought relief program. I will leave that judgment to my colleagues.

What is clear to me is that our farmers caught in the grip of the worst drought in over a century cannot rely on the elusive aid promises of this administration. They need a comprehensive drought-assistance package, not misleading promises. The amendment I offered 2 weeks ago does just that.

Therefore, I am deeply troubled by rumors that we are likely to see a stripped-down version of the debt limit bill. In the rush to finish our business, I am hearing we will see a debt limit bill devoid of any and all amendments.

I fear what this means for our Southeastern farmers. Such a move would leave them at the mercy of the administration. They will be left to wonder what tomorrow's newspaper will tell them about the realities of the administration's drought relief package.

It is my hope that we will not leave our farmers without meaningful drought-assistance. I urge the leadership on both sides to work to see that drought-assistance legislation is retained on the debt limit bill. Barring that course, I strongly urge the leadership to follow the House's action and to move expeditiously on a comprehensive drought-assistance package. I would note that the House drought package, which is nearly identical to the Sasser-Gore amendment, passed by a vote of 418 to zero.

Clearly, there is broad, bipartisan support for this type of legislation. It is my hope that if we do not retain the Sasser-Gore amendment on the debt limit bill, that we take up the House-passed drought-assistance package this week. Given the broad range of support for this measure, I would think we could dispose of this bill with a voice vote. Our farmers need to know that what was promised will be delivered. The Department of Agriculture has already raised doubts about its ability to make good on its promise to aid drought-stricken farmers in the Southeast. We must remove any doubt about the Government's willingness to come to the aid of these disaster-stricken farmers.●

EMERGENCY GRAIN STORAGE

● Mr. DIXON. Mr. President, a few days ago I urged the Secretary of Agriculture to create a small, emergency task force to deal solely with the grain storage crisis confronting us in Illinois and the Midwest.

I pointed out that this is an emergency that must be solved immediately—in a matter of days.

We need to explore every avenue that will assist us in storing the bountiful crop standing in the fields of corn and soybeans that will soon have to be harvested.

I have not yet had a reply from the Secretary of Agriculture regarding my suggestion for a task force on grain storage.

In the meantime, however, I am sending another suggestion to the Secretary. It seems to me that the Department should immediately explore the possibility of storing grain in abandoned and idle Federal, State, local or private facilities and installations available in the Midwest, particularly in Illinois, Iowa, and Indiana, which are the three principal corn-producing States in our country.

We must explore every possibility to locate temporary storage during this critical period. I urge the Department of Agriculture to consult with Government officials and private sources to find buildings sitting idle which could

provide safe, dry storage space for grain.

As I understand it, corn placed in vacant structures can be accommodated in almost any quantity depending on the soundness of the structure and provided that it has a concrete floor. In a smaller structure, corn can be piled at a relatively shallow level to be kept dry. In larger structures, corn can be piled as high as the structure is sound. In both instances, drying tubes with fans could be supplied at relatively modest cost to keep the corn dry and to maintain quality.

Mr. President, there would be an inducement to open up abandoned or idle buildings for storage because the Federal Government would be paying for storage costs on a per-bushel basis. This would be a great advantage over dumping grain on the ground, because the quality of the grain would be assured when the grain is stored inside under a sound roof and protected against the fall, winter, and spring weather elements.

This suggestion, it seems to me, has real merit and is worth pursuing. Again, however, Mr. President, time is of the essence. The Department will have to move quickly and expeditiously.

I urge the Secretary of Agriculture to take immediate action on my suggestions for a task force and for an effort to find idle facilities for storing grain in the Midwest.●

NATIONAL HOUSING WEEK

● Mr. D'AMATO. Mr. President, I am pleased today to once again rise as an original cosponsor of legislation recently introduced by the distinguished Senator from Nevada [Mr. HECHT], designating a "National Housing Week." This year's celebration will be held during the week beginning October 19, 1986. This year marks the fifth annual resolution designating a "National Housing Week" of which I have been privileged to be an original cosponsor. I commend Senator HECHT for sponsoring this continued initiative over the past 2 years.

The Federal Government has played a major role in advancing national housing policies in its partership with the housing industry over the past 50 years. With the strength and ingenuity of private enterprise, a combined public-private commitment has been forged to bring safe, decent housing to the American people. This commitment must be continued.

One of the many benefits that result from living in decent housing is increased family strength, and strong family unity leads to a stronger community, which, in turn, leads to a stronger America. We all, therefore, have a stake in ensuring the availability and affordability of decent housing.

The task of providing safe and decent housing, however, requires our continued commitment. We must continue legislative and tax initiatives that promote available and affordable housing.

As has been the case in the past, the Federal Government must continue to take an active role in support of housing development and rehabilitation initiatives. "National Housing Week" serves as a reminder to all Americans that housing is an issue of national significance, that all levels of society are involved in housing efforts, and that in no way will we let the American dream of homeownership fall by the wayside.

Mr. President, again, I am pleased to support this resolution. Our promise to the American people of decent shelter must be kept. I urge my colleagues to lend this initiative their full support to ensure its swift, favorable consideration.●

HELSINKI FINAL ACT

● Mr. PELL. Mr. President, August 1 was the 11th anniversary of the signing in Helsinki, Finland, of the Final Act of the Conference on Security and Cooperation in Europe [CSCE] by the leaders of 33 European nations, the United States and Canada. After 2 years of intensive negotiations, the signing ceremony represented a breakthrough in international diplomatic relations. While the final act encompasses nearly every aspect of East-West relations, for the first time, human rights were accorded the status of a fundamental element of those relations. The 35 participating states recognized that respect for human rights is as important a factor in state-to-state relations as respect for national borders or refraining from the use of force.

Significantly, the Helsinki final act also called upon the signatories to promote exchanges and contacts in the cultural, educational and scientific fields as a means of achieving greater mutual understanding among people. Such humanitarian cooperation among the people of the 35 nations, it was believed, should lead to a lessening of tensions among the governments of those nations and, eventually, to the establishment of genuine peace.

As a founding member and original cochairman of the U.S. Commission on Security and Cooperation in Europe, I have witnessed the hard realities of implementing the provisions of the Helsinki final act. Despite pledges to respect human rights and facilitate the freer movement of people, information and ideas, the Soviet Union imprisons human rights activists, denies Jews and others the right to join their relatives abroad, jams Western radio broadcasts and severely restricts the exercise of religious rights. Unfortunately, many of the Warsaw Pact nations, especially Czechoslovakia and Romania, have followed the Soviet example of repression.

Yet, there have been positive developments in the last 11 years as well as accomplishments that are too often forgotten in light of the overwhelming amount of work yet to be achieved. The Helsinki final act was the impetus for theater seminars, academic exchange agreements, writers' conferences, legal statutes to ease travel restrictions and joint scientific research projects—all of which have borne positive results for both East and West. These improvements in private and official contacts are evidence that the Eastern governments are aware of their commitments to some provisions of the final act.

Mr. President, we must strive to ensure that other commitments—especially the human rights pledges—are met with no less vigor and determination. One method to achieve this is to ensure that the discussion of further exchanges among artists, businessmen, writers, journalists and politicians be linked to considerations of the State's recognition of the individual's right to exercise fundamental rights: To practice his religion, to live in the country of his choice, to work in his field or to travel. Only by constantly reminding the Eastern governments of their obligation to respect human rights as we engage in cooperative endeavors will we create the kind of leverage that will ultimately ensure successful exchange programs—those which incorporate balance, reciprocity and dignity among all citizens' contacts, East and West. In short, the Helsinki final act set a standard of government conduct that must apply to all human interaction.

Ours is not an easy task. The drafters of the final act recognized that achievement of the goals embodied in that historic document would be slow and gradual. Yet we should not be deterred by temporary setbacks. As the long-awaited release of Anatoly Shcharansky has demonstrated, a firm and uncompromising commitment to the value of human rights will eventually produce the results of a more humane and just world.●

PORTAMERICA: AN ARCHITECTURAL PERSPECTIVE

● Mr. CRANSTON. Mr. President, today's New York Times features a commentary by architecture critic Paul Goldberger on the PortAmerica project.

Mr. Goldberger provides a keen perspective on the PortAmerica issue. He suggests some compelling reasons why Senators, who bear the responsibility for preserving our Nation's Capital,

are concerned enough to act. Senators MOYNIHAN, SIMPSON, HATFIELD, KERRY and I have introduced S. 2537, the Nation's Capital Preservation Act, which would establish reasonable height limits throughout the National Capital region. Our bill is a direct response to the PortAmerica developer's proposal to build a 52-story glass skyscraper as the project's centerpiece, a move we feel—and Goldberger agrees—will destroy the beauty and architectural integrity of our National Capital skyline.

Mr. President, I ask that the article appear at this point in the RECORD.

The article follows:

SKYLINES AND THE BALANCE OF POWER

(By Paul Goldberger)

WASHINGTON.—If there is anything that distinguishes the capital from every other major city in America, it is the absence of a skyline.

In an age when nearly every small to medium-sized city from coast to coast has its skyscrapers, Washington is still dominated by the 555-foot obelisk of the Washington Monument and the 300-foot dome of the Capitol. There are a few office towers across the Potomac in Rosslyn, Va., but even at 31 stories all they manage to do is intrude upon the classic, monumental vista; they do not dominate it.

Washington may become more like other places if the plan of the developer James T. Lewis and the architects Philip Johnson and John Burgee comes to pass. They want to put a 52-story, 700-foot-tall tower of reflective glass on an open site on the banks of the Potomac, several miles downriver from downtown Washington in suburban Maryland. The office tower would be the centerpiece of a much larger project, called PortAmerica, that would contain a hotel, a shopping complex, other office buildings and several hundred townhouse-like residential units. And it would be far and away the tallest structure in the capital region.

The site is in Prince Georges County, just outside the District of Columbia, Technically, it is not within the formal jurisdiction of the capital, but the proposal has so shaken official Washington that the National Capital Planning Commission has come up with a set of photographs that try to demonstrate that the tower will have a major impact on the city.

The National Park Service has registered objections, as have some air safety experts who worry that planes operating in and out of National Airport might be endangered. And Senators Daniel Patrick Moynihan of New York and Alan Cranston of California have tried to block it by introducing legislation giving Congress the right to "protect and preserve views" across a great swath of the capital region, including this site.

The view is quite different from up close to this potential tower. The county council of Prince Georges County, eager to put its area on the map and fully aware of the substantial economic benefits that this immense project can bring, has endorsed PortAmerica enthusiastically. Several council members have denounced the opposition as the meddling of outsiders in local affairs.

The controversy over PortAmerica involves not only architecture and urban planing, then, but also local autonomy. Where does the jurisdiction of the District of Columbia properly end? Is it correct for a suburban county to approve a project that has substantial impact on the national capital, particularly when there is significant opposition to it within the capital city?

The architecture first. The tower is like a multifaceted beacon and has a handsome glass crown; as pure sculpture, it is one of Mr. Johnson and Mr. Burgee's better efforts at shapemaking. Stylistically, its romantic modernism is altogether different from the overtly historical tone of the other, low-rise sections of PortAmerica, for which Mr. Johnson and Mr. Burgee have proposed a veritable history of classical architecture.

As architecture, this section is actually a lot more startling than the tower. There are portions of the low-rise village that call to mind the Georgian architecture of Bath, England, and there are portions that call to mind the Regency architecture of London, and there are hints of the Italian Renaissance and hints of Nordic classicism. It is a rather urbane stage set, a kind of very sophisticated Disneyland for adults whose fantasyland is European classicism, and as such it is not without wit.

The astonishing thing is how out of place the glass tower is amid all of this. Although the PortAmerica project may not be economically feasible without its 52 stories of offices, architecturally it would be a great deal better without the tall tower intruding upon the low-rise quality of Mr. Johnson and Mr. Burgee's classical village.

But the question here inevitably goes beyond architecture to the larger issues of planning and urban design. It is for constitutional scholars, not architecture critics, to debate the appropriateness of Congress's trying to regulate the height of buildings outside the capital. But it can be said that, legal issues aside, the act of putting a 700-foot-tall glass tower a short distance outside of the District of Columbia would be a planning and urban design disaster.

The issue is not whether the tower would or would not dominate the vista across Washington. It would be more visible than the mere "blip on the horizon" that Mr. Burgee has called it, but it is far enough from the District's border that it would clearly not overwhelm the Capitol dome.

The issue is more one of symbolism. Now, and for the nearly two centuries since it was laid out, Washington has been our most ordered city. It possesses not only the physical order of Pierre L'Enfant's layout, but the symbolic order of public buildings presiding over all other structures. There is commerce in Washington, but it lies low; the skyline of the city and the region at least preserve the illusion that it is the public's business, and not the private sector's, that is the most important and powerful.

That may just be an illusion, of course, but it is a crucial one, and it will be shattered if PortAmerica's tower is built. It will no longer be possible to think of Washington as a place in which the physical environment stands as a continuing symbol of the public realm. For it will be the private realm, in the form of an office tower much like office towers anywhere else, that will be the biggest thing around. It may not be so close to the Washington Monument or the Capitol to block the view—but in a symbolic sense, it will render them weak and secondary elements in the skyline.

And if the tower is built, it may be less a victory for the idea of local autonomy as for the ability of a local government in effect to hold a central city hostage. For although Prince Georges County does have the right to its own urban planning, it is hard to believe that this right extends to a license to upset the balance of urban design in an entire region. The construction of this tower would forever alter the balance of power in the capital region's landscape, taking symbolic dominance away from the center and putting it into an outlaying sector

Moreover, prosperous as Washington has become, it is difficult to believe that its office market actually requires the vast space of this kind of high-rise tower.

TO DO PARIS ONE BETTER

There is no need to believe that Washington must evolve as Paris has, with an old and low center surrounded by a ring of new skyscrapers construction. In Paris, the city's role as France's dominant commerical center as well as its capital made a certain amount of skyscraper construction inevitable, and most of it was properly kept outside the central city. But Washington ought to be in a position to do Paris one better and voluntarily refrain from building excessively tall buildings in any part of its region, either inside or outside the city limits.

The saddest thing of all would be to see the Washington region rendered essentially like every other American city. The skyscraper may well be the proud symbol of American commercial architecture, but Washington was not conceived as a commercial city. If PortAmerica is built, Washington will be admitting that it is just like everyplace else.●

SUBSIDIZED SALES TO COMMUNIST GOVERNMENTS

● Mr. MOYNIHAN. Mr. President, on Saturday, I introduced an amendment to the National Defense Authorization Act of fiscal year 1987 to prohibit the U.S. Government from subsidizing the sale or transfer of goods or services to Communist governments. Two days later, in the Washington Post of Monday, August 11, Lou Cannon addressed the subject of grain sales to the Soviet Union in a column entitled "Politics vs. Principles." My amendment was tabled. The column speaks for itself.

I ask that my statement followed by Mr. Cannon's column be printed in the RECORD.

The statement follows:

STATEMENT OF DANIEL PATRICK MOYNIHAN

Mr. President, we are coming now to the end of an extensive and useful debate on the Department of Defense Authorization Act for fiscal year 1987. Senators who have looked at the report of the committee will know, and those involved in the debate will know, that we are in the process of authorizing an enormous sum of money. In the first summary on page 3 alone, we find that $225 billion is being authorized for procurement and other matters, with an additional $4 billion in manpower. Indeed, the national defense budget is approaching the $300 billion mark.

Forty years ago, at the end of the Second World War, if anyone would have suggested that the day would come when during peacetime the United States would be spending $300 billion on defense, it would have seemed a puzzling proposition and to some an altogether unpersuasive, even outrageous, thought.

Yet here we are, and we are doing what we have been doing, in effect, for near 40 years, appropriating extraordinary sums in peacetime to a defense establishment.

And why? It is very simple. We face in the Soviet Union a determined, tenacious, well-armed, and, in the large sense, threatening adversary.

This engagement was not of our choice. Forty years ago we demobilized our forces and went about rebuilding a war-torn world with purposes of peace.

The Soviets, however, chose a different path. And so, before that decade was out, the Truman Doctrine had sent American aid to Greece and Turkey, and NATO had been founded to reestablish a military alliance in Western Europe including Western Germany.

Mr. President, I do not think there is much disagreement in this Chamber about the true nature of Soviet intentions in the world, that the threat to peace has been real, and has been validated in one way or another over these 40 years. Thus, we do of necessity what we are forced to do. With a defense program sustained over two political generations, we have said to the Soviet Union, "Whatever your purposes, you cannot prevail. You cannot succeed. The combined forces of the Democratic nations of the world are so much greater—or are at least sufficiently greater—that no plan of conquest will succeed. You cannot win a war."

But, Mr. President, it seems to me that as we consider this puzzle, we need also to consider the Soviet proposition that really, in the end, the U.S.S.R. need not win a war. That was never part of the prophecy of Marx and Engels, nor indeed of Lenin.

Rather, the prophecy was that the Capitalist West will collapse of its own internal contradictions.

Let us be clear. We are dealing with a doctrinal adversary. There is a real sense in which it must be said of the leaders of the Soviet Union, and some of their satellites, that they are a People of the Book. They have texts which prophesy the ultimate triumph of their system through the collapse of ours, not through its overthrow from outside but from its collapse from within.

The doctrine was first set forth in the mid-19th century by Karl Marx and Friedrich Engels, and was extensively codified in Marx's book, "Das Kapital."

The doctrine is not all that complex, Mr. President. Karl Marx stated that the bourgeois system of production under capitalism was by far the most advanced stage that civilization had reached but not the last stage. He said it had released unparalleled productive capacity, compared to which the pyramids of Egypt were insignificant achievements.

But this release of energies would lead to ever-increasing production, and that sooner or later the capitalist systems of the West would overproduce. As they begin to overproduce, profit margins would fall. As profit margins fell, wages would fall, and the immiserization, to use the term of Marx, of the masses would commence. It would end in a great convulsion of protest against an intolerate system and new and vital days of history would emerge in which there was communal ownership of goods and services and, indeed, the disappearance of the state.

Yes; one of the prophesies of Soviet doctrine was that the state would wither away. The prophesy was that across national borders workers would unite as never before, recognizing a common nationality superior to any attachment to nation, religion, or other commitment.

The Germans and the Russians, the Italians, the Irish, the Scots, the Chinese, and the Russians would all become one solid class under the red flag, because the blood of all men is red and that was the color of the worker's flag.

They prophesied all this and then a half-century went by and it did not come to pass. The prophecies were not fulfilled. And there was in fact a crisis of belief in the Marxist world at the turn of the century. The prophet was dead, his prophecies had not come to pass.

Whereupon Lenin published his book, "Imperialism: The Highest State of Capitalism," in which he described and explained the delay in the system's collapse. He said that the European nations had discovered that, through imperialistic foreign policies, they could accumulate colonies which would be their outlet for the surplus production that otherwise would bring about the Marxist prophecy. So the prophecy simply had been delayed. It was still valid but you had to wait while the producers filled India with locomotives and whatever, until even India, as it were, could no longer absorb any more of that production. Then profits would fall, the masses wages would fall, and the final convulsion would come.

One of the ironies of our time is that Lenin, who made that prophecy writing in Switzerland came to power in what was then Petrograd, now Leningrad. One of the first things he said to the Soviets and to the Communist Party leadership was that whatever the proclaimed enmity of the West to their regime—and after all, Britain, France, and the United States sent expeditionary forces to overthrow that revolution and we landed in Murmansk, we landed in Vladivostok—Lenin said, "Don't worry, theirs is a surface hostility. The raw necessity of capitalist overproduction will lead them to shower us with goods and services. They have no choice."

It is often said that Lenin made the remark, "They will sell us the rope with which to hang them." Actually, there is no documentation for that exact statement, but the essence is there. Permit me to read a passage from George Kennan's masterful work, "Russia and the West Under Lenin and Stalin." He describes what he calls "an imaginary statement" of the Soviet leaders to the Western governments. Permit me to quote from that imaginary statement. It says:

Since we are not strong enough to destroy you today * * * we want you during this interval to trade with us. We want you to finance us. An outrageous demand? Perhaps. But you will accept it because you are slaves to your own capitalistic appetites. You will wink at our efforts to destroy you. You will compete with one another for our favor. It is, in fact, you who will, through your own cupidity, give us the means wherewith to destroy you.

Kennan then says, and now I quote him:

I can only assure you that this formulation is not one whit sharper or more uncompromising than the language consistently employed by the Soviet leaders at that time. I do not believe it embraces a single thought which did not then figure prominently in their utterances.

Mr. President, Louis Fischer, in his "Life of Lenin," gives an account of an address to the Ninth World All-Russian Congress of Soviets in 1921, in which Lenin said as much. An important translation, said to be from Lenin's papers, was published in "Novyl Zhurnal", a New York Russian-language paper, in 1961. We find similar propositions in this work. I ask unanimous consent that both of these be printed in the RECORD.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

Excerpt from Louis Fischer, "The Life of Lenin" (pp. 563-63):

The capitalist nations had refused the Soviet government diplomatic recognition, yet they traded with it. A thousand locomotives had been ordered abroad. "We have already received the first thirteen Swedish, and thirty-seven German" locomotives (said Lenin). "This is the smallest beginning still it is a beginning * * * we are overpaying, nevertheless they are helping our economy. They brand us as criminals yet they help us * * *"

Except from "Novyi Zhurnal" (p. 147):

* * * The capitalists of the whole world and their governments in their rush to conquer the Soviet market will close their eyes to the activity referred to above (various diplomatic subterfuges of the Soviet government) and will thereby be turned into blind deaf mutes. They will furnish credits which will serve us for the support of the Communist Party in their countries and, by supplying us material and technical equipment which we lack, will restore our military industry necessary for our future attacks against our suppliers. To put it in other words, they will work on the preparation of their own suicide.

Mr. MOYNIHAN. Next I go to a more contemporary source, that of Henry Kissinger, who wrote in 1982 an article published in "The New Republic" entitled "Trading with the Russians." He said:

Lenin's legendary dictum that capitalists would compete to sell the rope with which they would be hanged has come true with a vengeance for Lenin never guessed that Western governments would provide the money to buy the rope and subsidize the price to facilitate the purchase.

I say again, "to buy the rope and subsidize the price to facilitate the purchase."

Mr. President, in the great war of nerves between our two systems, of which weaponry in merely evidence—indeed, as the marxists might say, an epiphenomenon the one thing we ought never to do is confirm the few tattered prophecies the Soviets have left. Those prophecies are very hard for any of us here to remember—none of us were really around at the time. But it was confidently expected that the Socialist mode of production, which would be put in place under a Marxist system, would be superior in its productive capacity, and that Russians—it turned out to be Russians—would be richer than the West because their system would work better. That expectation soon disappeared.

It was expected the state would wither away. That disappeared.

It was confidently expected that the world would rise in sympathetic response to the success in Russia. That disappeared.

It was expected that, at the minimum, there would be absolute solidarity between Marxist states committed to the same standards, united by the same realities, and enrolled in the same production system. But first with the break with Yugoslavia in 1948,

and then with the catastrophic break with the Chinese in the sixties, that disappeared.

All those prophecies are gone. But one remains: That we will sell them the rope with which they will hang us.

For 10 years on this floor, I have pointed to examples in our activities and in the activities of other Western nations. It is the great scandal of the West that we spend fortunes in arms, that by their nuclear nature lead us to live on the brink of the final catastrophe, whilst we will not submit to the simple restraints of actions that will let the Soviets know that their ideology is false, their system has failed, and that their future is bleak unless they reach some accommodation with reality, which is the West.

We keep confirming that last prophecy, the one they still have to cling to, and I do not see how we can do this. I do not think we ought to do it. We should not do it.

I have said all I intended to say, Mr. President. The purpose of this amendment is clear. It is not that we will not trade with the Soviets. Trade is perfectly normal to our system. It should be pursued.

The distinguished majority leader the other day quoted a remark of President Eisenhower when he said, "We will send them anything they cannot shoot back at us." And we should sell to them—but at a market price for a legitimate profit. But to subsidize, no.

Subsidization means, you see, that Lenin was right: The capitalists are overproducing, they cannot afford the system. That we are only in the last gasp of capitalism, that of imperialism and colonialism.

I hope, Mr. President, that we will adopt this simple amendment that says the U.S. Government shall not expand any funds to subsidize the sale or transfer of goods or services to a Communist government or subdivision thereof.

[From the Washington Post, Aug. 11, 1986]

POLITICS VS. PRINCIPLES

(By Lou Cannon)

One of President Reagan's favorite dictums, delivered in little lectures to his Cabinet and groups of advisers, is that presidential decisions should be based on sound policy rather than politics.

"I don't want any of you ever asking me to do something for political reasons," aides have quoted Reagan as telling them with a straight face.

By the usual political standards, Reagan does pretty well when measured by his test. His support for the Nicaraguan rebels and his opposition to South African sanctions, to name two issues, are based on convictions rather than surveys. Even Reagan's adversaries recognize that he usually is a man of principle.

But election-year politics have a way of overcoming principles, and Reagan is not immune. Because Republican senators scared him into thinking that GOP control of the Senate is at stake, Reagan jettisoned policy for politics in ignoring the recommendations of his national security community by selling subsidized wheat to the Soviet Union.

Ironically, Reagan's largesse to the nation he once called "the evil empire" comes at a time when the Soviet system is particularly vulnerable to economic pressure. The president knows this. The world collapse of oil prices has reduced revenues for the Soviets, and their perennially troubled agricultural economy is coming up short once again.

Only a few days after he agreed to sell 4 million tons of wheat to the Soviets at a subsidy of $13 a ton, the president was arguing that years of massive arms spending had made the Soviet Union an "economic basket case." Reagan suggested that a combination of Soviet economic conditions and concerns about his "Star Wars" missile defense system have led Soviet leader Mikhail Gorbachev to the realization that an agreement reducing the superpowers' nuclear arsenals would be mutually beneficial.

Why then relieve the economic pressure on the Soviets at a critical time? Why infuriate Canada and Australia and create the conditions for what Secretary of State George P. Shultz calls "a subsidy war?" The answers to these questions are buried in farm-state political concerns, not in Reagan's catechism on the right way to reach presidential decisions.

"When you ask the senators from the farm states what their top three problems are, they reply agriculture, agriculture and agriculture," a White House aide said after the decision. Political surveys in these states do not necessarily support the view that the Soviet wheat sale will keep the Senate in Republican hands, but the fears expressed by Majority Leader Robert J. Dole (R-Kan.) were enough to convince Reagan to ignore Shultz and his own best instincts.

White House spokesmen tried to justify Reagan's retreat from principle by observing that he had opposed President Jimmy Carter's grain embargo against the Soviets in 1980 and lifted it in 1981. What they do not say in that Reagan's original decision to oppose the embargo was taken for crass political reasons.

After Carter imposed the grain embargo in retaliation for the Soviet invasion of Afghanistan, Reagan's inclination was to support it. But he was then involved in a hard-fought battle for the Republican presidential nomination. George Bush, his principal opponent in the Iowa caucuses, had come out against the embargo.

At a strategy session in Los Angeles early in January 1980, Reagan advisers stressed the importance to Iowa farmers of grain exports. Reagan at first resisted their point, then agreed to oppose the embargo. He lost Iowa anyway, one of his few defeats that year.

Bad decisions often lead to other bad decisions. As president, Reagan overrode the objections of his first secretary of state, Alexander M. Haig Jr., and lifted the embargo—on the political grounds that he had promised to do so during the campaign.

No doubt, as Shultz said, the Soviets are "chortling" that they pay less for American food than Americans do. No doubt they are confirmed in their ideological view that the profit motive they claim to despise has the power to prevail over U.S. national interest.

The Soviets may indeed be an "economic basket case," as Reagan claimed. What he should have added is that he stands ready to fill the Soviet basket with cheap wheat paid for by American taxpayers.

NAUM AND INNA MEIMAN: A MATTER OF LIFE AND DEATH

● Mr. SIMON. Mr. President, my friends, Naum and Inna Meiman, are Soviet refuseniks. They have applied for exit visas so that they may seek experimental cancer treatment for Inna not available in the Soviet Union, yet the Soviet Government repeatedly refuses their requests.

Inna's condition is deteriorating. She is in constant pain, but Soviet doctors have said that there is nothing more they can do for her.

The Soviet Government could offer a wonderful humanitarian gesture if they allowed Inna to leave to receive cancer therapy.

I strongly encourage the Soviets to grant exit visas to the Meimans so they may live what time they have left together in Israel, in peace and free of pain.●

ORDERS FOR WEDNESDAY, AUGUST 13, 1986

RECESS UNTIL 8:45 A.M.

Mr. SIMPSON. Mr. President, after conferring with the acting Democratic leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 8:45 a.m. on Wednesday, August 13, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that, following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business not to extend beyond the hour of 9:15 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SIMPSON. Mr. President, at 9:15 a.m., the Senate will resume the military construction appropriations bill. Pending is the Pell amendment, to be debated for 10 minutes equally divided; then the Senate will turn to the Harkin amendment with 30 minutes equally divided; then a vote will occur on the Harkin amendment, to be followed by a vote on the Pell amendment. Then the Senate will turn to the consideration of a Melcher amendment, under a 40-minute time agreement.

At 12 noon, by unanimous consent, the Senate will vote on cloture on Contra aid. Then, the Senate will vote cloture on South Africa. Assuming cloture is not invoked on either issue, one additional cloture vote will occur on each issue. Cloture must be invoked on both issues in order for the unanimous-consent agreement to be in place. Assuming cloture is invoked on both items, there will be 4 hours for debate on Contra aid, with amendments limited to 30 minutes each. It will be the intention of the majority leader to remain in session on Wednesday, until the Senate has completed

action on Contra aid. Therefore, votes will occur throughout Wednesday's session, and a late session is anticipated.

Senators should be on notice that a rollcall vote could occur as early as 9:55 a.m., on Wednesday.

Mr. President, does the acting Democratic leader have anything further?

Mr. SASSER. I have no further business, Mr. President.

Mr. SIMPSON. Mr. President, the Democratic leader, at one point in the evening's activities, stated that the quality of mercy is not strained. I recall that. It is true. I say there is another old saw I recall from some unknown poem: Between the dark and the daylight, when the light is beginning to lower. That is where we are going to be the next couple of days. Hopefully, all of us will begin to prevail upon each other to shorten the time agreements which have already been made. There was a fine effort to do that this evening.

That is much appreciated by the leadership on both sides of the aisle.

RECESS UNTIL 8:45 A.M. TOMORROW

Mr. SIMPSON. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until 8:45 a.m. on Wednesday, August 13, 1986.

The motion was agreed to and at 10:51 p.m., the Senate recessed until tomorrow, Wednesday, August 13, 1986, at 8:45 a.m.

NOMINATIONS

Executive nominations received by the Senate August 12, 1986:

UNITED NATIONS

Joan Clark, of California, to be an Alternate Representative of the United States of America to the Forty-first Session of the General Assembly of the United Nations.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Thomas T. Demery, of Michigan, to be an Assistant Secretary of Housing and Urban Development, vice Maurice Lee Barksdale, resigned.

CONFIRMATION

Executive nomination confirmed by the Senate August 12, 1986:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Clarence Thomas, of Missouri, to be a Member of the Equal Employment Opportunity Commission for the term expiring July 1, 1991.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

WITHDRAWAL

Executive nomination withdrawn by the President on August 12, 1986:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Helen Marie Taylor, of Virginia, to be a member of the National Council on the Humanities for a term expiring January 26, 1990, vice Mary Beth Norton, term expired, to which position she was appointed during the recess of the Senate from June 29, 1984, until July 23, 1984, which was sent to the Senate on September 9, 1985.

HOUSE OF REPRESENTATIVES—*Tuesday, August 12, 1986*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Teach us, gracious God, to respond to Your initiative of love by using our time, talents, and treasure in ways that promote justice and good will among all the people of Your creation. May we use our time in ways that promote the common good, our talents to assist others in the way of service, our treasure to share with the neediest among us. Enable us, O God, to be good stewards of the gifts we have received, this day and every day. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment bills and joint resolutions of the House of the following titles:

H.R. 483. An act for the relief of Edwin Marcos Rios (also known as Marcos Edwin Rios) and Geovanna Rios;

H.R. 850. An act to modify the boundary of the Humboldt National Forest in the State of Nevada, and for other purposes;

H.R. 1693. An act for the relief of Enrique Montano Ugarte;

H.R. 1757. An act for the relief of Leonard Leslie Gambie;

H.R. 1963. An act to increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes, and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania;

H.R. 3093. An act for the relief of Juan Ricardo McRae;

H.R. 3154. An act for the relief of John Patrick Brady, Ann M. Brady, and Mark P. Brady;

H.R. 3212. An act to declare that the United States holds certain lands in trust for the Reno Sparks Indian Colony;

H.R. 3323. An act for the relief of Alexander Lockwood;

H.R. 3365. An act for the relief of Mountaha Bou-Assali Saad;

H.R. 3556. An act to provide for the exchange of land for the Cape Henry Memorial site in Fort Story, VA;

H.R. 3577. An act for the relief of Milanie C. Escobal Norman;

H.J. Res. 529. Joint resolution designating the week of September 21, 1986, through September 27, 1986, as "Emergency Medical Services Week";

H.J. Res. 630. Joint resolution designating the College of William and Mary as the official United States representative to the Tercentenary Celebration of the Glorious Revolution to be celebrated jointly in the United States, the Netherlands, and the United Kingdom; and

H.J. Res. 642. Joint resolution to designate the week beginning May 17, 1987, as "National Tourism Week."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 992) "An act to discontinue or amend certain requirements for agency reports to Congress."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 2 and 4 to the bill (H.R. 2478) "An act to amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes."

The message also announced that the Senate recedes from its amendment numbered 3, to the above-entitled bill.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3108. An act to amend title 17, United States Code, to clarify the definition of the local service area of a primary transmitter in the case of a low power television station.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 3113) "An act providing for the coordinated operation of the Central Valley project and the State water project in California," disagreed to by the House, agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLURE, Mr. DOMENICI, Mr. WALLOP, Mr. MURKOWSKI, Mr. EVANS, Mr. JOHNSTON, Mr. FORD, Mr. METZENBAUM, and Mr. MELCHER to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 3622) "An act to amend title 10, United States Code, to strengthen the position of Chairman of the Joint Chiefs of Staff, to provide for more efficient and effective operation of the Armed Forces, and for other purposes," agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GOLDWATER, Mr. THURMOND, Mr. WARNER, Mr. HUMPHREY, Mr. COHEN, Mr. QUAYLE, Mr. WILSON, Mr. DENTON, Mr. GRAMM, Mr. BROYHILL, Mr. NUNN, Mr. STENNIS, Mr. HART, Mr. EXON, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. DIXON, and Mr. GLENN, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 306. An act for the relief of Shyh-Fann Tyan-Norem and Bin-Ti Yao Tyan-Norem;

S. 330. An act for the relief of Bhaskarbhai S. Patel;

S. 363. An act for the relief of Mary Patricia McLaughlin;

S. 527. An act for the relief of Pravinchandra and Kamala Bhuva;

S. 565. An act to direct the Secretary of Agriculture to convey without consideration, to the Town of Payson, Arizona, approximately 30.96 acres of Forest Service lands;

S. 773. An act for the relief of Dr. Oscar Raul Espinoza Madariaga, his wife, Maria Inez, his son, Felipe Andres, and daughter, Claudia Paola;

S. 1708. An act for the relief of Fernando Esquivel, Marcos Antonio Esquivel, and Nieves Julio Esquivel;

S. 1878. An act for the relief of Kil Joon Yu Callahan;

S. 1957. An act for the relief of Lynne Cleaver and her child Leigh Alison Cleaver;

S.J. Res. 322. Joint resolution to designate December 7, 1986, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor;

S.J. Res. 332. Joint resolution to designate the week of November 16, 1986, through November 22, 1986, as "National Software Awareness Week";

S.J. Res. 338. Joint resolution to designate November 18, 1986, as "National Community Education Day";

S.J. Res. 345. Joint resolution to designate the week beginning November 9, 1986, as "National Reye's Syndrome Awareness Week";

S.J. Res. 358. Joint resolution to designate the month of September 1986 as "Adult Literacy Awareness Month";

S.J. Res. 367. Joint resolution to designate September 24, 1986, as "National Kidney Program Day";

S.J. Res. 368. Joint resolution to designate the month of October 1986, as "National Spina Bifida Month"; and

S.J. Res. 386. Joint resolution to designate October 6, 1986, as "National Drug Abuse Education Day."

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

INTRODUCTION OF LEGISLATION TO ASSURE PIPELINE SAFETY

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, a month ago two of my constituents, a young mother and daughter, were killed when a pipeline leaked gasoline into a suburban street and exploded in the middle of the night.

Pipelines carry gas and hazardous liquids, and they crisscross our Nation. They cannot be seen, but they are potential fire bombs that run under our neighborhoods and communities. Existing pipeline laws offer little more than the appearance of a facade of safety. Pipeline regulators are reluctant to force new requirements on pipeline operators. They act as if they are afraid to stand up to the pipeline operators.

Today I am introducing tough legislation to put some backbone and some guts into the Federal pipeline safety laws. My bill will require public notification of dangerous underground pipelines, require pipeline companies to operate their lines in the safest manner possible, and require more extensive testing and inspections.

Mr. Speaker, it will put stronger limits on where pipelines can run and where they cannot. A short time ago the House approved additional personnel for the Office of Pipeline Safety. That was an important step forward. We need people to do the job, but we also need the tools to do the job. The Office of Pipeline Safety needs new tools. This measure will provide more stringent laws that will make public safety a priority.

Mr. Speaker, I urge my colleagues to support these improvements to the Office of Pipeline Safety law and provide the tools and the personnel so that we can do the job and prevent terrible tragedies such as the one that interrupted normal life in Moundsville, MN, on July 8.

THE PRESIDENT UNDERGOES HIS DRUG TEST

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Speaker, have you heard about the latest White House leak? It started when someone came up with the bright idea that we could end crime and drugs in America by sneaking up on Federal employees and snatching their urine when they least expected it.

Well, the President liked the idea, and being the pioneering, patriotic, macho American that he is, decided to be the first one to go ahead and try this to prove to the country that it really works.

So he scheduled his surprise urine test for this past Monday. Well, then somebody let the cat out of the bag and told him that some routine medication he would be taking on Monday would cause him to test positive as a drug addict. Well, there were only a couple of choices. The President decided that he would have to reschedule his drug test. After all, if he took it and the test proved positive, what could they do? There is no Federal program to put him in for drug addicts because he is too cheap to provide the money for one. We could not fire the President because then they would have to test GEORGE BUSH, and who knows what you would come up with. If the President would have to be fired, who would have to fire him? Would it be the Comptroller General or the Surgeon General? So we would wind up having that problem.

So the President did the only thing he could do, and that is schedule his surprise drug test for the Saturday before.

I think, Mr. Speaker, that if we treated all Federal employees likewise under this program, the entire experiment would not hold water.

A POLICY WITH RESPECT TO COMMERCIAL SATELLITES

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NELSON of Florida. Mr. Speaker, rumor has it that there are those who would counsel to the President, telling the President that he ought to take all commercial satellites off the space shuttle and enact a policy of prohibition of commercial satellites on the space shuttle. Indeed it would be wise, now that we have limited capacity and a huge backlog of satellites to get into space, to encourage a commercial expendable launch vehicle industry by flying into space those commercial satellites upon them.

However, one of the lessons that we certainly learned from January 28 is that we need a backup system. We need a variety of horses in the stable to give ourselves assured access to space. It would be self-defeating if we enacted a policy that would prohibit use of the space shuttle as the backup to expendable rockets to have assured access to space for our commercial communication satellites.

PROPOSED REPEAL OF THE 22D AMENDMENT

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, the question is, Will Congress repeal the 22d amendment which limits the President to two terms in office and send that amendment to the States for ratification?

Regardless of how one feels about the issue, let us recognize the effort for what it is. It was started as an effort to raise funds for the Republican Campaign Committee, not as a way to improve our system of government, as our Founding Fathers envisioned. It was initiated to give the impression to people that if they contributed to the Republican Congressional Campaign Committee, in some way and in some fashion we could keep Ronald Reagan as President for another 4 years.

Let us remember that amending the Constitution and extending the number of terms for President will be applicable not just to a conservative Republican but to a liberal Democrat as well. Or are we going to extend the term for this President and then repeal the limitation when a more liberal President is elected?

The point is that this is too critical a subject to be determined by a pledge card. Personally I think we ought to keep the 22d amendment. Eight years is long enough for anybody, Republican and Democrat, to be President. And the odds are between slim to none that we will make this change.

Mr. Speaker, it is a very cynical act indeed to use this fundamental issue to prey on middle-income folks around the country and take hard-earned dollars out of their pockets for something which is not likely to happen.

CONFERENCE REPORT ON H.R. 4151, OMNIBUS DIPLOMATIC SECURITY AND ANTITERRORISM ACT OF 1986.

Mr. FASCELL submitted the following conference report and statement on the bill (H.R. 4151) to provide enhanced diplomatic security and combat international terrorism, and for other purposes:

CONFERENCE REPORT (H. REPT. 99-783)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4151) to provide enhanced diplomatic security and combat international terrorism, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Omnibus Diplomatic Security and Antiterrorism Act of 1986".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
TITLE I—DIPLOMATIC SECURITY
Sec. 101. Short title.
Sec. 102. Findings and purposes.
Sec. 103. Responsibility of the Secretary of State.
Sec. 104. Bureau of Diplomatic Security.
Sec. 105. Responsibilities of the Assistant Secretary for Diplomatic Security.
Sec. 106. Cooperation of other Federal agencies.
Sec. 107. Protection of foreign consulates.
TITLE II—DIPLOMATIC SECURITY SERVICE
Sec. 201. Establishment of Diplomatic Security Service.
Sec. 202. Director of Diplomatic Security Service.
Sec. 203. Positions in the Diplomatic Security Service.
TITLE III—PERFORMANCE AND ACCOUNTABILITY
Sec. 301. Accountability review.
Sec. 302. Accountability Review Board.
Sec. 303. Procedures.
Sec. 304. Findings and recommendations by a Board.
Sec. 305. Relation to other proceedings.
TITLE IV—DIPLOMATIC SECURITY PROGRAM
Sec. 401. Authorization.
Sec. 402. Diplomatic construction program.
Sec. 403. Security requirements for contractors.
Sec. 404. Qualifications of persons hired for the diplomatic construction program.
Sec. 405. Cost overruns.
Sec. 406. Efficiency in contracting.
Sec. 407. Advisory Panel on Overseas Security.
Sec. 408. Training to improve perimeter security at United States diplomatic missions abroad.
Sec. 409. Protection of public entrances of United States diplomatic missions abroad.
Sec. 410. Certain protective functions.
Sec. 411. Reimbursement of the Department of the Treasury.
Sec. 412. Inspector General for the United States Information Agency.
Sec. 413. Inspector General for the Department of State.
Sec. 414. Prohibition on the use of funds for facilities in Israel, Jerusalem, or the West Bank.
TITLE V—STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM
Sec. 501. Rewards for international terrorists.
Sec. 502. Rewards for information relating to international narcoterrorism and drug trafficking.
Sec. 503. Coordination of terrorism-related assistance.
Sec. 504. Counterterrorism Protection Fund.
Sec. 505. Terrorism-related travel advisories.
Sec. 506. Authority to control certain terrorism-related services.
Sec. 507. Management of antiterrorism assistance programs.
Sec. 508. Nonlethal airport security equipment and commodities for Egypt.
Sec. 509. Exports to countries supporting acts of international terrorism.
TITLE VI—INTERNATIONAL NUCLEAR TERRORISM
Sec. 601. Actions to combat international nuclear terrorism.
Sec. 602. Authority to suspend nuclear cooperation with nations which have not ratified the Convention on the Physical Protection of Nuclear Material.
Sec. 603. Consultation with the Department of Defense concerning certain nuclear exports and subsequent arrangements.
Sec. 604. Review of physical security standards.
Sec. 605. International review of the nuclear terrorism problem.
Sec. 606. Criminal history record checks.
TITLE VII—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM
Sec. 701. International Antiterrorism Committee.
Sec. 702. International arrangements relating to passports and visas.
Sec. 703. Protection of Americans endangered by the appearance of their place of birth on their passports.
Sec. 704. Use of diplomatic privileges and immunities for terrorism purposes.
Sec. 705. Reports on progress in increasing multilateral cooperation.
TITLE VIII—VICTIMS OF TERRORISM COMPENSATION
Sec. 801. Short title.
Sec. 802. Payment to individuals held in captive status between November 4, 1979, and January 21, 1981.
Sec. 803. Benefits for captives and other victims of hostile action.
Sec. 804. Retention of leave by alien employees following injury from hostile action abroad.
Sec. 805. Transition provisions.
Sec. 806. Benefits for members of uniformed services who are victims of hostile action.
Sec. 807. Regulations.
Sec. 808. Effective date of entitlements.
TITLE IX—MARITIME SECURITY
Sec. 901. Short title.
Sec. 902. International measures for seaport and shipboard security.
Sec. 903. Measures to prevent unlawful acts against passengers and crews on board ships.
Sec. 904. Panama Canal security.
Sec. 905. Threat of terrorism to United States ports and vessels.
Sec. 906. Port, harbor, and coastal facility security.
Sec. 907. Security standards at foreign ports.
Sec. 908. Travel advisories concerning security at foreign ports.
Sec. 909. Suspension of passenger services.
Sec. 910. Sanctions for the seizure of vessels by terrorists.
Sec. 911. Definitions.
Sec. 912. Authorization of appropriations.
Sec. 913. Reports.
TITLE X—FASCELL FELLOWSHIP PROGRAM
Sec. 1001. Short title.
Sec. 1002. Fellowship program for temporary service at United States missions in the Soviet Union and Eastern Europe.
Sec. 1003. Fellowship Board.
Sec. 1004. Fellowships.
Sec. 1005. Secretary of State.
TITLE XI—SECURITY AT MILITARY BASES ABROAD
Sec. 1101. Findings.
Sec. 1102. Recommended actions by the Secretary of Defense.
Sec. 1103. Report to the Congress.
TITLE XII—CRIMINAL PUNISHMENT OF INTERNATIONAL TERRORISM
Sec. 1201. Encouragement for negotiation of a convention.
Sec. 1202. Extraterritorial criminal jurisdiction over terrorist conduct.
TITLE XIII—MISCELLANEOUS PROVISIONS
Sec. 1301. Peace Corps authorization of appropriations.
Sec. 1302. Demonstrations at embassies in the District of Columbia.
Sec. 1303. Kurt Waldheim's retirement allowance.
Sec. 1304. Eradication of Amblyomma Variegatum.
Sec. 1305. Strengthen foreign language skills.
Sec. 1306. Forfeiture of proceeds derived from espionage activities.
Sec. 1307. Expression of support of activities of the United States Telecommunications Training Institute.
Sec. 1308. Policy toward Afghanistan.

TITLE I—DIPLOMATIC SECURITY

SEC. 101. SHORT TITLE.

Titles I through IV of this Act may be cited as the "Diplomatic Security Act".

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds and declares that—

(1) the United States has a crucial stake in the presence of United States Government personnel representing United States interests abroad;

(2) conditions confronting United States Government personnel and missions abroad are fraught with security concerns which will continue for the foreseeable future; and

(3) the resources now available to counter acts of terrorism and protect and secure United States Government personnel and missions abroad, as well as foreign officials and missions in the United States, are inadequate to meet the mounting threat to such personnel and facilities.

(b) PURPOSES.—The purposes of titles I through IV are—

(1) to set forth the responsibility of the Secretary of State with respect to the security of diplomatic operations in the United States and abroad;

(2) to provide for an Assistant Secretary of State to head the Bureau of Diplomatic Security of the Department of State, and to set forth certain provisions relating to the Diplomatic Security Service of the Department of State;

(3) to maximize coordination by the Department of State with Federal, State, and local agencies and agencies of foreign governments in order to enhance security programs;

(4) to promote strengthened security measures and to provide for the accountability of United States Government personnel with security-related responsibilities; and

(5) to provide authorization of appropriations for the Department of State to carry out its responsibilities in the area of security and counterterrorism, and in particular

to finance the acquisition and improvements of United States Government missions abroad, including real property, buildings, facilities, and communications, information, and security systems.

SEC. 103. RESPONSIBILITY OF THE SECRETARY OF STATE.

(a) SECURITY FUNCTIONS.—The Secretary of State shall develop and implement (in consultation with the heads of other Federal agencies having personnel or missions abroad where appropriate and within the scope of the resources made available) policies and programs, including funding levels and standards, to provide for the security of United States Government operations of a diplomatic nature and foreign government operations of a diplomatic nature in the United States. Such policies and programs shall include—

(1) protection of all United States Government personnel on official duty abroad (other than those personnel under the command of a United States area military commander) and their accompanying dependents;

(2) establishment and operation of security functions at all United States Government missions abroad (other than facilities or installations subject to the control of a United States area military commander);

(3) establishment and operation of security functions at all Department of State facilities in the United States; and

(4) protection of foreign missions, international organizations, and foreign officials and other foreign persons in the United States, as authorized by law.

(b) OVERSIGHT OF POSTS ABROAD.—The Secretary of State shall—

(1) have full responsibility for the coordination of all United States Government personnel assigned to diplomatic or consular posts or other United States missions abroad pursuant to United States Government authorization (except for facilities, installations, or personnel under the command of a United States area military commander); and

(2) establish appropriate overseas staffing levels for all such posts or missions for all Federal agencies with activities abroad (except for personnel and activities under the command of a United States area military commander).

(c) FEDERAL AGENCY.—As used in this title and title III, the term "Federal agency" includes any department or agency of the United States Government.

SEC. 104. BUREAU OF DIPLOMATIC SECURITY.

(a) THE BUREAU.—There shall be a Bureau of Diplomatic Security in the Department of State, to be headed by the Assistant Secretary for Diplomatic Security. The Assistant Secretary shall be responsible for such functions as may be directed by the Secretary of State.

(b) NUMBER OF ASSISTANT SECRETARIES.—The first section of the Act entitled "An Act to strengthen and improve the organization and administration of the Department of State, and for other purposes," approved May 26, 1949 (22 U.S.C. 2652), is amended by striking out "fourteen" and inserting in lieu thereof "fifteen".

(c) POSITIONS AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by striking out "(14)" following "Assistant Secretaries of State" and inserting in lieu thereof "(15)".

SEC. 105. RESPONSIBILITIES OF THE ASSISTANT SECRETARY FOR DIPLOMATIC SECURITY.

Within the authority of the Secretary of State, the Assistant Secretary for Diplomatic Security should be responsible for the following:

(1) FORMER OFFICE OF SECURITY FUNCTIONS.—Functions and responsibilities exercised by the Office of Security, Department of State, before November 11, 1985.

(2) SECURITY AND PROTECTIVE OPERATIONS ABROAD.—

(A) Establishment and operation of post security and protective functions abroad.

(B) Development and implementation of communications, computer, and information security.

(C) Emergency planning.

(D) Establishment and operation of local guard services.

(E) Supervision of the United States Marine Corps security guard program.

(F) Liaison with American overseas private sector security interests.

(3) SECURITY AND PROTECTIVE OPERATIONS IN THE UNITED STATES.—

(A) Protection of foreign missions and international organizations, foreign officials, and diplomatic personnel, as authorized by law.

(B) Protection of the Secretary of State and other persons designated by the Secretary of State, as authorized by law.

(C) Physical protection of Department of State facilities, communications, and computer and information systems.

(D) Conduct of investigations relating to protection of foreign officials and diplomatic personnel and foreign missions, suitability for employment, employee security, illegal passport and visa issuance or use, and other investigations, as authorized by law.

(E) Carrying out the rewards program for information concerning international terrorism authorized by section 36(a) of the State Department Basic Authorities Act of 1956.

(F) Performance of other security, investigative, and protective matters as authorized by law.

(4) COUNTERTERRORISM PLANNING AND COORDINATION.—Development and coordination of counterterrorism planning, emergency action planning, threat analysis programs, and liaison with other Federal agencies to carry out this paragraph.

(5) SECURITY TECHNOLOGY.—Development and implementation of technical and physical security programs, including security-related construction, radio and personnel security communications, armored vehicles, computer and communications security, and research programs necessary to develop such measures.

(6) DIPLOMATIC COURIER SERVICE.—Management of the diplomatic courier service.

(7) PERSONNEL TRAINING.—Development of facilities, methods, and materials to develop and upgrade necessary skills in order to carry out this section.

(8) FOREIGN GOVERNMENT TRAINING.—Management and development of antiterrorism assistance programs to assist foreign government security training which are administered by the Department of State under chapter 8 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa et seq.).

SEC. 106. COOPERATION OF OTHER FEDERAL AGENCIES.

(a) ASSISTANCE.—In order to facilitate fulfillment of the responsibilities described in section 103(a), other Federal agencies shall cooperate (through agreements) to the maximum extent possible with the Secretary of State. Such agencies may, with or without reimbursement, provide assistance to the Secretary, perform security inspections, provide logistical support relating to the differing missions and facilities of other Federal agencies, and perform other overseas security functions as may be authorized by the Secretary. Specifically, the Secretary may agree to delegate operational control of overseas security functions of other Federal agencies to the heads of such agencies, subject to the Secretary's authority as set forth in section 103(a). The agency head receiving such delegated authority shall be responsible to the Secretary in the exercise of the delegated operational control.

(b) OTHER AGENCIES.—Nothing contained in titles I through IV shall be construed to limit or impair the authority or responsibility of any other Federal, State, or local agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.

(c) CERTAIN LEASE ARRANGEMENTS.—The Administrator of General Services is authorized to lease (to such extent or in such amounts as are provided in appropriation Acts) such amount of space in the United States as may be necessary for the Department of State to accommodate the personnel required to carry out this title. The Department of State shall pay for such space at the rate established by the Administrator of General Services for space and related services.

SEC. 107. PROTECTION OF FOREIGN CONSULATES.

The Chief of Protocol of the Department of State shall consult with the Assistant Secretary of Diplomatic Security in making determinations with respect to accreditation of all foreign consular personnel in the United States.

TITLE II—DIPLOMATIC SECURITY SERVICE

SEC. 201. ESTABLISHMENT OF DIPLOMATIC SECURITY SERVICE.

There shall be, within the Bureau of Diplomatic Security, the Diplomatic Security Service. The Diplomatic Security Service shall perform such functions as may be assigned to it by the Secretary of State.

SEC. 202. DIRECTOR OF DIPLOMATIC SECURITY SERVICE.

The Diplomatic Security Service shall be headed by a Director designated by the Secretary of State. The Director should be a career member of the Senior Foreign Service or the Senior Executive Service and shall be qualified for the position by virtue of demonstrated ability in the areas of security, law enforcement, management, and public administration. Experience in management or operations abroad shall be considered an affirmative factor in the selection of the Director. The Director shall act under the supervision and direction of the Assistant Secretary for Diplomatic Security.

SEC. 203. POSITIONS IN THE DIPLOMATIC SECURITY SERVICE.

Positions in the Diplomatic Security Service shall be filled in accordance with the provisions of the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.) and title 5, United States Code. In filling such positions, the Secretary of State shall actively recruit women and members of minority groups. The Secretary of State shall prescribe the qualifications required for assignment or appointment to such positions. In the case of positions designated for special agents, the qualifications may include minimum and maximum entry age restrictions and other physical standards and shall incorporate such standards as may be required by law in order to perform security functions, to bear arms, and to exercise investigatory, warrant, arrest, and such other authorities

as are available by law to special agents of the Department of State and the Foreign Service.

TITLE III—PERFORMANCE AND ACCOUNTABILITY

SEC. 301. ACCOUNTABILITY REVIEW.

In any case of serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad which is covered by the provisions of titles I through IV (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accountability Review Board (hereafter in this title referred to as the "Board"). The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.

SEC. 302. ACCOUNTABILITY REVIEW BOARD.

(a) MEMBERSHIP.—A Board shall consist of five members, 4 appointed by the Secretary of State, and 1 appointed by the Director of Central Intelligence. The Secretary of State shall designate the Chairperson of the Board. Members of the Board who are not Federal officers or employees shall each be paid at a rate not to exceed the maximum rate of basic pay payable for level GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Board. Members of the Board who are Federal officers or employees shall receive no additional pay by reason of such membership.

(b) FACILITIES, SERVICES, SUPPLIES, AND STAFF.—

(1) SUPPLIED BY DEPARTMENT OF STATE.—A Board shall obtain facilities, services, and supplies through the Department of State. All expenses of the Board, including necessary costs of travel, shall be paid by the Department of State. Travel expenses authorized under this paragraph shall be paid in accordance with subchapter I of chapter 57 of title 5, United States Code, or other applicable law.

(2) DETAIL.—At the request of a Board, employees of the Department of State or other Federal agencies, members of the Foreign Service, or members of the uniformed services may be temporarily assigned, with or without reimbursement, to assist the Board.

(3) EXPERTS AND CONSULTANTS.—A Board may employ and compensate (in accordance with section 3109 of title 5, United States Code) such experts and consultants as the Board considers necessary to carry out its functions. Experts and consultants so employed shall be responsible solely to the Board.

SEC. 303. PROCEDURES.

(a) EVIDENCE.—

(1) UNITED STATES GOVERNMENT PERSONNEL AND CONTRACTORS.—

(A) With respect to any individual described in subparagraph (B), a Board may—

(i) administer oaths and affirmations;

(ii) require that depositions be given and interrogatories answered; and

(iii) require the attendance and presentation of testimony and evidence by such individual.

Failure of any such individual to comply with a request of the Board shall be grounds for disciplinary action by the head of the Federal agency in which such individual is employed or serves, or in the case of a contractor, debarment.

(B) The individuals referred to in subparagraph (A) are—

(i) employees as defined by section 2105 of title 5, United States Code (including members of the Foreign Service);

(ii) members of the uniformed services as defined by section 101(3) of title 37, United States Code;

(iii) employees of instrumentalities of the United States; and

(iv) individuals employed by any person or entity under contract with agencies or instrumentalities of the United States Government to provide services, equipment, or personnel.

(2) OTHER PERSONS.—With respect to a person who is not described in paragraph (1)(B), a Board may administer oaths and affirmations and require that depositions be given and interrogatories answered.

(3) SUBPOENAS.—(A) The Board may issue a subpoena for the attendance and testimony of any person (other than a person described in clause (i), (ii), or (iii) of paragraph (1)(B)) and the production of documentary or other evidence from any such person if the Board finds that such a subpoena is necessary in the interests of justice for the development of relevant evidence.

(B) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, a court of the United States within the jurisdiction of which a person is directed to appear or produce information, or within the jurisdiction of which the person is found, resides, or transacts business, may upon application of the Attorney General, issue to such person an order requiring such person to appear before the Board to give testimony or produce information as required by the subpoena.

(C) Subpoenaed witnesses shall be paid the same fee and mileage allowances which are paid subpoenaed witnesses in the courts of the United States.

(b) CONFIDENTIALITY.—A Board shall adopt for administrative proceedings under this title such procedures with respect to confidentiality as may be deemed necessary, including procedures relating to the conduct of closed proceedings or the submission and use of evidence in camera, to ensure in particular the protection of classified information relating to national defense, foreign policy, or intelligence matters. The Director of Central Intelligence shall establish the level of protection required for intelligence information and for information relating to intelligence personnel, including standards for secure storage.

(c) RECORDS.—Records pertaining to administrative proceedings under this title shall be separated from all other records of the Department of State and shall be maintained under appropriate safeguards to preserve confidentiality and classification of information. Such records shall be prohibited from disclosure to the public until such time as a Board completes its work and is dismissed. The Department of State shall turn over to the Director of Central Intelligence intelligence information and information relating to intelligence personnel which shall then become records of the Central Intelligence Agency. After that time, only such exemptions from disclosure under section 552(b) of title 5, United States Code (relating to freedom of information), as apply to other records of the Department of State, and to any information transmitted under section 304(c) to the head of a Federal agency or instrumentality, shall be available for the remaining records of the Board.

(d) STATUS OF BOARDS.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.) and section 552b of title 5 of the United States Code (relating to open meetings) shall not apply to any Board.

SEC. 304. FINDINGS AND RECOMMENDATIONS BY A BOARD.

(a) FINDINGS.—A Board convened in any case shall examine the facts and circumstances surrounding the serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad and shall make written findings determining—

(1) the extent to which the incident or incidents with respect to which the Board was convened was security related;

(2) whether the security systems and security procedures at that mission were adequate;

(3) whether the security systems and security procedures were properly implemented;

(4) the impact of intelligence and information availability; and

(5) such other facts and circumstances which may be relevant to the appropriate security management of United States missions abroad.

(b) PROGRAM RECOMMENDATIONS.—A Board shall submit its findings (which may be classified to the extent deemed necessary by the Board) to the Secretary of State, together with recommendations as appropriate to improve the security and efficiency of any program or operation which the Board has reviewed.

(c) PERSONNEL RECOMMENDATIONS.—Whenever a Board finds reasonable cause to believe that an individual described in section 303(a)(1)(B) has breached the duty of that individual, the Board shall—

(1) notify the individual concerned,

(2) transmit the finding of reasonable cause, together with all information relevant to such finding, to the head of the appropriate Federal agency or instrumentality, and

(3) recommend that such agency or instrumentality initiate an appropriate investigatory or disciplinary action.

In determining whether an individual has breached a duty of that individual, the Board shall take into account any standard of conduct, law, rule, regulation, contract, or order which is pertinent to the performance of the duties of that individual.

(d) REPORTS.—

(1) PROGRAM RECOMMENDATIONS.—In any case in which a Board transmits recommendations to the Secretary of State findings (which may be classified to the extent deemed nessesary by the Board) to the Secretary of State, together with recommendations as appropriate to improve the security and efficiency of any program or operation which the Board has reviewed.

(2) PERSONNEL RECOMMENDATIONS.—In any case in which a Board transmits a finding of reasonable cause under subsection (c), the head of the Federal agency or instrumentality receiving the information shall review the evidence and recommendations and shall, not later than 30 days after the receipt of that finding, transmit to the Congress a report specifying—

(A) the nature of the case and a summary of the evidence transmitted by the Board; and

(B) the decision by the Federal agency or instrumentality to take disciplinary or other appropriate action against that individual or the reasons for deciding not to take disciplinary or other action with respect to that individual.

SEC. 305. RELATION TO OTHER PROCEEDINGS.

Nothing in this title shall be construed to create administrative or judicial review remedies or rights of action not otherwise available by law, nor shall any provision of this title be construed to deprive any person of any right or legal defense which would otherwise be available to that person under any law, rule, or regulation.

TITLE IV—DIPLOMATIC SECURITY PROGRAM

SEC. 401. AUTHORIZATION.

(a) DIPLOMATIC SECURITY PROGRAM.—

(1) IN GENERAL.—In addition to amounts otherwise available for such purposes, the following amounts are authorized to be appropriated for fiscal years 1986 and 1987, for the Department of State to carry out diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program, as justified to the Congress for the respective fiscal year for "Administration of Foreign Affairs", as follows:

(A) For "Salaries and Expenses", $308,104,000.

(B) For "Acquisition and Maintenance of Buildings Abroad", $857,806,000.

(C) For "Counterterrorism Research and Development", $15,000,000.

(2) ANTITERRORISM ASSISTANCE.—Section 575 of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa-4) is amended by striking out "$9,840,000 for the fiscal year 1987" and inserting in lieu thereof "$14,680,000 for the fiscal year 1987".

(3) CAPITAL CONSTRUCTION, FISCAL YEARS 1988 THROUGH 1990.—There is authorized to be appropriated for the Department of State for "Acquisition and Maintenance of Buildings Abroad" for each of the fiscal years 1988 through 1990, $417,962,000 to carry out diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program.

(4) ALLOCATION OF AMOUNTS AUTHORIZED TO BE APPROPRIATED.—Amounts authorized to be appropriated by this subsection, and by the amendment made by paragraph (2), shall be allocated as provided in the table entitled "Diplomatic Security Program" relating to this section which appears in the Joint Explanatory Statement of the Committee of Conference to accompany H.R. 4151 of the 99th Congress (the Omnibus Diplomatic Security and Antiterrorism Act of 1986).

(b) NOTIFICATION TO AUTHORIZING COMMITTEES OF REQUESTS FOR APPROPRIATIONS.—In any fiscal year, whenever the Secretary of State submits to the Congress a request for appropriations to carry out the program described in subsection (a), the Secretary shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate of such request, together with a justification of each item listed in such request.

(c) REPROGRAMMING TREATMENT.—Amounts made available for capital projects pursuant to subsection (a) shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

(d) PROHIBITION ON REALLOCATIONS OF AUTHORIZATIONS.—Section 24(d) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2692(d)) shall not apply with respect to any amounts authorized to be appropriated under this section.

(e) SECURITY REQUIREMENTS OF OTHER FOREIGN AFFAIRS AGENCIES.—Based solely on security requirements and within the total amount of funds available for security, the Secretary of State shall ensure that an equitable level of funding is provided for the security requirements of other foreign affairs agencies.

(f) INSUFFICIENCY OF FUNDS.—In the event that sufficient funds are not available in any fiscal year for all of the diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program, as justified to the Congress for such fiscal year, the Secretary of State shall report to the Congress the effect that the insufficiency of funds will have with respect to the Department of State and each of the other foreign affairs agencies.

(g) ALLOCATION OF FUNDS FOR CERTAIN SECURITY PROGRAMS.—Of the amount of funds authorized to be appropriated by subsection (a)(1)(A), $34,537,000 shall be available to the Secretary of State only for the protection of classified office equipment, the expansion of information systems security, and the hiring of American systems managers and operators for computers at high threat locations.

(h) FURNITURE, FURNISHINGS, AND EQUIPMENT.—

(1) USE OF EXISTING FURNITURE, FURNISHINGS, AND EQUIPMENT.—If physically possible, facilities constructed or acquired pursuant to subsection (a) shall be furnished and equipped with the furniture, furnishings, and equipment that were being used in the facilities being replaced, rather than with newly acquired furniture, furnishings, and equipment.

(2) PROCEEDS FROM THE SALE OF FURNITURE, FURNISHINGS, AND EQUIPMENT.—Section 9 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 300) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding subsection (b), proceeds from the disposition of furniture, furnishings, and equipment from diplomatic and consular establishments in foreign countries shall be deposited into the Foreign Service Building Fund to be available for obligation or expenditure as directed by the Secretary.".

(3) REPROGRAMMING TREATMENT.—Amounts made available for furniture, furnishings, and equipment pursuant to subsection (a) shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogramming.

SEC. 402. DIPLOMATIC CONSTRUCTION PROGRAM.

(a) PREFERENCE FOR UNITED STATES CONTRACTORS.—Notwithstanding section 11 of the Foreign Service Buildings Act, 1926, and where adequate competition exists, only United States persons and qualified United States joint venture persons may—

(1) bid on a diplomatic construction or design project which has an estimated total project value exceeding $5,000,000; and

(2) bid on a diplomatic construction or design project which involves physical or technical security.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to any diplomatic construction or design project in a foreign country whose statutes prohibit the use of United States contractors on such projects. The exception contained in this subsection shall only become effective with respect to a foreign country 30 days after the Secretary of State certifies to the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate what specific actions he has taken to urge such foreign country to permit the use of United States contractors on such projects, and what actions he shall take with respect to that country as authorized by title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.; commonly referred to as the "Foreign Missions Act").

(c) DEFINITIONS.—For the purposes of this section—

(1) the term "adequate competition" means with respect to a construction or design project, the presence of two or more qualified bidders submitting responsive bids for that project;

(2) the term "United States person" means a person which—

(A) is incorporated or legally organized under the laws of the United States, including State, the District of Columbia, and local laws;

(B) has its principal place of business in the United States;

(C) has been incorporated or legally organized in the United States—

(i) for more than 5 years before the issuance date of the invitation for bids or request for proposals with respect to a construction project under subsection (a)(1); and

(ii) for more than 2 years before the issuance date of the invitation for bids or request for proposals with respect to a construction or design project which involves physical or technical security under subsection (a)(2);

(D) has performed within the United States administrative and technical, professional, or construction services similar in complexity, type of construction, and value to the project being bid;

(E) with respect to a construction project under subsection (a)(1), has achieved total business volume equal to or greater than the value of the project being bid in 3 years of the 5-year period before the date specified in subparagraph (C)(i);

(F)(i) employs United States citizens in at least 80 percent of its principle management positions in the United States,

(ii) employs United States citizens in more than half of its permanent, full-time positions in the United States, and

(iii) will employ United States citizens in at least 80 percent of the supervisory positions on the foreign buildings office project site; and

(G) has the existing technical and financial resources in the United States to perform the contract; and

(3) the term "qualified United States joint venture person" means a joint venture in which a United States person or persons owns at least 51 percent of the assets of the joint venture.

(d) AMERICAN MINORITY CONTRACTORS.—Not less than 10 percent of the amount appropriated pursuant to section 401(a) for diplomatic construction or design projects each fiscal year shall be allocated to the extent practicable for contracts with American minority contractors.

(e) AMERICAN SMALL BUSINESS CONTRACTORS.—Not less than 10 percent of the amount appropriated pursuant to section 401(a) for diplomatic construction or design projects each fiscal year shall be allocated to the extent practicable for contracts with American small business contractors.

(f) LIMITATION ON SUBCONTRACTING.—With respect to a diplomatic construction project, a prime contractor may not subcontract more than 50 percent of the total value of its contract for that project.

SEC. 403. SECURITY REQUIREMENTS FOR CONTRACTORS.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall issue regulations to—

(1) strengthen the security procedures applicable to contractors and subcontractors involved in any way with any diplomatic construction or design project; and

(2) permit a contractor or subcontractor to have access to any design or blueprint relating to such a project only in accordance with those procedures.

SEC. 404. QUALIFICATIONS OF PERSONS HIRED FOR THE DIPLOMATIC CONSTRUCTION PROGRAM.

In carrying out the diplomatic construction program referred to in section 401(a), the Secretary of State shall employ as professional staff (by appointment, contract, or otherwise) only those persons with a demonstrated specialized background in the fields of construction, construction law, or contract management. In filling such positions, the Secretary shall actively recruit women and members of minority groups.

SEC. 405. COST OVERRUNS.

Any amount required to complete any capital project described in the Department of State's Supplemental Diplomatic Security Program, as justified to the Congress for the respective fiscal year, which is in excess of the amount made available for that project pursuant to section 401(a) (1) or (3) shall be treated as a reprogramming of funds under section 34 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2706) and shall not be available for obligation or expenditure except in compliance with the procedures applicable to such reprogrammings.

SEC. 406. EFFICIENCY IN CONTRACTING.

(a) BONUSES AND PENALTIES.—The Director of the Office of Foreign Buildings shall provide for a contract system of bonuses and penalties for the diplomatic construction program funded pursuant to the authorizations of appropriations provided in this title. Not later than 3 months after the date of enactment of this Act, the Director shall submit a report to the Congress on the implementation of this section.

(b) SURETY BONDS AND GUARANTEES.—The Director of the Office of Foreign Buildings shall require each person awarded a contract for work under the diplomatic construction program to post a surety bond or guarantee, in such amount as the Director may determine, to assure performance under such contract.

(c) DISQUALIFICATION OF CONTRACTORS.—No person doing business with Libya may be eligible for any contract awarded pursuant to this Act.

SEC. 407. ADVISORY PANEL ON OVERSEAS SECURITY.

Not later than 90 days after the date of enactment of this Act, the Secretary of State shall submit a report to the Congress on the implementation of the 91 recommendations contained in the final report of the Advisory Panel on Overseas Security. If any such recommendation has been rejected, the Secretary shall provide the reasons why that recommendation was rejected.

SEC. 408. TRAINING TO IMPROVE PERIMETER SECURITY AT UNITED STATES DIPLOMATIC MISSIONS ABROAD.

(a) TRAINING.—It is the sense of Congress that the President should use the authority under chapter 8 of title II of the Foreign Assistance Act of 1961 (relating to antiterrorism assistance) to improve perimeter security of United States diplomatic missions abroad.

(b) REPORTS.—Not later than October 1 of each year, the President shall submit a report to the Congress on the progress and problems of improving perimeter security of United States diplomatic missions abroad.

SEC. 409. PROTECTION OF PUBLIC ENTRANCES OF UNITED STATES DIPLOMATIC MISSIONS ABROAD.

The Secretary of State shall install and maintain a walk-through metal detector or other advanced screening system at public entrances of each United States diplomatic mission abroad.

SEC. 410. CERTAIN PROTECTIVE FUNCTIONS.

Section 208(a) of title 3, United States Code, is amended by adding at the end thereof the following: "In carrying out any duty under section 202(7), the Secretary of State is authorized to utilize any authority available to the Secretary under title II of the State Department Basic Authorities Act of 1956.".

SEC. 411. REIMBURSEMENT OF THE DEPARTMENT OF THE TREASURY.

The Secretary of State shall reimburse the appropriate appropriations account of the Department of the Treasury out of funds appropriated pursuant to section 401(a)(1) for the actual costs incurred by the United States Secret Service, as agreed to by the Secretary of the Treasury, for providing protection for the spouses of foreign heads of state during fiscal years 1986 and 1987.

SEC. 412. INSPECTOR GENERAL FOR THE UNITED STATES INFORMATION AGENCY.

(a) ESTABLISHMENT.—

(1) APPOINTMENT AND REMOVAL.—Section 2(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting "the United States Information Agency," immediately before "the Veterans' Administration".

(2) DEFINITIONS.—Section 11 of such Act (5 U.S.C. App.) is amended—

(A) in paragraph (1) by inserting "or the Director of the United States Information Agency" immediately before "as the case may be;" and

(B) in paragraph (2) by inserting "the United States Information Agency" immediately before "or the Veterans' Administration".

(b) EARMARK.—Of the funds authorized to be appropriated to the United States Information Agency for the fiscal year 1987, not less than $3,000,000 shall be available only for the operation of the office of the Inspector General established by the amendment made by subsection (a).

(c) POSITION AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:

"Inspector General, United States Information Agency.".

SEC. 413. INSPECTOR GENERAL FOR THE DEPARTMENT OF STATE.

(a) INSPECTOR GENERAL OF THE DEPARTMENT OF STATE.—

(1) DIRECTION TO ESTABLISH.—The Congress directs the Secretary of State to proceed immediately to establish an Office of Inspector General of the Department of State not later than October 1, 1986. Not later than January 31, 1987, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the progress in establishing that office. Such report shall include an accounting of the obligation of funds for fiscal year 1987 for that office.

(2) DUTIES AND RESPONSIBILITIES.—The Inspector General of the Department of State (as established by the amendment made by section 150(a) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987) is authorized to perform all duties and responsibilities, and to exercise the authorities, stated in section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) and in the Inspector General Act of 1978.

(3) EARMARK.—Of the amounts made available for fiscal year 1987 for salaries and expenses under the heading "Administration of Foreign Affairs", not less than $6,500,000 shall be used for the sole purpose of establishing and maintaining the Office of Inspector General of the Department of State.

(4) LIMITATION ON APPOINTMENT.—No career member of the Foreign Service, as defined by section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903), may be appointed Inspector General of the Department of State.

(5) POSITION AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code (as amended by section 412), is amended by adding at the end thereof the following:

"Inspector General, Department of State.".

(6) CONFORMING AMENDMENT.—The last sentence of section 209(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3929(a)(1)) is hereby repealed.

(b) OFFICE OF POLICY AND PROGRAM REVIEW.—

(1) ESTABLISHMENT.—The Secretary of State shall establish an office to be known as the Office of Policy and Program Review (hereafter in this section referred to as the "Office").

(2) DIRECTOR.—

(A) The Office shall be headed by a director, appointed by the Secretary of State, who shall report to and be under the general supervision of the Secretary of State. The director shall be appointed without regard to political affiliation from among individuals exceptionally qualified for the position by virtue of their integrity and their knowledge and experience in the conduct of foreign affairs.

(B) The director shall review activities and operations performed under the direction, coordination, and supervision of chiefs of mission (provided in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)) for the purpose of ascertaining their consonance with the foreign policy of the United States and their consistency with the responsibilities of the Secretary of State and the chief of mission. This authority shall not preclude the Inspector General of the Department of State from carrying out any function of section 209(g) of the Foreign Service Act of 1980 (22 U.S.C. 3929(g)).

(3) FUNDING FOR THE OFFICE.—Of the amounts authorized to be appropriated for "Administration of Foreign Affairs" for fiscal year 1987, not more than $4,000,000 shall be available for the purpose of establishing and maintaining the Office.

(4) INSPECTION BY OFFICE OF INSPECTOR GENERAL.—The Office shall be subject to inspection by the Inspector General of the Department of State.

(c) ABOLISHMENT OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF STATE AND THE FOREIGN SERVICE.—Section 150(b) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 3929a), is amended to read as follows:

"(b) ABOLISHMENT OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF STATE AND THE FOREIGN SERVICE.—Notwithstanding section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929), the Inspector General of the Department of State and the Foreign Service is hereby abolished.".

SEC. 414. PROHIBITION ON THE USE OF FUNDS FOR FACILITIES IN ISRAEL, JERUSALEM, OR THE WEST BANK.

None of the funds authorized to be appropriated by this Act may be obligated or expended for site acquisition, development, or construction of any facility in Israel, Jerusalem, or the West Bank.

TITLE V—STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

SEC. 501. REWARDS FOR INTERNATIONAL TERRORISTS.

It is the sense of the Congress that the Secretary of State should more vigorously utilize the monies available under section 36(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(a); relating to rewards for information on international terrorism) to more effectively apprehend and prosecute international terrorists. It is further the sense of the Congress that the Secretary of State should consider widely publicizing the sizable rewards available under present law so that major international terrorist figures may be brought to justice.

SEC. 502. REWARDS FOR INFORMATION RELATING TO INTERNATIONAL NARCOTERRORISM AND DRUG TRAFFICKING.

(a) AUTHORITY TO PAY AND PURPOSE.—Section 36 of State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively; and

(2) by inserting after subsection (a) the following new subsection:

"(b)(1) The Secretary of State, upon the request of a chief of mission and with the concurrence of the Attorney General, may pay a reward to any individual who furnishes information leading to—

"(A) the arrest or conviction in any country of any individual for committing, primarily outside the territorial jurisdiction of the United States, any narcotics-related offense if that offense involves or is a significant part of conduct that involves—

"(i) a violation of United States drug laws which occurs primarily outside the territorial jurisdiction of the United States and which is such that the individual would be a major violator of such laws; or

"(ii) the killing or kidnapping outside the territorial jurisdiction of the United States of—

"(I) any officer, employee, or contract employee of the United States Government while such individual is engaged in official duties, or on account of that individual's official duties, in connection with the enforcement of United States drug laws or the implementing of United States drug control objectives; or

"(II) a member of the immediate family of any such individual on account of that individual's official duties in connection with the enforcement of United States drug laws or the implementation of United States drug control objectives; or

"(iii) an attempt or conspiracy to do any of the acts described in clause (i) or (ii); or

"(B) the prevention or frustration of an act described in subparagraph (A).

"(2) The purpose of the rewards under this subsection is to assist narcotics law enforcement in the effective arrest and prosecution of major narcotics traffickers and, wherever appropriate, to offer rewards in connection with the killing of, or the attempt to kill, any United States officer or employee, in connection with the performance of narcotics control duties by such officer or employee, or any member of the family of such officer or employee. To ensure that the rewards program authorized by this subsection, especially paragraph (1)(A)(i), does not duplicate or interfere with the payment of informants or the purchase of evidence or information, as authorized to the Department of Justice, the offering, administration, and payment of rewards under this subsection, including procedures for—

"(A) identifying individuals, organizations, and offenses with respect to which rewards will be offered,

"(B) the publication of rewards,

"(C) offering of joint rewards with foreign governments,

"(D) the receipt and analysis of data,

"(E) the payment and the approval of payment, and

"(F) the recommendations of rewards by chiefs of mission to the Secretary of State and the Attorney General,

shall be governed by procedures approved by the Secretary of State and the Attorney General.".

(b) FUNDING FOR REWARDS.—Section 36(g) of such Act, as so redesignated by subsection (a)(1), is amended by striking out the period at the end of the first sentence and inserting in lieu thereof the following: ", up to $2,000,000 of which may be used for rewards for information described in subsection (b)(1). In addition to the amount authorized by the preceding sentence, there are authorized to be appropriated $10,000,000 for fiscal year 1987 for 'Administration of Foreign Affairs' for use in paying rewards under this section, up to $5,000,000 of which may be used for rewards for information described in subsection (b)(1).".

(c) CONFORMING AMENDMENTS.—Section 36 of such Act is amended—

(1) in subsection (d), as so redesignated by subsection (a)(1), by striking out "this section" and inserting in lieu thereof "subsection (a)"; and

(2) in subsection (f), as so redesignated by subsection (a)(1), by inserting "or (b)" after "subsection (a)".

(d) REPORTS ON REWARDS; DEFINITIONS.—Section 36 of such Act is further amended by adding at the end thereof the following new subsections:

"(h) Not later than 30 days after paying any reward under this section, the Secretary of State shall submit a report to the Congress with respect to that reward. The report, which may be submitted on a classified basis if necessary, shall specify the amount of the reward paid, to whom the reward was paid, and the acts with respect to which the reward was paid, and shall discuss the significance of the information for which the reward was paid in dealing with those acts.

"(i) As used in this section—

"(1) the term 'United States drug laws' means the laws of the United States for the prevention and control of illicit traffic in controlled substances (as such term is defined for purposes of the Controlled Substances Act); and

"(2) the term 'member of the immediate family' includes—

"(A) a spouse, parent, brother, sister, or child of the individual;

"(B) a person to whom the individual stands in loco parentis; and

"(C) any other person living in the individual's household and related to the individual by blood or marriage.".

SEC. 503. COORDINATION OF TERRORISM-RELATED ASSISTANCE.

Section 502 of the International Security and Development Cooperation Act of 1985 (22 U.S.C. 2349aa-7) is amended—

(1) in the section heading by striking out "ANTI-TERRORISM" and inserting in lieu thereof "TERRORISM-RELATED";

(2) in subsection (a) by striking out "antiterrorism assistance to foreign countries provided by the United States Government" and inserting in lieu thereof "assistance related to international terrorism which is provided by the United States Government to foreign countries";

(3) in subsection (b) by striking out "antiterrorism assistance" and inserting in lieu thereof "assistance related to international terrorism which was"; and

(4) by adding at the end thereof the following new subsection:

"(c) RULE OF CONSTRUCTION.—Nothing contained in this section shall be construed to limit or impair the authority or responsibility of any other Federal agency with respect to law enforcement, domestic security operations, or intelligence activities as defined in Executive Order 12333.".

SEC. 504. COUNTERTERRORISM PROTECTION FUND.

The State Department Basic Authorities Act of 1956 is amended—

(1) by redesignating section 39 as section 40; and

(2) by inserting after section 38 (22 U.S.C. 2710) the following new section:

"SEC. 39. COUNTERTERRORISM PROTECTION FUND.

"(a) AUTHORITY.—The Secretary of State may reimburse domestic and foreign persons, agencies, or governments for the protection of judges or other persons who provide assistance or information relating to terrorist incidents primarily outside the territorial jurisdiction of the United States. Before making a payment under this section in a matter over which there is Federal criminal jurisdiction, the Secretary shall advise and consult with the Attorney General.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of State for 'Administration of Foreign Affairs' $1,000,000 for fiscal year 1986 and $1,000,000 for fiscal year 1987 for use in reimbursing persons, agencies, or governments under this section.

"(c) DESIGNATION OF FUND.—Amounts made available under this section may be referred to as the 'Counterterrorism Protection Fund'.".

SEC. 505. TERRORISM-RELATED TRAVEL ADVISORIES.

The Secretary of State shall promptly advise the Congress whenever the Department of State issues a travel advisory, or other public warning notice for United States citizens traveling abroad, because of a terrorist threat or other security concern.

SEC. 506. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED SERVICES.

The State Department Basic Authorities Act of 1956 is amended—

(1) by redesignating section 40 (as so redesignated by section 504 of this Act) as section 41; and

(2) by inserting after section 39 (as added by section 504 of this Act) the following new section:

"SEC. 40. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED SERVICES.

"(a) AUTHORITY.—The Secretary of State may, by regulation, impose controls on the provision of the services described in subsection (b) if the Secretary determines that provision of such services would aid and abet international terrorism.

"(b) SERVICES SUBJECT TO CONTROL.—The services subject to control under subsection (a) are the following:

"(1) Serving in or with the security forces of a designated foreign government.

"(2) Providing training or other technical services having a direct military, law enforcement, or intelligence application, to or for the security forces of a designated foreign government.

Any regulations issued to impose controls on services described in paragraph (2) shall list the specific types of training and other services subject to the controls.

"(c) PERSONS SUBJECT OF CONTROLS.—These services may be controlled under subsection (a) when they are provided within the United States by any individual or entity and when they are provided anywhere in the world by a United States person.

"(d) LICENSES.—In carrying out subsection (a), the Secretary of State may require licenses, which may be revoked, suspended, or amended, without prior notice, whenever such action is deemed to be advisable.

"(e) DEFINITIONS.—

"(1) DESIGNATED FOREIGN GOVERNMENT.—As used in this section, the term 'designated foreign government' means a foreign government that the Secretary of State has determined, for purposes of section 6(j)(1) of the Export Administration Act of 1979, has repeatedly provided support for acts of international terrorism.

"(2) SECURITY FORCES.—As used in this section, the term 'security forces' means any military or paramilitary forces, any police or other law enforcement agency (including any police or other law enforcement agency at the regional or local level), and any intelligence agency of a foreign government.

"(3) UNITED STATES.—As used in this section, the term 'United States' includes any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States.

"(4) UNITED STATES PERSON.—As used in this section, the term 'United States person' means any United States national, any permanent resident alien, and any sole proprietorship, partnership, company, association, or corporation organized under the laws of or having its principal place of business within the United States.

"(f) VIOLATIONS.—

"(1) PENALTIES.—Whoever willfully violates any regulation issued under this section shall be fined not more than $100,000 or five times the total compensation received for the conduct which constitutes the violation, whichever is greater, or imprisoned for not more than ten years, or both, for each such offense.

"(2) INVESTIGATIONS.—The Attorney General and the Secretary of the Treasury shall have authority to investigate violations of regulations issued under this section.

"(g) CONGRESSIONAL OVERSIGHT.—

"(1) REVIEW OF REGULATIONS.—Not less than 30 days before issuing any regulations under this section (including any amendments thereto), the Secretary of State shall transmit the proposed regulations to the Congress.

"(2) REPORTS.—Not less than once every six months, the Secretary of State shall report to the Congress concerning the number and character of licenses granted and denied during the previous reporting period, and such other information as the Secretary may find to be relevant to the accomplishment of the objectives of this section.

"(h) RELATIONSHIP TO OTHER LAWS.—The authority granted by this section is in addition to the authorities granted by any other provision of law.".

SEC. 507. MANAGEMENT OF ANTITERRORISM ASSISTANCE PROGRAMS.

Section 573(d)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2349aa-2(d)(4)) is amended to read as follows:

"(4)(A) Articles on the United States Munitions List may be made available under this chapter only if—

"(i) they are small arms in category I (relating to firearms), ammunition in category III (relating to ammunition) for small arms in category I, articles in category IV(c) or VI(c) (relating to detection and handling of explosive devices), articles in category X (relating to protective personnel equipment), or articles in paragraph (b), (c), or (d) of category XIII (relating to speech privacy devices, underwater breathing apparatus and armor plating), and they are directly related to antiterrorism training under this chapter;

"(ii) the recipient country is not prohibited by law from receiving assistance under one or more of the following provisions: chapter 2 of this part (relating to grant military assistance), chapter 5 of this part (relating to international military education and training), or the Arms Export Control Act (relating to foreign military sales financing); and

"(iii) at least 15 days before the articles are made available to the foreign country, the President notifies the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate of the proposed transfer, in accordance with the procedures applicable to reprogramming notifications pursuant to section 634A of this Act.

"(B) The value (in terms of original acquisition cost) of all equipment and commodities provided under subsection (a) in any fiscal year may not exceed 25 percent of the funds made available to carry out this chapter for that fiscal year.

"(C) No shock batons or similar devices may be provided under this chapter.".

SEC. 508. NONLETHAL AIRPORT SECURITY EQUIPMENT AND COMMODITIES FOR EGYPT.

In addition to funds otherwise available for such purposes under chapter 8 of part II of the Foreign Assistance Act of 1961, assistance authorized to carry out the purposes of chapter 4 of part II of such Act for the fiscal years 1986 and 1987 (as well as undisbursed balances of previously obligated funds under such chapter) which are allocated for Egypt may be furnished, notwithstanding section 660 of such Act, for the provision of nonlethal airport security equipment and commodities, and training in the use of such equipment and commodities. The authority contained in this section shall be exercised by the Department of State's office responsible for administering chapter 8 of part II of the Foreign Assistance Act of 1961, in coordination with the Agency for International Development.

SEC. 509. EXPORTS TO COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

(a) ITEMS ON THE MUNITIONS LIST.—Chapter 3 of the Arms Export Control Act (22 U.S.C. 2771-2779) is amended by adding at the end thereof the following new section:

"SEC. 40. EXPORTS TO COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

"(a) PROHIBITION.—Except as provided in subsection (b), items on the United States Munitions List may not be exported to any country which the Secretary of State has determined, for purposes of section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)), has repeatedly provided support for acts of international terrorism.

"(b) WAIVER.—The President may waive the prohibition contained in subsection (a) in the case of a particular export if the President determines that the export is important to the national interests of the United States and submits to the Congress a report justifying that determination and describing the proposed export. Any such waiver shall expire at the end of 90 days after it is granted unless the Congress enacts a law extending the waiver.".

(b) OTHER GOODS AND TECHNOLOGY.—Section 6(j)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)) is amended by striking out "$7,000,000" and inserting in lieu thereof "$1,000,000".

TITLE VI—INTERNATIONAL NUCLEAR TERRORISM

SEC. 601. ACTIONS TO COMBAT INTERNATIONAL NUCLEAR TERRORISM.

(a) ACTIONS TO BE TAKEN BY THE PRESIDENT.—The Congress hereby directs the President—

(1) to seek universal adherence to the Convention on the Physical Protection of Nuclear Material;

(2) to—

(A) conduct a review, enlisting the participation of all relevant departments and agencies of the Government, to determine whether the recommendations on Physical Protection of Nuclear Material published by the International Atomic Energy Agency are adequate to deter theft, sabotage, and the use of nuclear facilities and materials in acts of international terrorism, and

(B) transmit the results of this review to the Director-General of the International Atomic Energy Agency;

(3) to take, in concert with United States allies and other countries, such steps as may be necessary—

(A) to keep to a minimum the amount of weapons-grade nuclear material in international transit, and

(B) to ensure that when any such material is transported internationally, it is under the most effective means for adequately protecting it from acts or attempted acts of sabotage or theft by terrorist groups or nations; and

(4) to seek agreement in the United Nations Security Council to establish—

(A) an effective regime of international sanctions against any nation or subnational group which conducts or sponsors acts of international nuclear terrorism, and

(B) measures for coordinating responses to all acts of international nuclear terrorism, including measures for the recovery of stolen nuclear material and the clean-up of nuclear releases.

(b) REPORTS TO THE CONGRESS.—The President shall report to the Congress annually, in the reports required by section 601 of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 3281), on the progress made during the preceding year in achieving the objectives described in this section.

SEC. 602. AUTHORITY TO SUSPEND NUCLEAR COOPERATION WITH NATIONS WHICH HAVE NOT RATIFIED THE CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL.

Chapter 11 of the Atomic Energy Act of 1954 is amended by adding at the end thereof the following new section:

"SEC. 132. AUTHORITY TO SUSPEND NUCLEAR COOPERATION WITH NATIONS WHICH HAVE NOT RATIFIED THE CONVENTION ON THE PHYSICAL SECURITY OF NUCLEAR MATERIAL.—

"The President may suspend nuclear cooperation under this Act with any nation or group of nations which has not ratified the Convention on the Physical Security of Nuclear Material.".

SEC. 603. CONSULTATION WITH THE DEPARTMENT OF DEFENSE CONCERNING CERTAIN NUCLEAR EXPORTS AND SUBSEQUENT ARRANGEMENTS.

Chapter 11 of the Atomic Energy Act of 1954, as amended by section 602 of this Act, is further amended by adding at the end thereof the following new section:

"SEC. 133. CONSULTATION WITH THE DEPARTMENT OF DEFENSE CONCERNING CERTAIN EXPORTS AND SUBSEQUENT ARRANGEMENTS.—

"a. In addition to other applicable requirements—

"(1) a license may be issued by the Nuclear Regulatory Commission under this Act for the export of special nuclear material described in subsection b.; and

"(2) approval may be granted by the Secretary of Energy under section 131 of this Act for the transfer of special nuclear material described in subsection b.;

only after the Secretary of Defense has been consulted on whether the physical protection of that material during the export or transfer will be adequate to deter theft, sabotage, and other acts of international terrorism which would result in the diversion of that material. If, in the view of the Secretary of Defense based on all available intelligence information, the export or transfer might be subject to a genuine terrorist threat, the Secretary shall provide to the Nuclear Regulatory Commission or the Secretary of Energy, as appropriate, his written assessment of the risk and a description of the actions the Secretary of Defense considers necessary to upgrade physical protection measures.

"b. Subsection a. applies to the export or transfer of more than 2 kilograms of plutonium or more than 20 kilograms of uranium enriched to more than 20 percent in the isotope 233 or the isotope 235.".

SEC. 604. REVIEW OF PHYSICAL SECURITY STANDARDS.

(a) REVIEWS.—The Secretary of Energy, the Secretary of Defense, the Secretary of State, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission shall each review the adequacy of the physical security standards currently applicable with respect to the shipment and storage (outside the United States) of plutonium, and uranium enriched to more than 20 percent in the isotope 233 or the isotope 235, which is subject to United States prior consent rights, with special attention to protection against risks of seizure or other terrorist acts.

(b) REPORTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Energy, the Secretary of Defense, the Secretary of State, the Director of the Arms Control and Disarmament Agency, and the Nuclear Regulatory Commission shall each submit a written report to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth the results of the review conducted pursuant to this section, together with appropriate recommendations.

SEC. 605. INTERNATIONAL REVIEW OF THE NUCLEAR TERRORISM PROBLEM.

The Congress strongly urges the President to seek a comprehensive review of the problem of nuclear terrorism by an international conference.

SEC. 606. CRIMINAL HISTORY RECORD CHECKS.

(a) IN GENERAL.—The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by adding after section 148 the following new section:

"SEC. 149. FINGERPRINTING FOR CRIMINAL HISTORY RECORD CHECKS.—

"a. The Nuclear Regulatory Commission (in this section referred to as the 'Commission') shall require each licensee or applicant for a license to operate a utilization facility under section 103 or 104 b. to fingerprint each individual who is permitted unescorted access to the facility or is permitted access to safeguards information under section 147. All fingerprints obtained by a licensee or applicant as required in the preceding sentence shall be submitted to the Attorney General of the United States through the Commission for identification and a criminal history records check. The costs of any identification and records check conducted pursuant to the preceding sentence shall be paid by the licensee or applicant. Notwithstanding any other provision of law, the Attorney General may provide all the results of the search to the Commission, and, in accordance with regulations prescribed under this section, the Commission may provide such results to the licensee or applicant submitting such fingerprints.

"b. The Commission, by rule, may relieve persons from the obligations imposed by this section, upon specified terms, conditions, and periods, if the Commission finds that such action is consistent with its obligations to promote the common defense and security and to protect the health and safety of the public.

"c. For purposes of administering this section, the Commission shall prescribe, subject to public notice and comment, regulations—

"(1) to implement procedures for the taking of fingerprints;

"(2) to establish the conditions for use of information received from the Attorney General, in order—

"(A) to limit the redissemination of such information;

"(B) to ensure that such information is used solely for the purpose of determining whether an individual shall be permitted unescorted access to the facility of a licensee or applicant or shall be permitted access to safeguards information under section 147;

"(C) to ensure that no final determination may be made solely on the basis of information provided under this section involving—

"(i) an arrest more than 1 year old for which there is no information of the disposition of the case; or

"(ii) an arrest that resulted in dismissal of the charge or an acquittal; and

"(D) to protect individuals subject to fingerprinting under this section from misuse of the criminal history records; and

"(3) to provide each individual subject to fingerprinting under this section with the right to complete, correct, and explain information contained in the criminal history records prior to any final adverse determination.

"d. (1) The Commission may establish and collect fees to process fingerprints and criminal history records under this section.

"(2) Notwithstanding section 3302(b) of title 31, United States Code, and to the extent approved in appropriation Acts—

"(A) a portion of the amounts collected under this subsection in any fiscal year may be retained and used by the Commission to carry out this section; and

"(B) the remaining portion of the amounts collected under this subsection in such fiscal year may be transferred periodically to the Attorney General and used by the Attorney General to carry out this section.

"(3) Any amount made available for use under paragraph (2) shall remain available until expended.".

(b) EFFECTIVE DATE.—The provisions of subsection a. of section 149 of the Atomic Energy Act of 1954, as added by this Act, shall take effect upon the promulgation of regulations by the Nuclear Regulatory Commission as set forth in subsection c. of such section. Such regulations shall be promulgated not later than 6 months after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 148 the following new item:

"Sec. 149. Fingerprinting for criminal history record checks.".

TITLE VII—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM

SEC. 701. INTERNATIONAL ANTITERRORISM COMMITTEE.

(a) FINDINGS.—The Congress finds that—

(1) international terrorism is and remains a serious threat to the peace and security of free, democratic nations;

(2) the challenge of terrorism can only be met effectively by concerted action on the part of all responsible nations;

(3) the major developed democracies evidenced their commitment to cooperation in the fight against terrorism by the 1978 Bonn Economic Summit Declaration on Terrorism; and

(4) that commitment was renewed and strengthened at the 1986 Tokyo Economic Summit and expressed in a joint statement on terrorism.

(b) INTERNATIONAL ANTITERRORISM COMMITTEE.—The Congress hereby directs the President to continue to seek the establishment of an international committee, to be known as the International Antiterrorism Committee. As a first step in establishing such committee, the President should propose to the North Atlantic Treaty Organization the establishment of a standing political committee to examine all aspects of international terrorism, review opportunities for cooperation, and make recommendations to member nations. After the establishment of this committee, the President should invite such other countries who may choose to participate. The purpose of the International Antiterrorism Committee should be to focus the attention and secure the cooperation of the governments and the public of the participating countries and of other countries on the problems and responses to international terrorism (including nuclear terrorism), by serving as a forum at both the political and law enforcement levels.

SEC. 702. INTERNATIONAL ARRANGEMENTS RELATING TO PASSPORTS AND VISAS.

The Congress strongly urges the President to seek the negotiation of international agreements (or other appropriate arrangements) to provide for the sharing of information relating to passports and visas in

order to enhance cooperation among countries in combatting international terrorism.

SEC. 703. PROTECTION OF AMERICANS ENDANGERED BY THE APPEARANCE OF THEIR PLACE OF BIRTH ON THEIR PASSPORTS.

(a) FINDINGS.—The Congress finds that some citizens of the United States may be specially endangered during a hijacking or other terrorist incident by the fact that their place of birth appears on their United States passport.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Congress on the implications of deleting the place of birth as a required item of information on passports.

SEC. 704. USE OF DIPLOMATIC PRIVILEGES AND IMMUNITIES FOR TERRORISM PURPOSES.

The Congress strongly urges the President to instruct the Permanent Representative of the United States to the United Nations to seek the adoption of a resolution in the United Nations condemning the use for terrorist purposes of diplomatic privileges and immunities under the Vienna Convention on Diplomatic Relations, especially the misuse of diplomatic pouches and diplomatic missions.

SEC. 705. REPORTS ON PROGRESS IN INCREASING MULTILATERAL COOPERATION.

Not later than February 1, 1987, the President shall submit a report to the Congress on the steps taken to carry out each of the preceding sections of this title (except for section 703) and the progress being made in achieving the objectives described in those sections.

TITLE VIII—VICTIMS OF TERRORISM COMPENSATION

SEC 801. SHORT TITLE.

This title may be cited as the "Victims of Terrorism Compensation Act".

SEC. 802. PAYMENT TO INDIVIDUALS HELD IN CAPTIVE STATUS BETWEEN NOVEMBER 4, 1979, AND JANUARY 21, 1981.

The amount of the payment for individuals in the civil service referred to in section 5569(d) of title 5, United States Code (as added by section 803 of this title), or for individuals in the uniformed services referred to in section 559(c) of title 37, United States Code (as added by section 806 of this title), as the case may be, shall be $50 for each day any such individual was held in captive status during a period commencing on or after November 4, 1979, and ending on or before January 21, 1981.

SEC. 803. BENEFITS FOR CAPTIVES AND OTHER VICTIMS OF HOSTILE ACTION.

(a) IN GENERAL.—Subchapter VII of chapter 55 of title 5, United States Code, is amended by adding at the end thereof the following:

"§ 5569. Benefits for captives

"(a) For the purpose of this section—

"(1) 'captive' means any individual in a captive status commencing while such individual is—

"(A) in the civil service, or

"(B) a citizen, national, or resident alien of the United States rendering personal service to the United States similar to the service of an individual in the civil service (other than as a member of the uniformed services);

"(2) 'captive status' means a missing status which, as determined by the President, arises because of a hostile action and is a result of the individual's relationship with the Government;

"(3) 'missing status'—

"(A) in the case of an employee, has the meaning provided under section 5561(5) of this title; and

"(B) in the case of an individual other than an employee, has a similar meaning; and

"(4) 'family member', as used with respect to a person, means—

"(A) any dependent of such person; and

"(B) any individual (other than a dependent under subparagraph (A)) who is a member of such person's family or household.

"(b)(1) The Secretary of the Treasury shall establish a savings fund to which the head of an agency may allot all or any portion of the pay and allowances of any captive to the extent that such pay and allowances are not subject to an allotment under section 5563 of this title or any other provision of law.

"(2) Amounts so allotted to the savings fund shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with 3-month maturities issued during the preceding calendar quarter. Such interest shall be compounded quarterly.

"(3) Amounts in the savings fund credited to a captive shall be considered as pay and allowances for purposes of section 5563 of this title and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

"(4) Any interest accruing under this subsection on—

"(A) any amount for which an individual is indebted to the United States under section 5562(c) of this title shall be deemed to be part of the amount due under such section 5562(c); and

"(B) any amount referred to in section 5566(f) of this title shall be deemed to be part of such amount for purposes of such section 5566(f).

"(5) An allotment under this subsection may be made without regard to section 5563(c) of this title.

"(c) The head of an agency shall pay (by advancement or reimbursement) any individual who is a captive, and any family member of such individual, for medical and health care, and other expenses related to such care, to the extent that such care—

"(1) is incident to such individual being a captive; and

"(2) is not covered—

"(A) by any Government medical or health program; or

"(B) by insurance.

"(d)(1) Except as provided in paragraph (3), the President shall make a cash payment, computed under paragraph (2), to any individual who became or becomes a captive commencing on or after November 4, 1979. Such payment shall be made before the end of the one-year period beginning on the date on which the captive status of such individual terminates or, in the case of any individual whose status as a captive terminated before the date of the enactment of the Victims of Terrorism Compensation Act, before the end of the one-year period beginning on such date.

"(2) Except as provided in section 802 of the Victims of Terrorism Compensation Act, the amount of the payment under this subsection with respect to an individual held as a captive shall be not less than one-half of the amount of the world-wide average per diem rate under section 5702 of this title which was in effect for each day that individual was so held.

"(3) The President—

"(A) may defer a payment under this subsection in the case of any individual who, during the one-year period described in paragraph (1), is charged with an offense described in subparagraph (B), until final disposition of such charge; and

"(B) may deny such payment in the case of any individual who is convicted of an offense described in subsection (b) or (c) of section 8312 of this title committed—

"(i) during the period of captivity of such individual; and

"(ii) related to the captive status of such individual.

"(4) A payment under this subsection shall be in addition to any other amount provided by law.

"(5) The provisions of subchapter VIII of this chapter (or, in the case of any person not covered by such subchapter, similar provisions prescribed by the President) shall apply with respect to any amount due an individual under paragraph (1) after such individual's death.

"(6) Any payment made under paragraph (1) which is later denied under paragraph (3)(B) is a claim of the United States Government for purposes of section 3711 of title 31.

"(e)(1) Under regulations prescribed by the President, the benefits provided by the Soldiers' and Sailors' Civil Relief Act of 1940, including the benefits provided by section 701 of such Act but excluding the benefits provided by sections 104, 105, 106, 400 through 408, 501 through 512, and 514 of such Act, shall be provided in the case of any individual who is a captive.

"(2) In applying such Act under this subsection—

"(A) the term 'person in the military service' is deemed to include any such captive;

"(B) the term 'period of military service' is deemed to include the period during which the individual is in a captive status; and

"(C) references to the Secretary of the Army, the Secretary of the Navy, the Adjutant General of the Army, the Chief of Naval Personnel, and the Commandant, United States Marine Corps, are deemed, in the case of any captive, to be references to an individual designated for that purpose by the President.

"(f)(1)(A) Under regulations prescribed by the President, the head of an agency shall pay (by advancement or reimbursement) a spouse or child of a captive for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

"(B) Except as provided in subparagraph (C), payments shall be available under this paragraph for a spouse or child of an individual who is a captive for education or training which occurs—

"(i) after that individual has been in captive status for 90 days or more, and

"(ii) on or before—

"(I) the end of any semester or quarter (as appropriate) which begins before the date on which the captive status of that individual terminates, or

"(II) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 16-week period following that date.

In order to respond to special circumstances, the appropriate agency head may specify a date for purposes of cessation of assistance under clause (ii) which is later than the date which would otherwise apply under such clause.

"(C) In the event a captive dies and the death is incident to that individual being a captive, payments shall be available under this paragraph for a spouse or child of such individual for education or training which occurs after the date of such individual's death.

"(D) The preceding provisions of this paragraph shall not apply with respect to any spouse or child who is eligible for assistance under chapter 35 of title 38 or similar assistance under any other provision of law.

"(E) For the purpose of this paragraph, 'child' means a dependent under section 5561(3)(B) of this title.

"(2)(A) In order to respond to special circumstances, the head of an agency may pay (by advancement or reimbursement) a captive for expenses incurred for subsistence, tuition, fees, supplies, books, and equipment, and other educational expenses, while attending an educational or training institution.

"(B) Payments shall be available under this paragraph for a captive for education or training which occurs—

"(i) after the termination of that individual's captive status, and

"(ii) on or before—

"(I) the end of any semester or quarter (as appropriate) which begins before the date which is 10 years after the day on which the captive status of that individual terminates, or

"(II) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course which began before such date or the end of the 16-week period following that date, and shall be available only to the extent that such payments are not otherwise authorized by law.

"(3) Assistance under this subsection—

"(A) shall be discontinued for any individual whose conduct or progress is unsatisfactory under standards consistent with those established pursuant to section 1724 of title 38; and

"(B) may not be provided for any individual for a period in excess of 45 months (or the equivalent thereof in other than full-time education or training).

"(4) Regulations prescribed to carry out this subsection shall provide that the program under this subsection shall be consistent with the assistance program under chapters 35 and 36 of title 38.

"(g) Any benefit provided under subsection (c) or (d) may, under regulations prescribed by the President, be provided to a family member of an individual if—

"(1) such family member is held in captive status; and

"(2) such individual is performing service for the United States as described in subsection (a)(1)(A) when the captive status of such family member commences.

"(h) Except as provided in subsection (d), this section applies with respect to any individual in a captive status commencing after January 21, 1981.

"(i) Notwithstanding any other provision of this subchapter, any determination by the President under subsection (a)(2) or (d) shall be conclusive and shall not be subject to judicial review.

"(j) The President may prescribe regulations necessary to administer this section.

"(k) Any benefit or payment pursuant to this section shall be paid out of funds available for salaries and expenses of the relevant agency of the United States.

"§ 5570. Compensation for disability or death

"(a) For the purpose of this section—

"(1) 'employee' means—

"(A) any individual in the civil service; and

"(B) any individual rendering personal service to the United States similar to the service of an individual in the civil service (other than as a member of the uniformed services); and

"(2) 'family member', as used with respect to an employee, means—

"(A) any dependent of such employee; and

"(B) any individual (other than a dependent under subparagraph (A)) who is a member of the employee's family or household.

"(b) The President shall prescribe regulations under which an agency head may pay compensation for the disability or death of an employee or a family member of an employee if, as determined by the President, the disability or death was caused by hostile action and was a result of the individual's relationship with the Government.

"(c) Any compensation otherwise payable to an individual under this section in connection with any disability or death shall be reduced by any amounts payable to such individual under any other program funded in whole or in part by the United States (excluding any amount payable under section 5569(d) of this title) in connection with such disability or death, except that nothing in this subsection shall result in the reduction of any amount below zero.

"(d) A determination by the President under subsection (b) shall be conclusive and shall not be subject to judicial review.

"(e) Compensation under this section may include payment (whether by advancement or reimbursement) for any medical or health expenses relating to the death or disability involved to the extent that such expenses are not covered under subsection (c) of section 5569 of this title (other than because of paragraph (2) of such subsection).

"(f) This section applies with respect to any disability or death resulting from an injury which occurs after January 21, 1981.

"(g) Any benefit or payment pursuant to this section shall be paid out of funds available for salaries and expenses of the relevant agency of the United States.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5568 the following:

"5569. Benefits for captives.
"5570. Compensation for disability or death.".

SEC. 804. RETENTION OF LEAVE BY ALIEN EMPLOYEES FOLLOWING INJURY FROM HOSTILE ACTION ABROAD.

Section 6325 of title 5, United States Code, is amended by adding at the end thereof the following: "The preceding provisions of this section shall apply in the case of an alien employee referred to in section 6301(2)(viii) of this title with respect to any leave granted to such alien employee under section 6310 of this title or section 408 of the Foreign Service Act of 1980.".

SEC. 805. TRANSITION PROVISIONS.

(a) SAVINGS FUND.—(1) Amounts may be allotted to the savings fund under subsection (b) of section 5569 of title 5, United States Code (as added by section 803(a) of this Act) from pay and allowances for any pay period ending after January 21, 1981, and before the establishment of such fund.

(2) Interest on amounts so allotted with respect to any such pay period shall be calculated as if the allotment had occurred at the end of such pay period.

(b) MEDICAL AND HEALTH CARE; EDUCATIONAL EXPENSES.—Subsections (c) and (f) of such section 5569 (as so added) shall be carried out with respect to the period after January 21, 1981, and before the effective date of those subsections, under regulations prescribed by the President.

(c) DEFINITION.—For the purpose of this subsection, "pay and allowances" has the meaning provided under section 5561 of title 5, United States Code.

SEC. 806. BENEFITS FOR MEMBERS OF UNIFORMED SERVICES WHO ARE VICTIMS OF HOSTILE ACTION.

(a) PAYMENTS.—(1) Chapter 10 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 559. Benefits for members held as captives

"(a) In this section—

"(1) 'captive status' means a missing status of a member of the uniformed services which, as determined by the President, arises because of a hostile action and is a result of membership in the uniformed services, but does not include a period of captivity of a member as a prisoner of war if Congress provides to such member, in an Act enacted after the date of the enactment of the Victims of Terrorism Compensation Act, monetary payment in respect of such period of captivity; and

"(2) 'former captive' means a person who, as a member of the uniformed services, was held in a captive status.

"(b)(1) The Secretary of the Treasury shall establish a savings fund to which the Secretary concerned may allot all or any portion of the pay and allowances of any member of the uniformed services who is in a captive status to the extent that such pay and allowances are not subject to an allotment under section 553 of this title or any other provision of law.

"(2) Amounts so allotted shall bear interest at a rate which, for any calendar quarter, shall be equal to the average rate paid on United States Treasury bills with three-month maturities issued during the preceding calendar quarter. Such interest shall be computed quarterly.

"(3) Amounts in the savings fund credited to a member shall be considered as pay and allowances for purposes of section 553(c) of this title and shall otherwise be subject to withdrawal under procedures which the Secretary of the Treasury shall establish.

"(4) Any interest accruing under this subsection on—

"(A) any amount for which a member is indebted to the United States under section 552(c) of this title shall be deemed to be part of the amount due under such section; and

"(B) any amount referred to in section 556(f) of this title shall be deemed to be part of such amount for purposes of such section.

"(5) An allotment under this subsection may be made without regard to section 553(c) of this title.

"(c)(1) Except as provided in paragraph (3) of this subsection, the President shall make a cash payment to any person who is a former captive. Such payment shall be made before the end of the one-year period beginning on the date on which the captive status of such person terminates.

"(2) Except as provided in section 802 of the Victims of Terrorism Compensation Act, the amount of such payment shall be determined by the President under the provisions of section 5569(d)(2) of title 5.

"(3)(A) The President—

"(i) may defer such payment in the case of any former captive who during such one-year period is charged with an offense de-

scribed in clause (ii) of this subparagraph, until final disposition of such charge; and

"(ii) may deny such payment in the case of any former captive who is convicted of a captivity-related offense—

"(I) referred to in subsection (b) or (c) of section 8312 of title 5; or

"(II) under chapter 47 of title 10 (the Uniform Code of Military Justice) that is punishable by dishonorable discharge, dismissal, or confinement for one year or more.

"(B) For the purposes of subparagraph (A) of this paragraph, a captivity-related offense is an offense that is—

"(i) committed by a person while the person is in a captive status; and

"(ii) related to the captive status of the person.

"(4) A payment under this subsection is in addition to any other amount provided by law.

"(5) Any amount due a person under this subsection shall, after the death of such person, be deemed to be pay and allowances for the purposes of this chapter.

"(6) Any payment made under paragraph (1) of this subsection that is later denied under paragraph (3)(A)(ii) of this subsection is a claim of the United States Government for purposes of section 3711 of title 31.

"(d) A determination by the President under subsection (a)(1) or (c) of this section is final and is not subject to judicial review.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"559. Benefits for members held as captives.".

(3)(A)(i) Except as provided in clause (ii), section 559 of title 37, United States Code, as added by paragraph (1), shall apply to any person whose captive status begins after January 21, 1981.

(ii)(I) Subsection (c) of such section shall apply to any person whose captive status begins on or after November 4, 1979.

(II) In the case of any person whose status as a captive terminated before the date of the enactment of this Act, the President shall make a payment under paragraph (1) of such subsection before the end of the one-year period beginning on such date.

(B) Amounts may be allotted to a savings fund established under such section from pay and allowances for any pay period ending after January 21, 1981, and before the establishment of such fund.

(C) Interest on amounts so allotted with respect to any such pay period shall be calculated as if the allotment had occurred at the end of such pay period.

(b) DISABILITY AND DEATH BENEFITS.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1051. Disability and death compensation: dependents of members held as captives

"(a) The President shall prescribe regulations under which the Secretary concerned may pay compensation for the disability or death of a dependent of a member of the uniformed services if the President determines that the disability or death—

"(1) was caused by hostile action; and

"(2) was a result of the relationship of the dependent to the member of the uniformed services.

"(b) Any compensation otherwise payable to a person under this section in connection with any disability or death shall be reduced by any amount payable to such person under any other program funded in whole or in part by the United States in connection with such disability or death, except that nothing in this subsection shall result in the reduction of any amount below zero.

"(c) A determination by the President under subsection (a) is conclusive and is not subject to judicial review.

"(d) In this section:

"(1) 'Dependent' has the meaning given that term in section 551 of that title.

"(2) 'Secretary concerned' and 'uniformed services' have the meanings given those terms in section 101 of that title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1051. Disability and death compensation: dependents of members held as captives.".

(3) Section 1051 of title 10, United States Code, as added by paragraph (1), shall apply with respect to any disability or death resulting from an injury that occurs after January 21, 1981.

(c) MEDICAL BENEFITS.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1095. Medical care: members held as captives and their dependents

"(a) Under regulations prescribed by the President, the Secretary concerned shall pay (by advancement or reimbursement) any person who is a former captive, and any dependent of that person or of a person who is in a captive status, for health care and other expenses related to such care, to the extent that such care—

"(1) is incident to the captive status; and

"(2) is not covered—

"(A) by any other Government medical or health program; or

"(B) by insurance.

"(b) In the case of any person who is eligible for medical care under section 1074 or 1076 of this title, such regulations shall require that, whenever practicable, such care be provided in a facility of the uniformed services.

"(c) In this section:

"(1) 'Captive status' and 'former captive' have the meanings given those terms in section 559 of title 37.

"(2) 'Dependent' has the meaning given that term in section 551 of that title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1095. Medical care: members held as captives and their dependents.".

(3)(A) Section 1095 of title 10, United States Code, as added by paragraph (1), shall apply with respect to any person whose captive status begins after January 21, 1981.

(B) The President shall prescribe specific regulations regarding the carrying out of such section with respect to persons whose captive status begins during the period beginning on January 21, 1981, and ending on the effective date of that section.

(d) EDUCATIONAL ASSISTANCE.—(1) Part III of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 110—EDUCATIONAL ASSISTANCE FOR MEMBERS HELD AS CAPTIVES AND THEIR DEPENDENTS

"Sec.
"2181. Definitions.
"2182. Educational assistance: dependents of captives.
"2183. Educational assistance: former captives.
"2184. Termination of assistance.
"2185. Programs to be consistent with programs administered by the Veterans' Administration.

"§ 2181. Definitions

"In this chapter:

"(1) 'Captive status' and 'former captive' have the meanings given those terms in section 559 of title 37.

"(2) 'Dependent' has the meaning given that term in section 551 of that title.

"§ 2182. Educational assistance: dependents of captives

"(a) Under regulations prescribed by the President, the Secretary concerned shall pay (by advancement or reimbursement) a dependent of a person who is in a captive status for expenses incurred, while attending an educational or training institution, for—

"(1) subsistence;

"(2) tuition;

"(3) fees;

"(4) supplies;

"(5) books;

"(6) equipment; and

"(7) other educational expenses.

"(b) Except as provided in section 2184 of this title, payments shall be available under this section for a dependent of a person who is in a captive status for education or training that occurs—

"(1) after that person is in a captive status for not less than 90 days; and

"(2) on or before—

"(A) the end of any semester or quarter (as appropriate) that begins before the date on which the captive status of that person terminates;

"(B) the earlier of the end of any course that began before such date or the end of the 16-week period following that date if the educational or training institution is not operated on a semester or quarter system; or

"(C) a date specified by the Secretary concerned in order to respond to special circumstances.

"(c) If a person in a captive status or a former captive dies and the death is incident to the captivity, payments shall be available under this section for a dependent of that person for education or training that occurs after the date of the death of that person.

"(d) The provisions of this section shall not apply to any dependent who is eligible for assistance under chapter 35 of title 38 or similar assistance under any other provision of law.

"§ 2183. Educational assistance: former captives

"(a) In order to respond to special circumstances, the Secretary concerned may pay (by advancement or reimbursement) a person who is a former captive for expenses incurred, while attending an educational or training institution, for—

"(1) subsistence;

"(2) tuition;

"(3) fees;

"(4) supplies;

"(5) books;

"(6) equipment; and

"(7) other educational expenses.

"(b) Except as provided in section 2184 of this title, payments shall be available under this section for a person who is a former captive for education or training that occurs—

"(1) after the termination of the status of that person as a captive; and

"(2) on or before—

"(A) the end of any semester or quarter (as appropriate) that begins before the end of the 10-year period beginning on the date on which the status of that person as a captive terminates; or

"(B) if the educational or training institution is not operated on a semester or quarter system, the earlier of the end of any course that began before such date or the end of the 16-week period following that date.

"(c) Payments shall be available under this section only to the extent that such payments are not otherwise authorized by law.

"§ 2184. Termination of assistance

"Assistance under this chapter—

"(1) shall be discontinued for any person whose conduct or progress is unsatisfactory under standards consistent with those established under section 1724 of title 38; and

"(2) may not be provided for any person for more than 45 months (or the equivalent in other than full-time education or training).

"§ 2185. Programs to be consistent with programs administered by the Veterans' Administration

"Regulations prescribed to carry out this chapter shall provide that the programs under this chapter shall be consistent with the educational assistance programs under chapters 35 and 36 of title 38.".

(2) The table of chapters at the beginning of subtitle A of such title, and the table of chapters at the beginning of part III of such subtitle, are amended by inserting after the item relating to chapter 109 the following new item:

"110. Educational Assistance for Members Held as Captives and Their Dependents ..... 2181".

(3) Chapter 110 of title 10, United States Code, as added by paragraph (1), shall apply with respect to persons whose captive status begins after January 21, 1981.

(e) ACCOUNT USED FOR PAYMENT OF COMPENSATION FOR VICTIMS OF TERRORISM.—(1) Chapter 19 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 1013. Payment of compensation for victims of terrorism

"Any benefit or payment pursuant to section 559 of this title, or section 1051 or 1095 or chapter 110 of title 10, shall be paid out of funds available to the Secretary concerned for military personnel.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1013. Payment of compensation for victims of terrorism.".

SEC. 807. REGULATIONS.

Any regulation required by this title or by any amendment made by this title shall take effect not later than 6 months after the date of enactment of this Act.

SEC. 808. EFFECTIVE DATE OF ENTITLEMENTS.

Provisions enacted by this title which provide new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 shall not be effective until October 1, 1986.

TITLE IX—MARITIME SECURITY

SEC. 901. SHORT TITLE.

This title may be cited as the "International Maritime and Port Security Act".

SEC. 902. INTERNATIONAL MEASURES FOR SEAPORT AND SHIPBOARD SECURITY.

The Congress encourages the President to continue to seek agreement through the International Maritime Organization on matters of international seaport and shipboard security, and commends him on his efforts to date. In developing such agreement, each member country of the International Maritime Organization should consult with appropriate private sector interests in that country. Such agreement would establish seaport and vessel security measures and could include—

(1) seaport screening of cargo and baggage similar to that done at airports;

(2) security measures to restrict access to cargo, vessels, and dockside property to authorized personnel only;

(3) additional security on board vessels;

(4) licensing or certification of compliance with appropriate security standards; and

(5) other appropriate measures to prevent unlawful acts against passengers and crews on board vessels.

SEC. 903. MEASURES TO PREVENT UNLAWFUL ACTS AGAINST PASSENGERS AND CREWS ON BOARD SHIPS.

(a) REPORT ON PROGRESS OF IMO.—The Secretary of Transportation and the Secretary of State, jointly, shall report to the Congress by February 28, 1987, on the progress of the International Maritime Organization in developing recommendations on Measures to Prevent Unlawful Acts Against Passengers and Crews On Board Ships.

(b) CONTENT OF REPORT.—The report required by subsection (a) shall include the following information—

(1) the specific areas of agreement and disagreement on the recommendations among the member nations of the International Maritime Organization;

(2) the activities of the Maritime Safety Committee, the Facilitation Committee, and the Legal Committee of the International Maritime Organization in regard to the proposed recommendations; and

(3) the security measures specified in the recommendations.

(c) SECURITY MEASURES AT UNITED STATES PORTS.—If the member nations of the International Maritime Organization have not finalized and accepted the proposed recommendations by February 28, 1987, the Secretary of Transportation shall include in the report required by this section a proposed plan of action (including proposed legislation if necessary) for the implementation of security measures at United States ports and on vessels operating from those ports based on the assessment of threat from acts of terrorism reported by the Secretary of Transportation under section 905.

SEC. 904. PANAMA CANAL SECURITY.

Not later than 6 months after the date of enactment of this Act, the President shall report to the Congress on the status of physical security at the Panama Canal with respect to the threat of terrorism.

SEC. 905. THREAT OF TERRORISM TO UNITED STATES PORTS AND VESSELS.

Not later than February 28, 1987, and annually thereafter, the Secretary of Transportation shall report to the Congress on the threat from acts of terrorism to United States ports and vessels operating from those ports.

SEC. 906. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

The Ports and Waterways Safety Act of 1972 (33 U.S.C. 1221 et seq.) is amended by inserting after section 6 the following new section:

"SEC. 7. PORT, HARBOR, AND COASTAL FACILITY SECURITY.

"(a) GENERAL AUTHORITY.—The Secretary may take actions described in subsection (b) to prevent or respond to an act of terrorism against—

"(1) an individual, vessel, or public or commercial structure, that is—

"(A) subject to the jurisdiction of the United States; and

"(B) located within or adjacent to the marine environment; or

"(2) a vessel of the United States or an individual on board that vessel.

"(b) SPECIFIC AUTHORITY.—Under subsection (a), the Secretary may—

"(1) carry out or require measures, including inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures, to prevent or respond to acts of terrorism; and

"(2) recruit members of the Regular Coast Guard and the Coast Guard Reserve and train members of the Regular Coast Guard and the Coast Guard Reserve in the techniques of preventing and responding to acts of terrorism.".

SEC. 907. SECURITY STANDARDS AT FOREIGN PORTS.

(a) ASSESSMENT OF SECURITY MEASURES.—The Secretary of Transportation shall develop and implement a plan to assess the effectiveness of the security measures maintained at those foreign ports which the Secretary, in consultation with the Secretary of State, determines pose a high risk of acts of terrorism directed against passenger vessels.

(b) CONSULTATION WITH THE SECRETARY OF STATE.—In carrying out subsection (a), the Secretary of Transportation shall consult the Secretary of State with respect to the terrorist threat which exists in each country and poses a high risk of acts of terrorism directed against passenger vessels.

(c) REPORT OF ASSESSMENTS.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the plan developed pursuant to subsection (a) and how the Secretary will implement the plan.

(d) DETERMINATION AND NOTIFICATION TO FOREIGN COUNTRY.—If, after implementing the plan in accordance with subsection (a), the Secretary of Transportation determines that a port does not maintain and administer effective security measures, the Secretary of State (after being informed by the Secretary of Transportation) shall notify the appropriate government authorities of the country in which the port is located of such determination, and shall recommend the steps necessary to bring the security measures in use at that port up to the standard used by the Secretary of Transportation in making such assessment.

(e) ANTITERRORISM ASSISTANCE RELATED TO MARITIME SECURITY.—The President is encouraged to provide antiterrorism assistance related to maritime security under chapter 8 of part II of the Foreign Assistance Act of 1961 to foreign countries, especially with respect to a port which the Secretary of Transportation determines under subsection (d) does not maintain and administer effective security measures.

SEC. 908. TRAVEL ADVISORIES CONCERNING SECURITY AT FOREIGN PORTS.

(a) TRAVEL ADVISORY.—Upon being notified by the Secretary of Transportation that the Secretary has determined that a condition exists that threatens the safety or security of passengers, passenger vessels, or crew traveling to or from a foreign port which the Secretary of Transportation has determined pursuant to section 907(d) to be a port which does not maintain and administer effective security measures, the Secretary of State shall immediately issue a travel advisory with respect to that port. Any travel ad-

visory issued pursuant to this subsection shall be published in the Federal Register. The Secretary of State shall take the necessary steps to widely publicize that travel advisory.

(b) LIFTING OF TRAVEL ADVISORY.—The travel advisory required to be issued under subsection (a) may be lifted only if the Secretary of Transportation, in consultation with the Secretary of State, has determined that effective security measures are maintained and administered at the port with respect to which the Secretary of Transportation had made the determination described in section 907(d).

(c) NOTIFICATION TO CONGRESS.—The Secretary of State shall immediately notify the Congress of any change in the status of a travel advisory imposed pursuant to this section.

SEC. 909. SUSPENSION OF PASSENGER SERVICES.

(a) PRESIDENT'S DETERMINATION.—Whenever the President determines that a foreign nation permits the use of territory under its jurisdiction as a base of operations or training for, or as a sanctuary for, or in any way arms, aids, or abets, any terrorist or terrorist group which knowingly uses the illegal seizure of passenger vessels or the threat thereof as an instrument of policy, the President may, without notice or hearing and for as long as the President determines necessary to assure the security of passenger vessels against unlawful seizure, suspend the right of any passenger vessel common carrier to operate to and from, and the right of any passenger vessel of the United States to utilize, any port in that foreign nation for passenger service.

(b) PROHIBITION.—It shall be unlawful for any passenger vessel common carrier, or any passenger vessel of the United States, to operate in violation of the suspension of rights by the President under this section.

(c) PENALTY.—(1) If a person operates a vessel in violation of this section, the Secretary of the department in which the Coast Guard is operating may deny the vessels of that person entry to United States ports.

(2) A person violating this section is liable to the United States Government for a civil penalty of not more than $50,000. Each day a vessel utilizes a prohibited port shall be a separate violation of this section.

SEC. 910. SANCTIONS FOR THE SEIZURE OF VESSELS BY TERRORISTS.

The Congress encourages the President—

(1) to review the adequacy of domestic and international sanctions against terrorists who seize or attempt to seize vessels; and

(2) to strengthen where necessary, through bilateral and multilateral efforts, the effectiveness of such sanctions.

Not later than one year after the date of enactment of this Act, the President shall submit a report to the Congress which includes the review of such sanctions and the efforts to improve such sanctions.

SEC. 911. DEFINITIONS.

For purposes of this title—

(1) the term "common carrier" has the same meaning given such term in section 3(6) of the Shipping Act of 1984 (46 U.S.C. App. 1702(6)); and

(2) the terms "passenger vessel" and "vessel of the United States" have the same meaning given such terms in section 2101 of title 46, United States Code.

SEC. 912. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $12,500,000 for each of the fiscal years 1987 through 1991, to be available to the Secretary of Transportation to carry out this title.

SEC. 913. REPORTS.

(a) CONSOLIDATION.—To the extent practicable, the reports required under sections 903, 905, and 907 shall be consolidated into a single document before being submitted to the Congress. Any classified material in those reports shall be submitted separately as an addendum to the consolidated report.

(b) SUBMISSION TO COMMITTEES.—The reports required to be submitted to the Congress under this title shall be submitted to the Committee on Foreign Affairs and the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Foreign Relations and the Committee on Commerce, Science and Transportation of the Senate.

TITLE X—FASCELL FELLOWSHIP PROGRAM

SEC. 1001. SHORT TITLE.

This title may be cited as the "Fascell Fellowship Act".

SEC. 1002. FELLOWSHIP PROGRAM FOR TEMPORARY SERVICE AT UNITED STATES MISSIONS IN THE SOVIET UNION AND EASTERN EUROPE.

(a) ESTABLISHMENT.—There is hereby established a fellowship program pursuant to which the Secretary of State will provide fellowships to United States citizens while they serve, for a period of between one and two years, in positions formerly held by foreign national employees at United States diplomatic or consular missions in the Soviet Union or Eastern European countries.

(b) DESIGNATION OF FELLOWSHIPS.—Fellowships under this title shall be known as "Fascell Fellowships".

(c) PURPOSE OF THE FELLOWSHIPS.—Fellowships under this title shall be provided in order to allow the recipient (hereafter in this title referred to as a "Fellow") to serve on a short-term basis at a United States diplomatic or consular mission in the Soviet Union or an Eastern European country in order to obtain first hand exposure to that country, including (as appropriate) independent study in Soviet or Eastern European area studies or languages.

(d) INDIVIDUALS WHO MAY RECEIVE A FELLOWSHIP.—To receive a fellowship under this title, an individual must be a United States citizen who is an undergraduate or graduate student, a teacher, scholar, or other academic, or an other individual, who has expertise in Soviet or Eastern European area studies or languages and who has a working knowledge of the principal language of the country in which he or she would serve.

(e) WOMEN AND MEMBERS OF MINORITY GROUPS.—In carrying out this section, the Secretary of State shall actively recruit women and members of minority groups.

SEC. 1003. FELLOWSHIP BOARD.

(a) ESTABLISHMENT AND FUNCTION.—There is hereby established a Fellowship Board (hereafter in this title referred to as the "Board"), which shall select the individuals who will be eligible to serve as Fellows.

(b) MEMBERSHIP.—The Board shall consist of 9 members as follows:

(1) A senior official of the Department of State (who shall be the chair of the Board), designated by the Secretary of State.

(2) An officer or employee of the Department of Commerce, designated by the Secretary of Commerce.

(3) An officer or employee of the United States Information Agency, designated by the Director of that Agency.

(4) Six academic specialists in Soviet or Eastern European area studies or languages, appointed by the Secretary of State (in consultation with the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives and the chairman and ranking minority of the Committee on Foreign Relations of the Senate).

(c) MEETINGS.—The Board shall meet at least once each year to select the individuals who will be eligible to serve as Fellows.

(d) COMPENSATION AND PER DIEM.—Members of the Board shall receive no compensation on account of their service on the Board, but while away from their homes or regular places of business in the performance of their duties under this title, may be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

SEC. 1004. FELLOWSHIPS.

(a) NUMBER.—Up to 100 fellowships may be provided under this title each year.

(b) REMUNERATION AND PERIOD.—The Board shall determine, taking into consideration the position in which each Fellow will serve and his or her experience and expertise—

(1) the amount of remuneration the Fellow will receive for his or her service under this title, and

(2) the period of the fellowship, which shall be between one and two years.

(c) TRAINING.—Each Fellow may be given appropriate training at the Foreign Service Institute or other appropriate institution.

(d) HOUSING AND TRANSPORTATION.—The Secretary of State shall, pursuant to regulations—

(1) provide housing for each Fellow while the Fellow is serving abroad, including (where appropriate) housing for family members; and

(2) pay the costs and expenses incurred by each Fellow in traveling between the United States and the country in which the Fellow serves, including (where appropriate) travel for family members.

(e) EFFECTIVE DATE.—Subsection (d) of this section shall not take effect until October 1, 1986.

SEC. 1005. SECRETARY OF STATE.

(a) DETERMINATIONS.—The Secretary of State shall determine which of the individuals selected by the Board will serve at each United States diplomatic or consular mission in the Soviet Union or Eastern Europe and the position in which each will serve.

(b) AUTHORITIES.—Such service shall be in accordance with the relevant authorities of the Foreign Service Act of 1980, the State Department Basic Authorities Act of 1956, and title 5 of the United States Code.

(c) FUNDING.—Funds appropriated to the Department of State for "Salaries and Expenses" shall be used for the expenses incurred in carrying out this title.

TITLE XI—SECURITY AT MILITARY BASES ABROAD

SEC. 1101. FINDINGS.

The Congress finds that—

(1) there is evidence that terrorists consider bases and installations of United States Armed Forces outside the United States to be targets for attack;

(2) more attention should be given to the protection of members of the Armed Forces, and members of their families, stationed outside the United States; and

(3) current programs to educate members of the Armed Forces, and members of their families, stationed outside of the United States to the threats of terrorist activity and how to protect themselves should be substantially expanded.

SEC. 1102. RECOMMENDED ACTIONS BY THE SECRETARY OF DEFENSE.

It is the sense of the Congress that—

(1) the Secretary of Defense should review the security of each base and installation of the Department of Defense outside the United States, including the family housing and support activities of each such base or installation, and take the steps the Secretary considers necessary to improve the security of such bases and installations; and

(2) the Secretary of Defense should institute a program of training for members of the Armed Forces, and for members of their families, stationed outside the United States concerning security and antiterrorism.

SEC. 1103. REPORT TO THE CONGRESS.

No later than June 30, 1987, the Secretary of Defense shall report to the Congress on any actions taken by the Secretary described in section 1102.

TITLE XII—CRIMINAL PUNISHMENT OF INTERNATIONAL TERRORISM

SEC. 1201. ENCOURAGEMENT FOR NEGOTIATION OF A CONVENTION.

(a) SENSE OF CONGRESS.—It is the sense of the Congress that the President should establish a process to encourage the negotiation of an international convention to prevent and control all aspects of international terrorism.

(b) RELATION TO EXISTING INTERNATIONAL CONVENTIONS.—Such convention should address the prevention and control of international terrorism in a comprehensive fashion, taking into consideration matters not covered by—

(1) the Convention for the Suppression of Unlawful Seizure of Aircraft (the Hague, December 16, 1970; 22 U.S.T. 1641, TIAS 7192);

(2) the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Montreal, September 23, 1971; 24 U.S.T. 564, TIAS 7570);

(3) the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons (New York, December 14, 1973; 28 U.S.T. 1975, TIAS 8532);

(4) the Convention Against the Taking of Hostages (New York, December 17, 1979; XVIII International Legal Materials 1457);

(5) the Convention on the Physical Protection of Nuclear Materials (October 26, 1979; XVIII International Legal Materials 1419); and

(6) the Convention on Offenses and Certain Other Acts Committed on Board Aircraft (Tokyo, September 14, 1963; 20 U.S.T. 2941, TIAS 6768).

(c) WHAT THE CONVENTION SHOULD PROVIDE.—Such convention should provide—

(1) an explicit definition of conduct constituting terrorism;

(2) effective close intelligence-sharing, joint counterterrorist training, and uniform rules for asylum and extradition for perpetrators of terrorism; and

(3) effective criminal penalties for the swift punishment of perpetrators of terrorism.

(d) CONSIDERATION OF AN INTERNATIONAL TRIBUNAL.—The President should also consider including on the agenda for these negotiations the possibility of eventually establishing an international tribunal for prosecuting terrorists.

SEC. 1202. EXTRATERRITORIAL CRIMINAL JURISDICTION OVER TERRORIST CONDUCT.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 113 the following:

"CHAPTER 113A—EXTRATERRITORIAL JURISDICTION OVER TERRORIST ACTS ABROAD AGAINST UNITED STATES NATIONALS

"§ 2331. Terrorist acts abroad against United States nationals

"(a) HOMICIDE.—Whoever kills a national of the United States, while such national is outside the United States, shall—

"(1) if the killing is a murder as defined in section 1111(a) of this title, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned;

"(2) if the killing is a voluntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than ten years, or both; and

"(3) if the killing is an involuntary manslaughter as defined in section 1112(a) of this title, be fined under this title or imprisoned not more than three years, or both.

"(b) ATTEMPT OR CONSPIRACY WITH RESPECT TO HOMICIDE.—Whoever outside the United States attempts to kill, or engages in a conspiracy to kill, a national of the United States shall—

"(1) in the case of an attempt to commit a killing that is a murder as defined in this chapter, be fined under this title or imprisoned not more than 20 years, or both; and

"(2) in the case of a conspiracy by two or more persons to commit a killing that is a murder as defined in section 1111(a) of this title, if one or more of such persons do any overt act to effect the object of the conspiracy, be fined under this title or imprisoned for any term of years or for life, or both so fined and so imprisoned.

"(c) OTHER CONDUCT.—Whoever outside the United States engages in physical violence—

"(1) with intent to cause serious bodily injury to a national of the United States; or

"(2) with the result that serious bodily injury is caused to a national of the United States;

shall be fined under this title or imprisoned not more than five years, or both.

"(d) DEFINITION.—As used in this section the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"(e) LIMITATION ON PROSECUTION.—No prosecution for any offense described in this section shall be undertaken by the United States except on written certification of the Attorney General or the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions that, in the judgment of the certifying official, such offense was intended to coerce, intimidate, or retaliate against a government or a civilian population.".

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item for chapter 113, the following new item:

"113A. Extraterritorial jurisdiction over terrorist acts abroad against United States nationals.".

TITLE XIII—MISCELLANEOUS PROVISIONS

SEC. 1301. PEACE CORPS AUTHORIZATION OF APPROPRIATIONS.

Section 3 of the Peace Corps Act is amended by amending subsection (b) to read as follows:

"(b) There are authorized to be appropriated to carry out the purposes of this Act $130,000,000 for the fiscal year 1986 and $137,200,000 for the fiscal year 1987.".

SEC. 1302. DEMONSTRATIONS AT EMBASSIES IN THE DISTRICT OF COLUMBIA.

It is the sense of the Congress that—

(1) the District of Columbia law concerning demonstrations near foreign missions in the District of Columbia (D.C. Code, sec. 22-1115) may be inconsistent with the reasonable exercise of the rights of free speech and assembly, that law may have been selectively enforced, and peaceful demonstrators may have been unfairly arrested under that law;

(2) the obligation of the United States to provide adequate security for the missions and personnel of foreign governments must be balanced with the reasonable exercise of the rights of free speech and assembly; and

(3) therefore, the Council of the District of Columbia should review and, if appropriate, make revisions in the laws of the District of Columbia concerning demonstrations near foreign missions, in consultation with the Secretary of State and the Secretary of the Treasury.

SEC. 1303. KURT WALDHEIM'S RETIREMENT ALLOWANCE.

(a) FINDINGS.—The Congress finds that—

(1) Kurt Waldheim's misrepresentations about his past enabled him to rise to the position of Secretary General of the United Nations;

(2) Kurt Waldheim currently receives $81,650 a year as a retirement allowance for his service in that position; and

(3) Kurt Waldheim's misrepresentations went to matters that lie at the very heart of the purposes of the United Nations.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to act to amend the 1986-1987 Regular Program Budget to eliminate funding of Kurt Waldheim's retirement allowance and to act to deny Kurt Waldheim a retirement allowance in all future budgets.

SEC. 1304. ERADICATION OF AMBLYOMMA VARIEGATUM.

Section 103(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a(a)) is amended by adding after paragraph (2) the following new paragraph:

"(3) Of the amounts authorized to be appropriated in paragraph (2) for the fiscal year 1987, not less than $2,000,000 shall be available only for the purpose of controlling and eradicating amblyomma variegatum (heartwater) in bovine animals in the Caribbean.".

SEC. 1305. STRENGTHEN FOREIGN LANGUAGE SKILLS.

It is the sense of the Congress that the Secretary of State should substantially strengthen the foreign language training of Foreign Service officers and other United States diplomatic personnel who may serve in embassies overseas, and to work toward early implementation of a program focusing on acquisition and retention of effective linguistic skills the careers of United States diplomatic personnel.

SEC. 1306. FORFEITURE OF PROCEEDS DERIVED FROM ESPIONAGE ACTIVITIES.

(a) GATHERING, TRANSMITTING, OR LOSING DEFENSE INFORMATION.—Section 793 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(h)(1) Any person convicted of a violation of this section shall forfeit to the United States, irrespective of any provision of State law, any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, from any foreign government, or any faction or party or military or naval force within a foreign country, whether recognized or unrecog-

nized by the United States, as the result of such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1) of this subsection.

"(3) The provisions of subsections (b), (c), and (e) through (o) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(o)) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amounts from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.".

(b) GATHERING OR DELIVERING DEFENSE INFORMATION TO AID FOREIGN GOVERNMENT.—Section 794 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) Any person convicted of a violation of this section shall forfeit to the United States irrespective of any provision of State law—

"(A) any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation, and

"(B) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

"(2) The court, in imposing sentence on a defendant for a conviction of a violation of this section, shall order that the defendant forfeit to the United States all property described in paragraph (1) of this subsection.

"(3) The provisions of subsections (b), (c) and (e) through (o) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853(b), (c), and (e)-(o)) shall apply to—

"(A) property subject to forfeiture under this subsection;

"(B) any seizure or disposition of such property; and

"(C) any administrative or judicial proceeding in relation to such property,

if not inconsistent with this subsection.

"(4) Notwithstanding section 524(c) of title 28, there shall be deposited in the Crime Victims Fund in the Treasury all amount from the forfeiture of property under this subsection remaining after the payment of expenses for forfeiture and sale authorized by law.".

(c) ORDER OF SPECIAL FORFEITURE.—Subsection (a) of section 3671 of title 18, United States Code, is amended by inserting after "conviction of a defendant for" the following: "an offense under section 794 of this title or for".

SEC. 1307. EXPRESSION OF SUPPORT OF ACTIVITIES OF THE UNITED STATES TELECOMMUNICATIONS TRAINING INSTITUTE.

Nothing in this Act, the Communications Act of 1934, or any other Act, shall be construed to preclude the Department of State, the United States Agency for International Development, or the United States Information Agency from participation in support of any activities of the United States Telecommunications Training Institute (including use of staff, other appropriate resources and service on the board of the Institute).

SEC. 1308. POLICY TOWARD AFGHANISTAN.

(a) FINDINGS.—The Congress finds that—

(1) the Soviet Union invaded the sovereign territory of Afghanistan on December 27, 1979, and continues to occupy and attempt to subjugate that nation through the use of force, relying upon a puppet regime and an occupying army of an estimated 120,000 Soviet troops;

(2) the outrageous and barbaric treatment of the people of Afghanistan by the Soviet Union is repugnant to all freedom-loving peoples as reflected in seven United Nations resolutions of condemnation, violates all standards of conduct befitting a responsible nation, and contravenes all recognized principles of international law;

(3) the Special Rapporteur of the United Nations Commission on Human Rights, in his November 5, 1985, report to the General Assembly, concludes that "whole groups of persons and tribes are endangered in their existence and in their lives because their living conditions are fundamentally affected by the kind of warfare being waged" and that the "Government of Afghanistan, with heavy support from foreign (Soviet) troops, acts with great severity against opponents or suspected opponents of the regime without any respect for human rights obligations" including "use of antipersonnel mines and of so-called toy bombs" and "the indiscriminate mass killings of civilians, particularly women and children";

(4) the Special Rapporteur also concludes that the war in Afghanistan has been characterized by "the most cruel methods of warfare and by the destruction of large parts of the country which has affected the conditions of life of the population, destabilizing the ethnic and tribal structure and disrupting family units" and that the "demographic structure of the country has changed, since over 4 million refugees from all provinces and all classes have settled outside the country and thousands of internal refugees have crowded into the cities like Kabul";

(5) the United Nations General Assembly, in a recorded vote of 80-22 on December 13, 1985, accepted the findings of the Special Rapporteur and deplored the refusal of Soviet-led Afghan officials to cooperate with the United Nations, and expressed "profound distress and alarm" at "the widespread violations of the right to life, liberty, and security of person, including the commonplace practice of torture and summary executions of the regime's opponents, as well as increasing evidence of a policy of religious intolerance";

(6) in a subsequent report of the Special Rapporteur of February 14, 1986, the Special Rapporteur found that "The only solution to the human rights situation in Afghanistan is the withdrawal of the foreign troops" and that "Continuation of the military solution will, in the opinion of the Special Rapporteur, lead inevitably to a situation approaching Genocide, which the traditions and culture of this noble people cannot permit";

(7) the Soviet invasion of Afghanistan caused the United States to postpone indefinitely action on the SALT II Treaty in 1979, and the presence of Soviet troops in that country today continues to adversely affect the prospects for long-term improvement of the United States-Soviet bilateral relationship in many fields of great importance to the global community;

(8) the Soviet leadership appears to be engaged in a calculated policy of raising hopes for a withdrawal of Soviet troops from Afghanistan in the apparent belief that words will substitute for genuine action in shaping world opinion; and

(9) President Reagan, in his February 4, 1986, State of the Union Address promised the Afghan people that "America will support with moral and material assistance your right not just to fight and die for freedom, but to fight and win freedom".

(b) POLICY.—(1) It is the sense of the Congress that the United States, so long as Soviet military forces occupy Afghanistan, should support the efforts of the people of Afghanistan to regain the sovereignty and territorial integrity of their nation through—

(A) the appropriate provisions of material support;

(B) renewed multilateral initiatives aimed at encouraging Soviet military withdrawal, the return of an independent and nonaligned status to Afghanistan, and a peaceful political settlement acceptable to the people of Afghanistan, which includes provision for the return of Afghan refugees in safety and dignity;

(C) a continuous and vigorous public information campaign to bring the facts of the situation in Afghanistan to the attention of the world;

(D) frequent efforts to encourage the Soviet leadership and the Soviet-backed Afghan regime to remove the barriers erected against the entry into and reporting of events in Afghanistan by international journalists; and

(E) vigorous efforts to impress upon the Soviet leadership the penalty that continued military action in Afghanistan imposes upon the building of a long-term constructive relationship with the United States, because of the negative effect that Soviet policies in Afghanistan have on attitudes toward the Soviet Union among the American people and the Congress.

(2) It is further the sense of the Congress that the Secretary of State should—

(A) determine whether the actions of Soviet forces against the people of Afghanistan constitute the international crime of Genocide as defined in Article II of the International Convention on the Prevention and Punishment of the Crime of Genocide, signed on behalf of the United States on December 11, 1948, and, if the Secretary determines that Soviet actions may constitute the crime of genocide, he shall report his findings to the President and the Congress, along with recommended actions; and

(B) review United States policy with respect to the continued recognition of the Soviet puppet government in Kabul to determine whether such recognition is in the interest of the United States.

And the Senate agree to the same.

For consideration of the entire House bill and Senate amendment:

DANTE B. FASCELL,
GUS YATRON,
DAN MICA,
PETER H. KOSTMAYER,
LAWRENCE J. SMITH,
TED WEISS,
BUDDY MACKAY,
WM. BROOMFIELD,
BENJAMIN A. GILMAN,
OLYMPIA SNOWE,
CONNIE MACK,
JOHN MCCAIN,

For consideration of title IX of the House bill and modifications committed to conference:

WALTER B. JONES,

MARIO BIAGGI,
GERRY E. STUDDS,
GENE SNYDER,

For consideration of titles III, VIII, XI, and section 603 of the House bill and modifications committed to conference:

LES ASPIN,
MELVIN PRICE,
WILLIAM L. DICKINSON,

For consideration of sections 702, 703, 711, 713, and 714 of the Senate amendment and modifications committed to conference:

PETER W. RODINO, Jr.,
WILLIAM J. HUGHES,
DON EDWARDS,
JOHN CONYERS,
BILL MCCOLLUM,
DAN LUNGREN,
GEORGE W. GEKAS,

For consideration of title III and title VIII of the House bill and modifications committed to conference:

WILLIAM D. FORD,
PAT SCHROEDER,
MARY ROSE OAKAR,
FRANK HORTON,
DON YOUNG,

Managers on the Part of the House.

For consideration of the entire House bill and Senate amendment:

RICHARD G. LUGAR,
JESSE HELMS,
CHARLES MCC. MATHIAS, JR.,
NANCY KASSEBAUM,
CLAIBORNE PELL,
J.R. BIDEN, JR.,
PAUL SARBANES,

For consideration of sections 702, 703, 711, and 714 of the Senate amendment and modifications committed to conference:

CHUCK GRASSLEY,
JEREMIAH DENTON,
ARLEN SPECTER,
DENNIS DECONCINI,
PAT LEAHY,

For consideration of section 702 of the Senate amendment and modifications committed to conference:

CHARLES MCC. MATHIAS, JR.,
TOM EAGLETON,

For consideration of sections 706 and 707 of the Senate amendment and modifications committed to conference:

JOHN C. DANFORTH,
ERNEST F. HOLLINGS,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4151) to provide enhanced diplomatic security and combat international terrorism, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—DIPLOMATIC SECURITY

RESPONSIBILITY OF THE SECRETARY OF STATE

The House bill (section 103) enacts responsibilities assigned to the Secretary of State by the President in his letters to Chiefs of Missions of September 23, 1981 and the responsibilities implicitly assigned to the Secretary by section 207 of the Foreign Service Act of 1980.

The Senate amendment is identical to the House bill.

The conference substitute (section 103) is identical to the House bill and the Senate amendment. By enacting this provision, the committee of conference intends to strengthen and expand the responsibilities of the Secretary of State.

The committee of conference finds that the authority given the Secretary of State in this subsection is critical to the success of the Diplomatic Security Program to be implemented pursuant to this act. The committee of conference expects that the Secretary will use this authority to manage the size and number of U.S. missions for reasons of both security and economy as urged on several occasions during the consideration of this legislation and as recommended by the Vice President's Task Force on Combatting Terrorism.

The committee of conference expects that prior to making any increases or reductions, the Secretary shall coordinate with the heads of the affected agencies. In addition, the Secretary shall take into consideration the impact of such a change on U.S. foreign policy objectives and on national security interests, and any longstanding and unique agreements on overseas staffing levels.

The committee of conference also expects that any agency which disagrees with a decision of the Secretary of State, pursuant to this subsection, shall continue to have the right to appeal such a decision directly to the Office of the President.

BUREAU OF DIPLOMATIC SECURITY

The House bill (section 104) establishes the Bureau of Diplomatic Security of the Department of State to be headed by an Assistant Secretary who shall be responsible for such functions described in section 105.

The Senate amendment contains an identical provision. However, as a result of conference changes in section 105 of both the House and Senate bills, the Managers agreed to make conforming technical changes.

The conference substitute (section 104) provides for the establishment of the new Bureau for Diplomatic Security to be headed by an Assistant Secretary who shall be responsible for such functions as may be directed by the Secretary of State.

RESPONSIBILITIES OF THE ASSISTANT SECRETARY FOR DIPLOMATIC SECURITY

The House bill (section 105) consolidates all of the security functions of the Department of State under the Bureau for Diplomatic Security for which the Assistant Secretary for Diplomatic Security shall be responsible.

The Senate amendment directs that the Assistant Secretary for Diplomatic Security shall be responsible for those functions assigned to him by the Secretary of State.

The conference substitute (section 105) enumerates the functions which the committee of conference believes that the Secretary of State should assign to the Assistant Secretary for Diplomatic Security.

The committee of conference, in consolidating all security functions under the Bureau of Diplomatic Security, expects the Assistant Secretary for Diplomatic Security will assure that positions in this bureau shall be filled with personnel with demonstrated abilities in the areas pertinent to diplomatic security.

The committee of conference fully expects that professional security personnel should be appointed to senior level positions in the Antiterrorism Training Assistance (ATA) Program Office. It is the intent of the committee of conference that the absence of such professionals could adversely affect the overall effectiveness of the program.

In addition, it is the intent of the committee of conference that in providing additional authority for the ATA program, the operational component of the program rest within the Bureau of Diplomatic Security under the Assistant Secretary for Diplomatic Security. It is the concern of the committee of conference that the ATA program should be fully integrated within the operations of the new Bureau in order for the program to be effectively utilized. Further, the committee of conference strongly reaffirms that all aspects of the ATA program shall be coordinated through the Regional Security Officer of the post in question.

COOPERATION OF OTHER FEDERAL AGENCIES

The House bill (section 106) imposes an obligation on other federal agencies to cooperate to the maximum extent possible with the Department of State to facilitate the fulfillment of its security responsibilities. This provision also provides that for these purposes such agencies through agreement may render assistance, with or without reimbursement, to the Department of State. Furthermore, it expressly provides that such agencies may provide logistic support, perform security inspections and other overseas security functions as authorized by the Secretary of State. Assistance of this nature would be appropriate in circumstances, for example, involving the facilities of other agencies. In such cases, the legislation authorizes the Secretary of State to delegate operational control, subject, however, to the Secretary's overall responsibility. Finally, the House bill makes clear that nothing in Titles I through IV of this act shall be construed to limit or impair the authority of any federal, state or local authority with respect to law enforcement or domestic security operations.

The Senate amendment is identical to the House bill except that, in addition, it directs the President to prescribe such regulations as to assure that nothing in Titles I through IV of this act shall be construed to limit or impair the authority of any federal, state or local authority with respect to law enforcement or domestic security operations.

The conference substitute (section 106) is identical to the House bill.

CERTAIN LEASE ARRANGEMENTS

The House bill (section 106(c)) approves a lease by the General Services Administration (GSA) of up to 250,000 square feet subject to appropriation.

The Senate amendment approves a lease by GSA of necessary space subject to appropriation.

The conference substitute (section 106(c)) is identical to the Senate amendment. In adopting the conference substitute, the committee of conference understands that 250,000 square feet will meet the needs of the Department of State.

PROTECTION OF FOREIGN CONSULATES

The House bill (section 107) mandates periodic reviews of the accreditation of foreign consulates in the United States. Six months after enactment of this act, the Secretary will report to the Congress on the accreditation review process and any plan to reduce such consular activities.

The Senate amendment contains no comparable provision.

The conference substitute (section 107) directs the Chief of Protocol to consult with the Assistant Secretary of State for Diplomatic Security prior to making any determination with respect to the accreditation of all foreign consular personnel in the United States.

TITLE II—DIPLOMATIC SECURITY SERVICE

DIRECTOR OF THE DIPLOMATIC SECURITY SERVICE

The House bill (section 202) directs that the Diplomatic Security Service shall be headed by a Director, acting under the supervision and direction of the Assistant Secretary for Diplomatic Security, who shall be designated by the Secretary of State. He shall be a career member of the Senior Foreign Service or the Senior Executive Service, with demonstrated ability in the area of security, law enforcement, management, or public administration as well as experience in management of overseas missions.

The Senate amendment provides that the Diplomatic Security Service shall be headed by a Director, acting under the supervision and direction of the Assistant Secretary for Diplomatic Security, who shall be designated by the Secretary of State from among individuals with demonstrated ability in the area of security, law enforcement, management, or public administration.

The conference substitute (section 202) provides that the Diplomatic Security Service shall be headed by a Director, acting under the supervision and direction of the Assistant Secretary for Diplomatic Security, who shall be designated by the Secretary of State and who should be a career member of the Senior Foreign Service or the Senior Executive Service, with demonstrated ability in the areas of security, law enforcement, management, and public administration, as well as experience in management and operations overseas. The change recognizes that there may be qualified individuals outside the Senior Foreign Service and/or the Senior Executive Service.

TITLE III—PERFORMANCE AND ACCOUNTABILITY

FACILITIES, SERVICES, SUPPLIES, AND STAFF OF THE ACCOUNTABILITY REVIEW BOARD

The House bill (section 302(b)) directs that at the request of a Board, employees of the U.S. Government may be temporarily assigned to assist the Board. In addition, the Inspector General of the Department of State and the Foreign Service may provide assistance to the Board.

The Senate amendment is identical to the House bill.

The conference substitute is essentially the same as the House bill and the Senate amendment.

By adopting the conference substitute in section 413, it was necessary to make a technical conforming change which deletes the role of the Inspector General of the Department of State and the Foreign Service.

RECORDS OF THE ACCOUNTABILITY REVIEW BOARD

The House bill (section 303(c)) provides administrative procedures for the handling of records of the Board.

The Senate amendment is identical to the House bill.

The conference substitute (section 303(c)) is essentially the same as the House bill and the Senate amendment.

By adopting the conference substitute for section 304(c), it was necessary to make a technical conforming change which provides that any copies of records dealing with personnel recommendations submitted to the head of the employing agency shall not be disclosed to the public except as provided under the Freedom of Information Act.

FINDINGS AND RECOMMENDATIONS OF THE ACCOUNTABILITY REVIEW BOARD

The House bill (section 304) directs that an Accountability Review Board, when convened, shall examine the facts and circumstances surrounding the case under review. The purpose of the investigation shall be to determine the nature of the incident for which it was convened, the adequacy of the existing post security program and related systems, and the impact of available intelligence information.

Upon completion of the investigation, the House bill directs the board to submit two sets of findings and recommendations. The first set shall relate to the success or failure of the existing diplomatic security program in place at the post at the time of the incident, and shall also include recommendations to improve the security and efficiency of any program reviewed by the Board. Secondly, whenever the Board finds reasonable grounds to believe that an individual has breached his duty, it shall transmit to the employing agency that finding, together with such evidence and a recommendation for appropriate disciplinary action.

The Senate amendment directs the Board to make written findings determining whether there are reasonable grounds to believe that the injury, loss of life, or destruction of property was security related; and, whether there is reasonable cause to believe that a breach of duty by an individual contributed to the injury, loss of life or destruction of property. The Senate amendment also establishes a procedure for disciplinary proceedings, including the obligation to notify the individual who is at fault in any security lapse and that individual's employer. Finally, the Senate amendment directs the Board to make recommendations for security improvements appropriate to any program it reviews.

The conference substitute (section 304) is essentially the same as the House bill, but provides that all information relative to a finding of reasonable cause to believe that an individual breached his/her duty be transmitted to the head of the employing agency along with such findings and recommendations. In addition, the conference substitute directs that, in the event a board makes a finding of reasonable cause to believe that an individual breached his/her duty, that individual shall be notified.

TITLE IV—DIPLOMATIC SECURITY PROGRAM

AUTHORIZATION OF APPROPRIATIONS

The House bill (section 401) authorizes to be appropriated sums not to exceed the Administration's request for fiscal years 1986 through 1990 totaling $1,630,867,000 for Salaries and Expenses, $2,653,940,000 for Acquisition, Operation and Maintenance of Buildings Abroad, $84,000,000 for Antiterrorism Research and Development, and $27,680,000 for the Antiterrorism Training Assistance program.

The Senate amendment authorizes to be appropriated for fiscal years 1986–1987, $283,104,000 for Salaries and Expenses, $857,806,000 for Acquisition, Operation and Maintenance of Buildings Abroad, $2,000,000 for Antiterrorism Research and Development, and $4,840,000 for the Antiterrorism Training Assistance program.

The conference substitute (section 401) authorizes the following sums for Diplomatic Security:

For fiscal years 1986 and 1987:

$308,104,000 for Salaries and Expenses,

$857,806,000 for Acquisition, Construction and maintenance of Buildings Abroad,

$4,840,000 for Antiterrorism Training Assistance, and

$15,000,000 for Antiterrorism Research and Development; and

For each fiscal year 1988, 1989, and 1990, $417,962,000 for Acquisition, Construction and Maintenance of Buildings Abroad.

The following table shows how the committee of conference expects the funds authorized to be appropriated for the Department Salaries and Expenses account to be used:

Diplomatic Security Program salaries and expenses, fiscal years 1986 and 1987

[In thousands of dollars]

Perimeter Security	$78,900
Residential Security	89,000
Countermeasures and Counterintelligence	20,100
Training and Professionalism	15,700
Overseas Guard Program	10,400
State/Other Agency Support	12,104
Replacement of Foreign Service Nationals	12,000
Protection of Foreign Dignitaries	7,600
Communications	32,600
Information Systems Security	29,700
Total, fiscal years 1986–87	308,104

The committee of conference notes that, in addition to the funds authorized for Salaries and Expenses under this section, the Department of State has available unused authority exceeding $137 million in fiscal year 1987. It is the intention of the committee of conference that this unused authority be used to cover the appropriation of any additional funds that may be necessary in fiscal year 1987 for the continuation of diplomatic security programs authorized under this section.

The committee of conference, in approving the above-mentioned authorities, agrees that the challenge of international terrorism is not a temporary phenomenon. The United States must be committed to combating terrorism for the foreseeable future. Consequently, the committee of conference agreed to provide authority to the Department of State for capital projects for each fiscal year through 1990. With respect to authorities requested by the Administration for fiscal years 1986 through 1990 for Salaries and Expenses, the committee of conference, while committed to ensuring that the Department of State will have the necessary tools to enhance its ability to anticipate and deter acts of terrorism directed at Americans abroad during the coming years, feels that the requests relating to those fiscal years for which regular authorization legislation has yet to be considered should be submitted and reviewed as a part of the regular budget of the Department of State.

The committee of conference is vitally concerned that the Office of Foreign Buildings coordinate closely with and ensure participation from the United States Information Agency (USIA), the Agency for International Development (AID), the Foreign Commercial Service, the Foreign Agricultural Service and other executive branch agencies on the capital construction program. In a massive and expensive program, such as this, input from all agencies is essential to a well coordinated, cost-effective effort. The unique requirements of agencies must be included from the preplanning inception to the completion of each overseas project.

The committee of conference understands that AID has used lease-purchase procedures to establish missions overseas. AID is currently a party to three active lease-purchase agreements, two in Zaire and one in Liberia. Furthermore, the committee of conference understands that AID intends to use these procedures during fiscal year 1987 to begin work on new facilities in Panama City and Nairobi, until funds authorized under this act for these two projects are made available to AID by the Department of State. The committee of conference expects the Department to make every effort necessary to be responsive to AID's needs. The use of lease-purchase procedures shall not be construed to exempt in any way the facilities of AID from meeting the standards and requirements established by the Bureau for Diplomatic Security of the Department of State.

FURNITURE, FURNISHINGS, AND EQUIPMENT

The conference substitute (section 401(h)) adds a new provision regarding the use of used furniture and equipment in new facilities where physically possible.

It is the view of the committee of conference that all non-security expenses associated with the capital building program authorized by Section 401(a) must be kept to an absolute minimum. This provision requires the Department of State to utilize existing furniture and office equipment in new diplomatic facilities abroad to the extent such furniture and equipment can be physically moved from the existing facility and can be physically utilized in the new facility. The committee of conference recognizes that certain items such as wall-to-wall rugs and window dressings cannot be practically used in building for which they were not designed, and it is not the intention of the committee of conference that such items necessarily be reused if they are unsuitable for the new facility. Nevertheless, the committee of conference intentionally established a strong presumption in law that all existing furniture, furnishings and office equipment which have any continued usefulness be reused in the new diplomatic facilities authorized by this act, and that this legal obligation be considered during the design of such new facilities.

To further control the tendency of posts to seek the purchase of new furniture and office equipment for new diplomatic facilities, this provision mandates that proceeds from any sale of such items be deposited in the Foreign Service Building Fund rather than remaining in the operating budgets of foreign posts.

Finally, this provision requires that plans for the purchase of furniture, furnishings and equipment for each new facility authorized by this act shall be treated under reprogramming procedures and be submitted to the House Foreign Affairs Committee and the Senate Foreign Relations Committee. Accompanying any such reprogramming request should be a detailed description and justification for any existing furniture and office equipment not planned for reuse in the new facility.

NOTIFICATION TO AUTHORIZING COMMITTEES OF REQUESTS FOR APPROPRIATIONS

The House bill (section 401(b)) directs that the Secretary of State must provide the Committee on Foreign Affairs of the House and the Committee on Foreign Relations of the Senate with all appropriations requests authorized under titles I-IV. The Secretary must also provide the authorizing committees with detailed justifications for every program, project, and item listed in the appropriations request.

The Senate amendment contains no comparable provision.

The conference substitute (section 401(b)) is identical to the House bill.

PROHIBITION ON REALLOCATIONS OF AUTHORIZATIONS

The House bill (section 401(d)) prohibits funds authorized by this Title from being reprogrammed or otherwise reallocated by the Department of State for any other purpose, except by amendment to this act or by subsequent legislation.

The Senate amendment contains no comparable provision.

The conference substitute (section 410(d)) is identical to the House bill.

ALLOCATION OF FUNDS FOR CERTAIN SECURITY PROGRAMS

The Senate amendment (section 401(e)) earmarks $34,537,000 of those amounts authorized under this act to be appropriated for Salaries and Expenses to be available for the protection of classified office equipment, for the expansion of information systems security, and for the hiring of American computer managers and operators at high risk locations.

The House bill contains no comparable provision.

The conference substitute (section 401(g)) is identical to the Senate amendment.

The committee of conference intends that the funds earmarked for technical security improvements be managed and controlled by the Department of State. The committee of conference emphasizes, however, that the area of technical security is one which the Congress judges to be the most serious security threat to U.S. diplomatic facilities overseas after the physical security threat. Moreover, the technical security threat to U.S. installations is very complex and constantly changing.

Accordingly, the committee of conference directs that although technical security improvement funds be centrally managed and controlled by the Department, they be expended only after close cooperation and consultation between all elements of the U.S. Government with technical security expertise.

PREFERNCE FOR UNITED STATES CONTRACTORS

The House bill (section 402(a)) directs, except in circumstances specifically stated in this section, that only American contractors may bid as prime contractors on capital projects for new construction, alteration or repair authorized by this title exceeding the contract value of $5 million. The House bill directs that exceptions may be made to the prohibition on awarding bids to non-U.S. contractors when only one U.S. contractor responds to the request for a bid, or when a project is in a country whose laws prohibit the use of U.S. contractors on U.S. diplomatic construction projects. The House bill contains a definition of the term "U.S. person" which includes the requirements that such a person be incorporated in the United States for more than five years before the issuance date of the invitation for bids.

The Senate amendment is similar to the House language, but directs that only American contractors can bid on construction and design projects exceeding $500,000. U.S. persons are defined as in the House bill except that such a person is required to have been legally organized in the United States for more than two years only before the date of issuance of the invitation to bid on such projects.

The conference substitute (section 402(a)) established a two-tiered approach. It maintains the language of the House bill which directs that, where adequate competition exists, only American contractors may bid on any diplomatic construction or design project of which the contract value exceeds $5,000,000. The conference substitute also directs that for any sophisticated physical and technical security projects only American contractors shall serve as prime contractors on the installation or maintenance of such systems although it is recognized that non-technical labor associated with some aspects of such projects may be best suited to local labor and therefore may be subcontracted. However, to the maximum extent practicable no local subcontractors or laborers shall be granted access to specific technology, blueprints, diagrams, or technical characteristics of equipment associated with such projects. Examples are access gates, alarm systems, intrusion detection systems, shielded panels, blast resistant panels and blast resistant glass.

AMERICAN SMALL BUSINESS CONTRACTORS

The Senate amendment (section 402(e)) directs the Department of State to set aside, in addition to funds set aside for American minority contractors, 10 percent of the funds available for construction projects for the purposes of awarding contracts to American small business contractors to the extent practicable.

The House bill contains no comparable provision.

The conference substitute (section 402(e)) directs the Department of State to set aside 10 percent of the funds available for construction projects for the purposes of awarding contracts to American small business contractors to the extent practicable.

Because of the size and nature of capital construction projects associated with this act, it is unlikely that small business contractors will have the qualifications to bid on such projects. Accordingly, it is the intent of this act that prime contractors on such project seek subcontracts from appropriately qualified small business contractors to the maximum extent possible. In addition, for those projects associated with this act which are not capital construction projects, but which instead are of a follow-on nature, such as but not limited to physical and technical security improvements, the Department of State is directed that no less than 10 percent of such projects shall be allocated to the extent practicable to American small business contractors.

SECURITY REQUIREMENTS FOR CONTRACTORS

The Senate amendment (section 402(f)) requires the Department of State to tighten up its procedures for handling the designs and blueprints of its foreign buildings. It mandates that the distribution of designs and blueprints of foreign building projects

be restricted to cleared contractors and subcontractors.

The House bill contains no comparable provision.

The conference substitute (section 403) prohibits the distribution of any design or blueprint relating to foreign building projects unless appropriate security procedures have been followed. In agreeing to this substitute, the committee of conference recognizes that a provision requiring a security clearance for all contractors and subcontractors may cause a severe administrative problem. However, the committee of conference strongly supports the intent of the Senate amendment to strengthen the procedures by which the Department of State handles its designs and blueprints. In adopting the conference substitute, the committee of conference takes note of the following correspondence between Assistant Secretary Fox and Senator Zorinsky, the author of the Senate amendment, and encourages the Department to adopt tough regulations on this issue.

U.S. DEPARTMENT OF STATE,
Washington, DC, July 24, 1986.

Hon. EDWARD ZORINSKY,
United States Senate.

DEAR SENATOR ZORINSKY: Section 402(f)(2) of the Senate version of the Diplomatic Security Authorization Bill (H.R. 4151) would prohibit contractors and subcontractors who lack appropriate "security clearance" from obtaining access to construction documents. As currently drafted, this section will lead to serious operational difficulties and could prevent us from implementing the construction program. We feel strongly that changing the words "security clearance" to "security procedures" will permit us to balance our operational requirements with the need for security in handling documents and blueprints.

We concur with the intent of the amendment and, in view of the security rationale for the implementation of our overseas construction program, we agree that stringent security procedures are necessary. We have been strengthening this process and, in keeping with the intent of this legislation, will continue to do so. Our present and planned security procedures will assure control of design and construction drawings without the necessity of classifying them as national security information or requiring cleared Americans to perform all the work.

The Department of State and other federal agencies use the term "security clearance" to refer to authorization to receive national security information which has been classified "Confidential", "Secret" or "Top Secret." With few exceptions, only United States citizens may obtain security clearances. For U.S. citizens, the security clearance process requires a thorough check of background information, and a substantial expenditure of time and money. Security clearances are granted only to persons who have an immediate need to gain access to classified national security information.

Therefore, if this section were passed as worded, we would have to treat each construction project as wholly classified, and we would be required to use only cleared U.S. contractors, subcontractors and personnel for all aspects of the construction program. This restriction would have disastrous effects on the total costs of an already expensive program. In some countries, it would be impossible to substitute U.S. firms for local subcontractors, especially for incidental services.

It is not possible, moreover, to restrict the dissemination of design documents and blueprints to United States citizens who have security clearances. We must distribute design and construction documents to foreign authorities to obtain building permits. These requirements are similar to those which the District of Columbia and other U.S. jurisdictions impose upon the construction of foreign missions in the United States. For each project we undertake, we must meet zoning ordinances of the host nation, ensuring that the footprint or coverage of the lot is in keeping with the surrounding neighborhood, that the floor area ratio of building to lot is acceptable, and that all height or setback requirements are met. In addition to zoning requirements, foreign nations require that we comply with their building codes, so plans for our structural, electrical, and mechanical systems must be submitted for review. In view of these requirements, permission to build is contingent upon review of the documents by the host governments; if we refused to release the documents, we would not be permitted to build.

Despite the requirement to provide documents to foreign authorities, the Office of Foreign Buildings and the Bureau of Diplomatic Security have set up security requirements and procedures to assure that, from design through occupancy, our buildings are secure. These procedures recognize that design and use data can be obtained from many sources, even apart from designs and blueprints, and therefore rely on design features, access controls, and other measures in addition to restriction of access to construction data, in order to provide for security of the facility and personnel.

The appropriate security procedures for a given site will vary, depending on local use and security factors. Each construction project is therefore carefully evaluated as to the scope and nature of security required, depending upon the level and nature of risk factors in the location.

Appropriate security procedures are based upon a tiered system of access controls and other corresponding measures. Design, installation and construction of classified security and communications systems, and other data and areas deemed of equivalent sensitivity, are handled only by cleared Americans, and the relevant documents would be classified. Documents and work which are not sensitive are protected by other procedures, such as: supervision of construction, securing the construction site with appropriate access controls, securing the building shell with guards after normal duty hours, and using construction surveillance personnel. Firms which bid on construction projects undergo a two-fold screening process: first, the Office of Foreign Buildings prequalifies the bidders; then the Bureau of Diplomatic Security conducts a security check on the various firms. Subcontractors would also be subject to a security check as appropriate in view of such factors as country conditions, nationality, feasibility and sensitivity of the work to be performed.

After construction, access to design data as well as opportunity to make use of such data is further restricted. Access to and within the building itself is restricted; perimeter security controls restrict access to the exterior of the building; public access controls restrict entry; tight control is maintained over access to particularly sensitive systems; and access within the building is compartmentalized.

Because of the design concept, access to the buildings could not be gained easily even by someone in possession of building plans. Current procedures require a number of concentric rings of defense starting at the outer perimeter, then the building exterior and, finally, the compartmentalization of the interior. Other security procedures, such as escorting visitors and screening all personnel who enter the building, further enhance these physical and design security measures.

Many of the procedures have been in place for some time; others reflect our response to recent reviews of our security posture vis-a-vis new construction. Our own review process is continuing, and updated procedures recognizing both general threat levels and area-specific threat assessments will be incorporated into the Department's construction program.

We believe these security procedures obviate the need to classify all construction documents, and we request the substitution of "security procedures" for "security clearance." The use of the alternative term will permit the Department to promulgate procedures which will restrict access to documents and information as necessary for maximum security in our overseas facilities, while achieving a balance with the need to release documents for operational demands. We will disseminate information only as necessary to comply with foreign laws and only insofar as economies can be achieved through the use of local materials and labor without loss of security.

With best wishes,

Sincerely,

J. EDWARD FOX,
Assistant Secretary, Legislative and Intergovernmental Affairs.

U.S. DEPARTMENT OF STATE,
Washington, DC, August 4, 1986.

Hon. EDWARD ZORINSKY,
United States Senate.

DEAR SENATOR ZORINSKY: In amplification of my letter of July 24, I am pleased to provide additional information on our plans for carrying out the intent of your amendment contained in Section 402(f)(2) of the Senate version of the Diplomatic Security Bill (H.R. 4151). I want to reiterate our concurrence in what you are trying to accomplish and to reaffirm that we share your concerns.

Attached is a listing of Principles which will form the basis for drafting of the regulations which we would issue within 90 days of the effective date of the Diplomatic Security Authorization Act. As you will note from the list of subjects covered, these will be extensive regulations. We have obtained the services of an exceptionally well-qualified expert who has already begun this project and will be devoting his entire time to this effort in order that it can be completed on schedule.

We will, of course, keep you and your staff informed on the progress we are making and will be ready to discuss any concerns or issues you wish to raise at any time.

With best wishes.

Sincerely,

J. EDWARD FOX,
Assistant Secretary, Legislative and Intergovernmental Affairs.

Attachment: As stated.

PROPOSED PROCEDURAL SECURITY PRINCIPLES

Architects and subcontractor engineering firms to have DISCO facility clearances with appropriate personnel to have personal clearances.

Prime construction contractors to have DISCO facility clearances with appropriate personnel to have personal clearances.

Subcontractors installing classified material and systems to have DISCO facility clearances with appropriate personnel to have personal clearances.

Subcontractors installing unclassified yet sensitive electronic systems within the restricted area to have DISCO facility clearances with appropriate personnel to have personal clearances.

Revise existing classification guidelines to provide a finite means of identifying those portions of architectural drawings which should be protected.

Insure control of classified drawings in accordance with existing requirements.

Conduct name checks of foreign subcontractors by Regional Security Officer.

Identify the degree of protection required for the various elements of the construction documents.

Release unclassified drawings only on a controlled, need-to-know basis.

Develop regulatory procedures to insure proper storage and handling of construction documents.

Establish criteria for cleared American construction surveillance personnel.

Establish the criteria and scope of work for the assignment of a security site supervisor.

Insure access control to the site by construction site security standards.

Establish the criteria for use of cleared American guards in the buildings under construction after normal working hours.

NOTE.—This is a list of principles to be embodied in the proposed regulations. The final regulations will codify these points for inclusion in the Foreign Affairs Manual.

SURETY BONDS AND GUARANTEES

The Senate amendment (section 403(b)) directs the Director of the Office of Foreign Buildings to require each person awarded a contract for work under this act to post a surety bond or guarantee to assure the performance under such contract.

The House bill contains no comparable provision.

The conference substitute (section 406(b)) is identical to the Senate amendment.

DISQUALIFICATION OF CONTRACTORS

The Senate amendment (section 403(c)) directs that no person doing business with Libya may be eligible for a contract under this act.

The House bill contains no comparable provision.

The conference substitute (section 406(c)) is identical to the Senate amendment.

ADVISORY PANEL ON OVERSEAS SECURITY

The House bill (section 406) directs the Secretary of State to submit a report to Congress within 90 days after the enactment of this act on the implementation of the 91 recommendations of the Inman Panel on Overseas Security. If any of the recommendations have been rejected, the Secretary shall provide justifications for such rejection.

The Senate amendment contains no comparable provision.

The conference substitute (section 407) is identical to the House bill.

TRAINING TO IMPROVE PERIMETER SECURITY AT UNITED STATES DIPLOMATIC MISSIONS ABROAD

The House bill (section 407) expresses the sense of Congress that the President should use his authorities under Chapter 8 of Title II of the Foreign Assistance Act relating to antiterrorism training assistance to improve the security provided along the perimeter of U.S. missions abroad. In addition, the House bill requires the President to submit an annual report on progress and problems associated with improving perimeter security of U.S. missions abroad.

The Senate amendment is identical to the House bill except that it does not mandate an annual report.

The conference substitute (section 408) is identical to the House bill.

PROTECTION OF ENTRANCES OF U.S. DIPLOMATIC MISSIONS ABROAD

The House bill (section 408) directs the Secretary of State to install metal detectors at the entrance of U.S. missions abroad.

The Senate amendment contains no comparable provision.

The conference substitute (section 409) directs the Secretary of State to install metal detectors or other screening devices at all public entrances of U.S. missions abroad.

REIMBURSEMENT OF THE DEPARTMENT OF THE TREASURY

The Senate amendment (section 408) requires the Department of State to reimburse the Department of the Treasury for the actual costs incurred by the Secret Service in providing protection for spouses of heads of State. This responsibility, previously carried out by the Department of State's Office of Security, was transferred to the Department of the Treasury on May 1, 1986, by National Security Directive 207.

The House bill contains no comparable provision.

The conference substitute (section 411) limits this reimbursement requirement to fiscal years 1986 and 1987.

INSPECTOR GENERAL FOR THE UNITED STATES INFORMATION AGENCY

The Senate amendment (section 715) establishes an Independent Inspector General for the United States Information Agency (USIA) and earmarks $5 million of the funds authorized for the USIA for the operation of the office of the Inspector General.

The House bill contains no comparable provision.

The conference substitute (section 412) is essentially the same as the Senate amendment except that the earmarking of funds for the Inspector General for fiscal year 1987 is $3 million. In addition, the substitute provides authority to pay the Inspector General at Executive Level IV.

INSPECTOR GENERAL FOR THE DEPARTMENT OF STATE

The Senate amendment (section 716) earmarks $2 million for FY 1986 and $12 million for FY 1987 of the funds authorized for the Department of State for the establishment of an Independent Inspector General for the Department of State. In addition, it abolishes the Office of Program Inspector General and prohibits the appointment of any member of the Foreign Service to the post of Inspector General for the Department of State.

The House bill contains no comparable provision.

The conference substitute (section 413) directs the Department of State to establish an office of Inspector General not later than October 1, 1986 and to report to the Committee on Foreign Relations and the Committee on Foreign Affairs on establishment of the office by January 31, 1987. The substitute further provides that the Inspector General is authorized to perform all of the duties and responsibilities stated in section 209 of the Foreign Service Act of 1980, including section 209(g) and section 3 of the Inspector General Act of 1978. The substitute earmarks $6.5 million of funds made available for FY 1987 for salaries and expenses of the Department of State only for the establishment and maintenance of the Office of Inspector General. In addition the substitute: provides that no career member of the Foreign Service may be appointed Inspector General; and provides authority for the Inspector General to be paid at Executive Level IV.

The conference substitute also directs the Secretary of State to establish an Office of Policy and Program Review to review activities and operations under authority of chiefs of mission to ascertain their consonance with U.S. foreign policy and their consistency with the responsibilities of the Secretary of State and the chief of mission. The substitute further provides that the office shall be headed by a Director of Policy and Program Review who shall function under the general supervision of the Secretary of State and who shall be selected on a non-partisan basis from among persons exceptionally qualified for the position by virtue of their integrity and their knowledge and experience in the conduct of foreign affairs; places a ceiling of $4 million for FY 1987 on funds available to the Office of Policy and Program Review; makes explicit the authority of the Inspector General to inspect the Office of Policy and Program Review; and amends the Foreign Relations Authorization Act, FY 1986 and FY 1987 to abolish the Inspector General of the Department of State and the Foreign Service (an officer distinct from the Inspector General referred to in this act) and to abolish the Office of Program Inspector General.

This provision was incorporated due to the failure of the Department of State to fully organize the Office of Inspector General as called for in the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987. It is the concern of the committee of conference that the Department of State is being appropriated substantial sums for building and security programs and that no full justification for continued funding can be made without the presence of an aggressive, competent Inspector General to inspect the terms and conditions under which these sums are being obligated.

PROHIBITION ON THE USE OF FUNDS FOR FACILITIES IN ISRAEL, JERUSALEM, OR THE WEST BANK

The Senate amendment (section 717) prohibits the use of any funds authorized under this act to be used for site acquisition, development or construction of any facility in Israel, Jerusalem or the West Bank. This provision does allow for $83.423 million for site acquisition, development or construction in Israel of a chancery and residence within five miles of the Israeli Knesset building and within the boundaries of Israel as they existed before June 1, 1967.

The House bill contains no comparable provision.

The conference substitute (section 414) does not provide any funds for site acquisition, development or construction of any facility in Israel, Jerusalem, or the West Bank.

TITLE V—STATE DEPARTMENT AUTHORITIES TO COMBAT INTERNATIONAL TERRORISM

REWARDS FOR INTERNATIONAL TERRORISTS

The House bill (section 501) directs the Secretary of State to maintain and publish a list of most wanted international terrorists.

The Senate amendment contains no comparable provision.

The conference substitute (section 501) expresses the sense of Congress that the Secretary of State should more vigorously use the monies available under existing rewards-for-information authority and should consider more widely publicizing these rewards as a means to apprehend international terrorists.

It is the intent of the committee of conference that the rewards-for-information on international terrorism should be made better known and more effectively utilized in order to enhance the U.S. Govenment's efforts to apprehend and bring to justice international terrorists. Enacted into law 2 years ago at the request of the executive branch, the rewards for information fund has yet to be employed despite numerous terrorists' acts against American citizens. Although the committee of conference did not agree to a provision in the House bill which would have raised the permissible individual reward level from $500,000 to $1 million, it is the intent of the committee of conference that the executive branch should more effectively use existing tools, such as the rewards-for-information program and other authorities, as a means to combat international terrorism.

AMOUNT OF REWARDS FOR INFORMATION ABOUT MOST WANTED INTERNATIONAL TERRORISTS

The House bill (section 502) amends section 36(b) of the State Department Basic Authorities Act by authorizing up to $1 million to be paid with respect to each individual on the most wanted international terrorist list established pursuant to section 501 of this bill and each individual sought for an act of international terrorism resulting in the death or detention for more than 60 days of a citizen or national of the U.S.

The Senate amendment contains no comparable provision.

The conference substitute deletes this provision.

REWARDS FOR INFORMATION RELATING TO INTERNATIONAL NARCOTERRORISM AND DRUG TRAFFICKING

The House bill (section 503) amends Section 36(a) of the State Department Basic Authorities Act to permit the Secretary of State to offer information rewards on major narcotics traffickers and on narcoterrorist acts. Such rewards could be offered to any individual who furnishes information leading to (1) the arrest or conviction in any country of any individual for committing (or conspiring to commit) primarily outside the United States a major violation of U.S. drug laws, or (2) the arrest or conviction of any individual for the killing or kidnapping outside the United States of any officer, employee, or contract employee of the U.S. Government while that individual is engaged in official duties in connection with the enforcement of U.S. drugs laws or the implementation of U.S. drug control objectives. A reward could also be offered for the prevention or frustration of the acts described above. The House bill also requires the Secretary of State to advise and consult with the Attorney General before paying any such information rewards, earmarks $2 million for information rewards on narcoterrorist and narcotics trafficking acts out of the $5 million currently available for information rewards on terrorist acts, authorizes $10 million for fiscal year 1987 for use in paying such rewards, of which $5 million is earmarked for narcotics-related acts, and requires the Secretary of State to report to the Congress within 30 days after paying any reward under this section.

The Senate amendment is similar to the House bill, except that it requires the concurrence of the Attorney General before such rewards are paid, requires the establishment of procedures jointly approved by the Secretary of State and the Attorney General to ensure that these information rewards do not duplicate or interfere with the current information rewards system of the Department of Justice, and requires that rewards can only be paid upon the request of a chief of mission.

The Senate amendment further does not limit the payment of such rewards to acts which are major violations of U.S. drug laws, but does limit the payments to acts committed entirely outside the United States.

The conference substitute (section 502) adopts the Senate language with amendments which clarify that rewards are for acts committed primarily outside the territorial jurisdiction of the United States.

The conference substitute reflects the intention of the committee of conference that the rewards offered under this section in no way duplicate or interfere with the current information rewards system of the Department of Justice, and that the rewards be provided only for information on major, not minor, narcotics-related offenses overseas. The adoption of the House language permitting information rewards for acts committed "primarily outside the territorial jurisdiction of the United States" is a recognition of the fact that narcoterrorist acts committed overseas may be planned in part in the United States. In addition, the committee of conference agrees that the funds provided may be available for reasonable expenses incurred in publicizing reward offers.

Finally, it is the intent of the committee of conference that the first rewards offered pursuant to this section be offered for information on the brutal murder in Mexico last year of DEA agent Enrique Camarena and DEA contract pilot Alfredo Zavala Avelar, and that the rewards offered be the maximum permitted, in the amount of $500,000.

COORDINATION OF TERRORISM-RELATED ASSISTANCE

The House bill (section 504) amends section 502 of the International Security and Development Cooperation Act of 1985 by changing the term "anti-terrorism" to "terrorism-related" assistance in order to more fully encompass the various terrorism-related assistance programs which are provided to foreign governments by the U.S. government.

The Senate amendment contains no comparable provision.

The conference substitute (section 503) is similar to the House bill but clarifies the language regarding intelligence activities with respect to Executive Order 12333.

The committee of conference found that the initial report pursuant to section 502 of the International Security and Development Cooperation Act of 1985 did not meet the requirements of that section since the report did not provide the full range of information regarding all terrorism-related assistance provided by the U.S. Government to foreign governments.

It is the intention of the committee of conference that the Secretary of State should be informed of, and coordinate, all U.S. Government terrorism-related assistance programs. Further, the committee of conference does not intend to modify or alter the understanding with respect to the authorities of the Director of Central Intelligence or the existing Congressional oversight procedures regarding intelligence activities and the handling of such intelligence information.

TERRORISM-RELATED TRAVEL ADVISORIES

The House bill (section 506) directs the Secretary of State to promptly report to Congress whenever the Department of State issues a travel advisory or other public warning because of a terrorist threat or other security concern.

The Senate amendment contains no comparable provison.

The conference substitute (section 505) amends the House bill by stating that the Secretary of State shall "advise promptly" rather than "report promptly to" the Congress when a travel advisory is issued because of a terrorist threat or other security concern.

This provision expresses the view of the committee of conference that Congress should be informed promptly when such travel advisories are issued. The change to the word "advise" reflects the informal nature such communication could take and the desire of the committee of conference to avoid additional executive branch reporting requirements.

It is the intention of the committee of conference ot conduct, through their respective committees, extensive and thorough oversight hearings on the policy which governs the issuance of travel advisories. Travel advisories issued in recent years for Leningrad, Greece, and the Congressionally mandated travel advisory for Jalisco province in Mexico are salient examples of the importance travel advisories can take in U.S. bilateral relations. The committee of conference recognizes the pitfalls of using a travel advisory as a political instrument. However, travel advisories or some other mechanism need to be formulate to better inform the travelling American public about overseas security situations or international terrorist incidents.

ISSUANCE OF TRAVEL ADVISORIES ON ACCOUNT OF TERRORISM SUPPORTED BY LIBYA, IRAN, OR OTHER FOREIGN GOVERNMENTS

The House bill (section 507) expresses the sense of Congress that the Secretary of State should consider the issuance of travel advisories warning U.S. citizens of the dangers of travelling in any foreign country in which U.S. citizens are attacked by terrorists supported by Libya or Iran, or by any other foreign government that uses its official missions to support such an attack, if the government of that country fails to act immediately to require the closing of any official missions of Libya, Iran or said foreign government in that country.

The Senate amendment contains no comparable provision.

The conference substitute deletes the provision.

The committee of conference is extremely concerned about the continuing and growing problem of state-sponsored terrorism. Further, the committee of conference is extremely concerned about the use of diplomatic privilege for terrorist purposes such

as the use of diplomatic pouches and offical diplomatic missions, i.e. the Libyan People's Bureaus, for transferring and storing weapons and explosives, and views such continued abuses of the Vienna Convention with the utmost gravity.

In addition, the committee of conference is concerned about the potential misuse of airlines and airline ticket offices, and other "unofficial" entities such as trade missions, of countries with engage in state-sponsored terrorism, especially as those countries are forced to reduce their diplomatic/official presence.

In this respect, the committee of conference takes note of the measures agreed to by the European Economic Community (EEC) on Libya and international terrorism. Specifically, the EEC agreed to restrictions on the freedom of movement of diplomatic and consular personnel, reductions of the staff of diplomatic and consular missions, and the imposition of stricter visa requirements and procedures. Most of the 12 member nations of the EEC have already taken steps to reduce the official Libyan presence in their countries. To the extent that these measures have not been fully and completely implemented, travel advisories may be an appropriate tool to encourage such compliance with the EEC measures and would serve as a warning to the American public considering travel to those countries which have not decreased the official Libyan presence in their country.

Authority To Control Certain Terrorism Related Services

The House bill (section 508) contains a provision allowing the Secretary of State to impose controls on the provision of certain services to countries who are determined to aid or abet international terrorism.

The Senate amendment contains a similar provision.

The conference substitute (section 506) amends the State Department Basic Authorities Act of 1956 to authorize the Secretary of State, by regulation, to impose controls on the provision of certain services directly to military, police and/or intelligence agencies of those countries identified, pursuant to the Export Administration Act, as governments who support terrorism (currently, Libya, Iran, South Yemen, Syria and Cuba). In addition, the Attorney General and the Secretary of the Treasury are authorized to investigate violations of regulations which may be issued under this provision.

The committee of conference wishes to emphasize the fact that this section is far more limited in its applications than the executive branch's previous proposal and authorizes the Secretary of State to impose controls on services only if he determines that, in so doing, he will discourage support for international terrorism. This places a burden on the Secretary of State to demonstrate a link between the type of services covered by his regulations and the improved physical or technical capacity of a hostile foreign power to carry out or to support acts of terrorism.

The committee of conference is concerned with both the burden of proof placed on the prosecutor, as well as the rights of the defendant, in prosecutions brought under this section. Although there is no requirement that it be proven that the services were provided with the intent to aid or abet a specific act of international terrorism, any prosecution under this provision will require proof beyond a reasonable doubt that (1) the services were provided without the required license; (2) those services were designated in regulations promulgated by the Secretary of State on a determination, in his discretion, that those services provided a direct and identifiable link to actual or potential acts of international terrorism; and (3) those services were knowingly provided, or were attempted to be provided, to the security forces, in name or in fact, of a country whose government has been identified, pursuant to the Export Administration Act, as repeatedly supporting acts of international terrorism, and with the knowledge that such action would aid or abet international terrorism.

The committee of conference intends that this provision be patterned after that of the Export Administration Act and the Arms Export Control Act, which regulates the transfer of goods, technology, and munitions to controlled countries. No other restrictions on American citizens are authorized by this section.

It is the intent of the committee of conference that the Attorney General and the Secretary of the Treasury should take the lead in conducting investigations under this provision. This provision is not intended to undermine the Secretary of State's existing authority to investigate violations under the Arms Export Control Act.

Finally, it is not the intent of the committee of conference to undermine lawfully authorized U.S. Government antiterrorism activities around the world.

Management of Antiterrorism Assistance Programs

The Senate amendment (section 504) amends the Foreign Assistance Act to provide that articles on the U.S. Munitions Control List may only be made available from certain categories if they are directly related to antiterrorism assistance; that the President must notify the Committee on Foreign Affairs of the House and the Committee on Foreign Relations of the Senate 15 days before the articles are made available to a foreign country; and that the value of all equipment and commodities provided may not exceed 25% of the funds made available to carry out this chapter for that fiscal year.

The House bill contains no comparable provision.

The conference substitute (section 507) is similar to the Senate amendment, but retains the current prohibitions contained in the Arms Export Control Act and the Foreign Assistance Act.

The Antiterrorism Training Assistance program as originally enacted had as its focus training, not equipment transfers. Congress only recently allowed limited equipment transfers, but only as it was related to a training component. It is the explicit intention of the committee of conference that the program's emphasis remain on training in humane antiterrorism techniques. This limited expansion of the types of equipment which may be provided to friendly foreign governments and the replacement of $325,000 worldwide ceiling on equipment and commodities transferred under this program reflects the congressional support for this program.

Further, the committee of conference wishes to express its clear desire that the program continue to place a high priority on training and equipment as they relate to the requirements of the Foreign Airport Security Act and the newly enacted requirements of the maritime security provisions in this act.

Nonlethal Airport Security Equipment and Commodities for Egypt

The Senate amendment (section 705) provides that assistance authorized to carry out chapter 4 of part II of the Foreign Assistance Act for fiscal years 1986 and 1987 which is obligated for Egypt may be furnished, notwithstanding section 660 of such Act, for the provision of nonlethal airport security equipment and commodities, and training in the use of such equipment or commodities.

The House bill contains no comparable provision.

The conference substitute (section 508) is similar to the Senate amendment with a clarification that it is the Department of State which is intended to be the lead agency, and that the Agency for International Development (AID) should coordinate its procurement and related activities with the Department of State.

It is the specific intent of the committee of conference that the use of Economic Support Funds for the provision of nonlethal airport security equipment and commodities is a one time transfer and is not intended to set a precedent. The committee of conference also intends to make it clear that AID should be responsible for the procurement of such equipment, but that all equipment and commodity transfers be administered through the Department of State's Anti-Terrorism Training Assistance (ATA) Program Office. Further, none of this equipment may be provided without an adequate and well designed training program to complement such transfers.

The Cairo International Airport does have pressing equipment needs, but the committee of conference strongly believes that all ATA assistance should be conducted by the Department of State's ATA program office in order to insure that the training and equipment will be most effectively utilized in order to provide the highest level of security possible at that airport.

Exports to Countries Supporting Terrorism

The House bill (section 509) amends section 6(j) of the Export Administration Act of 1979, as amended, to prohibit the export of any item on the U.S. Munitions Control List to any country which the Secretary of State determines engages in or provides support for international terrorism. In addition, this section provides for a Presidential waiver of the prohibition if the President determines that the proposed export is important to the national interests of the U.S. and he submits to the Congress a report justifying the determination and describing the proposed export. The waiver is applicable only for 90 calendar days unless the Congress enacts a law extending such a waiver.

The House bill also prohibits the exports of goods or technology to a terrorist country if the Secretary of State determines that such exports would make a significant contribution to that country's military potential or would enhance the ability of such country to support international terrorism, except pursuant to a validated export license. In addition, this section provides for 30 legislative days for congressional review before any license is issued pursuant to this section.

The House bill also directs the President to take all feasible steps to secure the cooperation of appropriate foreign governments in prohibiting or controlling any exports to terrorist countries of items, goods, and tech-

nology which is prohibited or controlled by this section.

The Senate amendment contains no comparable provision.

The conference substitute (section 509) amends the Arms Export Control Act by prohibiting exports of any item on the Munitions Control List to any country which has been designated as a supporter of international terrorism as defined by section 6(j) of the EAA. The President may waive the prohibition if he certifies to Congress that the export is important to the national interests of the United States. The conference substitute retains the present statutory language of the EAA but changes the Congressional notification requirement of export licenses approved for countries designated as supporters of international terrorism in section 6(j) of the act from exports valued at more than $7 million to more than $1 million.

TITLE VI—INTERNATIONAL NUCLEAR TERRORISM

Actions To Combat International Nuclear Terrorism

The House bill (section 601) directs the President to seek universal adherence to the Convention on the Physical Protection of Nuclear Materials, and to conduct a review, with the participation of all relevant U.S. Government agencies, as to whether the International Atomic Energy Agency (IAEA) recommendations on protection of nuclear materials are adequate to deter theft, sabotage, and the use of nuclear facilities and materials in acts of international terrorism. It also directs the President to take steps to minimize the amount of weapons-grade nuclear material in international transit and to insure that when any such material is transported internationally it is protected effectively, and to seek agreement in the U.N. Security Council to establish an effective regime of international sanctions against any nation or subnational group which conducts or sponsors acts of international terrorism. In addition the President is required to report to the Congress annually on the progress made in the preceding year in achieving these objectives.

The Senate amendment contains no comparable provision.

The conference substitute (section 601) is similar to the House bill with several modifications. The substitute clarifies the steps which the President should take regarding the transfer of nuclear materials.

The committee of conference recognizes that close cooperation and commonality of purpose among the Allies is necessary to ensure successful cooperation on the steps the President is directed to take pursuant to this section. Nonetheless, the executive branch should understand that it is the purpose of the Congress in enacting this section to charge the United States to take the lead in identifying the necessary steps and forging effective agreements.

The committee of conference does not intend to prescribe a single method or standard of physical protection, and recognizes that differing combinations of measures may similarly afford effective means of adequately protecting nuclear material from terrorist diversion or sabotage. The committee of conference understands that the method of transport chosen, the constitution of the nuclear material, and legal requirements, among other variables, affect judgments on the most effective means of adequately protecting nuclear material; those judgments will therefore differ from case to case.

Further, the committee of conference believes that joint efforts under agreements for nuclear cooperation with other nations represent the best means to achieve nonproliferation goals and to continue the use of nuclear energy for peaceful purposes.

Authority To Suspend Nuclear Cooperation With Nations Which Have Not Ratified the Convention on the Physical Protection of Nuclear Material

The House bill (section 602) authorizes the President to suspend nuclear cooperation with any nation or group of nations which has not ratified the Convention on the Physical Protection of Nuclear Material.

The Senate amendment contains no comparable provision.

The conference substitute (section 602) is identical to the House bill. This provision demonstrates the committee of conference's strong support for the Convention, and it is the intention of the committee of conference that nuclear cooperation be conducted subject to effective physical protection standards.

Consultation With the Department of Defense Concerning Certain Nuclear Exports and Subsequent Arrangements

The House bill (section 603) expresses congressional intent that the perspective of the Department of Defense on the physical protection of nuclear material should be fully incorporated into the interagency executive branch review process of nuclear export cases and subsequent arrangements.

The Senate amendment contains no comparable provision.

The conference substitute (section 603 is similar to the house bill but clarifies that the Secretary of Defense should rely on all available intelligence information as provided by the Director of Central Intelligence.

The committee of conference intends that the Secretary of Defense, through the regular consultation process with the Nuclear Regulatory Commission and the Secretary of Energy, concerning the view of the Secretary of Defense should make his assessment regarding a terrorist threat to the export or transfer of nuclear weapons-grade material and the adequacy of the physical protection of that material according to all available intelligence information and the coordinated threat assessment as provided by the Director of Central Intelligence.

Review of Physical Security Standards

The House bill (section 604) requires 5 Government agencies to review the adequacy of physical protection measures applied to shipments and storage (outside the United States) of nuclear material subject to U.S. prior consent rights. It also requires a report from each agency of Congress on their review within 6 months of the date of enactment of this act.

The Senate amendment contains no comparable provision.

The conference substitute (section 604) is similar to the House bill with an amendment reordering the listing of the Government agencies.

The committee of conference intends that these reports be submitted to the Congress as individual departmental reports and not be consolidated. Further, each department or agency in providing its final report to the Congress pursuant to this section, should provide its unique perspective, analysis, and recommendations regarding the adequacy of the actual physical security conditions and requirements. This provision does not require onsite visits to inspect such material.

International Review of the Nuclear Terrorism Problem

The House bill (section 605) directs the President to seek a comprehensive review of the problem of nuclear terrorism by an international conference.

The Senate bill contains no comparable provision.

The conference substitute (section 605) is similar to the House bill but replaces the word "directs" with "strongly urges".

Criminal History Record Checks

The Senate amendment (section 703) contains a provision requiring fingerprinting and criminal history record checks for certain employees of nuclear power plants.

The House bill contains no comparable provision.

The conference substitute (section 606) is similar to the Senate amendment with some modifications. The substitute, which incorporates the substance of S. 274, passed by the Senate on October 3, 1985, adds a new section to the Atomic Energy Act of 1954 which is intended to establish a uniform procedure for criminal history checks, applicable to all commercial licensees, regardless of ownership.

The committee of conference agrees that the Nuclear Regulatory Commission (NRC) will serve as the channeling agency, in order to collect fingerprint cards from licensees and applicants, forward them to the Federal Bureau of Investigation for identification and a criminal history record check, and distribute the results to the licensees and applicants. The NRC will not screen the results. It will, however, be responsible for checking incoming cards to ensure that they are complete and legible, and have been submitted by a licensee or applicant entitled to receive criminal history information under this law. The NRC may refuse to accept requests from, or return results to, a licensee or applicant the Commission finds is mishandling or misusing information obtained under this provision.

The conference substitute specifies that the regulations the Commission is to promulgate under this section must include provisions to ensure that no final adverse action may be taken against an employee or job applicant solely on the basis of information obtained under this provision involving an arrest more than 1 year old for which there is no information of the disposition or that resulted in dismissal of the charge or an aquittal. A licensee or applicant receiving a criminal record showing an arrest not accompanied by a disposition may seek to determine the disposition of the charge, but if no disposition information can be obtained, the arrest cannot be used as a basis for adverse action.

The conference substitute also specifies that the Commission's regulations must protect individuals subject to fingerprinting from misuse of criminal history records provided under this provision. Misuse would include, for example, use of the records to discriminate against minorities or to penalize union members or whistleblowers, or to accomplish any other unlawful purpose. As the Senate indicated in its report on S. 274, the statutory requirements for the Commission's regulations are minimum requirements and are not meant to limit the discretion of the Commission to implement a practical program for carrying out the purposes of this provision and protecting the due process and privacy interests of prospective employees.

The committee of conference also added language authorizing the Commission to collect and retain fees for its services as channeling agency. The FBI already has established and is authorized to collect fees for its processing of non-criminal justice fingerprint checks. It is the intent of the committee of conference that this language ensure that the FBI will be able to collect its normal fee for the work it will do in processing record checks under this provision.

TITLE VII—MULTILATERAL COOPERATION TO COMBAT INTERNATIONAL TERRORISM

Consideration of International Terrorism at the Tokyo Economic Summit Conference

The House bill (section 701) directs the President to seek the inclusion of international terrorism on the agenda of the 1986 Tokyo Economic Summit and to reaffirm and broaden the principles of the 1978 Bonn Declaration regarding hijacking to include all forms of transportation, and to require the extradition or prosecution of those responsible for planning such a hijacking.

The Senate amendment contains no comparable provision.

The conference substitute deletes the provision.

The committee of conference wishes to express their satisfaction at the strong statement on international terrorism issued by the Summit partners in Tokyo and congratulate the executive branch for this notable diplomatic achievement. It is the firm hope of the committee of conference that the Tokyo statement will be looked upon in the future as a significant milestone and point of departure in allied cooperation in combatting international terrorism.

International Antiterrorism Committee

The House bill (section 702) directs the President to continue to seek the establishment of an international committee, composed of representatives from the NATO countries, Japan and such other countries that may be invited and chose to participate, that would focus attention and secure the cooperation of the governments and public of these and other countries on the problems and responses to international terrorism.

The Senate amendment contains a similar provision.

The conference substitute (section 701) merges the language of the two provisions by directing the President to continue to seek the establishment of an international coordinating committee, with the first step being a proposal to the North Atlantic Treaty Organization to establish a standing political committee to examine all aspects of international terrorism, review opportunities for cooperation and make recommendations to member nations. After the establishment of such a committee, the President should invite such other countries who may chose to participate.

The committee of conference notes the excellent work being done on this subject by the North Atlantic Assembly, particularly the Political Affairs Committee's Working Group on Terrorism. It is the intention of the committee of conference that a proposed NATO coordinating committee on international terrorism work in close consultation with the North Atlantic Assembly on this issue. This is especially important in light of the fact that the Assembly has admitted observers from Japan and Australia to its plenary sessions, thereby providing an opportunity for broader informal discussions on international terrorism within the framework of the North Atlantic Assembly. These informal consultations could, in turn, contribute to laying the groundwork for an international antiterrorism committee.

The committee of conference also notes that the Deputy Secretary of State has testified favorably before the Committee on Foreign Affairs of the House on such a proposal. The committee of conference therefore strongly urges the Department of State to actively seek the establishment of such a committee.

International Arrangements Relating to Passports and Visas

The House bill (section 703) directs the President to seek the negotiation of international agreements or other appropriate arrangements to provide for information sharing relating to passports and visas to enhance cooperation in combating international terrorism.

The Senate amendment contains no comparable provision.

The conference substitute (section 702) is similar to the House bill but replaces the word "directs" with "strongly urges".

Protection of Americans Endangered by the Appearance of Their Place of Birth on Their Passports

The House bill (section 704) found that including an American citizens place of birth on his/her passport may place him/her in special danger in the event of a hijacking or similar terrorist incident. It directs the President to enter into negotiations to obtain general agreement to delete the place of birth as a required item of information on the passport.

The Senate amendment contains no comparable provision.

The conference substitute (section 703) omits the requirement that the President negotiate for the deletion of the place of birth item.

Several executive branch agencies have stated they consider the place of birth item important in preventing the entry of undesirable aliens into the United States. The committee of conference is deferring a decision on the issue pending the completion of a study to be conducted by the General Accounting Office (GAO). The GAO will be asked to determine the utility of the place of birth entry in detecting undesirable aliens and preventing their entrance into the United States and in other relevant governmental activities. Once objective information on the utility of the information is obtained, the committee of conference intends that the committees of jurisdiction will revisit the issue early in the next Congress.

The committee of conference agrees with the findings in the House bill and report, and also note that carrying a passport with certain foreign places of birth constitutes a special psychological burden even if the traveller does not become a direct victim of terrorism.

The committee of conference notes that the Department of State has been studying the issue of deleting the place of birth entry for some time and have received a positive response to the idea of dropping the entry from several nations. The committee of conference urges the Department to act on its own should its study determine that the place of birth entry is no longer appropriate.

Use of Diplomatic Privileges and Immunities for Terrorism Purposes

The House bill (section 705) directs the President to instruct the U.S. Permanent Representative to the United Nations to seek the adoption of a resolution in the U.N. condemning the use of diplomatic privileges and immunities, especially the use of diplomatic missions and pouches, for terrorist purposes.

The Senate amendment contains no comparable provision.

The conference substitute (section 704) is similar to the House bill but replaces the word "directs" with "strongly urges".

Reports on Progress in Increasing Multilateral Cooperation

The House bill (section 706) requires the President to submit a report to Congress on the steps taken to carry out each of the proceeding sections of this title and the progress being made in achieving the objectives of those sections. This report is required no later than 6 months after the date of enactment of this act.

The Senate amendment contains no comparable provision.

The conference substitute (section 705) is similar to the House bill, but changes the reporting date to February 1, 1987.

TITLE VIII—VICTIMS OF TERRORISM COMPENSATION ACT

The House bill (title VIII) provides benefits to an individual in the civil service, or a citizen, national, or resident alien of the United States who is rendering personal service to the United States, who is taken captive as a result of the individual's relationship with the U.S. Government. This title also provides benefits to a captive's family, during and after the period of captivity, and provides for compensation in cases of disability and death, for employees, dependents of employees, and foreign national employees.

Benefits for captives and their families include: the establishment of a special savings account, the provision of medical and health care to the extent that the care is incident to captivity and is not covered by Government or other health insurance, a cash payment to captives, certain civil relief provisions of the Soldiers and Sailors Civil Relief Act of 1940, certain educational benefits for captives and family members.

Section 806 of the bill also includes members of the uniformed services as beneficiaries, unless the Congress provides monetary payment in recognition of a member's captivity as a prisoner of war in legislation enacted after the enactment of this bill.

The Senate amendment contains no comparable provision.

The conference substitute is identical to the House bill, with the exception of a new cash payment for captives. The cash payment will be $50 for each day of captivity for individuals held in a captive status during a period beginning on or after November 4, 1979 and ending on or before January 21, 1981. The substitute provides a base for all other cash payments for days of captivity after January 21, 1981 at not less than one-half of the amount of the worldwide average per diem rate in effect for each day the captive is held.

The committee of conference expects that in implementing section 5570, specific and generous consideration must be given to Mr. William J. Calkins. Mr. Calkins, a communications officer in the Department of State assigned to the American Embassy in the

Sudan, was shot by terrorists in April, 1986. He had just commenced his career in the communications field and had less than 1 year's service. As a young man in his 30's, he currently receives only workmen's compensation. The committee of conference commends to the President the compassionate treatment of James Brady, who suffered a similar attack, as a model for the consideration to be given to Mr. Calkins.

In addition, while implementing this section, the committee of conference expects that the family members of Mary Metni, a long-time employee of the American Embassy in Beirut killed in the April 18, 1983, terrorist bombing, will be compensated for her death in a manner and amount comparable to gratuities paid to other survivors of the Beirut bombings; that is, an amount equivalent to a 1-year salary (at April 1983 rates) at the grade she held at the time of her 1979 retirement.

The committee of conference requests that a report be sent to the Congress within 180 days of enactment of this act setting forth the benefits to which Mr. Calkins and family members of Mrs. Metni will be entitled under section 5570.

TITLE IX—MARITIME SECURITY

Measures To Prevent Unlawful Acts Against Passengers and Crews On Board Ships

The House bill (sec. 903) directs the Secretary of Transportation and the Secretary of State to jointly report to Congress on the progress of the International Maritime Organization (IMO) in developing recommendations on measures to prevent unlawful acts against passengers and crews on board ships. This report shall be submitted by December 31, 1986, and shall contain information concerning areas of agreement and disagreement on recommendations among member nations of the IMO, the activities of the relevant committees of the IMO, and the security measures specified in the recommendations. In addition, if the member nations have not finalized and accepted these recommendations by December 31, 1986, the Secretary of Transportation is directed to include in the report proposed legislation for the implementation of security measures at U.S. ports and on vessels operating from those ports.

The Senate amendment contains a similar provision, but does not include a provision regarding security measures at U.S. ports.

The conference substitute (section 903) is similar to the House bill but changes the reporting requirements to February 28, 1987 and clarifies that the report submitted by the Secretary of Transportation should include a proposed plan of action and legislation if necessary regarding security measures at U.S. ports and on vessels operating from those ports. The committee of conference wishes to clarify that all reports under title IX of this act should be submitted to the Committee on Foreign Affairs and Committee on Merchant Marine and Fisheries of the House, and the Committee on Foreign Relations and the Committee on Commerce, Science and Transportation of the Senate.

Panama Canal Security

The House bill (section 904) requires the President to report to Congress not later than 6 months after the date of enactment of this act on the status of physical security at the Panama Canal.

The Senate amendment contains no comparable provision.

The conference substitute (section 904) is essentially the same as the House bill.

Threat of Terrorism to U.S. Ports and Vessels

The House bill (sec. 905) directs the Secretary of Transportation to report to Congress on the threat of acts of terrorism to U.S. ports and vessels operating from those ports. The first report is due not later than December 31, 1986, and is required semiannually thereafter.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 905) is similar to the House bill but changes the reporting date to February 28, 1987, and an annual report thereafter.

Port, Harbor, and Coastal Facility Security

The House bill (sec. 906) amends the Ports and Waterways Safety Act (33 U.S.C. et seq.) by establishing a new section 7 dealing with port, harbor, and coastal facility security. The new section authorizes the Secretary of the department in which the Coast Guard is operating to help prevent and respond to acts of terrorism against an individual, vessel, or public or commercial structure that is subject to the jurisdiction of the United States and that is located within or adjacent to the marine environment.

The term "marine environment," as defined in the Ports and Waterways Safety Act, means the navigable waters of the United States and the land and resources therein and thereunder; the waters and fisheries resources of any area over which the United States asserts exclusive fishery management authority; the seabed and subsoil of the Outer Continental Shelf of the United States, the resources thereof and the waters superjacent thereto; and the recreational, economic, and scenic values of such waters and resources. It is being used as a descriptive term and not one of jurisdiction.

Specific authority is granted to the Secretary under this section to carry out or require measures, including inspections, port and harbor patrols, the establishment of security and safety zones, the development of contingency plans and procedures, and the recruitment and training of members of the regular Coast Guard and the Coast Guard Reserve, in order to prevent or respond to acts of terrorism.

The Senate amendment contains no comparable provision.

Under the conference substitute (sec. 906) the general authority granted to the Secretary of Transportation is similar to the House bill, but clarifies that vessels of the United States and all individuals on board are included in the scope of the Secretary's authority to prevent or respond to acts of terrorism wherever that vessel is found. The specific authority granted to the Secretary is limited to (1) carrying out or requiring measures, including inspections, port and harbor patrols, the establishment of security and safety zones, and the development of contingency plans and procedures to prevent acts of terrorism and (2) to recruiting members of the regular Coast Guard and the Coast Guard Reserve, and training them in antiterrorism techniques.

Security Standards at Foreign Ports

The House bill (sec. 907) establishes a regime for the assessment of security standards at foreign ports which pose a high risk of acts of international terrorism. These assessments will be conducted by the Secretary of Transportation, in consultation with the Secretary of State with respect to the terrorist threat that exists in each country and in which ports are not under the de facto control of the government of the country in which they are located. A report on the plan for assessments shall be submitted to the Congress not later than 6 months after the date of enactment of this act.

If after the implementation of this plan, the Secretary of Transportation determines that a port does not maintain effective security measures, the Secretary of State shall notify the appropriate government authorities and recommend steps to bring security up to standard.

The President is also encouraged to provide anti-terrorism training assistance related to maritime security to a country which does not maintain and administer effective security measures at its ports.

The Senate amendment contains no comparable provision.

The conference substitute (section 907) is similar to the House bill, but omits the specific reference to foreign ports which are not under the de facto control of the government of the country in which they are located.

The committee of conference believes that, at the present time, passengers are the most visible targets for terrorist attack, and the immediate focus should be on risks to passenger vessels. The committee of conference, however, remains concerned that U.S. cargo vessels, especially those carrying volatile cargoes, could become terrorist targets. Piracy, whether freebootery or sanctioned, exists and poses a risk to commerce in several areas of the world. The committee of conference understands that a mechanism is already in place to warn U.S. cargo vessels to avoid those areas where those risks exist, and expect continued vigilence to safeguard our commercial vessels and crews. Congress intends to monitor the situation and, if appropriate, revise the legislation, to extend its requirements to the broader risk.

It is the intent of the committee of conference that the assessment of security measures at foreign ports be performed by security experts currently stationed at U.S. diplomatic missions in the proximity of such ports, such as the post security officer. If there is a maritime attache assigned to such post, he should participate in the security assessments.

It is the intent of the committee of conference that the Secretary of Transportation, in consultation with the Secretary of State, shall take into account the risk that is posed at a foreign port which is not under the de facto control of the government of the country in which it is located and poses a high risk of acts of terrorism against passenger vessels, as determined by the Secretary of State, in developing and implementing a plan to assess the security measures at such a foreign port.

The committee of conference intends that the Secretary of Transportation shall report to the Committee on Foreign Affairs and the Committee on Merchant Marine and Fisheries of the House, and the Committee on Foreign Relations and the Committee on Commerce, Science and Transportation of the Senate with respect to assessment, as well as the determination notification pursuant to this section.

The committee of conference also directs the Secretary of Transportation to comply with the reporting requirements established under the Foreign Airport Security Act (Public Law 99-83) and to submit such reports to the Committees on Foreign Affairs, and on Public Works and Transportation of the House, and the Committees on Foreign Relations, and on Commerce, Science and

Transportation of the Senate, in a timely fashion as envisioned by that Act.

TRAVEL ADVISORIES CONCERNING SECURITY AT FOREIGN PORTS

The House bill (sec. 908) directs the Secretary of State to immediately issue a travel advisory with respect to any port where a condition exists that threatens the safety and security of passengers, passenger vessels, or crews travelling to or from a port which the Secretary of Transportation has determined does not maintain effective security measures.

This travel advisory may be lifted only if it is determined that effective security measures are being maintained at that port. The Congress shall be notified upon the lifting of any travel advisory.

The Senate bill contains no comparable provision.

The conference substitute (sec. 908) is essentially the same as the House bill.

SUSPENSION OF PASSENGER SERVICES

The House bill (sec. 909) authorizes the President to suspend passenger services to any port in a foreign country which he determines in any way arms, aids or abets any terrorist organization which knowingly uses the illegal seizure of passenger vessels, or the threat thereof, as an instrument of policy.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 909) is similar to the House bill but clarifies the prohibitions for violating this section by providing authority to deny entry, as well as a civil penalty.

SANCTIONS FOR THE SEIZURE OF VESSELS BY TERRORISTS

The House bill (sec. 910) encourages the President to review the adequacy of criminal sanctions against terrorists who seize or attempt to seize vessels, and to strengthen where necessary, through bilateral and multilateral negotiations, the effectiveness of such sanctions. In addition, this section directs the President to submit a report to Congress on this review and efforts to improve sanctions not later than 1 year after the date of enactment.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 910) is similar to the House bill, but deletes the word "criminal".

DEFINITIONS

The House bill (sec. 911) contained definitions for the purposes of title IX.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 911) is identical to the House bill.

AUTHORIZATION OF APPROPRIATIONS

The House bill (sec. 906) authorizes to be appropriated for fiscal year 1986 $125 million to carry out this section and to conduct assessments required by sections 905 and 907 of this bill.

The Senate amendment contains no comparable provision.

The conference substitute (sec. 912) authorizes to be appropriated $12.5 million for each of the fiscal years 1987-91 to the Secretary of Transportation to carry out the purposes of title IX, including the amendment made by this title.

TITLE XI—SECURITY AT MILITARY BASES ABROAD

The House bill (title XI) expresses the sense of Congress that the Secretary of Defense should review the security of each base or installation of the Department of Defense outside the United States and take any steps that may be necessary to improve the security of such bases or installations. In addition, the Secretary of Defense should institute an antiterrorism training program for all members of the Armed Forces and members of their families.

The Senate amendment contains no comparable provision.

The conference substitute (title XI) is similar to the House bill but changes the reporting date to June 30, 1987.

TITLE XII—CRIMINAL PUNISHMENT OF INTERNATIONAL TERRORISM

ENCOURAGEMENT FOR NEGOTIATION OF A CONVENTION

The Senate amendment (sec. 713) expresses the sense of the Senate that the President should call for international negotiations for the purpose of agreeing on a definition of international terrorist crimes, and whether such crimes would constitute universal crimes under international law. In addition, the President should consider including in these negotiations the possibility of establishing an international tribunal that would have jurisdiction over the crime of international terrorism.

The House bill contains no comparable provision.

The conference substitute (section 1201) is essentially the same as the Senate amendment.

The committee of conference wishes to emphasize that the establishment of an international tribunal to prosecute terrorists may prove to be a laudable long term goal, but efforts in this regard should not detract from the more immediate priority of encouraging individual nations to develop more effective national laws and procedures to ensure prosecution of terrorists in the interim.

The negotiation of a definition of conduct constituting terrorism, effective intelligence sharing, joint counter-terrorist training, and uniform rules for asylum and extradition for perpetrators of terrorism, as well as effective criminal penalties for the swift punishment of perpetrators of terrorism are the higher priorities.

EXTRATERRITORIAL CRIMINAL JURISDICTION OVER TERRORIST CONDUCT

The Senate amendment (section 714) includes a provision extending jurisdiction over certain crimes by terrorists against American citizens abroad.

The House bill contains no comparable provision.

The conference substitute (section 1202) establishes extraterritorial jurisdiction over serious violent attacks by terrorists upon U.S. nationals. Presently, federal law prohibits extraterritorial murder of and assaults upon only certain high ranking U.S. officials, diplomats and law enforcement officers. Chapter 113A of title 18, U.S.C., will extend coverage to any terrorist murder or manslaughter of and serious physical assault on any U.S. national.

Paragraph (a) of the conference substitute is identical in substance to the Senate amendment, except that fines are not specifically delineated, in deference to the alternative federal fines statute at 18 U.S.C. 3623. As in the Senate amendment, there is no requirement that the U.S. Government prove during the criminal prosecution the purpose of the murder. The elements are (1) the murder (2) of a U.S. national (3) outside the territorial jurisdiction of the United States.

The conspiracy paragraph of the conference substitute incorporates two conspiracy provisions from the Senate amendment and reaches terrorist conspiracies or attempts abroad to kill a U.S. national whether that national is outside the Untied States or within the United States. Paragraph (c) of the conference substitute is designed to provide jurisdiction over violent attacks against property, including but not limited to bombings and arson, as well as violent attacks against persons. In any case, the attack must be one that is intended to, or does, result in serious bodily injury to a U.S. national. The maximum prison sentence is set at five years.

The committee of conference does not intend that Chapter 113A reach non-terrorist violence inflicted upon American victims. Simple barroom brawls or normal street crime, for example, are not intended to be covered by this provision. To ensure that this statute is used only for its intended purpose, the conference substitute requires that the Attorney General certify that in his judgment such offense was intended to coerce, intimidate, or retaliate against a government or civilian population.

This paragraph also limits the authority to make the necessary certification for prosecution under this statute to the Attorney General or "the highest ranking subordinate of the Attorney General with responsibility for criminal prosecutions." The quoted language refers either to the Deputy Attorney General or the Associate Attorney General depending on their respective responsibilities. Although the Deputy Attorney General is the second highest ranking official of the Department of Justice, if the Associate Attorney General has primary responsibility for criminal prosecutions, he/she is the appropriate certifying official in addition to the Attorney General.

The determination of the certifying official is final and not subject to judicial review.

The term "civilian population" includes a general population as well as other specific identifiable segments of society such as the membership of a religious faith or of a particular nationality, to give but two examples. Neither the targeted government nor civilian population, or segment thereof, has to be that of the United States.

TITLE XIII—MISCELLANEOUS PROVISIONS

PEACE CORPS AUTHORIZATION OF APPROPRIATIONS

The Senate amendment (section 701) amends the Peace Corps Act to authorize to be appropriated $130 million for fiscal year 1986 and $137.2 million for fiscal year 1987 to carry out the purposes of the Act.

The House bill contains no comparable provision.

The conference substitite (seciton 1301) is identical to the Senate amendment.

DEMONSTRATIONS AT EMBASSIES IN THE DISTRICT OF COLUMBIA

The Senate amendment (sec. 702) amends section 112 of title 18, United States Code, to repeal the authority of the District of Columbia to set limits on the proximity of demonstrations at foreign diplomatic buildings.

The House bill contains no comparable provision.

Current District of Columbia law makes it a crime to congregate within 500 feet of a

foreign mission and to refuse to disperse when ordered to do so by the police. The conference substitute (sec. 1302) expresses the sense of Congress that: the District law may be inconsistent with the rights of free speech and assembly, and that there may have been selected enforcement of the law resulting in the unfair arrest of peaceful demonstrators; (4) the obligation of the United States and the District to provide adequate security for the diplomatic missions of foreign governments must be balanced with the reasonable exercise of the rights of free speech and assembly; and therefore, the District of Columbia law should be reviewed by the District of Columbia Council and revised, if appropriate, to make it less intrusive on freedom of speech and assembly, while carrying out the legitimate purposes of providing adequate security for foreign diplomatic missions.

DISTRIBUTION WITHIN THE UNITED STATES OF THE USIA FILM, "THE MARCH"

The Senate amendment (sec. 704) authorizes the distribution of the USIA film "The March" within the United States.

The House bill contains no comparable provision.

The conference substitute deletes the provision.

KURT WALDHEIM'S RETIREMENT ALLOWANCE

The Senate amendment (sec. 708) contains certain findings relative to Kurt Waldheim's past. It expresses the sense of the Senate that the President should direct the U.S. Permanent Representative to the United Nations to introduce an amendment to the 1986-87 U.N. Regular Program Budget eliminating Kurt Waldheim's retirement allowance and a resolution denying his retirement allowance in all budgets after 1987.

The House bill contains no comparable provision.

The conference substitute (section 1303) is similar to the Senate amendment with certain editorial changes and permits the U.S. Permanent Representative some flexibility in deciding how to act to deny Kurt Waldheim his retirement allowance.

ERADICATION OF AMBLYOMMA VARIEGATUM

The Senate amendment (section 709) authorizes $150,000 for fiscal year 1986 for a study of the feasibility of a program for the control and eradication of heartwater in bovine animals in the Caribbean to be completed 180 days after the enactment of this act. This provision also authorizes not less than $4 million of the funds appropriated for fiscal year 1987 for the control and eradication of amblyomma variegatum in these countries.

The House bill contains no comparable provision.

The conference substitute (section 1304) is similar to the Senate amendment, but eliminates the earmarking for study and reduces the authorization for the control and eradication of amblyomma variegatun to $2 million.

STRENGTHEN FOREIGN LANGUAGE SKILLS

The Senate amendment (section 710) expresses the sense of the Senate that the Secretary of State substantially strengthen the foreign language training of foreign service officers and other diplomatic personnel who may serve in embassies overseas and to implement a program focusing on acquisition and retention of effective linguistic skills throughout a foreign service officers career.

The House bill contains no comparable provision.

The conference substitute (section 1305) is similar to the Senate amendment but modifies the provision to a sense of Congress.

FORFEITURE OF PROCEEDS DERIVED FROM ESPIONAGE ACTIVITIES

The Senate amendment (section 711) contains a section which amends section 794 of title 18, United States Code, to establish forfeiture remedies against those convicted of espionage under section 793, 794 or 798 of title 18. In addition, the Senate amendment establishes forfeiture of proceeds resulting from any depiction of the offense for persons convicted of a violation of section 793, 794, or 798 of title 18. It also establishes new authority for the Attorney General to pay up to $100,000 for information leading to the arrest or conviction of persons for espionage offenses or leading to the prevention, frustration or mitigation of espionage.

The House bill contains no comparable provision.

The conference substitute (section 1306) establishes forfeiture remedies for a violation of section 794 and forfeiture under limited circumstances for a violation of 793. The conference substitute amends section 794 to establish forfeiture of any proceeds obtained as a result of the offense, as well as forfeiture of any property used to commit the offense, but applies to section 794 only. The conference substitute also requires that any funds forfeited under section 794 be placed in the Crime Victims Funds.

The conference substitute amends section 793 to establish mandatory forfeiture of any payments from a foreign government, or any faction or party or military or naval force within a foreign country, as a result of a violation of this section. The substitute does not include forfeiture of property used to commit a violation of section 793. Funds forfeited under section 793 are placed in the Crime Victims Fund.

The committee of conference is concerned about the scope of section 793 of title 18, U.S.C., an espionage statute concerning the offense of gathering, transmitting or losing classified defense information. Some courts and commentators have suggested that this statute could apply where there is no intent to injure the United States or give advantage to a foreign power. Others suggest that the statute, like all other espionage laws, requires an intent to injure the United States. To the extent that the conference substitute provides a "proceeds forfeiture" penalty in connection with section 793, it is the intent of the committee of conference that such penalty will apply to a conviction under that section only if there was an intent to injure the United States or give advantage to a foreign power evidenced by the receipt of payment for the information from a foreign government, or any faction or party or military or naval force within a foreign country. Since "proceeds forfeiture" is a penalty imposed upon conviction, and not an element of the underlying offense, the court can, of course, consider a wider range of evidence in determining whether to order forfeiture than in determining guilt or innocence under section 793.

Nothing in these provisions is intended to interfere with a person's Sixth Amendment right to counsel of choice or to the effective assistance of counsel.

The conference substitute also amends section 3671 of title 18, U.S.C., to include section 794 among the offenses covered by its forfeiture provisions. Section 3671 provides that any person convicted of an offense against the U.S. resulting in physical harm to an individual can be ordered to forfeit any proceeds resulting from the depiction of the crime.

Including section 794 among the offenses covered by section 3671 accomplishes the purpose of the Senate amendment, with regard to section 794 alone, and places any forfeited funds into the Crime Victims Fund.

The conference substitute does not provide any new reward authority. The committee of conference encourages the Attorney General to exercise existing authority under section 3059 of title 18, U.S.C., or any other provision of law, to reward those who provide information on an espionage case. Espionage is increasingly motivated by the desire for personal gain. The offer of rewards for information on acts of espionage uses the same profit motive to fight espionage.

EXPRESSION OF SUPPORT OF ACTIVITIES OF THE UNITED STATES TELECOMMUNICATIONS TRAINING INSTITUTE

The Senate amendment (section 712) clarifies that nothing in this act, or any other act shall be construed to preclude the Department of State, the Agency for International Development or the United States Information Agency from participating (including use of staff, other appropriate resources or service on the board of the United States Telecommunications Training Institute (USTTI)) in support of any activities of the USTTI.

The House bill contains no comparable provision.

The conference substitute is (section 1307) identical to the Senate amendment.

POLICY TOWARD AFGHANISTAN

The Senate amendment (section 719) contains sense of Congress language with respect to the Soviet invasion of Afghanistan and U.S. policy toward the people of that country and their efforts to regain the sovereignty and territorial integrity of their nation.

The House bill contains no comparable provision.

The conference substitute (section 1308) is identical to the Senate amendment.

For consideration of the entire House bill and Senate amendment:

DANTE B. FASCELL,
GUS YATRON,
DAN MICA,
PETER H. KOSTMAYER,
LAWRENCE J. SMITH,
TED WEISS,
BUDDY MACKAY,
WM. BROOMFIELD,
BENJAMIN S. GILMAN,
OLYMPIA SNOWE,
CONNIE MACK,
JOHN MCCAIN,

For consideration title IX of the House bill and modifications committed to conference:

WALTER B. JONES,
MARIO BIAGGI,
GERRY E. STUDDS,
BOB DAVIS,
GENE SNYDER,

For consideration of titles III, VIII, XI, and section 603 of the House bill and modifications committed to conference:

LES ASPIN,
MELVIN PRICE,
WILLIAM L. DICKINSON,

For consideration of sections 702, 703, 711, 713, and 714 of the Senate amendment and modifications committed to conference:

PETER W. RODINO, Jr.,
WILLIAM J. HUGHES,
DON EDWARDS,
JOHN CONYERS,
BILL MCCOLLUM,
DAN LUNGREN,
GEORGE W. GEKAS,

For consideration of title III and title VIII of the House bill and modifications committed to conference:

WILLIAM D. FORD,
PAT SCHROEDER,
MARY ROSE OAKAR,
FRANK HORTON,
DON YOUNG,

Managers on the Part of the House.

For consideration of the entire House bill and Senate amendment:

RICHARD G. LUGAR,
JESSE HELMS,
CHARLES MCC. MATHIAS, Jr.,
NANCY KASSEBAUM,
CLAIBORNE PELL,
J.R. BIDEN, Jr.,
PAUL SARBANES,

For consideration of sections 702, 703, 711, and 714 of the Senate amendment and modifications committed to conference:

CHUCK GRASSLEY,
JEREMIAH DENTON,
ARLEN SPECTER,
DENNIS DECONCINI,
PAT LEAHY,

For consideration of section 702 of the Senate amendment and modifications committed to conference:

CHARLES MCC. MATHIAS, Jr.,
TOM EAGLETON,

For consideration of sections 706 and 707 of the Senate amendment and modifications committed to conference:

JOHN C. DANFORTH,
ERNEST F. HOLLINGS,

Managers on the Part of the Senate.

Mr. FASCELL. Mr. Speaker, I call up the conference report on the bill (H.R. 4151) to provide enhanced diplomatic security and combat international terrorism, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I do so to afford the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL], an opportunity to explain this bill.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, I rise in support of the conference report on H.R. 4151, as amended, the Omnibus Diplomatc Security and Antiterrorism Act of 1986.

As you know, this legislation passed the House on March 18, 1986, by a vote of 389 to 7 and passed the other body on June 26, 1986, by voice vote. This measure was initially developed in bipartisan cooperation with five other committees sharing jursidiction over various provisions contained in this legislation in both the House and the Senate.

I want to express my admiration and gratitude to my distinguished colleagues, Mr. MICA, the chairman of the Subcommittee on International Operations, and Ms. SNOWE, the ranking member of that subcommitttee, for all of their outstanding work on this conference. In addition, I want to express my gratitude to the ranking minority member of the committee, Mr. BROOMFIELD, and all the chairmen, ranking members, and members of the Committees on Armed Services, on the Judiciary, on Merchant Marine and Fisheries, and on Post Office and Civil Service, who have worked diligently to resolve the differences, which numbered over 100, between the House and Senate versions of this milestone legislation which is designed to protect American embassies, diplomats, their families, and ordinary businessman and tourist travelers against the scourge of international terrorism.

This conference report enjoys the support of the administration and includes among its many important initiatives the President's request for major enhancement of diplomatic security stemming from recommendations of the Inman Panel.

Mr. Speaker, in addition to the authorization of the Embassy Security Program, this conference report contains numerous measures which complement and add to these accomplishments. Some of these provisions include:

The establishment of new maritime security procedures, similar to those enacted in the Foreign Airport Security Act of 1985;

Additional authorization for rewards, including the initiation of a new program targetted against narcoterrorists and the establishment of a witness protection fund;

Measures directed against state-sponsored terrorism, including controls on certain services and exports to countries which aid and abet international terrorist organizations;

Measures to prevent nuclear terrorism;

Steps to enhance multilateral cooperation to combat international terrorism, including arrangements for enhanced information sharing on passports and visas; and

The establishment of a program to compensate U.S. Government personnel who are victims of terrorist attacks.

Mr. Speaker, as I said at the outset, the administration fully supports this legislation. The threat to the lives and safety of our people working abroad is very real. International terrorism continues to be a blot against humanity, and Americans remain prime targets for these heartless killers. This legislation establishes tangible measures for combatting acts of terrorism.

Mr. Speaker, I urge the unanimous approval of this vital conference report.

Mr. BROOMFIELD. Mr. Speaker, I join the chairman in praising all of those who made this bipartisan diplomatic security bill possible. I also want to recognize the leadership of Chairman FASCELL in making this important legislative initiative a reality.

I want to point out the contributions of DAN MICA, chairman of the International Operations Subcommittee and OLYMPIA SNOWE for their personal commitment to bringing this bill to the floor.

I extend my thanks to many members of the other committees who were involved in specific titles of this legislation for their cooperation and support. Finally, the staffs of the various committees are to be recognized for the many hours of quiet labor that are required to assemble such a comprehensive package.

The omnibus bill before us goes a long way to give our Government more tools and resources to use against terrorism. In addition to providing more security to our embassies overseas, this bill gives the legal framework that our Government needs in order to more effectively combat terrorism. While terrorism will not disappear overnight, the omnibus bill strengthens our country's ability to deal with the menance of international terror.

I urge my colleagues to vote in support of the conference report.

With that, Mr. Speaker, I withdraw my reservation of objection and ask the Members to support this bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see prior proceedings herewith.)

Mr. FASCELL [during the reading]. Mr. Speaker, I ask unanimous consent that the statement be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. The gentleman from Florida [Mr. FASCELL] will be recognized for 30 minutes, and the gentlewoman from Maine [Ms. SNOWE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the subcommittee, the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I rise in support of the conference report on H.R. 4151, as amended, the Omnibus Diplomatic Security and Antiterrorism Act.

This conference report represents the culmination of long efforts on the part of both Houses to provide the executive branch the tools it desperately needs to both manage diplomatic security responsibilities in the United States and abroad, to move ahead on construction of safer embassies, and to enhance its ability to combat terrorism and to promote appropriate policies.

BROAD BIPARTISAN SUPPORT

Work on this legislation has proceeded on strictly bipartisan lines. The House approved H.R. 4151 by a wide margin, 389 to 7. Soon after, the Senate expressed its wide support for the legislation by approving it by voice vote.

PURPOSE OF THE BILL

The provisions on diplomatic security are essential to our continued diplomatic presence overseas. We have a commitment to the safety of our diplomats and their families overseas, and, indeed, of all Americans traveling abroad whether for business or for pleasure, at a time when Americans are specifically targetted by terrorists.

This bill also signals nations that support terrorism that:

We do not accept terrorism as a justifiable option.

We intend to maintain our diplomatic presence abroad.

We are committed to anticipate and deter terrorism wherever possible.

SOME FEATURES OF THE BILL

Let me point out a few of the features of titles I through IV and VIII of this bill:

It reorganizes the Department of State with respect to the security function:

It presents the Secretary with full responsibility for the coordination of all U.S. Government personnel assigned to U.S. missions abroad, and for the establishment of appropriate staffing levels at these posts;

It establishes a new Bureau of Diplomatic Security;

It creates a new Diplomatic Security Service;

Of critical importance, the legislation provides a mechanism for determining accountability for failures of the security;

It provides for the compensation for victims of terrorism;

Finally, it authorizes a comprehensive Embassy Construction Program.

SPENDING CONTROLS

We have also built into this legislation:

Suitable notification requirements to the Congress;

Preference for U.S. contractors;

Procedures for the prevention of cost overruns and use of diplomatic security funds for purposes other than authorized in this act; and

The promotion of penalties and bonuses in construction contracts.

CONCLUSION

In closing, Mr. Speaker, I would like to join my colleague, Chairman FASCELL in expressing my deepest appreciation for all my colleagues who have worked so hard with us to produce such an important piece of legislation. Also, I would like to extend my thanks to all of the Members of this body for having supported this effort since its inception.

In particular, I would like to congratulate Congresswoman SNOWE who deserves tremendous praise for taking such a strong part in crafting this bill.

I would like to thank Chairman FASCELL without whom none of this could have been done, as well as Congressman BROOMFIELD whose leadership was invaluable in this process.

Ms. SNOWE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this conference report represents an unprecedented effort by Congress to upgrade U.S. security standards across the board, and to establish a new security ethic and apparatus within the Department of State. The legislation also contains vital new counterterrorism efforts, many of them proposed by the Inman Panel on Overseas Security, and the Vice President's Task Force on Combating Terrorism.

The diplomatic security provisions passed by both bodies contained only a few major differences, such as the authorization level and the question of multiyear financing. I am pleased that the other body accepted the House principle of multiyear. The other body agreed to 85 percent of the House-passed funding level, even though their level was less than 25 percent of the House in virtually all areas in the conference report where the two bodies had disagreed.

I would like to express my appreciation for the spirit of cooperation and bipartisanship that characterized all stages of this legislative initiative. No one deserves more credit than the gentleman from Florida, the chairman of the Subcommittee on Internatioinal Operations, on which I serve as ranking Republican.

The subcommittee began work on this bill over a year ago. As the hearing process moved forward, support for this legislation broadened within the administration and the other body. And as this bill progressed through the full Foreign Affairs Committee and into conference, the tone of genuine bipartisanship was maintained and strengthened. Thus, the chairman and the ranking Republican of the full committee, the gentleman from Florida and the gentleman from Michigan, share fully in this legislative accomplishment.

The growing number of terrorist incidents targeted against Americans make passage of this conference report urgently needed. During the past two decades, terrorists have killed as many U.S. diplomats as were killed in the previous 180 years. In the last 10 years alone, terrorists have attacked U.S. officials or installations an average of once every 17 days.

This trend has become even more pronounced in the past 3 years. Last year, the State Department recorded 812 incidents of international terrorism, 30 percent of which were aimed at Americans. This represented 200 more incidents than the previous year, and 300 more than the year before that.

In view of this trend, the Secretary of State, 2 years ago, established an advisory panel on diplomatic security, headed by Adm. Bobby Inman. The Inman Panel's specific focus was on the growing terrorist threat against U.S. personnel and diplomatic missions abroad. The Inman Panel found that nearly half of U.S. embassies fail to meet even minimum standards of security. During its investigation, the panel also assessed electronic penetration threats, and came to some alarming conclusions on the vulnerability of a number of posts. One post, for instance, was found to share a common wall with an Eastern European trading company.

The measures called for by the Inman Panel, however, encompass more than building new, more secure embassies. The panel called for improvements in all areas of the State Department security program, measures which are of equal importance as the building program. Among them are: improved training, increased security personnel, reorganization of the security structure at State, a system of personal accountability for security lapses, and establishment of a new consolidated Bureau of Diplomatic Security.

The Department of State has implemented as many of these recommendations as it could under current law. Without adoption of this conference report, however, the State Department can go no further.

I would also like to comment on title VIII, the Victims of Terrorism Compensation Act. This act provides health and education benefits to future hostages and hostage families, and is based on provisions in the Hostage Relief Act of 1980, which expired in 1983. We learned from the Iranian hostages that, during their long period of captivity, their greatest concern was often less for their own safety, but for the well-being of their families. The

benefits provided in this title will not only assist the family members who receive them, but will also provide future hostages with the peace of mind necessary to cope better with their perilous situation.

The legislation passed by the other body contained no similar provision on hostage relief. I appreciate the cooperative attitude of the conferees from the other body, who accepted virtually the entire title as passed by the House. The only change of substance in title VIII was a compromise over the level of cash payment to former hostages. While I would have preferred the higher compensation level approved by the House, I recognize that there are other legitimate views on this issue. I believe that the compromise formula of one-half the worldwide per diem level is a reasonable compromise. With adoption of this conference report, the United States will finally have established a comprehensive and permanent hostage policy—5 years after the release of the Iranian hostages.

Mr. Speaker, the House originally passed this bill last March by a vote of 389 to 7. In the conference report, all the major provisions of the House bill were retained and, I might say, that some improvements added at the initiative of the other body. I urge overwhelming passage of this conference report.

Mr. Speaker, I yield back the balance of my time.

Mr. FASCELL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is landmark legislation, and I am very proud in a bipartisan sense when so many committees have acted to bring about this conference committee result so that we can finally get the legislation on its way to becoming law.

Mrs. SCHROEDER. Mr. Speaker, I rise in support of the conference report on H.R. 4151, the Omnibus Diplomatic Security and Antiterrorism Act. I congratulate the chairmen and ranking minority members of the committees who worked so diligently to produce this conference report.

I am delighted that the conference adopts title VIII of the House-passed bill. Title VIII is the Victims of Terrorism Compensation Act which the Committee on Post Office and Civil Service favorably reported last summer. The legislation provides Federal workers, members of the military, and their families with a permanent framework of medical, educational, and other benefits which will apply in future cases. It also provides compensation if a family member of a Government employee or member of the uniformed services is disabled or killed due to a terrorist act.

Title VIII also provides a cash payment for the American hostages held in Iran as well as others held captive. It has been over 5 years since the President's Commission on Hostage Compensation recommended that the former hostages receive $12.50 per day; the recommendation was unacceptable to both the former hostages and the administration and was never acted upon. The conference report ends this scandalous delay and sets the level of payment to the former hostages at $50 per day for each day of captivity from November 4, 1979, through January 20, 1981. Since the bill establishes a permanent set of benefits, the payment for days of captivity after January 20, 1981, would be one-half the worldwide average per diem then in effect.

I am also very pleased that the conference report includes title XI of the House-passed bill. Title XI directs the Secretary of Defense to review security arrangements at all military bases abroad, particularly in family housing areas, to determine whether stronger security measures are needed. Just yesterday in West Germany, a bomb exploded under a car with U.S. military tags. Title XI tells the Secretary to take action now to prepare military families abroad to combat terrorism.

The conference report also contains certain recommendations of the Inman Commission on accountability of Government employees in the aftermath of a terrorist act. The original Inman recommendations would have created kangaroo courts looking for individual scapegoats. We were able to change the focus and purpose of the accountability review boards, so they will examine the security and intelligence structure at the site of a terrorist act and identify systemic problems that can be remedied. An accountability review board should follow the direction set by the National Transportation Safety Board in investigating airplane crashes: just figure out what went wrong.

We should enact this legislation. We have to show Government employees, members of the military, and their families that our commitment to fighting terrorism is not just the second-latest rage, to be upstaged by our commitment to fighting drugs. We have here a permanent framework to strengthen security measures so that employees and family members are less vulnerable to terrorist attack; but we also provide essential benefits in the event those measures fail. I urge adoption of the conference report.

Ms. MIKULSKI. Mr. Speaker, I rise in strong support of the conference report to H.R. 4151, the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

For too long, too many innocent Americans have suffered injury or death at the hands of international terrorists.

Whoever said that one person's terrorist is another person's freedom fighter has a callous disregard for the real victims of international terrorism.

How an 11-year-old girl returning home for the holidays; a wheelchair-bound 72-year-old retiree on a vacation cruise, and a 23-year-old Navy diver on leave, stood in the way of anyone's freedom is a mystery to me and every American.

We must no longer ignore the issue of terrorism. Seared in our memories are the bombings of our Marine barracks in Beirut; the tormenting of senior citizens held hostage on the *Achille Lauro;* and the Christmastime machinegunnings at the Rome and Vienna airports.

Congress must send a clear message to terrorists the world over: We will not tolerate any more brutal acts by bully boys.

We will stand up for Americans by preventing the sabotage of our ports and ensuring passenger safety. And that's exactly what H.R. 4151 does by:

Strengthening the physical security of our Embassies and diplomatic posts around the globe.

Setting in place a framework for maritime counterterrorism security, including legislation I initiated calling for a conference on international seaport and passenger vessel security.

This conference would require participating nations to take tough steps to combat terrorists through:

Seaport screening of cargo and baggage similar to the procedures used at airports;

Extra security to restrict access to cargo, dockside property, and docked vessels to authorized personnel only;

Licensing of ships to guarantee they are in compliance with international security standards; and

Calling for additional security personnel onboard ships.

In addition, this antiterrorism legislation requires the President to take aggressive steps to tighter global criminal sanctions imposed on terrorists or would-be terrorists.

Those who prey on the innocent must realize that we will seek them out, and punish them according to their crimes. They can run but they can't hide.

Finally, this legislation authorizes $60 million for the Coast Guard to add personnel to bolster its historic security role at our Nation's ports. Budget cuts have reduced the Coast Guard's role in antiterrorism work by 20 percent since 1980—a situation that increases our vulnerability.

Today, the House is fighting back with the rule of law. By voting "yes" we're saying that we want no more *Achille Lauros.* By voting "yes" we're saying we will not stand for cold-blooded murder of Navy divers on leave.

Many who favor Contra aid attack Libya for spreading terrorism. This bill sends a real message to Libya and all who harbor terrorists. We will act swiftly and decisively to defend against and to deter international terrorists.

I hope my colleagues will join me in supporting the conference report on H.R. 4151.

Mr. FASCELL. Mr. Speaker, I have no further requests for time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO FILE REPORT ON H.R. 5352 DURING THE RECESS

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs have permission to file its report on H.R. 5352, the International Narcotics Control Act of 1986, during the recess.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT

Mr. SWIFT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4393) to consolidate and improve provisions of law relating to absentee registration and voting in elections for Federal office by members of the uniformed services and persons who reside overseas, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. THOMAS of California. Mr. Speaker, reserving the right to object, I shall not object, but I make this reservation for the purpose of yielding to the gentleman from Washington [Mr. SWIFT], the chairman of the Subcommittee of Elections, to explain the bill.

Mr. SWIFT. Mr. Speaker, will the gentleman yield?

Mr. THOMAS of California. Certainly, I yield to the gentleman from Washington.

Mr. SWIFT. Mr. Speaker, the purpose of H.R. 4393 is to facilitate absentee voting by U.S. citizens, both military and civilian, who are overseas. It updates and consolidates current law in this regard, and adds a new provision for a Federal write-in absentee ballot.

This write-in will be used in general elections by overseas voters who, through no fault of their own, fail to receive a regular absentee ballot in time to return it prior to their State's deadline.

Currently there are approximately 6 million of our fellow citizens living and working overseas. A great many are serving this country in uniform. Some are in the Peace Corps, or are working as missionaries in less fortunate parts of the world. Others serve in our diplomatic corps in hundreds of locations around the globe. Many citizens are employed by American companies with worldwide interests, particularly those in oil- and construction-related businesses.

All of them are entitled to vote. Of course, they vote absentee.

But if they fail to receive their absentee ballots in time, they are in effect denied a basic right of citizenship. They are disenfranchised. Unfortunately, tens of thousands of overseas citizens either receive their ballots too late, or do not receive them at all, in every election.

On the one hand, mail delivery is often a problem for overseas voters. They may be in locations where mail service is slow and sporadic. Those in the military may be away for days or weeks at a time on temporary duty or maneuvers. Surveys conducted by the Postal Service and the Federal Office of Voting Assistance have found that ballots should be mailed to overseas addresses at least 45 days prior to an election in order to ensure adequate time for a ballot to reach a voter and be returned.

Many States, on the other hand, simply cannot provide that kind of mailing time for their ballots. Twenty-three States have primary or runoff elections in September or late August. By the time election results are canvassed and certified and ballots are printed, election officials in these States may find themselves well within the 45-day time.

Even in States with earlier primaries there may be litigation about the wording of a ballot proposition, or the access of a candidate to the ballot. Those instances can cause significant delays in ballot printing and mailing.

H.R. 4393 will mitigate this problem of late absentees.

It will provide an alternative write-in ballot that overseas voters may use to vote for Federal office—that is, President, Vice President, Senator, and Representative—in general elections.

The ballot may be used only by a voter who is eligible to vote in his State of residence, and who applied for an absentee ballot at least 30 days before an election. If that voter nonetheless fails to receive a regular absentee, through no fault of his own, the voter will be entitled to use the Federal write-in.

A voter who submits a write-in ballot and later receives a regular absentee may submit the regular ballot as well. If both ballots are received in time to be counted, the regular absentee will be counted in lieu of the write-in. The write-in will serve only as an emergency back-up measure that will provide an opportunity to vote for citizens who would otherwise be denied that right.

Another significant aspect of this bill is a State exemption. Any State that makes either regular absentee ballots or special write-in ballots available to overseas voters at least 60 days before an election, as several States now do, my choose to be exempt from the Federal program.

Mr. Speaker, when overseas voters fail to receive their absentee ballots in time to vote and return them, they are clearly and effectively disenfranchised. This bill, H.R. 4393, represents a limited, judicious effort to alleviate that serious problem.

It gives maximum deference to States that wish to implement their own programs, while ensuring that all overseas voters have, at a minimum, the opportunity to vote for President and Vice President, and for those who represent them in the House and Senate.

Our fellow citizens who are serving overseas to preserve, protect and defend the basic rights we all share—whether they are in uniform or in one of many important civilian positions—deserve no less. They deserve to be able to vote. This bill will protect a fundamental right they retain as American citizens, wherever in the world they might be.

H.R. 4393 has more than 100 bipartisan cosponsors, and it was agreed to unanimously both in the Subcommittee on Elections and in the full Committee on House Administration. I urge my colleagues to support it.

Mr. Speaker, I thank the gentleman from California [Mr. THOMAS] for yielding.

Mr. THOMAS of California. Mr. Speaker, H.R. 4393 is an example of the kind of legislative cooperation that is being carried on by the Subcommittee on Elections of the Committee on House Administration. This subcommittee could be a political brier patch. Rather, through the cooperative efforts of the subcommittee chairman, the gentleman from Washington [Mr. SWIFT], as the Members heard him indicate, this bill came out of the subcommittee unanimously and passed the committee unanimously. This is the kind of constructive effort, Mr. Speaker, that I certainly enjoy partaking of.

Mr. ANNUNZIO. Mr. Speaker, I rise in support of H.R. 4393, the Uniformed and Overseas Citizens Absentee Voting Act. The Subcommittee on Elections, chaired by AL SWIFT, has worked long and hard to promote the democratic process. Voting is at the heart of that process. This bill ensures that voters are not disenfranchised because of poor mail service. And it cleans up ambiguous and redundant laws currently on the books. I wish all of this Chamber's legislation could be so straight forward and constructive as this legislation is.

The subcommittee held hearings—got Republicans and Democrats living abroad to join hands—got the State Department and Department of Defense to work together—fashioned the law to incorporate the requirements of State election officials—and got liberal and conservative Members, and everyone in between agreeing on something. That's an accomplishment. And my hat is off to Chairman SWIFT, and his ranking minority member, Rep-

resentative BILL THOMAS for this feat. What more fitting legislation could there be than the promotion of our democracy throughout the world.

By insuring that the ballots of our citizens overseas, who take the time to exercise their franchise under State law, will arrive in time to be counted.

There are many other Members who deserve credit for this piece of legislation. Let me just say "thank you" on behalf of all of our overseas citizens, to each of you who have provided support.

The Committee on House Administration ordered this bill reported unanimously. And I understand the other body is also of one mind on this issue. So I hope everyone will vote favorably on this legislation.

Mr. THOMAS of California. Mr. Speaker, I withdraw my reservation of objection.

□ 1022

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. SWIFT]?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed and Overseas Citizens Absentee Voting Act".

SEC. 2. ABSENTEE REGISTRATION AND VOTING BY MEMBERS OF UNIFORMED SERVICES AND THEIR DEPENDENTS, AND BY OVERSEAS VOTERS.

Each State shall provide by law, with respect to elections for Federal office, for—

(1) absentee registration and absentee voting for uniformed services voters and overseas voters; and

(2) use of alternative write-in absentee ballots by overseas voters.

SEC. 3. FEDERAL RESPONSIBILITIES.

(a) RESPONSIBILITIES OF PRESIDENTIAL DESIGNEE.—The President shall designate the head of an executive department to have primary responsibility for administration of Federal functions under this Act. The Presidential designee shall, with respect to uniformed services voters and overseas voters in elections for Federal office—

(1) prescribe an official post card from containing both a voter registration application and an absentee ballot application;

(2) prescribe an alternative write-in ballot for use by overseas voters;

(3) prescribe suggested forms and designs for absentee ballots and for envelopes to be used for mailing balloting materials under this Act;

(4) compile and distribute (A) descriptive material on State absentee registration and voting procedures, and (B) to the greatest extent practicable, facts relating to specific elections, including election dates, offices involved, and the text of proposed constitutional amendments and other ballot questions: and

(5) in each even-numbered year, transmit to the President and the Congress a report of the effectiveness of assistance under this Act, including a statistical analysis of absentee voter participation under this Act, and a description of State-Federal cooperation.

(b) RESPONSIBILITIES OF OTHER FEDERAL OFFICIALS.—

(1) IN GENERAL.—The head of each Government department or agency shall, upon request of the Presidential designee, distribute balloting materials and othewise cooperate in carrying out this Act.

(2) SECRETARY OF STATE AND POSTMASTER GENERAL.—The Secretary of State (in matters relating to overseas voters) and the Postmaster General (in matters relating to mailing of balloting materials) shall each cooperate with the Presidential designee in carrying out this Act.

(3) ADMINISTRATOR OF GENERAL SERVICES.—The Administrator of General Services shall furnish official post cards under this Act and, as directed by the Presidential designee, shall distribute the post cards to appropriate departments and agencies for further distribution to uniformed services voters and overseas voters. In the case of a general election, post cards shall be available outside the United States at least 3 months before the election and inside the United States at least one month before the election. In the case of an election other than a general election, to the extent practicable, the post cards shall be available at appropriate locations in sufficient time for use in such election.

SEC. 4. RECOMMENDATIONS TO THE STATES.

To afford maximum access to the polls by uniformed services voters and overseas voters, it is recommended that the States—

(1) provide for use of the official post card as a simultaneous voter registration application and absentee ballot application;

(2) waive registration requirements for uniformed services voters and overseas voters who, by reason of their service, do not have an opportunity to register;

(3) if an application other than an official post card is required for absentee registration, provide that registration forms be sent with the absentee ballot and may be returned with it;

(4) require election officials to expedite processing of balloting materials with respect to uniformed services voters and overseas voters;

(5) for the purposes of this Act, authorize any oath required by State law to be administered by officials who are accessible to uniformed services voters and overseas voters;

(6) assure that absentee ballots are mailed to uniformed services voters and overseas voters at the earliest opportunity;

(7) assist the Presidential designee in compiling statistical and other information relating to this Act; and

(8) permit any uniformed services voter who is otherwise fully qualified to register and vote in the State to acquire legal residence in that State, notwithstanding his residence on a military installation, and to register and vote in local, State and national elections.

SEC. 5. ALTERNATIVE WRITE-IN BALLOT.

An overseas voter whose application for an absentee ballot is received by the Appropriate State election official at least 30 days before an election for Federal office may, at any time not earlier than 30 days before the election, submit from outside the United States an alternative write-in ballot (prescribed under section 3) in the manner provided by law for absentee ballots in the State involved. An overseas voter who, after voting by alternative write-in ballot, receives the State absentee ballot applied for, may submit the State ballot, which will be counted in lieu of the alternative write-in ballot if the State ballot is received by the deadline under State law.

SEC. 6. MAILING OF ELECTION MATERIALS.

The Postmaster General shall take such action as may be necessary to assure that any balloting material deposited in the mails pursuant to this Act is transported using the fastest practicable means. Such materials (individually or in bulk) shall be carried free of postage and may be deposited in the mails in the United States or (unless prohibited by treaty or other international agreement of the United States) at a post office established outside the United States under section 406 of title 39, United States Code.

SEC. 7. DEFINITIONS.

As used in this Act, the term—

(1) "election" means a general, special, primary, or runoff election;

(2) "Federal office" means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to the Congress;

(3) "armed forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard;

(4) "uniformed services" means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration;

(5) "member of the merchant marine" means an individual (other than a member of a uniformed service)—

(A) employed as an officer or crew member of a vessel documented under the laws of the United States, or a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or

(B) enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of any such vessel;

but the term does not include an individual so employed, enrolled, or maintained on the Great Lakes or the inland waterways;

(6) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa;

(7) "United States", where used in the territorial sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa;

(8) "official post card" means a post card form prescribed under section 3;

(9) "balloting materials" means official post cards, absentee ballots, voting instructions, and envelopes;

(10) "uniformed service voter" means—

(A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and

(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the uniformed service active duty or merchant marine service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote; and

(11) "overseas voter" means—

(A) a unifomed services voter who, by reason of active duty or service (as the case may be) is absent from the United States; or

(B) a person who resided outside the United States and, but for such residence, would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

SEC. 8. AMENDMENTS TO TITLE 39, UNITED STATES CODE.

(a) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out "the Overseas Citizens Voting Rights Act of 1975, and the Federal Voting Assistance Act of 1955" and inserting in lieu thereof "and the Absentee Voting for Citizens in Uniform or Overseas Act".

(b) Section 3627 of title 39, United States Code, is amended by striking out "under the Federal Voting Assistance Act of 1955, or under the Overseas Citizens Voting Rights Act of 1975" and inserting in lieu thereof "or under the Absentee Voting for Citizens in Uniform or Overseas Act,".

(c) Section 3684 of title 39, United States Code is amended by striking out "the Federal Voting Assistance Act of 1955" and inserting in lieu thereof "the Absentee Voting for Citizens in Uniform or Overseas Act".

SEC. 9. REPEALS.

The Federal Voting Assistance Act of 1955 (42 U.S.C. 1973cc et seq.) and the Overseas Citizens Voting Rights Act of 1975 (42 U.S.C. 1973dd et seq.) are repealed.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Uniformed and Overseas Citizens Absentee Voting Act".

TITLE I—REGISTRATION AND VOTING BY ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS IN ELECTIONS FOR FEDERAL OFFICE

SEC. 101. FEDERAL RESPONSIBILITIES.

(a) PRESIDENTIAL DESIGNEE.—The President shall designate the head of an executive department to have primary responsibility for Federal functions under this title.

(b) DUTIES OF PRESIDENTIAL DESIGNEE.—The Presidential designee shall—

(1) consult State and local election officials in carrying out this title;

(2) prescribe an official post card form, containing both an absentee voter registration application and an absentee ballot application, for use by the States as recommended in section 104;

(3) carry out section 103 with respect to the Federal write-in absentee ballot for overseas voters in general elections for Federal office;

(4) prescribe a suggested design for absentee ballot mailing envelopes for use by the States as recommended in section 104;

(5) compile and distribute (A) descriptive material on State absentee registration and voting procedures, and (B) to the extent practicable, facts relating to specific elections, including dates, offices involved, and the text of ballot questions; and

(6) not later than the end of each year after a Presidential election year, transmit to the President and the Congress a report on the effectiveness of assistance under this title, including a statistical analysis of voter participation and a description of State-Federal cooperation.

(c) DUTIES OF OTHER FEDERAL OFFICIALS.—

(1) IN GENERAL.—The head of each Government department, agency, or other entity shall, upon request of the Presidential designee, distribute balloting materials and otherwise cooperate in carrying out this title.

(2) ADMINISTRATOR OF GENERAL SERVICES.—As directed by the Presidential designee, the Administrator of General Services shall furnish official post card forms (prescribed under subsection (b)) and Federal write-in absentee ballots (prescribed under section 103).

SEC. 102. STATE RESPONSIBILITIES.

Each State shall—

(1) permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for Federal office;

(2) accept and process, with respect to any general, special, primary, or runoff election for Federal office, any otherwise valid voter registration application from an absent uniformed services voter or overseas voter, if the application is received by the appropriate State election official not less than 30 days before the election; and

(3) permit overseas voters to use Federal write-in absentee ballots (in accordance with section 103) in general elections for Federal office.

SEC. 103. FEDERAL WRITE-IN ABSENTEE BALLOT FOR OVERSEAS VOTERS IN GENERAL ELECTIONS FOR FEDERAL OFFICE.

(a) IN GENERAL.—The Presidential designee shall prescribe a Federal write-in absentee ballot (including a secrecy envelope and mailing envelope for such ballot) for use in general elections for Federal office by overseas voters who make timely application for, and do not receive, States, absentee ballots.

(b) SUBMISSION AND PROCESSING.—Except as otherwise provided in this title, a Federal write-in absentee ballot shall be submitted and processed in the manner provided by law for absentee ballots in the State involved. A Federal write-in absentee ballot for an overseas voter shall not be counted—

(1) if the ballot is submitted from any location in the United States;

(2) if the application of the overseas voter for a State absentee ballot is received by the appropriate State election official less than 30 days before the general election; or

(3) if a State absentee ballot of the overseas voter is received by the appropriate State election official not later than the deadline for receipt of the State absentee ballot under State law.

(c) SPECIAL RULES.—The following rules shall apply with respect to Federal write-in absentee ballots:

(1) In completing the ballot, the overseas voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party (in which case the ballot shall be counted for the candidate of that political party).

(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of a political party shall be counted as a vote for the electors supporting the candidate involved.

(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained.

(d) SECOND BALLOT SUBMISSION; INSTRUCTION TO OVERSEAS VOTER.—An overseas voter who submits a Federal write-in absentee ballot and later receives a State absentee ballot, may submit the State absentee ballot. The Presidential designee shall assure that the instructions for each Federal write-in absentee ballot clearly state that an overseas voter who submits a Federal write-in absentee ballot and later receives and submits a State absentee ballot should make every reasonable effort to inform the appropriate State election official that the voter has submitted more than one ballot.

(e) USE OF APPROVED STATE ABSENTEE BALLOT IN PLACE OF FEDERAL WRITE-IN ABSENTEE BALLOT.—The Federal write-in absentee ballot shall not be valid for use in a general election if the State involved provides a State absentee ballot that—

(1) at the request of the State, is approved by the Presidential designee for use in place of the Federal write-in absentee ballot; and

(2) is made available to overseas voters at least 60 days before the deadline for receipt of the State ballot under State law.

(f) CERTAIN STATES EXEMPTED.—A State is not required to permit use of the Federal write-in absentee ballot, if, on and after the date of the enactment of this title, the State has in effect a law providing that—

(1) a State absentee ballot is required to be available to any voter described in section 107(5)(A) at least 90 days before the general election involved; and

(2) a State absentee ballot is required to be available to any voter described in section 107(5)(B) or (C), as soon as the official list of candidates in the general election is complete.

SEC. 104. RECOMMENDATIONS TO THE STATES TO MAXIMIZE ACCESS TO THE POLLS BY ABSENT UNIFORMED SERVICES VOTERS AND OVERSEAS VOTERS.

To afford maximum access to the polls by absent uniformed services voters and overseas voters, it is recommended that the States—

(1) use the official post card form (prescribed under section 101) for simultaneous voter registration application and absentee ballot application;

(2) adopt the suggested design for absentee ballot mailing envelopes prescribed under section 101;

(3) waive registration requirements for absent uniformed services voters and overseas voters who, by reason of service or residence, do not have an opportunity to register;

(4) if an application other than an official post card form (prescribed under section 101) is required for absentee registration, provide that registration forms be sent with the absentee ballot and may be returned with it;

(5) expedite processing of balloting materials with respect to absent uniformed services voters and overseas voters;

(6) permit any oath required for a document under this title to be administered by a commissioned officer of the Armed Forces or any official authorized to administer oaths under Federal law or the law of the State or other place where the oath is administered;

(7) assure that absentee ballots are mailed to absent uniformed services voters and overseas voters at the earliest opportunity;

(8) assist the Presidential designee in compiling statistical and other information relating to this title; and

(9) provide late registration procedures for persons recently separated from the Armed Forces.

SEC. 105. ENFORCEMENT.

The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title.

SEC. 106. EFFECT ON CERTAIN OTHER LAWS.

The exercise of any right under this title shall not affect, for purposes of any Federal State, or local tax, the residence or domicile of a person exercising such right.

SEC. 107. DEFINITIONS.

As used in this title, the term—

(1) "absent uniformed services voter" means—

(A) a member of a uniformed service on active duty who, by reason of such active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(B) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; and

(C) a spouse or dependent of a member referred to in subparagraph (A) or (B) who, by reason of the active duty or service of the member, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote;

(2) "balloting materials" means official post card forms (prescribed under section 101), Federal write-in absentee ballots (prescribed under section 103), and any State balloting materials that, as determined by the Presidential designee, are essential to the carrying out of this title;

(3) "Federal office" means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress;

(4) "member of the merchant marine" means an individual (other than a member of a uniformed service or an individual employed, enrolled, or maintained on the Great Lakes or the inland waterways)—

(A) employed as an officer or crew member of a vessel documented under the laws of the United States, or a vessel owned by the United States, or a vessel of foreign-flag registry under charter to or control of the United States; or

(B) enrolled with the United States for employment or training for employment, or maintained by the United States for emergency relief service, as an officer or crew member of any such vessel;

(5) "overseas voter" means—

(A) an absent uniformed services voter who, by reason of active duty or service is absent from the United States on the date of the election involved;

(B) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(C) a person who resides outside the United States and (but for such residence) would be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(6) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa;

(7) "uniformed services" means the Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration; and

(8) "United States", where used in the territorial sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

TITLE II—POSTAL, CRIMINAL, AND GENERAL PROVISIONS

SEC. 201. AMENDMENTS TO TITLE 39, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 34 of title 39, United States Code, is amended by adding at the end the following new section:

"§ 3406. Balloting materials under the Uniformed and Overseas Citizens Absentee Voting Act

"(a) Balloting materials under the Uniformed and Overseas Citizens Absentee Voting Act (individually or in bulk)—

"(1) shall be carried expeditiously and free of postage; and

"(2) may be mailed at a post office established outside the United States under section 406 of this title, unless such mailing is prohibited by treaty or other international agreement of the United States.

"(b) As used in this section, the term 'balloting material' has the meaning given that term in section 107 of the Uniformed and Overseas Citizens Absentee Voting Act.".

"(b) TECHNICAL AMENDMENTS.—

(1) The table of sections of chapter 34 of title 39, United States Code, is amended by adding at the end the following new item:

"3406. Balloting materials under the Uniformed and Overseas Citizens Absentee Voting Act.".

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended—

(A) by striking out "3405" and inserting in lieu thereof "3406"; and

(B) by striking out "the Overseas Citizens Voting Rights Act of 1975, and the Federal Voting Assistance Act of 1955".

(3) Section 3627 of title 39, United States Code, is amended—

(A) by striking out "3405" and inserting in lieu thereof "3406"; and

(B) by striking out "under the Federal Voting Assistance Act of 1955, or under the Overseas Citizens Voting Rights Act of 1975".

(4) Section 3684 of title 39, United States Code, is amended by striking out ", or of the Federal Voting Assistance Act of 1955".

SEC. 202. AMENDMENTS TO TITLE 18, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 29 of title 18, United States Code, is amended by adding at the end the following new sections:

"§ 608. Absent uniformed services voters and overseas voters

"(a) Whoever knowingly deprives or attempts to deprive any person of a right under the Uniformed and Overseas Citizens Absentee Voting Act shall be fined in accordance with this title or imprisoned not more than five years, or both.

"(b) Whoever knowingly gives false information for the purpose of establishing the eligibility of any person to register or vote under the Uniformed and Overseas Citizens Absentee Voting Act, or pays or offers to pay, or accepts payment for registering or voting under such Act shall be fined in accordance with this title or imprisoned not more than five years, or both.

§ 609. Use of military authority to influence vote of member of Armed Forces

"Whoever, being a commissioned, noncommissioned, warrant, or petty officer of an Armed Force, uses military authority to influence the vote of a member of the Armed Forces or to require a member of the Armed Forces to march to a polling place, or attempts to do so, shall be fined in accordance with this title or imprisoned not more than five years, or both. Nothing in this section shall prohibit free discussion of political issues or candidates for public office.".

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 29 of title 18, United States Code, is amended by adding at the end the following:

"608. Absent uniformed services voters and overseas voters.

"609. Use of military authority to influence vote of member of Armed Forces.".

SEC. 203. REPEALS.

The Federal Voting Assistance Act of 1955 (42 U.S.C. 1973cc et seq.) and the Overseas Citizens Voting Rights Act of 1975 (42 U.S.C. 1973dd et seq.) are repealed.

SEC. 204. EFFECTIVE DATE.

The amendments and repeals made by this Act shall apply with respect to elections taking place after December 31, 1987.

Mr. SWIFT (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SWIFT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4393, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PREFERENCE TO AMERICAN-GROWN FOODS FOR RESALE IN U.S. COMMISSARIES

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, I am pleased that the House last night adopted an amendment that was authored by myself and the gentleman from Texas [Mr. DE LA GARZA], which would require commissaries located in the United States to alter their purchasing practices to give preference to U.S. companies whose food products use commodities grown in this country.

While commissaries currently purchase food products primarily from American companies, many of these food products contain foreign-grown

commodities. Current commissary purchasing policies do not benefit American farmers and American food processing companies that buy strictly American-grown commodities. In addition, they only exacerbate U.S. trade deficits, and expose U.S. service men and women to unknown risks from excessive amounts of pesticides on foods containing foreign commodities. The inspection of imported crops for pesticide levels is far from adequate, and certain pesticides banned for use in this country—such as DDT and EDB—may be used legally on imported food products.

A steady rise in food imports is not readily apparent to the American consumer. Fresh fruits and vegetables rarely carry labels of origin, and frozen and canned foods sold under American labels frequently contain foreign commodities. Lower production costs in Mexico and other Latin American countries have prompted a growing number of American food companies to set up food production facilities abroad and enter into contract with foreign farmers.

A recent case in my district illustrates the need for this preference requirement. Shaw's Frozen Foods, a frozen food processing company, announced this year that it would purchase raw produce only from American growers. Shortly after this, Shaw's lost its purchase agreement with DOD Commissaries to a United States food company which gets most of its raw products from Mexico and Guatemala.

It makes no sense at all to penalize American companies that are promoting the products of American farmers. I believe it is in the best interest of this country to reward, not penalize, those companies that assist American farmers. For these reasons, I urge you to support my amendment to the Defense authorization bill.

DESIGNATING "WE THE PEOPLE" CALENDAR AS OFFICIAL CONGRESSIONAL CALENDAR FOR BICENTENNIAL OF UNITED STATES CONSTITUTION

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 375) designating the 1987 U.S. Capitol Historical Society "We the People" calendar as the official congressional calendar for the bicentennial of the United States Constitution, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. GINGRICH. Reserving the right to object, Mr. Speaker, I do so to yield to my friend, the gentleman from Washington, to explain the resolution.

Mr. FOLEY. Mr. Speaker, I thank my distinguished colleague, the gentleman from Georgia for yielding to me.

Mr. Speaker, House Concurrent Resolution 375 designates the 1987 U.S. Capitol Historical Society "We the People" calendar as the official congressional calendar for the bicentennial of the United States Constitution.

This designation will incur no additional cost to the House of Representatives.

Because 1987 will be the bicentennial of the United States Constitution many of the pictures in next year's historical calendar focus on events surrounding the signing of the Constitution. With that focus in mind, it seems only proper that this calendar be designated the official calendar for the bicentennial of the Constitution.

Mr. GINGRICH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. FOLEY]?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 375

Whereas the 1987 United States Capitol Historical Society "We The People" calendar has been researched and designed to focus special attention on the Bicentennial of the United States Constitution and to serve as an educational aid and memento of that historic time: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the 1987 United States Capitol Historical Society "We The People" calendar is hereby designated as the official congressional calendar for the Bicentennial of the United States Constitution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING THAT VERBATIM ACCOUNT OF REMARKS IN HOUSE PROCEEDINGS BE DISTINGUISHABLE FROM INSERTED MATERIAL

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged for further consideration of the resolution (H. Res. 514) providing that the substantially verbatim account of remarks in House proceedings in the CONGRESSIONAL RECORD should be clearly distinguishable by different typeface from material inserted under permission to extend remarks, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. GINGRICH. Reserving the right to object, Mr. Speaker, I do so to give the gentleman from Washington [Mr. FOLEY] an opportunity to explain the resolution.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Washington.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, this concurrent resolution provides that the substantially verbatim account of remarks in House proceedings in the CONGRESSIONAL RECORD should be clearly distinguishable by different typeface from material inserted under permission to extend remarks.

House Resolution 514 is the result of a trial period pursuant to House Resolution 230, wherein the CONGRESSIONAL RECORD "bullet" symbol designating words not spoken but submitted under leave to extend was replaced with an alternate typeface, in order to distinguish more clearly between words actually spoken on the floor and those submitted under leave to extend. The resolution requests the Joint Committee on Printing to amend rule VII of the House supplement to laws and rules for publication of the CONGRESSIONAL RECORD to replace the "bullet" symbol with the alternate typeface permanently.

This rule change will incur no additional cost to the House of Representatives.

Mr. GINGRICH. Mr. Speaker, I just want to comment that the gentleman from Washington [Mr. FOLEY] and the gentleman from Mississippi [Mr. LOTT] worked together on this, and that the Republican side is very grateful for the gentleman's cooperation, and we appreciate his handling it.

Mr. LOTT. Mr. Speaker, I urge adoption of House Resolution 514 which requests the Joint Committee on Printing to make permanent the House rule that spoken remarks in the House be distinguishable in the CONGRESSIONAL RECORD from inserted remarks.

I especially want to commend the House Administration Committee, and particularly the distinguished majority whip, Mr. FOLEY, and the ranking Republican on his subcommittee, Mr. GINGRICH, for bringing forward this rule as well as the temporary, experimental rule last session.

As a principal sponsor of this and the earlier rule, I am pleased that the test period has proven successful and that Members are supportive of this effort to make our RECORD proceedings an accurate account of words spoken on the floor.

My colleagues may recall that I initially raised this as a question of House privilege on May 8, 1985, when we discovered that during a May 1 debate two sets of remarks appeared as if they had been actually delivered, that is,

they were not bulleted, when in fact both had been inserted. My resolution (H. Res. 163) was referred to the House Administration Committee which promptly investigated and reported House Resolution 230, the "Accuracy in House Proceedings Resolution," sponsored by the gentleman from Washington [Mr. FOLEY] and myself. That resolution called for a test period for the remainder of the first session of a new rule providing that spoken words appear in a different typeface in the RECORD than inserted remarks. The test was extended earlier this year, and today's vote is a culmination of that experiment. I am pleased the House Administration Committee supports making this rule permanent. I urge the House to do likewise.

Mr. GINGRICH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. FOLEY]?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 514

Resolved, That the Joint Committee on Printing is requested to amend rule 7 of the House Supplement to Laws and Rules for Publication of the Congressional Record to read as follows:

"7. The Congressional Record shall contain a substantially verbatim account of remarks actually made during proceedings of the House, subject to technical, grammatical, and typographical corrections authorized by the Member making the remarks involved. The substantially verbatim account shall be clearly distinguishable, by different typeface, from material inserted under permission to extend remarks.".

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 375 and House Resolution 514.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4, rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, August 13, 1986.

BANKRUPTCY JUDGES AND UNITED STATES TRUSTEES ACT OF 1986

Mr. RODINO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5316) to amend title 28 of the United States Code to provide for the appointment of additional bankruptcy judges, to provide for the appointment of United States trustees to serve in bankruptcy cases in judicial districts throughout the United States, to make certain changes with respect to the role of United States trustees in such cases, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5316

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Bankruptcy Judges and United States Trustees Act of 1966".

TITLE I—AMENDMENTS TO TITLE 28 OF THE UNITED STATES CODE

Subtitle A—Appointment of Bankruptcy Judges

SEC. 101. ADDITIONAL BANKRUPTCY JUDGES.

Section 152(a)(2) of title 28, United States Code, is amended—

(1) in the item relating to the eastern district and the western district of Arkansas by striking out "2" and inserting in lieu thereof "3",

(2) in the item relating to the northern district of California by striking out "7" and inserting in lieu thereof "9",

(3) in the item relating to the eastern district of California by striking out "4" and inserting in lieu thereof "6",

(4) in the item relating to the central district of California by striking out "12" and inserting in lieu thereof "19",

(5) in the item relating to the southern district of California by striking out "3" and inserting in lieu thereof "4",

(6) in the item relating to the middle district of Florida by striking out "2" and inserting in lieu thereof "4",

(7) in the item relating to the northern district of Georgia by striking out "4" and inserting in lieu thereof "6",

(8) in the item relating to the southern district of Georgia by striking out "1" and inserting in lieu thereof "2",

(9) in the item relating to the district of Idaho by striking out "1" and inserting in lieu thereof "2",

(10) in the item relating to the northern district of Illinois by striking out "8" and inserting in lieu thereof "10",

(11) in the item relating to the central district of Illinois by striking out "2" and inserting in lieu thereof "3",

(12) in the item relating to the northern district of Indiana by striking out "2" and inserting in lieu thereof "3",

(13) in the item relating to the northern district of Iowa by striking out "1" and inserting in lieu thereof "2",

(14) in the item relating to the southern district of Iowa by striking out "1" and inserting in lieu thereof "2",

(15) in the item relating to the western district of Kentucky by striking out "2" and inserting in lieu thereof "3",

(16) in the item relating to the western district of Louisiana by striking out "2" and inserting in lieu thereof "3",

(17) in the item relating to the district of Maryland by striking out "2" and inserting in lieu thereof "3",

(18) in the item relating to the western district of Michigan by striking out "2" and inserting in lieu thereof "3",

(19) in the item relating to the district of Nebraska by striking out "1" and inserting in lieu thereof "2",

(20) in the item relating to the district of Nevada by striking out "2" and inserting in lieu thereof "3",

(21) in the item relating to the district of New Jersey by striking out "5" and inserting in lieu thereof "7",

(22) in the item relating to the western district of North Carolina by striking out "1" and inserting in lieu thereof "2",

(23) in the item relating to the northern district of Oklahoma by striking out "1" and inserting in lieu thereof "2",

(24) in the item relating to the western district of Oklahoma by striking out "2" and inserting in lieu thereof "3",

(25) in the item relating to the district of Oregon by striking out "4" and inserting in lieu thereof "5",

(26) in the item relating to the western district of Pennsylvania by striking out "3" and inserting in lieu thereof "4",

(27) in the item relating to the district of South Carolina by striking out "1" and inserting in lieu thereof "2",

(28) in the item relating to the district of South Dakota by striking out "1" and inserting in lieu thereof "2",

(29) in the item relating to the eastern district of Tennessee by striking out "2" and inserting in lieu thereof "3",

(30) in the item relating to the western district of Tennessee by striking out "2" and inserting in lieu thereof "3",

(31) in the item relating to the northern district of Texas by striking out "4" and inserting in lieu thereof "5",

(32) in the item relating to the southern district of Texas by striking out "3" and inserting in lieu thereof "6",

(33) in the item relating to the western district of Texas by striking out "2" and inserting in lieu thereof "3",

(34) in the item relating to the district of Utah by striking out "2" and inserting in lieu thereof "3",

(35) in the item relating to the eastern district of Virginia by striking out "3" and inserting in lieu thereof "4",

(36) in the item relating to the eastern district of Washington by striking out "1" and inserting in lieu thereof "2",

(37) in the item relating to the western district of Washington by striking out "4" and inserting in lieu thereof "5", and

(38) in the item relating to the eastern district of Wisconsin by striking out "3" and inserting in lieu thereof "4".

SEC. 102. QUALIFICATIONS FOR APPOINTMENT OF BANKRUPTCY JUDGES.

Section 102(c)(2) of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98-353; 98 Stat. 345) is amended by striking out "or the District of Columbia bar," and inserting in lieu thereof "the District of Columbia bar, or the bar of the Commonwealth of Puerto Rico,".

Subtitle B—Appointment of United States Trustees and Related Matters

SEC. 111. APPOINTMENT OF UNITED STATES TRUSTEES.

(a) APPOINTMENT NATIONWIDE OF UNITED STATES TRUSTEES.—Section 581(a) of title 28, United States Code, is amended to read as follows:

"(a) The Attorney General shall appoint one United States trustee for each of the following groups of Federal judicial districts (without regard to section 451):

"(1) The judicial districts established for the States of Maine, Massachusetts, New Hampshire, and Rhode Island and for the Commonwealth of Puerto Rico.

"(2) The judicial districts established for the States of Connecticut, New York, and Vermont.

"(3) The judicial districts established for the States of Delaware, New Jersey, and Pennsylvania and for the Virgin Islands of the United States.

"(4) The judicial districts established for the States of Maryland, North Carolina, South Carolina, Virginia, and West Virginia and for the District of Columbia.

"(5) The judicial districts established for the States of Louisiana and Mississippi and for the Canal Zone.

"(6) The judicial districts established for the State of Texas.

"(7) The judicial districts established for the States of Kentucky and Tennessee.

"(8) The judicial districts established for the States of Michigan and Ohio.

"(9) The Central District of Illinois and the Southern District of Illinois; and the judicial districts established for the State of Indiana.

"(10) The Northern District of Illinois; and the judicial districts established for the State of Wisconsin.

"(11) The judicial districts established for the States of Minnesota, Nebraska, North Dakota, and South Dakota.

"(12) The judicial districts established for the States of Arkansas, Iowa, and Missouri.

"(13) The Southern District of California; and the judicial districts established for the States of Arizona and Hawaii, and for Guam and the Commonwealth of the Northern Mariana Islands.

"(14) The Central District of California.

"(15) The Eastern District of California and the Northern District of California; and the judicial district established for the State of Nevada.

"(16) The judicial districts established for the States of Alaska, Idaho (exclusive of Yellowstone National Park), Montana (exclusive of Yellowstone National Park), Oregon, and Washington.

"(17) The judicial districts established for the States of Colorado, Kansas, New Mexico, Oklahoma, Utah, and Wyoming (including those portions of Yellowstone National Park situated in the States of Montana and Idaho).

"(18) The judicial districts established for the States of Alabama, Florida, and Georgia.".

"(b) TERM OF OFFICE.—Section 581(b) of title 28, United States Code, is amended—

(1) by striking out "seven years" and inserting in lieu thereof "five years", and

(2) by striking out "Office" and inserting in lieu thereof "office".

SEC. 112. APPOINTMENT OF ASSISTANT UNITED STATES TRUSTEE.

Section 582(a) of title 28, United States Code, is amended by striking out "district" and inserting in lieu thereof "group of districts (or the Central District of California) referred to in section 581(a)".

SEC. 113. OFFICIAL STATIONS.

Section 584 of title 28, United States Code, is amended by inserting "referred to in section 581(a)" after "districts".

SEC. 114. VACANCIES.

(a) APPOINTMENT OF ACTING UNITED STATES TRUSTEE.—The first sentence of section 585 of title 28, United States Code, is amended to read as follows: "The Attorney General may appoint an acting United States trustee for a group of judicial districts (or the Central District of California) referred to in a paragraph of section 581(a) for which the office of United States trustee is vacant.".

(b) TERM OF APPOINTMENT.—The last sentence of section 585 of title 28, United States Code, is amended by striking out "the earlier of" and all that follows through "case may be, or".

SEC. 115. DUTIES OF UNITED STATES TRUSTEES.

(a) SUPERVISION AND ADMINISTRATION.—Section 586 (a) of title 28, United States Code, is amended—

(1) by striking out "his district" and inserting in lieu thereof "the districts for which such United States trustee is appointed", and

(2) in paragraph (2) by inserting "or appointed" after "required",

(3) in paragraph (3)—

(A) by striking out the semicolon and inserting in lieu thereof "by, whenever the United States trustee considers it to be appropriate—", and

(B) by adding at the end of such paragraph the following new subparagraphs:

"(A) monitoring applications for compensation and reimbursement filed under section 330 of title 11 and, whenever the United States trustee deems it to be appropriate, filing with the court comments with respect to any such applications;

"(B) monitoring plans and disclosure statements filed in cases under chapter 11 of title 11 and filing with the court, in connection with hearings under sections 1125 and 1128 of such title, comments with respect to such plans and disclosure statements;

"(C) monitoring plans filed under chapter 13 of title 11 and filing with the court, in connection with hearings under sections 1324 and 1329 of such title, comments with respect to such plans;

"(D) taking such action as the United States trustee deems to be appropriate to ensure that all reports, schedules, and fees required to be filed under title 11 and this title by the debtor are properly and timely filed;

"(E) monitoring creditors' committees appointed under title 11;

"(F) notifying the appropriate United States attorney of matters which relate to the occurrence of any action which may constitute a crime under the laws of the United States and, on the request of the United States attorney, assisting the United States attorney in carrying out prosecutions based on such action;

"(G) monitoring the progress of cases under title 11 and taking such actions as the United States trustee deems to be appropriate to prevent undue delay in such progress; and

"(H) monitoring applications filed under section 327 of title 11 and, whenever the United States trustee deems it to be appropriate, filing with the court comments with respect to the approval of such applications;".

(b) TECHNICAL AMENDMENT.—Section 586(b) of title 28, United States Code, is amended by striking out "assistant United States trustee" and inserting in lieu thereof "assistant United States trustees".

SEC. 116. SALARIES OF UNITED STATES TRUSTEES.

(a) MAXIMUM SALARY.—Section 587 of title 28, United States Code, as added by the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549), is amended to read as follows:

"§ 587. Salaries

"(a) Except as provided in subsection (b) and subject to sections 5315 through 5317 of title 5, the Attorney General shall fix the annual salaries of United States trustees and assistant United States trustees appointed under sections 581 and 582 of this title at rates of compensation not in excess of the rate of basic compensation provided for Executive Level IV of the Executive Schedule set forth in section 5315 of title 5.

"(b) The Attorney General may not reduce the salary of a United States trustee during the term of office of such United States trustee.".

(b) TECHNICAL AMENDMENTS.—

(1) REDISIGNATION OF CHAPTER.—The heading for chapter 39 of title 28, United States Code, as added by the Ethics in Government Act, is amended by striking out "CHAPTER 39" and inserting in lieu thereof "CHAPTER 40".

(2) AMENDMENT TO TABLE OF CHAPTERS.—The table of chapters for part II of title 28, United States Code, is amended by striking out the item relating to Independent Counsel and inserting in lieu therof the following:

"40. Independent Counsel ..... 591".

(3) CORRECTION OF CROSS REFERENCES.—Section 49(f) of title 28, United States Code, is amended by striking out "chapter 39" each place it appears and inserting in lieu thereof "chapter 40".

SEC. 117. UNITED STATES TRUSTEE SYSTEM FUND.

(a) AMENDMENT TO TITLE 28 OF THE UNITED STATES CODE.—Chapter 39 of title 28, United States Code, as added by section 224 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2662), is amended by adding at the end thereof the following new section:

"§ 589a. United States Trustee System Fund

"(a) There is hereby established in the Treasury of the United States a special fund to be known as the 'United States Trustee System Fund' (hereinafter in this section referred to as the 'Fund'). Monies in the Fund shall be available to the Attorney General without fiscal year limitation in such amounts as may be specified in appropriations Acts for the following purposes in connection with the operations of United States trustees—

"(1) salaries and related employee benefits;

"(2) travel and transportation;

"(3) rental of space;

"(4) communication and computer charges;

"(5) security investigations;

"(6) books and other materials for legal research;

"(7) furniture and equipment;

"(8) supplies; and

"(9) printing.

"(b) There shall be deposited in the Fund—

"(1) one-third of the fees collected under section 1930(a)(1) of this title;

"(2) five-sevenths of the fees collected under section 1930(a)(3) of this title;

"(3) one-half of the fees collected under section 1930(a)(4) of this title;

"(4) all of the fees collected under section 1930(a)(5) of this title; and

"(5) the compensation of trustees received under section 330(d) of title 11 by the clerks of the bankruptcy courts.

"(c)(1) Except as provided in paragraph (2), amounts in the Fund which are not currently needed for the purposes specified in subsection (a) shall be kept on deposit or in-

vested in obligations of, or guaranteed by, the United States.

"(2) On November 1, 1989, and on November 1 of each year thereafter, the Secretary of the Treasury shall transfer into the general fund of the Treasury the amount, if any, in the Fund that exceeds 110 percent of—

"(A) the amount appropriated for the entire current fiscal year for the purposes specified in subsection (a), or

"(B) if no appropriation has been made for the entire current fiscal year, the annual equivalent of the aggregate amount appropriated to date for the current fiscal year for the purposes specified in subsection (a).

"(d)(1) The Attorney General shall transmit to the Congress, not later than 120 days after the end of each fiscal year, a detailed report on the amounts deposited in the Fund and a description of the expenditures made under this section.

"(2) If for each fiscal year in any period of 2 successive fiscal years—

"(A) the aggregate amount deposited under subsection (b) in the Fund exceeds 110 percent of expenditures for the purposes specified in subsection (a), or

"(B) the costs incurred for the purposes specified in subsection (a) exceed the aggregate amount deposited under subsection (b) in the Fund,

then the Attorney General shall include in such report a recommendation regarding the manner in which the fees payable under section 1930(a) of title 28, United States Code, may be modified to cause the annual amount deposited in the Fund to more closely approximate the annual amount expended from the Fund.

"(e) There are authorized to be appropriated to the Fund for any fiscal year such sums as may be necessary to supplement amounts deposited under subsection (b) for the purposes specified in subsection (a).".

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 39 of title 28, United States Code, as added by section 224 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2662), is amended by adding at the end thereof the following new item:

"589a. United States Trustee System Fund.".

SEC. 118. PANEL OF TRUSTEES.

Subsection (f) of section 604 of title 28, United States Code, as added by the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549), is repealed.

SEC. 119. FILING FEES.

Section 1930(a) of title 28, United States Code, is amended—

(1) in paragraph (1) by striking out "$60" and inserting in lieu thereof "$90",

(2) in paragraph (3) by striking out "$200" and inserting in lieu thereof "$700",

(3) in paragraph (4) by striking out "$500" and inserting in lieu thereof "$1,000", and

(4) by inserting after paragraph (4) the following:

"(5) In addition to the filing fee paid to the clerk, a quarterly fee shall be paid to the United States trustee in each case under chapter 11 of title 11 for each quarter (including any fraction thereof) until a plan is confirmed or the case is converted or dismissed, whichever occurs first. The fee shall be $150 for each quarter in which disbursements total less than $15,000; $300 for each quarter in which disbursements total $150,000 or more but less than $150,000; $750 for each quarter in which disbursements total $150,000 or more but less than $300,000; $2,250 for each quarter in which disbursements total $300,000 or more but less than $3,000,000; $3,000 for each quarter in which disbursements total $3,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.".

TITLE II—AMENDMENTS TO TITLE 11 OF THE UNITED STATES CODE

Subtitle A—Activities of United States Trustees

SEC. 201. DEFINITIONS.

Section 101 of title 11, United States Code, is amended—

(1) in paragraph (14) by striking out "and governmental unit" and inserting in lieu thereof "governmental unit, and United States trustee" before the semicolon at the end thereof, and

(2) in paragraph (24) by inserting "(but not a United States trustee while serving as a trustee in a case under this title)" after "United States" the second place it appears.

SEC. 202. APPOINTMENT OF INTERIM TRUSTEE IN INVOLUNTARY CASES.

Section 303(g) of title 11, United States Code, is amended to read as follows:

"(g) At any time after the commencement of an involuntary case under chapter 7 of this title but before an order for relief in the case, the court, on request of a party in interest, after notice to the debtor and a hearing, and if necessary to preserve the property of the estate or to prevent loss to the estate, may order the United States trustee to appoint an interim trustee under section 701 of this title to take possession of the property of the estate and to operate any business of the debtor. Before an order for relief, the debtor may regain possession of property in the possession of a trustee ordered appointed under this subsection if the debtor files such bond as the court requires, conditioned on the debtor's accounting for and delivering to the trustee, if there is an order for relief in the case, such property or the value, as of the date the debtor regains possession, of such property.".

SEC. 203. ELIGIBILITY TO SERVE AS TRUSTEE.

Section 321 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The United States trustee for the judicial district in which the case is pending may serve as trustee in the case only if the United States trustee certifies to the court that the United States trustee is unable to locate a qualified disinterested person in the judicial district where the case is pending, who is willing to serve as a private trustee in the case.".

SEC. 204. QUALIFICATION OF TRUSTEE.

(a) EXEMPTION FROM BOND REQUIREMENT.—Section 322(a) of title 11, United States Code, is amended by striking out "A person" and inserting in lieu thereof "Except as provided in subsection (b)(1), a person".

(b) QUALIFYING OF UNITED STATES TRUSTEE.—Section 322(b) of title 11, United States Code, is amended to read as follows:

"(b)(1) A United States trustee qualifies whenever such trustee serves in a case under this title.

"(2) The United States trustee shall determine—

"(A) the amount of a bond required to be filed under subsection (a); and

"(B) the sufficiency of the surety on such bond.".

SEC. 205. AUTHORITY TO REMOVE TRUSTEE OR EXAMINER.

Section 324 of title 11, United States Code, is amended to read as follows:

"§ 324. Removal of trustee or examiner

"(a) The court, after notice and a hearing, may remove a trustee, other than the United States trustee, or an examiner, for cause.

"(b) Whenever the court removes a trustee or examiner under subsection (a) in a case under this title, such trustee or examiner shall thereby be removed in all other cases under this title in which such trustee or examiner is then serving unless the court orders otherwise.".

SEC. 206. LIMITATION ON COMPENSATION OF TRUSTEE.

Section 326(b) of title 11, United States Code, is amended to read as follows:

"(b) In a case under chapter 13 of this title, the court may not allow compensation for services or reimbursement of expenses of the United States trustee or of a standing trustee appointed under section 586(b) of title 28, but may allow reasonable compensation under section 330 of this title of a trustee appointed under section 1302(a) of this title for the trustee's services, payable after the trustee renders such services not to exceed five percent upon all payments under the plan.".

SEC. 207. COMPENSATION OF OFFICERS.

Section 330 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) In a case in which the United States trustee serves as trustee, the compensation of the trustee under this section shall be paid to the clerk of the bankruptcy court and deposited by the clerk into the United States Trustee System Fund established by section 589a of title 28.".

SEC. 208. AUTHORITY OF UNITED STATES TRUSTEE IN CASES UNDER TITLE 11.

(a) AUTHORITY OF UNITED STATES TRUSTEE.—Title 11 of the United States Code is amended by inserting after section 331 the following new section:

"§ 332. Authority of United States trustee

"The United States trustee may raise, and may appear and be heard on, any issue in any case or proceeding under this title, but may not file a plan under subchapter II of chapter 11 of this title.".

(b) TECHNICAL AMENDMENT.—The table of sections for subchapter II of chapter 3 of title 11, United States Code, is amended by adding at the end thereof the following new item:

"332. Authority of United States trustee.".

SEC. 209. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended—

(1) in subsection (a) by striking out "there shall be a meeting of creditors" and inserting in lieu thereof "the United States trustee shall convene and preside at a meeting of creditors",

(2) in subsection (b) by striking out "court may order" and inserting in lieu thereof "United States trustee may convene", and

(3) in subsection (c) by inserting "including any final meeting of creditors" before the period at the end thereof.

SEC. 210. AUTHORITY TO EXAMINE DEBTOR.

Section 343 of title 11, United States Code, is amended to read as follows:

"§ 343. Examination of the debtor

"The debtor shall appear and submit to examination under oath at the meeting of creditors under section 341(a) of this title. Creditors, any indenture trustee, any trustee or examiner in the case, or the United States trustee may examine the debtor.".

SEC. 211. MONIES OF ESTATES.

Section 345(b) of title 11, United States Code, is amended to read as follows:

"(b) Except with respect to a deposit or investment that is insured or guaranteed by the United States or by a department, agency, or instrumentality of the United States or backed by the full faith and credit of the United States, the trustee shall require from an entity with which such money is deposited or invested—

"(1) a bond—

"(A) in favor of the United States;

"(B) secured by the undertaking of a corporate surety approved by the United States trustee for the district in which the case is pending; and

"(C) conditioned on—

"(i) a proper accounting for all money so deposited or invested and for any return on such money;

"(ii) prompt repayment of such money and return; and

"(iii) faithful performance of duties as a depository; or

"(2) the deposit of securities of the kind specified in section 9303 of title 31.".

SEC. 212. INTERIM TRUSTEE.

Section 701(a) of title 11, United States Code, is amended to read as follows:

"(a)(1) Promptly after the order for relief under this chapter, the United States trustee shall appoint one disinterested person that is a member of the panel of private trustees established under section 586(a)(1) of title 28 or that is serving as trustee in the case immediately before the order for relief under this chapter to serve as interim trustee in the case.

"(2) If none of the disinterested members of such panel is willing to serve as interim trustee in the case, the United States trustee shall appoint one qualified disinterested person in the judicial district where the case is pending to serve as interim trustee in the case.

"(3) If none of the disinterested members of such panel is willing to serve as interim trustee in the case and if the United States trustee certifies to the court that the United States trustee is unable to locate a qualified disinterested person in the judicial district where the case is pending that is willing to serve as interim trustee in the case, then the United States trustee shall serve as interim trustee in the case.".

SEC. 213. SUCCESSOR TRUSTEE.

Subsections (b) and (c) of section 703 of title 11, United States Code, are amended to read as follows:

"(b) Pending election of a trustee under subsection (a) of this section, if necessary to preserve or prevent loss to the estate, the United States trustee may appoint an interim trustee in the manner specified in section 701(a).

"(c) If creditors do not elect a successor trustee under subsection (a) of this section or if a trustee is needed in a case reopened under section 350 of this title, then the United States trustee shall—

"(1) appoint one disinterested person that is a member of the panel of private trustees established under section 586(a)(1) of title 28 to serve as trustee in the case;

"(2) if none of the disinterested members of such panel is willing to serve as trustee, appoint one qualified disinterested person in the judicial district where the case is pending to serve as trustee in the case; or

"(3) if none of the disinterested members of such panel is willing to serve as trustee and if the United States trustee certifies to the court that the United States trustee is unable to locate a qualified disinterested person in the judicial district where the case is pending that is willing to serve as trustee in the case, serve as trustee in the case.".

SEC. 214. DUTIES OF TRUSTEE.

Section 704(9) of title 11, United States Code, is amended to read as follows:

"(9) make a final report and file a final account of the administration of the estate with the court and with the United States trustee.".

SEC. 215. CREDITORS' COMMITTEE.

Section 705(b) of title 11, United States Code, is amended by inserting "or the United States trustee" after "trustee" each place it appears.

SEC. 216. DISMISSAL.

Section 707(b) of title 11, United States Code, is amended by striking out "motion and" and inserting in lieu thereof "motion or on a motion by the United States trustee, but".

SEC. 217. DISCHARGE.

Subsections (c), (d), and (e) of section 727 of title 11, United States Code, are amended to read as follows:

"(c)(1) The trustee, a creditor, or the United States trustee may object to the granting of a discharge under subsection (a) of this section.

"(2) On request of a party in interest, the court may order the trustee to examine the acts and conduct of the debtor to determine whether a ground exists for denial of discharge.

"(d) On request of the trustee, a creditor, or the United States trustee, and after notice and a hearing, the court shall revoke a discharge granted under subsection (a) of this section if—

"(1) such discharge was obtained through the fraud of the debtor, and the requesting party did not know of such fraud until after the granting of such discharge;

"(2) the debtor acquired property that is property of the estate, or became entitled to acquire property that would be property of the estate, and knowingly and fradulently failed to report the acquisition of or entitlement to such property, or to deliver or surrender such property to the trustee; or

"(3) the debtor committed an act specified in subsection (a)(6) of this section.

"(e) The trustee, a creditor, or the United States trustee may request a revocation of a discharge—

"(1) under subsection (d)(1) of this section within one year after such discharge is granted; or

"(2) under subsection (d)(2) or (d)(3) of this section before the later of—

"(A) one year after the granting of such discharge; and

"(B) the date the case is closed.".

SEC. 218. CREDITORS' AND EQUITY SECURITY HOLDERS' COMMITTEES.

Section 1102 of title 11, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) As soon as practicable after the order for relief under chapter 11 of this title, the United States trustee shall appoint a committee of creditors holding unsecured claims.

"(2) On request of a party in interest, the court may order the appointment of additional committees of creditors or of equity security holders if necessary to assure adequate representation of creditors or of equity security holders. The United States trustee shall appoint any such committee.", and

(2) by striking out subsection (c).

SEC. 219. APPOINTMENT OF TRUSTEE OR EXAMINER.

Section 1104 of title 11, United States Code, is amended to read as follows:

"§ 1104. Appointment of trustee or examiner

"(a) At any time after the commencement of the case but before confirmation of a plan, on request of a party in interest or the United States trustee, and after notice and a hearing, the court shall order the appointment of a trustee—

"(1) for cause, including fraud, dishonesty, incompetence, or gross mismanagement of the affairs of the debtor by current management, either before or after the commencement of the case, or similar cause, but not including the number of holders of securities of the debtor or the amount of assets or liabilities of the debtor; or

"(2) if such appointment is in the interest of creditors, any equity security holders, and other interests of the estate, without regard to the number of holders of securities of the debtor or the amount of assets or liabilities of the debtor.

"(b) If the court does not order the appointment of a trustee under this section, then at any time before the confirmation of a plan, on request of a party in interest or the United States trustee, and after notice and a hearing, the court shall order the appointment of an examiner to conduct such investigation of the debtor as is appropriate, including an investigation of any allegations of fraud, dishonesty, incompetence, misconduct, mismanagement, or irregularity in the management of the affairs of the debtor of or by current or former management of the debtor, if—

"(1) such appointment is in the best interest of creditors, any equity security holders, and other interests of the estate; or

"(2) the debtor's fixed, liquidated, unsecured debts, other than debts for goods, service, or taxes, or owing to an insider, exceed $5,000,000.

"(c) If the court orders the appointment of a trustee or an examiner, if a trustee or an examiner dies or resigns during the case or is removed under section 324 of this title, or if a trustee fails to qualify under section 322 of this title, then the United States trustee, after consultation with the parties in interest, shall appoint, subject to the court's approval, one disinterested person to serve as trustee or examiner, as the case may be, in the case.".

SEC. 220. PREREQUISITE TO CONFIRMATION OF PLAN UNDER CHAPTER 11.

Section 1129(a) of title 11, United States Code, is amended by adding at the end thereof the following:

"(12) All fees payable under section 1930, as determined by the court at the hearing on confirmation of the plan, have been paid or the plan provides for the payment of all such fees on the effective date of the plan.".

SEC. 221. AUTHORITY TO APPOINT TRUSTEE.

Section 1163 of title 11, United States Code, is amended to read as follows:

"§ 1163. Appointment of trustee

"As soon as practicable after the order for relief the Secretary of Transportation shall submit a list of five disinterested persons that are qualified and willing to serve as

trustees in the case. The United States trustee shall appoint one of such persons to serve as trustee in the case.".

SEC. 222. TRUSTEE.

Section 1302 of title 11, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) If the United States trustee appoints an individual under section 586(b) of title 28 to serve as standing trustee in cases under chapter 13 of this title and if such individual qualifies under section 322 of this title, then such individual shall serve as trustee in the case.", and

(2) by striking out subsections (d) and (e).

SEC. 223. PAYMENTS.

Section 1326(b) of title 11, United States Code, is amended to read as follows:

"(b) Before or at the time of each payment to creditors under the plan, there shall be paid—

"(1) any unpaid claim of the kind specified in section 507(a)(1) of this title; and

"(2) if a standing trustee appointed under section 586(b) of title 28 is serving in the case, the percentage fee fixed for such standing trustee under section 586(e)(1)(B) of title 28.".

SEC. 224. REPEAL OF CHAPTER 15.

Chapter 15 of title 11, United States Code, is repealed.

Subtitle B—Debtors Who Are Family Farmers

SEC. 251. DEFINITIONS.

Section 101 of title 11, United States Code, as amended by section 201 of this Act, is amended—

(1) in paragraph (17) by inserting "(except when such term appears in the term 'family farmer')" after "means",

(2) by redesignating paragraphs (17) through (49) as paragraphs (18) through (50), respectively, and

(3) by inserting after paragraph (16) the following new paragraph:

"(17) "family farmer" means a person not less than 80 percent of the aggregate amount of whose debts, at the time the case commences, arises out of a farming operation owned or operated by such person and, if such person is a corporation—

"(A) more than half of the aggregate value of the outstanding equity securities of such corporation are held by one family or by one family and the relatives of the members of such family; and

"(B) if such corporation issues stock, such stock is not publicly traded;

except that such aggregate amount does not include a debt for the principal residence of such person unless such debt arises out of a farming operation;".

SEC. 252. WHO MAY BE A DEBTOR.

Section 109(e) of title 11, United States Code, is amended—

(1) by striking out "or an individual" and inserting in lieu thereof "; an individual", and

(2) by inserting before the period at the end thereof "; or a family farmer with regular annual income that owes on the date of the filing of the petition noncontingent, liquidated, secured and unsecured debts of less than $1,000,000".

SEC. 253. INVOLUNTARY CASES.

Section 303(a) of title 11, United States Code, is amended by inserting ", family farmer," after "farmer".

SEC. 254. FILING OF PLAN.

(a) PERIOD FOR FILING BY DEBTOR.—Section 1121(b) of title 11, United States Code, is amended by inserting before the period at the end thereof "or, in the case of a debtor who is a farmer, until after 240 days after the date of the order for relief under this chapter".

(b) FILING BY ANY PARTY IN INTEREST.—Section 1121(c) of title 11, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting "(other than a farmer)" after "debtor", and

(B) by inserting before the semicolon at the end thereof the following: "or, in the case of a debtor who is a farmer, before 240 days after the date of the order for relief under this chapter", and

(2) by amending paragraph (3) to read as follows:

"(3) the debtor has not filed a plan that has been accepted—

"(A) in the case of a debtor who is not a farmer, before 180 days; or

"(B) in the case of a debtor who is a farmer, before 300 days;

after the date of the order for relief under this chapter, by each class of claims or interests that is impaired under the plan.".

(c) AUTHORITY TO EXTEND PERIODS.—Section 1121(d) of title 11, United States Code, is amended by striking out "the 120-day period or the 180-day period referred to in" and inserting in lieu thereof "any period referred to in subsection (b) or (c) of".

SEC. 255. COMPENSATION OF TRUSTEE.

(a) AMENDMENT TO TITLE 11 OF THE UNITED STATES CODE.—Section 1302(e)(1)(B) is amended to read as follows:

"(B) a percentage fee not to exceed—

"(i) in the case of a debtor who is not a family farmer, ten percent; or

"(ii) in the case of a debtor who is a family farmer, the sum of—

"(A) not to exceed ten percent of the payments made under the plan of such debtor, with respect to payments in an aggregate amount not to exceed $450,000; and

"(B) three percent of payments made under the plan of such debtor, with respect to payments made after the aggregate amount of payments made under the plan exceeds $450,000;

based on such maximum annual compensation and the actual, necessary expenses incurred by such individuals as standing trustee."

(b) AMENDMENT TO TITLE 28 OF THE UNITED STATES CODE.—Section 486(e)(1)(B) of title 28, United States Code, is amended to read as follows:

"(B) a percentage fee not to exceed—

"(i) in the case of a debtor who is not a family farmer, ten percent; or

"(ii) in the case of a debtor who is a family farmer, the sum of—

"(A) not to exceed ten percent of the payments made under the plan of such debtor, with respect to payments in an aggregate amount not to exceed $50,000; and

"(B) three percent of payments made under the plan of such debtor, with respect to payments made after the aggregate amount of payments made under the plan exceeds $450,000;

based on such maximum annual compensation and the actual, necessary expenses incurred by such individuals as standing trustee."

SEC. 256. CONVERSION.

(a) AMENDMENT TO CHAPTER 11.—Section 1112(c) of title 11, United States Code, is amended by inserting ", family farmer," after "farmer".

(b) AMENDMENT TO CHAPTER 13.—Section 1307(e) of title 11, United States Code, is amended by inserting "or family farmer" after "farmer".

SEC. 257. CONTENTS OF PLAN.

(a) CONTENTS OF PLAN.—Section 1322(b)(2) of title 11, United States Code, is amended by striking out "debtor's principal residence" and inserting in lieu thereof "principal residence of a debtor who is not a family farmer whose principal residence is located on real property used by such family farmer in connection with a farming operation or is located within a reasonable proximity to the farming operation of such family farmer".

(b) PERIOD FOR PAYMENTS UNDER PLAN.—Section 1322(c) of title 11, United States Code, is amended by inserting before the period at the end thereof the following: "in the case of a debtor who is not a family farmer, or longer than ten years in the case of a debtor who is a family farmer".

SEC. 258. PAYMENTS.

Section 1326(a)(1) of title 11, United States Code, is amended by adding at the end thereof the following: "If the debtor is a family farmer who requests, not later than 15 days after the order for relief, that the court hold a hearing to determine whether to order a different time for the commencement of payments proposed by the plan, then the court shall, not later than 30 days after the date of such request, hold a hearing and determine from the facts and circumstances of the debtor and the case a reasonable time after the plan is filed within which the debtor shall commence making the payments proposed by the plan.".

SEC. 259. TECHNICAL AMENDMENTS.

(a) The table of chapters for title 11 of the United States Code is amended in the item relating to chapter 13 by inserting "OR A FAMILY FARMER" after "INDIVIDUAL".

(b) The heading for chapter 13 of title 11 of the United States Code is amended by inserting "OR A FAMILY FARMER" after "INDIVIDUAL".

TITLE III—TRANSITION AND MISCELLANEOUS PROVISIONS

SEC. 301. INCUMBENT UNITED STATES TRUSTEES.

(a) AREA FOR WHICH APPOINTED.—Notwithstanding any paragraph of section 581(a) of title 28, United States Code, as in effect before the effective date of this Act, a United States trustee serving in such office on the effective date of this Act shall serve the remaining term of such office as United States trustee for the entire group of districts (or the Central District of California) specified in a paragraph of such section, as amended by this Act, that includes the site at which the primary official station of the United States trustee is located immediately before the effective date of this Act.

(b) TERM OF OFFICE.—Notwithstanding section 581(b) of title 28, United States Code, as in effect before the effective date of this Act, the term of office of any United States trustee serving in such office on the effective date of this Act shall expire—

(1) 2 years after the expiration date of such term of office under such section, as so in effect, or

(2) 4 years after the effective date of this Act,

whichever occurs first.

SEC. 302. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) GENERAL EFFECTIVE DATE.—Except as provided in subsections (b), (c), (d), and (e), this Act and the amendments made by this Act shall take effect 30 days after the date of the enactment of this Act.

(b) AMENDMENTS RELATING TO BANKRUPTCY JUDGES.—Subtitle A of title I shall take effect on October 1, 1986, or the date of the enactment of this Act, whichever occurs later.

(c) AMENDMENTS RELATING TO FAMILY FARMERS.—(1) The amendments made by subtitle B of title II shall not apply with respect to cases commenced under title 11 of the United States Code before the effective date of this Act.

(2) The amendment made by section 255(a) shall take effect on the effective date of this Act and before the amendment made by section 222(2).

(d) APPLICATION OF AMENDMENTS TO JUDICIAL DISTRICTS.—

(1) JUDICIAL DISTRICTS SERVED BY INCUMBENT UNITED STATES TRUSTEES.—The amendments made by section 119 of this Act shall not apply with respect to cases in the following judicial districts commenced before the effective date of this Act:

(A) The District of Maine.
(B) The District of New Hampshire.
(C) The District of Massachusetts.
(D) The District of Rhode Island.
(E) The Southern District of New York.
(F) The District of Delaware.
(G) The District of New Jersey.
(H) The Eastern District of Virginia.
(I) The District of District of Columbia.
(J) The Northern District of Alabama.
(K) The Northern District of Texas.
(L) The Northern District of Illinois.
(M) The District of Minnesota.
(N) The District of North Dakota.
(O) The District of South Dakota.
(P) The Central District of California.
(Q) The District of Colorado.
(R) The District of Kansas.

(2) CERTAIN GROUPS OF JUDICIAL DISTRICTS NOT CURRENTLY SERVED BY UNITED STATES TRUSTEES.—(A) The amendments made by section 119, and by subtitle A of title II, of this Act shall not—

(i) become effective in or with respect to a judicial district specified in subparagraph (B) until, or

(ii) apply to cases in such district commenced before,

the expiration of the 270-day period beginning on the effective date of this Act or of the 30-day period beginning on the date the Attorney General certifies under section 303 of this Act the group of judicial districts specified in a paragraph of section 581(a) of title 28, United States Code, as amended by section 111(a) of this Act, that includes such district, whichever occurs first.

(B) Subparagraph (A) applies to the following:

(i) The judicial district established for the Commonwealth of Puerto Rico.
(ii) The District of Connecticut.
(iii) The judicial districts established for the State of New York (other than the Southern District of New York).
(iv) The District of Vermont.
(v) The judicial districts established for the States of Pennsylvania.
(vi) The judicial district established for the Virgin Islands of the United States.
(vii) The District of Maryland.
(viii) The judicial districts established for the State of North Carolina
(ix) The District of South Carolina.
(x) The judicial districts established for the State of West Virginia.
(xi) The Western District of Virginia.
(xii) The judicial districts established for the State of Texas (other than the Northern District of Texas).
(xiii) The judicial districts established for the State of Wisconsin.
(xiv) The judicial districts established for the State of Nebraska.
(xv) The judicial districts established for the State of New Mexico.
(xvi) The judicial districts established for the State of Oklahoma.
(xvii) The District of Utah.
(xviii) The District of Wyoming (including those portions of Yellowstone National Park situated in the States of Montana and Idaho).
(xix) The judicial districts established for the State of Alabama (other than the Northern District of Alabama).
(xx) The judicial districts established for the State of Florida.
(xxi) The judicial districts established for the State of Georgia.

(3) REMAINING JUDICIAL DISTRICTS NOT CURRENTLY SERVED BY UNITED STATES TRUSTEES.—(A) The amendments made by section 119, and by subtitle A of title II, of this Act shall not—

(i) become effective in or with respect to a judicial district specified in subparagraph (B) until, or

(ii) apply to cases in such district commenced before,

the expiration of the 2-year period beginning on the effective date of this Act or of the 30-day period beginning on the date the Attorney General certifies under section 303 of this Act the group of judicial districts specified in a paragraph of section 581(a) of title 28, United States Code, as amended by section 111(a) of this Act, that includes such district, which ever occurs first.

(B) Subparagragh (A) applies to the following:

(i) The judicial districts established for the State of Louisiana.
(ii) The judicial districts established for the State of Mississippi.
(iii) The judicial districts established for the Canal Zone.
(iv) The judicial districts established for the State of Kentucky.
(v) The judicial districts established for the State of Tennessee.
(vi) The judicial districts established for the State of Michigan.
(vii) The judicial districts established for the State of Ohio.
(viii) The judicial districts established for the State of Illinois (other than the Northern District of Illinois).
(ix) The judicial districts established for the State of Indiana.
(x) The judicial districts established for the State of Arkansas.
(xi) The judicial districts established for the State of Iowa.
(xii) The judicial districts established for the State of Missouri.
(xiii) The District of Arizona.
(xiv) The District of Hawaii.
(xv) The judicial district established for Guam.
(xvi) The judicial district established for the Commonwealth of the Northern Mariana Islands.
(xvii) the judicial districts established for the State of California (other than the Central District of California).
(xviii) The District of Nevada.
(xix) The District of Alaska.
(xx) The District of Idaho.
(xxi) The District of Montana.
(xxii) The District of Oregon.
(xxiii) The judicial districts established for the State of Washington.

(e) APPLICATION OF UNITED STATES TRUSTEE SYSTEM TO CERTAIN CASES.—

(1) IN GENERAL.—Subject to paragraph (2), with respect to cases under chapters 7, 11, and 13 of title 11, United States Code—

(A) commenced before the effective date of this Act, and

(B) pending in a judicial district referred to in section 581(a) of title 28, United States Code, as amended by section 111(a) of this Act, for which a United States trustee is not authorized before the effective date of this Act to be appointed,

the amendments made by section 115, and by subtitle A of title II, of this Act shall not apply until the expiration of the 3-year period beginning on the effective date of this Act, or of the 1-year period beginning on the date the Attorney General certifies under section 303 of this Act the group of judicial districts specified in a paragraph of such section 581(a), as so amended, that includes such district, whichever occurs first.

(2) AMENDMENTS INAPPLICABLE.—For purposes of paragraph (1), the amendments made by section 115, and by subtitle A of title II, of this Act shall not apply with respect to a case under chapter 7, 11, or 13 of title 11, United States Code, if—

(A) the trustee in the case files the final report and account of administration of the estate, required under section 704 of such title, or

(B) a plan is confirmed under section 1129 or 1325 of such title,

before the expiration of the 3-year period, or the expiration of the 1-year period, specified in paragraph (1), whichever occurs first.

SEC. 303. CERTIFICATION OF JUDICIAL DISTRICTS; NOTICE AND PUBLICATION OF CERTIFICATION.

(a) CERTIFICATION BY ATTORNEY GENERAL.—The Attorney General may certify in writing a group of judicial districts specified in a paragraph of section 581(a) of title 28, United States Code, (other than paragraph (14)), as amended by section 111(a) of this Act, to the appropriate court of appeals of the United States, for the purpose of informing such court that certain amendments made by this Act will become effective in accordance with section 302 of this Act.

(b) NOTICE AND PUBLICATION OF CERTIFICATION.—Whenever the Attorney General transmits a certification under subsection (a), the Attorney General shall simultaneously—

(1) transmit a copy of such certification to the Speaker of the House of Representatives and to the President pro tempore of the Senate, and

(2) publish such certification in the Federal Register.

304. ADMINISTRATIVE PROVISIONS.

(a) COOPERATIVE ARRANGEMENTS.—The Attorney General and the Director of the Administrative Office of the United States Courts may enter into agreements under which United States trustee may—

(1) use—

(A) the services, equipment, personnel, records, reports, and data compilations, in any form, of the courts of the United States, and

(B) the facilities of such courts, and

(2) cooperate in the use by the courts of the United States of—

(A) the services, equipment, personnel, records, reports, and data compilations, in any form, of United States trustees, and

(B) the facilities of such trustees,

to prevent duplication during the 2-year period beginning on the effective date of this Act.

(b) INFORMATION AND DOCUMENTS RELATING TO BANKRUPTCY CASES AND UNITED STATES TRUSTEES.—The Director of the Administrative Office of the United States Courts shall make available to United States trustees, at the request of the Attorney General and on a continuing basis, all records, reports, and data compilations relating to—

(1) cases and proceedings under title II of the United States Code, and

(2) the duties of United States trustees under titles 11 and 28 of the United States Code.

SEC. 305. APPLICATION OF CERTAIN BANKRUPTCY RULES RELATING TO THE UNITED STATES TRUSTEE SYSTEM.

If a United States trustee is not authorized, before the effective date of this Act, to be appointed for a judicial district referred to in section 581(a) of title 28, United States Code, as amended by section 111(a) of this Act, then part X of the Bankruptcy Rules shall not apply to cases in such district until the amendments made by subtitle A of title II of this Act become effective under section 302 of this Act in such district.

SEC. 306. SALARY OF INCUMBENT UNITED STATES TRUSTEES.

For service as a United States trustee in the period beginning on the effective date of this Act and ending on the expiration under section 301 of this Act of their respective terms of office, the salary payable to United States trustees serving in such offices on the effective date of this Act shall be fixed in accordance with section 587 of title 28, United States Code, as amended by section 116(a) of this Act.

SEC. 307. REPEALER.

Section 408 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2686), is repealed.

SEC. 308. CONSIDERATION OF CURRENT PRIVATE TRUSTEES FOR APPOINTMENT BY UNITED STATES TRUSTEES.

(a) TRUSTEES IN BANKRUPTCY CASES UNDER CHAPTER 7.—It is the sense of the Congress that individuals who are serving before the effective date of this Act, as trustees in cases under chapter 7 of title 11, United States Code, should be considered by United States trustees for appointment under section 586(a)(1) of title 28, United States Code, to the panels of private trustees that are established as a result of the amendments made by this Act.

(b) STANDING TRUSTEES IN BANKRUPTCY CASES UNDER CHAPTER 13.—It is the sense of the Congress that individuals who are serving before the effective date of this Act, as standing trustees in cases under chapter 13 of title 11, United States Code, should be considered by the United States trustees for appointment under section 586(b) of title 28, United States Code, as standing trustees who are appointed as a result of the amendments made by this Act.

SEC. 309. APPOINTMENT OF UNITED STATES TRUSTEES BY THE ATTORNEY GENERAL.

It is the sense of the Congress that individuals who are serving, before the effective date of this Act, as estate administrators under title 11 of the United States Code, should be considered by the Attorney General for appointment under sections 581 and 582 of title 28, United States Code, to new positions of United States trustee and assistant United States trustee resulting from the amendments made by this Act.

SEC. 310. ELECTRONIC CASE MANAGEMENT DEMONSTRATION PROJECT.

(a) ESTABLISHMENT OF PROJECT.—Not later than 1 year after the effective date of this Act, the Director of the Executive Office for United States Trustees, in consultation with the Director of the Administrative Office of the United States Courts, shall establish an electronic case management demonstration project to be carried out in 3 Federal judicial districts that have a sufficiently large and varied bankruptcy caseload so as to provide a meaningful evaluation of the cost and effectiveness of such system. A contract for such project shall be awarded—

(1) on the basis of competitive bids submitted by qualified nongovernmental entities that are able to design an automated joint information system for use by the United States courts and by United States trustees, and

(2) in accordance with the Federal Property and Administrative Services Act of 1949, the Office of Federal Procurement Policy Act, and title 31 of the United States Code.

(b) STUDY BY GENERAL ACCOUNTING OFFICE.—Not later than 1 year after the electronic case management system begins to operate in all of the judicial districts participating in the demonstration project carried out under subsection (a), the General Accounting Office shall conduct a study to compare the cost and effectiveness of such system with the cost and effectiveness of case management systems used in Federal judicial districts that are not participating in such project.

(c) TERM OF PROJECT.—The demonstration project required by subsection (a) shall be carried out until—

(1) the expiration of the 2-year period beginning on the date the electronic case management system begins to operate in all of the judicial district participating in such project, or

(2) legislation is enacted to extend, expand, modify, or terminate the operation of such project.

whichever occurs first.

(d) USED BY CLERKS OF THE COURTS.—The electronic case management system demonstrated under the project required by subsection (a) shall provide the clerk of court in each district in which such system is operated, with a means of—

(1) maintaining a complete electronic case file of all relevant information contained in petitions and schedules (and any amendments thereto) relating to debtors in cases under title 11 of the United States Code, including—

(A) a complete list of creditors in each such case, as listed by the debtor,

(B) a complete list of assets scheduled by the debtor, the value of such asset, and any action taken by the trustee or debtor in possession with regard to such asset during the pendency of such case,

(C) a complete list of debts and, with respect to each debt—

(i) any priority of such debt under title II of the United States Code,

(ii) whether such debt is secured or unsecured, and

(iii) whether such debt is contingent or noncontingent, and

(D) the debtor's statements of current expenses and income, and

(2) maintaining all calendars and dockets and producing all notices required to be sent in cases under title II of the United States Code.

(e) USE BY UNITED STATES TRUSTEES.—The electronic case management system demonstrated under the project required by subsection (a) shall provide, at a minimum, the United States trustee in each district in which such system is operated with—

(1) complete electronic case files which contain, in addition to the information listed in subsection (d), records of case openinings, case closings, hearings, and the filing of all motions, trustee appointments, pleadings, and responses, as well as a record of the responses by the United States trustee to those motions, trustee appointments, and pleadings,

(2) a means to generate standardized forms for motions, appointments, pleadings, and responses,

(3) a means to generate standard management reports and letters on an exception basis,

(4) a means to maintain accounting records, reports, and information required to be maintained by debtors in possession and trustees in cases under title 11 of the United States Code,

(5) a means to calculate and record distribution to creditors, final applications and orders for distribution, and final case closing reports, and

(6) a means to monitor the payment of filing and other required fees.

(f) AVAILABILITY TO CERTAIN GOVERNMENTAL ENTITIES.—Unlimited access to information maintained in the electronic case management system demonstrated under the project required by subsection (a) shall be provided at no charge to the following:

(1) The Congress.

(2) The Executive Office for the United States trustees.

(3) The Administrative Office of the United States Courts.

(4) The clerks of the courts in judicial districts in which such system is operated and persons who review case information, in accordance with section 107(a) of title 11, United States Code, in the offices of the clerks.

(5) The judges on the bankruptcy and district courts in districts in which such system is operated.

(6) Trustees in cases pending in districts in which such system is operated.

(g) FEES FOR OTHER USERS.—(1) The entity which is awarded a contract to provide the electronic case management system demonstrated under this project may, under guidelines established by the Director of the Executive Office for the United States Trustees in the provisions of such contract, collect reasonable fees from assets of the estate of the debtor in bankruptcy for providing notices and services to the court and trustees under the demonstration project.

(2) Access to information maintained in electronic case files pursuant to the demonstration project may be provided to persons other than those specified in subsection (f), but such access shall be limited to viewing such information only. A reasonable charge for such access may be collected by the entity which is awarded a contract under this section, in accordance with the guidelines established by the Director of the Executive Office for the United States trustees in such contract. A reasonable portion of any charge so collected may be required by the Director to be remitted to the Executive Office for United States Trustees and deposited in the United States Trustee System Fund established in section 589a of title 28, United States Code.

(h) SECURITY.—Access provided under subsection (f) to an entity or an individual shall be subject to such security limitations as

may be imposed by the Congress or the head of the affected entity.

(i) LIMITATION ON FUNDING.—No cost, except the following costs, incurred to carry out this section may be paid from the United States Trustee System Fund established in section 589a of title 28, United States Code:

(1) Costs incurred by the United States trustees for tasks involved in choosing the contract to be made under this section.

(2) Costs incurred by the United States trustees for services or time spent to perform oversight and evaluation of the performance of such contract.

The SPEAKER. Is a second demanded?

Mr. FISH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New Jersey [Mr. RODINO] will be recognized for 20 minutes and the gentleman from New York [Mr. FISH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge that the House pass H.R. 5316 as amended, the Bankruptcy Judges and U.S. Trustees Act of 1986. This legislation authorizes the creation of 52 additional bankruptcy judgeships across the country, and implements the U.S. Trustee Program of bankruptcy administration on a nationwide, self-funding basis. Also in the bill is an amendment that simply adds the provisions of H.R. 2211, a family farmer bankruptcy bill that the House passed on June 24, 1985. This amendment will enable the House to go to conference with the other body on all of these issues.

Another amendment simply permits the salary of a U.S. trustee to be set up to the rate provided for executive level IV of the executive schedule.

The bill authorizes new bankruptcy judgeships in those judicial districts where the need is the greatest. In many districts, the bankruptcy filings have steadily increased—and the existing number of judges have been unable to properly and timely handle the caseload. This is troubling, because the sooner a bankruptcy case can be terminated, the sooner the debtor can get a fresh start toward making a meaningful contribution to our Nation's economy—and the sooner creditors can receive payment through the bankruptcy.

The Committee on the Judiciary analyzed the bankruptcy caseload in every district in the country. Because of budgetary concerns, the committee was careful to authorize judgeships only where the need was the most severe.

H.R. 5316 also implements the U.S. Trustee Program on a nationwide, self-funding basis within the Department of Justice. The U.S. Trustee Program was originally created by Congress on a pilot basis—in 18 judicial districts—as part of the Bandruptcy Reform Act of 1978. Evaluations of the pilot program have been very positive, and have recommended making the program nationwide.

H.R. 5316 would implement the U.S. Trustee Program in all 94 judicial districts across the country. The nationwide U.S. Trustee Program will handle the administrative functions in bankruptcy cases. Placing the program within the Department of Justice as is currently the case in the pilot program furthers a goal Congress had in enacting the Bankruptcy Reform Act of 1978—separating the administrative bankruptcy functions from the judicial bankruptcy functions in order to restore public confidence in the bankruptcy system.

The U.S. trustees act as watchdogs to detect and prevent fraud in bankruptcy cases, and monitor payment of withholding and other taxes by debtors in chapter 11 reorganization cases. Being housed in the Department of Justice enhances the U.S. trustees' ability to carry out these tasks. The Department recognizes this, and strongly supports the nationwide implementation of the program.

The U.S. Trustee Program under this bill will be self-funding. It will be paid for by the users of the bankruptcy system—at no cost to the taxpayer. Although the program is not currently self-funding and should not have to be self-funding because of the benefit it bestows on our economy, I believe self-funding is a necessity in today's budgetary climate.

H.R. 5316 has the bipartisan support of the members of the Judiciary Committee.

Mr. Speaker, this bill is very important to the Nation's bankruptcy system and economy, and I strongly urge my colleagues to support the legislation.

□ 1030

Mr. FISH. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, H.R. 5316, as amended, authorizes essential increases in bankruptcy judgeships and expands the pilot U.S. Trustee Program nationwide. The experience of my own Federal judicial district, the central district of California—a district with a severe shortage of bankruptcy judges and years of experience with the pilot U.S. Trustee Program—underscores the need for this legislation.

Various Federal judicial districts face caseload crises as a result of Bankruptcy Code filings that exceed the capacity of the current numbers of bankruptcy judges. The central district of California is a critical case in point. Petitions filed per judgeship for the reporting year ending June 30, 1985, totaled 2,819—almost double the national average of 1,571. Total petitions pending per judge equaled 4,353—compared with the national average of 2,625. Pending chapter 11 petitions, the particularly time-consuming reorganization matters—reached 508 per judge compared with the national average of 276.

Recent caseload increases have served to exacerbate further the bankruptcy adjudication problem in the central district of California. During the 12 months ending March 31, 1986, total Bankruptcy Code filings in this single Federal judicial district reached 39,187, a 16-percent increase over the previous 1-year period. The Central District of California needs at least the seven additional judges recommended by the Judicial Conference of the United States and included in H.R. 5316, as amended. I commend my colleague from California, Mr. DANNEMEYER, for successfully offering an amendment in our subcommittee to add the seventh additional judgeship. Seven, in fact, represents a substantial compromise for me. H.R. 2883, which I cosponsored last year, provides for an increase of 10 judges for this heavily backlogged district.

Mr. Speaker, H.R. 5316, as amended, provides for 52 additional bankruptcy judgeships nationwide—including 48 positions recommended by the Judicial Conference of the United States after thorough study. Long delays in adjudicating bankruptcy cases are costly to the economy—as creditors, often including taxing authorities, wait to be paid. Although the need to limit Federal expenditures is a high national priority, some expenditures are necessary to avoid greater costs. This is the case with essential bankruptcy judgeships.

The U.S. Trustee Pilot Program, after a track record of almost 7 years of successful operations, merits nationwide expansion. The U.S. Chamber of Commerce describes the U.S. Trustee Pilot Program as "a small but effective program in the Department of Justice, established to prevent the criminal activity, fraud, waste, and in some cases judicial abuse that previously plagued the bankruptcy system." Associate Attorney General Arnold I. Burns notes that—

[S]ince 1979, the advent of the U.S. Trustee Pilot Program, districts in which the pilot program has existed have shown a remarkable performance record as compared to those which continued doing business as usual * * *. The trustees have taken a firm grip on fraud, corruption, and waste and have administered the Bankruptcy Code more efficiently * * *. Furthermore, under trustee supervision, creditors have recovered more on their claims than in nonpilot districts.

The evidence that U.S. trustees improve bankruptcy administration is overwhelming and fully justifies the Judiciary Committee's recommendation that the current program be expanded nationwide.

Mr. Speaker, this legislation also incorporates the farm bankruptcy legislation passed by this body in 1985. The text of H.R. 2211, now included in H.R. 5316, as amended, represents a bipartisan effort to modify our bankruptcy laws in response to the farm crisis. The farm bankruptcy provisions increase the chances that family farmers in financial distress will be able to keep their farms. By making it easier for family farmers to file under chapter 13 of the Bankruptcy Code—and meet obligations out of future income—the farm bankruptcy provisions benefit not only family farmer debtors but also creditors.

This bill, in summary, authorizes essential bankruptcy judgeships, improves bankruptcy administration, and helps family farmers to help themselves. I urge my colleagues to join with me in supporting passage.

Mr. RODINO. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Speaker, I rise in support of H.R. 5316, the Bankruptcy Judges and U.S. Trustees Act of 1986.

I want to commend Judiciary Committee Chairman PETER RODINO and our ranking minority member, HAM FISH, for their outstanding leadership.

Bankruptcy caseloads are increasing across the country. Unfortunately, they are increasing more rapidly in those States whose economies depend on agriculture or the oil and gas industry. My State, Oklahoma, relies on both and as a result has seen a dramatic rise in bankruptcy filings and tremendous pressure on our bankruptcy courts.

In Oklahoma yesterday our bankruptcy court officially reported that filings for July 1986 are nearly double the filings for July 1985—1,276 cases compared to 682.

But worse, the number of chapter 11 filings has dropped, which means that fewer businesses are trying to reorganize and instead are simply liquidating.

H.R. 5316 helps relieve the pressure on the U.S. bankruptcy courts in Oklahoma in three ways. First, it incorporates the provisions of the farm bankruptcy legislation passed by the House last summer. I am proud to have worked with Chairman RODINO and Representative FISH in developing this critically important measure. It will help family farmers reorganize successfully and quickly without the threat of being forced out of business by their creditors.

Second, H.R. 5316 creates 52 new bankruptcy judgeships in those judicial districts most in need of help with their backlogs. Two of these judgeships will be in Oklahoma, one in the Western District in Oklahoma City and the other in the Northern District in Tulsa. The additional judgeships will allow the bankruptcy courts to respond more effectively to the needs of farmers, businesses relating to the oil and gas industry, and other debtors seeking relief.

Finally, the legislation improves the administration of bankruptcy by making permanent and extending nationwide the U.S. trustee system which has operated since 1978 on a pilot basis. The U.S. Trustee Program has proven its worth in modernizing and improving trustee accountability in districts in which it has been in operation. Extending this program nationwide will bring needed uniformity and management efficiencies to the bankruptcy system.

I would like to call attention to a provision of H.R. 5316 which would authorize the U.S. trustee to examine bankruptcy filings by consumer debtors in chapter 7 cases and bring to the court's attention those cases which seek to abuse the bankruptcy laws.

I was sponsor of legislation during the 98th Congress which became law and gave bankruptcy courts the authority to dismiss cases involving substantial abuse. Today's legislation corrects an ambiguity in the language of section 707(b) which has led some courts to preclude the trustee from bringing evidence of substantial abuse to the attention of the court.

This has led to the illogical and unintended effect of putting the court in the dual role of prosecutor and judge in 707(b) cases. A number of U.S. bankruptcy judges share my concern that this misreading hinders congressional intent to curb the abuse of bankruptcy.

H.R. 5316 resolves this problem by placing responsibility with the U.S. trustee for identifying and bringing evidence of substantial abuse to the attention of the court. It is consistent with the basic purpose of section 707(b): To assure the integrity of the bankruptcy process for those debtors honestly in need of the court's protection. It will also assure greater uniformity of section 707(b) enforcement among judicial districts.

Mr. Speaker, H.R. 5316 is important legislation and I encourage passage by the House of Representatives.

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. SYNAR. I yield to the gentleman from New Jersey.

Mr. RODINO. Mr. Speaker, I merely wanted the gentleman to yield for the purpose of pointing out that the gentleman from Oklahoma [Mr. SYNAR] together with the gentleman from Kansas [Mr. GLICKMAN] who is also a member of the committee, deserve a great deal of recognition from the committee for having incorporated that section relating to the farm bankruptcy provisions which are indeed of great concern. I just wanted to commend the gentlemen.

Mr. SYNAR. Mr. Chairman, from one rural Congressman to one city slicker, we thank you.

Mr. FISH. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I thank my colleague from New York for yielding me this time.

Mr. Speaker, I rise in support of this legislation which would provide additional bankruptcy judges in districts around the country. I speak with specific reference now to the central district of California, and in particular a portion of that district, Orange County, CA.

The central district of California is one of the busiest in terms of bankruptcy filings, pendings and completions, in the country. In current filings, the total per judge is 2,819. That contrasts with a national average of filings per judge of 1,571. That is a little over 1,300 difference per judge in filings.

With the adoption of this bill, adding seven additional bankruptcy judges to the central district of California, the average filing per judge in the central district will be reduced from 2,819 to 1,780, and filings per judge nationwide will be reduced to 1,302. In other words, even with these additional seven bankruptcy judges in the central district of California, the national average of 1,302 filings per judge will be exceeded by the filings per judge in the central district of California of 1,780.

It was my pleasure in the committee markup on this legislation to offer the amendment for the central district of California which increased the proposed number of judges in the central district from 6 to 7. I did that with every expectation that there would be at least two judges of these additional judges now being extended to the central district of California that would be assigned by the central district administrative authority to work in Orange County. The reason I make that observation is quite clear. In the pending cases in Orange County, at the end of 1985, there were 5,335 cases per judge. In the total central district, the average was 4,550 cases pending per judge.

So within the central district, Orange County versus the central district, the cases pending per judge in Orange County are clearly in excess of the total cases pending per judge in the central district.

This figure is not surprising considering the explosive growth in population, business, and commerce that has

been taking place in Orange County, my home county, over the course of the last 25 years. Members should reflect on the fact that in 1936 this county contained 6,000 people, and today, some 26 years later, it has about 2.2 million. This extraordinary growth in people, business, commerce and industry has also reflected itself in increased bankruptcy filings, and the two judges that are working in that county at the present time are indeed exhibiting extraordinary work habits. I will share these facts with my colleagues. It almost boggles the mind.

The two judges working in the bankruptcy court in Orange County, CA, are currently working at a rate of termination of at least 24 cases per day, or 1 every 20 minutes for an 8-hour day.

No human can keep up that effort. It just boggles the mind that they are able to perform that level of effort. It raises questions as to whether or not they truly are being as accurate and as attentive to detail as anyone would expect in the administration of justice.

□ 1045

So I am happy to say that it is appropriate to add these seven additional judges to the central district. I have every expectation that at least two of them will be assigned to Orange County, CA, to ease the caseload pending there.

Mr. Speaker, I thank my colleague for the time to express these thoughts.

Mr. FISH. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, and ladies and gentlemen of the House, I think the staffs of both the majority and minority deserve a lot of credit for working out the details of this legislation.

We Members of Congress appreciate having our names on the bills and accepting mutual congratulatory statements, but the nitty-gritty work, the compromises, the working out of the details which are indispensable to any legislation like this is largely the work of very skilled, very professional, very dedicated staff.

On the Republican side, Alan Coffey, our chief minority counsel and Peter Levinson have dedicated themselves to producing an excellent piece of legislation and have had the assistance and the direction of the majority staff headed by Elaine Mielke, Gary Goldberger, and Judith Bailey, with Dan Freeman assisting as well.

So I think staff deserves some recognition for their work in producing this legislation, and I am pleased to join with colleagues on both sides of the aisle to support this bill.

I think this will expedite the disposition of bankruptcy cases by authorizing needed bankruptcy judgeships and improving the administration of bankruptcy by expanding the successful pilot U.S. Trustee Program nationwide.

Mr. Speaker, I support H.R. 5316, as amended, and I am confident this body will approve it.

Mr. Speaker, I am pleased to join with colleagues on both sides of the aisle in supporting this important bankruptcy legislation.

Our hearing record in the Subcommittee on Monopolies and Commercial Law amply documents the need for additional bankruptcy judgeships. Backlogs have increased dramatically in many judicial districts—resulting in unacceptable delays. In the northern district of Illinois, numbers of petitions pending per judgeship on June 30, 1985 reached 4,401—compared with the national average of 2,625. Although the petition termination rate per judgeship in that district substantially exceeded the national average—suggesting high judicial productivity—the judges are falling further and further behind. H.R. 5316, as amended, includes two additional essential bankruptcy judgeships for the northern district of Illinois. I know that a number of other Federal judicial districts also greatly need the caseload relief that additional judgeships will provide.

Bankruptcy administration will benefit substantially from another provision of H.R. 5316, as amended—the nationwide expansion of the pilot U.S. Trustee Program—a program that currently operates in 18 Federal judicial districts including the northern district of Illinois. A study by ABT Associates of Cambridge, MA, found that there were approximately double the number of successful reorganizations in pilot—contrasted with nonpilot—districts. Bankruptcy attorney Joseph Matz, a partner in a Chicago law firm, testified on behalf of the Commercial Law League of America that the Commercial Law League "firmly believes that the U.S. Trustee System has proved itself to be effective in the administration of cases." Experience with the pilot program demonstrates that the administration of bankruptcy cases can improve from the oversight of U.S. trustees who seek to prevent abuses by any of the participants in the bankruptcy process.

This legislation, in summary, will expedite the disposition of bankruptcy cases by authorizing needed bankruptcy judgeships and improve bankruptcy administration by expanding the successful Pilot U.S. Trustee Program nationwide. Farm bankruptcy provisions, designed to help family farmers, already received the approval of this body last year.

Mr. Speaker, I support H.R. 5316, as amended, and hope this body will approve it.

Mr. RODINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first let me say that I want to echo the sentiments of the gentleman who just spoke in the well and say that staff indeed has worked hard and has earned the admiration of all the members of the committee. This is a very complex and very tedious kind of an operation, but nonetheless staff discharged its responsibility in the highest tradition of those who work in the House of Representatives.

I want to commend both the majority and minority staff for the kind of work that they did in bringing together this product which had so many different goals.

Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. JONES].

Mr. JONES of Oklahoma. Mr. Speaker, as an original cosponsor of H.R. 4128, the Bankruptcy Judgeship Act, I wish to lend my support to H.R. 5316, which includes an additional judge for the northern district of Oklahoma and one for the western district.

Mr. Speaker, I regret that I have to come before you today favoring additional bankruptcy judgeships. It is a very sad statement. It is sad that the economic policies of this administration have failed miserably. And it is sad, but surely not a coincidence, that bankruptcies have soared.

Oklahoma is in the midst of a severe depression. The Reagan economic policies have devastated our economy. With the administration's disastrous farm policy, and lack of an energy policy, it's no wonder that bankruptcy cases have skyrocketed in Oklahoma.

Mr. Speaker, I regret to say it, but these additional bankruptcy judges are absolutely essential in Oklahoma.

Just 3 days ago the Tulsa Tribune ran a long article on the record number of bankruptcies in Oklahoma. The bankruptcy clerks summed up the reason for the large number of filings in two words "bad economy." I can sum it up in just one word: "Reaganomics."

The statistics are astonishing, 1,276 bankruptcy cases were filed in Oklahoma last month. That is almost double the number filed in July of 1985. For the first 7 months of 1986, bankruptcies are up 62 percent over 1985. Officials have predicted a record year for filings.

Let me take a moment to share with you some figures for the northern district of Oklahoma. While bankruptcy filings declined nationally in 1983 and 1984, they increased in the northern district, and have continued to do so. Over a 5-year period, total filings have increased 27 percent, but business chapter 11 cases have increased 709 percent. The northern district ranks third in total business filings per judgeship and first in chapter 7 business filings per judgeship. There were 300 chapter 7 petitions filed last month in Tulsa, compared to 178 last July. The business filings are predominantly farm-ranch and oil and gas industry cases, which typically generate extensive litigation. Personal reorganization cases filed under chapter 13 nearly tripled in July.

Judge Mickey Wilson, the only bankruptcy judge in the northern district of Oklahoma, is doing a tremendous job with the limited resources he has. Only four districts in the Nation reported total proceedings per judge ex-

ceeding the 7,097 heard by Judge Wilson in 1984. But there is no way he can keep up with the overloaded calendar. He estimates that right now parties must wait 4 to 6 months if they anticipate a multiday trial.

Unfortunately, the situation in Oklahoma City is no better. New filings are up 61 percent from the first 7 months of 1985. Chapter 7 cases are up 62 percent, chapter 11 cases are up 74 percent, and chapter 13 cases rose 40 percent.

There is no doubt in my mind that the economic policies of this administration are directly responsible for the depressed economic situation in Oklahoma. Those policies must be reversed.

Mr. Speaker, regrettably, I offer my full support of H.R. 5316, which will provide the Oklahoma courts the relief they desperately need.

Mr. FISH. Mr. Speaker, I yield 2 minutes to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Speaker, I do not rise in opposition to the bill, and I will vote for it, but I would like to raise some concerns that I know some of the Federal judicial districts in this country have with respect to the designation of 18 regional Federal trustees. Vermont, which comprises 1 of 94 judicial districts, would be rolled into one of these regional conglomerates including rather large States such as New York. I am concerned by the fact that there is nothing in this bill which would say that Vermont or other States in a similar position should have a local resident or individual who knows the State, if not a trustee, an assistant trustee.

I do not suggest that you ought to create a special district for Vermont or a special Vermont trustee. I do suggest, however, that you either adopt the Senate provision, which would allow my State to opt out of this procedure, or that some assurance be placed into the bill that at least one assistant trustee be an individual who is from the district, is knowledgeable in the trusteeship aspects, and is designated a trustee with the concurrence of the bankruptcy judge in that particular district.

The bottom line is that we need some assurance that we are going to have a trustee who will be knowledgeable and dedicated to the interests of our judicial district, the State of Vermont.

Again, I do not oppose the bill, Mr. Speaker, but I would hope that when we go into conference with the Senate, serious consideration will be given to helping districts like the State of Vermont gain assurance that the assistant trustee appointed for the State is knowledgeable and would be interested in the affairs of the State, and not somebody who will come in with a carpetbag.

Mr. RODINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I agree that it is desirable to have convenient local offices of the U.S. trustee to serve the needs of debtors and creditors and to have local persons appointed as U.S. trustees and assistant trustees.

The United States Trustee Act certainly accommodates such a local presence. Although the bill authorizes only 18 U.S. trustees, there is no limit on the number of assistant U.S. trustees. Assistant U.S. trustees can be used to head a branch office within a region and thus establish more than one office per region. The Attorney General will set the number of assistant U.S. trustees as dictated by workloads, geography, and budgetary restraints.

The bill also accommodates appointment of local persons to fill the position of U.S. trustee. Our main goal is to attract highly competent and professional persons to the job. No doubt such persons can be found in various locales, and I hope they will be encouraged to apply.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Speaker, I rise today in support of H.R. 5316, legislation providing for the appointment of additional bankruptcy judges. I urge the Members of this body to vote in favor of this bill which incorporates language similar to legislation I introduced earlier in this Congress to increase the number of bankruptcy judges in the Southern Judicial District of Texas from three to six. This legislation is needed to rectify the serious shortage of bankruptcy judges across the country, as well as in south Texas, and thus ease the burden on the economically distressed.

South Texas is being decimated by a wave of bankruptcies which has not been seen since the Great Depression half a century ago. Business bankruptcies in this judicial district are up 41.8 percent over the already high level of a year ago. The total number of bankruptcies in the district are up 15.8 percent over 1984. Worst of all, the pace of bankruptcies is on the increase.

The epidemic of bankruptcies currently overwhelming the south Texas region has many causes: The depressed energy industry, a crisis on the farms, job losses, flat real estate sales and slow development of land and housing. Bankruptcy courts are backlogged as 3 Federal judges, out of 232 nationally, try to address the needs of one of the more economically struggling areas of the country. Currently there is just 1 bankruptcy judge for every 6,000 cases to be heard.

Furthermore, the Administration Office of the U.S. Courts has studied the situation and recommended that the south Texas Judicial District receive three additional bankruptcy judges. I have been in close contact with Federal judges and State officials in the area who understand the situation and support this remedy to a serious situation. It is time for the House to act, and pass this legislation, to remedy a crisis currently facing our Nation's courts.

Mr. FISH. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut [Mr. MCKINNEY].

Mr. MCKINNEY. Mr. Speaker, I rise today with very mixed feelings indeed.

On the one hand, I applaud the diligent work of the Judiciary Committee in expediting this necessary legislation—the bankruptcy judgeships created in this bill are in great need. No one can effectively dispute that, and I plan to vote in favor of this measure.

But on the other hand, I am extremely concerned that the committee has failed to see the urgency of a related issue—that of enlarging our Federal district and appeals court benches.

Today, many jurisdictions across the country are suffering from overloaded dockets and under-judged benches. The result: some of our Federal courts are having serious trouble meeting their responsibility to society.

The need in my home State of Connecticut is so great that I have taken the step of introducing legislation to authorize an additional district court judgeship. Thanks to a law passed over 2 years ago, the district court of Connecticut now has six active judges. It had functioned with five since 1978.

Yet even with the additional judge, the caseload burden of this court remains unwieldy. In its most recent report to Congress, the Judicial Conference recommended an additional district court judge for Connecticut. It's easy to see why—in 1985 the court completed 68 trials per judgeship, the fourth highest among all district courts in the Nation.

In closing I would like to make one thing clear. Connecticut needs an additional district court judge, but we are not alone.

The situation is urgent and should be given prompt attention. I urge the chairman of the Judiciary Committee to expedite consideration of an omnibus judgeship bill. The need certainly is here.

□ 1055

Mr. FISH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to compliment the chairman of our committee, the gentleman from New Jersey [Mr. RODINO], and the majority and minority staffs for the painstaking work that went into this legislation.

Mr. Speaker, I welcome the opportunity to speak in support of H.R. 5316, as amended, legislation that authorizes additional bankruptcy judgeships,

establishes a nationwide U.S. Trustee Program, and assists family farmers in financial distress to avoid liquidation. The bankruptcy judgeship and U.S. Trustee provisions were reported favorably by voice vote of the Committee on the Judiciary. The farm bankruptcy provisions passed the House last year as H.R. 2211. The three subjects covered by this legislation correspond to the major subjects of the Senate amendment to H.R. 2211.

H.R. 5316, as amended, authorizes an additional 52 bankruptcy judgeships as a response to a burgeoning bankruptcy caseload. Preliminary figures for Bankruptcy Code filings in a recent 12-month period reached almost double the total bankruptcy filings for the 12 months ending June 30, 1979—a period of years during which the numbers of bankruptcy judges remained relatively stable. The time-consuming chapter 11 reorganization caseloads reached 21,420 filings for the year ending June 30, 1985, compared with only 3,774 cases filed under the business rehabilitation chapters of the former Bankruptcy Act 6 years earlier.

The combined effect of dramatic increases in filings and petition termination rates that fall short of new filings has been a steady increase in the pending caseload. Bankruptcy judges, in spite of productivity increases, are falling further and further behind.

The Committee on the Judiciary concluded that the most heavily burdened judicial districts needed relief. After studying caseload figures in individual districts, the committee approved 52 additional judgeships—including the 48 positions authorized in H.R. 4140, a bill I had introduced embracing the recommendations of the Judicial Conference of the United States. During its markup of H.R. 5265, the predecessor to H.R. 5316, the Subcommittee on Monopolies and Commercial Law added seven Judicial Conference recommended positions by accepting an amendment by the gentleman from California [Mr. EDWARDS] relating to the northern district of California, an amendment by the gentleman from California [Mr. DANNEMEYER] relating to the central district of California, and an amendment I offered relating to the eastern district of Virginia, the northern district of Indiana, the district of Oregon, the western district of Washington, and the northern district of Georgia. The net result of our committee's work is an appropriate and limited response to the excessive demands on bankruptcy judges in a number of Federal judicial districts.

The second major ingredient of this legislation, a nationwide U.S. Trustee Program to supervise the administration of bankruptcy cases, builds on the success of the pilot program operating in 18 of the 94 Federal judicial districts. Abt Associates of Cambridge, MA, in a 1983 report and 1985 update, evaluated the pilot program favorably and expressed support for nationwide expansion. Other expressions of support for a nationwide program have come from the Department of Justice, the National Bankruptcy Conference, the Commercial Law League of America, and the U.S. Chamber of Commerce. During one of our subcommittee hearings, I particularly welcomed the testimony of a distinguished jurist from my own congressional district, U.S. Bankruptcy Judge Jeremiah Berk. His support for a nationwide program was particularly significant because of his unique perspective as a judge who decides cases that originate in both a pilot district and a nonpilot district of New York.

H.R. 5316, as amended, like a bill I introduced on behalf of the administration (H.R. 3664), establishes a nationwide U.S. Trustee Program located within the Department of Justice. The National Bankruptcy Conference, in testimony before our committee, supported retention of the program in the Department of Justice and vigorously oppose[d] its transfer to the judiciary. U.S. Bankruptcy Judge Cornelius Blackshear (S.D.N.Y.), a former U.S. trustee, also favored housing the program in the Department of Justice, noting that "it is of paramount importance that there be independence and a clear segregation of duties and responsibilities between the judicial aspects of a case and its administration." U.S. trustees, located within the Department of Justice, can function as effective watchdogs of bankruptcy administration—uncovering abuses and providing guidance to private trustees.

The nationwide U.S. Trustee Program established by this bill is designed to be self-funding. H.R. 5316, as amended, provides that increases in bankruptcy filing fees—and a new quarterly fee in reorganization cases—will be deposited to a U.S. trustee system fund. During our committee markup, I sponsored two amendments designed to improve the self-funding provisions of this bill. The first mandated transfer to the general fund of the Treasury funds not needed for U.S. trustee operations. The second imposed a periodic fee or charge in reorganization cases that varied depending on disbursements—a formula thoroughly studied by the committee. The U.S. Trustee Program, according to a Congressional Budget Office assessment, should result in net savings for the Government.

At the subcommittee level, we adopted an amendment offered by the gentleman from Kansas [Mr. GLICKMAN] to establish an electronic case management demonstration project in three Federal judicial districts. My hope is that this experiment with computerized information will lead to greater economy and efficiency in bankruptcy administration.

In concluding my discussion of the U.S. Trustee Program, Mr. Speaker, I would like to direct my colleagues' attention to one very important improvement in this bill. Some of the principal provisions of the Bankruptcy Amendments of 1984 were the consumer credit amendments, which responded to the large increase in consumer bankruptcies generated by the 1978 amendments to the Bankruptcy Code. The new authority granted in section 707(b) of title 11 was designed to assure that debtors, primarily with consumer debts, would not be granted inappropriate relief under the bankruptcy laws. Specifically, it provides that the court, after notice and a hearing, can, on its own motion, dismiss a case filed by an individual consumer debtor where it finds that granting relief would constitute a substantial abuse of chapter 7 provisions. Section 707(b) further stipulates that the court may not make such a dismissal at the request or suggestion of any party in interest.

Mr. Speaker, this substantial abuse provision was never intended to prevent a panel trustee or a U.S. trustee from bringing evidence or information pertaining to substantial abuse to the attention of the court. These individuals, after all, are the most likely to be familiar with those types of facts in these cases. The party in interest phrase in section 707(b) was intended to mean creditors—not panel trustees or U.S. trustees.

Unfortunately, since 1984, many of the cases interpreting section 707(b) have concluded that a panel trustee—or a U.S. trustee—is also prevented from bringing questions of substantial abuse to the attention of the bankruptcy court. This result was simply not the goal of the conference committee or the Congress when that provision was formulated. Because of the confusion surrounding current law on this point, it must be clarified.

Accordingly, in subcommittee, the gentleman from Oklahoma [Mr. SYNAR] offered an amendment to section 707(b) to clarify that a motion for dismissal on the ground of substantial abuse may also be offered by the U.S. trustee. That provision was adopted by the subcommittee without dissent, and approved by the full Judiciary Committee, with the concurrence of the distinguished chairman of the committee. Because of germaneness problems, we were unable to amend this particular bill to explicitly permit the panel trustee to perform the same function. However, we anticipate that the U.S. trustee will be supported in discharging this authority by the panel trustee, who is involved in day-to-day operations and will work closely with the U.S. trustee in this regard.

Mr. Speaker, I want to commend my colleagues who have supported this important improvement in the law. I believe that it goes a long way toward clarifying and restoring our original intent with respect to these provisions.

Finally, Mr. Speaker, this legislation incorporates H.R. 2211, farm bankruptcy legislation approved by this body last year. The farm bankruptcy provisions are designed to make the option of remaining in business more viable for financially distressed family farmers. By introducing greater flexibility into chapter 13 of the Bankruptcy Code, we provide a mechanism for family farmers to keep their farms and satisfy creditors out of future earnings. Such an approach—making chapter 13 more accessible to family farmers—helps not only family farmers but also the many businesses located in farm communities around the country.

Mr. Speaker, H.R. 5316, as amended, addresses three major bankruptcy-related needs—more bankruptcy judges to alleviate court congestion, a nationwide U.S. Trustee Program to improve bankruptcy administration, and Bankruptcy Code modifications to make our law more responsive to the plight of American family farmers. I believe this legislation clearly merits the support of the Members of this body.

Mr. BROOKS. Mr. Speaker, I am extremely pleased that H.R. 5316—legislation to create new bankruptcy judgeships—is before us today. I have sponsored legislation, H.R. 3951, which would authorize three additional bankruptcy judges for the southern district of Texas. I note that the omnibus legislation being considered today would provide for these three new judgeships as well.

These new judgeships are urgently needed. In 1979, there were approximately 2,000 active bankruptcy cases in the southern district of Texas. By the end of last year, there were 20,000—a tenfold increase—and still the same number of judges handling the workload, this year, the number had continued to grow. As reported in Texas Monthly, last month, while the Federal district courts average between 750 to 1,000 cases per judge, in the southern district of Texas, "three bankruptcy judges each preside over 7,200 cases."

The Judicial Conference of the United States determined that the southern district of Texas has one of the highest shortages of bankruptcy judges in the country. The conference has recommended three new judgeships, as my bill and the omnibus legislation being considered today both provide.

I urge my colleagues to support this important bill.

Mr. FISH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RODINO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SMITH of Florida). The question is on the motion offered by the gentleman from New Jersey [Mr. RODINO] that the House suspend the rules and pass the bill, H.R. 5316, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ASBESTOS HAZARD EMERGENCY RESPONSE ACT OF 1986

Mr. FLORIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5073) to amend the Toxic Substances Control Act to require the Environmental Protection Agency to promulgate regulations requiring inspection for asbestos-containing material in the Nation's schools, development of asbestos management plans for such schools, response actions with respect to friable asbestos-containing material in such schools, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Asbestos Hazard Emergency Response Act of 1986".

SEC. 2. AMENDMENT TO TOXIC SUBSTANCES CONTROL ACT.

The Toxic Substances Control Act is amended by adding at the end the following new title:

"TITLE II—ASBESTOS HAZARD EMERGENCY RESPONSE

"SEC. 201. CONGRESSIONAL FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds the following:

"(1) The Environmental Protection Agency's rule on local educational agency inspection for, and notification of, the presence of friable asbestos-containing material in school buildings includes neither standards for the proper identification of asbestos-containing material and appropriate response actions with respect to friable asbestos-containing material, nor a requirement that response actions with respect to friable asbestos-containing material be carried out in a safe and complete manner once actions are found to be necessary. As a result of the lack of regulatory guidance from the Environmental Protection Agency, some schools have not undertaken response action while many others have undertaken expensive projects without knowing if their action is necessary, adequate, or safe. Thus, the danger of exposure to asbestos continues to exist in schools, and some exposure actually may have increased due to the lack of Federal standards and improper response action.

"(2) The guidance provided by the Enviromental Protection Agency in its 'Guidance for Controlling Asbestos-Containing Material in Buildings' is inadequate and too general and vague to provide sufficient guidance to local educational agencies and others for responding appropriately to asbestos and could lead to inappropriate responses in certain situations. Such guidance, as modified, is intended to be used only in the event the Environmental Protection Agency fails to promulgate regulations as required by this title.

"(3) Because there are no Federal standards whatsoever regulating daily exposure to asbestos in other public and commercial buildings, persons in addition to those comprising the Nation's school population may be exposed daily to asbestos.

"(b) PURPOSE.—The purpose of this title is—

"(1) to provide for the establishment of Federal regulations which require inspection for asbestos-containing material and implementation of appropriate response actions with respect to friable asbestos-containing material in the Nation's schools in a safe and complete manner;

"(2) to mandate safe and complete periodic reinspection of school buildings following response actions, where appropriate; and

"(3) to require the Administrator to conduct a study to find out the extent of the danger to human health posed by asbestos in public and commercial buildings and the means to respond to any such danger.

"SEC. 202. DEFINITIONS.

"For purposes of this title—

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) ASBESTOS.—The term 'asbestos' means asbestiform varieties of—

"(A) chrysotile (serpentine),

"(B) crocidolite (riebeckite),

"(C) amosite (cummingtonite-grunerite),

"(D) anthophyllite,

"(E) tremolite, or

"(F) actinolite.

"(3) ASBESTOS-CONTAINING MATERIAL.—The term 'asbestos-containing material' means any material which contains more than 1 percent asbestos by weight.

"(4) EPA GUIDANCE DOCUMENT.—The term 'Guidance for Controlling Asbestos-Containing Material in Buildings', means the Environmental Protection Agency document with such title as in effect on March 31, 1986.

"(5) FRIABLE ASBESTOS-CONTAINING MATERIAL.—The term 'friable asbestos-containing material' means any asbestos-containing material applied on ceilings, walls, structural members, piping, duct work, or any other part of a building which when dry may be crumbled, pulverized, or reduced to powder by hand pressure.

"(6) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' means—

"(A) any local educational agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381), and

"(B) the owner of any private, nonprofit elementary or secondary school building.

"(7) MOST CURRENT GUIDANCE DOCUMENT.—The term 'most current guidance document' means the Environmental Protection Agency's 'Guidance for Controlling Asbestos-Containing Material in Buildings' as modified by the Environmental Protection Agency after March 31, 1986.

"(8) NON-PROFIT ELEMENTARY OR SECONDARY SCHOOL.—The term 'non-profit elementary or secondary school' means any elementary or secondary school (as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854)) owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

"(9) PUBLIC AND COMMERCIAL BUILDING.—The term 'public and commercial building' means any building which is not a school building and which is not residential property.

"(10) RESPONSE ACTION.—The term 'response action' means methods to protect human health and the environment from asbestos-containing material. Such methods include methods described in chapters 3 and 5 of the Environmental Protection Agency's 'Guidance for Controlling Asbestos-Containing Materials in Buildings'.

"(11) SCHOOL.—The term 'school' means any elementary or secondary school as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854).

"(12) SCHOOL BUILDING.—The term 'school building' means—

"(A) any structure suitable for use as a classroom, including a school facility such as a laboratory, library, school eating facility, or facility used for the preparation of food,

"(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education,

"(C) any other facility used for the instruction of students or for the administration of educational or research programs, and

"(D) any maintenance, storage, or utility facility, including any hallway, essential to the operation of any facility described in subparagraphs (A), (B), or (C).

"(13) STATE.—The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianas, the Trust Territory of the Pacific Islands, and the Virgin Islands.

"SEC. 203. EPA REGULATIONS.

"(a) IN GENERAL.—Within 360 days after the date of the enactment of this title, the Administrator shall promulgate regulations as described in subsections (b) through (h). With respect to regulations described in subsections (b), (c), (d), (e), (f), and (h), the Administrator shall issue an advanced notice of proposed rulemaking within 60 days after the date of the enactment of this title, and shall propose regulations within 180 days after such date.

"(b) INSPECTION.—Regulations which prescribe procedures, including the use of personnel accredited under section 206(b) or 206(c) and laboratories accredited under section 206(d), for determining whether asbestos-containing material is present in a school building under the authority of a local educational agency. The regulations shall provide for the exclusion of any school building, or portion of a school building, if (1) an inspection of such school building (or portion) was completed before promulgation of the regulations, and (2) the inspection meets the procedures and other requirements of the regulations under this subsection or of the 'Guidance for Controlling Asbestos-Containing Materials in Buildings' (unless the Administrator determines that an inspection in accordance with the guidance document is inadequate).

"(c) RESPONSE ACTIONS.—Regulations describing a response action in a school building under the authority of a local educational agency, using the least burdensome methods which adequately protect against adverse effects of asbestos.

"(d) APPROPRIATE RESPONSE ACTIONS.—Regulations which define the appropriate response action in a school building under the authority of a local educational agency in the following circumstances:

"(1) Circumstances in which friable asbestos-containing material or its covering is damaged, deteriorated, or delaminated.

"(2) Circumstances in which—

"(A) friable asbestos-containing material is in an area regularly used by building occupants,

"(B) there is a reasonable likelihood that the material will become damaged, deteriorated, or delaminated, and

"(C) there is a reasonable likelihood that the material, when damaged, deteriorated or delaminated, would require a response action.

In promulgating such regulations, the Administrator shall consider and assess the value of various technologies intended to improve the decisionmaking process regarding response actions and the quality of any work that is deemed necessary, including air monitoring and chemical encapsulants.

"(e) IMPLEMENTATION.—Regulations for the implementation of response actions in school buildings under the authority of a local educational agency and, where appropriate, for the determination of when a response action is completed. Such regulations shall include standards for the education and protection of both workers and building occupants for the following phases of activity:

"(1) Inspection.

"(2) Response Action.

"(3) Post-response action, including any periodic reinspection of asbestos-containing material and long-term surveillance activity.

"(f) OPERATIONS AND MAINTENANCE.—Regulations to require implementation of an operations and maintenance and repair program as described in chapter 3 of the 'Guidance for Controlling Asbestos-Containing Materials in Buildings' for all friable asbestos-containing material in a school building under the authority of a local educational agency.

"(g) TRANSPORTATION AND DISPOSAL.—Regulations for the transportation and disposal of asbestos which protect human health and the environment.

"(h) MANAGEMENT PLANS.—

"(1) IN GENERAL.—The Administrator shall prescribe regulations which require each local educational agency to develop an asbestos management plan for school buildings under its authority, to begin implementation of such plan within 900 days after the date of the enactment of this title, and to complete implementation of such plan in a timely fashion. The regulations shall require that each plan include the following elements, wherever relevant to the school building:

"(A) An inspection statement describing inspection and response action activities carried out before the date of the enactment of this title.

"(B) A description of the results of the inspection conducted pursuant to regulations under subsection (b), including a description of the specific areas inspected.

"(C) A detailed description of measures to be taken to respond to any friable asbestos-containing material pursuant to the regulations promulgated under subsections (c), (d), and (e), including the location or locations at which a response action will be taken, the method or methods of response action to be used, and a schedule for beginning and completing response actions.

"(D) A detailed description of any asbestos-containing material found in the school building for which no response action was taken pursuant to the regulations promulgated under subsections (c), (d), and (e).

"(E) A plan for periodic reinspection and long-term surveillance activities, and a plan for operations and maintenance activities developed pursuant to regulations promulgated under subsection (f).

"(F) With respect to the person or persons who inspected for asbestos-containing material and who will carry out response actions with respect to the friable asbestos-containing material, one of the following statements:

"(i) If the State has adopted a contractor accreditation plan under section 206(b), a statement that the person (or persons) is accredited under such plan.

"(ii) A statement that the local educational agency hired (or will hire) persons who have been accredited by another State which has adopted a contractor accreditation plan under section 206(b) or is accredited pursuant to an Administrator-approved course under section 206(c).

"(G) A list of the laboratories that analyzed any bulk samples of asbestos-containing material found in the school building or air samples taken to detect asbestos in the school building and a statement that each laboratory has been accredited pursuant to the accreditation program under section 206(d).

"(H) With respect to each consultant who contributed to the management plan, one of the following statements:

"(i) If the State has adopted a contractor accreditation plan under section 206(b), a statement that the consultant is accredited under such plan.

"(ii) A statement that the contractor is accredited by another State which has adopted a contractor accreditation plan under section 206(b) or is accredited pursuant to an Administrator-approved course under section 206(c).

"(I) An evaluation of resources needed to successfully complete response actions and carry out reinspection, surveillance, and operation and maintenance activities.

"(2) WARNING LABELS.—(A) The regulations shall require that each local educational agency which has carried out its response actions with respect to a school building shall attach a warning label to any asbestos-containing material still in routine maintenance areas (such as boiler rooms) of the school building, including—

"(i) friable asbestos-containing material which was responded to by a means other than removal, and

"(ii) asbestos-containing material for which no response action was carried out.

"(B) The warning label shall read, in print which is readily visible because of large size or bright color, as follows: 'CAUTION: ASBESTOS HAZARD. DO NOT DISTURB WITHOUT PROPER TRAINING AND EQUIPMENT.'

"(3) PUBLIC AVAILABILITY.—A copy of the management plan developed under the regulations shall be available in the administrative offices of the local educational agency for inspection by the public, including

teachers, other school personnel, and parents. The local educational agency shall notify parent, teacher, and employee organizations of the availability of such plan.

"(4) SUBMISSION TO STATE GOVERNOR.—Each plan developed under this subsection shall be submitted to the State Governor under section 205.

"(i) CHANGES IN REGULATIONS.—Changes may be made in the regulations promulgated under this section by rule in accordance with section 553 of title 5, United States Code. Any such change must protect human health and the environment.

"(j) CHANGES IN GUIDANCE DOCUMENT.—Changes may be made in the 'Guidance for Controlling Asbestos-Containing Material in Buildings' by rule in accordance with section 553 of title 5, United States Code. Any such change must protect human health and the environment.

"SEC. 204. REQUIREMENTS IF EPA FAILS TO PROMULGATE REGULATIONS.

"(a) IN GENERAL.—If the Administrator fails to promulgate regulations under section 203 within the prescribed period, each local educational agency shall carry out the requirements described in subsections (b) through (f) of this section, in accordance with the Environmental Protection Agency's most current guidance document. Such requirements shall be in effect until such time as the Administrator promulgates regulations under section 203.

"(b) INSPECTION.—(1) Except as provided in paragraph (2), the local educational agency, within 540 days after the date of the enactment of this title, shall conduct an inspection for asbestos-containing material, using personnel accredited under section 206(b) or 206(c) and laboratories accredited under section 206(d), in each school building under its authority.

"(2) The local educational agency shall exclude from the inspection requirement in paragraph (1) any school building, or portion of a school building, if (A) an inspection of such school building (or portion) was completed before the date on which this section goes into effect, and (B) the inspection meets the inspection requirements of this section.

"(c) OPERATION AND MAINTENANCE.—The local educational agency shall, within 720 days after the date of the enactment of this title, develop and begin implementation of an operation and maintenance plan with respect to friable asbestos-containing material in a school building under its authority. Such plan shall provide for the education of school service and maintenance personnel about safety procedures with respect to such asbestos-containing material, including friable asbestos-containing material.

"(d) MANAGEMENT PLAN.—

"(1) IN GENERAL.—The local educational agency shall—

"(A) develop a management plan for responding to friable asbestos-containing material in each school building under its authority and submit such plan to the Governor under section 205 within 810 days after the date of the enactment of this title,

"(B) begin implementation of such plan within 900 days after the date of the enactment of this title, and

"(C) complete implementation of such plan in a timely fashion.

"(2) PLAN REQUIREMENTS.—The management plan shall—

"(A) include the elements listed in section 203(h)(1), including an inspection statement as described in paragraph (3),

"(B) provide for the attachment of warning labels as described in section 203(h)(2),

"(C) be prepared in accordance with the most current guidance document,

"(D) meet the standard described in paragraph (4) for actions described in that paragraph, and

"(E) be submitted to the State Governor under section 205.

"(3) INSPECTION STATEMENT.—The local educational agency shall complete an inspection statement, covering activities carried out before the date of the enactment of this title, which meets the following requirements:

"(A) The statement shall include the following information:

"(i) The dates of inspection.

"(ii) The name, address, and qualifications of each inspector.

"(iii) A description of the specific areas inspected.

"(iv) A list of the laboratories that analyzed any bulk samples of asbestos-containing material or air samples of asbestos found in any school building and a statement describing the qualifications of each laboratory.

"(v) The results of the inspection.

"(B) The statement shall state whether any actions were taken with respect to any asbestos-containing material found to be present, including a specific reference to whether any actions were taken in the boiler room of the building. If any such action was taken, the following items of information shall be included in the statement:

"(i) The location or locations at which the action was taken.

"(ii) A description of the method of action.

"(iii) The qualifications of the persons who conducted the action.

"(4) STANDARD.—The ambient interior concentration of asbestos after the completion of actions described in the most current guidance document, other than the type of action described in sections 203(f) and 204(c), shall not exceed the ambient exterior concentration, discounting any contribution from any local stationary source. In the absence of reliable measurements, the ambient exterior concentration shall be deemed to be—

"(A) less than 0.003 fibers per cubic centimeter if a scanning electron microscope is used, and

"(B) less than 0.005 fibers per cubic centimeter if a transmission electron microscope is used.

"(5) PUBLIC AVAILABILITY.—A copy of the management plan shall be available in the administrative offices of the local educational agency for inspection by the public, including teachers, other school personnel, and parents. The local educational agency shall notify parent, teacher, and employee organizations of the availability of such plan.

"(e) BUILDING OCCUPANT PROTECTION.—The local educational agency shall provide for the protection of building occupants during each phase of activity described in this subsection.

"(f) TRANSPORTATION AND DISPOSAL.—The local educational agency shall provide for the transportion and disposal of asbestos in accordance with the most recent version of the Environmental Protection Agency's 'Asbestos Waste Management Guidance' (or any successor to such document).

"SEC. 205. SUBMISSION TO STATE GOVERNOR.

"(a) SUBMISSION.—Within 720 days after the date of the enactment of this title (or within 810 days if there are no regulations under section 203(h)), a local educational agency shall submit a management plan developed pursuant to regulations promulgated under section 203(h) (or under section 204(d) if there are no regulations) to the Governor of the State in which the local educational agency is located.

"(b) GOVERNOR REQUIREMENTS.—Within 360 days after the date of the enactment of this title, the Governor of each State—

"(1) shall provide for notification to local educational agencies in the State of where to submit their management plans under this section, and

"(2) may establish administrative procedures for reviewing management plans submitted under this section.

If the Governor establishes procedures under paragraph (2), the Governor shall designate to carry out the reviews those State officials who are responsible for implementing environmental protection or other public health programs, or with authority over asbestos programs, in the State.

"(c) MANAGEMENT PLAN REVIEW.—

"(1) REVIEW OF PLAN.—The Governor may disapprove a management plan within 90 days after the date of receipt of the plan if the plan—

"(A) does not conform with the regulations under section 203(h) (or with section 204(d) if there are no regulations),

"(B) does not assure that contractors who are accredited pursuant to this title will be used to carry out the plan, or

"(C) does not contain a response action schedule which is reasonable and timely, taking into account circumstances relevant to the speed at which the friable asbestos-containing material in the school buildings under the local educational agency's authority should be responded to, including human exposure to the asbestos while the friable asbestos-containing material remains in the school building, and the resources available to the local educational agency.

"(2) REVISION OF PLAN.—If the State Governor disapproves a plan, the State Governor shall explain in writing to the local educational agency the reasons why the plan was disapproved and the changes that need to be made in the plan. Within 30 days after the date on which notice is received of disapproval of its plan, the local educational agency shall revise the plan to conform with the State Governor's suggested changes. The Governor may extend the 30-day period for not more than 90 days.

"SEC. 206. CONTRACTOR AND LABORATORY ACCREDITATION.

"(a) CONTRACTOR ACCREDITATION.—A person may not—

"(1) inspect for asbestos-containing material in a school building under the authority of a local educational agency,

"(2) prepare a management plan for such a school, or

"(3) conduct response actions, other than the type of action described in sections 203(f) and 204(c), with respect to friable asbestos-containing material in such a school,

unless such person is accredited by a State under subsection (b) or is accredited pursuant to an Administrator-approved course under subsection (c).

"(b) ACCREDITATION BY STATE.—

"(1) MODEL PLAN.—

"(A) PERSONS TO BE ACCREDITED.—Within 180 days after the date of the enactment of this title, the Administrator, in consultation with affected organizations, shall develop a model contractor accreditation plan for States to give accreditation to persons in the following categories:

"(i) Persons who inspect for asbestos-containing material in school buildings under the authority of a local educational agency.

"(ii) Persons who prepare management plans for such schools.

"(iii) Persons who carry out response actions, other than the type of action described in sections 203(f) and 204(c), with respect to friable asbestos-containing material in such schools.

"(B) PLAN REQUIREMENTS.—The plan shall include a requirement that any person in a category listed in paragraph (1) achieve a passing grade on an examination and participate in continuing education to stay informed about current asbestos inspection and response action technology. The examination shall demonstrate the knowledge of the person, and the knowledge of any of such person's employees, in areas that the Administrator prescribes as necessary and appropriate in each of the categories. Such examinations may include requirements for knowledge in the following areas:

"(i) Recognition of asbestos-containing material and its physical characteristics.

"(ii) Health hazards of asbestos and the relationship between asbestos exposure and disease.

"(iii) Assessing the risk of asbestos exposure through a knowledge of percentage weight of asbestos-containing material, friability, age, deterioration, location and accessibility of materials, and advantages and disadvantages of dry and wet response action methods.

"(iv) Respirators and their use, care, selection, degree of protection afforded, fitting, testing, and maintenance and cleaning procedures.

"(v) Appropriate work practices and control methods, including the use of high efficiency particle absolute vacuums, the use of amended water, and principles of negative air pressure equipment use and procedures.

"(vi) Preparing a work area for response action work, including isolating work areas to prevent bystander or public exposure to asbestos, decontamination procedures, and procedures for dismantling work areas after completion of work.

"(vii) Establishing emergency procedures to respond to sudden releases.

"(viii) Air monitoring requirements and procedures.

"(ix) Medical surveillance program requirements.

"(x) Proper asbestos waste transportation and disposal procedures.

"(xi) Housekeeping and personal hygiene practices, including the necessity of showers, and procedures to prevent asbestos exposure to an employee's family.

"(2) STATE ADOPTION OF PLAN.—Each State shall adopt a contractor accreditation plan at least as stringent as the model plan developed by the Administrator under paragraph (1), within 180 days after the commencement of the first regular session of the legislature of such State which is convened following the date on which the Administrator completes development of the model plan.

"(c) ACCREDITATION BY ADMINISTRATOR-APPROVED COURSE.—

"(1) COURSE APPROVAL.—Within 180 days after the date of the enactment of this title, the Administrator shall ensure that any Environmental Protection Agency-approved asbestos training course is consistent with the model plan (including testing requirements) developed under subsection (b). A contractor may be accredited by taking such a course.

"(2) TREATMENT OF PERSONS WITH PREVIOUS EPA ASBESTOS TRAINING.—A person who—

"(A) completed an Environmental Protection Agency-approved asbestos training course before the date of the enactment of this title, and

"(B) passed (or passes) an asbestos test either before or after the date of the enactment of this title,

may be accredited under paragraph (1) if the Administrator determines that the course and test are equivalent to the requirements of the model plan developed under subsection (b).

"(3) LISTS OF COURSES.—The Administrator, in consultation with affected organizations, shall publish (and revise as necessary)—

"(A) a list of asbestos courses and tests in effect before the date of the enactment of this title which qualify for equivalency treatment under paragraph (2), and

"(B) a list of asbestos courses and tests which the Administrator determines under paragraph (1) are consistent with the model plan and which will qualify a contractor for accreditation under such paragraph.

"(d) LABORATORY ACCREDITATION.—Within 180 days after the date of the enactment of this title, the Secretary of Commerce, acting through the National Bureau of Standards and in consultation with affected organizations, shall develop an accreditation program for laboratories which analyze bulk samples of asbestos-containing material and air samples of asbestos from school buildings under the authority of a local educational agency. A laboratory which plans to carry out any such analysis shall comply with the requirements of the accreditation program.

"(e) FINANCIAL ASSISTANCE CONTINGENT ON USE OF ACCREDITED PERSONS.—(1) A school which is an applicant for financial assistance under section 505 of the Asbestos School Hazard Abatement Act of 1984 is not eligible for such assistance unless the school, in carrying out the requirements of this title—

"(A) uses a person (or persons)—

"(i) who is accredited by a State which has adopted an accreditation plan based on the model plan developed under subsection (b), or

"(ii) who is accredited pursuant to an Administrator-approved course under subsection (c), and

"(B) uses a laboratory (or laboratories) which is accredited under the program developed by the Secretary of Commerce under subsection (d).

"(2) This subsection shall apply to any financial assistance provided under the Asbestos School Hazard Abatement Act of 1984 for activities performed after the date which is one year after the date of the enactment of this title.

"SEC. 207. ENFORCEMENT.

"(a) PENALTIES.—Any local educational agency—

"(1) which fails to conduct an inspection pursuant to regulations under section 203(b) or under section 204(b),

"(2) which knowingly submits false information to the Governor regarding any inspection pursuant to regulations under section 203(h) or knowingly includes false information in any inspection statement under section 204(d)(3), or

"(3) which fails to develop a management plan pursuant to regulations under section 203(h) or under section 204(d),

is liable for a civil penalty of not more than $5,000 for each day during which the violation continues. Only the Attorney General of the United States or the Attorney General of the State in which the local educational agency is located may bring an action to collect a penalty under this subsection. Such action shall be brought in the district court of the United States in which the local educational agency is located, or in the district court of the United States for the District of Columbia. For purposes of this subsection, a 'violation' means a failure to comply with respect to a single school building. The court shall order that any civil penalty collected under this subsection be used by the local educational agency for purposes of complying with this title.

"(b) COMPLIANCE ACTION.—

"(1) If a local educational agency—

"(A) fails to conduct an inspection pursuant to regulations under section 203(b) or under section 204(b);

"(B) fails to develop a management plan pursuant to regulations under section 203(h) or under section 204(d); or

"(C) fails to begin implementation or complete implementation of such a management plan;

the Attorney General of the United States, the Attorney General of the State in which the local educational agency is located, or any other person (subject to subsection (c)(1)) may bring an action for injunctive relief in the district court of the United States in which the local educational agency is located or in the district court of the United States for the District of Columbia to require such agency to conduct an inspection, prepare a management plan, or implement a management plan, respectively.

"(2) In any action under this subsection, the Administrator, if not a party, may intervene as a matter of right.

"(3) The court, in issuing any final order in any action brought under this subsection, may award costs of suit and reasonable fees for attorneys and expert witnesses if the court determines that such an award is appropriate. Any court, in issuing its decision in an action brought to review such an order, may award costs of suit and reasonable fees for attorneys if the court determines that such an award is appropriate.

"(c) LIMITATIONS.—

"(1) If the Attorney General of the United States or the Attorney General of the affected State has commenced and is diligently prosecuting a compliance action under subsection (b), no other person may bring an action under such subsection.

"(2) No action may be brought under subsection (b) to require compliance under this Act before the expiration of 60 days after the plaintiff has given notice of lack of compliance (A) to the Administrator, and (B) to the person who is alleged to have failed to comply with any provision described in subsection (b).

"(d) RELATIONSHIP TO TITLE I.—

"(1) PENALTIES.—A local educational agency is not liable for any civil penalty under title I of this Act for failing or refusing to comply with any rule promulgated or order issued under this title.

"(2) ENFORCEMENT.—No action against a local educational agency for compliance with this title, any rule promulgated under this title, or any order issued under this title, may be brought under section 20 of title I of this Act.

"(e) COURT CONSIDERATIONS.—In fashioning any relief under subsection (b), the court shall consider the degree of the hazard posed by the asbestos and the resources available to the local educational agency to conduct any action the court orders it to take. Any

such action ordered shall be consistent with regulations promulgated under section 203 (or with the requirements of section 204 if there are no regulations).

"(f) CITIZEN COMPLAINTS.—Any citizen may file a complaint with the Administrator or with the Governor of the State in which the school building is located with respect to asbestos-containing material in a school building. Upon receipt of a complaint under this subsection, the Administrator or Governor shall investigate and respond to the complaint within a reasonable period of time. If the Administrator or Governor finds information about a possible violation of this title, the Administrator or Governor shall turn the information over to the Attorney General of the United States or the Attorney General of the State, respectively, for enforcement action.

"(g) CITIZEN CIVIL ACTIONS WITH RESPECT TO EPA REGULATIONS.—(1) Any person may commence a civil action without prior notice against the Administrator to compel the Administrator to meet the deadlines in section 203 for issuing advanced notices of proposed rulemaking, proposing regulations, and promulgating regulations. Any such action shall be brought in the district court of the United States for the District of Columbia.

"(2) In any action brought under paragraph (1) in which the court finds the Administrator to be in violation of any deadline in section 203, the court shall set forth a schedule for promulgating the regulations required by section 203 and shall order the Administrator to comply with such schedule. The court may extend any deadline (which has not already occurred) in section 204(b), 204(c), or 204(d) for a period of not more than 6 months, if the court-ordered schedule will result in final promulgation of the pertinent regulations within the extended period. Such deadline extensions may not be granted by the court beginning 720 days after the date of enactment of this title.

"(3) Section 20 of this Act shall apply to civil actions described in this subsection, except to the extent inconsistent with this subsection.

"SEC. 208. EMERGENCY AUTHORITY.

"(a) EMERGENCY ACTION.—

"(1) AUTHORITY.—Whenever—

"(A) the presence of airborne asbestos or the condition of friable asbestos-containing material in a school building governed by a local educational agency poses an immediate and significant hazard to human health or the environment, and

"(B) the local educational agency is not taking sufficient action (as determined by the Administrator or the Governor) to respond to the airborne asbestos or friable asbestos-containing material,

the Administrator or the Governor of a State is authorized to act to protect human health or the environment.

"(2) LIMITATIONS ON GOVERNOR ACTION.—The Governor of a State shall notify the Administrator whenever the Governor plans to take an emergency action under this subsection. The Governor may not carry out the emergency action, unless the action is an evacuation, for a period of 40 days, beginning on the date of notification to the Administrator. The Governor may act at the end of such period, but only if the Administrator has not taken an emergency action with respect to the same hazard during such period.

"(3) NOTIFICATION.—The following notification shall be provided before an emergency action is taken under this subsection:

"(A) In the case of a Governor taking the action, the Governor shall notify the local educational agency concerned.

"(B) In the case of the Administrator taking the action, the Administrator shall notify both the local educational agency concerned and the Governor of the State in which such agency is located.

"(4) COST RECOVERY.—The Administrator or the Governor of a State may seek reimbursement in a court of the United States for all costs of an emergency action taken under this subsection. Liability in such suits shall be determined under the laws of the State where the emergency action occurred.

"(b) INJUNCTIVE RELIEF.—Upon receipt of evidence that the presence of airborne asbestos or the condition of friable asbestos-containing material in a school building governed by a local educational agency poses an immediate and significant hazard to human health or the environment—

"(1) the Administrator may request the Attorney General to bring suit, or

"(2) the Governor of a State may bring suit,

to secure such relief as may be necessary to respond to the hazard. The district court of the United States in the district in which the response will be carried out shall have jurisdiction to grant such relief, including injunctive relief. Liability for such relief shall be determined under the laws of the State in which the response will occur.

"SEC. 209. STATE AND FEDERAL LAW.

"(a) Nothing in this title (except section 210 and regulations promulgated and orders issued pursuant to that section) shall be construed—

"(1) as preempting a State from establishing any additional liability or more stringent requirements with respect to asbestos in school buildings within such State, or

"(2) as affecting any actions brought in any litigation asserting a claim for damages or other relief related to asbestos in buildings other than an action brought to enforce this title.

"(b) No requirement of this title (except section 210 and regulations promulgated and orders issued pursuant to that section), no regulation promulgated under this title, and no order issued under this title may be introduced as evidence, or otherwise referred to, in any action relating to asbestos other than an action brought to enforce this title. Nothing in this section shall prohibit the introduction as evidence of conditions discovered, work performed, or costs incurred under the requirements of this title.

"SEC. 210. ASBESTOS CONTRACTORS AND LOCAL EDUCATIONAL AGENCIES.

"(a) IN GENERAL.—With respect to an activity described in subsection (c) which is carried out by an asbestos contractor or local educational agency, damages (including costs) for personal injury or property damage resulting from such activity may not be recovered from the contractor or agency in an action described in subsection (b), unless the damages are caused by conduct of the contractor or agency which is negligent, grossly negligent, or which constitutes intentional misconduct. An asbestos contractor or a local educational agency who is a defendant in such an action may not be held jointly liable with any other defendant in such action, but may be held severally liable in such action.

"(b) ACTIONS.—An action to which subsection (a) applies is any action brought by a person against an asbestos contractor or a local educational agency—

"(1) under a Federal law other than this title,

"(2) under a law of a State or political subdivision of a State, or

"(3) under common law,

for damages (including costs) for personal injury or property damage which result from an activity described in subsection (c) carried out by the asbestos contractor or local educational agency.

"(c) COVERED ACTIVITIES.—An activity referred to in subsection (a) is any activity which is required by this title and which is carried out in conformance with—

"(1) the requirements of this title,

"(2) regulations promulgated under this title, and

"(3) a management plan (A) which is developed in accordance with regulations promulgated under section 203(h) (or under section 204(d) if there are no regulations), to the extent the management plan is implementing such regulations, and (B) which is developed by the local educational agency with authority over the school in which the activity is carried out.

"(d) ASBESTOS CONTRACTOR.—For purposes of this section, the term 'asbestos contractor' means a person who is accredited under section 206.

"SEC. 211. PUBLIC PROTECTION.

"(a) PUBLIC PROTECTION.—No State or local educational agency may discriminate against a person in any way, including firing a person who is an employee, because the person provided information relating to a potential violation of this title to any other person, including a State or the Federal Government.

"(b) LABOR DEPARTMENT REVIEW.—Any public or private employee or representative of employees who believes he or she has been fired or otherwise discriminated against in violation of subsection (a) may within 90 days after the alleged violation occurs apply to the Secretary of Labor for a review of the firing or alleged discrimination. The review shall be conducted in accordance with section 11(c) of the Occupational Safety and Health Act.

"SEC. 212. ASBESTOS OMBUDSMAN.

"(a) APPOINTMENT.—The Administrator shall appoint an Asbestos Ombudsman, who shall carry out the duties described in subsection (b).

"(b) DUTIES.—The duties of the Asbestos Ombudsman are—

"(1) to receive complaints, grievances, and requests for information submitted by any person with respect to any aspect of this title,

"(2) to render assistance with respect to the complaints, grievances, and requests received, and

"(3) to make such recommendations to the Administrator as the Ombudsman considers appropriate.

"SEC. 213. EPA STUDY OF ASBESTOS-CONTAINING MATERIAL IN PUBLIC BUILDINGS.

"Within 360 days after the date of the enactment of this title, the Administrator shall conduct and submit to the Congress the results of a study which shall—

"(1) assess the extent to which asbestos-containing materials in public and commercial buildings pose a danger to human health and the environment;

"(2) consider and report on whether public and commercial buildings should be subject to the same inspection and response action requirements that apply to school buildings, and

"(3) include recommendations that explicitly address whether there is a need to establish standards for, and regulate asbestos exposure in, public and commercial buildings.

"SEC. 214. TRANSITION RULES.

"(a) EFFECT ON EPA REGULATIONS.—Any regulation of the Environmental Protection Agency under title I which is inconsistent with this title shall not be in effect after the date of the enactment of this title. Any advanced notice of proposed rulemaking, any proposed rule, and any regulation of the Environmental Protection Agency in effect before the date of the enactment of this title which is consistent with the regulations required under section 203 shall remain in effect and may be used to meet the requirements of section 203, except that any such regulation shall be enforced under this Act.

"(b) EFFECT ON PENDING COURT CASES.—Any enforcement action which—

"(1) relates to an Environmental Protection Agency regulation on asbestos, and

"(2) is pending in court on the date of the enactment of this title,

shall be carried out under the law as in effect before the date of the enactment of this title, but the Attorney General retains discretion to drop or modify the action.".

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENT TO ASBESTOS SCHOOL HAZARD ABATEMENT ACT.—Section 505(g) of the Asbestos School Hazard Abatement Act of 1984 is amended by adding at the end the following new paragraph:

"(4) No financial assistance may be provided under this section to any school—

"(1) which uses any person who has not been accredited pursuant to section 206(b) or 206(c) of the Toxic Substances Control Act, to carry out activities described in section 206(a) of that Act, or

"(2) which uses any laboratory which has not been accredited pursuant to section 206(d) of the Toxic Substances Control Act, to carry out activities described in such section.

This paragraph shall apply to any financial assistance provided under this section after the date of the enactment of the Asbestos Hazard Emergency Response Act of 1986, for activities performed after the date which is one year after such date of enactment.".

(b) CONFORMING AMENDMENTS TO TOXIC SUBSTANCES CONTROL ACT.—

(1) Section 15 of the Toxic Substances Control Act is amended in paragraph (1)—

(A) by striking out "or" before "(C)",

(B) by striking out the semicolon and inserting in lieu thereof a comma, and

(C) by adding at the end thereof the following: "or (D) any rule promulgated or order issued under title II;".

(2) Section 16 of such Act is amended by adding at the end thereof the following new subsection:

"(c) CROSS REFERENCE.—For provisions relating to local educational agencies, see section 207.".

(3) Section 20 of such Act is amended—

(A) in subsection (a)(1) by striking out "4, 5, or 6 or order issued under section 5" and inserting in lieu thereof the following: "4, 5, or 6, or title II, or order issued under section 5 or title II", and

(B) in subsection (c) by adding at the end thereof the following new paragraph:

"(4) For provisions relating to local educational agencies and to citizen civil actions with respect to asbestos regulations, see section 207.".

(c) TECHNICAL AMENDMENTS.—The Toxic Substances Control Act is amended—

(1) by inserting immediately before section 1 the following:

"TITLE I—CONTROL OF TOXIC SUBSTANCES";

(2) by inserting in the table of contents in section 1, immediately before the item relating to section 1, the following:

"TITLE I—CONTROL OF TOXIC SUBSTANCES"; and

(3) by adding at the end of the table of contents in section 1 the following:

"TITLE II—ASBESTOS HAZARD EMERGENCY RESPONSE

"Sec. 201. Congressional findings and purpose.
"Sec. 202. Definitions.
"Sec. 203. EPA regulations.
"Sec. 204. Requirements if EPA fails to promulgate regulations.
"Sec. 205. Submission to State Governor.
"Sec. 206. Contractor and laboratory accreditation.
"Sec. 207. Enforcement.
"Sec. 208. Emergency authority.
"Sec. 209. State and Federal law.
"Sec. 210. Asbestos contractors and local educational agencies.
"Sec. 211. Public protection.
"Sec. 212. Asbestos ombudsman.
"Sec. 213. EPA study of asbestos-containing material in public buildings.
"Sec. 214. Transition rules.".

SEC. 4. AUTHORIZATION.

(a) Section 512 of the Asbestos School Hazard Abatement Act of 1984 is amended by adding at the end the following: "In addition, for such purposes there are authorized to be appropriated out of the Asbestos Trust Fund established by section 5 of the Asbestos Hazard Emergency Response Act of 1986 $25,000,000 for each of fiscal years 1987, 1988, 1989, and 1990.".

(b) Notwithstanding section 505(c) of the Asbestos School Hazard Abatement Act of 1984, for fiscal year 1988 the Administrator shall provide financial assistance under section 505 of such Act in the form of grants to local educational agencies to carry out inspections for asbestos-containing material in school buildings and preparation of management plans for school buildings under this title. In determining which local educational agencies to approve grants for, the Administrator shall take into account the financial need of the agency. Of the amount available under the Asbestos School Hazard Abatement Act of 1984 for fiscal year 1988, not more than 10 percent may be obligated for the purposes described in this subsection.

SEC. 5. ASBESTOS TRUST FUND.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the "Asbestos Trust Fund", consisting of such amounts as may be transferred or credited to such Trust Fund as provided in this section.

(b) TRANSFERS TO TRUST FUND.—

(1) TRANSFER.—There are hereby transferred to the Asbestos Trust Fund amounts equivalent to amounts received in the Treasury on or after January 1, 1987, as repayments of loans made under section 505 of the Asbestos School Hazard Abatement Act of 1984 as in effect on the date of the enactment of this Act.

(2) MONTHLY TRANSFERS.—The amounts transferred by paragraph (1) shall be transferred at least monthly from the general fund of the Treasury to the Asbestos Trust Fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in such paragraph. Adjustments shall be made in the amounts subsequently transferred to the extent prior estimates were more or less than the amounts required to be transferred.

(c) MANAGEMENT OF TRUST FUND.—

(1) INVESTMENT.—

(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Asbestos Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments may be made only in interest-bearing obligations of the United States and may be acquired—

(i) on original issue at the issue price, or

(ii) by purchase of outstanding obligations at the market price.

(B) SALE OF OBLIGATIONS.—Any obligation acquired by the Asbestos Trust Fund may be sold by the Secretary of the Treasury at the market price.

(C) INTEREST ON CERTAIN PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Asbestos Trust Fund shall be credited to and form a part of the Trust Fund.

(2) REPORT.—It shall be the duty of the Secretary of the Treasury to hold the Asbestos Trust Fund and to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next 5 fiscal years.

(d) EXPENDITURES FROM ASBESTOS TRUST FUND.—Amounts in the Asbestos Trust Fund shall be available, as provided by appropriation Acts, only for purposes of carrying out the Asbestos Hazards Abatement Assistance Program under section 505 of the Asbestos School Hazard Abatement Act of 1984 as in effect on the date of the enactment of this Act.

(e) AUTHORITY TO BORROW.—

(1) IN GENERAL.—There are authorized to be appropriated to the Asbestos Trust Fund, as repayable advances, $25,000,000 for each of fiscal years 1987, 1988, 1989, and 1990.

(2) REPAYMENT OF ADVANCES.—

(A) IN GENERAL.—Advances made under this subsection shall be repaid, and interest on such advances shall be paid, to the general fund of the Treasury when the Secretary determines that moneys are available for such purposes in the Asbestos Trust Fund.

(B) RATE OF INTEREST.—Interest on advances made under this subsection shall be at a rate determined by the Secretary (as of the close of the calendar month preceding the month in which the advance is made) to be equal to the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the anticipated period during which the advance will be outstanding and shall be compounded annually.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1986.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New Jersey [Mr. FLORIO] will be recognized for 20 minutes and the gentleman from Kansas [Mr. WHITTAKER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. FLORIO].

Mr. FLORIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House is now considering H.R. 5073, the Asbestos

Hazard Emergency Response Act of 1986. The legislation, which has strong bipartisan support, was ordered reported by voice vote by the full Energy and Commerce Committee 2 weeks ago.

H.R. 5073 is of the utmost importance for it protects the 15 million schoolchildren—almost one-third of the Nation's school population—who are currently exposed to potentially deadly asbestos in their school buildings.

Asbestos is a known human carcinogen which can cause lung cancer, mesothelioma, and asbestosis when airborne fibers of the mineral are inhaled. Since children breathe five times faster than adults, they are much more susceptible to the effects of asbestos inhalation. For this reason, asbestos-containing material in school buildings is such a potentially disastrous problem.

The Environmental Protection Agency [EPA] is charged with the responsibility of protecting our schoolchildren from the dangers associated with exposure to asbestos. Sadly, no one involved with EPA's Asbestos-in-Schools Program thinks the Agency's efforts are sufficient. In fact, EPA's efforts may have actually increased, rather than decreased, the likelihood that children and school employees are being exposed to asbestos.

Under EPA's inspection and notification rule, school officials are required to inspect for asbestos-containing material and then notify parents and school employees if any material is found. This rule is the sum of the Agency's asbestos-in-schools regulatory guidance. School officials are not informed about how to conduct a proper inspection. Indeed, they are not even told what to look for since EPA has not described the circumstances in which asbestos must be cleaned up.

Most regrettably, school officials are left holding the bag. Having no regulations to assist them in dealing with this problem, they have turned to contractors for guidance. Unfortunately, EPA has yet to establish a program accrediting contractors who do the cleanup work and the laboratories that analyze asbestos samples. Thus, school officials are left at the mercy of disreputable contractors, or "rip and skip pirates," as they are called.

Without regulations for cleanup and contractor accreditation, the results of EPA's Asbestos-in-Schools Program are devastating. The Agency estimates that as much as 75 percent of all school cleanup work is being done improperly. Improper cleanup work is worse than no cleanup work at all because more fibers are released into the air during the course of shoddy cleanups than if the asbestos-containing material was left untouched. EPA claims its asbestos program is sufficient. The evidence unmistakenly says otherwise.

We cannot allow schoolchildren and employees to continue to be exposed to asbestos. H.R. 5073 is a comprehensive response to the asbestos-in-schools problem. The bill requires EPA to prescribe proper inspection procedures, define the circumstances when asbestos must be cleaned up, and set standards for the proper transport and disposal of asbestos wastes. EPA must also establish a contractor accreditation program that the States must adopt, while the National Bureau of Standards is directed to create a laboratory accreditation program to ensure that only properly trained contractors and laboratories are used by school officials. The bill mandates that schools must complete an inspection according to the EPA standards, develop a management plan describing the manner in which any asbestos will be responded to, and clean up any potentially hazardous asbestos.

The most important regulations that EPA must promulgate under the legislation are regulations defining and requiring response actions to abate actual and potential asbestos hazards. The health standard that these regulations must meet is the "protection of human health and the environment," which is the standard that applies under the Resource Conservation and Recovery Act and should be distinguished from the "unreasonable risk" standard that applies to regulations under section 6 of the Toxic Substances Control Act.

The "protection of human health and the environment" standard requires EPA to establish what levels of protection are necessary to protect human health and the environment from actual or potential asbestos hazards and then prescribe what actions must be taken to meet such levels. In establishing what levels of protection are necessary to protect human health and the environment, the agency shall not factor the costs of implementing response actions into its analysis. Rather, costs of compliance only become a factor in determining which of several equally effective actions could meet the level of protection previously established.

The bill creates a workable mechanism to do what we all know is important—provide for the safety of the Nation's schoolchildren. This is good bill. I urge its support.

Mr. WHITTAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join Mr. FLORIO in strong support of H.R. 5073—the Asbestos Hazard Emergency Response Act of 1986. This bill represents a carefully designed compromise between the asbestos-in-schools legislation, H.R. 4311, introduced earlier this year by Congressman FLORIO and the concerns expressed by the minority members of the committee. Both Mr. FLORIO and Mr. LENT should be praised for their efforts to achieve this important compromise. It is satisfying to know that we in Congress can put aside our differences when considering legislation such as this dealing with children's exposure to asbestos in schools.

As explained by Chairman FLORIO, H.R. 5073 establishes for the first time standards for the inspection and cleanup of asbestos in our Nation's schools. The bill requires the Environmental Protection Agency to issue regulations requiring schools to inspect for asbestos in their schools, develop management plans for responding to that asbestos, and implement those plans in a timely manner. It also requires the Environmental Protection Agency to develop a model contractor program for States to adopt, to train asbestos inspection and cleanup contractors. Under this legislation, all contract workers and laboratories must be specifically trained.

In addition to these mandatory requirements, the legislation also has several new provisions not found in H.R. 4311 that will help reduce the cost of this legislation and encourage compliance with its requirements. Specifically, H.R. 5073 includes provisions that will limit the liability of asbestos contractors and school adminstrators if they meet the requirements of this act and are not negligent. This will encourage school adminstrators to hire only trained workers and to act as quickly as possible. Similarly in order not to penalize schools who have already inspected for asbestos, this legislation includes provisions that will exempt these schools if they can show that their actions met the requirements of the legislation.

Mr. Speaker, it is important to note here that some have opposed mandatory Federal regulations for controlling asbestos exposure in our Nation's schools. Their position in this area is that the control of asbestos should be handled at the State and local level. While this is an understandable sentiment, any one looking at the history of the asbestos-in-schools problem would realize that State and local controls have not worked effectively. According to EPA's own estimates, as much as 75 percent of all cleanup actions have been done improperly by inadequately trained workers. In too many of these cases, the improper removal of asbestos has increased children's exposure to asbestos, leading to greater longer term cleanup costs and health risks. In sum, past experience is clear that the response to this problem at the State and local level has been ineffective overall and, in many cases, counterproductive.

Finally, this legislation will not significantly affect our ability to meet the deficit reduction targets. H.R. 5073 establishes a trust fund for the repayment of loans issued under the Asbestos Schools Hazard Abatement Act of 1984 and authorizes up to $25 million per year from that trust fund. However, because CBO now projects that the maximum repayment of these loans to the trust fund will be only $1 million per year, the actual increase in the Federal deficit will be minimal if at all.

H.R. 5073 passed subcommittee and full committee by voice vote and without opposition. I urge all of my colleagues to lend their support to this legislation.

Mr. BOLAND. Mr. Speaker, I rise in support of the bill H.R. 5073, the Asbestos Hazard Emergency Response Act. I think this bill in its present form, with the amendments made by the full Energy and Commerce Committee, is a good bill, a responsible bill. I think it will address a number of the critical problems facing schools with asbestos-containing materials. We need better technical standards. We need consistent, thorough inspections, and we need to have serious asbestos problems identified, understood, and corrected.

But I think the record will show that this bill is long overdue. I am glad to see the authorizing committee giving this issue the attention it deserves. The Appropriations Committee has been deeply involved since 1984 in the issue of how to handle asbestos—and with the school asbestos program in particular. When the school asbestos program was first authorized, not one hearing was held in the House.

At that point, we were faced with two serious problems. First, school administrators did not know how to react to asbestos problems they found; and second, a large percentage of school abatement projects were being poorly conducted. Many cleanup projects were actually making problems worse, so when the Appropriations Committee first provided funds for the school asbestos loan and grant program, we insisted on the requirement—the statutory requirement—that EPA develop better guidelines to classify and evaluate hazards. I should say that at that time we were criticized by many and my actions and my motives were challenged. It was not a popular requirement at the time, but I think the record will show that the requirement for detailed guidelines was most useful. The technical guidance document EPA developed was a big step forward. And I note that this bill uses that guidance document—the "purple book"—as a standard of reference for controlling asbestos containing materials. I hope that when this bill becomes law we can take the next step forward to improve these guidelines and standards and make them more helpful to school administrators.

Probably the most troubling aspect about the whole school asbestos program is the questionable quality of cleanup work that has been done and the competence of abatement contractors. As recently as last year the Appropriations Committee received reports that up to 75 percent of abatement projects were of poor quality—potentially endangering abatement workers as well as students and teachers later returning to school.

For that reason we placed a second statutory requirement in the 1986 appropriation for the School Loan and Grant Program that no funds could be used unless contractors are certified or trained in an EPA program. That requirement was instrumental in triggering the creation of State certification programs currently in operation in 20 States. I still have some reservations about the quality of abatement work and about the effectiveness of some State certification programs. But we and EPA have come a long way from where we were 2 years ago. I hope when this bill becomes law it will further help to standardize criteria and improve the quality of abatement actions.

Finally, let me say that I strongly support the provision in this bill requiring reinspection of all schools for asbestos. We are all aware that the first round of inspections was done in a somewhat haphazard, inconsistent manner. It is essential that schools understand and identify the most serious problems so they can be quickly corrected. In that respect a consistent, thorough, and standardized reinspection program is essential. I should add that in the HUD-independent agencies appropriations bill for 1987 we have included $5 million for subsidies to schools to help cover the cost of these reinspections. Everyone should clearly understand that the real burden imposed by this bill will fall on the shoulders of local schools and school districts.

I urge Members to support this bill. It addresses the problems we in the Appropriations Committee have been concerned about over the past 2 years. I hope it will lead to more rational and safe responses to asbestos in buildings.

Mr. TRAFICANT. Mr. Speaker, as a cosponsor of H.R. 5073, the Asbestos Hazard Emergency Response Act of 1986, I rise in strong support of this important legislative initiative. As one who is deeply concerned over the health hazards posed by asbestos—especially to our schoolchildren, I am pleased that this legislation has been moved expeditiously to the House floor for consideration.

According to the Environmental Protection Agency [EPA], an estimated 15 million children and 1.5 million employees attend school and work in buildings contaminated by friable asbestos. As a known human carcinogen, asbestos can cause lung cancer, mesothelioma, and asbestosis when airborne fibers are inhaled. Asbestos is especially threatening to children because they are five times faster than adults and are therefore more susceptible to the effects of asbestos inhalation. H.R. 5073 deals directly with this threat by focusing in on schools.

The bill would require EPA to provide school officials with a roadmap showing them how to properly inspect for asbestos and how they should clean it up once it is found. The bill also mandates the establishment of a model contractor accreditation plan that the States must adopt so that those hired to do cleanup work are fully trained. This is an important provision because the EPA estimates that as much as 75 percent of a ll cleanup work is done improperly—many times causing more health hazards than originally existed.

This bill is widely supported by parents, teachers, maintenance personnel, and school officials. This is a measure that seeks to protect our schoolchildren and prevent unnecessary exposure to asbestos. This bill will provide much needed assistance to school officials in dealing with a very serious problem. I urge all Members to lend their support to H.R. 5073.

Mr. DAUB. Mr. Speaker, I appreciate this opportunity to lend my support to the Asbestos Hazard Response Act of 1986 (H.R. 5073) being considered today by this body. Several schools in Nebraska's Second Congressional District have expressed concern to me over the asbestos abatement issue, and this legislation will go a long way toward resolving problems in this area.

The Environmental Protection Agency [EPA] estimates that some 15 million children and 1.5 million employees attend school and work in buildings contaminated by friable asbestos. Asbestos is a known human carcinogen which can cause lung cancer, mesothelioma and asbestosis—a debilitating lung disease—when airborne fibers are inhaled Since children breathe five times faster than adults, they are much more susceptible to the effects of asbestos inhalation.

In response to this problem, the EPA banned all uses of spray-on asbestos in 1978, and followed this action by promulgating regulations that require inspection of schools and notification of parent-teacher associations if friable asbestos is found. Additionally, EPA is also currently implementing the Asbestos School Hazard Abatement Act [ASHAA], which was enacted in 1984, in an effort to strengthen the Nation's asbestos-in-schools program by providing $100 million per year in grants and interest-free loans for school asbestos cleanup efforts.

However, none of these efforts actually require asbestos abatement. The legislation we are considering today that requires EPA to provide school officials with regulations to properly inspect and abate asbestos will more fully address the problem. Moreover, the bill will also mandate the establishment of a model contractor accreditation plan so that those hired to do cleanup work are fully trained. Since the EPA estimates that as much as 75 percent of all cleanup work has been done improperly, this contractor accreditation plan is a key provision of H.R. 5073.

Finally, Mr. Speaker, the legislation we are considering today can ameliorate the problems of finding affordable insurance for asbestos work by providing a national standard for asbestos abatement. I have had input from contractors in my district outlining the problems in this area, and this legislation provides the mechanism by which affordable insurance will once again become available for asbestos work.

In the aggregate, H.R. 5073 provides the framework for addressing the grave asbestos problem in schools, and I urge the Members to support this bill.

Mrs. ROUKEMA. Mr. Speaker, I rise today in support of H.R. 5073, the Asbestos Hazard Emergency Response Act of 1986. This legislation is an important step in our efforts to

combat the long-term health effects of asbestos in our schools.

H.R. 5073 goes beyond our previous efforts in several ways. First, this bill will require EPA to issue regulations for the inspection, cleanup, and disposal of dangerous asbestos fibers. It puts the Agency on notice that this problem requires immediate attention on a national level. These regulations will aid school officials in judging which types of asbestos must be quickly removed from school premises, and which can safely be left undisturbed.

Second, this legislation will require school officials to inspect for asbestos and submit cleanup plans to State officials. This will serve to ensure that potential asbestos hazards are discovered promptly.

Third, this legislation addresses the threat posed by incompetent cleanup contractors, a problem which has grown as more and more schools seek out people to conduct cleanups. H.R. 5073 requires EPA to establish an accreditation program for asbestos removal contractors. This provision is critical, because improper removal of asbestos can often be more harmful than leaving the material in place.

It is of the utmost importance for the Federal Government to adopt this type of strategy to combat asbestos hazards. This legislation goes far in addressing this pressing national problem, and I urge my colleagues to lend their support. If there is one national resource which deserves our protection, it is the health of our schoolchildren.

Mr. GILMAN. Mr. Chairman, I rise in strong support of H.R. 5073, the Asbestos Hazard Response Act of 1986. I commend the gentleman from New Jersey, the distinguished Chairman of the Subcommittee on Commerce, Transportation and Tourism, Mr. FLORIO, for working so diligently to fashion this measure and for his leadership in protecting our constituents from the dangers of hazardous substances in our neighborhoods, homes, and public facilities.

Since it was originally banned by the Environmental Protection Agency in 1978, the Environmental Protection Agency [EPA] and the Congress have been attempting to address the problems of asbestos identification and abatement in public facilities. H.R. 5073 represents a compromise and I believe, a workable plan for the future removal of hazardous asbestos. This Congress made an initial step in the right direction, when it adopted the Asbestos in School Hazard Abatement Act [ASHAA] last Congress. That measure provided $100 million per year in grants and interest-free loans for asbestos clean-up efforts in our schools. H.R. 5073 goes one step further, and will allow us as legislators, parents, and concerned citizens, to be assured that asbestos is being properly identified and efficiently removed from our schools and that our children, families, and friends will not be unduly exposed to this hazardous substance.

Briefly, H.R. 5073 requires EPA to issue regulations within 360 days of enactment of this legislation which: first, prescribe inspection procedures for determining whether asbestos is present in an educational facility; second, define appropriate response actions, using the least burdensome method which adequately protects against adverse affects of asbestos; third, provide for implementation of response action and determination of when response action is completed, including standards for education and protection of both workers and building occupants; fourth, require local educational agencies to develop asbestos-management plans and give Governors discretionary authority to review each agency's plan and to require changes consistent with EPA regulations; fifth, initiate operation, maintenance, and repair for asbestos remaining in schools; and, sixth, ensures safe transportation and disposal of asbestos.

In addition H.R. 5073 establishes a liability exemption for asbestos contractors and school administrators for nonnegligent actions that are consistent with the new regulations. H.R. 5073 creates a trust fund composed of receipts from repayments of previous loans made under ASHAA and $25 million authorized in each of fiscal years 1987–1990 to carry out abatement activities under ASHAA. I am especially pleased with a provision in the bill which provides for 10 percent of the funds appropriated under ASHAA in fiscal year 1988 to be set-aside for EPA grants to States to help financially needy schools pay for inspection and development of management plans.

It is my understanding that this legislation enjoys the support of the EPA, the local school boards and municipalities, and industry. I cannot impress upon the membership enough how important it is that we get underway with asbestos abatement efforts so that we can ensure that our constituents are safe from the hazardous affects associated with exposure to asbestos. Accordingly, I invite my colleagues to join me in adopting H.R. 5073, the Asbestos Hazard Response Act.

Mr. WHITTAKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. FLORIO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1110

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore (Mr. SMITH of Florida). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. FLORIO] that the House suspend the rules and pass the bill, H.R. 5073, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5073, ASBESTOS HAZARD EMERGENCY RESPONSE ACT OF 1986

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 5073, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in passing this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MAINE CENTRAL RAILROAD LABOR DISPUTE

Mr. FLORIO. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 683) to provide for a temporary prohibition of strikes or lockouts with respect to the Maine Central Railroad Company and Portland Terminal Company labor-management dispute, as amended.

The Clerk read as follows:

H.J. RES. 683

Whereas the labor dispute between the common rail carriers, Maine Central Railroad Company and Portland Terminal Company, and certain of the employees of such carriers represented by the Brotherhood of Maintenance of Way Employees threatens essential transportation services of the Nation;

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained;

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers;

Whereas it is desirable to resolve such dispute in a manner which encourages solutions reached through collective bargaining;

Whereas the President, pursuant to section 10 of the Railway Labor Act (45 U.S.C. 160), by Executive Order No. 12557 of May 16, 1986, created a Presidential Emergency Board to investigate the dispute and report findings;

Whereas the recommendations of Presidential Emergency Board No. 209 for settlement of such dispute have not yet resulted in a settlement; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the final paragraph of section 10 of the Railway Labor Act (45 U.S.C. 160) shall apply and be extended for an additional period of 60 days beginning on July 21, 1986, with respect to the dispute referred to in Executive Order No. 12557 of May 16, 1986, so that no change, except by agreement, shall be made by the common rail carriers, Maine Central Railroad Company and Portland Terminal Company, or by the employees of such car-

riers in the conditions out of which such dispute arose as such conditions existed before 12:01 ante meridiem of March 3, 1986.

SEC. 2. (a) Not later than 10 days prior to the expiration date of the 60-day period referred to in the first section of this joint resolution the board established under subsection (b) shall submit to the Congress a full and comprehensive report containing—

(1) the progress, if any, of negotiations between the common rail carriers, Maine Central Railroad Company and Portland Terminal Company, and the employees of such carriers represented by the Brotherhood of Maintenance of Way Employees;

(2) findings of fact regarding financial and other circumstances related to the dispute described in this resolution, including, but not limited to, developments since March 3, 1986; and

(3) recommendations for a proposed solution of the dispute described in this resolution, including, but not limited to, the issues covered by Presidential Emergency Board Number 209.

(b) The National Medication Board shall appoint a three-member board for the purpose of preparing and submitting the report described in subsection (a). No member appointed to such board shall be pecuniarily or otherwise interested in any organization of employees or any carrier. The compensation of such members shall be fixed by the National Mediation Board. The second paragraph of section 10 of the Railway Labor Act shall apply to the expenses of the board established under this subsection as if such board were a board created under such section 10.

(c) The board appointed under subsection (b) shall terminate upon the submission to the Congress of the report required under subsection (a).

The SPEAKER pro tempore. Is a second demanded?

Mr. WHITTAKER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. FLORIO] will be recognized for 20 minutes and the gentleman from Kansas [Mr. WHITTAKER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. FLORIO].

Mr. FLORIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House is now considering House Joint Resolution 683. I introduced this resolution, in conjunction with the Maine delegation in both Houses and with strong bipartisan support. Last Thursday, the resolution was reported, by voice vote, by the Committee on Energy and Commerce.

This resolution would provide an additional 60-day cooling-off period in the labor dispute between the Maine Central Railroad Company and the Brotherhood of Maintenance of Way Employees. This additional cooling-off period would extend until mid-September.

The legislation, as reported by the Committee on Energy and Commerce, also provides for a report to Congress by a three-member board appointed by the National Mediation Board. This report is due no later than 10 days before the expiration of the extended cooling-off period.

The report is to address the progress in negotiations, findings of fact regarding financial and other circumstances related to the dispute, and recommendations for a proposed solution.

I should note that the original legislation provided for a report to be performed by the Secretary of Labor. However, to address the concerns of the administration about the involvement of a Cabinet officer in a collective-bargaining dispute, the legislation was amended in committee.

It is my hope that we can avoid the disruption to rail service that occurred earlier this year. The additional cooling-off period provided in the legislation will give both parties time to continue to negotiate.

I should note my disappointment that Maine Central chose to alter the status quo by unilaterally imposing new work rules on August 6. Maine Central was well aware of the progress of this legislation and the congressional intent to maintain the status quo for another 60 days.

Nevertheless, I remain hopeful that continued negotiation will lead to a peaceful settlement. In the meantime, I urge support of this legislation.

Mr. WHITTAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the resolution being considered by the House imposes a 60-day status quo period on the parties to the dispute on the Guilford rail system.

This dispute, involving the Brotherhood of Maintenance of Way Employees, continues to remain unresolved after 2 years of negotiations. The parties have exhausted the procedures of the Railway Labor Act and the rail carrier has rejected the recommendations of the emergency board appointed by the President in May.

The region that Guilford serves has already weathered a strike lasting almost 3 months. The carrier has lost roughly 28 percent of its traffic base, which equates to a loss of $60 to $65 million in annual revenues. It is feared that this traffic has been picked up by Guilford's fiercest competitor, the trucking industry, and cannot be recaptured. Guilford's tenuous financial situation has forced it to furlough approximately 800 people.

The resolution being considered is designed to avoid any further disruption to rail service in the region and to create an environment conducive to negotiation and agreement. By freezing the status quo, the parties would not be free to resort to self-help. Disruptive actions, including secondary picketing of third-party carriers, would be avoided.

The resolution would also prohibit the carrier from independently promulgating new rates of pay and work rules, which it would otherwise be free to do under the Railway Labor Act. In fact, a district court in Maine yesterday upheld the Guilford's ability to take such action. While the resolution would impact the carrier's freedom to promulgate a new contract, it would not affect Guilford's ability to alter employment levels on the basis of changed economic circumstances, consistent with its collective-bargaining agreement and court rulings.

There is, however, some reluctance for Congress to inject itself into the collective-bargaining process, which is traditionally left to labor and management. Congressional intervention in this dispute is viewed by some as inappropriate because it hampers the carrier's ability to rationalize its costs in line with its revenues in order to remain competitive and to improve productivity. Indeed, some question has been raised with respect to further congressional intervention in this dispute once the cooling-off period provided by H.J. Res. 683 expires in mid-September.

Despite the concern that is raised by congressional participation in this private dispute, the resolution only involves Congress minimally and simply helps to create an atmosphere to engender agreement.

The resolution would also provide for a study to be conducted by a three-member board appointed by the National Mediation Board. This Board is required to report to the Congress on the progress of negotiations, findings of fact with respect to the financial condition of Guilford, and recommendations for a proposed resolution of the dispute. This report is due 10 days before the status quo period expires.

I am hopeful that this resolution will encourage the parties to resolve their differences peacefully. Mr. Speaker, I ask my colleagues to support this resolution.

Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Speaker, I rise in support of House Joint Resolution 683, a bill which would extend for 60 days the cooling-off period in the Maine Central Railroad labor dispute.

The original cooling-off period created by Presidential order on May 16 did not give the involved parties sufficient time to negotiate an agreement. House Joint Resolution 683 will provide some valuable time to allow collective bargaining to go forward.

As of July 21, when the first cooling-off period ended, both parties are entitled to resort to self-help. So far, the Brotherhood of Maintenance of Way Employees has chosen not to strike. But such a strike could occur at any

time. I am concerned about the impact of another strike on the businesses and workers in my home State of Vermont. The Guilford system surrounds Vermont on three sides, and Vermont railroads are almost completely dependent upon Guilford lines for moving goods to markets in the south. Another strike would threaten the financial viability of Vermont railroads, particularly the short lines. These railroads have absolutely nothing to do with the Guilford dispute, yet they would suffer the consequences.

The strike had a very substantial impact upon Vermont businesses during the 76 days it was in effect. Whether or not this resolution will create an atmosphere conducive to resolution of the dispute is uncertain. However, it is certainly helpful to provide the time necessary to give the collective-bargaining process a chance.

The alternative could be a secondary picketing of the Nation's rail system and a national rail strike. Both passenger and freight service could be affected. Severe economic harm to currently viable railroads could result.

This legislation does not involve Congress in the collective-bargaining process. It simply provides the opportunity for both sides to sit down and negotiate a settlement. I believe this is a reasonable approach to a difficult problem and urge adoption of the resolution.

□ 1120

Mr. WHITTAKER. Mr. Speaker, I yield 3 minutes to the gentleman from Maine [Mr. MCKERNAN].

Mr. MCKERNAN. Mr. Speaker, as a principal cosponsor, I rise in support of House Joint Resolution 683, a bill to provide for a temporary prohibition on strikes or lockouts with respect to the Maine Central Railroad labor-management dispute. The fact that the Energy and Commerce Committee expedited this measure attests to its urgency.

Last spring, a dispute between the Maine Central Railroad and the Brotherhood of Maintenance of Way Employees threatened to spread to the Conrail system and beyond. Because this situation posed a threat of serious disruption of transportation services essential to the Nation, the President established an emergency board to investigate the dispute. Establishment of this board commenced a 60-day cooling-off period during which time neither party was permitted to make changes in the conditions from which the dispute arose.

Unfortunately, a compromise was not reached prior to the expiration of the cooling-off period. As all avenues provided in the Railway Labor Act for resolving this dispute have been exhausted, both parties are now permitted to seek whatever self-help mechanism they deem appropriate.

I support the collective-bargaining process and have long felt that any dispute that arises between labor and management should involve only those parties directly concerned. Congress has been reluctant to become involved in any specific collective-bargaining process. However, temporary extensions have been granted in the past when similar situations threatened to deprive the nation of essential services. Mr. Speaker, I am extremely concerned, as are many Government officials, business leaders, and public groups, that this dispute may soon escalate and again threaten essential transportation services.

But, I believe that the outstanding matters of contention between the two parties can be resolved if an atmosphere more conducive to continued negotiations is provided. It is for this reason that I urge my colleagues to pass this measure and provide both sides with an additional 60 days to develop an equitable solution to this dispute.

Mr. WHITTAKER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Speaker, I rise in strong support of House Joint Resolution 683, legislation extending the cooling-off period in the dispute between the Brotherhood of Maintenance of Way Employees and Guilford Transportation Industries.

I would first like to express my deep appreciation to the gentleman from New Jersey [Mr. FLORIO] for having introduced this legislation and holding a quick markup of it. I also thank the gentleman from Kansas [Mr. WHITTAKER] for his invaluable assistance in expediting this matter.

Mr. Speaker, about 2 weeks ago, when I testified before the Subcommittee on Commerce, Transportation and Tourism, I said that failure to extend the cooling-off period would quite probably allow a series of events to go forward which could threaten the economy of our region and the entire country.

Unfortunately, last week, the first such event took place. Guilford's unilateral imposition of a contract containing a 20-percent pay cut and substantial changes in work rules threatens to rupture the fragile ceasefire which has existed since the previous cooling-off period expired on July 21. While the union has withheld taking any self-help actions as yet, it is unlikely that their forbearance will last substantially longer.

Thus, it is critically important that the House act today to approve this legislation. Our goal with House Joint Resolution 683 is, quite simply, to maintain and foster an atmosphere in which a negotiated settlement to this dispute can be reached. In no way are we attempting to impose a settlement on the parties at this time.

In fact, there is ample precedent for taking this action today. In 1967, for example, Congress approved two extensions of cooling-off periods totalling 67 days. In 1970, another extension of 37 days was passed. And, in a 1970–71 dispute, an 80-day extension was approved.

I believe this legislation represents the best possible option this House has in the Maine Central situation. With it, we are essentially getting the maximum benefit from the minimum intervention, while still preserving our options for the future, if further action should become necessary.

This is a sound approach, and it is one which I strongly urge my colleagues to support.

Mr. WHITTAKER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of House Joint Resolution 683, which provides an extension of the cooling-off period associated with the ongoing labor dispute between the Maine Central Railroad and its Brotherhood of Maintenance of Way Employees.

As one of the original cosponsors of this legislation, I want to commend the gentleman from New Jersey [Mr. FLORIO] and the gentleman from New York [Mr. LENT] for their leadership on this issue and for their willingness to bring this matter before the House in an expedited fashion.

Mr. Speaker, my interest in this measure stems from my representation of a large number of employees of the Boston and Maine Railroad in western Massachusetts.

As my colleagues may be aware, the Boston and Maine is part of Guilford Transportation Industries, which also includes the Maine Central and the Delaware and Hudson Railroads.

The recent and ongoing labor dispute on the Maine Central has had a severe, adverse impact on the employees of the Boston and Maine.

Between approximately March 5, 1986, when secondary picketing by the Maine Central's Maintenance of Way employees began against the Boston and Maine Railroad, through May 1986, when the terms of a Presidential order creating a Presidential emergency board took effect, over 350 employees of the Boston and Maine Railroad were idled.

Although a number of those employees are now back at work, either under the Presidential order or at the direction of the Federal court, employment is still not at the prestrike level.

Traffic and revenues on the railroad have not been restored to their previous levels, and it is far from clear when employment levels will return to the prestrike condition.

The effect on these employees who were observing the picket lines pursu-

ant to their labor agreement and their rights under the National Railway Labor Act has been devastating.

Day-to-day events like paying the mortgage or rent and putting food on the table for railroad employees and their families have become exercises in financial juggling and ingenuity.

From my meetings with those who have been affected by this situation, I can tell you that unemployment of this sort has a terrible impact on family morale and spirit.

The reason I have joined the chairman of the committee, Mr. FLORIO, and my colleagues from the Northeast, especially Maine and New York, in sponsoring this legislation, is because I believe it is critical that Congress create an environment in which a fair and reasonable solution of this labor dispute can be negotiated.

I was pleased by the union's declaration at the conclusion of the original 60-day cooling-off period that expired on July 20 that it would not strike, but would continue to seek a negotiated settlement.

I was also pleased by reports that new proposals on the table may provide the basis for an ultimate settlement of this dispute.

At the same time, I think it would be extremely useful for there to be a further extension of the cooling-off period so that negotiations can continue in an essentially neutral environment, with neither side able to pursue self help measures as a negotiating tactic.

Mr. Speaker, I simply cannot stand by and let this labor dispute in Maine put employees in western Massachusetts out of work.

Not only does that have a devastating effect on the railroad employees, but it also affects the long-term viability of railroad service in the Northeastern United States, plus the local businesses and their employees who depend upon that railroad service.

Although I am well aware of the competitive pressures under which railroads are operating today in a largely deregulated environment, I believe improvements in operating cost efficiencies need to be negotiated, not imposed unilaterally by railroad management.

Railroad labor is not oblivious to the competitive pressures facing the railroad industry, but neither can it be blind to the need to ensure the best possible protection for its membership in achieving a reasonable solution to these competitive situations.

In short, I believe that the most productive action that we, in Congress, can take at this time is to provide for an extension of the cooling-off period in this dispute. To that end, I urge the adoption of this resolution.

□ 1130

Mr. WHITTAKER. Mr. Speaker, I yield 1 minute to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Speaker, I would not like this legislation to go by without a voice of dissent being raised. What we are essentially doing with this legislation is imposing a temporary settlement on the parties. What we are saying is that we refuse to allow the marketplace to work. What we are saying in effect is that we are going to stop change from ocurring in the railroad industry, or at least this part of it.

I think each Member has to ask themselves the question, Is change desirable in railroad history? Let us take a look at it. If you preserve the status quo, you preserve a system that has seen traffic fall for the railroad. You preserve a system that has resulted in a dramatic drop in railroad employment.

So let us not talk about concern for workers, because the current system is driving railroad workers out of their jobs. Change is needed to provide employment in the railroad industry, not the status quo.

The simple fact is that you have a scandalous system of featherbedding and inefficient cost structures in the industry. That needs to be changed and it is not going to be changed if this Congress insists on providing a continuation of the status quo.

Mr. WHITTAKER. Mr. Speaker, we have no more requests for time, and I yield back the balance of my time.

Mr. FLORIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SMITH of Florida). The question is on the motion offered by the gentleman from New Jersey [Mr. FLORIO] that the House suspend the rules and pass the joint resolution, House Joint Resolution 683, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF HOUSE JOINT RESOLUTION 683, MAINE CENTRAL RAILROAD LABOR DISPUTE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that in the engrossment of the resolution, House Joint Resolution 683, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in passing this joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter therein, on House Joint Resolution 683, the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SMALL BUSINESS INNOVATION RESEARCH PROGRAMS

Mr. MAVROULES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4260) to provide the Small Business Administration continuing authority to administer a program for small innovative firms, as amended.

The Clerk read as follows:

H.R. 4260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 9(e)(1) of the Small Business Act (15 U.S.C. 638(e)(1)) is amended by inserting immediately after "facilities," the following: "except that for the Department of Defense it shall not include amounts obligated solely for operational systems development, and".

SEC. 2. Section 5 of Public Law 97-219 is amended by striking "1988" and inserting "1993".

SEC. 3. Section 6 of Public Law 97-219 is amended to read as follows:

"SEC. 6. (a) The Comptroller General, no later than December 31, 1988, shall transmit a report to the appropriate committees of the House of Representatives and of the Senate evaluating the effectiveness to date of phase one and phase two of the SBIR program as set out in section 9(e)(4) of the Small Business Act. Such report shall examine the quality of the research supported by the SBIR program compared to that traditionally supported by the affected agencies, and the extent to which the goals of the SBIR program are being met. Such report shall also include the judgments of the heads of departments and agencies as to the effect of this Act on research programs.

"(b) The Comptroller General, no later than December 31, 1991, shall transmit to such Committees an update of the report mandated under subsection (a). Such report, in addition, shall include an evaluation of phase three of the SBIR program including a discussion of the aggregate commercial trends for products which are then currently in or have completed phase three of the program.".

The SPEAKER pro tempore. Is a second demanded?

Mr. McDADE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massaschuetts [Mr. MAVROULES].

GENERAL LEAVE

Mr. MAVROULES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4260, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MAVROULES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find it disturbing that the United States no longer commands a monopoly in the international high technology marketplace among Western countries. I am particularly concerned that much of our research either does not reach the marketplace at all, or is very slow in getting there. As a result, we daily face increasing competition from countries like West Germany or Japan.

Which brings me to the topic of today's debate: The Small Business Innovation Development Act.

A major goal of this act is to facilitate the availability of new innovations to the Nation's economy. As President Reagan stated when signing this landmark legislation into law in 1982.

We in government must work in partnership with small business to ensure that technologies and processes are readily transferred to commerical applications.

I think all of us here are well aware of the history behind this landmark legislation, which awards a small percentage of Government research and development money to fund initial work by small science and technology firms on innovative ideas—ideas that could later produce products for the commercial market or could contribute further to an agency's internal mission.

Four years ago, during debate on the initial SBIR legislation, we determined that this type of initiative should be able to prove itself. For that reason, a sunset provision was adopted by the Congress and the SBIR Program is scheduled to end as of October 1, 1988.

In reviewing the evidence available to date, I personally believe that the SBIR Program is a particularly appropriate use of Federal funds and should be continued.

Furthermore, although the SBIR Program does not expire for another year and a half, several agency representatives have indicated that they must begin now to make their budget decisions on the SBIR Program for the upcoming years.

Therefore, I, along with my colleagues BERKLEY BEDELL and SILVIO CONTE, sponsored H.R. 4260 to provide continuing authority for the SBIR Program beyond the sunset date. This bill would ensure continuity within the Small Business Innovation Development Program and would eliminate the possibility of disruptions in planning the procurement strategy for future R&D awards.

In May of this year, the Subcommittee on General Oversight and the Economy, which I chair, held a series of hearings to review the achievements of the SBIR Program. The subcommittee heard testimony from representatives of the participating agencies, all of whom spoke very favorably of the SBIR Program. The agencies are excited about the high quality of the proposals they have received and about the potential benefits to be derived from these proposals.

I want to point out that much credit for the success of this program should go to the dedicated program managers within the participating agencies.

During the subcommittee's markup, only one small clarification was added to the bill to resolve the question surrounding the exclusion by the Department of Defense of a certain portion of their research and development budget from their SBIR baseline computations. For purposes of compliance with the intent of the SBIR Act, DOD will be allowed to continue excluding the operational systems development funds from their SBIR Program. This exclusion is consistent not only with DOD's primary mission—to provide and maintain an adequate national security—but also allows DOD to take advantage of the innovative contributions of American small businesses.

We also have incorporated in this bill an amendment proposed by the Committee on Energy and Commerce to extend the sunset date of the program for 5 additional years—rather than making the program permanent. I want to commend my colleague from Michigan [Mr. DINGELL], and his committee members for their hard work on H.R. 4260.

The amendment introduced by Mr. DINGELL significantly strengthens congressional oversight by ensuring that, in 1993, we will have the opportunity to again critically review the program. This means that, down the road, we can revise the program as needed.

Also, we agreed to an amendment proposed by the Committee on Science and Technology to require GAO reports evaluating the SBIR Program not later than December 31, 1988, and December 31, 1991. This amendment, offered by my good friend, the gentleman from California [Mr. BROWN], substantially enhances our ability to fully analyze the program prior to the sunset date in 1993. Mr. BROWN and the members of the Science, Research and Technology Subcommittee deserve applause for their own excellent work on H.R. 4260.

The record on the SBIR Program indicates that the majority of small business SBIR award winners are new entrants to the Federal marketplace. SBIR active firms now are establishing contacts, and developing opportunities that will translate into a more active presence in the regular procurement process.

• The SBIR Program itself is an extremely competitive procurement program. Since its inception, there have been over 26,000 proposals submitted by small high-technology firms, with 3,080 phase I awards and 744 phase II awards. In money terms, we are talking about $355 million—not a lot of money when you think about the potential benefits to be derived from this small program, or when you think of the billions we spend on Federal research and development. Furthermore, no single geographical area dominates; awards have gone to 47 States and the District of Columbia and cover all areas of science and technology.

The SBIR Program not only encourages more research, but it also encourages the commercialization of that research by offering the possibility of economic reward for innovations successfully marketed by SBIR firms.

In fiscal year 1985, the SBIR Program completed its third year. While it is still premature to completely evaluate the success of the program, the agencies have stated that the potential for commercialization of the projects they have funded is very promising.

For example, during the first 4 years of the pilot SBIR Program at the National Science Foundation, the $18.4 million in Federal funds expended were matched by private sector follow-on funding of $149.5 million. This amounts to a leveraging factor of 8 to 1 of private sector to Federal funds.

As more SBIR projects mature, the payback in terms of investments of private capital, increased employment—and hence taxes—and enhanced productivity will be substantial.

Keeping that in mind, I urge my colleagues to approve H.R. 4260, as amended. With this extension, the act will continue to carry on its intended purpose: To create new jobs, generate tax revenues, and create new products and processes that can make a major difference in our domestic and international competitiveness.

Finally, I would like to thank all the cosponsors of this bill for their efforts

in helping to reauthorize the Small Business Innovation Development Act.

And certainly, Mr. Speaker, I want to thank my chairman of the full committee, the gentleman from Maryland, Mr. PARREN MITCHELL, who has been very, very supportive in his efforts toward the bill we have before us.

Mr. McDADE. Mr. Speaker, I yield myself such time as I may consume.

□ 1145

Mr. McDADE. Mr. Speaker, I rise in support of this legislation, as indeed I did when the legislation was originally passed by the House back in 1982. I was very pleased at that time to join as a cosponsor of the legislation with my distinguished friend, the chairman of our committee, the gentleman from Maryland, Mr. MITCHELL, with my friend, the gentleman from Iowa, Mr. BERKLEY BEDELL, who did yeoman work, and of course with my distinguished colleague, the chairman of the Republican baseball team, my friend the gentleman from Massachusetts, Mr. SILVIO CONTE.

Today it is interesting to note that virtually every member of our committee cosponsors the legislation, and I know of no real major controversies. That is in sharp contrast to the original pilot program which we passed on the floor of this House, and as my colleagues on the committee will remember, had to do battle with I think virtually every major authorizing committee in the House.

Is it not nice that the program worked, and it works today. Several studies have shown that small business accounts for over one-half of all the major innovation that takes place in the country. These innovations result in an enormous contribution to the Nation's economic growth. The Small Business Innovation Research Program is no longer an experiment. It has proven itself highly successful at increasing opportunities for small, innovative firms while enhancing the Federal Government's and the Nation's needs to meet its own research requirements.

During our committee's oversight hearings, numerous Government agencies testified that the program should not only be supported, but it ought to be continued and encouraged by the successes of the Federal program. Over 30 States have developed parallel programs to do what we are doing and have done at the Federal level.

This SBIR Program is not a Federal assistance award program. Every item in the solicitation is required to be consistent with the programmatic goals and objectives of the agency. Therefore, the agencies issue solicitations on subjects related to their missions.

Listen to some of the topics studied under this process: laser engineering, robotics, semiconductor switches and circuits, and new chemical compounds; and the list goes on and on. The small business community once again provides innovative needs and distributes capabilities far beyond traditional stereotyped thinking.

I see my friend, the gentleman from Iowa, Mr. NEIL SMITH, who has long held the view that indeed the reason that the country does what it does is because more than half of the patents filed are filed by small businesses in the Nation.

The Nation has reaped many benefits from this program. The Government has direct access to the most creative and innovative sector of the country's economy. There is a favorable effect on the Nation's rate of innovation, which is critical in U.S. efforts to compete internationally.

Finally, the SBIR has had a positive impact on maintaining the United States' permanent position in technology development.

Mr. Speaker, I urge all of my colleagues to join in supporting this enormously worthwhile legislation.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. McDADE. I am delighted to yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Speaker, since the gentleman mentioned our work earlier, I want to at this time compliment him for his continuing effort in this regard.

As the gentleman will remember, we were the principal sponsors in the 96th Congress. We met all kinds of opposition from all of those who fought it to a standstill—the other committees and the big universities—and they used the National Institutes of Health as an example of what you would not want to do.

Well, it happens that about 2 years ago, or a year ago this spring, the National Institutes of Health came before the HHS Subcommittee on Appropriations. I asked them how many of these awards they had given, and they said 128. I said, "What's your view now?" The witness said, "I'll have to admit that we got some valuable information and some valuable help we would not have gotten but for that program."

So the program does work, and I compliment the gentleman.

Mr. Speaker, as one of the principal authors of the Small Business Innovation Development Act when it originally passed in 1982, and as the sponsor of the original predecessor bill in the 96th Congress, I very enthusiastically support the extension of the sunset on this act and I congratulate the subcommittee and committee in bringing it to the floor well in advance of the expiration date.

The SBIR Act does not cost the Government any money; on the contrary it saves the Government money by obtaining a better quality product at a lower cost. The act has three phases. In the first phase, small businesses submit proposals for research in areas determined or selected by the agency involved and those accepted into the program receive awards of up to $50,000. Those that show promise at the end of the first phase then compete for the second phase awards of up to $500,000 each. Upon completion of that phase, the only follow-on funding is from the private sector to pursue commercialization.

Not all Federal agencies participate in the program, only those with annual R&D budgets above the $100 million threshold. There are now 11 agencies with budgets above this amount and on a phased-in basis they are required to set aside, when the program is fully implemented, 1¼ percent of their R&D budget.

Due to the program being a multiyear one, we are just now beginning to see its results as it basically commenced in 1983. During fiscal year 1985 there were about 1,400 phase I awards and 400 phase II awards. Cumulatively, there have been over 25,000 proposals submitted which have resulted in the award of $355 million in 47 States.

Although the data received may only be preliminary, it is good and the program deserves to be extended in order for us to compile more complete data over a longer time frame.

I want to remind the Members that when the original act was on the floor only 4 years ago skeptics abounded and there was opposition from many quarters. As Dr. George E. Keyworth, Science Advisor to the President and Director of the Office of Science and Technology Policy, admitted in testimony this year his initial doubts are "rapidly being dashed" as the program is showing signs of "first class augur" and he is quite excited about it.

In Congress, the committees were saying 4 years ago that it might be a fine proposal but don't include agencies within our jurisdiction. Today, not one of these committees is opposing the legislation to extend this program.

What has happened in the interim is that the individual agencies whose budgets are affected have seen positive results. For example,

The Environmental Protection Agency testified "* * * we believe that this program has been a success * * *".

The National Science Foundation testified "SBIR is working well at NSF."

The Department of Commerce testified "* * * it is quite clear that the SBIR Program has the potential of making a significant contribution to our R&D efforts."

The Defense Department testified "We are enthusiastic about the program and feel it has been of real benefit to DOD while also providing valuable new opportunities for small business."

NIH testified that it "* * * is pleased with the implementation and progress of its SBIR program." In lieu of the original gloom and doom about the quality they expected in the SBIR program, Dr. William F. Raub also said "* * * we are confident that the quality gap between NIH SBIR awards and traditional project grants is proving to be evanescent."

The Department of Energy testified "* * * comparisons of the degree of the complexity, innovativeness and technical sophistication

between our SBIR and non-SBIR projects can be made, and SBIR projects fare quite well in such comparisons."

NASA testified that their personnel and management have developed "strong support and enthusiasm for the program" and that many of the ideas presented "had not previously been volunteered to NASA * * * and possibly would never have been offered in the normal course of events."

I believe that the Small Business Committee's hearing record is replete with success stories about the SBIR Program, and I think people who originally opposed it now admit it has been a benefit to both the government and small business. This program deserves the support of all Members.

Mr. McDADE. I thank my friend from Iowa, and let me say that without his dogged determination, both on our committee and on the Appropriations Committee for HHS and other departments, this program would not be here and as successful as it is, and I thank my colleague from Iowa.

Mr. McDADE. Mr. Speaker, I yield such time as he may consume to my dear friend, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I want to thank my good friend, the gentleman from Pennsylvania, Mr. JOE MCDADE, for yielding time to me.

Mr. Speaker, I rise today in support of H.R. 4260. I very vividly remember working back in 1982 with my good friend, the gentleman from Iowa, Mr. BERKLEY BEDELL, on this legislation. It was our subcommittee, I believe, that developed this legislation, and then it went to the full committee.

Mr. BEDELL. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Speaker, I want to commend the gentleman for the great work that he did on this legislation and for the great cooperation that he has shown on the many, many items that we have had where he has always been a real fighter for small business.

Mr. CONTE. Mr. Speaker, I thank the gentleman, and I want to say that we are going to miss him greatly here in this House. His is the Horatio Alger story. I talk about him all over my district to small business people. He typifies the All-American small businessman.

The gentleman started in high school tying fishing flies and developed that business. Today his business is one of the largest—and I happen to be an avid fan and sports fisherman—his business is one of the largest in the world making all types of rods. Some of the best rods are made in this country, by BERKLEY BEDELL's firm.

He did it starting as a senior in high school, and that is quite a tribute, I think.

Mr. BEDELL. Mr. Speaker, will the gentleman yield further?

Mr. CONTE. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Speaker, I am sure that the sales are going to increase greatly after the gentleman's remarks.

Mr. CONTE. Well, I mean it. I just admire the gentleman, and admire him for what he has done, not only as a businessman but as a Congressman here, and he is going to leave a great void.

Mr. Speaker, I rise today in support of a bill that's very important to our country's small business community—H.R. 4260. And it gives me great pleasure to know that we will act quickly and affirmatively in guaranteeing the future of the Small Business Innovation Research Program.

As you know, Mr. Speaker, the purpose of H.R. 4260 was to make permanent the Small Business Innovation Research [SBIR] Program authorized by the Small Business Development Act of 1982 (Public Law 97-219). By statute, the SBIR program is scheduled to terminate on October 1, 1988. H.R. 4260 would amend section 5, the "sunset provision" of Public Law 97-219. H.R. 4260 also clarifies the definition of "extramural budget" contained in section 4 of the act. It excludes that portion of the Department of Defense budget classified as "operational systems development" or 6.6 from the base of funds used by DOD to compute its SBIR programs levels. Just by way of brief History, Public Law 97-219 was signed into law on July 11, 1982, by President Reagan. The purpose of the original act is as follows:

To stimulate technological innovation;

To use small business to meet Federal research and development needs;

To foster and encourage participation by minority and disadvantaged persons in technological innovation; and

To increase private sector commercialization innovations derived from Federal research and development.

Mr. Speaker, on February 26, 1986, my esteemed colleague and very good friend NICK MAVROULES introduced H.R. 4260. He did so because he wanted to review the SBIR Program to see if it was working and if so, he wanted to ensure that there would be no gap in its implementation. H.R. 4260 was referred to the Small Business Subcommittee on general oversight and the economy which held hearings on May 8, 13, and 15. Testifying at those hearings were the following: Richard J. Green, NSF; Clare I. Harris, Department of Agriculture; Harry W. Johnson, NASA; Ryszard Gajewski, Department of Energy; Leo Young, DOD; William F. Raub, NIH; George Nesterczuk, DOT; Roger S. Cortesi, EPA; Norman Latker, Department of Commerce; and Richard Shane, SBA. All attested to the excellent quality of the SBIR proposals being received. Each witness also testified on how well the program has been working within their respective departments and confirmed that the program has been quite successful. Unfortunately, many of the agencies testifying indicated that it may be impossible, without this statute, to continue an SBIR Program on their own.

You might ask why? Well, it is very simple. Administrations change, bureaucracies change, policies change, but our competitors are relentless. They are very good at transforming pure research into commercial products and diffusing them throughout the world economy. We have a need to maintain our competitive edge in order to increase productivity, expand job opportunities, and improve our balance of trade. We also have a need for permanent, continuous outreach by all Federal agencies to America's small business research and development community. This is what SBIR does in a nutshell.

Mr. Speaker, on June 18, 1986, the Small Business Committee reported H.R. 4260 out as amended by a 41-0 vote. Subsequently the bill was sequentially referred to the Committees on Armed Services, Energy and Commerce, Foreign Affairs, Science and Technology, Veterans' Affairs, and the Permanent Select Committee on Intelligence until August 1, 1986. After public hearings, the Small Business Committee agreed to amend its amendment by incorporating changes proposed by the Committee on Science and Technology to require GAO reports evaluating SBIR by two new dates, December 31, 1988, and December 31, 1991, thus removing the old original reporting date in 1987. Further, our committee agreed to an amendment from the Committee on Energy and Commerce to extend the sunset date by 5 years from 1988 to 1993 instead of making the program permanent.

Thus, Mr. Speaker, we have before us today, the opportunity to extend a good—a super program with proven merit, and demonstrated need that stimulates the creative drive of our small business community. This proposal has been strengthened through meaningful public dialog until it's as hard and tough as heat-treated steel. It's the synthesis of the best minds in our business, academic, and governmental sectors, and we owe a debt of gratitude to all those businesses who seriously pursued this program with productive proposals—to those agencies and academic institutions who set their standards high to maximize and protect our investment and to the chairmen of the referred committees—Mr. ASPIN, Mr. DINGELL, Mr. FASCELL, Mr. FUQUA, Mr. MONTGOMERY, and Mr. HAMILTON who respectfully and sin-

cerely watched out for the public interest, the public good. I thank you all for continuing and improving upon this bill.

You know, Mr. Speaker, the dynamics of innovation are very interesting. First, you start with the kernel, an idea, then subject it to initial and later intense research. With your final data and conclusion, you can move to development and finally commercialization of your product. You know it's successful when it becomes diffused throughout the economy—both national and global. But it all costs money, money that is hard to come by for some small businesses.

Innovation, we know, is important for increasing our productivity, expanding job opportunities and improving our Nation's foreign trade balance. An early NSF study of relationships between size of firms and productivity of the R&D dollar had established a 1:4:24 ratio—that is for every $1 of research effort in a small firm, a medium-sized firm required $4 and a large firm needed $24. Obviously a dollar spent by a small firm on R&D is a dollar well spent. SBIR will allow the United States to spend an estimated $675 million by the end of fiscal year 1986 on small business research. Think of the potential. Better yet, think also of the leveraging factor. Studies have indicated public to private investment ratios of anywhere from 1:5 to 1:8 so if we multiply that out, the Government's $675 million generates anywhere from $3.4 billion to $5.4 billion in private funds. Just reflect for a minute—new ideas, new jobs, new companies, new taxes, and a better standard of living. The payback is real and it's today.

Mr. Speaker, I'd like to keep SBIR going forever, but I'll settle until 1993 because I know the GAO reports and the new products will be testimony enough for permanent continuation. I also know that England, Holland, Canada, France, West Germany, Ireland, and Israel have either started or will be starting their own SBIR's so let's keep our competitive edge, Mr. Speaker, lets keep jobs for American workers, let's keep Nobel Prizes for American scientists and inventors, and best of all let's keep "Made and Invented in America's stamped on all the world's new products.

□ 1155

Mr. MAVROULES. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Speaker, I just want to take a moment to say to the gentleman from Massachusetts [Mr. CONTE], my colleague, thank you very much for the cooperation you gave to me and the staff and the entire committee. I just wanted to commend the gentleman for that.

Mr. CONTE. I thank you, NICK. It was a pleasure working with you on this. I think we have brought forth a very good bill.

Mr. MAVROULES. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland [Mr. MITCHELL], chairman of the full committee.

Mr. Speaker, will the gentleman yield to me for a moment?

Mr. MITCHELL. I will be glad to yield to my colleague the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Speaker, let me just take this opportunity to thank the chairman of this committee for all the good work he has done on behalf of the small business community, our committee, and certainly on behalf of the small business people throughout the country. The gentleman from Massachusetts [Mr. CONTE] noted the great work being done by the gentleman from Iowa [Mr. BEDELL] and I wanted the gentleman to know we all appreciate his efforts. He should be commended and is being commended this morning. We thank you very much for your efforts.

Mr. MITCHELL. I thank the gentleman for those kind words.

Mr. McDADE. Mr. Speaker, will the gentleman yield to me?

Mr. MITCHELL. I am delighted to yield to my colleague from Pennsylvania.

Mr. McDADE. Mr. Speaker, I do not mean to suggest that this is the proper time to take proper note of the fact that my dear friend from Maryland Mr. MITCHELL, will be leaving the House and going on I am sure to other pursuits in public life. We will pause at the appropriate time, and remember some things and suggest some of his enormous contributions.

But at this point, I just want to concur with the remarks that have been made and indicate that it has been a great pleasure for me to serve as ranking Member with the gentleman from Maryland and to congratulate him for the enormous work he has done in moving this Nation ahead, and also to say that when that unfortunate and dreadful day comes when they swear in the next Congress, and the gentleman will not be here, it will be great loss to the Nation and to the House.

Mr. MITCHELL. I thank the gentleman very much for his kind remarks.

Mr. BEDELL. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Speaker, I know the time is short, but I want to echo those remarks. I hope the gentleman in the well realizes how much I appreciate the cooperation and the help that he has given me here in the Congress, and the great leadership he has shown as a leader of that committee.

Mr. MITCHELL. I appreciate your statement, BERK.

Mr. Speaker, first of all let me express my thanks not only to all who participated in this bill, but more specifically the gentleman from Massachusetts, Mr. CONTE, the gentleman from Pennsylvania, Mr. McDADE, the gentleman from Iowa, BERK BEDELL, the gentleman from Massachusetts, NICK MAVROULES, and the gentleman from Iowa, NEAL SMITH. It was this little band of guys that week after week met in the Speaker's office when we faced the enormous opposition to this first bill. We held together. We said we will win it. Put it on the floor. We are right. History has proved that we were right, and I thank all of you for all of those extra hours we put in while we battled the opposition.

Mr. Speaker, I rise in strong support of H.R. 4260, a bill to reauthorize the Small Business Innovation Development Act of 1982. This bill will extend through fiscal year 1993 the small business innovation research [SBIR] programs established in all research-intensive Federal agencies.

It is not often that a Government program engenders the widespread enthusiasm that surrounds the SBIR Program. The controversies accompanying the initial passage of this act in 1982 have largely subsided, and those who opposed this program, with very few exceptions, have changed their minds and become ardent supporters. Dr. George A. Keyworth, science advisor to the President and Director of the Office of Science and Technology Policy, admitted quite candidly that after initial doubts, he had become quite excited about the program. The participating agencies are unanimous in their support and testified before the Small Business Committee that the quality of research was high and that the program should continue.

The small business community overwhelmingly supports reauthorization of the SBIR Program. In a compilation of State recommendations of the White House Conference on Small Business, 46 of the recommendations from 37 States dealt with the SBIR Program either by name or concept. Out of a total of 94 recommendations, only 5 were mentioned more frequently than SBIR by the State conferences.

The program has generated great interest both in this country and abroad. Thirty States have established programs to complement the Federal SBIR Program or duplicate on a State level. Several foreign countries have come to the United States to investigate it, and some, including Japan and the United Kingdom, are implementing similar programs of their own for the purpose of stimulating innovation and strengthening their economics. This replication is a sincere form of

flattery and a clear indication of the program's value.

This bill is the result of years of study by the Small Business Committee on the need to stimulate innovation. Innovation is essential to economic growth, and the key to new technologies and products vital to our international competitiveness. Innovation results in new business start-ups, new jobs, increased tax revenues, deterrence to inflation, and improved quality of life. Over the past two decades, the United States experienced a disastrous decline in the rate of innovation and productivity increase. The Small Business Committee joined with other committees, including the House Committee on Science and Technology, during 1979 and 1980 to investigate the causes for this decline. We found that the climate for innovation in this country was decidedly unhealthy. A number of measures were recommended to stimulate innovation including changes in Federal procurement practices.

Innovation is the product of research and development [R&D], and it was found that small business, the Nation's leading innovators, was being virtually excluded from federally funded R&D efforts. The American taxpayer supports, through hard-earned tax dollars, fully one-half of all R&D being performed in this country. And yet small business concerns were receiving less than 3 percent of the Federal R&D dollar. Numerous studies available to our committee indicated that small high technology firms out perform other sectors in R&D. The following is a quote from Dr. Philip Speser, a Washington consultant:

> It is interesting that throughout the debate over this legislation no one has denied the research consistently indicates that small high-technology firms: First, are among the most cost-efficient performers of R&D in our economy; second, are our primary source of major innovations; third, have one of the fastest U.S. rates of growth in net new employment, productivity, sales, exports, net revenue, and tax dollars; fourth, have one of the lowest U.S. rates of inflation; fifth, find Government R&D awards a major stimulus for their formation and growth; and sixth, rapidly diversify into private sector work after receiving Government work.

In other words, when small business performs Government research, our Nation "gets a bargain."

As a result of our studies, patent legislation was recommended and enacted by Public Law 96-517, that permits small business and nonprofit performers to retain title—with certain rights retained by the Government—to inventions occurring during the performance of federally funded R&D for purposes of commercializing the invention. This legislation has served as a landmark in initiatives to stimulate innovation. The second major initiative recommended as a result of our investigations was the SBIR Program, designed to increase the participation of small businesses in Government R&D contracts and grants and to encourage innovation and commercialization by providing for feasibility testing of new ideas. This program has succeeded even beyond the expectations of the original sponsors. The SBIR is breaking down the bias which favored traditional performers—universities, Government labs and big business. The SBIR Program has introduced new performers of excellent quality to agencies that once considered small business incapable of quality research. Many such performers have gone on to win technically sophisticated mainstream contracts.

The record shows that small businesses are making significant contributions in all categories of research including biomedical and basic research. In many instances, fiercely competitive small business researchers are outperforming tenured professors and create efficiencies not found in academic laboratories where from 40 to 60 percent of the research grant may be allocated to overhead. Even health-related science is no longer the exclusive province of universities. Small business excells in areas of instrumentation, medical devices, genetics engineering as well as other life sciences. National Institute of Health Program officials have testified as to the high quality of these SBIR projects.

It is fair to state that the program is no longer an experiment. Our committee had available for its consideration a record of the highly successful SBIR Program established on a pilot basis at the National Science Foundation [NSF] in 1977 and a similar program at the Department of Defense in 1980. The original legislation extending the SBIR Program to other Government agencies in 1982 did not include a sunset provision for the reason that the program had already proved its value. During floor debate, however, a sunset was added and accepted by the bill sponsors in the firm belief that the instrinsic worth of the SBIR concept would readily become apparent. Our belief was justified. Reports from SBA, GAO, and OSTP, the three agencies required under the statute to maintain oversight over the program, and testimony from participating agencies in our committee hearings support this conclusion. The program is working as intended.

The quality of research is exceedingly high, in some instances surpassing that of traditional research programs. Many new firms have participated in Government R&D, and promising technologies and products are emerging. Moreover, the business judgment of the private sector tends to bear this out. The small Federal investment is being leveraged at the rate of 5:1 in private follow-on capital during phase III of the program, that is, at least $5 is being invested by private sources for every $1 invested by the Government. This indicates confidence in the market potential of SBIR projects as perceived by nongovernment financial sources. This figure is preliminary and is expected to increase as the program becomes fully operational.

As a result of this evidence, when the committee considered reauthorization of the SBIR Program, it was agreed that extension on a trial basis was unnecessary. We felt there was sufficient justification to make the program permanent. To accommodate the interests of the House Committee on Energy and Commerce, however, whose chief concern was to verify the quality of SBIR research at the National Institutes of Health [NIH], the Small Business Committee and other committees to whom the bill was referred, agreed to an amendment that included another sunset provision extending the program to 1993. It is anticipated that evidence of quality and achievement of commercialization objectives will be sufficient at that time so that the sunset can be removed and small business applied research can become an indispensable and permanent part of our Nation's research goals and objectives.

Attention was given to the statutory language affecting the size of the SBIR Program at the Department of Defense. Since enactment of the original legislation of 1982, it became apparent to many that the inclusion of operational systems development category of R&D funds at the DOD would increase significantly the level of SBIR funding and cause distortions since those funds, commonly referred to as "6.6" funds, were not well suited for use in the SBIR Program. DOD made an administrative decision to exempt these funds although the language in the statute did not, in the opinion of the GAO, give it the authority to do so. I do not excuse DOD's apparent violation, however, the committee's analysis has led us to conclude that "6.6" funds should, as a matter of practicality, be excluded when computing DOD's annual goal. Accordingly, language is included in H.R. 4260 to exempt operational systems development funds from the base on which program size is included. Program size, however, is not limited to the percentages contained in the statute, and DOD may indeed find it advantageous to increase its program participation levels in other areas to compensate for the "6.6" exemption. It has come to our attention that the strategic defense initiative [SDI] may well accommodate additional SBIR projects because of the nature of SDI objectives and national priority status. It may also be appropriate to increase

phases I and II per-contract funding levels because of the increased needs and costs involved in space-related research.

It has been gratifying to observe the creative energies unleashed by the SBIR Program at work in solving national problems. The SBIR Program is the only Governmentwide effort that permits industry to propose state-of-the-art solutions for the mission needs of our agencies. The concept is as innovative as are the proposals themselves, more than 17,000 of them, that have been submitted in response to agency solicitations.

Because phase II projects are just now approaching completion, it is too early to assess the specific extent of benefits that will accrue to our Nation. But it is not too early to recognize that the SBIR Program fills a gap and is succeeding in stimulating innovation in a way that costs no extra money because it utilizes funds already appropriated. It is also clear that research being done under this program would not be funded by traditional agency programs nor by any other source for the reason that feasibility studies of innovative ideas, the basic thrust of this program, are too risky for venture capital firms.

We can be proud of this bill and of the role it assigns to the Government in generating new technologies to meet the mission needs of our Federal agencies.

I want to express my sincere appreciation to Mr. MAVROULES, chairman of the Oversight Subcommittee and Mr. CONTE, and Mr. MCDADE ranking minority members for their outstanding work in managing this bill. They have established an excellent record as a basis for these deliberations. It has truly been a bipartisan effort; they, and this body are to be commended.

Mr. McDADE. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Kansas [Mrs. MEYERS] who is a valued member of our committee.

Mrs. MEYERS of Kansas. Mr. Speaker, I am pleased to rise in support of H.R. 4260 that extends the Small Business Innovation Research Program through fiscal year 1993.

The Small Business Innovation Research Program was created in 1982 to stimulate technological innovation, make greater use of small business in meeting national innovation needs, and to increase small business' share of the Federal research and development funds.

After reviewing this program, participating Federal agencies have confirmed that the Small Business Innovation Program has been quite successful. Small businesses are developing innovations that will create new jobs, generate tax revenues and produce new products for the domestic and international markets.

Many Members may be very surprised at the benefits from this program in their State and in their district, and at the variety and the creative nature of the businesses that are involved. There are 10 small businesses in Kansas that participate in this important program, and four of those businesses are located in my district, which includes the Kansas City metropolitan area on the Kansas side.

These small businesses are involved in projects that include teaching skills to handicapped individuals, biomedical research, recycling sealcoat pavements, and creating containerized bulk export shipments of wheat flour. Each of these small businesses are involved in phase I of the program. I wish they and others who participate in this Small Business Innovation Research Program success in their endeavors, and believe firmly that they are benefiting the country through their participation in this program.

I thank the gentleman for yielding and yield back the balance of my time.

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Mr. MAVROULES. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa, Mr. BERKLEY BEDELL, a cosponsor of the bill.

Mr. BEDELL. Mr. Speaker, as an original cosponsor of H.R. 4260, I rise in support of this bill to reauthorize the Small Business Innovation Research Program.

It gives me great satisfaction that this bill has broad support today here in Congress. This broad support is due primarily to the leadership of Congressman NICK MAVROULES, chairman of the Small Business Subcommittee on Oversight. After chairing numerous hearings on the program in the last year, he has moved legislation swiftly and smoothly, and has addressed all of the concerns that have been raised by other committees. I would also like to commend Chairman MITCHELL and Congressmen CONTE and LAFALCE for their work on this bill.

I would like to recognize all of the work done by Ann Eskesen of the Small Business Association of New England. I also thank Chairmen FUQUA and DINGELL for their support for this legislation.

Mr. Speaker, many of the things we do around here do not seem to last, but I am confident that the SBIR Program is here to stay. I was very active in fighting to pass the original SBIR legislation in 1982, and later in resisting attempts to gut the program. Now, the program has had a few years to work, and small businesses have had the chance to show what they can do. By reauthorizing the SBIR Program for 5 more years, we will give small businesses the opportunity to demonstrate that there is a permanent place for the SBIR Program.

Many skeptics have become fans along the way. These who were concerned that the Government receive the highest quality research for its dollar now realize that the SBIR Program is producing topnotch results. The main reason for this is that the SBIR Program is so competitive. Years ago, the SBIR Program was attacked as a set-aside that was somehow less competitive than other forms of R&D contract awards. The facts are that too large a portion of Federal R&D contracts are still awarded noncompetitively, and that the SBIR Program forces small businesses to do their best work and to do it at minimum cost.

It is important to remember why we began the SBIR Program. A decade ago, the country that first put a man on the Moon realized that it was losing the innovation race. Although the United States spent large amounts on research which added to human knowledge, that research benefited our international competitors more than us. They took our research, turned it into high quality commercial products, and sold them back to us.

In the late 1970's, many studies and recommendations, including those of the 1980 White House Conference on Small Business, concluded that a primary cause for the lack of innovation in the United States was the lack of research and development funding for innovative small businesses.

As we now know, small businesses are the most efficient, creative and productive innovators in our economy. That's one of the reasons why they create most new jobs.

For various reasons, agencies simply would not fund small businesses who had new ideas and could work them most efficiently. Agencies refused to even consider proposals from for-profit businesses, agency peer review boards consisted mostly of persons from the academic world, and agencies lacked procedures for handling unsolicited proposals. The bottom line was that small businesses received a pathetic percentage of R&D contracts with the Federal Government. Despite promises and some good intentions, the situation was not getting better and small business had little hope for winning more contracts. What was needed was a program where small businesses would have the chance to show what they could do.

The National Science Foundation pioneered the way with the original SBIR Program. In fact, in 1980, the Science and Technology Subcommittee on Oversight and Investigations prepared a report that recommended that the National Science Foundation's SBIR Program should be expanded, and that other agencies be required to set aside at least 1 percent of

their R&D budgets for SBIR programs. We enacted this requirement in 1982.

The SBIR Program is good for small business, but that is not the main reason why I support it. I support the SBIR Program because it is good for America.

It is said that imitation is the sincerest praise. During the last three summers, the Japanese Government has sent observers to the United States for a week to 10 days for the purpose of learning from our SBIR Program. The Japanese Government has written the SBA that Japan will begin a similar program within a year.

Great Britain has already begun its SBIR program. It's called SMART—Small Firms Merit Award for Research and Technology—and it's modeled on our SBIR Program. In addition, Canada, France, and Germany have all approached the SBA to learn more about the United States program.

Mr. Speaker, our competitors are not far behind. We cannot afford to delay or risk our own successful SBIR Program. By reaffirming our commitment to the SBIR Program for 5 more years, we tell the world that we intend to be winners in the new international economy.

Mr. McDADE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Mexico [Mr. LUJAN], the ranking member of the the Committee on Science and Technology.

Mr. LUJAN. Mr. Speaker, I rise in support of H.R. 4260, which would extend the Small Business Innovative Research Program [SBIR].

This program enjoys bipartisan support and has the full backing of the administration.

The reason for its widespread popularity is clear. SBIR boosts economic growth and competitiveness by lending a hand to new, innovative small businesses.

Most of the businesses that have received SBIR grants are less than 5 years old, have fewer than 10 employees, and have had no previous involvement with the Federal Government. In short, they are struggling operations that offer enormous potential for growth.

Moreover, SBIR-funded research has focused on fields in which our Nation most needs to work at keeping a competitive edge—computer science, electronics, materials science, and biotechnology.

The concerns that attended the creation of this program have long since evaporated. Agency officials have testified to the high quality of SBIR proposals—and there has been no shortage of them. In fiscal 1985, 11 agencies received 9,851 applications and made about 1,800 awards.

The awards have been widely distributed geographically. My own State of New Mexico, for example—which has had some complaints with university grant distribution—ranked 12th last year in receipt of SBIR money. We received 35 grants—about 2.6 percent of the total number. That number has been climbing steadily since the program's inception.

SBIR awards do not create a new type of welfare client. The grants are limited and are predicated on receipt of private backing. A 1983 study by the State of Massachusetts estimated that the $25 million SBIR granted to firms there leveraged $91 million in private funds.

Success stories that flesh out such figures are numerous. The National Science Foundation, for example, points to Collaborative Research, Inc., which conducted genetics research with its $264,000 grant. The research has enabled the firm to raise $40 million in private funds, build new laboratories, and to quadruple its staff.

Our foreign competitors have been so impressed with the results of SBIR that several other nations are setting up similar programs.

Because of SBIR's demonstrated success, I supported permanent reauthorization of the program. But the 5-year extension now before us is sufficient to allow SBIR to continue to bolster our economy.

I'm sure the record will lead to permanent authority being granted in 1993.

Mr. McDADE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I rise in support of the bill.

Mr. Speaker, I join with my colleagues in enthusiastically supporting the extension of the Small Business Innovative Research [SBIR] Program.

At a time when our Nation continues to be plagued by a monstrous trade deficit, it's essential that we preserve programs that can hone our competitive edge.

SBIR is one such program. Indeed, the program furthers many of our important goals. It funds topnotch research, aids small businesses, encourages technology transfer, promotes economic development, and fosters innovation.

SBIR is working and deserves to be continued. I would have been happy to have seen the program made permanent as our Science and Technology Committee had voted to do. But this 5-year extension will enable the program to continue to build a record of success.

The extension is supported by the administration and the executive agencies that administer the program. SBIR merits our unanimous support.

Mr. McDADE. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. HENRY].

Mr. HENRY. Mr. Speaker, I rise in strong support of the legislation before us to extend until 1993 the authorization of the Small Business Innovative Research Program. This program has truly benefited everyone involved, both the small business community and the Federal agencies which have participated in SBIR since its beginning 4 years ago.

Mr. Speaker, the SBIR Program was established in 1982 with the goal of increasing small business activity in Federal research and development activities. By all accounts, it has been a resounding success. Patterned after a National Science Foundation program begun in 1977, SBIR requires agencies with extramural resarch budgets for more than $100 million to earmark 1.25 percent of the budget for research grants to small businesses. Eleven agencies run such programs, including NSF, DOE, and NASA. The Small Business Administration and the Office of Science and Technology Policy oversee the program. SBIR projects have three phases. Phase I awards up to $50,000 for a feasibility demonstration of a project. Phase II awards up to $500,000 for further research and development of promising projects, and phase III is that all important link of private funding and commercialization.

Mr. Speaker, the SBIR Program provides a logical and workable process to involve our small businesses in the Government R&D efforts, to tap the great resources of our small business community. I would like to make a few observations about the importance of small business and the benefits of the SBIR Program.

All SBIR awards are made on a competitive basis and are of the highest technical quality.

The SBIR Program has help maintain America's preeminent position in technology and development. The conversion of research to new products and services has increased to the benefit of both marketplace and government.

Over 30 States, including my home State of Michigan, have developed complementary programs to SBIR.

The majority of all new jobs during the past decade have been generated by small firms and nowhere has this been more evident than in the R&D field. Likewise, there has been a doubling of employees for most businesses involved in SBIR.

My own State of Michigan has made the SBIR Program a cornerstone of its efforts to revitalize and diversify our industrial base. Since its inception, businesses in Michigan have won more than 65 phase I and II awards brought more than $9 million to the State in R&D funds. Many of the awards have been in the areas of materials research and automotive technologies—areas

vital to Michigan's continued economic health.

Mr. Speaker, in the Science and Technology Committee's report on SBIR, I made clear my support for a temporary, rather than open-ended, reauthorization. No matter how successful or promising an initiative, good government demands that the legislative branch carry out its appropriate oversight responsibilities.

In that regard, I am pleased that the bill before extends the SBIR until 1993, at which time Congress will again have the opportunity to examine and extend. In the interim, the General Accounting Office is being required to issue additional reports on SBIR operations, to make sure the program continues on the right track.

Mr. Speaker, I strongly urge my colleagues to express their support for small business research and development efforts by supporting the legislation before us.

Mr. DINGELL. Mr. Speaker, H.R. 4260 is a bill to provide the Small Business Administration continuing authority to administer a program to fund research by small innovative firms. The version of the bill which is before the House today reflects the provisions voted on by the Committee on Energy and Commerce.

The Committee on Energy and Commerce, in a unanimous, bipartisan vote, agreed that this program, only 3 years old, did not yet warrant permanent reauthorization, but voted to extend the program until 1993.

Continued scrutiny and analysis of this program is needed. Quantitative and qualitative data as to its success and usefulness are not yet available. My colleagues on the Science and Technology Committee acknowledged the need for this data by strengthening the reporting requirements of this bill.

I continue to be concerned that such a program detracts from the already strained budget of the National Institutes of Health. The NIH policy of awarding funds to researchers based on careful peer review of the proposed research has served the Nation well. The public is assured that its money is invested in the highest quality science possible. The year 1986 is not the time to abandon this policy of excellence in science.

Today, I am happy to urge my colleagues to vote for the bill before us. I also urge them to continue to oversee the achievements and value of this program.

Mr. BROOMFIELD. Mr. Speaker, I rise today to join in supporting H.R. 4260, legislation to extend Public Law 97-219, the Small Business Innovation Development Act.

As a cosponsor of the bill that enacted the 1982 SBIR law, and H.R. 4260, I have seen the enormous benefits derived from this program. Some of the most innovative and advanced research work being done by the Federal agencies today has come out of SBIR by utilizing small, high technology, entrepreneurial firms. This concept of taking a small percentage of the extramural research budgets, awarding it to risk-taking small firms for the purpose of engaging in basic research, has been so successful, that many Federal agencies that were once opposed to this program, now support it without reservation. However, according to their own testimony, they would be unable to continue a similar program on their own if SBIR did not exist.

This program has enjoyed considerable bipartisan support in the past, and H.R. 4260 was reported favorably out of the Small Business Committee without dissent.

I want to thank my colleagues on the Small Business Committee, the chairman and ranking minority member, and the gentleman from Massachusetts [Mr. MAVROULES], for bringing this measure along so expeditiously.

Again, I support this measure wholeheartedly and urge my colleagues to do so as well.

Mr. PARRIS. Mr. Speaker, I am pleased to speak in support of H.R. 4260, a bill which would extend through 1993 the Small Business Innovative Research Program.

The SBIR Program was signed into law on July 22, 1982, and since its inception, has been a tremendously successful program, benefiting Government, business, and the public.

The original legislation required most Federal agencies with a research and development budget exceeding $100 million to reserve a certain portion for innovative research conducted by small businesses. The result of this act has been a significant increase in the number of innovative research proposals that have been offered to the Government. Each of these awards has been granted on a very competitive basis, and the proposals being accepted have always been in keeping within the agency's programmatic goals.

The SBIR Program has had a very direct, positive impact on technology development. The United States has always prided itself on what we call "Yankee ingenuity," and I can think of no better way to continue this tradition than to encourage our small businesses in this direction. My State of Virginia has already received double the number of grants in the past 2 fiscal years and I am sure the competition will continue to grow as well as the quality of the innovative programs being proposed.

Additionally, it should be noted that the conversion of research into new products and services has benefited both Government and the marketplace.

Mr. Speaker, it is imperative that the United States not be surpassed by any other country in its technology capacity. The SBIR Program is encouraging America to remain No. 1 in this field. I would urge your support for this legislation.

Mr. McKINNEY. Mr. Speaker, one of Connecticut's recommendations to the White House Conference on Small Business is to make Small Business Innovative Research Program [SBIR] permanent and to expand its goals. We can begin to do that today by supporting H.R. 4260, a bill to extend SBIR for 5 years.

H.R. 4260 was sequentially referred to six committees and made it through with several small changes that everyone has agreed upon. This is truly amazing in light of the way this Congress works at times and I commend my chairman, PARREN MITCHELL, for his hard work and my friend and colleague, NICK MAVROULES, for introducing this measure and holding several informative hearings. H.R. 4260 is needed legislation that will provide continuity to a program which has proven its worth since its enactment in 1982.

During 3 days of hearings before the Small Business Subcommittee on General Oversight and the Economy my colleagues and I listened to various agencies praise the success of the SBIR Program, a program which promotes the use of small business in Government research projects but which is due to sunset in 1988.

The Small Business Innovation Development Act was signed into law on July 22, 1982. The purposes of the program are: To stimulate technological innovation; to use small business to meet Federal research and development needs; to foster and encourage participation by minority and disadvantaged persons in technological innovation; and to increase private-sector commercialization innovations derived from Federal research and development. In summation, this program increases small companies participation in the Federal research and development endeavor.

Under the act, those agencies with a budget for research or research and development in excess of $100 million for any fiscal year must establish an SBIR Program. The program is funded by setting a certain percentage—1.25 percent or more—of these research dollars.

Currently, the participating agencies are: The Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, and Transportation; the Environmental Protection Agency; the National Aeronautics and Space Administration; the National Science Foundation; and the Nuclear Regulatory Commission.

Since the creation of SBIR, over 33,000 names and addresses have been added to this program's mailing list, and during the last 3 years, over 250 requests per week have been received by SBA in response to the program. GAO further confirms the success of this program by stating that after 26 solicitations were issued, over 17,000 proposed projects were submitted and approximately 2,100 SBIR awards totaling $156 million were made by the end of fiscal year 1984.

Mr. Chairman, small business has been extremely successful in creating new jobs, enhancing productivity, and providing the entrepreneurial spirit that has helped the United States compete in the world market. It is particularly important that Congress ensure that programs such as SBIR function effectively so that continued growth can occur in the business community. As a cosponsor of H.R. 4260, I urge my colleagues to support this needed legislation.

Miss SCHNEIDER. Mr. Speaker, I rise in support of H.R. 4260, a bill to reauthorize the Small Business Innovative Development Act. The Small Business Innovative Research [SBIR] Program established under the act requires that Federal agencies set aside a certain percentage of their research funds for research grants to small businesses.

The SBIR Program has proven remarkably successful in ending the exclusion of small businesses from federally funded R&D projects. More than 26,000 proposals have been submitted under the program to participating agencies from small businesses that

are eager to enter into Federal research. Eighty percent of the early SBIR recipients had no previous Federal procurement experience and even in fiscal year 1985, more than 50 percent of all recipients were new to the SBIR Program.

The small companies bring with them new ideas which innovatively and reliably address Federal R&D requirements. For example, Henry Johnson, Director of the SBIR Program at NASA, noted in congressional testimony that many of the ideas contained in SBIR proposals had not been previously offered to NASA, and that without SBIR many of these ideas may not have been offered. The innovation of small business also is demonstrated by the private sector followthrough funding of SBIR awards. For every dollar of Federal support, SBIR companies are spending more than $5 of private sector funds.

The competitive R&D conducted by awardee firms has the potential to expand both international and domestic markets. Over 30 States have developed programs to either complement or duplicate the SBIR Program on a State level. The combined success of these programs has drawn international attention; several countries are developing similar programs modeled on the U.S. SBIR Program.

SBIR award recipients are typically headed/operated by someone of considerable technical competence, but of limited business experience. The SBIR Program addresses this weakness through conferences and meetings that highlight available opportunities.

A number of small businesses in Rhode Island have won Federal R&D awards which they might not have received. The Rhode Island Department of Health and Human Services has provided funding to the Scott Oncology Laboratory for innovative cancer research, and to the Handicapped Children's Technological Services, Inc., for a computer-based model for communication with severely handicapped individuals. The Navy Department has provided research funding to Sailcomp Industries, Inc., to develop a new acoustic doppler wind velocity and direction sensing system. The Navy has also provided R&D funds to the Associated Corp., for a study comparing sensor performance. The Air Force has funded innovative software development by the Aquidneck Data Corp., and new batteries being developed by the Source Technology Applied Metallurgical Corp. Officials of these companies believe that without the SBIR Program, most of this innovative research would not have taken place.

In this time of budget deficits it is important to note that the SBIR Program requires no additional funding. Funds for the program come from a small percentage of the R&D budgets of Federal agencies which spend more than $100 million on research conducted by non-Federal entities.

We must act now to reauthorize the SBIR Program to provide for continuity and stability Government R&D awards. Congressional delay will damage the program and will create uncertainties that will weaken market support for SBIR recipients.

The SBIR Program has been instrumental in reversing the trend of declining Federal R&D funds awarded to small businesses. Our economic security, technological preeminence, and ability to be competitive in the world marketplace, are dependent upon the continuance of the SBIR Program. I therefore wholeheartedly endorse reauthorization of this most valuable program.

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Mr. McDADE. Mr. Speaker, I yield back the balance of my time.

Mr. MAVROULES. Mr. Speaker, I yield my 2 remaining minutes to the gentleman from Pennsylvania [Mr. WALGREN], a member of the Committee on Science and Technology.

Mr. WALGREN. Mr. Speaker, as chairman of the Subcommittee on Science and Research Technology of the Committee on Science and Technology, which has looked at this program, I want to rise in strong support of this continuing authority for the Small Business Innovation Research Program. I think that those who have been behind the construction of this program have done a marvelous thing and that we certainly ought to recognize, particularly those who are retiring, Congressman BEDELL and Congressman MITCHELL, but also Congressman CONTE, who is not retiring and may never, and Congressman MAVROULES from the State of Massachusetts for their contribution to this area.

We really turn to small business for the ideas of the future. It is in small businesses, not large organizations and not the Government, that so much comes from in our society.

I look at this bill as an extension of the patent reform legislation that we went through several years ago where we provided incentives in the patent system to small businesses to give the energy to entrepreneurial effort for activity in this area. It reminds me in a way of the story about Willie Sutton when they asked him why he robbed a bank. He said, "because that is where the money is."

The truth is we turn to small businesses because that is where the ideas are. It is in these ideas that much of the Government research and development certainly should flow to. This gives small businesses a realistic opportunity to participate in these programs which they simply do not have without this kind of a targeted funding system because the Government is so big and the resources are so relatively small that they cannot target them and invest the effort to work up proposals if they are not to be funded.

So this is an extremely important piece of legislation. It is supported broadly in Pennsylvania. The leverage that it can have on our economy is enormous.

One example that was mentioned was that by molecular engineering there is a real possibility of strengthening lubricants 10 times their present life. Imagine the difference that would make in ball bearings and the rest of our manufacturing industry.

So this is a good bill, it deserves our support, and I urge all my colleagues to give it every bit of support they can.

Mr. DAUB. Mr. Speaker, I rise in support of legislation (H.R. 4260) we are considering today to extend the Small Business Innovation Research Program through 1993. This is a beneficial program that I originally supported as a member of the Small Business Committee in 1982.

The Small Business Innovation Development Act was enacted to, first, stimulate technological innovation; second, use small business to meet Federal research and development needs; third, foster and encourage participation by minority and disadvantaged persons in technological innovation, and fourth, increase private-sector commercialization of innovations derived from Federal research and development. Four years after the SBIR program was enacted in 1982, indications are that these goals are being realized. The Small Business Administration, the General Accounting Office, and the Office of Science and Technology have all indicated that the program is working well.

Mr. Speaker, the SBIR Program is allowing the small business community to create new jobs, generate tax revenues, and improve the standard of living in this Nation. Moreover, small business is using the program to create new products and processes that can make a major difference in international competitiveness. This is an important effort, and I urge the Members to support H.R. 4260.

The SPEAKER pro tempore (Mr. SMITH of Florida). The question is on the motion offered by the gentleman from Massachusetts [Mr. MAVROULES] that the House suspend the rules and pass the bill, H.R. 4260, as amended.

The question was taken.

Mr. HENRY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's previous announcement, further proceedings on this motion will be postponed.

NATIONAL BUREAU OF STANDARDS AUTHORIZATION ACT FOR FISCAL YEAR 1987

Mr. WALGREN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4354) to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1987, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Bureau of Standards Authorization Act for Fiscal Year 1987".

AUTHORIZATIONS FOR PROGRAM ACTIVITIES

SEC. 2. (a) There are authorized to be appropriated to the Secretary of Commerce (hereinafter referred to as the "Secretary") for fiscal year 1987, to carry out activities performed by the National Bureau of Standards, the sums set forth in the following line items:

(1) Measurement Research and Standards, $37,832,000;

(2) Materials Science and Engineering, $21,365,000;

(3) Engineering Measurements and Standards, $36,560,000;

(4) Computer Science and Technology, $10,231,000; and

(5) Research Support Activities, $17,997,000.

(b) Notwithstanding any other provision of this or any other Act—

(1) of the total of the amounts authorized under subsection (a), $1,900,000 is authorized only for steel technology;

(2) of the total amount authorized under paragraph (3) of subsection (a), $3,700,000 is authorized only for the Center for Building Technology and $5,536,000 is authorized only for the Center for Fire Research;

(3) of the total amount authorized under paragraph (4) of subsection (a), $2,000,000 is authorized only for Computer Security Activities;

(4) of the total amount authorized under paragraph (5) of subsection (a), $8,520,000 is authorized only for the technical competence fund; and

(5) no part of any amount authorized under subsection (a) may be used for the design, construction, or equipment of the Cold Neutron Source Facility.

(c)(1) Funds may be transferred among the line items listed in subsection (a) so long as the net funds transferred to or from any line item do not exceed 10 per centum of the amount authorized for that line item in such subsection.

(2) In addition, the Secretary may propose transfers to or from any line item exceeding 10 per centum of the amount authorized for that line item in subsection (a); but a full and complete explanation of any such proposed transfer and the reason therefor must be transmitted in writing to the Speaker of the House of Representatives, the President of the Senate, and the appropriate authorizing committees of the House of Representatives and the Senate, and the proposed transfer may be made only when thirty calendar days have passed after the transmission of such written explanation.

(3) No transfer described in paragraph (1) or (2) may have the effect of reducing the amount available for any of the particular purposes set forth in paragraphs (1) through (4) of subsection (b) below the applicale dollar amount specified in that subsection, or of making any funds available for the design, construction, or equipment of the Cold Neutron Source Facility.

(d) The National Bureau of Standards shall seek reimbursements of not less than $500,000 from other Federal agencies to expand its efforts in suport of basic scientific research on the atmospheric, climatic, and environmental consequences of nuclear explosions and nuclear exchanges.

OFFICE OF PRODUCTIVITY, TECHNOLOGY, AND INNOVATION

SEC. 3. In addition to the sums authorized by section 2, there is authorized to be appropriated to the Secretary for fiscal year 1987 the sum of $2,414,000 for the activities of the Office of Productivity, Technology, and Innovation.

NATIONAL TECHNICAL INFORMATION SERVICE

SEC. 4. In addition to the sums authorized by sections 2 and 3, there is authorized to be appropriated to the Secretary for fiscal year 1987 the sum of $537,000 for the patent licensing activities of the National Technical Information Service.

COLD NEUTRON SOURCE FACILITY

SEC. 5. In addition to the sums authorized by sections 2, 3, and 4, there are authorized to be appropriated to the Secretary for fiscal year 1987 such sums as may be necessary to design, construct, and equip a cold neutron source facility at the National Bureau of Standards.

AVAILABILITY OF APPROPRIATIONS

SEC. 6. Appropriations made under the authority provided in this Act shall remain available for obligation, for expenditure, or for obligation and expenditure for periods specified in the Acts making such appropriations.

FINANCIAL ASSISTANCE TO CURRENT AND PROSPECTIVE EMPLOYEES

SEC. 7. (a) In order to secure the services of the broadest possible range of talent in carrying out the programs of the National Bureau of Standards, the Act of March 3, 1901 (15 U.S.C. 271-278h), is amended by redesignating section 18 as section 19 and by inserting after section 17 the following new section:

SEC. 18. The Director is authorized to expend up to 1 per centum of the funds appropriated for activities of the National Bureau of Standards in any fiscal year, as the Director may deem desirable, for awards of research fellowships and other forms of financial assistance to students at institutions of higher learning within the United States who show promise as present or future contributors to the mission of the Bureau. The selection of persons to receive such fellowships and assistance shall be made on the basis of ability and of the relevance of the proposed work to the mission and programs of the Bureau.".

(b) The amendments made by subsection (a) shall be effective October 1, 1986.

ASSESSMENT OF EMERGING TECHNOLOGIES REQUIRING RESEARCH IN METROLOGY

SEC. 8. The Board of Assessment of the National Bureau of Standards programs shall include, as part of its annual review, an assessment of emerging technologies which are expected to require research in metrology to keep the Bureau abreast of its mission, including (but not limited to) Process and Quality Control, Technology Transfer, Engineering Databases, High-Performance Composites, Advanced Ceramics, Fiber Optics, Microwave Metrology, Bioprocess Engineering, and Advanced Computing Concepts. Such review shall include estimates of the cost of the required effort, the required staffing level, and the period over which the research will be required.

POST-DOCTORAL FELLOWSHIP PROGRAM

SEC. 9. (a) The Act of March 3, 1901 (15 U.S.C. 271-271h), as amended by section 7 of this Act, is further amended by redesignating section 19 as section 20 and by inserting after section 18 the following new section:

"SEC. 19. The National Bureau of Standards, in conjunction with the National Academy of Sciences, shall establish and conduct a post-doctoral fellowship program which shall be organized and carried out in substantially the same manner as the National Academy of Sciences/National Research Council Post-Doctoral Research Associateship Program that was in effect prior to 1986, and which shall include not less than twenty nor more than forty new fellows per fiscal year.".

(b) The amendments made by subsection (a) shall be effective October 1, 1987.

PROCESS AND QUALITY CONTROL AND CALIBRATION PROGRAMS

SEC. 10. (a) The Director of the National Bureau of Standards shall hold discussions with representatives of Federal agencies, including the Department of Defense, the Department of Energy, the National Aeronautics and Space Administration, the Federal Aviation Agency, the National Institutes of Health, the Nuclear Regulatory Commission, and the Federal Communications Commission, which use (or the contractors of which depend on) the process and quality control and calibration programs of the Bureau, and with companies, organizations, and major engineering societies from the private sector, in order to determine the extent of the demand for research and services under such programs, the appropriate methods of paying for research and services under such programs, and the willingness of Federal agencies and the private sector to pay for such research and services.

(b) Within six months after the date of the enactment of this Act, the Director shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report of his findings based on the discussions held under subsection (a), together with recommendations for such legislative actions as may be needed to implement a comprehensive Federal process and quality control and calibration program.

DEMONSTRATION PROJECT RELATING TO PERSONNEL MANAGEMENT

SEC. 11. (a)(1) The Office of Personnel Management and the National Bureau of Standards shall jointly design a demonstration project which shall be conducted by the Director of the National Bureau of Standards.

(2) The demonstration project shall, except as otherwise provided in this section, be conducted in accordance with section 4703 of title 5, United States Code, and shall be counted as a single project for purposes of subsection (d)(2) of such section.

(3) Subject to subsections (f) and (g) of section 4703 of title 5, United States Code, the demonstration project shall cover any position within the National Bureau of Standards which would otherwise be subject to—

(A) subchapter III of chapter 53 of title 5, United States Code, relating to the General Schedule;

(B) subchapter VIII of chapter 53 of title 5, United States Code, relating to the Senior Executive Service; or

(C) chapter 54 of title 5, United States Code, relating to the Performance Management and Recognition System.

(b) Under the demonstration project, the Director of the National Bureau of Standards shall provide that—

(1) the rate of basic pay for a position may not be less than the minimum rate of basic pay, nor more than the maximum rate of basic pay, payable for the pay band (as referred to in paragraph (3)) within which such position has been placed;

(2) the minimum and maximum rates of basic pay for each pay band shall be adjusted at the times, and by the amounts, provided for under subsection (c);

(3) positions shall be classified under a system using pay bands which shall be established by combining or otherwise modifying the classes, grades, or other units which would otherwise be used in classifying the positions involved;

(4) employees shall be evaluated under a performance appraisal system which—

(A) uses peer comparison and ranking wherever appropriate; and

(B) affords appeal rights comparable to those afforded under chapter 43 of title 5, United States Code;

(5)(A) the rate of basic pay of each participating employee will be reviewed annually, and shall be adjusted on the basis of the appraised performance of the employee; and

(B) subject to subsection (c)(4)(A)(i), the adjustment under subparagraph (A) in any year in the case of any employee whose performance is rated at the fully successful level or higher shall be at least the percentage adjustment taking effect under subsection (c)(3) in such year;

(6) appropriate supervisory and managerial pay differentials (which shall be considered a part of basic pay) shall be provided;

(7) performance-recognition bonuses, and recruitment and retention allowances, shall be awarded in appropriate circumstances (but shall not be considered a part of basic pay);

(8) there shall be an employee development program which includes provisions under which employees may, in appropriate circumstances, be granted sabbaticals, the terms and conditions of which shall be consistent with those applicable for members of the Senior Executive Service under section 3396(c) of title 5, United States Code (excluding paragraph (2)(B) thereof);

(9) payment of travel expenses shall be provided for personnel to their first post of duty in the same manner as is authorized for members of the Senior Executive Service under section 5723 of title 5, United States Code, at the discretion of the Director; and

(10) the methods of establishing qualification requirements for, recruitment for, and appointment to positions shall, at the discretion of the Director, include methods involving direct examination and hiring.

(c)(1) For the purpose of this subsection, the term "compensation" means the total value of the various forms of compensation provided, including—

(A) basic pay;

(B) bonuses;

(C) allowances;

(D) retirement benefits;

(E) health insurance benefits;

(F) life insurance benefits; and

(G) leave benefits.

(2) The Director of the National Bureau of Standards shall, by contract or otherwise, provide for the preparation of reports which, based on appropriate surveys—

(A) shall include findings as to—

(i) the extent to which, as of the commencement of the demonstration project, the overall average level of compensation provided with respect to positions under the demonstration project is deficient in comparison to the overall average level of compensation generally provided with respect to positions involving the same types and levels of work in the private sector; and

(ii) with respect to each year thereafter, any net increase occurring during such year in the extent of the deficiency in the overall average level of compensation provided with respect to positions under the demonstration project, as compared to the overall average level of compensation generally provided with respect to positions involving the same types and levels of work in the private sector; and

(B) shall recommend a single percentage by which basic pay for all positions under the demonstration project must be increased so that, when considered in conjunction with the other forms of compensation generally provided, any net increase determined under subparagraph (A)(ii) will be eliminated.

(3) Whenever the Director of the National Bureau of Standards receives a recommendation under paragraph (2)(B), the Director—

(A) shall increase the minimum and maximum rates of basic pay for each such pay band by the lesser of—

(i) the percentage recommended; or

(ii) the overall average percentage of the adjustment in the rates of pay under the General Schedule under section 5305 of title 5, United States Code, for the period involved; and

(B) if and to the extent that funds are available for that purpose, may further increase those minimum and maximum rates—

(i) to make up for any part of the difference between the respective percentages under paragraph (A), if the percentage under subparagraph (A)(ii) is the lesser; and

(ii) after making up for the entirety of any difference determined under clause (i) (including from any previous year), to eliminate any part of any remaining deficiency as originally determined under paragraph (2)(A)(i).

(4)(A) Notwithstanding any other provision of this section—

(i) the maximum rate of basic pay payable under any pay band may not exceed the rate of basic pay payable for level IV of the Executive Schedule; and

(ii) the amount of basic pay, bonuses, and allowances paid during any fiscal year to any employee participating in the demonstration project may not, in the aggregate, exceed the annual rate of basic pay payable for level I of the Executive Schedule.

(B)(i) Any amount which is not paid to an employee during a fiscal year because of the limitation under subparagraph (A)(ii) shall be paid in a lump sum at the beginning of the following fiscal year.

(ii) Any amount paid under this subparagraph during a fiscal year shall be taken into account for purposes of applying the limitation under subparagraph (A)(ii) with respect to such fiscal year.

(5) Notwithstanding any other provision of this section, the demonstration project shall be conducted in such a way so that, with respect to the 12-month period beginning on October 1, 1986, the total cost to the Government relating to providing compensation to participating employees shall not exceed the total cost which would have resulted if this section had not been enacted.

(6)(A) If the minimum rate of basic pay for a pay band, after an increase under paragraph (3)(A), exceeds the rate of basic pay payable to an employee whose position would otherwise be within such pay band, the employee's position may, notwithstanding subsection (b)(1), be placed in the next lower pay band.

(B) Placement of a position in a lower pay band under subparagraph (A) shall not be considered a reduction in grade or pay for purposes of subchapter II of chapter 75 of title 5, United States Code, or an comparable provision under the project.

(d)(1) The rate of basic pay for an employee serving in a position at the time it is converted to a position covered by the demonstration project may not be reduced by reason of the establishment of such project.

(2)(A) Each employee referred to in paragraph (1) shall be paid—

(i) in the case of an employee serving in a position under the General Schedule on the date the position becomes covered by the demonstration project, a lump-sum, pro rata share of the equivalent of any within-grade increase which would have been due the employee under section 5335 of title 5, United States Code, computed as provided in subparagraph (B), and

(ii) in the case of an employee serving in a position subject to chapter 54 of title 5, United States Code, on such date, a lump-sum, pro rata share of the equivalent of the employee's merit increase which would have been due under such chapter, computed as provided in subparagraph (B),

taking into account the performance requirements applicable to such increase.

(B) For purposes of subparagraph (A), the pro rata share of an equivalent increase referred to in such subparagraph shall be computed through the day before the date referred to in such subparagraph.

(e)(1)(A) In carrying out section 4703(h) of title 5, United States Code, with respect to the demonstration project, the Office of Personnel Management shall provide that such project will be evaluated on an annual basis by a contractor. Such contractor shall be especially qualified to perform the evaluation based on its expertise in matters relating to personnel management and compensation.

(B) The contractor shall report its findings to the Office in writing. After considering the report, the Office shall transmit a copy of the report, together with any comments of the Office and any comments submitted by the National Bureau of Standards, to—

(i) the Committee on Post Office and Civil Service, and the Committee on Science and Technology, of the House of Representatives; and

(ii) the Committee on Governmental Affairs, and the Committee on Commerce, Science, and Transportation, of the Senate.

(2) The Comptroller General shall, not later than 4 years after the date on which the demonstration project commences, submit to each of the committees referred to in paragraph (1)(B) a final report concerning such project. Such report shall include any recommendations for legislation or other action which the Comptroller General considers appropriate.

(f) The authority to enter into any contract under this section may be exercised only to such extent or in such amounts as are provided in advance in appropriation Acts.

(g) The demonstration project shall commence not later than January 1, 1988.

The SPEAKER pro tempore. Is a second demanded?

Mr. BOEHLERT. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WALGREN] will be recognized for 20 minutes and the gentleman from New

York [Mr. BOEHLERT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALGREN].

Mr. WALGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 4354, the National Bureau of Standards Authorization Act for Fiscal Year 1987, is really a significant piece of legislation not as appreciated as it ought to be. I urge my colleagues to support this bill not only because it continues funding for one of the most important national laboratories that we have but also because it contains important experiments designed to improve our system for hiring and retaining employees in high-technology Government agencies, a challenge we in Government as a whole are going to have to learn how to meet if our Government is to serve our people well in the future.

The bill has involved considerable effort on the part of the members of the Science, Research and Technology Subcommittee of the Committee on Science and Technology, and in particular I want to recognize the ranking minority member on our subcommittee, Mr. BOEHLERT of New York, along with Mr. VALENTINE and Mr. RITTER, who have worked hard on this bill. We also appreciate the attention and interest that the subcommittee chairmen OAKAR and SCHROEDER of the Committee on the Post Office and Civil Service have given to this bill. It cuts some very good new ground for compensating Federal employees, particularly those involved in high technology.

As I am sure many of you are aware, the National Bureau of Standards, despite its small size, is one of the most important parts of the Federal Government in our efforts to make U.S. industry more competitive both here and abroad.

The Bureau, through its basic mission of maintaining the integrity of our measurement systems, provides the underpinnings that private sector associations and companies used to make good products. Literally the ability to measure, an advancement in the state of art of measurement, requires the National Bureau of Standards to be in the forefront of a host of fields ranging from fiber optics to computer science to advanced materials.

As the former Assistant Secretary of Commerce for Science and Technology put it last year in testimony before our committee, and I thought this was one of the most interesting and telling statements of all, the country could get along without the Department of Commerce, and in fact I think many of us could make the judgment that it could, but it could not get along without the National Bureau of Standards.

You would never know that from the titles of the organizations involved, but when you sit back and look at the mission that is involved and realize that much of our present industry is founded on research that was done in a collegial fashion at the Bureau of Standards in cutting new ground in the ability to measure and the science behind measurement, you can get a feel for how important the work of the Bureau of Standards is to our industrial society as a whole.

It is regrettable that the Bureau of Standards has been declining in size for about 20 years. But it is probably not entirely coincidence that these are the 20 years that have seen American industry decline in its role on the world stage, decline from literally the paramount force to a competitor who often is struggling.

Despite the technological revolution which has occurred during this period, NBS is now expected to perform more functions than ever before with literally half the staff and resources it had a number of years ago.

It does not make sense year after year to ask NBS to pick and choose among which industries of the future that it will help develop, nor does it make sense for NBS to develop these skills at the expense of helping existing industries remain competitive. The decline that has beset NBS is likely to last a while longer. The administration, as most of us know, did not see fit to increase the NBS budget even to cover inflation this year, and we on the Committee on Science and Technology, given the restraints of Gramm-Rudman and the other currents running inside the body politic, did not feel that this was a year that we could go much above the budget that we were given. Rather, we chose to report a budget very similar to the one that got through last year. H.R. 4354 as reported includes $123,980,000 for NBS, $2,114,000 for the activities of the Commerce Office of Productivity Technology Innovation, and $537,000 for the patent licensing activities of the National Technical Information Service.

In each case our recommended authorization level is at the fiscal year 1986 appropriations level. We have protected the fire and building and steel and technical competence programs of the bureau that we know are important, not only those in this body but those in our society. We have granted a small new initiative which the administration has requested. We have earmarked a modest amount for budget enhancement of programs in computer security and quality control, but under the tight constraints we operate under, we were unable to include the relatively large new dollar authorization for the cold neutron source which the administration recognizes, supports and wants badly. But instead we have included for this item such sums as may be necessary to permit the project to be included in a supplemental appropriation if that is the administration's desire or purpose.

We also found it necessary to make a 5-percent across-the-board cut in the total NBS authorization to bring the total in the bill back to freeze 1986 appropriation levels.

Those are the kinds of choices we are faced with if we are to come forward with bills that do not exceed the previous year, but we know at least that the bureau's functions will be able to be maintained if we meet that mark.

On a brighter side, the last section of the NBS authorization creates an alternate personnel system which should solve some long-standing problems for NBS and lead the way for the treatment of high-technology personnel in the Federal Government. We know we are hamstrung by the inflexibility of the Federal Civil Service procedures as they have applied to Government traditionally over the last 40 years. We know we need new methods to treat scientists and highly skilled technicians if we are to deserve their attention in Government service in our society. We know that our society needs the Government to have these skills, and this program sets out a pilot demonstration that will enable us to really work with the facts when it comes to making the changes for the rest of Government employees in the high-technology area, and is a very, very promising road to go down.

So I urge my colleagues to give their support to this important piece of legislation.

Mr. BOEHLERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the National Bureau of Standards deserves our strong support. Its cutting-edge research helps keep our economy competitive; its fire and building research also make us safer and healthier.

The $123.9 million authorized in this bill—the same figure as last year—is the minimum amount required to keep this beleaguered laboratory functioning properly. The Bureau's budget has been eroded severely by cuts and inflation over the last several years.

The Bureau is our oldest national laboratory and the one most responsive to the needs of business. We can't afford to handicap the Bureau at a time when we are struggling to remain competitive. The Bureau is focusing attention on such important fields as ceramics and fiber-optics.

Nor can we afford to eliminate the Bureau's centers for fire and building research. A study by the Congressional Research Service indicates that no one else is likely to pick up this research, which has greatly improved safety. Bureau officials have admitted they have no evidence that this re-

search—much of it conducted for other Federal agencies—would be done anywhere else.

Our committee, therefore, rejected—as it has in the past—proposals to abolish the two centers and voted down the equally shortsighted proposals to pare the Institute for Computer Science and Technology.

Our bill does authorize a new cold neutron facility, which would advance materials science. But this cannot be constructed on the ashes of equally valuable, existing programs at the Bureau.

Finally, our bill seeks to solve one of the greatest problems the Bureau faces—the difficulty in attracting and retaining top-flight scientists and engineers. The primary reason for this difficulty is simple—salaries are not competitive.

Our bill would give the Bureau's director the flexibility he needs to put together the best possible staff. At the same time, this experiment will give all of us more information on how a China Lake-style salary system would fare outside the Mojave Desert.

I urge my colleagues to show the same bipartisan support for H.R. 4354 that we showed on the Science and Technology Committee.

□ 1230

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. LUJAN], the ranking member of the committee.

Mr. LUJAN. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of H.R. 4354, as reported by the Committee on Science and Technology, to accept the administration's funding level request for the National Bureau of Standards at $123.9 million.

H.R. 4354 restores funding for the Center for Fire Research, the Center for Building Technology, and the Institute for Computer Science and Technology.

H.R. 4354 authorizes the construction of the Cold Neutron Facility, however, such funds may not come from existing programs within the National Bureau of Standards, but rather the appropriations must come in addition to the authorized program level of $123.9 million. That was a little disappointing that we did not provide the funding for that program. But I think that, as time goes on, we might be able to work something out as long as we have it authorized.

There are further sections of this bill which amend the National Bureau of Standards Organic Act, Mr. Speaker.

Section 7 permits the Director of the National Bureau of Standards to expend up to 1 percent of the Bureau's appropriated funds on research fellowships, college and graduate students who are involved in the Bureau-related research.

Section 9 of the bill calls for the Bureau to reestablish the Postdoctoral Fellowship Program with the National Academy of Sciences/National Research Council.

Mr. Speaker, I think this is a good bill. It fulfills all of the needs of the National Bureau of Standards. I ask for full support of this legislation.

Mr. WALGREN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. FUQUA], the chairman of the committee.

Mr. FUQUA. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, first of all, I want to congratulate the gentleman from Pennsylvania and the gentleman from New York for their dedicated work in bringing this bill up to the floor, as well as the subcommittee and their staff.

Mr. Speaker, my experience as chairman of the Committee on Science and Technology, reinforced by the findings of the White House Science Council's Federal Laboratory Review Panel, chaired by David Packard, have convinced me that there is a critical need to provide some alternatives to the system we are using today to manage the Government's scientific and technical personnel. I am very pleased that this bill contains an amendment for a demonstration personnel system for the National Bureau of Standards that is the product of our committee efforts combined with the Post Office and Civil Service Committee. I would like to particularly thank key members of that committee, Chairman BILL FORD, MARY ROSE OAKAR, PAT SCHROEDER, and GENE TAYLOR, and their staffs for helping us with this legislation.

As we all know, Government scientists and engineers are now employed under the General Schedule which is used for the majority of the Federal Government's white-collar workers. In too many cases, it is just not possible under the General Schedule to hire and keep scientists and engineers with good, strong credentials. At our authorization hearings for the National Bureau of Standards, it became very clear that this agency has a tremendous problem: NBS's starting annual salaries for new scientists fall on the average about $10,000 behind the offers made by industry. Midcareer salaries tend to be more competitive, but top-level Government salaries also lag badly behind the private sector.

Some parts of the Bureau, like the Institute for Computer Science and Technology, can only pay its people half as much as industry does.

This in not a good way to approach getting the quality people we need to establish technical standards for the whole country. Neither is it a good way to attract top-quality scientists to NASA, which will soon need an infusion of new talent. And it is certainly not a good way to get the quality of scientists we need to provide for public health, welfare, and security.

The need to encourage action on the Governmentwide problem is so pressing, that I proposed an amendment to the NBS authorization bill to start the ball rolling, which I am pleased to say, was accepted unanimously by the Science and Technology Committee. It has been refined by the Committee on Post Office and Civil Service to form a program which, I believe, will give the NBS the flexibility it needs to manage and pay its personnel, and to do so in an era of budget constraints.

I believe the NBS can use this authority to demonstrate a better way to manage personnel at all of our Government-operated laboratories. Therefore, I urge my colleagues to support this legislation, both to continue the program of an important institution and to demonstrate an important alternative to the current personnel system for high technology agencies.

Mr. BOEHLERT. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. RUDD].

Mr. RUDD. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I am concerned about this bill because it has some report language in it that deals with the metric system. Although at the end of 2½ paragraphs it mentions that it is voluntary, it makes some statements that I have problems with, because it indicates that the metric system is the official language of international trade. I cannot possibly agree with that, because our country, not using the metric system as its trade system, has accomplished more in international trade in the last 200 years than any other country in the history of the world.

But it has to do with indicating that we cannot move forward in trade or economics without making the metric system the official system of the United States.

Now the metric system since 1867 has been a system that can be voluntarily used by any business, by any person, by any organization, by scientists if they wish to use it.

My only problem with this is that it indicates that we cannot move forward without the metric system. I object to that, because I think we can do very well with the American system of measurement being used in conjunction with the metric system, which is a little bit confusing in its own right. The metric system established by the French is different from the metric system that we are trying to use.

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So I do object to that language in the report.

Ms. OAKAR. Mr. Speaker, I rise in support of H.R. 4354, legislation to authorize appropriations for programs of the National Bureau of Standards for fiscal year 1987. While there are many important provisions in this bill, I will confine my remarks to section 11, which would require the National Bureau of Standards to conduct a demonstration project for an alternative personnel management system.

Section 11 was developed through the bipartisan cooperation of my colleagues on the Committee on Science and Technology and the Committee on Post Office and Civil Service. I especially want to commend Chairman FUQUA and Chairman FORD, as well as the ranking minority members of each committee, Congressman LUJAN and Congressman TAYLOR, for their support of this provision. In addition, I would like to thank all of my colleagues on the Post Office and Civil Service Committee for their support for my amendment to section 11, which was approved by the committee on July 23, 1986.

As chair of the Subcommittee on Compensation and Employee Benefits, I have been very interested in proposals to reform the existing Federal pay system for white-collar employees. Under the current system, which is badly outdated, Federal agencies face great difficulty recruiting and retaining scientists, technicians, managers, and other employees with specialized skills and expertise. Our Government cannot continue to provide excellent public services without these trained, qualified employees.

In response to this problem, I have introduced H.R. 4738, legislation to test a number of alternative systems of compensation for Federal white-collar employees and to modify the pay comparability process. This would enable us to more carefully explore alternatives for determining Federal pay and using other tools necessary for agencies to attract and retain high-quality employees to carry out their programs.

The legislation before us today is in step with this effort to reform Federal pay and personnel management systems. Section 11 of H.R. 4354 would incorporate concepts both from my legislation and from the administration's reform proposal, which is based on the Navy demonstration project at "China Lake." H.R. 4354 directs the National Bureau of Standards to test a system of total compensation comparability for its white-collar employees.

Mr. Speaker, I am extremely pleased that officials at the National Bureau of Standards are eager to experiment with new pay and management systems. This will provide all of us an opportunity to closely observe the effect of total compensation comparability on our ability to recruit and retain well-qualified employees. By testing these concepts within the existing framework for demonstration projects, we will be better able to assess their potential for expansion to other sectors of the Federal work force.

In conclusion, Mr. Speaker, I want to express my appreciation again to Congressman FUQUA, Congressman FORD, and my colleagues on the Post Office and Civil Service Committee and Science and Technology Committee, for their efforts in developing this legislation. I encourage my colleagues to vote for this bill, which will take us one step closer toward our goal of significant pay reform for Federal employees.

Mrs. SCHROEDER. Mr. Speaker, I rise in support of the motion to suspend the rules and pass H.R. 4354, the National Bureau of Standards Authorization Act. I congratulate Chairman FUQUA for using this legislation to deal with the problems that the Federal personnel system poses for managing scientists and engineers.

The Civil Service Reform Act of 1978 was supposed to let managers manage. A number of obstacles got in the way. President Reagan's first Director of the Office of Personnel Management [OPM] thought he was powerful if he could micromanage the rest of the Government. The Office of Management and Budget [OMB] does not want any agency to have a personnel system which raises the cost of salaries.

Yet, while all these forces frustrated the reforms we mandated, a little demonstration project was operating at China Lake, which neither is in the Orient nor contains water. Rather, it is the leading naval weapons research center in California. What this project proved is that a group of scientists and engineers could do just fine designing and implementing their own personnel system, without the miles of petty regulations produced by OPM.

David Packard, Chairman FUQUA, and others noticed what happened at China Lake and said it ought to be applied elsewhere. Well, the Navy wanted one thing, DOD wanted something else, OMB did not want anything, and OPM wanted to control everything. Given this mess, David Packard got together with Chairman FUQUA and the latter introduced H.R. 3480, the Federal Science and Technology Revitalization Act. And, Chairman FUQUA decided to apply the principles of H.R. 3480 to the National Bureau of Standards. He did this by amending the National Bureau of Standards authorization to contain an alternative personnel system.

The Post Office and Civil Service Committee had concerns about the lack of clarity and breadth of waiver of law contained in the Science Committee bill. So, we asked for a sequential referral of H.R. 4354. After lengthy negotiations, the two committees have come up with a demonstration project for the National Bureau of Standards which makes good sense. It allows for broad classification bands, direct hiring, total compensation comparability, and pay for performance. The project will run for 5 years and be subject to rigorous evaluation each year. The Director of the National Bureau of Standards will have broad flexibility to manage the Bureau.

I think this is legislation which moves towards achieving the goal of the Civil Service Reform Act of 1978. It is worthy of our support.

Mr. BOEHLERT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALGREN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SMITH of Florida). The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALGREN] that the House suspend the rules and pass the bill, H.R. 4354, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMPUTER SECURITY ACT OF 1986

Mr. FUQUA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2889) to amend the act establishing the National Bureau of Standards to provide for a computer security research program within such Bureau, and to provide for the training of Federal employees who are involved in the management, operation, and use of automated information processing systems, as amended.

The Clerk read as follows:

H.R. 2889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Security Act of 1986".

SEC. 2. PURPOSE.

(a) IN GENERAL.—The Congress declares that improving the security and privacy of sensitive information in Federal computer systems is in the public interest, and hereby creates a means for establishing minimum acceptable security practices for such systems, without limiting the scope of security measures already planned or in use.

(b) SPECIFIC PURPOSES.—The purposes of this Act are—

(1) to assign to the National Bureau of Standards responsibility for developing standards and guidelines for Federal computer systems, including standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems, by amending the Act of March 3, 1901;

(2) to provide for promulgation of such standards and guidelines by amending section 111(f) of the Federal Property and Administrative Services Act of 1949;

(3) to require establishment of security plans by all operators of Federal computer systems that contain sensitive information; and

(4) to require mandatory periodic training for all persons involved in management, use, or operation of Federal computer systems that contain sensitive information.

SEC. 3. ESTABLISHMENT OF COMPUTER STANDARDS PROGRAM.

The Act of March 3, 1901, (15 U.S.C. 271-278h), is amended—

(1) in section 2(f), by striking out "and" at the end of paragraph (18), by striking out the period at the end of paragraph (19) and inserting in lieu thereof a semicolon, and by inserting after such paragraph the following:

"(2) the study of equipment, procedures, and systems for automatic acquisition, storage, manipulation, display, and transmission

of information, and its use to control machinery and processes.";

(2) by redesignating section 18 as section 20, and by inserting after section 17 the following new sections:

SEC. 18. (a) The National Bureau of Standards shall—

"(1) have the mission of developing standards, guidelines, and associated methods and techniques for computer systems;

"(2) except as described in paragraph (3) of this subsection (relating to security standards), develop uniform standards and guidelines for Federal computer systems, except those systems excluded by section 2315 of title 10, United States Code, or section 3502(2), of title 44, United States Code;

"(3) have responsibility within the Federal Government for developing technical, management, physical, and administrative standards and guidelines for the cost-effective security and privacy of sensitive information in Federal computer systems except—

"(A) those systems excluded by section 2315 of title 10, United States Code, or section 3502(2) of title 44, United States Code; and

"(B) those systems which are protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy,

the primary purpose of which standards and guidelines shall be to control loss and unauthorized modification or disclosure of sensitive information in such systems and to prevent computer-related fraud and misuse;

"(4) submit standards and guidelines developed pursuant to paragraphs (2) and (3) of this subsection, along with recommendations as to the extent to which these should be made compulsory and binding, to the Secretary of Commerce, for promulgation under section 111 of the Federal Property and Administrative Services Act of 1949;

"(5) develop guidelines for use by operators of Federal computer systems that contain sensitive information in training their employees in security awareness and accepted security practice, as required by section 5 of the Computer Security Act of 1986; and

"(6) develop validation procedures for, and evaluate the effectiveness of, standards and guidelines developed pursuant to paragraphs (1), (2), and (3) of this subsection through research and liaison with other government and private agencies.

"(b) In fulfilling subsection (a) of this section, the National Bureau of Standards is authorized—

"(1) to assist the private sector in using and applying the results of the programs and activities under this section;

"(2) to make recommendations, as appropriate, to the Administrator of General Services on policies and regulations proposed pursuant to section 111(f) of the Federal Property and Administrative Services Act of 1949;

"(3) as requested, to provide to operators of Federal computer systems technical assistance in implementing the standards and guidelines promulgated pursuant to section 111(f) of the Federal Property and Administrative Services Act of 1949;

"(4) to assist, as appropriate, the Office of Personnel Management in developing regulations pertaining to training, as required by section 5 of the Computer Security Act of 1986;

"(5) to perform research and to conduct studies, as needed, to determine the nature and extent of the vulnerabilities of, and to devise techniques for the cost effective security and privacy of sensitive information in Federal computer systems; and

"(6) to coordinate closely with other agencies and offices (including, but not limited to, the Departments of Defense and Energy, the National Security Agency, the General Accounting Office, the Office of Technology Assessment, and the Office of Management and Budget)—

"(A) to assure maximum use of all existing and planned programs, materials, studies, and reports relating to computer systems security and privacy, in order to avoid unnecessary and costly duplication of effort; and

"(B) to assure, to the maximum extent feasible, that standards developed pursuant to subsection (a) (3) and (5) are consistent and compatible with standards and procedures developed for the protection of information in Federal computer systems which is authorized under criteria established by Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy.

"(c) As used in this section and section 19, the terms 'computer system', 'Federal computer system', 'operator of a Federal computer system', and 'sensitive information' have the meanings given in section 7 of the Computer Security Act of 1986.

"SEC. 19. (a) There is hereby established a Computer System Security and Privacy Advisory Board within the Department of Commerce. The Secretary of Commerce shall appoint the chairman of the Board. The Board shall be composed of twelve additional members appointed by the Secretary of Commerce as follows:

"(1) four members from outside the Federal Government who are eminent in the computer or telecommunications industry, at least one of whom is representative of small or medium sized companies in such industry;

"(2) four members from outside the Federal Government who are eminent in fields of computer or telecommunications technology, or related disciplines, but who are not employed by or representative of a producer of computer or telecommunications equipment; and

"(3) four members from the Federal Government who have computer systems management experience, including experience in computer systems security and privacy, at least one of whom shall be from the National Security Agency.

"(b) The duties of the Board shall be—

"(1) to identify emerging managerial, technical, administrative, and physical safeguard issues relative to computer systems security and privacy;

"(2) to advise the Bureau of Standards and the Secretary of Commerce on security and privacy issues pertaining to Federal computer systems; and

"(3) to report its findings to the Secretary of Commerce, the Director of the Office of Management and Budget, the Director of the National Security Agency, and the appropriate Committees of the Congress.

"(c) The term of office of each member of the Board shall be four years, except that—

"(1) of the initial members, three shall be appointed for terms of one year, three shall be appointed for terms of two years, three shall be appointed for terms of three years, and three shall be appointed for terms of four years; and

"(2) any member appointed to fill a vacancy in the Board shall serve for the remainder of the term for which his predecessor was appointed.

"(d) The Board shall not act in the absense of a quorum, which shall consist of seven members.

"(e) Members of the Board, other than full-time employees of the Federal Government, while attending meetings of such committees or while otherwise performing duties at the request of the Board Chairman while away from their homes or a regular place of business, may be allowed travel expenses in accordance with subchapter I of chapter 57 of title 5, United States Code.

"(f) To provide the staff services necessary to assist the Board in carrying out its functions, the Board may utilize personnel from the National Bureau of Standards or any other agency of the Federal Government with the consent of the head of the agency."; and

"(3) by adding at the end thereof the following new section:

"SEC. 21. This Act may be cited as the National Bureau of Standards Act.".

SEC. 4. AMENDMENT TO BROOKS ACT.

"(a) AMENDMENT.—Section 111(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)) is amended to read as follows:

"(f)(1) The Secretary of Commerce shall, on the basis of standards and guidelines developed by the National Bureau of Standards pursuant to section 18(a) (2) and (3) of the National Bureau of Standards Act, promulgate standards and guidelines pertaining to Federal computer systems, making such standards compulsory and binding to the extent to which the Secretary determines necessary to improve the efficiency of operation or security and privacy of Federal computer systems.

"(2) The head of a Federal agency may employ standards for the cost effective security and privacy of sensitive information in a Federal computer system within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce, if such standards contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary of Commerce.

"(3) The standards determined to be compulsory and binding may be waived by the Secretary of Commerce in writing upon a determination that compliance would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or cause a major adverse financial impact on the operator which is not offset by governmentwide savings. The Secretary may delegate to the head of one or more Federal agencies authority to waive such standards to the extent to which the Secretary determines such action to be necessary and desirable to allow for timely and effective implementation of Federal computer systems standards. The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of title 44, United States Code. Notice of each such waiver and delegation shall be promptly transmitted to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate.

"(4) The Administrator shall ensure that such standards and guidelines are implemented within an integrated information re-

sources management system (as required by chapter 35 of title 44, United States Code) by—

"(A) developing and implementing policies on Federal computer system; and

"(B) revising the Federal information resources management regulations (41 CFR ch. 201) to implement such standards, guidelines, and policies.

"(5) As used in this section, the terms 'computer system', 'operator of a Federal computer system', and 'Federal computer system' have the meanings given in section 7 of the Computer Security Act of 1986.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 111 of such Act is further amended—

(1) by striking out "automatic data processing equipment" and "automatic data processing systems" each place they appear and inserting in lieu thereof "computer systems"; and

(2) by striking out "Automatic data processing equipment" and inserting in lieu thereof "Computer systems".

SEC. 5. TRAINING BY OPERATORS OF FEDERAL COMPUTER SYSTEMS.

(a) IN GENERAL.—Each operator of a Federal computer system that contains sensitive information shall provide mandatory periodic training in computer security awareness and accepted computer security practice. Such training shall be provided under the guidelines developed pursuant to section 18(a)(5) of the National Bureau of Standards Act (as added by section 3 of this Act), and in accordance with the regulations issued under subsection (c) of this section, for all employees who are involved with the management, use, or operation of computer systems.

(b) TRAINING OBJECTIVES.—Training under this section shall be started within 60 days after the issuance of the regulations described in subsection (c). Such training shall be designed—

(1) to enhance employees' awareness of the threats to and vulnerability of computer systems; and

(2) to encourage the use of improved computer security practices.

(c) REGULATIONS.—Within six months after the date of the enactment of this Act, the Director of the Office of Personnel Management shall issue regulations prescribing the procedures and scope of the training to be provided under subsection (a) and the manner in which such training is to be carried out.

SEC. 6. ADDITIONAL RESPONSIBILITIES FOR OPERATORS OF FEDERAL COMPUTER SYSTEM FOR COMPUTER SYSTEMS SECURITY AND PRIVACY.

(a) IDENTIFICATION OF SYSTEMS THAT CONTAIN SENSITIVE INFORMATION.—Within 6 months after the date of enactment of this Act, each operator of a Federal computer system shall identify each computer system, and system under development, of that operator which contains sensitive information. In the case of a Federal contractor or other organization (operating a Federal computer system), such identification shall be reviewed and approved by its supervising Federal agency.

(b) SECURITY PLAN.—Within one year after the date of enactment of this Act, each such operator shall, consistent with the standards, guidelines, policies, and regulations prescribed pursuant to section 111(f) of the Federal Property and Administrative Services Act of 1949, establish a plan for the security and privacy of the National computer system identified pursuant to subsection (a). Copies of such plan shall be transmitted to the National Bureau of Standards and the National Security Agency for advice and comment. In the case of a Federal contractor or other organization (operating a Federal computer system), such plan shall be transmitted through its supervising Federal agency. Such plan shall be subject to disapproval by the Director of the Office of Management and Budget.

SEC. 7. DEFINITIONS.

As used in this Act, sections 18 and 19 of the National Bureau of Standards Act, and section 111 of the Federal Property and Administrative Services Act of 1949—

(1) the term "computer system" means any equipment or interconnected collection of equipment, including—

(A) ancillary equipment;

(B) software and other procedures;

(C) services; and

(D) other resources,

that are used in the automatic acquisition, storage, manipulation, or display, or in any associated electromagnetic transmission and reception, of information;

(2) the term "Federal computer system" means a computer system operated by a Federal agency (as that term is defined in section 3(b) of the Federal Property and Administrative Services Act of 1949) or by a contractor of a Federal agency or other organization that processes information using a computer system on behalf of the Federal Government to accomplish a Federal Government function;

(3) the term "operator of a Federal computer system" means a Federal agency (as that term is defined in section 3(b) of the Federal Property and Administrative Services Act of 1949), contractor of a Federal agency, or other organization that processes information using a computer system on behalf of the Federal Government to accomplish a Federal Government function;

(4) the term "sensitive information" means any information, the loss, misuse, or unauthorized access or modification of which could adversely affect the national interest or the conduct of Federal programs, or the privacy to which individuals are entitled under section 552 of title 5, United States Code (the Privacy Act), but which has not been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to each Federal agency such sums as may be necessary for fiscal years 1987, 1988, and 1989 to carry out the computer systems security training program established by section 5 of this Act and the identification and planning requirements of section 6.

Mr. SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Florida [Mr. FUQUA] will be recognized for 20 minutes and the gentleman from New Mexico [Mr. LUJAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. FUQUA].

GENERAL LEAVE

Mr. FUQUA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2889, the bill now being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FUQUA. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, Members on both sides of the aisle have worked unusually hard on this bill. Hearings first began nearly 3 years ago in the subcommittee chaired at that time by the distinguished gentleman from Kansas [Mr. GLICKMAN]. Since then many others, including our colleagues on the Committee on Government Operations, have joined as the true size and character of the problem became clear.

□ 1240

The bill that the two committees are bringing to the floor today is a culmination of 2 years' work. It represents what I believe is a long overdue step toward solving a growing problem, one brought about by our increasing dependency on computer systems.

It is no secret that society, and especially the Government, has become highly dependent on computers and the enormous quantities of information they contain. Yet the low level of protection given this information in most cases makes it vulnerable to all kinds of abuse.

H.R. 2889 accomplishes two objectives that will lead to much stronger security of Federal computer systems. First, it calls for improved training of Federal workers in good computer security practice, and second, it provides for a strengthened focal point for developing policy and guidance for the civil agencies.

Mr. Speaker, these provisions were worked out over many months with great care, and I believe that we have a strong consensus among both committees that this bill is a practical and cost-effective approach.

Mr. Speaker, I recommend its adoption, and I reserve the balance of my time.

Mr. LUJAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this bill and really regret the need to do so. After endless hours of negotiations with my fellow colleagues, I find myself in a position where I must rise in opposition.

There are, I must say, several provisions within this bill which are meritorious and which I supported when the bill was reported out of the Committee on Science and Technology on June 4 of this year. When the Committee on Science and Technology filed the report on August 6, technical and conforming amendments were incorporated. When I raised the question as to whether these changes were in fact technical and conforming, our commit-

tee was assured by the Committee on Government Operations that in fact they were just technical and conforming. I now have serious reason, Mr. Speaker, to believe that this advice was not accurate.

It has been brought to my attention by both the executive branch and the Committee on Armed Services of the House that section 4(b) as reported by the Committee on Science and Technology substantially expands the authority of the General Services Administration to oversee the procurement of automatic data processing equipment. In fact, there are at least three previous instances where there has been an appeal of the authority of GSA to act under the Brooks Act. As recently as May 28 of this year the Court of Appeals threw out the claim of the General Services Administration that the Government Printing Office had violated Federal procurement procedures by not operating under the Brooks Act for a contract with the Electronic Data Systems Federal Corporation [EDS] for integrated printing or publishing services for the Department of the Army.

It was the U.S. Court of Appeals for the District Court which threw out the claim that this contract represented a "Procurement under the Brooks Act * * * one conducted by authority of the General Services Administration for the acquisition of automatic data processing equipment."

Mr. Speaker, the key here is what is considered "ADP equipment." Unfortunately, I would have to agree with the Committee on Armed Services that what is now contained in the Science and Technology bill is a significant change and one that should have to be debated and voted on by the full Committee on Science and Technology.

Further, despite the fact that the chairman of the committee, the gentleman from Florida [Mr. FUQUA], offered a very reasonable solution to this dilemma, while both the Committee on Armed Services and the Republicans on the Committee on Science and Technology found it acceptable, the Committee on Government Operations could not accept it. Therefore, Mr. Speaker, what we have here is not a bill that should be on the Suspension Calendar but, rather, a very controversial bill.

The Committee on Science and Technology had made great strides in improving this legislation, and it is a travesty to view the dismantling of such substantive and committed work of the committee. Unless the amendment which the gentleman from Florida [Mr. FUQUA] offered to the Committee on Armed Services is accepted by this body by unanimous consent, the Republicans on the Committee on Science and Technology will have to oppose the bill and urge its defeat on the Suspension Calendar.

Mr. Speaker, obviously we cannot offer such an amendment, so, therefore, I must reluctantly oppose this legislation today.

Mr. FUQUA. Mr. Speaker, I yield 7 minutes to the distinguished gentleman from Texas [Mr. BROOKS], the chairman of the Committee on Government Operations.

Mr. HORTON. Mr. Speaker, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from New York.

Mr. HORTON. Mr. Speaker, I rise in support of the bill H.R. 2889, the Computer Security Act of 1986, as reported by the Committee on Science and Technology. I am proud to have been a cosponsor of this legislation with my friend from Kansas [Mr. GLICKMAN] and others.

It is clear, as established in the hearing held on this bill by the Government Operations Committee, that the security of information gathered by the Government represents a serious problem. The GAO testified that information stored in Government computers and transmitted over connecting networks, is now vulnerable to unauthorized access and disclosure, fraudulent manipulation, and disruption. This bill establishes a system to protect this information from such misuse.

The bill directs the National Bureau of Standards to develop standards and guidelines to assure cost-effective security and privacy of sensitive information in Federal computer systems. Once these standards are established, each agency head is responsible to implement them, or more stringent ones, to protect the data within that agency deemed by the agency to be sensitive.

The bill would also require training for Federal employees in computer-security awareness, pursuant to the guidelines developed by the National Bureau of Standards.

Mr. Speaker, the Federal Government is the largest single user of computers in the world. It is estimated that by 1990, the Government will have almost one-half million microcomputers. We must act to protect the information in those computers from deliberate misuse. This bill establishes a program to do this. I support its enactment, and urge my colleagues to do likewise.

Mr. BROOKS. Mr. Speaker, as chairman of the Committee on Government Operations, I rise in full support of the Computer Security Act of 1986, H.R. 2889. I want to commend Mr. FUQUA and the other members of the Science and Technology Committee for their excellent work on the bill. Although Federal agencies have become heavily dependent on the use of computer and communication systems, little attention has been paid in the past to the protection of these systems nor the information contained in them. This is disturbing since the destruction, alteration, or manipulation of these systems could undermine Federal programs and harm millions of our citizens. We cannot afford to allow this to happen.

In my view, the passage of H.R. 2889 will establish a firm statutory base to increase the awareness of computer security throughout the Federal Government. It also sets up an important research program within the National Bureau of Standards [NBS] to assess the vulnerability of Government computers and communications. It further provides for the development of technical and management technologies to defend against illegal access to sensitive agency information and for the mandatory training of Federal employees in computer and communications security.

In addition, the bill clearly delineates the roles of NBS and the National Security Agency [NSA] in the Governmentwide Computer Security Program. It also establishes an advisory board to assist NBS, composed of eminent private and public sector experts in the area.

Mr. Speaker, during hearings on the bill by the Government Operations Committee, there was general agreement by all concerned that more must be done to ensure the protection of our Nation's most sensitive information. Unfortunately, the administration has decided that DOD and the National Security Agency should have virtual control over computer security throughout the entire Federal Government. Under National Security decision directive 145, DOD could control the access to not only classified information, but also to any information which it considered sensitive. Much of this information is currently located in the civilian agencies and the private sector as well. In my view, this is an unprecedented and ill-advised expansion of the military's influence into our society.

Under current law, the National Bureau of Standards has the responsibility for computer security standards. It has the expertise to fulfill this role and is the proper agency to handle this important task. I urge all Members to support the passage of the Computer Security Act of 1986, H.R. 2889.

IN OPPOSITION TO DOD ROLE IN CIVILIAN COMPUTER SECURITY

Mr. Speaker, I believe that National Security decision directive 145 is one of the most ill-advised and potentially troublesome directives ever issued by a President. It gives DOD the authority to establish regulations and standards which would govern the access to and the processing of all computerized information which it deems to be critical

to the national security of the United States. This includes not only classified information but any other information within the civilian agencies which the Department considers "sensitive." I seriously question the wisdom of the President's decision to give DOD the power to classify, hence control, information located in the civilian agencies and even the private sector which, in DOD's opinion, may affect national security.

One of the benefits of a fully and open society is the rich exchange of ideas and knowledge unfettered by governmental intervention and redtape. The successes of our scientific, technical, and medical communities have been based upon the free exchange of data and information. Since it is a natural tendency of DOD to classify everything, it would be impossible for the Department to strike an objective balance between the need to safeguard information and the need to maintain the free exchange of information.

NBS has just as much expertise in this area and is a far preferable place to concentrate this kind of authority. I urge all Members to support H.R. 2889.

Mr. Speaker, over the last few days, DOD and OMB have gone to great lengths to create confusion and uncertainly over this legislation. It appears that they will do almost anything to defeat this measure, including making false and misleading statements regarding its provisions. For example, they have asserted that the definition of computer system in the bill greatly expands GSA's authority over computer procurements by Federal agencies.

This is simply not true. While the bill does provide, for the first time, a definition for computer system for the Brooks Act, that definition is consistent with current procurement law and regulations. It does not expand GSA's authority beyond the off-the-shelf, commercially available computer systems currently covered in GSA's implementing regulations. In fact, the definition is taken almost word for word from these regulations which have been in existence for some time.

Another assertion being made is that the bill would overturn recent court decisions regarding the Brooks Act. Once again, this is also not true. While OMB and DOD tried to convince the Federal circuit court of appeals to restrict the scope of the Brooks Act, the court, however, only ruled on a very narrow technical issue and did not accept these agencies' arguments over the scope of the act.

I urge the Members to recognize the efforts of OMB and DOD for what they are—a blatant attempt to thwart this important legislation at any cost.

□ 1250

Mr. LUJAN. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Speaker, I reluctantly rise to oppose this legislation because of my great respect for the chairman of the committee, the gentleman from Florida [Mr. FUQUA] and the chairman, the gentleman from Texas [Mr. BROOKS], whose thoughts I very greatly respect. But as a member of the Armed Services Committee I think we have gone too far on this. A lot of the information that the gentleman from Texas [Mr. BROOKS] just gave us is true, and that is fine. But, if the bill does not change anything, then there is no sense having this bill, but it does do something, Mr. Speaker.

The amendments incorporated in this act before us today on suspension incorporates a definition heretofore not in the bill. The definition proposed would make the Brooks Act applicable not only to general purpose automatic data processing equipment but to all ADPE, except that which is specifically exempted under the Warner amendment.

Now, the Warner amendment was put in at the behest of DOD for the simple purpose of having computer systems that are basic to a weapons system and integrated, left out because they are unique.

This amendment would require the Department of Defense to seek procurement authority from the GSA.

Now, that is just not proper. For general purpose ADPE, OK; but for all computer equipment, software services, and other resources which might be specifically configured, but remote, rather than integral to a weapons system is absolutely wrong and should not be done.

Further, it is not clear whether the Brooks Act applies to the services to unique, as opposed to mass produced general purpose equipment, to software computer equipment used by contractors in the performance of a government contract.

DOD could no longer purchase any computer without specific approval from the GSA and that would be very destructive.

We do not object in any way the purchasing advantages of mass-produced computers and general equipment, the software and the other things; but when it comes to unique computers, integral or remote, to weapons systems used for our national security for which the data must be kept classified; that is wrong.

We have tried through our staff to negotiate an agreement to remove the objectionable parts. Unfortunately, we have not been able to do that. Therefore, we must be forced to oppose this bill in its present form.

Mr. FUQUA. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I rise in strong support of this bill, but let me say from the beginning, all this stuff about the DOD and the definition of computers is a side show. This is a bill which protects the records of people throughout America stored in computers. It is a bill to make sure that folks who have Social Security information in Federal computers are protected so that somebody does not manipulate that data, steal it, or negligently do something with it to cause them great injury.

It is a bill that protects the veterans of America so that information which is stored in veterans computers is protected, so that folks who served in the Second World War, the Korean war, who have those records in Federal computers, those records are not manipulated. Those records are not changed.

It is a bill that does the same thing with respect to agricultural records for farmers. Those records are in AFCS computers and we want to make sure that the people who operate those computers know what they are doing to protect the information. That is the essence of this bill, and nothing in this bill, contrary to what you have heard, does anything with respect to implementing this to the defense area at all. This is a civilian bill to protect people's records in civilian computers and provide standards and organization within the National Bureau of Standards to set up that kind of information.

It is nothing but a red herring to fall victim to the logic of the Department of Defense and the Office of Management and Budget who just in the last few days have come in and said they want to kill this bill.

If you want your folks at home, the 40 or 50 million people on Social Security, the people who are veterans and the others that I have mentioned to have confidence that the information contained in Federal computers is secure, then you have to vote for this bill. That is all that it is.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am very happy to yield to my chairman, the gentleman from Florida.

Mr. FUQUA. Mr. Speaker, the gentleman is making a very excellent statement, and furthermore to amplify the impact, this could also apply to medical records of the VA, of the military, or the National Institutes of Health or other public health services or other types of invasions of privacy.

Mr. GLICKMAN. Mr. Speaker, the gentleman is correct.

Mr. FUQUA. Or anything with the Federal Government where records are kept.

Mr. GLICKMAN. Mr. Speaker, the gentleman is correct.

Let me just make the point here, I have a prepared statement, but I am just going to tell you a little bit about what we discovered in our hearings. We had hearings. We started where we had the 414's. Remember, they were the hackers from Milwaukee who came in and talked about how easy it was to access Federal computers. One of them accessed the computer at Los Alamos and, believe it or not, he accessed it with the same password as was being used in the movie, "Wargames." The password was "Joshua."

Then we went in and looked at other kinds of scenarios that had developed all over this country. We found that computer systems in America were a disgrace in terms of protecting them, seeing that they were viable and that people were going to lose confidence in those computer systems. They were vulnerable to manipulation, to unauthorized access. The situation was described as the electronic equivalent of leaving the bank door open.

This has great consequences for America, consequences for all those who have information stored, but also consequences for things like the operation of the air traffic control system, operation of our banking system, people coming in and destroying or manipulating records.

So what this bill does is try to improve the level of security awareness among people who use and manage Federal computers in the Federal sector. Such people are extremely important in a security sense, because studies have shown they are the greatest problem.

It is not the much publicized hacker, although I mention that to get the attention of my colleagues, working to penetrate from the outside. That is not the problem; rather, it is the insider, the one who already has access, that causes the greatest damage in practice.

We learned from the General Accounting Office, they did a survey of 25 computers in this country and they find that most of these systems have very little effort to reach the individuals to improve computer training and to make these systems less vulnerable for the purpose of enhancing security.

This bill is supposed to strengthen the link. It establishes a research program at the National Bureau of Standards aimed at developing guidance for the use by agencies, civil agencies, in structuring computer systems awareness training programs for their employees.

It also requires that such training be given periodically in each agency.

It establishes a focal point in the Government for developing computer security system standards to protect unclassified, but sensitive information.

The evidence is clear. We have thousands and thousands of Government computers at regional offices, at decentralized institutions and in Washington. We have all of America's personal records stored on these computers. They must be protected better than they are. That is the purpose of this bill.

It does nothing with the Department of Defense weapons system. It is a civilian bill, totally, completely and 100 percent. It was never referred to the Armed Services Committee because it does not deal at all with the Department of Defense in terms of a military-related function. That is red herring.

So in closing, before I yield, I will say again that if those of my colleagues have constituents who have records stored in Federal computers, you want to make sure those people believe those records are secure, they are safe, cannot be manipulated, cannot be stolen, cannot be taken and sent to some direct mail firm, cannot be used to reduce their benefits from the Government, that is the purpose of this bill. That is why I think you ought to vote for it.

Mr. LUJAN. Mr. Speaker, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Speaker, I think what the gentleman is saying is absolutely correct and I would not disagree with one word the gentleman has said, except for one thing. When we walked in here, figuratively, we were all in support of this legislation because we recognized that the things the gentleman is talking about needed to be done to protect that information.

What made us turn around and oppose the legislation is that after it left the committee, there was a little section included in there that was called "technical and conforming amendments," and I put that in quotes because what that did, it expanded the application of the Brooks amendment to the Department of Defense. It is only that on page 12, lines 14 through 22, that we are objecting to.

The SPEAKER pro tempore (Mr. WHITLEY). The time of the gentleman from Kansas has expired.

Mr. LUJAN. Mr. Speaker, I yield 1 additional minute to the gentleman from Kansas.

Mr. GLICKMAN. Well, first of all, Mr. Speaker, I would like to say that this agreement has been reached for some time and when the gentleman was supporting the combined bill, even with the language to which he referred to today, somebody had been calling the Office of Management and Budget or the Department of Defense, they have never liked this bill. Why? Because DOD wants to control all security in the United States. They do not want to give any of this control and supervision to the civilian agencies of Government; but I would be glad to yield to my colleague, the gentleman from Texas [Mr. BROOKS] again to respond, as he did before, on this issue of the language that the gentleman from New Mexico referred to.

Mr. BROOKS. Mr. Speaker, if the gentleman will yield, I will be delighted to state again that this does not expand the Brooks Act. It does not expand the authority of the GSA. The Defense Department will still be operating under the Warner provisions. Everything that moves, shakes, flies, digs, shoots, crawls, hops, skips, that has a computer in it that the Defense Department has got the money for and has built is all exempted now, has been and will be.

□ 1305

Mr. LUJAN. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to H.R. 2889, the Computer Security Act of 1986. Its enactment would increase—not decrease—the obstacles to computer security. The President's computer security initiative capitalizes on the unique expertise already available at the National Security Agency for Governmentwide support to computer security improvement efforts. In contrast, H.R. 2889 splits up the computer security function between two agencies—NSA and the National Bureau of Standards—resulting in inefficiency, unnecessary duplication, and waste of taxpayers' dollars.

The bill contributes nothing toward improving our national security. It just increases Government redtape. I urge my colleagues to vote against H.R. 2889.

Mr. FUQUA. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALGREN].

Mr. WALGREN. Mr. Speaker, I rise in support of this bill as it has developed in the Committees on Science and Technology and Government Operations.

I would like to emphasize the points made by the gentleman from Kansas [Mr. GLICKMAN] of the pervasiveness of computers in our society. We rely on them for literally the most basic of functions. The Federal Government has 17,000 medium- and large-scale computers, and in the immediate future is estimated to have something in the range of 500,000 microcomputers.

It is absolutely essential, considering the kind of use that these machines will be put to, that we have basic standards covering their security, and also that we have real sensitivity in

the personnel that are involved in their operation, if the American public is to have any sense of private individual range and difference between Government and the individual.

These computers are involved in the most sensitive things from keeping aircraft from colliding to, as the gentleman from Kansas says, the banking system, the payment out of entitlements in the billions-of-dollars range. This is a small bill that can save literally billions and billions of dollars' worth of mistakes in our Government in areas that should not be the province of the military, and should not be the province of any national security agency.

The bill walks a good line. It should have a broad base of support, and I urge all my colleagues to support the bill.

Mr. LUJAN. Mr. Speaker, I yield 3 minutes to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Speaker, I rise in opposition to H.R. 2889. I think that the goals and objectives of the bill are commendable. I do not quarrel at all with the objectives laid out by the gentlemen from Florida, Texas, or Kansas. I think that all of us are deeply concerned about the problem of computer security, but this was not an original thought with our friends on Government Ops or Science and Technology. It is an issue that has been addressed for a long time by many of us on the Intelligence Committee and the Armed Services Committee.

There has been a great deal of work already undertaken, a lot of money spent, and a lot of time and effort devoted to the notion that we need to make secure our computer capabilities. That expertise now resides in the NSA and the Department of Defense.

Many of us, I think, would be prepared to work with our friends on the other committees to try to perfect the legislation to make certain that it did not, in fact, create the kinds of overlapping jurisdictions and responsibilities that the gentleman from Arizona [Mr. STUMP] mentioned.

Unfortunately, Mr. Speaker, the procedure that we are following here today does not permit that. The bill is brought up under suspension of the rules. We are not able to amend it, we are not able to perfect it, and we are not able to work to try to improve it to make certain that what is being done on the domestic side does not conflict with what is being done on the national security side.

Finally, Mr. Speaker, the administration has made very clear its opposition to this legislation. The Under Secretary of Commerce, Mr. Brown, a distinguished former member of this committee, speaking for the Department, has argued against its passage. The Secretary of Defense has argued against its passage. Finally, the President's senior advisers have indicated that if this bill were to reach the President's desk in its present form, they would recommend its disapproval.

So I would urge my colleagues, Mr. Speaker, to defeat the motion that is before us today, and to bring the bill up under some other form that will give us the opportunity to perfect it, to work to see to it that we can achieve the objectives of those of us who are concerned about computer security, which I think is a goal that many of us share.

Mr. LUJAN. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Speaker, I rise in opposition to H.R. 2889, and I do so with some reluctance from the standpoint that as a member of the Committee on Science and Technology, in addition to Armed Services and Intelligence, it has been a rare occasion in the nearly 6 years that I have served with the chairman, the gentleman from Florida [Mr. FUQUA], that I have had strong disagreement with or opposed any of his pieces of legislation. But I do so today because I believe that the bill goes far beyond the original intent of its author, the gentleman from Kansas [Mr. GLICKMAN], and, I believe, is an unwise step for us to take, especially on this Suspension Calendar.

Mr. Speaker, this bill calls for the establishment of a second center for computer security within the U.S. Government. We don't need a second center. The one already established is doing a good job under the supervision of the National Security Agency. I support computer security standards, and I support the research. I just question the creation of a second bureaucracy to perform the same function.

Originally set up by direction of the President under NSDD 145, as the Department of Defense Computer Security Center, it was expanded 10 months ago to become the National Computer Security Center, and, as such, is serving the entire Government's computer security needs.

By calling for a second computer security center, run and supervised by the National Bureau of Standards, this bill would require the taxpayers to pay twice the bureaucratic overhead costs associated with computer security. The National Security Agency already possesses the special expertise required for the computer security discipline and has applied it effectively in its computer security role under NSDD 145. No such expertise currently resides in the National Bureau of Standards and it would take considerable time and additional cost for such expertise to be developed.

The National Security Agency has already spent significant sums to develop the capability to handle all aspects of computer security. It doesn't make much sense to take a mission away from an organization that has developed the expertise and has the best equipment to handle this critical problem. Furthermore, this bill will force businesses dealing with the Federal Government to adjust their computer activities to accommodate the computer security requirements of two Federal Government organizations, thus resulting in increased costs and twice as much redtape with no greater quality of computer security.

Computer security science is very challenging and, to do it right, it must be done with the best expertise, and by the most highly motivated people. The National Security Agency has already expended significant time, effort, and money, to develop the capability to handle all aspects of computer security. A lot of this would be wasted if NSA was responsible only for computer security for classified information.

From my personal observation as a member of the Intelligence Committee, I am convinced that the National Security Agency is highly dedicated and motivated to ensure the availability of first-rate computer security for the entire Government. Let me point out that the entire executive branch opposes this bill—to include those agencies most directly involved, the Department of Defense, the National Security Agency, the Office of Management and Budget, and even the Department of Commerce, which has the supervisory authority over the National Bureau of Standards. Deputy Secretary of Commerce, Clarence J. Brown, has stated that the creation of such a center in the National Bureau of Standards would "impose totally inappropriate tasks on the National Bureau of Standards."

Let me address the real bottom line of this bill. Proponents of this bill state that, by allowing the National Security Agency to have a role in computer security outside the military and intelligence arena, it might tempt the NSA to conduct domestic surveillance activities in violation of its charter. In my opinion, that is the real red herring in this debate. This acquisition totally ignores the development over the last 10 years of detailed legal controls on the intelligence community, to include the National Security Agency, and of the close scrutiny of the National Security Agency by the House and Senate Intelligence Committees. In sum, we don't need to set up a duplicative center in order to prevent potential violations of the NSA Charter. With the oversight process in the Intelligence Committees we have the

mechanism to prevent such abuses from occuring.

Mr. Chairman, let me reiterate my opposition to this bill and I ask for a recorded vote on H.R. 2889.

□ 1315

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Speaker, I guess the main concern is that do you want to give NSA, a military agency, exclusive and complete authority over civilian agencies like the Social Security Administration, the Veterans' Administration in terms of computer security standards. I think that is a philosophical issue. I think it is a mistake myself.

Mr. FUQUA. Mr. Speaker, which member gets to close debate?

The SPEAKER pro tempore. The gentleman from Florida [Mr. FUQUA] has the right to close the debate.

Mr. FUQUA. Mr. Speaker, I reserve the balance of my time.

Mr. LUJAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply would like to make one closing point.

It has been said that this technical and conforming amendment, does not do anything, does not expand the authority of the Brooks Act. I might say that if we could remove that we would be supportive of the bill. However, with that item in there, I do not think that we could.

That is why we would oppose it, but only on suspension. That would give us an opportunity if we got a rule to be able to offer an amendment to change it.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. LUJAN. I yield to the gentleman from Missouri.

Mr. VOLKMER. I thank the gentleman for yielding. I too agree with the gentleman that this language on page 12, lines 14 on down, needs to be deleted. I believe we all should have an opportunity on the floor to offer an amendment to do that, and that we should not vote for the bill on suspension.

Mr. LUJAN. The gentleman is absolutely correct. He and I both sit on the Committee on Science and Technology, and it was not until afterward that we found, in consultation among the staffs, that this wording had been put in there.

So, reluctantly, Mr. Speaker, we must oppose it.

Mr. FUQUA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think we have received the assurances of the gentleman from Texas [Mr. BROOKS], chairman of the Committee on Government Operations and the author of the Brooks Act, so named for him, that this does not expand authority currently granted.

In looking on page 15 at the definition of the issue just raised about computer systems, it defines those issues "ancillary equipment, software and other procedures, services, and other resources."

When you look at the regulations that are already in effect, this is somewhat more narrow than the regulations. So I think this is not a valid argument that this totally and broadly expands.

It was stated by the gentleman from Texas [Mr. BROOKS] that that was not the intention, and it did not, in fact, do that. It does not overturn court cases that have now or may be pending, and that is not the intent of the legislation.

As the gentleman from Kansas pointed out, what we are trying to do is establish within a civilian agency, the National Bureau of Standards, the means to help develop standards for nonclassified information of the Federal Government. We are not trying to get into the DOD. We are not trying to get into the National Security Agency or the CIA or other agencies of that type.

The question involves who knows the most about computers. The National Bureau of Standards is recognized as one of the world authorities on computers and computer standards. They are already involved in that type of information and that type of work, and have some very distinguished people working in the Bureau of Standards to carry out those programs.

I would plead with my colleagues that the one issue we are involved with is not DOD or the security agency. That is a smokescreen, and that is not what we are trying to do. Neither does the bill do that.

What we are trying to do is establish within a civilian agency the standards that can be used in order to make more secure the computer systems that we have that contain nonclassified information, such as the Social Security information, such as Veterans' Administration information, such as IRS information, and other types of information that have been outlined here on the floor.

I urge Members not to be misled by some of the stories, and the horror stories that have been presented by the OMB. They have not supported the bill from the beginning, and they have fought it every inch of the way. We have tried to accommodate every objection they have raised. Unfortunately, Mr. Speaker, they have raised more objections each step we go along, and throw out more barriers. It is almost like hurdles in a race.

So I would urge the Members not to be bamboozled by some of the smokescreens and the stories that have been raised by OMB, and to support a bill for civilian control for nonclassified information.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITLEY). The question is on the motion offered by the gentleman from Florida [Mr. FUQUA] that the House suspend the rules and pass the bill, H.R. 2889, as amended.

The question was taken; and on a division (demanded by Mr. LUJAN) there were—yeas 5, nays 14.

Mr. FUQUA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

TECHNOLOGY EDUCATION ACT OF 1985

Mr. BOUCHER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3102) to strengthen the technological literacy of the Nation through demonstration programs of technology education, as amended.

The Clerk read as follows:

H.R. 3102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Technology Education Act of 1986".

SEC. 2. FINDINGS AND PURPOSES.

It is the purpose of this Act to assist educational agencies and institutions in developing a technologically literate population through instructional programs in technology education.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the term "technology education" means a comprehensive educational process designed to develop a population that is knowledgeable about technology, its evolution, systems, techniques, utilization in industry and other fields, and social and cultural significance;

(2) the term "local educational agency" has the meaning given such term in section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(3) the term "State educational agency" has the meaning given such term in section 198(a)(17) of the Elementary and Secondary Education Act of 1965;

(4) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965; and

(5) the term "Secretary" means the Secretary of Education.

SEC. 4. TECHNOLOGY EDUCATION DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—Subject to the availability of funds for purposes of this Act, the Secretary of Education shall establish a pro-

gram of grants to local educational agencies, State educational agencies, consortia of public and private agencies, organizations and institutions, and institutions of higher education to establish not more than ten demonstration programs in technology education for seocndary schools.

(b) APPLICATION.—

(1) A local educational agency, State educational agency, consortium of public and private agencies, organizations, and institutions, or institution of higher education which desires to receive a grant under this Act shall submit an application to the Secretary. Applications shall be submitted at such time, in such form, and containing such information as the Secretary shall presribe and may be approved only if such application—

(A) describes a demonstration program for carrying out the purposes under subsection (c);

(B) contains an estimate of the cost for the establishment and operation of the program;

(C) sets forth such policies and procedures as will ensure adequate evaluation of the activities intended to be carried out under the application;

(D) contains assurances that Federal funds made available under this Act will be so used as to supplement and, to the extent practicable, increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses specified in this Act, and in no case supplant such State or local funds;

(E) provides for making such reports, in such form and containing such information, as the Secretary may reasonably require; and

(F) describes the manner in which programs under this Act will be coordinated, to the extent practicable, with programs under the Job Training Partnership Act, the Carl D. Perkins Vocational Education Act, and other Acts related to the purposes of this Act.

(2) Amendments of applications shall be subject to approval in the same manner as original applications.

(3) In making grants under this Act the Secretary shall consider the equitable geographic distribution of such grants.

(c) USES OF FUNDS.—Funds made available under this Act may be used to develop a model demonstration program for technology education with the following components:

(1) Educational course content based on—

(A) an organized set of concepts, processes, and systems that is uniquely technological; and

(B) fundamental knowledge about the development of technology and its effect on people, the environment, and culture.

(2) Instructional content drawn from introduction to technology education courses in one or more of the following areas:

(a) communication—efficiently using resources to transfer information to extend human potential;

(b) construction—efficiently using resources to build structures on a site;

(c) manufacturing—efficiently using resources to extract and convert raw or recycled materials into industrial and consumer goods; and

(d) transportation—efficiently using resources to obtain time and place utility and to attain and maintain direct physical contact and exchange among individuals and societal units through the movement of materials, goods, and people.

(3) Assisting students in developing insight, understanding, and application of technological concepts, processes, and systems.

(4) Educating students in the safe and efficient utilization of tools, materials, machines, processes, and technical concepts.

(5) Developing student skills, creative abilities, confidence, and individual potential in utilizing technology.

(6) Developing student problem-solving and decision-making abilities involving human and material resources, processes, and technological systems.

(7) Preparing students for lifelong learning in a technological society.

(8) Activity-oriented laboratory instruction which reinforces abstract concepts with concrete experiences.

(9) An institute for the purposes of developing teacher capability in the area of technology education.

(10) Research and development of curriculum materials for use in technology education programs.

(11) Multi-disciplinary teacher workshops for the interfacing of mathematics, science, and technology education.

(12) Statewide implementation plan for disseminating exemplary materials and practices.

(13) Optional employment of a curriculum specialist to provide technical assistance for the program.

(14) A combined emphasis on "know-how" and "ability-to-do" in carrying out technological work.

(d) LIMITATION ON FEDERAL ASSISTANCE.—Federal assistance to any program or project under this Act shall not exceed 65 percent of the cost of such program in any fiscal year. Not less than 10 percent of the cost of such program shall be in the form of private sector contributions. Non-Federal contributions may be in cash or in kind, fairly evaluated, including facilities, overhead, personnel, and equipment.

(e) NATIONAL DISSEMINATION OF INFORMATION.—The Secretary shall disseminate the results of the programs and projects assisted under this Act in a manner designed to improve the training of teachers, other instructional personnel, counselors, and administrators.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) FUNDING UNDER SECRETARY'S DISCRETIONARY FUNDS.—For each of the fiscal years 1987, 1988, and 1989, of the funds appropriated to carry out the Secretary's Discretionary Funds under section 583 of the Education Consolidation and Improvement Act of 1981 $2,000,000 shall be available to carry out the provisions of this Act.

(b) AMENDMENT TO ECIA.—Section 583 of the Education Consolidation and Improvement Act of 1981 is amended by adding the following subsection:

"(c) For each of the fiscal year 1987, 1988, and 1989, from the funds reserved for the purposes of this section, subject to the provisions of subsection (b), the Secretary shall make available $2,000,000 to carry out the Technology Education Act of 1986.".

SEC. 6. EFFECTIVE DATE.

The provisions of this Act shall take effect October 1, 1986.

The SPEAKER pro tempore (Mr. SMITH of Florida). Is a second demanded?

Mr. GOODLING. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BOUCHER] will be recognized for 20 minutes and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the distinguished chairman of the Education and Labor Committee, Mr. HAWKINS, for his support and assistance in bringing this measure to the floor. I would also like to thank the gentleman from Pennsylvania [Mr. GOODLING] for his assistance in crafting a bill that will encourage the development and implementation of technology education demonstration projects.

The Technology Education Act recognizes the need for a population that is knowledgeable about the historical development and current application of technology. During the past century, we have witnessed a dramatic change in our Nation's economic base. Information and services have replaced agriculture and manufacturing as the growth sectors of the U.S. economy.

We led the world in the technological revolution through the development of electronics, the internal combustion engine and a host of other inventions. Now, however, our international competitors are gaining preeminence in the technical fields we pioneered.

Our failure to provide students with basic technology education hurts American businesses and damages our international competitive position. While Japan, Korea, and other industrial competitors have made the technological literacy of their population a national goal, we continue to provide American students with an outdated education based on simply using machines rather than understanding how they work.

Competing industrial nations are providing their young people with technology education at public expense. Today, American industry is shouldering this responsibility at approximately 10 times the cost of providing such education in our public schools. Obviously, this drain of private sector resources is decreasing our productivity. It will be far more effective for these courses to be taught in the public schools.

Several recent reports have described the shortcomings of public education in developing technological literacy. While American youth is becoming increasingly proficient in the

use of instruments such as computers, video cassette recorders, and calculators, studies have shown that young people demonstrate very little curiosity about the basic principles underlying technological development.

Instead of just knowing how to turn on a television or pick up a phone, students would benefit from a basic understanding of electronic circuitry and how its development has led to a communications and information processing revolution. Instead of the simple ability to drive a car or operate industrial machinery, students need to know the mechanical processes involved and how these processes have been developed and refined for maximum efficiency and productivity.

When students comprehend these basic building blocks of technology, their education remains both valid and valuable even as the technology continues to change. By helping students to understand technology, we help them to gain a mastery over it.

The measure before us will meet the need for better technology education by establishing 10 demonstration projects nationwide. These projects will complement existing Federal efforts in mathematics and science education, in teacher education, and in vocational education.

The bill also establishes a national base of information upon which States and localities can draw in developing technology education courses. This principle of nucleation has worked well in expanding other education demonstration projects into general curriculum offerings. We think that a similar positive result will flow from the enactment of this bill.

The act also has provisions to expand technology education programs through teacher training, research, and curriculum development.

Recognizing the difficulty of funding broad new initiatives, the Technology Education Act requires no new appropriations. The bill instead reserves $2 million for each of the fiscal years 1987, 1988, and 1989 from the Secretary's discretionary fund. In order to ensure the commitment of localities which will receive funding, the act requires that 35 percent of the funding for each demonstration project must be provided from non-Federal sources. In addition, the bill specifies that applicants must garner 10 percent of the project's funding from the private sector.

Mr. Speaker, the Technology Education Act is a modest proposal to address an increasing national need. This measure is needed by the business community which requires a technologically literate work force. It is also needed by America's youth whose lives will be enriched and whose careers will be advanced by an increased understanding of technology.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to recognize Mr. BOUCHER, my colleague on the Education and Labor Committee, for his work on H.R. 3102, the Technology Education Act of 1986.

As most of you know, I am very concerned about the problem of illiteracy and am committed to doing something about it. Today, however, we are talking about a different kind of "illiteracy," yet one that is just as crippling—technological illiteracy.

I have worked closely with Mr. BOUCHER, and together I feel we have created a program that can immediately begin to combat this problem. H.R. 3102 would create a small number of demonstration programs designed to give students a thorough understanding of technology, including its history and its role in the future of our society.

No new appropriation is needed for the implementation of this act; $2 million is diverted from the Secretary's discretionary program of chapter 2. This could mean that, contingent on money being appropriated for chapter 2, programs would start up next year. While this is not a great deal of funding, a required match of 35 percent would enlarge the program considerably and demonstrate commitment on the part of the grant recipients. Since this is a program that employers have said they want, and a program that will benefit them by creating a better prepared work force, 10 percent of the match must come from private sector funds.

In addition to these provisions, I worked with Mr. BOUCHER to include coordination between programs funded under this act and the Job Training Partnership Act, the Vocational Education Act, and other related programs.

Once again, I would like to congratulate the gentleman from Virginia and thank him for working closely with me in order to meet my concerns about his legislation as originally introduced.

□ 1330

Mr. BOUCHER. Mr. Speaker, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Speaker, I want to commend the gentleman for his valuable assistance in constructing a bill which results in no new appropriations being necessary and which will enable these demonstration projects to be set up in an expeditious manner, and I thank the gentleman very much for that help.

Mr. GOODLING. Mr. Speaker, I reserve the balance of my time.

Mr. JEFFORDS. Mr. Speaker, I would like to congratulate Mr. BOUCHER and Mr. GOODLING for their work on this important piece of legislation.

The importance of technology in our increasingly complex world cannot be overstated. It has changed the way we wage war, manufacture steel, do our banking, and prepare our meals. These developments have also necessitated a change in how we prepare individuals to participate in society. I have cosponsored two pieces of legislation this year which would have improved the education and training opportunities for our young people. It is only through investing in our most valuable resource, our people, will we remain competitive in the modern world economy.

H.R. 3102, the Technology Education Act of 1986, provides us with an opportunity to teach students about the power and potential of technology. Technology education, as described by this bill, would give young people a deep understanding of technology, its evolution, systems, techniques, utilization in industry, and social significance. This knowledge is surely becoming one of the academic "basics" that all schools should teach.

Again, I commend Mr. BOUCHER and Mr. GOODLING for their foresight, and I wholeheartedly support this legislation.

Mr. HAWKINS. Mr. Speaker, the bill before the House today, the Technology Education Act, is based on the recognition that this country's future prosperity depends on our students' ability to compete in an increasingly technological world.

Unless our young people are "technologically literate," our international competitiveness will continue to erode. As a number of sources have documented, our students have an inadequate understanding of technology and its applications, particularly in comparison with their international counterparts.

H.R. 3102 would support programs at the secondary school level to help students become familiar with technology, its uses, its development, and its effects. The Secretary of Education would make grants to State and local educational agencies, institutions of higher education, and consortia of public and private agencies, organizations, and institutions to establish demonstration programs in technology education. These model programs would train teachers, develop curriculum, and demonstrate successful approaches for teaching students about technology. Their results would be disseminated nationally, so that successful approaches could be adopted across the country.

The legislation would not involve any additional Federal cost. Instead of requesting a new appropriation, the committee has adopted a bill which reserves $2 million in existing funds from the Secretary's discretionary fund under chapter 2 of the Education Consolidation and Improvement Act.

The Federal funds would also stimulate State, local, and private support for technology education, through matching provisions requiring a 35-percent, non-Federal contribution, of which 10 percent of the total costs will come from the private sector.

I would like to commend the sponsor of this legislation and my colleague on the committee, Congressman BOUCHER. I think he has

authored a very forward-thinking piece of legislation.

I believe we have fashioned a bill that will meaningfully contribute to solving a national problem with no additional Federal costs. I urge my colleagues to suspend the rules and pass H.R. 3102.

Mr. BOUCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. BOUCHER] that the House suspend the rules and pass the bill, H.R. 3102, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3102, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

COMMERCIAL FISHING INDUSTRY VESSEL LIABILITY AND SAFETY ACT OF 1986

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5013) to establish guidelines for damage awards in actions for personal injury incurred by seamen on fishing industry vessels and to require additional safety regulations for fishing industry vessels as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Commercial Fishing Industry Vessel Liability and Safety Act of 1986".

TITLE I—LIABILITY FOR PERSONAL INJURY ON FISHING, FISH PROCESSING, AND FISH TENDER VESSELS

SEC. 101. LIMITATION ON LIABILITY FOR PERSONAL INJURIES TO SEAMEN ON COMMERCIAL FISHING INDUSTRY VESSELS.

The Act of March 4, 1915 (chapter 153; 38 Stat. 1164) is amended by adding at the end the following:

"SEC. 21. (a) In this section—

"(1) 'fishing vessel', 'fish processing vessel', and 'fish tender vessel' have the same meanings given those terms in section 2101 of title 46, United States Code.

"(2) an illness, disability, or injury shall be considered temporary if, after cure, the seaman—

"(A) can return to the seaman's previous (or equivalent) employment;

"(B) does not require further medical care with respect to the illness, disability, or injury; and

"(C) does not have a substantial loss of sight or hearing, does not have a loss of an appendage, and does not have permanent disfigurement.

"(b) A civil action (including an action for contribution or indemnification) may not be brought under any law of the United States against the employer of a seaman, a vessel owner, or a vessel for loss suffered as the result of a temporary illness, disability, or injury suffered by a seaman during the course of the seaman's employment to a fishing, fish processing, or fish tender vessel if the employer or vessel owner provides—

"(1) cure for the ill, disabled, or injured seaman; and

"(2) maintenance during the period of illness, disability or injury in an amount equal to—

"(A) for each day that vessel is on a voyage, the greater of—

"(i) 80 percent of the wage or share the seaman would have received for that day if the seaman had been employed on the vessel for that voyage; or

"(ii) $30; and

"(B) for each day that vessel is not on a voyage, $30.

"(c) The Secretary of Transportation shall annually review the dollar figure in subparagraphs (A)(ii) and (B) of subsection (b)(2). The Secretary may periodically increase or decrease that figure, but not by more than the percentage increase or decrease in the Consumer Price Index for the period considered.

"(d)(1) Except as provided in paragraphs (2) and (3), the liability of the owner of a fishing, fish processing, or fish tender vessel, and the employer of a seaman on any of those vessels, under a law of the United States for a seaman's illness, disability, or injury (other than a temporary illness, disability, or injury) or death arising out of an incident during the course of the seaman's employment to a fishing, fish processing, or fish tender vessel is limited to $500,000. The limitation provided in this paragraph applies to an action for contribution or indemnification against the owner or employer.

"(2) The limitation under paragraph (1) does not apply with respect to hospital and medical expenses.

"(3) Paragraph (1) does not apply to an owner or employer if—

"(A) the illness, disability, injury, or death was caused by the gross negligence or willful misconduct of the owner or employer, as the case may be;

"(B) the illness, disability, injury, or death was primarily caused by a violation of chapter 45 of title 46, United States Code, that was within the knowledge of the owner or employer, as the case may be; or

"(C) the owner or employer, as the case may be, does not provide cure and maintenance as described in paragraphs (1) and (2) of subsection (b).".

SEC. 102. STATUTE OF LIMITATIONS.

The first section of the Act entitled "An Act to provide a uniform three-year statute of limitations in actions to recover damages for personal injury or death, arising out of a maritime tort, and for other purposes" (46 App. U.S.C. 763a) is amended by striking "That," and inserting "That (a)" and by adding at the end the following:

"(b) A civil action against the employer of a seaman or the owner of a fishing, fish processing, or fish tender vessel for recovery of damages for illness, injury, disability, or death suffered during the course of the seaman's employment to a fishing, fish processing, or fish tender vessel may not be maintained unless started within 2 years from the date the cause of action accrued.".

TITLE II—COMMERCIAL FISHING INDUSTRY VESSEL SAFETY

SEC. 201. FISHING INDUSTRY VESSEL SAFETY REQUIREMENTS.

(a) Chapter 45 of title 46, United States Code, is amended to read as follows:

"CHAPTER 45—COMMERCIAL FISHING INDUSTRY VESSELS

"Sec.
"4501. Application.
"4502. Safety standards.
"4503. Equivalency.
"4504. Prohibited acts.
"4505. Termination of unsafe operations.
"4506. Exemptions.
"4507. Penalties.
"4508. Commercial Fishing Industry Vessel Advisory Committee.

"§ 4501. Application

"(a) This chapter applies to a fishing, fish processing, and fish tender vessel.

"(b) This chapter does not apply to the carriage of bulk dangerous cargoes regulated under chapter 37 of this title.

"§ 4502. Safety standards

"(a) A fishing, fish processing, and fish tender vessel must—

"(1) if propelled by machinery, be provided with fire extinguishers, capable of promptly and effectively extinguishing a combustible or flammable liquid fuel, that shall be kept in a condition for immediate and effective use and so placed as to be readily accessible;

"(2) carry at least one readily accessible life preserver or other lifesaving device for each individual on board;

"(3) have the carburetors of each engine on board the vessel (except an outboard engine) using gasoline as a fuel, equipped with an efficient flame arrestor, backfire trap, or other similar device;

"(4) if using a volatile liquid as fuel, be provided with the means for properly and efficiently ventilating enclosed spaces, including engine and fuel tank compartments, so as to remove any explosive or flammable gases; and

"(5) be provided with visual distress signals.

"(b) In addition to the requirements of subsection (a) of this section, for a documented fishing, fish processing, or fish tender vessel operating beyond the Boundary Line, the Secretary shall prescribe regulations for the installation, maintenance, and use of—

"(1) at least one readily accessible emergency position indicating beacon, or similar electronic position indicating device;

"(2) lifeboats or liferafts sufficient to accommodate all individuals on board;

"(3) at least one readily accessible exposure suit required under section 3102 of this title for each individual on board;

"(4) radio equipment sufficient to effectively communicate with land-based search and rescue facilities; and

"(5) other equipment required to minimize the risk of injury to crew during vessel operations, if the Secretary determines that a risk of serious injury exists that can be eliminated or mitigated by that equipment.

"(c) For an uninspected fish processing vessel entered into service after December 31, 1987, and having more than sixteen individuals on board primarily employed in the preparation of fish or fish products, the Sec-

retary shall prescribe additional regulations for—

"(1) navigation equipment, including radars, fathometers, compasses, radar reflectors, lights, sound-producing devices, nautical charts, and anchors;

"(2) life saving equipment, including life preservers, exposure suits, lifeboats or liferafts, emergency position indicating radio beacons, signaling devices, bilge pumps, bilge alarms, life rails and grab rails, and medicine chests;

"(3) fire protection and firefighting equipment, including fire alarms, portable and semiportable fire extinguishing equipment, and flame arrestors;

"(4) the use and installation of insulation material;

"(5) storage methods for flammable or combustible material; and

"(6) fuel, ventilation, and electrical systems.

"(d)(1) In addition to the other requirements of this section, the Secretary shall prescribe regulations for the operating stability of a documented fishing, fish processing, or fish tender vessel—

"(A) the keel for which was laid after December 31, 1987; or

"(B) whose physical characteristics are substantially altered after December 31, 1987, in a manner affecting the vessel's operating stability.

"(2) The Secretary may accept, as evidence of compliance by a vessel with this subsection, a certification of compliance issued by the person providing insurance for the vessel.

"(e) In prescribing regulations under this section, the Secretary—

"(1) shall consider the specialized nature and economics of the type of vessel operations and the character, design, and construction of the type of vessel;

"(2) shall consult with representatives of the private sector having experience in the operation of vessels to which this chapter applies to ensure the practicability of these regulations; and

"(3) may not require the alteration of a vessel or associated equipment or of the construction of a vessel or manufacture of a particular item of equipment that was begun before the effective date of the regulation.

"§ 4503. Equivalency

"An uninspected fish processing vessel entered into service after December 31, 1987, and having more than sixteen individuals on board primarily employed in the preparation of fish or fish products—

"(1) is deemed to comply with the requirements of this chapter if it has an unexpired certificate of inspection issued by a foreign country that is a party to an International Convention for Safety of Life at Sea to which the United States Government is a party, and

"(2) may not be required by the Secretary to alter or replace the equipment or structural requirements required under this chapter.

"§ 4504. Prohibited acts

"A person may not operate a vessel in violation of this chapter or a regulation prescribed under this chapter.

"§ 4505. Termination of unsafe operations

"If an official charged with the enforcement of this chapter observes a fishing, fish processing, or fish tender vessel being operated in an unsafe condition and, in the judgment of that official, the operation creates an especially hazardous condition, the official may direct the operator of the vessel to take immediate and reasonable steps necessary for the safety of individuals on board the vessel, including directing the operator to return to a mooring and to remain there until the situation creating the hazard is corrected or ended.

"§ 4506. Exemptions

"(a) The Secretary may exempt a vessel from any part of this chapter when, under regulations (including regulations on special operating conditions) prescribed by the Secretary, the Secretary finds that—

"(1) good cause exists for granting an exemption; and

"(2) safety will not be adversely affected.

"(b) A fishing, fish processing, or fish tender vessel under 36 feet overall in length that does not operate on the high seas is exempt from the provisions of section 4502(b)(2).

"§ 4507. Penalties

"(a) If a vessel to which this chapter applies is operated in violation of this chapter or a regulation prescribed under this chapter, the owner, charterer, managing operator, agent, master, and individual in charge are each liable to the United States Government for a civil penalty of not more than $5,000. The vessel also is liable in rem for the penalty.

"(b) A person willfully violating this chapter or a regulation prescribed under this chapter shall be fined not more than $5,000, imprisoned for not more than one year or both.

"§ 4508. Commercial Fishing Industry Vessel Advisory Committee

"(a) The Secretary shall establish a Commercial Fishing Industry Vessel Advisory Committee. The Committee—

"(1) may advise, consult with, report to, and make recommendations to the Secretary on matters relating to the safe operation of fishing, fish processing, and fish tender vessels, including navigation safety, safety equipment and procedures, marine insurance, vessel design, construction, maintenance and operation, and personnel qualifications and training;

"(2) may review proposed regulations under this chapter;

"(3) may make available to Congress any information, advice, and recommendations that the Committee is authorized to give to the Secretary;

"(4) shall meet at the call of the Secretary, but not less than once during each calendar year.

"(b)(1) The Committee shall consist of seventeen members with particular expertise, knowledge, and experience regarding the commercial fishing industry as follows:

"(A) ten members from the commercial fishing industry who—

"(i) reflect a regional and representational balance; and

"(ii) have experience in the operation of vessels to which this chapter applies or as a crew member or processing line worker on a fish processing vessel;

"(B) three members from the general public, including, whenever possible, an independent expert or consultant in maritime safety and a member of a national organization composed of fishing, fish processing, or fish tender vessel and marine insurance interests;

"(C) one member from each of the following—

"(i) naval architects or marine surveyors;

"(ii) manufacturers of fishing, fish processing, or fish tender vessel equipment;

"(iii) education or training professionals related to fishing, fish processing, or fish tender vessel safety or personnel qualifications; and

"(iv) underwriters engaged in insuring fishing, fish processing, or fish tender vessels.

"(2) At least once a year, the Secretary shall publish a notice in the Federal Register and in newspapers of general circulation in coastal areas soliciting nominations for membership on the Committee, and, after timely notice is published, appoint the members of the Committee. A member may be appointed to any number of terms.

"(3)(A) The term of a member is three years.

"(B) If a vacancy occurs in the membership of the Committee, the Secretary shall appoint a member to fill the remainder of the vacated term.

"(4) The Committee shall elect one of its members as the Chairman and one of its members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

"(5) The Secretary shall, and any other interested agency may, designate a representative to participate as an observer with the Committee. These representatives shall, as appropriate, report to and advise the Committee on matters relating to fishing, fish processing, or fish tender vessels under the jurisdiction of their respective agencies. The Secretary's designated representative shall act as executive secretary for the Committee and perform the duties set forth in section 10(c) of the Federal Advisory Committee Act (5 App. U.S.C.).

"(c)(1) The Secretary shall, whenever practicable, consult with the Committee before taking any significant action relating to the safe operation of fishing, fish processing, or fish tender vessels.

"(2) The Secretary shall consider the information, advice, and recommendations of the Committee in consulting with other agencies and the public or in formulating policy regarding the safe operation of fishing, fish processing, or fish tender vessels.

"(d)(1) Except an officer or employee of the United States or a member of the Armed Forces, a member of the Committee, when attending meetings of the Committee or when otherwise engaged in the business of the Committee, is entitled to receive—

"(A) compensation at a rate fixed by the Secretary, not exceeding the daily equivalent of the current rate of basic pay in effect for GS-18 of the General Schedule under section 5332 of title 5 including travel time; and

"(B) travel or transportation expenses under section 5703 of title 5.

"(2) Payments under this section do not render a member of the Committee an officer or employee of the United States or a member of the Armed Forces for any purpose.

"(3) A member of the Committee who is an officer or employee of the United States or a member of the Armed Forces may not receive additional pay on account of the member's service on the Committee.

"(4) The provisions of this section relating to an officer or employee of the United States or a member of the Armed Forces do not apply to a member of a reserve component of the Armed Forces unless that member is in an active status.

"(e)(1) The Federal Advisory Committee Act (5 U.S.C. App.) applies to the Committee, except that the Committee terminates on September 30, 1991.

"(2) Two years prior to the termination date in this section, the Committee shall

submit to Congress its recommendation whether the Committee should be renewed and continued beyond the termination date.".

(b) Of the members first appointed to the Commercial Fishing Industry Advisory Committee under section 4508 of title 46, United States Code—

(1) one-third of the members shall serve a term of one year and one-third of the members shall serve a term of two years, to be determined by lot at the first meeting of the Committee; and

(2) terms may be adjusted to coincide with the Government's fiscal year.

SEC. 202. ACCIDENT DATA STATISTICS.

(a) Chapter 61 of title 46, United States Code, is amended by adding at the end the following new section:

"§ 6104. Commercial fishing industry vessel casualty statistics

"(a) The Secretary shall compile statistics concerning marine casualties from data compiled from insurers of fishing, fish processing, fish tender vessels.

"(b) A person underwriting primary insurance for fishing, fish processing or fish tender vessels shall submit periodically to the Secretary data concerning marine casualties that is required by regulations prescribed by the Secretary. Information reported to the Secretary under this subsection related to a trade secret or other matter referred to in section 1905 of title 18, or authorized to be exempt from public disclosure by section 552(b) of title 5, is confidential under section 1905. However, the Secretary may release the totals of the statistics that are compiled.

"(c) After consulting with the insurance industry, the Secretary shall prescribe regulations under this section to gather a statistical base for analyzing vessel risks.".

(b) The analysis for chapter 61 of title 46, United States Code, is amended by adding at the end the following:

"6104. Commercial fishing industry vessel casualty statistics.".

(c) Section 6103 of title 46, United States Code, is amended as follows:

(1) before "An" insert "(a)"; and

(2) add the following new subsection:

"(b) A person violating section 6104 of this title or a regulation prescribed under that section is liable to the Government for a civil penalty of not more than $5,000.".

TITLE III—FISHERY MANAGEMENT SAFETY

SEC. 301. Section 303(a)(2) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1853(a)(2)), is amended to read as follows:

"(2) contain a description of the fishery, including, but not limited to, the number of vessels involved, the type and quantity of fishing gear used, the species of fish involved and their location, the cost likely to be incurred in management, the likely effect of the selected and any alternative conservation and management measures on safety of persons and vessels engaged in the fishery, actual and potential revenues from the fishery, any recreational interests in the fishery, and the nature and extent of foreign fishing and Indian treaty fishing rights, if any;".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we will consider H.R. 5013, the Commercial Fishing Vessel Liability and Safety Act of 1986.

Commercial fishing is the most dangerous occupation in the United States. U.S. Coast Guard data shows that the fatality rate for U.S. fishermen is seven times greater than the overall U.S. industry average. Furthermore, fishing vessel loss rates are five times greater than U.S. ocean-going cargo ships—vessels which are required to meet more stringent safety equipment standards. As a matter of fact, there are virtually no safety requirements now for most commercial fishing boats.

The inherently dangerous nature of commercial fishing and the general liability insurance crisis in America have combined to create a severe liability insurance crisis for the fishing industry. Fishing vessel owners and operators are faced with soaring costs, rapidly shrinking coverage, and all too often, no insurance coverage at all. If owners have inadequate or no insurance coverage, they risk losing everything they own should an injury occur. In turn, crewmen risk not being adequately compensated for an injury.

H.R. 5013 addresses the fishing vessel insurance crisis from two angles. First, it attempts to reduce fishing vessel casualties by mandating new safety and emergency equipment. Second, H.R. 5013 attempts to reduce the size and improve the predictability of insurance claims by limiting a vessel owner's liability and the conditions under which a crewmember may sue.

To make fishing vessels safer, H.R. 5013 would require fishing vessels greater than 5 net tons to carry emergency position-indicating radio beacons, liferafts, exposure suits, radios, and other safety equipment the Secretary of Transportation determines will reduce injuries or losses. A Commercial Fishing Vessel Advisory Committee would be established to advise the Secretary in the development of the additional safety regulations. Finally, the bill would increase the consideration of fishing vessel safety during the development of Federal fishery management plans.

H.R. 5013 prohibits an injured crewman from bringing an action under the Jones Act or general maritime law if the injury is temporary in nature, provided that the vessel owner provides "maintenance and cure," that is, taking care of the seaman's medical and living expenses. For permanent injuries, H.R. 5013 limits a vessel owner's liability to $500,000 per person, per incident, exclusive of medical costs.

I believe that H.R. 5013 will make fishing vessels safer and that it will help to alleviate the insurance crisis facing American fishermen. The Committee on Merchant Marine and Fisheries has held five hearings specifically on this issue over the past 2 years. We traveled all over the country to convene hearings on every seacoast. We heard from scores of witnesses—boat operators, workers on fishery boats, insurers, lawyers, unions. Most compelling of all was the testimony of families who lost their loved ones in tragic and needless accidents at sea. Clearly it is time for Congress to act. This measure has strong bipartisan support in the Committee on Merchant Marine and Fisheries and I would urge Members to vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the bill before us today and urge its adoption by the House.

As many Members are aware, this country is facing a crisis in the cost and availability of liability insurance. I am sure that every Member has received communications from his district regarding problems faced by doctors, midwives, local police departments, and small communities. In every part of the country, people are finding that they cannot obtain liability insurance or, if they can, it is a cost so high as to make it unaffordable.

The reasons for this problem are many and varied. Some people point to the large number of lawsuits filed in liability cases and the tremendous awards that are then granted. Others point to the activities of the insurance industry on the world money market and the effect that reduced interest rates have had on insurance premiums. Finally, some suggest that the record of those being insured requires higher premiums and stricter standards of availability. Regardless of the reason, there are thousands of Americans who are now finding that insurance is either not available or available only at a high cost. They have asked this Congress for help and we are responding.

The commercial fishing industry is an excellent example of an industry beset with insurance problems. In some areas, insurance costs have risen as much as 300 percent in the last 2 to 3 years. In other areas, insurance is simply not available, as insurance brokers go out of business or end their coverage of fishing vessels. Although some fishermen have tried to self-insure or form insurance pools, many have found that these options are not

available to them. In fact, insurance pools are prohibited by State law in some cases. Thus, they have asked the Congress to find a way to help ease the burden.

The House Merchant Marine and Fisheries Committee responded by beginning a series of hearings at the end of 1984. We have continued those hearings through 1986. Members have visited Seattle, Kodiak, Boston, New Bedford, and San Diego. We have heard from the administration, from fishermen, from safety consultants, from the insurance industry, from trial lawyers, from labor unions, and from the parents of victims of vessel accidents. We have reviewed hundreds of pages of data provided by a variety of sources. Both Members and staff have consulted with individuals and organizations concerned about the problem. We have looked at seven different pieces of legislation that deal with fishing vessel insurance and safety problems. The bill we bring before the House today is not a quick fix; it is the result of a tremendous effort by this committee to do what is right for vessel owners and crewmen.

H.R. 5013 addresses the insurance problem in two ways. First, it establishes new limits on liability for fishing vessel accidents. Accidents fall into two categories: those that result in temporary injuries and those that result in permanent injuries. For temporary injuries, we stipulate that a vessel owner must pay his injured crewman the sum of 80 percent of wages or $30 per day, whichever is greater, plus full medical expenses. In exchange for having his needs provided for, the injured party is limited in his ability to file suit. In the case of permanent injuries, we have established a limit of liability of $500,000 per accident per man. This limit does not apply to medical expenses. By establishing the limit, we have ensured that the injured party will be compensated. At the same time, the existence of a limit will demonstrate the potential exposure that an insurance company will have when it provides insurance to a fishing vessel. By this means, we hope that insurance rates will become stabilized.

We have heard arguments from trial lawyers who represent injured crewmen that a limit on liability is unfair and that vessel owners will be sheltered from court suit while operating unsafe vessels. I want to point out to the Members that this bill specifically lifts the liability limit in cases of gross negligence or willful misconduct. Thus, a vessel owner who violates the rules cannot expect the protection of a liability limit. We believe that this is fair to crewmen and will result in safer vessels.

In further regard to vessel safety, title II of this bill establishes new safety requirements for fishing vessels, fish tenders, and fish processing vessels. During the course of the committee's hearings, we received testimony both for and against new regulations. Both the administration and the fishing industry testified that new regulations were not needed and that voluntary compliance with safety standards was the preferred course. Labor unions representing crewmen, trial lawyers, and the parents of victims asked that safety requirements be imposed. After considerable discussion on this point, the committee agreed that some new safety regulations were acceptable. In addition, to ensure that the regulations made sense and did what they were supposed to, we have established a Commercial Fishing Industry Vessel Advisory Committee to provide assistance to the Secretary of Transportation in developing these regulations.

I note here that the administration has indicated that they are opposed to mandatory standards and to the Advisory Committee. My reply is that the standards are reasonable and are generally acceptable to the fishing industry. The Advisory Committee will help, not hinder, the administration in establishing these regulations. Further, the creation of the Advisory Committee is strongly supported by the commercial fishing industry. They are willing to accept regulations and to accept the responsibility of making sure that the regulations are practical and work. I therefore suggest that the administration's views on this be disregarded.

Mr. Speaker, earlier I mentioned that some have pointed to the increase in litigation over liability cases as a cause of the insurance problem. Our committee has heard reports of lawyers soliciting clients at the docks as fishing vessels return to port. I know of an incident in Alaska where a vessel owner was sued three times for the same accident: the courts ruled in favor of the owner twice, and the third case is pending. While I do not wish to attack the legal profession as a whole, I think it is time that this body realizes that we cannot continue to pass laws that simply provide for more litigation. We have to make some hard choices and say: "This is the way it is going to be." I am not suggesting that we deprive Americans of the right to go to court, but I am suggesting that we reduce the opportunity for enterprising trial lawyers to make a fast dollar by filing suit at the drop of a hat. We have tried to reduce such opportunities in this bill, and I find it interesting that those most opposed to H.R. 5013 are the trial lawyers who will no longer be making substantial fees on fishing vessel injury cases. It isn't the crewmen who oppose this bill; it is the lawyers. To quote Tom Paxton, a well-known American folk singer: "In 10 years we are going to have 1 million lawyers; how much can this poor Nation stand?" I urge your support of this bill.

□ 1340

Mr. JONES of North Carolina. I yield 3 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I want to commend the gentleman from North Carolina, the distinguished chairman of this committee, and the gentleman from Alaska, the ranking member. I say to Members who may have been besieged by representatives of the trial lawyers in the last few hours or days that they should pay heed to the gentleman from Alaska. There is no one in this body who knows more about what it means to be a working fisherman; and the working fishermen of this country, and virtually everybody else in this country who knows anything whatsoever about this problem, support this bill. After 2 years of hearings, the only voice ever raised in opposition was that of the trial lawyers. The gentleman from Alaska has given you ample opportunity to understand where their opposition comes from.

Fifty percent on the average now of the award to an injured fisherman goes to the trial lawyer lucky enough to have somehow gotten that case. And shame on Members of this House if they allow themselves to be diverted from the issue of safety on U.S. fishing vessels and from the issue of the insurability of U.S. fishing vessels.

This Congress has never once, not once in 200 years, legislated in the field of fishing vessel safety. It is the most dangerous of all industrial occupations in the United States. This is the first, not the first major, but the first such legislation ever.

You will hear a Member or two in opposition say, "Well, why should we limit the liability of a poor fisherman who gets injured?"

First of all, the limitations on liability in this bill, Mr. Speaker, are higher than almost all the awards that have been given to date to fishermen. Second, the real answer to the question is, What good is it going to do a fisherman who may be injured to have unlimited liability if this boat owner has no insurance?

The bottom line, Mr. Speaker, is that insurance is increasingly unavailable or unaffordable to the owners of fishing vessels. And do not listen to Members who may be tempted to get up here at the behest of the trial lawyers and plead allegedly on behalf of the fishermen. I would like to put some of those lawyers on boats at sea and we might get some semblance of genuine justice in this matter. Do not pay attention to them when they say, "Oh, what about the poor fisherman?" Ladies and gentlemen of the House, the bottom line is that the fishermen

of this Nation, every single organization that speaks for fishermen on every coast of the country are for this bill. Not a single exception.

So be prepared for those who may get up here later and purport to be speaking for the fishermen. They are not speaking for the fishermen. They are speaking on behalf of those who would like to relieve the fishermen of 50 percent of anything they may be awarded in the event of an injury.

Mr. Speaker, I rise in strong support of a bill that I consider to be the most important piece of fisheries-related legislation since enactment of the 200-mile limit a decade ago.

This bill responds effectively and fairly to a crisis in insurance that has made it economically difficult—and in some cases impossible—for commercial fishermen to operate in any major fishery in the United States. The bill would establish a system for compensating injured fishermen that will create the stability and predictability needed to attract insurance; and which will be fair both to boaters and to crew. This bill is also the most significant fishing vessel safety bill—it is, in fact the only significant fishing vessel safety bill—in U.S. history.

Over the past 2 years, the cost of insurance to fishermen has doubled and in many cases tripled; while the number of companies offering insurance at any price has rapidly declined. As a result, many fishermen have been forced to go to sea without insurance, exposing themselves and their crew to the risk of both personal and economic catastrophe. This risk is heightened by the fact that commercial fishing is the single most dangerous industrial occupation in the United States.

H.R. 5013 will help fishermen get insurance, by making fishing vessels a safer place upon which to live and work, and by guaranteeing injured fishermen the right to fair compensation for injuries without the need for litigation. This bill will benefit those who own or who work on fishing vessels; it will benefit those whose job it is to rescue fishermen lost or injured at sea; it will benefit those who provide insurance for fishermen, and in many cases—through cooperatives—those providing insurance are fishermen themselves; there is only one group that will not benefit from the changes made by this bill, and there is only one organization that is opposing this bill—the American Trial Lawyers Association.

Although the trial lawyers will tell you they oppose this bill because they are concerned about their potential clients—injured fishermen—the fact is that they are only concerned about themselves. They have no interest in safer fishing vessels, because injuries are good for their business; they have no interest in changing the system for compensating injured fishermen, because they are getting rich off contingency fees exploiting that system, a system that was not designed with fishermen in mind; a system which is slow, inequitable, unpredictable, unworkable, and vague.

The proof of what I am saying is that the fishermen—the men and women who must now turn to lawyers to get fair compensation—strongly support this bill. And they do so precisely because it will guarantee them fair treatment in the future without forcing them to give one-third or one-half of everything they receive to a lawyer.

The Merchant Marine and Fisheries Committee has spent 2 years developing this legislation. We have held hearings in Seattle, San Diego, New Bedford, and Washington. The bill has been cosponsored by Members who are from both parties, and who represent fishermen from New England, the Mid-Atlantic States, the Southern Atlantic States, the gulf coast, the Great Lakes, southern California, the Pacific Northwest and Alaska. The bill is supported by a fishing industry that has historically opposed safety legislation, but which has accepted it in this bill, because of the insurance crisis.

This bill will save money; it will saves lives; and it will help the fishing industry help itself out of a deep and damaging economic crisis. I urge your support, so that we can send this measure to the Senate and complete action before the end of the year.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Speaker, I rise in opposition to the bill.

I have a large number of fishermen in my district, and I am certainly sensitive to their insurance problems. I think it is appropriate for us to look into the liability issue, but I do not believe this bill is the proper vehicle or the Suspension Calendar the proper procedure.

Adequate hearings were not conducted on H.R. 5013 and we should not give it our approval without full floor debate and the opportunity to offer amendments.

I hope this bill might help relieve fishermen from onerous liability insurance premiums. Unfortunately, I fear it may have the opposite effect and dramatically increase those costs. We do not know how much it will cost to ensure the remedies H.R. 5013 contains. It likely will require that larger payments be made on minor injuries which are the large majority of claims. Our fishermen do not want and clearly cannot afford higher premiums. Let's not take the risk. Do not vote to suspend the rules and pass this bill without further scrutiny.

Mr. JONES of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. ANDERSON].

Mr. ANDERSON. Mr. Speaker, I rise in support of H.R. 5013.

Our Nation is suffering under the burden of a crisis in the availability of liability insurance for the productive sectors of the economy. I'm sure that my colleagues are quite familiar with this problem.

Our commercial fishing industry—expecially in my area—has been especially vulnerable to this liability crisis. Increases in insurance premiums of 100 percent in the past year have not been uncommon. Rising insurance costs, together with the massive surges in foreign competition the industry has faced in recent years, has contributed to a serious decline in our domestic fishing industry.

H.R. 5013 addresses this problem in a number of ways. First, it establishes safety regulations for fishing vessels, including regulations on liferafts, survival suits, distress flares, and emergency radio signaling equipment. Although commercial fishing is one of the most dangerous occupations in the United States, there have previously been very few safety requirements for fishing vessels.

Another important provision of H.R. 5013 is the establishment of a reasonable cap on claims against fishing vessel operators by their crews. My colleagues should note that these limitations are not valid in cases where gross negligence or unsafe operation on the part of the vessel operator can be shown.

The members of the Merchant Marine and Fisheries Committee have spent over 2 years studying the liability problem and exploring possible solutions. They have considered many options and heard from an extensive group of representatives from the industry in hearings in coastal fishing centers. H.R. 5013 is supported by commercial fishermen, boat operators, and insurance companies.

A question has been raised in the consideration of this bill as to whether it will be effective in making liability insurance available to commercial fishing vessel operators. While we can't say how effective this bill will be, it is clearly a much-needed step in the right direction. I urge my colleagues to support the passage of H.R. 5013.

Mr. YOUNG of Alaska. Mr. Speaker, may I inquire how much time remains on this side?

The SPEAKER pro tempore (Mr. SMITH of Florida). The gentleman from Alaska [Mr. YOUNG] has 11 minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. DAVIS].

Mr. DAVIS. Mr. Speaker, I rise in support of H.R. 5013, the Commercial Fishing Vessel Liability and Safety Act of 1986, because I believe that it is a practical and responsible response to the insurance and safety problems plaguing the commercial fishing industry in this country. This legislation represents the joint efforts of three subcommittees working with information from fishermen, fishing vessel owners, the Coast Guard, marine insurers, lawyers, the parents and relatives of those who have been lost at sea, and other interested and affected parties. It combines ideas introduced in five separate pieces of legislation over the last year. This bill requires much-needed safety equipment on fishing vessels and has mechanisms to

encourage availability and affordability of insurance for this industry.

During our hearings and at meetings with industry representatives, we have learned that fishing vessel insurance premiums have risen by as much as 400 percent since 1984. Some vessel owners cannot get insurance at any price. Commercial fishing is not the only sector for which insurance prices have risen dramatically. This country is in the midst of a liability crisis which has affected such groups as doctors, amusement park operators, and fishing vessel owners. We learned that this crisis is in part due to the cyclical nature of the insurance market, which is tied to the amount that companies can earn by investing premiums in the marketplace.

However, the insurance crisis facing the commercial fishing industry is aggravated by a casualty rate which is seven times the national average. In addition, the uncertainty of maritime tort law contributes to the unpredictability of amounts for which claims can be settled and often fails to encourage equitable out-of-court settlements. The liability provisions are designed to result in fair and timely settlements for both temporary and permanent injuries.

Based on the testimony submitted to us, we have made changes designed to increase marine insurance companies' ability to predict future claims by limiting liability for fishing vessel owners provided an owner meets certain requirements. A vessel owner must provide maintenance and cure for temporarily injured seamen. A vessel owner's liability is limited to $500,000 plus all medical costs in case of a crewman's death or permanent injury provided the vessel owner has not contributed to the injury through gross negligence or willful misconduct. In addition, the Secretary of Transportation is required to compile statistics concerning marine casualties, using data collected from marine insurers.

To improve safety, the bill requires emergency position indicating radio beacons, liferafts, exposure suits, radio equipment, and other safety equipment on documented vessels, and requires vessel stability testing for certain categories of documented vessels. The Secretary must consider the specialized nature of fishing vessels in promulgating regulations concerning safety requirements. The bill also establishes a Commercial Fishing Industry Advisory Committee as a forum to discuss matters relating to safe vessel operations and with which the Secretary is to consult in developing regulations.

Finally, the bill requires that Regional Fishery Management Councils include a description of the likely effect of the plan on the safety of persons and vessels.

I think that H.R. 5013 does a good job of addressing the insurance and safety problems of the commercial fishing industry by limiting itself to that industry. We have not taken a blanket approach to this problem. I know that there are those in the maritime community who are concerned about the legislation and its possible effect beyond the fishing industry. I, for one, do not believe that this committee intends for this legislation to be construed as anything but a thoughtful and hopefully effective solution to a very specific set of problems and circumstances.

Mr. Speaker, this bill represents a bipartisan effort. It is the result of cooperation that is not entirely unique for this committee and is the result of the concern committee members on both sides of the aisle have for the welfare of the fishing industry. We have done our homework having held hearings not only here in Washington, but also extensively throughout the country in regional hearings over the last 2 years. Therefore, I urge my colleagues to support H.R. 5013.

□ 1355

Mr. JONES of North Carolina. Mr. Speaker, I yield 45 seconds to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of this bill, which will assist the fishing industry. As you have heard, the commercial fishing industry is the most hazardous occupation in the United States from the statistics of the Coast Guard.

This bill has some good measures that establish new safety standards, standards that I thought were already in effect. You have heard what the bill will do from the speakers here today. I think that it is important that we enact legislation to provide for these regulations on safety standards.

Of course, the bill limits the vessel owners' or employers' liability for an individual seaman's illness, disability, injury, or death on a commercial fishing vessel to $500,000, excluding hospital and medical expenses. This limitation would not apply if the owner or employer causes the illness, injury, or death through gross negligence or willful misconduct.

It is a good bill. I urge your support for it.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN, Mr. Speaker, I rise today in strong support of H.R. 5013, the Commercial Fishing Vessel Liability and Safety Act. First let me commend Chairman JONES, Mr. STUDDS, and Mr. YOUNG for their fine work in drafting this bill from the many proposals that were presented to them. I believe that their good work will result in saving both the lives and the jobs of American fishermen.

I am particularly pleased that this bill includes a provision which is similar to a bill I introduced to require that fishing vessels carry emergency position indicating radio beacons [EPIRB's] when fishing beyond the coastline. These devices emit distress signals which give rescuers swift, accurate information on the location of the vessel in trouble.

In 1980, following the investigation of the loss of a fishing vessel off the coast of Rhode Island, the National Transportation Safety Board recommended that the Coast Guard seek authority to require that fishing vessels carry EPRIB's. Unfortunately, no action was taken and we continued to lose an average of 185 ships and 43 lives a year. Four years later a vessel homeported in my district—a vessel which was not equipped with an EPIRB—was lost along with all seven of its crewmen.

After that second accident, the National Transportation Safety Board renewed its call for mandatory EPIRB's. In response to that call I introduced H.R. 3532, to require EPIRB's on U.S. fishing vessels. The Coast Guard also decided to support that recommendation. I am pleased that the committee chose to include a mandatory EPIRB provision in this bill. I believe that this legislation will save lives by giving the crews of foundering vessels a chance to receive help before it is too late.

In addition to EPIRB's, the bill requires that fishing vessels carry liferafts, survival suits in northern waters, radio equipment and visual distress signals, and other equipment to reduce the risk of personal injury during fishing vessel operations. This bill also requires that fishing vessels built or substantially modified after 1987 meet Government imposed stability requirements.

In addition to improved safety criteria for fishing vessels the bill provides significant incentives to improve the system of compensation for injured fishermen. The bill establishes a system of compensation which is more stable, and predictable than the current system.

For temporary disabilities, the bill limits the right of fishermen to sue for compensation, and for permanent disabilities, the bill limits the size of the awards for damages in excess of hospital and medical bills to $500,000. However, the bill waives these limitations if the compensation specified in the bill is not forthcoming in the case of temporary disabilities, or if gross negligence or willful misconduct can be proven in the event of permanent disability or death.

Currently, fishermen, unlike virtually every other group of American workers, have no workman's compensation protection except the right to sue. This bill provides those fishermen with a more stable system, and provides vessel owners and their insurers with more predictability in determining the costs which will be incurred to pay for workman's compensation. Fishing vessel owners have been faced with quadrupling insurance premiums in the last 2 years, and unless some actions are taken, many owners will soon be tying up their boats and closing their business.

I believe that the bill we have before us today will help solve that problem while still providing adequate protections to fishermen and their families. I urge you to vote for this important bill.

Mr. JONES of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I rise in opposition to H.R. 5013, the Commercial Fishing Vessel Liability and Safety Act of 1986, and urge its defeat.

As a member of both the Merchant Marine and Fisheries Committee and the Judiciary Committee, which has jurisdiction over most of the liability and insurance reform legislation which is before Congress, I am well aware of the problems facing commercial fishermen—many of whom live and work in my district.

The solution to the insurance crisis facing commercial fishing boat owners, however, is not H.R. 5013. Title I of the legislation—the liability reform provisions—does nothing to assure that adequate insurance coverage will be available at reasonable rates for commercial fishing boats. The legislation, however, severely limits the rights of fishermen to receive compensation for injuries and contains inadequate maintenance and cure provisions which have been touted as the heart of the legislation.

There is little doubt that commercial fishing is the most dangerous occupation in the United States, with a fatality rate of seven times the national average for other industries. The high loss rate suffered by commercial fishing vessels, five times that of oceangoing cargo vessels, points to the needs for increased attention to safety measures. Unfortunately, H.R. 5013 provides only minimum safety standards for new vessels and grandfathers in thousands of vessels that should be subject to stricter safety standards.

By agreeing to comply with the safety standards set forth in title II of the bill, vessel owners are able to limit their liability to crewmembers for temporary injuries to the greater of $30 per day or 80 percent of the wages lost for each day during the period the vessel was working. In the case of death, the liability of an owner of a fishing vessel is limited to $500,000.

Legislation with this kind of far-reaching impact over the rights of fishermen should not be considered under Suspension of the Ruler which precludes Members from offering amendments designed to address some of the major problems in the maritime insurance industry. Experience with insurance reform in various States has shown that limits on liability do not affect insurance availability and costs. The legislation is also silent on the need to provide either Federal or State oversight of the maritime insurance industry and the relationship between past actions by unscrupulous boat owners who deliberately scuttled their vessels and the high premiums faced by the commercial fishing industry.

Although I have major concerns over the liability provisions in title I of the bill, I support the intent and thrust of the title II, Commercial Vessel Safety provisions. Clearly, the insurance crisis in the fishing industry is directly linked to the safety of commercial fishing vessels. I have seen little, though, to convince me that the marine insurance industry is willing to work with the Coast Guard and boatowners to develop the necessary safety standards in order to make the fishing business as safe as possible. This is how we should go about resolving the problem—not by trying to limit the rights of fishermen to seek redress.

Mr. YOUNG of Alaska. Mr. Speaker, may I inquire of the Chair how much time I have remaining?

The SPEAKER pro tempore (Mr. SMITH of Florida). The gentleman has 5 minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. MILLER].

Mr. MILLER of Washington. Mr. Speaker, today we consider S. 991, a bill which will reauthorize certain fisheries programs. I urge the House to approve this bill.

The fishing industry is important to our Nation. It is a major employer in my home State of Washington. Washington State fishermen have a proud history of innovation and product development and they can take pride in leading the Nation in harvesting fish and shellfish. A recent study of the commercial fishing industry in Washington State shows that roughly one-half the fish caught in our Nation's 200-mile Fisheries Conservation Zone are caught by vessels homeported in Washington State. All along the Pacific coast, these vessels and their crews harvest traditional species such as salmon, halibut, and crab, and have vigorously entered the market for ground fish.

The fishing industry provides jobs for over 25,000 people who work as crewmembers on board fishing vessels or on modern floating factory trawlers in shoreside processing plants. As many as 50,000 work in support businesses. The total value of the products which are caught and processed by Washingtonians is approximately $1.2 billion.

For these and many other reasons, Mr. Speaker, I am delighted that the leaders of the Committee on Merchant Marine and Fisheries have reauthorized for 2 more years the Fisheries Conservation and Management Act, or as we in Washington State call it—the Magnuson Act, after our distinguished Senator who wrote the original bill.

As a nation, we have the duty to manage properly the fisheries in our Fisheries Conservation Zone to provide the best benefit to our fishermen. The House bill, which was approved by the committee last year, keeps the basic structure of this effective law and makes several modest changes to bring it into line with current developments in the fishing industry.

Mr. Speaker, S. 991 will also allow the National Marine Fisheries Service to carry out its various responsibilities for information collection and data analysis. This is vital to successful management of the many species caught by our fishermen in our 200-mile zone.

S. 991 will do other things to allow for effective management of our fisheries including extending the Anadromous Fish Conservation Act. I am pleased that we are taking up this bill today and urge my colleagues to support it.

□ 1405

Mr. JONES of North Carolina. Mr. Speaker, I yield 45 seconds to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Mr. Speaker, I rise today in support of H.R. 5013, legislation designed to promote increased safety in the fishing industry, as well as stability in the marine insurance industry. I would like to thank Chairman JONES of the Merchant Marine and Fisheries Committee, as well as the committee leadership for their diligence in bringing this legislation to the full House for consideration.

Today we are considering legislation that is vital to the fishing interests in south Texas, and the nation as a whole. I am encouraged by the widespread support I see to find a remedy to the insurance crisis that is facing the fishing industry.

The commercial fishing industry faces a serious problem in escalating insurance costs, and this problem is particularly acute in the gulf shrimp industry, which is the primary fishery in my congressional district. I have been working with the Texas shrimpers for over a year now trying to find a solution to an insurance

problem that is putting many boatowners out of business.

It is clear that we are dealing with a serious problem for both the marine insurance and fishing industries. At present, most insurance companies are unwilling to underwrite these policies. Many vessel owners have had their insurance coverage either canceled or not renewed. Those who are able to obtain insurance must pay exorbitant fees, often more than a 100-percent increase in premiums. Some have opted to take a very big chance and fish without insurance coverage.

The recent insurance cancellations and price increases for the shrimping industry are a direct result of the astronomical number of lawsuits filed against the vessel owners since 1983. Large damage awards have encouraged personal injury suits. These lawsuits have been filed under the Jones Act, which provides for strict liability of vessel owners. And yet, statistics indicate that 90 percent of the accidents on shrimp boats are due to negligence of one or all of the crew members.

Now I believe, when a law is on the books and its effects cripple an entire industry, then there is something wrong with the law. I don't want a law that is all one sided, but a law that is fair to all parties. While I believe that insurance costs must be reduced, I am equally committed to protecting crew members of shrimping vessels.

The members of the Merchant Marine and Fisheries Committee have worked hard to design a plan that reduces insurance costs to vessel owners while maintaining a fair and equitable system of obtaining compensation for injured seamen. I believe we have been successful in this endeavor by drafting H.R. 5013.

I urge my colleagues in the House to vote in favor of this bill.

Mr. JONES of North Carolina. Mr. Speaker, I yield 45 seconds to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker I rise in support of the legislation before us today.

The fishermen of this country struggled through the skyrocketing oil prices of the seventies, they battled the high interest rates of the late seventies and early eighties, but regretfully many fishermen succumed to the dramatic increases in the cost of fishing vessel insurance over the last several years. I would like to quote from a letter I received from a fisherman in Florida. He says:

> It looks like we will soon be making a lot of people happy because all or most of the seafood consumed in America will be imported and most or all of the people involved in the seafood industry will be out of business. It is very hard to get insurance for the Marine Industry and if we do get an underwriter to carry us we cannot afford the high prices.

Mr. Speaker, this must not happen, it is long past the time when we, the Congress, should step forward and help these hardworking men and women. H.R. 5013 is a good bill and we should pass it.

I learned something at the hearings held by the Committee on Merchant Marine and Fisheries that I was completely unaware of: commercial fishing is the most dangerous profession in this country. This is clearly the No. 1 cause of the high liability insurance. This bill is a significant step toward lessening the risks to fishermen. The additional safety devices and procedures required by this bill will prevent death and injury to the captains and crew of fishing vessels. The vessel owners have indicated that they are willing to be subject to additional regulation if it means that affordable insurance will then be available. Otherwise the American fishing industry may not survive.

I would like to commend Chairman JONES, Congressman DAVIS, Congressman STUDDS, and the rest of the Committee on Merchant Marine and Fisheries for their bipartisan efforts in producing such a balanced bill. The system set up by this bill will provide for the just compensation of injured fishermen and greatly improve fishing vessel safety. I urge my colleagues to help our Nation's fishermen by voting for this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentlewoman from Rhode Island [Miss SCHNEIDER].

The SPEAKER pro tempore (Mr. SMITH of Florida). The gentleman from Alaska [Mr. YOUNG] has yielded 2 minutes, the balance of his time, to the gentlewoman from Rhode Island [Miss SCHNEIDER].

Miss SCHNEIDER. Mr. Speaker I rise in support of H.R. 5013, the Commercial Fishing Vessel Liability and Safety Act. The problems facing the fishing industry are numerous and severe. I strongly urge all of my colleagues to support H.R. 5013 as the legislative option that attacks the short-term liability insurance crisis, provides meaningful long-term solutions, and is acceptable to both the fishing and insurance industries.

Removing uncertainty by limiting liability is a key issue in bringing insurance premiums under control. Improving fishing vessel safety and decreasing the number of claims are also critical to achieving this goal. This is why I joined more than half of my colleagues on the Merchant Marine and Fisheries Committee in sponsoring H.R. 5013. The bill provides for a limit on the liability of vessel owners, who meet specific criteria, and through regulatory authority granted to the Secretary of Transportation, the bill prescribes additional safety requirements. H.R. 5013 allows the Secretary the flexibility to use a commonsense approach granting exemptions to safety regulations where appropriate. H.R. 5013 contains the essential combination of limiting liability and preventive safety measures that forms the basis for any meaningful legislation on this critical issue.

Vessel owners will bear a cost to comply with additional safety regulations, and I am still concerned that insurance companies may not reward vessel owners for their investment in safety by lowering premium rates. I feel that this is responsible legislation, and I am hopeful that a commitment on the part of insurance companies will lower rates as a response to this bill. The implementation of differential rates depending upon safety records and other pertinent factors would be a dramatic breakthrough for fishing vessel insurers. A very positive part of this bill is the requirement for the compilation of the statistics required to put such a differential rate schedule in place.

The current situation is not unique to commercial fishing. as we are painfully aware, the entire insurance industry is in a crisis. This is due in large part to the cyclical nature of the insurance business. The industry is still reeling from an overly competitive or soft market dating back to the early 1980's. Falling interest rates exacerbated the problem, as losses in investment income were translated into huge underwriting losses. The property-casualty insurance industry, as a whole, has not made an underwriting profit since 1979.

Unfortunately, many fishermen have suffered as a result of the insurance industry woes. Fishing vessel insurance is a small, unpredictable, and unprofitable piece of this already depressed market. Consequently, fishing vessel owners can no longer get reasonable insurance rates, or they cannot get insurance at all.

As an example of the problem over the last 3 years, 750 vessels associated with the National Marine Fisheries Service have experienced 100- to 300-percent increases in protection and indemnity [P&I] premiums and approximately a 50-percent decrease in the number of companies offering P&I insurance. Most Rhode Island vessels have seen similar dramatic premium increases; they are currently trying to ride out the crisis and are just breaking even. To my knowledge, Rhode Island vessels are not currently being denied insurance, but it is probably just a matter of time.

With the magnitude of the economic pressures currently facing the fishing industry, it is critical that we act now to help relieve some of these pressures by creating an atmosphere for affordable liability insurance. Commercial fishing will always be a hazardous occupation, and it is incumbent upon us to make the work environment of our fishermen as safe as possible. Both of

these goals can be accomplished through passage of H.R. 5013.

Mr. JONES of North Carolina. Mr. Speaker, I yield 45 seconds to the gentleman from South Carolina [Mr. TALLON].

Mr. TALLON. Mr. Speaker, I rise today in support of H.R. 5013, the Commercial Fishing Vessel Liability and Safety Act of 1986.

Commercial saltwater fishing in my State of South Carolina brings in almost $50 million each year to the State's economy and provides employment for approximately 3,200 coastal residents.

The commercial fishing industry has suffered greatly due to the insurance crisis, forcing many out of business and others to operate without sufficient coverage.

This legislation does a good job of addressing the insurance and safety problems of the commercial fishing industry by limiting itself to that industry. We tackle the problems that affect not only the economic health of the industry, but the health and safety of its workers.

I urge my colleagues to support this legislation.

Mr. JONES of North Carolina. Mr. Speaker, I yield 45 seconds to the gentleman from California [Mr. Bosco].

Mr. BOSCO. Mr. Speaker, as an original cosponsor of H.R. 5013, I rise in strong support of this legislation. H.R. 5013 is the product of months of painstaking review and negotiation by the Merchant Marine and Fisheries Committee, the commercial fishing industry, and members of the insurance industry. I would particularly like to thank Chairman WALTER JONES, Coast Guard Subcommittee Chairman GERRY STUDDS, and Congressman DON YOUNG for the considerable time and effort they contributed in developing this urgently needed legislation.

As most Members are now aware, numerous studies indicate that commercial fishing has become one of the single most hazardous occupations in this country. The Coast Guard estimates that the death rate for fishermen is seven times the national average for all industrial groups. During committee field hearings in Seattle, New Bedford, and San Diego, I and other committee members heard considerable firsthand testimony as to the urgent need for commercial fishing safety rules and negotiations. Currently, the industry is exempt from almost any government regulation and inspection. To their credit, however, fishermen along California's north coast and throughout the country have indicated their willingness to submit to stricter Federal safety laws in order to reduce these high risks. Regulations that were viewed as unduly burdensome and costly only a few years ago are now accepted as necessary by the vast majority of vessel owners.

H.R. 5013 addresses this by requiring additional safety equipment for documented fishing vessels. This equipment includes sufficient liferafts, visual distress signaling devices, communication equipment, and EPIRB's.

A related and equally serious concern facing the industry relates to the unavailability of affordable fishing insurance. Without insurance, many fishermen in my congressional district have been forced out of the fisheries altogether. Those vessel operators fortunate enough to find hull insurance, and protection and indemnity insurance face skyrocketing premiums. Prof. Dennis Nixon of the University of Rhode Island who has conducted extensive studies on this problem testified that

a combination of many circumstance has made the cost and availability of marine insurance a serious problem for broad sectors of the fishing fleet. Just as the pressure of foreign fishing necessitated a change in Federal law, this most recent crisis in marine insurance will require some significant changes in law before any improvement can occur.

H.R. 5013 limits the liability of vessel owners to lost earnings and medical or hospital costs for injured seamen. Unlike current law, the vessel owners could not be sued for additional charges such as pain and suffering. The intent here is not to unduly limit legitimate damages to injured seamen, but to provide more readily available insurance at a more affordable cost.

During development of H.R. 5013 it became apparent that neither the safety nor insurance problems could be dealt with in isolation. The interrelation of high loss rates for large fishing vessels and the cost of insurance cannot be ignored despite the many other factors that obviously contribute to high insurance premiums. Like most good compromises then, H.R. 5013 demands all affected parties to give up a little in the hope of fashioning a constructive approach to the industry's problems.

Mr. Speaker, I do not believe H.R. 5013 will in itself solve the fishing safety and insurance crisis. But it certainly represents an important and urgently needed first step. I would hope my colleagues approve this legislation without delay, and I join with other members of the Merchant Marine and Fisheries Committee in urging the Senate to act expeditiously on this measure as well.

Mr. JONES of North Carolina. Mr. Speaker, I yield 45 seconds to the gentleman from Delaware [Mr. CARPER].

□ 1415

Mr. CARPER. Mr. Speaker, I rise as a member of the Committee on Merchant Marine and Fisheries in strong support of the Commercial Fishing Vessel Liability and Safety Act.

Fishermen in this country and around the world have always been an independent lot, depending on their own wiles and resources to meet the challenges and dangers of their work. In this modern day and age, however, they have met a challenge they cannot overcome without our help. It is virtually impossible for many of our commercial fishermen to obtain insurance to protect their investments and their crews. So, at a time when our fishing industry is being hammered by foreign competition, these fishermen find themselves tied up in port, stuck between the proverbial rock and hard place.

This bill takes a significant step to address the fundamental problems that are keeping these fishermen at home where they don't belong. Fighting off the temptation to lay blame at one doorstep or the other, the Merchant Marine and Fisheries Committee has ably crafted a package which provides the industry much-needed assistance with an important quid pro quo—in order to take advantage of the liability limitations of this legislation, fishermen must clean up their act by meeting certain safety standards.

We all know that fishing is a hazardous occupation under any circumstances; the least we can do is ensure that the law provides adequate incentives to best protect fishermen and their crews in a very dangerous environment. This bill provides those incentives, and I urge my colleagues to support its passage.

Mr. JONES of North Carolina. Mr. Speaker, I yield 45 seconds to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding me this time.

I join my colleague, the gentleman from New Jersey [Mr. HUGHES], in asking that you take another look at this piece of legislation. We have heard quite a lot about the poor insurance companies, that they are not making any money. I assure you, things have never been better in the liability insurance business.

Take this figure: in 1985 there will be a $1.7 billion net profit after taxes for the property casualty industry and when you add that to the reserves they are putting away, the profit will be $3.8 billion.

The Judiciary Committee has asked the insurance companies, because as you know they are exempt from the antitrust laws, and we are studying that exemption, to give us their figures on profit and loss, and they will not give them to us.

Now, lastly, Mr. Speaker, do not expect insurance premiums to go down with the enactment of this bill. More than 34 States have put similar caps on liability, have said to the consumer, "When you are injured, you are entitled only to a limited sum." And in not

one instance have the insurance premiums gone down.

Mr. JONES of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. Mr. Speaker, I thank the gentleman for yielding these 2 minutes to me.

I rise in support of H.R. 5013, a bill that I believe will materially assist our commercial fishing vessel industry and that will provide greater protection to those who earn a living by venturing out into the perils of the sea.

I want to compliment Chairman JONES, Mr. YOUNG, and, particularly, Chairman STUDDS who served as the catalyst for the development and prompt consideration of this bill. As Chairman of the Subcommittee on Merchant Marine—the subcommittee that has jurisdiction over admiralty issues, including maritime liability, limitation of liability, and marine insurance—I have no problem in supporting a specialized system of liability and compensation for a specialized segment of the maritime industry. I am particularly pleased with inclusion of extensive fishing vessel safety requirements.

Simply stated, this legislative package:

Establishes a new system of liability and compensation for crewmembers of commercial fishing vessels, who suffer a loss as a result of an illness, disability, or injury, or who are killed during the course of their employment;

Requires commercial fishing vessels to comply with certain safety equipment, and operating requirements; and

Is expected to facilitate the availability and adequacy of affordable insurance for the payment of claims against the owner of the vessel or the employer of the seaman.

This legislation was not, however, developed hastily. For a number of years, the committee has been concerned with the availability of insurance and its costs for vessels engaged in commercial fishing operations. The committee has also been gravely concerned about the safety of fishing vessels and the individuals on board.

During this Congress, the committee's extensive involvement included numerous field hearings around the coastal regions of the United States and many legislative hearings here in Washington. We heard from all interested parties.

This legislation protects the fisherman by providing him with reasonable maintenance and cure payments for temporary illness, disability, or injury.

In those cases when the injury arises out of the gross negligence or willful misconduct of the owner-employer, or if there is a failure to comply with the maintenance and cure obligations, then the owner-employer's liability is unlimited.

This legislation protects the owner-employer by establishing a $500,000-per-person-per-incident limit of liability when the illness, disability, or injury is permanent.

The safety requirements provided for in this bill will benefit everyone associated with the commercial fishing vessel industry. I do not want to repeat all the measures, but I would like to mention a few.

In addition to firefighting and lifesaving devices, the bill would require all fishing vessels to carry visual distress signals. Those that operate on the high seas will also have to carry emergency position-indicating radio beacons, lifeboats, exposure suits, and radio equipment. The Coast Guard is given the authority to prescribe regulations for safety equipment that would minimize the risk of injury to seamen during vessel operations.

Due to the large number of vessel capsizings, the Coast Guard is required to prescribe regulations for the operating stability of newly built commercial fishing industry vessels or existing vessels that are substantially altered. Many fishing vessels operate in hazardous waters where vessel stability is vital to the safety of the vessel and the survival of those on board. It is not uncommon for a vessel to be altered to engage in a new fishery, or to have significant amounts of equipment or topside weights added, which may materially alter its seakeeping characteristics, making it unstable. New authority to prescribe regulations for the operating stability of a fishing, fish processing, or fish tender vessel should reduce the number of capsizings and sinkings.

The bill establishes a commerical fishing industry vessel advisory committee. The membership will be composed of knowledgeable individuals who will be a valuable resource to the Coast Guard in developing safety regulations at a negligible cost to the Federal Government.

This legislation balances the interests of all parties, it is necessary to the survival of our commerical fishing industry and for the welfare and safety of our fishermen.

H.R. 5013 has committee bipartisan support and the support of the industry in general. I understand that the Senate is very interested in moving similar legislation. I urge all Members to vote for its enactment.

Mr. JONES of North Carolina. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, this bill is the product of 2 years of careful consideration. It did not spring suddenly upon this committee or upon this House. It would benefit those who own or those who work on fishing vessels. It will benefit those whose job it is to rescue fisheries lost or injured at seas. It will benefit everyone, except trial lawyers, and it is no coincidence that theirs is the only voice raised in opposition to this legislation.

It is supported by working fisherman and boat owners on the Atlantic coast, the gulf coast, the Pacific coast, and the distant waters of Alaska so ably represented by the ranking member of this committee.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. JONES of North Carolina. Mr. Speaker, in conclusion, let me emphasize as strongly as I can this is a safety measure basically. For the first time, as has been stated here, the commercial fishermen are going to have to provide and the vessel owners are going to have to provide certain protective equipment.

Second, I think it is most startling and important to note that in the hearings throughout this country the main people supporting vigorously, without reservation, this legislation were the families of those who had been injured on commercial fishing vessels or in some cases, even worse, were those supporting this bill enthusiastically with no opposition whatsoever, so I urge that you vote for what I consider is legislation of vital importance.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 5013, the Fishing Vessel Safety and Liability Act.

The dual problems of escalating insurance rates in the commercial fishing industry and safety aboard fishing vessels are of great concern to thousands of Americans who earn their living in the fishing industry. H.R. 5013 establishes a new system of liability and compensation for crewmembers of commercial fishing industry vessels who suffer an illness, disability or injury, or are killed during the course of their employment. The bill also requires commercial fishing industry vessels to comply with certain safety equipment and operating requirements. I believe this legislation will facilitate the availability and adequacy of affordable insurance for the payment of claims against the owner of the vessel or the employer of the seaman.

Mr. JONES of North Carolina. Mr. Speaker, I yield back the balance of my time.

Mr. LAFALCE. Mr. Speaker, the situation that exists within the maritime industry today with regard to the availability and affordability of liability insurance for fishing vessels is a matter of grave concern to all of us. Fishing vessels from Maine to Alaska are unable to obtain liability insurance, or when they are able to obtain insurance, they must pay 200 to 300 percent more in premiums today than they paid in 1984. Since many fishing vessels are owned by private individuals or small companies, this increase in premium rates has created an economic hardship. Many fishing vessels are either having to postpone maintenance or other necessary business expenditures in order to pay the increased rates or they are "going bare," which means they are

operating without liability insurance. This creates a situation in which the business is not able to maintain an adequate level of financial protection in the event of an unforeseen accident.

I agree that some action is necessary to protect the owners and employees of the commercial fishing industry. However, I am not convinced that H.R. 5013 adequately addresses or solves this liability problem. In the series of hearings on the liability insurance crisis which are currently being held by the Subcommittee on Economic Stabilization, which I chair, we have found no empirical evidence to support the insurance industry's claim that the liability crisis has been caused by increased litigation claims and settlements. Therefore, I feel it is premature to enact legislation that would set a "cap" on the amount of awards which could be given to an individual seamen who has been disabled, injured or died due to a work-related accident or other incident. Until we have established an empirical basis for setting such "cap" on liability awards, we should be extremely cautious in setting such a precedent as the one envisioned in this legislation. Also, setting caps on awards will not necessarily lead to lower premium rates and greater availability of liability coverage for the commerical fishing vessels.

What we need is additional evidence and information regarding the liability crisis in the commercial fishing industry. As the Maritime Committee of the AFL-CIO has argued, we need to consider this bill much more carefully and perhaps hold additional hearings on proposed solutions to the liability problems before we move ahead with inappropriate or inadequate legislation.

The SPEAKER pro tempore (Mr. SMITH of Florida). The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 5013, as amended.

The question was taken; and on a division (demanded by Mr. SENSENBRENNER) there were—ayes 9, noes 7.

Mr. STUDDS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION MARINE FISHERIES PROGRAM AUTHORIZATION ACT OF 1985

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 991) to provide authorization of appropriations for certain fisheries activities, as amended.

The Clerk read as follows:

S. 991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FISHERIES CONSERVATION AND MANAGEMENT

SECTION 101. REFERENCE.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a title, section, subsection, paragraph, or other provision, the reference shall be considered to be made to a title, section, subsection, paragraph, or other provision of the Act entitled "An Act to provide for the conservation and management of the fisheries, and for other purposes", approved April 13, 1976 (Public Law 94-265, 90 Stat. 331 et seq.).

SEC. 102. UNITED STATES RIGHTS AND AUTHORITY REGARDING FISH AND FISHERY RESOURCES WITHIN THE EXCLUSIVE ECONOMIC ZONE.

(a) DEFINITION OF EXCLUSIVE ECONOMIC ZONE.—Section 3 (16 U.S.C. 1802) is amended—

(1) by striking out paragraph (8);

(2) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(3) by inserting immediately after paragraph (5) the following new paragraph:

"(6) The term 'exclusive economic zone' means the zone established by Proclamation Numbered 5030, dated March 10, 1983. For purposes of applying this Act, the inner boundary of that zone is a line coterminous with the seaward boundary of each of the coastal States.".

(b) AUTHORITY REGARDING EXCLUSIVE ECONOMIC ZONE.—Title I (16 U.S.C. 1811-1813) is amended to read as follows:

"TITLE I—UNITED STATES RIGHTS AND AUTHORITY REGARDING FISH AND FISHERY RESOURCES

"SEC. 101. UNITED STATES SOVEREIGN RIGHTS TO FISH AND FISHERY MANAGEMENT AUTHORITY.

"(a) IN THE EXCLUSIVE ECONOMIC ZONE.—Except as provided in section 102, the United States claims, and will exercise in the manner provided for in this Act, sovereign rights and exclusive fishery management authority over all fish, and all Continental Shelf fishery resources, within the exclusive economic zone.

"(b) BEYOND THE EXCLUSIVE ECONOMIC ZONE.—The United States claims, and will exercise in the manner provided for in this Act, exclusive fishery management authority over the following:

"(1) All anadromous species throughout the migratory range of each such species beyond the exclusive economic zone; except that that management authority does not extend to any such species during the time they are found within any foreign nation's territorial sea or exclusive economic zone (or the equivalent), to the extent that that sea or zone is recognized by the United States.

"(2) All Continental Shelf fishery resources beyond the exclusive economic zone.

"SEC. 102. EXCLUSION FOR HIGHLY MIGRATORY SPECIES.

"The sovereign rights and exclusive fishery management authority asserted by the United States under section 101 over fish do not include, and may not be construed to extend to, highly migratory species of fish.".

(c) CONFORMING AMENDMENTS.—The Act referred to in section 101 of this Act is amended—

(1) by amending section 2—

(A) by amending paragraph (1) of subsection (b) to read as follows:

"(1) to take immediate action to conserve and manage the fishery resources found off the coasts of the United States, and the anadromous species and Continental Shelf fishery resources of the United States, by exercising (A) sovereign rights for the purposes of exploring, exploiting, conserving, and managing all fish except highly migratory species, within the exclusive economic zone established by Presidential Proclamation 5030, dated March 10, 1983, and (B) exclusive fishery management authority beyond the exclusive economic zone over such anadromous species and Continental Shelf fishery resources;", and

(B) by amending paragraph (5) of subsection (c) to read as follows:

"(5) to support and encourage active United States efforts to obtain internationally acceptable agreements which provide for effective conservation and management of fishery resources.",

(2) by striking out "fishery conservation zone" each place it appears therein and inserting "exclusive economic zone"; and

(3) by amending the entry for title I in the table of contents to read as follows:

"TITLE I—UNITED STATES RIGHTS AND AUTHORITY REGARDING FISH AND FISHERY RESOURCES

"Sec. 101. United States sovereign rights to fish and fishery management authority.

"Sec. 102. Exclusion for highly migratory species.".

SEC. 103. BILATERAL AGREEMENTS REGARDING FOREIGN FISHING.

Section 201(e) (16 U.S.C. 1821(e)) is amended—

(1) by striking out clause (viii) of subsection (e)(1)(E) and inserting the following:

"(viii) whether, and to what extent, such nation is extending to vessels of the United States substantially the same fishing privileges with respect to fishery resources under its authority as the United States extends to vessels of that nation with respect to fishery resources under United States authority; and

"(ix) such other matters as the Secretary of State, in cooperation with the Secretary, considers appropriate.";

(2) by inserting "or (3)" after "paragraph (1)" in paragraph (2)(B); and

(3) by adding at the end thereof the following new paragraph:

"(3)(A) Subject to subparagraph (C), the Secretary of State may initiate and conduct negotiations with any foreign nation, with which there is in effect a governing international fishery agreement, for the purpose of entering into a bilateral agreement that—

"(i) is effective for all, or any portion, of the period in which the governing international fishery agreement is in effect;

"(ii) requires each party to implement during the effective period of the bilateral agreement the respective obligations referred to in subparagraph (B);

"(iii) contains such other understandings and commitments on the part of the parties as may be necessary or appropriate to accomplish the purposes of the bilateral agreement; and

"(iv) provides, and specifies the procedures, for the resolution of disputes that may arise with respect to the exercise of the rights and obligations of the parties under the bilateral agreement.

"(B) A bilateral agreement entered into under the authority of this paragraph—

"(i) may obligate the United States, during the effective period of that agreement—

"(I) to exempt the foreign nation from the provisions of paragraph (1) (C) and (D),

"(II) to guarantee the foreign nation, for each harvesting season within the effective period of that agreement, a specified percentage of the total allowable level of foreign fishing in one or more United States fisheries;

"(III) to a reduction or elimination of the fees imposed on the vessel of that nation under section 204(b)(10); and

"(ii) may obligate the foreign nation—

"(I) to specify those actions that it will take during the effective period of that agreement to benefit the United States in regard to the issues referred to in paragraph (1)(E)(i), (ii), (iii), (v), (vii), and (viii), and

"(II) to limit its exports of fish products to the United States during that effective period.

"(C) The Secretary of State may initiate and conduct negotiations under subparagraph (A) only if the Secretary of State and the Secretary, after consultation with the appropriate Councils, mutually agree upon the objectives to be obtained through the negotiations.

"(D) A bilateral agreement entered into under this paragraph may become effective with respect to the United States only as provided for under section 203.".

SEC. 104. CONGRESSIONAL OVERSIGHT.

Section 203 (16 U.S.C. 1823) is amended—

(1) by amending the section heading by inserting "AND OTHER BILATERAL AGREEMENTS" before the period;

(2) by inserting after the first sentence of subsection (a) the following new sentence: "No bilateral agreement entered into under section 201(e)(3) shall become effective with respect to the United States before the close of the first 30 calendar days of continuous session of Congress after the date on which the President transmits to the House of Representatives and to the Senate a document setting forth the text of that agreement."; and

(3) by amending subsection (d)(2)(A) to read as follows:

"(A) the effect of which is to prohibit the entering into force and effect of any governing international fishery agreement, or any bilateral agreement entered into under section 201(e)(3), the text of which is transmitted to the Congress under subsection (a) of this section; and".

SEC. 105. FOREIGN FISHING PERMITS.

Section 204(b) (16 U.S.C. 1824(b)) is amended—

(1) by adding at the end of paragraph (1) the following new sentence: "No permit issued under this section may be valid for longer than a year; and section 558(c) of title 5, United States Code, does not apply to the renewal of any such permit.";

(2) by striking out ", upon its request" in paragraph (4)(C);

(3) by amending paragraph (6) by inserting ", or he may disapprove all or any portion of the application" immediately before the period at the end of subparagraph (A); and

(4) by amending paragraph (12) to read as follows:

"(12) SANCTIONS.—(A) If any foreign fishing vessel has been used in the commission of any act prohibited by section 307, or if the owner or operator of the vessel has committed such an act, the Secretary may, or if any civil penalty imposed under section 308 or any criminal fine imposed under section 309 has not been paid and is overdue, the Secretary shall—

"(i) revoke such permit, if any, issued for the vessel under this subsection, with or without prejudice to the right of the foreign nation involved to obtain a permit for such vessel in any subsequent year;

"(ii) suspend such permit for the period of time deemed appropriate;

"(iii) deny a permit under this subsection to the vessel; or

"(iv) impose additional conditions and restrictions on the approved application of the foreign nation involved and on any permit issued under that application.

Any permit which is suspended under this subparagraph for nonpayment of a civil penalty shall be reinstated by the Secretary upon the payment of such civil penalty together with interest thereon at the prevailing rate.

"(B) The Secretary may temporarily deny or suspend the permit of any foreign fishing vessel pending the outcome of any administrative proceeding respecting a violation of section 307 of this Act if the Secretary determines that—

"(i) based upon information available to the Secretary, there are reasonable grounds to believe that the vessel has been used in the commission of such violation;

"(ii) immediate suspension of fishing privileges would serve the purposes of this Act; and

"(iii) either—

"(I) the violation presents a serious threat to the public interest,

"(II) the violation presents a serious threat to the achievement of any purpose or policy of this Act, or

"(III) the owner or operator of the vessel has been involved in a prior violation of this Act.

In applying this subparagraph—

"(I) the Secretary must notify the vessel owner of the proposed denial or suspension and give the owner a reasonable opportunity, not longer than 10 days from service of notice, to respond in writing or otherwise;

"(II) if a permit is denied or suspended under this subparagraph, any administrative proceeding respecting the violation at issue must be held as promptly as possible; and

"(III) if another permit application is pending for such vessel on or after the date of the violation, the Secretary need not act on that application before deciding whether or not to deny or suspend temporarily a permit under this subparagraph.".

SEC. 106. HEALTH AND SAFETY STANDARDS FOR FOREIGN FISHING VESSELS.

(a) STANDARDS FOR UNITED STATES OBSERVERS.—Subsection (i) of section 201 (19 U.S.C 1821(i)) is amended—

(1) by inserting "(A)" after "(1)" in paragraph (1);

(2) by inserting at the end of paragraph (1) the following new subparagraph:

"(B) The Secretary shall by regulation prescribe minimum health and safety standards that shall be maintained aboard each foreign fishing vessel with regard to the facilities provided for the quartering of, and the carrying out of observer functions by, United States observers."; and

(3) by amending subparagraph (B) of paragraph (2) to read as follows:

"(B) the time during which a foreign fishing vessel will engage in fishing within the exclusive economic zone will be of such short duration that the placing of a United States observer aboard the vessel would be impractical; or".

(b) COMPLIANCE WITH VESSEL SAFETY STANDARDS OF THE FLAG COUNTRY.—Paragraph (3) of section 204(b) (16 U.S.C. 1824(b)(3)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by inserting "and" after the semicolon at the end of subparagraph (F); and

(3) by adding after subparagraph (F) the following new subparagraph:

"(G) all applicable vessel safety standards imposed by the foreign country, and shall include written certification that the vessel is in compliance with those standards;".

SEC. 107. REGIONAL FISHERY MANAGEMENT COUNCILS.

(a) VOTING MEMBERS.—(1) Subsection (b) of section 302 (16 U.S.C. 1852(b)) is amended as follows:

(A) Paragraph (2)(A) is amended to read as follows:

"(2)(A) The members of each Council required to be appointed by the Secretary must be individuals who are knowledgeable and experienced with regard to the conservation and management, or the recreational or commercial harvest, of the fishery resources of the geographical area concerned. The Secretary, in making appointments under this section, shall ensure a fair apportionment, on a rotating or other basis, of the active participants (or their representatives) involved in the fisheries under Council jurisdiction.".

(B) Paragraph (2)(B) is amended—

(i) by adding after the first sentence thereof the following new sentence: "A Governor may not submit the names of individuals to the Secretary for appointment unless the Governor has first consulted with representatives of the commercial and recreational fishing interests of the state regarding those individuals.";

(ii) by striking out "knowledge or experience" in the third sentence thereof and inserting "knowledge and experience"; and

(iii) by adding at the end thereof the following new sentence: "An individual is not eligible for appointment by the Secretary until that individual complies with the applicable financial disclosure requirements under subsection (k).".

(C) Paragraph (3) is amended to read as follows:

"(3) Each voting member appointed to a Council by the Secretary in accordance with subsection (b)(2) shall serve for a term of 3 years; except that the Secretary may designate a shorter term if necessary to provide for balanced expiration to terms of office.".

(2) The amendments made by paragraph (1) shall apply with respect to voting members of regional fishery management councils who are appointed, and to individuals who are nominated for appointment as voting members, on or after the date of the enactment of this Act.

(b) COUNCIL COMMENT ON FEDERAL AND STATE ACTION AFFECTING HABITAT.—Section 302 is further amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by adding after subsection (h) the following new subsection:

"(i) FISHERY HABITAT CONCERNS.—Each Council may comment on, or make recommendations concerning, any activity undertaken, or proposed to be undertaken, by any State or Federal agency that, in the view of the Council, may affect the habitat of a fishery resource under its jurisdiction. Within 45 days after receiving such a comment or recommendation from a Council, a Federal agency must provide a detailed response, in

writing, to the Council regarding the matter.".

(c) CLOSURE OF MEETINGS.—Paragraph (4) of section 302(j) (as redesignated by subsection (b)) is amended by striking out "; except that" and all that follows thereafter and inserting "; except that such procedures, in the case of statistics submitted to the Council by a State or by the Secretary under section 303(d), must be consistent with the laws and regulations of that State, or with the procedures of the Secretary, as the case may be, concerning the confidentiality of the statistics.".

(d) COMMITTEES AND PANELS.—Subsection (j) (as redesignated by subsection (b)) of section 302 is further amended by adding at the end thereof the following new paragraph:

"(5) Each Council shall specify those procedures that are necessary or appropriate to ensure that the committees and advisory panels established under subsection (g) are involved, on a continuing basis, in the development and amendment of fishery management plans.".

(e) DISCLOSURE OF FINANCIAL INTEREST.—(1) Section 302 is further amended by adding at the end thereof the following new subsection:

"(k) DISCLOSURE OF FINANCIAL INTEREST.—(1) For purposes of this subsection, the term "affected individual" means an individual who—

"(A) is nominated by the Governor of a State for appointment as a voting member of a Council in accordance with subsection (b)(2);

"(B) is a voting member of a Council appointed under subsection (b)(2); or

"(C) is the executive director of a Council.

"(2) Each affected individual must disclose any financial interest held by—

"(A) that individual;

"(B) the spouse, minor child, or partner of that individual; and

"(C) any organization (other than the Council) in which that individual is serving as an officer, director, trustee, partner, or employee;

in any harvesting, processing, or marketing activity that is being, or will be, undertaken within any fishery over which the Council concerned has jurisdiction.

"(3) The disclosure required under paragraph (2) shall be made—

"(A) in the case of an affected individual referred to in paragraph (1)(A), before appointment by the Secretary; and

"(B) in the case of an affected individual referred to in paragraph (1) (B) or (C), within 45 days of taking office.

"(4) An affected individual referred to in paragraph (1) (B) or (C) must update his or her disclosure form at any time any such financial interest is acquired, or substantially changed, by any person referred to in paragraph (2) (A), (B), or (C).

"(5) The financial interest disclosures required by this subsection shall—

"(A) be made on such forms, in accordance with such procedures, and at such times, as the Secretary shall by regulation prescribe; and

"(B) be kept on file, and made available for public inspection at reasonable hours, at the Council offices.

"(6) The participation by an affected individual referred to in paragraph (1) (B) or (C) in an action by a Council during any time in which that individual is not in compliance with the regulations prescribed under paragraph (5) may not be treated as cause for the invalidation of that action.

"(7) Section 208 of title 18, United States Code, does not apply to an affected individual referred to in paragraph (1) (B) or (C) during any time in which that individual is in compliance with the regulations prescribed under paragraph (5).".

(2) For purposes of applying subsection (k) of section 302 (as added by paragraph (1)) to voting members and executive directors of regional fishery management councils who are serving in those capacities on the date on which the regulations prescribed to carry out that subsection first take effect, each such member or director must file a disclosure form under that subsection within 45 days after that date.

SEC. 108. FISHERY MANAGEMENT PLANS; DISCLOSURE OF CONFIDENTIAL STATISTICS.

(a) REQUIRED PROVISIONS.—(1) Section 303(a) (16 U.S.C. 1853(a)) is amended—

(A) by striking out "and" at the end of paragraph (4);

(B) by striking out the period at the end of paragraph (5) and inserting a comma; and

(C) by adding after paragraph (5) the following new paragraphs:

"(6) consider, and may provide for, temporary adjustments, after consultation with the Coast Guard and persons utilizing the fishery, regarding access to the fishery for vessels otherwise prevented from harvesting because of weather or other ocean conditions affecting the safety of the vessels; and

"(7) include readily available information regarding the significance of habitat to the fishery and assessment as to the effects which changes to that habitat may have upon the fishery.".

(2) The amendments made by paragraph (1) apply to each fishery management plan that—

(A) is submitted to the Secretary of Commerce for review under section 304(a), or that is prepared by the Secretary, after January 1, 1986; or

(B) is in effect on that date, but compliance with those amendments is not required except in conjunction with the amendment to the plan next occurring after that date.

(b) DISCRETIONARY PROVISIONS.—Section 303(b) (16 U.S.C. 1853(b)) is amended—

(1) by redesignating subparagraphs (A) through (F) of paragraph (6) as clauses (i) through (vi), respectively;

(2) by inserting "(1)" following the subheading and by redesignating paragraphs (1) through (8) as subparagraphs (A) through (H), respectively;

(3) by amending paragraph (F) (as redesignated by paragraph (2) of this subsection) by inserting "subject to paragraph (2)," immediately after "(F)";

(4) by redesignating subparagraphs (G) and (H) (as redesignated by paragraph (2) of this subsection) as subparagraphs (H) and (I), respectively;

(5) by inserting after subparagraph (F) the following new subparagraph:

"(G) if a limited access system is established under subparagraph (F), and subject to paragraph (2), establish a fishery compensation plan subject to subsection (f);"; and

(6) by adding at the end thereof the following new paragraph:

"(2)(A) No limited access system or fishery compensation plan referred to in paragraph (1)(F) and (G) may be approved or implemented by the Secretary under section 304 unless—

"(i) the system or plan, or both, are approved by not less than three-fourths of the voting members of the Council having jurisdiction over the fishery for which the system will be implemented; and

"(ii) the establishment of the system or plan, or both, is approved by at least two-thirds of the fishermen presently participating in that fishery.

"(B) No limited access system referred to in paragraph (1)(F) may be approved or implemented by the Secretary under section 304 unless the system prohibits the sale of all permits, shares, or rights that may be granted to fishermen who participate in the system.".

(c) DISCLOSURE OF CONFIDENTIAL STATISTICS.—The first sentence of section 303(d) (16 U.S.C. 1853(d)) is amended to read as follows: "Any statistic submitted to the Secretary by any person in compliance with any requirement under subsection (a)(5) shall be confidential and shall not be disclosed; except—

"(1) to National Marine Fisheries Service personnel and Council employees who are responsible for management plan development and monitoring; or

"(2) when required by court order.".

(d) FISHERY COMPENSATION PLANS.—Section 303 is further amended by adding at the end thereof the following new subsection:

"(f) FISHERY COMPENSATION PLANS.—(1) For purposes of this subsection, the term 'fishery compensation plan' means a plan, whether administered by the Secretary or by the States represented on the Council that established the plan, for compensating, in whole or in part, fishing vessel owners for the loss or reduction of livelihood that results from the implementation of a limited access system (intended to reduce overcapitalization in a particular fishery) under subsection (b)(1)(F), including, but not limited to, compensation through purchase of their vessels, financial assistance to modify vessels for use in other fisheries, or other financial remunerations as established by the Council. A fishery compensation plan shall be funded through fees levied under subsection (b)(1)(A).

"(2) In developing a fishery compensation plan, the Council and the Secretary shall take into account the factors listed in subsection (b)(1)(F)(i) through (vi) and the effect of the plan on the fishermen who will be displaced by the system.

"(3) All fees collected under a fishery compensation plan shall be deposited into the Fishery Compensation Fund established under paragraph (4).

"(4)(A) There is established in the Treasury of the United States a revolving fund known as the Fishery Compensation Fund (hereinafter in this paragraph referred to as the 'Fund'). Each fishery compensation plan established under subsection (b)(1)(G) shall have a separate account in the Fund and the fees collected under the program that are deposited into the Fund shall be credited to that account.

"(B) The Secretary shall withdraw funds credited to any account at such times and in such amounts as may be necessary for the administration of the fishery compensation plan concerned.".

(e) NORTHERN PACIFIC HALIBUT CONVENTION.—Section 5(c) of the Northern Pacific Halibut Act of 1982 (16 U.S.C. 773c(c)) is amended—

(1) by striking out ", including limited access regulations," and inserting ", including limited access and fishery compensation plan regulations,"; and

(2) by amending the second sentence thereof to read as follows: "Such regulations shall only be implemented with the approval of the Secretary, shall not discriminate between residents of different States, and shall be consistent with the limited entry system and fishery compensation plan criteria, and

the conditions on the approval thereof, set forth in subsections (b) and (f) of section 303 of the Magnuson Fishery Conservation and Management Act.".

SEC. 109. ACTION BY SECRETARY REGARDING FISHERY MANAGEMENT PLANS.

Section 304 (16 U.S.C. 1854) is amended as follows:

(1) Subsection (a) is amended—

(A) by striking out "(the date of receipt of which is hereafter in this section referred to as the 'receipt date')" in paragraph (1);

(B) by redesignating subparagraphs (A), (B), and (C) of paragraph (1) as subparagraphs (B), (C), and (D), respectively;

(C) by inserting immediately before subparagraph (B), as so redesignated, of paragraph (1) the following new subparagraph:

"(A) immediately make a preliminary evaluation of the management plan or amendment for purposes of deciding if it is consistent with the national standards and sufficient in scope and substance to warrant review under this subsection and—

"(i) if that decision is affirmative, implement subparagraphs (B), (C), and (D) with respect to the plan or amendment, or

"(ii) if that decision is negative—

"(I) disapprove the plan or amendment, and

"(II) notify the Council, in writing, of the disapproval and of those matters specified in subsection (b)(2) (A), (B) and (C) as they relate to the plan or amendment;";

(D) by amending subparagraph (C) (as so redesignated) of paragraph (1) by striking out "75-day" and inserting "60-day";

(E) by amending subparagraph (D) (as so redesignated) of paragraph (1) by striking out "30th day" and inserting "15th day";

(F) by amending paragraph (2)—

(i) by striking out "(1)(A)" and inserting "(1)(B)"; and

(ii) by striking out the period at the end of subparagraph (C) and inserting "and to fishery access adjustments referred to in section 303(a)(6).."; and

(G) by adding at the end thereof the following new paragraph:

"(3)(A) The Secretary shall take action under this section on any fishery management plan or amendment to a plan which the Council characterizes as being a final plan or amendment.

"(B) For purposes of this section, the term 'receipt date' means the 5th day after the day on which a Council transmits to the Secretary a fishery management plan, or an amendment to a plan, that it characterizes as a final plan or amendment."

(2) Subsection (b) is amended—

(A) by amending paragraph (1)(A) to read as follows:

"(A) the Secretary does not notify the Council in writing of—

"(i) his disapproval under subsection (a)(1)(A)(ii), or

"(ii) his disapproval, or partial disapproval, under paragraph (2), of the plan or amendment before the close of the 95th day after the receipt date; or";

(B) by striking out "75th day" in paragraph (1)(B) and inserting "60th day";

(C) by amending paragraph (2) by striking out "paragraph (1)(A)" and inserting "paragraph (1)(B)"; and

(D) by amending paragraph (3)—

(i) by striking out "If the Secretary" in subparagraph (A) and inserting "If the Secretary disapproves a proposed plan or amendment under subsection (a)(1)(A)(ii), or", and

(ii) by striking out "(a)(1)(A)" in each of subparagraphs (B)(i) and (C)(i) and inserting "(a)(1)(B)".

(3) Subsection (c) is amended—

(A) by striking out "75-day" in paragraph (2)(A)(ii) and inserting "60-day";

(B) by striking out "30th day" in paragraph (2)(A)(iii) and inserting "15th day"; and

(C) by striking out "75-day" wherever it appears in paragraph (2)(B) and inserting "60-day".

(4) Subsection (d) is amended by striking out the period at the end thereof and inserting the following: "; except that if fees are also used to fund a fishery compensation plan under section 303(b)(1)(G), the level of fees shall not exceed the administrative costs incurred in issuing the permits and the costs of funding that plan.".

(5) Subsection (e) is amended—

(A) by inserting ", in cooperation with the Councils," immediately after "maintain";

(B) by striking out "management," and inserting "management and on the economics of the fisheries,"; and

(C) by adding at the end thereof the following: "The Secretary shall annually review and update the comprehensive program and make the results of the review and update available to the Councils.".

SEC. 110. STATE JURISDICTION.

Section 306 (16 U.S.C. 1856) is amended as follows:

(1) Subparagraph (C) of subsection (a)(2) is amended by striking out "(for the purpose of regulating fishing for other than any species of crab)".

(2) Subsection (b) is amended to read as follows:

"(b)(1) If the Secretary finds, after notice and an opportunity for a hearing under section 554 of title 5, United States Code (unless an earlier action is required because the Secretary finds that an emergency exists), and then after consultation with the State that—

"(A) the fishing in a fishery, which is covered by a fishery management plan implemented under this title, is engaged in predominately within the exclusive economic zone and beyond such zone; and

"(B) the State has taken any action, or omitted to take any action, the results of which will substantially and adversely affect the carrying out of such fishery management plan;

the Secretary shall promptly notify the State and the appropriate Council of such finding and of his intention to regulate the applicable fishery within the boundaries of the State (other than its internal waters), pursuant to that fishery management plan and the regulations promulgated to implement that plan. The notification shall also inform the State that, at its request if promptly made, the Secretary will submit the matters involved in the finding to arbitration under such procedures as may be mutually agreeable to the Secretary and the State. The entering into arbitration between the Secretary and the State does not affect the authority of the Secretary to commence or continue regulation of the fishery under the authority of this paragraph.

"(2) If the Secretary assumes responsibility under paragraph (1) for the regulation of a fishery that is within the boundaries of a State but regarding which a hearing was not held under paragraph (1), the State may—

"(A) request a hearing in accordance with section 554 of title 5, United States Code, regarding the finding of the Secretary under paragraph (1), but the authority of the Secretary to regulate the fishery under paragraph (1) shall terminate on the 20th day after the date on which the hearing is requested unless the hearing and the Secretary's findings are completed before that day; or

"(B) apply to the Secretary for reinstatement of its authority over the fishery.

If after application under subparagraph (B) the Secretary finds that the reasons for which he assumed regulation of the fishery in the State waters no longer prevail, the Secretary shall promptly terminate that regulation.".

SEC. 111. SUBMISSION OF CERTAIN FALSE STATEMENTS A PROHIBITED ACT.

(a) Paragraph (1) of section 307 (16 U.S.C. 1857(1)) is amended—

(1) by striking out "or" at the end of subparagraph (G);

(2) by inserting "or" after the semicolon at the end of subparagraph (H); and

(3) by adding at the end thereof the following new subparagraph:

"(I) to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United States fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.".

(b) Section 309(a)(1) (16 U.S.C. 1859(a)(1)) is amended by striking out "or (H)" and inserting "(H), or (J)".

SEC. 112. CIVIL PENALTIES.

Section 308 (16 U.S.C. 1858) is amended—

(1) by amending the first sentence of subsection (b) to read as follows: "Any person against whom a civil penalty is assessed under subsection (a) may obtain review thereof in the United States district court for the appropriate district by filing a complaint in such court within 30 days from the date of such order and by simultaneously serving a copy of such complaint by certified mail on the Secretary, the Attorney General and the appropriate United States Attorney.";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting immediately after subsection (c) a new subsection (d) to read as follows:

"(d) IN REM JURISDICTION.—A fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used in the commission of an act prohibited by section 307 shall be liable in rem for any civil penalty assessed for such violation under section 308 and may be proceeded against in any district court of the United States having jurisdiction thereof. Such penalty shall constitute a maritime lien on such vessel which may be recovered in an action in rem in the district court of the United States having jurisdiction over the vessel.".

SEC. 113. ADMINISTRATIVE FORFEITURES.

(a) PROCEDURES.—Section 310 (16 U.S.C. 1860) is amended—

(1) by amending the second sentence of subsection (c) to read as follows: "The provisions of the customs laws relating to—

"(1) the seizure, forfeiture, and condemnation of property for violation of the customs law;

"(2) the disposition of such property or the proceeds from the sale thereof; and

"(3) the remission or mitigation of any such forfeiture;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, unless such provisions are inconsistent with the purposes, policy, and provisions of this Act."; and

(2) by adding at the end of subsection (d)(1) the following new sentence: "Nothing in this paragraph may be construed to require the Secretary, except in the Secretary's discretion or pursuant to the order of a court under section 311(d), to release on bond any seized fish or other property or the proceeds from the sale thereof.".

(b) JURISDICTION OF COURTS.—Section 311 (16 U.S.C. 1861) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) PAYMENT OF STORAGE, CARE, AND OTHER COSTS.—Notwithstanding any other provision of law, after September 30, 1986, the Secretary or the Secretary of the Treasury may pay from sums received as fines, penalties, or forfeitures of property for violations of any provision of this Act—

"(1) the reasonable and necessary costs incurred in providing temporary storage, care, and maintenance or seized fish or other property pending disposition of any civil or criminal proceeding alleging a violation of any provision of this Act with respect to that fish or other property; and

"(2) a reward to any person who furnishes information which leads to an arrest, conviction, civil penalty assessment, or forfeiture of property for any violation of any provision of this Act.

Any person assessed a civil penalty for, or convicted of, any violation of any provision of this Act shall be liable for the cost incurred in storage, care, and maintenance of any fish or other property seized in connection with the violation concerned.".

SEC. 114. REPEAL.

Section 401 (16 U.S.C. 1881; relating to the Law of Sea Treaty), and the entry referring to that section in the table of contents of the Act, are repealed.

SEC. 115. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—Section 406 (16 U.S.C. 1882) is amended by adding at the end thereof the following new paragraphs:

"(12) $69,000,000 for fiscal year 1986.

"(13) $70,800,000 for fiscal year 1987.".

(b) LIMITATIONS REGARDING CERTAIN NOAA FISHERY RESEARCH VESSELS.—During fiscal years 1986 and 1987, the Secretary of Commerce may not replace with chartered fishery survey vessels the fishery research vessels of the National Oceanic and Atmospheric Administration operated by the Atlantic Marine Center, unless a period of 90 days has expired after the Secretary has submitted to Congress a full and complete statement (including relevant supporting studies) concerning the proposed chartering and the reasons therefor.

SEC. 116. CLERICAL AMENDMENTS.

Section 3(4) (16 U.S.C. 1802(4)) is amended—

(1) by striking out "Artica islandica" in the listing of mollusks and inserting in lieu thereof "Arctica islandica"; and

(2) by striking out "Hippiospongia canaliculata" in the listing of sponges and inserting in lieu thereof "Spongia cheiris".

SEC. 117. DIRECTIONS REGARDING FISHERY MANAGEMENT COUNCIL MEMBERSHIP.

Notwithstanding section 302 of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1852) and effective on and after the date of the enactment of this Act, the Secretary shall take action to ensure, to the extent practicable, that those persons dependent for their livelihood upon the fisheries within the respective jurisdictions of the Regional Fishery Management Councils are fairly represented as voting members of the Councils.

TITLE II—SEAFOOD MARKETING COUNCILS

SEC. 201. SHORT TITLE.

This title may be cited as the "Seafood Marketing Councils Act".

SEC. 202. FINDING.

The Congress finds that it is in the national interest to promote the consumption of fish and fish products.

SEC. 203. PURPOSES.

The purposes of this title are to—

(1) strengthen the competitive position of the United States seafood industry in the domestic and international marketplace;

(2) encourage the development and utilization of all species of fish available for harvest by the United States industry;

(3) encourage the utilization of domestically produced fish and fish products through market enhancement, promotion, and public relations;

(4) encourage the United States fishing industry to develop methods to improve product quality and efficiency in the marketplace;

(5) educate and inform consumers on the use of fish and fish products;

(6) educate and inform the public about the nutritional and dietary value of fish and fish products; and

(7) enhance the role of the private sector in promoting the consumption of fish and fish products.

SEC. 204. DEFINITIONS.

As used in this title—

(1) The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) The term "council" refers to a seafood marketing council established under section 205.

(3) The term "consumer education" means actions undertaken to inform consumers on matters related to the consumption of fish and fish products.

(4) The term "fish" means finfish, mollusks, crustaceans, and all other forms of marine and freshwater life used for human consumption.

(5) The term "fish processing vessel" means a vessel that is used for the preparation of fish or fish products, other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing or brine chilling, for commercial sale.

(6) The term "fish product" means a product used for human consumption that consists, in whole or in part, of fish.

(7) The term "handle" means—

(A) the sale of fish and fish products by harvesters to receivers;

(B) the purchase of fish and fish products by receivers from harvesters; or

(C) the importation of fish and fish products by importers.

(8) The term "marketing and promotion" means an activity aimed at encouraging the consumption of fish and fish products or expanding or maintaining commercial markets for fish and fish products.

(9) The term "person" means—

(A) any individual who is a citizen or national of the United States;

(B) any group of individuals described in subparagraph (A); or

(C) any partnership, corporation, association, cooperative, or other private entity organized or existing under the laws of the United States or any State, commonwealth, territory, or possession of the United States.

(10) The term "quality standard" means a standard reflecting the relative degree or level of excellence of a fish or fish product.

(11) The term "research" means any type of research designed to advance the image, desirability, usage, marketability, production or quality of fish and fish products.

(12) The term "sector" means any of the following:

(A) The harvesting sector consisting of persons in the business of catching fish for purposes of sale.

(B) The importing sector consisting of persons in the business of importing fish or fish products into the United States or who act as agents, brokers, or consignees for any person or nation that produces fish or fish products outside of the United States for sale in the United States.

(C) The marketing sector consisting of persons in the business of selling fish or fish products in the wholesale, retail, or restaurant trade, but whose primary business function is not the processing or packaging of fish or fish products.

(D) The processing sector consisting of persons in the business of preparing or packaging fish or fish products for sale and who are not receivers.

(E) The receiving sector consisting of owners of fish processing vessels and of persons in the business of acquiring fish directly from harvesters.

(F) The consumer sector consisting of persons professionally engaged in the dissemination of information pertaining to the nutritional benefits and preparation of fish and fish products.

(13) The term "United States" means the several States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands and any other territory, possession, or commonwealth of the United States.

SEC. 205. COUNCIL ESTABLISHMENT.

(a) IN GENERAL.—An application for a charter for a seafood marketing council for one or more species of fish and fish products of that species may be filed by persons who meet the requirements specified in accordance with subsection (b)(6).

(b) APPLICATION.—An application for a charter for a council shall be made by filing with the Administrator the text of a proposed charter in such form as shall be prescribed by regulation by the Administrator. The text of a proposed charter must contain such information as the Administrator considers necessary or appropriate for carrying out the provisions of this title, including but not limited to—

(1) the name of the council and a provision proclaiming its establishment;

(2) a declaration of the purposes and objectives of the council;

(3) a description of the species of fish and the fish products for which the council will implement marketing and promotion plans under section 206;

(4) the identification of each sector and the number and terms of representatives thereof that will be represented as voting members of the council;

(5) the identification of those sectors (including harvesters, receivers and, if subject to assessment, importers) subject to a referendum to establish a council under subsection (e);

(6) a specification for each sector described under paragraph (5) of the mini-

mum requirements, as measured by income, volume, or other relevant factors, that a person engaging in business in the sector must meet in order to participate in that referendum;

(7)(A) a description of the procedures for determining assessment rates under section 208;

(B) the proposed rate or rates that will be imposed by the council on receivers and, if subject to assessment, importers during its first year of operation;

(C) the maximum amount an assessment rate for any period may be raised above the rate applicable for the immediately preceding period; and

(D) the maximum rate or rates that can be imposed by a council on receivers or importers during the operation of the council;

(8) a provision setting forth the definition of a quorum and the procedures for selecting a council chairman;

(9) a provision setting forth the voting procedures applicable to absentee council members; and

(10) such other provisions relating to council administration as the Administrator deems necessary.

The text of a proposed charter shall be accompanied by a document identifying, to the extent practicable by address of place of business, the persons (hereinafter referred to in this title as "sector participants") that are considered by the applicants to meet the requirements specified in paragraph (6). The text of a proposed charter shall include provisions setting forth procedures for providing refunds to those sector participants subject to assessment under section 208, and may also include provisions which establish a maximum limit on the amount that any one sector participant may be required to pay under an assessment for any period.

(c) COUNCIL REQUIREMENTS.—The Administrator may not approve a proposed charter filed under subsection (a) unless the proposed council meets the following requirements:

(1) The council must have voting members representing the harvesting, receiving and, if subject to assessment, the importing sectors.

(2) The members of a council shall serve without compensation, but shall be reimbursed for their reasonable expenses incurred in performing their duties as council members.

(d) APPROVAL OF PROPOSED CHARTERS BY ADMINISTRATOR.—(1) Within 180 days of the receipt of an application to establish a council, the Administrator shall—

(A) identify, to the extent practicable, those sector participants that meet the requirements, specified under subsection (b)(6), for eligibility to participate in the referendum under subsection (e);

(B) determine, to the extent practicable, if the charter is accompanied by a petition comprised of the signatures or corporate certifications, as the case may be, of no less than three sector participants in each sector identified in accordance with subsection (b)(5) who collectively accounted for, in the 12-month period immediately preceding the month in which the application was filed, not less than 10 percent of the value of the fish or fish products described in accordance with subsection (b)(3) that were handled by each sector identified in accordance with subsection (b)(5) during that period; and

(C) determine if the proposed charter is consistent with the provisions of this title and any other applicable law.

(2) If negative determinations are made under paragraph (1) regarding an application and charter, the Administration shall advise in writing the sector participants who made the application of the reasons therefor. A corrected application may be submitted thereafter to the Administrator for approval.

(e) REFERENDA.—(1) Upon making affirmative determinations under subsection (d)(1) regarding a proposed charter, the Administrator, within 90 days after the date of the last of those determinations, shall hold a referendum on the adoption of the proposed charter among all sector participants identified in accordance with subparagraph (d)(1)(A). If a majority of the voting sector participants in each sector who collectively accounted for, in the 12-month period immediately preceding the month in which the proposed charter was filed under subsection (a), 66 percent or more of the value of the fish or fish products described in accordance with subsection (b)(3) that were handled by that sector during that period approve the proposed charter, the Administrator shall by order establish the council and the proposed charter, as so approved, shall thereafter be treated as its charter.

(2) Not less than 30 days prior to holding a referendum under this subsection, the Administrator shall—

(A) publish (by such means as will result in wide publicity in regions affected by the proposed charter) the text of the proposed charter and a list of those sector participants eligible to vote in the referendum; and

(B) provide for public comment including the opportunity for a public meeting.

(3) The Administrator shall pay all costs of the referendum which establishes a council under this subsection; but within 2 years after the council is established, the council shall reimburse the Administrator for any expenses incurred for the conduct of the referendum from assessments collected by the council. Before holding a referendum under this subsection, the Administrator shall require sureties to post a bond or other security acceptable to the Administrator, in an amount which the Administrator determines to be sufficient to pay any expenses incurred for the conduct of the referendum, and shall immediately recover such amount if a referendum fails to establish the council. For the purpose of this title, the term "expenses incurred for the conduct of the referendum" shall not include salaries of Government employees or other administrative overhead, but shall be limited to those additional direct costs incurred in connection therewith.

(f) COUNCIL MEMBER APPOINTMENTS.—(1) Within 30 days after a council is established under subsection (e), the Administrator shall solicit from the sectors represented on the council nominations for council members. If the harvesters and receivers represented on the council are engaged in business in two or more regions of the United States, the nominations made under this paragraph, and the appointments to the council made under paragraph (3), must, to the extent practicable, result in representation for the constituent regions.

(2) No individual is eligible for nomination or appointment as a council member unless that individual is knowledgable and experienced with regard to the activities of the sector which that individual will represent on the council and is or has been actively engaged in the business of the sector which that individual will represent on the council.

(3) The Administrator, within 60 days after the close of the 30-day period in paragraph (1), shall appoint the members of the council from the nominees.

(4) A vacancy on a council shall be filled, within sixty days after the vacancy occurs, in the same manner in which the original appointment was made. A council member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(5) The Administrator shall remove any council member if the council concerned first recommends removal for cause by not less than two thirds of the council members. A removal recommendation of a council must be in writing and accompanied by a statement of the reasons upon which the recommendation is based.

(g) COUNCIL STATUS.—A council is not an instrumentality of the United States Government.

SEC. 206. FUNCTIONS AND POWERS OF COUNCILS.

(a) FUNCTIONS.—

(1) Each council shall—

(A) adopt a seal which shall be judicially noticed;

(B) implement all terms of its charter;

(C) prepare and submit to the Administrator, for review and approval under section 207(a)(1), a marketing and promotion plan and amendments thereto which contain descriptions of the projected consumer education, research, and other marketing and promotion activities of the council;

(D) implement and administer an approved marketing and promotion plan and amendments thereto;

(E) determine the assessments to be made under section 208 and administer the collection of the assessments to finance council expenses described in paragraph (2);

(F) receive, investigate and report to the Administrator accounts of violations of rules or orders relating to assessments collected pursuant to section 208, or quality standard requirements established under subsection (c);

(G) prepare and submit to the Administrator, for review and approval under section 207(a)(1), a budget (on a fiscal year basis) of the anticipated expenses and disbursements of the council including—

(i) all administrative and contractual expenses,

(ii) the probable costs of consumer education, research, and other marketing and promotion plans or projects,

(iii) the costs of the collection of assessments, and

(iv) the expense of repayment of the costs of each referendum conducted in regard to the council;

(H) maintain books and records, prepare and submit to the Administrator such reports from time to time as may be necessary for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it, and cause a complete audit report to be submitted to the Administrator at the end of each fiscal year;

(I) reimburse the Administrator for the expenses incurred for the conduct of the referendum to establish the council or a subsequent referendum to terminate the council that fails; and

(J) prepare and submit to the Administrator from time to time such reports or proposals as a council determines appropriate for furthering the purposes of this Act.

(2) Funds collected by a council under section 208 shall be used by the council for—

(A) research, promotion and consumer information activities regarding the quality and marketing of fish and fish products;

(B) other expenses as described in subsection (a)(1)(G);

(C) such other expenses for the administration, maintenance, and functioning of the council as may be authorized by the Administrator;

(D) any reserve fund established under subsection (b)(5) and any administrative expenses incurred by the Administrator specified as reimbursable under this Act.

(3) Marketing and promotion plans and amendments thereto prepared by a council under subsection (a)(1)(C) shall be designed to increase the general demand for fish and fish products described in accordance with section 205(b)(3) by encouraging, expanding, and improving the marketing, promotion and utilization of the fish and fish products, in domestic or foreign markets or both, through consumer education, research, and other marketing and promotion activities.

(4) Consumer education and other marketing and promotion activities carried out by a council under a marketing and promotion plan and amendments thereto may not contain references to any private brand or trade name and shall avoid the use of deceptive acts or practices in promoting fish or fish products or with respect to the quality, value, or use of any competing product or group of products.

(b) POWERS.—A council—

(1) may sue and be sued;

(2) may enter into contracts;

(3) may employ and determine the salary of an executive director who may, with the approval of the council, employ and determine the salary of such additional staff as may be necessary;

(4) may collaborate with other councils in establishing and implementing a national marketing and promotion plan for one or more species of fish or fish products; and

(5) may establish a reserve fund from monies collected and received under section 208 to permit an effective and sustained program of research, promotion, and consumer education regarding the quality and marketing of fish and fish products in years when production and assessment income may be reduced; but the total reserve fund may not exceed the amount budgeted for the current fiscal year of operation.

(c) QUALITY STANDARDS.—(1) A council may develop and submit to the Administrator for approval, or upon the request of a council the Administrator shall develop, quality standards for a fish or fish product described in accordance with section 205(b)(3). Any quality standard developed under this paragraph shall be consistent with the purposes of this title.

(2) A quality standard developed under paragraph (1) may be adopted by a council by a majority of the council members if first approved, in a referendum conducted by the council, by a majority of the voting sector participants of the sector concerned who collectively accounted for, in the 12-month period immediately preceding the month in which the referendum is held, not less than 66 percent of the value of the fish or fish products described in accordance with section 205(b)(3) that were handled by that sector.

(3) With respect to a quality standard adopted under paragraph (2), the council shall develop and file with the Administrator an official identification in the form of a symbol, stamp, label, or seal that will be used to indicate that a fish or fish product meets the quality standard at the time the official identification is affixed to the fish or fish product, or is affixed to or printed on the packaging material of the fish or fish product.

(4) The Administrator shall establish by regulation procedures for the use of an official identification filed with the Administrator under paragraph (3). Misuse of an official identification established under this section shall constitute a violation of this title.

(5) Before issuing final regulations under paragraph (4) the Administrator shall—

(A) publish the proposed regulations by such means as will result in wide publicity in affected regions; and

(B) provide for public comment and the opportunity for a public hearing.

(6) A council may receive, investigate and report to the Administrator accounts of violations of regulations issued under paragraph (4).

(7) Any regulation issued under paragraph (4) shall be immediately repealed by the Administrator upon the termination under section 211 of the council that developed the official identification to which the regulations apply.

(8) The procedures applicable to the adoption and the taking effect of a quality standard developed under this subsection also apply to the subsequent amendment or termination of the standard.

(d) CHARTER AMENDMENTS.—A council may submit to the Administrator amendments to the text of the council's charter. Any proposed amendments to a charter shall be approved or disapproved in the same manner as the original charter was approved under section 205(d) and (e) with the exception of section 205(d)(1)(B).

SEC. 207. FUNCTIONS AND POWERS OF THE ADMINISTRATOR.

(a) FUNCTIONS.—In addition to the duties prescribed under section 205, the Administrator shall—

(1) review, for consistency with the provisions of the Act and other applicable law, and approve or disapprove, marketing promotion plans and budgets within sixty days after their submission by a council;

(2) immediately notify a council in writing of the disapproval of a marketing and promotion plan or budget and reasons therefor;

(3) issue orders and amendments thereto that are necessary to implement quality standards under section 206(c);

(4) promulgate regulations necessary to carry out the purposes of this title;

(5) enforce the provisions of this title as provided under section 212; and

(6) make all appointments to the councils in accordance with section 205(f).

(b) POWERS.—The Administrator may provide, on a reimbursable or other basis, such administrative or technical assistance as the councils may request for purposes of the initial organization and subsequent operation of the Council.

SEC. 208. ASSESSMENTS.

(a) IN GENERAL.—A council shall impose and administer the collection of the assessments that are necessary to pay for all expenses incurred by the council in carrying out its functions under this title.

(b) NATURE OF ASSESSMENTS.—(1) Assessments shall be imposed on sector participants in the receiving sector or the importing sector or both as specified in an approved council charter.

(2) An assessment on sector participants in the receiving sector is—

(A) except for owners of fish processing vessels, in the form of a percentage of the value of the fish described in accordance with section 205(b)(3) when purchased by those participants from fish harvesters; and

(B) for owners of fish processing vessels, in the form of a percentage of the value of the fish described in accordance with section 205(b)(3) and harvested by such vessels that is no less than the value of those fish as determined in subparagraph (A).

(3) An assessment on sector participants in the importing sector is in the form of a percentage of the value, as determined for the purposes of the customs laws, of the fish or fish products described in accordance with section 205(b)(3) when entered, or withdrawn from warehouse for consumption, in the customs territory of the United States by those participants.

(c) EXCEPTIONS.—A council may not impose an assessment on any person that was not eligible to vote in the referendum establishing the council under section 205(e) by reason of failure to meet the requirements specified under section 205(b)(6).

(d) VOLUNTARY PAYMENTS.—Any person may make voluntary payments or in-kind contributions to a council for purposes of assisting the council in carrying out its functions.

(e) COUNCIL ACCOUNTS.—All funds collected or received by a council under this section shall be deposited by the council in an appropriate account in the name of the council specified in its charter. Funds eligible to be collected or received by a council shall be limited to those authorized under this section.

(f) CONFIDENTIALITY OF INFORMATION.—(1) Sector participants shall make available to the Administrator such information and data as is necessary for the effectuation, administration or enforcement of this title or any order or regulation issued pursuant to this title. Except as provided in paragraphs (2) and (3), any information obtained in carrying out this subsection shall be kept confidential by all officers and employees of the National Oceanic and Atmospheric Administration, independent accountants and other persons who have access to such information.

(2) If the Administrator or an employee of the United States Government is party to a suit or administrative action involving an assessment, order, or regulation issued unaer this title, the Administrator may disclose information obtained under paragraph (1) to the extent allowed by the judicial or administrative officer presiding over such suit or action.

(3) This subsection shall not prohibit—

(A) the issuance of general or statistical statements based upon reports of a number of persons subject to the provisions of this title which do not identify the information furnished by any person; or

(B) the publication by direction of the Administrator of the name of any person violating a requirement relating to the assessment imposed under section 208(a) or to quality standards implemented by the Administrator under section 206(c), and a statement of the particular provisions of the requirement violated by such person.

(4) Any individual who is required to keep information confidential under this subsection and who knowingly violates this subsection shall, upon conviction, be—

(A) subject to a fine of not more than $1,000 or to imprisonment for not more than one year, or both; and

(B) removed from office if an officer or employee of a council or the National Oceanic and Atmospheric Administration.

(g) PROHIBITION.—It shall be unlawful for any person to use the seal under section 206(a) or the official identification under section 206(c) unless such person is paying assessments under section 208 or has the express written permission of the council to use the seal or official identification. The Administrator shall issue regulations to implement this prohibition.

SEC. 209. PETITIONS.

(a) IN GENERAL.—Any person subject to assessment under section 208 may file a written petition with the Administrator alleging that—

(1) the assessment;

(2) the plan approved under section 207(a)(1) on which the assessment is based; or

(3) any obligation imposed under the plan;

is not in accordance with law and requesting the Administrator to modify, or take other appropriate action regarding the assessment or plan.

(b) PROCEDURAL REQUIREMENTS.—Petitions shall be in writing and filed within the period prescribed by the Administrator. A person who files a petition under this section shall be given an opportunity for a hearing regarding the petition in accordance with regulations issued by the Administrator. After hearing, or if no hearing is requested, after consideration of all documentation and other evidence, the Administrator shall make a ruling upon the petition.

SEC. 210. REFUNDS.

Notwithstanding any other provision of this title, any person who pays an assessment shall have the right to demand and promptly receive from the council a refund of such assessment. A demand for refund must be made in accordance with the procedures and within such time, as shall be prescribed by the council and as approved by the Administrator.

SEC. 211. COUNCIL TERMINATION.

(a) PETITION AND REFERENDUM.—(1) A petition to terminate a council may be filed with the Administrator by no less than three sector participants in any one sector. Any petition filed under this subsection shall be accompanied by a written document explaining the reasons for the petition.

(2) If the Administrator determines that a petition filed under paragraph (1) is accompanied by the signatures, or corporate certifications, as the case may be, of no less than three sector participants in a sector referred to in paragraph (1) who collectively accounted for, in the 12-month period immediately preceding the month in which the petition to terminate was filed, not less than 20 percent of the value of the fish or fish products described in accordance with section 205(b)(3) that were handled by that sector during that period, the Administrator, within 90 days after that determination, shall hold a referendum for termination of the council among all sector participants in that sector.

(3) Not less than 30 days before holding a referendum under this subsection, the Administrator shall publish a notice of such referendum including the document explaining the reasons for the petition filed under paragraph (1) and any other relevant information the Administrator deems appropriate.

(4) If a majority of the voting sector participants who, in the period referred to in paragraph (2), collectively accounted for not less than 66 percent of the value of such fish and fish products that were handled during that period by a sector referred to in paragraph (1) approve a referendum to terminate a council, the Administrator shall by order terminate the council effective as of a date by which the affairs of the council may be concluded on an orderly basis.

(5) The Administrator initially shall pay all costs of a referendum to terminate a council under this subsection. Before holding a referendum under this section, the Administrator shall require sureties to post a bond or other security acceptable to the Administrator in an amount which the Administrator determines to be sufficient to pay any expenses incurred for the conduct of the referendum.

(6)(A) If a referendum conducted under this section fails to result in the termination of the council, the Administrator shall immediately recover the amount of the bond posted by sureties under paragraph (5).

(B) If a referendum conducted under this section results in the termination of the council, the Administrator shall recover the expenses incurred for the conduct of the referendum from the account established by the council under section 208(e). If the amount remaining in such account is insufficient for the Administrator to recover all expenses incurred for the conduct of the referendum, the Administrator shall recover the balance of such expenses from the sureties that posted a bond under paragraph (5).

(b) RETURN OF ASSESSMENTS.—If a council is terminated under subsection (a), the Administrator, after recovering all expenses incurred for the conduct of the referendum under subsection (a), shall take such action as is necessary and practicable to ensure that moneys remaining in the account established by the council under section 208(e) are paid on a prorated basis to the sector participants from whom those moneys were collected under section 208.

SEC. 212. ENFORCEMENT.

(a) IN GENERAL.—(1) The district courts of the United States shall have jurisdiction specifically to enforce and to prevent and restrain any person from violating any assessment, order or regulation made or issued under this title.

(2)(A) If the council has reason to believe that a person subject to an assessment, order or regulation made or issued under this title is violating such assessment, order or regulation, it may refer the matter to the Administrator.

(B) Except as provided in subparagraphs (C) or (D), any civil action authorized to be brought under this subsection, when referred by a council under subparagraph (A), shall be referred to the Attorney General for appropriate action.

(C) If the Administrator believes that the administration and enforcement of the provisions of the title would be adequately served by taking administrative action under subsection (b) or providing written notice or warning to any person committing a violation of this title, the Administrator is not required to refer such violation to the Attorney General.

(D) Whenever a matter has been referred by a council under subparagraph (A) and the Administrator or the Attorney General fails within 60 days of such referral to take appropriate action, the council may, upon filing notice with the Administrator or Attorney General, as appropriate, and other interested parties, bring an action under its own name.

(b) PENALTIES.—(1)(A) When a council brings an action under subsection (a)(2), it shall be entitled to recover costs of litigation, and where the action is brought to collect an unpaid assessment, interest from the date the amount became due and payable.

(B) Any person who violates any provision of any order, (including a cease and desist order previously issued under this paragraph) or regulation issued by the Administrator under this title, or who fails or refuses to pay, collect, or remit any assessment required under this title, may be assessed a civil penalty by the Administrator of not less than $500 nor more than $5,000 for each such violation. Each violation shall be a separate offense. In addition to, or in lieu of, a civil penalty under this subparagraph, the Administrator may issue an order requiring such person to cease and desist from continuing such violation.

(C) No penalty shall be assessed, or cease and desist order issued, under this paragraph unless the affected person is given notice and opportunity for a hearing before the Administrator with respect to such violation.

(D) Any order of the Administrator under this paragraph assessing a penalty or imposing a cease and desist order shall be final and conclusive, unless the affected person files an appeal from the Administrator's order with the appropriate United States court of appeals.

(2)(A) Any person against whom a violation is found under paragraph (1) may obtain review of such action in the United States court of appeals for the circuit in which such person resides or has his place of business or in the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal in such court within thirty days after the date of such order and by simultaneously sending a copy of such notice by certified mail to the Administrator.

(B) The Administrator shall promptly file in the court a certified copy of the record upon which such violation was found.

(C) The findings of the Administrator shall be set aside only if found to be unsupported by substantial evidence or if not in accordance with law.

(3)(A) If any person fails to pay a civil penalty after it has become final, the Administrator shall refer the matter to the Attorney General.

(B) The Attorney General shall institute appropriate action to recover the amount assessed under this subsection in a district court of the United States.

(C) If, within 60 days after such referral, the Attorney General fails to file a civil action, the council to whose programs the assessment, order or regulation relates may institute an action in its own name.

SEC. 213. INVESTIGATIONS.

(a) IN GENERAL.—The Administrator may make such investigations as the Administrator determines necessary to—

(1) carry out the Administrator's responsibilities under this title; and

(2) determine whether any person has engaged in any act or practice which constitutes a violation of the provisions of this title.

(b) POWERS.—For the purpose of investigations under subsection (a), the Administrator may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. The attendance of witnesses and the production of

any such records may be required from any place in the United States.

(c) ENFORCEMENT.—In case of contumacy or refusal to obey a subpoena by any person, the Administrator may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, to require the attendance and testimony of witnesses and the production of books, papers, and documents. Such court may issue an order requiring such person to appear before the Administrator to produce records or to give testimony relating to the matter under investigation.

SEC. 214. APPROPRIATIONS.

Any authority of the Administrator to make payments under this title shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriations Acts.

TITLE III—INTERJURISDICTIONAL FISHERIES RESEARCH

SEC. 301. SHORT TITLE.

This title may be cited as the "Interjurisdictional Fisheries Research Act of 1986".

SEC. 302. PURPOSES.

The purposes of this title are—

(1) to promote and encourage State research in support of the management of priority interjurisdictional fishery resources; and

(2) to promote and encourage management of priority interjurisdictional fishery resources throughout their range.

SEC. 303. DEFINITIONS.

For the purposes of this title:

(1) The term "Federal fishery management plan" means a plan developed under "An Act to provide for the conservation and management of the fisheries, and for other purposes", approved April 13, 1976 (Public Law 94-265; 90 Stat. 331 et seq.).

(2) The term "fishery resource" means finfish, mollusks, crustaceans, and any other form of marine animal or plant life, other than marine mammals and birds.

(3) The term "interjurisdictional fishery resource" means—

(A) a fishery resource for which there exists a Federal fishery management plan and for which a fishery occurs in waters under the jurisdiction of one or more States and the exclusive economic zone established by Proclamation Numbered 5030, dated March 10, 1983;

(B) a fishery resource for which there exists an interstate fishery management plan; or

(C) a fishery resource which migrates between the waters under the jurisdiction of two or more States bordering on the Great Lakes.

For purposes of applying section 305 during fiscal year 1987, a Federal fishery management plan or an interstate fishery management plan for the fishery resource need not be in existence, but a plan of either kind for that resource must be in the development process during that year.

(4) The term "interstate fishery management plan" means a plan for managing fisheries developed and adopted by an interstate commission.

(5) The term "interstate commission" means a commission or other administrative body established by an interstate compact.

(6) The term "interstate compact" means a compact that has been entered into by two or more States, established for the purposes of conserving and managing interjurisdictional fishery resources throughout their range, and consented to and approved by Congress.

(7) The term "project" means a program for research in support of the management of an interjurisdictional fishery resource.

(8) The term "Secretary" means the Secretary of Commerce.

(9) The term "State" means any of the several States of the United States, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, or the Northern Mariana Islands.

(10) The term "State agency" means any department, agency, commission, or official of a State authorized under the laws of the State to regulate commercial fisheries.

SEC. 304. APPORTIONMENT.

(a) IN GENERAL.—

(1) Funds appropriated under section 308(a) shall be apportioned by the Secretary among the States on October 1 of each fiscal year, or as soon thereafter as practicable. The amount of funds apportioned to each State shall be determined by the Secretary as the ratio which the equally weighted average of the volume and value of fishery resources harvested by domestic commercial fishermen and received within such State during the 3 most recent calendar years for which data satisfactory to the Secretary are available bears to the total equally weighted average of the volume and value of all fishery resources harvested by domestic commercial fishermen received within all of the States during those calendar years.

(2) No State may receive an apportionment under this subsection for any fiscal year if the equally weighted average of the volume and value of fishery resources harvested by domestic commercial fishermen and received within such State during the three most recent calendar years for which data satisfactory to the Secretary are available is less than one-tenth of 1 percent of the total equally weighted average of the volume and value of all fishery resources harvested by domestic commercial fishermen and received within all of the States during those 3 calendar years unless—

(A) the State is a signatory to an interstate fishery compact; or

(B) the State borders one or more of the Great Lakes.

(3) No State which is a signatory to an interstate fishery compact, or which borders one or more of the Great Lakes, may receive an apportionment for any fiscal year under this subsection which is less than 1 percent of the total amount of funds available for apportionment for that fiscal year.

(4) No State may receive an apportionment for any fiscal year under this subsection which is more than 6 percent of the total amount of funds available for apportionment for such fiscal year.

(b) UNUSED APPORTIONMENTS.—Any part of an apportionment for any fiscal year to any State—

(1) that is not obligated during that year;

(2) with respect to which the State notifies the Secretary that it does not wish to receive that part; or

(3) that is returned to the Secretary by the State—

may not be considered to be apportioned to that State and shall be added to such funds as are appropriated pursuant to section 308(a) for the next fiscal year (and shall be treated as having been appropriated for such next year) for apportionment under subsection (a). Any notification or return of funds referred to in paragraph (2) or (3) by a State is irrevocable.

SEC. 305. STATE PROJECTS.

(a) IN GENERAL.—

(1) Any State may, through its State agency or an interstate commission, submit to the Secretary a proposal for a project which includes full plans, specifications, and cost estimates for such project. The total cost of all items included for engineering, planning, inspection, and unforeseen contingencies in connection with any works to be constructed as part of such a proposed project shall not exceed 10 percent of the total cost of such works, and shall be paid by the State as a part of its contribution to the total cost of the works.

(2) No part of any funds appropriated under any authorization contained in section 308 may be obligated with respect to any project until the proposal for such project has been submitted under paragraph (1) and approved by the Secretary. The Secretary, before approving any proposal for a project, must evaluate the proposal as to—

(A) the soundness of design;

(B) the possibilities of securing productive results;

(C) the minimization of duplication with other research projects in support of the management of interjurisdictional fishery resources and carried out under this title or under any other law or regulation;

(D) the organization and management of the project;

(E) the methods proposed for monitoring and evaluating the success or failure of the project;

(F) the consistency of the project with the purposes of this title specified in section 302; and

(G) such other criteria as the Secretary may prescribe.

(3) The Federal share of the cost of any project conducted under this title shall not exceed 75 percent of the total estimated cost of the project unless—

(A) the State has adopted the interstate fishery management plan for the resource to which the project applies; or

(B) the State has adopted fishery regulations which the Secretary has determined are consistent with the Federal fishery management plan for the species to which the project applies;

in which case the Federal share shall not exceed 90 percent of the total estimated cost of the project.

(4)(A) If the Secretary approves or disapproves a proposal for a project, he shall promptly give written notification, including, if disapproved, a detailed explanation of the reasons for the disapproval, to the State agency submitting the proposal or, if the proposal is submitted through an interstate commission, such commission and the State.

(B) For the purposes of this title, funds apportioned under this section to any State shall be treated as having been obligated with respect to a project during the fiscal year in which the written notification of approval required under subparagraph (A) for the project proposal is made.

(b) RESTRICTION.—The expenditure of funds under this title shall be applied only to projects for which a proposal has been approved under subsection (a), and if otherwise applied such funds shall be replaced by the State before the State may receive any additional funds under this title.

(c) PAYMENT.—When the Secretary determines that a project carried out under a proposal approved by him has been completed, or where he otherwise deems it appropri-

ate, he shall cause to be paid to the proper authority of the State, or to the official or depository designated by the interstate commission if the State agency specifies that payment is to be made to the interstate commission, the Federal share of the project. Any payment made to an interstate commission shall be charged against the apportionment of the State concerned.

SEC. 306. PROPERTY.

(a) APPLICATION OF FEDERAL AND STATE LAWS.—All work, including the furnishing of labor and materials, needed to complete any project approved by the Secretary shall be performed in accordance with applicable Federal and State laws under the direct supervision of the State agency, and in accordance with regulations as the Secretary may prescribe.

(b) TITLE.—Title to all property, real and personal, acquired for the purposes of completing any project approved by the Secretary vests in the State.

(c) DISPOSAL.—If a State disposes of any real or personal property acquired under this title, the State shall pay into the Treasury of the United States the amount of any proceeds resulting from the property disposed to the extent of and in the same ratio that funds provided under this title were used in the acquisition of the property. In no case shall the amount paid into the Treasury of the United States under this section exceed the amount of funds provided by this chapter for the acquisition of the property involved.

SEC. 307. REPORTS.

After consultation with the States receiving funds under this title and with any interstate commission involved in carrying out a project under this title, the Secretary shall submit to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 90 days after the end of the fiscal year 1988, and each second fiscal year occurring after that fiscal year, a report which contains—

(1) a description of each project receiving funds under this title during the last 2 fiscal years ending before such report is submitted;

(2) a specification of the total amount of funds from the Federal Government and the total amount of funds from each State spent on each project receiving funds under this title during the last 2 fiscal years ending before such report is submitted;

(3) an assessment of each project receiving funds under this title during the last 2 fiscal years ending before such report is submitted to determine whether such project is furthering the purposes of this title; and

(4) a statement specifying all funds which have been apportioned pursuant to section 305(a) and are available for obligation by a State or the Secretary but which have not been obligated.

SEC. 308. AUTHORIZATION OF APPROPRIATION.

(a) GENERAL APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce for apportionment to carry out the purposes of this title $5,000,000 for each of fiscal years 1987, 1988, and 1989.

(b) ADDITIONAL APPROPRIATIONS.—In addition to the amounts authorized in subsection (a), there are authorized to be appropriated to the Department of Commerce $2,500,000 for each of fiscal years 1987, 1988, and 1989, which shall be available in such amounts as the Secretary may determine appropriate for the purposes of this title; except that—

(1) in providing funds to States under this subsection, the Secretary shall give a preference to those States regarding which he determines there is a commercial fishery failure or serious disruption affecting future production due to a fishery resource disaster arising from natural or undetermined causes, and any sums made available under this subsection may be used either by the States or directly by the Secretary in cooperation with the States for any purpose that the Secretary determines is appropriate to restore the fishery affected by such a failure or to prevent a similar failure in the future; and

(2) the funds authorized to be appropriated under this subsection shall not be available to the Secretary for use as grants for chartering fishing vessels.

Amounts appropriated under this subsection shall remain available until expended.

(c) DEVELOPMENT OF MANAGEMENT PLANS.—In addition to the amounts authorized under subsections (a) and (b), there are authorized to be appropriated to the Department of Commerce $350,000 for each of fiscal years 1987, 1988, and 1989 to support the efforts of the following interstate commissions to develop interstate fishery management plans for interjurisdictional fishery resources:

(1) The commission established by the Atlantic States Marine Fisheries Compact, as consented to and approved by Public Law 77-539 (56 Stat. 267), approved May 4, 1942.

(2) The commission established by the Pacific Marine Fisheries Compact, as consented to and approved by Public Law 80-232 (61 Stat. 419), approved July 24, 1947.

(3) The commission established by the Gulf States Marine Fisheries Compact, as consented to and approved by Public Law 81-66 (63 Stat. 70), approved May 19, 1949.

SEC. 309. REPEAL.

The Commercial Fisheries Research and Development Act of 1964 (16 U.S.C. 779 et seq.) is repealed.

SEC. 310. EFFECTIVE DATE.

This title takes effect October 1, 1986.

TITLE IV—MISCELLANEOUS PROVISIONS RELATING TO FISH AND FISHERIES

SEC. 401. NOAA MARINE FISHERIES PROGRAM AUTHORIZATIONS.

The National Oceanic and Atmospheric Administration Marine Fisheries Program Authorization Act (Public Law 98-210; 97 Stat. 1409) is amended—

(1) in section 2(a), by striking out "and" after "1984,", and by inserting ", $27,382,000 for fiscal year 1986, $28,121,314 for fiscal year 1987, $28,915,392 for fiscal year 1988, and $29,764,234 for fiscal year 1989" immediately after "1985";

(2) in section 3(a), by striking out "and" after "1984,", and by inserting ", $25,933,000 for fiscal year 1986, $26,633,191 for fiscal year 1987, $27,385,248 for fiscal year 1988, and $28,189,171 for fiscal year 1989" immediately after "1985"; and

(3) in section 4(a), by striking out "and" after "1984,", and by inserting ", $11,395,000 for fiscal year 1986, $11,702,665 for fiscal year 1987, $12,033,120 for fiscal year 1988, and $12,386,365 for fiscal year 1989" immediately after "1985".

SEC. 402. ANADROMOUS FISH CONSERVATION ACT AUTHORIZATIONS.

Section 4(a) of the Anadromous Fish Conservation Act (16 U.S.C. 757d(a)) is amended—

(1) by striking out "and 1985." in paragraph (4) and inserting "1985, and 1986."; and

(2) by adding after paragraph (4) the following:

"(5) $7,702,500 for fiscal year 1987.

"(6) $7,920,000 for fiscal year 1988.

"(7) $8,152,500 for fiscal year 1989.".

SEC. 403. CENTRAL, WESTERN, AND SOUTH PACIFIC FISHERIES DEVELOPMENT ACT AUTHORIZATIONS.

Section 8 of the Central, Western, and South Pacific Fisheries Development Act (16 U.S.C. 758e-5) is amended—

(1) by striking "and" after "1984,"; and

(2) by inserting immediately after "1985" the following: ", 1986, 1987, and 1988".

SEC. 404. ATLANTIC TUNAS CONVENTION ACT OF 1975 AUTHORIZATIONS.

Section 10 of the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971h) is amended by striking out "year 1976, the period beginning July 1, 1976, and ending September 30, 1976, and fiscal years 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, and 1986" and inserting "years 1986, 1987, 1988, and 1989".

SEC. 405. GREAT LAKES FISHERY COMMISSION.

(a) INCREASE IN NUMBER OF COMMISSIONERS.—Section 3 of the Great Lakes Fishery Act of 1956 (16 U.S.C. 932) is amended to read as follows:

"SEC. 3. (a)(1) The United States shall be represented on the Commission by 4 Commissioners who shall be appointed by the President and who may not receive compensation for service as Commissioners. Of the Commissioners—

"(A) 1 shall be an official of the United States Government; and

"(B) 3 shall be individuals who reside in different Great Lakes States and who are knowledgeable regarding the fisheries of the Great Lakes, except that 1 of them must also be an official of a Great Lakes State.

"(2) The President shall appoint an alternate Commissioner who shall perform the duties of a Commissioner—

"(A) until a vacancy referred to in subsection (b)(3) is filled; and

"(B) in the event of the absence of a Commissioner from any meeting of the United States Section or the Commission.

"(b)(1) Except as provided in paragraph (2), the term of office of Commissioners appointed under subsection (a)(1)(B) is 6 years.

"(2) Of the Commissioners first appointed under subsection (a)(1)(B) after the date of the enactment of this subsection, 1 shall be appointed for a term of 2 years, 1 shall be appointed for a term of 4 years, and 1 shall be appointed for a term of 6 years.

"(3) Whenever a vacancy occurs among Commissioners appointed under subsection (a)(1)(B), the President shall appoint an individual to fill that vacancy for the remainder of the applicable term.".

(b) TRANSITION.—The term of office of each United States Commissioner on the Great Lakes Fishery Commission who is serving on the date of enactment of this Act is terminated (except the United States Government official appointed under section 3(a) of the Great Lakes Fishery Act of 1956 (16 U.S.C. 932(a), as in effect before the date of enactment). However, the individuals appointed to those terms shall continue to serve as Commissioners until the President makes appointments under section 3(b)(2) of the Act of 1956 (as added by subsection (a)), which appointments shall be made within 60 days after the date of enactment.

(c) CONFORMING AMENDMENT.—Section 201 of the Act entitled "An Act to amend the North Pacific Fisheries Act of 1954, and for other purposes", approved October 9, 1972

(22 U.S.C. 2672a) is amended by striking out "the Great Lakes Fishery Commission,".

SEC. 406. NOAA ESTUARINE PROGRAMS OFFICE.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration (hereinafter in this section referred to as the "Administrator") shall establish within the Administration an Estuarine Programs Office.

(b) FUNCTIONS.—The Estuarine Programs Office shall—

(1) develop and implement a national estuarine strategy for the Administration that integrates the research, regulatory, and trusteeship responsibilities of the Administration;

(2) coordinate the estuarine activities of the various organizations within the Administration, including activities in estuarine research and assessment, fisheries research, coastal management, and habitat conservation;

(3) coordinate the estuarine activities of the Administration with the activities of other Federal and State agencies; and

(4) provide technical assistance to the Administrator, to other Federal agencies, and to State and local government agencies in—

(A) assessing the condition of estuaries;

(B) identifying estuaries of critical national or regional importance;

(C) identifying technical and management alternatives for the restoration and protection of estuarine resources; and

(D) monitoring the implementation and effectiveness of estuarine management plans.

(c) AUTHORIZATION.—There are authorized to be appropriated to the Administration not to exceed $500,000 for fiscal year 1987, $530,000 for fiscal year 1988, $560,000 for fiscal year 1989, and $600,000 for fiscal year 1990 to carry out the provisions of this section.

SEC. 407. NOAA OFFICERS.

(a) UNDER AND ASSISTANT SECRETARIES OF COMMERCE FOR OCEANS AND ATMOSPHERE.—

(1) Chapter 40 of title 15, United States Code, is amended—

(A) by inserting after section 1503a the following new section:

"§1503b. Under and Assistant Secretaries of Commerce for Oceans and Atmosphere.

"Under Secretary

"(a) There shall be in the Department of Commerce an Under Secretary of Commerce for Oceans and Atmosphere who shall serve as the Administrator of the National Oceanic and Atmospheric Administration established by Reorganization Plan No. 4 of 1970 (5 U.S.C. App. 1) and perform such duties as the Secretary of Commerce shall prescribe. The Under Secretary shall be appointed by the President by and with the advice and consent of the Senate and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314).

"Assistant Secretary

"(b) There shall be in the Department of Commerce, in addition to the Assistant Secretaries provided by law before the effective date of this section, one additional Assistant Secretary of Commerce who shall have the title Assistant Secretary of Commerce for Oceans and Atmosphere and shall serve as the Deputy Administrator of the National Oceanic and Atmospheric Administration established by Reorganization Plan No. 4 of 1970 (5 U.S.C. App. 1) and perform such duties and functions as the Under Secretary of Commerce for Oceans and Atmosphere shall prescribe. The Assistant Secretary for Oceans and Atmosphere shall be appointed by the President by and with the advice and consent of the Senate and shall be compensated at the rate now or hereafter provided for Level IV of the Executive Schedule Pay Rates (5 U.S.C. 5315).";

(B) by inserting after the entry for section 1503a in the table of contents the following:

"1503b. Under and Assistant Secretaries of Commerce for Oceans and Atmosphere.".

(2) The individual serving on the date of the enactment of this Act—

(A) as the Administrator of the National Oceanic and Atmospheric Administration shall serve as the Under Secretary of Commerce for Oceans and Atmosphere until such time as a successor is appointed under section 1503b(a) of title 15, United States Code; and

(B) as the Deputy Administrator of the National Oceanic and Atmospheric Administration shall serve as the Assistant Secretary of Commerce for Oceans and Atmosphere until such time as a successor is appointed under section 1503b(b) of title 15, United States Code.

(b) CHIEF SCIENTIST OF NOAA.—Section 2(d) of Reorganization Plan No. 4 of 1970 (5 U.S.C. App. 1) is amended to read as follows:

"(d) There shall be in the Administration a Chief Scientist of the National Oceanic and Atmospheric Administration who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316). The Chief Scientist shall be the principal scientific adviser to the Administrator, and shall perform such other duties as the Administrator may direct. The Chief Scientist shall be an individual who is, by reason of scientific education and experience, knowledgeable in the principles of oceanic, atmospheric, or other scientific disciplines important to the work of the Administration.".

(c) CONFORMING AMENDMENTS.—

(1) Section 5314 of title 5, United States Code, is amended by striking out "Administrator, National Oceanic and Atmospheric Administration." and inserting "Under Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Administrator of the National Oceanic and Atmospheric Administration.".

(2) Section 5315 of title 5, United States Code, is amended—

(A) by striking out "Deputy Administrator, National Oceanic and Atmospheric Administration." and inserting "Assistant Secretary of Commerce for Oceans and Atmosphere, the incumbent of which also serves as Deputy Administrator of the National Oceanic and Atmospheric Administration.", and

(B) by striking out "Associate Administrator, National Oceanic and Atmospheric Administration.".

(3) Section 5316 of title 5, United States Code, is amended by inserting at the end thereof the following:

"Chief Scientist, National Oceanic and Atmospheric Administration.".

SEC. 408. TRANSFER OF AUTHORITY FOR REIMBURSEMENT UNDER THE FISHERMEN'S PROTECTIVE ACT OF 1967.

Effective October 1, 1986, paragraph (1) of section 7(f) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1977(f)(1)) is amended to read as follows:

"(1) the term 'Secretary' means the Secretary of State.".

SEC. 409. FISHERIES LOAN FUND.

The third sentence of section 4(c) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742c(c)) is amended to read as follows: "Any funds received in the fisheries loan fund after September 30, 1986, shall be covered into the Treasury as miscellaneous receipts.".

SEC. 410. CONVEYANCE AGREEMENT PROVISIONS.

(a) IN GENERAL.—Under the Agreement dated December 9, 1977, between the Commandant of the Coast Guard and Koniag, Incorporated, a regional native corporation, pursuant to Public Law 92-203 (a copy of which is recorded beginning at Book 44, Page 179 of the Kodiak Recording District, Kodiak, Alaska) and any conveyance made under that Agreement, the rights or title conveyed to Koniag, Incorporated, shall be construed to include the following:

(1) Under the Agreement, welding or other equipment or machinery may be operated or maintained on lands conveyed to Koniag, Incorporated, if the equipment or machinery does not cause harmful electromagnetic interference with the Coast Guard Holiday Beach receiver site or is operated or maintained under terms and conditions mutually agreeable to the Coast Guard and Koniag, Incorporated. Harmful electromagnetic interference is defined as radio frequency signals which disrupt or degrade communications reception performance.

(2) The conveyance of the "old shipyard" includes the wharf and all lands of any nature beneath the wharf.

(3) An access and utility easement is intended as part of the conveyance for Parcel 2, known as Cliff Point, which consists of—

(A) a 100-foot wide access easement along the existing access road or a location that is mutually agreeable to the Coast Guard and Koniag, Incorporated, and includes the right to construct and operate an access road, bridges, guard rails, and other associated improvements; and

(B) a 40-foot wide utility easement adjacent to the access easement in paragraph (3)(A) of this subsection or a location that is mutually agreeable to the Coast Guard and Koniag, Incorporated.

(4) The construction, maintenance, and operation of a dock facility or location of any structure or thing on the premises described in section (c) of Schedule 4 of the Agreement is not inconsistent with the easement for the barge landing easement and access to and from the barge landing area reserved by the United States Government (hereinafter referred to in this paragraph as the "Government"), if the dock facility is constructed or the structure or thing is located as approved by the Government. Approval by the Government is deemed to be granted if a proposal for the construction and location of the dock facility, structure, or thing is submitted to the Government and—

(A) the Government does not respond within 60 days of receipt of the proposal; or

(B) if a response with recommendations for modification is submitted by the Government within 60 days of receipt of the proposal, the proposal is modified in a manner necessary to reasonably satisfy the requirements of the Government—

(i) to use the dock facility for a barge landing area as contemplated by the easement; and

(ii) to permit access to and from the barge loading area to public highways for the transportation of materials as specified in Agreement.

(b) APPLICATION.—All rights or conveyances confirmed by this section are subject to the sanctions in the Agreement referred to in subsection (a).

(c) IMPLEMENTATION.—The Commandant of the Coast Guard or other appropriate Federal officer shall issue the appropriate corrective conveyance and perform any other appropriate ministerial or official act necessary to carry out the purposes of this section within 60 days after the date of the enactment of this title.

The SPEAKER pro tempore. Is a second demanded?

Mr. YOUNG of Alaska. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. JONES] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. JONES].

Mr. Jones of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill now before us, S. 991, as amended, represents much of the fisheries legislation undertaken by the Committee on Merchant Marine and Fisheries during this Congress. Many of its provisions have been previously approved by the House as separate bills. The committee amendment to S. 991 is composed of four titles:

Title I of the amendment amends and reauthorizes the Fisheries Conservation and Management Act of 1976. The 1976 act is the most important piece of Federal fisheries legislation and asserts U.S. authority to manage fisheries resources out to 200 miles at sea. Title I is nearly identical to H.R. 1533, as reported by the Committee on Merchant Marine and Fisheries, with few exceptions. It reauthorizes the act through fiscal year 1987 at $69 million in fiscal year 1986, and $70.8 million in fiscal year 1987. In addition, it includes several amendments to the act designed to increase the efficiency and effectiveness of U.S. fisheries policy.

Specifically, the committee amendment to S. 991:

Reauthorizes the Fisheries Conservation and Management Act at existing levels adjusted for inflation through fiscal years 1986 and 1987;

Brings the act into technical conformance with the 1983 Presidential proclamation of an exclusive economic zone [EEZ];

Requires members appointed to the regional fishery management councils to be knowledgeable and experienced with regard to fishery conservation and management;

Provides the Secretary of Commerce with greater authority to respond to foreign fishing violations by allowing the disapproval of individual vessel permits and the imposition of sanctions on foreign fishing vessels which have violated U.S. regulations;

Requires voting members and executive directors of the regional fishery management councils to file financial disclosure statements and clarifies that council members who meet the new financial disclosure requirements are exempted from Federal conflict of interest prohibitions and penalties;

Requires that fishery management plans consider the effect that such plans will have on fishing vessel safety;

Authorizes civil penalties against persons who knowingly and willfully submit false information to the fishery management councils;

Streamlines the fishery management plan approval process;

Requires the Secretary to cooperate with the fishery management councils in carrying out fishery research activities;

Clarifies the process by which the Secretary may preempt State fishery management;

Clarifies that persons against whom a civil penalty has been assessed under the act may obtain review of that assessment by filing a notice of appeal within 30 days to the Secretary, Attorney General, and the appropriate U.S. attorney;

Allows maritime liens to be imposed on vessels which are assessed final civil penalties for violations of the act;

Requires administrative reports to be submitted to the Congress prior to the chartering of fishery research vessels in the Atlantic during fiscal years 1986 and 1987.

In addition to the above, the committee amendment would: First, require that a foreign fishing nation, as a condition of receiving a foreign fishing permit, provide certification that its vessels have met the foreign nation's fishing vessel safety standards; second, require the Secretary of Commerce to establish health and safety standards for the quartering of U.S. fishery observers; third, delete existing provisions which waive the fishery observer requirement if health and safety conditions aboard foreign fishing vessels are inadequate; fourth, clarify procedures and limitations on Federal preemption of State fishery management authority; and fifth, modify the time period required for Federal review of fishery management plans.

For a legislative history of this title, the committee report on H.R. 1533 (H. Rept. 99-165) should be consulted.

Title II of the bill is the Seafood Marketing Councils Act. This act would allow the seafood and fishery industry to design, approve, fund, and implement seafood marketing councils. This title is identical to H.R. 2935 as passed by the House in December of 1985. This measure is included here because the measure that was engrossed and sent to the Senate was the bill, as introduced, not the bill as reported by my committee, and under consideration by the House.

Title III of this act would establish the Interjurisdictional Fisheries Act of 1986. This title repeals the Commercial Fisheries Research and Development Act—instead, it authorizes a program whereby the States are able to use matching Federal funds for fisheries programs where direct and legitimate Federal and State interests exist. This act would also prohibit the use of Federal funds for fish and fish product promotion. This legislation is identical to H.R. 1028 which passed the House under suspension of the rules on July 29, 1985.

Title IV of the bill includes a general authorization of appropriations for marine fisheries programs within the National Oceanic and Atmospheric Administration. This language is similar to authorizing legislation passed by the Senate but the authorization period is extended for an additional 2 years.

Section 402 of the title would reauthorize section 4 of the Anadromous Fish Conservation Act. Section 4 authorizes a Federal-State cost sharing program for research, development, and management necessary to support anadromous fish; that is, those fish that migrate from the ocean to freshwater to spawn. Because of their highly migratory nature, these fishes—such as shad, striped bass, Pacific and Atlantic salmon—pass through the jurisdiction of many States, U.S. Federal waters, the waters of other nations, and international waters.

If such resources are to be managed throughout their range, a coordinated approach to research and management must be taken. By coordinating State efforts, section 4 of the Anadromous Fish Conservation Act ensures that redundancy is minimized and that the maximum use of data and the resource—the fish—can be achieved.

Under the Anadromous Fish Act, the Federal share for approved projects is 50 percent, except in cases where a multistate project is approved by the Secretary, in which case it is 66⅔ percent. In the event that a project supports an interstate fishery management plan, pursuant to an interstate compact, the Federal share may be up to 90 percent. In any case, the State matching grant means that Federal dollars can double their impact compared to those invested in strictly Federal programs.

This program is administered jointly by the U.S. Fish and Wildlife Service with jurisdiction over sport fishery projects and by the National Marine Fisheries Service with jurisdiction

over commercial fishery projects. The National Marine Fisheries Service has noted that over 90 percent of the funds expended under this program support fisheries under Federal management, or fisheries that are subject to international treaties, such as the recently concluded Pacific Salmon Treaty.

The Anadromous Fish Conservation Act should be reauthorized. The States are essentially performing work that the Federal Government would ordinarily be required to perform—and they are doing it at less cost. We should certainly not terminate a program as effective as this one.

Moreover, this measure is nearly identical to H.R. 1025 which passed the House under suspension of the rules on March 19, 1985. The measure before us will reauthorize the act for one additional year and at levels that are indexed for inflation. More information on this measure can be found in House Report 99-19.

Section 403 of Title IV would reauthorize the Central, Western, and South Pacific Fisheries Development Act during fiscal years 1986, 1987, 1988, and 1989 at existing levels of $5 million in each fiscal year. Although no moneys have ever been appropriated pursuant to this act, there is support for this measure within the Department of State and within the administration.

Section 404 of Title IV authorizes appropriations to carry out the Atlantic Tunas Convention Act of 1975 for fiscal years 1987, 1988, and 1989. The Atlantic Tunas Convention Act authorizes U.S. participation in the International Convention for the Conservation of Atlantic Tunas. The convention was negotiated in response to the decline of Atlantic tuna stocks caused by overfishing by various nations. In 1981, scientists reported that bluefin tuna stocks were only 15 percent of their 1960 levels. In an effort to correct this situation, the convention recommended severe reductions in the take of bluefin tuna. Recently acquired data now indicates that bluefin tuna stocks in the western Atlantic are beginning to show an increase. This increase has been largely due to the conservation restrictions recommended by the convention and adopted by its member nations.

Although the management of bluefin tuna stocks is showing success, other tuna stocks are still depleted. Therefore, the convention should continue its research and conservation efforts with strong U.S. support. Except for a technical change requested in draft legislation submitted by the administration, section 404 is identical to H.R. 3133, which was approved by the House under suspension of the rules on April 26, 1986. More information on this measure can be obtained in House Report 99-33.

Section 405 would amend the Great Lakes Fishery Act of 1956 by authorizing four U.S. Representatives to sit on the Great Lakes Fishery Commission. Current law authorizes only three commissioners; however, the treaty was renegotiated long ago to provide for another commissioner. This legislation brings the authorizing legislation into conformance with the text of the Great Lakes Fishery Treaty and current practice. In addition, this section would create finite terms of office for U.S. commissioners and would provide for the appointment of an alternate commissioner. These improvements to the implementation legislation are supported by a recent GAO study on the Great Lakes Fishery Commission. The GAO study also recommended that the Great Lakes Fishery Commission utilize a request for proposal process when issuing research grants greater than $15,000. The committee concurs with this recommendation and expects that the Commission will establish procedures to implement the recommendation.

Section 406 provides for the establishment of an Estuarine Programs Office [EPO] within NOAA. This Office will be responsible for developing an agencywide strategy for the coordination of estuarine management activities. This strategy is to incorporate the research, regulatory, management, and trusteeship responsibilities with which the Congress has charged the agency. NOAA must be an active partner, with other Federal, State, and local agencies, in a focused nationwide effort to address the degradation of our Nation's estuaries.

Establishment of a NOAA Estuarine Programs Office [EPO] will provide for more effective conduct of NOAA responsibilities in estuarine research and management. The Office should serve as the focal point for direct agency participation in specific estuarine research and management projects. In concert with the agency's broad planning and coordinating responsibilities under the National Ocean Pollution Planning Act—as amended by Public Law 99-272—the specific activity coordination provided by the EPO will ensure a central and active role for NOAA in the nationwide effort to improve management of estuaries.

Section 406(c) authorizes $500,000 for fiscal year 1987, $530,000 for fiscal year 1988, $560,000 for fiscal year 1989, and $600,000 for fiscal year 1990 for EPO administration.

Section 407(a) establishes an Under Secretary of Commerce for Ocean and Atmosphere, who shall also serve as the NOAA Administrator. Section 407(b) establishes an Assistant Secretary of Commerce for Oceans and Atmosphere, who shall serve as the NOAA Deputy Administrator. The Under Secretary and Assistant Secretary shall be appointed by the President, confirmed by the Senate, and compensated, respectively, at the rates provided for levels III and IV of the executive schedule pay rates.

These changes in title are necessary to help fit NOAA more closely into the fabric and structure of the Commerce Department. Since NOAA was established in 1970, three Under Secretary positions—level III—have been created: one for the international Trade Administration (1978); one for Economic Affairs (1981); and one for the Travel and Tourism Administration (1981). This change in title will not result in a higher rate of compensation for the current NOAA Administrator and Deputy Administrator, but it is hoped that the change will provide better recognition and representation for the agency within the Commerce Department. Since NOAA represents over 60 percent of the Department's annual budget and houses 40 percent of its employees, this recognition is long overdue.

Finally, this change of job titles is intended to provide for better agency administration within the Commerce Department, but should not be misconstrued as a rationale to inhibit any future consideration of independent agency status for NOAA.

Section 407(c) establishes the position of NOAA Chief Scientist to replace the current position of NOAA Associate Administrator. The Chief Scientist shall be appointed by the President, with the consent of the Senate, and compensated at the rate provided for level V of the executive schedule pay rates. It is intended that the Chief Scientist shall have strong backgrounds in appropriate scientific disciplines and shall serve as the focal point for the direction and coordination of agency research programs.

Section 408 would transfer authority to administer certain programs now carried out by the Secretary of Commerce to the Secretary of State. This change was requested by the administration and is identical to legislation submitted to the Congress by the administration.

Section 409 would clarify that moneys accruing to the fisheries loan fund after fiscal year 1986 shall accrue to the general fund of the U.S. Treasury.

Section 410 would amend and clarify a covenant accompanying the conveyance of lands owned by the Koniag Native Corporation at Kodiak, AK.

Mr. Speaker, let me emphasize that this legislation is to my knowledge noncontroversial and represents the product of a great deal of work by the Committee on Merchant Marine and Fisheries, especially by the chairman of the Subcommittee on Fisheries and Wildlife, Mr. BREAUX, and the ranking minority member, Mr. YOUNG. I be-

lieve this legislative package is much needed to keep our fisheries strong and I urge the Members to support its passage.

□ 1430

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 991 as amended by the Merchant Marine and Fisheries Committee and urge its adoption.

The bill before us today is a compilation of a number of measures under the jurisdiction of the Merchant Marine and Fisheries Committee. We are considering them en bloc because we believe they are not controversial and because of the lack of time left in the session to handle them individually.

To summarize, the bill includes the following measures:

First, H.R. 1533, reauthorization of the Fishery Conservation and Management Act with amendments, that was reported by the committee on June 10, 1985.

Second, the text of S. 991, which was passed by the Senate last year.

Third, H.R. 2935, the Seafood Marketing Councils Act, which was passed by the House on December 9, 1985, and is being included to correct some problems with engrossment.

Fourth, H.R. 3133, reauthorizing the Atlantic Tunas Convention Act, which was passed by the House on April 29, 1986, and is included to correct certain technical problems subsequently discovered.

Fifth, H.R. 3256, amendments to the Great Lakes Fishery Act, which was introduced by Chairman JONES in response to suggestions made by the General Accounting Office.

Sixth, amendments to the Fishermen's Protective Act which were requested by the administration.

Seventh, position changes for the National Oceanic and Atmospheric Administration [NOAA] which were requested by the administration.

Eighth, clarification of certain land covenants pertaining to Koniag, Inc., which were originally passed by the House as part of the Coast Guard authorization bill on May 6, 1986, and which are being included to correct certain technical problems subsequently discovered.

Ninth, language establishing the Office of Estuarine Policy and Management within the National Oceanic and Atmospheric Administration to coordinate existing estuarine functions.

Mr. Speaker, the gentleman from North Carolina has mentioned in his statement that reports have been filed on the bills taken up by our committee and that these will serve as the basis for the necessary legislative history. Having worked closely with the gentleman on these matters, I want to make sure that this point is clear. Our committee has spent a considerable amount of time developing this legislation and there is no need to repeat the contents of those reports on the floor today.

Again, this is a comprehensive bill that is the result of considerable effort by the Committee on Merchant Marine and Fisheries, and I urge its support.

Mr. Speaker, I yield back the balance of my time.

Mr. JONES of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. FUQUA].

Mr. FUQUA. Mr. Speaker, I rise in support of the bill.

Two provisions of the legislation—sections 406 and 407—fall under the joint jurisdiction of the Committee on Science and Technology and the Committee on Merchant Marine and Fisheries. The Science Committee supports the incorporation of both of these provisions in the legislation that we are considering today.

Section 406 would establish an Estuarine Programs Office within the National Oceanic and Atmospheric Administration [NOAA]. Recently, the Environmental Protection Agency established a National Estuarine Program; creation of a NOAA Estuarine Office will help to ensure that NOAA brings its particular expertise to bear in the nationwide effort to manage estuaries more soundly.

Section 407 of the committee amendment would elevate the status of the Administrator of NOAA to Under Secretary of Commerce for Oceans and Atmosphere. In addition, the bill would establish two new positions, an Assistant Secretary of Commerce for Oceans and Atmosphere and a Chief Scientist of NOAA.

Mr. Calio, the current Administrator of NOAA, has appeared often before our committee. Under Mr. Calio's lead, NOAA has vigorously pursued its congressional mandate, and the committee believes that elevation of Mr. Calio to Under Secretary of Commerce will increase his visibility and effectiveness in pursuing NOAA's important mandates.

NOAA places a strong emphasis on science, and the agency conducts and applies research from several widely divergent scientific disciplines concerning the biology, physics, and chemistry of the oceans and atmosphere. A Chief Scientist would serve a useful advisory position, helping top managers to resolve internal debate concerning scientific questions. Thus, the Committee on Science and Technology also supports the establishment of the Chief Scientist position for NOAA.

In the past, the Department of Commerce has been criticized for failing to support NOAA and its programs, and several Members have suggested that NOAA be transferred to a more sympathetic Department or be reconstituted as an independent agency. Given the importance of NOAA's responsibilities, the committee has considered these recommendations very seriously.

At the present time, the Committee on Science and Technology recommends support for the less drastic measures proposed in the committee amendment to S. 991. However, the Committee on Science and Technology feels strongly about maintaining NOAA as a vital, thriving agency. Should we find that these amendments do not adequately resolve problems at NOAA, we intend to reexamine the option of reconstituting NOAA as an independent agency.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. Bosco].

Mr. BOSCO. Mr. Speaker, I rise in strong support of the committee amendment in the nature of a substitute incorporating most of the provisions of H.R. 1533, to improve fishery conservation and management.

This truly landmark fisheries measure is the product of months of extensive negotiations among Members of Congress, staff, and affected industry participants. Many of the reforms in this substitute were developed in close consultation with an unprecedented coalition of fishing organizations and conservation groups from California, Oregon, and Washington. I would particularly like to note my appreciation for the fine efforts of Fisheries Subcommittee Chairman JOHN BREAUX, Congressman DON YOUNG, and full committee Chairman WALTER JONES, who have successfully developed a bill that will both strengthen fishery resource protection and enhance the economic viability of our country's fishing industry. I join them in urging the Senate to adopt similar reforms without delay.

With its passage in 1976, many felt the Magnuson Fisheries Conservation and Management Act [MFCMA] would provide an effective and responsive regulatory mechanism for managing the fishery resources of the United States within our 200-mile zone. Unfortunately, almost 10 years later, it has proven itself neither effective in protecting the resource nor responsive in addressing the concerns of affected fishermen and coastal areas. We have found ourselves with both a crisis of the resource and an industry, particularly on the west coast, that has had little input into the regulatory decisions that affect its livelihood.

The reauthorization process this year offers us an important opportunity to address these problems. I believe this substitute language, originally approved by the Merchant Marine and

Fisheries Committee, accomplishes this in several important respects.

First and most importantly for the west coast industry, this measure includes a section directing the Secretary of Commerce to take steps to ensure that those persons dependent upon the fisheries for their livelihood are fairly represented as voting members of the management councils. While the intent of the MFCMA was to involve all affected parties in the management decisionmaking process, that principle has not always been put into practice. Since 1976, for instance, the west coast commercial industry has been grossly underrepresented on the Pacific Fishery Management Council. While the industry remains without adequate representation, the Secretary did recently take an important first step to rectify this problem by appointing the first commercial salmon troller to the council. It is my hope that this directive will further encourage the Secretary to ensure that appointments to this and other councils do in fact result in fair representation for those whose livelihoods are affected by council decisions.

The substitute also addresses this concern by requiring the Commerce Secretary to appoint individuals to the regional fishery management councils who are both knowledgeable and experienced with regard to the fisheries under a council's jurisdiction. Moreover, this substitute correctly recognizes that council advisory panels, made up principally of representatives of groups affected by Fishery Management plans, are capable of bringing a broad range of experience and viewpoints to the management process. By assuring that advisory councils are continually involved in the development of management decisions, this measure should help strengthen the management process, lead to a wider degree of acceptance in the industry for what are often painful management decisions, and force the various user groups to try to reach some kind of consensus among themselves. Such results would benefit both the resource and the industry in the long run.

This measure also enhances industry input in the council appointment process by requiring for the first time that coastal Governors first consult with representatives of the State's commercial and recreational fishing interests before submitting the names of individuals to the Commerce Secretary for possible appointment.

Another major shortcoming in the MFCMA is its virtual silence in addressing fishery habitat needs, this despite the fact that habitat protection and enhancement are vital to maintaining adequate fishery production. The regional councils are not now required to delineate habitat factors in developing harvest allocation formulas, and there has been little or no coordination between habitat considerations and fishery management decisions. Moreover, Federal agencies have continuously ignored comments and requests for information on potentially habitat-damaging activities from the National Marine Fisheries Service.

While the substitute does not go as far as I would like in addressing this issue, it does provide substantial improvement over the status quo. Specifically, it grants the councils a legal basis for commenting upon State or Federal agency activities that may affect fishery resources. It further requires Federal agencies to respond to such comments in writing within 45 days and specifies the types of information that should be included in agency responses. This measure also requires fishery management plans to include readily available information regarding the significance of habitat to the fishery, and an evaluation as to the effect that changes to the habitat would have on the fishery. This should allow both fishery managers and the general public an opportunity to more clearly evaluate the relationship between agency activities, habitat conditions, and allocation decisions.

Mr. Speaker, these much-needed reforms will give fishermen a greater voice in fisheries management and put new emphasis on habitat protection—two goals fishermen have been working toward for years. I urge my colleagues to approve this substitute language.

Mr. JONES of North Carolina. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SMITH of Florida). The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the Senate bill, S. 991, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The title of the Senate bill was amended so as to read: "An Act to amend certain provisions of the law regarding the fisheries of the United States; to provide for the establishment of seafood marketing councils; and for other purposes.".

A motion to reconsider was laid on the table.

NEVADA MILITARY LANDS WITHDRAWAL ACT OF 1986

Mr. SEIBERLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4351) to withdraw and reserve for the Department of the Navy certain public lands within the Bravo-20 Bombing Range, Churchill County, NV, for use as a training and weapons testing area, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—WITHDRAWAL OF PUBLIC LANDS

SECTION 101. SHORT TITLE AND DEFINITION.

(a) SHORT TITLE.—This title may be cited as the "Nevada Military Lands Withdrawal Act of 1986".

(b) DEFINITION.—For purposes of this title, the term "public lands" means lands owned by the United States.

SEC. 102. WITHDRAWALS.

(a) NELLIS AIR FORCE RANGE.—(1) Subject to valid existing rights, the public lands described in paragraph (2) of this subsection are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws but not the mineral leasing or geothermal leasing laws). Such lands are reserved for use by the Secretary of the Air Force—

(A) as an armament and high-hazard testing area;

(B) for training for aerial gunnery, rocketry, electronic warfare, and tactical maneuvering and air support; and

(C) for other defense-related purposes authorized by the Secretary of the Interior pursuant to this title.

(2) The lands referred to in paragraph (1) of this subsection are the lands comprising approximately 2,945,000 acres of land in Clark, Nye, and Lincoln Counties, Nevada, as generally depicted on the map entitled "Nellis Air Force Range Withdrawal—Proposed", dated January 1985, and filed in accordance with section 103(a)(2).

(b) BRAVO-20 BOMBING RANGE.—(1) Subject to valid existing rights, the lands referred to in paragraph (2) of this subsection and all other areas within the boundary of such lands as depicted on the map specified in such paragraph which may become subject to the operation of the public land laws are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws but not the mineral leasing or the geothermal leasing laws). Such lands are reserved for use by the Secretary of the Navy for—

(A) testing and training for aerial bombing, missile firing, and tactical maneuvering and air support; and

(B) other defense-related purposes authorized by the Secretary of the Interior pursuant to this title.

(2) The lands referred to in paragraph (1) of this subsection are the public lands comprising approximately 21,576.40 acres in Churchill County, Nevada, as generally depicted on the map entitled "Bravo-20 Bombing Range Withdrawal—Proposed", dated April 1986, and filed in accordance with section 103(a)(2).

(3)(A) Within that portion of the lands referred to in paragraph (1) which are depicted on the map referred to in paragraph (2) as "Security Zone" (comprising approximately 13,000 acres), there shall be no construction of roads, structures, or any other facilities or installations and no bombing or missile firing activities having an impact on the surface until at least 90 days after the date on which the Secretary of the Navy and the Secretary of the Interior transmit to the Congress and the Governor of

Nevada a joint report described in subparagraph (B).

(B) The joint report referred to in subparagraph (A) shall—

(i) specify the expected uses of such "Security Zone" lands during the period of their withdrawal pursuant to section 102;

(ii) specify the roads, structures, and other facilities that are to be constructed on such lands in connection with such uses; and

(iii) set forth the evaluation of the Secretary of the Interior as to the likely impact of such uses and construction on the resources and values of such lands.

(C) Preparation of such report shall not be deemed a major Federal action for purposes of section 102(2)(C) of the National Environmental Policy Act of 1969.

SEC. 103. MAPS AND LEGAL DESCRIPTION.

(a) PUBLICATION AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this title, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice of the legal description of each area withdrawn under section 102; and

(2) transmit a map and the legal description of each area withdrawn under section 102 to the Congress.

(b) PUBLIC INSPECTION.—Each such map and legal description shall be available for public inspection—

(1) in the Office of the Director of the Bureau of Land Management of the Department of the Interior;

(2) in the Office of the State Director of the Bureau of Land Management for the State in which the area withdrawn under section 102 is located;

(3) in the case of lands withdrawn under section 102(a), in the appropriate Office of the Regional Director of the Fish and Wildlife Service of the Department of the Interior; and

(4) in the office of the military commander of each such area.

(c) EFFECT OF MAP AND LEGAL DESCRIPTION.—Each such map and legal description shall have the same force and effect as if included in this title, except that the Secretary of the Interior may correct any clerical or typographical error in any such map or legal description.

(d) COSTS.—The Secretary of Defense shall reimburse the Secretary of the Interior for the cost of implementing subsection (a) of this section.

SEC. 104. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT BY THE SECRETARY OF THE INTERIOR.—(1) During the period of the withdrawal, the Secretary of the Interior shall manage the lands withdrawn under section 102 (except those lands within the Desert National Wildlife Range) pursuant to the Federal Land Policy and Management Act of 1976 and other applicable law, including this title. Lands within the Desert National Wildlife Range shall be managed pursuant to the National Wildlife Refuge System Administration Act of 1966 and other applicable law. No provision of this title, except paragraph (2) of subsection (f) of this section, shall apply to the management of the Desert National Wildlife Range.

(2) To the extent consistent with applicable law, the lands withdrawn under section 102 may be managed in a manner permitting continuation of grazing where permitted on the date of enactment of this title, protection of wildlife and wildlife habitat, control of predatory and other animals, recreation, and the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities.

(3)(A) All nonmilitary use of such lands, other than the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this title.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such land only with the concurrence of the Secretary of the military department concerned.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the military department concerned determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this title, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure.

(2) Any closure under this subsection shall be limited to the minimum areas and periods which the Secretary of the military department concerned determines are required to carry out this subsection.

(3) Before and during any closure under this subsection, the Secretary of the military department concerned shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—The Secretary of the Interior (after consultation with the Secretary of the military department concerned) shall develop a plan for management of each area withdrawn under section 102 during the period of such withdrawal. Each plan shall—

(1) be consistent with applicable law;

(2) be subject to conditions and restrictions specified in subsection (a)(3) of this section;

(3) include such provisions as may be necessary for proper management and protection of the resources and values of such areas; and

(4) be developed not later than one year after the date of the enactment of this title.

(d) BRUSH AND RANGE FIRES.—The Secretary of the military department concerned shall take necessary precautions to prevent, and shall suppress, brush and range fires occurring within and outside of the lands withdrawn under section 102 as a result of the military use of such lands.

(2) The Secretary of the military department concerned may request assistance from the Director of the Bureau of Land Management in suppressing such fire and shall reimburse, out of lands appropriated for fiscal years beginning after the date of the enactment of this title, the Bureau of Land Management for expenses incurred in providing such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and Secretary of the military department concerned shall (with respect to each land area withdrawal under section 102) enter into a memorandum of understanding to implement the management plan developed under subsection (c). Any such memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of the lands withdrawn under section 102 if requested by the Secretary of the military department concerned.

(2) The duration of any such memorandum shall be the same as the period of the withdrawal of the lands under section 102.

(f) SPECIAL WILDLIFE RULES FOR NELLIS AIR FORCE RANGE.—(1) Neither the withdrawal under section 102(a) nor any other provision of this title, except paragraph (2) of this subsection, shall be construed to amend—

(A) the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.) or any other law related to management of the National Wildlife Refuge system;

(B) any Executive order or public land order in effect on the date of the enactment of this title with respect to the Desert National Wildlife Range; or

(C) any memorandum of understanding between the Secretary of the Interior and Secretary of the Air Force regarding the administration and joint use of a portion of the Desert National Wildlife Range.

(2) Provisions of the memorandum of understanding between the Department of the Interior and the Department of the Air Force regarding Air Force operations on the Desert National Wildlife Range in effect on March 15, 1986, shall not be amended sooner than 90 days after the Secretary of the Interior has notified the Committee on Interior and Insular Affairs of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Merchant Marine and Fisheries of the House of Representatives, and the Committee on Environment and Public Works of the Senate of any proposed amendments to such provisions.

(g) ADDITIONAL MILITARY USES.—(1) If requested to do so by the Secretary of Defense, and upon determinations made pursuant to this subsection, the Secretary of the Interior may authorize use of the lands withdrawn by section 102 (except those within the Desert National Wildlife Range) for defense-related uses other than those specified in such section.

(2) No authorization shall be granted pursuant to paragraph (1) of this subsection unless the Secretary of the Interior has determined that—

(A) the requested use or uses will not (either alone or in combination with the uses specified in section 102) have a significant impact on the resources and values of the affected lands; and

(B) the requested use or uses will not require the imposition of additional or more stringent conditions or restrictions on otherwise nonmilitary uses of the affected lands than are required to permit the uses specified in section 102.

(3) The Secretary of the Interior may waive the requirements of paragraph (2) of this subsection if the Secretary determines that authorizing a requested use or uses of lands withdrawn by section 102 will permit increased use for mining, mineral leasing, agricultural, or recreational purposes of lands in Nevada withdrawn for military purposes. A waiver may be made under this paragraph only if the Secretary of Defense enters into an agreement with the Secretary of the Interior that specific lands withdrawn for military purposes shall be made available for such additional nonmilitary purposes.

SEC. 105. DURATION OF WITHDRAWALS AND REQUIREMENTS FOR RENEWAL.

(a) DURATION.—The withdrawals under section 102 of this title shall terminate at midnight, local time at Carson City, Nevada, on December 31, 1996, except as otherwise provided in subsection (d) of this section.

(b) IMPACT STATEMENTS.—(1) No later than January 1, 1995, the Secretary of the Air Force and the Secretary of the Interior shall issue an environmental impact statement, consistent with the requirements of the National Environmental Policy Act of 1969, concerning continued or renewed withdrawal of some or all of the lands withdrawn by section 2(a) of this Act and any other public lands in Nevada which as of December 1, 1994, have been withdrawn for use by the Air Force.

(2) No later than January 1, 1992, the Secretary of the Navy and the Secretary of the Interior shall issue an environmental impact statement, consistent with the requirements of the National Environmental Policy Act of 1969, concerning continued or renewed withdrawal of some or all of the lands withdrawn by section 102(b) of this title and any other public lands in Nevada which as of December 1, 1991, have been withdrawn for use by the Navy.

(c) REPORT TO CONGRESS.—(1) At the same time that the statements required by subsection (b) are issued, the Secretary of the Air Force, the Secretary of the Navy, and the Secretary of the Interior shall submit to Congress a joint report which shall include an analysis and an evaluation of the effects on public health and safety throughout Nevada of—

(A) the operation of aircraft at subsonic and supersonic speeds;

(B) the use of aerial and other gunnery, rockets, and missiles; and

(C) the uses specified in section 102.

(2) Each of the military departments concerned and the Secretary of the Interior shall, in the report required by this subsection, evaluate the cumulative effects of continued or renewed withdrawal for military purposes of the military department concerned of some or all of the lands withdrawn by section 102 of the environment and population of Nevada. This evaluation shall be done in conjunction with—

(A) an analysis of the actual and proposed withdrawal for military and related purposes of other lands in Nevada, including but not limited to—

(i) lands withdrawn by section 102(a) of this title and by Public Law 94-485 (98 Stat. 2261);

(ii) lands withdrawn by Public Land Orders 275, 788, 898, and 2635;

(iii) lands proposed for withdrawal as specified in the draft environmental impact statement for the proposed master land withdrawal, Naval Air Station, Fallon, Nevada; and

(iv) lands withdrawn or being considered for withdrawal for use by the Department of Energy; and

(B) an analysis of cumulative impacts on public and private property in Nevada and on the fish and wiildlife, cultural, historic, scientific, recreational, wilderness, and other values of the public lands in Nevada resulting from military and defense related uses of the lands withdrawn by section 102 and the other lands described in this subparagraph (A) of this paragraph, including but not limited to impacts resulting from—

(i) operation of aircraft at subsonic and supersonic speeds;

(ii) the use of aerial and other gunnery, rocketry, and missiles; and

(iii) the uses specified in section 102.

(3) The report required by this subsection shall include an analysis and an evaluation of possible measures to mitigate the cumulative effect of the withdrawal of public lands in Nevada for military and defense-related purposes, and of use of the airspaces over public lands in Nevada for such purposes, on—

(A) opportunities for outdoor recreation, mineral exploration and development, and agriculture in Nevada; and

(B) people and property in Nevada and the fish and wildlife, cultural, historic, scientific, wilderness, and other resources and values of the public lands in Nevada.

(4) Measures to be analyzed and evaluated pursuant to paragraph (3) shall include (but shall not be limited to)—

(A) possible acquisition by the United States (through exchange or otherwise) of lands in Nevada suitable for outdoor recreational uses;

(B) possible increased use for mining, mineral leasing, agricultural, or recreational purposes of public lands, in Nevada withdrawn for military and other defense-related purposes;

(C) possible reductions of or limitations on military and other defense-related uses of airspaces over public lands in Nevada; and

(D) possible overall reduction of the total area of lands in Nevada withdrawn for military and related purposes through increased cooperation between military departments to permit use of lands withdrawn for use by one military department by one or more other military departments.

(d) DEADLINES.—(1) If the environmental impact statement and the report to Congress described in paragraph (1) of subsection (b)(1) and in subsection (c) are not issued on or before the date specified in such paragraph, the withdrawal made by section 102(b) shall terminate 30 days after the date specified in such paragraph.

(2) If the environmental impact statement and the report to Congress described in paragraph (2) of subsection (b) and subsection (c) are not issued on or before the date specified in such paragraph, the withdrawal made by section 102(b) shall terminate 30 days after the date specified in such paragraph.

(e) PRIOR STUDIES.—In preparing the environmental impact statement described in paragraph (2) of subsection (b), the Secretary of the Navy and the Secretary of the Interior shall, to the maximum extent feasible, utilize and incorporate information and analyses prepared in connection with statements previously prepared pursuant to the National Environmental Policy Act of 1969 (including but not limited to such statements prepared by the Department of the Air Force, the Department of the Navy, the Department of Energy, and the Department of the Interior), as such Secretaries find relevant to the matters analyzed, evaluated, or otherwise treated in the statement described in such paragraph.

(f) EXTENSIONS OR RENEWALS.—The withdrawals established by this title may not be extended or renewed except by an Act or joint resolution.

SEC. 106. RELINQUISHMENT AND DECONTAMINATION.

(a) NOTICE.—If, at any time prior to the termination of the withdrawals established by this title, the Secretary of Defense concludes that there is no military need for all or any of the lands withdrawn and reserved by this title, or if, during the period of withdrawal and reservation, the Secretary of Defense decides to relinquish all or any of such lands, the Secretary of Defense shall transmit a notice of intention to relinquish to the Secretary of the Interior.

(b) CONTAMINATION.—(1) Before transmitting a notice of intention to relinquish pursuant to subsection (a), the Secretary of Defense, acting through the military department concerned, shall prepare a written determination concerning whether and to what extent the lands that are to be relinquished are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of such determination shall be transmitted with the notice of intention to relinquish.

(3) Copies of both the notice of intention to relinquish and the determination concerning the contaminated state of the lands shall be published in the Federal Register by the Secretary of the Interior.

(c) DECONTAMINATION.—If any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the military department concerned, determines that decontamination is practicable and economically feasible (taking into consideration the potential future use and value of the land) and that upon decontamination, the land could be opended to operation of some or all of the public land laws, including the mining laws, the Secretary of the military department concerned shall decontaminate the land to the extent that funds are appropriated for such purpose.

(d) ALTERNATIVES.—If the Secretary of the Interior, after consultation with the Secretary of the military department concerned, concludes that decontamination of any land which is the subject of a notice of intention to relinquish pursuant to subsection (a) is not practicable or economically feasible, or that the land cannot be decontaminated sufficiently to be opened to operation of some or all of the public land laws, or if Congress does not appropriate a sufficient amount of funds for the decontamination of the land, the Secretary of the Interior shall not be required to accept the land proposed for relinquishment.

(e) REVOCATION AUTHORITY.—Notwithstanding any other provision of this title, the Secretary of the Interior, upon deciding that it is in the public interest to agree to a relinquishment pursuant to this section and to accept full jurisdiction over any or all of the lands withdrawn and reserved by this title which were the subject of a notice of intention to relinquish, may revoke the withdrawal and reservation established by this title, as it applies to such lands. If the Secretary of the Interior decides to revoke the withdrawal, such Secretary shall publish in the Federal Register an appropriate order which shall terminate the withdrawal and reservation, constitute official acceptance of full jurisdiction over the lands by such Secretary, and state the date upon which the lands will be opened to the operation of some or all of the public land laws, including the mining laws.

SEC. 107. MILITARY WITHDRAWAL REPORTS.

(a) TO CONGRESS.—No later than 180 days after the date of enactment of this title, the Secretary of Defense and the Secretary of the Interior shall prepare and transmit to the Committees on Interior and Insular Affairs and Armed Services of the House of Representatives and to the Committee on Energy and Natural Resources of the Senate a report on present and potential

withdrawals of public lands in Nevada for military purposes and on other lands in Nevada which are used for such purposes, with an explanation of the manner in which such uses on such other lands are permitted. Such report shall identify—

(A) the public lands in Nevada which as of the date of the report (or the date of revisions thereof pursuant to subsection (c)) are withdrawn for military purposes, and the date of termination of each such withdrawal; and

(B) the public lands in Nevada which as of such date are the subject of a request for withdrawal for military purposes, together with the status of each such request and (with respect to each such request involving 5,000 acres or more of public lands) the date on which such request is expected to be transmitted for consideration by the Congress.

(2) On the date that the report described in paragraph (1) of this subsection is transmitted, the Secretary of Defense shall transmit to the Congress a report identifying existing and proposed restrictions, established for defense purposes, on use of airspace over lands in Nevada by nonmilitary aircraft.

(b) TO GOVERNOR.—The Secretary of Defense and the Secretary of the Interior shall provide a copy of the reports described in subsection (a) to the Governor of Nevada on the date that such reports are transmitted to the specified Committees of the Congress, and the Secretary of the Interior shall maintain copies of the reports in the offices of the Bureau of Land Management in Reno and Las Vegas, Nevada, for public inspection.

(c) REVISIONS.—(1) From time to time (but at least every two years after the date of the transmittal of the reports to the specified Committees of the Congress), the Secretary of Defense and the Secretary of the Interior shall—

(A) revise the reports described in subsection (a) of this section;

(B) provide such revised reports to the Committees of the Congress specified in subsection (a) and to the Governor of Nevada; and

(C) make such revised reports available for public inspection in Reno and Las Vegas, Nevada.

(2) Before transmitting each of the revised reports to the Committees and the Governor of Nevada, the Secretaries shall give appropriate notice concerning the preparation of such revised reports and shall consult with the public and with agencies of the State of Nevada concerning the information to be included in such revised reports.

SEC. 108. DELEGABILITY.

(a) DEFENSE.—The functions of the Secretary of Defense or of a military department under this title may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this title may be delegated, except that an order described in section 106(e) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

TITLE II—NATURAL RESOURCES AND FISH AND WILDLIFE MANAGEMENT ON MILITARY RESERVATIONS

SECTION 201. NATURAL RESOURCES AND FISH AND WILDLIFE MANAGEMENT; REPORT ON MILITARY EXPENDITURES FOR FISH AND WILDLIFE MANAGEMENT.

(a) NATURAL RESOURCES MANAGEMENT.—The Secretary of each military department shall manage the natural resources of each military reservation within the United States that is under the jurisdiction of the Secretary—

(1) so as to provide for sustained multipurpose uses of those resources; and

(2) to provide the public access that is necessary or appropriate for those uses;

to the extent that those uses and that access are not inconsistent with the military mission of the reservation.

(b) FISH AND WILDLIFE MANAGEMENT SERVICES.—The Secretary of each military department shall ensure, to the extent feasible, that the services necessary for the development, implementation, and enforcement of fish and wildlife management on each military reservation within the United States under the jurisdiction of the Secretary are provided by the Department of Defense personnel who have professional training in those services.

(c) FISH AND WILDLIFE MANAGEMENT REPORT.—The Secretary of each military department shall submit to each House of the Congress, before the close of the 180-day period occurring after the close of fiscal year 1986, a detailed report setting forth the amount and purpose of all expenditures made during fiscal year 1986 for fish and wildlife management on each military reservation in the United States under the jurisdiction of the Secretary.

(d) DEFINITIONS.—As used in this section—

(1) The term "military department" means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

(2) The term "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

SEC. 202. SIKES ACT AMENDMENTS.

(a) COOPERATIVE PLANS.—(1) Section 101 of the Act of September 15, 1960 (commonly referred to as the "Sikes Act"; 16 U.S.C. 670a) is amended to read as follows:

"SEC. 101. (a) The Secretary of Defense is authorized to carry out a program of planning for, and the development, maintenance, and coordination of, wildlife, fish, and game conservation and rehabilitation in each military reservation in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior, and the appropriate State agency designated by the State in which the reservation is located.

"(b) Each cooperative plan entered into under subsection (a)—

"(1) shall provide for—

"(A) fish and wildlife habitat improvements or modifications,

"(B) range rehabilitation where necessary for support of wildlife,

"(C) control of off-road vehicle traffic, and

"(D) specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered;

"(2) must be reviewed as to operation and effect by the parties thereto on a regular basis, but not less often than every 5 years;

"(3) must require that the parties thereto will cooperate in, and take the cooperative plan into account during, the development and review of any multiuse natural resources management plan applicable to the reservation covered by the cooperative plan; and

"(4) may stipulate the issuance of special State hunting and fishing permits to individuals and require payment of nominal fees therefor, which fees shall be utilized for the protection, conservation, and management of fish and wildlife, including habitat improvement and related activities in accordance with the cooperative plan; except that—

"(A) the Commanding Officer of the reservation or persons designated by that Officer are authorized to enforce such special hunting and fishing permits and to collect the fees therefor, acting as agent or agents for the State if the cooperative plan so provides, and

"(B) the fees collected under this paragraph may not be expended with respect to other than the military reservation on which collected.

"(c) After a cooperative plan is agreed to under subsection (a)—

"(1) no sale of land, or forest products from land, that is subject to that plan may be made under section 2665 (a) or (b) of title 10, United States Code; and

"(2) no leasing of land that is subject to that plan may be made under section 2667 of such title 10;

unless the effects of that sale or leasing are compatible with the purposes of the plan.

"(d) With regard to the implementation and enforcement of cooperative plans agreed to under subsection (a)—

"(1) neither Office of Management and Budget Circular A-76 nor any successor circular thereto applies to the procurement of services that are necessary for that implementation and enforcement; and

"(2) priority shall be given to the entering into of contracts for the procurement of such implementation and enforcement services with Federal and State agencies having responsibility for the conservation or management of fish or wildlife.

"(e) Cooperative plans agreed to under the authority of this section and section 102 shall not be deemed to be, nor treated as, cooperative agreements to which the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) applies.".

(2) Subsection (d)(1) of such section 101 (as added by paragraph (1)) shall not affect any contract entered into before the date of the enactment of this Act for the provision of services to implement or enforce a cooperative plan under this Act on any military installation; but shall apply to the renewal, after such date of enactment, of any such contract.

(b) FUNDS COLLECTED UNDER PLANS.—Subsection (a) of section 106 of the Sikes Act (16 U.S.C. 670f(a)) is amended by adding at the end thereof the following new sentence: "All funds that are so collected shall remain available until expended.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsections (b) and (c) of section 106 of the Sikes Act (16 U.S.C. 670f (b) and (c)) are each amended by striking out "and 1985," and inserting in lieu thereof "1985, 1986, 1987, and 1988,".

(2) Subsections (a) and (b) of section 209 of the Sikes Act (16 U.S.C. 670o (a) and (b)) are each amended by striking out "and

1985," and inserting in lieu thereof "1985, 1986, 1987, and 1988,".

SEC. 203. FOREST PRODUCTS ON MILITARY RESERVATIONS.

Section 2665(f) of title 10, United States Code, is amended—

(1) by amending paragraph (1)(C) to read as follows:

"(C) for natural resources management that implements approved plans and agreements.", and

(2) by amending paragraphs (2) and (3) to read as follows:

"(2) There shall be deposited into the reserve account the total amount received by the United States as proceeds from the sale of forest products sold under subsections (a) and (b) less—

"(A) reimbursements of appropriations made under subsection (d), and

"(B) payments made to States under subsection (e).

"(3) The reserve account may not exceed $4,000,000 on December 31 of any calendar year. Unobligated balances exceeding $4,000,000 on that date shall be deposited into the United States Treasury.".

The SPEAKER pro tempore. Is a second demanded?

Mr. MARLENEE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SEIBERLING] will be recognized for 20 minutes and the gentleman from Montana [Mr. MARLENEE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Speaker, I yield such time as he may consume to the chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I rise in support of the substitute offered to H.R. 4351 by my colleague, Mr. SEIBERLING, and associate myself with his remarks.

H.R. 4351, the "Nevada Military Lands Withdrawal Act of 1986," was jointly referred to the Committees on Interior and Insular Affairs and Armed Services. After careful review of the legislation, the Committee on Armed Services approved H.R. 4351, as reported, by a voice vote on July 23, 1986.

H.R. 4351 provides for the withdrawal of approximately 2.9 million acres of land for the Nellis range at Nellis Air Force Base and 21,500 acres known as the Bravo-20 range at Fallon Naval Air Station. The withdrawal of this land would be for a period of 10 years or until December 31, 1996, providing that the environmental impact statements and reports to Congress required by this legislation are received by the dates specified.

The ranges at Nellis Air Force Base comprise the largest air and ground space available for peacetime military training operations by our services. These lands have previously been withdrawn, but the authority has now elapsed and the Air Force are presently operating under a temporary withdrawal.

The Bravo-20 Range at Fallon Naval Air Station has continued to be used for bombing since World War II. Bravo-20 is the largest of the four target areas at this base and is used for live firing and thus contains a great quantity of unexploded ordnances. Although it has never been withdrawn from public use as required by the Engle Act, it is highly unlikely that it could even be returned to the public domain given the unexploded ordnances.

Enactment of this legislation will provide the Air Force and the Navy with the authority they need to prevent conflicts between vital training and other missions on these lands while protecting the public and the security of certain military activities. Further delay by Congress to address this issue will only complicate and inhibit the use of these lands for continued military training.

I urge my colleagues to support this legislation.

Mr. MARLENEE. Mr. Speaker, I yield such time as he may consume to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 4351.

Mr. Speaker, title II of H.R. 4351 specifically authorizes appropriations to carry out conservation programs on military reservations and installations through fiscal year 1988.

Referred to as amendments to the Sikes Act, H.R. 1202 was reported unanimously by the Committee on Merchant Marine and Fisheries, the Armed Services Committee, and unanimously passed the House of Representatives in July 1985.

The Sikes Act was first enacted by Congress in 1960 and last amended in 1982. The act originally authorized the Secretary of Defense to carry out a program of planning, development, and maintenance of fish and wildlife conservation on military reservations. These installations encompass more than 19 million acres of valuable fish and wildlife habitat. This is equal to almost one-quarter of the land protected in the entire National Wildlife Refuge System. While some of this land provides habitat for endangered, migratory, and nongame species, it represents a major reservoir for resident game species such as deer, turkey, grouse, pheasant, and quail, which are of prime interest to American hunters. Clearly, these lands represent a substantial portion of our Nation's wildlife, fish, and game resources and must, to the extent practical, with the primary mission of national defense, be managed as effectively as possible for the protection of these resources.

This provision of the bill would extend the Sikes Act through fiscal year 1988 and amend it in the following ways:

First, require the Secretary of each military department to manage the wildlife and fishery resources under his jurisdiction with trained professionals and to provide sustained multipurpose use and public access.

Second, require that priority in the contracting out for fish and wildlife conservation activities be given to Federal and State fish and wildlife agencies in order to secure the services of trained professionals.

Third, require that cooperative fish and wildlife plans be reviewed by all parties on a regular basis and not less than once every 5 years.

Fourth, require the preparation of a detailed report setting forth the amount and purpose of all expenditures during fiscal year 1986 for fish and wildlife management on each military reservation.

In addition, it would amend section 2665 of title 10, United States Code, in three ways. It would:

First, modify the existing timber reserve account managed by the Department of Defense to provide for the deposit therein of the total amount, instead of one-half, of the net proceeds for the sale of forest products on military installations.

Second, require that the funds in the reserve account be available for all natural resource management, rather than just forestry as permitted now.

Third, establish that the reserve account may not exceed $4 million on December 31 of any calendar year.

Mr. Speaker, this provision of the bill reauthorizes the Sikes Act through fiscal year 1988 at a level that represents a freeze in authorizations at the fiscal year 1985 level yet provides an equitable means of managing fish and wildlife resources on military lands, recognizing the needs of national defense. As my colleagues know, I have been a strong proponent over the years in bringing about a greater emphasis for proper wildlife and fisheries management on our military lands.

Mr. Speaker, this summarizes the key provisions of title II, and I urge my colleagues to support adoption of the bill.

Mr. MARLENEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we have here is a bill that will cost the U.S. taxpayer another $5 million to reach a foregone conclusion that land used for 40 years for a bombing range should be continued for use by the military and is necessary for the defense of this Nation.

The problem is we have allowed for an additional 10 years instead of a more appropriate 25 years and I suspect at the end of 10 years we will have to have another study.

Mr. Speaker, the bill which is being considered today under suspension of the rules is not the same bill which was reported out of the Interior Committee. In my opinion, it is an improved version.

The changes which were made are the result of negotiations with the Merchant Marine and Fisheries Committee which sought and received sequential referral of the bill. I wish to commend the chairman of the Mer-

chant Marine and Fisheries Committee, Mr. JONES, and the gentleman from Louisiana, Mr. BREAUX, as well as our ranking Republican member, Mr. YOUNG, who serves on both committees, for their willingness to involve the Merchant Marine Committee in this legislation and for their important contribution to it.

I also wish to recognize the hard work of the gentlelady from Nevada [Mrs. VUCANOVICH]. Her concern for the safety of the protestors, who foolishly entered onto the Bravo-20 bombing range, and her concern for the needs of the military led her to introduce H.R. 4351. While the final version differs vastly from her original proposal, she deserves credit for the long hours and hard work she has put into the legislation. I am hopeful the final version of this bill will be closer to her original bill.

We are making progress in that direction. The issue which was addressed in the negotiations with the Merchant Marine Committee was one of the major objections the minority had to the bill.

Namely, the issue involved the content of the environmental impact statements. The original bill, reported by the Interior Committee, contained page after page of detail telling the Air Force and Navy how to prepare their EIS's. We felt this was unnecessary and constituted a rewriting of the National Environmental Policy Act [NEPA]. We felt strongly that the act and the regulations which accompany it spell out in sufficient detail what is required in an environmental impact statement and that the agencies are certainly capable of doing an adequate job.

We are pleased the version before us today takes all of these detailed instructions out of the EIS section. We do not believe they belong in the bill at all, but at least they have been moved to a "Report to Congress" requirement.

While this change is a significant improvement in the bill, as I have said, I believe the bill is still lacking in some other areas. Most importantly, I still believe the length of the withdrawals granted by this bill is too short. The bill being considered withdraws the lands for military purposes for only 10 years, instead of the 25 years requested by the services.

Let me point out, these lands have been used by the Air Force and the Navy for over 40 years, since the end of World War II, as bombing ranges. Portions of the ranges are heavily contaminated with unexploded ordnances. There is little likelihood that these lands will be used for anything else, yet the bill forces the services to come back to Congress in only 10 years for renewed congressional approval. I see no sense in this. It has taken our committee two complete Congresses to produce this bill. I believe we should authorize the military use of these lands for at least 25 years before we ask them to go through this difficult, prolonged, and costly process again. Their missions are vital to our national security and, I repeat, there is no other practical use for much of the land. In addition, the EIS process is estimated to cost at least $25 million. How often are we going to demand this type of expenditure?

Our committee recently brought a bill to the House floor which was strongly supported by the chairman of the Public Lands Subcommittee and which passed the House by voice vote to allow ski areas the use of public lands for up to 40 years. I also supported the bill. The original bill would have given them special use permits for up to 55 years. Yet the chairman will only allow the military, who need the land for our national defense, to use the land for 10 years. I find the difference in how we treat the ski industry versus our own military somewhat surprising.

Other provisions in the bill dealing with the security zone and airspace restrictions should also be dropped. I am hopeful these changes will be made as the bill moves through the other body.

I shall not urge my colleagues to vote against this bill today as I believe it is important that it move forward so that we can ultimately resolve these issues.

□ 1440

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, today we are considering a bill, H.R. 4351, which will withdraw certain lands in Nevada for use by the Air Force and by the Navy. This bill represents a compromise between the military, the chairman of the Public Lands Subcommittee, Mr. SEIBERLING, and myself. I want to make it perfectly clear that the Air Force and the Navy are supporting this bill in order to get it out of the House, over to the other body, where improvements will be made that are more satisfactory to the military and to me.

As my distinguished colleague from Montana has stated—I originally introduced H.R. 4351 which addressed only the withdrawal of the Bravo-20 bombing range at the Fallon Naval Air Station. This withdrawal was to be for 25 years because the Navy had met their environmental requirements by completing an environmental assessment on the Bravo-20 range in 1982. My original bill did not include the land withdrawal for the Nellis Air Force Range.

The bill before us today includes both the land withdrawals at Nellis Air Force Base and at Fallon Naval Air Station. In this substitute, the Air Force must conduct an EIS on the land withdrawals at Nellis within 8 years and the Navy must conduct and EIS on all their land withdrawals at the Fallon Naval Air Station, not just Bravo 20, within 5 years. In addition, the Navy must include, in a report to Congress, a "discussion" of the cumulative effects on all other land withdrawals in the State of Nevada which includes those withdrawn by the Department of Energy.

While I do not believe the Navy should be responsible for reporting on lands that are not withdrawn by them, this is a great improvement from Congressman SEIBERLING'S substitute to my original bill. This report to Congress will not require the Navy to include the cumulative effects on all land withdrawals in Nevada in a full environmental impact statement. Subjecting the Navy to a cumulative EIS on all land withdrawals was one of my objections because these are not new land withdrawal requests. This land has been used by the military for the same purpose for 40 years and that purpose is not going to change. I am glad to see that this information will only be included in a report to Congress.

Another major concern of mine is the limited number of years that are allowed for these two military land withdrawals. If these EIS statements are not completed within the 8-year timeframe for the Air Force and the 5-year timeframe for the Navy, the withdrawals would terminate within 30 days after the EIS deadline. Should this happen, an emergency situation could develop similar to the problem that happened on Bravo-20 2 years ago where Nevada citizens camped on the Bravo-20 range which contained live ordnances. These citizens had the legal right to camp on those lands because the withdrawal had expired; however, their safety was greatly endangered. If these land withdrawals expire and Congress delays renewing them as we have in the past, this dangerous situation will surely happen again. I do not believe we want this to happen. A longer military land withdrawal for these particular lands is the answer to ensuring safety on these lands.

This bill is not a "Nevada" bill. What we pass today could affect land withdrawals in many other States. However, it is crucial that these land withdrawals are approved. While I do not support this bill, I believe that we must pass this legislation so that the other body can make its changes, and the Congress can pass a land withdrawal bill that allows the military to continue their activities without interruption in order to ensure our national security needs are met.

Mr. MARLENEE. Mr. Speaker, I reserve the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Maryland [Mrs. BYRON].

Before she speaks, let me thank her and commend her for the initiative she has taken in this entire subject of military withdrawals. This bill is a part of a much larger project that, at her initiative, we are going to undertake to legalize all the military withdrawals that are presently not covered by this legislation.

Mrs. BYRON. Mr. Speaker, I rise in support of H.R. 4351, the "Nevada Military Lands Withdrawal Act of 1986," and urge all my colleagues to support its passage. This is an issue in which I have been involved since the end of the 98th Congress. I would like to first take this opportunity to thank Congressman SEIBERLING, chairman of the Public Lands Subcommittee, for his diligence in pursuing a reasonable compromise on this issue. I would also like to thank Chairman UDALL, Congressman DELLUMS, chairman of the Military Construction Subcommittee, and Chairman ASPIN for their cooperation and support of this legislation.

Mr. Speaker, at the outset of the 99th Congress, I introduced omnibus legislation which provided for the withdrawal of several military ranges throughout the Northwestern and Southwestern United States. Two of those ranges are now in the bill we have before us today. As a member of both the Interior and Armed Services Committees which have joint jurisidiction over this legislation, I have worked to ensure that the bill is acceptable to both committees.

H.R. 4351 provides the congressional approval urgently needed for the military to continue its use of Bravo-20 bombing range and Nellis Air Force range in Nevada. While both of these ranges have been used for military purposes since World War II, their authority to be used as such has expired. The intent of H.R. 4351 is to bring them back into compliance with the law by allowing a "rewithdrawal" of the two ranges from public land laws for military purposes.

The compromise consists of a 10-year withdrawal of both the Air Force and the Navy ranges. The Navy is required to complete an environmental impact statement [EIS] on its Fallon complex—which includes the Bravo-20 range and several other small ranges—within 5 years. The Air Force is required to complete an EIS on Nellis Air Force range within 8 years. In addition, reports must be presented to Congress by both services which assess the cumulative impact of Federal operations on the environment and citizens of Nevada. Finally, the bill mandates that a status report must be made by each service every 2 years which details the status of current operations and future plans. This report will be presented to both the Governor of Nevada and Congress.

H.R. 4351 was considered and favorably passed by both the House Interior and Armed Services Committees. While the Merchant Marine and Fisheries Committee received a sequential referral, it did not take up H.R. 4351 as the committee's concerns were met and incorporated into the bill.

As the end of the 99th Congress is drawing near, I think that it is imperative that we achieve passage of this bill now. H.R. 4351 is supported by the administration, the State of Nevada, and environmental groups such as the Sierra Club, the Wilderness Society, and the Rural Coalition—to name a few. The consensus that this bill has achieved is self-evident. I urge my colleagues to uphold this spirit of consensus and vote in support of its passage.

Mr. SEIBERLING. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Nevada [Mr. REID].

Before the gentleman speaks, let me say I particularly appreciate the tremendous concern the gentleman has voiced to the subcommittee to make sure that these withdrawals are done in a way that represents the protection of the best interests of the people of Nevada. I appreciate it very much as chairman. It has been most helpful.

□ 1455

Mr. REID. Mr. Speaker, I rise in support of H.R. 4351, the "Nevada Military Lands Withdrawal Act of 1986". I would like to commend Chairman SEIBERLING of the Public Lands Subcommittee and Chairman DELLUMS of the Subcommittee on Military Installations and Facilities for their able leadership in guiding this legislation to the House floor. I would also like to commend Congresswoman BYRON for her deep understanding of the military and environmental concerns which led to the balanced approach this legislation now takes.

This bill would allow for a renewed withdrawal of the Nellis Air Force Base which constitutes nearly 3 million acres in southern Nevada, and also legalize the Navy's use of 22,000 acres of land known as Bravo-22 bombing area. I believe our military's readiness is well served by the renewal of these withdrawals. However, the impacts these withdrawals have on Nevada and its citizens are equally important.

Nevada currently has more public lands withdrawn for military purposes than any other State in the Union. It is also experiencing an unmatched population explosion. That is why this legislation is so important to Nevada. H.R. 4351 not only renews two military withdrawals, but additionally, it addresses the State's concerns by providing for a comprehensive review of environmental, health and safety impacts of current and future military activities in Nevada. This provision is absolutely necessary if Nevadans are to make informed decisions concerning the future uses of the public lands in the State.

People in Nevada are concerned that the State is becoming a Federal colony. As Nevada has become more and more militarized with each new withdrawal, the residents of the State have merely asked for an open, up-front discussion of how much, for what reasons, and an explanation of the kind of impact these withdrawals will have on the State. This legislation would be the first step in that direction. Simply put, it would require that the military prudently plan its land and airspace requests.

I have been in close consultation with the two committees concerning this legislation, and I believe that it takes a balanced approach to the needs of our military and the residents of Nevada. Governor Bryan of Nevada has also lent his support to this legislation. I urge my colleagues to vote in favor of H.R. 4351.

Mr. MARLENEE. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. SEIBERLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support passage of H.R. 4351, the "Nevada Military Lands Withdrawal Act of 1986."

This is an important bill which has been carefully shaped by the Committee on Interior and Insular Affairs and the Committee on Armed Services. It also includes provisions which have been included at the suggestion of the Committee on Merchant Marine and Fisheries.

In particular, title II of the bill incorporates the text of a bill, H.R. 1202, which the House passed in July of last year after it was reported from the Merchant Marine and Fisheries Committee. It would reauthorize important programs for fish and wildlife conservation and natural resource management on military reservations under the Sikes Act.

However, I want to focus on the provisions of title I, which would withdraw from operation of the public land laws, including the mining but not the mineral leasing or geothermal leasing laws, nearly 3 million acres of Federal lands in Nevada for use by the Air Force and the Navy. This withdrawal would be for 10 years.

Mr. Speaker, this is the first military withdrawal bill to come before the House in this Congress, and it may be the most important one which we are likely to consider. It would reestablish the legal authority for continued military use of these extensive areas in Nevada. As we bring it to the floor, it has been shaped to respond to particular conditions in Nevada, which prob-

ably more than any other State is impacted by the cumulative effects of military and related uses of its public lands and its airspaces.

I think that in considering this bill, it is important to remember a little history. Prior to 1958, Federal lands in Nevada and other States were made available to the military departments for bases, training areas, and other purposes through administrative or executive actions, without the need for congressional action. This was done through Executive orders, public land orders, or other measures which had the effect of withdrawing lands from operation of some or all of the otherwise applicable public lands laws and of limiting public access.

The extent of these military withdrawals and their long duration after the end of the Second World War and the Korean conflict led to enactment of Public Law 85-337 in 1958. That act, popularly known as the Engle Act, requires that in peacetime any withdrawal of 5,000 acres or more of public lands for military purposes can be established only by act of Congress.

The previous withdrawals of both the Nellis Air Force range and the so-called Bravo-20 area have long since expired.

In the case of the Nellis complex, near Las Vegas, the last previous withdrawal expired in 1977. In other words, while the land has continued to be used by the Air Force, nearly 3 million acres in all, they lack the legal authority to close it to entry by the public.

The case of the Bravo-20 area, in northern Nevada, is even worse. The best evidence that our committee has been able to obtain indicates that the Navy's activities on public lands there have been on very shaky legal ground since the 1950's, and the Navy and the Department of the Interior for a number of years disagreed as to whether there was, in fact, a legal basis for the Navy activities.

Since 1978, the Navy has admitted that they required a renewed withdrawal of the Bravo-20 area.

Without the renewed withdrawal of these areas, the military departments lack clearcut authority to prevent conflicts between military and other uses of the lands. The problems that can arise from this were dramatized last year when a number of people staged a camp-in on public lands in the Bravo-20 area, to protest the Navy's activities in that area and elsewhere in Nevada. That camp-in was legal, but obviously it had the potential for a most dangerous situation.

The bill before us would give the military departments the clear legal authority to prevent similar situations by closing some or all of the lands covered by the bill to public use, in the interests of safety or national security.

So, this bill addresses very real needs of the Air Force and the Navy. At the same time, it also addresses the equally important need for the Congress and the people of Nevada to have a better understanding of the cumulative effects on Nevada's lands, resources, and people that result from the very extensive use of Nevada's public lands for military purposes.

The bill makes it clear that the question of possible renewed withdrawal of these lands—after the withdrawals achieved by this bill expire—must be addressed in environmental impact statements. This is required now by the National Environmental Policy Act; this bill puts teeth into that requirement by providing that if these statements are not issued in a timely way, the land withdrawals of the bill will end even before the basic 10-year period established by the bill.

Also, the bill requires the Air Force and Navy, along with the Interior Department, to report to Congress about the cumulative effects of military activities in Nevada, so that we can make land use and other decisions on an informed basis and in a way that takes into account the larger picture of what is involved.

Similarly, the bill requires that there be a periodic, updated reporting of existing and proposed military withdrawals of public lands in Nevada, which will provide a single, comprehensive report of information that is now scattered among different offices in widely separated areas. This will make the information more readily available both to the Congress and to the people of Nevada.

Mr. Speaker, in our consideration of this bill during the committee process, I have been made acutely aware of the extent to which Nevada in particular is affected by military withdrawals of public lands and by related military activities.

For example, the lands in the Bravo-20 range are only one portion of the complex of ranges used by the Navy in northern Nevada. In addition to Bravo-20, these include ranges which now encompass about 98,890 acres of withdrawn public lands, and the Navy is asking for additional withdrawals that would bring their total size to more than 181,322 acres.

In southern Nevada, the Air Force operates over more than 3 million acres.

And use of these areas also entails restrictions on airspaces above both these public lands and other lands, not to mention impacts from sonic booms and the like. We have tried to shape this bill in a way that takes all this into account.

Mr. Speaker, I believe that the bill now before us represents an example of the committee process at its best. Thanks in particular to the leadership and hard work of our colleagues from Maryland, Mrs. BYRON, a member of both the Interior and Armed Services Committees, and the distinguished gentleman from California, Mr. DELLUMS, the chairman of the Armed Services Subcommittee chiefly involved with this bill, our committees have worked in harmony and close cooperation.

Similarly, I want to express my appreciation for the cooperation and assistance we received from the Committee on Merchant Marine and Fisheries. They were of great help in seeing to it that the bill was not only consistent with the National Environmental Policy Act but also was sufficiently protective of the Desert National Wildlife Range, a unit of the National Wildlife Refuge System which is overlapped by part of the Nellis Air Force range withdrawal.

Mr. Speaker, let me conclude by saying that the bill before us is a sound, balanced measure. It is responsible in the way that it furthers both important military uses of our public lands and at the same time protects those lands and their resources and values. And it is responsive as well—responsive to the legitimate concerns of the people of Nevada. Thanks in large part to the unflagging efforts of the gentleman from Nevada [Mr. REID] we have throughout our work on this bill kept those concerns in mind, and I believe that this bill is one which is good for Nevada, good for the Air Force and the Navy, and good for the American people as a whole. I urge all Members to support this bill and vote for its passage.

□ 1505

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. SMITH of Florida). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. DENNY SMITH. Mr. Speaker, I rise in support of H.R. 4351.

No matter how sophisticated, expensive, or accurate a weapon is, it is worthless in the hands of someone who can't use it properly. This bill guarantees that our military has a place to train.

When I was flying combat missions, the mission's success—and often my life—depended on my skills. The fact of the matter is that we have to have a place to train pilots in those essential flying and combat skills.

We have been using Nellis since the early forties, making it the largest continually running combat simulation. Nellis and Bravo-20 are essential pilot training areas. Over the years

the military and the Bureau of Land Management have fostered an excellent and responsible working relationship. All we are doing with this bill is providing them with a legal basis for continuing that relationship by allowing a rewithdrawal of the two ranges from public land laws for military exercises.

The bill is balanced and fair. It takes into consideration the environment as well as our Nation's defense. I urge all of my colleagues to support this bill.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of the amendment to H.R. 4351 offered by the Committees on Armed Services and Interior and Insular Affairs. The Committee on Merchant Marine and Fisheries, which I chair, has jurisdiction over those portions of the bill which affect the management of the Desert National Wildlife Range, a unit of the National Wildlife Refuge System. The committees' amendment now clarifies that, with one minor technical exception involving future modifications of the existing memorandum of understanding between the U.S. Air Force and the U.S. Fish and Wildlife Service, no part of this bill applies to, or will affect, the Fish and Wildlife Service's primary jurisdiction and existing management authority for the Desert National Wildlife Range. The existing amendment thus maintains the status quo for the management of the Desert National Wildlife Range.

The Committee on Merchant Marine and Fisheries also has jurisdiction over those parts of H.R. 4351 which involve the National Environmental Policy Act [NEPA]. I am aware that the council on environmental quality was critical of the bill reported by the Interior and Insular Affairs Committee. Quite frankly, as chairman of the committee with jurisdiction over NEPA, I believe that the council's comments were unwarranted and inappropriate, since the bill was consistent with the spirit and the intent of the act. The committees' amendment now resolves this debate once and for all and contains language on NEPA that I support.

Finally, the committees' amendment contains language reauthorizing the Sikes Act. This language is identical to H.R. 1202 which the House passed over a year ago and deserves our full support. I refer Members to House Report 99–129, parts I and II, and the CONGRESSIONAL RECORD of July 29, 1985, for further details.

Our committee was glad to accept a sequential referral of limited duration on H.R. 4351 to speed up House passage of the bill.

In short, the committees' amendment completely addresses the concerns of the Merchant Marine and Fisheries Committee. Therefore, I strongly urge my colleagues to support its passage.

Mr. SEIBERLING. Mr. Speaker, I yield back the balance of my time.

Mr. MARLENEE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio [Mr. SEIBERLING] that the House suspend the rules and pass the bill, H.R. 4351, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "An Act to withdraw and reserve certain public lands in Nevada for use by the Departments of the Air Force and the Navy, and for other purposes."

A motion to reconsider was laid on the table.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

The SPEAKER pro tempore (Mr. SMITH of Florida). Pursuant to House Resolution 523 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4428.

□ 1309

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with Mr. BOUCHER, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Monday, August 11, 1986, consideration of amendment numbered 21 made in order pursuant to paragraph 3 of House Resolution 531 had been completed.

Pursuant to House Resolution 531, amendments made in order pursuant to paragraph 3 of said resolution are not in order until amendments made in order pursuant to paragraphs 4, 5, and 6 of said resolution are completed on this legislative day.

It is in order to debate the level of funding for the strategic defense initiative for 1 hour, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After the completion of such debate, it is in order to consider the following four amendments to the committee substitute, as modified, contained in House Report 99–766, relating to such funding, which shall be in order even if changing portions of the committee substitute already changed, shall not be subject to amendment or to a demand for a division of the question but each shall be debatable for 20 minutes and shall be considered only in the following order: First, an amendment by Representative DORNAN of California, or his designee; second, an amendment by Representative DELLUMS, or his designee; third, an amendment by Representative BADHAM, or his designee; and fourth, an amendment by Representative BENNETT, or his designee.

The gentleman from Wisconsin [Mr. ASPIN] will be recognized for 30 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I rise to offer an amendment on behalf of myself and others: namely, Congressmen VIC FAZIO, NICHOLAS MAVROULES, ROY DYSON, as well as JIM WRIGHT, JOHN SPRATT, BUDDY MACKAY, and THOMAS FOLEY.

THE AMENDMENT

This amendment will fix the 1987 funding authorization for SDI at $3.125 billion, the same amount as in 1986, plus inflation. This is an important amendment, not only because it saves a substantial sum of money—all of which could be better used for defending our country by conventional and other weapons—but also because its temperate approach to the subject matter of SDI adds to the national security of our country by cooling a potentially dangerous arms race.

THE PRESIDENT'S VISION AND MY AMENDMENT

The world, certainly every real combat veteran, would like to see the end of the arms race and the end of wars. So there were good feelings when the President on March 23, 1983, said that he felt that we might achieve by our scientists a strategic defense initiative by turning their great talents now to the cause of mankind and world peace, to give us the means of rendering these nuclear weapons impotent and obsolete.

The President's vision was of a nationwide defense against intercontinental ballistic missiles. If such a system were deployed it would be clearly contrary to the 1972 Antiballistic Missile Treaty which bound each of the United States and the U.S.S.R. not to deploy ABM systems for defense of this territory of its country; but the treaty did allow such defensive measures for the national capital and one other location in each country. Russia has defended Moscow by such a system and we once defended a missile site, but later abandoned that defense. So now the question is whether we should reopen the issue, step up research and plan for nationwide deployment of defenses which would require a change or abandonment of the ABM Treaty.

Most Americans agree that it makes good sense to step up the level of research in defense against ICBM's. And since the President's speech, the research in this field has gone from $991 million in 1983 to $3.01 billion in 1986. I believe that such an amount in new funds for 1987 is enough for the current needs of research, and adjusted for 3.5 percent inflation that is my amendment today—specifically $3.125 billion.

CONVENTIONAL THREAT GREATER THAN NUCLEAR

I would like to point out that the President also said in that 1983 speech, "At the same time we must take steps to reduce the risk of conventional military conflict escalating to nuclear war by improving our nonnuclear capabilities."

The President, when he talked about our conventional warfare deficiencies, underlined what Gen. Bernard Rogers, head of our NATO forces in Europe, has repeatedly said; namely, that we cannot today win a conventional war in Europe. Rogers has said that the Warsaw Pact would overrun Europe in a matter of days and that within 10 days or thereabouts we would have to go to nuclear war because of our lack of attention to and procurement for our conventional war ability. This is a much more threatening situation than our lack of good defenses against ICBM's. No one can win a nuclear war!

So my principal purpose in trying to freeze the rate of expenditures at the present-day level is to save the money for more urgently needed defense needs, primarily for more adequate conventional war needs. Morever, we know from experience that crash programs are costly and moderation in timing saves money.

THE ENEMY RESPONSE

The Defense Authorization Law of 1986 contained the following:

The Secretary of Defense shall submit to Congress a report as to—

(A) what probable responses can be expected from potential enemies should the Strategic Defense Initiative programs be carried out to procurement and deployment, such as what increase may be anticipated in offensive enemy weapons in an enemy's attempt to penetrate the defensive shield by increasing the numbers or qualities of its offensive weapons;

(B) what can be expected from potential enemies in the deployment of weapons not endangered by the Strategic Defense Initiative, such as cruise missiles and low trajectory submarine missiles;

(C) the degree of the dependency of success for the Strategic Defense Initiative upon a potential enemy's anti-satellite weapons capability; and

(D) the cost estimates for the research, development, test, and evaluation for the proposed Strategic Defense Initiative.

The response from the Department of Defense was almost nothing. They simply said they would study the matters with Red and Blue Teams!

We have every reason to know that when we invent an SDI, the Russians will also. So a few years in the future after we have spent hundreds of billions, perhaps a trillion, and the Russians have also achieved an SDI, each country to protect itself would see that with an SDI a first strike would be an advantage. Thus atomic warfare would be more likely, not less likely.

Or perhaps we would get SDI fully developed and Russia would not. Conceivably, they might not repond to our SDI with one of their own. Since no authoritative source now considers it feasible to exclude all ICMB's from coming through, it might be much cheaper and easier for the opposition just to increase the numbers of ICBM's in stock or go to some nuclear weaponry not covered by SDI—such as land cruise missiles or low trajectory missiles from submarines or bombers.

In "Ballistic Missile Defense Technologies," a publication of the Office of Technology Assessment, 1985, it is said, at page 22, of the Russian reaction to SDI:

They have repeatedly declared that their reaction to the SDI will be to augment their offensive forces and pursue countermeasures. Most observers seem to believe that these along with Soviet BMD developments are the most likely initial reaction to possible U.S. BMD deployments.

The same publication at page 25 said:

A strategic defense which could assure the survival of all or nearly all U.S. cities in the face of unconstrained nuclear offensive forces (missiles, bombers, cruise missiles, other means of attack) does not appear feasible * * * Current Administration policy envisages pursuing the goal of assured survival through a combination of defensive weapons and negotiated deep reduction of Soviet and U.S. offensive weapons.

WITH A 90-PERCENT KILL OF ICBM'S WOULD WE BE SAFE?

With no assurance possible that we can prevent all ICBM's from coming to our shores, we would have to retain offensive nuclear weapons to deter Warsaw Pact first use. The President himself has said that SDI plus offensive nuclear weaponry would be dangerous to both sides.

Some suggest that the best we can hope for is 80 percent kills of enemy ICBM's; but suppose it is as high as 90 percent? That would leave 1,000 of existing 10,000 ICBM's. Jacksonville, my hometown is the 19th largest U.S. city. So, after wiping out Jacksonville and all larger U.S. cities, there would be about 980 remaining ICBM's entering the United States for smaller targets. That's a rather grim picture even if the Warsaw Pact did not increase their numbers to a greater figure for a greater kill result.

THEN WHY HAVE AN SDI RESEARCH?

The question must be asked as to why we would want to disturb a successful prevention of nuclear war by a new costly setup that might stimulate a first strike from the Warsaw Pact nations. When something is working, why kill it?

In view of all this, why is any funding for SDI justified? It is justified because the Warsaw Pact nations are already busy at work in the research and their ABM in place is the nearest thing to SDI that exists today and with their SDI and none for us they would have an advantage. Research funding by us is also justified by the concept that what is inevitable will be invented and we should not allow a monopoly to others. Furthermore, there is nothing new about doing research in this field as both the Russians and we have had modest studies in this field underway for more than two decades.

The greatest reason for substantial expenditures like my amendment allows, is that this may bring the Russians to the arms control table for a barring of SDI for themselves as well as for ourselves, and a reduction rather than increases in offensive nuclear weapons. If that is accomplished in a verifiable manner, it will be the greatest thrust for world peace mankind has yet achieved.

As I see it, we should go forward with research but do it deliberately to minimize cost overruns and waste, and a manner that will not unduly increase the apprehensions of others. Then freezing of expenditures for 1987 at the 1986 level plus inflation, does that, and that is the reason we have offered this amendment.

THE $3.125 BILLION AMENDMENT IS REASONABLE

It covers all needed research for 1987. It does not impose a decision as to what research. The figure is 1986 plus inflation. It cuts nothing. The DOD would use the funds for new work or continuing old projects, or both. The amendment does not micromanage this matter at all.

The authorization bill before us will cut defense spending by 9 percent in real terms from last year. The committee recommended a 25-percent increase in SDI, while conventional weapons took a cut.

An Associated Press poll released August 4 shows the 51 percent of those Americans polled would prefer spending any defense spending increases on conventional weapons rather than on SDI. Only 31 percent chose SDI.

Mr. Chairman, the $3.125 billion figure of our amendment is reasonable and I hope the House will adopt it.

As you can see from the things that I have said, the most motivating thing in my life before you today and in this Congress is to have a strong national defense in the field of conventional weapons. We have a redundancy in the field of nuclear weapons. We should change this situation and see to it that we are doing what we should in the field of conventional weapons.

Mr. Chairman, my amendment is a reasonable amendment. It allows everything that is needed, allows all the basic research needed in this particular field. It is an actual increase over the figure of last year. I hope you will adopt this amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] is recognized.

Mr. DICKINSON. Mr. Chairman, I yield myself 5 minutes.

Chairman and my colleagues, if I might, let me put this matter in perspective by referring back to last year.

Last year the administration asked for $3.7 billion for the SDI program. The other body, in its wisdom, decided that was too high and reduced the request to $3 billion. The House Committee on Armed Services decided that the best level of funding was $2.5 billion and in conference we met the other body halfway. We authorized $2.75 billion, which is $1 billion less than the request.

This year we have a higher figure but we also have larger cuts. The budget request this year from the administration was $4.8 billion, which they attempted to justify before our committee. This is the figure requested of both the House and the other body. We deliberated, not based on what was doable and not really based on what was needed, but based on what we thought we would be able to pass on the floor.

The Committee on Armed Services reported out $3.4 billion for SDI. That is a figure that we bring to the House today, $3.4 billion. Everything else throughout this entire debate, all amendments, will be bounced off this committee figure, $3.4. We have a peculiar rule on this part of the bill as we do on the entire bill, so that we have four amendments that are in order against the committee position. Against the $3.4 billion figure that is the committee position, one amendment will raise it back to the original request, $4.8 billion. There will be three other amendments that would reduce the committee position of $3.4 billion. One offered by the gentleman from California [Mr. DELLUMS] would reduce the total figure to just $1 billion which, in effect, kills the program.

□ 1520

The second amendment that has just been discussed, offered by the distinguished gentleman from Florida [Mr. BENNETT], would cut the figure from $3.4 billion down to $2.85 billion.

Between the committee figure and Mr. BENNETT's figure is the figure that will be offered by the gentleman from California [Mr. BADHAM]. The gentleman will offer an amendment reducing the committee figure of $3.4 billion down to $3.25. So $3 billion, 250 million will be the figure offered by the gentleman from California [Mr. BADHAM].

The question is: What is the right figure?

Well, the right figure is the figure that will enable us to go forward with the strategic defense initiative requested by the administration 4 years ago. That is the figure that has been justified and supported by many eminent scientists from Dr. Teller to General Abramson who is heading the program.

I, for one, believe in the concept of a strategic defense initiative. I think it is silly to say that the only defense that we have is to retaliate against any aggressor and not actually defend ourselves against his attack.

What we are proposing to do here with the strategic defense initiative is to put a shield in space that can defend against incoming missiles. It is not offensive in nature; it is defensive. We have reached a point in our technology where our scientists believe it is feasible, it is doable and affordable.

So what is the correct figure? The administration thinks that they can wisely use and need $4.8 billion this year. Our committee thought that we could best absorb and afford, especially under the contraints of Gramm-Rudman, the figure of $3.4 billion. So we made a substantial reduction in our committee.

We will hear a great deal of debate here about cutting, cutting, cutting SDI. Well, we have already cut over a billion dollars out in the Armed Services Committee. We cut almost a billion and a half dollars out of the initial request of the administration. I think it is a deep enough cut. I think more than that would not be a wise thing to do.

For that reason, I am defending the committee position of $3.4 billion, and I will continue to do so against those who would either increase the amount or decrease the amount. I think it is wise. I think it is prudent. I think it is needed, and it is certainly justified.

I would ask you throughout the deliberations to listen very intently to the debate. At the end of this time when we vote, I would ask you to please support the committee, who spent hours of hearing testimony, expert witnesses, the justification for this figure, and support the committee position.

Mr. Chairman, I reserve the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in support of the Bennett amendment to continue SDI funding at the current services level.

The Department of Defense has proposed a 75-percent increase for SDI in the DOD budget and a 100-percent increase in the DOE budget bringing the total expenditure to $5.4 billion as compared to $3 billion budgeted for 1986.

This is an increase of 80 percent. The increase is based primarily on undertaking a significant number of very expensive so-called demonstration projects which appear to be mainly promotional. They violate the fundamental concept of SDI that research would be completed first and would be the basis for hardware selections not vice versa. I do not believe it makes sense for us to increase funding further until we have a much better fix on where we are going with this program.

I have spent considerable time over the last 18 months studying the issues involved in SDI. I have toured Los Almos, Sandia, and the Rome Air Development Center. I've had many meetings with top planners in the SDIO.

I must say that I am impressed with the way the research work has been structured and implemented. I think that, given enough time, good answers will be forthcoming. However, the researchers I talked to say that at this stage they do not need a whole lot more money. What they need is more time. They've been at it for 3 years. They're making progress but are a long way from final answers.

The present level of $3 billion a year is a tremendous amount to spend on research. Certainly at this level we should expect not only technical answers but a good fix on cost, feasibility, and overall value.

But strangely enough, right now SDI really has no plan at all. We don't know; for example,

How much SDI is likely to cost.

How long it will take to get it, and to deploy it, and debug it.

How effective it will be when we do get it.

And whether there is any basis for believing that it will be cheaper to add more defense like SDI than for the enemy to overwhelm or circumvent it with more offense.

Those of us who have looked into SDI and have had experience directing complex, state-of-the-art high technology projects know that it is a virtual certainty that SDI will not be the secure defensive shield that the President dreamed it might be. It's going to be far from perfect.

So how good is it going to be? By the year 2000? By 2010? Or later?

We know that it's not at all clear, even if we can develop some of the main system components:

How we are going to get the lift capacity to get those components up in space.

After we get them there, how they can be defended.

And how our system is going to deal with actions of the enemy to circumvent, jam, or overwhelm it with decoys.

And, of course, there's the question of what the Soviets are going to be doing the many years when we're deploying and debugging our system.

The list of issues that need answers goes on and on.

I believe that the research should continue. I believe we should work to get answers. I believe that $3.1 billion is enough money to let us do that. We should not start building demonstration prototypes or get heavily into the hardware phase until we have a plan.

We've got to know where we're going. What kind of a defensive system are we realistically likely to be able to create and make work? How long will it take and what will it cost? How are we going to deal with the political questions?

During the coming year the SDIO should try to put together a realistic plan. I think they now know enough to do that. But before we have such a plan we should not escalate the program—even if we could afford it—which we cannot.

So, I urge Members to use common sense. Support the research. Demand a plan and vote for the Bennett amendment.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, I thank the ranking minority member for yielding this time to me.

Mr. Chairman, we are here in general debate to discuss strategic defense, and I think it is important for the people listening to spend a couple of minutes going back to the reason we think it is important to have a robust defensive effort.

Obviously, if you do not have any strategic defensive effort, if there is a conflict you are not going to save any lives.

One of the reasons you have deployed defensive systems that are effective against the Soviet reentry vehicles is to save lives. But that is very obvious. We think that is a sufficient reason and it is an obvious reason, but let me move on to the second major reason.

The second major reason has to do with lowering the risks of conflict, increasing and enhancing stability, making the possibility of nuclear exchange with the Soviet Union remote. That is the second reason. I think that is as much an important reason as the first.

Unfortunately, there are not a lot of Members of this body who recognize how defensive systems can achieve higher stability, and I would like to walk through that, because I think it is important to understand it. I will try to walk through it in a very simple and basic way so that we all can appreciate the value of deployed defensive systems.

At the present time, the Soviet Union target two nuclear weapons, at each target in the United States and in NATO. That is two reentry vehicles per target. If they do that, they have a 90 percent probability of kill. It can be measured in confidence that they will be successful in their attack against U.S. command and control targets and NATO command and control targets; two warheads per target, 90-percent confidence, 90-percent probability of kill.

Let us say I could automatically reduce their confidence level from 90 percent to 50 percent.

□ 1530

If I could automatically reduce their confidence level from 50 to 30 percent to 10 percent to 5 percent to 1 percent, would there ever be an incentive for the Soviet Union to attack the United States? Would there be an incentive if their probability of success or their confidence was reduced from 90 percent down to a fraction of 1 percent?

The answer is that there would be no possibility, no remote possibility, of a Soviet first strike on the United States. Stability would be dramatically increased, and the possibility or probability of conflict would be dramatically reduced.

There is a way to do that, and the way you do it is to deploy defensive systems. I know there are a lot of people who ask, Why deploy a defensive system that has a 90-percent success capability? Well, if you have three layers and each layer allows 10-percent leakage and is only 90 percent effective, that means if you have 1,000 warheads, the first layer will knock out 900 and will leave 100, with the second layer you would leave only 10, and with the third layer you would leave only 1. That is 1 leak in 1,000. That translates to a 99.9 percent effective capability.

Thus what you are doing is increasing the number of warheads for the Soviets to have a 90-percent confidence in killing a target from 1 to 500 to actually, according to my calculations, 2,000. Thus rather than the Soviets having a confidence level of 90 percent, you are reducing it to 2, as a matter of fact to less than 1 percent. If you did that, the Soviet Union would have absolutely no incentive to attack the United States. That is the reason we believe that this mathematical equation gives us the confidence that stability will be increased and will eliminate the possibility of an attack by the Soviet side on the United States.

The CHAIRMAN pro tempore (Mr. BOUCHER). The time of the gentleman from New Jersey [Mr. COURTER] has expired.

Mr. DICKINSON. Mr. Chairman, I yield 3 additional minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, some people say, OK, let us say it achieves that, but it is a dramatic sum of money. What we are asking here is 1.5 percent of the defense budget, 10 percent of the entire strategic budget.

Also, let us look at this point. I think we can recognize what the Soviet Union is doing with regard to defensive systems. They are spending dramatically more than the United States on defensive systems, approximately $15 billion per year. They have passive defense, civil defense, air defense, and strategic defense. They have Asat capabilities that we do not have. They have deployed ABM's around Moscow. We have no deployed ABM system whatever.

They have, according to our best guesstimates, 10,000 scientists working on the military utilization of lasers. The United States has a mere fraction of that. They have violated the ABM Treaty by the deployment of the Krasnoyarsk radar. Everybody admits that.

So the Soviet Union is in fact deploying strategic defense. Some people would say, "Well, we should spend a little money here in case of a Soviet breakout." Well, they have broken out. They are out of the gate, and they are running down the track.

The Soviet Union recognizes the importance of defensive systems. They said so in the 1950's, they said so in the 1960's, and as a matter of fact in 1962 the Soviets said this: "Soviet strategic defenses have the task of creating an invincible system for the defense of the entire country."

They also said this a year later than that: "The U.S.S.R. has far outstripped the United States not only in the creation of intercontinental and other rocket offensive systems but also in the area of antimissiles defense."

So the question we really have to ask ourselves is, Do we want to live in the 1990's in this country with the United States having only an offensive capability with no defenses and the Soviet Union having a modernized offensive capability and defenses?

I think that is wrong. What we are asking for is a modest increase over last year in comparison to most other systems. For example, on Midgetman, we are going to increase that this year over last year by 157 percent. We are asking for a 70-percent increase on strategic defense.

Historically, Trident was increased 150 percent between 1981 and 1982. The Manhattan project was increased

by 345 percent about 20 or 30 years ago, and Apollo was increased by 570 percent in 3 years.

So this is not too much of an increase. The reason we are asking for an increase is to keep the technology going so the United States can defend itself, so we can in fact reduce the risk of conflict.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey [Mr. COURTER] has again expired.

Mr. DICKINSON. Mr. Chairman, I yield 2 additional minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I am happy to yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I want to strongly commend my colleague, the gentleman from New Jersey [Mr. COURTER], for his comments here on the floor and his leadership on this issue, as well as the insights that he is sharing not only with us in this body but with the country as to what the Soviet Union is doing.

I am reminded of an episode in history that is instructive to us today. At the very time the United States was debating whether or not to develop weapons based on atomic and hydrogen energy principles, a courageous Soviet scientist by the name of Andrei Sakharov had already gotten the go ahead from Josef Stalin to develop the hydrogen bomb. According to Sakharov's memoirs and comments and speeches, he was already under orders from the Soviet Union to proceed, while we were still debating what, if anything, we would do.

The point the gentleman made here today is that while we are debating what we are going to do about SDI research and testing and development and ultimate deployment, whether it is near or long term or medium term, the Soviet Union is proceeding with a capability that defies an explanation, other than the ABM breakout potential that the gentleman from New Jersey has described. They have production lines for mobile radars and mobile interceptors. They have deployed a mobile system of ABM, capable SAM's, the SA-12. They have an energetic R&D program into more advanced BMD technologies, with some near term deployment in the offing.

So if we were to inhibit ourselves at this point, the Soviet Union would not only have an offensive first-strike capability but they would have a defensive capability which would leave the United States vulnerable and unable to respond.

So the gentleman is making an enormous contribution to the understanding not only of this body but of the country of the capabilities of the Soviet Union. We need to move ahead with our SDI system, deploy stategic defenses, and under protection of those defenses we can begin to reduce offensive forces. In fact, I believe SDI enhances the prospects for arms control, because sooner or later the Soviets will realize that offensive capability is not a cost-effective place in which to invest their money.

Mr. Chairman, I thank the gentleman from New Jersey for yielding.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. Mr. Chairman, I rise to support the Bennett amendment.

The Bennett amendment provides effective support for SDI, and it preserves our options for research, deployment and negotiations.

Mr. Chairman, I do not support proposals to cut this program. The Bennett amendment does not cut the SDI budget. At a time of sensitive negotiations, we should keep our cards on the table. But to increase this program defies common sense. Its cost is astronomical, its effectiveness is questionable, and its purpose is unclear.

By increasing this program, we would dangerously distort priorities. Once again, we would divert resources from conventional defense. Once again, we would divert resources from commercial technologies, which are essential to competitiveness in world trade. Once again, we would retreat from our responsibility of dealing with the deficits.

Mr. Chairman, the 1986 deficit could total $230 billion. Eight months from now we will write the budget for fiscal year 1988. Our deficit limit will be $108 billion. Think about it. In 8 months we must write a budget that cuts the deficit by nearly $122 billion from current levels.

I have supported virtually every amendment offered from both sides of the political aisle to freeze spending.

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I will support the Bennett amendment today. Under Gramm-Rudman, as deficit targets get dramatically lower, we could face a crisis in defense planning. The threat is not in 1987, but in 1988 and the years beyond. The threat is not a freeze, but sudden drastic cuts that could disrupt and destabilize our national defense, caused by a fiscal crisis. The threat is a fiscal policy that is out of control and the threat is a defense policy that is at war with fiscal reality.

Mr. Chairman, we urgently need a domestic economic summit. We need for the congressional leadership and the President of the United States to come together and meet and decide what we are going to do to deal with this fiscal problem that the country is facing.

We need to make clear hard choices and if we vote to increase SDI, we are making the wrong choice today.

By passing the Bennett amendment, we would face squarely the fiscal truth and best serve the long-term security interests of this Nation.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. DYSON].

Mr. DYSON. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. COOPER].

Mr. COOPER. Mr. Chairman, I rise in support of the Bennett amendment.

Since 1984, we have voted to triple the SDI budget. This year the President has asked for an increase of 77 percent.

The time has come to ask some hard questions about a program that spends so much money so fast.

I realize that support for SDI has become tantamount in conservative circles to a test of patriotism, or even manhood. But no program is an end in itself, and this House should not fall once again into the trap of throwing money at a problem.

Mr. Chairman, I support SDI, as does most of this House. But I support research at a reasonable level of funding. Mr. BENNETT has chosen what I feel is the proper amount; $3.1 billion is a huge investment by any standard, except perhaps the hysterical advocates of SDI within the Pentagon. To spend any more is to tell our taxpayers that we really don't know how effectively their hard-earned tax dollars are being spent.

As the November elections approach, I would urge all my colleagues to beware of the simple question from concerned constituents, the question of what we are buying with our SDI funding? What assurance do they have that we are not embarking on an open-ended multibillion dollar, or even trillion dollar, boondoggle?

I would be the first to admit that it is hard to predict what will come of our star wars research. But some guidelines are necessary before we mortgage our futures to the endeavor. Ambassador Paul Nitze seems to agree. He states emphatically that any missile defense system must be survivable and cost effective.

There is no disputing that the space must be survivable. But cost is also a factor we must consider. And the one subject the Pentagon hates to discuss is cost.

This spring in testimony before Congress SDI Director Lt. Gen. James Abrahamson already began backing away from Nitze's definition of cost-effectiveness. Defense Secretary Weinberger, in an interview with Time magazine this June, seemed to reject the notion of cost effectiveness entirely.

Mr. Chairman, unemployment in my district averages 12 percent. None of

them is complaining that they pay too few taxes. I don't believe my constituents want to give a blank check to people in the Pentagon who don't believe in basic notions of cost effectiveness. Their tax dollars should not be wasted like that. Vote for SDI and reasonableness at the same time. Vote for the Bennett amendment.

Mr. DYSON. Mr. Chairman, I rise to oppose the committee's recommendation to spend $3.6 billion for the Strategic Defense Initiative Program during fiscal year 1987. I find myself in the unusual position of supporting this program but opposing the amount of funding that has been recommended by the committee.

I am enthusiastic about the prospect of some day witnessing the deployment of a defense system which could detect and destroy all incoming offensive nuclear weapons. I applaud the objective to develop this technology that would rid the world of nuclear threat and render them useless.

What I am seeing, however, is an issue which has become more emotional than substantive. Critics, along with well-informed scientists claim it would be too costly and some even say it simply cannot be done. I am of the belief that it can be done if we become focused on this goal. After all, the scientists of this country have developed the "impossible" tasks in the past and will continue to do so.

Proponents of the SDI Program, on the other hand, are so excited about its prospects that they have abandoned some of the requirements for accountability of such a major investment. I know of no other major defense program which has been put forward without anyone knowing what exactly it was supposed to do, how it would work or what it would cost!

SDI zealots believe that the program must be deployed as soon as possible without delay. My question is, at this point, what do we have to deploy? Large amounts of money have already been invested in research for this program and I am not sure anyone really knows how much more will be needed to continue.

Let me insert the following article from the Wilmington Journal:

SPACE DEFENSE COST PUT AT $770 BILLION

WASHINGTON.—It would cost about $770 billion to field an effective shield against Soviet missiles by the year 2012, say two analysts who studied the Star Wars missile defense program and its possible effect on the U.S. economy.

At that price a middle-class taxpayer might see his tax bill rise about $600 a year, "on the order of what you'd pay for medical insurance," according to Victor Utgoff, one of the authors of the study.

Utgoff and Barry Blechman, both Washington-area defense analysts, studied costs of a missile defense for Johns Hopkins University.

Of several possible systems, the analysts found it would be most expensive to realize Reagan's "dream" of defending all U.S. territory as soon as possible. If work started now, they said, by 2012 a network of battle satellites could be orbited to attack Soviet missiles as they rise from their silos.

The satellites would be able to destroy almost all Soviet nuclear weapons fired at the United States. The satellites would fire high-speed rockets at the Soviet missiles, using homing technology already available in the Air Force's experimental antisatellite weapon.

Space-based lasers could attack the missiles during their "boost phase" at longer range, requiring fewer expensive battle satellites, the analysts found. They estimated a cost of $770 billion for such a system, but full deployment would be delayed until 2020 because of a lag in laser technology, they said.

I hear arguments from the proponents that because you do not support large outlays for research and development, you do not support the program. I am not alone in my belief that this program has gotten off track. Both Democrats and Republicans alike support SDI but are concerned over the lack of accountability in the program. I believe in an orderly sensible SDI, with more return for our investment.

We need to get the SDI Program back on track and ensure the American people that we are not going to blindly throw more and more money at this program in the naïve belief that it will translate into a quicker deployment of this system. I believe in this concept that will explore technology in hopes of realizing the President's objective. Let us not throw away the prospects for this objective because of capricious actions and funding—because we have lost sight of reality and have been captured by emotion. I urge support for the Bennett amendment.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the very distinguished gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, each of the major congressional groups which have debated the merits of the President's strategic defense initiative [SDI] has its own view of what the SDI system should or could be. One group suggests that the President's dream can be realized and that a leakproof, multitiered system which "protects people" can be deployed in the next few decades.

The opponents of the SDI Program insist that a deployed SDI is to be exclusively a multitiered system, but the possibility of its being leakproof is unachievable, and because it cannot be perfect, it is not worth exploring. They argue that this type of research compromises our arms control goals.

I do not share their view. As a "constructive advocate" of SDI research, I believe that a strategic defense can and should be carried to fruition with an ultimate benefit in real arms control achievement. SDI research should now be focused chiefly on terminal defense, concentrating later on midcourse and boost-phase technologies. This will allow the Nation to maintain an aggressive, focused R&D program with a bit more modest funding level than the President has requested.

Arms control can benefit without unilaterally stopping SDI research. The President may still be able to achieve deep reductions in offensive forces in exchange for a short-term renewal of the ABM Treaty as has been proposed in Geneva. We are many years from being able to deploy a complete multitiered defensive system, so we can commit to forgo such deployment for a specified period, and in return for such assurances, seek to promote near-term security by reducing strategic weaponry.

It would be foolish to believe that technological improvements in defense can be prohibited by fiat. If the United States gives up its most important asset, its technological lead, by forgoing SDI research, the Soviets will ultimately be successful in their own "SDI program," and our own security will be at risk.

There also has been a healthy dialog growing on the necessity to address the threat of tactical ballistic missiles which the Soviets have not only deployed in Europe, but also in the Middle East and Asia. Both Houses of Congress have now set aside $50 million of SDI funds for development of defensive systems to counter this advanced tactical ballistic missiles [ATBM] threat. Messrs. Brzezinski, Haig, Woolsey and Brown, all support this emphasis.

I believe that the present funding recommendations make good sense. I think constructive advocates of SDI in both bodies would see a 20-percent growth in SDI research as judicious. It is not so great as to cause significant waste and at the same time it recognizes the tremendous strategic stakes which the United States has in this program at the table in Geneva and in the government chambers in Western Europe, Japan, and Israel.

As regards to arms control stakes, I join with the ranking democratic member of the Senate Armed Services Committee and other congressional leaders in applauding the efficacy of SDI as a lever at the table in Geneva, but I would suggest to my colleagues that a mutually beneficial arms control agreement is extremely difficult to achieve. Our major goals should be to use the SDI deployment issue in the near term to reduce offensive forces and to enhance deterrence by ultimately diminishing the certitude of a Soviet first strike.

Mr. Chairman, I am also pleased to see a conventional defense initiative emerging in the Congress at a health level of funding mirrored in the other body by the gentleman from Georgia's [Mr. NUNN'S] amendment. This is an-

other tool for NATO cooperation and I believe the $91 million in this bill is more than a "hands-across-the-sea" gesture.

This bill allows the Executive near-term flexibility to focus SDI on terminal defense with secondary deployment emphasis on midcourse and boost-phase systems to make the Moscow offensive planners a bit more uncertain. This program is complemented by an aggressive conventional defense initiative and the stage is now set for a meaningful dialog between the Congress and Executive on where SDI is going.

Mr. Chairman, I support the Armed Services Committee actions on the SDI Program.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I would like to commend the gentleman from Florida [Mr. BENNETT]. He has worked tirelessly to come to grips with the issue of space-based weapons and this body has been served well by his contribution to this debate. The debate is also well served when a man like my friend from Massachusetts [Mr. MAVROULES], who has devoted much time and effort to this issue, brings his intelligence to bear.

I would also like to express my personal appreciation to a number of my colleagues who have devoted much time and effort to one of the most important issues facing our Nation today. We all admire the commitment and organizational skill my friend from the Appropriations Committee Mr. MRAZEK of New York, brings to this issue. JIM OLIN, of Virginia, an engineer, has enabled us with his technical background to ferret through the massive number of programs and data involved in strategic defense initiative. JOHN SPRATT, of South Carolina, a member of the Armed Services Committee whose sound logic and hard work has resulted in excellent analysis of the SDIO's undertakings, deserves high praise.

Mr. Chairman, under the guise of creating a missileproof umbrella to protect our entire population, the administration would in reality embark this Nation on a crash program to put weapons, some nuclear, in space. The budget numbers tell the story of this rush to the stars. In fiscal 1985 funding for star wars increased 41 percent. The following year funding for space weapons research increased 98 percent and this year the administration would want us to increase funding 77 percent. But this is not all. According to a recent Johns Hopkins Foreign Policy Institute Study, a full-fledged defense shield to protect the United States and Canada against Soviet missiles would cost $630 billion to build and operate for 10 years. Such an extensive system would require the devotion of 1 percent of our entire gross national product. Bringing these figures down to earth, the star wars project would increase the average Family's tax bill by $570 a year. If taxes were not raised to cover the cost but funded through more borrowing the cost can only go higher. The taxpayer would have to pay not only cost of the system but also the interest on the borrowed funds.

These are astounding figures. The numbers do not lie, this is a crash program, a pell-mell rush to put weapons in space at the earliest possible moment.

As my colleague JIM OLIN, who has visited all of our defense labs and numerous university research labs, stated in his remarks, the scientists can't use efficiently all the money that is literally being thrown at them. They feel that the time line set down by the administration is forcing them to move so quickly that the quality of their work is compromised. They simply can't productively spend as much money as has been given them these last few years. Money, in this case, is no substitute for time.

Further, as has been recounted today, there are grave doubts about this program's technical feasibility, the program's arms control impact and the ability of our defense budget to afford the grandoise vision of star wars' advocates.

A star wars defense would involve a large number—perhaps hundreds—of orbiting battle stations. These weapons would use lasers or particle beams, or perhaps small rocket-propelled kill vehicles to disable enemy missiles and warheads in flight. There also would be many satellite sensor devices in space of targeting and tracking the approaching missiles, and there might be large space-based mirrors in place as well, to reflect and focus powerful laser beams, possibly generated by the detonation of nuclear weapons in space.

According to one estimate it would take over 5,000 launches of the space shuttle to put this vast complex of weapons and sensors in space. And while I know this country is united to put the shuttle back on track, we should understand it would take an astronomical increase in launches—more shuttles and more funding for a militarized space program to put this dream into orbit than anyone has ever envisioned. And it should be noted in the wake of the *Challenger* disaster, that if nuclear-powered weapons systems are utilized—as the Strategic Defense Initiative Organization [SDIO] now intends—highly toxic nuclear material would have to be put in shuttles and lauched into space.

Once past the formidable obstacle of putting tons upon tons of sensors, rail guns, lasers and mirrors into orbit, this vast armada of satellites would have to be coordinated to do battle with as many as 10,000 Soviet warheads and thousands more decoys. A space defense against a missile attack will have to manage an enormous number of decisions, millions all in the space of a few minutes after detection. As the plans set forth by the SDIO make clear, these decisions would begin as the first Soviet missile left the silo.

From that fateful moment the entire space battle would last less than 20 minutes. In this brief span of time, thousands of warheads would have to be separated out from decoy warheads. Having sorted these out from the confusing Soviet countermeasures the space systems would have to sight the real nuclear warheads, aim the correct weapon and fire. All of this would be in an environment where the Soviets would be attacking our space defenses with a variety of weapons, including nuclear weapons. Such an environment dictates the system depend not on human beings in control, but on computers making the decisions in the most important battle America will ever fight.

For this daunting task it has been estimated by former Secretary of Defense Harold Brown that the star wars system will need a computer software program with over 100 million separate lines. Such a large program dwarfs any computer program ever designed. This constellation of weapons would be controlled largely by a computer program which will never have been tested. For to test such a system is impossible, requiring the unique task of simulating a nuclear war.

Star wars will have to work perfectly the first and only time it is ever used, with no margin for error. In effect, our Nation's security would be locked into a software program which can never be tested fully for any bugs and sent aloft into the coldness of outer space.

And the doubts about space weapons go far beyond the technical merits of their feasibility. There are also serious concerns about the risk we take by deploying such a system. It is logical to assume from the history of Soviet defense programs, that they will not sit idly by while we attempt to make their nuclear missiles "impotent and obsolete." The leaders of the Soviet Union will exact enormous sacrifices from their population to match our space defense program. The Soviets will build more missiles and decoys to overwhelm our defenses, they will develop methods to blind and destroy the star wars satellites and battle stations. Further, they will build more bombers and cruise missiles—weapons which are not vulnerable to a space defense system. In short, the Soviets will not rest while we disarm them from the heavens.

This, ladies and gentlemen, is not a safer world, it is not a world without nuclear bombs, it is not a world without an arms race. It is the opposite of a dream; it is a nightmare world with an arms race run amuck.

To my colleagues who believe, as I do, in a strong America, a sound defense and real strength in our Armed Forces, I ask you to think again about this crash program to make the dream of a strategic defense initiative a reality.

I do not believe all the worst about the Star Wars Program. Certainly, as time and American ingenuity work their will, breakthroughs in technology will appear. But, look at the number of obstacles to be overcome:

First, how will we get the immense number of systems into space, when presently we find it difficult to stay on the limited launch schedule we now have?

Second, who will make sure over 100 million lines of computer software is accurate and safe? How will this unprecedented program be debugged? How will we ever feel safe about a computer system we cannot test adequately, yet which will hold the fate of our Nation?

Third, after spending billions on this umbrella, how do we stop a swarm of cruise missiles launched from lurking submarines, or fleets of low flying bombers from sneaking under our defense. Will some future president dream about another "initiative" costing billions to deal with this threat? Let alone hand the Soviet Union the keys to our defensive system?

To find out if these obstacles are baseless will cost hundreds of billions of dollars. Tax dollars or borrowed dollars—still defense dollars. The writing is on the wall, if Ronald Reagan cannot increase defense spending at a level which can sustain both SDI and a balanced defense, who will in the future? Star wars will come out of the tangible strength of our Armed Forces. Each dollar going to some exotic space weapon is a dollar not going to bolster America's conventional defenses or our strategic deterrent.

This is not the dream, this is the reality.

Since 1984 star wars funding has tripled while the defense budget has only grown by 8 percent. This means in plain English, space weapons research is taking an increasingly larger share of the defense research budget pie. With Gramm-Rudman exempting SDI from mandatory cuts this trend will only grow worse.

If the administration would have its way, star wars funding would make up 81 percent of all growth in American defense research over the next 5 years. This is simply too high a price to pay for such an elusive pay off.

A good example of what we are giving up by this rush to fund SDI is looking at the real needs of our conventional arms. A need which no one disputes and which must be addressed: Conventional air defense for our ground forces.

The Soviets have increasingly deployed greater numbers of ground attack aircraft. They have also fielded increased numbers of attack helicopters, like the helicopters which wreak such havoc on the Afghan guerrillas. Should the worst ever happen, our troops would not be well prepared to deal with this increasing threat.

The ill-fated Divad left a gaping hole in our conventional air defenses, and funding must be devoted to this area. The Congressional Budget Office estimates the Army plan to rectify this weakness will cost $1.5 billion over 5 years. To put this in perspective, we could fund half the cost of this entire program with just what we want to trim, some $700 million from SDI today.

The Department of Defense estimates the next 5 years of SDI research to cost as much as our two largest weapons procurement programs combined. SDI will cost some $37.5 billion, and the planned procurement of the F-16 and F-18 aircraft will cost $36.9 billion.

To meet this year's Gramm-Rudman target, a measure the administration fought hard to pass last year, the committee had to cut much needed research funding in other vital defense areas so SDI could grow.

Gone is $39.5 million for Army strategic research programs.

Gone is $737 million for Army tactical research programs. These include such important items for research as $21 million for a lightweight air defense system, $5 million for infantry support weapons, $10 million for advanced field artillery tactical data system. In the Army intelligence field, $15 million had to be cut.

Gone is $60 million in conventional artillery procurement needed to avoid dependence on battlefield nuclear weapons.

And the Army is not the only branch to suffer because of the overfunding of space weapons research, the Air Force, too, has had to take cuts in much needed research programs. Air Force tactical research programs were trimmed by over $1.5 billion.

Ironically, when one considers the success over Libya, $30 million for research in night precision attack, $15 million for munitions designed to attack hardened targets, and $6 million from research on precision location strike system had to be cut, while research on exotic nuclear "pumped" lasers goes forward at breakneck speed.

Gone from the Navy research pie is almost $1.5 billion.

The committee, under the able leadership of the gentleman from Wisconsin [Mr. ASPIN], did a splendid job in picking and choosing among the bad choices. No one was a louder voice in talking about the peril Gramm-Rudman held for the defense budget, but his voice fell on the deaf ears of the administration.

The reality is that research programs which would make marked improvements in the real strength of our Armed Forces are being cut to accommodate space weapons research.

In many ways today's debate is not a guns versus butter debate but a guns versus remote possibilities debate. America's strength would be better served by a prudent, paced, program or strategic defense research to guard against a Soviet breakthrough in defense technology, and by taking the funds saved from slowing this crash program and devoting them to conventional defense improvements.

The Bennett-Mavroules amendment does nothing to eliminate the incentive for the Soviets to negotiate over the future deployment of SDI, should we be willing to discuss that possibility; but it does give a needed dose of reality to an administration that thinks it can have it all without paying attention to deficits and the future of our economy.

Our amendment when compromised in the conference with the Senate will provide a 17-percent increase in SDI over 1986 or an increase of $500 million.

Mr. DICKINSON. Mr. Chairman, I am pleased to yield 6 minutes to the distinguished gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Chairman, I want to say as strongly as I can, the SDI Program is not elusive, as the gentleman from California pointed out. It is not pie in the sky. It is not some futuristic technology that is waiting to find an application.

I wonder how many people know that right now we have the capability to apply technology not only to defend ourselves and our deterrent against the possibility of a Soviet ICBM, we also have the capability and the technology to defend our Allies in the theater against tactical ballistic missiles.

One previous speaker suggested that there is no known way in which this technology can be applied.

On the contrary. Much of it is, unfortunately, the type of classified information that has to remain classified information, but there is, for instance, in the Mideast, there is in NATO the ability to take the technology developed in this program to apply in the development and the deployment of systems that would protect our allies against theater and tactical nuclear as well as ballistic missiles.

For instance, one of the most serious threats that NATO faces, our allies in

Europe, is from the SS-20. Together with our allies, we have the capability of fielding antimissile defenses in Europe to protect NATO against the intermediate and short-range ballistic missiles, whether nuclear or conventional.

We have the ability in the Middle East to protect our ally, Israel against the range of Soviet surface-to-surface missiles, deployed in the region with a ballistic missile defense system.

On June 10, 1984, a missile was launched by the Air Force from Vandenberg Air Force Base in California well over the South Pacific in which a smart bullet, a kinetic energy weapon, without any nuclear explosion in space, launched from a Pacific Island in the South Pacific at 100 miles in the atmosphere intercepted and destroyed that ballistic missile.

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The technology is there. The question is, Will the United States—will the Congress, provide the moneys necessary to move as rapidly as we can toward a real program to defend ourselves and our allies against theater or intercontinental ballistic missile attack?

Mr. Chairman, the purpose of the bill now before the House is to authorize expenditures necessary for the defense of the United States and our allies. Because we are a nation that prizes peace, but will never sacrifice freedom, we have developed defenses against offensive weaponry in every sphere save one. We have antiaircraft weapons. We have antisubmarine capabilities. We have air defense systems. We have antitank weapons. But we have no defense against the most threatening offensive system of all: the Soviet's vast arsenal of intercontinental and theater ballistic missiles.

It is past time we had the ability to protect America and our allies against the growing numbers and accuracies of Soviet offensive missiles. But we will never have that protection if the Congress refuses to fund strategic defenses adequately.

From a request of $4.8 billion—only 1.5 percent of the entire defense budget—the Armed Services Committee has recommended a cut of $1.4 billion. If the committee recommendation prevails, we will fall $600 million short of the amount required in fiscal year 1987 simply to continue with the contractual obligations undertaken in previous years, without permitting the SDI organization to initiate promising new areas of research.

Perhaps this reflects the committee's judgment on spending priorities. If so, it is a judgment I do not share. Just in the first 2 years of research, we are already seeing possibilities for early deployment of a robust near-term defense against ballistic missiles. The SDI is one program where our defense dollars are yielding results more promising and more quickly than we ever had reason to hope.

My colleagues, for the sake of our Nation's security, we have a responsibility to see this through. We must not undercut this supremely important effort through inadequate funding.

I have heard some in this Chamber disparage the SDI as an escalation of the arms race. Such charges ignore a wealth of intelligence about Soviet strategic defense programs.

We know that the Soviet Union has been deliberately and diligently developing its own SDI Program for nearly two decades. We know they are ahead of us in development and deployment. And we know that the Soviets have blatantly violated, cheated in the most irrefutable ways on major provisions of the ABM Treaty:

They have completed a battle management radar system with the construction of the Krasnoyarsk installation—prima facie evidence that the Soviets are committed to a nationwide ABM defense.

They have deployed the mobile SA-12 SAM system, which has a proven ABM capability.

They have warm production lines, and a widescale military construction program, to build a nationwide system of ABM defenses.

And when we analyze the Soviet strategic buildup, we see that Soviet plans seem to converge on the mid-1990's: They will have a mobile first strike force, not subject to arms control verification; they will have fielded nationwide strategic defenses; they're working hard on ASW [antisubmarine warfare] technology, to put our SLBM's at risk; and they already have a fully protected military and political leadership.

Strategic defense has become central to the United States-Soviet military balance. As President Carter's National Security Adviser Zbigniew Brzezinski writes in his new book, "Game Plan,"

> The United States would jeopardize its own security if its * * * strategic efforts were confined to the selective and limited upgrading of offensive systems. A corresponding deployment of a limited strategic defense is therefore more than desirable—it is imperative.

It makes no sense to restrict America's SDI development and deployment now, just as Soviet investments in offensive and defensive nuclear weapons are reaching their peak return. We would be virtually surrendering our security and enormously jeopardizing the security of the West.

This is not to say that I am fully satisfied with all aspects of the administration's SDI Program. For example, we are being told there is nothing we can do to advance development and deployment between now and 1993. This is wrong.

If we chose to do so, right now, we could build an American equivalent of the SA-12 mobile surface-to-air missile system that is now coming off Soviet assembly lines. The Army's ERIS rocket, the successor of the HOE interceptor that destroyed a warhead above Kwajalein 2 years ago, could be put into production. And there are other examples of present technology we could exploit, if only the SDI Program were designed to include near-term deployment options.

I don't want to see us just research and study and probe and delay. I want to field the defenses necessary to protect America and our allies. I want to see SDI move from the drawing boards onto the launching platforms. I want to see America deploy strategic defense—and the sooner the better. But we will never reach deployment if the program is starved for funds.

SDI is indispensible, not just to protect our own strategic security but to reduce the vulnerability of NATO, Israel, and our other friends and allies to both nuclear and conventional threats. That is why they have joined us in this research and development effort. The free world needs SDI.

Once having accepted the strategic necessity of SDI, and having made the political commitment and fought the domestic political fights to stand with the United States, how will our allies interpret congressional cuts that deeply constrain the program? The United States cannot lead the West from a position of weakness and indecision.

We must not negotiate with our hands tied behind our backs. We must not only research and test, we must develop and deploy SDI as soon as possible. This strategic imperative must never be bargained away, nor sacrificed by the penny-wise, pound-foolish thinking of those who would have us cut SDI funds.

I urge you to oppose any amendment that would cut SDI funds.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman makes a great point. As a matter of fact, I have seen public opinion polls which show that about 60 percent of the American people believe that we have the ability to defend ourselves from a strategic threat. It seems to me that the most important function and job of the Department of Defense is to defend America, and we are not doing it.

Yesterday there was an amendment by the other side to increase the defense bill by $2 billion to build another Trident, and we are not going to increase here by more than 12 percent

an antiweapon weapon, one that does not threaten anybody, one that is designed to defend people from a holocaust? It does not make any sense to me whatsoever.

Mr. KEMP. The debate will be that those who support strategic defense are shrill. Imagine, there are people who call themselves pro defense, who will support funding for Tridents, for Midgetman, for bombers, for Stealth, but to spend money to defend the United States and our allies against incoming warheads is somehow shrill. I do not understand the logic of people who seem to suggest that putting an armored vest on a policeman is somehow provocative to the criminal.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I think another thing that the American people do not realize is that the ABM Treaty in fact makes it against the law to defend America, and very simply it says that each party undertakes not to deploy ABM systems for the defense of their country. If we ask the American people if they realized it was against the law to defend Buffalo, NY, or San Diego, CA, or any other place against Soviet ballistic missiles, they would say we could not have leaders that embrace such a treaty.

Mr. KEMP. Mr. Chairman, I just finished Zbigniew Brzezinski's book, "Game Plan." It is an outstanding book, and he says that it is imperative—not desirable—it is imperative to move to the deployment of limited strategic defense as early as possible. I agree with Zbigniew Brzezinski and President Reagan.

Mr. ASPIN. Mr. Chairman, I yield 3½ minutes to the gentleman from New York [Mr. MRAZEK].

Mr. MRAZEK. Mr. Chairman, in March 1983 President Reagan went before the American people saying that he had a dream, and that the dream was for a defensive system that would make nuclear weapons obsolete and impotent. Since that time a great deal of effort has been expended on convincing the American people that this kind of peace shield, sort of like the old Gardol shield against tooth decay, would protect the American people against a nuclear attack.

The idea, the illusion somehow would be that one night you would be having dinner, whether in Buffalo, or maybe if it is 3 hours earlier you would be having lunch, and all of a sudden word would come out, well, the Soviets have attacked with 10,000 nuclear weapons, and everybody, all of the American families, would come outside and they would look up in the sky and the pinball wizards of the SDI Program would simultaneously blast 12,000 missiles out of the sky without any of them breaking through the peace shield. At that point everyone could go back in and finish lunch or dinner.

Well, you know, when they poll the American people and they ask the American people, "if we were going to spend all this money on a defensive system that could protect you and your families, do you support it?" the American people overwhelmingly support it. If you ask the American people, "What if it only protected a few cities?" well, a lot less of the American people would support it. And then if you ask them a question, "What if it only protected your Member of Congress in Washington, DC?" nobody supports it in the United States of America.

We are talking about the biggest pork-barrel project in the history of the world here, and I would like to concentrate on one component of it. It is the component that they have swept under the rug, because you remember back in March 1983 President Reagan said that he wanted a defensive system that would make nuclear weapons obsolete. He apparently is not aware of something that is going on in the Department of Energy. They spent $302 million last year developing a nuclear defense shield. It works with the force of a nuclear explosion. It is the brainchild of Dr. Edward Teller, who created the hydrogen bomb.

It is important to understand that nuclear SDI, nuclear star wars, is not just potentially a defensive system, it could be an offensive system against communications satellites and early-warning satellites—in other words, benign targets. It could, in fact, set in motion a whole new nuclear arms race between the United States and the Soviet Union.

I am not suggesting that we in the U.S. Congress are going to stop research, either in nonnuclear or nuclear matters, including SDI technology. I am suggesting that for the billions of dollars that we have spent so far, we have made inches of progress when in fact there are miles left to go.

I would simply suggest that basic prudence, and I think the common sense of the American people, understands that you just cannot solve problems by throwing all the money in the world at them, because an awful lot of that money is going to be wasted. So let us get on with the research, but let us hold it to a freeze. Let us hold it to current services, whether it is nuclear SDI or nonnuclear SDI, and that is what the Bennett amendment does. It holds the program to current level of services.

Mr. COURTER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. BOUCHER). The gentleman from New Jersey [Mr. COURTER] has 12 minutes remaining and the gentleman from Wisconsin [Mr. ASPIN] has 10½ minutes remaining.

Mr. COURTER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, the one area of study in this city, on this Hill, that is most important to the survival of our civilization, as we know it, is the most difficult area of study to get Members working with a full body of knowledge. That area of study is the strategic defense of the United States of America.

On October 10, 1985, thanks to the leadership of our Speaker, we were supposed to have the most fulsome debate and discussion on the Soviet strategic threat and on the Soviet strategic defense. About 60 Members showed up October 10 of last year. It was supposed to be on the House floor. Unfortunately, the administration, their signals mixed, met instead over in one of the Armed Services rooms. Only 15 Members of the Majority Party showed up.

Then, finally, through the leadership of our Speaker, in his 50th year of public service, he did something for the first time that I know of in modern history. He called for a full briefing on the Soviet threat on the floor of the House on April 30 of this year. It was the behest of the minority leadership, our conference chairman, the gentleman from New York [Mr. KEMP], together with leadership on the other side. We pulled it off, but, again unfortunate, only 60 Members showed up from the majority side of the aisle.

To the credit of the Speaker, he sat right here on the center aisle for 2½ hours until the briefing was concluded. To the credit of the majority leader, the gentleman from Texas [Mr. WRIGHT] he sat here through the whole briefing. The head of the Democratic Congressional Campaign Committee blew in and out for a few minutes. His mouth dropped open when he heard that the Soviet Union builds one sub every 37 days.

Now, if we cannot get Members briefed, and, of course, I'm not referring to Members who serve on the Intelligence Committee and all of the Republican and Democratic members on the Armed Services Committee. They live with this stuff day to day, but all Members are supposed to come up to speed up our national security, and we are all supposed to vote. So I was not looking for any members from Armed Services or the Intelligence Committee on either side to necessarily be there.

I want everybody in this House to think of a new meaning for the initials "SDI." This whole city swirls on acronyms. Twenty are born every day. Do

you know what "SDI" means?—"Soviets Do It."

□ 1605

I want to teach you a new acronym that you would learn if you came to these national security briefings to get smart. It is SSK, Sary Shagan, Krasnoyarsk. Our distinguished chairman of the Armed Services Committee knows those words. They were classified just a few years ago. But now the whole Nation should know what SSK means, Sary Shagan the Soviet strategic defense research center, and the Krasnoyarsk radar, which is in a line across the banks of the Trans-Siberian Railway.

Let me talk about the Soviet Union and my amendment. First, my amendment will be the first amendment to be offered on the floor. It would fully fund the SDI at $4.8 billion. This is what the White House wants, and thinks its legislative team is fighting for over here. But it is not happening. Mr. President, are you listening? Your team over here is not fighting for the Dornan amendment, and it is a little frustrating.

Cap Weinberger, our Secretary of Defense, you convinced me that there is no bombast, padding, or waffling in President Reagan's 1987 fiscal year SDI budget. We are not selling Kurdish rugs in some Arab souk here. This is what the President wants, what you want, Mr. Secretary of Defense, and what General Abrahamson makes a compelling case for. It is not some pork-barrel project, as my friend from New York described it.

But the White House team is selling something else considerably below that. When I come up with my amendment for $4.8 billion, I will show you what is going to be delayed, terminated, canceled, stalled, if we do not get the $4.8 billion.

Now let us come back to the Soviets Do It.

Here, on this chart, is the Soviet Union, they are here, and I had this chart colored in green for my liberal friends, a nonthreatening color, nice and cool, pastoral. If I put a red map up, I know you would go wild. Here, from the Polish border all the way to where one of our colleagues was murdered in the Soviet Union by a solo Sukhoi-15 fighter which is off the map, is what they do with the SSK money. Mr. Leadership, Mr. MARKEY, would love this, they have built 25 "fuhrer bunkers." We have a "Rock" out here at Fort Ritchie. I do not have a pass out there. I do not know if JACK KEMP does. Maybe our two leaders out there have one, and that is about it.

We have Cheyenne Mountain. We have only those two big bunkers. They have had 25, conservative figure, maybe more. Sixty to 70 percent of all of the Soviet concrete production goes to these 25 leadership bunkers where they also have their command, control, and communications. That is, until Chernobyl, with this little blip there where they are ready to bury that meltdown reactor in concrete, but it won't be long until they will be back up to speed building more fuhrer bunkers in a few short months.

The CHAIRMAN pro tempore (Mr. BOUCHER). The time of the gentleman from California [Mr. DORNAN] has expired.

Mr. DORNAN of California. Mr. Chairman, I shall return.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. Bosco].

Mr. BOSCO. Mr. Chairman, this discussion of SDI today is reminiscent of the Hindu fable of the blind men and the elephant. Not able to see the elephant, yet wanting to figure out what it looked like, each felt a different part. Thus, the one feeling the trunk thought the pachyderm to be a snake, the one assigned to the ear thought it more like a fan, and the one who felt the leg imagined a beast the shape of a tree.

Star wars seems much the same. President Reagan sees a bubblelike dome capable of protecting populations and thus replacing deterrence. Others see a more targeted protection of our weapons, thus enhancing deterrence. Some see a bargaining chip, others see it as our chance to drive the Soviet economy into the ground. The President envisions shared technology with the Russians, Walter Mondale says absolutely not.

Taking our blindfolds off, there are some things we should see pretty clearly. First, this is a big ticket item—most agree we'll be spending $1 trillion at least. That is more than we spent for Medicare in 20 years and the entire Federal Highway System for 30 years.

Second, we should see a genie that's out of the bottle and can't be put back in. The Soviets are actively pursuing star wars research, their impressive lead in manned space flight is widening and there is no reason to believe they won't catch up with strategic defenses if we stand still and let them. Even Soviet leader Gorbachev says neither side can stop research. We'd be naive to try.

Mr. Chairman, as we feel our way around this strange new creature let's see it for what it is. It is an important, major research effort that is right now developing like an embryo in the minds and laboratories of scientists and engineeers around the country. This embryo should neither be starved to death nor force fed—rather a measured, steady feeding like that provided for in the Bennett amendment will provide strong, healthy growth. Like the blind men, we don't know what shape SDI will take, but we can feel our way with reason by supporting this amendment.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the very persuasive gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, the question today really is not whether we are going to have SDI. If you look at the debate that went on in the other body, and the debate that is going on today, the question is not whether we are going to have it, the question is at what level are we going to fund SDI.

The committee, as everyone is well aware, has already significantly cut the SDI budget below what this administration had requested, and we have done it a number of times. But this one is significantly below what the administration wanted.

They wanted $4.7 billion. We obviously come in an awful lot less than $4.7 billion.

The problem that we have in debating these amendments today is that we do not want to accept an amendment that cuts the level of funding so low that we cannot continue to investigate the technologies that are out there that can really be very effective in developing an SDI Program.

For example, the surveillance acquisition tracking systems, directed energy weapons, kinetic energy weapons, battle management, all of these different technologies are technologies that need to be studied so that we can make a determination as to the most effective approach that we can have to developing a strategic defense system that, in fact, can work.

You may ask how we came up with these numbers. I want you to know that the numbers that we arrived at by our committee, and also the numbers that were arrived at by the other body, were not numbers that were plucked from the air. These were numbers that, in fact, were put together by listening to some very distinguished defense experts, and let me name two of them for you. They happen to be adherents of the other party. One is James Schlesinger, the former Secretary of Defense, and Harold Brown, who has been reviewed by both sides of the aisle as being a very respected defense thinker. It was with their advice that they were able to come together and come up with funding levels that, in fact, are even greater than the funding levels provided by the committee.

If we accept the Badham amendment we are cutting it even deeper than what former Secretaries of Defense Brown and Schlesinger suggested.

The bottom line is that we do need to straighten up this program. We need to eliminate the fuzzy edges, there is no question. The administration has not been as good as it could be. The Congress has not been as good as it can be. But if we can, in fact, firm

up the goals, if we can fund the research at the level where we can determine the best technologies, then I think we can continue forward with a strategic defense that makes sense, and we can determine if, in fact, we can start to shift the concept of nuclear deterrence away from mutual assured destruction to some form of mutual achieved survival.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield the balance of my time to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding and just wanted to say again that the people of the United States are going to have the opportunity at some point to decide whether they want to make it legal to defend the United States against nuclear missiles.

Right now, according to the ABM Treaty, we cannot defend our cities and towns against nuclear weapons, and they need to know technically if they can do that from a technological point of view. That is what SDI is.

Mr. KASICH. The bottom line is let us not cut the funding levels so that we cannot determine the technologies that we need to see if this system can work.

I urge my friends to support either the committee position, or if you have to, the Badham amendment.

Mr. ASPIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado [Mr. WIRTH].

Mr. WIRTH. Mr. Chairman, I rise in strong support of the Bennett amendment to freeze the funding level for the strategic defense initiative.

It's clear from the debate today that the vote on the Bennett amendment will be one of the most important votes we take on this year's defense authorization bill. It's also clear that there is a broad consensus that some research should be done on space-based ballistic missile defenses—whether it be $1 billion, $3.1 billion, or $4.8 billion.

Members on both sides of the aisle have, in my view, correctly argued that SDI research is needed to ensure that we can respond to Soviet breakthroughs in missile defense technology. A robust research program also lets us determine the feasibility of the President's vision—a seamless, nonnuclear missile defense.

This consensus is not new. For decades now, defense analysts—in the arms control community, at the Pentagon and elsewhere—have supported a prudent research program to guard against any Soviet technological surprises.

But the President's SDI proposal has radically changed the debate over strategic defenses. It has brought into sharp relief questions about the size and shape of the program. Specifically, we need to ask what research should be funded and what controls should be placed on that research?

I believe that we should support a prudent, carefully organized SDI research program that stays within the bounds of our ABM Treaty commitment. A freeze on SDI funding—at the not insignificant sum of $3.1 billion—would get us that program.

It would be unwise to cut SDI to the bone. The Dellums amendment, well-intentioned though it is, would undermine our ability to hedge against Soviet technology breakthroughs or explore the plausibility of missile defense.

It would be equally foolish, however, to ratchet up SDI funding above the current level. There are several reasons for avoiding this course.

First, the budget deficit. There is no way on Earth—or, with regard to SDI, in the heavens—that we can cut the deficit while boosting spending on major defense programs by almost 80 percent, as the administration would have us do on SDI. And don't forget that that substantial increase would build on last year's increase of nearly 100 percent.

Mr. Chairman, I believe, as the House does, that a freeze on defense spending is an important part of our deficit reduction strategy. And SDI shouldn't be exempt from that freeze.

Because if it is exempted, we will witness the enormous opportunity cost of SDI. Large increases in spending on SDI mean foregone investments in defense and civilian scientific research. More SDI spending also means reduced funds for important military readiness and procurement accounts. For those of my colleagues who say they are for a strong defense, I would urge them to take a close look at SDI's impact on our science and defense capabilities.

Right now, the Pentagon projects that Defense Department SDI research alone will require 15.6 percent of the research, development, test, and evaluation expenditures planned by the Pentagon over the next 5 years. Perhaps more important, according to the National Science Foundation, projected SDI research will consume 15 percent of the total dollars for basic and applied research carried out by public and private sources.

Increased SDI funding would also crowd out important defense programs. Over the next 5 years, the administration plans for total SDI spending of more than $37 billion. Think about how part of those funds might be applied to important defense areas, such as increased munitions or improved training and weaponry for our troops.

I don't believe our Nation's defense or science laboratories—public and private—can afford the cutbacks that massive SDI spending would entail. Preserving the diversity of our national scientific research effort and the strength of our conventional defenses is yet another reason to vote for a freeze on SDI spending.

Finally, we should freeze SDI funding to ensure that the program stays withing the ABM Treaty limits. By freezing SDI funding, we send the administration a powerful signal that Congress favors a robust research program—but not missile defense demonstration and deployment at the expense of the ABM Treaty. This vital accord—the most successful arms control treaty we have—continues to serve us well by restraining the offensive arms race. We would be irresponsible to trade it in for the far-from-realized promise of SDI.

I say this as someone who recognizes that advances have been made in SDI-related technologies—including sensors, directed energy beams, and data management.

But I also recognize the enormous problems in building an effective nationwide defense. Any space-based missile defense must involve an extremely complex operational framework. It must work reliably against a determined opponent, dedicated to defeating it with many tools: vast stocks of ballistic missiles, cruise and low trajectory ballistic missiles, penetration aids and quick burning rocket boosters. And we must be able to have high confidence in this defense, although it can never be tested under anything approaching realistic conditions.

That is a very tall order. It is made even taller by the recent explosions of the space shuttle *Challenger* and the Titan and Delta rockets: all complex vehicles designed and controlled—and tested many times—by NASA. The Pentagon will not have the luxury of any realistic tests for its complete ABM system.

This continuing lack of certainty argues for a careful, prudently funded SDI Program that stays within the bounds of the ABM Treaty. Basic research can help us determine if the many obstacles SDI faces can be overcome. It could also discourage the Soviets from deploying defensive systems in violation of the treaty and minimize the adverse effects of a Soviet breakout, if it should occur.

The administration must realize that we can have both the ABM Treaty and SDI research, so long as it remains in the laboratory. We can conduct an effective research program while abiding by the treaty that saves us from an even greater offensive arms race.

Mr. Chairman, the Bennett amendment gives us the appropriate funding level to conduct that research program. It enables us to continue our attack on the budget deficit. And it protects our military readiness and our diverse scientific research base.

For all of these reasons, I urge my colleagues to vote for the Bennett amendment to freeze the SDI funding level.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Chairman, on March 23, 1983, the President of the United States called on the scientific community to work toward the concept of a peace shield. Frankly, since that time we have seen this Congress continue to debate the issue, as we should.

But what the President actually did is he showed that we could shift from that policy of mutual assured destruction to mutual assured survival.

The fact of the matter is that there are a great many people in this country who now believe that we can move toward that policy of mutual assured survival.

I have right here a letter from a group of former Soviet scientists, and the number of signatories is about three pages long and consists of some very prominent Soviet scientists who now are tenured, came to the United States and were almost immediately tenured people from Boston University, Stanford University. I cannot pronounce all of their names, but suffice it to say they are very prominent Soviet scientists.

Mr. Chairman, I would like to read a couple of paragraphs of the letter which is addressed as an open letter to the American people and the Congress from former Soviet scientists about the Soviet Union and about the strategic defense initiative. This is toward the end of the letter:

"As former scientists of the Soviet Union, we love the country of our birth as much as we love the country of our choice. We want for all the millions of our former countrymen a future of peace and, eventually, freedom. The strategic defense shield will, believe, help achieve these goals by discouraging the Soviet leaders from using nuclear blackmail to gain their ends, and instead encourage them to turn inward and begin addressing the needs of the Russian and other people subjugated by them.

It goes on to read:

Andrei Sakharov has wisely pointed out that, "genuine security is possible only when based on a stabilization of international relations * * *."

Mr. Chairman, I urge my colleagues to support the President's full request. He called for the concept. Let us give him what he has requested.

I include for the RECORD the letter from the former Soviet scientists:

FORMER SOVIET SCIENTISTS,
Washington, DC.

An open letter to the American people and Congress from former Soviet scientists about the Soviet Union and the Strategic Defense Initiative.

We are concerned about the growing pressures on the United States from the Soviet Union and others to make vital concessions on the Strategic Defense Initiative—concessions that could endanger America's security and the long run prospects for continued world peace—simply to achieve an agreement providing the short-lived illusion of peace.

We believe that America's quest for strategic defenses combined with mutual reductions in offensive nuclear weapons offers all the peoples of the world the greatest hope for a stable and enduring world peace in our lifetime.

When we were scientists in the Soviet Union, we belonged to a privileged part of Soviet society. We had the opportunity to observe the Soviet ruling elite, its way of looking at the world and its view of Soviet-American rivalry in particular, and to learn of many of its programs and intentions.

We can say unequivocally that the Soviet party elite honestly believes no genuine coexistence between socialism and capitalism is possible. Despite all its talk about peaceful coexistence and detente, the Soviet ruling elite is convinced that one of the two superpowers is destined to dominate the other and makes every effort to ensure that it will be the Soviet Union.

Consequently, the structure of Soviet society is designed to best contribute to the ultimate world-wide victory of the Soviet communist totalitarian system. We know that the Soviet leadership spends enormous resources, in fact, all it can, to surpass the United States in the military field because it believes overwhelming military superiority will be a decisive factor in the victory of communism.

We have witnessed that not only the best scientific research and technology is channeled into the military spheres, but in fact, all the finest achievements of Soviet economics, culture, and even sports are automatically requisitioned for the "defense of the Motherland"—a euphemism for the promotion of the final victory of communist totalitarianism. Only then, the ruling elite thinks, will its power be finally secured.

In relation to the Strategic Defense Initiative we must tell you, from our experience and understanding, and even though Gorbachev may deny it, we are convinced that:

1. The Soviet scientific community and government leaders believe that effective strategic defenses are technically possible and doable;

2. The Soviet Union has been intensely working on its own version of the Strategic Defense Initiative since the late 1960s, and puts much more of its efforts and resources into its "Star Wars" and strategic defense programs than does the U.S.

3. Development and deployment of Soviet "Star Wars" systems is part of the Soviet Union's global strategy against the non-communist world which seeks by coercion to usher in the "final historical era" of world-wide Communism and "peace" maintained by Soviet military power.

4. The Soviet Communist leaders can be expected to continue working on their "Star Wars" system, either overtly or covertly and with high priority, no matter what they say or what they sign, or what the U.S. does.

5. Soviet Communist morality and the history of Soviet behavior teaches us that the Soviet leaders do not consider it immoral to cheat or deceive their "mortal enemies"—and, unfortunately, they consider the U.S. their Number One Enemy. Therefore, they will break any international agreement the moment it serves their interest to do so, as they have done many times before. As a result, everything in agreements must be strictly verifiable.

As former citizens of the Soviet Union, we love the country of our birth as much as we love the country of our choice. We want for all the millions of our former countrymen, a future of peace and, eventually, freedom. The Strategic Defense Shield will, we believe, help achieve these goals by discouraging the Soviet leaders from using nuclear blackmail to gain their ends, and instead encourage them to turn inward and begin addressing the needs of the Russian and other people subjugated by them.

Andrei Sakharov has wisely pointed out that, "genuine security is possible only when based on a stabilization of international relations, a repudiation of expansionist policies, the strengthening of international trust, openness and pluralization of socialist countries, and the observance of human rights throughout the world. . . ."

As scientists, we strongly advocate TRUE coexistence and understanding among nations as the only ultimate guarantee of a secure future for humankind. But, for that to be possible, the Soviet leadership will first have to establish a genuine coexistence with Soviet intellectuals and scientists, renounce its mission of spreading communism throughout the world, and open Soviet society to non-communist ideas and influences. Only such steps can produce confidence that the Soviet elite's supposedly peaceful intentions are authentic.

Finally, the President and his negotiators can contribute substantially to preserving world peace when dealing with the Soviet leaders if they:

1. do not hurry to reach an agreement for agreement's sake;

2. do not yield on development of the Strategic Defense Peace Shield;

3. do not give the Kremlin leadership a veto on the Peace Shield's deployment;

4. constantly remain aware of the expansionist character of the true nature, aims, and motivations of the Soviet leaders with whom they will be negotiating; and

5. do hold fast to America's commitment to liberating the world from being held hostage to the threat of nuclear holocaust.

In the interests of peace and freedom,

Sincerely,

Tatyana Roziner, Ph.D., Department of Electrical, Computer and Systems Engineering, Boston University. Degree from: Moscow University, Applied Mathematics.

Dr. Anatoly Kaganovsky, Ph.D., Physics and Computer Science, Menlo Park, California. Degree from: Control Computer Institute, U.S.S.R.

Dr. Edward Lozansky, Ph.D., The Andrei Sakharov Institute, Washington, D.C. Degree from: Kurchatov Institute of Atomic Energy, Moscow Physics.

Dr. Boris Khaikin, Ph.D., Computer Science and Laser Physics, New York, New York. Degree from: Institute of Computer Systems, Moscow.

Dr. Alex Borsh, Ph.D., Materials Science, Palo Alto, California. Degree from: Academy of Science, Moscow Institute of General Chemistry, Semi-Conductor Chemistry.

Dr. Victor Samarov, Ph.D., Mechanical Engineering, Boston, Massachusetts. Degree from: Military Academy of Armored Force, U.S.S.R., Engineering.

Dmitry Mikheyev, M.S., Physics, Virginia. Degree from: Moscow University, Laser Science.

Dr. Alexander Kastalasky, Ph.D., Electronics, Murray Hill, New Jersey. Degree from: Ioffe Physical Technical Institute, Semi-Conductor Research.

Dr. Walter Krasin, Ph.D., Lawrence Berkely Laboratory. Degree from: Moscow University, Physics.

Dr. Nadia Lifshitz, Ph.D., Physics, Murray Hill, New Jersey, Degree from: Electrical Technical Institute, Leningrad, Physics and Electrical Engineering.

Dr. Valentin Turchin, Ph.D., Department of Computer Science, City University of NY. Degree from: Institute of Physics and Energetics, Obninsk, U.S.S.R.

Dr. Yuri Tuvim, Ph.D., Mechanical Engineering, Boston, Massachusetts. Degree from: Moscow Institute of Chemical, Engineering.

Dr. Igor Levin, Ph.D., Computer Science, Washington, DC. Degree from: Research Institute, Moscow, Radio Electronics.

Dr. Lazar Trachtenberg, Ph.D., Computer and Electrical Engineering, Drexel University, Philadelphia, Pennsylvania. Degree from: Leningrad Polytechnical Institute, Faculty of Physics and Mechanics.

Dr. Lev Levitin, Ph.D., College of Electrical, Computer and Systems Engineering, Boston University. Degree from: Soviet Academy of Sciences, Quantum Radio Physics.

Dr. Alexander Gersht, Ph.D., Applied Mathematics and Networks, Waltham, Massachusetts. Degree from: Institute of Technical Control Problems, Academy of Science, Moscow.

Dr. Oleg Popov. Ph.D., High Energy Physics, Newbury, Massachusetts. Degree from: Moscow University, Plasma Physics.

Leonid Levin, M.S. Ph.D., Professor of Computer Science, Boston University. Degree from: Moscow University, Mathematics and Computer Science.

Dr. Vladimir Ozernoy, Ph.D., Engineering Cybernetics, California State, Hayward. Degree from: Institute of Technical, Control Problems, Moscow.

Dr. Serge Luryi, Ph.D., Physics, Millington, New Jersey. Degree from: University of Leningrad, Physics.

Alexander Berkovich, M.S., Electronics, New York, New York. Degree from: Moscow Institute of Radio Electronics.

Dr. Ephraim Suhir, Ph.D., Mechanical Engineering, Randolph, New Jersey. Degree from: Polytechnical Institute, Odessa, U.S.S.R., Mechanical and Oceanic Engineering.

Dr. Semyon Friedman, Ph.D., Chemical Engineering, John Hopkins University. Degree from: Leningrad Institute of Technology, Chemical Engineering.

Dr. Rafael Chikvashilli, Ph.D., Computer Science and Math, Baltimore, Maryland. Degree from: Moscow University.

Dr. Mark Karpovsky, Ph.D., Department of Engineering, Boston University. Degree from: Leningrad Electrical Technical Institute, Computer Science.

Dr. Igor Abramovich, Ph.D., Electronics, Huntington, NY. Degree from: Institute of Biophysics, U.S.S.R.

Dr. Norman Salansky, Ph.D., Institute for Aerospace Studies, University of Toronto. Degree from: Academy of Sciences, Siberian Branch.

Dr. Rudolf F. Kazarinov, Ph.D., Solid State Electronics, Murray Hill, New Jersey. Degree from: Ioffe Institute of Technical Physics, U.S.S.R., Physics.

Artem Kulikov, M.S., Physics, Stanford University, Linear Accelerator. Degree from: Leningrad Polytechnical Institute, Physics.

Dr. Zinovy Kane, Ph.D., Mechanical Engineering, Florham Park, NJ. Degree from: Leningrad Shipbuilding Institute, Engineering.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, by this time, most of us know full well that star wars isn't going to be some hopeful magical armored vest in the sky. We know that if we get it, the Soviets will get it too. And we understand how they could choose to use it not defensively—but offensively—to complement a first-strike attack against us. That's not survival. That's vulnerability.

But today I want to talk about the cost of this dangerous exercise in futility, about what we are giving up to get it.

Start up star wars research is budgeted at $26 billion. High-technology military programs normally cost at least 100 times as much to procure as to research. If this historical experience holds true, SDI will cost us about $2½ trillion—a bit more than the total national debt. And there are indications that, when we add the cost of protecting the system, the real bill for SDI will make the present national debt look like small change.

Mr. Chairman, this star wars idea is absolute lunacy. The President talks about "his dream," wherein the Nation's best technical minds are harnessed for a purpose that will increase—not decrease—the dangers to America.

But then we're told at the same time that we cannot afford to save the family farm—to control the invasion of narcotics—to modernize our steel industry, or to help children of middle class families go to college.

All these and more could be financed with a fraction of what this fantasy called star wars will cost—this maginot line in the sky.

Mr. Chairman, the American people have a different dream—a dream of a militarily secure, drug free, crime free America, once again able to offer jobs and training for its people.

This will cost money, but its a question of priorities and values.

For SDI, this kind of money isn't tough to find at all we just cannibalize essential civilian programs.

So my friends, we can have SDI, the cellophane vest in the sky. Or we can have a country worth saving. We can't have both. I ask my colleagues to restrain star wars.

□ 1620

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I rise in support of the President's request for full funding for the strategic defense initiative.

If you go back through history, any society that has an offensive threat to that society has done everything within its power to defend against that threat. It started out thousands of years ago with hunters trying to develop shields. In the Middle Ages, we had people that tried to build moats around castles. A hundred years ago, we had in this country the first ironclad warships to defend against the offensive cannons that had come into existence.

Today we are faced with the most serious offensive threat in the world; and that is the Soviet offensive intercontinental ballistic nuclear missile force.

It is only good common sense that if we have the ability to develop a defense against that, that we use everything in our power to do so.

I have an opinion piece that I wrote for the Bryan Eagle a month ago that goes into more detail about just why the strategic defense initiative is very important to our Nation.

The article follows:

[From the Bryan-College Station Eagle, July 23, 1986]

SDI: A PRACTICAL STEP FOR PEACE AND FREEDOM

(By Joe Barton)

Recently, Professor Wayne Saslow described his opposition to the Strategic Defense Initiative (SDI) in the "Eagle." I want to thank the editors for this opportunity to respond to Dr. Saslow and express my reasons for supporting the SDI. The SDI is a vital, practical step in the direction of peace and security for the American people. It is a research effort with the goal of developing a non-nuclear defensive system that can shoot down Soviet missiles before they threaten our country.

A Defense Department report to Congress calls SDI, "an important effort to find a fundamental improvement in the long-term security of the U.S. and its Allies, and to provide a better response to the growing Soviet offensive and defensive threat . . . Possibilities for maintaining security by means of an enhanced ability to deter war through an increasing capability to defend against attack—rather than through sole dependence on the threat of nuclear retaliation—deserve, and are receiving, serious exploration."

The report specifically endorses arms control, and states, "Our near term objective is a radical reduction in the power of offensive nuclear arms . . ." The long-term goals of a defensive system extend well into the next century. Before looking more carefully at this effort to reduce the risk of nuclear war, I want to review the circumstances that led to the SDI project.

At the end of World War II, the United States brought its men home while the Soviets imposed puppet regimes on the hapless nations of Eastern Europe. The war-weary democracies eyed the powerful Soviet armies warily, fearing yet another totalitarian power. Through the NATO alliance and other treaties, the Europeans came together

under the American "nuclear umbrella" to defend against a Soviet attack. As the Soviets developed their nuclear capabilities, the United States developed an air defense network that could protect us from a bomber attack—a strategic defense system.

In the 1960's, the United States, seeing the Soviet's gains and the increasing capacity of nuclear weapons and missiles, adopted the policy of "Mutual Assured Destruction," aptly shortened to "MAD." No longer would the United States seek to defend itself from a nuclear attack, or seek nuclear superiority. It was assumed that the Soviet Union, like America, was primarily motivated by a desire for defense; when they achieved "parity" with the United States, they would cease their relentless nuclear buildup. Both nations would know of the vulnerability and massive retaliatory power of the other, and thus both would be deterred from nuclear attack.

The Anti-Ballistic Missile Treaty (ABM) officially recognized this "balance of terror" and restricted defense efforts on both sides. The SALT I treaty was negotiated assuming that the Soviets shared our view that a nuclear war was "unwinnable," and that they would be satisfied to stop the "arms race" with nuclear parity and MAD. The SALT II treaty was never ratified as the Soviets aggressive intentions became clear. (President Carter did not ask the Senate to ratify the treaty after the Soviets invaded Afghanistan.)

While Americans discussed treaties, the Soviets built weapons. Harold Brown, Secretary of Defense under President Carter, commented on the Soviet nuclear buildup of the 1970's, "When we build, they build; when we don't build, they build." The nuclear missiles we rely on today are our "second generation" Titan and Minuteman missiles, built with the technology of the 50's and 60's. The Soviets have deployed hundreds of their third and fourth generation missiles, the huge and powerful SS-17, 18, 19, and 25. They are developing still newer missiles, including the mobile SS-X-24 and the SS-X-26 and 27. Many of these missiles carry ten or more warheads, while our missiles carry a maximum of three. Elements of the Soviet buildup violate the SALT II accords, which the Soviets claim to uphold. In response to this buildup, after much debate, the United States this year decided to deploy 40 of our third-generation MX missiles (President Carter requested 200).

The Soviet Military budget has been estimated to be as high as $460 billion in 1985, compared to $268 billion for the U.S. The Soviets are thought to have 1,400 or more ICBMs to our 1,000; about 150 new "Backfire" bombers offset by our fleet of aging B-52s; at least 60 missile launching submarines to our 35; and many more short range missiles, cruise missiles, chemical and biological weapons, tanks, fighter planes, and soldiers.

Along with these offensive preparations, the Soviets have made clear that they do not accept the premises of MAD. They are determined to achieve the ability to win a nuclear exchange. The May, 1972 edition of the Soviet Communist party journal, "Kommunist," declared, "the military-technical policy of the Soviet Union is directed toward creating and maintaining nuclear superiority." In 1978, Marshall Ogorkov, the Soviet military commander, told a group of visiting Congressmen that they had better "get used to" the "threat" from superior Soviet forces. A Soviet book, "Marxism-Leninism of War and Army," notes, "Nuclear missiles strikes . . . and the ability to use them before the opponent does, are the key to victory."

The Soviets have also been the leaders in the "militarization of space." Both the United States and the Soviet Union have crucial intelligence, communications, and command satellites in space. The Soviets have a proven antisatellite weapons (ASAT) capability unmatched by the United States that complicates our defensive strategies. Most importantly, the entire Soviet space program, unlike NASA, is subordinated to the needs of their military.

The Soviets complain about the SDI, while working hard on their own strategic defense systems. Last November, columnist Jack Anderson wrote of Soviet opposition to the SDI, "No exercise in hypocrisy is too extreme for the Soviet establishment . . . Though the Soviets had been doing research on space-defense technology for perhaps 20 years and had been running tests since 1968, the first movement of the Kremlin-orchestrated propaganda symphony was an anguished letter in "Pravda," signed by Soviet scientists, attacking Reagan's proposal." The signers of the letter are the designers of the Soviet's military space projects, including a space-based laser gun. They are currently deeply involved in Soviet military space efforts. Anderson refers to one of these Soviet military space leaders, Mr. Velikhov, as the "darling of anti-Star Wars activists on American campuses."

A group of Soviet scientists who have left their home for liberty in the West directly contradict the official Soviet line. Fearing that Soviet disinformation would influence Western opinion about space defense, these Soviet emigres have provided first-hand accounts of the vast extent of the Soviet war-in-space enterprise.

The Soviets have also undertaken a major civil defense program that includes underground bunkers and food storage provisions on a scale unimaginable in our free society. This supplements the missile defense system, allowed by the ABM treaty, that the Soviets have built around Moscow. (We dismantled our one ABM installation, and never built a city defense.) The Soviet ruling class is planning to survive a nuclear war.

According to Dr. Robert Jastrow, the famous NASA scientist, "The USSR undertook to do exactly what our strategists say it is supposed not to do: it implemented large programs for defending its citizens from nuclear attack, for shooting down American missiles, and for fighting and winning a nuclear war." Given the overwhelming Soviet buildup, new ideas and new approaches to America's defense are needed. President Reagan has offered the SDI as a new and exciting vision for the defense of our nation.

The SDI consists of research in a number of areas. These include computerized "battle management" and system defense technologies used in a missile exchange. Some of the more exciting, futuristic research involves "directed energy weapons," including high power laser and particle beam generators. Another program examines "kinetic energy weapons" that can intercept and render ineffective a missile before it reaches its target. The Army has proven the feasibility of this approach with successful tests in which a "smart bullet" dramatically destroyed a missile at high speeds. General Daniel Graham and other "High Frontier" advocates believe that a system of this type can and should be deployed immediately.

Most discussions of strategic defense systems, assume three or four "layers" of defense. The first layer, the boost phase, targets Soviet missiles soon after they have been launched. The second phase aims at the "bus" carrying the eight to twelve warheads through outer space. Both of these layers are space based and are designed to intercept the Attack before each warhead has been "spun off" to its separate target. The third layer, probably a ground based system, targets any remaining warheads.

Dr. Saslow refers to the Challenger tragedy, and then argues that since absolute certainty is impossible with a complex project like the SDI, it should not proceed. Absolute certainty has not been applied to any other major technological program. The space program, the AT&T electronic switching system, and some of our more exotic medical procedures have been very successful without 100 percent assurance that there would be no error. A defense system that is even 75–85 percent effective is much better than no defense at all. The high probability of successful defense would deter a Soviet attack.

Part of the purpose of SDI research is to find the best way to construct, maintain and operate a strategic defense system. No one denies that there is much to be done to determine the best hardware and software elements and integrate them into a functional, reliable defense. Soviet countermeasures must also be considered, including anti-satellite weapons and "decoys." However, these problems are not insurmountable. Many advances have already been made which SDI opponents deemed impossible a short time ago.

The alleged negative impact of the SDI on employment and research is refuted by comparison to the space program. NASA research and development expenditures have provided great benefits far beyond the value of actual space exploration in such fields as computer technology, telecommunications, medicine, and materials processing. SDI expenditures can be expected to have a similar, or much larger, beneficial impact in many valuable areas. Certainly, scientific reseach, both theoretical and applied, will not be harmed by a major government commitment to its advancement.

The introduction to Dr. Saslow's article refers to the "scientific community's reasons for opposing the Strategic Defense Initiative." This phrase may cause some to believe that America's scientists oppose the SDI. In fact, many of our leading scientists strongly support the SDI. As Dr. Saslow notes, the idea for the SDI came from leading American scientists working with the White House Science council. According to Dr. George Keyworth, former White House advisor, the ideas in President Reagan's SDI speech came from "some 50 of our nation's better technical minds (who) devoted their efforts almost exclusively to one problem—the defense against ballistic missiles." The venerable Dr. Edward Teller, a member of the Manhattan project and a leader in atomic physics, visited with me personally to explain his support for SDI research. Dr. Robert Jastrow. physicist, founder of NASA's Goddard Institute for Space Studies, and Dartmouth Professor, urges our nation to proceed with SDI. The Science and Engineering Committee for a Secure World supports the SDI. It is chaired by Dr. Fred Seitz, former president of the National Academy of Sciences, and includes national leaders in physics, chemistry, and engineering, including Hans Mark, John Wheeler,

and John McKetta of the University of Texas.

Texas A&M has numerous distinguished faculty supporters of the SDI. Dr. Saslow referred to the visit to Texas A&M by Senator Gramm and General Abrahamson. Making presentations at this meeting were leaders in Texas A&M's research and science efforts, including Duwayne M. Anderson, Oran W. Hicks, James H. McAlear, Henry Taylor, Richard Meyer, and Peter M. McIntyre.

Given this distinguished support, Dr. Saslow's statement that Texas A&M might "unwittingly become a party to a program which, due to heavy promotion, has the appearance of a realistic possibility, but which in fact collapses under serious scrutiny" itself deserves careful scrutiny. Texas A&M and its faculty are doing nothing "unwitting;" the faculty involved with SDI research are doing so because of the merits of the program, not because of "promotion;" SDI promises realistic improvements in our defense, a "collapse" in unlikely.

The SDI decision has been wrongly presented as a choice between spending billions on the "arms race," and cost-free "arms control talks." Whether or not we develop a defensive system, the United States must continue to maintain its military power. This involves development of new weapons systems as the Soviets continue to expand their power. Similarly, arms control talks have been a feature of Soviet-American relations for about 20 years, and will continue to be a top priority. President Reagan was able to begin arms talks again last year after the Soviets walked out in 1983.

The proper focus of arms control is reductions in offensive nuclear weapons. We can and should proceed with the SDI while we seek genuine arms reductions. We should not give up a valuable means to protect our liberty on the mere promise of Soviet "restraint."

Finally, I respect Dr. Saslow's decision to refuse to participate in SDI research; Soviet scientists would appreciate that right they do not have. The preservation of individual rights in a free society is ultimately what the SDI is all about.

Mr. ASPIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BUSTAMANTE].

Mr. BUSTAMANTE. Mr. Chairman, I rise in support of the Bennett amendment. The amendment maintains a vigorous SDI research program in a fiscally responsible manner.

Only this amendment deals with the funding levels of the Department of Energy's SDI Program. Last year, we funded that portion of the SDI Program at $270 million. The Energy Department SDI Program increased this year to $371 million or 37 percent over last year. Moreover, this bill would allow the Defense Department to transfer an additional $200 million to the program. With the transfer, the program funding will reach $571 million or $37 million over the President's budget request.

Even if we didn't have to deal with deficits, how can anyone justify an increase of 111 percent in 1 year for a research program? What major breakthrough in research do we have, to justify this massive infusion of tax dollars?

These major increases raise the concern that many technologies with high potential, but not directly related to SDI, might be ignored. During the SDI buildup there has been a corresponding sharp decrease in funding for research and development of basic new technology. In 1981, over 16 percent of R&D funds were invested in the defense technology base. However, in this year's request only 8.7 percent was allocated to the technology base. This trend raises the question whether we should be putting most of our research dollars into SDI or whether we should leverage our SDI investment by also investing in other promising areas of defense research.

I urge my colleagues to vote for a fiscally responsible and balanced research program, vote for the Bennett amendment.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I rise in support of the Strategic Defense Initiative Program. I urge this body to defeat all amendments to reduce the funding for the SDI Program that is contained in the bill as passed by the Committee on Armed Services.

Reducing the administration's request for the SDI Program would seriously diminish both our leverage in arms control and negotiations with the Soviets and would seriously hinder rapid research advances in this program. Reducing this funding would send the wrong signal, both to our researchers and to the Soviets that the U.S. Congress does not have faith in this program.

We need to continue to exert pressure on the Soviets to negotiate, and SDI serves that purpose by improving our defenses against Soviet attacks.

Contrary to the claims of critics, SDI research does not violate the 1972 ABM Treaty. In fact, the ABM Treaty does not even restrict some deployment of the SDI system.

It seems to me the fact that the Soviets are willing to negotiate an extension of the treaty in exchange for permitting SDI research to continue indicates that they, too, believe that research conforms to the treaty.

So I believe that the proposals to decrease funding for SDI should be defeated because this research is critical to the Nation's defense and vital to arms control negotiations.

Mrs. COLLINS. Mr. Chairman, of all the crazy things to come out of this administration, the strategic defense initiative or star wars, is the most incredible. This proposal is so loony that it makes one wonder how even President Reagan can believe in it.

Let's peer through some of the fog that the Pentagon and the administration have used to camouflage star wars and see what kind of defense it will really provide. President Reagan says that SDI will give us an invincible shield, making nuclear weapons obsolete. If this were the case, I would be an enthusiastic supporter—everyone wants to protect against nuclear weapons. The reality of star wars, however, is the opposite. In truth, SDI is an unworkable idea, which will waste billions and billions of dollars and leave the world less secure than before.

Objective defense analysts have estimated that star wars will ultimately cost up to $1 trillion. Five years of SDI research alone will cost more than that spent on the procurement of all major weapons systems. It simply amazes me that, with the Nation facing a debt crisis, President Reagan wants to throw these extraordinary sums into the rat hole of star wars.

Now one would think that $1 trillion would buy a lot of security. Unfortunately, this is not the case. Even supporters of SDI believe that it will have only a 90-percent rate of effectiveness. In the event of an attack, a 90-percent effectiveness will still result in up to 95 million casualties. That's a lot of bodies for a $1 trillion impregnable defensive shield.

To top it off, this $1 trillion system would only be good against long-range ICBM's. SDI would provide no protection against strategic bombers, submarine-launched ballistic missiles, or cruise missiles. Moreover, star wars would be based on computer and other technologies that do not exist and which most scientists believe are impossible. Even if all these problems could be overcome, which is extremely unlikely, the Soviets could defeat the system with countermeasures at only a fraction of the cost. In other words, President Reagan wants us to spend up to $1 trillion for a so-called defensive weapons system that won't work, wouldn't defend anyone even if it did work, and can easily be defeated. I don't see now anyone can support this fiasco.

If this isn't bad enough, the development or deployment of star wars would violate the ABM Treaty—the cornerstone of American arms control efforts. ABM and the treaties that followed it have given the world real security, already providing the defensive shield that the President says he wants. Abandonment of these agreements will initiate a new and increasingly dangerous arms race.

Congress would be wise to delete all funding for this ill-conceived program. I realize that this is not possible, too many people have already accepted the administration's unsubstantiated arguments. The Dellums amendment, however, offers an acceptable compromise. By reducing the authorization to $1 billion, this amendment will place realistic limits on SDI while still allowing some research. This is a reasonable alternative to full star wars funding and I urge Congress to adopt it.

The CHAIRMAN pro tempore. The Chair would advise that the gentleman from Wisconsin [Mr. ASPIN] has 3 minutes remaining and the gentleman from Alabama [Mr. DICKINSON] has 1 minute remaining.

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, my colleagues, the greatest threat to

American security is Soviet intercontinental ballistic missiles. Because of that, the most compelling question that we can ask is: Can we defend against those missiles?

The strategic defense initiative asks that question. Now, if it is the most compelling question that we can possibly ask, why do not we get the answer quickly? That is really the issue here.

If you want a quick answer, we should go with the $4.8 billion funding level that Mr. DORNAN has proposed. If you want to get it a little slower, we should go to the next level and the next level and the next level.

Let me just say that the Soviet Union is deploying SDI; they have an SAX-12 that will take down submarine-launched ballistic missiles, Pershing II's and some ICBM's. Within the next several months, they will go into production with their SDI. We must ask this question; we must ask it quickly; we should vote for a high funding level.

Mr. ASPIN. Mr. Chairman, I yield my remaining 3 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I thank my colleague for his generosity.

Mr. Chairman, Members of the Committee, there will be only one amendment offered this afternoon that will attempt to stop SDI or the program that we euphemistically refer to as star wars, and that is the amendment that this gentleman from California will be offering.

I would remind my colleagues that last year we had a similar debate. I offered the amendment to stop star wars last year. It received slightly in excess of 100 votes. One of my distinguished colleagues on the other side of the aisle, the gentleman from New Jersey [Mr. COURTER] offered an amendment to fully fund star wars. He received slightly in excess of 100 votes.

To interpret that is to point out that approximately one-quarter of the House has already determined that they should oppose star wars. One-quarter of this House has already decided that they should fully support star wars.

The balance of the body, the 50 to 55 percent of the remaining numbers of this body is where they always are: dancing in the middle, trying to find out the safe place to be.

Mr. Chairman, Members of the body, they are not quite sure. The freeze amendment might pass, because they can have the best of both worlds; they can go home and say, "I kept my eye on star wars. I even was fiscally responsible; I cut it back some."

So the debate today, Mr. Chairman, is a debate over where the 50 percent dancing in the middle ought to come down. This gentleman will argue as strongly and as persuasively as I can in the flimsy 10 minutes that we have to discuss a matter of incredible magnitude that they ought to move to oppose star wars. I would assume that my colleague who wants to fully fund it would do the same, but I am sure that courage will not prevail in this body. High intellect and principle will not prevail in this body, but we will find a way to dance in the middle.

The distinguished scientist Carl Sagan once said in addressing star wars, he pointed out that star wars can be underflown, overwhelmed, and outfoxed. That it is too sophisticated to be operated by human beings. That it will cost an excessive amount of money. That it will violate arms control agreements. That it will exacerbate an arms control race and that finally it will bring the world closer to nuclear disaster. Other than those modest criticisms, it is a good system.

So, Mr. Chairman, I am going to try to make that case as powerfully and as persuasively as I can. I cannot in 10 minutes argue all of the points, but I will try to point out that it will violate SALT; that it will violate arms control agreements; that it will cost an excessive amount of money; it will create an arms race and bring the world not to a more secure place, but a more frightening and dangerous place.

The CHAIRMAN pro tempore. All time for general debate has expired.

AMENDMENT OFFERED BY MR. DORNAN OF CALIFORNIA

Mr. DORNAN of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORNAN of California: Page 34, line 4, strike out "$7,678,782,000" and insert in lieu thereof "$9,078,782,000".

Page 43, line 10, strike out "$3,400,000,000" and insert in lieu thereof "$4,800,000,000".

□ 1630

The CHAIRMAN pro tempore (Mr. BOUCHER). Under the rule, the gentleman from California [Mr. DORNAN] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

Mr. ASPIN. Mr. Chairman, may I be recognized as the gentleman in opposition?

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] will be recognized as the Member in opposition.

The Chair recognizes the gentleman from California [Mr. DORNAN].

PARLIAMENTARY INQUIRIES

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DICKINSON. Mr. Chairman, there will be an allocation of 20 minutes total, 10 minutes in favor and 10 minutes in opposition, is that correct?

The CHAIRMAN pro tempore. Ten minutes is allocated to the proponent of the amendment and 10 minutes to those in opposition.

Mr. DICKINSON. And Chairman ASPIN has been recognized in opposition so that he controls the entire 10 minutes?

The CHAIRMAN pro tempore. The gentleman has been allotted 10 minutes, the gentleman is correct.

Mr. AUCOIN. Mr. Chairman, may I inquire how much time has the gentleman from California [Mr. DORNAN] now used?

The CHAIRMAN pro tempore. The gentleman from California will be recognized for 10 minutes beginning at this moment.

Mr. DORNAN of California. And I will try not to use all of that time, Mr. Chairman, if I can speak quickly enough. I cannot think of a better introduction to my 10 minutes than the speech from my distinguished colleague from California [Mr. DELLUMS]. No one ever questions where that gentleman stands on an issue. He has never objected to anyone on this House floor, in way over a decade, asking for extra time and has always wanted in-depth issues debated in depth. Now I would like to pick up on a phrase that he used about the dancers in this House. This group, the American Security Council, over 37 years in existence, a bipartisan group with 43 Members in the Senate and 209 Members in this House, passed out this imitation marble eagle as symbol of defense leadership. And 173 Members, with a 70-percent cutoff on serious defense votes, got this eagle, 173.

Now, as Mr. DELLUMS pointed out, only a little over a hundred voted for the Courter amendment for full funding last year, 104. Mr. DELLUMS got 102 on his point 9 amendment last year.

Now, 36 Members do not care about what their rating is, they just belong to the group, I guess, because it makes them feel good because it is the biggest caucus group in the House, 209 Members.

But I am going to look for the 173 Members whose names are underlined here on the President's full-funding amendment because this eagle says, "for leadership in defense." It says, "for outstanding service as a member of the Peace Through Strength Caucus." And John Fisher, one of the founding directors of this group, sent me a letter asking for full funding last night.

So I will put the 173 list into the RECORD later tonight when we go into the House. And those who pay a little $5 or $10 into this group across the country to try to keep America strong, they can decide whether that 173 should match whoever votes for the President and Secretary of Defense, "Cap" Weinberger and General Abramson's request for full funding.

Now, those who say we are throwing money at this and it cannot be absorbed, there is SDI increases, its growth factor, there is a small ICBM that is a new system only developed recently in the last few years. There is what we threw at the Trident in 1983 and 1984 in program growth. Look what we did before we ever came to this House, your freshman year, Mr. KEMP. Look at the growth in Trident-I because it is a system you do not have to see. Liberals love submarines because you get them out to sea, get them away from the country, you do not have to look at them.

Now, here is the argument that SDI cannot spend the funds requested. Contracts begun in 1985 and 1986 are planned to spend 4.1. The 1987 contracts are going to build on prior-year efforts, capitalizing on the emerging technology that we have. Increments have already been incorporated into existing contracts that may be warped into this program if these 1987 funds become available. A reduction below the President's request for full funding is going to require modification to existing contracts. Significant reduction will require the program restructure increasing overall program cost. So again by chopping, delaying, cutting, we are going to increase costs.

Now, this chart does not do much for those who are not in the first few rows. I will break the code, it is very simple. The bottom third are weapons system. The middle third are sensors, the eyeballs to see what you are doing. And up here is the intelligence gathering, the command capability.

All of the programs of this chart except for neutron particle beam weapons, the ground-based laser and x-ray laser midcourse phase, all of these were started under Jimmy Carter. If the President has not made his focusing speech on March 23, 1983, all of these programs would be funded in various R&D areas at a higher figure than we are battling over in this House right now under President Jimmy Carter's budget.

Now, let me come back to SDI, "Soviets Do It." I already told you about the 25 command fuhrer bunkers that have been interrupted by the little incident at Chernobyl, a deadly murderous incident. Let us go to their air defense. They have actually gone down from 1,300 aircraft. Why? Because they have gotten rid of that SU-15 that murdered Larry McDonald of this Chamber. They are now putting in there Fulcrums, Foxbats, Foxhounds. They are going to them all designed with stolen technology on the F-15 and F-16. Their 10,000 SAM's used to be 12. We shut down our Nike Ajax, our Nike Hercules, our Nike Zeus. They are product improving their SAM's on a regular basis. The new SA-10 is being deployed.

Let us come down to SSK, Sary Shagan, their research and their Krasnoyarsk radar right on the Siberian railroad. Their surveillance, their warning, their ballistic missile radars, their ballistic missile early warning. The chairman has been very articulate, the chairman of the Committee on Armed Services, pointing out that this is a blatant and ongoing violation of the ABM Treaty.

R&D, the ABM X-3 is a deployable, rapidly deployable mobile ABM system. I am not speaking years, my colleagues. Ask Tony Battista. We are talking about months with the deployable ABM system. Scratch the X on the SA-12; it is not experimental, it is now being deployed.

Their DEW line systems, again there is a violation. They have extant Asat systems. We are going to have a debate here later on the antisatellite weapons. They are already doing it. Moscow air defenses, constant improvements, Moscow defenses, air improvements, constant product improvement; their two-layer ballistic missile defense, the GALOSH system. If you go to these briefings, we can declassify what GALOSH used to look like 3 years ago because it has all been torn down. It is now two tiers. It is modernized. It is product improved monthly because it is an in-use system, the only one in the world.

I asked a Congressman 20 years my junior if he knew the Soviet Union had three votes in the General Assembly. Did not know that? They do not teach it in grade school or high school anymore.

How did they get three votes in the United Nations? Because we rolled at San Francisco and tried to con them into the United Nations so that Byelorussia and the Ukraine get a vote. How did we con them into the ABM Treaty? By letting them have an ABM system around Moscow and then shutting ourselves down the day it began.

The Congressman who led that floor debate to kill ABM, from California, traveled along with me when he was a lameduck for a month to the Soviet Union. Do you know what he told me at the end of the debate? He said, in spite of the fact that my family was in the gallery, I rue the day I shut down the ABM after seeing the way these people operate and getting a look at this country for a whole month. I will spare the telling of it. I have one more point on radars. There are new radars, the Pushkino radars are another product improvement that we are trying to keep up with. Soviets do it, SSK Sary Shagan, Krasnoyarsk, they are spending, I just got a call from the White House, $25 billion, and that is a CIA figure on what they spend on all their stragetic defense. Throw in all of our fighters, the new F-15's down to the reserve in Louisiana, the new F-16's at South Carolina, in the Guard, put all of that together and add it to full funding, and we do not come within a fifth of what the Soviets spend on a strategic defense.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I gladly yield to my colleague from California.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the President's strategic defense initiative [SDI] and urge my colleagues to provide the full funding requested by the President for this important national security program.

I share President Reagan's desire to move away from relying upon the threat of mutual nuclear annihilation to keep the peace. It has kept the peace for some 40 years now, but the potential costs of a breakdown are immense. The concept of pursuing defenses as SDI, is not new; indeed it is wholly consistent with deterrence. It was actually being pursued during the Carter administration, but not in a very comprehensive or cohesive way. We should make no mistake about the fact that Soviet offensive and defensive capabilities pose real threats to the security of the West. Through SDI, we seek both new capabilities and a new approach to rectify the deteriorating strategic balance.

The Soviets have always considered defense to be a central part of their national security policy. In addition to their comprehensive air defense and civil defense network, the Soviets are engaged in developing a rapidly deployable antiballistic missile [ABM] system that could be operational within 10 years. Thus, the SDI Program is a prudent response to the very active Soviet ABM development and provides insurance against Soviet efforts to develop and deploy unilaterally an advanced defensive system.

The Soviet Union continues to pursue military uses of space. They have never manifested any concern about keeping space free of military systems. In fact, the largest component of the Soviet space program is its military one. The majority of military satellites in space today are Soviet. The Soviets were the first to develop and deploy intercontinental ballistic missiles which launch nuclear weapons on a ballistic trajectory transversing space. They are the only nation ever to develop and deploy a fractional orbital bombardment system—which has since been outlawed—capable of attacking ground targets in the United States with nuclear weapons from space orbit. Today, the U.S.S.R. has the world's only operational antisatellite [Asat] system. I mention all these Soviet systems to explain why we should not take the Soviet accusation that the SDI would militarize space seriously.

As you know, the United States has agreed to the goal of preventing an arms race in space. SDI is, in fact, the opposite of an arms race. It is a defensive system that envisions joint management, at all times, over the mix of offensive and defensive systems of both sides, thus increasing the confidence of all nations in the stability of the strategic balance. Already, progress is being made in this field. Recently, in his letter to Soviet leader Gorbachev, President Reagan reportedly noted his willingness to compromise on deployment SDI. In response, the Soviets have noted their willingness to negotiate on the reduction of nuclear arms—this is the first time they have seriously addressed this important matter. The Soviets are talking about President Reagan's agenda—offensive, that is, cutting missiles, and defensive. It is important to note that Gorbachev has stopped trying to presuade President Reagan to cancel the SDI.

However, until we eliminate offensive nuclear weapons, we must consider our national security needs and develop SDI defenses. The Soviets continue to build more offensive weapons, some of them in violation of agreements we have on these weapons. The active development of SDI serves as an incentive for the Soviets to negotiate and reduce the level of nuclear arms. To give up SDI would cripple our national security and leave the United States and our Western allies with no defense capabilities. It is important to remember that when we negotiated and signed a treaty banning the use of poison gas as a weapon, we did not throw out our gas masks.

Again, I urge my colleagues to consider our future national security needs and support full funding for the SDI. Thank you.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Chairman, I want to say on my own behalf that the gentleman's amendment of full funding for SDI would represent only 1.5 percent of the total U.S. defense budget.

I want to urge my colleagues to support full funding because 1.5 percent of the full defense budget—and less than 10 percent of the strategic budget—is well worth the money to offset what is being done in the Soviet Union and to move this country toward the development and deployment of strategic defenses. A strategic defense initiative that could neutralize the threat of offensive nuclear forces is, to my mind, the boldest and most hopeful new venture in recent history. Surely we can span 1.5 percent of the funds we will authorize in this bill for that purpose.

I thank the gentleman for yielding.

Mr. DORNAN of California. I repeat, we are not selling Kurdish rugs here and some Arab soup. Here is the list. I do not have time to put in what will be delayed, delayed, terminated, severely cut back, terminated, reduced to single concept, delayed for 2 years at White Sands, delayed by more than a year, reduced to concept definition, severely cut back or delayed, reduced substantially, slipped by at least a year, significant risk, baseload power not available to support basic experiments, slipped to late nineties, transportation low-cost space significantly reduced, particle beam and repetitively pulse laser lethality assessments, all delayed, cuts, cuts, cuts, analogous to building all the parts of the car, leaving them all on the garage floor and not putting them together, forced delay. I will put this in the RECORD later in the day. And Mr. BADHAM, who is voting for this, if we fail and we go selling you another Arab rug on a fallback position, he will go through one by one what you will have canceled in the systems if you do not vote for full funding.

Mr. Chairman, I yield to the gentleman from New Jersey [Mr. COURTER].

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. DORNAN] has expired.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN] for 10 minutes.

Mr. ASPIN. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. I thank the chairman.

Mr. Chairman, there is an old saying that hypocrisy is the tribute that vice pays to virtue.

And President Reagan now knows that you have to at least publicly support arms control. So he says all the right things, but at the same time when he is put to it and asked to answer the question, he will let you know that star wars is not on the table, it is not negotiable. But he knows that that hypocrisy is saying that you really care about arms control and want to see it happen is a necessary part of the dialog that is going on in our country right now. But the reality is that arms contractors all across this country are looking at this amendment with giant saucers as eyes because what we are talking about here is a program which is being transformed from the star beams and the moon shine of the original designers of this program into the giant pork barrel in the sky for all of the arms contractors across this country and for every Member here.

All I ask you is just know that this is not the T-46 or the F-18 or the M-1 tank. This is something which goes to the fundamental security of generations yet to live on this planet.

The President, however, had to go through a few steps in order to decide it would be possible for him to argue for the deployment of this weapon.

So he turns to Richard Perle last year, and he said, "I would like you to find some way in which it would be possible for me to deploy this weapon system."

So Richard Perle hired a 35-year-old attorney from New York whose previous experience had been in prosecuting pornography cases and Mafia chieftains and gave over to him the ABM Treaty.

Now, this young man, without talking to any of the chief negotiators of the ABM Treaty for our side, came back with a very interesting interpretation. Rather than the historical interpretation which said that it would be impossible for us to deploy such a system, he came back and said just the opposite, that it would be possible to deploy such a system. An incredible turnabout, given to us by an attorney whose experience up until then had been in the pornography and Mafia prosecutions of the Federal Government.

The President, unfortunately, needed to find some way of doing it because hypocrisy has characterized his entire dealing with this issue. He has contended all along that it is nonnuclear.

Mr. WALKER. Mr. Chairman, I demand that the gentleman's words be taken down.

□ 1645

The CHAIRMAN pro tempore (Mr. BOUCHER). The Clerk will report the words objected to.

The Clerk read as follows:

The President, unfortunately, needed to find some way of doing it because hypocrisy has characterized his entire dealing with this issue. He has contended all along that it is nonnuclear.

The CHAIRMAN pro tempore. It is the opinion of the Chair that the proper remedy in this situation is not to take down the words, but the gentleman from Massachusetts [Mr. MARKEY] should refrain from characterizing the President in a way that demeans the President or the Office. The gentleman may proceed in regular order.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state the parliamentary inquiry.

Mr. WALKER. Mr. Chairman, is the Chair's ruling that language that would otherwise be unparliamentary cannot be used with regard to the President of the United States?

The CHAIRMAN pro tempore. The Chair will respond to the gentleman that the taking down of words is normally designed for words that disparage one Member with respect to another, and that was not the situation posed here. However, in an appropriate circumstance it would be a proper remedy.

However, Members should conduct themselves in such a way as not to personally disparage the President of the United States.

Mr. WALKER. Mr. Chairman, I have a further parliamentary inquiry. It is my understanding from previous rulings that the President is entitled to the Members proceeding with phraseology that would otherwise be parliamentary correct. That is the Chair's ruling in this case?

The CHAIRMAN pro tempore. The Chair is itself in this instance enforcing those rulings, and the gentleman from Massachusetts should proceed in regular order.

Mr. WALKER. I thank the Chair.

Mr. MARKEY. I thank the Chair very much.

Mr. Chairman, for the gentleman from Pennsylvania's understanding, I was referring to the President's policies which I do believe are hypocritical. I do believe there has been a misrepresentation of the nature of star wars. I was not intending to refer directly to the President, but rather the policies which he is, in fact, protecting.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I wonder what word the gentleman would use for his own vote last night to add another Trident in juxtaposition with his noted position on arms control, a $1.5 billion authorization for another Trident.

Mr. MARKEY. Mr. Chairman, as the gentleman well knows, there is a large distinction between a Trident submarine and a Trident II D-5 missile.

Mr. KEMP. One is offensive and one is defensive.

Mr. MARKEY. The Trident submarine is a basing mode which is used to, in fact, deploy a delivery system. I opposed the D-5 missile and I supported the amendment of the gentleman from New York.

With regard to the basing mode, I do in fact believe that we need more solid means of guaranteeing the invulnerability of our deterrent. And to the extent that the Trident submarine helps to contribute to that, I do support it; as opposed to a missile, which I believe the D-5 missile is, which would in fact undermine the stability of both countries.

My final point would be that it is time for us to strangle star wars in its crib, because if we do not, we will come back to rue the day that we missed this opportunity of ending this threat to our security. It is time for us to tell the President to take star wars out of the heavens, to put it on the negotiating table in Geneva, and to then finally bury it into the ground.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Chairman, I rise in opposition to the Dornan amendment, and in support of the Bennett-Mavroules-Fazio amendment, which would hold funding for the President's stategic defense initiative to the current level plus inflation.

The administration has requested $5.4 billion for strategic defense programs in fiscal year 1987. If the Dornan amendment is adopted, and that request is approved, funding for the SDI will grow by 71 percent in real, inflation-adjusted dollars next year. With the concurrent budget resolution holding real outlays for defense basically constant for next year, the Armed Services Committee decided we could not increase SDI by 71 percent for next year, at least not without cutting procurement of systems we clearly need. Consequently, the committee reduced SDI to $3.7 billion.

I support research on strategic defense technologies, but as with any program, the research effort needs to be measured and prudent. Harold Brown, a former Secretary of Defense, and a physicist with considerable expertise in weapons research, told the House Armed Services Committee that no research and development project could efficiently absorb annual funding increases in excess of 25 to 35 percent. Over the 2 years, however, SDI has enjoyed increases of 41 and 82 percent above inflation.

In a short time, we have brought SDI to a substantial level of funding—nearly $3 billion. It is now time to make SDI a more evenly paced program. What we are currently spending on SDI is substantial in absolute dollars and substantial relative to any other defense program in research and development or in production. What Bennett, Mavroules, and Fazio propose is that we allow this already substantial level to increase to $3.1 billion, an increase roughly equal to the rate of inflation.

What type of research could the Pentagon fund if we provide $3.1 billion dollars for SDI?

According to the SDI, technology development programs account for about $2.2 billion of the $5.4 billion fiscal year 1987 budget request. The remaining $3.2 billion goes to a category known as major experiments.

The Bennett-Mavroules-Fazio budget of $3.1 billion provides amply for the Defense Department to fund all $2.2. billion for technology development. These programs include research on adaptive optics, power storage technology, propellants, lasers, and signal processing.

I fully support funding for technology development programs. I am less sanguine about the Pentagon's plans for major experiments. Creation of an effective defense against ballistic missiles is only in the preliminary stages of research. Many of the major experiments contemplated by the Pentagon are designed to support an early deployment decision in 1992. However, given the multiplicity of technical questions yet to be answered, there is good reason to believe that such a decision date is highly premature.

In addition, some of the proposed experiments could undermine the ABM Treaty before we realistically know what to expect from SDI. Article V of the Anti-Ballistic Missile Treaty concluded by the United States and the Soviet Union in 1972 states that:

> Each Party undertakes not to develop, test or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.

Some of SDI's major experiments could violate article V of the ABM Treaty. Among those projects are the airborne optical system and the nuclear-driven directed energy, both destined for testing by 1992. These are the types of experiments that can be delayed until we have determined that developing a ballistic missile defense is feasible, as well as cost-effective and not vulnerable to countermeasures.

In any event, the Bennett-Maroules-Fazio amendment would still allow the Pentagon nearly $1 billion to fund major experiments after fully funding technology development work.

Mr. Chairman, at the outset of debating this bill, we reduced the level of budget authority, so that outlays will be $279.2 billion, conforming to the Concurrent Budget Resolution. All areas of this budget are subject to budget constraint, and SDI is no exception. Indeed, we should remind those who want to increase SDI by over 70 percent next year that we sank $14 billion into a ballistic missile defense system and now have one radar system in North Dakota to show for it. Rather than rushing to early deployment when we have not even decided if SDI is a system for point defense or a system for population defense, let's see if we can't structure a sensible research program near the level of current funding.

Here specifically is what $3.1 billion for SDI in fiscal year 1987 might buy:

A $1 billion effort in the surveillance, acquisition, targeting, and kill assessment components of SDI. Part of this $1 billion might go toward research in building microelectronics capable of surviving in a thermo-nuclear environment. This investment would fund radar and optical discrimination techniques, infrared sensor technology, and signal processing technology. At $1 billion, these components would be funded about $262 million below the administration's request, but still at a substantial level.

A $1 billion effort in directed energy weapons, which would fund research in ground-based laser technology in the shorter wavelength excimer and free electron laser devices. It would also fund the pointing and tracking system research and experiments to back up these lasers. At $1 billion, this research effort would be $614 million below the administration's request, but it would still be at substantial level.

An $800 million program in kinetic energy weapons, which would fund all of the items requested by the administration, but at a more orderly pace. This level of funding would provide for endo- and exo-atmospheric technolo-

gy, hypervelocity projectile technology, and a space-based kinetic kill vehicle, as well as ancillary research.

A $200 million program in systems analysis, which would include battle management technology. This would represent a reduction of $600 million from the administration's request, but we would only be postponing systems architecture until we demonstrated the key technologies which the systems would coordinate.

On its face, the bill before us appears to say that we can accommodate $3.7 billion for SDI in fiscal year 1987, that we can afford an increase of 25 percent over last year. But in raising SDI to that level of funding, we cut the F-16 for fiscal year 1987 to 150 airplanes, 30 airplanes below the minimum efficient level of production. The F-15 has been cut to 24 airplanes, half the level requested, and two-thirds the number we normally fund. The Patriot missile is funded at a level below the minimum needed to sustain multiyear procurement.

Let me remind the House of an amendment which I offered and which the House adopted yesterday. By virtue of that amendment, if the Bennett amendment is adopted, the resulting reduction in funds will not be taken from the bill; instead, these funds will be diverted to the F-16 and the Patriot, to restore those programs to an efficient level of production, and to conform these programs and two minor programs to multiyear contracting requirements.

So, this vote involves a judgment: do we want to invest more in the remote potential of SDI or more in today's force structure? Do we want to take from procurement of two systems now in production, and pay a premium price for low-level production, or increase SDI by 19 percent above inflation, a rate of growth faster than anything else in this budget?

The funds we are applying to SDI have an opportunity cost. With today's budget limits, funding SDI at ever-increasing rates requires trade-offs. Over the next 5 years, SDI is projected by the Defense Department to grow at an average annual rate of 22.4 percent in constant dollars after having grown at a 41.8 percent rate between 1984 and 1986. If it were to grow at this rate, the increase in the SDI budget would account for 81.3 percent of the anticipated growth in the Pentagon's entire RDT&E account. This percentage is probably high because the Defense Department has probably understated other RDT&E requirements in the out-years. Nevertheless, SDI, as proposed, will consume a major share of all new RDT&E funding.

Even while the SDI budget is still in the research stage, expenditures for SDI over 5 years are projected to be greater than for any two major procurement programs in the Defense Department's 5-year budget request. The two biggest requests in the Pentagon's 5-year plan are for the F-16 fighter, $20.1 billion, and the F/A-18 fighter, $16.8 billion. In comparison, the SDI budget amounts to $37.5 billion. Such a large effort cannot help but crowd out other defense programs, or compel procurement at less than efficient rates of production. There is an unseen opportunity cost of SDI represented by RDT&E programs excluded from the Pentagon's 5-year plan to make room for SDI growth.

We need a sensible, evenly-paced research program on strategic defense technologies, not a rush toward premature deployment. For that reason, I urge you to support the Bennett-Mavroules-Fazio amendment.

□ 1655

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, I rise in opposition to the Dornan amendment to the Defense authorization bill.

The vote on this amendment is being characterized as a vote for or against the strategic defense initiative, but that would be an oversimplification, and a mistake. A vote against this amendment should be characterized as a vote for a reasonable research program in defensive technologies.

This amendment does not provide for a sound SDI research program. It does not take into account the competing priorities in other parts of the Federal budget and other parts of the defense budget. It fails to recognize the inherent inefficiency of injecting enormous funding increases into a complex research program over a short time. It doesn't acknowledge that throwing huge sums of money at a problem does not solve the problem. Most importantly, the amendment jeopardizes a centerpiece of existing arms control agreements, the ABM Treaty, and by so doing, may destabilize the entire United States-Soviet relationship. The author of this amendment has not taken all these factors into account.

Mr. Chairman, the budget for the strategic defense initiative has risen dramatically in just a few years—over 400 percent since 1983—faster than any other program in the defense budget. Such a huge funding increase produces waste and comes at the expense of other important programs in the defense budget. To accept this amendment and the 75 percent SDI funding increase it allows would only continue a dangerous trend.

Former Secretaries of Defense Harold Brown and James Schlesinger have each argued that a research program—especially one already in the billions of dollars—cannot efficiently absorb huge and rapid funding increases. According to Secretary Brown,

You are almost assuring inefficiencies and management deficiencies if you grow much faster than 25 percent a year.

Secretary Schlesinger has used 30 percent as the upper limit. SDI funding has already broken through those sensible guidelines many fold. Let's not compound the problem. Even if SDI funding is held to at current levels plus inflation, the SDI budget will, on average, have increased over 40 percent a year since the program's inception.

Huge increases in the star wars account come at the expense of other crucial components of our Nation's defense. The fiscal year 1986 SDI budget is already twice as large as the combined budget for DOD's advanced technology base. Research in conventional defense technology has fallen from 16 percent of the defense R&D budget in fiscal year 1981 to just 8 percent in fiscal year 1987. Over the same period, SDI budgets have soared. Whatever the merits of SDI, it must not be financed at the expense of other vital defense research or our conventional forces. SDI alone certainly could never provide this country with total national security.

This amendment will not help the SDI research program. Proponents of the amendment argue that any reduction in the President's funding request for SDI does great damage by delaying the program and jeopardizing the early 1990's decision date. On the contrary, we do ourselves and the country a great disservice if we place "when" above "how," if we stick to an arbitrary decision date at the expense of quality and of careful consideration of policy options along the way.

Despite abundant funding levels, so far the SDI program has not achieved phenomenal results. According to SDI scientists, there has not been a single major breakthrough to make a mid to late 1990's deployment of a comprehensive missile defenses more feasible than it appeared 3 years and $6 billion ago. Contrary to administration claims, SDI scientists and military planners have not—repeat, not—concluded that SDI is militarily and economically feasible. Many independent scientists believe there is no way to build a space-based missile defense that is at the same time invulnerable to surprise attack and yet clearly only defensive and unable to launch offensive strikes at the Soviet Union.

The administration's own scientists say a 1990's decision is becoming less and less plausible—not because of inadequate funding, but because research simply takes time. SDI researchers have discovered that the task of constructing an impenetrable nuclear umbrella is far more difficult than predicted. Clearly, then, funding levels should not be set according to an arbitrary decision deadline, but should be determined in light of other budget priorities and the status of the research.

Finally, opposing this amendment and supporting efforts to reduce the SDI budget will not hamper the President's position in Geneva. SDI research never has been, and probably never will be, on the table. Limiting funding to a reasonable level at this time will not kill SDI, nor preclude deployment later. It will not prohibit SDI research or testing. It does not threaten President Reagan's various SDI bargaining chips. But budget constraints demand that whatever SDI Program is pursued be carried out in a rational and careful manner with an eye toward our other defensive and spending needs.

I urge my colleagues to oppose this amendment.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I reluctantly rise in opposition to the amendment, not because I oppose the concept, because I support the concept. I believe in SDI; I think it is workable.

However, in our Research and Development Subcommittee we felt that the most reasonable level of funding was the same level that is now represented as the committee position, $3.4 billion, not the entire $4.8 billion, because we felt first that they could not wisely

consume that much money within 1 year, and second, we did not think it was politically feasible that that could pass. So that is what we came up with in the House. It passed the committee and is now on the floor, and the committee recommends the level of funding of $3.4 billion.

I was interested in hearing the remarks of the gentleman from Massachusetts [Mr. MARKEY], who said that we should get the debate out of the air and onto the table. That is exactly what this administration is trying to do. Today I received a call from the office of our Ambassador, formerly General Rowney, who is one of our negotiators and who is coming home from Russia this very day. His message to me was: "Please don't cut the SDI Program any further."

He is in business to do the negotiating. At the same time he is negotiating, we here on the floor are sending a message to the Soviets that there is no need talking to our Ambassador to negotiate the figure because we here on the floor are going to take care of the Soviet position for them and we are going to delete the program.

Ambassador Rowney's message to us was:

Don't think for a minute that the Soviets don't watch daily the activity here in the Congress. And this influences their attitude in the negotiations in Geneva and in the Soviet Union itself.

So I would say to the Members, if you want to support the concept, if you want to support the administration, if you want to oppose what the Soviets are trying to do—and that is to field an SDI themselves and keep us in limbo without fielding one—then support the committee position. But if you do not want to support us, go ahead and continue to cut. If you want to give full support, then I would say, if you cannot support the full funding, stay with the committee position.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am glad to yield to the gentleman from New York.

Mr. STRATTION. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman from California [Mr. DORNAN], and I support his figure. The thing that has surprised me in the debate on the other side of the aisle has been the pessimistic outlook that has been expressed: "How do we know this is going to work? We don't know whether these things can be shot up in the air or not."

Jack Kennedy did not worry about whether there were complications going to the Moon, and when Charles Lindbergh flew to Paris, he did not worry about all the complications that he was going to run into.

Mr. Chairman, I think we ought to get that spirit back here in this House of Representatives.

Mr. DREIER of California. Mr. Chairman, as we conduct our annual debate on the strategic defense initiative, I would like to focus on a couple of points. In the interest of finding a new place to hang its hat, the freeze lobby and those who would scrap SDI haved overlooked the original intent and scope of this project.

After years of living with the threat of mutual assured destruction, President Reagan introduced the possibility of mutual assured survival—a positive approach to living with the bomb. After more than two generations, in which our best defense has been a lethal offense, we in Congress agreed to explore, to research, the possibility that defensive weapons may present a more desirable alternative to threatening the Soviet Union with a new stone age. I emphasize the novel benefits of SDI by comparison with the history of arms control. We all assumed arms control would be an effort to ensure the world's safety. Instead, arms control has become a vehicle for the Soviet Union to gain nuclear superiority.

Those who oppose SDI alleging that it violates the ABM Treaty—arms control's finest moment formalizing the mad doctrine—have grossly overestimated this treaty as a symbol of the Soviet Union's willingness for superpower cooperation. In the 1960's it was the Soviet Union which vehemently opposed an ABM Treaty. The U.S.S.R. built up its missile defenses until its ICBM force reached a commensurate level with the United States. Until this point, the Soviets resisted an ABM Treaty and understandably appreciated the virtue of strategic defense. When defense was no longer a strategic priority, a treaty was negotiatable. Similarly under SALT, the Soviets resisted limits on MIRV's as long as they were deficient in this field. And on and on, as arms control agreements were perceived as public relations maneuvers by the Soviets who have rarely bargained away any sort of advantage.

If you support the Soviets' current resistance to the possibility of stability based on defense and if you support the Soviets' pledges to stand by the ABM Treaty, you will be more amazed to know the Soviets have been spending $25 billion per year for their own Star Wars Program since the signing of the ABM Treaty. The Soviets now have the only antisatellite system and the only operational ABM system. They have been deeply involved in R&D for directed energy weapons. And their phased array construction at Krasnoyarsk is concrete evidence of their efforts to construct a rapidly deployable nationwide ABM system in violation of the ABM Treaty. Those who have questions about the feasibility of SDI ought to ask the Soviets—they've been at it a lot longer than we have.

If you don't buy the argument in favor of the defense shielding and the positive aspects of SDI, you might want to decide how far ahead we should let the Soviets get in the expertise of shooting down United States ICBM's.

The second point I would like to raise concerns our Government's ability to make not only strategic decisions but basic management decisions. This start and stop funding is jeopardizing SDI's researchers ability to conduct studies of the initiative's feasibility. As with any office, the SDIO was granted contracts based on past commitments by this body. Over 1,000 contracts are expected to be executed this year. As with last year, this year's budget request is required to fulfill our 1986 commitments to this program. Without the full $4.8 billion requested, SDI will be required to modify and/or restructure its entire program and existing contracts. Although this may please the hard core opponents of SDI, I appeal to the majority who have approved SDI in the past to give this research its fair chance. Without full funding, we risk major modifications and restructuring in the program and its contracts never envisioned in its original plans.

Mr. Chairman, I therefore rise in favor of the full funding amendment and urge my colleagues to do likewise in order that SDI is adequately funded and we in Congress are given a truly fair chance to evaluate its prospects for success in deployment.

The CHAIRMAN pro tempore. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from California [Mr. DORNAN].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DORNAN of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 94. noes 324, not voting 13, as follows:

[Roll No. 325]

AYES—94

Archer	Flippo	Myers
Armey	Franklin	Nelson
Badham	Gekas	Nichols
Barnard	Gingrich	Packard
Bartlett	Hall, Ralph	Quillen
Barton	Hammerschmidt	Reid
Bevill	Hansen	Robinson
Boulter	Hartnett	Roth
Broomfield	Hendon	Rudd
Burton (IN)	Hiler	Shelby
Callahan	Holt	Shumway
Carney	Hunter	Shuster
Chappie	Hutto	Siljander
Cheney	Hyde	Smith, Robert (NH)
Cobey	Ireland	Snyder
Coleman (MO)	Kasich	Solomon
Combest	Kemp	Spence
Courter	Kramer	Strang
Craig	Lagomarsino	Stratton
Crane	Latta	Stump
Dannemeyer	Livingston	Sweeney
DeLay	Loeffler	Swindall
DeWine	Lott	Taylor
Dickinson	Lowery (CA)	Vander Jagt
Dornan (CA)	Lungren	Vucanovich
Dreier	Mack	Walker
Duncan	Marlenee	Weber
Eckert (NY)	McCain	Whitehurst
Edwards (OK)	McCollum	Wilson
Emerson	McEwen	Young (FL)
Fiedler	Michel	
Fields	Moorhead	

NOES—324

Ackerman	Bateman	Boggs
Akaka	Bates	Boland
Alexander	Bedell	Boner (TN)
Anderson	Beilenson	Bonior (MI)
Andrews	Bennett	Bonker
Annunzio	Bentley	Borski
Anthony	Bereuter	Bosco
Applegate	Berman	Boucher
Aspin	Biaggi	Boxer
Atkins	Bilirakis	Brooks
AuCoin	Bliley	Brown (CA)
Barnes	Boehlert	Brown (CO)

Bruce	Johnson	Ridge
Bryant	Jones (NC)	Rinaldo
Bustamante	Jones (OK)	Ritter
Byron	Jones (TN)	Roberts
Carper	Kanjorski	Rodino
Carr	Kaptur	Roe
Chandler	Kastenmeier	Roemer
Chapman	Kennelly	Rogers
Chappell	Kildee	Rose
Clinger	Kindness	Rostenkowski
Coats	Kleczka	Roukema
Coble	Kolbe	Rowland (CT)
Coelho	Kolter	Rowland (GA)
Coleman (TX)	Kostmayer	Roybal
Collins	LaFalce	Russo
Conte	Lantos	Sabo
Conyers	Leach (IA)	Savage
Cooper	Leath (TX)	Saxton
Coughlin	Lehman (CA)	Schaefer
Coyne	Lehman (FL)	Scheuer
Crockett	Leland	Schneider
Daniel	Lent	Schroeder
Darden	Levin (MI)	Schuette
Daschle	Levine (CA)	Schulze
Daub	Lewis (FL)	Schumer
Davis	Lightfoot	Seiberling
de la Garza	Lipinski	Sensenbrenner
Dellums	Lloyd	Sharp
Derrick	Long	Shaw
Dicks	Lowry (WA)	Sikorski
Dingell	Lujan	Sisisky
DioGuardi	Luken	Skeen
Donnelly	Lundine	Skelton
Dorgan (ND)	MacKay	Slattery
Dowdy	Madigan	Slaughter
Downey	Manton	Smith (FL)
Durbin	Markey	Smith (IA)
Dwyer	Martin (IL)	Smith (NE)
Dymally	Martin (NY)	Smith (NJ)
Dyson	Martinez	Smith, Denny (OR)
Early	Matsui	Smith, Robert (OR)
Eckart (OH)	Mavroules	Snowe
Edgar	Mazzoli	Solarz
Edwards (CA)	McCandless	Spratt
English	McCloskey	St Germain
Erdreich	McCurdy	Staggers
Evans (IA)	McDade	Stallings
Evans (IL)	McGrath	Stangeland
Fascell	McHugh	Stark
Fawell	McKernan	Stenholm
Fazio	McKinney	Stokes
Feighan	McMillan	Studds
Fish	Meyers	Sundquist
Florio	Mica	Swift
Foglietta	Mikulski	Synar
Foley	Miller (CA)	Tallon
Ford (MI)	Miller (OH)	Tauke
Ford (TN)	Miller (WA)	Tauzin
Frank	Mineta	Thomas (CA)
Frenzel	Moakley	Thomas (GA)
Frost	Molinari	Torres
Fuqua	Mollohan	Torricelli
Gallo	Monson	Towns
Garcia	Montgomery	Traficant
Gaydos	Moody	Traxler
Gejdenson	Morrison (WA)	Udall
Gephardt	Mrazek	Valentine
Gibbons	Murphy	Vento
Gilman	Murtha	Visclosky
Glickman	Natcher	Volkmer
Gonzalez	Neal	Waldon
Goodling	Nielson	Walgren
Gordon	Nowak	Watkins
Gradison	Oakar	Waxman
Gray (IL)	Oberstar	Weaver
Gray (PA)	Obey	Weiss
Green	Olin	Wheat
Gregg	Ortiz	Whitley
Guarini	Owens	Whittaker
Gunderson	Oxley	Whitten
Hall (OH)	Panetta	Williams
Hamilton	Parris	Wirth
Hatcher	Pashayan	Wise
Hawkins	Pease	Wolf
Hayes	Penny	Wolpe
Hefner	Pepper	Wortley
Henry	Perkins	Wright
Hertel	Petri	Wyden
Hopkins	Pickle	Wylie
Horton	Porter	Yates
Howard	Price	Yatron
Hoyer	Pursell	Young (AK)
Hubbard	Rahall	Young (MO)
Huckaby	Rangel	Zschau
Hughes	Ray	
Jacobs	Regula	
Jeffords	Richardson	

NOT VOTING—13

Breaux	Fowler	Mitchell
Burton (CA)	Grotberg	Moore
Campbell	Hillis	Morrison (CT)
Clay	Jenkins	
Dixon	Lewis (CA)	

□ 1705

The Clerk announced the following pairs:

On this vote:

Mr. Lewis of California for, with Mr. Morrison of Connecticut against.

Mr. Campbell for, with Mr. Mitchell against.

Messrs. COYNE, THOMAS of California, and GRAY of Illinois changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

1720

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. BOUCHER). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS: At the end of title II of division A (page 68, after line 4), add the following new section:

SEC. 215. STRATEGIC DEFENSE INITIATIVE FUNDING LIMITATIONS.

(a) SDI ACTIVITIES TO BE CONSISTENT WITH 1972 ABM TREATY.—None of the funds appropriated or otherwise made available for research development, test, and evaluation for fiscal year 1987 shall be available for activities of the Strategic Defense Initiative Organization of the Department of Defense (hereinafter in this section referred to as the "SDIO") for any activity that is not fully consistent with the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems between the Soviet Union and United States (the "ABM" Treaty).

(b) LIMITATION ON DEMONSTRATION PROJECTS.—None of the funds appropriated or otherwise made available for fiscal year 1987 for the SDIO may be used for—

(1) any technology demonstration project;

(2) any "major experiments"; or

(3) any activity that involves engineering development aimed at the construction of experimental hardware for operational testing.

(c) LIMITATION OF FISCAL YEAR 1987 FUNDS FOR THE SDIO.—Of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1987 for research, development, test, and evaluation, not more than $1,016,000,000 shall be available for the SDIO.

The CHAIRMAN pro tempore. Under the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 10 minutes in opposition to the amendment.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from California [Mr. DELLUMS].

Mr. Chairman, last year I voted against increased funding for star wars research. I was not convinced by administration arguments that the program deserved, or could effectively absorb, a doubling of the star wars budget. I was, and am, concerned about the impact of this project on our progress toward arms control.

This year, the administration again has its hand out for more, nearly twice as much as Congress appropriated last year.

And again we must ask ourselves, what has occurred in the past year to justify another enormous increase in the star wars budget? What inspires any more confidence in the wisdom of the most expensive military program in our history?

Forty-eight Members of the other body signed a letter to the President calling for a freeze on star wars funding. The recent vote in that body rejecting further cuts in the President's request for star wars lost by one vote, reflecting the weakening resolve in that body.

Six thousand five hundred scientists and graduate students, including over half of the top 20 physics departments, have pledged to neither solicit or accept star wars research funds.

One thousand six hundred scientists and engineers who work in government and industry laboratories have warned Congress that star wars means an escalating arms race and a threat to arms control.

The fact that so many of our top scientists have expressed such grave doubts, makes me very uneasy about obligating increased funds to this project. It is especially troubling when I consider how difficult it must be for those scientists to reject money for pure research—a scientist's dream.

The administration has flip-flopped often in the past few weeks over whether star wars is or is not a bargaining chip. In a surprise announcement a few weeks ago, the President said he would consider delaying deployment if he could win certain concessions from the Soviets. This was met with shock and dismay by other administration and congressional star wars cheerleaders, who felt the rug being pulled out from under them.

The following week the President backtracked, telling contractors that star wars is not a hargaining chip.

What's going on? Nothing that convinces me we should shell out any more money before we know where we're going and what we're doing.

The adminstration's goals and policies remain muddled and contradictory. Secretary Weinberger and President Reagan insist that star wars will be a population shield. Other top officials say no, it will be a missile defense. The President sold the program to the American people as non-nuclear. Dr. Edward Teller,

one of the founding fathers of star wars, envisions pop-up, nuclear powered x-ray lasers to zap incoming missiles.

All this adds up to one certainty.

The program is in disarray and increases are not in order.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment before the body this afternoon is designed to stop star wars. It is not an amendment simply to reduce the funding; the practical effect of this amendment is to end this program.

Mr. Chairman, as I said in general debate, the struggle in this body is always over where the middle of this body is. Approximately a quarter of my colleagues already oppose star wars. Approximately a quarter of this body supports star wars without equivocation. So it is not these two groups that I choose to address. I would attempt to address Members in this middle of this body who have some question, some qualm, some concern, with respect to the program that we euphemistically refer to as star wars.

In addressing Members I would try to point out initially that this program by its very logic necessitates violation of our ABM Treaty. I repeat for the purposes of emphasis: This program, the strategic defense initiative, by its very logic necessitates violation of the ABM Treaty.

Many of my colleagues will quarrel over whether a particular item at this moment or next month or next year will violate ABM, but the practical matter is this: If we proceed with the strategic defense initiative, it flies in the face of our ABM Treaty, which means that we must ultimately violate the treaty.

I would therefore say to Members in this middle of this body who have not made up their minds with respect to star wars, if they believe that our arms control agreements are important, if they believe that we should not violate our ABM Treaty, I would suggest in no uncertain terms that they join with me in stopping this program.

My amendment has $1 billion in it. Members obviously then must ask, "If you oppose star wars, why don't you just zero it out?"

It is not quite that simple. To go back historically when the President designed the strategic defense initiative, he gathered up a number of research programs that had been going forward.

Mr. Chairman, the strategic defense initiative will undermine the past record of the United States' compliance with the existing arms control agreements, and make further achievements in arms control less likely. Star wars testing plans currently call for demonstration projects which would be testing ABM components explicitly banned by the 1972 Anti-Ballistic Missile Treaty. The first of these tests is the airborne optical system, an air-based radar scheduled to take place in 1989. In addition, the Excalibur x-ray laser project, which is a space-based laser powered by a nuclear bomb—a nuclear bomb—may violate two other arms control treaties. The 1967 Outer Space Treaty, which bans placement of nuclear weapons in space, and the 1963 Limited Test Ban Treaty, which bans tests of nuclear weapons in outer space, would both be casualties of testing deployment of x-ray lasers.

Policies which threaten to disregard these existing arms control treaties undermine the chance for future arms control agreements. So those Members who believe in arms control, those Members who believe in arms control agreements and ABM, understand that to proceed is to violate the treaty.

What my amendment does, $1 billion, is to keep in the program the basic research that would allow American scientists to continue to understand what the Soviets are doing in this field and to continue our lead, but it takes out money designed to develop a nuclear weapon in space, and it takes out the money for research to develop a nuclear power converter in space.

We are already familiar with Chernobyl and other tragedies.

Mr. Chairman, I might just say that this gentleman struggles very diligently to respect every single Member in this body, irrespective of their politics. I have always tried to respect every Member in this institution and respect them enough to hear their argument, to listen to their argument, and to work as diligently as I can and as profoundly as I can to respect them enough to listen and to try to argue against their arguments.

Mr. Chairman, I find it an incredible insult that Members would talk on the floor of this body when an important amendment is coming. How can we allow this process to be reduced to such perverted and distorted notions when people can sit and simply talk in burlesque terms, when we are talking about the future of our Nation, the future of our world, and the future of our children and their children's children.

I resent it very desperately. We all came here as equals. We all represent a half-million human beings. There is no one here more equal than anyone else. When we walk into the well, we cease to be individuals, we are representatives of a half-million people charged with the responsibility to carry out with diligence and responsibility a major responsibility, and that is to represent people and their hopes and their dreams and their aspirations.

That is all I choose to do today.

□ 1730

I realize that the majority of this body has made up their mind to find some safe haven in the middle of the road so that they can talk out of both sides of their mouths when they go home, and I understand it is difficult when someone comes and challenges you up against the wall to say make a decision. I wish we had time to debate.

This is not a debate. Someone speaks 10 minutes, someone speaks 10 minutes, and there is a vote. We are not debating here. There is no exchange of ideas. We are simply engaged in posturing because the contract is in, the deal has already been made, and we know that we are going to end up falling somewhere in the middle.

I would like to debate you. I would like to debate any of you who believe in star wars.

I believe the great weight of intellectual argument, the political argument, the moral, the ethical, the humanitarian arguments rest on our side. We have to preserve the integrity of this planet.

The American people, there is a political constituency, if you ask the American people can you build an astrodome over America to defend us against nuclear weapons, but when you finally tell America that even the Pentagon has abandoned that notion, that what we are talking about here is not a defense of America's people, but the defense of a weapons system, I would suggest to you that that political constituency vanishes, and those of you who are bright and intelligent, it seems to me, ought to understand that.

Having said that, let me go to my final argument. This is going to generate an incredible arms race. We develop a defensive system, the Soviets develop a defensive system. The arms race goes forward.

We all know that one way to defeat a defensive system is to attempt to overwhelm it with massive numbers of nuclear weapons. Even if you give this system 90 percent, 90 percent on an exam is an A, but 90 percent effectiveness against nuclear weapons that can destroy all of life on this planet is not an A, but a failure, because we are talking about the 10 percent that can destroy life on this planet, and that is important to understand.

So if they generate more weapons, we are going to generate more weapons.

The third aspect of the arms escalation is they develop countermeasures to defeat the system. For those of you who have not looked at the military budget, there is an interesting little item in our own military budget where we are doing research to figure out how to defeat the very same system we are developing. Are you arrogant enough and presumptuous enough to

assume that the Soviets would not do the same thing? So we are escalating the arms race.

Finally, it appears as if this administration has decided to move beyond the SALT Treaty, and if they move beyond the SALT Treaty it makes it easier for the Soviets to break out with massive numbers of nuclear weapons. Then we will be trotting into the well saying, but let us expand our nuclear weapons as well, as we spend tens of billions of dollars continuing to develop weapons capability that no rational mind on this planet would ever want to use. This is a euphemism, this is a fraud upon the American people. It will cost hundreds of billions if not trillions of dollars, and it will do nothing to make the world safer or more secure. It will make it finally an incredibly dangerous place.

I have diverted from part of the major thrust of my remarks, but I was struggling, Mr. Chairman, to try to make a statement over and above an incredible amount of noise.

But let me summarize by saying this, as I said in general debate: Carl Sagan, a brilliant and capable human being on this planet, when asked what do you think about star wars, he said it is a good system, except that it can be underflown, overwhelmed, and outfoxed, that it is too sophisticated to be used by human beings. It will trigger an arms race. It will bring us closer to nuclear war, and it will violate treaties. Other than that, it is a cool system.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, I thank the ranking Member on the Defense Committee for yielding me this time.

A couple of things. First of all, I would like to very frankly, with respect to one thing, say I agree with my friend from California, not with regard to the substance of what he was saying on ABM, but with regard to the fact that we have, through this rule, not had an opportunity to have an exchange, not had the opportunity to debate the issues, not had the opportunity to air in public the important substantive issues that are engrained in this bill. And I agree with the gentleman 100 percent.

It was just a few days ago that, very frankly, I was asking Members on the gentleman's side of the aisle to yield. Not one person has yielded on your side of the aisle to me for 5 days. One thing they will say is, well, there is no time to yield. I can appreciate that; that happened today.

Last week there was time to yield, or earlier in this week there was time to yield. The problem was there were times when your side had 8 or 10 minutes left, yielded back the time, and did not yield to me to ask one simple question.

So I agree entirely with the gentleman from California, this is not a debate. This is a structured rule so people get up and read, one side over here, one side over there, memorized speeches on this side, memorized speeches on that side, and we get no place.

I hope this is the last time we go ahead and consent to a rule such as this.

Let me get into just a couple of things that the gentleman talked about. I believe that the ABM Treaty is a failure. Poll after poll after poll will show that most Americans think that the Department of Defense is defending them. They believe we have some antimissile missiles which will defend ourselves from an attack on the other side.

The whole concept and theory of the ABM Treaty, negotiated in 1972, in conjunction with SALT I, was to say that if we kept ourselves vulnerable you could create the incentive such that both sides would negotiate the reduction of offensive weapons. If you are vulnerable, the other side is vulnerable, then there is the climate for negotiations for real reductions in warheads, and the gentleman from California will agree with me, there would be.

The problem is the fact that we stopped our ability to defend ourselves by building ABM systems, keeping and guaranteeing our vulnerability, and at the same time offensive weapons went through the ceiling. The Soviet Union charged from 4,000 warheads to 9,000 warheads from the signing of SALT I and SALT II and the present day. So offensive weapons have proliferated; defensive weapons have been totally barred by the ABM Treaty.

What I would like to do is not only mention the failure of the ABM Treaty, but spend 1 minute reading a few words from a most remarkable document. This document was signed by about 30 Russian emigrees, people who were scientists, physicists in the Soviet Union, and they are all now living in freedom. They said in this remarkable letter that they signed a few months ago the following:

> The Soviet Communist leaders can be expected to continue working on their star wars system either covertly or overtly, and with high priority, no matter what they say, or what they sign, or what the United States does.

In the recommendation to the President of the United States, and these are Soviet physicists, most of whom were educated at the University of Moscow, some in Leningrad, and these are the people who had a chance to talk to their colleagues when they were living in the Soviet Union to find out precisely what the Soviet Union is doing when it comes to their desire to defend themselves, their recommendation to the President of the United States is: "Do not give the Kremlin leadership a veto on the peace shield deployment, and No. 2, do not yield on the development of the strategic defense peace shield."

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I am happy to yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I appreciate my friend yielding.

The words that some SDI opponents have used on the floor of the House today have included hypocrisy, cheating, arrogance, and on and on. You wonder which side they are talking about.

The Soviet Union has cheated on SALT I, SALT II, and ABM. The Soviets are incredibly arrogant in the terminology they use about the United States of America. It would be hard to exceed the hypocrisy of the Soviet scientists who signed an anti-SDI letter to the American people when they themselves are the very scientists in charge of the Soviet SDI Program. And then on the floor of the House, who is attacked? Not the Soviet Union, but the United States of America.

My friend Jeane Kirkpatrick, was right. Blame America first. Do not touch the Soviet Union, blame your own country. It is a disappointment to me to hear so many of the words used today on the floor that are hostile to the United States, our program, and our desire to make a more peaceful world. The gentleman has pointed out the real hypocrisy is on the side of the Soviet Union, not the United States.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey [Mr. COURTER] has expired.

Mr. COURTER. Mr. Chairman, will the gentleman yield me 1 minute so that I may yield to the gentleman from California [Mr. DELLUMS]?

Mr. DICKINSON. Mr. Chairman, I yield the gentleman from New Jersey 1 additional minute.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I thank the gentleman from Alabama for yielding me this 1 additional minute, and I yield the 1 minute to the gentleman from California [Mr. DELLUMS]; something that his side has not yielded to me in 5 days.

Mr. DELLUMS. I thank the gentleman. I have no control over my side, obviously.

But I would just like to say to my colleague, first of all, I respect the gentleman from New York. But with all due respect, I have never engaged in baiting tactics on the floor. I think the statement the gentleman makes does not in any way negate the fact that an intelligent argument can be made against this weapons system. It

does not have to be East versus West. We can make an intelligent argument based upon our responsibilities.

But the major thing I wanted to ask the gentleman, Is the gentleman aware of the fact that the American scientists, a major portion of the American scientific community has developed an active campaign in opposition to programs and participation in SDI programs, literally scores of them all over the country?

Mr. COURTER. If the gentleman will permit me to try to answer the question, it is not a major portion. There are four U.S. scientists with full access to technical information and classified material that are against the project, and 2 percent represent those who are against it. It is a minority.

Mr. DICKINSON. Mr. Chairman, I yield myself 2 minutes.

Ladies and gentlemen of the committee, let me point out to you what the voting procedure is going to be, aside from the merits. It is a very complicated procedure, and you really need to know where you stand, because we are not voting the normal course of events, we are not voting regular order. We are voting king of the mountain.

That means, not the first guy, the last guy that wins wins it all. So what happened?

We have the committee amendment, $3.4 billion. All of these amendments are bounced off of it. We had one, the Dornan amendment, at $4.8 billion, and it bounced off, it died.

The next is the Dellums amendment, $1 billion. It will bounce off, I predict, and it will die.

That leaves two. That leaves the Bennett amendment at $2.8 billion, and the Badham amendment at $3.25 billion. Under the rule, the gentleman from California [Mr. BADHAM] is next. If he wins, and I hope that he will, he could win and still if the gentleman from Florida [Mr. BENNETT] comes after that and he wins, he pushes the Badham amendment off the mountain, and he is king of the mountain.

If they all fail, the committee position remains. But I do not expect that to happen. I would like to see it happen because I think it is realistic.

But the point is, after the Dellums amendment, the gentleman from California [Mr. BADHAM] will offer his amendment. If you would rather be closer to the committee position and add to it, but not quite the committee position, then vote for the Badham amendment. I am going to.

If that prevails, I still will support the committee, if I can. If he prevails, you will have cast an affirmative vote, and you still get a chance to vote for the gentleman from Florida [Mr. BENNETT].

□ 1745

I would ask all Members, when and if Mr. DELLUM's amendment goes down, the next vote will be for 3.25, which is really lower than I would like to see us go, the amendment of the gentleman from California [Mr. BADHAM]. It is not amendable.

I urge your support for that.

Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, I would happily associate myself with all of the remarks of the gentleman from California [Mr. DELLUMS] about how unfair this is structured for the most important debate of any given year, and what will probably end up being the centerpiece of President Ronald Reagan's 8 years.

However, sir, you voted for the rule; I did not. The next time, lets you and I get together and let us see if we can defeat a rule that is structured to stifle debate on something so important.

Now, I only got to use the action verbs from everything that was delayed, canceled, stretched out; so in the remaining time I have, I will kind of flesh out some of this stuff.

Boost surveillance tracking system. This is what you have canceled by killing the Dornan amendment. You have a chance to not cancel more under Badham; Mr. BADHAM will tell you what you are going to cancel if you vote his down.

Boost surveillance tracking system [BSTS] major experiment will be delayed. This is follow-on to current system.

Long wave infrared [LWIR] probe delayed. This is key item in early deployment architecture.

Terminal imaging radar [TIR] severely cut back or terminated.

Space-based radar technology terminated.

Laser radar reduced to single concept.

Free electron laser boost-phase intercept capability would be slowed down and would delay construction at White Sands, NM for 1 to 2 years.

Neutral particle beam experiment for interactive discrimination delayed by more than 1 year.

Acquisition tracking and pointing experiments reduced to concept definition.

Space-based kinetic kill vehicle laboratory experiments severely cut back and delayed.

Flight tests of miniature kill vehicles will be delayed.

Kinetic energy technology base efforts reduced substantially.

Supporting battle management/c^3 technology base efforts would slip by at least 1 year.

System analysis reduced introducing significant risk in definition of technical requirements.

Baseload power not available to support space experiments; SP-100 availability slipped to late 1990's.

Advanced technology to support low-cost space transportation efforts significantly reduced.

Particle beam and repetitively pulsed laser lethality assessments will be delayed.

Further analyses are required to determine optimal mix of program changes to satisfy budget cuts: $3.4 billion provides insufficient funding to maintain required technology base to meet evolving threat; $3.4 billion level indicates commitment to approximately $3 billion annual ceiling. This is totally insufficent to fund the integrated technology validation experiments necessary to support the decision to proceed to full-scale development; result will be a delay of at least 2 years in the decision.

Analogous to building all the parts of a car then leaving them on garage floor without even assembling the car to see if it works.

Will leave large unknowns about total system questions in such critical areas as lethality and survivability.

Force delay of large experiments that must be conducted in an integrated fashion, such as the National Test Bed; milestones will slip significantly.

Would stretch out the full research program significantly beyond the 1990's . . . "research forever."

Mr. PEASE. Mr. Chairman, I rise in support of the gentleman from California's amendment to reduce Defense Department SDI funding from $3.4 billion to $1 billion.

There are a host of problems surrounding SDI, including whether SDI is in compliance with the ABM Treaty, the effects of its development on the arms race and arms control, whether it is technologically feasible and whether it is cost effective. Due to time constraints, I would like to address only the last two concerns: Technological feasibility and cost effectiveness.

The administration has consistently called for an SDI system that would render nuclear weapons "impotent and obsolete." It is important to realize that even a 100-percent effective SDI system would not have this capability. SDI would only provide defense against one kind of nuclear attack—a ballistic missile attack launched from a far distance. This still allows the Soviets to attack with bomber planes or with low-trajectory cruise missiles that fly so close to the ground that a space-based SDI defense would be useless. The Soviet Union already has these weapons, and more could be built at a relatively low cost.

It is quite clear that SDI, even if built to perfection, can never, by design, render nuclear weapons "impotent and obsolete," but rather, if developed, will force the Soviet Union to concentrate its efforts on these other systems. Thus, the arms race will almost certainly increase.

It is equally clear that SDI cannot even provide the proposed 100-percent protection against long-range ballistic missiles. According

to Paul S. Brown, Assistant Associate Director for Arms Control, Livermore Lab, "When you consider what the President intended, which was a leakproof umbrella, I think that that's something that very few scientists think is going to be possible." In fact, according to George H. Miller, "We probably could build a strategic defense that would be 50 percent effective against the current Soviet threat. . . ." It is important to understand just what this lack of protection would really mean. According to the Office of Technology Assessment, even a near perfect defense of 99 percent effectiveness would result in 25 million casualties. An SDI system of 90 percent effectiveness would result in 75 to 95 million deaths.

Indeed, there are several technological problems with SDI in vital areas of the program which make our scientific community so skeptical. It has been estimated by computer scientists that over 10 million lines of error-free code is needed to run the system and anticipate all possible attack combinations. The Eastport panel, which was commissioned by the Pentagon, ". . . Expects no technological breakthrough that would make it possible to write the celebrated 10 million lines of error-free code. To base the successful development of a strategic defense system on such a breakthrough would be unrealistic."

In addition, the SDI system must work perfectly the first time, although it can never be tested in advance as a fully integrated system. This test would only occur in the event of a nuclear war.

General Abrahamson, head of the Pentagon's SDI Office, has made it clear that a successful SDI system relies heavily upon the ability to shoot down a significant number of missiles within the first few minutes after launch. After this time tens of thousands of decoys can be deployed by the missiles, confusing the SDI system. Many scientists do not believe that SDI will have this capability. Moreover, new launch technology may reduce this critical period to 60 seconds. Because of this, there would be a much greater reliance on computers to determine if a launch has occurred and our scientists are concerned that this would increase the chances of a computer-initiated war.

It is not even clear how the SDI system would be deployed. It has been estimated that it would take 58 years at a cost of up to $174 billion to deploy the baseline SDI system. An Air Force official has estimated that to deploy the initial SDI system by the late 1990's it might require some 600 space launches within 3 years. How this will be done when the United States has virtually no space launch capability has not been adequately addressed.

A space-based SDI will be very difficult to defend. Components are easy to find and track and the technology which is needed to accomplish this already exists.

Indeed, due to the weak technology that surrounds SDI, the Soviets have a variety of options available to them to counteract the system, all of which are less expensive than the defensive systems they would be designed to destroy. The Soviets may simply build so many ballistic missiles and decoys that SDI could not account for them all. They might also build more bombers and low-trajectory cruise missiles which SDI is not designed to handle. They may attach protective coatings to missiles to deflect energy beams and confuse sensors or jam electronic surveillance equipment. In any case, the Soviets will have at least 20 years at the current expected date of deployment to take these measures and develop others.

The question arises whether it is cost effective to build a system which can only defend against long-range ballistic missiles, cannot be 100-percent effective even in this capacity and can be counteracted relatively cheaply. Indeed, Ambassador Paul Nitze correctly determined that an anti-missile defense must be cheaper for the United States to build than for the Soviet Union to defeat. Given what has already been stated, this criterion is not met. In fact, given a system which has been estimated to cost between $500 billion to $1 trillion and beyond by former Secretaries of Defense Robert McNamara and James Schlesinger, it seems unlikely that this criterion will ever be met.

Over 6,500 scientists and graduate students working in technological fields most pertinent to SDI research, including 57 percent of the 20 top physics departments, have taken a "pledge of nonparticipation" in the SDI Program. They have called SDI "ill-conceived and dangerous." Indeed, it is clear, as some suggest, that the strategic defense initiative is a strategically deficient initiative. I, therefore, urge my colleagues to join me in supporting the gentlemen from California's amendment which proposes to cut funding to a level more consistent with the ABM Treaty and to a level which will allow us—with minimal cost to the taxpayer—to better assess the merits of the SDI system, which thus far has been grossly misrepresented by the administration.

Mr. RAHALL. Mr. Chairman. As we consider Department of Defense authorization for fiscal year 1987, we must decide not only how much to spend on defense, but also how to allocate those limited resources wisely so as to address the full range of our defense needs.

In this vein, I intend to support the Dellums amendment to reduce funding for the strategic defense initiative [SDI], or star wars, below current levels. The Dellums amendment would reduce funding for SDI to just under $1 billion in fiscal year 1987. Should the House reject this amendment, I intend to support the Bennett amendment to reduce the authorization for SDI by $700 million to $3.1 billion, a level equal to current appropriations plus an adjustment for inflation.

The rapid build-up of spending on SDI simply cannot be justified in light of the uncertainties surrounding the program, as well, as, other defense needs. SDI fundings has risen more quickly in the past 2 years than any other defense program—increasing 88 percent in just the last year, from $1.6 billion in 1985 to over $3 billion in the current fiscal year. The authorization bill before us contains a 25-percent increase for SDI. This increase is altogether too large, given that hundreds of other defense programs are being cut in real terms. In effect, these other programs are being cut in order to overfund SDI. Given this year's budget realities, and defense budget realities in particular, an increase for SDI beyond inflation is simply not justifiable.

It is important to note that every dollar spent on SDI research is a dollar not spent on other high priority programs aimed at developing real weapons with real missions in conventional warfare—which is, after all, the most likely contingency. Furthermore, as the goal for SDI has changed from a "peace shield" to a system of enhanced deterrence, so has the need for SDI changed.

In March 1983, when the President announced his desire to research a means to render nuclear weapons impotent and obsolete, he pointed to SDI as the means to this end. Since then, however, the administration has modified the goal of SDI to one of enhancing deterrence. If SDI is to be funded with this new mission in mind, it must be compared with other systems designed to achieve the same purpose. Superhardened silos, mobile ICBM's, and arms control agreements all could contribute to enhanced deterrence, but would avoid the enormous expenditure of resources and the threat to strategic stability associated with star wars.

While I do not oppose research into the various components of SDI, I will continue to support efforts to ensure reasonable funding levels for such research. We should strive toward the development and maintenance of those programs which will contribute to a strong and reliable national defense at a reasonable cost. SDI, with its current goals and in its current stage of development, does not meet these national defense needs. Therefore, the administration funding request, as well as the 25-percent increase in the authorization bill, do not meet the desirable goal of reasonable spending levels. These funding levels do, in fact, jeopardize our national security by detracting from the financial resources necessary to maintain sufficient conventional, and already available strategic weapons systems.

I urge my colleagues to join me in supporting a responsible, yet reasonable, funding level for the Strategic Defense Initiative. I strongly urge support for the adoption of the Dellums amendment. Should this amendment be rejected, I urge my colleagues in the strongest terms to support the Bennett amendment.

The CHAIRMAN pro tempore. Under the rule, all time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 114, noes 302, not voting 15, as follows:

[Roll No. 326]

AYES—114

Ackerman	Bedell	Brooks
Anderson	Beilenson	Brown (CA)
Atkins	Berman	Bruce
AuCoin	Bonior (MI)	Bryant
Barnes	Bonker	Carr
Bates	Boxer	Collins

Conyers	LaFalce	Roybal
Coyne	Leach (IA)	Russo
Crockett	Lehman (CA)	Sabo
Daschle	Lehman (FL)	Savage
Dellums	Leland	Scheuer
Dingell	Levine (CA)	Schroeder
Dorgan (ND)	Long	Seiberling
Downey	Lowry (WA)	Sikorski
Durbin	Luken	Solarz
Dymally	Lundine	St Germain
Edgar	Markey	Staggers
Edwards (CA)	Matsui	Stark
Evans (IL)	Mavroules	Stokes
Feighan	Mikulski	Studds
Foglietta	Miller (CA)	Swift
Ford (MI)	Mineta	Synar
Ford (TN)	Moakley	Torres
Frank	Moody	Towns
Garcia	Mrazek	Traficant
Gejdenson	Nowak	Traxler
Glickman	Oakar	Udall
Gonzalez	Oberstar	Vento
Gray (PA)	Obey	Waldon
Hall (OH)	Owens	Walgren
Hawkins	Panetta	Waxman
Hayes	Pease	Weaver
Howard	Penny	Weiss
Hoyer	Perkins	Wheat
Jacobs	Rahall	Williams
Kastenmeier	Rangel	Wolpe
Kildee	Rodino	Wyden
Kostmayer	Roe	Yates

NOES—302

Akaka	de la Garza	Hopkins
Alexander	DeLay	Horton
Andrews	Derrick	Hubbard
Annunzio	DeWine	Huckaby
Anthony	Dickinson	Hughes
Applegate	Dicks	Hunter
Archer	DioGuardi	Hutto
Armey	Donnelly	Hyde
Aspin	Dornan (CA)	Ireland
Badham	Dowdy	Jeffords
Barnard	Dreier	Johnson
Bartlett	Duncan	Jones (NC)
Barton	Dwyer	Jones (OK)
Bateman	Dyson	Jones (TN)
Bennett	Early	Kanjorski
Bentley	Eckart (OH)	Kaptur
Bereuter	Eckert (NY)	Kasich
Bevill	Edwards (OK)	Kemp
Biaggi	Emerson	Kennelly
Bilirakis	English	Kindness
Bliley	Erdreich	Kleczka
Boehlert	Evans (IA)	Kolbe
Boggs	Fascell	Kolter
Boland	Fawell	Kramer
Boner (TN)	Fazio	Lagomarsino
Borski	Fiedler	Lantos
Bosco	Fields	Latta
Boucher	Fish	Leath (TX)
Boulter	Flippo	Lent
Broomfield	Florio	Levin (MI)
Brown (CO)	Franklin	Lewis (FL)
Burton (IN)	Frenzel	Lightfoot
Bustamante	Frost	Lipinski
Byron	Fuqua	Livingston
Callahan	Gallo	Lloyd
Carney	Gaydos	Loeffler
Carper	Gekas	Lott
Chandler	Gephardt	Lowery (CA)
Chapman	Gibbons	Lujan
Chappell	Gilman	Lungren
Chappie	Gingrich	Mack
Cheney	Goodling	MacKay
Clinger	Gordon	Madigan
Coats	Gradison	Manton
Cobey	Gray (IL)	Marlenee
Coble	Green	Martin (IL)
Coelho	Gregg	Martin (NY)
Coleman (MO)	Guarini	Martinez
Coleman (TX)	Gunderson	Mazzoli
Combest	Hall, Ralph	McCain
Conte	Hamilton	McCandless
Cooper	Hammerschmidt	McCloskey
Coughlin	Hansen	McCollum
Courter	Hartnett	McCurdy
Craig	Hatcher	McDade
Crane	Hefner	McEwen
Daniel	Hendon	McGrath
Dannemeyer	Henry	McHugh
Darden	Hertel	McKernan
Daub	Hiler	McKinney
Davis	Holt	McMillan
Meyers	Roemer	Stangeland
Mica	Rogers	Stenholm
Michel	Rose	Strang
Miller (OH)	Rostenkowski	Stratton
Miller (WA)	Roth	Stump
Molinari	Roukema	Sundquist
Mollohan	Rowland (CT)	Sweeney
Monson	Rowland (GA)	Swindall
Montgomery	Rudd	Tallon
Moorhead	Saxton	Tauke
Morrison (WA)	Schaefer	Tauzin
Murphy	Schneider	Taylor
Murtha	Schuette	Thomas (CA)
Myers	Schulze	Thomas (GA)
Natcher	Schumer	Torricelli
Neal	Sensenbrenner	Valentine
Nelson	Sharp	Vander Jagt
Nichols	Shaw	Visclosky
Nielson	Shelby	Volkmer
Olin	Shumway	Vucanovich
Ortiz	Shuster	Walker
Oxley	Siljander	Watkins
Packard	Sisisky	Weber
Parris	Skeen	Whitehurst
Pashayan	Skelton	Whitley
Pepper	Slattery	Whittaker
Petri	Slaughter	Whitten
Pickle	Smith (FL)	Wilson
Porter	Smith (IA)	Wirth
Price	Smith (NE)	Wise
Pursell	Smith (NJ)	Wolf
Quillen	Smith, Denny (OR)	Wortley
Ray		Wright
Regula	Smith, Robert (NH)	Wylie
Reid		Yatron
Richardson	Snowe	Young (AK)
Ridge	Snyder	Young (FL)
Rinaldo	Solomon	Young (MO)
Ritter	Spence	Zschau
Roberts	Spratt	
Robinson	Stallings	

NOT VOTING—15

Breaux	Fowler	Moore
Burton (CA)	Grotberg	Morrison (CT)
Campbell	Hillis	Smith, Robert (OR)
Clay	Jenkins	
Dixon	Lewis (CA)	
Foley	Mitchell	

□ 1755

The Clerk announced the following pairs:

On this vote:

Mr. Mitchell for, with Mr. Lewis of California against.

Mr. Morrison of Connecticut for, with Mr. Campbell, against.

Mr. MARLENEE and Mr. McDADE changed their votes from "aye" to "no."

Mr. DURBIN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BADHAM

Mr. BADHAM. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. BOUCHER). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BADHAM: Page 34, line 4, strike out "$7,678,782,000" and insert in lieu thereof "$7,528,782,000".

Page 43, line 10, strike out "$3,400,000,000" and insert in lieu thereof "$3,250,000,000".

The CHAIRMAN pro tempore. Under the rule, the gentleman from California [Mr. BADHAM] will be recognized for 10 minutes, and a Member in opposition to the amendment will also be recognized for 10 minutes.

Mr. ASPIN. Mr. Chairman, I am opposed to the amendment and seek to be the Member in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] will be the Member in opposition to the amendment and will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, we are in a process, as the gentleman from Alabama has explained, of a king-of-the-mountain type of an amendment. The committee came out with a recommendation from the subcommittee with an amount for SDI of $3.4 billion. Previously in the subcommittee we agreed on $3.1 billion. So we had two figures.

When we got to the point of crafting the request for a rule from the Rules Committee, those of us directly concerned with these matters on the committee decided that we would have four amendments offered on the floor.

At that time I was going to offer an amendment for $4.1 billion which is higher than $3.4 billion decided in the committee. Strategically, and it is no secret, after that it appeared that the mood of the House was to cut SDI. The purpose of my amendment is to split that difference between $3.4 billion and $3.1 billion; that is all it means.

It is simple, it is a cut, it gives those who want to cut SDI the ability to cut it but not all that much to $3.25 billion.

Having said that, let me explain where we are in SDI, if I might.

This afternoon I chaired or was a moderator on a panel of experts both within the Department and in industry for SDI and the budget effects, what our neighbors, friends, and allies are doing, what we are doing, and so forth. Some things came out that I think ought to be shared with the membership of this House. First of all, opinion polls in the United States of America demonstrate that a majority of the people of this country do not know that we have no defense against a nuclear attack.

Let me say that again: A majority of the people of the United States are unaware. They do not know that we have no defense against a nuclear attack.

Two, perhaps SDI was a mistake. Now, before we have some bill-killer gleefully leaning over there, let me say that what happened is SDI is the product of a speech that was made by the President of the United States in March 1983 saying basically, "Wouldn't it be a wonderful thing if someday we could have a system that

we could deploy that would protect the people of the United States and our allies from nuclear attack?"

□ 1810

At that time, we were already spending on research about the same that we are spending today on the programs that were brought together under that umbrella—pardon the pun—peace shield, umbrella, that we now call SDI.

If we cut this program together with the other body, we will be spending less on research for medical advance, for space technology, for weapons system technology than we were already spending in research.

Let me say that again. If we are to reduce SDI spending, which merely focused ongoing programs as they existed then, below what we have now, we will probably be spending the same or less than we were already spending. On that basis, maybe it was a mistake to focus that under one umbrella.

Third, let me say that research people, industry, in this country, are already falling off by saying, "We don't want to play if it is going to be constant cut, cut, cut, because if we start a program and invest our assets in addition to Government assets and don't increase the program when it is time to wrap up, then we are not getting anywhere. That is unproductive, and we're not going to play."

TRW has already made that decision on an important one, and other big research institutions have made that decision.

We have now voted down two of the four amendments involved. We voted down, as we do every year, the President's position. We voted down today, as we do every year, the position put forward by the gentleman from California [Mr. DELLUMS].

I might just say with regard to that, if the gentleman wants to kill the program, kill the program, zero it, and go back to what we were doing beforehand. The fact is that if the gentleman from California wanted to kill the program, the gentleman should have proposed that we kill the program, purely and simply. Then we could go back to the days before SDI and we could go back to doing research. That, as in many cases of the research going on in this program is spun off to industry, is spun off for medicine.

One program only, free electron lasers has caused one of the greatest breakthroughs in cancer surgery and cancer treatment, and it is a part of SDI. But it goes to industry and it goes to medicine to save lives.

So the question is: What happens if we reduce below an acceptable level SDI today? That is, as the gentleman from California said, it will reduce and stretch out programs that are essential to SDI to defense of this Nation and its people. It will reduce and terminate other programs which are vital to medical and weapon research. In general, it will destroy the program, so we might as well not have any.

Mr. Chairman, I reserve the balance of my time.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Chairman, I rise in strong support of the Bennett amendment.

Mr. Chairman, besides budgetary and strategic concerns, another aspect of the issue—America's economic security—should be considered. The ultimate potential award of billions of dollars and planned award of tens of millions of dollars worth of research and development contracts to foreign firms comes at a time of $150 billion trade deficits and $200 billion budget deficits. We should be more concerned about pursuing defense procurement and R&D policies which emphasize buy American components at a time when our own industrial base is declining.

Despite the great weight assigned to the conclusion of memorandums of understanding with Great Britain and West Germany, we have not asked these countries or any other to put up any public funds of their own in support of SDI. Nor have they done so. In West Germany, the Economics Minister, not the Defense Minister, signed the memorandum of understanding. The West German memorandum does not involve the Bonn government directly. It only permits West German firms to bid on SDI contracts. The administration already has decided to award more than $50 million worth of contracts to European firms for everything from how to build space platforms to creating computer software for battle management. More are in the works.

Allied "participation" in SDI consists primarily of discovering additional ways of allocating United States tax dollars overseas without requiring matching efforts by European taxpayers. The impression left by the administration is that America's allies strongly support SDI. The truth is European firms are attracted by United States R&D dollars.

Financial windfall for European R&D firms covers result in technology breakthroughs that would benefit not antimissile defenses but improve the competitive position of European high-technology industry at the expense of our own.

This is not to say that some SDI-related technologies might not be useful as a means improving NATO air and anti-tank defenses. But this should be done directly through the package of conventional defense initiatives contained in the authorization bill before us.

One further note is in order in discussing allied participation in SDI.

This has to do with the concern by both the British and the West Germans as to the importance of continuing to abide by existing arms control agreements.

In both instances the Governments of Great Britain and West Germany have stressed the importance of continued United States compliance with the ABM and SALT II Treaties.

Leaders in those countries have repeatedly indicated that participation in SDI should not be construed as support for an "automatic transition" from the research to the development phase of the SDI Program. The need to deal with the imbalance of conventional forces in Europe remains a much more critical item than the development of an anti-missile defense. Yet, the very capacity for the United States to fund conventional force requirements will necessarily be eroded by the planned expenditure of possibly hundreds of billions of dollars for SDI should some level of "feasibility" of this program be achieved.

During the past several years, the concept of "burden sharing" has been a topic of extensive debate when the matter of United States forces in Europe has been discussed. But when it comes to SDI and the Europeans, we've burdened and they shared. Financial commitment to SDI is highly conditional to the point of non-existence. We will provide them no incentive to do otherwise as long as we approve vast amounts of limited taxpayers dollars to this program.

Mr. Chairman, we should adopt the Bennett amendment to curtail the exorbitant growth in SDI funding. There are other more urgent defense missions which merit funding support. The $3.1 billion provided for SDI Department of Defense and Department of Energy research will provide sufficient resources to guard against technological surprise and permit us to explore missile defense technologies without discarding important arms control treaties, an action which would make nuclear war more likely, not less.

Mr. BADHAM. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, what are we talking about here? If we approve the Badham amendment, we still give the Members of this body an opportunity to vote for an SDI funding level that is, No. 1, below what the administration requested; No. 2, below what the committee requested, believe it or not.

If we reject this amendment and accept the amendment that is to come up, we will be reducing funding even lower. In fact, the funding levels will

be so low that we will, according to the estimates of our staff, be bringing into question our ability to have space-based experiments, that all major ground-based laser experiments could be terminated. That is where the Soviets, it has been purported today, have a lead. We could lose the support for the national aerospace plane. We could lose ground-based interceptor experiments. We would be losing the ability to conduct experiments that are critical to the ability to determine which kind of technologies we need to make SDI work.

So if you are looking for a way to be fiscally responsible, but yet for a way that is still going to allow us to conduct many of the experiments that we need—certainly not all, but many of the experiments—and you want to go home and tell your constituents you watched the SDI Program, then you should vote for the Badham amendment, because it is a cut below what the administration wanted, and it is a cut below what the committee wanted, but at least it is a level of funding that assures that this program can continue forward in many vital areas of technology.

If this is rejected and the Bennett amendment is accepted, we are really shutting this program down to very, very narrow levels of activity.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in opposition to the amendment. In fact, I respectfully disagree with all the gentlemen from California, and will stand with the gentleman from Florida, because I believe that a freeze is in order for SDI.

Three years ago, the American people were offered a dream: a dream of safety from the nuclear holocaust; a dream of a world in which nuclear weapons would become obsolete; a dream of a world where the barbaric threat of mutually assured destruction would be eliminated.

It is a beautiful dream, and I cannot blame people for wanting to believe in it.

But the debate last week in the other body showed us that this is not a dream that we are pursuing. We are looking at a massively expensive scheme to protect nuclear weapons.

Mr. Chairman, the American people should not be courted with promises that cannot be kept. They deserve better. They deserve a realistic plan to reach realistic goals in a realistic way at a realistic cost.

Mr. Chairman, that is why I am not supporting this amendment, but I am supporting the Bennett amendment.

□ 1820

Now, $3.1 billion is not a paltry sum. It will allow ample research to guard against Soviet breakthroughs in missile technology. It will be consistent with our goals of bringing down our Federal budget and it will prevent SDI research from gobbling up our funding for conventional weapons.

Mr. Chairman, I urge my colleagues to vote against this amendment and to vote for the Bennett amendment.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I rise in opposition to the amendment and in support of the Bennett amendment.

Mr. Speaker, during these budget crisis times, there is no way in which DOD can have its current military strategy and its horrendous overhead, its present operation and maintenance, its personnel, its spares, its flying time, its steaming time, its training and at the same time satisfy its appetite for billions of dollars in new programs, new programs such as SDI.

Mr. Chairman, we are in danger without new programs of collapsing our present military organization.

Mr. Chairman, there is simply not enough money to fully fund SDI without putting the present DOD policy at risk.

We all know that 60 percent of our NATO budget comes from our Defense Department. We have worked long and hard to put in place a point air defense program, for instance, involving the Patriot, Rapier, and other point air defense programs to protect our bases in Europe after some 40 years.

We have with great difficulty crafted an arrangement with our NATO allies in a fragile agreement, called the Cooperative Air Defense Agreement.

Mr. Chairman, this SDI budget has stolen from this particular plan some $260 billion for 1987.

So I urge defeat of this amendment and the adoption of the Bennett amendment.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Chairman, I thank the gentleman very much.

Mr. Chairman, let us ask the question why Bennett, and Bennett rather than Badham? There is a difference of what—$500 million for next year, and some might say that is minimal, but there is a bigger difference, and that is in the message they send.

If SDI is a bargaining chip, it is already there. We do not need a real increase of 16 percent, as in the Badham amendment. If SDI is more than a bargaining chip, it is a dangerous mirage and the Badham amendment is a further push in the chase after that mirage.

History has clearly demonstrated that defensive weapons stimulate offensive weapons. On our side that explains the evolution of the MIRV's, the B-1 bomber, and Stealth, among others.

On both sides, more defense means more offense. The search for the utlimate defense is likely to stimulate the search for the ultimate offense. The notion that the age of deterrence can be replaced by the millennium of the perfect defense is playing with the most dangerous fire of all, nuclear fire.

Mr. Chairman, I urge that we support Bennett and that we defeat the Badham amendment.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Chairman, the gentleman from California [Mr. BADHAM] asked us earlier if we realized that the public thinks that there is no defense against nuclear war. I do not think the public does know that, but I would ask the question, Is that the key issue?

The fact is that there is no viable defense against nuclear war. No one has yet conceived of one. The SDI at best would not be one. Even a 90-percent shield would be totally unacceptable in nuclear war, whereas that would be a very effective defense in conventional warfare. A 99-percent defense against nuclear warfare would still be unacceptable, because with 9,000 Soviet missiles, only 90 would get in. But 90 nuclear explosions across America would wreak total havoc in our Nation.

Even a 99.9-percent effective shield would detonate nine nuclear explosions, each one far more powerful than Hiroshima.

Offense is inherently advantageous over defense in these matters. One only has to think of the cruise missiles, low-flying bombers, suitcase bombs and a lot of other ways of striking that could never be stopped by an SDI program.

The second point I would make is that even if the SDI were effective, even if it were impenetrable it could not be considered purely defensive. It obviously has offensive implications and capacity and it will be seen so by the Russians. Either side—we or they—faced with an opponent that has both defensive and offensive capacity would consider itself in an extremely dangerous and untenable position, and would be very tempted to strike first to knock either or both of those two systems.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. MOODY. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I just want to get on record here, because we have been throwing figures around, that the Badham amendment is a 20-percent increase over last year. The difference between the Badham

amendment and the Bennett amendment is $700 million. It is not a question of $100 million. It is $700 million, and I want that for the record.

I thank the gentleman.

Mr. MOODY. I am only pointing out that the SDI is inherently a destabilizing and threatening system for both sides. We should fund SDI, no further than is needed for basic research. Among the available SDI amendments, the Bennett amendment is the preferable one. Meanwhile we should defeat the Badham amendment.

Mr. BADHAM. Mr. Chairman, I yield the balance of my time to the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, as I said in my last appearance here in the well, this is not the normal way of doing business. This is not the regular order in which the House proceeds to vote. Because of the time exigencies and the compressed time we got a different rule, so in order to vote for a figure for SDI, this House is faced with two choices, two affirmative acts.

The committee position cut the administration request by $1.4 billion, that is the committee position now, $3.4 billion.

You do not have to vote on it. It is in place. In order for it not to be in place, either one of these has to pass. If you want to get the closest to the higher figure, you will support the Badham amendment which is coming up right now. If you want the lower figure, then you would vote against it and vote for the Bennett amendment; but there is no subsequent vote. You cannot hold back and say, "Well, I'm going to vote for the higher figure, the committee figure." There is no vote on that.

So if you want the higher figure, this is your vote right now for Badham. There is no other vote. If either of the two amendments passes, you do not get to the House figure, the committee figure. It is a simple choice you have to make. If you are for the higher figure, if you did not get to the $4.8 billion, all right, this is the best you can do. You are not going to get to the committee position if either of these passes. This is the best you can do.

If you want to cut the committee position, but not to fatally wound the program, this is the vote. If you want to fatally wound the program, and the gentleman from California [Mr. DELLUMS] would have killed it, this just simply fatally wounds it so it will die a slower death.

Vote for the Badham amendment and that will save the program.

The CHAIRMAN pro tempore (Mr. BOUCHER). All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from California [Mr. BADHAM].

The question was taken; and on a division (demanded by Mr. BADHAM), there were—ayes 44, noes 36.

RECORDED VOTE

Mr. ASPIN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 218, not voting 17, as follows:

[Roll No. 327]

AYES—196

Annunzio	Gilman	Parris
Applegate	Gingrich	Pashayan
Archer	Goodling	Porter
Armey	Gray (IL)	Quillen
Badham	Gregg	Richardson
Barnard	Hall, Ralph	Rinaldo
Bartlett	Hammerschmidt	Ritter
Barton	Hansen	Roberts
Bateman	Hartnett	Robinson
Bentley	Hatcher	Roemer
Bereuter	Hendon	Rogers
Bevill	Hiler	Roth
Biaggi	Holt	Rowland (CT)
Bilirakis	Hopkins	Rudd
Bliley	Huckaby	Saxton
Boehlert	Hunter	Schuette
Boggs	Hutto	Schulze
Boner (TN)	Hyde	Sensenbrenner
Boucher	Ireland	Shaw
Boulter	Johnson	Shelby
Broomfield	Jones (TN)	Shumway
Brown (CA)	Kasich	Shuster
Brown (CO)	Kindness	Siljander
Burton (IN)	Kolbe	Sisisky
Byron	Lagomarsino	Skeen
Callahan	Latta	Skelton
Chappell	Lent	Slaughter
Chappie	Lewis (FL)	Smith (NE)
Cheney	Lightfoot	Smith (NJ)
Clinger	Lipinski	Smith, Denny (OR)
Coats	Livingston	Smith, Robert (NH)
Cobey	Lloyd	Smith, Robert (OR)
Coble	Loeffler	Snyder
Coleman (MO)	Lott	Solarz
Combest	Lowery (CA)	Solomon
Coughlin	Lujan	Spence
Courter	Lungren	Stangeland
Craig	Mack	Stenholm
Crane	Madigan	Strang
Daniel	Marlenee	Stratton
Dannemeyer	Martin (IL)	Stump
Daub	Martin (NY)	Sundquist
Davis	McCain	Sweeney
DeLay	McCandless	Swindall
DeWine	McCollum	Tauke
Dickinson	McCurdy	Tauzin
Dicks	McDade	Taylor
DioGuardi	McEwen	Thomas (CA)
Dornan (CA)	McGrath	Thomas (GA)
Dreier	McMillan	Vucanovich
Duncan	Meyers	Walker
Eckert (NY)	Michel	Weber
Edwards (OK)	Miller (OH)	Whitehurst
Emerson	Miller (WA)	Whittaker
English	Molinari	Wilson
Erdreich	Mollohan	Wolf
Evans (IA)	Monson	Wortley
Fawell	Montgomery	Wylie
Fiedler	Moorhead	Yatron
Fields	Morrison (WA)	Young (AK)
Flippo	Murtha	Young (FL)
Ford (MI)	Myers	Zschau
Franklin	Nichols	
Fuqua	Nielson	
Gallo	Olin	
Gaydos	Oxley	
Gekas	Packard	

NOES—218

Ackerman	Beilenson	Bruce
Akaka	Bennett	Bryant
Anderson	Berman	Bustamante
Andrews	Boland	Carney
Anthony	Bonior (MI)	Carper
Aspin	Bonker	Carr
Atkins	Borski	Chandler
AuCoin	Bosco	Chapman
Bates	Boxer	Coelho
Bedell	Brooks	Coleman (TX)
Collins	Jones (OK)	Reid
Conte	Kanjorski	Ridge
Conyers	Kaptur	Rodino
Cooper	Kastenmeier	Roe
Coyne	Kemp	Rose
Crockett	Kennelly	Rostenkowski
Darden	Kildee	Roukema
Daschle	Kleczka	Rowland (GA)
de la Garza	Kolter	Roybal
Dellums	Kostmayer	Russo
Derrick	Kramer	Sabo
Dingell	LaFalce	Savage
Donnelly	Lantos	Schaefer
Dorgan (ND)	Leach (IA)	Scheuer
Dowdy	Leath (TX)	Schneider
Downey	Lehman (CA)	Schroeder
Durbin	Lehman (FL)	Schumer
Dwyer	Leland	Seiberling
Dymally	Levin (MI)	Sharp
Dyson	Levine (CA)	Sikorski
Early	Long	Slattery
Eckart (OH)	Lowry (WA)	Smith (FL)
Edgar	Luken	Smith (IA)
Edwards (CA)	Lundine	Snowe
Evans (IL)	MacKay	Spratt
Fascell	Manton	St Germain
Fazio	Markey	Staggers
Feighan	Martinez	Stallings
Fish	Matsui	Stark
Florio	Mavroules	Stokes
Foglietta	Mazzoli	Studds
Foley	McCloskey	Swift
Ford (TN)	McHugh	Synar
Frank	McKernan	Tallon
Frenzel	McKinney	Torres
Frost	Mica	Torricelli
Garcia	Miller (CA)	Towns
Gejdenson	Mineta	Traficant
Gephardt	Moakley	Traxler
Gibbons	Moody	Udall
Glickman	Murphy	Valentine
Gonzalez	Natcher	Vander Jagt
Gordon	Neal	Vento
Gradison	Nelson	Visclosky
Gray (PA)	Nowak	Volkmer
Green	Oakar	Waldon
Guarini	Oberstar	Walgren
Gunderson	Obey	Watkins
Hall (OH)	Ortiz	Waxman
Hamilton	Owens	Weaver
Hawkins	Panetta	Weiss
Hayes	Pease	Wheat
Hefner	Penny	Whitley
Henry	Pepper	Whitten
Hertel	Perkins	Williams
Horton	Petri	Wirth
Howard	Pickle	Wise
Hoyer	Price	Wolpe
Hubbard	Pursell	Wright
Hughes	Rahall	Wyden
Jacobs	Rangel	Yates
Jeffords	Ray	Young (MO)
Jones (NC)	Regula	

NOT VOTING—17

Alexander	Dixon	Mikulski
Barnes	Fowler	Mitchell
Breaux	Grotberg	Moore
Burton (CA)	Hillis	Morrison (CT)
Campbell	Jenkins	Mrazek
Clay	Lewis (CA)	

□ 1845

The Clerk announced the following pairs:

On this vote:

Mr. Campbell for, with Mr. Mitchell against.

Messrs. SWINDALL, CHANDLER, ROE, and LUKEN changed their votes from "aye" to "no."

Messrs. BOULTER, BARTON of Texas, and SWINDALL changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. BOUCHER). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BENNETT: Page 34, line 4, strike out "$7,678,782,000" and insert in lieu thereof "$7,124,782,000".

Strike out section 208 (page 43, lines 7 through 11) and insert in lieu thereof the following:

SEC. 208. STRATEGIC DEFENSE INITIATIVE.

Of the amount authorized in section 201 for research, development, tests, and evaluation for the Defense Agencies, not more than $2,846,000,000 is available for the Strategic Defense Initiative (SDI) program, such amount being the amount of $2,750,000,000 provided for fiscal year 1986 plus an additional $96,000,000 representing a 3.5 percent increase for inflation.

Strike out section 3013 (page 329, lines 21 through 25) and insert in lieu thereof the following:

SEC. 3013. AUTHORIZATION FOR STRATEGIC DEFENSE INITIATIVE.

Of the funds authorized to be appropriated in sections 3011 and 3012, $279,000,000 is authorized for programs, projects, and activities of the Strategic Defense Initiative, such amount being the amount of $270,000,000 provided for fiscal year 1986 plus an additional $9,000,000 representing a 3.5 percent increase for inflation.

Page 332, line 23, strike out "(a) IN GENERAL.—".

Page 333, strike out lines 4 through 11.

The CHAIRMAN pro tempore Under the rule, the gentleman from Florida [Mr. BENNETT] will be recognized for 10 minutes, and a Member in opposition will be recognized for 10 minutes.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I do not want to trivialize the debate, but I do want to make the point that I think many people who favor the President's proposal have left the impression that if we support the Bennett amendment we will somehow be shorting the SDI initiative in the face of talks in Moscow or Geneva.

But I think it is important that we look at some data that the GAO has developed that shows that there is some waste and some misuse of SDI funds. For example, there are 12 construction projects costing $21 million which the GAO has found will not "contribute in any way toward accomplishing the SDI research objectives."

We are building a roof on a building for $1 million. We are converting a warehouse, for example, with research and development funds.

On top of that, we are spending $3.5 million on a high-speed passenger ferry which one expert has said really can contribute nothing at all toward making us safe from nuclear weapons, or make those Soviet weapons impotent or obsolete.

Let me talk too about a piece of waste I see in this program. It is called the atomic catapult. The SDIO gave a one-man operation in San Diego, something called Creative Enterprises Inc., a $59,000 grant for 6 months to study the following space launch concept:

One, dig a hole 1 kilometer deep and 10 meters wide.

Two, line the hole with steel.

Three, place a nuclear weapon at the bottom of the hole.

Four, lower the payload capsule into the hole atop the nuclear weapon.

Five, detonate the nuclear weapon, and fire the payload into orbit.

We are about to move to phase 2 of the atomic catapult to the tune of $530,000. Can you believe it?

Ladies and gentlemen, those of us who believe we need a measured, paced increase in SDI funding can support the Bennett-Mavroules amendment. There is no question that this amendment, when compromised with the figure in the other body of $3.9 billion, will provide for an ample 17-percent increase.

I would hope that we would not allow this kind of waste and misuse to be perpetuated by supporting a higher figure.

Mr. DICKINSON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me make, if I can, a clarifying point.

Members have one vote remaining and the choice is very simple. Do you want to support the committee position of $3.4 billion or the lower figure of $2.8 billion. It is just that simple.

The administration requested $4.8 billion. We cut that $1.4 billion, and that gave us the committee position.

If you want the lower figure, support the Bennett amendment. If you want the committee amendment, or the committee position, vote against Bennett. That is the only remaining amendment on this item.

Neither one of them is amendable anymore. It is a straight up or down vote. If you want the lowest figure possible to sort of bleed the program to death, give it a slow death, vote for Bennett. If you want to keep it alive, keep it viable so that hopefully next year we breathe some life into it, support the committee.

We heard the testimony, we have heard the witnesses. Our actions were based on not speculation, guess or emotion, but the facts presented to the committee.

Show your support of the committee, of the administration and of the country. Vote against the Bennett amendment. That is your choice, simple up or down, and you will be doing yourself and those who follow you a favor.

I reserve the balance of my time.

Mr. BENNETT. Mr. Chairman, I yield 15 seconds to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I rise in support of the Bennett-Mavroules amendment. Instead of spending billions to arm the heavens, we should use men and women's talents to find a vaccine to cure cancer.

We have seen all the cuts in that type of research, so let us support Bennett-Mavroules and find a cure for cancer and channel that kind of intelligence in that direction.

Mr. BENNETT. Mr. Chairman, I yield such time as he may consume to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Chairman, I rise in support of the Bennett amendment.

Mr. Chairman, in the course of debate on 10 appropriations bills over the past few weeks, we have spent hours struggling over how much we must cut from domestic spending and what few programs we will bless with an extra few million dollars. Even the Armed Services Committee has been forced to reduce funding for many projects in the bill before us. Yet we are now about to vote on whether to allow a $800 million increase for a program which has seen its funding triple in the past three years.

I don't want to prolong the argument about the cost of producing, deploying and maintaining an SDI system—clearly in the neighborhood of a trillion dollars. We can't debate the final price tag until we have a clearer idea of what such a year's funding squares with the extent of our fiscal resources and our overall budget priorities. As the largest single item in the defense budget, $3.9 billion for SDI is clearly out of line.

In rushing ahead with research, its easy to ignore existing constraints upon strategic arms development—for both us and the Soviet Union. The 1972 Anti-Ballistic Missile Treaty, considered by the Scrowcroft Commission to be "one of the most successful arms control agreements," has been an important force of restraint in the arms race and stability in the strategic relationship. While current SDI research seems to fall within the definition of basic research allowed by the ABM treaty, Pentagon officials have indicated that plans for development could take us beyond the scope of the treaty as early as 1989. Slowing down the pace of research would provide both the technical and arms control community with greater time to confront the problem of treaty compliance and evaluate the risks of breakout. We would be foolish to throw out a successful treaty in favor of a still underfined and potentially destabilizing defensive system, the deployment of which is still years away.

Therefore, in a plea for fiscal sensitivity and strategic restraint, I urge all of my colleagues to support the Bennett amendment. This amendment provides $3.1 billion for SDI research and development, certainly sufficient to bring us closer to answers for the many nag-

ging questions about SDI. Until we have comprehensive answers to more of these questions, we must not put at risk the relative stability of the current strategic relationship.

Mr. BROWN of California. Mr. Chairman, I rise in strong support of the Bennett amendment.

The President's strategic defense initiative program has been surrounded by some of the most incredible hype and exaggeration that I have ever seen in my political career. I can recall numerous initiatives that have been debated in this Chamber that never stood a chance of meeting their declared objectives. But all such instances pale by comparison to the mismatch between the promises and the realities of the SDI.

The administration continues to peddle the SDI as a program that will eliminate the threat of nuclear attack. The President speaks of a "space shield" that will protect us from nuclear missiles "just as a roof protects a family from rain."

That the American public is being asked to spend billions of dollars, perhaps even a trillion dollars, to reach this goal astounds me. Not because the goal wouldn't be nice to reach, but because nobody except the President and his Secretary of Defense believe that an astrodome defense is feasible.

Scientists working on the program openly ridicule the President's goal. They have essentially abandoned the objective of protecting population centers, and are working instead on a defense for missile silos and military targets. This is a much less ambitious and far less appealing objective.

Yet the American public doesn't know this. They think that the SDI will protect them. They think it will result in a magic bubble over the Nation that will protect them from a nuclear attack.

Misrepresentation is an all too common aspect of politics, but the abuses of the truth that have accompanied the SDI have gone far beyond the acceptable limit. The administration has consistently misrepresented the SDI's purpose, its costs, its potential value for national defense, its progress to date, and its implications for the future of arms control.

It's high time that the SDI's inflated promises be brought to a halt. The Bennett amendment would help do this. It would help bring the SDI's funding level in line with the goals that the program is capable of reaching. I urge adoption of the amendment.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. I thank the gentleman from yielding.

Mr. Chairman, I would just like to make one point at this time. I hated to see the comments that some people made here tonight that the SDI technology exists, we are ready to deploy it, all we have to do is to spend enough money and go ahead.

The facts are that the technology does not exist. It certainly exists as a potential, there is no question about that. I do not believe there is a single major system component where the SDIO is ready to make a selection.

They have huge questions. One of the biggest issues is whether to put the weapons in space. They found out that the weight is so tremendous that under our present lift capacity, it would take 50 years to get in there.

So they decided to make it land based. But they found that the mirror problem is a huge problem. Then they decided to go to pop-up, using an x-ray laser, but then we have got an atomic explosion.

I think we have enough money to do this job if we spend it carefully. I think we have to be unemotional about it and analytical, and I think I favor the Bennett amendment because it levels off the program, insists on a plan so that we will know where we are going before we escalate.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. OLIN. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I want to commend the gentleman, and make it clear that the gentleman in the well has been a practicing engineer and has taken a great deal of time in researching this issue, and I think it is a very important comment that the gentleman has made.

I think it also important that Members realize if we just split the difference between the Bennett amendment and the other body's proposal we would end up with a $3.54 billion figure, which is 17-percent virtual growth or 13-percent real growth in this program.

Again I want to commend the gentleman in the well for his efforts.

□ 1400

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Chairman, in 1972, when the ABM treaty was being negotiated, the United States was concerned about the growing offensive capability of the Soviet Union that we appended language to the ABM Treaty which said that if within a 5-year period a follow-on agreement limiting offensive arms was not achieved, we would consider that situation a threat to the supreme national interests of the United States.

That phrase is in the ABM Treaty. It is part of the legislation record, on which the Senate recommended ratification of the treaty. I submit to you, Mr. Chairman, that thanks to Soviet intransigence there has been no arms control breakthrough since the negotiation of ABM that would satisfy this explicit requirement of the treaty. Instead we have seen the massive buildup by the Soviet Union of offense forces threatening not only ourselves but our allies in Europe, the Middle East, and in Asia.

I would suggest, if you want to kill the most peaceful, the most hopeful, the most positive and progressive means by which we can begin to defend ourselves and our allies against the incredible Soviet offensive capability—both nuclear and conventional—the Bennett amendment will do it.

I think it would be a tragic mistake to undercut the committee's recommendation. Please consider the type of technology, the type of research, the type of testing that will be inhibited by the freeze on spending embodied in the Bennett amendment. Can we afford to lose so much?

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I would just like to emphasize the fact that yesterday, probably 85 percent of the people that do not want to spend any money on SDI or any type of significant money voted in favor of deployment of additional Tridents. That Trident has a yield that is 2,400 Hiroshimas.

More offensive weapons; nothing for R&D on the defensive side. I congratulate the gentleman. We want to research the ability for America to defend itself.

Mr. KEMP. Mr. Chairman, the last five speakers on the Democratic side of the aisle all voted for an offensive weapons system that would be deployed off the coast of the Soviet Union, which can target both hardened military assets as well as population centers. Yet they are suggesting that those of us who support SDI somehow are destabilizing the arms race.

You have got to make up your mind. Do you believe that you can ensure stability and advance the prospects for arms control by modest improvements in our offensive capability, or can you get to the type of arms reduction and security we all want to see by allowing this important research and technology to move forward toward deployment?

I ask you to defeat the Bennett amendment and support the committee bill.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, the strategic defense initiative [SDI] has been the subject of constant, not to mention controversial debate in the Congress over the past few years. It has been the subject of numerous Foreign Affairs Committee hearings with eminent scholars, scientists, arms control, and national security experts.

The committee's Subcommittee on Arms Control has conducted over 12 oversight hearings and various closed briefings on the SDI Program over the last 2 years. We have heard testimony from administration witnesses and pri-

vate experts including former Secretary of State Rusk, former Secretaries of Defense McNamara and Clifford, former chief of the U.S. Delegation to the ABM Treaty negotiations, Gerard Smith, and former Director of the U.S. Arms Control and Disarmament Agency, Ralph Earle, all of whom counseled against an excessively funded SDI Program and for the preservation of the ABM Treaty.

Based on this extensive study of the program, it has become clear to me that the SDI:

First, involves excessive costs—estimates of deploying the SDI reach into the trillions of dollars—the research program alone is in the billions of dollars.

Second, the technical feasibility of the SDI is questionable. As has been the practice between the superpowers, once one side deploys a new weapons system, the other side has to top it. In the case of the SDI, numerous analyses have concluded that pursuit of the SDI will result in the development of countermeasures to defeat and overwhelm such a system. Not only will there be an arms race in offensive systems, but there would be a new arms race in defensive systems as well.

Third, the SDI, moreover, potentially has an adverse impact on arms control, especially if it results in the abandonment of the ABM Treaty. Signed in 1972, the ABM Treaty has limited the defensive systems of both sides.

It would be an unfortunate development if we abandoned the only constraints on Soviet defense systems. It makes better sense to strive for reductions in United States and Soviet arsenals while keeping a lid on the development of destabilizing defense systems. We certainly don't need any more weapons.

Fourth, finally, the SDI also could potentially result in the alienation of our allies. Our allies have expressed the concern that deployment of the SDI would promote confrontation between the superpowers leading to a destabilizing superpower relationship. This is not in our interest.

This being said, it is nevertheless in our interest to maintain a viable SDI research program since the Soviet Union is doing likewise. To keep abreast of Soviet activities in this area, a prudent level of research is necessary. However, the administration's request for $4.8 billion for the SDI, $5.4 billion if the Department of Energy money for the SDI is added, is excessive. It represents a 75-percent increase over current levels.

Our colleague, Mr. BENNETT, has crafted a sensible alternative. By keeping the level of SDI money at last year's level, we not only provide for a considerable level of SDI research to be conducted, but we take into account the serious budget constraints we are currently facing.

For arms control, budgetary and national security reasons, I urge you to support the Bennett amendment.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I rise to express my support for the pending proposal to limit expenditures for the Strategic Defense Initiative to last year's level plus an increase for inflation.

I doubt there is a Member in this body who would deny the United States needs to dedicate some portion of our defense expenditures to what are called strategic defense projects. There is no question that the Soviets are engaged in research to improve their ABM technologies, just as we have been. There can be no argument but that we must pursue a prudent and focused course to ensure that our national security is not compromised by a potential Soviet breakout from the ABM treaty. The bottom line is we must spend money on strategic defense technologies.

With that said, Mr. Chairman, we must move on to the next question: How much? How much should we, can we as a nation spend to enhance our knowledge of ballistic missile defense technology? I think we can obtain a perspective on that question if we consider some figures.

Since 1984, when we first began a dedicated effort to ascertain the feasibility of a national BMD system under the Strategic Defense Initiative, we have spent some $5.8 billion on SDI. Between 1984 and 1986 we nearly tripled our expenditures, going from some $990 million in 1984 DOD expenditures to $2.8 billion during the current fiscal year. For fiscal year 1987, the administration's request for $4.8 billion, not including Department of Energy funds, has been cut to $3.4 billion by the House Armed Services Committee. But this is still more than 20 percent over last year's level.

If we were to provide funds at the level requested by the administration over the next 5 years, we would spend some $37.5 billion for SDI research. I must emphasize that word, research. This funding would dwarf every major procurement program under the administration's 5-year budget plan, and when it was finished, if it was finished, we would not have a working BMD system. We would have information and technology, but no deployed system. According to one recent study conducted by researchers at Johns Hopkins University, deployment and operation for 10 years of a BMD system able to protect missile sites and air bases in North America—not cities—would run some $160 billion.

Obviously, cost is not the sole criterion for determining whether our defense expenditures are appropriate. We must also consider the threat to our Nation posed by Soviet research, as well as the likelihood that a strategic defense will work in the fashion intended.

What is the nature of the Soviet threat? The Soviets are in fact pursuing advanced strategic defense technologies. But the quality of the work they have done is highly suspect. According to a September 1985 report by the Office of Technology Assessment, "in terms of basic technological capabilities, the United States clearly remains ahead of the Soviet Union in key areas required for advanced BMD systems, including sensors, signal processing, optics, microelectronics, computers and software." And in a statement by the Under Secretary of Defense for Research and Engineering prior to consideration of last year's DOD budget, it was noted that the Soviet Union has not moved ahead of the United States in any of the 20 "basic technologies that have the greatest potential for significantly improving military capabilities in the next 10 to 20 years" that were surveyed.

It is imperative that we provide for our strategic defense research needs. I believe we can do so at the more responsible level of $3.1 billion, which represents last year's spending level. In these times of budget crisis, many programs have experienced dramatic cuts. I believe a budget that matches last year's funding level would be welcomed by most Government program managers today. I urge my colleagues to support this amendment.

Mr. RIDGE. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Florida [Mr. BENNETT] which would reduce SDI spending from $3.9 billion to $3.1 billion.

There has been broad, bipartisan support for vigorous ballistic missile defense research. The support has been translated into a frantic, and I believe, excessive growth rate for research in the Strategic Defense Initiative Program. Funding has tripled in 4 years, from an initial level of $991 million to an anticipated level of well over $3 billion this year. It is high time we exercise both caution and restraint. We are absolutely justified in questioning the accelerated pace at which funding has been approved, as well as the goals and direction of this calendar-driven research program.

Many of us in this Chamber doubt whether the SDI Program is strictly a defensive weapons program designed to render nuclear weapons "impotent and obsolete." While no one can quarrel with these goals, we can question 3 years of funding and research whose major contribution has been the identification of more obstacles than initially anticipated and greater technological problems than previously thought.

Forty-eight of our colleagues in the other party recently concluded that "not only are the goals of the research effort unclear, the need for accelerated funding for a long-range program such as SDI has not been demonstrated." And in response to a recently released report attempting to analyze the aggregate cost of a star wars system, a Pentagon spokesman ridiculed the effort and claimed that "it is really an exercise of absurdity to try to estimate the cost of a system which

hasn't been defined." My colleagues, we have a right to question today whether or not this country knows any more about the economic and military feasibility about the production, deployment and maintenance of a comprehensive ballistic missile defense system than we knew 3 or 4 years ago. In that time, spending pace has been furious and has been driven by a desire to make deployment decisions in the early 1990's. SDI's funding levels are already larger than the budgets from the combined services of all of their technology-based research and development programs. Our colleague from South Carolina, Congressman JOHN SPRATT, has calculated that continued escalation of funding of SDI at the requested amounts over the next 5 years are projected to be greater than for any two major procurement programs in the Defense Department's 5-year budget request—larger than the 5-year plan for F-16 and F/A-18 fighter acquisitions—we can already see the effects of massive increases in SDI spending on other defense programs in present or future budgets that are likely to be either frozen or with very limited real growth. SDI is beginning to crowd out other research programs and such a crowding out is neither desirable, necessary or justified.

We guarantee waste, inefficiency and mismanagement when we allocate resources in excess of the physical and intellegience ability of our scientific and research communities to absorb. More money will not guarantee better or more successful research. I believe that a scheduled driven research program is counterproductive and I believe most of the scientific community would agree with me. While as good as our intentions might be, decisions about the technologies to be explored and the military options to be considered should not be limited, influenced or compromised by an artificial target. A program of this magnitude with all its potential strategic consequences must absolutely be free of all kinds of pressures to produce "successes" regardless of their scientific value. We know that demonstration tests may produce favorable headlines or film footage on the evening news, but may not constitute good science or good strategic defense.

Administration requested SDI funding levels would be larger than the two most significant procurement programs in the Defense Department's 5-year budget request—larger than the 5-year plan for F 16 and F/A 18 fighter acquisition. SDI funding levels are already larger than the combined services budget for technology-based research and development programs. We see, at this early stage, the effect of massive increases in SDI spending on other defense programs. It is beginning to crowd out other research and programs which is as undesirable as it is unnecessary.

So far, the pace has been furious and has been driven by a desire to make deployment decisions in the early 1990's. To date, such deployment opportunities and options have not been uncovered by research. In fact, many of the programs that were believed to offer great promise just a year or two ago, space-based chemical lasers, x-ray laser and neutral particle beam weapons, are no longer looked upon as practical. There has been progress—there have been no breakthroughs. Clearly, what technology may prove to be successful is not yet known.

I rise in support of the most expensive Band-Aid ever applied by Congress to a program in danger of hemorrhaging. Vote for $3.1 billion for SDI. Vote Bennett.

A Pentagon spokeman recently stated that it is really an exercise in absurdity to try and estimate the cost of SDI because the system has not been defined.

Think about it. We can't tell you how much it will cost because we don't know exactly what it is we are looking for.

It is about time this Chamber exercised some caution and restraint. The furious and frantic pace at which funding has been approved during the past 3 years must be stopped.

SDI is a schedule-driven research program rather than a technology L-based program. Because nonscientists have decided that we must make deployment decisions in the early 1990's regardless of whether or not all possible research programs have been explored and exhausted.

Decisions about the technologies to be explored and used should not be limited, influenced or compromised because a group of arms strategists, elected officials, and generals seek a nebulous and yet to be defined deployment decision by the early 1990's. Slow down, continue to fund. Vote Bennett.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. Mr. Chairman, fools rush in where angels fear to tread. In light of the fiscal deficit, I think the Bennett amendment is the most prudent course of action for the SDI Program. We are not trying to stop the program; we will be in a good position in conference; we are at three/one; the Senate is at three/nine; we will end up probably at three/five. That is a major increase in the SDI Program.

In light of the fairness doctrine across-the-board social programs, defense budget, I think we can move ahead in a military-appropriate way with prudent research and quality research. I think it is important that we adopt this Bennett amendment.

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, President Reagan has put the question of SDI in perspective. He has reminded us of the need for three components of national security:

> Modernizing our offensive nuclear retaliatory forces over the near term, negotiating radical reductions in offensive nuclear arms, and taking steps now to determine future options for ensuring deterrence and stability over the long term through the introduction of effective strategic defenses.

"Future options," that is the essence of today's debate. We are shaping the future of Presidential decisionmaking by what we do today.

The difference between what the committee has reported and what the Bennett amendment would allow is something more than dollars. It is the difference between continuing to move forward and starting to go backward.

Is the President's strategy—including SDI desirable? I think it is.

It is certainly more desirable than the death-of-a-thousand-cuts approach to arms control policy and foreign policy taken by his critics in this House for the past 5 years. A cut here, a slice there, a chop here—it is the butcher-shop approach to foreign policy and arms control.

Last week I mentioned this fact in regard to the vote on nuclear testing. And here we are today, once again, facing yet another attempt of the President's critics to dominate arms control and foreign policy, amendment by amendment by amendment.

To those who are worried that SDI might not become a reality let me say this.

Let us do what we have to do now by voting against this amendment and supporting the committee portion. No one can predict what the world will be like in 1990 or 1995.

To those who don't want deployment let me say: If you think SDI won't work—let adequately funded research continue. If you're right, if SDI can't work, research will show you're right. What have you got to fear?

Remember we're talking about a program that represents about 1.5 percent of the total defense budget and 10 percent of our total spending on strategic forces.

Are there legitimate scientific and technological questions about SDI? Sure there are. Are there geopolitical and geostrategic questions? Of course.

But we won't find answers by walking away from the tough questions. We need research along the lines the President wants and needs. That's how you get answers.

President Reagan wants a world in which national security depends on a new principle of the nuclear age—not massive retaliation, not mutual assured destruction, but protection and

defense, a truly humane strategy for a free people in the nuclear age.

Surely, this is one of the great visions of a rational, just and humane peace ever conceived by any world leader.

I would plead with you to not let his vision fall victim to the amendment-by-amendment death of a thousand cuts.

Support the President and in doing so, support a President of the future whose name is now unknown to us but whose responsibility to defend freedom will be just as great.

I would ask you to think of tomorrow. Think of the grave decisions that will have to be made then.

Don't make the President of the United States in the 1990's—Republican or Democrat, Liberal or Conservative—face those life-and-death decisions without the flexibility he or she needs.

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Mr. Chairman, my preference has been, and I think would continue to be, to support the higher figure as I supported the Dornan amendment and, yes, the Badham amendment thinking that might have an opportunity of prevailing here today. But certainly at this juncture I would urge you all to vote against the Bennett amendment with its outrageously low figure and support the committee and move ahead on this very strategic and important program.

Mr. BENNETT. Mr. Chairman, I yield as much time as he may consume to the gentleman from California, [Mr. LEVINE].

Mr. LEVINE of California. Mr. Chairman, I rise in support of the Bennett amendment, and I thank the gentleman for yielding.

Mr. Chairman, it is ironic that we should consider funding for the President's strategic defense initiative so soon after a majority of this House voted to override the President's veto of the textile bill.

It is ironic because the problem America is experiencing with textiles and other consumer products should serve as a warning to all of us to the dangers posed to our industrial base and our economy in the future if we fail to provide the funds needed for an aggressive civilian space program.

Just as the United States has lost the leadership position we once held in the production of clothes, shoes, cars, and home we now face the very real prospect of losing our leadership position in the exploration and commercialization of outer space.

While the Europeans, the Japanese, and other nations devoted their national talents to building better consumer products, we channeled our national resources into building better tanks, more deadly nuclear weapons, faster and more sophisticated jet airplanes, and other high-technology wonder weapons.

The consequences of this misdirection of resources are readily apparent today. Our trade deficit has soared. Thousands of workers have lost their jobs. The United States is now the largest debtor nation on Earth. And, our ability to compete in the world marketplace in the future has been compromised by a lack of resources to invest in new equipment, training, and technologies.

The same situation threatens to repeat itself in the race for space. As our international competitors intensify their space programs, ours sits dormant on the ground. Following the *Challenger* disaster, our manned space program has come to a halt. Our unmanned space program is virtually nonexistent.

Because we have chosen to pour money into the President's SDI Program, our civilian space effort has not had the resources it desperately needs. As a result of this lack of funds, we have been unable to follow up on the spectacular successes of the Voyager Program. We were unable to send a probe to Halley's Comet. We can only watch and listen as other nations roll back the frontiers of knowledge and begin to unlock the secrets of the universe.

Today we run the very real risk of losing the tremendous edge we have held in space technology since the days of John F. Kennedy. Recently Jane's Spaceflight Directory reported that the Soviet Union now holds an "almost frightening" lead on the United States in space experience. It estimates that our space program has fallen 10 years behind the efforts of the Soviets in the practical utilization of space.

While we sit, other nations are speeding ahead.

Already this year, the Soviet Union has conducted more than 40 major launches, placed a large new space station in orbit, has ferried astronauts between stations in orbit—a first in any nation's space program.

In the near future the Soviets hope to begin using a whole new generation of rockets, begin utilization of their version of the space shuttle, and place in orbit the first space-based radio telescope. Soviet scientists are now planning a series of unmanned probes to Venus, the Martian Moon Phobos, and beyond.

But the Russians are not our only competition. The European Ariane was taking business away from the space shuttle even before the *Challenger* explosion. The Chinese have quietly and methodically built a reliable and impressive space effort.

And, the Japanese have made significant investments in their own space program. It is expected that they will begin flying their own space shuttle by the 1990's.

Our nonmilitary space program is in grave jeopardy. The resources we have given to NASA are already inadequate. The situation will only grow worse in the future. Without immediate and drastic action the situation will only grow worse in the future. An important first step would be for the House to act today to scale back the SDI Program, and send a signal to the President that his priorities must be reordered.

Yet this administration wants to spend $750 billion on an unworkable, undefined, untested Rube Goldberg antimissile system which even its own spokesmen now say will do little more than defend our land-based ICBM's. That translates into a little more than $700 million per missile for each of our slightly more than 1,000 ICBM's.

Such an expenditure is pure folly. Yet, if we do not act now, there is a very real danger that SDI will gain such momentum that we may not be able to stop it. Equally important, we will have wasted valueable time and resources.

I want to stress that I do not oppose all research on SDI, nor am I so naive to believe that there are no justifiable military uses of outer space. Were it not for our military satellites, our ability to protect our national security and verify even the simplest arms control treaties would be compromised.

Yet, SDI threatens to compromise our ability to deploy even these important military payloads.

Mr. Chairman, the time has come for the Congress to chart a new course. We cannot afford to squander scarce national resources on SDI. We cannot afford to allow our competitors to lead the way into outer space.

We can continue a strong and effective military space program, without the absurd expenditures necessitated by SDI. We cannot maintain a viable civilian space program and fund SDI. The situation is as simple as that.

I urge my colleagues to join with me and vote to cut the SDI budget. The time has come to bring this dangerous and counterproductive program down to Earth.

Mr. BENNETT. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. BOUCHER). The gentleman from Florida [Mr. BENNETT] has 2¾ minutes remaining.

Mr. BENNETT. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the gentleman, Mr. BENNETT, very much for yielding to me.

Mr. Chairman, I would like to set the record straight. We only have 2½ minutes left in this debate. There are

those who mentioned that some of us voted for the Trident submarine. Let me tell you most emphatically we did. We did, and we demonstrated great support for a program. However, you ought to realize that we put a condition upon that, if funds were found. You know that, and you know it very well, do you not?

Now, the impression given here this afternoon during all this debate is that we are cutting money out of the SDI Program. The truth is we are not cutting a dime out of the SDI Program. As a matter of fact, under the Bennett amendment we give to the program a 3-percent real-growth factor.

But let me tell you the difference between the Bennett amendment and the House version as passed by the House Committee on Armed Services: You are talking about an increase in the House committee report of over 20 percent. We are not talking little nickels and dimes here; you are talking big money. The difference is this between the Bennett amendment and the House position, you are talking about $846 million.

And where do I hear the voices now on the budget deficit? Are we going to run away from that fact? Why do we not come and be up front with the American people and say to the American people although we have Gramm-Rudman, we are trying to reach the level of $144 billion deficit that the White House last week, the White House, this administration told the American people, "You can expect an additional $30 billion in deficits."

Do we not care about the deficit in this country? Do we not want to save an additional billion dollars? Do we cut out the SDI Program? We absolutely do not. We continue the program. It continues at a healthy pace. The only thing that is slowed down is the demonstration project.

You people know that as well as I do. The responsible vote today for the American people and for the security of our country is very simple: We save almost $1 billion dollars by voting for the Bennett amendment.

I urge all of you to do it.

Mr. DORGAN of North Dakota. Mr. Chairman, the President has asked Congress to fund a trillion dollar defense system which never can be tested. He has asked us to embrace his fantasy of protecting America with a continental shield which is riddled with holes.

The White House would ask us to place our faith in a national security shield which offers no protection, which squanders our defense budget, which rests on conceptual quicksand, and which endangers any hopes for genuine arms control.

Let me say at the outset that I have no time for star wars pipe dreams which have become the fantastically expensive and outrageously dangerous pets of the Reagan administration. At the same time, a modest and well-conceived research program can help protect us against either a Soviet breakthrough in strategic defenses or a Soviet breakout from existing arms control limits.

In a word, I don't favor pumping a trillion dollars or more into a defensive shield as leaky as an umbrella with skylights or sitting by idly while the Soviets take advantage of our carelessness. But making wise investments in SDI requires clear answers to several tough questions.

WILL SDI WORK?

Former Secretary of Defense Harold Brown recently argued that "the protection of the United States population from a comprehensive Soviet nuclear attack will not be feasible for decades to come." Many defense experts doubt that SDI will ever work as a continental shield.

A Congressional Research Service report to me concluded that "almost all analysts of the strategic defense initiative, including the Reagan administration, agree that the projects that are part of SDI will not be effective in defending against cruise missiles and bombers." The report went on to say that depressing the trajectory of missiles also posed a serious problem for SDI.

Since the Soviets have invested increasing amounts in these strategic weapons, it begs logic that we want to wear a strategic catchers mit with a torn webbing. I think almost anyone in this chamber could find better ways to invest the $5 billion requested this year for SDI to bolster our national defense.

Launching the 600 to 5,000 space shuttles needed to arm outer space with a full-blown defense would not only bleed our defense budget but stretch the limits of credibility as well. We would have to assume that computer experts could write 10 million lines of error-free code without ever having the chance to test the system. The challenge is not to shoot a bullet with a bullet, but to identify which among hundreds of thousands of potential weapons are missiles and then gun down the thousands which are not decoys.

As one adviser on a Pentagon SDI panel illustrated, 10,000 typing monkeys could have produced the Encylopedia Britannica. But the chance of that is virtually nonexistent.

So umbrellas chock full of holes are not better in war than they are in the rain.

IS SDI A WISE INVESTMENT?

The Congressional Office of Technology also concluded that chances of a comprehensive defense working were so remote as to make it a hollow idea for public policy consideration. A more feasible idea is to focus SDI research on a point defense of our ICBM missile fields.

This option offers some promise, especially to the extent that we jettison archaic, fixed ICBM's in favor of mobile missiles like the Midgetman. SDI research also makes sense to the extent that it works on ground-based defense and avoids the exotic "Star Wars" fantasies which energize so much of the administration's SDI plan.

Let's also take this research a step at a time in a gradual, well-conceive fashion. The question is not whether we should support a robust research program—as Senator SAM NUNN advocates—but how much we invest, in what, and at which pace.

I believe that we can make those advances with $1 billion for fiscal year 1987—and certainly with no more than $3 billion. This would allow for last year's level plus inflation—a richer diet than the rest of the defense budget may enjoy.

Neither is the question "Can we afford SDI in some imaginery world? A definitive paper on "the Fiscal and Economical Implications Strategic Defense" prepared for the Johns Hopkins Foreign Policy Institute shows that SDI will cost anywhere from $20 billion for a point defense of missile fields to $770 billion for a comprehensive defense of both our population and retaliatory forces. The authors show in a summary article on their research what are the tradeoffs in diverting money for SDI from other defense or domestic activities. I include "Where the Money Would Come From" by Barry M. Blechman and Victor A. Utgoff for the RECORD.

The study shows that SDI will eat up ever larger shares of our strategic and conventional defense budgets unless we make even deeper cuts in domestic programs or opt for a tax increase of up to 11 percent. None of these choices make sense to me.

Should we trade for SDI, for example, the equivalent of eight carrier battle groups, 27 wings of F15 fighters, or 14 armored divisions? Should we be ready to give up the annual investments in federal education aid, farm price supports, or half the Medicare Program for even a limited SDI system? Do we want to levy an extra $570 a year in taxes on the average American family to pay for SDI rather to save for a college education?

I simply don't feel that the current confusion over what SDI should look like and what it can do justify these tradeoffs.

Mr. Chairman, I could raise further questions about the negative impacts of SDI on alliance relations and arms control. I have grave concerns that overinvestment in SDI will erode the NATO alliance and trigger an enormously costly arms race—as the Soviets see SDI as the ultimate threat to their own strategic weapons.

Admittedly, as Secretary Brown and Senator NUNN have both argued, SDI does serve as a negotiating lever with the Soviet Union. The Soviets fear the prospect of United States investments in SDI. But let us then use that leverage to reduce the offensive arsenals of both sides instead of squandering hundreds of billions on a macabre fantasy. As the chairman of President Reagan's Blue Ribbon Commission on Strategic Forces, Gen. Brent Scowcroft, explained:

> It would be difficult to induce the Soviets to reduce their offensive forces if they faced the prospect of a strategic defense for which they might need those offensive forces to penetrate.

In my view, a full-blown SDI flunks the tests of feasibility, budget, logic, and arms control. I would advocate instead, a moderate and controlled research effort, targeted at realistic systems, wedded to genuine arms control, and balanced against the other elements of national security: Strong conventional and strategic defenses, a vibrant society, and a robust economy.

The article follows:

[From the Washington Post Aug. 10, 1986]

WHERE MONEY WOULD COME FROM

(By Barry M. Blechman and Victor A. Utgoff)

The United States could afford to deploy a strategic defense system, if it chose to do so. But it would have to divert substantial resources from other military and civilian activities.

We have prepared cost estimates for four possible versions of strategic defense, shown above. The most expensive system, which we call "Gamma," would entail annual expenditures on the order of $44 billion during its 10 most demanding years.

This is a large amount of money; more than a 15 percent real increase in the current level of defense outlays. It would represent a commitment of roughly one percent of the nation's resources for this single purpose for a sustained period of time. Such a commitment, however, would raise defense expenditures to only about 7 percent of the gross national product, a figure which has been far exceeded during wars, and matched or exceeded for all but a few of the peacetime years from 1945 to 1970. (Since 1970, U.S. defense spending has varied between about 5 and 6 percent of GNP.)

But the pertinent question isn't whether the country could afford strategic defense theoretically. It is what economists call the "opportunity cost," or the alternative spending that the nation would have to give up to afford SDI. Dollars allocated for strategic defenses would not be available for other defense needs or for federal civilian programs. Or, if all other federal programs were protected, the cost of strategic defenses would have to be taken from private resources, by raising taxes or by deficit financing. Either way, someone would pay the price.

The best way to understand the opportunity costs of the four strategic defense systems we have outlined is by examining their budgetary requirements in the contexts of traditional levels of spending on strategic forces, the defense budget overall, the federal budget and the U.S. economy in aggregate. This analysis shows:

Strategic defense couldn't be financed within historical levels of spending on strategic forces unless that portion of the defense budget were increased 60 to 100 percent from current levels, to between $40 billion and $50 billion. Even then, it would be possible only if spending on strategic defenses were held to the levels envisioned for the "Alpha" or "Beta" systems, roughly $10 billion per year. Neither of the systems employing space-based components could be financed at historical levels of spending for strategic forces, under any realistic circumstances.

Strategic defenses couldn't be financed within normal levels of military spending without sharp cuts in other Pentagon programs.

The defense budget has risen, on average, close to 2 percent per year, in real terms, since World War II, factoring out Vietnam and Korea. If this long-term growth rate continues, there isn't likely to be a sufficient margin to pay for a comprehensive strategic defense system, nor even to expand the strategic portion of the budget to pay for the "Alpha" or "Beta" systems, unless trade-offs are made with other defense requirements.

As examples of such trade-offs, the $160 billion, 10-year cost of the "Alpha" system is comparable to the cost of eight carrier battle groups, or 27 wings of F15 fighters, or 14 armored divisions. Annual expenditures for the "Gamma" system would require even tougher trade-offs. Those costs are roughly comparable to what the Navy or Air Force currently invests in all weapons development and procurement. They would be twice what the Army now spends for such purposes.

Defense spending could be raised beyond its historical trend to finance strategic defenses. This could be accomplished without increasing the government's share of national resources by cutting spending on federal civilian programs.

Annual peak 10-year expenditures required for the "Alpha" system are roughly the same as current annual federal outlays for higher education, for example. The $37 billion and $44 billion annual peak expenditures required for the "Delta" and "Gamma" systems, respectively, compared to the $25 billion expended in 1986 on farm income stabilization, the $30 billion spent for health care services, and the $7 billion expended for Medicare. All told, funding the "Delta" system during its peak 10 years would require cutting about one-fifth of the current $180 billion in so-called "discretionary non-defense federal spending."

Federal revenues will increase with economic growth, of course, even in the absence of tax increases, but other proposed uses for federal expenditures, such as infrastructure renewal and improving the educational system, will impose strong competing demands.

Increasing federal revenues to pay for strategic defenses would not receive serious attention this year, but it could be considered in the future. Financing the "Gamma" system in this way, for example, would require roughly an 11 percent increase in federal revenues from individual income taxes (based on 1985 returns). For an average family earning between $30,000 and $50,000 a year, this would mean an increase of about $570 a year in their tax bill. Alternatively, under the current tax code, the system could be financed by raising revenues from corporate income taxes by about 50 percent, or by roughly doubling the income from excise taxes. Of course, any increase in federal taxes would mean reduced individual consumption or savings, and potential effects on economic growth, employment, and inflation.

In addition to the economic cost of SDI would be the effects on specific industrial and scientific sectors. An undertaking on the scale of the "Gamma" system could strongly affect the availability and price of certain kinds of scientists and engineers, computer programmers, and other specialists. It also could distort markets for specific types of materials and manufactured goods. Given sufficient lead times, however, federal intervention to encourage growth in relevant occupationals and affected industries probably could minimize any adverse effects.

In summary, unless far cheaper ways can be found for building these systems, the nation will face some very tough decisions in financing strategic defense.

Mr. COELHO. Mr. Chairman, I rise in support of the Bennett amendment. This amendment offers generous funding for a robust research program into strategic defenses. I am convinced that further increases—above and beyond the $3.13 billion proposed here—definitely would hinder, not help, efforts to strengthen U.S. national security.

As we wade through this budget process, we must keep national security uppermost in our minds. Priorities must be set and clear. Our immediate priority is fixing the potholes in the star wars research program. Those holes come from premature demonstrations of SDI technology which have substantially damaged our scientific research and slowed progress. Even though we're just starting out on the road to defensive systems, the star wars highway already is littered with flat tires and deserted vehicles.

These false starts have taken their toll. To save the lives of our research projects, we must observe the speed limit. Otherwise, millions of tax dollars will be foolishly wasted on technology that just isn't ready. Research can't be rushed. And we, the ones who must distribute the star wars funding, must be aware that we are fueling a suicidal research program.

This is a very serious problem. SDI researchers can see the potholes. They know where the damage lies. They are aware that erosion from premature demonstrations may be one of the greatest obstacles to star wars.

But these problems are going to continue unless we do something about it. Why? Because there is no baseline architecture for SDI. There is no coherent plan to guide the pending judgment on star wars. Without a baseline architecture, anyone involved in the project can start down the road before it's even ready. So, at the expense of long-term research, we see flashy demonstrations of technology.

Scientists warn us that the research program cannot be rushed. Their concerns show how the administration's eagerness to demonstrate the viability of defenses may be jeopardizing the program itself.

First of all, premature demonstrations involve major technological costs. Instead of demonstrating mature technologies that one day may provide the backbone for a ballistic missile defense, these so-called experiments only show the potential of certain parts. These parts are not yet integrated in a fuller program. They may never be. As a result of early demonstrations, the technology is stalled at the level of the demonstration, thereby preventing it from advancing further. That's an early death for good ideas. Progress is frozen. Research is interrupted before it can mature to its fullest capacity.

These experiments are also very expensive. To pay for them, the money necessary for serious long-term research often is diverted from associated work programs, long before the research project itself is completed.

Further program disarray results from constant reorienting of SDI projects. Almost one-half of star wars projects have been down-selected, reoriented, or given new missions. A program that sees that many alterations—no matter how reasonable the changes—must be in complete organizational chaos.

There is an equally damaging political aspect to premature demonstrations of SDI technology. These demonstrations are being used to bolster support for star wars. Lieutenant General Abrahamson has been very blunt about the role of demonstrations in gaining congressional support. As he explained: "I

can bring in a whole bunch of equations to some Congressman and say, 'Look, it's possible,' and he'll say 'So What?' There have to be certain demonstrations to show things are feasible."

It is exactly this approach about which scientists caution us. The Director of Systems Studies at Sandia National Lab, Roger L. Hagenruber, has asked a serious question: "Will the science be negatively affected by the fact that there's so much pressure for stunts and demonstrations?" His own answer is blunt and disturbing: "Clearly the answer is yes, especially as the dollars go down." George H. Miller, head of defense programs for Lawrence Livermore Laboratories echoes this apprehension: "I'm very alarmed at the degree of hype, promises and a failure to focus on what this * * * really is—a research program with lots of unanswered questions * * * I'm afraid the public is losing sight of how difficult this job is."

Star wars has been side-tracked far from the President's initial proposal. To quote Paul S. Brown, assistant associate director for arms control at Livermore Lab: "When you consider what the President intended, which was a leakproof umbrella, I think that that's something that very few scientists think is going to be possible." No longer envisioned as a perfect shield, star wars still coasts off the momentum of that original vision.

We should not be fooled. The people back home want answers. They want promises. But not one of us can turn to them today and say, "Your tax dollars are going to build a perfect shield against nuclear weapons over America." No, we must acknowledge that the flashy demonstration projects seen on TV are merely disconnected examples of technology. They are aimed at our imagination, not at reality.

Without any baseline architecture for star wars, we're facing a long trip down an unpaved road. While Congress is being shown the Cadillacs and Rolls-Royces that are designed to get us to a successful defense, the star wars highway department lacks the basic equipment to even build the road. And they already face gaping potholes and dead ends in the research program.

This is not something that a budget-conscious Congress can underwrite. Nor is it something the American people support. Neither the public nor Congress wants a program that is wasting resources and wasting money on careless work. The goal is solid research, not squandered resources.

Let us save ourselves and our country a major headache by thinking through the route we take and face the problem today. Let us vote for a SDI budget which says no to premature demonstrations and yes to thorough, thoughtful research. Let's keep the work in the labs and off the launching pads. Only then will we know whether our dollars are being well spent on down-to-earth research or squandered on pie-in-the-sky-demonstrations.

Support well-paced research, not impatient risk-taking. Vote for the Bennett amendment and keep our science scientific and our budget believable.

Mr. FORD of Michigan. Mr. Chairman, I rise in support of the amendment offered by my colleague, the gentleman from Florida [Mr. BENNETT].

Mr. Chairman, 3 years ago President Reagan caught the American public and the U.S. Congress by surprise with a speech that introduced his vision of a new space-based system that would make nuclear weapons impotent and obsolete. The idea, which later evolved into the Strategic Defense Initiative [SDI] Program, became the main focus of a major public relations campaign that resulted in the biggest, most ambitious weapons research programs ever witnessed in the history of our Nation.

At that time, the President envisioned a space-based system that would protect United States citizens from a Soviet nuclear attack. There are three basic reasons why the SDI Program could never fulfill the President's claims. First, SDI would only provide a defense against one kind of nuclear attack—a ballistic missile launched from a distance. Currently, the Soviet Union strategic nuclear forces include 6,420 total warheads on ICBM's—Intercontinental ballistic missiles. It would not protect against missiles fired from submarines or from low-flying bombers. The Soviet Union has a total of 3,664 nuclear warheads on their SLBM's—Submarine-launched ballistic missiles—and bombers.

Second, even against long-range ballistic missiles, SDI could not be 100-percent effective. Not even SDI's strongest supporters claim this is possible. Even if SDI could stop 90 percent of incoming Soviet nuclear weapons—a possibility that many analysts consider unlikely—the United States would still suffer between 75 and 95 million casualties. Third, the Soviets already have the ability to develop offensive countermeasures which could overwhelm a defensive system.

Once again, the President's Pentagon budget for fiscal year 1987 contains proposals that would require spending on large, complex weapons systems. The administration has requested more than $36 billion for the SDI program over the next 5 fiscal years. For fiscal year 1987 alone, he has requested $5.3 billion—an increase of 77 percent over current appropriations of $3 billion. Funding would rise to $6.3 billion in fiscal year 1988, 130 percent higher than the current level. Under a special provision of Gramm-Rudman-Hollings, the President protected the SDI program from the first round of budget cuts. Instead, the mandated savings in the defense budget came from other important research programs.

The Armed Services Committee provided $3.8 billion for the SDI program. The Bennett amendment would reduce SDI funding to $3.1 billion, a level equal to the fiscal year 1986 appropriation plus an adjustment for anticipated inflation. This amendment provides adequate funding for a research program that we have been conducting for years under the long-accepted terms of the Antiballistic Missile Treaty of 1972. This research has helped to protect the United States from technological surprises and breakouts in the missile defense area on the part of the Soviet Union.

By supporting the Bennett amendment, we are putting a stop to the rapid increase in funding for the SDI Program. This increase does not make sense in a time of record Federal deficits. Former Secretaries of Defense Harold Brown and James Schlesinger have estimated that the costs of the SDI program could approach $1 trillion. Increased funding for the SDI will hinder our attempts to provide adequate resources for readiness operations, maintenance, and conventional forces.

The administration's support for a rapid increase in the SDI budget can only result in a new round in the arms race. History shows that when one superpower has developed missile defense systems, the reaction of the other country has been to put a premium on building new weapons and to improve older ones in order to help penetrate the missile defense system.

Mr. Chairman, by supporting the Bennett amendment, we are taking an important step in containing the administration's SDI Program. Our first priority in the defense of the Nation should be the improvement of our conventional forces. Deep cuts in those forces for the sake of such big-ticket items as SDI are a grave mistake. By reducing the level of funding for this program, we are allowing ourselves the necessary time to take a good look at our priorities and act accordingly.

Mr. MOAKLEY. Mr. Chairman, I rise in support of the BENNETT amendment. I believe we must take the opportunity to head off one of this year's most wasteful expenditures of taxpayers' money.

Administration officials have avoided putting any price tag on the strategic defense initiative. They are clever. The total cost of star wars would scare anyone interested in maintaining a healthy American economy. But avoiding the question does not mean that the bills for SDI won't have to be paid—and paying for SDI will be as hard as making it work. The administration's fantasy space defense will have to be funded by hard-earned dollars from Earth.

As keepers of this Nation's budget, how can we justify to the public a 77 percent funding growth for a nebulous research program that seems to have no constraints and a boundless appetite for money? We cannot!

The amount of funds devoted to the strategic defense initiative has more than tripled in 3 years, growing from less than a billion dollars in fiscal year 1984 to a request of $4.8 billion for fiscal year 1987. When the Department of Energy funding for SDI is included, this year's star wars budget request jumps to $5.4 billion.

That's billions with a "B"!

We must come to grips with the national debt. In a period of fiscal austerity, we are accepting zero-growth defense budgets and cuts in vital social programs. There is understandable concern in this Chamber and amongst the American public over spending hundreds of billions of dollars for a ballistic missile defense [BMD] system that will, at best, be only partially effective against Soviet nuclear missiles, could never be tested under realistic conditions, and may increase the nuclear instability we already face.

What motivates such high spending requests? Let's not kid ourselves—some mythology is at work here. I am worried that star wars supporters see SDI as a way for the United States to exploit its technological superiority over the Soviet Union. The myth is that

we can spend our superpower rival into submission. The healthier American economy, it is argued, would be better able to withstand the burden of the unbridled competition in the offensive and defensive weapons that star wars will spawn.

Mr. Chairman, no one wins by risking the economic health of our Nation. Rather than hasten the collapse of the Soviet economy, an escalating arms race promises to siphon vast resources from the U.S. Treasury. Meanwhile, this compromises U.S. national security.

We must use our minds, not our money. We can't get rid of the Soviet threat with a big check. Both of us are here to stay. Given that fact, the United States should not spend itself into illness and insecurity for a flawed vision. We are strong enough to make wise and prudent choices.

But prudence is difficult without information. The administration refuses to discuss overall costs until a final system architecture has been selected. While it is admittedly difficult to make cost estimates for a long-term program relatively soon after its creation, it is more likely that the Pentagon's reluctance stems from the perception that the American people will not embrace a leaky missile defense at a cost of several hundred billion dollars.

Former Secretary of Defense, James Schlesinger, has estimated the cost to develop and deploy a system like SDI at approximately $1 trillion. He arrived at that figure based upon expenditures for the much less ambitious "safeguard" Missile Defense Program during the Nixon Administration. Robert McNamara, former Secretary of Defense for both Presidents Kennedy and Johnson, has testified before congress that "if you want to go * * * for some degree of population protection, you're talking between $500 billion to $1 trillion without any question.

And that's just the deployment cost. Staggering as they are, these estimates do not include the maintenance costs for a complex system of land and space based weapons. According to another former Secretary of Defense, Harold Brown, this could mean an additional $100 billion per year. Furthermore, think of all the components of a space-based system. For example, the cost of transportation systems for launching SDI weapons into space are enormous. Using figures from the Strategic Defense Initiative Organization [SDIO], transportation expenses for just the baseline architecture would range from $87 to $174 billion. SDIO estimates that phase I architectures may cost as much as $600 billion.

Other hidden costs could emerge because the system under consideration by the SDI is designed solely to defend against ballistic missiles. Confronted with this, the Soviets are certain to increase their reliance on ground-hugging, radar-defying cruise missiles and fast, low-trajectory submarine-launched missiles, both of which would fly under the proposed defense system. An effective star wars system, therefore, would have to include a large and extremely costly defense network to counter this evolving threat. According to Gen. Robert Herres, U.S. Space Command Chief, the Air Force is launching an air defense initiative to shoot down bombers and cruise missiles.

All of this illustrates one basic fact: it is impossible to estimate a final cost because there will be no final SDI system. As we become embroiled in an action-reaction arms race with the Soviet Union, both sides will attempt to bolster their own defense system while rendering the other's ineffective, forcing expenditures to mount rapidly. With both sides pursuing countermeasures and counter-countermeasures, funds needed to reinforce and maintain an effective US defense—while attempting to foil a Soviet system—could be limitless.

History has demonstrated that the Soviet leadership will do whatever is necessary to meet what it perceives as a provocative new military challenge from the United States. The Soviet economy is nowhere near as strong as that of the United States. Nevertheless, it is wishful thinking to believe that the Soviet Union will not make the sacrifices necessary to ensure its own security. According to Sayre Stevens, former Deputy Director of the CIA, "the Soviets will do what they have done in the past: spend money and allocate resources to the extent that they are required by the military demands they find facing them."

The administration's reluctance to discuss the costs involved in development and deployment of a star wars system emphasizes the risk of underwriting a program which has no limits. Cost estimates remain incredibly vague. I need to see a concrete analysis of where our money is going, how much it will cost overall, and what I can expect SDI to cost in the future. The investment of our resources demands answers to each of these questions and many others.

Our security is not enhanced by getting into an economic star wars race with the Soviets. We cannot bet our security on their economy. Rather than touch off a new, dangerous and expensive round of the arms race, we can save billions of dollars by constraining foolish gambles.

I urge my colleagues to support the Bennett amendment. Our national military and economic well-being depends on bringing some sanity into the star wars budget battle.

Mr. MATSUI. Mr. Chairman, I rise today in strong support of the Bennett amendment. I question our rush to throw money at the strategic defense initiative—before we even know what it will offer for our national security.

Somehow, somewhere the administration has discovered a star wars gap. That gap, we are told, needs to be filled with tax dollars. But Congress does not have an endless supply of money. We are already straining our limited resources to meet the budget. Meanwhile, the administration's alarmist approach endangers careful policymaking and creates a stampede where caution is needed.

There is time to think first and fund second. Before trying to outrace and outspend the Soviets, let's see if they are even in the race. Let's see if this is a serious issue or just a last resort argument. We want to do better than build the world's biggest sponge—one which soaks up money, not missiles.

The administration has dusted off an old argument and repackaged it to claim that the Soviets are ahead of us in space-based missile defense. As with earlier feared gaps—the bomber gap of the 1950's and the missile gap of the 1960's—the star wars gap is mythical. Technological advances strongly favor the United States. Nevertheless, scare tactics are being used to secure congressional support for this highly controversial program.

Contrary to Secretary of Defense Weinberger's contention that the Soviets "are ahead of us now in many important aspects of this field," Pentagon officials in charge of SDI say the United States holds a commanding lead. Lt. Gen. James Abrahamson, director of SDI, has stated that, "in the key areas needed for a broader defense * * * we are far, far ahead." Dr. Robert Cooper, the Director of the Defense Advanced Research Projects Agency [DARPA], testified before the Senate Armed Services Committee in 1984, stating that "I don't think that the Soviets are far advanced as to where we stand in many, if not most, of these technologies."

If the Soviets lead the United States it's news to the Pentagon. A 1986 Pentagon report shows that the U.S.S.R. does not lead in a single critical area of military technology. Top military people state that we lead in 14 of the 20 most important basic technology areas. Of the remaining six areas, the United States stands on equal terms with the Soviets.

Does this sound like Soviet superiority? Not to anyone who can count. And everyone in this chamber has to count very carefully as we are asked to spend billions of tax dollars racing against an imaginary Soviet space lead.

The Soviets have concentrated attention on—and are considered to be ahead of the United States in—a type of laser which former DARPA Director Cooper says the United States has essentially abandoned in favor of a missile defense. "We have been down that alley," Cooper told the Senate Armed Services Committee in 1984. The Soviets have also devoted large resources to the development of particle beam technologies, but United States defense experts see these as impractical for missile defense. This year, we purposely spent less than 5 percent of SDI funding on particle beam research.

Another Soviet paper tiger is the ABM system around Moscow. It is ancient—and essentially identical to the system we put out to pasture in 1975. According to Sayre Stevens, former Deputy Director of Intelligence at the CIA and currently a member of the Pentagon Defense Science Board, the Soviets' ABM system "cannot seriously hinder a U.S. attack on Moscow." Secretary Weinberger also has argued that they "are not terribly effective systems." Stevens has summed up the Soviet ballistic missile defense program: "The Soviet BMD program * * * has only now achieved the level of technology that was available to the United States 10 years ago."

We've been down that road. Let's face this fact—and not make the same mistake again.

Finally, the U.S.S.R.'s extensive antiaircraft network causes purveyors of the star wars gap to warn that Soviet air-defense systems could be adapted for ballistic missile defense purposes. In fact, Soviet surface-to-air missiles cannot perform this BMD mission. They generally lack the necessary capacity to accelerate and maneuver enough to avoid countermeasures.

Time and time again United States military planners have stated that the Soviet defense network would be ineffective against a coordinated United States attack. I direct you to the words of Robert Gates, the CIA's Deputy Director of Intelligence, who testified before Congress that "against a combined attack of penetrating bombers and cruise missiles, Soviet air defenses during the next 10 years probably would not be capable of inflicting sufficient losses to prevent large-scale damage to the U.S.S.R."

In the mid-1950's, we had a bomber gap. In the early 1960's, the bomber gap gave way to the missile gap. Neither gap proved real. U.S. national security remained strong.

I contend that the star wars gap is equally fictitious. Nowhere do we have concrete evidence of a Soviet lead in space-based missile defense.

My colleagues, join me in a reasoned discussion of SDI. Let's not rush off to fill a gap that doesn't exist.

The argument that the United States needs to accelerate SDI funding in order to keep pace with the Soviets is unconvincing. Since before 1984, the United States has maintained an overwhelming lead in missile defense technologies through an expenditure of less than $1 billion per year.

The fact that SDI proponents have resorted to the use of a star wars gap to garner support for the program is a clear sign that their other arguments are inadequate. And the mythical star wars gap provides no justification for increasing SDI funding 75 percent over last year's level of $2.8 billion.

I urge you to support the Bennett amendment and rid us of the fear tactics used to support a program unable to stand on its own merits alone.

Mr. FRENZEL. Mr. Chairman, I support the Bennett amendment to provide $3.1 billion in funding for the strategic defense initiative [SDI] for 1987.

Ever since this program's inception, I have been torn between interest in the program's potential, and dismay at the growth in its cost. This year is no exception.

Last year, I favored funding of $2.5 billion, and was disappointed to see that mark rise to $2.8 in conference with the Senate. This year, I would support a freeze effort at $2.8 billion should such an effort appear promising.

The Bennett amendment, however, appears to be the main vehicle for those hoping to pursue an SDI program with some research potential, but with a sharply lower price tag than the President's request of $4.8 billion. Therefore I shall support the Bennett amendment.

This country simply cannot afford the rapidly escalating pace of exploration the President has requested. I question whether research abilities can keep up with that level of funding growth. The Bennett spending level of $3.1 billion, would allow continued development and refinement of our research, while remaining at least a semblance of fiscal control.

Mr. Chairman, SDI has been with use for several years now. I support the continuation of the program, but it has not earned a blank check from the Congress. We can indulge in huge spending increases here, unless we are willing to cut back somewhere else. I don't see many cuts in this bill.

I believe that during the coming year, it will be critical for the administration to provide greater focus for the program. There are important and basic questions outstanding about a program to which we have already devoted several billion dollars.

I believe that the program retains a potential which is worth exploring at a substantial level. I also believe, however, that this year ought to provide clearer answers to questions that have arisen. A freeze at $2.8 billion or a slight increase to $3.1 billion is by no account a small commitment and it should be adequate to yield some important answers.

Mr. BENNETT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. BENNETT].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BENNETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 176, not voting 16, as follows:

[Roll No. 328]

AYES—239

Ackerman	Derrick	Henry
Akaka	Dicks	Hertel
Alexander	Dingell	Horton
Anderson	Donnelly	Howard
Annunzio	Dorgan (ND)	Hoyer
Anthony	Dowdy	Hubbard
Applegate	Downey	Hughes
Aspin	Durbin	Jacobs
Atkins	Dwyer	Jeffords
AuCoin	Dymally	Jones (NC)
Bates	Dyson	Jones (OK)
Bedell	Early	Kanjorski
Beilenson	Eckart (OH)	Kaptur
Bennett	Edgar	Kastenmeier
Bereuter	Edwards (CA)	Kennelly
Berman	English	Kildee
Biaggi	Evans (IA)	Kleczka
Boggs	Evans (IL)	Kolter
Boland	Fascell	Kostmayer
Bonior (MI)	Fawell	LaFalce
Bonker	Fazio	Lantos
Borski	Feighan	Leach (IA)
Bosco	Fish	Leath (TX)
Boucher	Florio	Lehman (CA)
Boxer	Foglietta	Lehman (FL)
Brooks	Foley	Leland
Brown (CA)	Ford (MI)	Levin (MI)
Brown (CO)	Ford (TN)	Levine (CA)
Bruce	Frank	Long
Bryant	Frenzel	Lowry (WA)
Bustamante	Frost	Luken
Byron	Garcia	Lundine
Carper	Gejdenson	MacKay
Carr	Gephardt	Manton
Chandler	Gibbons	Markey
Chapman	Glickman	Marlenee
Coble	Gonzalez	Martinez
Coelho	Gordon	Matsui
Collins	Gray (PA)	Mavroules
Conte	Green	Mazzoli
Conyers	Guarini	McCloskey
Cooper	Gunderson	McCurdy
Coughlin	Hall (OH)	McGrath
Coyne	Hamilton	McHugh
Crockett	Hatcher	McKernan
Daschle	Hawkins	McKinney
de la Garza	Hayes	Meyers
Dellums	Hefner	Mica
Miller (CA)	Roe	Swift
Mineta	Rose	Synar
Moakley	Rostenkowski	Tallon
Mollohan	Roukema	Tauke
Moody	Rowland (GA)	Torres
Mrazek	Roybal	Torricelli
Murphy	Russo	Towns
Natcher	Sabo	Traficant
Neal	Savage	Traxler
Nowak	Scheuer	Udall
Oakar	Schneider	Valentine
Oberstar	Schroeder	Vento
Obey	Schumer	Visclosky
Olin	Seiberling	Volkmer
Ortiz	Sharp	Waldon
Owens	Sikorski	Walgren
Panetta	Slattery	Watkins
Pease	Smith (FL)	Waxman
Penny	Smith (IA)	Weaver
Pepper	Smith (NE)	Weiss
Perkins	Smith, Robert (OR)	Wheat
Petri	Snowe	Whitley
Porter	Solarz	Whitten
Price	Spratt	Williams
Pursell	St Germain	Wirth
Rahall	Staggers	Wise
Rangel	Stallings	Wolpe
Ray	Stark	Wright
Regula	Stenholm	Wyden
Ridge	Stokes	Yates
Roberts	Studds	Yatron
Rodino		Young (MO)

NOES—176

Andrews	Hall, Ralph	Pickle
Archer	Hammerschmidt	Quillen
Armey	Hansen	Reid
Badham	Hartnett	Richardson
Barnard	Hendon	Rinaldo
Bartlett	Hiler	Ritter
Barton	Holt	Robinson
Bateman	Hopkins	Roemer
Bentley	Huckaby	Rogers
Bevill	Hunter	Roth
Bilirakis	Hutto	Rowland (CT)
Bliley	Hyde	Rudd
Boehlert	Ireland	Saxton
Boner (TN)	Johnson	Schaefer
Boulter	Jones (TN)	Schuette
Broomfield	Kasich	Schulze
Burton (IN)	Kemp	Sensenbrenner
Callahan	Kindness	Shaw
Carney	Kolbe	Shelby
Chappell	Kramer	Shumway
Chappie	Lagomarsino	Shuster
Cheney	Latta	Siljander
Clinger	Lent	Sisisky
Coats	Lewis (FL)	Skeen
Cobey	Lightfoot	Skelton
Coleman (MO)	Lipinski	Slaughter
Coleman (TX)	Livingston	Smith (NJ)
Combest	Lloyd	Smith, Denny (OR)
Courter	Loeffler	Smith, Robert (NH)
Craig	Lott	Snyder
Crane	Lowery (CA)	Solomon
Daniel	Lujan	Spence
Dannemeyer	Lungren	Stangeland
Darden	Mack	Strang
Daub	Madigan	Stratton
Davis	Martin (IL)	Stump
DeLay	Martin (NY)	Sundquist
DeWine	McCain	Sweeney
Dickinson	McCandless	Swindall
DioGuardi	McCollum	Tauzin
Dornan (CA)	McDade	Taylor
Dreier	McEwen	Thomas (CA)
Duncan	McMillan	Thomas (GA)
Eckert (NY)	Michel	Vander Jagt
Edwards (OK)	Miller (OH)	Vucanovich
Emerson	Miller (WA)	Walker
Erdreich	Molinari	Weber
Fiedler	Monson	Whitehurst
Fields	Montgomery	Whittaker
Franklin	Moorhead	Wilson
Fuqua	Morrison (WA)	Wolf
Gallo	Murtha	Wortley
Gaydos	Myers	Wylie
Gekas	Nelson	Young (AK)
Gilman	Nichols	Young (FL)
Gingrich	Nielson	Zschau
Goodling	Oxley	
Gradison	Packard	
Gray (IL)	Parris	
Gregg	Pashayan	

NOT VOTING—16

Barnes	Flippo	Mikulski
Breaux	Fowler	Mitchell
Burton (CA)	Grotberg	Moore
Campbell	Hillis	Morrison (CT)
Clay	Jenkins	
Dixon	Lewis (CA)	

□ 1925

The Clerk announced the following pairs:

On this vote:

Mr. Barnes for, with Mr. Campbell against.

Mr. Morrison of Connecticut for, with Mr. Lewis of California against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1935

The CHAIRMAN pro tempore (Mr. SIKORSKI). Pursuant to House Resolution 531, it is in order to debate the topic of strategic nuclear arms limitations for 1 hour and 30 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After the completion of such debate, it is in order to consider the following two amendments contained in House Report 99-766 relating to such limitations, which shall not be subject to amendment or to a demand for a division of the question, but each shall be debatable for 20 minutes, to be equally divided and controlled by the proponent and a Member opposed thereto and shall be considered only in the following order:

(1) An amendment offered by Representative DICKINSON, or his designee;

(2) An amendment offered by Representative DICKS, or his designee.

The gentleman from Wisconsin [Mr. ASPIN] will be recognized for 45 minutes, and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 45 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I would like to start this debate today by saying that there is no one in this Chamber who wants more fervently to see our President gain an agreement on strategic arms with the Soviet Union. I hope very passionately that we get that agreement in the next year. I think the President has a historic arms control opportunity and I hope that he will seize it. I believe he would have tremendous support in the Congress and among the American people. And assuming it was a fair and verifiable agreement, I think that agreement would be ratified by the Senate.

Today I want to talk about a very important issue. That is whether we as a country will continue to abide by the limitations, the sub-ceilings on MIRV offensive weapons, in the SALT II agreement.

The question today if not about the SALT Treaty itself. It is about the policy of the Reagan administration. For 5½ years this administration said that it would not undercut the SALT II agreement.

The President was quoted in a New York Times magazine article of October 6, 1985, about why he had made that decision. He said, "I learned that the Soviet Union had the capability to increase weaponry much faster than the treaty permitted and that we didn't."

Now, what I am telling you today is that fact is still relevant. The Soviet Union today could add more warheads than can we because they have more warm production lines and they have heavy missiles which they could add additional warheads to.

It is estimated by the CIA and by the Congressional Budget Office that on their SS-18's they could add 3,000 or 4,000 warheads. Under SALT II, there is a limit of 10 warheads on any missile. If we tear up the agreement, then the Soviets can add those extra warheads to the large ICBM's.

I think SALT II has been of benefit to us also because the Soviet Union has been forced to dismantle under SALT II 500 launchers, and when you combine SALT I and SALT II is over 1,300 launchers.

Now, SALT II does not restrain the ability of the United States to modernize our forces. We can go ahead with them. In fact, what is it that we gain if we tear up the SALT II agreement? I would argue that we gain very little. We get the ability to add one or two or three additional cruise missile carrying bombers or we could keep in operation some Poseidon submarines that are over 20 years old. To date, we have decided keeping them in service was not cost-effective.

I think there is much at risk if we let the Soviets break out.

General Bennie Davis, who was in charge of the Strategic Air Command, said this in testimony before the Senate last year about the SALT II agreement:

> If they were to break out of the treaty limits of SALT II, the disparity between the numbers of warheads held by the Soviet Union and the U.S. will be significant. Any action by the USSR which would change the nuclear balance so dramatically could adversely affect strategic stability.

Now, we have got a budget crisis. We are faced with $200 billion deficits. We have enacted Gramm-Rudman into law.

It is estimated that without SALT II the Soviets could add an additional 10,000 warheads, and you know what the administration would say then. They would say, "We've got to meet that. We've got to have parity."

The CBO estimates that this could cost us in the neighborhood of $100 billion.

Now, there are other provisions in SALT II that are also important, and which have been part of the interim restraint understanding. There are very important notification procedures that when we are going to have strategic tests that we have to notify each other. This is how we avoid accidental war, war by miscalculation. Again, those would be lost if we did not stay within this policy.

Now, I believe the violation issue is significant, but I think we should respond to those violations with intelligent proportional responses. If the Soviets encrypt telemetry on their missiles in tests, we can encrypt telemetry. If the SS-25 turns out to be a new missile, we have the Midgetman, which is our new missile.

So what we are doing today is exercising the same kind of restraint that Ronald Reagan exercised for the first 5½ years of his Presidency. Clearly, this is within our constitutional authority under the power of the purse and our responsibility to provide for the common defense.

So this is a good amendment. I hope we have a good debate today. I will be speaking later on for my amendment. I hope the House will reject the substitute and support the Dicks amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, I wish the gentleman would explain his amendment. The gentleman said, because I have read it carefully, the gentleman said under his amendment that if the Soviet Union encrypts, then we can encrypt.

There is nothing in the gentleman's amendment that refers to encryption and I am wondering how that is premissible under the gentleman's interpretation of the treaty and the gentleman's interpretation of the amendment.

Mr. DICKS. Mr. Chairman, If the gentleman will yield, what I said was there were intelligent ways that we could respond to the Soviet Union in terms of their violations.

Mr. COURTER. The gentleman said the Soviets could encrypt, and the gentleman's amendment will permit us to encrypt. Now, I do not see it. Could the gentleman point out where it is?

Mr. DICKS. The President has the authority to encrypt. What we are saying is that the Soviet Union—first of all, this is a policy, not a treaty, as the chairman points out; but the important point is that we have the authority to take proportional responses to Soviet violations. What we do not want to do is tear up the part of the

treaty that restrains both sides on offensive weapons.

Mr. COURTER. Mr. Chairman, if the gentleman will permit me to take back my few remaining seconds, I really believe the gentleman misrepresented his amendment. This amendment has nothing to do with encryption. It simply does not say that if the Soviet Union encrypts, then we are permitted to encrypt.

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the last few days in Moscow, a special group of U.S. arms control specialists, headed by veteran negotiator Paul Nitze, have been conducting sensitive high-level talks with Soviet negotiators. These talks will undoubtedly contribute to further progress in the Geneva negotiations as well as a summit later this year.

President Reagan wants a meaningful arms control agreement with Gorbachev this fall that would provide for substantial, verifiable arms reductions below SALT II and I would hope my colleagues will support him in a bipartisian fashion.

The United States has already gone the extra mile and continues to abide by the unratified SALT agreements at this very time.

With the President's proposed dismantlement of the Poseidon submarines, our Nation remains in compliance with the SALT II limits and sublimits.

The United States, in a recent special meeting with the Soviet Union in Geneva, discussed the reasons for its SALT II announcement including its concerns over Soviet SALT violations.

The United States is not abandoning arms control. There is no obituary for arms reductions.

In response to previous United States proposals, the Soviets recently tabled a new start proposal in Geneva, and the United States is replying to this Soviet proposal.

There is also hope for progress in the INF area. That is why our negotiators have been in Moscow.

No policy of interim restraint, under a SALT II regime, is a substitute for an agreement on deep, mutual, and verifiable reductions in offensive nuclear arms which the United States is pursuing with the Soviet Union in Geneva.

By passing the Dicks amendment, we complicate the Geneva process by removing a certain amount of diplomatic leverage which can be exerted at the negotiating table not only in regard to the achievement of Soviet compliance but also in relation to the attainment of a new agreement providing for nuclear arms reductions below SALT II levels.

For these important reasons, I will be offering an alternative amendment which will require full compliance with the unratified SALT II agreement.

This is no time to undercut the President—prior to the upcoming summit meeting later this year.

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. FASCELL], the chairman of the Foreign Affairs Committee.

Mr. FASCELL. Mr. Chairman, I rise in support of the Dicks amendment and against the substitute and call attention to the fact that earlier this summer, the House of Representatives went on record in support of House Concurrent Resolution 350, legislation calling on the President to continue adherence to the sublimits of the SALT agreements. This measure, which was favorably reported by the Committee on Foreign Affairs, passed by a strong bipartisan vote of 256–145 last June.

Our intention in passing this legislation was to inform the President of the widespread and bipartisan congressional support—not to mention widespread allied support—for continued adherence to the main provisions of the SALT agreements.

From testimony presented in hearings held by the Foreign Affairs Committee and from numerous other sources, it is clearly in U.S. national security interests to continue to abide by SALT, for the simple and logical reason that SALT constrains Soviet nuclear weapons deployments. Some controls on the Soviets are better than none which is what we have without SALT.

Since the passage of House Concurrent Resolution 350, considerable worry has been expressed by Members of Congress as well as by our allies, that the United States for all practical purposes, intends to abandon SALT. That is why this amendment is being offered today: to send an even stronger message to the President letting him know that to abandon SALT is not in our interests. Our efforts today are reinforced by the allied opposition to the President's decision. Our allies question the wisdom of abandoning the SALT constraints on Soviet forces, especially since there is nothing to replace these constraints at a time when we are trying to achieve further reductions in Geneva.

The administration has testified that the Soviet Union has not exceeded the SALT sublimits on launchers. So why should we throw out the baby with the bath water? The Soviet Union is abiding by these very important provisions of SALT. If we tell them that we will no longer adhere to these sublimits and they are free to exceed these limits, we in effect open the door to another round of dangerous nuclear competition between the superpowers. In fact, without SALT constraints, the Soviets could increase the number of nuclear warheads they have by 64 percent. Is a 64-percent increase in Soviet nuclear warheads—over 25,000 Soviet nuclear warhead facing us—in our interest? Of course not.

I want to add that I have the utmost faith in, and respect for, our negotiators to the Geneva arms control talks. The SALT agreements provide a framework for a future agreement. It is more than wise to maintain adherence to the SALT agreements while we work to achieve even greater arms control results in Geneva. It is common sense.

It is better than only the promise of something "better." It is better than the runaway costly arms race we would have without SALT. It may be imperfect, but it is better than a totally unrestrained Soviet warfighting machine.

With these thoughts in mind, I urge my colleagues to support the Dicks-Fascell-Aspen amendment which will preserve the major existing restraints on Soviet nuclear forces.

□ 1950

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I am glad to yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I am glad that the gentleman pointed out that the Soviets would have an obvious reason to increase their offense because of the proposed SDI system. What easier way to counter it?

For all of my friends on the other side who say that they are for SDI, why would they want to let the Soviets have an offensive breakout that could make it more difficult to deploy?

Mr. FASCELL. I agree with the gentleman. I do not understand the virtue of that. The reason I support this amendment is because it preserves some constraints on Soviet forces and some constraints on Soviet forces are better than no constraints.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. LAGOMARSINO], a member of the Committee on Foreign Affairs.

Mr. LAGOMARSINO. Mr. Chairman, I oppose the amendment offered by the gentleman from Washington [Mr. DICKS] that would bar the use of any funds authorized in the bill to deploy nuclear weapons systems that would exceed the numerical sublimitations imposed by SALT II. Such legislation is based on faulty assumptions and does not best serve our national security interests. Instead, I urge my colleagues to support the Broomfield alternative which calls for mutual full compliance with the unratified, expired SALT II. In essence, we will abide by this agreement as long as the

Soviets do as well. This is not a nonbinding resolution; this is law.

It is clear beyond any doubt that the Soviets have violated SALT II and other arms control agreements. Examining SALT II alone, there are at least four clear violations. The Soviets are: Producing the SS-25 ICBM; exceeding the strategic nuclear delivery vehicle limit; encrypting telemetry; and concealing the association between a missile and its launcher. Any one of these violations is grounds for cancellation of the agreement. In 1979, President Carter stated that a violation of any important part of the agreement as each of these noted violations are, "* * * would be a basis on which to reject the treaty in its entirety."

Amendments like Mr. DICKS' cannot meaningfully restrain Soviet forces nor can it bring the Soviets back into compliance with its past commitments. It can hurt our own and our allies' national security and future arms control agreements. First, it keeps us from continuing the strategic modernization we need to maintain a credible defense against the growing, unchecked Soviet threat. Second, this legislation can send exactly the wrong signal to the Soviet leadership. If we are unwilling to maintain deterrence or take appropriate actions in response to Soviet noncompliance, our credibility at the arms negotiation table will be endangered and our ability to secure fair, equal agreements will be lessened.

Since entering office, President Reagan's message has been one of restraint and reductions. He has continuously proposed strategic arms reduction talks [START]. Despite all the flagrant Soviet violations of SALT, the President "went that extra mile" in May when he retired the two older Poseidon submarines so that a new Trident vessel would not exceed any of the SALT limits. However, the Soviets have made no policy changes and continue to improve their arsenal at our expense. The Soviets must be shown that we are serious about our defense and keeping arms control agreements mutually beneficial. The conversion of the 131st B-52 into a cruise missile launcher is scheduled for later this year. During this interim period, the ball is in the Soviet's court. Should they decide not to seriously address our arms control concerns, we must take the measure necessary for our defense whether or not they strictly adhere to SALT II.

Poorly focused, one sided restraint is not real arms control. The big buildup some are predicting without SALT has been going on under SALT and continues. Our willingness to counter these Soviet violations will bring them back to the negotiating table and will enhance genuine, mutual restraint.

Amendments which prevent the United States from seriously countering Soviet violations place unacceptable, unilateral, and dangerous constraints on the United States and gives the Soviets an unchecked advantage. Therefore, I urge my colleagues to stand up for America's defensive concerns and reject the Dicks amendment which only unilaterally and unconditionally binds us to an agreement the Soviets have no qualms about violating. Let's send the world a different message. We are serious about arms control and will abide by SALT II provided the Soviets do. Mr. Chairman, many Members call for action on arms control. The Broomfield alternative offers the type of constructive action consistent with our national security concerns they have been demanding. I urge my colleagues to put their money where their mouth is and support the Broomfield alternative.

Mr. BROOMFIELD. Mr. Chairman, I yield 6 minutes to the distinguished gentleman from Illinois [Mr. HYDE], a member of the Committee on Foreign Affairs.

Mr. HYDE. Mr. Chairman, there are two points of attack on this exciting amendment. One is the amendment itself, and the other is the philosophy behind the amendment. It attempts to rewrite SALT II and then ratify it legislatively. We do not negotiate anymore, not with the adversary, we negotiate with ourselves, and then we pass legislation putting leg irons and shackles on Mr. Kampelman and on Ambassador Glitman, and our negotiators, not to mention the State Department.

This is a fascinating amendment because it is magnificent in its selectivity. It hones in only on numerical sublimits. It ignores everything else in the treaty as irrelevant, unimportant, and not significant, but the numerical sublimits are elevated to a point of primacy.

Then it talks only about MIRV'd ICBM's, MIRV'd sea-launched ballistic missiles, and heavy bombers with air-launched cruise missiles. The rest is irrelevant.

I think that Mr. FASCELL said that the Soviets have not violated one area. Is that not terrific, we have picked the one area that they are comfortable with, that they do not have any real concern about breaking out of, and we lock us into complying to an area that they have no interest in breaking out of.

The things that this does not do are interesting. It only deals with MIRV'd ICBM's, not ICBM's with a single warhead. Those are unlimited under this amendment. The sea-launched ballistic missiles that only are MIRV'd, not the non-MIRV'd missiles, they are not covered by this amendment. The SS-25 then is not covered, because it is a single-warhead missile. It does not talk about sea-launched cruise missiles or cruise missiles put on light bombers, fighting bombers, or medium bombers. There is so much that it does not cover.

I would suggest if you are going to rewrite SALT, why not do it properly instead of being so fractional in the matter of your concerns.

Another reason why the Dicks amendment is meaningless is that there are no limits on the size or the capability of the missile, so the restraints are meaningless. There are no limits really on warheads. The gentleman said that there is a limit, 10 to every SS-18, but he is throwing that out the window here. This is the new treaty here. We are ignoring the violations that the Soviet Union has made, and we are going to focus in on the numerical sublimits. All the rest seems to me to be irrelevant.

This is not better than nothing, this is less than nothing. This is gauze. This is cotton candy. The vice of this amendment is that it ignores past violations. It gives the Soviets a green light for any excesses, any violations, any transgressions that they want to make on what we thought SALT II meant. It says treaty compliance applies only to us.

□ 2000

The code word that I have heard so often is proportional response. Has it occurred to any of you gentlemen that our proportional response does not have to be in the category they want it to be, in encryption of telemetry or in Midgetman? God, I do not know if we will ever see a Midgetman. I would hate to hold my breath. In encryption of telemetry, we do not have any new missiles to encrypt. So why must our proportional response be confined to the categories they choose to break out?

Supposing our proportional response is to break out of the numerical sublimit, by having another bomber over the limit with the air-launched cruise missile? So you take that away from us. Why do you legislate away options for us to respond to violations? Why do you permit the Soviets to pick and choose?

That is no way to get effective arms control. It invites contempt and additional violations.

I would say to my friend from Washington and my friend from New York, my friend from Wisconsin, that you are the premier exponents of arms control by example. Shame them into complying. We live up to it, we shackle ourselves into it, and just shame them into doing it, show them how it ought to be done.

Or the other side of that is arms control by letter. Letters seem to be your strong suit. You send a Dear Commandante letter that was monumental in its ineffectiveness. I note on March 20, 1985, you sent a Dear Mr.

Secretary General letter that was monumental in its ineffectiveness.

So the arms control by letter needs a little more work at the drawing board.

Match you missile for missile. What about redundancy? If you had a score card on this great week for Soviet military supremacy, you would see a test ban imposed on us legislatively, you would see the SDI cut to the bone, you will see an Asat ban where they will have the only operational antisatellite weapon. You will see chemical weapons banned, and now you will see us shackled to a part of the SALT Treaty, while the Soviets go free.

And what are we getting for it? What are we getting for it?

You are trading Joe DiMaggio for a player to be named later.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, I thank the gentleman for yielding me this time.

My very good friend from Illinois [Mr. HYDE] in his characteristically humorous fashion, has actually raised some questions which are quite serious and which deserve the consideration of the House.

I do not think anybody seriously argues that the Soviet Union has apparently violated some of the provisions of the SALT II Treaty. I think virtually all of us would agree that to the extent the Soviets have violated the treaty we cannot afford to be indifferent to those violations.

If arms control means anything, it means reciprocal obligations which are adhered to by both sides.

So I think we all agree that some kind of response is called for. The real question posed by the amendment offered by the gentleman from Washington [Mr. DICKS] which we are debating now, is what kind of response to these apparent Soviet violations is in the best interest of the United States.

It is the position of the gentleman from Washington, which I strongly support, that it would be a mistake to respond to apparent Soviet violation of SALT II which have taken the form of the construction of the SS-25 and the encryption of their telemetry by unilaterally breaking the numerical sublimits in SALT II.

The preservation of these sublimits are manifestly in the interest of the United States.

So far, the Soviets have respected those sublimits. So far, we have respected those sublimits, and the fact of the matter is that the Soviets are in far better position to break out of those sublimits than we are.

Every one of the deployed Soviet ICBM's has fewer warheads than the maximum warheads they are permitted to have on those ICBM's, they are capable of carrying, under the terms of the treaty, whereas the United States on every one of its deployed ICBM's has the maximum number of missiles permitted that we are capable of carrying. So if we violate the numerical sublimits of SALT II, in very short order the Soviets are in a position to substantially increase their land-based ICBM warheads targeted on the United States by far more than the United States can with respect to the Soviet Union.

The way to respond to the violations the Soviets have engaged in, for example, as the gentleman from Washington has pointed out, to build a Midgetman which would be a proportional and appropriate response to the Soviet construction of the SS-25. Or if necessary, we could encrypt our telemetry in order to respond to the encryption of their telemetry.

I fully agree with the gentleman that an appropriate response does not necessarily have to be in the same category as the Soviet response. But it simply makes no sense for us to unilaterally abrogate those provisions of the SALT II Treaty, the maintenance of which are manifestly in the interest of the United States, when the Soviet Union is prepared to respect those particular constraints.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, the key question in this dicussion is: Is U.S. security better off with or without SALT?

Proponents of the amendment seem to think that it is wise to bind U.S. force modernizaton to Soviet adherence to SALT's numerical limits, which are only part of the SALT framework. But the record shows that SALT has had relatively little effect on stopping the Soviet weapons expansion.

According to a recent letter to the chairman of our committee from the Joint Chiefs of Staff, the Soviets have quadrupled their number of weapons since the signing of SALT I. They have doubled their weapons count since signing SALT II, and they have relentlessly modernized every part of their strategic triad.

Today the Soviets have more ballistic missiles, more ballistic missile warheads, and three times the ballistic missile throw-weight or destructive potential as the United States.

Moreover, SALT has not prevented, and in fact has, indeed, encouraged continued Soviet expansion in land-based ICBM's the most destabilizing kinds of strategic weapons.

Although ratifying a continuation of the arms race, SALT was supposed to have rules to prevent cheating, and yet the Soviets, as we are clearly aware, have repeatedly violated those confidence building measures. Their new SS-25 ICBM is, according to the Joint Chiefs of Staff, a violation of the first order of the ban on more than one ICBM.

The continued encryption of missile telemetry harms our ability to detect even further violations, and of course the new radar, Krasnoyarsk, is the key long lead element of the national territorial ABM defense, again according to the Joint Chiefs of Staff. And these are the reorganized Chiefs of Staff that the committee has already reorganized. So I would assume that their statements would have an impression on the members of the committee.

Some proponents of SALT say these and other violations are not serious and that we should not worry about them. But they strike at the very heart of the arms control process: Maintaining mutual restraint and confidence in continued adherence to the rules.

Another argument by the proponents of SALT is that without SALT the Soviets will expand their strategic forces dramatically.

The July 18 Presidential report to the Congress on the U.S. interim restraint policy puts this notion in perspective.

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. GREEN].

□ 2010

Mr. GREEN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I should first like to address the violations issue and then move on to what I think is the heart of this debate. On the violations issue, I agree that the Soviets have committed a series of violations centering around their desire to put forth the SS-25 missile, in addition to the SS-24, a plain violation of the SALT limitation of one new missile. In order to try to give this act a color of fitting within the SALT II framework they have encrypted the data upgrading SS-25 tests; they have engaged in a number of other dubious activities, which are all in violation, all designed to try to give this SS-25 missile some color of a right to exist under the SALT II agreement.

That would be extremely troublesome to this member, were it not for one simple fact; and that is that in the spring of 1983, with the issuance of the Scowcroft Commission report, with its acceptance by the President of the United States explicitly and with its acceptance by the Congress of the United States implicitly, we announced that we were going to commit exactly the same violation: We were going to have our Midgetman in addition to the MX.

So I really do not think that is a basis for our throwing the baby out with the bathwater and suggesting that we ought to eliminate those parts

of SALT II which have been very beneficial to us and which as provided by the Dicks amendment.

I should now like to spend the rest of my 5 minutes dealing with why I think it is vital that we continue to adhere to the numerical limits in SALT II and why I think we should adopt this amendment.

First, I suggest that SALT II has benefitted the United States, and the facts on that are beyond dispute. The Soviets have dismantled more weapons than we have under the SALT agreements. They have dismantled a total of 1,240 missiles as opposed to our 864; they have dismantled 13 ballistic missile submarines as opposed to our dismantling of 11 ballistic missile submarines.

So plainly the history of the SALT agreements is that we have derived more benefit than has the Soviet Union from those agreements.

Second, I think it is very clear that continued adherence will continue to benefit the United States. The fact of the matter is that, because the Soviets have excess capacity on their MIRV'd missiles, they can add warheads very much more quickly than we can; and there is every reason to believe that in other respects they can get still further ahead of us if the SALT numerical limits are to be disregarded.

So both the past history and the expectations for the future make it clear that adherence to those numerical limits are in the best interest of the United States and that we ought, by statute if necessary, and I think it is necessary at this point in view of what the President has said, to make it clear that we are going to adhere to those limits if the Soviet Union does.

Finally, I should like to suggest to those of my colleagues who have raised some question as to whether this is an appropriate thing for the Congress of the United States to be doing at this time, while various negotiations are under way, that it is indeed an appropriate, necessary, and proper thing for us to be doing.

I should particularly like to address these remarks to my colleagues on the Republican side of the aisle. Let us understand very clearly, and I think no one can mistake it, that there has been a very clear split in this administration on the issue of arms control in general and on adherence to SALT II in particular.

There are some very significant people in the administration who are very much in favor of arms control. There are others, I think, who are plainly opposed. There are some who are very much in favor of adhering to the SALT II numerical limitations, and we should not have adhered to them this long if there were not those forces in the administration; plainly there are others who are opposed.

I should suggest that in this situation it is not only our right as Members of Congress and Members from the Republican Party, but our duty, to let the administration know what our feelings are on this issue. I think it is the duty of those Members of the Republican Party in the House who are in favor or arms control, who are in favor of adhering to the SALT II numerical limitations, to speak out tonight.

Passing a resolution, as we have already done, is easy, but this is the way we make a resolution effective, by enacting it into law. So, I urge my colleagues this evening to vote for this amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. DEWINE], a member of the Committee on Foreign Affairs.

Mr. DEWINE. Mr. Chairman, Members of the House, let me see if I can for a moment, simplify this and look at basically what the difference is between the Dicks approach to foreign policy and the Broomfield approach.

My understanding, my simplistic understanding of the Dicks approach would be as follows: That we take the SALT agreement, the universe of SALT, and we find that area that the Soviet Union is in compliance with. Now, we have got a whole book here of Soviet noncompliance. I am not going to read it or take the time of the House; but everybody knows it; it has been admitted, the tremendous amount of noncompliance violations of the treaty.

What we do in this bill, in this statute, is to take that area that they have complied with; for whatever reason—obviously in their own self-interest they have complied with it; they did not need to violate it, they did not want to violate it, so they did not violate it.

We take that area and we write, in the Congress of the United States, a law that affects the United States only; and that law simply says, in statute: These are our limits, and these are the limits that we are going to have to follow.

The key is in the two amendments. I would ask the Members who are in their offices, who are in this Chamber, to read. The key is the following language in the Dicks amendment. It provides these limitations;

> Unless the President certifies to the Congress that the Soviet Union has deployed strategic forces in excess of these limitations * * *

These limitations. We are taking up only a portion of SALT to limit. We do not deal with the universe.

We do not deal with what we should be dealing with, which is trying to get the Soviet Union to comply with all of SALT. That is what the Broomfield amendment does.

Let me read the language. Broomfield is identical to Dicks with the following language added:

> Effect of Soviet noncompliance with SALT II.
>
> (2) Subsection a of this section shall not take effect until such time as the Soviet Union is in compliance with all provisions of the SALT II agreement.

What in the world is wrong with that? Is not that a commonsense approach if our real concern is significant arms reduction? If our real concern is to make headway. If our real concern is not trusting the Soviet Union instead of not trusting President Ronald Reagan, that to me seems to be the issue.

Oh, we can talk about the constitutionality of this particular statute. I think it is suspect. I think it clearly violates or would violate the spirit of the Constitution if not the letter.

Throw that aside. Look at the commonsense approach. Members who are listening, think about this: The Dicks amendment is added to by the one language in the Broomfield amendment which simply says that the Soviet Union has to comply with everything. Is that not our goal? Is that not what we want to do?

It makes absolutely no sense to unilaterally engraph a treaty onto our statute without going through the full process and limit ourselves, but not really limit the Soviet Union in an area that is important to them but not to us.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HUCKABY].

Mr. HUCKABY. Mr. Chairman, members of the committee, as one who in the past 5½ years, who has supported funding for the B1 bomber, for the MX missile, for the Trident submarine, for most everything that our President has asked for, I rise this evening in support of the Dicks amendment.

I, and I think many of my colleagues have supported this arms buildup in order to demonstrate to the Russians: Yes, we will do whatever it takes, we will spend whatever it takes to match you line for line.

I think we have achieved that. As a result of that, there is a rare window of opportunity between the United States and Russia. There is a rare window of opportunity for the world.

Since 1972, as the gentleman from New York has pointed out, the SALT treaties have served us well; they have served both sides well. The Russians have reduced their land-based missiles by more than 1,000. 233 submarine missiles have been taken out of service as well as 13 submarines.

The United States has reduced its land-based missiles some 320. Five hundred and forty-four submarine-based missiles of the United States

have been taken out of service in compliance with SALT II. As well as submarines.

Each side has approximately 12,000 warheads aimed at the other today. Now we are talking about breaking out and going above that with the cruise missiles, from the B-1's. Is the world going to be safer for that? No.

I think with this window of opportunity it is a proper case for Congress to say, "We want to continue to observe the basic thrust of the SALT treaties, and let us build down so that 10 years from now maybe each side will have 1,800 instead of 18,000 warheads aimed at each other."

□ 2020

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. I thank the gentleman for yielding.

There are two things I would like to start out with. No. 1, a number of people have said the following, that the Soviet Union since the execution, the ratification and the signing of SALT II, has dismantled more weapons than the United States. Those people who have said that have not mentioned why. The reason they have dismantled is the normal course of modernization. The point is that the Soviets have fielded more weapons than the United States since the signing of SALT I and SALT II. They have built since the signing and ratification of SALT II, three new ICBM's, two new sea-launched ballistic missiles, two new intercontinental bombers. But that is always forgotten. The reason they dismantled more is because they simply built more. From SALT I in 1972 they have gone from 2,000 warheads to the 9,000 intercontinental-reaching warheads they have today. From the execution of SALT II, this most wonderful of all treaties that we have to live with even though the Soviets are violating it, they moved from 4,500 warheads to 9,000, a 100-percent increase.

A couple of other very quick things.

The first chart here shows that the argument that, if we do not have the sublimits on SALT II, the Soviet Union will break out and dramatically do something that they could not do under the limitations of SALT II. That is a shibboleth. It is not so. This chart proves that it is not so.

You see on the left a graph saying 1990. With SALT and without SALT. It shows that generally within a degree of 5 or 10 percent what the Soviets could do under SALT is the same with what they could not do without SALT limitations.

If you look a litle bit to the right under 1994, the same thing; with SALT you will notice that the number of reentry vehicles, now they have 9,000 with SALT the most perfect or wonderful agreement, the Soviets can go from the now 9,000 warheads to 15,000 warheads. According to the best information of the Congressional Research Service, without SALT they are going to have the same 15,000 warheads. So do not believe the fact that if we do not stick within the sublimits of SALT II, the Soviet Union all of a sudden will go from 9,000 warheads to 30,000 warheads. They cannot. Or that the Soviet Union will be able to increase by 50 percent the number of warheads. They can do it now. They can do it under SALT II.

SALT II is not restraining Soviet modernization, it is not restraining the Soviet buildup.

Furthermore, I might add in the second chart, and this I think is a particularly interesting one, another flaw: SALT II does not restrain two very important things. No. 1, warheads, which was obvious by the first graph and also throw-weight, which is obvious by this graph. On the left you see the years, I do not know if you can see it on the left graph, 1972 to 1985, Soviet missile throw-weight growth since the signing of SALT I. You see steady growth from 1972 to 1985, SALT I or SALT II did not restrain the growth of Soviet throw-weight capabilities.

Look at the remarkable escalation of Soviet growth of warheads since SALT I and SALT II. They started down here on this graph in the year 1972 when we executed the SALT I, add 2,000 warheads. We are saying that this has been a dramatic change, they moved from 1972 when they had 2,000 warheads, to the execution and not ratification of SALT II to approximately 4,500 warheads and 9,000 warheads today. In essence the Soviets cannot break out if we violate or they violate the sublimits on SALT II.

I urge my colleagues to vote against this amendment in favor of the Broomfield amendment which simply is going to say that if the Soviets violate this agreement then we can. If the Soviets cheat, that matters to us. And I think that is the thrust of the Broomfield amendment, parity and equality. If the Soviet Union is not going to follow an agreement, then we do not have to follow it.

Finally, of course, I would add that SALT II has really not restrained the arms growth. It has permitted a massive Soviet increase in throwweight, in yield, megatonnage, all the way down the line.

I thank the gentleman for yielding.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, the administration's decision to abandon the terms of the SALT II treaty is self-defeating in the extreme.

The administration says it wants force reductions—this move will almost certainly lead to an increase in strategic nuclear weapons.

The administration worries about the survivability of our land-based missiles—increases in Soviet warheads will make United States ICBM's far more vulnerable than they are today.

The administration wants to build a defensive shield against strategic ballistic missiles—even the most sanguine advocates of such a plan know that such a system could never work in the absence of force reductions.

Finally, the administration rails against unbridled government spending—the immediate costs of countering the Soviet buildup we are inviting will be in the tens of billions of dollars.

A recent study by the Congressional Budget Office states that the Soviets could have as many as 21,000 nuclear warheads by the mid-1990's without SALT II's constraints—roughly 10,000 more than they have today. This is without maximum expansion on their part. In order to match this buildup, the United States would be required to build: 867 or more MX missiles in Minuteman silos, estimated cost, over $27 billion; or 36 new Trident submarines with Trident II missiles, estimated cost, over $94 billion; or 270 additional bombers carrying 28 weapons each, estimated cost, over $50 billion.

The United States must, of course, pay for what it needs. The question is not one of finding money. If our security demands that we spend money on a weapons system, then we will find that money—we are duty bound to do so. But if the United States does not need a given weapon, we are just as surely duty bound not to spend our money on it. We have too many other obligations to our citizens to spend where there is no need for it.

The question is not one of money, it is one of defining needs. If the United States needs a higher aggregate of nuclear weapons over the coming months and years, it will only be because the administration has created that need by allowing the Soviets to build more weapons of their own.

This doesn't make strategic sense. For 5 years, the Reagan administration has seen the advantage of adhering to the SALT II treaty limits. Would it have done this if it had thought that the arrangement was unbalanced or that it threatened the stability of deterrence? I assume not. The only possible direct consequence of what the adminstration has just done is a buildup of strategic nuclear forces on both sides—more arms, at greater cost, for less security.

Mr. ASPIN. Mr. Chairman, could the Chair inform us as to the time remaining on both sides?

The CHAIRMAN pro tempore (Mr. SIKORSKI). The gentleman from Wisconsin [Mr. ASPIN] has 22 minutes remaining, and the gentleman from

Michigan [Mr. BROOMFIELD] has 21 minutes remaining.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I rise in strong support of the amendment.

For the past 6 years, informal adherence to SALT II has been the only strategic arms control policy the Reagan administration has had.

Now the Reagan administration proposes to abandon these limits, casting our arms policy adrift in a sea of confusion.

As the Joint Chiefs of Staff concluded in 1979, SALT placed modest but useful limits on Soviet military forces. At a recent hearing of the Armed Services Committee, Mr. Perle told me that he believed that the Chiefs had erred in drawing this conclusion, and that their support of SALT had harmed U.S. security.

You know that our strategic debates have taken on an Alice-in-Wonderland quality when the Chiefs are being accused of being soft on the Soviets.

The fact that Mr. Perle can make this kind of incredible statement shows what a radical departure this administration's arms control policies are from anything resembling common sense.

SALT placed some order on the chaos of our strategic policy. It put some important quantitative limits on the strategic forces of SLBM's, and cruise missiles that could be deployed on both sides introduced order and stability into the strategic equation. They forced the Soviets to dismantle some older systems that otherwise might have remained in service.

SALT has done several other good things. It established counting rules that set valuable precedents for future agreements and made verification of compliance much easier. It restricted the number of warheads that could be placed on missiles. It established prohibitions on deliberate concealment that impedes verification.

Some within the administration regard perpetuation of the modest limits of SALT as a continuing rebuke to their own failure to produce anything better.

The nominal explanation for the President's May 27 decision to abandon the SALT limits was Soviet violations.

But as our colleague from Indiana, the distinguished chairman of the Intelligence Committee, points out, the administration is on shakey ground in issuing many of its violations charges and where there is some validity there are far better ways to deal with the problems than to junk the whole treaty.

The fact is that the Soviets have abided by the core provisions of the treaty—the ceilings on MIRV'ed missiles, single warhead missiles, and cruise missiles.

Richard Perle tells us that Congress would be embracing the Soviet position and undermining the President if it endorses continued adherence to the SALT limits.

But to say that endorsing continuation of what has been the policy of the Reagan administration for 6 years offers aid and comfort to the Soviets is patently absurd.

I urge my colleagues to vote in favor of the amendment of the gentleman from Washington, and return our Nation to what has been the policy of the Reagan administration for 6 years—that continued adherence to the numerical subceilings of SALT serves our national interests.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. DORNAN] a member of the Committee on Foreign Affairs.

Mr. DORNAN of California. I thank the gentleman for yielding.

Mr. Chairman, if an objective observer were listening to this debate, say someone who had been a prisoner in Hanoi for 8 or 9 years like some of our men in Vietnam were and they were following the debate, they would think that SALT II had been ratified. We keep calling it a treaty and not a proposal.

Now, in the Democratic controlled Senate of 1979, the Armed Services Subcommittee of the United States Senate that had the subcommittee oversight authority over this proposal, not a treaty, voted before the invasion of Afghanistan between Christmas and New Year's of 1979, and I will get the exact date and try to put it in the RECORD when I revise my remarks, but probably the summer or early fall that subcommittee voted 10 to 0 against ratifying the SALT II Treaty, the proposal, 10 to 0, because that Democratic-chaired committee in a majority Democratic Senate found it was so flawed.

Now, when Afghanistan came along and the killing still goes on there, then the whole Senate told President Carter, "Forget it."

Now, I really appreciate on the Foreign Affairs Committee what our two leaders, Mr. FASCELL and Mr. BROOMFIELD, have set up with these arms control off-the-record panels.

I think all of my Democratic friends agree that, politics notwithstanding, we are just not going to get a better negotiating team than Ambassador Kampelman and company. We all agree these are good men, high intellects, hard chargers trying to get something for our children and grandchildren.

I am not going to violate the confidentiality of that session or those sessions—and I tried to make most of them. So I do not do that.

I called one of the ambassadors aside, and I do not even want to designate him. I said, "Let me ask you a question. Let me ask you to repeat on the record here, just talking, what you said in this closed session, that when the House for all of its best intentions passes some resolution,"—or as the gentleman from New York, Mr. GREEN says, "Let us put some teeth into it and make it law,"—"the House passes something that the Soviet Union perceives as helping them, what does it do to you as a negotiating team?" He said words to the effect that it rips us.

I said, "Well, let me ask you an opinion on something. Suppose every time we did one of these things for the best of reasons, in the name of peace," as Mr. DICKS is trying to do here today, and I know his motives are with the angels, suppose we turn around and put in a resolution to kick the Russians in the teeth, for example, taking that March 20, 1985, letter that if you had asked me to sign, I would have been glad to sign it about the Krasnoyarsk radar, suppose we put that into a resolution and said, "Listen, don't think we are helping you guys out on the Soviet negotiating team. We are telling you you are not getting away with these violations," and we call it to the Americans' attention. I said it is sort of like that Hindu symbol, yin and yang; suppose when we zing ours, we inadvertently zang them a little bit. He said, "Congressman, what an excellent suggestion."

□ 2035

If some of these things that I know you carry with a heavy heart, because one of our ambassadors said that he worked on the other side for a long time with the majority party over there, the Democrats, that he considered himself a life-long liberal, if not a classical liberal, I know that you approach some of these things with a heavy heart, why do you not come up with some resolutions so you can sleep better at night, it kicks the Russians in the teeth when you inadvertently in the name of peace know you're giving, because of the way they misinterpret these things, some solace to this team.

SDI, we all admit on both sides of the aisle, has been a catalyst. Now what does a catalyst do in a chemical reaction? It speeds it up. It expedites it. But the catalyst is never destroyed when the chemical reaction takes place.

You are all saying SDI is a catalyst. Yet, today we froze it, kind of destroyed it, as furthering this process over there.

On June 24 they were having a picnic, the two sides. It is nice to know they picnic. It started to rain, a heavy Geneva spring rain. And they went under the trees, and one of the Russians said to our guys, "Like your SDI,

it is leaking through the trees." And one of our American negotiators said, "Would you rather be out in the rain?"

These guys, the Soviets, are watching everything we do. Let us have some resolutions kicking them in the teeth once and a while.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, let me address those of you who may be inclined to simply go along with scrapping the SALT II policy and opposing this amendment.

Think back to the missile gap of 1960.

That's what swept a John Kennedy into office: The accusation that the Republican Party had given military advantage to the Soviets.

Now there was some dispute about that gap of 1960—but there'll be no dispute about the missile gap of 1988: The gap that will be caused by the unilateral advantage you will hand to the Soviets if you junk SALT II.

If you oppose the Dicks amendment, do you know what you're voting for? First, you'll be voting to let the Soviets begin testing their SS-18 heavy ICBM's with 14 warheads each. That's 40 percent more than they have today—40 percent more than they're permitted under SALT II; 40 percent more than they've ever tested before.

Maybe the tests will fail. But if they succeed, the Soviets will be able to deploy 14 warheads on each of their SS-18's.

Do you know the SS-18 is Russia's very best missile? Do you know you'll be handing the Soviets the equivalent of 40 percent more of their only multiple-warhead hard target killers—and that this could happen by 1988? Do you know that?

Well, let me tell you something: By 1988 the American people are going to know it. If you kill SALT II, the American people are going to know the right wing of the Republican Party let the Soviets increase their warheads seven times the proportion that we can increase ours in that time.

The American people are going to know that the Republican right allowed the Soviets to gain 9 times as much as we gained in megatons, 20 times as much in hard target lethality.

The American people are going to know how good a treaty SALT II was for America because they'll see what happens without it.

And the American people will know because we who believe in arms control are going to tell them.

So I say to my friends on the Republican right: Think about what the 1960 missile gap did to the Republican Party.

This one, the 1988 Republican missile gap, will be even more devastating and you'll have created it if you vote to allow SALT II to be killed. It will be an enormous political issue for my party.

But you know something? I'd rather not have this issue. National security would come first. Those of you who are the administration's allies can take the issue away from us. Do the responsible thing. Serve the military security of America by voting to save SALT II, and pass the Dicks amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. Kasich], a member of the Committee on Armed Services.

Mr. KASICH. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, let me, first of all, quote Ambassador Rowny who said that, "Rather than force real reductions, SALT II, in fact, sanctions considerable increases in the number of nuclear weapons employed on ballistic missiles and heavy bombers."

I hope that everybody caught that, that SALT II, in fact, sanctions considerable increases in strategic nuclear weapons. If we take a look at the numbers, of course, it is almost mind boggling.

They have deployed 2 new types of ICBM's, of which 1 violates the treaty; 3 new classes of ballistic missile submarines; they developed 1 new bomber; they reopened the production line on the Bear-H; gave the Backfire intercontinental capability; and added 4,000 new strategic ballistic missile warheads to their arsenal.

Let us just cover that again very, very quickly.

Since we ratified SALT in 1979, the Soviets have increased the number of warheads that they have in their arsenal from 5,200 to 9,000, and it is estimated by the early 1990's, the Soviets will have somewhere between 12,000 to 14,000 warheads. That certainly does not show restraint, particularly when you determine the fact that of the growth in warheads from 5,200 to 9,000, most of those warheads were on first-strike weapons.

So what has SALT given us? SALT has given us a sanctioned incredible first-strike growth on behalf of the Soviet Union.

But even with sanctioned first-strike growth provided for under SALT II, this administration says that we are willing to live within SALT II, but we are only willing to live within SALT II if the Soviets stop cheating. That is the fundamental issue here tonight. Even with the sanctioned buildup, and the sanctioned buildup is a disaster for those who favor arms control, it does not reduce the number of warheads, the number of launchers, the amount of throw-weight. It does not do that at all.

In addition to this buildup that the Soviets have commenced, they also cheat on the treaty. They have deployed the SS-25, which is a clear violation of the treaty. They have a radar in the middle of the country at Krasnoyarsk, which is a clear violation of the treaty. They have violated the overall limits of the SALT agreement. And they have done something that the Democratic President said back in 1979 that would be a clear violation of the treaty, and that is they encrypt the messages, they fuzzy up the signals transmitted from their missiles so we are not able to determine what they are doing. They are violating our ability to monitor their compliance with SALT II.

What does Mr. Broomfield want? Mr. Broomfield says that even though the Soviets have deployed 4,000 additional warheads, a big chunk of them on first-strike weapons, even though the Soviets have reopened their bomber lines and put them into production, even though thay have added 3 new classes of ballistic missile submarines—and let me tell you the Soviets are not going to build from 9,000 to more than 12,000 to 14,000 by 1991, and that is what is sanctioned under this treaty. There is no way they are going to build more than somewhere between 12,000 and 14,000 warheads, which is a 5,000-warhead increase—but we are willing to live with it nevertheless, if only they will stop cheating. That is what Mr. Broomfield says. If the Russians stop cheating, we will abide by SALT II.

Let me say one other thing. Just this week, we have our negotiators meeting in the Soviet Union with their Soviet counterparts. It looks, at least at this point from news reports, that so far maybe negotiations have been somewhat productive. What are they trying to get? They are not trying to get a sanctioned buildup in first-strike weapons as has been provided under SALT II; they are trying to get deep reductions in the number of warheads, in the numbers of launchers, and probably in throw-weights as well.

Here we have the House of Representatives, this seems like 3 days in a row, first we decided we tell our negotiators not to go over there and be able to negotiate in the area of testing. We have already sent them their marching orders on testing. Now we want to send them their marching orders when it comes to reductions in nuclear weapons.

Why do we not let our negotiators go over there and negotiate the best possible agreement for the United States of America and the free world and stop trying to micromanage the negotiations that are going on in Geneva?

□ 2045

It simply makes no sense. We need a policy that encourages the reduction in the total number of nuclear weap-

ons, a reduction in first-strike weapons, not an agreement that sanctions an incredible buildup in first-strike hard target kill capable Soviet systems.

Let us give our negotiators the leeway, let them get massive reductions in the total number of nuclear weapons. Let us support our President and the gentleman from Michigan, BILL BROOMFIELD.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Rhode Island [Miss SCHNEIDER].

Miss SCHNEIDER. Mr. Chairman, I rise in strong support of the continued mutual adherence to the numerical limits provided for in the SALT II Treaty. The recent announcement that the SALT II agreement "is dead" came as a shock and a disappointment not only to many Americans, but also to our allies. We have an opportunity today to keep this imperfect agreement alive until a better agreement can be negotiated. At the same time, we will maintain the current levels of deterrence on both sides.

Those who have problems with SALT II say that it should be thrown out because it doesn't move us to our ultimate goal. But control in the growth of numbers of launchers and warheads has been accomplished, and continues to be in effect. If arms control is ever to be successful, we must engage in exactly the limitations called for in SALT II—but we need to do it better. When we decide we need a new house because the roof has sprung a leak, we don't abandon our old house and move out into the street. We try to repair the leak. If that's not practical, we locate a new house before abandoning the old. Before we abandon SALT II, we should be certain we have in hand a better agreement.

Questions arising over SALT II compliance by the the Soviet Union are serious issues. But let us be clear about the type of disagreement we have—the charges of noncompliance are of a technical nature. They do not concern the heart of SALT II, the numerical limits placed on strategic arms. The most serious charges are that the Soviets have used excessive encoding of test flight data and that they have exceeded the degree of modification allowed before a missile is considered a "new" model.

I lack the technical expertise to know whether or not the modifications made to the SS-13 missile exceed the limits imposed by SALT II. Nor can I tell whether the level of encryption used by the Soviets is sufficient to impede verification. Those who have the technical expertise to evaluate the data disagree about whether these instances are so far removed from the treaty language as to represent clear violations. There is, however, compelling evidence that adherence to the numerical limits of the SALT II agreement will not place the United States at a strategic disadvantage while these disagreements are dealt with.

Certainly the American people would have much more confidence in our ability to eventually negotiate an arms reduction treaty if we saw a greater willingness to negotiate differences of understanding in existing agreements. If we cannot agree on a satisfactory mechanism to settle questions arising from an existing agreement, how will we ever agree to dismantle the even larger nuclear arsenals that will result from abandoning SALT II?

Mr. Chairman, SALT II has provided needed restraint in the growth of both of the superpowers' nuclear arsenals. To abandon it before we take the next step in arms limitation is irresponsible. Arms control is the single most important problem of the 20th century. A failure to restrain the development and deployment of weapons has inevitably lead to a failure to restrain their use. Such a failure in the nuclear age would be catastrophic. I urge continued adherence to the SALT II numerical limits as long as those limits are observed by the Soviet Union.

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. HUNTER], a member of the Armed Services Committee.

Mr. HUNTER. Mr. Chairman, I think it is important to look at the effect that this type of action by the House is going to have on our arms negotiations and arms negotiators. I think we have to realize that arms negotiators in the future are going to have to change their way of doing business radically, because under the Dicks amendment and similar proposals that have been made in the House it is evident now to our people that when they negotiate a total treaty with the Soviet Union they have to do so with the understanding that the Soviets may violate that treaty, and yet the United States will be held to other provisions in the treaty that were not violated, not by the Soviet Union, but by the United States Congress. The Congress is going to unilaterally enforce and the United States is going to unilaterally enforce provisions in treaties that have been substantially violated by the Soviet Union. In essence, we are pulling the integrity of the arms control process away from our negotiators.

The substitute amendment of the gentleman from Michigan [Mr. BROOMFIELD] that says that the whole treaty has to be complied with by the Soviets before we comply with the whole treaty, injects integrity back into the negotiating process. That is the key.

Let me say to my friends who came up here and said that the Soviet Union has cut down and disassembled weapons systems under SALT, that is absolutely wrong if you are trying to give the impression that somehow they have reduced under SALT.

SALT was a license to build, and in fact when we passed SALT I, the Soviet Union had to substantially increase its industrial base to be able to produce as many missiles, bombers, and submarines, as it did. It had to ramp up to build as many systems as we allowed under the SALT I agreement.

After SALT I, since 1972, the Soviets have built over 758 SS-17's, SS-18's, and SS-19's. We have built and deployed zero ICBM's.

They have built over 38 ballistic missile submarines. We have deployed a total of seven ballistic missile submarines.

They have built over 200 long-range strategic bombers. We have built and deployed about 12 strategic bombers.

So it is 758 to nothing under SALT. It is 38 to 7 under SALT and it is 200 to 12 under SALT, the lower numbers all being the U.S. numbers.

So the point is, SALT has been a license to build. They have not complied with SALT.

The last thing that I would say is very simply that this Congress never speaks strongly to the Soviet Union. I agree with the last several speakers who have said, "Why can't we inject a strong statement in this proposal by Mr. DICKS to the Soviet Union? Why can't we say, you have violated the SALT agreement?"

Even the Members of Congress who came up here advocating the position of the gentleman from Washington [Mr. DICKS] agree and admit that the Soviet Union has violated the SALT agreement, and yet this Congress refuses to send that message to the Soviet Union.

Now, let us be fair. Why cannot we send that type of message so that at least the Soviet Union is taken aback and realizes that the United States Congress is not oblivious to the fact that they have cheated on this very important proposal or policy.

The last thing I would reemphasize is that the Armed Services Committee in the other body before Afghanistan, by a vote of 10 to 1, rejected SALT.

SALT is fatally flawed.

Mr. ASPIN. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Chairman, we have heard some curious logic here. The SALT agreement, as was mentioned by some speakers, was a license for the Soviets to build. Indeed, they have hot production lines and yet the administration now says in the absence of any SALT limits, "Don't worry, the Soviets aren't going to build. They are at their peak."

This sudden confidence in the Soviet ability to be reasonable I find to be a little misplaced.

One of the things that we need to understand about SALT—it is ironic that we should be discussing it today as our negotiators are in Moscow in the woods someplace trying to work out an agreement with the Soviets, I wish them success, for the last 6 years have not really been sparkling examples of their interest; but the irony is that they are going to use all of the rules, all of the formulas, all of the counting mechanisms that have been learned and won through the years of negotiating in SALT I and SALT II.

You may not want to face this fact, but without those negotiations, without those understandings, those counting rules, there could not be SALT III. There could not be START I. SALT II represents, whether you like it or not, the foundation of some sort of agreement with the Soviet Union on the restraint of arms. That is a reality.

The Soviet Union has had to reduce—and we all know their proclivity for keeping every piece of outdated hardware—they have had to reduce weapons that they ordinarily would keep that are a threat to the United States as a result of the SALT agreement. That is a fact.

Fact No. 2. We will get something in return. If the Soviets decide to go over those limits, there will be no agreement. We can continue to build if we so choose, but if they keep their numbers low, the number of additional warheads that might be aimed at the United States will be controlled.

Now, I would like to see it go further. The argument from those who are opposed to SALT is constantly, "Give our President a chance and we will cut, we will reduce."

We have no evidence that he is capable or willing to do that. Indeed, all of the evidence suggests to the contrary, that there are people in the administration who do not like agreements, who do not like to see an agreement with the Soviet Union. There are also some who believe that an agreement is a good idea. They have not been able to get their act together.

Well, the Congress of the United States understands what U.S. security interests are all about. It is not about adding four more warheads to the SS-18 which the Soviet Union can do without SALT. It is about shutting down the production lines of Soviet missiles that are currently being built. It is about U.S security.

Support the Dicks and Fascell amendment.

Mr. ASPIN. Mr. Chairman, I yield 5 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. Mr. Chairman, I rise in support of the amendment by my distinguished colleague from Washington [Mr. DICKS], to place limitations on deployment of strategic nuclear weapons consistent with the SALT II agreement.

Like many in this body, I was disappointed with the President's announcement that we would no longer adhere to the SALT limitations starting this fall. His decision is a mistake which, if not reversed, will increase the cost of our national defense and weaken our national security.

The key criterion for arms control must be the same as it is for our expenditures for national defense, simply, what is best for American security? By all reliable indicators of the military balance our security is strengthened by the Soviet Union's observance of the SALT limits. These limits constrain Soviet nuclear power. Furthermore, they provide a benchmark from which to judge the magnitude of the Soviet threat and the adequacy of our nuclear deterrent.

The intelligence community judges that the Soviets have the capability to significantly increase the number of strategic warheads far more without the SALT limitations than they could under SALT. The Secretary of Defense warns us repeatedly that without significant increases in defense spending, the Soviets will gain military superiority over us. Yet, in deciding to abandon the SALT accords, the administration has made that very possibility, more of a probability. In this era of deficits and low revenues, now is not the time to abandon an arms accord that keeps the lid on a new, very costly, nuclear arms race.

I agree with the President that the Soviets have violated SALT in the cases of the SS-25 and telemetry encryption. But, these violations do not warrant, in my option, walking away from an agreement that keeps the Soviet nuclear capability constrained.

Indeed, because of SALT, the Soviets have been removing SS-11 silo-based intercontinental ballistic missiles in order to deploy the new SS-25 single warhead mobile missile. The SS-11 is not a piece of junk, as some in the administration have inferred, rather it has been a mainstay of the strategic rocket forces and has proved to be one of the most reliable missiles the Soviets have ever developed. But because of the SALT limitations, they are now in the process of having to destroy them.

In fact, the Soviets have had to destroy a considerable quantity of nuclear weaponry under SALT in order to modernize their forces. Since 1972, the SALT accords have required the Soviets to remove 1,079 ICBM's, 245 submarine launch ballistic missiles, 21 bombers, and 21 nuclear submarines. Given the Soviet penchant to keep weaponry as long as it functions, these numbers are significant.

In the balance, the treaty limitations that the Dicks amendment will preserve are militarily far more important to the security of this Nation than the treaty provisions that the Soviets have violated. Rather than lose these vital restraints, we are better off making truly proportional responses to Soviet violations rather than destroying the agreement. For example, we should go ahead with the deployment of the small mobile ICBM in response to the Soviet deployment of the SS-25 mobile missiles. We should also make more effective use of the Standing Consultative Commission in Geneva, which was set up to address and resolve SALT issues.

Another critical contribution that the SALT accords make to our security that has not been fully appreciated comes from its verification measures. Under SALT, the Soviets cannot hide its missiles, neither can they interfere with our reconnaissance satellites. Cruise missile aircraft must be distinguishable from conventional bombers. Certain missile test flights must be announced prior to launch and must be fired into certain restricted areas. When a missile is retired, its silo must be destroyed, and when a missile submarine is retired, its launch tubes must be removed in the open.

This verification framework has contributed to the nuclear stability by forcing the Soviets to reveal things about their military forces that, absent SALT, they would not reveal.

In sum, Mr. Chairman, we don't need to destroy SALT in order to get a comprehensive arms control agreement. The SALT limitations contribute to our national security by restricting Soviet offensive strategic nuclear forces and through its vertification provisions contribute to national security by injecting a degree of transparency and predictability into the arms competition. It is only common sense to ensure that these measures are preserved until a new more comprehensive arms control agreement is reached. I strongly urge my colleagues to support the Dicks amendment.

□ 2100

Mr. BROOMFIELD. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, every time we hear arms control discussed in this country today, it seems that those who are pushing the idea that the United States should enter into more agreements will tell us that what we need is mutually verifiable agreements. Time and time again, to prove that they really are not trying to do something that would favor the Soviets, they say, "We only are for mutually verifiable agreements."

Well, here we have a verification. We have verified SALT II. We have verified very clearly the Soviets are

cheating. Let me say that again. We know very clearly, we have verified it, the Soviets are cheating under SALT II.

Now having so verified, what the Broomfield substitute says to us is, "We'll comply if they'll comply. If we see them cheating, we no longer have any obligations under this. If they don't comply, though, we don't have an obligation to comply. They comply, we comply. They don't comply, we have no obligation to comply." That is all Broomfield really says.

The question becomes, then, "What good is verification if congressional liberals' attitude about verification is in the Alfred E. Newman tradition of, 'What, me worry?' "

The question here is, "What is it that we are really talking about when we talk about verification all the time in arms control?" Either the argument is that liberals have a verification concept which is a phony, or liberals are simply willing to accept Soviet cheating. Either of those two choices is unacceptable to anyone who really is committed to the security of this country and the survival of freedom.

I suggest that we should support the Broomfield substitute that tells the Soviets that arms control is not a one-sided deal. It is not unilateral disarmament for us while they build and cheat. When they build and cheat, we should hold them accountable. That is what Broomfield substitute is all about: accountability. Support getting tough with the Soviets. We have verified their cheating. It is now time to do something about it.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Oklahoma.

Mr. McCURDY. I appreciate the gentleman's yielding.

Mr. Chairman, I just wanted to make a point as a subcommittee chairman on the Intelligence Committee who has conducted hearings on verification and monitoring. It appears to me that the fault or the problems within the SALT are the areas where the language is not specific. Where there are specific, clearly defined limits, the Soviets comply. Where the area is not clearly defined, they do cheat.

It is kind of like the Philadelphia lawyer concept. If it is gray, then you do not comply. I think what we should learn is the lesson of how to negotiate and define arms control agreements.

Mr. WALKER. Mr. Chairman, reclaiming my time, let me say that many Americans do not trust Philadelphia lawyers, either, and we have no reason to trust the Soviets. The point is that whether they are cheating on the idea of the reality of the treaty, or whether they are cheating on the spirit of the treaty, we should not trust them, and it is time to say, "You comply, and then we will comply."

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I certainly hope that our colleagues in this House would not define an SS-25 or a radar the size of a football field that has battle-management capability that sits in the middle of the country, or the encryption of telemetry from these missiles, as somehow fuzzy provisions in a treaty that are arguments between Philadelphia lawyers. These are clear violations of the treaty. Virtually everybody on both sides of the aisle has said that the SS-25, the radar at Krasnoyarsk, and the encryption of telemetry are a clear and total violation of SALT II. There is no question about the fuzziness of the treaty. I would hope that that would be the view of our colleague.

Mr. WALKER. Mr. Chairman, I thank the gentleman, and I happen to think that the SS-25 is a little more than a fuzzy little problem out there. The SS-25 is a direct threat to this country, and we ought to be holding the Soviets fully accountable for the threat that they pose to us.

Mr. ASPIN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Oklahoma [Mr. McCURDY].

Mr. McCURDY. I thank the gentleman for yielding time to me.

Mr. Chairman, I just wanted to clarify one issue for the record. The Krasnoyarsk radar is a violation, but it is a violation of the ABM Treaty, not a violation of SALT II. There is a way to respond to the SS-25, and that should be a proportional response. We are doing it right today in this bill with the funding and authorization for Midgetman. There are ways to respond to Soviet cheating. There are ways, and we should clarify the terms of the treaty, and we should not be creating these areas.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I think that it is important to understand that on our side of this question the Members are also in agreement and are concerned about the problems of Soviet violations of the treaty, but we believe that it is absolutely crazy to do something that is totally against our national security interest just because the Soviets happen to be violating some part of the agreement. The point is that what we have got here in this Dicks amendment is that we are saying that the compliance with the broad limits, the numerical limits, in the agreement is the core of that agreement, and as long as the Soviets comply with that, we ought to look to other ways, other proportionate ways, of dealing with the violations that we believe that the Soviets have made of the treaty.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, one other thing that we can do is vigorously pursue the alleged violations at the Standing Consultative Commission. This administration has had the worst record of any in history in resolving these matters. In the past we have been able to get satisfaction at the SCC. I would agree with my colleagues that there are intelligent, proportional responses short of tearing up the entire agreement.

Mr. BROOMFIELD. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN pro tempore (Mr. SIKORSKI). The gentleman from Michigan [Mr. BROOMFIELD] has 4 minutes remaining, and the gentleman from Wisconsin [Mr. ASPIN] has 4 minutes remaining.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I appreciate what the distinguished chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN], says, but what disturbs me about this is that the purpose of SALT was supposed to be for arms control, and what he argues is that we ought to have proportional response. So if they deploy an SS-25 that breaks the treaty, what we ought to do is violate the treaty, and we ought to deploy our own system. That does not seem like arms control to me, that seems like arms escalation.

□ 2110

You say if they violate the ABM Treaty with the Krasnoyarsk radar, they are breaking out of the ABM Treaty. Is our proportional response to break out of the ABM Treaty on our side?

Clearly that is not what you favor. Your side does not favor the ABM Treaty, and in fact, does not favor strict interpretation of the ABM Treaty. So you do not favor proportional response.

What we favor is they abide by the treaty, we abide by the treaty, and that is all that this resolution calls for. It says we can live within SALT II, but, just stop your cheating. We do not want to have proportional responses. We want to abide by the treaty, the letter of the treaty, and we want them to abide by the treaty too.

The purpose of proportional response is to get them to abide by the treaty. But to gut the treaty, to take away the treaty, is totally against our national security interests, given the

fact that they can take advantage of the situation more than we can.

The CHAIRMAN pro tempore (Mr. SIKORSKI). The time of the gentleman from Ohio [Mr. KASICH] has expired.

Mr. ASPIN. Mr. Chairman, I yield myself 2 minutes and would also like to yield to other people because this is an important point.

The point is that the United States is not in a position to go beyond the SALT limits the way the Soviet Union is, for whatever reason. And I thought that the SALT agreement was a pretty good agreement back in 1979. Let me tell you, in 1986 it looks even better, because even after 6 years of the Reagan buildup we are just now beginning to bump up against the SALT limits.

Meanwhile, the Soviet Union has been bumping up against the SALT limits for some time now. The Soviets have dismantled 434 ICBM's; the United States 58. The Soviets have dismantled 217 SLBM's; the United States 64. The Soviets, 51 bombers and the United States nothing.

The Soviet Union is having to dismantle systems to stay within the SALT limits. The United States is having to dismantle much less.

If the SALT agreement goes away, the Soviets can pile on a lot more warheads, a lot more launchers than we can. For us to do away with this SALT limit at this point is to just turn over the arms race to the Soviet Union. The Soviet Union is in a much better place to take advantage of it.

So I say if you do not like what the Soviets are doing in violating the SALT agreement, which I do not, let us think of some way in which we can put pain to them to make sure they do not violate it, do comply with it. But let us not take away the SALT agreement altogether when they can do so much more than we can.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Washington.

Mr. DICKS. Another point the gentleman should make, and I know he will, is that under the Gramm-Rudman legislation, we are now faced with a very restrictive defense budget, not as much as the administration wants. We are in the worst possible position to respond to a Soviet offensive breakout. They can add thousands of warheads to their existing missiles, and they have seven or eight hot production lines.

This is the wrong time to break out.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding me this time.

Mr. Chairman, I just wanted to make one point, and that is in 1979, when the other body was considering SALT II, it considered the telemetry question so important that that Foreign Relations Committee stated that "violation of the encryption prohibition would by itself constitute a reason for U.S. withdrawal from the treaty."

I would like to follow that with a question to the author of the proposal, the gentleman from Washington [Mr. DICKS] and the chairman of the Armed Services Committee, the gentleman from Wisconsin [Mr. ASPIN] because I think this is important.

I would ask the author of the proposal, do you agree that the Soviets have violated SALT II?

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think there is significant evidence that there may be treaty violations, yes.

I do not think we have pursued it very vigorously in trying to correct it at the Standing Consultative Commission, and I think there are intelligent proportional responses to those violations. But there may be violations.

Mr. HUNTER. But in your opinion, have the Soviets violated SALT II, in your opinion?

Mr. DICKS. I think there have been violations, but I do not believe they are militarily significant enough to warrant repudiation of this treaty.

Mr. ASPIN. Mr. Chairman, I yield our final 2 minutes of general debate to the gentlewoman from Louisiana [Mrs. LONG].

Mrs. LONG. Mr. Chairman. I rise today in support of the amendment our colleague, Mr. DICKS, will offer to the fiscal year 1987 Department of Defense authorization bill to preserve the key limits of nuclear weapons contained in the SALT II Treaty.

It took more than 30 years of competition and difficult negotiation for the United States and the Soviet Union to reach agreement on equal limits of the most potent and devastating weapons ever devised. Those limits are an essential guarantee of our security. Without them, we reenter a universe of unrestricted competitive increase of the nuclear arsenals, a competition in which there can be no winners, one in which the victim will be our own security.

Some appear reluctant to support this amendment because of some fear of obstructing Presidential prerogative, of interfering with the constitutional right of the President to make treaties and of the Senate to ratify those treaties. An aye vote on the Dicks amendment does not tie the President's hands any more than any decision we make on the number of bombers to build or submarines to overhaul, and no more than the mutual interim restraints the President himself has been vainly seeking. But while not limiting the President's scope to negotiate or to adopt whatever position he may wish on reduction of nuclear armaments, it does send the message our people and people around the world want to hear. Both countries have more than enough strategic weapons; they surely need no more.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, in 1 minute I just want to say, summarizing my feelings about this entire debates, someone said the violations are not militarily significant. I think it was the gentleman from Washington.

Is that why he wrote the letter, "Dear Secretary General," which he took great credit for himself and the gentleman from New York [Mr. SOLARZ] with that initiative?

Second, the fallacy of the chairman's argument is the Soviets will break the treaty any time, any provision it suits them to, just as they have Yalta, Helsinki, et cetera, Krasnoyarsk.

What proportional response has the gentleman got for us to make to their violation of the ABM Treaty? Are you prepared for us to have an ABM system? Your spiritual ancestors rejected it, and you would too.

Forget proportional response. How about appropriate response?

It may suit us to respond by breaking the numerical sublimits. It suits them to violate the treaty by having a brandnew ICBM. Why should we have to dance to their tune and respond to the violation in a category they choose to make?

Why do you tie us down? Why not let us have some options when we negotiate with these people?

Mr. BROOMFIELD. Mr. Chairman, to complete the debate, I yield my final 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, it appears everybody is unhappy with this peculiar Christmas tree arrangement of king of the mountain where we are unable to put perfecting amendments, which is part of the tradition of this House.

Everything that is in the Dicks amendment is in the Broomfield amendment, and if it were under normal rules of the House, the gentleman from Michigan [Mr. BROOMFIELD] could put a perfecting amendment to add this tiny little clause that says subsection A of this section, the Dicks amendment, shall not take effect until such time as the Soviet Union is in compliance with all provisions of the SALT II agreement.

We agree. They cheat. What is wrong with the fairness of the Broomfield amendment that would pass quickly under any other normal rule of the House as a perfecting amendment, which is precisely what it does,

perfects what you are trying to do. It sends the message to our President, but perfects it with a fairness and brings the Soviet Union into compliance with what we all want: Decent respect for unratified and expired proposals.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to House Resolution 531, an amendment offered by Representative BROOMFIELD is now in order.

□ 2120

AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendments offered by Mr. BROOMFIELD: At the end of title X of division A (page 239, after line 5) add the following:

PART E—LIMITATIONS ON DEPLOYMENT OF STRATEGIC NUCLEAR WEAPONS CONSISTENT WITH EXISTING ARMS LIMITATION AGREEMENTS

SEC. 1041. LIMITATIONS ON STRATEGIC WEAPONS.

(a) LIMITATIONS.—Notwithstanding any other provision of law, funds may not be obligated or expended for the deployment of—

(1) launchers for more than 820 intercontinental ballistic missiles carrying multiple independently-targetable reentry vehicles;

(2) launchers for an aggregate of more than 1,200 intercontinental ballistic missiles carrying multiple independently-targetable reentry vehicles and submarine-launched ballistic missiles carrying multiple independently-targetable reentry vehicles; or

(3) an aggregate of more than 1,320 launchers described in paragraph (2) and heavy bombers equipped for air-launched cruise missiles capable of a range in excess of 600 kilometers;

unless the President certifies to the Congress that the Soviet Union has deployed strategic forces in excess of these limitations.

(b) DEFINITIONS.—For purposes of this section—

(1) launchers of intercontinental ballistic missiles and submarine-launched ballistic missiles equipped with multiple independently-targetable reentry vehicles are launchers of the types developed and tested for launching intercontinental ballistic missiles and submarine-launched ballistic missiles equipped with multiple independently-targetable reentry vehicles; and

(2) air-launched cruise missiles are unmanned, self-propelled, guided, weapon-delivery vehicles which sustain flight through the use of aerodynamic lift over most of their flight path and which are flight tested from or deployed on aircraft.

(c) EFFECT OF SOVIET NONCOMPLIANCE WITH SALT II.—Subsection (a) this section shall not take effect until such time as the Soviet Union is in compliance with all provisions of the SALT II agreement.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 10 minutes and a Member opposed will be recognized for 10 minutes.

Is the gentleman from Wisconsin [Mr. ASPIN] in opposition?

Mr. ASPIN. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Michigan [Mr. BROOMFIELD].

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is a simple proposition. It is not complicated.

It is based upon a fundamental principle which all Americans agree with; namely, that when it comes to arms control with the Soviet Union, we expect the Soviet Union to live up to our agreement.

I know that there are many of my colleagues on both sides of the aisle who are genuinely concerned by the recent administration-announced decision to abandon SALT II.

Yet, it's very important that we resist the temptation to overreact to such a decision and in the process do something which really isn't in our best long-term interests.

My amendment attempts to avoid that pitfall.

How does it do that? By simply requiring that all of the prohibitions contained in the Dicks amendment be tied to full Soviet compliance with SALT II.

My amendment incorporates every single provision contained in the Dicks amendment.

It is, in fact, the same amendment—with one addition. And that is that the Soviet Union is required to live up to all of the provisions of the SALT II agreement.

I don't believe this is unfair. In fact, it is completely fair.

My amendment is not an administration amendment. It has been drafted strictly to apply to the legislative branch.

There is no Presidential report. No Presidential certification. No elaborate legislative veto process.

It simply says that if the Soviets are judged by Congress to be in compliance with the SALT II agreement, then Congress can initiate the numerical limitations contained in my amendment.

My amendment leaves the door open for what we all would like to have happen, and that is that the Soviet Union will stop its violations of the SALT II agreement.

I recognize the concerns of my colleagues for the overall arms control process.

If the Soviet Union is as committed to arms control as we hope they are, then they have a unique chance to move the arms control process forward by ending their violations.

That is why I think my amendment improves upon the sponsor's language. His amendment deals only with numerical limits.

There are no incentives for the Soviets to remedy their violations—something which we all agree they should do.

I urge you to support my amendment which, as I have noted before, is the Dicks amendment in its entirety, but with an addition tying its provisions to full compliance.

We have today a historic opportunity to look beyond SALT II levels to an agreement with the Soviets later this year which will result in deep, verifiable reductions.

Let's not tie the hands of our negotiators or our President.

Let us support in a bipartisan way these efforts to reduce these dreadful weapons and achieve peace for mankind.

I ask my colleagues to support my admendment.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I rise in opposition to the Broomfield amendment and in support of the Dicks-Fascell-Aspin amendment. The Broomfield amendment has the clear effect of abandoning all constraints on Soviet forces. By the administration's own argument, the Soviets are supposedly not abiding by all of the provisions of SALT. Therefore, the amendment's intent is clear: to abandon SALT.

The gutting effect of this amendment would have the Congress endorsing the administration decision to kill SALT.

The Soviet record of compliance far outweighs its record of noncompliance. In fact, by the administration's own assessment, the Soviet Union has not exceeded any of the numerical sublimits of SALT.

The ultimate effect of this gutting amendment would be to undermine the Treaty, thereby allowing the Soviets to enlarge their nuclear arsenal in ways SALT now prevents them from doing. Under this amendment the Soviets would be free: to more than double the size of their current nuclear arsenal from over 9,000 to over 20,000 nuclear weapons; to make United States verification more difficult and impede United States intelligence of Soviet activities; and to force us to spend billions more on defense.

Preservation of SALT would result in constraining Soviet force developments. Some constraints are better than no constraints. While we work to achieve further reductions, it makes no sense to abandon the only constraints we have on Soviet forces. For these reasons; I urge a "no" vote on the Broomfield amendment and a yes vote on the Dicks-Fascell-Aspin amendment.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, I am very pleased to have this opportunity to join in supporting the amendment being offered by my colleague from Michigan [Mr. BROOMFIELD].

I think it has come as a bit of a surprise to many of us that the Department of Defense authorization bill has emerged as a lengthy debate about arms control and how best to reduce the nuclear threshold. While we may not always agree on how best to do this, it is clear to me that we all share the same concerns and are asking the same critical question—"How do we truly achieve genuine arms reductions?" However, despite sharing this basic goal, the stumbling block to answering this question lies in the fact that there have been a number of different approaches suggested on how to best do this.

Obviously the administration has identified one course of action which it is pursuing aggressively.

Equally obvious is the fact that many of my colleagues on the other side of the aisle have identified a different course of action, one that they believe strongly in and, as we have seen today, are pursuing equally aggressively.

The problem remains however in deciding how best to achieve true and meaningful arms control. In this regard I believe that the amendment being offered by my colleague, Mr. DICKS, while addressing many of our jointly shared concerns, is unfortunately incomplete. It attempts to distill the SALT II agreement to its lowest common denominator, without addressing the fundamental problems currently confronting the agreement, namely specific areas of Soviet noncompliance. This is where the Broomfield amendment would obtain.

While retaining the exact language of Mr. DICKS' amendment, with all of its provisions regarding adherence to numerical limits, the amendment being offered by Mr. BROOMFIELD makes an essential improvement. It requires that the Soviet Union remedy its violations as a prerequisite for continued U.S. adherence to the SALT II agreement. The Broomfield amendment is absolutely essential because it brings pressure to bear on the Soviet Union to do what we all agree they should be doing, living up to all of the provisions of the SALT II agreement.

This Member, as an official observer to the Geneva arms control talks, I can tell you from personal experience that this amendment is extremely important to our negotiations. While I know that my colleagues on the other side of the aisle may feel that we on the Republican side all too often overplay the Geneva card when arguing against their arms control initiatives, in this case I firmly believe this argument is extremely valid.

I doubt anyone would argue that there is a great deal happening at this very moment in the arms control area. Every single one of the major actors in the arms control process is in Moscow talking about our arms control future. This is a key moment in the history of arms control.

Mr. Chairman, Mr. DICKS' amendment, without the additions provided by Mr. BLOOMFIELD, would be counterproductive and send the wrong signal at the present time. I'm sure it is not intended to be. But that is the unfortunate reality. For this reason it is absolutely essential that we support the Bloomfield amendment and our negotiators in Moscow.

Mr. ASPIN. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I rise today in strong support of the amendment offered by Congressman DICKS and in opposition to the Broomfield amendment.

The President has proposed that later this year, the United States should exceed the SALT limitations. This reverses the administration position of the past 5 years, which has held that compliance with the SALT limits is in the security interest of the Nation. This policy should not be reversed.

Over the last 14 years, under the SALT limitations, the Soviet Union has dismantled over 1,000 ICBM's, 240 submarine launched ballistic missiles, and 14 nuclear submarines to continue to be in compliance with SALT restrictions. Without SALT, the Soviets could easily more than double their warheads from 9,000 to 20,000. Without SALT, the Soviets could convert their 1,118 single warhead ICBM's and SLBM's to multiple warhead missiles. Without SALT we could face twice as many nuclear carrying submarines, and an expansion of existing MIRV'ed warheads from the current limitation of 10 to the 14 warheads which these missiles can easily carry.

Last week, McGeorge Bundy, special assistant for National Security Affairs under Presidents Kennedy and Johnson, said of the Dicks amendment, "SALT II is a complex affair, neither perfect nor totally flawed, but its MIRV'ed ceilings are clearly much better than no ceilings at all, and Congress will not handicap the President's work for arms control by helping to keep them intact."

I agree with that statement. Clearly, SALT is not without its flaws. The question is if those flaws are so debilitating as to make it in our national interests to no longer abide by its limitations. I do not believe it is in our national interest to put the Soviets in a position to with impunity, add more highly accurate nuclear warheads to their existing missiles at very little cost. I do not believe such a low-cost increase in the ability of the Soviet Union to secure a more feasible first strike against our land-based missiles is in our national interest.

What is in our national interest? I believe that it is to secure a mutually verifiable and genuine reduction in the level of nuclear weapons by both superpowers. Why then should we give the Soviets the excuse they need to blame the escalation of the arms race on the United States at the very time we are initiating what will hopefully be a successful arms control summit meeting between the leaders of our two countries?

I urge the House to vote in favor of the amendment offered by Congressman DICKS and send a clear signal to the world, that the United States wants to have less, not more, nuclear weapons: That we want a tighter agreement, tighter limits, and less weapons—not an escalation of the arms race. To do otherwise is to cede the high ground to our opposition which certainly is not in our national interest.

□ 2130

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. EDWARDS] a member of the committee and an observer of the Arms Control Committee.

Mr. EDWARDS of Oklahoma. Mr. Chairman, arms control is a complicated business. It requires careful calculation and a clear, unambiguous, bipartisan policy.

We have an excellent negotiating team sitting down with the Russians in Geneva. The President is personally deeply committed to arms reductions. But we serve neither America's interests nor the world's interests, if we take steps which send confusing signals about our commitment to arms control or our commitment to maintain an effective deterrent as a means of ensuring that the Soviets, too, are serious about arms control.

Today, we face the same issues we have faced since the dawn of the nuclear age. We must find a way to effectively use these nuclear weapons as a deterrent to war. And we must face the fact that without Soviet compliance with all of the aspects of SALT II, we may undermine our deterrent and take a very dangerous gamble.

The provisions of SALT II are inseparable. The object is to maintain a balance. The Soviets may be more advanced in one area and ourselves in another. We either maintain the whole treaty or the treaty becomes meaningless. We are not made more secure just by dismantling some of our own weapons. We have to be sure that both

sides are living up to the restrictions we've agreed upon.

The Dicks amendment is not responsible policy. At best, it will interfere with our negotiations in Geneva. At worst, it will place the safety and reliability of our nuclear deterrent at serous risk. We don't need to undermine the very negotiations that can bring about the agreements we all want.

The Broomfield substitute says we will abide by SALT II. If there really is a meaningful SALT II Treaty—if the Soviets comply with it—so will we. What could be more fair? It is dangerous to allow a potential enemy, with a whole array of weapons, to choose which agreements he will keep. It's like our football team at the University of Oklahoma, which has never had a passing game, agreeing to give up throwing passes and insisting that schools like Miami and Brigham Young do the same thing.

No, Mr. Chairman, Let's tell the Soviets we are willing to abide by a whole treaty if they will do the same. Vote for the Broomfield substitute.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I am intrigued by this concept proportional response. They have 72 SS-25's. When oh when will we have 72 MX's?

They have 308 SS-18's. Or Midgetmen, either, when will we have them? In the mid-1990's. So we hold proportional response in the deep freeze.

You do not want us to proportionally respond to their ABM violations. You want us to build our version of Krasnoyarsk? Over your dead body. You want a strict interpretation of the ABM Treaty but a loose interpretation of SALT which they have shredded, they have shredded. It does not restrain them at all.

But you tie us down with restraint on numerical sublimits.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. If the gentleman will give me time. Will the gentleman?

Mr. ASPIN. I cannot.

Mr. HYDE. Then I will not yield.

I just suggest to you leave something for our negotiators to trade, will you? You take it all away and you let them sit there naked with no cards in their hands. I know you are experts at arms control, but give them a chance, too.

Another aspect of this atrocity is this rule which is your rule, you fashioned it, and one of the most significant issues of this generation you put in a straitjacket so we are debating it with limited time constraints, late in the evening. It is the way you treat arms control. You say the Reagan administration is not serious; you are unserious, or you would not saddle America, the people of America with an atrocity of a rule like this. We would have time to debate it. You would have held hearings on specific legislation. This is raw politics, and everybody knows it.

Mr. BROOMFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. DEWINE].

Mr. DEWINE. Mr. Chairman, in a moment we will vote on the Broomfield amendment.

The Broomfield amendment is a commonsense approach. All it says is that we are willing to live with SALT if the Soviets will just stop cheating, just stop cheating. Is that so unreasonable? That is a commonsense approach.

The Dicks amendment, frankly, is going to be awfully hard to explain to my constituents if when I go home Congress passes this.

If this U.S. Congress would allow the Soviets to set the parameters, allow the Soviets to set the ground rules, allow the Soviets to decide what they will comply with and what they will cheat on, carve it out, the area that they are going to comply with and this Congress passes a law that binds only us and says we have to comply with what they decide they want us to comply with and they can continue to cheat, it makes absolutely no sense.

If you want real arms reduction, allow our negotiators to have a little bit of flexibility, vote for the Broomfield amendment.

Mr. ASPIN. Mr. Chairman, I yield 6 minutes to the majority leader, the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, this is surely one of the most important votes we will have. Both sides give lip service to strategic arms limitation. Those who favor the so-called Broomfield amendment profess that they favor strategic arms limitations. But the strange irony is that the Broomfield amendment would utterly vitiate the purpose of the Dicks amendment.

If the Broomfield amendment were to be adopted, there would be no usefulness to the Dicks amendment. In effect, the Broomfield amendment says if we can find one single technical violation, intentional or unintentional, disputed or acknowledged, to some minor provision of the SALT Treaty on the part of the Soviet Union, then we shall not abide by any of it. We would totally abandon the important numerical limits on strategic arms which both sides have observed. Nobody disagrees that they have. The treaty has served a purpose. It has restrained us both.

Even though that treaty has been unratified, both the Soviet Union and the United States have found a tenuous, tentative balance and for a little while have maintained the fragile tranquillity of this world by reason of there being strategic limits.

Now, I suggest that we should support the Dicks amendment and must reject the Broomfield amendment for the very simple reason that continued adherence to the SALT limits is in our own national interest. The SALT Treaty clearly has worked in our interest because it has required the Soviet Union to dismantle and remove several hundred more strategic weapons than we have been required to do.

It is in our strategic interest because the continued adherence to the SALT limits, which we are requiring of ourselves only to the degree that the Soviet Union also continues to abide by those numerical limits, will require additional future removal and dismantling on the part of the Soviet Union greater than the amount in the future that we in the United States will have to dismantle and remove.

Conversely, if we abrogate the treaty, we provide opportunity for Russia to double its warheads on its existing heavy missiles.

Further, it is in our national interest to keep the treaty alive because to abandon it, to open this gaping loophole and provide this excuse for the abandonment which the President has announced his intention to perform, would destroy another thing that we find most valuable, the machinery of notification by which the Soviet Union permits us easily to verify its strategic performance. If that were to go by the boards and we were to have no orderly system of notification, which we would not have if the SALT Treaty were abandoned, then what a dangerous world we might develop into.

What a destabilizing thing it would be if there were no orderly accepted machinery, as has been observed under this SALT II Treaty, for our notifying one another of our actions, claiming the fears of one another, allaying the suspicions, setting aside the temptations to terror.

For all of these reasons it is in our national interest to continue observing the SALT II Treaty. It is not a perfect treaty. I do not know any treaty conceived by the minds of imperfect men and women that is beyond possible improvement.

Yet I am aware that the President says he is hostile to the treaty. He does not say he is indifferent to it, nor that he finds it partially unacceptable; he says he is "hostile" to the treaty for the reason that it provides only limitations and not reductions.

Well, I am in favor of reductions. I suppose all of use are in favor of reductions in strategic arms. But does it not make sense that we never will achieve reductions in strategic arms until we stop increasing their number? Before we can reduce the number of weapons, at least we must stop creating new weapons.

That is the essential fallacy of the present negotiating stance. Fundamentally, the President proposes that both

sides may continue to spend on new weapons, but that both sides agree to reduce the number of existing weapons that we have already bought and paid for. Would it not be far better if both sides were able to agree from here on in we shall not build new weapons? Then we could start reducing and continue to reduce to levels mutually acceptable the number of weapons already existent.

I know there are those who never saw a treaty that they liked. Perhaps they never saw a weapon they did not like. These are not the counsels our President should heed.

I am vaguely uneasy, as I am sure others of us are, that Mr. Reagan never has supported any of the weapons limitations that have been negotiated by his predecessors, Mr. Ford, Mr. Nixon, Mr. Carter. I do not want to throw stones in his path. I do not think Congress wants a confrontation. But Congress time and again has pleaded with the President: Let us observe the SALT II limitations. Those pleas appear to have fallen on deaf ears. We can only reaffirm that position today by voting down the Broomfield amendment and voting for the Dicks amendment.

Mr. ASPIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I rise today in support of the amendment offered by my colleague from Washington, Mr. DICKS, which bars the use of funds to deploy any nuclear weapons which would exceed the established limits on SALT II Treaty.

SALT II negotiated, it's primary purpose was to enhance our security by placing limits on the size and capabilities of the Soviet nuclear forces. It has done that.

But in addition to maintaining the stability of the United States-Soviet strategic balance, SALT II has been the foundation for a more enduring political relationship between the two nations possessing awesome nuclear powers. It is an important element of political stability in a turbulent world—stability which can provide the basis for containing the kinds of crises we face in the world today, and which can prevent these crises from developing into a nuclear confrontation.

The House discussed at length the merits of SALT II during the June debate of House Concurrent Resolution 350. At that time we agreed that this treaty has placed meaningful restrictions on the most destabilizing weapons in both the United States and Soviet inventory. SALT II has also established a number of critical verification procedures, which are being used as part to the framework for future negotiations.

We must always keep in mind that arms control is no substitute for a strong defense. Our national security and that of our allies will continue to depend upon maintaining a credible deterrent—a deterrent which convinces potential aggressors that an attack on us or our allies would mean an equal or greater destruction for themselves. And we have that credible deterrent—and we have that strong defense.

It is precisely because of that strong defense, because of that credible retaliatory capability that we must continue to abide by the terms of SALT II until a new treaty can be agreed upon. For without SALT II, there comes a global perception that the United States has chosen confrontation rather than cooperation as the cornerstone of our foreign policy.

It is my sincere hope that this fall the administration can begin to lay the foundation for a new arms control agreement. However, until such a time as that agreement is finally reached, we must continue to honor and abide by the terms of our current arms control agreements—and that includes SALT II.

As we stand here preparing to cast our votes on this critical issue, I remind my colleagues that it is our duty amd responsibility as one of the most powerful nations in the world, to do our utmost to build a more secure, stable and peaceful world for our children and our children's children.

For, in the words of John F. Kennedy are as true today as they were 23 years ago, "Confident and unafraid we labor on, not toward a strategy of annihilation, but toward a strategy of peace," I urge my colleagues to vote in support of this peacekeeping amendment.

Mrs. LLOYD. Mr. Chairman, I rise in support of the amendment which calls for a reasonable response to Soviet violations of the SALT II Treaty. We cannot continue to pay such homage to a treaty that resulted in a massive increase in Soviet strategic offensive capability. It is even more alarming that we do this in the face of confirmed violations such as the multiple number of ICBM's which the Russians have developed despite the limitation of SALT II calling for just one such system. We have allowed ourselves and our allies to be duped by the rhetoric of arms control without achieving any real progress. It is striking to me that the most meaningful arms control proposals have flowed from the U.S. threat to develop and deploy the strategic defensive initiative systems. Thus, we sit here and debate lipservice to a treaty that has been virtually counterproductive in arms control while the prospect of real reductions is at hand, if we have the good sense to continue SDI R&D and use its potential deployment schedule for leverage to get offensive reductions. I urge my colleagues to go on record with a U.S. position that responds meaningfully to Soviet violations and rejects arms control as an end in itself.

Mr. BROOMFIELD. Mr. Chairman, I yield myself the remaining time.

The CHAIRMAN pro tempore. The gentleman from Michigan is recognized for 1 minute.

Mr. BROOMFIELD. Mr. Chairman, we now have an opportunity to support our negotiators as well as our President in the sensitive negotiations that are about to commence in Geneva, as well as the upcoming summit talks with Mr. Gorbachev and President Reagan.

This is no time to make it more difficult for our leaders. This is an historic opportunity for Congress to join with the President in seeking lower, verifiable limits on our nuclear weapons. This is an opportunity to support our national security interests.

I would like to end this debate by making the following points:

My amendment is fair. It is bipartisan. It contains all of Mr. DICK's language. It simply says that the Soviet Union must live up to all the provisions of the SALT II agreement. It supports our negotiators and, finally, it supports an equitable arms control process in which we expect no less from the Soviet Union than they expect from us.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

□ 2145

RECORDED VOTE

Mr. BROOMFIELD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 214, not voting 18, as follows:

[Roll No. 329]

AYES—199

Archer	Evans (IA)	Martin (NY)
Armey	Fawell	Mazzoli
Badham	Fiedler	McCain
Barnard	Fields	McCandless
Bartlett	Franklin	McCollum
Barton	Frenzel	McDade
Bateman	Fuqua	McEwen
Bentley	Gallo	McGrath
Bereuter	Gekas	McMillan
Bevill	Gilman	Meyers
Bilirakis	Gingrich	Michel
Bliley	Goodling	Miller (OH)
Boulter	Gradison	Miller (WA)
Broomfield	Gregg	Molinari
Brown (CO)	Gunderson	Mollohan
Burton (IN)	Hall, Ralph	Monson
Byron	Hammerschmidt	Montgomery
Callahan	Hansen	Moorhead
Carney	Hartnett	Morrison (WA)
Chandler	Hatcher	Murtha
Chappie	Hendon	Myers
Cheney	Hiler	Nelson
Clinger	Holt	Nichols
Coats	Hopkins	Nielson
Cobey	Hubbard	Oxley
Coble	Hunter	Packard
Coleman (MO)	Hutto	Parris
Combest	Hyde	Pashayan
Coughlin	Ireland	Petri
Courter	Kasich	Pickle
Craig	Kemp	Porter
Crane	Kindness	Pursell
Daniel	Kolbe	Quillen
Dannemeyer	Kramer	Ray
Darden	Lagomarsino	Regula
Daub	Latta	Rinaldo
Davis	Lent	Ritter
DeLay	Lewis (FL)	Roberts
DeWine	Lightfoot	Robinson
Dickinson	Lipinski	Roemer
DioGuardi	Livingston	Rogers
Donnelly	Lloyd	Roth
Dornan (CA)	Loeffler	Roukema
Dreier	Lott	Rowland (CT)
Duncan	Lowery (CA)	Rowland (GA)
Dyson	Lujan	Rudd
Eckert (NY)	Lungren	Saxton
Edwards (OK)	Mack	Schaefer
Emerson	Madigan	Schuette
English	Marlenee	Schulze
Erdreich	Martin (IL)	Sensenbrenner

Shaw	Snowe	Thomas (GA)
Shelby	Snyder	Valentine
Shumway	Solomon	Vander Jagt
Shuster	Spence	Vucanovich
Siljander	Stangeland	Walker
Sisisky	Stenholm	Weber
Skeen	Strang	Whitehurst
Skelton	Stratton	Whittaker
Slaughter	Stump	Wilson
Smith (NE)	Sundquist	Wolf
Smith (NJ)	Sweeney	Wortley
Smith, Denny (OR)	Swindall	Wylie
	Tallon	Young (AK)
Smith, Robert (NH)	Tauke	Young (FL)
	Tauzin	Zschau
Smith, Robert (OR)	Taylor	
	Thomas (CA)	

NOES—214

Ackerman	Frost	Oakar
Akaka	Garcia	Oberstar
Alexander	Gaydos	Obey
Anderson	Gejdenson	Olin
Andrews	Gephardt	Ortiz
Annunzio	Gibbons	Owens
Anthony	Glickman	Panetta
Applegate	Gonzalez	Pease
Aspin	Gordon	Penny
Atkins	Gray (IL)	Pepper
AuCoin	Gray (PA)	Perkins
Barnes	Green	Price
Bates	Guarini	Rahall
Bedell	Hall (OH)	Rangel
Beilenson	Hamilton	Reid
Bennett	Hawkins	Richardson
Berman	Hayes	Ridge
Biaggi	Hefner	Rodino
Boehlert	Henry	Roe
Boggs	Hertel	Rose
Boland	Horton	Rostenkowski
Boner (TN)	Howard	Roybal
Bonior (MI)	Hoyer	Russo
Bonker	Huckaby	Sabo
Borski	Hughes	Savage
Bosco	Jacobs	Scheuer
Boucher	Jeffords	Schneider
Boxer	Johnson	Schroeder
Brooks	Jones (OK)	Schumer
Brown (CA)	Jones (TN)	Seiberling
Bruce	Kanjorski	Sharp
Bryant	Kaptur	Sikorski
Bustamante	Kastenmeier	Slattery
Carper	Kennelly	Smith (FL)
Carr	Kildee	Smith (IA)
Chapman	Kleczka	Solarz
Chappell	Kolter	Spratt
Coelho	Kostmayer	St Germain
Coleman (TX)	LaFalce	Staggers
Collins	Lantos	Stallings
Conte	Leach (IA)	Stark
Conyers	Leath (TX)	Stokes
Cooper	Lehman (CA)	Studds
Coyne	Lehman (FL)	Swift
Crockett	Leland	Synar
Daschle	Levin (MI)	Torricelli
de la Garza	Long	Towns
Dellums	Lowry (WA)	Traficant
Derrick	Luken	Traxler
Dicks	Lundine	Udall
Dingell	MacKay	Vento
Dorgan (ND)	Manton	Visclosky
Dowdy	Markey	Volkmer
Downey	Martinez	Waldon
Durbin	Matsui	Walgren
Dwyer	Mavroules	Watkins
Dymally	McCloskey	Waxman
Early	McCurdy	Weaver
Eckart (OH)	McHugh	Weiss
Edgar	McKernan	Wheat
Edwards (CA)	McKinney	Whitley
Evans (IL)	Mica	Whitten
Fascell	Mikulski	Williams
Fazio	Miller (CA)	Wirth
Feighan	Mineta	Wise
Fish	Moakley	Wolpe
Florio	Moody	Wright
Foglietta	Mrazek	Wyden
Foley	Murphy	Yatron
Ford (MI)	Natcher	Young (MO)
Ford (TN)	Neal	
Frank	Nowak	

NOT VOTING—18

Breaux	Campbell	Dixon
Burton (CA)	Clay	Flippo
Fowler	Jones (NC)	Moore
Grotberg	Levine (CA)	Morrison (CT)
Hillis	Lewis (CA)	Torres
Jenkins	Mitchell	Yates

□ 2155

The Clerk announced the following pairs:

On this vote:

Mr. Lewis of California for, with Mrs. Burton of California against.

Mr. Campbell for, with Mr. Morrison of Connecticut against.

Mr. TALLON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DICKS

Mr. DICKS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. SIKORSKI). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DICKS:

Page , after line (at the end of title X of division A), add the following:

PART E—LIMITATIONS ON DEPLOYMENT OF STRATEGIC NUCLEAR WEAPONS CONSISTENT WITH EXISTING ARMS LIMITATION AGREEMENTS

SEC. 1041. LIMITATIONS ON STRATEGIC WEAPONS.

(a) LIMITATIONS.—Notwithstanding any other provision of law, funds may not be obligated or expended for the deployment of—

(1) launchers for more than 820 intercontinental ballistic missiles carrying multiple independently-targetable reentry vehicles;

(2) launchers for an aggregate of more than 1,200 intercontinental ballistic missiles carrying multiple independently-targetable reentry vehicles and submarine-launched ballistic missiles carrying multiple independently-targetable reentry vehicles; or

(3) an aggregate of more than 1,320 launchers described in paragraph (2) and heavy bombers equipped for air-launched cruise missiles capable of a range in excess of 600 kilometers;

unless the President certifies to the Congress that the Soviet Union has deployed strategic forces in excess of these limitations.

(b) DEFINITIONS.—For purposes of this section—

(1) launchers of intercontinental ballistic missiles and submarine-launched ballistic missiles equipped with multiple independently-targetable reentry vehicles are launchers of the types developed and tested for launching intercontinental ballistic missiles and submarine-launched ballistic missiles equipped with multiple independently-targetable reentry vehicles; and

(2) air-launched cruise missiles are unmanned, self-propelled, guided, weapon-delivery vehicles which sustain flight through the use of aereodynamic lift over most of their flight path and which are flight tested from or deployed on aircraft.

Amend the table of contents of the bill accordingly.

Mr. DICKS. Mr. Chairman, the night is late and I will make an offer to my colleagues on the Republican side. I will yield back all of my time if they will yield back all of theirs, except for a unanimous-consent request to put all statements in the RECORD.

The CHAIRMAN pro tempore. Who seeks time in opposition?

Mr. DICKINSON. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 10 minutes.

Mr. DICKS. Mr. Chairman, I am prepared to yield back my 10 minutes in support of the Dicks amendment. I think it is a wise and prudent step to take, and if the gentleman will yield back his 10 minutes, we will go to a direct vote.

Mr. DICKINSON. Mr. Chairman, I assume that the gentleman wants a straight up or down vote with no more debate.

Mr. DICKS. I am prepared to yield back my 10 minutes if the gentleman will yield back his minutes and we will take the House to an immediate vote on this issue. We have debated it long and hard.

Mr. DICKINSON. Mr. Chairman, I will yield back 9 minutes. I do have to yield to the ranking Member.

Mr. DICKS. All right, then I will take 1 minute to summarize my position.

The CHAIRMAN pro tempore. The gentleman from Michigan [Mr. BROOMFIELD] is recognized for 1 minute.

Mr. BROOMFIELD. Mr. Chairman, very briefly, I think in view of the vote that just took place on my amendment, which I thought was eminently fair, I think the best interests of the House at this time would be to vote down the Dicks amendment so that we would have nothing in the bill pertaining to SALT.

Mr. Chairman, I urge a no vote on the Dicks amendment.

Mr. DICKINSON. Mr. Chairman, I agree with the sentiments just voiced and I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I ask my colleagues to give me 1 minute.

I think this may well be the most important arms control vote that we will take in this decade. The policy of no undercut of SALT II was the policy of the Reagan administration for 5½ years. All we are saying here tonight is let us continue the Reagan policy of restraint until the President gets us a new arms control agreement, which we all favor.

I think my amendment is a prudent hedge. The President says he wants restraint. We have the right here in the Congress to make certain that that restraint exists.

Mr. Chairman, let us support the Dicks amendment, support arms control, and let us vote.

Mrs. LLOYD. Mr. Chairman, I regrettably rise in opposition to this amendment because of my own view of the spirit of SALT II. The United States negotiators certainly did not contemplate the massive Soviet offensive buildup which has occurred because of the defects of SALT II. Thus, I think that we must give the President some flexibility while supporting the spirit of the treaty to maintain some semblance of a cap on offensive launch capability.

I believe that we first and foremost should maintain the strength of all three elements of the Triad, ICBM's, SLBM's, and heavy bombers with ALCM's while confirming the fact that we do not intend to achieve a first-strike capability. I am afraid that the amendment ties the President's hands in much too rigid of a quantitative fashion. He should be allowed some redistribution of individual strength among the legs of the Triad short of sending any signal to Moscow that we intend to undertake a massive breakout from SALT II. I would hope that my colleagues would defeat this amendment and preserve the President's flexibility in his arms control approach to maintain our deterrent while achieving reductions in offensive strategic systems.

Mr. LEVINE of California. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Washington to bar the use of funds to deploy any nuclear weapons that would violate any of the weapons sublimits of the SALT II Treaty. This amendment provides that if the President certifies to Congress that the Soviets have violated the numerical sublimits of the SALT II Treaty, then the United States may also exceed those sublimits. I want to commend the gentleman from Washington for offering this amendment. It is a timely amendment and very, very needed.

Mr. Chairman, the Reagan administration has an abysmal arms control record. It has not negotiated one arms control agreement since it took office in 1981. It has the worst record of any administration since the nuclear arms race began.

This record was made even worse by the administration's May 27 announcement of its intention to abandon SALT II unless the Soviets take drastic moves to improve compliance with existing treaties.

In response to the administration's announcement, the Soviet Union warned that it would abandon the SALT II Treaty and other strategic accords if the United States does not comply with them.

It is true there are compliance problems. Soviet encryption of telemetry, production of the SS-25, and the Krasnoyarsk radar station raise serious questions about Soviet compliance which must be properly addressed. But threats to abandon SALT will not accomplish that result. Nor will it encourage any other kind of accommodation between the two superpowers. In fact, abandoning SALT undermines our own interests for the following reasons:

First, unlike the United States, the Soviets keep open their missile production lines. This means they can quickly increase the number of their warheads and we cannot quickly increase ours.

Second, the Soviets have already deactivated or destroyed more than 1,000 missiles in order to comply with SALT. The United States has had to destroy less than 100. If both sides continue to adhere to SALT, the Soviets will have to dismantle and destroy far more launchers than will we in the next several years.

So far, we have destroyed 48 nuclear launchers and have announced the destruction of 3 nuclear submarines in order to comply with SALT II limits. The Soviets meanwhile have destroyed over 400 launchers and 14 submarines.

Third, Congress has passed the Gramm-Rudman balanced budget law, which limits U.S. spending ability. The Soviet leadership has no such constraint.

Fourth, the President's unilateral decision illustrates a disturbing tendency of his administration to make significant foreign policy and arms control decisions without adequate consultation with our allies. Not a single ally has supported the President's plan to abandon the treaty, and many have soundly and justifiably criticized this decision. In fact, the European NATO members have been virtually unanimous in strongly criticizing the administration's decision. Even his ideological soulmate British Prime Minister Thatcher said, "The SALT II agreement should continue to be observed by both sides."

At a June meeting of NATO foreign ministers, allied representatives repeatedly warned that the President's decision would have serious consequences in Western Europe and strengthen the case of those arguing that the United States has no genuine interest in arms control. Our European allies regard the President's willingness to exceed the SALT limits as highly detrimental to their own security. They fear that the President has abandoned arms control and that an all-out arms race could ensue. They fear that such an arms race will increase tensions and raise the prospect of war which the Europeans fear—and have good reasons to fear—could be fought primarily in Western Europe.

In addition, our allies fear that increased tensions between East and West will tend to polarize European societies, create political tensions and undermine the necessary consensus for defense efforts. They fear that the Soviet Union, responding to an accelerated arms race, could choose to increase its intermediate range SS-20 deployments, which Europeans find particularly threatening to their security and deterrent capabilities. They fear that as a consequence of abandoning SALT, the European antinuclear movement might gain new life and again directly challenge the West European and other allied governments.

Mr. Chairman, clearly the administration's May 27 agreement does not serve the interests of our allies. Nor does it serve a single American interest—not our strategic interest, not our foreign policy interest, not our security or defense interest, and not our diplomatic interest. If the President carries out his stated intention to abandon the SALT treaty, he will also abandon the moral high ground on an issue of vital interest to the United States, to our allies, and to the future of peace on this planet.

Those of us in Congress who are deeply committed to arms control must do everything we possibly can to ensure U.S. compliance with SALT. In June this body passed a resolution introduced by the distinguished chairman of the Foreign Affairs Committee, Congressman FASCELL of Florida, providing that the President shall continue to adhere to the numerical sublimits of the SALT agreements as long as the Soviet Union does likewise. That resolution passed overwhelmingly by a bipartisan vote of 256 to 145. Now we have the chance to put teeth into the position so strongly supported by the majority of this body.

The amendment before us is a good amendment because it speaks to the best interests of this Nation and the world. I urge my colleagues to vote for it.

Mr. MOODY. Mr. Chairman, the administration's decision to deliberately violate the SALT II Treaty is frighteningly self-defeating. The achievements of four administrations over two decades have very nearly been demolished, and yet we have no concrete replacement. In the absence of a new agreement, it is dangerous and naive to abandon the only limits on the growth of nuclear forces we have.

President Reagan adhered to the SALT II Treaty for 5 years because he recognized that the treaty advanced the American interest. The treaty can continue to serve that interest. The treaty stems the growth of the Soviet arsenal, adds greater predictability and stability to the United States-Soviet competition, and provides a foundation for achieving more comprehensive reductions in Soviet nuclear arms.

No one can be certain what will happen in the absence of SALT II. But the administration's policy is based on the assumption that the Soviets will not embark on an expansion of their nuclear forces when the limits on that growth are removed. Given that the Soviets have at least eight major weapons systems under development and nearing deployment, I am not so sure. Scrapping SALT II will simply allow the Soviets to build whatever they want to build. We will be left to face the consequences.

Of course, without SALT the United States will also be free to deploy more and more nuclear arms. The Congressional Budget Office recently estimated that the Soviets could, with a modest effort, have 21,000 nuclear warheads by the mid 1990's. In order to counter such a build up, the United States would have to build over 850 additional MX missiles, or 36 more Trident submarines, or 270 additional B-1 bombers with 28 weapons each. The cost of producing these systems would be truly staggering. And while the number of American nuclear weapons would increase and the defense budget would increase, U.S. security would not increase at all. In fact, the net result would be a more vulnerable U.S. land-based force. Our deterrent would be weakened.

Every Member of this Chamber is concerned about Soviet SALT violations. The proponents of this amendment to not condone Soviet behavior. But if treaty violations are the administration's true concern, serving notice that we intend to violate SALT II is a perverse way of convincing the Soviets to abide by it. One of the contributions of the SALT process was the establishment of durable mechanisms for resolving compliance disputes. But these mechanisms—like the Standing Consultative

Commission—have been virtually ignored. Instead of negotiating compliance questions at the recent special session of the SCC, the administration used the opportunity to tell the Soviets we would soon refuse to discuss SALT II violations at all. Five years of public bluster has not resolved a single compliance issue. Sabotaging the treaty and refusing to negotiate violations cannot and will not produce any better results.

Mr. Chairman, I strongly support the President's effort to negotiate comprehensive reductions in offensive arms. But abandoning SALT and eliminating current limits on the arms race will only make that task more difficult. We should not eliminate current constraints on the arms race before a better alternative in available. The potential effect of scrapping SALT II—an enormous expansion is the Soviet Union's nuclear capability—is too dangerous to risk in good conscience.

I urge my colleagues to support this amendment and preserve the U.S. commitment to SALT II and arms control.

Mr. FRENZEL. Mr. Chairman, the President's announced intention to exceed the SALT II numerical limits and sublimits on types of strategic weapons concerns me, and the Congress, greatly because it concerns our constituents.

Earlier this year, the House passed a nonbinding resolution urging the President to continue to adhere to those limits, despite apparent Soviet violations of several of the treaty's provisions. In so doing, it defeated an amendment offered by Mr. BROOMFIELD that would encourage continued adherence only if the Soviets adhered to all of the treaty's provisions.

I supported the Broomfield substitute because, while I believe continued adherence to SALT II helps protect against a possible acceleration in the arms race, I also view with alarm existing Soviet violations. The Soviets should not be allowed to observe treaties selectively.

However, when the House defeated the Broomfield substitute, I also supported the original resolution. Even without Soviet adherence, I believe that the resolution, nonbinding as it is, represented useful guidance to the President. The Soviets have respected SALT II's numerical limits, but are prepared to accelerate their production if we exceed the limits. That result would be a setback for arms control, making arms reduction a little harder in the future.

Some of the same arguments apply to the Dicks amendment to the defense authorizations bill for fiscal 1987. The Dicks amendment, however, cuts off funding for any procurement of weapons that would exceed the SALT II limits. I voted, consistently with my earlier votes, first in favor of a Broomfield substitute that would cut off funds only if the Soviets adhered to the entire treaty.

When that amendment failed, I supported the original Dicks proposal. I again express my concerns about selective treaty enforcement, and I again note that, notwithstanding those concerns, I believe continued U.S. adherence to the treaty's numerical limits is important to signal our cooperative attitude on arms control at this sensitive time in our strategic relations with the Soviets.

Mr. Chairman, I have serious reservations about forcing the administration's hand when it appears to be engaged in serious arms control negotiations. However, I do believe that the SALT II limits are extremely helpful in maintaining an atmosphere in which negotiations can succeed. For that reason, I support the Dicks amendment.

Mr. DICKS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Washington [Mr. DICKS].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROOMFIELD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 225, noes 186, not voting 20, as follows:

[Roll No. 330]

AYES—225

Ackerman	Dymally	Leach (IA)
Akaka	Early	Leath (TX)
Alexander	Eckart (OH)	Lehman (CA)
Anderson	Edgar	Lehman (FL)
Andrews	Edwards (CA)	Leland
Annunzio	English	Levin (MI)
Anthony	Erdreich	Levine (CA)
Applegate	Evans (IL)	Lipinski
Aspin	Fascell	Long
Atkins	Fazio	Lowry (WA)
AuCoin	Feighan	Luken
Barnes	Fish	Lundine
Bates	Florio	MacKay
Bedell	Foglietta	Manton
Beilenson	Foley	Markey
Bennett	Ford (MI)	Martinez
Berman	Ford (TN)	Matsui
Biaggi	Frank	Mavroules
Boehlert	Frenzel	McCloskey
Boggs	Frost	McCurdy
Boland	Fuqua	McDade
Boner (TN)	Garcia	McHugh
Bonior (MI)	Gaydos	McKernan
Bonker	Gejdenson	Mica
Borski	Gephardt	Mikulski
Bosco	Gibbons	Miller (CA)
Boucher	Glickman	Mineta
Boxer	Gonzalez	Moakley
Brooks	Gordon	Mrazek
Brown (CA)	Gray (IL)	Murphy
Bruce	Gray (PA)	Natcher
Bryant	Green	Neal
Bustamante	Guarini	Nowak
Carper	Hall (OH)	Oakar
Carr	Hamilton	Oberstar
Chapman	Hawkins	Obey
Chappell	Hayes	Olin
Clinger	Hefner	Ortiz
Coelho	Henry	Owens
Coleman (TX)	Hertel	Panetta
Collins	Horton	Pease
Conte	Howard	Penny
Conyers	Hoyer	Pepper
Cooper	Huckaby	Perkins
Coughlin	Hughes	Price
Coyne	Jacobs	Pursell
Crockett	Jeffords	Rahall
Daschle	Johnson	Rangel
Davis	Jones (OK)	Reid
de la Garza	Jones (TN)	Richardson
Dellums	Kanjorski	Rodino
Derrick	Kaptur	Roe
Dicks	Kastenmeier	Rose
Dingell	Kennelly	Rostenkowski
Donnelly	Kildee	Roybal
Dorgan (ND)	Kleczka	Russo
Dowdy	Kolter	Sabo
Downey	Kostmayer	Savage
Durbin	LaFalce	Scheuer
Dwyer	Lantos	Schneider
Schroeder	Stokes	Watkins
Schumer	Studds	Waxman
Seiberling	Swift	Weaver
Sharp	Synar	Weiss
Sikorski	Tauke	Wheat
Slattery	Torricelli	Whitley
Smith (FL)	Towns	Whitten
Smith (IA)	Traficant	Williams
Snowe	Traxler	Wirth
Solarz	Udall	Wise
Spratt	Vento	Wolpe
St Germain	Visclosky	Wright
Staggers	Volkmer	Wyden
Stallings	Waldon	Yatron
Stark	Walgren	Young (MO)

NOES—186

Archer	Hiler	Rinaldo
Armey	Holt	Ritter
Badham	Hopkins	Roberts
Barnard	Hubbard	Robinson
Bartlett	Hunter	Roemer
Barton	Hutto	Rogers
Bateman	Hyde	Roth
Bentley	Ireland	Roukema
Bereuter	Kasich	Rowland (CT)
Bevill	Kemp	Rowland (GA)
Bilirakis	Kindness	Rudd
Bliley	Kolbe	Saxton
Boulter	Kramer	Schaefer
Broomfield	Lagomarsino	Schuette
Brown (CO)	Latta	Schulze
Burton (IN)	Lent	Sensenbrenner
Byron	Lewis (FL)	Shaw
Callahan	Lightfoot	Shelby
Carney	Livingston	Shumway
Chandler	Lloyd	Shuster
Chappie	Loeffler	Siljander
Cheney	Lott	Sisisky
Coats	Lowery (CA)	Skeen
Cobey	Lujan	Skelton
Coble	Lungren	Slaughter
Coleman (MO)	Mack	Smith (NE)
Combest	Madigan	Smith (NJ)
Courter	Marlenee	Smith, Denny (OR)
Craig	Martin (IL)	Smith, Robert (NH)
Crane	Martin (NY)	Smith, Robert (OR)
Daniel	Mazzoli	Snyder
Dannemeyer	McCain	Solomon
Darden	McCandless	Spence
Daub	McCollum	Stangeland
DeLay	McEwen	Stenholm
DeWine	McGrath	Strang
Dickinson	McMillan	Stratton
DioGuardi	Meyers	Stump
Dornan (CA)	Michel	Sundquist
Dreier	Miller (OH)	Sweeney
Duncan	Miller (WA)	Swindall
Dyson	Molinari	Tallon
Eckert (NY)	Mollohan	Tauzin
Edwards (OK)	Monson	Taylor
Emerson	Montgomery	Thomas (CA)
Evans (IA)	Moorhead	Thomas (GA)
Fawell	Morrison (WA)	Valentine
Fiedler	Murtha	Vander Jagt
Fields	Myers	Vucanovich
Franklin	Nelson	Walker
Gallo	Nichols	Weber
Gekas	Nielson	Whitehurst
Gilman	Oxley	Whittaker
Goodling	Packard	Wilson
Gradison	Parris	Wolf
Gregg	Pashayan	Wortley
Gunderson	Petri	Wylie
Hall, Ralph	Pickle	Young (AK)
Hammerschmidt	Porter	Young (FL)
Hansen	Quillen	Zschau
Hartnett	Ray	
Hatcher	Regula	
Hendon	Ridge	

NOT VOTING—20

Breaux	Gingrich	Mitchell
Burton (CA)	Grotberg	Moody
Campbell	Hillis	Moore
Clay	Jenkins	Morrison (CT)
Dixon	Jones (NC)	Torres
Flippo	Lewis (CA)	Yates
Fowler	McKinney	

□ 2220

The Clerk announced the following pairs:

On this vote:

Mr. Yates for, with Mr. Campbell against.

Mr. Morrison of Connecticut for, with Mr. Lewis of California against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. SIKORSKI). Pursuant to House Resolution 531, it is in order for the gentleman from California [Mr. BROWN] or his designee, to offer an amendment contained in House Report 99-766 relating to antisatellite weapons, which shall not be subject to amendment or to a demand for a division of the question, but shall be debatable for 1 hour, equally divided and controlled by the proponent and a Member opposed thereto.

AMENDMENT OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of California: Strike out section 214 (page 67, line 17 through page 68, line 4) and insert in lieu thereof the following:

SEC. 214. LIMITATION ON TESTING OF ANTI-SATELLITE WEAPONS.

(a) ASAT TESTING MORATORIUM.—The Secretary of Defense may not carry out a test of the Space Defense System (anti-satellite weapon) against an object in space until the President certifies to Congress that the Soviet Union has conducted, after the date of the enactment of this Act, a test against an object in space of a dedicated anti-satellite weapon.

(b) EXPIRATION.—The prohibition in subsection (a) expires on October 1, 1987.

The CHAIRMAN pro tempore. Under the rule, the gentleman from California [Mr. BROWN] will be recognized for 30 minutes, and a Member opposed will be recognized for 30 minutes.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

Does the gentleman from California [Mr. BROWN] yield to the gentleman from Wisconsin [Mr. ASPIN]?

Mr. BROWN of California. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [MR. DE LA GARZA] having assumed the chair, Mr. SIKORSKI, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, had come to no resolution thereon.

PERMISSION FOR TOMORROW TO BE A SUSPENSION DAY

Mr. WRIGHT. Mr. Speaker, I am going to make a unanimous-consent request. Prior to making that, I should like to make a brief explanation of its purpose.

I am going to ask unanimous consent that tomorrow may be a suspension day, or a day on which we may consider bills under the suspension of the rules, the purpose of that being to accommodate Members this evening who do not want to go through the business of taking up suspensions that were postponed earlier today. It is too late.

One of the gentlemen had suggested that if we went into the debate on those suspensions this evening, he would be constrained to demand separate votes on the ordering of a second. So in order to save Members from that, I will ask unanimous consent, and I do ask unanimous consent, that tomorrow may be a suspension day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MICHEL. Mr. Speaker, reserving the right to object, if there is a clear understanding that it is limited to the two bills that we had made mention of, House Resolution 373 and H.R. 2631.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Texas.

Mr. WRIGHT. That would be the South African dialog?

Mr. MICHEL. The gentleman is correct.

Mr. WRIGHT. Having to do with Nelson Mandela. The other one, I do not have in writing, but is acid rain.

Mr. MICHEL. Acid rain.

Mr. WRIGHT. It is our purpose to bring up the acid rain bill and the Fuel Use Act. It would be free Nelson Mandela, acid rain, and Fuel Use Act.

Mr. MICHEL. If I might continue under my reservation of objection, Mr. Speaker, it was my understanding in the dialog here that there were two bills on suspension, and we were going to agree not to object to bringing the two bills up under suspension on tommorrow, and then proceed with consideration of the defense bill. Now am I hearing right, that we are going to add something else that got us into all of the trouble of going so late tonight?

Mr. BADHAM. Mr. Speaker, will the gentleman yield under his reservation of objection?

Mr. MICHEL. Yes, I yield to the gentleman from California.

□ 2230

Mr. BADHAM. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I was in on this discussion we had down here. Now, we were going to start out today and have several suspensions; they lasted to midafternoon before we got to the bill that is now before us; and now I hear that in order to accommodate some Members, the gentleman has proposed that we ask unanimous consent that we take up suspensions on acid rain and South Africa; that apparently were of such an immediate urgency that they had not been heard of before, although we have already had 2 days of suspensions this week.

I would ask the gentleman, under his reservation, if he would respond to that.

Mr. WRIGHT. Mr. Speaker, if the gentleman would yield further.

Mr. MICHEL. I will yield, under my reservation.

Mr. WRIGHT. Mr. Speaker, the purpose was initially, when we postponed further consideration of suspensions today, to facilitate the more important work of the Congress in the Department of Defense authorization bill.

The thought being that we then would go this evening and debate the remaining suspensions; not taking any votes on them, but this runs counter to the wishes of some of the Members and at least one of the Members who would be involved in the debate has advised me that if we follow that procedure and tried to have debate on these suspensions this evening, he would be constrained to demand votes on the ordering of a second.

Well, that would disrupt everybody and call a bunch of people back and cause people to miss votes. No point in doing that. Therefore, it seemed logical to me, and I had to run it by some of the members of the leadership, that we have suspensions tomorrow before the votes on the suspensions that had been debated yesterday and today.

Mr. BADHAM. Mr. Speaker, if the gentleman would continue to yield under his reservation.

Mr. MICHEL. I do.

Mr. BADHAM. Mr. Speaker, I have the greatest respect for the majority leader, but I just somehow cannot believe that these things just cropped up. That we were going to have, after all the debate we were going to have, and we have not had all the debate that we were originally scheduled to have on the DOD authorization bill, that we were going to agree to go back and do more suspensions. I just cannot believe that.

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield further, the acid rain bill and the South African dialog

bill were scheduled for action today, but debate on them was postponed to facilitate our getting back onto the Department of Defense bill.

Now, if the gentleman from Illinois has an objection to our considering those bills tomorrow, I was not aware of it.

Mr. MICHEL. Well, Mr. Speaker, if I might say, the agreement was with two. If the gentleman goes to three, he is probably going to get an objection.

As much as I frankly would probably differ with the gentleman's reasons for objecting—I might like to have it up—but he is within his rights to object, and I am telling you we got agreement for the two and not for the three.

Mr. WRIGHT. Mr. Speaker, if the gentlemen would yield.

Mr. MICHEL. I yield to the gentleman from Texas.

Mr. WRIGHT. Let me ask a question, then, to the gentleman from Illinois [Mr. MICHEL].

Is it his feeling that the Membership would be amendable if we expressly limit tomorrow's suspension debates to those two that were scheduled for today and no more; namely, the bill, House Resolution 373, involving a South African dialog, and the other bill the number of which I do not have, involving acid rain?

Mr. MICHEL. That is what the discussion was all about, Mr. Speaker.

Mr. WRIGHT. In that case, Mr. Speaker, I ask unanimous consent that tomorrow may be a suspension day for the express and exclusive purposes of debating those two enumerated bills.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONFERENCE REPORT ON S. 410, CONSERVATION SERVICE REFORM ACT OF 1986

Mr. HALL of Texas submitted the following conference report and statement on the Senate bill (S. 410) to repeal the Commercial and Apartment Conservation Service, and for other purposes:

CONFERENCE REPORT (H. REPT. 99-787)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 410) to repeal the Commercial and Apartment Conservation Service, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conservation Service Reform Act of 1986".

TITLE 1—RESIDENTIAL CONSERVATION SERVICE

SEC. 101. RESTATEMENT OF FINDINGS.

Section 102(a) of the National Energy Conservation Policy Act (42 U.S.C. 8201(a)) (relating to findings) is amended to read as follows:

"(a) FINDINGS.—The Congress finds that—

"(1) the United States has survived a period of energy shortage and has made significant progress toward improving energy efficiency in all sectors of the economy;

"(2) effective measures must continue to be taken by the Federal Government and other users and suppliers of energy to control the rate of growth of demand for energy and the efficiency of its use;

"(3) the continuation of this effort will permit the United States to become increasingly independent of the world oil market, less vulnerable to interruption of foreign oil supplies, and more able to provide energy to meet future needs; and

"(4) all sectors of the economy of the United States should continue to reduce significantly the demand for nonrenewable energy resources such as oil and natural gas by implementing and maintaining effective conservation measures for the efficient use of these and other energy sources.".

SEC. 102. CHANGES IN CERTAIN PLAN REQUIREMENTS.

(a) INFORMATION REQUIREMENTS MADE APPLICABLE UNTIL JUNE 30, 1989.—(1) Section 215(a) and section 217(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8216(a) and 42 U.S.C. 8218(a)(1)) (relating to utility programs and home heating supplier programs) are amended by striking out "January 1, 1985" each place it appears and inserting in lieu thereof "June 30, 1989 (but not more often than once during the period beginning on the date of the enactment of the Conservation Service Reform Act of 1986 and ending on June 30, 1989)".

(2)(A) Section 215(d) of such Act (42 U.S.C. 8216(d)) is amended by striking out "January 1, 1985" and inserting in lieu thereof "June 30, 1989".

(B) The amendment made by subparagraph (A) shall apply only with respect to persons who become customers of a utility after the date of the enactment of this Act.

(b) ELIMINATION OF REQUIREMENTS THAT PUBLIC UTILITIES ARRANGE FOR INSTALLATION OF SUGGESTED MEASURES AND FOR RELATED LOANS; ELIMINATION OF LISTING REQUIREMENTS.—

(1) Section 215(b) of such Act (42 U.S.C. 8216(b)) (relating to project manager requirements) is amended—

(A) by striking out "Each utility program shall include" through "procedures" and inserting in lieu thereof "Each utility program shall include procedures";

(B) by striking out "to" through "inspect" and inserting in lieu thereof "to inspect"; and

(C) by striking out "inspection;" and all that follows and inserting in lieu thereof "inspection.".

(2) Section 217(a)(2) of such Act (42 U.S.C. 8218(a)(2)) (relating to home heating supplier programs) is amended—

(A) by striking out "will—" through "inspect" and inserting in lieu thereof "will inspect"; and

(B) by striking out "installing, suggested measures;" and all that follows and inserting in lieu thereof "installing, suggested measures.".

(3) Section 213(a) of such Act (42 U.S.C. 8214(a)) (relating to general plan requirements) is amended—

(A) by striking out paragraphs (2) and (3); and

(B) by redesignating paragraphs (4) through (9) as paragraphs (2) through (7), respectively.

(c) RULES.—Section 212(b)(2) of such Act (42 U.S.C. 8213(b)(2)) (relating to rules of the Secretary) is amended—

(1) by striking out subparagraphs (E) and (F), and

(2) by inserting "and" at the end of subparagraph (C).

(d) DEFINITIONS.—(1) Section 210(9) of such Act (42 U.S.C. 8211(9)) (relating to definitions) is amended to read as follows:

"(9) The term 'residential building' means any building used for residential occupancy which is not a new building to which final standards under section 304(a) of the Energy Conservation and Production Act apply and which has a system for heating or cooling, or both.".

(2) Section 212(c)(4) of such Act (42 U.S.C. 8213(c)(4)) (relating to TVA) is amended to read as follows:

"(4) In the case of the Tennessee Valley Authority or any public utility with respect to which the Tennessee Valley Authority has ratemaking authority, the authority otherwise vested in a Governor, a State regulatory authority, a State agency, or an agency or instrumentality of a State under this part shall be vested in the Tennessee Valley Authority.".

(e) EXEMPTION.—Section 215 of such Act (42 U.S.C. 8216) (relating to utility programs), as amended by subsection (h)(7) of this section, is amended by adding at the end the following new subsection:

"(g) EXEMPTION OF CERTAIN MULTIFAMILY BUILDINGS.—The provisions of this section shall not apply to any building which has five or more dwelling units and which does not contain individual meters for the dwelling units therein.".

(f) EFFECT OF 1986 AMENDMENTS ON APPROVED PLANS FOR PURPOSES OF FEDERAL STANDBY AUTHORITY.—Section 219 of such Act (42 U.S.C. 8220) (relating to Federal standby authority) is amended by adding at the end thereof the following new subsection:

"(e) PLANS APPROVED BEFORE 1986 AMENDMENTS.—For purposes of this section, any residential energy conservation plan which was approved by the Secretary before the effective date of the Conservaton Service Reform Act of 1986 shall be treated as an approved plan which is adequately implemented if such plan is adequately implemented in accordance with the requirements of this Act as amended by the Conservation Service Reform Act of 1986.".

(g) TEMPORARY EXEMPTIONS.—Section 218(a) of such Act (42 U.S.C. 8219(a)) (relating to temporary exemptions) is amended by striking out the last sentence and inserting in lieu thereof the following: "Such temporary exemption may be granted or renewed until such date as determined by the Secretary.".

(h) CONFORMING AMENDMENTS.—

(1) Section 210(16) of such Act (42 U.S.C. 8211(16)) is amended by striking out "215(b)(1)(A)" and inserting in lieu thereof "215(b)".

(2) Section 212(b)(2)(C) of such Act (42 U.S.C. 8213(b)(2)(C)) is amended by striking out "213(a)(4)" and inserting in lieu thereof "213(a)(2)".

(3) Section 213(b)(2)(A) of such Act (42 U.S.C. 8214(b)(2)(A)) is amended by striking out "215(b)(1)" and inserting in lieu thereof "215(b)".

(4) Section 214(b) of such Act (42 U.S.C. 8215(b)) is amended by striking out "(8)" and inserting in lieu thereof "(6)".

(5) Section 215(a)(3) of such Act (42 U.S.C. 8216(a)(3)) is amended by striking out "and the lists referred to in section 213(a) (2) and (3)".

(6) Section 215(d) of such Act (42 U.S.C. 8216(d)) is amended by striking out ", the offer required under subsection (b)(1)(A)" and all that follows and by inserting in lieu thereof "and the offer required under subsection (b).".

(7) Section 215 of such Act (42 U.S.C. 8216) is amended by striking out subsection (f) and by redesignating subsection (g) as subsection (f).

(8) Section 216(c)(1) of such Act (42 U.S.C. 8217(c)(1)) is amended by striking out subparagraph (A) and by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively.

(9) Section 216(c)(2)(C) of such Act (42 U.S.C. 8217(c)(2)(C)) is amended by striking out "on the lists referred to in section 213(a)(2)".

(i) STATUTORY CONSTRUCTION.—Nothing in the amendments made by subsections (b), (c), (g), and (h) shall prevent implementation of a plan or program pursuant to the National Energy Conservation Policy Act as in effect before the date of the enactment of this Act.

(j) EFFECTIVE DATE AND OTHER REQUIREMENTS.—

(1) The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) The Secretary of Energy shall, within the 180-day period referred to in paragraph (1), amend the rules promulgated under section 212 of the National Energy Conservation Policy Act to carry out the amendments made by this Act.

(3) SPECIAL REQUIREMENTS FOR PLANS APPROVED BEFORE 1986 AMENDMENTS.—The Secretary of Energy shall, with respect to any residential energy conservation plan approved by the Secretary of Energy before the effective date (as described in paragraph (1)) of the amendments made by this section, require the appropriate official in charge of such plan to notify the Secretary of Energy, within 120 days of the date of enactment of this Act, that the amendments made by subsections (a), (d), and (e) of this section shall be implemented for the duration of such plan. The Secretary may not impose any other notice or approval requirement on a Governor or agency or instrumentality of a State with respect to such amendments.

SEC. 103. ALTERNATIVE PLANS FOR RESIDENTIAL BUILDINGS.

(a) IN GENERAL.—The National Energy Conservation Policy Act (42 U.S.C. 8201 et seq.) is amended by inserting the following new sections after section 225:

"SEC. 226. ALTERNATIVE STATE PLANS.

"(a) IN GENERAL.—A Governor of any State, any State regulatory authority, or any agency or instrumentality of a State may elect, to the extent authorized under State law, to formulate and certify an alternative State plan of residential buildings under this section.

"(b) CONSEQUENCES OF CERTIFICATION.—(1) Beginning with the date on which the certification of a plan is made with respect to a State under subsection (d) and ending with the date on which a plan is no longer in effect under this section with respect to such State—

"(A) subsections (a) through (c)(3) of section 212, sections 213 through 215 and sections 217 and 218 shall not apply with respect to—

"(i) regulated utilities in such State, and

"(ii) nonregulated utilities which are included in the plan;

"(B) section 219 shall apply to utilities described in subparagraph (A) only to the extent provided for in subsection (f); and

"(C) sections 212 through 219 shall apply to nonregulated utilities which are not included in the plan or which have not received an exemption under section 227.

"(2) Except as provided in subsection (f), any State for which a plan is certified under subsection (d) shall continue to have such plan in effect until June 30, 1989.

"(c) CONTENT OF PLAN.—A plan certified pursuant to this section shall—

"(1) be designed to result in annual residential energy conservation savings of 2 percent or more;

"(2) contain the goals established for the plan and an analysis of the data and rationale used by the entity in charge of formulating the plan to determine that the plan is likely to achieve such goals;

"(3) contain adequate procedures to assure that, if a public utility supplies or installs residential energy conservation measures, such actions shall be consistent with section 216 and prices and rates of interest charged shall be fair and reasonable; and

"(4) contain adequate procedures for preventing unfair, deceptive, or anticompetitive acts or practices affecting commerce which relate to the implementation of such plan.

"(d) CERTIFICATION.—(1) The entity which elects to certify a plan under this section shall certify, pursuant to a form to be prescribed by the Secretary (except as provided by paragraph (2)), to the Secretary that—

"(A) the plan meets the requirements of subsection (c);

"(B) the plan is likely to achieve the goals established for the plan if it is adequately implemented; and

"(C) the plan will be adequately implemented.

"(2) If a form is not made available by the Secretary within 90 days after the date of the enactment of this section, the entity in charge of certifying the plan may make such certification on a form prescribed by such entity.

"(3) Any certification under this subsection shall include a detailed explanation of the manner in which the contents of the plan will be implemented.

"(e) ANNUAL REPORT.—(1) The entity which certifies a plan under subsection (d) shall submit an annual report to the Secretary, within 60 days after the end of the 1-year period to which the report relates, describing the implementation of the plan and the results thereof.

"(2) Such report shall include—

"(A) a statement of the number of residential buildings receiving benefits under the plan,

"(B) an estimate of the actual energy savings resulting from the plan and a description of the sources of such savings,

"(C) a statement of the percentage of individuals with low and moderate incomes who receive benefits under the plan,

"(D) a detailed description of the benefits provided under the plan and of how the plan is implemented, and

"(E) the names of the entities carrying out the plan.

"(3) The first such report shall be made by an entity within the 14-month period that begins with the date that such entity certified a plan under this section.

"(f) ADMINISTRATIVE AND JUDICIAL ENFORCEMENT PROCEEDINGS.—(1)(A) At any time more than 1 year after an alternative State plan has been certified under subsection (d) with respect to a State, any customer of a utility subject to such alternative State plan may petition the Secretary of Energy to conduct a public hearing to determine if the alternative State plan has been adequately implemented. A copy of such petition shall be transmitted to the entity in charge of the plan on the same date it is transmitted to the Secretary.

"(B) Within 60 days after the date on which a petition is received under subparagraph (A), the Secretary shall—

"(i) conduct the hearing requested in such petition; or

"(ii) notify in writing the customer submitting such petition of the Secretary's reasons for determining that such a hearing is not justified in the public interest.

"(C) The Secretary shall provide advance notice to the public of any hearing carried out as a result of a petition submitted under subparagraph (A). Any determination by the Secretary concerning the adequacy of the implementation of any alternative State plan shall be on the record and shall be published in the Federal Register within 60 days after such determination is made.

"(D) Any person alleging that he is likely to be injured as a result of a determination by the Secretary under this paragraph may, within 60 days after publication or notification of such determination, institute an action appealing the determination in the United States Court of Appeals for the appropriate judicial circuit. The Court shall review the determination of the Secretary in accordance with the Administrative Procedures Act, and shall have jurisdiction to affirm, modify, set aside, in whole or in part, or to remand such determination to the Secretary for such other action as the Court may direct.

"(2) Except as provided in paragraph (3), if any determination by the Secretary that the alternative State plan has not been adequately implemented becomes final and may not be appealed, the Secretary shall, within 30 days of the date on which the determination may no longer be appealed, initiate standby authority under section 219 with respect to such State.

"(3) If a State which had an approved plan in effect under section 212 on the day before the date on which certification was made under this section informs the Secretary in writing, within 30 days after receiving a copy of the petition described in paragraph (1), that it will no longer implement a plan certified under this section and that it will implement the approved plan which was in effect in the State on the day before certification of the alternative plan under this section, then—

"(A) the determinations and actions described in paragraph (1) may not be carried out; and

"(B) sections 212 through 219 shall apply in such State except to the extent that waivers are provided for utilities under section 227 in such State.

"(g) COVERAGE.—A plan certified under this section shall not apply to utilities other than utilities covered under section 211(a).

"(h) INCLUSION OF NONREGULATED UTILITIES.—A nonregulated utility may not be included in a plan under this section unless such inclusion is authorized under State law or the nonregulated utility agrees to such inclusion.

"(i) INCENTIVES.—The entity in charge of a plan under this section, or a State regulatory authority, may, to the extent permitted under State law, provide incentives for utilities to meet the goals contained in the State's alternative plan, including providing such utilities that meet or exceed such goals with a rate of return on expenditures made for the purpose of accomplishing such goals.

"(j) UTILITIES WITH RETAIL SERVICE TERRITORIES IN MORE THAN ONE STATE.—For purposes of this section, any utility with a retail service territory in more than one State shall be considered to be a separate utility with respect to each State in which its retail service territory is located.

"(k) AMENDMENT OF A PLAN.—(1) Except as provided by paragraph (2), a plan certified under this section may be amended by any amendment—

"(A) consistent with the requirements of subsection (c); and

"(B) certified to the Secretary of Energy in a manner consistent with the requirements applicable to the certification of a plan under subsection (d).

"(2) A plan certified under this section may not be amended—

"(A) during the first year after it is certified; or

"(B) more than once a year thereafter.

"SEC. 227. WAIVER FOR REGULATED AND NONREGULATED UTILITIES.

"(a) WAIVER.—Any utility subject to this part may, upon request, receive a waiver from the Secretary from any provision of this part or from any provision of a State residential energy conservation plan under this part if the utility shows in appropriate State proceedings and the appropriate State officials find that—

"(1) the existing and planned residential energy conservation programs that will be implemented by the utility if a waiver from such provision is approved will result in savings in petroleum, natural gas or electric energy consumed in residential buildings served by the utility that are equal to or greater than the savings that would be achieved in connection with a properly implemented state residential conservation service plan under this part; and

"(2) adequate procedures are in effect that prevent unfair, deceptive or anticompetitive acts or practices affecting commerce that relate to the implementation of such residential energy conservation programs, including provisions to assure that any person who alleges any injury resulting from unfair, deceptive or anticompetitive acts or practices in connection with such programs shall be entitled to redress under such procedures as may be established by the Governor in the State in which the utility provides utility service.

"(b) DEFINITION.—For purposes of this section the term 'residential energy conservation program' means any program carried out by a utility that has as its purpose—

"(1) increasing the efficiency with which petroleum, natural gas or electric energy is consumed in residential buildings served by such utility; or

"(2) utilizing solar or other forms of renewable energy in residential buildings served by such utility.

"(c) APPROVAL.—The Secretary shall approve a request of a utility for a waiver under subsection (a) if the Secretary determines that—

"(1) opportunity for a hearing on the request for a waiver has been provided in the State in which the utility provides utility service; and

"(2) in the case of a regulated utility, the Governor of the State in which the utility provides utility service and the State regulatory authority that has ratemaking authority with respect to such utility both—

"(A) find that the showings under subsection (a)(1) and (2) are sufficient; and

"(B) support the request by the utility for the waiver; or

"(3) in the case of a nonregulated utility subject to a State residential energy conservation plan under section 212(c)(2), the Governor of the State in which the utility provides utility service—

"(A) finds that the showings under subsections (a) (1) and (2) are sufficient; and

"(B) supports the request by the utility for the waiver.

"(d) ANNUAL REVIEW AND REVOCATION OF WAIVER.—(1) the provisions of this subsection do not apply to a nonregulated utility unless such utility is subject to a State residential energy conservation plan under section 212(c)(2).

"(2) Any utility that receives a waiver under this section shall provide the Governor of the State in which that utility provides utility service with an annual report describing the performance of its residential energy conservation programs in relation to the showings of such utility under subsections (a) (1) and (2).

"(3) The Secretary shall revoke any waiver received by a utility under this section upon a request under this subsection by the Governor of the State in which the utility provides utility service. Such a request shall be made upon a finding—

"(A) in the case of a regulated utility, by such Governor with the concurrence of the State regulatory authority that has ratemaking authority with respect to such utility; or

"(B) in the case of a nonregulated utility subject to a State residential energy conservation plan under section 212(c)(2), by such Governor,

that the svaings described in subsection (a)(1) on an annual basis are less than the savings in the year prior to the approval of the waiver or that the procedures referred to in subsection (a)(2) are no longer adequate.

"(4) A request under paragraph (3) with respect to any utility may be submitted to the Secretary by a Governor only after review and opportunity for a hearing on the performance of the residential energy conservation programs of such utility. In order to facilitate such review and hearing, the utility shall provide to the Governor such information as the Governor requests about such residential energy conservation programs.".

(b) The table of contents for the National Energy Conservation Policy Act is amended by adding at the end of the table of contents for part 1 of title II the following:

"Sec. 226. Alternative State plans.
"Sec. 227. Waiver for regulated and nonregulated utilities.".

SEC. 104. REPORTS AND DISSEMINATION OF INFORMATION.

(a) IN GENERAL.—Section 225 of the National Energy Conservation Policy Act (42 U.S.C. 8226) (relating to a Federal Trade Commission study and report submitted before January 1, 1982) is ameneded to read as follows:

"SEC. 225. REPORTS AND DISSEMINATION OF INFORMATION.

"(a) GENERAL REPORT.—(1) No later than December 31, 1987, and December 31, 1989, the Secretary shall submit a report to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Energy and Natural Resources of the Senate relating to the operation of this part.

"(2) Each such report shall include—

"(A) a comparison of estimated actual and predicted energy savings resulting from plans under this part,

"(B) identification of the most effective plans (or portions thereof),

"(C) an analysis, based on completed audits and other relevant data, of the energy saving potential of the installation of additional residential conservation measures, and

"(D) an analysis of economic, technical, behavioral, and other factors considered relevant to energy consumption by the Secretary.

Nothing in this paragraph shall require a survey of each residential building in which a residential energy conservation measure has been installed under this part.

"(b) SUMMARY OF ALTERNATIVE PLAN AND UTILITY WAIVER REPORTS.—No later than December 31, 1987, and December 31, 1989, the Secretary shall submit a report to the Chairman of the Committee on Energy and Commerce of the House of Representatives and the Chairman of the Committee on Energy and Natural Resources of the Senate summarizing the annual reports the Secretary received under section 226(e).

"(c) DISSEMINATION OF INFORMATION.—(1)(A) The Secretary shall at least annually, in fiscal years beginning after September 30, 1986, disseminate to the States and public utilities information providing technical assistance and relating to the most cost-effective energy conservation procedures and devices (including residential energy conservation measures) and the most successful plans (or portions thereof) under this part.

"(B) The Secretary shall make the information described in subparagraph (A) available to the public.

"(2) The Secretary shall conduct seminars in various regions of the United States to disseminate information described in paragraph (1).".

(b) CLERICAL AMENDMENT.—The table of contents of such Act is amended by striking out the item relating to section 225 and inserting in lieu thereof the following:

"Sec. 225. Reports and dissemination of information.".

(c) REPORT BY COMPTROLLER GENERAL.—(1) The Comptroller General shall prepare and transmit to Congress before December 31, 1986, a report evaluating the utility and home heating supplier plans implemented under part 1 of title II of the National Energy Conservation Policy Act.

(2) The Secretary of Energy shall conduct a survey in consultation with the Comptroller General to collect the information the Comptroller General determines is necessary for the preparation of such report.

(3) The report referred to in paragraph (1) shall examine and assess—

(A) the potential for achievable energy savings through installation of residential energy conservation measures in residential dwellings in the United States and the importance of the programs carried out by the Residential Conservation Service of the Department of Energy in achieving these savings;

(B) the costs of Residential Conservation Service programs in a representative sample of States, taking into consideration the costs to the taxpayer and ratepayers of affected utilities;

(C) the benefits of Residential Conservation Service programs in a representative sample of States, taking into consideration the value of energy conservation and the value of deferral of investment in new capacity to provide energy;

(D) efforts of utilities to encourage the implementation of residential energy conservation measures by their customers and the relationship between these efforts and Residential Conservation Service programs;

(E) measured energy savings achieved in residential dwellings in which residential energy conservation measures have been installed under such programs;

(F) the extent to which utilities have adopted programs voluntarily or under State law that offer more potential for encouraging energy efficiency than do the programs carried out by the Residential Conservation Service;

(G) the extent to which modifications in the regulations implementing the programs carried out by the Residential Conservation Service could improve the cost effectiveness of the programs;

(H) legislative changes that are necessary to improve the cost effectiveness of residential energy conservation programs;

(I) the extent of unfair, deceptive, or anticompetitive acts or practices affecting commerce that relate to the implementation of such residential energy conservation programs, and the adequacy of procedures which are in effect to prevent such unfair, deceptive, or anticompetitive acts or practices; and

(J) such other matters as the Comptroller General considers appropriate in order to assist the Congress in deciding the future of the programs carried out by the Residential Conservation Service.

SEC. 105. TERMINATION.

(a) IN GENERAL.—Part I of title II of the National Energy Conservation Policy Act (42 U.S.C. 8211 and following), as amended by section 103, is amended by adding at the end the following new section:

"SEC. 228. TERMINATION.

"Effective June 30, 1989, all authority, including the authority to enforce any prohibitions, under this part shall terminate, except that such expiration shall not affect any action or proceeding based upon an act committed prior to midnight June 30, 1989, and not finally determined by such date.".

(b) CLERICAL AMENDMENT.—The table of contents of such Act, as amended by section 103(c) of this Act, is amended by inserting after the item relating to section 227 the following new item:

"Sec. 228. Termination.".

SEC. 106. SUPPLY AND INSTALLATION BY PUBLIC UTILITIES.

(a) GENERAL EXEMPTION.—Section 216(d) of the National Energy Conservation Policy Act (42 U.S.C. 8217(d)) (relating to general exemptions from prohibitions on supply and installation) is amended—

(1) by striking out "The" and inserting in lieu thereof:

"(1) Except as provided in paragraph (2), the";

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), repectively; and

(3) by adding at the end thereof the following new paragraph:

"(2) Effective July 1, 1987, subparagraphs (A) and (B) of paragraph (1) shall not apply to the supply or installation of residential energy conservation measures other than measures which the Secretary determines were being installed or supplied by a public utility during the 12-month period ending June 1, 1985.".

(b) PROHIBITION; ENFORCEMENT.—(1) Section 216 of such Act (42 U.S.C. 8217) (relating to prohibitions on supply and installations) is amended by striking out subsection (g)(2) and subsection (h) and inserting in lieu thereof the following:

"(2) No public utility that has an exemption or waiver under this section may carry out under this Part and pursuant to an exemption or waiver any activity if the Federal Trade Commission, pursuant to subsection (h), or a State regulatory authority, pursuant to State law, has determined that such activity involves—

"(A) charging unfair or unreasonable prices or rates of interest with respect to the supply and installation of residential energy conservation measures; or

"(B) engaging in unfair methods of competition or unfair or deceptive acts or practices with respect to such supply and installation.

"(h) ENFORCEMENT.—(1) For the purpose of determining whether a public utility which has an exemption or waiver under this section is engaging in any activity described in subsection (g)(2), a person alleging injury from any such activity may request—

"(A) to the extent authorized under State law, a State regulatory authority; or

"(B) in any case described in paragraph (2), the Federal Trade Commission,

to review an activity being carried out by such a public utility in whole or in part in such State. Such request shall contain a description of the actions of the utility alleged to constitute an activity described in subsection (g)(2); an allegation that an injury has been incurred by the person requesting the review; and an allegation that such injury resulted from an activity described in subsection (g)(2).

"(2) The Federal Trade Commission may review an activity of a public utility as a result of a request made under paragraph (1) only if—

"(A) a State regulatory authority has—

"(i) informed the resident making the request that it will not review such activity for the purpose described in paragraph (1); or

"(ii) within the 90-day period beginning on the date on which the request to review such activity was made to the State regulatory authority by the resident, failed to inform the resident that it will review such activity for such purpose; or

"(B) a State regulatory authority has informed the resident that it will review such activity for such purpose but has failed to initiate a proceeding for such purpose during the 6-month period beginning on the date on which the request to review such activity was made to the State regulatory authority by the resident.

"(3) If a request for review is made to the Commission in any case described in paragraph (2), and the Commission determines, on the basis of the information provided, that there is reason to believe that the public utility is carrying out an activity described in subsection (g)(2), the Commission shall issue and serve upon such utility a complaint and a notice of hearing and conduct a proceeding in accordance with section 5(b) of the Federal Trade Commission Act to determine if such an activity is being carried out by the utility.

"(4) If the Commission makes a determination pursuant to a proceeding described in paragraph (3) that a public utility is carrying out an activity described in subsection (g)(2) of this section, the Commission shall, utilizing the authority of the Commission to enforce prohibitions made by section 5 of the Federal Trade Commission Act, take appropriate action to enforce the prohibition in subsection (g)(2) of this section.

"(5) Any violation of a prohibition contained in this section other than a violation of subsection (g)(2) shall be treated, for purposes of section 219(d), as a violation of a plan promulgated under section 219(a).".

(c) CONFORMING AMENDMENTS.—(1) Section 216(c)(2)(A) of such Act (42 U.S.C. 8217(c)(2)(A)) (relating to an exemption from the prohibition on supply and installation by a public utility) is amended by inserting the following before the semicolon at the end: "or other activities described in subsection (g)(2)".

(2) Section 216(f) of such Act (42 U.S.C. 8217(f)) (relating to the applicability of section 215) is amended by striking out "(d)(2)", "(d)(1)", and "(d)(3)" and inserting in lieu thereof "(d)(1)(B)", "(d)(1)(A)", and "(d)(1)(C)", respectively.

(3) The heading of subsection (g) of section 216 is amended to read as follows: "AUTHORITY TO MONITOR AND TERMINATE CERTAIN ACTIVITIES BY UTILITIES.—".

(d) EFFECTIVE DATE.—The amendments made by this section shall become effective 180 days after the date of the enactment of this Act.

TITLE II—COMMERCIAL BUILDINGS AND MULTIFAMILY DWELLINGS

SEC. 201. REPEAL OF TITLE VII OF THE NATIONAL ENERGY CONSERVATION POLICY ACT.

(a) IN GENERAL.—Title VII of the National Energy Conservaion Policy Act (42 U,S,C, 8281 and following) (relating to energy conservation for commercial buildings and multifamily dwellings) is hereby repealed.

(b) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking out the items relating to such title VII.

(c) AUTHORITY TO CONTINUE CERTAIN STATE ENERGY CONSERVATION PLANS.—Notwithstanding subsection (a), any State energy conservation plan for commercial buildings and multifamily dwellings approved under section 721 of the National Energy Conservation Policy Act before August 1, 1984, may, with respect to regulated utilities, continue in effect until January 1, 1990.

SEC. 202. DEMONSTRATION PROJECTS FOR ENERGY EFFICIENCY IN COMMERCIAL BUILDINGS.

The Secretary of Energy shall, using funds appropriated for energy conservation activities of the Department of Energy, carry out demonstration projects by sharing the cost of the construction and development by nongovernmental entities of facilities which demonstrate innovative technologies for utility applications that increase energy efficiency in commercial buildings.

And the House agree to the same.

JOHN D. DINGELL,
EDWARD J. MARKEY,
RALPH M. HALL,
NORMAN F. LENT,
CARLOS J. MOORHEAD,
Managers on the Part of the House.

JAMES A. MCCLURE,
MARK O. HATFIELD,
PETE V. DOMENICI,
FRANK H. MURKOWSKI,
DON NICKLES,
J. BENNETT JOHNSTON,
DALE BUMPERS,
WENDELL FORD,
HOWARD M. METZENBAUM,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 410) to repeal the Commercial and Apartment Conservation Service, and for other purposes, submit the following joint statement to the House ant the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill stuck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

SECTION 101

The Senate bill did not have provisions amending Section 102(a) of the National Energy Conservation Policy Act (NECPA) relating to findings.

The House amendment amends the findings of NECPA to reaffirm the commitment of the Federal government to energy conservation.

The conferees agreed to the House provision.

SECTION 102

The Senate bill extended the informational requriements of Sections 215(a), (d) and 217(a)(1), of NECPA, relating to the Residential Conservation Service (RCS), until January 1, 1988 and extended the provisions for temporary exemptions under Section 218(a) of NECPA.

The House amendment extended the informational requirements until January 1, 1990 and had identical language to the Senate bill relating to temporary exemptions. In addition, the House amendment eliminated the requirements that utilities arrange for installation of conservation measures, for facilitating related loans and for listing of project managers. Finally, the House amendment expanded RCS coverage to included residential buildings with five or more dwelling units in which the dwelling units are individually metered for energy use.

The conferees agreed to each of the House provisions except that the date for the expiration of the informational requirements was agreed to be June 30, 1989. The conferees intend that no utility or home heating supplier be required to issue more than one informational announcement between the date of enactment and June 30, 1989. The conferees also intend that, as a result of the expansion of RCS coverage, no state be required to amend or resubmit its RCS plan to the Department of Energy.

SECTION 103

The Senate bill allowed the Department of Energy (DOE) to grant any regulated or nonregulated utility under the RCS program a "waiver" from any requirement of the RCS statute or from any requirement of a state RCS plan under the RCS statute. A utility could receive a waiver if the utility could show that more energy savings would result from energy conservation programs that would be implemented if the waiver were granted, and that adequate procedures would be in effect to prevent unfair, deceptive or anticompetitive acts or practices in connection with those programs. Judgments about these savings, about the adequacy of these procedures and whether the waivers should be revoked under the enforcement provisions would be made in appropriate State proceedings.

The House amendment allowed an exemption from the requirements of the RCS program for states or utilities which adopt an "alternative plan". Under this provision a state entity could formulate and certify to the DOE an Alternative State Plan. In addition to defining the formulation and certification procedures, the House amendment specified four required provisions and several discretionary provisions of the State Alternative Plan. The enforcement provisions of the House amendment allowed any resident of a state with an Alternative State Plan to petition DOE to revoke the State Alternative Plan on the ground that the plan had not been adequately implemented. If the Secretary found that the Plan had not been adequately implemented, he would implement the regular RCS program within 90 days. If the Secretary did not implement the regular RCS program within 90 days, the petitioner could bring a de novo action in the appropriate U.S. District Court to require the Secretary to implement the regular RCS program.

The provisions of the House amendment governing Alternative Utility Plans were similar to those governing Alternative State Plans in formulation and certification of the plan, content of the plan, annual report, and administrative and judicial enforcement proceedings.

The conferees agreed to adopt the Senate provision regarding utility waivers, with a modification of the standard that must be met in order to receive a waiver. The conferees agreed to adopt the House provisions regarding Alternative State Plans, with deletion of the plan formulation provisions, deletion of the discretionary plan content provisions, and modification of the enforcement provisions.

The conferees were concerned that utilities conducting an approved RCS program that had resulted in minimal savings of energy, under the waiver provisions in S. 410, would be able to qualify an alternative program that also could result in minimal energy savings. The waiver in S. 410 required that the proposed alternative program be designed to save at least as much as or more than the RCS program.

To avoid such occurrences, the conferees intend that, upon application by a utility for a utility waiver pursuant to Section 227(a), the appropriate state officials, by appropriate procedures, examine the currently implemented RCS plan and make a determination on whether it has been properly implemented. State officials may take into consideration such factors as methods used by the utility for: marketing the program to different groups, auditor training, predicting retrofit performance, conducting the audits, delivering audit results, following up on audits, and delivering related services.

It is the intention of the conferees that, under the State Alternative Plan enforcement provisions, petitioners be limited to persons alleging that they are likely to be injured as a result of the Secretary's determination regarding the adequacy of alternative plan implementation. The conferees further intend that the court shall review this determination by the Secretary in accordance with the Administrative Procedures Act.

SECTION 104

The Senate bill required the Secretary of Energy to conduct a survey in consultation with the Comptroller General to collect information for a report to Congress, by the Comptroller General, evaluating the utility and home heating supplier programs of the RCS program.

The House amendment required DOE to submit a report to the appropriate committees of Congress comparing the predicted energy savings with estimated actual energy savings achieved under both the RCS and alternative plans, and identifying the most successful programs. In addition, DOE was required to report annually to Congress on alternative plans and to disseminate information to states and utilities on the most effective programs and on methods for calculating energy consumption reductions.

The conferees agreed to adopt the provisions of both the Senate and House.

SECTION 105

The Senate bill provided for the termination of part I of Title II of NECPA, relating to the RCS program, on January 1, 1988.

The House amendment provided for this termination on January 1, 1990, except for Section 216 and certain sections necessary to enforce this section.

The conferees agreed that all authority under Part I of Title II of NECPA shall expire effective June 30, 1989, including section 216 and all provisions relating to that section.

SECTION 106

The Senate bill clarified the rights of persons to take actions with respect to anticompetitive acts or practices related to activities under the RCS program. The bill provided that nothing in this Part of NECPA shall bar any person from taking any action with respect to any anticompetitive act or practice under this Part, or convey to any person immunity from liability, or create defenses or modify any private right of action under antitrust laws.

The House amendment provided an opportunity for a review of potential competitive abuses in each of the exemptions from the prohibitions in NECPA that prohibit utilities from directly installing or supplying conservation measures. The House amendment restricted the "grandfather" exemption to those utilities that were installing or supplying specific conservation measures during the year prior to June 1, 1985. In addition, the House amendment provided an interested resident the opportunity for a review by a State regulatory authority or by the Federal Trade Commission (FTC) to determine whether a utility which had an exemption was engaging in anticompetitive activities. Under the House amendment, anticompetitive activities involved three types of activities: charging unfair or unreasonable prices or rates of interest; engaging in unfair methods of competition or unfair or deceptive acts or practices; or engaging in "unauthorized cross subsidization".

The conference agreement follows the House provisions, except that the FTC review procedures are modified and "unauthorized cross subsidization" is not included as an activity subject to review under section 106 enforcement procedures. Under existing law, the Secretary of Energy has the authority to terminate utility supply, installation or financing activities related to

energy conservation measures if such utility is providing loans at unreasonable terms or conditions, or if loans, supply or installation activities are carried out in such a way as to have an adverse effect upon competition or involve the use of unfair, deceptive, or anticompetitive acts or practices. In deleting "unauthorized cross subsidization" the conferees do not intend to preclude state and Federal officials from examining cross subsidization when making determinations on anticompetitive activity. However, the conferees were concerned that the inclusion of "unauthorized cross subsidization" as a new standard for activity would, because of the term's ambiguity, result in unanticipated or possibly unintended legal interpretations. Accordingly, the conferees deleted the new anticompetitive standards of "unauthorized cross subsidization."

The conferees also modified the FTC procedures for the review of allegations of anticompetitive activity. Although the conferees recognized the need to provide the opportunity for review of such allegations, the conferees intend that the Commission retain the authority to reject requests for review containing frivolous or unsubstantiated allegations. Accordingly, the conferees added language requiring that any request for review contain a description of the alleged anticompetitive activities, and allegations that the complainant has been injured and the injury resulted from the anticompetitive activities.

The conferees intend that the Commission's review shall not be subject to the "public interest" test required for complaints issued applied to the review of antitrust violations conducted pursuant to Section 5 of the Federal Trade Commission Act. The new standard of review consists of the Commission's determination that it has reason to believe that a utility is carrying out an activity described in Section 216(g)(2). If the Commission makes such a determination, then it is required to issue a complaint to initiate a proceeding in accordance with Section 5(b) of the Federal Trade Commission Act. If the Commission finds that the utility is carrying out a proscribed activity, it shall take appropriate action, under the authority of the Federal Trade Commission Act, to enforce the prohibition against such activities.

SECTION 201

The Senate bill provided for the repeal of Title VII of NECPAs relating to energy conservation for commercial buildings and multifamily dwellings, and for the continuation for one year after the date of enactment of plans approved before August 1, 1984, under Section 721 of NECPA.

The House amendment also provided for the repeal of Title VII of NECPA and for indefinite continuation of plans approved before August 1, 1984, under Section 721 of NECPA.

The conferees agreed to adopt the language of the House amendment with the limitation of January 1, 1990 for continuation of plans approved before August 1, 1984, under Section 721.

SECTION 202

The House amendment provided that the Secretary of Energy shall carry out demonstration projects which demonstrate innovative technologies for utility applications that increase energy efficiency in commercial buildings.

The Senate bill had no comparable provision.

The conferees agreed to adopt the provision of the House amendment.

JOHN D. DINGELL,
EDWARD J. MARKEY,
RALPH M. HALL,
NORMAN F. LENT,
CARLOS J. MOORHEAD,
Managers on the Part of the House.

JAMES A. MCCLURE,
MARK O. HATFIELD,
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DON NICKLES,
J. BENNETT JOHNSTON,
DALE BUMPERS,
WENDELL FORD,
HOWARD M. METZENBAUM,
Managers on the Part of the Senate.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be allowed to sit under proceedings of the House during the 5-minute rule on Wednesday, August 13 to mark up H.R. 4917, the Depository Institutional Examination Improvement Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. WALKER. Mr. Speaker, reserving the right to object, do I understand that that long, involved unanimous consent has been cleared with the minority?

Mr. SCHUMER. It has indeed.

Mr. WALKER. Mr. Speaker, I thank the gentleman and I withdraw by reservation.

The SPEAKER. pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON FINANCIAL INSTITUTIONS SUPERVISION, REGULATION AND INSURANCE OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT ON THURSDAY, AUGUST 14, 1986, DURING THE 5-MINUTE RULE

Mr. SCHUMER. Mr. Speaker, I ask unanimous consent that the Subcommittee on Financial Institutions Supervision, Regulation and Insurance be permitted to sit under proceedings of the House under the 5-minute rule on Thursday, August 14, 1986, to mark up H.R. 2282, the Truth in Savings Act.

The ranking minority member the gentleman from Ohio, Mr. WYLIE and the minority, concur in this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

REQUEST TO ADD BILL TO SUSPENSION CALENDAR TOMORROW

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent to add to the Suspension Calendar tomorrow the repeal of the Fuel Use Act, which was reported out of the Committee on Energy and Commerce.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. DANNEMEYER. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. LUNGREN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LUNGREN. Mr. Speaker, I wish we could be instructed as to whether requests like that are within the guidelines established by the Democratic leadership and as explained to some of us on our side when we have made similar requests.

The SPEAKER pro tempore (Mr. DE LA GARZA). An unreported bill has to have clearance from the minority in order for the Chair to entertain that request.

Mr. LUNGREN. So that an objection is not necessary to be interposed at that time; the Chair would not accept such a request. Is that correct?

The SPEAKER pro tempore. The Chair is so advised.

The gentleman is correct.

Mr. LUNGREN. I thank the Chair.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

Mr. PEPPER. Mr. Speaker, I was unavoidably absent Monday, August 11, 1986, until late afternoon. Had I been present, of course, I would have responded to rollcall 315, a quorum call. I was paired against rollcall 316, an amendment to preclude the use of 1987 funds for test missiles under the MX Program, strike $1.1 billion authorized for procurement of MX missiles and provide $250 million in increased authorizations for conventional weapons programs. I was paired against rollcall 317, an amendment to strike a $1.1 billion authorization for MX missile procurement and provide $550 million in increased authorizations for conventional weapons programs. Both of these amendments were defeated.

□ 2240

THERE'S GOOD NEWS FOR THE KREMLIN TONIGHT

The SPEAKER pro tempore (Mr. DE LA GARZA). Under a previous order of the House, the gentleman from California

[Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, because the hour is so late, I will only take about 30 seconds. It is 20 minutes to 11 on the east coast. So in the Soviet Union it is past 5:30 in the morning.

I hope our negotiating team and the people from State and Defense that went to Moscow, I hope they have left because if they are still in the Soviet Union and they wake up this morning to try to get a feel from our Embassy there on what took place in all the various issues that were discussed and voted on in this House today, they are going to be a very depressed group of Americans.

On the other hand, if I were part of the Soviet negotiating team at Geneva and I were home in the Kremlin now, understanding that all Members in this House try to vote their conscience and to the best of their ability as they see defusing these world tensions, I can tell you the Soviet team, being awakened by their KGB corporals, the members of the politburo getting up within the hour, they are going to be very pleased in the Soviet Union with the course of defense voting that took place in this House today. Whether we mean to or not, we have emboldened the Soviet Union and that side that means to dominate the world. I do not remember a more depressing day under defense bills or any other type of bill than the way the votes went in this House today or tonight.

If we had had the Contra vote coming up a few months from now instead of already behind us in this body and I had seen the course of this voting tonight, I would have said that we would not stand a prayer in hell of getting a nickel for the freedom fighters who are trying to roll back communism right here on the continent of North America.

I wish sometimes the Members would look at trying to balance their votes with the way we are building the resolve of the Soviet Union that time is on their side and that when they are up against a tough President and a strong Department of Defense that all they have to do is rely on the House to sometimes make their case for them, whether we mean to or not.

I yield back the balance of my time.

ADMINISTRATION TRADE ACTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. FRENZEL] is recognized for 60 minutes.

Mr. FRENZEL. Mr. Speaker, after a briefing by the administration this morning which discussed United States priorities in the new MOSS negotiations with Japan over the access of the United States auto parts industry to the Japanese market, including those vehicles produced in the United States, I am reminded that the list of effective trade actions in which the administration is involved may have escaped the notice of some of my colleagues.

Therefore, the list follows:

ADMINISTRATION TRADE ACTIONS SINCE JANUARY 1985 AFFECTING MAJOR U.S. EXPORT INTERESTS

Schedule E Number	Industry	1985 U.S. exports (billions)	Trade actions since 1985	Country involved	Status—July 1986
			I. MAJOR 1985 U.S. EXPORT INDUSTRIES		
713, 714, 781, 782, 784	Automotive—cars, trucks, engine, and parts.	$28.1	USG initiated a Section 307 investigation of Taiwan's export performance requirements (3/31/86).	Taiwan	Pending.
			Auto parts MOSS negotiations	Japan	Initiated 8/86 discussions.
752, 759	Automatic Data Processing Machines, Office Machines, and Parts.	15.2	USG initiated a 301 case on Brazilian informatics policies, a range of market access barriers. The USG is preparing a retaliatory package should Brazil fail to liberalize its informatics market.	Brazil	In Process.
			USG negotiated the removal of Japanese tariffs on all computer imports, improving U.S. access to the world's second largest market.	Japan	Completed.
792	Aerospace	12.6	USG negotiated a reduction of tariffs, 50% to 20% on civil aircraft.	Brazil	Completed.
			USG negotiated the elimination of import license requirement on civil aircraft.	Japan	Completed.
			U.S.-Italy working group on aerospace cooperation continues to meet. USG objective is to maintain American market share.	Italy	Ongoing.
			USG held discussions concerning government supports for airbus industries.	France, Germany, United Kingdom	Follow-up as necessary.
247, 248, 251, 641	Forest Products: pulp, paper, logs and lumber products.	5.5	USG investigating an industry-filed countervailing duty case on softwood lumber products.	Canada	In Progress.
			As a result of a Sec. 201 investigation, USG imposed a 35% ad valorem tariff on wood shakes and shingles which declines over a 5-year period.	Canada	Completed.
			USG designated forest products, including the paper and solid wood products industries, as a sector for MOSS discussions. As a result Japan announced substantial tariff cuts on wood and paper products over the 1986–88 period.	Japan	Industry-to-Industry talks on removal of nontariff barriers have been scheduled during 1986.
044	Corn or Maize, unmilled	5.3	EC Enlargement Negotiations	Spain	In Process.
776	Electronic Components and Parts	5.3	USG initiated an antidumping case on 256K DRAMs (Dynamic Random Access Memory) from Japan.	Japan	Decision Due August 1, 1986.
			USG accepted an industry 301 complaint on market access. Consultations with Japan underway since November 1985, and a framework for an agreement was secured 5/28/86.	Japan	Pending.
			USG imposed dumping duties in a range of from 11.8% to 35.3% on imports of 64K semiconductors from Japan, following an investigation of an industry complaint.	Japan	Duties in effect. The decision is being appealed by the Japanese firms.
			USG conducting antidumping investigation of EPROM semiconductors.	Japan	Decision due 7/30/86.
322	Coal and Lignite	4.5	Discussions held	Japan	In Process.
222	Oilseed	4.3	EC Enlargement negotiations	Portugal	In Process.
723	Civil Engineering and Contractors	4.1	Kansai Airport Project: USG representations re access to bidding	Japan	In Process.
764	Telecommunications equipment, TV and radio.	4.0	USG initiated market-access fact finding discussions with European countries to determine which trade barriers exist and how to approach their removal.	West Germany, Italy, Spain, and France.	In Process.
			USG was successful in opening the Japanese market through the removal of several non-tariff barriers in a series of MOSS negotiations.	Japan	Monitor adherence to the Agreement.
588	Synthetic resins, rubber and plastic	3.8	U.S. participating in negotiations re new international agreement	Various	In Process.
041	Wheat	3.6	USG initiated a GATT Subsidies Code case against EC Wheat Export Subsidies (10/16/85).	EC	Pending.
541	Medicinal and pharmaceutical preparations	2.8	Completed MOSS discussions regarding increased market access in pharmaceuticals.	Japan	Monitor Progress.
562	Fertilizers and fertilizer materials	2.2	Antidumping investigation underway regarding urea	USSR	In Process.
525	Inorganic chemicals and products	2.0	High-level discussions re soda ash	Japan	In Process.
121	Tobacco, unmanufactured	1.5	USG initiated a Section 301 case on market access barriers	Japan	Pending.
			USG negotiated market opening concessions from Taiwan	Taiwan	Completed.

ADMINISTRATION TRADE ACTIONS SINCE JANUARY 1985 AFFECTING MAJOR U.S. EXPORT INTERESTS—Continued

Schedule E Number	Industry	1985 U.S. exports (billions)	Trade actions since 1985	Country involved	Status—July 1986
			II. OTHER PRODUCT SPECIFIC TRADE ACTIONS		
65, 84	Textiles and Apparel	3.1	USG has decided to limit total textile and apparel imports from the major suppliers (Taiwan, Korea, and Hong Kong) to their 1985 levels with minimal growth for a three-year period.	Taiwan, Korea, Hong Kong, Japan	Agreements reached with Taiwan and Hong Kong; negotiations underway with Korea and Japan.
			Continued participation in the Multifiber Arrangement (MFA) to regulate imports and assure orderly growth of trade. There are 34 bilateral agreements and 650 individual quotas.	Global	In Process.
67	Steel	1.2	USG negotiated a broad steel import restraint program in 1985 and 1986 in response to an USITC Section 201 recommendation for quotas on a range of steel products. The Administration has concluded 19 voluntary restraint agreements with 27 countries covering 81% of steel imports.	27 countries	Continuous monitoring and enforcement.
01	Meat	1.2	USG initiated a Sec. 305 investigation on a potential trade barrier posed to U.S. meat exports by EC third country meat directive (3/31/86).	EC	Pending.
684	Aluminum	0.9	USG negotiated a reduction in Japanese tariffs on aluminum, from 9% to 0% on ingots and from 9% to 3% on semi-fabricated products.	Japan	Phased implementation scheduled for April 1987 with completion on January 1, 1988.
736	Machine tools	0.9	As a result of a Sec. 232 (National Security) investigation, the President decided to seek voluntary restraint agreements on imports of selected machine tools from a number of countries, particularly Japan.	Japan, West Germany, Taiwan, and Switzerland.	Discussions underway.
	Canned fruit	0.6	USG negotiated a commitment with the EC to reduce its production subsidy by 25% by 7/86 and to eliminate it by 7/87.	EC	Completed.
61 and 861061–21	Leather and Leather Footwear	0.5	Sec. 301 process resulted in market opening actions. Japan reduced tariffs—worth $236 million. U.S. imposed prohibitive tariffs on $24 million of Japanese leather exports to the U.S.	Japan	Monitor U.S. exports to assess U.S. trade performance.
1121, 1123	Wine and Beer	0.07	Under the Wine Equity Act, the USG has initiated consultations with certain countries with a view to expanding U.S. access to their markets.	Japan, Korea, Canada, Mexico, Taiwan, and Trinidad.	Pending.
			USG negotiated market opening concessions from Taiwan in response to threat of a 301 case.	Taiwan	Completed.
Not Separately Identified	Offshore Platform Jackets and Piles	N/A	USG imposed antidumping duties of 9% on Japanese products and 17% on Korean; an 8% countervailing duty was also imposed on the Korean firm.	Japan and Korea	Completed.

III. CROSS CUTTING TRADE ACTION

Issue	Country	Action/Status
President's Trade Policy Action Program	General	EPC approved USG policy statement in September 1985.
Intellectual Property Rights	Brazil	Section 301 on informatics addresses inadequate software protection. Brazil refused to extend copyright protection to computer software.
	India	Upcoming consultations on IPR in November.
	Indonesia	IPR seminar held in February. Follow-up bilateral talks held. Draft patent law pending in Parliament. GSP consultations covered IPR issues.
	Korea	301 case on IPR successfully concluded this month.
	Malaysia	IPR issues discussed during recent GSP consultations and seminars. Copyright and patent amendments currently pending in Parliament.
	Canada	Patent legislation scheduled to be introduced in September amending its compulsory pharmaceutical licensing law.
	Japan	Last spring Diet passed legislation to extend full copyright protection to computer software.
	France	Last year amended its copyright law to provide protection for computer software.
	Mexico	Ongoing technical and bilateral negotiations regarding patent (pharmaceutical and chemical) and copyright protection. Intellectual property right legislation slated to be introduced in early September in the Mexican Congress.
	Philippines	Current discussions (during GSP consultations) have focused on strategy to pursue special task force handling of IPR concerns, rather than judicial court rulings. GOP has proposed administrative guidance rather than legislative changes to patent and trademark laws.
	Singapore	USG is holding bilateral discussions with GOS on copyright protection and has received draft legislation before the Parliament.
	Taiwan	Patent law amendments which contain compound per se protection and reversal of burden of proof for chemical and pharmaceutical products are before the Legislative Yuan. Executive order, signed January 8, 1986, gives national treatment for U.S. copyrighted works.
	Thailand	Mid-February technical seminar held with ROTG officials. USG faces struggle over patent protection on pharmaceutical and chemicals with ROTG. Strong public opposition.
Investment	General	Trade Related Performance Requirements: July 24, 1986 USG policy statement announced strategy to use multilateral and bilateral channels to counter the adverse effects of such requirements on investment flows.
	Taiwan	USG holding ongoing discussions with Taiwan representatives over export performance requirements in the auto industry. Taiwan delegation will be in Washington in early August to discuss this topic along with a host of other issues.
	Venzuela	USG recently cabled GOV to initiate discussions on export performance requirements and local content requirements in their auto industry.
Subsidies	Various	Countered foreign subsidized agricultural exports by concluding sales valued at over $585 million under the Export Enhancement Program. Sales to 22 countries have been facilitated.
	All	Countered foreign subsidized export financing. Pending Congressional acceptance of the President's War Chest proposal, the Export-Import Bank has offered grants to help American companies win sales worth about $328 million in eleven pending overseas contracts. By aggressively using mixed credits, we hope to persuade our trading competitors, particularly France, Italy and Belgium, to support negotiations to eliminate predatory financing practices. In March 1986, to counter a Brazilian bid using non-competitive financing in the U.S. market, Exminbank took the unprecedented step of extending concessionary financing to a U.S. company for a sale in the U.S.
	Various	We are continuing vigorous enforcement of AD/CVD laws. We have 64 investigations ongoing and there has been an increase of over 200 percent in AD/CVD cases processed from 1980 (50) to 1985 (133).
Bilateral Negotiations	Canada	The USG welcomed Canada's initiative for a possible bilateral free trade arrangement and began discussions on Canadian softwood lumber.
	Japan	Completed MOSS discussions with Japan on telecommunications, medical equipment and pharmaceuticals, electronics, and forest products. The USG hopes to start soon a new set of MOSS discussions to deal with the transportation machinery sector (e.g., auto parts).
	Germany, Italy, and France	Initiated Market-Access Fact-Finding (MAFF) talks on telecommunications trade barriers in Europe. The discussions have generated useful information on procurement policies, standards, testing and certification practices, and regulations governing enhanced services. We will now assess the information which was provided and evaluate the "openness" of these markets to U.S. suppliers. MAFF talks were held with Germany in December 1985 and March 1986, with Italy in April 1986 and France in July 1986. Similar talks were held with Spain in April 1986. More such meetings are being planned.
Multilateral Negotiations	GATT	Secured agreement of our GATT trading partners to establish a preparatory committee for a new round of multilateral trade negotiations. We expect the round to be launched at a meeting of trade ministers scheduled for September 1986.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEWINE) to revise and extend their remarks and include extraneous material:)

Mr. COURTER, for 60 minutes, today.

Mr. COURTER, for 60 minutes, on August 13.

Mr. FRENZEL, for 60 minutes, today.

Mr. DORNAN of California, for 5 minutes, today.

(The following Members (at the request of Mr. HOYER) to revise and extend their remarks and include extraneous material:)

Mr. PEPPER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. COLLINS, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DEWINE) and to include extraneous matter:)

Mr. PORTER.

Ms. FIEDLER.

Mr. CONTE.

Mr. KEMP in three instances.

Mr. LIVINGSTON.

Mr. KINDNESS.

Mr. WYLIE.

Mr. MOORHEAD.

Mr. GRADISON.

Mr. CLINGER.

Mr. DAUB.

Mr. COURTER.

Mr. DORNAN of California.

Mr. MILLER of Washington.

Mr. CRANE.

Mr. FRENZEL in five instances.

Mr. GILMAN in two instances.

(The following Members (at the request of Mr. HOYER) and to include extraneous matter:)

Mr. SKELTON.

Mr. VENTO.

Mr. TALLON.

Mr. RANGEL.

Mr. BEILENSON.

Mr. UDALL.

Mr. DOWNEY of New York in two instances.

Mr. TRAFICANT.

Mrs. SCHROEDER.

Mr. WALGREN.

Mr. KANJORSKI in two instances.

Mrs. BYRON.

Mr. HERTEL of Michigan.

Mr. PANETTA.

Mr. AUCOIN.

Mr. ENGLISH.

Mr. LIPINSKI.

Mr. STARK.

Mr. EDWARDS of California.

Ms. OAKAR.

Mr. CHAPMAN.

Ms. KAPTUR.

Mr. COLEMAN of Texas.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 306. An act for the relief of Shyh-Fann Tyan-Norem and Bin-Ti Yao Tyan-Norem; to the Committee on the Judiciary.

S. 330. An act for the relief of Bhaskarbhai S. Patel; to the Committee on the Judiciary.

S. 363. An act for the relief of Mary Patricia McLaughlin; to the Committee on the Judiciary.

S. 527. An act for the relief of Pravinchandra and Kamala Bhuva; to the Committee on the Judiciary.

S. 565. An act to direct the Secretary of Agriculture to convey without consideration, to the town of Payson, AZ, approximately 30.96 acres of Forest Service lands; to the Committee on Interior and Insular Affairs.

S. 773. An act for the relief of Dr. Oscar Raul Espinoza Madariaga, his wife, Maria Inex, his son, Felipe Andres, and daughter, Claudia Paola; to the Committee on the Judiciary.

S. 1708. An act for the relief of Fernando Esquivel, Marcos Antonio Esquivel, and Nieves Julio Esquivel; to the Committee on the Judiciary.

S. 1878. An act for the relief of Kil Joon Yu Callahan; to the Committee on the Judiciary.

S. 1957. An act for the relief of Lynne Cleaver and her child Leigh Alison Cleaver; to the Committee on the Judiciary.

S.J. Res. 322. Joint resolution to designate December 7, 1986, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor; to the Committee on Post Office and Civil Service.

S.J. Res. 332. Joint resolution to designate the week of November 16, 1986, through November 22, 1986, as "National Software Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 338. Joint resolution to designate November 18, 1986, as "National Community Education Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 345. Joint resolution to designate the week beginning November 9, 1986, as "National Reye's Syndrome Awareness Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 367. Joint resolution to designate September 24, 1986, as "National Kidney Program Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 368. Joint resolution to designate the month of October 1986, as "National Spina Bifida Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 386. Joint resolution to designate October 6, 1986, as "National Drug Abuse Education Day"; to the Committee on Post Office and Civil Service.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1693. An act for the relief of Enrique Montano Ugarte;

H.R. 1757. An act for the relief of Leonard Leslie Gambie;

H.R. 3093. An act for the relief of Juan Ricardo McRae;

H.R. 3154. An act for the relief of John Patrick Brady, Ann M. Brady, and Mark P. Brady;

H.R. 3323. An act for the relief of Alexander Lockwood;

H.R. 3365. An act for the relief of Mountaha Bou-Assali Saad;

H.R. 3577. An act for the relief of Milanie C. Escobal Norman;

H.R. 483. An act for the relief of Edwin Marcos Rios (also known as Marcos Edwin Rios) and Geovanna Rios; and

H.J. Res. 630. Joint resolution designating the College of William and Mary as the official U.S. representative to the Tercentenary Celebration of the Glorious Revolution to be celebrated jointly in the United States, The Netherlands, and the United Kingdom.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 256. Joint resolution designating August 12, 1986, as "National Neighborhood Crime Watch Day."

ADJOURNMENT

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Wednesday, August 13, 1986, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4042. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notification of the decision to convert to contract performance the base operating support functions at Naval Air Station Whidbey Island, WA, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); to the Committee on Armed Services.

4043. A letter from the Secretary, American Battle Monuments Commission, transmitting a report on activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

4044. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4045. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty

payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

4046. A letter from the Administrator, National Oceanic and Atmospheric Administration, transmitting a report on the export potential of ocean thermal energy conversion components, facilities, and plantships, pursuant to 42 U.S.C. 9168; to the Committee on Merchant Marine and Fisheries.

4047. A letter from the Assistant Secretary of State (Legislative and Intergovernment Affairs), Assistant Secretary of the Treasury (Legislative Affairs), transmitting a report on progress in enhancing human rights through U.S. participation in international financial institutions, pursuant to 22 U.S.C. 262d(c)(i); jointly, to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

4048. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1987 and 1988, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee of conference. Conference report on H.R. 4151 (Rept. 99-783). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.J. Res. 683. Resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Maine Central Railroad Company and Portland Terminal Company labor-management dispute; with amendments (Rept. 99-784). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4754. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the appointment of the Commissioner of Food and Drugs to be subject to Senate confirmation (Rept. 99-785). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operation. H.R. 5266. A bill to require the President to submit legislation for the reorganization of the executive branch in order to more effectively combat drug trafficking and drug abuse; with an amendment (Rept. 99-786). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL of Texas: Committee of conference. Conference report on S. 410 (Rept. 99-787). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY (for himself, and Mr. FRANKLIN):

H.R. 5390. A bill granting the consent of the Congress to the Arkansas-Mississippi great river bridge construction compact; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 5391. A bill to amend chapter 96 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. HUGHES:

H.R. 5392. A bill to amend part II of Public Law 87-328 to allow the imposition of charges at fair and equitable rates for certain water withdrawals or diversions from the Delaware River Basin which previously were exempt from charges under the Delaware River Basin compact; to the Committee on the Judiciary.

By Mr. HUGHES (for himself, Mr. MAZZOLI, Mr. FEIGHAN, Mr. SMITH of Florida, Mr. STAGGERS, Mr. GUARINI, and Mr. TRAFICANT):

H.R. 5393. A bill to authorize appropriations for Federal, State, and local drug law enforcement, and for other purposes; to the Committee on the Judiciary.

By Mr. HUGHES (for himself, Mr. MCCOLLUM, Mr. MAZZOLI, Mr. MORRISON of Connecticut, Mr. FEIGHAN, Mr. SMITH of Florida, Mr. STAGGERS, Mr. LUNGREN, Mr. SHAW, Mr. GEKAS, Mr. TRAFICANT, and Mr. GUARINI):

H.R. 5394. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to provide more effective criminal penalties (including special fines for organizations), to make technical and conforming changes in such acts, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. ROSTENKOWSKI:

H.R. 5395. A bill to increase the statutory limit on the public debt; to the Committee on Ways and Means.

By Mr. HALL of Ohio (for himself, Mr. APPLEGATE, Mr. MCEWEN, and Mr. TRAFICANT):

H.R. 5396. A bill requiring the development of hazardous materials emergency response procedures, prohibiting the transportation of hazardous materials in certain obsolete railroad tank cars, and requiring a study of railroad tank car design procedures; to the Committee on Energy and Commerce.

By Mr. LOWERY of California:

H.R. 5397. A bill to designate the Federal building located in San Diego, CA, as the "Jacob Weinberger Federal Building"; to the Committee on Public Works and Transportation.

By Mr. MINETA (for himself, Mr. HAMMERSCHMIDT, and Mr. YOUNG of Missouri):

H.R. 5398. A bill to provide for the lease of the Metropolitan Washington airports, to provide for the allocation of slots at high density airports, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. RAHALL (for himself, Mr. SEIBERLING, Mr. SYNAR, and Mr. VENTO):

H.R. 5399. A bill to amend the Mineral Lands Leasing Act of 1920 to clarify provisions regarding oil shale placer claims which may be perfected under that act, and for other purposes; to the Committee on Interior and Insualr Affairs.

By Mr. SWINDALL:

H.R. 5400. A bill to amend title 10, United States Code, to require the price of alcoholic beverages and tobacco products sold on military installations to be not less than the prevailing price in the community for such beverages and products; to the Committee on Armed Services.

By Mr. VENTO:

H.R. 5401. A bill to amend the Hazardous Liquid Pipeline Safety Act of 1979 and the Natural Gas Pipeline Safety Act of 1968 with respect to community notification, additional testing and inspection of pipelines, and siting of new pipelines, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. DORNAN of California:

H.R. 5402. A bill to amend the Animal Welfare Act to prohibit the use of live animals as visual lures in dog racing and training, and for other purposes; to the Committee on Agriculture.

By Mr. EVANS of Iowa:

H.R. 5403. A bill to amend the Grain Standards Act of 1916 to establish the policy of providing grain of high quality to both domestic and foreign buyers, and to better define the purpose of Official United States Standards for Grain; to the Committee on Agriculture.

By Mr. GRAY of Illinois:

H.R. 5404. A bill to provide for a 6-month enrollment period for certain individuals with respect to the educational assistance program established by chapter 32 of title 38, United States Code; to the Committee on Veterans' Affairs.

By Mr. GRAY of Illinois (by request):

H.R. 5405. A bill to provide for enhanced security at airports and bus and train stations, to prevent domestic and international terrorism, and for other purposes; jointly, to the Committees on Public Works and Transportation, Foreign Affairs, Ways and Means, and Energy and Commerce.

By Mr. JONES of North Carolina (for himself and Mr. DAVIS):

H.R. 5406. A bill to provide for Coast Guard drug interdiction and law enforcement, to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of Iowa (for himself, Mr. EVANS of Iowa, Mr. BEDELL, Mr. DE LA GARZA, Mr. FOLEY, Mr. JONES of Tennessee, Mr. ROBERTS, Mr. BRUCE, Mr. GUNDERSON, Mr. GLICKMAN, Mr. SCHUETTE, Mr. SLATTERY, Mr. MARLENEE, Mr. EVANS of Illinois, Mr. VOLKMER, Mr. FRANKLIN, Mr. PENNY, and Mrs. SMITH of Nebraska):

H.R. 5407. A bill to amend the Grain Standards Act of 1916 to establish the policy of providing grain of high quality to both domestic and foreign buyers, to better define the purpose of Official United States Standards for Grain, and to provide for the closer regulation of dockage and foreign material in grain; to the Committee on Agriculture.

By Mr. WATKINS (for himself, Mr. RALPH M. HALL, and Mr. JONES of Oklahoma):

H.R. 5408. A bill to modify the flood control project for Denison Dam, Red River, Texas and Oklahoma, to include recreation as a project purpose; to the Committee on Public Works and Transportation.

By Mrs. BURTON of California (for herself, Mr. WEAVER, Mr. WEISS, and Mr. UDALL):

H.J. Res. 704. Joint resolution to authorize and request the President to proclaim the week of November 23, 1986, to November 30, 1986, as "American Indian Week"; to the Committee on Post Office and Civil Service.

By Mr. FRANK:

H.J. Res. 705. Joint resolution to designate March 22, 1987, as "National Yiddish Books

Day"; to the Committee on Post Office and Civil Service.

By Mr. FORD of Michigan.

H.J. Res. 706. Joint resolution designating November 12, 1986, as "Salute to School Volunteers Day"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

448. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the Appalachian Trail; to the Committee on Interior and Insular Affairs.

449. Also, memorial of the General Court of the Commonwealth of Massachusetts, relative to Cape Cod National Seashore; to the Committee on Merchant Marine and Fisheries.

450. Also, memorial of the General Court of the Commonwealth of Massachusetts, relative to acid rain; jointly, to the Committees on Energy and Commerce and Ways and Means.

451. Also, memorial of the General Court of the Commonwealth of Massachusetts, relative to aliens or immigrants who die in the service of the United States; jointly, to the Committees on the Judiciary, Armed Services, and Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 128: Mr. SYNAR.

H.R. 230: Mr. WALDON.

H.R. 1375: Mr. VOLKMER.

H.R. 2867: Mr. CLAY.

H.R. 2984: Mr. CLINGER.

H.R. 3799: Mr. STAGGERS.

H.R. 3944: Mr. SCHUETTE.

H.R. 3950: Mr. MCKERNAN.

H.R. 4059: Mr. ROWLAND of Georgia.

H.R. 4139: Mr. SCHUETTE.

H.R. 4142: Mr. CAMPBELL, Mr. DAUB, Mr. RANGEL, Mr. SCHUETTE, Mr. MOLLOHAN, Mr. YOUNG of Alaska, Ms. OAKAR, Mr. ATKINS, and Mr. YOUNG of Missouri.

H.R. 4605: Mr. SCHUETTE.

H.R. 4633: Mr. EDWARDS of Oklahoma, Mr. COUGHLIN, and Mr. ARMEY.

H.R. 4755: Mr. TORRES.

H.R. 4762: Mr. COURTER, Mr. GALLO, and Mr. YATES.

H.R. 4838: Mr. GUNDERSON and Mrs. BYRON.

H.R. 4886: Mrs. BYRON and Mr. MARTINEZ.

H.R. 4934: Mr. KOSTMAYER, Mr. BORSKI, Mr. THOMAS of Georgia, Mr. HENDON, Mrs. JOHNSON, Mr. GARCIA, Mr. BIAGGI, Mr. HENRY, Mr. RUDD, Mr. SMITH of Florida, Mr. MARTINEZ, Mr. LEWIS of Florida, Mr. HUGHES, Mr. SHAW, Mr. WORTLEY, Mr. TORRES, Mr. FUQUA, Mr. CHAPPELL, Mr. WAXMAN, and Mr. BROOKS.

H.R. 4944: Mr. SCHUETTE.

H.R. 4972: Mr. TOWNS and Mr. LEHMAN of Florida.

H.R. 4984: Mr. SCHUETTE.

H.R. 5000: Mr. HOWARD, Mr. KASICH, and Mr. WYLIE.

H.R. 5066: Mr. OWENS.

H.R. 5091: Mr. GARCIA and Mr. BARTON of Texas.

H.R. 5157: Mr. SHUMWAY and Mr. DENNY SMITH.

H.R. 5225: Mr. SWIFT, Mr. MCKINNEY, and Mr. EDWARDS of Oklahoma.

H.R. 5237: Mr. SEIBERLING, Mr. MORRISON of Connecticut, Mr. ROE, Mr. BEVILL, Mr. REID, Mrs. BOXER, Mr. KLECZKA, Mr. RICHARDSON, Mr. BIAGGI, Mr. ANDERSON, Mr. MURPHY, Mr. WEISS, Mr. MARTINEZ, Mr. WEAVER, Mr. LEHMAN of Florida, Mr. EVANS of Illinois, Mr. OWENS, Mr. MCKERNAN, Mr. STUDDS, Mr. SIKORSKI, Mr. VENTO, Mr. COURTER, Mr. LUNDINE, Mr. COLEMAN of Texas, Mr. KOSTMAYER, Mr. BEILENSON, Mr. LEWIS of Florida, Mr. CROCKETT, Mr. LEVIN of Michigan, Mr. FEIGHAN, Mr. AUCOIN, Mr. TOWNS, Mr. RUSSO, and Ms. MIKULSKI.

H.R. 5266: Mr. BRYANT, Mr. HEFNER, and Mr. RUSSO.

H.R. 5274: Mr. ACKERMAN, Mr. EDGAR, Mr. BONER of Tennessee, Mr. APPLEGATE, Mr. HENRY, and Mr. FORD of Michigan.

H.R. 5322: Mr. LEVIN of Michigan and Mr. HAYES.

H.R. 5349: Mr. GALLO, Mr. BOEHLERT, and Mr. HENRY.

H.R. 5366: Mr. WALKER, Mr. BOEHLERT, and Mr. ANDREWS.

H.R. 5386: Mr. BEDELL, Mr. CRAIG, Mr. EMERSON, Mr. GUNDERSON, Mr. ROBERTS, Mr. WEBER, Mr. SCHUETTE, and Mr. MCCLOSKEY.

H.R. 5387: Mr. BEDELL, Mr. CRAIG, Mr. EMERSON, Mr. GUNDERSON, Mr. ROBERTS, Mr. WEBER, Mr. SCHUETTE, and Mr. MCCLOSKEY.

H.J. Res. 385: Mr. SKEEN and Mr. WILLIAMS.

H.J. Res. 514: Mr. FRANK, Mr. BLAZ, Mr. BADHAM, Mr. BUSTAMANTE, Mr. MINETA, Mr. BATEMAN, Mr. AUCOIN, Mr. COATS, Mr. HOWARD, Mr. MURPHY, Mr. UDALL, Mr. MCMILLAN, Mr. KLECZKA, Mr. MILLER of California, Mr. SMITH of Florida, Mr. SCHUMER, Mr. RODINO, Mr. STOKES, Mr. HILER, Mr. WIRTH, Mr. ECKART of Ohio, Ms. MIKULSKI, Mr. FROST, Mr. LUJAN, Mr. VALENTINE, Mr. LIPINSKI, Mr. PASHAYAN, and Mr. CALLAHAN.

H.J. Res. 552: Mr. SCHEUER, Mr. KASTENMEIER, Mr. DEWINE, Mr. SISISKY, Mr. GREGG, Mr. SOLOMON, Mr. FROST, and Mr. PANETTA.

H.J. Res. 578: Mr. GREEN.

H.J. Res. 583: Mr. JEFFORDS, Mr. OBERSTAR, Mr. ANDERSON, Mr. ANNUNZIO, Mr. ASPIN, Mr. ATKINS, Mr. BEDELL, Mr. BENNETT, Mr. BERMAN, Mrs. BOGGS, Mr. BOLAND, Mr. BORSKI, Mr. BOSCO, Mr. BROOKS, Mr. BRUCE, Mr. CARPER, Mr. COELHO, Mr. COYNE, Mr. DICKS, Mr. DINGELL, Mr. DONNELLY, Mr. DYSON, Mr. EARLY, Mr. EVANS of Illinois, Mr. FASCELL, Mr. FORD of Michigan, Mr. FRANK, Mr. GARCIA, Mr. GAYDOS, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GORDON, Mr. GUARINI, Mr. HAWKINS, Mr. HEFNER, Mr. HERTEL of Michigan, Mr. JONES of Tennessee, Mr. KANJORSKI, Mrs. KENNELLY, Mr. KOSTMAYER, Mr. LANTOS, Mr. LEATH of Texas, Mr. LEHMAN of California, Mr. LEVINE of California, Mr. MCHUGH, Mr. MANTON, Mr. MARKEY, Mr. MAVROULES, Mr. MAZZOLI, Mr. MICA, Mr. MILLER of California, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOODY, Mr. MORRISON of Washington, Mr. MURTHA, Mr. PANETTA, Mr. PRICE, Mr. RODINO, Mr. ROYBAL, Mr. SCHEUER, Mr. SCHUMER, Mr. SOLARZ, Mr. STUDDS, Mr. SYNAR, Mr. TORRES, Mr. UDALL, Mr. VISCLOSKY, Mr. WHITEHURST, Mr. WHITLEY, Mr. WRIGHT, Mr. CARR, Mr. WALDON, Mr. BATES, Mr. DOWNEY of New York, Mrs. COLLINS, Mr. ENGLISH, Mr. FOGLIETTA, Mr. GIBBONS, Mr. GILMAN, Mr. GOODLING, Mr. HUCKABY, Ms. KAPTUR, Mr. LUNDINE, Ms. MIKULSKI, Mr. ROEMER, Mr. ROSE, Mr. RUSSO, Mr. TORRICELLI, Mr. WALKER, Mr. WATKINS, and Mr. WHEAT.

H.J. Res. 657: Mr. FISH, Mr. MATSUI, Mr. BUSTAMANTE, Mr. HUGHES, Mr. DURBIN, Mr. SHUMWAY, Mr. LUNGREN, Mr. GILMAN, Mr. RUSSO, Mr. TOWNS, Mr. BEDELL, Mr. MARTINEZ, and Mr. PASHAYAN.

H.J. Res. 663: Mr. VOLKMER.

H.J. Res. 684: Mr. SHARP, Mr. BRYANT, Mr. EDWARDS of Oklahoma, Mr. ENGLISH, Mr. FISH, Mr. SWINDALL, Mr. MILLER of Washington, and Mr. MATSUI.

H. Con. Res. 13: Mr. APPLEGATE.

H. Con. Res. 333: Mr. KOLBE, Mr. DAVIS, and Mr. CLINGER.

H. Res. 404: Mr. DEWINE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

461. By the SPEAKER: Petition of the International Parliamentary Assembly for Democracy in Chile, relative to democracy in Chile; to the Committee on Foreign Affairs.

462. Also, petition of New Detroit, Inc., Detroit, MI, relative to immigration reform; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

THE 50TH ANNIVERSARY OF SOCIETY OF AMERICAN ARCHIVISTS

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1986

Mr. YATES. Mr. Speaker, today I wish to mark the occasion of the 50th anniversary of the Society of American Archivists. For 50 years, the Society of American Archivists has established and maintained the highest professional standards for the preservation of our Nation's rich and diverse documentary historical legacy. The SAA membership serves government, academic institutions, businesses, religious organizations, and professional associations in 60 countries. The efforts of this professional organization have contributed significantly to our national and international heritage. During the last week in August, the Society of American Archivists will enjoy their golden anniversary meeting. I rise to honor this significant occasion and to join in celebration of the fine achievements made by the Society of American Archivists.

OFFICE OF CIVIL RIGHTS ASSESSMENT ACT OF 1986

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1986

Mr. MARTINEZ. Mr. Speaker, today I have added the names of an additional 36 cosponsors to H.R. 5179, the "Office of Civil Rights Assessment Act of 1986." This legislation would create a bipartisan, legislative branch Office of Civil Rights Assessment [OCRA] to perform the independent civil rights monitoring functions which the U.S. Commission on Civil Rights no longer performs.

A GAO audit released in March found that the Commission has virtually ceased performing its mandated functions. Moreover, this Commission is no longer the independent civil rights agency that Congress intentionally created. An agency charged with the serious matter of civil rights monitoring cannot be allowed to become a political instrument of the executive branch of Government which this Commission has become.

As concerned Members of Congress who have a strong interest in civil rights, we are disappointed with the failure of the Commission to be an effective civil rights monitoring agency. We are also troubled by the increasing loss of independence of the agency, created to be responsible to both Congress and the President. Notwithstanding ideological and partisan considerations, this Commission, created by Congress, has clearly become a political instrument of the executive branch of Government.

This is not the role which Congress has intended for the Commission on Civil Rights, neither in 1957 when the Congress created the agency, nor in 1983 when Congress made the Commission a permanent independent watchdog to monitor civil rights enforcement and development.

Because of concern over these events, the Appropriations Committee defunded the Civil Rights Commission effective the end of this calendar year. This appropriations bill, including the defunding of the Commission, was approved by the House and now stands before the Senate Appropriations Committee.

As the defunding of the Commission becomes an increasing reality, Congress must demonstrate its will to preserve the functions of the Commission by establishing an alternative body to carry out the Commission's mandate. In addition, a sincere effort must be made to preserve the jobs of the current Commission employees by offering them job opportunities in the new OCRA; which is provided for in this legislation.

This new legislative bipartisan body would continue the same functions which the current Commission has abdicated. The new organization will have the same structure as two other highly dignified congressional bodies, the Office of Technology Assessment and the Congressional Budget Office. There will be a board of Members from both Houses along with an Advisory Council including the heads of GAO and CRS.

We envision the OCRA to be less costly than the current Civil Rights Commission because it will not have the State advisory committee structure which the current Commission has and which absorbed approximately $5 million of the Commission's $12 million budget in fiscal year 1985. In addition, it is hoped that the funding for the new OCRA will come from the unspent portion of the already appropriated $11.8 million given by the Appropriations Committee to the Commission to close out the agency in this calendar year.

This legislation is offered as a responsible attempt to preserve a critical function needed in these troubled times when the civil rights gains of the past three decades are being eroded, while removing the matter of serious civil rights monitoring from the political arena.

TRIBUTE TO THE LATE GEORGE O'BRIEN

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 1986

Mr. OXLEY. Mr. Speaker, I was deeply saddened to learn of the death of my Sigma Chi Fraternity brother, friend, and former colleague, GEORGE M. O'BRIEN. The Members of this body have lost a dedicated public servant, a man of great honor and ability.

GEORGE's public service began long before he entered the U.S. Congress in 1973. In fact, his devotion to public service began nearly 30 years ago when he was a member of the Will County Board of Supervisors. In 1970, he won election to the Illinois State House.

As a storyteller, GEORGE O'BRIEN knew few rivals. He had an effervescent personality, which added zest and vitality to his tales. Perhaps GEORGE's yarn-spinning ability gave the best insight to his personality: He was not a vain or pompous man, but a good-natured public servant.

As a member of the Appropriations Subcommittee on Health and Human Services, GEORGE was a staunch supporter of money for the handicapped. GEORGE was personally active in many charitable activities. GEORGE was my partner in the 1982 Lombardi Charity Golf Tournament, which, thanks to GEORGE's superior golfing skills, we won.

My sympathy and prayers go out to GEORGE's wife, Mary Lou, and to the entire O'Brien family. Their loss is, indeed, great. But, while sadness is present, I know how fortunate we all have been to have known a man like GEORGE O'BRIEN.

BERKLEY BEDELL: ONE OF OUR BEST

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1986

Mr. NEAL. Mr. Speaker, the departure of our colleague, BERKLEY BEDELL, will deprive this House of one of its most thoughtful, respected, and capable Members. BERKLEY and I arrived here together in the class of 1974, and over the years I have been grateful for his friendship and his counsel. I will miss him.

The loss will be even greater for the people of the Sixth District of Iowa, whom he has represented so ably. In BERKLEY BEDELL, northwestern Iowa has had a vigorous and effective Congressman, a true champion of the farmer, and the small businessman, a foe of wasteful Government spending.

Of the many issues on which he has provided insight and leadership, one that stands out in my memory is his concern about the nuclear arms race and his determination that we should, with prudence, do everything in our power to end it.

Like the people of Iowa, we have been fortunate to have this good, decent, deeply concerned man in the House. We wish him good times, good fortune, and good fishing as he leaves the political life. We trust that he will stay in touch and will visit us occasionally so

that we may continue to have his good counsel.

INTRODUCTION TO WITHDRAW CERTAIN PUBLIC LANDS IN THE STATE OF ALASKA FOR MILITARY PURPOSES

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1986

Mr. YOUNG of Alaska. Mr. Speaker, I am today introducing legislation which would withdraw some 870,000 acres in my State of Alaska to support the mission of the Defense Department in Alaska. The bill would maintain the status quo in Alaska as it relates to military withdrawals, and is required in light of the expiration of a previous withdrawal.

This bill takes on special significance when viewed in light of the increasing role Alaska is playing in defense of America's precious freedoms and our way of life. Alaskans look eyeball to eyeball with the Soviet Union, and increasing Soviet activity in the Pacific has meant greater vigilance and attention to Alaska's pivotal role in world geopolitics. The location of the Sixth Light Infantry Division in Fairbanks is an acknowledgement of the crucial location of Alaska and the demonstrated need to respond and rapidly deploy force if necessary in areas of the region threatened with aggression.

The withdrawals are required in Alaska because of its climatic conditions, unique in the United States. The training needs of Americans in uniform are met through these withdrawals, and Alaskans—proud of their State and proud of their Nation—are willing to respond by granting a warm welcome to these patriotic Americans in service of their country. My bill allows the military to continue its mission defending America and preserving peace throughout the world. I urge its rapid adoption by the Interior and Armed Services Committees and the House of Representatives.

TRIBUTE TO EDWARD TAYLOR OVERTON, SR.

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1986

Mr. DANIEL. Mr. Speaker, I would like to take this occasion to call the attention of my fellow Members to the 43 years of dedicated service of Edward Taylor Overton, Sr. to the Nation and county of Halifax, VA. Edward Taylor Overton, Sr. has retired from over four decades of devoted service as a rural carrier of the Federal Postal Service.

Ed has served his rural mail delivery route with dedication and devotion over these years, throughout the entire time exemplifying courtesy, efficiency, and caring. Respected and admired by his patrons, coworkers, and fellow citizens, Ed lives by the highest standards of loyalty and honesty—qualities which he carried with him throughout his long career with the Federal Government.

Ed Overton also served his country during World War II as a sergeant in the 510th Bombardment Squadron during the air offensive in Europe and at Normandy. Awards and decorations which he received include the EAMET Campaign Medal with Six Bronze Service Stars, the Good Conduct Medal, and the Distinguished Unit Badge.

After the war, Ed returned home to Virginia, where his relatives have been born and raised for over 10 generations. He is a direct descendant of settlers who arrived at Jamestown in 1641.

Edward Taylor Overton, Sr. is a special citizen who has served his country faithfully and well for more than four decades. In recognition of this outstanding service, I personally salute him and extend best wishes to him and to his wife, Elizabeth, and their sons, Ed and John, and their daughter Ramah, and wish them all the best in the many years to come.

HOUSE JOINT RESOLUTION 700: TO DESIGNATE THE WEEK OF OCTOBER 26, 1986, THROUGH NOVEMBER 1, 1986 AS "NATIONAL ADULT IMMUNIZATION AWARENESS WEEK"

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1986

Mr. ROYBAL. Mr. Speaker, I am today introducing House Joint Resolution 700, to designate the week of October 26, 1986, through November 1, 1986, as "National Adult Immunization Awareness Week."

As you know, Mr. Speaker, influenza and pneumonia are among the top killers of American adults—especially the elderly.

Despite dramatic declines in the incidence of preventable diseases among children, more than 80 percent of the U.S. adult population remains vulnerable not only to flu and pneumonia, but also to hepatitis B, measles, German measles, diphtheria, and tetanus. Most of these deaths and this sickness can be prevented.

But too many elderly Americans will fall prey to these preventable diseases simply because they were unaware that an inoculation—a simple shot—could save their lives.

The fact is that fewer than one out of every eight adults is protected against any one of these infections.

Pneumococcal pneumonia is the sixth leading cause of death in the United States. This microorganism attacks more than a half-million Americans each year and is responsible for 25,000 to 30,000 deaths. And it is the Nation's elderly and chronically ill who are most at risk. For those over 60, the incidence of pneumonia increases significantly. For the fragile old, those over 75, the death rate is 10 times greater.

Influenza is another great threat to our Nation's elderly. Since the mid 1950's we have seen 16 influenza epidemics that have taken 10,000 or more Americans in each epidemic. Again this year, elderly Americans will be challenged by this bug. But they can be protected with a safe and effective vaccination.

Today I am introducing House Joint Resolution 700 which will officially recognize the ongoing national campaign designed to educate and motivate all Americans—especially the elderly—to protect themselves through immunization. This resolution designates the week of October 26, 1986, as "National Adult Immunization Awareness Week." A similar bill is being introduced today by Senator ORRIN G. HATCH, chairman of the Senate Labor and Human Resources Committee. The bipartisan support for this resolution is evidence of the recognition that it is time for national leadership to help eradicate these deadly and crippling infectious diseases by supporting the "National Adult Immunization Awareness Week."

House Joint Resolution 700 will put Congress on record behind the campaign. It calls on the President to proclaim the week of October 26 for observance by all Americans of the need to inoculate against flu, pneumonia, tetanus, diphtheria, and other diseases for which adults are at risk.

I urge my colleagues to sign up early as cosponsors of House Joint Resolution 700 and to work for the quick passage of this bill. Our goal is to motivate the elderly to take their shots before this flu season to help prevent the loss of so many precious Americans.

Thank you.

TRIBUTE TO THE U.S. SUBMARINE VETERANS OF WORLD WAR II

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1986

Mr. FAZIO. Mr. Speaker, I rise today to pay special tribute to the many achievements of submariners who bravely served our country beneath the sea in World War II. Thousands of World War II submarine veterans will gather during the week of August 24, in Baltimore, MD, for a 32d National Convention.

These fine men played a significant role in defending our Nation, but not without sacrifices. Of the 288 American submarines, 52 of them—almost 1 in 5—were lost in the war and fatalities totaled over 3,500 men. In proportion to the other armed forces, the United States submarine fleet lost six times more men in battle related deaths than any of the other services.

On behalf of my fellow colleagues in the House of Representatives, I would like to say that we have not forgotten your dedication, and bravery, and the valor you displayed fighting on the behalf of the United States. I salute you all.

COMMUNITY CHILD WATCH WEEK

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1986

Mr. HENRY. Mr. Speaker, it is with great pride that I recognize the week of September 22-29 as "Community Child Watch Week" in Michigan, and the many volunteer efforts that make this program so effective in protecting Michigan children.

Community Child Watch has been working to ensure the safety of the children in Michigan now for 7 years. Founded by the Grand Rapids Police Crime Prevention Unit in 1979, the program continues to spread throughout the State, operating in over 60 communities in Michigan, and coordinating the volunteer efforts of over 10,000 individuals.

The focus of the program is on prevention, as opposed to the many organizations aimed at locating children who are already missing, and was designed to be centrally administered with input from all areas of the community. Administrative committees composed of representatives from neighborhood associations, both public and private schools, the police department, senior citizens, and other interested parties are responsible for the promotion of the program, and adjust it to fit the needs of the individual communities.

As for the actual "watching" of our children, however, the program would not function without the efforts of the thousands of volunteers who are active in Community Child Watch. After being screened by the police department for possible incidents that might present a danger to the children, volunteers are required to attend a 1-hour training session to familiarize them with the Child Watch procedures. The training session is composed of a slide presentation, and a lecture including a question and answer time for volunteers. During the session, volunteers are instructed in the most important elements of how to observe, recognize, record and report suspicious, possibly child-threatening activities and persons. Upon completion of the training session, the volunteer is issued reference handbooks with emergency information, and posters to be displayed in their homes to alert children to possible help if the need should arise.

The Community Child Watch Program is an extremely valuable tool for protecting children and for providing authorities with the extra eyes and ears they need to monitor potentially dangerous situations. Mr. Speaker, I would ask you and my fellow colleagues to join with me today in thanking the people who have given their time to Community Child Watch, and to promote "Community Child Watch Week," beginning September 22, 1986 in Michigan.

TRIBUTE TO HON. BERKLEY BEDELL AND HON. COOPER EVANS ON THEIR RETIREMENT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1986

Mr. UDALL. Mr. Speaker, I join my colleagues in saying farewell to two Members who are retiring from this House, BERKLEY BEDELL and COOPER EVANS. Both served their State of Iowa, and their country, with distinction. It is with regret that I say goodbye.

I've known BERKLEY as a fiercely independent Congressman, whose outspokenness brought us the viewpoint of a compassionate businessman. BERKLEY has been one of the important voices in the call for arms control and I hope he will continue to contribute to that debate when he can.

I had the privilege of serving with COOPER EVANS on the board of the Office of Technology Assessment. COOPER is one of those conscientious people who also has a passion for fairness and a real eye for detail. He always contributed to our deliberations in a sound, positive and helpful way.

I'm going to miss both of these good decent men. I wish both of them and their families all the best of what they seek in the years ahead.

TRIBUTE TO HON. GEORGE O'BRIEN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

August 11, 1986

Mr. RODINO. Mr. Speaker, I join my colleagues in paying tribute to the Honorable GEORGE M. O'BRIEN, who passed away last month after a long battle with cancer.

First elected to the House of Representatives in 1972, GEORGE served the people of Illinois and the Nation for 14 years. He served for many years on the House Appropriations Committee, and was the ranking minority member of the Subcommittee on Commerce, Justice, State, and the Judiciary.

Born in Chicago on June 17, 1917, GEORGE was graduated from Loyola Academy in Chicago in 1935 and received his B.A. degree from Northwestern University, where he was elected to Phi Beta Kappa, in 1939. During his 4 years of military service in World War II, we served overseas in the 8th Air Force and the 12th Air Force, achieving the rank of lieutenant colonel. After the war, he entered the Yale University Law School, and received his law degree in 1947.

In 1970 GEORGE was elected to the Illinois General Assembly where he served as a member of the Executive and Judiciary Committees of the House of Representatives.

A member of the Illinois and Will County Bar Associations and of the Trial Lawyers Association of Illinois, he has also found time for civic affairs. He has served as chapter chairman of the Will County Red Cross, as president of the Joliet-Will County Community Chest Program, and as an organizer of the Joliet Boys Club, which presented him its award for distinguished service.

Mr. Speaker, I extend my deepest sympathy to GEORGE's wife, Mary Lou, and to their children. Although we are saddened by GEORGE's passing, we are comforted by the knowledge that his contributions to his district and the Nation will be remembered for many years to come.

BERKLEY BEDELL

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1986

Ms. OAKAR. Mr. Speaker, at the end of this Congress one of our Democratic colleagues will retire to devote time and attention to the private side of his life.

Congressman BERKLEY BEDELL has represented the Sixth District of Iowa since 1974 with uncommon dedication. Iowa is certainly losing one of the finest gentlemen to ever represent it in the U.S. Congress. Mr. BEDELL has enjoyed the widespread and popular support of his constituents and easily won reelection in a traditionally Republican district—testament to his effective representation.

In the area where he grew up and started his family fishing tackle business, this quiet and determined man earned the support of farmers and small business owners alike. And, as a member of the Agriculture Committee and the Small Business Committee, he was able to represent their interests with diligence and insight.

Congressman BEDELL's career of public service has been marked by a deep commitment to and empathy for his fellow citizens. During his tenure in Congress, he distinguished himself as a champion of farmers' rights as well as the rights of small business owners. Having been both a farmer and an owner of a small business, he knew all too well their special needs and problems.

As we remember, in 1981, Congressman BEDELL was responsible for crafting the compromise that led to the passage of the 4-year farm bill. He not only brought the bill under budget but also united the divergent interests of the dairy industry and other commodity markets.

As a small business owner, Congressman BEDELL was concerned about the inability of small businesses to become qualified bidders of Pentagon contracts. More recently, he was instrumental in opening up the military's spare parts bidding system to small businesses who obviously need the contracts.

In closing, Congressman BEDELL, when asked why he wanted to run for Congress said, "We should concern ourselves with our fellow men and put away worship of material goods."

As a public servant he is to be admired and emulated. As a private citizen, he is a man who follows his convictions always with the thought that the true meaning of life is found in helping others.

The Members of this body will surely miss Congressman BEDELL's energy, enthusiasm,

and gentle spirit. We wish him and his family the best of health and happiness.

DOROTHY ELDRIDGE: A TRIBUTE

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1986

Mr. TORRICELLI. Mr. Speaker, I rise to honor the memory of Dorothy Eldridge, who died on July 30 at the age of 82. Dorothy was a founder of New Jersey Committee for a Sane Nuclear Policy and its director for 28 years. Her career spanned the test ban fight of the 1950's to the freeze campaign of the 1980's. She translated into practical terms her vision of international cooperation to end the nuclear menace. A seeker of peace around the world, Dorothy was most recently active in the battle to head off the deepening United States involvement in Nicaragua.

I and many of my New Jersey colleagues in Congress profited from her sound advice and the example of her unflagging spirit. We heard from her frequently on the critical issues of arms control and U.S. military policies. Hers was always the voice of conscience. I pay tribute to one of New Jersey's outstanding citizens who devoted her life to the betterment of her country and a more peaceful world. We will miss her.

SOMERSET COUNTY FARMERS HELP DROUGHT-STRICKEN SOUTHEAST

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1986

Mr. MURTHA. Mr. Speaker, I was extremely proud of the volunteer effort put forth recently by farmers and truckers in the area I represent to help the citizens in the drought-plagued Southeast.

Truly, the problems being experienced in the Southeast are the problems that are shared by all Americans who care about America's farms, about the strength of our farm communities, and about the future of the American values that have always been the hallmarks of these farms.

The pulling together of farmers and truckers from throughout other parts of the country to help was another example of Americans pulling together. It truly showed America at its finest. It truly showed that the greatest strength of America continues to reside in the hearts, commitments, and principles of our citizens.

I am pleased to enclose in the RECORD local news stories on the effort in Somerset County.

[From the Somerset (PA) Daily American, Aug. 26, 1986]

KNIGHT OF THE HIGHWAY

We're proud of the Somerset County farmers who, in less than eight hours this week, donated some 1,200 bales of hay to their fellow farmers in the southeast.

Credit for the incredible act of Christian charity goes not only to our farmers, but also to former Somerset County resident Chuck Deeter. It was trucker Deeter, visiting relatives after several hauls in the northeast, who made the important transition from wanting to help, to actually doing something about the plight of his fellow man.

It was a logical action. Chuck Deeter planned to drive his rig back to his new home in Florida. He probably could have found a paying load, but he read about the southeastern farmers' plight, and knew that Somerset County has the hay they so desperately need to feed their livestock. Rather than simply wishing them well, Mr. Deeter called the Daily American and asked what he could do.

The call came on Wednesday. By Thursday afternoon, Chuck Deeter had more hay than he could haul. It was then that the Rev. Jay Christner, a former Somerset Area school teacher, stepped in to coordinate the drive for other truckers to make the trip.

Truck drivers have long been called "Knights of the Highway." The name conjures visions of heroes riding off into the sunset. It implies a type chivalry many thought dead in America.

Chuck Deeter brought it back to life, and he taught us that one man can make a difference.

[From the Somerset (PA) Daily American, July 28, 1986]

COUNTY'S HAY HEADED TO DROUGHT-STRICKEN LAND

NASHVILLE, TENN.—With some 1,200 bales of Somerset County hay on the way, the Southeast remains in the grip of the worst drought in a century.

Even skeptics have been calling on modern-day dowsers to witch up a well with their Y-shaped branches.

"People who don't normally believe in dowsing are resorting to it," said George Glenn, 55, president of the Georgia chapter of the American Society of Dowsers. "I'd say dowsers around here are working about 10 times more than normal."

Chuck Deeter, an independent trucker and former Somerset County resident, headed south last week after local farmers donated more hay than his rig could carry. The Rev. Jay Christner, of Rockwood, is coordinating the effort to provide more trucks.

Dowsers across the Southeast are reporting an increase in calls for help, said Paul Sevigny, 66, former national president of the Danville, Vt.-based dowsers society, which claims 3,500 members nationwide.

"Oh man, it's driving me nuts. I'm getting more business than I can handle," said dowser Les Tenold, 66, of Atlanta, a retired Air Force colonel who says he gets up to five calls a day and claims a 95 percent success rate.

Garry and Wanda Denton of Hohenwald said they contacted dowser Leon Lawson because they did not want to waste time and money poking holes in their land in search of water.

"My husband was afraid of drilling at this time, especially as dry as it's been, so we called Mr. Lawson," said Mrs. Denton, 32.

Lawson spent more than an hour walking across the Denton's property with his Y-shaped hickory branch pointed away from him. Suddenly the stick arched down: Water! Drilling will begin this week.

"God has something to do with this. I tote the stick and the man upstairs does the rest," said Lawson, 56, who has been "witching" for 25 years.

He claims he can predict how deep the water is, what direction it is flowing and how many gallons per minute the well will produce.

Others, such as Nashville well driller Gene Purdue, say dowsing is hogwash.

"I drill more wells dry behind a water witch than I do anything," said Purdue.

Scientists also argue dowsing is a hoax.

"There's little to disguise the fact that it's hocus-pocus," said Don Rima.

[From the Somerset (PA) Daily American, July 30, 1986]

GRIBBLE LENDS RIGS FOR HAY

(By Sally Fike)

SOMERSET.—Seven truckloads of hay destined for drought-stricken farmers will be bound for South Carolina Wednesday (today) in rigs provided by Gribble Trucking Inc.

"We felt our neighbors were always good to us and we felt we would help somebody if we could," said Jim Leazier, one of eight local farmers providing the hay for the convoy. "I had some extra hay, so I was glad to help."

Hay was loaded Tuesday afternoon onto one of Gribble's rigs at Leazier's Green Valley Farm where the family raises beef cattle and horses along Blackburn Road off Route 281 north of Somerset.

Alexis Grew, customer coordinator for the trucking firm, said the rigs will hit the road between noon and 2 p.m. from the central dispatch terminal located along Route 601 north of Somerset.

"It was the president of the company's idea to take the trucks free of charge to help out the farmers in drought-stricken areas" she said, referring to Kenneth Gribble whose company is supplying the manpower in addition to the equipment.

Gribble's people on Tuesday loaded five tractor-trailers with 500 to 600 bales each in the Somerset area. Leazier is one of six farmers donating a truckload each. Others are Harold Hay of Berlin and Somerset area farmers Harold Miller, Sydney Riggs and Bill Osselburn. Providing hay together for a load are Donald Snyder and Jay Shaffer.

Hay will be loaded at the Shaffer, Snyder and Ringer farms Wednesday morning, said Grew.

The trucks will make non-stop trips to Seneca, S.C., expected to arrive Thursday morning. Having contacted U.S. Department of Agriculture officials there, Grew said the hay will be unloaded at a central distribution point.

"They say within an hour they'll get the hay to the animals," she said. Each truckload is expected to feed 100 head of cattle for eight days.

The local effort is being coordinated by the Rev. Jay Christner, pastor of the Rockwood Church of the Brethren, for Church World Services of New Windsor, Md. The minister became involved in the local effort to help farmers in the South after a former resident and truck driver, Chuck Deeter, volunteered to take a load south on his way home from Berlin to Florida.

Deeter's truck was quickly loaded with hay from the Ernie Barron family of Somerset RD 6, and there was additional hay made available by local farmers.

Gribble Trucking has about 100 trucks which haul various commodities. The firm employs about 112 drivers. Besides the central dispatch terminal in Somerset, the firm

has terminals in Hammond, Ind.; Andrews, S.C.; and Knoxville, Tenn.

[From the Johnstown (PA) Tribune-Democrat, July 29, 1986]

FARMERS HERE SENDING HAY

Farmers from Somerset and Cambria counties have joined in an effort to provide hay to drought-plagued farmers in the southeastern portion of the United States.

The Rev. Jay Christner of Somerset and Blaine Leverknight of 105 Packer St. are coordinating the donations.

FOUR RIG LOADS TO CAROLINA

According to Mr. Christner, four tractor-trailer loads of hay will leave the Somerset area by caravan today destined for South Carolina.

"Drops will be made at points along Interstate 95," he said. "This is just the first shipment of many we intend to send. We expect this to be a continuing project for approximately nine months."

Mr. Leverknight is handling donations from Cambria and northern Somerset counties. Mr. Christner is responsible for the remainder of Somerset County.

The project is an interdenominational effort by Church World Services, which has its headquarters in New York City.

GOOD NEWS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1986

Mr. JACOBS. Mr. Speaker, the following is the answer to the question, "Why don't we ever read good news?"

The good news in Indianapolis is Daisy Lloyd and the Indianapolis News which on August 8 published this fine tribute.

The article follows:

[From the Indianapolis News, Aug. 8, 1986]

DAISY LLOYD HONORED BY PURDUE FOR A LIFE OF SERVICE

(By Marilyn East)

"Any place I sit as a woman, a Catholic and a black, I hope to encourage others."

And Daisy Riley Lloyd wonders why anyone would consider her newsworthy.

One of Purdue University's 1986 Alumni Association Citizenship Award winners, her credits are impressive.

Perhaps it's the underlying grace that marks her as a caring and sensitive person that sets her apart. Or the wonderful laugh that punctuates her conversation.

In his statement recommending her for the Purdue honor, Richard K. Kerckhoff, professor of family studies, called her difficult to describe.

"She doesn't fit the customary categories," he wrote. "She is a highly successful businesswoman, an outstanding community activist and a Ph.D. with expertise in child development and family studies.

"Citizenship, however, is what brings the various parts of Mrs. Lloyd's life together. It is difficult to imagine her community without Daisy's impact."

When Mrs. Lloyd's major professor asked how she planned to use the knowledge gained from her doctoral program, she said she would respond to whatever needs of children and families were presented to her.

"A specific career is not as important as are the needs of human beings," she said.

Participation in countless organizations speaks for her. Community service in most instances evolved from civic appointments and grew from the conditions she witnessed.

The road from a large farm in Kansas, where her family had lived for 150 years, to a degree from Howard University in 1950, a marriage and family of four children has been paved with service. After living on the East Coast, in Germany and then in Washington, where she was a reseacher in the Library of Congress, the family moved to Indiana in the early '50s.

The public spotlight first hit Mrs. Lloyd in 1965 when she was the first black woman elected to the Indiana House of Representatives.

There she served on the Public Affairs Committee, Committee on Affairs of Marion County and as a member of the Governor's Committee on Legislative Reform. She was a commissioner for the Indianapolis Public Housing Authority and on the board of directors of the Greater Indianapolis Housing Authority.

Mrs. Lloyd was drawn into real estate when she saw people being displaced by interstate highway construction and segments of the city where blacks were being denied purchase of homes. She set about to change policies so "blacks would get a fair share of homes in nontraditional areas." Northside Realty Inc., which she formed and was president of, was a result of this crusade.

Television cameras turned on Mrs. Lloyd when she was interviewed live in her hospital room. Jokingly, she said it was to let fellow legislators know why she missed roll call.

In reality, as a member of the board of directors of the American Cancer Society and a private citizen, she was giving encouragement to others who had cancer. Twenty years later she is a picture of good health.

Her career in real estate sparked her interest in counseling. Clients who came to her were seeking her advice. They had had a death in the family or were getting a divorce. Should they sell or buy? They wanted to talk. "I discovered I was advising them personally as much as I was selling real estate."

Thus she sought and earned a master's degree in religion and psychology from Christian Theological Seminary in association with Butler University and a doctorate from Perdue in child development and family studies.

As a founding member and organizer of the Butler Tarkington Neighborhood Association, she's often deep in restoration plans for older homes.

Several houses in the Lockerble neighborhood have succumbed to her creative touch and been the better for it. Working with individual craftsmen, she seeks out those who excel in their work until the entire picture falls into place.

Dressed in the palest of pastels of summer, she relaxed, a perfect foil to her home, which is undergoing a change of face. The frills and gingerbread of Victorian darkness have given way to an all-white decor.

"Would you believe where I got my ideas?" She said the interior is modeled from that of CTS. "I fell in love with the serenity, beauty and clean lines of the school."

Contemporary artists' paintings come and go on the walls for a change of accent. A particular favorite highlighting the living room is a painting of ruins by Marty Slaymaker.

With a wonderful sense of excitement, she told of her recent trip to London to attend the Groves Conference on Marriage and Family.

Marriage and the family is an appropriate theme, since friends at CBS arranged credentials for her along the route of the procession carrying Prince Andrew and Sarah Ferguson to their royal wedding.

There are several professional consulting opportunities in the future, but Mrs. Lloyd contemplates several months off before joining the community forum again.

In the meantime, she is "momma" to her four children—two sons who are physicians and two daughters, one an attorney and the other with a Ph.D. in instructional systems technology—and three grandchildren. "They are many best friends," she said, and they know whom to call when seeking a little help in moving or decorating their homes.

A recent appointment to the Indiana Historical Society coincided with completed work for the Commission on the Future of Butler University. In the past, she has served on the advisory board to the vice president of Indiana University-Purdue University at Indianapolis.

Mrs. Lloyd is a member of St. Thomas Aquinas Catholic Church, a life member of the Purdue Alumni Association and the National Association for the Advancement of Colored People and a devoted supporter of the Indianapolis Symphony Orchestra, the Indianapolis Museum of Art, Children's Museum and numberous other civic efforts.

PERSONAL EXPLANATION

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1986

Mr. BARNES. Mr. Speaker, I was unable to be present for a number of votes in the House of Representatives last week, and wanted to take this opportunity to indicate my position.

Rollcall 281, the Nichols amendment to the DOD authorization, "aye."

Rollcall 282, the Courter amendment to the Mavroules amendment, "no."

Rollcall 283, the Traficant amendment to the Mavroules amendment, "aye."

Rollcall 284, the Courter substitute for the Mavroules amendment, "no."

Rollcall 285, the Mavroules amendment, "aye."

Rollcall 301, the Shuster substitute to the Shaw amendment to H.R. 3129, the Surface Transportation Act, "no."

Rollcall 302, the Shaw amendment as amended, "aye."

Rollcall 304, the Waxman amendment, "no."

Rollcall 305, the rule for consideration of H.R. 5081, supplemental assistance for the Philippines, "aye."

Rollcall 306, the Solomon amendment to the Leach amendment, "no."

Rollcall 307, the Leach amendment, "no."

Rollcall 308, final passage of the bill, "aye."

Rollcall No. 309, on the question of whether to consider H. Res. 531, the rule providing for further consideration of the DOD authorization bill, "aye."

Rollcall No. 310, adoption of the rule, "aye."

Rollcall 311, approval of the Journal, "aye."

Rollcall 312, the Spratt amendment. I was paired in favor of the amendment and would have voted "aye."

Rollcall 313, the Dickinson amendment. I was paired against the amendment and would have voted "no."

Rollcall 314, the Aspin amendment on the nuclear testing moratorium. I was paired in favor of the amendment and would have voted "aye."

DRUG ABUSE EDUCATION AND PREVENTION ACT OF 1986

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1986

Mr. HAWKINS. Mr. Speaker, I am today introducing H.R. 5378, the Drug Abuse Education and Prevention Act of 1986. This bill is intended to help attack the Nation's growing drug epidemic by reducing demand. While I support aggressive policies to limit the supply of drugs, focusing on the supply side, alone, will not work.

In a recent interview, President Reagan noted that, "It is not only necessary to step up our efforts to make it difficult to get drugs, but the main thrust has got to be to get the people themselves to turn off on it." The bill I am introducing today emphasizes efforts to get students to turn off drugs. One sign of how deep the problem is and how much must be done in fighting drug addiction is that this bill stresses the development of drug abuse education programs in the early grades.

This bill would require the Department of Education to create a national clearinghouse to collect and disseminate information about drug-abuse education and prevention programs, to stimulate the development of model curricular materials, to evaluate these programs and report to Congress and the Nation about their effectiveness, and to begin a public information campaign making use of athletes, rock musicians, and other teenage role models.

This bill authorizes grants to State education agencies [SEA's] which, in turn, make grants to local education agencies [LEA's] to help them create, maintain, or enhance drug abuse education programs from early elementary school through high school.

The SEA's should recognize the degree of parental involvement, the participation of local law enforcement personnel, community leaders and others with an interest or expertise in this area. The SEA's should also be supportive of peer and other forms of counseling and parent education programs.

The bill also provides for grants to be made by the Secretary of Education to institutions of higher education to train teachers on preservice and inservice bases to conduct drug abuse education classes. Institutions may conduct summer institutes and workshops to train teachers and other personnel. The bill also provides funds for institutions to create, expand, or enhance their own drug abuse education programs for their students.

This bill will become a title of the larger omnibus bill to combat drugs initiated by Speaker O'NEILL and Majority Leader WRIGHT. I commend it to my colleagues and urge their support for it.

COL. GEORGE T. WILSON

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1986

Mr. GONZALEZ. Mr. Speaker, Col. George T. Wilson symbolizes the heroic mettle that fought and won wars and in peace, toiled and raised families, paid their taxes and added to our common wealth.

Colonel Wilson was a fighter pilot distinguished for valor in two wars: World War II and Korea.

He died last Thursday at Brooke Army Medical Center in San Antonio in the 20th Congressional District.

I was highly honored and privileged to have known Colonel Wilson and his wonderful family.

I submit for the RECORD at this point the tribute to Colonel Wilson appearing in Sunday's San Antonio Express-News.

I offer my deepest condolences to Mrs. Veva Jo Wilson, their daughter, Ramona B. Mullen, and their son, Robert M. Wilson, as well as Colonel Wilson's brother, William F. Wilson.

[From the Sunday Express-News, San Antonio, Aug. 10 1986]

WILSON PILOTED FIGHTER IN WWII

Retired Air Force Lt. Col. George T. Wilson was a fighter pilot who received awards for valor in two wars.

He met his wife in 1949 while she was a contestant in a Miss Texas preliminary beauty pageant and they married after a brief romance.

"After we met he put me on a bus that evening to go home and he said 'I made up my mind, all I have to do is make up yours,'" recalled his wife, Veva Jo, of San Antonio.

Wilson, 72, died Thursday at Brooke Army Medical Center.

He was born Jan. 15, 1914, in Birmingham, Ala., where his father worked as a superintendent in a steel mill.

He enlisted is the Army Air Forces during World War II and was serving as a flight engineer on a bomber based out of North Africa when the plane was severely hit on a mission.

"The plane was shot up badly and everybody was either dead or wounded and he flew the plane back to base and landed it. He received a battlefield commission as well as an award for valor," she said.

He was assigned to Lackland AFB in 1944 and later served two combat tours as a fighter pilot in Italy.

"He was seriously injured in the second tour when flak came up through the bottom of the plane," his wife said.

At the end of the war he left active duty and entered business with a soft drink bottling company in Mansfield, Ohio.

However, he retained his commission in the Air National Guard and it was on an assignment ferrying an aircraft to California that bad weather forced him to land in Amarillo and he met his future wife.

Veva Jo, from Perryton, had gone to Amarillo as a contestant in the preliminaries for the Miss Texas beauty pageant and met Wilson through a mutual friend who had formerly served with him in the Air Force.

They were married on Dec. 23, 1949, and Wilson subsequently went back on active duty with the Air Force in 1950. He was assigned to Korea in 1952.

"He held down a desk job and flew a combat tour as a jet fighter pilot and received another award for valor for a low-level attack on a truck convoy," she said.

After returning home, he had a variety of peacetime assignments, including England and Randolph AFB, before assignment to Japan in 1960. During his tour there he also had four temporary duty assignments in South Vietnam reopening former airstrips for use by modern aircraft.

He retired in 1968. He was an avid golfer and was proud of a hole-in-one he had achieved.

Other survivors include a daughter, Ramona B. Mullen, of Germany; a son, Robert M. Wilson, of San Antonio; a brother, William F. Wilson, of Quinlan; and a granddaughter.

Funeral services will be at 1:30 p.m. Tuesday at Fort Sam Houston Main Post Chapel, with interment at 2:45 p.m. at Fort Sam Houston National Cemetery.

HANDS OFF THE D-5

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 11, 1986

Mr. DORNAN of California. Mr. Speaker, opponents of President Reagan's defense modernization programs are again mobilizing to attack his defense budget.

The first salvo has already been fired. The House Budget Committee slashed more than $35 billion from the President's proposed budget. President Reagan's budget already reflected significant restraint and cutbacks in spending.

The liberal strategy is to force the House Armed Services Committee to further limit or cut strategic programs that the President has stated is in our national interest to develop and deploy. But the Budget Committee's recommendations are only guidelines and do not contain specific recommendations. For programs that the House Armed Services strongly support, such as the Trident II submarine launched ballistic missile [SLBM], the liberals must attempt to cut funds on the House floor during open debate. Although the missile was authorized during the Carter administration, the liberal disarmament-minded Members of the House only last year became actively involved in seeking to eliminate this important strategic program.

The goal of the arms control lobby is blatantly apparent. This group of mad capped individuals that motivates and sometimes pushes liberal House Members, is purposely distorting the capabilities of Trident II in order to conjure up the image of an aggressive first strike posture. Every President from Harry S. Truman to Ronald W. Reagan has deliberately not created the forces necessary, in number and accuracy, to conduct a credible first

strike. This intentional restraint clearly illustrates the U.S. nuclear strategy of deterrence and the maintenance only of an effective retaliatory capability.

After the eighth Trident submarine is launched, all the follow on submarines are designed to carry the D-5 SLBM. The old Trident I (C-4) SLBM is no longer in production and the line is closed. We are already building the last five Trident boats. The first seven were designed to carry the C-4, the ninth and follow-on submarines will not be able to accommodate the C-4's even if they were available without major retrofit at an extremely high cost to the taxpayer. We would waste billions of dollars.

There are two distinct advantages associated with the D-5. First, it will carry its payload a greater distance which means that it and the launching sub would have a better chance of survival. By extending the normal operating range of the submarines we give them better security from Soviet ASW because they have more ocean to hide in and they are further away from the Soviet land mass. Second, by improving the accuracy the D-5. missiles will have a greater range of militarily related targets to reach, and result in less targeting of "soft" targets such as cities. This equates to enhanced deterrence. A more credible deterrant.

Because the D-5 will have greater accuracy, it is assumed by the MAD capped disarmament group that it will be a countersilo weapon. Having the capacity to destroy a hard target, such as a silo, does not make it a "first strike weapon." In order to qualify as such, a nation needs the capability and the appropriate number of weapons to conduct a first strike. No combination of "peacekeepers" and Trident II D-5's would give the Untied States a credible first strike posture and still allow us a reasonable retaliatory force.

Further, the physics alone of SLBM weapons mitigate against this. The opponents like to argue the case in a vacuum forgetting these simple points, First a first strike, in order to be effective has to be well coordinated. Communications with submarines on patrol are incompatible with the command and control requirements that a first strike posture would demand. Second, there are 24 missiles on a Trident submarine. It takes some minutes between the launching of each of those missiles. The idea of a first strike would take the better part of an hour to execute.

Under original plans the United States was to deploy 200 peacekeepers in addition to the D-5. The D-5/Trident submarine was to replace a significant number of the Poseidon submarines. Under current plans the D-5 has to pick up the target sets of the older submarines it replaces, but will also have to pick up those additional targets that the House indicated would not be picked up by the undeployed peacekeepers. Additionally the D-5 will target the difficult, time-sensitive hard targets and this will discourage Soviet premptive strikes.

HOUSE OF REPRESENTATIVES—*Wednesday, August 13, 1986*

The House met at 10 a.m.

The Reverend Dr. Carl H. Mau, Jr., Reformation Church, Washington, DC, offered the following prayer:

Lord God, Creator, Sustainer, Redeemer, Ruler of the Universe!

Your creation testifies to Your infinite power and wisdom, and Your steadfast love. For this we give You thanks and praise.

We are reminded this day that walls have often been created that separate human beings from You and from each other. Break down all the walls that separate us and distort and thwart Your intension for all humankind.

We acknowledge that You have given us a mandate to govern and order the creation which You have entrusted into our care. We tremble in the knowledge that our planet is in danger of being destroyed through the walls of tyranny and hostility, discrimination and violence, oppression and injustice.

We dare to believe and hope that You are sustaining and rescuing Your creation. Give us wise and compassionate hearts. Make us instruments of Your peace. Forgive us where we have failed in our stewardship of Your creation. Help us each day to renew our commitment to the care of the whole human family that all walls that separate us may be broken.

Lead and direct the affairs of the House of Representatives. Grant health and strength to all who bear the heavy burden of government, O gracious Lord, for we pray in Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BLILEY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BLILEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 252, nays 138, answered "present" 5, not voting 36, as follows:

[Roll No. 331]

YEAS—252

Ackerman	Foley	McHugh
Akaka	Ford (MI)	McKinney
Alexander	Frank	Mica
Anderson	Fuqua	Miller (CA)
Andrews	Garcia	Miller (WA)
Annunzio	Gaydos	Mineta
Anthony	Gejdenson	Moakley
Applegate	Gephardt	Mollohan
Archer	Gilman	Montgomery
Aspin	Glickman	Moody
Atkins	Gonzalez	Morrison (WA)
AuCoin	Gordon	Mrazek
Barnard	Gradison	Murphy
Barnes	Gray (PA)	Murtha
Bateman	Green	Myers
Bates	Guarini	Natcher
Bedell	Hall, Ralph	Neal
Beilenson	Hamilton	Nelson
Bennett	Hammerschmidt	Nichols
Berman	Hansen	Oakar
Bevill	Hatcher	Oberstar
Biaggi	Hayes	Obey
Boland	Hefner	Olin
Boner (TN)	Hertel	Ortiz
Borski	Hiler	Panetta
Bosco	Horton	Pease
Boucher	Howard	Pepper
Boxer	Hoyer	Perkins
Broomfield	Hubbard	Petri
Brown (CA)	Huckaby	Pickle
Bruce	Hughes	Price
Bryant	Hutto	Pursell
Bustamante	Jeffords	Rahall
Byron	Jenkins	Rangel
Carper	Johnson	Regula
Carr	Jones (NC)	Reid
Chapman	Jones (OK)	Richardson
Chappell	Jones (TN)	Rinaldo
Coelho	Kanjorski	Ritter
Coleman (TX)	Kaptur	Robinson
Collins	Kasich	Rodino
Combest	Kastenmeier	Roe
Conyers	Kennelly	Roemer
Cooper	Kleczka	Rose
Coyne	Kolter	Rostenkowski
Crockett	Kostmayer	Rowland (GA)
Daniel	LaFalce	Roybal
Darden	Lantos	Rudd
Daschle	Latta	Russo
Davis	Leath (TX)	Sabo
Dellums	Lehman (CA)	Savage
Dicks	Lehman (FL)	Scheuer
Dingell	Leland	Schulze
Donnelly	Levin (MI)	Schumer
Dorgan (ND)	Levine (CA)	Shelby
Dowdy	Lipinski	Shumway
Durbin	Long	Sisisky
Dwyer	Lowry (WA)	Skelton
Dymally	Lujan	Slattery
Dyson	Luken	Smith (IA)
Early	Lundine	Smith (NE)
Eckert (NY)	MacKay	Smith (NJ)
Edgar	Manton	Snyder
Edwards (CA)	Markey	Solarz
English	Martin (NY)	Spratt
Erdreich	Martinez	St Germain
Evans (IL)	Matsui	Staggers
Fascell	Mavroules	Stallings
Fazio	Mazzoli	Stark
Feighan	McCloskey	Stenholm
Fields	McCollum	Stokes
Fish	McCurdy	Stratton
Florio	McDade	Studds
Foglietta	McEwen	Swift
Synar	Valentine	Wirth
Tallon	Vento	Wise
Tauzin	Visclosky	Wolpe
Thomas (GA)	Volkmer	Wortley
Torres	Walgren	Wright
Torricelli	Watkins	Wyden
Towns	Waxman	Wylie
Traficant	Weiss	Yates
Traxler	Whitley	Yatron
Udall	Whitten	Young (MO)

NAYS—138

Armey	Gingrich	Pashayan
Badham	Goodling	Penny
Bartlett	Gregg	Porter
Barton	Gunderson	Quillen
Bentley	Hartnett	Ridge
Bereuter	Hendon	Roberts
Bilirakis	Henry	Rogers
Bliley	Holt	Roth
Boehlert	Hopkins	Roukema
Boulter	Hunter	Rowland (CT)
Brown (CO)	Hyde	Saxton
Burton (IN)	Ireland	Schaefer
Callahan	Jacobs	Schroeder
Chandler	Kindness	Schuette
Chappie	Kolbe	Sensenbrenner
Cheney	Kramer	Shaw
Clay	Lagomarsino	Shuster
Clinger	Leach (IA)	Sikorski
Coats	Lent	Skeen
Cobey	Lewis (CA)	Slaughter
Coble	Lewis (FL)	Smith, Denny (OR)
Coleman (MO)	Lightfoot	
Conte	Livingston	Smith, Robert (NH)
Coughlin	Loeffler	
Courter	Lott	Smith, Robert (OR)
Craig	Lowery (CA)	
Crane	Lungren	Snowe
Dannemeyer	Mack	Solomon
Daub	Madigan	Spence
DeLay	Marlenee	Stangeland
Derrick	Martin (IL)	Strang
DeWine	McCain	Stump
Dickinson	McCandless	Sundquist
DioGuardi	McGrath	Swindall
Dornan (CA)	McKernan	Tauke
Dreier	McMillan	Taylor
Duncan	Meyers	Thomas (CA)
Eckart (OH)	Michel	Vander Jagt
Edwards (OK)	Miller (OH)	Vucanovich
Emerson	Mitchell	Walker
Evans (IA)	Molinari	Weber
Fawell	Monson	Whitehurst
Fiedler	Moorhead	Whittaker
Franklin	Nielson	Wilson
Frenzel	Oxley	Wolf
Gallo	Packard	Young (AK)
Gekas	Parris	Young (FL)

ANSWERED "PRESENT"—5

Kildee	Schneider	Waldon
Ray	Smith (FL)	

NOT VOTING—36

Boggs	Ford (TN)	Moore
Bonior (MI)	Fowler	Morrison (CT)
Bonker	Frost	Nowak
Breaux	Gibbons	Owens
Brooks	Gray (IL)	Seiberling
Burton (CA)	Grotberg	Sharp
Campbell	Hall (OH)	Siljander
Carney	Hawkins	Sweeney
de la Garza	Hillis	Weaver
Dixon	Kemp	Wheat
Downey	Lloyd	Williams
Flippo	Mikulski	Zschau

□ 1010

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 683. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Maine Central Railroad Company and Portland Terminal Company labor-management dispute.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 140) "An act to amend the Child Abuse Prevention and Treatment Act to establish a program to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of the child abuse cases, especially child sexual abuse cases."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4151) "An act to provide enhanced diplomatic security and combat international terrorism, and for other purposes."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1343. An act to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, California, and for other purposes; and

H.R. 3773. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to promote technology transfer by authorizing Government-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Science Foundation, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1542. An act to amend the National Trails System Act by designating the Nez Perce (Nee-Me-Poo) Trail as a component of the National Trails System;

S. 1888. An act to provide for a program of cleanup and maintenance on Federal lands;

S. 1911. An act to direct the Administrator of General Services to release, on behalf of the United States, certain conditions and reservations contained in a conveyance of land to the State of Utah; and

S. 2091. An act to amend the provisions of the Federal Land Policy and Management Act of 1976 relating to the acquisition of public lands.

□ 1025

FARM CRISIS: ACTION, NOT WORDS

(Mr. ROWLAND of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Georgia. Mr. Speaker, it is time for the talk to stop. All the administration seems to want to do is talk, talk, talk.

Farmers in my district have been desperately seeking assistance from the Federal Government to provide some form of aid to help them get through the worst drought in our history. Now we are truly grateful for the efforts of the farmers nationwide who have united to help the drought-stricken areas. However, to this point, our farmers are still awaiting definitive action by the administration, which has been successful in mounting a vast public relations effort, but scarcely anything has been done for the farmers in the Southeast. I call on the President to stop just verbal attacks on the drought and begin a firm commitment to save our farm economy, which I believe is what he wants to do.

This House has taken a firm stand in support of our farmers by unanimously passing the drought relief bill. Mr. Speaker, we must not forget we are talking about the livelihood of thousands of rural Americans, and the economies of hundreds of communities. These people can no longer afford the luxury of just words. They need help now.

PERSONAL EXPLANATION

(Mr. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKINNEY. Mr. Speaker, I would like to inform the House that I was unavoidably absent because of a bleeper that did not receive transmissions last night during rollcall vote No. 330. The vote was on an amendment offered by Mr. DICKS to H.R. 4428, national defense authorizations for fiscal year 1987. Had I been present I would have voted in the affirmative.

Mr. Speaker, the amendment which passed by a vote of 225 to 186 would bar funds to deploy any nuclear weapons that would violate any of the weapons limits of the SALT II Treaty. The importance of effective arms control agreements between the United States and the Soviet Union has never been greater. Without such agreements, the potential for a superpower confrontation only can be increased. SALT II has been largely observed by both the United States and the Soviet Union since it was written in 1972. It has been a foot in the door of opportunity for real arms control. Rather than look for any justification to slam that door shut, we must try harder to force it open.

Again, I would like to go on record as strongly supporting the SALT II measure adopted by the House last night.

COMMERCIAL FISHING INDUSTRY VESSEL SAFETY AND INSURANCE ACT

(Mr. STUDDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUDDS. Mr. Speaker, later this morning the House will vote under suspension on a relatively minor bill, as things go around here, the Fishing Vessel Safety and Insurance Act.

I would simply like Members to know that, as they are probably very well aware, we have all been subjected to a lobbying campaign which for its baldfacedness is unusual even for this city and for this institution.

Mr. Speaker, this is the first safety legislation in the history of the United States for the commercial fishing industry. It is supported by every single organization of fishermen on every coast of the United States, and yet we have all been subjected to a lobbying campaign on behalf of the trial lawyers, who have flooded the Halls of this institution with crocodile tears supposedly on behalf of the fishermen, every single one of whom disagrees with them.

I hope my friends in the House will remember one thing: This is essentially analogous to workers' compensation laws. Every State in this Nation limits liability for their industrial employees in return for a reasonable guarantee of an equitable reward in the event of an injury of an employee. We purport to do an analogous thing for commercial fishermen. It is the responsibility of the Federal Government to do so.

If this bill is rejected today, men and women on fishing vessels will die, and the responsibility will lie in some considerable measure on the part of a group of lawyers who have lobbied in this institution notwithstanding their own blatant, economic self-interest.

Mr. Speaker, I beseech Members to vote for the bill.

I want to remind Members that this bill is strongly supported and urgently needed by fishermen on all coasts and in all fisheries.

The bill was the product of a long series of hearings; it contains new safety standards for fishing vessels that will save hundreds of lives; and it guarantees fair compensation to fishermen who become injured while on the job.

Not a single intelligent substantive argument has been raised against this measure, but a major effort—on behalf of a tiny group of maritime lawyers—is being made to confuse the issues and defeat the bill.

Members should realize that the liability system established by this bill is analogous to workmen's compensation systems in almost every State in this country. This bill has nothing to do with the larger issue of limiting liability for torts or for defective products sold to the public.

The Justice Department's recommendations for limiting liability for those kinds of cases did not mention—and would not apply—to the fishing industry. The issue addressed by H.R. 5013 is a workman's compensation issue and a workman's compensation issue only; in this case both the workers and the boatowners strongly support the bill.

I plead with the House to accept the judgment of fishermen from around the country; they need the safety requirements of this bill; they need the protections provided by adequate insurance; they need H.R. 5013.

HOW MUCH IS A RALLOD WORTH?

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, the 1896 election in this country was fought over the issue of sound money. The following item is from that campaign:

If you were asked to state your prices, or wage requirements, in rallods, what would you answer?

I don't know what a rallod is.

Well, you know just as much about the value of a rallod as you would about the value of a dollar if it were not a specific quantity of something. (Sound Currency, by Perry Powers.)

In 1896, the country voted for sound money. In 1900 the Gold Standard Act became the law of the land, and Uncle Sam became the world's leading creditor.

By contrast, in 1986, the dollar is no longer a specific quantity of anything, and Uncle Sam is the world's leading debtor, in fulfillment of the word of the Gospel:

The kingdom of God will be taken away from you, and given to a nation that yields the proper fruit. (Matthew 21:43.)

FISHING SAFETY AND INSURANCE BILL SHOULD NOT BE CONSIDERED UNDER SUSPENSION

(Mr. BREAUX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BREAUX. Mr. Speaker, I take this time to point out that the bill that is going to be voted on today addressing fishing safety and insurance is a bill that should not be considered under suspension. My good friend, the gentleman from Massachusetts [Mr. STUDDS], has indicated that it is the subject of a massive lobbying effort by trial lawyers.

The bill has defects that should be perfected by the amendment process. The only thing that I am asking, as I think the Republican caucus and many Members on this side have said, is not to bring it up under suspension of the rules.

The bill starts off by exempting 24,000 fishing vessels from any of the coverage. If safety is the issue, why do we not just address the safety problem? Instead, the bill starts by putting caps on the amount of money that can be recovered.

It is much too complicated to just run through the House under suspension. We should take our time, we should allow amendments to be debated, and then make the decision based on the final product, not run it through the House under suspension of the rules.

Mr. Speaker, I ask Members for a "no" vote. Let us bring it back up later and do it in the proper way.

TRADE HYPOCRISY

(Mr. IRELAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, the United States has just succeeded in negotiating the worst trade agreement in our Nation's history. We all read with anticipation on Monday morning that the United States and the European Community had settled their 16-year war over pasta. In doing so, we gave away the store—again.

The agreement relies heavily on our Nation's citrus exports to the EC. In return for miniscule tariff reductions, our domestic citrus industry has been told it can no longer challenge the EC's system of preferences for Mediterranean countries—preferences which are, in themselves, violations of the General Agreement on Tariffs and Trade. The EC has been given free reign to exclude U.S. products and continue its obstructionist trade policies.

We are supposed to be expanding our trade opportunities overseas—not sanctioning agreements that cut our products out of foreign markets.

It isn't trade diplomacy when we have to sacrifice not only a whole group of products, but our rights to challenge unfair practices in the future. The implications of this agreement reach into many product categories. I urge other Members to take a close, hard look at this proposal and speak out against it. This agreement is not trade diplomacy, it is trade appeasement.

PERSONAL EXPLANATION

(Mr. MOODY asked and was given permission to address the House for 1 minute.)

Mr. MOODY. Mr. Speaker, last night I voted on rollcall 330, the Dicks amendment. However, checking the RECORD this morning, I find that I am listed as not having voted. I would ask that the RECORD today reflect my belief that I properly used my voting card and intended to cast an "aye" vote on the Dicks amendment.

CHILDREN'S OPTIONS FOR INTENSIVE COMPENSATORY EDUCATION ACT OF 1986

(Mr. HENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENRY. Mr. Speaker, I am pleased to take this opportunity to share with my colleagues that Congressman TOM PETRI and myself have today introduced the Children's Options For Intensive Compensatory Education Act of 1986 [CHOICE]. This proposal represents the culmination of 8 months of concerted effort by Congressman PETRI and myself to develop a legislative vehicle to consider needed reforms in chapter 1 of the Elementary and Secondary Education Act which is coming before the House next year for reauthorization.

Compensatory education funds, presently authorized at $3.6 billion per year, are granted to State and local educational agencies in an effort to supplement funding for low income, educationally deficient students in the elementary and secondary schools.

In recent years, the program has come under criticism from various sources. Some have questioned whether the supplemental funds provided by Congress have not instead been used to supplant existing programming at the State and local level. Others have noted studies indicating that less than half of students served under the program meet the criteria of being both in financial need and educationally deficient. And recent Supreme Court decisions have eroded the rights of students in nonpublic schools to participate in the program, thereby undermining some of the political support of the program by factionalizing the educational community.

It would be tragic to see America turn its back on those students who stand in the greatest need of assistance because of political infighting in Washington. For that reason, we have introduced CHOICE in the effort to get all the parties around the legislative bargaining table with the hope that consensus can be reached on reauthorization as quickly as possible.

The proposal is based with five basic principles in mind.

First, chapter 1 services must be targeted more carefully to those children who are most in need.

Second, chapter 1 must insure the provision of more comprehensive and effective supplementary educational services by encouraging more flexible and innovative education programming.

Third, chapter 1 provisions should significantly increase the participation

of parents of educationally deprived children in the individualized planning and evaluation of the supplementary education services provided to their children. Parental involvement in a child's education has again and again been demonstrated to be a key component in education achievement.

Fourth, chapter 1 programs should expand the range of educational service options available to parents and local school officials provided by other public schools, private elementary and secondary schools, and by higher education institutions.

Fifth, chapter 1 programs should remain subject to all existing civil rights protections so equality of educational opportunity is not abridged.

Mr. Speaker, we would welcome additional cosponsors and comments on our proposal.

SEND THE GENTLELADIES TO NEGOTIATE

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, I was shocked, but not surprised to read a statement of former U.S. semiconductor negotiator Clyde Prestowitz to the effect that "insurmountable cultural differences in business and personal relationships probably would result in the complete triumph of Japanese industry over American industry by the mid-1990's."

He went on to say that national security should be considered in weighing a total United States response to the Japanese trade threat.

Mr. Prestowitz has been in the trenches of the third world war and he is predicting that we will lose it by the 1990's. He also sees the linkage between a viable manufacturing base and an ability for us to defend ourselves.

His departure from our trade area is a loss, but evidently his hands were tied by directions of our own Government.

Entering negotiations on another front, auto parts, within the month, I would like to suggest a new tack for our negotiating team—send in the gentleladies from the benches in Congress. I nominate to the bipartisan team Congresswomen MARCY KAPTUR, LINDY BOGGS, NANCY JOHNSON, LYNN MARTIN, and myself, who has had experience negotiating with the Japanese.

Mr. Speaker, before you dismiss this idea out of hand—think about it. We could hardly negotiate away more than has already been given up—TV's, radios, steel, ball bearings, bolts, screws, iron—and we might even get something in return, like reciprocal markets.

I have been disturbed by reports from auto repair shops and labor leaders concerning the inferior quality repair parts from overseas that are being installed in American cars. Car owners are not even advised that the parts are of foreign origin and sometimes of a lesser quality. But, the repair shops are forced to use them because the insurance companies' allowance for replacement is based on these foreign parts.

Some of the concerned shops absolutely refuse to use components, resulting in a drastic reduction in their business because they cannot perform the job with first-class parts within the alloted amount provided by the insurance companies.

There are even reports of shipments of used parts—supplied out of Japan because of a Japanese law requiring engine replacement every 5 years for Japanese cars—flooding our markets and being used and represented by some garages as "new."

What a can of worms we have opened up with this whole free trade attitude. We forgot in our rush to a pure economic theory—"free markets"—that we lose all control over the quality of what we have to purchase when the markets become more of theirs and less of ours.

□ 1035

VOTE "NO" ON HOUSE RESOLUTION 373 RECOGNIZING THE AFRICAN NATIONAL CONGRESS

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I am very concerned about House Resolution 373.

After the preamble, frankly, the operative clause No. 2, by asking us to recognize the African National Congress, rejects I think all of the lessons we should have learned from Nicaragua and Grenada. There is strong evidence that the African National Congress is, in effect, a popular front, that at least 19 of its 30 members of its executive committee are members of the Communist Party.

The gentleman from Michigan [Mr. CROCKETT] and the gentleman from Michigan [Mr. WOLPE] should provide any evidence they have that the African National Congress is not a front. Have the 19 Communist members of the executive committee resigned? Is there any evidence that the other seven suspected Communists are not Communists? Or once again are the liberals in the United States leading us, as they did in Nicaragua, to recognize and support a popular front which then becomes the first step to Communist dictatorship, which then creates a great deal more difficulty.

The lesson of Nicaragua and Grenada would urge us to vote "no" on House Resolution 373.

VOTE "YES" ON PORTER-FASCELL AMENDMENT TO DELAY PRODUCTION OF NERVE GAS WEAPONS

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, today we will have an historic opportunity to delay production of one of the most insidious and barbaric weapons ever produced. I refer to the Porter-Fascell amendment which would delay production of nerve gas weapons for 1 year.

There are two compelling reasons to vote against nerve gas production. First, the administration's nerve gas program would spend at least $2.6 billion over the next 5 years for a weapons system that the General Accounting Office has certified to Congress does not work.

Second, our chemical weapons were generally designed to protect our NATO allies. Yet these same allies have demanded that the United States withdraw these deadly weapons from their countries.

Chemical weapons do not work, and the allies they are designed to protect do not want them.

I urge my colleagues to support the Porter-Fascell amendment when it comes before us today.

CHEMICAL WEAPONS AND EUROPE

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks)

Mrs. ROUKEMA. Mr. Speaker, I understand that in the past few days, many of my colleagues have received telephone calls from David Abshire, U.S. Ambassador to NATO on the very important issue of our chemical warfare deterrent in Europe.

This is the same Ambassador Abshire who, in the Wall Street Journal this week, said "we must at least provide U.S. military personnel with a credible deterrent against the chemical weapons facing them."

I could not agree more.

But in turning logic on its head, Ambassador Abshire tells you our binary weapons need not be based in Europe; that our policy of chemical deterrence can be based on a stockpile stored in the United States, 5,000 miles away from Europe while the Soviets maintain theirs is only miles away in Eastern Europe

What Mr. Abshire doesn't tell you is that it would take 16 days of continu-

ous air transport by the entire fleet of American C-141 cargo planes to deliver the required binary weapons to Europe in a time of crisis. And this assumes that European airfields are not already shrouded in gas from the Soviet blitzkrieg attack.

Mr. Speaker, we need a sound policy of chemical deterrence. I urge your support of the Fascell-Porter-Roukema amendment later today.

THE BERLIN WALL: A MONUMENT TO TYRANNY

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, today is the 25th anniversary of the Berlin Wall, a monument to Soviet enslavement of the peoples under their control.

When President Kennedy proclaimed "Ich bin ein Berliner," he renewed our commitment to the freedom of Europe and the human rights of those the Soviets sought to imprison.

Berlin remains a symbol today of the difference between the human rights, economic progress and diversity of the West and the stagnation and uniformity of the East. From the bright lights and heavy traffic on the Kufurstendam in the West to the dark and empty Alexanderplatz in the East, it is all there for the world to see.

The East Germans are celebrating the construction of the wall but we know that their parades and demonstrations are only a Soviet puppet show behind a barbed wire stage. The real commemoration should be for the dozens who have died trying to cross the wall.

Mr. Speaker, no matter how slick or telegenic the Soviet leadership may be, the continued existence of the wall shows they really haven't changed.

ACID RAIN

(Mr. GREGG asked and was given permission to address the House for 1 minute.)

Mr. GREGG. Mr. Speaker, today the Energy and Commerce Committee is taking up a critical piece of environmental legislation which will control acid rain precipitation throughout the United States. This is an extremely serious problem.

It is one, however, which has not been adequately addressed by this Congress. I hope that the Energy and Commerce Committee is going to correct that situation at this time.

However, there are rumors and concerns among those of us who are in States that are being impacted by acid rain that this legislation may be delayed through parliamentary tactics, that the majority of the membership on this committee, on the Democratic side, may try to kill this legislation through the use of parliamentary tactics.

I would simply note at this time, and I hope the American people will note, and I certainly hope the environmental community in this country will note that if this acid rain legislation does not get a fair hearing in that committee and does not come to a vote in the Energy and Commerce Committee, this is a committee which is dominated by the Democratic Party, which is chaired by a Democratic Member, and which will have turned down the primary issue of environmental concern for a majority of Americans in this country, and for our neighbors, Canada.

This is an issue of environmental concern. And the issue is who has clean hands on this issue. The fact is that if this matter is not given a fair hearing today in the Energy and Commerce Committee, it is pretty clear that the Democratic Party has abandoned this environmental issue.

PERSONAL EXPLANATION

(Mr. HENDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDON. Mr. Speaker, I can sympathize with our colleague from Connecticut who had trouble with his electronic pager.

The RECORD shows I was on the floor and cast votes on rollcalls 286 and 287. However, I see that my vote on rollcall 288 was not recorded.

I was in the House Chamber and attempted to vote yes, but my vote on rollcall 288 was not recorded.

Mr. Speaker, I ask unanimous consent that this statement indicating my yea vote appear in the permanent RECORD immediately following rollcall No. 288.

The SPEAKER pro tempore (Mr. LOWRY of Washington). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

THE DEBT CEILING AND DEFICIT REDUCTION

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, in the debt ceiling proposal that comes to us from the other body, there is yet another version of an automatic deficit reduction mechanism to the Gramm-Rudman law.

As a result of the Supreme Court decision, it is clear that any "automatic process" challenges either the Constitution by attempting to limit the powers of OMB, or gives sufficient power to OMB that undermines the institution of the Congress. There is no way around that event.

There is a backup process to Gramm-Rudman—we should stick to it. The Speaker this morning announced a strategy for the House of meeting the target to reduce the deficit below $154 billion by October 5 and thus avoid sequestration.

It is far better for us to spend our time on deficit reduction and not on deficit reduction gimmicks.

TWENTY-FIFTH ANNIVERSARY OF THE CONSTRUCTION OF THE BERLIN WALL

(Mr. MARTIN of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN of New York. Mr. Speaker, first, I would like to be associated with the remarks of the gentleman from New Hampshire relative to acid rain. In the 6 years I have been here in the House, notwithstanding the important issue it is to this entire Nation, we have not had the opportunity to even have one single piece of acid rain legislation here on the floor. Perhaps we will have the opportunity to speak a little bit about that later.

But now, Mr. Speaker, what I wanted to speak about in particular is that today we note the 25th anniversary of the construction of the Berlin Wall.

We note that with horror. But you know, for those people who consistently apologize for everything that the Soviet Union and the iron bloc does, this has to be a great day, because in East Germany today, and in East Berlin, they are actually having a celebration commemorating the construction of that wall.

Can you believe it? A celebration. In my estimation, that is one of the sickest things I have ever heard of. They are actually celebrating the enslavement of the people of East Berlin, and by extension, they celebrate the enslavement of all people behind the Iron Curtain.

Think about it—those who are inclined in this Chamber and throughout the country to apologize for Communist activities at every turn. You are joining in that sick celebration of the enslavement of the body and soul of millions of unfortunate people the world over.

THE BERLIN WALL

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, I am glad to see so many Members getting up this morning and

talking about the Berlin Wall. I think probably the advent of instant communication, like cable network news and others who photograph, with sight, sound, and color, some incident around the world at the moment of its happening, might have been able to prevent 25 years ago the building of that wall.

A young German in his early twenties named Peter Fechter tried to come across one day as the wall was being built. The German name for doctor is very similar to English. It sounds the same phonetically, doktor. He laid out there in the middle of the brand new no man's land near Check Point Charlie, bleeding to death for over an hour, with one arm raised in the air, waving it back and forth saying, "Doktor, doktor," and nobody moved forward to help him. Unfortunately, the commander of our post at Check Point Charlie was away, and a brand new second lieutenant was in charge and did not know what to do.

Just last year this happened again near that site. On March 25, 1985 an American Army major, Arthur B. Nicholson, was shot to death, and the Soviet soldiers around him, after they had mortally wounded him, refused to allow anybody to bring him medical aid. This is criminal. Since its insidious construction at least 72 people have been killed attempting to cross the wall.

Over these 25 years people have gone over that wall in balloons, tunneled under it, jumped from windows breaking their legs and crawling over. These brave people have even gone over on tight ropes, and driven under the gates in small sports cars with the windshields removed. I even know of individuals who have strangled attack dogs to get over as well as one woman who was shot in the back of the head while swimming across the river which is also part of the wall.

The spirit and love for freedom is indominatable and will never be crushed. God forbid that that ugly concrete symbol of evil remain another quarter of a century on this planet.

THE DEBT LIMIT

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, there may well be questions on the deficit or the constitutionality of allowing the Office of Management and Budget to make what would be ministerial cuts as the other body sends over the debt limit package with an addition to put enforcement teeth back into Gramm-Rudman-Hollings-Kennedy.

But may I remind the Members of this House that if there is no enforcement mechanism, it again relies on the Members of Congress to do what they are supposed to do. I hate to be the one to remind us that in this body, so far, every single appropriations bill, if you look to funding it over a 12-month period and if you include in it what must be funded by law, is over the outlay numbers in the budget. This House, by a huge majority, passed such bills. I just would point out that depending upon the responsibility of the House of Representatives to lower the budget deficit is like depending on an alcoholic to watch over the scotch distillery.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on both motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on both motions to suspend the rules.

URGING THE SOUTH AFRICAN GOVERNMENT TO NEGOTIATE

Mr. WOLPE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 373) to urge the Government of South Africa to indicate its willingness to engage in meaningful political negotiations with that country's black majority, as amended.

The Clerk read as follows:

H. RES. 373

Whereas since September 1984, a mounting unrest against racial oppression in the Republic of South Africa has led to the violent death of more than 1,000 individuals, most of them black, the detention without charge of thousands more, and a declared state of emergency in several areas of that country;

Whereas a peaceful resolution to this violence and conflict in the Republic of South Africa is unlikely unless the Government of that country moves to end its abhorrent system of apartheid which denies the country's black majority the right to vote, the right to own land, and the right to freedom of movement;

Whereas the Government of the United States, the United Nations, and virtually every country in the world has condemned the practice of apartheid by the Government of South Africa and its enactment of the repressive measures that have led to the current violence;

Whereas the Government of the United States has sought to use its influence and leverage to promote peace and peaceful change through diplomatic appeals and the imposition of limited economic sanctions;

Whereas the 98th Congress adopted the "Mandela Freedom Resolution," calling for the unconditional release of Nelson Mandela, the black South African leader who has been imprisoned for 23 years, and his wife, Winnie Mandela, who has been a "banned" person in South Africa for the past 21 years;

Whereas the President has called for the South African Government to end its practice of detention without trial and lengthy imprisonment of black leaders, in addition to calling for the establishment of a government based on the consent of the governed;

Whereas the Secretary of State has urged the release of Nelson Mandela and indicated the need for the South African Government to meet with leaders of the black majority, including Mandela and the outlawed African National Congress;

Whereas the African National Congress, which was banned in 1960, is today the oldest and most prominent of the organizations of resistance against the apartheid system of South Africa and is highly regarded by that country's black majority;

Whereas representatives of the South African business community, clergy, and university student organizations have met or attempted to meet with officials of the African National Congress to establish lines of communications for future discussions on the problems of their country;

Whereas Nelson Mandela, who has been in South African prisons since 1962 and who is still considered the leader of the banned African National Congress, is regarded by many black South Africans as one of the most respected symbols of resistance against apartheid;

Whereas it is evident that an end to South Africa's racial turmoil is impossible if the Government of that country does not begin a meaningful dialogue with the leaders of the black majority;

Whereas the continued turmoil and unrest in the Republic of South Africa threaten the peace, security, and stability of the other nations of Southern Africa and has led to crossborder violence in the region; and

Whereas the urgent moment has arrived for the Government of South Africa to initiate bold steps to end apartheid and the current unrest and to achieve peace and peaceful change: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should use his good offices to urge the Government of the Republic of South Africa to indicate its willingness to engage in meaningful political negotiations with that country's black majority—

(1) by immediately granting unconditional freedom to Nelson Mandela and other political prisoners;

(2) by recognizing the African National Congress as a legitimate representative for the country's black majority; and

(3) by establishing the framework for the political talks with the African National Congress and other representative organizations which hopefully could lead to a negotiated settlement with the black majority.

□ 1050

The SPEAKER pro tempore (Mr. LOWRY of Washington). Is a second demanded?

Mr. BURTON of Indiana. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second is considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. WOLPE] will be recognized for 20 minutes and the gentleman from Indiana [Mr. BURTON] will be recognized for 20 minutes.

Mr. BURTON of Indiana. Mr. Speaker, a correction: The ranking Republican on the Subcommittee on Africa, the gentleman from Michigan [Mr. SILJANDER], is here, and he should control the time.

The SPEAKER pro tempore. Without objection, the gentleman from Michigan [Mr. SILJANDER] will be recognized for 20 minutes.

There was no objection.

The Chair recognizes the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 373, introduced by Congressman CROCKETT of Michigan with 108 cosponsors, requests that the President use his good offices to urge the South African Government to indicate its willingness to engage in meaningful political negotiations with that country's black majority by: First, immediately releasing Nelson Mandela and other political prisoners; second, by recognizing the African National Congress as a legitimate representative for the country's black majority; and third, by establishing the framework for talks with the ANC and other representative organizations which hopefully could lead to a negotiated settlement with the black majority.

House Resolution 373 enjoys broad bipartisan cosponsorship and support. On June 24, 1986, the Subcommittee on Africa of the Foreign Affairs Committee held a hearing and markup on the legislation. Two additional amendments were added to clarify the intent of the resolution. The resolution was then passed by an overwhelming majority of the House Foreign Affairs Committee. We bring this measure to the floor today because we feel that the sense-of-Congress resolution is one of the most appropriate means we have to signal the President that he should become more actively involved in pressuring the South African Government to begin the process of negotiations with the African National Congress and other representative leaders of the black majority in order to end the escalating violence.

Mr. Speaker, this sense-of-Congress resolution is consistent with the expressed policy of the adminstration which has urged the South African Government to release the ANC's long-imprisoned leader, Nelson Mandela, and to open with him and representative organizations of the black majority a broad political negotiation. Secretary of State George Shultz told the New York Times on October 4, 1985, that South Africa could signal its willingness to search for a political compromise by freeing Nelson Mandela and negotiating with him and the ANC. As recently as July 23, 1986, at the Senate Foreign Relations hearing on South Africa, Secretary Shultz stated that the administration continues to urge the South African Government to communicate with all parties, including—among others—the African National Congress. This policy recognizes, as noted by Secretary Shultz that, and I quote, "the ANC has emerged as an important part of the South African political equation."

Further, the key components of this resolution have also been supported by the European Community [EC], the British Commonwealth's Eminent Persons Group on Southern Africa, and the Organization of African Unity [OAU], as well as leading black and white South Africans.

In recent months, at least eight white South African businessmen representing some of the largest concerns have called for Mr. Mandela's release and the unbanning of the ANC. In a July 29, 1986, New York Times op-ed, Mr. A. H. Bloom, chairman of the Premier Group, one of South Africa's largest industrial companies, states that businessmen recognize that to avoid continued head-on conflict, the South Africa Government must: First, state unequivocally that every vestige of statutory racial discrimination will be abolished, and, second, open negotiations with credible black leaders. The prerequisite, he states, "is the unbanning of black political organizations, including the ANC and the release of Nelson Mandela and other political prisoners."

In the recent weeks, we have witnessed a growing sense of urgency concerning the need to begin the process of negotiations in South Africa. Only a few weeks ago, Sir Goeffrey Howe, British Foreign Secretary, on behalf of the 12 member states of the European Community, stated that the purpose of his recent trip to South Africa was to achieve the unconditional release of Nelson Mandela but that "by itself, is not enough because he has to be liberated in the context that enables him and his colleagues to take part in the discussion and dialog." It was his feeling that "this dialog cannot take place as long as recognized leaders of the black community are detained and their organizations are proscribed."

The unconditional release of Nelson Mandela and other political prisoners and the unbanning of the ANC are necessary and crucial steps toward any settlement in South Africa. Mr. Mandela, according to all the evidence, is a unifying, commanding, and popular leader who, along with others, is a key to any hope of a peaceful resolution of the conflict. Clearly, negotiatons cannot take place in the absence of authentic leaders, and this dialog cannot begin to take place as long as recognized leaders are detained and their organizations are banned.

Mr. Speaker, a couple of our colleagues have questioned why we should single out the ANC among the many South African groups. First, let me emphasize that this resolution does not regard the ANC as the sole legitimate representative of the South African people nor does it suggest that the ANC should be the only party to negotiations. The reason for specifically identifying the ANC is that it is the only major group with a large following that the Government has ruled out of future negotiations and legally banned. Public opinion polls have consistently shown that the ANC and its imprisoned leader, Nelson Mandela, have the largest following among the overwhelming majority black population. As the Eminent Persons Group stated in its recent report,

> There can be no negotiated settlement in South Africa without the ANC; the breadth of its support is incontestable; and this support is growing. Among the many striking figures whom we met in the course of our work, Nelson Mandela and Oliver Tambo stand out. Their reasonableness, absence of rancor and readiness to find negotiated solutions which, while creating genuine democratic structures, would still give the whites the feeling of security and participation, impressed us deeply. If the government finds itself unable to talk with men like Mandela and Tambo, then the future of South Africa is bleak indeed.

There are a few who continue to ask the ANC to renounce violence before the South African Government is asked to remove its banning order. To this, I will only respond that if violence is truly our concern, then we will be far more on target if we focus on the violence of South Africa's apartheid regime.

Let us be absolutely clear on this point: The South African white minority government is inherently violent. It sustains itself in power by coercion—by the power of its guns. Twenty six million people do not willingly acquire to their subjugation. The core of the violence in South Africa is a white minority who is determined to maintain itself in power by the exercise of violence.

As for the ANC, it practiced nonviolence for 48 years and its restraint over this period was met only with continuing repression and violence of the South African Government. Moreover, Mr. Mandela and other ANC leaders recently indicated to the Eminent Persons Group that it would suspend violence if the white minority government would enter into good-faith negotiations. That is the purpose of this resolution. It is designed to move the process of negotiations for-

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ward, in the final analysis; it is negotiations that offer the only alternative to continuing violence and a terrible blood-letting.

The other argument that is sometimes made in opposition to this call for the unbanning of the African National Congress is that it is a Communist-dominated organization under the sphere of Soviet influence. In fact, however, there is no basis whatsoever for this claim. It is true that the ANC does contain members of the South African Communist Party, but there is no evidence whatsoever that the ANC is subject to Communist or Soviet control and direction.

Moreover, key ANC leaders, in the persons of both Tambo and Mandela, are clearly non-Communist and have repeatedly expressed their commitment to democratic values and the creation of a nonracial political system. Ironically, documents recently put out by the South African Government itself indicate that the South African Communist Party has real problems with the ANC's moderate approach to white businessmen and others.

Most importantly, to continue to rule the ANC out of the negotiation process because of our concern about Communist influence within the organization will be to create our own self-fulfilling prophecy. If we do not want those who are struggling for their freedom in South Africa to turn to set the Soviet Union and to fall prey to Communist ideologues in South Africa, we had better be certain that the rest is identified clearly with their struggle for social justice and political freedom in South Africa.

It is clear to independent experts and to the South African businessmen, clerics, and students who have recently met with ANC leaders that the ANC's eventual political stance remains to be determined. The quicker the ANC's legality can be restored, so that it can peacefully and openly compete for the allegiance of the various internal forces including unions, civic associations, business groups, churches and so forth, and can have the potential of working with these other overwhelmingly non-Communist forces, the more chance there is of a democratic ANC and a democratic South Africa. However, if we fail to support the unbanning of the ANC and the ANC's involvement in negotiations, then we surely will see an expanded war, increased skeptism about Western intentions, and a likely hardening and expansion of Communist and militant influence in both the external ANC and its internal following.

This resolution, which aims to pressure the government to bring the ANC into the negotiating process, is one means by which we can encourage the emergence of a nonracial, democratic South Africa. I hope this resolution will enjoy the overwhelming bipartisan support of this Chamber.

Mr. Speaker, I reserve the balance of my time.

Mr. SILJANDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. GINGRICH.]

Mr. GINGRICH. Mr. Speaker, I am frankly very concerned by this resolution, because it repeats a common pattern of American behavior toward popular front organizations.

In 1978 and 1979, there were warnings that the Sandinistas were a Communist front. In 1978 and 1979, there were warnings that Maurice Bishop's party in Grenada was a Communist front.

The left reassured us that these were not Communist fronts. Our friends on the left said over and over that Grenada's government was not Communist. They said over and over that the Sandinistas were not Communist. Yet the fact is, if you study the writings of Lenin, if you listen to the lessons of the defectors who have come to the West, or if you simply read the Grenada documents which we know now are historically accurate; the Grenadian Communists systematically deceived, manipulated, and laughed at the American left because it was so gullible.

The fact is they were Communist fronts deliberately because they knew our friends on the left would fall for them.

Now, the gentleman from Michigan repeats: Yes, there are Communists, but. Well, in fact, that is the base of Lenin's writing; that Western moderates would always say, "Let's explain away the next Communist front. Let's understand the next Communist infiltration."

I am deeply opposed to apartheid. I am deeply opposed to all tyranny, including the Soviet Union. I favor freedom. Shifting Iran from the Shah to Khomeini did not improve human rights in Iran. Shifting Nicaragua from Somoza to a Communist dictatorship did not improve human rights in Nicaragua. Shifting South Africa from a white dictatorship to a black pro-Communist dictatorship will not improve human rights in South Africa.

This resolution is potentially a step toward a Communist dictatorship in South Africa. It highlights and singles out an organization which even the sponsor of the resolution admits has Communists in the executive committee.

□ 1100

It is an incredible act of ignoring the history of our generation to stand here on this floor, reject all the lessons of the last 10 years, and propose that we endorse an organization which has been infiltrated in its executive committee by Communists and which may well be a Communist front.

Mr. SILJANDER. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Speaker, in committee it was debated how we should approach the problems of negotiation in South Africa and if this resolution had urged President Botha to negotiate with moderate blacks like Tutu and Buthelezi and Boesak, I think it would have passed overwhelmingly.

But the African National Congress is a Communist-dominated organization and as such should not be singled out for recognition which this resolution does. Let us look at the ANC, and see what it consists of exactly. Nineteen of the 30 members of the ANC are known members of the South African Communist Party and we believe as many as 26. When the South African Sanctions bill came up, we voted 369 to 49 not to allow United States taxpayers dollars to go to the ANC until they purged themselves of the Communist leadership in that organization.

Now, they have advocated terrorism, there is no question about that. Sechaba, their newspaper, the official organ of the African National Congress, has a picture on the front page of it that in February 1986 of a person being burned to death by using "necklacing." That is where they put a tire around a person's neck, fill it with kerosene or another flammable liquid, and they cut off the person's hands, and they burn them to death. They many times let their families stand there and watch it, and when the families get overwrought they try to tear the tire from the person's neck they get burned as well. This necklacing has been advocated by the African National Congress. That is a terrorist act.

Winnie Mandela in one of her speeches said that necklacing is a tool that should be used by the ANC to "liberate their people."

Now, that is terrorism. Do we believe in supporting terrorism? I wonder how many Members know about the intimate ties between the ANC and the Palestine Liberation Organization, the PLO. I recommend my colleagues read two recent articles, one in the Anti-Defamation League Bulletin of May 1986, and the other in the Washington Jewish Week of July 10, 1986. I will submit both for the RECORD, but I would like to read some excerpts from the Jewish Week into this RECORD right now.

And I quote:

The PLO is stepping up its support for the African National Congress—according to both Israeli and South African intelligence sources. The PLO smells blood in South Africa; an Israeli expert on the country said—Israeli officials are reluctant to criticize the ANC publicly for fear of appearing pro-apartheid. Privately, however, they freely share their growing concern over the

prospect of an ANC takeover. It's one thing to be opposed to apartheid, which is anti-democratic, unjust, unworkable and altogether doomed, explained an Israeli official. But it is quite another to be in favor of replacing the existing government with an anti-democratic, anti-Western, and, I must say, anti-Israeli regime.

The article goes on to state that Israeli officials would not say exactly how much aid the PLO had given to the ANC but that it was "in the millions". According to the article.

Now, some of my colleagues have talked about Mr. Tambo being one of the leaders in South Africa and one who is a responsible black leader, one we should respect and admire and one we should support. Oliver Tambo said on August 24, 1985 on Radio Maputo: "The great October socialist revolution"—he is talking about the Communist revolution in the Soviet Union—"introduced and unleased new forces in the world. The ANC was to enrich itself from the experience of the people who carried the banner of that revolution." That is a direct compliment to the Soviet Union. The Soviet Union has given the military arm of the ANC millions of dollars, $8 million last year. The Communist leader of the ANC military wing is Joe Slovo, a Communist who is believed to be an official of the KGB working in South Africa. The ANC is tied to the Communists inextricably, and we should not give legitimacy to that organization by passing this resolution.

Mr. WOLPE. Mr. Speaker, I yield 6 minutes to my distinguished colleague, the gentleman from Michigan [Mr. CROCKETT], the sponsor of the resolution.

Mr. CROCKETT. Mr. Speaker, I rise in strong support of House Resolution 373, which addresses the serious and immediate concerns of this body with regard to South Africa.

I am very pleased that this resolution has gathered bipartisan support. It now has 108 cosponsors, from both sides of the aisle, and includes 19 members of the Foreign Affairs Committee, which favorably reported it last week on a voice vote.

Mr. Speaker, 2 years ago, the House and the Senate both passed a resolution calling on President Reagan to urge the Government of South Africa to free Nelson Mandela, the renowned and respected leader of the African National Congress who has been imprisoned for more than 20 years, and to "unban" his wife, Winnie Mandela. Those resolutions passed with overwhelming bipartisan support, and were forwarded to President Reagan.

Today, the situation in South Africa has worsened considerably. The "state of emergency" called by President Botha and the continuing repression of the non-white majority have escalated the level of violence to the breaking point.

Meanwhile, around the world, the call for strong condemnation and sanctions against South Africa grows—from all corners of the globe, politicans and businessmen, religious leaders and people of conscience are calling for fundamental change now in South Africa.

It is time for this body to speak out again on this issue. We voted earlier this year on a package of sanctions against South Africa—which, hopefully, will be acted on this week in the Senate. Now we need to address the fudamental need for negotiations between the South African Government and its majority population.

This resolution is not radical—it echoes the sentiments publicly stated by President Reagan, Secretary of State Shultz and other government leaders that Nelson Mandela should be freed; it echoes the call from the Eminent Persons Group that South Africa recognize the ANC and begin negotiations with it and other representative organizations of the non-white population; and it echoes the desire of the South African people themsleves for a peaceful and just resolution of the conflict that threatens to engulf them.

Two questions were raised in our committee consideration of this resolution that I think should be addressed as we consider it today.

First, the concern was brought up that in naming the African National Congress specifically in the resolution, we were somehow "dictating" to the South African people who should represent them at the bargaining table.

Such an argument is easily dismissed. It is not we who have chosen the African National Congress as one of the legitimate representatives of the non-white people of South Africa. It is the people themselves.

There are obviously no public opinion polls taken of South African blacks. But by public demonstrations, rallies of support, banned writings and other expressions, they have made known their support of the ANC and its validity as the representative for a large number of South African blacks.

While the majority of ANC's membership is black, the organization is multiracial and includes Indians, Coloureds and whites within its membership ranks.

The ANC was created in 1912—1 year after the founding of the Government of South Africa—with the objective of seeking change in South Africa's segregated system through nonviolent means.

Throughout most of its history, the Congress sought to achieve this goal through negotiations with the white minority government. Its efforts suffered repeated setbacks.

South Africa's first Constitution raised the color bar; legislation in 1913 and 1916 limited blacks' ownership of property and defined where they could live; strikes by blacks for better living conditions and wages were brutally suppressed, and in 1948, the election of the National Party made apartheid official government policy. That action led the ANC to become more militant but it still basically remained a nonviolent organization.

However, its peaceful protests, boycotts and demonstrations against apartheid were met with mass arrests and detentions, repressive police action and oppressive laws to control dissent. Despite this, the ANC continued to urge peaceful resistance to the government's system of segregation.

And in 1955, members of the ANC, working with Indian, coloured and white organizations, adopted the Freedom Charter which declared that "South Africa belongs to all who live in it. . . . The rights of the people shall be the same, regardless of race, color, or sex."

The South African Government finally moved directly against the organization in March 1960, when the Congress announced its plans to stage a nationwide protest against the repressive pass laws. An incident occurred at Sharpeville and the police lost control, shooting to death 69 blacks. When the ANC called for a day of mourning on March 28, 1960, the Government introduced legislation to ban the Congress and declared a state of emergency.

The ANC went underground, where it has continued its fight against apartheid during the past 26 years.

Today, the Congress enjoys wide support in black townships across South Africa. It is commonplace for thousands of blacks at rallies and at funerals to unfurl the black, green and gold ANC flag, sing ANC freedom songs and even distribute ANC leaflets—all in open defiance of the Government. It is as if the people in ghettos like Alexandria and Soweto have already "unbanned" the organization.

And the resolution before us today does not say that the South African Government must negotiate with the ANC alone. It calls for the establishment of a "framework for the political talks with the ANC and other representative Black organizations" which, hopefully, could lead to a negotiated settlement.

The second concern that was raised involves the fact that there are "Communist" elements in the ANC.

Although personally I would find it incredible if there were not elements of other influences—especially given the history of United States' support for the apartheid system—I can understand some Members; reluctance in asking the South African Government to talk with "Communists."

But the ANC is not a Communist puppet, as some would believe. It is a nationalist liberation organization,

with support from many sources. One of the largest contributions to the ANC comes from Sweden, hardly what one would call a hotbed of communism.

The ANC has always been willing to work with, and accept help from, any source that supports and identifies with its freedom struggle; and it has asked for aid from the West—specifically, from Canada, Europe, India, and the United States.

The Freedom Charter, the basic document of the ANC, is not and never has been considered a Marxist writing. It espouses human rights, and is not anti-capitalist.

Even if the ANC were controlled by those who supported so-called "Communist" ideals, the reality of the current situation dictates that South Africa include them in any meaningful negotiations. There is only one other alternative to talking with the ANC and the other organizations representing blacks in South Africa—and that alternative will be bloody, destructive and ultimately harmful to the United States.

If we fail to recognize the need now to pressure South Africa to begin negotiations to end apartheid; if we continue to stand with the minority regime in its last-ditch effort to retain exclusive power; if we lost the opportunity to align ourselves with those who demand a peaceful and just settlement; then we play into the hands of those who want a violent end to apartheid and we diminish our influence in any future South African interracial government and in the entire region for decades to come.

Mr. Speaker, I urge you to support House Resolution 373, and to strengthen the United States' long-term interests in southern Africa by calling for the release of Mandela and for a negotiated settlement with all segments of the South African population—including the African National Congress.

Mr. SILJANDER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I am not going to support this resolution. It is well-intentioned. I think the Government of the Republic of South Africa does have to engage in serious dialog with responsible black leaders with the purpose of moving away from apartheid and for full participation of everyone who lives in South Africa. But the mistake in this resolution, in my judgment, is the emphasis, the overemphasis on the African National Congress.

The African National Congress may have some usefulness in this dialog. I am not saying it does not. But right now it gets most of its funding from the Soviet Union. Every key position in the organization of the African National Congress or virtually every key position is occupied by a member of the Communist Party. The military wing is headed by a white Communist, Joe Slovo, and the resolution mentions the African National Congress not once, not four times, but six times. That is overkill.

There are other responsible organizations, moderate black leaders, progressive black leaders that are not mentioned. They are collectivitized in the phrase "other groups." What about the South African Council of Churches? What about labor unions? What about Bishop Tutu? What about Chief Buthelezi and his political organization, Inkatha?

He represents 6 million people. They are all just capsulized in the phrase "and other organizations," and the African National Congress with a substantial Communist influence is mentioned six times. So this is a lopsided resolution and because of that reason and not because of what it seeks to do, which is correct and necessary; namely, to urge a meaningful dialog with black leaders who are influential, but for the way it is phrased and the emphasis on the ANC, I cannot support it.

Mr. WOLPE. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. LOWRY of Washington). The gentleman from Michigan [Mr. WOLPE] has 7 minutes remaining and the gentleman from Michigan [Mr. SILJANDER] has 12 minutes remaining.

Mr. WOLPE. Mr. Speaker, I reserve the balance of my time.

Mr. SILJANDER. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. My friends, it is my understanding that with regard to South Africa, the United States wants not only to end the situation that exists right now where there is nonrepresentation for the black majority but to build a model that will work in the future after the present system no longer exists. The question that I would ask is how we are going to give any future to young African blacks who want to go to the ballot box, who want to participate in a democracy, if we lead off by elevating an institution where, as I understand it, a majority of the members being Communist, they advocate a system that is totalitarian?

□ 1115

Are we doing any good for the people who will vote in the 1990's and beyond by advocating a system that is going to be dominated by people who advocate totalitarianism?

The Communist system does not embrace ballot boxes. It does not embrace rule by the majority. It embraces rule by a very small minority. I thought that is what we were trying to get away from. I thought we were absolutely against rule by minority. Yet, a majority of the members of the African National Congress, as I understand from reports that have come out of the Intelligence Committee in the other body and the proclamations of those members themselves, a majority of them advocate Marxism. That is not a move to democracy.

This Nation for a long time has had a foreign policy that in a two-step process takes only the first step that inevitably leads people we are trying to help into a chasm. We are good at destroying things. We were good at destroying the system that existed in Iran because we thought that it was a bad system and we needed to replace it. The only problem is we did not realize we were replacing it with one of the most repressive regimes in the history of the world under Mr. Khomeini.

So as I understand this resolution, and I think there are good things in this resolution, the emphasis on the African National Congress would move us toward replacing a repressive system with a system that would be dominated by people who believe in totalitarianism. That is not the way we should be going. We should build a model of democracy, and we should elevate people who embrace democracy in South Africa to be the people who participate in these very important meetings and dialogs we are speaking of.

Mr. WOLPE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], a member of the Foreign Affairs Committee.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of House Resolution 373, which calls upon President Reagan to urge South Africa's Government to indicate its willingness to begin meaningful political negotiations with South Africa's black community to free Nelson Mandela and other political prisoners and to urge talks with and the withdrawal of bans on the African National Congress and other representative black organizations, and I underscore the words "and other representative black organizations."

I am pleased to be 1 of 108 cosponsors of this resolution, and to have voted for it when we considered it in our Foreign Affairs Committee. This resolution sets forth a proposed policy which is a sound approach to conciliation and compromise in South Africa, where those qualities have been sadly lacking in most political discourse. With violence on all sides reaching a fevered pitch, dialog is clearly what is needed in this troubled environment.

I commend the gentleman from Michigan [Mr. CROCKETT] for his untiring leadership on this and other issues relating to the struggle to end

apartheid. I also commend the House Foreign Affairs subcommittee and committee leadership in providing for the timely consideration of this resolution.

Mr. Speaker, this resolution was amended in committee to make it clear that the African National Congress is but one of many representative organizations which should be engaged in discussions with the South African Government, and that Nelson Mandela, symbol though he is, is but one of the South African political prisoners who should be freed to participate in those discussions with the South African Government in the interest of reconciling the people of South Africa, accordingly, this resolution deserves our support.

I urge my colleagues to vote in favor of this measure.

Mr. SILJANDER. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona [Mr. RUDD].

Mr. RUDD. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, I do not know of anyone in this body or anyone in America who is really in favor of apartheid or racial discrimination. But this resolution, despite the high-sounding purposes that have been related here on the floor this morning, does not really say that.

I am going to read from the resolution itself that wants the President to establish a meaningful political negotiation by the South African Government for these purposes, and they are going to do it in this way. It says:

(1) by immediately granting unconditional freedom to Nelson Mandela;

(2) by recognizing the African National Congress as a legitimate representative for the country's black majority; and

(3) by establishing the framework for the political talks which hopefully could lead to a negotiated settlement with the black majority.

But this does not say anything about all of the other organizations, the black organizations, that are in South Africa, organizations such as the Inkatha, which has a membership of over a million and bitterly opposes the ANC.

This leaves it to one minority group within a majority group to be the negotiating catalyst for all of these good things.

I have to tell you that it is well documented in public source material: the Arizona Republic, the largest newspaper in Arizona, for example, on July 25; Senate hearing committees; and with the State Department's Service Broadcast Service.

But these are some of the things that take place. The ANC is a minority organization. It is agreed here on the floor that it is heavily infiltrated with members of the Communist Party. The Senate hearing committee even brought out the fact that the armed wing of the ANC is led by Joe Slova, whose name was previously mentioned, from Lithuania and had joined the Communist Party in 1940, and other ranking members within the ANC have been identified as members of the Communist Party. And the Soviet Union's 27th Communist Party Congress earlier this year, the ANC delegation was accorded the same status as a Communist Party representative from other nations.

In its publication, Sechaba, I think it has been stated that the African Communist Party goes equally with the ANC to establish two pillars of the revolution that is going on there.

The point of the matter is that we, as citizens of this country and Members of this august body, are guardians of America and America's freedom and future for not only ourselves but our posterity, and I do not see how this can possibly help that.

But aside from that, this important piece of legislation, which could raise havoc and cause violence in South Africa, would be no good. This resolution should not be debated in this way. It should have a chance for proper debate, brought to the floor for total debate, and we could do it in that way; but not on suspension.

Mr. WOLPE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, this resolution should be supported by all who want a peaceful solution to the South African problem. We must work harder to carry forward the process of peacefully accomplishing a transition from minority rule in South Africa to majority rule.

We have a situation where 24 million blacks are being held hostage by a minority of 4 million whites. That is a desperate situation. In order to maintain that situation, the whites have resorted to brutality on a scale which is approaching Nazi Germany's oppression of the minorities in Germany.

Escalation is going to go forward, and we are going to see more and more uncivilized acts committed unless we work as hard to create a climate where a peaceful process can be set in motion as we would be forced to do if war would break out.

Freeing Nelson Mandela is an important step in this process. We cannot choose their leaders for them. The South African blacks have chosen Nelson Mandela. We did not have outside forces choose George Washington.

□ 1125

We cannot choose anyone for them. I am sure the Continental Army did not meet the approval of the British monarchy either. I am sure they said terrible things about them. I am sure that George Washington did not want to resort to violence.

But here is a situation where freedom is at stake for 24 million people. For too long we have sat by and done nothing about the situation. Now a process is possible, a peaceful process is possible, a peaceful transition is possible. But while we dally and while we refuse to give the impetus and support to people like Nelson Mandela and allow him to take a major role in making this transition peacefully, the forces of violence are getting in place and we are going to have a situation which will be completely out of control, there will be a bloodbath, and we can all blame ourselves partially. This Nation can blame itself partially for not doing more, for not being more passionate about peace and not working harder to promote a peaceful transition and a peaceful process.

Mr. SILJANDER. Mr. Speaker, may I inquire as to how much time each side has remaining?

The SPEAKER pro tempore (Mr GRAY of Illinois). The gentleman from Michigan [Mr. SILJANDER] has 6½ minutes remaining and the gentleman from Michigan [Mr. WOLPE] has 3 minutes remaining.

Mr. SILJANDER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, much of this resolution I could support. I could support 80 to 90 percent of it, including releasing Nelson Mandela. My hangup is with the ANC because of its Communist membership and because of its acceptance of violence.

Let us get some facts on the record. If Nelson Mandela were in Uganda, he would be dead; if he were in Equatorial Guinea, he would be dead; if he were in the Central African Republic, he would be dead; if he were in Ethiopia, he would be dead, he would not be in prison all these years, as horrible as that is. The opposition in any of these other countries, if they did not like his style, would probably have tortured him to death.

I was in Ethiopia last year. I was in the camps of Ansokia and Ibnet. I saw 100,000 people right in front of my eyes there, alive on one site, and 10,000 of them were killed by that government by forcing them out of that camp. In the matter of a month, I saw 10,000 human beings alive who were dead 30 days later. More people are dying in Ethiopia right now.

The reason we get so exercised over this issue, most of it proper, is because there is a court system in South Africa, because there is a free press, and because there are white people who are guilt-ridden. Every conservative and liberal of conscience, particularly if they lay claim to religious beliefs, knows that the apartheid system is what it is called in this resolution,

abhorrent and what the President called it last night, repugnant.

Mr. Speaker, give us a resolution without the ANC in it, and I can support it.

Mr. WOLPE. Mr. Speaker, I yield 1 minute to my esteemed colleague, the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I believe it is offensive and misleading to hear the opponents of this resolution suggest that those black leaders who oppose apartheid in South Africa are somehow the pawns of Moscow and the PLO.

The issue before this House is crystal clear. If this Congress does not establish a sound, forceful policy against apartheid, the United States runs the very real risk of forever forfeiting a position of moral leadership in South Africa and developing countries across the world.

I am certain that the opponents of this resolution believe that the issue of opposing apartheid can be obfuscated by veiled and open references to communist infiltration. But the fact remains that the official policy of the Reagan administration toward South Africa is an embarrassment to this Nation and the ideals we espouse and to our freedom-loving allies around the world.

I am proud of the principles we stand for. I believe the United States can overcome communism in a toe-to-toe contest anywhere in the world. But the reluctance of the opponents of this resolution to make a clear statement against apartheid betrays a commitment to those democratic principles.

Mr. Speaker, I urge my colleagues to join me in supporting this resolution calling for a peaceful resolution of the conflict in South Africa.

Mr. COLEMAN of Texas. Mr. Speaker, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Speaker, I wish to associate myself with the remarks of the gentleman from Illinois [Mr. DURBIN].

Mr. SILJANDER. Mr. Speaker, I yield myself 4 minutes.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from California.

Mr. HUNTER. I thank my friend for yielding.

I think we just have to make the point that we have not said that the black representatives in South Africa who are against apartheid are pawns of Moscow. We said that the one organization that is elevated in this resolution, the African National Congress, is dominated by—19 of the members according to our intelligence organizations and their own proclamations—and believe in totalitarianism and communism. We are against that.

Mr. Speaker, if we could excise that elevation of the African National Congress from this resolution, we could support it.

Mr. SILJANDER. Mr. Speaker, 20 minutes on each side, that is what we have had to debate this paramount resolution recognizing the very controversial African National Congress, under suspension of the rules with no opportunity for amendments. Whether one is for or against this legislation, the issue is fairness of play.

Indeed, over the last 24 months there has been a marked increase in the level and frequency of violence in South Africa. Thousands of people have been killed in wanton brutality and violence. The goal of the ANC, as stated over and over and over again by their proclamations, by their literature, by their leaders, and by their members, is a violent overthrow of the government, to take power by force.

The cosponsors of the resolution, I am sure, are after a peaceful change in South Africa. May I remind those same cosponsors, many of whom oppose aid to the Contras in Nicaragua, that they emphatically support a peaceful resolution through the Contadora process, as this gentleman does as well. It is not a little double-tongued and double-minded to suggest that on one hand we want to work for the Contadora process and not work through the Contras to supply military aid but yet we endorse, recognize and support the ANC which has vowed the violent overthrow of that government?

This resolution calls on the President of the United States, without question, to recognize the ANC. It also calls for the unconditional release of Nelson Mandela. I support the release of Nelson Mandela, and President Reagan supports the release of Nelson Mandela. But he himself said he would not renounce violence, and he is their figurehead leader.

It is the endorsement of the ANC and their tactics in this resolution that offends me. I am certain the intentions of the cosponsors of the resolution are not to promote a Marxist-Leninist organization. I am sure their intentions are for peaceful change. If that is true, this is the wrong measure, it is the wrong approach.

Indeed it has been argued that many of the African countries support and negotiate with the ANC, but so do Arab countries with the PLO. The PLO has advocated in its doctrine the violent overthrown of Israel. That is precisely why we do not recognize the PLO. That is precisely why we do not negotiate with them, but indeed we negotiate with Arabs, their friends and fellow supporters of peaceful resolution in the Middle East. As we should with all black organizations and all blacks in South Africa, we should encourage peaceful negotiations for a peaceful resolution.

This resolution in essence endorses Marxism, because nearly 23 of its 30 executive committee members are known Marxist-Leninists. There is no doubt that Nelson Mandela has been imprisoned too long and it is time for his release, but for the U.S. Congress to demand that another country do something that could be counterproductive, as it was with the Italian President, Aldo Moro. We passed a resolution for his release, and he was brutally beaten and killed.

Oftentimes resolutions are helpful in the process of peace and encouraging other countries, as they have been with Soviet Jewry. I feel that passing resolutions in the context and in other situations with the Soviet Union has been very helpful.

The SPEAKER pro tempore. The time of the gentleman from Michigan [Mr. SILJANDER] has expired.

Mr. SILJANDER. Mr. Speaker, I yield myself 20 additional seconds.

So, Mr. Speaker, this resolution is not only ill-timed because of its being considered under suspension, but it is also ill-timed in terms of its real goals and objectives. We should work through the process for a peaceful transition, and recognizing at this time the African National Congress would be a serious, serious mistake.

Mr. Speaker, I yield my remaining time to the gentleman from Indiana [Mr. BURTON].

The SPEAKER pro tempore. The gentleman from Indiana [Mr. BURTON] is recognized for 1 minute and 10 seconds.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding his remaining time to me.

One of my colleagues said that the ANC was a peaceful organization. Peaceful? Sechaba has a picture of a person being necklaced to death on the front page. This was published in Communist East Germany.

□ 1135

The ANC advocates this kind of terrorism and violence. The ANC was once an organization that had noble objectives, but they are now controlled by Communists and are tools of the Soviet Union.

President Reagan said in his speech that the South African Government is under no obligation to negotiate the future of the country with any organization that proclaims a goal of creating a Communist state and uses terrorists tactics to achieve it.

The ANC received $8 million from the Soviet Union last year. The head of the ANC military wing is Joe Slovo, a Communist. People are being trained by the PLO in Communist countries.

As I said, Sechaba advocates terrorism and is a Communist publication.

The PLO has been training terrorists for the ANC and the ANC is Communist controlled. There is no doubt about it.

Have we not learned anything from history? Give the Communists an inch and they will take a whole country.

Mr. WOLPE. Mr. Speaker, I yield myself the final 2 minutes.

Mr. Speaker, during the course of this debate several speakers have indicated that if this resolution were to call for negotiations with such moderate blacks as Bishop Tutu, Reverend Boesak, or Chief Buthelezi, it would not receive their opposition.

Perhaps the speakers are unaware that all three of the individuals they have cited, Bishop Tutu, Reverend Boesak, and Chief Buthelezi, have all called for the freeing of Nelson Mandela and other political prisoners, for the unbanning of the African National Congress, and for the direct involvement of the African National Congress in negotiations with the South African Government.

Chief Buthelezi has gone so far as to declare that Mr. Mandela would be his own leader.

I want to make this point, because the moderate blacks whose position we are attempting to bolster within the South African framework, are themselves insistent that the precondition to negotiations, the precondition to an end to the violence and to the development of a negotiated solution to South Africa's crisis, is the direct involvement of the African National Congress and the freeing of Nelson Mandela and other political prisoners.

This resolution, and I want to emphasize this in closing, accords no recognition to the ANC as the full representative of the South African people. It makes no claim whatsoever that other organizations and groups within South Africa should not be involved in the negotiations. In fact, the resolution was specifically amended by the Foreign Affairs Committee to make reference to other political prisoners beyond Mr. Mandela and to indicate that the call is for a framework of political talks with the African National Congress and other representative organizations, which hopefully could lead to a negotiated settlement with the black majority.

Mr. Speaker, this resolution does nothing more than make a call for negotiations which are the only alternative to a deepening conflict in South Africa and to a terrible blood bath. It deserves the overwhelming bipartisan support of this Chamber.

Mr. DE LUGO. Mr. Speaker, will the gentleman yield?

Mr. WOLPE. I yield to the gentleman from the Virgin Islands.

Mr. DE LUGO. Mr. Speaker, as an original cosponsor I rise in support of House Resolution 373, which calls on the President of the United States to urge the Government of South Africa to indicate its willingness to engage in meaningful negotiations with that country's black majority.

We, in the United States and the rest of the democratic world condemn the abhorrent system of apartheid. We maintain that it is evil, that we are opposed to it and that we will do what we can to bring about a peaceful demise of this system.

But there can be no peaceful resolution until members of the South African minority government and representatives of the black majority can sit down at the negotiating table as equals.

According to Malcolm Fraser, the former Prime Minister of Australia, who served as cochairman of the British Commonwealth Eminent Persons Group on Southern Africa, in the absence of peaceful negotiation, "the black South Africans will take irreversible decisions to fight for political participation and freedom, * * * they will go for more guns and violence, which will lead to a full-scale guerrilla contest."

That is why it is imperative for this Government to use its considerable influence to avert the almost inevitable bloodbath. The Government of South Africa must be made to understand that no meaningful negotiations can take place until Nelson Mandela is free, until it recognizes the African National Congress [ANC] as a legitimate representative of the country's black majority, and until it establishes a framework for talks with the ANC and other representative organizations.

The time has come for the United States Government to insist that the South African Government show good faith toward resolving the growing conflict in that country by unconditionally freeing Nelson Mandela and meeting with the legitimate representatives of the people. If South Africa is to emerge from its internal conflicts, intact as a democratic country then its current leaders must begin to operate on basic democratic principles by allowing the legitimate representatives of the people to speak on their behalf.

On June 18, 1986, this House passed a bill calling for strong economic sanctions against the South African Government. The administration says that it cannot live with the bill because it would cause more suffering for the black majority in South Africa and could hurt our economic interest. The administration continues to argue that we must remain in South Africa and use our influence to bring about peaceful changes. Well, today we call on the administration to prove to the American people whether constructive engagement can work and to begin by urging in the strongest possible way that the South African Government free Nelson Mandela and begin negotiations with the legitimate representatives of the South African people.

Mr. RANGEL. Mr. Speaker, I rise in strong support of House Resolution 373, a bill which urges the President to call upon the South African Government to enter into meaningful negotiations with its black citizens.

Perhaps the key to peace in South Africa is the status of freedom fighter Nelson Mandela. Mr. Mandela, now 68 years old, is recognized by the vast majority of blacks as the father-figure of the freedom movement. He is not, as Presidents Reagan and Botha constantly tell us, a hardened Marxist revolutionary. Rather, he is a quintessential freedom fighter. At a time when President Reagan calls the Contras freedom fighters and the moral equivalent of our Founding Fathers, he seems content to allow a truly valiant man to languish in prison.

At the same time, Botha and Reagan seem to have entered into a conspiracy of disinformation about the African National Congress. Again, they raise the specter of a Soviet bear pulling the strings of their puppets in South Africa. This could not be further from the truth. The ANC is a coalition of groups which run the gamut of ideological and religious beliefs. The black majority either actively or tacitly supports their goals, and even the Zulus, who listen to their chief before they listen to anyone, do not oppose the ANC.

And so, Mr. Speaker, I call upon my colleagues to give their strongest support for this resolution. It is a good bill, one which warrants our approval. The President's own party is calling for the sanctions which he so vigorously opposes.

Let us call upon the Pretoria government to come to its senses before it is too late.

Mr. LIGHTFOOT. Mr. Speaker, I understand the frustration the sponsors of this resolution are experiencing with the present situation in South Africa. I have no doubt that they introduced this legislation in good faith in hopes of helping to ease the tension and violence associated with the apartheid policies of the South African Government. In fact, judging by the bill's title alone, "Urging the South African Government To Indicate Its Willingness To Engage in Meaningful Negotiations," it would appear to be something I, too, would support.

However, after closely reading the text of House Resolution 373, I found a provision that greatly concerns me. That is, the bill endorses the African National Congress [ANC] as a "legitimate representative" of the black majority. At this time I want to be certain that my colleagues understand exactly whom the African National Congress actually represents.

The African National Congress is, indeed, a major part of the political equation in South Africa. It is one of the major apartheid resistance organizations. However, no matter how strongly we agree with the ANC's goals with regard to apartheid, we cannot turn our backs on the fact that the ANC is a violence prone, Communist-controlled organization. In fact, the ANC does not even bother to conceal its support from and for the Soviet Union and its alliance with the South African Communist Party. The Soviet Union has already spent hundreds of millions of dollars supporting the ANC.

The African National Congress also promises to kill our hopes for a peaceful transition away from apartheid in South Africa. Their idea of diplomacy is reflected in their endorsement of the Soviet invasion of Afghanistan. In short, the ANC prefers, as the Secretary of State put it, "Violence and intimidation rather than dialog with its opponents."

If we take a look back at other organizations that tried to work with Communists, we could learn from their experience that when their goals conflict, Moscow's concerns override all others. We witnessed this in Vietnam, Cambodia, Ethiopia, and Angola. Even though the majority of ANC members and supporters

are non-Communists, as is often the case, they have given their allegiance to those whose lead will be dictated by the Soviet Union. The Soviet Union's abhorrent record on respect for human rights speaks for itself.

I want to point out that this is not necessarily a choice between communism and apartheid. Rather, it is a choice between our putting faith in a Communist organization or a South African apartheid resistance organizaton that has a genuine concern for blacks. By no means does our not supporting the ANC mean that we are giving up the fight against apartheid. Quite to the contrary, it is important that we not work against the black opposition by granting legitimacy to this Communist front. There are many other democratic non-Communist apartheid resistance organizations more worthy of our support.

Mr. Speaker, I again want to express my full support for constructive approaches to the fight against apartheid in South Africa. This resolution clearly supports communism in South Africa at the expense of legitimate black apartheid resistance organizations. I urge my colleagues to vote against House Resolution 373 as long as it contains provisions which grant legitimacy to the African National Congress.

Mr. COLEMAN of Texas. Mr. Speaker, I rise in support of House Resolution 373, a resolution expressing the sense of the House of Representatives that the President should urge the Government of South Africa to engage in meaningful political negotiations with that country's black majority.

This is a responsible resolution. It is the right and moral thing for this House to do to work to bring about a peaceful response to the unrest in South Africa. It is in accord with the President's recent own words. The resolution calls for the release of Nelson Mandela, as does the President. It calls for negotiations with the African National Congress, as does the President. And, it calls for the establishment of a framework for political talks leading toward a negotiated settlement, which the President has endorsed.

Opponents of this resolution are both wrong and irresponsible. They are wrong in stating that this resolution in some way puts the House on record as endorsing the African National Congress as the sole representative of the black majority of South Africa. The resolution specifically states that the President should urge the South African Government to recognize the African National Congress as "a legitimate representative of the country's black majority." Further, the President's Secretary of State has endorsed the concept of negotiating with the African National Congress as have members of the white minority. Finally, the resolution says nothing to the effect of endorsing the goals of all of those within the African National Congress with whom many or all of us would naturally disagree.

The resolution speaks of the African National Congress as a whole and as one of the representatives of the black majority. The President himself has stated that within the African National Congress are representatives of the black majority with whom we agree. Those who accuse the House of endorsing all elements in South Africa are merely attempting to hide their own lack of alternatives to end the unrest occurring today in South Africa.

Mr. Speaker, what we are doing today is reaffirming measures agreed upon by the Congress and the administration, as well as our allies. Until Nelson Mandela is freed, until the African National Congress is recognized as a legitimate representative of the black majority, and until negotiations begin, the bloodshed in South Africa will continue. If we as the greatest democracy in the world neglect this chance to influence the Government of South Africa to negotiate with its adversaries, we may miss our last chance to stand on the right side of this issue. We will be telling the black majority of South Africa that America does not care, that we are not friends, and we will force them to seek leadership from elsewhere. There is nothing to gain from rejecting this resolution, but everything to lose. That would be a terrible moral and strategic mistake for America.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Michigan [Mr. WOLPE] that the House suspend the rules and agree to the resolution (H. Res. 373), as amended.

The question was taken.

Mr. SILJANDER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Hallen, one of its clerks, announced that the Senate had passed the following resolution:

S. RES. 476

Resolved, That on August 14, 1986, the Senate, sitting as a court of impeachment, shall proceed to the consideration of the articles of impeachment which have been exhibited against Judge Harry E. Claiborne.

SEC. 2. The Secretary of the Senate shall so notify the House of Representatives.

The following communication accompanied the message:

U.S. SENATE,
OFFICE OF THE SECRETARY,
Washington, DC, August 13, 1986.

HON. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: In accordance with the attached copy of the Senate Resolution 476, I have the honor to inform you that on Thursday, August 14, 1986, the Senate, sitting as a court of impeachment, shall resume its consideration of the articles of impeachment which have been exhibited against Harry E. Claiborne, a Judge of the United States District Court for the District of Nevada.

In order that the oath may be administered conveniently to the entire membership of the Senate, it is our intention to consider this matter immediately following a roll call vote when all members will be present. A time for that vote has not yet been determined, but you may be assured we will notify you as soon as that time is known in order to provide the House Managers with as much advance notice as possible.

Respectfully,

JO-ANNE L. COE,
Secretary.

FOREST ECOSYSTEMS AND ATMOSPHERIC POLLUTION RESEARCH ACT OF 1986

Mr. WHITLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2631) to provide for study and research on the decline in United States forest productivity and to determine the effects of atmospheric pollutants on forest environments, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Forest Ecosystems and Atmospheric Pollution Research Act of 1986".

SEC. 2. FINDINGS.

Congress finds that—

(1) the health and productivity of forests in certain regions of the United States are declining;

(2) existing research indicates that atmospheric pollution, including ozone, acidic deposition, and heavy metals, may contribute to this decline;

(3) there is an urgent need to expand and better coordinate existing Federal, State, and private research, including research by private industry, to determine the cause of changes in the health and productivity of domestic forest ecosystems and to monitor and evaluate the effects of atmospheric pollutants on such ecosystems; and

(4) such research and monitoring should not impede efforts to control atmospheric pollutants.

SEC. 3. ESTABLISHMENT OF RESEARCH PROGRAM.

Section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended by adding at the end the following:

"(c)(1) The Secretary, acting through the United States Forest Service, shall establish not later than 180 days after the date of the enactment of this subsection a 10-year program (hereinafter in this subsection referred to as the 'Program') to—

"(A) increase the frequency of forest inventories in matters that relate to atmospheric pollution and conduct such surveys as are necessary to monitor long-term trends in the health and productivity of domestic forest ecosystems;

"(B) determine the scope of the decline in the health and productivity of domestic forest ecosystems;

"(C) accelerate and expand existing research efforts (including basic forest ecosystem research) to evaluate the effects of atmospheric pollutants on forest ecosystems and their role in the decline in domestic forest health and productivity;

"(D) study the relationship between atmospheric pollution and other climatological, chemical, physical, and biological factors that may affect the health and productivity of domestic forest ecosystems;

"(E) develop recommendations for solving or mitigating problems related to the effects of atmospheric pollution on the health and productivity of domestic forest ecosystems;

"(F) foster cooperation among Federal, State, and private researchers and encourage the exchange of scientific information on the effects of atmospheric pollutants on forest ecosystems among the United States, Canada, European nations, and other nations; and

"(G) support the long-term funding of research programs and related efforts to determine the causes of declines in the health and productivity of domestic forest ecosystems and the effects of atmospheric pollutants on the health and productivity of domestic forest ecosystems.

"(2) The Secretary shall establish a committee to advise the Secretary in developing the Program, which shall be composed of scientists with training and experience in various disciplines, including atmospheric, ecological, and biological sciences. Such scientists shall be selected from among individuals who are actively performing research for Federal or State agencies or for private industries, institutions, or organizations.

"(3) The Secretary shall coordinate the Program with existing research efforts of Federal and State agencies and private industries, institutions, or organizations.

"(4) The Secretary shall submit to the President and to Congress the following reports:

"(A) Not less than 30 days before establishing the Program, the Secretary shall submit an initial program report—

"(i) discussing existing information about declining health and productivity of forest ecosystems on public and private lands in North America and Europe;

"(ii) outlining the findings and status of all current research and monitoring efforts in North America and Europe on the causes and effects of atmospheric pollution on the health and productivity of forest ecosystems;

"(iii) describing the Program; and

"(iv) estimating the cost of implementing the Program for each fiscal year of its duration.

"(B) Not later than January 15 of each year during which the Program is in operation following the year in which the initial program report is submitted, the Secretary shall submit an annual report—

"(i) updating information about declining health and productivity of forest ecosystems on public and private lands in North America and Europe;

"(ii) updating the findings and status of all current research and monitoring efforts in North America and Europe on the causes and effects of atmospheric pollution on the health and productivity of forest ecosystems, including efforts conducted under the Program;

"(iii) recommending additional research and monitoring efforts to be undertaken under the Program to determine the effects of atmospheric pollution on the health and productivity of domestic forest ecosystems; and

"(iv) recommending methods for solving or mitigating problems stemming from the effects of atmospheric pollution on the health and productivity of domestic forest ecosystems.

"(C) Not later than 10 years after the date on which the initial program report is submitted, the Secretary shall submit a final report—

"(i) reviewing existing information about declining health and productivity of forest ecosystems on public and private lands in North America and Europe;

"(ii) reviewing the nature and findings of all research and monitoring efforts conducted under the Program and any other relevant research and monitoring efforts related to the effects of atmospheric pollution on forest ecosystems; and

"(iii) making final recommendations for solving or mitigating problems stemming from the effects of atmospheric pollution on the health and productivity of domestic forest ecosystems.".

The SPEAKER pro tempore. Is a second demanded?

Mr. MORRISON of Washington. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. WHITLEY] will be recognized for 20 minutes and the gentleman from Washington [Mr. MORRISON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. WHITLEY].

Mr. WHITLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 2631, the Forest Ecosystems and Air Pollution Research Act of 1986. As principal author of this bill, I am pleased to bring this legislation to the floor of the House to seek its immediate passage.

H.R. 2631 provides for the study and research of declining U.S. forest productivity and determination of the effects of atmospheric pollutants, in addition to acid rain, on the health of domestic forest ecosystems. It is a timely measure that responds to the recommendations of scientists currently studying the effects of air pollutants on forests.

H.R. 2631 has received bipartisan support. Cosponsors include Messrs. MORRISON, WEAVER, STALLINGS, BRYANT, JEFFORDS, OLIN, SKELTON, WILSON, GINGRICH, REID, FOLEY, RICHARDSON, CHAPPIE, FAZIO, BOSCO, and GEORGE BROWN.

The need for passage of H.R. 2631 is clear. Concern for declining health and productivity of forests in Europe and the United States is growing. More than 50 percent of Germany's forests are exhibiting visible symptoms of declining health. Other European nations have also reported the death and decline of some of their forests.

In the United States, the death of high elevation spruce forests along the Appalachian Mountains first raised concern for the effects of air pollutants on forests. Acid deposition—a by-product of sulphur and nitrogen emmissions—was initially blamed for this forest decline. In 1980, a new Federal program was established to determine how acid deposition was affecting forests, aquatic ecosystems, and other elements of the environment. After years of study, however, scientists participating in the National Acid Precipitation Assessment Program [NAPAP] have been unable to determine if acid rain is or is not affecting the Nation's forests. One finding that is clear from this research, however, is that other air pollutants, such as ozone, should be studied for their possible effects on forest health and productivity.

The causes of declining forest productivity are not well understood. The only regional air pollutant shown to damage forests is ozone. Others suspected of affecting forest health include heavy metals such as lead, cadmium, copper, and growth-altering organic substances.

Recent studies by the USDA Forest Service have raised new concerns for the effects of air pollution on domestic forests. Declines of 30 to 50 percent in the growth of commercially-important pine species in the Piedmont and mountain regions of the Southeast have been reported. Although it is not certain that air pollution is the cause, the Forest Service notes that "there is some evidence that radial growth reductions occurred in Europe many years before visible symptoms of forest death were apparent."

Out of concern for declining U.S. forest productivity, Mr. MORRISON and I originally introduced H.R. 2631, to establish a 10-year research program to determine the causes for declining forest health and productivity. Similar legislation was also introduced by our colleague from Oregon, Mr. WEAVER.

The Forest Subcommittee held hearings on May 13 of this year to consider the effects of air pollutants, including acid rain, on forests; to evaluate existing forest ecosystems and air pollution studies; and to identify future research needs. The comments of participants in this hearing made clear that there is need to expand the scope of current research and monitoring beyond its narrow focus on acid rain, that a long-term program is needed, and that we need to understand the influences of air pollutants on both the health and productivity of the Nation's forests.

H.R. 2631 amends the Forest and Rangeland Renewable Resources Research Act to direct the Secretary of

Agriculture, acting through the Forest Service, to develop and implement a 10-year program to determine the effects of air pollutants, in addition to acid rain, on domestic forest ecosystems. The program would consist of: First, increased forest inventories and surveys to determine the scope of declining U.S. forest health; second, accelerated and expanded research to evaluate the effects of pollutants on forest ecosystems; and third, recommendations for solving or mitigating problems related to the effects of pollutants on forest health and productivity.

The program is also intended to foster greater public and private sector cooperation in research and monitoring efforts, encourage the international exchange of scientific information on air pollution and forests, and provide a basis for estimating the long-term funding needs of the program. A committee of scientists who are actively involved in related research, are to be appointed by the Secretary to aid in developing the program. To ensure that the Congress is kept informed of progress in development and implementation of the program, the following reports are to be prepared by the Forest Service—

An initial report, outlining the program and anticipated annual funding needs;

An annual report, updating research and related activities carried out under the program;

A final report, with recommendations to solve or mitigate air pollution effects on forests.

H.R. 2631 would not authorize additional appropriations to finance the program, but instead would use existing funds.

Finally, Mr. Speaker, I want to make clear that H.R. 2631 is not an acid rain control bill, nor is it intended to serve as an impediment to efforts to curb pollutant emissions that cause acid rain. The issue of acid rain controls should be decided on its own merits. Rather, H.R. 2631 should provide the basis for determining what pollutants are harming domestic forest health and productivity and provide the means to develop effective measures to control them or mitigate their effects.

Mr. MORRISON of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2631, the Forest Ecosystems and Atmospheric Pollution Research Act of 1986, provides a base for a better coordinated and expanded research effort into the cause of declining forest productivity associated with air pollutants. I think that it is important to note that this program will look at a variety of air pollutants, including acid rain, sulfur dioxide, nitrogen oxide, toxic metals, ozone and the like, in order to better define this problem facing our Nation's forests.

In May of this year, the Subcommittee on Forests, Family Farms, and Energy of the Agriculture Committee took testimony from experts from Sweden, Canada, and the United States, and from private industry, academia, and U.S. Government agencies.

The purpose of this hearing was to: First, review current information on the health and productivity of European, Canadian, and U.S. forests; second, assess what was known about the effects of air pollutants on forests and what pollutants may be implicated in forest declines; and third, evaluate current research programs on the effects of air pollutants on forests to determine if improvements in current Federal research efforts were needed. H.R. 2631 is the result of that hearing.

This legislation requires the Secretary of Agriculture, acting through the Forest Service, to establish a 10-year research program to address growing concern for the effects of air pollutants on forest ecosystems. The program is to determine the scope of the problem; to evaluate the effects of the pollutants on forest ecosystems; and to make recommendations for solving or mitigating those problems identified. It also encourages greater public-private sector cooperation and the international exchange of scientific information.

The Secretary is required to submit: First, an initial report outlining the program; second, an annual update for each year of the 10-year program; and third, a final report with recommendations for solving the identified problems.

According to the Budget Committee, H.R. 2631 would not require new spending authority nor an additional authorization. Funding would come from existing programs.

The legislation does not affix blame for the decline in forest productivity. It does seek the cause and solutions to this problem. To that end, we must look beyond acid rain to the broad variety of potential and attributed causes which I have previously mentioned. While scientists have offered several hypotheses as explanation, no single hypothesis has been broad enough to give a complete answer. German scientists studying "Waldsterben"—forest death—in the Black Forest first attributed forest decline to sulfur dioxide and acid rain. Further research has, in fact, not totally succeeded in proving the significance of the effects of acid rain in the Black Forest. The research has, however, implicated other air pollutants and the need for expanded study.

In the United States, studies at Camel's Hump in Vermont and Mount Mitchell in North Carolina are examples of the effects of air pollutants on U.S. forests. This legislation will offer the timeframe necessary to expand upon those studies in order to define the problem and seek the solutions.

Ten years may sound like a long time to conduct a study to many people. But we must keep in mind the complexity of the forest ecosystem. These studies of declining forest productivity must not only look at the artificial causes of decline, but must also take into account natural forest stress factors. Climate changes, insects, and disease do great harm every year to our forests, producing damage which could be similar to manmade stresses. Also the age of the forests, natural acidity of the soils, and management techniques must be taken into account. It takes time to study these changes, to collect the necessary data for the seasons of the year and other cycles of nature. Only with a sound, scientific base can we adequately and accurately address forestry's problems with air pollutants.

H.R. 2631 is a good step forward to coordinate the research activities necessary to address the problem of declining forest productivity. It is a timely piece of legislation. I commend our subcommittee chairman, the gentleman from North Carolina, for his hard work and determination in this area.

Mr. WHITLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon [Mr. WEAVER].

Mr. WEAVER. Mr. Speaker, I thank the chairman for yielding.

Mr. Speaker, air pollution affecting the forests of the world may be the most serious problem in the history of mankind in the forests that we rely on for so much, the oxygen in our air, the timber, the watersheds.

The Black Forest is dying, forests in the United States may be dying—we do not know.

I want now, though, to make a special commendation to the chairman of the Forest Committee, the gentleman from North Carolina [Mr. WHITLEY]. The gentleman is going to leave this Congress now and we will miss him sorely. His leadership on forestry matters as chairman of the Forestry Committee has been of great moment.

The hearings he has held on this and other forestry issues have been of paramount importance to the management of our forests.

I want to say that in the record of our forests, our national forests of this country, CHARLIE WHITLEY'S name shall be stamped upon them. He has been a fine colleague and a fine chairman. I have liked very much serving under him.

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I have also been chairman of the Forest Management Subcommittee of the Committee on Interior and Insular Affairs, and my subcommittee held

two hearings as well on air pollution. We discovered, as Congressman WHITLEY's subcommittee discovered, the enormous importance of the threat that this is to our forests. They may have been dying for 20 years, and we do not know it. The Black Forest of Germany was dying for 20 years before the foresters realized it, before the trees began to die.

This bill will start us on an important path toward concentrating our research efforts on what is happening to our forests and what we should do about it.

I would like to just make one comment from my hearings and from Congressman WHITLEY's hearings. More and more, the culprit is the automobile, the ozone, and we should pay close attention to the fact that we may be poisoning our own atmosphere and our own forests by the excessive use of the automobile.

Mr. MORRISON of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 2631, the Forest Ecosystem and Atmospheric Pollution Research Act of 1985, and commend the gentleman form North Carolina [Mr. WHITLEY] and the gentleman from Washington [Mr. MORRISON] for introducing this worthy piece of legislation. As I have stated on a number of occasions, acid rain is a serious environmental concern, and further study of its insidious effects is always welcome. The bill before us provides for research and study of the decline in U.S. forest productivity and to determine the effects of atmospheric pollutants on forest environments.

However, I want to make it clear to all my colleagues that my support for this legislation in no way diminishes my support for H.R. 4567, the Acid Deposition Control Act of 1986. As a member of our 92 Group Task Force on Acid Rain, which our colleague the gentleman from New York [Mr. BOEHLERT], chaired, I can state with certainty that Boehlert measure was designed to address a pressing environmental problem in a bipartisan manner. I strongly urge the members of the full Committee on Energy and Commerce to consider the legislation in a timely fashion so that the full House will be given the opportunity to act on this important measure prior to adjournment. According to a report recently released by the Hudson River Keeper and Fisherman's Association, acid rain is a definite contributor to the increased acidic levels of the beautiful ponds and lakes of Harriman State Park, which lies within my congressional district in New York State. Countless other studies link acid rain to similar damage to lakes and forests throughout the Northeast. The acid rain problem is spreading quickly to other sectors of the country. I am pleased that we are acting today on legislation to provide for study and research into the causes and effects of acid rain. I am confident that these studies will reinforce what we already know—and that is that the evidence linking sulfur dioxide and nitrous oxides emissions to acid rain warrants prompt congressional action.

The task force measure, H.R. 4567 is reasonable and responsible legislation that will address the acid rain problem in a sensible, cost-effective manner. No one sector of the country will be forced to bear the full cost of reducing our sulfur dioxide and nitrous oxide emissions. Members from 32 States representing a wide spectrum of political viewpoints have joined in cosponsoring that vital measure. Accordingly, I urge all my colleagues to support this measure and in addition to consider supporting H.R. 4567. Acid rain will not abate until Congress acts. Let us continue to enact significant acid rain legislation this session.

Mr. WHITLEY. Mr. Speaker, I yield myself such time as I say consume.

Mr. Speaker, I want to assure the gentleman from New York [Mr. GILMAN] and others who are concerned about acid rain that H.R. 2631, as I said in my opening statement, is not an acid rain control bill, nor is it intended to serve as an impediment to efforts to curb pollutant emissions that cause acid rain. That issue should be decided entirely on its own merits.

What this bill does is provide the basis for determining what pollutants, including sulfur dioxide, nitrous oxide, heavy metals, ozone, and other pollutants, are doing to forest health. This bill is not intended to impede or otherwise impact on other acid rain legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BROWN].

Mr. MORRISON of Washington. Mr. Speaker, I yield 3 minutes to the father of acid rain legislation, the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I want to thank the gentleman for his remarks.

Mr. Speaker, this legislation is designed to address a very serious environmental problem that is threatening our natural resources, but frankly the bill is too little, too late.

Since 1980 I have supported acid rain research, particularly the terrestrial component of the program. As a result of the Federal research effort hundreds of scientific reports have been issued, and countless papers have been written, all documenting the devastating effect of acid rain and other airborne pollutants.

At the same time we have spent millions and millions of dollars studying the problem. For example, the fiscal year 1985 budget for direct acid rain research was $65 million, with approximately $16 million allocated to forest effects research. In fiscal year 1986 the budget is $85 million, of which $25 million will be allocated to forest effects research. In total, since 1980 the Federal Government has spent over $200 million on direct acid rain research, and that amount does not include related research like $400 million appropriated last year for the Clean Coal Technology Program.

□ 1200

Mr. Speaker, I have supported this research program over the years.

I want to thank the Agriculture Committee for bringing this bill to the floor. I think they have done a fine job in focusing the U.S. Forest Service research program. However, the time for research is over. An Energy and Commerce Subcommittee has reported a comprehensive acid rain control bill, sponsored by myself and the gentleman form Minnesota [Mr. SIKORSKI] and joined by 160 others.

I will not oppose this legislation. However, I urge anybody listening on the tube back in your office, or here on the floor debating this issue, call up the Energy and Commerce Committee. They are over there foot-dragging right now.

The time for action is now. The time is right to get an acid rain bill through the House.

By the time you have all of this research and study completed, our forests are going to be dead. Two hundred and seventy bodies of water in Massachusetts are already dead.

Mr. WEAVER. Mr. Speaker, will my friend yield?

Mr. CONTE. I yield to the gentleman from Oregon.

Mr. WEAVER. I thank the gentleman for yielding.

I just want to tell my friend from Massachusetts that our hearings point more to the automobile and ozone as the threat to our forests. It is air pollution, not acid rain that we are concerned about here.

But I want to thank the gentleman for his tremendous support for the research moneys that he has put into the appropriations bill.

Mr. CONTE. And our bill that we have before the Energy and Commerce Committee has a provision for controlling airborne pollutants. That is one of the reasons they are foot-dragging over there today.

They started the process today, and believe me, it is going to be a long time before we can get a bill out of that committee.

So I urge you, if you have a friend, if you have a good friend over there on the Energy and Commerce Committee, massage him, grab him by the hand, pull that bill out of that committee. Let the House vote on an acid rain bill

before we go home. If we don't act soon, you may not have trees to worry about.

Mr. WHITLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we thank the gentleman from Massachusetts for his contribution and his interest in this very important subject.

Again, I want to reiterate that it is not our intent, nor is it the objective of this bill, to impede in any way other legislation on this subject.

Mr. Speaker, I reserve the balance of my time.

Mr. MORRISON of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. Mr. Speaker, I want to salute and thank the gentleman from Massachusetts [Mr. CONTE] for his remarks. I think perhaps if he could just bring himself to get more enthusiasm into his speech that perhaps the people on the Energy and Commerce Committee would hear us.

I want to say to the gentleman from North Carolina [Mr. WHITLEY], I salute you, sir, for the piece of legislation, and I want to take the opportunity to point out that this Congress is going to miss you dearly and thanks you for your many years of service to North Carolina and this country. I also want to thank you and the gentleman from Washington [Mr. MORRISON], for this piece of legislation.

Sometimes we wonder why, and I say this to the gentleman from Massachusetts, in all the time since 1980 we have not been able to have a bill here on the floor to deal with the problem of acid rain. It might well be because they look at people such as the gentleman, or the gentleman from New York [Mr. GILMAN], or my other colleagues from New York [Mr. BOEHLERT and Mr. WORTLEY] and others who have been working so hard to get a piece of legislation on the floor. I think that they are concerned that they waited too long, and have misjudged this country so much that when a bill comes to the floor, without question, a decent piece of legislation is going to pass here, and that is part of the reason they continue to drag their feet.

It is long overdue. The gentleman from North Carolina points out that this piece of legislation in no way is a substitute for nor hindrance to H.R. 4567, and we realize that. It is no way a substitute, as the gentleman said, for acid rain legislation that is so long overdue.

I wanted to say to the gentleman from Oregon [Mr. WEAVER] as well, I salute you in your remarks, and I think it is high time we do, as my colleague from Massachusetts [Mr. CONTE] said, talk to those people on the Energy and Commerce Committee. We do not even want them to guarantee a bill is going to pass. But what we want is a guarantee that for one time in the last 6 years that we are going to have the opportunity to deal with a piece of legislation relating to acid rain and have every confidence this body would pass such a bill and the other body as well.

I want to point out to my colleagues that a year ago the gentleman from New York [Mr. WORTLEY] and the gentleman from New York [Mr. BOEHLERT] and myself, hosted Lee Thomas, the EPA Administrator, at Lake Placid to observe first hand the effects that acid deposition is having in the Adirondack Mountains, about 90 percent of which is in my congressional district. At that time he was very impressed and I think shocked. The information he was given was given to him by scientists right there on White Face Mountain, not by some voodoo medicine doctors or whatever.

We have the information. The millions of dollars to study, as the gentleman from Massachusetts [Mr. CONTE] spoke about, is behind us. We have studies you cannot even jump over.

What we need is a very thin bill that we can jump over; that we can get to the floor so that we can intelligently debate the problem of acid rain.

I salute the gentleman for his legislation, knowing full well this is not a substitute for acid rain legislation and again salute him for his many years of service in Congress and his contribution to the United States of America.

Mr. MORRISON of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, I rise, as many of the people from the Northeast have already risen, to say that we have no problem with this study, but we are very concerned that this study not be translated into a consideration that something has been done and that action has been taken in the area of acid rain.

The fact is that for 7 years we have been trying to get action on acid rain out of the Energy and Commerce Committee which has sat on this issue. The fact is that we have studies, as has been mentioned, piles and piles of studies. In fact, on this specific issue there has been extensive study done by Duntar Corp. up in Canada which determined that yes, acid rain is a problem, and, yes, it is impacting the growth of white pine. And, yes, if you do not do something about it, white pine forests in the Northeast are going to be devastated. So this sort of information is available to us.

The problem is that what we need is to get action on the information we already have. We have an Academy of Science study, we have a study by the Coalition on Acid Rain Precipitation, and we have a study by SONY University. All of these have concluded the same thing, that the time is now for action.

But what happens to the action? It goes to the Energy and Commerce Committee and gets sat on by the Democratic chairman that comes from the Midwest and does not want to take any action, quite honestly. The fact is that we as a Congress have to face up to the reality that this is the No. 1 environmental issue today in this country. It is impacting our relationship with Canada, and if we continue to allow ourselves as a Congress to sit on this issue, we are going to pay a heavy price, not only in environmental issues, but in our relationships with the country of Canada.

Mr. WHITLEY. Mr. Speaker, I yield 1 minute to the distinguished chairman of the Committee on Agriculture, the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I thank the gentleman for yielding, and want to echo the words of our colleague from Oregon, and advise our Members that this may well be the last bill that our colleague from North Carolina [Mr. WHITLEY] manages on the floor. The bill will certainly be a tribute to him and to his service on our Agriculture Committee and here in the Congress.

I am a little concerned that there has been mention made here about the movement of bills in another committee. I would like to clear the air and advise Members that within the scope of our jurisdiction we have done what we are able to do. This is a good first step. This bill expresses concern from the Agriculture Committee, from the agriculture community, from those involved and who would benefit from and profit from the National Forests and the great forest resources of our country. The bill brings in the Secretary of Agriculture and the Department of Agriculture through the Forest Service.

This is good legislation. We ask for your support, and we will support other Members with other legislation that takes the same thrust.

But as a final tribute to our colleague from North Carolina, this bill should be something well worthwhile to be remembered, and serve as a credit to him and his service to our country during his years here.

Mr. MORRISON of Washington. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I take this time only to join in our chairman's tribute to the gentleman from North Carolina [Mr. WHITLEY]. He has been a delight to work with.

This bill is typical of the gentleman's efforts in that it puts people to-

gether to work toward a common goal, and you will achieve results.

I am sorry the debate has ended up pointing in some other direction, but this bill is a very good one and can be a very positive vote for all Members of the House of Representatives.

Mr. Speaker, I yield back the balance of my time.

Mr. WHITLEY. Mr. Speaker, I yield myself such time as I may consume.

I want to express my appreciation to the gentleman from Oregon [Mr. WEAVER], the gentleman from Texas [Mr. DE LA GARZA], the gentleman from Washington [Mr. MORRISON], and the gentleman from New York [Mr. MARTIN] for their kind personal comments.

Again I want to urge my colleagues to support this bill, and want to reiterate that it in no way is intended to impede action on any other bill. It is a good bill, and it deserves our support.

Mr. JEFFORDS. Mr. Speaker, I am not going to oppose H.R. 2631, the Atmospheric Pollution Research Act, but I would like to register some of my concerns about the acid rain problem.

In the past decade, the impact of these airborne pollutants upon our environment has become strikingly clear, particularly in the Northeast. The decline of high-elevation forests in Vermont is well documented, as is the acidification of hundreds of lakes throughout the Northeast. Most recently, sugar maple trees in Vermont have been dying at an alarming rate. Acid rain is threatening to turn Vermont—the Green Mountain State and the home of maple syrup—into the brown mountain State with sour syrup, dead lakes, and stunted trees.

Despite the abundance of evidence, Vermonters are repeatedly told that more study is necessary. But I don't think Vermont sportsmen, maple producers, and outdoorsmen would agree.

And scientific experts don't, either. Their message is: "The science does support the bill." Last August, the EPA released the preliminary results of its eastern lakes survey which showed startling new signs of damage. In the East, over 1,000 lakes are dead, and over 4,000 lakes have virtually no buffering capacity left to neutralize acid rain.

The prestigious National Academy of Sciences has found a direct link between sulfur dioxide emissions and acid rain damage. In a March 1986 report, the NAS concluded that a causal relationship exists between SO_2 emissions and acidification of lakes in the Adirondacks.

After 4 years and a number of approaches, we have finally developed an acid rain bill which can pass the House of Representatives. H.R. 4567, as approved by the Health and Environment Subcommittee, will mandate the emissions reductions necessary to curb acid rain. And it will give the States maximum flexibility in achieving these emissions reductions.

Markup begins today on this flexible, least cost bill, reducing harmful emissions responsible for acid rain. Twenty-one of the 42 members of the Energy and Commerce Committee have cosponsored the bill. I urge the chairman of the Energy and Commerce Committee to allow a fair hearing on the bill and let the committee work its will. The House deserves a chance to vote on acid rain control legislation this year.

Mr. DE LA GARZA. Mr. Speaker, H.R. 2631 will direct the Secretary of Agriculture, through the Forest Service, to establish a 10-year program to determine the effects that atmospheric pollution may have on forest ecosystems located in the United States.

Under the program, the Secretary would increase forest inventories and surveys to determine the scope of the problem of declining forests in the United States; conduct accelerated and expanded research to evaluate the effects of air pollutants on forest ecosystems; and make recommendations for solving or mitigating problems related to the effects of air pollutants on forest health and productivity.

The program also would foster greater public and private sector cooperation in research and monitoring; encourage the international exchange of scientific information on air pollution and forests; and provide a basis for estimating long-term funding needs to support research programs related to the effects of air pollution on United States forest ecosystems.

The program would be developed with the advice of a committee established by the Secretary, and composed of scientists with training and experience in appropriate scientific disciplines.

Once work under the program has been completed, the Secretary would submit to the President and Congress a final report on program activities with recommendations to solve or mitigate air pollution effects on forest ecosystems.

Concern for declining health and productivity of forests in the United States and Europe has intensified in recent years. Although some of these declines have been associated with drought, insect infestations, or disease, there is increasing evidence that air pollution may also be a contributing factor.

Recent dramatic declines in the health and vigor of West German forests—which the Germans have termed "Waldsterben" or "forest death" have been widely publicized. When the Federal Republic of Germany conducted its first national vegetation survey in 1982, it was estimated that 7.7 percent of the forest area was affected by Waldsterben. By 1985, survey results indicated that more than 50 percent of German forests were exhibiting dieback or decline symptoms. Other European nations have also reported damage to their forests. Until recently, this damage had been primarily attributed to the effects of acid precipitation.

Visible declines in the health of high elevation spruce forests along the Appalachian Mountains first raised public concern in the United States about possible air pollution damage to domestic forests. Studies of spruce forests on Camel's Hump in Vermont and on Mount Mitchell in North Carolina were offered as evidence that air pollutants, particularly acid precipitation, were affecting domestic forests.

A November 1985 U.S. Forest Service report documented declines in the growth of commercially important southern pine in the Piedmont and mountain regions of the Southeast. Declines of 30 to 50 percent in the radial growth of certain trees were reported during the past two decades. Although air pollution could not be confirmed as the cause, the Forest Service noted that radial growth reductions had occurred in trees in Europe many years before visible symptoms of air pollution damage were apparent.

The current information gives us warning signals of potentially grave problems that threaten the health and productivity of our Nation's forests.

This legislation is responsive to current concerns by broadening the scope of research and monitoring related to the effects of pollution on forests. With the successful completion of the program called for by the bill, we will be in a solid position to take remedial and timely action as needed to preserve our productive forests.

I urge my colleagues to join me in supporting passage of H.R. 2631.

Mr. LUNDINE Mr. Speaker, I rise today in strong support of H.R. 2631, the Atmospheric Research Act. This bill will create a 10-year program within the U.S. Forest Service to study the effects of air pollution on forests.

While I firmly believe that we need more research to determine ways to protect our Nation's forest land from the menace of acid rain, I also feel that the time is right for taking action on acid rain. Research conducted by the American Academy of Science has assuaged any doubt I ever had about the threat of acid rain to our environment.

We have today a comprehensive acid rain control bill moving through the Congress which I have cosponsored and strongly support. This bill is being marked up today in the Energy and Commerce Committee. It is my hope that this carefully crafted bill will move swiftly through this committee.

We need to take action on acid rain and the Congress must not miss this chance to save our environment from the destructive effects of acid rain.

Mr. BOEHLERT. Mr. Speaker, I rise in support of H.R. 2631 offered by the gentleman from North Carolina, Mr. WHITLEY. Continued research into the effects of air pollution on forests is essential and, I think, will add to the voluminous research that shows high levels of ozone and other pollutants are slowly choking our trees and crops.

But I must say that after many years of Government and private studies, which leave little doubt about what high air pollution levels are still doing to our environment, it's sad that the American people have not had a chance to hear their representatives debate a bill to reduce that air pollution. Such a bill exists—H.R. 4567—and I'm proud to be one of the coauthors of that bill.

The bill is not perfect—I don't think any bill we've had before us lately is perfect—but at least it is the first serious attempt to balance a wide range of competing interests. It has gained the support of 171 cosponsors from all over the country and all over the philosophical spectrum, and is currently under consideration by the Energy and Commerce Committee.

It is my strongest desire that Members who oppose this bill in its current form will work with the committee, in the same spirit of compromise in which the bill has been crafted so

far, to produce a better bill that we can debate here before the American people. So far we have heard a lot of words from these Members about their concerns with the bill, and their desire to reach a reasonable compromise, but we've seen precious little recognition of the work we've done already to fashion a fair and reasonable compromise, and even less action to meet us halfway.

So Mr. Speaker, I will support the gentleman's motion to suspend the rules and pass H.R. 2631, but to quote again from my friend the Governor of New Jersey, "If all we do is continue to study the problem, we'll end up with the best documented environmental disaster in history." Let's not let that happen. Let's report H.R. 4567 to the full House for debate.

Mr. WHITLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from North Carolina [Mr. WHITLEY] that the House suspend the rules and pass the bill, H.R. 2631, as amended.

The question was taken.

Mr. MORRISON of Washington. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. WHITLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON CRIMINAL JUSTICE OF THE COMMITTEE ON THE JUDICIARY TO SIT ON THURSDAY, AUGUST 14, 1986, DURING THE 5-MINUTE RULE

Mr. BOUCHER. Mr. Speaker, I ask that the Subcommittee on Criminal Justice of the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on Thursday, August 14, 1986.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. SWINDALL. Mr. Speaker, reserving the right to object, has this been cleared with the minority?

Mr. BOUCHER. If the gentleman will yield under his reservation, Mr. Speaker, I would assure the gentleman that the minority has been consulted, and this has been approved.

Mr. SWINDALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will announce that debate has been concluded on both motions to suspend to rules.

Pursuant to clause 5 of rule I, the Chair will now put the question on each motion on which further proceedings were postponed in the order in which that motion was entertained, and then on each motion on which further proceedings were postponed on Tuesday, August 12, 1986.

Votes will be taken in the following order:

H. Res. 373, by the yeas and nays;
H.R. 2631, by the yeas and nays;
H.R. 4260, by the yeas and nays;
H.R. 2889, de novo; and
H.R. 5013, de novo.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

URGING THE SOUTH AFRICAN GOVERNMENT TO NEGOTIATE

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 373, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan [Mr. WOLPE] that the House suspend the rules and agree to the resolution, House Resolution 373, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 245, nays 177, not voting 9, as follows:

[Roll No. 332]

YEAS—245

Ackerman	Borski	de la Garza
Akaka	Bosco	Dellums
Alexander	Boucher	Dicks
Anderson	Boxer	Dingell
Andrews	Breaux	DioGuardi
Annunzio	Brooks	Dixon
Anthony	Brown (CA)	Donnelly
Applegate	Bruce	Dorgan (ND)
Aspin	Bryant	Dowdy
Atkins	Bustamante	Downey
AuCoin	Carper	Durbin
Barnes	Carr	Dwyer
Bates	Clay	Dymally
Bedell	Clinger	Early
Beilenson	Coelho	Eckart (OH)
Bereuter	Coleman (TX)	Edgar
Berman	Collins	Edwards (CA)
Bevill	Conte	English
Biaggi	Conyers	Erdreich
Billey	Cooper	Evans (IL)
Boggs	Coyne	Fascell
Boland	Crockett	Fawell
Boner (TN)	Daschle	Fazio
Bonior (MI)	Davis	Feighan
Fish	Long	Savage
Florio	Lowry (WA)	Saxton
Foglietta	Luken	Scheuer
Foley	Lundine	Schneider
Ford (MI)	MacKay	Schroeder
Ford (TN)	Manton	Schuette
Frank	Markey	Schulze
Franklin	Martinez	Schumer
Frost	Matsui	Seiberling
Fuqua	Mavroules	Sensenbrenner
Garcia	Mazzoli	Sharp
Gaydos	McCloskey	Shelby
Gejdenson	McCurdy	Sikorski
Gephardt	McDade	Sisisky
Gibbons	McHugh	Slattery
Gilman	McKernan	Smith (FL)
Glickman	McKinney	Smith (IA)
Gonzalez	Mikulski	Snowe
Gordon	Miller (CA)	Solarz
Gray (IL)	Mineta	Spratt
Gray (PA)	Mitchell	St Germain
Green	Moakley	Staggers
Guarini	Mollohan	Stark
Gunderson	Moody	Stokes
Hall (OH)	Murphy	Studds
Hamilton	Murtha	Swift
Hawkins	Natcher	Synar
Hayes	Neal	Tallon
Hefner	Nowak	Tauzin
Henry	Oakar	Torres
Hertel	Oberstar	Torricelli
Horton	Obey	Towns
Howard	Olin	Traficant
Hoyer	Ortiz	Traxler
Huckaby	Owens	Udall
Hughes	Panetta	Valentine
Jacobs	Pease	Vento
Jeffords	Penny	Visclosky
Jones (NC)	Pepper	Waldon
Jones (TN)	Perkins	Walgren
Kanjorski	Petri	Waxman
Kaptur	Pickle	Weaver
Kastenmeier	Price	Weiss
Kennelly	Pursell	Wheat
Kildee	Rahall	Whitley
Kleczka	Rangel	Whitten
Kolter	Ray	Williams
Kostmayer	Reid	Wilson
LaFalce	Richardson	Wirth
Lantos	Ridge	Wise
Leach (IA)	Rinaldo	Wolpe
Leath (TX)	Rodino	Wright
Lehman (CA)	Roe	Wyden
Lehman (FL)	Roemer	Yates
Leland	Rose	Yatron
Levin (MI)	Rostenkowski	Young (MO)
Levine (CA)	Roybal	Zschau
Lloyd	Sabo	

NAYS—177

Archer	Darden	Hyde
Armey	Daub	Ireland
Badham	DeLay	Jenkins
Barnard	Derrick	Johnson
Bartlett	DeWine	Jones (OK)
Barton	Dickinson	Kasich
Bateman	Dornan (CA)	Kemp
Bennett	Dreier	Kindness
Bentley	Duncan	Kolbe
Bilirakis	Dyson	Kramer
Boehlert	Eckert (NY)	Lagomarsino
Bonker	Edwards (OK)	Lent
Boulter	Emerson	Lewis (CA)
Broomfield	Evans (IA)	Lewis (FL)
Brown (CO)	Fiedler	Lightfoot
Burton (IN)	Fields	Lipinski
Byron	Frenzel	Livingston
Callahan	Gallo	Loeffler
Carney	Gekas	Lott
Chandler	Gingrich	Lowery (CA)
Chapman	Goodling	Lujan
Chappell	Gradison	Lungren
Chappie	Gregg	Mack
Cheney	Hall, Ralph	Madigan
Coats	Hammerschmidt	Marlenee
Cobey	Hansen	Martin (IL)
Coble	Hartnett	Martin (NY)
Coleman (MO)	Hatcher	McCain
Combest	Hendon	McCandless
Coughlin	Hiler	McCollum
Courter	Holt	McEwen
Craig	Hopkins	McGrath
Crane	Hubbard	McMillan
Daniel	Hunter	Meyers
Dannemeyer	Hutto	Mica

Michel
Miller (OH)
Miller (WA)
Molinari
Monson
Montgomery
Moorhead
Morrison (WA)
Mrazek
Myers
Nelson
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Porter
Quillen
Regula
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Rudd
Russo
Schaefer
Shaw
Shumway
Shuster
Siljander
Skeen
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snyder
Solomon
Spence
Stallings
Stangeland
Stenholm
Strang
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Whitehurst
Whittaker
Wolf
Wortley
Wylie
Young (AK)
Young (FL)

NOT VOTING—9

Burton (CA)
Campbell
Flippo
Fowler
Grotberg
Hillis
Latta
Moore
Morrison (CT)

□ 1225

Mrs. MEYERS of Kansas, Mrs. MARTIN of Illinois, and Messrs. VOLKMER, BADHAM, DERRICK, NELSON, of Florida, BONKER, RUSSO, HUTTO, MICA, LIPINKSI, SKELTON, and BENNETT changed their votes from "yea" to "nay."

Mr. PETRI changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair postponed further proceedings.

The next vote is a 5-minute vote.

FOREST ECOSYSTEMS AND ATMOSPHERIC POLLUTION RESEARCH ACT OF 1986

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2631, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. WHITLEY] that the House suspend the rules and pass the bill, H.R. 2631, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 4, not voting 11, as follows:

[Roll No. 333]

YEAS—416

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Barnard
Barnes
Bartlett
Barton
Bateman
Bates
Bedell
Bellenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Breaux
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Burton (IN)
Bustamante
Byron
Callahan
Carney
Carper
Carr
Chandler
Chapman
Chappell
Chappie
Cheney
Clay
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
DeWine
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fiedler
Fields
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Franklin
Frenzel
Frost
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Hendon
Henry
Hertel
Hiler
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Waldon
Walgren
Walker
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Williams
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NAYS—4

Crane
DeLay
Dickinson
Stump

NOT VOTING—11

Burton (CA)
Campbell
Flippo
Fowler
Grotberg
Hillis
Moore
Morrison (CT)
Watkins
Whitten
Wright

□ 1240

So (two-thirds having voted in favor thereof) the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SMALL BUSINESS INNOVATION RESEARCH PROGRAMS

The SPEAKER pro tempore (Mr. GRAY of Illinois). The unfinished business is the question of suspending the rules and passing the bill, H.R. 4260, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts [Mr. MAVROULES] that the House suspend the rules and pass the bill, H.R. 4260, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 421, nays 1, not voting 9, as follows:

[Roll No. 334]

YEAS—421

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Barnard
Barnes
Bartlett
Barton
Bateman
Bates
Bedell
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Breaux
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Burton (IN)
Bustamante
Byron
Callahan
Carney
Carper
Carr
Chandler
Chapman
Chappell
Chappie
Cheney
Clay
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crockett
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fiedler
Fields
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Franklin
Frenzel
Frost
Fuqua
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hansen
Hartnett
Hatcher
Hawkins
Hayes
Hefner
Hendon
Henry
Hertel
Hiler
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mitchell
Moakley
Molinari
Mollohan
Monson
Montgomery
Moody
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Rudd
Russo
Sabo
Savage
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Strang
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Waldon
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Williams
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

NAYS—1

Crane

NOT VOTING—9

Burton (CA)
Campbell
Flippo
Fowler
Grotberg
Hillis
Latta
Moore
Morrison (CT)

□ 1250

So (two-thirds having voted in favor of) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to provide the Small Business Administration continuing authority to administer a program for small innovative firms, and for other purposes."

A motion to reconsider was laid on the table.

COMPUTER SECURITY ACT OF 1986

The SPEAKER pro tempore (Mr. GRAY of Illinois). The unfinished business is the question of suspending the rules and passing the bill, H.R. 2889, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. FUQUA] that the House suspend the rules and pass the bill, H.R. 2889, as amended.

The question was taken.

RECORDED VOTE

Mr. LUJAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 217, noes 206, not voting 8, as follows:

[Roll No. 335]

AYES—217

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Atkins
AuCoin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Biaggi
Boggs
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Carper
Carr
Chapman
Chappell
Clay
Coats
Coelho
Coleman (TX)
Collins
Conyers
Courter
Coyne
Crockett
Darden
Daschle
Davis
de la Garza
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (CA)
English
Evans (IL)
Fascell
Fazio
Feighan
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gibbons
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall, Ralph
Hatcher
Hawkins
Hayes
Hefner
Hertel
Horton
Howard
Hoyer
Hughes
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (TN)
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Long
Lowry (WA)
Luken
Lundine
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
Meyers
Mica
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Mollohan
Moody
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens
Panetta
Pease
Penny
Pepper
Perkins
Pickle
Rahall
Rangel
Reid
Richardson
Roberts
Rodino
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Sharp
Sikorski
Slattery
Smith (FL)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Studds
Swift
Synar
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Valentine
Vento
Visclosky
Waldon
Walgren
Waxman
Weaver
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron

NOES—206

Applegate
Archer
Armey
Aspin
Badham
Bartlett
Barton
Bateman
Bentley
Bereuter
Bevill
Bilirakis

Bliley	Hyde	Robinson
Boehlert	Ireland	Roemer
Boland	Jenkins	Rogers
Boner (TN)	Jones (OK)	Roth
Boulter	Kasich	Roukema
Breaux	Kemp	Rowland (CT)
Broomfield	Kindness	Rowland (GA)
Brown (CO)	Kolbe	Rudd
Burton (IN)	Kramer	Saxton
Byron	Lagomarsino	Schaefer
Callahan	Latta	Schneider
Carney	Leach (IA)	Schuette
Chandler	Lent	Schulze
Chappie	Lewis (CA)	Sensenbrenner
Cheney	Lewis (FL)	Shaw
Clinger	Lightfoot	Shelby
Cobey	Lipinski	Shumway
Coble	Livingston	Shuster
Coleman (MO)	Lloyd	Siljander
Combest	Loeffler	Sisisky
Conte	Lott	Skeen
Cooper	Lowery (CA)	Skelton
Coughlin	Lujan	Slaughter
Craig	Lungren	Smith (IA)
Crane	Mack	Smith (NE)
Daniel	Madigan	Smith (NJ)
Dannemeyer	Marlenee	Smith, Denny (OR)
Daub	Martin (IL)	
DeLay	Martin (NY)	Smith, Robert (NH)
DeWine	McCain	
Dickinson	McCollum	Smith, Robert (OR)
Dornan (CA)	McCurdy	
Dowdy	McDade	Snowe
Dreier	McEwen	Snyder
Duncan	McGrath	Solomon
Dyson	McHugh	Spence
Edwards (OK)	McKernan	Stangeland
Emerson	McKinney	Stokes
Erdreich	McMillan	Strang
Evans (IA)	Michel	Stratton
Fawell	Miller (OH)	Stump
Fiedler	Miller (WA)	Sundquist
Fields	Molinari	Sweeney
Franklin	Monson	Swindall
Gallo	Montgomery	Tallon
Gekas	Moorhead	Tauke
Gephardt	Morrison (WA)	Tauzin
Gilman	Mrazek	Taylor
Gingrich	Myers	Thomas (CA)
Goodling	Nichols	Udall
Gradison	Nielson	Vander Jagt
Gregg	Olin	Volkmer
Gunderson	Oxley	Vucanovich
Hamilton	Packard	Walker
Hammerschmidt	Parris	Watkins
Hansen	Pashayan	Weber
Hartnett	Petri	Whitehurst
Hendon	Porter	Wilson
Henry	Price	Wolf
Hiler	Pursell	Wortley
Holt	Quillen	Wylie
Hopkins	Ray	Young (AK)
Hubbard	Regula	Young (FL)
Huckaby	Ridge	Young (MO)
Hunter	Rinaldo	Zschau
Hutto	Ritter	

NOT VOTING—8

Burton (CA)	Fowler	Moore
Campbell	Grotberg	Morrison (CT)
Flippo	Hillis	

□ 1300

Messrs. HUTTO, YOUNG of Alaska, BOLAND, PRICE, GEPHARDT, LEWIS of California, YOUNG of Missouri, BILIRAKIS, and CONTE changed their votes from "aye" to "no."

Mr. BERMAN, Mr. BONIOR of Michigan, Mrs. SCHROEDER, and Messrs. GEPHARDT, DARDEN, SWIFT, FOLEY, and ORTIZ changed their votes from "no" to "aye."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

COMMERCIAL FISHING INDUSTRY VESSEL LIABILITY AND SAFETY ACT OF 1986

The SPEAKER pro tempore (Mr. GRAY of Illinois). The unfinished business is the question of suspending the rules and passing the bill, H.R. 5013, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. JONES] that the House suspend the rules and pass the bill, H.R. 5013, as amended.

The question was taken.

RECORDED VOTE

Mr. EDWARDS of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 241, not voting, 9 as follows:

[Roll No. 336]

AYES—181

Akaka	Gallo	Packard
Anderson	Gaydos	Panetta
Applegate	Gejdenson	Parris
Archer	Gekas	Pease
Armey	Goodling	Pursell
Atkins	Gray (IL)	Ritter
AuCoin	Green	Roberts
Barnes	Gregg	Rose
Bartlett	Gunderson	Roth
Barton	Hartnett	Roukema
Bateman	Hefner	Rowland (CT)
Bates	Hendon	Rowland (GA)
Bedell	Henry	Sabo
Beilenson	Hiler	Saxton
Bennett	Holt	Scheuer
Bentley	Horton	Schneider
Biaggi	Hunter	Schuette
Bilirakis	Hutto	Schulze
Bliley	Jeffords	Seiberling
Boehlert	Johnson	Shaw
Boland	Jones (NC)	Shumway
Borski	Kolbe	Shuster
Bosco	Kolter	Siljander
Boulter	Kramer	Sisisky
Boxer	Lagomarsino	Skeen
Broomfield	Leath (TX)	Slaughter
Brown (CA)	Lehman (CA)	Smith (NJ)
Brown (CO)	Lehman (FL)	Smith, Denny (OR)
Byron	Lent	
Carney	Lewis (CA)	Smith, Robert (NH)
Carper	Lightfoot	
Chandler	Lipinski	Smith, Robert (OR)
Chappell	Lowery (CA)	
Conte	Lujan	Snowe
Cooper	Lundine	Solomon
Coughlin	Lungren	Spence
Courter	Markey	Spratt
Coyne	Marlenee	Stangeland
Craig	Martin (IL)	Stark
Daniel	Martin (NY)	Stenholm
Dannemeyer	Martinez	Strang
Davis	Mavroules	Studds
de la Garza	McCain	Sweeney
DeLay	McEwen	Tallon
Dickinson	McKernan	Taylor
DioGuardi	McKinney	Thomas (CA)
Dixon	McMillan	Thomas (GA)
Donnelly	Meyers	Traficant
Dornan (CA)	Miller (OH)	Valentine
Downey	Miller (WA)	Vucanovich
Dwyer	Mitchell	Whitehurst
Dyson	Moakley	Whitley
Early	Molinari	Whittaker
Eckart (OH)	Monson	Whitten
Eckert (NY)	Morrison (WA)	Wilson
Emerson	Mrazek	Wolf
Fascell	Myers	Wortley
Fiedler	Natcher	Wright
Fish	Nelson	Young (AK)
Frank	Nielson	Zschau
Frenzel	Oberstar	
Fuqua	Ortiz	

NOES—241

Ackerman	Gray (PA)	Pepper
Alexander	Guarini	Perkins
Andrews	Hall (OH)	Petri
Annunzio	Hall, Ralph	Pickle
Anthony	Hamilton	Porter
Aspin	Hammerschmidt	Price
Badham	Hansen	Quillen
Barnard	Hatcher	Rahall
Bereuter	Hawkins	Rangel
Berman	Hayes	Ray
Bevill	Hertel	Regula
Boggs	Hopkins	Reid
Boner (TN)	Howard	Richardson
Bonior (MI)	Hoyer	Ridge
Bonker	Hubbard	Rinaldo
Boucher	Huckaby	Robinson
Breaux	Hughes	Rodino
Brooks	Hyde	Roe
Bruce	Ireland	Roemer
Bryant	Jacobs	Rogers
Burton (IN)	Jenkins	Rostenkowski
Bustamante	Jones (OK)	Roybal
Callahan	Jones (TN)	Rudd
Carr	Kanjorski	Russo
Chapman	Kaptur	Savage
Chappie	Kasich	Schaefer
Cheney	Kastenmeier	Schroeder
Clay	Kemp	Schumer
Clinger	Kennelly	Sensenbrenner
Coats	Kildee	Sharp
Cobey	Kindness	Shelby
Coble	Kleczka	Sikorski
Coelho	Kostmayer	Skelton
Coleman (MO)	LaFalce	Slattery
Coleman (TX)	Lantos	Smith (FL)
Collins	Latta	Smith (IA)
Combest	Leach (IA)	Smith (NE)
Conyers	Leland	Snyder
Crane	Levin (MI)	Solarz
Crockett	Levine (CA)	St Germain
Darden	Lewis (FL)	Staggers
Daschle	Livingston	Stallings
Daub	Lloyd	Stokes
Dellums	Loeffler	Stratton
Derrick	Long	Stump
DeWine	Lott	Sundquist
Dicks	Lowry (WA)	Swift
Dingell	Luken	Swindall
Dorgan (ND)	Mack	Synar
Dowdy	MacKay	Tauke
Dreier	Madigan	Tauzin
Duncan	Manton	Torres
Durbin	Matsui	Torricelli
Dymally	Mazzoli	Towns
Edgar	McCandless	Traxler
Edwards (CA)	McCloskey	Udall
Edwards (OK)	McCollum	Vander Jagt
English	McCurdy	Vento
Erdreich	McDade	Visclosky
Evans (IA)	McGrath	Volkmer
Evans (IL)	McHugh	Waldon
Fawell	Mica	Walgren
Fazio	Michel	Walker
Feighan	Miller (CA)	Watkins
Fields	Mineta	Waxman
Florio	Mollohan	Weaver
Foglietta	Montgomery	Weber
Foley	Moody	Weiss
Ford (MI)	Moorhead	Wheat
Ford (TN)	Murphy	Williams
Franklin	Murtha	Wirth
Frost	Neal	Wise
Garcia	Nichols	Wolpe
Gephardt	Nowak	Wyden
Gibbons	Oakar	Wylie
Gilman	Obey	Yates
Gingrich	Olin	Yatron
Glickman	Owens	Young (FL)
Gonzalez	Oxley	Young (MO)
Gordon	Pashayan	
Gradison	Penny	

NOT VOTING—9

Burton (CA)	Fowler	Mikulski
Campbell	Grotberg	Moore
Flippo	Hillis	Morrison (CT)

Messrs. GLICKMAN, GILMAN, DREIER of California, DICKS, and COATS changed their votes from "aye" to "no."

Mr. MOAKLEY changed his vote from "no" to "aye."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM FRIDAY, AUGUST 15, OR SATURDAY, AUGUST 16, 1986, TO MONDAY, SEPTEMBER 8, 1986, AND FOR ADJOURNMENT OF THE SENATE FROM THE LEGISLATIVE DAY OF AUGUST 11, 1986, TO MONDAY, SEPTEMBER 8, 1986

Mr. WRIGHT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 380) and ask for its immediate consideration.

The Clerk read the concurrent resolution, ad follows:

H. CON. RES. 380

Resolved by the House of Representatives (the Senate concurring), that when the House adjourns on Friday, August 15, 1986 or on Saturday August 16, 1986 pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, and that when the Senate adjourns on the legislative day of August 11, 1986, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution they stand adjourned until 12 o'clock meridian on Monday, September 8, 1986 or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

The SPEAKER. The concurrent resolution is nondebatable.

PARLIAMENTARY INQUIRY

Mr. LOTT. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parlimentary inquiry.

Mr. LOTT. Mr. Speaker, are we going to have a vote on this resolution that has been laid before the House by the gentleman from Texas [Mr. WRIGHT]?

The SPEAKER. The Chair was about to put the question. As the gentleman knows, this is the normal procedure which we go through before we go on our annual vacation and work period at home.

Mr. LOTT. This would provide for adjournment on Friday or Saturday?

The SPEAKER. Friday or Saturday at the completion of work. It must, as the gentleman understands, be agreed to by the Senate. We go out at the close of business on Friday or Saturday when our work is completed, and return on Monday, September 8.

The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, I have asked for this time for the purpose of advising Members with respect to the program for the remainder of this week.

Mr. Speaker, our prime purpose today will be to get back on the Department of Defense authorization bill and proceed as far as we can go.

Tomorrow we expect to be on the Department of Defense bill again. The Speaker has agreed that at 6 o'clock, if we have not finished, we will recess from 6 o'clock until 8 o'clock.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Mississippi.

Mr. LOTT. The gentleman is talking now about tomorrow night, Thursday night.

Mr. WRIGHT. Tomorrow evening, the evening when the event is scheduled at the White House to which Members are invited. If we have not finished the Department of Defense authorization bill by 6 o'clock, it would be our plan to recess from 6 o'clock until 8 o'clock to allow Members to attend the function at the White House.

We do need to pass a debt limit before we adjourn, and we hope to conclude this bill, and if there is time remaining, there are two or three other bills that we might take up.

Mr. LOTT. If the gentleman would yield further, with regard to the schedule for the balance of the day, we will go back now to DOD, beginning with the Asat amendment; is that correct?

Mr. WRIGHT. That is correct.

Mr. LOTT. I know that the Members would be interested in knowing, based on the fact that we were here late last night and the night before, if we have any idea of how late the leadership would intend for us to stay here tonight.

Mr. WRIGHT. Well, we stayed until almost 11 o'clock last night; it was after 10 o'clock. I had hoped that we might be able to make good progress today looking toward the completion of the bill on Thursday. I think that we need to hold that somewhat in abeyance until we see how far we go and where we stand at 9 o'clock, and then see maybe if we go to 10, and if we are making good progress——

Mr. LOTT. Is the gentleman saying that we may stay 'til 9, perhaps 10, but we could quit at 8?

Mr. WRIGHT. Conceivably at 11, or somewhere between 8 and 12.

Mr. LOTT. We appreciate that clarification. I know that the membership will be very pleased to have that information.

With regard to tomorrow night, it is the intent, if necessary, for us to recess at 6 until 8, but the plan at this time would be to come back sometime about 8 o'clock or after on Thursday night and continue working beyond that?

Mr. WRIGHT. If we have not completed the Department of Defense authorization bill, we would expect to come back and work after that time. If we shall have completed the Department of Defense authorization bill, we probably would not have to do that.

There will be a session on Friday. We hope that we do not have to have a session on Saturday, but we are not able to promise that absolutely at this time.

Mr. LOTT. I presume then sometime tomorrow during the day that the intent of the leadership would be to bring up a debt-ceiling extension which has now gone through the Committee on Ways and Means and the Committee on Rules; is that correct?

Mr. WRIGHT. That bill of course has to clear. We need to pass that before we can adjourn, and we will do that of course. That and the completion of the Department of Defense authorization bill are our top priorities.

Mr. LOTT. To be brought up tomorrow, then, the debt-ceiling bill?

Mr. WRIGHT. Well, brought when it is ready.

The SPEAKER. Subject to a rule, when the chairman of the committee requests it, the House will consider the bill at that time.

Mr. LOTT. Mr. Speaker, it has cleared the Rules Committee already.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Kentucky.

Mr. SNYDER. Mr. Speaker, may I assume, based on the gentleman's comments, that the surface transportation bill is off until after the recess.

Mr. WRIGHT. We had hoped to be able to bring up the surface transportation bill and a couple of other bills that we had talked about, the intelligence authorization and the Department of Defense appropriation bill, but I think that we must just wait and see what time remains. It is optimistic to assume that we would be able to complete those bills.

Mr. SNYDER. But it is a potential, then.

Mr. WRIGHT. If time remains, but that is such an indefinite thing at this point, I am sure that the gentleman from Kentucky understands that it would not be fair to him or to other Members for me to give an emphatic

answer, "Yes, we will," or "No, we won't."

Mr. LOTT. Mr. Speaker, if the gentleman would yield, would the same answer be applicable to the DOD appropriations bill?

Mr. WRIGHT. The same answer exactly.

Mr. LOTT. It could be brought up, but it depends on how things go; is that right?

Mr. WRIGHT. That is right.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON TOMORROW, THURSDAY, AUGUST 14, 1986

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare a recess tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair would intend to declare the House in recess at 5:45 p.m., and we would return sometime after 8 o'clock.

PERMISSION FOR COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be permitted to sit today, Wednesday, August 13, 1986, while the House is readying for amendments under the 5-minute rule.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXTENSION OF CERTAIN PROVISIONS OF GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT OF 1982

Mr. FRANK. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the bill (H.R. 5371) to extend until September 15, 1986, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institution Act of 1982, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. WYLIE. Reserving the right to object, Mr. Speaker, I do not intend to object, but I yield to the gentleman from Massachusetts [Mr. FRANK] to explain what we are doing here.

Mr. FRANK. Mr. Speaker, I present this statement on behalf of the chairman of the full committee, the gentleman from Rhode Island [Mr. ST GERMAIN], who was not able to be with us.

Mr. Speaker, this bill provides a short-term extension of the emergency acquisition and net worth provisions of the Garn-St Germain Depository Institutions Act of 1982.

These provisions, Members will remember, were enacted in 1982 to deal with the problem of failure in the thrift industry, and were aimed at giving the regulators the power to cope with failures in the thrift industry in various ways. They expired on July 15 of this year. Since we will not be in session, pursuant to the resolution of adjournment just adopted, for the next 3 weeks, it is important that the powers be extended, not indefinitely, but simply to carry us over the recess so that, when we reconvene in September, the Banking Committee and both sides can take up this matter and other matters, and at that time deal with what may be a longer extension.

Mr. WYLIE. Further reserving the right to object, Mr. Speaker, I am pleased to join with the gentleman from Massachusetts in asking for passage of this bill, which would extend, as he has suggested, the Garn-St Germain authorities until September 15—authorities which have already expired on July 15. The administrators need this authority during the August recess and would apply to extension of the net worth certification provision in the Garn-St Germain bill, and also to assist in procedures for troubled institutions.

□ 1325

They need this emergency authority, as I said, during that time.

I hope that when we come back, we will be able to pass a regulators bill and an FSLIC recapitalization bill before the 99th Congress adjourns. These are very important measures, and we do need to have a more permanent solution to them than this short-term exclusion. But as of the moment, right now, we have to do this.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I will be glad to yield to the gentleman from Texas.

Mr. BARTLETT. I thank the gentleman for yielding under his reservation. I would like to place an inquiry to the other side of the aisle.

I think we all do appreciate the simple and temporary extension of Garn-St Germain, but there have been conversations, and letters, and caucuses of all manner of members of the Committee on Banking, Finance and Urban Affairs, and other Members of this House consenting to pieces of legislation that I think have some increased sense of urgency on the House floor, and the regulators are waiting on the two the gentleman from Ohio [Mr. WYLIE] commented on. That is the recapitalization of the insurance fund, the FSLIC, and the expansion in the long-term changes in Garn-St Germain that the regulators told us were required for the safety and soundness of the system.

So I think the Congress as a whole and the Committee on Banking, Finance and Urban Affairs in specific, would like to have some indication of when those items that have passed the subcommittee would be brought to the full committee and then, indeed, brought to this House floor. I would inquire of either the ranking Member or the gentleman who is carrying the message for the chairman as to what timetable we are on for those two items of business?

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I am glad to yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I will be glad to tell my friend from Texas, in all candor, I have no idea.

We have the Garn-St Germain bill that is an important bill that has expired.

Now there are a lot of us who would like to see other legislation as well. I would like to see national interstate banking. Other people would like to see the nonbanking loopholes closed up. Both of those bills rest in the Committee on Rules.

The other bills the gentleman calls up are also important. The bill that would put more funds into the Federal Savings and Loan Insurance Corporation and the regulators bill, there is a lot of disagreement. I do not think anyone can give the gentleman a very satisfactory answer.

I can at least give the gentleman a clear answer, which is that I do not know.

I do not see how any of that would be solved by letting Garn-St Germain fail. And, on the other hand, I should say that I do not regard it as any personal favor either to me or to other members of the committee if people want to kill Garn-St Germain at this moment.

Mr. WYLIE. I would like to add to what the gentleman from Texas said. I hope the Senate Banking Committee, as well as our Banking Committee, will take quick action on the FSLIC recapitalization bill and on the regulators bill. There is no controversy on those bills, and I do not see why they are being held captive by the nonbank banking or the interstate banking bills, which I think is the fact of the matter.

But, on the other hand, as the gentleman from Massachusetts says, we do need to pass this temporary extension right now.

Mr. FRANK. If the gentleman will yield, I agree. There are bills, all of

which were mentioned, which are good bills and ought to be passed.

I would add, since the gentleman has mentioned the other body, I would mention, not in any critical way, simply as a factual matter, that there is also under the jurisdiction of this committee, and the two gentlemen opposite have worked very hard on that bill, housing legislation. I would hope a lot of legislation that a lot of people want would get passed. I am for that.

Mr. WYLIE. I am working diligently in that regard.

Mr. FRANK. I understand that.

Mr. WYLIE. And I understand the Senate committee did pass a more permanent extension of FSLIC recap and of regulators bill.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, I think what is important to remember, and the reason for the extended reservation of time on this subject, is that the two pieces of legislation that we are discussing—that is, the FSLIC recapitalization and the expansion of Garn-St Germain—are items that are termed emergency legislation. They relate directly to the safety and soundness of the system.

The second thing that they have in common, which they do not necessarily have in common with other important pieces of legislation which the gentleman has discussed, is that they have, if not unanimous, near-unanimous support of the Members of Congress that have looked at them, or at least overwhelming support. It does seem to me that is true for most people, and those two pieces of legislation ought to move on the track of their own merits, and if they are overwhelmingly supported, and if they are emergency items, as testified to in our committee, as testified to by the title of the bill, then we ought to treat them as emergencies, and not continue to relate them to all kinds of other things.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Speaker, I thank the gentleman for yielding.

I just wanted to add to what the gentleman from Texas [Mr. BARTLETT] has said, H.R. 20 is resting quietly in the archives of the Rules Committee, and has been now for more than a year, and there has been some suggestion by the members of our committee that we should not take action, affirmatively, aggressively, on these FSLIC recapitalization and the regulators bill and others because we have been unsuccessful so far in getting H.R. 20 out of the Rules Committee.

There are some of us who think that that judgment call, and that is what it is, it is a matter of judgment, is overly timid and should not be followed, that we should aggressively pursue the passage of these other bills.

It has been suggested as late as this morning in the Committee on Banking, Finance and Urban Affairs that there are going to be quarterly reports and other information coming that would give us some cause for concern about the financial status of the savings and loan and thrift industries, and so forth. So I think the circumstances that exist in the Nation require affirmative action on these bills, and one should not be held hostage, so to speak, for the other. They should all come here. They are all necessary, and, as the gentleman has said, they have been categorized as emergency.

If that is the case, I will certainly not object to this extension of Garn St Germain. But I would urge that we take the same kind of affirmative action on the other bills that we have as we do on this one.

Mr. WYLIE. I think the gentleman has expressed his concern very appropriately and very aptly, very well, and it is a concern which I too have.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Speaker, I would make two points.

First, in recognition I believe of the sentiments voiced by the gentleman from Texas [Mr. BARTLETT], the gentleman from Virginia [Mr. PARRIS], the gentleman from Ohio [Mr. WYLIE], and those that I guess are going to be voiced by the gentleman from California [Mr. DREIER], this is an extension only to September 15. This is not an effort to deal finally with Garn-St Germain until next year.

If agreed to, this would require action by first the Committee on Banking, Finance and Urban Affairs, and then the House on September 15. So the intention clearly here is not to try to preempt any further action.

Second, I would say with regard to H.R. 20, I am not that crazy about it, and I am not holding it hostage for anybody. I would find that I agree with the point of both of my friends, that emergency legislation ought to be dealt with on its own merits, and not held hostage to anything else, which would lead us to agree to this request.

Mr. WYLIE. I agree with the gentleman.

Mr. DREIER of California. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I thank the gentleman for yielding. I simply would like to underscore, like the gentleman, I am a proponent of interstate banking, and there are all kinds of other pieces of legislation which we would like to see come up.

But I believe that both FSLIC recapitalization and the regulators bill are, as is stated in the title of that legislation, addressing a crisis.

I sat through the hearings on both pieces of legislation, and throughout those hearings the urgency was stressed. That is why I believe we should move forward with both of those pieces of legislation.

I thank the gentleman for yielding.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield for one last comment?

Mr. WYLIE. Under my reservation of objection, Mr. Speaker, I yield to the gentleman from Texas.

Mr. BARTLETT. Mr. Speaker, I know the gentleman will withdraw his reservation of objection. But it does seem to me we are continually faced with a stonewalling of when we want the emergency legislation, but no sense of whether we will get it, whether the consumers will get it, whether the depositors will get it or whether the Congress will seek it or when. It does seem to me that at some point members of the Banking Committee on both sides of the aisle need to stand up and individually say that we would like a markup on that legislation, that emergency legislation brought to this floor by a time certain, and in light of the emergency nature of it, I think that time is upon us.

I thank the gentleman for yielding.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding.

On the vote on H.R. 5013 the first time this House had a chance to address the insurance crisis this Nation faces in one industry, the fishing industry, I hope the listening audience recognizes the conflicts of interest that occurred on this House floor and the role that this Congress did not take the responsibility of providing the insurance safeguards for the crews of my fishing vessels in Alaska and on the east coast and the gulf. It was the greatest example of conflicts of interest I have ever seen on this House floor.

I hope the listening audience checks their Congressman out and sees how they voted on the issue of insurance for the fishermen of America.

Mr. WYLIE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. The Chair would like to say to the gentleman from Alaska [Mr. YOUNG] that in the future, under the rules of the House, the gentleman must address the Chair and the Members of Congress. The Chair would respectfully hope that no

other Member would refer to the listening audience.

Mr. YOUNG of Alaska. Mr. Speaker, I apologize.

The SPEAKER. Knowing the gentleman from Alaska as I do, I know the gentleman did not willingly violate the rules of the House.

Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 5371

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 141(a) of the Garn-St Germain Depository Institutions Act of 1982 is amended by striking out "July 15, 1986" and inserting in lieu thereof "September 15, 1986".

(b) Section 206(a) of such Act is amended by striking out "July 15, 1986" and inserting in lieu thereof "September 15, 1986".

(c) Sections 141(a) and 206(a) of the Garn-St Germain Depository Institutions Act of 1982, as such sections are in effect on the day after the date of enactment of this Act, shall apply as if such sections had been included in the Garn-St Germain Depository Institutions Act of 1982 on the date of the enactment of such Act, no amendment made by any such section to any other provision of law shall be deemed to have taken effect before the date of the enactment of this Act, and any such provision of law shall be in effect as if no such amendment had taken effect before the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3773, FEDERAL TECHNOLOGY TRANSFER ACT OF 1985

Mr. FUQUA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3773) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to promote technology transfer by authorizing Government-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Science Foundation, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Messrs. FUQUA, WALGREN, LUNDINE, LUJAN, and BOEHLERT.

ENERGY POLICY AND CONSERVATION ACT AMENDMENTS

Mr. SHARP. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the bill (H.R. 4843) to amend the Energy Policy and Conservation Act for the purpose of improving national energy policy, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I am not going to object, but I am going to observe that the House is having enough difficulty following its own posted schedule, and following the schedule that the distinguished majority leader gives to us each day.

We are now beginning to be flooded with unanimous-consent requests. They make a lot of sense to the people who are making them and to the committees from which they come. They do, however, distrub the regular procedures, and in the future, unless there is some scheduling, some reason for bringing these forward, there are going to be a lot of objections to this kind of disruption to the normal order.

I apologize for taking the gentleman's time, but I do want the body to know that I am not going to sit still for a parade of these things, and the cleaning of the broom closet of every committee of this House.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, I do so for the purposes of not objecting, but to give my colleague, the gentleman from Indiana [Mr. SHARP] chairman of the subcommittee, an opportunity to explain the need for the movement of this legislation.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Indiana.

Mr. SHARP. In answer to the gentleman from Minnesota [Mr. FRENZEL] who rightfully is concerned about the scheduling, the reason we are having to move now is if we fail to do this before the recess, then we are into a second bidding period for the Department of Energy, and we risk further losses that we should not have to suffer.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. Reserving the right to object, I yield to my friend, the gentleman from Alabama.

□ 1340

Mr. NICHOLS. Mr. Speaker, I rise in support of the legislation and call it to the attention of the House, that the Elk Hills Naval Petroleum Reserve is in the joint jurisdiction of both the committee of the gentleman from Indiana [Mr. SHARP] and the House Committee on Armed Services.

To that end, we have held hearings on this bill; we considered it early this week and gave it a favorable report.

Mr. Speaker, I rise in support of H.R. 4843, a bill which addresses problems in the operation of the naval petroleum reserves. Those problems are interrelated—excessive production, in a period of world oil glut, which has resulted in giveaway prices for the oil produced at the Elk Hills Naval Petroleum Reserve.

The 1976 legislation, which authorized production of the naval petroleum reserves, directs the Secretary of Energy "to produce such reserves at the maximum efficient rate consistent with sound engineering practices." In accordance with that direction, the reserves were produced at the maximum efficient rate for almost 10 years, without any significant problems. Near the end of 1985, however, world oil prices collapsed. The effect of those reduced prices was felt in the spring of 1986 when bids were opened for the sale or Elk Hills production beginning April 1. Bidders who had previously offered bonuses above posted prices in the area were now specifying discounts from the posted prices. A total of 104 bids were received and discounts ranged from a low of 87 cents to a high of $12.58 per barrel. Fifteen contracts were awarded for the 6-month period beginning April 1, with the largest discount offer accepted amounting to $6.98. When those discounts were taken into consideration, Elk Hills oil in April sold at prices from $6.30 to $11.27 per barrel. But that was not the worst. Further decreases in the posted prices in California resulted in Elk Hills sales at prices ranging from $4.90 to $6.98 a barrel by July of this year.

Despite those falling prices, the current law requires that production continue at the maximum efficient rate, currently about 100,000 barrels daily. In an effort to alleviate that situation, Mr. SHARP introduced H.R. 4843 to give the Secretary some discretion in fixing the rate of production. The bill permits the Secretary to consider market conditions in determining the rate at which the reserves will be produced. The bill also provides a formula for fixing a minimum sales price for naval petroleum reserves petroleum. It requires that sales be at a price not less than the high of, first, 90 percent of the current sales price in the area, or second, the price being paid for petroleum for storage in the strategic petroleum reserve less the costs of transportation, as well as the adjustment for the difference in the quality of the petroleum.

Mr. Speaker, I believe that it would be downright foolish to continue to produce the reserves at the maximum

efficient rate and to sell the production at bargain basement prices. We must act to correct the problems and we must act immediately. We must authorize production of the reserves at lower rates and we must attempt to get a better price for this oil.

We should also remind the Secretary of Energy that the law does not require him to sell the petroleum produced at the reserves. The law authorizes him to use or store it as well. I think that storage of naval petroleum reserves oil in the strategic petroleum reserve at this time might be a very wise decision on the part of the Secretary of Energy and I urge to consider seriously that alternative.

Mr. Speaker, I urge my colleagues to support H.R. 4843.

Mr. DANNEMEYER. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. Mr. Speaker, I thank the gentleman for yielding under his reservation, and I also rise in support of H.R. 4843, a bill to adjust the production rate and to establish a minimum sale price for petroleum products at the naval petroleum reserves.

This bill, which was reported by our committee yesterday, is designed to correct two very serious problems at the naval petroleum reserves. First, it would give some flexibility in the amount produced at the reserves. It would allow the Secretary to reduce the rate of production to meet market conditions. It may sound strange, but the law currently requires production at the maximum efficient rate regardless of whether there is any demand for the production.

Second, this bill would fix a minimum price for the sale of naval petroleum reserve production. It provides a formula for establishing the minimum sales price and prohibits sales at less than the price. With reduced production of the reserves there should be less surplus, thus attracting a higher sales price. But even if there should be some production which would not attract a price equal to the minimum that petroleum could be stored—in the strategic petroleum reserve or elsewhere.

Mr. Speaker, for the past several months the Elk Hills reserve has been producing wide open. Without sufficient demand for that oil the Government has been required to dispose of it at giveaway prices—$5 to $7 a barrel. That practice makes no sense at all. Only the Government could afford to operate in such an extravagant manner. Any other producer would have cut back the rate of production months ago.

We must correct this situation immediately before any more of this valuable oil is dumped on an unreceptive market. H.R. 4843 would provide that correction by giving the Secretary discretion in setting the production rate.

This legislation is urgently needed in order to avoid further waste of a valuable defense asset.

Mr. Speaker, I urge my colleagues to vote to pass H.R. 4843.

Mr. DANNEMEYER. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from California [Mr. THOMAS], whose district this asset, the naval petroleum reserve, is located in.

Mr. THOMAS of California. Mr. Speaker, the gentleman from Minnesota is correct in terms of most aspects of trying to move legislation, but for H.R. 4843, it is most appropriate that we handle it now. It is an item that needs to be handled immediately, and the legislation is supported by all.

I commend both the chairman of the Subcommittee on Fossil and Synthetic Fuels and the ranking member, and the Committee on Armed Services for handling this matter in the most expeditious fashion.

Mr. Speaker, I rise in support of H.R. 4843. This bill helps correct a serious problem affecting California oil prices and the value the public gets for naval petroleum reserve oil. It embodies principles advanced in my own bill, H.R. 4859, and includes suggestions I made to others who worked on the bill before us.

The bill reforms the reserves' management. It sets pricing formula, based on local prices for similar crude and oil's value as filler for the strategic petroleum reserve. It gives the Department of Energy partial shut-in authority so the Department can better manage the reserves by cutting production if price targets go unmet. It also cuts the sales process by 15 days, making it easier for buyers to match market conditions.

We need such reforms. Under the old sales process, buyers guessed how fast "posted" prices would change in relation to market conditions. Because buyers bid well in advance of the time deliveries would occur, declining world oil prices led buyers to bid at substantial discounts to the posted prices. On average, we sold at over $4 per barrel less than the posted price. As postings dropped, Elk Hills oil appeared to lead other prices downward and made life more difficult for producers.

Yesterday, the Department of Energy opened the bids for a new contract under which deliveries of Elk Hills crude will begin this fall. The Department received a number of bids exceeding $10 per barrel. The actual price will move up or down in relation to an oil pricing index.

While the Department did all this with today's authority, this bill is still needed. The bidding process must still be shortened and this bill does that. More important, it gives the Department power to withhold oil from the market if prices do not meet the bill's pricing guidelines.

Our colleagues on Energy and Commerce and the Armed Services Committees have examined and approved this important legislation. I hope this body will also move swiftly to pass the bill to give the Department authority it needs.

Mr. DANNEMEYER. Further reserving the right to object, Mr. Speaker, I would like to add my support for this legislation.

Mr. Speaker, today Chairman SHARP and I are asking the House to take swift action on emergency legislation relating to the naval petroleum reserves, the largest of which is Elk Hills in California. This is being done in response to a July 24, 1986 request by the Secretary of Energy.

Earlier this year, Chairman SHARP drew our attention to the fact that the Government's share of Elk Hills' oil was being sold to private purchasers at substantially below market prices. This occurred because the oil was sold under 6-month contracts with bids taken well in advance of delivery. Prospective purchasers bid a premium or discount relative to a benchmark of oil prices in the surrounding area.

This system worked very well for many years, when oil prices were rising or stable. In fact, it produced Government revenues in excess of market prices to the tune of $290 million between 1980 and 1986. However, with oil prices falling rapidly during the time when bids were accepted, and no certainty as to how far they would go down, purchasers bid unusually low discounts earlier this year.

Chairman SHARP held hearings and introduced corrective legislation, as did our California colleague, BILL THOMAS, who represents the district in which Elk Hills is located. The Department of Energy responded by changing the manner in which the benchmark price is calculated and shortened the contract period from 6 to 3 months.

The energy reconciliation bill reported by the Committee on Energy and Commerce last month includes changes in the law on Elk Hills. Unfortunately, the reconciliation process will take several months to complete. In the meantime, the Department of Energy must go to bid on the next contract awards, for the period commencing October 1. In fact, the bids were opened yesterday and contracts will be awarded shortly after the House returns in early September. Hence the need to act separately on this bill in this fashion today.

The bill before us represents a compromise agreed to in a Sharp-Dannemeyer substitute amendment in our committee markup. While the original text of H.R. 4843, and Secretary Herrington's draft language, would have given the Department wide latitude to lower the production rate below the current statutory requirement of the maximum efficient rate, I think this would be unwise.

We have a problem with the bidding mechanism and the solution should be to come up with a workable system, not just reduce the rate of production.

Elk Hills oil is important to the energy market on the west coast because its light grade crude and associated natural gas are used in the surrounding heavy oil fields. Furthermore, independent refiners depend on it for their crude oil stocks and these refiners are a key to competition in California. However, independent producers should not be faced with below market competition from their own Government.

This is not just a California issue. Taxpayers have a more than casual interest given that sale of oil from Elk Hills produced in excess of $1.2 billion in net receipts to the U.S. Treasury in fiscal year 1985.

This bill is narrowly drawn and in the process will strike a balance between our competing interests. Under it, there is a minimum bid price of 90 percent of the market price in the surrounding area, or the price paid for oil put in the strategic petroleum reserve net of transportation, whichever is higher.

The Secretary may reduce the production only if the minimum price is not reached. Even then, it is our intention that he carefully consider his other options, which are numerated in the committee report. This should be an option of last resort, employed only in an amount and for a duration long enough to correct the bidding system.

Finally, the substitute reduces the statutory antitrust review period from 30 to 15 days, as suggested by Congressman THOMAS. This will help reduce the overall length of the contract award procedure, so that purchasers are not bidding so far in advance of actual delivery. This lagtime is one of the reasons for the low bids. As a member of the Judiciary Subcommittee on Monopolies and Commercial Law, which has antitrust jurisdiction, I believe that this charge is a sound one. The review involved is of a well-known market and the participants are usually the same for each sale, making analysis possible in a shorter timeframe.

In closing, I appreciate the cooperation of Chairman SHARP in crafting this compromise and the flexibility of Secretary Herrington in indicating that this approach is a satisfactory alternative to his original request. I urge support of the legislation.

Mr. Speaker, I yield further to my chairman, the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I thank the gentleman for yielding and I appreciate his cooperation and support in this, and with hope that without further debate that we could pass the legislation.

Mr. Speaker, H.R. 4843 sets a floor price under which oil from the naval petroleum reserve [NPR] cannot be sold.

Due to a legal requirement that the reserve be produced at the maximum efficient rate and due to the volatility of the current oil market, oil from the Elk Hills Reserve has recently been sold at $4.59 per barrel, about $7 per barrel below posted prices in the region. It may actually sell today for $3.84 per barrel.

The Department of Energy [DOE] previously testified that the problem could be resolved administratively, but Secretary Herrington on July 24 asked Congress for rapid legislative action to prevent another round of underpriced sales.

H.R. 4843 as reported will prohibit the sale of naval petroleum reserve oil for less than 90 percent of market value, or less than the price of SPR oil minus the cost of transporting the oil to the SPR.

If either of these conditions is met, the NPR can be produced at less than the maximum efficient recovery rate [MER]. Current law requires production at MER.

H.R. 4843 also reduces from 30 to 15 days the period of time that the Justice Department has to review NPR sales contracts for antitrust considerations. By reducing the period between receipt of bids and first delivery of oil, this will make bids more accurately reflect market conditions at the time of sale.

The Naval Petroleum Reserves Production Act governs the production of oil from all three naval petroleum reserves including Elk Hills. This act specifies that every 3 years the President must review the need to produce Elk Hills oil and report his findings to Congress. This was last done on October 5, 1984, when the President recommended continued production at Elk Hills for the 3-year period between April 5, 1985 and April 4, 1988.

The act requires that if the President recommends production—as opposed to minimum production—the production will be at the maximum efficient rate [MER] which will permit economic development and depletion of NPR-1 without decreasing the amount of oil expected to be ultimately recovered. Production rates between MER and minimum are not allowed.

The act also requires that notwithstanding any other provisions of law, the Government's share of oil—excluding Department of Defense use—will be sold at public sale to the highest bidder, with a limitation on the amount any one bidder can purchase and with set-asides for small refiners.

DOE solicits bids from interested parties who, in turn, submit bids showing the quantity of oil to be purchased on a daily basis. Bidders have been allowed to submit more than one bid. DOE awards contracts starting with the highest bid until all available oil is contracted for.

Prior to the current invitation to bid, the total price paid by purchasers for NPR-1 oil was a combination of a crude oil base price and a bonus or discount amount.

Historically the base price has been relatively stable. For example, from October 1, 1985 through January 31, 1986, the base price had fluctuated only between $24.88 and $24.95 per barrel. All bids for that period were at discounts from 19 cents to $1.16 below the base price. Prior to 1986, bids have typically been at a premium over the crude oil base price.

Oil prices in the spot market began to decline in early 1986, but the posted prices in California lagged this decline and did not reflect this price decrease until early February. When bid proposals for the April 1 to October 1, 1986, contract period were submitted to DOE, they were made on the basis of the January posted prices. The large discounts offered reflected the January disparity between posted prices and observed spot market prices.

Although DOE's base prices have fallen drastically and begun to approximate spot prices since the time of the bids, the contracted discounts for the April to October 1986 bid period remain constant. Consequently, the net prices to the Government for this period are far below the market prices.

Fifteen companies were awarded contracts to purchase about 82,000 barrels per day of NPR-1 crude oil during this 6-month period. These companies bid discounts from the posted prices ranging from 97 cents to $6.98 per barrel.

In April and May 1986 when the DOE base price dropped to about $13 per barrel, the prices for the lowest priced oil sold dropped as low as $6.30 per barrel. At this point DOE was paying $12.60 per barrel of oil delivered to the strategic petroleum reserve. Recently Elk Hills oil has been sold for as little as $4.59, and the price may fall today to $3.84.

On May 22, 1986 the Department announced limited action to reduce the effect of these problems associated with Elk Hills. Effective June 1, 1986, production of Elk Hills was cut from the 127,000 barrel per day level to 106,000 barrels per day. The 106,000 barrel level was determined to be the most conservative MER recommended in any of the DOE or contractor evaluations of MER; statutory restrictions prevent production less than MER.

The Department also announced a total review of the sales procedure, but no administrative change that would prevent continued below-market sales can be implemented before the next sale.

DOE is applying the reduced production proportionally to all bidders—except DOD which will continue to receive its 15,000 barrels per day. Oil is still being sold with an almost $7 discount, only in lesser amounts.

To prevent a recurrence of this pricing anomaly and loss of revenue in the coming contract period, the Secretary of Energy has requested expeditious action on legislation to allow him to reduce production if necessary to avoid underpriced sales. The many Members of Congress who proposed such legislative action by cosponsoring H.R. 4843 when it was introduced in May welcome his support, and we urge our colleagues to approve the bill today.

Mr. DANNEMEYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the achievement of energy security for the United States is essential to the national interest, the health of the national economy, and the well-being of the citizens of the United States;

(2) the efficient management of the petroleum reserves within the jurisdiction of the Department of Energy is vital to the energy security of the United States;

(3) flexible production rates for such petroleum reserves can increase the contribution made by such reserves to energy security, reduce their detrimental impact on domestic stripper well production, and increase their long-term revenue contribution to the Federal Government; and

(4) the sale of petroleum from the naval petroleum reserves at prices below the price of petroleum purchased for the Strategic Petroleum Reserve, taking into consideration quality and location, is a waste of national resources and reflects a flawed national energy policy.

(b) PURPOSES.—The purposes of this Act are—

(1) to grant specific authority to the President to adjust the production rate for the petroleum reserves described in subsection (a)(2), on the basis of energy security considerations, petroleum market price fluctuations, and long-term revenue implications for the Federal Government; and

(2) to prevent the sale of petroleum from the naval petroleum reserves for prices significantly below prevailing market prices or below the cost of acquiring petroleum for the Strategic Petroleum Reserve.

SEC. 2. IMPROVING NATIONAL ENERGY POLICY.

Section 164 of the Energy Policy and Conservation Act (42 U.S.C. 6244) (relating to naval petroleum reserves) is amended to read as follows:

"COORDINATION OF NATIONAL ENERGY POLICY CONCERNING PETROLEUM RESERVES

"SEC. 164. For the purpose of improving the coordination of national energy policy with respect to the Strategic Petroleum Reserve and the naval petroleum reserves, the President—

"(1) may, with respect to any production of petroleum from Naval Petroleum Reserves Numbered 1, 2, or 3, establish a production rate that is less than the maximum efficient rate and that is consistent with sound engineering practices and the protection, conservation, maintenance, and testing of such Reserves, if the President determines that such rate is in the interest of national energy policy, taking into consideration the energy security of the United States (including the fill rate of, and quanity of petroleum in, the Stategic Petroleum Reserve), market conditions in the petroleum industry (and the effect of such conditions on the Strategic Petroleum Reserve and Naval Petroleum Reserves Numbered 1, 2, and 3), and the effect of such production rate on the maximum amount of revenues which could be realized from Naval Petroleum Reserves Numbered 1, 2, and 3; and

"(2) shall, notwithstanding any other provision of law, establish a minimum price for the sale of the United States' share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3, and at an amount not less than the higher of—

"(A) 90 percent of the current sales price, as estimated by the Secretary of Energy, of comparable petroleum in the same area; or

"(B) the price of petroleum being purchased for the Strategic Petroleum Reserve, minus the cost of transporting petroleum from the naval petroleum reserve concerned to the nearest storage area of the Strategic Petroleum Reserve, with adjustments for the difference in the quality of the petroleum being purchased for the Strategic Petroleum Reserve and petroleum being produced from the naval petroleum reserve concerned.".

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute: Strike all after the enacting clause and insert:

SECTION 1. PRODUCTION RATE AND MINIMUM PRICE FOR NAVAL PETROLEUM RESERVES.

(a) RATE OF PRODUCTION.—(1) Section 7422(c)(1) of title 10, United States Code, is amended by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) to produce, during any extension of a period under paragraph (2), such reserves—

"(i) at the maximum efficient rate consistent with sound engineering practices; or

"(ii) at a lesser rate consistent with sound engineering practices and the protection, conservation, maintenance, and testing of such reserves if the Secretary determines that the minimum price described in section 7430(b)(2) of this title cannot be attained for the United States share of petroleum produced from such Reserves;".

(2) Section 7422(c) of such title is amended by striking out paragraph (3).

(b) MINIMUM PRICE.—Section 7430(b) of such title is amended—

(1) by striking out "(b) Notwithstanding" and inserting in lieu thereof "(b)(1) Subject to paragraph (2) and notwithstanding"; and

(2) by adding at the end the following paragraph:

"(2) The Secretary may not sell any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 at a price less than the higher of—

"(A) 90 percent of the current sales price, as estimated by the Secretary, of comparable petroleum in the same area; or

"(B) the price of petroleum being purchased for the Strategic Petroleum Reserve, minus the cost of transporting petroleum from the naval petroleum reserve concerned to the nearest storage area of the Strategic Petroleum Reserve, with adjustments for the difference in the quality of the petroleum being purchased for the Strategic Petroleum Reserve and petroleum being produced from the naval petroleum reserve concerned.".

(c) NOTICE PERIOD.—Section 7430(g)(2) of such title is amended by striking out "30 days" and "30-day" and inserting in lieu thereof "15 days" and "15-day", respectively.

Mr. SHARP (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "An Act to provide for a minimum price and an alternative production rate for petroleum produced from the naval petroleum reserves, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4843, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

The SPEAKER pro tempore. Pursuant to House Resolution 523 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4428.

□ 1343

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with Mr. RUSSO (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, August 12, 1986, pending was an amendment offered by the gentleman from California [Mr. BROWN].

Under the rule, debate on this amendment is limited to 1 hour.

The gentleman from California [Mr. BROWN] will be recognized for 30 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, this amendment is and should be the simplest and least controversial of the last three amendments that the House has considered.

This is the Asat testing moratorium amendment which the House has voted on several times over the past several years. The House has approved it on several votes during the last 2 years. It is existing law, and the purpose of this amendment is to continue the existing law.

I have had the privilege of sponsoring this amendment with my friend and colleague from Pennsylvania, Mr. COUGHLIN, during all of this period of time. I suspect that both of us feel that we have talked enough about it, and would just as soon cut down on the amount of debate that we need during this afternoon.

The rule allows us an hour, but if Members are willing to restrain their passion for oratory and exercise a little discipline, I hope that we will be able to finish it in less than an hour.

There are no new reasons to continue this legislation. The situation remains approximately the same as it has in the past; the amendment has proven to be probably the simplest and most effective form of arms control that this country has ever engaged in. It is a mutual restraint in the extension of new weapon systems into space; and it is an example of mutual restraint which is far more in the interests of the United States than it is the Soviet Union.

The reasons for that are simple. We are far more dependent upon space systems for our national security, and those space systems represent a far more high-valued asset than does the space system of the Soviet Union.

In any mutual exchange of antisatellite warfare the United States would come off far worse. In this respect, it is similar to the restraint offered by the weapons limits in the SALT II treaty.

As the House indicated by its approval yesterday, they feel that the U.S. security is enhanced by this kind of restriction; and this same exact logic holds with regard to Asat.

I am not going to belabor the arguments at this point. I am going to yield to my good friend and colleague from Pennsylvania, Mr. COUGHLIN, with whom it has been a privilege to work on this legislation over the years, just as it has been a privilege to work with him on other legislation aimed at curtailing unnecessary expenditures in various field of high technology which were not in the national interest.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, I am pleased to join my distinguished colleague GEORGE BROWN and a bipartisan coalition of supporters in again offering an amendment to ban the testing of antisatellite [Asat] weapons against objects in space. This is the same amendment that the House has supported for the last 2 years.

Mr. Chairman, there are a number of reasons why this body should preserve the current moratorium on Asat testing.

First, as a result of last year's amendment, we now have an effective brake on at least this one aspect of the vast superpower arms race. This is extremely important, because while the Asat race comprises but on arena of the huge superpower competition in armaments, it is also the most immediate threat to a burgeoning, estabilizing, and immensely costly arms race in space.

Moreover, it is a mutual and verifiable arrangement. We can verify if the Soviets test Asat weapons; they can verify if we test them. Because of this verifiability, we know that since the current ban took effect neither the United States nor the Soviet Union have escalated the arms race into space by testing and deploying new antisatellite weapons.

Second, Mr. Chairman, by preserving the Asat test moratorium we preserve the relative equilibrium that exists between United States and Soviet Asat capabilities. The Soviets have a crude and unreliable system, which has failed in 11 of the 20 tests conducted with it to date, including all six texts of a more "advanced" heat-seeking version. The United States, on the other hand, has an Asat that is relatively more advanced but only partially tested. The problem is that if we test the U.S. Asat, known as the Miniature Homing Vehicle or MHV, until it is operational, the Soviets will no longer have any incentive to pursue the current moratorium. In fact, they will be compelled to replace their existing ineffectual Asat with a more sophisticated one. That is precisely the outcome the United States must avoid. For if a situation is allowed to develop in which both the United States and the Soviets have a sophisticated ability to knock out each other's satellites, it is the United States which loses.

Third, this moratorium and this equilibrium is to the advantage of the United States. The fact is the United States continues to be more dependent on our satellites than the Soviets are on their satellites, for a number of reasons. First, our superior technology allows us to do far more with our satellites than the Soviets are capable of doing with theirs. Second, U.S. forces are more widely scattered around the world. Vast oceans make it impossible to relay communications via convential "land-lines." Furthermore, the closed nature of the U.S.S.R. prevents us from obtaining many kinds of intelligence, forcing us to rely on electronic and other means of obtaining key information. Finally, because U.S. satellites are more reliably built, we can afford to depend on them more.

For these reasons, it is imperative that the United States ensure the security of our satellites. And that is exactly the purpose of this amendment. If we proceed with the testing of progressively more advanced Asat technology on our side, we open the door to the Soviets to test similar technologies on their side.

This is precisely the door that the gentlelady from Maryland would open by including in the Defense bill language which would prohibit the United States from Asat testing only if the President certifies that the Soviets have dismantled their Asat weapons. This language is faulty for three reasons. First, it is essentially unverifiable, because no President would ever be able to assure with confidence that the Soviets are not retaining some Asat's covertly. Second, it doesn't require the President to certify anything. And most importantly, it doesn't even attempt to forestall the development of an advanced Soviet Asat, which is the purpose of the pending amendment.

In addition to these arguments, which have been equally pertinent in past years, there are new considerations. First, at this time the United States has what must at best be considered a very questionable ability to field new satellites, as a result of the *Challenger* disaster and the failure of the Delta and Titan rockets. We hope these systems will be operational again soon. But right now, the fact is we would be very hard pressed to respond to a crisis requiring either the simple replacement of our existing satellites or any necessary modernization of our deployed satellite technology in order to counter a new Soviet Asat threat. If we test the MHV Asat, we will give the Soviets carte blance to test more advanced Asat technologies. This is exactly the outcome we should avoid.

I also want to say a few words about the cost of the MHV. There may be differing opinions on the effectiveness and reliability of the MHV, but there is no question about its cost. The cost has gone from $1.4 billion in 1980 to over $4 billion today, and the program now calls for only half the facilities and one-third the missiles originally planned. The GAO has identified serious program delays and costs resulting from technical difficulties. I would suggest that this $4 billion will be just the ante if we get involved in a high-stakes Asat game by resuming tests of the MHV.

Mr. Chairman, the Asat test ban has served us exactly as intended since it went into force in December 1985. We have created pressure that has prevented the Soviets from pursuing advanced Asat tests. It is in our interest to keep the current Asat test moratorium in place, and I urge my colleagues to support this amendment.

□ 1350

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California, [Mr. BADHAM].

Mr. BADHAM. Mr. Chairman, I rise in strong opposition to the Brown amendment. The Brown amendment would prohibit the United States for 1 year from carrying out operational testing of an antisatellite system if the Soviets also do not conduct such testing. However, it is apparent that my colleagues across the aisle who support this amendment are ignoring a particularly pertinent fact—the Soviets already have an operational Asat system. Indeed, the existing Soviet Asat weapon has been operationally tested at least 12 times against actual targets in space. The United States does not possess this capability and is only now in the process of attempting to catch up.

Undoubtedly, the best thing that could happen would be for neither side to possess operational dedicated Asat systems. Obviously, for this situation to occur the only thing that is required is that the Soviets dismantle their operational Asat system. It is not likely that the Soviets will do this without an incentive. To provide an incentive, the House Armed Services Committee adopted a provision which will prohibit the United States from carrying out operational testing of its experimental Asat system if the President certifies that the Soviets have dismantled their existing operational Asat weapon system.

It seems to me that the HASC position is eminently fair and nonprovocative. The HASC provision leaves the issue of whether the United States and the Soviet Union will test and deploy dedicated Asat weapons entirely in the hands of the Kremlin. Indeed, this is the position argued with respect to SALT II by so many of my distinguished colleagues across the aisle last night. We are confronting the Soviets with a "proportional response" to their continued unilateral deployment of dedicated Asat weapon systems. Should the Soviets continue to deploy such Asat systems, the United States will continue testing its experimental system. On the other hand, should the Soviets wish to show restraint and a true desire for peace, then they will dismantle their existing operational Asat weapon system and the United States will then be required to suspend its testing program.

Therefore, as I believe that the existing HASC language is fair, I strongly urge the defeat of the Brown amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Chairman, the gentleman who just spoke in the well made a couple of observations that I think need further comment. First of all, every country that has ICBM's has a potential antisatellite capability. In fact, the Soviet antisatellite weapon is merely a form of rocket, similar to the kind that they use for ICBM lift-offs. We could do the same kind of a thing with our ICBM's. That kind of crude system is not what we are talking about here.

Second, any Asat system like the Soviets, because it involves a very large and easily observed missile, is easily observed by our satellites, is easily detectable, and can be detected if they are getting it in shape to launch. So it is not as though we could be taken by surprise.

The U.S. Asat, on the other hand, that is still being tested, would be easily concealed. It can be fitted on any F-16 airplane, and those are scattered all over the country, of course, and there is no way of telling which one is carrying the weapon. So that is a different type entirely than the Soviet weapon and considerably more sophisticated.

Further, the question is asked why don't the Soviets dismantle Asat's if we agree to stop testing. To really do that, both sides would have to dismantle all of their ICBM's. If that could be done, of course, it would be great. But that is a different issue.

As to Asat's, the Soviets have offered to sit down with us and negotiate a treaty banning Asat's. The administration has rejected that approach. That is really what this issue is all about. If the administration is really interested in preventing the use of any antisatellite weapons, they could accept the Soviet offer to negotiate, sit down and start negotiating. But this administration is not interested, they do not want a ban on antisatellite weapons because, as has been stated in the debate in the past, our military want to develop this capability.

Another thing about the Soviet system is that it is only capable against relatively low-orbit satellites. We can and do put our satellites that we want protected in higher orbits, and the present Soviet system cannot reach them.

The real interest of this country is to prevent an arms race for antisatellite weapons that will reach our satellites that are in higher orbit, because we are dependent on them not only for early detection but for communications to our own military. It strikes me as making no sense to put ourselves in a position where both sides have vulnerable early warning and communication systems, especially when the United States is more dependent on such systems than are the Soviets.

Mr. DICKINSON. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, we talk about this so much, and we have talked about it so many times we forget sometimes that there are people who are hearing the debate that are really not read into what we are doing here and have no appreciation of what we are talking about even.

What the heck is an Asat? Why do we need it? How does it work? What is the big deal about it?

Well, let me go back to basics just a moment or so so we all understand what we are talking about and at least we are singing off the same "page of sheet music."

Asat is an acronym for antisatellite weapon system. The Soviets have tested and deployed a system that, when fired from the ground, can go up and knock out a satellite as it traverses the Earth.

Why is this important? Well, it is very important because that is our principal means of gathering intelligence as to what the Soviets and others are doing.

We have satellites, and the Soviets have satellites that pass over the land mass of the United States and of the Soviet Union and other parts of the world all the time.

We do this and when you hear referred to in the media, in the press, national means of verification, this is usually what they are talking about. When we are talking about verification of the SALT agreement and other agreements, the national means that they are talking about, they are talking about for the most part the satellites that can go over, can look down and pick up a vehicle even from over 100 miles up and photograph it with such great resolution that you can tell what it is.

Now, the Soviets have developed, and this is the important point, and have deployed a weapon system that is an Asat that can go up and knock out or blind or make disabled one of the satellites of the United States. They have tried this and they have fired, we have seen them. They go into a whole trajectory and finally catch up and go against the target in space. They tried it in half the transverse of the Earth and have done so successfully. But the fact is they have tested over 20 Asat shots. The United States has tested one.

Now, this gets to the ridiculous part. They have completed theirs and have deployed an Asat system. It takes some tests to learn, if you fire off a missile or an Asat system, then from the telemetry you get back you extrapolate, and you learn what went wrong, why it did not work and you go from there.

The Soviets have finished their testing period and have deployed it. We

have had one shot, not deployed anything. And what the proponents of this amendment would have us do is say, "Well, OK, the Soviets have done all they need to do and they have one deployed. We are going to freeze where we are with one shot and nothing deployed and say we will not test unless the Soviets test again."

How ludicrous can you get? They have finished their tests, they have developed and deployed a system. We have one test, nothing deployed. But by the language of this amendment we will not take a second test, and you cannot deploy until you have a series of tests. We will not even take the second test until the next time, until the Soviets decide they want to test some more upon their new system.

So what sort of position does that put us in and what sort of position does that put our negotiators in in talking to their Soviet counterparts in all of the arms race? Why should the Soviets want to negotiate? They have a system in place. We are locking ourselves out. We are saying, "OK, we will not test, we will not deploy, you keep yours, we have zero," and that is where the game now stands.

What this amendment would do is we are going to lock ourselves into the status quo. We cannot build any more, we cannot test against an object in space. We are satisfied to have the Soviets with a completed system; we do not even have a partial system. We are going to lock ourselves into an inferior position.

There is a very interesting book that has been written, a paperback, called "The Blind Prophet," written by a fellow named Barton Davis.

It is a very interesting book. It is the type of book I like to read. But it has to do with satellites and what happens when you kill someone's intelligence-gathering satellite.

And in the book—and this is a fictional account—the prophet was an American satellite that was put into space so we could view and find out where the Soviets are deploying their ICBM's and other strategic weapon systems, as do the Soviets look at us.

In the book the Soviets were able to blind the satellite system called the Prophet. That is where the name of the book came from, the Blind Prophet. But I think everyone and anyone can read that book and get some profit from reading it because it really tells you, it gives you an appreciation of at what disadvantage we will be if the Soviets could read our mail, tell what we are doing and we have no countercapability.

□ 1405

This, I think, is unrefuted. If the Soviets ever decide to strike at the United States, first strike, the first thing they will do is to take out our intelligence systems, which is primarily our satellite systems. This is what they go after to blind you. You cannot see the incoming missile. You cannot defend against it. You are just sitting there. If you are blind, then they can come in from the sea or come across the Arctic with planes or ships, and we will not know because our radars will be blinded.

So this is a capability which the Soviets have developed, have deployed, and we are saying we are willing for you to have that capability and we are willing to tie our hands so that we cannot develop that capability. Therefore, Mr. Soviet, Uncle Joe or whoever, there is no need for us to negotiate, because there is nothing to negotiate. We could not by negotiating give the Soviets any more than we are proposing to give them in this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I want to respond to the distinguished gentleman from Alabama who was just in the well, for whom I have great respect and admiration.

The gentleman made a couple of points which I think he would probably want to correct. For example, he stated that we depend upon our low-orbiting satellites for intelligence about incoming missiles. The gentleman knows that is not correct.

And the nuclear detection satellites that we use are in orbits at or outside the geostationary orbit and completely unreachable by the existing Asat systems. I think the gentleman will also admit that point.

The gentleman also, I think, incorrectly—of course, I hope that I am wrong on this—misstated that situation with regard to tests. The chart which we have from the Defense Department down here shows the number of tests conducted on each side, and our tests going back to about 1960.

I would appreciate it if the gentleman would examine the chart and see if the Defense Department is wrong in the facts that we have represented there. If they are, I am sure we can do something to get them corrected.

Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Oregon [Mr. AuCoin].

Mr. AuCOIN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, one further point to amplify what the gentleman from California has just made, it is inaccurate to say that we have tested our Asat system only once. The fact of the matter is, and Members should understand this and not be misled on this, going back to the beginning of our first Asat test through the last one, the United States has conducted 34 tests and the Soviet Union has conducted 20. Let us lay that on the RECORD, spread it across the pages of the RECORD, so that Members are absolutely clear on what the facts are.

Mr. Chairman, we talk a lot of big numbers on this bill: Millions hundreds of millions, billions. But I'd like my colleagues to consider, for a moment, a very small number.

One. That's right: One.

That's the number of new arms control measures put into effect in the last 6 years—the bilateral, verifiable Asat flight test ban this Congress passed into law last year. It's the law of the land today.

We did it here. We're going down in history as the first Congress ever to actually create arms control on its own initiative. And it's working. We're not testing an Asat, the Soviets aren't testing an Asat—and because we aren't, America's most vital early-warning satellites are not at risk.

That's one accomplishment. What about the administration's? We've spent the last 6 years hearing about the administration's negotiations in Geneva. They've started and stopped. They've changed from one track to three tracks. They've changed heads of delegations, and changed them again.

But they've produced nothing. They've controlled nothing—not even one rifle bullet. If they'd never gone to Geneva, the world's arsenals would be no different than they are today.

Meanwhile, we've produced arms control that works, right here in the House.

Today the committee offers an alternative: The Byron provision that says we test unless the President certifies the Soviets have dismantled their existing Asat, which they are not testing.

The Byron provision doesn't work. For one thing, you can't verify it. How will the President know if the Soviets dismantle their last Asat? How will the President know they don't have one in a cave somewhere? He won't! He can't! No one can do this! The administration has said so.

On August 8 of this year in the CONGRESSIONAL RECORD, Kenneth Adelman, the head of the Arms Control Agency, put it very well. He said:

> We would not know whether existing systems had actually been destroyed or were still being produced secretly.

So much for verifiability for the Byron provision.

On the other hand, the Brown-Coughlin provision is eminently verifiable.

No less an authority, Maj. Gen. Thomas Brandt, Joint Planning Staff for Space of the Joint Chiefs of Staff, said in testimony before the Senate Armed Services Committee:

> We have an excellent capability to monitor the employment of the Soviet Asat.

So the Brown-Coughlin amendment is eminently verifiable, and the Byron provision is not.

Now, an Asat hidden in a cave may be of no use militarily, but under the Byron amendment that doesn't matter. The mere possibility that there may be one somewhere tells us for sure the President will never certify.

So if we don't get back on track and pass the Brown-Coughlin amendment, here's what will happen:

We'll resume Asat flight testing against targets in space. So will the Soviets—but with a modern, effective system instead of the stone age clunker they tested back in the seventies. The satellites of both sides will then be vulnerable. And because America needs its satellites more than the Soviets need theirs, under the Bryon language the Soviets will gain and America will lose.

There's no need for this national security setback. We're on the right track. We've got the right law on the books. Let's stay on track, by passing the Brown-Coughlin amendment and reaffirm what this House did 1 year ago.

□ 1415

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the very distinguished gentlewoman from Maryland [Mrs. BYRON], a member of the committee.

Mrs. BYRON. Mr. Chairman, I rise in opposition to the amendment.

Proponents of the Brown-Coughlin amendment have argued that there is little which has changed since last years debate on this same issue. I would like to point out that there have been some significant changes.

First, the House Armed Services Committee incorporated a provision in this bill which provides for an Asat moratorium. Under the moratorium in this Defense bill, the United States would be able to continue testing of our Asat until the President certifies that the Soviet had dismantled their Asat launchers. This is a perfectly straight forward provision and it is a logical follow-through to what I believe Mr. BROWN and Mr. COUGHLIN are trying to accomplish, which is the demilitarization of space. We do not have an operational Asat—the Soviet Union has an operational Asat. Unfortunately, if you vote for the Brown-Coughlin amendment—you are voting against dismantling the operational Soviet Asat's.

As chairman of the House Armed Services panel on arms control, I have received testimony from DOD and Dr. Larry Gershwin of the CIA which has defined for me the Soviet Asat threat confronting our Armed Forces. The Soviets have surveillance and targeting satellites which can locate with significant accuracy our forces on land and at sea. This targeting information can be provided on a real-time basis to the Soviet command and control system permitting accurate offensive capabilities to be launched against our forces. In last years debate, the argument was made that our fleets can passively avoid detection of the Soviet rorsat and elint surveillance systems. Let me say that I received a letter the other day from chief naval officer, Admiral Trost, who stated unequivocally that we need hard kill capability, in other words, a U.S. Asat system, to ensure the safety of our deep-water fleets.

Here we are again debating the issue of the U.S. Asat program. We must, therefore, clearly understand that in the event of a national emergency, the Soviets can negate our surveillance and targeting capability but, due to congressional action over the past few years, we cannot negate their systems.

The learned gentlemen who have lead the fight to kill the U.S. Asat system has done so on the basis of arms control. I see no arms control benefits in their posture. The facts are, not refuted by any known expert, the Soviets have an operational Asat system—we do not.

I believe the language contained within the House Armed Services bill describes the correct posture the United States must take. It says simply we believe in arms control and reduction. If the Soviets do, they should dismantle their operational system. Presently, the Soviets have zero incentive to do so. The amendment before this House does not provide any incentives to the Soviets and its cripples our men and women of the Armed Forces, thus our national defense.

I urge my colleagues to reject the proposed amendment.

Mr. BROWN of California. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Connecticut [Mr. MCKINNEY].

Mr. MCKINNEY. Mr. Chairman, I rise in support of the Brown-Coughlin amendment.

The reasons for continuing the moratorium on antisatellite weapons testing are as compelling today as they were last November when Congress imposed the current moratorium.

Mr. Chairman, we become more dependent on space-based technology every single day. Our military relies on U.S. satellites for communication, intelligence gathering, and early warning of a Soviet attack. In fact, in a time of war, the United States would find itself far more dependent on military satellites than the Soviet Union. In lieu of this fact, I believe that it would be prudent to maintain the current controls on Asat weapons.

In addition to our lopsided dependence on satellites to coordinate our Nation's defenses, we now occupy a position or relative security in space. The Soviets have a crude Asat capability which is only capable of destroying satellites at low orbits. The United States, on the other hand, has been developing a far more advanced Asat with direct hit capability. In fact, it was successfully tested against an object in space last year. It would be very foolish to escalate a space-based arms race while we currently occupy a position of superiority in this area.

The primary U.S. interest in space must be to guarantee the safety of our military satellites and ensure our continued access to space. Testing and deployment of U.S. Asat's will do nothing to achieve these goals. The best way to head off future Asat systems is through negotiation of a treaty restricting these technologies. Further escalation of these technologies will provide us an opportunity to bring about such a treaty.

There are those who say that the Russians have it, and they are right in a way. But it is obsolete. There are those who say we should not talk. I say we should. We have a moral obligation to straighten out the world before we mess up space. We have never been able to sit down and carry on a concrete negotiation or discussion with them on anything. We are violating our own Earth, and now we are talking about violating space for no good purpose except to put ourselves in more jeopardy. I urge my colleagues to support this very important amendment.

Thank you, Mr. Chairman.

Mr. DICKINSON. Mr. Chairman, I yield 6 minutes to the gentleman from New Jersey [Mr. COURTER], a very distinguished member of our committee.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding time to me, and I appreciate listening to the debate.

The first thing I would like to get straight—and I think a number of speakers have touched on this—is the fact that we are talking about a system that the Soviets have and that the United States does not. We can forget all the tests, whether we have tested more than they, because it really makes not a great deal of difference; they have an operational capability and we do not.

Second, there were some arguments about the fact any type of a treaty that would prohibit Soviet deployments or future deployments of Asat capability is to our advantage because we have a lot of military assets in space and they do not. In comparison, the Soviets are really not giving up a great deal. The point is that in the low Earth orbit, the Soviets have 25 communication, navigation, and photo-reconnaissance satellites—they are all military satellites—and in a monial orbit, that is, an elliptical orbit that

goes from close to the Earth on one side to very far away on the other, the Soviet Union has about 22 navigation and electrical satellites. In semisynchronous orbit the Soviet Union has five navigational satellites, and in geosynchronous orbit the Soviet Union has approximately 12 other satellites that they use for military purposes. So, as well, the Soviets have military assets, and so do we. The point is, as far as I am concerned, the fact is that the United States is in terrible jeopardy at the present time and the Soviet Union is not.

What happened to the concept of proportional response that I heard so much about yesterday? If in case of a conflict the Soviet Union puts in jeopardy one of our satellites, we cannot put in jeopardy one of their satellites; what we would have to do is reach down into the bag and perhaps use nuclear weapons. It seems rather absurd.

Also what happened to the concept of deterrence? That is the logic of it; that is the reason we have nuclear weapons. Because they have nuclear weapons, we want to deter conflict. Not too many Members of this body say that we should not have deterrence when it comes to nuclear weapons.

There is going to be a debate this afternoon and tomorow on chemical weapons. The argument is not whether we should have them or not. Everybody recognizes that we have some. I would argue that they are deteriorating, but those who do not want to modernize chemical weapons feel that we still have to have them for the purpose of deterrence.

□ 1425

You have to deter the Soviet Union from using theirs. It seems to me if that argument with respect to deterrence is important in conventional capabilities, in nuclear capabilities, in electronic warfare capabilities, and in chemical warfare capabilities, why is not the concept of deterrence worthwhile when it comes to satellites? It seems that it should be.

Also, I think the amendment prohibiting testing is simply premature. We are not yet talking about deployment. U.S. capabilities through the F-15 with the Asat capability that we are testing off, that will not be ready according to the GAO for deployment until the year 1988 or 1989.

It seems like everybody on both sides of the aisle likes the idea of operational testing. Before we make the decision whether we should deploy something, before we walk over that threshold, we are supposed to have operational testing.

I agree, everybody agrees, I am one that started the Office of Operational Testing.

It seems to me that if it is important to test things like Bradley fighting vehicles, M-1 tanks, machineguns, it is important to test this and then later, after we know whether we can do it, after we know whether it is effective, after we know whether it is cost-effective at the margin, then we can make the decision in 1988 or 1989 to deploy.

The amendment is premature. We do not know the capability of our system.

Very quickly, the debate is a lot more than just the Soviet operational system. The Soviets have a Galosh nuclear tipped ABM system around Moscow that has Asat capabilities. The Soviet Union has tested lasers with Asat capabilities at three different sites inside the Soviet Union.

The Soviet Union has a deployed coorbital system. The Soviet Union is working on electronic warfare that has a range of 36,000 kilometers.

So if you stop one system, which this particular amendment will not, you cannot stop the work the Soviets are doing with respect to Asat's. They have 10,000 scientists working in the area of laser application—military application of lasers in the Asat capability.

Also, on June 21, 1985, the Soviets launched from Tyuratum the first unannounced and unidentified space payload in 20 years.

The last unannounced and unidentified space payload shot, which by the way is another violation of arms control agreements, both the Soviet Union and the United States have said that, before you launch, you notify. It is in writing. It is an agreement. They did not. They launched; no notification.

The last one that was unannounced and unidentified was 20 years ago and it contained a thermal nuclear weapon.

Now, is there anybody in this Chamber who is going to tell me what was on that space shot, whether that might not have been a testing of an Asat weapon or a nuclear weapon in space? Can anybody tell me? I will yield to them right now.

What was that shot? We know it went off. They violated the treaty. What was that shot?

Mr. DICKINSON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Chairman, I just want to use the new novel by Tom Clancy, "Red Storm Rising," to make the point that I think the opposition to an antisatellite technology may well be the most irrational position on the left this week. The reason is very simple. We are a seagoing power.

The Soviet's currently existing reconnaissance satellites which operate at low level give them a particular ability to threaten convoys and threaten our ships at sea, our warships.

It is fascinating, if you turn, and frankly, Clancy's book is probably the best single illustration of how a major conflict would work in the real world, if you turn to page 219, he says:

> The Radar Ocean Reconnaissance Satellite, called a RORSAT, passed over the formation at 0310. Its radar transmitter noted the formation and its cameras tracked in on their wakes. Five minutes later, the data was in Moscow.

Now, what does that mean? It means that in a serious crisis in the Middle East, in a serious crisis in the North Atlantic, the capacity by satellite to track American naval warships or to track American convoys would give the Soviets real time warning to launch Backfire and Badger bombers to try to sink the ships.

Now, in that setting, and they do not have to be Soviet ships in a crisis, in the mid-1990's assuming that Syria continues to get modern weapons, you could have Syrian-manned Soviet bombers getting real time intelligence from the Soviet Union, launching a strike in the Mediterranean or launching a strike in the Indian Ocean and you could end up in a situation where we had no ability to stop their satellites.

Now, if we were in that kind of an environment and a Soviet Bear-D reconnaissance plane was flying, we clearly have the legal authority to say, "You cannot penetrate our naval fleet. You cannot penetrate our convoys."

And in a real crisis, if it was a Syrian aircraft, we would probably shoot the plane down. Now, that plane carries seven human beings.

By some peculiarly twisted logic on the left, killing 800 pounds of electronics is terrible, but shooting down an airplane in order to save 20,000 lives is acceptable.

I assume nobody on the left would argue that an American convoy of marines and soldiers ought to be sunk at random because we would not want to be able to protect them, so if you are going to protect the convoy and you know for a fact that today the Soviets have both radar and electronic satellites at low altitude, that they are the key to finding the convoy, they are the key to finding the nuclear powered aircraft carrier task force, then what you are saying if you vote for the Brown amendment is that in a real crisis you are willing to have a unilaterally disarmed United States that is not able to stop the Soviet satellite. You are willing to have the Soviets acquire and to track our convoys. You are willing to put at risk 20,000 or 30,000 American lives, but somehow that 800 pounds of electronics is more valuable than the American lives.

Mr. COUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. GINGRICH. Yes; I am glad to yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Chairman, I would like to call attention to a statement by Vice Adm. Gordon Negler, the Director of Command and Control of the Office of the Chief of Naval Operations, who said, "I do not agree with the statement that it is very, very easy to target an aircraft carrier by Rorsat or Elint. We can avoid that."

Mr. GINGRICH. It is not very easy, but it is dramatically easier to track a convoy or an aircraft carrier, to identify the quadrant that it is in by satellite than to not be able to find it at all.

What you are saying, you are willing to take the risk that if there are 20,000 soldiers and marines in a convoy going to Europe or going to the Middle East, you are willing to run the risk that we could not stop them from being sunk by the Soviets.

Mr. BROWN of California. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Chairman, we have heard a remarkable argument, based on fiction, that we need to have an Asat. This is either life imitating art or fiction imitating reality, I am not sure which, but the fact is that there is no clearer example to any of us of where the use of arms control has enhanced U.S. security than in the Asat Program, and the gentleman from California has given us a remarkable opportunity to show that we can protect U.S. Asat's by arms control.

Now, there are also classic examples, and this is again a classic example of that, of where the United States being ahead in the technology has used its lead as a leverage to get the Soviet Union to forebear. Clearly, the Soviets have an antisatellite capability. It is model-T compared to the Asat that we could deploy.

The Soviets are not stupid. They know that; so rather than have us advance the state of the art, they have decided not to test.

We have decided that we rely on space slightly more than they do. While we do not have as many satellites, we have more capable ones, and that it is in the United States security interest to see the Soviet Union not have an Asat. If both sides do not have Asat's, both sides—both sides, space Asat's are protected.

One cannot possibly know what will happen in the event of a war.

The gentleman from Illinois [Mr. HYDE] the other day lectured us on electromagnetic pulse. Clearly, if we go into a shooting match with nuclear weapons, it will make very little difference whether one has an operational Asat capability or not, if we start using nuclear weapons in outer space.

This is an example of where the Congress of the United States and in particular Members of the House recognizing United States security interests have managed to forebear on a technology and to get the Soviet Union to do the same thing. It is one of the few examples that we can think of in recent history where it has worked and it has worked to our advantage.

To scrap it now would be to put United States space Asat's at risk, risk only a further escalation of our having an Asat, the Soviet Union getting an Asat, our getting a counter-Asat, the Soviets getting a counter-Asat, on and on and on. Our security is diminished, not enhanced, by greater developments in this area.

Mr. Chairman, I thank the gentleman for offering this amendment. I would hope that our colleagues will do what they did last year and make this Asat permanent once again this year.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, I am sorry that the previous speaker on the other side of the aisle has left the Chamber at this point because, in the course of his remarks, the gentleman alluded to the notion that those persons on the left who stand in support of the amendment of the gentleman from California in some way have provided the most bizarre statement that has taken place in this debate.

The unfortunate reality of that statement is that what we are talking about here is the potential for nuclear war and the potential for the annihilation of life on this planet.

This is not an ideological discussion. One does not have to be right of center or left of center to understand that nuclear war is insane. That just takes a brain. So it is not about ideology.

If you listened to the previous speakers who stood in the well in opposition to this amendment, their entire argument is predicated upon the psychotic notion that we can as human beings fight a nuclear war. If you want to preserve the life of the people who have come here to see how we make decisions about the future of themselves and their children and their children's children, you do not do that by acting like some kind of a technocrat—this exchange, that exchange, this stratosphere, that atmosphere. You do it by coming down cleanly on the position that war is no longer a viable option in a nuclear age and the rational mind must come to that.

We cannot continue to talk about nuclear war as if we are firing M–1 rifles at each other. We are talking about nuclear winter—millions of human lives being lost. Most of the children in this country fear the position that the gentlemen have talked about—that we can talk about war.

Do not show me any fictional books. Do not bring me your historical Ph.D.'s. Talk about the reality that this world is in significant danger and the only thing that can take us out of that danger is when we develop the toughness to say that war is not an option.

This pseudo-macho mentality is no longer relevant with nuclear weapons as a reality on this planet.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. DORNAN].

□ 1440

Mr. DORNAN of California. Mr. Speaker, I do not know of anyone in this Chamber who wants war, glorifies war, or thinks that unleashing a nuclear war upon the planet isn't insane.

However, this battle is over trust not ideology. It is over whether free people in a democracy can afford to trust a totalitarian power that has abused freedom and decency and the simple word "truth" since 1917.

I think we need to pull way back from what we were discussing. I would like to make a little Homeric reference here.

Homer lived hundreds of years after the "Iliad" and the "Odyssey," but there is a very simple little classical story that I think some people across this country, if not in this Chamber, would appreciate, that describes a time when the Greeks were trapped in a cave with a fictional character, the giant Cyclops, and he was eating them one at a time.

What did they decide to do, besides get him drunk? They wanted to blind him. They went after his one eye. He did not have to be a Cyclops, he could have had two or three eyes. The principal intelligence objective they had was to take away his vision. Then the Greeks even used him toward their end, and they had him roll back the stone where he had them trapped and was going to consume one after the other.

My father bailed out a barrage balloon in World War I. He was not a balloon officer, he was an artillery officer. What was he doing up there? Watching troop movements on the other side of the line.

If you have a younger Soviet brigadier general whose brother is leading tanks through the Fulda Gap do you think that he will not tell them to blind the satellites that are guiding those troops or those ships that Mr. GINGRICH talked about? What the gentleman is saying is that he is expecting me to believe and trust that the Soviets are not at this minute doing everything that they can on the ground, to prepare a series of tests. Of all the

things that we discussed yesterday, trusting them on Asat advancement and R&D is the one thing that I will not do. They are going to try to blind us, or they are not worthy of the title "military superpower."

Mr. BROWN of California. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, all that I was attempting to say, I would say to my colleague from Georgia and my colleague from California, is that we should not continue here to ideologically characterize each other's argument. This issue transcends ideology. We ought to be able to challenge each other on the integrity of our ideas.

The second point that this gentleman is trying to make is that we do not pursue peace by preparing for war with more exotic and dangerous nuclear weapons, but going to the table and significantly trying to bring the world to an arms control agreement is the only thing that will bring peace to this planet.

Mr. KEMP. Mr. Chairman, the Brown-Coughlin amendment purports to be an evenhanded arms control measure. "We will test only when the Soviets test," they say. But the fundamental impact of the Brown-Coughlin amendment is to give the Soviet Union control over the progress of a vital United States strategic program. There are no circumstances under which I could support the passage of any law that had that effect.

This amendment would do more than simply prohibit U.S. Asat tests. In practice, because of the current stage of our Asat development, to extend a moratorium on Asat testing would amount to halting and denying an Asat capability to the United States to counter the system the Soviets already have in being.

The Soviet Union leads in antisatellite systems. They possess the world's only operational Asat. They began testing their Asat as early as 1968, achieving a 70-percent success rate in early tests. Many proponents of this amendment argue that the currently operational Soviet system really isn't very sophisticated. But lack of sophistication does not eliminate the threat of the system. Sophisticated or not, it works.

The Soviets' offensive Asat threat is a serious problem. The existing Soviet Asat is reportedly able to reach an altitude of about 3,000 miles, enabling it to target most United States intelligence satellites and weather monitoring, plus a number of others. If the Soviet Asat were put on a more powerful booster, it could also threaten satellites at higher altitudes.

Antisatellite strikes figure prominently in Soviet strategic planning. In 1982, in the most comprehensive offensive military exercise the Soviets have conducted to date, an Asat was used to practice the destruction of United States satellites, followed by ICBM, SS–20, ABM, and SLBM firings in a simulated strategic first strike.

The Soviets are continuing to improve their Asat capability, built upon the results of many tests they have conducted in the past. As it happens, the United States is at the point that we cannot advance our Asat Program without testing. If the proponents of this amendment are really interested in mutual restraints on Asat, why are they proposing a ban that unilaterally halts the United States program while leaving the Soviets free to continue their Asat development as planned?

This Asat ban is unverifiable. There are many different kinds of systems and emerging technologies that have antisatellite potential. As the Under Secretary of Defense for RDT&E reported to Congress, "The Soviets can test systems with inherent Asat capabilities in a manner that would make it very difficult for the United States to determine that the system was intended for Asat use or even the extent to which such systems constitute realistic threats to our satellites." Moreover, test procedures can be altered in such a way to make them either ambiguous or undetectable.

Because Asat tests are difficult—and sometimes impossible—to verify, we really don't know whether or not the Soviets are honoring their own testing moratorium. There is good reason to believe that they are not. Just last year, Norad detected a launch, to which they assigned the I.D. number 1985–53—the most secretive Soviet space shot in 20 years. To date, the Soviets have refused to discuss the launch. This is not a mere penchant for secrecy; it is also a violation of international law. Because under a multilateral treaty the Soviets signed in the early 1970's, they are under an obligation to register all objects launched into outer space. All the evidence we have been able to gather points to the fact that this was an antisatellite test. If so, it was a violation of the Soviets own self-proclaimed Asat moratorium.

The United States Asat Program is an integral part of our deterrent against any potential Soviet offensive action. For example, the Soviets consider their ability to strike at the United States Navy a key factor in their strategic planning. For this reason, Soviet satellites devoted to ocean reconnaissance and electronic transmission detection are integral to offensive Soviet operations. An effective U.S. Asat capability will be needed to counter the next generation of these satellites.

The Soviets have conducted a major propaganda campaign to popularize their call for a moratorium on Asat testing. Their interest in a moratorium is in direct response to U.S. advances in Asat. During the Carter administration, when we had no active Asat Program but they did, the Soviets evinced no interest whatsoever in a test moratorium. If Congress perpetuates this Soviet proposal in law, we will be legislating a unilateral strategic advantage for the Soviet Union and a mindless approach to the technological advantage that the West has over the closed system of the Soviet Union.

Mr. FRENZEL. Mr. Chairman, I support the Brown-Coughlin amendment which would deny funds for testing of antisatellite weapons, or Asat's.

For both the Soviet Union and the United States, satellites play an integral role in communications, in information gathering, and in defense. The ability of either side to disrupt the vital functions performed by satellites would pose an unacceptable threat.

Neither side now possesses reliable Asat capability. By refraining from developing a potent Asat system as long as the Soviet Union refrains from similar development, the United States can prevent the expansion of the arms race in a new, expensive, and extremely dangerous direction.

The Soviet Union does have an existing antisatellite program. However, it is widely regarded as ineffective. Of 20 tests the Soviets have conducted, 11 missed their target. Their most advanced Asat weapon has failed all six of its tests. In my judgment, and the judgment of many highly qualified experts, the Soviet Asat weapons now in existence are extremely crude and do not present a significant threat to our satellite operations.

Because I believe it is important to prevent expansion of the arms race to now dormant areas, and because our satellites in particular need to be protected from being a target of attack, I support the Brown-Coughlin amendment.

Mrs. LLOYD. Mr. Chairman, this amendment is unfortunate from several different perspectives, and I oppose it for almost the identical reasons I had last year. It remains a classic example of the U.S. Congress shooting itself in the foot. The Soviets already have an operational Asat system.

It is ill-advised because it naively ignores the asymmetry regarding openness between the United States and the Soviet Union. The Soviets would clearly have a far easier time verifying compliance with limitations on the United States Asat system than we have on the Soviet system. For example, it is not clear how many Soviet interceptors or boosters have been manufactured and the U.S.S.R. can easily maintain a covert inventory of interceptors.

This amendment also blurs the issue of the difficulty with verification for Asat systems. For example, ground-based laser test of an Asat weapon in the U.S.S.R. can be readily concealed. Also, determining whether test articles in space have been damaged or how they have been damaged is extremely difficult.

This amendment does not appear to recognize the additional deterrent strength which the United States would have with an operational Asat capability so that we could respond in kind to the Soviet destruction of a U.S. satellite without further escalation.

Finally, this amendment could obviously constrain elements of the strategic defense initiative [SDI] program, since it is well known that Asat systems are strongly linked to SDI technologies through ballistic missile defense [BMD] requirements. As the OTA background paper prepared by Dr. Carter of MIT emphasized, there is a strong connection between directed energy weapons technologies, including lasers and particle beams, and kinetic energy weapons, such as rail guns and "smart rocks," and the development of potent antisatellite weapons. There is no delineation by the two gentlemen as to how this prohibition might affect elements of the SDI program. In fact, they may prefer that it have a definite inhibiting effect. I maintain that this amendment undermines the U.S. capability to perform

RDT&ET on promising BMD systems for SDI, arrests progress on our own Asat development and blurs the focus in terms of delineating a clear U.S. arms control position on defensive systems.

As Paul Nitze has stated:

Banning Asat-capable systems presents great difficulties. Once an Asat weapon such as the Soviet co-orbital Asat has reached operational stage, monitoring its deployment is a difficult matter. Even where we define a way to limit the declared U.S. and Soviet Asat systems, most satellites will still be vulnerable to attack, especially by nuclear weapons.

As in the past, this amendment raises questions without qualification about what systems should be limited. I believe that these complex matters are better left to the negotiators at Geneva to sort out very deliberately.

I hope that my colleagues will defeat this amendment.

Mr. MOAKLEY. Mr. Chairman, I rise in strong support for the Brown-Coughlin amendment to keep the cap on antisatellite weapon [Asat] testing.

Both the United States and the Soviet Union rely on satellites for peaceful support and security functions. Satellites have enabled the superpowers to coexist. Asat's will threaten these peacekeepers and turn every satellite malfunction and computer breakdown into a pretext for war. Asat's will place Armageddon on a hair trigger.

Mr. Chairman, a vote against the Brown-Coughlin amendment is a vote against sensible arms control.

A mutual moratorium on Asat testing clearly is in the best security interests of the United States. Let's move forward on arms control—not backward. Support the Brown-Coughlin amendment.

Mr. JEFFORDS. Mr. Chairman, I rise in support of the Brown-Coughlin amendment to extend the current ban on testing of antisatellite [Asat] weapons against an object in space.

The moratorium on Asat testing has been the one area of successful limitation of the arms race in recent years. As part of the Department of Defense authorization bill for fiscal year 1986, Congress enacted a moratorium on all tests against an object in space, providing the Soviets conducted no antisatellite weapons tests. This moratorium has been preserved for almost a year now. It is imperative that we preserve this successful aspect of nuclear weapons control.

As has been stated many times in this debate, the Soviets have an Asat system currently in place. However, this system is very crude and has performed poorly in the few tests that were conducted prior to 1982. The primary Soviet Asat system, which is effective only against satellites in low orbit, requires the launching and maneuvering of a satellite to knock out the target satellite and can be easily outwitted by countermeasures.

Because of the highly technical and advanced nature of our communications and intelligence systems, we are much more dependent upon satellites than is the Soviet Union. Therefore, any escalation in Asat capabilites presents a greater threat to our defense systems than to those of the Soviet Union. Maintenance of the status quo at this time serves our own purposes much more than those of the Soviets.

The continuation of our present policy of an Asat testing moratorium certainly serves our national security interests. I urge all of my colleagues to support the Brown-Coughlin amendment

Mr. DARDEN. Mr. Chairman, I rise in strong opposition to this amendment.

This year the Armed Services Subcommittee on Research and Development has spent hours in hearings, discussion, and consideration on antisatellite programs. We discussed every conceivable solution and option, and recommended funding and language we believe is most appropriate to meet the threat posed to our satellites.

Let me review the committee actions. First, the Air Force requested almost $278 million for the space defense system. Our committee believed this to be excessive. We cut almost $138 million from the Asat Program, only funding $140 million.

We also placed restrictions on the testing of the Asat system. Under the committee bill, a moratorium on testing Asat would be implemented if and when the Soviet Union dismantles their already operational antisatellite system.

Our committee report language states that the dismantling of the Soviet Asat system is the next logical step the Soviets should take if they are serious about the Asat test ban they have sought for several years. If the Soviets sincerely want an Asat test ban, let them dismantle their operational system, and we'll discontinue our research efforts.

Mr. Chairman, the concept of an American antisatellite system was originated by President Carter in 1977. President Carter, incorrectly perceived by many, including the current administration, to be weak in the area of national defense, was not seeking to escalate the so-called arms race in space. The President was merely reacting to a Soviet antisatellite system.

The Russians began testing their Asat in 1968. At this point, they have conducted 20 tests, compared to our 3. It has even been reported that the Soviets have developed a quick-reaction Asat system by which they can fuel a rocket, bearing a killer-satellite, and launch within 90 minutes. The Department of Defense has also established that the Soviets have at least two ground-based lasers with Asat capabilities. With these facts, there is no doubt why President Carter made such a recommendation.

Mr. Chairman, some of our colleagues oppose the concept of an antisatellite weapon system. Probably the most prevalent argument is the fear of militarizing space. These folks are legislating with blinders on if they are not cognizant of the fact that space is already militarized. Of the approximately 2,500 launches made by the United States and the U.S.S.R. between 1957 and 1984, almost two-thirds have been for military or joint military/civilian purposes—including communications, reconnaissance, electronic intelligence, early warning notification, and nuclear explosion detection.

Even the People's Republic of China and India have launched satellites thought to be related to the development of a reconnaissance capability.

Mr. Chairman, it is sad but true—space is already militarized, and has been for a long time.

Another argument used by the opponents of Asat is the fear of escalating a weapons race in space. Mr. Chairman, if there is a weapons race in space, it was originated by the Soviets. The Armed Services Committee recommendation calling for a testing moratorium when the Soviets dismantle their operational system, will end any antisatellite weapons race in space.

Mr. Chairman, the estimated cost of our current Asat Program is insignificant compared to the advantages it will yield.

The current miniature homing vehicle concept may not be our ultimate antisatellite weapon, but at this time it is the quickest and most effective possibility for rapid deployment of an operational system to counter the Soviets. If this system is to prove effective, it must be tested.

Mr. Chairman, our current space defense system has only been tested three times. The last test, in September 1985, was termed "flawless." If we are to match the Soviets in the ability to destroy satellites, we must continue to allow this weapon system to be tested. I urge my colleagues to defeat this amendment and let us continue with testing this much needed antisatellite system.

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Illinois [Mr. HYDE].

The CHAIRMAN pro tempore (Mr. RUSSO). The gentleman from Illinois [Mr. HYDE] is recognized for 4 minutes.

Mr. HYDE. Mr. Chairman, just a couple of comments. The gentleman from Connecticut said that we are messing up space. Space gets messed up when the Soviets launch an SS-18 or an SS-25 or an SS-24, because they pass through space.

This amendment of the gentleman from California [Mr. BROWN] offers the Russians a deal that they can hardly refuse. They get to keep their operational satellite, and we will not get to test our satellite, which we do not have, and we will never get one. Now that is a deal that they can hardly refuse.

They have got an operational Asat weapon, that was referred to as a "clunker" by the gentleman, the distinguished arms controller from Oregon. Well, it can render our command, control, and communication facilities deaf, dumb, and blind, and with our shuttle and launch problems we are particularly vulnerable.

It comes down to a question of prudent deterrence. Can we retaliate against an attack on our satellites without escalating to nuclear? This denies us a proportional response; it denies us any response.

There is an old political saying, "You can't beat somebody with

nobody." If they were to attack our satellites, we would have nobody to respond.

The gentleman from Oregon somehow thinks that giving away the store is an achievement. He thinks that unilaterally restraining us from developing an antisatellite weapon is a great accomplishment. I would just parenthetically suggest that the gentleman never respond to being beckoned by someone in an alley wanting to sell him costume jewelry out of the trunk of his car.

We are trying to catch up with the Soviets. We are playing catchup football. History, literature, common sense, and experience say that they will shoot down our satellites when it suits them, and restraint will not bother them.

If one wanted to sloganize this whole debate, one could say for the gentlemen on the left, "Weakness is strength." That is what they are telling us, "Restraint is contagious," "Parity is provocative," and "Arms control by example—if we won't, somehow they won't."

Now if you believe all that, then the amendment of the gentleman from California [Mr. BROWN] is terrific, and support it. I do not believe all that. I think that we are in great difficulty if they blind us. They will do it when they want to, and we are left without an arrow in our quiver or a bullet in our gun. I just do not know what our response will be except nuclear.

Do not do this to us. Do not unilaterally disarm us. We are being told we cannot develop a weapon that they already have, and we are told if we do, it is provocative.

Well, if we do not, it is provocative. In my judgment weakness is provocative, and at some point we are not going to have any weapons left at all when the gentlemen on the left get finished. So I hope and pray that somehow some common sense will filter through and we will have an equivalent antisatellite weapon as they do.

If you think that restraint is somehow contagious and that they are going to restrain themselves because we do not have the weapon, then indeed fantasy has taken over.

Mr. BROWN of California. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I appreciate the gentleman's yielding.

Mr. Chairman, I would respond to my friend, the gentleman from Illinois [Mr. HYDE], who mentioned my name, and I must respond because of what he said, that this amendment is not unilateral. I think that the Members know it. If they read the amendment, they will know that it is not unilateral. It says that our side will not test against objects in space if their side does not test against objects in space.

Mr. HYDE. But they have a system.

Mr. AUCOIN. Mr. Chairman, I have the time.

Mr. Chairman, on the question of trust, which the gentleman from California mentioned, the only person whom you have to trust is your President, who under this amendment must certify that the Soviets have tested, and if he does so certify, then the lid that the Brown-Coughlin amendment imposes upon our flight tests is lifted.

The gentleman says that they have an operational system. Let me state how operational that system is. Leslie Dirks, a former CIA Director for Research and Technology, said, "The Soviet Asat weapon doesn't work. Anyone who has followed it closely would have to agree."

They have not tested this unworkable system since 1982. We now have a restraint on our side. It is in the interests of both superpowers to not test and let either side develop a system that could put in jeopardy the early warning of satellites of America or the other side.

Mr. BROWN of California. Mr. Chairman, I yield 1 minute to my distinguished colleague and cosponsor of the amendment, the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Chairman, the opponents of this amendment make two arguments. The first is that the Soviets have a system and we do not. There is a real question as to whether the Soviets have a system. They do not have a system that can blind us. It is not effective against our high-orbiting satellites, and our low-orbiting satellites can be defended against the system that they have now. So they do not have a capable system that can blind us.

Second, the argument is made that we have to have the capability to destroy their satellites. But if we develop that capability, then they are going to develop the capability of destroying our satellites and accomplish just what we do not want to have happen to our most important defense resources, and that is our satellite capability.

Mr. BROWN of California. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, I think that the debate has not uncovered much that is very new. Let me add an additional quotation with regard to whether or not the Soviets have an operational Asat capability. This is from a statement by Gen. Lew Allen, Air Force Chief of Staff at the time we began debating this a few years ago: "I think our general opinion is that we give it a very questionable operational capability. . . . They have not had a test program that would cause us to believe it is a very credible threat." That test program is shown on this chart. Over half the tests have failed, including all the last six tests. If you were testing a U.S. system, you would not declare it operational under those circumstances. You might declare a Soviet system operational, but not a U.S. system.

□ 1450

With regard to the system itself, the only change in the last year is that the programmed 112 Asat missiles have been cut back to 35, the two proposed bases have been cut back to one base, and the cost has been adjusted marginally down from 1,000-percent increase over original estimates to only about 800 percent over original estimates.

The likelihood is that if we vote this moratorium one more time, they will get sensible and spend their money on a good R&D program, which is what I have advocated from the beginning.

The CHAIRMAN pro tempore. (Mr. RUSSO). All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. BROWN].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 197, not voting 12, as follows:

[Roll No. 337]

AYES—222

Ackerman	Coyne	Gray (PA)
Akaka	Crockett	Green
Alexander	Daschle	Guarini
Anderson	Dellums	Gunderson
Annunzio	Derrick	Hall (OH)
Anthony	Dicks	Hamilton
Aspin	Dingell	Hawkins
Atkins	Dixon	Hayes
AuCoin	Dorgan (ND)	Hefner
Barnes	Dowdy	Hertel
Bates	Downey	Horton
Bedell	Durbin	Howard
Bellenson	Dwyer	Hoyer
Bennett	Dymally	Hughes
Berman	Early	Jacobs
Biaggi	Eckart (OH)	Jeffords
Boehlert	Edgar	Johnson
Boggs	Edwards (CA)	Jones (NC)
Boner (TN)	Evans (IA)	Jones (OK)
Bonior (MI)	Evans (IL)	Jones (TN)
Bonker	Fascell	Kanjorski
Borski	Fazio	Kaptur
Bosco	Feighan	Kastenmeier
Boucher	Fish	Kennelly
Boxer	Florio	Kildee
Brooks	Foglietta	Kleczka
Brown (CA)	Foley	Kolter
Bruce	Ford (MI)	Kostmayer
Bryant	Ford (TN)	Lantos
Bustamante	Frank	Leach (IA)
Carper	Frenzel	Lehman (CA)
Carr	Garcia	Lehman (FL)
Chandler	Gaydos	Leland
Clay	Gejdenson	Levin (MI)
Clinger	Gephardt	Levine (CA)
Coelho	Gibbons	Long
Collins	Glickman	Lowry (WA)
Conte	Gonzalez	Luken
Conyers	Gordon	Lundine
Cooper	Gradison	MacKay
Coughlin	Gray (IL)	Manton

Markey	Perkins	Staggers
Martinez	Pickle	Stallings
Matsui	Porter	Stokes
Mavroules	Price	Studds
Mazzoli	Pursell	Swift
McCloskey	Rahall	Synar
McCurdy	Rangel	Tauke
McHugh	Regula	Torres
McKernan	Reid	Torricelli
McKinney	Richardson	Towns
Meyers	Ridge	Traficant
Mica	Rodino	Traxler
Mikulski	Roe	Udall
Miller (CA)	Rose	Vento
Miller (WA)	Rostenkowski	Visclosky
Mineta	Roukema	Volkmer
Mitchell	Roybal	Waldon
Moakley	Russo	Walgren
Moody	Sabo	Watkins
Mrazek	Scheuer	Waxman
Murphy	Schneider	Weaver
Natcher	Schroeder	Weiss
Neal	Schumer	Wheat
Nowak	Seiberling	Whitley
Oakar	Sharp	Whitten
Oberstar	Sikorski	Williams
Obey	Slattery	Wirth
Olin	Smith (FL)	Wise
Owens	Smith (IA)	Wolpe
Panetta	Snowe	Wyden
Pease	Solarz	Yates
Penny	Spratt	Yatron
Pepper	St Germain	Zschau

NOES—197

Andrews	Fuqua	Monson
Applegate	Gallo	Montgomery
Archer	Gekas	Moorhead
Armey	Gilman	Morrison (WA)
Badham	Gingrich	Murtha
Barnard	Goodling	Myers
Bartlett	Gregg	Nelson
Barton	Hall, Ralph	Nichols
Bateman	Hammerschmidt	Nielson
Bentley	Hansen	Ortiz
Bereuter	Hartnett	Oxley
Bevill	Hatcher	Packard
Bilirakis	Hendon	Parris
Bliley	Henry	Pashayan
Boulter	Hiler	Petri
Breaux	Holt	Quillen
Broomfield	Hopkins	Ray
Brown (CO)	Hubbard	Rinaldo
Burton (IN)	Huckaby	Ritter
Byron	Hunter	Roberts
Callahan	Hutto	Robinson
Carney	Hyde	Roemer
Chapman	Ireland	Rogers
Chappell	Jenkins	Roth
Chappie	Kasich	Rowland (CT)
Cheney	Kemp	Rowland (GA)
Coats	Kindness	Rudd
Cobey	Kolbe	Saxton
Coble	Kramer	Schaefer
Coleman (MO)	Lagomarsino	Schuette
Coleman (TX)	Latta	Schulze
Combest	Leath (TX)	Sensenbrenner
Courter	Lent	Shaw
Craig	Lewis (CA)	Shelby
Crane	Lewis (FL)	Shumway
Daniel	Lightfoot	Shuster
Dannemeyer	Lipinski	Siljander
Darden	Livingston	Sisisky
Daub	Lloyd	Skeen
Davis	Loeffler	Skelton
de la Garza	Lott	Slaughter
DeLay	Lowery (CA)	Smith (NE)
DeWine	Lujan	Smith (NJ)
Dickinson	Lungren	Smith, Denny (OR)
DioGuardi	Mack	Smith, Robert (NH)
Donnelly	Madigan	Smith, Robert (OR)
Dornan (CA)	Marlenee	Snyder
Dreier	Martin (IL)	Solomon
Duncan	Martin (NY)	Spence
Dyson	McCain	Stangeland
Eckert (NY)	McCandless	Stenholm
Edwards (OK)	McCollum	Strang
Emerson	McDade	Stratton
English	McEwen	Stump
Erdreich	McGrath	Sundquist
Fawell	McMillan	Sweeney
Fiedler	Michel	Swindall
Fields	Miller (OH)	Tallon
Franklin	Molinari	Tauzin
Frost	Mollohan	Taylor
		Thomas (CA)
		Thomas (GA)
		Valentine
		Vander Jagt
		Vucanovich
		Walker
		Weber
		Whitehurst
		Whittaker
		Wilson
		Wolf
		Wortley
		Wright
		Wylie
		Young (AK)
		Young (FL)
		Young (MO)

NOT VOTING—12

Boland	Fowler	Moore
Burton (CA)	Grotberg	Morrison (CT)
Campbell	Hillis	Savage
Flippo	LaFalce	Stark

□ 1500

The Clerk announced the following pair:

On this vote:

Mr. Morrison of Connecticut for, with Mr. Campbell against.

Mr. WHITTAKER changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BOLAND. Mr. Chairman, on rollcall 337, the Brown-Coughlin antisatellite amendment [Asat], I am not recorded. I was unavoidably detained on committee business in another part of the Capitol.

Had I been present for the rollcall, I would have voted "aye." On June 26, 1985, on the identical amendment, I am recorded as voting "aye."

The CHAIRMAN pro tempore. Pursuant to House Resolution 531, it is in order for the gentleman from California, [Mr. DELLUMS] or his designee, to offer an amendment contained in House Report 99-766 relating to funding levels, which shall not be subject to amendment or to a demand for a division of the question but shall be debatable for 1 hour equally divided and controlled by the proponent and a Member opposed thereto.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DELLUMS: At the end of section 2 (page 2, after line 15), add the following new section:

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to authorize appropriations for the Department of Defense for fiscal year 1987 at levels consistent with a strong national defense and a sound national economy;

(2) to minimize the risk of nuclear confrontation;

(3) to eliminate areas of waste and abuse in the budget of the Department of Defense for fiscal year 1986;

(4) to provide for improved military personnel policies designed to enhance readiness and morale; and

(5) to make other improvements in the management of the Department of Defense.

Sections 101, 102, 103, and 104 are amended to read as follows:

SEC. 101. AUTHORIZATION OF APPROPRIATIONS, ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1987 for procurement of aircraft, missiles, weapons and tracked combat vehicles, ammunition, and for other procurement for the Army as follows:

For aircraft, $1,922,700,000.

For missiles, $1,921,200,000.

For weapons and tracked combat vehicles, $2,193,600,000.

For ammunition, $2,254,000,000.

For other procurement, $6,169,000,000.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS.

Funds are hereby authorized to be appropriated for fiscal year 1987 for procurement of aircraft, weapons (including missiles and torpedoes), naval vessels, and for other procurement for the Navy and Marine Corps as follows:

For aircraft, $7,828,300,000.

For weapons (including missiles and torpedoes), $3,833,400,000.

For naval vessels, $4,625,200,000.

For other procurement, $6,538,800,000.

For procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons), $1,565,000,000.

SEC. 103. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1987 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

For aircraft, $12,081,400,000.

For missiles, $6,610,400,000.

For other procurement, $10,900,300,000.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1987 for procurement by defense agencies in the amount of $1,488,400,000.

At the end of title I of division A (page 33, after line 17), add the following new sections:

SEC. 128. LIMITATION ON ARMY PROCUREMENT.

None of the funds appropriated pursuant to authorizations of appropriations in this title may be obligated or expended for the Pershing II missile program.

SEC. 129. LIMITATION ON NAVY PROCUREMENT.

None of the funds appropriated pursuant to authorizations of appropriations in this title may be obligated or expended for the sea-launched cruise missile program.

SEC. 130. LIMITATIONS ON AIR FORCE PROCUREMENT.

None of the funds appropriated pursuant to authorizations of appropriations in this title may be obligated or expended for—

(1) the MX missile program;

(2) the ground-launched cruise missile program;

(3) the B-1B bomber program; or

(4) antisatellite weapons.

SEC. 131. PROHIBITION OF ACQUISITION OF BINARY CHEMICAL WEAPONS.

None of the funds appropriated pursuant to an authorization of appropriations in section 101 may be obligated or expended to purchase binary chemical weapons.

Section 201 is amended to read as follows:

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) Funds are hereby authorized to be appropriated for fiscal year 1987 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

For the Army, $4,446,700,000.

For the Navy (including the Marine Corps), $7,896,800,000.

For the Air Force, $9,748,200,000.

For the Defense Agencies, $4,135,300,000.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1987 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

At the end of title II of division A (page 68, after line 4), add the following new sections:

SEC. 215. LIMITATION ON FUNDS FOR THE ARMY.

None of the funds appropriated pursuant to an authorization of appropriations in section 201 may be obligated or expended for—

(1) the Pershing II missiles program; or

(2) the ballistic missile defense program.

SEC. 216. LIMITATIONS ON FUNDS FOR THE NAVY.

None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for—

(1) the Trident II missile program; or

(2) the sea-launched cruise missile program.

SEC. 217. LIMITATIONS ON FUNDS FOR THE AIR FORCE.

None of the amount appropriated pursuant to the authorization in section 201 for the Air Force may be used for—

(1) the MX missile program;

(2) the ground-launched cruise missile program;

(3) the B-1B bomber program; or

(4) antisatellite weapons.

SEC. 218. LIMITATIONS ON FUNDS FOR THE DEFENSE AGENCIES.

None of the amount appropriated pursuant to the authorization in section 201 for the Defense Agencies may be used for antisatellite weapons.

SEC. 219. PROHIBITION OF DEVELOPMENT OF BINARY CHEMICAL WEAPONS.

None of the funds appropriated pursuant to an authorization of appropriations in section 201 may be obligated or expended for research, development, test, or evaluation of binary chemical weapons.

SEC. 220. STRATEGIC DEFENSE INITIATIVE FUNDING LIMITATIONS.

(a) SDI ACTIVITIES TO BE CONSISTENT WITH 1972 ABM TREATY.—None of the funds appropriated or otherwise made available for research, development, test, and evaluation for fiscal year 1987 shall be available for activities of the Strategic Defense Initiative Organization of the Department of Defense (hereinafter in this section referred to as the "SDIO") for any activity that is not fully consistent with the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems between the Soviet Union and United States (the "ABM Treaty").

(b) LIMITATION ON DEMONSTRATION PROJECTS.—None of the funds appropriated or otherwise made available for fiscal year 1987 for the SDIO may be used for—

(1) any technology demonstration project;

(2) any major experiment; or

(3) any activity that involves engineering hardware for operational testing.

(c) LIMITATION OF FY87 FUNDS FOR THE SDIO.—Of the funds appropriated or otherwise made available for the Department of Defense for fiscal year 1987 for research, development, test, and evaluation, not more than $1,016,000,000 shall be available for the SDIO.

Sections 301 and 302 are amended to read as follows:

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) Funds are hereby authorized to be appropriated for fiscal year 1987 for the military functions of the Department of Defense for operation and maintenance in the amount of $74,282,000,000.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1987 such additional sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in such subsection;

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by subsection (a).

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1987 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital funds, in the amount of $1,860,000,000.

At the end of title III of division A (page 85, after line 12), add the following new section:

SEC. 314. ELIMINATION OF NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE.

None of the funds appropriated pursuant to an authorization of appropriations in section 301 may be obligated or expended for the National Board of the Promotion of Rifle Practice.

Sections 401, 402, and 403 are amended to read as follows:

SEC. 401. ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1987, as follows:

(1) The Army, 751,300.

(2) The Navy, 541,050.

(3) The Marine Corps, 192,500.

(4) The Air Force, 565,800.

SEC. 402. AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE.

(a) For fiscal year 1987 the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 398,010.

(2) The Army Reserve, 291,900.

(3) The Naval Reserve, 94,000.

(4) The Marine Corps Reserve, 41,900.

(5) The Air National Guard of the United States, 108,700.

(6) The Air Force Reserve, 63,736.

(7) The Coast Guard Reserve, 10,700.

(b) The average strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

SEC. 403. AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) Within the average strengths prescribed in section 601, the reserve components of the Armed Forces are authorized, as of September 30, 1987, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 19,750.

(2) The Army Reserve, 10,700.

(3) The Naval Reserve, 11,680.

(4) The Marine Corps Reserve, 1,475.

(5) The Air National Guard of the United States, 6,815.

(6) The Air Force Reserve, 545.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed.

Section 404(a) is amended to read as follows:

(a) For fiscal year 1987, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 57,990.

(2) The Navy, 65,130.

(3) The Marine Corps, 18,300.

(4) The Air Force, 46,300.

(5) The Army National Guard of the United States, 7,500.

(6) The Army Reserve, 8,500.

(7) The Naval Reserve, 1,050.

(8) The Marine Corps Reserve, 2,840.

(9) The Air National Guard of the United States, 2,380.

(10) The Air Force Reserve, 1,405.

At the end of title IV in division A (page 88, after line 25), add the following new section:

SEC. 405. INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS.

(a) SENIOR ENLISTED MEMBERS.—The table in section 517(b) of title 10, United States Code, is amended to read as follows:

Grade	Army	Navy	Air Force	Marine Corps
E-9	517	175	80	9
E8	2,296	381	358	74".

(b) OFFICERS.—The table in section 524(a) of such title is amended to read as follows:

Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	2,476	875	476	100
Lieutenant Colonel or Commander	1,240	520	318	60
Colonel or Navy Captain	360	177	189	25".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1986.

At the end of title X in division A (page 239, after line 5), add the following new section:

SEC. 1033. PROGRAMS FOR CONVERSION FROM MILITARY ECONOMY TO PEACETIME ECONOMY.

(a) ASSISTANCE TO COMMUNITIES AND WORKERS.—The Secretary of Defense shall establish programs to provide economic readjustment assistance to communities and workers affected by the reductions in weapons programs and other defense programs provided for under this Act. Such readjustment programs shall provide the means to promote orderly economic adjustment which will—

(1) minimize the dislocation of workers, communities, and industries;

(2) assure that such dislocations do not compound recessionary trends; and

(3) encourage conversion of technologies and managerial and workers skills developed in defense production to projects which serve the civilian sector.

(b) TYPES OF ASSISTANCE.—Assistance which may be provided under programs established under this section includes—

(1) job training and job relocation expenses for workers displaced by termination of defense contracts affected by the reductions in defense expenditures required by this Act;

(2) emergency economic assistance and health care benefits for workers and their families directly affected by such reductions in defense expenditures; and

(3) emergency economic assistance to the communities directly affected by such reductions and defense expenditures, to be made in the form of grants designed to assist in the conversion of industrial plant facilities in the community to use in the civilian sector.

(c) AUTHORIZATION.—For purposes of carrying out programs established under this section, there is authorized to be appropriated to the Department of Defense for fiscal years beginning after September 30, 1986, the sum of $5,000,000,000.

The CHAIRMAN pro tempore. Under the rule the gentleman from California [Mr. DELLUMS] will be recognized for 30 minutes and a Member opposed, the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the Chairman very much.

I now yield, Mr. Chairman, 15 minutes to my distinguished colleague, the gentlewoman from Colorado [Mrs. SCHROEDER].

Mr. DICKINSON. Mr. Chairman, will the gentelwoman yield?

Mrs. SCHROEDER. I yield to the gentelman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. I thank the gentlewoman for yielding.

Mr. Chairman, there was some confusion during the time that the House was coming to order and the Chair was recognizing this Member. I did not know that the gentleman from Massachusetts [Mr. MAVROULES] had also risen in opposition.

Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts [Mr. MAVROULES] be recognized as the Member in opposition to the amendment rather than this gentleman.

The CHAIRMAN pro tempore. The Chair then will recognize the gentleman from Massachusetts [Mr. MAVROULES] for 30 minutes in opposition to the amendment.

The gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 15 minutes.

Mrs. SCHROEDER. Mr. Chairman, the gentleman from California [Mr. DELLUMS] and I are offering a series of amendments which constitute the alternative defense budget. Simply stated, we fully fund what is important to our national security, without all the gold bells and silver whistles that the Pentagon claims are essential.

Our alternative provides a strong national defense with outlays of $265 billion, which is close to where pure Gramm-Rudman-Hollings would put us. How do we do this?

We do it by stopping purchases of weapons which raise the risk of nuclear war. This includes our new generation of nuclear weapons, such as the MX missile and the D-5 missile for the Trident II submarine.

We do it by reducing the number of military units committed to Third World intervention, while fully funding readiness and benefits for members of the Armed Forces. We should not be squandering precious national resources to try to force out a government in Nicaragua or Angola.

We do it by reducing the number of ground troops we have stationed in Europe and Japan. I have a separate amendment just on the troop withdrawal issue. This substitute assumes a realistic drawdown of our troops stationed abroad.

We do it by eliminating duplicative weapons systems, weapons systems which do not work, and weapons systems which have little practical use. First in this list is the strategic defense initiative. Also, systems like AMRAAM and the Bradley fighting vehicle are examples of systems which do not do what they should.

We do it by reforming the procurement process to end waste, fraud, and mismanagement. The procurement reform provisions of title IX are good, sound legislation. But, we are still scratching the surface. What we have to do is break the stranglehold which big defense contractors have on the Pentagon.

We do it by providing the types of benefits for military families which insures that soldiers and sailors do not quit military careers because their families are unhappy.

We do it by creating a capital investment and unemployment conversion program to ensure that the adverse impact on communities from a slow down of defense growth is minimized.

All these parts of our alternative are fully fleshed out in the detailed summary which we published last spring. The amendment we offer now sets new budget levels based on these proposals.

In the area of defense procurement, we cut new obligational authority by $12 billion from the committee bill, from $82 billion to $70 billion. In research, development, test, and evaluation, we go $10 billion below the committee: $26 billion rather than $36 billion.

In personnel, we come in $2 billion lower than the committee because we cut the number of active duty members of the military, not because we take away any pay or benefits. Similarly, we are $8 billion below the committee in operations and maintenance, because of lower force levels.

We believe that this alternative is a serious proposal for a lean and strong national defense.

The central problem with our current defense spending program is that it is not based on clearly defined goals and needs. Our goals seem to include containing Soviet expansion everywhere in the world, propping up friendly governments and toppling unfriendly ones worldwide, controlling all navigable ocean routes, protecting Western Europe from any military engagements, and punishing terrorists. The unfortunate fact is that we cannot afford to fund a military the size we need to meet all these goals.

Rather than poorly meeting our overly ambitious military goals, we should focus on our real military objectives and fully fund those. What are those? One objective is to prevent Soviet expansion into Western Europe. The way we meet that objective is by warning the Soviet Union that an attack on Western Europe is an attack on us and will be answered with our full military might. Three-hundred thousand ground troops neither help send that message nor will do much to stop a Soviet invasion of Western Europe. We can meet our goals in Western Europe without a huge contingent of soldiers stationed on the continent.

This raises the next serious question of why we need an 800,000 person Army. Is a World War II style land war a real likelihood in this nuclear age, I do not, of course, argue for more ready use of nuclear weapons. Rather, low and medium intensity warfare is best waged with a highly mobile Navy and well-trained marines and special operations forces. On the other hand, our Reserve and Guard Force number 1.5 million. It is these forces which will be deployed in the case of an extended land war. These forces can be fully trained and equipped at a cost

substantially less than the cost of maintaining active duty forces.

Similarly, the goal of keeping routes of navigation open is vital, but it does not have to be accomplished by the United States alone. It is in the interest of every trading nation on the globe to have open lines of navigation. Japan has committed itself to protecting sea and air lanes out to 1,000 miles from the Japanese Islands. We should push the Japanese and other nations to field the sort of naval forces necessary to keep the seas free. We need not do it all alone.

Another goal is to have friendly governments throughout the world. We seem to be inclined to try to achieve this goal by funding guerrillas in some places, like Nicaragua and Angola, and by landing soldiers in other places, like Lebanon and Grenada. There is another method of seeking this goal which is not disruptive of world peace. It is called diplomacy. Our budget assumes that we will try this technique, in preference to the projection of military force, to gain friends throughout the world.

The dollar totals in the Dellums-Schroeder are smaller than the committee bill. This does not mean we will have a weaker defense. Rather, these dollars are targeted so that we will have a stronger defense because we will fund those national objectives which make sense and discontinue funding for those that do not.

□ 1525

Mr. MAVROULES. Mr. Chairman, at this time I do not have any requests for time in opposition to the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DELLUMS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before going to my substantive presentation, I would like to preface my remarks by first saying that it was indeed an honor and a pleasure and a privilege to work with my distinguished colleague, the gentlewoman from Colorado [Mrs. SCHROEDER], in attempting to present an alternative budget to my colleagues in this body.

Having said that, I would like to now make another prefacing remark.

I am now serving in my 16th year in the U.S. Congress. One would assume that after 16 years you would become jaded enough and tough enough that you can handle all the talking when Members are attempting to address this august body, and all the frustrations that come with it. But after nearly 16 years in this body, I find myself still frustrated and feeling an incredible amount of pain when the gentlewoman from Colorado was struggling in the well of the House in an attempt to communicate with my colleagues charged with an incredible responsibility, to represent 200-and-some-odd human beings, and making weighted decisions that will impact upon their lives, indeed would determine whether or not there is a planet. I find this incredibly frustrating and extraordinarily painful.

In one sense, I am very pleased that I have not become so jaded and so cavalier that I can overlook these embarrassments, that I can overlook the fact that we can spend more time, with greater attention, to a bill dealing with whether or not we will repeal the law of a 55-mile-an-hour speed limit than we can on determining whether or not life will go forward on this planet. That staggers the imagination and boggles this person's mind.

My second frustration, Mr. Chairman, is after years of offering an alternative budget, we have tried in many creative ways humbly trying to get this body to at least begin to address policy issues on the floor of this Congress, policies that will guide us through this obviously competitive and dangerous period in the evolution of life on this planet in terms of our relationships with the Soviet Union and other countries, but in some ways it appears as if we lack the capacity to sit down with each other rationally and sanely and out of respect and with dignity and address the myriad problems that confront us, war and peace and the proliferation of nuclear weapons.

What issue can be more profound and more important than that question?

But we find ourselves constrained, not in a debate, but within some time limitation that allows one to make a statement and someone else to make a statement, but not to discuss policy.

□ 1535

With all due respect to my colleagues on the Armed Services Committee, and I have served there for 14 of the 16 years that I have been there, there was great hope in the 99th Congress that we would begin to explore policies, that we would not come to the floor simply talking about whose ox is gored, whether you buy this plane or that plane, whether it is manufactured in this State or in that State or in this Member's district or in that Member's district, or for this lobbyist or that lobbyist, or this contractor or that contractor, but that we would rise above that, that we would use our minds and our brains and our capabilities to begin to deal with how we would move into the future; but we have not done that.

So I preface my remarks by underscoring those two frustrations, that we clearly appear not to be willing to listen to each other, irrespective of our ideological positions. I believe that the highest compliment that a human being can pay to another is the respect of giving them your attention, and as Members of Congress, the respect that we can give each other is the dignity of listening to each other's arguments, and if we have the courage and the intellectual acumen and the political will to stand up and challenge those ideas if you oppose them.

I have presented myself on many occasions to debate any of you on the floor of this Congress on these issues, because these issues are important. They transcend party politics. They transcend ideology. These are issues that now go far beyond that. They must now embrace our intellect and our reason.

Against that backdrop, Mr. Chairman, I would make the following remarks with respect to the alternative budget that the gentlewoman from Colorado and I have presented to this floor. Our alternative budget, in our humble opinion, provides for a secure defense and simultaneously allows us to continue to engage in the politics of deficit reduction, but our alternative rejects—rejects, Mr. Chairman, the three tenets upon which this administration has built the most unprecedented military buildup in the history of this country for indeed the history of this planet. Those three tenets are as follows:

One, that we must go beyond nuclear deterrence to the development of a nuclear war fighting capability and first-strike capability, a tenet that we reject.

The second tenet that we must increase our capacity, Mr. Chairman, to intervene and interpose our will on Third World countries, where the issue is not military, but social, political, economic, and cultural, and ultimately must be resolved in that context, not in the context of war and militarism, so we reject that tenet.

The third tenet, that we must prepare, Mr. Chairman, prepare to fight a World War II type war in Europe. We reject that. At an appropriate point in my presentation I will attempt to address them substantively; but at this point let me simply say that our objective, our alternative, embodies several goals:

No. 1, to reduce and ultimately remove from the face of this earth the risk of nuclear war, increasing readiness while cutting forth and committed to Third World intervention, reducing the number of troops stationed in Europe and in Asia, eliminating overlapping and unnecessary duplicative weapons systems.

The Army says, "I must have mine."

The Air Force, "I must have mine."

The Marines, "Give me mine, ad infinitum, billions of dollars going down a rat hole unnecessarily overlapping in redundancies.

Reforming procurement, that allows us to move beyond waste, fraud and abuse, fully funding programs for military families, and finally, as my distinguished colleague pointed out, creating a capital investment and conversion program that moves us away from such a heavy reliance on war and militarism as a way of propping up this very sophisticated economy.

Mr. Chairman, we talk a great deal here on the floor of the Congress about arithmetic. How much real growth are you talking about, 10 percent, 5 percent, 7 percent, 2 percent, 1 percent? We have allowed ourselves to be reduced to auctioneers here, fumbling with numbers.

We started this debate by saying. "What's your bottom line? What's your number?" As if we are the chairman of some board of directors of some corporation charged solely with the responsibility of making profits and not saving human lives.

We understand the importance of budgetary arithmetic. We live in the real world. Gramm-Rudman is a reality, but despite the importance of budgetary arithmetic, it is our belief that defense spending should be based upon what the real threat in the real world is, what our national security needs are and what the international threat really is.

This may shock you, but I believe we ought to spend what is necessary based upon that assessment, but our point of departure is that we disagree with this administration, with many people in this Chamber, with respect to what is indeed necessary and what is indeed that reality at this particular moment.

The politics of deficit reduction and Gramm-Rudman only force us, for budgetary reasons, to do what we ought to be doing on the military budget for national security reasons and that is, simply stated, to develop a military budget rationally, sanely, cogently, compassionately, humanely and intelligently on the basis of what should be our military policy as we move rapidly toward the 21st century.

Gramm-Rudman and deficit reduction should not be the bottom line of what the military budget is about. We need to talk about policy, so Gramm-Rudman has only forced us to do what we should have been doing.

But the great tragedy, Mr. Chairman, is even Gramm-Rudman has not forced us to do this. We are still talking about numbers.

"Is your number 292?" That makes you all-American. If your number is 285, you are a Communist-inspired pinko on the left. These are absurdities. This burlesques the process. It demeans what we are about here.

In our view, the national security role of this country ought to be to exert international leadership, we are a powerful Nation, to bring the world closer to peace, Mr. Chairman, not move us closer to war.

Military tensions must be eased. Détente must be revived and the threat of nuclear war removed from our lives so that our children can breathe and grow without fear.

Mr. Chairman, to the three tenets that underlie this administration's enormous, incredible buildup, first, that we must move beyond deterrence to the development of a nuclear warfighting capability, let me address that. No sane mind can come to the conclusion that we can ever use these weapons. Brilliant scientists have already told us that if the genie is out of the bottle, nuclear winter, death beyond our capacity to understand will evolve. Life as we know it will end on this planet; yet this administration and too many in this Chamber have decided that, no, we must move beyond deterrence. Nuclear weapons are here, so if there is any role for them to play, it is for them never to be used.

So why move toward weapons toward weapons with greater accuracy, greater range and greater capacity to destroy life, first-strike weapons, if our position is that we would never start a nuclear war? Why do you need all these highly accurate missiles to go second if you are talking about going toward the silos that are empty because they fired first?

If we are prepared to accept the psychotic dimensions of a nuclear holocaust, then it makes sense to go toward a first-strike nuclear weapon; but if you agree with me, not as a Democrat, not as a person left of center, but as a human being, a fellow person on this planet, that we cannot go down that road, then first-strike weapons are not only dangerous and bizarre and expensive, but they are totally unnecessary and grossly irrelevant, but we never debate these issues here, never.

Mr. Chairman, I was one of the generations that started going under the table as a result of the bomb we dropped on Hiroshima and Nagasaki. I represent the first generation of children in America frightened to death over the insanity of being evaporated in a nuclear explosion; so this is not some Johnny-come-lately politics. There is an entire generation of us here.

Why develop first-strike war-fighting weapons unless you really believe that the planet can absorb another Hiroshima and another Nagasaki? Anyone who believes that we can contain that is living with their heads in a hole in the ground devoid of reality. You start down that road and the world is engulfed in thermal-nuclear disaster.

We could be macho in World War II when we were simply talking about grenades and M-1 rifles and machine guns, Mr. Chairman. I was a former Marine, but that day is dead. That day is gone. That day is over.

The rational person in this body must come to understand that war is no longer a viable option in a nuclear age. We must reject it, and in rejecting war as a way we resolve problems that exist between and among us as nations, whether it be the Soviet Union or whatever, if we can learn and become mature enough to take war off the table as a mechanism by which we will resolve our differences, the planet can go forward peacefully.

The CHAIRMAN pro tempore (Mr. Russo). The time of the gentleman from California has expired.

Mr. MAVROULES. Mr. Chairman, I yield 5 additional minutes to the gentleman from California.

Mr. DELLUMS. So Mr. Chairman, No. 1, the point is that this administration has built a major part of its military budget buildup on the notion that we must have first-strike nuclear weapons and warfighting nuclear weapons. I say that is insanity. I say that is unnecessary. I say that is dangerous and I say that is expensive.

We cannot tolerate a nuclear war. If we develop first-strike weapons and we threaten the Soviet Union, they develop first-strike weapons, they threaten us; we put star wars in the sky, they put star wars in the sky; they develop more weapons, we develop more weapons; we do research on how to fool their system, they do research on how to fool ours—and who gets hurt? The poor get poorer. The children in this country do not learn to read and write. Illiteracy continues to run rampant. Drug problems continue to manifest themselves because we are busy painting danger in the heavens because we are talking about some kind of war that no rational mind knows we can ever fight.

I believe that we have the human capacity to get beyond that. We do not really debate these issues on the floor. It is communism versus noncommunism. We have problems among our two nations—make no mistake about that. I understand that. We have different value systems. We use different languages, different definitions. There are literally millions of factors that preclude our ability to communicate, but I believe we can get beyond this by not building war as a way of communication. The only thing we communicate is that the planet ultimately will die.

The second point upon which this administration built this military escalation is that we can intervene in the Third World. The problems in Nicaragua are not military problems—they are poverty, hunger, disease, and inadequate education. In this hemisphere, we ought to be willing, Mr. Chairman, not to try to go to war in Central

America, but go to the table to attempt to bring peace, to try to bring resolution.

Mr. Chairman, in Africa, people are starving to death. Will those problems be solved with more nuclear weapons? Why do we need a 600-fleet Navy? Why do we need more aircraft carriers?

I asked a naval commander if we ever went to war with the Soviet Union in the North Atlantic, what would be the life span of a nuclear aircraft carrier?

Without blinking an eye, he said, "Five minutes." Five minutes. A nuclear aircraft carrier costing $3.5 billion, several additional billions of dollars for all the ships that accompany it, billions of dollars for all the planes you put on it, billions of dollars for the personnel that have to man it—or woman it—billions of dollars to keep it floating, so suddenly that $3.5 billion, massive amounts of money, and on the high seas in a conflict with the Soviet Union, a life span of 5 minutes.

□ 1550

So all these aircraft carriers are not about conflict with the Soviet Union. They invite as fast a hit as first-strike silos. So what are we doing? Showing the flag to the Third World, intimidating people who cannot fight us back, when we can win friendship by extending the hands of diplomacy and democracy and dignity and respect, not the threat of war.

The third point: Do you realize, Mr. Chairman, that between one-third and one-half of our entire budget is dedicated to the notion that we can fight a World War II-type war in Europe, when everyone here knows that if we started to throw rocks at each other, NATO and the Warsaw Pact, that it would escalate ultimately to thermonuclear war? So we are spending billions of dollars as if, in some way, we can fight a World War II-type war in Europe. Bizarre at best.

We can solve the problems in Europe without going to war, so we built these tenets. So what we said was, reduce the risk of war. That challenges the Reagan administration's position on first-strike weapons.

We say that we must develop a foreign policy that respects peace and disarmament, human rights and human freedom and human dignity, that you cannot solve the problems of the world militarily on an increasing basis. They do not lend themselves to a military solution. So we challenge that tenet.

If you do, you can look at the budget and you can take out items that perpetuate that. Why do we need a Rapid Deployment Force or Cincom? It is not rapid, it is not deployable, and it is not a force. To challenge the Soviet Union? Bizarre and absurd. To challenge Third World countries? Obviously. But that is immoral.

The SPEAKER pro tempore (Mr. RUSSO). The time of the gentleman from California [Mr. DELLUMS] has expired.

Mr. MAVROULES. Mr. Chairman, I yield 4 additional minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, finally, we are attempting to challenge the assumptions upon which this budget is built. We are attempting to challenge the assumptions upon which we continue to build our military budget, to get us beyond weapon-system-by-weapon-system, and begin to talk policy, not to posture politically. That is all we are attempting to do here.

I end the way I began, with great frustration. We know that we are not in debate; we are in time limitation because the deal is, get the bill passed, not solve problems. Get the bill passed—not address human misery. Get the bill passed—not move us through this dangerous period in time.

We humbly present this to the body knowing that it would not be considered seriously because time is of the essence; passing the bill is of the essence.

The deal is in, the contracts are made, but that is all right, Mr. Chairman. If it is the will of our constituency, we will be back next year and the year after that, and every year that we have to, to try to bring this world to peace and security for our children and our children's children.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I appreciate the gentleman's yielding.

Mr. Chairman, I wish to point out that there is a part of this bill that has been spun off and is with another bill in conference right now which several of us have been working on going onto 4 years, which will address policy issues. It will address solving problems, not all of the problems, not on the level of which the gentleman has been, particularly in the latter part of his remarks, but they do address policy issues and the solving of problems within the military sphere.

These will be the reorganization, both of the Joint Chiefs of Staff, and also the reorganization basically of the commanders in chief and the others. This is something that is a step in the right direction.

A few moments ago the gentleman talked about—particularly in the first part of his comments—he referred to the different services trying to get their share, trying to get their dollar's worth. The very thing that we have been working on for nigh on 4 years is something that would put an end to that, so we would have a set policy and attempt to cause the four different services to work together to be unified in thinking, to have a jointness in training and approach and all that they do.

Consequently, I would hope that the gentleman would recognize that portion, and minor though it may be, it does consist of some several years of investment in doing the very things, some of which he was talking about, establishing a policy and doing things better.

Mr. DELLUMS. Mr. Chairman, reclaiming my time, let me say that I deeply and profoundly appreciate the gentleman's remarks.

As he well knows, we offered our alternative as an amendment en bloc because there are indeed some good parts of this bill. There is a procurement reform mechanism in this bill that is extraordinary. The gentlewoman from California [Mrs. BOXER] and others worked very diligently on that piece. There are a number of items in the bill.

I am simply saying that we have a long way to go. My ultimate concern is on the question of, "What is the role of nuclear weapons in our lives? Is it to use them, or is it to make sure that they are never used?" That is an important issue, and I think that we have to stop the arms race and redirect our resources. But the gentleman is absolutely correct, and I applaud all of the good efforts that are in this bill. I am simply saying that there is a great deal of danger that we still have to continue to address.

Mrs. BOXER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentlewoman from California.

Mrs. BOXER. Mr. Chairman, I just wanted to thank the gentleman from California and the gentlewoman from Colorado for a very significant contribution to this debate, and to say as simply as I can that they have raised the ultimate issue facing the world today. There can be no winnable nuclear war. I think that their alternative begins to address this issue, and I hope that this body will give it every consideration. I thank them from the bottom of my heart.

Mr. DELLUMS. Mr. Chairman, I would like to thank my distinguished colleague from Massachusetts for his kindness and generosity.

Mr. MAVROULES. Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina [Mr. SPENCE].

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, I rise in strong opposition to this amendment. It is a simple amendment really. It unilaterally disarms your country. It takes away the Trident submarine, B-1 bomber, MX missile, our Asat pro-

gram, SDI, and cuts back on additional systems in many other ways.

Mr. Chairman, in addition, we have been sitting here the past few days debating other amendments which do harm to the defenses of this country. Amendments have been passed which impose more unilateral restraints on our country; amendments dealing with the Nuclear Test Ban treaty SALT II, the ABM treaty, as well as the Asat program. As I said, these amendments and actions necessarily are unilateral because we can't bind the Russians and keep them from adding additional systems to their inventories nor can we require them to cut back on any of their systems or not test any of the systems they want to test.

Mr. Chairman, I have talked to the Russians in meetings before and found out they read very carefully from our CONGRESSIONAL RECORD what is said here on this floor. They will know tomorrow what we are saying, if they don't have the information even tonight.

The point, Mr. Chairman, is that we have a negotiating team in Russia right now, at this moment, and we have had other negotiating sessions with the Russians, but the Russians don't need to negotiate with these people in any meaningful way. The negotiations are being carried on for them right here, on this floor. They don't need a better way of negotiating than what they are having done for them right here on this floor.

Mr. MAVROULES. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, 16 or 17 years ago a preacher who had moved from my hometown to California told me that a fine man was going to represent them from California, Mr. DELLUMS, and he wanted me to see what I could do to be helpful to Mr. DELLUMS. Mr. DELLUMS came here and has been a very outstanding and wonderful Congressman. He has given different perspective to the things that needed to be looked at here. He has done it courageously, and he has done it eloquently, and I congratulate him upon it.

□ 1600

I do not want to say, however, that when you deal with specific things, like whether or not we need aircraft carriers, and whether or not they will be shot down in 5 minutes, in the time we are allotted for these kinds of discussions, that is hardly available here today. This is because we have taken hundreds of hours of testimony on this in the last year or two, and in the years preceding many more hundreds of hours as to the exact complexion the Navy ought to have, whether it should be 600 ships, 500 ships or 1,500 as the Russians have; whether we should have 400 submarines, as the Russians have, or 100, like we expect to have if we get to where we want to go.

There are a lot of great problems in selecting what ought to be in the carrier fleet. Someone may say that a carrier could be shot down in 5 minutes. Of course it could if it got a direct round from a nuclear weapon, no doubt it would do that and so would any airplane strip, or any city, or anything else.

The real problem about the national defense of our country today is the tremendous wasteful redundancy with regard to nuclear weaponry, and the great loss that we have on the other side of not being able to defend ourselves or our country conventionally. That is the greatest challenge this country has from the standpoint of the national defense in the latter part of this century.

It will take us time to recoup from this deficiency. We must do it.

From the analytical criticisms given by the gentleman from California [Mr. DELLUMS] and others, we are prodded to think about these matters. I am grateful that he has brought his bright mind here, and his great spirit to us even though we may not agree on every detail.

Mr. MAVROULES. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, I wish to congratulate the two sponsors of this amendment, the gentleman from California, Mr. DELLUMS, and the gentlewoman from Colorado, PAT SCHROEDER. They are doing us a real service.

In effect, they are calling upon us to take a chance for peace, to take a chance for peace.

I have two reasons for asking my colleagues to join with us, with them.

First, the Russians and we both have the capability of zonking each other back to the Stone Age 100 times over. What difference does it make whether we go from 100 times over to 80 times over? The results of a nuclear happening on the part of either of us are so awesome, are so horrifying, are so unthinkable, that it is hard to believe that a rational chief of state would even contemplate the possibility of a nuclear happening.

The Russians are very conservative, very conservative. They do not take chances. They moved into Afghanistan because they knew that we do not have the conventional forces there to oppose them, and they knew or they thought they were getting a free ride. They never counted on the Afghanies to put up the prodigious resistance they did, with the vital help from us in the way of military hardware.

But they have not marched into the gulf coast area because they know that that is where we probably have drawn a line in the dust, and that they would be risking a nuclear war. They will not tolerate the risk of nuclear war, and neither they, nor the Chinese, nor the Americans could contemplate the risk of a nuclear war.

One reason is because they and we are aware of the reality of what we both call nuclear winter, of the awesome impact on the planet that we inhabit, this tiny globe, this tiny planet Earth, of a major nuclear happening.

There may be some disputes as to whether the nuclear winter will take 6 months, or a year, to move from the Northern to the Southern Hemisphere. There may be some dispute as to whether it is going to reduce global temperatures 6 degrees, 10 degrees, 12 degrees. There may be some dispute as to whether it will last a year or two years and how devastating its effects will be on animal life, on plant life and on human life.

But, the dispute does not take place on the fact that it is an unimaginable, unthinkable tragedy. The only dispute is on how many times, on what order of magnitude this unimaginable, unthinkable tragedy could afflict the Earth.

The very concept of the nuclear winter, the very understanding of how the impact of a major nuclear happening would affect the whole Earth, including the so-called victors—and, of course, there are no victors—is enough to act as a deterrent to any rational chief of state.

The real danger of a nuclear happening comes from one of the certifiably maniacal chiefs of state, the Idi Amins, the Bokassas, the Assads, the Qadhafis.

Let us take a chance for peace and assume that the Russians are just as sane, just as concerned as we are, that they love their Mother Earth just as we love our Mother Earth, that they do not want to go through 20 million Russians slaughtered as they had in World War II. They have been through it.

Mr. MAVROULES. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I listened very carefully to the debate yesterday on SDI, and I have seen the valiant debate brought forward by the gentleman from California [Mr. DELLUMS], and it is really saddening to know that many of his remarks, which were so eloquently made, really had fallen on deaf ears. A lot of people really did not even turn on, and that is the tragedy of this great debate, that the greatest issue of our times is falling on the deaf ears of Congress, and unless we take the time to make sure that every Member has his antenna up, we are going to somewhere down the line, with our children, face the inevitable test, and that test, may God

forsake, would be a catastrophe. The great dichotomy I see is what the President said. He said we need star wars, for example, because of the great threat of the Soviets. But, at the same press conference, Mr. Chairman, he said that once we develop it, to show the good faith of America, we will give this technology to the Soviets.

My God, I think that we have gone from Spielberg to Walt Disney. I think that the amendment brought forward by the gentleman from California [Mr. DELLUMS] and the gentlewoman from Colorado [Mrs. SCHROEDER] must get the attention of this House.

Let us take a look at some facts and some records. In a Newsweek analysis of the respective strengths of both the Soviet Union and America, of the 28 major weapons systems, America is clearly superior in 9, is equal to or has the distinct advantage in 15 others, and trails the Soviet Union in but 4 categories. We have bases in Europe, and God forbid if the Soviet Union would be so dumb as to make that foolish blunder. America would prevail. You know it and I know it, and the Soviets know it.

Let us talk about our strengths. We have a popular President. I have not supported him, but I will give him respect. He is a popular President supported by the American people, and Gorbachev is no fool. He knows that. These people in this country elected the greatest communicator of all time, and we have not put this President to work for us.

Let us let him sit down with Gorbachev. Let us let our side negotiate. We negotiate from a position of strength.

What do we do now? Do we bust the bank with trillions of dollars of expenditures, with unemployment, welfare, food stamps, and a real growing social problem in this country? Do we continue to throw money at it?

The gentleman is exactly right. We do nothing more than move toward a time of a nuclear winter and a nuclear evaporation of human life, carbon units. This is foolish.

We have today an opportunity to maybe get some attention and make an appropriate decision. But I think if we fail to do that, we will definitely have failed all the way.

I thank the gentleman for yielding me this time.

Mr. MAVROULES. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, let me just summarize by saying where I hope we are.

The gentleman from California, whom I really revere as a very dear friend, and I worked very hard on this because we felt it was important that this Congress focus on the whole package of things that really went in a different direction; we looked at the threat of the debt. Never has there been so much talk about a debt, and never has less been done. It seems like the more we talk the more it grows. We looked at the threat of the debt, and we looked at the threat to see if we could not come up with a strong and a lean budget, and that is what I think this is, meeting the Gramm-Rudman criteria.

We also looked at all of our burdens of empire that are out there, so to speak, to see if there was not some way we could save money under that, and that is what we did.

This budget is not based on trust of the Russians. We are spending $265 billion in this budget to be strong. If we trusted the Russians we would not be spending that. We are not saying trust the Russians.

The reason we are saying negotiate with the Russians is because we do not trust them. Is anyone down here saying negotiate with the Canadians? No, because we trust them. The people you negotiate with are the people you do not trust.

This is not a unilateral budget in any way, shape or form. This budget tries to deal with the new problem we have in America, and that is becoming Government contract junkies. We know communities are doing that. They are scared to death to lose some of their hardware, no matter how ridiculous it is, because it becomes jobs.

So we try to talk about conversion and how we get our money back into having a better balance between the economic and civilian side just in case we could ever reach that day.

I think this is a very holistic approach. It is a holistic approach within the guidelines that neither the gentleman nor I voted for. Both of us voted against Gramm-Rudman-Hollings, but we felt obligated to bring it forward.

Mr. MAVROULES. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DELLUMS] to close debate.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we have had a great deal of time to try to make the major points that we wanted to make in this debate. But I simply would like to focus on one point that the gentlewoman from Colorado was alluding to in the course of her remarks a few moments ago.

I, along with the gentlewoman from Colorado, did not vote for Gramm-Rudman. But the majority of my colleagues in this body saw fit to do so.

One aspect of Gramm-Rudman, one portion of that legislation states clearly that if we cannot, in the normal course of events, come to a budget that meets Gramm-Rudman deficit reduction marks, that we shall go to the process known as sequestration where automatic cuts take place.

The Congressional Budget Office stated that if we went to sequestration that the outlay figure would be approximately $265 billion. The outlay figure that we have in this budget is $265 billion. So I think one can intelligently argue that the issue here is not irresponsible numbers, because people who voted for Gramm-Rudman were prepared to go to the very same numbers that we have arrived at.

The issue, Mr. Chairman, is whether you go to that figure through the mindless approach of across-the-board cuts, or whether you rationally and intelligently get to that through a policy discussion.

□ 1615

So the issue here is not the sacrosanct nature of somebody's numbers versus someone else's numbers, because everyone who voted for Gramm-Rudman agreed that if they could not, through the normal course of events come to a budget, that it would eventually come to the very same numbers that are embodied in the proposal offered by the gentlewoman from Colorado and the gentleman from California.

So there is nothing sacrosanct about the numbers; which leads me to the final point: What we have been trying to say here is that we must be guided by policy, guided by what the national threat is and what our national security needs are really all about.

I think our debate with respect to the DOD authorization has in many ways been deficient in that respect; but I continue to hope that some day in the future we will come to grips with it on a more substantive basis than we have in the past.

I thank the Chair, and I thank my colleague for his generosity.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. DELLUMS].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 56, noes 365, not voting 10, as follows:

[Roll No. 338]

AYES—56

Ackerman	Dixon	Lehman (FL)
Bedell	Dymally	Leland
Beilenson	Edwards (CA)	Lowry (WA)
Berman	Ford (MI)	Lundine
Bonior (MI)	Ford (TN)	Markey
Boxer	Frank	Miller (CA)
Clay	Garcia	Mitchell
Collins	Gonzalez	Moody
Conyers	Gray (PA)	Oakar
Coyne	Hayes	Oberstar
Crockett	Kastenmeier	Owens
Dellums	Kildee	Perkins

Rangel	Seiberling	Waxman
Rodino	Stark	Weaver
Roybal	Stokes	Weiss
Sabo	Studds	Wheat
Savage	Towns	Williams
Scheuer	Traficant	Yates
Schroeder	Waldon	

NOES—365

Akaka	Dreier	Kolter
Alexander	Duncan	Kostmayer
Anderson	Durbin	Kramer
Andrews	Dwyer	LaFalce
Annunzio	Dyson	Lagomarsino
Anthony	Early	Lantos
Applegate	Eckart (OH)	Latta
Archer	Eckert (NY)	Leach (IA)
Armey	Edgar	Leath (TX)
Aspin	Edwards (OK)	Lehman (CA)
Atkins	Emerson	Lent
AuCoin	English	Levin (MI)
Badham	Erdreich	Levine (CA)
Barnard	Evans (IA)	Lewis (CA)
Barnes	Evans (IL)	Lewis (FL)
Bartlett	Fascell	Lightfoot
Barton	Fawell	Lipinski
Bateman	Fazio	Livingston
Bates	Feighan	Lloyd
Bennett	Fiedler	Loeffler
Bentley	Fields	Long
Bereuter	Fish	Lott
Bevill	Florio	Lowery (CA)
Biaggi	Foglietta	Lujan
Bilirakis	Foley	Luken
Bliley	Franklin	Lungren
Boehlert	Frenzel	Mack
Boggs	Frost	MacKay
Boland	Fuqua	Madigan
Boner (TN)	Gallo	Manton
Bonker	Gaydos	Marlenee
Borski	Gejdenson	Martin (IL)
Bosco	Gekas	Martin (NY)
Boucher	Gephardt	Martinez
Boulter	Gibbons	Matsui
Brooks	Gilman	Mavroules
Broomfield	Gingrich	Mazzoli
Brown (CA)	Glickman	McCain
Brown (CO)	Goodling	McCandless
Bruce	Gordon	McCloskey
Bryant	Gradison	McCollum
Burton (IN)	Gray (IL)	McCurdy
Bustamante	Green	McDade
Byron	Gregg	McEwen
Callahan	Guarini	McGrath
Carney	Gunderson	McHugh
Carper	Hall (OH)	McKernan
Carr	Hall, Ralph	McKinney
Chandler	Hamilton	McMillan
Chapman	Hammerschmidt	Meyers
Chappell	Hansen	Mica
Chappie	Hartnett	Michel
Cheney	Hatcher	Mikulski
Clinger	Hawkins	Miller (OH)
Coats	Hefner	Miller (WA)
Cobey	Hendon	Mineta
Coble	Henry	Moakley
Coelho	Hertel	Molinari
Coleman (MO)	Hiler	Mollohan
Coleman (TX)	Holt	Monson
Combest	Hopkins	Montgomery
Conte	Horton	Moorhead
Cooper	Howard	Morrison (WA)
Coughlin	Hoyer	Mrazek
Courter	Hubbard	Murphy
Craig	Huckaby	Murtha
Crane	Hughes	Myers
Daniel	Hunter	Natcher
Dannemeyer	Hutto	Neal
Darden	Hyde	Nelson
Daschle	Ireland	Nichols
Daub	Jacobs	Nielson
Davis	Jeffords	Nowak
de la Garza	Jenkins	Obey
DeLay	Johnson	Olin
Derrick	Jones (NC)	Ortiz
DeWine	Jones (OK)	Oxley
Dickinson	Jones (TN)	Packard
Dicks	Kanjorski	Panetta
Dingell	Kaptur	Parris
DioGuardi	Kasich	Pashayan
Donnelly	Kemp	Pease
Dorgan (ND)	Kennelly	Penny
Dornan (CA)	Kindness	Pepper
Dowdy	Kleczka	Petri
Downey	Kolbe	Pickle
Porter	Sikorski	Tauke
Price	Siljander	Tauzin
Pursell	Sisisky	Taylor
Quillen	Skeen	Thomas (CA)
Rahall	Skelton	Thomas (GA)
Ray	Slattery	Torres
Regula	Slaughter	Torricelli
Reid	Smith (FL)	Traxler
Richardson	Smith (IA)	Udall
Ridge	Smith (NE)	Valentine
Rinaldo	Smith (NJ)	Vander Jagt
Ritter	Smith, Denny (OR)	Vento
Roberts	Smith, Robert (NH)	Visclosky
Robinson	Smith, Robert (OR)	Volkmer
Roe	Snowe	Vucanovich
Roemer	Snyder	Walgren
Rogers	Solarz	Walker
Rose	Solomon	Watkins
Rostenkowski	Spence	Weber
Roth	Spratt	Whitehurst
Roukema	St Germain	Whitley
Rowland (CT)	Staggers	Whittaker
Rowland (GA)	Stallings	Whitten
Rudd	Stangeland	Wirth
Russo	Stenholm	Wise
Saxton	Strang	Wolf
Schaefer	Stratton	Wolpe
Schneider	Stump	Wortley
Schuette	Sundquist	Wright
Schulze	Sweeney	Wyden
Schumer	Swift	Wylie
Sensenbrenner	Swindall	Yatron
Sharp	Synar	Young (AK)
Shaw	Tallon	Young (FL)
Shelby		Young (MO)
Shumway		Zschau
Shuster		

NOT VOTING—10

Breaux	Fowler	Morrison (CT)
Burton (CA)	Grotberg	Wilson
Campbell	Hillis	
Flippo	Moore	

□ 1625

Messrs. PETRI, MARLENEE, SIKORSKI, and ST GERMAIN changed their votes from "aye" to "no."

Mr. STUDDS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. RUSSO). Pursuant to House Resolution 531, it is in order for the gentleman from Illinois [Mr. PORTER] or his designee to offer an amendment contained in House Report No. 99-766 relating to chemical weapons, which shall not be subject to amendment or to a demand for a division of the question but shall be debatable for 1 hour equally divided and controlled by the proponent and a Member opposed thereto.

AMENDMENT OFFERED BY MR. PORTER

Mr. PORTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PORTER: Page 27, strike out line 14 and all that follows through line 11 on page 28 and insert in lieu thereof the following:

SEC. 123. CHEMICAL MUNITIONS.

(a) PROHIBITION ON SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS.—Before October 1, 1987, funds appropriated to the Department of Defense for fiscal year 1986 or fiscal year 1987 may not be used—

(1) for procurement (including advance procurement of long-lead components) of binary chemical munitions, including the Bigeye bomb; or

(2) for the establishment of a production base for such munitions.

Page 28, line 12, strike out "(c)" and insert in lieu thereof "(b)".

At the end of title I (page 33, after line 17), add the following new section:

SEC. 128. PROHIBITION ON WITHDRAWAL OF EUROPEAN CHEMICAL STOCKPILE.

United States chemical munitions stored in Europe on the date of the enactment of this Act may not be removed from Europe unless they are replaced with binary chemical munitions stationed on the soil of at least one European member nation of the North Atlantic Treaty Organization.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. PORTER] will be recognized for 30 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes in opposition to the amendment.

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent to yield one-half of my allotted time to the gentlewoman from Maryland [Mrs. BYRON] and that she be allowed to further yield some of her allotted time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. PORTER. Mr. Chairman, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] control 15 minutes of the time allotted to me.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PORTER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is a bipartisan amendment. It is offered by myself, Mr. FASCELL, Mrs. ROUKEMA. It does three things. First, it follows the policy laid down by last year's House vote as represented by the Spratt amendment which was a 2-year delay until October 1, 1987, in production of chemical weapons. It leaves the money in place in the bill. It does not cut funding for research, it does not cut funding for defensive gear and it does not cut funding for production.

What it does is simply delay production of new binary chemical weapons for 1 year. Second, it prevents the withdrawal of our huge chemical deterrent stockpile now pre-positioned in Western Europe. The United States recently agreed, Mr. Chairman, with the West Germans to withdraw all United States chemical weapons from Europe in exchange for German support for new binary chemical weapons never to be deployed.

The United States could only get a commitment from the West Germans to possibly consider deployment in the midst of a European crisis. This agreement fulfills a long-held Soviet objective for a chemical-weapon-free zone

in Western Europe. Under it we withdraw but they keep their chemical weapons in place.

Mr. Chairman, I am absolutely certain that the Congress never intended in authorizing funds for new binary weapons would lead to the unilateral abandonment of our chemical deterrent based in Europe.

□ 1640

General Kroesen, our former commander of the U.S. Army in Europe, is as upset as I am about this. The amendment prevents this from happening.

Third, Mr. Chairman, it gives much needed time to get the Bigeye bomb ready for production. So far, the Bigeye has bombed. After 26 years of development, a recent GAO report issued in May says that, based on meeting its own standards, the Bigeye is the worst weapons system the GAO has ever evaluated, even worse than the Divad. It has failed most of its tests. Its delivery endangered the pilot. It seems to me that we must rethink the entire Bigeye program.

Mr. Chairman, I would ask for support for the amendment then which delays new production for 1 year and prevents the loss of our vital European deterrent.

Mr. Chairman, I reserve the balance of my time.

Mrs. BYRON. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

Mr. Chairman, first, I wish to point out that under the existing and as the former law, you cannot go into final assembly of the binary weapons until October 1, 1987. That is under the prior law, and I think we should remember that.

Mr. Chairman, I would like to review very briefly some of the history of chemical weapons.

We see that it was used in World War I, and used against allies who did not initially possess retaliatory capability. Never in the history of warfare has it ever been used since that time when there has been the possibility of retaliation.

It was used in Yemen by Egypt in the sixties, in Cambodia and Laos by Vietnam in the seventies, and in Afghanistan by the Soviet Union in the eighties, and by Iraq against Iran in the 1980's. Chemical warfare was not part of World War II because there was a deterrent, because the allies had the capability to retaliate.

The Congress asked for a commission, a Chemical Warfare Review Commission. This came forth known as the Stoessel Commission. This commission found that efforts to negotiate a verifiable multilateral treaty barring chemical weapons would be enhanced rather than impeded by modernization with binary munitions.

The commission also found that the present stockpiles' utility and reliability are declining. Existing munitions are flawed and incomplete in their ability to deter.

Third, through the modernization effort, there is an essential first step. More effort is required particularly to develop unmanned delivery systems for use against rear-area targets and to conduct research on defenses against new Soviet chemical weapons.

Finally, the Stoessel Commission found that defensive, protective garments, are not sufficient means to deter a chemical attack.

Thus, Mr. Chairman, we must look at the allegations made by those who would deprive our forces of a chemical deterrent.

First, we in the committee have taken into account the concern about the Bigeye bomb. There was a $72 million request. This was cut to $10 million, and funds were fenced until operations tests were monitored by the GAO and had been concluded and certified.

The Bigeye is only an interim measure. The Department of Defense is also directed to prepare a study on comparative military advantage of that weapons system against standoff weapons.

Second, the force goal provision adopted in the correct NATO body, the Defense Planning Council, has been approved.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, I rise in strong opposition to this amendment.

The issue of binary chemical weapons is once more before the House, and I must urge my colleagues to oppose this amendment which would strike and otherwise unnecessarily restrict funding for the production of binary chemical weapons. The need for a credible chemical weapons deterrent for our Armed Forces is as compelling now as it was last year when the House voted approval of binary weapons if certain conditions were met. The conditions laid down by the Congress have been met.

Specifically, the President certified to Congress that NATO has adopted a binary chemical munitions force goal, that the United States has developed a plan for the deployment of binary chemical munitions under appropriate contingencies with the Supreme Allied Commander Europe and has consulted with other member nations of NATO on that plan.

Additionally, the new binary chemical munitions work. There are not even any claims that the new 155mm binary artillery shell does not work, and the recently touted claims of a GAO study which says that Bigeye doesn't work are based on obsolete data. Furthermore, the House Armed Services Committee's report adequately fences the low level initial production funds for Bigeye until operational tests are completed and the test results are certified to Congress. The committee has also allowed for the General Accounting Office to monitor these tests and to submit its evaluation of the tests to the Committees on Armed Services. In addition to these testing and reporting requirements, the Secretary of Defense is being directed to study long-range binary delivery systems as alternatives to the Bigeye bomb. Surely these are enough new restrictions to ensure that the production and deployment of a modernized chemical weapons deterrent force proceeds in a prudent and safe manner.

Also, as part of the congressionally mandated restrictions from last year, each of the two nontoxic chemicals which combine to form a binary chemical weapon will be stored in separate States during peacetime. Thus, Congress is doing its part in procuring a modern chemical weapons deterrent capability with a minimum risk to soldiers and civilians alike. This cannot be said if we continue to rely on the existing deteriorating stocks of unitary nerve gas weapons.

The votes of the House in 1985 attest to the majority being convinced that a modernized chemical deterrent is necessary and vital to our national security. The House has determined that binary weapons are needed to replace aging and increasingly dangerous existing stocks. Nothing has changed in the interim.

It doesn't make sense to authorize over a billion dollars for defenses against a chemical attack on our troops, and withhold $68.3 million for binary chemical munitions when that capability will deter enemy use of chemical weapons which is the best and only realistic defense.

Our national security and the lives of our troops in the field were compelling reasons for the House to authorize the production of binary weapons last year, and are still compelling reasons to authorize funds for binary chemical weapons this year without further complicating the conditions set forth in the DOD authorization bill as reported by the committee.

Mr. FASCELL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of the amendment offered by my colleague, Mr. PORTER of Illinois. The gentleman is offering a rational and moderate response to correct a very serious national security problem which has been caused by a flawed defense strategy and a flawed weapons system.

The amendment postpones funding of the binary production program, including the Bigeye bomb, for 1 year. Last year a majority in the House voted for a 2-year delay.

Second, the Porter amendment wisely prohibits the unilateral withdrawal of current chemical weapons in Europe.

Our current stockpile of chemical weapons in Europe is an integral part of our chemical deterrent against Soviet use in Europe. DOD's plan to withdraw these weapons and base new ones in the United States amounts to unilateral disarmament of our chemical deterrent currently in Europe. DOD wants us to hand the Soviets something for nothing. The Porter amendment makes sure that doesn't happen.

A vote for the Porter amendment assures that we will not waste money on this program—$160 million requested this year and over $2.5 billion in the next few years—and on the Bigeye bomb, which is the most blatantly flawed weapon system since DIVAD.

The GAO has recommended not once, twice, but three times that we not fund the Bigeye bomb. The GAO's bottom line should be our bottom line and it is the bottom line of the Porter amendment—the Bigeye bomb is not ready for production and should not be funded.

Most recently, just 2 days ago, I received a letter from the GAO which states very clearly, despite DOD's claims to the contrary, that the first phase of the Bigeye bomb's operational testing has not been successful.

For 3 consecutive years, 1982, 1983, and 1984, Congress wisely rejected the Pentagon's request to produce binary nerve gas weapons for sound foreign policy, defense, budgetary, and arms control reasons. During last year's consideration of binary chemical weapons, the Pentagon's nerve gas proposal once again met with considerable opposition. Congress ultimately prohibited all funding for the binary chemical weapons production program during fiscal year 1986 and made any funding after fiscal year 1986 dependent upon several conditions intended to satisfy the most significant objections to the program.

That conditionality approach, drafted by some of our well-intentioned colleagues, failed in the execution and fulfillment of the conditions by DOD. Certification of the Bigeye bomb's readiness for production and binary acceptance by NATO were the key conditions.

The Bigeye bomb's failures and testing problems have now been thoroughly documented by GAO. GAO states categorically that the bomb should not be produced. The NATO certification must also be questioned since it resulted in an agreement to unilaterally withdraw our current chemical stockpile from Europe and seven NATO nations stated that they would not allow deployment of binary weapons. The administration strategy on NATO consultation failed and as the Wall Street Journal put it, the "White House has shot itself in the foot with the West German Nerve Gas Accord."

In promoting the binary production program, DOD has resorted to considerable lobbying efforts—even illegal ones.

In a legal opinion prepared for Chairman BROOKS, chairman of the Government Operations Committee, the GAO has found that Defense Department officials have engaged in illegal lobbying activities and in the misuse of public funds to promote congressional acceptance of the binary nerve gas production program.

We are still in a situation this year where DOD wants to go into binary production despite the fact that the weapons don't work, that they can't be deployed in Europe, that they increase the risks of chemical proliferation and use by terrorists, that they escalate the arms race, and that the administration still has not fulfilled the requirements contained in this year's legislation on binary chemical weapons.

What we have here is not a success story, but a horror story filled with failure after failure, obfuscation, and illegal activities by DOD officials. This binary nerve gas program as presented to us is detracting from our national defense stature rather than adding something useful.

I strongly urge you to support the Porter amendment that delays funding for the binary production program for 1 year and prohibits the unilateral withdrawal of U.S. chemical weapons now in Europe.

□ 1650

Mr. PORTER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, General MacArthur once said, "The story of defeat in battle is summarized in four words: too little, too late."

What we are talking about today is that very danger in Europe of too little, too late.

We have as a policy deterrence and deterrence means to have equality of forces.

Our policy we say that the growing threat for the future is conventional warfare and it is important to have American forces, it is important to have POMCUS stocks, and it is important to have a very substantial presence along with our NATO allies.

Part of the conditions necessary for deterrence is to have on-site chemical weapons. This is the best deterrence we can have against their use by another force. Obviously, putting these weapons 5,000 miles away from the theater is not going to achieve that objective.

I think General Kroesen, a former Commander in Chief of NATO in Europe, summarized it so well when he stated that not having a chemical deterrent in the theater in which it would be used is almost an invitation for Soviet use. That says it more clearly than any other words. I think it illustrates why it is vital that we keep these weapons in the theater so that we do not come up too little and too late, so that we have that deterrent to the use of chemical weapons by the Soviets.

Mrs. BYRON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the House voted in 1985 to modernize our chemical weapon deterrent. To allow time for progress in arms control, the House built in a 2-year delay until October 1, 1987, on final assembly of new chemical weapons. We also imposed restrictions to insure the NATO alliance supported this U.S. effort and that adequate provisions were made for deployment of binary munitions to Europe in a contingency. Finally, we provided for coordinated destruction of the existing lethal unitary munitions by 1994 leading to acquisition by that date of a small, readily deployable binary chemical stockpile only 20 percent the size of the current one.

The Porter amendment would change all of that. The amendment would:

Delete all production funds for the Bigeye bomb.

Delay all use of fiscal year 1986 and fiscal year 1987 funds for the 155mm binary chemical projectile until October 1, 1987.

Delay use of fiscal year 1986 funds for production facilities for the Bigeye bomb until October 1, 1987.

Delay final assembly of the 155mm binary chemical projectile until October 1, 1988.

Delay final assembly of the Bigeye bomb until October 1, 1990.

The delay and equivocation embodied in the Porter amendment sends the wrong signal to the Soviet Union.

The slow, careful approach to binary modernization included in H.R. 4428 reflects the deliberate and carefully considered approach we began last year. It already includes a provision to delay final assembly of binary munitions until October 1, 1987. It also includes restrictions on production of the Bigeye bomb and allows no expenditure of production funds for Bigeye until all operational testing has been completed and the results have been certified by the Secretary of Defense and the GAO.

H.R. 4428 continues the program the House approved last year in an appropriately careful and deliberate way. We should continue that effort for the

same reasons we approved it last year. Now is not the time to back away from chemical modernization.

PROPOSED ARGUMENTS ON CHEMICAL WEAPONS

Before passage of the chemical weapons modernization appropriation, opponents of such modernization—including FASCELL—were adamant that the weapons were dangerous, ineffective, and destabilizing.

In generating support for passage of the appropriation last year, each of those substantive arguments was answered in detail.

It is interesting to note that the opponents seems to have accepted the accuracy and substantial truth of our arguments from last year, since they have shifted significantly the grounds on which they are trying to attack chemical weapons modernization this year.

They do not argue that NATO has not endorsed, at ministerial level and for governments, a force goal requesting the U.S. to produce a modern chemical weapon deterrent as part of our requirement for NATO defense. Instead, they base their argument on the technical procedural grounds that the wrong NATO ministerial group provided the formal approval of the force goal.

Even this argument is specious substantively. As explained by the administration certification, and recorded in detail by NATO officials themselves, the DPC that endorsed the force goal is the North Atlantic Council when constituted to handle defense matters. Opponents completely ignore this substantive point and instead focus on the pure technicality of specific letters in the legislation, notwithstanding the intent of the legislation or the actual NATO constitutional requirements.

In addition, the essence of this argument is twofold: that, if they are technically correct—which we challenge—a matter of alliance and national security should be hostage to a procedural technicality, and second, that the President of the United States is deliberately contravening the legal advice of his staff and experts when he certifies that endorsement by the DPC fulfills the legislative requirement. Again, their approach deliberately ignores and shunts aside the crucial substantive questions of whether these binary weapons are a safer chemical deterrent and whether they are militarily and politically necessary as a deterrent until an effective global ban on chemical weapons can be achieved. Can we assume they concede the substantive accuracy of the need, since they have turned to procedural objection?

Opponents also challenge chemical weapons modernization on the grounds that the Presidential Review Commission staff, in an excess of zeal, exceeded their mandate in lobbying Congress for the passage of chemical weapons modernization legislation. We deny that such excess occurred. At the same time, choosing to attack the action of the Review Commission on the grounds of a procedural error, rather than attacking the substance of the arguments presented, concedes the accuracy of the substance. If there were flaws in the Commission position, the easier and more straightforward indictment would be against the substance, not the indirect approach to try to discredit the work of a distinguished group of senior statesmen on the dubious procedural grounds of hiring staff who were too effective in presentation of the facts.

In sum, the constantly shifting grounds of attack against chemical weapons modernization is proof in itself of the desperation of the opponents, and their inability to effectively refute the essential points of the administration argument: a modern, safe, effective retaliatory deterrent is necessary for our security until such a time as an effective global ban on chemical weapons can be achieved. The binary program is safe, more effective, and more flexible than the existing aging unitary stockpile. Chemical weapons modernization deserves congressional support.

As a final point, the opponents are so stretched in trying to generate opposition that they have actually put themselves in a very awkward position: they are now arguing that we should maintain indefinitely our current unitary stockpile, despite the uncontested evidence that the current stockpile is rapidly aging to the point where it is not only ineffective, but is becoming more and more dangerous both to store and to transport. The administration position, in contrast, argues that we should produce the binary weapons so that we can fulfill the security and defense requirement, undisputed, to have a retaliatory chemical capability, in a safer, more flexible fashion, one that can be accomplished with considerably less total amount of chemical weapons in the stockpile.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BROOKS], the chairman of the Government Operations Committee.

Mr. BROOKS. Mr. Chairman, I rise in support of the Porter-Fascell-Roukema amendment.

I oppose the production of binary nerve gas weapons because of test failures of the Bigeye bomb and the flawed deployment strategy for Europe.

I would like to call to your attention the misuse of public funds to hire outside lobbyists and public relations consultants in an effort to reverse congressional opposition to DOD's Proposed Binary Chemical Weapons Production Program. This finding was a result of a recent joint investigation by the Government Operations and Foreign Affairs Committees.

Specifically, a legal opinion of the Comptroller General found that the Office of the Secretary of Defense violated laws and regulations governing lobbying and public affairs activities in its support of the Chemical Warfare Review Commission.

I believe such illegal practices and misuse of public funds are totally unacceptable and I am pleased the Comptroller General has requested Secretary Weinberger to recover the misspent funds paid to the consultants.

I am including the Comptroller General's letter to Chairman FASCELL and me as well as our letter to Secretary Weinberger.

I urge that this amendment be approved.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 1, 1986.

Hon. CASPAR W. WEINBERGER,
Secretary of Defense, the Pentagon, Washington, DC.

DEAR MR. SECRETARY: We enclose herewith a copy of a letter and Legal Opinion from the Comptroller General setting forth his finding that the Office of the Secretary of Defense violated certain provisions of law and Federal regulation in hiring and paying outside consultants to formulate and conduct a legislative and public relations program designed to influence Congress in favor of the binary chemical production program.

This Opinion is based on a General Accounting Office review which we requested by our letter of March 27, 1986 to the Comptroller General. GAO is continuing its investigation of the entire Chemical Warfare Review Commission and expects to issue its report within a few months.

The Opinion further states that GAO will request OSD to recover appropriated funds expended in payments made to the two consultants in violation of the appropriations restrictions.

As set forth in the Opinion, use of the consultants was proposed and obtained by your Deputy Assistant for Chemical Matters to the Assistant to the Secretary of Defense (Atomic Energy) while also serving as Executive Secretary to the President's Chemical Warfare Review Commission.

We would appreciate your informing us of your position regarding the Comptroller General's Opinion, including what steps you intend to take in response to the specific findings and the request to recover the funds paid to the consultants. If you are unsuccessful in recovering these funds, we intend to request the Justice Department to take appropriate action to recover these funds.

With best wishes, we are
Sincerely yours,

JACK BROOKS,
Chairman, Committee on Government Operations.

DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs.

COMPTROLLER GENERAL OF
THE UNITED STATES,
Washington, DC, June 25, 1986.

Hon. JACK BROOKS,
Chairman, Committee on Government Operations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your letter of March 27, 1986, in which you and Representative Dante B. Fascell, Chairman, House Committee on Foreign Affairs, requested this Office to render a legal opinion and conduct an investigation concerning certain activities of the Chemical Warfare Review Commission (CWRC), a Presidential advisory committee. Subsequent discussions with your staff limited the scope of the legal opinion to the question of whether the employment and use of two legislative and public affairs consultants by the CWRC may have violated applicable laws and regulations.

We conducted a preliminary investigation to develop the facts regarding the use of the consultants, which consisted of interviews of knowledgeable individuals and a search of available files. The factual data reported in the opinion was derived from these interviews and from relevant documents. As a result of the preliminary investigation, we concluded, for the reasons given below, that the Office of the Secretary of Defense (OSD) violated the Federal Advisory Committee Act and other applicable statutory and regulatory provisions regulating lobbying and public affairs activities in the course of providing administrative support for the CWRC. A more detailed explanation of our findings and legal conclusions is attached hereto. We are presently continuing our review and investigation of the activities of the entire Commission and expect to issue our report within a few months.

SUMMARY OF THE LEGAL OPINION

Background

Congress authorized the President to establish the CWRC in the DOD Authorization Act, 1985, Public Law 98-525, October 19, 1984, 98 Stat. 2492. That Act required the CWRC to report its findings and recommendations to the President, who was directed to submit the report together with his comments to the Congress not later than April 1, 1985. The President promulgated Executive Order 12502 on January 28, 1985 (3 C.F.R. p. 331 (1986)) establishing the CWRC. Among other things, the Order stated that: (1) the CWRC was subject to the Federal Advisory Committee Act (5 U.S.C. App. I); (2) the CWRC was to review the adequacy of the chemical warfare posture of the United States and report its findings and conclusions to the President; and (3) the Secretary of Defense was responsible for providing the CWRC with the administrative staff and support services it required.

About March 12, 1985, the Executive Secretary of the Commission, a DOD official, authorized the hiring of John A.C. Gibson as a legislative affairs consultant and Peter Hannaford as a public affairs consultant for the CWRC under the provisions of 5 U.S.C. § 3109. The consultants developed a complete legislative and public affairs strategy for the CWRC, designed to influence the public and the Congress favorably about the CWRC's viewpoint on funding new chemical warfare weapons production. The strategy involved making contact with the staff of congressional committees and individual members and briefing them about the functions and activities of the CWRC. The legislative affairs consultant arranged for CWRC members to brief congressional members on the CWRC's views on funding new chemical warfare weapons, once the Commission had formulated a position.

The public affairs consultant prepared and distributed press packets on the CWRC, issued press releases on CWRC activities, and notified the press of CWRC hearing dates. In addition the public affairs consultant sought opportunities for a CWRC spokesperson to appear before the media to present the CWRC viewpoint. The consultant also arranged for the chairman to appear on the McNeil-Lehrer News Hour public television show to discuss the CWRC position.

Legal conclusions

There are a number of statutory and regulatory provisions that prohibit the use of legislative and public affairs consultants by a Presidential advisory committee to influence the public and the Congress with respect to pending legislation. These provisions include restrictions on the types of activities in which advisory committees may engage as well as general restrictions on agency lobbying, publicity and propaganda activities, and the use of publicity experts. We have briefly summarized these restrictions below:

Section 9(b) of the Federal Advisory Committee Act (5 U.S.C. App. I 9(b)) restricts the use of Federal advisory committees to perform advisory functions only, unless otherwise provided by law or Presidental directive. That section also makes the President or an officer of the Federal Government (as opposed to the advisory committee) solely responsible for determining the action to be taken or the policy to be expressed with respect to matters upon which the advisory committee reports. Since Executive Order 12502 limited the mission of the CWRC to preparing a report on its findings and conclusions for the President, we have determined that OSD was not authorized to employ legislative and public affairs consultants to support the CWRC in an attempt to influence the public and the Congress regarding the CWRC's recommendations.

The antilobbying restriction contained in section 8069 of the DOD Appropriation Act, 1985, Public Law 98-473, October 12, 1984, 98 Stat. 1904, is also applicable to the employment of the legislative affairs consultant by OSD for the CWRC. That provision states that funds appropriated for DOD may not be used "in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress."

As an advisory committee, the CWRC did not administer laws or programs and was restricted to advisory functions only. It therefore was not authorized to communicate its views to the Congress unless it was responding to a direct congressional request for information. Accordingly, the hire of a legislative affairs consultant was a violation of the antilobbying appropriation restriction contained in section 8069, since the consultant's activities were directed toward influencing legislation pending before the Congress.

OMB Circular A-120 provides guidance to Heads of Executive agencies for the use of consulting services. Subparagraph 6e of that Circular states that "consulting services will not be used under any circumstances to specifically aid in influencing or enacting legislation." Since we have determined that the CWRC legislative affairs consultant did engage in activities to influence appropriation measures, it follows that subparagraph 6e, OMB Circular A-120 was also violated by OSD.

Section 8002 of the DOD Appropriations Act, 1985, states that DOD appropriations shall not "be used for publicity or propaganda purposes not authorized by the Congress." A similar restriction is contained in 5 U.S.C. 3107, and states that "appropriated funds may not be used to pay a publicity expert unless specifically appropriated for that purpose." We have held that the first mentioned restriction would not serve to prohibit an agency from disseminating information reasonably necessary for the proper administration of the laws for which the agency is responsible, to the general public or to particular inquirers. See, e.g., 31 Comp. Gen. 311 (1952). However, the CWRC's functions were solely to provide advice to the President and there was no authority for the consultant to distribute unsolicited information or otherwise to engage in the promotional activities described earlier.

Because there was no legal authorization for CWRC public affairs activities, employment of the CWRC public affairs consultant violated the provisions of section 8002 and 5 U.S.C. 3107. Therefore, OSD expenditures for a public affairs consultant for the CWRC are also improper.

OSD failed to comply with personnel appointment and payment procedures regarding its hiring of the consultants. They were placed in a duty status almost two months before their appointments were made. One of the consultants was continued in a pay status while out of town on non-Government business and was paid for some work actually performed by the other consultant. OSD paid for the preappointment services of the consultants on a contractual basis. However, the consultants should not have been paid because of the appropriation restrictions described above.

Section 3(c) of Executive Order 12502 made OSD responsible for providing staff and support services to this Presidential Commission. We have concluded that OSD officials violated statutory restrictions by employing a legislative affairs consultant and a public affairs consultant in support of the CWRC. By separate correspondence, we will be requesting OSD to recover appropriated funds expended in payments made to the legislative and public affairs consultants in violation of the appropriations restrictions.

Unless you publicly announce its contents earlier, we plan no further distribution until 30 days from the date of this opinion. At that time we will send copies to interested parties and make copies available to others on request.

Sincerely yours,

MILTON J. SOCOLAR,
Comptroller General of the United States.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the very distinguished gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Chairman, this amendment just causes one more year's delay for production of chemical weapons. Yes, we have produced the facilities under last year's bill, but we have put off facing the issue of whether or not we are ever going to produce the weapons year after year. I would say to this body that we have got to quit this delay. With what we

did last year, and with the agreement with West Germany, we will not have chemical stockpiles should we need them, because we will be destroying what we now have by 1994. Our current stockpiles are going to be gone after that date.

We certainly have a need for some stockpiles, for since 1976 the Soviet doctrine has expanded their objectives beyond the immediate battlefield, and they now have chemical weapons capability for intermediate use and deep strike use as well. They currently have a 5 to 1 advantage over us in chemical weapons delivery systems. They have a 4 to 1 advantage over us in chemical munitions. They have a 12 to 1 advantage in chemical weapons trained personnel in peacetime, and they have the potential to be prepared with a 20 to 1 advantage in wartime.

They have avoided entering any real and binding treaties prohibiting the use of chemical weapons, and our U.S. policy assumes that they might ultimately employ their chemical capability. There is evidence that they have used them against small forces elsewhere in the world, and there's every reason to believe that they might again. So, since 1978 we have spent $4 billion on solely defensive measures, like protective clothing and the like.

Obviously, protective clothing is not going to deter the Soviet Union from using those weapons against our troops in the field, but, if we had a sufficient offensive capability, they might be deterred. But we don't have that capability. And, by 1994 we will not have any capability.

In fact, with what we have, we cannot even extend our reach beyond 17 kilometers from our front line. That means if we do not have anything beyond the artillery range, and that we do not have the ability to hit more than one-third of the Soviet forces.

Right now we have available less than one-third of the 30-day requirement for chemical exchange in the current European stockpile.

So, Mr. Chairman, we have to stop these delays, defeat this amendment, implement the plans of the Defense Department, and proceed with production.

By the way, I am introducing letters from John E. Krings of the Office of the Secretary of Defense, as well as a letter from Donald A. Hicks of the Secretary of Defense which respond to these charges that the GAO has knocked out the Bigeye. Nothing could be further from the truth.

We intend to provide $10 million for the procurement of long-lead items for the testing of the Bigeye. Ultimately, it will be a viable weapon.

Mr. Chairman, I include the following letters:

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, DC, June 18, 1986.

Hon. MARVIN LEATH,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN LEATH: This letter is to provide you with my position with regard to the Bigeye Binary Chemical Bomb. In addition, I have provided an attachment which addresses my position relative to the principal findings and conclusions stated in GAO's evaluation of the weapon.

To date, Bigeye has demonstrated feasibility but has not yet demonstrated operational effectiveness or operational suitability. At this point in the procurement cycle, only Low Rate Initial Production (LRIP) is being addressed. The GAO report was prepared without the benefit of results from the first phases of Navy and Air Force Initial Operational Tests, which were either not completed or totally analyzed at that time. Some of the GAO questions have been answered in those tests. Conclusions from those tests ranged from satisfactory in some areas to unsatisfactory in others, and deficiencies were found that need to be corrected prior to the next phase of operational testing. Neither Service found any reason not to proceed into LRIP. Nor do I. That next phase of operational tests, the plans for which I will approve, will address critical operational issues, answer the remaining critical questions, and provide results upon which to base a decision as to whether or not to proceed beyond LRIP.

In summary, I feel the Bigeye bomb approach to developing a safe, credible chemical deterrent and retaliatory capability is certainly feasible, and the remaining questions of operational effectiveness and operational suitability will be answered through additional testing.

JOHN E. KRINGS,
Director.

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, August 11, 1986.

MS. ELEANOR CHELIMSKY,
Director, Program Evaluation and Methodology Division, U.S. General Accounting Office, Washington, DC.

DEAR MS. CHELIMSKY: This is the Department of Defense (DoD) response to GAO briefing reports GAO/PEMD-86-12BR and C-GAO/PEMD-86-1BR, "Bigeye Bomb: An Evaluation of DoD's Chemical and Development Tests," dated May 23, 1986 (GAO Code 973202/OSD Cases 6776-C and 6776-D). The Department partially concurs with the report findings and conclusions. A detailed unclassified response for each finding and conclusion is at the enclosure.

Before a brief discussion of the Department's position on the Bigeye bomb, two inaccurate statements made in your transmittal letter to Chairman Fascell need to be clarified. The GAO implies that the DoD was not responsive in providing written comments to your draft report by stating that no extension of the due date was requested. In fact, upon receipt of your draft briefing report, the Office of the DoD Inspector General immediately telephonically advised your office that 10 days would not be enough time to prepare the Department's reply and requested an extension. The Staff of the GAO/Program Evaluation and Methodology Division was adamant that a full comment period (30 days) would not be considered favorably because Chairman Fascell urgently needed the briefing report. As a result, a letter was sent to the GAO advising that the DoD would be unable to respond, setting forth the specific reasons, and asking that these reasons be reflected in your final briefing report. While the briefing report transmittal letter does set forth the DoD reasons, it adds that the DoD did not request an extension. This statement is both inaccurate and misleading. In keeping with established practice, the Department requested an extension informally, was told unequivocally that one would not be approved and, therefore, did not proceed with a formal written request.

The GAO transmittal letter to Chairman Fascell also highlights the Department's failure to provide a security review within the requested period of 15 days. The security review process did take longer than anticipated. First, it should be noted that the GAO set the 15 day time period, not the DOD. Although the DOD makes every effort to comply, there is never any guarantee that it can be done. Delays can occur for many reasons. In this particular case, there were disagreements on whether certain portions should be classified, which took time to resolve. The end result was that less of the report was ultimately classified than originally proposed. Further, it would appear the delay in the security review is a moot point. After the DOD completed the security review and provided the appropriately marked report to the GAO on April 28, it took an additional 43 days, until June 10, to issue this "urgently needed" report. This means almost three months elapsed between the time the GAO provided the draft for "DOD comments within 10 days" and the date the report was released. The only significant change the GAO made in the transition from the draft to the final report (other than deletions for security reasons in the unclassified version) was to add a new conclusion that the Bigeye is not ready for production. It therefore, appears there was ample time to grant the DOD the usual 30-day period to provide comments on the draft briefing report. Since the DOD was not afforded this opportunity, readers of the GAO report, as well of newspaper articles that resulted from the report, were deprived of the DOD positions on issues raised by the report. Rather than an unwillingness on the part of the DOD to respond, it must be concluded that the offer of the 10-day comment period on a voluminous draft report that had been months and months in preparation was deliberately designed to make sure comments could not be provided.

Regarding the Department's position on the Bigeye bomb, the DOD notes the GAO conclusion that "the Bigeye bomb is not ready for production." It is also noted that the GAO report covers only developmental tests through April 1985. Undoubtedly, the GAO is aware that the DOD makes production decisions following operational testing, not developmental tests. Development tests, of which chemical tests are a subset, provide data regarding how well a weapon system meets technical performance goals. The results of development testing are then used to make design changes, as well as establish the operational envelope in which the weapon can reasonably be expected to perform. The GAO implies that a weapon must meet all technical specifications before it can begin operational testing. This is not a realistic assumption. Few weapons meet all of their technical specifications during the development phase. Good management dictates that a trade-off between costs, schedule, technical performance, and operational need be made in order to determine a weap-

on's suitability to proceed to the next phase of testing and ultimately into production.

The DOD decided that Bigeye should transition to operational testing based on its satisfactory completion of development testing. The Air Force and Navy have completed the first phase of a two-phase initial operational test and evaluation (IOT&E), the results of which support a favorable low rate initial production decision. The next phase of operational testing will begin soon and a full production decision will be considered on completion of that phase. The Director, Operational Test and Evaluation, will closely monitor this testing. The Department's bottom line operational pass/fail criterion for Bigeye is whether or not it contributes to national security by significantly improving our capability to conduct effective persistent chemical retaliatory strikes against targets deep in the enemy rear area. It is that current shortfall that Bigeye is to redress, and it is on that basis that the DOD will consider its transition to full production.

A copy of this response is also being provided to the Chairman of the Senate and House Armed Services and Appropriations Committees.

Sincerely,

DONALD A. HICKS.

Enclosure.

Mr. PORTER. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. WEBER].

Mr. WEBER. Mr. Chairman, I rise in support of the Porter amendment.

I would begin by clarifying the remarks of a previous speaker. The Porter amendment does not delete production funding, but merely delays production funding until October 1, 1987.

Mr. Chairman, I have been skeptical of the administration's plan to build chemical weapons for several reasons, as have many Members of this body.

First of all, there are many unresolved technical problems with the Bigeye that other Members have addressed and will address in the course of the debate.

Second of all, some of us do question the need for a chemical deterrent in a nuclear age. We, after all, do maintain tactical nuclear weapons. It seems to me that the more existence of those weapons constitutes at least some measure of deterrent to a chemical attack in the European theater.

We now find that the Reagan-Kohl agreement undermines, in my judgment, the case for the production of binary weapons, even if you fully accept the deterrent argument that has been advanced on behalf of binary weapons. The administration has now decided to permanently withdraw chemical weapons from Europe with no plan for their replacement.

□ 1705

In other words, we are being asked to produce weapons to deter an attack, but these weapons will not be deployed in the theater of their only probable use.

The Department of Defense claims that it has always preferred to deploy chemical weapons here in the United States, but this claim bears scrutiny. First of all, we already maintain supplies of most conventional weapon systems in Europe. There is no suggestion that we should do otherwise. Why with chemical weapons?

Second of all, chemical weapons are highly controversial in Europe. There is no guarantee that the European population would support or welcome their deployment, their transportation, at some future date.

Third, any plan to transport chemical weapons in time of war will add a new burden to our air and sealift capabilities, which are already severely strained, and thus this plan could have the effect of weakening rather than strengthening our defensive capabilities in the event of war in Europe.

Finally, Mr. Speaker, the President is seeking to negotiate a ban on chemical weapons, a goal that most of us in this body share. But removing chemical weapons from Europe will diminish the incentive for such an agreement on the part of the Soviets. Why should the Soviets agree to ban weapons in any particular category when they hold a monopoly on weapons in that category in the only theater of their probable use.

Mr. Chairman, many in this body have traditionally opposed chemical weapons for reasons that I consider quite valid related to the validity of the deterrence theory, related to the effectiveness of the weapons. But now I believe traditional supporters of binary chemical weapons have an additional reason to join in support of the Porter amendment today, and that reason is to oppose the unilateral disarmament of our troops in terms of chemical weapons in the European theater. I urge my colleagues to vote against that unilateral disarmament, and to support the Porter amendment.

Mrs. BYRON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. LEATH].

Mr. LEATH of Texas. Mr. Chairman, I think over the last 6 years that I have probably watched and participated in this debate on chemical weapons as closely as anybody. I do not think that I have missed a minute of the floor debate in the last 6 years.

During that time I have never heard a valid argument presented against the United States of America having a chemical weapon, a chemical deterrent, in its arsenal. It is rather strange today that after we thought that we had won this battle after 4 or 5 years last year, and we put the money in and we decided to proceed, that now we find the same people who have been against the program all along coming back and saying oh, how horrible it is to take those weapons out of Europe, and we need to wait 1 more year.

Well, let me tell you something. Those of us who got involved in this thing 5 years ago, 6 years ago, knew that the chemical weapons that we have are a greater danger to us and a greater danger to the places that they are stored, whether it be in this country or in Western Europe, than they are to the Soviet Union.

In the first place, we do not have anything but a 25-kilometer 155mm round, and I would be scared as hell to pull the trigger on that thing to shoot it, as I am sure those troops in Western Europe are.

So we thought, as the Pentagon clutched all of those old chemicals close to their chest and said, "Oh, we don't want to destroy those," we said, "That's foolish; we've got to destroy them."

We need to get rid of them. Regardless of what we do, whether we proceed as we should with new chemicals, a new generation of chemical weapons, we need to get rid of these.

So I find it strange that these people are coming back and telling us, "Oh, we can't take those out of Western Europe." Let me tell the Members, we need to proceed with the destruction of these old chemical stockpiles that we have. We can argue about the deployment, and we knew that that was not going to be easy. The people in Western Europe have been conditioned by a lot of their politicians the same way that some of us condition people over here about how horrible chemical weapons are.

That is not the issue. It never has been the issue. We agree that they are horrible, but we need to proceed with the development of this new generation, and we do not need to set this program back a year.

Mr. FASCELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the Fascell-Porter-Roukema amendment to delay spending for 1 year of all fiscal year 1986 and fiscal year 1987 funding for production of binary weapons.

Last year, during consideration of the fiscal year 1986 DOD authorization bill, a commitment was made to prevent production of the Bigeye bomb until the NATO allies approved of its development and the weapon underwent successful tests. Neither of these conditions have been met. I believe we must hold the supporters of this program accountable to the language approved last year. The Fascell amendment makes good on that promise.

Let us examine some recent events which support the arguments to delay production of nerve gas weapons. First, the General Accounting Office conducted a study on the Bigeye bomb which concluded that the weapon contained technical deficiencies and struc-

tural flaws. One of the prime motives for adopting the binary chemical weapons to replace current stockpiles was that a modern weapon would be safer and easier to use. However, GAO's documented tests reveal that these operational objectives have not been met. Therefore, because the Bigeye bomb failed in the development testing phase, production should be delayed at least 1 year.

The Reagan administration has always maintained that the development of the next generation of nerve gas weapons would serve as a bargaining chip to reduce the number of chemical weapons in Europe. However, during his summit meeting in Tokyo last May, President Reagan gave away any type of bargaining leverage we may have had. The President promised West German Chancellor Helmut Kohl that the United States would remove all chemical weapons on West German soil in exchange for support of our Binary Chemical Weapons Program. Under this agreement, the West Germans do not have to accept the new generation of chemical weapons in their country. So, in effect, the President is proposing a unilateral disarmament of chemical weapons in Europe. I ask my colleagues where is the bargaining chip? The administration's logic for resuming production as a bargaining chip has been completely negated.

The most disturbing aspect of this new policy is the proposal to stockpile the Bigeye bomb in the United States. The plan is to transport chemical weapons to Europe during times of crisis. However, this would be an enormous strain on sealift and airlift capabilities, not to mention the added time and manpower it would take to conduct such an operation. This is clearly an unacceptable alternative.

So, in conclusion, the Binary Chemical Weapons Program is plagued with several problems. First, it is an unreliable weapon. Second, the President's justification for resuming production as a bargaining chip is inconsistent with his promise to West German Chancellor Kohl. Third, transporting chemical weapons to Europe is an unwise military strategy. Fourth and most importantly, the requirements set forth by this Congress last year have not been met.

I call upon my colleagues to support the Fascell-Porter-Roukema amendment and delay production of the next generation of chemical weapons.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Kentucky [Mr. HOPKINS].

Mr. HOPKINS. Mr. Chairman, as I listen to today's debate, I have to marvel at our ability to keep going back over the same plowed ground, year after year.

The issue here is not whether NATO has met certification requirements;

The issue is not whether the Bigeye bomb is having problems;

And the issue here is not whether America needs a chemical deterrent.

The issue is whether we need to move forward in modernizing our current chemical stockpile with safer, more reliable binary weapons.

Let me briefly expand on this point.

Some opponents of the Binary Program claim that our current chemical stockpile is adequate.

I submit this claim runs counter to my personal experience in this area and is in conflict with the opinions I have received from our military field commanders.

These weapons are decaying, for the most part are militarily useless, and are likely more dangerous to our own people than they are to an enemy.

It must be emphasized that we have not produced chemical weapons since 1969. Our newest stocks are therefore at least 17 years old, and the oldest are close to 40 years old.

What we have is a collection of junk that we started putting in storage during World War II and has long outlived its reliability and usefulness.

Mr. Chairman, it must be perfectly clear that the Binary Program will not add one single round of chemical munitions to our stockpile. It merely replaces our old and dangerous rounds with new weapons that are inherently safe to store, transport, and manufacture.

So, the question before us is not whether we should produce chemical weapons—this was answered years ago.

And the question is certainly not that we should add to our existing stockpile. No one advocates that.

The question is whether Congress will proceed with making our chemical stockpile safer and more modern and clearly that is in our national interest.

I can speak to this issue from an unique perspective. My congressional district is one of eight in our country in which this aging stockpile is now stored.

If there is any doubt in anyone's mind that this stockpile poses a safety hazard I invite you to visit the town of Richmond, KY, where my constitutents literally live within a stone's throw of the bunkers housing these deadly chemicals.

Since coming to Congress, I have opposed any effort toward production of chemical weapons until we make the commitment to clean up this old generation of chemical munitions.

Last year, with the cooperation of my friend and colleague from Arkansas, Mr. ANTHONY, I introduced language which established the framework for a comprehensive, accelerated program to dispose of all of these munitions thus making way for the safer binary rounds.

Given the sizable risk involved for my constituents, I do not always fully agree with the conclusions derived by the Army. But the bottom line is that they are proceeding in full cooperation with the Congress to destroy these weapons.

Mr. Chairman, I don't mind telling my colleagues that my support for this program remains reluctant and conditioned on the commitment to get rid of our current stockpile in the safest way possible.

I have explored all the options and have searched for alternatives, and I remain convinced that we must not pass up this opportunity to modernize our current stockpile and leave to our next generation this dangerous legacy of aging nerve gas munitions.

For this reason, I strongly urge the defeat of this amendment.

□ 1715

Mr. PORTER. Mr. Chairman, could the Chair tell us how much time is remaining for each of the speakers?

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman from Illinois [Mr. PORTER] has 8 minutes remaining, the gentlewoman from Maryland [Mrs. BYRON] has 7 minutes remaining, the gentleman from Florida [Mr. FASCELL] has 6 minutes remaining, and the gentleman from Alabama [Mr. DICKINSON] has 6 minutes remaining.

Mr. PORTER. Mr. Chairman, I am pleased to yield 5 minutes to my colleague, the gentlewoman from New Jersey [Mrs. ROUKEMA], who has been such a leader on chemical weapons.

Mrs. ROUKEMA. Mr. Chairman, I can hear the sighs echoing across Capitol Hill this afternoon: "Here we go again—chemical weapons. Why fight that battle again? Why debate the same arguments again? We have been over that ground. We made our judgment last year. The issue has been settled—fini!"

My colleagues, that is exactly what those who oppose this amendment want you to believe. That is exactly what those in the Pentagon bureaucracy who want binary chemical weapons at any cost are telling you.

This is not a rerun of last year. It is a new vote.

I address myself this afternoon to those of you who gave the Pentagon the benefit of the doubt and changed your vote last year; to those who honestly believed that the sensible conditions which Congress imposed on the production of new chemical weapons would be fulfilled completely.

Let me refresh your memory. The conditions on the production of new chemical weapons this House approved in 1985 were twofold: One, that the proposed binary weapons actually worked; and two, that our NATO allies approved their production.

Well, the Bigeye nerve gas bomb does not work and the North Atlantic Council, NATO's highest ranking body has never approved the production of the binaries. To further complicate the issue, the administration has now agreed with West Germany to remove our entire existing chemical stockpile from Europe, the stockpile that gives credibility to our chemical deterrent.

Last May, in order to gain West Germany's approval of our plans to produce new binary weapons, the administration agreed to withdraw our entire chemical deterrent force from Western Europe. That means that none of the newly produced binary weapons will replace our current stockpile in Europe. More importantly, it means the United States will withdraw our entire chemical deterrent force 5,000 miles from Europe while the Soviet Union will retain its stockpile of deadly munitions in Eastern Europe only miles from our NATO troops.

This is sheer folly.

Opponents of this amendment, including Ambassador Abshire who has been calling members from Brussels, would have us believe that we could transport binary weapons to Europe in a time of crisis. This is incredible. It defies logic. According to reliable estimates it would take 16 days of continuous air transport by the entire fleet of American C-141 cargo planes to deliver the required binary weapons to Europe. And, that estimate assumes that European airfields are not already shrouded in gas from a Soviet chemical attack.

The creation of a unilateral chemical weapons free zone in Western Europe means that the United States has squandered any negotiating advantage with the Soviet Union that we may have held. In addition to decimating our chemical deterrent, our withdrawal would also lower the nuclear threshold in Europe.

Indeed, one of the Pentagon's chief proponents on this issue, the former commander in chief of the U.S. Army in Europe, Gen. Frederick Kroesen, said withdrawal of our stockpile means "there will be no retaliatory capability in Europe. Militarily, it's a step away from deterrence" and would represent "almost an invitation for Soviet use."

In order to rationalize its actions, the Pentagon has fostered the myth that existing shells in the European stockpile are leaking. But the President's Commission last year reported that "rumors of the stored munitions begin dangerous or leaking appear to be exaggerated and inaccurate" and "all weapons in Europe are serviceable." Defense Secretary Weinberger himself admitted in an interview last December: "The chemical-filled artillery rounds that are currently forward-deployed in Europe are in fact in excellent condition."

Clearly, we cannot afford the loss of our chemical deterrent in Europe. But, just as clearly we cannot proceed to produce a weapon that does not work. The Pentagon would have us believe that the Bigeye binary bomb is an effective, combat-ready weapon. However, the General Accounting Office comes to a contrary conclusion. In a report issued last month, GAO concluded the "Bigeye bomb is not ready for production" and that certain problems with the Bigeye remain "intractable."

This is a new vote today. The Fascell-Porter-Roukema amendment does the following:

Delays production for binary weapons for 1 year, to see if the Pentagon can get the Bigeye bomb to work;

Prevents the unilateral dismantling of our chemical deterrent stockpile in Europe.

Mr. Chairman, let me put this simply. Right now, these weapons do not work and cannot be deployed where they are needed. So why are we being asked to provide almost $200 million this year, and almost $3 billion in the next 5 years for a faulty weapons system that will hurt our strategic position. There are far better places in the defense budget where this money could be put to use.

My colleagues, it is clear that some bureaucratics in the Pentagon want binary weapons at any cost.

We must say stop. Not under these conditions, not this year.

Vote for the Fascell-Porter-Roukema amendment.

Mrs. BYRON. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. ANTHONY].

Mr. ANTHONY. Mr. Chairman, the Congress has answered the question in the positive to modernize, that is the key word, modernize, and not build up our chemical capability.

The gentleman from Kentucky [Mr. HOPKINS], my colleague, was on the floor a moment ago. He and I got together on an amendment last year that forced destruction as we modernized so that my colleagues can be assured that there will not be continued buildup of chemical weapons, only a modernization.

The issue today is which is the best approach, the reasoned, cautioned approach of the House Armed Services Committee, or the step back and do-nothing approach of Porter-Roukema-Fascell.

Let us take a look at what their amendment actually does. Their amendment stops production of the perfectly good 155-millimeter artillery shell. They have not talked about that, but it does that. It eliminates all funds appropriated last year for the 155-millimeter shell and the aircraft delivered bomb.

More importantly, it takes a step backward from last year, and it eliminates the purchase of long-lead items needed to test the Bigeye, low-rate initial production facility. In other words, you have to buy these parts. It takes a long time to make those parts. They stop the purchase of that, so that would postpone it even further.

But more importantly, they would eliminate our arms control incentive.

What has the committee done? If you have not looked at the bill, it is important that you do this. Look on page 27 and look at section 123, the Bigeye bomb. What the committee has done is it has said to the Pentagon you do not get $56.8 million for production, you only get $10 million.

Do you get any moneys for facilities? No. You get zeroed out.

What about the $10 million, how is it affected? It is fenced this way, and it is very important. Funds for the Bigeye bomb may not be obligated until the operational tests are completed, and the results certified to the Congress.

Who has to make that recommendation? The GAO.

It is fenced; it is reasoned.

Vote down the amendment.

Mr. Chairman, some argue that we should not produce Bigeye now but rather continue R&D and wait until a better system is available later.

But what about the state of today's deterrence?

We all agree the United States needs chemical deterrence. Given the Soviet threat, that capability must cover the length and breadth of the battlefield. Clearly, the United States today is deficient in deep strike chemical offensive systems. We have only chemical spray tanks for persistent agent delivery. They are highly vulnerable. We have no persistent agent filled bombs.

Will Bigeye provide an improved deterrent posture? Given our present chemical offensive capability, the answer is clearly "yes" to meet today's requirements we need Bigeye now. What about the future? Should we be looking ahead to new deep strike systems? Again, the answer is clearly "yes!" An active U.S. R&D Program on retaliatory chemical systems will:

Guard against technological surprises.

Provide feedback to defensive system design; and

Keep pace with new weapon development.

We already know the results of doing too little in this arena. That's how we got into the situation of the mid-1970's with no deterrent capability and very little on the drawing board. We've been playing catchup since.

We clearly need to do R&D for future U.S. retaliatory systems. To incorporate standoff capabilities. To provide new agents. To provide the new chemical offensive systems for the late nineties.

We need Bigeye to meet today's threat. That is clear. We need R&D to meet tomorrow's.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I rise in support of the Porter-Fascell amendment to the defense authorization bill, H.R. 4428, which will restore the original House position of chemical weapons adopted last year. I congratulate Congressmen PORTER and FASCELL, as well as Congresswoman ROUKEMA, for their hard work on this critical issue.

The original House position, adopted on June 19, 1985, provided for a freeze on the procurement or assembly of chemical weapons until after September 30, 1987. This fence was to ensure an incentive for the Soviet Union and other nations to negotiate a mutually verifiable agreement banning chemical weapons. The incentive existed in that the funds would be released if an agreement was not evident by September 30, 1987. Such a strategy represented a sound response to the intransigence of the Soviet Union on this issue, and I voted in support of that position.

Further, the original House position provided that such modernization should be effected by replacement of current chemical munitions with binary chemical munitions. The Porter-Fascell amendment restores this requirement, allowing modernization to occur, but blocking withdrawal of our unitary deterrent from Europe until arrangements are made for their replacement with new binary weapons. This is a commonsense requirement which obviates the need for tying up our fleet of 270 C-141's to move binaries to Europe at the same time we would need to transfer reservists and urgently needed support materials. It also allows us to move forward with modernization, should that be necessary in the absence of a treaty.

Mr. Chairman, nothing has changed since the original House vote in 1985 which necessitates a weakening or reversal of the original House position. The logic for a 2-year freeze, which would now be a 1-year freeze, remains intact. In fact, negotiations, to the credit of the administration, appear to be moving ahead rapidly, and there is little reason to expend the significant resources involved if they can at all be avoided. The Soviets should have no reason to doubt our resolve if the money is authorized and ready to go unless significant movement toward a treaty occurs before September 30, 1987. Restoring the original House 1-year freeze is a responsible approach which encourages negotiations and yet provides for the modernization of our chemical deterrent should these negotiations fail.

I, therefore, urge the House to support the Porter-Fascell amendment to restore the original House position to fence procurement and production of chemical weapons until October 1, 1987, and prevent the unilateral withdrawal of our existing chemical deterrent forces from Europe.

Mr. Chairman, I was 1 of the 12 or perhaps 15 that switched my vote last year on the basis of the Skelton amendment.

The distinguished gentleman from Missouri [Mr. SKELTON] worked this issue very hard. I had numerous talks with him, and I have a great deal of respect for him.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I only have a limited amount of time, but I believe the distinguished gentleman was with me on that, so I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, I want to clarify a point. It is correct that last year we represented there would be no production until October 1, 1987.

I think the gentleman will find that the bill, and the permanent law, still provide that. It provides there will be no final assembly of all of the components until October 1, 1987. That is what we were talking about on the floor last year. That is still the law today, and it is unaffected by this bill.

Mr. HOYER. I appreciate what the gentleman says, and I have great respect for the gentleman. I understand that we differ at this point on this issue.

However, the language was clearly that we would expend no moneys.

Now the other body did not buy that, I understand. But without that language you would not have had an authorization in 1986, I am convinced of that, because I have talked to the 12 or so that voted.

Mr. Chairman, that was a reasonable position in 1985, and it is a reasonable position now. I ask you to support the Porter-Fascell-Roukema amendment.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. RIDGE], the long hitter.

Mr. NIELSON of Utah. Mr. Chairman, will the gentleman yield?

Mr. RIDGE. I am happy to yield to the gentleman from Utah.

Mr. NIELSON of Utah. Mr. Chairman, I rise in opposition today to the Fascell-Porter-Roukema amendment to delay the production of binary chemical weapons for 1 year.

Utah has been closely involved with the Chemical Weapons Program for many years. Most of the research and development of chemical weapons has been done at Dugway Proving Ground; most of the existing stockpile is stored at Tooele Army Depot and most, if not all, of the stockpile will be demilitarized at Tooele.

I have worked at Dugway Proving Ground as a statistician analyzing technical data on chemical weapons, so I think I speak from a unique vantage point when I speak about the need for modernization of our chemical weapons.

I have personally worked with the GB and VX chemical weapons, which comprise our current stockpile, and I know that the modernized binary chemical weapons are much safer and more effective. The current weapons containing GB and VX are lethal at inception since the chemicals are activated in their storage tanks. The weapons are aging and leaking. The chemicals used in binary weapons, however, are stored separately and are not lethal until they are combined at the time they are needed.

Congress has required the Army to demilitarize its current stockpile of chemical munitions by 1994. To once again delay modernization of our chemical weapons stockpile, just 1 short year after Congress took action to end our 16-year unilateral moratorium on chemical weapons production, would drastically impair our deterrent capability.

The Soviet Union has used chemical weapons in Laos, Kampuchea, and Afghanistan in violation of international law, and Iraq has been using them in their war against Iran for the past 3 years. While we are still at the negotiating table with the Soviets working out a verifiable global ban on chemical weapons, it would be a grave mistake to rely on our existing aging, soon-to-be-defunct, chemical stockpile for deterrence.

Critics of the modernization program question the wisdom in storing the weapons in the United States if they are to be used abroad. What these critics may be overlooking is the fact that we already have storage facilities in the United States and since the binary weapons will transport safely and effectively, there is no need to build storage facilities abroad.

The time for modernization is now. I urge my colleagues not to delay any longer by voting against this amendment.

Mr. RIDGE. Mr. Chairman, I would like to thank the gentleman for yielding me this time to discuss the Porter amendment.

We are about to sometime, hopefully by the end of this week, vote on a defense budget in excess or near $280 billion. We have talked about NATO strategy, we have talked about sophisticated SDI, offensive and defensive capability, Trident missiles. We have not spent too much time talking about the conventional soldier, the airman and the sailor and the marine. We have not concerned ourselves with conventional theater and a conventional soldier weapons. I am glad to have the opportunity to share a few thoughts with you about chemical weapons and about the Porter amendment.

I know that some of my colleagues have spent some time in combat, and many of you also know, that men in combat are motivated to do or not to do different things for a variety of reasons. Sometimes it is instinct, sometimes it is fear, sometimes it is anger, sometimes it is training. But these myriad of emotions and influences each affect what men do or do not do.

Chemical weapons are not a convenient or politically comfortable subject

for anybody to discuss. As a matter of fact, we do not like discussing chemical weapons on the floor of the House of Representatives.

But as much as we do not like debating it, those men and women who are presently serving and providing a conventional capability in the armed services of this country, do not want to be put in the position to fight in it.

□ 1730

Now, admittedly, we have spent hundreds of millions on defensive equipment; I laud that, I applaud it, I encourage it, and we should continue to fund it. Pause for a moment and think about that soldier, using our defensive equipment. His hearing is impaired, his vision is impaired, his movement is impaired, command and control is impaired. We provide adequate defensive equipment but that is not enough to avoid putting him in the position where he has to use that defensive equipment. We need an offensive capability. We need a deterrent. We need an intermediate strike capability. We need a deep strike capability so defensive equipment we are spending hundreds of millions of dollars on will not have to be used.

We do not have that capability right now. The Armed Services Committee, in their approach, is moderate; it is reasonable, there is a reduction in funding for the 155-artillery round; there is a reduction in funding for the Bigeye bomb; it is limited—only long-lead items will be purchased and not before October 1987.

So I encourage my colleagues who are interested in those men and women from their districts who are serving on the conventional front line defending this country throughout the world, to reject this amendment. Give the man offensive capability so potential use of existing defensive capability can be eliminated. They are compatible and both are absolutely essential for the protection of our servicemen.

Vote no on this amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Chair would advise that the gentleman from Illinois [Mr. PORTER] has 3 minutes remaining; the gentlewoman from Maryland [Mrs. BYRON] has 5 minutes remaining; the gentleman from Florida [Mr. FASCELL] has 3 minutes remaining; the gentleman from Alabama [Mr. DICKINSON] has 3 minutes and he is entitled to close debate.

Mr. PORTER. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Florida [Mr. FASCELL].

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. FASCELL] has 3 minutes and he will now be recognized for 4 minutes.

Mr. PORTER. Mr. Chairman, I reserve the balance of my time.

Mrs. BYRON. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, just as the gentleman from Texas [Mr. LEATH] said a little while ago, those of us who have been mixed up in this matter of chemical warfare have many remembrances of what went on before.

It was not until last year that we finally began to get the point across that the gentleman from Pennsylvania [Mr. RIDGE] dramatically demonstrated to us a moment ago; that by our refusal to have a reliable, usable, effective, modern chemical warfare capability, we are jeopardizing the lives of our soldiers and making it impossible for them to do their best on the battlefield. They have no deterrent against a Soviet chemical attack.

Fortunately, because of the skill of the gentleman from South Carolina [Mr. SPRATT] and the gentleman from Missouri [Mr. SKELTON], they combined to do an outstanding job in putting some limitations on the 1986 legislation both in terms of time and in terms of getting something that nobody thought we would be able to do; namely, the support of the NATO alliance.

Shortly thereafter, I went to Germany, and I can remember that the American commanders over there were still very nervous about the idea of bringing up new binary chemical weaponry; and they thought that perhaps it was going to be a mistake; but some 6 months later, it turned out that by some method, I do not know what it was, that our NATO allies what it was, that our NATO allies had already agreed to support these weapons, realizing they were intended to protect Europeans, as well as Americans stationed in Germany.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. Mr. Chairman, it has been said that this is the same issue as last year. This is right in some regards.

Last year, we voted to delay funding for 2 years. One year has gone by; now we are asking to delay funding for 1 year. There are some differences, however. One of the differences is that since that time, we have a GAO report.

Let me read to you from that GAO report. They concluded that the bomb's technical problems were so—and I quote—"unrelenting that it is not even ready for development testing, let alone production."

Another thing that has happened is that the President has agreed to pull our weapons system out of Europe at this time. This bill would say that we would not do that.

The previous speaker said Europe supports this. They do, but they have not agreed to let us put any of these new binary weapons on their soil. I am telling you that whether you are a hawk or a dove, this is something that everyone certainly should support.

It said that in combat, you need something that works. I agree with that. The GAO has said it does not work. Do we want to replace something that does work with something that will not work for our people that are in combat?

The issue is pure and simple, my friends: the issue is whether we are going to vote to move forward in a weapons system that could easily cost $2.5 billion; that the GAO says does not work; or whether we are going to say we are going to save the taxpayer's money and not spend it, when we already have a system in place.

I urge everyone to support this amendment regardless of your stand on arms control.

Mr. Chairman, I urge my colleagues to support the Porter-Fascell-Roukema amendment and reaffirm the conditions barring the expenditure of funds for the production of binary chemical munitions that were adopted by the House last year. Clearly, a vote to delay production of new U.S. chemical munitions is in the best national security interests of the Nation and the NATO alliance. Equally important, however, a vote to delay production of new U.S. chemical munitions affords Congress the oversight opportunity to more thoroughly investigate both the General Accounting Office's findings that persistent technical flaws remain rampant in the Bigeye Program and that the Pentagon engaged in illegal practices in securing congressional support for Bigeye production. Each of these findings dictate that delay is the best policy for Congress to endorse.

Having arrived in Congress as part of the "Watergate class," I am chagrined to know that as I leave this body, a new scandal is simmering within the Pentagon around the binary chemical munitions program. I don't know that this should surprise me. Why should I be surprised that during an era of $400 hammers and $600 toilet seats that the Pentagon is pressing us to fund a weapon system of dubious design, whose technical problems are so "unrelenting that it is not even ready for development testing, let alone production?" Why should I be surprised that in pressing us to approve production of the Bigeye that the Pentagon engaged in illegal activities and a misuse of public funds? Well, to tell you the truth, I am not surprised. I am outraged. We've had "Watergate," and now we have "Gasgate." The real question is, then, What are we going to do about it?

Mr. Chairman, in reviewing the GAO's latest report to Congress on the Bigeye, I was amazed at the number of illegal and unethical actions that the Chemical Warfare Review Commission undertook. For example, the 1985 Department of Defense Appropriations Act was violated by the hiring of legislative affairs and public relations consultants to lobby Congress on the Commission's findings in support of Bigeye. These actions also violated the Federal Advisory Committee Act, as well as OMB regulations stating that the Commis-

sion "was not authorized to use appropriated funds to express its views publicly to anyone but the President or to initiate communications with Congress, especially when that communication was aimed at influencing pending legislation." In addition, the Defense Department misused public funds in illegal payments for consulting services, including payments to a public relations consultant who was not even in the country at the time these illegal services were supposedly rendered.

Mr. Chairman, I am a firm believer in a U.S. defense capacity that is second to no other power. In order to achieve and maintain such a capacity, we must make sure that in approving any weapon system that it will accomplish the mission for which it is designed. The Bigeye's decrepit design will not enhance current United States chemical deterrent capacity over the Soviet Union. Our unitary munitions fulfill that mission quite ably. In the absence of at least one European country being willing to accept the deployment of new binary chemical munitions, the withdrawal of unitary munitions from Europe will not lessen the risk of chemical confrontation with the Soviet Union but instead invite such a confrontation. Nevertheless, the Pentagon wants the Bigeye and at any price, including violation of the laws governing their activity. Mr. Chairman, we have the ultimate responsibility to stop Gasgate in its tracks and to stop it today by voting in support of the Porter-Fascell-Roukema amendment.

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, DC, June 25, 1986.

B-222758.

Hon. DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs, House of Representatives.

DEAR MR. CHAIRMAN: This responds to your letter of March 27, 1986, in which you and Representative Jack Brooks, Chairman, House Committee on Government Operations, requested this Office to render a legal opinion and conduct an investigation concerning certain activities of the Chemical Warfare Review Commission (CWRC), a Presidential advisory committee. Subsequent discussions with your staff limited the scope of the legal opinion to the question of whether the employment and use of two legislative and public affairs consultants by the CWRC may have violated applicable laws and regulations.

We conducted a preliminary investigation to develop the facts regarding the use of the consultants, which consisted of interviews of knowledgeable individuals and a search of available files. The factual data reported in the opinion was derived from these interviews and from relevant documents. As a result of the preliminary investigation, we concluded, for the reasons given below, that the Office of the Secretary of Defense (OSD) violated the Federal Advisory Committee Act and other applicable statutory and regulatory provisions regulating lobbying and public affairs activities in the course of providing administrative support for the CWRC. A more detailed explanation of our findings and legal conclusions is attached hereto. We are presently continuing our review and investigation of the activities of the entire Commission and expect to issue our report within a few months.

SUMMARY OF THE LEGAL OPINION

Background

Congress authorized the President to establish the CWRC in the DOD Authorization Act, 1985, Public Law 98-525, October 19, 1984, 98 Stat. 2492. That Act required the CWRC to report its findings and recommendations to the President, who was directed to submit the report together with his comments to the Congress not later than April 1, 1985. The President promulgated Executive Order 12502 on January 28, 1985 (3 C.F.R. p. 331 (1986)) establishing the CWRC. Among other things, the Order stated that: (1) the CWRC was subject to the Federal Advisory Committee Act (5 U.S.C. App. I); (2) the CWRC was to review the adequacy of the chemical warfare posture of the United States and report its findings and conclusions to the President; and (3) the Secretary of Defense was responsible for providing the CWRC with the administrative staff and support services it required.

About March 12, 1985, the Executive Secretary of the Commission, a DOD official, authorized the hiring of John A.C. Gibson as a legislative affairs consultant and Peter Hannaford as a public affairs consultant for the CWRC under the provisions of 5 U.S.C. § 3109. The consultants developed a complete legislative and public affairs strategy for the CWRC, designed to influence the public and the Congress favorably about the CWRC's viewpoint on funding new chemical warfare weapons production. The strategy involved making contact with the staff of congressional committees and individual members and briefing them about the functions and activities of CWRC. The legislative affairs consultant arranged for CWRC members to brief congressional members on the CWRC's views on funding new chemical warfare weapons, once the Commission had formulated a position.

The public affairs consultant prepared and distributed press packets on the CWRC, issued press releases on CWRC activities, and notified the press of CWRC hearing dates. In addition the public affairs consultant sought opportunities for a CWRC spokesperson to appear before the media to present the CWRC viewpoint. The consultant also arranged for the chairman to appear on the McNeil-Lehrer News Hour public television show to discuss the CWRC position.

LEGAL CONCLUSIONS

There are a number of statutory and regulatory provisions that prohibit the use of legislative and public affairs consultants by a Presidential advisory committee to influence the public and the Congress with respect to pending legislation. These provisions include restrictions on the types of activities in which advisory committees may engage as well as general restrictions on agency lobbying, publicity and propaganda activities, and the use of publicity experts. We have briefly summarized these restrictions below:

Section 9(b) of the Federal Advisory Committee Act (5 U.S.C. App. I 9(b)) restricts the use of Federal advisory committees to perform advisory functions only, unless otherwise provided by law or Presidential directive. That section also makes the President or an officer of the Federal Government (as opposed to the advisory committee) solely responsible for determining the action to be taken or the policy to be expressed with respect to matters upon which the advisory committee reports. Since Executive Order 12502 limited the mission of the CWRC to preparing a report on its findings and conclusions for the President, we have determined that OSD was not authorized to employ legislative and public affairs consultants to support the CWRC in an attempt to influence the public and the Congress regarding the CWRC's recommendations.

The antilobbying restriction contained in section 8069 of the DOD Appropriation Act, 1985, Public Law 98-473, October 12, 1984, 98 Stat. 1904, is also applicable to the employment of the legislative affairs consultant by OSD for the CWRC. That provision states that funds appropriated for DOD may not be used "in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress."

As an advisory committee, the CWRC did not administer laws or programs and was restricted to advisory functions only. It therefore was not authorized to communicate its views to the Congress unless it was responding to a direct congressional request for information. Accordingly, the hire of a legislative affairs consultant was a violation of the antilobbying appropriation restriction contained in section 8069, since the consultant's activities were directed toward influencing legislation pending before the Congress.

OMB Circular A-120 provides guidance to Heads of Executive agencies for the use of consulting services. Subparagraph 6e of that Circular states that "consulting services will not be used under any circumstances to specifically aid in influencing or enacting legislation." Since we have determined that the CWRC legislative affairs consultant did engage in activities to influence appropriations measures, it follows that suparagraph 6e, OMB Circular A-120 was also violated by OSD.

Section 8002 of the DOD Appropriation Act, 1985, states that DOD appropriations shall not "be used for publicity or propaganda purposes not authorized by the Congress." A similar restriction is contained in 5 U.S.C. § 3107, and states that "appropriated funds may not be used to pay a publicity expert unless specifically appropriated for that purpose." We have held that the first mentioned restriction would not serve to prohibit an agency from disseminating information reasonably necessary for the proper administration of the laws for which the agency is responsible, to the general public or to particular inquirers. See, e.g., 31 Comp. Gen. 311 (1952). However, the CWRC's functions were solely to provide advice to the President and there was no authority for the consultant to distribute unsolicited information or otherwise to engage in the promotional activities described earlier.

Because there was no legal authorization for CWRC public affairs activities, employment of the CWRC public affairs consultant violated the provisions of section 8002 and 5 U.S.C. § 3107. Therefore, OSD expenditures for a public affairs consultant for the CWRC are also improper.

OSD failed to comply with personnel appointment and payment procedures regarding its hiring of the consultants. They were placed in a duty status almost two months before their appointments were made. One of the consultants was continued in a pay status while out of town on non-Government business and was paid for some work actually performed by the other consultant. OSD paid for the preappointment services of the consultants on a contractual basis.

However, the consultants should not have been paid because of the appropriation restrictions described above.

Section 3(c) of Executive Order 12502 made OSD responsible for providing staff and support services to this Presidential Commission. We have concluded that OSD officials violated statutory restrictions by employing a legislative affairs consultant and a public affairs consultant in support of the CWRC. By separate correspondence, we will be requesting OSD to recover appropriated funds expended in payments made to the legislative and public affairs consultants in violation of the appropriations restrictions.

Unless you publicly announce its contents earlier, we plan no further distribution until 30 days from the date of this opinion. At that time we will send copies to interested parties and make copies available to others on request.

Sincerely yours,

MILTON J. SOCOLAR
(For Comptroller General
of the United States).

Mr. PORTER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I have never been opposed to chemical weapons. I am opposed to new chemical weapons. I believe that we do need a chemical deterrent; I believe that we have a perfectly good one. We have a huge chemical weapons stockpile, numbering in the millions of projectiles, both here and in Western Europe. It is safe; there has never been an accident, never a fatality as a result of that stockpile. It is forward deployed, it is in excellent condition according to the word of our Secretary of Defense expressed just in January of this year.

"If it isn't broke, don't fix it." Deficits in our country are $230 billion this coming year; $230 billion last year. We do not need a new program to fix something that isn't broke for $2.6 billion additional and $10 to $15 billion to de-mil.

The Bigeye bomb is a disaster. The GAO says so. It ought to have more time to be developed, and this amendment gives it that time.

Finally, Mr. Chairman, unilateral withdrawal of our existing stockpile from Western Europe is absolute madness. Sure, we are going to rush to the front in time of crisis; weapons positioned only in the United States; we are going to take our entire C-41 capability and move everything to the front—that is not deterrence; that is an invitation to a chemical attack.

If our objective is deterrence, and that is the only reason the United States should ever have chemical weapons, then what would be best if we were to produce binary weapons? Binaries, both here and in Europe. What would be second best? Binaries here and unitaries in Europe. What would be third best and worst? Binaries only in the United States.

Why are we choosing the least effective alternative? No one can answer that question.

Mr. Chairman, this amendment represents an ultimate waste. Simply money to buy a new weapons system we do not need, we lose our deterrence, we produce one-fifth of what we have on hand, it is a mistake. I urge the Members to support the amendment.

Mrs. BYRON. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I rise in opposition to the amendment being offered today. I think that of all of the things in national security, one of the most screwed up has been this whole issue of binary weapons.

I think plenty of blame lies on both the Congress and the executive branch; but I believe to vote for the Fascell-Porter amendment would be a real step backward, and I urge all my colleagues to vote no.

Mr. SPRATT. Mr. Chairman, let me make several quick points in conclusion. First of all, this amendment purports to be a fence. "It's just a fence," say the proponents of it. This is a far-reaching fence.

It not only fences fiscal year 1987 money, it fences fiscal year 1986 money, it fences money for the procurement and production of systems, it fences money for components; it is a big fence. It is not just some delay in the program; it is an effort to stop the program and stop our program of binary modernization.

□ 1740

Second, at the first part, the first section of this amendment purports to be a fence, an illusory fence. The second part of it is a nonsequitur. It says, "Don't take our chemical munitions out of Europe, our unitaries out of Europe until we can replace them with binary munitions." What binaries? If we adopt this amendment, there will not be any binaries. We prohibit the production, we prohibit the purchase of long-lead-time items, we prohibit everything connected with binaries out of last year's money and this year's money. Furthermore, we will not have to remove those unitary weapons from Europe, they will remove themselves, they will take themselves out because as they age, the chemical agents lose potency, the castings corrode, they become useless. It is de facto removal of the weapons unless we do something to replace them.

The next red herring is the Bigeye bomb. That is what you have heard about. We are not just talking about Bigeye. We are talking about binary modernization and everybody ought to agree that is a superior method to go if we are going to have a chemical weapons arsenal, if we are going to have some sort of chemical deterrent.

The Bigeye has problems, I agree with you, it has big problems, and they need to be worked out. It has been in development a long time.

We address those problems in this bill. We address them, first of all, by erecting another fence around the Bigeye money. DOD wanted $58 million for the Bigeye, we gave them $10 million. They wanted $14 million to set up a second production line, we gave them zero. We fenced it. We said, "GAO, we want you to be our watchdog. We want these test results certified, and you can't spend any of this money, this year's or last year's, until you complete the test, until the Secretary certifies the results and until we have had 60 days to study it."

That is what we have done with the Bigeye.

As to the rest of this bill, adopt this bill and you stop the 155-millimeter howitzer program. It is just a replacement of conventional rounds that we need for our artillery, our infantry. You will stop that program altogether. You will stop the multilaunch rocket system altogether. You have heard Mr. RIDGE testify we need something in the midrange. That program supplies it.

Mr. Chairman, I move that we stick with the bill as is. It is a good program and we should not regress by adoption of the amendment.

Mr. FASCELL. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, last year the preceding speaker and the gentleman from Missouri made and entirely sensible suggestion, that the future of chemical weapons in the United States should be conditioned on their placement in Europe. It was sensible because these weapons are designed primarily for battlefield use with our NATO allies. That passed the House of Representatives last year. Since then our NATO allies have made it clear that they do not want the chemical weapons stored on their soil. They have said to the United States, "Thank you for the weapons but don't leave them in Europe. Send them back to the United States."

I would suggest to you that we dedicate a great portion of our Department of Defense budget to the protection of Europe and to the protection and preservation of our alliance with the NATO nations. At this point we have to ask ourselves whether the commitment is there for our allies as we asked last year. I do not believe it is. America's chemical weapons are hideous destructive orphans without a home or a mission.

Join me in supporting the pending amendment to reaffirm. I ask your

vote for a 2-year delay on binary chemical weapons production.

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. I thank my colleague for yielding.

Mr. Chairman, I rise in support of the Fascell-Courter-Roukema amendment.

There are three reasons why we should support this amendment.

First, DOD's binary program promised to give us a modern chemical deterrent in Europe and it has delivered unilateral disarmament. Not one European NATO country has agreed to base these new chemical weapons on their soil.

Second, we were promised modern, safe weapons but we are now being sold a chemical Divad. Outdated weapons that don't work and the GAO is telling us not to fund their production.

Third, we were promised a strengthening of our chemical forces in the face of a Soviet buildup but instead we give the Soviets something for nothing. Our current stocks will be withdrawn from West Germany by secret agreement between West German Chancellor Kohl and President Reagan and they will not be replaced by binaries. Unilateral disarmament and a discarded arms control bargaining chip are not what this program was supposed to give us. Nothing could scare the Soviets and Warsaw Pact less than no chemical deterrent in Europe, chemical weapons in the United States which don't work and which would have to be transported from several different States in a crisis because we are basing the binary components in different States, and West German veto power over any deployment of our weapons in a contingency.

Let's get serious. The binary program must present us with weapons and a strategy that work and make sense before we should ever even be considering funding it.

The CHAIRMAN pro tempore (Mr. RUSSO). The gentleman from Alabama [Mr. DICKINSON] is recognized for 3 minutes to close debate.

Mr. DICKINSON. Mr. Chairman, I yield the balance of my time to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Chairman, let me answer that charge "if it ain't broke, don't fix it," right off at the very outset of my remarks. I think the gentleman from Kentucky, who has 70,000 of those outdated weapons stored in his district can attest to the fact that they are in fact leaking and out of date.

Mr. Chairman, the idea of chemical warfare is morally repugnant. Most of us shy away from the subject or simply want nothing to do with it, as was so well expressed by my friend, TOM RIDGE, from Pennsylvania.

But we can't escape reality. And the harsh reality of our time is that the Soviet Union has a substantial chemical warfare capability and has used it already against defenseless people in Afghanistan.

That is why we are debating this terrible issue today. We need a credible deterrent that can bring the Soviet Union to the bargaining table to negotiate a ban on these weapons.

The United States has been a leader in trying to obtain a ban on these weapons.

We unilaterally stopped producing chemical weapons in 1969.

It has been pointed out that in 1976 we in Congress refused to reduce production of binary chemical munitions to encourage the Soviets to conclude a treaty.

The Soviet Union has remained intransigent. Sixteen years of dedicated, innovative, sincere attempts on our part to ban these weapons—and the Soviet response has been to build up their chemical stockpile.

Is our current stockpile a credible deterrent? The experts say it isn't.

Our former colleague, Dave Emory, Deputy Director of our Arms Control and Disarmament Agency has said:

> The current United States chemical warfare stockpile is clearly inadequate—either to deter Soviet use or to give them an incentive to negotiate.

Will modernization help us toward a ban? As David Abshire, U.S. Ambassador to NATO recently wrote:

> By staying the course the U.S. can create an incentive for the Soviets to negotiate seriously for a world-wide ban on chemical weapons.

And there it is, the dilemma we have been faced with for so many years in order to achieve an ultimate ban on chemical weapons, we first have to build a credible deterrent. It is the paradox of our time.

But we have got to live with it.

If I might conclude on a very personal note, many of you know that some of us served during World War II. This Member served in France, Belgium, and Germany as a combat infantryman. I think it was in July 1944 while near Le Deseret and Isigny in France, our 2d Battalion, 39th Infantry was fighting, and at the time we got an order to turn in gas masks. It had been determined that the chances of gas warfare were so low that we did not need to carry the masks with us anymore. Now, why do you think the allies would issue such an order? It was because the Nazis knew that if they started gas warfare on the battlefield, there would be swift retaliation. Neither side wanted it. But is there anyone who believes a totalitarian power yesterday or today would be stopped from chemical warfare if there was no fear of credible retaliation? I urge you all to reject this amendment. I fully understand the sincerity and the deep emotion behind the amendment, but I really do question its judgment.

The President needs a credible deterrent if he is to achieve the goal of banning these weapons. I say give him a chance, give him what he needs so that we can ban these weapons from the face of the Earth once and for all.

And I guess on a personal note, if there is a moment left in my time, let me comment on some of the debate that has gone on here today and all the things that have transpired. Oh, I just wish each and every one of you would put yourselves in the position of the President who finally has to sit across the table from that adversary. You can all talk about the issues on the fringes and around the edges here, but you do not have to meet that adversary head to head. Believe me how much better our President's position is going to be in the end if he is dealing from a position of strength in all these areas that we have attempted time after time by amendment after amendment to gut his negotiating strength during the course of this debate. It is just rather repugnant to this Member, and I could not refrain from at least getting it off my chest as we close the debate here.

Mrs. LLOYD. Mr. Chairman, I rise in opposition to the amendment. I am afraid that this amendment doesn't recognize that the Soviet capability to deploy chemical weapons in Europe will not be slowed one bit by this unilateral gesture. I was already concerned that the committee position supported only a "minimum pace" for the binary modernization program and reduced the administrations request by $90.2 million. I believe that this chemical weapons modernization program is important and we cannot afford to ignore the Soviet chemical weapons capability no matter whether such weapons are in Central Europe or on Soviet territory. I believe it is naive to talk about chemical weapon free-zones and such discussions can only serve to divert public attention from the need to achieve a comprehensive ban on such weapons. The United States has put that type of offer on the table but the Soviets are clearly not interested.

I think modernization here is critical so that just as with nuclear weapons, the United States will have a much safer, more flexible and readily deployable stockpile. This cannot help but improve our deterrent capability. The present unitary chemical weapons in Europe provide an extremely limited deterrent and I believe that continued procurement of binary systems is the more desirable response to the Soviet threat. I would point out to my colleagues that if they believe verification of nuclear weapons tests by the Soviets is difficult, let them try to propose a comprehensive verification and monitoring scheme for chemical weapons. It seems to me virtually impossible to monitor Soviet transfer of such weapons and a variety of other bad faith activities which they could easily engage in to maintain a sig-

nificant chemical warfare threat to NATO. I feel that this amendment creates the illusion of enhanced security based on good intentions. However, we are actually undercutting our deterrence by once again telling the Soviets that "we just don't mean business" in terms of warfighting preparedness.

I urge my colleagues to reject this amendment for our sake and the sake of our NATO allies.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment offered by the gentleman from Illinois [Mr. PORTER].

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. PORTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 209, not voting 12, as follows:

[Roll No. 339]

AYES—210

Ackerman	Ford (TN)	McKinney
Akaka	Frank	Meyers
Anderson	Frost	Mica
Annunzio	Garcia	Mikulski
Applegate	Gejdenson	Miller (CA)
Atkins	Gephardt	Miller (WA)
AuCoin	Gonzalez	Mineta
Barnes	Goodling	Mitchell
Bates	Gordon	Moakley
Bedell	Gradison	Molinari
Beilenson	Gray (PA)	Moody
Bennett	Green	Mrazek
Berman	Gregg	Natcher
Biaggi	Guarini	Nowak
Boggs	Gunderson	Oakar
Boland	Hall (OH)	Oberstar
Bonior (MI)	Hawkins	Obey
Bonker	Hayes	Olin
Borski	Henry	Owens
Boucher	Hertel	Panetta
Boxer	Horton	Pease
Brooks	Howard	Penny
Brown (CA)	Hoyer	Pepper
Brown (CO)	Huckaby	Perkins
Bruce	Hughes	Pickle
Bryant	Jacobs	Porter
Carr	Jeffords	Pursell
Clay	Jenkins	Rahall
Clinger	Kanjorski	Rangel
Coats	Kaptur	Regula
Coble	Kastenmeier	Reid
Coelho	Kennelly	Richardson
Collins	Kildee	Rinaldo
Conte	Kleczka	Rodino
Conyers	Kolbe	Roe
Cooper	Kolter	Rostenkowski
Coughlin	Kostmayer	Roukema
Coyne	LaFalce	Roybal
Crockett	Lantos	Russo
Daschle	Leach (IA)	Sabo
Dellums	Lehman (CA)	Savage
Derrick	Lehman (FL)	Scheuer
Dixon	Leland	Schneider
Donnelly	Levin (MI)	Schroeder
Dorgan (ND)	Levine (CA)	Schumer
Downey	Lewis (FL)	Seiberling
Durbin	Long	Sensenbrenner
Dwyer	Lowry (WA)	Sikorski
Dymally	Luken	Smith (FL)
Early	Lundine	Smith (IA)
Eckart (OH)	MacKay	Smith (NJ)
Edgar	Manton	Smith, Robert (OR)
Edwards (CA)	Markey	Snowe
Erdreich	Martin (IL)	Solarz
Evans (IL)	Martinez	St Germain
Fascell	Matsui	Staggers
Feighan	Mavroules	Stallings
Fish	Mazzoli	Stark
Florio	McGrath	Stokes
Foglietta	McHugh	Studds
Foley	McKernan	Swift
Synar	Visclosky	Wirth
Tauke	Waldon	Wise
Torres	Walgren	Wolpe
Torricelli	Waxman	Wortley
Towns	Weaver	Wright
Traficant	Weber	Wyden
Traxler	Weiss	Yates
Udall	Wheat	Yatron
Vento	Whitten	
	Williams	

NOES—209

Alexander	Gibbons	Parris
Andrews	Gilman	Pashayan
Anthony	Gingrich	Petri
Archer	Glickman	Price
Armey	Gray (IL)	Quillen
Aspin	Hall, Ralph	Ray
Badham	Hamilton	Ridge
Barnard	Hammerschmidt	Ritter
Bartlett	Hansen	Roberts
Barton	Hatcher	Robinson
Bateman	Hefner	Roemer
Bentley	Hendon	Rogers
Bereuter	Hiler	Rose
Bevill	Holt	Roth
Bilirakis	Hopkins	Rowland (CT)
Billey	Hubbard	Rowland (GA)
Boehlert	Hunter	Rudd
Boner (TN)	Hutto	Saxton
Bosco	Hyde	Schaefer
Boulter	Ireland	Schuette
Broomfield	Johnson	Schulze
Burton (IN)	Jones (NC)	Shaw
Bustamante	Jones (OK)	Shelby
Byron	Jones (TN)	Shumway
Callahan	Kasich	Shuster
Carney	Kemp	Siljander
Carper	Kindness	Sisisky
Chandler	Kramer	Skeen
Chapman	Lagomarsino	Skelton
Chappell	Latta	Slattery
Chappie	Leath (TX)	Slaughter
Cheney	Lent	Smith (NE)
Cobey	Lewis (CA)	Smith, Denny (OR)
Coleman (MO)	Lightfoot	
Coleman (TX)	Lipinski	Smith, Robert (NH)
Combest	Livingston	
Courter	Lloyd	Snyder
Craig	Loeffler	Solomon
Crane	Lott	Spence
Daniel	Lowery (CA)	Spratt
Dannemeyer	Lujan	Stangeland
Darden	Lungren	Stenholm
Daub	Mack	Strang
Davis	Madigan	Stratton
de la Garza	Marlenee	Stump
DeLay	Martin (NY)	Sundquist
DeWine	McCain	Sweeney
Dickinson	McCandless	Swindall
Dicks	McCloskey	Tallon
Dingell	McCollum	Tauzin
DioGuardi	McCurdy	Taylor
Dornan (CA)	McDade	Thomas (CA)
Dowdy	McEwen	Thomas (GA)
Dreier	McMillan	Valentine
Duncan	Michel	Vander Jagt
Dyson	Miller (OH)	Volkmer
Eckert (NY)	Mollohan	Vucanovich
Edwards (OK)	Monson	Walker
Emerson	Montgomery	Watkins
English	Moorhead	Whitehurst
Evans (IA)	Morrison (WA)	Whitley
Fawell	Murphy	Whittaker
Fazio	Murtha	Wilson
Fiedler	Myers	Wolf
Fields	Neal	Wylie
Franklin	Nelson	Young (AK)
Frenzel	Nichols	Young (FL)
Fuqua	Nielson	Young (MO)
Gallo	Ortiz	Zschau
Gaydos	Oxley	
Gekas	Packard	

NOT VOTING—12

Breaux	Ford (MI)	Hillis
Burton (CA)	Fowler	Moore
Campbell	Grotberg	Morrison (CT)
Flippo	Hartnett	Sharp

□ 1805

Messrs. DREIER of California, LENT, WALKER, and FRANKLIN changed their votes from "aye" to "no."

Messrs. DIXON, VENTO, LEHMAN of Florida, PEPPER, and BIAGGI changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FORD of Michigan. Mr. Chairman, I am conducting a conference with the Senate on the other side of the Capitol and returned just as the vote was turned off.

I would like the record to show that if I had made it back in time, I would have voted "aye" on the amendment.

The SPEAKER pro tempore (Mr. RUSSO). Pursuant to paragraph (10) of House Resolution 531, amendments made in order pursuant to paragraph (3) of said resolution are in order at this time.

Amendment No. 22 is in order at this time.

Does the gentleman from New York [Mr. WEISS] seek to offer amendment No. 22?

The amendment is declined.

Amendment No. 23 is in order at this time. Does the gentleman from New Jersey [Mr. COURTER] wish to offer his amendment?

Mr. COURTER. I do, Mr. Chairman.

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer amendment No. 23.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. COURTER: At the end of title II of division A (page 68, after line 4), insert the following new section:

SEC. 215. RECONFIGURATION OF STRATEGIC DEFENSE INITIATIVE PROGRAM.

(a) RECONFIGURATION OF SDI PROGRAM.—The Secretary of Defense shall, consistent with the provisions of the Anti-Ballistic Missile Treaty of 1972—

(1) reconfigure the Strategic Defense Initiative program; and

(2) initiate the development, testing, and deployment of systems for the defense of the United States against attack by strategic ballistic missiles.

(b) REQUIREMENTS.—To the maximum extent practicable, the reconfiguration required by subsection (a)(1) shall enable systems developed under the Strategic Defense Initiative program—

(1) to survive against determined defense suppression attacks;

(2) to provide the most effective protection for the largest possible area;

(3) to be cost-effective when deployed against the most effective or most probable countermeasures; and

(4) to be compatible with future systems for defense againt strategic and tactical ballistic missiles, including systems designed to defeat ballistic missile threat during the boost phase, post-boost phase, midcourse phase, or terminal phase of their flight trajectory.

The CHAIRMAN pro tempore. Under the rule, the gentleman from New Jersey [Mr. COURTER] will be recognized for 5 minutes and the gentleman from Alabama [Mr. NICHOLS] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, I am given under the rules a scant 5 minutes to explain what I think is a very important amendment. I would hope that my colleagues would join with me. This is not going to take long. I would ask the complete indulgence of the Members.

The amendment has to do with the reconfiguration of the goals of the strategic defense initiative. It is important to keep in mind that this amendment is not a money amendment. It neither increases nor decreases the sum of money that we are going to be using for this particular function.

This amendment does not interfere with either the broad nor narrow interpretation of the ABM Treaty. It is neutral and silent on that.

This amendment has to do with the thrust of the program. Up to now the Reagan administration has been pursuing a strategic defense initiative that has been an open-ended theoretical research. It is not looking at the short term. It is looking at the long term.

While this certainly is a fascinating scientific exercise, because it is guaranteed to be researched for years and years and years, any type of consensus for a deployment of strategic defense is gone.

It basically says that the initiation right now, the program right now is saying that unless you can do everything, do nothing. Unless you can have a perfect defense, have no defense. Unless you have the ultimate ability to defend everybody, do not move forward in any direction whatsoever. I think that is a mistake. I think it is wrong.

It is also important to keep in mind that the ABM Treaty, although we know that it prohibits a lot of things, the ABM Treaty basically is saying that you cannot develop, test, and deploy ABM systems or components that are land mobile, that are sea based or that space based, either components or full systems. It does permit the United States and the Soviet Union to do a lot of things, but we have decided not to move in this direction. We have decided, politically or otherwise, not to do what the Soviet Union is doing.

For example, under the ABM Treaty, without violating it even using the strict interpretation of that treaty, the treaty will permit the deployment of fixed land-based interceptors, fixed land-based radar, communications equipment, et cetera.

It does permit the testing and the research and the engineering and the development of ground-based lasers, as long as the testing is done in designated sites under the ABM Treaty.

In other words there is lots that we can do that we are not doing because the program is looking at the perfect future defense, rather than what we can do in the shorter term to defend our silos, to defend our command and control centers and to defend our people and our population.

My amendment simply says the perfect futuristic defense is fine, but there is a better alternative. We can do some things now to protect command and control centers, to protect our silos, to protect our people in the shorter term.

□ 1820

The Courter amendment calls for the reconfiguration of the program. It calls for development, testing, and deployment as soon as possible of defensive systems which comply with the ABM Treaty. It ensures that any deployed system be survivable against a barrage attack by the other side. It provides the most cost-effective way of deploying those systems, and it also says that it will at the same time make sure that whatever is deployed in the shorter term protects as many people in the United States as we possibly can.

It is not a dramatic step. It does not cost any money. It does not violate the liberal nor conservative interpretation of the ABM Treaty. I urge my colleagues to consider it and to adopt it.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I rise briefly to join the gentleman from New Jersey [Mr. COURTER] in support of this amendment, to argue that I think that this brings further focus to this program. I think that one of the legitimate criticisms has been some fuzziness associated with the program. This attempts to bring some clarity that makes good sense and allows us to use technologies, develop technologies, and deploy technologies that we currently understand, and I think brings the kind of focus to this program that we need to bring. I hope that our colleagues will support the amendment.

Mr. NICHOLS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. This amendment would direct the Secretary of Defense to reconfigure the SDI from a technology demonstration program to a development and deployment program consistent with the 1972 ABM Treaty.

BACKGROUND

The SDI Program as specified by the President is a vigorous research and technology development effort designed to provide the technical knowledge required to support an informed decision in the early 1990's on whether or not to develop and deploy a defense against nuclear ballistic missiles.

EFFECT OF AMENDMENT

The amendment would require the administration to begin development of a defense system utilizing the technical data base now available. This would be a major change in SDI policy, most likely terminating or slowing down research on the higher risk technologies such as directed energy weapons. This reconfiguration could cause the SDI Program to bump up against the ABM Treaty earlier than the present program.

RECOMMENDATION

The committee has not in the past expressed support for development of the SDI system. Acceptance of this amendment would reflect a shift in committee policy. Recommend the amendment be opposed.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Virginia.

Mr. DANIEL. Mr. Chairman, Mr. COURTER's amendment goes too far too fast. Before we initiate development, test and deployment of a "reconfigured" SDI Program we ought to have the Defense Department study, carefully study whether these technologies developed in SDI are really ripe, really ready to be exploited in the short term. I suspect some of these technologies, like fault-free computer programs are just not ready for rapid exploitation. But we ought to find out.

We are pouring an unbelievable amount of money into technical development. SDI is a huge fraction of defense R&D, the largest research program in the free world, whether or not it will work.

So I say let us find what all this technology can do for us in the near term, 5 or 10 years. Let us see how these new technologies can be applied to problems.

Like defense against tactical weapons;

Like defense of our national command authority;

Like defense of our satellites; and

Like survivable C^3.

I understand the other body has included a provision to conduct such a study, and I would hope the conferees from this House would treat it generously.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I rise in very strong opposition to the Courter

amendment. Under Gramm-Rudman last year, our research accounts that were for defense projects other than SDI, because the President exempted SDI, were cut by some 20 percent. Under the Courter amendment we would take another $100 million from non-SDI research and put it into a very good program, but I think that it would take money away from other vital research programs, and therefore I would have to oppose it.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. This is a document that the gentleman gave me.

Mr. COURTER. It is not in the amendment. The gentleman is looking at the wrong thing.

Mr. DICKS. Mr. Chairman, I asked the gentleman if he could provide me with a copy of his amendment, and he would not do it. I just used the document which the gentleman handed me.

Mr. COURTER. I do not have the time, but I am saying that the gentleman——

Mr. NICHOLS. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, what the gentleman is looking at is not the amendment. The amendment has nothing to do with transferring money to boost surveillance and tracking. That is the second amendment.

What the amendment has to do is reorientation of the SDI Program such——

Mr. DICKS. Accelerate it?

Mr. COURTER. No, it accelerates part of it, but only with respect to the systems that are compatible with the strict interpretation of the ABM system.

Basically the amendment says that we should be able to deploy what the Soviets are deploying.

Mr. DICKS. Mr. Chairman, reclaiming my time. I just think that we ought to let them do the research program. I do not think that we ought to be tinkering with it, like the gentleman from New Jersey wants to, and I think accelerating it into near-term development is a mistake. I think that we ought to do the research and find out whether this is feasible, and I do not think that we have enough knowledge yet to accelerate it. So I would urge the committee to vote this amendment down.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from New Jersey [Mr. COURTER].

The question was taken; and the Chairman announced the noes appeared to have it.

RECORDED VOTE

Mr. COURTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 124, noes 293, not voting 14, as follows:

[Roll No. 340]

AYES—124

Archer	Hansen	Robinson
Armey	Hendon	Roemer
Bartlett	Hiler	Rogers
Barton	Hopkins	Roth
Bereuter	Hubbard	Rowland (CT)
Bilirakis	Hunter	Rudd
Boulter	Hyde	Schaefer
Broomfield	Ireland	Scheuer
Brown (CO)	Kasich	Shumway
Burton (IN)	Kemp	Shuster
Carney	Kindness	Siljander
Chappie	Kolbe	Skeen
Cheney	Latta	Slaughter
Coats	Lewis (CA)	Smith (NE)
Cobey	Lewis (FL)	Smith (NJ)
Coble	Livingston	Smith, Denny (OR)
Coleman (MO)	Loeffler	Smith, Robert (NH)
Combest	Lott	Smith, Robert (OR)
Courter	Lowery (CA)	Solomon
Craig	Lujan	Spence
Crane	Lungren	Stallings
Dannemeyer	Mack	Stangeland
Daub	Madigan	Stenholm
DeLay	Marlenee	Stratton
DeWine	Martin (IL)	Stump
DioGuardi	McCandless	Sundquist
Dornan (CA)	McCollum	Swindall
Dreier	McEwen	Tauke
Duncan	Michel	Tauzin
Eckert (NY)	Miller (OH)	Taylor
Edwards (OK)	Miller (WA)	Thomas (CA)
Emerson	Molinari	Vucanovich
Evans (IA)	Monson	Walker
Fiedler	Moorhead	Weber
Fields	Morrison (WA)	Wilson
Franklin	Myers	Wolf
Gallo	Oxley	Young (AK)
Gekas	Packard	Young (FL)
Gingrich	Pashayan	
Goodling	Pursell	
Gradison	Quillen	
Gregg	Rinaldo	
Hammerschmidt	Ritter	

NOES—293

Ackerman	Byron	Eckart (OH)
Akaka	Callahan	Edgar
Alexander	Carper	Edwards (CA)
Anderson	Carr	English
Andrews	Chandler	Erdreich
Annunzio	Chapman	Evans (IL)
Anthony	Chappell	Fascell
Applegate	Clay	Fawell
Aspin	Clinger	Fazio
Atkins	Coelho	Feighan
AuCoin	Coleman (TX)	Fish
Badham	Collins	Florio
Barnard	Conte	Foglietta
Barnes	Conyers	Foley
Bateman	Cooper	Ford (MI)
Bates	Coughlin	Ford (TN)
Bedell	Coyne	Frank
Beilenson	Crockett	Frost
Bennett	Daniel	Fuqua
Bentley	Darden	Garcia
Berman	Daschle	Gaydos
Bevill	Davis	Gejdenson
Biaggi	de la Garza	Gephardt
Billey	Dellums	Gibbons
Boehlert	Derrick	Gilman
Boggs	Dickinson	Glickman
Boland	Dicks	Gonzalez
Boner (TN)	Dingell	Gordon
Bonior (MI)	Dixon	Gray (IL)
Bonker	Donnelly	Gray (PA)
Borski	Dorgan (ND)	Green
Bosco	Dowdy	Guarini
Boucher	Downey	Gunderson
Boxer	Durbin	Hall (OH)
Brown (CA)	Dwyer	Hall, Ralph
Bruce	Dymally	Hamilton
Bryant	Dyson	Hatcher
Bustamante	Early	Hawkins
Hayes	McKinney	Schumer
Hefner	McMillan	Sensenbrenner
Henry	Meyers	Shaw
Hertel	Mica	Shelby
Holt	Mikulski	Sikorski
Horton	Miller (CA)	Sisisky
Howard	Mineta	Skelton
Hoyer	Mitchell	Slattery
Huckaby	Moakley	Smith (FL)
Hughes	Mollohan	Smith (IA)
Hutto	Montgomery	Snowe
Jacobs	Moody	Snyder
Jeffords	Mrazek	Solarz
Jenkins	Murphy	Spratt
Johnson	Murtha	St Germain
Jones (NC)	Natcher	Staggers
Jones (OK)	Neal	Stark
Jones (TN)	Nelson	Stokes
Kanjorski	Nichols	Strang
Kaptur	Nielson	Studds
Kastenmeier	Nowak	Sweeney
Kennelly	Oakar	Swift
Kildee	Oberstar	Synar
Kleczka	Obey	Tallon
Kolter	Olin	Thomas (GA)
Kostmayer	Ortiz	Torres
Kramer	Owens	Torricelli
LaFalce	Panetta	Towns
Lagomarsino	Parris	Traficant
Lantos	Pease	Traxler
Leach (IA)	Penny	Udall
Leath (TX)	Pepper	Valentine
Lehman (CA)	Perkins	Vander Jagt
Lehman (FL)	Petri	Vento
Leland	Pickle	Visclosky
Lent	Porter	Volkmer
Levin (MI)	Price	Waldon
Levine (CA)	Rahall	Walgren
Lightfoot	Rangel	Watkins
Lipinski	Ray	Waxman
Lloyd	Regula	Weaver
Long	Reid	Weiss
Lowry (WA)	Richardson	Wheat
Luken	Ridge	Whitehurst
Lundine	Roberts	Whitley
MacKay	Rodino	Whittaker
Manton	Roe	Whitten
Markey	Rose	Williams
Martin (NY)	Rostenkowski	Wirth
Martinez	Roukema	Wise
Matsui	Rowland (GA)	Wolpe
Mavroules	Roybal	Wortley
Mazzoli	Russo	Wright
McCain	Sabo	Wyden
McCloskey	Savage	Wylie
McCurdy	Saxton	Yates
McDade	Schneider	Yatron
McGrath	Schroeder	Young (MO)
McHugh	Schuette	Zschau
McKernan	Schulze	

NOT VOTING—14

Breaux	Fowler	Moore
Brooks	Frenzel	Morrison (CT)
Burton (CA)	Grotberg	Seiberling
Campbell	Hartnett	Sharp
Flippo	Hillis	

□ 1830

Mr. DE LA GARZA changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SCHEUER. Mr. Chairman, on rollcall No. 340, the vote on the Courter amendment to the Defense Department authorization bill, I inadvertently voted "aye." I am opposed to the amendment and intended to vote "no."

Mr. ASPIN. Mr. Chairman, I vote to strike the last word.

Mr. Chairman, there are three Members here with whom we would like to enter into a colloquy that have issues pertaining to the bill that they are interested in. One is the gentlewoman from Maryland [Mrs. HOLT], another

is the gentleman from Pennsylvania [Mr. FOGLIETTA], and the third is the gentleman from Texas [Mr. PICKLE].

□ 1845

We will start with the gentlewoman from Maryland [Mrs. HOLT].

Mrs. HOLT. Mr. Chairman, if the gentleman will yield, I would like to engage the chairman of the Armed Services Committee and the ranking minority member in a brief discussion concerning the conventional defense initiative.

Mr. ASPIN. I would be pleased to discuss this matter with the ranking member and the gentlewoman from Maryland.

Mrs. HOLT. On page 151 of the committee's report, the committee recommends authorization for developing of the 75-millimeter and 60-millimeter cannons and mounts. I note the committee did not mention the MECAR 90-millimeter cannon. Was this an oversight?

Mr. ASPIN. No; it was not. We simply could not mention all of the candidates for the conventional defense initiative or the antiarmor initiatives. The gentlewoman should note that on page 153 of the report the committee states, and I quote, "many other systems, in addition to those highlighted above, are of interest to the committee in pursuing the conventional defense initiative." Accordingly, the MECAR 90-millimeter cannon is a serious competitor to the 75- and 60-millimeter cannon. Does the ranking member share this interpretation?

Mr. DICKINSON. Absolutely. Mr. Chairman, if the gentlewoman will yield, I serve as the ranking member of the Research and Development Subcommittee which is where the CDI originated and I assure the gentlewoman that the chairman's perspective is accurate.

Mrs. HOLT. The legislative history then shows that the committee intends the MECAR 90-millimeter cannon be evaluated with the 75- and 60-millimeter cannons.

Mr. ASPIN. Yes, and I am confident that the Army and Marine Corps recognizes that this is the case.

Mr. DICKINSON. I agree.

Mrs. HOLT. Mr. Chairman, I thank the committee chairman and the ranking member for this clarification.

Mr. ASPIN. Mr. Chairman, I now yield to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman regarding my concerns over the areas of study in the university research initiative.

Mr. Chairman, the university research initiative, begun by the Department of the Army in fiscal year 1986, and strongly supported by your committee last year, is an important effort to advance the level of understanding in several important areas of scientific and technical research. The Army, in proposing the URI to the Congress in the last budget cycle targeted several key areas of need for increased funding and study. Two of these critical areas were research in applied mathematics and engineering research in logistics and maintenance.

Based on the statement of need by the Army, the committee provided the university research initiative with full support. However, despite this support, the Army eliminated the applied mathematics and logistics research categories when the requests for proposal were issued.

The Army response for this action was an outline for the development of four general areas of research which they claim satisfy the requirement for study of applied mathematics and logistics. However, I do not agree. I believe the study of applied mathematics and logistics will be lost within these groupings.

Mr. Chairman, I am concerned that the university research initiative is not being properly utilized as originally intended. The purpose of my effort is not to earmark funding for any particular institution. Instead, my intention is to direct the Army to recognize these areas of research which the Army has deemed necessary and vital to future military commitments.

Mr. Chairman, would you concur that the absence of these areas from the fields of study covered in the URI RFP require a statement of support by your committee and the Congress as a whole?

Mr. ASPIN. I do agree with the gentleman from Pennsylvania. It is my understanding that the university research initiative was designed to increase the expertise in such areas as applied mathematics and logistics and that this effort could best be performed by our Nation's academic institutions. The omission of these two areas of research from the Army's RFP was not in the spirit of the original directive. I congratulate my colleague for his effort to focus attention on these critical areas of defense research.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, I, too, concur with the gentleman from Pennsylvania.

Mr. FOGLIETTA. Mr. Chairman, I thank the gentleman.

Mr. DICKINSON. Mr. Speaker, I move to strike the last word.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I rise to engage the gentleman from Wisconsin in a colloquy on the Aquila remotely piloted vehicle.

As the distinguished gentelman from Wisconsin knows, the Aquila system will provide the Army with a remote target detection and lasting system that has demonstrated first shot kill capabilities on moving tanks without exposing friendly soldiers.

Mr. ASPIN. Mr. Chairman, if the gentleman from Alabama [Mr. DICKINSON] will yield, I understand the Aquila system has been rather successful. It destroyed eight out of eight moving and stationary tanks using the copperhead projectile and four of four moving and stationary tanks with the Hellfire missiles fired from Marine helicopters. The problem is its high cost—$1 billion for nine batteries. Has the testing been completed?

Mr. PICKLE. Mr. Chairman, operational testing by Army troops is continuing and as of June 1986 Army troops had flown over 220 flights with a high rate of success. the Army leadership want to provide this system to the troops. It promises to be a real force multiplier—giving the infantryman the ability to fight a numerically superior enemy and win. Since the system is so important to the Army, why has the committee rejected the budget request of $91.9 million R&D funds and $117.7 million in procurement funds?

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Well, I was going to answer his question; but if the gentleman has a better answer, go ahead.

Mr. ASPIN. Go ahead. I have an answer that is written on the paper. If the gentleman wants to go with one that is made up, that is fine.

Mr. DICKINSON. Mr. Chairman, let me say in partial answer to the question of the gentleman from Texas, a group from the Armed Services Committee went to Texas to see a test firing of the Aquila. It was not successful.

We certainly have no objection to it being considered along with a cheaper alternative, but we were terribly disappointed in the display that day.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, we have invested over $600 million to date. The Army scheduled completion last year, but now needs an additional $100 million to complete R&D. I am most concerned about mobility since it requires several C-5's for transport and weighs over 300 tons.

Mr. PICKLE. Does the chairman of the committee not think we should recover as much of the investment as possible to provide our combat forces with the RPV capabilities?

Mr. ASPIN. I agree with the gentleman, however, the Army is unwilling to redirect requirements for the Aquila to provide our forces with increased mobility and a less expensive

RPV provided by the lightweight version.

Mr. PICKLE. Would the chairman continue to explore this with the Army prior to the conference so as to extract the best possible return on the investment made in the Aquila?

Mr. ASPIN. I'll make that commitment to the gentleman. And furthermore, I believe that any derivative of the Aquila should be considered in the committee's family of RPV.

Mr. PICKLE. I thank the distinguished chairman of the committee.

Mr. Chairman, I would like to ask the ranking member of the Armed Services Subcommittee on Research and Development for additional comments on the RPV Program.

□ 1855

Mr. McCURDY. I appreciate the gentleman yielding.

I would state to my friend and colleague from Texas that the subcommittee is fully aware of the concern that the gentleman has expressed regarding the Aquila and the RPV Program. I would concur with the comments of the chairman and the ranking member that we support the concept of an RPV system capable of real-time reconnaissance and strike. But we have had some legitimate concerns about the cost of the Aquila system. But the Army informs me, and I think it has others on the subcommittee, that it is going to examine its requirements, look at the unit cost, look at the relative cost and look at a proper mix of more sophisticated equipment and some less sophisticated and try to work this out. I think it is safe to say that the committee supports the concept. We have no desire to kill the Aquila Program or the RPV concept, but we do think it is necessary to get the contractor and the Army's attention on the cost and try to drive it down. This is an issue that will be taken up in conference that I think will satisfy some of the concerns that the gentleman has so eloquently expressed.

Mr. PICKLE. Mr. Chairman, will the gentleman yield further?

Mr. DICKINSON. I yield to the gentleman from Texas. We are aware that it is a needed weapons system. We have spent a great deal of money in the development so far. It certainly should remain competitive, and it is our hope it would be so.

Mr. PICKLE. I thank the gentleman. We have made a heavy investment in the Aquila. It is now very operational, at the point of complete success. We need to go forward on it and give the Army the vehicle that they need.

Let me simply ask the chairman of the committee: Would the chairman continue to explore with the Army prior to the conference as to the exact best possible return on the investment made to see that the Aquila can move forward in the proper mix?

Mr. ASPIN. If the gentleman would yield, I would make that commitment to the gentleman in the well.

And furthermore, I believe that any derivative of the Aquila should be considered in the committee's family of the RPV competition.

Mr. PICKLE. I thank the distinguished chairman.

The CHAIRMAN pro tempore (Mr. RUSSO). All time of the gentleman from Alabama [Mr. DICKINSON] having expired, amendment 24 is the next in order.

Does the gentleman from New Jersey [Mr. COURTER] wish to offer his amendment?

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer amendment No. 24.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. COURTER: Page 42, after line 16, insert the following new subsection:

(d) BOOST SURVEILLANCE AND TRACKING SYSTEM.—Of amounts appropriated to the Defense Agencies other than the Strategic Defense Organization pursuant to authorizations in section 201, $100,000,000 is available only for the Boost Surveillance and Tracking System (BSTS) program.

The CHAIRMAN pro tempore. Under the rule, the gentleman from New Jersey is recognized for 5 minutes in support of his amendment, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, I would ask the indulgence of the Members. Once again we have 5 minutes to explain this amendment. It is a simple one. It can be done in a very short period of time.

In any type of strategic defensive system or in any type of situation where you are facing an adversary such as the Soviet Union that has intercontinental ballistic missiles and sea-launched ballistic missiles, it is important to have the capability to monitor when they are being used. In other words, early warning and discrimination to find out when a launch occurs, where that launch occurs and the trajectory to determine where it may be going.

This amendment gives an additional $100 million, I would like to say that we have to keep in mind, this Committee, this body yesterday or earlier today cut about $600 million from strategic defense. This reinserts a small amount when you consider the expense of these types of systems, $100 million, to do additional research and development into a nonlethal component called boost phase, BSTS, boost surveillance and tracking system.

That system is really a satellite. The purpose of that satellite is to monitor Soviet launches. This type of satellite really is nothing more than the modernization of the existing early warning satellites that we have today.

Soon those satellites that we have that are monitoring Soviet launches, that are monitoring Soviet activity in space, are built on the technologies of the 1960's. They are also vulnerable to Soviet Asat capabilities. We just had a vote on Asat a few moments ago. So this simply, without adding additional money, requires a reprogramming of $100 million in this one area that will provide early warning against Soviet attack. It obviously can be used as well if upgraded into a three- or four-layer strategic defensive system. But this is treaty compliance, it is nonlethal and it gives us information on Soviet launches.

I urge this body to reinstate $100 million in this critically important area so we can monitor Soviet space activity and monitor Soviet launches.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from New York [Mr. KEMP].

Mr. KEMP. I thank the gentleman for yielding. I want to say to my colleagues that if there is any phase of research in strategic defense initiative, this is clearly as important as is being done, not only for early warning against ballistic missiles in the strategic sense but also in a tactical sense.

There is no doubt about it that our allies in Europe, Asia, Middle East, including Israel, have a big stake in the technology that is being developed through SDI research applied to ATBM, antitactical ballistic missile defense. Because clearly an SS-20, Soviet launched SS-20 or Syria launched SS-21, 22 or 23, only has a few minutes of flight time. So the ability of this satellite to discriminate and give us the surveillance and the warning that is necessary has a theater capability that is necessary to help defend ourselves and our allies against that ballistic missile attack.

So I want to suggest that this is a very important amendment, one that is clearly called for and will help focus the Pentagon and the administration on the type of technology that is capable of being deployed at a very early date.

I congratulate the gentleman not only for this amendment but for his previous one.

Mr. COURTER. I appreciate the comments of the gentleman from New York. He raises a very, very important point here. You are talking in terms of the United States having the ability, and also not only the United States but Western Europe and Israel having

the capability of monitoring the launches of strategic nuclear weapons and theater nuclear weapons. They cannot do so without this type of infrared modernized surveillance satellite.

I urge a yes vote on this important nonlethal treaty-compliant amendment, and I thank the Chair.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Alabama [Mr. NICHOLS].

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the amendment of the gentleman, and I yield such time as he may consume to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. MCCURDY. I thank the chairman for yielding.

Mr. Chairman, I, too, rise in opposition to the amendment offered by the gentleman from New Jersey [Mr. COURTER]. I think the gentleman raises a very good point in that certainly we have no opposition to the study of the boost surveillance and tracking system, as he has so outlined and indicated to us. The problem is that this is an area that falls under the category of SDI funding and under the SDI account. For a point of record, the SACDLNE, the surveillance acquisition tracking and kill assessment element of the SDI program, was funded or they requested funding of $160 million. So he is trying to add $100 million to the request of $160 million within the SDI which we voted yesterday. So it appears to me he is trying to circumvent the action that was taken on the floor yesterday regarding SDI. This is another way of coming back to the same old subject of SDI.

So I would state that, even though I support SDI and support the concept of this, I think he is trying to do something he was unable to do yesterday by adding $100 million where funding is already provided. This is a key element of SDI and should be funded in that account and not taken from such accounts as the DARPA research program which was cut some 18 percent last year because of Gramm-Rudman. I am sure the gentleman is not in favor of cutting DARPA or other defense agencies.

So I reluctantly oppose the amendment. I would state, even though it is a valid concept and a valid program, I think it is something included in SDI and should not be taken from other valuable agencies for funding this program.

Mr. NICHOLS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey [Mr. COURTER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. MAVROULES

Mr. MAVROULES. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MAVROULES: At the end of title II of division A (page 68, after line 4), add the following:

SEC. 215. LIMITATION ON ESTABLISHMENT OF A FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER FOR THE STRATEGIC DEFENSE INITIATIVE PROGRAM.

(a) LIMITATION.—The Secretary of Defense may not obligate or expend any funds for the purpose of operating a Federally funded research and development center that is established for the support of the Strategic Defense Initiative Program after the date of enactment of this Act unless—

(1) the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report with respect to such proposed center that provides the information described in subsection (b); and

(2) funds are specifically authorized to be appropriated for such purpose after the date of enactment of this Act in an Act other than—

(A) an appropriations Act; or

(B) a continuing resolution.

(b) CONTENT OF REPORT.—A report submitted under subsection (a)(1) with respect to a proposed center shall include a discussion of—

(1) the ability of existing Federally funded research and development centers, Federal research laboratories, and private contractors to perform the objectives of technological integration and evaluation required by the Strategic Defense Initiative Organization;

(2) the comparative cost of having proposed work performed by—

(A) the Strategic Defense Initiative Organization;

(B) Federally funded research and development centers in existence on the date of the enactment of this Act;

(C) by Federal research laboratories;

(D) by private contractors; or

(E) by such center;

(3) whether such center is intended to be—

(A) primarily a study and analysis center; or

(B) primarily a system engineering/system integration center;

(4) whether such center will be required or authorized to enter into contracts under which research projects would be performed by other Federally funded research and development centers, Federal research laboratories, or private contractors;

(5) whether the contract to operate such center will be awarded on a competitive basis;

(6) whether proposals with respect to the operation of such center—

(A) will be considered by the appropriate Defense Agency; and

(B) will be subjected to review by persons to be selected by the National Academy of Sciences;

(7) whether such center will be designed to prevent even the possibility of an appearance of a conflict of interest—

(A) by prohibiting any officer, employee, or member of the governing body of such center from holding any position with—

(i) the Strategic Defense Initiative Organization; or

(ii) a private contractor that has a substantial interest in the development of the Strategic Defense Initiative; and

(B) by prohibiting more than one-half of the members of the governing body of the proposed Federally Funded Research Center from simultaneously holding any position with the Strategic Defense Initiative Advisory Committee or any similar body which provides technological, scientific, or strategic advice to the Department of Defense about the Strategic Defense Initiative;

(8) whether other actions will be taken to avoid possible conflict of interest situations within such center;

(10) the role of the Department of Defense in

(A) the selection of the staff of such center; and

(B) the internal organization of such center; and

(11) whether a prescribed minimum percentage of the annual budget of such center will be set aside for research to be conducted independently of the Department of Defense.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 20 minutes and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 20 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I yield myself such time as I may consume. This amendment is straight forward in what it accomplishes.

In March of this year, the Department of Defense published in the Federal Register a notice to establish a new federally funded research and development center designated as the Strategic Defense Initiative Institute.

The amendment which I offer on behalf of several Members simply requires that before the SDI Institute is established it be specifically authorized by a subsequent act of this Congress.

While it is entirely possible that an Institute is necessary to coordinate various aspects of the SDI Program, there are several questions which must be answered before this new bureaucracy is established.

First, why is the Institute being established? Other federally financed research and development centers, like the RAND Corporation already exist and are capable of performing this type of analysis.

Second, it is necessary to ask who will organize and operate the SDI Institute. Will it be a university or a consortium of universities? Will it be operated by a nonprofit organization, or will it be contracted out to industry?

Third, will the Institute be independent and capable of performing objective analysis on this billion dollar research program? Will the jurisdictions and responsibilities of the Institute be separated from the activities of the SDI Management Office?

Fourth, how will the Institute interact with DOD contractors holding billion dollar hardware development contracts? Will the Institute evaluate their work and measure the cost effectiveness of the differing concepts, or will it become an advocacy center for the basic concept of strategic defense.

Until we in the Congress have clear answers to these questions, the appropriate decision is to require a specific congressional authorization establishing the Institute.

While Congress will certainly provide the SDI Program with the necessary resources, establishing another bureaucracy to perform more studies, does not seem the most prudent use of funds.

Under normal circumstances the Federal Government can create a Research and Development Center after meeting two requirements. Those requirements include:

First, publishing three notices in the Federal Register announcing and explaining the proposal, and;

Second, conducting an internal analysis of the need for such an organization.

However, because of the exceptional circumstances present with the SDI Institute, Congress has a responsibility to become involved.

In requiring an authorization in this area, we provide time for the Department of Defense to answer all of the questions required before we made an informed decision.

Specifically, the amendment requires a report from the Department of Defense that asks the following questions:

What is the ability of existing federally funded research and development centers, Federal research laboratories and private contractors to perform the objectives of technical integration and evaluation required by the SDIO?

What is the comparable cost of having the proposed work done by the SDIO, FFRDC's already in existence, Federal research laboratories, private contractors, or this new institute?

What is the primary purpose of this new institute?

What will its status be regarding the ability to award contracts to other centers?

Will the contract to operate this new institute be awarded on a competitive basis?

Will the proposals with respect to the operations of this new institute be subjected to peer review, or simply review by the Department of Defense?

Will such an institute be designed to prevent even the possibility of an appearance of a conflict of interest?

What will be the role of the Department of Defense in the selection of the staff and the internal organization of this Institute?

And finally, will a percentage of this Institute's annual operating budget be set-aside for research to be conducted independent of the Department of Defense?

I urge my colleagues to support this amendment.

Mr. Chairman, I now yield to my good friend, the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. If the gentleman would, I would like to discuss this matter with him.

I was talking to the staff trying to find out and remember because it is difficult for those on the outside to understand how we can get to where we are on so many issues.

In our Subcommittee on Research and Development, we deal with thousands of line items, and it is difficult, almost impossible to keep all of them in your head. So I was wondering how we got to this point. I was reminded by staff that this is not something that was put in by our subcommittee, that is the proper subject of action by our subcommittee because this is something that might be done by the director of the SDI Program of which we had no knowledge. Is that the understanding of the gentleman?

Mr. MAVROULES. My understanding is that they do want to set up an institute to perhaps better manage the SDI Program, better manage it across the board.

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I do not argue that point, and I hope the gentleman does not get that impression. I am sure the gentleman does not.

My point is there are many unanswered questions and, before we move into it, we as an authorizing body should have the opportunity, I believe, to have some hearings and get some information, because what we are doing here, I think we are, we are building another level of bureaucracy. Before we start spending $25 million $30 million, $40 million more, I just feel we should have some better answers.

Mr. DICKINSON. Mr. Chairman, I guess I am bringing this up sort of in a way of apology that we have not already dealt with this in committee and am trying to learn why we did not deal with it.

I rose in opposition to the amendment simply because I am protecting the committee position. But what the gentleman has brought out and what the gentleman seeks to elicit by the questions that have been propounded on the floor, I think it is a matter of legitimate concern and inquiry that we need to know.

There is no doubt that the manager of the SDI Program has the authority to set up something, and that he should be able to properly manage this program, whether it be an institute or whatever.

If I understand the thrust of the gentleman's amendment, the gentleman is asking him to tell us exactly what it is and where is it going to be and what will be its function; is that correct?

Mr. MAVROULES. And the cost.

Mr. Chairman, I have about seven or eight questions which are included, and I will put that in the RECORD.

I am getting the impression that the gentleman is going to accept it.

Mr. DICKINSON. The more the gentleman talks about it, the more acceptable it sounds.

I really find no fault with the amendmet. I rise in opposition to it to protect the committee position. I really have no objection to the amendment.

Mr. MAVROULES. I appreciate the gentleman's wisdom and foresight.

Mr. MCHUGH. Mr. Chairman, I urge support of the Mavroules amendment and commend the gentleman from Massachusetts for offering it. This is a modest amendment, but nonetheless a very important one.

It is a modest amendment because it simply requires that before the Secretary of Defense establishes a new federally funded research and development center for the SDI Program he obtain a specific authorization from Congress. It also says that in conjunction with his request for an authorization the Secretary should submit a report to the Armed Services Committees of both Houses which lays out certain relevant information about the center. The amendment imposes no greater requirement on the Secretary than attaches to hundreds of other items he seeks to have authorized each year in the Defense authorization bill. It simply requires him to justify the need for a new center and spell out to the Armed Services Committees how it would really function. In that sense, it is a very modest amendment indeed.

At the same time, however, it is also a very important amendment. it is important because it relates in a very fundamental way to much of the R&D work that will be done on SDI for years to come. SDI is one of the most—if not the most—significant program ever proposed by any administration. It is significant both in terms of its cost and in terms of its strategic implications. Even though the program is still in an early research phase, the President's request of $4.8 billion makes it the single largest weapons program in the Pentagon budget. Obviously, if the program goes forward as planned, those costs will escalate dramatically. For this reason alone, Congress should be closely involved in approving every major component of the program.

Even more important than the costs incurred, however, are the strategic implications of the program. Will it enhance deterrence or will it be destabilizing in the superpower relationship? Will SDI really work in the way the President and other proponents hope it will? It is too early to answer these questions definitively. That is why the research phase is so important. It is clear that the resolution of these fundamental issues will depend in large part on the answers we get to innumerable

technical questions during the course of research. It is for that reason that both the President and the Congress must have the very best research and analysis available, so that the policy judgments we must ultimately make will be based on the most professional, most objective scientific work. In this context, it is vital for Congress to focus on the manner in which the research will be conducted, and that is why this amendment is so important.

The Defense Department would like to establish, without congressional review or authorization, this new federally funded research and development center to conduct SDI research. Such a center may or may not be appropriate, depending upon a number of factors relating to its staffing, its management, its independence and objectivity. There is also the question of whether a new center is needed at all, given the fact that the SDI organization already has let millions of dollars' worth of contracts to existing centers sponsored by the Departments of Defense and Energy. In addition, dozens of in-house government laboratories, universities, and other nonprofit organizations are now involved in SDI research.

Before we proceed any further with the research effort, it would be prudent for Congress to examine carefully how this research is being conducted, and, specifically, whether a new center is consistent with the goal all of us should be striving for: namely, the most scientifically sound, objective research results we can obtain for this very sensitive, very controversial program. Whether one is a proponent of SDI, a skeptic, or truly neutral on the program, it makes sense for Congress as well as the administration to consider very carefully the nature of our research effort, and for all of us to be satisfied that we are proceeding in the best way possible. The Mavroules amendment is designed to provide us with that opportunity, and I urge my colleagues to support it.

Mr. MAVROULES. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DYSON

Mr. DYSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DYSON: Page 68, after line 4, insert the following new section:

SEC. 215. LIMITATION ON CERTAIN TESTING.

None of the funds appropriated or otherwise made available to the Department of Defense or the Department of the Navy for fiscal year 1987 and any fiscal year thereafter may be used for the purpose of creating an electromagnetic pulse in the Chesapeake Bay, Maryland, in connection with the electromagnetic pulse radiation environment simulator program for ships.

Mr. DYSON. Mr. Chairman, I ask unanimous consent to modify the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will report the modification to the amendment offered by the gentleman from Maryland [Mr. DYSON].

The Clerk read as follows:

Modification of amendment offered by Mr. DYSON: At the end of title II (page 68, after line 4), insert the following new section:

SEC. 215. LIMITATION ON TESTING ELECTROMAGNETIC PULSE.

During fiscal year 1987, the Secretary of the Navy may not carry out a demonstration test of an electromagnetic pulse in the Chesapeake Bay, Maryland, in connection with the Electromagnetic Pulse Radiation Environment Simulator Program for Ships.

Mr. DYSON (during the reading). Mr. Chairman, I ask unanimous consent that the modification of the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The text of the amendment, as modified, is as follows: At the end of title II (page 68, after line 4), insert the following new section:

SEC. 215. LIMITATION ON TESTING ELECTROMAGNETIC PULSE.

During fiscal year 1987, the Secretary of the Navy may not carry out a demonstration test of an electromagnetic pulse in the Chesapeake Bay, Maryland, in connection with the Electromagnetic Pulse Radiation Environment Simulator Program for Ships.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Maryland [Mr. DYSON] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

Mr. McCURDY. Mr. Chairman, I rise in opposition to the amendment at this point.

The CHAIRMAN pro tempore. The gentleman from Oklahoma [Mr. MCCURDY] will be recognized for 5 minutes in opposition.

AMENDMENT OFFERED BY MR. BATEMAN TO THE AMENDMENT OFFERED BY MR. DYSON, AS MODIFIED

Mr. BATEMAN. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. Bateman to the amendment offered by Mr. DYSON, as modified: In line 4 of the Dyson amendment as modified after "Maryland," insert "Virginia".

The CHAIRMAN pro tempore. The gentleman from Virginia [Mr. BATEMAN] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. DYSON. Mr. Chairman, I am offering this amendment to bar the Navy from conducting their planned electromagnetic pulse radiation environmental simulator for ships test in the Chesapeake Bay during fiscal year 1987.

EMPRESS II is a test the Navy has planned for two potential sites for the purpose of evaluating the survivability of Navy combat ships, communications and control equipment to electromagnetic pulses which are anticipated as a result of any high altitude detonation of nuclear devices. This test would moor a barge in the middle of the Chesapeake Bay mounted with a generator capable of discharging 7 million volts and 100,000 amperes into a 70-ohm antenna. Navy ships would be brought into the bay one to be tested until their communications systems could no longer withstand the electromagnetic pulse emitted from the EMPRESS barge.

A 2-mile radius area of the bay would be closed off to any other boats during testing because the pulse could disrupt their communications or destroy their radios. These tests are scheduled to continue for many years, possibly beyond the year 2000. The Navy anticipates testing on 35 to 88 days per year for 10 to 12 hours per day.

The amendment I am offering today would prohibit the Navy from spending funds during the 1987 fiscal year for the purpose of creating an electromagnetic pulse in the Chesapeake Bay.

As the Navy knows, I am not interested in impeding their efforts to improve our national security. I am opposed to this test taking place in the Chesapeake Bay where many watermen depend on the marine life for their livelihood and so many others enjoy the riches and beauty of this unique resource. The Congress has recognized the value of this important national treasure which provides recreation and commercial benefits to so many millions of Americans. We have appropriated money for the cleanup of the bay without knowing its potential effects.

I am not convinced that the Navy's site selection process considered other alternatives which might prove to be less disruptive to the general public, natural resources and the environment. According to the Navy's own environment impact statement, they are unable to provide minimal assurance that the voltage released into the bay's waters will not have serious adverse affects on aquatic life.

By adopting my amendment today, the House will send a clear message to the Navy that the EMPRESS II testing program should look at all possible

locations during the next year, or, until they can provide proof that this test is safe. The Cheaspeake Bay is too valuable as a natural resource to risk bringing harm to it with this unproven project.

I have strongly supported the Navy's efforts to improve our Nation's defenses and will wholeheartedly throw my support behind this test program once I am convinced of its potential environmental impacts.

I urge the adoption of my amendment.

Mr. McCURDY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say on behalf of the committee and the Subcommittee on Research and Development that we would accept the amendment offered by the gentleman from Maryland [Mr. DYSON] as perfected by the gentleman from Virginia [Mr. BATEMAN]. It was my understanding they were not going to contest it anyway, and that this is a valid concern and one that we can readily accept.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, we have discussed this amendment, as perfected, and we find no fault with it. I certainly will accept it.

Ms. MIKULSKI. Mr. Chairman, I rise in very strong support of the Dyson amendment to H.R. 4428, the Defense Authorization Act of 1987.

This amendment clarifies language in the committee report, included at my request, which would prohibit any EMPRESS II testing in the Chesapeake Bay during the next fiscal year.

EMPRESS II is designed to test the survivability of Navy combat ships, communications and control equipment to electromagnetic pulses which are anticipated as a result of any high altitude detonantion of nuclear devices.

Unfortunately, the pulse created by this test is so strong, capable of discharging up to 7 million volts, that it could potentially harm marine life, commercial and recreational fishing, as well as waterborne commerce where it is conducted.

As a result, the Navy should select sites where these negative side effects can be minimized. The two sites they have selected, however, in the middle of the Chesapeake Bay and off of the coast of North Carolina, are just the opposite kind of locations.

Both sites have substantial marine life, a significant fishing industry, and a great deal of commercial maritime traffic.

Because of these concerns, I began a review of this project earlier this year as chair of the House Oceanography Subcommittee. I said when we began that study that our intention was not to impede our Nation's security or to create unnecessary hurdles for the Navy.

Instead, my objective was to protect the people's right to know and their right to be heard. Maryland watermen want to know if these tests will deplete marine life already threatened by pollution. And the Chesapeake Bay pilots are worried that the pulses from IMPRESS II could seriously affect their own electronic navigation equipment.

This amendment, like the report language included in H.R. 4428, will guarantee that these rights will be protected by preventing any testing in the bay until all the necessary environmental studies have been completed.

I commend my friend and colleague, Mr. DYSON, for working with me on this issue and for his tireless advocacy in protecting the Chesapeake Bay.

We both agree that Maryland wants to be a good neighbor to the Navy and that this approach to the EMPRESS project helps guarantee that.

I am including for the RECORD some of my correspondence on this issue with both the Armed Services Committee and concerned Marylanders. These letters spell out some of the more technical problems connected with EMPRESS II and confirm the wisdom contained in the gentleman's amendment.

I urge my colleagues to support adoption of the amendment.

COMMITTEE ON ARMED SERVICES,
Washington, DC, July 7, 1986.

Hon. BARBARA A. MIKULSKI,
Chairwoman, Subcommittee on Oceanography, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, DC.

DEAR BARBARA: Thank you for your recent letter concerning the Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS).

In view of the existing requirements of the National Environmental Policy Act (NEPA) and the fact that the Navy is preparing an environmental impact statement which addresses applicable requirements of law and does not plan to create a pulse at the facility until applicable environmental laws are complied with, legislation does not appear to be warranted.

Nevertheless, the concern of the citizens of Maryland is understandable, and the committee will include a section in the report accompanying the fiscal year 1987 defense authorization bill directing the Navy not to create an electromagnetic pulse with the EMPRESS facility until all environmental laws are satisfied and that, in any event, no electromagnetic pulse should be generated during fiscal year 1987. It is hoped that this will assist you in alleviating the concerns of the citizens of Maryland.

A copy of the report section is attached.

Sincerely,

LES ASPIN,
Chairman.

ELECTROMAGNETIC PULSE RADIATION ENVIRONMENT SIMULATOR FOR SHIPS

The committee authorizes the requested funds for the Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS), a program to develop a threat level electromagnetic pulse (EMP) capability for assessing, validating and maintaining EMP hardness of surface ships. The committee has been advised by the Navy that no plans exist to produce an electromagnetic pulse at this facility until all requirements of the National Environmental Policy Act have been satisfied. The committee directs the Navy not to create an electromagnetic pluse with the EMPRESS facility until all environmental laws are satisfied and that, in any event, no electromagnetic pulse should be generated during fiscal year 1987.

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
Washington, DC, May 29, 1986.

Hon. LES ASPIN,
Chairman, House Armed Services Committee, Washington, DC.

DEAR LES: As you prepare for markup of the Fiscal Year 1987 Defense Authorization Act, I would like your assistance on a matter of great importance to the State of Maryland. The Navy has selected two potential sites to conduct its Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS) II testing program, one off of the coast of North Carolina, the other in the middle of the Chesapeake Bay.

EMPRESS II is designed to test the survivability of Navy combat ships, communications and control equipment to electromagnetic pulses which are anticipated as a result of any high altitude detonation of nuclear devices. The project consists of a barge mounted generator capable of discharging 7 million volts and 100,000 amphers into a 70 ohm antenna load. The pulse in these tests will be capable of producing 50,000 volts per meter at a distance of 100 meters.

I fully recognize the important national security purpose of EMPRESS II and do not seek to interfere with legitimate testing needed for our country's defense. I am very concerned, however, that the Navy's EMPRESS II activities at these two highly sensitive coastal areas will adversely effect marine life, commercial and recreational fishing, and even commercial navigation. In addition, I remain less than convinced that the Navy's site selection criteria considered all practical alternative locations that would prove less disruptive to the general public, natural resources and the environment.

Because of these concerns, my Subcommittee has begun an investigation of the environmental and navigational consequences of these tests on the North Carolina and Maryland coasts. I feel very strongly that to allow the Navy to proceed with any actual testing at this time, before all necessary environmental and navigational questions have been answered, would be premature. In addition, it would only heighten the already strong resistance to the EMPRESS II project of the respective local communities near these two sites.

The assistance I seek from you and the Armed Services Committee is specific language in the Fiscal Year 1987 Defense Authorization Act that would prohibit EMPRESS II testing until four conditions have been met:

(1) That the President's Council on Environmental Quality has certified that the Navy has fully complied with all provisions of the National Environmental Policy Act;

(2) That the Secretary of Commerce certifies that the Navy has met all conditions required of it under the Coastal Zone Management Act and the Marine Mammal Protection Act;

(3) That the Secretary of Interior and the Secretary of Commerce certify that the Navy has met all requirements of the Endangered Species Act; and

(4) That the Secretary of Transportation, in consultation with the Secretary of the Army and the Commandant of the Coast Guard, has certified that this testing will in no way adversely affect commercial or recreational navigation in either the Chesapeake Bay or off the North Carolina coast.

I seek these conditions, Mr. Chairman, not to needlessly delay any testing which the Navy deems crucial to our national security. Instead, I am only concerned that a project as complex and sensitive as EMPRESS II meet the necessary environmental and navigational criteria which will insure the broad-based public and Congressional support our national security deserves.

I have attached some draft language for inclusion in the Defense Authorization Bill which I would be happy to discuss with you at your convenience. I look forward to working and cooperating with you on this and any other national security issue and appreciate your attention to my concern.

Sincerely,

BARBARA A. MIKULSKI,
Chairwoman, Subcommittee on Oceanography.

ASSOCIATION OF MARYLAND PILOTS,
Baltimore, MD, June 5, 1986.

Hon. BARBARA A. MIKULSKI,
Chair, House Oceanography Subcommittee, District Office, Baltimore, MD.

DEAR CONGRESSWOMAN MIKULSKI: In response to your request concerning the site selection of the Navy's proposed EMPRESS II project near Bloodworth Island, in the Chesapeake Bay, and how it might affect the users of the Bay, I would offer the following.

The Association of Maryland Pilots must voice opposition to the Navy's proposed EMPRESS II project in the Chesapeake Bay. Our concern is one reflected by the spector of a marine casualty resulting in the potential loss of life due to collision and the possible oil spills that could occur from a grounding or collision because of the electromagnetic pulse radiation that would be emitted from the test site. Typical usage of the Chesapeake Bay site would be for periods of approximately forty days annually conducted mostly in the months between September and May. These months in this latitude are identified as those when rain, sleet, snow and fog are to be expected. The Navy has stated that testing will typically be conducted during the shortened daylight hours for periods of one, three, or up to ten days.

Vessel traffic consisting of large high speed ocean going ships rely on maintaining critical schedules that are important to the Port of Baltimore's continued growth. This is accomplished by the utilization of sophisticated electronics such as A.R.P.A. equipment, conventional radar, satellite navigation devices, LORAN, as well as V.H.F. Radio Communication.

These ships, because of size and draft must pass through the proposed test site. Attempting to regulate traffic in this area (i.e. anchoring or avoidance during test periods) would be impractical at best and dangerous at worse.

The stated intention of these tests by the U.S. Navy, is to see how these impulses would affect electronic signals and communication. If these tests would disrupt electronic signals, there would be a great potential for a marine disaster or traffic disruption as previously noted.

Of the original four sites proposed by the Navy it would seem that unofficially two of the Virginia sites won't be considered because they are in FAA charter commercial airways and the FAA would certainly contest the EMPRESS II project in their space. The third site of Virginia Beach is not to be considered because of local opposition (watermen have testified that ten to fifteen percent of their catch was in the restricted area), therefore it is to be expected that the Navy would push hard for the remaining Bloodworth Island site.

It would seem to me, considering the various serious consequences that this project could present to the vessels and the lives of those who man them, the watermen's livelihood, represented by the Bay's bountiful marine life, and last but certainly not least being the disruption of ocean going commerce into and out of the Port of Baltimore, that there is sufficient evidence that this project not be given favorable consideration now or in the foreseeable future in this area.

Sincerely,

Capt. MICHAEL R. WATSON,
President.

Mr. BATEMAN. Mr. Chairman, in view of what has transpired, I would be happy to yield back my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Virginia [Mr. BATEMAN] to the amendment of the gentleman from Maryland [Mr. DYSON], as modified.

The amendment to the amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Maryland [Mr. DYSON], as modified, as amended.

The amendment, as modified, as amended, was agreed to.

AMENDMENT OFFERED BY MR. BROOMFIELD

Mr. BROOMFIELD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROOMFIELD:

Page 34, line 3, strike out "$14,129,058,000" and insert in lieu thereof "$14,132,058,000".

Page 41, after line 18, add the following:

(e) TECHNICAL ON-SITE INSPECTION.—Of the amount authorized in section 201 of the Air Force, not less than $9,850,000 shall be available for technical on-site inspection.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Michigan [Mr. BROOMFIELD] will be recognized for 5 minutes and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. BROOMFIELD] for 5 minutes.

Mr. BROOMFIELD. Mr. Chairman, my amendment will restore $3 million in funds for the Air Force's program of research and development into verification technology. This program of research is required to adequately monitor any new arms control agreement with the Soviet Union. The Armed Services Committee reduced the President's request for $9.85 million to $6.85 million for this program.

Given the ongoing interest in reaching meaningful and adequately verifiable arms reduction agreements with the Soviet Union, it's hard for me to comprehend why the committee would have cut the President's request in this area. This program is the main U.S. Government program looking at new technology in the on-site verification area for a potential START or INF agreement. As we all know, being able to effectively verify an arms control agreement is an absolutely indispensable ingredient of any new agreement.

I would hope the Members would agree with me that this is a noncontroversial amendment which deserves our support. At the same time, I would like to offer a simple observation on what I consider to be a major shortcoming of some of my colleagues' inability to deal directly with the question of arms control verification and Soviet noncompliance. While I suspect that the omission of these funds was inadvertent, I feel that in many ways this reduction in funding for verification is symbolic of a belief by some of my colleagues that arms control agreements alone are enough. That's simply not true, and when this principle of arms control at any cost is applied, we end up having a bad agreement such as SALT II which the Soviets have repeatedly violated—violations which many of my colleagues continue to ignore.

Let me conclude by stating what we should all know—verification is an essential part of the overall arms control equation. Without effective verification, compliance will always be in question. For these reasons I would urge by colleagues to support my amendment and make a real contribution to arms control in an area which is all too often ignored—verification.

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Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, let me just say in response to the inquiry raised by the gentleman, there was nothing wrong with the concept. We were for it. As a matter of policy, it received a reduction in the committee as a budgetary matter only.

I support it. I think it is a good idea. If we had enough money, we would probably have put money into it, but we were operating under a very tight constraints. That is the reason it suffered the cuts it did.

I have no objection to the restoration. I do not know where the money is coming from, but I will support it.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I think the gentleman from Michigan has offered a very credible and worthwhile amendment. I think it is important that in this extremely critical area of monitoring and verification of

arms control agreements that we have the latest technology and the most qualified personnel to provide the expertise to monitor and verify the compliance or noncompliance of those particular treaties.

As we have seen in recent days, with the passage of the comprehensive test ban moratorium, that on-site verification is going to be more and more in the public realm and under scrutiny. It is a very vital area of concern for the Federal Government.

As chairman of the Oversight Subcommittee of the Intelligence Committee, I would say to my friend and colleague that we conducted a series of hearings over the period of a year as to monitoring and verification of arms control agreements. We found, it was our impression based on those hearings and the testimony of a number of experts that there was insufficient funding in the area of research and development of the techniques and technology for monitoring and verification and feel that any effort to increase that funding and to increase the awareness of the requirements that are imposed upon the Federal Government is certainly necessary.

I appreciate the gentleman offering this amendment. I think again it is very worthwhile. I know that the chairman of the Intelligence Committee, who is on his way to the Chamber to offer his amendment, would support the amendment of the gentleman from Michigan.

The CHAIRMAN pro tempore [Mr. GRAY of Illinois]. The time of the gentleman from Michigan has expired.

Mr. McCURDY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Oklahoma [Mr. MCCURDY] is recognized for 5 minutes in opposition to the amendment.

Mr. McCURDY. Mr. Chairman, as I indicated, more to reserve the time here rather than intending to oppose the amendment, that the gentleman does offer I think a very worthwhile amendment.

We had a vote earlier on in the last 2 or 3 weeks on increasing funding for inspection and the research and development of monitoring capability and technology, which was defeated on the floor, so I think the amendment offered by the ranking member of the Foreign Affairs Committee is certainly timely and addresses some deficiencies in this area.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, if it would help the gentleman in his dilemma, I would say with some degree of confidence that there will be a rollcall vote on this.

Mr. McCURDY. Well, if that is the case, Mr. Chairman, I will not object and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Michigan [Mr. BROOMFIELD].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BROOMFIELD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 411, noes 0, not voting 20, as follows:

[Roll No. 341]

AYES—411

Ackerman	Coyne	Gray (IL)
Akaka	Craig	Gray (PA)
Alexander	Crane	Green
Anderson	Crockett	Gregg
Andrews	Daniel	Guarini
Annunzio	Dannemeyer	Gunderson
Anthony	Darden	Hall (OH)
Applegate	Daschle	Hall, Ralph
Archer	Daub	Hamilton
Armey	Davis	Hammerschmidt
Aspin	de la Garza	Hansen
Atkins	DeLay	Hatcher
AuCoin	Dellums	Hayes
Badham	Derrick	Hefner
Barnard	DeWine	Hendon
Bartlett	Dickinson	Henry
Barton	Dicks	Hertel
Bateman	Dingell	Hiler
Bates	DioGuardi	Holt
Bedell	Dixon	Hopkins
Beilenson	Donnelly	Horton
Bennett	Dorgan (ND)	Howard
Bentley	Dornan (CA)	Hoyer
Bereuter	Dowdy	Hubbard
Berman	Downey	Huckaby
Bevill	Dreier	Hughes
Biaggi	Duncan	Hunter
Bilirakis	Durbin	Hutto
Bliley	Dwyer	Hyde
Boehlert	Dymally	Ireland
Boggs	Dyson	Jacobs
Boland	Early	Jeffords
Bonior (MI)	Eckart (OH)	Jenkins
Bonker	Eckert (NY)	Johnson
Borski	Edgar	Jones (NC)
Boucher	Edwards (CA)	Jones (OK)
Boulter	Emerson	Jones (TN)
Boxer	English	Kanjorski
Brooks	Erdreich	Kaptur
Broomfield	Evans (IA)	Kasich
Brown (CA)	Evans (IL)	Kastenmeier
Brown (CO)	Fascell	Kemp
Bruce	Fawell	Kennelly
Bryant	Fazio	Kildee
Burton (IN)	Feighan	Kindness
Bustamante	Fiedler	Kleczka
Byron	Fields	Kolbe
Callahan	Fish	Kolter
Carney	Florio	Kostmayer
Carper	Foglietta	Kramer
Carr	Foley	LaFalce
Chandler	Ford (MI)	Lagomarsino
Chapman	Ford (TN)	Lantos
Chappell	Frank	Latta
Chappie	Franklin	Leach (IA)
Cheney	Frenzel	Leath (TX)
Clay	Frost	Lehman (CA)
Clinger	Fuqua	Lehman (FL)
Coats	Gallo	Leland
Cobey	Garcia	Lent
Coble	Gaydos	Levin (MI)
Coelho	Gejdenson	Levine (CA)
Coleman (MO)	Gekas	Lewis (CA)
Coleman (TX)	Gephardt	Lewis (FL)
Collins	Gibbons	Lightfoot
Combest	Gilman	Lipinski
Conte	Gingrich	Livingston
Conyers	Gonzalez	Lloyd
Cooper	Goodling	Long
Coughlin	Gordon	Lott
Courter	Gradison	Lowery (CA)
Lowry (WA)	Penny	Snyder
Lujan	Pepper	Solarz
Luken	Perkins	Solomon
Lundine	Petri	Spence
Lungren	Pickle	Spratt
Mack	Porter	St Germain
MacKay	Price	Staggers
Madigan	Pursell	Stallings
Manton	Quillen	Stark
Markey	Rahall	Stenholm
Marlenee	Rangel	Stokes
Martin (IL)	Ray	Strang
Martin (NY)	Regula	Stratton
Martinez	Reid	Studds
Matsui	Richardson	Stump
Mavroules	Ridge	Sundquist
Mazzoli	Rinaldo	Sweeney
McCain	Ritter	Swift
McCandless	Roberts	Swindall
McCloskey	Robinson	Synar
McCollum	Rodino	Tallon
McCurdy	Roe	Tauke
McDade	Roemer	Tauzin
McEwen	Rogers	Taylor
McGrath	Rose	Thomas (CA)
McHugh	Rostenkowski	Thomas (GA)
McKernan	Roth	Torres
McKinney	Roukema	Torricelli
McMillan	Rowland (CT)	Towns
Meyers	Rowland (GA)	Traficant
Mica	Roybal	Traxler
Michel	Rudd	Udall
Mikulski	Russo	Valentine
Miller (CA)	Sabo	Vander Jagt
Miller (OH)	Savage	Vento
Miller (WA)	Saxton	Visclosky
Mineta	Schaefer	Volkmer
Mitchell	Scheuer	Vucanovich
Moakley	Schneider	Waldon
Molinari	Schroeder	Walgren
Mollohan	Schuette	Walker
Monson	Schulze	Watkins
Montgomery	Schumer	Waxman
Moody	Seiberling	Weaver
Moorhead	Sensenbrenner	Weber
Morrison (WA)	Sharp	Weiss
Mrazek	Shaw	Wheat
Murphy	Shelby	Whitehurst
Murtha	Shumway	Whitley
Myers	Shuster	Whittaker
Natcher	Sikorski	Whitten
Neal	Siljander	Williams
Nelson	Sisisky	Wilson
Nichols	Skeen	Wirth
Nielson	Skelton	Wise
Nowak	Slaughter	Wolf
Oakar	Smith (FL)	Wolpe
Oberstar	Smith (IA)	Wortley
Obey	Smith (NE)	Wright
Olin	Smith (NJ)	Wyden
Ortiz	Smith, Denny (OR)	Wylie
Owens	Smith, Robert (NH)	Yates
Packard	Smith, Robert (OR)	Yatron
Panetta	Snowe	Young (AK)
Parris		Young (FL)
Pashayan		Young (MO)
Pease		Zschau

NOT VOTING—20

Barnes	Flippo	Loeffler
Boner (TN)	Fowler	Moore
Bosco	Glickman	Morrison (CT)
Breaux	Grotberg	Oxley
Burton (CA)	Hartnett	Slattery
Campbell	Hawkins	Stangeland
Edwards (OK)	Hillis	

□ 1945

Mr. UDALL and Mr. ROSE changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. RUSSO). Under the rule, the next amendment in order is amendment No. 30.

AMENDMENT OFFERED BY MR. HAMILTON

Mr. HAMILTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HAMILTON: At an appropriate place, add the following new section:

SEC. . In addition to the amounts authorized to be appropriated for Fiscal Year 1987 by this Act, there is authorized to be appropriate the sum of $90,000,000, which shall be available to the Director of Central Intelligence for collection, processing and analysis of intelligence, counterintelligence, counternarcotics and counterterrorism programs and activities within the National Foreign Intelligence Program, as the Director may determine.

AMENDMENT OFFERED BY MR. STUMP AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HAMILTON

Mr. STUMP. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. STUMP as a substitute for the amendment offered by Mr. HAMILTON:

At the end of title II (page 68, after line 4), insert the following new section:

SEC. 216. TRANSFER OF FUNDS.

Of the amounts appropriated pursuant to authorizations of appropriations in this Act, the Secretary of Defense shall make available to the Director of Central Intelligence, from amounts other than amounts appropriated for intelligence and intelligence-related activities, the sum of $90,000,000, which shall be available as the Director may determine for the collection, processing, and analysis of intelligence to support counterintelligence, counternarcotics, and counterterrorism programs and activities within the National Foreign Intelligence Program.

Mr. STUMP. Mr. Chairman, this perfecting amendment has been discussed with the members of the Armed Services Committee and the Intelligence Committee. I believe it is acceptable to both sides.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Chairman, I agree fully with the statement of the gentleman from Arizona and I support the adoption of the perfecting amendment.

Mr. Chairman, the amendment I have offered, as amended by the amendment of Mr. STUMP, would authorize the appropriation of $90 million which would be available for distribution by the Director of Central Intelligence among high priority intelligence, counterintelligence, counternarcotics, and counterterrorism programs and activities within the National Foreign Intelligence Program. These funds would be authorized from those now authorized by the bill, as amended. The National Foreign Intelligence Program includes the budgets of the CIA, NSA, DIA, FBI, aa well as other elements which provide intelligence for the President and other national policy leaders.

Now, in adopting the McCurdy amendment, the House has made significant reductions in the intelligence budget request for fiscal year 1987.

The Intelligence Committee recommended those cuts. However much they hurt. I believe they represent a responsible, careful approach that does the least amount of damage to our intelligence capabilities. Yet, all of us—Congress, the executive branch, the public—will continue to press for more intelligence, not only of traditional high priority targets such as the Soviet Union but also to assist in our war on terrorism. The war on drugs, and on our efforts to counter Soviet bloc espionage activities in this country.

It was in recognition of this that the Intelligence Committee, working with the Committee on Armed Services, drafted the amendment now before the House. It would make some key adjustments in ares of high intelligence concern.

In the area of counterintelligence, I believe we can make some improvements which will help detect future John Walkers, Ronald Peltons and Edward Lee Howards.

In the area of counternarcotics activities, we could expand and improve the collection and processing of intelligence on international narcotics trafficking. The amendment would fund improvements that clearly can be made and should be done. The House is expected to consider an omnibus counternarcotics bill in September. This is one counternarcotics initiative that could as easily be made in an annual authorization bill.

In the area of counterterrorism, we can improve our collection and other capabilities to detect and deter terrorist acts. Finally, in the area of foreign intelligence collection, we can restore funds in one or two areas of critical importance.

I have given only a general description of what will be encompassed by the $90 million. The Committee has developed a more specific list based, in part, on requests by the administration in its fiscal year 1987 budget and, in part, on initiatives the Committee believes would produce improvements in these key areas. It would be my intention, should the House adopt this amendment, to use this list as a point of departure in discussion with the Senate Intelligence Committee during the fiscal year 1987 Intelligence Authorization Conference. I might also add that, should the House adopt this amendment, the Committee amendment which I will offer to the intelligence bill will reflect these additions.

In summary, Mr. Chairman, this amendment will not exceed the budget resolution outlay ceiling for defense, nor will it cure all of our intelligence ills. It will make certain specific improvements or initiatives in areas that are of increasing importance to the national security of this country.

Further, this amendment will, I hope, represent the beginning of an awareness in this body that more emphasis, attention and funding needs to be allocated to the intelligence activities of our Government relative to other defense and national security functions.

I believe that is a fair explanation of the amendment. It certainly is an accurate reflection of the way in which I believe the Intelligence Committee views it.

I urge adoption of the amendment.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. STUMP. I yield to the gentleman form Oklahoma.

Mr. McCURDY. Mr. Chairman, we have reviewed this amendment in detail. I think it is a very credible and good amendment and would accept the amendment on this side.

Mr. STUMP. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

Mr. CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona [Mr. STUMP] as a substitute for the amendment offered by the gentleman from Indiana [Mr. HAMILTON].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman form Indiana [Mr. HAMILTON], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. Pursuant to the rule, the next amendment made in order is amendment No. 31. does the gentleman from Oregon [Mr. AUCOIN] wish to offer his amendment?

If not, pursuant to the rule, the next amendment in order is amendment No. 32, which was previously accepted as a part of the amendments en bloc offered by the gentleman from Wisconsin [Mr. ASPIN].

The CHAIRMAN pro tempore. Pursuant to the rule, the next amendment made in order is amendment No. 33 offered by the gentleman from California [Mr. DORNAN].

AMENDMENT OFFERED BY MR. DORNAN OF CALIFORNIA

Mr. DORNAN of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DORNAN of California: Page 40, after line 18, add the following new subsection:

(K) SYNTHETIC APERTURE RADAR TECHNOLOGY.—Of the funds authorized in section 201 for the Navy, not less than $8,000,000 shall be used for the development of displaced phase centre Synthetic Aperture Radar

(SAR) technology for the future incorporation of such a sensor aboard Navy Remote Ocean Surveillance System (NROSS) satellites.

Mr. DORNAN of California. Mr. Chairman, the Clerk designated my original amendment. The amendment needs a modification.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. DORNAN of California: Page 40, after line 18, add the following new subsection:

(k) SYNTHETIC APERTURE RADAR TECHNOLOGY.—Of the funds authorized in section 201 for the Navy, not less than $5,000,000 shall be used for the development of Synthetic Aperture Radar (SAR) technology for satellites and systems for the ocean surveillance systems of the Navy.

The CHAIRMAN pro tempore. Without objection, the modification is agreed to.

There was no objection.

Mr. DORNAN of California. Mr. Chairman, this is, I believe, a noncontroversial amendment and it involves research and development. I would like to defer to the majority.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. DORNAN of California. I yield to the distinguished gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, we have reviewed the amendment offered by the gentleman from California. We think it is a fine amendment and we will accept it.

Mr. DORNAN of California. I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DORNAN], as modified.

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. Pursuant to the rule, the next amendment made in order is amendment No. 34 offered by the gentleman from California [Mr. DORNAN].

AMENDMENT OFFERED BY MR. DORNAN OF CALIFORNIA

Mr. DORNAN of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DORNAN of California:

Page 43, after line 6, insert the following:

(c) ADMINISTRATION OF PROGRAM.—The Secretary of Defense shall provide that the Conventional Defense Initiatives program shall be administered through the Strategic Defense Initiative Organization of the Department of Defense.

(d) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on how funds made available for the Conventional Defense Initiatives program have been spent and are planned to be spent.

Mr. DORNAN of California. Mr. Chairman, the House Armed Services Committee approved $462 million for what has been called conventional defense initiative. The program goal is to research and develop new defense technologies that could be used to launch an offensive attack by such conventional weapons as tanks, tactical aircraft, tactical ballistic missiles and cruise missiles. I see some merit in this.

However, I believe this research is essential to our ability to counter Soviet numerical conventional weapons advantage now and in the future.

Also, with the development and the deployment of strategic defenses in the future, preventing nuclear attack, the heavier burden will be placed on our ability to defend against conventional aggression.

Recognizing this need, the SDIO has already spent sizable funds on research into conventional defense technologies as part of the SDI Program. Many of these technologies have dual use, both conventional and strategic defense. Some of these technologies include hypervelocity rail bombs, theater defense interceptor sensors for tracking and targeting and, of course, lasers.

Mr. Chairman, because the SDIO has already been coordinating research and development on dual use conventional defense technologies, I am offering this amendment to our defense authorization bill to allow SDIO to administer also the conventional defense initiative funds.

This is going to prevent duplication of effort and allow for a better exchange of information on all of the technologies already being researched, and help accelerate efforts on developing conventional defense weapons.

To ensure that this $462 million will be spent on conventional defenses, which is the goal of all of us here, my amendment would require our Secretary of Defense to report to Congress on precisely how the funds for CDI are spent.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. McCURDY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from California.

Previously we were able to accept the gentleman's amendment, but I believe this amendment goes far beyond the intent of the subcommittee, and certainly the full Committee on Armed Services.

The gentleman from Florida [Mr. BENNETT] proposed the conventional defense initiative last year as an effort to combine and to bring under one umbrella the research and development into many of our conventional defense concerns, tactical concerns, such as the development of light antitank weapons, antiarmor capability, air defense capability, the new and emerging technologies in these areas to address the numerical superiority that the Soviets enjoy in Western Europe and with the Warsaw Pact countries. We believe on the subcommittee that this is a very credible initiative. To place this initiative under the Office of Strategic Defense Initiative, General Abrahamson, is an effort to completely defeat, totally defeat the conventional technologies and developments, and it is an effort to bring back under the umbrella of SDI some $400 million of research and development money that was dedicated to conventional, and development of conventional weapons systems, and utilization of emerging technologies.

I would state to my colleague from California, unfortunately, I believe that this amendment is designed to defeat the purpose of the technologies in conventional defense, and would merely transfer funds back to SDI for increasing the amounts for SDI, which is what the gentleman intended with his amendment previously.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I am glad to yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I join with the gentleman from Oklahoma in opposing this amendment, and I will tell you why. I think that this is the bread and butter of our forces, and I really think that we so often tend to overlook the conventional forces.

We have the very basic things in here of antitank weapons, of torpedoes, the things that we truly, truly need, and we never quite get to because they are not as glamorous. We all tend to be technology junkies. It is a part of our heritage as Americans, and going back to the more basic things has been a problem for a long time.

I think the Congress and our committee last year finally got that going, and I think to transfer it over to SDI is just selling it out to our technology junky idea that it is too easy.

Let us keep it separate, and if the gentleman wishes to pursue it further and come in front of the committee and present this, maybe we could listen. But I am very, very nervous that this could be gobbled up and utilized under the SDI thing.

I thank the gentleman for yielding.

□ 2000

Mr. McCURDY. Mr. Chairman, if there was going to be an umbrella organization for the conventional defense initiative, I would submit that General Rogers would be the person that would be best suited to manage and control this; because he is the one who is truly concerned about conventional defense, tactical defense in

Europe; and he is the person, in all honesty, who should be concerned about this initiative.

So I would submit to my colleague that I understand, I think, his intent, and would oppose it, and urge a no vote on the amendment of the gentleman from California.

Mr. DORNAN of California. Mr. Chairman, would the gentleman yield briefly?

Mr. McCURDY. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Chairman, I just wanted to clarify one point. I know in the gentleman's eyes I may have looked profligate yesterday, carrying the President's amendment for $4.8 billion, but I assure you, from the bottom of my heart, this is not a clever way to try and get $462 million over to—because I think there is merit in the idea—over to the SDIO office operation so they can spend it at will.

That is why I put in this language to require Secretary of Defense Weinberger to report to us what they are doing with these funds. I did discuss with General Abrahamson, would he like this under one shop; would he follow it carefully, stop duplication.

I know the gentleman holds him in great respect, but I just think I have never seen a finer American in uniform; and I trust him; and I am going to call for a vote to make a good case.

Mr. McCURDY. Reclaiming my time, Mr. Chairman, I would say that General Abrahamson is indeed a remarkable officer. He attended the University of Oklahoma; I know him personally——

Mr. DORNAN of California. Glad you mentioned that before I did.

Mr. McCURDY. And I would submit to the gentleman that there is a better place for this.

The CHAIRMAN pro tempore. (Mr. Russo). The question is on the amendment offered by the gentleman from California [Mr. DORNAN].

The question was taken; and the Chairman pro tempore anounced that the noes appeared to have it.

RECORDED VOTE

Mr. DORNAN of California. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 89, noes 309, not voting 33, as follows:

[Roll No. 342]

AYES—89

Archer	Combest	Franklin
Armey	Courter	Gallo
Bartlett	Crane	Gekas
Barton	Dannemeyer	Gilman
Boulter	Davis	Gingrich
Broomfield	DeLay	Gregg
Brown (CO)	DeWine	Hall, Ralph
Burton (IN)	Dickinson	Hammerschmidt
Callahan	Dornan (CA)	Hansen
Chandler	Dreier	Hendon
Chappie	Duncan	Hunter
Cheney	Eckert (NY)	Hyde
Cobey	Evans (IA)	Ireland
Coble	Fields	Kasich
Kemp	Miller (WA)	Smith, Robert (OR)
Kindness	Molinari	Snyder
Lagomarsino	Monson	Solomon
Latta	Moorhead	Spence
Lent	Packard	Strang
Livingston	Regula	Stratton
Lowery (CA)	Robinson	Sundquist
Lujan	Rogers	Swindall
Lungren	Rowland (CT)	Taylor
Mack	Schuette	Thomas (CA)
Marlenee	Shumway	Vander Jagt
McCain	Shuster	Walker
McCandless	Siljander	Weber
McEwen	Skeen	Whittaker
McMillan	Slaughter	
Michel	Smith, Robert (NH)	
Miller (OH)		

NOES—309

Ackerman	Edwards (CA)	Lewis (FL)
Akaka	Edwards (OK)	Lightfoot
Anderson	Emerson	Lipinski
Andrews	English	Lloyd
Annunzio	Erdreich	Long
Applegate	Evans (IL)	Lott
Aspin	Fascell	Lowry (WA)
Atkins	Fawell	Luken
AuCoin	Fazio	Lundine
Barnard	Feighan	MacKay
Bateman	Fish	Madigan
Bates	Florio	Manton
Bedell	Foglietta	Markey
Beilenson	Foley	Martin (IL)
Bennett	Ford (MI)	Martin (NY)
Bentley	Ford (TN)	Martinez
Bereuter	Frank	Matsui
Berman	Frenzel	Mavroules
Bevill	Frost	Mazzoli
Biaggi	Fuqua	McCloskey
Bilirakis	Garcia	McCollum
Bliley	Gaydos	McCurdy
Boehlert	Gejdenson	McGrath
Boland	Gephardt	McHugh
Boner (TN)	Gibbons	McKernan
Bonior (MI)	Glickman	McKinney
Bonker	Gonzalez	Meyers
Borski	Goodling	Mica
Bosco	Gordon	Miller (CA)
Boucher	Gradison	Mineta
Boxer	Gray (IL)	Mitchell
Brooks	Green	Moakley
Brown (CA)	Guarini	Mollohan
Bruce	Gunderson	Montgomery
Bryant	Hall (OH)	Moody
Byron	Hamilton	Morrison (WA)
Carney	Hatcher	Mrazek
Carper	Hawkins	Murphy
Carr	Hayes	Murtha
Chapman	Hefner	Myers
Chappell	Henry	Natcher
Clay	Hertel	Neal
Clinger	Hiler	Nelson
Coats	Holt	Nichols
Coleman (MO)	Hopkins	Nielson
Coleman (TX)	Horton	Nowak
Collins	Howard	Oakar
Conte	Hoyer	Oberstar
Conyers	Hubbard	Obey
Cooper	Huckaby	Olin
Coughlin	Hughes	Ortiz
Coyne	Hutto	Owens
Craig	Jacobs	Panetta
Crockett	Jeffords	Parris
Daniel	Johnson	Pashayan
Darden	Jones (NC)	Pease
Daschle	Jones (OK)	Penny
Daub	Jones (TN)	Pepper
de la Garza	Kanjorski	Perkins
Dellums	Kaptur	Petri
Derrick	Kastenmeier	Pickle
Dicks	Kennelly	Porter
Dingell	Kildee	Price
DioGuardi	Kleczka	Pursell
Dixon	Kolbe	Quillen
Donnelly	Kolter	Rahall
Dorgan (ND)	Kostmayer	Rangel
Dowdy	Kramer	Ray
Downey	LaFalce	Reid
Durbin	Lantos	Richardson
Dwyer	Leach (IA)	Ridge
Dymally	Leath (TX)	Rinaldo
Dyson	Lehman (CA)	Ritter
Early	Lehman (FL)	Roberts
Eckart (OH)	Leland	Rodino
Edgar	Levin (MI)	Roe
Roemer	Smith (NE)	Vento
Rose	Smith (NJ)	Visclosky
Rostenkowski	Smith, Denny (OR)	Volkmer
Roth	Snowe	Vucanovich
Roukema	Solarz	Waldon
Rowland (GA)	Spratt	Walgren
Roybal	St Germain	Weaver
Rudd	Staggers	Weiss
Russo	Stallings	Wheat
Sabo	Stangeland	Whitehurst
Savage	Stenholm	Whitley
Saxton	Stokes	Whitten
Schaefer	Studds	Wilson
Scheuer	Stump	Wirth
Schneider	Sweeney	Wise
Schroeder	Swift	Wolf
Schumer	Synar	Wolpe
Seiberling	Tallon	Wortley
Sensenbrenner	Tauke	Wright
Sharp	Tauzin	Wyden
Shaw	Thomas (GA)	Wylie
Shelby	Torres	Yatron
Sikorski	Torricelli	Young (AK)
Sisisky	Towns	Young (FL)
Skelton	Traficant	Young (MO)
Slattery	Udall	Zschau
Smith (FL)	Valentine	
Smith (IA)		

NOT VOTING—33

Alexander	Flippo	Mikulski
Anthony	Fowler	Moore
Badham	Gray (PA)	Morrison (CT)
Barnes	Grotberg	Oxley
Boggs	Hartnett	Schulze
Breaux	Hillis	Stark
Burton (CA)	Jenkins	Traxler
Bustamante	Levine (CA)	Watkins
Campbell	Lewis (CA)	Waxman
Coelho	Loeffler	Williams
Fiedler	McDade	Yates

□ 2010

The Clerk announced the following pairs:

On this vote:

Mr. Oxley for, with Mr. Coelho against.

Mr. Campbell for, with Mr. Alexander against.

Messrs. DYMALLY, SCHAEFER, and FORD of Michigan changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. DANIEL. Mr. Chairman, The readiness authorization recommendation found in this bill, in title III, is a direct outgrowth of last year's initiatives, and is in line with the committee's recommendations for readiness since 1980.

In a year which has been characterized by extraordinary economies in all of the accounts, readiness, as well as personnel, was given a clear priority in marking up the defense authorization request. This has given us the opportunity to continue prior-year initiatives—to generally continue to reduce maintenance backlogs, maintain the resources available for training, and allow the tempo of operations necessary to emphasize readiness. I wish to express my appreciation to the subcommittee chairman and Messrs. PRICE, BENNETT, STRATTON, NICHOLS, and DELLUMS for their understanding and support.

Last year, we were dealing with a potential backlash against the readiness authorization, a backlash which we observed happening in two different ways. The first was to simply suggest less than full funding of levels of readiness in favor of increased authorization for the investment accounts—R&D and procurement. And the second was to attempt to

migrate other items into the readiness accounts on the theory that they would receive more favorable consideration there. Neither of these backlash-type tactics were successful last year, a testimony to the effective constituency which has been built up on behalf of readiness since 1980. It would have been an extreme temptation to resort to one or another of these tactics this year, after sequestrations and reductions in the request. But just the opposite has occurred.

It is to the credit of the Department, and even more so to the committee, that this has just not been allowed to happen. The priority received by the readiness accounts in both the request and the recommended authorization before you has remained firm.

In light of our distinguished Speaker's initiative to report out an omnibus drug bill next month, we are pleased to be able to report a major innovation, beginning with this fiscal year 1987 authorization, for the Army and Air National Guard. At the committee's request this past spring, the National Guard Association undertook a major study to determine how the Guard could provide significant assistance in suport of civilian law enforcement agencies in the national war against illicit narcotics. That study showed that for a very small proportionate investment, existing Guard units and equipment could be used to support the drug interdiction efforts along our borders, and do so in such a manner as to not only maintain, but in many cases enhance, unit readiness. As a result, the operations and flying-hour "seed money" for the first year's effort is included in this authorization recommendation. Radars and night vision equipment not normally found, or in short supply, in the Guard units to match this O&M request will be included in the omnibus legislation next month. It is our belief that this may ultimately be the single most effective military program to be employed against the drug smugglers, that of enlisting our citizen-soldiers in the war against drugs.

Another readiness initiative of four-year's duration, that of attempting to improve the readiness of our special operations forces, has resulted in a recommended general provision to this bill, found in section 1011. This section recommends the establishment of a National Special Operations Agency within the Department of Defense to provide increased oversight and effectiveness of these forces, and reflects great credit on the gentleman from Florida and the Special Operations Panel he so ably chairs.

Mr. Chairman, at the outset of the authorization cycle this year, I never expected, in view of the necessary reductions, to be able to report so favorably on the status of our recommendation for the readiness accounts. We have taken those reductions, but continued giving priority to readiness. And I am pleased to report that if this recommendation is accepted, and title III is adopted, that in a year of unprecedented reductions, readiness has been successfully maintained. I ask the committee's support.

The CHAIRMAN pro tempore (Mr. Russo). Under the rule, the next amendment made in order is amendment No. 35.

Does the gentleman from New Jersey [Mr. COURTER] wish to offer his amendment?

Under the rule the next amendment made in order is amendment No. 36.

Does the gentlewoman from Colorado [Mrs. SCHROEDER] wish to offer her amendment?

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SCHROEDER: At the end of title III of division A (page 85, after line 12), add the following new section:

SEC. 314. ALLIES CONTRIBUTION TO COMMON DEFENSE.

(a) FINDINGS—The Congress makes the following findings:

(1) The military strength of the United States exists to protect the national security of the United States, preserve the liberties of the American people, and maintain peace throughout the world.

(2) To achieve these goals, the United States has maintained large contingents of active-duty military personnel on the territory of allies in Europe and Japan.

(3) Since the signing of the North Atlantic Treaty on April 4, 1949, and the Mutual Cooperation and Treaty between Japan and the United States of January 19, 1960, the economic strength of Japan, Canada, and most Western European nations has grown substantially, both in absolute terms and in comparison with the economic growth in the United States.

(4) Japan, Canada, and the allies of the United States in Western Europe are in substantially better condition, both economically and militarily, than they were when large contingents of United States active-duty military personnel were first deployed on the territory of those countries.

(5) The means and capacity of those allies of the United States to provide forces to resist aggression, particularly aggression aimed at their own territory or surrounding lines of air and sea communication, has significantly improved since the original United States deployment.

(6) The burdens of mutual defense now assumed by many countries allied with the United States under the agreements referred to in paragraph (3) are not commensurate with their economic resources, forcing the United States to bear a disproportionately large financial burden to meet mutual defense needs.

(7) Since May 1978, when each member nation of the North Atlantic Treaty Organization (NATO) agreed to increase defense spending annually in the range of 3 percent above inflation, no NATO member, except for the United States, has consistently met the 3 percent real growth commitment.

(8) Since May 1981, when the Government of Japan established its policy to defend the air and sea lines of communication out ot 1,000 nautical miles from the coast of Japan, progress of the Government of Japan to develop the necessary self-defense capabilities to fulfill that pledge has been slight.

(9) Japan is the ally of the United States with the greatest potential for improving its self-defense capabilities and should, therefore, rapidly increase its annual defense spending to the levels required to fulfill its pledge referred to in paragraph (8) and to enable Japan to be capable by 1990 of an effective conventional self-defense capability (including the capability to carry out its 1,000-mile defense policy), a development that would be consonant not only with Japan's current prominent position in the family of nations but also with its unique sensibilities on the issues of war and peace, sensibilities that are recognized and respected by the people of the United States.

(10) Maintaining large contingents of United States military personnel and their dependents on the territory of allies costs the United States tens of billions of dollars each year.

(11) The volatility of the American dollar has made living costs for lower paid United States military personnel abroad unpredictable and, at times, exorbitant.

(12) The deployment of large contingents of United States military personnel on the territory of allies of the United States detracts from the ability of the United States to react to crises elsewhere in the world.

(13) The level of Federal spending must be reduced in order to balance the Federal budget and revitalize the economy.

(14) The continued unwillingness of the allies of the United States to increase their contributions to the common defense to more appropriate levels will endanger the vitality, effectiveness, and cohesion of the alliances between those countries and the United States.

(15) The United States should pursue a new division of labor with its allies whereby the allies provide for the conventional defense of their own territory and of the sea and air lines of communications surrounding their territory while the United States continues to provide strategic and common defense needs.

(b) CONGRESSIONAL DECLARATION CONCERNING TROOP LEVELS ABROAD.—In consideration of the findings in subsection (a), the Congress declares that the United States should begin to reduce its troop levels abroad.

(c) LIMITATIONS ON TROOP LEVELS ABROAD.—

(1) EUROPE.—Funds appropriated to the Department of Defense after the date of the enactment of this Act may not be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization at a level exceeding—

(A) after September 30, 1987, 300,000;

(B) after September 30, 1988, 265,000;

(C) after September 30, 1989, 230,000;

(D) after September 30, 1990, 195,000; and

(E) after September 30, 1991, 165,000.

(2) OTHER AREAS.—Funds appropriated to the Department of Defense after the date of the enactment of this Act may not be used to support an end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in nations other than European member nations of NATO at a level exceeding—

(A) after September 30, 1987, 127,000;

(B) after September 30, 1988, 117,000;

(C) after September 30, 1989, 107,000;

(D) after September 30, 1990, 97,000; and

(E) after September 30, 1991, 87,000.

(3) AUTHORIZATION OF END STRENGTHS.—The total authorized strengths for active-duty personnel of the Army, Navy, Air Force, and Marine Corps as of September 30 of each fiscal year covered by paragraphs (1) and (2) shall be reduced by an amendment equal to one-half of the number by which the total end strength of those serv-

ices assigned to permanent duty ashore in nations outside the United States has been reduced as of such date in compliance with such paragraphs.

(4) WAR POWERS EXCEPTION.—Paragraphs (1) and (2) do not apply during any period with respect to which the President has submitted a report pursuant to section 4 of the War Powers Resolution (50 U.S.C. 1534).

Mr. DANIEL. Mr. Chairman, I rise in opposition to the amendment.

PARLIAMENTARY INQUIRY

Mr. LOTT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. LOTT. Mr. Chairman, I think the membership perhaps had gotten the impression that perhaps the House was going to rise at about 8:30. In view of that, the gentlewoman having offered her amendment and the reading dispensed with, is it appropriate at this point for the House to rise or would we go forward since I understand this is a 40-minute amendment?

The CHAIRMAN pro tempore. The Chair would state that the motion to rise could be offered during the debate on the gentlewoman's amendment.

Mr. LOTT. At any point during the gentlewoman's amendment?

The CHAIRMAN pro tempore. That is correct, except when a Member has the floor.

Mr. LOTT. Does the Chair have any information whether or not that would be offered?

The CHAIRMAN pro tempore. The Chair will state to the gentleman from Mississippi that the leadership on his side and our side are meeting now with the Speaker to work out the schedule for the balance of the evening. When they are finished with that meeting Members of the Committee will be advised as to what is happening.

Mr. LOTT. I thank the Chairman.

The CHAIRMAN pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. DANIEL] will be recognized for 20 minutes in opposition to the amendment.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I introduced the Allies Fair Share Contributions to the Common Defense Act (H.R. 4842) on May 15. The amendment I offer now is the text of that bill. It provides for a phased reduction in the number of members of the U.S. Armed Forces stationed ashore outside the United States.

As of last October 1, one out of every four American service members was stationed abroad. We had 247,000 ground troops in Germany, 75,000 ground troops elsewhere in Europe, and 36,000 sailors assigned to Europe. On the other side of the globe, the United States had 42,000 ground troops in Korea and 47,000 in Japan. All told, 515,000 members of the military were stationed outside the United States.

The question is why. Why do we have a quarter of a million soldiers in Germany? Is it an army of occupation? Are we there to keep our 1949 commitment to France to prevent the reemergence of the Prussian war machine?

Are we there because we expect an imminent Russian cavalry charge across the Iron Curtain? Do we really think the Soviets are willing to risk a nuclear war by launching a ground assault on Western Europe? Is there something wrong about the nuclear deterrence policy which we have enunciated?

Are we there, as some have suggested, to be forward positioned for military operations in the Persian Gulf or Middle East? During the Yom Kippur War, there was not a NATO country which would let our supply planes to Israel refuel. During our retaliatory raid on Libya, no continental European nation would let us overfly their territory. What kind of forward positioning is this?

My legislation would mandate a 5-year reduction in troop levels. In Europe, the number of American troops ashore would be reduced from 322,000 today to 165,000 by October 1, 1991. Elsewhere, ground troop levels would be reduced from 137,000 today to 87,000 by October 1, 1991. In sum, the number of troops stationed abroad would be reduced by 207,000.

The amendment goes on to say that the total authorized active duty strength of the military would be reduced by one-half of that number, or 103,500. In other words, for every two divisions we remove from abroad, one gets restationed in the United States and the other division is decommissioned. In this way, my amendment would achieve substantial cost savings.

Finally, the amendment provides an out for the President if he submits a report to Congress under section 4 of the War Powers Act. In other words, the limitation in the number of troops stationed abroad does not apply if there is a major crisis.

My amendment would reverse a 35-year-old policy of deploying ground troops in Europe. I think it would be useful to review a little history. Prior to World War II, the United States was a strong country without commitments to fight the wars of others, except under the Monroe Doctrine in Latin America. Isolationism was so strong that, in the days leading up to World War II, the American people had to be tugged and pulled to abandon its neutrality.

After World War II, the strong isolationist vein in America reemerged. And it was only the assurance by Secretary of State Dean Acheson that we would never commit troops to NATO that led Congress to approve the North Atlantic Treaty in 1949. We must remember that the North Atlantic Treaty of 1949 set up a political, not a military alliance.

By 1951, with the McCarthy forces in the Senate attacking President Truman by questioning Secretary of State Acheson's loyalty and with the Chinese counterattack on U.N. troops causing extreme American casualties in Korea, President Truman had to show himself the preeminent anti-Communist.

At this point, there were 120,000 occupation troops in Germany. Truman appointed World War II hero, Gen. Dwight D. Eisenhower to be Supreme Commander of Allied Forces in Europe, a position created by the NATO Treaty. Truman then decided to station another four divisions of ground troops in Europe. The American people opposed Truman's action by 58 percent to 31 percent according to George Gallup.

After an extended debate, the Senate finally supported, in a qualified way, Truman's decision to send the four divisions. The debate makes fascinating reading because it is so close to what we are talking about today. One issue raised concerned the question of cost. General Eisenhower was frequently quoted as saying:

> Our own way of life has certain factors that must persist if that way of life itself is to persist. For example, the freedom of the individual, his political freedom, his freedom of worship, and that he will have an economy based on free enterprise. In other words, our system must remain solvent as we attempt a solution of this great problem of security; else we have lost the battle from within that we are trying to win from without. I do not believe, for example, that the United States can pick up the world on its economic, financial, and military shoulders and carry it.

The question of cost soon became the question of burden sharing. Senator Taft of Ohio made the issue of the obligations of our NATO allies explicit:

> I voted against the North Atlantic Pact because I thought it assumed for the United States far more obligations than I could agree should be assumed.
>
> Mr. President, on January 5, when I first spoke on the subject, I said that I was quite willing to commit some additional American divisions, our fair share of some land troops, to help build up the land army against possible Russian aggression. I think six divisions is the very limit of what ought to be done. I do not believe we should provide more than one American division for each nine divisions provided by the other nations—only enough to show that we are willing to fight on the land alongside the troops of the other nations, while we provide most of the air support and all of the naval support, practically, that is necessary to carry on a war.

The 1951 debate also first broached the controversy about the use of a land army to defend Europe. World War II Gen. Carl A. Spaatz was quoted as saying:

Without mastery of the air, Western Europe becomes a huge trap for our soldiers and for the soldiers of all the free nations. Wall of flesh strategy is not the answer to our problems or to the problems of Western Europe. It is, in my opinion, the sure way to disaster. And yet it is the prevailing philosophy in Washington today. While our leaders are sapping their time and energy over how many ground division to send to Europe . . . the only real preventative to an all-out war in the world today goes wanting for lack of adequate attention.

One of the leading proponents of the Truman policy summarized the arguments raised by the opponents, arguments which sound fresh today:

First, a number of my colleagues have said that our allies in the Atlantic Pact are not doing enough and that they are sitting back and expecting the United States to defend them.

Second, some of my colleagues have argued that the United States cannot afford to send four additional divisions to Western Europe and at the same time build up our armed strength here at home.

Third, the proposal to send four divisions to Europe has been attacked on the ground that a land defense of Europe is impossible, because we can never build up enough strength there to hold back the 175 divisions that Russia has.

Fourth, the argument has been made by some of my colleagues that a Monroe Doctrine for Western Europe would be enough to prevent a Soviet attack and, therefore, it is unnecessary for us to send four more divisions to Europe. They seem to believe that we can continue to rely on the deterrent effect of our possession of the atomic bomb.

Fifth, it has been claimed that by adopting this resolution we will be committing American troops to land warfare against the hordes of Russia.

Sixth, Members of this body during this debate have accused the administration of bad faith because they testified at the hearings on the North Atlantic Treaty that no United States troops would be sent to Europe under the treaty.

The four divisions were stationed in Europe in 1951, never to be recalled. By the end of the Korean conflict, the United States had over 400,000 military personnel in Europe. While there was a slight erosion in that number during Vietnam, there has not been a day since 1951 when there have been fewer than 300,000 American soldiers in Europe. The transition from an American occupation force in conquered Germany to an enormous forward deployed army has been seamless.

Writing in the New York Times magazine of May 9, 1982, James O. Goldsborough wrote:

Conceived as a treaty whose essential purpose was to demonstrate that the United States would automatically stand by Europe in any conflict, the alliance did not become primarily military in character until more than a year after inception. It was the Korean War that militarized NATO, a change of perspective condemned by Charles Bohlen as "not a wise policy."

In Europe, the metamorphosis was opposed by West German Chancellor, Konrad Adenauer, and, later, by President de Gaulle, both of whom believed the alliance shold be primarily political in nature and should extend its influence beyond Europe. But American Presidents, beginning with Dwight D. Eisenhower, opposed demilitarizing NATO or widening its sphere of influence. The reasoning was that the United States would be in a better position to control the Europeans if it kept the alliance military, and better able to protect its spheres of interest outside Europe if it kept the Europeans from extending their reach.

As early as the Kennedy administration, the American Government pushed for a greater contribution by the allies. With the onset of the Vietnam conflict, pressure to cut military commitments elsewhere in the world increased. In 1966, Senator Mike Mansfield introduced the first of the Mansfield resolutions. The findings contained in his resolution are similar to those in my amendment.

The condition of our European allies, both economically and militarily, has appreciably improved since large contingents of forces were deployed.

The commitment of all members of the North Atlantic Treaty is based upon the full cooperation of all treaty partners in contributing materials and men on a fair and equitable basis, but such contributions have not been forthcoming from all other members.

Relations between the two parts of Europe are now characterized by an increasing two-way flow of trade, people and their peaceful exchange.

The present policy of maintaining large contingents of United States forces and their dependents on the European continent also contributes further to the fiscal and monetary problems of the United States.

Although the Mansfield amendment was never passed, by 1970, it had 50 cosponsors in the Senate.

To take the pressure off the troop withdrawal issue, President Nixon began talks with the Soviet Union on mutual and balanced force reductions. These talks have dribbled on in Vienna since the mid-1970's, providing excellent assignments for generations of diplomats.

In 1974, a troop withdrawal amendment passed as part of the defense authorization bill. Senators Henry Jackson and SAM NUNN sponsored an amendment which mandated reductions in U.S. force levels unless the President certified that the European allies offset the balance of payments deficit incurred by the United States as a result of stationing troops in Europe. The amendment passed and the President made the necessary certification.

The Carter administration was as loyal to the alliance as its predecessors. In May 1977, the Carter administration proposed a new long-term program for NATO, including a pledge that each country increase its defense expenditures by 3 percent a year. No NATO ally has met this commitment. In 1978, the average increase of our NATO partners was 2 percent. In 1979, 2.5 percent. In 1980, 2.6 percent. In 1981, 2.8 percent. In 1982, 2.3 percent. In 1983, 1.2 percent. In 1984, 2.2 percent. In 1985, 1.6 percent. Under the 1977 plan, defense spending should have increased by our allies by 27 percent. Instead it has increased by 18 percent. During the same period, American defense spending has increased 50 percent in constant dollars.

Part of the reason for this disparity is a shocking difference between American military planners and our European allies in their perception of the Soviet threat. While Americans saw the shooting down of the Korean Air Line flight and the invasion of Afghanistan as further evidence of Soviet intention to conquer the world by force, most Europeans were less threatened by these actions. Domestic social pressure, therefore, were considered as far more important than military increases. Moreover, many Europeans blamed the massive 1979-82 recession on American economic conduct. They were not anxious to cut social programs to meet the 3-percent NATO growth goal in this context.

Listen to what a high German Defense Ministry official said to a NATO meeting in October 1981:

The German Federal Government advocates a comprehensive security concept that places the same weight on domestic security as it does on economic security. Stated in other words, this means that Alliance security has to be founded on the adequate division of resources and a fair sharing of burdens among the member countries, and that economic stability and social justice are conditions precedent to maintaining NATO's defense capability and to fulfilling the commitments undertaken by the Alliance.

Therefore, the cry for boosting defense expenditures to the detriment of the social budget is subjected to criticism on the part of the public at large. In the light of the many and various demands made on the State and the never ceasing pressure exerted on the defense budget, an additional contribution for the benefit of the Alliance is conceivable today only at the expense of foregoing the implementation of other projects. In view of her economic situation and the social circumstances prevailing in the Federal Republic of Germany, our country has reached her financial limits in respect of her defense contributions and the other direct and indirect expenditure in support of NATO. In future, the defense budget cannot be excluded from necessary economic measures as well.

The most recent congressional attack on the troop level in Europe came in 1984, when Senator NUNN proposed an amendment to the defense bill providing a permanent ceiling of 326,414 on the number of American troops assigned to permanent duty ashore in European member nations of NATO. Further, beginning in 1988, the ceiling would be lowered by 30,000 a year each year the allies failed to

make the 3 percent target. The amendment also aimed at improving NATO's conventional capability to lengthen the period of time between an attack on NATO and the time that nuclear weapons would have to be used.

The Senate engaged in a fiery debate during which opponents of the amendment argued that we should not kick our allies after they withstood domestic pressures and allowed the stationing of medium-range nuclear missiles on their territory. The Senate, under enormous pressure from the Reagan administration tabled the Nunn amendment and adopted a compromise which kept the ceiling on troops stationed in Europe.

European leaders were predictably furious about the Nunn amendment. They did not like being treated coercively. Further, they cited American bases, the fact that they draft citizens into their armed forces, and the fact that they bear the brunt of any attack as special burdens that they meet in being part of the NATO alliance.

What a number of observers recommended in 1982 and 1983 is what I am proposing today. Let's return NATO to its roots of a primarily political organization. We should not eliminate its security role altogether. But, we should work harder to reach consensus with our allies on activities around the world.

We should provide a strategic deterrence for Europe and a mobile Navy. We should not provide a third of a million ground troops as well.

The situation with regard to Japan is somewhat different. Japan contributes only 1 percent of its gross domestic product to defense, while the United States contributes 6.4 percent. Despite substantial pressure for the Japanese to increase their defense spending, no year-to-year change has occurred.

Japan is the only country which has had nuclear weapons used against it. Understandably, the Japanese Government and people are especially leary of war. The Constitution of Japan repudiates a military. We have no right to ask the Japanese to violate their own pacifist views to bolster our own defense efforts.

On the other hand, the Japanese have said that they consider it quite appropriate to protect the sea and air lines out to 1,000 miles from the Japanese islands. Senator LEVIN has pointed out that Japanese defense spending would have to increase between 10 percent and 12 percent a year to reach this goal by 1990. Instead, Japanese defense spending has remained essentially flat. While Prime Minister Nakasone repeatedly talks about a major defense buildup, he is continually rebuffed by the Diet.

The point of this history is clear. While we have had sizable commitments to Europe and Japan, these commitments have been under continual attack. There is nothing immutable about the size of our troop commitment to these countries. This is not a new issue.

I do not raise it for the purpose of embarrassing our allies. I raise it because I think it is important. We had a prolonged and serious debate about burden sharing in 1982. Now you barely hear of the issue. Yet, what has happened since 1982? What has happened is that our deficit has continued to grow, largely because we are spending astronomical amounts on defense. European and Japanese contributions to the common defense have barely grown at all. And, our European allies have not been terribly cooperative in our war against terrorism.

There should be far more attention to the issue of our troop commitments abroad than there has been. Especially today, when we are struggling to meet our commitments to provide pay and benefits to our own troops, when we have to cancel weapons systems for lack of money, when the growth in our defense spending is coming to a halt, we must reassess our commitment to having troops stationed abroad.

I think there is an important human dimension to this strategic issue. I have visited our troops in Germany and elsewhere. Foreign exchange rates have fluctuated rapidly recently. This means that families living in Germany are flush 1 month and cannot afford groceries the next. Life is difficult. There are problems with kids in school and in contact with host country citizens. While the generals may love to be stationed in Europe, many of the enlisted soldiers do not. And soldiers with school-age children are forced to constantly tear up the kids and move them.

I hope my colleagues will give their serious consideration to this amendment.

□ 2025

Mr. DANIEL. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, while I agree with much of what the gentlewoman has said, I must oppose the amendment. If this amendment were to become law, it would impose severe reductions on the number of U.S. troops stationed abroad, as well as significantly cut the number of military personnel on active duty. I hope that you will join with me to reject this measure because it is poor public policy, poor diplomacy and faulty military strategy. It would benefit neither the United States nor its allies.

The gentlewoman's amendment would pull more than 160,000 U.S. troops out of Europe over 5 years—with the first installment of 26,000 members and their families being withdrawn by September 30, 1987 and the remaining families being withdrawn in 30,000 to 35,000 person increments in each of the remaining fiscal years through 1991. It would also require the withdrawal of some 40,000 U.S. military personnel stationed elsewhere in the world during the same timeframe for a total withdrawal of approximately 200,000 U.S. troops from overseas locations. About half of this 200,000 would be restationed in the United States; the other half demobilized.

I mentioned earlier that this amendment represents poor public policy. It seems to assume that our presence overseas serves only to benefit a group of ungrateful allies and that the United States would be much better off if we picked up our marbles and went home. That argument ignores the requirement that the United States maintain a significant military presence overseas in order to protect our own strategic, political and maritime interests.

Second, this amendment represents poor diplomacy. It assumes that the allies are not contributing their fair share to the common defense and that they will do more if we do less. This assumption has some merit. However, the allies, on the whole, are contributing more to the common defense than is generally recognized and their contributions have been steadily improving in recent years. They are still not doing enough.

Important differences emerge when results for individual countries are compared. Japan, for example, is doing less than its fair share. However, it should be noted that Japan has one of the highest percentage changes in defense spending from 1971–84. Prime Minister Nakasone's Cabinets have authorized defense increases in the last 3 years at approximately 5 percent annual real growth above all other government spending. Japan is restricted by treaty with respect to any military buildup, but Japan should do more in its own defense including protection of sealanes in the Pacific.

Second, let me emphasize that our NATO allies often make significant contributions that are not directly related to defense expenditures. The allies have demonstrated political unity and resolve by staying the course with the deployment of intermediate-range nuclear forces. They have maintained conscription systems by fulfilling manpower requirements in support of the NATO Alliance.

The recent 1985 initiatives for conventional defense improvements [CDI] and increased cooperations in armaments should prompt more effective burdensharing by helping to focus the defense planning of each member nation on the salient military needs of the Alliance.

NATO Europe is at a tremendous conventional disadvantage vis-a-vis the Warsaw Pact. The withdrawal of 160,000 U.S. troops for Europe would further "slew" the balance.

We should not take the precipitous step proposed by the gentlelady that would make an already bad situation worse.

Finally, let me address this amendment from the military strategy point of view. The United States maintains forces abroad in order to deter aggression where it is likely to occur and, if deterrence fails, to fight and prevail against aggression. If we withdraw large numbers of forces from their forward deployed positions, we must take one of two followup approaches; we must either authorize the billions of additional dollars necessary to provide adequate sea and airlift to permit the rapid transport of these troops and their equipment back to the appropriate overseas location if a conflict erupts or we must abandon our defense treaties and other commitments. I would submit that there is no middle ground between these two extremes and that both these options are highly unpalatable.

Mr. Chairman, this amendment should be rejected. Although I understand and share the frustration of some of my colleagues with regard to certain trade issues, I urge them not to mix anger over trade with the requirements of our national defense. Our national security must not be held hostage to other concerns. We all know that the Soviet threat has increased—not decreased—in recent years. We must not respond to increased danger by decreasing our ability to deter aggression. And we must not damage arms control efforts by giving away unilateral concessions.

Please join with me in rejecting this amendment.

□ 2035

Mr. Chairman, I yield 6 minutes to the gentleman from Virginia [Mr. WHITEHURST], who I understand has two speakers.

Mr. WHITEHURST. Mr. Chairman, I listened with great interest to what the gentlewoman from Colorado had to say and also my colleague, the gentleman from Virginia.

What no one has addressed this evening is the success of the alliance. For 40 years there has been peace in Western Europe. There is no question about what the thrust of this amendment will do. It will be perceived as a weakening of the American commitment and it puts that peace in jeopardy.

I am reminded of the old saw that Burt Lance uttered when he was here, "If it ain't broke, don't fix it." It is not broken. It is working and it is working very effectively.

I listened very carefully to what the gentlewoman said about cost savings. I think we need to get some other numbers out there and get this straight.

The Department of Defense estimates that increased permanent change of station costs alone over a 5-year period would total at least $577 million over and above the savings realized through the demobilization of the troops.

Furthermore, if you were put into a situation where there was a crisis and you wanted to send them back overseas, depending upon the scenario, it would cost somewhere between $3 and $19 billion.

The gentlewoman also made a comment about our Japanese allies. The implication was from her words, and if I am mistaken about what the gentlewoman meant, I will retract it, but I got the impression that she felt the Japanese were doing very little. As a matter of fact, the Japanese Government contributes $1.2 billion annually to the support of United States forces in Japan. That comes out to $25,000 per serviceman. I think that is a pretty substantial contribution.

If you want to send a message to the Soviets, if you want to send a message to our allies to indicate that we are really not committed to the defense of Europe, pass this amendment tonight.

I regard it as a disaster.

Mr. DANIEL. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, this is I suppose a well-intentioned amendment, but its adoption would have catastrophic consequences for our country.

The gentlewoman from Colorado said that the arguments which will be advanced against her amendment are the same arguments which were used 20 years ago against the Mansfield amendment. I suppose they were, but it is perhaps precisely because those arguments prevailed that we have been able to preserve the peace in both Europe and Asia over the course of the last two decades. I shutter to think what might have happened during that period of time if the Mansfield amendment had been adopted.

If you look at the consequences of this amendment in terms of both Europe and Asia, you can see that it would very easily have some utterly unwanted consequences. In terms of Europe at a time when we should be raising the nuclear threshold, it would lower the nuclear threshold. Virtually every independent analyst and observer agrees that the Warsaw Pact has substantial superiority over NATO. If war were to break out tomorrow, it would only be a matter of time before we would probably be confronted with a choice of either going nuclear or permitting the Soviet Union to overrun Western Europe.

We should be building up the conventional strength of NATO at this time, rather than diminishing it, as this amendment would do.

Second, at a time when some progress is being made at the Mutual and Balanced Force Reduction Negotiations in Vienna, the adoption of this amendment would eliminate whatever chances there are for a negotiated agreement with the Soviet Union providing for a mutual reduction of Soviet and American forces in Europe, because what incentives would the Soviets have to reduce their forces if we are going to do it unilaterally?

Third, the adoption of this amendment would threaten the viability of the alliance. It would inevitably be seen by our allies as a retreat from responsibility. It would call into question our commitments to them and it could even set in motion forces which could lead to the ultimate Finlandization of Western Europe.

In terms of Asia, it would inevitably require a major reduction of American ground force presence in South Korea and that in turn would diminish the credibility of the American commitment to South Korea and the deterrent value of our military presence on the Korean Peninsula.

I have been to South Korea, but I have also been to North Korea. I know that Kim Il-song has not abandoned his lifelong ambition of reunifying the Korean Peninsula under Communist control.

I do not think it is in our interest to even suggest the possibility that we may be walking away from our commitments to that country.

Mr. WHITEHURST. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). The Chair would observe that it is the gentleman from Virginia [Mr. DANIEL] who has the right to yield time.

To whom does the gentleman from Virginia yield?

Mr. DANIEL. Mr. Chairman, I already yielded 6 minutes to the gentleman from Virginia [Mr. WHITEHURST].

The CHAIRMAN pro tempore. The Chair is sorry. The gentleman from Virginia [Mr. WHITEHURST] is recognized.

Mr. WHITEHURST. Not for all of that time, I presume, Mr. Chairman.

The CHAIRMAN pro tempore. Does the gentleman desire to yield time?

Mr. WHITEHURST. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HUNTER].

The CHAIRMAN pro tempore. Without objection, the gentleman from California [Mr. HUNTER] is recognized for 1 minute.

There was no objection.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

I just want to make one point. The gentlewoman said that two times in this century we have gone to Europe and we have saved democracy and we have helped our allies. That is true, but we sent our forces into mobilized enemy confrontations in which we lost tens of thousands of people killed in action, hundreds of thousands wounded in action. The point is that we do not want to send our troops into the jaws of a mobilized enemy. We want to deter war. It has worked for 40 years.

I am reminded of what Leo Thorsten, a Medal of Honor winner, stated when I asked him a couple months ago about what he thought we should do with the defense budget.

He said, "If we are going to make mistakes, and we will, we should err on the side of strength."

We have had a lot of people in Europe. We have had a lot of people in Asia, but it has worked for 40 years.

I think the gentleman from Virginia [Mr. WHITEHURST] is right, "if it ain't broke, don't fix it."

Mrs. SCHROEDER. Mr. Chairman, let me just yield myself 1 minute to quickly answer some of these things before I proceed.

It is not broken, but it is really expensive and the world has changed. There is no reason to keep it at the same level, No. 1.

No. 2, we hear about Asia and how the Russians are building up troops in the Pacific. I remind you that there is not one thing in here that says we take Navy troops out. We are talking about ground troops.

Someone mentioned South Korea I would remind you that it is not targeted to South Korea.

Talking about Japan, I said unless they pay more.

People have said there is progress at the MBFR talks. Come on, now, there has been no progress. They have been going on forever and we should pay those diplomats when they finally show up with an agreement. That thing has been going on since the Nixon era.

We also hear that it will be costly to bring people home. We bring them home anyway. They are not permanently deployed there, so the permament change of station figures are the same.

So I think it is very important to keep all those things in mind and proceed with the debate.

Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, I agree and admire very much the arguments that were put forth by the gentleman from New York [Mr. SOLARZ] and by the gentleman from Virginia [Mr. DANIELS] and some of the other Members of the House as well.

Clearly, this has operated well in terms of keeping peace in Europe for 40 years, but the question is how long must we be alone in paying for peace?

The question is, when are we finally going to get some help from our allies, real help, comparable to the kind of sacrifice Americans make year in and year out in paying the cost of maintaining 515,000 troops abroad.

It is not a question of a desire for security or a desire to have a strong military posture in the world. It is a question of who is going to pay and how are we going to get them to join us in paying this enormous cost.

The burden that we bear could be justified if it was being shared equally between us and our allies, but clearly it is not.

Japan today spends 1 percent of its gross national product on defense, which adds up to $101 per person, while the United States, each American, pays the bills for 6.4 percent of our GNP in defense spending, which totals up to $911 per person.

Now, is that fair? Does that make sense? Has anybody who has stood up on the floor of the House today to talk about our defense posture come forward with a program for allowing us to back off a little from that unfair share of the burden and begin to put a portion of that burden on our allies?

What about Europe? They pay 3.6 percent of their gross national product, spent cumulatively on defense. What does that add up to? It is $281 per person.

Again, what does the American pay? It is $911 per person.

Is that equitable? Is it not our responsibility to come forward with a program which says, "You fellows ought to start paying a fair portion of the expense of defending you 40 years after World War II"?

Just step back for a momemt and ask yourselves this question. How is it that 41 years after World War II, you and I are still paying the lion's share of the cost for defending these other countries?

Today it is not just the sons and the daughters of the veterans of World War II that are on the front lines all over the world, it is the grandsons and the grandaughters of the veterans of World War II who are on the front lines all over the world.

When do we finally adopt a program that begins to say to these other countries that it is time you begin to pay a fair share of defending yourselves abroad?

We have a budget deficit today of $230 billion. We have a trade deficit with these same beneficiaries of our defense largesse of $150 billion. Do they cut us any slack on trade? No. Do they cut us any slack anywhere across the board? No.

Is it not responsible of us to begin to ask them to pay their fair share?

If there is a better proposal than the one offered by the gentlewoman from Colorado [Mrs. SCHROEDER] I will be glad to consider it, but I know of no other proposal. All I know is that year after year we hear the same explanation that we are trying hard, we cannot afford to back off in any way.

I say that we cannot afford to back off, but we can sure afford to ask the other guys to pay their fair share and that is what this amendment does. I urge support for it.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished majority leader, the gentleman from Texas [Mr. WRIGHT].

LEGISLATIVE PROGRAM

Mr. WRIGHT. Mr. Chairman, I appreciate the generosity of the gentlewoman from Colorado. I take this minute not to debate this issue, but rather to explain to Members where we are and what our plan is. This is a plan which has been agreed upon by the leadership on both sides.

A few minutes ago the gentleman from Alabama and the gentleman from Illinois came and asked if we would consider the advisability of rising after we have finished this vote and made in order the next amendment so that it will be the pending business and allowing all Members on both sides of the aisle to get a night's sleep, probably feel a little bit better emotionally and in every other way, and give the minority an opportunity to have some discussions among themselves. It is a reasonable request.

The gentleman from Alabama and the gentleman from Illinois and other members of the minority have played fair with us and there have been no attempts to obstruct the process. We appreciate that and I certainly want to extend once again the assurance that it is our plan tomorrow evening at about 5:45 to go into recess so that Members may go to the White House for the affair there.

We have a full day's schedule. We will come in at 10 o'clock tomorrow and let us try to finish the bill and let the Members work their will, whatever it may be.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. WRIGHT. I do yield to my friend, the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I appreciate the majority leader yielding. What the gentleman has reported is fair and accurate.

I explained to the gentleman that because of the events and the outcome of the votes as have occurred on the floor that I felt it would be prudent to rise earlier than had been announced this evening and explain the reason to the gentleman and ask that we have an opportunity to discuss the balance of the bill, and for that reason we

thought it necessary to have a caucus in the morning at 9:30.

The gentleman has agreed. We will do this and be on the floor at 10 o'clock ready to resume the bill.

I appreciate very much the cooperation and the spirit of friendliness that was exhibited in the meeting.

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Mr. Chairman, I just wanted him to know that the good feeling is reciprocated, and that we will see him back in the pit at 10 o'clock in the morning.

Mr. WRIGHT. I thank the gentleman.

Mr. DANIEL. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I rise in opposition to the Schroeder amendment.

Mr. Chairman, the troop withdrawal proposal before us can be likened in some ways to the Nunn amendment 2 years ago in the other body. Like Senator NUNN, the gentlewoman's amendment expresses concern about inadequate defense contributions from our allies. Also like the Nunn amendment, this proposal would withdraw large numbers of U.S. military personnel from their forward deployed positions overseas. Unlike the Nunn amendment, however, the gentlewoman's proposal would not provide relief from troop reductions if the allies increased their defense contributions.

This amendment, therefore, should not appeal to those who wish to see the allies do more. Indeed this amendment neither provides an effective incentive for the allies to increase their defense contributions nor could it succeed in coercing them to do anything they're not already doing. In fact, if approved, this measure would likely backfire in the United States' face by aiding those in Eurpoe who argue for less defense spending on the part of NATO and for reversing the recent INF missile deployments.

Mr. Chairman, let me point out that the Soviet Union continues to significantly build up its conventional forces. it has sought to widen the numerical advantage it holds in nearly every conventional force category by producing major weapons at rates exceeding those of the United States and our NATO Allies. Although we do not have to match the U.S.S.R. and its allies weapon for weapon, it seems to me that the buildup of Soviet forces and the marked improvement of Soviet equipment are matters for serious concern. How should the U.S. Congress express such a concern? The gentlewoman would have you believe that the way to express this concern is to withdraw 200,000 U.S. troops and to reduce U.S. force structure by 100,000 men and women! Mr. Chairman, this amendment just doesn't make sense.

Mr. Chairman, I do, however share many of the concerns that the gentlewoman referred to. I would agree that we have a defense strategy which has incurred an increasing overhead, which America, now the largest debtor nation in the world, cannot possibly support in the years ahead under our present plan.

We do have to remember that our presence in NATO has kept Western Europe free from war and conflict for the longest period of time in history since the days of the Roman Empire.

Therefore, Mr. Chairman, we must look very carefully at such a plan as is being presented by the gentlewoman.

I would call attention to the fact that we are told over and over by DOD that central NATO is a pressure point where the Soviets would likely break through, probably a first strike of tactical ballistic missiles, followed by chemical weapons attacks.

Also, Mr. Chairman, there is another danger, a danger to the thousands of families and dependents who are in harm's way. Fifteen thousand families alone are at one base, Ramstein Air Force Base in Kaiserslautern, Germany. Who will get the first whiff of poison gas?

As you know, Mr. Chairman, there is no chemical warfare protection for them at this time—stripped out of our program today. And there is no workable evacuation plan for them, Mr. Chairman, and in case of war these families—wives and children—are probably doomed.

While I oppose Mrs. SCHROEDER's troop withdrawal legislation, I would gladly join her in giving consideration, Mr. Chairman, to bringing the families home out of the line of fire.

Mr. Chairman, I strongly urge that we rise in opposition to the Schroeder amendment.

Mr. WHITEHURST. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LAGOMARSINO].

The CHAIRMAN pro tempore (Mr. RUSSO). Without objection, the gentleman from California [Mr. LAGOMARSINO] is recognized for 1 minute.

There was no objection.

Mr. LAGOMARSINO. Mr. Chairman, I want to commend the gentleman from New York [Mr. SOLARZ]. I think that his comments were right on point. We are not in Europe just for the Europeans, we are there for ourselves as well. And with regard to Asia, when President Carter announced that he was going to pull troops out of Korea, it sent a shock wave through all of Asia, and it certainly did not help anything with regard to stability or foreseeability or the trust that those people had in our willingness to stay there.

The ASEAN countries have done quite well because they do have trust in us. Does anyone think that Corazon Aquino will be helped if this amendment is passed. If she thinks and if the people in that region think that we are lessening our commitment, and they do not know where these troops are going to come from, I think that it would send a message of instability throughout the area. I urge defeat of the amendment.

Mr. WHITEHURST. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. HUTTO].

The CHAIRMAN pro tempore. Without objection, the gentleman from Florida [Mr. HUTTO] is recognized for 1 minute.

There was no objection.

Mr. HUTTO. Mr. Chairman, I rise in opposition to the Schroeder amendment, and I would like to respond to several speakers tonight who have indicated that our allies have not increased their fair share. It is true that some of them have not, but a number of us have visited in some of these countries with the leaders from time to time and urged them to do their part and put pressure on them, and we continue to do that.

I think that we also ought to note that over the period of the last several years a number of these countries, a number of these allies, have increased their portion by 3 percent or more, and in 1985 Belgium, Norway, Turkey, and Spain increased their defense budget by 3 percent or more.

While the United States has paid more than 3 percent over the last few years, we also can realize that during the 1970's we did not do as well as our allies did. It is important that we keep our alliance going and vote down the Schroeder amendment.

Mr. WHITEHURST. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. KEMP].

The CHAIRMAN pro tempore. Without objection, the gentleman from New York [Mr. KEMP] is recognized for 1 minute.

There was no objection.

Mr. KEMP. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to particularly associate myself with the remarks of my friend, the gentleman from California, Mr. LAGOMARSINO, who praised our colleague from New York, Mr. STEVE SOLARZ, for his suggestion that we are not in Asia nor are we in Europe for Asia and Europe alone. This is the forward defense of the United States of America as well as our allies and the friends who are extremely important to the strongest alliance in the world today, that many of us mentioned has kept the peace for 40 years and beyond.

Let us make one other point very clear: Our friends in Europe are going through a theater nuclear modernization program. They are helping deploy intermediate-range nuclear weapons. They have had terrible debates in the

democratic process, and great friends of the United States have succeeded in helping strengthen this alliance.

It is an important alliance, it is an alliance for peace and freedom and the security of ourselves as well as our friends, and this is no time to be unilaterally withdrawing U.S. troops from Asia or Europe.

I am opposed to the idea that would withdraw large numbers of U.S. troops from abroad and that would reduce the size of our current standing forces.

A unilateral troop withdrawal is dangerous to our national security Mr. Chairman. This amendment, if passed, would withdraw about 200,000 of the approximate 450,000 troops stationed overseas and cut total active end strength by 100,000 personnel over a 5-year period.

These actions would, at best, be counterproductive and would ignore the intricate, fragile balance between the superpowers that has kept us out of world war III for the past 40 years. Instead of meeting the basic requirement to tailor troop strengths to meet the growing Soviet and Warsaw Pact threat, troop withdrawals and reductions in end strength would critically hinder our capability to quickly and effectively respond to a major hostile action overseas. Further, if the United States adopts this policy, a significant void would be created that our allies could not easily fill. They would undoubtedly question our resolve to follow the terms of the mutual defense treaties that we have with them and would play into the hands of the isolationist and pacifist left that argued the same ideas that led to World War II.

The well-being of the free world today must be protected, Mr. Chairman. The United States plays a vital role in this structure and must be able and willing to respond to threats to our way of life with the appropriate means. We cannot afford to withdraw from our commitments abroad. We cannot afford the possibility that freedom will be lost through a lack of will to bear the cost of helping protect freedom and peace. We must maintain our presence abroad and improve our conventional forces—not decimate them—as this amendment would do.

I, therefore, encourage my colleagues on both sides of the aisle to oppose this very dangerous amendment that would be a slap in the face of not only our allies but those men and women of our own armed services who are doing so much to defend the freedoms so many take for granted.

Mr. WHITEHURST. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER].

The CHAIRMAN pro tempore. Without objection, the gentleman from Nebraska [Mr. BEREUTER] is recognized for 1 minute.

There was no objection.

Mr. BEREUTER. Mr. Chairman, I rise in opposition to the Schroeder amendment. It may well be appropriate to gradually reduce our troop strength or personnel numbers of U.S. forces in Western Europe for NATO commitments; however, it is not appropriate to officially reduce the size of our armed services in the process. Those personnel withdrawn from Europe, for example, should for the most part be returned to the continental United States to be deployed for contingencies that might arise in meeting our global leadership responsibilities for the free world. That is an enhanced flexibility we need to properly fulfill our global responsibilities and commitments.

Let's examine what the Schroeder amendment would do.

It would cause the withdrawal of about one-half of the U.S. troops assigned to NATO between end of fiscal year 1987 and the end of fiscal year 1991: 326,414 is the current ceiling in Europe; 161,414 would be withdrawn by the end of fiscal year 1991.

The proposed ceilings for example would be: September 30, 1987, 300,000 (−26,414); September 30, 1988, 265,000 (−35,000); September 30, 1989, 230,000 (−35,000); September 30, 1990, 195,000 (−35,000); and September 30, 1991, 165,000 (−30,000).

It would also cause the withdrawal of about one-third of the U.S. troops assigned elsewhere overseas during the same timeframe: 131,049 currently assigned elsewhere overseas; 44,049 would be withdrawn by the end of fiscal year 1991.

The proposed ceilings for all other overseas areas would be: September 30, 1987, 127,000 (−4,049); September 30, 1988, 117,000 (−10,000); September 30, 1989, 107,000 (−10,000); September 30, 1990, 97,000 (−10,000); and September 30, 1991, 87,000 (−10,000).

It would restation half of the withdrawn troops in the United States and demobilize the other half. That is to say that about 100,000 would be restationed and 100,000 would be demobilized between the end of fiscal year 1987 and the end of fiscal year 1991.

The subject of the gradual reduction of U.S. armed service personnel in Europe was addressed in great detail by this Member in a special order on July 1, 1986, found on pages H4681-H4685 of the CONGRESSIONAL RECORD. Before giving a more detailed discussion of this Member's views on the method and rationale of such a reduction in our forces in Europe, I would say that the primary faults in the Schroeder amendment in the Member's view are twofold.

First, the troop withdrawals cause a demobilization of our forces by one-half of the forces withdrawn. That is for every two persons taken from a foreign location one in effect is taken out of uniform—permanently. A reduction in forces should be separated from the issue of a reduction of our overseas forces. Certainly a reduction of force of this magnitude is not justified given our global defense requirements.

Second, while the phase down in proposed personnel ceilings may be appropriate numerically the process should be specifically identified to begin in fiscal year 1988 or fiscal year 1989. Also to ease the transition for our allies in picking up the slacks the length of the reduction period should perhaps be stretched out for 2 or 3 years longer than the proposed 5 year period.

Given the circumstances of an economically prosperous Western Europe and given the United States' global security responsibilities, continued deployment of U.S. forces at current levels in Western Europe is probably not the most efficient use of our resources. I believe that Europe can do more toward its own defense and that we can better handle our global responsibilities by positioning elsewhere—most likely in the United States—some or all of the troops now in Europe. Writing about this problem in a Los Angeles Times syndicated article, former Secretary of State Henry Kissinger observed that, "a major portion of America's Armed Forces is tied up where governments will permit its use only against the least likely threat, an all-out Soviet attack on the central front." Even if one does not agree completely with Dr. Kissinger, for example, that the Soviet threat is merely unlikely, as opposed to least likely, his logic is forceful.

I do not raise questions about the NATO relationship out of a sense of grievance that the United States has somehow been shortchanged. The alliance has served Europe very well, but it has also served us well. If it has been costly for us, and it has, by and large we have been able to afford it. I am not one of those who seeks to use our troops as leverage, threatening to withdraw them unless Europe devotes more of its resources to defense but keeping them there if they do. Europe should do more because it has an obligation to do so, and because it is in the interest of European countries individually and collectively. Greater European contributions to defense readiness should be seen in the context of deployment of U.S. forces where they are most needed, not as a quid pro quo for their extension in Europe. What has worked for the past nearly four decades may not be appropriate now and almost certainly will not be over the next four decades, at least not without substantial modification.

Whether it is expressed as Europe doing too little or America too much, this is the familar burden-sharing argument about which Europeans have grown used to hearing complaints from this side of the Atlantic. It has often been used as a club over the heads of our European allies. Most recently I have heard threats from this side that if the European Community does not lessen its trade surplus with the United States, we will bring home the troops.

From a European perspective, our complaints on occasion must appear unreasonable and perhaps even shortsighted. But a fairminded European would also have to agree that the American perspective on burden sharing is, in many respects, quite understandable.

More than four decades after the Second World War, the United States maintains over 300,000 troops in Europe as a contribution of NATO's defense against the Warsaw Pact. These forces play a number of key roles in NATO's deterrence and defense posture. They make a substantial contribution to NATO's forces available to counter the initial stages of a Warsaw Pact attack. They also serve as the foundation on which additional U.S. forces would build in wartime as reinforcing U.S. units and weapons systems arrive in Europe. And perhaps most importantly, this substantial U.S. presence symbolizes the U.S. commitment to the defense of Europe, backed by the awesome potential of the U.S. strategic nuclear arsenal.

By almost any quantitative measure, the United States devotes more resources to defense than do its allies. The United States spends more on defense than all the European allies combined. The United States has been devoting in excess of 6.5 percent of its gross domestic product to defense, whereas the Europeans, on average, have been spending only around 3.8 percent of their GDP to defend themselves. In 1985, the United States spent over $266.6 billion on defense, of which at least half could be said to be NATO-related expenditures. The West European allies, as a group, spent just $83.5 billion.

Perhaps most frustrating to us is the fact that this situation shows little sign of changing soon. The Department of Defense has recently reported that the average real growth in defense spending for all other NATO nations in 1986 will likely be the lowest in 9 years, somewhere between zero and three-tenths of 1 percent growth above inflation. Granted, the dramatic surge in U.S. defense spending of the last several years is slowing down. But if European defense efforts are also cut back, the balance between United States and European efforts will remain static. In fact, an analysis last year by the Congressional Budget Office concluded that, "Over time, the U.S. share of the burden has been increasing, while the allies' share has decreased, relative to their ability to contribute."

I would be the first to agree with those who suggest that it is difficult if not impossible to calculate just how much of our defense spending could actually be said to be on NATO's behalf. While I said that half of our 1985 defense expenditures could be said to be NATO-related, I readily concede that I have seen much lower estimates as well. It depends on the definition of NATO's interests vis-a-vis those of the United States and how you separate them. Some would observe that they are inseparable. My point is, however, that even with the lower estimates, Europe does not appear to be doing its share.

On the question of Europe's contribution, Dr. Kissinger put it very well in the article to which I referred earlier. He said: "It is unnatural for a continent with a population larger than that of the Soviet Union and a gross national product 1½ times greater than it to rely for so much of its defense on a distant ally." I agree. The conditions prevailing when NATO was formed, a United States vastly more powerful and more wealthy than any other nation and, on the other hand, an impoverished war-ravaged Europe, have long since changed.

Looked at from either side of the Atlantic, the relationship is indeed unnatural. It stretches the resources of the United States. It faces the United States with risks well beyond those inherent in the defense of the United States itself. The nuclear guarantee in particular exposes the United States to nuclear confrontation with the Soviet Union for the sake of Western Europe's security.

Europeans have grown comfortable with the American contribution to the alliance—perhaps too comfortable. I am concerned that, over time, the continued reliance of Western Europe on such a disproportionate American contribution will erode the political foundations of support for the alliance. We have offered the nuclear guarantee to Western Europe out of a conviction that our own security is inextricably bound to Europe's. If the feeling in America persists and grows that Europe is not pulling its own weight, that conviction will weaken.

Implicit in what I am proposing is the clear recognition that the United States cannot do everything, that we run the risk of being unable to meet all of our global commitments unless we are relieved of some of them. We need to maximize the return on our defense investment. Here is where I think the debate is influenced most profoundly by the different status of the Atlantic partners. The United States is a global power, facing security challenges throughout the world. Our European allies, on the other hand, are largely concerned with regional defense. Moreover, as Europe's ability to influence global events by means of military power declined, European policies increasingly emphasized political and economic means.

In a complete reversal of policy in effect at the time of NATO's birth, when the United States was determined not to be dragged into lingering colonial disputes and insisted that Atlantic Treaty obligations were valid only in Europe, today it is Europe which refuses to extend treaty obligations to the Third World. This moved Dr. Kissinger to observe that, "When Europe disassociates itself from the United States today, it challenges a concept of global defense, and therefore, indirectly, the psychological basis of America's commitments even to the defense of Europe."

The sharing of burdens and responsibilities in the Atlantic alliance continues to place excessive reliance on the resources and the leadership of the United States. This unnatural dependence of Western Europe on the United States needs to be adjusted to enhance Europe's political and economic potential in the alliance.

We cannot expect such change to take place overnight. The current apportionment of responsibilities has been with us for the last 30-plus years. Trying to replace these arrangements at one stroke would pose many dangers, including the possibility that we could end up throwing the baby out with the bathwater. We, therefore, should be wary of those who call for major reassessments of the alliance without offering coherent propositions for the new roads to be taken.

On the other hand, it is not a time to tolerate complacency. The alliance cannot afford to sit quietly while Americans increasingly question the excessive share of the burden borne by the United States and Europeans complain about an alliance security policy that is made in the U.S.A.

Instead, both the United States and the European allies should work steadily toward shifting the relative burdens within the alliance framework. Current efforts at improving NATO's nonnuclear defenses will, if pursued, help reduce reliance on the U.S. nuclear component of NATO's deterrent posture. As a consequence, some reallocation of responsibilities may occur naturally as this program of defense improvements is implemented.

Beyond this, however, the NATO countries should agree that every allied force planning decision, every cooperative NATO program, every joint project, will in the future be shaped to the extent possible by the need to shift greater responsibility to the European members of the alliance. The alliance should make such a commitment clear and unequivocal—a political statement at the highest level that will be reflected in future national and alliance decisions and programs.

The same principle should be considered when the alliance prepares arms control proposals. Potential arms control agreements with the Warsaw Pact nations, for example in the negotiations on mutual and balanced force reductions, should at least be consistent

with the desire to shift burdens and responsibilities within the alliance.

Such measures could help. But a more substantial shifting of burdens will require the Europeans to develop a more coherent European contribution to the alliance. In the defense area, statistics demonstrating Western Europe's substantial resources are misleading. It is much easier to add up statistics than to merge armed forces, combine national security decisionmaking arrangements, or rationalize weapons production capabilities.

First proposed in 1950, the European Defense Community was to have been an integral part of the NATO undertaking. Failure to proceed with the EDC left a gap in NATO which has persisted and become more evident with the passage of time. In the near term, it is clear that a European Defense Community remains beyond Western Europe's political consensus. But the European allies must nonetheless continue to work toward a more effective combination of their defense resources. This process must have strong political foundations. To build such foundations, European NATO governments should intensify their joint consultations on security issues. Such consultations are absolutely necessary to build up the process of collaboration among European governments in defense matters. They also are necessary to demonstrate to European publics that defense is not a responsibility to be left to the Americans, but is a shared task requiring European efforts and inputs, political as well as military.

I sincerely hope that we can move in these directions, for I am convinced that the future of the alliance depends on our ability to do so. However, while this type of shift—of burden relief—will be good for the alliance and give the United States the flexibility to use its resources better and deploy its forces as necessary to meet contingencies that challenge our global leadership responsibilities, the Schroeder amendment is flawed and should be defeated. I ask my colleagues to defeat the amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Arizona [Mr. McCAIN].

Mr. McCAIN. Mr. Chairman, I rise to commend the gentlewoman from Colorado [Mrs. SCHROEDER] for introducing this amendment. I think that what she has done here is a very courageous act, one that brings into question a debate that we will be addressing over the next 10 years.

We have some serious questions that need to be asked, and the American people need answers to them.

□ 2100

Why, four decades after the end of World War II, are we paying $60 billion a year to maintain 330,000 American troops in Europe?

Why do we insist on defending the Middle East, our allies' main source of energy, while only 3-percent of the U.S. oil supply comes from Arab OPEC countries? Why are we unsuccessful in trying to persuade Japan, which consumes over one-third of our trade deficit, to raise its annual military expenditures above 1 percent of its gross national product?

Why is 65 percent of our R&D budget spent on military research, in large part developing new ways to defend our allies, while Japan spends just 2.4 percent of its R&D budget on military research, and West Germany spends 9.4 percent?

Our time limits me to talk about the problems we have with keeping our allies from maintaining the modest 3-percent commitment which most of them never keep in increasing defense spending.

The argument that West Germany has a draft no longer holds water with many Americans. We can understand why the Japanese are in such strong financial shape, and instead of worrying about changing their constitution they could at least pay us more for the stationing of American men and women overseas.

But these are political questions. We have the fiscal and human resources to continue ignoring them for the moment. But we are faced with two unavoidable long term trends that will soon force us to make decisions on overseas commitments.

The first is a reduction in defense expenditures which we are amply having demonstrated here and as we go through this authorization bill, necessitated by our efforts to balance the Federal budget and for other reasons.

The second is the declining pool of young people available for military service in the 1990's. Put together, this means that within a decade, we will be asking fewer men to do the same job with fewer dollars.

My colleagues, we will soon be called on to decide, on a bipartisan basis, what our national security priorities are in a time of declining resources. Within 10 years, we will no longer have the luxury of avoiding decisions. We will face dilemmas thrust upon us by declining resources. I implore my colleagues to begin the debate on U.S. commitments now, so we can reach thoughtful, studied conclusions. The worst thing we could do would be to ignore these important decisions until 10 o'clock on a Wednesday night 10 years hence.

As a cosponsor of Congressman CHENEY's "National Strategy Act," which would provide a framework for determining national security priorities, I commend the gentlelady for her contribution to this long overdue debate. While I cannot vote for her amendment, I look forward to working with her, and other Members, in an effort to address this most basic and far-reaching issue of national security.

Mr. DANIEL. Mr. Chairman, I yield the balance of our time to close debate to the gentleman from New York [Mr. STRATTON].

The CHAIRMAN pro tempore. The gentleman from New York [Mr. STRATTON] is recognized for 4 minutes.

Mr. STRATTON. Mr. Chairman, once again this is an item that has been before the Congress for a long time. The gentlewoman from Colorado indicated it has been 20 years since the Senator from Montana provided the leadership for trying to get the troops out of Europe and out of other areas, although he did not try to get them out of Japan.

The gentleman from Virginia [Mr. DANIEL] has already pointed out that one of the points that the gentlewoman from Colorado [Mrs. SCHROEDER] relied on, that there would be a savings in money if the troops were brought home, that there is no saving, not only because it is going to be expensive to relocate them, and when they come back they are going to add to the unemployment rolls.

She also suggested that Senator NUNN and Senator STEVENS in some of their efforts to try to duplicate what Senator Mansfield had done were able to change the alliance. That simply is not true. Senator NUNN, every time he suggests anybody be withdrawn, there is a mass headache in Europe, and the same thing happened with Senator STEVENS.

Obviously the alliance, like every marriage, is not perfect, recognizing there are times and there are things that irritate us. For example, the refusal to allow us to overfly France at the time of the Qadhafi attack.

They do irritate us from time to time, but they have also been building us barracks for our soldiers, they have been providing homes for the families that are living in Germany.

The allies agreed to put in the cruise missiles and the Pershings when we never thought that they would do it, and even the Dutch finally came around to putting in the cruise missiles.

But let us remember, as the gentleman from New York [Mr. SOLARZ] has already pointed out, the main reason that we are there is to prevent world war III in Europe. The Russians are still in Europe, they are in Eastern Europe. They are still lusting for the wealth of Western Europe. They still have not changed their plans and their desires. What other country in the world is there that can maintain stability except the United States of America?

I conclude with a remark that a famous Speaker of the House used to point out. As we concluded the session, Mr. Rayburn said, "I would rather have an empty wallet than have a full wallet in a Nazi concentration camp."

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Chairman, the American people are generous people. At the end of World War II we stepped forward and we provided the defense for Europe, Japan and the Far East. The help was needed and those countries had been devastated by the war.

The world has changed. Japan spends 1 percent of their GNP on national defense and we spend over 6 percent. We are running a welfare program for Japan while their per capita income caught up with ours this year.

There is not a country in Europe that spends as big a percent of their GNP on defense as we do, with the one exception of Greece. I suspect that is because they love the Turks so much. It has nothing to do with NATO.

The simple fact is we are running a welfare program in Europe as well. I believe all of us understand what can happen with welfare programs.

We will have far better allies if we ask them to carry their fair share. Let me repeat that. We are running a welfare program, and if we ask them to do their fair share, we are going to have much better allies than we will if we continue to keep them on the dole.

It must not just be our defense; it must be the defense of all of us. This amendment will help bring the Japanese and Europeans to the bargaining table to pay their fair share. It will help them understand that the commitment to defend freedom must be one we all share.

Mrs. SCHROEDER. Mr. Chairman, I yield myself the final minute to close debate. I would ask people to vote for this amendment because, as many Members have mentioned, yes indeed, we have urged our allies to do more. We have urged them, and urged them, and urged them, and they smile, take it under advisement, and maybe they increase it a little bit. But they are nowhere close.

Let me say in 1983, and the figures are even worse today, the average American taxpayer was paying $911 per person for defense, whereas in Japan it was about $100, and in NATO countries somewhere in the $200 to $300 range.

Since then our deficit has gotten higher. The percentage has even gotten worse, and they are trading with allies to which we have all sorts of competition.

This does not mean we are backing out of the alliance. It does not mean we are becoming isolationistic.

What it means is we are sending them a message that next year we will reduce less than 10 percent of the troops in France, and a small fragment of the troops in Asia, and that is the message. We are going to stop urging and put teeth in it. This is the teeth in the amendment, and I urge my colleagues to vote for this amendment.

Mr. GARCIA. Mr. Chairman, I would like to comment on this amendment, that would require the withdrawal of some of our troops from overseas, not so much to convince my colleagues to vote one way or the other, but to share with them my own concerns and dilemma regarding this important issue. My particular concern is with NATO.

My dilemma stems from a general concern over what I believe to be an overemphasis on defense spending versus the dramatic cuts we have made over the past 6 years to social assistance programs. Troop withdrawals certainly figure into this debate. If we require overseas troops to come home, we would certainly have an immediate savings with defense spending. Yet, it is important to consider how this would be interpreted by our allies, especially our NATO allies. What would a unilateral withdrawal mean to NATO?

I pose these questions not because I have suddenly become a hawk. I haven't. I pose these questions because since coming to Congress I have come to appreciate the Atlantic Alliance through the North Atlantic Assembly [NAA], a international parliament made up of NATO nation parliamentarians.

I am involved with the NAA's Civilian Affairs Committee. In fact, I have been the chairman of that committee for the past 2 years. The committee is not defense oriented in the sense that we review defense strategy or the deployment of weapons systems. It, instead, is primarily concerned with human rights and improving the NATO information system.

Committee members have come to know and appreciate each other's point of view over the years. We have British Tories and Laborites, Italian Communists, French, German, and Spanish Socialists, as well as Christian Democrats from all these nations. Yet, while we don't always agree with each other, we, nonetheless, understand the need for airing our differences and exchanging ideas on issues effecting the Alliance.

That's my primary concern with this amendment, that it not appear as if the United States is somehow disregarding the legitimate concerns of its NATO allies. A unilateral withdrawal of troops without previous consultation, even if it takes place over a 5-year period, could appear to be a subtle disragard for our allies. As I said, through the NAA, I've come to understand the importance of consultation with our allies. We save ourselves a lot of trouble and fence-mending if we consult first and act later.

None of this is to say that there aren't legitimate arguments to be made on both sides of the issue of troop withdrawal. As I mentioned earlier, it is a dilemma for me as well. But of one thing I am certain, any action as dramatic as this should not appear to our allies to be an arbitrary move on our part. NATO and the NAA are too important to the United States for us to not at least consult with them on issues effecting the future of the Alliance.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mrs. SCHROEDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 90, noes 322, not voting 19, as follows:

[Roll No. 343]

AYES—90

Alexander	Eckert (NY)	Obey
Anderson	Edwards (CA)	Owens
Applegate	Evans (IL)	Petri
Atkins	Florio	Rangel
Bates	Ford (TN)	Robinson
Bedell	Frank	Rodino
Beilenson	Gonzalez	Roybal
Berman	Gray (PA)	Savage
Bonior (MI)	Hall, Ralph	Scheuer
Boulter	Hawkins	Schroeder
Boxer	Hayes	Sensenbrenner
Brown (CA)	Jacobs	Shuster
Brown (CO)	Kastenmeier	Sikorski
Bruce	Kostmayer	Smith, Denny (OR)
Bryant	Lehman (FL)	Staggers
Carney	Leland	Stark
Clay	Levine (CA)	Stenholm
Coelho	Long	Stokes
Collins	Lundine	Strang
Conyers	Markey	Studds
Crockett	Martin (IL)	Tauke
de la Garza	Martinez	Torres
DeLay	McEwen	Towns
Dellums	Miller (CA)	Traficant
Dixon	Mineta	Udall
Donnelly	Mitchell	Walgren
Dorgan (ND)	Moody	Weaver
Durbin	Mrazek	Wheat
Dymally	Murphy	
Early	Nielson	
Eckart (OH)	Oakar	

NOES—322

Ackerman	Chandler	Dwyer
Akaka	Chapman	Dyson
Andrews	Chappell	Edgar
Annunzio	Chappie	Edwards (OK)
Anthony	Cheney	Emerson
Archer	Clinger	English
Armey	Coats	Erdreich
Aspin	Cobey	Evans (IA)
AuCoin	Coble	Fascell
Badham	Coleman (MO)	Fawell
Barnard	Coleman (TX)	Fazio
Barnes	Combest	Feighan
Bartlett	Conte	Fiedler
Barton	Cooper	Fields
Bateman	Coughlin	Fish
Bennett	Courter	Foglietta
Bentley	Coyne	Foley
Bereuter	Craig	Ford (MI)
Bevill	Crane	Franklin
Biaggi	Daniel	Frenzel
Bilirakis	Dannemeyer	Frost
Bliley	Darden	Fuqua
Boehlert	Daschle	Gallo
Boland	Daub	Garcia
Boner (TN)	Davis	Gaydos
Bonker	Derrick	Gejdenson
Borski	DeWine	Gekas
Boucher	Dickinson	Gephardt
Brooks	Dicks	Gibbons
Broomfield	Dingell	Gilman
Burton (IN)	DioGuardi	Gingrich
Bustamante	Dornan (CA)	Glickman
Byron	Dowdy	Goodling
Callahan	Downey	Gordon
Carper	Dreier	Gradison
Carr	Duncan	Gray (IL)

Green	McCandless	Seiberling
Gregg	McCloskey	Sharp
Guarini	McCollum	Shaw
Gunderson	McCurdy	Shelby
Hall (OH)	McDade	Shumway
Hamilton	McGrath	Siljander
Hammerschmidt	McHugh	Sisisky
Hansen	McKernan	Skeen
Hefner	McKinney	Skelton
Hendon	McMillan	Slattery
Henry	Meyers	Slaughter
Hertel	Mica	Smith (FL)
Hiler	Michel	Smith (IA)
Holt	Miller (OH)	Smith (NE)
Hopkins	Miller (WA)	Smith (NJ)
Horton	Moakley	Smith, Robert (NH)
Howard	Molinari	Smith, Robert (OR)
Hoyer	Mollohan	Snowe
Hubbard	Monson	Snyder
Huckaby	Montgomery	Solarz
Hughes	Moorhead	Solomon
Hunter	Morrison (WA)	Spence
Hutto	Murtha	Spratt
Hyde	Myers	St Germain
Jeffords	Natcher	Stallings
Jenkins	Neal	Stangeland
Johnson	Nelson	Stratton
Jones (NC)	Nichols	Stump
Jones (OK)	Nowak	Sundquist
Jones (TN)	Oberstar	Sweeney
Kanjorski	Olin	Swift
Kaptur	Ortiz	Swindall
Kasich	Oxley	Synar
Kemp	Packard	Tallon
Kennelly	Panetta	Tauzin
Kildee	Parris	Taylor
Kindness	Pashayan	Thomas (CA)
Kleczka	Pease	Thomas (GA)
Kolbe	Penny	Torricelli
Kolter	Pepper	Traxler
Kramer	Perkins	Valentine
LaFalce	Pickle	Vander Jagt
Lagomarsino	Porter	Vento
Lantos	Price	Visclosky
Latta	Pursell	Volkmer
Leach (IA)	Quillen	Vucanovich
Leath (TX)	Ray	Waldon
Lehman (CA)	Regula	Walker
Lent	Reid	Watkins
Levin (MI)	Richardson	Waxman
Lewis (CA)	Ridge	Weber
Lewis (FL)	Rinaldo	Weiss
Lightfoot	Ritter	Whitehurst
Lipinski	Roberts	Whitley
Livingston	Roe	Whittaker
Lloyd	Roemer	Williams
Loeffler	Rogers	Wilson
Lowery (CA)	Rose	Wirth
Lowry (WA)	Rostenkowski	Wise
Lujan	Roth	Wolf
Luken	Roukema	Wolpe
Lungren	Rowland (CT)	Wortley
Mack	Rowland (GA)	Wright
MacKay	Rudd	Wyden
Madigan	Russo	Wylie
Manton	Sabo	Yatron
Marlenee	Saxton	Young (AK)
Martin (NY)	Schaefer	Young (FL)
Matsui	Schneider	Young (MO)
Mavroules	Schuette	Zschau
Mazzoli	Schulze	
McCain	Schumer	

NOT VOTING—19

Boggs	Grotberg	Moore
Bosco	Hartnett	Morrison (CT)
Breaux	Hatcher	Rahall
Burton (CA)	Hillis	Whitten
Campbell	Ireland	Yates
Flippo	Lott	
Fowler	Mikulski	

□ 2125

Messrs. WATKINS, ARMEY, and HUGHES changed their votes from "aye" to "no."

Mr. BOULTER, Mr. RANGEL, and Mr. SCHEUER changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Under the rule, amendment No. 37 would now be in order, but it has been previously agreed to.

AMENDMENT OFFERED BY MR. ROBINSON

Mr. ROBINSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate amendment No. 38.

The text of the amendment is as follows:

Amendment offered by Mr. ROBINSON: Page 77, strike out lines 1 through 25 and insert in lieu thereof the following:

"**§ 2488. Sale of alcoholic beverages on military installations**

"(a) The Secretary of Defense shall provide that alcoholic beverages procured by the Department of Defense (including its nonappropriated fund instrumentalities) with appropriated or nonappropriated funds for resale on a military installation located in a State shall be procured in the State in which the installation is located. If a military installation is located in more than one State, procurement of alcoholic beverages may be made in any State in which the installation is located.

"(b) In this section, the term 'State' means each of the several States and the District of Columbia.".

Page 78, after line 11 insert the following new subsection (and redesignate the succeeding subsection accordingly):

(d) CONFORMING AMENDMENT.—Section 6 of the 1951 Amendments to the Universal Military Training Service Act (50 U.S.C. App. 473) is amended by striking out "section 2683(c)" and inserting in lieu thereof "sections 2683(c) and 2488".

Page 78, in the matter following line 14 strike out the item relating to section 2488 and insert in lieu thereof the following:

"2488. Sale of alcoholic beverages on military installations.".

Mr. DANIEL. Mr. Chairman, I rise in opposition to the amendment.

Mr. DENNY SMITH. Mr. Chairman, as a Member of Congress who has spent a great deal of time during the past few years concentrating on getting our soldiers weapons that will truly serve them in combat, I'd like to take this opportunity to say that the bill before us is a step in the right direction.

Mr. colleagues on the Armed Services Committee have the right to be proud because of their suport for the issue of realistic testing.

H.R. 4682, a bill that I introduced earlier this year dealing with strengthening the requirements for operational testing, now has over 90 cosponsors. Because of its merit, it was considered and approved as an amendment in the Armed Services Committee and it is before us today as part of the committee passed bill.

The section of the bill dealing with improving operational test procedures at the Department of Defense follows:

"**§ 2365. Operational testing: certain major defense acquisition programs**

"(a) INDEPENDENT TEST AND EVALUATION BY SERVICE SECRETARIES.—

"(1) IN GENERAL.—The Secretary of the military department concerned shall conduct an independent operational test and evaluation with respect to a major defense acquisition program under which there is to be acquired a conventional weapons system that—

"(A) is a major system within the meaning of that term in section 2302(5) of this title; and

"(B) is designed for use in combat.

"(2) LIMITATION ON PRODUCTION CONTRACTS.—(A) An operational test and evaluation required by paragraph (1) shall be conducted before a major defense acquisition program may proceed into the production stage.

"(B) A contract for production of a major defense acquisition program may not be entered into until the requirements of this section with respect to such program are fulfilled.

"(C) Subparagraph (B) does not apply to a contract for production of weapons systems that are required for operational test and evaluation required by paragraph (1).

"(3) DESCRIPTION OF INDEPENDENT TEST AND EVALUATION.—(A) Except as provided in subparagraph (B), an operational test and evaluation is not independent for purposes of this subsection if any person employed by the contractor for the system being tested is involved in any stage of the operational test and evaluation.

"(B) This paragraph does not apply to the involvement in an operational test and evaluation of a person employed by the contractor who is involved in depot-level maintenance of the system being tested to the same extent and in the same manner as that person would be involved in such maintenance in time of war.

"(b) SIDE-BY-SIDE TESTING.—

"(1) IN GENERAL.—The operational test and evaluation required by subsection (a) shall include a side-by-side test of the system being acquired with equal-cost quantities of—

"(A) the system intended to be replaced (if the system being acquired is intended to replace another system); or

"(B) the nearest, most effective competitor of the system being acquired (if the system being acquired is not intended to replace another system) that is manufactured in the free world.

"(2) COST OF SYSTEMS.—For purposes of the side-by-side test described in paragraph (1)—

"(A) the cost of the system being acquired is the projected program unit cost included in the most recent Selected Acquisition Report with respect to that system; and

"(B) the cost of the system intended to be replaced or the competitor system is the cost of acquiring that system.

"(c) INDEPENDENT ANALYSIS OF RESULTS OF OPERATIONAL TEST AND EVALUATION.—

"(1) IN GENERAL.—The Assistant Secretary for Operational Test and Evaluation shall independently analyze the results of each operational test and evaluation carried out under subsection (a). At the conclusion of that operational test and evaluation, the Assistant Secretary shall submit a report to the Secretary of Defense on that analysis.

"(2) INDEPENDENT OPERATIONAL TEST AND EVALUATION.—If in any case the Assistant Secretary determines that the operational test and evaluation carried out under subsection (a) is inadequate to determine effectiveness, suitability, vulnerability of users, or lethality, the Assistant Secretary may independently plan and carry out an operational test and evaluation of the system involved.

"(3) REIMBURSEMENT OF COSTS.—The Secretary of Defense shall provide that costs of the Assistant Secretary incurred incident to operational test and evaluation under paragraph (1) or (2) (as such costs are determined by the Assistant Secretary) shall be reimbursed to funds available to the Assistant Secretary from funds available for the system concerned.

"(d) CONTENT OF REPORTS.—Each report under subsection (c) shall include an analysis of whether the extent and realism of the test and evaluation performed were adequate to assess confidently, in comparison with the system intended to be replaced or the competitor system, each of the following to the extent appropriate with respect to the particular item or component tested:

"(1) SURVIVABILITY.—The ability of the system to survive (with primary emphasis on casualties) when hit in a combat situation by weapons likely to be encountered in such a situation.

"(2) MAINTAINABILITY.—The ability of military personnel of average skill, operating under the stress of combat, to maintain the system in an operational status.

"(3) PROBABILITY OF SYSTEM FAILURE.—The probability of system failure in a combat situation under the maintenance conditions described in paragraph (2).

"(4) MOBILITY.—The time required to move, with no prior notice, combat units containing the system in a realistic combat environment over typical deployment distances and battlefield distances.

"(5) MANEUVERABILITY.—The maneuverability of the system in a combat situation with respect to—

"(A) survival; and

"(B) firing advantage.

"(6) EFFECTIVENESS.—The effectiveness of the system as indicated by results of the side-by-side test required in subsection (b)(1).

"(e) SUBMISSION OF REPORTS TO DEFENSE COMMITTEES.—Each report of the Assistant Secretary under subsection (c) shall be submitted to the defense committees in precisely the same form and with precisely the same content as the report originally was submitted to the Secretary and shall be accompanied by such comments as the Secretary of Defense may wish to make on such report.

"(f) APPROVAL OF TEST PLANS.—

"(1) IN GENERAL.—Operational testing of a major defense acquisition program may not be conducted until the Assistant Secretary approves in writing the adequacy of the plans (including the adequacy of projected levels of funding) for operational test and evaluation to be conducted in connection with that program.

"(2) WAITING PERIOD.—(A) A final decision within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production may not be made until 15 days of continuous session of Congress expire following after the date that the defense committees receive the report required under subsection (e).

"(B) For purposes of subparagraph (A), the continuity of a session of Congress is broken only by an adjournment of Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such period.

"(g) WAIVER.—In time of war or mobilization, the President may suspend the operation of any provision of this section.

"(h) DEFINITIONS.—In this section:

"(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term 'major defense acquisition program' means a program subject to the Selected Acquisition Report requirements of section 139a of this title.

"(2) OPERATIONAL TEST AND EVALUATION.—The term 'operational test and evaluation' has the meaning given that term in section 136a(a)(2)(A) of this title.

"(3) DEFENSE COMMITTEES.—The term 'defense committees' has the meaning given that term in section 2362(e)(3) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

"2364. Live-fire testing: covered systems, major munitions programs, and missile programs.

"2365. Operational testing: certain major defense acquisition programs.".

(b) ANNUAL REPORT.—Subsection (g)(1) of section 136a of such title is amended—

(1) by striking out "January 15" in the second sentence and all that follows through "is prepared" and inserting in lieu thereof "10 days after the transmission of the budget for the next fiscal year pursuant to section 1105 of title 31";

(2) by striking out "evaluation and" in the third sentence and inserting in lieu thereof "evaluation,"; and

(3) by striking out "activities" in the third sentence and inserting in lieu thereof "activities, and the resources and personnel assigned to the Director to enable the Director to carry out his duties under this section".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking out clause (i) of subsection (a)(2)(A) and inserting in lieu thereof the following:

"(i) the field test under realistic operational conditions of a production representative item of a weapon system, equipment or munition for purposes of assessing and determining the effectiveness and suitability of the weapon system, equipment, or munition for use by typical users, and, if appropriate, additional operational testing including analysis of tactical and doctrinal concepts for and key components of weapon systems, equipment, or munitions; and";

(2) in subsection (b)—

(A) by adding "and" at the end of paragraph (4);

(B) by striking out paragraph (5); and

(C) by redesignating paragraph (6) as paragraph (5);

(3) by striking out subsection (c);

(4) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively;

(5) by striking out subsection (f);

(6) by redesignating subsection (g) (as amended by subsection (b)) as subsection (e) and in that subsection striking out "such comments" in the third sentence and inserting in lieu thereof "a detailing explanation of the points of agreement and disagreement between the Assistant Secretary and the Secretary of the military department concerned with respect to each evaluation conducted by the Secretary during the preceding fiscal year and such other comments"; and

(7) by redesignating subsection (h) and subsection (i) (as added by section 213(b)) as subsections (f) and (g), respectively.

(d) EFFECTIVE DATES.—

(1) LIVE-FIRE TESTING REQUIREMENTS.—Section 2364 of title 10, United States Code, as added by subsection (a), shall apply with respect to systems, munitions programs, and missile programs that have not begun full-scale engineering development by the end of the 90-day period beginning on the date of the enactment of this Act.

(2) OPERATIONAL TESTING REQUIREMENTS.—Section 2365 of title 10, United States Code, as added by subsection (a), and the amendments made by subsection (b) shall apply with respect to major defense acquisition programs under which, on the date of the enactment of this Act, the Secretary of Defense or the Secretary of the military department concerned has not entered into a contract to proceed beyond low-rate initial production.

Mr. Chairman, this portion of the bill represents a major step forward in our understanding of just how we can significantly reform the procurement process at the Pentagon.

Its intent is simple, but its implications are far reaching. Passage of this language will ensure that prior to spending millions, sometime billions, of dollars for major acquisitions of conventional weapons, we ensure that those weapons will truly work under realistic, combat conditions and that they are clearly superior to the weapons they are intended to replace.

This provision is necessary because for far too long, the Congress and the DOD have joined hands and walked down the primrose path of concurrency only to find out too late that billions are spent and hundreds of weapons fielded before a significant flaw is discovered.

Mr. Chairman, this has got to stop. Passage of this legislation will ensure that it does. It allows the DOD to sign contracts for production of major weapons only for use in operational tests to validate that they are indeed worth producing. Once such tests are passed, contracts for production can be signed.

No longer will we find ourselves in the position created by the Sergeant York fiasco in which the Army asked for, and the Congress gave in, to the production of over 250 Sergeant Yorks costing $7 million each before running a realistic, comparative test.

It was certainly an expensive lesson. The taxpayers footed $1.8 billion to pay for 65 guns that couldn't hit the broad side of a barn. Fortunately for our soldiers, Secretary Weinberger cancelled the program before the Sergeant Yorks could get out in the field.

Aside from requiring side by side comparative tests of new weapons systems against those systems they are designed to replace before a production decision, this language also sets strict limitations on defense contractor involvement in operational tests. By definition, an operational test is conducted by typical military users employing the same methods, tactics, support equipment and maintenance that would have been used in actual combat. Far too many "operational tests" have been conducted in the past in which the level of contractor involvement would qualify the test conducted as nothing but a design engineering test.

This legislation would prohibit any contractor involvement whatsoever in the planning, execution, or evaluation of an operational test. It would, however, allow for participation by the contractor in depot level maintenance of a weapons system only to the same extent and

the same degree that such maintenance would be used during a time of war.

Mr. Chairman, I want to thank my colleagues on the Armed Services Committee for having the knowledge and foresight to see just how important realistic testing is to our fighting men and the taxpayers.

I urge that the bill, incorporating these improvements be passed.

Mr. DANIEL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. HUTTO] having assumed the chair, Mr. GRAY of Illinois, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5395, PUBLIC DEBT LIMIT INCREASE

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 99-790) on the resolution (H. Res. 534) providing for the consideration of the bill (H.R. 5395) to increase the statutory limit on the public debt, which was referred to the House Calendar and ordered to be printed.

CRACK/COCAINE AWARENESS MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 678) to designate October 1986 as "Crack/Cocaine Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore (Mr. HUTTO). Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but I simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GARCIA], the distinguished chairman of the subcommittee, who is the chief sponsor of House Joint Resolution 678, to authorize and request the President to issue a proclamation designating the month of October 1986 as "Crack/Cocaine Awareness Week."

Mr. GARCIA. I thank my colleague for yielding.

First of all, I would like to congratulate the chairman of the standing committee of this House, Congressman RANGEL of New York, for his outstanding work on behalf of the problems that we have been having especially as they relate to drugs. I would also like to say there is no doubt in my mind, Mr. Speaker, that we have seen an increased awareness, thank God, finally of the problems that we have faced, many of us who come from parts of this country and who are very aware and have been aware for a decade and finally across this country, in this Congress and every place you go, whatever periodical you pick up or whatever newspaper, that is the conversation.

Mr. Speaker, recently we have seen an increased awareness among the press and Government about the dangers of the drug cocaine and its smokeable form, known as "crack" or "rock." I feel that it is most important to make our citizens aware of the dangers of crack and cocaine, and to inform them of what help is available. In this regard, I have introduced a joint resolution designating October as "Crack/Cocaine Awareness Month" in the hope that we can focus all our various efforts, hearing testimony, media information, and educational initiatives, to make all of us aware of the dangers and damage being done by crack and cocaine use.

We are currently experiencing a drug epidemic, particularly a cocaine epidemic in this country. The influx of cocaine has increased 500 percent in the last year, exploding the drug crisis and threatening our society. It is the use of "smokeable cocaine," known as crack, that has intensified the epidemic and forced everyone to take notice. Crack probably poses the greatest drug threat to users and society to date, because it is extremely addictive, with addiction taking hold even after a single use.

Clearly, with crack and cocaine permeating all walks of life, a move to educate society to hasten the downfall of its popularity and speed recovery of current addicts should be an integral part of our offensive against crack and cocaine. We encourage parents, civic organizations, and local, State, and national drug prevention agencies to educate themselves, other citizens and especially children about the dangers involved with crack. We also encourage all organizations and parents to be aware of the help available to drug users, especially the local, State, and national treatment centers and helplines available in just about every city and town in the Nation.

I encourage all of my colleagues to join in making October a month to do whatever possible to further people's awareness to the great dangers of this drug.

Mr. HANSEN. Mr. Speaker, further reserving the right to object, I yield to the distinguished gentleman from New York [Mr. RANGEL] who has done such a great job on this particular issue.

Mr. RANGEL. Let me thank the authors of this resolution and ask them not to belittle the impact that this may have during the crisis that our Nation is going through.

There was a time not too long ago that when we talked about heroin, when we talked about cocaine, marijuana and crack that people always thought they were talking about somebody else's family. Tragically every one of us knows some story where this has hit and hit hard. Now, there is not only a question of what is happening in our homes and our communities and in the workplace but the President of the United States, our Commander in Chief, has said this is now even a threat to our national security.

So it seems to me what the committee, this resolution, and the Congress is saying is that if ever there was a time for us to come together to shed our labels of being good Republicans and good Democrats and come together as good Members of Congress to say that this is not an issue that should lend itself to partnership, nor should the Congress allow itself to be separated from the President of the United States, in language as to what has not been done, but, rather, look forward to the future to be able to say that in this 99th Congress our Nation was faced with a crisis and of course we were behind the time in showing up that we could respond adequately, but we did it as a unit, we did it as an institution, we joined the Commander in Chief. Because of resolutions like this, kids all over the world would be able to say whatever we left there was a legacy that we left a better world for them than the war before drugs had set in.

I thank the gentleman for yielding, and I thank the author of the resolution and the chairman of the subcommittee.

Mr. HANSEN. Further reserving the right to object, Mr. Speaker, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Speaker, in an effort to help raise the consciousness of the public with regard to the dangers of crack/cocaine, I rise in support of House Joint Resolution 678, designating October as "Crack/Cocaine Awareness Month" and I commend the gentleman from New York [Mr. GARCIA] for

bringing this important message to the floor.

Recently our Select Committee on Narcotics Abuse and Control, of which I am the ranking minority member, held a joint hearing in our Nation's Capitol with the Select Committee on Children, Youth, and Families, and our select committee held an additional field hearing in New York City to focus attention on this new insidious drug that is sweeping across our Nation like a forest fire, affecting all of our cities, towns, and congressional districts.

Although House Joint Resolution 678 focuses attention on one specific addictive drug, it is important to bear in mind that the war on drug trafficking and drug abuse is a war against all illicit substances, including cocaine, heroin, marijuana, PCP, and other deadly drugs and that the public must be aware that this drug, like the other deadly substances, is jeopardizing the health of our citizens and is undermining the political, economic, and social institutions of this Nation and indeed nations throughout the world.

Drug are not recreational. Drugs are deadly. Drugs can kill.

Accordingly, I urge my colleagues to support this resolution and to join with us in our battle against drug abuse.

Mr. HANSEN. Mr. Speaker, further reserving the right to object, I yield to the gentlewoman from Louisiana [Mrs. BOGGS].

□ 2140

Mrs. BOGGS. Mr. Speaker, I thank the gentleman from Utah for yielding to me.

Mr. Speaker, I thank the gentleman from Utah and the chairman of the subcommittee for bringing this resolution to the floor.

As the chair of the Crisis Intervention Task Force of the Select Committee on Children, Youth, and Families, I was very pleased that recently the chairman of the Narcotics Committee, the gentleman from New York [Mr. RANGEL], allowed us to hold joint hearings on the problems particularly of the new and insidious and difficult and dangerous drug, crack. I am very grateful to all of you who are involved in bringing this terrible problem to the forefront of American thinking.

I trust that during the celebration observance of this week, that all of the people of America, and particularly the young people, will not only be conscious of the problem, but they will look for the remarkable programs that are successful in the private sector and in the Government sector, and will cooperate with these programs so that they and their peers and their younger siblings will be relieved from this dreadful curse that has come upon our country.

I thank all of you very much for the children of America.

Mr. HANSEN. Mr. Speaker, every year we bring to the floor and pass nearly 200 commemorative resoulutions. While each of these bills has merit, I believe the resolution we are discussing today is one of the most important that we will consider this year. Crack/Cocaine Awareness Month is an attempt to draw attention to what is possibly the most serious problem facing our country.

Illegal drug use has been menacing our culture for many years. Unfortunately we have been unable to find a solution and today it reaching epidemic proportions. Americans now consume 60 percent of the illegal drugs that are produced in the world. An estimated 30 million Americans are regular users of illegal drugs and spend $110 billion annually on their habit. Every segment of our society is under attack. As a recent national magazine pointed out, it has taken lives, wrecked careers, broken homes, invaded schools, incited crimes, tainted businesses, toppled heroes, corrupted leaders, and bled billions from the economy.

The more I learn about our drug problems the more it becomes obvious that we are failing in our efforts to find answers. The recent accounts of the spread of crack which is an inexpensive and very addictive form of cocaine, the crime it has brought to our streets and the effects it has on users is frightening. It has caused all of us to take a hard new look at our national drug policy. Early this week the President called for the creation of a comprehensive antidrug program and I support that initiative.

I believe that we must expand and fortify our efforts on the demand side while continuing to focus on the supply side of the drug plague. We need more creative thinking and more effective action before we can begin to turn the tide against this most serious problem. While our actions today are just a small part of the much needed national effort, I believe that it could be an important step in educating Americans about a national scandal.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HUTTO). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 678

Whereas cocaine is a drug that medical authorities consider to be very dangerous;

Whereas the amount of cocaine entering the United States from other countries has increased substantially in recent years;

Whereas, in the past, the most common method of taking cocaine into the body was by inhaling the drug through the nose;

Whereas cocaine may be smoked if the drug is subjected to certain procedures designed to harden the drug;

Whereas the form of cocaine that may be smoked is commonly known as crack;

Whereas crack can be developed easily from the standard form of cocaine, and law enforcement authorities are encountering difficulties in stopping the production of crack;

Whereas crack is extremely addictive, and a single incident of smoking crack may result in addiction;

Whereas crack may cause death or injury as a result of heart attacks, seizures, strokes, or damage to the lungs;

Whereas the use of crack is increasing rapidly;

Whereas the use of cocaine has become widespread among all socioeconomic groups, including young athletes;

Whereas the awareness of the people of the United States with respect to the dangers of the use of cocaine, and with respect to available treatments for addiction to cocaine, should be increased; and

Whereas parents, drug prevention agencies at all levels of government, civic organizations, and other individuals and groups should work to increase such awareness: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That October 1986 is designated "Crack/Cocaine Awareness Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADULT LITERACY AWARENESS MONTH

Mr. GARCIA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 358) to designate the month of September 1986 as "Adult Literacy Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J RES. 358

Whereas the incidence of illiteracy and functional illiteracy among the Nation's

adult population has critical effects on our economy, our social institutions, and our security; and unquantifiable personal implications and limitations for millions of Americans;

Whereas estimates of illiterate or functionally illiterate Americans range from twenty-three million to over fifty million individuals lacking effective communication skills;

Whereas adult illiteracy has not been the focus of general awareness and understanding;

Whereas illiteracy is not limited to any region of the Nation, nor to any social, economic, or ethnic group, but is widespread and present in every community;

Whereas adult illiterates are family members, providers, and citizens of a community, and are motivated to improve their skills and lives by seeking remediation when it is provided;

Whereas Americans traditionally have responded to the call to aid their fellow citizens when they are aware of and understand a problem, and can help resolve the problem of adult illiteracy by volunteering to serve as tutors, providing inkind services, and supporting in numerous ways efforts to combat illiteracy;

Whereas the problem of adult illiteracy is amendable to solution if there is maximum private initiative, public-private cooperation, and community action to provide assistance to those in need;

Whereas the Federal Government is beginning to recognize the critical need to address adult illiteracy and the private sector is beginning to address the problem through a number of initiatives;

Whereas one thousand four hundred newspapers will focus on the problem of adult literacy beginning the month of September 1986; and a major broadcast network and public broadcasting have joined together in an awareness and information campaign called Project Literacy US (PLUS) which will begin on-air programming in September 1986;

Whereas more than seventy major national organizations including those involved in education, religion, business, labor, employee associations, agriculture, veterans, service clubs, trade and professional associations have pledged to support PLUS at the local level and among their membership; and

Whereas others in communications—television, magazine publishers, book publishers, broadcasters, and advertising agencies—will support and encourage efforts to raise awareness of the problem of adult illiteracy in September of 1986 and beyond: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of September 1986 is designated as "Adult Literacy Awareness Month" and the President of the United States is authorized and requested to issue a proclamation to that effect, calling on the American people and organizations of every kind to observe the month with activities to increase awareness of the problem of adult illiteracy and engage in programs to address the need to remediate illiteracy and functional illiteracy among adults in our Nation.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A TIME OF REMEMBRANCE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 249) to proclaim October 23, 1986, as "A Time of Remembrance" for all victims of terrorism throughout the world, and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution as follows:

S.J. RES. 249

Whereas the problem of terrorism has become an international concern that knows no boundaries—religious, racial, political, or national;

Whereas thousands of men, women, and children have died at the hands of terrorists in nations around the world, and today terrorism continues to claim the lives of many peace-loving individuals;

Whereas October 23, 1983, is the date on which the largest number of Americans were killed in a single act of terrorism—the bombing of the United States compound in Beirut, Lebanon, in which two hundred and forty-one United States servicemen lost their lives;

Whereas many of these victims died defending ideals of peace and freedom; and

Whereas it is appropriate to honor all victims of terrorism, and in America to console the families of victims, and to cherish the freedom that their sacrifices make possible for all Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 23, 1986, be proclaimed as "A Time of Remembrance", to urge all Americans to take time to reflect on the sacrifices that have been made in the pursuit of peace and freedom, and to promote active participation by the American people through the wearing of a purple ribbon, a symbol of patriotism, dignity, loyalty, and martyrdom. The President is authorized and requested to issue a proclamation calling upon the departments and agencies of the United States and interested organizations, groups, and individuals to fly United States flags at half staff throughout the world in the hope that the desire for peace and freedom take firm root in every person and every nation.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 694) to designate the week of December 14, 1986, through December 20, 1986, as "National Drunk and Drugged Driving Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but would simply like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, in October of 1981, I had the privilege of going to the White House and talking to President Ronald Reagan and explaining to him the seriousness of drunk driving.

We were only supposed to have a 10-minute meeting, but it went on for about 40 minutes. At the conclusion of the meeting, he took a pad of paper and he wrote to Drew Lewis, who was then Secretary of Transportation, saying that we have got to get a hold on this problem.

Following that, there was established a Presidential Commission on Drunk Driving, which I had the privilege of serving on. Out of that possibly the most extensive study ever done in the history of this country was done on drunk driving. We pointed out that 20,000 people a year die as a direct result of drunk driving; 750,000 people a year are paraplegics, quadraplegics and have back injury as a direct result of drunk driving.

We went into the reasons on this, and we found out that most of our States were very antiquated on the type of laws which they had.

We were able to come up with some suggestions, some of them relatively minor, like going to age 21 before young people could drive.

We found out that many of our police officers, and we say, God bless them, and they do a great job and we appreciate them; on the other hand, they have inadequate tools to test people who are driving.

We found that rather than 20,000 people a year were dying as a result, it was probably two or three times that amount, because our average highway patrolmen, our police officers, with the kind of archaic equipment they had, could not tell that people were really driving under the influence of alcohol.

We took some experimental cities, and we took everybody who had a

moving violation—the little old lady coming home from her church choir who we thought was stone sober and found out she had a 0.10 blood-alcohol count. Our burly officers could not believe that these things were occurring, because they were using the old ideas of touching their nose, counting to 10, asking for something in their car. But we find out that many people are very talented at being completely stoned and still have the ability to weave down the road and kill other people.

We took this other experiment and said, how many people can drive an S-turn with rubber cones on it? At no alcohol at all, everybody who tried it made it. Then around the country they took them up to a 0.05 blood-alcohol count. Keep in mind a 0.05 blood-alcohol count is lower than any State in the Union has. The lowest is my State of Utah with a 0.08. After they brought them up to a 0.05, not one person in all of America they took that on could make the S-turn. We found that time after time.

So, Mr. Speaker, we found out of this that a lot more people than 20,000 a year are dying as a result of drinking and driving.

□ 2150

Let me say with the greatest amount of respect that I can here in this great place in Washington, the cradle of democracy, where we go to receptions and all those things, it is awfully easy to get to over 0.05, two drinks, and now we find in this city that after 6 o'clock we have over 50 percent of the people on the road are over 0.05 blood-alcohol count.

I hope it makes us all feel good as we are driving home tonight, knowing that guy coming at you cannot even make it through an S-turn.

Go out into Virginia or Maryland where you are only 24 inches from the left front to the left front and find out how many people die as a result of that.

Mr. Speaker, what I am saying in effect is that I am glad we went through this. I am glad that America is concentrating on one of the most needless reasons that people die, and that is drunk driving. It does not have to be.

I compliment the States who have taken the time to get their youngsters up to 21. Now every one of us goes to our home districts and you go into a high school or college and they say, "You allow us to fight at 18, you allow us to vote at 18. Why can't we drink at 18?"

Let us be honest about, when you look at the severity, that is where most of the accidents are. Unfortunately, they do not have the judgment factor. They do not have the experience and they cause many fatalities that they feel bad about the rest of the entire lives, and the rest of us do also.

So. Mr. Speaker, I am just basically saying that I would hope that people in America would keep in mind that this is an extremely serious thing. We kill more people on the roads than we kill in our wars; but it is not like an airplane crash. When a 727 goes down, or whatever it may be, we all get excited and we talk about airline safety, but everyday, day after day, in a little place in Idaho or Maryland or Georgia, people are dying just because someone does not use good judgment.

Mr. Speaker, I compliment the gentleman from Maryland [Mr. BARNES] and others who have worked on this and the 218 signatures that we have for their excellent work in working on a problem that more Americans die from that needs to be and it is completely needless.

Mr. GILMAN. Mr. Speaker, I rise in strong support of House Joint Resolution 694, legislation authorizing the week of December 14, 1986, as "National Drunk and Drugged Driving Awareness Week." I thank the gentleman from Maryland, Mr. BARNES, for introducing this measure each year, which affords us the opportunity to reiterate our concern for the travesty that results from drunk and drugged driving.

Each year we learn with horror the additional number of those who have died or were seriously injured as a result of drunk or drugged driving. Effective media promotions have stressed the message that one should not drive at all if one is going to drink. Many people have readjusted their lives in light of drunk driving. If a group is going to a party, in many instances one person volunteers to refrain from alcoholic beverages, and becomes that group's driver.

However, as ranking minority member of the Select Committee on Narcotics, I am less certain that people are refraining from illicit substances. We see the war on drugs being waged in every city and town across this country. I am skeptical that an abuser of illicit narcotics truly understands that he or she should not be driving either.

Yet this is where the intent of House Joint Resolution 694 plays such an important role. The measure would once again highlight the need for continued public awareness, for both drugs and alcohol. We cannot cease in our efforts to educate until those terrible numbers of which I spoke earlier level out at zero. Each generation must understand that drunk and drugged driving involves them—for even though they may not indulge, the other fellow might. I reiterate my strong support for this measure, Mr. Speaker, and urge my colleagues to join in adopting it.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 694

Whereas traffic accidents cause more violent deaths in the United States than any other cause, approximately 44,000 in 1985;

Whereas traffic accidents cause thousands of serious injuries in the United States each year;

Whereas about 54 percent of drivers killed in single vehicle collisions and 38 percent of all drivers fatally injured in 1985 had blood alcohol concentrations of .10 or above;

Whereas the United States Surgeon General has reported that life expectancy has risen for every age group over the past seventy-five years except for Americans fifteen to twenty-four years old, whose death rate, the leading cause of which is drunk driving, is higher now than it was twenty years ago;

Whereas the total societal cost of drunk driving has been estimated at more than $26,000,000,000 per year, which does not include the human suffering that can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marijuana or other illegal drugs;

Whereas driving after the use of therapeutic drugs, either alone or in combination with alcohol, contrary to the advice of physician, pharmacist, or manufacturer, may create a safety hazard on the roads;

Whereas more research is needed on the effect of drugs either alone or in combination with alcohol, on driving ability and the incidence of traffic accidents;

Whereas an increased public awareness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increasing necessary research on the effect of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups, is demanding a solution to the problem of drunk and drugged driving;

Whereas the Presidential Commission on Drunk Driving, appointed to heighten public awareness and stimulate the pursuit of solutions, provided vital recommendations for remedies for the problem of drunk driving;

Whereas the National Commission Against Drunk Driving was established to assist State and local governments and the private sector to implement these recommendations;

Whereas most States have appointed task forces to examine existing drunk driving programs and make recommendations for a renewed, comprehensive approach, and in many cases their recommendations are leading to enactment of new laws, along with stricter enforcement;

Whereas the best defense against the drunk or drugged driver is the use of safety belts and consistent safety belt usage by all drivers and passengers would save as many as 10,000 lives each year;

Whereas an increase in the public awareness of the problem of drunk and drugged driving may contribute to a change in society's attitude toward the drunk or drugged driver and help to sustain current efforts to develop comprehensive solutions at the State and local levels;

Whereas the Christmas and New Year holiday period, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem;

Whereas designation of National Drunk and Drugged Driving Awareness Week in each of the last four years stimulated many activities and programs by groups in both the private and public sectors aimed at curbing drunk and drugged driving in the high-risk Christmas and New Year holiday period and thereafter; and

Whereas the activities and programs during National Drunk and Drugged Driving Awareness Week have heightened the awareness of the American public to the danger of drunk and drugged driving: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 14, 1986, through December 20, 1986, is designated as "National Drunk and Drugged Driving Awareness Week" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL HOUSING WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 692) to designate the week of October 19, 1986, through October 26, 1986, "National Housing Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Reserving the right to object, Mr. Speaker, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 692

Whereas the Federal Government and the housing industry have worked together to enable a substantial majority of Americans to live in adequate housing;

Whereas living in adequate housing strengthens the family and the community;

Whereas, following every economic recession since World War II, the housing industry has helped the United States to achieve economic recovery by creating millions of jobs for the unemployed, creating demand for goods and services, and generating billions of dollars in tax revenues;

Whereas adequate housing is one of the basic needs of all individuals, and providing for the availability of affordable housing is an important policy of the Federal Government and the governments of the States; and

Whereas it is appropriate to reaffirm the historic national commitment to providing for the availability of adequate housing and the opportunity to own a home, and to recognize the economic benefits resulting from the activities of the housing industry: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the week of October 19, 1986, through October 26, 1986, is designated "National Housing Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MENTAL ILLNESS AWARENESS WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 298) to designate the week of October 5, 1986, through October 11, 1986, as "Mental Illness Awareness Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 298

Whereas mental illness is a problem of grave concern and consequence in American society, though one widely but unnecessarily feared and misunderstood;

Whereas thirty-one to forty-one million Americans annually suffer from clearly diagnosable mental disorders involving significant disability with respect to employment, attendance at school, or independent living;

Whereas more than ten million Americans are disabled for long periods of time by schizophrenia, manic depressive disorder, and major depression;

Whereas between 30 and 50 per centum of the homeless suffer serious, chronic forms of mental illness;

Whereas alcohol, drug, and mental disorders affect almost 19 per centum of American adults in any six-month period;

Whereas mental illness in at least twelve million children interferes with vital development and maturational processes;

Whereas mental disorder-related deaths are estimated to be thirty-three thousand, with suicide accounting for at least twenty-nine thousand, although the real number is thought to be at least three times higher;

Whereas our growing population of the elderly is particularly vulnerable to mental illness;

Whereas mental disorders result in staggering costs to society, totalling an estimated $106,200,000,000 in direct treatment and support and indirect costs to society, including lost productivity;

Whereas mental illness is increasingly a treatable disability with excellent prospects for amelioration and recovery when properly recognized;

Whereas families of mentally ill citizens and those persons themselves have begun to join self-help groups seeking to combat the unfair stigma of the diseases, to support greater national investment in research, and to advocate for an adequate continuum of care from hospital to community;

Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (both somatic and psychosocial) for some of the most incapacitating forms of mental illness (including schizophrenia, major affective disorders, phobias, and phobic disorders);

Whereas appropriate treatment of mental illness has been demonstrated to be cost effective in terms of restored productivity, reduced utilization of other health services, and lessened social dependence; and

Whereas recent and unparalled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinic problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on October 5, 1986, is designated as "Mental Illness Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL COMMUNITY EDUCATION DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 338) to designate November 18, 1986, as "National Community Education Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, I withdraw my reservation of objection.

Mr. KILDEE. Mr. Speaker, I rise to urge my colleagues to support Senate Joint Resolution 338, which is identical to House Joint Resolution 583, which I introduced on April 8, 1986. Mr. Speaker, my bill, which is cosponsored by 221 of our colleagues, designates November 18, 1986, as "National Community Education Day."

Beginning in Flint, MI, in 1935, community education has become a significant force to help people find the best ways to use their resources to respond to their own needs and those of their neighborhoods. Flint has served as an example for other communities, showing how effectively community education works to promote interagency cooperation and community involvement. Success in Flint has led to the adoption of community education programs in an estimated 3,500 school districts in this country and around the world.

Within the last 4 years, 39 Governors have proclaimed "Community Education Days" in their States. These State observances have served as occasions to recognize and support strong relationships between public schools and the communities they serve. They have provided community schools and community colleges opportunities to showcase collaborative programs and projects and to develop new community partnerships in support of public education. Past State Community Education Day events have included school open houses, exhibits, and demonstrations at regional shopping malls, school-community-business luncheons, interagency workshops and meetings, poster and essay contests, and school-community awards programs.

I encourage my colleagues to support this effort to recognize and commemorate community education.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 338

Whereas public education is a community enterprise, and everyone in the community has a stake in the mission of educating adults as well as the community's children;

Whereas local citizens have a right and a responsibility to be involved in deciding how the educational resources of the community should be used;

Whereas education reform should, in the words of A Nation at Risk, "focus on the goal of creating a Learning Society";

Whereas education is a lifelong process;

Whereas each community should promote the use of community resources in schools and colleges, citizen involvement in educational decisionmaking, the use of community resources to provide educational opportunities for learners of all ages and educational backgrounds, and interagency cooperation to assure effective use of limited resources; and

Whereas the goal of community education is a sharing, learning society; Now therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That November 18, 1986, is designated as "National Community Education Day", and the President is requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL DRUG ABUSE EDUCATION DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 386) to designate October 6, 1986, as "National Drug Abuse Education Day," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HANSEN. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. GILMAN. Mr. Speaker, I rise in support of House Joint Resolution 701, and want to commend the gentleman from Connecticut [Mr. GEJDENSON] for his sponsorship of this bill, House Joint Resolution 701, designating October 6, 1986, as "National Drug Abuse Education Day."

As ranking minority member of the Select Committee on Narcotics Abuse and Control, I am keenly aware of the tragedy that has befallen our Nation as a result of the many illicit substances that are being ingested every minute of every day. While it is gratifying that this body is working to produce an omnibus narcotics bill which hopefully, we will consider on the floor of this House next month, I want to reiterate my concern and commitment to drug abuse education.

In hearing after hearing, law enforcement representatives have testified that their resources are stretched to the limits, and that even with additional funding and manpower they could not interdict all the narcotics available in this country. Instead, many of them have turned to educating our children by visiting their schools and conducting special drug abuse awareness programs. I think it is abominable that drug abuse education is not mandatory in this country. It is only through prevention that we will be able to reduce demand for cocaine, heroin, designer drugs, marijuana, and the most recent and deadly of them all, crack cocaine.

There are a number of measures pending before the House which would allocate funding for drug abuse education initiatives, I anticipate that our omnibus bill will prominently include education funding. House Joint Resolution 701 advocates drug abuse education, which is sorely needed if we are to regain control over our children's lives. Accordingly, I urge my colleagues to support this legislation, and urge their support as well for the omnibus measure that will authorize funding for these important goals.

Mr. HANSEN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 386

Whereas drug abuse in the United States is a major health problem that damages our social institutions and threatens our most valuable human resource—our young people;

Whereas the 1984 National Strategy for Prevention of Drug Abuse and Drug Trafficking stated that "prevention has come to the forefront as the essential element in the longrange goal of eliminating drug abuse"; and

Whereas President Reagan has called drug abuse one of the gravest problems facing the Nation and has further warned that if we, as a Nation, fail to act we run the risk of losing a great part of a whole generation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) October 6, 1986, the first school day of Drug Abuse Awareness Week as established in Senate Joint Resolution 354, is designated as National Drug Abuse Education Day. The purpose of National Drug Abuse Education Day is to focus national attention on the rapidly escalating threat that drug abuse poses to the Nation's health, by calling on the President of the United States to proclaim a national day.

(b) As a part of National Drug Abuse Education Day, the President shall—

(1) call upon every elementary and secondary school, and all institutions of higher education to devote the day's curriculum to instruction on the physiological, psychological, social, and legal consequences of drug use and abuse; and

(2) call upon students, parents, community groups, and local law enforcement agencies to actively participate in programs sponsored in conjunction with National Drug Abuse Education Day.

SEC. 2. For purposes of this Act, the term "drug" shall include—

(1) any substance listed in section 102(17) of the Controlled Substances Act (21 U.S.C. 802(17)); and

(2) alcohol.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the several joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CASE STUDY OF THE AMERICAN LEFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, the combination today of the left's African National Congress Resolution and a series of left wing defense amendments that step by step unilaterally disarm the United States in specific areas should illustrate for most Americans how out of touch with reality the American left has become.

Today's session is a case study in how the American left first misdiagnoses reality, then prescribes a destructive foreign policy that hurts the cause of freedom, then weakens America's defenses so we are less prepared to deal with a dangerous world, then walks off as disaster occurs, and finally manages to learn nothing about the damages its policies have done to America and to the cause of freedom.

Consider first the foreign policy analysis involved in the left's proposal that we identify and recognize the African National Congress. In that resolution, House Resolution 373, the only black institution identified in South Africa was the African National Congress.

Now, there are many black organizations that should be included in dismantling apartheid. There are civic groups. There are church groups. There is a very large organization among the Zulu. Indeed, since the Zulu are the largest single black tribe in South Africa, their civic organization is far and away the largest black civic group in South Africa.

It was very peculiar that House Resolution 373 named only the African National Congress. The African National Congess has clearly been penetrated by Communists. In fact, one study suggests that 26 of the 30 members of the executive committee have some relationship to communism.

The Senate Intelligence Committee has indicated that 19 of the 30 members of the executive committee are Communists.

Even the author of the resolution concedes that 10 of the 30 members of the executive committee are Communists, yet we know historically that if you have 10 Communists on the executive committee, it is probably a Communist front. We know historically from studying Lenin, from reading the Grenada papers where we captured Communist documents from the Communist government, from talking to defectors from Communist governments, from studying how the Nicaraguan Communists, coached by Castro and Cuban Communists, set up a popular front and lied to the United States and then suddenly established a dictatorship, none of this is new material.

We now have 60 years, almost 70 years of studying how Communist parties set up Communist fronts, then establish dictatorships; yet today, cheerfully ignoring 70 years of history, the American left voted to recognize the African National Congress, even though it is currently fully penetrated by Communists.

Then in a series of votes on the defense bill, again and again our friends on the left rose to suggest that in area after area that we unilaterally disarm.

The one instance where I spoke was on the capacity to knock out satellites. The Soviet Union today has that capacity. Twelve times the Soviet Union has successfully practiced knocking out satellites. The United States does not today have that capacity; yet unilaterally the left offered an amendment and passed it which would stop the United States from knocking out reconnaissance satellites.

Why is that important? It is important because in a real crisis, those satellites would give the Soviet Union the ability to monitor our Navy, to monitor our convoys.

Imagine, for example, a crisis involving Israel in the Eastern Mediterranean, or a crisis involving Saudi Arabia in the Persian Gulf and the Indian Ocean or a crisis involving Europe in the North Atlantic. We are isolated by oceans from Eurasia. For America to reach out to protect Israel or to protect Europe, we have to use the oceans. All the Soviets have to do is stop us from using that ocean and they win.

Reconnaissance satellites, and they have basically two kinds, a radar satellite and an electronic satellite, reconnaissance satellites allow the Soviets to figure out where our Navy is and where our convoys are.

Literally in a crisis in the 1990's, 20,000 or 30,000 American soldiers, marines, and Army, could be on a convoy heading for Europe, heading for the Middle East, trying to protect freedom, and we would have unilaterally stopped ourselves from having the ability to knock out that satellite that could identify that convoy, that could target the Soviet bombers to sink those ships, and those soldiers standing on that ship would simply know they are doomed.

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SUMMER PAGES

The SPEAKER pro tempore (Mr. HUTTO). Under a previous order of the House, the gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 5 minutes.

Mr. MOAKLEY. Mr. Speaker, as we prepare to return to our homes for the Labor Day district work period, our summer pages are also preparing to return to their homes. On behalf of all my colleagues, I would like to take a brief moment out of the legislative program to express, to each of these young men and women, our appreciation, best wishes, and fond regards.

Mr. Speaker, I hope that all of them have found their months on Capitol Hill rewarding and educational. They have experienced both the excitement and lack of sleep that marks the House in its busiest season.

They have witnessed the first impeachment conducted in this Chamber in nearly two generations. With the death of Congressman George O'Brien, they have seen the sincerity and affection with which this House says farewell, when one of its truly special Members leaves us.

They have seen almost the entire appropriations and budget process move through the House. They have witnessed the pain of Gramn-Rudman. In fact, they witnessed it more closely than anyone here, since they didn't get paid at all for the summer.

They have witnessed the House, on the Defense bill and the vote on Contra aid, wrestle with the question of war and peace.

Their supervisors are unanimous in their assessment that each of these young people have done an outstanding job, and have served the House with enthusiasm, energy, and excellence.

Mr. Speaker, as our summer pages leave us, I know my colleagues join in expressing our appreciation and every best wish for the future.

Mr. Speaker, I read into the RECORD at this point the roster of summer pages:

Andrea Akers, Tristan Ashby, Barbara Baker, Jennifer Berman, Beverly Capers, Kara Caputo, Christine Champion, Leigh Chandler, Debra Chomsky, Thomas Corcoran, Brendan Coyne, J. Jean Deal, Athena Eastwood, Michael Filippello, Angela Finney, Michael Flynn.

Sarah Ford, Nairne Frazar, Toni Friess, Shannon Godwin, Joseph Gonzales, Joseph Griffin, Scott Grover, Robert Guiler, Dana Haven, Mark Hehir, Jeff Heiges, Sarah Hershberger, Anthony Hicks, Roger Hollander, Paige Holt, Tammy Hunsucker, Sydney Johnson, Robert Kearney, Dan Levi.

Kelly Lowe, Martha Mackay, Debbie Markowitz, Diana Marquez, Jennifer McLaughlin, Henry Moore, Miguel Moreno, Jim Moss, Robert Nachwalter, Robert O'Connell, Angela Payne, Cynthia Pendred, Warren Pullen, Martha Rooney, Sheryl Sandberg.

Kristin Scott, Tammi Shipp, Anne Siegle, Andrew Stirling, Jr., Walter Stowell, III, Charles Stuller, Jr., David Suess, John Sullivan, Rhea Tannehill, David Thompson, Mai Lara Tisdale, Wade Watkins, David Weinfurter, Matthew Wiener, Guy Willebrand, Michela Worthington.

PLASTIC WASTE REDUCTION ACT OF 1986

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, the world's seas and oceans, already polluted with spilled oil, toxic chemicals, and radioactive waste, are now being fouled by a new and insidious form of pollution—plastic waste. More than 12,500 tons of plastic refuse is being dumped or lost in the world's oceans each year, and it is estimated that the United States could be a source of approximately one-third of this litter.

This plastic pollution is killing millions of birds, fish, whales, seals, and sea turtles every year, according to marine scientists. Research has shown that the animals die after becoming entangled with discarded or broken plastic fish nets, straps, trawls, seines, and snares, and also die after eating pieces or tiny particles of plastic that are being dumped into all of the world's marine waters. The evidence suggests that 1 million to 2 million sea birds die each year from becoming entangled in plastic nets or from eating bits of floating, discarded plastic. And more than 100,000 sea mammals, including whales, dolphins, seals and manatees meet similar deaths.

Detergent bottle caps, chips from styrofoam containers, and toy soldiers, cars, and animals have been found in the stomachs of some 50 species of sea birds and many species of fish, turtles, and mammals. Plastic items such as six-pack holders, which are said to have a lifespan of 450 years in an average outdoor environment, have been reported to entangle numerous species of marine birds. Seals and sea lions in remote islands off Alaska have been found fatally entangled in plastic strapping bands dumped by merchant marine vessels. In fact, in addition to merchant shipping, passenger vessels, the military, oil drilling rigs and platforms, commercial fishing activities, and municipal waste dumping are also significant sources of this waste. In my home State of California, 1,600 volunteers recently cleaned some 300 miles of coastline resulting in a collection of over 89 tons of debris within 3 hours. It was estimated that 5 tons of this debris was comprised of styrofoam in the form of fast-food containers, coffee cups, packaging material, and ice chests. An additional 3 tons of plastic included 4,500 six-pack holders, 6,000 plastic containers and bags, 930 pieces of fishing line, and 200 pieces of netting and strapping.

I am pleased to report that steps have been taken to mitigate the serious problems caused by lost or discarded plastic debris in the marine environment. In 1973 the U.N. International Maritime Organization held a conference that resulted in the adoption of the International Convention for the Prevention of Pollution from Ships, also known as the Marpol Treaty. Unfortunately, annex V of the treaty, which contains regulations specifically prohibiting "the disposal of all plastics" from all ships at sea except under certain situations, is an optional annex under the treaty. It has not been ratified by the United States and is not enforced.

Some States are also taking steps toward dealing with plastic pollution. Texas, which is impacted by plastics discarded from offshore oil platforms, has established a Special Committee on Texas Coastline Rehabilitation and has initiated a major program to address the problem. California, New York, Massachusetts, Oregon, Vermont, Alaska, Delaware, and Connecticut have banned the use of nonbiodegradable plastic beverage six-pack holders.

The plastic industry is also aware of the problems due to increased production of plastics in combination with the general public's littering habits. In realizing the need for plastic recycling and recovery programs, several companies have established programs to promote recycling research and development. According to the Plastic Bottle Institute, a division of the Society of the Plastics Industry, a variety of items, such as insulation and construction components, are being produced from recycled plastic soft drink and milk bottles.

While these efforts demonstrate the fact that alternatives exist, and that much can be done to mitigate this serious problem, it is clear that there must be a strong national and international effort to effectively deal with the plague which threatens the world's marine life. To this end I am today introducing legislation, the Plastic Waste Reduction Act of 1986, to seek and implement sensible solutions to the plastic waste problem.

The bill would require the Administrator of the EPA to undertake a study for the purpose of determining the adverse effects of plastics pollution on the environment. The bill would also enable the Administrator to make recommendations to the Congress as to what actions might be taken to eliminate or lessen such adverse effects. The Administrator would be required to identify those recommendations which there is existing authority to implement, and those recommendations which would require legislative action by the Congress. Finally, the Administrator would be required to identify those items which could be made of a naturally degradable material and make this requirement through regulation.

It is my hope that the introduction of this legislation will help to focus attention on this serious problem and that we can soon begin to implement those solutions which are readily available. I am also hopeful that new and innovative solutions can be found and that the world's marine life can be relieved of this serious and unnecessary threat.

THE PLIGHT OF REFUSENIK FAMILY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DYMALLY] is recognized for 5 minutes.

Mr. DYMALLY. Mr. Speaker, I am honored to join my distinguished colleagues in the 1986 Congressional Call to Conscience for the Soviet Jewry.

Although individuals like myself cannot singlehandedly stop the human rights abuses and hardships of Jews and others under totalitarian rule, together we can create a torrent of letters thick enough, and a volume of outcry loud enough, to rattle open prisons, borders, and vehicles of harassment and oppression. In this spirit I humbly contribute my efforts on behalf of a single family reunion.

Mrs. Gladys Botwin, a United States citizen residing in Israel, told me of her cousins who wish to leave the Soviet Union. Boris and Elena live in Moscow and have applied for exit visas since 1975. They have three children: Anna, 15, Eugenia, 12, and Yosek, 1. Since the exit visas have been refused, this family receives the harassment meted out by the Soviets to refuseniks in a routine manner. Refuseniks are denied jobs, housing, and often are randomly arrested and brutally beaten. Boris, although trained as a radio engineer, suffers long periods of unemployment and is often forced to seek odd jobs to support his family.

After several arrests on charges such as "hooliganism" Boris wrote this letter to Leonid Brezhnev:

> The trials of the Jewish activists conducted during the last years have shown that we cannot count on the objectiveness and fairness of the Soviet court. It is obvious that false charges are being fabricated in order to intimidate the Jews wishing to emigrate to Israel and trials are turned into acts of reprisal. There cannot be any doubt as to the outcome of my trial although dozens of witnesses can testify that the charges against me do not correspond with reality.

When his case was heard in court, Boris was sentenced to 1 year of hard labor. Now that he has returned home after serving in the labor camps, the KGB continues to harass him and his family.

I am proud to do my part to assist the Chernobilsky family. We know that focusing attention on particular cases often gets results, so I hope that my letter to the Soviet Union may play a small part in a reunion of one family.

Mr. Speaker, one of the most moving experiences I have had was my visit with a group of refuseniks in Moscow.

Here were men and women whose only crime was their request to leave Russia and migrate to another country—United States, Europe, or Israel.

When people stand up together for integrity and human decency as the Refuseniks in Russia and my colleagues in Congress have done in the Call to Conscience for Soviet Jews and Christians, then rights cannot be denied.

CONCERNS OF GEORGIA CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 30 minutes.

Mr. RAY. Mr. Speaker, I rise today and ask the indulgence of the House as I set out a few observations that are brought to my attention almost daily by concerned citizens in my district—the Third Congressional District of Georgia.

We do have a number of problems which are worrisome in our Nation at this time but it is important to remember that America continues to enjoy freedoms and opportunities that no other country in the world does—the free enterprise system, which gives us all the opportunity to succeed and to fail—to venture out and to take risks, is alive and well.

Three weeks ago I participated in a ceremony in Plains, GA, where the CSX Railroad gave the deed to the Plains Railroad Station to the Plains, GA, Historic Preservation Trust. This was President Carter's Presidential Campaign Headquarters.

I was reminded as I stood on the platform with former President Jimmy Carter and others that only in America could a young farm boy in a community of a few hundred people grow up to become a member of the school board, a State senator, Governor of Georgia, and finally President of the United States.

A few weeks ago I was in Europe digging into the problems of our air defense system in countries where we have military bases and where 60 percent of our defense dollars are spent.

I picked up a bug of some kind in London and at 3 in the morning checked into the emergency room of a socialized medical center.

The charges for the medical exam were zero, no cost whatsoever for medical service in Great Britain. But the hospital was in dismal shape and the infrastructure was deteriorating. The nurses and the doctor were courteous, and helpful. But I was concerned that I might have to remain in a very unpleasant and unknown atmosphere overnight. The very conditions of the facilities put me under stress.

I realized more than ever that no where on Earth does medical service and health care compare with that which we receive in our American system.

In short, America is a great Nation, unequaled in the world. Millions of immigrants are trying to legally get into this country and millions more are here illegally mostly because conditions in their own lands are so squalid and discouraging.

We do, as a country, however, have some very serious problems which could be putting this wonderful system, this democracy which we take for granted, at risk.

The world itself has troublesome problems.

Economic and political problems plague Central America. Conditions are ripe for mischievous infiltration by the Soviet Union and its satellites. We all know that this has already happened to an alarmingly dangerous degree right on our doorstep and in the neighborhood of the Americas.

Cuba is fully entrenched into the Soviet Marxist philosophy. Nicaragua, just 1½ hours out of Miami, FL, is well on the way. There are approximately 1,700 Soviet military officers working as advisers in the country of Peru—others are scattered around Central and South America creating mischief.

There are serious question marks on the stability of Panama and Mexico and they appear to be very vulnerable. In my opinion, conditions in Central and South America pose a more serious danger to America than does any other part of the world.

We should make these dangers and these concerns one of our strongest priorities. We should reprogram foreign aid, from those countries who take it and kick us in the teeth, to our neighbors in Central America.

Another concern is the farm crisis in America, which is worse, more dangerous, and more threatening than much of the United States realizes.

Just this year, for the first time in history, we have imported into America more agriculture products than we exported. For a nation that has consistently exported 40 percent of its production to foreign consumers, this is a bitter pill to swallow.

With only 1¼ percent of our people farming and only 750,000 of these producing food, with their average age over 50, it doesn't take a genius to realize that a way of life has gone—probably never to return.

My instincts, based on the facts that I see, tell me that by the turn of this century, we will be dealing heavily in foreign food imports, corporate and absentee farming, and extremely high prices for food. This grave concern impacts on the trade imbalance.

The trade problems have made big splashes in the news lately. The imbalance is so severe that some economists fear that the effects could help push the United States into a recession.

Just this month, the trade deficit hit a record 6-month level of $83.9 billion and at this rate it will reach $168 billion, a 13-percent increase over 1985, by the end of the next quarter.

Paul Volcker, Chairman of the Federal Reserve Board, has just reported that the trade deficit has placed the economy in difficult and dangerous circumstances.

There are some 300 trade bills introduced and pending in congressional committees because of citizen and congressional concern.

I personally do not believe that a flood of protectionist legislation passed into law would be in our best interest, but I do believe that we should send a strong signal to our trading partners that fairness and equity is the name of the game and we as a nation will not be trampled upon and taken advantage of.

The House of Representatives gave this threat our best shot on August 6 when we came within eight votes of overriding the President's veto which would restrict textile imports into this country.

We lost this battle, but we can be assured that the war is still raging against unfair imports. Hopefully, H.R. 1562, the textile legislation, and its near passage sent the right signal to the administration, the State Department, our trade negotiators, and our trading partners that we are being kicked around too hard.

Mr. Speaker, I would like to devote the rest of my remarks to what I personally believe we should do to address these problems.

In doing so, I realize that there are other matters which are troubling Americans, which I do not minimize, such as the growing drug problem, health care, education, a moral deterioration of society, crime, and others.

To correct the concerns which I mentioned and which have been coming on for some time, we must recognize them, discuss them, become concerned as a Nation about them, and focus seriously on them. Most of all, we, as citizens, must put aside our special interests and come together for the common good of us all.

There is every indication that our major problems stem from fiscal irresponsibilities, which have driven America into the category of a debtor nation—the largest one in the world.

The economists say that our horrendous budget deficit is feeding the trade deficit which is on the way to bankrupting many American companies, small and large.

The national debt, which will cost Americans $165 billion in interest for 1986 is draining away funds needed for health care, education, drug intervention, concerns of the aged, and others.

I fully believe that the problem of fiscal irresponsibility—overspending and overborrowing—is the root cause of these serious concerns facing America.

I've believed it for several years, and I've spoken about it in my campaigns, my speeches, and I have confirmed it with my votes—votes in some cases that have set off fire storms from special interest groups.

For many years the Congress has recognized overspending as a dangerous problem but has not let recognition of it deter or slow us down in spending and spending and borrowing and borrowing. Despite this conflict in action and philosophy, we have for many years harped on doing something about it.

We have advocated a balanced budget for 20 years or more. The country has been so concerned about deficit spending that over 30 State legislatures have passed resolutions directing the country to enact a balanced budget.

In 1985, the Gramm-Rudman-Hollings legislation was introduced requiring annual reductions in Federal spending from 1986 through 1991 which would bring Government spending within its income.

The Congress, feeling the pressure, passed this legislation, and many voted for it because, although they felt we could have done better, there was no effort to do so, and this was a legislative vehicle that could or might work.

Others didn't want to vote for it but didn't want to vote against it either and face voters in an election year.

My friends, 1987 is the "gut up year" for Congress. The real test is before us.

In my opinion, America is at a crossroads from which there may be no return. Gramm-Rudman is not the best legislative vehicle, but it is the only one that is on the track.

We have a responsibility to make it work, both as legislators and as citizens, and I hope that you will join me in this fight.

I have found that despite all of the huge amounts of media publicity and public examination about Gramm-Rudman, a majority of Americans do not understand it. Many who have focused on it have done so because it affects them financially or in some other way.

The legislation seeks to force the Government to operate within its income by 1991.

It mandates that Treasury borrowing to pay for the deficit—which is the difference in income and annual expenditure—be reduced by measured amounts each of the years through 1986-91.

The easiest year was 1986, which cut only $12 billion or 4 percent from the deficit.

The most severe year is scheduled to be 1987 where borrowing cannot exceed $144 billion, and cuts in spending could be as high as $30 billion. Predictions are to some projections that spending reductions for 1988, 1989, 1990, and 1991 will be in the range of $37 billion to $50 billion each year depending on the GNP, the rate of growth, et cetera.

Providing we are successful, by 1991 the Government would be operating within the country's income. At any time during this period, if the polls show that a majority of Americans would rather increase their taxes than cut programs—an offset could take place by a tax increase to provide more Treasury income.

There are many who are predicting a Gramm-Rudman failure. Although they may be right, I do not share that view.

The legislation is the law of the land. It is not likely that Members of Congress will stand up in the face of their voting constituents in an election year and vote to repeal it.

Gramm-Rudman-Hollings has traveled further than the opponents ever believed that it would.

It has survived a Supreme Court challenge with only a minor constitutional adjustment.

I feel positive about it and will work as strongly as I can to help it to meet its goals.

We must face up to the fact that it will be painful, not only for Members of Congress who must vote to cut or reduce needed as well as popular programs but for our citizens as well.

Programs such as defense, education, health care, aid to cities, counties, States, and urban development grants will feel the cuts. It will affect every American personally in a direct or indirect way.

Congressional offices and the operations of the Congress are in the forefront of the cuts as they should be. We took a heavy cut in 1986, and 1987 will be more severe. The result has been the freezing and reduction of congressional expenses.

As I said earlier, it is "gut up time" for Congress and for our citizens.

It is necessary to make the hard choices now. I know that Americans will understand that these cuts are not personal.

They may appear to be against certain citizen's special interests, but they are not and are directed toward leaving future generations with some hope that the system we know today will survive.

Thank you.

□ 2215

WHY SANCTIONS ARE NECESSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FISH] is recogized for 10 minutes.

Mr. FISH. Mr. Speaker, in October 1985, the heads of government of the 49 Commonwealth countries agreed to a Commonwealth Accord on South Africa. The accord appointed a group of seven statesmen from five continents to formulate a Commonwealth policy to arrest South Africa's drift to civil war and to initiate a process which might usher in a new era.

The group's report is based on 6 months of broad contact in South Africa and meetings with government, opposition, church and business leaders. They met with Bishop Tutu, Oliver Tambo, the jailed Nelson Mandela and his wife Winnie, leaders of neighboring countries, Prime Minister Botha and his cabinet, Chief Buthelezi of the kwaZulu, members of the Federated Chambers of Industry [FCI], the National Federations of Chambers of Commerce, leaders of black organizations, and the Congress of South African Trade Unions [COSATU],

The cochairs were Malcolm Fraser, former Prime Minister of Australia, chosen by his country and Gen. Olusegun Obasanjo, former head of state of Nigeria who handed over power in that country to a civilian government, chosen by the nations of Zambia and Zimbabwe.

The South African Government was urged to declare that the system of apartheid would be dismantled and to take specific and meaningful action: terminate the state of emergency; release immediately and unconditionally Nelson Mandela and all others imprisoned or detained for their opposition to apartheid; and establish political freedom, specifically lifting the ban on the African National Congress [ANC] and other polticial parties. Pretoria was called upon in the context of a suspension of violence on all sides, to initiate a process of dialog with a view to establishing a nonracial and representative government. These principles parallel statements by President Reagan and the Congress.

Initially optimistic, the group eventually concluded the South African Government was not interested in negotiations. Commonwealth leaders, except Great Britain, following the August London meeting, agreed to sanctions including severing air links to South Africa, a ban on new investments and new bank loans, an end to all Government procurement in South Africa, and a ban on the importation of agricultural goods and iron, coal, steel, and uranium. On August 8, Prime Minister Mugabe, of Zimbabwe, announced his intention to put into effect the economic sanctions agreed to at the London meeting. This is significant, as Zimbabwe, a land-locked country, is dependent on South Africa's transportation routes.

I met recently with Prime Minister Fraser and General Obasanjo. They consider economic sanctions essential to bring the government of South Africa to realize it must negoti-

ate a new political structure, sanctions that will hurt white South Africans so they will pressure their government to negotiate seriously.

Their message was solemn. Fraser and Obasanjo maintain that South African blacks have their own agenda. Without sanctions, without support for majority rule from the United States and Great Britain, they foresee an escalation of violence and counterviolence, a long-drawn-out guerrilla civil war, and a country destroyed. They argue that the ensuing hurt done blacks would be infinitely greater than that from sanctions. I personally do not see how the United States can take the risk that this prophecy is incorrect. We must have strong, effective sanctions.

Will sanctions be effective? Great Britain is by far South Africa's largest trading partner, the United States second, West Germany third. Acting together in imposing sanctions, the Congress is advised, would have a major economic and political effect. At the very least imposing sanctions would rid Pretoria of its evident impression that it has quiet Western approval of its intransigence.

It was interesting that the Commonwealth nations have not called for disinvestment. Since January 1985, 48 United States corporations have ceased operations in South Africa or have announced plans to do so. More than one-half of the United States banks doing business in South Africa refuse to make loans to the Pretoria government. Most U.S. businesses in South Africa follow the "Sullivan Principles," named after the Reverend Leon Sullivan, which call for desegregation of the workplace, training programs for advancement of blacks, coloreds and Asians, and improvement of employee's lives in such areas as schooling, recreation and health facilities. But Reverend Sullivan's tolerance has limits. If apartheid is not abolished by May 31, 1987, he will pressure for withdrawal of all American companies. While disinvestment certainly would symbolize that the United States stands with South Africa's blacks, it would be difficult to get international support, take time, and would have little impact on Pretoria, as South Africa would not experience a net loss of capital.

Washington's Episcopal Bishop John T. Walker, long active in opposing South Africa's racial policies, recently testified before Congress that United States businesses should work aggressively for changes and become more involved in the training of the future black leaders of South Africa. "Apartheid will end, whether as a result of negotiations or by war," he said. "What happens when that does occur? Who are the people who are going to to keep the country going?"

SOUTH AFRICAN APARTHEID

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, it has been brought to my attention that Contra aid will likely pass the other body tonight. I have been told that the Speaker of this body back has said when the message is sent from the other body back to the House after passage he will let it sit on the desk until the next continuing resolution comes up in September.

I hope that is erroneous information, Mr. Speaker, because if that is the case the will of the House and the other body will not be carried out.

We voted $100 million in aid to the freedom fighters in Nicaragua, and for the leader of this body to sit on that legislation for another month would be, in my opinion, unforgivable.

I ask you, Mr. Speaker, is this what you plan to do? I sincerely hope not.

The people of America that we represent have spoken, through our vote in this House. Mr. Speaker, although you have the right to do this, I hope that you will not. It appears to me you have given your word that you would handle this issue expeditiously when it came back from the other body. I hope you do not renege on that promise, Mr. Speaker. I really believe you gave your word, Mr. Speaker, did you not?

Mr. Speaker, for the sake of freedom for the people who are fighting for their freedom in Central America, the freedom fighters in Nicaragua, the Contras, please reconsider.

Mr. Speaker, I had as my special order the situation in South Africa, the apartheid that is repugnant to every Member of this body as my theme of tonight. Nothing has captured the attention of this country and the American people more in recent years than the radical policy of apartheid in South Africa.

Solutions to this problem are difficult to find, but economic sanctions against South Africa, although noble in their objective, simply will not work. Quite to the contrary, they will hurt the very people we want to help in South Africa more than anyone else by putting them out of work, and will likewise hurt people in the United States as well.

In 1984, South Africa bought 2.7 million metric tons of corn, 2.7 million metric tons of corn.

□ 2030

They bought many other commodities as well.

Now, Mr. Speaker, we cannot afford the luxury of losing agricultural markets around this world.

You will recall, Mr. Speaker, in 1979 when Jimmy Carter imposed the grain embargo on the Soviet Union, the only people who really suffered were the American farmers, and we have not yet recovered in the agricultural community in America from that terrible decision in 1979. Here we are, just 7 short years later, about to make the same mistake by imposing sanctions on South Africa. I mean we are looking aggressively for markets to sell our farm products to. And we are about to impose sanctions that may end up costing us another market for our agricultural products. Not only that, Mr. Speaker, but minerals that are vital to the security of the United States come from only two places, mainly, the Soviet Union and southern Africa. As a matter of fact, Mr. Speaker, 99 percent of the manganese that we use in steel in this country comes from southern Africa. If we impose sanctions upon that nation, it is very likely that they will decide to impose some kind of sanctions on us as well. There will be a retaliation that will take place. They have already retaliated against Australia because of their sanctions. If that takes place, the only other place we can get managese is from the Soviet Union in large quantities. What does that mean? Manganese is a very important part of steel, a component part of steel. We use steel in cars, we use steel in buildings and a myriad of other products. If we have to buy our manganese from the Soviet Union, if the South Africans decide to embargo us as far as that product is concerned, then we are going to be in big trouble. The Soviets will have their hands around our throats and we will have put them there.

Not only that, their strategic importance, the location of South Africa. South Africa because of its proximity to the seas and the oceans of the world is very important. Forty percent of the free world oil supplies come around the Cape of Good Hope at the southern tip of Africa.

Can we afford to let the Soviet Union control those sea lanes? They will if the African National Congress takes control of South Africa, as many people think they will if a revolution, a full-fledged revolution takes place. Make no mistake about it, if the Communists take control of South Africa through their surrogates, the African National Congress, in a very short period of time there will be Soviet ships in all of those parts and they will control those vital sea lanes, which could put the free world in a very tenuous situation in time of international emergency.

I would like to read into the RECORD what one South African citizen had to say about this issue. I do not want you to just take my word for it. This gentleman, whom I am about to quote, lived in South Africa most of his life. The Indianapolis Star in my district chose to write an editorial about his writing and his comments. The title of this article is "Who Will Pay Most?" I quote from the article.

One South African citizen who has opposed apartheid for years is Alan Paton, the author known around the world for his fine novel, *Cry the Beloved Country.*

In *Leadership* magazine he expressed his views on the disinvestment drive, writing:

"There are obviously two sides to this question. On the one side are South African industrialists, capitalists—very big money and very small money—the overwhelming

majority of white South Africans, and a substantial majority of black South Africans.

"On the other side are some highly educated and sophisticated blacks, a small minority of white South Africans, and a considerable number of righteous and self-righteous people of the West who entertain the opinion that the weakening of the South African economy will bring freedom and happiness to the suffering and oppressed people of our country.

"I find *myself* uncompromisingly on the side of the industrialists, big money (almost entirely white), small money (almost entirely black), the overwhelming majority of whites and the considerable majority of blacks.

"It is my firm belief that those who will pay most grievously for disinvestment will be the black workers of South Africa.

"I am also told that I am ignoring the views of those black South Africans who support disinvestment.

"Most of these South Africans will not be the ones to suffer and thirst.

"Many of them are sophisticated, highly educated, safely placed.

"I also know sophisticated and high educated black men and women who will have nothing to do with disinvestment.

"There is an often-heard declaration: 'We don't mind suffering. We are used to suffering.' But this again is often the declaration of those who will suffer least.

"Punishment is no proper treatment for erring children, nor is it the proper treatment for erring countries.

"The United States seems to be at last giving up the idea of punishing the USSR into goodness. Why then do they think it would work with South Africa?

"I have a last word to say to those fanatical divestors who think they can bring the South African government 'to its knees.' They will not succeed.

"The Afrikaner Nationalists may at times behave like fools, but they don't behave like cowards.

"More importantly, if the self-righteous bring our government 'to its kness,' they will bring the whole country to its kness, for if the Afrikaner Nationalists are ever brought to their knees, it will have to be by the gun.

"And if they are brought to their knees, agriculture, industry, railways, ports will all be brought to their knees. We will become one of the begging nations of the world. Russia will give us guns; America will have to give us food.

"If the nations of the West condemn us, they will only hinder the process of our emancipation from the bondage of history.

"But if they stay with us, rebuke us, judge, us and encourage us, the chances are that we shall do better,"

"Self-righteousness obviously feeds a very deep psychological hunger in many, many people. When this hardens into fanaticism it can stir rash actions and unintended; regrettable results. Before that can happen it might be wise to ponder the thoughtful words of Alan Paton."

Mr. Speaker, I yield back the balance of my time.

A PROPOSAL TO REDUCE U.S. TROOPS OVERSEAS

The SPEAKER pro tempore (Mr. HUTTO). Under previous order of the House, the gentleman from Colorado [Mr. BROWN] is recognized for 10 minutes.

Mr. BROWN of Colorado. I thank the Speaker.

Mr. Speaker, the proposal of the gentlewoman from Colorado [Mrs. SCHROEDER] with regard to reduction of our troops who are stationed overseas is one that created as heated debate here in the Chamber. I believe that measure deserves further consideration

In World War II we saw much of the modern industrialized world devastated. When the war was finished Europe was on its knees, much of the industrialized base on that continent was destroyed.

The Far East was destroyed. But the industry in our country remained largely intact. We suffered as did all countries who participated in that war, but we not only won that war, we survived with our industrial base intact.

We were faced with a surprising, to some, challenge by the Soviet Union which gobbled up a number of countries around the world. The U.S.S.R.'s insatiable appetite saw it extend its totalitarianism far and wide.

This country under the leadership of Harry Truman and a bipartisan foreign policy, stepped forward to protect freedom around the world. It was because of our willingness to step forward, speak out and stand up for freedom that that onslaught of new totalitarianism was stemmed.

I believe that was proper. I believe we did a great service not only in World War II in fighting totalitarianism but in the years after World War II in stopping the onslaught of the new totalitarianism of the Soviet Union.

In that period we took on a responsibility of helping to defend the Far East, Japan, part of Korea, and Europe.

Now, why should we have dedicated our treasure, and our efforts to once again defend the far corners of the world? We did it because those areas were devastated, we did it because they needed our help, we did it because we believe in freedom and are willing to stand up for it.

We did it because they did not have the means to provide their own defense at that time. We did not do it, and I think it is important for every American to understand, we did not do it because it is the permanent state of affairs that we should have to pay for their defense. We did it because they did not have the means to do it right then.

We currently have, approximately half a million Americans stationed overseas. Imagine that, a half million or more Americans stationed overseas at an ominous cost for the taxpayers of this country.

Now, what happened? Europe and Japan prospered; they prospered in incredible ways. Western Europe currently has a significantly bigger population than the United States and a bigger gross national product than we do. Japan has had a miraculous recovery, one we participated in. It is one we have had a part in helping bring about.

I do not mean to diminish the credit that the hard-working industrious Japanese deserve, because they do deserve credit. A little over 112 million Japanese produced the third biggest gross national product of any country in the world, bigger even than the billion-plus population of China.

And what has happened to the defense cost? Japan has not assumed the responsibility of defending the Far East, they have not assumed even the responsibility of defending their own country. They have not even assumed, as they had pledged, to protect the thousand miles sea land around their island.

No; they have allowed us to pay for their national defense. Let us not make any mistake, the Japanese are not stupid. The Japanese are tough, shrewd, intelligent negotiators. As long as we are willing to pay their bills for them, they are willing to let us.

The only ones who are foolish here are the Americans who do not insist on a recovered Japan paying its share.

Japan pays about 1 percent of their GNP for defense; the United States spends more than 6 percent of its GNP for national defense.

It no longer makes any sense for us to take money out of the pocket of Americans to pay for the defense of Japan. Not because we are not allies, because we are, and we ought to be. We simply can no longer afford to run a welfare program for Japan. Japan is fully capable of paying its own way in this world.

Let me suggest to my colleagues that when they pay their fair share, they will be much better allies than they are now. How many welfare recipients do you know that honor and revere their benefactors? Not many.

The simple fact is they have not done their share. We ought to ask them to.

Europe is in the same situation. There is not a single country in Western Europe that spends a bigger share of its GNP on defense than the United States does, with the one exception of Greece. That exception comes about, I believe, because of their relationship with Turkey, not out of any love for meeting their responsibilities in NATO.

We are paying their bills.

If you think that makes them like us, you are very much mistaken.

By the United States paying Europe's bills, it has not drawn them

closer to us, it has driven them further away.

For those of you who doubt it, talk to some of the Europeans. They talk, believe it or not, in terms of how the United States is receiving some sort of favor for the privilege of having troops in Europe. It is as if they are doing us some sort of favor for letting us help defend them. What we have done has been misconstrued and misunderstood.

What is the result of asking Europe and Japan to pay their fair share? Some in this Chamber have suggested that it will have dire consequences, that it will be a sign of unilateral disarmament, withdrawal, an unwillingness to play our part in world affairs.

That is pure balderdash. Americans have been shrewd and tough negotiators when they have had to in the past, and now is the time for us to negotiate.

We need to negotiate not out of fear they will not like us, but out of an interest in freedom and democracy and a concern for the American taxpayer. That is the person who has paid the bills, and that is the one whom we have shortchanged.

Should we be allies with Western Europe? Absolutely. We ought to stand shoulder to shoulder with them and do our part. Should we be allies with Japan and the countries of the Far East? Absolutely. We ought to stand shoulder to shoulder and do our part.

But we should not put them on the dole and make this a welfare program. No.

Let me suggest to my colleagues that if we gradually reduce our troops to a level that is more compatible with what we can afford, we will have better allies.

Desert them? No. Have troops in the Far East and in Europe? Yes. But do not pay their bills for them, and do not provide a huge number of ground troops for them.

When we consider this, we will understand that when we become partners, we will be much better friends and allies than if we insist on subsidizing them and keeping them on the dole.

So while the Schroeder amendment failed, I believe a reasonable form of that amendment properly adjusted could pass this Chamber and pass this Congress. What is more, I think it offers a great hope and opportunity to improve the relationship we have with those who are our allies.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FLIPPO (at the request of Mr. WRIGHT), for the balance of the week, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BROWN of Colorado) to revise and extend his remarks and include extraneous material:)

Mr. BROWN of Colorado, for 10 minutes, today.

(The following Members (at the request of Mr. STRANG) to revise and extend their remarks and include extraneous material:)

Mr. FISH, for 10 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. GINGRICH, for 5 minutes, today.

(The following Members (at the request of Mr. MOAKLEY) to revise and extend their remarks and include extraneous material:)

Mr. MOAKLEY, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. DYMALLY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DANIEL, on title III, prior to the Schroeder amendment, on H.R. 4428 in the Committee of the Whole today.

Mr. BROOKS, and to include extraneous matter on H.R. 4428 in the Committee of the Whole today.

Mr. GARCIA, on H.R. 428 in the Committee of the Whole today.

(The following Members (at the request of Mr. STRANG) and to include extraneous matter:)

Mr. LENT.

Mr. SHUMWAY.

Mr. LIGHTFOOT.

Mr. LAGOMARSINO.

Mr. WOLF.

Mr. KEMP.

Mr. CLINGER.

Mr. GILMAN in three instances.

Mr. MCKERNAN.

Mr. BOEHLERT.

(The following Members (at the request of Mr. MOAKLEY) and to include extraneous matter:)

Mr. ROSTENKOWSKI.

Mr. RANGEL.

Mr. DARDEN.

Mr. DORGAN of North Dakota.

Mr. DYMALLY in two instances.

Mr. COLEMAN of Texas.

Mr. CHAPPELL.

Mr. SOLARZ.

Mr. HAWKINS.

Mr. FAUNTROY.

Mr. HOYER.

Mr. GARCIA.

Mr. WEISS.

Mr. JACOBS.

Mr. BERMAN.

Mr. WAXMAN.

Mr. DWYER of New Jersey.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1542. An act to amend the National Trails System Act by designating the Nez Perce (Nee-Me-Poo) Trail as a component of the National Trails System; to the Committee on Interior and Insular Affairs.

S. 1888. An act to provide for a program of cleanup and maintenance on Federal lands; to the Committee on Interior and Insular Affairs.

S. 1911. An act to direct the Administrator of General Services to release, on behalf of the United States, certain conditions and reservations contained in a conveyance of land to the State of Utah; to the Committee on Government Operations.

S. 2091. An act to amend the provisions of the Federal Land Policy and Management Act of 1976 relating to the acquisition of public lands; to the Committee on Interior and Insular Affairs.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 850. An act to modify the boundary of the Humboldt National Forest in the State of Nevada, and for other purposes;

H.R. 1963. An act to increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes, and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, PA;

H.R. 2478. An act to amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes;

H.R. 3212. An act to declare that the United States holds certain lands in trust for the Reno Sparks Indian Colony;

H.R. 3556. An act to provide for the exchange of land for the Cape Henry Memorial site in Fort Story, VA;

H.J. Res. 377. Joint resolution to designate December 5, 1986, as "Walt Disney Recognition Day";

H.J. Res. 529. Joint resolution designating the week of September 21, 1986, through September 27, 1986, as "Emergency Medical Services Week"; and

H.J. Res. 642. Joint resolution to designate the week beginning May 17, 1987, as "National Tourism Week."

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 992. An act to discontinue or amend certain requirements for agency reports to Congress.

ADJOURNMENT

Mr. BROWN of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.) the House adjourned until tomorrow, Thursday, August 14, 1986, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the third and fourth quarters of calendar year 1985 and the first and second quarters of calendar year 1986 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Anthony Robbins	8/5	8/6	Belgium		83.00						83.00
	8/6	8/8	England		300.00						300.00
	8/8	8/10	Switzerland		162.00						162.00
	8/10	8/12	France		324.00						324.00
Commercial air fare							4,156.00				4,156.00
Phyllis Freeman	8/5	8/6	Belgium		83.00						83.00
	8/6	8/8	England		300.00						300.00
	8/8	8/10	Switzerland		162.00						162.00
	8/10	8/12	France		324.00						324.00
Commercial air fare							4,156.00				4,156.00
Committee total					1,738.00		8,312.00				10,050.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1985

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation to United Kingdom, Belgium, Germany, and France, Nov. 8–13, 1985:											
Delegation expenses	11/11	11/13	France						653.48		653.48
Committee total									653.48		653.48

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, July 30, 1986.

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation to Federal Republic of Germany and Belgium, Feb. 9–13, 1986:											
Hon. Wm. L. Dickinson	2/9	2/12	Federal Republic of Germany		390.00						390.00
Hon. Marvin Leath	2/9	2/12	Federal Republic of Germany		390.00						390.00
Mr. Anthony R. Battista	2/9	2/12	Federal Republic of Germany		390.00						390.00
Delegation to the Federal Republic of Germany, Feb. 28 to Mar. 2, 1986:											
Delegation expenses	2/8	3/2	Germany						266.06		266.06
Committee total					1,170.00				266.06		1,826.06

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, July 30, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Staff visit to Bahamas and Antigua, Apr. 1–4, 1986:											
Paul L. Tsompanas	4/1	4/1	Bahamas								
	4/2	4/4	Antigua		416.00						416.00
Commercial transportation paid by the Navy.							421.74				421.74
Peter M. Steffes	4/1	4/1	Bahamas								
	4/2	4/4	Antigua		416.00						416.00
Commercial transportation paid by the Navy.							421.74				421.74
Delegation to France, Belgium, and Spain, Apr. 1–6, 1986:											
Hon. Solomon P. Ortiz	4/1	4/2	France		111.00						111.00
	4/2	4/3	Belgium		142.00						142.00
	4/3	4/6	Spain		432.00						432.00
Military transportation							7,700.56				7,700.56
Visit to Nicaragua and Honduras, Apr. 2–6, 1986:											
Hon. Les Aspin	4/2	4/4	Nicaragua								
	4/4	4/6	Honduras		312.00						312.00
Military transportation							6,790.00				6,790.00
Visit to Sweden and Switzerland, May 23–27, 1986:											
Hon. Albert G. Bustamante	5/23	5/24	Sweden		187.00						187.00
	5/24	5/27	Switzerland		420.00						420.00
Military transportation							6,213.92				6,213.92
Visit to Honduras, May 29–30, 1986:											
Hon. Richard Ray	5/29	5/30	Honduras		208.00						208.00
Military transportation							8,164.17				8,164.17
Refund per diem					208.00						208.00
Rudy F. De Leon	5/29	5/30	Honduras		208.00						208.00
Military transportation							8,164.17				8,164.17
Refund per diem					143.00						143.00
Delegation to Central America, June 1–4, 1986:											
Hon. Richard Ray	6/1	6/2	Guatemala								
	6/2	6/2	Nicaragua								
	6/2	6/3	Costa Rica								
	6/3	6/4	Honduras								
	6/4	6/4	El Salvador								
Military transportation							2,169.96				2,169.96
Hon. John M. Spratt, Jr	6/1	6/2	Guatemala								
	6/2	6/2	Nicaragua								
	6/2	6/3	Costa Rica								
	6/3	6/4	Honduras								
	6/4	6/4	El Salvador								
Military transportation							2,169.96				2,169.96
Hon. Albert Bustamante	6/1	6/2	Guatemala								
	6/2	6/2	Nicaragua								
	6/2	6/3	Costa Rica								
	6/3	6/4	Honduras								
	6/4	6/4	El Salvador								
Military transportation							2,648.46				2,648.46
Warren L. Nelson, Jr	6/1	6/2	Guatemala								
	6/2	6/2	Nicaragua								
	6/2	6/3	Costa Rica								
	6/3	6/4	Honduras								
	6/4	6/4	El Salvador								
Military transportation							2,169.96				2,169.96
Committee total					2,501.00		47,034.64				49,535.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LES ASPIN, Chairman, July 30, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE, AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Richard Lehman	3/22	3/24	Belgium		426.00						426.00
	3/24	3/26	Italy		306.00						306.00
	3/26	3/29	Yugoslavia		432.00						432.00
	3/29	4/1	West Germany		375.00						375.00
1 way military air							3,447.59				3,447.59
1 way commercial West Germany/Washington, DC							998.41				998.41
Hon. Stan Parris	3/22	3/24	Belgium		426.00						426.00
	3/24	3/26	Italy		306.00						306.00
	3/26	3/29	Yugoslavia		432.00						432.00
	3/29	4/1	West Germany		375.00						375.00
	4/1	4/2	Ireland		163.00						163.00
Roundtrip military air							4,446.00				4,446.00
Mark Constantine	5/1	5/2	France		140.00						140.00
	5/	5/3	Zimbabwe		525.00						525.00
Roundtrip commercial air							2,567.00				2,567.00
Barry Hager	5/1	5/2	France		140.00						140.00
	5/3	5/9	Zimbabwe		525.00						525.00
Commercial air roundtrip							2,567.00				2,567.00
Hon. Jim Kolbe	6/1	6/1	Mexico								
Commercial air roundtrip							583.80				583.80
Michael Valencia	6/1	6/1	Mexico								
Commercial air roundtrip							583.80				583.80
Hon. Jim Cooper	6/1	6/2	Guatemala		80.00						80.00
	6/2	6/2	Nicaragua								
	6/2	6/3	Costa Rica		75.00						75.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE, AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	6/4	6/4	Honduras								
	6/4	6/5	El Salvador								
Roundtrip military air							2,815.79				2,815.79
Hon. Rod Chandler	6/1	6/2	Guatemala		80.00						80.00
	6/2	6/2	Nicaragua								
	6/2	6/3	Costa Rica		75.00						75.00
	6/3	6/4	Honduras								
	6/4	6/4	El Salvador								
Roundtrip military air							2,815.79				2,815.79
Committee total					4,881.00		20,825.18				25,706.18

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FERNAND J. St GERMAIN, Chairman, Aug. 6, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Michael Barrett	2/17	2/21	Thailand		308.00						308.00
	2/21	2/24	Singapore		585.00						585.00
	2/24	3/1	Taiwan		291.00						291.00
	3/1	3/2	Hong Kong		125.00						125.00
Commercial air fare							4,418.00				4,418.00
Wm. M. Kitzmiller	4/30	5/5	Netherlands Antilles		500.00						500.00
Commercial air fare							1,084.44				1,084.44
Michael Barrett	6/22	6/25	Germany		360.00						360.00
Commercial air fare							1,899.00				1,899.00
Patrick McLain	6/22	6/25	Germany		360.00						360.00
Commercial air fare							1,899.00				1,899.00
Mark Raabe	6/22	6/25	Germany		360.00						360.00
Commercial air fare							1,899.00				1,899.00
Russell L. Smith	6/22	6/25	Germany		360.00						360.00
Commercial air fare							1,899.00				1,899.00
Timothy Westmoreland	6/21	6/26	France		1,062.00						1,062.00
Commercial air fare							1,591.00				1,591.00
Conference fee									280.50		280.50
Thomas Luken, MC	6/23	6/24	Germany		120.00						120.00
Commercial air fare							2,000.00				2,000.00
Gerry Sikorski, MC	6/23	6/24	Germany		[3] 60.00						60.00
Commercial air fare							1,899.00				1,899.00
Fred Eckert, MC	6/23	6/24	Germany		120.00						120.00
Commercial air fare							1,899.00				1,899.00
Committee total					4,611.00		20,487.44		280.50		25,378.94

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Returned $60 to State Department.

JOHN D. DINGELL, Chairman, Aug. 1, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
G.L. Ackerman	5/23	5/24	Sweden		187.00						187.00
	5/24	5/27	Switzerland		420.00						420.00
Military transportation							4,934.58				4,934.58
M.D. Barnes	4/5	4/7	Panama		260.00		135.33				395.33
Commercial transportation							2,008.82				2,008.82
H. Berman	4/2	4/6	France		[3] 543.00						543.00
E. Bierman	3/25	3/26	Belgium		142.00						142.00
	3/26	4/4	Soviet Union		600.00						600.00
	4/4	4/6	England		336.00				86.35		422.35
Military transportation							20,546.98				20,546.98
R.K. Boyer	4/3	4/9	Haiti		613.00						613.00
	4/9	4/11	Dominican Republic		222.00						222.00
Commercial transportation							870.00				870.00
Total					3,323.00		28,495.71		86.35		31,905.06
R.K. Boyer	5/27	5/29	Federal Republic of Germany		390.00		7.40				397.40
	5/29	5/31	Italy		453.00						453.00
	5/31	6/4	England		696.00						696.00
Commercial transportation							4,190.00				4,190.00
W.S. Broomfield	3/25	3/26	Belgium		142.00						142.00
	3/26	4/4	Soviet Union		600.00						600.00
	4/4	4/6	England		228.65				86.35		315.00
Military transportation							20,546.98				20,546.98
R. Bush	3/28	4/1	South Korea		548.00						548.00
Commercial transportation							3,591.00				3,591.00
	5/23	5/27	Pakistan		260.00						260.00
	5/27	5/29	India		148.00						148.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Commercial transportation							2,982.00				2,982.00
Total					3,465.65		31,317.38		86.35		34,869.38
M. Chambers	3/21	3/24	Argentina		520.00		40.00		70.05		630.05
	3/28	3/29	Argentina								
	3/24	3/28	Uruguay		432.00						432.00
	3/29	4/1	Chile		366.00						366.00
	4/1	4/4	Ecuador		432.00						432.00
	4/4	4/9	Guatemala		540.00						540.00
	4/9	4/11	Honduras		274.00						274.00
Commercial transportation							4,375.00				4,375.00
M.M. Dymally	3/23	3/26	Korea		411.00						411.00
	3/26	3/27	Japan		180.00						180.00
	3/27	3/29	Taiwan		194.00						194.00
Commercial transportation							3,307.00				3,307.00
Total					3,349.00		7,722.00		70.05		11,141.05
	3/30	4/1	Haiti		333.00						333.00
	4/1	4/2	Trinidad								
	4/2	4/2	Barbados								
	4/2	4/3	Antigua		208.00						208.00
Commercial transportation							1,847.00				1,847.00
	6/7	6/10	Sweden		493.00						493.00
Commercial transportation							1,759.00				1,759.00
D.B. Fascell	3/25	3/26	Belgium		142.00						142.00
	3/26	4/4	Soviet Union		600.00						600.00
	4/4	4/6	England		336.00				86.35		422.35
Military transportation							20,546.98				20,546.98
R.M. Finley	4/4	4/9	Haiti	[3] 448.00							448.00
	4/9	4/11	Dominican Republic	[3] 152.00							152.00
Commercial transportation							870.00				870.00
Total					2,712.00		25,022.98		86.35		27,821.33
B. Ford	5/27	5/29	Federal Republic of Germany		390.00						390.00
	5/29	5/31	Italy		453.00						453.00
	5/31	6/4	England		696.00						696.00
Commercial transportation							4,190.00				4,190.00
W.B. Inglee	6/9	6/13	Austria		680.00						680.00
Commercial transportation							3,707.00				3,707.00
G. Ingram	6/1	6/2	Guatemala		80.00						80.00
	6/2	6/2	Nicaragua								
	6/2	6/3	Costa Rica		75.00						75.00
	6/3	6/4	Honduras								
	6/4	6/4	El Salvador								
Military transportation							2,815.79				2,815.79
Total					2,374.00		10,712.79				13,086.79
R.M. Jenkins	5/26	5/28	Germany		390.00		7.40				397.40
	5/28	5/31	Italy		453.00						453.00
	5/31	6/4	England		696.00						696.00
Commercial transportation							4,190.00				4,190.00
V.C. Johnson	4/5	4/7	Panama		260.00		135.33				395.33
Commercial transportation							1,511.00				1,511.00
C. Mack	4/25	4/26	Panama	[3] 45.50							45.50
	4/26	4/27	Honduras	[3] 104.00							104.00
	4/27	4/28	El Salvador	[3] 104.00							104.00
Military transportation							7,228.42				7,228.42
	6/1	6/2	Guatemala		80.00						80.00
	6/2	6/2	Nicaragua								
	6/2	6/3	Costa Rica		75.00						75.00
Total					2,207.50		13,072.15				15,279.65
	6/3	6/4	Honduras								
	6/4	6/4	El Salvador								
Military transportation							2,815.79				2,815.79
S. Nelson	3/21	3/24	Argentina		520.00		70.05		40.00		630.05
	3/28	3/29	Argentina								
	3/24	3/28	Uruguay		432.00						432.00
	3/29	4/1	Chile		366.00						366.00
	4/1	4/4	Ecuador		432.00						432.00
Commercial transportation							3,665.00				3,665.00
S. Oliver	3/25	3/26	Belgium		142.00						142.00
	3/26	4/4	Soviet Union		600.00						600.00
	4/4	4/6	England		336.00				86.35		422.35
Military transportation							20,546.98				20,546.98
Total					2,828.00		27,097.82		126.35		29,620.17
R. Perugino	3/29	4/5	Jordan	[3] 925.00							925.00
	4/3	4/5	Israel								
Commercial transportation							2,226.00				2,226.00
A. Roberts	3/21	3/24	Argentina		520.00		40.00		70.05		630.05
	3/28	3/29	Argentina								
	3/24	3/28	Uruguay		432.00						432.00
	3/29	4/1	Chile		366.00						366.00
	4/1	4/4	Ecuador		432.00						432.00
	4/4	4/9	Guatemala		540.00						540.00
	4/9	4/11	Honduras		274.00						274.00
Commercial transportation							4,375.00				4,375.00
	6/9	6/13	Austria		680.00						680.00
Commercial transportation							3,639.00				3,639.00
Total					4,169.00		10,280.00		70.05		14,519.05

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
O.J. Snowe	6/1	6/2	Guatemala		80.00						80.00
	6/2	6/2	Nicaragua								
	6/3	6/3	Costa Rica		75.00						75.00
	6/3	6/4	Honduras								
	6/4	6/4	El Salvador								
Military transportation							2,815.79				2,815.79
S.J. Solarz	5/23	5/27	Pakistan		[3] 229.53						229.53
	5/27	5/29	India		148.00						148.00
Commercial transportation							3,134.00				3,134.00
M. Tavlarides	3/27	4/4	Austria		1,113.00						1,113.00
Commercial transportation							2,510.40				2,510.40
Total					1,645.53		8,460.19				10,105.72
T.G. Verstandig	5/26	5/28	West Germany		390.00		7.40				397.40
	5/28	5/31	Italy		453.00						453.00
	5/31	6/4	England		696.00						696.00
Commercial transportation							4,190.00				4,190.00
H. Weinberg	3/27	3/28	Austria		159.00		137.57				296.57
	3/28	3/30	Czechoslovakia		216.00		67.80				283.80
	3/30	4/3	Austria		636.00						636.00
Commercial transportation							2,510.40				2,510.40
Total					2,550.00		6,913.17				9,463.17
Grand total for 2d quarter											197,811.37

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refund of unused per diem.

DANTE B. FASCELL, Chairman, July 29, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1986

* Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
John Seiberling, MC	5/23	5/25	Costa Rica		150.00		[3]				150.00
	5/25	5/27	Panama		194.00		[3] 83.84		81.22		359.06
Ron de Lugo, MC	5/23	5/25	Costa Rica		150.00		[3]				150.00
	5/25	5/27	Panama		194.00		[3] 83.84		81.22		359.06
Teddy Roe, staff	5/23	5/25	Costa Rica		150.00		[3]				150.00
	5/25	5/27	Panama		194.00		[3] 83.84		81.22		359.06
Loretta Neumann, staff	5/23	5/25	Costa Rica		150.00		[3]				150.00
	5/25	5/27	Panama		194.00		[3] 83.84		81.22		359.06
Kathryn Saterson, staff	5/23	5/25	Costa Rica		150.00		[3]				150.00
	5/25	5/27	Panama		194.00		[3] 83.84		81.22		359.06
Jean Toohey, staff	5/23	5/25	Costa Rica		150.00		[3]				150.00
	5/25	5/27	Panama		194.00		[3] 83.84		81.22		359.06
Susan Abbasi, CRS detailee	5/23	5/25	Costa Rica		150.00		[3]				150.00
	5/25	5/27	Panama		194.00		[3] 83.84		81.22		359.06
Jim Weaver, MC	6/20	6/21	England				2,698.00				2,698.00
Committee total					2,408.00		3,284.88		568.54		6,261.42

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation to Costa Rica and Panama provided by the military.

MORRIS K. UDALL, Chairman, July 28, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Lillian Fernandez	6/9	6/13	Canada	617.13	445.00					617.13	445.00
Commercial transportation							280.80				280.80
Committee total					445.00		280.80				725.80

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, July 28, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Kopp		5/8	United States				2,474.00				2,474.00
	5/10	5/16	Zimbabwe	764.66	450.00	863.65	508.26				958.26
	5/17	5/19	England	263.79	405.00						405.00
	5/19		United States								
Smith		6/8	United States				2,101.00				2,101.00
	6/9	6/10	France	1,044	144.00						144.00
	6/10	6/13	Germany	695.76	312.00						312.00
	6/13	6/19	Switzerland	1,282.90	702.00						702.00
	6/19	6/22	Italy		318.00						318.00
	6/22		United States								
Hon. Don Fuqua		6/16	United States				2,369.28				2,369.28
	6/16	6/23	Switzerland		800.00						800.00
	6/23		United States								
Tate		6/16	United States				2,369.28				2,369.28
	6/16	6/23	Switzerland		800.00						800.00
	6/23		United States								
Hon. Mike Andrews		6/1	United States				2,815.79				2,815.79
	6/1	6/2	Guatemala		80.00						80.00
	6/2	6/2	Nicaragua								
	6/2	6/3	Costa Rico	4,132.50	75.00						75.00
	6/3	6/4	Honduras								
	6/4	6/5	El Salvador								
	6/5		United States								
Committee total					4,086.00		12,637.61				16,723.61

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON FUQUA, Chairman, June 30, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas G. Powers	3/28	4/2	England	573.77	840.00		4,055.75	64.99	95.15		4,990.90
	4/2	4/8	Germany	1,562.32	662.00			503.50	213.35		875.35
Thomas G. Powers	5/2	5/9	Australia	1,192.41	883.00		6,078.00	96.36	71.36		7,032.36
George M. Grant	3/28	4/2	England	573.77	840.00		4,055.75	68.31	100.00		4,995.75
	4/2	4/8	Germany	1,562.32	662.00			518.50	219.70		881.70
George M. Grant	5/2	5/9	Australia	1,192.41	883.00		6,078.00	128.56	95.20		7,056.20
Committee total					4,770.00		20,267.50		794.76		25,832.26

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PARREN J. MITCHELL, Chairman, July 28, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Guy Vander Jagt	4/25	4/28	France	3,094.68	444.00		2,393.00				2,837.00
Committee total					444.00		2,393.00				2,837.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, July 23, 1986.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Dave McCurdy	6/1	6/5	Central America		155.00						155.00
Military aircraft							2,815.79				2,815.79
Richard H. Giza, staff	6/1	6/5	Central America		155.00						155.00
Military aircraft							2,815.79				2,815.79
Delegation expenses							404.57		1,397.25		1,801.82
Committee total					310.00		6,036.15		1,397.25		7,743.40

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LEE H. HAMILTON, Chairman, July 30, 1986.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 4316. A bill to amend title 35, United States Code, and the National Aeronautics and Space Act of 1958, with respect to the use of inventions in outer space (Rept. 99-788, Pt. 1). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5395. A bill to increase the statutory limit on the public debt (Rept. 99-789). Referred to the Committee of the Whole House on the State of the Union.

Mr. PEPPER: Committee on Rules. H. Res. 534. Resolution providing for the consideration of H.R. 5395, a bill to increase the statutory limit on the public debt (Rept. 99-790).

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HENRY (for himself, Mr. PETRI, Mr. GRADISON, Mr. CHANDLER, Mr. WHITEHURST, Mr. LIVINGSTON, and Mr. REGULA):

H.R. 5409. A bill to improve the educational achievement of educationally deprived children by actively involving the parents of educationally deprived children in educational planning and decision making, expanding the educational options and choices available to meet each child's individual educational needs, and focusing educational resources on those children with the greatest educational needs to ensure that all of the basic and supplemental services needed by such children to fully meet such needs are provided; to the Committee on Education and Labor.

By Mr. ROSTENKOWSKI (for himself, Mr. DUNCAN, Mr. GIBBONS, Mr. PICKLE, Mr. RANGEL, Mr. STARK, Mr. JONES of Oklahoma, Mr. JACOBS, Mr. FORD of Tennessee, Mr. JENKINS, Mr. GEPHARDT, Mr. DOWNEY of New York, Mr. FOWLER, Mr. GUARINI, Mr. RUSSO, Mr. PEASE, Mr. MATSUI, Mr. ANTHONY, Mr. FLIPPO, Mr. DORGAN of North Dakota, Mrs. KENNELLY, Mr. DONNELLY, Mr. COYNE, Mr. ANDREWS, Mr. ARCHER, Mr. VANDER JAGT, Mr. FRENZEL, Mr. SCHULZE, Mr. GRADISON, Mr. MOORE, Mr. CAMPBELL, Mr. THOMAS of California, Mr. MCGRATH, Mr. DAUB, Mr. GREGG, Mr. ENGLISH, and Mr. BRYANT):

H.R. 5410. A bill to facilitate the enforcement of the customs laws against illegal drug traffic, to deter the production of illegal drugs by foreign countries, and for other purposes; to the Committee on Ways and Means.

By Mr. AKAKA:

H.R. 5411. A bill to amend the Tariff Act of 1930 regarding the customs administration of duty-free sales enterprises; to the Committee on Ways and Means.

By Mr. BROWN of California:

H.R. 5412. A bill to establish the Government Information Agency to enhance the economic, scientific, and technological position of the United States by acquiring, processing, and distributing the fruits of federally performed and federally sponsored research, development, and analysis, to prescribe requirements relating to scientific and technical information used in the performance of contracts awarded by the Federal Government, and for other purposes; jointly, to the Committees on Government Operations, Science and Technology, Armed Services, House Administration, and Rules.

By Mr. CHAPMAN (for himself, Mr. WALGREN, Mr. LELAND, Mr. ORTIZ, Mr. ANTHONY, Mr. BRYANT, Mr. MOODY, Mr. GONZALEZ, Mr. FRANK, Mr. DE LA GARZA, Mr. ANDREWS, Mr. ALEXANDER, Mr. BUSTAMANTE, Mr. STENHOLM, Mr. ECKART of Ohio, Mrs. COLLINS, Mr. RALPH M. HALL, Mr. DOWDY of Mississippi, Mr. SLATTERY, Mr. MACKAY, Ms. OAKAR, Mr. SYNAR, Mr. RICHARDSON, and Mr. WILSON):

H.R. 5413. A bill to amend the Public Health Service Act to extend the health planning authority under that act; to the Committee on Energy and Commerce.

By Mr. DANNEMEYER:

H.R. 5414. A bill to require all automobiles sold in nonattainment areas in model year 1990 and thereafter to be capable of burning both methanol and gasoline; to the Committee on Energy and Commerce.

By Mr. DERRICK:

H.R. 5415. A bill to designate the U.S. Courthouse in Aiken, SC, as the "Charles E. Simons, Jr., Federal Courthouse"; to the Committee on Public Works and Transportation.

By Mr. McEWEN:

H.R. 5416. A bill to amend the Internal Revenue Code of 1954 to allow a charitable contribution deduction to farmers who donate agricultural products to assist victims of natural disasters; to the Committee on Ways and Means.

By Mr. MACKAY:

H.R. 5417. A bill to establish an Office of the Director of National and International Drug Operations and Policy; to the Committee on the Judiciary.

H.R. 5418. A bill to provide an emergency Federal response to the crack cocaine epidemic through law enforcement, education and public awareness, and prevention; jointly, to the Committees on Energy and Commerce, the Judiciary, and Education and Labor.

By Mr. SAXTON:

H.R. 5419. A bill to amend the Internal Revenue Code of 1954 to provide a partial exclusion from gross income of certain retirement benefits received by taxpayers who have attained age 65; to the Committee on Ways and Means.

By Mrs. COLLINS (for herself, and Mr. MCCANDLESS) (by request):

H.R. 5420. A bill to amend section 3726 of title 31, United States Code, relating to payment for transportation, to permit prepayment audits for selected transportation bills, to permanently authorize payment of transportation audit contractors from carrier overpayments collected, and to authorize net overpayments collected to be transferred to the Treasury; to the Committee on Government Operations.

By Mr. JONES of Oklahoma (for himself and Mr. FRENZEL):

H.R. 5421. A bill to suspend for a 3-year period the duty on certain mixtures of cross-linked sodium polyacrylate polymers; to the Committee on Ways and Means.

By Mr. PANETTA:

H.R. 5422. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of the adverse effects that the pollution of the environment caused by discarding or dumping of plastics on land and in the waters have on the environment, including the effects on fish and wildlife, to make recommendations for eliminating or lessening such adverse effects, and to require the Administrator of the Environmental Protection Agency to control the pollution of the environment caused by the discarding of plastics on the land and in water; jointly, to the Committees on Science and Technology, Merchant Marine and Fisheries, Energy and Commerce, and Public Works and Transportation.

By Mr. SWIFT (for himself, Mr. MORRISON of Washington, Mr. BONKER, Mr. BOULTER, Mr. BRYANT, Mr. CHANDLER, Mr. COMBEST, Mr. CRAIG, Mr. DICKS, Mr. FOLEY, Mr. FROST, Mr. LELAND, Mr. LEVINE of California, Mr. LOWRY of Washington, Mr. MILLER of Washington, Mr. REID, Mr. DENNY SMITH, Mr. ROBERT F. SMITH, Mr. STALLINGS, Mrs. VUCANOVICH, and Mr. WYDEN):

H.R. 5423. A bill to amend the Nuclear Waste Policy Act of 1982 to suspend the site characterization process, and for other purposes; jointly, to the Committees on Energy and Commerce, and Interior and Insular Affairs.

By Mr. DYMALLY (for himself and Mr. LUJAN):

H.J. Res. 707. Joint resolution designating the month of October 1986 as "National High-Tech Month"; to the Committee on Post Office and Civil Service.

By Mr. FEIGHAN (for himself, Mr. DELAY, Mr. DURBIN, and Mr. HYDE):

H.J. Res. 708. Joint resolution to designate September 11, 1986, "9-1-1 Emergency Number Day"; to the Committee on Post Office and Civil Service.

By Mr. WAXMAN (for himself, Mr. DINGELL, Mr. WALGREN, Mr. MADIGAN, Mr. NATCHER, and Mr. CONTE):

H.J. Res. 709. Joint resolution to designate the year beginning October 1, 1986, as the National Institutes of Health Centennial Year to the Committee on Post Office and Civil Service.

By Mr. WRIGHT:

H. Con. Res. 380. Concurrent resolution providing for a conditional adjournment of the two Houses until September 8, 1986; considered and agreed to.

By Mr. BIAGGI (for himself, Mr. GILMAN, Mr. MANTON, Mr. RANGEL, Mr. GARCIA, Mr. TRAFICANT, Mr. FOGLIETTA, Mr. DIOGUARDI, Mr. DE LUGO, Mr. BUSTAMANTE, Mr. KANJORSKI, Mr. WALGREN, Mr. WORTLEY, Mr. FAUNTROY, Mr. DORNAN of California, Mr. LANTOS, Mr. MARTINEZ, Mr. DOWNEY of New York, Mr. DWYER of New Jersey, Mr. FRANK, Mr. MCGRATH, and Mr. BORSKI):

H. Con. Res. 381. Concurrent resolution expressing the support of the Congress for the awarding of the Ellis Island Medal of Honor as a symbol of the Statue of Liberty Centennial Celebration; to the Committee on Post Office and Civil Service.

By Mr. LUNDINE:

H. Con. Res. 382. Concurrent resolution expressing the sense of Congress that the Secretary of Transportation and the Commandant of the Coast Guard should promptly take all practicable action to fill all the 500 positions authorized in the Department of Defense Authorization Act, 1986, for tactical law enforcement teams; to

the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 4 of rule XXII,

452. The SPEAKER presented a memorial of the House of Delegates, Second Olbiil Era Kelulau, Republic of Palau, relative to war claims awards to Micronesian claimants; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 77: Mr. SUNIA and Mr. WILSON.

H.R. 2873: Mr. PENNY and Mr. DIOGUARDI.

H.R. 2943: Mr. ROWLAND of Connecticut, Mr. COYNE, Mr. ASPIN, Mr. SHARP, Mr. BARTON of Texas, and Mr. KEMP.

H.R. 3024: Mr. UDALL, Mr. CARPER, and Mr. PRICE.

H.R. 3357: Mr. DE LA GARZA, Mr. HUCKABY, and Mr. ROBERTS.

H.R. 3521: Mr. SWEENEY, Mr. HAMILTON, Mr. WYLIE, Mr. LOWRY of Washington, and Mr. MCCOLLUM.

H.R. 3800: Mr. MOLLOHAN, Mr. GIBBONS, Mr. MACK, Mr. IRELAND, Mr. MCCOLLUM, Mr. NELSON of Florida, and Mr. MANTON.

H.R. 3897: Mr. COELHO and Mr. STALLINGS.

H.R. 3968: Mr. FISH.

H.R. 4268: Mr. GUNDERSON.

H.R. 4273: Mr. BORSKI.

H.R. 4338: Mr. PANETTA.

H.R. 4435: Mr. WEISS.

H.R. 4468: Mr. STARK.

H.R. 4682: Mr. EMERSON.

H.R. 4711. Mr. RANGEL.

H.R. 4742: Mr. LEVIN of Michigan.

H.R. 4838: Mr. KASTENMEIER.

H.R. 4945: Mrs. JOHNSON.

H.R. 5007: Ms. KAPTUR, Mr. FRENZEL, Mr. STENHOLM, Mr. COMBEST, Mrs. HOLT, Mr. ROWLAND of Georgia, Mr. LAGOMARSINO, Mr. BERMAN, and Mr. SIKORSKI.

H.R. 5053: Mr. VALENTINE, Mr. LIGHTFOOT, Mr. APPLEGATE, Mrs. VUCANOVICH, and Mr. LEHMAN of Florida.

H.R. 5066: Mr. ECKART of Ohio, Mr. GEJDENSON, and Mr. GARCIA.

H.R. 5067: Mr. GARCIA, Mr. OWENS, Ms. MIKULSKI, and Mr. LEWIS of Florida.

H.R. 5088: Mr. MACKAY.

H.R. 5099: Mr. DENNY SMITH.

H.R. 5184: Mr. ECKERT of New York, and Mr. YOUNG of Florida.

H.R. 5196: Mr. WHITEHURST, Mrs. MARTIN of Illinois, Mrs. ROUKEMA, Mr. TOWNS, and Mr. FEIGHAN.

H.R. 5200: Mr. GRAY of Illinois.

H.R. 5238: Mr. FASCELL, Mr. MCGRATH, and Mr. NIELSON of Utah.

H.R. 5244: Mr. HUBBARD.

H.R. 5327: Mr. SABO, Mr. SWEENEY, and Mr. BUSTAMANTE.

H.R. 5381: Mr. BADHAM, Mr. BARTLETT, Mr. BENNETT, Mr. BROOMFIELD, Mr. BROWN of Colorado, Mr. BURTON of Indiana, Mr. DICKINSON, Mr. DREIER of California, Ms. FIEDLER, Mr. HOPKINS, Mr. HYDE, Mr. KASICH, Mr. KEMP, Mr. LOTT, Mr. MCCANDLESS, Mr. MCDADE, Mr. MARTIN of New York, Mr. MILLER of Ohio, Mr. PARRIS, Mr. RIDGE, Mr. RITTER, Mr. ROTH, Mr. SHAW, Mr. SMITH of New Jersey, Mrs. SMITH of Nebraska, Mr. SWEENEY, Mrs. VUCANOVICH, Mr. WEBER, AND Mr. WHITEHURST.

H.J. Res. 133: Mr. SMITH of Florida, Mr. GARCIA, and Mr. DICKINSON.

H.J. Res. 346: Mr. BADHAM.

H.J. Res. 578: Mr. LANTOS.

H.J. Res. 588: Mr. BONER of Tennessee, Mr. BROWN of California, Mr. MCCAIN, Mr. STUMP, Mr. WYLIE, Mr. LANTOS, Mr. MARTIN of New York, and Mr. UDALL.

H.J. Res. 611: Mr. GIBBONS, Mr. KLECZKA, Mr. STRATTON, Mr. SMITH of Iowa, Mr. EDWARDS of California, Mr. HUCKABY, Mr. MACKAY, Mr. HALL of Ohio, Mr. BEVILL, Mr. DE LA GARZA, Mr. ROEMER, Mr. VOLKMER, Mr. HERTEL of Michigan, Mr. SAVAGE, Mr. CROCKETT, Mr. MONTGOMERY, Mr. LOWRY of Washington, Mr. ATKINS, Mr. BOUCHER, Mr. WEISS, Mr. GUNDERSON, Mr. MARTIN of New York, Mr. DELLUMS, Mr. FLORIO, Mr. GRAY of Pennsylvania, Mr. HYDE, Mr. LIVINGSTON, Mr. DICKINSON, Mr. BADHAM, Mr. DANNEMEYER, Mr. LOWERY of California, Mr. SEIBERLING, Mr. HOPKINS, Mr. RUSSO, Mr. SOLOMON, Mr. ROGERS, Mr. SPENCE, Mrs. MARTIN of Illinois, Mr. GAYDOS, Mr. RALPH M. HALL, Mr. SKELTON, Mr. FORD of Michigan, Mr. SHARP, Mr. STUDDS, Mr. DORGAN of North Dakota, Mr. RAHALL, Mr. WIRTH, Mrs. KENNELLY, Mr. MACK, Mr. BROOKS, Mr. ANTHONY, Mr. TORRICELLI, Mr. SIKORSKI, Mr. NIELSON of Utah, Ms. FIEDLER, Mr. FAWELL, Mr. BATEMAN, Mr. JENKINS, Mr. CLAY, Mr. TORRES, Mr. MICA, and Mr. BARTON of Texas.

H.J. Res. 615: Mr. VENTO, Mr. OWENS, Mr. BROWN of California, Mr. LOWRY of Washington, Mr. DELLUMS, Ms. MIKULSKI, Mr. RANGEL, Mr. AUCOIN, Mr. CALLAHAN, Mr. MCDADE, Mr. FASCELL, Mr. COYNE, Mr. FEIGHAN, Mr. HOWARD, Mr. MATSUI, Mr. MORRISON of Connecticut, Mr. LUNDINE, Mr. PEPPER, Mr. MCGRATH, Mr. LUNGREN, Mr. GUARINI, Ms. OAKAR, Mr. RINALDO, and Mr. MCKINNEY.

H.J. Res. 617: Mr. MCCLOSKEY, Mr. KLECZKA, Mr. WYDEN, Mr. WALGREN, Mr. OBERSTAR, Mr. MORRISON of Washington, Mr. MCCAIN, Mr. WHEAT, Mr. LEWIS of California, Mr. GUARINI, Mr. LATTA, Mr. MCHUGH, Mrs. KENNELLY, Mr. HOYER, Mr. GEKAS, Mr. GEJDENSON, Mr. FRENZEL, Mr. ERDREICH, Mr. DIOGUARDI, Mr. DEWINE, Mr. DARDEN, Mr. CARPER, Mr. KILDEE, Mr. BROWN of California, Mr. ACKERMAN, Mr. FRANK, Mr. DOWDY of Mississippi, Mr. WALDON, Mr. LOWERY of California, Mr. BOLAND, Mr. JENKINS, Mr. LEWIS of Florida, Mr. DURBIN, Mr. FLORIO, and Mr. ANTHONY.

H.J. Res. 628: Mr. FUQUA.

H.J. Res. 670: Mr. LAFALCE, Mr. FISH, and Mr. FUSTER.

H.J. Res. 692: Mr. COBLE, Mr. PASHAYAN, Ms. MIKULSKI, Mr. DE LUGO, Mr. DYMALLY, Mr. BARNARD, Mr. ERDREICH, Mr. DENNY SMITH, Mr. RANGEL, Mr. ASPIN, Mr. JONES of Tennessee, Mr. WALDON, Mr. FORD of Tennessee, Mr. COURTER, Mrs. JOHNSON, Mr. DURBIN, Mr. LIPINSKI, Mr. BOSCO, Mr. DUNCAN, Mr. PICKLE, Mr. RITTER, Mr. DAVIS, Mr. SUNDQUIST, Mr. MOODY, Mr. BOUCHER, and Mr. LEACH of Iowa.

H.J. Res. 698: Mr. RODINO, Mr. DE LA GARZA, Mr. LAGOMARSINO, Mr. FUSTER, Mr. ACKERMAN, Mr. RALPH M. HALL, Mr. HORTON, Mr. NIELSON of Utah, Mr. REID, Mr. DIOGUARDI, Mr. FUQUA, Mr. BARTLETT, Mr. CAMPBELL, Mr. PERKINS, Mr. MINETA, Mr. ANTHONY, Mr. ORTIZ, Mr. BRYANT, Mr. HENRY, Mr. COELHO, Mr. OWENS, Mr. HEFNER, Mr. DWYER of New Jersey, Mr. LIPINSKI, and Mr. SKELTON.

H.J. Res. 699: Mr. RAHALL and Mr. CHENEY.

H. Res. 471: Mr. WISE and Mr. BREAUX.

H. Res. 522: Mrs. VUCANOVICH, Mr. BEREUTER, Mr. GILMAN, Mr. GOODLING, Mr. NIELSON of Utah, and Mrs. BOXER.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3129

By Mr. TORRICELLI:

—Page 176, after line 16, add the following:

(e) DEMONSTRATION OF CERTAIN DRUG AND ALCOHOL TESTING TECHNOLOGY.—

(1) IN GENERAL.—The Secretary is authorized to test a new drug and alcohol testing technology which measures corneal retinal potential as exhibited in the brain function wave form and to determine the potential for applying such technology in preventing drug and alcohol related traffic deaths.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall report to Congress on the effectiveness and the potential for applicaton of the technology described in paragraph (1).

H.R. 5300

By Mr. LOEFFLER:

—In the new section 15 of the Export-Import Bank Act of 1945 as proposed to be added by section 3002 of the bill, strike out "$500,000,000" where such term appears in subsection (a) of such section 15 and insert in lieu thereof "$1,500,000,000".

In the section 164 which is added to the Energy Policy and Conservation Act by section 4405 of the bill, strike out the quotation marks and the period at the end of such section 164 and add the following subsection after subsection (b) of such section 164:

"(c) Notwithstanding any other provision of law, including the Federal Property and Administrative Services Act of 1949, the Secretary of Energy shall sell any or all of the United States' interest in the Naval Petroleum Reserves Numbered 1, 2, and 3, including its interest in any contract for joint, unit, or other cooperative plans covering that Reserve, or in any corporate, partnership, or other business entity to which the United States' interest in that Reserve has been transferred. The sale shall occur no later than June 30, 1987, and the sale price shall be at fair market value or $2,400,000,000, whichever is higher. The proceeds of such sale shall be deposited in the Treasury not later than September f30, 1987.".

In subtitle F of title IV of the bill, make the following amendments:

(1) Strike out the following sections, and redesignate the remaining sections (and conform the table of contents) accordingly:

(A) Section 4501 (relating to direct costs of graduate medical education).

(B) Section 4503 (relating to establishment of research program).

(C) Section 4504 (relating to treatment of group purchasing vendor agreements).

(D) Section 4508 (relating to hospital protocols for organ procurements and standards for organ procurement agencies).

(E) Section 4522 (relating to coverage of occupational therapy services).

(F) Section 4526 (relating to guidelines for use of inherent reasonableness authority).

(G) Section 4530 (relating to payment for oxygen therapy services).

(H) Section 4532 (relating to changing medicare appeal rights).

(I) Section 4533 (relating to Alzheimer's disease demonstration projects).

(2) In section 4502(d), strike "July 1, 1985" and insert "July 1, 1986".

(3) Amend section 4525 to read as follows:

SEC. 4525. PAYMENT FOR PHYSICIANS' SERVICES AND RESTRICTIONS ON REASONABLE CHARGE LIMITATIONS.

(a) DETERMINATION OF MAXIMUM ALLOWABLE PREVAILING CHARGES FOR PHYSICIANS' SERVICES.—

(1) IN GENERAL.—Section 1842(b)(4)(A) of the Social Security Act (42 U.S.C. 1395u(b)(4)(A)) is amended by striking clause (iii) and inserting the following:

"(iii) In determining the maximum allowable prevailing charges which may be recognized consistent with the index described in fourth sentence of paragraph (3) for physicians' services furnished during 1987, by participating and non-participating physicians, respectively, the Secretary shall treat the maximum allowable prevailing charges recognized as of December 31, 1986, under such sentece with respect to participating and non-participating physicians, respectively, as having been justified by economic changes.

"(iv) Beginning with 1987, the percentage increase in the MEI (as defined in subparagraph (E)(ii)) shall be the same for non-participating physicians as for participating physicians.".

(2) CONFORMING AMENDMENT.—Section 1842(b)(4)(C) of such Act is amended—

(A) by striking "(i)" after "(C)", and

(B) by striking clause (ii).

(3) DEFINITIONS.—Section 1842(b)(4) of such Act is further amended by adding at the end the following new subparagraph:

"(E) In this section:

"(i) The term 'participating physician' refers, with respect to the furnishing of services, to a physician who at the time of furnishing the services is a participating physician (under subsection (h)(1)), and the term 'non-participating physician' refers, with respect to the furnishing of services, a physician who at the time of furnishing the services is not a participating physician.

"(ii) The term 'percentage increase in the MEI' means, with respect to physicians' services furnished in a year, the percentage increase in the medicare economic index (referred to in the fourth sentence of paragraph (3)) applicable to such services furnished as of the first day of that year.".

(4) EFFECTIVE DATE.—the amendments made by this subsection shall apply to services furnished on or after January 1, 1987.

(b) LIMIT ON ACTUAL CHARGES FOR NON-PARTICIPATING PHYSICIANS DURING 1987.—

(1) IN GENERAL.—Section 1842(j)(1) of such Act is amended—

(A) by inserting "(A)" after "(j)(1)", and

(B) by adding at the end the following new subparagraph:

"(B) During any period in 1987 during which a physician is a non-participating physician, the Secretary shall monitor each such physician's actual charges for physicians' services furnished to individuals enrolled under this part. If such physician knowingly and willfully bills for such services actual charges in excess of the charges permitted under subparagraph (C), the Secretary may apply sanctions against such physician in accordance with paragraph (2).

"(C) For physician' services furnished by a physician to individuals enrolled under this part for which the physician has—

"(i) actual charges for the calendar quarter beginning on April 1, 1984, the limit is the physician's actual charges for such services furnished during such quarter increased by the sum of the percentage increase in the MEI (as defined in subsection (b)(4)(E)) for 1987 and 2 percentage points, or

"(ii) has not actual charges for such calendar quarter, the limit is the 50th percentile of the customary charges (weighted by frequency of procedure) for the procedure performed by non-participating physicians in the locality during the 12-month period ending June 30, 1986, increased by the sum of the percentage increase in the MEI for 1987 and 2 percentage points.".

(2) PROVISION OF ACTUAL CHARGE INFORMATION BY CARRIER TO NON-PARTICIPATING PHYSICIANS.—Section 1842(b)(3) of such Act is amended—

(A) by striking "and" at the end of subparagraph (E),

(B) by inserting "and" at the end of subparagraph (F), and

(C) by inserting after subparagraph (F) the following new subparagraph:

"(G) will provide during 1987 such information to non-participating physicians as is available to enable the physicians to determine the maximum actual charges permitted under subsection (j)(1)(C);".

(3) CONFORMING AMENDMENT.—Section 1842(b)(4)(D) is amended by adding at the end the following new clause;

"(iv) In determining the customary charges for physicians' services furnished during 1988 or 1989, if a physician was a non-participating physician in 1987 the Secretary shall not recognize any amount of such charges for services furnished during such previous year that exceeds the limit on actual charges imposed under subsection (j)(1)(C)."

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to services furnished on or after January 1, 1987.

(d) PROHIBITING RETROACTIVE ADJUSTMENT OF MEDICARE ECONOMIC INDEX.—The Secretary of Health and Human Services is not authorized to revise the economic index referred to in the fourth sentence of section 1842(b)(3) of the Social Security Act in a manner that provides, for any period before January 1, 1985, for the substitution of a rental equivalence or rental substitution factor for the housing component of the consumer price index.

(e) RESTRICTIONS ON REASONABLE CHARGE LIMITATIONS.—

(1) IN GENERAL.—Section 1842(b)(8) of the Social Security Act (42 U.S.C. 1395(b)(8)) is amended by adding at the end the following: "Nothing in this paragraph or this Act shall be construed as authorizing the Secretary, through regulations, guidelines, instructions, or otherwise, to require carriers to reduce payment amounts under this part for specific items and services for which the Secretary has made a specific determination that the payments amounts or charges are excessive.".

(2) SUBMISSION OF RECOMMENDATIONS TO CONGRESS.—The Secretary of Health and Human Services, after consultation with the Physician Payment Review Commission, shall submit to Congress, by not later than April 1, 1987, recommendations concerning payment reductions under part B of title XVIII of the Social Security Act for overpriced items and services. Such recommendations shall include the specific payment reductions recommended and measures to assure that such reductions in payment do not result in corresponding increases in out-of-pocket costs to medicare beneficiaries.

At the end of title IV add the following new subtitle:

Subtitle G—Conrail

SEC. 4601. SHORT TITLE.

This subtitle may be cited as the "Conrail Public Sale Act of 1986".

SEC. 4602. DEFINITIONS.

(a) In this subtitle, unless the context otherwise requires, the term—

(1) "closing date" means the date that any interest of the United States in the common stock of Conrail is transferred pursuant to section 401(b)(2) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(b)(2)); and

(2) "Conrail" means the Consolidated Rail Corporation.

PART 1—AMENDMENTS TO THE REGIONAL RAIL REORGANIZATION ACT OF 1973 AND THE NORTHEAST RAIL SERVICE ACT OF 1981

SEC. 4611. LIMIT ON AUTHORITY TO PURCHASE STOCK.

Section 216(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(b)) is amended by adding at the end the following new paragraph:

"(5) The authority of the Association to purchase debentures or Series A preferred stock of the Corporation shall terminate upon the date of the enactment of the Conrail Public Sale Act of 1986.".

SEC. 4612. IMPLEMENTATION OF SALE.

(a) AMENDMENT.—Section 401 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761) is amended to read as follows:

"SALE OF THE CORPORATION

"SEC. 401. (a) PAYMENT BY CONRAIL TO THE UNITED STATES.—As soon as practicable after the date of the enactment of the Conrail Public Sale Act of 1986, the Secretary of Transportation shall require Conrail to pay to the United States an amount determined by such Secretary as consideration, along with terms contained in the covenants established by the Secretary under section 404 of this Act, for past assistance to Conrail by the United States. The Secretary shall attempt to obtain for the United States, through the amount determined under this subsection and amounts realized from the public offering under subsection (b)(2), $2,000,000,000.

"(b) PUBLIC STOCK OFFERING.—(1) Within 30 days after the date of enactment of the Conrail Public Sale Act of 1986, the Secretary shall engage the services of one or more investment banking firms, which firm(s) shall arrange for the sale of the interest of the United States in the common stock of the Corporation in one or more public stock offerings.

"(2) The investment banking firm(s) engaged by the Secretary under paragraph (1) shall, as soon as practicable after their engagement by the Secretary, sell, in public offering pursuant to a registration statement prepared by the Corporation as soon as practicable after the date of enactment of the Conrail Public Sale Act of 1986 and declared effective by the Securities and Exchange Commission, as much of the common stock of the Corporation as can, in the judgment of the Secretary in consultation with such investment banking firm(s), be sold to the public in such offering at a price per share to be determined by the Secretary and such firm(s).

"(3) In the event that less than all of the total number of shares of common stock of the Corporation can be sold in the first public stock offering under paragraph (2), the remainder of such stock shall be sold by the investment banking firm(s) engaged by the Secretary under paragraph (1) in one or more additional public stock offerings pursuant to registration statement(s) prepared by the Corporation and declared effective

by the Securities and Exchange Commission. The timing of such sales, together with the number of shares to be sold and the price per share to the public, shall be determined by the Secretary in consultation with such investment banking firm(s); provided, however, that such sales shall take place as soon as practicable after the first public offering under paragraph (2).

"(c) ANTI-TAKEOVER RESTRICTION.—No person (with the exception of the ESOP), affiliated group of persons, or group of persons acting in concert may, for a period of five years beginning on the closing date, hold or acquire more than 10 percent of the outstanding shares of any class of the voting stock of the Corporation.".

(b) CLERICAL AMENDMENT.—The item in the table of contents of the Regional Rail Reorganization Act of 1973 relating to section 401 is amended to read as follows:

"Sec. 401. Sales of the Corporation.".

SEC. 4613. CANCELLATION OF DEBT AND PREFERRED STOCK.

Section 402 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 762) is amended to read as follows:

DEBT AND PREFERRED STOCK

"SEC. 402. (a) RECAPITALIZATION.—In connection with the sale of the interest of the United States in the common stock of the Corporation under section 401, the Secretary shall take such action as may be necessary to cause the Corporation to be recapitalized to assure that the interest of the United States, or any agent or instrumentality thereof, and all other commitments or obligations of the Corporation to the United States or any agent or instrumentality thereof arising out of such interest, in any debt (including accrued interest and contingent interest thereon) and preferred stock (including accrued and unpaid dividends thereon) of the Corporation shall be cancelled or retired, and contributed to the capital of the Corporation. The Secretary shall cause the recapitalization authorized by this subsection to be effective as soon as practicable after the date of the enactment of the Conrail Public Sale Act of 1986.

"(b) EFFECT.—For purposes of regulation by the Commission and State public utility regulation, the recapitalization authorized by this section, the sale of the interest of the United States in the common stock of the Corporation, and the value of the consideration received therefor by the United States shall not reduce the Corporation's investment net of depreciation in any of its assets and shall not affect the calculation of the Corporation's stock or asset values, expenses, costs, returns, profits, or revenues, or otherwise affect or be the basis for a change in the regulation of any railroad service, rate, or practice of the Corporation, including any service, rate, or practice of the Corporation, including any service, rate, or practice provided or established by the Corporation in connection with other carriers.".

SEC. 4614. PUBLIC INTEREST COVENANTS.

(a) AMENDMENT.—Section 404 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 764) is amended to read as follows:

"PUBLIC INTEREST COVENANTS

"SEC. 404. As soon as practicable after the date of the enactment of the Conrail Public Sale Act of 1986, the Secretary and the Corporation shall execute an agreement providing for public interest rail service and financial covenants, as determined by the Secretary to be necessary and appropriate. The Corporation and the Secretary shall take all necessary actions, including without limitation, the amendment of the Corporation's Amended Articles of Incorporation (such amendment to be effective on the closing date) in order to impose upon the Corporation any and all affirmative and negative public interest covenants specified by the Secretary.".

(b) CLERICAL AMENDMENT.—The item in the table of contents of the Regional Rail Reorganization Act of 1973 relating to section 404 is amended to read as follows:

"Sec. 404. Public interest covenants.".

SEC. 4615. RESPONSIBILITY OF EMPLOYEE STOCK OWNERSHIP PLAN FIDUCIARIES.

(a) FIDUCIARY RESPONSIBILITY.—Section 216(f)(8)(A) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(f)(8)(A)) is amended—

(1) by striking out "or" at the end of clause (ii);

(2) by striking out the period at the end of clause (iii) and inserting in lieu thereof "; or";

(3) by adding at the end the following new clause:

"(iv) for or in connection with any action taken to implement the the sale of the interest of the United States in the common stock of the Corporation pursuant to the Conrail Public Sale Act of 1986, including any sale, exchange, valuation, distribution, or disposition of plan and related trust assets, or the assets of ConRail Equity Corporation, in connection with implementation of such sale, and any determination of the terms on which any such sale, exchange, valuation, distribution, or disposition is effected."; and

(4) by striking out "or (iii)" and inserting in lieu thereof "(ii), or (iv)" in the last sentence thereof.

(b) LIMITATION.—Section 216(f)(8)(B) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 726(f)(8)(B)) is amended by adding at the end thereof the following sentence: "This subparagraph shall not apply to any action taken to implement the sale of the interest of the United States pursuant to the Conrail Public Sale Act of 1986, as provided in subparagraph (A).".

SEC. 4661. LABOR PROTECTION.

(a) CONTINUATION OF BENEFIT SCHEDULE.—Notwithstanding any other provision of law, the benefit schedule prescribed by the Secretary of Labor under section 701(a)(2) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 797(a)(2)) shall continue in force and effect until superseded by an agreement between Conrail and the representatives of the various classes and crafts of employees of Conrail providing for protection for employees of Conrail.

(b) FUNDING RESPONSIBILITY.—Conrail shall be responsible for funding all benefits under subsection (a) accruing after the closing date, and the United States shall not be liable for any such benefits after that date.

SEC. 4617. SPECIAL COURT JURISDICTION.

Section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105) is amended—

(1) by inserting "or the Conrail Public Sale Act of 1986" after "subtitle" each place it appears;

(2) in the second sentence of subsection (c), by inserting ", as the case may be," after the insertion made by paragraph (1) of this section;

(3) in subsection (a), by striking out "or" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; or", and by adding at the end the following new paragraph:

"(5) brought by the Secretary to enforce any obligation of Conrail under any agreement entered into under section 404 of the Regional Rail Reorganization Act of 1973."; and

(4) by adding at the end the following new subsections:

"(e) The special court may stay or enjoin any action or proceeding in any State court or in any court of the United States other than the Supreme Court or any administrative action or proceeding before or by any agency or instrumentality of the United States or of any State, territory, or possession of the United States or otherwise, if such action or proceeding is contrary to any provision of or amendment made by this subtitle or the Conrail Public Sale Act of 1986, impairs the effective implementation of any provision of or amendment made by this subtitle or the Conrail Public Sale Act of 1986, interferes with the execution of any order of the special court pursuant to any provision of or amendment made by this subtitle or the Conrail Public Sale Act of 1986, or is within the exclusive and original jurisdiction of the special court.

"(f)(1) The special court shall not hear or determine any action with respect to or arising out of the Conrail Public Sale Act of 1986 prior to the closing date except as the Constitution may require or as provided in this subsection or subsection (e). The Secretary shall be authorized at any time and from time to time to bring an action with respect to, arising out of, or related to the agreement described in section 404 of the Regional Rail Reorganization Act of 1973.

"(2) Any challenge to the sale of the interest of the United States in the common stock of Conrail or other actions under the Conrail Public Sale Act of 1986 occurring at or prior to the closing date, or any claim that the sale of the interest of the United States in the common stock of Conrail was improper, unauthorized, not in the public interest, in violation of the rights of others, or otherwise invalid or ineffective shall be forever barred and extinguished unless commenced within six months after the closing date.".

SEC. 4618. APPLICABILITY OF OTHER LAWS.

Section 1168(a) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1116(a)) is amended by striking out "implementing service transfers" and inserting in lieu thereof "implementing the sale of the interest of the United States in the common stock of Conrail".

SEC. 4619. APPLICABILITY OF REGIONAL RAIL REORGANIZATION ACT OF 1973 TO CONRAIL AFTER SALE.

Section 301 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 741) is amended by adding at the end a new subsection as follows:

"(k) GOVERNING PROVISIONS AFTER SALE.—The provisions of this Act shall not apply to the Corporation and to activities and other actions and responsibilities of the Corporation and its directors after the closing date, except for—

"(1) section 102;

"(2) section 201(d);

"(3) section 203, but only with respect to information relating to proceedings before the special court established under section 209(b);

"(4) section 209, other than subsection (f) thereof;

"(5) section 216(f)(8), but only as such authority applies to activities related to the ESOP and related trusts before, or in con-

nection with, the sale of the interest of the United States in the common stock of the Corporation;

"(6) section 216(f)(9), but only as such indemnification applies to activities relating to the ESOP and related trust before, or in connection with, the sale of the interest of the United States in the common stock of the Corporation;

"(7) section 216(f)(10) with respect to all securities of the Corporation issued or transferred before the closing date and all securities of Conrail Equity Corporation and all interests in the ESOP;

"(8) section 217 (c) and (e);

"(9) subsection (b) of this section, but only with respect to matters covered by the last sentence of such subsection;

"(10) section 302, but only to the extent of (A) the creation and maintenance of the power and authority of the Corporation to operate rail service and to rehabilitate, improve, and modernize rail properties, and (B) the creation and maintenance of the powers of the Corporation as a railroad in any State in which it operates as of the closing date;

"(11) section 303(b) (1) and (2), but only to the extent of establishing the legal effect of the conveyance of property ordered and of the deeds and other instruments executed, acknowledged, delivered, or recorded in connection therewith and the quality of title acquired in such property;

"(12) section 303(b)(6), but only with respect to establishing and maintaining the rights of the Corporation with respect to, limiting its obligations with respect to, and establishing the status of, the employee pension and welfare benefit plans transferred to the Corporation thereunder and with respect to the exclusivity of the jurisdiction of the special court and the limitation of jurisdiction of other courts;

"(13) section 303(e);

"(14) section 304, but only with respect to the finality of abandonments completed before the closing date pursuant to the authority thereof;

"(15) section 305, but only as to the effect, and continuing administration, of supplemental transactions consummated before the closing date;

"(16) section 308, but only as to abandonments of lines where a notice or notices of insufficient revenues with respect to such lines have been filed before November 1, 1985;

"(17) section 401;

"(18) section 402;

"(19) section 404;

"(20) section 408;

"(21) section 601(a)(2), but only with respect to activities before the closing date;

"(22) section 601(b)(2) and (b)(3), but only with respect to issuance of and transactions in any security of the Corporation before the closing date;

"(23) section 701, but only as may be necessary to identify employees eligible for benefits prescribed under that section and as provided in section 4616 of the Conrail Public Sale Act of 1986;

"(24) section 702(e);

"(25) section 704(b);

"(26) sections 706(a), 707 and 708(a), but only in that they establish part of the prevailing status quo for the Corporation's employees' rates of pay, rules, and working conditions. Such provisions shall continue to apply unless changed pursuant to section 6 of the Railway Labor Act;

"(27) section 709;

"(28) section 710(b)(1);

"(29) section 711; and

"(30) section 714, but only with regard to disputes or controversies specified in such section that arose before the closing date.".

PART 2—TECHNICAL AND CONFORMING AMENDMENTS AND REPEALS

SEC. 4631. REGIONAL RAIL REORGANIZATION ACT OF 1973 AMENDMENTS AND REPEALS.

The following provisions of the Regional Rail Reorganization Act of 1973 are repealed or amended as follows:

(1) Section 102 (45 U.S.C. 702) is amended—

(A) by inserting after paragraph (1) the following new paragraph:

"(1A) 'closing date' means the date that any interest of the United States in the common stock of the Corporation is transferred pursuant to section 401(b)(2);"; and

(B) by inserting after paragraph (7) the following new paragraph:

"(7A) 'ESOP' means the consolidated Rail Corporation Employee Stock Ownership Plan adopted July 25, 1980, as amended, and the trust created in connection therewith;";

(2) Section 214 (45 U.S.C. 724) and the iten relating thereto in the table of contents are repealed.

(3) Subsection (c) of section 217 (45 U.S.C. 727(c)) is amended by striking out ", until the property" and all that follows and inserting in lieu thereof "the statutory payment date of which, determined without regard to any extensions of time for filing, occurs on or before the closing date.".

(4) Subsection (e) of section 217 (45 U.S.C. 727(e)) is amended by striking out "and shall collect".

(5) Section 405 (45 U.S.C. 765) and the item relating thereto in the table of contents are repealed.

(6) Section 406 (45 U.S.C. 766) and the item relating thereto in the table of contents are repealed.

(7) Section 407 (45 U.S.C. 767) and the item relating thereto in the table of contents are repealed.

(8) Subsections (a), (b), and (d) of section 408 (45 U.S.C. 768(a), (b), and (d)) are repealed.

(9) Subsection (c) of section 408 (45 U.S.C. 768(c)) is amended by striking "No" and inserting in lieu thereof "Except as provided in section 1152 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1105), no".

(10) Section 409 (45 U.S.C. 769) and the item relating thereto in the table of contents are repealed.

(11) Section 410 (45 U.S.C. 769a) and the item relating thereto in the table of contents are repealed.

(12) Section 411 (45 U.S.C. 769b) and the item relating thereto in the table of contents are repealed.

(13) Section 412 (45 U.S.C. 769c) and the item relating thereto in the table of contents are repealed.

(14) Section 713 (45 U.S.C. 7971) and the item relating thereto in the table of contents are repealed.

SEC. 4632. AMENDMENTS AND REPEALS OF OTHER RAIL LAWS.

The following provisions of law are repealed or amended as follows:

(1) Section 1135(a) of the Northeast Rail Service Act of 1981 (45 U.S.C. 1104(a)) is amended by inserting after paragraph (5) the following new paragraph:

"(5A) 'closing date' means the date any interest of the United States in the common stock of Conrail is transferred pursuant to section 401(b)(2) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 761(b)(2));".

(2) Section 1154 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1107) and the item relating thereto in the table of contents are repealed.

(3) Section 1161 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1110) and the item relating thereto in the table of contents are repealed.

(4) Section 1166 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1114) and the item relating thereto in the table of contents are repealed.

(5) Subsection (c) of section 1167 of the Northeast Rail Service Act of 1981 (45 U.S.C. 1115(c)) is repealed.

(6) Section 501(8) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821(8)) is amended by striking out "(A)"; and by striking out all that follows "improved asset utilization;".

(7) Section 505 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825) is amended—

(A) in subsection (a)(1), by striking out all after "railroad" through "1981)"; and

(B) in subsection (b)(2)(C) by striking out all after "costs" the second time it appears through "subsidy".

(8) Subsection (b)(1) of section 509 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 829(b)(1)) is repealed.

(9) Section 511(e) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(e)) is amended—

(A) by striking out "(1)" in the first paragraph;

(B) by striking out all that follows "time" in the first paragraph and inserting in lieu thereof a period; and

(C) by striking out paragraph (2).

(10) Section 402 of the Rail Safety and Service Improvement Act of 1982 (45 U.S.C. 825a) is repealed.

(11) Section 1005(b)(1) of the Rail Passenger Service Act (45 U.S.C. 655(b)(1)) is amended by striking out "the Consolidated Rail Corporation,".

(12) Section 10362(b)(7)(A) of title 49, United States Code, is amended by striking out "by the Consolidated Rail Corporation or".

(13) Section 332(d) of title 49, United States Code, is amended by striking out ", the Consolidated Rail Corporation,".

PART 3—MISCELLANEOUS PROVISIONS

SEC. 4641. COMMON CARRIER STATUS OF CONRAIL AFTER SALE.

Conrail shall be a rail carrier as defined in section 10102(19) of title 49, United States Code, notwithstanding this subtitle.

SEC. 4642. SEPARABILITY

If any provision of this subtitle or the application thereof to any person or circumstances is held invalid, the remainder of this subtitle and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 4643. EFFECT ON CONTRACTS.

Nothing in this subtitle shall affect any obligation of Conrail to carry out its transportation contracts and equipment leases, equipment trusts, and conditional sales agreements, in accordance with their terms.

SEC. 4644. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of and amendments made by this subtitle shall take effect on the date of the enactment of this Act.

(b) EXCEPTIONS.—Sections 4616, 4631, and 4632 of this Act shall take effect on the closing date, except that sections 4631(1) and

4632(1) shall take effect on the date of the enactment of this Act.

After section 7002, add the following:

SEC. 7003. TEMPORARY VOLUNTARY EARLY RETIREMENT AUTHORITY.

Section 8336 of title 5, United States Code, is amended—

(1) by redesignating subsection (m) as subsection (n); and

(2) by inserting after subsection (l) the following:

"(m)(1) Except as provided in paragraph (2) of this subsection, an employee who—

"(A) during the 90-day period beginning 60 days after the date of the enactment of the Omnibus Budget Reconciliation Act of 1986, is separated from the service, except by removal for cause on charges of misconduct or delinquency—

"(i) after completing 25 years of service;

"(ii) after becoming 50 years of age and completing 20 years of service;

"(iii) after becoming 55 years of age and completing 15 years of service; or

"(iv) after becoming 57 years of age and completing 5 years of service; and

(B) is not entitled to an annuity under section 8337 of this title or subsection (a), (b), (d), (f), (h), or (j) of this section,

is entitled to an annuity.

"(2) Paragraph (1) of this subsection shall not apply to a bankruptcy judge, a judge of the United States Court of Military Appeals, an individual employed by the government of the District of Columbia, or any law enforcement officer, firefighter, or air traffic controller who is not in a supervisory or administrative position, as determined by the Director of the Office of Personnel Management.".

SEC. 7004. COMPUTATION OF ANNUITY.

The first sentence of section 8339(h) of title 5, United States Code, is amended by striking "or (j)" and inserting ", (j), or (m)".

SEC. 7005. APPLICATION OF AMENDMENTS TO OTHER FEDERAL GOVERNMENT RETIREMENT SYSTEMS.

The President shall extend the application of the amendments made by sections 7003 and 7004—

(1) to participants in the Central Intelligence Agency Retirement and Disability System and their survivors under section 292 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note);

(2) to participants in the Foreign Service Retirement and Disability System and their survivors under section 827 of the Foreign Service Act of 1980 (94 Stat. 2124; 22 U.S.C. 4067); and

(3) if determined appropriate by the President, in like manner to employees in the Executive branch who are participants in any other Federal Government retirement system and their survivors.

SEC. 7006. EXEMPTION FOR ESSENTIAL OCCUPATIONAL CATEGORIES.

(a) IN GENERAL.—An officer or employee in the Executive branch retiring under section 8336(m) of title 5, United States Code (as added by section 7003(2)), or pursuant to section 7005, is not entitled to an annuity under or pursuant to any such section if, immediately before the retirement, the officer or employee—

(1) is serving in a position in an exempt occupational category,

(2) is working on an exempt project, or

(3) is serving in a position in an exempt location, designated under subsection (b).

(b) EXEMPTION AUTHORITY.—The President or his designee may, for the purposes of this section, designate—

(1) as an exempt occupational category any occupational category in an Executive agency that is essential for the continuous performance of a critical mission of the Executive agency;

(2) as an exempt project any project carried out by an Executive agency that is an essential project in the interests of the Federal Government; and

(3) as an exempt location any location at which a responsibility of an Executive agency is carried out if, because of the undesirability of such location, it is difficult to fill employee vacancies at the location by voluntary transfers of other employees.

(c) LIMITATIONS ON AUTHORITY.—(1) A designation under subsection (b) shall be effective for the purposes of this section only if it is made in writing not later than 29 days after the date of the enactment of this Act.

(2)(A) The authority provided in subsection (b) may not be exercised in a manner that precludes more than 25 percent of the eligible officers and employees in an Executive agency from being entitled to an annuity under section 8336(m) of title 5, United States Code, or pursuant to section 7005.

(B) For the purpose of subparagraph (A), the term "eligible officers and employees" mean the officers and employees of the Federal Government who, without regard to subsection (a), would be entitled, upon separation from Federal Government employment, to an annuity under section 8336(m) of title 5, United States Code, or pursuant to section 7005.

(d) DEFINITION.—For the purposes of this section, the term "Executive agency" has the same meaning as provided in section 105 of title 5, United States Code, except that such term also includes the military departments specified in section 102 of such title.

SEC. 7007. HOLDOVER OF ESSENTIAL EMPLOYEES.

(a) IN GENERAL.—(1) An officer or employee in the Executive branch is not entitled to an annuity under section 8336(m) of title 5, United States Code (as added by section 7003(2)), or pursuant to section 7005, if, immediately before separating from Federal Government employment, the officer or employee is serving as an essential employee designated under subsection (b) of this section.

(2) An officer or employee of an Executive agency who—

(A) separates from Federal Government employment immediately upon the termination of a designation under subsection (b); and

(B) during the 90-day period provided in section 8336(m) of title 5, United States Code, or pursuant to section 7005, has given such Executive agency appropriate notice of his intention to separate from Federal Government employment under or pursuant to such section 8336(m) or 7005 (as the case may be),

shall be entitled to an annuity under or pursuant to such section notwithstanding that the separation becomes effective after the expiration of such 90-day period.

(b) HOLDOVER AUTHORITY.—The head of an Executive agency may designate, for the purposes of this section, any officer or employee in such Executive agency as essential for (1) the continuous progress of a critical project under the responsibility of the Executive agency, or (2) the continuous performance of a critical responsibility assigned to such officer or employee by the Executive agency.

(c) LIMITATION ON AUTHORITY.—A designation under subsection (b) may not be effective for more than 6 months.

(d) DEFINITION.—For the purposes of this section, the term, "Executive agency" has the same meaning as provided in section 105 of title 5, United States Code, except that such term also includes the military departments specified in section 102 of such title.

SEC. 7008. LIMITATION ON REPLACEMENT OF RETIREES.

(a) IN GENERAL.—(1) Notwithstanding any other provision of law, except as provided in subsection (b), (c), (d), (e), or (f), an appointment may not be made to a position of civilian employment in the Executive branch on any day during the hiring limitation period, unless the full-time employee equivalent of the total number of civilian employees in the Executive branch (excluding the United States Postal Service and the Postal Rate Commission) after such appointment on such day does not exceed the maximum authorized full-time employee equivalent number determined for such day, as provided in paragraph (2)(A).

(2) For the purposes of paragraph (1)—

(A) the term "maximum authorized full-time employee equivalent number" means—

(i) with respect to any day during the 90-day period provided in section 8336(m) of title 5, United States Code, or pursuant to section 7005, the excess of—

(I) the full-time employee equivalent number that describes the total number of civilian employees employed in positions in the Executive branch (excluding the United States Postal Service and the Postal Rate Commission) on the date 29 days after the date of the enactment of this Act, over

(II) the full-time employee equivalent number that describes the total number of such employees who have retired during such period (on or before such day) entitled to an annuity under subchapter III of chapter 83 of title 5, United States Code, or any other Federal Government retirement system for officers and employees of the Federal Government; and

(ii) with respect to any other day during the hiring limitation period, the excess of—

(I) the full-time employee equivalent number determined under subclause (i)(I), over

(II) the full-time employee equivalent number that describes the total number of employees referred to in subclause (i)(I) who, during the 90-day period referred to in subclause (i), retired entitled to an annuity under subchapter III of chapter 83 of title 5, United States Code, or any other Federal Government retirement system for officers and employees of the Federal Government; and

(B) the term "hiring limitation period" means the period beginning on the date 30 days after the date of the enactment of this Act and ending at the end of the third year which begins on or after the first day of such period.

(b) WAIVER.—(1) The President or his designee may waive the application of subsection (a) in the case of a position or a category of positions in the Executive branch if the President (or his designee) determines that—

(A) the position or positions are essential for the performance of an Executive responsibility; or

(B) the estimated aggregate cost of such position or positions during the hiring limitation period described in subsection (a)(2)(B) does not exceed the estimated aggregate amount of user fees that will be collected by the Federal Government for services performed under a Federal Government

program or programs during such period by an employee in such position or employees in such positions.

(2) The President (or his designee) may not exercise the waiver authority provided in paragraph (1) in a manner that results in increased pay and other personnel costs in any Executive agency that exceed the amount of the cost savings which result from the implementation of section 7003 through 7009 and any amendments made by such sections in the case of such Executive agency.

(c) INAPPLICABILITY OF LIMITATION TO THE POSTAL SERVICE AND THE POSTAL RATE COMMISSION.—Subsection (a) does not apply to positions in the United States Postal Service or under the Postal Rate Commission.

(d) INAPPLICABILITY OF LIMITATION TO CERTAIN REINSTATEMENTS.—Subsection (a) does not apply in the case of an individual who is reinstated to a position of employment the individual formerly held in the Executive branch by order of a court of the United States having jurisdiction to issue such order or by reason of an action of the Merit Systems Protection Board or the Special Counsel of the Merit Systems Protection Board authorized by law.

(e) INAPPLICABILITY OF LIMITATION TO CERTAIN TRANSFER.—Subsection (a) does not prohibit the transfer of employees in the Executive branch for the purpose of filling a vacancy in an Executive branch position.

(f) INAPPLICABILITY OF LIMITATION DURING A PERIOD OF WAR OR NATIONAL EMERGENCY.—Subsection (a) shall not apply during a period of war declared by the Congress or a period of national emergency declared by the Congress or the President.

(g) LIMITATION ON PROCUREMENT OF PERSONAL SERVICES.—The President shall take appropriate action to ensure that there is no increase in the procurement of personal services by contract by reason of the enactment of this section except in cases in which it is to the financial advantage of the Federal Government to increase the procurement of such services.

(h) DEFINITION.—For the purposes of this section, the term "employee" has the same meaning as provided in section 2105 of title 5, United States Code.

SEC. 7009. REGULATIONS.

The President or his designee may prescribe regulations to carry out sections 7006, 7007, and 7008.

SEC. 7010. LIMITATION ON USE OF SAVINGS.

(a) IN GENERAL.—(1) None of the budget authority and outlays saved in any fiscal year by reason of the reduced pay and other personnel costs resulting from the optional early retirement program and the limitation on replacement of retirees provided under sections 7003 through 7009 and any amendments made by such sections may be obligated or expended for any purpose.

(2) The total amount of budget authority and outlays saved in any fiscal year (as described in paragraph (1)) shall be credited against any amount of pay and other personnel costs required to be sequestered in such fiscal year under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177).

(b) AUDITS.—The Comptroller General of the United States may audit the records of any agency of the Federal Government to determine the level of compliance with the requirements of subsection (a).

(c) NOTICE OF NONCOMPLIANCE.—The Comptroller General of the United States shall notify Congress, in writing, of any noncompliance with the requirements of subsection (a).

SEC. 7011. PROGRAM REPORT.

(a) IN GENERAL.—Not later than 13 months after the date of the enactment of this Act, the Director of the Office of Personnel Management shall transmit to Congress a report containing an evaluation of the optional early retirement program and the limitation on replacement of retirees provided under sections 7003 through 7009.

(b) CONTENTS OF REPORT.—The report under subsection (a) shall include the following matters:

(1) The number of employees who have retired under the optional early retirement program, stated by employing agency, by age group of the retirees, and by grade or other position classification of the retirees.

(2) The number and description of the exempt occupational categories, projects, and locations designated under section 7006(b) and the reasons such categories, projects, and locations have been so designated.

(3) The number of employees who have been designated as essential employees under section 7007(b) and the reasons such employees have been so designated.

(4) The number of employees appointed under the waiver authority provided in section 7008(b) (stated in full-time employee equivalent numbers) and the reasons for the appointments.

(5) The amount of the savings in pay and other personnel costs that have resulted, before the date of the report, from the implementation of sections 7003 through 7009 and any amendments made by such sections.

(c) ADMINISTRATIVE PROVISION.—The Director of the Office of Personnel Management may obtain from any agency of the Federal Government such information as the Director determines necessary to prepare the report required by subsection (a).

SEC. 7012. REVISIONS IN BUDGET ALLOCATIONS AND AGGREGATES.

(a) REPORTS BY COMMITTEES ON THE BUDGET.—Upon the enactment of this Act, the Committees on the Budget of the Senate and the House of Representatives shall report to their respective Houses revised allocations, pursuant to section 302(a) of the Congressional Budget Act of 1974, and revised budget aggregates to carry out sections 7003 through 7009 and any amendments made by such sections.

(b) REPORTS BY OTHER COMMITTEES OF CONGRESS.—Upon the reporting of revised allocations under subsection (a), the appropriate committees of the Senate and the House of Representatives shall report revised allocations, pursuant to section 302(b) of the Congressional Budget Act of 1974, to carry out sections 7003 through 7009 and any amendments made by such sections.

(c) TREATMENT OF REPORTED REVISIONS.—Revised allocations and budget aggregates reported under this section shall be considered for the purposes of the Congressional Budget Act of 1974 as aggregates contained in and allocations pursuant to S. Con. Res. 120 (99th Congress, Second Session), the concurrent resolution on the budget for fiscal year 1987.

In subtitle B of title X, strike out sections 10101 and 10103.

In subtitle C of title X, make the following amendments:

(1) Strike section 10204 (and conform the table of contents accordingly).

(2) In section 10205, strike subsections (f), (g), and (i).

(3) In the matter added by section 10221(c)(1)(B), strike "(or the 11th calendar day, the case of a claim for services furnished by a participating physician or supplier)" both places it appears.

(4) In section 10222, strike subsection (a).

(5) In section 10232—

(A) in the section heading, strike "PAYMENT" and all that follows through "AND", (and conform the table of contents accordingly), and

(B) strike subsections (a) through (e) and redesignate subsections (f) through (j) as subsections (a) through (e), accordingly.

(6) In section 10234(c), strike "1987" and insert "1988".

SENATE—*Wednesday, August 13, 1986*

(Legislative day of Monday, August 11, 1986)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

* * * *they who wait on the Lord shall renew their strength, they shall mount up with wings like eagles, they shall run and not be weary, they shall walk and not faint.*—Isaiah 40:31.

Our fathers' God, Isaiah speaks to us with profound relevance for these tumultuous days. Long hours, controversy and conflict, political realities, portend great stress, tired bodies, weary minds, raw emotions, edgy nerves, exhaustion, because of which, harsh, hurting, demeaning words come easily, decisiveness fades. Help us all to appreciate the sheer necessity for quiet moments when time is most unyielding. Help us heed the penetrating words of Henri Nouwen: "Somewhere we know that without a lonely place our lives are in danger. Somewhere we know that without silence, words lose their meaning—without listening, speaking no longer heals—without distance, closeness cannot cure—without a lonely place our actions quickly become empty gestures." In the midst of this inescapable intensity, help us to find time—make time, however brief, to wait upon the Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able and distinguished majority leader, Senator ROBERT DOLE of Kansas, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, under the standing order, the leaders have 10 minutes each, with routine morning business then not to extend beyond the hour of 9:15, with Senators permitted to speak therein for not more than 5 minutes each. At 9:15, by unanimous consent, we will return to the military construction appropriations bill. Pending is the Pell amendment, 10 minutes equally divided. Then we move to a Harkin amendment, 30 minutes equally divided, then a vote on the Harkin amendment, then a vote on the Pell amendment, and then we will turn to the Melcher amendment under a 40-minute time agreement, which would come at approximately 10:45.

We do have the cloture votes at 12 o'clock and, of course, unless we can invoke cloture on both South Africa and Contra aid the agreement disappears. Hopefully we will have cloture on both matters. If that is the case, there will be votes throughout the day. The first vote could occur about 9:15, and there will be votes throughout the day and late, late into the evening, probably near midnight.

□ 0850

BERLIN: BRING THE WALL DOWN

Mr. DOLE. Mr. President, today, August 13, 1986, is a somber anniversary. Twenty-five years ago today—August 13, 1961—citizens from Berlin awoke to find that they had been severed from one another, East and West, by barbed wire and barricades erected by soldiers of the East German Government. That was the beginning of the Berlin Wall: The most telling symbol of the failure of Soviet power and policy in Eastern Europe.

The story has been told many times, but the history and meaning of the Berlin Wall should never be allowed to slip from the top rank of our concerns in shaping East-West relations. Berlin remains a critical point of division between the United States and the Soviet Union. And this day of commemoration, sad though it is, may work some good if it inspires us to a new initiative to bring the wall down, and to normalize relations between Western Europe and the Warsaw Pact nations—normalize, that is, on the basis that freedom is the way of the future on the European Continent.

CALL TO ACTION

Mr. President, in an interview with the German newspaper Der Bild, President Reagan has called for the removal of the Berlin Wall, labeling it "an affront to the human spirit." That is an exact description, if ever there was one. The President went on to say that "dismantling the wall would be a major step toward improvement of East-West relations."

I agree. But I would note that the President is not the first to suggest using this occasion to revive interest in the cause of bringing down the wall. In January of this year, my good friend, Congressman GUY VANDER JAGT, met with East German leader Erich Honecker and urged him to take down the wall as a gesture of reconciliation, on the occasion of the 750th anniversary of the city of Berlin. Honecker replied that the wall would stand so long as the conditions that led to its creation persisted—that is, from the viewpoint of the Soviets and the East Germans.

So, Mr. President, let us disabuse ourselves of a few notions at the outset. There never was just cause for the creation of the Berlin Wall: But the creators of the wall are as insistent now as they were 25 years ago on their right to build that wall and to prevent any exodus from East to West Berlin.

Second, the wall will not fall just on our say-so, or because we ask politely that it be done. The wall will come down when we show the strength of will, the perseverance, and the bargaining skill to win an end to the forced division of Berlin.

To that end, let me suggest some avenues that we might usefully pursue.

AN APPEAL TO INTEREST

Mr. President, I have said that the Berlin Wall symbolizes the failure of Soviet policy in Eastern Europe. That is true not just because a wall to keep your people in is a telling condemnation of any society. It is true also because the Berlin Wall embodies the failure of the Soviet Union to honor commitments solemnly made in negotiations, and in writing.

It seems to this Senator that, on the brink of what we hope will be a productive summit meeting and major arms control negotiations, the Soviets have an interest in rectifying their record in Berlin.

Since World War II, Berlin has been governed by a four-power agreement among the United States, Britain, France, and Soviet Union. While the city of Berlin was divided into four sectors, one assigned to each of the governing powers, the four-power agreement made clear that all of Berlin was subject to each of the four powers. In other words, the Soviets have rights in the French sector—the United States has rights in the Soviet sectors—the French have rights in the United Kingdom sector—and so on.

The Soviet Union has challenged that agreement, and violated it, many times—but never so blatantly as in conniving with the East German Government to create the wall that now divides Berlin.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Mr. President, the Soviet Union can vastly enhance its credibility in negotiating with the West—by taking down the wall in Berlin.

The East German Government can greatly hasten normalized relations with West Germany—by bringing down the wall.

There are other reasons why self-interest should dictate to the Soviets, and the East Germans, a fresh start in Berlin. While the East German economy has improved greatly in the past quarter century, much of that improvement is due to its increasing ties with the West—and economic assistance with West Germany itself. Similarly, the Soviet economy is not free from dependence on the West, particularly in this era of low oil prices and poor harvests.

But above all, Mr. President, is the inescapable fact that the Berlin Wall is a stunning propaganda failure for the Soviet Union and the East German Government. So long as the wall stands, no one can seriously believe in the Marxist ideal of the so-called worker state—when it is clear that the workers must be kept in by brute force. The removal of the wall, and everything it stands for, could be the key to opening a new era in East-West relations, relations based on hard-headed understanding of fundamental differences, and realistic bargaining on matters of mutual concern: The prevention of war, the preservation of the peace, consistent with the Western commitment to the advancement of human freedom—which must forever remain our highest value.

A SOBER ASSESSMENT

Mr. President, the days are long gone when mere sentiment would serve as a basis for East-West relations, especially in the case of Berlin. After 25 years living with the wall, we can better understand how we failed Berlin at a critical moment: Not by failing to attack the wall, which probably would have been futile—but by being too slow to understand; too slow to respond to this outrageous violation of the word and spirit of the four-power agreement; and too slow to comprehend the devastating impact the creation of the wall would have on morale in free Europe and its furthest outpost: Berlin.

We are wiser today, I trust. And we are realistic enough not to raise "false hopes," as President Reagan was warned against in his news conference last night. But maybe it is better to raise "false hopes" than to offer no hope at all! I believe there is hope for progress on the matter of Berlin. Last night, the President also expressed a willingness to take up this issue with Soviet leader Gorbachev at the next summit meeting. There are other forums that might also be considered, including the Stockholm discussions on "building confidence and security in Europe"—and the Helsinki framework governing human rights in Europe, East and West.

So let us seek progress on Berlin, and work to bring the wall down. But let us also resolve, in honor of the men and women who have died seeking freedom beyond the wall, never to negotiate away the freedom beyond the wall, never to negotiate away the freedom of Berlin, of all Berlin, or the rights we, and the West Germans, maintain in Berlin. The four-power agreement has lasted for four decades—it is time for it to be honored in full, and not in the breach. All of Berlin is our trust, and our continuing concern.

RECOGNITION OF THE DEMOCRATIC LEADER

The PRESIDENT pro tempore. The able and distinguished Democratic leader, Senator ROBERT BYRD, is recognized.

ANNIVERSARY OF THE BERLIN WALL

Mr. BYRD. Mr. President, the distinguished majority leader has taken note of this 25th anniversary of the Berlin Wall.

Twenty-five years ago today, the Soviet Union and East Germany began constructing the barricade that separates East and West Berlin—the Berlin Wall.

On this milestone anniversary of this infamous monument to man's tyranny over his fellow man, it is appropriate that this Chamber take notice of this inhuman event. Many cities and nations have built walls to keep invaders out—the Great Wall of China, for example—but never before has a city or a nation built a wall to keep its own people in.

The Berlin Wall does more than to just divide a city and a country and to separate East from West. It epitomizes the differences between liberty and oppression.

In his famous speech in the Rudolph Wilde Platz in Berlin, President Kennedy pointed out:

> Freedom has many difficulties and democracy is not perfect, but we have never had to put a wall up to keep our people in, to prevent them from leaving us.

Mr. President, the Berlin Wall symbolizes failure. On one side is freedom and prosperity; on the other, slavery and poverty. The Berlin Wall is a physical reminder of not only how precious, but also how precarious freedom is. Approximately 39,000 people have risked their lives tunneling, jumping, swimming, driving, or running to freedom. And, tragically, at least 79 people have lost their lives in attempting to undertake this journey to freedom—one of the shortest but most dangerous journeys in the world.

The Berlin Wall is a vivid reminder that ideals like freedom and democracy are not just abstract concepts; they are everyday realities—a way of life and government—that is not protected and promoted can easily disappear.

The Berlin Wall is also a reminder that the Iron Curtain is more than a rhetorical phrase—it is a reality made of cement, bricks, machineguns, and an incarcerated city.

This wall of shame for all the world to see is an international disgrace. As the former mayor of West Berlin, Willy Brandt, said, the Berlin Wall is not only an offense against history; it is also an offense against humanity.

We all realize that the United States must live, work, and cooperate with the Soviet Union. Our two nations are the world's superpowers, and together we possess the nuclear arsenals that could end most of mankind. Therefore, it is essential that our two nations seek ways of peace, not hostililty; that we find ways to cooperate rather than to have conflict; that arms control rather than saber rattling be the order of the day.

But the Berlin Wall, like the Soviet troops in Afghanistan and martial law in Poland, is a reminder that the United States must remain strong—both in terms of national defense and national spirit—and we must accept our global responsibilities, or we could see many more such barricades. Further, Mr. President, we must never forget the people entrapped, not only behind Germany's Berlin Wall, but also behind Europe's Iron Curtain.

In conclusion, I again wish to quote President Kennedy on the day he stood in front of the wall and declared that all free people are citizens of Berlin. "Freedom is indivisible," he proclaimed, "and when one man is enslaved, all are not free."

I hope we will keep prominently in our minds this monument to failure and oppression, and derive constant inspiration from it for our ceaseless task of cherishing and protecting liberty.

I hope the President will include the Berlin Wall on his agenda when and if he meets the Soviet leader, Mr. Gorbachev, at a summit this fall.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDENT pro tempore. The able Democratic leader has 4 minutes remaining.

Mr. BYRD. Mr. President, I yield that time to the distinguished Senator from Colorado.

□ 0900

Mr. HART. Mr. President, I thank the minority leader and I thank the Senator from Wisconsin.

MIDDLE EAST

Mr. HART. Mr. President, during the July congressional recess, I undertook a 10-day visit to Israel, Egypt, and Jordan. The primary purpose of this trip, taken under the auspices of the Senate Armed Services Committee, was to understand better America's military relationships with those three important friends of the United States. I will be submitting a full report to the committee on my discussion with the military leaders and officials with whom I met.

I also had the privilege of meeting with Israeli, Egyptian, and Jordanian political leaders—impressive individuals who are determined to overcome their differences and bring peace to their troubled region.

Mr. Presdient, I went to the Middle East to listen and to learn. And I learned a great deal. Most important, I returned with a sense of urgency that recent events have only confirmed. I sense that time is of the essence.

I learned to my disappointment that the Secretary of State had decided not to make a much-needed visit to the region. While the Vice President's recent trip is a step in the right direction, with greater personal involvement by the Secretary and the President, the United States could be exercising considerably more creative leaderhip. Such involvement could well help Israeli and Arab leaders take new steps toward direct dialog. I learned that immediate involvement by this Nation would be greatly welcomed by each of these countries.

In 1979, with the Camp David accords, the United States helped Israel and Egypt begin a new, more peaceful chapter in Middle East history. But others in the region have worked to arrest further progress. The Syrians have been intransigent in their refusal to deal with Israel and in their opposition to those who seek any form of dialog with Israel. The PLO leadership remains unyielding, even on the basic issue of Israel's rights to survival and security.

The obstacles on the road to peace seem innumerable. Opportunities for progress often seem few and far between. But, Mr. President, in recent weeks, we have seen several events which, taken together, are more encouraging than anything we have witnessed in the past 6 years.

The historic meeting between King Hassan of Morocco and Israeli Prime Minister Shimon Peres gives lie to the myth that the Arab world monolithically opposes direct dialog with Israel. Jordan's closing of the Fatah offices in Amman, and King Hussein's new economic initiatives on the West Bank, give lie to the myth that the only acceptable Palestinian voices to the Arab world are voices of violence. Israel and Egypt are close to resolving the dispute over Taba, given new impetus and new hope to the results of Camp David. And, in his constant search for new avenues toward peace, Prime Minister Peres has even begun new talks with the Soviets to reestablish diplomatic relations between the two countries.

I returned from my trip convinced that the leaders of Israel, Jordan, and Egypt are pragmatic individuals with a sense of vision and a sense of history. They face the burden of finding solutions to the conflicts which have plagued the region for so long. They understand that further progress toward peace will require their personal commitments to move beyond politics as usual. Yet their countries face immediate domestic economic and political constraints which block such moves.

Mr. President, we are now at a point of new opportunity for positive movement in the Middle East. But we are also at a point of serious danger if we do nothing. Syria's continued arms buildup in the Bekaa Valley further destabilizes an already unstable situation. The outcome of the Iran-Iraq war—and the potential consequences of the rapid spread of radical fundamentalism—looms as an immediate threat to the entire region.

The United States occupies a unique position to build on recent momentum and to serve again as a catalyst for peace. There are new ways the United States can help our friends in the Middle East to ease some of their immediate economic problems. In the views of the leaders with whom I met, such help would be a major contribution to the peace process.

Today, I would like to outline a three-part proposal designed to help the United States fill a vacuum. It incorporates initiatives to improve the quality of life in Jordan and on the West Bank; to give Egypt much-needed breathing room to pursue basic economic reforms with new confidence in the Camp David accords; and to strengthen and solidify our long-term relationship with Israel.

This proposal is intended as a supplement to, and not a substitute for, the next steps in the peace process. The package must be considered as a whole, and not piecemeal. Above all, this proposal is intended as a challenge to the leaders of Israel, Egypt, and Jordan to seize the opportunity and turn good intentions into real steps toward peace.

JORDAN

United States relations with Jordan, mistakenly in my view, have been debated almost entirely through the prism of arms sales in recent years. Many of us have strongly opposed the sale of advanced weapons to Jordan because of their potential use against Israel, and because Jordan has still not entered into direct negotiations with Israel. We have repeatedly been told by this and prior administrations that arms sales help bring reluctant Arab countries into the peace process. I remain convinced that arms sales must be based on considerations both of U.S. national security and of regional stability. Recent Middle East history hardly vindicates arms sales as an effective incentive for those of Israel's neighbors which have not entered into peace negotiations to do so.

Yet I came away from Jordan convinced that King Hussein and his government are sincerely committed to finding peaceful solutions to the problems of the Middle East. The King and his government understand that without peace, states in the region, including their own, can never achieve real security.

Jordan's own economic situation and capability for self-sustaining growth have been severely hampered in recent years by world recession, export decline, rising energy costs, severe drought, a decline in promised Arab aid subventions, and a slowdown in remittances from Jordanian workers abroad. These factors together have forced the Government of Jordan to reduce expenditures and postpone selected development projects.

Clearly, the United States is in a position to help the King of Jordan improve the quality of life for Jordan's citizens and for the Palestinians living on the East and West Banks.

Two leaders in the House of Representatives, Congressman CHARLES WILSON and House Foreign Operations Subcommittee Chairman DAVE OBEY, have recently proposed an increase of up to $15 million in economic aid to Jordan, to be channeled for use, primarily on the West Bank, for projects to improve the quality of life for Palestinian residents. I support their efforts, and I intend to introduce similar legislation as part of the comprehensive package I outline here. I also support increased assistance to Jordan for a commodity import program, cash transfers, and targeted project aid. Such assistance can have a real and positive impact on the quality of life in Jordan and the West Bank, and will strengthen the hands of those who reject violence and terrorism.

EGYPT

Mr. President, as my colleagues who have visited Egypt know, the economic problems with which President Mubarak must cope are chronic, enormous, and potentially destabilizing. Egypt's population increases by almost 1 million people every 10 months. To feed its population, Egypt must constantly improve the productivity of a shrinking amount of arable land. Seventy to eighty percent of Egypt's growth over the past decade was due to increased oil revenues and Suez Canal fees. Now, Egypt's external revenue sources have declined on virtually all fronts: Toll-

paying traffic on the Suez has been cut substantially. Remittances from Egyptians working abroad are down, and Egyptian workers are returning home. Oil and export revenues have been sharply reduced; Egypt's foreign minister told me that his country lost $700 million in potential earnings last year as a result of the drop in oil prices, and could lose $1.5 billion this year.

However, Egypt's most serious and immediate problem may well be its foreign debt. Egypt's debt crisis is as severe in magnitude as that facing Mexico or Brazil. At the end of last year, that debt came to $34.5 billion. Almost one-third of that amount was owed to the United States for military assistance. To service the nonmilitary portion of the debt could eventually require as much as 50 percent of Egypt's foreign exchange revenue. The Mubarak government is currently required to service its military debt at interest rates as high as 13 or 14 percent—significantly higher than those available today. In the past 2 years alone, servicing U.S. military loans has cost the Egyptian Government over $1 billion—approximately 24 percent of the original loan.

We maintain the largest AID mission in the world in Cairo. Yet much (if not most) of our aid to Egypt is obligated to specific projects, with little available in the form of adjustment assistance to address more immediate needs. Indeed, as Paul Jabber writes in the current issue of Foreign Affairs: "the original political context of U.S. assistance has been vitiated, perhaps to the point where the aid may have even become counterproductive."

President Mubarak told me bluntly: "We don't want more money. We want flexibility in using what we have." The United States is in a position to respond positively to President Mubarak. Our partners in the Group of Seven, the Paris Club, and others must play more active roles in helping Egypt address her economic problems, and we must encourage them to do so. Working both bilaterally and multilaterally, the United States and its allies must demonstrate to the Egyptian people, and to their Arab neighbors, that hoped-for economic improvements resulting from peace agreements can be realized.

The United States should restructure the timetable and conditions for Egyption debt repayment, to help Egypt implement necessary, long-term economic reforms. Interest rates on military loan repayments should be brought more into line with current market rates. We should reprogram savings realized from recently completed projects, and commit a considerable portion of future aid, in the form of cash transfers and other adjustment assistance. Today, I am sending a letter to the President urging him to take this course of action, which I will also introduce as part of this overall legislative initiative.

Our two governments should work together to identify opportunities for coproduction and private investment. Perhaps most important, we must involve our allies in Europe and Japan—whose energy needs are linked to Mideast regional stability—in our efforts to promote Egypt's economic growth, rather than force austerity and instability on an already-weak economy.

ISRAEL

Mr. President, it is difficult to understand fully the nature and the importance of our special relationship with the State of Israel without visiting the country. For almost 39 years, Israel and the United States have shared not only common values and traditions but common strategic interests as well.

In Israel, I met a cross-section of the people who embody her bravery, creativity, and values. People like the extraordinary military strategist and scholar, Gen. Israel Tal. People like Ehud Olmert, and articulate Knesset member representative of a dynamic new generation of Israeli leaders. And people like Israel's Prime Minister Shimon Peres—a pragmatic leader who has won deserved praise for his domestic program of economic stabilization and a courageous statesman whose commitment to peace cannot be doubted.

Nor must our commitment to Israel ever be in doubt. As our NATO partners are critical allies in Europe, as Japan and South Korea are critical allies in Asia, so too is Israel a critical ally in the Middle East. There are new avenues that the United States could productively pursue that would reflect our increased willingness to deal with Israel as we deal with our other critical allies: as equal partners.

Although there is no formal alliance between our two countries, Israel bears through its own defense budget the full burden of providing facilities that are critical to the United States. Airfields which might be available for the U.S. Air Force in times of crisis are financed exclusively by Israel. The costs of port facilities, such as the one in Haifa, at which U.S. ships made 44 calls and spent a total of 303 ship days in 1985, are paid for entirely by Israel.

Israel has asked neither for U.S. troop commitments nor a formal alliance. But the principle of burden-sharing for the common defense can and should be applied to many aspects of our relationship with Israel. The United States should reinforce United States-Israeli strategic cooperation through cost-sharing arrangements for expansion of Haifa's port facilities; support for the purchase of submarine-detecting equipment; reconsideration of the interest rates Israel now pays on U.S. military loans, to bring those rates in line with those currently available; and adoption of pricing structures more in line with those offered our other defense partners. These steps should be linked with current proposals to give Israel new access to bid on service and procurement contracts. I intend to do so in my package of legislative proposals.

Enhanced defense industrial cooperation with Israel would serve the national interest of both countries. During my visit to Israel, I saw the principles of military reform, which I have long advocated for U.S. military forces, being put into practice. The Israeli military emphasizes quality rather than quantity. They base the development of weapons systems strictly on strategy. And the men and women of Israel's citizen army have forged the doctrinal bonds necessary to develop and carry out that strategy. By taking advantage of Israel's unique weapons development capabilities, and by increasing access to Israeli maintenance and support facilities, we can increase the effectiveness of our own conventional forces.

COMMITMENTS AND CAPACITY

To summarize, Mr. President, I am proposing that the United States act now to address immediate economic needs in Jordan, Egypt, and the West Bank and adopt measures to enhance our strategic relationship with Israel. But the success of any U.S. foreign policy initiative depends on our ability to match our capacity to our commitments. However good our intentions, promises are meaningless unless they can be kept.

During the past several days, much has been said here about unwise measures to cure our deficit illnesses. Of its many dangers, few are as fundamental as the impact of those measures on U.S. national security and effective U.S. diplomacy. Our defense capability and our international commitments are endangered by an across-the-board budgetcutting process that weakens our ability to project American power and influence.

These deficits are the predictable product of unwise policies. And the disease they represent will not be cured until those policies—and the mentality which produced them—are restored. Then we will be released from our arbitrary straitjacket and be able to exercise our full role as world leader.

Mr. President, we cannot legislate peace in the Middle East. We cannot legislate courage or statesmanship. But we have the opportunity and the responsibility to work in a bipartisan spirit to foster the atmosphere necessary for courage and statesmanship to flourish.

The package of initiatives outlined today is designed to make a material contribution to the Middle East peace process. History, and the tide of

human events, will not wait. Windows of opportunity sometimes open, but there is no guarantee they will stay open forever. Given the long and deep history of conflict in the Middle East, some may be tempted toward inaction, pessimism, and even fatalism. That is not an acceptable standpoint for a great nation.

I strongly believe powerful tides are now running in the Middle East. We may ignore these tides at our peril. Or we may augment them in ways such as those suggested here—ways which could lead to positive breakthroughs.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. ANDREWS). Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond 9:15 a.m. with statements therein limited to 5 minutes each.

The Senator from Wisconsin.

TESTS SHOW HOW TERRORISTS COULD GET U.S. NUCLEAR ARMS

Mr. PROXMIRE. Mr. President, the serious threat of nuclear terrorism was graphically portrayed on Thursday, August 7 in the Wall Street Journal. John Fialka wrote a devastating report on the breakdown in security when two U.S. nuclear arms plants were successfully raided in test raids. One was in Savannah River, SC. The other was in Amarillo, TX. The Savannah River plant produces plutonium for our nuclear weapons. The Pantex plant assembles nuclear weapons. In both cases a special team of trained raiders called the Inspection and Evaluation Unit tested the effectiveness of the protection of the nuclear material. In both cases the protection failed. Nuclear weapons and the plutonium essential to the construction of nuclear weapons were stolen. Following this debacle the Energy Department has made some major changes to improve protection of these and other plants.

Mr. President these tests remind us of a terribly serious danger that we live with in this nuclear age. The tests are reassuring in showing that the Department of Energy is serious in trying to test and improve its security. The ease of the successful raid, however, reminds us of the fragility of any security system in this terrorist world. The article reports that the Energy Department is considering ways to spend an extra $2 billion to protect the nuclear weapons facilities. It should. But even $2 billion can't buy absolute security. A genuine theft could bring a mammoth national disaster.

Here is a security threat that has received far too little attention from the Congress and the public.

Mr. President, I ask unanimous consent that the article to which I have referred by John Fialka in the August 7 Wall Steet Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NUCLEAR-ARMS PLANTS IN U.S. ARE VULNERABLE, 2 TEST RAIDS INDICATE

(By John J. Fialka)

SAVANNAH RIVER PLANT, S.C.—On a dark night in May 1985, a small group of armed men emerged noiselessly out of the thick pine forest surrounding this heavily guarded site, which produces plutonium for U.S. nuclear weapons. They mounted a quick, skillful assault, overwhelming the guards. One attacker got into the plant, blasted a vault and stole some plutonium. He was last seen running with it into the woods.

Five months later, someone successfully smuggled a pistol, a silencer and some explosives into the Pantex Plant at Amarillo, Texas, where nuclear weapons are assembled. An inside accomplice used the items to steal a plutonium component of an atomic bomb. Then he smuggled it outside, throwing the plutonium over the security fence to waiting accomplices who disappeared with it.

Fortunately, the terrorists and the plutonium weren't real. The attackers were portrayed by a special team of combat-trained people—called the Inspection and Evaluation Unit—that the Department of Energy uses to test its security. But the security breaches they found and exploited were real.

OVERHAUL IN PROGRESS

One result is a continuing overhaul of DOE measures adopted in 1983 to improve the department's largely private guard force and equip it to withstand such attacks.

Another result is a charge by Rep. John D. Dingell, the Michigan Democrat who heads the House Committee on Energy and Commerce, that "serious vulnerabilities remain" in DOE efforts. This past spring the panel's investigative subcommittee studied the two security breaches during a secret hearing, the transcript of which was recently declassified.

Rep. Dingell charged at the hearing that it "was a lie" when previous DOE officials told the committee that their facilities would be secure against a group of armed, highly trained attackers who might have the backing of a nation or a well-financed terrorist group.

This tale of two facilities illustrates the difficulties involved in the federal government's program to protect its most sensitive facilities against such a threat.

'BUM DRILLS'

Even the chief defender of the DOE's efforts, Sylvester R. Foley Jr., the assistant secretary of energy for defense programs, concedes that there have been some "bum drills" in the past and that security forces may have "cut some corners" on other tests to hide shortcomings.

In an interview Mr. Foley, a retired Navy admiral who took charge of the DOE's defense programs in December, blames the problem partly on "complacent" guard forces. "Complacency is a terrible thing when you have anything to do with nuclear weapons," says Mr. Foley. But he asserts that further tests show that the security problems exposed at Pantex and here at Savannah River have been fixed. "We've gained from every one of these (exercises) where we've lost," he says.

The Inspection and Evaluation Unit, known internally as I&E, is a secrecy-shrouded team of "less than 25 members" drawn from DOE and from the private security companies such as Wackenhut Services Inc. that the Energy Department uses to guard several of its sensitive facilities, including this one. According to Mr. Foley, most of the team members used to be in the armed services.

PRELUDE TO ATTACK

The successful attack on the Savannah River Plant, one of four tests run here during May 1985, came after Wackenhut had reorganized the guard force, almost doubling it to its present strength of 900 people. Wackenhut took over the security function here from Du Pont Co., the plant's manager, which had also managed the guard force until 1983.

The Wackenhut guards were given extra training with the M-16 rifle, and some of them were formed into a helicopter-equipped "special response team" assigned to react within moments of an attack.

Guard forces here and at other DOE nuclear facilities have orders to shoot to kill because they are protecting plutonium and highly enriched uranium, materials that can be made into nuclear weapons. Savannah River, a 300-square-mile federal preserve just south of Aiken, S.C., produces most of the plutonium for the DOE's weapons programs.

To prevent carnage during simulated attacks by the I&E force, both it and the guards are assigned weapons that fire blanks and invisible laser beams. Both sides also wear sensors that register a "kill" when a person is hit by an enemy laser.

Issuing such weapons—initially developed for Army training—is a tipoff of a test. However, the guards are told only that an attack might take place within a "window" of 12 to 18 hours. "If they're all peaked up and they fail," Mr Foley observes, "then they're really bad."

The building that was selected for the successful 1985 attack here is called F-235, a drab, cement, factorylike facility surrounded with an elaborate alarm system and two chain-link fences, one of which is topped with razor-sharp concertina wire. The DOE invaders made it over the first fence before they were spotted and a firefight started.

During the fight, some of the attackers made it into the plant and placed simulated explosives on a vault containing plutonium. Under the rules of the test, if an attack isn't stopped within a certain amount of time, the vault is assumed to be blown and plutonium—which is also simulated—is issued to the attackers.

The Wackenhut guards managed to "kill" most of the invaders, but one man—the one carrying the plutonium—made it back over both fences. The Wackenhut helicopter arrived over him just before he reached the woods, but under the terms of the game it could not fire at him because Wackenhut had not worked out procedures for firing from the helicopter. According to DOE records of the test, the guards continued firing at one another in the darkness for an additional 20 minutes after the attacker disappeared.

MONTH OF EMBARRASSMENTS

It was only one of a number of embarrassments for the Wackenhut force that month. In other tests, Rep. Dingell charges, there is evidence that Wackenhut guards and local DOE officials may have cheated by preparing in advance for "surprise" security

checks. The main example was a test designed to see how fast the Wackenhut special response team could react to a call for help. DOE inspectors were shocked to find that the team had been loaded into the helicopter and sent aloft before the alarm sounded signaling a terrorist attack.

"Some of our people got overanxious," acknowledges John C. Evans, Wackenhut's general manager. When Mr. Evans investigated the incident, he found that after jumping the gun, the helicopter pulled back and then deposited its heavily armed combat team at the wrong facility. "The more I heard about this," he says, "the less I liked it."

Department inspectors also discovered that Wackenhut guards on regular patrols had been ordered to carry unloaded M-16s because inadequate training in loading and unloading their weapons had resulted in several accidental shooting incidents. (Nobody was hurt, according to the Energy Department.)

All of this, according to the department and Mr. Evans, has been rectified. Still, the security at Savannah River is officially rated "marginally satisfactory" because a number of construction projects under way to increase protection aren't yet complete.

IMPROVEMENT DISCERNED

Despite these problems, Energy Department officials say that security here and at other facilities is much more stringent than it used to be. Although the agency still relies on a number of private security agencies for its nationwide force of 5,200 guards, it has started to consolidate and improve their training at a new facility, also operated by Wackenhut, in New Mexico.

Security experts say that the toughest kind of attack to defend against is the "insider threat"—based on the possibility that an employee at a DOE facility might be drawn into a terrorist operation. This was the scenario the I&E team used at Pantex in October 1985.

After obtaining the simulated-plutonium bomb part—exactly how isn't clear—the "insider" managed to defeat internal metal detectors by driving through doorways on a forklift, an act regarded as a normal event that didn't set off any special alarms. When he emerged outside the plant, he hurled the bomb part like a shotputter over the high-security fence.

Only at that point did an alarm signal that there were intruders, and the Pantex guards responded by running into the plant instead of after the "insider's" accomplices, who were then running away from the vicinity of the plant with the plutonium. Says Mr. Foley: "We had a bust in a very secure area down there which we should never have had."

POST-"THEFT" ACTION

The guard force at Pantex is operated by Mason & Hanger—Silas Mason Co., a private contractor that operates Pantex for the government. Ross Dunham, a vice president, said the company wouldn't comment about the October incident and referred questions to the Department of Energy.

After the successful "theft," department officials say, the Pantex plant was ordered shut down for almost a week to move security fences, install new locks on outside doors, reshuffle the guard force and require new security procedures and devices.

Department officials promise that still tougher security procedures and ways to test them will evolve from a federal study that is considering ways to spend an extra $2 billion to protect DOE facilities, where a genuine theft could precipitate a national crisis.

The study is called "Project Cerberus," named for the three-headed dog in Greek and Roman mythology that had an even more difficult mission. It was assigned to guard the gates of hell.

Mr. PROXMIRE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

MEXICO'S PRESIDENT COMES CALLING

Mrs. HAWKINS. Mr. President, money, it is said, rules the world. So it should come as no surprise that the main purpose of the visit of Mexican President Miguel de la Madrid to Washington is to find some financial relief for his destitute country. Mexico has grave economic problems. These problems include a severe recession, declining revenues triggered by plunging oil prices and foreign debt exceeding $100 billion.

The United States will help—we always do, but it seems to me that we are entitled to ask for some concessions beyond vague promises to repay what is borrowed sometime in the next decade or the next century.

These concessions need to involve greater Mexican cooperation in trying to control international narcotics trafficking. The thing that rankles me most about Mexico is how it pussyfoots around on the subject of drug trafficking and corruption in high places. Drug dealers operate with impunity, without the slightest fear that they will be caught. And if they are unlucky enough to be caught in one of the occasional nets Mexican authorities cast from time to time, nothing ever happens. They are never prosecuted. They are released with at most a slap on the wrist.

The textbook case for this travesty of justice has been the investigation into the death of Enrique Camarena. Camarena is the DEA agent who was kidnaped, tortured, and murdered on the orders of drug traffickers in February 1985. At first, there was a lot of footdragging by the Mexican authorities.

Only after the United States virtually closed the border, an action which cost the Mexicans thousands of tourist dollars, and a table pounding session in Mexico by then DEA Administrator Bud Mullen did things start to move. Drug kingpin Raphael Caro Quintero was indicted in connection with Camarena's slaying, but he has not been brought to trial although 18 months have passed. Another trafficker, Miguel Felix Gallardo, is a suspect in the case.

Mexican authorities say they would like to question him, but cannot find him. Yet, Gallardo is known to have been the guest of two Mexican State Governors, to have attended a relative's wedding and to roam about the streets undisturbed. Manuel Salcido is a suspect in the Camarena case as well as being a key suspect in the slaying of a DEA informer, whose body washed ashore on the beach last June.

Police say they cannot find Salcido, yet he operates openly and freely from his headquarters complex in Mazatlan and presides over his business holdings which are valued at $35 million.

What is wrong with Mexican justice that it can not apprehend and try criminals? When will charges be filed against Caro Quintero and Felix Gallardo for their role in the execution of Camarena? There are other questions I would like the answer to. Five years ago, Mexico accounted for less than 5 percent of the heroin entering the United States and none of the cocaine. Today it accounts for an estimated 37 percent of the heroin and 30 percent of the cocaine, transshipped.

How could this happen? Why is Mexico opposed to an extradition treaty for drug traffickers who are Mexican nationals similar to the one we have with Colombia? I hope that President de la Madrid has some answers to these questions.

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OUR POLICY IN CENTRAL AMERICA

Mr. LEVIN. Mr. President, in a few hours we will be making a critical vote on our policy in Central America. I happen to be one who does not like the Sandinistas in Managua. They have betrayed their revolution—they have closed down newspapers, abused the church, imprisoned innocent people.

The Sandinistas have created an ugly regime. However, I frankly find it difficult to defend the inconsistent policies of the United States toward them.

While we offer to negotiate with them, we pledge to overthrow them. We speak for peace, but we fund war.

Let me give you a few examples.

In an address to a joint session of the Congress in 1983, the President said: "let us be clear as to the American attitude toward the Government of Nicaragua. We do not seek its overthrow."

That is what the President said then.

But in April of 1986 he spoke about the Contras and said that, "we are not going to quit and walk away from them, no matter what happens." And he has announced that the Sandinistas are "a cancer that must be excised."

And its not just speeches. Consider this: in 1984, the Contadora nations were developing a draft peace agreement. On September 7, 1984, Secretary

of State George Shultz praised the draft but predicted that the Sandinistas would reject it. On September 21, 1984, Nicaragua announced that it would sign the agreement if the United States would sign a protocol pledging its support for the treaty. With an agreement at hand, we then withdrew our statements of support.

Another example: Ambassador Habib, with the approval of the State Department and the Vice President, pledged to abide by the terms of any agreement which was adequate to protect our interests—even if it required an end to American aid to the Contras—as soon as such an agreement was signed. As soon as that pledge drew a positive response from the Contadora nations, it was withdrawn.

It appears clear that the United States is unwilling to coexist with a Sandinista regime even if it agrees to accept the Contadora principles—principles which would meet our legitimate security needs, remove the Soviet bloc presence, promote a reduction of tensions in the region, and hold out the hope of a more democratic Nicaragua. But all that requires an end to our support for the Contras. As a result, we will not accept it even though it is what our allies in the region want and even though it is what the true freedom fighters in Nicaragua demand.

Listen to some people who desperately want to win freedom in Nicaragua, some of the opposition leaders in Nicaragua. Hear the words of Virgilio Godoy, Secretary General of the Liberal Independent Party of Nicaragua, an opponent of the Sandinistas. He has told us that:

> We never agreed with the Contra aid program because its purpose is different from what we are fighting for. All the dead that we see, on both sides, are Nicaraguans. . . . We all oppose the aid to the FDN [Contras] because it plays into the hands of the Soviets.

That argument is repeated by people like Agustin Jarquin Anaya, a board member and former president of the Social Christian Party in Nicaragua and Violeta Barrios de Chamorro, an owner of La Prensa. They do not support the Sandinistas; but they do not believe that aid to the Contras will lead to freedom in their land. And our allies are telling us exactly the same thing.

Listen to the Colombian Foreign Minister, Augusto Ramires, tell us in 1986 that "as long as the United States is asking for aid to the Contras, there is no political climate for national reconciliation."

Or hear the words of Carlos Andres Perez, former President of Venezuela, who said that any effort to find a military solution to the problem would bring "regional warfare, in which the United States will not win, Central America will not win and Latin America will not win."

That is what our allies and friends tell us. And what do the Contras tell us? They tell us that with a $100 million they will be able to "see the light at the end of the tunnel."

I'd rather hear anything but that.

Mr. President, in Nicaragua, for the moment, most of the good choices are gone. But some bad ones remain. Adopting this request for aid to the Contras would be a bad choice: it would be a downpayment on a long deadly folly. Supporting the Contadora process would be better choice. I hope we make it.

Mr. President, the proposal before us to fund the Nicaraguan Contras is a short-sighted and self-defeating policy. It is not in the best interest of the United States.

It is in our national interest to pursue a policy that will help the countries of Central America achieve self-determination, democracy, economic development, political stability, and security. A democratic and secure Central America is in our own national security interests, and it is in our own national interest as a free people who value a world free of political and economic oppression and tyranny.

Each of us in this Chamber share the goal of a free and secure and democratic Central America. Each of us wants to help form and support a policy that will help achieve this.

Our disagreements today are not over the shared goals we profess, but over the best way to achieve them.

And yet, these disagreements reach to the very core of what defines us as a people and a nation, and the ways and methods we will use to achieve our ends.

Our common goals are stated in the legislation before us. There is little argument among us on this.

Mr. President, let me read from the amendment before us:

> It is the policy of the United States that: (1) The building of democracy, the restoration of peace, economic development, the improvement of living conditions, and the application of equal justice under law in Central America are important to the interests of the United States and the community of American States.

These goals are sound goals, goals we all share. The debate is whether the methods proposed—funding the Contras—will move us toward that goal.

This is the heart of the issue. How are we as a nation going to try to achieve these goals? What will be our conduct? How will we act?

Mr. President, today's issues and challenges in Central America do not stand in isolation. To understand today's reality, it is necessary to understand yesterday's. To fashion a wise and ultimately effective and successful policy, it will be necessary to understand the history of the region, and our role in that history.

To assure a democratic and free Central America, governed by the results of self-determination, the interrelated issues of social progress, economic growth and equity, political reform, and regional security must be effectively addressed.

And, an important common goal that Congress and the administration claim to share is the desire to encourage and support the Contadora process—that is, a diplomatic solution to the crisis in Central America. Again, let me read from the amendment before us:

> It is the policy of the United States that the September 1983 Contadora Document of Objectives, which sets forth a framework for negotiating a peaceful settlement to the conflict and turmoil in the region, is to be encouraged and supported.

Mr. President, this is one of the questions that bothers many Americans deeply: Has this administration really encouraged and supported the Contadora negotiations?

Let me review events.

In January 1983, the foreign ministers of Venezuela, Mexico, Panama, and Colombia met on Contadora Island, off the coast of Panama. Motivated by their growing concern about the ongoing and growing conflicts in Central America, they met to explore the possibility of finding mechanisms to bring peace to the region, and to explore the possibility of forging multilateral agreements. Of particular concern to them was the tension between Nicaragua and the United States, and their fear that this tension could escalate further, becoming an even greater focus on East-West tension and conflict.

These four nations, the Contadora group, began an effort to negotiate a resolution of the disagreements and tensions among Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

Eventually, the original four nations were joined by the five Central American nations themselves, and they agreed to seek a comprehensive agreement on Central American political, economic, and security issues.

The foreign ministers of the four Contadora group nations met in Panama in April 1983, with the foreign ministers of the five Central American countries. Together, this group produced two guiding and ambitious documents: The September 1983, "Document of Objectives" and the January 1984, "Panama Resolution"—the "principles for the implementation of the commitments of the Document of Objectives."

This September 1983, "Document of Objectives" set forth 21 points—21 objectives and goals for Central American security, political, and economic

issues. Among the points of agreement, the Contadora nations declared their intention of achieving: First, the prevention of the installation of foreign military bases or any other type of foreign military interference; second, agreements to reduce the presence of foreign military advisers, with the ultimate goal to eliminate foreign military advisers; third, internal control machinery to prevent the traffic in arms from the territory of one country to the territory of another; and fourth, prevention of the use of the territory of any country for groups or people trying to destabilize another country, and the prevention of military support, logistical support, or arms to such groups or people.

The administration and Congress have repeatedly expressed support for the Contadora nations in their efforts, and the Contadora process.

This is wise. This is proper. But, if an agreement is reached based on these Contadora objectives, it must be understood that sacrifices and accommodations will have to be made by all sides. It is in our national interest to do so, and it should be our goal to see these objectives attained.

If they are, and if a Contadora agreement is in effect, the United States will have succeeded in seeing that there are no Soviet bloc military bases in Nicaragua, and no strategic weapons. Nicaragua will be unable to export its revolution, or support insurgents in the region. All foreign military advisers will be removed, and there will be a reduction in the size and scope of the military forces in the region. The Cubans and Soviets will have to go home.

But, to achieve this, the United States must also understand that modifications in its conduct will be required. The United States will be limited in its military maneuvers in the region, and will have to restrict its aid and advisors in the region. The United States will have to stop supporting the Contras, directly or indirectly. The United States will have to balance what it gains—which is much—with what it has to give up.

That is what negotiations are all about.

The Reagan administration, on the one hand, says repeatedly it supports the Contadora initiative, but it has made it clear, repeatedly, that it is not willing to make the necessary compromises.

The administration says it wants the Contadora initiative to succeed, is looking for a diplomatic solution, and doesn't seek to overthrow the Sandinistas. The administration states it is just seeking to bring democracy to Nicaragua.

But, it says much to the contrary. President Reagan himself said on April 4, 1986, referring to the Contras, "We are not going to quit and walk away from them, no matter what happens."

In addition to identifying himself as a Contra, and in addition to saying that "If the Sandinistas are allowed to consolidate their hold on Nicaragua, we'll have a permanent staging ground for terrorism * * *"—in addition to all that, the President stated in an interview this past spring that the Sandinista government was "a cancer that must be excised."

He says he wants to negotiate, but then says the other side is "a cancer that must be excised." And he is "not going to quit and walk away from them no matter what happens."

There is a discrepancy between the conflicting statements and positions of the administration. What is the administration's true intent? What is the administration's true policy?

Does the administration want to negotiate peace, or excise the Sandinistas?

The aid the Senate is being asked to approve has one purpose—to support the overthrow the Government of Nicaragua. Indeed, on March 16, 1986, White House Chief-of-Staff Donald Regan was quoted as saying that Congress should approve this aid to "get rid of the Sandinistas."

Such statements are very different from the "we've got to put pressure on them to achieve a negotiated solution" approach we sometimes hear from the administration.

In July 1983, President Reagan expressed strong support for the Contadora process in a letter to the leaders of the Contadora countries. In it, he wrote he believed "a solution to the crisis in Central America must encompass four basic principles." These included: First, a respect for nonintervention, including "a ban on support for subversive elements that seek to destabilize other countries"; second, the removal of the conflict in Central America "from the context of an East-West confrontation, through such measures as a verifiable withdrawal of all foreign military and security advisers and a certifiable freeze on the acquisition of offensive armaments"; third, the fostering of economic growth; and fourth, the establishment and strengthening of democratic institutions to ensure "free and open participation in the democratic process."

Each of us agrees with that. The American people agree with that.

I doubt if the President really agrees with that. He insists that one of the principles upon which peace in Central America must be based is respect for nonintervention, including "a ban on support for subversive elements that seek to destabilize other countries" in the region.

President Reagan wrote to then-Majority Leader Howard Baker on April 4, 1984, stating that:

> The United States does not seek to destabilize or overthrow the Government of Nicaragua; nor to impose or compel any particular form of government there.
>
> We are trying, among other things, to bring the Sandinistas into meaningful negotiations and constructive, verifiable agreements with their neighbors on peace in the region.

And, before a joint session of Congress the year before that, April 27, 1983, the President said:

> . . . let us be clear as to the American attitude toward the Government of Nicaragua. We do not seek its overthrow.

The $100 million he seeks—the action he seeks—is exactly opposite of that. The $100 million is for a group that avowedly seeks the overthrow of the Sandinistas. The talk may sometimes be of negotiations, but the action is to overthrow.

Negotiations are the key to a successful resolution of the problems of the region. The Congress has said it supports meaningful negotiations; the nations of the region have said they support meaningful negotiations. The President has used negotiations as a public relations program, and not a diplomatic policy. The Congress has passed resolutions demanding negotiations, and then given in to the President's demand that we fund the Contras.

Diplomatic efforts have failed because we have failed to give them an opportunity to succeed.

Let's look at that failure.

CONGRESSIONAL SUPPORT

Congress has repeatedly expressed its support of the Contadora process since its inception. In the December 1983 Intelligence Authorization Act for fiscal year 1984, Congress voted to require the President to support Contadora efforts, and negotiate through the Organization of American States. Let me read from Public Law 98-215:

> The Congress finds that—
>
> The United States should support measures at the Organization of American States, as well as efforts of the Contadora Group, which seek to end support for terrorist, subversive, or other activities aimed at the violent overthrow of the governments of countries in Central America.

In 1984, Congress again called for U.S. support for the Contadora process when both the House of Representatives and the Senate approved House Concurrent Resolution 261. It stated that Congress strongly supported the Contadora principles and objectives, and believed that the United States should support efforts to translate the agreed principles into practice.

Let me read from the resolution this body has already passed:

> Resolved . . . that the Congress—
>
> (1) strongly supports the initiatives taken by the Contadora Nations and the resulting Document of Objectives and Principles for Implementation which have been agreed to

by Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua;

(2) believes that the United States should support the effort to translate the agreed Principles into practical and concrete arrangements so as to facilitate a comprehensive regional peace agreement based on the principles of noninterference in the affairs of other countries, national reconciliation, and democracy . . .

In spite of these resolutions—clear congressional support for the Contadora process—the administration's actions, rhetoric, and support for the Contras has been counterproductive and inconsistent with the Contadora group's efforts to find a structure for regional peace.

As a result, Congress mandated in the continuing resolution for fiscal year 1985 appropriations that the administration take into account the effect of U.S. policy on the Contadora process.

Specifically, Public Law 98-473, the continuing resolution for fiscal year 1985, stated that if the administration requested resumption of funding to the Contras, it was required that the President submit a report to Congress:

explaining the goals of United States policy for the Central American region and how the proposed assistance would further such goals, including the achievement of peace and security in Central America through a comprehensive, verifiable and enforceable agreement based upon the Contadora Document of Objectives. . . .

And, again, in July 1985, Congress reaffirmed its support for the Contadora process in the Foreign Aid Authorization Act for fiscal year 1985. Again Congress urged the President to seek "a comprehensive, verifiable agreement among the nations of Central America, based on the Contadora Document of Objectives." The same legislation also urged the President to resume bilateral discussions with the Government of Nicaragua.

Thus, the record is clear: Congress has unequivocally and repeatedly called on the administration to help and support the Contadora effort. The American people want the administration to offer the United States good offices to help find peace. The Central American countries have repeatedly called on the administration to help and support the Contadora process. And, the four Contadora nations themselves have repeatedly urged the United States to help, not hinder, their efforts.

VARIOUS DRAFTS

The Contadora nations have made it clear that they understand that it will be difficult to have a regional peace plan succeed without the support of the United States.

It is important to understand that the purpose and intent of the Contadora process is not to create a set of conditions to which Nicaragua alone must adhere. Rather, it is a mutual undertaking of the five Central American nations, in which each will assume equal responsibilities toward each other, each agreeing to limiting conditions. The most recent draft, for example, would require each signatory, immediately on signing, to take effective action under international supervision to eliminate from their territories all irregular forces which are there for the purpose of carrying out attacks on the territory of any other signatory nation.

Earlier, in September 1984, the Contadora nations circulated a proposed treaty to the five Central American nations. This treaty was the result of months of work, and was a revision of an initial draft circulated in July 1984. Its security provisions prohibited foreign military schools or bases, banned international military maneuvers, required the withdrawal of all foreign military advisors, prohibited support for insurgent movements against other nations in the region, and placed limits on the size of military forces and the sophistication of their weaponry.

Further, the political provision of the proposed treaty committed the five nations to developing representative pluralistic democracies, ensuring honest periodic elections, and protecting human rights. Provisions for national reconciliation were included. The treaty addressed and incorporated the 21 objectives.

On September 7, 1984, Secretary of State George Shultz praised the second draft, but stated that Nicaragua would reject it, including those "key elements * * * dealing with binding obligations to internal democratization and to reductions in arms and troop levels."

However, Nicaragua announced on September 21, 1984, that it was willing to sign the revised draft, if the United States would sign a protocol pledging to support the treaty.

But, caught by surprise by Nicaragua's position, the administration decided it had reservations, particularly with the security provisions. Our Central American allies, having earlier indicated support for the second draft, mirrored the United States concern, and also expressed reservations.

The Contadora nation's early recognition of the importance of the United States cooperation was well-founded. Without the approval of the United States, the other nations of Central America were unwilling to sign—in spite of their earlier favorable reaction to the draft.

On October 20, 1984, Costa Rica, El Salvador, and Honduras presented a third proposal, which is now known as the "Act of Tegucigalpa," which had been drafted, it was reported, in close collaboration with the administration.

The third revised draft eliminated a section that would ban all international military exercises in the area during the negotiations needed to complete and fulfill the final details of the agreement. This was to enable United States operations in Honduras. This revised version also withdrew—and placed "under study"—a protocol in the previous draft that nonsignatory nations—including the United States—would agree to promise to do nothing to hinder treaty implementation.

The Washington Post reported on November 11, 1984, that:

The administration had given a blanket endorsement to the peace process, launched 19 months ago by Mexico, Panama, Venezuela and Colombia on Contadora Island off Panama. But it had never expected Nicaragua to sign a regional treaty.

The article also reports that:

The newest draft, written by officials from El Salvador, Costa Rica, Guatemala and Honduras, reflects Reagan administration concerns raised in September [1984] when it appeared that all five nations, including Nicaragua, might sign the earlier version of the pact.

Nicaragua responded that they had been willing to sign the previous draft that had been presented, and that was still their desire. But, the Nicaraguan Government stated that it would refuse to sign any treaty requiring it to reduce its military forces, or expel foreign advisors, unless the United States first agree to stop aiding the Contras and to curtail its military maneuvers in the region.

The administration has repeatedly insisted that it will not stop aiding the Contras, or conducting military exercises, unless Nicaragua first agrees to a treaty that includes commitments to reducing troop and armament levels, and removing foreign advisors.

And, as we know, the President has made it clear he's not going to stop supporting the Contras, regardless. He's "not going to quit and walk away from them, no matter what happens."

The administration wants it both ways.

Concerned with the administration's support for continuing aid to the Contras, foreign ministers from eight Latin American countries came to Washington on February 10, 1986, to urge Secretary of State George Shultz to halt aid to the Contras, and return to direct bilateral negotiations.

Ironically, the same day, while Secretary Shultz would not agree with the Foreign Ministers, President Reagan was telling an interviewer from the Washington Post that he was "going to go all out," to convince Congress to approve military aid for the Contras.

And that is the request we have before us today.

PHILIP HABIB

Shortly afterward, in March 1986, President Reagan—confronting much skepticism in Congress and the country concerning the administration's commitment and sincerity to finding a

peaceful, negotiated solution—appointed Ambassador Philip Habib as his new special envoy to Central America.

The Contadora nations and the Central American nations resumed negotiations in early April 1986, but found themselves deadlocked around the same issues that had stalled negotiations in November 1985. The Nicaraguan Government continued to insist upon a formal commitment of nonaggression from the United States as a precondition of signing a final agreement. The administration's position remained unchanged.

At the time these spring 1986, meetings were ending without agreement, Ambassador Habib wrote a letter to Representative JIM SLATTERY of Kansas dated April 11, 1986, defining the administration's position regarding Contadora. In the letter, which the State Department also transmitted to the Contadora nations as an official statement of U.S. policy, Ambassador Habib noted that the United States would not be a signatory of any Contadora accord, and therefore would not be legally bound by it. But, the letter pledged that the United States would "as a matter of policy" abide by the terms of an accord that was being fully respected by all the signatories. Most importantly, the letter stated that the United States Government interpreted the current Contadora draft accord as requiring an end to aid for paramilitary forces—the Contras—"from the date of signature" of the agreement by the Central American countries.

This was seen, rightly, as significant.

It is important to note that the wording in the September 1985, draft treaty to which Ambassador Habib refers in his letter remains in the current June 1986, draft—the draft that is pending and currently on the table. The letter states in clear and unequivocal language that it is the administration's policy that upon signature the provision of the treaty would require a cut-off of funds to the Contras.

On May 8, 1986, Vice President BUSH stated that he had told Central and Latin American leaders that the United States "stands by Ambassador Habib's letter of April."

On that day, Vice President BUSH told the Foreign Ministers of Argentina, Brazil, Colombia, Mexico, Peru, Venezuela, Panama, and Uruguay, "The terms of the letter sent to Congress on April 12 by President Ronald Reagan's personal envoy in the Central American crisis, Philip Habib, are endorsed at the highest level of my Government."

This statement was reassuring. Panama's Foreign Minister Jorge Abadia said May 15, 1986:

> We would like to refer to the note released by the United States government in which it states that the minute the Nicaraguan government signs the peace agreement on June 7 in Panama, it will withdraw its support for the irregular troops fighting against the Nicaraguan government. . . . This will mean that the signing of the peace agreement will lead to the immediate cessation of United States support to irregular forces fighting against the Nicaraguan government. This was personally confirmed in Costa Rica, during the inaugural ceremony of President Oscar Arias, by United States Vice President George Bush, who during a breakfast meeting . . . said that the United States will comply to the letter with the commitment made in Habib's letter, which specifically mentions this. We have no reason to doubt Bush's word.

With this clearly stated policy, the possibility of agreement in Central America looked brighter. I was hopeful. The American people were encouraged. The nations of Central America were supportive.

Indeed, the Guatemalan Government said, "The decision of the United States to withdraw every type of aid to the Nicaragua counter-revolutionaries if the Nicaraguan authorities sign the Contadora peace document is positive."

But, this letter brought the intense and bitter differences within the administration into public view.

The publicly stated policy did not last long.

On May 24, 1986, a New York Times article quoted a "senior administration official"—later identified as Elliot Abrams—stating that the Habib letter was imprecise and that the adminsitration would interpret the draft treaty as requiring the termination of aid to the Contras on implementation, not from signature.

Another muddle, and more evidence of a lack of a real intent on the part of the administration to have the Habib mission to success in finding a peaceful, negotiated settlement.

U.S. Special Envoy Philip Habib himself was quoted on Mach 14, 1986—a month before his letter to Representative SLATTERY—as saying that President Reagan was committed to toppling the Sandinistas.

A March 14, 1986, Reuters report from San Salvador reported:

> U.S. Special envoy Philip Habib today was quoted as saying President Reagan was committed to toppling Nicaragua's leftist Sandinista government.
>
> Habib made the remarks to Salvadorean leaders at a meeting here on Wednesday [March 12], sources close to the meeting said today. "He said the Sandinistas had to go," said one government insider who asked not be be identified.

Which is it, Mr. President: negotiation, or overthrow?

CENTRAL AMERICAN REACTION TO U.S. POLICY

It is common sense for us to listen to the advice of our friends and allies in the region, and heed their advice. These are the nations that are most directly effected by the presence of the Sandinista government. These are our allies that are urging us to seriously support the Contadora process, and not to fund the Contras.

We should listen to them, and understand what they are trying to tell us.

In February 1986, then president-elect Oscar Arias Sanchez of Costa Rica said he opposed military aid to the Contras. In reference to the proposal for $100 million that we now have before us, he said, "If I were Mr. Reagan, I would give that money to Guatemala, El Salvador, Honduras and Costa Rica for economic aid and not military aid to the Contras. I don't think with that aid he is going to obtain what he wants."

That same month, Colombian Foreign Minister Augusto Ramires was quoted as saying, "As long as the United States is asking for aid to the Contras, there is not a political climate for national reconciliation."

A few months later, the Colombian Foreign Minister called the Reagan proposal for $100 million "intransigent and extreme."

The pattern is consistent. Our friends and allies in the region—those most immediately affected—disapprove of this aid, and disapprove of the administration's heavyhanded and shortsighted intervention.

During the time of one of the earlier administration requests for funds for the Contras, President Jaime Lusinchi of Venezuela came to Washington and told President Reagan directly that the use of military force would not solve the "delicate and complex crisis of the Central American countries."

President Lusinchi said at a welcoming ceremony at the White House:

> We firmly believe that the solution to the existing crisis rests on an effective democratization of the region and the exclusion of external factors, be they continental or extra-continental.

Mexican President de la Madrid has made the same point. The Reagan administration should pay heed. So should this Senate.

This past April, in response to the President's request for this Contra aid, President de la Madrid said, one of the "basic principles" of the Contadora Group was "nonintervention, from whatever origin, in the internal affairs of each of the Central American countries."

President Betancur of Colombia said on March 9 of this year that the Reagan administration's request for $100 million in aid to the Contras is wrong, and "will not produce good results." He stated that "all of Latin America doesn't like the Reagan proposal," and he urged talks instead of war.

Carlos Andres Perez, former President of Venezuela, said that trying to find a military solution in Central America would being "regional war-

fare, in which the United States will not win, Central America will not win and Latin America will not win.". He said such an event would lead to what he called "a strategic victory for the Soviet Union."

And, in an article published February 28, 1986, in the Los Angeles Times, Agustin Jarquin Anaya, a former president of the Social Christian Party in Nicaragua, and still a member of the board, wrote the following from Managua:

Violence is not an adequate means to resolve the problems of Nicaragua; only through civic initiatives can the problems be resolved in an adequate and consistent way.

We in the Social Christian Party believe that Nicaraguan solidarity must be expressed in three aspects, simultaneously:

Opposition to an eventual North American invasion and the presence of U.S. arms, troops, etc. in and around Nicaragua.

Opposition to the growing arms race that the Soviet Socialist bloc encourages in Nicaragua with personnel, military advisers and sophisticated arms.

Opposition to the establishment of a nondemocratic system in Nicaragua; that is, we seek the fulfillment of the original program of the Nicaraguan revolution.

At present, because of the confrontation between the Sandinista front government and the Reagan administration, we see a vicious circle.

And, less than a month ago, on July 14, 1986, former Costa Rican President Daniel Oduber sent a letter to Representative MICHAEL BARNES. It is a powerful message. Let me read from his letter:

I have seen in the news that the 100 million dollars was finally approved by the House to aid the Contras in the Nicaraguan War . . . No matter what happens, this represents another tragedy for Central America, increasing the loss of human lives and the hatred among Central Americans. It makes it much more difficult for us to keep on working for peace and real democratic government in Nicaragua.

More money for one side means more money for the other side, and this escalation will destroy the hopes for peace and reconstruction.

Just a few weeks ago, Violeta Barrios de Chamorra, a former Sandinista, and the brave widow of the assassinated editor of La Prensa, wrote a letter to President Ortega. That letter was published in the New York Times on July 29, 1986, and speaks eloquently of her disagreement with the Sandinistas, and her disagreement with United States support for the Contras. She wrote that: "the grave crisis afflicting Nicaragua must be resolved among ourselves, the Nicaraguans, without the interference of Cubans, Soviets, or Americans."

Another leading opposition leader in Nicaragua—one of the few left—Mr. Virgilio Godoy, Secretary General of the Liberal Independent Party in Nicaragua, an opposition party to the Sandinistas, has stated "We never agreed with the Contra Aid Program because its purpose is different from what we are fighting for. All the dead that we see, on both sides, are Nicaraguans * * * we all oppose the aid to the [FDN] Contras, because it plays into the hands of the Soviets."

Mr. President, we should listen to these Nicaraguans. They oppose the Sandinistas, but they also oppose this misguided policy of U.S. support for the Contras.

The initial explanation and justification presented to the American people and Congress for supporting the Contras was to interdict arms moving to the rebels fighting the Government of El Salvador. The President stated that was his only motive.

That fig leaf is gone.

Then, the explanation and justification presented to the American people and Congress changed. The administration stated that the United States should support the Contras as a means to force liberalization of the Nicaraguan Government.

That fig leaf is gone.

Then, the explanation to the American people and Congress was that we had to fund the Contras to force the Sandinista government to negotiate in good faith.

That fig leaf is also gone, I'm afraid.

In spite of the shifting explanations for its need, in spite of the repeated pledges of support for negotiations, in spite of the pleas of our allies and friends in the region, in spite of the congressional support for the Contadora process, in spite of the opposition of the American people, it is now clear: the Senate is being asked to vote for funds to militarily overthrow a government we just don't like—but with which we have full diplomatic relations.

With this proposal to further fund the Contras, the President is now clear in his motives. In spite of the many statements to the contrary, the motive of the administration is to overthrow the Nicaraguan Government.

There are many challenges confronting the people of Central America and the United States. For the United States, the challenges are more than the Sandinista government with which we have disagreements. The challenges are the despair, the anger, the frustration, and the urgency caused by a long, sad history of poverty and economic injustice. Until the hunger, disease, poverty, and despair of so many people in Central America is addressed, and until the economic and social injustices are recitified, there will be turmoil. Sending military aid to the Contras is not the solution. That will only make things worse.

In 1981, the administration requested $19 million for the Contras. Last year the administration requested $27 million. Now, a nearly fourfold increase.

Surely, this will not be the last request. If this is approved, there will be more. This is a down-payment on a big ticket item—perhaps in American lives, certainly in U.S. taxpayer dollars.

Just this past Friday, August 8, 1986, one of the top Contra leaders said they expect the Senate to approve this request for $100 million. It will enable military victory—it would "make it happen within a year after we get sustained support. After that we won't need any more—maybe just a little to sew it up at the end."

It would be, he said, and I quote: "the light at the end of the tunnel."

Mr. President, we've all heard that before.

This is not the light. This is a long and dark tunnel, and this request is not the last.

Indeed, President Reagan acknowledges that. Let me read to you the opening paragraph of an article this past spring in the Baltimore Sun. The article was the result of an interview Robert Timberg of the Sun's Washington bureau had with President Reagan.

President Reagan said yesterday that the 18 months' worth of military aid he wants to give insurgents in Nicaragua may not be enough to accomplish American aims there and that he might have to return to Congress at the end of that period for additional funds.

The administration states one thing, and acts another. The administration states publicly that it supports Contadora, yet seeks to fund the Contras.

Since coming to office, the Reagan administration has been internally divided over whether its primary objective concerning Nicaragua would be to find a basis for coexistence and containment, or to overthow it. Efforts to find a regional diplomatic solution to the Central American crisis have repeatedly run aground on this schism. The administration has not been willing to, or internally able, to agree to a diplomatic accord concerning Nicaragua. As the American people, Congress, our allies, and the countries of Central America each demonstrated strong support for the Contadora process, the administration.

So, Mr. President, we have an administration that appears it can't sort out its own policy. It acts to overthrow the Sandinistas, while saying it seeks to negotiate. It wants to contain Nicaragua, and yet it wants to "excise the cancer."

Philip Habib is quoted as saying the President believes the Sandinistas have got to go, and Philip Habib writes a letter stating it is administration policy that support to the Contras will stop when a Contadora treaty is signed.

The Vice President and the State Department state that they stand behind the April 11 Habib letter, and then the White House states that it is "imprecise" and "wrong."

The President says, repeatedly, that he wants to negotiate a peace through the Contadora process, and yet he wants to excise the cancer of the Sandinistas. He pledges support to stop funding the Contras if a verifiable Contadora treaty is achieved, and yet he and his Secretary of State say their support for the Contras is indefinite, and they will not stop supporting them no matter what.

The administration is paying lipservice to negotiations. The intent is clear. We are told this aid is to facilitate negotiations. It isn't, I'm afraid.

This aid will not help achieve a negotiated peace. This aid is only a down payment on a long, bitter, tragic, and deadly folly.

□ 0920

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

SENATOR SPECTER'S ADOPTED REFUSENIKS

Mr. SPECTER. Mr. President, I am concerned about the ongoing ordeal of Soviet Jews. As the religious persecution and harassment of Soviet Jews continues, so does the violation of their human rights, especially the right to practice their religious beliefs.

Soviet Jews seeking to preserve their heritage by teaching the Hebrew language are now subject to sentences of 7 years of hard labor. Individuals exercising their religious beliefs face physical beatings and criminal sentences. These are some of the symptoms of the callous disregard for human rights exhibited by the Soviet Union today.

As the number of Jews permitted to emigrate to Israel from the Soviet Union has sharply declined from 51,000 in 1979 to 1,140 in 1985, I believe it is time to refocus our attention on the plight of Soviet Jews. In particular, I would like to bring to your attention the plight of my adopted refuseniks, Sonia Melnikova-Eichenwald and the familes of Victor Brailovsky and Isaak Kogan. I have contacted Soviet and American officials concerning the release and good treatment of my refuseniks and maintained contact with their families.

Sonia Melnikova-Eichenwald is married to an American citizen, Michael N. Lavigne. Though the Soviet authorities did nothing to block the marriage and originally allowed Sonia's husband to stay in Moscow, Michael is now back in the United States and Sonia is still refused permission to emigrate. Sonia has been denied an exit visa 12 times since 1979, allegedly due to her father's knowledge of state secrets.

However, Sonia has seen her father only once since infancy, when her parents were divorced. Sonia has no knowledge of classified information, has never served in the armed forces, has committed no crimes, and has no outstanding debts; by Soviet law Sonia should be free to leave. However, she has been unable to do so and has faced a life of repression. Like many Jews who apply to emigrate, Sonia was forced to resign from her job as a design craftsperson. She does not hold any state employment, and even her freelance work was greatly curtailed after those paying for her work were harassed by various authorities. I sincerely hope that Sonia is soon allowed to emigrate to join her family.

Another Jew struggling for the right to practice his religion is Victor Brailovsky, a prominent and respected member of the Moscow refusenik community. Playing an important role in the Jewish emigration and cultural movement, Victor was sentenced in 1981 to 5 years of internal exile on charges of "fabrications which defame the Soviet state and social system."

Mr. President, imagine that crime or stated allegation and charge in the American courts.

Once working as a doctor of cybernetics, Victor now lives in a wooden hut with no running water in his place of exile, Mangyshlakskaya Oblast in Kazakhstan, known for its isolation and extreme weather conditions. Confined to the shack every evening after 7, he is now threatened by the prospect of labor camp if he leaves the shack three times after 7. It is known that he suffers from a chronic liver condition and it is suspected that his medical state is poor. His wife, Irina, a mathematician, and his son and daughter remain in Moscow. After applying for exit visas in 1972, the Brailovsky family was denied and never obtained their visas. They faced curtailed telephone and mail service, and surveillance by the KGB. After Victor and Irina were fired from their jobs, Victor organized the Moscow Scientific Sunday Seminar to prevent unemployed Jewish scientists from falling too far behind in their profession. Victor was also involved with the journal Jews in the U.S.S.R. Now, the family's future is terribly uncertain.

Isaak and Sofia Kogan, along with their three daughters—Chana 18, Simona 11, and Esther 4, have been trying to leave the U.S.S.R. for 12 years. Despite having worked for only 1 year in an electronics factory before becoming a manual laborer on a railway, Rabbi Kogan has been denied an exit visa on grounds of state security. The Kogan family are learned Jews, speaking Hebrew and Yiddish, and studying the Torah and cognate texts, and infusing other Jews with their dedication. Their dedication has brought support and encouragement to other refuseniks.

The three cases I have discussed demonstrate the ordeal of many Jews in the Soviet Union who have been bravely seeking to teach their brothers and sisters about the history and culture of Judaism, despite the obvious risks. The plight of these three that I have adopted—Sonia Melnikova-Eichenwald, Victor Brailovsky, and Isaak Kogan—remind us of the many thousands more in the U.S.S.R. who await freedom. Jews in the Soviet Union have been a rallying point in the free world and should continue to be as we press for the reunification of their families and their freedom. I urge my colleagues to continue their efforts on behalf of the thousands of Soviet Jews who are denied the most basic human rights and freedoms.

I hope the efforts of the President in now seeking a summit will lead to the recognition of the rights of these refuseniks and all human rights in the Soviet Union.

I thank the Chair.

I yield the floor.

BUT WHAT DO THE PEOPLE SAY ABOUT CHILE AND THE STATE DEPARTMENT?

Mr. HELMS. Mr. President, since returning from Chile a few weeks ago, I have received a deluge of mail in response to my public comments about my trip. One thing is apparent from these letters—United States citizens who live in Chile, or who have lived in Chile, are unanimous in their support of my position, and in their dismay and outrage over United States policy toward Chile. There has not been one exception.

When I was in Santiago, my first meeting—aside from those with agriculture leaders—was with the President of the Supreme Court. As I walked out of the Supreme Court chambers, I was besieged by the media. The next day the media reported that I was there. Immediately I began to receive dozens of calls and visits at my hotel from United States citizens living in Chile.

Without exception they communicated to me their support for a stable transition to democracy in Chile and each of them emphasized their belief that Ambassador Harry Barnes was upsetting the Chilean timetable for democracy. Ambassador Barnes was very short of support, to say the least. In fact, he had none among the people who contacted me.

Mr. President, inasmuch as I have had many inquiries from Senators and others, I feel that it is appropriate to include in the RECORD excerpts from letters, favorable and unfavorable, which I have received regarding Chile. It may be of interest to my colleagues to see a sampling of some of these letters both for and against my position on Chile. I have directed my staff to include letters which state disagreement with me in the same proportion

as those which agree. However, since letters of disagreement have been so relatively few, I am submitting most of those, and only a small percentage of the favorable mail.

Mr. President, most of the people stating their criticism of, or opposition to, my position merely sent copies of abusive editorials from the U.S. media and stated that they agreed. The authors of the editorials resorted to invective, without bothering to check the facts—which is a growing tendency in American journalism today. In a very real sense, the editors themselves are engaged in hate mail. On the other hand, the favorable mail, for the most part, has come primarily from North Americans who have lived many years in Chile, and who know, first hand, the reality of the situation there today.

Mr. President, I ask unanimous consent that the letters be printed in the RECORD at the conclusion of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 15, 1986

Hon. JESSE HELMS,
Senate Office Building,
Washington, DC.

DEAR SIR: I am an American citizen resident in Chile for many years, and have followed with interest your activities while you were in Santiago and after your return to Washington.

I agree with you that the State Department has created situations around the world that have facilitated the emergence of Communist regimes. My family has lived through the disastrous years of Salvador Allende, and we see Chile about to fall into a period of anarchy which could easily allow that process to again take over.

Like you, I fully disapprove of the attendance of Mr. Harry Barnes, U.S. Ambassador in Chile, at the funeral of a young Chilean burned to death under dubious circumstances, and where the majority of the mourners were known to be Communists. The gesture was humanitarian but the move political, meddling in the internal affairs of this country and acting openly against the Pinochet government.

I am not strongly in favor of Pinochet's autocratic regime, but it is providing a modicum of stability, allowing Chile's economic situation to slowly improve and, hopefully, set up the conditions needed for a return to democracy. To support activities where Communists are concerned is to encourage an even more repressive way of life to get a toe-hold in this country. As many Chileans would arise en masse to try to stop such a development toward the Left, unrest would ensure and the U.S. will have another Nicaragua on its hands, or Chile could fall into the hands of an even more repressive dictatorship than we have at present.

I congratulate you on your outspoken statements, and hope that your efforts will jolt the Reagan administration into a reconsideration of its policy regarding Chile.

Sincerely,

BETTY ROWE KRASSA,
Santiago, Chile.

JULY 15, 1986.

DEAR SENATOR HELMS: The recent involvement of our Ambassador, Mr. Barnes, in a political incident in Santiago, Chile, has prompted me to express my concern for the future acceptance by the Chilean people of any statement, or acts, attributed to the State Department.

Assuming that President Reagan, and the State Department are against communism, and that they are aware that Chile has been fighting against communism for the last 13 years, and is one of the few countries of the world that has successfuly overthrown a communist regime, why then should Ambassador Barnes, representing the U.S. Government, become suddenly so "humanitarian" with the communists and involve himself in an affair strictly of Chile's concern?

Definitely, something is wrong with the State Department's source of information, or somebody wants the "bad guys" to win.

Senator, can you help?

Sincerely,

MARGOT CRUSE PRIETO,
United States resident,
Santiago, Chile.

DEAR SENATOR HELMS: Please find attached copy of letter addressed to the President Mr. Ronald Reagan, which pertains to the current political situation in Chile. On that I would like to reiterate my recognition to you for the courageous words you gave the Chilean press, on the lack of understanding the U.S. has about the political dilemma Chile is confronting.

In my estimation your assessment of the political situation in Chile is correct and it is disheartening to see how the politics of some people tint conflicting happenings to their personal advantage. Needless to say that in fairness to the Chilean people, your recent visit should be recognized as the best that has happened to Chile in a long while. I hope that your frank disposition may move others to understand the issues and problems Chile is facing up to.

Sincerely yours.

ALFONSO A. PANISELLO,
Santiago, Chile.

JULY 16, 1986.

Mr. RONALD REAGAN,
President, U.S.A.,
Washington, DC.

DEAR MR. PRESIDENT: Recent terrorist events in Chile and the participation of our Ambassador Mr. Harry Barns in an act of sympathy to a young activist Rodrigo Rojas Denegri, who died under highly controversial circumstances, made the presence in Chile of our Ambassador equally controversial and distasteful.

Our desire to see a Democracy reinstituted in Chile should not be demonstrated using disrespect for a Government that is agreeable to such a transition but unpopular due to its action against the acts of terrorism executed by communist organizations with total disregard for law and order.

Mr. President, as a staunch supporter of your courageous decisions and sense of reality in counter acting many international upheavals, I wish you would look into the Chilean situation taking into consideration the opinion of well informed people and not just the recommendation of Ambassador Barns, who like Senator Kennedy have strange sympathy for riotous people. Senator Jesse Helms was a welcomed surprise for Chile during his recent visit to Santiago when he exposed both, Mr. Barns and Mr. Kennedy, for not recognizing the political reality of Chile. On all this, I congratulate Senator Helms for his courage in bringing the Chilean situation into the open for it to be scrutinized.

We should not forget the tactics Castro used in Cuba, if we want to prevent the same thing from happening in Chile. For the time being, nothing will be accomplished by rushing Mr. Pinochet's regime into a democratic government. There is really no immediate political alternative to Chile's dilemma, except communism (a second time around) if prudent steps are not taken now. Political change needs to be encouraged, but not as an end to itself.

I am an American who lived in the early part of his life in Chile and retired recently from Exxon in New York and now residing in Santiago.

Sincerely yours,

ALFONSO A. PANISELLO,
Santiago, Chile.

JULY 25, 1986.

DEAR SENATOR HELMS: On Sunday July 20th, 1986 I lit the T.V. and tuned it on ABC This Week News, Washington, I was most surprised and pleased to hear you talking about Chile.

I lived, most of my life, in Chile and had to leave when things got impossible, just before the end of Allende's period. We thought that the military would never take over and we just could not go on living the way we were so decided to come to Arizona where my parents were living. We still have family in Chile so we know how things are.

It was so refreshing to hear someone, at last, talking what we have been trying to say to anybody that asks us how Chile was like then and now. People here do not understand what a relief it is to get rid of a communist regime. The people that are demonstrating here in U.S.A. and in Chile are people that were supporters of Allende. The ones here had to leave Chile after the coup. Chileans here have a question that they ask when they meet: "When did you arrive to U.S.A.?" If they mention a date before 09/11/73 they were against Allende, if they give a date after the coup they are Allendistas (communists) in my opinion.

There are many things I could tell you about Chile during the Allende period but I want you to read this letter and if it is too long you won't and only your staff will see it.

Again thank you for your refreshing words pro Chile.

Sincerely,

ANITA STURROCK,
Daleland, AZ.

JULY 21, 1986.

DEAR SENATOR HELMS: As a Chilean resident in this country for over 30 years with family ties in Chile. I am very grateful that one voice has risen to challenge the game of the international communism against our small country. Please keep on helping the real working people of Chile.

EDWARD LARREA.
LA SERENA, CHILE, *July 14, 1986.*

Hon. JESSE HELMS,
U.S. Senate, Washington, DC.

DEAR SENATOR HELMS: As a U.S. citizen who has worked in Chile for over seven years (and who, coincidentally, will be retiring to North Carolina on 01 October), I'd like to express my satisfaction in your presenting the other side of the coin regarding Chile, its government and its people.

For many years, the U.S. media have treated Chile most unfairly, either on

grounds of its having a military government, or because of alleged violations of human rights. Much of this would seem to stem from sensation-seeking journalists, or socio-political "do-gooders" (some of them missionaries!) who come to Chile "to prove" their pre-conceived notions of how bad everything is here. And either of these types is most willing to tell the Chileans how Chile ought to be governed!

It was refreshing to hear a different viewpoint for a change, and I hope you will be successful in your efforts to improve the U.S. perspective of Chile. It is, after all, the only country which ever threw the Commies out once they had taken over. Moreover, it's presently having to contend almost daily with unscrupulous terrorists and agitators who would like to make it another Cuba or Nicaragua. As such, it ought to receive greater consideration by North Americans, however great our inherent dislike of military governments.

I've lived under military governments in both Ecuador and Chile; they are not all totally bad, and in some parts of the world, occasionally necessary to prevent utter chaos. Chile's is certainly a "dictablanda," not a dictadura.

Sincerely yours,

JAMES B. WAY, JR.

Santiago, Chile

DEAR SENATOR HELMS: I am a North American citizen who has lived in Chile for 25 years and I sent you these lines to let you know that I am very much in accord with the message you delivered on your recent visit.

Quite a few of the North American residents who lived here during the previous regime feel that the apparent policy of the State Department in advocating an immediate return to full democracy is not conducive to the benefit of Chile nor to the United States.

In fact, quite a few Chilean policy analysts spread amongst the most diverse tendencies coincide in believing that the country is not yet ripe for such a transition: much to their distress, no public figure capable of shouldering the burden of guiding the nation has emerged so far.

Moreover, the majority of Chileans of all tendencies resent—and justly so, I feel—any well-meaning attempt at influencing their state of affairs from the outside.

Sincerely,

(MRS.) HARRIET HARRIS UNWIN.

SANTIAGO, CHILE,
July 16, 1986.

DEAR SENATOR: As a moderate Republican I have seldom agreed with you. However, as an American residing in Chile, I completely agree with your position regarding the attendance Ambassador Harry Barnes at the funeral of Rodrigo Rojas. Please find enclosed a copy of the letter I sent President Reagan on the matter.

Sincerely yours,

DAVID MADISON.

SANTIAGO, CHILE,
July 14, 1986.

President RONALD REAGAN,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The communists have launched a terrorist campaign to make Chile "ungovernable". And, as our former ambassador James Theberge said here recently in a newspaper interview, this terrorism has nothing to do with whether a government is democratic or not. What the terrorists groups want is to gain power and to impose their system.

Therefore, I am very dismayed by the fact that our current ambassador Harry Barnes recently attended the funeral of the presumed communist activist Rodrigo Rojas for "humanitarian" reasons.

Although he has not done so in the past, I sincerely hope Ambassador Barnes finds equally compelling "humanitarian" reasons to attend the funerals of the future victims of communist terrorism.

Sincerely yours,

DAVID MADISON.

SANTIAGO, CHILE,
July 17, 1986.

DEAR SENATOR HELMS: There are many of us in Chile who duly appreciate the courage and the meaning of your position regarding our country.

As you say, everybody wants (and talks about) democracy for Chile. But many of us fail to understand why Mr. Abrams & Co. are so skeptical about our government's resolve to go exactly that way.

It reminds me of the story about the man who storms the pilot's cockpit of a Miami bound airliner and shouts: "This is a hijack. Let's go to Miami!". The pilot replied: "But, we *are* going to Miami . . . And the hijacker said: "I know. But I wanted to be sure!!"

It seems that it is not fashionable politically for him to be even neutral towards this government. And in being hostile instead, he joins the yelling of some for whom the word democracy has completely different meaning or it is utilized only as a tool to achieve just the opposite.

I cannot claim to be a supporter of this government. But on the other hand right how, much as I long for democracy, I cannot point at any older generation politician that can be a decent alternative to what we have now.

I've been many times in the States and have heard and read countlessly Mr. Reagan views on communism. As such I strongly agree with you that more likely than not Mr. Abrams is speaking his own mind rather than that of his boss. I would say Abrams' views are very unamerican.

The Chilean-American Chamber of Commerce took the initiative last June of sending a delegation to Washington called: "Washington Outreach",—formed mostly by american businessmen.—to state Chile's case objectively before government officials.

They found that their effort became dwarfed by that of Chilean opposition politicians, who have preceded them and contacted the same individuals—and of course the press—for a long time before and very, very frequently.

Anyway, at the end, the truth will prevail. Our current economic indicators show that comparatively we are in the right track. And time also will prove that Mr. Abrams biased (or naive) approach is very wrong.

In the meanwhile voices like yours are most needed and welcome. Thank you Mr. Helms.

Sincerely,

JAIME F. GONZÁLEZ.

SANTIAGO, CHILE,
July 18, 1986.

Senator JESSE HELMS,
Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: I am writing to you to add my name to the growing list of American citizens living in Chile who are extremely upset and in complete disaccord with what we consider the increased interference of the U.S. State Department in Chile, the latest and most public example of which was the presence of the American Ambassador at the funeral of Chilean citizen Rodrigo Rojas Denegri. More than a few of us consider this as an aggressive and threatening gesture.

It is really terrifying for us (here I include Chilean citizens) to think that the U.S. Government can openly side with the Communist element; it is impossible to believe that trained, knowledgeable U.S. officials cannot foresee the consequences of such an act. Do they want to push us back to 1970?

If the State Department representatives who pass through Chile would take the time to meet with us—middleclass, some working, some housewives—we could inform them of the multiple social works achieved by the present government, the tremendous advances in public education, the ever-increasing small business and industry, the most impressive strides in public health—to name a few "pluses". It is deplorable and tragic when the so-called "pacific" strikes always result in innocent deaths and terrible destruction. How can anyone in the present U.S. Government be in agreement with these "pacific" strikes?

What the local government needs are a few "pats on the back" for the untold good they have done, and encouragement for the continuance of their progress toward a truly democratic society.

Respectfully,

LUISA WARD.

CONCEPCIÓN, CHILE,
18th July, 1986.

Senator JESSE HELMS,
Congress,
Washington DC, USA.

DEAR MR. HELMS: I want to congratulate you on your statements regarding Chile during your stay here. What you have said is the perfect truth whatever the State Department may say over there. All the people around me here agree with what you have said. I consider really disgraceful what the American and European press report about Chile, they seem to be completely ignorant regarding the real situation here, or is it that they have bad intentions?

President Reagan should be reminded that he has his best ally in President Pinochet and his government, and consequently should support them and be just with them.

Yours sincerely,

PATRICK PRICE.

Hon. JESSE HELMS,
Senate Office Building,
Washington, DC, USA.

JULY 16, 1986.

SIR: The undersigned, an American citizen of over 25 years' residence in Santiago, Chile, wishes to thank you for the many truthful declarations made here during your recent visit. Unfortunately, there was no way that I could make contact with you personally for a chat, even over the telephone.

I have it understood that during the month of August, Ambassador Harry Barnes is hoping to get together with the long-term residents, men and women married into Chilean families. We hope this will come about as we are the people who most know Chile and its national character, we speak the language fluently and, of course, have our opinions on what is truly happening here in Chile.

It is very easy for the U.S. public and the Department of State to claim "democracy"

for Chile. We all think this is eventually the obvious, or hoped for, solution. But at this time, a sudden return to democracy would only turn the clock back to 1970 when Salvador Allende won the election and the nation was thrown into chaos that left the nation bankrupt both financially and socially.

We perfectly understand that Pres. Pinochet is not perfect, but he is obviously (and desperately at times) trying to hand this country over to a stable and cleaned-up democracy. We also agree that he is inclined to be stubborn, but if not Pinochet, who then? Neither the left nor the center-right have a personality that could be called a potentially good candidate. The problem here is economic first. The average Chilean is far more interested in his pocket and due to the fact that Chile is poor and small, that we have been badly affected by the worldwide depression and, doubtless, local mistakes in economic theories, the ultra left plays on the unemployment and related problems. This is their way, as we all know.

We do not pretend to understand Ambassador Barnes—his motivations, his instructions and his attitudes. This is the first Ambassador to Chile that has caused this feeling of unrest among the Americans here. It is very easy to cry democracy when Chile, as a nation, is not understood. We are facing an urban terrorism that is obviously financed from abroad, and sadly enough, the usual center-of-the-road Christian Democrats have virtually joined forces with this group in their desperate yearning for power. These are the most dangerous of our politicians as we don't know where they stand. Obviously we know where the left stands and they promise more and more "peaceful protests" which, you might have observed, are hardly peaceful.

I am enclosing a paper that has been a virtual snowstorm over Santiago. I picked it off the street, and have duly translated it for you. It would be obvious, then, who is organizing these violent protests that have, as its only aim, the overthrown of this government. What would occur in the U.S. if terrorism should take hold in some of our big cities? Again, is Chile not allowed to defend its population during these protests? Is Chile not a sovereign nation who feels more than put upon when the U.S. keeps sending people down to see what is going on? Would the U.S. be annoyed if another nation were telling it what to do?

Nothing is perfect here in Chile, we know this. But pressure on the government and more and more protests because of this pressure, is going to throw us into a civil war. Why does the State Department so blindly claim "democracy" when this is hardly the moment for same? What has happened to the "silent diplomacy" we were welcoming here under James Thesberge?

We sincerely hope that you can realize some success in your talks on your return. We do believe the State Department is badly advised or—and this is very possible—what the U.S. knows as democracy in a rich nation of 240 millions, cannot always be applied to a small and economically troubled nation in Latin America of nearly 12 million.

Good luck to you—and good luck to us!

Sincerely yours,

MRS. ALEJANDRO,
DOROTHY ROSALES.

SANTIAGO, CHILE.

7480 BRIGHAM DRIVE,
Dunwoody, GA, July 21, 1986.

Senator JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: I congratulate you for your statement about Chile as reported by the New York Times, "Chile is a stable country which has no corruption and I admire Chileans because they believe in free enterprise."

Since the beginning of General Pinochet's presidency in 1974 Chile has made every effort to build a free enterprise system from the economic ruins left by his predecessors.

Chile hired the most reputable economic advisors available, Dr. Freidman, to speed the country's recovery and to return to private hands the Chilean industry that had been nationalized.

The right steps were taken and success began but was not favored by world economics. Chile is too dependent on a single export, copper and when world copper prices fell so did their economy.

I lived and worked in Chile during the regimes of both Presidents Frei and Allende and still do business there with several government agencies. There is a difference now. Since General Pinochet there is no corruption.

I thank you for your words of truth about Chile and for your courage to say them.

Sincerely yours,

RALPH H. CUNDALL.

JULY 22, 1986.

DEAR, SENATOR HELMS: I was very proud to say my family had worked in your campaign when we lived in North Carolina in the late 1970's.

My husband is from Chile and all his family still live there. I have made four long trips to Chile and know that many people there are avowed anti-Communists.

As was stated in the article in the "Charlotte Observer" July 18, 1986. "I walked the streets of Chile daytime and nighttime and saw no dead bodies."

Senator Helms, I was last in Chile in October, 1985. The only way we knew there had been any riots in Santiago was when we watched their nightly new program. The riots mostly occur in the worker/apartment areas. Anyone who has some backgound studies of Communism should know these areas are one which attract communist organizers.

Has anyone from the U.S. ever done a study to detail all the good things which General Pinochet has accomplished for Chile? If so I would like to be able to obtain a copy.

Senator Helms, please keep up your good work in the Senate. I regret that we no longer live in North Carolina to work on your campaigns.

I would like to be able to spend more time in Chile—The people and country are "muy simpatico". The family I have in Chile could share some very interesting experiences of what occurred during the Allende regime and how the people managed to overthrow the regime. I hope our country would learn from these heroes and ordinary people.

If I can be of any assistance in your "Campaign" or Pro-Chile please write. I love both the U.S. and Chile and want to help both.

Sincerely,

JUDITH MIRANDA,
Richardson, TX.

DEAR SENATOR HELMS: Many of us who are United States citizens living in Chile and who observe at first hand the true situation in the country, feel alarmed at the distorted and absolutely false press reports in the American and other foreign neswpapers. There seems to be a campaign to deliberately influence public opinion, and inevitably Congress and the State Department, against Chile.

This eroding of friendly relations between the United States and Chile is regrettable and can seriously impair advantageous commercial and cultural relations enjoyed by both countries.

The Chilean constitution sets 1989 as the year for general elections of Congress and a new President. The present military government has been steadily moving toward this goal. Elements of the far left are trying to obstruct this move to democracy by creating an ambiance of terrorist activity, unruly protest marches, bombings and vandalism, with the intention of another communist take-over. Ever since Chile ousted the communists in 1973, there has been world-wide propaganda to discredit the Chilean government.

Chile has been making a tremendous effort since 1973 to restore economic stability and organized commercial activity after the chaos left by the Allende-leftist regime. This year saw the highest production of wheat, increased exports of agricultural products, an increase in industrial production and commercial sales. In twelve months the inflation decreased in Chile 17.6%, and unemployment decreased 11%. Chile is one of the few countries in the world that has faithfully fulfilled its commitments to the Interational Monetary Fund and the foreign banks. The external debt has diminished 700 million dollars and will soon reach a decrease of 1000 million. All this is positive and favorable but seldom appears in the press reports.

This government has enabled more of the very poor to attain better living conditions, has set up more nursery centers for underprivileged children, and has created more training opportunities for poor mothers and unskilled workers than ever in the history of Chile.

Investment in Chile has been profitable for United States companies. Recently, the American Chamber of Commerce in Santiago sent a committee of U.S. business men to Washington to speak with Congressmen and various government representatives to present the realistic situation in Chile. The erroneous image is so prevalent it is almost impossible for a small underdeveloped country to combat.

Chile is a potentially loyal and valuable ally for the United States and it would be a tragedy to have this relationship destroyed by neglect in stemming a vicious campaign of hate inspired and abetted by extreme leftist elements.

When you were in Santiago I regret that my illness with bronchitis hampered our telephone conservation. I was grateful for your call and your statements on television and to the press reflecting the extreme distress of many of us Americans at the presence of the United States Ambassador at the funeral of a Chilean involved in a protest whose interment evolved into a political demonstration that included descreation of the family tomb of the President.

The recent visit of the Under Secretary of the State for Latin American Affairs, Mr. Robert Gelbard, was very encouraging in that he reiterated a policy of support for

chile in conducting its own progress toward a democratic transition.

Very truly yours,

GERALDINE K. SCHNEIDER,
Santiago, Chile.

DEAR SENATOR HELMS: I am a lawyer and work for a company that does business in Chile. I have had occasion to travel to Chile five or six times a year for the past half dozen years and to spend significant amounts of time there. I have had ample opportunity to form an opinion as to how our current Ambassador Harry G. Barnes is viewed by the Chilean public: He is regarded, frankly, as a kind of bumbly agent provocateur by most intelligent Chileans who have had any exposure to him—the diplomatic equivalent of Inspector, Clousseau. Following Ambassador Theberge, who was an able man, his shortcomings are painfully apparent. I read, therefore, with relief the attached article from the New York Times, detailing your comments to the Chilean press, feeling that at least now someone who is in a position of power and influence realizes that there is a problem.

It seems to me that, apart from the quality of our ambassadorial representation, Chile is most unfairly treated in the American press, compared to the rest of Latin America. For example, when 300 or so imprisoned revolutionaries were killed very recently in Peru, the press was more or less forgiving. It came across as an unfortunate but forgivable incident, for which President Garcia, who is certainly no friend of the United States, was really not to blame. Contrast that with the press treatment of the Rojas incident, in which it was almost made to appear that President Pinochet himself poured gasoline on Rojas and ignited it. Citing the testimony of "human rights activits" certainly does not persuade me that the Chilean military was responsible. Rojas' motives for being where he was and doing what he was doing are certainly questionable, but no one, except yourself, seems disposed to ask those questions.

What is the objective of our policy in Chile? Is it to install a communist regime? Is it to install a democratically elected leftist, like Garcia or Alfonsin, who would almost certainly be hostile to the interests of the United States? If that is our goal, then why should it be? Our policy, if we have one, is certainly not clear to me.

President Pinochet is, to be sure, a soldier. But no one, not even his worst enemy, would accuse him of being corrupt. He is not remotely like Marcos in that respect or any other, and he is, after all, currently serving as the result of a constitutional plebiscite.

At times it seems to me that our foreign policy is in the hands of a paternalistic, arrogant—although perhaps well meaning—social engineer who is certain that he knows what is best for other peoples of the world and is going to oblige them to accept his ideas whether they want to or not—and regardless of whether his ideas make any sense at all in terms of the self interest of the United States. It is particularly disappointing for me to see this happening under the Reagan administration.

Respectfully,

ARNOLD E. GODDUHN.
NEW YORK, NY.

DEAR SENATOR HELMS: I want to thank you for your firm stand in defense of the people of Chile. It speaks highly of your commitment to foreign policy that you have visited Chile on two occasions to assess the situation firsthand.

I believe your perception of the economic progress made by Chile, as well as your understanding of the country's needs, is accurate. The media in the United States is too quick to forget that the communists in Chile destroyed the economy and committed numerous violations to the constitutional order they had agreed to respect when they took their oath of office.

Please oppose any action to deny international credits to Chile. Economic sanctions will hurt only the common people, especially now that an economic recovery is taking place. When the economy of any country suffers a setback those at the bottom of the economic ladder are the first to experience it. This is a fact often ignored by liberals playing politics with the fate and well-being of others.

As a former Chilean citizen and now a registered Republican I am very proud to have you as my senator.

Sincerely yours,

MANUEL L. ZAPATA,
Charlotte, NC.

CHILEAN DESK,
Department of State,
Washington, DC.

GENTLEMEN: As a United States citizen, resident in Chile, I wish to express my extreme disaccord with the presence of the American Ambassador in Chile, Mr. Harry Barnes, at the funeral of Chilean citizen Rodrigo Rojas Donegri on Wednesday, July 9, 1986. In my opinion, this blatant demonstration of political pressure was unnecessary and unbefitting the role role of a career diplomat.

My personal fear, and that of many other U.S. citizens living here, is that this evident increase in political pressure can only lead to the dangerous possibility of destabilizing the present Chilean government. And then what will happen? Is it possible that the U.S. Government is willing to take the risk of having a Communist government installed in Chile again?

Respectfully,

NANCY H. MATUS,
Santiago, Chile.

DEAR SENATOR HELMS: This is to let you know that we support you 100% in the disagreement between you and the asst. Sec. of State Elliot Abrams, regarding the attendance of U.S. Ambassador Harry Barnes Jr. at the funeral of R. Rojas in Santiago, Chile.

This position of Abrams is just one more example of the stupidity of the State Department's "leadership!"

Senator Helms, keep up the good work!!

WILLIAM H. TELL,
Tulsa, Oklahoma.

DEAR SENATOR HELMS: As an American citizen and permanent resident in Chile, I read with great interest the statements about Chile and Ambassador Barnes that you made during your visit here last week. I wish to go on record as agreeing with you completely and at the same time vehemently protesting the presence of Ambassador Barnes at the funeral of Rodrigo Rojas.

In general Ambassador Barnes' apparent leftist bias which has been patently manifest during his short time as United States Ambassador in Chile has quite dismayed me and many other members of the American community here in Santiago.

JUDITY THOMSON DE CANALES,
Santiago, Chile.

DEAR SENATOR HELMS: Thank you for telling the truth on your return from Chile. The American people believe you, so the reaction of the liberal press and the communist lovers in our Dept. of State means nothing. They continue to seek overthrow of any democratic government (such as Cuba and Nicaragua) in Central and South America to place the commies in charge. Why are they doing so?

Please continue to make trips when necessary, to give the American people the truth, for we cannot get it from our State Department.

Thank you very much and keep up the good work for America.

KENNETH HOFFMAN,
Okla City, OK.

DEAR SENATOR HELMS: It was certainly wonderful reading of your visit to Chile and your comments, regarding your good friend Agusto Pinochet and his repressive regime. Really, Senator. You people on the far right are very vocal in your outrage at the governments of Nicaragua and Cuba, but just love the Right Wing dictatorships. And what is the response from the Far Right? They are anti-communists. So was Nazi Germany.

Your attack on Ambassador Harry Barnes for attending the funeral of the young man killed by Pinochet's thugs was appalling.

The days of the Pinochet Dictatorship are numbered. The people will rise up as they did in the Philippines and Haiti and throw out the oppressor. I would be interested in your comments.

Sincerely Yours,

MICHAEL STINSON,
West Palm Beach, Fla.

DEAR SENATOR HELMS: Enclosed item portrays you as an idiot! Since I am in business in NC, I don't much care about what happens politically in the banana belt. I would suggest you make a greater effort to solve some of our NC problems. My feeling is that this administration will go down as one of the worst in history!

WILLIAM S. RODGE,
Asheville, NC.

DEAR SENATOR HELMS: What a despicable, abominable, poor excuse for a human being you are!

This obsessive, McCarthyistic need to resist communism in Latin America is obscene. You advocate the continuation of the oppressive, increasingly unpopular, dictatorial regime of Pinochet in Chile, knowing (full well) of the tortures and murders that have occurred there since his regime came into power in 1973.

GLORIA GIARDINA,
Anaheim, CA.

DEAR SENATOR HELMS: With all due respect, unless you suffer from senile dementia, how could you possibly "read a number of things in American media that are totally misrepresentative." re: Rojas vs. Pinochet. Burning individuals, regardless of any one's belief, is an act which differentiates the civilized from the uncivilized. If you actually support Pinochet, the conduct of police action, then you like Pinochet represent the latter.

Mrs. DOROTHY P. HARLAU,
Kingston, MA.

Senator JESSE HELMS,
Senate Office Building,
Washington, DC.

DEAR SENATOR HELMS: David Brinkley's program is probably my favorite because of the intelligent and intellectual participants. Only on very rare occasions does someone with tunnel vision such as yours appear. How many days did you spend in Chile? Were you there long enough to become an instant expert on an alien culture? You used the word "undocumented" to refute the allegations of terrorism coming out of that country and then turned around and made numerous unsubstantiated statements yourself. In its pathological fear of Communism, the government of the United States has supported various regimes accused of suppression and the committing of acts of atrocity against their citizenry. Did you stand on a street corner and take a poll of the passers-by? I wonder if you would have then said that the State Department was wrong. Talk about arrogance!

In my opinion, the greatest abomination is a sanctimonious, self-righteous, self-appointed savior. Does the shoe fit? Take care of Caesar's business. After all, that's what you're there for.

Yours very truly,

KATHLEEN A. EMBRY,
Elko, NV.

EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I was horrified to read today that Senator Jesse Helms of North Carolina met with military president, General Augusto Pinochet of Chile. Is Senator Helms out of his mind? Isn't he aware of the killings and brutality under the reign of Pinochet? Was he unaware of the facts surrounding the tragic death of Rodrigo Rojas, a Chilean-born resident of Washington, D.C. who died last week of burns suffered in an attack that was either ordered or permitted by Pinochet or his followers?

There is no democracy in Chile today. For Senator Helms to assert, as reported by United Press International, that "the process toward the restoration of democracy in Chile is right on schedule" is to give scandal to the whole idea of democracy. Senator Helms demonstrated a clear lack of judgment in meeting with Pinochet. I strongly recommend that Senator Helms be investigated by the Senate for his motive for meeting with Pinochet.

Please speak out against the recent despicable actions of Senator Helms and the violations of human rights committed by the Chilean government.

Sincerely,

JOSEPH M. CARLIN,
Ipswich, MA.

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709 VALLEY PARK DRIVE,
Libertyville, IL, July 17, 1986.

DEAR SENATOR HELMS: I see from our newspapers that you are now supporting the brutal dictatorship in Chile and have especially opposed the State Department's call for a full and independent investigation into the death of Rodrigo Rojas. There can be no doubt that the government in Chile which you openly support is now and has been one of the most brutal dictatorships on the face of this earth. Your support for such people and activities is characteristic of your past behavior, morality, and ethics. You are not moral, and you are definitely not ethical in your behavior.

The only solace I can find in reading about someone such as yourself is that history will put you in a proper perspective along with Hitler and your good buddy President Pinochet.

Sincerely,

STUART FEEN.

SENATOR HELMS: I have never written you before, but your expressions on Chile and the fascist dictator Pinochet, so offend me I had to let you know.

You seem to forget that the most destructive war in our history, or in the world's history, was caused by a fascist, Hitler, not Stalin. Personally, I loathed them both.

But you and the Reagan Administration are so paranoid on communism, that if the Devil blasted communism, you would send arms to Hell and declare its preservation is necessary to our national security!

Sincerely,

MORT R. LEWIS.
Marina del Rey, CA.

VITIATION OF ALL ACTION OF H.R. 5175 AND PLACING IT ON THE CALENDAR

Mr. MATTINGLY. Mr. President, I ask unanimous consent that all action on H.R. 5175 be vitiated and the bill be placed back on the calendar.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

THE RETIREMENT OF LT. GEN. EDGAR A. CHAVARRIE, USAF

Mr. GOLDWATER. Mr. President, I take this opportunity to recognize the contributions of one of our most distinguished military officers and ask that my colleagues in the Senate join me in paying tribute to this officer and gentleman, a native of Douglas, AZ.

On September 1, 1986, one of this Nation's truly outstanding Air Force leaders will retire. This distinguished general has faithfully served his country for 43 years; a career that has spanned 3 wars. In 1943, at the age of 18, he entered the Army Air Corps as an aviation cadet and today, as a lieutenant general in the U.S. Air Force, he is the Deputy Assistant Secretary of Defense for Military Manpower and Personnel Policy. Lt. Gen. Edgar A. Chavarrie's retirement creates a void that will be difficult to fill—his breadth of military experience is unique among today's general officers. His retirement signals the passing of an era; the closing chapter on a unique period of time in the history of this country's military.

During his career, General Chavarrie held assignments covering the full range of military activities. In World War II, he flew combat missions as a B-25 bombardier-navigator in the Mediterranean theater, and during the Korean war he flew combat missions as a B-26 navigator. Subsequent to the Korean war, he has served his Nation in various key policymaking positions. He served in intelligence assignments at Headquarters U.S. Air Force and Headquarters U.S. Air Forces in Europe; plans and program officer at Headquarters U.S. Air Force and the Office of the Secretary of Defense; plans officer at Supreme Headquarters Allied Powers Europe [SHAPE], with principal duty as the SHAPE liaison officer to the Nuclear Planning Group staff at the North Atlantic Treaty Organization headquarters in Brussels, Belgium; assistant for joint matters in the Office of the Director, Joint Staff; Deputy Assistant Secretary of Defense for Legislative Affairs; Director of Plans and Programs, Headquarters U.S. European Command; and Deputy Assistant Secretary of Defense for Military Manpower and Personnel Policy.

To add to his impressive record of accomplishments, General Chavarrie is a command pilot and navigator-observer who during his flying career logged more than 4,000 hours as a pilot and navigator-observer in twin-engine and single-engine jet aircraft. His military decorations and awards include the Defense Distinguished Service Medal with one oak-leaf cluster, Distinguished Service Medal, Defense Superior Service Medal with one oak-leaf cluster, Legion of Merit, Distinguished Flying Cross, Air Medal with six oak-leaf clusters, Air Force Commendation Medal, Presidential Unit Citation with two oak-leaf clusters, Air Force Outstanding Unit Award Ribbon, Republic of Korea Presidential Unit Citation, the Korean Order of National Security Merit, and the Spanish Grand Cross Aeronautical Merit with distinctive white.

In no assignment has General Chavarrie performed with greater distinction than the one from which he is now retiring, that of Deputy Assistant Secretary of Defense for Military Manpower and Personnel Policy. General Chavarrie assumed his present duties in September 1983 as the military services were emerging from their most difficult period since the beginning of the All-Volunteer Force. Through his dedication to duty, strong leadership, and implementation of innovative programs, General Chavarrie has played a major role in the restoration of military manpower strength that we see today. The real testament to General Chavarrie's effectiveness as a leader and manager is that the turnaround has been not only sustained during his tenure, but raised to new heights during a period of budget austerity for personnel programs over the last 2 years.

General Chavarrie's achievement of these enviable results has been guided by two distinguishing features—his determination to provide our country with the best qualified and trained

military manpower to preserve our national security and his tireless efforts to protect and enhance the quality of life of military personnel and their families. He instituted several management actions—to include an effective recruiting advertising program, an expansion of more effective enlistment bonuses, and the development of a computerized information program on military occupations and opportunities. He initiated actions that would bolster the well-being, morale, and retention of the career force, such as increases in special and incentive pays, reimbursement for moving expenses, and preservation of military commissaries. Perhaps his greatest achievement during the last few years resulted from his ability to identify and preserve those aspects of military personnel programs that are crucial to the well-being of the men and women in uniform when changes to the programs are inevitable.

Mr. President, through his faithful and dedicated service to his country, General Chavarrie has accumulated a record of which he can be proud and for which this Nation owes him its everlasting gratitude.

STAUNCH THE AGRICULTURAL-BUDGET BLEEDING

Mr. HELMS. Mr. President, the editorial page of Tuesday's Wall Street Journal included an article pinpointing the worst offender of runaway and uncontrolled Federal spending in recent years: the farm programs.

The author, Charles Benbrook, offers several proposals to reduce the budget hemorrhage incurred by the current thrust of existing farm programs. Most notably, he proposes that loan rates and target prices be adjusted quarterly to reflect percentages of the 5-year average of market prices. He also proposes that the dairy price support be adjusted downward in periods of surplus.

As some Senators are aware, these proposals were embodied in S. 616, the omnibus farm bill that I proposed last year. As proposals to reduce budget outlays on the farm programs are presented in the months ahead, serious consideration should be given to Mr. Benbrook's suggestions.

Mr. President, I commend the article to the reading of Senators, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STAUNCH THE AGRICULTURAL-BUDGET BLEEDING

(By Charles M. Benbrook)

Record direct payments, expected to reach $30 billion this year, and perhaps $100 billion over the next three years, have pushed agriculture's dependency on government to historic dimensions.

Agricultural programs have become too rich for their own good. They are splitting the farm community and embarrassing an administration that promised to get government out of agriculture. Nearly everyone expects the budgetary debacle to worsen and the political debate to degenerate, particularly in the half-dozen close Senate races in agricultural states. The leading newspaper in the Farm Belt, the Des Moines Register, began a July 13 editorial by asserting: "Clearly, something is very wrong with U.S. farm programs."

There is. Support prices for wheat and feed-grains need to drop faster to world market levels, eliminating the need for another embarrassing conflict between the secretaries of state and agriculture over the sale of subsidized grain to the Soviets. Direct government payments to producers should also be reduced, and more strickly targeted to small and mid-size farmers. For large commercial operations, the prospects of making a profit from the market should dominate farm-level decision-making, particularly such decisions as land-use patterns, yield goals, and yield-enhancing capital investments.

FUNDAMENTAL REFORMS

Solutions will be painful, and hard to come by until a degree of economic stability and political vision is restored. I suspect that fundamental reforms in every area of agriculture will eventually be seen as essential:

Commodity Programs. These programs provide a combination of price and income support payments to wheat, feed-grain, soybean, cotton, rice and dairy farmers. Deficiency payments and marketing loan payments are the big-ticket budget item, accounting for the biggest chunk of the $25 billion to $30 billion in costs from this season. These payments are made to farmers who idle a portion of their land, as required by the program rules. The size of the payment per unit of production is the difference between the government's target price and the government's support price, which is lower. Target and support prices were designed as safety-net mechanisms in case of a steep drop in market prices, but they are now generally much higher than actual market prices.

A complex set of rules governs the size of deficiency payments and what a farmer must do to receive them. The programs regularly cost more and achieve less than promised. This is because they have become highly complex and interactive with malleable rules and lax enforcement. They need to be streamlined, and shielded from congressional whim.

All commodities enjoying price-support protection should be placed on an even, predictable playing field. Early next year, Congress should specify that all support prices will be adjusted quarterly to 75% of the average world market price over the past five years.

Target prices should be treated similarly—except they should initially be adjusted in 1987 to 150% to 175% of support prices. Target prices also should be adjusted quarterly as the support-price levels change.

Recurrent problems with the dairy program should be corrected, once and for all, by establishing a simple formula for quarterly adjustment of milk price-support levels. When surpluses grow, the price should be cut, and vice versa if shortages ever occur.

Simple formulas to set and adjust commodity support and target prices, tied to market conditions, will simplify the program administration greatly. Still, many tough political choices would remain. Expenditures would be determined largely by a single factor—where target prices are set. If target prices are set at 150% of support prices, average expenditures for corn and wheat would fall marginally in contrast to 1986 payments. If set at 175%, they would rise marginally. If decreased 10% annually, expenditures would decline in 1987-88 by $3 billion to $5 billion annually, and would then rapidly shrink as the reduced program benefits in turn reduce the percentage of farmers in the program.

Given short-term economic conditions, direct payments should be reduced gradually over several years. This can be accomplished in several ways: reducing target prices 10% each year, progressively reducing the base acreage eligible for program payments, or lowering and tightening the payment limitations ceiling.

Income support to farmers should eventually be provided through other means. Phasing out deficiency payments is a painful necessity if the contradictory signals fueling unrealistically high crop-yield goals are to be eliminated.

New approach to supply control. As target prices are decreased, the newly established Conservation Reserve Program (which retires highly-erodible crop land for 10 years) should be expanded. Congress should ask the Agriculture Department to accelerate participation in the reserve until 50 million to 75 million acres are enrolled, it is to be hoped by the end of 1987. The reserve has the potential to achieve production-control benefits at less than half the cost of existing programs.

In future years, the department should allow the reserve to expand and contract gradually, as dictated by supply-control needs. In 1988, eligibility criteria for entering the reserve should be expanded to include irrigation, and surface and groundwater quality concerns. The existing statutory prohibition of haying and grazing on land enrolled in the reserve should be lifted, at least in most parts of the country, as a necessary step toward a more efficient, profitable pattern of land use. Such an action could save over $1 billion per year when 50 million acres are enrolled.

Other important new conservation provisions in the farm bill are designed to keep marginal soil and water resources from intensive agricultural use. They should be vigorously enforced, and will eventually provide substantial supply-control benefits.

Financial support for farmers. Commodity programs have proved repeatedly ineffective in providing financial support to struggling farmers and in controlling production. The rich get richer, the struggling fail, and ways are found around supply-control provisions. Support for family farmers should be channeled exclusively through programs that can be targeted to operations with legitimate needs. In particular, debt restructuring and subsidized credit programs can be—indeed are now being—offered to family farmers who meet certain strict eligibility criteria. These programs should be markedly expanded, but with rules that are specific, enforceable and closely monitored.

Farmers also need new incentives and more effective technical assistance in developing and adopting reduced-cost production systems. The focus needs to be on increased productivity, not production. Many proven strategies—some new and some old—are now being used to great advantage by some

farmers to cut costs and increase profits. Government programs should support in every possible way progress toward:

Reduced levels of fertilization and greatly increased efficiency in fertilizer application methods.

More cost-effective weed-, insect- and disease-control programs based on judicious use of pesticides in concert with low-cost cultivation practices and land-use changes.

Use of crop rotations that can reduce pest problems and control costs, affix nitrogen in the soil, diversify labor and machinery demands, and spread risk.

Farming is at best a risky business. Ask any farmer in Georgia or Alabama. Farmers have faced all sorts of natural disasters many times before, and the government has structured a reasonable, affordable crop-insurance program to protect against the worst losses. Still, the majority of farmers do not buy insurance. A simple solution would be to require that producers receiving price-support payments enroll in the crop-insurance program.

TOUGH TIMES AHEAD

Very large agricultural production gains overseas, as well as changes in international commodity markets, have helped force open inherent flaws in U.S. farm policy. The administration's recent decision to subsidize wheat sales to the Soviet Union could have long-lasting adverse consequences, and surely will do almost nothing to wheat stocks or surplus productive capacity. The stage is set for domestic and international confrontations because both the U.S. and the European Community fail to confront the very real problems with their own agricultural policies.

Tough times lie ahead for agriculture around the world. Government programs here and abroad have played a major role in creating these problems, and changes must be made so that next year's infusion of $30 billion to $40 billion into U.S. farming can begin the healing process and not simply perpetuate policy incoherence.

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

Mr. PRESSLER. Mr. President, next week 1,823 entrepreneurs will come to Washington for the White House Conference on Small Business. These individuals represent all 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, and the Virgin Islands. I want to urge all my colleagues to join me in welcoming them to this most important meeting.

As a member of the Senate Small Business Committee, I receive regular reports on the crucial role small business plays in our economy. There are now almost 14 million small businesses employing nearly half of the entire work force and generating roughly 38 percent of the Nation's gross national product.

Even during times of economic recession, this Nation's small business community has led the way in innovation and job creation. For this reason, our small businesses often have been called the engine which pulls America's economic train. No truer words have even been spoken.

This is not to say all is rosy for those involved in small business. Liability insurance is becoming scarce and expensive. Credit, especially in agriculturally dependent States such as South Dakota, is tight. And doing business with the Federal Government is often a confusing and difficult process.

In addition, many congressional actions continue to frustrate the small business community. Federal budget and trade deficits have a negative impact on the entire economy. Our constant tinkering with the Tax Code often only adds confusion and, to date, has made business decisionmaking more complex rather than simpler.

One other area which I hope will be explored during the conference is the economic bond which exists between small businesses and the farming and ranching sectors in rural States. By now it is well understood that many of this country's farmers and ranchers are faced with extremely severe economic difficulties.

However, this crisis is not limited to farming and ranching operations. It affects every business in every rural town in this country. As we lose our family farmers and ranchers to foreclosure or forced sell-out, we weaken—and ultimately destroy—farm implement dealers, seed and fertilizer dealers and grain elevators. But it does not stop there. The future of grocery stores, hardware stores, cafes and every other business up and down the main streets of our rural communities is also seriously threatened.

Solutions to these problems must be found and the voice of small business is critically important in this process. For this reason, Congress and the White House have authorized the White House Conference on Small Business. The purpose of the conference is to further define and propound solutions to those problems already identified in various States and regional meetings.

In addition, delegates to the conference are charged with the responsibility of examining such issues as the status of women and minorities as small business owners, the role of small business as the Nation's number one source of jobs, and the development of recommendations for Government on matters of concern to small business.

It is important to note that this is not a political exercise designed to make these individuals think they have a voice. The last conference, held in 1980, resulted in a list of 60 specific regulatory and legislative recommendations. More than 40 now have been either partially or wholly implemented. Among the highlights: the Paperwork Reduction Act, the Regulatory Flexibility Act, the Equal Access to Justice Act and the Small Business Innovation Development Act. I am confident this year's conference will produce equally insightful recommendations.

It is also important to note the uniqueness and value of the conference. The delegates represent some of the most committed and talented small business owners, partners and corporate officers. Each is involved in the day-to-day operation of a business. No one is in a better position to know the problems faced by small business and to articulate solutions to these problems. The benefit of the combined experience of these individuals is invaluable. I urge all of my colleagues to carefully review the final package of recommendations passed by the conference. In addition, I urge every Member of Congress to take the time to meet with the delegation from his or her home State. I assure you it will be time well spent.

I want to conclude by taking a moment to recognize the outstanding individuals elected and appointed to represent my home State of South Dakota:

Richard Auld, partner, Charles Bailly & Co., Sioux Falls;

Randall Austad, vice president, Austad's, Sioux Falls;

Al Bowden, vice president, Sencore, Inc., Sioux Falls;

Sharon Casey, vice president, Casey Corp., Chamberlain;

Gloria Christopherson, owner, Nook 'n Cranny, Vermillion;

Mathias Dahl, partner, Eide Helmeke & Co., Aberdeen;

John Danz, president, Lakeside Dairy Co., Sioux Falls;

William Dorsey, owner, Ben Franklin Store, Redfield;

Gregg Forsberg, president, Watertown Monument Works, Watertown;

Dianne Hoffman, co-owner, Hoffman's Parts and Service, Highmore;

Ralph Marquardt, president, Marquardt Transportation, Yankton;

Rudolph Nef, secretary, Valley Queen Cheese Factory, Inc., Milbank;

Allan Novstrup, owner, Micro Age Computer Stores, Aberdeen;

Roy Nyberg, president, Nyberg's Ace Hardware, Inc., Sioux Falls;

Jack Rentschler, president, Rentschler Standard Truck Plaza, Sioux Falls.

Mr. President, these individuals represent a cross section of South Dakota industry. More inportantly, they epitomize the spirit of entrepreneurship which has made our State and this Nation great. Giving of their valuable time and coming here at their own expense requires a sacrifice. However, they should take pride in the fact that their sacrifice will result in a reward which will not go unnoticed. They will perform a great service to the small business community and the Nation. All of us should be extremely appreciative of that service. I commend them for their dedication.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 1987

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 5052, the military construction appropriation bill, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 5052) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Pell amendment No. 2713, to provide for compensation for noncombatant victims of anti-Sandinista forces.

The PRESIDING OFFICER. The pending question is on the Pell amendment, No. 2713, on which there shall be 5 minutes to each side.

AMENDMENT NO. 2713

Mr. PELL. Mr. President, to recapitulate last night's debate, my amendment would provide for the compensation of civilian victims of Contra actions. The principle underlying this amendment is that we bear a moral responsibility for the unauthorized acts of those whom we will have hired to do a job.

The distinguished chairman of the Foreign Relations Committee made two points last night in opposing my amendment. First of all, he said that the Contras are not committing terrorist acts. I submit that they are.

I refer again to the definition of terrorism. Terrorism, according to the dictionary, is the use of terror, violence, and intimidation to achieve an end. And any other definition of terrorism that one can find, including that in the statutes, would fit exactly what the Contras are doing today. They are seeking through terror and violence acts of terrorism, to change the lawful Government of Nicaragua.

But in any case, the fact is that they are committing terrorist acts. All of my colleagues can see from this pile of papers here, the testaments to the terrorist acts that have been done, and are being done right now.

Such an assertion flies in the face of massive evidence to the contrary, such as the sworn statements I have here from individual victims of Contra brutality. But the commission I have proposed under my amendment would resolve the dispute once and for all; and if the chairman is right, that there have been no abuses, then no compensation will be paid.

Second, the chairman pointed out that the Sandinistas are guilty of human rights violations, and no one is compensating their victims.

He is absolutely correct. The Sandinistas are committing human rights violations but nowhere to the same degree as the Contras. Sandinista forces have committed violations, but we are not supporting those forces financially and therefore bear no responsibility for their acts.

In that regard, I think nations are perhaps like human beings. A human being, if he is mature, has to assume responsibility for what he does. I think all of my colleagues would agree. If they have an accident, they stop, get the police, and see what can be done. They do not act like hit-and-runners. I think a sign of immaturity is to not take responsibility for acts. What I am suggesting here is that we should, like the mature country which we are, take responsibility for our acts, and compensate the victims.

It is American respect for justice and human dignity and moral responsibility that distinguishes us from the Soviets and the Sandinistas. We should sharpen that distinction by adopting this amendment which can only enhance our standing in the world's eyes by making it clear that if there are innocent victims of our actions, we stand ready to do right by those victims.

I am reminded of Carl Schurz' old phrase, "Our country, right or wrong. When right, to be kept right; when wrong, to be put right."

□ 1930

In this regard, we have a group of young Rhode Islanders who have been in Nicaragua since July building an adjunct to a hospital to look after the very victims that we are talking about, victims of the Contra actions.

I ask unanimous consent to insert into the RECORD an article from the Providence Journal, August 12, describing the Rhode Islanders who are presently in Nicaragua or have been in Nicaragua to try to clean up some of the mess that the Contras have left behind them as they indiscriminately kill and wound not only Sandinista soldiers but civilians, men, women, children.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

R.I. VOLUNTEERS IMPRESSED BY OPENNESS OF NICARAGUANS

(By Bill Levesque)

PROVIDENCE.—Nomi Hurwitz went to Nicaragua with 20 other Rhode Islanders to help build an addition to a hospital, but she returned with more than the blisters from two weeks of "gruelling work."

She said she returned with an appreciation of the "incredible openness" of that nation's people, and how they seemed more concerned with the day-to-day problems confronting them than the more serious political questions displayed in the American press.

Hurwitz said the son of a woman who hosted her for her July stay in Nicaragua was in the military, fighting the Nicaraguan contras. The woman's worry, Hurwitz said, lay not with the philosophical questions of war but with the safety of her son.

"She told me how night was the worst time for her, when she would think about the terrible things that could happen to her son," she said.

About half a dozen other Rhode Island volunteers, who traveled to Nicaragua working for the Providence-Niquinohomo Sister-City Project, told similar tales of discovering a country of friendly, open people, many of whom were described as a political.

"No one I talked to there felt they were living in a Communist country of a totalitarian country," as President Reagan may want the public to believe, said Bill Warren. " 'The Soviet Union is a Communist country,' they said. 'Cuba is a Communist country. But not Nicaragua.' There was no sense of the Evil Empire as Reagan has said."

President Reagan has called the Soviet Union an Evil Empire.

The group raised more than $20,000 and planned for more than a year to build the eight-room addition to a hospital in Providence's sister city, Niquinohomo. They brought six tons of supplies. The hospital, they said, is not yet complete, but other volunteers will remain in the country until it is. Warren said seven or eight people will remain until September.

In the meantime, those that have come home said they will always remember being treated by their host families with caring and kindness, and the tiny idiosyncrasies of Nicaragua.

"There were a lot of pigs," said Sally Mandzella. "The one thing that impressed me was that all the animals were treated well. (The pigs) had their own style. They kind of cruises around. They might walk into your bedroom and check things out."

The group spoke before about 15 people at Amos House, a South Providence shelter and soup kitchen for the needy.

Mr. PELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. MATTINGLY. Mr. President, I share the Senator's concern over the loss of innocent civilian life that inevitably occurs during wartime. I can appreciate the sense of loss and the respect for human dignity that propels his efforts in this direction.

Certainly, there is no one in this body who would oppose the notion of assistance to such innocent victims.

But for the reasons cited, this is not the vehicle nor is this the time to enact the proposal of the Senator from Rhode Island. It may well be that this type of effort can be made in the future and the Senator's proposal should be carefully reviewed by the Appropriate Committees of jurisdiction as well as administration officials who are in the best position to determine the effectiveness of the suggestion.

These and other ideas should be assessed carefully because they may in fact yield some benefits during the time of national reconciliation in Nicaragua.

If we pass the package under consideration, perhaps that time will be upon us soon.

Mr. President, I think we are all aware that Nicaragua is in a civil war, one which the United States and its allies did not choose. If the Sandinistas would just dialog with the freedom fighters, the war could end tomorrow.

I want to let the chairman of the Foreign Relations Committee make some comments, but I would first say that in this $27 million package of humanitarian assistance that we passed this past year, if I am not mistaken, over 22 percent of that went for medical assistance to those impacted people.

I would just say it is going to be difficult probably today to say something new at the conclusion of each of these amendments. It is going to be more difficult, I think, than yesterday, possibly, for the chairman of the Foreign Relations Committee and myself, as chairman of the military construction committee, to come up and say whether these are killer amendments or whatever they may be. But the bottom line continues to be that anything that we add to title II to change this package that has passed the House of Representatives and which is now intact on the military construction bill will certainly stop any action, humanitarian or whatever other type of activity we might want to take, in assisting to bring forth a reconciliation.

How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator has 2 minutes 23 seconds.

Mr. LUGAR. Mr. President, I join my colleague from Georgia in pointing out that a civil war is in progress in Nicaragua. It is not a question of terrorism. It is a question of fighting. It is regrettable. There are people being injured and on some occasions killed. The United States of America has provided humanitarian assistance. Indeed, as the Senator from Georgia pointed out, 22 percent of the $27 million last appropriated has gone to help people in hospitals, with medicines, doctors, nurses, treatment. This is a responsibility we have assumed simply because we are humanitarians in this country and we care.

The Senator from Rhode Island has dismissed the fact that there are victims of the Sandinista regime. No one has taken a similar responsibility. I hope that is not precisely the case. I hope there is a humanitarian sense on that side likewise.

But the suggestion is totally impractical for a commission, Republicans and Democrats, to assess all the matters which are involved. The amendment on the face of it is impractical, even if well meant. I would simply say that the practical effect for humanitarian aid is to try to provide assistance for victims, which the Senator from Rhode Island seeks.

At the appropriate time I will move to table the amendment, but I understand time still remains with the distinguished Senator from Rhode Island.

Mr. PELL. Mr. President, I have two points: One, sure, this is a civil war, but the Government we recognize, officially and formally, is the Nicaraguan Government, the same Government we are seeking to unseat and throw out. It is a peculiar kind of intervention.

Second, you state that 22 percent of the assistance has gone for medical assistance, but I wonder how much of that went to the victims of the Contras, the terrorists. I would wager that very, very little, if any, of that money went to help victims of the so-called Contras.

The PRESIDING OFFICER. The time of the Senator from Rhode Island has expired. The Senator from Georgia has 41 seconds remaining.

Mr. MATTINGLY. Would a tabling motion be in order at this time, Mr. President?

The PRESIDING OFFICER. If the Senator desires to table, he would have to ask unanimous consent. The vote will be delayed until after consideration of the Harkin amendment.

Mr. MATTINGLY. I make that request.

Mr. SASSER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, it was my understanding that last evening there was a unanimous-consent request to lay down the Pell amendment with Senator PELL to consume the remainder of his time this morning, to be followed immediately by a debate on the Harkin amendment, to be followed by a vote on the Harkin amendment, to be followed by a vote on the Pell amendment.

Mr. MATTINGLY. That is correct.

The PRESIDING OFFICER. The Senator asked if a motion to table was made. The request would have to include a vote on the motion to table after the vote on the Harkin amendment. The motion would be made right before the vote on the Pell amendment following the vote on the Harkin amendment.

Mr. PELL. There was no discussion whether there would be an up-or-down vote or a tabling vote. I would hope for an up-or-down vote.

Mr. MATTINGLY. It will be a tabling motion, I assure the Senator. What I would like to do is to make certain that we have the parliamentary process correctly stated.

The PRESIDING OFFICER. There will be a parliamentary opportunity to offer a tabling motion immediately preceding the vote.

Mr. PELL. Mr. President, a parliamentary inquiry. Is my recollection incorrect in that the unanimous-consent agreement called for a vote on my amendment? I do not recall there being a vote for tabling my amendment.

Mr. MATTINGLY. That does not preclude a motion to table.

The PRESIDING OFFICER. The understanding of the Parliamentarian is that the vote in relation to the Pell amendment was to be taken following the vote on the Harkin amendment and that would include any possible tabling motion.

Mr. LUGAR. Mr. President, I ask unanimous consent that I be allowed to offer a motion to table the Pell amendment with the clear understanding that that tabling vote will take place after the vote on the Harkin amendment and when such a proposal on the Pell amendment would be in order.

Mr. PELL. Mr. President, I would have to object to that. I will abide by whatever the Parliamentarian says is the case. I would obviously prefer an up-or-down vote on my amendment. If the Parliamentarian advised the Presiding Officer that my collection is incorrect, fine; I will abide by it. But I would not like to see a new unanimous-consent agreement at this time specifying that it should be a tabling motion.

The PRESIDING OFFICER. The Chair will say to the Senator that the Parliamentarian advises that a motion to table would be in order under the unanimous-consent agreement after the time of the vote on the Harkin amendment. So the request of the Senator from Indiana follows totally with the prior unanimous-consent agreement and would take place even if he did not ask for further unanimous consent.

Mr. PELL. I understand.

Mr. LUGAR. Does the Chair grant the unanimous-consent request?

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LUGAR. Under the ruling of the Chair, is it not correct that at the proper time, a motion to table the Pell amendment would be in order?

The PRESIDING OFFICER. That is correct.

Mr. LUGAR. Is it not correct that I can ask unanimous consent to expedite affairs so that all Senators will know that the motion will be to table?

The PRESIDING OFFICER. It would appear that objection would be heard.

71-059 O-87-17 (Pt. 15)

□ 0940

Mr. LUGAR. Very well, Mr. President.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa is recognized to offer an amendment on which there will be 30 minutes equally divided.

AMENDMENT NO. 2716

(Purpose: To prohibit the use of U.S. Armed Forces for the purpose of providing training and other support for forces opposed to the Government of Nicaragua)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2716.

At the appropriate place in Title II of the bill, add the following section:

SECTION —. Notwithstanding any other provision of law, no member of the United States Armed Forces, or any agent, or contractor thereof, may provide training, advice, or any logistical support, to the Nicaraguan democratic resistance within the territory of the countries of Honduras and Costa Rica.

Mr. HARKIN. Mr. President, this amendment has to do with military advisers. The Senate has spoken on the question of aid to Contras, decisively, I guess. By a vote of 54 nays to 46 yeas. This body has rejected the Sasser amendment and voted to approve the provision of $100 million in military and economic aid to paramilitary forces opposed to the Government of Nicaragua, plus $400 million in CIA aid and $300 million in economic aid to the region. That is a total of $800 million.

The question now is, How far do we go? The American people are not prepared to commit U.S. troops to help the Contras overthrow the Nicaraguan Government.

But as we know from our experience in Vietnam, neither the Congress or the American people decide whether to engage in an undeclared war in a foreign land. Our commitment usually begins from an act of provocation, an act involving the death or attacks against U.S. citizens or personnel.

My amendment, Mr. President, is simple and direct. It is intended to insure that members of U.S. Armed Forces are not put in harm's way in Central America so that we are not provoked into a war against Nicaragua.

This amendment addresses the concern that members of the U.S. armed services could come into direct combat with Nicaraguan forces while acting as advisers to the Contras. That action can become a tripwire that leads to direct and long-term United States involvement in a war in Central America.

THE EFFECT OF THE AMENDMENT

The purpose of this amendment is to keep U.S. soldiers out of the combat zone where they could become casualties in "hot pursuit" engagements along the Nicaraguan border.

The intent of the amendment is to prevent an escalation of direct U.S. military involvement in the Contra war. Deaths of U.S. personnel on training missions could too easily be used as a pretext for sending more advisers or troops.

The bill under consideration today establishes a 20-mile "line of death" along the Honduran and Costa Rican borders. For any of my colleagues who have traveled to Central America, they are aware of how difficult it is to define that border.

The bill says our military personnel cannot get any closer than 20 miles. For any of my colleagues who have been in this area, you are aware of how difficult it is to find the exact border. There is no line, there is no fence line, the border could be 3 miles one way, 5 miles the other way. Accordingly, I feel the American people deserve a little better assurance than that.

It is also important to point out what this amendment will not do. This amendment will not prevent the training of Contras so long as the training is not done in Honduras or Costa Rica. It could be done in Puerto Rico or in the United States, in Guatemala or El Salvador or Panama.

It will not affect United States military exercises in Honduras, or the United States presence in El Salvador.

Just the other evening, the distinguished Senator from Indiana, the chairman of the Foreign Relations Committee [Mr. LUGAR], raised an objection to Senator KENNEDY's amendment that would have prohibited combat troops from being introduced into Nicaragua. The distinguished chairman of the Foreign Relations Committee raised a perhaps legitimate point that this might be a violation of our commitments under the Rio Treaty. No such objection will hold to this amendment, because the amendment only speaks to our providing advisers to the Contras in the field in Honduras and Costa Rica. So that objection cannot be raised to this amendment.

THE SITUATION IN CENTRAL AMERICA

In recent years, there have been over 200 instances of hot pursuit where Contra fighting forces failing in their attacks in Nicaragua have retreated back across the border pursued by Sandinista counterinsurgency forces.

According to General Galvin, the commander-in-chief of the Southern Command, the number of "shooting contacts" between anti-Government and Sandinista forces has risen to 160 a month from 120.

American forces have already been put in harms way. During the so-called incursion of Nicaraguan forces this March, 60 United States pilots airlifted 600 Honduran soldiers into the area of combat between Contra and Sandinista counterinsurgency forces.

That airlift marked the first time that American military forces had participated overtly in support of a combat-type situation involving the U.S.-funded Contras.

According to one U.S. official, "This is the first time we are publicly close to the conflict in a direct manner, no longer just as part of a military exercise." The official concluded, "It is a substantial increase in involvement."

There will be even greater involvement now that this aid package has been approved, and it will surely lead to the commitment of U.S. combat forces if my amendment is rejected.

I cite from the past Saturday's Washington Post a quotation from Adolfo Calero, one of the three top anti-Sandinista leaders. Mr. Calero, in that article, predicted that this aid package to the Contras would be "the light at the end of the tunnel" for the war against the Sandinistas.

Let me quote that again: Mr. Calero, head of the Contras, said if this aid package to the Contras is approved, it will be the light at the end of the tunnel.

Where have we heard that before? Have we forgotten Mr. McNamara. Have we forgotten President Johnson, President Nixon, and all the assurances that with just a few more troops, just a few more advisers in Vietnam, we would see the light at the end of the tunnel?

This chart shows what happens when we commit our U.S. advisers. Here we see the Gulf of Tonkin resolution. After that, the number of military advisers in Vietnam skyrocketed. The same thing is going to happen here with this aid package. There is nothing in this bill to prohibit or limit the number of advisers that can be sent to train with the Contras. It could be 100, 500, 5,000, 20,000. There is no limit whatsoever. So, if this aid package is passed, if this amendment is not adopted, we will begin to see the line go up of United States military personnel involved in Honduras with the Contras.

This top chart also shows what happened with the Gulf of Tonkin resolution. As the number of military personnel went up, the number of United States deaths skyrocketed, almost parallel with the number of military personnel sent to Vietnam. Is this chart going to be repeated again, with our aid to the Contras? Are we going to see this lining up of more and more personnel as advisers? Then are we going to see this lining up in number of troop deaths? It will, I submit, unless

this amendment is adopted, unless we prohibit U.S. advisers from being involved with the Contras.

Yes, the aid package is being approved. The Senate has said, yes, go ahead and send the money to the Contras; go ahead and give the money and the arms to try to overthrow the government. So be it. This amendment speaks to that: No United States advisers to the Contras in Honduras or Costa Rica.

Mr. President, I reserve the remainder of my time.

Mr. President, if I may make a parliamentary inquiry, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes and 37 seconds remaining.

Mr. HARKIN. I thank the Chair.

Mr. President, I yield for a question to the distinguished Senator from Rhode Island.

Mr. PELL. I thank the Senator.

Mr. President, perhaps this is more of an observation than a question but I was very struck by the remarks of the Senator from Iowa. I can remember in 1966 being at one of the White House briefings and President Johnson showing us how many troops had gone in so far. That line went up indefinitely. That is what got me off the railroad of supporting the Vietnam war in 1966, much earlier than many of my colleagues in this Chamber.

The only reason it eventually goes down is that we changed our policy. If we had kept our policy as it was in 1966, the line would be up there where the ceiling is right now.

I congratulate my colleague on his amendment and hope it prevails.

Mr. HARKIN. I thank the Senator. This is what happens. These were advisers. That is exactly what will happens with U.S. advisers in Central America.

I reserve the remainder of my time.

Mr. LUGAR. Mr. President, I rise to oppose the amendment of the distinguished Senator from Iowa.

□ 0950

Clearly, the intent of the amendment is to deny flexibility to the President of the United States and to the Armed Forces of the United States in helping the Contras to be effective. Mr. President, I have no idea precisely whether training will occur in Honduras or Costa Rica, but as a practical matter I certainly would not want to rule that our if I were President of the United States and I was attempting to assist people fighting for freedom in Nicaragua. As a matter of fact, it appears to me to be a responsible course of action that the United States of America should assist the leadership of the Contras so that the forces are well-trained, are disciplined, and are effective. Furthermore, as we have discussed this on many occasions during the last 3 days, we would like to make certain that the Contra forces are fighters for democracy; that they fight for the ideals the Congress of the United States is attempting to express and for which money is to be authorized and appropriated.

Mr. President, with regard to, once again, the analogy of Vietnam, I appreciate that this is a theme which the opposition has tried to weave through almost every argument and every amendment with regard to assistance to the Contras in Nicaragua. Again I reject that theme as invalid in this case.

I would simply say, Mr. President, that in all of our work in Central America, American trainers have been very, very carefully circumscribed in terms of the territory in which they could work and the activity in which they could engage. We have had direct experience with regard to this in El Salvador. On those few occasions where American trainers have either gotten beyond the zones in which they should have been involved or activities that were prescribed for them, they have been disciplined. The press in this country, both parties, oversight committees, have kept very careful track—about 50 people—to make absolutely certain there were not difficulties created, lives jeopardized, or further hostilities engendered by these training efforts. The House of Representatives in passing the military construction bill did, as the Senator from Iowa pointed out, provided for the 20-mile zone. It was a very close vote. In my judgment, it was not a good amendment. It denied a degree of flexibility. But for the Senator from Iowa to contend, because the 20-mile zone might have difficulties plus or minus 5 miles on either side, that we should eliminate the entire country of Honduras or Costa Rica as an area in which training should take place in certainly an extreme solution.

Mr. President, I think it finally comes down to the fact that if a Senator truly does not want the United States to assist the freedom fighters in Nicaragua, there appears to be any number of amendments which would inhibit that activity in one way or another. I suppose imagination knows no bounds in terms of all the ways you slice it off one way or another. I thought we had crossed that bridge with the defeat of the amendment to eliminate titles II and III. That was a frontal assault on the whole proposition. Early this morning we are back again into nibbling away at the fringes.

Our policy is to help the Contras, to give them good training, to give them political support, to give them political guidance, to make certain they are on the right track, they act in humanitarian ways—even, as we pointed out in the last amendment, to provide medical assistance to victims that may be a part of this unfortunate battle; But it is a battle, it is a civil war, and we need to be effective. We need in fact to make certain that democracy prevails.

Mr. President, it makes no sense in those prospects to inhibit proper training of forces by denying access to Honduras and Costa Rica for American forces under proper discipline, under proper guidelines.

I yield the floor.

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, I yield——

The PRESIDING OFFICER. Does the Senator from Iowa yield time to the Senator from Tennessee?

Mr. SASSER. Mr. President, I yield myself such time as I may need off the bill, unless the Senator from Iowa wishes to yield me 2 minutes.

Mr. HARKIN. I beg the Senator's pardon? I am sorry.

Mr. MATTINGLY. Mr. President, parliamentary inquiry.

Mr. SASSER. Mr. President, I yield myself such time off the bill as I may consume unless the Senator from Iowa——

The PRESIDING OFFICER. The Senator from Georgia has a parliamentary inquiry.

Mr. SASSER. Will yield me 2 minutes.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. MATTINGLY. Is the vote mandated at 10 o'clock?

The PRESIDING OFFICER. No; it is not. It is the opinion of the Chair that the Senator from Tennessee is yielding himself time off the bill rather than on the amendment. The Senator from Tennessee.

Mr. HARKIN. What did the Senator from Tennessee want to ask me?

Mr. SASSER. Will the distinguished Senator from Iowa yield me 2 minutes off the amendment?

Mr. HARKIN. Mr. President, I yield 2 minutes to the distinguished Senator.

Mr. SASSER. Mr. President, I commend the distinguished Senator from Iowa for this amendment this morning. He is quite right. We are going precisely down the path that this country tried in Vietnam. As he was discussing the parallels between our involvement in Vietnam and our involvement in Central America, I recall sitting around in a mess hall in Honduras with some officers of the U.S. Army, a colonel, a major, and an old captain who had come up through the ranks, a former enlisted man. We were drinking coffee in this little rough-hewn mess hall constructed by U.S. engineers in Honduras, and the old captain looked up and he said, "You

know, this is just like Vietnam, isn't it, Colonel?" All three of them had been in Vietnam. And I was struck that it was just like Vietnam; the same personnel even were in Honduras that had been in Vietnam. Then when you journeyed to the U.S. Embassy you saw the same Embassy personnel in Honduras at that time who had been architects of our policy and operated in the Embassy in Saigon.

It is passing strange to me, Mr. President, that the United States of America recognizes the Sandinista government as the legitimate Government of Nicaragua, exchanges Ambassadors with them, and maintains diplomatic relations, yet we are debating on the floor of the U.S. Senate whether or not members of the United States military establishment, namely United States military personnel—probably special forces personnel—should be in the country of Honduras training forces to overthrow this government that we recognize as the legitimate Government of Nicaragua. That is a new first in the history of American diplomacy and one of which I do not think we can be particularly proud, Mr. President.

So I commend the Senator from Iowa for offering this amendment today. U.S. military personnel have no business training individuals to overthrow a government that we recognize as the legitimate government of a country, no matter how much we may disapprove of their policies. If we do not want to recognize them as the legitimate government, if we want to overthrow them, then let us do what you should do under international law and break diplomatic relations with them.

I thank the Senator for yielding.

Mr. HARKIN. I thank the Senator from Tennessee. Mr. President, inquiry as to how much time I have left.

The PRESIDING OFFICER (Mr. LAXALT). Seven minutes and twenty-seven seconds remain to the Senator.

Mr. HARKIN. Mr. President, I should like to respond to the points made by the distinguished chairman of the Foreign Relations Committee. First of all, he said that my amendment would deny flexibility. Nothing could be further from the truth. This amendment would still allow for us to train them at Fort Benning, GA. With our airlift capability, we could fly in there and pick them up and fly them right to Fort Benning, GA, to train them, if we wanted to train them. We could take them to Puerto Rico, Panama, El Salvador. We could train these troops anywhere.

As the Senator from Indiana said, he wants them to be well trained and well disciplined. He wants the Contra forces to be fighters for democracy. We all would like that to happen. Perhaps the best way to do that is not to train them and advise them on the border of Nicaragua, but perhaps to bring them to Fort Benning, GA, where they can be trained here, under direct supervision, if that is the will and intent of this body.

□ 1000

My amendment does not deny flexibility. In fact, it promotes flexibility and allows these people to be trained anywhere but in that immediate area where the fighting is going on.

The distinguished chairman of the Foreign Relations Committee pointed in El Salvador and the fact that we had advisers in El Salvador. I think it is a completely different situation, where we had 50,000 troops, a standing army, fighting 5,000 guerrillas, and we provided 55 advisers to that standing army. Here we have a ragtag bunch of ex-Somozas, 10,000 or 20,000, engaged in daily firefights; John Galvin said up to 160 instances a month. Yet, we are going to send advisers in there, right beside them.

What I would like to know—and I would yield to the distinguished chairman of the Foreign Relations Committee if he wants to answer this questin—is, how many advisers are we going to send? This bill does not limit it. Will it be 20, 40, 50, 100, 5,000? How many? There is no limit here.

Just as we saw in Vietnam after the Gulf of Tonkin resolution, as advisers go up, the U.S. deaths are going to go up, and our involvement will become ever more direct in that battle.

So how many advisers does this bill anticipate? How close will they be fighting with these people?

The chairman is bemoaning that fact that there is even a 20-mile limit. Evidently, he does not want a 20-mile limit—no limit. Will our personnel and advisers go in there with the Contras, side by side? Where—across the border? This bill does not prohibit that. It will let our advisers go with them into Nicaragua and engage in firefights.

The casualties will be brought home in those bags, and once again we will see ourselves going down that slippery slope, as we did many years ago.

Last Saturday, the head of the Contras, Mr. Calero said: "If we get this package, it will be the light at the end of the tunnel." He is wrong about the light; he is right about the tunnel. If we approve this aid package without any limitation on advisers, we are going down the tunnel, a long, dark tunnel, that will lead to more and more U.S. deaths in that region.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MATTINGLY. Mr. President, the matter of U.S. troop involvement continues to be raised. It is done in order to focus attention on what is a nonissue in the debate. U.S. troop involvement is not authorized in the bill. The President had disavowed any intention to send troops to Nicaragua. The Senate stated its position on this issue.

We are not committing U.S. troops involvement in the bill—titles II and III. We seek to assist the Nicaraguans, the freedom fighters, the men, women, and children who choose to risk their lives in order to try to redeem the goals of the 1979 revolution. Those people are willing to sacrifice their lives, and all they are asking from the United States is material assistance.

Adoption of this amendment offered by the Senator from Iowa would stop that aid going to those freedom fighters.

Mr. President, yesterday, this body spoke very clearly, by a vote of 54 to 46, and it said by majority vote that we want to adopt titles II and III of the military construction bill to give economic assistance to the democratic resistance force in Nicaragua. I know that we will continue this voting today on these amendments that will come up, and I am certain that, no matter if they were adopted, they would not change any vote from the 54-to-46 vote of yesterday.

Mr. President, I say once again that these are just amendments that are being put up to try to postpone what is going to happen, and that will be the decision to once again reaffirm the first vote of yesterday, to support the democratic resistance forces.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 3 minutes remaining.

Mr. HARKIN. I yield 2 minutes to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I commend the Senator from Iowa for his amendment. Many of the arguments and the reason for this particular proposal were addressed during the discussion yesterday on the issue of combat troops. For those reasons and additional reasons the Senator has pointed out this morning, I hope his amendment will be accepted.

Last night, President Reagan said that, for Americans, the nine most terrifying words in the English language are: "I'm from the Government, and I'm here to help."

The countries of Central America have been invaded or occupied 17 times in this century. For the people of Central America, the 11 most terrifying words are: "I'm from the United States Government, and I'm here to help."

I believe the amendment of the Senator from Iowa does something about that condition.

I thank the Senator.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes.

Mr. HARKIN. Mr. President, I say that this in no way denies any flexibility. These Contras could still be trained at Fort Benning; no one is denying that. They could be trained some place else.

What we are saying with this amendment is clear and simple: No U.S. advisers side by side with the Contras operating on that border, perhaps going into incursions in Nicaragua, where they will be in harm's way, perhaps suffer casualties, and then get us involved.

The distinguished Senator from Georgia said, pointing to section 203 of title II, that they were not permitting them to go into combat. Let me read it. It says:

> Nothing in this title shall be construed as authorizing any member or unit of the Armed Forces of the United States to engage in combat against the Government of Nicaragua.

"Nothing shall be construed as authorizing"—but nothing in here prohibits it. There is no prohibition against advisers; there is no limit on advisers. It can go from 10 to 50 to 100.

I assume that this aid package, which I guess the Senate and the House will approve and the President will sign—next year it will be 50 advisers and 100 advisers, and then it will be casualties.

If we want to prevent happening in Nicaragua what happened in Vietnam, if we want to prevent that kind of involvement, let us deny the use of U.S. advisers.

If you want to give the Contras arms and money, go ahead; but do not give them young American men to fight and die in that senseless war in Nicaragua.

Mr. President, I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. The Senator from Georgia has 8 minutes remaining. The time of the Senator from Iowa has expired.

Mr. MATTINGLY. Mr. President, in response to the Senator from Iowa, I say that I have heard the same argument with respect to El Salvador, about becoming deeply involved. Fortunately there is a democracy there which I think has proven the point, that what we did in that country was worthwhile.

□ 1010

I would go on to address what the Senator from Massachusetts says that "I'm from the Government and I'm here to help." He did not go on with the rest what the President said last night. I quote the President. He said:

> One other brief point. Tomorrow the Senate will cast a crucial vote. The question is that of assistance to the freedom fighters who are trying to bring democracy to Nicaragua where a communist regime, a client state of the Soviet Union, has taken over.

So the question before the Senate is will it vote for democracy in Central America and the security of our own borders, or will it vote to passively sit by while the Soviets make permanent their military beachhead on the mainland of North America.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I join the distinguished Senator from Georgia in expressing some dismay that President Reagan has been quoted this morning by the distinguished Senator from Massachusetts. Clearly the intent of President Reagan's remark when he said "I'm from the Government and I'm here to help" was to illustrate a point that our President has made on so many occasions that the intrusion of the Federal Government in personal lives, the lives of our community, has been excessive. That has been a major focal point of not only his rhetoric but his programs. A lot of people believe that.

I am amazed, however, to hear the Senator from Massachusetts quote that because I was always under the general impression that the Senator was more activist with regard to the United States involvement and I would hope that, as he listens to the debate, he will become more of that persuasion with regards to the Contras in Nicaragua, because, indeed, they do need our help, and in this particular case, the President of the United States has been very activist, been very consistent. He has been supported by narrow votes, I wish by more, but by narrow votes, really, throughout these debates. I trust he will be supported again today.

In concluding at least to the argumentation of the amendment of the distinguished Senator from Iowa, I simply point out that response to a request for flexibility. Indeed, I suspect the training of the Contra forces at Fort Benning is an answer to that. It is certainly a very expensive answer.

By all practical common sense the logistical support required to bring Contra forces all the way from the borders of Nicaragua to Fort Benning, GA, to house them and train them there is an expensive proposition. It might very well exhaust the funds before we really got into combat for which the Contras hopefully are being trained.

It is a better proposition for the training to occur close to the place where the fight is going to occur without gross dislocation of the forces that are involved.

I reiterate the point that I made at the beginning of this debate. The President must have flexibility, our Armed Forces must have flexibility if our mission is to be successful in this respect.

To inhibit American training forces from Honduras and Costa Rica in my judgment defies common sense, would be expensive, and be much less effective.

Finally, I simply say to the distinguished Senator from Iowa in his assertion that the training problem in Nicaragua is a very different one from the one we took a look at in El Salvador, I am not certain it is necessarily different.

Clearly, the number of trainers we had involved in El Salvador was carefully circumscribed.

The Senator from Iowa is correct that our Government has not determined how many trainers may be required, how many might be useful.

I cannot respond to his question as to how many persons might be involved. I hope enough would be involved to be effective. The proponents of this legislation, which I am one, want to be successful in this pursuit.

The whole gist of all the votes that we have been casting is to try to fashion a successful policy, not one that is inhibited by all sorts of arbitrary guidelines and restrictions.

So in the event that we have a training situation I suspect that the guidelines will be fairly similar to those which have been adopted in El Salvador. They have worked well. The democracy in El Salvador has moved ahead despite the doubts of many on this floor, in debates and quotations which have been abundant, or persons who clearly felt that policy would not work and turned out to be wrong.

Mr. KENNEDY. Mr. President, will the Senator yield for a brief question?

Mr. LUGAR. Of course, I am happy to yield.

Mr. KENNEDY. Yesterday, I inquired of my colleague, the Senator from Tennessee, whether he had received any assurances from the chairman or the Foreign Relations Committee during his two presentations before the Senate on this issue, that there would be no American combat troops used in Nicaragua.

I just ask whether the Senator from Indiana is prepared to give that kind of assurance to the Senate of the United States and the American people, as the chairman of the Foreign Relations Committee, as a part of the administration policy.

Mr. LUGAR. No, I am not prepared to speak for the administration on the use of American troops in Nicaragua. In the course of the debate yesterday, I indicated occasions in which American troops might very well be utilized under the Rio Treaty in response to a situation that we described as part of that debate yesterday. So I would simply say we retain that flexibility and fulfillment of our obligations.

Mr. KENNEDY. As was pointed out in the debate, the Rio Treaty conforms with American constitutional actions and any U.S. action would require action by the Congress and the Senate.

Can the Senator give any other assurances to this body that there will not be any further increase in advisers in the course of this particular involvement?

Mr. LUGAR. No, I cannot give that assurance.

I just responded I think earlier on that I hope a number of advisers would be there that would be effective. I am certain we are limited by our own Department of Defense budget in how much advising we could do. I would not want to limit it in this legislation.

Mr. KENNEDY. Then in his opposition to the amendment of the Senator from Iowa, the Senator evidently reaches the conclusion that the Congress of the United States, the Senate of the United States and the American people should have no say on either of these two issues—combat troops and advisers in Central America.

Mr. LUGAR. I respond to the distinguished Senator from Massachusetts we have the same say we always have under the Constitution that we have under the War Powers Act and under oversight capacities of relevant committees and individual Senators day by day commenting on the life and times of our country, criticizing or commending the President.

Mr. KENNEDY. I thank the Senator for responding.

I think the Senator from Iowa is attempting to assure that we do have a say in this important issue and I urge my colleagues to support this amendment. I thank the Senator.

The PRESIDING OFFICER. The time has expired.

Mr. BUMPERS. Mr. President, will the distinguished chairman of the Foreign Relations Committee yield for one additional question?

The PRESIDING OFFICER. All time has expired.

Mr. BUMPERS. Does the Senator from Iowa have additional time?

The PRESIDING OFFICER. All time has expired.

Mr. HARKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARKIN. Mr. President, if I am not mistaken, the Senator from Iowa has time remaining on the general debate.

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Would it be appropriate to yield myself some time so I could yield to the distinguished Senator from Arkansas?

The PRESIDING OFFICER. The Senator has that right.

Mr. HARKIN. I ask how much time do I have remaining in general debate. I think it is about 27 minutes.

The PRESIDING OFFICER. The Senator has 27 minutes remaining on the bill.

Mr. MATTINGLY. How much time did the Senator want to yield?

Mr. HARKIN. Two minutes.

Mr. President, I yield myself 2 minutes of that time to yield that 2 minutes to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I want to ask the distinguished chairman of the Foreign Relations Committee. I find his answers to questions of the Senator from Massachusetts unsettling both from an administration standpoint and also from his position as chairman of that very prestigious committee of this body.

I am wondering whether the chairman could tell us whether or not he would be personally opposed to the introduction of combat troops in Nicaragua simply if a war continues as it presently is and the Contras are unable to do anything about overthrowing the Sandinistas.

Mr. LUGAR. I am happy to respond that I would be personally opposed to U.S. troops simply following on behind the failures of the Contras. I have stated that on many occasions. For that matter, so has the President, so have many persons in the administration, quite apart from the Senators on both sides of the aisle. We believe Contras ought to fight for their freedom and we ought to support their activities.

Mr. BUMPERS. Until this morning I had not been as unsettled by this prospect, even though it has been discussed on this floor a great deal. But my point is that if the chairman of the Foreign Relations Committee cannot give us some assurance about where we are headed here, then these warnings are even much more ominous than I had originally believed about the introduction of combat troops into Nicaragua.

Mr. LUGAR. I think the assurances are in the bill. We reiterated those yesterday on several occasions. They really circumscribe the use of U.S. forces very carefully.

I think further beyond that we have the War Powers Act, we have the oversight procedures, and you have at least in my own personal opinion and that I think of the majority of Senators they are not in favor of sending American ground troops into Nicaragua.

Mr. BUMPERS. But the Senator is, I take it, actively opposed to removing advisers from Honduras and doing such training we might do in the United States?

Mr. LUGAR. I would be opposed to eliminating that flexibility. I am neither in favor or opposed to that idea. I think anyone trying to accomplish the mission of support to the Contras ought to have a flexibility of training in Honduras and Costa Rica. That would be banned by the amendment of the Senator from Iowa.

The PRESIDING OFFICER. The Senator's time has expired.

□ 1020

Mr. HARKIN. Mr. President, I ask unanimous consent for 3 additional minutes off the bill and I yield 1 minute to the distinguished Senator from Arkansas.

Mr. BUMPERS. Mr. President, the assurances of the chairman of the Foreign Relations Committee to this body regarding the prohibitions in the bill, is that the language found on line 8 of page 26, where it says: "Nothing in this title shall be construed as authorizing any member or unit of the Armed Forces of the United States to engage in combat against the Government of Nicaragua"?

Mr. LUGAR. Yes, that is the assurance.

Mr. BUMPERS. Does the Senator feel that that language is sufficiently strong to tell this body that the introduction of the Armed Forces of the United States will never occur there?

Mr. LUGAR. I think it is essentially strong. As I indicated throughout this debate, I know of no way that assurances can be given that groups on no occasion, or to use the word "never" certainly is inappropriate. But there is very careful language with regard to the utilization of armed forces.

Mr. BUMPERS. You believe this language is strong enough to keep the President of the United States from dispatching troops into Nicaragua?

The PRESIDING OFFICER. The minute of the Senator from Arkansas has expired. The Senator from Iowa has 2 minutes remaining.

Mr. BUMPERS. Mr. President, I ask unanimous consent that such time that the Senator may need to respond to that be granted to him.

Mr. LUGAR. Mr. President, I respond very briefly to the Senator that I believe the language is reassuring. It tries to meet the Senator's anxieties. But the President of the United States, as the Commander in Chief, has the authority to utilize American forces. There are checks and balances in both the Constitution and under the law that the Congress has in response to the Chief Executive's authority.

Mr. BUMPERS. I thank the Senator from Iowa for yielding.

The PRESIDING OFFICER. The Senator from Iowa has 2 minutes remaining.

Mr. HARKIN. Mr. President, I am glad we extended this debate just a little bit longer, because I think now

we have really pinpointed the problem in this bill. The problem is that it is a blank check. There are no assurances in the bill.

The distinguished chairman of the Foreign Relations Committee cannot give us assurances that there will be any limit to the numbers, not only to the number of troops and number of advisers, but how they are going to be used. We do not know how they are going to be used. We do not know how many are going to be sent. It is a blank check.

I would just like to respond also to the distinguished Senator from Indiana about the cost involved. I pointed out that there is flexibility in my amendment in that these Contras could be brought, for example, to Fort Benning, GA, to be trained. I believe, if you look at it, it will probably be cheaper to do it that way, to bring them up there, rather than sending our high-priced personnel or logistics and everything down there. Not only would it be cheaper, it would be a heck of a lot safer, too.

I would again respond about the idea of advising these groups or using combat troops. On the one hand, we hear that the Contras are good fighters. They have been training in the field since 1981. Why do they need combat advisers?

The Senator from Indiana, the chairman of the Foreign Relations Committee, said that we need advisers to teach them discipline, to be more cognizant of civil rights and human rights, that kind of thing. Wonderful. You could do that at Fort Benning, GA. You do not need combat advisers to teach them to do that. You need logistics advisers, administrative advisers, civil rights advisers, humanitarian advisers, but not combat advisers.

So, again, I think this amendment really pinpoints the problem in this bill. It is a blank check. No limits on numbers, no limits on how they can be used. By rejecting this amendment, by rejecting this amendment, the vote could be constructed as authorizing combat troops and more advisers than what we have right now to assist the Contras.

If that happens, Mr. President, this is going to happen: The number of advisers will go up and, just as in Vietnam, the number of U.S. troops will go up, also.

Mr. President, I ask unanimous consent that two articles, one from the Miami Herald and one from the Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Miami (FL) Herald, Mar. 30, 1986]

GIs NEARER BIG ROLE IN HONDURAS

(By Alfonso Chardy)

WASHINGTON.—President Reagan's decision last week ordering American pilots to ferry Honduran troops into a combat zone was the most direct involvement yet of U.S. troops in Central America's conflicts and could lead to an even greater role by U.S. servicemen, according to interviews with administration officials.

If Congress ultimately approves Reagan's $100 million aid request for the anti-Sandinista contra rebels, the next step will be to deploy about 40 American Green Berets as military advisers to train the rebels in their Honduran camps, the officials said.

The officials, who have day-to-day responsibility for carrying out U.S. policy in Central America in a number of government agencies but asked not, to be, further identified, acknowledged that such an action would bring U.S. military personnel closer to the Nicaraguan conflict and might even subject them to direct attack by Sandinista units.

Other sources say Pentagon plans also foresee the possibility of American-piloted aircraft playing a continuing role along the border, including the movement of supplies and troops. The plans even lay out a possible scenario in which U.S. troops might provide supporting fire should Nicaraguan forces overrun Honduran positions.

Pentagon spokesmen stress that those plans have not been put in motion, however, and that Pentagon officials do not believe they are needed now.

Critics charge that the overall policy ultimately will lead U.S. forces into combat, despite the president's repeated assertions to the contrary.

Nicaraguan President Daniel Ortega warned Friday that the closer U.S. forces get to a direct role in the conflict, the greater the danger that they might be killed.

"American helicopters, officials and advisors, will be running the same risk as the contras, "Ortega said, "So it won't surprise us . . . if U.S. officials and advisers turn up dead."

U.S. officials declined to comment on what the U.S. response would be to such an eventuality. "That is a hypothetical situation and I have no comment," a White House spokesman said Saturday.

Last week's shuttle of Honduran troops to the border was the most direct involvement by American military personnel in Central America's conflicts since Reagan took office in 1981.

The action exceeds that of El Salvador, where the United States had limited U.S. military presence to 55 advisers who work with the Salvadoran military in its battle against guerrillas, but are restricted to military installations and not allowed to accompany Salvadoran units into combat.

In contrast, about 1,000 U.S. troops are permanently stationed in Honduras, and the U.S. and Honduran militaries conduct nearly continuous joint exercises, with U.S. forces expected to swell to 5,000 in April. U.S. troops are under orders not to get within seven miles of the Honduran-Nicaraguan border.

Officials confirmed that airlifting 600 Honduran soldiers aboard American military helicopters flown by 60 U.S. pilots marked the first time that American military forces had participated overtly in support of a combat-type situation involving the U.S.-funded contras.

"This is the first time we are publicly close to the conflict in a direct manner, no longer just as part of a military exercise," one official said. "It is a substantial increase in involvement."

Previously, U.S. military forces had trained Honduran troops during almost continuous war games since 1983, but had not taken a formal role in support of the contras, who have been operating from Honduras since the CIA and Argentine military officers began organizing them in 1981.

Before a 1984 congressional suspension of covert aid for the contras, only agents of the CIA were legally allowed to train the rebels. Under current law, both the CIA and Pentagon are barred from helping the contras militarily.

U.S. officials said that last week's airlift did not violate the restriction because the action was in support of Honduras.

The airlift was part of a Pentagon contingency plan to respond to a Nicaraguan "border crossing" into Honduras, according to a Pentagon source with access to the plan.

He said that while the plan did not refer to a Sandinista attack on contra camps, it did entail airlifting Honduran troops to serve as a "blocking force."

The plan, according to the source, also foresees additional U.S. helicopter sorties to resupply Hondurans with weapons, ammunition, communications gear, food, medicine and evacuation of casualties. That phase has not yet been activated, Pentagon announcements indicate, but might be undertaken soon, if Honduras requests it, to rotate units or to resupply Honduran soldiers.

The plan also calls for sorties to gather intelligence that would be shared with the Hondurans. That phase of the plan also has not been activated.

The plan also foresees the possibility of a direct role for U.S. forces in combat.

Should Honduran positions be overrun and the Sandinistas begin advancing toward the Honduran interior, U.S. forces might be called into action to provide air cover and support fire.

Pentagon sources said U.S. officials involved in the airlift do not see the need now to activate other elements of the plan because the Nicaraguan raid is over and no direct combat is expected between Honduran and Nicaraguan forces.

But other administration officials noted that the United States might ask Honduras to station troops along the border indefinitely to protect the contras from further Sandinista attacks, an action that might increase the danger of a direct confrontation between Honduran and Nicaraguan forces.

The officials acknowledge that Honduras could be expected to resist that move, however, because it is reluctant to become involved in a conflict with Nicaragua.

But officials said the United States might press the Hondurans because of a White House plan to dispatch U.S. military advisers to contra camps if Congress approves the $100 million aid proposal. The aid plan passed the Senate Thursday and will go back to the House after the Easter recess.

These officials also did not rule out the assignment of U.S. soldiers, drawn from forces already deployed in Honduras, to patrol areas near contra camps to provide additional security.

The use of U.S. helicopters to ferry troops to the Nicaraguan border comes during an upsurge in the number of U.S. military personnel in Honduras.

The Pentagon said as many as 2,500 U.S. soldiers were in Honduras as of Friday for a new series of military exercises. By April, the number might exceed 5,000.

Pentagon officials have made it clear that the exercises, in addition to training and

showing the flag, are designed to deter Sandinista incursions into Honduras.

A congressional source briefed by the Pentagon said the strategy has not worked because Honduras is reluctant to allow its troops to engage Sandinista forces in battle. Honduras generally has kept silent about Nicaraguan incursions into Honduras. Last week Honduras made no mention of the Sandinista presence inside Honduras until after U.S. officials issued a veiled threat to cut off aid, even though Sandinista forces had downed a Honduran helicopter in circumstances that have not yet been clarified.

ADMINISTRATION PLANS TO USE GREEN BERETS TO TRAIN CONTRAS

(By Julia Preston)

The Reagan administration is seeking to use several dozen U.S. military advisers to train rebels fighting Nicaragua's leftist government, U.S. officials said in interviews this week. This would mark the first direct public involvement of U.S. military personnel with the anti-Sandinista forces.

The program would be similar in scope to the four-year-old training effort by 55 U.S. Army Special Forces advisers with government troops in El Salvador, an administration official said. Schooling in the basics of guerrilla warfare for the Nicaraguan rebels, known as contras or counterrevolutionaries, could take place in their base camps in Honduras, in El Salvador or at military bases in the United States, he said.

The training program will be one of the administration's priorities if it gains congressional approval for $100 million in military and "non-lethal" aid for the contras. The CIA helped organize and train the contras from their inception in early 1982 until Congress cut off military aid and barred further CIA involvement in mid-1984.

The House voted down a proposal for new military aid for the contras on March 20, while the Senate approved a bill for the $100 million on March 27. The White House is expected to go back to the House with a revised proposal after the Easter recess.

In a mid-March interview, Gen. John R. Galvin, the top U.S. commander in Central America, said the contras need to improve their logistics and tactics. U.S. military personnel, he added, have the right skills for "maybe doing a little training somewhere" with the contras.

President Reagan has also referred to his administration's intention to improve the contras' training, and the bill approved by the Senate contains general by references to a training program. But the discussion this week by administration officials, responding to questions, provided the first full description of what the aid program would look like.

An official said the administration views training for the contras by the Special Forces, also known as Green Berets, as a way to counter-balance assistance Sandinista infantry soldiers are said to receive from Cuban military advisers, now estimated by the State Department to number 3,500 in Nicaragua.

The administration is waiting to make sure the aid bill passes Congress before the settling on sites for the training.

"The problem is that there's no 'contralandia,'" the official noted. "You're talking about training in territory someone else claims."

He suggested some specialized courses could be given to contra volunteers at military bases in the United States. El Salvador, he said, is "certainly a possibility," because Salvadoran officials have been "as helpful as they can be" with recent contra aid operations.

According to diplomats in Central America, private cargo planes on contract to the State Department began last December to ship non-lethal supplies to the contras through the Salvadoran Air Force's Ilopango base in San Salvador. At the time, the government of Honduras was blocking the shipments at its major commerical and military airports. From San Salvador the goods were flown directly to contra bases in Honduras.

It remains unclear whether Honduras, which has recenty taken steps toward a new foreign policy that it says will be more independent from the United States, would allow contra training to take place openly in its territory outside the rebel base camps.

The administration hopes to get a "few dozen" Green Berets for the program, an official said, and they would operate under the same kind of restrictions as the advisers in El Salvador: They would not be allowed to go into combat or to cross into Nicaragua with the rebels.

"We would have the same understanding that the officers have in El Salvador," he said. "They realize they might end up coming under fire sometime. There's always some risk."

The proposed training would be an open-ended, "ongoing thing," the official said, and could produce quick results in improving the contras' morale and performance in battle in Nicaragua. But one retired U.S. military commander with extensive experience in Central America recently estimated it could take up to two years to forge the contras' estimated 15,000 fighters into units that could prevent a challenge to the Sandinitas' forces of 119,000, including militias and reserves.

Many administration officials remain confident that the contras are growing into an insurgency to be reckoned with, and attribute their lack of conspicuous battlefield triumps in the past seven months to logistical and supply bottlenecks in Honduras and Nicaragua.

"They are just at the point where additional assistance plus advice and training can very quickly turn them into a fighting force that can have a major impact," said one administration official.

Think of the Salvadoran Army as a parallel," said another. The contras are where the Salvadoran Army was five years ago." U.S. training of Salvadoran regulars is widely credited with improving their willingness to fight and their counterinsurgency skills.

Congressional opponents of the aid have argued that the contras are providing to be an incompetent, lackadaisical and sometimes brutal guerrilla force.

Another White House priority for the $100 million package is to gain new authorization for the CIA to get back into contra training and operations. Some administration officials would like to see most contra training done covertly by the CIA, instead of openly by the Pentagon.

The bill that passed the Senate contains language to authorize the CIA to use its contigency funds for covert contra operations and does not impose special restrictions on the CIA's role with the contras.

"They want to put us back in strategic control of their operations," said one congressional source. "They want to put our people next to [contra chief] Enrique Bermudes and tell him what to do."

Officials at the State Department, which has been running the nonlethal aid program, are eager to see some of it returned to a covert status.

"This is obviously no way to run a war," said one official. "There are certain areas which require confidentiality."

The White House has also said if the aid is passed it will immediately acquire ground-to-air shoulder-fired rockets, possibly Stingers, for the Contras to use against the Sandinistas' Soviet-made Mi24 helicopter gunships. The administration does not view the rockets as escalating the conflict.

"What about those gunships themselves? They are escalation," said Deputy Assistant Secretary of State William G. Walker.

HONDURAN VERSION OF RAID DISPUTED BY WASHINGTON

The U.S. government yesterday denied charges by a senior Honduran official that Washington had exaggerated the seriousness of a Nicaraguan incursion into Honduras last week and pressured Tegucigalpa into asking for emergency U.S. military aid.

State Department spokesman Bernard Kalb said the charges, made by the unnamed official in an interview published in several U.S. newspapers, were not true.

"The U.S. neither exaggerated the extent of the Nicaraguan incursion nor pressured the government of Honduras to request U.S. military assistance," Kalb told reporters.

He added, "We have asked the government of Honduras for a clarification."

Mr. HARKIN. Mr. President, I yield back whatever time I may have remaining.

The PRESIDING OFFICER. The question is on the amendment. Is there a request for the yeas and nays?

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. the question is on agreeing to the amendment of the Senator from Iowa [Mr. HARKIN]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—32

Biden	Hatfield	Mitchell
Bingaman	Inouye	Packwood
Bumpers	Kennedy	Pell
Burdick	Kerry	Proxmire
Chafee	Lautenberg	Riegle
Cranston	Leahy	Sarbanes
Dodd	Levin	Sasser
Eagleton	Mathias	Simon
Ford	Matsunaga	Specter
Harkin	Melcher	Weicker
Hart	Metzenbaum	

NAYS—67

Abdnor	Baucus	Boschwitz
Andrews	Bentsen	Bradley
Armstrong	Boren	Broyhill

Byrd	Grassley	Nickles
Chiles	Hatch	Nunn
Cochran	Hawkins	Pressler
Cohen	Hecht	Pryor
D'Amato	Heflin	Quayle
Danforth	Heinz	Rockefeller
DeConcini	Helms	Roth
Denton	Hollings	Rudman
Dixon	Humphrey	Simpson
Dole	Johnston	Stafford
Domenici	Kassebaum	Stevens
Durenberger	Kasten	Symms
Evans	Laxalt	Thurmond
Exon	Long	Trible
Garn	Lugar	Wallop
Glenn	Mattingly	Warner
Goldwater	McClure	Wilson
Gore	McConnell	Zorinsky
Gorton	Moynihan	
Gramm	Murkowski	

NOT VOTING—1

Stennis

So the amendment (No. 2716) was rejected.

□ 1040

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LUGAR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE AMENDMENT NO. 2713

Mr. DOLE. Mr. President, this next vote will be a 15-minute flat vote.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from Rhode Island. The yeas and nays have been ordered previously, and the clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

The PRESIDING OFFICER (Mr. KASTEN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 17, nays 82, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—17

Biden	Hatfield	Pell
Bingaman	Inouye	Proxmire
Burdick	Kennedy	Riegle
Cranston	Kerry	Sarbanes
Eagleton	Leahy	Simon
Harkin	Matsunaga	

NAYS—82

Abdnor	Durenberger	Lautenberg
Andrews	Evans	Laxalt
Armstrong	Exon	Levin
Baucus	Ford	Long
Bentsen	Garn	Lugar
Boren	Glenn	Mathias
Boschwitz	Goldwater	Mattingly
Bradley	Gore	McClure
Broyhill	Gorton	McConnell
Bumpers	Gramm	Melcher
Byrd	Grassley	Metzenbaum
Chafee	Hart	Mitchell
Chiles	Hatch	Moynihan
Cochran	Hawkins	Murkowski
Cohen	Hecht	Nickles
D'Amato	Heflin	Nunn
Danforth	Heinz	Packwood
DeConcini	Helms	Pressler
Denton	Hollings	Pryor
Dixon	Humphrey	Quayle
Dodd	Johnston	Rockefeller
Dole	Kassebaum	Roth
Domenici	Kasten	Rudman
Sasser	Symms	Weicker
Simpson	Thurmond	Wilson
Specter	Trible	Zorinsky
Stafford	Wallop	
Stevens	Warner	

NOT VOTING—1

Stennis

So the amendment (No. 2713) was rejected.

Mr. MATTINGLY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

□ 1100

Mr. SASSER. Mr. President, I ask unanimous consent that the Melcher amendment, to which we would proceed next under the unanimous-consent agreement, be temporarily laid aside and the Senator from Arizona be given 5 minutes off the bill.

The PRESIDING OFFICER. Is there objection?

Mr. MATTINGLY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona is recognized.

Mr. DECONCINI. Mr. President, I thank the Chair and also I thank the Senator from Georgia and the distinguished Senator from Tennessee.

I compliment the Senator from Tennessee in his efforts yesterday. I supported his amendment, and I am disappointed that we did not have the wisdom to follow his leadership in doing what I think is in our best interests.

Mr. President, as Congress and the administration consider this military aid proposal for the Contras, they should be debating a two-track policy combining Contadora and Kissinger rather than military aid and weapons. We should not overlook the significant progress being made in Central America without overt U.S. involvement. We should promote a regionwide peace treaty through economic development funds leveraged toward progress on Contadora talks. Ten Central American countries have moved toward democracy in the past decade without U.S. military might.

My colleagues have articulately and emotionally addressed this issue over the past several months. They have listed scores of reasons for and against this aid. While I will not repeat the logic supporting this proposal, I am genuinely concerned about the goals of this repressive regime in Nicaragua. The instances of abuse and intimidation of the Catholic Church appall me. Curbing the freedom of the press and initiating state of emergencies are deplorable. Their litany of wrongs go on and on. There are many countries with a Marxist repressive system, but we do not send overt military aid.

La Prensa, the opposition newspaper has been shut down. But the publisher, Violeta Chamorro, says that American aid for the Contras is foolishness. She told the Post:

> This is a war among Nicaraguans. Neither $100 million nor $300 million from the United States will solve it.

The paper's final editorial, which was censored, said that aid would "increase the anguish, hunger and sacrifice of human lives in Nicaragua."

The Catholic Church has been silenced. Bishops and priests have been refused entry back into their parishes. However, the Bishops of Nicaragua, in their pastoral letter, stated:

> We believe that any form of aid, no matter where it comes from, if it is the cause of destruction, pain or death for our families or hatred among Nicaraguans, it is to be condemned.

The U.S. Catholic Conference strongly urges this body to reject this proposal.

Many foreign policy experts and public officials feel that there is no misison or goal behind this Contra policy. The former U.S. Ambassador to Honduras says that the Reagan administration is seeking a military solution to this problem and this $100 million will be a down payment on escalated U.S. involvement. I know that Arizona could readily use $100 million, given the recent Gramm-Rudman cuts.

Education has been cut in Arizona by $7.9 million with $4.7 million directly attributable to the three State universities. Also, $7 million has been cut from highway construction. Another $4.8 million has been eliminated from child and family support programs. Funding for our children, our schools, and our parks has been cut. I think we could better utilize our funds for Americans.

Mr. President, I have many questions about the Contras; their composition; their intentions for Nicaragua in the future; their alleged connections with drug-running; and their spending of $27 million in humanitarian assistance. But I also have concerns expressed by my constituents and Americans across this great land. Many hundred Arizonans have called in and written long letters urging me to vote against this aid; 62 percent of Americans do not want this aid. I enthusiastically endorse the dual track of Contadora peace talks and economic development funds which might be tied to this progress. This is the type of program Americans support. This is the type of approach that our foreign policy is based upon. This is the type of program which is founded upon American statecraft.

Let me end by quoting from President Kennedy, who professed these words as he contemplated increased involvement in Vietnam:

I look forward to a great future for America, a future in which our country will match its military strength with our moral restraint, its wealth with our wisdom, its power with our purpose.

I can only encourage my colleagues to use their moral restraint inherent wisdom, and sense of American purpose when they cast their vote on this critical issue.

AMENDMENT NO. 2717

(Purpose: Removes authority to transfer Agricultural Appropriations funds and African Famine Relief funds to provide additional economic aid for Central America)

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for the purposes of an amendment.

Mr. MELCHER. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER], for himself, Mr. ZORINSKY, Mr. HARKIN, Mr. LEAHY, Mr. BAUCUS, Mr. BURDICK, Mr. SIMON, Mr. KENNEDY, and Mr. KERRY, proposes an amendment numbered. 2717:

On page 29, strike all after "1986" on line 2, through the end of line 5.

Mr. MELCHER. Mr. President, this is a very easy amendment to understand. It only deals with one part of the bill. It has nothing to do with the Contra issue. Those who have voted one way or the other on Contras should consider this as a separate entity because I believe they will want to vote for it no matter which side they are on for the bill.

The amendment strikes three lines from the bill which were added in the other body.

What it does exactly in striking those three lines is to say that funds for Central America, for four countries: Costa Rica, Honduras, Guatemala, and El Salvador, cannot come out of either Africa famine relief funds or Food For Peace. That is the end of the amendment. It does nothing other than that.

The other body, unwisely I believe, took action to use African famine relief and Food For Peace funds meant for other purposes, perhaps for buildings or roads or what have you, in a different part of the world than these four countries that I have mentioned in Central America. That was a mistake. That was a mistake on the part of the other body and it should be corrected here, and that is exactly what the amendment does and only what the amendment does.

Here is why it is necessary. Consider this. Consider all of the surplus food commodities we have in this country in Federal storage that we already own and have paid for, quantities of dairy produce: milk, butter, and cheese, amounting to 2 billion pounds—2 billion pounds; quantities of wheat amounting to somewhere around 2 billion bushels, and quantities of corn that is as yet unmeasured because the crop will not be harvested until this fall, but the Department of Agriculture will not have enough storage and some of that corn will have to be stored on the ground—2 or 3 billion bushels of corn in excess of our needs or exports. And think of this. There is more coming next year.

It is a pretty wonderful abundance we have in this country and they are pretty wonderful people who produce it, pretty wonderful people who process it, pretty wonderful people who transport it and export it, and with this blessing you might say, "Well, happy days are here again, right? Wrong. Wrong. That is not the way it works.

□ 1110

For those people I have just mentioned—those producers and processors and transporters and exporters—these are sad days. These are sad days for them.

Farmers I know, friends of mine, plant the grain, grow it, harvest it, and sell it or store it. Dairy farmers I know and you know—friends of ours. They get up every morning to milk the cows and milk them again in the evening, 7 days a week, and they have a surplus. Farmers I know take care of those cows, feed them all winter, so that they can have calves.

All that work and sweat and worry—these are sad days for them because of prices. But they do all that work and worry so that people can have food, babies can survive, and kids can grow, and so that hunger can end.

That is their great goal—so that hunger can end and everybody has a sufficient amount to eat and they have enough income so that their operation goes well.

It is a great and noble effort, this ethic we have in agriculture of producing abundance and then sharing it so that people do not go hungry. It all started with the Pilgrims. Remember the first Thanksgiving and the thanks that was given by the Pilgrims for the abundance they had, and they shared. They shared it with everybody, including the Indians. That philosophy of sharing abundant food is just as American as baseball or football.

In this country, from that time on, what built up was a good, proud heritage of doing two things: First, excelling in agriculture, raising for abundance, and then sharing it.

Herbert Hoover took it abroad—not while he was President. Directly after World War I, Hoover said that we must give international food assistance to Europe, devastated by World War I. The Marshall Plan, after World War II, followed the same procedure and said that we have to help these people. The first thing they need is food.

Congress passed, and Eisenhower signed, Food for Peace over 30 years ago.

Why now, after this great heritage and this great history of ours, of developing this policy, would that other body have this complete turnaround, a reversal in policy that would take appropriated funds away from Food for Peace and away from African Famine Relief?

What did the Senate committee do? It only muddied the water. It did not delete that part. They muddied it up.

Immediately, that became nationally and internationally a question: Why is that being done?

Major groups which back my amendment believe it is absolutely essential, private volunteer organizations: CARE, Catholic Relief Services, World Vision, Bread for the World—all of them.

A second group is the agribusiness in the United States—grain companies and grain cooperatives which export, processors, dairy co-ops, the ag trade association, commodity groups. It is their business to utilize this abundance we have, to export it, to export this surplus.

Thirty-nine organizations, representing these groups clear across the country, met on July 10 in the Dirksen Building, representing producers, farmers, ranchers, processors, and all the families, involving millions of people. Just 39 representatives, but representing millions of people in agribusiness, farmers and ranchers, clear across the country.

They had one, unanimous opinion on this particular language on the bill: Food assistance is the right policy. We should continue it and expand it. So amend that out. Go forward, or less will be exported from the surplus. There will be more price declines because of the surplus overhanging. There will be more Treasury payment to producers because the prices are lower, making up that difference, and paying for the surplus cost which has to come out of the Treasury.

They also said emphatically that markets abroad would be lost if you adopt that type of language in the bill. So they said, "Amend it out."

We received letters from the private voluntary organizations and church organizations saying, "We are for the amendment." But agribusiness groups have sent letters, too.

Better yet, they are coming back to town—all these organizations, representing the broad array of producers, processors, exporters, and agriculture, clear across the country—representing all the companies and cooperatives. They are coming back to town the day after tomorrow, August 15, and will be at the Hyatt Regency. They will say the same thing: They want to light a fire under Washington, to start doing

the right things, to get moving on exports. They do business abroad, all around the world. They know what the situation is.

In Africa, the food needs have not been met. One organization says that 1.6 million tons of grain is needed in Africa, and they list, country by country, where it is needed. These are unmet needs. This is not something for next year.

The Food and Agriculture Association warns us that the grasshopper and the locust infestations in at least a half dozen sub-Sahara countries will cut the projected crop probably in two, or less.

So, while they have documented what the needs are today, they are also warning us that those needs may be expanded in Africa, depending on how great the damage is from these infestations of grasshoppers and locusts.

That is Africa, but other parts of the world need the marketbuilding, and for our own good, to use our surplus—India, the Philippines, Bangladesh, just to name a few.

Mr. President, without the amendment, up to $300 million in food assistance will be lost. This is discretionary, of course. But without the amendment, what the other body did was simply to dip into food assistance funds already appropriated and say this can be used for other purposes.

This amendment says that those few words are stricken; you cannot do that. That is what this amendment says—that we cannot do that. And rightly so.

□ 1120

And that is the only thing that the amendment does. It does not affect anything else.

The amendment is needed as policy to renew our heritage and our historic use of abundance for people who need it.

Second, the amendment saves money. It saves on letting the price go too low or saves on paying those storage costs which is so aggravating right now for the Department of Agriculture.

It is needed by farmers all across the country in agribusiness, all across the United States and it is needed for marketability.

Mr. President, I hope we can have an overwhelming vote in favor of the amendment.

Mr. President, I reserve the remainder of my time.

Mr. LEAHY. Mr. President, I am pleased to cosponsor the amendment being offered by the Senator from Montana. The amendment will prevent the diversion of Food for Peace Program funding from its intended use. The funds were authorized to provide humanitarian assistance to hungry and famine stricken people, but, under the Contra assistance package, the funds would be used for economic assistance in Central America.

Title II of H.R. 5052, the Military Construction Appropriations bill, as passed by the House of Representatives, would allow transfer of unobligated funds designated for the Food for Peace (Public Law 480) Program. The unobligated balances in the Public Law 480 account that were specified for title II donations during this fiscal year, as well as African famine assistance funding, are vulnerable to depletion under the House-passed measure.

Under the amendment's provisions, up to $300 million of economic assistance for Central America could be transferred from unobligated balances in accounts for which appropriations were made by title II of the Foreign Assistance and Related Programs Appropriations Act, 1986. The amendment specifically excludes Food for Peace Program funding and African famine relief funds from the accounts that could be drawn upon for Central American economic assistance. The amendment protects the food assistance programs by striking reference to both title IV of the Agriculture, Rural Development and Related Agencies Appropriations Act, 1986—as contained in Public Law 99-190—and to title II of the Urgent Supplemental Appropriations Act, 1985 (Public Law 99-10).

Mr. President, a good deal of work has gone into drafting this amendment so as not to substitute economic assistance funding for food assistance and development efforts that are funded under food aid accounts. If the economic assistance money is needed, the funds should come from appropriations for that need, under the foreign operations budget.

A vote against this amendment is a vote against providing food assistance to the poor, the disadvantaged, and the disaster-stricken in the world. A vote against this amendment is a vote against using our agricultural abundance for humanitarian efforts overseas.

A vote for this amendment protects program funding vital to ongoing overseas food assistance programs. A vote for this amendment is a vote for increased use of farm products that are currently in surplus.

Mr. President, I urge my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MATTINGLY. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty minutes on the side of the Senator from Georgia and 7 minutes on the side of the Senator from Montana.

Mr. MATTINGLY. I yield 5 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. I thank the distinguished floor manager of the bill for yielding time.

It concerns me that this amendment may have, if it is adopted, an unwanted effect.

I am told by those who have been involved in coming up with the language for this provision of the bill that an additional $300 million has actually been added in famine relief appropriations in title III of the bill to take care of the very concerns expressed by the Senator from Montana.

In looking at the language I am convinced that title III serves to protect funds previously appropriated. There is money in fiscal year 1986, appropriated by Congress for not only famine relief but Public Law 480, the Food for Peace Program. There are unexpended funds in those accounts.

It is the suggestion of our Appropriations Committee that those funds should not be touched for the purpose of assistance to the Central American countries described in the legislation, and that is why title III was added.

It is my hope that the Senate will reject the amendment not because it does not seek to achieve a desired result but because it just simply is not needed.

Title III has been added to prevent any funds appropriated in this bill from being taken from famine relief assistance and Public Law 480 assistance that have already been funded.

So, I hope that Senators will review this very carefully and reject the amendment on the basis of the fact that the problem has already been taken care of in the way the bill has been constructed.

The PRESIDING OFFICER. Who yields time?

Mr. MATTINGLY. Mr. President, I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. EVANS. Mr. President, I probably will not support this title when it comes to final vote as long as the military aid to the Contras is included. There is, however, one element which I strongly do support and that is the $300 million of economic assistance to other Central American countries. I believe that this is an important and key ingredient in our foreign policy as it relates to Central America. We must help our friends, not necessarily torment our adversaries.

This is an opportunity to do just that, to continue in the effort to encourage budding democracies in Costa Rica, Guatemala, Honduras, and El Salvador.

This economic aid is critical, but should not only come in shipments of

our surplus commodities or feeding the starving. These are countries that have a long tradition of agricultural work and abundance. They are productive nations. What they need most is economic help in the nature of cash and other kinds of financial assistance rather than just commodities.

I think this bill quite carefully provides new money in title III which the Senator from Montana has not eliminated but renders unuseable by his amendment. So we will be left with $300 million of new money we cannot reach and the need to find $300 million in the other parts of an already overburdened title II of the Foreign Assistance Program.

This Foreign Assistance Program and its appropriations are far short of the administration's request. The House of Representatives recommendations fall far short of what even the Senate authorized. A good share of that account goes to a few nations with which we have special relationships. We have already made several allocations of money by reprogramming, if you will, within this account which further shortchanges the amount of money available for the many nations of this world with whom we also have unique and special relationships.

To take another $300 million out of that account which is already short leaving on the other hand a special $300 million appropriations in an account which can not be reached, to me is absolute folly.

We ought not to do that. I think this amendment ought to be rejected resoundingly and that we ought to use the new money we have appropriated in this act for the benefit of those countries in Central America with whom we share the desire for a peaceful and democratic future. We should leave enough flexibility so that we can provide not just food, not just commodities but can provide the cash assistance, the other financial aid that is necessary to give those nations wherewithal to become viable, economically prosperous friends and neighbors of the United States.

The PRESIDING OFFICER. Who yields time?

Mr. MATTINGLY. Mr. President, how much time do we have?

The PRESIDING OFFICER. The Senator from Georgia has 15 minutes. The Senator from Montana has 7 minutes.

Mr. MATTINGLY. Mr. President, I really share the desire of the Senator from Montana to enhance export markets for America's farmers. Our farm community needs help and I believe every Member of the Senate should be prepared to support the appropriate proposals to help them.

But changes to title II again must be resisted in order to avoid the continuation of this interminable effort to reach an accord with the House and with the President.

We have included language in the bill that directs the Secretary of State to determine how more effective use can be made of agriculture commodities from the United States to alleviate hunger in Central America. I will just quote to the Senator from Montana page 29 of this bill.

It says:

The report required by paragraph (1) shall include an analysis and recommendations, prepared in consultation with the Secretary of Agriculture, on how more effective use can be made of agricultural commodities from the United States in alleviating hunger in Central America and contributing to the economic development of the Central American democracies.

Mr. President, the Secretary of State and the Secretary of Agriculture and everybody else is actively trying to seek methods to use the export of American agricultural commodities to enhance economic development in Central America.

Mr. MELCHER. Mr. President, will the chairman yield for a question right at that point?

Mr. LUGAR. Yes.

Mr. MELCHER. I thank my friend from Georgia for yielding.

Mr. LUGAR. For a question.

Mr. MELCHER. Yes, for a question. I ask unanimous consent that the question be off of my time and his answer be off of his time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. I ask my friend from Georgia if he is aware, since this is an unusual place to find economic assistance from foreign aid in this bill, perhaps my friend is not aware of the per capita amount of assistance that already goes to Central America is $51.20, that is for every person, in economic security funds, while it is only $3.83 for people in Africa per capita.

I ask my friend if that is a rather telling point that it is 17 times or 16 times as much that already goes per capita to Central America than goes per capita to people in Africa on foreign assitance and foreign aid.

Mr. LUGAR. I say if you would like to get out the calculator and go through unit per capita, I am certain there are probably other countries here than those two in Central America.

I do not believe that is the point of the Senator from Montana. I think what we are trying to do here is to really work with the administration to make sure that the language in this bill is not ignored and that it is given the high priority that we intend.

□ 1130

I intend, as chairman of the committee, to work with the Senator from Montana and many other colleagues here in the Senate who feel the same way about this important issue.

I would just say, Mr. President, I have received a copy of a press release issued by the distinguished Senator from Montana which described his intent. He said Monday that he would attempt to block the administration's plan to divert $300 million in unused American famine relief in food-for-peace funds to Central America for economic assistance. He said in the press conference that he would offer an amendment to the Contra aid bill currently on the floor to retain the funds for which they were originally intended—humanitarian food assistance.

Mr. President, that is exactly what the Appropriations Committee did. That is why we added title III, to ensure there would be no diversion of funds from either the American famine relief or food-for-peace funds. In effect, we have done what the Senator from Montana wanted us to do.

The PRESIDING OFFICER. Who yields time?

Mr. MATTINGLY. Mr. President, at the appropriate time I am hopeful that the chairman of the Foreign Relations Committee will also make a tabling motion on this amendment. I think that we all have seen that all of these amendments that are coming up, really the intent is to stop any economic assistance to Central America or any help to the people of Nicaragua, to the democratic resistance to try to create freedom and liberty for those people.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, will the manager of the bill yield 5 minutes to me?

Mr. MATTINGLY. I yield 5 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I will not repeat the arguments that have been offered, because I think they are persuasive. But let me just suggest to my colleagues, as a matter of common sense, the progression of events took place. As best I can describe it, during the consideration of the legislation to assist the Contras in Nicaragua, Members of the other body took another look at the entire Central American picture. Many Senators, many Members of the House, members of the administration have been looking at that for a long while. It has been referenced in this debate. The Kissinger Commission recommended substantial economic assistance to those countries if they are to grow and if they are to become strong and secure in their own right.

Thought has been given during this debate as to how the four democracies, with elected Presidents, that surround Nicaragua might become strong politi-

cally to substantially influence the course of events of their neighbor.

Mr. President, the Members of the House decided to include $300 million of economic assistance in this legislation. That raised the question as to where the money would be found to make this assistance possible.

As has been mentioned by the Senator, on page 29 of the bill, the sources of the funds are lsited. They include title II of the Foreign Assistance and Related Programs Appropriation Act of 1986. And they also include title IV of the Agriculture, Rural Development and Related Agencies Appropriation Act of 1986, as contained in Public Law 99-190, and title II of the Urgent Supplemental Appropriations Act of 1985.

The Senator from Montana, in his amendment, strikes all other sources of funds other than the Foreign Assistance and Related Programs Appropriation Act of 1986.

Now, the dilemma, Mr. President, in a very technical but decisive way, is that there is only $27 million remaining in title II. If, in fact, the Senator from Montana's amendment were to be adopted, $300 million cannot be found in title II. You could raise a very good question to whether we should be going to title II exclusively, anyway, but as a practical matter, it cannot be done. So, in effect, the amendment by the Senator from Montana terminates the assistance to these countries. It knocks out a very important aspect of the House debate and of the House decision.

Now, Mr. President, the Senate Appropriations Committee, when it took a look at this picture, shared the thoughts of the Senator from Montana that we ought not, in any way, to inconvenience or to hurt American agriculture. As a matter of fact, we are in total agreement. We ought to, in this bill and in every other way, enhance the possibilities for American agriculture usage. There are great surpluses and we need to work through those.

So the Senate Appropriations Committee added title III. It provides dollar-for-dollar, if there were any funds depleted from the Famine Relief Act in Africa, dollars are provided at the end of this bill in title II tit-for-tat. Absolutely no loss to American agriculture. Not one iota. Not 1 bushel of corn or 1 pound of dried milk is lost in this situation. Every bit of it recovered.

But, at the same time, a practical solution, in terms of the assistance that must be a part of this bill if we are to make whole Central American and if the Senate is to agree with the House.

And I come back to that final point, Mr. President: In the event this amendment is adopted, it is a severe departure from the House bill before us and a conference clearly must take place. Delay of the money for the Contras is bound to occur, as well as jeopardy for the whole legislation. And there is no need of it, in that title III provides absolutely that there can be no loss to American agriculture—no loss, Mr. President. No loss to Africa, no loss to anybody involved in the famine situation. Every aspect the Senator from Montana has contemplated in his amendment has been met.

Therefore, I am hopeful that the amendment will be rejected.

Mr. EVANS. Will the Senator from Indiana yield for a question?

The PRESIDING OFFICER. Time yielded to the Senator has expired.

Mr. MATTINGLY. Mr. President, I yield whatever additional time the Senator from Indiana may need.

Mr. LUGAR. I am happy to yield.

Mr. EVANS. Mr. President, I ask the Senator from Indiana, as chairman of the Foreign Relations Committee: If this amendment were adopted, forcing the $300 million to come from title II of the Foreign Assistance Act with no extra appropriations now available, coupled with the drastic reduction the House is already in the process of making in foreign assistance and the reprogramming as we have already adopted for that act, for example for Ireland and others, we are squeezing so hard that we would be forced to reduce expected or current allocations to some of our most important friends and allies? And I am speaking now of the two biggest recipients in the Foreign Assistance Act—Israel and Egypt. Could that be the potentially logical conclusion if this amendment were to be adopted?

Mr. LUGAR. Let me respond to my friend from Washington by saying that, obviously, this puts a very complex new issue into the debate, but it is a perfectly valid issue. And the answer to his question is, yes, it could result in a cut of foreign assistance to Israel. And we ought to lay that right out so that the Senate will hear that loud and clear.

The effect of the Senator's amendment might be to hit Israel and Egypt and the base countries. That is where the big money is and there is no more left. I think we ought to hit that right head on.

The Appropriations Committee knew this and they do not want any cut to Israel and they do not want a cut to Egypt, nor to the Philippines nor to Greece or Turkey. So they provided $300 million to remedy it completely.

This is the reason the amendment was nonsense to begin with and ought to be characterized that way. The $300 million is there. Now, if you play around with it, the appropriations situation becomes very, very difficult.

I suppose it is ironic that the argument has been made that somehow Africa might suffer, when, in fact, the African accounts are probably the first to go, unhappily, in this kind of reshuffling of the deck, followed by Central America, ironically, the very group we are trying to assist.

So, for these reasons, in response to the distinguished Senator from Washington, of course we should reject the amendment. It plays havoc with our entire foreign assistance situation.

The PRESIDING OFFICER. Who yields time?

□ 1140

Mr. MELCHER. Mr. President, I yield 2 minutes to the gentleman from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I listened intently to the matter being discussed. I am well aware that what I am about to say will in no way change the vote. It should be pointed out that whether this amendment, the Melcher amendment passes, or the bill itself passes, the Foreign Operations Committee will be deprived of $300 million—$300 million which would have to be taken out from other accounts. I can assure the Senate that from what little I know of the Foreign Operations Subcommittee, nothing will be taken away from Egypt, Israel, or Pakistan. That we all know. It will come out of smaller countries that have small voices in our Nation's Capital.

But the point I wanted to make is that the $300 million in this bill was referred to in a letter sent to the chairman of Foreign Operations Subcommittee on August 5. That letter said very clearly that we have no ideas as to how this $300 million is to be spent. At best, our proposal is tentative.

Furthermore, the letter from the Agency for International Development [AID] advised our subcommittee that the four host countries were not consulted. So we have no idea whether the $300 million will be spent for the balance-of-payments problem, whether it will be used for construction purposes, whether it is going to be used for health purposes, education purposes, food, or nutrition. We have not had 1 minute of hearings in our subcommittee on this matter. And I think this is a terrible way to legislate.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mr. LUGAR. Mr. President, how much time remains on each side?

The PRESIDING OFFICER. There are 3 minutes on each side remaining.

Mr. LUGAR. Mr. President, the point made by the distinguished Senator from Hawaii is important. But I would suggest the type of consultation that is contemplated here would occur after there is a possibility that the

$300 million will be available. Certainly the needs of those countries are abundant. Certainly our country would want to have consultation with them as to how we might be most effective, how they might be most responsible. For the moment, it appears to me that the need itself far exceeds $300 million. This has been known. And that will be considered by the distinguished Presidents of Honduras, Guatemala, and Costa Rica in consultation with us.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, I ask unanimous consent that Senator EXON be added as another consponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MELCHER. Mr. President, we have heard just now an explanation of where unexpended foreign assistance funds are going to be coming from in order to do what has been described as helping some Central American countries—Guatemala, Costa Rica, Honduras, and El Salvador.

We have just heard the chairman of the Foreign Relations Committee tell us that $27 million in unexpended funds is now there and available immediately. I guess that is a start, if that is what the Senate and the House want to do.

That is not what my amendment is about. My amendment is not about that.

In answer to this argument about should we give more in foreign assistance to those foreign countries, let me repeat that foreign assistance now per capita in Central America is $51.20 from the United States whereas in Africa it is $3.83, about one-fourteenth the amount in Africa per captial. As for food, there is three times as much wheat consumption in Central America per capita than there is in Africa. That is what this amendment is about. It is about how we are going to follow our procedure in providing the abundance of food supplies that we have.

So the amendment only deals with the African relief funds and Food-for-Peace funds that are already appropriated and says you cannot draw on that account. You cannot get it from there.

Mr. President, we just heard the distinguished Member, Senator INOUYE of Hawaii, say there is no use giving up this argument as well, and I think very inappropriately saying this is a question between Israel and Egypt. I think that is inappropriate. We can settle that hash, that argument by simply saying all the money for Israel and Egypt is already gone. It will not be part of the unexpended funds.

Lastly, I want every Senator to know that when this language went into the bill it was not debated in the other body. It was not brought out in daylight because it stinks. That is why it was not brought out. It smells. It was just inserted, just shoved into the bill on the floor without debate; taking food, assistance, agriculture, money away and giving it to foreign aid is not what the House knew was happening.

Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that a paper describing the need for additional economic assistance to the Central American democracies and explaining how this additional assistance will be used be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NEED FOR ADDITIONAL UNITED STATES ECONOMIC ASSISTANCE IN CENTRAL AMERICA

Over the past two years, the United States has increased substantially its economic assistance in response to the crisis in Central America. We have made progress in supporting democratic processes and institutions, in arresting declines in income, employment and economic activity, in establishing the basis for long term growth, and in assuring the widest possible distribution of the benefits of growth through improvement in health, education, and shelter.

Since 1984, when the National Bipartisan Commission presented its recommendations for the pursuit of peace, democracy, and development in Central America, the goal of a five-year, $6 million program has been steadily eroded. The United States has fallen already $500 million below the funding targets for the first two years, and the 1987 budget outlook is grim.

The continued threat posed by Nicaragua to its democratic neighbors impedes economic development. In addition, although much has been done in two years, the adverse impact of world recession, low commodity prices, high debt burdens, and depressed regional trade take time to reverse. The Commission recognized the need for a long term commitment by the United States. That need continues to exist.

We risk instability throughout the region as governments are unable to deal with demands for improved social services, and with unemployment, economic depression and heavy debt burdens. Our assistance helps fragile democracies deal with these problems. It also provides needed support for economic policy improvements that form the basis for resumed growth. With U.S. support, leaders in El Salvador, Guatemala, and Honduras have made major breakthroughs in promoting sound economic programs this year.

Without our support, the fragile economic recovery throughout the region which is fostering a political consensus in support of democracy could collapse, along with a return to the vicious cycle of declining investment, capital flight, economic stagnation, heightened political conflict, and insecurity.

Democratic leaders in Central America have taken great political risks in aligning themselves with U.S. policy goals in this region. Reductions in U.S. support will increase their vulnerability, undercut the democratic process, and will lead to greater instability in each of these countries.

A partial restoration of the assistance levels recommended by the National Bipartisan Commission would accelerate the achievement of U.S. goals in Central America.

Following are specific programs for which additional U.S. funding could be used in Central America:

Guatemala: Additional U.S. assistance would be used for balance of payments assistance in support of President Cerezo's economic adjustment program, and for project assistance. The United States initiated balance of payments support in Guatemala in 1986 following the country's return to democracy early this year after many years of military rule. In order to provide this funding, it was necessary to reduce assistance to the other Central American republics. Nevertheless, the $48 million allocation falls far short of the amount needed for essential imports and to close the gap in this year's balance of payments even with the introduction of Cerezo's far-reaching new adjustment program.

The balance of payments support would maintain a higher level of imports for the productive private sector, improving prospects for recovery and resumed growth. It may also allow Guatemala more quickly to phase out its temporary export tax surcharges, which are necessary to help balance its budget, more quickly than otherwise would be the case. These surcharges, though necessary for fiscal purposes, hurt Guatemalan export performance.

Project assistance would be used for rural electrification and roads which will help create conditions and incentives for business development and jobs in the rural highlands of the country, for agricultural, health and education projects, principally in rural areas, and for water and sewerage in secondary cities. Guatemala badly needs the basic infrastructure needed to draw small business and industry into smaller urban centers outside the capital city.

Cerezo inherited an economy in shambles. After 60 years of low inflation and generally prudent economic management, inflation skyrocketed and public confidence in the government's ability to manage the situation eroded. Nevertheless, Cerezo has conducted a successful national dialogue which has generated a fragile consensus for economic reform. Additional U.S. support is needed for this consensus to prevail and for the program to succeed. If it does not succeed, prospects for the future democracy in Guatemala are not good.

Honduras: Additional balance of payments support could make the difference between the success and failure of the Azcona Government's new economic stabilization program. Project funding would make a dramatic difference in Honduras' ability to respond to the country's needs for basic services and economic opportunities.

The stabilization program, a necessity for sustained private sector led growth, will be difficult to implement successfully without further external support. This program is designed to reduce the budget deficit, keep strict limits on domestic credit to the public sector, and improve the foreign exchange reserve position of the Central Bank. U.S. assistance will help maintain needed aid for displaced persons, and on roads, housing, and public services while the program improves the country's financial position and

increases the supply of credit and other opportunities to the private sector.

The Government of Honduras shares the U.S. interest in restoring peace and stability in Central America including democratic change in Nicaragua. Honduran support of U.S. policies is not without both economic and political costs, however. This year, for the first time in decades, a freely elected government succeeded another. Nevertheless, Honduran democratic institutions are fragile.

Project assistance would be devoted to development activities which would accelerate private sector investment in export enterprises and forestry development, provide basic health, housing, and infrastructure needs, and credit for small farmers, particularly in the coffee sector. Housing and other basic services for thousands of refugees is a top priority for the Honduran Government.

Honduras is the poorest country of the region, and its needs are acute. Per capital GDP fell 10% between 1980 and 1985. Furthermore, the government's stabilization program, though necessary in order to establish a basic equilibrium in fiscal and external accounts, will tend to limit credit to the private sector and GOH ability to provide basic services to the population. Infectious disease is the primary cause of mortality in Honduras. Sixty to eighty percent of the population is malnourished, and infant mortality is 71/1000. New Health projects will concentrate on child survival and provision of rural water and sewerage facilities.

El Salvador: Additional balance of payments support will reinforce President Duarte's new stabilization program, and enable El Salvador to devote that much more to reconstruction and capital spending within the constraints of the economic reform objectives. It will also allow the importation of additional raw materials and intermediate goods, strengthening the country's export earnings and accelerating economic growth.

Project assistance would be used to help restore public services disrupted by insurgent guerrilla forces, for credit to small farmers, and for primary education. AID is already helping to restore water, electric, and communications services damaged by insurgent attacks. Additional funding would be used to get a head start on a more permanent reconstruction program which will inevitably be an expensive and long term effort.

The democratic government in El Salvador is fighting a difficult and costly war against a communist-backed force which is determined to overthrow those democratic institutions which we are trying to foster. Damage inflicted by insurgents to the economy has been devastating, and is a continuing drain not only on the country's limited economic resources, but on its political will to maintain an open, free and democratic society. The conflict has resulted in an internal refugee problem of enormous proportions, increasing the cost to the government for shelter and basic services.

President Duarte has succeeded in conducting the war and defending democratic institutions while improving economic management and spreading the benefits of economic growth to all sectors of society. Our assistance has helped provide hundreds of new classrooms, a decline in infant mortality, improved diets for tens of thousands, and shelter for many of those Salvadorans displaced by war. But this progress can be quickly eroded.

El Salvador has a crushing debt service burden to the United States as a result of FMS purchases made in the late 1970's and early 1980's at very high rates of interest for equipment to combat the burgeoning insurgency during those years. In 1986 alone, El Salvador is obliged to repay almost $70 million to the U.S. on official debt, a major proportion of the economic assistance it receives. The United States must respond to El Salvador's needs in order to defend our own interests in this region.

In Costa Rica, additional assistance would be used as balance of payments support to reinforce the new democratically elected government's efforts to revitalize its economic stabilization program, and for project assistance for the Nicaraguan border area.

The Costa Rican stabilization program began to falter early this year when the mutually reinforcing World Bank and IMF programs were suspended. Because anticipated loans were not received, Costa Rica has been unable to service its foreign debt, among the heaviest in the world, per capita.

Because of the size of the debt service need, a multi-donor program is essential if sufficient resources are to be available both to service the debt and avoid a deep and de stabilizing recession. Our funding could be the key to keeping other donors, in particular the commercial banks, engaged in a cooperative effort to keep Costa Rica on a path of economic reform and private-sector led growth. It will also facilitate the divestiture of public enterprises, a basic structural adjustment necessary for improved economic performance and revitalization of the private sector as an engine for growth.

The project assistance would be used to accelerate the Northern Zone project, which will develop this critical area along the Nicaraguan border. This will be a multi-sectoral project addressing community development, access roads, and small farm agricultural development in the area. Costa Rica has been the model of economic management in Central America, in spite of its heavy debt service, and presents a particularly stark contrast to the Nicaraguan example. Progress in economic reform can be quickly eroded, however, without continued U.S. support.

Central American Peace Scholarships: Additional funding will allow us to grant more long-term scholarships for study in the United States by lower income Central American students from each of the Central American democracies. This will allow us to partially catch up with our goal of 7,000 scholarships in the five-year period through 1989. This program brought over 1,600 Central American students to the U.S. in 1985. Even so, we will remain far behind Nicaragua, Cuba, the Soviet Union, and other Communist-bloc nations in the number of scholarships provided.

Administration of Justice: Additional funding will allow AID to proceed with projects in each of the Central American countries to foster the transformation of national justice systems in the region into systems based upon independent and strengthened judiciaries. This will increase popular confidence in the fair and impartial application of law, a fundamental element of our effort to strengthen democratic institutions in the region. The funding will be used to support training for judges, prosecutors and legislators, strengthen bar associations, improve investigative and prosecutorial procedures, and stengthen regional and national institutions in order to provide services necessary for the improvement of administrative, technical, and legal performance of justice systems in the region.

Mr. LUGAR. Mr. President, I move to table the amendment of the Senator from Montana and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana to lay on the table the amendment of the Senator from Montana. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—51

Armstrong	Gramm	McConnell
Boschwitz	Grassley	Murkowski
Broyhill	Hatch	Nickles
Chafee	Hawkins	Packwood
Cochran	Hecht	Quayle
Cohen	Heflin	Rockefeller
D'Amato	Heinz	Roth
Danforth	Helms	Rudman
Denton	Hollings	Simpson
Dole	Humphrey	Stafford
Domenici	Kassebaum	Stevens
Durenberger	Kasten	Symms
Evans	Laxalt	Thurmond
Garn	Lugar	Trible
Glenn	Mathias	Wallop
Goldwater	Mattingly	Warner
Gorton	McClure	Wilson

NAYS—49

Abdnor	Exon	Mitchell
Andrews	Ford	Moynihan
Baucus	Gore	Nunn
Bentsen	Harkin	Pell
Biden	Hart	Pressler
Bingaman	Hatfield	Proxmire
Boren	Inouye	Pryor
Bradley	Johnston	Riegle
Bumpers	Kennedy	Sarbanes
Burdick	Kerry	Sasser
Byrd	Lautenberg	Simon
Chiles	Leahy	Specter
Cranston	Levin	Stennis
DeConcini	Long	Weicker
Dixon	Matsunaga	Zorinsky
Dodd	Melcher	
Eagleton	Metzenbaum	

So the motion to lay on the table amendment No. 2717 was agreed to.

□ 1210

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON CLOTURE MOTION RELATING TO CONTRA AID

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the question is, Is it the sense of the Senate that debate on titles II and III of H.R. 5052, the military construction appropriations bill, shall be brought to a close?

The yeas and nays are automatic under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Rhode Island [Mr. PELL], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 59, nays 40, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—59

Abdnor	Evans	McClure
Armstrong	Garn	McConnell
Bentsen	Goldwater	Murkowski
Boren	Gramm	Nickles
Boschwitz	Grassley	Nunn
Bradley	Hatch	Pressler
Broyhill	Hawkins	Quayle
Byrd	Hecht	Roth
Chafee	Heflin	Rudman
Chiles	Heinz	Simpson
Cochran	Helms	Stennis
Cohen	Hollings	Stevens
D'Amato	Humphrey	Symms
Danforth	Johnston	Thurmond
DeConcini	Kassebaum	Trible
Denton	Kasten	Wallop
Dixon	Laxalt	Warner
Dole	Long	Weicker
Domenici	Lugar	Wilson
Durenberger	Mattingly	

NAYS—40

Andrews	Harkin	Moynihan
Baucus	Hart	Packwood
Biden	Hatfield	Proxmire
Bingaman	Inouye	Pryor
Bumpers	Kennedy	Riegle
Burdick	Kerry	Rockefeller
Cranston	Lautenberg	Sarbanes
Dodd	Leahy	Sasser
Eagleton	Levin	Simon
Exon	Mathias	Specter
Ford	Matsunaga	Stafford
Glenn	Melcher	Zorinsky
Gore	Metzenbaum	
Gorton	Mitchell	

NOT VOTING—1

Pell

The PRESIDING OFFICER. On this vote, the yeas are 59, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

□ 1230

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, let me announce what will happen the next 30 minutes. Under the unanimous-consent agreement there will now be 30 minutes of debate equally divided on the next cloture motion which will be South Africa. At that time if cloture is invoked on South Africa then there will be 30 minutes of debate and we will vote again on cloture on Contra aid. If cloture is invoked at that time we are back on Contra aid. If cloture is not invoked then the entire unanimous-consent agreement is null and void as is the recess, if that is any incentive the next time around.

Mr. HARKIN. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. HARKIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HARKIN. If the entire agreement is null and void, that means the unanimous consent regarding the recess is also null and void.

Mr. DOLE. I think that part would still be valid. It is all right with me if it is null and void.

Mr. HARKIN. I ask the distinguished majority leader, if the unanimous-consent agreement goes down, is that not also part of the unanimous-consent request?

Mr. DOLE. The null and void recess comes into play if all this fails. It is still operative as I understand.

I ask the Chair.

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. But that agreement includes the provision that if cloture is not invoked on both Contra aid and South Africa then so much of the recess as is necessary to complete action on both of those issues will be null and void.

Mr. DOLE. I indicate on these issues that would probably be all of it.

Mr. HARKIN. I further inquire: A motion carried on the floor could vitiate that?

Mr. BYRD. No.

Mr. DOLE. No.

Mr. LEAHY. May I make a parliamentary inquiry.

Mr. DOLE. I am going to yield the floor.

The PRESIDING OFFICER. Who yields time?

S. 2701—RELATING TO SANCTIONS AGAINST SOUTH AFRICA

Mr. DOLE. We will yield back our time on South Africa.

Mr. KENNEDY. Mr. President, who controls the time on South Africa on this side?

The PRESIDING OFFICER. The time is under the control of the minority leader.

Mr. LEAHY. Mr. President, will the minority leader yield for a brief minute for a parliamentary inquiry?

Mr. BYRD. I do not have the time on this amendment.

The PRESIDING OFFICER. The majority leader has yielded back his time, so the remaining time is in the control of the minority leader.

Mr. BYRD. Very well. Who wants it?

Mr. LEAHY. I have a parliamentary inquiry I am trying to make. I do not know if this is the appropriate time to make it.

Mr. BYRD. I yield to Senator KENNEDY. He may yield to the distinguished Senator. I yield to him so the Senator from Vermont may make the parliamentary inquiry.

Mr. KENNEDY. Mr. President, I am glad to yield for the purpose of a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEAHY. My inquiry is simple.

I have an amendment that I wish to bring up on the Contra package. Assuming I get recognition, when would the Senator from Vermont be in order to bring up the amendment on the Contra package?

The PRESIDING OFFICER. When cloture is invoked on the Contra package, the amendment will be in order following that vote. If cloture is not invoked on the Contra package, we will be back on the Contra bill and at that point at any point any amendment would be in order.

Mr. LEAHY. Is the Senator from Vermont correct in understanding that subsequent to the Contra vote in any event assuming the Senator from Vermont is recognized, he would be in order to bring up an amendment on the Contra issue?

The PRESIDING OFFICER. The Senator is correct, except that if cloture is invoked, it must be an amendment specified on the list.

Mr. LEAHY. I understand. I thank the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand I have 15 minutes; is that correct?

The PRESIDING OFFICER. The Senator is recognized and has 13 minutes remaining.

Mr. KENNEDY. I am glad to yield without losing my right to the floor.

Mr. DOLE. I have one request for time.

Mr. President, I ask unanimous consent to retrieve 5 of the 15 minutes I just yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

Mr. President, before speaking on the matter that will be before the Senate regarding South Africa, I do think it is appropriate that we understand the full implications of this past vote on the question of cloture on the Contra aid.

Cloture was not obtained. We have seen over the period of the last 2 days that the votes of two or three have separated those who are strongly opposed to this administration policy and those who have supported it. This action just taken by the Senate sends a very powerful message to the administration that this country is not prepared to see a wider commitment and a move down the path of inevitable conflict in the use of American servicemen and women.

I think this past vote was an extremely historical vote with regard to this administration's policy on Nicaragua and in Central America. I can remember that it was only a few short years ago that we could not even develop a debate or discussion here on the floor on this important issue. The concern in this body was less regarding the growing war, and it was less regarding the use of U.S. troops and advisers in the region.

How times have changed. We now face a wider more lethal war and the very real possibility that American service men and women will be sent into combat. I take note of the fact that an amendment which I offered yesterday on the use of combat troops just 3 months ago had been defeated by a vote of 68 to 32. Yesterday the vote was 60 to 40. Eight Members of this body changed their minds in a period of 3 months. This vote clearly reflects the growing anxiety surrounding our policy toward Central America.

The people are again ahead of the politicians and ahead of the Senate, and I think this last vote has demonstrated that there is no consensus for war here in the Senate or among the American people.

□ 1240

Mr. President, I am sure that the Members of the Senate know my feelings about the need to take fast action on South Africa.

It is time for the Senate to act. In fact, the time is long overdue. For that reason, I support limiting debate on the South Africa legislation that was voted out of committee and reported to the full Senate.

On the issue of South Africa, the United States has been derelict in its duties as the leader of the free world. It is up to us today to take the first step back toward setting our Nation on the right and moral course—finally and for all time.

Last May 19, the South African Defense Forces raided the capitals of three neighboring states. The Senate did nothing.

Last June 12, the South African Government imposed the most draconian State of Emergency in the history of that sad and troubled land. Since then, hundreds have died and thousands have been imprisoned. But the Senate did nothing.

Then, on July 22, the President delivered a major policy statement on South Africa that associated the Government of the United States with the architects of apartheid in Pretoria. And still the Senate did nothing.

For every day that goes by without the Senate enacting strong economic sanctions against the Government of South Africa, the moral standing of the United States diminishes—not only in all Africa but throughout the world. As the strongest Nation on Earth, as the most powerful democracy, as the leader of the free world, the United States should be taking the lead in the struggle to end apartheid in South Africa.

The perception that the United States is the last best friend of apartheid was strengthened by President Reagan's speech last month. The only way for the United States to reclaim the moral high ground is for the Senate to act and to act now.

Ten days ago, the leaders of the Commonwealth of Nations met in London and issued a communique recommending a series of strong new economic measures—sanctions—to be taken against South Africa. Only Prime Minister Thatcher resisted.

By the end of this week, the Senate of the United States should go on record supporting the action of the Commonwealth. Only by this kind of concerted and joint action by all the nations of the international community will the people of South Africa realize that freedom has a friend in the West. We should take the first step today.

I applaud the Senate Foreign Relations Committee for responding so quickly. The bill is a good start. I—with Senator WEICKER and Senator CRANSTON—will be offering amendments to strengthen that bill. I hope that Senators will recognize the importance of this body speaking strongly, with one voice, and with all due speed.

I urge my fellow Senators to cast their vote for cloture as the first step back on the road to the right side of history.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I would be glad to yield to the Senator from California. How much time?

Mr. CRANSTON. I yield myself 2 minutes, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts is in charge of the time.

Mr. CRANSTON. May I have 2 minutes?

Mr. KENNEDY. Yes.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, what is at issue before the Senate now is the effort to avert two bloodbaths—one in Central America, where the likelihood is very, very great that if we do not now change course American soldiers will be involved in that bloodbath; the other is to avert a bloodbath in South Africa by providing moral leadership and substantive leadership against apartheid.

The Senate has now voted very wisely on the first issue by preventing an end to debate and, thus, blocking, by that vote, the approval of money for the Contras. The Senate now has the opportunity to vote wisely on the second matter by voting the opposite way—cloture—to ensure that we will end debate and can then vote effective sanctions on the Government of South Africa. I trust the Senate will be as wise on the second vote as it was on the first. And I trust it will sustain the next attempt, the effort to block cloture on the issue of Central America.

In many respects, the votes that we are now casting on Central America are very similiar to the Gulf of Tonkin resolution that opened the door to our involvement in Vietnam. Only two Senators had the wisdom on that occasion to vote against the Gulf of Tonkin resolution.

I am greatly heartened that a far larger number have voted against the Gulf of Tonkin resolution, which is, in effect, now before us relating to the Contras.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Mr. President, I yield 2 minutes to the Senator from Delaware.

Mr. BIDEN. Mr. President, I would like to make two very brief points. The first one I would like to make, which may confuse some of the listeners and viewers, is that here those of us, on the one hand, several minutes ago were voting against closing off debate and now we are on another issue voting in fact to close off debate.

Well, the issue is very simple. In one case, we are attempting to, in fact, insist that there be a full debate on something that the American people are overwhelmingly, in fact, opposed to, and that is involvement in Central America, and in a circumstance where a significant portion of the people in this body and the other body believe we should not be involved. There is a genuine, unquestioned division in this country, with a preponderance of the weight against involvement in Latin America. That is what we wish to have debated.

On the second issue, it is settled. The American people, the House of Representatives, and a vast majority of this body overwhelmingly believe we should act now with regard to putting ourselves on record as a nation as to how we feel about apartheid and our willingness to lead.

So there are two distinctly different issues, and the appropriate use of cloture is, in fact, there in the first instance but, in fact, not in the second instance.

The significant point I would like to make is to reinforce the point made by my colleague from Massachusetts. It is time for the world to understand that President Reagan does not speak for the American people on this issue of apartheid. It is time for the American people to understand that the vast majority of Democrats and Republicans in both Houses are looking for Amer-

ica to lead. And, once we, in fact, step forward, there is no question but that the rest of the world will follow more closely and more rapidly than it has.

I thank my colleague for yielding.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 3 minutes remaining on his side and 5 minutes remaining on the other side.

Mr. KENNEDY. Mr. President, I am glad to yield to the Senator from Rhode Island, who is the ranking minority member on the Foreign Relations Committee, such time as he may need.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Senator from Massachusetts.

Mr. President, in the last 2 years the situation in South Africa has deteriorated steadily and dramatically. Violence has engulfed the country leaving no racial group untouched. Antiapartheid protesters have been teargassed, beaten, or killed by Government security forces. The vast majority of the 2,000 people killed since September 1984 have died at the hands of the South African police and soldiers. Vigilante groups, reportedly aided or at least tacitly supported by the Government, have contributed to the growing violence among blacks over ideological, political and/or ethnic differences. Black strikers have been arrested. Coloured students have seen their schools closed on the grounds that they are hotbeds of dissent, and black students boycotting inferior educational facilities have been detained en masse.

Last month the South African Government imposed the second state of emergency in less than a year. Its security forces have been granted widespread powers, and unprecedented censorship of the press has been instituted. To date, more than 4,000 of those at the forefront of the struggle against apartheid including political, labor, church and community leaders have been detained.

We can see that the situation in South Africa is acute and getting worse. Civil rights abuses are being perpetrated in South Africa. And, as we stand here and debate, people suffer and people die.

We must stop talking and take action designed to remove the basic source to this turmoil, which is apartheid. It is imperative that we invoke cloture and go on to pass a sanctions bill, similar to the one that the Foreign Relations Committee reported out, but in my view hopefully, stronger. The sooner we do that, the better off the people of South Africa, especially the victims of apartheid, will be and the better off our country, as a nation committed to the protection of basic human rights and fundamental freedoms, will be.

□ 1250

For this reason, I would urge my colleagues to vote for cloture at this time.

The PRESIDING OFFICER. Who yields time?

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. I yield myself 5 minutes of the time of the majority leader.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WEICKER. Mr. President, first of all, let me say I hope my colleagues will vote overwhelmingly for cloture on South Africa. Indeed my comments on that can await until we are on the bill itself. But I do not want to let the moment go by without making the following points to those that are following the debate on these two issues. Unfortunately, from my point of view, the matter of cutting off aid to the Contras lost 54 to 46. That was the vote on Contra aid. I was in the minority along with others who have spoken here on the floor. We lost. Indeed, we lost by one more vote than we did last March.

I voted for cloture on Contra aid as did other Senators and as will other Senators when the vote comes up. The reason why we did that is without those votes we would not be having a vote on the South Africa issue. I do not want just a vote on South Africa. I want a bill on South Africa. What that means is that it has to be more than a majority. It has to be more than that required to invoke cloture, 60 votes. It has to be 67 votes in order to override a potential Presidential veto.

We could have stepped up in the last couple of weeks at any point in time and have had an amendment on South Africa. It could have passed, and we would have expressed our point of view as the U.S. Senate. But what is needed from this chamber is a matter of such substance that it will become the law of the United States of America, and will speak to the world as being the law of the United States of America. That follows a different parliamentary route.

Basically, it was adjudged earlier this week that the proponents and opponents of Contras and South Africa each would have their day in court, their own vote. So I do not want these cloture votes to be mistaken for anything other than what they are. Those that are for Contra aid would have their day in court, and they would have their vote. Those of us who felt the South African issue was important would have our day in court, and we would have our vote.

Thanks to the good work of the distinguished Senator from Indiana and the members of the Foreign Relations Committee, there is going to be a vote. There will be votes here on the floor which will bring forth from the Senate a bill that addresses South Africa as the American people would want it addressed. It will be so overwhelming that it will become the law of the United States, and I hope with the signature of the President of the United States. But if not, it will become law by virtue of the overwhelming vote of this body and of the House of Representatives.

That is what is at issue in the matter of these cloture votes. My vote on cloture and that of many other Senators does not express our view on the aid to the Contras. We did that on the Sasser amendment and on subsequent amendments. Now the time has come to vote cloture on South Africa, to vote cloture on the Contra issue, and let them both be decided and go their respective ways. As I said earlier in the week, this has been a three-legged race long enough. The time has come to untie the runners—Contras and South Africa. Let us get on to the business of final determination of these issues.

I yield back. Do I have any time remaining on the leader's time?

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts has 2 minutes.

Who yields time?

Mr. MATTINGLY. The majority leader requests that I make a unanimous-consent request that the Senator from Pennsylvania be allocated 2 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. I thank my colleague from Georgia. I shall be brief, Mr. President.

I urge my colleagues to vote for cloture on the South Africa issue because it is my strong sense that the time has come for the Congress of the United States—and the House has spoken on the subject—Senate to speak on the subject. The evidence is overwhelming on the violation of human rights. The system of apartheid in South Africa is an intolerable situation.

It is open to debate as to what will work there in order to persuade the Botha government to recognize rights and end apartheid. But the best alternative available at the present time in the judgment of this Senator is a strong sanctions bill, and the way to move ahead on this important issue is to vote cloture at this time.

I join my distinguished colleague from Connecticut in hoping that it will be a unified front with the Congress and with the executive branch, and the President of the United States signing the legislation. But we ought to move forward, and the legislation ought to be enacted. It ought to

become the law of the land with strong sanctions imposed by the United States, and we ought to take as firm a position as possible in moving against apartheid, and to have civil rights and human rights in effect in South Africa.

I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired.

All time has expired on the majority side. The Senator from Massachusetts has 2 minutes remaining.

Mr. KENNEDY. I yield back the time.

VOTE ON CLOTURE MOTION ON S. 2701, RELATING TO SANCTIONS AGAINST SOUTH AFRICA

The PRESIDING OFFICER. All time having been yielded back, the question is, Is it the sense of the Senate that debate on the bill (S. 2701), sanctions against South Africa, shall be brought to a close?

The yeas and nays are automatically the rule.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. DENTON). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 89, nays 11, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—89

Abdnor	Goldwater	Mitchell
Baucus	Gore	Moynihan
Bentsen	Gorton	Murkowski
Biden	Grassley	Nickles
Bingaman	Harkin	Nunn
Boren	Hart	Packwood
Boschwitz	Hatch	Pell
Bradley	Hatfield	Pressler
Bumpers	Hawkins	Proxmire
Burdick	Heflin	Pryor
Byrd	Heinz	Quayle
Chafee	Hollings	Riegle
Chiles	Inouye	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Rudman
Cranston	Kasten	Sarbanes
D'Amato	Kennedy	Sasser
Danforth	Kerry	Simon
DeConcini	Lautenberg	Simpson
Dixon	Laxalt	Specter
Dodd	Leahy	Stafford
Dole	Levin	Stennis
Domenici	Long	Stevens
Durenberger	Lugar	Thurmond
Eagleton	Mathias	Trible
Evans	Matsunaga	Warner
Exon	Mattingly	Weicker
Ford	McConnell	Wilson
Garn	Melcher	Zorinsky
Glenn	Metzenbaum	

NAYS—11

Andrews	Gramm	McClure
Armstrong	Hecht	Symms
Broyhill	Helms	Wallop
Denton	Humphrey	

□ 1310

The PRESIDING OFFICER (Mr. DENTON). On this vote, the yeas are 89, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, would the Senator from Tennessee yield to me?

Mr. SASSER. Mr. President, as I understand the unanimous-consent request, there will now be 30 minutes equally divided to discuss the issue of Contra aid?

The PRESIDING OFFICER. The Senator is correct.

Mr. SASSER. Given the scenario, Mr. President, I yield 3 minutes to the distinguished Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first, I am very heartened by that overwhelming expression by the Senate of the United States of its willingness to address the issue of economic sanctions in South Africa. It was a strong bipartisan vote by the membership here, similar to the strong bipartisan support we had last year. I for one look forward now to debate on that issue and final action before the end of the week.

MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 1987

CONTRA AID

Mr. KENNEDY. Clearly, the Senate wants to speak on this issue, it should speak to this issue, it must speak on this issue, and it will speak on this issue.

Mr. President, on the matter before us there is much more for the Senate to debate on the issue of war and peace in Central America. And the American people expect much, much more from their Senators than to cut off debate so that we can go off on holiday. The recess can wait!

We are talking about life or death for thousands of Nicaraguans—this year—and perhaps life or death for thousands of Americans—next year or the year after that.

This is the real vote—the vote that counts—the vote that will tell whether the United States Senate wants to refight the Vietnam war in Nicaragua.

U.S. military aid to the Contras is wrong. The majority of the American people know it is wrong. And in our hearts, I believe a majority of the Senate also knows it is wrong.

The Sandinistas are bad, but the Contras are worse. They are dictators, not democrats. They are corrupt dregs from the fascist Somoza regime. They have no support in Nicaragua, and United States aid for their terrorist activities has no support in the United States. If we have a hundred million dollars to burn, we should use it for the farmers, the schools and the elderly who need it in America, not for the Contras in Nicaragua.

We have seen it all before—first military aid, then military advisers, then combat troops. Aid to the Contras is the first step toward a Vietnam in Nicaragua. We lost the war in Vietnam, and the Senate is wrong to refight it in Central America.

□ 1320

I thank the Senator from Tennessee.

Mr. SASSER. Mr. President, I yield 3 minutes to the distinguished Senator from California [Mr. CRANSTON].

Mr. CRANSTON. I thank my friend from Tennessee. Mr. President, I congratulate the Senate on having cast, when they are added up, two very wise votes, first failing to end debate, a very wise decision on the Contra matter, and then closing debate with an overwhelming vote on the issue of apartheid, which is part of the insurance we need that we will pass a very strong measure against the apartheid Government of South Africa, a government that practices official racial discrimination and violence in ways very analogous to the way the Nazis behaved in Hitler Germany. We are now on the verge in a few more minutes of casting very, very fateful votes on the issue of war in Central America, not just war involving Central Americans but all too likely, if we fail to block the aid to the Contras, a war that sooner or later will involve young Americans fighting, bleeding, and dying in the jungles of Central America. A very, very fateful vote is about to be taken.

If we once again manage to prevent cloture, I believe we will then be able to prevent further American involvement in that war. If we fail and cloture is invoked, then money will go and sooner or later American manpower will go. If this money is now voted, we all recognize that is only the beginning. The administration will come back for more money, yet more money, more involvement, will take over the conduct of the war, military advisers will be down there, and sooner or later incidents will occur, momentum will carry us on to American involvement in that war.

On the money side, we are not just voting $100 million. This bill contains $400 million. But when you include support from the CIA, support from other intelligence agencies, support from the Department of Defense, money for maneuvers, the cost of maintaining 1,000 troops in Honduras, we are talking about spending more than $1 billion, if this policy is permitted to proceed, of the taxpayers' money next year to terrorize Nicaraguans. This Senator will fight this policy today, and right now is the most effective opportunity to fight it, but on to tomorrow and to all the tomorrows as long as necessary to prevent our further involvement, our deeper involvement in that war. The votes we have just cast on this matter show that this is not a partisan issue. There are Democrats and Republicans

on both sides of this issue. I trust we are now at the beginning of the end for American involvement with the Contras and war in Central America.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SASSER. Mr. President, I see the distinguished Senator from Iowa on the floor. May I inquire of my friend from Iowa how much time he would require?

Mr. HARKIN. I do not think any more than 2 minutes.

Mr. SASSER. I yield 2 minutes to the distinguished Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. I thank the Senator for yielding. Again, I think it is clear, Mr. President, that overwhelming bipartisan support for African sanctions has just been voted here on the floor of the Senate, strong bipartisan support to enact sanctions against South Africa. On the other hand, there is not that kind of bipartisan support for aid to the Contras. In fact, there is bipartisan opposition to providing support for the Contras, a vote of 59 to 40 against invoking cloture. I think it is clear that there is a strong bipartisan effort on the floor of the Senate to say that we ought to proceed with caution, not rush into providing this kind of aid to the Contras.

Mr. President, it is clear that in our effort to win the hearts and minds of the Nicaraguans the President has certainly not won the hearts and minds of the American people who overwhelmingly oppose aid to the Contras. I am hopeful, Mr. President, that Senators, when we vote again on the cloture vote coming up in just a few minutes, will stick with their positions. I know an argument is going to be made that, well, we cannot go on recess until we have cloture. I just repeat what the distinguished Senator from Massachusetts said. I think it is more important for us to send a clear signal that we are not going to involve our American boys in fighting and dying in that war in Central America. That is more important than any recess. But beyond that, Mr. President, it is also clear that even under the unanimous-consent agreement the Senate could, if it wanted to, go into pro forma sessions every 3 days for the duration of the recess and we could get by this unanimous-consent request that was hammered out last week. So if anyone says, "Well, we have to have cloture or we are all going to be here for the next 3 weeks," that is simply not correct. The distinguished majority leader could put the Senate in pro forma sessions to meet every 3 days for those 3 weeks and the body would be none the worse for it. So I appeal to Senators to stick with your position, your strong feelings on this issue. We are going to have another vote on cloture on the Contras. Let us defeat it.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Six minutes to the Senator from Tennessee.

Mr. SASSER. Mr. President, I yield the floor at this point and reserve the remaining 6 minutes.

Mr. MATTINGLY. Mr. President, I yield the Senator from Connecticut what time he may need.

Mr. WEICKER. Mr. President, I should like to respond to some of the comments that were made because I think the RECORD should be very clear of what is about to take place. I might add I am responding to good friends of mine on the other side of the aisle as to their interpretation of the vote about to be taken. Now, it is true, as has been said, that there is wide bipartisan support on these issues, both in terms of voting cloture on South Africa and there has been a back and forth here between both sides of the aisle on the Contra issue. But I want to make clear, speaking on behalf of some of my colleagues on this side of the aisle who have been outspoken in opposition to our own President and his policy on the Contras, that we are voting for cloture in order to have the issue of South Africa come up for a vote and be passed into law. We are not doing it because we want to go on recess.

Now, 2 years ago I spent 1 day of my recess going to jail as far as South Africa is concerned. I am perfectly willing to stay here all during the recess. The reason why some of the Republican Senators are voting for cloture is to enable South Africa to come up as an issue and be acted upon by the U.S. Senate and for that reason and that reason only. Certainly this is my motivation. It absolutely galls me to have to vote for cloture on the Contra issue. I think that is the most wrong-headed policy I have very seen in that part of the world. But I also realize that we have had day after day after day in court on that issue, whereas South Africa has been standing outside the door. We have not had 1 day's debate, we have not had 1 day's worth of vote and the people in South Africa are daily losing their lives and being subjected to the most abject misery in every sense of the word while the issue is never spoken for insofar as the United States of America is concerned. Now, that is the reason for the cloture vote that is going to come up, to enable that issue finally to be debated in the U.S. Senate. But, more important, not just to be debated but acted on; and, more important, acted on in such an overwhelming way that it can become the law of the land. It is not to enable us to take a recess. This is not the vote on Contras. The vote came on the Sasser amendment, which was defeated, and in which I supported the distinguished Senator from Tennessee. That was the vote. Or, more important, the vote came over in the Democrat-controlled House of Representatives, and nothing happened over there.

So if we want to get our act together here, believe me, the majorities are present in one body or the other to determine the policy in Nicaragua.

It was necessary for some Senators on both sides of the aisle to cast their vote for cloture even though they did not want to do that—in order that the cries of South Africa finally might be heard by the United States Senate and the Government of the United States.

I hope we will now move on and invoke cloture on the Contras for the reasons I have stated. I think there might be indirect criticism of those who would seem to be at odds with our stated position, but we can at least now move on to this issue, that we can have the kind of cloture vote that represents the United States Senate and gives us the best chance of putting a new policy on South Africa, rather than the press conferences of others who give an entirely wrong picture of how the American people feel on that tragic situation thousands of miles away.

Mr. HARKIN. Mr. President, if the Senator will yield, I do not disagree entirely with what he has said. I want to observe that it is not this Senator or anybody I know over here who has been trying to hold up South Africa. I do not think I am mistaken. But it is this Senator's observation that it is the distinguished majority leader who has put both of them together, South Africa and the Contras, and made us kind of swallow this pill.

Mr. WEICKER. I respond to the distinguished Senator from Iowa that there are very strongly held views on both these pieces of legislation.

Mr. HARKIN. That is true.

Mr. WEICKER. That is a fact of life on both sides of the aisle.

All I can say is this, because it is a lesson I wish we, as professionals, might start to put into being here on the Senate floor: It used to be, when I was in the State legislature, in my early days in the House of Representatives, and in my early days in the U.S. Senate, that you win some and lose some, and you go on to the next matter. Now, everybody has to win all the time; and even if they cannot win, they make sure nobody else is going to have their voice.

We have come to this impasse, and I am sorry we have. It would not be fair in any manner, shape, or form to point to the majority leader. In no wise has he been the point of friction. I have been, Senator KENNEDY has been, and others have been. We have all had our points of view.

Now, we finally have arrived at the moment when each of us will be able to vote on the subject dearest to our hearts. That, to me, is professionalism. That is all we are supposed to do around here, rather than remain at loggerheads and get nothing done. That is what I think will happen by the time this cloture vote is over.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SASSER. Mr. President, I inquire of the Senator from Massachusets how much time he is requesting.

Mr. KERRY. Mr. President, I do not know how much time we have left.

Mr. SASSER. We have 6 minutes remaining.

The PRESIDING OFFICER. There are 5½ minutes now.

Mr. SASSER. I yield 3 minutes to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I listened carefully to the distinguished Senator from Connecticut, who I know feels as passionately about stopping Contra aid as I do, and I have no disagreement with most of what he said. But I do not think this is just an ordinary issue in which we, as legislators, make a decision that we win some and lose some and move on.

This is an issue about whether the Senate of the United States will have the opportunity to carry out its obligation to be the check, to be the balance, to be that body in our legislative process that has the ability to slow things down; and nothing is more important that slowing down a rush to war. That is what this is about.

Our rules allow 40-plus Senators to say "no," and this institution has always lived by those rules. But because of the parliamentary process now, we are being denied that ability; and by virtue of being denied that ability, we are now given an opportunity to vote.

If we hold the vote we had before, we can say as a country that we are not content with the notion that it is all right for Nicaraguans to go on killing Nicaraguans and that we, the United States, are going to give them the bullets and the guns and the know-how and the opportunity to do that.

We are not going to change any votes, and I understand that. But I want to call to the attention of my colleagues something said by Edmond Burke at the time England was involved in its war with the United States:

> I may be unable to lend an helping hand to those who direct the state; but I should be ashamed to make myself one of a noisy multitude to halloo and hearten them into doubtful and dangerous courses. A conscientious man would be cautious how he dealt in blood. He would feel some apprehension at being called to a tremendous account for engaging in so deep a play without any sort of knowledge of the game. I cannot conceive any existence under heaven that is more truly odious and disgusting than an impotent, helpless creature, without civil wisdom or military skill, without a consciousness of any other qualification for power but his servility to it, bloated with pride and arrogance, calling for battles which he is not to fight, contending for a violent dominion which he can never exercise, and satisfied to be himself mean and miserable, in order to render others contemptible and wretched.

Mr. President, if we pursue this policy, we will render countless numbers of Nicaraguans, civilians, miserable and wretched. They will die; and we, ourselves, will continue a policy that is mean and miserable, that does not have to be continued, and there are countless other alternatives in negotiation and diplomacy that we have not yet tried.

I hope my colleagues will stand fast and not put recess, not put their elections, and not put vacations ahead of the issues of life and death.

The PRESIDING OFFICER. Who yields time?

Mr. MATTINGLY. Mr. President, cloture has now been invoked and debate limited on South Africe legislation. We have started the process that will lead to an expression of the Senate's will on that matter.

Now it is time to vote to limit debate on the question of aid to the Nicaraguan freedom fighters and, in doing so, to speed the progress of the Senate in the direction that it has indicated eight times yesterday and today, that it wishes to go. That is final approval of the economic assistance to Central America, the freedom fighters of Nicaragua.

Mr. WEICKER. Mr. President, Mark Twain tells us "there are two times in a man's life when he should not speculate: When he can't afford it and when he can."

This is true also of a nation and especially true when it comes to committing its resources to military action against another government.

In looking at the aid to the Contras, each of us must examine closely the true costs of this policy. I think all Senators should be made aware that $100 million in aid to the anti-Sandinista guerrillas will cost this country and Nicaragua much more than would appear on its face.

The first cost comes in dollars and cents. Right now, we are asked to make available $100 million in aid, but we all know that once this aid is approved in very short order more will be requested. This request is only a small down payment. Let's face it, the Contras need training, weapons, and equipment that will cost a lot more than this infusion of aid will bring; $100 million now will translate into millions and millions if not billions in the future.

To make matters worse, a GAO study published in June shows that no one knows where at least $15 million of previously obligated aid went. In addition, millions of dollars wound up with people, companies, and bank accounts that have no connection with the Contras. In the era of Gramm-Rudman-Hollings, can we afford to vote for aid that flows without accountability?

There are familiar political costs as well, Mr. President. The United States is wading into an ocean that has a treacherous undertow and the President and the Congress don't seem to care. Other of my colleagues have called this policy a slippery slope. History should teach us that when we gradually get militarily involved in regions, our national interest in the region seems to grow. In reality what is happening is that we pour our resources down a drain and we want desperately to see a return for it. First we try money, then when that doesn't work, we try military advisers, then when that doesn't work, we send troops near the region in order to intimidate, and then when that doesn't work, we send our troops in.

Instead of evaluating our policy on its merits and results, we justify more involvement on the basis of previous involvement. What we really need to apply is the economic principle of "sunk costs." That principle says that you do not evaluate your future options based on what has been previously invested, but on the utility of that policy.

Mr. President, I fear for the future of our own troops and fear for the Nicaraguan people. The only sure results of the policy if it proceeds are casualties—both military and civilian, both American and Nicaraguan.

The human cost is chiefly the burden of the Nicaraguan people. They live in a country where the economy is crumbling. Poverty is widespread and the likelihood of better conditions is remote. Besides the obvious economic problems that are enhanced by a government that must pour half of its resources into countering domestic terrorists, health care is abominable. Mr. President, poor and sick people have basic needs that should command our resources. Is the United States policy toward Nicaragua sensitive to the suffering of Nicaraguans caused by the Contras? I submit that our actions worsen the plight of the Nicaraguan people and actually make them more open to communism rather than less.

Lastly, Mr. President, we must look at the moral cost. I am disturbed by the growing tide of political violence in the world. The bullies of the left and right hold center stage in a battle over populations that want sustenance, peace, and opportunity. It is a battle over allegiance that the United States can win if we are willing to use

our resources of life rather than death.

Instead, the administration choose terrorism in Nicaragua. But its terrorists are called freedom fighters. The definition of terrorism according to Webster's is the "systematic use of violence by groups in order to intimidate a population or government into granting their demands." The Contras are clearly attempting to intimidate the Government of Nicaragua by violence, and the United States is supporting that effort. How can this be done and not be defined as terrorism?

In June the World Court called our involvement terrorism. The United States has denounced that decision and has polarized the world over its involvement in that nation. This nation is growing dangerously close to rejecting legal norms accepted by most nations.

This policy reminds me of another unfortunate incident that occurred earlier this year—the bombing of Libya. As I said at that time, I have no sympathies for the head of the Libyan Government. In fact, I think he is a thug. I do quarrel with our emulating his policy of killing and injuring civilians. With regard to Nicaragua, I do not care for the Marxist-Leninist philosophy of Mr. Ortega, in this instance we are clearly the terrorists or the sponsors of the terrorists in this nation.

In 1860, Abraham Lincoln said:

> Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it.

Mr. President, after lookking at the economic and political costs, the human costs, and the moral costs, our duty is clear. We must dare to turn down the aid to the Nicaraguan Contras.●

Mr. WALLOP. Mr. President, this measure is indeed the last chance for freedom in Nicaragua. I cannot and will not say that it will guarantee freedom. The measure may be too little, too late. It has been watered down with over 35 pages of verbiage that will not make it easier for the freedom fighters to use the funds we give them, but more difficult. Yet I support this measure today because it is a vote for freedom.

Mr. President, it is a vote for freedom because the freedom fighters in Nicaragua represent the last, best hope of the Nicaraguan people in their long struggle to throw off the chains of tyranny. No matter how the proceedings in this Chamber are rationalized in the future, nothing will erase from the record of each one of us who votes against this measure the objective fact that he or she voted against the side of freedom and on the side of Communist tyranny.

Mr. President, it is a vote for freedom because totalitarian dictatorships, like the one being established today in Nicaragua, are the least likely to collapse from within and the most likely to attempt to spread their form of tyranny to their neighbors. We cannot escape the historical fact that totalitarian dictatorships, on the left and the right, are fundamentally more dangerous to the preservation of freedom that are the petty autocrats the Washington Post prattles about.

Mr. President, today the principal threat to the freedoms upon which this nation was founded come from left-wing, Marxist-Leninist dictatorships. We must support with all our strength those peoples who posses the courage and the cunning to fight against Communist enslavement. The Contras are at least in this measure worthy of our support. I ask all of my colleagues, if we do not support them, who will?

Mr. President, I have listened to the statements made by the opponents of aid to the freedom fighters in order that I may understand their argument. I have heard that no one doubts that the Sandinistas are an unsavory, immoral regime that neither has nor deserves the support of its people. I have heard that the Sandinistas understand themselves as Marxist-Leninists, committed to carrying the banner of the Soviet Union, exporting revolution and tyranny to their neighbors, and enslaving their own people.

I have heard how the Nicaraguan regime has destroyed freedom of the press. It has abolished anything vaguely resembling a free labor movement. It is committing an act of genocide against the Miskito Indians, who are also Nicaraguans. It is stepping up religious repression against the Catholic and other Christian Churches and it has all but eliminated the organized practice of Judaism. One by one the freedoms enjoyed by many Nicaraguans in the aftermath of the revolution, even under the Somoza regime, are being taken away.

Mr. President, most Senators in this Chamber appear to agree on these facts. But those who oppose aid to the freedom fighters differ with this Senator in two fundamental respects. First, in the best tradition of "blame America first," they argue that it is our fault that the Sandinistas behave this way. We caused the militarization of Nicaraguan society. We caused the harassment of the Catholic Church. We caused the closing of La Prensa, the only remaining independent media left in the country. We caused the atrocities committed by Nicaraguan Armed Forces dressed in Contra uniforms. How did we cause these things? By supporting the freedom fighters, of course.

Mr. President, if we did not support the freedom fighters, this argument continues, the Sandinistas would not have to impose such harsh treatment on their own people. No doubt there is a kernel of truth in this argument. The aggressor never likes to meet opposition, he would always prefer that his victim offer up the spoils of war, in this case human rights and freedoms which we believe all men ought to enjoy, without resistance.

Mr. President this mentality really sells the Sandinista Marxist-Leninists short. It places them in the role of reactor, not actor. They have no commitment to their creed other than a pavlovian opposition to the United States. Mr. President, this is a lie. It is a lie that has been perpetrated by Communists since they began their systematic enslavement of mankind. But they could not sustain this lie without the help of those who cannot believe they are committed to their cause. Many of these people cannot believe it because they cannot believe in any fundamental, inalienable truths.

There is a marvelous passage in the foreword to witness, "A letter to my Children," by Whittaker Chambers. He wrote:

> Communists are bound together by no secret oath. The tie that binds them across the frontiers of nations, across barriers of language and differences of class and education, in defiance of religion, morality, truth, law, honor, the weakness of the body and the irresolutions of the mind, even unto death, is a simple conviction: It is necessary to change the world. Their power, whose nature baffles the rest of the world, because in a large measure the rest of the world has lost that power, is the power to hold convictions and to act on them. It is the same power that moves mountains; it is also unfailing power to move men. Communists are that part of mankind which has recovered the power to live or die—to bear witness—for its faith."

Mr. President, if we are to have any chance of combating this power, we too must harness the power to move mountains and men. Yet we must do so in the name of the fundamental principle that upon which this country was founded: That all men are created equal. If we cannot believe as strongly in our own rightness as the Communists do, no amount of aid, military supplies or advisors, or diplomatic negotiation will allow us to see freedom prevail in Nicaragua. Supporting those who are willing to fight for their freedoms in Nicaragua today would be a tangible sign that we are recovering the power to bear witness for what we believe in.

Mr. President, this brings me to the second difference I have with my colleagues who oppose aid to the Nicaraguan freedom fighters: That is a basic difference over what we are fighting for in Central America. Those who claim to want peace in Central America argue that the surest route to peace is to deny aid to the Contras. This, they argue, will end the civil war in Nicaragua. It will end the fighting

of the Nicaragua military and militia against Contra forces.

It will end the atrocities committed by both sides against the civilian population. I doubt that these claims are so certain, but even if they are they miss the point.

Mr. President, the problem here is the apparent inability of my colleagues to understand that they are demanding things that are mutually incompatible when they demand peace at any price, and also justice and righteousness. True peace can only come about when men respect each other as equals before the law. President Theodore Roosevelt began the final chapter of his 1913 autobiography by throwing light on this problem.

And I quote:

There can be no nobler cause for which to work than the peace of righteousness; and high honor is due those serene and lofty souls who with wisdom and courage, with high idealism tempered by sane facing of the actual facts of life, have striven to bring nearer the day when armed strife between nation and nation, between class and class, between man and man shall end throughout the world. Because all this is true, it is also true that there are no men more ignoble or more foolish, no men whose actions are fraught with greater possibility of mischief to their country and to mankind, than those who exalt unrighteous peace as better than righteous war.

The men who have stood highest in our history, as in the history of all countries, are those who scorned injustice, who are incapable of oppressing the weak, or of permitting their country with their consent, to oppress the weak, but who did not hesitate to draw the sword when to leave it undrawn meant inability to arrest triumphant wrong.

Mr. President, this is what is at issue today in Nicaragua, and increasingly in all of Central America. It is the fundamental difference between myself and many of those who oppose this aid, and it is the primary reason why I support this aid to the freedom fighters and will support all aid to freedom fighers in their attempt to throw off the chains of Marxist-Leninist tyranny.

Mr. SASSER. Mr. President, I inquire how much time remains.

The PRESIDING OFFICER. Two minutes and 15 seconds remain to the Senator from Tennessee.

Mr. SASSER. Mr. President, I am prepared to yield back the remainder of my time, if the Senator from Georgia is prepared to do so.

Mr. MATTINGLY. I am prepared to yield back the remainder of my time.

Mr. SASSER. And we may proceed to a vote on the cloture motion on Contra aid.

The PRESIDING OFFICER. All time having been yielded back, the question is, Is it the sense of the Senate that debate on titles II and III of H.R. 5052, the military construction bill, be brought to a close?

The yeas and nays are automatic under the rule, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from South Carolina [Mr. THURMOND] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 62, nays 37, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—62

Abdnor	Evans	McConnell
Andrews	Garn	Murkowski
Armstrong	Goldwater	Nickles
Bentsen	Gramm	Nunn
Boren	Grassley	Pell
Boschwitz	Hatch	Pressler
Bradley	Hawkins	Quayle
Broyhill	Hecht	Roth
Byrd	Heflin	Rudman
Chafee	Heinz	Simpson
Chiles	Helms	Stafford
Cochran	Hollings	Stennis
Cohen	Humphrey	Stevens
D'Amato	Johnston	Symms
Danforth	Kassebaum	Trible
DeConcini	Kasten	Wallop
Denton	Laxalt	Warner
Dixon	Long	Weicker
Dole	Lugar	Wilson
Domenici	Mattingly	Zorinsky
Durenberger	McClure	

NAYS—37

Baucus	Harkin	Mitchell
Biden	Hart	Moynihan
Bingaman	Hatfield	Packwood
Bumpers	Inouye	Proxmire
Burdick	Kennedy	Pryor
Cranston	Kerry	Riegle
Dodd	Lautenberg	Rockefeller
Eagleton	Leahy	Sarbanes
Exon	Levin	Sasser
Ford	Mathias	Simon
Glenn	Matsunaga	Specter
Gore	Melcher	
Gorton	Metzenbaum	

NOT VOTING—1

Thurmond

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. THURMOND. Mr. President, during the cloture vote on Contra aid, I was in the Judiciary Committee conferring with my staff about judicial nominations, including those for Chief Justice of the United States and Associate Justice of the Supreme Court, which are scheduled for confirmation votes in the Judiciary Committee, tomorrow, August 14, 1986.

Unfortunately, I was not informed that a rollcall vote was in progress and missed the rollcall. Had I been present, I would have voted for cloture to bring the debate to an end as I favor providing aid to the Contras.

□ 1400

Mr. LEAHY and Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, so all Senators will be aware of the time constraints that we are operating under presently, as I understand the unanimous consent entered into, there are 4 hours equally divided. On our side, there are nine Senators who wish to call up amendments. They are entitled to 30 minutes equally divided per amendment. Under the unanimous-consent agreement, rollcalls are not counted against the time, as I understand it. May I inquire of the Chair, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. SASSER. So I simply state to my colleagues that the colleagues on our side of the aisle or those opposed to the Contra aid who wish to call up amendments to try to be as brief as possible so that we can accommodate all of our colleagues who wish to call up amendments, and also accommodate some of our colleagues who have requested 2 or 3 or 4 minutes simply to make some comments prior to the final vote.

Mr. MATTINGLY. Mr. President, I concur, except I believe the minority leader has an amendment that he desires an hour on if I am not mistaken.

Mr. DOLE. There will be an additional 30 minutes.

Mr. SASSER. There will be an additional 30 minutes added to the time that I have just discussed here.

So that simply makes the time pressure more intense. So I call my colleagues' attention to that, and ask them to move as expeditiously as possible on their amendments so that all Senators can be accommodated.

Mr. BYRD. Mr. President, will the Senator yield to me?

Mr. SASSER. I yield.

Mr. LEAHY. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. LEAHY. I actually got recognized after that vote. Go ahead.

Mr. BYRD. I can wait. I will just take 30 seconds. I want to inform the distinguished managers that I have two amendments, one of which we agreed there will be an hour on, and the other on which will be 30 minutes in accordance with the agreement following cloture.

I would like to call both of those amendments up somewhere reasonably early in the afternoon.

Mr. SASSER. I thank the leader.

Mr. President, we are seeking to accommodate the distinguished Senator from Vermont who was seeking recognition earlier.

So I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mrs. KASSEBAUM). The Senator from Vermont.

Mr. LEAHY. I would not have interrupted but I thought I heard the Chair recognize me after that vote before we went to the discussion of parliamentary procedure. Otherwise, I would not have interrupted the statements of the other Senators.

AMENDMENT NO. 2718

Mr. LEAHY. Madam President, I send an amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2718.

At the appropriate place in Title II of the bill, add the following section:

SECTION . No funds made available for expenditure through Section 6 of this Title for assistance for the Nicaraguan Democratic Resistance may be obligated or expended by the Central Intelligence Agency or any other intelligence agency or entity of the United States.

Mr. LEAHY. Madam President, my amendment is really quite simple and quite straightforward. My amendment is intended to get the Central Intelligence Agency out of a program which has already done the immeasurable harm and where there is no intrinsic need for the CIA to be involved.

We all remember the very, very painful episode of the mining of the Nicaraguan harbors. We remember the manual called the assassination manual prepared by the CIA. These events together with the reports of atrocities committed by elements of the Contra forces have severely damaged the standing of the CIA in Congress and with the American people. Certainly following the mining episode, and following the manual episode, I heard speech after speech on the floor of the Senate in public by both Republicans and Democrats asking whether there were elements in the CIA that were out of control.

I do not believe there are such elements. I do believe the CIA has vastly improved over the past decade. Certainly, the public impression given as a result of this was intrinsically damaging to the Central Intelligence Agency.

And the CIA's engagement in a paramilitary operation against Nicaragua has in fact reawakened fears of abuse, improper behavior, uncontrolled actions that many of us have worked hard to calm in the years following the Church and Pike committee.

When we stop to think about it, Madam President, what has gone on in Central America up to now is really small potatoes compared with what we are going to start with this $100 billion payment. We all know the $100 million we will be voting here is only a downpayment on what is going to be a much larger, a more costly, and a very, very controversial war by proxy against the Sandinistas. There are going to be ugly scenes on nightly television of dead and maimed civilians, destroyed schools, hospitals, school buses blown up by mines, things that have already happened. If the CIA is put in charge of the effort then they are going to be tarred with that same brush.

□ 1410

So public has been the CIA role in the Contra insurgency that the previous chairman and vice chairman of the Intelligence Committee, my distinguished colleagues from Arizona [Mr. GOLDWATER] and New York [Mr. MOYNIHAN] took the unprecedented step of publishing a rather detailed account of the Nicaragua covert action program in their unclassified biannual report for 1983 and 1984. That section takes up pages 4 through 15 of the biannual report, and it is well worth the attention of every Member of this body before he or she decides to vote. Let me quote only from the introductory portion:

The most important part of the committee's oversight concerned covert action affecting Nicaragua. At least a quarter of the committee's time was devoted to this subject. The program in Nicaragua gave rise to serious and difficult issues for the committee. As discussed further below, the mining of Nicaragua's harbors in 1984 and the failure of the Director of the Central Intelligence [DCI] to adequately notify the committee of it in advance, precipitated a crisis in the committee's relations with the intelligence community. With the approval of the President, the DCI entered into an agreement with the committee on June 6, 1984, which provides procedures designed to ensure that the committee receives prior notice and adequate information concerning covert action operations including those in futherance of ongoing covert action programs.

In October 1984, the Congress voted to suspend funding of the Nicaraguan program until February 28, 1985, and to resume it thereafter only upon enactment of a joint resolution. Inadequate supervision and management of this program in 1983-1984 certainly contributed to this outcome. Subsequent to adjournment, the committee learned of CIA's production of the Psychological Warfare Manual which offered questionable advice to Nicaraguan insurgents on how to achieve their goals. These factors will surely affect congressional consideration of any request by the President to resume the Nicaraguan program.

The CIA's engagement in a paramilitary operation against Nicaragua has in fact reawakened fears of abuse, improper behavior and uncontrolled actions that many of us had worked hard to calm in the years after the Church and Pike Committee revelations.

What has gone on in Central America up to now, however, is small potatoes compared to what we are about to start with the $100 million program. We all know it is only the down payment for what is going to be a much larger, more costly and very controversial war by proxy against the Sandinistas. There are going to be ugly scenes on nightly television of dead and maimed civilians, destroyed schools and hospitals, school buses blown up by mines. And, with the CIA in charge of the effort, it is going to be tarred with the same brush.

The House Permanent Select Committee on Intelligence is also deeply concerned about the harmful impact on the CIA of its involvement in a prolonged, controversial and highly visible paramilitary operation. In considering the President's $100 million request earlier this year, the HPSCI stated the following:

The committee's review of its conclusions in 1983 and the record of the Nicaraguan resistance since that time leads it to believe that the United States policy proposed by the President of an additional $100 million of assistance to the Nicaraguan resistance will not work. It will, in fact, be counterproductive. The committee does not make this decision lightly, for the problem represented by Nicaragua is a serious one. But, it is a problem not likely to be solved by the adoption of House Joint Resolution 540.

It is also the committee's conclusion, based on nine years of general oversight of the CIA and five years of oversight of the CIA's activities in connection with Nicaragua that the CIA should not become further involved in paramilitary or military operations in Nicaragua.

The CIA was chartered to act principally as an intelligence collection and intelligence analysis organization. It performs best, and it serves the national interests best, when it confines its activities to these areas, or to covert activities that remain covert. The CIA's involvement in Nicaragua has demonstrated once again the inherent difficulties of conducting paramilitary covert action, has caused some to question the objectivity of its analytical reports, has created internal conflict and dissension, and has once again subjected the CIA and its dedicated and hardworking personnel to the agonizing glare of public discussion and criticism—all in pursuit of doubtful goals and based on shifting policies.

Why is the administration so intent on having the CIA in charge of executing the $100 million program?

One of the main reasons, I think, is a desire to minimize public scrutiny and accountability to Congress for this proxy war. The CIA is doubtlessly a lot more efficient than the State Department, the Defense Department or AID in running something like what we are about to do in Central America. It does not have so many rules, regulations and procedures to contend with. It does not have to go to so many committees to account for its every action, every decision, every dollar.

That kind of flexibility is fine and necessary for most clandestine intelligence activities. From time to time, we need such capabilities for limited, well defined and quickly achievable ends. I do not oppose covert action as such. Indeed, I strongly support maintaining a capability to act covertly in the infrequent occasions when such activity is appropriate and necessary.

But, anyone who argues that there is some way this proxy war can be run "covertly" by the CIA totally misunderstands the nature of our involvement down there. This is going to be a war like Vietnam—on our television screens every night. There is going to be no secrecy at all.

Intelligence briefings will be on the front page of the paper every day, long before any Member of Congress ever gets to see them.

That kind of war and should be run by the Department of Defense, maybe with the help of the PR flacks in the State Department. The CIA can make no special or unique contribution—aside from its normal function of intelligence collection and analysis for the policymakers—and should not be exposed to the brutal policy and partisan battles that are going to rage over this war for years to come.

In my 7 years on the Intelligence Committee, I have been a strong supporter of the CIA. In that committee, we have all worked hard to rebuild the Agency after the batterings of the mid-1970's. Great progress has been made, and I am proud of what we have been able to accomplish. It is painful to see all that jeopardized in this foolish and totally unnecessary commitment of the CIA to a paramilitary action that is going to drag on for 2, 3, 4, or more years.

We who carry out intelligence oversight in the Congress are not alone in our deep concern about the damage that this administration's insistence on using the CIA to wage this war is doing to the CIA itself. Listen to the words of Adm. Stansfield Turner, the previous Director of the CIA, in the New York Times on October 12, 1984:

> We are ominously close to a replay of the 1975-76 public questioning of the CIA's integrity and judgment—questioning that damaged our espionage capabilities. There is little evidence President Reagan recognizes this as one of the costs of continuing the contra operation in Nicaragua. If, as a result of all this, the public should again lose confidence in the CIA, the Agency may well lose its confidence in itself, leading to a repetition of the unwillingness of the professionals to take the risks associated with good espionage. That could be a disaster for intelligence on terrorism in Beirut and on everything else.

I hope all my colleagues will join a strong supporter and admirer of the CIA of those things that do so well in insisting that the administration not misuse this magnificent Agency in this way. The costs will be very high: Loss of public trust and confidence; embattlement in partisan debates about policy toward Nicaragua; bad relations with the oversight committees over the inevitable foul-ups and misunderstandings; diversion of the CIA's energies, leadership and talent from its basic tasks of intelligence collection and analysis to playing Rambo in the jungles of Central America.

As vice chairman of the Intelligence Committee, people in the CIA come to me and voice their concerns about what has happened to their Agency and the even worse things they fear will happen. Today, the Senate can help those proud and serious professionals by voting to save the CIA from this quicksand. Let us keep the CIA doing what it is supposed to do, and not let the administration stake it out in Central America like the proverbial goat baiting the tiger.

There is so much that the CIA can and should be doing. We face as a Nation a far greater threat from state-sponsored terrorism in Europe, the Middle East, and other parts of the world than we ever would from any kind of military threat, real or imagined, from the Sandinista government in Nicaragua.

Yet we will divert our best talents and energies in our intelligence agencies to be involved in a so-called covert war in Central America.

It is so much for foreign policy, defense policy, the general policy of the United States, the greatest military power in the world, to combat terrorism, to use our intelligence agencies to help us form a verifiable arms control treaty, to use it in that way. That really enhances the security of the United States.

It does nothing to enhance the security of the United States by sending the best intelligence agency in the world down to a sordid adventure in the jungles of Central America. It does nothing for our security.

Madam President, I can count the votes around here. I know what might happen on this. But I hope that Senators will think how their vote will look a year from now or 2 years from now or 3 years from now, and take us out of this quagmire we are going to put ourselves into.

Madam President, I reserve the remainder of my time.

Mr DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Madam President, I yield myself such time in opposition as I may need.

The PRESIDING OFFICER. What time will the Senator require?

Mr. DURENBERGER. Up to 12 minutes.

Madam President, I think my good friend and colleague from Vermont has acknowledged that he has had kind of a tough hill to climb, but he has also laid out some of the realities in the limited amount of time he has had available, some of the realities that he and I, the Senator from Delaware who is on the back bench over there, the Senator from Texas who is at the back of the Chamber, and the Senator from Nevada here—some of the frustrations, if you will, of dealing with the implementation of United States policy in Nicaragua and the efforts that we have all put in, at least that I have experienced since I got here in 1978—the major efforts put in by the United States, Democrat and Republican alike, to restore public confidence in the Central Intelligence Agency and the intelligence agencies of this country as a whole.

An enormous amount of good has been accomplished by public servants who are Members of the Senate, Members of the House, and our counterparts in the House Permanent Select Committee on Intelligence, to restore public confidence in the integrity and in the good judgments, if you will, of the CIA and other civilian and defense intelligence agencies.

Having said all that, and having reminded my colleagues that in November and December of 1984, when the rumor was out that I might succeed to the chairmanship of the Senate Select Committee on Intelligence, I remember reading the headline in the Washington Post that said, "Durenberger Says No Covert Action in Nicaragua."

I remember that well because immediately following on that was a rash of attacks on the potentiality of my ever becoming chairman of the Senate Select Committee on Intelligence, some of which I must acknowledge I still suffer from, from time to time.

But the reality is that I have always felt as strongly, as the two of my Democratic colleagues on the floor know, about what the involvement of the Central Intelligence Agency with certain activities in Nicaragua, or the allegations of their involvement in certain activities in Nicaragua, has already done and what it can do in the future to the integrity of that organization.

Madam President, time does not permit me to belabor that point. I would love to do it some other time when we have more time on the floor, and discuss the subject, a subject which I think deserves further discussion.

The reality is that I think the Senator from Vermont and I both come from the same position on this overall issue. We will both vote as we have in the past, against a lousy program to solve the problems that we face in Nicaragua, because from the beginning we have voted against this program. From the beginning in this case is 1981. We did it in 1982 and we have done it in 1983, 1984, 1985, and 1986, and the thing is still here.

The problem is that things are much worse in Nicaragua. It has nothing to do with whether we are getting closer to a solution or whether the solution is reconciliation or peaceful negotiation, or anything else.

The reality is that a Marxist-Leninist group has captured a genuine,

broad-based, broad spectrum, democrat to right and democrat to Marxist-Leninist on the left, revolution in that country.

The more of the kind of things we are about to do today we continue to do, the more money we pour into the Contras, the FDN, or whatever you want to call it—20,000 campesinos looking for two or three square meals, uniforms, boots, a little time away from home and that sort of thing—the more we do, the more we guarantee the problems faced by the Catholic Church, by the labor unions, by the press in Nicaragua.

Again, having said all that, Madam President, I cast my vote here on the Sasser amendment against what is labeled administration policy, and we failed. Since then I have cast my vote against a variety of other amendments to sort of patch up or micromanage this nonexistent policy.

I cast my vote against taking $300 million away from Costa Rica, Guatemala, and so forth, because I do not really think $300 million will solve any problems down there, but it is better that we send $300 million to help the economy down there than we do not sent it.

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I voted against an amendment that said we are not going to sent any U.S. troops. The reality is that, sooner or later, some U.S. troops are going to be involved somewhere. They are going to fall out of a helicopter and they may die. So it is sort of ridiculous, I think, to stand here and debate whether we are for or against any United States troops being involved in Nicaragua. I do not say that as a characterization of the proponents of the amendment. If it is a pejorative term, it is characteristic of my attitude toward the policy itself.

I have a problem with this amendment, which says we are not going to have the CIA involved in any of the programs involved with this $400 million. I have to say to my colleagues, before you go for the lure of no CIA in Nicaragua, please consider the fact that our money is going to be invested there. Nicaraguans are going to be warring with Nicaraguans there. Somebody is going to be there helping spend this money. If nothing else, GAO is going to be there accounting for it. They have had to be there to account for the $27 million in humanitarian aid already. But there is going to be some kind of war going on in Nicaragua under the sponsorship of the 53 or 54 people here who support the administration's so-called program. That is a fact.

Now, if that is a fact, then they ought to have all the help they can get. They ought to have as much intelligence as they can get. They ought to have as much of the right kind of smarts trying to help this process out as possible. And back here, those of us who continue to have the responsibility to look out for U.S. interests, whether they are financial investments or policy investments or political future investments, we need to have the best possible information we can get and which we have not necessarily been getting.

We need to have the best information we can get about where this administration is going with this policy: What are they doing with Enrique Bermudez, what are they doing with the other 20,000 folks? What are they doing to implement those plans? What are they doing on the political side?

A lot of us stood up here and thought when we were voting for humanitarian aid, we were also voting for the Kassebaum-Cohen-Durenberger—whatever proposal to expand the political operation of the democratic opposition to a much wider spectrum of former revolutionaries. But what has happened since then? Premised on that, I want to tell my colleagues, I talked Arturo Cruz into staying with UNO. He wanted to quit last September. I said, "You can't quit."

He said, "My family doesn't want me to be involved anymore."

I said, "Your family has gotten a lot larger, Mr. Cruz. It now includes DAVE DURENBERGER, NANCY KASSEBAUM, DAVE MCCURDY over in the House, a lot of people who have been trying to find a political solution to this problem."

He came back in 24 hours and said, "I will stay around." That poor guy is still stuck there with Alfonso Robelo and Adolfo Calero. But where are the rest of the democrats? Where is the administration in trying to broaden the political base on this program? Where are they? They are nowhere to be seen. They are down at the NSC or someplace trying to figure out how to spend $100 million in aid instead.

But you and I will be back here next year or whenever, seeking information: What is going on in the jungles? What is happening in Honduras? What is happening in Costa Rica? What is happening in Nicaragua? Are they really going in to take some territory or are they just firing off their clips and going back to see their wives or just retreating back across the Rio Coco? What is going on? We are not going to know unless some part of the money some folks around here are going to end up voting for can be expended on behalf of accurate intelligence, on behalf of the kind of intelligence activities that we cannot discuss explicitly here.

Madam President, I have a couple of documents I want to have printed in the RECORD.

I have been on the floor a number of times talking about human rights violations in Nicaragua. Usually, they are human rights violations by the Sandinistas.

Today I wish to bring to the attention of this body a highly respected report on human rights activities in Nicaragua today.

The Report on Human Rights Defenders in Nicaragua was prepared by the International League for Human Rights, a group which has been involved in Nicaraguan human rights issues since the Somoza regime.

The report documents how the Sandinista government not only commits human rights violations, but that it also suppresses the activities of human rights defenders such as church groups, the press, labor organizations, academic associations, and defense lawyers. As this body debates the future of U.S. policy in Central America, I urge my colleagues to read this timely and responsible report.

Madam President, I ask unanimous consent to submit for the RECORD two sections from this lengthy report. I might add, that today, I have provided to each Member's office a complete copy of this report.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON HUMAN RIGHTS DEFENDERS IN NICARAGUA

INTRODUCTION

This Report of the International League for Human Rights focuses on the treatment of human rights defenders in Nicaragua.

Human rights defenders encompass those individuals or organizations within a nation that express opposition to violations of human rights and try to secure compliance with international human rights standards. Such defenders may include human rights organizations, the press, church groups, labor organizations, academic associations, defense lawyers and anyone involved in supporting and defending human rights. Conversely, repressive nations frequently try to suppress, harass and abuse defenders of human rights in violation of international treaties.

This Report is a product of on-going monitoring and investigation of the treatment of human rights defenders in Nicaragua over a period of years. It is based on all of the following: a League fact-finding mission to Nicaragua from February 9 to February 16, 1986, interviews by League staff members in the United States and Costa Rica, the fact-finding reports of international human rights bodies, including in particular the Inter-American Commission on Human Rights of the Organization of American States, and an examination of Nicaraguan laws and other written materials.

The League has long been concerned with human rights conditions in Nicaragua. In the mid-1970's, the League actively protested the systematic killings, arrests, disappearances and torture by the Nicaraguan Government of Anastasio Somoza Debayle. In 1977, the League denounced Somoza atrocities in a formal complaint to the United Nations Commission on Human Rights. During those years, the League worked with Nicaraguan human rights defender Jose Esteban Gonzalez and his inde-

pendent Permanent Commission of Human Rights (CPDH).

After the Revolution, the League continued to monitor human rights developments in Nicaragua, cooperating with the CPDH. In March 1983, the League presented to the United Nations Human Rights Commission detailed accounts of violations against the Miskito Indians and Nicaraguan religious communities. And in July 1983, it presented documentation on the Indian situation to the United Nations Committee on the Elimination of Racial Discrimination and incorporated in it a list of disappeared Miskito Indians prepared by the CPDH. In early 1985, the League formally accepted the CPDH as an affiliate.

The League's February 1986 mission to Nicaragua was initiated because of concern for the ability of the Nicaraguan Permanent Commission of Human Rights to function freely. On November 15, 1985, the CPDH was ordered to submit all its bulletins and reports for censorship before publication under penalty of arrest of Commission members. As this Report documents, this was one of a series of restrictions directed against the private human rights group and other Nicaraguan human rights defenders by the Nicaraguan Government.

In addition to examining the restrictions against the CPDH, the League examined the extent of restrictions and human rights violations against other independent human rights defenders in Nicaragua. These included the following important segments of Nicaraguan society: Journalists and the press (Chapter 7); church organizations (Chapter 4); defense attorneys (Chapter 3); opposition political parties (Chapter 5); and labor unions (Chapter 6).

The League has also investigated particular methods of repression against human rights defenders. These are: Arrest and detention (Chapter 8); torture and cruel, inhuman, degrading treatment and punishment (Chapter 9); and judicial prosecution (Chapter 10).

In conducting its investigation, the League delegation interviewed independent groups and individuals engaged in the defense of human rights and also had available a large amount of data assembled by the League pertinent to this inquiry. Among those interviewed were Catholic layworkers and clergy, including His Eminence Miguel Cardinal Obando y Bravo; independent publishers, editors and journalists, including La Prensa Chairman Violeta Chamorro; officers and members of the independent labor confederations CTN and CUS; members of the board of directors and activist members of opposition political parties, including the Independent Liberal Party, the Social Democratic Party and the Democratic Conservative (non-official) Party; members of the board of directors and the staff of the Permanent Commission of Human Rights; defense attorneys and directors of the independent Nicaraguan Bar Association (Barra de Abodagados); and the President of the Christian parents-teachers association.

In investigating prison conditions and allegations of torture, the delegation also interviewed scores of former prisoners or relatives of prisoners.

The delegation also met with and reported its concerns to the President and directors of the Nicaraguan Government's human rights office, the Comision Nacional de Promocion y Proteccion de los Derechos Humanos (CNPPDH), and the Secretary General of the Foreign Ministry, Alejandro Bendana. Though the League delegation members were aware that neither the President of the Republic nor the Interior Ministry would grant interviews requested by the League, the delegation members chose to proceed with the investigative mission because of the gravity of the situation facing human rights defenders in Nicaragua. They continued to try to obtain those interviews during their stay in Nicaragua, but were unsuccessful.

The principal standards applied by the League in evaluating human rights compliance or violation are those contained in the International Covenant on Civil and Political Rights ratified by the Sandinista Government on March 12, 1980, and the American Convention on Human Rights ratified on September 25, 1979.

Additional international instruments that contain relevant standards are: the Convention Against Torture and other cruel, Inhuman and Degrading Treatment or Punishment (signed by Nicaragua in April 1985); the UN Declaration on All Persons from Being Subject to Torture or Cruel, Inhuman or Degrading Treatment or Punishment; the OAS Inter-American Convention to Prevent and Punish Torture; the UN Standard Minimum Rules for the Treatment of Offenders; the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief; the International Covenant on Economic, Social and Cultural Rights (ratified by Nicaragua on March 12, 1980); the International Labor Organization Freedom of Association and Protection to Organize Convention (No. 87) (ratified by Nicaragua on October 31, 1967).

Under the above instruments, Nicaragua assumed the legal obligation to guarantee a wide range of civil and political rights such as freedom of expression, religion, association and assembly, the rights to due process, fair trial, *habeas corpus* and personal security. Nicaragua is also obligated under these international agreements to refrain from engaging in human rights abuses, such as arbitrary arrest, detention, torture, and cruel, inhuman and degrading treatment and punishment and extra-judicial killings.[1]

In this Report the League also applies principles it developed in 1982 that set forth legitimate activities and undertakings of human rights defenders that must be respected by Governments to ensure full protection of human rights as required by international law. The League principles stress that individuals, groups and organizations concerned with defending the human rights of others are valuable complements to the existing international system of the protection of human rights. They note that the heart of human rights defense work is helping other "know and act upon their rights"—a principle with origins in the United Nations Universal Declaration of Human Rights.

As stated in the League principles, human rights defense work can be done by conducting or participating in civic education programs on questions of human rights, by collecting, documenting, publishing and distributing information on the status of human rights, by claiming rights and seeking redress for victims or their relatives in domestic courts and by petitioning against abuses in competent national administrative bodies and international forums. These concepts are firmly grounded in already universally accepted rights to free expression, association and movement and the rights to free expression, association and movement and the rights to personal security and due process.

The International Covenant on Civil and Political Rights provides that, in time of public emergency which threatens the life of a nation and the existence of which is officially proclaimed, "a state may derogate from certain of its obligations", but only "to the extent strictly required by the exigencies of the situation."

The Government of Nicaragua has declared a state of emergency because of its military conflict with the opposition forces, commonly known as the "contras". The League has accepted that Nicaragua is in a state of emergency as defined by the International Covenant on Civil and Political Rights.

However, even under a state of emergency, there are certain obligations that may not be derogated, such as extra-judicial or summary executions, torture, religious intolerance and suspensions of habeas corpus. Furthermore, with respect to those obligations that may be derogated in a state of emergency, derogation may be done "only to the extent strictly required by the exigencies of a situation." The United Nations Special Rapporteur on States of Emergency, Nicole Questiaux of France, has set forth this principle of proportionality as follows:

"Even assuming that the existence of a crisis situation is beyond dispute, the international body responsible for surveillance still has to determine whether the measures of restriction or suspension enacted go beyond the strict limits required by the situation. This principle, which is expressed in similar terms in the (instruments), has its basis in the theory of self-defense, which requires the existence both of an imminent danger and of a relationship between that danger and the measures taken to ensure protection against it, which measures must be proportionate to the danger."

In examining human rights practices by the Nicaraguan Government, the League took into account the state of emergency but also evaluated derogations under the principle of proportionality. As will be seen in this Report, many actions of the Nicaraguan Government exceed what is required by an emergency situation and constitute serious contraventions of human rights.

As stated, the particular emphasis of this Report is on the treatment of human rights defenders. This Report does not address other important human rights concerns in Nicaragua. For example, the Report does not address the problems faced by the Miskito Indians of the Atlantic Coast, for forced relocation of other Nicaraguans from provinces affected by the conflict of Government controlled camps, national elections procedures or violations of law by the Nicaraguan Government.

The Report also does not go into the human rights violations by the armed opposition forces. The League is aware of many

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[1] The rights examined in this Report are also protected under the American Convention on Human Rights which Nicaragua has ratified. These guarantees are similar to those in the International Covenant on Civil and Political Rights. As in the Covenant, the rights to humane treatment (art. 5) and freedom of conscience and religion (art. 12) in the American Convention are not derogable under any circumstances. Nor are the "judicial guarantees essential for the protection of such rights," such as *habeas corpus*. To avoid undue repetition of the standards, and because the derogations permitted under the American Convention may not be "Inconsistent with . . . other obligations under international law," this Report will normally refer only to the rights as set forth in the International Covenant as they are understood in international law.

credible reports by the human rights organizations of serious human rights abuses by the Nicaraguan armed opposition forces. These reports have described summary executions, torture, and the kidnapping of civilians, abuses against prisoners of war, the detention of prisoners in cruel and degrading conditions and the deliberate destruction of civilian properties that are not appropriate military targets. Those acts by the armed opposition are repugnant to the League but are not the subject of this Report.

It should be clearly understood that in reporting and condemning the violations of human rights by the Nicaraguan Government, the League does not endorse the armed opposition forces. The League does not endorse political forms of Government. It condemns human rights violations wherever they occur and whoever commits them. Human rights violations by the Sandinista Government do not excuse human rights violations by the armed opposition forces and conversely, human rights violations by the armed opposition forces to not excuse human rights violations by the present Government. This Report does not seek to compare respective human rights abuses. This Report should be read as addressing only the specific focus of the League's inquiry, namely, the treatment of human rights defenders by the Government of Nicaragua.

The International League for Human Rights is grateful to all of the persons who provided information, helped in the fact-finding, visited Nicaragua on the League's delegation, and assisted in the writing and editing of this Report. The League also thanks those Nicaraguans without whose aid and courage this Report could not have been completed. However, we wish to stress that all findings and conclusions are the League's alone.

The members of the International League's mission to Nicaragua were: Patricia M. Derian, member of the Board of Trustees of the International League for Human Rights and former United States Assistant Secretary for Human Rights and Humanitarian Affairs (1976-1980); Joseph Onek, an attorney in private practice in Washington D.C., and former White House Deputy Counsel in the Carter Administration and former aide to Senator Edward Kennedy; and Nina Shea, an attorney and Program Director for the International League for Human Rights. Robert Leiken, senior associate of the Carnegie Endowment for International Peace, accompanied the delegation as an observer. Ligia Bolivar, former staff director of Amnesty International (Venezuela Section), served as a translator to the delegation.

This Report was written by Nina H. Shea, Program Director of the International League. The principal editor was Felice D. Gaer, Executive Director of the League. Special Assistance on international law was provided by Jerome J. Shestack and Roger S. Clark, respectively the League's President and Vice President. Technical assistance was provided by Douglas M. Erpf and Barbara Appel.

SUMMARY AND CONCLUSIONS

Human rights defenders

The Nicaraguan Government restricts the ability of human rights defense associations and attorneys to carry out their work. Since 1981, the Nicaraguan Government has sharply limited human rights investigating, reporting, petitioning and educational activities by the nation's only independent general human rights organization, the Permanent Commission of Human Rights. Additionally, the Government has convicted the group's founder under the Public Order Law and detained four of its other employees for short periods. The Government ordered the closing of the Asociacion de Familiares de Internos de Nicargua (Nicaraguan Associaton of Prisoners' Families) and has prevented the Catholic Church from operating its human rights organization. It also has arrested, imprisoned and otherwise harassed several independent attorneys who defend political prisoners, thereby effectively discouraging the use of law and the legal system for those who it regards as the political opposition.

Religion and church groups

Incidents against the Catholic Church were recorded as early as 1981 with the first turba attack and have escalated to the present. The clergy most affected by Government repression are those known to be critical of the policies of the Sandinista Government. Since 1981, the Nicaraguan Government has arrested and detained for short periods numerous dissident Catholic priests and Protestant leaders; deported about 15 foreign priests; expelled two prominent Nicaraguan priests; drafted 11 of 60 Catholic seminarians despite an agreement with the Church not to do so; mutilated a Protestant pastor; banned the national television broadcast of the Catholic mass; shut down the Catholic Churchs newspaper; closed Radio Catolica; seized and occupied for eight months the Church's social welfare office; prevented the opening of the Church's human rights office, curbed other Church humanitarian activities; frozen a Church bank account and confiscated some other Catholic Church property; temporarily seized and occupied Protestant churches; blocked worshippers from attending a mass; prohibited numerous open-air religious processions and liturgical ceremonies; and prohibited clergy from making pastoral visits to prisons and military bases.

Actions taken by the Nicaraguan Government do not meet the strict standards for derogation applicable in the area of religious freedom. The League believes that the Government's measures represent an erosion of religious rights in Nicaragua, in contravention of Article 18 of the International Covenant on Civil and Political Rights and various provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Journalists and media

Press and media freedoms have been curtailed by the Sandinista Government since 1979 and continued to erode throughout the first half of 1986. The censorship of such sensitive topics, as national security or the military may be justified in Nicaragua under international law in view of the state of emergency. However, Government measures have resulted in the complete denial of the right of numerous lawful associations to publish. In addition, the Nicaraguan Government has imposed excessive pre-publication censorship for the remaining independent press, harassed independent publishers, editors, writers and distributors and has levelled severe, discriminatory economic measures against the press. The broadcast media is also subject to excessive Government control.

Government actions against the Nicaragua press and media fail to conform to international human rights obligations that the Nicaraguan Government has voluntarily assumed. Thus the Nicaraguan Government abridges free expression in violation of Article 19 of the International Covenant on Civil and Political Rights.

Labor unionists

With respect to labor rights, Nicaragua has in several important areas exceeded the restrictions permissible under international law in a state of emergency. Such human rights violations include bannings of all strikes, collective bargaining, and other union activities, the arrest and harassment of many hundreds of leaders and union members and the Government occupation of union offices. In addition the Government has harassed those who have tried to disaffiliate from the CST (Government unions) or who resisted joining the CST, choosing to remain with the independent unions.

Such harassment has included firings, bribes, arrests, threats and blackmail. The independent labor confederations have been subjected to police takeovers and surveillance and disruption by Government infiltrators. Some local unions, which are affiliated with the independent CUS confederation, have been denied legal status. The Government has also withheld bank loans from independent agricultural groups and routinely given less food and essential commodity rations to independent union members.

The Nicaraguan Government has thus violated Article 22 of the International Covenant on Civil and Political Rights and Article 8 of the International Covenant on Economic, Social and Cultural Rights.

Political parties

The lack of strong democratic traditions, the domestic economic crisis and the external military threat, all pose complex problems for Nicaragua's political system. Nevertheless, the Nicaraguan Government's measures against the civil political opposition are excessive.

While the Government allowed a political opening for the opposition parties during the 1984 pre-election period, that political space has now been significantly tightened. The Government has arrested and imprisoned many hundreds of political opposition activists, prohibited their public indoor meetings without prior government approval requested one week in advance, which has been commonly granted, banned outdoor assemblies and demonstrations altogether and infiltrated the groups to monitor their activities and cause some of them to splinter.

The Nicaraguan Government abridges political freedoms in violation of its obligations under Articles 21 and 22 of the International Covenant on Civil and Political Rights.

Arbitrary arrest and detention

The Nicaraguan Government does not abide by the various international standards delineating minimum due process guarantees in a state of emergency. Political suspects do not have the rights to be informed of charges, to be able to consult with attorneys, to have family members visit, to avail themselves of the basic remedy of habeas corpus or to be judicially processed or released within a certain period. Nor does the Government publish the full list of names of detainees.

In Nicaragua, the suspension of such due process rights has led to a situation where many hundreds of Nicaraguans have been arrested in Government dragnets and held without charge for several weeks or months before release; where relatives of suspects

have been detained for the alleged acts of their family members; where independent labor unionists, political party oppositionists, independent church leaders, journalists, defense attorneys and others have been arrested and detained for lawful activities and/or membership in lawful associations; and where short-term detention has become a form of harassment against political suspects.

According to defense attorneys, humanitarian relief workers and human rights activists, between 3,500 and 6,500 Nicaraguans are arbitrarily detained at any given time.

The Nicaraguan Government abridges rights to liberty and security of the person in violation of Articles 9 and 14 of the International Covenant on Civil and Political Rights.

Conditions of detention

The League has found that conditions are deplorable in Nicaraguan prisons. Prison conditions in both State Security and National Penitentiary facilities, with the exception of the Open Farms, are sub-standard in nearly every category addressed by the UN Minimum Standard Rules for the Treatment of Prisoners. These include inadequate outside contacts, food, water, fresh air, exercise, lighting, space, bathing and sanitation facilities and medical care. Nicaraguan detention conditions also fall short of the Minimum Standard Rules regarding access to religious clergy; the separation of prisoners of different classifications, such as by sex, age, legal status, and mental health; procedures and methods of administering discipline; and providing regular prisoner complaint procedures.

Nicaragua is also responsible for torture and cruel, inhuman and degrading treatment or punishment. Methods of torture reported by Nicaraguan prisoners include beatings, rape, mock executions, death threats, food and sleep deprivation, forced postures, prolonged isolation, prolonged detention in darkness, prolonged denial of medical care, hooding, and submersion in water.

Thus Nicaragua stands in violation of Article 7 of the International Covenant on Civil and Political Rights; the UN Declaration on the Protection of All Persons from Being Subjected to Torture or Cruel, Inhuman or Degrading Treatment or Punishment; the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Inter-American Convention to Prevent and Punish Torture.

Courts

The League's assessment of the Popular Anti-Somocista Tribunals (TPAs), a separate judicial system for prosecuting political defendants, reveals that such tribunals fail to comport with the minimum due process standards effective even in a state of emergency, as set forth by international law. Judges on TPA panels lack independence and are under the direct jurisdiction of the Executive branch. The lay members of the tribunals are selected from the Sandinista Defense Committees on the basis of their loyalty to the Sandinista Party and normally lack legal training. Most convictions are based solely on the defendants' own statements, which are commonly exacted under duress or torture. Proceedings are closed. The percentage of convictions by the TPAs is so high as to indicate a predisposition to convict.

Nicaragua, therefore, stands in violation of its international obligations to guarantee political defendants a fair trial under Articles 9 and 14 of the International Covenant on Civil and Political Rights.

I also ask unanimous consent that a copy of remarks of William J. Casey, Director of the CIA, before the Society for Historians of American Foreign Relations at Georgetown University on 25 June 1986, also be printed in the RECORD. That I recommend to my colleagues for reading.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF WILLIAM J. CASEY, DIRECTOR OF CENTRAL INTELLIGENCE BEFORE THE SOCIETY FOR HISTORIANS OF AMERICAN FOREIGN RELATIONS

I am delighted to be here this evening with the Society for Historians of American Foreign Relations. I'm glad that you invited me to join your discussions. I'm glad that the Conference on Peace Research in History and the American Military Institute are both with us, since intelligence is a function that is a essential for the conduct of foreign policy in peace as it is necessary for survival in war. Our president and foreign policymakers need the best intelligence possible if they are to spend a $300 billion Defense budget wisely and if they are to shape a sound American policy to preserve the peace. Modern arms control agreements, for example, are only feasible because of the effective technical means of verification that our Intelligence Community works to provide.

Research into the relationship between intelligence and history is much easier than it use to be. As a result of Senator Durenberger's initiative, and with the encouragement of the Senate Intelligence Committee, CIA took steps to transfer to the National Archives and Records Administration its entire holdings of declassified OSS permanent records. This large and important collection has been transferred in increments over the past two years, and almost all of it is now open to the public at the National Archives on Constitution Avenue. The opening of this collection for the first time permits well documented studies of the role of American intelligence in World War II.

I have built on this transfer of OSS records to establish on Historical Review Program to review and release records of CIA itself for historical research. In organizing this new program we had invaluable help from consultations last year with Robert Warner, then Archivist of the United States; John Broderick, Assistant Librarian of Congress; and three distinguished American diplomatic historians, John Lewis Gaddis, Richard Leopold, and Gaddis Smith. With additional resources from Congress we have organized a concerted effort to declassify and transfer to the National Archives the greatest feasible volume of historically important CIA records, beginning with our earliest holdings. I might add that in connection with this Historical Review Program, Ken McDonald and the CIA History Staff are cooperating with the Department of State Historian's plan for publishing supplements to early postwar volumes of the Foreign Relations of the United States, which will contain material declassified since these volumes first appeared. I have also pledged my strong support for President Reagan's directive last November that necessary measures be taken to ensure the publication by 1990 of the Foreign Relations volumes through 1950. CIA will do everything it can—especially in declassification review—to help State meet this accelerated schedule.

Now let me turn to the interplay between history and intelligence during our lifetime. We had substantially demolished our intelligence capabilities in the years leading up to World War II. When a New York lawyer, Bill Donovan, was pressed into service by President Roosevelt in 1940, the whole United States intelligence apparatus was down to something like 100 officers in Army and Navy units. Upon his return from a fact-finding mission to Europe and the Middle East, Donovan told the President that America needed an intelligence and covert operations capability. Roosevelt didn't need much persuasion. Six months before Pearl Harbor, Donovan was in business as head of what would become the OSS.

In World War II we were amateurs and learned about intelligence from the British. We also learned that when people are deprived of civil liberties they fight. Guerrilla movements in Yugoslavia, Greece and Albania were a major factor in keeping some 40 German, Italian, Bulgarian, and Croatian divisions in Southeast Europe far from the arena of decision. Resistance armies in Norway, Denmark, Holland and Belgium tied up other German forces and delayed their movement to reinforce fighting in France.

After the fall of France in 1940, Great Britain found itself alone, with most of its army's guns, armor and transport left behind on the continent. Fearing invasion of its own island, Britain could only wage a war of attrition against the economy and morale of the victorious Germans. Britain had to use the only weapons it had left—the Royal Navy to blockade, the Royal Air Force to bomb, and the people of Occupied Europe to sabotage and undermine.

To mobilize resistance in the vanquished nations, Winston Churchill created SOE, the Special Operations Executive, and issued his memorable order, "Set Europe ablaze." Many brave Britons were ready to become commandos, and many brave Europeans were eager to risk their lives to inflict damage on the conqueror and redeem their national pride and honor. Europeans at large cheered them on until they discovered what the occupier would do in reprisal, like wipe out an entire village. German reprisals turned the SOE and the resistance groups that sprang up all over Europe largely away from one-shot sabotage operations and hit and run raids. Rather they began carefully and slowly to organize, train and equip specialized groups and networks that could get intelligence, spread propaganda, do quiet and difficult-to-detect sabotage and develop paramilitary units capable of striking when the time came. A long slow process, some three to four years, of building skills, support structures, training capabilities, organization and relationships set in.

There were three separate but loosely tied together organizations which guided and supported this process from outside France—Britain's SOE, DeGaulle's Free French in London and Algiers and, during the last two years, the OSS from Washington, London and Algiers. Inside France separately led and frequently rival resistance forces developed from five principal strands. Indigenous resistance groups sprang up all over France and consolidated into some half a dozen movements, more or less focused in particular regions of the country. When the

Germans attacked Russia in 1941. French Communist and far left groups which had largely supported the occupiers went into resistance and began to form their own units. SOE and General DeGaulle's intelligence and action service each separately sent organizers and radio operators all over France to recruit resistance groups and provide them with communications, training and weapons. Finally, when the occupier imposed a labor draft, thousands of young men left their homes to hide in the hills and forests, and many ultimately formed themselves in military units that sought arms either directly from London or through one of the earlier resistance networks.

Before D-Day and during the allied advance from Normandy to the Rhine, the French resistance provided invaluable intelligence about the situation and activities of German forces in France. In World War II this kind of intelligence, collected by old-fashioned espionage—human intelligence, or humin in today's jargon—was enormously important. Although getting similar information for our advancing armies from inside Nazi Germany proved a much tougher proposition, in the last six months of the war we managed to infiltrate some 150 American agents into the Third Reich—and to get almost all of them out again alive. The other two principal sources of intelligence about the German war machine were aerial reconnaissance and code-breaking, the forerunners of our great technological intelligence gathering capabilities today. Aerial reconnaissance was of key importance both for ground forces and air operations. Research and analysis on the German economy laid the basis for the great strategic bombing offensive. The breaking of German high-grade cyphers and the operations and strategic use of these breaks—evoked by the single word "Ultra"—is one of the most exciting stories of the war. Beyond this, OSS and British counterintelligence worked together in deception operations that badly misled the Germans about both the time and place of the cross-channel invasion.

When the Americans of OSS arrived on the scene in London and Algiers early in 1943, our new and senior partners of SOE and the Free French had been supporting resistance forces for some three years and had become proficient and confident in sending organizers and saboteurs into France and keeping them there. They had performed sabotage jobs, established organizers and communications, built up caches of weapons, organized resistance bands and formed them into networks. But using these scattered and irregular forces in support of large-scale military operations in France was a new problem. It had to be worked out with military planners and commanders skeptical about the value of resistance forces. We were in a vicious circle. To satisfy ourselves about the reliability of resistance forces, we had to persuade the arriving American military to give them the plans and equipment they needed to prove their value. Yet we found that the military commanders coming over from the US were schooled and geared to secure their objectives by the application of overwhelming firepower, and they believed they had it. For the most part, they know little and cared less about French resistance or guerrilla warfare.

For the generals at SHAEF the French resistance movement might be as good and important as OSS and Special Operations Executive said it was. On the other hand, the resistance might be an illusion and not materialize in the crunch. Sure, there were thousands of Frenchmen eager to fight the occupier, as many as 150,000 by some estimates. But they had to be organized, armed and directed. Could the still nascent and loosely knit resistance movement quickly become a cohesive striking force that was sufficiently under our command and control to make a military contribution to the invation? To answer yes required an act of faith. OSS and SOE officers in Grosvenor Street and Baker Street who had worked with General DeGaulle's intelligence service and with the men going in and out of France were willing to make that commitment. Selling the idea to our generals and their planners wasn't easy, but in March 1944 the Supreme Commander, General Eisenhow, came down on our side and ordered a new Special Forces Headquarters to implement plans for resistance activities in support of the invading armies. On 31 May SHAEF decided that instead of signaling the resistance to rise unit by unit, as needed in the battle across France, there would be a general call-up of the entire movement in support of the Normandy landings that week. Beginning 1 June some 300 messages went out over the BBC alerting resistance leaders all over France that the landings would come during the week. The French resistance made 950 cuts in French rail lines on 5 June, the day before D-Day, and destroyed 600 locomotives in ten weeks during June, July and August of 1944. Our greatest debt to the resistance fighters is for the delays of two weeks or more which they imposed on one panzer division moving north from Toulouse, two from Poland, and two from the Russian front as they crossed France to reinforce the Normandy beachhead. We will never know how many Allied soldiers owe their lives to these brave Frenchmen.

The French resistance forces continued their magnificent work throughout the liberation of France, and when it was all over. General Eisenhower said, ". . . In no previous war and in no other theatre during this war have resistance forces been so closely harnessed to the main military effort. . . . I consider that the disruption of enemy rail communications, the harassing of German road works and the continual and increasing strain placed on the German war economy and internal services throughout occupied Europe by the organized forces of resistance, played a very considerable part in our complete and final victory. . . ."

At the end of World War II President Truman was persuaded that in peacetime the United States would not need the kind of central and strategic intelligence service that OSS had provided. He therefore dissolved OSS in October 1945, soon after V–J Day.

The Soviet seizure of Czechoslovakia and threats to Iran, Turkey and Greece showed that Harry Truman had acted too quickly. After a long debate, in which General Donovan and others who had served in OSS played an important part, the Central Intelligence Agency was established in September 1947, by the same National Security Act that created the Secretary of Defense, an independent Air Force and the National Security Council. CIA's origins in the wartime OSS were evident in its leadership, which has been dominated by former OSS officers, by its functions, which are largely the same as those that OSS performed in World War II, and by its role in government, which is close to the vision that General Donovan had for OSS.

Yet while CIA's legacy from OSS is large and important, CIA today is very different from OSS in World War II. As one who served in OSS in the second war and in CIA since 1981, I am keenly aware that the world CIA lives in, and the problems it deals with, are infinitely more complex, variegated and difficult than those we faced in World War II. Signals intelligence has come a long way since Ultra and Magic, and we have capabilities in overhead reconnaissance today that could not even have been dreamed of forty years ago. Constantly developing technical systems that cost billions of dollars now produce enormous amounts of intelligence. In the World War II emergency we did a remarkable job of transforming talented and patriotic amateurs into competent and effective intelligence operators whose sole mission was to win the war against the Axis powers.

Today CIA has developed a highly training and disciplined corps of career intelligence professionals who can cope with vastly more complicated and diffuse challenges. We have a host of new missions, in such areas as international debt, technology transfer, gauging foreign industrial competition and the implication for US security, helping to stop the international flow of narcotics, and fighting against terrorism. Even in our central traditional role of assessing our potential adversaries' strategic capabilities we find counting Soviet mobile ICBMs a very different and more complicated enterprise than tracking *Wehrmacht* divisions.

But we can perhaps make too much of these differences. There are still lessons to be learned, and insights to be gained, from the World War II experience of OSS. During the Vietnam War, I'm afraid we forgot our World War II experience in resistance warfare. There we took over a losing war from locals, ready to fight for their homeland, who might have won it if intelligently supported and directed and if the external support provided the invaders had been effectively restricted.

In the aftermath of Vietnam, the challenge that we failed to handle effectively there has only proliferated. The Soviet Union soon began to test whether the U.S. would resist foreign provoked and supported instability and insurgency elsewhere in the Third World. Fully aware of the political climate in this country, it developed an aggressive strategy which avoided direct confrontation and instead took maximum advantage of Third World forces or surrogates to obtain Soviet objectives. This enabled Moscow to deny involvement, label such conflicts as internal and warn self-righteously against "outside interference".

Over the last several years, the Soviets and their allies have supported directly or indirectly radical regimes or insurgencies in more than a dozen countries in every part of the Third World. It is also no coincidence that these subversive efforts supported by the Soviets and their allies are occurring close to the natural resources and the choke points of sealanes on which the U.S. and its allies must rely to fuel and supply their economic life. Time and again we have watched the Soviets and their surrogates move in to exploit and instigate social and economic discontent. They gain an insurgent base, expand it with trained men and military arms, sabotage economic targets, drive out investment, and wait for another plum to fall. Since 1972 five nations have extricated themselves from Soviet grasp and 25 nations have fallen under a significantly increased degree of Soviet influence or insurgency supported by the Soviets or their proxies.

And now we have begun to witness a new phenomenon. Moscow now finds itself supporting high cost, long-term efforts to maintain in power the regimes they have installed or coopted in places like Afghanistan, Angola, Ethiopia, Cambodia, Mozambique, Yemen and Nicaragua—a reversal of the roles played by the United States and the communists in Vietnam. In my opinion, this amounts to something of an historical turning point in the last half of this century whose significance has not yet been fully appreciated and assessed by informed public opinion or, perhaps, even by historians.

In seeking to stem subversion in the Third World and in attempting to help local populations resist Soviet-backed repressive Third World regimes, the United States and its allies can indeed apply our historical experiences in supporting resistance forces. El Salvador is a good example of how these old lessons can be successfully applied to help a beleaguered nation defend itself. The successful free elections that have been held in El Salvador were made possible largely by our help in developing new intelligence sources and showing the El Salvadoran army how to use intelligence to break up guerrilla formations before they could attack provincial capitals in order to disrupt voting. The dramatically improved security situation there has been due largely to a relatively modest training effort on our part which has imparted new capabilities to the government army. Today El Salvador has a popularly elected government and a population that has overwhelmingly rejected insurgents organized, supplied and directed from Cuba and Nicaragua.

And what about Nicaragua? In my opinion Nicaragua can and should be a perfect example of how some of our experiences in World War II can be applied with great effect in support of a resistance movement. During the debate on the renewal of United States aid to the Nicaraguan resistance, a number of misconceptions about the nature and effectiveness of resistance to oppressive governments have surfaced. For example, its been said that there is no way the hundreds of millions of dollars the Soviets are providing the Sandinistas could be matched, or that the insurgents will never have the military power to match the governments' might. We hear that a resistance movement should be totally self-sufficient and that external support would undermine its legitimacy. These arguments, of course, ignore our experiences with the resistance in World War II and reflect a basic misunderstanding about the way insurgencies and resistance movements work.

The truth, revealed in our World War II experiences and numerous struggles in the Third World since then, is that far fewer people and weapons are needed to put a government on the defensive than are needed to protect it. A resistance movement does not seek a classic and military definitive military victory. External support is almost always a key factor in resistance success. A progressive withdrawal of domestic support for a government accompanied by nagging military pressure largely against economic targets is what helps bring down or alter a repressive government.

The small and weak countries which are combatting Soviet inspired subversion and the resistance movements which are combatting Marxist-Leninist repression do not need and cannot handle a lot of sophisticated military hardware. What they need is what always has been needed in these kinds of situations, training in small arms and their use in small unit actions, good intelligence, and good communications. We helped provide this with effect to the resistance against Nazi Germany and if we can muster our resolve and act before resistance assets are allowed to wither away, we can put these tactics to good use today.

In conclusion, ladies and gentlemen, its still worth talking about how the OSS and the British SOE helped the French resistance forces and contributed to the defeat of Nazi Germany because I'm convinced that our success in that work can teach us something about how we can meet our global responsibilities today. With a relatively few skilled officers and a tiny fraction of our military budget we can introduce new elements of stability into the Third World and check Third World Marxist-Leninist regimes that are stamping out democratic liberties and human rights and posing a threat to our own national security. Thank you.

Mr. MATTINGLY. Madam President, how much time is left?

The PRESIDING OFFICER. The Senator from Georgia has 4 minutes remaining.

Mr. MATTINGLY. How much time does the opposition have?

The PRESIDING OFFICER. The opposition has 13 minutes, 18 seconds.

Mr. MATTINGLY. Madam President, at the appropriate time, I shall move to table the amendment. I shall have some closing comment when my colleague from Vermont has finished.

Mr. LEAHY. Madam President, I thought he wanted the floor. I did not want to interrupt him.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. So there will be no misinterpretation of what this amendment does—and from the remarks, there may be—this in no way precludes the CIA or any other of our intelligence agencies from carrying out their normal intelligence-gathering procedures in Central America or anywhere else in the world. I would like to lay that red herring back into the barrel, if you will.

What it does, however, is not allow the best intelligence agency in the world to get dragged into a quagmire of something that has every potential of falling apart and then have them take the rap for it.

Madam President, any agency that gets involved in this program is eventually going to be hurt, just as the Department of Defense and the military services were after Vietnam. Running wars is the job of the Defense Department. It goes with the territory, notwithstanding the fact that the Department of Defense has done everything possible to run away from this program, wanting as little as possible to do with the $100 million, even though they state very candidly that the program cannot win, cannot carry out the purpose laid out for it.

What they would like, quite frankly, is to allow the CIA to take the blame when the whole thing falls apart.

The CIA is the eyes and ears of U.S. foreign and national security policy. I do not think we dare risk again the catastrophic loss of public confidence in the CIA that occurred in the 1970's when the abuses and improper behavior of the agency at that time were revealed. What I am saying in this amendment is that the United States has major security interests around the world. The United States is under constant attack by State-sponsored terrorism. That is where our intelligence agencies can be at their very best.

Even though we are the most powerful Nation in the world, we are often powerless to stop a group of 20, 30, or 40 well-financed, well-armed terrorists. That is where the CIA can be helpful. That is where gathering intelligence can help us defend against these terrorist groups.

The United States is the preeminent nuclear power in the world, yet our security rests on having verifiable adequate arms controls agreements—again, where our intelligence agencies are most important, to make sure those agreements are verifiable.

□ 1430

These are the areas where we should be expanding our efforts with our intelligence agencies, not sending them down to some sordid little war in Central America, a war that our Department of Defense, the preeminent military establishment of the world, wants nothing to do with. They do not want it carried out. Certainly nobody is coming forward in the Cabinet to the Congress or before the President or anybody else saying the Department of Defense wants to run this. They do not. They do not. Shunt it off to the CIA and if it falls apart, let the CIA take the rap.

Now, I say to my friend from Minnesota [Mr. DURENBERGER], our oversight committees can do the oversight on this. We can follow what the CIA does. That is not the question. I am also confident that if we lay down rules and regulations in the law, the CIA will follow them. I am absolutely confident they will follow the laws, they will follow the rules in setting this out. What we are saying is that there are not going to be any rules. What we are saying is you have to go down in uncharted waters, take this $100 million, run it, get intimately involved with a group of people participating in everything from drug smuggling to currency manipulation to terrorism. Do not step over the line, do not break the law, do not do anything that would make the United States of America ashamed if it comes to public disclosure. But we also want you to know that the press will be there following everything you do.

I think it is an impossible situation. It is something that many, many professionals in the agency told me they

want no part of. Why not use our intelligence agency in those things for which a world power should be using them, those things that enhance and defend our security. Do not send them down into the sordid little war where they get tarnished along with everybody else involved. In fact, Madam President, I wish the Senate, reflecting its role as the conscience of the Nation, had risen to its conscience and risen to the conscience of the American people and said we want no more of this. Let us have a foreign policy in Central America. Let us not have a covert action policy. This country has never substituted a covert policy for a foreign policy in the past. It is not going to do it today. Let the conscience of the Nation speak through this body. I urge support of at least this part of the bill—if we are unwilling to support the rest, at least this.

How much time does the Senator from Vermont have remaining?

The PRESIDING OFFICER. The Senator from Vermont has 2 minutes, 25 seconds.

Mr. LEAHY. Is it my understanding from the Senator from Georgia that he wishes to make, if I yield back my time, a motion to table?

Mr. MATTINGLY. After I make a short statement, yes.

Mr. LEAHY. I withhold the remainder of my time.

Mr. MATTINGLY. I sometimes wonder when I listen to the comments of some of my colleagues in regard to the CIA whether the concern is with the activities of the agency or whether it is with the existence of the agency. It does indeed exist, Madam President. It performs an important mission in support of our national security. The agency's activities are strictly governed by law and by Executive order. Congressional committees have been established to perform the legitimate and important legislative oversight function.

The legislation before us, title II of this bill, prohibits the President from using funds from any other source except those cited in the legislation in order to provide assistance to the resistance forces. The bill contains specific language that states the use of these funds is subject to all applicable provisions of law and it emphasizes the importance of the congressional oversight process. The CIA is not going to be in charge of the program as some have stated. The Secretary of State has been given the responsibility for all the supervision of U.S. Government activities authorized by this legislation in title II.

Madam President, it makes no sense to approve a program like this and then at the same time try to cripple it by failing to use all the appropriate resources at our disposal.

Having failed to kill this program outright in the last eight votes, its opponents now seek to do so through limits on available resources.

Last year when the CIA was prohibited from any involvement in the administration oversight of the $27 million in humanitarian aid, we heard complaints about our inability to properly account for the money. In fact, the distinguished chairman of the Foreign Relations Committee has now effectively dispelled all those concerns by circulating to all Members a thorough outline of the final disposition of those funds.

Accounting for all those funds would have been a lot easier if we had not eliminated at the outset the agency best able to perform that function.

Madam President, let us not work against ourselves. There is no reason to prohibit the agency from performing the type of intelligence functions for which it was created. I strongly urge the defeat of this amendment and at the proper time I will move to table the amendment.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Let me read what the House Intelligence Committee said, something with which I concur as one who has worked very hard for the last 7 years to improve and aid and help the CIA and our other intelligence agencies. They said:

> The CIA was chartered to act principally as an intelligence collection and intelligence analysis organization. It performs best, and it serves the national interests best, when it confines its activities to these areas, or to covert activities that remain covert. The CIA's involvement in Nicaragua has demonstrated once again the inherent difficulties of conducting paramilitary covert action, has caused some to question the objectivity of its analytical reports, has created internal conflict and dissension, and has once again subjected the CIA and its dedicated and hardworking personnel to the agonizing glare of public discussion and criticisms—all in pursuit of doubtful goals and based on shifting policies.

Those of us who want to strengthen the CIA, want to protect the best intelligence agency in the world, who want to make it better propose this amendment, not people who have any desire to cripple or diminish the CIA. I yield back the remainder of my time.

Mr. MATTINGLY. Madam President, I yield back the remainder of my time. I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Delaware [Mr. ROTH] is necessarily absent.

The PRESIDING OFFICER (Mr. NICKLES). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 42, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—57

Abdnor	Garn	McClure
Armstrong	Glenn	McConnell
Bentsen	Goldwater	Moynihan
Boren	Gorton	Murkowski
Boschwitz	Gramm	Nickles
Bradley	Hatch	Nunn
Broyhill	Hawkins	Packwood
Chiles	Hecht	Pressler
Cochran	Heflin	Quayle
Cohen	Heinz	Rudman
D'Amato	Helms	Simpson
Danforth	Hollings	Stennis
DeConcini	Humphrey	Stevens
Denton	Johnston	Symms
Dixon	Kasten	Thurmond
Dole	Laxalt	Trible
Domenici	Long	Wallop
Durenberger	Lugar	Warner
Evans	Mattingly	Wilson

NAYS—42

Andrews	Grassley	Metzenbaum
Baucus	Harkin	Mitchell
Biden	Hart	Pell
Bingaman	Hatfield	Proxmire
Bumpers	Inouye	Pryor
Burdick	Kassebaum	Riegle
Byrd	Kennedy	Rockefeller
Chafee	Kerry	Sarbanes
Cranston	Lautenberg	Sasser
Dodd	Leahy	Simon
Eagleton	Levin	Specter
Exon	Mathias	Stafford
Ford	Matsunaga	Weicker
Gore	Melcher	Zorinsky

NOT VOTING—1

Roth

So the motion to table the amendment (No. 2718) was agreed to.

□ 1450

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. MATTINGLY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2719

(Purpose: To express the sense of the Congress toward negotiations with the Government of Nicaragua)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

> The Senator from Delaware [Mr. BIDEN], for himself, Mr. BYRD, and Mr. SASSER, proposes an amendment numbered 2719.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 24, beginning with line 13, strike beginning with the word "if" through line 15.

On page 51, between lines 6 and 7, insert the following new section:

POLICY TOWARD NEGOTIATIONS WITH THE GOVERNMENT OF NICARAGUA

SEC. 217. None of the funds transferred under Section 206(a)(2) shall be expended until the Government of the United States has formally proposed to the Government of Nicaragua to enter into direct bilateral negotiations aimed at:

(1) the successful conclusion of a security agreement which—

(A) involves the removal of Soviet-bloc and Cuban advisers;

(B) bars the establishment of any Soviet base on the territory of Nicaragua; and

(C) reduces Sandinista arms levels and prevents the Sandinistas from acquiring more advanced weaponry; and

(2) the successful conclusion of the Contadora process leading to the signing of a regional peace treaty.

Mr. BIDEN. Mr. President, I realize our time is limited. I know that the Democratic leader, Senator BYRD, from West Virginia, is in an important appropriations conference. He is a cosponsor of this amendment. I am prepared if it is convenient for him to yield to him first if he would like in order to be able to attend his appropriations markup, whatever suits him.

Mr. BYRD. Mr. President, I did have some important matters in the appropriations bills that are being marked up. However, the distinguished Senator from Delaware is the chief sponsor. I hesitate to go before him. I would like to wait 5 minutes at least before I make my presentation.

I thank the Senator.

Mr. President, I will attempt to summarize.

Let me say, Mr. President, that this debate has been going on in one form or another since 1979, when I was on the Intelligence Committee. We debated it then in closed sessions of the Intelligence Committee and again through 1980 and 1981 and 1982, the last year I served on the committee.

Since it has been already mentioned a number of times, I have been consistently one who has been in opposition to this aid package to the so-called Contras. But one of the things that gets confused around this place, Mr. President, is the rationale one applies to the opposition.

Most of the Members in this body are in agreement with what President Reagan is attempting to do, and that is to do something about the situation of the Sandinista government in Nicaragua. We all agree that there are issues vital to American security, not all of us, but most of us, at least, agree that there are vital security interests the United States has in Latin America, and I think all of us in this body agree that a regional peace treaty which reduces tensions and leads to peace among the nations of Central America is also necessary.

We agree, or at least most of us agree, that the Sandinista government should attempt to fulfill its promise of a pluralistic democracy to the Nicaraguan people.

Now, the issue comes down to, in this Senator's view, whether or not the vehicle that the President has chosen to accomplish his stated end is in fact an appropriate vehicle. In all that I have attempted to do in 14 years in the Senate, whether or not I am voting for a new piece of domestic legislation or a piece of legislation relating to foreign policy, I have been plagued with requiring my staff and myself to answer the question: no matter how well-intentioned it is, will it work? And the real issue for the Senator from Delaware is whether or not the President's proposal to come forward with $100 million—in fact, really one-half billion dollars—will accomplish its stated objectives of securing long-term United States security, legitimate United States security interests in the region, bringing a democratization to the country of Nicaragua, and bringing peace and tranquility to the region?

□ 1500

For 2 consecutive years I have come to the Senate floor to speak about the Reagan administration's policy toward Nicaragua.

For 2 years I have stated that in principle I believe that the United States has the right to support a democratic resistence force that is seeking to overthrow a totalitarian regime that has installed itself in our hemisphere.

For 2 years I have also been unable to support the administration's request for aid to the Contras because in practice I did not believe that American interests would be well served by the proposed policy.

For 2 years I have instead offered amendments which would have established two preconditions for the dispensation of U.S. aid to the Contras. The first required a thorough democratic reform of the Contras, the second required that the administration make a good faith effort to achieve results in the diplomatic arena, including undertaking direct bilateral negotiations with the Sandinistas. Neither of those requirements has ever been met.

I remain convinced that the question of who the Contras are and what they represent is fundamental to U.S. foreign policy interests both abroad and at home.

First, only a resistance force that embodies genuine democratic values—values that the Nicaraguan people believed they were promoting when they rose up against Somoza and put the Sandinistas in power, and values that the Sandinistas have tragically failed to promote or defend—only such a truly democratic force holds the promise of victory over the Sandinistas.

Second, in the struggle for the confidence of the American people which I believe is vital to the successful conduct of any American foreign policy only a truly democratic resistance force can gain and sustain the kind of support upon which such a policy must be based. This is one area in which the lesson of Vietnam may appropriately be invoked: We must not undertake a major foreign policy commitment without a solid national consensus behind it.

But that is precisely what is taking place today. And that is why I rise today to question the credibility of the policy we have been asked to approve.

While I continue to have reservations about the Constitution and commitments of the Contra forces, my overwhelming concern now is with the dramatic step that the administration is asking the Congress to take in approving military aid to the Contras.

We can no longer afford to focus exclusively on the nature of the Contras. What is at issue here is the opening of floodgates. The administration is asking for $100 million but CIA officials openly acknowledge that they expect to use $400 million of their contingency funds in support for the effort. Let us be clear about this: the administration is asking Congress to sanction a half-billion dollar expenditure on a military strategy that has little chance of success.

THE SITUATION IN NICARAGUA TODAY

The great irony is that this strategy cannot succeed in large part because the situation inside of Nicaragua is so grim. It is impossible for anyone to deny that the Sandinistas have nearly destroyed their own country. On a very basic level—one every American can understand—there is no food in Nicaragua. Beans and rice, the staples of the peoples' diet, are unavailable. In 1978, Nicaragua exported over 75 million pounds of prime grade beef. Today, no meat can be found. Instead, the local markets are filled with useless surplus items dumped by the Eastern bloc—vinegar, mustard, and insecticide.

Even more serious is the leaden weight of repression which has descended upon Nicaragua. Having fought bravely to overthrow the Somoza dictatorship, the Nicaraguan people are now faced with something much worse: the creeping establishment of a police state which is systematically quashing all internal dissent. To put it bluntly, the Nicaraguan Government is terrorizing its people.

The Sandinistas have established block committees on the Cuban model to monitor the movements of their citizens. These survey everything anyone does and reports any unusual behavior to the Sandinista authorities. If a person buys two pairs of boots or some extra food, he is likely to have

his phone or electricity cut off or lose his job, because he may be providing support for the Contra forces, who, once inside Nicaragua, must rely on the local population for supplies and food.

The evidence of the mounting repression is blatant. Indeed, the Sandinistas appear to be flaunting their disregard for democratic procedures. The church and the free press have been their most recent victims. One of the few remaining internal political opposition figures in Nicaragua said recently that the Sandinistas are trying to "smash all civilian resistance." Another opposition figure has said that "the seed of terror has been planted here."

This extreme repression is due, in large part, to the Sandinistas extreme paranoia. Instead of governing for the people they are creating an efficient army that will keep control over the people. And in explaining this protracted state of emergency, they claim that they must remain on a war footing—especially in light of the House vote in favor of the $100 million aid program.

THE MYTHS OF THE REAGAN ADMINISTRATION'S POLICY

In the eyes of the Reagan administration, such deprivation and repression appear to be the perfect soil in which to cultivate a counterrevolution. But this is a fantastic scenario, created by policymakers in Washington who appear completely unfamiliar with the situation inside Nicaragua. Violeta Chamorro, the brave, charismatic and outspoken publisher of La Prensa, whose husband's murder during the Somoza period was a catalyst for the Sandinista revolution and who served in the first revolutionary junta, said recently that "the people cannot lift one finger against the government."

The fact is that the Reagan administration's policy toward Nicaragua is founded upon two interconnected myths.

The first myth is that the Sandinistas can be pressured into negotiating with the Contras through U.S. support for the Contras. Short of total Contra victory, which military experts tell us is extremely unlikely given the increasing effectiveness of the Sandinista military organization, there is little chance that the Sandinistas will do any such thing. What totalitarian regime in history has been known to negotiate its own demise?

The second myth of administration policy is an extension of the first. The architect of Contra aid are now arguing that even if the external insurgency leads to greater internal repression, the long-term outcome will be a positive one for U.S. interests. According to their absurd logic, the worse the situation gets in Nicaragua, the better it is for the United States. Eventually, they claim, the Nicaraguan people will rise up in desperation against this totalitarian regime as they did against Somoza's dictatorship.

They fail to acknowledge one uncomfortable but fundamental fact: The Sandinistas' repression is much more prevasive and insidious than that of Somoza. There will be no room for such internal maneuvering, no room for political groups to organize such an uprising. The Sandinistas have developed a state security apparatus unparalleled in Nicaraguan history. East Germans and Bulgarians—the same people who helped the Cubans do it—have created and now control the system which maintains internal discipline. In addition to the 70,000 men in the regular army and reserves, there are approximately 130,000 men in the internal militias and home guards, whose task it is to play "big brother" and supervise everything everyone does.

The people of Nicaragua are being forced to acquiesce out of fear, just as they have been made to do in Eastern Europe. The peoples of Eastern Europe have been caught in the web of tyranny for more than 40 years, and no matter how great their aspirations toward freedom, they are bound in the iron grip of the state. The Sandinistas seek to emulate that model. And they will not need to call in Soviet troops to quell any uprising in Nicaragua. The army and internal security forces, who take orders from the Sandinista Party, not the government, will take care of it for them.

Instead of leading to a glorious counterrevolution, the one-track military policy before us is going to lead the American people to a situation where we will have to suffer an embarrassing and humiliating American pullback like we experienced in Vietnam or Lebanon, leaving the entire region in an even greater shambles than it was in when we began our support for the Contras.

A SHORT LESSON IN MILITARY STRATEGY

Every avid student of international affairs wades through the work of the greatest military strategist of modern times, Karl von Clausewitz. I urge my colleagues, and the American people, to heed Clausewitz's warnings about the inseparability of power and diplomacy. His words are a stern admonition against the misguided military policy the administration is asking us to approve. Clausewitz observed:

> War is not a poltical act but also a real political instrument, a continuation of political commerce, a carrying out of the same by other means.

The American people, wisened by the experience of Vietnam, understand instinctively what Clausewitz was trying to say; that war must only be an instrument of policy and not a policy itself.

The Reagan administration's policy fails to abide by Clausewitz's famous dictum. That policy is a military strategy without a political foundation. The war the President intends to wage through the Contras will not lead to the accomplishment of any of our political objectives—indeed it will only exacerbate our problems.

Many of my colleagues have addressed in great detail our lingering concern about who the Contras are and what they represent and, as I said earlier, I too remain concerned about the Contras' commitment to democratic principles and their human rights record. And because of those concerns, and because of the repressive situation inside of Nicaragua, I frankly do not believe that the Contras are likely to win.

As a result, I am more concerned today with the fact that the military strategy the administration is going to pursue if this aid is approved, is going to lead to a debacle. It will be an embarrassment for the United States and a disaster for Central America.

STALEMATE AND PROSPECTS ON THE DIPLOMATIC FRONT

As has often been the case with the present administration in its blind application of the Reagan doctrine to regional security problems, ideology seems to have overtaken reason and common sense. The diplomatic process is frustratingly slow; it often seems that for every one step forward, there are two steps backward. But in a region in which even the hint of American military power sets off alarms and conjures up images of coups and invasions, and in which shaky democracies are attempting to strike a delicate balance between their friendship with the United States and their role as sovereign Central American nations, the diplomatic process is the only practical instrument for dealing with the Sandinistas.

While the Reagan administration has paid lip service to the diplomatic process, it is becoming increasingly clear that its support for the Contadora effort is a political cover. The recently fired U.S. Ambassador to Honduras, John Ferch, has said that for a long time he believed what the administration was saying: That it wanted to create pressure through the Contras so that the Sandinistas would negotiate. He now says, "I'm beginning to think I accepted something that wasn't true," and that "our goal is something different. It's a military goal."

The U.S. failure to throw its weight behind the Contadora process is tragic. This effort, spearheaded by the nations surrounding Central America, has sought for several years to draft a peace treaty that would be acceptable to the five Central American nations. The Contadora process has stagnated for three reasons. One, the genuine skepticism of the four democratic Cen-

tral American nations about whether the treaty being drafted for them adequately addresses their legitimate security concerns vis-a-vis Nicaragua; two, the longstanding rivalries and suspicions among the five Central American nations; and three, the lack of wholehearted U.S. support for the diplomatic process. While the first two hindrances to progress are the responsibility of the regional powers themselves, the blame for the third falls squarely on the shoulders of the American Government.

The United States under the Reagan administration has consistently complicated the multilateral diplomatic process and, in an embarrassing demonstration of political cowardice, has been unwilling for the last 2 years to engage in direct bilateral talks with the Sandinistas.

Today I offer an amendment with Senator BYRD which calls upon the administration to enter into direct bilateral negotiations with the Government of Nicaragua.

The amendment is simple and straightforward. It states:

None of the funds transferred under section 206 (A)(2) shall be expended until the Government of the United States has formally proposed to the Government of Nicaragua to enter into direct bilateral negotiations aimed at:

(1) The successful conclusion of a security agreement which—

(A) Involves the removal of Soviet-bloc and Cuban Advisers;

(B) Bars the establishment of any Soviet base on the territory of Nicaragua; and

(C) Reduces Sandinista arms levels and prevents the Sandinistas from acquiring more advanced weaponry; and

(2) (Which are aimed at:) The successful conclusion of the Contadora process leading to the signing of a regional peace treaty.

Bilateral negotiations would put both the Sandinistas and the administration to the test. The Sandinistas have repeatedly said that they are willing to enter into such negotiations. By refusing to do so, we let them capture the moral high ground. We also appear to be creating a major obstacle in the path of progress on the diplomatic front.

If bilateral negotiations were to be successful, the most highly contentious set of issues—the United States-Soviet security dimension of the Nicaraguan problem—would be removed from the agenda of the Contadora process. This would be a sound first step toward progress on the diplomatic front. It would lighten the burden of the Central America nations and significantly augment the prospects for the successful conclusion of a regional security agreement among them.

There is a two-part common sense test that I often apply to foreign policy decisions: "is it right?" and "will it work?" In the case of Contra aid, I have repeatedly said that I do not dispute the right of the United States to be concerned about or take action to remedy the situation in Nicaragua. If I thought that the policy we were pursuing would lead to internal democratization and peace in the region, I would stand here and support it. But the issue at stake today is whether the administration's policy has any chance of leading to democratization and peace, and I believe it does not. Not only does it have a high probability of being a military fiasco, but it may well destabilize the democracies of the region and destroy our relationship with them.

The amendment the Senator from West Virginia and I are proposing today is an attempt, quite bluntly, to force this administration to understand that the military option is not the solution and, before any of this aid can go forward, they have to agree to direct bilateral negotiations aimed at a successful conclusion of a security agreement and a successful conclusion of the Contadora process.

I will not yield, although there is more to say, to my distinguished colleague, the Democratic leader, whatever time is remaining or that he may need.

Mr. BYRD. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes remaining.

□ 1510

Mr. BYRD. Mr. President, I commend the distinguished junior Senator from the State of Delaware for this amendment. I am pleased to join him as a cosponsor in this attempt to bring some balance into American policy toward Nicaragua.

Let us consider the facts in the case of Nicaragua.

First, Soviet-Cuban influence is growing in Nicaragua. There are Soviet advisers, military and civilian, in Nicaragua. There are Cuban advisers, military and civilian, in Nicaragua. There are Soviet arms being brought into Nicaragua. There are Cuban arms being brought into Nicaragua.

Second, the United States has been supporting an armed incursion into Nicaragua, while we maintain full diplomatic relations with the government.

Third, the Government of Nicaragua has indicated, by letter to Members of this body, in speeches, and in on-the-record comments by Ortega and other members of the Sandinista regime, that it is prepared to negotiate the removal of Soviet bloc influence from its government.

I do not defend the behavior of the Sandinistas—I do not believe any Member of this body does. But, a policy of refusing to negotiate the removal of Soviet influence is a mistake for the United States. Our goal should be to get the Soviet bloc influence out of Nicaragua. Our goal should be to cause the political wheel to turn toward democracy in that nation.

Nicaragua is an area of about 130,000 square kilometers—the size of Iowa. The United States is 9.4 million square kilometers—and Iowa is only 1 of our 50 States. Nicaragua has roughly 3 million people; the United States has 240 million—80 times as many.

What is the administration's reason for refusing to negotiate? Is it because we do not like the Sandinistas? Is it because we do not like what they say?

We do not like what the Soviets say. I do not like what Mr. Gorbachev says at times, but we still want to meet with the Soviets and negotiate.

We refuse to have any senior administration officials talk with them—even Ambassador Habib doesn't talk with the Sandinistas. He says there is no point in talking to them. Yet, we have diplomatic relations with the Sandinista government.

We have an Embassy there in Managua. We have an Embassy and yet we refuse to talk with the Sandinistas. Explain that to the American people.

What does the United States stand to lose by exploring diplomacy? If the Sandinistas are not serious, negotiations will expose them. But, the United States continues to stand with its arms folded and its back turned on negotiations. This is not a posture which dignifies the farmers of Iowa, the steelworkers of West Virginia, the longshoremen of New Orleans, the cotton growers of Mississippi. It is indefensible for the United States to refuse even to try to settle our differences with Nicaragua through diplomatic means. We cannot rely solely on the point of a gun to effect change in Central America.

Why not find out whether the Sandinistas mean what they say? Why not find out if they are willing to negotiate the reduction of Soviet Bloc advisers, arms, and bases? We will never find out unless we talk to them. Let us challenge the Sandinista regime to make good on their offer.

Mr. President, I ask again: What does the United States have to lose by exploring diplomacy? The answer is "Nothing." The option of nondiplomatic pressure always exists.

The United States has much more to lose by not pursuing diplomatic solutions in Central America—our good name and our reputation as a great country are our foremost treasures. We have already tarnished that good name with such acts as mining harbors and ignoring the judgment of the World Court on our actions.

We sought the judgment of the World Court on Iran when Iran held American hostages. But now we have ignored the judgment of the World Court on our actions in Central America.

Long after the Sandinista regime has passed into the history books, our example and the peaceful ideals we stand for will determine the direction of our long-term relations with the people of Central America and the world.

Are we going to act like the great Nation we are? Are we going to try to negotiate before we take up our guns? Or are we going to play into Soviet and Cuban hands by continuing to finance a war by proxy in Nicaragua?

This amendment reinforces the search for diplomatic solutions in Central America, and I urge its adoption.

Mr. KENNEDY. Mr. President, I rise in support of this amendment put forth by the distinguished Senator from Delaware. This amendment puts the United States back where it belongs—on the diplomatic track and off the warpath.

President Reagan is pursuing a policy that will lead to wider war and that will inevitably draw in American military forces. Using American boys is the only way that this policy can succeed, and I do not think that this country wants to send our youth to war in Nicaragua. We should go on record urging this administration—finally and at long last—seriously to pursue negotiations. The moment is right. If this $100 million is approved and the negotiations path is not reopened the only path left to the United States is wider war, more U.S. aid and an inevitable introduction of U.S. troops.

The administration's failed policy in Nicaragua is clear. Within months after President Reagan took office, the administration began to provide covert assistance to a band of Nicaraguan exiles closely identified with the former dictator, Anastasio Somoza.

As part of that effort, the United States mined the harbors of Nicaragua and generated universal, international criticism of that action.

Faced with the possibility of an adverse ruling from the World Court, the United States took the unprecedented step of withdrawing from the World Court's jurisdiction—and consequently made a mockery of our Nation's claim to our years of support for the rule of law.

Thirteen Latin American nations—including Nicaragua—are working within the Contadora framework to reach an end to the crisis. Their most recent proposal called for an end to support for the Contras, a removal of all foreign military advisers and installations from the region, a freeze on the procurement of armaments, and respect for self-determination, territorial integrity, political pluralism, and human rights. We all share the concerns about verification and enforcement—but those are all issues which can be solved. Yet this administration uses them as an excuse to undercut the process.

We should be providing our full support—diplomatic, economic, and political—to these efforts. That support includes unconditional negotiations with the Government of Nicaragua.

I commend the Senator from Delaware for this amendment and urge the Senate to adopt it.

The PRESIDING OFFICER. Who yields time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, I ask the chairman of the committee if he would be willing to yield me 2 minutes.

Mr. LUGAR. I would be happy to yield 2 minutes. Is the Senator speaking in favor of the Byrd-Biden amendment or in opposition?

Mr. DODD. If he will yield me the 2 minutes to find out, I apologize, but I gather time on our side has expired. I did not want to impose on the minority leader.

The PRESIDING OFFICER. The Senator is correct. The time for the sponsor of the amendment has expired.

Mr. LUGAR. In that case, I am happy to yield 2 minutes to the distinguished Senator.

Mr. DODD. I thank the chairman.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Once again, my chairman, despite our disagreement on this issue, demonstrates his graciousness and fairness which he has demonstrated on every issue that has come before the Foreign Relations Committee under his stewardship. I thank him.

I want to very briefly, Mr. President, commend my colleague from Delaware, and of course the minority leader, for offering this amendment. I offered an amendment back in 1985 which was along these same lines.

The Senator from Delaware I think has accurately pointed out that there are some legitimate national security interests that all of us Americans should care about. There is the potential of finding that the Sandinistas are increasing military hardware, building military bases, and carrying on other activities which could clearly jeopardize the national security interests not only of our country but of our allies.

All of us in this body, regardless of our position on the Contras, ought not to be unmindful of that potentiality. What the minority leader and the Senator from Delaware as I understand it are trying to do is to see if we cannot get a negotiated process going so that we can resolve some of those questions.

I also hope we might resolve the internal questions in Nicaragua but as a realist I am not confident you can do that, at least not at this juncture. Thus, it seems to me we ought not to squander the opportunity to resolve those other issues on which I believe we can achieve agreement. If that means for a period of time we will not see a Nicaragua that lives up to its ideals and its statements about a democratic society, I will regret that deeply.

But I do not believe we ought to allow the Nicaraguans, because we have refused to negotiate on the legitimate national security interests, build up their military capacity and jeopardize not only our own interests but the interests of our allies in the region.

This amendment, as I understand it, would put pressure on that process to move that diplomatic effort along. Phil Habib I think has spoken to all of us either individually or as a group. Clearly, he has the credibility and I think the determination to seek a political diplomatic resolution to this problem.

For those reasons I hope that this amendment might be adopted. I think it is a very intelligent, thoughtful amendment which goes to the heart of the problem and to a way in which we might resolve it. It is not just a vote against Contra aid. It is a vote to do something positive.

Again, I thank my chairman for yielding.

Mr. BIDEN. Mr. President, before my distinguished and generous chairman moves to table, which I expect he will, will he yield 10 seconds to the Senator from Delaware?

Mr. LUGAR. Yes. I am happy to yield 10 seconds?

Mr. BIDEN. I ask my colleagues one question: If we do not negotiate directly and the Contras do not win, what do we do then?

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield myself as much time as I may require.

Mr. President, in response to the question raised by the distinguished Senator from Delaware of course it is important for negotiations to occur, but I think it is important to review the game plan of our administration presently and what we hope to see come about.

The basic negotiations that we seek are negotiations between ourselves and the Nicaraguans. Our policy has never been one of wishing to intervene into the life of that country or into any other country in Central America, but our policy is to support freedom fighters, Contras so that they will be in a position to negotiate the future of their country; furthermore, to give them the clout, the pressure, the push that will make the Sandinistas take those negotiations seriously.

The basic problem with asking for direct negotiations between the U.S. Government and the Sandinistas has always been that that is precisely

what the Sandinistas want, to give them legitimacy, to give them a very good reason to ignore the Congress, to ignore other Nicaraguans.

Mr. President, that would not be a good idea. Let me say for the sake of the RECORD that the U.S. Government has been willing on occasion to initiate and to undertake direct negotiations with the Sandinista government.

The Secretary of State in testimony before the Foreign Relations Committee has related those attempts and also related the frustrations that have occurred on those occasions.

It has not been a situation in which the U.S. Government ignored the Sandinistas. As a matter of fact, opportunities have been sought on many occasions. But on each occasion the Sandinistas wanted to make certain that the relationship was between them and us; that is, the United States of America and not the Sandinistas and other Nicaraguans.

If the United States had persisted with those negotiations, there was no possibility for the Contra and Sandinista situation to get going in talks which we think would be desirable.

Mr. President, the game plan, as I see it, as we proceeded thus far in the Senate, is for us to give military and humanitarian assistance to the Contras.

□ 1520

Why are we doing that? So that they will have an opportunity to put pressure upon the Sandinista government. It could be that pressure could come without combat. But in the event combat is required, they will have the ability to engage in combat.

We are hopeful, I suspect, all of us—I would hope all of us—that fairly soon the Sandinista government, for various reasons—economic difficulty, military difficulty, disaffection of the people, the pressures of the four nations around Nicaragua—would want to enter into negotiations. Those negotiations we hope will be with other Nicaraguans. They might be with the neighboring countries. Indeed, Ortega met with the four elected Presidents a short time ago in Guatemala.

So there are other types of negotiations that might be helpful.

I do not rule out, so long as we are dealing in conjecture in the future, that the United States at some point may have talks with the Nicaraguan Government. But we have exhausted that procedure for the moment, Mr. President, and we have found the Sandinistas unwilling, really, to proceed with the negotiations with those that we know he has been talking to if Central America is going to get together.

Let me give a further thought. With regard to the specific language of the amendment offered, the goals involve the removal of the Soviet bloc and Cuban advisers, reduce the Sandinista arms level, prevent the Sandinistas from acquiring more advanced weapons—these are important goals.

I suppose the one goal that is missing, and this is perhaps the heart of much of our debate, is the democratization of Nicaragua.

I suppose those who propose this course of action are skeptical about whether democracy can come about in Nicaragua. They are inclined to say we can get it if we get a treaty that would reduce the arms, and so forth.

I would submit the policy of President Reagan is a more ambitious one. It says that we will not be safe in this hemisphere and Central American countries will not be safe until there is democracy in Nicaragua with the checks and balances that are always part of democracy. The other four nations around Nicaragua certainly believe there must be democratization. Two of them, Honduras and El Salvador, insist upon the democratization before they will sign the treaty for negotiation. That treaty I think is very important.

I would ask the Senate to reject the amendment. It is too limited in scope as far as our ambitions and calls for the wrong set of talks and in the wrong sequence.

I appreciate the appeal of the amendment. It was a part of our debate on March 27 and part of other debates that have come along when we have discussed this topic.

There is always a sense of fairness of why not talk to people, what can be lost by simply getting into conversations?

Mr. President, specifically something can be lost if after you have had such talks you appreciate the people you are talking with want to deal with you exclusively and not with their own countrymen. Since our policy is one of trying to bring together a democratic Nicaragua, unhappily that kind of pairing for talks will not work and ultimately we must insist upon negotations of Nicaraguans with Nicaraguans and then support that process when it occurs.

I ask the distinguished manager of the bill if he has a requirement for time before I offer a motion to table the amendment.

Mr. MATTINGLY. I thank my colleagues.

Mr. President, the biggest obstacle, I think, to peace in Nicaragua is not the Government of the United States. The problem is the continued unwillingness of the Sandinista regime to honor the goals of the revolution of 1979.

The problem does not really lie with the United States and Nicaraguan talks. It really lies, as the Senator from Indiana has said, with the Nicaraguans talking with the Nicaraguans and having those talks, in turn, lead to free and fair elections.

We do not have to defend the U.S. role in these negotiations. We have offered all manner of negotiation opportunities, as the distinguished chairman of the Foreign Relations Committee has pointed out, in title 2 of this bill. Without the pressure applied through the mix of this assistance package, the Sandinistas will never enter serious negotiations.

We do not need added incentives for the United States to negotiate, but we do need to apply that pressure upon the government of the Sandinistas. That is what this assistance package will achieve. That is why the Senate should reject this amendment.

Mr. BIDEN. Will the Senator yield for a question?

Mr. LUGAR. Yes.

Mr. BIDEN. As I read the legislation we are debating, it says, "engage in bilateral discussions with the Government of Nicaragua with a view toward progress in achieving a peaceful resolution of the conflict, if the Government of Nicaragua simultaneously engages in a serious dialogue with representatives of all elements of the Nicaraguan democratic opposition."

Do I understand correctly that the legislation as drafted now says the United States should not, bilaterally, negotiate with the Sandinistas unless the Sandinistas are negotiating with the Contras? Is that correct?

Mr. LUGAR. I am sorry, I am trying to follow. Are you quoting from the bill?

Mr. BIDEN. Yes, page 24, lines 10 through 16.

It says:

The United States will engage in bilateral discussions with the Government of Nicaragua—

The Sandinistas—but only if the Government of Nicaragua—the Sandinistas—

simultaneously engage in a serious dialog with representatives of all elements of the Nicaraguan democratic opposition.

My question is, does that mean we will not speak to the Sandinistas unless the Sandinistas negotiate with the Contras? Is that what that means?

Mr. LUGAR. To respond to the distinguished Senator, I think it means just what it says, that the Government of Nicaragua simultaneously—a key word—engages in serious talks with representatives of all elements of the Nicaraguan democratic opposition all elements is a more inclusive term than just the Contras.

Mr. BIDEN. But it must include discussion with the Contras?

Mr. LUGAR. I think our policy contemplates the Contras would be involved in the negotiations, and the six parties already in Nicaragua would be part of the negotiations. We were not picking winners of the elections in advance but believe all of these groups ought to be involved. If that were the

case, we would not have reticence to visit with the Government of Nicaragua.

Mr. BIDEN. I would suggest that we do visit with the Soviets and we do not insist before we do that that they engage in negotiations with the Afghan rebels. That is really what we are suggesting in the amendment.

Mr. LUGAR. I appreciate the point made by the distinguished Senator. As he knows, the United States adopts a policy to fit the circumstances and the relationships. I think many of us have felt the Soviet relationship is a very special one for all sorts of reasons. The Senator's point may be that we are not absolutely dealing in the same terms in each of the policies that we have.

Mr. BIDEN. I think the Senator from Indiana has stated the point well.

Mr. LUGAR. Mr. President, I move to table the Biden-Byrd amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from New Hampshire [Mr. RUDMAN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—54

Abdnor	Garn	Lugar
Andrews	Goldwater	Mattingly
Armstrong	Gorton	McClure
Bentsen	Gramm	McConnell
Boren	Grassley	Murkowski
Boschwitz	Hatch	Nickles
Bradley	Hawkins	Nunn
Broyhill	Hecht	Pressler
Chiles	Heflin	Quayle
Cochran	Heinz	Roth
D'Amato	Helms	Simpson
Danforth	Hollings	Stevens
DeConcini	Humphrey	Symms
Denton	Johnston	Thurmond
Dixon	Kassebaum	Trible
Dole	Kasten	Wallop
Domenici	Laxalt	Warner
Evans	Long	Wilson

NAYS—45

Baucus	Gore	Moynihan
Biden	Harkin	Packwood
Bingaman	Hart	Pell
Bumpers	Hatfield	Proxmire
Burdick	Inouye	Pryor
Byrd	Kennedy	Riegle
Chafee	Kerry	Rockefeller
Cohen	Lautenberg	Sarbanes
Cranston	Leahy	Sasser
Dodd	Levin	Simon
Durenberger	Mathias	Specter
Eagleton	Matsunaga	Stafford
Exon	Melcher	Stennis
Ford	Metzenbaum	Weicker
Glenn	Mitchell	Zorinsky

NOT VOTING—1

Rudman

So the motion to lay on the table amendment No. 2719 was agreed to.

□ 1550

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MATTINGLY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BOREN. Mr. President, I see the distinguished majority leader on the floor, and I wish to make an inquiry of him.

We discussed last night the hope of bringing the campaign reform measure back to the floor today or sometime this week for final voting, and he indicated to me that there were two or three other clearances he needed. I wonder if he is making progress on that, or if he and I and others might want to sit down with a certain group on his side, to see if we can remove those objections, so that we can proceed.

Mr. DOLE. Mr. President, I indicate to the Senator from Oklahoma that I still hope we can just pass it. That may not be accurate. If not, then those who have objections will have to come to the floor and make them. They will have the opportunity to object maybe sometime today.

My view is that if someone wants to object, they should object publicly, not privately. If not, then I think there is still the opportunity we discussed earlier of working, perhaps through the recess, with one additional amendment, with the agreement that we go to final passage.

Mr. BOREN. I thank the majority leader.

I understand that he, personally, is not objecting and is endeavoring to clear it. I will discuss this with him further. We might even make the request to go on with the bill as it is. In the meantime, I will be glad to meet this afternoon and early evening, to see if we can work out a time agreement.

I thank the majority leader.

Mr. BYRD. Mr. President, does the distinguished majority leader or the manager of the bill have anyone on that side who wishes to call up an amendment?

Mr. MATTINGLY. No.

Mr. BYRD. Mr. President, I seek recognition.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 2720

(Purpose: To allocate funds for support of the Nicaraguan newspaper La Prensa)

Mr. BYRD. Mr. President, I send an amendment to the desk.

Mr. MATTINGLY. I ask the minority leader if this is the amendment on which we set aside 1 hour.

Mr. BYRD. This is the amendment. It may not be that we will need an hour, in which event I might ask unanimous consent if I could take the time from this on my next one.

Mr. MATTINGLY. I have no objection.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an Amendment numbered 2720.

The amendment is as follows:

At the end of section 206, add the following new subsection:

(d)(1) Of the amounts transferred under subsection (a), $450,000 shall be available only for support for the staff of, and maintenance of the facilities of, the Nicaraguan newspaper La Prensa during the period that the Government of Nicaragua does not permit such newspaper to publish. For this purpose, the funding shall remain available until September 30, 1988.

(2) Thirty days after the date of enactment of this Act, the Secretary of State shall prepare and transmit to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report in classified form describing the manner in which paragraph (1) has been implemented.

Mr. BYRD. Mr. President, I yield myself such time as I may require.

Mr. President, the Sandinista regime in Nicaragua has recently used the approval of the $100 million Contra aid program by the other body as a pretext for curtailing basic freedoms inside their nation. The Sandinistas have reached out to intimidate the Catholic Church; they have expelled a prominent Catholic bishop; they have closed down one of the most respected newspapers in Latin America, La Prensa. La Prensa has been subjected to heavy censorship for the last 4 years.

This is the broken promise of the Sandinista revolution, to bring democracy to Nicaragua after the dictatorship of the Somoza years. It is a broken promise.

There can be no democracy without a free press. There is no free press in Nicaragua. There is no free press when the press is censored. There is no free press when the press is ordered by the government to shut down its operation.

Mr. President, I do not subscribe to the modern day Bay of Pigs strategy of this administration. To argue that the people of Nicaragua will rise up and throw out the Sandinista government just because we are giving a mercenary army money to increase the level of violations of the Sandinista army is not in the cards. It is a junior varsity analysis. It is wishful thinking.

However, having said that, no one should interpret my opposition to the policy of the Reagan administration in Central America to be an endorsement of the behavior of the Sandinista government.

□ 1600

I think we ought to make it very clear to the Sandinista government that we are very, very concerned about the buttoning down of basic freedoms in Nicaragua, that we do not agree with their abuse of the judicial system, that we do not agree with the development of an internal security apparatus that mimics the totalitarian depravities of countries like East Germany and Czechoslovakia.

The Sandinista government tramples on the existence of independent labor and business groups and puts intolerable pressure on the private sector seeking to destroy it. The Sandinista government has been accused by responsible human rights organizations of increased abuses of human rights in the most flagrant fashion. The list of disappointments and broken promises is very long.

Mr. President, Nicaragua is not alone in Central America in abusing basic freedom. There is no freedom of the press in the sense that Americans understand freedom of the press in Guatemala. There is no freedom of the press as Americans understand freedom of the press in El Salvador.

No government, friend or foe, can be excused in my judgment for trampling on a free press. If there were a free press today in the Soviet Union, Soviet troops would not be in Afghanistan. They would long ago have been brought out of that unfortunate and sad country. If there were a free press in the Soviet Union today, then the free press would be allowed to go into Afghanistan and witness the horror of the invasion of the Soviet military. It would expose its savagery. It has dropped booby-trapped toys from helicopters for the little children of the Afghans to pick up, have their arms blown off. That may be the Soviet conception of disarmament.

Mr. President, if there were a free press in the Soviet Union, if the free press of the West were allowed to go into Afghanistan, Soviet savagery and brutality would be fully exposed for all the world to see.

This amendment addresses Nicaragua, addresses the trampling of the free press in Nicaragua and reaffirms one of the fundamental beliefs of the American people, the right of the citizenry to know.

La Prensa is a newspaper with a long and distinguished history. It was 60 years in publication before it was shut down on June 26 of this year. The organization of La Prensa has not yet been destroyed. Its facilities and staff are intact and the purpose of this amendment is to keep the nerve system of the newspaper alive so that it can serve the cause of freedom.

My amendment will allow the newspaper to remain on standby status so that it can immediately resume publication when the Ortega clique permits that. My amendment will indicate very clearly to the Ortega clique that Americans do not subscribe to the suppression of information and of basic rights.

My amendment will make the clear statement that the words that Mr. Ortega utters about his support for democracy are empty phrases as long as freedom is curtailed.

The owners of La Prensa are certain that the $450,000 authorized by this amendment for this purpose would keep the capabilities of the newspaper intact for a period of 2 years. When and if the newspaper is permitted to resume publication, the funding would cease.

In addition, the amendment provides that the Secretary of State will supply a classified report to the appropriate committees of the Congress outlining the way in which the department will provide the funding available to the La Prensa organization.

The report requirement will assure Congress that the department is implementing the intent of the provision.

Mr. President, the behavior of the Sandinista government in the area of basic freedoms is abhorrent. It is outside the tradition of the Americas. It has no place in our hemisphere.

This amendment is intended to make it more difficult for the Sandinistas to dispense with independent organizations like La Prensa, organizations of integrity which will provide the vigorous interplay of ideas and which are the foundation for an enlightened society in the heart of a democratic system.

This Senate has an obligation to do everything that can be done to make it easier for La Prensa to resume its operations should Ortega reverse his shutdown order.

Mr. President, there has been an outcry throughout the free world about the La Prensa episode. President Ortega appears to be responding to this outcry. He stated during his recent visit to the United States that he would now consider reopening the newspaper under certain conditions. There should not be any conditions for reopening a newspaper such as La Prensa. But in any case, Mr. Ortega is rethinking the question and his rethinking of that question is a welcome development.

A strong signal from this Senate today on freedom of the press would help to accelerate Mr. Ortega's rethinking process.

I urge the Senate to adopt this amendment and go on the record today for a free and unfettered press in Nicaragua.

Mr. HART. Mr. President, I wonder if the Senator from West Virginia would at the conclusion of his statement yield 5 or 10 minutes to me to support the amendment.

Mr. BYRD. I am happy to yield 5 minutes to the distinguished Senator from Colorado.

The PRESIDING OFFICER (Mr. EVANS). The Senator from Colorado.

Mr. HART. Mr. President, I want to strongly support the amendment of the Senator from West Virginia, the minority leader. There is a wonderful irony in the amendment which he puts forward which I am sure will not be lost on our colleagues. He is seeking a certain portion of the funds which the administration proposes to make available to the enemies of the Sandinista regime to the press in that country.

I happen to believe the Sandinistas ought to be more afraid of the free press than they are of the Contras, and I suspect if the truth were known, they would a lot rather less have a free press in their country than they would a group of insurgents on their border.

The use of this money in the Senator's amendment if passed for the purpose of stimulating, revitalizing the free press is something that ought to appeal throughout the ages to thinkers from Jefferson to Jonathan Swift.

It seems to me that if the Senator's amendment were to prevail and the administration were to carry out its purpose we would really have dealt a blow to the Sandinista regime much greater than almost any military operation short of nuclear war that we could mount.

Mr. President, when the history of America's foreign policy toward Central America in the last decade is written, it will be understood as a sorry story of failure and missed opportunities; and that is it seems to me what the Senator from West Virginia is seeking to point out.

That history will be written that our actions were contrary to our aspirations for leadership, democracy and peaceful change.

It will be written that, short of war, we were unable to end the seige of the Sandinistas and promote the forces of pluralism in Nicaragua, which is what the Senator from West Virginia seeks.

It will be written that America turned its back on our allies in the region whose security our policy is supposed to protect.

It will be written that this administration failed to bring Americans together on behalf of a coherent policy toward the region. And that, together with loss of human lives, is the largest tragedy of this policy.

There are some in Washington who wonder loudly about the refusal of many of us to go along with the policy. Why have we voted so many times on this issue and continue to vote? Why is there no bipartisan consensus? Why are the Contras—and this is a most unpleasant metaphor—put on a short leash and jerked back and forth?

The answer is obvious, Mr. President. The supporters of this policy have never been willing to level with the American people. They have never been able to shake their fascination with secrecy. They have never been willing to debate this policy openly. And that is why their policy and their approach have failed.

In the end, the most important requirement for success in our foreign policy is the support of the American people. Except in the necessary cases where security must attend some sort of single-stroke, rescue-type operations, secrecy is the enemy of public support. Simply put, we cannot invoke—as the Reagan administration seeks to do—the national will in secret. Likewise, an administration which seeks overt support from the Congress for covert operations—as in Central America—sows the seeds of destruction of its own policies and invites widespread cynicism.

From Jefferson to Truman to Fulbright to PELL and to SASSER—there is a common thread in this commonsense approach to foreign policy in Central America and elsewhere. There is something therapeutic for a democracy for a Chief Executive declaring openly to the Congress and to American people the aims, intentions, and goals of a policy. There is something essential to the creation and preservation of consensus to ask the American people, through their elected representatives, for their overt support of a foreign policy objective.

Mr. President, what the Senator from West Virginia seeks to do is to have the Nicaraguan people themselves, through a free press, which is what the founders of this Nation advocated more than anything else, find out the facts about their government and make decisions for themselves about what kind of government they want.

□ 1610

That is the kind of democracy we should be fostering in Nicaragua and that is exactly what the Senator's amendment seeks to do.

Well, what have we been doing in this country in the name of democracy and pluralism and democratic ideals and principles, such as a free press? We have been conducting a covert operation. Does it not seem strange to the people in this Chamber, as it does to the people of the country, that the President will not come out openly, have his Secretary of State come before the Senate of the United States and the American people and advocate this policy in open and conduct an open war against the nation with which we presently have diplomatic relations?

I believe that what are becoming Vietnam-like recriminations over this policy could have been avoided. There is an enormous reservoir of revulsion in this country to the kind of totalitarian rule we see in Nicaragua today.

The Senator's amendment addresses that by advocating a free press.

Had the administration honestly and openly approached the American people, its Central American policy would not have divided the Congress and the country.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HART. Mr. President, I ask for 3 additional minutes.

Mr. BYRD. Mr. President, I would like to say that I want to hear what the other side has to say in a moment. I would like to save myself at least 12 minutes.

How much time do I have?

The PRESIDING OFFICER. The Senator has 14 minutes and 45 seconds.

Mr. BYRD. I yield the distinguished Senator 2 minutes.

Mr. HART. I thank the Senator.

Mr. President, had the administration honestly and openly approached the American people, then its Central American policy might be in a little better shape today. Had it sought a domestic consensus it would have found vast agreement on the goals for our policy in this critical region of the world, emphasizing cooperation with our allies and emphasizing true democratic ideals and principles and not a covert war which we cannot overtly support.

All Americans understand that the United States has legitimate national security interests in the region. We cannot allow any country in Central America—including Nicaragua—to subvert its neighbors or become a military base for the Soviet Union. If any nation in the region were to allow itself to become a new Soviet base, we would be compelled to take any action necessary, including military force, to remove those bases.

But military force is not the most effective means for addressing Central America's current realities.

Our experience in El Salvador is instructive. There, an escalation of direct U.S. involvement would have excited and enlarged the forces of anti-American nationalism, particularly if our involvement had meant support for the oppressive, oligarchic forces of the right. Instead, as a result of pressure from Congress and the public, we conditioned aid on progress toward democracy, land reform, and human rights. We used our best advantage over the Soviets—our ability to supply economic assistance and our willingness to promote change.

In Nicaragua, as in other cases, the direct use of United States military force is currently unnecessary and counterproductive; the use of force without any serious effort toward negotiations cannot help us attain our goals. We must use as leverage the three factors that are constraining the Sandinistas most: their respect for United States power, their knowledge that the Soviets and Cubans will give only limited help, and their inability to destroy the broad opposition by the Church, press, and citizenry within their country.

Support for the Contras increases our leverage in none of these three areas. Militarily, even their supporters do not contend the Contras can defeat the Sandinistas. Internationally, our support for the Contras strengthens the Sandinista's claims on Soviet-Cuban aid. And domestically, the Contras' obvious dependence on U.S. support and direction weakens their patriotic appeal, cedes the powerful weapon of nationalism to the regime, and makes it easier for the government to discredit and harass the internal opposition.

Instead of playing to the Sandinista's strength, we should be using our own. We can provide leadership and focus the pressures of our regional and European allies on Nicaragua by initiating a serious diplomatic effort.

While the countries of Central America oppose our policy of arming the Contras, they do support negotiations; 13 governments representing 85 percent of the population of Latin America support the Contadora process and ending the Nicaraguan conflict through negotiations. So do the European community and the Japanese Government. But our current policy pays lipservice to genuine negotiations. The administration has used the promise of negotiations not as leverage to secure peace in Central America but as leverage to get more funds from Congress for the Contras.

We should demand bilateral and regional agreements with Nicaragua to constrain the Sandinistas further, rally our local allies, and remove Managua's patriotic rationale for its internal controls and repression. These actions can block the establishment of foreign military bases in Central America, end the arms race there, prevent cross-border subversion, and encourage internal negotiations among Nicaraguan political groups.

Without question, we have the means to verify any such agreements. If Nicaragua were to violate them, the United States would still have the power—and much wider domestic and regional support—for decisive action. It is dangerous to imagine the Sandi-

nistas have good intentions; but it is naive to think they will be swept away by the Contras; and it is ultimately foolish to claim that military force is our best means for controlling Sandinista misbehavior. Our diplomatic, political, and economic strength—and that of our friends and allies—is much more effective. Indeed, a policy of military force without diplomatic skill is like the difference between a fire raging out of control and one harnessed to produce energy for a city.

But if negotiations fail, there is a progression of steps we can take to gradually increase pressure on Managua.

We could get consensus among our allies and cut off trade with Nicaragua.

We could get consensus to terminate bilateral and multilateral aid to Nicaragua.

We could impose tougher sanctions on Nicaragua and prohibit financial transactions such as bank loans.

We could work with our allies to isolate Nicaragua in regional affairs.

We could break diplomatic relations with Managua.

For some, the idea that military force is ineffective in Central America constitutes isolationism. To the contrary, it is isolationist and reckless to ignore regional dynamics and the interests of democratic governments throughout the area who repeatedly insist that they oppose American military escalation.

No one in the Congress is indifferent to the tragedy of Central America. Not to the repression of the Sandinistas. Not to the economic deprivation of the people. Not to the crushing debt that is burdening the democracies of the regions. Not to the mischief and meanness of spirit in Cuba. Not to the drugs, nor to the corruption.

If anyone of us believe that funding an army to overthrow the Sandinistas would address and solve those problems, there would be consensus in the Congress for that policy. But the administration has failed to make that case. Put simply, doctrinaire ideology is no substitute for sound and creative diplomatic policy.

Mr. President, I strongly urge the Senate to adopt the amendment put forward by the Senator from West Virginia. It is in keeping with the longstanding objectives and goals and principles of this Nation. It is an overt attempt to open up the Nicaraguan Government. It challenges the Nicaraguans and puts them to the test of their true commitment to democratic ideals and principles.

I hope that the Senate will adopt the amendment by the Senator from West Virginia.

Mr. MATTINGLY. Mr. President, I yield 5 minutes to the Senator from Nevada, who wants to make a statement on just the issue of Contra aid.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HECHT. I thank the distinguished Senator from Georgia.

Mr. President, I am afraid that those who are unwilling to support aid to the Contras show a irresponsible ignorance of recent history. This is not history hidden in books. It is history we have witnessed, history most Members of the Senate have lived through.

I was an Army intelligence agent in Berlin in 1953. We knew that the Soviet-imposed regime in East Germany was on the edge of collapse. When it did collapse, we knew that the Soviets were probably willing to strike a deal to leave. Yet we did nothing. We let the matter pass as a few tanks putting down demonstrators in East Berlin. In fact, it was the biggest uprising in East Europe since World War II, bigger than Hungary in 1956. Let me note, today we celebrate the 25th Anniversary of the Berlin Wall. Earlier we witnessed the Soviet takeover in Czechoslovakia in 1947. A state that had the only enduring democratic regime between the wars, a regime that showed the greatest promise for freedom after the war, was subverted from within. The events surrounding the death of President Benes and the Communist coup in the parliament shocked us, but we did not act.

In Poland, the Communist cadres helped the socialists defeat the peasant parties and then subverted the socialist party, turning it over to the Communists in a merger. The same thing happen in Czechoslovakia, in Hungary, and elsewhere in East Europe. All the while the United States places hopes on the pluralist forces overcoming the overwhelming odds of Red army-backed Communist cadres.

Today we are faced with similar developments in Central America. The process has already occurred in Cuba. It was proceeding rapidly in Grenada. The United States acted, however, and countered this Soviet-backed conspiracy. Many of those who now oppose aid to the Contras refused to recognize what was occurring in Grenada. They denied that external forces from Cuba, the U.S.S.R., and North Korea were calling the shots, guiding Bishop's policies, building a Soviet-type Communist regime. Now the documents released by the Department of State show clearly that those doubters were wrong.

Professors Valenta and Ellison have analyzed and published these documents at the Wilson Center. The kind of system uncovered in Grenada is the very kind imposed in East Europe in the 1940's and 1950's, the kind imposed in Cuba in 1960's, the kind imposed in South Vietnam, Cambodia, and Laos since 1975, the kind being imposed in Ethiopia and South Yeman today, the kind imposed in Afghanistan, the kind being imposed in Angola with mixed success because the UNITA forces resist the Soviet-Cuban military operation. Only military resistance has proven effective in the final count against such movements.

Events in Nicaragua are remarkably parallel to the events that we grew up watching elsewhere in the 1940's, 1950's, and 1970's where the Soviet influence has been allowed to alter significantly the character of a domestic regime. How can we continue to stand by? One could argue in the late 1940's that we did not have the military power to prevent such events in East Europe. That is certainly debatable in the cases of East Germany and Czechoslovakia. But today, in Central America, where the Soviet military presence is still weak, it is not debatable. How can we make the same mistakes? How can we allow the same Soviet game to go unchallenged?

The Reagan administration did challenge it in Grenada. That military operation set back the Soviet-Cuban schedule for Nicaragua. Time has passed, however, and they now see the United States Congress reluctant to back the administration in the struggle for Nicaraguan freedoms. Should we be surprised that they will step up the subversion? The action of the Senate, if it votes down the aid, will be an invitation for the Soviets and Cubans to move ahead on a faster schedule in the entire region.

Many may argue that by supporting the Contras we find ourselves essentially aiding oppressive right-wing regimes which are no better for the people than Communist regimes. That simply is not true. Those opposed to right-wing regimes have an equal duty to oppose Soviet-type regimes. In my view the duty is greater because we have seen right-wing regimes become more moderate. Duarte's regime in El Salvador is an example. Honduras and even Guatemala now have elected regimes. We have never seen a Soviet-type regime abandon dictatorship. In Central America there is no regime at present as dictatorial and as abusive of human rights as Nicaragua. Honest liberals now recognize this. How can any human rights proponent fail to support aid to a movement to overthrow the Sandinista oppressors?

In truth, we have never seen a Soviet-type regime become liberal except by force of Western arms. Grenada is that single exception. If we wait, if we fail to do everything possible to free Nicaragua, we will soon see one more such regime fully established, this time, for the first time, on the Northern American Continent.

If critics do not believe that Contra aid will prevent this traffic event, then they should propose other and more forceful means. To date they have offered little but intellectual confusion

and moralistic agonizing. It is worth noting, as Professor Huntington of Harvard has done, that the freest elections ever held in Nicaragua were in 1926 when the United States Marines enforced them.

Let me close by stating plainly what is at stake today. In Nicaragua, the issue has been whether there would be "socialism in one country" or "permanent revolution" throughout all of Central America. That was the issue in 1978 when the Sandinistas accepted power which was given to them by the Carter administration. They did not and could not take it themselves. Nearly a decade later, there can no longer be a dispute among reasonable men about which course events have taken.

Some American idealists trusted the Sandinistas to introduce justice and pluralism; they did not. We are now facing "permanent revolution" dedicated to Leninist dictatorship on the North American mainland, one that will not stop in Nicaragua. Those who shrink from supporting Contra aid are shrinking from their historical duty in confronting this revolution. We must make sure that it does not lend to Soviet-type Communist oppression. We must enter that revolutionary fight and make sure that possibilities for freedom are not destroyed by Soviet-Cuban designs.

Mr. LUGAR. Mr. President, I yield myself 5 minutes.

Mr. President, I want to respond to the amendment offered by the distinguished minority leader with regard to La Prensa. I would like to inquire of the distinguished leader if he has given consideration, or if he would, upon this question, to the placement of his amendment in title I in the general provisions section. The reason for my question to the distinguished leader is that title II of the legislation before us deals with the assistance to the Contras. It is the Central American section. To this point, it has not been amended.

As this Senator has pointed out on a number of occasions as an argument against amendments, if an amendment is offered to this successfully, then it comes into a conferenceable situation.

□ 1620

We have not wished upon ourselves this situation, but we have been forced into it by the fact that the House adopted the Contra portions on the military construction budget.

So I ask respectfully of the distinguished minority leader if it would be possible for him to consider placing this into title I which already has some conferenceable provisions as I understand it because obviously most Senators want to assist La Prensa, and we would like his consideration of this request.

Mr. BYRD. Does the Senator wish me to respond on his time?

Mr. LUGAR. Yes; I would appreciate that.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee.

Let me make clear that this $450,000 comes out of the $100 million in Contra aid referred to in title II, section 206, paragraph (a)(2).

I am not asking for an additional $450,000. I opposed the $100 million. But this $450,000 does not cost the taxpayers of this country any more. This money comes out of the contra aid of $100 million. That money is in title II. Consequently, this amendment has to be in title II.

Mr. LUGAR. May I persist for just a moment to suggest to the minority leader that there are moneys in title I where transfers can be made there to be of no net significance. Clearly the problem that I have and I think the leader understands that if we get into title II, we get into an amendment that I must oppose because that becomes a killer amendment with regard to the whole bill. I really do not want to argue against La Prensa on the basis of our own parliamentary procedure, but I must if we must get the $450,000 of that specific $100 million in title II.

I plead with the minority leader that we can support La Prensa, but with the funds that happen to be in title I in some abundance I am advised.

Mr. BYRD. Does the Senator wish me to respond on his time?

Mr. LUGAR. Mr. President, the Senator may respond on my time if he wishes.

Mr. SASSER. Mr. President, if the minority leader will yield, I would just urge the distinguished minority leader not to make that agreement. This military construction bill is already burdened with this whole question of Contra aid, and of additional foreign aid to countries in Central America. I objected in the Appropriations Committee to the Contra aid, and additional foreign aid being affixed to this particular bill. We simply compound that problem if now we put some of the provisions dealing with Central America in title I of the military construction bill. We will be forced to choose whether or not to take funds off other military construction projects to be utilized in Central America.

So I hope the distinguished minority leader would not accede to the request of the distinguished chairman of the Foreign Relations Committee.

Mr. EXON. Will the chairman yield for a question so I might be informed?

Mr. LUGAR. Yes. I am happy to yield.

Mr. EXON. I have been listening with interest to the debate. It seems to me that what the chairman of the Foreign Relations Committee is objecting to is the earmarking of the $450,000 as suggested by the minority leader, and that would be coming out of the $100 million as a part of the overall bill. And the chairman would prefer as I understand it to take the $450,000 out of some other fund as opposed to the $100 million specifically to aid the Contras. Is that right?

Mr. LUGAR. Yes. The Senator is correct. But my objection is not the $450,000 or that the Contra money has greater priority than does the military construction money. It is simply that the——

The PRESIDING OFFICER. The time of the chairman has expired.

Mr. LUGAR. Would the manager yield me 5 more minutes?

Mr. MATTINGLY. Yes. How much time remains?

The PRESIDING OFFICER. Eighteen minutes and thirty seconds remain.

Mr. MATTINGLY. How much time remains in opposition?

The PRESIDING OFFICER. One minute and fifty-four seconds.

Mr. MATTINGLY. Yes. I yield.

Mr. LUGAR. Further in my response to the distinguished Senator from Nebraska, my objection is the invasion of title II, not to the $450,000, to the changing of title II so that it becomes a conferenceable item, and therefore there seems to be a real problem in terms of forwarding this legislation. I appreciate the argument has been made on previous amendments that Senators had an objection or not an objection, what have you. But they voted for amendments because they appreciated that they would cause the conference situation, it would cause delay or difficulty. And in essence they are voting against Contra legislation.

I suspect, Mr. President, in my argument presently, I must say in the event that it appears we cannot get out of section II with this, the amendment must be defeated if we are to have the bill that we have been voting on all day. This is another attempt to get at indirectly what could not be accomplished directly. We have had a number of votes which have established that a small majority of Senators wish to vote money to help the Contras under the guise of helping La Prensa, Senators are about to try to reverse that process again. I think that would be an unfair situation.

For the sake of the record, let me say that La Prensa's problems are not economic to begin with. The folks that publish La Prensa are publishing a paper in Costa Rica now. The National Endowment for Democracy has been generous in its support of La Prensa over the course of time. I have at least in my research notes that in fiscal year 1985, $100,000 went to La Prensa, $50,000 in one grant in January 1986,

another $100,000 in June 1986. Our people in this country have supported that paper.

But the problems for La Prensa are not that they run out of money. Their problems are the Sandinistas shut them down, closed the paper.

It is an interesting speculation to precisely how the $450,000 is to be delivered. Is the U.S. Senate upon passage of this going to proceed down there and indicate to Daniel Ortega that despite the fact he closed the paper down, we want to present $450,000 to open it up?

That would be an interesting challenge, and pershaps this is what is meant by direct negotiation. If Senators want to get into that right off the bat, carry a check right in hand.

Mr. President, the intent of this amendment is clear. It is an interesting device. It comes after many, many amendments. I suspect that in due course someone may think of something ingenious enough that most of our colleagues who are off the floor who cannot understand what is going on on the floor have to have an explanation of each amendment as they trundle in to vote. Maybe somebody will not get the word. But let me just say, Mr. President, I will do my best to point out this is a killer amendment. It gets right to title II. It does so at this time under the guise of La Prensa. And the problem of La Prensa, Mr. President, is one we cannot solve unless we assist the Contras, unless we get the negotiating picture of Nicaragua and Nicaraguans going again, and unless the heart of Daniel Ortega is strangely moved by this debate and he decides it would be less embarrassing to open the paper again rather then shut it down.

But $450,000 in these circumstances is not worth a dime. The problem is opening up Nicaragua, getting the negotiations going again, some freedom of the press, freedom of speech, and civil liberties.

I do not buy for a moment, Mr. President, that this is an issue of whether we are in favor of freedom of the press or freedom of La Prensa. We all are. The argument has been how do we open up freedom in that country. I am surprised, as a matter of fact, this issue arises in this particular context after we have been debating all day whether it would not be satisfying simply to let the Nicaraguans work out their own affairs, to negotiate that they must reduce their arms or they must get the Soviets out of there. That was the intent of the last—I yield myself 2 more minutes—motion for direct negotiations. We rejected that as another false promise.

Our dilemma is that for the moment we are for democracy. We wish that they were, too. We are tying to think of a pathway to get that situation open again so the people will talk about democracy and freedom of the press. At that point, there will not be economic problems, but if there were economic problems we have a good track record through the National Endowment for Democracy trying to solve them and, and I have no doubt that we would be generous again. And this Senator would support those efforts.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. BYRD. Mr. President, I yield myself 5 minutes. The distinguished chairman of the committee wants to know how this can be implemented. A provision of the assistance can be implemented by the State Department through financial institutions not located inside Nicaragua, but which can be tapped by La Prensa. I am convinced that there is no particular difficulty with this.

□ 1630

My amendment provides that the Secretary of State shall prepare and transmit a classified report to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate 30 days after the enactment of this act describing the manner in which paragraph 1 has been implemented.

The chairman makes two interesting arguments. He speaks about ingenuity. I marvel at his ingenuity, and compliment him on it. I think he is certainly a fine Senator, dedicated, and he does his job well. But he talks about this as a killer amendment. First, he says:

> Do not vote for this because it is a killer amendment.

Second, he says:

> We will have to be in conference. If we have this amendment on title II, it will have to be a conferenceable item.

What are we talking about? What about the listed amendments we all have agreed could be called up by Senators on that side of the aisle and on this side of the aisle? They go to titles II and III. Will that same argument be made against every amendment that will be called up? We all agreed to this long list of amendments last Saturday.

Of course they will be called up to title II and title III. We disposed of title I on yesterday. So much for that argument.

Second, Mr. President, this argument that it is a "killer" amendment, that was the same bunk, with all due respect to my good friends who used that argument on yesterday against my amendment providing against a secret war in Nicaragua. That amendment yesterday was to provide against a secret war, against a back door, under the table, sub rosa supplying of equipment to the Contras over and above the $100 million that this Senate essentially has already voted for, in spite of the opposition of the American people 2-to-1 in the polls against it.

Let us face up to it.

There is going to be a conference on this bill. If this bill is passed, there is going to be a conference on it. The distinguished Senator from Tennessee has already pointed out that title I has many amendments that will have to be in conference.

Let us go to conference. Let us let the other body have a chance to be converted. Let the other body come to the mourner's bench. They sent Contra aid to the Senate by a vote in spite of and in the face of 2-to-1 opposition by the American people. Let it go to conference, Mr. President.

Mr. President, I hope that Senators will realize exactly what they are voting against if they vote against this amendment. Notwithstanding those who may charge that it is a killer amendment, they are voting against freedom of the press in Nicaragua.

Do we believe in freedom of the press?

Do we believe in freedom of the press in Nicaragua?

Mr. President, this administration—I assume—wants democracy and democratic principles in Nicaragua. Freedom of the press is one of those democratic principles.

Mr. President, Edmund Burke said there were "Three Estates in Parliament: the clergy, the nobility, and the commons." But, he said, "In the Reporters' Gallery yonder, there sat a Fourth Estate far more important than them all."

That is what we are talking about here, an amendment that supports freedom of the press in Nicaragua.

Mr. President, the distinguished chairman said that this will not open up La Prensa. We are not saying it will open it up. We are saying it will keep it in a standby status. Mr. Ortega is already having second thoughts. Let us hope he will keep on having second thoughts. Let us keep the nerve center, the people, 300 of them, and the organization intact.

This very day I talked to a very brave woman, Violeta Chamorro. I talked to her by telephone today. Listen to her letter to Mr. Ortega as it appears in the New York Times:

> President Ortega: As chairman of the board of directors of La Prensa, I was not greatly astonished to hear your recent statement that I deserved to be sentenced to 30 years in jail after being tried by the people's anti-Somocista tribunals.

She goes on to say:

> What I said then I say now: The grave crisis afflicting Nicaragua must be resolved among ourselves, the Nicaraguans, without

the interference of Cubans, Soviets, or Americans.

* * * *

You will never convince anyone that I am a traitor to my country, nor that I received money from the Central Intelligence Agency, nor that I am part of the Reagan administration's terrorist plan. These falsehoods have been repeated so often that now nobody believes them. Commander Ortega, the same thing is happening here in Nicaragua as in other countries under Communist dictatorship: Because there are so many lies every day, no one will believe you on the day when you say something true.

* * * *

Your Sandinista Party has already created a great concentration camp in Nicaragua. But the Nicaraguan people are not losing their liberating spirit and will never lose it even in the worst of the gulags your mind is able to conceive.

Mr. President, this woman's statement is the very epitome of courage, courage in the face of those who would assassinate, as her husband was assassinated. This is courage of the first rank. This woman is in Nicaragua and she will operate that newspaper. She is a voice of freedom there. She is a voice that is an independent voice, not controlled by Ortega or the government.

So, Mr. President, let us lend a little helping hand to her newspaper. A free press in Nicaragua should be encouraged, not discouraged because we do not want to go to conference on title I or title II.

Mr. President, this amendment can stand on its own four legs and it will stand in the light—yes, the light—of scrutiny.

Let Senators beware of falling into a trap, to vote against this amendment on the basis that it is a killer amendment. It is a freedom of the press amendment. Let there be no doubt about it.

Napoleon said, "Four hostile newspapers are more to be feared than a thousand bayonets."

That is what we are talking about. Why give a thousand bayonets. Let us make it possible for the Nicaraguan people one day to have a free and independent press. Ortega and the Sandinistas will fear that newspaper more than he will fear a thousand bayonets.

Let the RECORD stand. Vote for freedom of the press in Nicaragua. That is what this is all about. I urge Senators to support this amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MATTINGLY. I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

□ 1640

Mr. WILSON. Mr. President, the issue here is not freedom of the press. However much the minority leader may see it that way, it simply is not the case and I shall tell you why, although the facts have already been set forth, I thought very clearly, by the chairman of the Committee on Foreign Relations. The issue is not freedom of the press nor is it the courage nor the intellectual integrity of either Senora Chamorro or Pedro Joaquin Chamorro, Jr. There is no question that they wish the people of the world to hear the truth published, to be able to read in La Prensa the truth as they have sought to report it and to publish it for many years. But there is no freedom of the press in Nicaragua because the Sandinistas do not permit it.

Yes, there is enormous courage in the Chamorro family. But that cannot overcome the physical prevention, it cannot overcome the actual physical censorship of the news which has been the practice since the Sandinistas came to power.

Some years ago, when I visited Nicaragua and I discovered I was the first U.S. Senator to do so during the tenure of our then Ambassador—no one had been down there in some 18 months—I had a long, long conversation with Pedro Joaquin Chamorro, Jr. As the paper was being published, it would be literally scissored by the Sandinista censors. The clippings used to be saved and distributed to a select list of Embassy readers. But the general public could not read stories critical of either the Sandinista regime or any of the Soviet or Warsaw pact countries or North Korea. They could not read the truth.

If the issue in the mind of the minority leader is freedom of the press, I will tell him that all the money in the world will not change the repressive attitude of Daniel Ortega or the Sandinista administration. It simply will not. They are afraid of the truth. That is why they have engaged in censorship. That is why they have finally shut the newspaper down and driven its publication literally out of the country.

As to the question of why this is a killer amendment, if the purpose is to provide some assistance, no one can begrudge that assistance, but it is not the real issue. Let us do so then in a way that does not send this bill to conference.

The minority leader says why not go to conference? I will tell you why, Mr. President: Because if it goes to conference, if it ever gets there, the chances are that it will not emerge. If that is the real purpose of the minority leader or those who are offering killer amendments, then I think we are entitled to know that.

But let me say to them that this will kill not only this legislation but if it dies, so do hundreds of other young Contra freedom fighters. It is not simply a piece of legislation that is at stake, it is the lives of these young men, who are being slaughtered by Soviet Hind helicopters, against whom they have no air defense. That is what this $100 million, or at least 70 of it, is intended to buy. It is intended to buy them defense against the kind of senseless slaughter that we are permitting by our indifference, by our agonizing, by our delay upon this legislation.

Mr. President, freedom of the press as it used to be known, even in the time of the Somocistas, exists no longer in Nicaragua. No amount of money is going to return it. Only a change of attitude will return it.

When I met with then Commandante, now Presidente, Ortega, he made quite clear in a very long conversation that never would the Sandinista regime do anything that in anyway risked the loss of power by that regime. They would not hold free elections, they would not negotiate. Indeed, they have kept that pledge.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WILSON. I ask 30 seconds.

Mr. President, this is a killer amendment whether it is so intended or not. The issue is not freedom of the press. The issue is simply whether this Nation is going to provide freedom fighters in Central America the same kind of assistance that we have provided freedom fighters in Afghanistan. Talk is cheap, but the kind of help they need is not.

Mr. BYRD. Mr. President, I yield myself 30 seconds.

Yes, talk is cheap. Does the Senator know that title III of this bill was added by the Senate Appropriations Committee?

Mr. WILSON. What is the Senator's point?

Mr. BYRD. The Senator's point is that this bill is going to have to go to conference because the Senate Appropriations Committee added a new title. Title III was not in the House bill. So this bill will have to go to conference whether or not my amendment is adopted.

Mr. MATTINGLY. Mr. President, would the minority leader respond to a question?

Mr. BYRD. I yield on the Senator's time.

Mr. MATTINGLY. Would he be willing to put his amendment on title III?

Mr. BYRD. No, Mr. President, I have already answered that question.

Mr. WILSON. Mr. President, I think that tells us a great deal.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Three minutes 22 seconds.

Mr. BYRD. I had hoped to yield to Senator BENTSEN but I do not see him on the floor. I shall yield 2 minutes to the distinguished ranking member of

the Foreign Relations Committee, Mr. PELL.

Mr. PELL. Mr. President, I rise in support of the eloquent words of the Democratic leader. As he pointed out, the closing of La Prensa by the Nicaraguan Government was a blow to the symbol of a free press in that country. I think that we should take Daniel Ortega up on his proposal, made recently in Chicago, that the Sandinistas are ready to open up discussions with officials of La Prensa. Hopefully, such negotiations will result in the reopening of that newspaper. The funds made available by this amendment will give it the wherewithall with which to open.

Also, Mr. President, I am coming to the belief that the Senate is about to set our Nation on a disastrous course with the general approval of this Contra proposal. Just as I now lament my vote on the Gulf of Tonkin resolution in August 1964, a vote taken with the overwhelming majority—most of those who voted with me have long since departed, but I say all of us regret that vote—many of you in this Chamber in the near future will be lamenting the fact that on August 13, 1986, you voted for war in Central America. You will be lamenting the fact that you voted to take the military route before the diplomatic path was well traveled; that you voted for the Contras—our terrorists—to continue the killings, the maimings, and the abuse of civilian noncombatants, to continue the destruction of schools and the burning of homes and the wanton mining of roads in the countryside.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. PELL. I ask for one-half minute.

Mr. BYRD. One-half minute, Mr. President.

Mr. PELL. I hope my colleagues are prepared for the avalanche of reaction that I believe will come when the TV and press bring them graphic depictions of what their dollars have wrought.

The next time we deal with Nicaragua on the floor of the Senate, we will be facing a request not for $100 million but for many millions more to prevent a Contra defeat and very likely to begin a real live American military involvement. I only hope I am proved wrong.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MATTINGLY. Mr. President, one of the reasons that Daniel Ortega gave when he shut down La Prensa is that it was receiving American funds. I fail to see how providing $450,000 to that newspaper will resolve that problem.

Let me go on to say that I will change the terminology from "killer amendment" to say an excuse. We talk about conference items. So everybody can understand what we are talking about, in appropriations, when we appropriate $100 on our side and we go to the House of Representatives and they have appropriated zero, that means you have to get into a discussion with them over that issue. If they appropriate $100 for a particular project on the House side and we appropriate $100 on the Senate side, then it is a nonconferenceable item, nonconferenceable. When you go over there, there is no debate at all on it. It is accepted. That is what title II is all about, that if you put something into title II, then it becomes a conferenceable item.

□ 1650

We do not want to give an excuse to the House or to the Senate not to accept this package that has been so well put together. Now, we have offered the minority leader to put his amendment into title I. He refused it. We have offered to put it into title III, and he refused it there also. So the bottom line is that if it were put into title II it would become a killer amendment, and the chairman of the Foreign Relations Committee is precisely correct as he stated on each and every amendment. That is the purpose of the amendments. I think the concept and the idea of the amendment offered by the minority leader is tremendous and we ought to use it. We ought to put it in title I or title III, but they do not want to do that. What they want to do is put something onto title II that will in fact kill this assistance package to the resistance in Nicaragua, and really in fact not aid the men, women, and children who really want the freedom of religion and the freedom of choice and the freedom of speech, as the Senator has spoken so eloquently about.

Mr. LUGAR. Mr. President, how much time does our side have?

The PRESIDING OFFICER. Four minutes.

Mr. LUGAR. Mr. President, this debate this afternoon has emphasized the importance of freedom of speech. I suspect that there is not a debate among Senators as to the importance of that. The practical matter is how to obtain it. In our judgment, the Contra legislation may go a long way toward doing that. That is why we wish to preserve title II, which encompasses that legislation.

The distinguished minority leader has spoken with eloquence about the need for freedom of the press, and he has hoped that $450,000, which his amendment contemplates, could reach La Prensa and be of some value, and perhaps Daniel Ortega might reconsider the closing of the doors. As the distinguished Senator from Georgia has pointed out, one of the reasons why La Prensa was closed was a suspicion U.S. money was of help to that paper. We are, I suppose, on this side prepared to take that gamble as our offer to incorporate the amendment in title I and III indicated, but the distinguished minority leader has insisted upon title II, and I think I understand the reason for that insistence. The fact is that we are still debating the bill.

We are still debating whether to give aid to the Contras. Now, the parliamentary situation is not one that this body created. We passed Contra legislation by a vote of 53 to 47 on March 27. This legislation comes back to us from the House on the military construction bill. It comes back with the foreboding which the distinguished minority leader shared with us last night that it might not be possible to get to any conference at all on this; the whole thing might slip onto a continuing resolution at the end of the session. Therefore, our fears I think are well founded when there is an insistence to amend title II under the guise of the freedom of the press.

Mr. President, I ask unanimous consent that a statement I made about La Prensa and the activities of the National Endowment for Democracy on March 18, 1986, be made a part of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ACTIVITIES OF THE NATIONAL ENDOWMENT FOR DEMOCRACY IN NICARAGUA

Mr. LUGAR. Mr. President, for some time, the National Endowment for Democracy has been providing financial support to those in Nicaragua who favor democracy. The Endowment's major grant has gone to La Prensa, Nicaragua's only independent daily newspaper, for the supplies it needs to publish. This grant has allowed La Prensa to continue to serve as the voice of the democratic opposition in Nicaragua.

The Endowment's assistance to La Prensa and its other activities on behalf of democracy in Nicaragua should not in any way be confused with President Reagan's request for aid to the Contras or any other official U.S. policy. The Endowment is an independent corporation. It supports only nonviolent activities aimed at promoting democracy around the globe.

Nicaragua is not the only country in which the Endowment has played an important role in aiding the forces of democracy. During the recent elections in the Philippines, the Endowment sponsored an international observer team to monitor election procedures. This team coordinated its efforts with the observer delegation I cochaired. Working with the Endowment team was a pleasure. It also helped insure that we got an accurate picture of election conditions throughout the Philippines.

Mr. President, I strongly support the Endowment's activities in Nicaragua, the Philippines, and elsewhere. Moreover, I believe all Americans, regardless of their views on aid to the Contras, can be proud of the Endowment's work in fostering democracy in Nicaragua. For the benefit of my colleagues, I ask that a description of the Endowment's program of support for La Prensa, approved

at its January board meeting, be printed in the RECORD.

The description follows:

LA PRENSA

SUMMARY

La Prensa, Nicaragua's only independent daily, is seeking additional funds to purchase the supplies and other materials which are vital to its continued publication. A NED grant of $100,000 in FY 1985 for the purchase of these supplies was crucial to La Prensa's continued existence as a force for democracy in Nicaragua.

PROGRAM DESCRIPTION

Nicaragua's only independent daily newspaper. La Prensa, has requested another $100,000 to purchase essential printing supplies, spare parts for its presses, and wire and feature services. These supplies and services must be purchased abroad and paid for in dollars. La Prensa, however, cannot obtain the required dollars because of restrictions on foreign currency exchange imposed by the Sandinista government. These restrictions are due in part to Nicaragua's precarious financial status, but when applied selectively to La Prensa they also represent a form of economic harassment by the Sandinistas.

La Prensa estimates its foreign currency needs to purchase the necessary supplies and services as $10,000 per month. The required materials, vital to a major daily, include printing ink, photo supplies, chemicals and other printing supplies, and mechanical and electronic spare parts. The required services include the Associated Press, Agency France Press, Editors Press Service, New York Times wire service and King Features.

La Prensa received a $100,000 NED grant in FY 1985 for similar purposes which helped to meet its needs from February through November, 1985.

REASONS FOR ENDOWMENT SUPPORT

La Prensa is the only independent daily newspaper in Nicaragua. Although heavily censored, it continues to publish and has become a symbol of the embattled civil opposition to the Sandinistas.

The other two major dailies in Nicaragua do not share La Prensa's difficulties. Barricada, the Sandinista party newspaper, and El Nuevo Diario, which is pro-Sandinista, receive numerous donations and grants from abroad. Barricada, for example, received a complete rotary press from the East German Communist Party. Both Barricada and El Nuevo Diario receive preferential treatment from the Sandinista government in the allocation of foreign currency for their purchases abroad.

Although La Prensa is heavily censored and all reports which in any way are thought to be critical of the Sandinista government are deleted, it remains a vital force in Nicaraguan public life. It has a daily circulation of 70,000, and its eight to twelve-page edition includes two pages of sports and two pages of classified ads, in addition to local and foreign news.

NED's FY 1984 grant literally has kept La Prensa alive. For example, its editors have reported that the first shipment under the FY 1985 grant—a large supply of printers ink—arrived in Managua just as La Prensa's supply of ink had been depleted.

NED has had some success in enlisting other U.S. support for La Prensa. As a result of NED encouragement, Americares, a private foundation in New Canaan, Connecticut, has obtained commitments for 180 tons of newsprint (market value $94,500) from the U.S. pulp and paper industry, which will cover La Prensa's paper needs for four to five months. Shipments of the newsprint to Managua are already under way at a cost of approximately $22,000, also raised by Americares.

ORGANIZATION

Friends of the Democratic Center in Central America (Prodemca), a non-profit educational organization committed to the promotion of democracy and human rights in Central America, has agreed to administer the grant for a second year. Prodemca's National Council includes Angier Biddle Duke (Chairman), Maurice Ferre, J. Peter Grace, Theodore M. Hesburgh, Sidney Hook, Bayard Rustin, John R. Silber, William E. Simon, Ben J. Wattenberg, and Elie Wiesel.

A grant to La Prensa would be consistent with NED's objective of encouraging democratically-oriented journalistic enterprises in the Third World, in particular by assisting the media that serve as forums for free discussion and the advancement of democratic ideas. La Prensa has a long history as a crusading, independent newspaper. It opposed the Somoza regime, which resulted in the bombing of its offices and the murder of its chief editor. It originally supported the Sandinista government but withdrew its support when the Sandinistas reneged on their promise to create a pluralistic society with guarantees for press freedom.

Mr. LUGAR. Finally, Mr. President, I hope Senators are not confused about the situation, although I appreciate we are late in the day, we have had many amendments, each one of them designed to try to test the vulnerability of this package in one way or another. This amendment may not be a killer amendment, but it is designed to come very close to delay if not to kill, and therefore we must oppose the amendment. At the appropriate time I will offer a motion to table the amendment, as all time has expired.

Mr. BYRD. How much time remains, Mr. President?

The PRESIDING OFFICER. One minute for the Senator from Indiana or Georgia and half a minute for the minority leader.

Mr. BYRD. Mr. President, may I ask the distinguished Senator from Tennessee, should I need a couple of additional minutes from the bill, if I might have it?

Mr. SASSER. I will be happy to yield a couple of additional minutes or however much time he may consume to the distinguished minority leader.

Mr. BYRD. I thank the distinguished Senator.

Mr. President, I will be brief. I spoke with the publisher and owner of La Prensa today, Mrs. Violeta Chamorro. She supports and wants this help. She is courageous. I have already said that. She estimates the expenses of La Prensa to be roughly $18,000 a month. So the $450,000 in the bill would keep the organization of La Prensa alive for 2 years. I have already indicated, and I repeat, that money would not be added to the bill. The funds would come out of the $100 million that is appropriated in title II.

Now, we continue to hear all this business about going to conference. Title II has not been amended up to this point. What is all the fear about going to conference on this amendment? What is all the fear about going to conference on a matter that involves freedom of the press? Mr. President, we are spending $100 million in Nicaragua if this bill passes, and I assume it will. Seventy million dollars of that is in military aid—the sword, $70 million for the sword. We are talking in my amendment about $450,000 for the pen. We have heard from olden times that the pen is mightier than the sword. The American people would much prefer to spend $450,000 for the pen than $70 million for the sword, to say nothing of a possible $300 million or $400 million, $500 million additionally through the back door, under the table, to fight a secret war.

Mr. President, let those who vote "no" understand clearly, and let the people who read this RECORD understand clearly, that this is a vote for freedom of the press. Call it anything you want by any other name. It is freedom of the press.

Mr. President:

The Moving Finger writes; and, having writ,
Moves on: nor all your Piety nor Wit
Shall lure it back to cancel half a Line
Nor all your Tears wash out a Word of it.

Let the RECORD stand. This is a vote for freedom of the press, a vote for the pen rather than the sword.

I rest my case. I urge the Senate to vote against the motion to table the amendment, and then to vote for the amendment.

Mr. LUGAR. Mr. President, let the RECORD record that this was a vote on a particular parliamentary procedure. If in fact the Senator from West Virginia had been that concerned about the $450,000, I repeat, there was $8 billion in title I for that transfer; there are $300 million in title III for the transfer. The distinguished Senator has aimed at title II because he wants to kill the bill. That is the issue. That was the only issue of this debate.

Let me just simply say we are for freedom of the press. We think freedom for the Contras is more likely to occur. I move to table the Byrd amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The motion is to table. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

REPUBLICAN ANNOUNCEMENTS—NO. 223

DEMOCRATIC ANNOUNCEMENTS—NO. 223

The PRESIDING OFFICER (Mr. DURENBERGER). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—57

Abdnor	Gorton	Murkowski
Andrews	Gramm	Nickles
Armstrong	Grassley	Nunn
Boschwitz	Hatch	Pressler
Bradley	Hawkins	Quayle
Broyhill	Hecht	Roth
Chafee	Heflin	Rudman
Chiles	Heinz	Simpson
Cochran	Helms	Specter
Cohen	Hollings	Stafford
D'Amato	Humphrey	Stevens
Danforth	Kassebaum	Symms
Denton	Kasten	Thurmond
Dole	Laxalt	Trible
Domenici	Long	Wallop
Durenberger	Lugar	Warner
Evans	Mattingly	Weicker
Garn	McClure	Wilson
Goldwater	McConnell	Zorinsky

NAYS—43

Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mitchell
Biden	Harkin	Moynihan
Bingaman	Hart	Packwood
Boren	Hatfield	Pell
Bumpers	Inouye	Proxmire
Burdick	Johnston	Pryor
Byrd	Kennedy	Riegle
Cranston	Kerry	Rockefeller
DeConcini	Lautenberg	Sarbanes
Dixon	Leahy	Sasser
Dodd	Levin	Simon
Eagleton	Mathias	Stennis
Exon	Matsunaga	
Ford	Melcher	

So the motion to table the amendment (No. 2720) was agreed to.

□ 1710

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2721

(Purpose: To encourage the signing of a Contadora Agreement and to provide assistance to the Contras for the purpose of implementing the national reconciliation provisions of such an agreement.)

Mr. KERRY. Mr. President, I have an amendment at the desk.

Mr. MATTINGLY. Mr. President, could we have order in the Chamber?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their conversations to the Cloakroom.

The Senate will be in order. The Chair is about to recognize the Senator from Massachusetts. He will not do that until the Senate is in order.

□ 1720

Mr. SASSER addressed the Chair.

The PRESIDING OFFICER. I have recognized the Senator from Massachusetts, subject to a point of order in the Chamber, and I still find there are conversations taking place in the Chamber.

The clerk will report the Senator's amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2721.

Mr. KERRY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of the bill, page 51, after line 16 insert the following new section:

SEC. . All forms of assistance under this Act, direct and indirect (except as set forth below), to the Contras shall be terminated if the Governments of Nicaragua, Honduras, El Salvador, Guatemala and Costa Rica sign a Contadora agreement the principal provisions of which were publicly endorsed by Honduras, El Salvador, Guatemala and Costa Rica in April 1986 and which among other things provides for national reconciliation, democratic pluralism, a freeze on all arms imports, a withdrawal of all Soviet bloc advisors, the termination of all support for the Salvadoran guerrillas, a prohibition on all foreign military bases, and the simultaneous, with signing, implementation of a verification and control commission with full powers of on-site inspection. Provided further, that assistance shall be made available to the Contras solely to carry out the national reconciliation provisions of such Contadora agreement.

Mr. KERRY. Mr. President, without losing my right to the floor, and without taking time from the bill, I will be happy to yield to the Senator from Tennessee.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I would remind my colleagues that we have remaining this evening six amendments, counting the amendment that the distinguished Senator from Massachusetts has just called up. There are two amendments by the distinguished Senator from Illinois, Mr. SIMON; an amendment by the distinguished senior Senator from Massachusetts, Mr. KENNEDY; an amendment by the distinguished minority leader, Mr. BYRD; an amendment by the distinguished Senator from Iowa, Mr. HARKIN.

In addition, three of our colleagues have asked for some brief moments to make some comments before all time expires.

May I inquire of the Chair how much time is remaining to our side?

The PRESIDING OFFICER. Fifty-four minutes remain to the Senator from Tennessee.

Mr. SASSER. So I say to my colleagues, we have 54 minutes remaining. We have six amendments before us. So I would ask my colleagues who have listed amendments here to be as brief as possible so that we may accommodate all amendments.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. SASSER. I yield to the Senator.

Mr. KENNEDY. I have an amendment which is important, but it can be handled in a very brief period of time. I would be glad to enter into a time agreement of 10 minutes evenly divided.

Does the opposition have time or is this the total time that remains?

Mr. MATTINGLY. How much time do we have on our side?

The PRESIDING OFFICER. One hour and one minute to the Senator from Georgia.

Mr. MATTINGLY. Mr. President, I might also add, once all the time expires the amendments thereafter are limited to 2 minutes; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I would be glad to have a 10-minute time limit, 5 minutes on each side, if that could be accomplished. If the floor manager would propound that, I would appreciate that at this time; a 10-minute time limit on my amendment, 5 minutes on each side, with just 5 minutes to be charged to our side.

Mr. SASSER. Mr. President, I say to the distinguished Senator from Massachusetts, I think that can be done without a unanimous-consent request. If you are agreeable to consuming no more than 5 minutes on a side, then I think that can certainly be accomplished.

Mr. KENNEDY. Mr. President, if I could just say, if the Senator could get that in an agreement, I would just as soon have that as taking a chance and being sure of 5 minutes on a side. But I would be glad to follow the leadership of the floor manager. I find time disappears rapidly.

I will take the assurances from the Senator from Tennessee that he will reserve 5 minutes or do the best he can and I will not put the request now.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent at this point—I interrupted the reading of the clerk in order to permit the distinguished Senator from Tennessee to be recognized—but since time is so short, I would like to have this short section read.

I ask unanimous consent that the clerk be permitted at this time to read the section.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will report.

The legislative clerk read as follows:

At the end of the bill, page 51, after line 16 insert the following new section:

(SEC.). All forms of assistance under this Act, direct and indirect (except as set forth below), to the Contras shall be terminated if the Governments of Nicaragua, Honduras, El Salvador, Guatemala and Costa Rica sign a Contadora agreement the principal provisions of which were publicly endorsed by Honduras, El Salvador, Guatemala and Costa Rica in April 1986 and which among other things provides for national reconciliation, democratic pluralism, a freeze on all arms imports, a withdrawal of all Soviet bloc advisors, the termination of all support for the Salvadoran guerrillas, a prohibition on all foreign military bases, and the simultaneous, with signing, implementation of a verification and control commission with full powers of on-site inspection. Provided further, that assistance shall be made available to the Contras solely to carry out the national reconciliation provisions of such Contadora agreement.

Mr. KERRY. Mr. President, this amendment is an opportunity for the Senate to put into place our backing for the very negotiating process that we have put into place and are about to put into place, the Contras.

What this amendment seeks to do is to say very simply that we will no longer give aid if a Contadora agreement is signed and put into place.

Now, Mr. President, it is not a tricky amendment. It is a straightforward amendment. I have not attached it to section 2, title II. I have put it at the end of the bill so that it will not be a conferenceable item under that provision of title II.

Now, this particular amendment, Mr. President, says that if all of the countries involved sign an agreement, if all the parties to Contadora sign an agreement, that, at that point in time, with a full verification ability in place, we will then no longer have a need to give money to the Contras and, therefore, we will not. What this does is really ask us to put our money where our mouth has been. We have constantly said we want the Contras to force negotiation and we have specific goals we want to achieve.

Just this year, on April 11, Ambassador Habib sent to Congressman SLATTERY a letter regarding this issue. He said in that letter:

Although the United States is not a party to the Contadora negotiations and would not be legally bound by signature of a Contadora treaty, we will, as a matter of policy, support and abide by a comprehensive, verifiable and simultaneous implementation of the Contadora document of objectives of September 1983, as long as such an agreement is being fully respected by all parties. We would not feel politically bound to respect an agreement that Nicaragua was violating.

Mr. President, my amendment does nothing more than codify the policy expressed by Ambassador Habib. He went on to say:

This has been U.S. policy from the outset of the Contadora process. On April 27, 1983, President Reagan stated to a joint session of Congress:

And I quote from the letter and the President—

"We will support any verfiable reciprocal agreement among Central American countries on the enunciation of support for insurgencies on neighbor's territory."

Mr. President, that notion is embraced in the April 1986 Contadora proposal that was endorsed by Honduras, El Salvador, Guatemala, and Costa Rica.

Mr. Habib went on to say:

On June 25, 1985, the first day of bilateral talks with the Government of Nicaragua, the United States proposed a comprehensive agreement that would include a mutual cessation of support to regular forces.

Mr. President, that is embraced in this amendment, whereby just as the Contadora agreement says neither side will provide support for the regular forces, we would have achieved that goal of the United States.

And finally, on July 26, 1985, in Mexico City, Secretary of State Shultz stated:

The United States fully supports efforts to achieve a political solution to the Central American crisis. In our view, there exists in the Contadora document of objectives, a fair, comprehensive, and balanced framework for such an outcome. We expressed our support for a comprehensive and verifiable implementation of the document of objectives when it was agreed on September, 1983. We reaffirmed that support today.

Mr. President, Ambassasor Habib said at the end of this letter:

Please feel free to share this letter with interested colleagues.

This represents policy, Mr. President, or we hope it does.

This amendment that I put forward now does not tie us to any one agreement. It does not say the Contadora draft of 1984 or of 1985 or 1986. It merely says that if the Governments of Nicaragua, El Salvador, Honduras, and Guatemala sign a Contadora Agreement which is based on the principles of the most recent draft, which every country but Nicaragua endorsed, then there would be no further reason for us to provide aid.

□ 1730

In addition, Mr. President, I have purposefully written in this amendment not the language if Nicaragua agrees to sign, which would allow them to play games with the process, but if they actually signed. The reason I say actually signed is because no one nation can sign the Contadora Agreement on its own. It is only if all five parties sign that the signing of any nation is meaningful and the Contadora Agreement becomes operative.

As we know, we have enormous influence over El Salvador, Costa Rica, and Honduras, and it is fair to assume that just as in the past we have been able to influence their attitude about Contadora, so we will in the future.

Mr. President, if they sign, it means in effect that we have been part of the negotiating process with them, that the agreement is in fact satisfactory, and that we would have achieved our objectives. What this does, Mr. President, is express Congress' basis, the intent of the Senate, to really put some teeth into the Contadora process. This vote is a vote for the Contadora process. It does not take away any jurisdiction of anybody. It merely puts into policy what the President said we would be doing.

Finally, let me address one issue that is raised by the opponents. Some people say to me, well, how do we know or how should we stop the money to the Contras before we have a good-faith indication by the Sandinistas that they are really adhering to the agreement? That is a legitimate and a good question. Mr. President, this proposal and the Contadora proposal provide for a simultaneous process of that demonstration of good faith. It requires an immediate freeze on the level of weaponry by which we can judge the good faith, and it also requires a simultaneous verification process to be put into place.

So if we are serious about negotiations, if we really want Contadora to work, and if we want to say to people there is an end to this expenditure for war, I believe this amendment provides us that opportunity. And I hope that the distinguished Senator, chairman of the Foreign Relations Committee, would be able to accept it because it is really merely a restatement of this administration's policy.

I reserve whatever time I have.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I appreciate the amendment of the Senator from Massachusetts. It is an excellent statement of what we hope will come to pass.

Mr. President, I will oppose the amendment because the situation that we are taking a look at, namely, when the assistance ends, is covered concisely and I think very adequately in the legislation itself before us.

Specifically, I cite the bottom of page 40 and onto the top of page 41 of the print in which we have the words:

Notwithstanding subsection (e), no assistance (other than the assistance described in subparagraphs (A) through (C) of subsection (b)(1)) shall be provided at any time to the Nicaraguan democratic resistance under this title if—

(A) the President determines that—

(i) the Central American countries have concluded a comprehensive and effective agreement based on the Contadora Document of Objectives; or

(ii) the Government of Nicaragua is engaging in a serious dialog with representatives of all elements of the Nicaraguan democratic opposition, accompanied by a cease-fire and an effective end to the existing constraints on freedom of speech, assembly, religion, and political activity lead-

ing to regularly scheduled free and fair elections and the establishment of democratic institutions; or

(B) the Congress—

The Congress as opposed to the President—

enacts a joint resolution under section 12 disapproving the provision of additional assistance (other than assistance described in subparagraphs (A) through (C) of subsection (b)(1)).

Mr. President, one can argue and I think the Senator from Massachusetts did so eloquently that there are other sets of circumstances that are better chosen for the termination of aid. But it seems to me the two that the drafters of this legislation have chosen are well taken. We have been back over this trail—on March 27. The House has considered it in recent times. I trust our President to make a judgment that the Central American countries have or have not concluded a comprehensive and effective agreement based on the Contadora. The President is surely able to gauge whether the Sandinistas have in effect started to dialog with representatives of the opposition in Nicaragua, and whether the regime there has or has not established freedom of speech, and the elements leading to free elections.

Even if one does not support the President or even trust the President's judgment, the Congress has the full authority by joint resolution to terminate the aid. I believe these are such steps. I suspect one could perfect them. But I see no particular good reason to do so. Furthermore, if the amendment of the Senator from Massachusetts is adopted, it appears to me that the legislation then is somewhat confused by this additional element of requirements before aid is terminated.

So, Mr. President, I will not take additional time because I know the Senators are eager to move on to their amendments. The Senator from Massachusetts may wish to respond. But I oppose the amendment and encourage Senators to vote against it.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me clarify very quickly one thing before I respond to the Senator and then, like the distinguished chairman of the Foreign Relations Committee, there are others who want their chance and I do not want to prolong this.

But I simply would like an agreement on an up or down vote. And I would like to ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. KERRY. Thank you, Mr. President.

Mr. President, just very quickly because we do not want to prolong this and everybody knows the arguments. But while I respect enormously the opinion of the distinguished chairman of the Foreign Relations Committee, I do believe that there is a great distinction between the paragraphs he points to in the bill on page 41 and what I am offering. And the distinction is that one supports Contadora; the other does not. The amendment I have put forward gives to Contadora the ability to make things happen, and if the Contadora countries determine they are ready to make peace and have made peace, then it terminates the assistance to the Contras which is in fact what they want.

The Foreign Minister of Costa Rica said recently:

We are eager to sign the document of June 6.

The Guatemala Foreign Minister Quinones said:

Our country has already sent its reply to Panama expressing support for and confirming its agreement with the Panamanian commitment and officially advising the group that Guatemala will sign.

El Salvador, Foreign Minister Castillo said his country would sign even if Nicaragua did not want it. The Salvadoran Government so stated.

From Honduras, Foreign Minister Lopez said that the basic objective is to sign that particular document of the Contadora.

Yet, somehow it happens, Mr. President, and what the chairman of the Foreign Relations Committee is offering us is the ingredients of the process by which it does not happen, which is to leave the discretion in the hands of the President.

If the President determines they have concluded a comprehensive effective agreement, not the Contadora agreement, but based on the document of objectives which is a very different thing from the Contadora agreement itself, and, second, it is clear that it does not provide a clear cutoff—if the President has that discretion, Nicaragua cannot sign because Nicaragua will always feel this President is ready to keep the Contras going for one excuse or another.

They must have a certainty in the process. The other countries must have a certainty. And this amendment provides that certainty and gives an honest backing of this country to the effort of Contadora.

For that reason, I think there is a major difference between that amendment, my amendment, and the current proposal.

I ask my colleagues to support it.

I reserve what time I have unless we are moving to a vote.

□ 1740

Mr. MATTINGLY. Mr. President, how much time remains?

The PRESIDING OFFICER. To the opponents, 11 minutes, and the Senator from Massachusetts has 4 minutes.

Mr. MATTINGLY. I yield 2 minutes to the President pro tempore.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, in the near future, the Senate will vote on a resumption of aid to the democratic resistance in Nicaragua. Thus far the debate has been characterized by some as a litmus test for anticommunism. While I do not question the patriotism of my colleagues, I do feel that accountability is an issue, and the recent history of congressional accountability in the fight against Communist tyranny has been less than satisfactory.

Just over a decade ago, following the United States withdrawal from South Vietnam, the Congress voted to suspend aid to the struggling South Vietnamese Government in the face of a North Vietnamese invasion that was a blatant violation of the Paris peace accords. The United States Congress ignored the fact that we were pledged to support the South Vietnamese. The events in Southeast Asia speak for themselves as to the shortsightedness of the Congress.

Shortly thereafter, in 1975, we were faced with a choice of supporting Jonas Savimbi and his UNITA forces against the Cuban backed MPLA in Angola or doing nothing. The Congress passed the Clark amendment forbidding covert assistance to Mr. Savimbi. Luckily for the Angolans, and thanks to Jonas Savimbi, we have a chance to correct our error in Angola. Unfortunately, the South Vietnamese and the Cambodians are not so lucky.

Now the struggle against communism is at our doorstep. Nicaragua is only a 2-hour flight from our borders. We can sanction the Stalinization of a country in our hemisphere by our inaction, or we can support the democratic resistance in their struggle to free Nicaragua. The belief that the Sandinistas will voluntarily adopt democracy is shortsighted at best. There has never been one instance of a Marxist dictatorship negotiating away its power.

Mr. President, 25 years ago, it was the stated policy of the United States that we would "pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty." The twilight struggle goes on, and the question we now face is whether or not the price is too high, the burden too heavy and the hardship too great for us to support these great ideals.

The vote we are about to take on aid to the Contras should not be a litmus test for anticommunism, but neither should it be a litmus test for support

for human rights. We oppose communism, and we support human rights, but we have to decide how to stop the spread of communism in Central America in the near term and how best to protect human rights now and for the long term.

As a combat veteran of World War II, I am aware of the horrors of war. Yet I realize that democracy and freedom are not obtained without costs. Our choice today is whether we will support the Nicaraguan freedom fighters in their struggle against Communist forces now controlling their country.

Mr. President, the United States is a nation born of revolution, and this is a fact that we should well remember. When the Continental Congress appealed to France for assistance during the American Revolution, our forbears did not ask for humanitarian assistance only, and I for one am quite thankful that Lafayette did not come to our aid with only humanitarian assistance, or we might still be a crown colony today.

Mr. President, the litany of crimes by the Sandinistas is long. They have betrayed their pledges to the Organization of American States to respect the freedoms that are vital to a democracy and instead set up a Marxist regime based on the practices of Joseph Stalin. They are actively trying to subvert their democratic neighbors, and they have been accused of participating in the international drug trade.

The freedom fighters are a varied group of former Sandinistas, peasants, businessmen and former National Guardsmen. They suffer from a lack of unified leadership and concrete democratic goals and are accused of violating human rights in their efforts to combat the Sandinistas. While I do not doubt that they have violated the rights of some of the people they hope will support them, I must counsel my colleagues to remember that the various observer groups upon whose claims we base these accusations are only permitted unfettered access to areas where the Contras have been charged with human rights violations. No such free and unemcumbered access is assured to areas where the Sandinistas are accused of human rights violations. We should not for a moment forget the genocidal practices of the Sandinistas against the Miskito Indians.

The struggle for freedom is long and difficult. The democratic resistance in Nicaragua has dedicated itself to the task of freeing a nation that is enslaved. It is our duty to support and help guide them in their fight for freedom.

Mr. President, we now know that historically there is no hope of voluntary change by a Marxist dictatorship. The best hope for change is through military aid to the freedom fighters. Therefore, I very strongly believe that we must support the democratic resistance with military aid as soon as possible, and I urge all of my colleagues to support President Reagan's request for $100 million in aid for the Contras.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I am perfectly happy to proceed to a vote. I just want about 30 seconds more.

Mr. President, I will ask the distinguished manager whether or not it is his intention to have further debate at this point. I am prepared to have a vote in about 30 seconds.

Mr. MATTINGLY. Mr. President, I oppose the amendment. I believe it would weaken the provision already in the bill that stops assistance to the Contras after the President determines an agreement has been reached among the Central American countries or the Government of Nicaragua enters into serious talks with the democratic opposition.

I feel like the authors of the legislation anticipated the need for such language and included such a provision in the bill.

That language, I feel, was carefully crafted and has been agreed to by the President, by the House of Representatives, and, on March 27, right here in the U.S. Senate.

It more effectively achieves what the Senator from Massachusetts attempts to achieve in his amendment and was included really after very careful consideration and not just after a few moments of really great debate on the floor of the Senate.

So, Mr. President, I would encourage my colleagues to vote down this amendment. I believe that is the recommendation of the chairman of the Foreign Relations Committee. With that I yield back the remainder of my time.

Mr. KERRY. Mr. President, I yield myself 2 minutes.

Let me make clear that there is a real difference between this and that which is in the bill offered by the manager and the President. The Contadora agreement requires—it has a mutuality of action—on the signing of Contadora, aid to the Salvadoran guerrillas ceases and simultaneously aid to the Contras ceases. That is a requirement of Contadora.

What the President sets up and what the chairman and others argue we should allow is for us to actually be in violation of the Contadora because we are going to decide that the signing is what, in fact, triggers the cutoff; we are going to decide on a whole set of different ingredients.

Mr. President, that defeats Contadora.

You cannot have a Contadora agreement and approach it from the perspective which is set forth in this bill. If the President maintains the discretion and the Contras continue after signing this agreement, there cannot be a signing because Nicaragua and the other countries are caught in the bind of the Contras existing and of being in violation of the agreement.

So either you are for Contadora, either you are for the countries of Central America making peace among themselves and the peace which they among themselves agree is adequate, or you are for war and the continuation of conflict.

I do not believe the President offers a cutoff. The real cutoff is in my amendment.

I yield back whatever time I have remaining.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been offered and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. GRAMM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 54, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—46

Andrews	Ford	Mitchell
Baucus	Glenn	Moynihan
Biden	Gore	Nunn
Bingaman	Harkin	Packwood
Bradley	Hart	Pell
Bumpers	Hatfield	Proxmire
Burdick	Inouye	Pryor
Byrd	Johnston	Riegle
Chafee	Kennedy	Rockefeller
Cranston	Kerry	Sarbanes
DeConcini	Lautenberg	Sasser
Dixon	Leahy	Simon
Dodd	Levin	Specter
Durenberger	Matsunaga	Zorinsky
Eagleton	Melcher	
Exon	Metzenbaum	

NAYS—54

Abdnor	Gramm	McConnell
Armstrong	Grassley	Murkowski
Bentsen	Hatch	Nickles
Boren	Hawkins	Pressler
Boschwitz	Hecht	Quayle
Broyhill	Heflin	Roth
Chiles	Heinz	Rudman
Cochran	Helms	Simpson
Cohen	Hollings	Stafford
D'Amato	Humphrey	Stennis
Danforth	Kassebaum	Stevens
Denton	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Long	Trible
Evans	Lugar	Wallop
Garn	Mathias	Warner
Goldwater	Mattingly	Weicker
Gorton	McClure	Wilson

So amendment No. 2721 was rejected.

□ 1800

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

□ 1810

Mr. DOLE. Mr. President, we are going to try to accommodate a number

of Members on each side who have come to me and are willing to stay late. We have obligations that we have to participate in for some time.

Perhaps the minority leader is willing to stack votes from 7:15 to 8:30, if that is all right with the managers of the bill, and continue the amendments during that time, because all time will expire fairly soon, and we need to do a couple of other things tonight after we complete action on this legislation.

So if there is no objection, and if we can have an understanding that during that time we could stack the votes, any votes that have been ordered could commence at, say, 8:30 p.m. There might be one or two, maybe not. I do not know how many votes there would be.

Would that be satisfactory?

Mr. BYRD. Yes; I think it would. What time would the period begin?

Mr. DOLE. At 7:15. That would leave 1 hour and 15 minutes.

Mr. BYRD. On this side we are willing. I think we have about four or five amendments remaining, so far as I can tell.

Mr. DOLE. We may be able to have one more vote before that starts.

Mr. BYRD. Very well.

AMENDMENT NO. 2722

(Purpose: Regarding a limitation on funding for programs in Nicaragua)

Mr. SIMON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 2722.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51, after line 16, insert the following:

SEC. 217(a). Not withstanding any other provision of this Act and no later than 30 days after the date of enactment of this Act and every thirty days thereafter, the President shall prepare and transmit to the Comptroller General of the United States a report accounting in full for the uses of all goods and services purchased under title 2 whether within or without the United States with funds appropriated under this title for assistance to the Nicaraguan democratic resistance.

(b). Not later than 15 days after the receipt of the report to be transmitted by subsection (a), the Comptroller General of the United States shall transmit to the appropriate committees of the Congress such report, together with a report which is prepared by the General Accounting Office and which analyzes the data supplied in the report of the President. For purposes of this subsection, the Comptroller General of the United States shall have the right to examine, and have access to any pertinent books documents, papers and records of any agency or component of the United States Government or any contractor or subcontractor thereto.

Mr. SIMON. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Members will please take their seats and clear the aisles.

Mr. SIMON. Mr. President, this is the first of two amendments, and I shall be very brief on each. They are fairly self-explanatory.

The first one—and I have gone out of my way to accommodate the floor manager and the chairman of the Foreign Relations Committee on this—would simply put some teeth in reporting requirements.

Frankly, the bill as drafted is very, very loose. I point out to this body that we have had a little experience in not having adequate, careful auditing and what happens. Of the last $27 million in humanitarian relief, we know from the report that approximately $15 million we cannot account for.

For example, in one account, a $3.3 million account, only $150,000 went to Central America. Let me read from the GAO report with respect to the $3.3 million. It says:

The other disbursements from this account were to companies or individuals and $380,000 went to accounts in the Cayman Islands and the Bahamas.

A little later in that section, it says:

Essentially, funds in this account are flowing from bank account to bank account, in the United States and offshore and to individuals and companies which do not appear to be suppliers in the region. Since brokers accounts were supposedly set up to assist in getting payments to these suppliers, this account raises questions about why so few payments are being sent into the region.

In addition, the GAO has apprised Congress that over $1.4 million has been deposited in a bank in Honduras owned and operated by the Honduran Armed Forces.

I have headlines—I will not bother reading the stories: "Ex-Officers accuse Contra chiefs of siphoning off U.S. aid money," "Contras bilk U.S. for goods, Costa Rican merchants say."

Mr. President, this amendment simply requires that every 30 days we have reports to the Comptroller General, and reports from the Comptroller General, to Congress every 30 days on what is going on. That is all.

Because I understand the desire of the chairman of the committee not to amend title II, I have put this on title III. So I would have to believe that we are safeguarding this thing.

I do know from my conversations with the chairman of the committee that he still has some reservations, but I hope we have met these reservations. I think it is only sensible that we have careful, tight auditing of this.

I point out that the key language in the bill as it is right now says, "any agency to which funds transferred under section 6(a) are allocated shall establish standards." It is up to each agency, and we are not going to get the kind of reports we should be getting.

I hope the chairman of the Senate Foreign Relations Committee could accept this amendment. If not, I will ask for the yeas and nays.

Mr. LUGAR. Mr. President, I must oppose the amendment of the distinguished Senator from Illinois, because I believe that it simply causes reporting that is beyond the needs of this legislation.

Senators will differ on how loose or how tight the reporting sections are. I have no quarrel with the distinguished Senator from Illinois when he says that we can improve upon our reporting requirements. I know that there have been allegations about looseness in the past.

Without getting into that debate, let me just say that the drafters of this legislation have heard those criticisms, loud and clear; they have responded on page 48 of the legislation, the Presidential reporting requirements are listed.

Mr. President, without going through all those reports, let me indicate some which will, I think, reassure Members who want to make certain that adequate report is occurring.

The President shall prepare and transmit to the Congress with each determination required by section 11 a report on actions taken to achieve a resolution of the conflict in Central America in a manner that meets the concerns described in section 3(a). Each such report shall include—

(1) a detailed statement of the status of negotiations toward a negotiated settlement of the conflict in Central America, including the willingness of the Nicaraguan democratic resistance and the Government of Nicaragua to negotiate a settlement;

(2) a detailed accounting of the disbursements made to provide assistance with the funds transferred under section 6(a)—

This is the $100 million for the Contras—

and a detailed statement of how the accountability standards, procedures and controls established under section 7(b) and 11(d)(1)(F) are being implemented so as to assure that all such funds are fully accounted for and are being used exclusively for the purposes authorized by this title;

Then it gets into alleged human rights violations, and finally to an evaluation of the progress made by Nicaraguan democratic resistance in broadening its political base:

an evaluation of the progress made by the Nicaraguan democratic resistance in broadening its political base and defining a unified and coordinated program for achieving representative democracy in Nicaragua.

In brief, Mr. President, not only must the President of the United States give a detailed report of disbursements and fund transfers; he is also required to report on the negotiations, on how things are going with regard to the Contadora process or the

Central American nations or negotiations between the parties in Nicaragua itself.

The President must consider possible human rights violations. It is important to Senators, and that is the reason it is in the legislation. Also, the President must evaluate the broadening of the political base—how the building of democratic institutions is going in Nicaragua and what we might anticipate.

Mr. President, in contrast, as I read the amendment of the distinguished Senator from Illinois, every 30 days the President must prepare and transmit to the Comptroller General a report, accounting in full for the use of goods and services. I say, in all honesty, that this is a degree of micromanagement that seems to me to be excessive.

I appreciate the good will of the Senator in placing his amendment on title III so that title II, which we argued about earlier, is not jeopardized.

□ 1820

But I must say after evaluating the intensity and the frequency of these reports contemplated by the Senator, I believe the language contained in the bill now is appropriate language. It covers many aspects that ought to be reported upon. It gives the Congress and the public timely warning of how things are going.

For that reason I believe that language should stand.

If language of the Senator from Illinois appears in title III, I think it may be confusing to those reading the legislation simply because it does have a distinctive set of requirements that the Senator believes are tighter but I would say simply create more paperwork and more redundancy.

For those reasons, Mr. President, I will oppose the amendment.

Mr. KENNEDY. Mr. President, I rise to support the amendment of the Senator from Illinois. This is an important issue, an important amendment, and I urge the Senate to adopt it.

Last year when Congress passed $27 million in "humanitarian" assistance to the Contras, it also passed a provision of that law calling upon the Contras to remove from their ranks any individuals who have engaged in human rights abuses. Yet these abuses by the Contras go on and on.

The $27 million was not used for "humanitarian" assistance. What funds have gotten through went to provide logistical support to an army plotting to overthrow the Sandinista government.

It is clear there has been no improvements in the respect for human rights since Congress approved the "humanitarian" aid. It is less clear exactly what those funds have been used for.

A look into the use of that aid reveals a labyrinth of diverted funds, mismanaged programs, and no significant increase in the human rights record of the President's so-called freedom fighters.

The General Accounting Office investigation of the $27 million in humanitarian assistance to the Contras indicated that the military leadership of the Contras was skimming large amounts of that aid for their own personal gain. Instead of basic humanitarian goods, the GAO found funds being channeled into offshore banks, black market currency deals, falsified receipts, and payments made to the commander in chief of the Honduran Armed Forces. Administration estimates of the Contra force are between 15,000 and 20,000; the GAO report found over 62,000 belts, 50,000 canteens, and 54,000 pairs of boots listed as provided to the Contras. The report claims one "broker" for the Contras received $3.3 million from the United States but could only find $150,000 that had been sent to Central America. They found receipts for 5,000 rifles at $600 a rifle; yet those rifles were bought at only $160 each.

The list goes on, but the issue is clear. We don't know what has happened to the $27 million approved last year in Congress. And now we are being asked to provide $100 million more into this Contra slush fund.

The amendment before us goes far in addressing this problem and I urge my colleagues to support it.

Mr. SIMON. Mr. President, I shall be brief because I understand we are trying to move along rapidly here.

I have nothing against having the requirement on human rights as to how negotiations are going on. That is not the question in this amendment.

The question in this amendment is how money is being spent and is it being spent carefully.

Our experience on humanitarian aid where you can control it a little more carefully is that it was not spent carefully.

Now we are talking about not $27 million in humanitarian aid but $100 million in military assistance to the Contras.

I would think we want to be extra careful. It sounds very good, but if you read the language on page 48, when you are talking about accounting and disbursements, it says the key operative language is procedures controls established under section 7(b).

Then you turn back to page 32 in section (b) and it says,

Any agency to which funds transferred under section 6(a) are allocated shall establish standards . . .

It leaves it up to each agency to establish standards.

So I would submit, Mr. President, that we ought to adopt this. This does not cause a conference. I think that we have avoided the problems that the floor manager and the chairman of the Foreign Relations Committee are talking about on other amendments. I think this is simple prudence. I do not care how you voted on Contra aid. We ought to make sure this money is being spent carefully.

So I would urge the adoption of this amendment.

The PRESIDING OFFICER. The question occurs on the amendment.

Mr. LUGAR. Mr. President, let me just simply respond briefly to the Senator from Illinois when he is describing the standard that these agencies must adopt. Further language on page 32 says:

Such standards, procedures and controls shall be developed in consultation with the Comptroller General and the appropriate committees of the Congress, and shall include such safeguards as segregation of accounts, monitoring of deliveries, and requirements for the keeping of complete records available for audit by authorized representatives of the United States Government.

I think this is adequate language. I appreciate it is arguable and that is why we are arguing about it.

But at this stage, unless the Senator from Illinois has further argumentation, I am prepared to table the amendment.

I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana to lay on the table the amendment of the Senator from Illinois.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 43, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—57

Abdnor	Glenn	Mattingly
Andrews	Goldwater	McClure
Armstrong	Gorton	McConnell
Bentsen	Gramm	Murkowski
Boren	Grassley	Nickles
Boschwitz	Hatch	Packwood
Bradley	Hawkins	Pressler
Broyhill	Hecht	Quayle
Chafee	Heflin	Roth
Cochran	Heinz	Rudman
Cohen	Helms	Simpson
D'Amato	Hollings	Stafford
Danforth	Humphrey	Stevens
Denton	Kassebaum	Symms
Dole	Kasten	Thurmond
Domenici	Laxalt	Trible
Durenberger	Long	Wallop
Evans	Lugar	Warner
Garn	Mathias	Wilson

NAYS—43

Baucus	Harkin	Nunn
Biden	Hart	Pell
Bingaman	Hatfield	Proxmire
Bumpers	Inouye	Pryor
Burdick	Johnston	Riegle
Byrd	Kennedy	Rockefeller
Chiles	Kerry	Sarbanes
Cranston	Lautenberg	Sasser
DeConcini	Leahy	Simon
Dixon	Levin	Specter
Dodd	Matsunaga	Stennis
Eagleton	Melcher	Weicker
Exon	Metzenbaum	Zorinsky
Ford	Mitchell	
Gore	Moynihan	

So the motion to lay on the table amendment No. 2722 was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, the distinguished Senator from Illinois is going to offer an amendment. There will be a short debate. This will be the last vote before the little window which starts at 7:15. The vote should come hopefully in 10 or 12 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

AMENDMENT NO. 2723

(Purpose: An amendment to transfer funds to IFAD)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 2723.

Mr. SIMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51, after line 16, add the following:

SEC. 303. Not withstanding any other provision of this Act, of the funds appropriated under title II of PL-99-10, as amended by this Act, and that are available through September 30, 1987—

(1) 25,000,000 shall be available only to provide a United States contribution to the Special Program for Sub-Saharan African Countries Affected by Drought and Desertification of the International Fund for Agricultural Development; and

(2) 25,000,000 shall be available only through the Agency for International Development for the following purposes—

(A) not to exceed 10,000,000 shall be available only to support programs for the eradication of locusts and other pests that threaten food supplies in Africa; and

(B) such funds as are not allocated by paragraph (1) shall be obligated to support projects that assist agricultural activities by poor farmers in Africa for the production of food to be consumed in Africa, with preference given to projects that involved co-financing with projects funded by I.F.A.D. Such projects shall be targeted to assist in the rehabilitation of agriculture in areas that have been most severely affected by drought and famine.

On page 28, line 10, strike "$300,000,000" and insert in lieu thereof "$250,000,000".

Mr. SIMON. Mr. President, this amendment takes $50 million of the $300 million and provides it in development aid for Africa, where the needs are frankly very, very real.

Why are we providing the extra $300 million in Central America? It is not because of any sudden great economic needs. It is frankly for political purposes because we are providing $100 million to the Contras. That is the reality.

Economic support funds for Costa Rica, El Salvador, Guatemala, and Honduras have increased 806 percent between fiscal year 1981, fiscal year 1986, and yet three of these countries in 1986 are continuing to experience negative per capita growth.

I am a strong believer, as many of you know, in assistance to countries that really need help. I think it is unwise for us to get into a situation where we are getting countries dependent on American foreign aid.

No one has a clear idea how this $300 million is going to be spent. The head of AID sent a letter to Senator KASTEN with very vague general language assuring us that the money can be used. But we do not know. If you come along with a program to have scholarships for young people, or come to school in the United States, I will support it. I think that makes sense. If you come along with specific needs but just to suddenly spend $300 million in largesse in that area for purely political purposes so they keep quiet when they really think our policy in Central America is folly does not make sense at all.

I would point out one other thing, Mr. President. That is that in Africa today in the countries of great need, what we are spending in those countries of great need is one-sixteenth as much per capita as we are spending in these four countries in Central America, and that we are providing aid here with this $300 million.

Again, I am sympathetic to genuine assistance on the basis of genuine need. Here we are just dropping in money not on the basis of need. Where there are countries of great need in Africa, those African countries are getting one-sixteenth as much per capita as these countries in Central America.

So I urge, Mr. President, that we vote this amendment. I think it makes sense from the viewpoint of U.S. policy. I think it makes sense from the viewpoint of the interests of the countries of Central America. It certainly makes sense from the humanitarian point of view.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

● Mr. LEAHY. Mr. President, I rise in support of the amendment offered by my colleague from Illinois, Senator SIMON.

I have been a strong supporter of the International Fund for Agricultural Development ever since its creation a decade ago. IFAD was established to increase food production and rural income in the poorest nations of the world. The Fund promotes agricultural growth from the grassroots. It funds rural development projects that supply seeds, tools, fertilizer, credit and training in farm and business management to those who need it most—the small farmers and landless laborers who survive on an annual income of less than $100.

These are among the very poorest people in the world.

In response to the recent famine in Africa, IFAD has set up a "special Africa fund" to focus resources on small farmers in the sub-Saharan region most affected by drought and desertification. This is the most desperate region on Earth.

Thirteen other countries and organizations have contributed or committed to provide aid to the IFAD special fund. It is time for the United States to follow their example. Regrettably, the administration has proposed a $4 million cut in assistance to IFAD for fiscal year 1987, and no contribution for the IFAD special fund. The inclusion in its Contra aid package of $300 million which Congress authorized for African famine victims is a further demonstration of this administration's misplaced priorities. This aid is earmarked for four countries that already have more than $500 million in U.S. aid in the pipeline, and there has been no explanation of now this aid will be used.

The amendment offered by Senator SIMON would provide a responsible level of funding, and would serve as an important signal to the poorest African countries that our country is firmly committed to responding to their critical needs. The Africa famine may have disappeared from the headlines, but the urgent needs of African farmers continue. The U.N. Office for Emergency Operations in Africa estimates the overall nonfood relief and recovery needs in Africa at half a billion dollars.

I strongly urge my colleagues to support this modest amount of funding, for one of the most successful organizations that is helping to meet the basic needs of the poorest people in the world.●

Mr. LUGAR. Mr. President, I rise in opposition to the amendment of the distinguished Senator from Illinois.

The Senator's amendment I think clearly identifies $50 million out of the $300 million that would be going to the Central American countries for Africa.

The Senator is entitled to a value judgment. He has made some good points about the per capita income and the per capita United States support for Africa. It is not as high as we would like and one of the great problems of our foreign assistance situation now is that the African countries frequently are cut out of the list first. That is a tragedy, in my judgment.

Mr. President, the purpose of this legislation is to try to bring peace and stability and democracy in Central America. A long time ago, the Kissinger Commission and others have identified economic needs of that area. And throughout this debate, we have talked about the need for economic assistance, the need to shore up those democracies so they would be more vital. Clearly, the $300 million is targeted for Central America because that is where Nicaragua is, right in the middle of those countries that need assistance. It is part of the package. It is part of the design of the legislation. To take $50 million suddenly out as if we are having a foreign assistance evluation markup seems to me undesirable. I oppose the amendment.

Mr. President, I move to table the amendment and ask for the yeas and nays.

Mr. SIMON. If the Senator will yield——

Mr. LUGAR. I withhold the tabling motion for a moment.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, let me point out to my colleagues again. This $300 million is not any precise figure that anyone has agreed upon. It is simply a largess handed out to these countries so they will keep quiet because they do not happen to like our policies of sending the $100 million down to the Contras. That is the reality, while in Africa you have a U.N. court that recommends we provide $448 million just in emergency relief for the need for these countries there right now.

□ 1850

I am just asking that $50 million be used for Africa. I think it really makes sense. I think taking that $50 million away from $300 million still leaves a substantial amount for those countries down there. I urge acceptance of this amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. A very important point has been brought to my attention. The Senator's amendment amends title II. As we have pointed out again and again, title II amendments are killer amendments.

We have striven thus far to try to get this aid to the Contras. We are still determined to do that. We are not playing an allocation game presently between continents; we are not having a foreign aid markup. The bill is about Central America and it ought to remain about Central America.

Mr. President, I move to table the motion and I ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Illinois has time remaining.

The motion to table is not in order at this time.

Mr. SIMON. Mr. President, I want to amend title II because I believe we have to. I would point out to my friend from Indiana, the last amendment I had did not amend title II but there was objection to it.

But here, there is no question; it would bring it into conference. I have confidence that my colleagues who go to conference will work it out. There is no question about the need here.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. SIMON. I yield back my remaining time if the other side will yield back their time.

Mr. MATTINGLY. I would say in conclusion, Mr. President, that anything even in another title that is directed at title II, which the Senator's previous amendment was, also creates a conferenceable item. I yield back the remaining time.

Mr. LUGAR. Mr. President, I renew my motion to table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BROYHILL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 64, nays 36, as follows:

[Rollcall Vote No. 226 Leg.]

YEAS—64

Abdnor	Danforth	Grassley
Andrews	Denton	Hatch
Armstrong	Dole	Hawkins
Bentsen	Domenici	Hecht
Boren	Durenberger	Heflin
Boschwitz	Evans	Heinz
Broyhill	Exon	Helms
Bumpers	Ford	Hollings
Chafee	Garn	Humphrey
Chiles	Glenn	Johnston
Cochran	Goldwater	Kassebaum
Cohen	Gorton	Kasten
D'Amato	Gramm	Lautenberg
Laxalt	Packwood	Thurmond
Long	Pressler	Trible
Lugar	Quayle	Wallop
Mattingly	Roth	Warner
McClure	Rudman	Weicker
McConnell	Simpson	Wilson
Moynihan	Stafford	Zorinsky
Murkowski	Stevens	
Nickles	Symms	

NAYS—36

Baucus	Harkin	Mitchell
Biden	Hart	Nunn
Bingaman	Hatfield	Pell
Bradley	Inouye	Proxmire
Burdick	Kennedy	Pryor
Byrd	Kerry	Riegle
Cranston	Leahy	Rockefeller
DeConcini	Levin	Sarbanes
Dixon	Mathias	Sasser
Dodd	Matsunaga	Simon
Eagleton	Melcher	Specter
Gore	Metzenbaum	Stennis

So the motion to lay on the table amendment No. 2723 was agreed to.

Mr. LUGAR. I move to reconsider the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2724

(Purpose: To channel assistance to the Nicaraguan Indian organization Misurasata through the United States State Department and to prohibit the involvement of the CIA in the aid)

Mr. KENNEDY addressed the chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2724.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following section:

It is the sense of the Congress that the $5,000,000 made available by section 204(d) to the Indian resistance force known as Misurasata shall be administered and overseen only by the United States Department of State.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 15 minutes and the Senator from Georgia has 15 minutes.

Mr. KENNEDY. Mr. President, this amendment channels the $5 million in the bill for Misurasata Indians through the State Department, not the CIA. For 5 years the CIA has tried to incorporate the Misurasata Indians into its Contra camp and for 5 years this Indian group has resisted that effort.

The Misurasata Indians are unique among the various tribes in Nicaragua. The leader, Brooklyn Rivera, is widely supported by his people. He is not

tainted by the CIA and the Misurasata is not tainted by the former Somoza group. Their legitimacy is based on their independent and spontaneous support from the Indian people. The Sandinistas have repeatedly attacked the Misurasata people on the Atlantic coast and the people came together to protect their homeland without the help of the CIA and without the purpose of overthrowing the Sandinista government. The CIA wants to divide the Indian people and drive out Brooklyn Rivera simply because he will not permit the agency to gain control over these particular Indians.

If this money goes to the Misurasata through the CIA, that group may well lose its broad popular support and be dissolved. If this $5 million is to go to the Misurasata it ought to go through the State Department.

I have met repeatedly with the leadership of the Misurasata, including Brooklyn Rivera, who has asked me to ensure that the availability of the funding not be through the CIA. This is an amendment that does that and I hope the Senate would respect the wishes of the recipients of this aid and support this amendment.

This amendment, if enacted, will shift the responsibility for distributing funds earmarked for the Indian organization, Misurasata, from the CIA to the Department of State. This is not in any way a killer amendment. If it is adopted, it will increase the effectiveness of the armed resistance to the Sandinistas.

In the course of this debate, many of us have tried to explain why the United States should not be supporting the Contras. On one level, we have stated our problems with the policy itself—what its purpose is, where it is taking us, and how we fear it will lead to wider war and the ultimate involvement of U.S. combat troops. On another level, we have identified problems with the Contras themselves—as individuals, as political leaders, as guerrilla fighters.

Those criticisms are well known.

For one thing, many of the leaders of the Contra military forces were officers in Somoza's National Guard, which leads to questions about their commitment to democracy and to doubts about their ability to rally the people of Nicaragua to their cause.

For another, the Contras are widely perceived to be a creature of the CIA—organized, trained, and supported by the U.S. intelligence community—not a legitimate, indigenous expression of Nicaragua nationalism but instead a pawn in the geopolitical struggle between East and West, a child of the cold war.

And finally, the character of the Contras leaves much to be desired—in light of the atrocities that they have committed and the evidence that has surfaced of corruption, drug smuggling, and gun running.

But there are certain Nicaraguans who have taken up arms against the Sandinistas who have no association with the Somoza regime and who have carefully kept their distance from the CIA. These groups have a legitimacy and a standing and a following among the people of Nicaragua that the FDN and UNO do not have.

I believe, for example, that Brooklyn Rivera and his organization, Misurasata, have a broad and enthusiastic base of support among the Miskito Indians. Rivera has worked long and hard to maintain the integrity of his Indian organization and its independence, and he has only achieved this with a good deal of personal risk and danger to himself.

There has been $5 million earmarked for Misurasata in this legislation. Because of my criticisms of the administration's policy in Nicaragua, I oppose all funds for any paramilitary forces inside Nicaragua, but my position has not prevailed. If in fact there is going to be U.S. assistance to the Indian organization, Misurasata, it should not be funneled through the Central Intelligence Agency. There are two reasons for this:

First, if it goes through the CIA, Misurasata will not take it, thereby defeating the intent of Congress; and

Second, if it goes through the CIA and Misurasata were to accept the aid, it would undermine that organization's legitimacy, destroy its independence, and seriously damage its effectiveness as a legitimate representative of the Indian people.

My amendment should not be controversial. It is not complicated. It is not a killer amendment. It only shifts the responsibility for administering and distributing the funds earmarked for Misurasata from the CIA to the Department of State. I urge the Senate to support it.

I have had the opportunity to bring this up with the manager of the bill and also with the chairman of the Foreign Relations Committee. I am mindful both of the course of the votes this afternoon and the fact that we are getting down to the time now for final passage when we will be hard pressed to carry this measure on the floor of the Senate, but I do think after the chairman of the committee has had a chance to address this issue, perhaps examine it, we may be able to work out some means by which to achieve the goal to which this amendment is addressed and I welcome whatever comment he might make at this time.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield the floor?

Mr. KENNEDY. I yield the floor and retain my time.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, the Senator from Massachusetts has indeed visited with this Senator about the amendment, and the idea has great merit. Clearly, the Indians that the Senator has mentioned have not been engaged with the CIA to the best of this Senator's knowledge.

The purpose of the amendment is that that engagement ought not to consider. I would appreciate the Senator not pursuing the amendment, pressing for a vote in this particular bill for reasons which I have tried to address in opposing many amendments, but I hope the Senator might be willing to withdraw the amendment and not press for a vote in return for assurances on the part of this Senator and others with whom he has visited that we take very seriously the point that is made in the amendment. We visit with authorities in our Government, in the administration, to evince our enthusiasm for following through on the intent of the amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Massachusetts?

Mr. LUGAR. Yes; please recognize the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate the comments of the chairman of the Foreign Relations Committee. I feel that that is the wiser course, and I know that the chairman of the committee will give this careful attention, as he does to these many different matters which come to his attention. I am greatful for his willingness to examine these points. He has stated it now on the floor of the Senate. He had indicated to me earlier his willingness to do so. We are interested in achieving an objective with this amendment, and I think he has posed a way in which we might achieve that objective if we were not to have a vote on this matter at this particular time.

Mr. President, I am grateful to the chairman of the committee. I will work with him and the staff both of the Foreign Relations Committee and the administration. Hopefully, we can get an early resolution to this issue.

With those assurances, Mr. President, I express my appreciation to the chairman of the committee and I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Who seeks recognition?

Mr. MATTINGLY. I suggest the absence of a quorum.

Mr. MATSUNAGA. Mr. President, seeing no one is here—Senator Harkin was supposed to offer an amendment, but seeing no one is here I would suggest the absence of a quorum with time not being charged to either side.

Mr. MATTINGLY. Reserving the right to object, let me just have the time remaining on both sides before we go to a quorum call, please.

How much time is there, Mr. President?

The PRESIDING OFFICER. The Senator from Georgia has 37 minutes; 31 minutes for the Senator from Tennessee.

Mr. MATTINGLY. I thank the Chair. I suggest the absence of a quorum with time not charged to the bill.

The PRESIDING OFFICER. The Senator from Indiana.

□ 1920

Mr. LUGAR. Mr. President, I ask unanimous consent that a quorum call be instituted, with the time charged equally to both sides.

Mr. MATSUNAGA. Mr. President, my unanimous-consent request is still pending, I believe, which is that no time be charged.

Mr. LUGAR. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Indiana asked unanimous consent that there be time taken out of both sides. Is there objection to that request?

Mr. MATSUNAGA. I object.

The PRESIDING OFFICER. Objection is heard.

If no one yields time, time continues to run on both sides.

AMENDMENT NO. 2725

(Purpose: To provide for the transfer of funds to provide relief to farmers and ranchers in areas affected by drought and excess precipitation.)

Mr. HARKIN. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2725.

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of bill, add a new section as follows:

SEC. —. (a)(1) Notwithstanding any provision of Title II, one-half of the funds transferred under section 206(a) of this Act for assistance to the Nicaraguan democratic resistance shall be transferred by the President to an appropriate account in the Treasury and shall be available to the President and the Secretary of Agriculture for the purpose of providing disaster relief to farmers and ranchers in areas determined by the President to be adversely affected by a drought, excessive hot weather, flood, or excessive precipitation disaster.

(2) Upon completion of the transfer under subsection (a), the President may reduce by one-half the amount of funds available under section 208 of this Act for humanitarian assistance to the Nicaraguan democratic resistance.

(b)(1) Within 30 days after the date of enactment of this Act, the President and the Secretary shall announce the manner in which funds available under this section shall be used to provide disaster assistance under existing authorities to producers who have suffered excessive losses because of a natural disaster. Provided that none of funds so provided shall be used to provide assistance to any producer in an amount in excess of $5,000.

(2) The assistance provided from funds available under this section shall be in addition to, and not in place of, any other assistance available under a program previously announced by the President or the Secretary that provides disaster assistance to farmers and ranchers.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 15 minutes.

Mr. HARKIN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. Mr. President, I will not take 15 minutes; I will take about 5.

This is a simple amendment. My amendment would transfer one-half of the Contra aid package—that is, $50 million—for the purpose of farm disaster assistance. These funds would be in addition to those funds that are already made available for such assistance.

I remind my colleagues that under current budget procedures, we are involved in a zero-sum game. The Government of the United States does not have an unlimited amount of money. So this amendment—and the vote that will occur—is a vote on budget priorities.

Do we transfer $50 million to help restore some of the drought assistance programs that have been slashed in recent years, or do we pour all of this money into Central America for the Contras? The question is, do we help others, or do we ship more money overseas?

By adopting this amendment, we will be telling the taxpayers and the drought-stricken farmers in Pennsylvania, North Carolina, Kentucky, Virginia, Georgia, South Carolina, and other States—and in those States where farmers have been flooded out, such as South Dakota—that we think just as much of them as we do of the Contras.

I have also included in my amendment a cap on the amount of money. I have said that none of the funds could be used for any disaster payments to any farmer in an amount over $5,000. There is a $5,000 cap, so this money could not go just to large farmers.

What this amendment does is transfer one-half of the money, $50 million, to those farmers who have suffered from the drought in the Southeast or from a lot of rain, as they have in South Dakota and other States, with a cap of $5,000 per farmer.

That means we could help as many as 10,000 farmers. I understand there are about 10,000 Contras, so I am asking for $50 million for 10,000 farmers and $50 million for 10,000 Contras. I believe it is a fair deal.

Assistance to this date to our farmers who have been hard hit has been a joke. We need as much money as we can get to help these farmers get through this year and next year. Five-thousand dollars does not sound like a lot of money, but to a farmer who has been completely wiped out, it can get a family at least through the next winter months.

Mr. President, I do not think there needs to be a lot of debate on this amendment. Just one-half of the money taken from the Contras, to be put into farm relief assistance, but no more than $5,000 being made available to one farmer. That way, we could help as many as 10,000 farmers in this country who have been hit hard by the drought.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I oppose the amendment of the distinguished Senator from Iowa. I appreciate the intent of his amendment to bring additional assistance to farmers throughout this country who have been hit by drought and by other disasters.

Clearly, this has been the focus of much debate on the floor of the Senate in recent days, and it will continue to be in the middle of our attention because there is desperate need. That is admitted.

Mr. President, I am certain that my distinguished friend from Iowa appreciates that $50 million taken from this bill, a matter of grave foreign policy and national security interests, a bill designed to try to bring about a change in Central America, a change that will bring safety to this country—that $50 million taken from the package would be ruinous to our intent.

We have had many votes. We have been debating this issue for a long time. Senators have approached that in many ways, either to strengthen or weaken it. The last series of amendments, in my judgment, have been meant to weaken our resolve.

The Senator from Iowa points out correctly that his amendment is a budget allocation situation, and there is a time and place to have those debates.

We spend a great deal of time in the Senate each year working through the business of budget allocation, with many amendments, sorting out how we should allocate taxpayer resources.

We are at a point now where we have come to the end of a long debate on assistance to the Contras in Nicaragua. A long time ago, the Senate voted 53 to 47 that we should give $100 million of assistance. The House has now so voted and sent their legislation back to us, and we hope sometime this evening to pass that legislation.

Mr. President, I respect the intent of the amendment. It is an important amendment. We have, of course, very recently passed legislation that would provide about $600 million for new disaster assistance, and we did this as a part of consideration of the debt ceiling bill. That sum may still be inadequate, and I do not argue with the distinguished Senator from Iowa about its adequacy. I simply say that adoption of this amendment would have a devastating effect upon the intent of those who have been attempting to bring aid to the Contras in Nicaragua.

Finally, I make this point: I believe that the farm families in my State—and I trust that this is true in the State of Iowa—are deeply concerned about the security of our country.

□ 1930

Of course, they are concerned about their own financial security. The farmers in my State are concerned about the financial security of farmers all over America.

Attempts to get hay from Indiana to South Carolina are well publicized and were very effective and appreciated. This was not an attempt to solve the problem. It came from compassionate thoughts of farmers in my State, led on by our Lieutenant Governor and others who took a great deal of leadership in that situation. So we feel poignantly about what is occurring.

But the farmers in my State are also worried about the security of this country. They are concerned about Latin America. Many know that our bread and butter depend upon our ability to export goods and services to Latin America, and some of those markets have not been doing well.

One of the purposes of this legislation, both in aid to the Contras and the economic assistance of the surrounding Central American countries, is to say not only do we care but we have a game plan for improvement of those markets, of those economies, of the prospects for democracy and, therefore, Mr. President, the prospects for peace in our own hemisphere.

There has been a great deal of consideration during this debate about war and peace, about the analogies to Vietnam or to the Philippines or other situations in which we have been involved.

Mr. President, I fervently believe that the legislation we are passing today will lead to greater opportunity for peace in Central America and that will be of great value to farmers in my State and other citizens in my State who are deeply concerned about that situation.

Therefore, Mr. President, at the appropriate time I will offer a motion to table the amendment of the Senator from Iowa. But I will withhold that motion until I am certain he has had an opportunity to use his time effectively in debating this motion.

I yield the floor.

Mr. HARKIN. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Iowa has 11 minutes and 30 seconds remaining.

Mr. HARKIN. Mr. President, I hope I will not take that much time.

First of all, Mr. President, this is probably the last time that I will take the floor, at least today, to speak on this issue.

I want to take this opportunity to compliment the distinguished chairman of the Foreign Relations Committee, for his very thoughtful, very courteous, and very gentlemanly approach to the entire debate surrounding this issue. I have the highest respect for the Senator from Indiana.

I also want to say, Mr. President, that I know that the distinguished Senator from Indiana has as much care and concern about the farmers who have been hit by drought and other weather-related disasters and the entire economic plight of the farmers as does this Senator. I am privileged to serve on the Agriculture Committee with the distinguished Senator from Indiana. I know that he does care. I know that he also would like to see as much assistance as possible given to these farmers who have really been hit by this drought this year.

So I do not in any way question his sincerity. Quite to the contrary. I know of his intense feeling about the issue and the plight of the farmers. I want to make that clear.

I would just again say that this amendment is offered in good faith. I also want to reassure the Senator from Indiana that this is not the only time I will offer an amendment like this and not just on this bill. I will be looking for other opportunities between now and the time that the Senate adjourns in October to find other places where money could be found under other accounts because, as I said, it is a zero sum game. I do believe we need more money put into the Disaster Assistance Program than we have had. So I will be looking for other opportunities on other pieces of legislation to do the same thing.

I felt to do this amendment would accomplish two things. One, to again reiterate my strong feelings about the need to stop the funding for the Contras—I think my position on this is quite clear—or at least to reduce by as much as possible our support for the Contras.

So my amendment addresses that issue, but it also addresses my strong feeling that there ought to be more money put into the disaster assistance program for farmers because, quite frankly, Mr. President, I think what the administration has done so far has been to issue a lot of good press releases, and produce a lot of fancy photo opportunities. But I really do not think that really much assistance has come through.

So my amendment also covers my concern in that area to try to get some more money into that disaster assistance program.

I would just again close, Mr. President, by saying that I think to take this $50 million again, the $5,000 cap, could go a long way. I know it is small in comparison with the number of farmers who are being hurt throughout the Southeast and some in the Midwest also. But again, as I pointed out, $5,000 to a farmer who has really been hit by the disaster can put some food on the table during the winter, buy some clothes for the kids, put some shoes on their feet, and perhaps keep body and soul together until the next planting season. So $5,000 up to maybe $10,000 can do a lot of good.

As I said in the beginning, Mr. President, for me this represents an effort to reduce somewhat the funding for Contras, an effort to shift some of the money into disaster assistance programs and to provide some equity in this program and to provide an opportunity to vote on priorities.

So, Mr. President, with that I yield back my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the Senator from Iowa has yielded back his time. I will do so likewise in a moment.

I simply want to thank him once again for his thoughts in this debate. It is a serious issue.

Mr. President, I move to table the amendment of the Senator from Iowa and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. MATSUNAGA. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, the distinguished majority leader and the distinguished minority leader have asked that there be no votes between 7:15 p.m. and 8:30 p.m.

Therefore, Mr. President, I ask unanimous consent that there be no votes cast before 8:30 p.m. and that votes be stacked thereafter that come up in the order of our debate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Indiana?

Mr. MATSUNAGA. There is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The vote on the motion to table by the Senator from Indiana will occur at 8:30 p.m.

Mr. LUGAR. Mr. President, I ask for the yeas and nays on the motion to table on that vote that will occur at 8:30 p.m.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. I thank the Chair.

The yeas and nays on the motion to table will be ordered at 8:30 p.m.

Mr. MATSUNAGA. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 1940

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. LUGAR. I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Indiana yields 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, we are about through with this debate on this particular subject. I just wanted to spend a few moments discussing what has been running through my mind as we have debated these various amendments and approaches.

Mr. President, I think we all have to concede that the United States does not maintain the same position of strength—that is, political strength—as we once held around the world.

I became satisfied that I was right on that in January when I made a trip around the world and visited countries that we do not often visit. Almost invariably, Mr. President, the first comment that the leaders of these countries would make was, "We can't trust the United States any more."

I remember one country that we have always been friends with complained to me that we do not keep our word. We promised to sell them aircraft and then pulled it back.

Now, I am trying to figure out what has happened to this country in that respect. And I remember—and I cite these instances and there will be many more of them that do not come to my mind very fast—when we allowed 24 years ago or 25 years ago today, the establishment of two Berlins. And I happened to have been there that day when the Russians put up that barbed wire. I had a few drinks that night with the commanding general. He was complaining bitterly that the President of the United States would not let him push that barbed wire down with a bulldozer. He said, "I can assure you, the Russians would never have put it up again."

We allowed the two Berlins. We allowed the division of China, two Chinas. We did not carry through on the Bay of Pigs. We did not act right when our helicopter was shot down south of Vietnam.

There are just examples—I do not like to call it cowardice—but examples of where the President of the United States did not exhibit the courage that has always been associated with the United States, whether it be in economic fields, but more particularly in political fields.

And the proof is, Mr. President, when we invaded the little island of Grenada. Even though I have to admit, militarily, it was sort of a messup, it is the first time this country has acted the way the world thinks it should act. And we had a reaction to it immediately all over this world. At that particular time, I happened to have been in Turkey visiting with the Turkish staff, military staff. And they said, "Thank God, you are finally beginning to act like America."

And then when we raided Libya, I think the world had begun to think again of the United States as the leader that we should be.

Now, I do not want these remarks to indicate that I favor war. I do not. I favor a country staying strong militarily, strong economically, strong morally, and the President, then, having the courage to use whatever of these powers he has to use in order to convince our opponents that we are not going to stand for war, and convince our friends that we do stand for peace.

I will close by just reminding my friends that had we been armed in the 1930's, had we been willing to say to Mr. Hitler, "You put one foot on another country and you have put a foot on the United States," there never would have been a World War II.

If we remain strong, as I have outlined, militarily, politically, economically, and morally and are willing to use those powers, almost regardless of what happens, I feel certain that we will live in peace for a long time.

I yield the floor.

RECESS UNTIL 8:15 P.M.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 8:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 7:49 p.m., the Senate recessed until 8:15 p.m. whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. TRIBLE).

□ 2015

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Chair is advised there is no pending amendment before the Senate.

Mr. DOLE. Mr. President, as I understand it, there will be one additional amendment to be offered as soon as the distinguished minority leader is available and 24 minutes remain on each side.

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Following the debate on the Byrd amendment, I assume there will be a request for the yeas and nays. There will be a vote in relation to the Harkin amendment, a tabling vote; then a vote in relation to the Byrd amendment, which will be a tabling vote, I assume; then a vote on titles II and III.

I had been asked earlier if we could voice-vote them and then passage, but I am now advised by the managers of the bill that they will want a rollcall vote on passage. We are looking at four rollcall votes, to start, I assume, somewhere between 8:45 and 9 o'clock. That will take a good part of an hour for the four rollcall votes.

Then we still have to dispose this evening, as I understand it, of legislative appropriations, which needs to go to conference and be completed so the policemen can have their pay—at least their pay increase. It is rather important to them and they are rather important to us. I hope we can dispose of that this evening and then lay down the South Africa bill.

If somebody feels compelled to discuss that later this evening, it is all right with me. I know the staff would like to get some rest, too, because tomorrow night will be a late night, with another on Friday.

In the interim, unless somebody wishes to speak, I suggest the absence of a quorum, the time to be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll to ascertain the presence of a quorum.

The assistant legislative clerk proceeded to call the roll.

□ 2030

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. MATTINGLY. What is the order of business, Mr. President?

VOTE ON MOTION TO TABLE AMENDMENT NO. 2725

The PRESIDING OFFICER. The hour of 8:30 having arrived, it would be appropriate to vote on the motion to table the Harkin amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Missouri [Mr. EAGLETON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 227]

YEAS—58

Andrews	Goldwater	Moynihan
Armstrong	Gorton	Murkowski
Bentsen	Gramm	Nickles
Boren	Hatch	Nunn
Boschwitz	Hawkins	Pressler
Bradley	Hecht	Quayle
Broyhill	Heinz	Roth
Chafee	Helms	Rudman
Chiles	Hollings	Simpson
Cochran	Humphrey	Stennis
Cohen	Johnston	Stevens
D'Amato	Kassebaum	Symms
Danforth	Kasten	Thurmond
DeConcini	Laxalt	Trible
Denton	Long	Wallop
Dixon	Lugar	Warner
Dole	Mathias	Weicker
Domenici	Mattingly	Wilson
Evans	McClure	
Garn	McConnell	

NAYS—41

Abdnor	Grassley	Mitchell
Baucus	Harkin	Packwood
Biden	Hart	Pell
Bingaman	Hatfield	Proxmire
Bumpers	Heflin	Pryor
Burdick	Inouye	Riegle
Byrd	Kennedy	Rockefeller
Cranston	Kerry	Sarbanes
Dodd	Lautenberg	Sasser
Durenberger	Leahy	Simon
Exon	Levin	Specter
Ford	Matsunaga	Stafford
Glenn	Melcher	Zorinsky
Gore	Metzenbaum	

NOT VOTING—1

Eagleton

So the motion to table the amendment (No. 2725) was agreed to.

□ 2050

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. MATTINGLY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order. Senators in the well are asked to take their seats. Those Senators engaged in conversation are asked to retire to the cloakroom.

The Senate is not in order. The Senate is not in order. We will not proceed until there is order in the Chamber.

Republican Members are asked to please take your seats. Democrat Members are also asked to take their seats so we can continue.

The majority leader.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, as I understand it, the distinguished minority leader has an amendment. That will be the last amendment. Then there will be a vote in relation to that amendment. I am not certain whether it will be up-or-down or a motion to table.

Then I assume there will be the yeas and nays on titles II and III. It was the hope of some that we could then voice vote the bill itself, but I have a request on this side for the yeas and nays on final passage. What I hope we could do is have a 15-minute vote, followed by two 10-minute votes, if we can arrange that.

Then, following that, it is my understanding, based on a conversation with the chairman of the Appropriations Committee, that it is rather important we pass the legislative appropriations bill tonight so we can go to conference with the House and complete action on that yet this week. We are hoping that can be done without a rollcall, but I will know before we start voting on these next three votes.

Then, following that, we will lay down the South Africa sanctions bill, in accordance with the unanimous consent request, but we would not have any rollcall votes on that this evening.

The PRESIDING OFFICER. The Democratic leader.

Mr. BYRD. Mr. President, how much time do I have on this amendment?

The PRESIDING OFFICER. There are 24 minutes of debate remaining.

□ 2100

Mr. BYRD. Mr. President, 24 minutes on the amendment?

The PRESIDING OFFICER. Twenty-four minutes overall are remaining.

Mr. BYRD. Is there any time left on the bill?

The PRESIDING OFFICER. That is the time remaining on the bill, itself.

Mr. MATTINGLY. I think the Senator had requested 30 minutes earlier of which he would have 15 minutes and we would have 15 minutes. We would be happy to still accommodate. He can have 15 minutes and we will keep the remainder.

AMENDMENT NO. 2726

(Purpose: To encourage diplomatic solutions to the problems in Central America)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 2726.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill add the following new section:

Section . (a) FINDING.—The Congress finds that the promotion of stability in Central America, and the efforts to establish peaceful resolutions to the region's many problems, should be pursued primarily through diplomacy.

(b) In order to promote peaceful resolutions to the problems of Central America primarily through diplomatic means, funds available to the Department of Defense, the Department of State, the Central Intelligence Agency, or any other agency or entity of the United States may be obligated or expended to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only—

(1) As provided for in this act; or

(2) If otherwise specifically authorized by law for use for such purposes.

(c) For purposes of subsection (a), the term "assistance" means assistance of any kind, including, but not limited to that which is provided by grant, sale, loan, lease, bailment, credit, guaranty, insurance, or properly chargeable services.

(d) No funds available from the Reserve for Contingencies of the Central Intelligence Agency may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except if such activities have been specifically authorized by law formally acted upon by the Congress.

(e) Nothing in the preceding three paragraphs shall prevent the conduct of—

(1) Activities which are intended for the collection, analysis, production and dissemination of intelligence information; or

(2) Diplomatic activities.

Mr. BYRD, Mr. President, if we may have order in the Senate, I will try to be brief.

The PRESIDING OFFICER. If the Democratic Members will take their seats, the Democratic staff members engaged in conversation will take their seats, retire to the Cloakroom, so we could have order and the Senator from West Virginia could be heard.

The Democratic leader.

Mr. BYRD. Mr. President, I thank the Chair.

This amendment attempts to establish a true balance in our policy toward Nicaragua, despite the earlier vote by this body, which essentially

was in support of the $100 million aid program contained in this bill, my amendment puts the primary focus of U.S. policy on diplomacy, and it limits the program of U.S. aid to the levels contained in this bill, and otherwise already authorized by law. I will not take long to explain this amendment. I have already, during the debate on the bill, and on the amendment last night, outlined the principles that the amendment embodies, and the reasons underlying those principles.

I will make three points: First, the United States' solemn duty to the American people is to explore and to exhaust diplomacy before it proceeds to a situation in which it may have to offer, or in which it may offer, their sons and daughters in a civil war in Central America.

Second, this amendment provides Senators another opportunity to plug up the loopholes, to close all the trapdoors, and to cement over the back channels through which massive hidden military aid can be provided to the Contras without the knowledge and approval of this body and the other body.

We would be derelict in our duty to the American people if we did not take every precaution to keep this program limited to that which the administration has advertised it would be; and, that is, $100 million, $70 million in military aid and $30 million in humanitarian assistance.

There are solid indications, as we saw in Newsweek magazine of July 7, 1986, a story that indicated that the administration has a plan that whereby in addition to the $100 million that we are voting face up in this bill, that there is a back door plan, call it lend-lease, and provide equipment through bailment, loans, leases, or whatever, while the CIA will retain title to the equipment. And the items, helicopters, trucks, whatever they may be, will be loaned to the Contras—so that the Congress will indeed not be voting on these additional funds which may triple or quadruple the amount of Contra aid that is in this bill.

Mr. President, this amendment would say to the American people, "although you are 2 to 1 against aid to the Contras, this Senate has nevertheless voted for $100 million in aid to the Contras, but that is all. If there is any more, the administration has to come through the front door, lay it right on the table and ask your elected representatives in both Houses of the Congress to vote on it. The Senate and House will debate it, and they will vote on it." That is what we are saying here: nothing hidden, no back door, no under the table, no sleight of hand, no lend-lease, nothing coming through the CIA door; and they are going to get only this $100 million. If the administration wants more, let it come up to the Hill, let it come in the front door, let it justify any further requests and we will debate them and make that decision at that time. We would be derelict in our duty to the American people if we did not take every precaution to keep this program limited to only that which the administration has advertised.

As I have already said, there are indications that such a plan as I have just described exists, but we are not being told about it.

I emphasize this: The language currently in the bill does not do the job. Despite the claims by the bill managers, it neither prohibits the use of the CIA contingency fund beginning on October 1 of this year, nor does it prohibit clearly a transfer of resources in a kind of back door capital investment, lend-lease, military aid program to the Contras. The language now in the bill does not prohibit the secret use of tax dollars for a secret war.

Mr. President, Americans oppose the Sandinista regime's suppression of democracy in Nicaragua. They oppose its involvement with the Soviet Union and Cuba. However, most Americans want the United States to pursue and exhaust diplomatic solutions to the problems in Central America. We have heard that the Nicaraguans are willing to negotiate with the United States to eliminate any Soviet bases from that country, to eliminate the Soviet military presence, to eliminate the Cuban military from that country, and to stop interference by that country in the affairs of neighboring countries.

Nicaraguans have said they will negotiate about these things. So let us call their hand. Let us make them showdown. Let us pursue through diplomatic channels these issues that are of such importance to the American people. We are talking about peace and war. If it is going to be war, let us first try diplomacy. Let us try every way that we can to peacefully negotiate the problems in Central America. Let us try to avoid, in the final analysis, sending American fighting men and women into the jungles of Nicaragua. If they are to go, let them go with their eyes open.

So I say to my colleagues, this amendment will assure that although we who are opposed to the $100 million for Contra aid that this bill has in it, we cannot do anything about that because we have cast our votes and lost, but we are going to ensure that that is all, and no more, unless the administration comes in the front door, lays it on the line, makes its request, justifies the request, or attempts to, and the Senate and the House have another opportunity to vote on it.

My amendment amends title III, and it does not touch title II. We have heard the arguments over previous amendments that have been offered, that we are offering them to title II, and in that way, if they were adopted, it would mean title II would be conferenceable. Well, we are not going to attempt to amend title II here. We are adding a new section to title III so that we can all vote on the merits. We will not have the argument that it will make something conferenceable with the other body.

I say to my friends, to my colleagues, let us vote tonight on an amendment that provides against a secret war in Nicaragua. Let us think first of American fighting men and women and, if we are going to spend more money, if we are going to sink more money into a morass in Central America, let us first try diplomacy. Let us first exhaust diplomacy. If it goes beyond that, then let us not have any hidden money, any secret money, any under-the-table money going to the Contras.

I hope the Senate will adopt the amendment.

Mr. President, I ask unanimous consent that a letter to me dated August 12, 1986, from Victor Hugo Tinoco, the Acting Foreign Minister of Nicaragua, be printed in the RECORD. I understand that a similar letter was sent to the distinguished majority leader, Mr. DOLE.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMBAJADA DE NICARAGUA,
Washington, DC, August 12, 1986.

Hon. ROBERT BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATOR BYRD: I have the honor to transcribe a letter sent to you by acting Foreign Minister Victor Tinoco via telex machine:

AUGUST 12, 1986.

Hon. ROBERT BYRD,
U.S. Senate.

DEAR SENATOR BYRD: As the crisis in Central America continues to evolve the United States seems more and more bent on deepening its military involvement in the region alleging reasons of national security. Yet the record shows that these stated national security concerns can be solved through diplomacy.

Contrary to the perceptions promoted by the Reagan Administration, Nicaragua has been willing to negotiate, through multilateral and bilateral frameworks, agreements that should satisfy the stated security concerns claimed by the Government of the United States.

Nicaragua has continually called for the resumption of the bilateral talks that were initiated under the auspices of Mexico in June of 1984 and held in the port city of Manzanillo, Mexico. These talks were unilaterally suspended by the United States in January of 1985, precisely when the Contadora countries were calling both countries to intensify its efforts in the bilateral talks. Let me outline the terms in which Nicaragua has been consistently willing to negotiate a solution:

Nicaragua is willing to negotiate within the Contadora framework the complete withdrawal of all foreign military advisors from Central America, as well as proscribe the construction or establishment of foreign

military bases or the introduction of foreign troops in the region.

Nicaragua is willing to negotiate with the other Central American countries a reduction in troop levels on the basis of the Contadora compromise proposal on arms control of June of 1986 and the concepts of simultaneity embodied in the Caraballeda message of January of 1986.

Nicaragua is willing to negotiate reductions, limits, regulations and elimination of all offensive weapons. Furthermore, through Contadora, we have put together a list of the type of weapons we are willing to limit, reduce or do without within the framework of a Contadora agreement.

Nicaragua has agreed to adequate verification and control mechanisms to monitor the compliance of agreements reached through the Contadora process.

Senator Byrd, these are not new positions, but rather positions my Government has consistently maintained throughout the multilateral negotiating effort carried out under the auspices of the Contadora nations. Yet for these negotiations to be successful it is necessary that bilateral negotiations between the United States and Nicaragua be resumed.

The Government of Nicaragua is prepared to formally negotiate all the matters mentioned above but for a negotiated solution to be successful the United States Government would have to:

Cease its financial, technical and material support or assistance of military or paramilitary activities in or against Nicaragua.

Make a commitment, of reasonable significance, to respect Nicaragua's sovereignty and right to self-determination.

Senator Byrd, it is my Government's firm conviction that a peaceful solution to our disputes and the problems in Central America are not only possible, but imperative for the Peace and development of the region. If, however, such an alternative is to succeed, it will require the active support of all the parties involved.

Sincerely,

VICTOR HUGO TINOCO,
Acting Foreign Minister.

□ 2110

Mr. BUMPERS. Will the Senator yield to me for a parliamentary inquiry?

Mr. BYRD. Yes, I will.

Mr. BUMPERS. Mr. President, how much time remains on the amendment and how much time remains on the bill?

The PRESIDING OFFICER. The Senator from West Virginia has 5 minutes remaining.

Mr. BUMPERS. How much time remains on the bill?

The PRESIDING OFFICER. This amendment will use all of the time remaining on the bill.

Mr. BUMPERS. Mr. President, I wonder if the Senator from West Virginia would yield me a couple of minutes.

Mr. BYRD. Can we hear what the opponents want to say and then I will yield 2 minutes.

The PRESIDING OFFICER. Who yields time?

Mr. MATTINGLY. Mr. President, we decided this issue last night and there is really no need to take up any more of the Senate's time.

We believe the motivation behind the amendment appears to be a belief that there is some intent to go beyond the authorized program elements in the legislation.

There is no such intent. A careful reading of the legislation will reveal the multiple protective reporting and oversight mechanisms in the legislation.

Mr. President, we have now come full circle. At about this time last night we tabled an identical amendment. Now it is time to table this amendment so we can pass the legislation and move on to other business of the Senate.

The PRESIDING OFFICER. Who yields time.

Mr. BYRD. Mr. President, I yield 2 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I support the amendment. But I want to take advantage of this opportunity to say that I have not spoken during the entire debate on this issue, I do not want historians to find that I did not speak my strong opposition to what we are about to do here.

First of all, I want to say that so far as I can tell in the history of man, no revolution that did not have the popular support of the people has ever succeeded.

Second, I want to say that to call those people freedom fighters is nothing short of an absurdity. I have voted for hundreds of millions of dollars for the Mujahideen in Afghanistan, who are true freedom fighters.

I have voted hundreds of millions of dollars for El Salvador ever since Duarte was elected president.

But I am not going to vote for aid to the so-called Contras, on what some emphemistically call them—freedom fighter.

No. 1, this GAO report of June 11 tells us where our money has been going. Not only can the GAO not find where our money has been going; we have all the middle level officers of the Contras bailing out. Look at the interviews of those officers, where they say that the Contra leaders have been charging CIA for the covert aid sent there, $700 for rifles that they paid $100 for; sent the Contras into combat with those rifles and they would not fire. Are they freedom fighters? Are they interested in democracy when they stuffed one-half of the last money we sent to them in their pockets and continue to pillage and rape our Treasury by charging us $700 for rifles that they paid $100 for?

I ask unanimous consent that the GAO report be made part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF FRANK C. CONAHAN, U.S. GENERAL ACCOUNTING OFFICE

Mr. Chairman, Members of the Subcommittee:

I am pleased to be here to discuss GAO's continuing review of the $27 million in humanitarian assistance authorized for the Nicaraguan democratic resistance.

Our previous testimonies before this subcommittee focused on our concerns about the controls exercised over this program by the State Department's Nicaraguan Humanitarian Assistance Office (NHAO). Overall, we have concluded that the State Department does not have sufficient procedures and controls to ensure that program funds are being used for purposes intended by law.

NHAO does not have the ability to observe delivery and use of procured items to ensure that the items are not being diverted, bartered, or otherwise exchanged. Moreover, for items bought in the region, NHAO does not have the ability to validate invoice and receipt documents. We are generally satisfied with controls over payments to U.S. suppliers. However, NHAO does not have procedures to assure that all funds made available based on invoices and receipts from suppliers in the region are actually used to pay these suppliers.

Today I would like to concentrate on our most recent efforts to track expenditures for purchases made in the region—i.e. the results of our examination of bank records subpoenaed several weeks ago at the request of this subcommittee. But first I will briefly describe how State has been paying for the non-U.S. purchases.

NHAO obtains invoices and receipts as documentation of purchases made in the region. These documents are obtained by NHAO through the United Nicaraguan Opposition (UNO) in Miami. Before it authorizes payment, NHAO reviews them to ensure that the items are allowable under the program. However, because NHAO does not have a presence in the region, it is not able to verify the validity of the documents—that is that they are legitimate records of transactions, and that items indicated are being delivered to the resistance forces.

After NHAO approves the invoices and receipts, it issues a payment voucher, and the U.S. Treasury then transfers the funds. Because of the sensitivities of governments in the region to this program, State adopted a policy of not making payments directly to suppliers in the region. Instead the Treasury sends the funds to designated U.S. bank accounts mostly in Miami.

There are two types of accounts: (1) accounts owned by suppliers and (2) accounts owned by brokers authorized by suppliers in the region to act their agents to receive payments. The brokers are, in turn, expected to pay these suppliers for the goods and services shown on the invoices and receipts provided NHAO. According to NHAO, some suppliers selected brokers to receive their payments because the suppliers did not maintain their own U.S. bank accounts.

As of May 10, 1986, Treasury paid a total of $14.1 million to these accounts, including $7.8 million paid into six accounts owned by suppliers, and $5.7 million into six accounts owned by brokers acting as agents for about 50 suppliers. In addition, two accounts owned by United Nicaraguan Opposition (UNO) organizations received payments of

$583,000 for administrative, medical and other expenses; some of which were incurred in the region.

NHAO does not have specific information on the disbursement of funds deposited in these accounts. It's position is that the Treasury payments were made into the accounts for goods and services as shown in the invoices and receipts it obtained, and that it has no authority to trace the funds further.

On May 8, 1986, at this subcommittee's request, the House Committee on Foreign Affairs approved issuance of subpoenas on 14 U.S. bank accounts which had received funds under the humanitarian assistance program—the six accounts owned by suppliers, the six accounts owned by brokers, and the two accounts owned by UNO organizations.

At the subcommittee's request, we are examining the account records. As of June 9, 1986, we had reviewed the records of 8 accounts covering $12.2 million of the $14.1 million, which Treasury had deposited as of May 10 in those accounts. Our examinations have raised a number of questions.

For example, under a broker arrangement, one would expect to find disbursements from the account to the region in amounts roughly equal to Treasury deposits—either payments to specific suppliers or block payments to the region for further distribution there. However, we did not find this pattern with regard to most of the funds in the four accounts we analyzed. As of May 10, 1986, the Treasury paid about $4.4 million into these four broker accounts. However, we can trace only $785,674 as being paid into Central America by these brokers and only $185,434 of this amount being paid to identified suppliers. Instead, most funds in these broker accounts were disbursed in the United States or offshore banks. A significant portion of one broker account was not paid out and remained in the account.

At this point, I would like to describe in some detail the activity in several of the accounts we examined and to raise some concerns that we have based on our review.

BROKER A

Treasury paid one broker account about $654,000 based on invoices and receipts received from three suppliers in the region. Prior to these payments, the account had a $4,400 balance; no other funds have been deposited in this account since Treasury started making payments. Thus, virtually all the funds in this account are traceable to U.S. Treasury payments.

The bulk of these funds have not been sent to the specific suppliers, or into the region. As of the subpoena date, over $422,000 remained in the account, drawing interest. Partial payments were made to two of the three suppliers; the third supplier received no payments. In total, only $185,000 of the $654,000 deposited by Treasury was transferred to suppliers in the region. This account raises key questions: Why are humanitarian funds remaining in brokers' accounts? Why are partial or no payments being made to identified suppliers in the region?

BROKER B

Another broker account has received about $3.3 million from the Treasury since October 1985. At the time of the first Treasury deposit, the account had a balance of $68,700 and from October through May 1986 received deposits from other sources, totaling $659,581. Thus Treasury deposits comprise over 80 percent of the account's funds.

The Treasury payments to this account were based on invoices and receipts from 22 different companies or individuals. We could match none of the disbursements from this account to these companies or individuals. The records indicate that only about $150,000 was paid from this account to accounts in Central America. The other disbursements from the account, totaling $3.8 million, consist of payments to companies and individuals in the United States ($3.4 million) and to offshore accounts in the Cayman Islands and the Bahamas ($380,000).

Essentially, funds in this account are flowing from bank account to bank account, in the United States and offshore, and to individuals and companies which do not appear to be suppliers in the region. Since broker accounts were supposedly set up to assist in getting payments to these suppliers, this account raises questions about why so few payments are being sent into the region.

BROKER C

On November 4, 1985, a third broker account received a Treasury payment of $243,750 based on invoices and receipts from a commercial supplier for uniforms. At the time of this deposit the account had a prior balance of about $49,000. On November 6, 1985, the broker issued checks to the armed forces of a country in the region in the amount of $113,750 and $130,000 totaling $243,750—the exact amount of the payment by Treasury. The account records show only two payments to the supplier represented by the broker totaling about $52,000. These payments were in July, 1985—before the assistance program began. We question the basis for these payments to the armed forces.

SUPPLIER A

Turning now to a supplier account—that is, a company in the region which maintains an account in the United States and, thus, receiving payments directly from the U.S. Treasury. This supplier has received payments from Treasury of about $6.6 million from November 1985 through May 10, 1986. These payments were based on company invoices and receipts furnished to NHAO. The only other deposit to the account during this period was for $32,000. Thus, virtually all payments made from this account were funds provided the company by the Treasury.

Treasury made its first payment to the company of $896,122 on November 16, 1985, and on November 18, 1985 a payment of $742,939 was made from this account to the armed forces of the country of the supplier. Again on January 8, 1986, a Treasury deposit of $411,974 was followed by a payment on January 10, 1986 of $450,000 to the Commander-in-Chief of that country's armed forces. Without Treasury's payments, there would not have been sufficient funds in the account at the times of these transactions to cover the amounts of the payments.

The invoices and receipts on which the Treasury payments to the account were based show they were for food and other consumables. A question is thus raised as to the basis for these payments to the armed forces.

In summary, the examination of the bank records has for the most part only raised more questions. Moreover, there is enough evidence to be concerned that humanitarian assistance may not be reaching the intended beneficiaries. Without adequate controls—and by that I mean mechanisms to validate invoices and receipts, trace payments to suppliers, and verify deliveries and use—that concern will remain.

BREAKOUT BY BROKER SHOWING AMOUNTS PAID IN THE REGION

[As of May 10, 1986]

Brokers [1]	Total Treasury deposits	Total payments in the region
A	$654,416	[2] $185,434
B	3,331,478	150,190
C	243,750	243,750
D	206,150	206,300
Total	4,435,794	785,674

[1] Includes only those broker accounts analyzed by GAO.
[2] The $185,434 is also identifiable as being paid directly to suppliers who submitted invoices.

Mr. BUMPERS. The people of Nicaragua are disenchanted with the Sandinistas. Make no mistake about that. But the Sandinistas are Sunday school-teachers compared to the oppression that the people of Nicaragua were subjected to when Anastasio Somoza and his family headed that country for 40 years and nobody in this country lifted their voice.

So while the Nicaraguan people are disenchanted with the Sandinistas and would welcome true freedom fighters, they will never welcome this crowd.

We will have this same debate next year when the administration comes back for as much as $200 million. Wait and see.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MATTINGLY. Has all time expired?

The PRESIDING OFFICER. The Democratic leader has 3 minutes remaining.

Mr. BYRD. I yield that time to the Senator from Tennessee.

Mr. SARBANES. Will the manager yield for a question in light of his earlier statement?

The PRESIDING OFFICER. The time has been yielded to the Senator from Tennessee.

Mr. SASSER. Mr. President, what we are seeking to do here by this amendment of the distinguished minority leader is to simply close the back door to the funding that has been going on in the Contra war in Central America. Let me give you one example.

Here we have a dispatch from the Los Angeles Times dated July 27, 1986. It begins:

Inside a battered steel hangar on an inconspicuous airfield in San Diego County, three small airplanes are bing fitted out to become the unpredictable but potentially volatile new factor in Central America's guerrilla war, the contra's air force.

Inconspicuous little airfield, Mr. President, is where these aircraft are being fitted out. The story continues:

The Contras already have 14 aircraft at a secret air base in Honduras.

It goes ahead to state:

The Contras' air force commander, Col. Juan Gomez, is a former pilot from the national guard of Nicaraguan dictator Anastasio Somoza.

Mr. President, the question comes: Where are the Contras getting funds to assemble an air force?

What is happening and what we suspect and what we seek to prevent with this amendment is the backdoor of loaning of old aircraft, obsolete aircraft, to the Contras by the Central Intelligence Agency or DOD agencies, retaining title but giving the Contras the use of these aircraft.

For example, when the harbors were mined off the coast of Nicaragua, that did not cost the Contras a dime. There they had access to a CIA vessel. That was not charged against the Contra accounts.

If we approve this $100 million, I fear what we are going to see is this is the key that opens the door to $400 or $500 million more in equipment or services that the Contras can utilize to prosecute this war in Central America.

So I think it is urgent, imperative, that the amendment of the distinguished Senator from West Virginia be adopted to close this backdoor approach to financing what some consider an illegal war.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MATTINGLY. I yield one minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mr. WILSON. Mr. President, I have two stepsons of whom I am very proud, aged 17 and 21. And I have a nephew, aged 11.

I want them all to live for themselves and for their country.

I do not want any of them to die needlessly because the United States was too naive, too irresolute, even to send arms to those who were willing to fight for their freedom—and indirectly thereby to make unnecessary that we fight for our own.

Because I care about those kids, I have listened very carefully to those who would draw a parallel between our helping those fighting for their freedom in Nicaragua and American efforts to prevent the Communist takeover of Vietnam.

Having listened, I reject the analogy as false.

Central America is not half way round the world. It is within easy Soviet cruise missile range of the United States.

It is not separated from us by the vast Pacific. It is connected to us by a land bridge just a little longer than Mexico. It has proved an easy walk for highly motivated refugees from the violence in Central America. Well over 1 million have come by foot.

There is one parallel to Vietnam.

The celebrated domino effect—one nation after another falling to aggression or subversion—is the clear intention of those who shout the Sandinista slogan "Revolution sin Fronteras!" They mean to export their violent revolution beyond the borders of Nicaragua to weaker neighbors, fledgling democracies who do not choose to become Sandinista subjects, or new colonies of communism.

Somehow there continues to be some among us who counsel further, endless negotiations with the Sandinistas, rather than action to give the same military aid to the Contras which Salvadoran President Jose Napoleon Duarte has clearly stated to be the only realistic hope to give meaning to negotiations with the Salvadoran terrorists, armed and directed by the Sandinistas from Managua.

Mr. President, somehow these colleagues have overlooked the long and unproductive history of extensive negotiations which have led to nothing but the passage of time. The Contadora process, to be blunt, has failed. It could not help but fail. The Sandinistas have not negotiated in good faith. Instead they use negotiations to buy time—time to outlast this U.S. administration, time to further arm an already formidable war machine that exceeds any legitimate defensive need, time to arm and direct further subversion and terrorism against its small democratic neighbors.

The Sandinistas were Marxist-Leninists before their 1979 revolution. They did not become Communists because of any alleged grievance against the Reagan administration. They were Communist and engaged in heavy repression of their own people in Nicaragua before there was a Reagan administration.

The Sandinistas were engaged in such repression long before there were any Contras—not as they falsely claim, in response to the threat of the Contras.

In August 1983 I visited Nicaragua. For over an hour I conversed with then Commandante, now Presidente Daniel Ortega. When I pressed him repeatedly as to when the Sandinistas would permit free elections and honor human rights—as they had promised in their celebrated July 1979 telegram to the Organization of American States—he finally declared the Sandinistas would never undertake any action that might put at risk the power they had achieved through their revolution. And certainly they have not done so—nor by negotiations; nor by censorship and ultimately the closure of La Prensa, Nicaragua's only free press; not by repressing religious freedom and expelling critical Catholic bishops; and certainly not by the holding of a transparently sham election.

As President Duarte's experience and voice have clearly warned us, only military pressure can move the Sandinistas or the Salvadoran terrorists they direct to engage in meaningful negotiations.

Mr. President, I share the concern expressed on this floor about the conduct of individual members of the Contras, though I, by no means, accept the wholesale, unsubstantiated allegations I have heard. I am compelled to question the source of many of these reports. Disinformation is a favorite weapon of the Sandinistas, who have been well schooled in it by Soviet and Cuban master practitioners.

But whatever misdeeds individual Contras have in fact committed, it is clear from our experience in El Salvador that we can dramatically reform even endemic violence on the part of those to whom we offer needed help against an invader. United States aid to El Salvador in their war against their terrorists was clearly and explicitly conditioned upon a crackdown by the Salvadoran Government on death squads. The result has been a truly dramatic decline in the intolerable and unconscionable reign of terror that once existed.

We can produce the same result by demonstrating the same resolve with the Contras, by insisting on a decent observation of human rights—providing we have the leverage that comes with our providing desperately needed aid.

Mr. President, we have no leverage of any kind if we turn our backs, in agonizing irresolution, and provide no aid.

So let us have no more killer amendments offered to this bill. We use that term rather too loosely around here. But the death of this appropriation would mean something more than just a bill being killed.

It would literally mean the death of hundreds of courageous young Nicaraguans, many of them teenagers younger than my boys, slaughtered by the same Soviet Hind helicopter gunships that have slaughtered freedom fighters in Afghanistan. That is what has been going on as these youngsters fight, without the air defenses this money would buy, as the U.S. Congress continues to talk, to repeat casual character assassination, to agonize, and always to consume more and more precious time without acting. There is a high price being paid for our leisure, as we debate and fail to act.

I pray it is a price that will not one day be paid by our sons and grandsons and nephews. Amendments have been offered to this bill to reduce the amount of aid, or to divert the money into some domestic spending program.

Mr. President, I ask what can be more important than the lives of our children? The young Contras, willing to risk their lives to regain their homeland and their freedom from the Sandinistas, clearly think their goals more important than life itself.

They deserve our respect, Mr. President, and our help, both for their sake and in our own clear self-interest.

I believe in the domino theory, Mr. President—provided the United States, by its default upon its responsibility to fulfill the promise of six American Presidents to aid the fledgling democracies of Central America, confirms the suspicion that we are not a reliable ally. If we turn away now, we may one day have to color red everything between Managua and the Rio Grande.

I am unwilling to concede that ground, or those millions of innocent lives, or to ignore a potential crisis until it demands our attention. No one can say how quickly the Sandinista-Castro-Soviet axis might advance in the absence of real opposition. I suspect my 11-year-old nephew is in greater danger than my 17-year-old.

Mr. President, let us recognize that this $100 million—$70 million in desperately needed military aid—is a small price, a bargain, if it contains those whose otherwise unchecked ambition and unchecked aggression may well one day soon threaten our own sons.

We are asked now to send, not our sons to protect our borders, but money, equipment, and arms. I would hate to look my nephew or his parents in the eye and have to try to explain why when the price was so cheap, Congress failed to act.

Let us not fail. All we are asked to do by this bill, which contains many wise safeguards, is to send money.

Let us help those brave young Nicaraguans who call themselves Contras, who value country and freedom above life, to succeed in putting a boundary around the cancerous Sandinista "revoluccion sin fronteras."

Mr. MATTINGLY. Mr. President, I yield the remainder of the time to the distinguished chairman.

Mr. LUGAR. Mr. President, how much time remains?

The PRESIDING OFFICER. Seven minutes remain.

Mr. LUGAR. Mr. President, I suspect that all Members of the Senate agree with the distinguished minority leader that there should be containment of both the intent and the expression, at least in the legislation. Indeed, this kind of debate occurred before. This was the genesis of the language found in section 209(c). I repeat it because it is the critical language of the act now before us:

> Nothing in this title shall be construed as permitting the President to furnish additional assistance to the Nicaraguan democratic resistance from funds other than the funds transferred under section 6(a) or otherwise specifically authorized by the Congress for assistance to the Nicaraguan democratic resistance.

The funds transferred under 206(a) are $100 million of unobligated funds from such accounts for which appropriations were made by the Department of Defense Appropriations Act, 1986, as contained in Public Law 99-120, as the President shall designate.

Mr. President, we are speaking about $100 million. They are appropriated funds. They are transferred by this act.

□ 2120

I point out again, nothing in the act shall be construed as preventing the President from giving additional assistance from funds other than those transferred or until Congress specifically authorizes that type of assistance to the Nicaraguan democratic resistance.

Last evening, the distinguished Democratic leader mentioned press accounts of potential or suspected CIA involvement or others that might assist. I simply say, Mr. President, that the antidote to that type of activity is clearly found in congressional oversight. Members on both sides of the aisle that serve on our Intelligence Committee will be deeply interested in those press accounts. I have no doubt they are keeping close track on them.

Members of the Foreign Relations Committee on both sides of the aisle will certainly be interested in those activities. They take the oversight situation very seriously.

But, Mr. President, the amendment before us is identical with the one addressed last evening, debated thoroughly, voted down by a vote of 51-47 on that occasion—although, as the distinguished Democratic leader has pointed out, on that occasion, it was found in title II. One of the arguments made on that occasion was that that would be a killer amendment with regard to title II, which has the gist of the contra debate in it. So that argument does not reside on title II presently. Now, title III. I suspect that even here, there are differences of opinion in terms of a conference with the House as to whether a conferee from the House would say it lies in title III or not; it seems to say it refers to title II.

If I were a Democratic conferee in that conference, I might very well make that kind of argument and I suspect that therefore, we would still have a problem with regard to the killer amendment argument although it has been dissipated substantially by the movement of the amendment tonight to a different place in the bill.

In fact, the distinguished minority leader's amendment does address precisely the same objectives of the bill. He feels more secure with his language. I understand that. I feel perfectly secure and I hope a majority of the Senate will with the language now found in the bill, very explicit, very delimiting.

One problem with rewriting this on the floor is that the distinguished minority leader's amendment would create confusion where none now exists. For example, there are undefined terms such as "properly chargeable services." What portion of the Secretary of State's time ought to be charged to the contra situation? One could say none of it. That would be a logical thought. But if one is not very keen on the contras and on this particular bill, one might find all sorts of charges allocated from the overhead of the Department of State or other branches.

We could have an accounting nightmare throughout the duration of the Contra bill. Indeed, Mr. President, some people have made an accounting nightmare of the last Contra bill we had. So it is not a far-fetched situation, one that can be clearly avoided by the defeat of this amendment.

Mr. President, let me simply say that I appreciate the importance of what we are addressing here. I am not advocating that there ought to be backdoor expenditures, that there ought to be anything which is not authorized specifically by Congress. Because this whole area has been debated so thoroughly so long, we have listened to each other's arguments and we have drafted clauses which tried to meet those. We may not have been totally successful, but I think we have been thoroughly successful in these particular regards that are crucial—namely, delimiting of funds.

For these reasons, Mr. President, with all respect to the distinguished minority leader, at the time that all time is yielded back, I shall offer a motion to table this amendment and ask for the yeas and nays at that point.

I yield back all of my time until the point I make the motion.

Mr. BYRD. Mr. President, do I have 1 minute remaining?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, the distinguished Senator has made reference to the language "or properly chargeable services." That language was requested by the CIA for accounting purposes. That is why that language is in the amendment.

We have discussed the amendment. If there is no harm in the amendment, why not vote for it? If we are not sure, why not vote for it to make sure that Senators, elected by the people who have the right to know, will have the opportunity to debate and vote on any additional assistance to the Contras, to ensure that nothing comes in

through at the back door, nothing comes in under the table, and that we will not, indeed, finance a secret war in Nicaragua.

Mr. President, Caesar once asked a centurion, "Will this day be fortunate for us?"

The centurion replied, "You will be victorious. As for me, whether I live or die, I shall, by night, have deserved praise from Caesar."

Let us vote for the amendment and whether we win, or whether we lose, we shall tonight have deserved praise from the American people.

The PRESIDING OFFICER. All time has expired.

Mr. DOLE. Mr. President, as I understand it, this will be a 15-minute vote. If the yeas and nays are ordered—we can order the yeas and nays now on title II and title III.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, does the majority leader want a rollcall on each—one on title II and one on title III, or en bloc?

Mr. DOLE. I would prefer en bloc.

Mr. DODD. Mr. President, I ask the majority leader, we are voting on title II and III or the Sasser amendment, the first amendment offered?

Mr. DOLE. As I understand, we do not need the yeas and nays. If they want a vote on it—

Mr. BYRD. I, myself, am not asking for another vote, Mr. President. I thought some Senators might want it.

Mr. MATTINGLY. Mr. President, I believe the manager on the other side requested the yeas and nays on titles II and III.

Mr. DOLE. We voted on the Sasser amendment. Does the Senator from Tennessee want another record vote on titles II and III?

Mr. SASSER. Mr. President, we would be willing to have a record vote on titles II and III and then voice vote the bill on passage. To me, that makes more sense.

We have already voted on title I; we have only titles II and III. I think the issue has been settled.

Mr. DOLE. Mr. President, I have already asked for the yeas and nays on the titles II and III. I make the request for the yeas and nays on passage.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DOLE. I ask the first vote be 15 minutes, followed by 10 minutes on the other two.

Mr. FORD. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. The first vote is 15 minutes and what is the question?

Mr. DOLE. The question is whether the other two would be 10 minutes.

Mr. FORD. The question on which we are going to vote?

The PRESIDING OFFICER. The first question would come on the tabling motion, if that motion is made.

Mr. FORD. All right, then what is the second vote?

The PRESIDING OFFICER. The second would be the question on titles II and III en bloc.

Mr. BYRD. The second would be, in the unlikely event that my amendment is not tabled, a vote on the amendment.

Mr. BUMPERS. Mr. President, will the majority leader yield?

Mr FORD. Then we have a vote on final passage; is that correct?

The PRESIDING OFFICER. That is indeed correct.

Mr. FORD. I thank the Chair

Mr. BUMPERS. Mr. President, Will the majority leader yield?

The PRESIDING OFFICER. There is a unanimous-consent request pending. Is there objection?

Mr. BUMPERS. Reserving the right to object.

The PRESIDING OFFICER. The Senator From Arkansas.

Mr. BUMPERS. Was the majority leader referring to a 15-minute vote, say, on title II and then a 10-minute vote on title III?

Mr. DOLE. A 15-minute vote on the Byrd amendment followed by two 10-minute rollcalls.

Mr. BUMPERS. Right.

Mr. DOLE. As the distinguished minority leader pointed out, in the event the amendment is not tabled, we would dispose of the amendment at that time.

The PRESIDING OFFICER. Is the objection to the unanimous consent request?

Mr. PRYOR. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, reserving the right to object, and I will not object, I just want our colleagues to know one thing, that tomorrow the Appropriations Committee will be voting on whether or not to cut the Fulbright program, which is 40 years old this year, and other international exchange programs by $27 million in order that we can fund this absolutely ridiculous war in Nicaragua.

Mr. MATTINGLY. Regular order, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I move to table the amendment and ask for the years and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will then call the roll.

The legislative clerk called the roll.

The result was announced—yeas 52, nays 48, as follows:

[Rollcall Vote No. 228 Leg.]

YEAS—52

Abdnor	Gramm	McConnell
Andrews	Grassley	Murkowski
Armstrong	Hatch	Nickles
Boschwitz	Hawkins	Pressler
Broyhill	Hecht	Quayle
Cochran	Heflin	Roth
Cohen	Heinz	Rudman
D'Amato	Helms	Simpson
Danforth	Hollings	Stafford
Denton	Humphrey	Stevens
Dixon	Johnston	Symms
Dole	Kassebaum	Thurmond
Domenici	Kasten	Trible
Durenberger	Laxalt	Wallop
Evans	Long	Warner
Garn	Lugar	Wilson
Goldwater	Mattingly	
Gorton	McClure	

NAYS—48

Baucus	Ford	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gore	Nunn
Bingaman	Harkin	Packwood
Boren	Hart	Pell
Bradley	Hatfield	Proxmire
Bumpers	Inouye	Pryor
Burdick	Kennedy	Riegle
Byrd	Kerry	Rockefeller
Chafee	Lautenberg	Sarbanes
Chiles	Leahy	Sasser
Cranston	Levin	Simon
DeConcini	Mathias	Specter
Dodd	Matsunaga	Stennis
Eagleton	Melcher	Weicker
Exon	Metzenbaum	Zorinsky

So the motion to lay on the table the amendment (No. 2726) was agreed to.

□ 2150

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. MATTINGLY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, For the past several years, the debate over our policy toward Nicaragua has been an emotional and contentious one.

It is quite clear that there are no easy and quick solutions to the problems that the Sandinista government has created for our security concerns, the concerns of the region, and perhaps more importantly, the concerns of the Nicaraguan people.

As this latest round of debate reflects, all of us here in Congress share a profound concern that the people of Nicaragua overthrew one dictatorship only to have installed an equally oppressive regime.

It has become increasingly clear that the Sandinistas have no intention of fulfilling the promises of freedom and liberty to the Nicaraguan people. The Sandinistas have driven out or muzzled all moderate factions within the

government. They have cracked down on civil liberties and banned freedom of speech, freedom of assembly, freedom of the press, and freedom of religion. And, they have accelerated an alarming military buildup financed by the Soviet Union and directed by Cuba.

However, our consensus breaks down when we turn to the question of what the United States should do about this chain of events. There are serious questions about whether $100 million in humanitarian and military aid will solve our concerns and the concerns of the Nicaraguan people. There also are questions about the long-term implications of approving this request.

Mr. President, it has been a difficult process, but I am supporting this request because I think it is important for us to recognize that opposition to the Sandinista regime does exist both internally and externally. This opposition speaks to the Nicaraguan people's concern for their future.

I have found it impossible to dismiss the fact that over the past several years the makeup of the Contras has changed from a small band of former Somoza supporters to one whose rank and file is largely made up of campesinos alienated by the repression of the Sandinista government.

I have serious reservations that the Contra leadership does not reflect this change in the resistance makeup. But, this request has been adjusted so that it does begin to address the problem of unification and reform of the Contras.

A provision has been added, at the urging of myself and my colleagues Senators COHEN and RUDMAN, which states that no additional funds can be released on or after October 15, unless the President certifies that the Nicaraguan democratic resistance has agreed to and begun implementing unification and reform measures—

To broaden its leadership base; coordinate its efforts; eliminate human rights abuses; subordinate its military forces to civilian leadership; pursue a defined and coordinated program for achieving democracy; and, assure accountability of the funds dispensed.

Another very important addition to this package is that it now requires that an independent commission also must determine and report to Congress that these steps have been taken.

But, no matter what we do here in Congress, the critical question in this debate cannot be answered in the United States. It must be answered by the contras themselves.

If the resistance forces are willing and able to unify and present themselves as a legitimate, democratic alternative to the Sandinistas, they will deserve our continued support. If they cannot take that crucial step, the resistance forces will have doomed their own efforts. Few guerrilla movements can survive, let alone succeed, without the aid and comfort of local populations. This is a Nicaraguan problem which can ultimately be resolved only by a Nicaraguan solution. U.S. dollars alone cannot buy democracy in Nicaragua.

We are perched at the top of what may be a slippery slope, and I feel strongly that the issue will continue to require the most serious scrutiny at every stage. In particular, I would stress that it is of the utmost importance that Congress be fully capable of accounting for all aspects of this program.

I am very concerned about the prospect of letting the CIA back into the operation of this policy. But, if parts of this program are going to be run covertly as expected, I would urge the Intelligence Committees to assure that more stringent arrangements are established to assure oversight and accountability here in Congress.

We are setting a precedent with this program by openly voting and debating a policy which allows the President to use the money by covert means. The only way we will be able to avoid dangerous pitfalls is by ensuring that we have established the appropriate methods to keep us fully informed.

At this crossroad, I think it is important for the United States to demonstrate its support for the growing number of those Nicaraguans struggling to preserve the integrity of their country. Although this choice is clearly disturbing to many of us, a vote opposing aid may foreclose any hope that Nicaragua can become the free and open democracy that all of us hoped for after the fall of Somoza.

Mr. SPECTER. Mr. President, I oppose aid to the Contras for the same reasons I have consistently opposed such aid in the past: because I believe it is counterproductive to our national objectives in Central America and an unwise expenditure of $100 million at a time of deficits and cuts in vital domestic programs.

For the past 4 years, both on and off the record, I have sought a statement of United States policy in Nicaragua. In 1982, the Congress passed and the President signed legislation prohibiting the use of United States funds to overthrow the Nicaraguan Government. As much as I dislike the Communist form of government in the People's Republic of China or the Soviet Union as well as Nicaragua, I do not think it appropriate for the United States to seek the overthrow of governments.

Secretary of State Shultz has testified on United States objectives in Nicaragua stating that the $100 million would be used to keep the pressure on the Sandinistas which would result in a different Nicaraguan Government, short of overthrowing their government. That result is totally unrealistic given the relative military strengths of the Sandinistas and the Contras. The Contras are not going to defeat anyone or accomplish anything. The military buildups in Nicaragua will only produce bloodshed and more violations of human rights.

Our ill-defined or fuzzy policy has, in my judgment, the dangerous potential for drifting into use of U.S. personnel to which I am totally opposed.

Without firmly stated policy objectives and a program reasonably calculated to fulfill those objectives, I believe it is unwise to spend $100 million at a time when many Americans, including many Pennsylvanians, have used up their unemployment compensation and others must tighten their belts to absorb cuts in domestic programs. I cannot in good conscience justify $100 million for the Contras when I am telling my constituents in open house/town meetings that hard choices have to be made on economics to reduce the deficit for the long-range benefit of the U.S. economy.

I am also opposed to the request for $300 million in additional economic assistance for Costa Rica, El Salvador, Guatemala, and Honduras. I agree with the administration that United States interests require that the Nicaraguan Communists not be permitted to export Marxism to neighboring Central American countries. For that reason, I have supported the President on aid to the duly-elected Duarte government in El Salvador to combat the threat of Marxist rebels there. Similarly, I supported the administration's assistance to repel the Sandinistas from Honduras. The appropriate line to be drawn is at the Nicaraguan border.

However, we have already given these nations nearly $900 million in fiscal year 1986 and the request for fiscal year 1987 already stands at over $1 billion. There is no evidence that Nicaragua's neighbors are facing an imminent military threat from Nicaragua requiring this large additional infusion of funds. Nor do we need to provide this additional sum as a symbol of our support for these nations—$1 billion should speak plenty loud enough.

Given the tough economic choices we are being forced to make here at home, I cannot in good conscience support this request for an additional $300 million.

Mr. BAUCUS. Mr. President, I oppose the $100 million Contra aid package.

Nicaragua is embroiled in a violent conflict. There is no doubt that something must be done to ease this tension.

But the Reagan administration's proposal is not the solution. Increased military aid will only escalate the violence and bloodshed. And it may even-

tually increase American military involvement in Central America.

Let's not try to take the easy path by once again throwing military aid at a problem with deep historical roots and complex causes.

The problems of Nicaragua are the result of a long history lacking in broad-based political representation.

Military aid will not solve the problems created by pervasive social, economic, and political injustices.

And military aid will not bring a just and lasting peace.

I strongly believe that America must be firm in the protection of our national security wherever it is directly threatened.

But we cannot be so concerned with superpower politics that we ignore the stark realities and complexities of the overwhelming problems that face Nicaragua and all of Central America.

The situation in Nicaragua will ultimately require a negotiated solution.

At this time, increased military aid will only move us farther and farther away from such a solution.

Our friends in Central America have recognized that this policy is wrong.

So have the American people.

I urge my colleagues to oppose this aid package.

Mr. DODD. Mr. President, of this we can be sure: Generations yet to come will look back on this vote, this day. As they judge the merits of the decision we have rendered, I suspect they will be reminded of the words of the poet who penned these lines:

Mark! Where his carnage and his conquests cease!
He makes a solitude and, calls it—Peace!

Such will be, I fear, the legacy of the events we have set in motion today.

Mrs. HAWKINS. Mr. President, once again we are debating the President's request to provide military and humanitarian assistance to the freedom fighters in Nicaragua. This body approved the President's request already this year on March 27. Thus, I hope that we can move quickly to approve this assistance now. However, I would like to take a few moments to reiterate my support for providing military and humanitarian assistance to the Nicaraguan freedom fighters.

Mr. President, despite the judgment delivered by the World Court earlier this year, I believe that the United States has a legal and juridical responsibility to assist those who are fighting the Nicaraguan Government's attempts to impose a Communist tyranny on its people. There is a strong case to be made that the World Court erred in its judgment against the United States. As a leading member of the Organization of American States, the United States participated in an unprecedented and extraordinary endeavor by the Organization on June 23, 1979.

The Organization of American States issued a resolution stating that it supported the immediate and definitive replacement of the Somoza regime, then in power in Nicaragua. The OAS took this unprecedented action on the basis of several clear understandings. These understandings included that a democratic government that reflected the free will of the people of Nicaragua would assume power in Managua, that the respect for human rights of all Nicaraguans would be guaranteed, that free elections would be held shortly following the collapse of the Somoza regime, and the prospective democratic government would guarantee peace, freedom, and justice.

I believe that an objective analysis of the current situation in Nicaragua will inevitably lead one to the conclusion that the understandings of the Organization of American States embodied in the resolution of June 23, 1979, have not been met. I believe that the United States as a member of the Organization of American States and a participant in the drafting of the resolution in 1979, which took upon itself an international legal responsibility of changing the political structure in Nicaragua, has a concomitant responsibility to see to that the understandings of the resolution be implemented.

Mr. President, the fact that the current regime has not lived up to the requirements of the OAS resolution of 1979 is obvious. It is clear that the current regime in Managua is not a democratic government that reflects the free will of the people of Nicaragua. Earlier this year six opposition parties delivered to the Sandinistas a proposal for ending the civil conflict and preparing for new elections. The Sandinistas have not even given the opposition proposal the slightest consideration. The so-called elections staged by the Sandinista government on November 5, 1984, were marred by intimidation, coercion, and manipulation. Former Venezuelan President Carlos Andres Perez, a strong supporter of the Sandinistas in their struggle against Somoza, denounced the election, "because sufficient guarantees were not provided to assure the participation of all political forces." Further, he refused to attend the inauguration of President Daniel Ortega the following January.

The OAS resolution of 1979 also assumed that elections would be held shortly following the collapse of the Somoza regime. The Sandinistas waited over 4 years before they held their staged election. Obviously, they wanted to wait until they were firmly entrenched and had implemented their totalitarian policies to the extent that they could control the election and subvert the true democratic will in Nicaragua. It is crystal clear that the Sandinista regime is not a representative democracy. The United States and the Organization of American States must recognize that this fact represents an affront to the effort made in 1979 to bring democracy to the people of Nicaragua and that we have a responsibility to ourselves and the people of Nicaragua not to let the dream of democracy die.

Mr. President, the resolution adopted by the Organization of American States also stated it expected that human rights for all Nicaraugans would be guaranteed by the successors of the Somoza government. I hardly need to mention to my colleagues how abysmal the Sandinistas' human rights record has been since the regime took power. The State Department's annual report on the human rights records of foreign countries for 1985 states that there is ample evidence of politically-motivated killings by the Sandinistas, that disappearances occur frequently, that torture and inhumane treatment takes place in Sandinista prisons, that the declaration of the state of emergency in 1985 has resulted in a suspension of due process rights and the right to a fair public trial, that the freedom of speech and the press have been denied, that the freedom to worship is only grudgingly recognized, and that respect for political rights is virtually nonexistent.

This already abysmal record only shows signs of getting worse as the Sandinistas continue to consolidate their rule. Miskito Indians continue to be persecuted. Thousands of refugees continue to leave Nicaragua for neighboring countries, with many attempting to come here to the United States. The Sandinistas have conducted a campaign of persecution against the small Jewish community in the country. The solemn commitment of the United States and the Organization of American States to protect human rights in Nicaragua will certainly ring hollow to Nicaraguans who are suffering from torture in Sandinista prisons, to Nicaraguans who find themselves unable express their political views freely, to Nicaraguans who feel compelled to flee their country of birth in fear, and to Nicaraguans who find themselves unable to worship as they wish, if we do not make the maximum effort to fulfill our commitments of 1979. I urge my colleagues not to turn their backs on these commitments and responsibilities.

The OAS resolution also expressed an expectation that the successor government to the Somoza regime would guarantee peace to its people and the countries of the region. Clearly, the Sandinista regime does not stand for peace. The Sandinistas have declared that their revolution has no borders. They have worked to destabilize numerous governments in Latin America.

They now have an army of 120,000 troops, far in excess of their legitimate defense needs. The Sandinistas have T-55 battle tanks, PT-76 amphibious tanks, artillery pieces, helicopter gunships, and patrol boats. There are over 2,500 Cuban military advisers in Nicaragua. Finally, the Nicaraguans have accepted over $5 million in military assistance from the Eastern bloc. As the leader of the free world and a superpower, as well as a participant in OAS resolution of 1979 and the U.N. Charter, we must not shirk our responsibility to foster peace and security in Central America.

The OAS resolution of 1979 also stated that the successor regime to the Somoza government would guarantee the freedom of its citizens. One need look no further than the Sandinista government's policy of controlling the press, the government's campaign to harass Cardinal Obando y Bravo, and the government's practice of brutally repressing all political dissent to determine that the Sandinistas do not stand for freedom in Nicaragua. We should make it clear to the Sandinistas and those they suppress that the United States takes the resolution of the OAS seriously, that we are not going to stand idly by while the Sandinistas consolidate a rule that will result in the denial of freedom in Nicaragua.

Finally, the OAS resolution stated that the successor government to the Somoza regime would guarantee a just society for its people. In the classic pattern of Communist dictators the Sandinistas are creating two classes of citizens. The first class is the privileged class of those who are members of the ruling political structure. Everyone outside the ruling elite can expect to have less opportunity, unequal treatment in the system of justice, and be vulnerable to a system of repression. No matter how frequently the Sandinistas make claims like there are no political prisoners in Nicaragua or that they respect the human rights of their citizens, it is clear that they are not building a just society in Nicaragua. We should not turn our heads away from the ongoing injustices in Nicaragua. We have pledged ourselves to furthering the cause of justice in Nicaragua. We should not ignore that pledge and pretend that we have no responsibility for bringing a just society to the people of Nicaragua. We do have a responsibility and we must act.

Mr. President, the action taken by the Organization of American States in 1979 was extraordinary. In no other case has the Organization taken upon itself the role of finding a sitting member government illegitimate, as it did in the case of the Somoza regime. Nor has it ever taken on such a responsibility for determining the nature of a new regime, as it did in the case of the new Sandinista government. But extraordinary actions inevitably lead to extraordinary responsibilities, as the OAS resolution of 1979 recognized. I believe the responsibilities inherent in the OAS resolution are not only moral and political, but legal and juridical. World Court Judge Schwebel in his dissenting opinion in the Nicaragua case earlier this year makes clear the legal responsibility we have under the OAS resolution. Judge Schwebel in paragraph 246 of his opinion states the following:

> The Nicaraguan Junta of National Reconstruction, by the undertakings it entered into not only with the OAS but with its members, among them, the United States (which individually and in consideration of those undertakings treated with the Junta as the government of the Republic of Nicaragua), has not dissimilarly placed within the domain of Nicaragua's international obligations its domestic goverance and foreign policy to the extent of those undertakings.
>
> Thus, what otherwise would be "the right" of Nicaragua "to use its discretion is neverthless restricted by obligations" which it has undertaken toward those states, including the United States. It follows that, when the United States demands that Nicaragua perform its undertakings given to the OAS and its members, including the United States, to observe human rights, to enforce civil justice, to call free elections; when it demands that the Junta perform its promises of "a truly democratic government . . . with full guaranty of human rights" and trade union freedom and "an independent foreign policy of non-alignment", the United States does not "intervene" in the internal or external affairs of Nicaragua. Such demands are not a "form of interference or attempted threat against the personality of the state" of Nicaragua. They are legally well grounded efforts to induce Nicaragua to perform its international obligations.

Mr. President, we must continue to press the Government of Nicaragua to meet its obligations under the OAS resolution of 1979. It is the moral, political, legal, and juridical responsibility of the United States to see that the tenets of the resolution are realized. We cannot pretend that this responsibility does not exist and fail to bring freedom and democracy to Nicaragua and peace to Central America. I urge my colleagues to support this assistance package for the freedom fighters in Nicaragua.

Mr. NUNN. Mr. President, for the second time this year the Senate is called upon to vote on the Reagan administration's proposal to provide $100 million in aid to the Nicaraguan Contras. After the extensive debate which took place in this Chamber last March one might rightly ask what is left to be said on this issue. However, the very fact that it took several months after the Senate vote for the House of Representatives to agree to consider the Contra aid proposal demonstrates the lack of consensus in the Congress and in the country on aid to the Contras.

There are many strong and passionate views on both sides of this issue. But in Central America neither side has a monopoly on truth and there are no easy answers. The real truth is that we neglected Central America for too long. We did not care enough or pay enough attention to the problems there. Now we and the people of Central America are paying a price for that past failure.

If the United States is to have any success now in confronting the crisis in Central America the American people must see that administration policy is truly one of fostering genuine democracy as well as economic and social growth in the region.

With regard to Nicaragua, we must acknowledge the truth about the Sandinista regime. The Sandinistas are Communist revolutionaries. They hijacked the Nicaraguan people's revolution and betrayed their sacrifice. The Nicaraugan people fought, sacrificed, and died for democracy—not to have a right wing dictatorship replaced by a Communist one.

In just 7 years of rule the Sandinistas have aided and abetted Communist revolutionaries in Honduras, Costa Rica, El Salvador, Ecuador, and probably Colombia.

If the Sandinistas consolidate a Communist revolutionary regime in Nicaragua, they will threaten the fragile domocracies that are taking root throughout Central America. And a Communist regime in Nicaragua, allied with the Soviet Union and Cuba, poses a potential threat to the security interests of the United States.

If we do nothing now, this problem will not go away. Some opponents of this legislation say that if Nicaragua becomes a Soviet base, they will support the use of American military force to protect our national security. In the meantime, they believe we should rely only on diplomacy. But diplomacy not backed up with military pressure will not produce results.

But a key question is what results we seek. What is the administration's objective? Do they seek a military overthrow of the Sandinistas or do they seek to use military pressure to bring about negotiations? Unfortunately, Mr. President, I believe many Americans are not clear what the administration's goals are. As everyone knows, the purpose, as enunciated by the administration has changed repeatedly in recent years. I believe the purpose should be to support a negotiated resolution which brings democracy to Nicaragua and which brings peace and prosperity to the region.

Some of my colleagues warn that a vote for military aid to the Nicaraguan resistance forces will lead to another Vietnam. I would remind my colleagues that many made the same prediction 3 years ago when this body

voted on the question of military aid to El Salvador. Contrary to their dire predictions, today we can count El Salvador as having a reasonable chance of success. The civil war is being won by the Salvadoran Armed Forces, the guerrillas are in retreat, democracy, though still fragile, continues to progress. All of El Salvador's problems have not been solved, but they are now firmly on the right road.

There is a lesson to be learned from our success in El Salvador that applies to Nicaragua. The United States will only defeat communism in Central America if we ally ourselves with human rights and authentic democratic forces—not a discredited, antidemocratic right wing. The Nicaraguan and American people must be convinced that the Contras are a truly and authentic national liberation movement—honest, respectful of human rights and capable of providing a democratic alternative to the Sandinista regime. To me, the most important part of this legislation is the requirement that all aid be channeled through civilian democratic leaders and that no aid may go to any forces which tolerate the abuse of human rights. I wrote the President last March, and I quote, "Our policy must indicate clearly not only what the United States opposes—a Marxist-Leninist regime in Nicaragua—but also what we support, democracy and human rights." The President replied and I quote, "I agree that we need to do more to ensure that the Nicaraguan democratic resistance is, indeed, a representative movement, responsive to civilian leadership which is, in turn, committed to the ideals of democracy, human rights, the rule of law, and a better life for the Nicaraguan people." He also said, and I quote, "I am committed to ensuring that no aid be provided to those groups that retain in their ranks individuals who engage in human rights violations, drug smuggling, or misuse of resistance funds."

I commend the President for his position, his leadership in these areas is absolutely essential to the success of the Contra program. I will insist that these commitments are carried out because this policy will never receive support, either in Nicaragua or in the United States—unless America is perceived to be clearly on the side of authentic, democratic forces whose purpose is to save the Nicaraguan revolution—not return their country to a discredited past.

Mr. DOLE. Mr. President, there will be two back-to-back votes of 10 minutes each. The first vote will occur on titles II and III, and then on final passage of the bill.

There will be no more votes after the second vote this evening.

The Senate will probably be on the South Africa bill, I will say, by 9:30 a.m. tomorrow morning.

The PRESIDING OFFICER. The question is, shall title II and title III of the bill pass.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—53

Armstrong	Gramm	McConnell
Bentsen	Grassley	Murkowski
Boren	Hatch	Nickles
Boschwitz	Hawkins	Nunn
Bradley	Hecht	Pressler
Broyhill	Heflin	Quayle
Chiles	Heinz	Roth
Cochran	Helms	Rudman
Cohen	Hollings	Simpson
D'Amato	Humphrey	Stennis
Danforth	Johnston	Stevens
Denton	Kassebaum	Symms
Dixon	Kasten	Thurmond
Dole	Laxalt	Trible
Domenici	Long	Wallop
Evans	Lugar	Warner
Garn	Mattingly	Wilson
Goldwater	McClure	

NAYS—47

Abdnor	Glenn	Mitchell
Andrews	Gore	Moynihan
Baucus	Gorton	Packwood
Biden	Harkin	Pell
Bingaman	Hart	Proxmire
Bumpers	Hatfield	Pryor
Burdick	Inouye	Riegle
Byrd	Kennedy	Rockefeller
Chafee	Kerry	Sarbanes
Cranston	Lautenberg	Sasser
DeConcini	Leahy	Simon
Dodd	Levin	Specter
Durenberger	Mathias	Stafford
Eagleton	Matsunaga	Weicker
Exon	Melcher	Zorinsky
Ford	Metzenbaum	

So, title II and title III of H.R. 5052 were passed.

Mr. GLENN. Mr. President, I am voting against final passage of H.R. 5052 but I do so with mixed feelings and considerable reluctance. I fully support title I of this bill. The construction projects funded in this title are of great importance to the readiness of our Active and Reserve Armed Forces.

In particular, the funds appropriated for Wright-Patterson AFB and other military installations in Ohio are essential to ensure their continued operational and material effectiveness. I must admit that I am disappointed that the Senate Appropriations Committee cut $10.7 million from the DOD request of $45.3 for Ohio military installations. I intend to do everything I can to see that these funds are restored in conference.

But Mr. President, the combination of different issues that have been gathered together under this single bill, and requiring but a single "yea" or "nay" vote for final passage regardless of different views on the different issues, is a preposterous way to legislate. We should consider each issue in this bill on its own merits, and have the guts to vote our consciences and interests of our constituents up or down on the merits, not as part of a combination of unrelated interests.

This military construction bill has been saddled with the Contra aid package, which I have consistently opposed. I fail to see how funding this proxy war against the economic infrastructure and long-suffering people of Nicaragua is consistent with our principles or in our interest. The polls consistently demonstrate that Ohioans and the American people do not want their tax money spent this way. Hence, despite my support for title I, the military construction appropriations, I must vote against final passage of H.R. 5052. I have every confidence that good sense will prevail, and the Congress will untie these two unrelated issues, and approve the military construction appropriations bill in the near future. I will work to that end.

Mr. DODD. Mr. President, I would not want my vote against H.R. 5052, military construction appropriations, to be misinterpreted.

Title I of this measure includes funding for U.S. military projects which have my full backing and support. Regrettably, however, titles II and III of H.R. 5052 include funding for assistance to the Contra forces fighting the Nicaraguan Government and for programs related to that conflict.

As I have indicated throughout the debate on this measure, I am strongly opposed to provisions in titles II and III. I firmly believe that funding for the Contra aid program is contrary to the best interests of our country. Accordingly, I am forced to vote against the entire bill.

Mrs. HAWKINS. Mr. President, I rise in strong support of the military construction appropriations bill, as amended. The long and arduous debate on this measure has resulted in a product that is worthy of the support of my colleagues.

First, the bill appropriates funds for vitally important military construction projects in the United States and abroad. It will ensure that the military infrastructure is adequate to meet the needs of our Nation in terms of military preparedness. This is done, however, in a fiscally sound fashion. There is no waste in this section of the bill.

Second, the bill provides critical assistance for the freedom fighters in Nicaragua, which the President requested. I opposed the many amendments offered to change the two relevant titles of the bill because all of them represented an attempt to deny the President his request for this assistance. I am hopeful that the Congress will finally give the President his request, which is vital to our security and the cause of freedom and democracy in Latin America.

I commend this bill to my colleagues. I urge a positive vote and

hope that we will take early action to get it to the President's desk for his signature.

● Mr. DOMENICI. Mr. President, I rise in support of H.R. 5052, the military construction appropriations bill for fiscal year 1987, as reported by the Senate Appropriations Committee and approved by the Senate.

The bill now approaching final passage provides $8.2 billion in budget authority and $2.2 billion in new outlays for military construction and family housing activities in title I.

Titles II and III, providing assistance to Central America, add an additional $0.2 billion in fiscal year 1987 outlays that are scored against the section 302(b) allocations of the Defense and Foreign Operations Subcommittees. Title III includes an additional $0.3 billion in fiscal year 1986 budget authority only.

When outlays from prior year budget authority and other completed actions are taken into account, the Senate Military Construction Subcommittee is within its 302(b) allocation under the fiscal year 1987 budget resolution.

I urge my colleagues to support the bill and to continue to hold the line on Federal spending in subsequent appropriation bills.

Mr. President, I ask that a table showing the relationship of the bill to the subcommittee's 302(b) allocation, the President's request, and the House-passed bill be printed in the RECORD at the conclusion of my remarks.

MILITARY CONSTRUCTION SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[Dollars in billions]

	Fiscal Year 1987	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		5.7
H.R. 5052, reported by the Senate [2]	8.2	2.2
Subcommittee total	8.2	7.9
Senate subcommittee 302(b) allocation	8.2	7.9
House-passed level	8.0	7.8
President's request	10.0	8.2
Subcommittee total compared to:		
Senate subcommittee 302(b) allocation	+([1])	+([1])
House-passed level	+0.3	+0.1
President's request	−1.9	−0.3

[1] Less than $50 million.

[2] Does not include the cost of title II which provides $100 million in aid to the Nicaraguan Democratic resistance and to the democracies of Central America, or title III which replenished the funds transferred from African famine aid. $200 million in fiscal year 1987 outlays associated with these titles are scored against the relevant subcommittees, but not to the military construction subcommittee.

Note:—Details may not add to totals due to rounding.●

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. SPECTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 41, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—59

Abdnor	Gramm	Mitchell
Andrews	Grassley	Murkowski
Armstrong	Hatch	Nickles
Bentsen	Hawkins	Nunn
Boren	Hecht	Pressler
Boschwitz	Heflin	Quayle
Bradley	Heinz	Roth
Broyhill	Helms	Rudman
Chafee	Hollings	Simpson
Chiles	Humphrey	Specter
Cochran	Johnston	Stafford
Cohen	Kassebaum	Stennis
D'Amato	Kasten	Stevens
Danforth	Lautenberg	Symms
Denton	Laxalt	Thurmond
Dixon	Long	Trible
Dole	Lugar	Wallop
Domenici	Mattingly	Warner
Garn	McClure	Wilson
Goldwater	McConnell	

NAYS—41

Baucus	Glenn	Metzenbaum
Biden	Gore	Moynihan
Bingaman	Gorton	Packwood
Bumpers	Harkin	Pell
Burdick	Hart	Proxmire
Byrd	Hatfield	Pryor
Cranston	Inouye	Riegle
DeConcini	Kennedy	Rockefeller
Dodd	Kerry	Sarbanes
Durenberger	Leahy	Sasser
Eagleton	Levin	Simon
Evans	Mathias	Weicker
Exon	Matsunaga	Zorinsky
Ford	Melcher	

So the bill (H.R. 5052), as amended, was passed.

□ 2220

Mr. MATTINGLY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. LUGAR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MATTINGLY. Mr. President, I move the Senate insist upon its amendments and request a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. SPECTER) appointed Mr. MATTINGLY, Mr. LAXALT, Mr. GARN, Mr. SASSER, and Mr. INOUYE conferees on the part of the Senate.

Mr. MATTINGLY. Mr. President, I would like to take this time to thank the ranking member of the Military Construction Subcommittee, the Senator from Tennessee [Mr. SASSER] for the outstanding job he did in moving this piece of legislation through in the last 3 days.

I also want to thank very much my good friend, the Senator from Indiana, the distinguished chairman of the Foreign Relations Committee, and also thank the ranking member, Senator PELL, for the outstanding job he did assisting in the management of this bill.

I do not know how you can give too much credit, but I do not think we can give too much credit to the majority leader and the minority leader for the outstanding job they did not only in putting together the unanimous-consent agreement to get to this point, but also assisting in the passage of this bill.

Mr. KENNEDY. Mr. President, this vote will not be the last one on this issue. We will be returning to it again and again for higher amounts that will involve direct involvement of U.S. troops.

I will not belabor the point, but let me say that this is not the end but the beginning of the slippery slope of United States troops in Nicaragua.

This vote will come back to haunt us just as the Gulf of Tonkin came back to haunt us.

The American people are against United States policy in Central America and I predict their votes will reflect that this fall.

During this debate, Members of this body have voted against no United States troops in Nicaragua; they voted against no United States advisers in Honduras and Costa Rica; they voted against free press in Nicaragua; they voted against limiting CIA slush funds; they voted against human rights; they voted against a negotiated settlement; they voted against aid to United States farmers; they voted against African famine relief.

I do not believe these votes reflect the views of the American people and I preduct the U.S. Senate will regret these votes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. Mr. President, due to the earlier time constraints, many of us who wished to speak were unable to do so.

I want to associate my own thoughts with the earlier remarks of the Senator from Arkansas [Mr. BUMPERS] and the initiative of the minority leader, Senator BYRD, with the last amendment that he offered and the powerful remarks that he made at the time.

I would like to also make another observation. That is I remember coming to the Congress 20 years ago in the year 1967, and I remember hearing things that sounded very much to me like what I have heard today in this debate.

The echoes of those earlier conversations as we were working our way into Vietnam were very powerful expressions, as I hear them made here tonight particularly.

I think we are moving in the same direction. I think we are doing it with the same lack of understanding. We

see history repeating itself, and I think we are on the verge of demonstrating that we did not learn the lesson that clearly we ought to have learned at that time.

That is, we cannot successfully Americanize these conflicts in other parts of the world, whether Southeast Asia or South America or Central America. That is clearly what is happening—whether it is William Casey in terms of his leadership efforts in the CIA; whether it is mining the harbors or other covert activities that may be going on; or whether it is other kinds of more direct assistance in terms of making money available to the so-called Contra forces so that they can carry out a war of their own design, at least with part of the money.

As we know, part of the money is being siphoned off and being put into private bank accounts.

As we Americanize this, in this case now with $100 million, and I think in the future with more money, and also with very great risk of American life and limb at a later time, we are making a terrible mistake. It is a mistake that is easy to make in the safety of this Chamber. There is nobody here ducking any bullets or nobody here having to crawl through any swamps.

The Vietnam war started essentially the same way with the same kinds of representations, the same kind of lack of willingness to ask the hard questions and answer them at the beginning.

Now we have down on the mall a memorial for Vietnam veterans where we have over 55,000 names etched in granite. We have families that come each day, 365 days of the year, to stand at that memorial to look for the names of members of their families whose lives were lost in Vietnam.

To that number has to be added well over 200,000 other Americans who were wounded in one way or another, not killed, many of whom live with very debilitating lifetime wounds and who are unable to live full lives, having survived the war.

In addition to that, there are several millions of people in Southeast Asia who also carry the scars of that war.

I think increasingly there are people in those circumstances in Central America who are finding themselves caught in this crossfire, who do not understand it, who have no way to defend themselves against it. And now are finding increasingly that what is happening, with respect to the part of it that we are involved in, is being paid for by American money coming from American taxpayers.

I think it is a mistake; I think it is wrong. I do not think we know what we are doing, but we seem to be quite willing to take and send ourselves on a course that poses great risks to people other than ourselves.

I think it is a shame and I think these votes tonight do not reflect credit on the Senate. I hope in due course we will have either a different Senate or a different President and will view these questions differently and put ourselves on a different course.

COMPREHENSIVE ANTI-APARTHEID ACT OF 1986

THE PRESIDING OFFICER. Under the previous order, the business of the Senate will now move to Calendar 775, S. 2701, which the clerk will state by title.

□2230

The legislative clerk read as follows:

A bill (S. 2701) to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa.

The Senate proceeded to consider the bill, which had been reported from the Committee on Foreign Relations, with an amendment to strike out all after the enacting clause, and insert the following:

SHORT TITLE

Section 1. This Act may be cited as the "Comprehensive Anti-Apartheid Act of 1986".

TABLE OF CONTENTS

SEC. 2. The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Purpose.

TITLE I—POLICY OF THE UNITED STATES WITH RESPECT TO ENDING APARTHEID

Sec. 101. Policy toward the Government of South Africa.
Sec. 102. Policy toward the victims of apartheid.
Sec. 103. Policy toward other countries in Southern Africa.
Sec. 104. Policy toward "frontline" states.
Sec. 105. Policy toward a negotiated settlement.
Sec. 106. Policy toward international cooperation on measures to end apartheid.
Sec. 107. Policy toward "necklacing".

TITLE II—MEASURES TO ASSIST VICTIMS OF APARTHEID

Sec. 201. Scholarships for the victims of apartheid.
Sec. 202. Human rights fund.
Sec. 203. Expanding participation in the South African economy.
Sec. 204. Export-Import Bank of the United States.
Sec. 205. Labor practices of the United States Government in South Africa.
Sec. 206. Welfare and protection of the victims of apartheid employed by the United States.
Sec. 207. Employment practices of United States nationals in South Africa.
Sec. 208. Code of Conduct.
Sec. 209. Prohibition on assistance.
Sec. 210. Use of the African Emergency Reserve.

TITLE III—MEASURES BY THE UNITED STATES TO UNDERMINE APARTHEID

Sec. 301. Prohibition on the importation of krugerrands.
Sec. 302. Prohibition on the importation of military articles.
Sec. 303. Prohibition of the importation of products from parastatal organizations.
Sec. 304. Prohibition on computer exports to South Africa.
Sec. 305. Prohibition on loans to the Government of South Africa.
Sec. 306. Prohibition on air transportation with South Africa.
Sec. 307. Prohibitions on nuclear trade with South Africa.
Sec. 308. Restrictions on issuance of visas to South African nationals.
Sec. 309. Sales of gold stocks.
Sec. 310. Government of South Africa bank accounts.
Sec. 311. Prohibition on importation of uranium and coal from South Africa.
Sec. 312. Prohibition on new investment in South Africa.
Sec. 313. Termination of certain provisions.

TITLE IV—MULTILATERAL MEASURES TO UNDERMINE APARTHEID

Sec. 401. Negotiating authority.
Sec. 402. Unfair trade practices.
Sec. 403. Private right of action.

TITLE V—FUTURE POLICY TOWARD SOUTH AFRICA

Sec. 501. Additional measures.
Sec. 502. Study of health conditions in the "homelands" areas of South Africa.
Sec. 503. Reports on South African imports.
Sec. 504. Study and report on the economy of southern Africa.
Sec. 505. Report on relations between other industrialized democracies and South Africa.
Sec. 506. Study and report on deposit accounts of South African nationals in United States banks.
Sec. 507. Study and report on the violation of the international embargo on sale and export of military articles to South Africa.

TITLE VI—ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

Sec. 601. Regulatory authority.
Sec. 602. Congressional priority procedures.
Sec. 603. Enforcement and penalties.
Sec. 604. Applicability to evasions of Act.
Sec. 605. Construction of Act.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "Code of Conduct" refers to the principles set forth in section 208(a);

(2) the term "controlled South African entity" means—

(A) a corporation, partnership, or other business association or entity organized in South Africa and owned or controlled, directly or indirectly, by a national of the United States; or

(B) a branch, office, agency, or sole proprietorship in South Africa of a national of the United States;

(3) the term "loan"—

(A) means any transfer or extension of funds or credit on the basis of an obligation to repay, or any assumption or guarantee of the obligation of another to repay an extension of funds or credit, including—

(i) overdrafts,

(ii) currency swaps,

(iii) the purchase of debt or equity securities issued by the Government of South Africa or a South African entity on or after the date of enactment of this Act,

(iv) the purchase of a loan made by another person,

(v) the sale of financial assets subject to an agreement to repurchase, and

(vi) a renewal or refinancing whereby funds or credits are transferred or extended to the Government of South Africa or a South African entity, and

(B) does not include—

(i) normal short-term trade financing, as by letters of credit or similar trade credits;

(ii) sales on open account in cases where such sales are normal business practice; or

(iii) rescheduling of existing loans, if no new funds or credits are thereby extended to a South African entity or the Government of South Africa;

(4) the term "new investment"—

(A) means—

(i) a commitment or contribution of funds or other assets, and

(ii) a loan or other extension of credit, and

(B) does not include—

(i) the reinvestment of profits generated by a controlled South African entity into that same controlled South African entity or the investment of such profits in a South African entity;

(ii) contributions of money or other assets where such contributions are necessary to enable a controlled South African entity to operate in an economically sound manner, without expanding its operations; or

(iii) the ownership or control of a share or interest in a South African entity or a controlled South African entity of a debt or equity security issued by the Government of South Africa or a South African entity before the date of enactment of this Act, or the transfer or acquisition of such a share, interest, or debt or equity security, if any such transfer or acquisition does not result in a payment, contribution of funds or assets, or credit to a South African entity, a controlled South African entity, or the Government of South Africa;

(5) the term "national of the United States" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States or is an alien lawfully admitted for permanent residence in the United States, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)); or

(B) a corporation, partnership, or other business association which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia;

(6) the term "South Africa" refers to the territory that constituted the Republic of South Africa on May 31, 1961;

(7) the term "South African entity" means—

(A) a corporation, partnership, or other business association or entity organized in South Africa; or

(B) a branch, office, agency, or sole proprietorship in South Africa of a person that resides or is organized outside South Africa; and

(8) the term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

PURPOSE

SEC. 4. The purpose of this Act is to set forth a comprehensive and complete framework to guide the efforts of the United States in helping to bring an end to apartheid in South Africa and lead to the establishment of a nonracial, democratic form of government. This Act sets out United States policy toward the Government of South Africa, the victims of apartheid, and the other states in southern Africa. It also provides the President with additional authority to work with the other industrial democracies to help end apartheid and establish democracy in South Africa.

TITLE I—POLICY OF THE UNITED STATES WITH RESPECT TO ENDING APARTHEID

POLICY TOWARD THE GOVERNMENT OF SOUTH AFRICA

SEC. 101. (a) United States policy toward the Government of South Africa shall be designed to bring about reforms in that system of government that will lead to the establishment of a nonracial democracy.

(b) The United States will work toward this goal by encouraging the Government of South Africa to—

(1) repeal the present state of emergency and respect the principle of equal justice under law for citizens of all races;

(2) release Nelson Mandela, Govan Mbeki, Walter Sisulu, black trade union leaders, and all political prisoners;

(3) permit the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process;

(4) establish a timetable for the elimination of apartheid laws;

(5) negotiate with representatives of all racial groups in South Africa the future political system in South Africa; and

(6) end military and paramilitary activities aimed at neighboring states.

(c) The United States will encourage the actions set forth in subsection (b) through economic, political, and diplomatic measures as set forth in this Act. The United States will adjust its actions toward the Government of South Africa to reflect the progress or lack of progress made by the Government of South Africa in meeting the goal set forth in subsection (a).

POLICY TOWARD THE VICTIMS OF APARTHEID

SEC. 102. (a) The United States policy toward the victims of apartheid is to use economic, political, diplomatic, and other effective means to achieve the removal of the root cause of their victimization, which is the apartheid system. In anticipation of the removal of the system of apartheid and as a further means of challenging that system, it is the policy of the United States to assist these victims of apartheid as individuals and through organizations to overcome the handicaps imposed on them by the system of apartheid and to help prepare them for their rightful roles as full participants in the political, social, economic, and intellectual life of their country in the post-apartheid South Africa envisioned by this Act.

(b) The United States will work toward the purposes of subsection (a) by—

(1) providing assistance to South African victims of apartheid without discrimination by race, color, sex, religious belief, or political orientation, to take advantage of educational opportunities in South Africa and in the United States to prepare for leadership positions in a post-apartheid South Africa;

(2) assisting victims of apartheid;

(3) aiding individuals or groups in South Africa whose goals are to aid victims of apartheid or foster nonviolent legal or political challenges to the apartheid laws;

(4) furnishing direct financial assistance to those whose nonviolent activities had led to their arrest or detention by the South African authorities;

(5) intervening at the highest political levels in South Africa to express the strong desire of the United States to see the development in South Africa of a nonracial democratic society; and

(6) supporting the rights of the victims of apartheid through political, economic, or other sanctions in the event the Government of South Africa fails to make progress toward the removal of the apartheid laws and the establishment of such democracy.

POLICY TOWARD OTHER COUNTRIES IN SOUTHERN AFRICA

SEC. 103. (a) The United States policy toward the other countries in the Southern African region shall be designed to encourage democratic forms of government, full respect for human rights, political independence, and economic development.

(b) The United States will work toward the purposes of subsection (a) by—

(1) helping to secure the independence of Namibia and the establishment of Namibia as a nonracial democracy in accordance with appropriate United Nations Security Council resolutions;

(2) supporting the removal of all foreign military forces from the region;

(3) encouraging the nations of the region to settle differences through peaceful means;

(4) promoting economic development through bilateral and multilateral economic assistance targeted at increasing opportunities in the productive sectors of national economies, with a particular emphasis on increasing opportunities for nongovernmental economic activities;

(5) encouraging, and when necessary, strongly demanding, that all countries of the region respect the human rights of their citizens and noncitizens residing in the country, and especially the release of persons persecuted for their political beliefs or detained without trial; and

(6) providing appropriate assistance, within the limitations of American responsibilities at home and in other regions, to assist regional economic cooperation and the development of interregional transportation and other capital facilities necessary for economic growth.

POLICY TOWARD "FRONTLINE" STATES

SEC. 104. It is the sense of the Congress that the President should discuss with the governments of the African "frontline" states the effects on them of disruptions in transportation or other economic links through South Africa and of means of reducing those effects.

POLICY TOWARD A NEGOTIATED SETTLEMENT

SEC. 105. (a)(1) United States policy will seek to promote negotiations among representatives of all citizens of South Africa to determine a future political system that would permit all citizens to be full participants in the governance of their country. The United States recognizes that important and legitimate political parties in South Africa include several organizations that have been banned and will work for the unbanning of such organizations in order to permit legitimate political viewpoints to be represented at such negotiations.

(2) To this end, it is the sense of the Congress that the President, the Secretary of State, or other appropriate high-level United States officials should meet with the leaders of opposition organizations of South Africa, particularly but not limited to those organi-

zations representing the black majority. Furthermore, the President, in concert with the major allies of the United States and other interested parties, should seek to bring together opposition political leaders with leaders of the Government of South Africa for the purpose of negotiations to achieve a transition to the post-apartheid democracy envisioned in this Act.

(b) The United States will encourage the Government of South Africa and all participants to the negotiations to respect the right of all South Africans to form political parties, express political opinions, and otherwise participate in the political process without fear of retribution by either governmental or nongovernmental organizations. It is the sense of the Congress that a suspension of violence is an essential precondition for the holding of negotiations. The United States calls upon all parties to the conflict to agree to a suspension of violence.

(c) The United States will work toward the achievement of agreement to suspend violence and begin negotiations through coordinated actions with the major Western allies and with the governments of the countries in the region.

(d) It is the sense of the Congress that the achievement of an agreement for negotiations could be promoted if the United States and its major allies, such as Great Britain, Canada, France, Italy, Japan, and West Germany, would hold a meeting to develop a four-point plan to discuss with the Government of South Africa a proposal for stages of multilateral assistance to South Africa in return for the Government of South Africa implementing—

(1) an end to the state of emergency and the release of the political prisoners, including Nelson Mandela;

(2) the unbanning of the African National Congress, the Pan African Congress, the Black Consciousness Movement, and all other groups willing to participate in negotiations and a democratic process;

(3) a revocation of the Group Areas Act and the Population Registration Act and the granting of universal citizenship to all South Africans, including homeland residents; and

(4) the use of the international offices of a third party as an intermediary to bring about negotiations with the object of the establishment of power-sharing with the black majority.

POLICY TOWARD INTERNATIONAL COOPERATION ON MEASURES TO END APARTHEID

SEC. 106. (a) The Congress finds that—

(1) international cooperation is a prerequisite to an effective anti-apartheid policy; and

(2) the situation in South Africa constitutes an emergency in international relations and that action is necessary for the protection of the essential security interests of the United States.

(b) Accordingly, the Congress urges the President to seek such cooperation among all individuals, groups, and nations.

POLICY TOWARD NECKLACING

SEC. 107. It is the sense of the Congress that the African National Congress should strongly condemn and take effective actions against the execution by fire, commonly known as "necklacing", of any person in any country.

TITLE II—MEASURES TO ASSIST VICTIMS OF APARTHEID

SCHOLARSHIPS FOR THE VICTIMS OF APARTHEID

SEC. 201. Section 105(b) of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2)(A) Of the assistance provided under this section by the Administrator of the agency primarily responsible for administering this part of this Act—

"(i) for the fiscal year 1987, $8,000,000;

"(ii) for the fiscal year 1988, $11,000,000; and

"(iii) for the fiscal year 1989 and each fiscal year thereafter, $15,000,000,

shall be used to finance education, training, and scholarships for the victims of apartheid who are attending universities, colleges, and secondary schools in South Africa and who are selected in accordance with subparagraph (B). Of the funds available under the preceding sentence to carry out this subparagraph, not less than one-third shall be available only for assistance to full-time teachers or other educational professionals pursuing studies toward the improvement of their professional credentials.

"(B) Of the funds provided in subparagraph (A) for each fiscal year, 50 percent shall be available for educational assistance for the victims of apartheid in accordance with section 802(c) of the International Security and Development Cooperation Act of 1985. The remainder of the funds in each fiscal year which are not made available under the preceding sentence shall be available to finance scholarships for individuals selected by a nationwide panel or by regional panels composed solely of members of the teaching profession appointed by the United States chief of diplomatic mission to South Africa. No such individual may be selected through any contract entered into with the agency primarily responsible for administering this part of this Act.".

HUMAN RIGHTS FUND

SEC. 202. (a) Section 116(e)(2)(A) of the Foreign Assistance Act of 1961 is amended—

(1) by striking out "1984 and" and inserting in lieu thereof "1984,"; and

(2) by inserting after "1985" a comma and the following: "and $1,500,000 for the fiscal year 1986 and for each fiscal year thereafter".

(b) Section 116 of such Act is amended by adding at the end thereof the following new subsection:

"(f) Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, $350,000 shall be used for direct legal and other assistance to political detainees and prisoners and their families, including the investigation of the killing of protesters and prisoners, and for support for actions of black-led community organizations to resist, through nonviolent means, the enforcement of apartheid policies such as—

"(1) removal of black populations from certain geographic areas on account of race or ethnic origin,

"(2) denationalization of blacks, including any distinctions between the South African citizenships of blacks and whites,

"(3) residence restrictions based on race or ethnic origin,

"(4) restrictions on the rights of blacks to seek employment in South Africa and to live wherever they find employment in South Africa, and

"(5) restrictions which make it impossible for black employees and their families to be housed in family accommodations near their place of employment.".

EXPANDING PARTICIPATION IN THE SOUTH AFRICAN ECONOMY

SEC. 203. (a) The Congress declares that—

(1) the denial under the apartheid laws of South Africa of the rights of South African blacks and other nonwhites to have the opportunity to participate equitably in the South African economy as managers or owners of, or professionals in, business enterprises, and

(2) the policy of confining South African blacks and other nonwhites to the status of employees in minority-dominated businesses,

is an affront to the values of a free society.

(b) The Congress hereby—

(1) applauds the commitment of nationals of the United States adhering to the Code of Conduct to assure that South African blacks and other nonwhites are given assistance in gaining their rightful place in the South African economy; and

(2) urges the United States Government to assist in all appropriate ways the realization by South African blacks and other nonwhites of their rightful place in the South African economy.

(c) Notwithstanding any other provision of law, the Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall, to the maximum extent practicable, in procuring goods or services, make affirmative efforts to assist business enterprises having more than 50 percent beneficial ownership by South African blacks or other nonwhite South Africans.

EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 204. Section 2(b)(9) of the Export-Import Bank Act of 1945 is amended—

(1) by striking out "(9) In" and inserting in lieu thereof "(9)(A) Except as provided in subparagraph (B), in"; and

(2) by adding at the end thereof the following:

"(B) The Bank shall take active steps to encourage the use of its facilities to guarantee, insure, extend credit, or participate in the extension of credit to business enterprises in South Africa that are majority owned by South African blacks or other nonwhite South Africans. The certification requirement contained in clause (c) of subparagraph (A) shall not apply to exports to or purchases from business enterprises which are majority owned by South African blacks or other nonwhite South Africans.".

LABOR PRACTICES OF THE UNITED STATES GOVERNMENT IN SOUTH AFRICA

SEC. 205. (a) It is the sense of the Congress that the labor practices used by the United States Government—

(1) for the direct hire of South Africans,

(2) for the reimbursement out of official residence funds of South Africans and employees of South African organizations for their long-term employment services on behalf of the United States Government, and

(3) for the employment services of South Africans arranged by contract,

should represent the best of labor practices in the United States and should serve as a model for the labor practices of nationals of the United States in South Africa.

(b) The Secretary of State and any other head of a department or agency of the United States carrying out activities in South Africa shall promptly take, to the extent permitted by law, the necessary steps to ensure that the labor practices applied to the employment services described in paragraphs (1) through (3) of subsection (a) are governed by the Code of Conduct.

WELFARE AND PROTECTION OF VICTIMS OF APARTHEID BY THE UNITED STATES

SEC. 206. (a) The Secretary of State shall acquire, through lease or purchase, residential properties in the Republic of South Africa that shall be made available, at rents that are equitable, to assist victims of apartheid who are employees of the United States Government in obtaining adequate housing. Such properties shall be acquired only in neighborhoods which would be open to occupancy by other employees of the United States Government in South Africa.

(b) There are authorized to be appropriated $10,000,000 for the fiscal year 1987 to carry out the purposes of this section.

EMPLOYMENT PRACTICES OF UNITED STATES NATIONALS IN SOUTH AFRICA

SEC. 207. (a) Any national of the United States that employs more than 25 persons in South Africa shall take the necessary steps to insure that the Code of Conduct is implemented.

(b) No department or agency of the United States may intercede with any foreign government or foreign national regarding the export marketing activities in any country of any national of the United States employing more than 25 persons in South Africa that is not implementing the Code of Conduct.

CODE OF CONDUCT

SEC. 208. (a) The Code of Conduct referred to in sections 203, 205, 207, and 603 of this Act is as follows:

(1) desegregating the races in each employment facility;

(2) providing equal employment opportunity for all employees without regard to race or ethnic origin;

(3) assuring that the pay system is applied to all employees without regard to race or ethnic origin;

(4) establishing a minimum wage and salary structure based on the appropriate local minimum economic level which takes into account the needs of employees and their families;

(5) increasing by appropriate means the number of persons in managerial, supervisory, administrative, clerical, and technical jobs who are disadvantaged by the apartheid system for the purpose of significantly increasing their representation in such jobs;

(6) taking reasonable steps to improve the quality of employees' lives outside the work environment with respect to housing, transportation, schooling, recreation, and health; and

(7) implementing fair labor practices by recognizing the right of all employees, regardless of racial or other distinctions, to self-organization and to form, join, or assist labor organizations, freely and without penalty or reprisal, and recognizing the right to refrain from any such activity.

(b) It is the sense of the Congress that in addition to the principles enumerated in subsection (a), nationals of the United States subject to section 207 should seek to comply with the following principle: taking reasonable measures to extend the scope of influence on activities outside the workplace, including—

(1) supporting the unrestricted rights of black businesses to locate in urban areas;

(2) influencing other companies in South Africa to follow the standards of equal rights principles;

(3) supporting the freedom of mobility of black workers to seek employment opportunities wherever they exist, and make provision for adequate housing for families of employees within the proximity of workers' employment; and

(4) supporting the rescission of all apartheid laws.

(c) The President may issue additional guidelines and criteria to assist persons who are or may be subject to section 207 in complying with the principles set forth in subsection (a) of this section. The President may, upon request, give an advisory opinion to any person who is or may be subject to this section as to whether that person is subject to this section or would be considered to be in compliance with the principles set forth in subsection (a).

(d) The President may require all nationals of the United States referred to in section 207 to register with the United States Government.

(e) Notwithstanding any other provision of law, the President may enter into contracts with one or more private organizations or individuals to assist in implementing this section.

PROHIBITION ON ASSISTANCE

SEC. 209. No assistance may be provided under this Act to any group which maintains within its ranks any individual who has been found to engage in gross violations of internationally recognized human rights (as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961).

USE OF THE AFRICAN EMERGENCY RESERVE

SEC. 210. Whenever the President determines that such action is necessary or appropriate to meet food shortages in southern Africa, the President is authorized to utilize the existing, authorized, and funded reserve entitled the "Emergency Reserve for African Famine Relief" to provide food assistance and transportation for that assistance.

TITLE III—MEASURES BY THE UNITED STATES TO UNDERMINE APARTHEID

PROHIBITION ON THE IMPORTATION OF KRUGERRANDS

SEC. 301. No person, including a bank, may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa.

PROHIBITION ON THE IMPORTATION OF MILITARY ARTICLES

SEC. 302. No arms, ammunition, or military vehicles produced in South Africa or any manufacturing data for such articles may be imported into the United States.

PROHIBITION ON THE IMPORTATION OF PRODUCTS FROM PARASTATAL ORGANIZATIONS

SEC. 303. (a) Notwithstanding any other provision of law, no article which is grown, produced, or manufactured by a parastatal organization of South Africa may be imported into the United States, except for those strategic minerals for which the President has certified to the Congress that the quantities essential for the economy or defense of the United States are unavailable from reliable and secure suppliers.

(b) For purposes of this section, the term "parastatal organization" means a corporation or partnership owned or controlled by the Government of South Africa.

PROHIBITION ON COMPUTER EXPORTS TO SOUTH AFRICA

SEC. 304. (a) No computers, computer software, or goods or technology intended to manufacture or service computers may be exported to or for use by any of the following entities of the Government of South Africa:

(1) The military.

(2) The police.

(3) The prison system.

(4) The national security agencies.

(5) ARMSCOR and its subsidiaries or the weapons research activities of the Council for Scientific and Industrial Research.

(6) The administering authorities for controlling the movements of the victims of apartheid.

(7) Any apartheid enforcing agency.

(8) Any local, regional, or homelands government entity which performs any function of any entity described in paragraphs (1) through (7).

(b)(1) Computers, computer software, and goods or technology intended to service computers may be exported, directly or indirectly, to or for use by an entity of the Government of South Africa other than those set forth in subsection (a) only if a system of end use verification is in effect to ensure that the computers involved will not be used for any function of any entity set forth in subsection (a).

(2) The Secretary of Commerce may prescribe such rules and regulations as may be necessary to carry out this section.

PROHIBITION ON LOANS TO THE GOVERNMENT OF SOUTH AFRICA

SEC. 305. (a) No national of the United States may make or approve any loan or other extension of credit, directly or indirectly, to the Government of South Africa or to any corporation, partnership or other organization which is owned or controlled by the Government of South Africa.

(b) The prohibition contained in subsection (a) shall not apply to—

(1) a loan or extension of credit for any education, housing, or humanitarian benefit which—

(A) is available to all persons on a nondiscriminatory basis; or

(B) is available in a geographic area accessible to all population groups without any legal or administrative restriction; or

(2) a loan or extension of credit for which an agreement is entered into before the date of enactment of this Act.

PROHIBITION ON AIR TRANSPORTATION WITH SOUTH AFRICA

SEC. 306. (a)(1) The Secretary of State shall terminate the Agreement Between the Government of the United States of America and the Government of the Union of South Africa Relating to Air Services Between Their Respective Territories, signed May 23, 1947, in accordance with the provisions of that agreement.

(2) Upon termination of such agreement, the Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned, directly or indirectly, by the Government of South Africa or by South African nationals from engaging in air transportation with respect to the United States.

(b) The Secretary of Transportation may provide for such exceptions from the prohibition contained in subsection (a) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(c) For purposes of this section, the terms "aircraft", "air transportation", and "foreign air carrier" have the meanings given those terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

PROHIBITIONS ON NUCLEAR TRADE WITH SOUTH AFRICA

SEC. 307. (a) Notwithstanding any other provision of law—

(1) the Nuclear Regulatory Commission shall not issue any license for the export to South Africa of production or utilization facilities, any source or special nuclear material or sensitive nuclear technology, or any

component parts, items, or substances which the Commission has determined, pursuant to section 109b. of the Atomic Energy Act, to be especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes;

(2) the Secretary of Commerce shall not issue any license for the export to South Africa of any goods or technology which have been determined, pursuant to section 309(c) of the Nuclear Non-Proliferation Act of 1978, to be of significance for nuclear explosive purposes for use in, or judged by the President to be likely to be diverted to, a South African production or utilization facility;

(3) the Secretary of Energy shall not, under section 57b.(2) of the Atomic Energy Act, authorize any person to engage, directly or indirectly, in the production of special nuclear material in South Africa; and

(4) no goods, technology, source or special nuclear material, facilities, components, items, or substances referred to in clauses (1) through (3) shall be approved by the Nuclear Regulatory Commission or an executive branch agency for retransfer to South Africa,

unless the Secretary of State determines and certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that the Government of South Africa is a party to the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968, or otherwise maintains International Atomic Energy Agency safeguards on all its peaceful nuclear activities, as defined in the Nuclear Non-Proliferation Act of 1978.

(b) Nothing in this section shall preclude—

(1) any export, retransfer, or activity generally licensed or generally authorized by the Nuclear Regulatory Commission or the Department of Commerce or the Department of Energy; or

(2) assistance for the purpose of developing or applying International Atomic Energy Agency or United States bilateral safeguards, for International Atomic Energy Agency programs generally available to its member states, for reducing the use of highly enriched uranium in research or test reactors, or for other technical programs for the purpose of reducing proliferation risks, such as programs to extend the life of reactor fuel and activities envisaged by section 223 of the Nuclear Waste Policy Act of 1982 or which are necessary for humanitarian reasons to protect the public health and safety.

(c) The prohibitions contained in subsection (a) shall not apply with respect to a particular export, retransfer, or activity, or a group of exports, retransfers, or activities, if the President determines that to apply the prohibitions would be seriously prejudicial to the achievement of United States nonproliferation objectives or would otherwise jeopardize the common defense and security of the United States and, if at least 60 days before the initial export, retransfer, or activity is carried out, the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth that determination, together with his reasons therefor.

RESTRICTIONS ON ISSUANCE OF VISAS TO SOUTH AFRICAN NATIONALS

SEC. 308. (a) The Congress finds that—

(1) American journalists, scholars, and clergy, among others, have experienced problems in obtaining visas to visit South Africa; and

(2) South African officials may have visited the United States to gather, surreptitiously, information useful in circumventing the international arms embargo in effect against South Africa.

(b)(1) Notwithstanding any other provision of law, the President shall define a class of persons consisting of all officials of the Government of South Africa, including individuals performing services for the Government of South Africa, and members of their immediate families.

(2) On or after the date of enactment of this Act, no visa for admission to the United States may be issued to any individual in such class except on a case-by-case basis in the discretion of the Secretary of State.

(3) No visa issued before the date of enactment of this Act to a nonimmigrant alien described in section 101(a)(15)(A) of the Immigration and Nationality Act shall be valid after a date which is 30 days after the date of enactment of this Act, unless such visa is sooner renewed.

SALES OF GOLD STOCKS

SEC. 309. Whenever the President determines that such action is necessary or appropriate to affect the price of gold on the world markets and thereby to carry out the purpose of this Act, the President is authorized to sell United States gold stocks on the open market and to engage in other transactions involving gold in such manner as the President may prescribe.

GOVERNMENT OF SOUTH AFRICA BANK ACCOUNTS

SEC. 310. (a) A United States depository institution may not accept, receive, or hold a deposit account from the Government of South Africa or from any agency or entity owned or controlled by the Government of South Africa except for such accounts which may be authorized by the President for diplomatic or consular purposes. For purposes of the preceding sentence, the term "depository institution" has the same meaning as in section 19(b)(1) of the Federal Reserve Act.

(b) The prohibition contained in subsection (a) shall take effect 45 days after the date of enactment of this Act.

PROHIBITION ON IMPORTATION OF URANIUM AND COAL FROM SOUTH AFRICA

SEC. 311. (a) Notwithstanding any other provision of law, no—

(1) uranium ore,

(2) uranium oxide, or

(3) coal,

that is produced or manufactured in South Africa may be imported into the United States.

(b) This section shall take effect 90 days after the date of enactment of this Act.

PROHIBITION ON NEW INVESTMENT IN SOUTH AFRICA

SEC. 312. (a) No national of the United States may, directly or through another person, make any new investment in South Africa.

(b) The prohibition contained in subsection (a) shall take effect 30 days after the date of enactment of this Act.

TERMINATION OF CERTAIN PROVISIONS

SEC. 313. (a) The provisions of sections 301 through 312 and sections 501(c) and 503(b) shall terminate if the Government of South Africa—

(1) releases other political prisoners and Nelson Mandela from prison;

(2) repeals the state of emergency in effect on the date of enactment of this Act and releases all detainees held under such state of emergency;

(3) unbans democratic political parties;

(4) repeals the Group Areas and Population Registration Acts; and

(5) publicly commits itself to good faith negotiations with truly representative members of the black majority without preconditions.

(b) The President may suspend or modify any of the measures required by sections 301 through 312 or section 501(c) or section 503(b) thirty days after he determines, and so reports to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate, that the Government of South Africa has—

(1) taken the action described in paragraph (1) of subsection (a),

(2) taken three of the four actions listed in paragraphs (2) through (5) of subsection (a), and

(3) made substantial progress toward dismantling the system of apartheid and establishing a nonracial democracy,

unless the Congress enacts within such thirty-day period, in accordance with section 602 of this Act, a joint resolution disapproving the determination of the President under this subsection.

TITLE IV—MULTILATERAL MEASURES TO UNDERMINE APARTHEID

NEGOTIATING AUTHORITY

SEC. 401. (a)(1) It is the policy of the United States to seek international cooperation with the industrialized democracies on measures which will encourage an end to apartheid. The net economic effect of such cooperation should be at least equal to the net economic effect of the measures imposed by this Act.

(2) For purposes of paragraph (1), the term "net economic effect" means the cumulative impact on the South African economy as a whole of the measures imposed under this sections 301 through 312.

(b) Negotiations to reach international cooperative arrangements with the other industrialized democracies should begin promptly and should be concluded not later than 180 days after the date of enactment of this Act.

(c) If the President successfully concludes an international agreement on measures described in subsection (a), he may, 30 days after the text of such agreement has been received by the Congress, adjust, modify, or otherwise amend the measures imposed under any provision of sections 301 through 312 to conform with such agreement.

(d) Each agreement submitted to the Congress under this subsection shall enter into force with respect to the United States if (and only if)—

(1) the President, not less than 30 days before the day on which he enters into such agreement, notifies the House of Representatives and the Senate of his intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(2) after entering into the agreement, the President transmits a document to the House of Representatives and to the Senate containing a copy of the final text of such agreement together with—

(A) a description of any administrative action proposed to implement such agreement and an explanation as to how the proposed administrative action would change or affect existing law, and

(B) a statement of his reasons as to how the agreement serves the interest of United States foreign policy and as to why the pro-

posed administrative action is required or appropriate to carry out the agreement; and

(3) a joint resolution of disapproval has not been adopted within 30 days of transmittal of such document to the Congress.

UNFAIR TRADE PRACTICES

SEC. 402. The Congress declares that it shall be an unfair trade practice under section 301(a)(1)(B)(ii) of the Trade Act of 1974 for any foreign person, partnership, or corporation to benefit from or otherwise take commercial advantage of any sanction or prohibition against any national of the United States imposed by or under this Act.

PRIVATE RIGHT OF ACTION

SEC. 403. (a) Any national of the United States who is required by this Act to terminate or curtail business activities in South Africa may bring a civil action for damages against any person, partnership, or corporation that takes commercial advantage or otherwise benefits from such termination or curtailment.

(b) The action described in subsection (a) may only be brought, without respect to the amount in controversy, in the United States district court for the District of Columbia or the Court of International Trade. Damages which may be recovered include lost profits and the cost of bringing the action, including a reasonable attorney's fee.

(c) The injured party must show by a preponderance of the evidence that the damages have been the direct result of defendant's action taken with the deliberate intent to injure the party.

TITLE V—FUTURE POLICY TOWARD SOUTH AFRICA

ADDITIONAL MEASURES

SEC. 501. (a) It shall be the policy of the United States to impose additional measures against the Government of South Africa if substantial progress has not been made within 12 months of the date of enactment of this Act in ending the system of apartheid and establishing a nonracial democracy.

(b) The President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate within twelve months of the date of enactment of this Act, and every twelve months thereafter, a report on the extent to which significant progress has been made toward ending the system of apartheid, including—

(1) an assessment of the extent to which the Government of South Africa has taken the steps set forth in section 101(b) of this Act;

(2) an analysis of any other actions taken by the Government of South Africa in ending the system of apartheid and moving toward a nonracial democracy; and

(3) the progress, or lack of progress, made in reaching a negotiated settlement to the conflict in South Africa.

(c) If the President determines that significant progress has not been made by the Government of South Africa in ending the system of apartheid and establishing a nonracial democracy, the President shall include in the report required by subsection (b) a recommendation on which of the following additional measures should be imposed:

(1) a prohibition on the importation of steel from South Africa;

(2) a prohibition on military assistance to those countries that the report required by section 507 identifies as continuing to circumvent the international embargo on arms and military technology to South Africa;

(3) a prohibition on the importation of food, agricultural products, diamonds, and textiles from South Africa;

(4) a prohibition on United States banks accepting, receiving, or holding deposit accounts from South African nationals; and

(5) a prohibition on the importation into the United States of strategic minerals from South Africa.

(d) A joint resolution which would enact part or all of the measures recommended by the President pursuant to subsection (c) shall be considered in accordance with the provisions of section 602 of this Act.

STUDY OF HEALTH CONDITIONS IN THE "HOMELANDS" AREAS OF SOUTH AFRICA

SEC. 502. The Secretary of State shall conduct a study to examine the state of health conditions and to determine the extent of starvation and malnutrition now prevalent in the "homelands" areas of South Africa and shall, not later than December 1, 1986, prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the results of such study.

REPORT ON SOUTH AFRICAN IMPORTS

SEC. 503. (a) Not later than 90 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report on the extent to which the United States is dependent on the importation from South Africa of—

(1) chromium,

(2) cobalt,

(3) manganese,

(4) platinum group metals,

(5) ferroalloys, and

(6) other strategic and critical materials (within the meaning of the Strategic and Critical Materials Stock Piling Act).

(b) The President shall develop a program which reduces the dependence, if any, of the United States on the importation from South Africa of the materials identified in the report submitted under subsection (a).

STUDY AND REPORT ON THE ECONOMY OF SOUTHERN AFRICA

SEC. 504. (a) The President shall conduct a study on the role of American assistance in southern Africa to determine what needs to be done, and what can be done to expand the trade, private investment, and transport prospects of southern Africa's landlocked nations.

(b) Not later than 180 days after the date of enactment of this Act, the President shall prepare and transmit to the chairman of the Committee on Foreign Relations of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of the study conducted under subsection (a).

REPORT ON RELATIONS BETWEEN OTHER INDUSTRIALIZED DEMOCRACIES AND SOUTH AFRICA

SEC. 505. (a) Not later than 180 days after the date of enactment of this Act, the President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report containing a detailed assessment of the economic and other relationships of other industrialized democracies with South Africa. Such report shall be transmitted without regard to whether or not the President successfully concluded an international agreement under section 401.

(b) For purposes of this section, the phrase "economic and other relationships" includes the same types of matters as are described in sections 201, 202, 204, 205, 206, 207, sections 301 through 308, and sections 311 and 312 of this Act.

STUDY AND REPORT ON DEPOSIT ACCOUNTS OF SOUTH AFRICAN NATIONALS IN UNITED STATES BANKS

SEC. 506. (a)(1) The Secretary of State shall conduct a study on the feasibility of prohibiting each depository institution from accepting, receiving, or holding a deposit account from any South African national.

(2) For purposes of paragraph (1), the term "depository institution" has the same meaning as in section 19(b)(1) of the Federal Reserve Act.

(b) Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report detailing the findings of the study required by subsection (a).

STUDY AND REPORT ON THE VIOLATION OF THE INTERNATIONAL EMBARGO ON SALE AND EXPORT OF MILITARY ARTICLES TO SOUTH AFRICA

SEC. 507. (a) The President shall conduct a study on the extent to which the international embargo on the sale and exports of arms and military technology to South Africa is being violated.

(b) Not later than 179 days after the date of enactment of this Act, the President shall submit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report setting forth the findings of the study required by subsection (a), including an identification of those countries engaged in such sale or export, with a view to terminating United States military assistance to those countries.

TITLE VI—ENFORCEMENT AND ADMINISTRATIVE PROVISIONS

REGULATORY AUTHORITY

SEC. 601. The President shall issue such rules, regulations, licenses, and orders as are necessary to carry out the provisions of this Act, including taking such steps as may be necessary to continue in effect the measures imposed by Executive Order 12532 of September 9, 1985, and Executive Order 12535 of October 1, 1985, and by any rule, regulation, license, or order issued thereunder (to the extent such measures are not inconsistent with this Act).

CONGRESSIONAL PRIORITY PROCEDURES

SEC. 602. (a)(1) The provisions of this subsection apply to the consideration in the House of Representatives of a joint resolution under sections 313(b), 401(d), and 501(d).

(2) A joint resolution shall, upon introduction, be referred to the Committee on Foreign Affairs of the House of Representatives.

(3)(A) At any time after the joint resolution placed on the appropriate calendar has been on that calendar for a period of 5 legislative days, it is in order for any Member of the House (after consultation with the Speaker as to the most appropriate time for the consideration of that joint resolution) to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of that joint resolution. The motion is highly privileged and is in order even though a previous motion to the same effect has been disagreed to. All points of order against the joint resolution under clauses 2 and 6 of Rule XXI of the Rules of the House are waived. If the motion is agreed to, the resolution shall

remain the unfinished business of the House until disposed of. A motion to reconsider the vote by which the motion is disagreed to shall not be in order.

(B) Debate on the joint resolution shall not exceed ten hours, which shall be divided equally between a Member favoring and a Member opposing the joint resolution. A motion to limit debate is in order at any time in the House or in the Committee of the Whole and is not debatable.

(C) An amendment to the joint resolution is not in order.

(D) At the conclusion of the debate on the joint resolution, the Committee of the Whole shall rise and report the joint resolution back to the House, and the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion.

(b)(1) The provisions of this subsection apply to the consideration in the Senate of a joint resolution under section 313(b), 401(d), or 501(d).

(2) A joint resolution shall, upon introduction, be referred to the Committee on Foreign Relations of the Senate.

(3) A joint resolution described in this section shall be considered in the Senate in accordance with procedures contained in paragraphs (3) through (7) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473), except that—

(A) references in such paragraphs to the Committee on Appropriations of the Senate shall be deemed to be references to the Committee on Foreign Relations of the Senate; and

(B) amendments to the joint resolution are in order.

(c) For purposes of this subsection, the term "joint resolution" means only—

(A) in the case of section 313(b), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the report described in section 313(b) and for which the matter after the resolving clause reads as follows: "That the Congress, having received on the report of the President containing the determination required by section 313(b) of the Comprehensive Anti-Apartheid Act of 1986, disapproves of such determination.", with the date of the receipt of the report inserted in the blank;

(B) in the case of section 401(d)(3), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the document described in section 401(d)(2) and for which the matter after the resolving clause reads as follows: "That the Congress, having received on the text of the international agreement described in section 401(d)(3) of the Comprehensive Anti-Apartheid Act of 1986, disapproves of such agreement.", with the date of the receipt of the text of the agreement inserted in the blank; and

(C) in the case of section 501(d), a joint resolution which is introduced in a House of Congress within 3 legislative days after the Congress receives the determination of the President pursuant to section 501(c) and for which the matter after the resolving clause reads as follows: "That the Congress, having received on a determination of the President under section 501(c) of the Comprehensive Anti-Apartheid Act of 1986, approves the President's determination.", with the date of the receipt of the determination inserted in the blank.

(d) As used in this section, the term "legislative day" means a day on which the House of Representatives or the Senate is in session, as the case may be.

(e) This section is enacted—

(1) as an exercise of the rulemaking powers of the House of Representatives and the Senate, and as such it is deemed a part of the Rules of the House and the Rules of the Senate, respectively, but applicable only with respect to the procedure to be followed in the House and the Senate in the case of joint resolutions under this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

ENFORCEMENT AND PENALTIES

SEC. 603. (a)(1) The President with respect to his authorities under section 601 shall take the necessary steps to ensure compliance with the provisions of this Act and any regulations, licenses, and orders issued to carry out this Act, including establishing mechanisms to monitor compliance with this Act and such regulations, licenses, and orders.

(2) In ensuring such compliance, the President may—

(A) require any person to keep a full record of, and to furnish under oath, in the form of reports or otherwise, complete information relative to any act or transaction described in this Act either before, during, or after the completion thereof, or relative to any interest in foreign property, or relative to any property in which a foreign country or any national thereof has or has had any interest, or as may be otherwise necessary to enforce the provisions of this Act; and

(B) conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and the production of all books, papers, and documents relating to any matter under investigation.

(b) Except as provided in subsection (d)—

(1) any person that violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be subject to a civil penalty of $50,000;

(2) any person, other than an individual, that willfully violates the provisions of this Act, or any regulation, license, or order issued to carry out this Act shall be fined not more than $1,000,000;

(3) any individual who willfully violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall be fined not more than $50,000, or imprisoned not more than 10 years, or both; and

(4) any individual who violates section 301(a) or any regulations issued to carry out that section shall, instead of the penalty set forth in paragraph (2), be fined not more than 5 times the value of the krugerrands or gold coins involved.

(c)(1) Whenever a person commits a violation under subsection (b)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who knowingly and willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who knowingly and willfully carried out such act or practice,

shall be fined not more than $10,000, or imprisoned not more than 5 years, or both.

(2) Paragraph (1) shall not apply in the case of a violation by an individual of section 301(a) of this Act or of any regulation issued to carry out that section.

(3) A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

(d)(1) Any person who violates any regulation issued under section 208(d) or who, in a registration statement or report required by the Secretary of State, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall be subject to a civil penalty of not more than $10,000 imposed by the Secretary of State. The provisions of subsections (d), (e), and (f) of section 11 of the Export Administration Act of 1979 shall apply with respect to any such civil penalty.

(2) Any person who commits a willful violation under paragraph (1) shall upon conviction be fined not more than $1,000,000 or imprisoned not more than 2 years, or both.

(3) Nothing in this section may be construed to authorize the imposition of any penalty for failure to implement the Code of Conduct.

APPLICABILITY TO EVASIONS OF ACT

SEC. 604. This Act and the regulations issued to carry out this Act shall apply to any person who undertakes or causes to be undertaken any transaction or activity with the intent to evade this Act or such regulations.

CONSTRUCTION OF ACT

SEC. 605. Nothing in this Act shall be construed as constituting any recognition by the United States of the homelands referred to in this Act.

Mr. DOLE. Mr. President, I understand the distinguished managers of the bill, Senator LUGAR and Senator PELL, will not make statements tonight but they will start on this tomorrow morning. Is that correct?

Mr. PELL. Whatever is most convenient to the majority leader.

Mr. LUGAR. Mr. President, I suggest that we start on South Africa tomorrow morning so that the appropriations bill might be heard. I think a fresh start would be better at that hour.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I shall be occupied with committee business from 9:30 to 10:30. I would like to make an opening statement. If I could make it this evening, I would very much appreciate it.

Mr. DOLE. If we could first take up the legislative appropriations bill, I shall ask unanimous consent that we temporarily set aside the legislative appropriations bill. Then we can come back to the Senator.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object, I would like the majority

leader to know that it is my intention to offer an amendment to the legislative appropriations bill which probably will require a vote.

Mr. DOLE. Mr. President, we have announced there will be no more rollcall votes tonight. I guess we can still take it up and if there is still a rollcall vote demanded, we can rout some people out of bed tonight instead of voting tomorrow.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BYRD. Mr. President, this matter has been cleared through all Members on this side. There is no objection to proceeding with the legislative appropriations bill.

Mr. NICKLES. Reserving the right to object, Mr. President, just to let the majority leader know my intention, I have no desire whatsoever to hold up the Senate or keep people up late. It has been a long day, to say the least. But if this were run by all Senators—I am not sure it was—I certainly have a problem when I look down and see that we are looking at legislative appropriations amounts—$90 million—exceeding last year's outlays. I would like at least to have the opportunity to offer an amendment, at least for the Senate functions, to see that outlays not exceed present year outlays.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. KENNEDY. Mr. President, the Senate now turns to another issue of fundamental importance to the standing and stature of the United States within the community of nations. It is time for the Senate to take action against the Government of South Africa.

Senator WEICKER and I will offer an amendment tomorrow that will strengthen the committee's bill. This amendment, if adopted, will add certain measures that were approved by the leaders of the Commonwealth of Nations during their meetings in London 10 days ago.

Mr. President, the work of the Senate Foreign Relations Committee was an important first step. The chairman, Senator LUGAR, and the ranking member, Senator PELL, deserve enormous credit for responding so quickly and so thoughtfully to the call for action on South Africa. And it is a tribute to their leadership that the committee's work-product received an overwhelming vote of approval from the other members of the committee,15 to 2. But the committee's action was really only a first step. There is much work left to be done on this issue here on the floor, and I look forward to doing that work with both floor managers as this legislation finally receives the consideration it so richly deserves.

On the week-end of August 3-5, seven heads of state from the Commonwealth of Nations met in London to review the report from the "Eminent Persons Group" and to make recommendations to the other member states of the Commonwealth as to what action the Commonwealth should take in the way of sanctions against South Africa. The communique that was issued on August 4 is a call to action, not only by the members of the Commonwealth of Nations but by all civilized nations of the world. I ask unanimous consent that that communique be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EPG COMMONWEALTH HEADS OF GOVERNMENT REVIEW MEETING: SOUTH AFRICA

Following is text of communique issued at Marlborough House, London, at 2330 hours of 4 August. Please draw to the attention of Mr. Bowen, Senator Button, Senator Evans, Mr. Dawkins and Mr. Morris.

As agreed at Nassau last October, our meeting was held in the special context of the crisis in Southern Africa. At the outset of our discussions we specifically reaffirmed our commitment to the Commonwealth accord on Southern Africa which, with our other colleagues, we had concluded at Nassau. We reaffirmed, in particular, the United belief we expressed in the accord that "Apartheid must be dismantled now if a greater tragedy is to be averted, and that concerted pressure must be brought to bear to achieve that end".

At our request the co-chairmen of the Commonwealth Group of Eminent Persons (EPG), General Olusegun Obasanjo and Mr. Malcolm Fraser, introduced the report of the EPG and answered the many questions we put to them. Sir Geoffrey Howe, the British Foreign Secretary, who undertook a mission to Southern Africa in his capacity as president of the Council of Ministers of the EEC, also briefed us on the results of his mission.

3. The report of the EPG, mission to South Africa, was the central document at our discussions. That unanimous report has commanded attention worldwide as pointing the way forward for South Africa and for the world in relation to South Africa. We warmly commend the group's work which has made a positive and enduring contribution to the efforts to end apartheid and establish a non-racial and representative Government in South Africa. We particularly commend the EPG's "negotiating concept" and deeply regret its rejection by the South African Government.

4. At Nassau, the Commonwealth unanimously adopted a common programme of action which included a number of economic measures against South Africa. It was our collective hope that those measures and the efforts of the EPG to promote a process of dialogue in South Africa would, within 6 months, bring about concrete progress towards our objectives of seeing apartheid dismantled and the structures of democracy erected in South Africa.

5. As envisaged in the accord, we have reviewed the situation. We are profoundly disappointed that the authorities in Pretoria have taken none of the five steps which at Nassau we called on them to take "in a genuine manner and as a matter of urgency". Nelson Mandela and other political leaders remain in prison. A new and more widely repressive emergency has been imposed and political freedom more rigorously curtailed: The ANC and other political parties are still banned. Beyond these, however, it has been a matter of deep concern to us that the EPG after its most patient efforts has been forced to conclude that "at present there is not genuine intention on the part of the South African Government to dismantle apartheid and no present prospect of a process of dialogue leading to the establishment of a non-racial and representative government". We had looked at Nassau for the initiation by Pretoria of a process of dialogue in the context of a suspension of violence on all sides. Instead, as the EPG found, the cycle of violence and counter-violence has spiralled.

6. We receive their findings with disappointment, and deplore the conduct of the South African Government whose actions, including the raids on neighbouring countries at a crucial moment of the EPG's work, terminated their efforts for peaceful change. We continue to believe with them that the cycle of violence in South Africa must end. It is clearly established that the situation in South Africa contributes serious threat to regional peace and security.

7. It is thus clear to us that since our meeting in Nassau there has not been the adequate concrete progress that we looked for there. Indeed, the situation has deteriorated.

Accordingly, in the light of our review and of our agreement at Nassau, we have considered the adoption of further measures against the background of the EPG's conclusion that the absence of effective economic pressure on South Africa and the belief of the South African authorities that it need not be feared are actually deferring change. We acknowledge that the Commonwealth cannot stand by and allow the cycle of violence to spiral, but must take effective concerted action.

9. We are agreed that one element of such action must be the adoption of further measures designed to impress on the authorities in Pretoria the compelling urgency of dismantling apartheid and erecting the structures of democracy in South Africa.

10. In doing so, we have looked particularly at the measures listed in para. 7 of the accord which some of us at Nassau had already indicated a willingress to include in any consideration of further measures. But we have looked as well to other measures under consideration elsewhere. In deciding on the adoption of further measures, we recognise that if they are to have maximum effect they should be part of a wider programme of international action.

11. The British Government's position is set out in paragraph 12. The rest of us have agreed as follows:

(a) The adoption of further substantial economic measures against South Africa is a moral and political imperative to which a positive response can no longer be deferred.

(B) We ourselves will therefore adopt the following measures and commend them to the rest of the Commonwealth and the wider international community for urgent adoption and implementation:

(I) All the measures listed in paragraph 7 of the Nassau accord, namely:

(A) A ban on air links with South Africa,

(B) A ban on new investment or reinvestment of profits earned in South Africa.

(C) A ban on the import of agricultural products from South Africa.

(D) The termination of double taxation agreements with South Africa.

(E) The termination of all Government assistance to investment in, and trade with, South Africa.

(F) A ban on all Goverment procurement in South Africa.

(G) A ban on Government contracts with majority-owned South African companies.

(H) A ban on the promotion of tourism to South Africa.

(II) The following additional measures:

(I) A ban on all new bank loans to South Africa, whether to the public or private sectors.

(J) A ban on the import of uranium, coal, iron and steel from South Africa.

(K) The withdrawal of all consular facilities in South Africa except for our own nationals and nationals of these countries to whom we render consular services.

(C) While expressing both concern and regret that the British Goverment does not join in our agreement, we note its intention to proceed with the measures mentioned in paragraph 12 below.

(D) We feel, however, that we must do more. We look beyond the Commonwealth to the wider international community. We will, therefore, immediately embark on intensive consultations within the international community with a view to securing concerted international action in the coming months, our emphasis being on those countries that presently sustain a significant level of economic relations with South Africa.

12. The British Government, while taking a different view on the likely impact of economic sanctions, declares that it will.

I. Put a voluntary ban on new investment in South Africa.

II. Put a voluntary ban on the promotion of tourism to South Africa.

III. Accept and implement any EEC decision to ban the import of coal, iron, and steel and of gold coins from South Africa.

13. As a further element of our collective commitment to effective action, we have requested the Secretary-General, with assistance from our governments, to co-ordinate the implementation of the agreed measures and to identify such adjustment as may be necessary in Commonwealth countries affected by them.

14. We renew the call we made at Nassau on the authorities in Pretoria to initiate, in the context of a suspension of violence on all sides, a process of dialogue across lines of colour, politics and religion with a view to establishing a non-racial representative government in a united and non-fragmented South Africa. If Pretoria responds positively to this call and takes the other steps for which we call in paragraph 2 of the Nassau accord, we stand ready to review the situation and to rescind the measures we have adopted, appropriate., and to contribute in all ways open to us, to an orderly transition to social, economic and political justice in South Africa and to peace and stability in Southern Africa as a whole.

15. On the other hand, we are equally mindful of our further commitment at Nassau that if in a reaonable time even these further measures have nothad the disired effect, still further effective measures will have to be considered. We trust that the authorities in Pretoria will recognise the seriousness of our resolve. Acts of economic or other agression against neighbouring states by way of retaliation or otherwise will activate that resolve.

16. Regretting the absence of full agreement but recognising that the potential for united Commonwealth action still exists, we agree that the seven governments will keep the situation under review with the view to advising whether any further collective Commonwealth action, including a full heads of government meeting, is desirable. We are conscious that the stituation in South Africa may evolve rapidly and dangerously. We believe the commonwealth must retain its capacity to help to advance the objectives of the Nassau accord and be ready to use all the means at its disposal to do so.

17. Meeting in London at a time of heightened strains within our association, we take the opportunity to renew our own firm commitment to the future of the Commonwealth and to the aims and objectives which have guided it over the years. We are fortified in this renewal by the spirit of frankeness in friendship which characterised our discussions and our belief that they have helped to light a common path towards fulfilment of our common purpose, namely, the dismantling of apartheid and the establishment of a non-racial and representative government in South Africa as a matter of compelling urgency.

Mr. KENNEDY. Mr. President, this communique stresses the importance of concerted international action. The leader said, "We must do more. We look beyond the Commonwealth to the wider international community. We will, therefore immediately embark on intensive consultations within the international community with a view to securing concerted international action in the coming months, our emphasis being on those countries that presently sustain a significant level of economic relations with South Africa."

This objective is consistent with the policy objectives of the United States as set forth in the committee's bill. The committee's bill states: "The Congress finds that international cooperation is a prerequisite to an effective antiapartheid policy and the situation in South Africa constitutes an emergency in international relations and that action is necessary for the protection of the essential security interest of the United States."

This amendment, if it is adopted, will achieve the kind of concerted, joint, coordinated action by the members of the international community that all people believe is necessary if the civilized peoples of the world—with the American people taking the lead—are finally to take effective action to put ourselves on the side of freedom, justice, and peace for all the people of South Africa.

I ask unanimous consent that the text of this amendment be included at this point in the RECORD.

There being no objection, the text was ordered to be printed in the RECORD, as follows:

On page 49, delete lines 11 through 20, and

On page 50, delete lines 4 through 13, and at line 14, delete "(iii)", and

Re-Definition of South Africa

On page 51, strike out lines 16 through 18 and insert in lieu thereof the following:

(6) SOUTH AFRICA.—The term "South Africa" includes—

(A) The Republic of South Africa;

(B) any territory under the administration, legal or illegal, of South Africa; and

(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Ciskei, and Venda; and

On page, 70 line 8, insert the words "or subsidized" after the word "controlled".

On page 72, between lines 16 and 17, insert the following new paragraph:

(3) the Secretary of Transportation shall prohibit the takeoff and landing in South Africa of any aircraft by an air carrier owned, directly or indirectly, by a national of the United States or by any corporation or other entity organized under the laws of the United States or of any State.

On page 79, between lines 13 and 14, insert the following new sections:

TERMINATION OF TAX TREATIES

SEC. 314. The President shall notify the Government of South Africa of the intention of the United States to terminate the following conventions and protocols in accordance with their terms:

(1) Convention Between the Government of the United States of America and the Government of the Union of South Africa for the Avoidance of Double Taxation and for Establishing Rules of Reciprocal Administrative Assistance With Respect to Taxes on Income, done at Pretoria on December 13, 1946, and the protocol relating thereto.

(2) Convention Between the Government of the United States of America and the Government of the Union of South Africa With Respect to Taxes on the Estates of Deceased Persons, done at Capetown on April 10, 1947, and the protocol relating thereto.

PROHIBITION ON CONTRACTS WITH SOUTH AFRICAN FIRMS

SEC. 315. On or after the date of enactment of this Act, no department, agency, or other entity of the United States may enter into a contract with any corporation or other business enterprise organized under the laws of South Africa or which is 50 percent or more beneficially owned by nationals of South Africa.

PROHIBITION ON UNITED STATES GOVERNMENT PROCUREMENT FROM SOUTH AFRICA

SEC. 316. On or after the date of enactment of this Act, no department, agency or other entity of the United States may enter into a contract for the procurement of goods or services produced or performed in South Africa.

PROHIBITION ON THE PROMOTION OF UNITED STATES TOURISM IN SOUTH AFRICA

SEC. 317. None of the funds appropriated or otherwise made available by any provision of law may be available to promote United States tourism to South Africa.

PROHIBITION ON UNITED STATES GOVERNMENT ASSISTANCE TO INVESTMENT IN, OR SUBSIDY FOR TRADE WITH, SOUTH AFRICA

SEC. 318. None of the funds appropriated or otherwise made available by any provision of law may be available for any assistance to investment in, or any subsidy for trade with, South Africa, including but not limited to funding for trade missions in

South Africa and for participation in exhibitions and trade fairs in South Africa.

PROHIBITION ON IMPORTATION OF SOUTH AFRICAN AGRICULTURAL PRODUCTS AND FOOD

SEC. 319. Notwithstanding any other provision of law, no—

(1) agricultural commodity, product by product or derivative threof,

(2) article that is suitable for human consumption, that is a product of South Africa may be imported into the customs territory of the United States after the date of enactment of this Act.

PROHIBITION ON IMPORTATION OF STEEL

SEC. 320. Notwithstanding any other provision of law, no steel produced in South Africa may be imported into the United States.

PROHIBITION ON EXPORTS OF CRUDE OIL AND PETROLEUM PRODUCTS

SEC. 321. (a) No crude oil or refined petroleum product which is subject to the jurisdiction of the United States or which is exported by a person subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any export pursuant to a contract entered into before the date of enactment of this Act.

On page 78, lines 8 and 9, strike out "sections 301 through 312" and insert in lieu thereof "this title".

On page 78, line 23, strike out "sections 301 through 312" and insert in lieu "this title".

MILITARY CONSTRUCTION APPROPRIATIONS

THANKS TO ALL

Mr. BYRD. Mr. President I want to take this opportunity to express my compliments to the managers of the military construction appropriations bill, Mr. MATTINGLY and Mr. SASSER; also my compliments to Mr. PELL and to Mr. LUGAR, the chairman and ranking member of the Foreign Relations Committee.

I compliment all other Senators, too. I think we have had a very fine debate on the bill. It was fiercely fought more often than not. But even though it was fiercely fought, I think there was a strong thread of courtesy, comity, and understanding that ran throughout the debate.

I feel that people who observed this debate via television learned a lot about how this institution operates. They are much better informed than they would have been otherwise about this important legislation and about the issues that were discussed and the amendments that were offered.

I feel very good about the Senate as I reflect upon the very high-level type of debate that was carried forward on all sides.

I commend the managers and all Senators, those who offered amendments and those who opposed the amendments. I think the Senate lived up to the expectations of the forefathers of this Nation, and I am proud of it.

Mr. PELL. Mr. President, while I voted "Nay" on the underlying title I of the military construction appropriations bill, I found the addition of the Contra provisions so distasteful and so against our true national interest that I was compelled to cast my vote against the whole bill. I believe the negative weight of those Contra provisions more than outweighed the benefits to our national interest deriving from the original military construction bill.

Mr. DOLE. Mr. President, on the military construction bill, H.R. 5052, we spent 3 days, 30 hours on the bill, had 18 rollcall votes, 21 amendments and motions considered; 5 were agreed to, 3 were rejected, 12 were tabled, 1 was withdrawn.

I thank, first of all, the managers on both sides. This has been a rather intense debate. It is a very emotional issue. I believe the Senate acted properly in favorably disposing of this legislation, but I can understand those who have a different view. I believe we have waited far too long and we have denied people who are fighting for freedom an opportunity or a chance to survive, in many cases, while we have been kicking this football back and forth between the House and the Senate. History will judge whether or not we were correct.

In the meantime, those who have been managers of the bill on both sides—those in opposition, those in favor of the legislation—have done a remarkable job, an outstanding job. I certainly extend my thanks to the distinguished Senator from Georgia [Mr. MATTINGLY], the chairman of the appropriations subcommittee handling military construction and his counterpart, the distinguished Senator from Tennessee [Mr. SASSER]; in addition, the fine, steady work of the chairman of the Foreign Relations Committee, Senator LUGAR of Indiana, and from time to time, his counterpart, the distinguished Senator from Rhode Island [Mr. PELL].

Thanks to my distinguished colleague, the minority leader, who has been very active on the floor with good amendments, very close votes. I thank him not only for his effort in working out the agreement, but making certain that we were kept pretty much on target.

I do believe, even though we did not quite carry out our goal of 15-minute votes, none of them exceeded 20 minutes—I take it back. One of them exceeded 20 minutes. In that case, the person we waited for we cut off before he got here. Maybe we could have cut him off sooner.

One of the record votes we concluded in 14 minutes, 32 seconds. That does not quite average up with all the overages, but it at least indicated the Members understood the time constraint.

SOUTH AFRICA

I believe as we move to South Africa, we can more quickly dispose of this bill. It is not the same type of issue, there is not that much division in the Senate. There is some. There is some strong opposition to sanctions in South Africa. I think there is even stronger opposition to what we might designate as punitive sanctions. But I do believe the sanctions in the bill will be approved by a large margin. I am hopeful that we can dispose of the amendments.

There are, as I recall, 2 hours of debate for Senator WALLOP, 2 hours for Senator DENTON, 8 hours of debate on the bill. I have been advised by Senator DENTON and WALLOP that they will probably not consume a great deal of their 2 hours apiece. So I am hopeful that with some luck, we might conclude action on this bill by tomorrow evening.

I am also advised that we will be receiving tomorrow afternoon a short-term debt extension that may or may not—I understand there may be amendments offered or at least attempt to be offered on the Senate side. Hopefully, we can conclude action tomorrow night and still complete our work before the so-called Labor Day recess at a fairly early hour on Friday. That is the hope. It may or may not happen.

□ 2240

Mr. BYRD. Will the distinguished majority leader yield?

Mr. DOLE. I will be happy to yield.

Mr. BYRD. Mr. President, I think that we might consider a caveat with respect to completing our business tomorrow evening. It may depend to some considerable extent on whether or not the short-term debt extension is indeed passed cleanly or whether or not there are efforts made to amend that legislation.

If there are amendments offered, this could very well keep the Senate working on the matter into Saturday or into next week. So I would hope that the Senators would not make plans with absolute certitude that the Senate is going to be ready to go out tomorrow evening or even Saturday.

I hope, with respect to South Africa legislation, that that will be completed Friday afternoon, hopefully early. I do not think there will be many amendments on this side.

Mr. DOLE. I think it would be pretty much the reverse of what we have had on the other bill, but I am also reminded that tomorrow evening there is a little function at the White House and many Members on both sides have asked will we have a little window. I assume there will be a little window and we will try to make certain people have that opportunity. And then sometime tomorrow, and we

will announce it in advance, Members of the Senate need to be sworn so that we can take another step toward the preparation of the impeachment trial, and it will probably follow a rollcall vote sometime midafternoon. As I understand, the Vice President would like to participate, and he is available between the hours of I think 3 and 3:45. But I will advise the distinguished minority leader.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

MEETING OF COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, we have been circulating a unanimous consent agreement with respect to the meeting of the Committee on Energy and Natural Resources. That unanimous consent agreement specifies eight measures which are ready for action and/or disposition in the committee. They are the Natural Gas Policy Act Amendments of 1985; S. 2266, to establish a ski area permit system on national forest lands; S. 2287, to amend the Wild and Scenic Rivers Act with respect to a river in the State of New Jersey; S. 2320, to amend certain lands on the Island of Hawaii Volcanoes National Park; S. 2466, to designate a segment of Saline Bayou of Louisiana as a component of the National Wild and Scenic Rivers System; S. 2522, to provide standards for placement of commemorative works on certain Federal lands in the District of Columbia; S. 2532, to amend the Wild and Scenic Rivers Act with respect to a river in Mississippi; and S. 2635, with respect to the Henry's Forks of the Snake River in Idaho.

I think all but the first of those is ready in the committee for final disposition and report to the floor of the Senate for final action.

For the first measure, S. 2285, I have no allusions that we will complete this but we need to see whether or not there are areas where we can compromise and come to an agreement by mere consensus. That is the purpose of the unanimous-consent agreement. The purpose is to waive the rules that limit us to 2 hours following the convening of the Senate so that we can consider those matters in the regularly scheduled business meeting of the committee on tomorrow.

I believe that is correct on our side of the aisle. I would inquire of the distinguished minority leader if he has any problems on his side of the aisle?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, but for the first item in the list, this side is ready to give its consent that the Committee on Energy and Natural Resources be authorized to meet.

The first item has not cleared on this side. If the distinguished chairman would wish to repeat the request deleting the first item, them on the remaining seven items there would be no objection on this side to giving that permission.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER, The Senator from Idaho.

Mr. McCLURE. Mr. President, I recognize that certainly any individual Member, and the minority leading acting on behalf of any individual Member, has the right to object. I regret the objection because I do think we ought to try to find out whether there is something we can do. I think there is a growing consensus that we can do something on incremental pricing.

The other body has acted with respect to the Fuel Use Act. I think there is a growing consensus that we might be able to deal with that. We have been working with the distinguished Senator from Kentucky to see whether or not we can accommodate a concern he has in that area. I believe that is possible. I think when we get beyond that, we get into some pretty rough and heavy going.

Mr. FORD. Mr. President, will the distinguished chairman yield?

Mr. McCLURE. Yes.

Mr. FORD. No one offered me any position that would help me with my coal capable problem. I have been sitting around for a long time.

Mr. McCLURE. My understanding from conversations with staff is that that had been discussed at staff level, and I am a little surprised at the statement the Senator has made but I will certainly——

Mr. FORD. There is no agreement or anything, no offer been made, I do not think.

Mr. McCLURE. I thought there had been.

Mr. NICKLES. Will the Senator yield?

Mr. McCLURE. I will be happy to yield.

Mr. NICKLES. I would just follow up with a comment. I know the Senator from Kentucky is interested in the Fuel Use Act and possible amendments thereto. However, we would like to make some progress on that legislation. This will be the second committee meeting which we have scheduled which we have been denied by the Democratic side of the aisle, having the right to consider amendments that might be agreeable to the Senator from Kentucky and other members of the committee that have an interest on natural gas legislation. So I would hope we would be able to press forward and that maybe the request would be put again tomorrow and agreed to so we can consider this very much-needed legislation.

Mr. McCLURE. Mr. President, I will renew the request absent the first provision.

The PRESIDING OFFICER. Is there objection? Is there objection?

Mr. BYRD. There is no objection absent the first provision.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLURE. Mr. President, we will explore the possibility of removing the objection to the other item as well. Perhaps tomorrow we can get that agreement. I thank the Chair.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, FISCAL YEAR 1987

Mr. HATFIELD. Mr. President, I ask unanimous consent that the pending order of business be temporarily laid aside in order that we might turn to the consideration of the legislative appropriations bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5203) making appropriations for the legislative branch for the fiscal year ending September 30, 1987, and for other purposes.

The Senate proceeded to consider the bill (H.R. 5203) making appropriations for the legislative branch for the fiscal year ending September 30, 1987, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1987, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Priscilla S. East, widow of John P. East, late a Senator from North Carolina, $75,100.

MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, MAJORITY AND MINORITY WHIPS, AND CHAIRMEN OF THE MAJORITY AND MINORITY CONFERENCE COMMITTEES

MILEAGE OF THE VICE PRESIDENT AND SENATORS

For mileage of the Vice President and Senators of the United States, $60,000.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, THE PRESIDENT PRO TEMPORE, MAJORITY AND MINORITY LEADERS, MAJORITY AND MINORITY WHIPS, AND CHAIRMEN OF THE MAJORITY AND MINORITY CONFERENCE COMMITTEES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $10,000 for each such Leader, in all $20,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions, $177,435,714 which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,112,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For Office of the President Pro Tempore, $149,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $1,090,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $418,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $540,500 for each such committee; in all, $1,081,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $262,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $90,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $6,986,714.

ADMINISTRATIVE, CLERICAL, AND LEGISLATIVE ASSISTANCE TO SENATORS

For administrative, clerical, and legislative assistance to Senators, $104,030,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $41,172,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $879,000.

AGENCY CONTRIBUTIONS

For agency contributions for employee benefits, as authorized by law, $20,166,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $1,460,900.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $575,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $974,000 for each such committee; in all $1,948,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96-304 and Senate Resolution 281, agreed to March 11, 1980, $52,177,000.

EXPENSES OF UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, as authorized by section 814 of the Foreign Relations Authorization Act passed by the Senate on July 31, 1985, $325,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $666,300.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $62,420,000: Provided, That of the amounts appropriated under this head in the Supplemental Appropriations Act, 1985 (Public Law 99-88), $2,200,000 shall remain available until September 30, 1987.

MISCELLANEOUS ITEMS

For miscellaneous items, $10,314,000.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to Grace Addabbo, widow of Joseph P. Addabbo, late a Representative from the State of New York, $75,100.

For payment to Mary Lou O'Brien, widow of George M. O'Brien, late a Representative from the State of Illinois, $75,100.

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, $210,000.

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $3,357,000, including: Office of the Speaker, $775,000, including $18,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $688,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $767,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, $603,000, including $1,000 for official expenses of the Majority Whip and not to exceed $145,540 for the Chief Deputy Majority Whip; Office of the Minority Whip, $524,000, including $1,000 for official expenses of the Minority Whip and not to exceed $76,840 for the Chief Deputy Minority Whip.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, $170,186,000.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $48,000,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703, and 901(e) of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $329,000.

CONTINGENT EXPENSES OF THE HOUSE

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by the House, $48,311,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $137,928,000, including: Official Expenses of Members, $79,300,000; supplies, materials, administrative costs and Federal tort claims, $14,536,000; furniture and furnishings, $1,475,000; stenographic reporting of committee hearings, $550,000; reemployed annuitants reimbursements, $750,000; Government contributions to employees' life insurance fund, retirement fund, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $40,695,000; and miscellaneous items including, but not limited to, purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions and gratuities to heirs of deceased employees of the House, $622,000.

Such amounts as are deemed necessary for the payment of allowances and expenses under this head may be transferred between the various categories within this appropriation, "Allowances and expenses", upon the approval of the Committee on Appropriations of the House of Representatives.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $4,300,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $51,136,000, including: Office of the Clerk, $13,825,000; Office of the Sergeant at Arms, including overtime, as authorized by law, $20,595,000, of which $1,896,000 shall be available only for adjustments in pay levels for the Capitol Police, as approved by the

Committee on House Administration; Office of the Doorkeeper, including overtime, as authorized by law, $6,992,000; Office of the Postmaster, $2,278,000, including $46,722 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $16,278 per annum each; Office of the Chaplain, $73,000; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $634,000; for salaries and expenses of the Office for the Bicentennial of the House of Representatives, $226,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $844,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $2,700,000; six minority employees, $434,000; the House Democratic Steering Committee and Caucus, $700,000; the House Republican Conference, $700,000; and Other Authorized Employees, $1,135,000.

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this head may be transferred between the various offices and activities within this appropriation, "Salaries, officers and employees", upon the approval of the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. Of the amounts appropriated in fiscal year 1987 for the House of Representatives under the headings "Committee employees", "Standing committees, special and select", "Salaries, officers and employees", "Allowances and expenses", and "Members' clerk hire", such amounts as are deemed necessary for the payment of salaries and expenses may be transferred among the aforementioned accounts upon approval of the Committee on Appropriations of the House of Representatives.

SEC. 102. The provisions of H. Res. 320, approved November 14, 1985, establishing one additional position on the Capitol Police Force shall be permanent law with respect thereto.

SEC. 103. The provisions of H. Res. 21, approved December 11, 1985, establishing a Congressional child care center shall be permanent law with respect thereto.

SEC. 104. (a) The Clerk of the House of Representatives may dispose of used equipment of the House of Representatives, by trade-in or sale, directly or through the General Services Administration. Any direct disposal under the preceding sentence shall be in accordance with normal business practice and shall be at fair market value. Receipts from disposals under the first sentence of this subsection (together with receipts from sale of transcripts, waste paper and other items provided by law, and receipts for missing or damaged equipment) shall be deposited in the Treasury for credit to the appropriate account under the appropriation for "ALLOWANCES AND EXPENSES" under the heading "CONTINGENT EXPENSES OF THE HOUSE", and shall be available for expenditure in accordance with applicable law. As used in this subsection, the term "used equipment" means such used or surplus equipment (including furniture and motor vehicles) as the Committee on House Administration of the House of Representatives may prescribe by regulation.

(b) The proviso in the matter under the center heading "HOUSE OF REPRESENTATIVES" and the center subheading "OFFICIAL REPORTERS TO COMMITTEES" in the first section of the Act entitled "An Act making appropriations for the Legislative Branch for the fiscal year ending June 30, 1948, and for other purposes", approved July 17, 1947 (2 U.S.C. 84b), is amended by striking out "as 'Miscellaneous receipts' ".

(c) This section and the amendment made by this section shall take effect on October 1, 1986.

JOINT ITEMS

For joint committees, as follows:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $2,736,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $919,000.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $4,159,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,000 per month to the Attending Physician; (2) an allowance of $600 per month to one Senior Medical Officer while on duty in the Attending Physician's Office; (3) an allowance of $200 per month each to two medical officers while on duty in the Attending Physician's office; (4) an allowance of $200 per month each to not to exceed eleven assistants on the basis heretofore provided for such assistance; and (5) [$768,700] *$869,500* for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, [$1,098,000] *$1,298,000*, to be disbursed by the Clerk of the House.

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training or other purposes, and expenses associated with the relocation of instructor personnel to and from the Federal Law Enforcement Training Center as approved by the Chairman of the Capitol Police Board, and including $80 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, $1,701,000, to be disbursed by the Clerk of the House: *Provided*, That the funds used to maintain the petty cash fund referred to as "Petty Cash II" which is to provide for the prevention and detection of crime shall not exceed $4,000: *Provided further*, That the funds used to maintain the petty cash fund referred to as "Petty Cash III" which is to provide for the advance of travel expenses attendant to protective assignments shall not exceed $4,000: *Provided further*, That, notwithstanding any other provision of law, the cost involved in providing basic training for members of the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1987 shall be paid by the Secretary of the Treasury from funds available to the Treasury Department.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs, $94,818,000, to be disbursed by the Clerk of the House.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $880,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than twenty-eight individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the second session of the Ninety-ninth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, [$13,000] *$20,000*, to be paid to the persons designated by the chairman of such committees to supervise the work.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including reception and representation expenses (not to exceed $3,000 from the Trust Fund), and rental of space in the District of Columbia, and those necessary to carry out the duties of the Director of the Office of Technology Assessment under Section 1886 of the Social Security Act as amended by Section 601 of the Social Security Amendments of 1983 (Public Law 98-21), and those necessary to carry out the duties of the Director of the Office of Technology Assessment under Part B of title XVIII of the Social Security Act as amended by Section 9305 of the Consolidated Omnibus Reconciliation Act of 1985 (Public Law 99-272), $15,532,000: *Provided*, That none of the funds in the Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 143 staff employees: *Provided further*, That no part of this appropriation shall be available for assessments or activities not initiated and approved in accordance with section 3(d) of Public Law 92-484, except that funds shall be available for the assessment required by Public Law 96-151: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of employees of the Office of Technology Assessment in connection with any reimbursable study for which funds are provided from sources other than appropriations made under this Act, or be available for any other administrative expenses incurred by the Office of Technology Assessment in carrying out such a study, *except that funds shall be available for and reimbursement can be accepted for salaries or expenses of the Office of Technology Assessment in connection with the assessment required by section 101(b) of Public Law 99-190.*

BIOMEDICAL ETHICS BOARD

SALARIES AND EXPENSES

For the Biomedical Ethics Board and the Biomedical Ethics Advisory Committee, as authorized by section 381 of the Public Health Service Act (Public Law 99-158), $2,500,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), $17,251,000: *Provided,* That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further,* That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 226 staff employees: *Provided further,* That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98-63.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; the Executive Assistant; and other personal services; at rates of pay provided by law, $5,262,000.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, [$100,000] *$50,000.*

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; to hereafter incur expenses authorized by the Act of December 13, 1973 (87 Stat. 704); for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, [$11,959,000] *$12,068,000.*

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant, [$3,182,000] *$3,249,000.*

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of the Senate Office Buildings; and furniture and furnishings, to be expended under the control and supervision of the Architect of the Capitol, $25,197,000, of which $5,781,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House Office Buildings, including the position of Superintendent of Garages as authorized by law, $25,227,000, of which $4,991,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; for lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office and Washington City Post Office and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation; $24,567,000: *Provided,* That not to exceed $1,950,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1987.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $39,602,000: *Provided,* That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration: *Provided further,* That, notwithstanding any other provisions of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); and printing and binding of Government publications authorized by law to be distributed to Members of Congress, [$62,000,000] *$64,200,000*: *Provided,* That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) nor for [printing and binding the permanent edition of the Congressional Record] *copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates* authorized under 44 U.S.C. 906: *Provided further,* That, to the extent that funds remain from the unexpended balance of fiscal year 1984 and fiscal year 1985 funds obligated for the printing and binding costs of publications produced for the Bicentennial of the Congress, such remaining funds shall be available for the current year printing and binding cost of publications produced for the Bicentennial: *Provided further,* That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriation Act, 1987".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $2,062,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody, care and maintenance of the Library Buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center and the American Television and Radio Archives in the Library; preparation and distribution of catalog cards and other publications of the Library; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, [$136,339,000] *$137,939,000,* of which not more than $4,700,000 shall be derived from collections credited to this appropriation during fiscal year 1987 under the Act of June 28, 1902, as amended (2 U.S.C. 150): *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $4,700,000: *Provided further,* That, of the total amount appropriated, [$4,266,000] *$4,766,000* is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $17,302,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 1987 under 17 U.S.C. 708(c), and not more than $927,000 shall be derived from collections during fiscal year 1987 under 17 U.S.C. 111(d)(3) and 116(c)(1): *Provided,* That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,427,000.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931, as amended (2 U.S.C. 135a), $35,996,000.

COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS

(SPECIAL FOREIGN CURRENCY PROGRAM)

For necessary expenses for carrying out the provisions of section 104(b)(5) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to remain available until expended, $390,000, of which $293,000 shall be available only for payments in any foreign currencies owed to or owned by the United States which the Treasury Department shall determine to be excess to the normal requirements of the United States.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $5,070,000, of which $3,425,000 shall be available until expended only for the purchase and supply of furniture, shelving, furnishings, and related costs necessary for the renovation and restoration of the Thomas Jefferson and John Adams Library Buildings.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $101,390, of which $23,900 is for the Congressional Research Service, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants the manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $6,080,000, of which $265,000 shall remain available until expended.

COPYRIGHT ROYALTY TRIBUNAL

SALARIES AND EXPENSES

For necessary expenses of the Copyright Royalty Tribunal, $617,000, of which $494,000 shall be derived by collections from the appropriation "Payments to Copyright Owners" for the reasonable costs incurred in proceedings involving distribution of royalty fees as provided by 17 U.S.C. 807.

GOVERNMENT PRINTING OFFICE

PRINTING AND BINDING

For printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, [$10,700,000] *$12,800,000*: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture) [nor for printing and binding the permanent edition of the Congressional Record authorized under 44 U.S.C. 906]: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the provisions of 44 U.S.C. 305; travel expenses (not to exceed $117,000); price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying publications to the Depository Library and International Exchange Programs; [$24,359,000] *$23,634,000*, of which $1,378,000 representing excess receipts from the sale of publications shall be derived from the Government Printing Office revolving fund: *Provided*, That $300,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 1512), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That during the current fiscal year the revolving fund shall be available for the hire of eight passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS–18: *Provided further*, That the revolving fund shall be available to acquire needed land, located in Northwest D.C., which is adjacent to the present Government Printing Office, and is bounded by Massachusetts Avenue and the southern property line of the Government Printing Office, between North Capitol Street and First Street. The land to be purchased is identified as Parcels 45–D, 45–E, 45–F, and 47–A in Square 625, and includes the alleys adjacent to these parcels, and G Street, N.W. from North Capitol Street to First Street: *Provided further*, That the revolving fund and the funds provided under the paragraph entitled "Office of Superintendent of Documents, Salaries and Expenses" together may not be available for the full-time equivalent employment of more than 5,287 workyears[: *Provided further*, That the revolving fund shall be available for expenses not to exceed $25,000 to host a world-wide Public Printers' Conference].

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $5,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS–18; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); [$304,910,000] *$306,910,000*: *Provided*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences: *Provided further*, That this appropriation shall be available to finance a portion, not to exceed $50,000, of the costs of the Governmental

Accounting Standards Board: *Provided further,* That this appropriation shall be available for the expenses of planning the triennial Congress of the International Organization of Supreme Audit Institutions (INTOSAI) to be hosted by the U.S. General Accounting Office in Washington, D.C., in 1992.

RAILROAD ACCOUNTING PRINCIPLES BOARD

SALARIES AND EXPENSES

For salaries and expenses of the Railroad Accounting Principles Board, $600,000, to be expended in accordance with the provisions of H.R. 4439, 98th Congress, as passed by the House of Representatives on February 7, 1984.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided,* That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) Upon enactment into law of this Act, the Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

(b) As used in this section—

(1) the term "agency of the legislative branch" means, the office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

(2) the term "telecommunications system" means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

SEC. 306. The last sentence of 44 U.S.C. 1719 is amended to read: "The printing, binding, and distribution costs of any publications distributed in accordance with this section shall be charged to appropriations provided the Superintendent of Documents for that purpose.".

[SEC. 307. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), the term "program, project, and activity" shall be synonymous with each appropriation account in the Act, except that the accounts under the general heading "House of Representatives" shall be considered one "program, project, and activity".]

SEC. 307. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), the term "program, project, and activity" shall be synonymous with each appropriation account in this Act, except that the accounts under the general heading "House of Representatives" shall be considered one "program, project, and activity," and the accounts under the general heading "Senate" shall be considered one "program, project, and activity."

This Act may be cited as the "Legislative Branch Appropriations Act, 1987".

Mr. D'AMATO. Mr. President, the legislative branch appropriations bill for fiscal year 1987 that Senator BUMPERS and I bring before the Senate today provides a total of $1,648,102,214 for the operations of Congress and the activities of the several other agencies funded by this bill. The amount recommended is $174,113,586 below the President's request, and represents an increase of $90,916,414 over amounts available for fiscal year 1986 subsequent to the March 1 sequester of funds pursuant to Public Law 99-177. Not counting the sequester of funds, this bill is $23,026,414 over the amount appropriated for fiscal year 1986. That is only a 1.4-percent increase over 1986 levels. Compared to fiscal year 1985 levels, this bill recommended today represents a 3-percent increase. A 3-percent increase over 2 years is very modest, Mr. President. I believe we can forthrightly say that Congress is doing its share in restraining Federal spending.

Mr. President, I ask that a comparative statement of budget authority detailing the recommendations of this bill be printed in the RECORD at the conclusion of my remarks, and further ask unanimous consent that a summary table be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, it is so ordered. (See Exhibit 1.)

Now, Mr. President, I would like to briefly describe the major elements of this bill. A more detailed explanation can be found in the committee's report on this measure, Senate Report 99-384.

For the Senate, Mr. President, the committee recommends a total of $307,558,014. The major components of that recommendation are the accounts for the salaries of officers and employees of the Senate and the accounts for the contingent expenses of the Senate. Our recommendation for salaries of officers and employees totals $177,435,714, of which $104,030,000 is for the salaries of Senators' personal staff, and $41,172,000 is for the salaries of employees of the Sergeant at Arms and Doorkeeper of the Senate, including personnel of the U.S. Capitol Police on the Senate payroll. At this point, I should emphasize that the amount recommended for the Capitol Police would provide a salary increase of $3,000 for each individual of the rank of lieutenant or below. This increase is also provided in the recommendation made by the House for Capitol Police personnel on the House payroll. The committee has recommended this salary increase at the urging of the Sergeant at Arms and the Chief of the U.S. Capitol Police, and believes that this long overdue raise will substantially reduce the number of personnel who leave the Capitol Police force for higher-paying jobs in other police jurisdictions in the metropolitan area. The committee expects that this raise will be granted immediately upon the funds becoming available.

For the contingent expenses of the Senate, the committee recommends a total of $127,863,300, which chiefly consists of $52,177,000 for the salaries and expenses of standing, select, and special committees of the Senate, $62,420,000 for the expenses of the Sergeant at Arms, and $10,314,000 for so-called miscellaneous items, primarily the official office expense allowances of Senators. There are apportionment schedules for the expenses of the Sergeant at Arms and the expenses under "Miscellaneous items" printed in the committee report on pages 15 and 16. These schedules illustrate how the lump-sum amounts are allocated among the various operations funded under the general headings. I should note for the record that the committee must approve any deviation of more that 10 percent cumulatively from the amounts displayed in the schedule, as has been the case for many years. This particular restriction was inadvertently omitted from that portion of the committee report pertaining to the expenses of the Sergeant at Arms, But I can assure members that it is still applicable,

The recommendation for the Senate also includes appropriations for the expense allowances to the Senate lead-

ership and officers, the statutory mileage allowance for Senators and the Vice President, the Senate Legal Counsel, and the Senate Legislative Counsel, And, in keeping with the custom of more than 100 years, we are recommending the payment of a gratuity to Priscilla S. East, the widow of our late colleague, Senator John East.

In keeping with another long-standing tradition, that of comity between the Houses, the committee makes no independent judgment on matters pertaining solely to the operations of the other body, and concurs with the allowances passed by the House, with one exception. That exception is the recommendation of a gratuity payment for Mary Lou O'Brien, the widow of the late Representative George O'Brien. This recommendation is made at the request of the other body, The recommended amount for the House totals $463,907,000.

Under "Joint Items," the committee recommends appropriations for the Joint Economic Committee, the Joint Committee on Printing, the Joint Committee on Taxation, the Office of the Attending Physician, expenses of the Capitol Police, the Capitol Guide Service, the preparation of statements of appropriations, and official mail costs. The committee has basically concurred with the House allowance for these items. An exception is the Office of the Attending Physician, for which the committee recommends an additional $200,000, at the request of the attending physician, for the acquisition of new equipment.

Continuing on through the bill, the committee concurs in the House allowance of $15,532,000 for the Office of Technology Assessment, $17,251,000 for the Congressional Budget Office, and $39,602,000 for the Congressional Research Service of the Library of Congress. While these recommendation reflect reductions below budget request, each of these agencies testified before our committee that the reductions were manageable and would not impair service to Congress. The recommendation for the Congressional Budget Office provides for an additional four positions, two of which are to be assigned to the Budget Analysis Division in an effort to resolve some of the scorekeeping anomalies which our committee often faces.

The committee recommends $2,500,000 not included in the bill passed by the House for the Biomedical Ethics Board, as authorized by Public Law 99-158, the Public Health Service Act. The members of the Board have elected their cochairmen and are expected to select an advisory council in the near future.

For the congressional printing and binding account under the Government Printing Office, the committee recommends a total of $64,200,000, an increase of $2,200,000 over the House allowance. The recommended increase is to restore funding for the Bound Congressional Record Program, the so-called permanent record.

For the operations of the Architect of the Capitol, the committee basically concurs in the House allowance, with the exception of a $50,000 reduction in the contingent expenses of the Architect, an increase of $109,000 for renovations to the carry-out facility in the Capitol basement on the Senate side, $67,000 for repairs to the Taft Memorial, and $25,197,000 for Senate office buildings. Since this latter item pertains solely to the Senate, it was not considered by the House.

All of these items fall within title I of the bill, which is to be cited as the "Congressional Operations Act, 1987." The recommendations for Title I total $1,112,701,214.

Title II of the legislation branch appropriations bill provides funding for agencies and activities not directly serving Congress. These include the Botanic Garden, the Library of Congress, the Copyright Royalty Tribunal, the Government Printing Office, the General Accounting Office, and the Railroad Accounting Principles Board. Here again, the committee recommends concurrence in the amounts provided in the House bill, with three exceptions. We recommend an additional $1,600,000 above the House allowance for salaries and expenses of the Library of Congress. This additional amount is recommended to maintain the level of operations for certain priority activities established in the urgent supplemental; namely, the operation of the reading rooms and the acquisition and cataloging of books.

We also recommend an additional $2,000,000 above the House allowance for an additional 48 positions in the General Accounting Office, and $2,100,000 above the House allowance for the printing and binding account of the Government Printing Office for restoration of the Bound Congressional Record Program.

Mr. President, the committee's recommendations for title II total $535,401,000, for a grand total for the bill of $1,648,102,214. This is a reasonable and prudent amount, Mr. President, and I urge the adoption of the committee amendments and the passage of the bill.

EXHIBIT 1

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—SUMMARY

	Fiscal year 1986 enacted and Public Law 99-349	Fiscal year 1986 adjusted and Public Law 99-349	Fiscal year 1987 estimates	House reported	Senate recommendation	New budget atuhority Senate fiscal year 1987 compared with—		
						Fiscal year 1986 adjusted	Fiscal year 1987 estimates	Fiscal year 1987 House
TITLE I—CONGRESSIONAL OPERATIONS								
Senate	290,953,800	278,464,800	312,623,800		307,558,014	+29,093,214	−5,065,786	+307,558,014
House Of Representatives	448,315,000	429,075,000	486,299,000	463,832,100	463,907,200	+34,832,200	−22,391,800	+75,100
Joint Items	124,561,000	119,804,000	155,354,000	106,324,000	106,531,000	−13,273,000	−48,823,000	+207,000
Office of Technology Assessment	15,300,000	14,642,000	17,700,000	15,532,000	15,532,000	+890,000	−2,168,000	
Biomedical Ethics Board	150,000	144,000			2,500,000	+2,356,000	+2,500,000	+2,500,000
Congressional Budget Office	16,886,000	16,160,000	19,060,000	17,251,000	17,251,000	+1,091,000	−1,809,000	
Architect of the Capitol (except Library buildings and grounds)	95,156,000	91,487,000	102,366,000	70,297,000	95,620,000	+4,133,000	−6,746,000	+25,323,000
Congressional Research Service, Library of Congress	38,963,000	37,288,000	44,010,000	39,602,000	39,602,000	+2,314,000	−4,408,000	
Congressional printing and binding, Government Printing Office	69,405,000	66,421,000	71,500,000	62,000,000	64,200,000	−2,221,000	−7,300,000	+2,200,000
Total, title I—congressional operations	1,099,689,800	1,053,485,800	1,208,912,800	774,838,100	1,112,701,214	+59,215,414	−96,211,586	+337,863,114
TITLE II—OTHER AGENCIES								
Botanic Garden	2,188,000	2,094,000	2,291,000	2,062,000	2,062,000	−32,000	−229,000	
Library of Congress (except Congressional Research Service)	180,979,000	174,101,000	210,037,000	182,970,000	184,570,000	+10,469,000	−25,467,000	+1,600,000
Architect fo the Capitol (Library buildinds and grounds)	5,785,000	5,536,000	7,188,000	6,080,000	6,080,000	+544,000	−1,108,000	
Copyright Royalty Tribunal	156,000	149,000	250,000	123,000	123,000	−26,000	−127,000	
Government Printing Office (except congressional printing and binding)	34,536,000	33,051,000	43,235,000	33,681,000	35,056,000	+2,005,000	−8,179,000	+1,375,000
General Accounting Office	300,992,000	288,051,000	349,552,000	304,910,000	306,910,000	+18,859,000	−42,642,000	+2,000,000
Railroad accounting Principles Board	750,000	718,000	750,000	600,000	600,000	−118,000	−150,000	
Total, title II—other agencies	525,386,000	503,700,000	613,303,000	530,426,000	535,401,000	+31,701,000	−77,902,000	+4,975,000
Grand total, new budget (obligational) authority	1,625,075,800	1,557,185,800	1,822,215,800	1,305,264,100	1,648,102,214	+90,916,414	−174,113,586	+342,838,114

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—SUMMARY—Continued

	Fiscal year 1986 enacted and Public Law 99-349	Fiscal year 1986 adjusted and Public Law 99-349	Fiscal year 1987 estimates	House reported	Senate recommendation	New budget atuhority Senate fiscal year 1987 compared with— Fiscal year 1986 adjusted	Fiscal year 1987 estimates	Fiscal year 1987 House
CONGRESSIONAL BUDGET RECAP								
Total (including Compensation of Members)	1,671,684,800	1,603,794,800	1,868,824,800	1,351,873,100	1,694,711,214	+90,916,414	−174,113,586	+342,838,114
Compensation of Members	(46,609,000)	(46,609,000)	(46,609,000)	(46,609,000)	(46,609,000)			
Amounts in this bill	(1,625,075,800)	(1,557,185,800)	(1,822,215,800)	(1,305,264,100)	(1,648,102,214)	(+90,916,414)	(−174,113,586)	(+342,838,114)
Prior year outlays associated with this bill								
Total Congressional mandatory and discretionary	1,671,684,800	1,603,794,800	1,868,824,800	1,351,873,100	1,694,711,214	+90,916,414	−174,113,586	+342,838,114
Mandatory (total)	(989,818,800)	(949,320,800)	(1,103,384,800)	(700,940,100)	(1,012,148,214)	(+62,827,414)	(−91,236,586)	(+311,208,114)
(Mandatory New)	(989,818,800)	(949,320,800)	(1,103,384,800)	(700,940,100)	(1,012,148,214)	(+62,827,414)	(−91,236,586)	(+311,208,114)
(Prior year)								
Discretionary (new)	(681,866,000)	(654,474,000)	(765,440,000)	(650,933,000)	(682,563,000)	(+28,089,000)	(−82,877,000)	(+31,630,000)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY

	Fiscal year 1986 enacted and Public Law 99-349	Fiscal year 1986 adjusted and Public Law 99-349	Fiscal year 1987 estimates	House reported	Senate recommendation	New budget authority, Senate fiscal year 1987 Fiscal year 1986 adjusted	Fiscal year 1987 estimates	Fiscal year 1987 House
TITLE I—CONGRESSIONAL OPERATIONS								
SENATE								
Payments of Widows and Heirs of Decreased Members of Congress								
Gratuities, deceased Members					75,100	+75,100	+75,100	+75,100
Mileage of the Vice President and Senators and Expense Allowances of the Vice President, the President Pro Tempore, Majority and Minority Leaders, Majority and Minority Whips, and Chairmen of the Majority and Minority Conference Committees								
Mileage of the Vice President and Senators	60,000	57,000	60,000		60,000	+3,000		+60,000
Expense allowances of the Vice President, the President Pro Tempore, Majority and Minority Leaders Majority and Minority Whips, and Chairmen of the Majority and Minority Conference Committees:								
Vice President	10,000	10,000	10,000		10,000			+10,000
President Pro Tempore of the Senate	10,000	10,000	10,000		10,000			+10,000
Majority Leader of the Senate	10,000	10,000	10,000		10,000			+10,000
Minority Leader of the Senate	10,000	10,000	10,000		10,000			+10,000
Majority Whip of the Senate	5,000	5,000	5,000		5,000			+5,000
Minority Whip of the Senate	5,000	5,000	5,000		5,000			+5,000
Chairmen of the Majority and Minority Conference Committees	6,000	6,000	6,000		6,000			+6,000
Representation allowances for the Majority and Minority Leaders	20,000	20,000	20,000		20,000			+20,000
FY 1986 sequestered amount		−2,000				+2,000		
Total, expense allowances'	76,000	74,000	76,000		76,000	+2,000		+76,000
Total, Vice President and Senators	136,000	131,000	136,000		136,000	+5,000		+136,000
Salaries, Officers and Employees								
Office of the Vice President	1,112,000	1,112,000	1,112,000		1,112,000			+1,112,000
Office of the President pro tempore	149,000	149,000	149,000		149,000			+149,000
Offices of the Majority and Minority Leaders	1,090,000	1,090,000	1,090,000		1,090,000			+1,090,000
Offices of the Majority and Minority Whips	418,000	418,000	418,000		418,000			+418,000
Conference committees	1,081,000	1,081,000	1,081,000		1,081,000			+1,081,000
Offices of the secretaries of the conference of the Majority and the conference of the Minority	182,000	182,000	262,000		262,000	+80,000		+262,000
Office of the Chaplain	90,000	90,000	90,000		90,000			+90,000
Office of the Secretary	6,953,000	6,953,000	7,301,000		6,986,714	+33,714	−314,286	+6,986,714
Administrative, clerical, and legislative assistance to Senators	102,549,000	102,549,000	104,030,000		104,030,000	+1,481,000		+104,030,000
Office of Sergeant at Arms and Doorkeeper	36,858,000	36,858,000	43,602,000		41,172,000	+4,314,000	−2,430,000	+41,172,000
Offices of the secretaries for the Majority and Minority	879,000	879,000	879,000		879,000			+879,000
Agency contributions	19,612,000	19,612,000	20,166,000		20,166,000	+554,000		+20,166,000
FY 1986 Sequestered Amount		−7,330,000				+7,330,000		
Total, salaries, officers and employees	170,973,000	163,643,000	180,180,000		177,435,714	+13,792,714	−2,744,286	+177,435,714
Office of the Legislative Counsel of the Senate								
Salaries and expenses	1,437,000	1,375,000	1,622,000		1,460,900	+85,900	−161,100	+1,460,900
Office of Senate Legal Counsel								
Salaries and expenses	565,000	541,000	575,000		575,000	+34,000		+575,000
Expense allowances for the Secretary of the Senate, Sergeant at Arms and Doorkeep of the Senate, and Secretaries for the Majority and for the Minority of the Senate	12,000	11,000	12,000		12,000	+1,000		+12,000
Contingent Expenses of the Senate								
Senate policy committees	1,948,000	1,864,000	1,948,000		1,948,000	+84,000		+1,948,000
Inquiries and investigations	51,050,000	48,855,000	52,177,000		52,177,000	+3,322,000		+52,177,000
International Narcotics Control Commission	325,000	311,000	325,000		325,000	+14,000		+325,000
Secretary of the Senate	683,800	654,800	698,800		666,300	+11,500	−32,500	+666,300
Sergeant at Arms and Doorkeeper of the Senate	54,153,000	51,824,000	64,620,000		62,420,000	+10,596,000	−2,200,000	+62,420,000
Miscellaneous items	9,659,000	9,244,000	10,317,000		10,314,000	+1,070,000	−3,000	+10,314,000
Stationery (revolving fund) items	12,000	11,000	13,000		13,000	+2,000		+13,000
Total, contingent expenses of the Senate	117,830,800	112,763,800	130,098,800		127,863,300	+15,099,500	−2,235,500	+127,863,300
Total, Senate	290,953,800	278,464,800	312,623,800		307,558,014	+29,093,214	−5,065,786	+307,558,014
HOUSE OF REPRESENTATIVES								
Payments of Widows and Heirs of Deceased Members of Congress								
Gratuities, deceased Members				75,100	150,200	+150,200	+150,200	+75,100

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	Fiscal year 1986 enacted and Public Law 99-349	Fiscal year 1986 adjusted and Public Law 99-349	Fiscal year 1987 estimates	House reported	Senate recommendation	New budget authority, Senate fiscal year 1987		
						Fiscal year 1986 adjusted	Fiscal year 1987 estimates	Fiscal year 1987 House
Mileage of Members								
Mileage of Members	150,000	144,000	210,000	210,000	210,000	+66,000		
House Leadership Offices								
Office of the Speaker	775,000	742,026	775,000	775,000	775,000	+32,974		
Office of the Majority Floor Leader	688,000	658,416	688,000	688,000	688,000	+29,584		
Office of the Minority Floor Leaders	767,000	734,019	767,000	767,000	767,000	+32,981		
Office of the Majority Whip	603,000	577,071	603,000	603,000	603,000	+25,929		
Office of the Minority Whip	524,000	501,468	524,000	524,000	524,000	+22,532		
Total, House leadership offices	3,357,000	3,213,000	3,357,000	3,357,000	3,357,000	+144,000		
Members' Clerk Hire								
Clerk hire	166,762,000	159,591,000	173,659,000	170,186,000	170,186,000	+10,595,000	−3,473,000	
Committee Employees								
Professional and clerical employees (standing committees)	44,325,000	42,419,000	51,135,000	48,000,000	48,000,000	+5,581,000	−3,135,000	
Committee on the Budget (Studies)								
Salaries and expenses	296,000	283,000	329,000	329,000	329,000	+46,000		
Contingent Expenses of the House								
Standing Committees, Special and Select								
Salaries and expenses	47,310,000	45,291,000	50,211,000	48,311,000	48,311,000	+3,020,000	−1,900,000	
Allowances and Expenses								
Official Expenses of Members	81,000,00	77,517,000	85,000,000	79,300,000	79,300,000	+1,783,000	−5,700,000	
Supplies, materials, administrative costs and Federal tort claims	16,946,000	12,426,540	21,381,00	14,536,000	14,536,000	+2,109,460	−6,845,000	
Furniture and furnishings	1,000,000	957,000	1,475,000	1,475,000	1,475,000	+518,000		
Stenographic reporting of committee hearings	500,000	478,500	650,000	550,000	550,000	+71,500	−100,000	
Reemployed annuitants reimbursement	1,200,000	1,148,400	750,000	750,000	750,000	−398,400		
Government contributions	32,158,000	34,566,306	40,695,000	40,695,000	40,695,000	+6,128,694		
Miscellaneous items	622,000	595,254	622,000	622,000	622,000	+26,746		
Total, allowances and expenses	133,426,000	127,689,000	150,573,00	137,928,000	137,928,000	+10,239,000	−12,645,000	
Total, contingent expenses of the House	180,736,000	172,980,000	200,784,000	186,239,000	186,239,000	+13,259,000	−14,545,000	
Committee on Appropriations (Studies and Investigations)								
Salaries and expenses	4,275,000	4,091,000	4,300,000	4,300,000	4,300,000	+209,000		
Salaries, Officers and Employees								
Office of the Clerk	13,656,000	13,068,792	14,260,000	13,285,000	13,825,000	+756,208	−435,000	
Office of the Sergeant at Arms	18,769,000	17,983,433	21,255,000	20,595,000	20,595,000	+2,611,567	−660,000	
Office of the Doorkeeper	6,678,000	6,390,846	7,064,000	6,992,000	6,992,000	+601,154	−72,000	
Office of the Postmaster	2,075,000	1,985,775	2,349,000	2,278,000	2,278,000	+292,225	−71,000	
Office of the Chaplain	73,000	73,000	73,000	73,000	73,000			
Office of the Parliamentarian	623,000	596,211	634,000	634,000	634,000	+37,789		
Office of the Parliamentarian	(414,000)	(396,198)	(425,000)	(425,000)	(425,000)	(+28,802)		
Compilation of precedents of the House of Representatives	(209,000)	(200,013)	(209,000)	(209,000)	(209,000)	(+8,987)		
Office for the Bicentennial	219,000	209,583	237,000	226,000	226,000	+16,417	−11,000	
Office of the Law Revision Counsel	859,000	822,063	884,000	844,000	844,000	+21,937	−40,000	
Office of the Legislative Counsel	2,800,000	2,679,600	2,800,000	2,700,000	2,700,000	+20,400	−100,000	
Six minority employees	434,000	415,338	434,000	434,000	434,000	+18,662		
House Democratic Steering Committee and Caucus	617,000	590,469	700,000	700,000	700,000	+109,531		
House Democratic Steering Committee	(479,100)	(458,499)	(562,000)	(562,000)	(562,000)	(+103,501)		
House Democratic Caucus	(137,900)	(131,970)	(138,000)	(138,000)	(138,000)	(+6,030		
House Republican Conference	617,000	590,469	700,000	700,000	700,000	+109,531		
Other Authorized Employees	994,000	948,421	1,135,000	1,135,000	1,135,000	+186,579		
Technical assistant, Office of the Attending Physician	(47,000)	(47,000)	(47,000)	(47,000)	(47,000)			
L.B.J. Interns and Former Speakers' staff	(850,000)	(804,421)	(981,000)	(981,000)	(981,000)	(+176,579)		
Miscellaneous items	(97,000)	(97,000)	(107,000)	(107,000)	(107,000)	(+10,000)		
Total, salaries, officers and employees	48,414,000	46,354,000	52,525,000	51,136,000	51,136,000	+4,782,000	−1,389,000	
Total: House of Representatives	448,315,000	429,075,000	486,299,000	463,832,100	463,907,200	+34,832,200	−22,391,800	+75,000
JOINT ITEMS								
Contingent Expenses of the Senate								
Joint Economic Committee	2,644,000	2,530,000	2,836,000	2,736,000	2,736,000	+206,000	−100,000	
Joint Committee on Printing	919,000	879,000	930,000	919,000	919,000	+40,000	−11,000	
Total, contingent expenses of the Senate	3,563,000	3,409,000	3,766,000	3,655,000	3,655,000	+246,000	−111,000	
Contingent Expenses of the House								
Joint Committee on Taxation	4,617,000	4,458,000	4,357,000	4,159,000	4,159,000	−299,000	−198,000	
Office of the Attending Physician								
Medical supplies, equipment, expenses, and allowances	1,056,000	1,011,000	1,098,000	1,098,000	1,298,000	+287,000	+200,000	+200,000
Capitol Police								
General expenses	1,336,000	1,279,000	2,068,000	1,701,000	1,701,000	+422,000	−367,000	
Capitol Police Board	13,109,000	13,104,000				−13,104,000		
Total, Capitol Police	14,445,000	14,383,000	2,068,000	1,701,000	1,701,000	−12,682,000	−367,000	
Official Mail Costs								
Expenses	100,000,000	95,700,000	143,118,000	94,818,000	94,818,000	−882,000	−48,300,000	
Capitol Guide Service								
Salaries and expenses	867,000	830,000	934,000	880,000	880,000	+50,000	−54,000	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	Fiscal year 1986 enacted and Public Law 99-349	Fiscal year 1986 adjusted and Public Law 99-349	Fiscal year 1987 estimates	House reported	Senate recommendation	New budget authority, Senate fiscal year 1987		
						Fiscal year 1986 adjusted	Fiscal year 1987 estimates	Fiscal year 1987 House
Statements of Appropriations								
Preparation	13,000	13,000	13,000	13,000	20,000	+7,000	+7,000	+7,000
Total, joint items	124,561,000	119,804,000	155,354,000	106,324,000	106,531,000	−13,273,000	−48,823,000	+207,000
OFFICE OF TECHNOLOGY ASSESSMENT								
Salaries and expenses	15,300,000	14,642,000	17,700,000	15,532,000	15,532,000	+890,000	−2,168,000	
BIOMEDICAL ETHICS BOARD								
Salaries and expenses	150,000	144,000			2,500,000	+2,356,000	+2,500,000	+2,500,000
CONGRESSIONAL BUDGET OFFICE								
Salaries and expenses	16,886,000	16,160,000	19,060,000	17,251,000	17,251,000	+1,091,000	−1,809,000	
ARCHITECT OF THE CAPITOL								
Office of the Architect of the Capitol								
Salaries	5,667,000	5,434,000	5,606,000	5,262,000	5,262,000	−172,000	−344,000	
Contingent expenses	100,000	96,000	235,000	100,000	50,000	−46,000	−185,000	−50,000
Total, Office of the Architect of the Capitol	5,767,000	5,530,000	5,841,000	5,362,000	5,312,000	−218,000	−529,000	−50,000
Capitol Buildings and Grounds								
Capitol buildings	18,989,000	18,516,000	14,085,000	11,959,000	12,068,000	−6,448,000	−2,017,000	+109,000
Capitol grounds	3,510,000	3,359,000	3,317,000	3,182,000	3,249,000	−110,000	−68,000	+67,000
Senate Office Buildings	19,724,000	18,876,000	25,373,000		25,197,000	+6,321,000	−176,000	+25,197,000
House Office Buildings	22,088,000	21,138,000	27,336,000	25,227,000	25,227,000	+4,089,000	−2,109,000	
Capitol Power Plant	25,078,000	26,218,000	28,364,000	26,517,000	26,517,000	+299,000	−1,847,000	
Offsetting collections		−2,150,000	−1,950,000	−1,950,000	−1,950,000	+200,000		
Net, Capitol Power Plant	25,078,000	24,068,000	26,414,000	24,567,000	24,567,000	+499,000	−1,847,000	
Total, Capitol buildings and grounds	89,389,000	85,957,000	96,525,000	64,935,000	90,308,000	+4,351,000	−6,217,000	25,373,000
Total, Architect of the Capitol (except items in Title II)	95,156,000	91,487,000	102,366,000	70,297,000	95,620,000	+4,133,000	−6,746,000	+25,323,000
LIBRARY OF CONGRESS								
Congressional Research Service								
Salaries and expenses	38,963,000	37,288,000	44,010,000	39,602,000	39,602,000	+2,314,000	−4,408,000	
GOVERNMENT PRINTING OFFICE								
Congressional printing and binding	69,405,000	66,421,000	71,500,000	62,000,000	64,200,000	−2,221,000	−7,300,000	+2,200,000
Total, Title I—Congressional Operations	1,099,689,800	1,053,485,800	1,208,912,800	774,838,100	1,112,701,214	+59,215,414	−96,211,586	+337,863,114
TITLE II—OTHER AGENCIES								
BOTANIC GARDEN								
Salaries and expenses	2,188,000	2,094,000	2,291,000	2,062,000	2,062,000	−32,000	−229,000	
LIBRARY OF CONGRESS								
Salaries and expenses	138,914,000	133,852,000	148,539,000	136,339,000	137,939,000	+4,087,000	−10,600,000	+1,600,000
Authority to spend receipts	−4,300,000	−4,122,000	−4,700,000	−4,700,000	−4,700,000	−578,000		
Net, Salaries and expenses	134,614,000	129,730,000	143,839,000	131,639,000	133,239,000	+3,509,000	−10,600,000	+1,600,000
Copyright Office, salaries and expenses	17,631,000	16,905,000	18,428,000	17,302,000	17,302,000	+397,000	−1,126,000	
Authority to spend receipts	−6,750,000	−6,492,000	−7,450,000	−7,427,000	−7,427,000	−935,000	+23,000	
Net, Copyright Office, salaries and expenses	10,881,000	10,413,000	10,978,000	9,875,000	9,875,000	−538,000	−1,103,000	
Books for the blind and physically handicapped, salaries and expenses	33,761,000	32,309,000	38,847,000	35,996,000	35,996,000	+3,687,000	−2,851,000	
Collection and distribution of library materials (special foreign currency program):								
Payments in Treasury-owned foreign currencies	711,000	675,000	293,000	293,000	293,000	−382,000		
U.S. dollars	121,000	121,000	97,000	97,000	97,000	−24,000		
Total, collection and distribution of library materials	832,000	796,000	390,000	390,000	390,000	−406,000		
Furniture and furnishings	891,000	853,000	15,983,000	5,070,000	5,070,000	+4,217,000	−10,913,000	
Total, Library of Congress (except Congressional Research Service)	180,979,000	174,101,000	210,037,000	182,970,000	184,570,000	+10,469,000	−25,467,000	+1,600,000
ARCHITECT OF THE CAPITOL								
Library Buildings and Grounds								
Structural and mechanical care	5,785,00	5,536,000	7,188,000	6,080,000	6,080,000	+544,000	−1,108,000	
COPYRIGHT ROYALTY TRIBUNAL								
Salaries and expenses	519,000	512,000	833,000	617,000	617,000	+105,000	−216,000	
Authority to spend receipts	−363,000	−363,000	−583,000	−494,000	−494,000	−131,000	+89,000	
Net, Salaries and expenses	156,000	149,000	250,000	123,000	123,000	−26,000	−127,000	
GOVERNMENT PRINTING OFFICE								
Printing and binding	11,555,000	11,058,000	15,400,000	10,700,000	12,800,000	+1,742,000	−2,600,000	+2,100,000
Office of Superintendent of Documents, salaries and expenses	22,981,000	21,993,000	27,835,000	22,981,000	22,256,000	+263,000	−5,579,000	−725,000
(By transfer)	(3,000,000)	(3,000,000)		(1,378,000)	(1,378,000)	(−1,622,000)	(+1,378,000)	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—Continued

	Fiscal year 1986 enacted and Public Law 99-349	Fiscal year 1986 adjusted and Public Law 99-349	Fiscal year 1987 estimates	House reported	Senate recommendation	New budget authority, Senate fiscal year 1987		
						Fiscal year 1986 adjusted	Fiscal year 1987 estimates	Fiscal year 1987 House
Total, Government Printing Office (except Congressional printing and binding	34,536,000	33,051,000	43,235,000	33,681,000	35,056,000	+2,005,000	−8,179,000	+1,375,000
GENERAL ACCOUNTING OFFICE								
Salaries and expenses	300,992,000	288,051,000	349,552,000	304,910,000	306,910,000	+18,859,000	+42,642,000	+2,000,000
RAILROAD ACCOUNTING PRINCIPLES BOARD								
Salaries and expenses	750,000	718,000	750,000	600,000	600,000	−118,000	−150,000	
Total, title II—other agencies	525,386,000	503,700,000	613,303,000	530,426,000	535,401,000	+31,701,000	−77,902,000	+4,975,000
Grand total, New budget (obligational) authority	1,625,075,800	1,557,185,800	1,822,215,800	1,305,264,100	1,648,102,214	+90,916,414	−174,113,586	+342,838,114
RECAPITULATION								
Title I—Congressional Operations	1,099,689,800	1,053,485,800	1,208,912,800	774,838,100	1,112,701,214	+59,215,414	−96,211,586	+337,863,114
Title II—Other Agencies	525,386,000	503,700,000	613,303,000	530,426,000	535,401,000	+31,701,000	−77,902,000	+4,975,000

Mr. BUMPERS. Mr. President, as the chairman has indicated, the Senate bill is: $174 million below the amounts in the President's budget for the legislative branch; and within the budget ceiling recommended by the Budget Committee and established by the Appropriations Committee for this bill.

Mr. President, the Senate report accompanying this bill includes the following passage:

In its effort to hold down Federal spending, the committee has sought to ensure that the legislative branch is subject to the same spending constraints as the remainder of the Federal Government. This bill achieves that goal.

The distinguished Subcommittee Chairman [Mr. D'AMATO] and I have worked cooperatively in our joint effort to restrain the expenditures for the legislative branch. I congratulate the subcommittee chairman [Mr. D'AMATO] for his very fine efforts in bringing to the floor a bill that is 9.5 percent below the amounts included in the fiscal year 1987 President's budget for the legislative branch and within the budget ceiling.

Mr. President, I urge the adoption of this bill.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and be treated as original text for the purpose of further amendment provided that no points of order thereon be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2727

(Purpose: To increase funding for the Offices of the Majority and Minority leaders)

Mr. HATFIELD. Mr. President, the bill is open for amendments, and I send to the desk an amendment on behalf of Senators DOLE and BYRD, the majority and minority leaders, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. DOLE and Mr. BYRD, proposes an amendment numbered 2727.

Mr. HATFIELD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, line 20, strike "$1,090,000" and insert $1,190,000".

Mr. HATFIELD. Mr. President, this is basically a slight adjustment in the bill relating to those funds ascribed to the offices of the majority leader and the minority leader. It has been cleared on both sides of the aisle, and I move the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2727) was agreed to.

□ 2250

AMENDMENT NO. 2728

Mr. FORD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD] for himself and Mr. MATHIAS proposes an amendment numbered 2728.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 6, after line 25, insert the center subheading "Official Mail Costs" and the following new section:

"For expenses necessary for official mail costs of the Senate, $47,409,000, to be disbursed by the Secretary of the Senate."

On page 11, after line 2, insert the center subheading "Official Mail Costs" and the following new section:

"For expenses necessary for official mail costs of the House of Representatives, $47,409,000, to be disbursed by the Clerk of the House."

On Line 15, delete lines 8 through 10.

On page 36, after line 2, add the following new section:

"SEC. 308.(a) Subsection (a) of section 3216 of title 39 of the United States Code is amended by striking 'a lump sum appropriation to the legislative branch' and inserting in lieu thereof 'lump sum appropriations to the House of Repesentatives and to the Senate.'"

"(b) Subsection (c) of Section 3216 of title 39 of the United States Code is repealed."

Mr. FORD. Mr. President, this amendment has been cleared on both sides. This amendment does two things:

First, it splits what is presently a joint Senate-House account for official mail costs into two separate accounts. One account would be administered by the Clerk of the House, and the other would be administered by the Secretary of the Senate. The amount made available by this bill for official mail costs—$94 million, $818,000—would be divided evenly between the two accounts—$47 million, $409,000 each.

Second, it repeals subsection (c) of section 3216 of title 39 of the United States Code. That is the provision of law which states that whatever Congress appropriates for official mail costs * * * "shall be deemed payment for all matter mailed under the frank and for all fees and charges due the Postal Service in connection therewith." In other words, this amendment strikes the provision of the United States Code which says "whatever Congress says is enough is enough—no matter what it spends."

Mr. President, it is unfortunate that ths amendment needs to be offered. After the Senate took action in May to control its own mail costs, it was my hope that the House would do likewise. Unfortunately, that did not happen. While Senate mail costs have dropped dramatically since May, the House has continued to mail without restraint. In this time of severe fiscal restraint, that cannot and must not continue. The Senate has proved that it can live within its means. This amendment is designed to ensure that

the House of Representatives does the same. Mr. President, I do not mean to cast aspersions on the other body. I am only trying to make the belt-tightening that we are imposing on the Federal Government apply to Congress, as well.

Mr. President, if this amendment becomes law, the Congress will never again run up deficits at the Postal Service for congressional mail costs. At a time when the Congress is telling the rest of the Federal Government to live within its means, the Congress must lead by example.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. FORD. I yield.

Mr. HATFIELD. In addition to dividing the official mail account this amendment also repeals that part of the code relating to the "lump-sum appropriation" for congressional mail.

Mr. FORD. That is correct.

Mr. President, I ask unanimous consent that the chairman of the Rules Committee, Senator MATHIAS, and the Senator from Oklahoma [Mr. NICKLES] be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, this amendment has been cleared on both sides of the aisle.

Mr. NICKLES. Mr. President, I compliment my good friend and colleague, the Senator from Kentucky [Mr. FORD] for his amendment.

As I mentioned earlier, I have some problems with this bill so far as the increased costs and outlays are concerned. There is no expenditure, no item, that has been growing faster in the legislative function than the uncontrolled, unlimited franking cost or mailing cost for Members of the House and the Senate.

We need a division, we need a limitation, and we also need a provision that is called for in this amendment that would tell Congress that they have to appropriate every dollar.

I requested a study—and the Senator from California was involved in this—that asked what happens if we run up a bill of $140 million and we only appropriate $100 million. That is what is going to happen this year. The answer we received from the Comptroller was, "Well, I guess that satisfies your bill."

In other words, we were socking it to the rest of the taxpayers, the rest of the postal patrons—a cost this year of approximately $40 million. We need a limitation and a division.

I compliment the Senator from Kentucky. I think this is a small step in the right direction, and I hope the conferees will adopt that position.

Mr. WILSON. Mr. President, the Senate earlier passed almost identically the same measure, when I offered it on a supplemental appropriation. Tonight, it adds a provision, and a wise one, that divides the congressional postage account between the House and Senate. It will not hereafter be entirely within the hands of the House. That way, it will be clear what they are spending and what we are spending. We will be able to exercise control.

In addition, this measure will cure a situation that really should have been cured a long time ago. Congress has been engaging in a disgraceful legal fiction, one that should not be legal, one that this amendment will cure if enacted. It will dispense with the fiction that whatever amount has been appropriated is sufficient to pay for the actual cost of congressional postage, no matter how much the real cost exceeds the appropriation.

As the distinguished Senator from Oklahoma has correctly pointed out, that revelation in response to his inquiry, in which I joined, was one that led to a needed reform. I only say that it is a shame that it has taken this long to come to this revelation and to take the action necessary.

I commend the Senator from Kentucky. My amendment, to which he has added the account division, earlier this year was passed by the Senate but was lost in conference. I hope that this measure will see its way to enactment, because there is really no excuse whatever for the kind of spending that the Senator from Oklahoma has rightly described as a gross abuse of the franking privilege. That is what put Congress into the situation where it had to engage in the shabby legal fiction this amendment will end.

Mr. President, I am not certain whether the Senator from Kentucky has listed me as a cosponsor. If not, I ask unanimous consent that my name be added as a cosponsor of this measure, having earlier urged its adoption.

The PRESIDING OFFICER. Without objection, it is so ordered.

MR. PRESSLER. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the amendment. I think it is a very appropriate amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. I think that both Houses of Congress should be treated equally in this matter. I hope the legislation will pass and will apply equally, because I think that at this moment one House is spending, whereas another House is not. I just want to point that out.

THE PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 2728) as agreed to.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HATFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr President, I know of no other amendments.

Mr. NICKLES. Mr. President, will the chairman yield for a quick question?

Mr. HATFIELD. I am happy to yield to the Senator from Oklahoma.

Mr. NICKLES. As I look at the bill, I see that the total amount of budget authority increase between 1986 and 1987 is $90 million. Just glancing at the summary of the bill, I calculate that about $29 million of that is for the Senate and $34 million for the House. Could the chairman give this Senator and the Senate, for the record, what some of those major increases are?

Mr. HATFIELD. I am happy to respond to the Senator's question as to the major increases in this bill.

First, I should like to indicate, as a point of reference, that the original 1986 bill as passed, relating to the legislative matters contained in this bill, was rather below the 1985 bill. The current fiscal year bill, for 1986, was below the 1985 bill.

Then, the sequester of the 1986 appropriation reduced the 1986 bill by about $64 million.

So when you take that point of reference and add to that the $90 million that the Senator is referring to, of 1987 projected over 1986, the recommended bill is basically about a 3-percent increase for the legislative branch programs over 1985. That is the point of reference that I think can only be used to understand this clearly. So, in a 2-year period, we are talking about a 3-percent increase.

The major part of that increase, the large items—and I refer here to our work sheet—we have officers of the Senate and supporting officers of the Senate, such as the Sergeant at Arms office and clerk-hire allowances for Senators. These are the large budgeted items.

First, for all the salaries of officers, and employees there is an increase of $13 million, almost $14 million.

For the contingent expenses of the Senate, including our committees, the International Narcotics Control Commission, the Secretary of the Senate, the Sergeant at Arms, and other such offices, that is a $15 million increase.

Mr. NICKLES. Is that a $15 million increase?

Mr. HATFIELD. That is correct. Those are the large ticket items. The $15 million and the $14 million in themselves make about $29 million. The increase for the Senate is about $29 million above the post-requested level.

There are other small items—the gratuity for Mrs. East, the widow of Senator East.

Mr. NICKLES. I thank the Chairman. If he would not mind, I would like to make a few brief comments. I know that the hour is late.

Mr. HATFLIED. I should like to add one point, for clarification.

With respect to the $90 million, the Senator from Oklahoma mentioned the Senate being at approximately $29 million, the House at about $35 million. But I remind the Senator that of that $90 million total, there is about $30 million that represents other agencies under the legislative branch, such as the Library of Congress, the Capitol Architect, the Botanic Gardens, the Government Printing Office, which is a very large item. The Printing Office increase, in part, is due to the extended discussions on the floor of the Senate, which we have helped create. I only make that as a gratuitous remark.

Also, we have increased electrical bills, with the televising of the Senate.

We have increased costs of security, and that is part of those salaries that we have to provide, and that large ticket item is based inpart upon the increased personnel that have been brought to the Senate and Congress in general on matters of security.

□ 2300

So those are some of the items that have created this requirements of a 3-percent increase over 1985.

Mr. NICKLES. I thank the chairman.

Mr. President, I rise in opposition to this appropriation bill. I appreciate the comments of the chairman of the Appropriations Committee. I understand the difficulties that the committee has gone through. I understand the demands and requests for money are very great in Washington, DC, as it is every place else.

I think it sets a bad example for the Senate to have total appropriations go up, budget authority by $29 million, the House of Representatives $34 million, the Library of Congress $10 million, and so on.

I think we should have done a better job of cutting back and make do. I know it is not easy. I know demands for security are greater. I know the demand for increased wages and benefits and others are also greater.

I can tell you the demand to get the deficit down is very great indeed and we are looking at enormous deficits.

I find if we are going to be asking other groups, other appropriations bills to be making reductions when we see that we actually have a net increase in outlays for the legislative function I think that sets a very bad example.

Again I know the hour is late. I know that the order has been made that there would not be any more rollcalls and it is already 11 p.m. and Senators have gone home, and I am not about to request or require a rollcall vote under those circumstances.

I just wish to voice my objection to this increase. I think we need to set the example on the legislation function as a bare minimum, and I hope that that will mean that outlays would not exceed last year's outlays, knowing full well that we had sequestered outlays, knowing full well that 1986, and I appreciate the chairman's comments, were actually less than 1985. I am pleased that they were. I think it is important that we do set the proper example, and maybe when we are negotiating in conference some progress can be made where we come up to a figure no greater than what we spent last year.

I think the legislative cost on mailing is the most important item in this function. Mail costs have grown and grown astronomically, and basically it is because we had this blank check called the frank, and the franking privilege has been used and abused by Members on both sides of the aisle in both the House and Senate.

We need to reform. I urge the conferees to adopt the amendment by the Senator from Kentucky and myself and the Senator from California.

I thank the chairman.

Mr. HATFIELD. I thank the Senator.

Mr. President, I would only add one further point. It cost about $3.5 million to setup the television in the Senate, and I happen to be one of those who voted against it, which is neither here nor there, but I think we have to recognize it is very easy to criticize the total figures, but then it is very difficult to justify the individual votes that helped create part of that increase such as long speeches on the floor and televising the Senate in part.

Mr. DOMENICI. Mr. President, the legislative branch appropriations bill, H.R. 5203, as reported to the Senate, provides $1.6 billion in budget authority and $1.4 billion in outlays for the Congress and other legislative branch agencies, including the Library of Congress, the General Accounting Office [GAO], and the Government Printing Office [GPO], among others.

With outlays from prior-year budget authority and other adjustments taken into account, the bill as reported is under the subcommittee's 302(b) allocation by $0.1 billion in both budget authority and outlays.

This bill is also under the President's request by $0.4 billion in budget authority and $0.3 billion in outlays. Title I of this bill, which provides funding for the Congress, was cut $84 million from the requested level. Funding for the General Accounting Office was cut $43 million below the request. The Library of Congress received $31 million less than requested.

In most cases, appropriations for legislative branch items were below the President's request, and at or below the assumptions in the budget resolution.

Mr. President, I ask unanimous consent that tables showing the relationship of the reported bill to the subcommittee's 302(b) allocation, the President's request, and the House-passed level, be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

LEGISLATIVE BRANCH SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED

[In billions of dollars]

	Fiscal year	
	Budget Authority	Outlay
Outlays from prior-year budget authority and other actions completed	(1)	0.3
H.R. 5203, as reported to the Senate	1.6	1.4
Adjustment to conform mandatory programs toi budget resolution assumptions	−.1	−.1
Subcommittee total	1.6	1.6
Senate subcommittee 302(b) allocation	1.7	1.7
President's request	1.9	1.8
House-passed level	1.8	1.8
Subcommittee total compared to:		
Senate subcommittee 302(b) allocation	−.1	−.1
President's request	−.4	−.3
House-passed level	−(1)	−(1)

[1] Less than $50,000,000.

Note: Details may not add to totals due to rounding.

Mr. HATFIELD. Mr. President, I know of no further amendments. I ask for third reading.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 5203) was passed.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PRESSLER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I move that the Senate insist on its amendments, request a conference with the House on the disagreeing votes thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Chair appointed Mr. D'AMATO, Mr. HATFIELD, Mr. STEVENS, Mr. BUMPERS, and Mr. HARKIN conferees on the part of the Senate.

SOUTH AFRICA

Mr. PRESSLER. Mr. President, I had earlier understood that opening statements on tomorrow's South Africa debate would be given this evening. I must be in a markup in the Commerce Committee at 9:30 in the morning. I do not intend to give my full statement tonight, but would like to briefly state why I am opposed to the South Africa sanctions bill as it will be presented here tomorrow. I shall have amendments on it tomorrow morning.

Let me state, Mr. President, it seems to me that morality, true moral reflection and not impulse, should guide us in this debate.

The greatest religious and social philosophers over the past two millenia have emphasized that theme on every major issue requiring vigorous thought. I hope we could give equal care to the major foreign issue currently facing the United States. I know there is great pressure to take quick and forceful action, and that an easy answer might temporarily relieve that pressure.

I do not believe, however, that precipitous action in the Senate is in the best interest of the United States or South Africa or of the surrounding region.

I also know that the pressure is not an overwhelming one for the American public, for considerably more than 50 percent of our citizens have consistently stated in opinion polls that they do not support sanctions intended to damage the South African economy. Similarly, opinion polls taken of South African blacks consistently show they do not support sanctions if sanctions mean they will suffer economic hardship. The issue we face may well be one that is being decided more on a domestic civil rights basis than a rigorous foreign policy basis.

I think that is a bad way to make foreign policy. I believe that in looking at this South African sanctions bill we should look at the consequences of sanctions for blacks.

Frankly, I am worried about putting more non-whites out of work. Thousands have lost their jobs already over the last 18 months as the South African economy has suffered blow after blow: bans on major bank lending, Western sanctions, and a crisis in the investment climate.

I am also worried that those who assert that new sanctions won't hurt many blacks are deceiving themselves—if sanctions won't hurt, why impose them? If they will cause great damage, then we must detail the cost, in jobs lost, educational expenditures cut, and more people starving.

Also we must look at the cost to the United States. It is my feeling that frequently sanctions have an effect opposite of what is intended.

The United States is a heavy buyer of precious and strategic minerals and metals from South Africa and its southern African neighbors. In terms of total U.S. trade these imports only amount to about 1 percent of U.S. trade, but in terms of their impact on virtually every high-tech and military industry in the United States, they are nearly irreplaceable.

We must carefully evaluate whether further sanction legislation serves our purpose. Indeed, if our purpose is to end apartheid, we must keep in mind that further sanctions may well have the opposite impact. The Botha government in South Africa will probably move to the right rather than to the left.

If there is a belief that the African white group is going to cut and run, my judgment is that this will not be the case.

I have made a visit to that country within the past year and it is my conclusion that the government will become more repressive rather than less repressive under the particular bill we are considering.

Mr. President, I would also like to point out that significant progress has been made in the last 18 months and I know that many people are impatient. I wish that progress were being made more swiftly, but the situation in South Africa is not analogous to our situation in the 1950's and 1960's.

Indeed, while I was in South Africa I met with business leaders, citizens, educational leaders, and labor leaders from the black groups, from colored groups, from Asian groups, and white groups; and it is my conclusion that the sanctions bill that this Senate will be considering tomorrow will harm the cause of ending apartheid rather than promoting it.

ADDITIONAL VIEWS OF SENATOR LARRY PRESSLER

Having recently traveled to South Africa, and as a member of the African Affairs Subcommittee of the Foreign Relations Committee, I have strong interest in this legislation. As a former Rhodes scholar, I am also actively involved with other Rhodes scholars in attempting to improve educational opportunities for blacks in South Africa.

Thus, I formally offered two amendments, to Senator LUGAR's bill; one was accepted unanimously, and one was rejected. The first concerned a provision to ensure that if the President determines it necessary to meet food shortages in southern Africa that are a result of this act, or of South African retaliation against its neighbors as a result of this act, the President would be urged to use his "African Emergency Reserve" to provide food aid and transportation for that aid. The second amendment would have deleted section 309 of this bill, the section authorizing the President to sell United States gold stocks and to engage in other transactions that would involve gold in such a fashion that the world market price would be driven down and the South African gold industry crippled.

I also offered another amendment for consideration by the committee that I did not formally request a vote on. It was an attempt to encourage our Members to rigorously consider the consequences of this sanctions legislation on South Africa's 10 neighboring countries. It provided for up to $1 billion United States aid for South Africa's neighbors, to assist them in coping with the economic dislocations resulting from the imposition of sanctions on South Africa.

A further explanation of my concerns follow.

Explanation of Senator PRESSLER's amendment, passed unanimously, to add a new section, section 312:

Section 312.—Whenever the President determines that such action is necessary or appropriate to meet food shortages in southern Africa that are the result of this act, or of South African retaliation against its neighbors as a result of this act, the President is authorized to utilize the existing, authorized, and funded reserve, the "African Emergency Reserve" to provide food aid and transportation for that aid.

EXPLANATION

No one introducing this or other sanctions legislation can quantify the damage that might be done to South Africa's neighbors, either indirectly or directly by South Africa's retaliation. However, it is clearly not the intention of this body or other drafters to subject South Africa's neighbors to hardship as a result of South Africa's racial policies.

Nevertheless, given the massive differences in per capita income between South Africa and its neighbors, and given the recent and extended drought in the region that has caused massive starvation, it is both prudent and moral to consider that food shortages might be the result.

Thus, proper consideration for food relief should be made. The President's discretionary "African Emergency Reserve" currently has $525 million in it. All of these funds have been appropriated, and no new funds would be required.

Designating the southern African region as an appropriate recipient for emergency aid should the President consider it necessary is the least we can do to minimize needless suffering.

The food situation in southern Africa could become precarious in the near future. The drought has ended in most regions, but plentiful rainfall has brought a new curse—the worst locust and grasshopper infestation in 60 years. The United Nations list six countries in Africa is still facing famine emergencies, and three of

these are in southern Africa: Angola, Botswana, and Mozambique. A single swarm of the four African locusts now hatching have been known to devour as much as 80,000 metric tons of cereal crops a day—or enough food to feed 480,000 people for a year at emergency ration levels. The locust danger swarming out of Botswana when the rains come in October could last 3 to 4 years, according to United Nations, and is expected to severely threaten crops in Botswana, Zimbabwe, Zambia, Namibia and Angola.

Explanation of Senator PRESSLER's amendment, defeated, to strike section 309.

EXPLANATION

Section 309 would place the American President under considerable pressure to sell off some or all of the United States gold stocks at some point in the future in order to depress the world market price, thus depriving South Africa of as much as 48 percent of its foreign exchange earnings.

I am convinced that this section should be deleted. It could have grave international implications, it would certainly cause great disruptions and hardship to the South African industry with the most progressive labor relations with blacks, it would eliminate many thousands of black jobs, and it could cause irreparable harm to the United States own gold industry. My specific objections are the following:

First. Selling reserves is unlikely to achieve the desired objective.—Selling U.S. reserves may not work at all, and would certainly not be sustainable over time. In the 1970's when the United States sold off gold, the price of gold actually inched up. Similarly, in the mid-1960's, President Lyndon Johnson directed the Government to sell silver to hold down the world price, and he was not successful. Sales of our monetary reserves could also be interpreted as weakness in the U.S. dollar, and thus might well threaten inflation that would increase the world demand for gold as an inflation hedge.

Second. Unintended damage to small developing states and United States.—The Gold Institute has estimated 1986 world production at 22.2 million ounces, of which South Africa produces less than half. The U.S.S.R. produces 9 million ounces annually, with Canada the third largest producer. In the United States, gold miners will produce 3.4 million ounces this year. The rest of the world's gold is produced in small poor nations, many of whom are recipients of American aid. They can ill afford to lose scarce foreign exchange. These countries include New Guinea, the Philippines, Colombia, Zimbabwe, Ghana, Zaire and Indonesia. Two of these producers are in southern Africa: Zimbabwe and Zaire. If this policy were successful, and gold prices plummeted, the United States would have hurt poor, debtor nations along with South Africa.

Third. World monetary reserves would be threatened.—World central banks currently hold approximately 1 billion ounces of gold, which make up the largest pool of monetary reserves. Should the price fall, it would be the same as devaluing the reserves of most nations, threatening monetary instability. Most nations value their gold reserves near the market price.

Fourth. South African workers would be hurt.—South African mining law requires that richer veins be mined when the price declines. This would disemploy thousands of black mine workers who would not be needed. Many thousands of these are natives of Botswana, Lesotho, Mozambique, and other black "Frontline States." The wages they earn in South Africa comprise one of the largest sources of foreign exchanges in those nations. For example, the 200,000 Basotho miners from Lesotho now working in South African gold mines produce 50 percent of Lesotho's GNP, and cannot possibly be employed in Lesotho's small country.

Fifth. Further damage to worldwide commodity prices.—There is now a worldwide slump in commodity prices. Depressing the gold market would cripple the world gold mining industry—the only one today with a modicum of success.

Sixth. Jobs lost in the United States.—I am also concerned about the damage that would be done directly to the U.S. gold mining industry. I have had recent experience with this issue, as the Homestake mine in South Dakota—the largest gold producer in North America—has recently suffered as a result of the drop in world gold prices. Fifteen percent of Homestake's labor force has been laid off in the past 3 years as a result of the drop in gold prices. Homestake produces 15 to 20 percent of America's gold from the South Dakota mine alone, and about 30 percent of America's gold from all of its mines.

The gold mining industry in the United States is already in precarious shape. It has pared its profit margins to the bone, but employment, and still barely stays in business. High capital expenditures threaten to put many mines out of business. I would hope that the U.S. Congress does not add insult to injury by pulling the rug out from under the industry in a futile attempt to damage South Africa.

I also proposed an additional amendment for consideration, which I did not request a vote on. It would have added a new section 313, and the language was as follows:

ADD A NEW SECTION 313

Given the probability that actions taken in this bill will lead directly or indirectly to intense economic hardship for African countries near to South Africa that are recipients of U.S. aid, this bill also provides up to the amount of $1 billion to assist these states in coping with economic dislocations resulting from the imposition of sanctions on South Africa in this bill.

RATIONALE

These 10 states are highly vulnerable to the negative consequences that would be associated with sanctions applied against South Africa. They are vulnerable due to the highly integrated nature of the regional economy, and they are also vulnerable to South African pressure against them. Either way—sanctions applied against South Africa will have an extremely debilitating effect upon the region as a whole.

As most of us know, these are all states that operate very much on the margin. They have exceedingly low average per capita incomes: in 1982 the World Bank estimated South Africa as having a per capita income of $2,700, with Swaziland at $940, Botswana $900, Zimbabwe $850, Zambia $640, Angola $590, Lesotho $510, Mozambique $230, Malawi $210, and Zaire $190. None of these states can afford further damage to economies already ravaged by war, drought, pestilence, and corruption.

Why would economic sanctions necessarily affect its neighbors? Southern Africa is the most highly integrated regional economic system of any in the world. As a consequence, South Africa's 10 immediate neighbors are directly dependent upon it for telecommunications, passenger and export rail transport, many key road transport systems, legal or illegal employment of approximately 1.5 million individuals, food shipments, agricultural assistance, health care and animal disease control. South Africa coordinates the customs system of three states in the region, and is directly or indirectly responsible for affecting more than 50 percent of the GNP of five neighboring states.

I set the recommended compensation figure for the region at a very conservative estimate: $1 billion. After evaluating several estimates provided in both classified and unclassified sources, I felt that this would be the minimum necessary to keep regional development from stagnating if punitive, economic sanctions are imposed on South Africa. Of course, the President could disburse whatever he felt was necessary, up to that maximum figure.

I hope that this amendment, even if it is not used during floor consideration, will give all Members pause. It should force them to seriously reckon with the consequences of their actions. These studies certainly have given me reason to worry. I hope all of us will give serious consideration to this issue.

Finally, I should say that I have been a persistent opponent of apartheid throughout my entire career in

Congress, and I remain a strong opponent of apartheid. Indeed, I voted for the Senate sanctions bill, the Anti-Apartheid Act of 1985, on July, 11, 1985.

However, I have become increasingly concerned over the last few weeks about the direction that Congress is taking on this issue.

I want to share my concerns with the readers of this committee report. I know that they trouble most of my colleagues, to a greater or lesser degree. They fall into six areas:

First, the apparent and needless haste to pass something, anything, even if it is not the most well-thought-out legislation;

Second, the fact that proposed legislation may not result in our stated purposes;

Third, the cost in human terms of legislation intended to help non-whites in South Africa, and the cost to the neighboring 10 states;

Fourth, the likely consequences to the United States, in terms of retaliatory trade, actions, and GNP and job losses;

Fifth, the illogic of severely punishing South Africa in the midst of a series of significant reforms;

Sixth, the consequences of the severe damage already done to the South African economy over the past 18 months.

Let me begin by saying that I have the greatest respect for my esteemed colleague Senator LUGAR. I greatly value the contribution that he has made to major initiatives in this Congress, and around the world. My remarks are no reflection upon his efforts, but rather, a call for more caution and more thought in an exceedingly complex situation.

1. MORALITY REQUIRES REFLECTION, NOT IMPULSE

It seems to me that morality—true morality—requires reflection, not impulse.

The greatest religious and social philosophers over the past two millennium have emphasized that theme on every major issue requiring rigorous thought. I hope that we would give equal care to the major foreign and domestic issue currently facing the United States.

I know that there is ample pressure to take quick and forceful action, and that an easy answer might be to acquiesce to that pressure. I don't believe, however, that precipitous action in the Senate is in the best interests of the United States, of South Africa, or of the region.

I also know that the pressure is not an overwhelmingly one from the American public—for considerably more than 50 percent of our citizens have consistently stated in opinion polls that they do not support sanctions intended to damage the South African economy. Similarly, opinion polls taken of South African blacks consistently show that they do not support sanctions, if sanctions mean that they will suffer economic hardship.

So, I urge my colleagues to go home for the recess, and discuss the issue with their constituents. Let us use that time to listen to our people, and ask their guidance on this important issue.

I also counsel patience for two other important reasons: One, the President asked for 1 year to consider the impact of his Executive order. It expires on September 9, and I for one want to hear his assessment. Is that too much to ask for our President—no matter what our party is? Second, it seems to me that hasty action by our body would make a mockery of the President's Advisory Commission. A considerable effort has been expended in that Commission and its findings, and I think we deserve their wise counsel. Preliminary findings will be available in September.

2. DOES FURTHER SANCTIONS LEGISLATION SERVE OUR PURPOSES?

I am convinced that our committee and our Congress has not rigorously addressed this issue. It is assumed that further economic sanctions will force the Pretoria government to concede power. I think that that is a dangerous assumption, one that is simply not borne out by the facts.

More likely, in fact, is another scenario: inflation rises, unemployment becomes crushing among nonwhites, security is tightened, repression is enhanced, and violence is heightened. That is what I fear. The United States should not, and must not, induce more violence in South Africa.

What the United States should do is something that heretofore we have failed to do adequately: open more links to moderate, non-violent nonwhites of all persuasions—trade unionists, educators, businessmen.

3. CONSEQUENCES OF SANCTIONS FOR BLACKS

Frankly, I am worried about putting more nonwhites out of work. Thousands have lost their jobs already over the last 18 months as the South African economy has suffered blow after blow: bans on major bank lending, Western sanctions, and a crisis in the investment climate.

I am also worried that those who assert that new sanctions won't hurt many blacks are deceiving themselves—if sanctions won't hurt, why impose them? If they will cause great damage, then we must detail the cost, in jobs lost, educational expenditures cut, and more people starving.

4. THE COST TO THE UNITED STATES

The United States is a heavy buyer of precious and strategic minerals and metals from South Africa and its southern African neighbors. In terms of total U.S. trade these imports only amount to about 1 percent of U.S. trade, but in terms of their impact on virtually every high-tech and military industry in the United States, they are nearly irreplaceable.

Dare we take action without rigorously considering the consequences of those actions? I made a speech on the Senate floor recently in which I described the precarious situation we would face if strategic materials were cut off in retaliation for sanctions.

NEW DATA ON U.S. STRATEGIC MINERAL VULNERABILITY IN SOUTHERN AFRICA

Mr. President, a new report issued by the Department of Interior called South Africa and Critical Minerals has just been issued, dated July 1986. It is my strong feeling that any critical rigorous analysis of our policies in South Africa should include the findings of this report.

It quantifies, for the first time in an unclassified source, the costs to the U.S. economy of a disruption in southern African supplies of strategic minerals in the following areas: Direct costs to U.S. consumers by mineral losses in U.S. GNP, and the decrease in U.S. jobs associated with GNP losses. Data on Japanese and EEC losses is also provided.

Why is this relevant in the current debate?

Serious strategic mineral supply disruptions are well within the immediate realm of possibility, and their consequences for the American, European, and Japanese economies should be considered rigorously.

South African supply disruptions could occur as a result of any of the following:

Retaliation as a byproduct of Western sanctions; labor unrest/strikes; guerrilla attack—the ANC has recently announced that such installations will no longer be eschewed; major unrest, with a breakdown in infrastructure; and a successor regime less inclined to sell to the United States and its allies.

In the current South Africa debate that is going on in the Foreign Relations Committee and throughout our Nation, I hope that the administration and the Congress will consider this report because it is part of a critical analysis of what is going to happen and where our foreign policy is going.

U.S. capabilities to respond to a strategic mineral supply disruption are far less than most Members of Congress and policymakers know. Why?

First. United States, Europe, and Japan are heavily dependent upon southern Africa. (See the attached table.)

Second. Strategic stockpiles not available short of war. The U.S. strategic reserves cannot be used, except in a national emergency—generally interpreted to mean a "war"—and on the President's order. The law specifically

states that they are not intended to be used to respond to economic disruptions.

Third. Stockpiles are grossly inadequate. With the exception of platinum-group metals [PGM's], U.S. supplies of chromium, manganese, and cobalt "wouldn't make much good road fill," in the words of a senior Bureau of Mines official. Citing poor quality control, years of degradation, and excessive past sales, the "only strategic stock worth its name in $70 million worth of cobalt bought 3 years ago."

Fourth. Virtually all stocks are slated to be sold. Under the President's proposal to "modernize" the National Defense Stockpile, announced on July 8, 1985, U.S. strategic stocks will be drawn down from approximately 16 billion dollars' worth of key commodities to approximately $700,000. Another "supplemental stockpile" of $5 billion has been suggested, but is not provided for in any law and is not part of the official plan. Implementation studies are proceeding. (See the attached data.)

Fifth. Insufficient legal and regulatory authority to exploit domestic reserves. The Department of Interior lacks legislative authority to develop ocean floor deposits off of U.S. territories. Thus, it cannot exploit Johnson's Island, the only U.S. ocean site of current interest for major offshore mineral development. Also, Interior lacks the regulatory authority to develop hard mineral capabilities. Without legislation and regulatory authority, which it has been seeking over the past 3 years, the United States would be greatly delayed if it had to shift to domestic exploitation of mineral reserves.

Sixth. United States rapidly losing ferroalloy processing capabilities. The United States is rapidly losing its ability to process strategic minerals, even if it uses its stockpiles or is able to buy from abroad. Over two-thirds of U.S. ferroalloys are currently purchased or processed aboard. Most of our major ferroalloy plants have been moved offshore, including Union Carbide's plant to South Africa. A disruption of supplies from South Africa would cause immediate shortages in ferrochromium, ferromanganese, silicon metal, and ferrosilicon. Europe and Japan have an even more limited capacity, with processing restricted to three plants: One in Japan, one in Germany, and one in Norway.

ECONOMIC COSTS TO THE UNITED STATES

A complete cutoff of chromium from South Africa lasting 3 years (assuming a 90-percent cutoff from Zimbabwe due to its ore transport on South African railways). The direct cost to U.S. domestic consumers has been estimated by the Bureau of Mines in July 1986 at $3.6 billion. Assuming maximum conservation and substitution, the shortfall of chromium would reduce both intermediate and final product production during the 3-year period. The estimated impact on U.S. GNP resulting from the constraint imposed on domestic production would be $8.7 billion in the first year with over 296,000 jobs lost; during the second year, the GNP loss would be $4.6 billion and about 100,000 jobs; during the third year, GNP losses would be approximately $1.9 billion with about 41,000 jobs lost. A 3-year loss would cost $18.8 billion and 437,000 jobs.

A complete cutoff of manganese from South Africa. Direct costs to United States consumers of a cutoff of South African manganese would be approximately $1 billion. There would be little or no effect upon GNP or employment.

A complete cutoff of the platinum group metals and cobalt would be extremely serious, although dollar-value estimates are not yet available. In fact many GAO and Bureau of Mines estimates view the cutoff of these materials as more serious than the loss of chrome, as there are no U.S. domestic supplies of the PGM's.

Mr. President, I hope that in the South Africa debate, a rigorous analysis is made of the impact of strategic materials needs and of this new report just issued by the Department of the Interior, "South Africa and Critical Materials," dated July 1986.

The Department of the Interior has just released a major study on this issue and the consequences are shocking.

If we lost Southern African chromium alone, the cost to the United States economy over a 3-year period would be $18.8 billion and 435,000 jobs. Of course, this is only one of many strategic minerals that the United States imports from South Africa.

5. SIGNIFICANT PROGRESS HAS ALREADY BEEN MADE

Not one of the so-called pillars of apartheid has been left untouched by the Botha reform program. Over the past 7 years great progress has been made in virtually every aspect of nonwhite life. The formerly all-white Parliament has been integrated through the creation of separate chambers for "Colored" and Asian citizens and the next session of Parliament will continue the process by calling for all MP's white, Colored, and Asian', to debate all measures together. The past laws have been abolished, with 19 million blacks allowed free movement throughout the Republic. Blacks have been given the right to freehold tenure in the formally white areas, and there has been a seven-fold increase in expenditures on black education. The prohibition of the Immorality and Mixed Marriages Acts have been repealed. In addition, Botha has recently extablished a "Statutory Council" whereby blacks and whites can "advise" the government on further constitutional reforms.

Given the fact that apartheid took from nearly 20 years to put into effect, and encompasses some 4,000 regulations, I don't think 5 years to dismantle its most egregious provisions is too much. I also believe that they deserve time to make further improvements.

6. SERIOUS DAMAGE ALREADY DONE TO THE SOUTH AFRICAN ECONOMY

Serious unrest, sparked at least in part by the economic downturn of 1984, has further exacerbated the economic crisis in South Africa. Black unemployment in many urban areas is estimated at 50 percent, and even white unemployment is rising. Some foreign companies have already shut down their operations in South Africa.

South Africa has a total foreign debt of $24 billion, and felt forced to declare a unilateral moratorium on debt repayment largely due to the severe effect of a decision by major U.S. banking houses to cut off further loans.

Western sanctions have further eroded investor confidence in South Africa, and contributed to a precipitous fall in the value of the rand over the last 18 months.

Great damage has already been done to a budget that had scheduled massive increases in spending for nonwhites. For the last 2 years, the South African Government has been spending more on black education than it has on its national defense. We must surely encourage Botha's government to continue these major reforms. Yet, with greatly increased pressure on the economy, many of these expenditures are in doubt.

Indeed, as we toy with imposing severe economic sanctions, few of us realize that we would doom massive South African expenditures for nonwhite education, health care, and job training.

Thus, in summary, I urge my colleagues to consider all of these matters in assessing the terrible tragedy of South Africa. A quick answer is not always the best one. Morality really does require reflection, not impulse.

The hour is late and during the first part of the debate tomorrow when opening statements are normally made, I shall be in a Commerce Committee markup dealing with Conrail and similar issue.

I see the majority leader on the floor. He wants to go home, so I have taken the hint.

□ 2310

Mr. DOLE. Mr. President, the distinguished minority leader is on his way, then we will wrap up very quickly so that the Presiding Officer and others can depart.

UNITED STATES CONTRIBUTION TO FUND TO IMPLEMENT AGREEMENT BETWEEN THE UNITED KINGDOM AND IRELAND

Mr. DOLE. Mr. President, I ask unanimous consent the Senate now turn to Calendar Order No. 559, H.R. 4329, the United Kingdom and Ireland bill.

The PRESIDING OFFICER (Mr. ABDNOR). The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4329) to authorize the United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2729

Mr. DOLE. Mr. President, on behalf of Senator LUGAR, I send an amendment to the desk in the nature of a substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], on behalf of Mr. LUGAR, proposes an amendment numbered 2729.

The amendment reads as follows:

Strike out all after the enacating clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anglo-Irish Agreement Support Act of 1986".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that the Anglo-Irish Agreement is a clear demonstration of the determination of the Government of the United Kingdom and the Government of Ireland to make progress concerning the complex situation in Northern Ireland. The Congress strongly supports the Anglo-Irish Agreement and is particularly encouraged that these two neighboring countries, longstanding friends of the United States, have joined together to rebuild a land that has too often been the scene of economic hardship and where many have suffered severely from the consequences of violence in recent years. In recognition of our ties of kinship, history, and commitment to democratic values, the Congress believes the United States should participate in this renewed commitment to social and economic progress in Northern Ireland and affected areas of Ireland.

(b) PURPOSES.—It is, therefore, the purpose of this Act to provide for United States contributions in support of the Anglo-Irish Agreement, such contributions to consist of economic support fund assistance for payment to the International Fund established pursuant to the Anglo-Irish Agreement, as well as other assistance to serve as an incentive for economic development and reconciliation in Ireland and Northern Ireland. The purpose of these United States contributions shall be to support the Anglo-Irish Agreement in promoting reconciliation in Northern Ireland and the establishment of a society in Northern Ireland in which all may live in peace, free from discrimination, terrorism, and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government.

SEC. 3. UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL FUND.

(a) FISCAL YEAR 1986.—Of the amounts made available for the fiscal year 1986 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $50,000,000 shall be used for United States contributions to the International Fund.

(b) FISCAL YEARS 1987 AND 1988.—Of the amounts made available for each of the fiscal years 1987 and 1988 to carry out that chapter, $35,000,000 shall be used for United States contributions to the International Fund: and that amount is hereby authorized to be appropriated for each of those fiscal years to carry out that chapter (in addition to amounts otherwise authorized to be appropriated). Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

SEC. 4. OTHER ASSISTANCE.

(a) AVAILABLE AUTHORITIES.—In addition to other available authorities, the following authorities may be used to provide assistance or other support to carry out the purposes of section 2 of this Act:

(1) Section 108 of the Foreign Assistance Act of 1961 (relating to the Private Sector Revolving Fund).

(2) Sections 221 through 223 of the Act (relating to the Housing Guaranty Program).

(3) Title IV of chapter 2 of part I of that Act (relating to the Overseas Private Investment Corporation), without regard to the limitation contained in paragraph (2) of the second undesignated paragraph of section 231 of that Act.

(4) Section 661 of that Act (relating to the Trade and Development Program).

(b) OTHER LAWS.—Assistance under this Act may be provided without regard to any other provision of law.

SEC. 5. CONDITIONS AND UNDERSTANDINGS RELATING TO THE UNITED STATES CONTRIBUTIONS.

(a) PROMOTING ECONOMIC AND SOCIAL RECONSTRUCTION AND DEVELOPMENT.—The United States contributions provided for in this Act may be used only to support and promote economic and social reconstruction and development in Ireland and Northern Ireland. The restrictions contained in sections 531(e) and 660(a) of the Foreign Assistance Act of 1961 apply with respect to any such contributions.

(b) UNITED STATES REPRESENTATION ON THE BOARD OF THE FUND.—The President shall make every effort, in consultation with the Government of the United Kingdom and the Government of Ireland, to ensure that there is United States representation on the Board of the International Fund.

(c) PRIOR CERTIFICATION.—Each fiscal year, the United States may make contributions to the International Fund only if the President certifies to the Congress that he is satisfied that—

(1) the Board of the International Fund, as a whole, is broadly representative of the interests of the communities in Ireland and Northern Ireland; and

(2) disbursements from the International Fund—

(A) will be distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation; and

(B) will address the needs of both communities in Northern Ireland.

Each such certification shall include a detailed explanation of the basis for the President's decision.

SEC. 6. ANNUAL REPORTS.

At the end of each fiscal year in which the United States Government makes any contribution to the International Fund, the President shall report to the Congress on the degree to which—

(1) the International Fund has contributed to reconciliation between the communities in Northern Ireland;

(2) the United States contribution to the International Fund is meeting its objectives of encouraging new investment, job creation, and economic reconstruction on the basis of strict equality of opportunity; and

(3) the International Fund has increased respect for the human rights and fundamental freedoms of all people in Northern Ireland.

SEC. 7. REQUIREMENTS RELATING TO FUNDS FOR "INTERNATIONAL ORGANIZATIONS AND CONFERENCES"

(a) DISBURSEMENTS, AUDITS, AND REPORTS.—The provisions relating to disbursement on vouchers, audits, and submission of reports with respect to expenditures pursuant to the Joint Resolution of July 11, 1956 (Public Law 689), shall also apply with respect to expenditures pursuant to section 109(c) of the Act of November 22, 1983 (Public Law 98-164).

(b) FUNDS SUBJECT TO REQUIREMENTS.—That section is amended—

(1) by striking out "In addition to" and inserting in lieu thereof "Of";

(2) by striking out "by section 102(2)" and all that follows through "1985" and inserting in lieu thereof "for each fiscal year";

(3) by inserting "may be used" before "for expenses"; and

(4) by striking out all that follows "participation in" through "such as".

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term "Anglo-Irish Agreement" means the Agreement Between the Government of Ireland and the Government of the United Kingdom dated November 15, 1985; and

(2) the term "International Fund" means the international fund for economic development projects in Northern Ireland and Ireland, established pursuant to Article 10 of the Anglo-Irish Agreement.

Mr. LUGAR. Mr. President, this amendment reflects a compromise worked out with the House to resolve the differences between the House bill and S. 2572, the bill passed by the Senate on July 17.

While I strongly supported the Senate action in passing S. 2572, Mr. President, I feel this amendment represents a good compromise between the House and Senate positions. In H.R. 4329, the House passed a 5-year, $50 million-a-year authorization, whereas in S. 2572 the Senate passed a 2-year, $10 million-a-year authorization. The compromise is a 3-year authorization which provides $50 million for fiscal year 1986 and $35 million each in fiscal years 1987 and 1988. The authorization for fiscal year 1986 reflects the fact that the Congress has already appropriated that amount in

the urgent supplemental appropriations for fiscal year 1986, which was signed into law on July 2.

Mr. President, I strongly support the Anglo-Irish Agreement which is the underlying reason for this legislation. This legislation authorizes direct contributions to the International Fund to be established to carry out the agreement, as well as access to already existing economic development programs.

During floor consideration of the supplemental appropriations bill, however, I expressed my own opposition to the $50 million provided in that legislation for assistance to Northern Ireland. I felt the level of funding was too high, Mr. President, but I primarily objected to the fact that the fiscal 1986 funding is being provided as transfers from already limited foreign assistance resources. Our own budget constraints have meant that worldwide funding for foreign assistance programs has already been cut and these transfers, in fact, constitute an additional cut. I pointed out then that those cuts would in all likelihood impact most severely on economic programs in Africa—the region in the world least able to absorb cuts of any kind.

Mr. President, I felt then, and I feel now, that it is in the interest of the United States to support the British and the Irish in carrying forward this historic Anglo-Irish Agreement. But that support should not come at the expense of our other commitments throughout the world.

The compromise amendment, Mr. President, reflects the political and budgetary realities within which we had to operate in reaching accord on this important issue. The compromise reflects fiscal realities by lowering the annual contribution and shortening the timeframe proposed by the House of Representatives. Nevertheless, the compromise represents a strong, multiyear commitment from the United States in support of the Anglo-Irish Agreement. In order to lessen the impact of this commitment on our other foreign assistance commitments, however, the compromise authorizes additional appropriations for this purpose in fiscal years 1987 and 1988. It is our intention, Mr. President, that our support for the peace process in Northern Ireland will not come at the expense of the starving poor in Africa or at the expense of other important commitments of the United States.

Mr. President, we all know the challenges facing the Government of the United Kingdom and the Government of Ireland in trying to bring peace to Northern Ireland. The Anglo-Irish Agreement is a historic step forward in facing those challenges. The United States, Mr. President, should support that step. The compromise amendment before us is a realistic commitment from the United States to the peace process in Northern Ireland and I urge its adoption by the Senate.

Mr. DOLE. Mr. President, I yield to the distinguished Senator from New York.

Mr. MOYNIHAN. Mr. President, in the near two-century history of the United States Senate, this is the first occasion on which our Government has undertaken to provide a healing and supportive effort to resolve the long, tragic, and sometimes intractable conflicts among the peoples of Ireland; whose concerns have involved us from the very moment we began our own Revolution as a people, and whose own citizens, sons, and daughters, have come to this Nation in such large numbers over such a long time. It is an event without equal.

I wish there were more Senators on the floor to take note, but I very much wish to thank all those who have been involved in bringing this about; I especially express my deep regard and appreciation for the distinguished minority leader and the majority leader for bringing this measure to the floor at this hour and assuring its passage in this Congress.

Mr. President, there is more to say on the subject, but at this late hour I would not wish to detain the Senate. I would ask that I might be allowed tomorrow, as I would be in any event, to have an opportunity to enter into the RECORD an extended statement on this occasion—an occasion which gives so many of us reassurance, satisfaction, and, indeed, a measure of joy. Mr. President, I yield the floor.

Mr. DOLE. I thank the Senator from New York.

Mr. PELL. Mr. President, I want to join the distinguished chairman of the Committee on Foreign Relations in urging expeditious Senate approval of H.R. 4329, as modified by the House and Senate committees.

Last November Prime Ministers Margaret Thatcher of Great Britain and Garret FitzGerald of Ireland signed an historic accord at Hillsborough designed to build a framework for ending 17 long years of sectarian violence in Northern Ireland. Their courage in taking this bold step for peace deserves our support. The Anglo-Irish accord, which was signed last November, calls for the establishment of an international fund to help revitalize the battered economy of Northern Ireland, and those areas of the Republic of Ireland that have been affected by the troubles these past two decades. In support of that effort, President Reagan, earlier this year, asked the Congress to provide swift approval for a U.S. contribution—both as a show of solidarity with the accord, and as a magnet to attract other contributions to the fund. Both the House and the Senate subsequently passed legislation authorizing and appropriating funds for such a contribution.

Mr. President, the legislation now before the Senate would, if approved, authorize the appropriations of $50 million in economic assistance for Northern Ireland and the affected parts of the Republic of Ireland for fiscal year 1986—an amount already approved by the Congress in passing the supplemental appropriations legislation earlier this summer—and $35 million each year for fiscal years 1987 and 1988. Although these amounts are less than those some of us had hoped for, the bill we now present to the Senate is a fair compromise between the House and Senate versions of the Irish aid legislation. I urge its adoption.

Mr. DOMENICI. Mr. President, this conference agreement on aid to Northern Ireland flies in the face of budgetary reality.

At a time when the President and the Secretary of State almost daily express deep concern about congressional reductions in the foreign aid and State Department budgets, this bill earmarks $35 million from scarce Economic Support Fund resources in each of the fiscal years 1987 and 1988. Yet, the President supports the bill.

Where is this money going to come from? Congress has already determined upon substantial reductions from the President's international affairs request in order to attempt to meet the Gramm-Rudman-Hollings deficit target of $144 billion.

If we continue to earmark money for this country and that country, and, at the same time, reduce the overall totals for the economic support fund, soon there won't be any flexibility left to conduct a sensible foreign policy.

This week we have just spent many hours debating aid to Central America. The Senate and the House have agreed to provide an additional $300 million to support the struggling democracies of Guatemala, Honduras, and El Salvador, and to strengthen the long-standing democratic customs of Costa Rica.

Next year, however, the authorization bills include no earmark for Central America, for any of these fragile neighbors. Once the existing earmarks, and this new earmark for Northern Ireland, are honored, will there be anything left for Central America?

If the Senate doesn't act to suspend some of these earmarks for other areas of the free world, those of us who support democracy in Central America will be compelled to add an earmark for that region.

Mr. President, new earmarks, such as this one for Northern Ireland, simply don't make sense at a time when foreign aid is facing deep cuts.

Mr. KENNEDY. Mr. President, with our action on this bill authorizing economic assistance to Northern Ireland, the Senate is taking an important step toward peace and reconciliation in Northern Ireland.

Today's authorization of a multiyear program demonstrates the strong United States support for the historic Anglo-Irish agreement signed last November by Prime Minister Thatcher of Great Britain and Prime Minister FitzGerald of Ireland. This far-reaching accord offers the best opportunity in a decade to achieve a peaceful settlement of the conflict in Northern Ireland, and the provision of United States financial assistance is a significant element in the prospects for the success of that accord.

The Anglo-Irish agreement provides new hope to the people of Northern Ireland that the Nationalist and Unionist traditions may at last be able to achieve a peaceful settlement that respects the rights of both traditions and ends the violence that has wracked the province for the past 17 years, at a cost of over 2,500 lives and untold damage to the fabric of the community.

Most important, the agreement sends an important message to the people of Ireland—and the United States—that peaceful progress is possible in Northern Ireland, and that the path of the bomb and the bullet is not the way to Ireland's future.

In one of its central provisions, the Anglo-Irish accord includes the unprecedented British acceptance of a role for the Republic of Ireland in the day-to-day affairs of Northern Ireland. With this specific new role for Ireland, the long-suffering Catholic minority in the North will have greater assurance that its rights and aspirations will be more fairly honored and more fully protected.

Sadly, even this modest step has provoked a new wave of intransigence and violent opposition by militant extremists in the Protestant majority. In the face of this development, fulfillment of the bipartisan United States commitment to the accord is all the more important, as a sign that the United States stands firm with Ireland and Britain in doing all we can to see that the accord succeeds.

The United States assistant and other contributions to the International Fund will be used for economic reconstruction and revitalization of hard-hit areas in both Northern Ireland and Ireland affected by the current violence. One of our principal goals is to provide employment opportunities for the most severely depressed areas of Northern Ireland—some of which have unemployment rates of 60 percent. The funds will also help to catalyze private investment in Northern Ireland, to attract new capital and thus provide further employment opportunities.

In addition, a substantial U.S. contribution is expected to induce contributions from other nations. Last month, Canada made a commitment to provide $10 million to the International Fund. Australia and the members of the European Community are also expected to contribute funds.

The real hope and the best hope for lasting peace in Northern Ireland is the credible promise of common progress in the future for both communities—if only they put aside their ancient differences and learn to live and work together in peace.

With the passage today of this assistance package, we will be providing substantial encouragement for that hope, and I urge the Senate to approve this legislation.

Mr. BIDEN. Mr. President, I am very pleased that the conference on the Anglo-Irish Agreement Support Act of 1986 was able to produce this legislation in time for us to act before August recess.

The Anglo-Irish Agreement that was signed by Mrs. Thatcher and Dr. FitzGerald in November 1985 is perhaps the most significant development in the affairs of Northern Ireland since the Act of Union created this Statelet in 1920. The agreement certainly holds the most promise for resolving the troubles in Northern Ireland of any development over the last 17 years of violence, and the prompt action by the conference demonstrates the depth of American commitment to that peace process.

That commitment spans both political parties, and includes many millions of Americans who hold the fate of Ireland close to their hearts.

President Reagan spoke for us all when he said in his St. Patrick's Day message in 1985 that "Like the seeds of the shamrock, Ireland has scattered its sons and daughters to the four winds, and everywhere they've taken root, they've made a unique contribution to their native country."

In education, in industry, in military service, in the arts, and in government, Irish-Americans have left their mark and advanced the best interests of America.

From the birth of this Nation, we have maintained a strong and enduring concern for the people and for the politics of Ireland. And I am delighted that after 60 years of civil strive in Northern Ireland, including the last 17 years of sectarian violence, the United States is finally able to offer some constructive help and support.

The moneys appropriated by this bipartisan measure will generate employment and advance reconciliation efforts on the island of Ireland. Americans can be proud of the positive role that has been carved out here for American aid and assistance.

And that positive role has been championed by our last two Presidents, President Carter—who made the initial commitment to support this kind of agreement—and President Reagan, who made the initial proposal for a goal of $250 million in economic assistance over the next 5 years.

We did not meet the full goals of the President's proposal in this conference document. The program is designed for 3 years at present, with a total economic commitment of $120 million. But I am hopeful and confident that the President's objective—a 5-year program totalling $250 million, will ultimately become law.

Mr. President, I am delighted that American assistance is going to help resolve a situation that has cost so many lives, limbs, and livelihoods. The toll in Northern Ireland is almost 2,500 dead, and more than 25,000 seriously wounded.

In U.S. terms, that would be the equivalent of 350,000 deaths and 3.5 million serious injuries. If we think back on the trauma of the Vietnam war, where we lost over 57,000 Americans, we can begin to imagine the loss that Northern Ireland feels—with a death toll six times that of Vietnam.

So I am proud that the President and the Speaker of the House, and the leaders of the House and Senate could come together to help advance this important mission of peace.

This is a commitment of American aid of which this body can be justly proud.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment (No. 2729) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 4329), as amended, was passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I send to the desk an amendment to the title and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Amend the title of the bill to read as follows: "An Act to authorize United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United King-

dom and Ireland, as well as other assistance.".

The PRESIDING OFFICER. The question is on agreeing to the amendment to the title.

The amendment was agreed to.

REGULATION OF ARMOR-PIERCING AMMUNITION

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3132.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendments to the amendment of the Senate to the bill (H.R. 3132) entitled "An Act to amend chapter 44, of title 18, United States Code, to regulate the manufacture, importation, and sale of armor piercing ammunition, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses theron.

Ordered, That Mr. Rodino, Mr. Hughes, Mr. Mazzoli, Mr. Morrison of Connecticut, Mr. Feighan, Mr. Smith of Florida, Mr. Staggers, Mr. Fish, Mr. McCollum, Mr. Lungren, Mr. Shaw, and Mr. Gekas be the managers of the conference on the part of the House.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read twice by its title, and the Senate will proceed to its consideration.

The Senate proceeded to consider the bill.

Mr. THURMOND. Mr. President, today, I rise in support of H.R. 3132, a bill to regulate the sale, manufacture, and importation of armor-piercing bullets. The Senate approved the substance of S. 104, which I introduced on March 6, 1986, by an overwhelming vote of 97 to 1.

The bill before us today, like the one passed by the Senate, would prohibit the sale, manufacture, or importation of armor-piercing ammunition except in certain limited instances. Ammunition which is used for sporting or industrial purposes would be exempt from this bill. This bill also provides enhanced penalties for persons who possess armor-piercing ammunition when they commit a crime with a firearm capable of holding that ammunition.

The only difference of any significance between the measure being considered today and the version approved by the Senate pertains to the treatment of armor-piercing ammunition that is currently on dealers' shelves. The Senate version will allow the sale of existing armor-piercing ammunition, Under this measure, it will be illegal to sell existing armor-piercing ammunition. However, a dealers license could not be revoked unless he willfully transfers armor-piercing ammunition. This means that in order for a dealer to have his license revoked, he would have to intentionally sell ammunition that he knows is armor-piercing. This provision would protect an innocent dealer who may inadvertently sell armor-piercing ammunition because he is unable to determine that it is of that type. It should also be noted that under this bill the Treasury Department will be required to send out notices to identify armor-piercing ammunition. I believe that this notice will be helpful to dealers so that they may identify armor-piercing ammunition that is not readily identifiable as such. As in the Senate version, this measure requires armor-piercing ammunition manufactured in the future to be marked.

The legislation we are considering today is not new. In the 98th Congress, I introduced a bill similar to the one we are considering today which was cosponsored by 95 of my colleagues. H.R. 3132 provides important protection for our police officers who risk their lives every day in the line of duty. This legislation is long overdue and I am pleased that we are able to act on it today.

I would like to thank Senator BIDEN, the distinguished ranking minority member of the Judiciary Committee, for his strong support for this bill. I would also like to thank Senators D'AMATO and MOYNIHAN for their efforts on this legislation. I strongly urge each one of my colleagues to support this legislation today.

Mr. MOYNIHAN. Mr. President, I note with great pleasure that the Congress has today moved to final passage of the Law Enforcement Officers Protection Act of 1986. This legislation will prohibit the manufacture, sale, and importation of armor-piercing bullets, otherwise known on the streets and in the halls of Congress as cop-killer bullets. And they are just that armor-piercing rounds, as defined in this legislation, serve no other purpose but to penetrate the flak vests now worn by almost all our police forces. I speak specifically of those rounds either designed for handguns or which may be used in a handgun; bullets made entirely, or as a combination, of tungsten alloys, steel, brass, iron, beryllium copper, or depleted uranium. Such a jacketed round, as a California State Police test demonstrated, is capable of penetrating four bulletproof vests and five Los Angeles County telephone books placed behind the vests.

It is with good reason then, that we can celebrate the passage of this legislation, for this bill is about lives; the lives of New York's finest and their counterparts across the Nation. As amended by the Senate and again by the other body, this act will now conform with the McClure-Volkmer Act in its effective date. Most importantly, the bill as passed by the House will apply to that armor-piercing ammunition which is already on the shelves, estimated by some at 2 million rounds. The dealer is protected from surprises, because he must first receive notice from the Secretary of the Treasury adequately identifying and specifying such ammunition as armor-piercing, before he might be considered to have "willfully transferred" this armor-piercing ammunition.

Mr. President, I would urge the Secretary of the Treasury, and I would urge my colleagues to urge the Secretary of the Treasury, to begin this notification immediately upon enactment of this act so that when its provisions become effective in November we might immediately prevent the transfer of any armor-piercing ammunition. And Mr. President, I would urge our military services, which are granted an exemption under this act so that they might continue to transfer armor-piercing ammunition to the Civilian Marksmanship Program, to use good judgment and maximum discretion in the transfer of any and all armor-piercing ammunition. Though we are told armor-piercing ammunition is necessary for marksmanship training, we also know that these rounds are capable of penetrating four armor vests and five telephone books at once. It would seem to me, Mr. President, that the only targets these bullets are intended for are human targets.

In June 1984, President Reagan said before the National Sheriff's Association,

I fully expect to be signing a cop-killer bullet bill before this Congress adjourns.

Well, at last we are in a position to deliver a cop-killer bullet bill to the President. And more importantly, and I am sure Mr. Reagan would agree, we are in a position to let our law enforcement agencies and officers know that we care. We care that they are out there leading the fight against drugs and we should offer them as much protection as possible. But it has been a long road to final passage.

Mr. President, in two previous Congresses I have attempted to ban the sale, manufacture, and importation of these nefarious bullets. On February 23, 1982, I introduced S. 2128, and again on February 22, 1983, during the 98th Congress a similar measure. Then on January 3, 1985, the first day of this Congress, I joined with Senator THURMOND and Senator BIDEN to introduce this legislation which comes to us today. And might I add, it would have been difficult, nay impossible, to proceed on this matter without their able support and leadership. But Mr. President, my distinguished colleagues from South Carolina and Delaware did not stand alone on this issue.

All this time while we fought for passage in the Senate my distinguished colleague in the other body, Representative MARIO BIAGGI, worked to pass companion legislation. This

was the same MARIO BIAGGI who served the citizens of New York City as a police officer for 23 years, wounded no less than 10 times. And might I add that Officer BIAGGI at the time of his retirement was the most decorated officer in the history of the department with more than 60 decorations including the Police Medal of Honor. It should come as no surprise then that our colleague in the other body should conceive of such an effort.

And I am proud to say we have all stood with the law enforcement community on this issue—let there be no question about that. I speak of the International Association of Chiefs of Police, the Fraternal Order of Police, the National Sheriffs Association, the National Troopers' Coalition, the International Brotherhood of Police Officers, the National Association of Police Organizations, the Police Executive Research Forum, the International Union of Police Associations, AFL-CIO the United Federation of Police, the Federal Law Enforcement Officers Association, and hundreds of State and local law enforcement agencies. They have waited 4 long years, as have we. Perhaps in approving such a measure we as a body are moving closer to realizing that a key to handgun control and law enforcement is ammunition control.

Mr. DOLE. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on the motion.

The motion was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER TO HOLD HOUSE CONCURRENT RESOLUTION 375 AT THE DESK

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate receives from the House, House Concurrent Resolution 375, a concurrent resolution designating the U.S. Capitol "We the People" calendar, as the official bicentennial calendar of the Constitution, it be held at the desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CONTRACT DISPUTES ACT OF 1978

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar 754, S. 2426, a bill to amend the Contract Disputes Act of 1978.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 2426) to amend the Contract Disputes Act of 1978 to require that a competitive examination process be used for selection of members of the board of contract appeals of Federal Government agencies; to provide that the members of such boards shall be treated in the same manner as administrative law judges of the Federal Government for certain administrative purposes; and to revise the procedures for the collection of claims under Federal Government contracts.

The PRESIDING OFFICER. Is there objection to the request?

There being no objection, the Senate proceeded to the consideration of the bill which had been reported from the Committee on Governmental Affairs, with an amendment:

On page 2, line 3, after "Disputes Act", insert "Amendments"

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Contract Disputes Act Amendments of 1986".

TITLE I—PROFESSIONAL INDEPENDENCE OF MEMBERS OF AGENCY BOARDS OF CONTRACT APPEALS

SEC. 101. Section 8(b)(1) of the Contract Disputes Act of 1978 (92 Stat. 2385; 41 U.S.C. 607(b)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) by striking out "selected" in the first sentence and inserting in lieu thereof "in the competitive service, selected pursuant to the competitive examination process under subchapter I of chapter 33 of title 5, United States Code,";

(3) by inserting after the first sentence the following: "Such competitive examination shall be designed to demonstrate, amoung other appropriate qualifications, the applicant's public contract law experience. A separate register shall be established and maintained for candidates eligible for appointment to such boards.";

(4) by striking out the second sentence;

(5) by designating the third sentence as subparagraph (B);

(6) by designating the fourth and fifth sentences as subparagraph (C); and

(7) by adding at the end thereof the following:

"(D) For the purposes of sections 1104(a)(2), 3323(b)(2), 4301(2)(D), 5335(a), and 7521 of title 5, United States Code, a member of any agency board appointed under this paragraph shall be treated in the same manner as an administrative law judge.".

SEC. 102. Members of agency boards of contract appeals serving on the date of enactment of this Act shall be considered to have been examined, selected, and appointed in accordance with section 8(b)(1) of the Contract Disputes Act of 1978, as amended by section 2 of this Act.

TITLE II—CLAIMS BY FEDERAL GOVERNMENT CONTRACTORS

SEC. 201. The first sentence of section 6(a) of the Contract Disputes Act of 1978 (92 Stat. 2384; 41 U.S.C. 605(a)) is amended to read as follows: "Each claim by a contractor against the Government relating to a a contract shall be in writing and shall be submitted to the contracting officer, not later than 36 months after the first date on which the claim could have been submitted under such contract, for a decision.".

SEC. 202. (a) Section 7 of the Contract Disputes Act of 1978 (92 Stat. 2385; 41 U.S.C. 606) is amended by striking out "ninety days from" and inserting in lieu thereof "180 days after".

(b) Section 10(a)(3) of the Contract Disputes Act of 1978 (92 Stat. 2388; 41 U.S.C. 609(a)(3)) is amended by striking out "twelve months" and inserting in lieu thereof "180 days".

SEC. 203. (a) The amendment made by section 201 shall take effect with respect to claims which may first be filed under a Federal Government contract on or after the date of enactment of this Act.

(b) The amendments made by section 202 shall take effect with respect to decisions issued by contracting officers of the Federal Government under the Contract Disputes Act of 1978 on or after the date of enactment of this Act.

Mr. COHEN. Mr. President, today the Senate is considering S. 2426, the Contract Disputes Act Amendments of 1986. This legislation, which I introduced along with Senator LEVIN, was approved unanimously by the Government Affairs Committee in June. It would enhance the independence and timeliness of the contract dispute process.

Title I of S. 2426 provides protections for administrative judges who serve on agency boards of contract appeals to insulate them from agency control, and title II imposes reasonable deadlines for submitting contractor claims and for appealing contracting officer's decisions.

By way of background, Mr. President, Congress enacted the Congress Dispute Act [CDA] of 1978 to govern the submission of contract claims to the Government and the resolution of disputes arising from those claims. While the dispute process has generally operated effectively since enactment of the CDA, concerns have been raised by Government officials and Government contractors over the independence and timeliness of the contract disputes process.

S. 2426 is designed to address these concerns. The provisions of this legislation are drawn from two separate pieces of legislation: S. 2223, the Board of Contract Appeals Independence Enhancement Act, and S. 2006, the Contract Disputes Act Amendments of 1985. These bills were circulated widely for comment to numerous Government and industry experts, revised to incorporate the comments received, and subsequently consolidated into a single bill, S. 2426.

INDEPENDENCE

Under the CDA, agency boards of contract appeals [BCA's] are authorized to serve as independent, adjudicative forums for resolving contract disputes. The CDA provides that BCA judges shall be "selected and appointed to serve in the same manner" as administrative law judges [ALJ's] ap-

pointed pursuant to the Administrative Procedure Act. Implementation of the CDA, however, has resulted in significant differences.

BCA judges are selected by the individual agencies on whose boards they serve and, because the CDA is not specific on removal protections, may be dismissed without any independent review. ALJ's, by contrast, are selected from a governmentwide register established by the Office of Personnel Management [OPM] and may only be removed for good cause after a hearing before the Merit System Protection Board.

These differences, according to the General Accounting Office, contribute to the perception that BCA judge are not as independent as ALJ's. In a September 1985 report, the GAO found that:

> Because no independent body, like the OPM, issues government-wide regulations for the selection and appointment of board members, and because the [Contract Dispute Act] is unclear concerning any removal protections, members of boards of contract appeals are not as insulated as they could be from agency control.

The selection and appointment procedures for BCA judges, while similar in many respects to the OPM procedures for ALJ's, were of concern to the committee. According to the legislative history underlying the CDA, the ALJ system was to be used as a model for developing and implementing a system to ensure the independence of the BCA judges.

The CDA, however, falls short of establishing an ALJ-like system as there is no requirement that a separate agency, such as OPM, select, administer, and maintain a register of persons qualified for appointment to the BCA's. The interagency registers originally established and currently maintained by the Department of Defense and the General Services Administration continue to be used by the agencies as the primary sources for filling their vacancies. Agencies selected candidates for their boards under procedures that need only comply with the eligibility requirements of the CDA, thereby raising concerns about the independence of the judges who are charged with ruling on disputes between the agencies and their contractors.

Arbitrary removal is also of concern, since the threat alone could potentially compromise the independence of BCA judges. Arbitrary removal is by no means common practice, but it has happened. The GAO report, for example, points out that in 1978, the chairman and vice chairman of the General Services Board of Contract Appeals were discharged without satisfactory explanation. While this incident may have been an isolated case, the threat, nonetheless, exists.

To alleviate the preception that BCA judges are not sufficiently insulated from agency control, the GAO recommended that "the Congress may want to consider amending the Contract Disputes Act of 1978 . . . to give the Office of Personnel Management and the Merit Systems Protection Board roles in [the BCA judges' selection and removal] processes."

S. 2526 effectively implements the GAO's recommendation by one, providing that BCA judges, like ALJ's, would be placed in the competitive service, subject to the competitive examination conducted by the Office of Personnel Management, and selected from a governmentwide register established by OPM; second, specifying that the competitive examination given to BCA judges be designed to demonstrate the applicant's 5 years public contract law experience; third, extending to BCA judges the full panoply of protections currently afforded ALJ's, including exemption from agency performance appraisals and removal only for good cause after a hearing before the Merit Systems Protection Board; and fourth, grandfathering present BCA judges.

Together, these provisions provide the security and independence needed to ensure that BCA judges are fully insulated from agency control in deciding contract disputes between the Federal Government and its contractors.

TIMELINESS

Concerns have also been raised, principally by Government officials, over the timeliness of the contract disputes process. Under the CDA, there currently is no statute of limitations for the submission of contractor claims, except for Navy shipbuilding claims. The Justice Department has consequently found that contractors often wait years before submitting claims for payment, thereby making adjudication of dispute difficult.

In September 1983, the Senate enacted as part of the fiscal 1984 Department of Defense appropriations bill a provision imposing an 18-month statute of limitations on all contractor claims arising from events for which the Government may be responsible. This provision, which extended through the fiscal year, was compromised in conference to apply only to shipbuilding claims. In June 1984, the Senate subsequently adopted as part of the fiscal 1985 Department of Defense authorization bill a provision that made the 18-month statute of limitations for shipbuilding claims permanent law.

This Congress, the administration included as part of its management initiatives a legislative proposal for a generic 18-month statute of limitations for all contractor claims. Senator WILLIAM ROTH introduced, by request, this portion of the package as S. 2006, the Contract Disputes Act Amendments of 1985.

S. 2426, as reported by the committee, adopts the generic statute of limitations for contractor claims from S. 2006, but extends the time period to 36 months. This statute of limitations represents a compromise between those who support a shorter time period, those who advocate a longer one, and those who oppose any limitation.

Of equal import is the starting date on which the statute of limitations begins to run. S. 2426 states that the period for submitting claims to the Government begins "the first date on which the claim could have been submitted." We intend that the interpretation of this starting date should parallel, not alter, the interpretation of the arising out of events starting date provided in current law for shipbuilding claims. In the case of Government-furnished equipment, for example, the reasonable and appropriate interpretation of "the first date on which the claim could have been submitted" is when a defect in the equipment is discovered, not when the equipment was received.

Mr. STEVENS. Will the Senator from Maine yield? I rise in support of the thrust of this legislation, but strongly believe that the proposed statute of limitations set forth in title II be revised to conform with the existing statute of limitations for shipbuilding claims. I am offering an amendment to establish an 18-month filing period for all contractor claims against the Government, extending to all Government activities the limit currently in force for shipbuilding contractor claims against the Navy. This measure has previously received bipartisan support in the Senate as proposed for all defense contractor claims and, as included in my amendment, will similarly protect the Government from outdated and inadequately documented claims filed well after the completion of the affected contract.

I wish to congratulate Senator COHEN and the Oversight of Government Management Subcommittee for taking on this very important issue, and their report provides a detailed history of this legislation as I have previously supported efforts to establish the 18-month limit on contractor claims. Enactment of this amendment will in no way diminish the restrictions on Navy shipbuilding claims previously adopted into law, and those contracts entered into between the enactment of the original provision in the fiscal 1984 Appropriations Act and then made permanent in the fiscal 1985 Authorization Act are to be bound by the 18-month rule.

I urge the Senate to adopt the Contract Disputes Act Amendments of

1986 and to accept this amendment, which will for the first time standardize the process and filing period for claims against the Government for damages related to contract disputes.

Mr. COHEN. I thank the Senator from Alaska, the distinguished chairman of the Defense Appropriations Subcommittee, for his support for my legislation.

While I believe that the 36-month statute of limitations provided in S. 2426 achieves an appropriate balance between the disparate interests involved, I agree with my colleague, Senator STEVENS, that an 18-month statute of limitations is both fair and workable.

I might point out that the legislative history in the Senate Armed Services Committee report accompanying the limitation on shipbuilding claims states that an 18-month statute of limitations is a "sufficient time for contractors to assess the consequences of an event, assemble all pertinent documentation to support their claimed amount, and submit this documentation with their claim properly certified as provided in the Contract Disputes Act of 1978." I, therefore, agree to accept the Senator's amendment.

If I may finish my statement, Mr. President, S. 2426 also establishes a uniform time period of 6 months within which a contractor may appeal a contracting officer's decision to either the court of claims or a board of contract appeals. A contractor currently has 12 months to appeal a contracting officer's decision to the court or 90 days to appeal to a BCA. We felt that, while 90 days is sufficient time to file an appeal before a BCA, it is insufficient time to submit a fully articulated complaint to the court of claims and, therefore, settled on a uniform time period of 6 months.

Mr. President, ensuring the independence of the BCA judges and improving the timeliness of the submission of contractor claims are steps that would strengthen the contract disputes process. Any criticism of the present BCA system should not, however, be interpreted as an indictment against those judges now serving on the various boards. Clearly, the decisional history of these boards demonstrates the integrity of the judges who serve on them.

By providing BCA judges with statutory protections, I believe that public confidence in the independence and impartiality of these adjudicators would be enhanced. I also believe that imposing reasonable deadlines on the submission of contractor claims against the Government will improve the timeliness of the contract disputes process. To this end, Mr. President, I urge my colleagues to support enactment of S. 2426.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

AMENDMENT NO. 2730

(Purpose: To establish a uniform period for the filing of claims against the United States under the Contract Disputes Act of 1978)

Mr. DOLE. Mr. President, I send an amendment to the desk on behalf of the distinguished Senator from Alaska [Mr. STEVENS], and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas, for the Senator from Alaska, [Mr. STEVENS], proposes an amendment numbered 2730.

Mr. DOLE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike out lines 16 through 23 and insert in lieu thereof the following:

SEC. 201. Section 6(a) of the Contract Disputes Act of 1978 (92 Stat. 2384; 41 U.S.C. 605(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by inserting at the end the following new paragraph:

"(2) An agency head may not adjust any price under a contract entered into after the date of enactment of the Contract Disputes Act Amendments of 1986 for an amount set forth in a claim, request for equitable adjustment, or demand for payment under the contract (or incurred due to the preparation, submission, or adjudication of any such claim, request, or demand) arising out of events occurring more than 18 months before the submission of the claim, request, or demand. For the purposes of this paragraph, a claim, request, or demand shall be considered to have been submitted only when the contractor has provided the certification required by section 6(c)(1) and the supporting data for the claim, request, or demand.".

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 2730) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was reading the third time, and passed as follows:

S. 2426

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Contract Disputes Act Amendments of 1986".

TITLE I—PROFESSIONAL INDEPENDENCE OF MEMBERS OF AGENCY BOARDS OF CONTRACT APPEALS

SEC. 101. Section 8(b)(1) of the Contract Disputes Act of 1978 (92 Stat. 2385; 41 U.S.C. 607(b)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) by striking out "selected" in the first sentence and inserting in lieu thereof "in the competitive service, selected pursuant to the competitive examination process under subchapter I of chapter 33 of title 5, United States Code,";

(3) by inserting after the first sentence the following: "Such competitive examination shall be designed to demonstrate, among other appropriate qualifications, the applicant's public contract law experience. A separate register shall be established and maintained for candidates eligible for appointment to such boards.";

(4) by striking out the second sentence;

(5) by designating the third sentence as subparagraph (B);

(6) by designating the fourth and fifth sentences as subparagraph (C); and

(7) by adding at the end thereof the following:

"(D) For the purposes of sections 1104(a)(2), 3323(b)(2), 4301(2)(D), 5335(a), and 7521 of title 5, United States Code, a member of any agency board appointed under this paragraph shall be treated in the same manner as an administrative law judge.".

SEC. 102. Members of agency boards, of contract appeals serving on the date of enactment of this Act shall be considered to have been examined, selected, and appointed in accordance with section 8(b)(1) of the Contract Disputes Act of 1978, as amended by section 2 of this Act.

TITLE II—CLAIMS BY FEDERAL GOVERNMENT CONTRACTORS

SEC. 201. Section 6(a) of the Contract Disputes Act of 1978 (92 Stat. 2384; 41 U.S.C. 605(a)) is amended—

(1) by inserting "(1)" after "(a);" and

(2) by inserting at the end the following new paragraph:

"(2) An agency head may not adjust any price under a contract entered into after the date of enactment of the Contract Disputes Act Amendments of 1986 for an amount set forth in a claim, request for equitable adjustment, or demand for payment under the contract (or incurred due to the preparation, submission, or adjudication of any such claim, request, or demand) arising out of events occurring more than 18 months before the submission of the claim, request, or demand. For the purposes of this paragraph, a claim, request, or demand shall be considered to have been submitted only when the contractor has provided the certification required by section 6(c)(1) and the supporting data for the claim, request, or demand.".

SEC. 202. (a) Section 7 of the Contract Disputes Act of 1978 (92 Stat. 2385; 41 U.S.C. 606) is amended by striking out "ninety days from" and inserting in lieu thereof "180 days after".

(b) Section 10(a)(3) of the Contract Disputes Act of 1978 (92 Stat. 2388; 41 U.S.C. 609(a)(3)) is amended by striking out "twelve months" and inserting in lieu thereof "180 days".

SEC. 203. (a) The amendment made by section 201 shall take effect with respect to claims which may first be filed under a Federal Government contract on or after the date of enactment of this Act.

(b) The amendments made by section 202 shall take effect with respect to decisions issued by contracting officers of the Federal Government under the Contract Disputes Act of 1978 on or after the date of enactment of this Act.

COMMERCIAL MOTOR VEHICLE SAFETY ACT

Mr. DOLE. Mr. President, I ask unanimous consent that when S. 1903, the Commercial Motor Vehicle Safety Act, is reported by the Committee on Commerce, Science, and Transportation, it be sequentially referred to the Committee on Environment and Public Works for a period not to extend beyond the hour of 12 midnight, Monday, September 15, 1986, for the purpose of consideration of those matters which, under rule 25 of the Standing Rules of the Senate, are under its jurisdiction. Provided that, if S. 1903 has not been reported on or before such time, the Committee on Environment and Public Works shall be immediately discharged from further consideration thereof, and that S. 1903 shall be placed directly on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT—ENROLLMENT CHANGES

Mr. DOLE. Mr. President, I ask unanimous consent that in the enrollment of the bill S. 2638, the National Defense Authorization Act for fiscal year 1987, the following corrections be made, by the Secretary of the Senate, which I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

□ 2320

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask the distinguished minority leader if he is in a position to confirm the following nominations on the Executive Calendar: Calendar No. 966, Calendar No. 967, Calendar No. 968, Calendar No. 969, Calendar No. 970, Calendar No. 971, Calendar No. 972, and Calendar No. 973.

Mr. BYRD. Mr. President, the nominations identified by the distinguished majority leader have all been cleared by all Members of this side. We are ready to proceed to confirmation of the nominations.

Mr. DOLE. I thank the minority leader.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now go into executive session in order to consider and confirm the nominations just identified and that they be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

MERIT SYSTEMS PROTECTION BOARD

Daniel R. Levinson, of Virginia, to be a Member of the Merit Systems Protection Board.

Daniel R. Levinson, of Virginia, to be Chairman of the Merit Systems Protection Board.

Mary F. Wieseman, of Maryland, to be Special Counsel of the Merit Systems Protection Board.

FEDERAL LABOR RELATIONS AUTHORITY

Jean McKee, of the District of Columbia, to be a Member of the Federal Labor Relations Authority.

U.S. POSTAL SERVICE

Crocker Nevin, of New York, to be a Governor of the United States Postal Service.

OFFICE OF PERSONNEL MANAGEMENT

James E. Colvard, of Virginia, to be Deputy Director of the Office of Personnel Management.

THE JUDICIARY

John H. Suda, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia.

POSTAL RATE COMMISSION

Janet D. Steiger, of the District of Columbia, to be a Commissioner of the Postal Rate Commission.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the nominees were confirmed.

Mr. BYRD. Mr. President, I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT BY THE PRESIDENT OF THE REPUBLIC OF THE PHILIPPINES, CORAZON AQUINO

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess at 9:30 a.m. on Thursday, September 18, 1986, and proceed to the House Chamber for a joint meeting at 10 a.m. to hear an address by the President of the Republic of the Philippines, Corazon Aquino.

The PRESIDING OFFICER. Without objection, it is so ordered.

PREVENTING ILLITERACY

Mr. ZORINSKY. Mr. President, I would like to insert in the RECORD today a letter from a pediatrician in North Carolina who has been concerned about reading instruction for many years. When children are 4 to 6 years old, he gives them the Denver developmental screening test. Of those who are determined to be above average, 50 percent do not fulfill this prediction 5 to 10 years later because of reading difficulties.

The hearing to which he refers was held on March 20 and contains some very enlightening testimony as to the causes of illiteracy.

His letter follows:

FAYETTEVILLE, NC,
June 4, 1986.

Senator EDWARD ZORINSKY,
Senate Office Building,
Washington, DC.

DEAR SENATOR ZORINSKY: I have been interested in reading instruction for many years. I have my patients read to me during their routine exams. I find that many who have never been taught phonetically are unable to read that which they have not memorized.

I have just learned of the hearing before the House subcommittee on elementary, secondary and vocational education. If possible, I would appreciate having a copy of the testimonies and committee responses. I too wish to see better reading instruction for our children.

Furthermore, in a period of budget cuts, phonics instruction would appear appealing to the funders of education for it has been shown several times that phonics instructions cost far less than the usual basal reading program. It should come as no surprise that most private and parochial schools use phonics first to teach reading. It is effective and cheaper.

I await receipt of the transcripts with great anticipation.

Sincerely,

PIERRE C. LEMASTER, M.D.

MESSAGES FROM THE HOUSE

At 9:40 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House insists upon its amendments to the amendment of the Senate to the bill (H.R. 3132) to amend chapter 44, of title 18, United States Code, to regulate the manufacture, importation, and sale of armor piercing ammunition, and for other purposes; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. RODINO, Mr. HUGHES, Mr. MAZZOLI, Mr. MORRISON of Connecticut, Mr. FEIGHAN, Mr. SMITH of Florida, Mr. STAGGERS, Mr. FISH, Mr. MCCOLLUM, Mr. LUNGREN, Mr. SHAW, and Mr. GEKAS as managers of the conference on the part of the House.

At 2:57 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House disagrees to

the amendments of the Senate to the bill (H.R. 3773) to amend the Stevenson-Wydler Technology Innovation Act of 1980 to promote technology transfer by authorizing Government-operated laboratories to enter into cooperative agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Science Foundation, and for other purposes; it asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. FUQUA, Mr. WALGREN, Mr. LUNDINE, Mr. LUJAN, and Mr. BOEHLERT as managers of the conference on the part of the House.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3102. An act to strengthen the technological literacy of the Nation through demonstration programs of technology education;

H.R. 4467. An act to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior;

H.R. 4814. An act entitled the "Federal Land Exchange Facilitation Act of 1986" and

H.R. 4883. An act to provide options for land exchanges involving lands on Admiralty Island, Alaska, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate.

H. Con. Res. 375. A concurrent resolution designating the 1987 United States Capitol Historical Society "We The People" calendar as the official congressional calendar for the Bicentennial of the United States Constitution; and

H. Con. Res. 380. A concurrent resolution providing for a conditional adjournment of the two Houses until September 8, 1986.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 992. An act to discontinue or amend certain requirements for agency reports to Congress;

H.R. 850. An act to modify the boundary of the Humboldt National Forest in the State of Nevada, and for other purposes;

H.R. 1963. An act to increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes, and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Cambria County Library Building, Pennsylvania;

H.R. 3212. An act to declare that the United States holds certain lands in trust for the Reno Sparks Indian Colony;

H.R. 3556. An act to provide for the exchange of land for the Cape Henry Memorial site in Fort Story, Virginia;

H.J. Res. 377. Joint resolution to designate December 5, 1986, as "Walt Disney Recognition Day";

H.J. Res. 529. Joint resolution designating the week of September 21, 1986, through September 27, 1986, as "Emergency Medical Services Week"; and

H.J. Res. 642. Joint resolution to designate the week beginning May 17, 1987, as "National Tourism Week".

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 6:08 p.m., a message from the House of Representatives, delivered by Mr. Allen, one of its clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4393. An act to consolidate and improve provisions of law relating to absentee registration and voting in elections for federal office by members of uniformed services and persons who reside overseas; and

H.R. 5371. An act to extend until September 15, 1986, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act.

ENROLLED BILL SIGNED

At 10:46 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill, in which it requests the concurrence of the Senate:

H.R. 2478. An act to amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4467. An act to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

H.R. 4814. An act entitled the "Federal Land Exchange Facilitation Act of 1986" to the Committee on Energy and Natural Resources.

H.R. 4883, An act to provide options for land exchanges involving lands on Admiralty Island, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4393. An act to consolidate and improve provisions of law relating to absentee registration and voting in elections for federal office by members of uniformed services and persons who reside overseas:

H.R. 5371. An act to extend until September 15, 1986, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act.

MEASURE HELD AT DESK

The following joint resolution was ordered held at the desk by unanimous consent pending further disposition:

H. Con. Res. 375. A concurrent resolution designating the 1987 United States Capitol Historical Society "We The People" calendar as the official congressional calendar for the Bicentennial of the United States Constitution; and

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 13, 1986, she had presented to the President of the United States the following enrolled bill:

S. 992. An Act to discontinue or amend certain requirements for agency reports to Congress.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCLURE, from the Committee on Appropriations, with amendments:

H.R. 5234: A bill making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1987, and for other purposes (Rept. No. 99-397).

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2760: An original bill to regulate interstate commerce by providing for uniform product liability law, and for other purposes.

By Mr. HATCH, from the Committee on Labor and Human Resources;

Special Report on Budget Allocations of the Committee on Labor and Human Resources (Rept. No. 99-398).

S. 2664: A bill to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1987, and for other purposes (Rept. No. 99-399).

S. 2703: A bill to amend the Federal Aviation Act of 1958 to provide that prohibition of discrimination against handicapped individuals shall apply to air carriers (Rept. No. 99-400).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. Res. 479: An original resolution amending the Rules of Procedure and Practice in the Senate when sitting on impeachment trials (Rept. No. 99-401).

By Mr. ROTH, from the Committee on Governmental Affairs, without amendment:

S. Res. 478: An original resolution to express the sense of the Senate that Regulations promulgated by the National Archives and Records Administration setting forth procedures for the preservation, protection of, and access to historical materials of the Nixon Administration (36 CFR Part 1275) meet the requirements of the Presidential Recordings and Preservation Materials Act of 1974 (44 U.S.C. 2111 note), and for other purposes. (Rept. No. 99-402).

By Mr. ROTH, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute:

S. 528: A bill to establish a Bipartisan Commission on Congressional Campaign Financing, to improve the manner in which Congressional campaigns are financed.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute and an amendment to the title.

S. 1092: A bill to authorize appropriations for the United States Mint for fiscal year 1986 and 1987.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

S. 2000: A bill to clarify the exemptive authority of the Securities and Exchange Commission.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, with amendments:

S. 2462: A bill to provide for the awarding of a special gold medal to Aaron Copland.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

S. 2496: A bill to authorize the President to award Congressional gold medals to Doctors Andrei Sakharov and Yelena Bonner for the great personal sacrifice they have made to further the causes of human rights and world peace.

S. 2585: A bill to authorize the President of the United States to award a congressional gold medal to Red Skelton in recognition of his lifetime commitment in service of Americans and to authorize the Secretary of the Treasury to sell bronze duplicates of such medal.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2747: An original bill to extend the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982.

S. 2752: An original bill to extend titles I and II of the Garn-St Germain Depository Institutions Act of 1982, to provide for emergency acquisitions of banks in danger of closing, to recapitalize the Federal Savings and Loan Insurance Corporation, and for other purposes.

Mr. GARN. Mr. President, I am filing four bills that were reported out of the Banking Committee this morning.

The first bill, S. 1092, authorizes appropriations for the Bureau of the Mint for fiscal year 1987, provides for $694,000.00 to be used for expansion and improvement of Mint facilities, and redesignates as an official Mint Office the Mint facilities in San Francisco, which is now the San Francisco Assay Office. This bill also contains the provisions of earlier legislation I introduced on May 1, 1986, S. 2393. Briefly, these provisions modernize the counterfeiting statutes; authorize the Secretary of the Treasury to engrave and print currency for foreign nations and to engage in joint research projects with other countries; permit the Secretary of the Treasury to not reissue currency notes, and raise the position of Treasurer to Executive level IV.

The last three bills are gold medal bills for Aaron Copland (S. 2462), Andrei Sakharov and Yelena Bonner (S. 2496) and Red Skelton (S. 2585).

Mr. President, I am also reporting an original bill S. 2752, the "Financial Institutions Emergency Acquisition Amendments of 1986." I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the Section-by-Section analysis are ordered to be printed in the RECORD, as follows:

TITLE I—EMERGENCY ACQUISITIONS

SECTION-BY-SECTION ANALYSIS

Section 101: Short title

Section 101 defines the Act as the "Financial Institutions Emergency Acquisition Amendments of 1986."

Section 102: Extension of Garn-St Germain Act

Section 102 extends the sunset of the emergency provisions of Titles I and II of the Garn-St Germain Act until October 1, 1989. (Section 106 of the bill ends the sunset altogether for the conservatorship and merger authorities of the National Credit Union Administration.) In addition, this section sunsets on October 1, 1989 the provisions added by section 103 of this title.

Section 103: Assisted extraordinary acquisitions

Subsection 13(f) of the Federal Deposit Insurance Act, which was enacted as part of Title I of the Garn-St Germain Act, currently permits interstate acquisitions for banks with assets of $500 million or more—but only under limited conditions. Stock institutions, including all eligible commercial banks, may be acquired only if they are closed. An eligible mutual savings bank may be acquired prior to closing—but only if its board of trustees and chartering authority specify in writing it is in danger of closing and request the FDIC to assist an acquisition or merger. If a bank is acquired by an out-of-State holding company the bank may branch throughout the State to the same extent as an in-State national bank. Absent specific State authorizing legislation, however, bank holding companies may not be acquired by out-of-State holding companies and an out-of-State holding company that acquires a bank subsection 13(f) may not expand in the State other than through branching of the newly acquired bank. This means in unit banking States that the out-of-State bank holding company's entry is limited to the existing office site of the bank it acquires.

The amendments to subsection 13(f) will change existing legislation in four crucial areas. First, the amendments will permit qualified stock institutions, as well as mutual savings banks, to be acquired by out-of-State holding companies before they fail. Second, they lower the threshold measurement for eligibility for both closed and failing banks from $500,000,000 to $250,000,000. Third, the amendments permit a holding company to be sold, in whole or in part, to an out-of-State holding company if the in-State holding company has a bank subsidiary or subsidiaries with aggregate banking assets of $250,000,000 or more in danger of closing and such bank or banks represent 33% or more of the holding company's banking assets. Finally, they allow an acquiring out-of-State bank holding company the same intrastate expansion rights as an in-State bank holding company after two years.

Paragraph (1). This paragraph provides that if the FDIC grants assistance pursuant to its powers under subsection 13(c) of the Federal Deposit Insurance Act, the procedures contained in subsection 13(f) shall be followed in any eligible merger or acquisition transaction involving an out-of-State bank or holding company. The FDIC, however, may, in its sole discretion, choose to follow applicable State law rather than the procedures of subsection 13(f) (see paragraph 9). These procedures, including notice to and an opportunity for objection by the State bank supervisor and rebidding procedures under certain circumstances, are contained in the current law. If the FDIC does not provide assistance under subsection 13(c), subsection 13(f) is not applicable and any eligible transaction will be subject only to the normal approval requirements under State or Federal law.

Paragraph (2). This paragraph is amended to reduce the $500 million asset minimum for interstate acquisitions of closed banks to $250 million. This change is in response to the significant increase in the number of bank failures and the FDIC's increased difficulty in finding in-State purchasers for banks, especially banks whose assets are $250 million or more. It thereby reduces the demand upon the FDIC's resources and affords banks with assets of $250 million or more equal treatment with larger banks.

The remainder of paragraph 2 is unchanged. It provides, among other things, that in any interstate transaction involving a closed bank meeting the size requirement: (i) all other applicable approvals must be obtained; (ii) there shall be notice to and an opportunity for objection by the State bank supervisor (whether the closed bank has a State or Federal charter); and (iii) if the State bank supervisor objects, the FDIC's Board of Directors may exercise its authority only by unanimous vote.

Paragraph (3). Subparagraph (A)(i) extends the emergency interstate acquisition provisions to banks with assets of $250 million or more that, although not closed, have been determined by their Federal or State chartering authority be in danger of closing. The subsection parallels subparagraph (2)(A) by allowing out-of-State banks and holding companies to establish a new bank to acquire the bank in danger of closing. It also allows an acquisition to be done directly.

The current law contains a comparable provision for mutual savings banks, but not for other FDIC-insured banks. Experience has demonstrated that by the time a bank has actually been closed, the value of its franchise may have been dissipated if not eliminated. In addition, the process of decline into insolvency can create an adverse effect in the financial community. By permitting an interstate acquisition of a commercial bank in danger of closing, but before it is actually closed, the potential for finding a private solution with a lesser commitment of FDIC funds is substantially improved. Such a process also would help maintain the stability of and confidence in the banking system as a whole.

Subparagraph 3(A)(ii) extends the emergency interstate acquisition provisions to holding companies that have a subsidiary bank or banks with aggregate assets of $250 million or more in danger of closing and such bank or banks represent 33% or more of the total assets of the holding company's banking subsidiaries. If the Federal or State chartering authority has determined that such a bank or banks are in danger of closing, an out-of-State bank or holding company may (a) purchase the stock of or otherwise acquire the holding company that controls such bank(s) as well as all of such holding company's other subsidiary banks or (b) acquire the bank or banks in danger

of closing. Before the FDIC can assist a merger or acquisition, the board of directors of the bank in danger of closing must request in writing that the FDIC assist a merger or purchase.

An out-of-State bank or holding company that purchases from another holding company a bank or banks in danger of failing with aggregate assets of $250 million or more under clause (b) would be permitted to acquire other bank subsidiaries of the holding company. Under this subparagraph, more than one out-of-State holding company may acquire portions of a single holding company, provided that each of the out-of-State holding companies purchases a bank or set of banks, each of which is in danger of closing, that has total assets of $250 million or more, and provided that all subsidiary banks that are in danger of closing account for at least 33% of the assets of all bank subsidiaries of the holding company.

There is no comparable provision in the present law. This provision is, however, essential if the Garn-St Germain extraordinary acquisition provisions are to be effective in States which permit multi-bank holding companies, but do not permit statewide banking. A number of States presently have such a banking structure.

The current Garn-St Germain provisions do not work effectively in such States, particularly where it is the lead bank in the holding company system that is in danger of closing. Potential bidders are deterred because they are limited to a single location and the most troubled part of the banking organization. Even if a bidder can be found for the lead bank, the continued viability of the other banks in the holding company system may be threatened by the loss of the lead bank. This is particularly the case where there are substantial financial relationships between the lead bank and the other banks in the holding company system. Thus, the adoption of this provision could substantially reduce the financial demands on the FDIC, as well as the adverse effects on the communities served.

Subparagraph (B) provides that if a bank or holding company is eligible to be acquired by an out-of-State bank or holding company under subparagraph (A), but the FDIC provides financial assistance to prevent the closing, so long as FDIC assistance remains outstanding the bank, its holding company, and its bank affiliates can be sold to an out-of-State bank or holding company to the same extent it could have been when assistance was given.

Subparagraphs (C) and (D) are essentially unchanged from current law.

Paragraph (4). Subparagraph (A) has been changed to confirm that a multiple savings and loan holding company can acquire an FDIC-insured Federal savings bank across state lines. Subparagraphs (B) and (C) are unchanged.

New subparagraph (D) provides that an out-of-State holding company that acquires a bank or holding company under subsection 13(f), after two years of the acquisition, will have the same rights to make additional acquisitions and to establish branches as an in-State bank holding company. In other words, after a two year period, the out-of-State acquirer will be allowed the same intrastate acquisition and branching privileges as an in-State bank holding company.

Subparagraph (E) provides that an out-of-State bank or holding company that acquires and retains control, directly or indirectly, of a bank under this subsection shall not be required under State law, as a result of such acquisition, to divest any other bank or be prevented from acquiring any other bank in a different State. This paragraph does not prevent the requirement of divestiture to comply with competitive, antitrust and similar standards imposed under Federal law.

This provision, which is not contained in the current law, is in response to State law developments after passage of Garn-St Germain, and is necessary to enable a number of banks to make acquisitions under Garn-St Germain. The regional interstate banking bills of several States require that all of a bank holding company's subsidiary banks be located within a defined region. Accordingly, an out-of-State holding company which has acquired a bank in such a State would be required to divest that bank if it made an acquisition under Garn-St Germain outside the region. This provision would pre-empt such State laws only with respect to Garn-St Germain acquisitions.

Paragraph (5), (6), and (7). These paragraphs contain provisions relating to the solicitation of offers by the FDIC, resolicitation of bids under certain circumstances, and applicable antitrust standards. They are essentially unchanged from current law except for the following: the priorities in (6)(B) are amended to establish a new priority between in-State and out-of-State acquirers by providing for holding companies in states participating in regional arrangements, or in contiguous states if no such arrangement exists, over those holding companies outside these designated areas. Additionally, in the case of a minority-controlled bank, the FDIC is encouraged to seek an offer from other minority-controlled banks before using the institution-type or geographic priorities in arranging extraordinary acquisitions.

Paragraph (8). New subparagraph (B) prescribes when a bank is "in danger of closing" and new subparagraph (C) defines when banks are affiliated for purposes of holding company acquisition under subparagraph (3).

Paragraph (9). This paragraph permits the FDIC, in its sole discretion, to assist an interstate transaction under the authority of state law rather than under this subsection. This provision affords the FDIC additional flexibility where a state has enacted its own interstate acquisition authority, but does not in any way limit the FDIC's authority under subsection 13(f).

Paragraph (10). This paragraph confirms that FDIC assistance in a transaction authorized under subsection 13(f) shall not be provided to any subsidiary of a holding company which is not an insured bank. This paragraph, however, is not intended to prevent an intermediate holding company from being a conduit for FDIC assistance ultimately intended for an insured bank.

Paragraph (11). This paragraph requires the FDIC to transmit an annual report regarding the transactions authorized under this section.

Section 103(b) would amend the Bank Holding Company Act to authorize the Federal Reserve Board to waive the requirements of notice and hearing for any acquisition authorized under this section. Within 7 days after approval Federal Reserve shall publish in the Federal Register and identify any nonbanking activities involved in the acquisition.

Section 104: Bridge banks

Section 104 creates a new vehicle, called a "bridge bank," for dealing with bank failures. This vehicle enables the FDIC to "bridge" the gap between the failed bank and a satisfactory purchase-and-assumption or other transaction that cannot be accomplished at the time of failure.

A "bridge bank" is a new national bank established by the FDIC to take over the assets and liabilities of failed bank and to carry on its business for a limited period of time. The FDIC may only establish a bridge bank if it finds that:

The cost of organizing and operating a bridge bank will not exceed the cost of liquidating the failed bank, including paying its insured accounts; or

The continued operation of the failed bank is essential to provide adequate banking services in its community; or

The continued operation of the failed bank is in the best interest of the depositors of the closed bank or the public.

The FDIC must dispose of the stock of a bridge bank within two years. The FDIC may, after consulting with the Comptroller of the Currency, extend this deadline for a maximum of one year.

Bridge banks would have all the powers of other national banks. They would not always have capital, however. Accordingly, this section would also free bridge banks from various statutory limits based on bank capital, and would instead empower the Comptroller of the Currency to specify appropriate limits.

When a bridge bank has taken over a failed bank, and the failed bank could have been acquired by a bank owned by an out-of-state holding company under Section 13(f) of the FDI Act, 12 U.S.C. § 1823(f), the bridge bank may likewise be acquired by a bank owned by an out-of-state holding company, or directly by an out-of-state bank or holding company.

Section 105: Treatment of funds of depository institution regulators

This section expressly exempts the funds of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration from the apportionment authority of the Office of Management and Budget. This will confirm the flexibility and independence these self-financing agencies need to respond quickly to failing depository institutions, and to supervise all depository institutions effectively.

Section 106: Credit union amendments

This section ends the sunset altogether for the conservatorship and emergency merger authorities for the National Credit Union Administration. Also it provides NCUA with two additional grounds for imposing conservatorship: when there is a willful violation of a cease and desist order which has become final; and when there is a concealment of or refusal to submit documents and/or other records of the credit union to an NCUA examiner or other lawful agent of the NCUA Board. Additionally, this section expressly states that NCUA has all the powers of the credit union members, directors, officers, and committees when exercising its conservatorship authority.

TITLE II: FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION RECAPITALIZATION ACT OF 1986

SECTION-BY-SECTION ANALYSIS

Section 201: Short Title

This section states the title of the Act as the "Federal Savings and Loan Insurance Corporation Recapitalization Act of 1986."

Section 202: Financing Corporation

Section 202 amends the Federal Home Loan Bank Act to add a new section 21 that would require the Federal Home Loan Banks ("FHLBanks" or "Banks") to invest in the newly created "Financing Corporation," which, in turn, would be required to invest in the Federal Savings and Loan Insurance Corporation ("FSLIC"). Under paragraph (1) of subsection (a) of new section 21 of the Federal Home Loan Bank Act, the Federal Home Loan Bank Board ("board") would be required to charter the Financing Corporation, which would be under the direction of the Financing Corporation Directorate ("Directorate"), and operated by the Directorate subject to the board's rules, regulations, orders, and directions. Subsequent provisions of this Act describe the Financing Corporation, which would be owned by the FHLBanks and would be used as a means of financing an equity transfer to FSLIC. Paragraph (1) also would require each FHLBank to purchase non-voting capital stock in the Financing Corporation at such time and in such amounts as prescribed by the board. The stock would have par value and would be transferable only among the Banks, in the manner prescribed by the board. The Banks' investment would be lawful, notwithstanding limitations found elsewhere in the Federal Home Loan Bank Act.

The Directorate would consist of three members, one of whom would be the Director of the Office of Finance of the FHLBanks or his successor, and two of whom would be selected by the Chairman of the Federal Home Loan Bank Board from among the presidents of the FHLBanks. Each of the two FHLBank presidents would serve for a term of one year. No president of a FHLBank could be selected to serve an additional term on the Directorate unless each of the FHLBank presidents had already served at least as many terms as the president being selected to serve the additional term. The legislation provides that the Chairman of the Federal Home Loan Bank Board will select a chairman of the Directorate from among its three members.

Paragraph (2) of subsection (a) of new section 21 would limit the aggregate amount of the Banks' investment in the Financing Corporation to $3 billion, and the cumulative investment by each Bank to the aggregate of its legal reserves plus "undivided profits." For purposes of the Banks' investment in the Financing Corporation, the language referring to legal reserves and "undivided profits" is intended to include all retained earnings of the FHLBanks except for those amounts held in the "dividend stabilization reserve" as of December 31, 1985. The "dividend stabilization reserve" is excluded from investment in the Financing Corporation because it includes funds, above the legal reserves, that had been determined not to be dividended in the year earned, so as to create a possible supplement to future years' dividends. This special dividend reserve, would however, have to be used completely before a FHLBank, subject to board approval, could ever draw on its legal reserves under the circumstances outlined under section 205 of this Act. To ensure that only the amount held in the "dividend stabilization reserve" as of December 31, 1985, is excluded from the amounts that may be invested in the Financing Corporation, the legislation specifically lists the amounts held by each FHLBank in its "dividend stabilization reserve" as of December 31, 1985. For purposes of this Act, "undivided profits" includes retained earnings other than legal reserves and amounts held in the "dividend stabilization reserve" as of December 31, 1985. "Legal reserves" refers to the amount each FHLBank has and is required to carry to a reserve account pursuant to the first two sentences of Section 16(a) of the Federal Home Loan Bank Act.

Under paragraph (3) of subsection (a) of new section 21, each FHLBank would be required to purchase a specified percentage of the first $1 billion of stock in the Financing Corporation. The percentage of the first $1 billion that each Bank is required to invest in non-voting capital stock of the Financing Corporation is derived from a formula taking into account each Bank's individual share of total FHLBank System retained earnings (minus their "dividend stabilization reserves") and the share of FSLIC-insured deposits held by each Bank's member institutions. By taking into account the shares of FSLIC-insured deposits held by Bank's member institutions, the formula accommodates Banks' member institutions that are insured by the Federal Deposit Insurance Corporation.

Allocation of the remaining stock purchases is based on the percentage of total assets of FSLIC-insured members represented at each Bank; however, the amount of stock that any FHLBank would be required to purchase is limited to the total of its legal reserves plus undivided profits, which are described above. The aggregate amount of Financing Corporation stock that must be purchased by all of the FHLBanks is not reduced because of the above limitation, which may affect particular Banks. Therefore, paragraph (4) of this subsection provides for a reallocation of stock purchases among Banks that have not reached their limits.

Paragraph (4) of subsection (a) of new section 21 provides that if a Bank could not purchase the full amount of stock in the Financing Corporation because that amount exceeded its legal reserves plus undivided profits, the amount that that Bank could not purchase would be prorated for investment among the remaining FHLBanks based on their stock holdings in the Financing Corporation, as long as the cumulative amount of funds required to be invested in by the remaining Banks did not exceed their legal reserves and undivided profits. Any such FHLBank that did not purchase the full amount of Financing Corporation stock as required under the formula in the preceding paragraph would be obligated to purchase at some future time from those Banks to which such stock was reallocated, the stock that would have originally been allocated to it. Until the restricted Bank had fulfilled this repurchase obligation, it would be prohibited from paying dividends in excess of one-half of its net earnings. Such funds not paid out in dividends would be placed in a reserve required by the board and would not be available for dividends.

Under subsection (b) of new section 21, the Financing Corporation, subject to rules, regulations, orders, and directions prescribed by the board, would be provided with corporate powers necessary and appropriate for its operation as a specialized corporate entity. Such corporate powers would include the power to issue obligations in the form of non-voting capital stock to FHLBanks; to invest in any securities issued by FSLIC; to borrow from the capital markets by issuing debt, the maturity of which (including any refinancings) could not exceed thirty years, and the net proceeds of which would be required to be invested in FSLIC, or used to refund obligations whose net proceeds were so invested, under terms and conditions approved by the board; with the board approval, to assess each institution insured by FSLIC an amount not to exceed one-twelfth of 1 per centum of the total amount of all accounts of the insured members of such institution on an annual basis. The Financing Corporation is provided with additional exceptional authority to assess against each insured institution an additional amount not to exceed one-eighth of 1 per centum of the total amount of all accounts of the insured members of such institution on an annual basis. This exceptional authority may be exercised only with board approval and a vote by all the members of the Directorate of the Financing Corporation confirming that such assessments are necessary in order for the Financing Corporation to meet its interest payment obligations because no other sources of income are available.

The Financing Corporation may not collect assessments, whether regular or exceptional, in excess of the amount necessary to pay the interest on and issuance of its obligations. While the assessment rates are calculated on an annual basis, the assessments are authorized to be collected on a semiannual basis. Thus, the maximum assessment rate is one-twelfth of 1 per centum plus one-eighth of 1 per centum, or $\frac{5}{24}$ of 1 per centum of all the accounts of the insured members of an institution. In section 208, FSLIC's authority to collect premiums would be reduced directly by the amount that the financing corporation assesses. Thus no institution could be required to pay more assessments in the aggregate to both FSLIC and the Financing Corporation combined than $\frac{5}{24}$ of 1 per centum. Note should also be taken that Section 211 provides a scheduled phase-down of FSLIC's current special assessment.

Under the terms of subsection (c), the Financing Corporation would have no paid employees and the Directorate could, with the approval of the board, authorize the officer, employees, or agents of the FHLBanks or board to act on behalf of the Financing Corporation to perform the Financing Corporation's functions.

Under paragraph (1) of subsection (d) of new section 21, obligations of the Financing Corporation (which would be issued only with the approval of the board), like FHLBank obligations, would be lawful investments, and could be accepted as security for all fiduciary, trust, and public funds, the investment or deposit of which would be under the authority or control of the United States or any officer or officers thereof. This subsection would also authorize the Federal Reserve banks to act as depositories, custodians, and/or fiscal agents for the Financing Corporation in the general performance of its powers under this Act.

Pursuant to paragraph (2) of subsection (d) of new section 21, obligations of the Financing Corporation would be treated in the same manner as FHLBank obligations for purposes of investment, sale, underwriting, purchase, use as collateral, and dealing

by financial institutions such as banks, thrifts, and credit unions.

Under paragraph (3) of subsection (d) of new section 21, the Financing Corporation would bear exclusive liability for its obligations and interest thereon. The Financing Corporation's obligations and interest thereon would not be obligations of or guaranteed by the FHLBanks, the United States, or FSLIC. Obligations of the Financing Corporation would have the same tax status as obligations of the FHLBanks and the Financing Corporation would have the same tax status as the FHLBanks. The Secretary of Treasury would be authorized to prepare the necessary forms of stock, debentures, and bonds, as approved by the board, pursuant to Section 23 of the Federal Home Loan Bank Act, for obligations of the Financing Corporation, as the Secretary of Treasury is also so authorized for obligations of the FHLBanks.

Under paragraph (4) of subsection (d) of new section 21, all instruments issued by the Financing Corporation would be exempt securities under the provisions of the Federal securities law administered by the Securities and Exchange Commission. This exemption is the same as that enjoyed by obligations of the FHLBanks.

Under paragraph (5) of subsection (d) of new section 21, the Financing Corporation would be prohibited from making any net new borrowings after December 31, 1996, although the Financing Corporation would be permitted to refinance previously issued debt after December 31, 1996. Refinancings of previously issued debt could not mature later than December 31, 2026.

Paragraph (6) of subsection (d) of new section 21 would accord the Financing Corporation the same coverage under the Government Corporations Control Act as the FHLBanks are accorded under that Act pursuant to Section 11(j) of the Federal Home Loan Bank Act (12 U.S.C. 1431(j)). Thus, audits of the Financing Corporation by the General Accounting Office could be conducted although the Financing Corporation would have no Government capital invested in it. In addition, the Secretary of the Treasury, a Federal Reserve bank, or a bank designated as a depository or fiscal agent of the United States Government would have the authority to keep the Financing Corporation's accounts (although the Secretary of Treasury could waive this provision regarding accounts and there is separate authority for Federal Reserve banks to act as depositaries, custodians, and/or fiscal agents for the Financing Corporation pursuant to new paragraph 21(d)(1)). Before the Financing Corporation could issue obligations and offer them to the public, the Secretary of the Treasury would prescribe the various conditions to which the obligations would be subject (including the form, denomination, maturity, and interest rate), the way and time the obligations would be issued, and the price for which the obligations would be sold. This procedure is currently in place for the issuers who are subject to Section 9108(a) of title 31, United States Code (part of the Government Corporations Control Act) and in practice the Treasury generally approves terms and conditions on obligations as proposed by these issuers. Finally, before the Financing Corporation could buy or sell a direct obligation of the United States Government, or an obligation on which the principal, interest, or both, is guaranteed, of more than $100,000, the Secretary of Treasury would have to approve the purchase or sale, although the Secretary could waive this requirement. All of these authorities also pertain to the FHLBanks' issuance of debt.

Under new subsection 21(e), the Financing Corporation, subject to regulations and limitations prescribed by the board, would be authorized to use its assets, which are not invested in FSLIC, for interest payments on its obligations or issuance costs or would invest those assets in the same set of obligations and under the same conditions as FHLBanks are permitted to invest their reserves under the current Section 16 of the Federal Home Loan Bank Act. These investments include: (1) investments in zero-coupon securities, which investments' face value at maturity should approximately equal the principal of debt issued by the Financing Corporation; and (2) short-term investments of the net proceeds of debt issued by the Financing Corporation prior to the purchase of FSLIC capital stock and certificates. This subsection limits the amount of funds the Financing Corporation may invest and have outstanding in Treasury STRIPS or other non-interest bearing securities purchased at a discount to $2.2 billion, based upon purchase price. These STRIPS or zero-coupon instruments will be long-term investments whose face value would approximately equal the principal due on the Financing Corporation's long-term debt.

Under this subsection, the Financing Corporation could devote part of the FHLBanks' investment to interest payments and issuance costs on its bonds. Thus, if the FHLBanks invest $3 billion in the Financing Corporation, a minimum of $800 million would be allocated to interest payments and issuance costs.

Under new subsection 21(f), obligations issued by the Financing Corporation and outstanding would be issued at such times and in such amounts as the board determines, but would not be permitted to exceed the greater of (1) five times the Financing Corporation's paid-in capital, as determined by the board, or (2) the face amount (which for zero-coupon securities would be the principal amount due at maturity) of obligations invested in by the Financing Corporation pursuant to subsection 21(e). The second restriction would permit the Financing Corporation to exceed a five-to-one leverage only if it could purchase securities whose amount due at maturity would at least equal the principal amount due on all the Financing Corporation's debt, thereby ensuring that the debt principal would be repaid.

New subsection 21(g) would require both retirement of all Financing Corporation obligations and liquidation of the Financing Corporation no later than December 31, 2026. This date relates to the date in new subsection 21(b)(3) which provides both that the Financing Corporation cannot issue obligations whose maturities exceed thirty years, and to subsection 21(d)(5) which states that the Financing Corporation can make no net new borrowings after December 31, 1996. Under subsection 21(g)(2) the board, on behalf of the FHLBanks, would be the successor to the powers of the Financing Corporation deemed necessary by the board to be preserved.

New subsection 21(h) would create a Federal Savings and Loan Insurance Corporation Industry Advisory Committee to review and make recommendations concerning the agency's activities, expenditures and receipts. To enable it to perform this function, the Committee would have access to the new quarterly reports that the FSLIC would be required to prepare under section 209 of this bill.

The Committee, which would be exempt from Federal Advisory Committee Act coverage, would consist of 13 members, one from each Federal Home Loan Bank District (to be elected annually by the elected members of each Bank's directorate), plus the Chairman, who would be appointed each year by the Chairman of the Federal Home Loan Bank Board. Expenses incurred by members in connection with attending Committee meetings would be paid for by the FHLBanks, as specified by regulations issued by the Bank Board. The Bank Board also would be empowered to prescribe regulations to guard against possible conflicts of interest that might arise from providing sensitive FSLIC data to industry representatives. Under new subsection 21(h)(4), the Committee would be required to report annually to Congress. The Committee would cease to exist upon the dissolution of the Financing Corporation.

Section 203: Conforming Amendment

Section 203. Section 203 would establish the status of the Financing Corporation as a "mixed ownership" government corporation, which is the same status accorded to FHLBanks, under the Government Corporations Control Act, Although there would be no government capital invested in the Financing Corporation, this category of "mixed ownership" has been accorded to the Financing Corporation to provide it with parallel legal status to that of the FHLBanks.

Section 204: Investment in FSLIC

Section 204 would empower FSLIC to issue equity in the forms of redeemable non-voting capital stock and non-redeemable capital certificates. The non-voting capital stock would be issued in an amount equal to the aggregate investment by the HFLBanks in the Financing Corporation. The Financing Corporation would be the sole purchaser of both the capital certificates and the capital stock issued by FSLIC, and proceeds paid to FSLIC from that purchase would be included as part of the primary reserve of FSLIC. The capital certificates and stock would pay no dividends.

This section also would authorize FSLIC to pay off and retire its capital stock upon maturity of all the obligations issued by the Financing Corporation. Since FSLIC's capital certificates would be non-redeemable, FSLIC would extinguish them with no payoff at the time FSLIC retired the capital stock. FSLIC would be authorized to make such payoff on the retired capital stock solely with its contributions accumulated in its "equity return account," an account created under this Act that could include annual contributions made by FSLIC according to statutorily prescribed formulae. Any such contributions would be made at the end of each year beginning in 1997 and ending in the year during which the last obligation of the Financing Corporation matures. Contribution amounts made to the equity return account would not be included as FSLIC reserves. Such contribution amounts would be the only monies included in the equity return account. Any interest earned on the funds in the equity return account would be for the account of FSLIC and would not be included as part of the equity return account, but would be added to the reserves of FSLIC. While the contributions to the equity return account would be made annually as prescribed above, no payoff and retirement of FSLIC stock would

be authorized to be made until the maturity of all Financing Corporation obligations.

The formulae for the annual contributions are described below. No annual contributions can be required to be made if the FSLIC reserves are less than .50 percent of all accounts of all insured members (as of December 31 of the preceding year). In any year in which FSLIC's reserves are equal to .50 percent of all accounts of all insured members or greater (as of December 31 of the previous year), the contribution would be the amount invested by the Financing Corporation in FSLIC capital stock, divided by the number of years from the first year after 1996 that the reserves to accounts ratio reached .50 percent to the year in which the last maturing obligation of the Financing Corporation matures (which could be no later than 2026).

The legislation also provides for additional contributions as determined by the board, under certain circumstances. In any year in which the FSLIC's reserves are equal to 1.0 percent of all accounts of all insured members or greater up to and including 1.25 percent of all such accounts (as of December 31 of the preceding year), the additional contribution as determined by the board could be a maximum of 6 percent per year compounded on the amount invested by the Financing Corporation in FSLIC capital stock computed from the year the investment was made to the year in which the last maturing obligation of the Financing Corporation matures (not later than 2026), divided by the number of years from the first year after 1996 that the reserves to accounts ratio reached 1.0 percent to the year in which the last maturing obligation of the Financing Corporation matures. The legislation sets forth two other formulae for possible additional contributions if the reserves to accounts ratio of FSLIC were to increase, raising the percentage compounded and subtracting from these in the numerator of the fraction, the amounts already paid out in additional contributions. All these additional contributions, which would be above the repayment of the amount invested by the Financing Corporation in FSLIC capital stock, would be subject to the discretion of the board.

This legislation is structured carefully to create, in a fair and appropriate manner, budgetary collections from the equity investments in FSLIC that would offset budgetary outlays resulting from FSLIC's case resolution costs. CBO, OMB, and GAO are in agreement on this point.

Section 204 also makes clear that the term "Financing Corporation" refers to the corporation chartered pursuant to section 202 of this legislation, new section 21 of the Federal Home Loan Bank Act.

Finally, section 204 makes clear that certain statutorily prescribed actions regarding the FSLIC's primary and secondary reserves could not be triggered as long as shares of the capital stock of the FSLIC are outstanding.

Section 205: Dividends

Section 205 would amend Section 16 of the Federal Home Loan Bank Act to allow the board, under certain circumstances, to authorize a FHLBank to declare and pay dividends out of its undivided profits or legal reserves, but only after such Bank has reduced all other reserves (e.g., the "dividend stabilization reserve") to zero. Such an extraordinary dividend may be permitted where (1) a FHLBank incurs a charge-off related to its investment in the Financing Corporation and (2) the board determines there is an extraordinary need for payment of such dividends. Any such use of undivided profits or legal reserves would not affect the requirements for FHLBanks' investments in Financing Corporation Stock.

Section 206: Exemption from Stock Retirement Schedule

Section 206 is meant to clarify that the sentences referring to the retirement of capital stock in subsection 402(h) of the National Housing Act do not cover either FSLIC stock or FSLIC certificates issued pursuant to this Act.

Section 207: Secondary Reserve

Section 207 would restore the legal framework governing the FSLIC's secondary reserve to its condition prior to the Garn-St Germain Act. That Act, included language in section 126 permitting the secondary reserve to be used on the same basis as the primary reserve. Previously, the secondary reserve was to be tapped only to cover FSLIC losses, and was to be used only to the extent other funds were unavailable—restrictions flowing from the fact that the funds in the secondary reserve represented prepaid insurance premiums that were intended to be refunded over time. While the 1982 changes were justified under the extreme conditions then existing, there is no need for their continuation in the context of a recapitalization of the FSLIC.

Section 208: Offset of Premiums

Section 208 would amend section 404 of the National Housing Act to limit FSLIC's authority to collect premiums and assess additional premiums by reducing it by the amount the Financing Corporation assesses. Thus, no institution could be required to pay more than the one-twelfth premium plus the additional one-eighth premium, whether the premiums are paid to FSLIC, the Financing Corporation, or a combination of both. As under current law, the imposition of the one-eighth of 1 per centum assessment would be limited to special circumstances.

Section 209: FSLIC Reports

This amendment creates a new section 402(k) of the National Housing Act which would require the FSLIC to prepare two sets of quarterly reports and budgets—one projecting its activities, receipts and expenditures for the next quarter, and the other describing such matters with regard to the quarter immediately past. These reports and budgets would impose additional discipline on the FSLIC operation, and would serve as the basic oversight mechanism available to the FSLIC Industry Advisory Committee under section 202(h)(1) of this bill. The reports would also provide the Banking Committees with a detailed overview of FSLIC operations every six months.

Section 210: Federal Home Loan Bank Lien Priority

Section 204 would provide perfected lien holder status for the Federal Home Loan Banks when they make advances to member institutions. In the absence of this provision the Banks would be required to go through the process and incur the expenses associated with the filing of such liens which would adversely affect their ability to make the contributions they are required to make under the provisions of the recapitalization plan. In addition, as the lender of last resort, often times the Banks do not have time to perfect their liens and though being such lender of last resort, they could be treated as merely unsecured creditors if the institution fails.

Section 211: Limitation on Additional Premiums

Section 211 would amend 404 of the National Housing Act to provide for a scheduled phase-down of FSLIC's current special assessment over a five year period beginning in 1987 and ending in 1991. The phase-down schedule could only be interrupted by a finding by the Federal Home Loan Bank Board that severe pressures on FSLIC necessitate the additional funds.

Section 212

Section 212 amends Section 403 of National Housing Act and Section 18 of the Federal Deposit Insurance Act to streamline the conversion of an FDIC-insured institution to an FSLIC-insured institution. Under current law, an FDIC-insured institution is prohibited from merging or consolidating with any noninsured institution without the prior approval of the FDIC. This amendment makes clear that FDIC approval is not required if the transaction results in an FSLIC-insured institution. Because FSLIC approval would always be required before insurance could be granted, requiring FDIC approval was duplicative and afforded no additional protection of depositors or the federal insurance funds.

Section 213: Authority of Independent Contractors

Section 213 amends section 406 of the National Housing Act to order FSLIC to require its consultants to disclose the extent of their authority to bind the corporation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Michael Mussa, of Illinois, to be a Member of the Council of Economic Advisors; and

H. Robert Heller, of California, to be a Member of the Board of Governors or the Federal Reserve System for the unexpired term of fourteen years from February 1, 1982.

(The above nominations were reported from the Committee on Banking, Housing, and Urban Affairs with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. Goldwater, from the Committee on Armed Services:

Mr. GOLDWATER. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in

the RECORD of July 18, July 21, July 22, July 28, July 31, August 1, and August 5, 1986, at the end of the Senate proceedings.)

**In the Army there are 2,685 promotions to the grade of major (list begins with Verlin L. Abbott) (Ref. 1244).

**In the Navy there is 1 promotion to the grade of Chief Warrant Officer, W-3 (Maryus O. Saunders) (Ref. 1245).

*Lieutenant General Edgar A. Chavarrie, U.S. Air Force, to be placed on the retired list (Ref. 1251).

*Lieutenant General Robert E. Kelley, U.S. Air Force, to be placed on the retired list (Ref. 1252).

*Vice Admiral Bernard M. Kauderer, U.S. Navy, to be placed on the retired list (Ref. 1253).

**In the Air Force Reserve there are 4 appointments to the grade of colonel and below (list begins with Yon Chan Lee) (Ref. 1254).

**In the Army Reserve there are 25 appointments to the grade of colonel and below (list begins with Nicoll F. Galbraith, Jr.) (Ref. 1255).

**In the Navy and Naval Reserve there are 38 appointments to the grade of captain and below (list begins with Scott G. Chatlin) (Ref. 1256).

*In the Army Reserve there are 13 appointments to the grade of major general and below (list begins with Marvin G. Back) (Ref. 1264).

**In the Air Force Reserve there are 18 promotions to the grade of lieutenant colonel (list begins with Charles E. Amos) (Ref. 1265).

**In the Navy there are 45 appointments to the grade of ensign (list begins with John B. Anderson) (Ref. 1266).

Lieutenant General Richard D. Lawrence, U.S. Army, to be placed on the retired list (Ref. 1277).

*Colonel Charles J. McDonnell, Chaplains Competitive Category, U.S. Army, to be brigadier general (Ref. 1278).

**In the Air Force there are 4 promotions to the grade of colonel (list begins with Robert D. Childs) (Ref. 1279).

**In the Marine Corps there are 4 appointments to the grade of second lieutenant (list begins with Craig S. Esslinger) (Ref. 1280).

*Vice Admiral Edward A. Burkhalter, Jr., U.S. Navy, to be placed on the retired list (Ref. 1283).

*Rear Admiral Hugh D. Campbell, Jr., U.S. Navy, to be Judge Advocate General of the Navy (Ref. 1284).

*Rear Admiral Richard M. Dunleavy, U.S. Navy, to be vice admiral (Ref. 1285).

*Vice Admiral Robert F. Dunn, U.S. Navy, to be reassigned (Ref. 1286).

*Rear Admiral Diego E. Hernandez, U.S. Navy, to be vice admiral (Ref. 1287).

*Rear Admiral Charles R. Larson, U.S. Navy, to be vice admiral (Ref. 1288).

*Vice Admiral Edward H. Martin, U.S. Navy, to be reassigned (Ref. 1290).

*Vice Admiral Henry C. Mustin, U.S. Navy, to be Senior Navy Member of the Military Staff Committee of the United Nations (Ref. 1292).

**In the Air Force Reserve there are 21 promotions to the grade of lieutenant colonel (list begins with Frederick J. Barratt) (Ref. 1293).

**In the Air Force there is 1 appointment to a grade no higher than major (Gary A. Piepkorn) (Ref. 1296).

**In the Air Force there are 3 appointments to the grade of lieutenant colonel and below (list begins with Gary A. Piepkorn) (Ref. 1297).

**In the Air Force there are 35 appointments to the grade of colonel and below (list begins with Robert P. Belihar) (Ref. 1298).

**In the Marine Corps there are 9 appointments to the grade of second lieutenant (list begins with Donald P. Baldwin) Ref. 1299).

*General Andrew P. Iosue, U.S. Air Force, to be placed on the retired list (Ref. 1307).

*Major General Thomas J. Hickey, U.S. Air Force, to be lieutenant general (Ref. 1308).

*Lieutenant General John A. Shaud, U.S. Air Force, to be reassigned (Ref. 1309).

By Mr. STENNIS, from the Committee on Armed Services:

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Emmett H. Walker, Jr., [redacted] (Age 62), Army National Guard of the United States.

The following-named officer under the provisions of Title 10, United States Code, Section 3015, for appointment as Chief, National Guard Bureau, and further under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Herbert R. Temple, Jr., [redacted] Army National Guard of the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GORTON (for himself and Mr. EVANS):

S. 2743. A bill to amend the Nuclear Waste Policy Act of 1982 to suspend the site characterization process, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HOLLINGS:

S. 2744. A bill to require the issuance of import licenses for certain imports; to the Committee on Finance.

By Mr. THURMOND:

S. 2745. A bill for the relief of Gili Pattir and Sharon Pattir; to the Committee on the Judiciary.

By Mr. WALLOP:

S. 2746. A bill to amend the Internal Revenue Code of 1954 and title IV of the Social Security Act to provide for the support of dependent children through a child support tax on absent parents, and to provide for a demonstration program to test the effectiveness of such tax prior to full implementation; to the Committee on Finance.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

S. 2747. An original bill to extend the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982; placed on the calendar.

By Mrs. HAWKINS (for herself, Mr. DECONCINI, and Mr. D'AMATO):

S. 2748. A bill to amend the Tariff Act of 1930 to increase the effectiveness of the Customs Service in enforcement matters, and for other purposes; to the Committee on Finance.

By Mr. NUNN:

S. 2749. A bill to require the construction of a reregulation dam on the Chattahoochee River, GA, subject to certain conditions; to the Committee on Environment and Public Works.

By Mr. COHEN (for himself and Mr. MITCHELL):

S. 2750. A bill to establish a property tax fund for the Houlton Band of Maliseet Indians in furtherance of the Maine Indian Claims Settlement Act of 1980, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2751. A bill to provide for a land exchange in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

S. 2752. An original bill to extend titles I and II of the Garn-St Germain Depository Institutions Act of 1982, to provide for emergency acquisitions of banks in danger of closing, to recapitalize the Federal Savings and Loan Insurance Corporation, and for other purposes; placed on the calendar.

By Mr. GRASSLEY (for himself, Mr. PRYOR, and Mr. NICKLES):

S. 2753. A bill to provide for computing the amount of the deductions allowed to rural mail carriers for use of their automobiles; to the Committee on Finance.

By Mr. BOREN (for himself and Mr. NICKLES):

S. 2754. A bill to modify the flood control project for Denison Dam, Red River, Texas and Oklahoma, to include recreation as a project purpose; to the Committee on Environment and Public Works.

By Mr. BYRD (for himself and Mr. ROTH):

S. 2755. A bill to amend section 232 of the Trade Expansion Act of 1962 to improve its administration, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himself and Mr. STAFFORD):

S.J. Res. 393. Joint resolution making a repayable advance to the Hazardous Substance Response Trust Fund; to the Committee on Appropriations.

By Mr. LAUTENBERG (for himself, Mr. STENNIS, Mr. BRADLEY, Mr. ANDREWS, Mr. BURDICK, Mr. ROCKEFELLER, Mr. NUNN, Mr. PRYOR, Mr. HEINZ, Mr. GORE, Mr. BENTSEN, Mr. KERRY, Mr. MURKOWSKI, Mr. MCCLURE, Mr. MOYNIHAN, Mrs. HAWKINS, Mr. SASSER, Mr. DODD, Mr. WEICKER, Mr. CRANSTON, Mr. SIMON, Mr. METZENBAUM, Mr. DOLE, Mr. DECONCINI, Mr. HOLLINGS, Mr. SPECTER, Mr. WILSON, and Mr. QUAYLE):

S.J. Res. 394. Joint resolution to designate the week of October 6, 1986, through October 12, 1986, as "National Children's Television Awareness Week"; to the Committee on the Judiciary.

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. WEICKER, and Mr. PROXMIRE):

S.J. Res. 395. Joint resolution to designate the period October 1, 1986, through September 30, 1987, as "National Institutes of Health Centennial Year"; to the Committee on the Judiciary.

By Mr. HATCH:

S.J. Res. 396. Joint resolution to designate the week of October 26, 1986, through November 1, 1986, as "National Adult Immunization Awareness Week"; to the Committee on the Judiciary.

By Mr. MATHIAS:

S.J. Res. 397. Joint resolution to designate the year beginning January 1, 1987, through December 31, 1987, as the "Year of the Reader"; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. PROXMIRE, Mr. MATHIAS, Mr. SARBANES, Mr. MOYNIHAN, Mr. KERRY, Mr. GORE, Mr. MATSUNAGA, Mr. BURDICK, Mr. HOLLINGS, Mr. PRYOR, Mr. NUNN, Mr. SASSER, Mr. WEICKER, Mr. STAFFORD, Mr. METZENBAUM, Mr. KENNEDY, Mr. SIMON, Mr. COCHRAN, Mr. HATCH, Mr. CHILES, Mr. GRASSLEY, Mr. WARNER, Mr. BOSCHWITZ, Mr. HATFIELD, and Mr. THURMOND):

S.J. Res. 398. Joint resolution to designate the week beginning September 7, 1986, as "National Freedom of Information Act Awareness Week"; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROTH:

S. Res. 477. Resolution waiving section 303(a) of the Congressional Budget Act of 1974 with respect to S. 2230 as reported by the Committee on Governmental Affairs; to the Committee on the Budget.

By Mr. ROTH, from the Committee on Governmental Affairs:

S. Res 478. An original resolution to express the sense of the Senate that Regulations promulgated by the National Archives and Records Administration setting forth procedures for the preservation, protection of, and access to historical materials of the Nixon Administration (36 CFR Part 1275) meet the requirements of the Presidential Recordings and Preservation Materials Act of 1974 (44 USC 2111 note), and for other purposes; placed on the calendar.

By Mr. MATHIAS, from the Committee on Rules and Administration:

S. Res. 479. An original resolution amending the Rules of Procedures and Practice in the Senate when sitting on impeachment trials; placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GORTON (for himself and Mr. EVANS):

S. 2743. A bill to amend the Nuclear Waste Policy Act of 1982 to suspend the site characterization process, and for other purposes; to the Committee on Governmental Affairs.

NUCLEAR WASTE POLICY AMENDMENTS

Mr. GORTON. Mr. President, today I am introducing a bill, at the request of the Governor of the State of Washington, to restructure the process for selecting a high-level nuclear waste repository.

After it became apparent that the Department of Energy had made a complete sham of the process required by the Nuclear Waste Policy Act of 1982, Washington's Governor, Booth Gardner, developed a plan to stop the Department's misguided and illegal actions and to put the site selection process back on track. Governor Gardner requested that members of the Washington delegation formally submit this plan for Congress consideration. I am introducing this bill, entitled the Nuclear Waste Policy Amendments of 1986, in conjunction with Congressmen MORRISON and SWIFT, who are introducing identical legislation in the House of Representatives today and who provided outstanding leadership in writing this proposal.

Mr. President, the Department of Energy has reduced the repository site selection process to a game of Russian roulette. The Department has arbitrarily narrowed its intended target down to the States of Washington, Nevada, and Texas. After spinning the gun's chamber once more the Department intends to fire that final shot, sealing the fate of one of these States as the Nation's only high-level nuclear waste repository.

Mr. President, I am outraged at the Department of Energy's actions. As a member of the Environment and Public Works Committee during the 97th Congress, I was deeply involved in developing what is now Public Law 97-425, the Nuclear Waste Policy Act of 1982. The fundamental purposes of that act were to establish a Federal policy, initiate a program, and set up a national schedule for the disposal of high-level nuclear waste and spent fuel. This law was enacted after years of congressional efforts to achieve a fair and workable approach to disposing of our Nation's high-level nuclear waste. Congress recognized the need for public confidence in the integrity of the process by which the Federal Government would site and manage repositories. Thus, Congress developed a statutory scheme to depoliticize the site selection process and ensure that the health and safety of our citizens was our highest priority.

Unfortunately, Congress has so far been unable to legislate law-abiding Department of Energy officials. The Department has clearly violated the intent and letter of the Nuclear Waste Policy Act of 1982. In the hands of the Department of Energy, repository siting has become a political football, and scientific and technical knowledge have been left on the sidelines along with considerations of public health and environmental safety.

The 1982 act called for an eastern and a western repository to ensure regional and geographic equity, and required the Department of Energy to establish a methodology of selection intended to result in the selection of the safest, most suitable sites. The Department ignored the law by unilaterally deciding indefinitely to postpone the search for the second, eastern repository. In addition, to select the three finalists to be characterized for the western site, the Department ignored the scientific selection methodology required by the act. The site in Washington State, for example, ranked last out of five in the preliminary stages of site analysis. For such important factors as public safety, transportation safety, costs, and isolating waste from the environment, Washington's site ranked dead last. Despite this evaluation, however, the Department of Energy named Washington as one of the top three candidates for characterization. Even more disturbing, is the fact that the Department cannot explain how it arrived at this decision. When asked to provide documentation of the decisionmaking process, the Department informed Congress that all working materials leading up to the ranking decision had been destroyed. It is obvious that the Department's site selection process has lost all credibility.

In light of the Department of Energy's failure to carry out the 1982 act, Governor Gardner proposes that the repository site selection process be brought to an immediate halt, and the process restructured. The Governor's proposal, as set forth in this bill, would establish a Federal Nuclear Waste Board responsible for implementing the act. The Board would be comprised of the Secretary of Energy, the Administrator of the Environmental Protection Agency and the Secretary of the Interior, and the Director of the National Academy of Sciences as an advisory membership. The Board would appoint an independent panel of experts to study the need for a second repository. Once the panel has submitted its recommendation with respect to a second repository, a nationwide search would be conducted for one or more safe repositories.

Mr. President, I put forth this bill as a starting point for the Senate's reconsideration of the Nuclear Waste Policy Act of 1982. The credibility of the Department of Energy and the site selection process have been completely destroyed, as evidenced by the number and nature of the pending lawsuits, the lack of progress in State/Federal interactions, and the slippage in the siting schedule. Congress must carefully review the Department's implementation of the Nuclear Waste Policy Act and take the steps necessary to solve the Nation's high level nuclear waste disposal problem. I urge my colleagues to give this bill their careful consideration.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nuclear Waste Policy Amendments of 1986".

SEC. 2. SUSPENSION OF SITE SELECTION.

No amount from the Nuclear Waste Fund established under section 302 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222), or any other source of funds, may be expended for site characterization activities under section 113 of such Act before the Federal Nuclear Waste Board established by the amendment made by section 3 of this Act has nominated sites for selection as repositories under section 112 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132), as amended by sections 4 and 5 of this Act.

SEC. 3. ESTABLISHMENT OF FEDERAL NUCLEAR WASTE BOARD.

Section 304 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224) is amended by inserting after subsection (b) the following new subsection:

"(c) FEDERAL NUCLEAR WASTE BOARD.—There is established within the Office, a Federal Nuclear Waste Board that shall be responsible for the implementation of this Act. The Board shall consist of the Secretary of Energy, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior. The Director of the National Academy of Sciences shall be an advisory member of the Board and the Secretary of Energy shall chair the Board. The Board shall be considered an agency for the purposes of subchapter II of title V of the United States Code.".

SEC. 4. REVISED SITING GUIDELINES.

(a) TO BE ISSUED BY THE BOARD.—Section 112(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(a)) is amended by striking the first sentence and inserting the following: "Not later than 24 months after the date of the enactment of the Nuclear Waste Policy Amendments of 1986, the Federal Nuclear Waste Board established by section 304(c) shall, by rule, issue revised guidelines for the recommendation of sites for repositories. Such guidelines shall be issued with the concurrence of the Commission and in consultation with the Council on Environmental Quality, the Director of the Geological Survey, and the Governor of any State desiring to participate in the issuance of the guidelines. Such guidelines shall specify the methodology that the Board shall use in ranking prospective sites in order of suitability as repositories.".

(b) DIFFERENT GEOLOGIC MEDIA.—Section 112(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(a)) is amended—

(1) by striking "in various geologic media" in the second sentence; and

(2) by striking "and, to the extent practicable, to recommend sites in different geologic media" in the seventh sentence.

SEC. 5. SITE SELECTION PROCESS.

(a) NOMINATIONS.—

(1) BASED ON NATIONAL SURVEY.—Section 112(b)(1)(A) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(b)(1)(A)) is amended to read as follows:

"(A) Not later than 18 months after the revised guidelines are issued under subsection (a), the Board shall nominate not less than 5 sites that it considers suitable for characterization under section 113. Such nominations shall be ranked in order of suitability and shall be based on—

"(i) the methodology specified under subsection (a); and

"(ii) a survey of—

"(I) the 9 sites identified in the repository program under section 112; and

"(II) any site identified in the Crystalline Rock Program as described in Volume 51, No. 11 of the Federal Register at page 2420; or

"(III) any other site that, in the judgment of the Board, may be suitable for characterization.".

(2) LIMITATION.—Section 112(b)(1)(B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(b)(1)(B)) is amended to read as follows:

"(B) The Board may use information available on the date of the enactment of the Nuclear Waste Policy Amendments of 1986 to make such nominations and ranking but shall not take into consideration the volume of information available about a particular site in ranking any such site for nomination."

(3) RECOMMENDATIONS TO PRESIDENT.—Section 112(b)(1)(C) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(b)(1)(C)) is amended to read as follows:

"(C) Not later than 18 months after the revised guidelines are issued under subsection (a), the Board shall recommend to the President for characterization as candidate sites not less than 3 of the sites nominated under subparagraph (A) with the highest rankings, as determined by the methodology specified in the revised guidelines issued under subsection (a).".

(b) DRAFT AND FINAL ENVIRONMENTAL ASSESSMENTS.—Section 112(b)(1)(E) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. (b)(1)(E)) is amended to read as follows:

"(E)(i) Not later than 6 months after the revised guidelines are issued under subsection (a), the Board shall issue a draft environmental assessment for any site that is a candidate for nomination under subparagraph (A). The Board shall allow not less than 6 months for public comment on any such draft environmental assessment.

"(ii) Not later than 12 months after the issuance of any draft environmental assessment under clause (i), the Board shall issue a final environmental assessment for any site nominated under subparagraph (A). Each such final environmental assessment shall include—

"(I) a detailed statement of the basis for such recommendation and the probable impacts of the site characterization activities planned for such site;

"(II) a discussion of alternative activities relating to site characterization activities planned for such site and alternative activities relating to site characterization that may be undertaken to avoid such impacts;

"(III) an evaluation by the Board as to whether such site is suitable for site characterization under the revised guidelines issued under subsection (a);

"(IV) an evaluation by the Board as to whether such site is suitable for development as a repository under each such guideline that does not require site characterization as a prerequisite for application of such guidelines;

"(V) an evaluation by the Board of the effects of the site characterization activities at such site on the public health and safety and the environment;

"(VI) a reasonable comparative evaluation (based on the methodology specified under subsection (a)) by the Board of such site with other sites and locations that have been considered;

"(VII) a description of the decision process by which such site was recommended; and

"(VIII) an assessment of the regional and local impacts of locating the proposed repository at such site.".

(c) FINAL AGENCY ACTION.—Section 112(b)(1)(F)(i) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(b)(1)(F)(i)) is amended—

"(1) by striking "(i)" after (F); and

(2) by inserting "final" before "environmental assessment" each place it occurs.

(d) PRESIDENTIAL DETERMINATION.—Section 112(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(c)) is amended by adding at the end the following:

"(3) If the President approves a candidate site under paragraph (1) in an order other than the order in which such sites were ranked under subsection (b)(1)(A), no site characterization activity under section 113 shall be carried out until 18 months after such approval.".

SEC. 6. SITE CHARACTERIZATION.

The first sentence of section 113(a) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10133) is amended by striking "and are located in various geologic media".

SEC. 7. SITE APPROVAL

(a) PRESIDENTIAL RECOMMENDATION.—Section 114(a)(2)(A) is amended to read as follows:

"(2)(A) Not later than 6 months after receiving a recommendation for approval of a site from the Board under paragraph (1), the President shall submit to the Congress a recommendation of 1 site from the sites initially characterized under section 113 that the President considers qualified for application for a construction authorization for a repository. The President shall submit with such recommendation a copy of the report for such site prepared by the Board under paragraph (1). After submission of such recommendation, the President may submit to the Congress recommendations for other sites, in accordance with provisions of this subtitle."

(b) ACTION BY NUCLEAR REGULATORY COMMISSION ON APPLICATION FOR CONSTRUCTION AUTHORIZATION.—Section 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)) is amended by striking paragraph (1).

(c) TIMING.—Section 114(f) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(f)) is amended by inserting after the fourth sentence the following: "The preliminary determination of suitability shall be made for each such site at such time as the draft environmental impact statement is filed for such site under section 114(f).

SEC. 8. FINANCIAL ASSISTANCE.

Section 116(c)(1)(B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10136(c)(1)(B)) is amended by inserting after "section 112(c)" and before the period the following: "and may make grants to States adjacent to any such State".

SEC. 9. SECOND REPOSITORY.

(a) STUDY.—

(1) APPOINTMENT OF PANEL.—The Federal Nuclear Waste Board established by the amendments made by section 3 of this Act (hereafter in this section referred to as the "Board") shall appoint a panel to study the need for disposal capacity beyond the 70,000 metric ton limitation described in sectioin 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10133). Such panel shall be composed of persons with appropriate tech-

nical training to make the determinations required in this section.

(2) DETERMINATION.—If such panel determines that there is a need for disposal capacity in excess of such limitation, it shall—

(A) identify all technologically feasible options for providing such capacity;

(B) rank such options in order of preference; and

(C) state the reasons for such ranking.

(3) OPEN MEETINGS.—Such panel shall be considered an agency for purposes of section 552b of title 5, United States Code.

(b) RECOMMENDATIONS.—The panel shall submit its findings and recommendations to the Board not later than 12 months after the date of the enactment of this Act.

(c) REPORT TO CONGRESS.—

(1) PANEL FINDINGS.—The Board shall promptly submit the findings and recommendations of the panel to the Congress.

LEGISLATIVE ACTION.—If the panel determines that there will be a need for disposal capacity beyond the 70,000 metric ton limitation insection 114(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(d)), the Board shall—

(A) recommend that the Congress implement one of the options identified by the panel under subsection (a); and

(B) submit to the Congress suggested legislation for implementing such option.

SEC. 10. RECISION OF MISSION PLAN.

Section 301 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10221) is amended by adding at the end the following new subsection:

"(c) REVISION OF MISSION PLAN.—The Secretary shall make such revisions in the mission plan as may be necessary to carry out the amendments made to this Act by the Nuclear Waste Policy Act Amendments of 1986. In making such revisions, the Secretary shall comply with the procedures established in subsection (b), except that—

"(1) the draft of the revisions shall be submitted in accordance with subsection (b)(1) not later than 12 months after the date of the enactment of the Nuclear Waste Policy Act Amendments of 1986; and

"(2) the revisions shall be submitted in accordance with subsection (b)(3) not later than 18 months after the date to the enactment of the Nuclear Waste Policy Act Amendments of 1986.".

SEC. 11. TECHNICAL AND CONFORMING AMENDMENTS.

(a) FEDERAL NUCLEAR WASTE BOARD.—

(1) SUBTITLE (A).—

(A) IN GENERAL.—Except as provided in subparagraph (B), subtitle A of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10131-10145) is amended by striking "Secretary" each place it occurs and inserting "Board".

(B) EXCEPTIONS.—The amendment made by subparagraph (A) shall not apply to "Secretary" where it occurs in—

(i) section 111(a)(5);

(ii) section 114(a)(1)(D) in "Secretary of the Interior";

(iii) section 116(c);

(iv) section 118(b);

(v) section 119; and

(vi) section 123.

(2) SECTION 2.—Section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101) is amended—

(A) by inserting after paragraph (3) the following new paragraph:

"(4) The term "Board" means the Federal Nuclear Waste Board established in section 304(c).."; and

(B) by redesignating paragraphs (4) through (29) as (5) through (30).

(3) SECTION 119.—Section 119(a)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10139(a)(1)) is amended by inserting "the Board," after "the Secretary" each place it occurs.

(4) SECTION 301.—Section 301 is amended by striking "Secretary" each place it occurs and inserting "Board".

(5) SECTION 304.—Section 304 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224) is amended—

(A) by inserting after "Management" in the first sentence of subsection (a) the following: ", to be directed by the Federal Nuclear Waste Board established in subsection (c)"; and

(B) by redesignating subsections (c) and (d) as (d) and (e).

(C) by striking "Secretary" each place it occurs and inserting "Board".

(b) FINDINGS.—Section 111(a)(5) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10131) is amended by striking "of Energy".

(c) ALTERNATE MEANS OF FINANCING.—Section 303 is repealed.

(d) RECOMMENDATION OF CANDIDATE SITES FOR SITE CHARACTERIZATION.—Section 112(b)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10132(b)(1)) is amended in subpargraph (A), by striking "first".

(e) HEARINGS AND PRESIDENTIAL RECOMMENDATION.—Section 114(a)(1) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(a)(1)) is amended—

(1) in the second sentence, by striking "for the first" and all that follows through the third comma;

(2) by striking the fifth sentence; and

(3) in subparagraph (D)—

(A) by striking "for the first" and all that follows through the second comma; and

(B) by striking the following: "concerning the first repository to be developed under this Act".

(f) RECOMMENDATION OF SITE APPROVAL.—Section 114(a)(2)(B) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(a)(2)) is amended—

(1) by striking "deadlines" and inserting "deadline"; and

(2) by striking the following: "before March" and all that follows through "second site,".

(g) RECOMMENDATION AFTER DISAPPROVAL.—Section 114(a)(3) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(a)(3)) is amended by striking "first or subsequent".

(h) ENVIRONMENTAL IMPACT STATEMENT.—Section 114(f) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10134(f)) is amended—

(1) in the fourth sentence—

(A) by striking "first"; and

(b) by striking "alternate" and inserting "alternative".

(2) by striking "The Secretary shall consider as alternative sites" through "section 112(a)"; and

(3) in the last sentence, by striking "first".

By Mr. HOLLINGS:

S. 2744. A bill to require the issuance of import licenses for certain imports; to the Committee on Finance.

TRADE INFORMATION ACT

Mr. HOLLINGS. Mr. President, the Textile and Apparel Trade Enforcement Act is now history. We acknowledge President Reagan's victory, though it is certainly a Pyrrhic victory: one more victory like that and America's textile industry is surely finished—if, in fact, last Wednesday's vote is not the death knell.

Nonetheless, in the wake of this defeat—if the sluice gates are to be left wide open to a flood of imports—then it is imperative that the United States at least get an accurate measure of exactly what is coming into this country and how much of it is coming into this country. Heretofore, our Government's ability to track the flow of imports has been on par with our ability to control aliens coming across the Rio Grande. Massive, illegal shipments of goods into the United States—in brazen violation of bilateral agreements—are an everyday fact of life. Indeed, in the textile and apparel industry alone, the Customs' Service estimates that a whopping $5.5 billion in imports are fraudulent or go unreported each year.

Accordingly, Mr. President, I offer this long-overdue bill, the Trade Information Act of 1986, which would require the issuance of licenses by the U.S. Customs Service for certain imports.

Let me make three important points about my bill right up front: First, it will be completely self-financing; second, it is in harmony with all our international trade agreements; and third, it will create licensing requirements no different from those already required by our major trading partners such as Australia, South Korea, and Taiwan.

Under my bill, a license fee—somewhere between $1 and $5 per license—will defray the full costs of administering the program. The U.S. Customs Service will issue licenses before shipment and check for licenses upon arrival. Yes, we will need more staff at the Customs Service, but the fees will fully offset the cost of this added manpower.

My bill will require import licenses for all merchandise coming into this country with three exceptions:

The first exception is products that already are required to have an import license. Specifically, I'm referring to agricultural imports which, for 33 years now, have required licensing by the Department of Agriculture. The second exception is noncommercial, personal shipments. The third exception is commercial shipments valued at less than $250; this provision will permit commercial samples to enter without a license.

Let me reiterate, this bill is revenue neutral. We are not imposing any new tariffs on importers. Nonethless, import licensing will have a spinoff effect that should prove a substantial boon to the U.S. Treasury. It is a well-documented fact that every $1 spent on increased supervision by U.S. Customs agents generates some $20 in revenue. Underpayments of duties are detected. Cheaters are caught. The

effect is no different from adding auditors to the staff at the Internal Revenue Service—they pay for themselves many times over.

Mr. President, in light of present circumstances, adoption of my bill is a matter of simple decency and fairness not only to America's textile workers, but also to our Nation's taxpayers. If we are thwarted from passing legislation to control dumping in the American market, at bare minimum we must do a better job of enforcing the laws already on the books.

To illustrate what we are against, let me cite a few examples of our current lax enforcement. There is no particular reason to single out Thailand, because other countries' violations are no worse, but take Thailand: We have a bilateral agreement with Thailand in which the Thais agreed to limit apparel imports to 78 million square yards in 1984 and 83 million square yards in 1985. In 1984 alone, in direct contempt of our bilateral agreement, Thailand overshipped the limit to the tune of 30 million square yards. Let me emphasize this, Mr. President: Thailand was limited by bilateral agreement to 78 million square yards, but shipped instead 108 million square yards. They were overshipping at nearly the same rate through most of 1985 before the Commerce Department finally got wind of what was going on. If we had had a system for licensing imports, this gross violation could have been nipped in the bud.

The shame of it all, Mr. President, is that Thailand is hardly a unique case. To take just one more representative example: A story in the Wall Street Journal earlier this year documented massive transshipments of textiles from South Korea through Japan and into the United States. And South Korea is by no means the only country using this transshipment ruse to outflank import restrictions created by bilateral agreement. Again, this would prove difficult under the kind of licensing arrangement I have proposed.

Mr. President, the Customs Service has assessed the injury being inflicted on our Nation by illegal imports—not by the flood of legal imports, mind you, but strictly by illegal imports. The damage includes $3 billion in lost Customs duties, $19 billion in lost sales by U.S. firms, $8 billion to $12 billion in lost national output, nearly a half million lost jobs, and approximately $2 billion in lost Federal taxes due to lower employment and diminished GNP.

Mr. President, are we a nation of masochists? How long will we remain passive witnesses to this mugging? Our Nation's trade situation reminds me of those stories you occasionally come across in the newspaper of a woman being raped while tens of people stand and watch, doing nothing.

Mr. President, an important segment of our Nation's economy is being raped in broad daylight. The textile workers of America are being sacrificed on the altar of "free trade." Well, I've got news for you: Our Nation's policymakers are worshipping a false god.

Our trading partners—and I use that word very loosely—are not content with the vast legal market in the United States. They circumvent our Customs laws with regularity and with impunity. And, Mr. President, there are no innocent, unaffected bystanders. The list of victims and potential victims extends to automobiles, computer chips, steel, agriculture—you name it.

Mr. President, our trade borders are a sieve, and it is high time we regained some measure of control. To that end, I urge support for this bill.

Let me reiterate, Mr. President: This measure will be self-financing. The proposed system of licensing will not differ significantly from arrangements used by other trading nations. The coffers of the U.S. Treasury will benefit from more rigorous enforcement. And our Nation's economy will be better protected from the ravages of illegal imports.

By Mr. WALLOP:

S. 2746. A bill to amend the Internal Revenue Code of 1954 and title IV of the Social Security Act to provide for the support of dependent children through a child support tax on absentee parents, and to provide for a demonstration program to test the effectiveness of such tax prior to full implementation; to the Committee on Finance.

CHILD SUPPORT TAX ACT

● Mr. WALLOP. Mr. President, in 1984, the Congress enacted the child support enforcement amendments as part of our ongoing effort to improve and reform our public welfare system. Briefly, the legislation required the States to revise their child support payment procedures. Child custody and support decisions are made on the basis of State law. The Federal Government has an interest in child support in that when a family does not receive support payments, they often have to turn to welfare programs, such as AFDC and Food Stamps, to make ends meet. Improving child support collections reduces welfare costs. While our recent budget reduction efforts have spared welfare programs from cutbacks, reforming child support is a sensible way to reduce welfare costs.

In 1967, the Senate Finance Committee, at the insistence of the chairman, RUSSELL LONG, enacted the first amendments to the AFDC Program which required the States to improve their efforts to enforce child support orders. This early effort basically involved parental location efforts. It was assumed that once an absent parent was located, child support would resume, and the need by the family for reliance on tax-supported welfare would diminish.

We have discovered that locating a parent is relatively easy. However, it is much more difficult obtaining any support payments for their children from the located parent. In previous statements regarding the Child Support Tax Act, I have explored some of the consequences of this failed support. The child support issue has exploded because of both the higher divorce rate over the past two decades and the greater occurrence of casual liaisons. The result is a phenomenal growth in one parent families, most often headed by a female. In 1960, such families accounted for 9 percent of all families, but now, the female-headed family has grown to over 20 percent.

Study after study has shown that, when parents separate, the income of the family drops drastically, while the income of the absent parent stabilizes or increases. Since 90 percent of these single-parent families are headed by females, it is the female and the children who suffer economically when a family breaks up. The poverty rate for female-headed families is six times the rate for male-headed families. And, one-third of the female-headed families live below the poverty level.

A disturbing sidelight is the appearance of teenage families; that is, a female teenager with one or more children. Back in 1960, only 15 percent of teenage mothers were unwed, but the number had increased to 54 percent by 1983. The cost for Federal and State welfare benefits of teenage pregnancies was $16.65 billion in 1985, double the amount in 1975. Every child born to a teenager in 1985 will cost the taxpayers $15,620 over the next 20 years. Unfortunately, the prevailing view is that such pregnancies are a problem for the girl, her family, and the taxpayer. The boy often gets off scot-free.

Teenage pregnancy is one manifestation of family breakdown which precipitates women and children into poverty. Divorce and desertion are other manifestations. It is not surprising that two out of three poor adults are women, and one out of five children live below the poverty line. Census Bureau data indicates that 87 percent of families receiving welfare do so because of a, quote, "living parent's absence from the home." This parent, usually the father, is absent and not contributing to the family's maintenance. It is not surprising, as was demonstrated in one recent study, that the income of the mother and children drops drastically, while the income of the father increases substantially when the family separates. And, all too often, it is the taxpayer who must

provide the funds to maintain the core family. If there was ever an example of welfare fraud and abuse, here it is. It is not necessarily the fault of the mother and children who apply for welfare, but rather the fault of the absent parent. Few sanctions are levied on this parent.

The physical departure from one's family by a parent also tends to involve financial desertion. The family is left to its own devices, or to the care of the Government. While only two-fifths of single-parent families maintained by women receive child support from the father—only 7 percent of never-married women with children receive support—one-half of families headed by women receive some form of public assistance.

Two years ago, the Congress enacted a variety of child support reforms. The amendments utilizes incentive payments and proven enforcement techniques to improve State programs. The heart of the reforms requires all States to establish mandatory wage assignment programs. Assignment would be automatic whenever a parent was in arrears for child support. The legislation I am introducing today extends this concept in that a set tax on wages would be levied on parents owing child support. This child support tax would go to a trust fund which would make payments to families in lieu of their receiving AFDC benefits. Families which do not receive welfare benefits could also utilize this program just as they can now utilize the parent locator service.

I ask unanimous consent that a summary of this bill be printed in the RECORD. I also ask that the text of the Child Support Tax Act also be printed in the RECORD following my remarks.

The administration is currently undertaking a comprehensive study of our welfare system. The intent is to submit a reform proposal to the Congress next year. The proposal I am introducing today represents the direction we should be heading, that is, increasing individual responsibility for ending poverty, in reforming our welfare system.

There being no objection, the material was ordered to be printed in the RECORD as follows:

S. 2746

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Support Tax Act".

ESTABLISHMENT OF TAX

SEC. 2. Subtitle D of the Internal Revenue Code of 1954 (relating to miscellaneous excise taxes) is amended by inserting after chapter 38 the following new chapter:

"CHAPTER 39—CHILD SUPPORT TAX

"Sec. 4701. Imposition of tax.
"Sec. 4702. Definitions and special rules.

"SEC. 4701. IMPOSITION OF TAX.

"(a) GENERAL RULE.—There is hereby imposed for each taxable year a child support tax on every liable absent parent in amount equal to—

"(1) in the case of a parent having support obligations for one child, 20 percent of the lesser of—

"(A) such parent's adjusted gross income (as defined in section 62) for such taxable year; or

"(B) the amount of the contribution and benefit base for such taxable year as determined for purposes of title II of the Social Security Act (as determined under section 230 of that Act);

"(2) in the case of a parent having support obligations for two children, 30 percent of the lesser of such amounts; and

"(3) in the case of a parent having support obligations for three or more children, 40 percent of the lesser of such amounts.

"(b) MONTHLY APPLICABILITY.—The tax imposed under this section shall apply only to adjusted gross income attributable to months during any part of which the taxpayer has been certified as a liable absent parent in accordance with section 464 of the Social Security Act.

"SEC. 4702. DEFINITIONS AND SPECIAL RULES.

"(a) DEFINITIONS.—For purposes of this chapter—

"(1) LIABLE ABSENT PARENT.—The term 'liable absent parent' means an individual who has been determined under section 464 of the Social Security Act to be the liable absent parent of a child for whom a benefit is being paid under such section 464.

"(2) SUPPORT OBLIGATION.—The term 'support obligation' means child support payments for which a liable absent parent has been determined to be responsible under section 464 of the Social Security Act. "(b) Special Rules.—For purposes of this chapter—

"(1) WITHHOLDING OF TAX.—The provisions of chapter 24 (relating to collection of income tax at source of wages) shall apply to the tax imposed under this chapter in the same manner as they apply to the tax on income imposed under subtitle A; except that—

"(A) the Secretary shall prescribe the amount to be withheld based upon the relevant amount applicable to an individual; and

"(B) from the amount withheld by an employer, such employer may retain as reimbursement for administrative expenses an amount equal to 1 percent of the taxes owed by his employees under this chapter and withheld by such employer.

"(2) INFORMATION, RETURNS, ADMINISTRATIVE PROVISIONS, PENALTIES, ETC.—Except as otherwise provided in this chapter, the provisions of subtitle F (relating to procedure and administration) shall apply to the tax imposed by this chapter in the same manner as they apply to the tax on income imposed by subtitle A.".

CHILD SUPPORT PAYMENTS

SEC. 3. (a) Section 451 of the Social Security Act is amended by inserting "paying Federal child support benefits under section 464," after "For the purpose of".

(b) Part D of title IV of such Act is amended by adding at the end thereof the following new section:

"FEDERAL CHILD SUPPORT BENEFITS

"SEC. 464. (a)(1) Any eligible child of a liable absent parent shall be eligible to receive child support benefits under this section at an annual rate determined under paragraph (1) or (2). Such benefits shall be paid by the Secretary on a monthly basis for each month during all of which such child is an eligible child, and shall be paid for use on behalf of such child to the custodial relative (referred to in subsection (b)(1)(B)) of such child or, if the Secretary determines it to be appropriate, to another person (including an appropriate public or private agency) who is interested in the welfare of such child.

"(2) The annual rate for benefits under this section for the calendar year 1987 shall be—

"(A) $2,000 for an eligible child living in a household in which he is the only household member eligible for such a benefit:

"(B) $1,500 for each eligible child living in a household in which there are two household members eligible for such a benefit;

"(C) $1,335 for each eligible child living in a household in which there are three household members eligible for such a benefit;

"(D) $1,250 for each eligible child living in a household in which there are four household members eligible for such a benefit;

"(E) $1,665 for each eligible child living in a household in which there are five household members eligible for such a benefit;

"(F) $1,080 for each eligible child living in a household in which there are six household members eligible for such a benefit;

"(G) $1,000 for each eligible child living in a household in which there are seven household members eligible for such a benefit;

"(H) $915 for each eligible child living in a household in which there are eight household members eligible for such a benefit;

"(I) $830 for each eligible child living in a household in which there are nine or more household members eligible for such a benefit.

"(3) The annual rate for benefits under this section for the calendar year 1988 and each calendar year thereafter shall be the rate in effect (for each type of household described in paragraph (2)) for the preceding calendar year, increased by a percentage equal to the percentage increase (if any) in the average of the total wages reported to the Secretary of the Treasury for the preceding calendar year (as determined for purposes of section 215(a)(1) of this Act) as compared to the average of the total wages so reported for the second preceding calendar year, rounded to the nearest $5.

"(4) Notwithstanding the provisions of paragraphs (2) and (3), the amount of benefits paid under paragraph (1) in any taxable year to any child or children of a liable absent parent shall not exceed the amount of the child support tax collected from such parent for such taxable year.

"(b)(1) For purposes of this section, an eligible child means an individual—

"(A) who has not attained the age of 18;

"(B) who—

"(i) is living in the home of a relative specified in section 406 (a) (1); or

"(ii) was removed from such home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation therein would be contrary to the welfare of such child;

"(C) one (or both) of whose parents is a liable absent parent with respect to such child; and

"(D) on whose behalf benefits have been applied for under this section.

"(2) For purposes of this section, a liable absent parent means an individual—

"(A) who is absent from the home of one or more of his children on other than a temporary basis;

"(B) has a legal obligation under State law to furnish support for such child or children; and

"(C) whose whereabouts have been established by the State, the Internal Revenue Service, or the Federal Parent Locator Service.

"(3) All determinations of family status for purposes of this section shall be made on the basis of the applicable State law.

"(C)(1) Any amount of any benefit received under this section (or the amount of any such benefit for which a child would be eligible if application were made therefor) shall be considered unearned income of such child for purposes of part A of this title.

"(2) All requirements of this part relating to establishment of paternity, locating of absent parents, and collection of child support (if any) ordered by a court in addition to the tax imposed by section 4701 of the Internal Revenue Code of 1954, shall apply to each State with respect to each child in such State applying for or receiving benefits under this section in the same manner as they are applicable with respect to each child applying for or receiving aid to families with dependent children. Any relative of a child receiving a benefit under this section, or other individual living in the same household as such child, shall be eligible for aid under the State plan approved under part A in the same manner as the relative of a child, or other individual living in the same household as a child, not receiving such benefits. All requirments of this part shall also be made available to any child not otherwise eligible for services upon application filed by the custodial relative (referred to in subsection (b)(1)(B)) with the State.

"(3) The State shall certify to the Secretary of the Treasury each individual who is determined to be a liable absent parent, and the Secretary of the Treasury shall notify such individual and his employer (if any) of such certification and of the imposition of the child support tax under section 4701 of the Internal Revenue Code of 1954.

"(d) The provisions of this section, and the imposition of the child support tax under section 4701 of the Internal Revenue Code of 1954, shall not be construed as a limitation upon the right of any State or any court to order, suspend, or amend any child support obligation under State law.

"(e) Whenever the Secretary finds that more or less than the correct amount of benefits has been paid with respect to any child, proper adjustment or recovery shall be made by appropriate adjustments in future payments to such child or by recovery from or payment to such child. The Secretary shall make such provision as he finds appropriate in the case of payment of more than the correct amount of benefits with respect to a child with a view to avoiding penalizing such child who was without fault in connection with the overpayment, if adjustment or recovery on account of such overpayment in such case would defeat the purposes of this section, or be against equity or good conscience, or (because of the small amount involved) impede efficient or effective administration of this section.

"(f)(1) The Secretary is directed to make findings of fact and decisions as to the rights of any child applying for benefits under this section. The Secretary shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be an eligible child and is in disagreement with any determination under this section with respect to eligibility of such child for benefits, or the amount of such child's benefits, if such child requests a hearing on the matter in disagreement within 60 days after notice of such determination is received, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing affirm, modify, or reverse his findings of fact and such decision. The Secretary is further authorized, on his own motion, to hold such hearings and to conduct such investigations and other proceedings as he may deem necessary or proper for the administration of this section. In the course of any hearing, investigation, or other proceeding, he may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the Secretary even though inadmissible under the rules of evidence applicable to court procedure.

"(2) Determination on the basis of such hearing shall be made within 90 days after the child requests the hearing as provided in paragraph (1).

"(3) The final determination of the Secretary after a hearing under paragraph (1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Secretary's final determinations under section 205.

"(g)(1) The provisions of section 207 and subsections (a), (d), and (e) of section 205 shall apply with respect to this section to the same extent as they apply in the case of title II.

"(2) The Secretary may prescribe rules and regulations governing the recognition of agents or other persons, other than attorneys, as hereinafter provided, representing claimants before the Secretary under this section, and may require of such agents or other persons, before being recognized as representatives of claimants, that they shall show that they are of good character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service, and otherwise competent to advise and assist such claimants in the presentation of their cases. An attorney in good standing who is admitted to practice before the highest court of the State, Territory, District, or insular possession of his residence or before the Supreme Court of the United States or the inferior Federal courts, shall be entitled to represent claimants before the Secretary. The Secretary may, after due notice and opportunity for hearing, suspend or prohibit from further practice before him any such person, agent, or attorney who refuses to comply with the Secretary's rules and regulations or who violates any provision of this paragraph for which a penalty is prescribed. The Secretary may, by rule and regulation, prescribe the maximum fees which may be charged for services performed in connection with any claim before the Secretary under this section, and any agreement in violation of such rules and regulations shall be void. Any person who shall, with intent to defraud, in any manner willfully and knowingly deceive, mislead, or threaten any claimant or prospective claimant or beneficiary under this section by word, circular, letter, or advertisement, or who shall knowingly charge or collect directly or indirectly any fee in excess of the maximum fee, or make any agreement directly or indirectly to charge or collect any fee in excess of the maximum fee, prescribed by the Secretary, shall be guilty of a misdemeanor and, upon conviction thereof, shall for each offense be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both.

"(h)(1)(A) The Secretary shall, subject to subparagraph (B), prescribe such requirements with respect to the filing of applications, the suspension or termination of assistance, the furnishing of other data and material, and the reporting of events and changes in circumstances, as may be necessary for the effective and efficient administration of this section.

"(B) The requirements prescribed by the Secretary pursuant to subparagraph (A) shall require that eligibility for benefits under this section will not be determined solely on the basis of declarations by the applicant concerning eligibility factors or other relevant facts, and that relevant information will be verified from independent or collateral sources and additional information obtained as necessary in order to assure that such benefits are only provided to eligible children and that the amounts of such benefits are correct.

"(2) In case of the failure by any child (or his custodial relative or guardian) to submit a report of events and changes in circumstances relevant to eligibility for or amount of benefits under this section as required by the Secretary under paragraph (1), or delay by any child, relative, or guardian in submitting a report as so required, the Secretary (in addition to taking any other action he may consider appropriate under paragraph (1)) shall reduce any benefits which may subsequently become payable to such child under this section by—

"(A) $25 in the case of the first such failure or delay,

"(B) $50 in the case of the second such failure or delay, and

"(C) $100 in the case of the third or a subsequent such failure or delay,

except where the child, relative, or guardian was without fault, or where good cause for such failure or delay existed.

"(i) The head of any Federal agency shall provide such information as the Secretary may require for purposes of determining eligibility for or amount of benefits under this section, or verifying other information with respect thereto.

"(j) Whoever—

"(1) Knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for any benefit under this section,

"(2) Knowingly and willfully makes or cause to be made any false statement or representation of a material fact for use in determining rights to any such benefit,

"(3) having knowledge of the ocurrence of any event affecting (A) his initial or continued right to any such benefit, or (B) the initial or continued right to any such benefit of any child in whose behalf he has applied for or is receiving such benefit, conceals or fails to disclose such event with an intent fraudulently to secure such benefit either in a greater amount or quantity than is due or when no such benefit is authorized, or

"(4) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts such benefit or any part thereof to a use other than for the use and benefit of such other person, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

"(k) The Secretary may make such administrative and other arrangements as may be necessary and appropriate to carry out his functions under this section.

"(l) For purposes of title XIX of this Act, any child, or relative or other person living

in the same household as such child, who would be eligible for aid to families with dependent children under the State plan approved under title IV-A but for the fact such child is eligible (or would be eligible if he applied therefor) for benefits under this section, shall be deemed to be an individual receiving aid to families with dependent children under such State plan.".

"(c) Section 402 (a) (7) of the Social Security Act is amended—

"(1) by striking out "and" at the end of subparagraph (B);

"(2) by adding "and" at the end thereof; and

"(3) by adding at the end thereof the following new subparagraph:

"(D) shall include as unearned income the amount of any benefit received under section 464 by any such child, relative, or other individual whose needs are taken into account under subparagraph (A);".

EFFECTIVE DATE

SEC. 4. The amendments made by sections 2 and ? of this Act shall become effective on January 1, 1987.

DEMONSTRATION PROGRAM

SEC. 5. (a) The Secretary of Health and Human Services (referred to in this section as the "Secretary"), in consultation with the Secretary of the Treasury, shall undertake a demonstration program, which shall be voluntary on the part of any State, under which those States participating in the program shall put into effect—

(1) a State child support tax which the Secretary determines is substantially equivalent (at the State level) to the child support tax established under chapter 39 of the Internal Revenue Code of 1954; and

(2) a State child support payment program which the Secretary determines is substantially equivalent (at the State level) to the child support payment program established under section 464 of the Social Security Act.

(b) The Secretary shall, in the case of any State participating in the demonstration program established under subsection (a), waive any requirement of part A of title IV of the Social Security Act as may be necessary (as determined by the Secretary) to carry out such demonstration program.

(c) The Secretary shall, to the extent feasible, approve demonstration programs under subsection (a) in at least six State, and shall include the widest variety of States possible based upon such characteristics as urban-rural differences, population characteristics, cost-of-living, and standard of living.

(d) The Secretary shall pay to each State participating in the demonstration program under subsection (a) an amount equal to the reasonable administrative expenses incurred by such state (as determined by the Secretary) in carrying out the program, including administrative expense incurred in collecting the child support tax.

(e) The Secretary, and the Secretary of the Treasury, shall provide technical assistance to States participating in the demonstration program under subsection (a) to assist such States in locating absent parents, collecting the child support tax, and making child support benefit payments.

REPORTS AND EVALUATION

SEC. 6. (a) The Secretary shall submit an annual report to the Congress on the demonstration program under section 5. Such report shall include—

(1) an analysis of any obstacles or potential obstacles to the implementation of the demonstration program or of the nationwide implementation of the child support program established under sections 2 and 3 of this Act;

(2) any recommendations for legislation to ensure the effective implementation of such programs; and

(3) a plan for the implementation of such programs.

(b) The Office of Management and Budget shall submit a report to the Congress on the budgetary ramifications of implementing the nationwide child support program established under sections 2 and 3 of this Act. Such report shall be submitted prior to January 1, 1987.

(c) (1) The Secretary shall provide for independent evaluations which describe and measure the impact of such programs. Such evaluations may be provided by contract or other arrangements and all such evaluations shall be made by competent and independent persons, and shall include, whenever possible, opinions obtained from program participants about the strengths and weaknesses of the program.

(2) The Secretary shall develop and publish standards for evaluation of the effectiveness of the program in achieving the objectives of this Act, and provide for annual evaluation of the program based on a selective sample of States. Such standards shall specify objective criteria which shall be utilized in evaluation of the program and shall outline techniques and methodology for producing data.

(3) The Secretary shall make a report to the Congress concerning the results of evaluations required under this section which shall be comprehensive and detailed and based to the maximum extent possible on objective measurements, together with other related findings and evaluations and his recommendations.

(d) The Secretary is authorized to expend such sums as may be necessary to carry out the provisions of this section, but not to exceed for any fiscal year an amount equal to one-half of 1 percent of the administrative expenses incurred in carrying out such programs.

DESCRIPTIVE ANALYSIS OF THE CHILD SUPPORT TAX ACT

PART 1

A tax will be imposed on the adjusted gross income of a liable absent parent at the rate of 20 percent of income for the first child, an additional 10 percent for the second, and another 10 percent for three or more children.

The tax base is the same as that used for the FICA tax and will increase at the same rate as the FICA wage base.

The liable parent is an individual determined under Section 464 of the Social Security Act to be the liable absent parent of a child seeking support.

The tax shall be withheld in the same manner as the federal income tax is withheld. Up to 1 percent of the withholding will be applied to employer administrative expenses for the withholding.

PART 2

Eligibility for the child support benefit shall income any family applying for AFDC where there is an absent liable parent. Benefits will be paid monthly by Health and Human Services for a child's support from the Child Support Benefit Fund.

Each child shall be given a Social Security number and have an account established in the Fund. Their benefits shall be the greater of the absent parent's actual contribution or $2,000 minimum for a single child, an additional $1,000 for the second through fourth child, and proportionately reduced benefits for each additional child. No family will receive more than $10,000 in minimum benefits. In the event that a child support account does not collect enough revenue to match the minimum benefit, the child would continue to qualify for the minimum benefit. An alternative would be to continue to cover such children under AFDC. The custodial parent would be eligible for custodial parent benefits under AFDC.

PART 3

The Office of Child Support Enforcement would be responsible for locating parents. The Department of Health and Human Services shall administer distribution of benefits from the Child Support Benefit Fund. The Department of the Treasury shall oversee notification of employers regarding withholding and shall collect the tax.

The program would be effective in 1988. For years 1984 to 1988, a state demonstration project shall be in operation to test the feasibility of the program. At least six states would be eligible to participate (the state of Wisconsin is already working on a program). The states would have to have an effective income tax and collection procedure. The federal government would assist with a 90 percent federal match for administrative expenses. The bill also requires annual evaluation of the operation of the program.●

By Mrs. HAWKINS (for herself, Mr. DECONCINI, and Mr. D'AMATO):

S. 2748. A bill to amend the Tariff Act of 1930 to increase the effectiveness of the Customs Service in enforcement matters, and for other purposes; to the Committee on Finance.

CUSTOMS ENFORCEMENT ACT

● Mrs. HAWKINS. Mr. President, today, with Senators DECONCINI and D'AMATO, I am introducing the "Customs Enforcement Act of 1986" which seeks to first improve the effectiveness of enforcement programs of the U.S. Customs Service, second provide through legislation solutions to various law enforcement problems encountered by officers of the U.S. Customs Service because of deficiencies in existing law, and third reduce costs and time delays caused by the storage of forfeited and abandoned articles.

This bill is based on an earlier initiative by Senator DECONCINI and Congressman ENGLISH which I seek to support and promote. They have provided much needed leadership in our national efforts to defend our borders.

The "Customs Enforcement Act of 1986" would: first, require all vessels arriving in the United States to report immediately to customs; second, require persons entering the United States and its land borders to enter only at authorized border-crossing points and require passengers to report for customs inspection and remain in the customs area until cleared by a customs officer; third, increase penalties for noncompliance

with Customs reporting requirements; fourth, grant increased authority to gather evidence of violations of laws and regulations enforced by the Customs Service; fifth, tighten exemptions for common carriers; sixth, provide penalties for fale or fraudulent drawback and similar claims; seventh, clarify forfeiture provisions for prohibited or restricted merchandise; eighth, clarify the Secretary of the Treasury's authority (consistent with 22 CFR Part 181) to exchange information with foreign law enforcement authorities; and ninth, tighten laws governing the operation or sale of aircraft in connection with drug activities.●

By Mr. NUNN:

S. 2749. A bill to require the construction of a reregulation dam on the Chattahoochee River, GA, subject to certain conditions to the Committee on Environment and Public Works.

CONSTRUCTION OF A REREGULATION DAM ON THE CHATTAHOOCHEE RIVER

● Mr. NUNN. Mr. President, today I am introducing a bill that would authorize a water supply project for the metropolitan Atlanta area. The current southeastern drought has focused the entire Nation's attention on the importance of water supply. In Georgia, however, not only farmers have been affected. A number of local governments have had to impose water restrictions, and in some cases, emergency procedures have been implemented in order to provide drinking water.

Although these drought conditions have certainly affected the Atlanta metropolitan area, it has been known for some time that unless action is soon taken, serious water supply problems will be faced by the area as soon as the year 2000. In 1972, the Senate Public Works Committee authorized the Atlanta Metropolitan Areas Water Resources Management Study. Local, State, and Federal interests all participated in the 9 year study which addressed a wide range of issues including water supply management, wastewater management, flood damage reduction/floodplain management, drainage and urban runoff, water quality management, water-related recreation, and fish and wildlife and environmental resources.

From 40 alternatives, 3 water supply plans were evaluated in detail, and the construction of a reregulation dam on the Chattahoochee River was determined to be the most feasible plan from economic, environmental and engineering viewpoints. Construction of the dam has been endorsed by the State of Georgia, the Atlanta Regional Commission, the Georgia Mountains Area Planning and Development Commission, the U.S. Environmental Protection Agency, and the Southeastern Power Administration.

The Office of Management and Budget in November 1984 determined that this project, due to its primary purpose of water supply, was no longer in the Federal interest and should not be constructed as a Federal project. As a result of this determination, local interests agreed to fund the construction of the dam. Federal authorization, however, is still necessary. This is due to the involvement of the National Park Service in the acquisition of lands, the U.S. Fish and Wildlife Service on environmental issues, and the Corps of Engineers on the coordination of the reregulation dam with the Buford Dam 6.3 miles upstream.

Although both the House of Representatives and Senate versions of the omnibus water projects bill contain language authorizing this project, I am today introducing a bill which authorizes construction of the project in the event a final conference report is not adopted or is vetoed by President Reagan. This language was developed at my request by the State of Georgia, the Atlanta Region Commission and the Georgia Conservancy in an effort to mitigate environmental concerns over the dam's construction.

Mr. President, if authorized this year, the project could be operational by 1993 when water available under an interim short term water supply plan will be completely allocated. Accordingly, I urge prompt passage of this legislation.●

By Mr. COHEN (for himself and Mr. MITCHELL):

S. 2750. An act to establish a property tax fund for the Houlton Band of Maliseet Indians in furtherance of the Maine Indian Claims Settlement Act of 1980, and for other purposes; to the Select Committee on Indian Affairs.

HOULTON BAND OF MALISEET INDIANS SUPPLEMENTARY CLAIMS SETTLEMENT ACT

● Mr. COHEN. Mr. President, today I am introducing legislation to assist the Houlton Band of Maliseet Indians, living in Houlton, ME, in establishing a property tax fund in furtherance of the Maine Indian Land Claims Settlement Act. I am joined in this effort by my colleague from Maine, Senator MITCHELL.

With the passage of the Maine Indian Land Claims Settlement Act in 1980, the three tribes in Maine—the Penobscot, the Passamaquoddy and the Houlton Band of Maliseets—were given funds, to be placed in trust, to be used for the purchase of land in Maine. As part of the unique compromise which made up this landmark legislation, the State of Maine was a party to negotiations on what parcels of land were to be purchased and how the State would be reimbursed.

For many reasons, the negotiations accompanying the establishment of the Maliseets' land trust fund were not completed at the time the bill was ready to be approved by the Congress. As a result, language in Public Law 96-420 authorized the Secretary of Interior to "participate in negotiations between the State of Maine and the Houlton Band of Maliseet Indians for the purpose of securing agreement as to the land or natural resources to be acquired by the United States to be held in trust for the benefit of the Houlton Band."

Mr. President, 6 years later, those negotiations have been completed, legislation has been passed by the Maine State Legislature to implement the agreement, and the final step will be approval of the legislation I am submitting today.

The legislation simply establishes a property tax fund of $200,000, transferred from the tribe's land acquisition fund established in the Settlement Act, and authorizes the tribe to use the money to pay taxes, fees, and payments in lieu of property taxes owed by the band to the State. The transfer of the $200,000 will not significantly diminish the purchasing power of the tribe because the land acquisition fund, originally funded at $900,000, has accumulated interest over the years so that it now contains $1.9 million.

The passage of this legislation will enable the Houlton Band of Maliseets, a resource-poor tribe, to move ahead with the acquisition of land for the establishment of a reservation and the economic development of the tribe. The Penobscots and Passamaquoddies have demonstrated that the purchase of land can greatly benefit the tribes' economies, and it is important that we follow through on the commitment made to the Maliseets in Public Law 96-420 to have the same opportunity for advancement.

I urge the speedy consideration of this legislation and hope we can see its approval in the very near future. It is supported by the tribe, the State, the Department of the Interior and represents a fair resolution of the outstanding issues.●

● Mr. MITCHELL. Mr. President, I rise in support of the legislation being introduced today by my colleague from Maine, Senator COHEN.

This bill will amend the Maine Indian Claims Settlement Act of 1980 to allow the Houlton Band of Maliseets to transfer $200,000 of interest accrued from their original land acquisition fund to a newly established Houlton Band Tax Fund.

The Houlton Band Tax Fund will subsequently be used to pay all claims to the State of Maine for taxes, payments in lieu of property taxes and fees for land purchased by the Houlton Band.

Mr. President, passage of this legislation will enable the Houlton Band to

establish a much needed land base in Maine.●

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2751. A bill to provide for a land exchange in the State of Alaska; to the Committee on Energy and Natural Resources.

HAIDA LAND EXCHANGE ACT

● Mr. MURKOWSKI. Mr. President, today Senator STEVENS and I are introducing legislation which seeks to resolve a dilemma faced by the Haida Village Corp. of Hydaburg, Alaska. Hydaburg is a small community located in southeast Alaska. Haida Village Corp. is a corporation formed under the Alaska Native Claims Settlement Act of 1971 [ANCSA].

ANCSA was the legislative settlement of Alaska Natives' aboriginal land claims. Pursuant to the act, corporations held by Native shareholders were authorized to select, for fee ownership, public lands located in the vicinity of the village in which the shareholders traditionally lived.

The public lands from which Haida Corp. was entitled to select were limited in scope by a provision in ANCSA known as the "two township rule." There has always existed a debate over the fairness and legitimacy of the application of the "two township rule" to Haida Corp. There has been no doubt, however, that the effect of this application has been to prevent the corporation from selecting a timber base sufficient to meet the long-term needs of the shareholders. This situation, combined with subsequent corporate mismangement, has pushed the corporation into bankruptcy. As a result, the shareholders now face the possibility of losing their settlement lands.

This legislation provides for a sale of Goat Island by Haida Corp., to the U.S. Forest Service. It also sets in motion negotiations with the Forest Service regarding a possible land exchange for lands suitable for resource development. Finally, the bill authorizes an exchange of lands designed to give the shareholders of the corporation access to traditional subsistence sites.

The overall intent of the bill is to give the shareholders of Haida Corp. a second chance. Because of their unique situation under ANCSA and the history of their fight for recognition of their aboriginal claims, they deserve a second chance.●

By Mr. GRASSLEY (for himself, Mr. PRYOR, and Mr. NICKLES):

S. 2753. A bill to provide for computing the amount of deductions allowed to rural mail carriers for use of their automobiles; to the Committee on Finance.

BUSINESS USE OF AUTOMOBILES BY RURAL MAIL CARRIERS

● Mr. GRASSLEY. Mr. President, I rise on behalf of myself and my colleague from Arkansas, Senator PRYOR, to introduce a bill to provide for the fair and equitable tax treatment for the equipment maintenance allowance [EMA] received by rural letter carriers.

The EMA paid by the U.S. Postal Service to rural letter carriers is a reimbursement for providing a privately owned vehicle to deliver the U.S. mail. There are approximately 39,000 U.S. Postal Service rural mail routes. Rural mail carriers serve these routes as employees of the U.S. Postal Service. They have been doing so for more than 80 years. The rural carriers differ from their urban counterparts in that they use their own vehicles to deliver the mail daily to 15 million rural American families.

The U.S. Postal Service provides the rural letter carriers with an equipment maintenance allowance in the amount of 31 cents per mile to cover the expense of using a private vehicle for Government purposes. Until recently, rural letter carriers did not experience difficulties in accounting for this payment for tax purposes. In 1956, the IRS established a special formula for the rural carriers to use for reporting their income and expenses. The formula recognized the unique circumstances rural letter carriers faced in equipping and maintaining a privately owned vehicle for use on rural roads.

Many of my colleagues will remember that in 1984, the Internal Revenue Service informed the National Rural Letter Carriers' Association that the 1956 formula and agreement was inoperative and considered revoked. The IRS then moved to audit virtually every rural letter carrier for tax years 1981 through 1983, assessing each for back taxes and interest. The IRS decision and audit activities provoked a storm of protest from Members of Congress, and the IRS withdrew its decision with respect to the retroactive revocation of the 1956 agreement.

The revocation of the 1956 formula and agreement leaves the rural letter carriers subject to present law treatment of business expenses. This treatment does not take into account the unique problems the rural letter carriers face in equipping and maintaining a vehicle for use in delivering the mail in rural America. Under present law, the rural carriers are permitted to deduct business expenses, such as automobile travel—other than commuting—necessary to perform their jobs. They must keep records of these expenses in order to justify these expenses.

Alternatively, the rural letter carriers may elect to use the standard mileage rate in calculating their tax liability. For 1985, the standard mileage rate is 21 cents per mile for each business mile up to 15,000 miles in each of the first 4 years the automobile is in service; for any additional business miles, the standard mileage rate is 11 cents per mile. The average rural letter carrier drives 18,000 miles per year in delivering the mail.

If the rural letter carrier does not choose to use the standard mileage rate, they must keep records of expenses, and may also claim depreciation expenses on their vehicle. If more than 50 percent of the use of the vehicle is for delivering the mail, the rural carrier may depreciate the vehicle using ACRS. Additionally, the taxpayer may claim the investment tax credit.

If, however, 50 percent or less of the use of the vehicle is for delivering the mail, the rural carrier must depreciate the automobile on a straight line basis. Additionally, the investment tax credit cannot be claimed.

A rural letter carrier may deduct these expenses on their income tax return. In addition, the rural carrier must report their EMA as income.

The application of present law treatment of business expenses to the rural letter carriers is unfair because it does not take into account their unique circumstances. A combination of factors justify an equipment maintenance allowance higher than the standard mileage rate.

Rural letter carriers deliver the mail on primarily unpaved roads, in all kinds of weather. These road and weather conitions in combination with heavy loads of mail require specially modified vehicles. The typical delivery vehicle must be modified to include dual controls for both steering and brakes, heavy-duty springs, and removal of the back seat to accommodate the mail. Rural carriers are required to provided a backup vehicle to ensure daily delivery of the mail. In many cases, the backup vehicle must be a specialized all-terrain vehicle which can operate on bad roads, in extreme weather conditions.

The average rural mail route is 62 miles in length with 440 stops. Rural road conditions and the number of starts and stops necessitated by pulling up to a mailbox, delivering the mail and driving onto the next stop generates increased maintenance costs. These conditions increase fuel consumption, require frequent oil changes, and tune-ups. Tires must be replaced and repaired more often than normal. Brake shoes may last no longer than 3 or 4 months. The rigors of rural roads are particularly hard on transmissions, which require frequent overhauls. Suffice it to say, there is rapid depreciation of the value and utility of the vehicle.

The rural mail system has worked well for more than 80 years. The

system has served the interests of the Postal Service, by relieving it of the task and expense of purchasing and maintaining thousands of delivery vehicles throughout rural America.

The bill we are introducing today provides for fair and equitable tax treatment for the rural letter carriers. The bill would allow rural letter carriers to claim expenses equivalent to 150 percent of the standard mileage allowance established by the IRS for the first 15,000 miles of business use for all miles traveled in delivery of the mail for tax year 1985 and thereafter. This rate would apply whether or not the vehicle was fully depreciated. For tax year 1985 and thereafter, a rural letter carrier would not be subject to the provisions of IRC section 280F. In other words, the carrier would not be subject to the 50 percent use test in determining eligibility for ACRS and the ITC.

The rural letter carriers provide a valuable service for rural America in an efficient and effective manner. They deserve the support and consideration of the Senate. Therefore, I urge my colleagues to support this legislation.●

By Mr. BOREN (for himself and Mr. NICKLES):

S. 2754, a bill to modify the flood control project for Denison Dam, Red River, Texas and Oklahoma, to include recreation as a project purpose; to the Committee on Environment and Public Works.

DENISON DAM PROJECT, TEXAS AND OKLAHOMA

● Mr. BOREN. Mr. President, this bill which I am introducing today along with my colleague Senator NICKLES is a companion bill to one being introduced by my colleague, Congressman WES WATKINS, in the House of Representatives.

It simply adds recreation as a project purpose to the Denison Dam (Lake Texhoma) project.

It is clear that recreation is a key part of this project. Future allocations of water from the project should consider impact on recreational use.

Hundreds of jobs and millions of tourist dollars for Oklahoma and northern Texas are at stake.●

By Mr. BYRD (for himself and Mr. ROTH):

S. 2755. A bill to amend section 232 of the Trade Expansion Act of 1962 to improve its administration, and for other purposes; to the Committee on Finance.

NATIONAL SECURITY TRADE ACT OF 1986

Mr. BYRD. Mr. President, today I am introducing the National Security Trade Act of 1986. This legislation is similar in scope to the bill I introduced as the National Security Trade Act (S. 1533) on July 31, 1985. I am pleased that Senator ROTH has joined me in this important bill, and I appreciate his contribution to it.

Since section 232 was enacted in 1962, 16 petitions alleging a threat to national security have been filed. This is not a landslide of cases, nor should it be. The language of the statute and the legislative history are quite clear in establishing what kinds of cases rise to the urgency of a threat to national security. The statute describes in detail the factors to be weighed in deciding whether or not there exists a national security question. But it is very clear from the legislation and the history behind it that Congress intended that the statute function to effectively prevent the destruction of American industries which are vital to the national security. Indeed, section C requires that the President "recognize the close relation of the economic welfare of the Nation to our national security, and * * * take into consideration the impact of foreign competition on the economic welfare of individual domestic industries."

The legislative history provides an unmistakable indication of congressional intent. When the predecessor statute was first considered in 1955, Congress extended the reach of prior law which dealt only with issues of "national defense" so that the act would encompass any industry important to "national security." The 1955 change was prompted by congressional concern over import injury to production of critical materials including petroleum, lead, and zinc. When the law was further refined in 1958, the Senate Finance Committee explained in its report:

> Language was further added directing attention and providing possible action whenever danger to our national security results from a weakening of segments of the economy through injury to any industry, whether vital to the direct defense or a part of the economy providing employment and sustenance to individuals or localities. The authority of the President is thereby broadened considerably but the dangers inherent in an economy suffering from unemployment, declining Government revenue, or loss of skills, and investment because of excessive imports of one or more commodities, must be recognized and avenues provided whereby they may be lessened.

In that same report, Congress noted its discontent with the ungenerous reading the statute had received:

> Considerable unfavorable comment has reached the committee about the administration of what was thought to be a strongly worded national security amendment in the 1955 exterision. That section has been further strengthened so that sound results may be expected from it.

Despite a consistent effort to strengthen the statute, congressional intent remains frustrated by inaction on the part of successive administrations. For a confusing and sometimes elusive litany of reasons, Presidents have not granted relief to any industries filing petitions under section 232, with the sole exception of petroleum products. Why? Have all other petitions been groundless?

Let me discuss one case with which I am familiar. The American ferroalloys industry is among the most modern in the world. Because of the value of the dollar and predatory, antimarket practices by foreign producers such as South Africa and the Soviet Union, 60 percent of the American market is now held by foreigners. The Office of Technology Assessment, in a recent report entitled "Strategic Materials: Technology To Reduce U.S. Import Vulnerability," summarized the importance of ferroalloy products in the first paragraph of that report by saying:

> These metals are essential in the production of high-temperature alloys, steel and stainless steel, industrial and automotive catalysts, electronics, and other applications that are critical to the U.S. economy and the national defense.

The report continues by describing the dangers of our overdependence on foreign ferroalloy production and the need to diversify supply sources.

Despite these facts, the petition filed by the ferroalloys industry in December 1981 was not acted upon by the President until May 1984. In a perfunctory report, the administration denied any relief. Similarly, the machine tools industry—now devastated by imports—requested action in March 1983. It received no word from the administration until May 20, 1986. While the statute requires that the Commerce Department conclude its investigation within 1 year, it does not set a date for final action by the President. Of course, the authors of the statute could not have imagined that an allegation of a threat to the national security would be treated with disinterest by any President, particularly this one. But experience has shown that successive administrations are willing to wait in hopes that the problem goes away.

Well, the problems have not gone away. But, in the case of ferroalloys and machine tools, those industries very nearly have. How is it that any President or any administration would be willing to let a vital element of our defense production base disappear without action? Our trading partners in Europe and Japan would not be so complacent. Indeed, in the case of ferroalloys, the European and Japanese governments have in place national plans to assure the survival of critical ferroalloy production capacity.

But in the United States, I regret to say that we often refuse to see the fire until we feel the heat. Unless we are at war or otherwise face a conspicuous national crisis on the order of the gas shortage of a decade ago, our Government is often slow to recognize our defense needs. We seem doomed to

repeat in every generation the mistakes that erode our defense production assets to the point that we are left scurrying to rebuild an industrial base that is the product of years of neglect. The administration's latest proposal to reduce the strategic stockpile and its inaction on the strategic petroleum reserve are recent examples of this trend.

Let me describe what this legislation would do.

First, the legislation established a time certain for Presidential action on any petition. Within 90 days of the time the Secretary of Commerce—and the Secretary of Defense—report their determination to the President, he must act, or state why he has refused to act, on a matter that could impact upon the national security. Under present law, there is no time limit. We have seen petitions by the ferroalloys industry and the machine tools industry drag on months and months without resolution. American companies deserve the certainty of a response—and we all need to know whether the national security is threatened as a result of imports. Once an industry is gone, it is too late.

Similarly, the time which the Secretary of Commerce and the Secretary of Defense have to make such a determination is reduced to 6 months. I do not believe it is unreasonable to require that a matter which may involve national security be decided within 6 months. Again, time is of the essence.

Second, the bill enlarges the role of the Secretary of Defense. He cannot supplant the role of the Secretary of Commerce—nor should he. The Commerce Department has much of the economic data on American industries and the scope of foreign imports. But this is not a conventional trade question. The language of the statute makes clear that the threat of injury to national security must be assessed after weighing many factors—many of them within the expertise of the Department of Defense. For that reason, this legislation calls upon the Secretary of Defense to make a separate defense-needs assessment within 3 months of the time a petition is initiated, and provides that this report be included in the Commerce Department's report to the President. Moreover, the bill requires a separate statement of concurrence or dissent from the Secretary of Defense—the chief Cabinet officer charged with responsibility for national security determinations.

Again, nothing in this legislation should be understood as undercutting the Commerce Department. The statute as it stands gives the responsibility to the Commerce Department for good reason. But I believe we need to formalize and make explicit the Defense Department's responsibility in making this national security determination. The Secretary of Defense knows the needs of the defense industrial base, and his department should have an explicit role in making a decision on the impact of imports.

Third, my bill enumerates the available courses of action, should the President determine that a threat to the national security does exist. This is intended to broaden, not limit, the existing options. The language here closely mirrors the broad statutory authority under section 301 of the Trade Act. But it also includes a procedure whereby the President can initiate negotiations with foreign governments to resolve the problem. Remember, the statute is aimed at threats to the national security. If the President can put another country on notice that the imports are a potential danger, and that the United States will not tolerate that danger, perhaps a major problem can be solved before it does damage—to our economy or to our relationship with another country. This authority does not permit the President to bargain away any duties or other existing import limits. If the President chooses this path, he has 1 year from the date of submission of the Commerce Department report to reach an agreement. If no agreement can be reached within that time, he must act, or publish in the Federal Register the reasons why he has declined to act.

Finally, this bill increases the visibility of the entire section 232 process. The results of the report of the Secretary of Commerce, as well as the President's final determination, are to be published in the Federal Register—excluding, of course, such information that may be classified or deemed business confidential. This increases the visibility of the entire process. The petitioning parties, the Congress, and the public at large deserve to know the basis on which such decisions are made. This statute has become a dead letter and the petitioners—the ferroalloys industry and the machine tool builders included—have lost faith in the operation of the law. If the data are not restricted for a reason, let them know why a decision has been made.

Does this bill open a broad new avenue of trade relief? It does not. However, it does create a realistic avenue of relief when vital sectors of the economy are threatened by imports. It breathes life into a moribund statute and supports the original intent of Congress: That national security be understood to encompass economic security for critical sectors of our industrial base.

Which companies can expect relief under this legislation? Certainly industries such as the ferroalloy producers should have reason for hope. In addition, crucial high technology sectors, such as the semiconductor manufacturers, should consider how this legislation applies to their situations. Emerging technologies such as fiber optics and ceramics may be eligible. Often, foreign production in these new areas far exceeds domestic needs and the excess is targeted for the U.S. markets so that emerging industries here are overwhelmed.

We need to get beyond the idea that national security is solely a function of how many troops and weapons we can field. The ability to sustain our defense production base and support our military in time of crisis is an important measure of our national security—and of our strength as a nation. The economic well-being of vital industries must be as much of a national priority as the maintenance of strong Armed Forces. I am convinced that this legislation will make an important contribution to safeguarding that production base.

I would point out to my colleagues that article XXI of the General Agreement on Tariffs and Trade [GATT] specifically allows a government to take action "necessary for the protection of its essential security interests" Nothing in this bill abridges the authority of the President. Nothing here requires the President to do anything other than make a timely determination when this country's national security is in question. But it provides an important expression of congressional confidence in a statute that should be the baseline of our trade policy. Regardless of a Senator's view of free trade or the trade crisis, I hope every Senator will support this important amendment.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Security Trade Act of 1986".

SEC. 2. IMPORTS THAT THREATEN NATIONAL SECURITY.

(a) IN GENERAL.—Subsection (b) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended—

(1) by striking out "upon request" and inserting in lieu thereof "(1) Upon request",

(2) by striking out ", Secretary of Commerce,",

(3) by striking out "Secretary of the Treasury" and inserting in lieu thereof "Secretary of Commerce",

(4) by striking out "within one year after receiving an application from an interested party or otherwise beginning" and inserting in lieu thereof "by no later than the date that is 6 months after the date on which the Secretary receives a request for an investigation under this section or on which the investigation otherwise begins", and

(5) by adding at the end thereof the following new paragraphs:

"(2)(A) The Secretary shall immediately notify the Secretary of Defense of any in-

vestigation initiated under paragraph (1) with respect to imports of an article. Upon receiving such notice, the Secretary of Defense shall conduct a separate defense needs assessment with respect to such article.

"(B) By no later than the date that is 3 months after the date on which the investigation under paragraph (1) of imports of an article is initiated, the Secretary of Defense shall complete the defense needs assessment conducted under subparagraph (A) with respect to such article and submit to the Secretary a report on the assessment. Such report shall be submitted by the Secretary to the President with (and be considered a part of) the report that the Secretary is required to submit to the President under paragraph (1).

"(3)(A) The report submitted by the Secretary under paragraph (1) shall include a written statement by the Secretary of Defense expressing concurrence or disagreement with the findings and recommendations of the Secretary contained in such report and the reasons for such concurrence or disagreement.

"(B) The report submitted by the Secretary under paragraph (1), or any portion of such report (including the report submitted by the Secretary of Defense under paragraph (2)(B)), may be classified only if public disclosure of such report, or of such portion of such report, would clearly be detrimental to the security of the United States.

"(C) Any portion of the report submitted under paragraph (1) which—

"(i) is not classified in accordance with subparagraph (B), and

"(ii) is not proprietary information described in paragraph (7)(A),

shall be published in the Federal Register.

"(4)(A) The President shall take action, or refuse to take action, under paragraph (1) with respect to any report submitted under paragraph (1) by no later than the date that is 90 days after the date on which such report is submitted to the President.

"(B) The President shall make a written statement of the reasons why the President has decided to take action, or refused to take action, under paragraph (1) with respect to each report submitted to the President under paragraph (1). Such statement shall be included in the report published under subsection (d).

"(5) The actions which the President may take under paragraph (1) shall include, but are not limited to—

"(A) the issuance of proclamations or executive orders to impose duties, quotas, or other import restrictions, for such time as the President determines appropriate, on the products of, and fees or restrictions on the services of, any foreign country from which the imports that threatens to impair the national security are imported, or

"(B) the negotiation, conclusion, and carrying out of any agreement which limits the importation into the United States of such imports that threaten to impair national secuity, but does not provide for any reduction or elimination of any duty, quota, or other import restriction imposed by the United States.

"(6)(A) If—

"(1) the action taken by the President with respect to any report submitted to the President under paragraph (1) is the negotiation of an agreement described in paragraph (5)(B), and

"(ii) either—

"(I) no agreement described in paragraph (5)(B) is entered into before the date that is 6 months after the date on which the Secretary submitted such report to the President, or

"(II) any agreement described in paragraph (5)(B) that has been entered into is not being carried out or is ineffective in eliminating the threat to the national security posed by imports of the article which is the subject of such report,

the President shall take such other actions as the President deems necessary to adjust the imports of such article so that such imports will not threaten to impair the national security.

"(B) If—

"(i) the President determines not to take any additional actions under subparagraph (A),

the President shall publish in the Federal Register such determination and the reasons on which such determination is based.

"(7)(A) Proprietary information which is provided by a person who has made a written request to the Secretary or the Secretary of Defense that such proprietary information not be disclosed to the public—

"(i) shall only be disclosed to those persons who are directly involved—

"(I) in investigations conducted under this section, or

"(II) in carrying out the provisions of this section, and

"(ii) shall not be disclosed in any statement or report which is required to be published under this section.

"(B) The Secretary is authorized to prescribe regulations that—

"(i) ensure compliance with the requirements of subparagraph (A), and

"(ii) impose sanctions against any person who violates the provisions of subparagraph (A).".

(b) CLARIFYING AMENDMENT.—Subsection (d) of section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862) is amended by inserting "in the Federal Register" after "published".

Mr. ROTH. Mr. President, in 1587, Sir Francis Drake, the Great British naval commander, sounded the knell of defeat for the Spanish armada. And while I would take nothing away from Drake's strategy in battle, I would point out that Prof. Garrett Mattingly, in his book, "The Armada," points to another cause in the defeat of Spain. According to Mattingly, that great country had become too dependent upon other countries for much of its materiel—in this case barrels—simple wooden barrels.

Understanding the dependency ships have on barrels, Drake earlier intercepted a Spanish fleet and burned the barrels, rendering the most powerful navy in the world vulnerable to the English.

Ironically, England fell into the same trap years later, when it tried to crush the power of Napoleon. Like Spain and her barrels, the English Navy became dependent on Scandinavia for tar and rope. Consequently she found herself expending wasted time, money, and manpower to keep the shipping lanes opened so the flow of these precious defense commodities would not be disturbed.

While it's not my intent to teach history this morning, I think the lessons of the past bear repeating. As it's said, we must learn from history lest we become vulnerable to the same errors.

Clearly, America's dependency of foreign imports must never threaten or impair the security of our Nation. Now, more than ever, as the tide of foreign imports rises on our shores we must not lose perspective of our vital defense needs. We must not become hostage to the whim of trading partners, or foreign aggressors who could so easily place a kink in our lifeline.

For these reasons, I join my distinguished colleague, Senator BYRD, to offer amendments to section 232 of the Trade Expansion Act of 1962—the section which authorizes the President to restrict imports if they threaten our security. I also want to commend my good friend, the distinguished Senator from Iowa, Senator GRASSLEY, for the leadership he has provided on this issue in the Omnibus Senate Trade bill (S. 1860).

Recent history has demonstrated the weaknesses of this section as it now stands. There's little doubt that machine tools are a vital component of our country's defense. This industry has long been recognized by defense experts as essential to military production. In fact, every ship, every missile, every plane, every tank and transport vehicle begins on machine tools. But in the last 3 years, at least 25 percent of machine tool companies that were in existence in 1983 either went out of business, were purchased by other companies, or moved their operations overseas.

And all this happened while a section 232 machine tool petition waited to be acted upon. It happened while our Secretary of Commerce warned that machine tool imports were threatening our security. It happend while America allowed herself to grow dependent upon others for her own well-being.

And why did it take so long? Because the debate within the administration became a standard trade dispute between free trade and protectionism, the kind of debate you would expect when a case is brought under section 201—the section that covers simple requests for import protection. It happened because both sides of the machine tool debate lost the focus of section 232, that of national security.

The amendment that Senator BYRD and I offer today requires that the President make a decision on a section 232 petition within 90 days after receiving a recommendation from the Department of Commerce. It speeds up Commerce's investigation of the petition by shortening the current deadline for Commerce action from 1 year to 6 months. To strengthen the focus on national security, it requires the Secretary of Defense to provide the Secretary of Commerce with a de-

fense-needs assessment within 3 months after a petition is accepted. And it requires that the report submitted by the Secretary of Commerce to the President include a written statement by the Secretary of Defense expressing concurrence or disagreement with the Commerce investigation and recommendation.

It must be remembered that the General Agreement on Tariffs and Trade recognizes the need for defense and thus allows its members to take trade actions that are considered necessary for security reasons. One well-known scholar on the GATT, Prof. John Jackson, maintains that it, quote: "Explicitly gives the right of determining necessity to each individual government."

Additionally, this amendment includes provisions which enable the public to more closely monitor the facts and debate in section 232 petitions by increasing the availability of information on each case unless it's classified for confidential business or security reasons.

Mr. President, let me assure this distinguished body that I am in favor of liberal trade practices. The record speaks for itself. However, I'm also a proponent of a strong America, possessing a defense capability second to none. For these reasons, I'm joining Senator BYRD on this amendment. We must secure an industrial base that can support our security needs.

By Mr. LEAHY (for himself and Mr. STAFFORD):

S.J. Res. 393. Joint resolution making a repayable advance to the Hazardous Substance Response Trust Fund; to the Committee on Appropriations.

ADVANCE PAYMENT TO THE SUPERFUND PROGRAM

● Mr. LEAHY. Mr. President, once again we find ourselves at a critical juncture in the Superfund Program.

The situation is very simple. If we do not enact a special appropriation bill this week, the Superfund Program will be irreparable damaged.

In conversations with the chairman of the Environment and Public Works Committee and the chairman of the Finance Committee, I have learned that the committee on conference on the 1986 tax bill is not inclined to break its deliberations on that landmark legislation to enact the taxes necessary to refill the depleted Hazardous Substance Response Trust Fund.

Now, we should all understand that the authorizing committees, led by my distinguished colleague, the senior Senator from Vermont, have completed their work on this legislation. He has labored long and hard. The final bill is over 200 pages. It was only because of his outstanding leadership that the conference committee resolved the score of controversial issues in the Superfund bill.

However, if the tax conference cannot address superfund issues before the August recess, the Environmental Protection Agency will be required to take two actions that could be very damaging to the effectiveness and long-term stability of the program.

First, the Environmental Protection Agency will be forced to give notice to the Superfund contractors that it is no longer committed to funding their contracts.

Second, because of Federal employment procedures, if the Agency does not have assured funding in early September, it will have to give notice to Superfund employees of potential layoffs.

Now, I cannot over emphasize to my colleagues how damaging to this vital program such actions could be. We often think that we solve problems here in Congress when we pass a bill setting up a Superfund Program or appropriate funds for its operation. But, laws and appropriations do not clean up toxic wastes.

Unless the Agency uses the authority we give it to hire men and women who write the clean up standards and who actually clean up toxic sites, the law will not protect a single community's health.

Like all of my colleagues, I am frustrated with the time it has taken to amend the Superfund law. There are some who have argued that until the Agency actually announces layoffs or terminates contracts, these taxes will never be enacted.

I do not believe that we can afford the risks of a brinkmanship strategy.

Therefore, I am introducing today a special appropriation bill to provide $60 million so that the members of the tax committees can complete action on the taxes in September without disrupting this program.

I am well aware of the position of the other body that all appropriations measures must begin in that body. I respect that position, even though as a Member of this body I do not agree with it. Thus, I am introducing this legislation today to emphasize my strong convictions on this matter. I want to underline my interest in working with the able and experienced chairmen of the HUD-Independent Agencies Appropriations Subcommittee in this body and of the HUD subcommittee of the other body to develop jointly a measure that will resolve this matter.●

By Mr. LAUTENBERG (for himself, Mr. STENNIS, Mr. BRADLEY, Mr. ANDREWS, Mr. BURDICK, Mr. ROCKEFELLER, Mr. NUNN, Mr. PRYOR, Mr. HEINZ, Mr. GORE, Mr. BENTSEN, Mr. KERRY, Mr. MURKOWSKI, Mr. MCCLURE, Mr. MOYNIHAN, Mrs. HAWKINS, Mr. SASSER, Mr. DODD, Mr. WEICKER, Mr. CRANSTON, Mr. SIMON, Mr. METZENBAUM, Mr. DOLE, Mr. DECONCINI, Mr. HOLLINGS, Mr. SPECTER, Mr. WILSON, and Mr. QUAYLE):

S.J. Res. 394. Joint resolution to designate the week of October 6, 1986 through October 12, 1986, as "National Children's Television Awareness Week;" to the Committee on the Judiciary.

NATIONAL CHILDREN'S TELEVISION AWARENESS WEEK

● Mr. LAUTENBERG. Mr. President, I rise to introduce a joint resolution to designate the week beginning October 6, "National Children's Television Awareness Week." I am joined by 27 of my colleagues.

Most children watch 4 hours of television a day. That means that by the time they graduate from high school, American children will spend roughly as much time in front of the television as they will in the classroom.

Television has a major impact on a child's development. Television has the potential to educate and inform our children and to enrich their lives. It can play a critical role in shaping a child's development and perception of the world.

Yet, all too often, television viewing habits are developed by chance. Too many parents assume that they can have little impact on what their children watch.

"National Children's Television Awareness Week" would provide a focus for efforts to realize television's potential. It would provide an opportunity to increase awareness about what parents and children can do to shape viewing habits, to use television to enrich children's lives, to educate children, and to encourage greater diversity of children's programming. The week would provide a focus for efforts to stimulate the positive participation of libraries and schools in this effort.

The joint resolution has the support of the National Education Association, Action for Children's Television, the Consumer Federation of America and the American Academy of Child Psychiatry.

I ask unanimous consent that the text of the joint resolution be printed at the conclusion of my remarks.

Mr. President, I urge my colleagues to support this joint resolution.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 394

Whereas children spend an average of four hours of each day watching television and will have spent almost fifteen thousand hours watching television by the time they finish high school;

Whereas television can create an intellectual and emotional environment which can

play a critical role in shaping the development and perception of the world of a child;

Whereas television has the power to promote and reinforce the pro-social values parents try to teach children regarding health and safety;

Whereas television often serves as a companion and babysitter for children with working parents;

Whereas many people do not realize the great potential of television for enriching family life and for improving the education of children;

Whereas families need to be shown how to use television as an educational resource;

Whereas national attention must be focused on the positive role that television can play in child development to insure that broadcasters uphold the obligation to serve the child audience;

Whereas schools, libraries, religious institutions, and community groups need to work with broadcasters in helping parents and children take advantage of the potential of television as an educational and learning device; and

Whereas greater awareness must be achieved regarding how television can be effectively utilized and further developed to enhance the education of children: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 6, 1986, through October 12, 1986, is designated as "National Children's Television Awareness Week" and the President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

By Mr. HATCH (for himself, Mr. KENNEDY, Mr. WEICKER, and Mr. PROXMIRE):

S.J. Res. 395. Joint resolution to designate the period October 1, 1986, through September 30, 1987, as "National Institutes of Health Centennial Year;" to the Committee on the Judiciary.

NATIONAL INSTITUTES OF HEALTH CENTENNIAL YEAR

● Mr. HATCH. Mr. President, today I am introducing a joint resolution to designate fiscal year 1987 as the "National Institutes of Health Centennial Year." Senators KENNEDY, WEICKER, and PROXMIRE join me in sponsoring this recognition of the incredible achievements of biomedical research over the last century and this celebration of NIH's leadership in that effort.

We in the Senate deal on a daily basis with problems of a sometimes overwhelming nature—we debate the relative merits of programs which cost so much that the zeros don't fit on one line in the CONGRESSIONAL RECORD, and we agonize over whether our decisions will truly benefit the public; 1987, the NIH centennial year, gives us an opportunity to congratulate ourselves on a job well done. In establishing NIH, and in unflaggingly supporting this agency through consistent funding, Congress has consistently made good decisions. Unlike many Federal programs, the National Institutes of Health provide a product which only the National Government can create effectively. The knowledge gained through basic research is an unrestricted commodity for the public domain which could not, therefore, be produced by either lower levels of Government or by private enterprise. For this reason, funding for programs like NIH acquires a high priority in the Federal budget.

I think we would be hard pressed to find another organization that has, over the past century, been able to deal so effectively with its challenges. In my experience as chairman of the Labor and Human Resources Committee, I have had the opportunity to consider several major issues which involved NIH, including concerns about proper informed consent for patients in clinical trials, an appropriate appeals mechanism for grant applicants, animal welfare, and reorganization to create a new arthritis research institute and new center for nursing research. NIH and I have not started out on the same side of all these issues. Nevertheless, we have been able to work together effectively toward resolution. I am sure that the chairman before me could cite other positive experiences, and that future chairmen will continue to realize the benefit of dealing with NIH on a broad array of health issues.

It is tempting, as we stand at the edge of the next century of biomedicine, to reminisce about the remarkable achievements of biomedical research, in addition to other public health efforts. We Americans have become accustomed to good health. As we pause to glance back, I think it is important to remember both the research that has led to our improved health and the research that is needed because there are still some very serious problems to solve.

The life expectancy of Americans has increased dramatically over the last 100 years, in part because of advances in medicine and in part because of lifestyle changes. Both of these have benefited from NIH-supported research. The virtual elimination of smallpox, diphtheria, and polio always come to mind as significant examples of successful disease prevention. NIH-supported research was critical to that success. Research focused on disease prevention has also led to the recognition that high blood pressure, often without symptoms, is a killer that can be controlled by lifestyle modification, and with medication is some cases; that some kinds of cancer can be linked to diet and therefore might be prevented by dietary changes; and that smoking is a critical threat to health, as is use of smokeless tobacco products. Recently, researchers have found that controllable dietary factors may also be linked with the development of cataracts in the elderly.

Clinical research supported by NIH has led to remarkable advances in medical treatment. One hundred years ago, an individual with an ailing heart was expected to take to bed and wait to die. Children born with heart defects simply died in infancy. Individuals in their thirties and forties died of unknown causes, and death was frequently classified as from old age for people only in their sixties. It is mind-boggling to recall this in the modern context of individuals who have surgery one day and are walking down the hospital corridor the next morning; or children born with serious problems who, after treatments which have become almost routine, are playing softball and riding their bikes, with no hint of an earlier tenuous infancy; and of the increasingly incredible statistics about aging—210 Americans reach the age of 100 every week, and over half of those over age 85 report no physical disability at all.

However, we obviously cannot close the book on research merely because we have recovered our investment manyfold. The successess of the past should be a springboard for solving the many remaining problems—those problems that make it necessary for us to acknowledge that not all Americans are equally healthy. We must eventually solve all the problems: cancer, diabetes, sudden infant death syndrome, Alzheimer's disease, arthritis, traumatic injuries, AIDS, and many so-called orphan diseases. In other words, while we can enjoy our success, we must continue to move on.

Underpinning all of the marvelous successess of the past 100 years—those accomplishments that we can see and apply—is basic biomedical research. For every clinical breakthrough, for every Nobel prize, for every miracle, there have been years of probing, searching, painstaking research. It is that research that has produced the NIH accomplishments that are truly "too numerous to mention." It is that research that is celebrated in this resolution. Our health and well-being are testament to the success of that research and are confirmation of the NIH "Century of Progress for Health." Our continued support for NIH will ensure that the last century is only a prelude.

I urge all of my colleagues in the Senate to join me in sponsoring this joint resolution.●

By Mr. HATCH:

S.J. Res. 396. Joint resolution to designate the week of October 26, 1986, through November 1, 1986, as "National Adult Immunization Awareness Week"; to the Committee on the Judiciary.

NATIONAL ADULT IMMUNIZATION AWARENESS WEEK

● Mr. HATCH. Mr. President, tens of thousands of Americans die needlessly each year simply because they aren't protected against flu or pneumonia. With the world's best health care system at their fingertips, thousands more adults will die or become severely sick and disabled from hepatitis, rubella, measles, diphteria, and tetanus—all diseases for which there are safe and effective vaccines.

Most of these deaths can be prevented by a simple inoculation. Many of these Americans will fall prey to diseases because they did not know that a simple shot could provide protection, could save their lives. Fewer than one out of every eight adults in this great Nation is protected against the ravages of any of these preventable illnesses.

Today I call upon my distinguished colleagues to join with me in launching a national campaign to educate and motivate all Americans—especially the elderly—to protect themselves through immunization. I ask them to cosponsor this resolution which designates the week of October 26, 1986, as "National Adult Immunization Awareness Week." In this way we can provide the focus and the national leadership America needs to eradicate these terrible diseases by the end of this century.

Yes, we have made great strides against many preventable infectious diseases. Smallpox has been eradicated worldwide. Polio has dropped from 21,000 cases in 1952 to only 15 in 1983. Diphteria, which peaked in 1921 at 206,939 cases, has almost been eliminated; only 5 cases were recorded in 1983.

However, five cases of diphtheria are five too many. In addition, 75 to 100 deaths from tetanus in the United States each year are ludicrous when the tetanus toxoid is so cheap and readily available. In the past 2 years, measles epidemics have hit several major universities in the United States, despite strong public health laws mandating childhood inoculation. Further, hundreds of infants continue to be born in this country with deformities and retardation due to failure to vaccinate adolescents and young adults effectively.

Clearly, much remains to be done in adult immunization.

Pneunococcal pneumonia is the sixth leading cause of death in the United States. However, fewer than 10 percent of the Nation's elderly are immunized against this deadly infectious disease. Streptococcus pneumoniae attacks more than a half million Americans each year. It is responsible for 25,000 to 30,000 deaths, the majority of which could be prevented by a simple vaccination. This is one vaccine for which Medicare pays all or most of the tab.

It is, of course, the elderly and the chronically ill who are most at risk from this disease. The incidence of pneumonia increases significantly in those over 40 years of age and shows a 2.5-fold increase in those over 60. For those 75 to 84, the death rate is 10 times greater. About 60 million Americans are considered to be at high risk for contracting pneumococcal pneumonia.

The story of influenza among our Nation's elderly is even worse. Sixteen times in the past 28 years influenza has killed more than 10,000 Americans, in each epidemic, mostly older Americans. This year, infectious disease experts at the Centers for Disease Control and elsewhere are closely watching a new strain of flu virus that circulated last year in Asia and has drifted across to South America during this year's flu season. Elderly Americans may face a severe challenge from one of the most virulent strains of influenza we have seen in years. Furthermore, they may have to take two shots to protect themselves this year instead of the one single annual inoculation.

The joint resolution I am introducing today calls on the President to issue a proclamation to observe the week of October 26 as "National Adult Immunization Awareness Week." However, this is only the beginning. The national focus on adult immunization should be year round. We must raise the collective conciousness regarding the immunologic status of our citizens. Physicians and health care workers need to promote necessary vaccinations. Patients need to ask for their shots.

The adult immunization campaign has for several years been conducted by the National Foundation for Infectious Disease with the endorsement and encouragement of the President, the Surgeon General of the United States, and several Federal agencies including the National Institutes of Health, the Food and Drug Administration, and the Centers for Disease Control. It has had the backing of physicians and other health care providers and a number of professional organizations. It is time that Congress recognized this effort and declared its support for adult immunization.

I know all of my colleagues will join me in this strategy to bring down the toll from infectious diseases. I hope they will support and quickly pass this joint resolution.●

By Mr. MATHIAS:

S.J. Res. 397. Joint resolution to designate the year beginning January 1, 1987, through December 31, 1987, as the "Year of the Reader"; to the Committee on the Judiciary.

YEAR OF THE READER

● Mr. MATHIAS. Mr. President, I am pleased to introduce today a joint resolution to designate the year beginning January 1, 1987, through December 31, 1987, as the "Year of the Reader." The initiative for this fine legislative proposal is conveyed in a letter to me from the Honorable Daniel J. Boorstin, Librarian of Congress. In his letter, Dr. Boorstin notes the added emphasis such a joint resolution would give to the importance of reading in our society and, if enacted, such a measure would encourage all citizens in our great country to read in their homes, their places of employment, their churches, and in their recreational pursuits. I concur in these observations of our distinguished Librarian of Congress.

Mr. President, I ask unanimous consent that copies of the correspondence between Dr. Boorstin and myself, together with a fact sheet on this legislation prepared by the Center for the Book at the Library of Congress, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON RULES
AND ADMINISTRATION,
Washington, DC, July 17, 1986.

Hon. DANIEL J. BOORSTIN,
The Librarian of Congress,
The Library of Congress, Washington, DC.

DEAR DR. BOORSTIN: This is in response to your letter conveying the recommendation of the National Advisory Committee for the Center for the Book, in the Library of Congress, for a Joint Resolution of the Congress to designate 1987 as the year of the reader. I agree with your observation that the Center is serving as a catalyst in focusing national attention on the importance of books, reading, and the written word, and I share your belief that a Joint Resolution of the Congress would give added emphasis on the importance of reading in our society. I will thus be pleased to introduce in the Senate a Joint Resolution designating 1987 the "Year of the Reader" and look to the enactment of such a measure during this session of the 99th Congress.

With best wishes,

Sincerely,

CHARLES MCC. MATHIAS, Jr.,
Chairman.

THE LIBRARIAN OF CONGRESS,
Washington, DC, March 11, 1986.

Hon. CHARLES MCC. MATHIAS, Jr.,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR SENATOR MATHIAS: As you know the Center for the Book in the Library of Congress serves as a catalyst in focusing national attention on the importance of books, reading, and the written word. It has been a cooperative endeavor between the public and private sectors of American society. Recently, the National Advisory Committee for the Center recommended that 1987 be declared the Year of the Reader. The American Library Association, the International Reading Association, the American Booksellers Association, and the Task Force on

the White House Conference on Libraries and Information Science have endorsed this recommendation and have agreed to use the theme "Year of the Reader" for their activities and for their national conferences in 1987.

I believe that a Joint Resolution of the Congress would give added emphasis on the importance of reading in our society and would encourage our citizens to promote reading in their homes and offices during the year.

I am enclosing a draft resolution should you concur in this recommendation and wish to introduce a resolution. Let us know if we can provide additional information.

Sincerely,

DANIEL J. BOORSTIN,
The Librarian of Congress.

THE LIBRARY OF CONGRESS,
THE CENTER FOR THE BOOK,
Washington, DC, April 1986.

To: Friends of the Center for the Book.
From: John Y. Cole, Executive Director.
Subject: 1987—The Year of the Reader.

Last year the Center's National Advisory Board, in response to a proposal from Patricia Holt, Book Editor of the *San Francisco Chronicle*, designated 1987 as the Center's "Year of the Reader." We are inviting organizations around the country to participate with events and projects that remind Americans of the fundamental importance of reading in their personal lives and in the life of our nation. This is a report to bring you up to date on what has happened and what is being planned. We welcome new ideas and support.

"1987—The Year of the Reader" is an encompassing, "umbrella" theme that celebrates reading. It also calls attention to the efforts of many organizations that are combating illiteracy and aliteracy and encouraging the reading habit. Most of these organizations are listed in a new Center for the Book publication, *The Community of the Book: A Directory of Selected Organizations and Programs.* Many of them also are participating in the "Year of the Reader" campaign. For example, the International Reading Association will use "1987—The Year of the Reader" as the theme for its 1987 annual conference (May 3-7 in Anaheim, California), and the American Booksellers Association will use the theme for its 1987 conference and trade show (May 23-26 in Washington, D.C.). We are working with other organizations to develop appropriate projects, including the American Library Association, the Association of American Publishers, CBS Television, the Contact Literacy Center, Friends of Libraries U.S.A., the Literacy Coalition, Reading Is Fundamental, Inc., the White House Conference on Libraries and Information Service Task Force (WHCLIST), and the Women's National Book Association.

We encourage the use of the new national symbol for libraries, which depicts a person reading (see verso), as the logo for "1987—The Year of the Reader." Its use has been approved by the American Library Association and by Maryland's Washington County Free Library, which developed the symbol. For copies of the logo for reproduction, please write Peggy Barber, American Library Association, 50 East Huron Street, Chicago, Illinois 60611.

The Library of Congress has asked Congress to designate 1987 as The Year of the Reader. The proposed resolution authorizes and requests the President to issue a proclamation encouraging activities "aimed at restoring the act of reading to a place of preeminence in our personal lives and in the life of our nation." The Library also has asked the U.S. Postal Service to issue a "Year of the Reader" stamp. The Center for the Book will sponsor a Year of the Reader poster and at least one traveling exhibit. We also will use the theme in our symposium, lecture, and publication programs. In 1988 the Center will adopt a new reading promotion theme (suggestions include "Reading is Forever" and "America is Book Country") to incorporate and continue many of the Year of the Reader projects.

While the Center for the Book is undertaking these national initiatives, most of the activities during the Year of the Reader will be carried out by local chapters of national associations, by state libraries, and by regional, state, and local book coalitions. These coalitions include the statewide centers for the book now in existence (Florida and Illinois), those about to begin activities (Oklahoma and Oregon), and those still in the planning stage (Minnesota, Wisconsin, Michigan, California, and others). These statewide centers are affiliated with the Center for the Book in the Library of Congress.

An exciting project that contains both regional and national elements is being planned by Patricia Holt in California. The project builds on efforts now underway and proposes new initiatives "to encourage, emphasize, and celebrate reading." Pat has hired Patricia Abe as a project director, and the Center for the Book in the Library of Congress will be working closely with both of them as the project develops. Copies of their prospectus can be obtained from Pat Holt, *San Francisco Chronicle*, 901 Mission Street, San Francisco, California 94119. Please do not hesitate to contact either of them directly with comments, ideas, or information.

Finally, please be in touch with me if you have ideas about how we can involve additional national organizations or obtain financial support for this effort. Like all Center for the Book projects, "1987—The Year of the Reader," depends on tax-deductible contributions from individuals and corporations. Contributions of any amount are welcome. Checks should be made out to The Center for the Book in the Library of Congress and sent to me. Thank you.

Proposed resolution:

JOINT RESOLUTION TO DESIGNATE THE YEAR 1987 AS THE "YEAR OF THE READER"

Whereas the ability and opportunity to read is of fundamental importance to everyone;

Whereas this Nation's democratic, individualistic tradition depends on a literate, informed citizenry;

Whereas the National Commission on Reading, the Librarian of Congress, and others have recently reported that an alarmingly large number of Americans are not able or motivated to read;

Whereas the Center for the Book in the Library of Congress has concluded there is an urgent need to focus national attention on the importance of reading and to strengthen national and local efforts to combat the problems of illiteracy and aliteracy;

Whereas this Nation, built on ideas expressed through books and the printed word, will celebrate the Bicentenary of its Constitution in 1987; Now therefore be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That 1987 is designated the "Year of the Reader," and that the President is authorized and requested to issue a proclamation encouraging parents, teachers, librarians, government officials, members of the book and business communities, and the people of the United States to observe the year with activities aimed at restoring the act of reading to a place of preeminence in our personal lives and in the life of our Nation.●

By Mr. LEAHY (for himself, Mr. PROXMIRE, Mr. MATHIAS, Mr. SARBANES, Mr. MOYNIHAN, Mr. KERRY, Mr. GORE, Mr. MATSUNAGA, Mr. QUAYLE, Mr. BURDICK, Mr. HOLLINGS, Mr. PRYOR, Mr. NUNN, Mr. SASSER, Mr. WEICKER, Mr. STAFFORD, Mr. METZENBAUM, Mr. KENNEDY, Mr. SIMON, Mr. COCHRAN, Mr. HATCH, Mr. CHILES, Mr. GRASSLEY, Mr. WARNER, Mr. BOSCHWITZ, Mr. HATFIELD, and Mr. THURMOND):

S.J. Res. 398. Joint resolution to designate the week beginning September 7, 1986, as "National Freedom of Information Act Awareness Week"; to the Committee on the Judiciary.

NATIONAL FREEDOM OF INFORMATION ACT AWARENESS WEEK

● Mr. LEAHY. Mr. President, today I am introducing the National Freedom of Information Act Awareness Week to celebrate the 20th anniversary of the Freedom of Information Act.

The FOIA has become so important that it is difficult to remember that it is a statute and not a part of the Constitution. As a statute, the act is very much a product of this body. Originally, it was met coolly by the executive branch in 1966, and it took strong bipartisan cooperation to get it enacted, and then strengthened in 1974.

We rely on the FOIA in so many ways. It has become an indispensable tool in expanding public knowledge of health, safety, and environmental matters. It has led to public disclosure of Government waste and wrongdoing. Most importantly, the FOIA puts a mammoth Government on the same plane as any citizen it serves and it strengthens people's faith in their Government.

This joint resolution will proclaim the week of September 7, 1986 as National Freedom of Information Act Awareness Week. Since education and public awareness are the main goals behind this observance, this week was chosen to coincide with the beginning of the school year. I can think of no better time to discuss the importance of the FOIA and the commitment all of us must share in protecting open government.

National FOIA Awareness Week calls upon Federal, State, and local government officials, and the people of the United States, to observe this week with appropriate activities and ceremonies. It already has broad bi-

partisan support in the House of Representatives, and I am hopeful that the Senate will be equally enthusiastic.●

ADDITIONAL COSPONSORS

S. 528

At the request of Mr. RUDMAN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 528, a bill to establish a Bipartisan Commission on Congressional Campaign Financing, to improve the manner in which congressional campaigns are financed.

S. 985

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 985, a bill to protect the rights of victims of child abuse.

S. 1569

At the request of Mr. BINGAMAN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 1569, a bill to amend title XVIII of the Public Health Service Act to encourage health promotion and disease prevention through the implementation of a coordinated national nutrition monitoring system.

S. 1871

At the request of Mr. GRASSLEY, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 1871, a bill to strengthen provisions of the Trade Expansion Act of 1962 that provide safeguards when imports threaten national security.

S. 2186

At the request of Mr. MURKOWSKI, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 2186, a bill to exempt any amounts available to provide certain benefits to veterans with service-connected disabilities from any requirement for sequestration of funds under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

S. 2454

At the request of Mr. MURKOWSKI, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 2454, a bill to repeal section 1631 of the Department of Defense Authorization Act, 1985, relating to the liability of Government contractors for injuries or losses of property arising out of certain atomic weapons testing programs, and for other purposes.

S. 2585

At the request of Mr. HECHT, the name of the Senator from Ohio [Mr. METZENBAUM] was added as a cosponsor of S. 2585, a bill to authorize the President of the United States to award a congressional gold medal to Red Skelton in recognition of his lifetime commitment in service of Americans and to authorize the Secretary of the Treasury to sell bronze duplicates of such medal.

S. 2647

At the request of Mr. WEICKER, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 2647, a bill to amend the Small Business Investment Act of 1958 to create the Corporation for Small Business Investment, to transfer certain functions of the Small Business Administration to the Corporation, and for other purposes.

S. 2683

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of S. 2683, a bill to make unlawful the laundering of money, and for other purposes.

S. 2737

At the request of Mr. ABDNOR, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 2737, a bill to amend the Commodity Exchange Act to remove the application of such act to the trading of cattle.

SENATE JOINT RESOLUTION 189

At the request of Mr. HATCH, THE NAME OF THE SENATOR FROM NORTH DAKOTA [MR. ANDREWS] was added as a cosponsor of Senate Joint Resolution 189, a joint resolution designating the week beginning January 12, 1986, as "National Fetal Alcohol Syndrome Awareness Week".

SENATE JOINT RESOLUTION 322

At the request of Mr. LAUTENBERG, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Joint Resolution 322, a joint resolution to designate December 7, 1986, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor.

SENATE JOINT RESOLUTION 348

At the request of Mr. GLENN, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of Senate Joint Resolution 348, a joint resolution to designate the week beginning November 24, 1986, as "National Family Caregivers Week."

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. LEVIN, the name of the Senator from Illinois [Mr. SIMON] the Senator from California [Mr. CRANSTON], the Senator from Michigan [Mr. RIEGLE], and the Senator from Ohio [Mr. GLENN] were added as cosponsors of Senate Concurrent Resolution 108, a concurrent resolution expressing the sense of the Congress regarding East Timor.

SENATE CONCURRENT RESOLUTION 154

At the request of Mr. D'AMATO, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Concurrent Resolution 154, a concurrent resolution concerning the Soviet Union's persecution of members of the Ukrainian and other public Helsinki Monitoring Groups.

SENATE RESOLUTION 435

At the request of Mr. MOYNIHAN, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Resolution 435, a resolution to recognize Mr. Eugene Lang for his contributions to the education and the lives of disadvantaged young people.

SENATE RESOLUTION 464

At the request of Mr. ROTH, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Mississippi [Mr. STENNIS], the Senator from Florida [Mrs. HAWKINS], the Senator from Virginia [Mr. TRIBLE], the Senator from Georgia [Mr. NUNN], the Senator from North Dakota [Mr. BURDICK], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of Senate Resolution 464, a resolution to designate October 1986 as "Crack/Cocaine Awareness Month."

AMENDMENT NO. 2611

At the request of Mr. LAUTENBERG, the names of the Senator from Wisconsin [Mr. KASTEN] and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of amendment No. 2611 intended to be proposed to S. 2405, a bill to authorize appropriations for certain highways in accordance with title 23, United States Code, and for other purposes.

SENATE RESOLUTION 447—WAIVING CONGRESSIONAL BUDGET ACT

Mr. ROTH submitted the following resolution; which was referred to the Committee on the Budget:

S. RES. 477

Resolved, That, pursuant to section 303(c) of the Congressional Budget Act of 1974, section 303(a) of that Act be waived with respect to the consideration of S. 2230, the Federal Management Reorganization and Cost Control Act of 1986, a bill to improve the management of the Government by establishing an Office of Federal Management in the Executive Office of the President, and for other purposes.

S. 2230 violates section 303(a) of the Congressional Budget Act of 1974 because the bill provides new entitlement authority to become effective during a fiscal year for which a budget resolution has not been agreed to.

The entitlement authority provided in S. 2230 requires the Federal Government to make interest payments to States to cover delays in payment of Federal funds to the States.

SENATE RESOLUTION 478—ORIGINAL RESOLUTION REPORTED RELATING TO ACCESS TO PRESIDENTIAL DOCUMENTS

Mr. ROTH, from the Committee on Governmental Affairs, reported the following original resolution; which was placed on the calendar:

S. RES. 478

Whereas Congress enacted The Presidential Recordings and Materials Preservation Act of 1974 to preserve the records of former President Richard M. Nixon, nullifying an agreement between Mr. Nixon and former GSA Administrator Arthur Sampson, the effect of which agreement was to vest all authority over such Presidential materials in the former President;

Whereas The Presidential Recordings and Materials Preservation Act of 1974 required that the approximately 35,000 cubic feet of Presidential Materials of Richard M. Nixon be protected, preserved, and made publicly available at the earliest reasonable date and vested authority in the Administrator of the General Services Administration;

Whereas The Presidential Recordings and Materials Preservation Act of 1974 required seven interests to be taken into account by the Archivist in proposing regulations that would provide public access to the Presidential historical materials of the former President;

Whereas The Presidential Recordings and Materials Preservation Act of 1974 provided for judicial review of challenges to the validity of the statute or its regulations;

Whereas the U.S. Supreme Court in *Nixon* v. *Administrator*, 433 U.S. 425 (1977), upheld the constitutionality of The Presidential Recordings and Materials Preservation Act of 1974;

Whereas Congress enacted The National Archives and Records Administration Act of 1984 (P.L. 98-497) to establish The National Archives as an independent agency and transferred the archives and records management authority of the Administrator to the Archivist of the United States;

Whereas the National Archives and Records Administration regulations which took effect on June 26, 1986, are the sixth attempt since 1975 to implement the Presidential Recordings and Materials Act of 1974 governing access to the Nixon Presidential materials;

Whereas during the public comment period on such proposed regulations, the incumbent President, the Office of Management and Budget, and the Department of Justice did not object to the regulations or comment on questions of executive privilege;

Whereas an interpretation of the regulations by the Office of Legal Counsel of the Department of Justice dated February 18, 1986, dealing with executive privilege claims of former President Nixon, contradicts the plan language of the regulations and the Congressional intent in both The Presidential Recordings and Materials Preservation Act as further implemented by The National Archives and Records Administration Act;

Now, therefore, be it

Resolved, That it is the sense of the Senate that the National Archives and Records Administration regulations meet the statutory requirements that a variety of interests, including those of former President Nixon as well as the public interest, be accommodated;

That the regulations establish a reasonable and fair process that ensures that all interests will be weighed by the Archivist prior to release of any Presidential materials;

That the regulations should take effect and be implemented by the Archivist without regard to the interpretive memorandum by the Department of Justice Office of Legal Counsel dated February 18, 1986, dealing with executive privilege claims of former President Nixon.

SENATE RESOLUTION 479—ORIGINAL RESOLUTION REPORTED AMENDING THE STANDING RULES OF THE SENATE RELATING TO IMPEACHMENT

Mr. MATHIAS, from the Committee of Rules and Administration, reported the following original resolution; which was placed on the calendar:

S. RES. 479

Resolved, That the rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials are amended to read as follows:

RULES OF PROCEDURE AND PRACTICE IN THE SENATE WHEN SITTING ON IMPEACHMENT TRAILS

I. Whensoever the Senate shall receive notice from the House of Representatives that managers are appointed on their part to conduct an impeachment against any person and are directd to carry articles of impeachment to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers for the purpose of exhibiting such articles of impeachment, agreeably to such notice.

II. When the managers of an impeachment shall be introduced at the bar of the Senate and shall signify that they are ready to exhibit articles of impeachment against any person, the Presiding Officer of the Senate shall direct the Sergeant at Arms to make proclamation, who shall, after making proclamation, repeat the following words, viz: "All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against —— ——"; after which the articles shall be exhibited, and then the Presiding Officer of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

III. Upon such articles being presented to the Senate, the Senate shall, at 1 o'clock afternoon of the day (Sunday excepted) following such presentation, or sooner if ordered by the Senate, proceed to the consideration of such articles and shall continue in session from day to day (Sundays excepted) after the trial shall commence (unless otherwise ordered by the Senate) until final judgment shall be rendered, and so much longer as may, in its judgment, be needful. Before proceeding to the consideration of the articles of impeachment, the Presiding Officer shall administer the oath hereinafter provided to the Members of the Senate then present and to the other Members of the Senate as they shall appear, whose duty it shall be to take the same.

IV. When the President of the United States or the Vice President of the United States, upon whom the powers and duties of the Office of President shall have devolved, shall be impeached, the Chief Justice of the United States shall preside; and in case requiring the said Chief Justice to preside notice shall be given to him by the Presiding Officer of the Senate of the time and place fixed for the consideration of the articles of impeachment, as aforesaid, with request to attend; and the said Chief Justice shall be administered the oath by the Presiding Officer of the Senate and shall preside over the Senate during the consideration of said articles and upon the trial of the person impeached therein.

V. The Presiding Officer shall have power to make and issue, by himself of by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

VI. The Senate shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, precepts, and judgments, to preserve order, and to punish in a summary way contempts of, and disobedience to, its authority, orders, mandates, writs, precepts, or judgments, and to make all lawful orders, rules, and regulations which it may deem essential or conducive to the ends of justice. And the Sergeant at Arms, under the direction of the Senate, may employ such aid and assistance as may be necessary to enforce, execute, and carry into effect the lawful orders, mandates, writs, and precepts of the Senate.

VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the Presiding Officer on the trial shall direct all the forms of proceedings while the Senate is sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for. And the Presiding Officer on the trial may rule on all questions of evidence including, but not limited to, questions of relevancy, materiality, and redundancy of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some Member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision without debate; or he may at his option, in the first instance, submit any such question to a vote of the Members of the Senate. Upon all such questions the vote shall be taken in accordance with the Standing Rules of the Senate.

VIII. Upon the presentation of articles of impeachment and the organization of the Senate as hereinbefore provided, a writ of summons shall issue to the person impeached, reciting said articles, and notifying him to appear before the Senate upon a day and at a place to be fixed by the Senate and named in such writ, and file his answer to said articles of impeachment, and to stand to and abide the orders and judgments of the Senate thereon; which writ shall be served by such officer or person as shall be named in the precept thereof, such number of days prior to the day fixed for such appearance as shall be named in such precept, either by the delivery of an attested copy thereof to the person impeached, or if that cannot conveniently be done, by leaving such copy at the last known place of abode of such person, or at his usual place of busi-

ness in some conspicuous place therein; or if such service shall be, in the judgment of the Senate, impracticable, notice to the person impeached to appear shall be given in such other manner, by publication or otherwise, as shall be deemed just; and if the writ aforesaid shall fail of service in the manner aforesaid, the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the person impeached, after service, shall fail to appear, either in person or by attorney, on the day so fixed therefor as aforesaid, or, appearing, shall fail to file his answer to such articles of impeachment, the trial shall proceed, nevertheless, as upon a plea of not guilty. If a plea of guilty shall be entered, judgment may be entered thereon without further proceedings.

IX. At 12:30 o'clock afternoon of the day appointed for the return of the summons against the person impeached, the legislative and executive business of the Senate shall be suspended, and the Secretary of the Senate shall administer an oath to the returning officer in the form following, viz:

"I, —— ——, do solemnly swear that the return made by me upon process issued on the —— day of ——, by the Senate of the United States, against —— ——, is truly made, and that I have performed such service as therein described: So help me God." Which oath shall be entered at large on the records.

X. The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appear, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney, naming the person appearing and the capacity in which he appears. If he does not appear, either personnally or by agent or attorney, the same shall be recorded.

XI. That in the trial of any impeachment the Presiding Officer of the Senate, if the Senate so orders, shall appoint a committee of Senators to receive evidence and take testimony at such times and places as the committee may determine, and for such purpose the committee so appointed and the chairman thereof, to be elected by the committee, shall (unless otherwise ordered by the Senate) exercise all the powers and functions conferred upon the Senate and the Presiding Officer of the Senate, respectively, under the rules of procedure and practice in the Senate when sitting on impeachment trials.

Unless otherwise ordered by the Senate, the rules of procedure and practice in the Senate when sitting on impeachment trials shall govern the procedure and practice of the committee so appointed. The committee so appointed shall report to the Senate in writing a certified copy of the transcript of the proceedings and testimony had and given before such committee, and such report shall be received by the Senate and the evidence so received and the testimony so taken shall be considered to all intents and purposes, subject to the right of the Senate to determine competency, relevancy, and materiality, as having been received and taken before the Senate, but nothing herein shall prevent the Senate from sending for any witness and hearing his testimony in open Senate, or by order of the Senate having the entire trial in open Senate.

XII. At 12:30 o'clock afternoon, or at such other hour as the Senate may order, of the day appointed for the trial of an impeachment, the legislative and executive business of the Senate shall be suspended, and the Secretary shall give notice to the House of Representatives that the Senate is ready to proceed upon the impeachment of — —, in the Senate Chamber.

XIII. The hour of the day at which the Senate shall sit upon the trial of an impeachment shall be (unless otherwise ordered) 12 o'clock m.; and when the hour shall arrive, the Presiding Officer upon such trial shall cause proclamation to be made, and the business of the trial shall proceed. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate; but on such adjournment the Senate shall resume the consideration of its legislative and executive business.

XIV. The Secretary of the Senate shall record the proceedings in cases of impeachment as in the case of legislative proceedings, and the same shall be reported in the same manner as the legislative proceedings of the Senate.

XV. Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

XVI. All motions, objections, requests, or applications whether relating to the procedure of the Senate or relating immediately to the trial (including questions with respect to admission of evidence or other questions arising during the trial) made by the parties or their counsel shall be addressed to the Presiding Officer only, and if he, or any Senator, shall require it, they shall be committed to writing, and read at the Secretary's table.

XVII. Witnesses shall be examined by one person on behalf of the party producing them, and then cross-examined by one person on the other side.

XVIII. If a Senator is called as a witness, he shall be sworn, and give his testimony standing in his place.

XIX. If a Senator wishes a question to be put to a witness, or to a manager, or to counsel of the person impeached, or to offer a motion or order (except a motion to adjourn), it shall be reduced to writing, and put by the Presiding Officer. The parties or their counsel may interpose objections to witnesses answering questions propounded at the request of any Senator and the merits of any such objection may be argued by the parties of their counsel. Ruling on any such objection shall be made as provided in Rule VII. It shall not be in order for any Senator to engage in colloquy.

XX. At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be kept open, unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record.

XXI. All preliminary or interlocutory questions, and all motions, shall be argued for not exceeding one hour (unless the Senate otherwise orders) on each side.

XXII. The case, on each side, shall be opened by one person. The final argument on the merits may be made by two persons on each side (unless otherwise ordered by the Senate upon application for that purpose), and the argument shall be opened and closed on the part of the House of Representatives.

XXIII. An article of impeachment shall not be divisible for the purpose of voting thereon at any time during the trial. Once voting has commenced on an article of impeachment, voting shall be continued until voting has been completed on all articles of impeachment unless the Senate adjourns for a period not to exceed one day or adjourns sine die. On the final question whether the impeachment is sustained, the yeas and nays shall be taken on each article of impeachment separately; and if the impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of the members present, a judgment of acquittal shall be entered; but if the person impeached shall be convicted upon any such article by the votes of two-thirds of the Members present, the Senate may proceed to the consideration of such other matters as may be determined to be appropriate prior to pronouncing judgment. Upon pronouncing judgment, a certified copy of such judgment shall be deposited in the office of the Secretary of State. A motion to reconsider the vote by which any article of impeachment is sustained or rejected shall not be in order.

Form of putting the question on each article of impeachment

The Presiding Officer shall first state the question; thereafter each Senator, as his name is called, shall rise in his place and answer: guilty or not guilty.

XXIV. All the orders and decisions may be acted upon without objection, or, if objection is heard, the orders and decisions shall be voted on without debate by yeas and nays, which shall be entered on the record, subject, however, to the operation of Rule VII, except when the doors shall be closed for deliberation, and in that case no Member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the Members present. The fifteen minutes herein allowed shall be for the whole deliberation on the final question, and not on the final question on each article of impeachment.

XXV. Witnesses shall be sworn in the following form, viz: "You, —— ——, do swear (or affirm, as the case may be) that the evidence you shall give in the case now pending between the United States and —— ——, shall be the truth, the whole truth, and nothing but the truth: So help you God." Which oath shall be administered by the Secretary, or any other duly authorized person.

Form of a subpena to be issued on the application of the managers of the impeachment, or of the party impeached, or of his counsel

To —— ——, greeting:

You and each of you are hereby commanded to appear before the Senate of the United States, on the —— day of ——, at the Senate Chamber in the city of Washington, then and there to testify your knowledge in the cause which is before the Senate in which the House of Representatives have impeached —— —— —— ——.

Fail not.

Witness —— —— —— ——, and Presiding Officer of the Senate, at the city of Washington, this — day of ——, in the year of our Lord —— ——, and of the Independence of the United States the —— ——.

—— —— —— ——,

Presiding Officer of the Senate.

Form of direction for the service of said subpena

The Senate of the United States to —— ——, greeting:

You are hereby commanded to serve and return the within subpena according to law.

Dated at Washington, this — day of ——, in the year of our Lord ——, and of the Independence of the United States the ——.

—— ——,
Secretary of the Senate.

Form of oath to be administered to the Members of the Senate and the Presiding Officer sitting in the trial of impeachments

"I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of —— ——, now pending, I will do impartial justice according to the Constitution and laws: So help me God."

Form of summons to be issued and served upon the person impeached

The United States of America, ss:
The Senate of the United States to —— ——, greeting:

Whereas the House of Representatives of the United States of America did, on the —— day of ——, exhibit to the Senate articles of impeachment against you, the said —— ——, in the words following:

[Here inset the articles]

And demand that you, the said —— ——, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials and judgments might be thereupon had as are agreeable to law and justice.

You, the said —— ——, are therefore hereby summoned to be and appear before the Senate of the United States of America, at their Chamber in the city of Washington, on the —— day of ——, at —— o'clock ——, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform such orders, directions, and judgments as the Senate of the United States shall make in the premises according to the Constitution and laws of the United States.

Hereof you are not to fail.

Witness —— ——, and Presiding Officer of the said Senate, at the city of Washington, this —— day of ——, in the year of our Lord ——, and of the Independence of the United States the ——.

—— ——,
Presiding Officer of the Senate.

Form of Precept to be indorsed on said writ of summons

The United State of America, ss:
The Senate of the United States to —— ——, greeting:

You are hereby commanded to deliver to and leave with —— ——, if conveniently to be found, or if not, to leave at his usual place of abode, or at his usual place of business in some conspicuous place, a true and attested copy of the within writ of summons, together with a like copy of this precept; and in whichsoever way you perform the service, let it be done at least —— days before the appearance day mentioned in the said writ of summons.

Fail not, and make return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the appearance day mentioned in the said writ of summons.

Witness —— ——, and Presiding Officer of the Senate, at the city of Washington, this —— day of ——, in the year of our Lord ——, and of the Independence of the United States the ——.

—— ——,
Presiding Officer of the Senate.

All process shall be served by the Sergeant at Arms of the Senate, unless otherwise ordered by the Senate.

XXVI. If the Senate shall at any time fail to sit for the consideration of articles of impeachment on the day or hour fixed therefor, the Senate may, by an order to be adopted without debate, fix a day and hour for resuming such consideration.

AMENDMENTS SUBMITTED

MILITARY CONSTRUCTION APPROPRIATIONS, FISCAL YEAR 1987

HARKIN AMENDMENT NO. 2716

Mr. HARKIN proposed an amendment to the bill (H.R. 5052) making appropriations for military construction of the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes; as follows:

At the appropriate place in Title II of the bill, add the following section:

Sec. . Notwithstanding any other provision of law, no member of the United States Armed Forces, or any agent, or contractor thereof, may provide training, advice, or any logistical support, to the Nicaraguan democratic resistance within the territory of the countries of Honduras and Costa Rica.

MELCHER (AND OTHERS) AMENDMENT NO. 2717

Mr. MELCHER (for himself, Mr. ZORINSKY, Mr. HARKIN, Mr. LEAHY, Mr. BAUCUS, Mr. BURDICK, Mr. SIMON, Mr. KENNEDY, Mr. KERRY, and Mr. EXON) proposed an amendment to the bill H.R. 5052, supra, as follows:

On page 29, strike all after "1986" on line 2, through the end of line 5.

LEAHY AMENDMENT NO. 2718

Mr. LEAHY proposed an amendment to the bill H.R. 5052, supra, as follows:

At the appropriate place in Title II of the bill, add the following section:

Sec. . No funds made available for expenditures through Section 6 of this Title for assistance for the Nicaraguan Democratic Resistance may be obligated or expended by the Central Intelligence Agency or any other intelligence agency or entity of the United States.

BIDEN (AND OTHERS) AMENDMENT NO. 2719

Mr. BIDEN (for himself, Mr. BYRD, and Mr. SASSER) proposed an amendment to the bill H.R. 5052, supra, as follows:

On page 24, beginning with line 13, strike beginning with the word "if" through line 15.

On page 51, between lines 6 and 7, insert the following new section:

POLICY TOWARD NEGOTIATIONS WITH THE GOVERNMENT OF NICARAGUA

SEC. 217. None of the funds transferred under section 206(a)(2) shall be expended until the Government of the United States has formally proposed to the Government of Nicaragua to enter into direct bilateral negotiations aimed at:

(1) the successful conclusion of a security agreement which—

(A) involves the removal of Soviet-bloc and Cuban advisers;

(B) bars the establishment of any Soviet base on the territory of Nicaragua; and

(C) reduces Sandinista arms levels and prevents the Sandinistas from acquiring more advanced weaponry; and

(2) the successful conclusion of the Contadora process leading to the signing of a regional peace treaty.

BYRD AMENDMENT NO. 2720

Mr. BYRD proposed an amendment to the bill, H.R. 5052, supra, as follows:

At the end of section 206, on page 32, add the following new subsection:

(d)(1) Of the amounts transferred under subsection (a), $450,000 shall be available only for support for the staff of, and maintenance of the facilities of, the Nicaraguan newspaper La Prensa during the period that the Government of Nicaragua does not permit such newspaper to publish. For this purpose, the funding shall remain available until September 30, 1988.

(2) Thirty days after the date of enactment of this Act, the Secretary of State shall prepare and transmit to the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate a report in classified form describing the manner in which paragraph (1) has been implemented.

KERRY AMENDMENT NO. 2721

Mr. KERRY proposed an amendment to the bill, H.R. 5052, supra, as follows:

At the end of the bill, page 51, after line 16 insert the following new section:

SEC. . All forms of assistance under this Act, direct and indirect (except as set forth below), to the Contras shall be terminated if the Governments of Nicaragua, Honduras, El Salvador, Guatemala and Costa Rica sign a Contadora agreement the principal provisions of which were publicly endorsed by Honduras, El Salvador, Guatemala and Costa Rica in April 1986 and which among other things provides for national reconciliation, democratic pluralism, a freeze on all arms imports, a withdrawal of all Soviet bloc advisors, the termination of all support for the Salvadoran guerrillas, a prohibition on all foreign military bases, and the simultaneous, with signing, implementation of a verification and control commission with full powers of onsite inspection; *Provided further,* That assistance shall be made available to the contras solely to carry out the national reconciliation provisions of such Contadora agreement.

SIMON AMENDMENT NOS. 2722 AND 2723

Mr. SIMON proposed two amendments to the bill, H.R. 5052, supra, as follows:

AMENDMENT NO. 2722

On page 51, after line 16, insert the following:

SEC. 217. (a) Not withstanding any other provision of this Act and no later than 30 days after the date of enactment of this Act and every thirty days thereafter, the President shall prepare and transmit to the Comptroller General of the United States a report accounting in full for the uses of all goods and services purchased under Title II whether within or without the United States with funds appropriated under this title for assistance to the Nicaraguan democratic resistance.

(b) Not later than 15 days after the receipt of the report to be transmitted by subsection (a), the Comptroller General of the United States shall transmit to the appropriate committees of the Congress such report, together with a report which is prepared by the General Accounting Office and which analyzes the data supplied in the report of the President. For purposes of this subsection, the Comptroller General of the United States shall have the right to examine, and have access to any pertinent books documents, papers and records of any agency or component of the United States Government or any contractor or subcontractor thereto.

AMENDMENT NO. 2723

On page 51, after line 16, add the following:

SEC. 303. Not withstanding any other provision of this Act, of the funds appropriated under title II of PL-90-10, as amended by this Act, and that are available through September 30, 1987—

(1) 25,000,000 shall be available only to provide a United States contribution to the Special Program for Sub-Saharan African Countries Affected by Drought and Desertification of the International Fund for Agricultural Development; and

(2) 25,000,000 shall be available only through the Agency for International Development for the following purposes—

(A) not to exceed 10,000,000 shall be available only to support programs for the eradication of locusts and other pests that threaten food supplies in Africa; and

(B) such funds as are not allocated by paragraph (1) shall be obligated to support projects that assist agricultural activities by poor farmers in Africa for the production of food to be consumed in Africa, with preference given to projects that involve co-financing with projects funded by I.F.A.D. Such projects shall be targeted to assist in the rehabilitation of agriculture in areas that have been most severely affected by drought and famine.

On page 28, line 10, strike "$300,000,000" and insert in lieu thereof "$250,000,000".

KENNEDY AMENDMENT NO. 2724

Mr. KENNEDY proposed an amendment to the bill H.R. 5052, supra, as follows:

At the end of the bill add the following section:

It is the sense of the Congress that the $5,000,000 made available by section 204(d), to the Indian resistance force known as MISURASATA shall be administered and overseen only by the United States Department of State.

HARKIN AMENDMENT NO. 2725

Mr. HARKIN proposed an amendment to the bill H.R. 5052, supra, as follows:

At the end of bill, add a new section as follows:

SEC. . (a)(1) Notwithstanding any provision of title II, one-half of the funds transferred under section 206(a) of this Act for assistance to the Nicaraguan democratic resistance shall be transferred by the President to an appropriate account in the Treasury and shall be available to the President and the Secretary of Agriculture for the purpose of providing disaster relief to farmers and ranchers in areas determined by the President to be adversely affected by a drought, excessive hot weather, flood, or excessive precipitation disaster.

(2) Upon completion of the transfer under subsection (a), the President may reduce by one-half the amount of funds available under section 208 of this Act for humanitarian assistance to the Nicaraguan democratic resistance.

(b)(1) Within 30 days after the date of enactment of this Act, the President and the Secretary shall announce the manner in which funds available under this section shall be used to provide disaster assistance under existing authorities to producers who have suffered excessive losses because of a natural disaster. *Provided*, that none of funds so provided shall be used to provide assistance to any producer in an amount in excess of $5,000.

(2) The assistance provided from funds available under this section shall be in addition to, and not in place of, any other assistance available under a program previously announced by the President or the Secretary that provides disaster assistance to farmers and ranchers.

BYRD AMENDMENT NO. 2726

Mr. BYRD proposed an amendment to the bill H.R. 5052, supra, as follows:

At the end of the bill add the following new section:

SEC. . (a) FINDING.—The Congress finds that the promotion of stability in Central America, and the efforts to establish peaceful resolutions to the region's many problems, should be pursued primarily through diplomacy.

(b) In order to promote peaceful resolutions to the problems of Central America primarily through diplomatic means, funds available to the Department of Defense, the Department of State, the Central Intelligence Agency, or any other agency or entity of the United States may be obligated or expended to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance to support military or paramilitary operations in Nicaragua only—

(1) As provided for in this act; or

(2) If otherwise specifically authorized by law for use for such purposes.

(c) For purposes of subsection (a), the term "assistance" means assistance of any kind, including, but not limited to that which is provided by grant, sale, loan, lease, bailment, credit, guaranty, insurance, or peoperly chargeable services.

(d) No funds available from the Reserve for Contingencies of the Central Intelligence Agency may be obligated or expended for the purpose or which would have the effect of supporting, directly of indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual, except if such activities have been specifically authorized by law formally acted upon by the Congress.

(e) Nothing in the preceding three paragraphs shall prevent the conduct of—

(1) Activities which are intended for the collection, analysis, production and dissemination of intelligence information; or

(2) Diplomatic activities.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, FISCAL YEAR 1987

DOLE (AND BYRD) AMENDMENT NO. 2727

Mr. HATIFIED (for Mr. DOLE, for himself and Mr. BYRD) proposed an amendment to the bill (H.R. 5203) making apropriations for the legislative branch for the fiscal year ending September 30, 1987, and for other purposes, as follows:

On page 3, line 20, strike "$1,090,000" and insert "$1,190,000".

FORD (AND OTHERS) AMENDMENT NO. 2728

Mr. FORD (for himself, Mr. MATHIAS, Mr. NICKLES, Mr. PRESSLER, and Mr. WILSON) proposed an amendment to the bill H.R. 5203, supra, as follows:

On page 6, after line 25, insert the center subheading "Official Mail Costs" and the following new section:

"For expenses necessary for official mail costs of the Senate, $47,409,000, to be disbursed by the Secretary of the Senate."

On page 11, after line 2, insert the center subheading "Official Mail Costs" and the following new section:

"For expenses necessary for official mail costs of the House of Representatives, $47,409,000, to be disbursed by the Clerk of the House."

On page 15, delete lines 8 through 10.

On page 36, after line 2, add the following new section:

"SEC. 308. (a) Subsection (a) of section 3216 of title 39 of the United States Code is amended by striking 'a lump sum appropriations to the legislative branch' and inserting in lieu thereof 'lump sum appropriations to the House of Representatives and to the Senate.'

"(b) Subsection (c) of Section 3216 of title 39 of the United States Code is repealed."

UNITED KINGDOM-IRELAND AGREEMENT

LUGAR AMENDMENT NO. 2729

Mr. DOLE (for Mr. LUGAR) proposed an amendment to the bill (H.R. 4329) to authorize U.S. contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anglo-Irish Agreement Support Act of 1986".

SEC. 2. FINDING AND PURPOSES.

(2) FINDINGS.—The Congress finds that the Anglo-Irish Agreement is a clear demonstration of the determination of the Government of the United Kingdom and the Government of Ireland to make progress concerning the complex situation in Northern Ireland. The Congress strongly supports the Anglo-Irish Agreement and it particularly encouraged that these two neighboring countries, longstanding friends of the United States, have joined together to rebuild a land that has too often been the scene of economic hardship and where many have suffered severely from the consequences of violence in recent years. In recognition of our ties of kinship, history, and commitment to democratic values, the Congress believes the United States should participate in this renewed commitment to social and economic progress in Northern Ireland and affected areas of Ireland.

(b) PURPOSES.—It is, therefore, the purpose of this Act to provide for United States contributions in support of the Anglo-Irish Agreement, such contributions to consist of economic support fund assistance for payment to the International Fund established pursuant to the Anglo-Irish Agreement, as well as other assistance to serve as an incentive for economic development and reconciliation in Ireland and Northern Ireland. The purpose of these United States contributions shall be to support the Anglo-Irish Agreement in promoting reconciliation in Northern Ireland and the establishment of a society in Northern Ireland in which all may live in peace, free from discrimination, terrorism, and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government.

SEC. 3. UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL FUND.

(a) FISCAL YEAR 1986.—Of the amounts made available for the fiscal year 1986 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $50,000,000 shall be used for United States contributions to the International Fund.

(b) FISCAL YEARS 1987 AND 1988.—Of the amounts made available for each of the fiscal years 1987 and 1988 to carry out that chapter, $35,000,000 shall be used for United States contributions to the International Fund; and that amount is hereby authorized to be appropriated for each of those fiscal years to carry out that chapter (in addition to amounts otherwise authorized to be appropriated). Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

SEC. 4. OTHER ASSISTANCE.

(a) AVAILABLE AUTHORITIES.—In addition to other available authorities, the following authorities may be used to provide assistance or other support to carry out the purposes of section 2 of this Act:

(1) Section 108 of the Foreign Assistance Act of 1961 (relating to the Private Sector Revolving Fund).

(2) Sections 221 through 223 of that Act (relating to the Housing Guaranty Program).

(3) Title IV of chapter 2 of part I of that Act (relating to the Overseas Private Investment Corporation), without regard to the limitation contained in paragraph (2) of the second undesignated paragraph of section 231 of that Act.

(4) Section 661 of that Act (relating to the Trade and Development Program).

(b) OTHER LAWS.—Assistance under this Act may be provided without regard to any other provision of law.

SEC. 5. CONDITIONS AND UNDERSTANDINGS RELATING TO THE UNITED STATES CONTRIBUTIONS.

(a) PROMOTING ECONOMIC AND SOCIAL RECONSTRUCTION AND DEVELOPMENT.—The United States contributions provided for in this Act may be used only to support and promote economic and social reconstruction and development in Ireland and Northern Ireland. The restrictions contained in sections 531(e) and 660(a) of the Foreign Assistance Act of 1961 apply with respect to any such contributions.

(b) UNITED STATES REPRESENTATION ON THE BOARD OF THE FUND.—The President shall make every effort, in consultation with the Government of the United Kingdom and the Government of Ireland, to ensure that there is United States representation on the Board of the International Fund.

(c) PRIOR CERTIFICATIONS.—Each fiscal year, the United States may make contributions to the International Fund only if the President certifies to the Congress that he is satisfied that—

(1) the Board of the International Fund, as a whole, is broadly representative of the interests of the communities in Ireland and Northern Ireland; and

(2) disbursements from the International Fund—

(A) will be distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation; and

(B) will address the needs of both communities in Northern Ireland.

Each such certification shall include a detailed explanation of the basis for the President's decision.

SEC. 6. ANNUAL REPORTS.

At the end of each fiscal year in which the United States Government makes any contribution to the International Fund, the President shall report to the Congress on the degree to which—

(1) the International Fund has contributed to reconciliation between the communities in Northern Ireland;

(2) the United States contribution to the International Fund is meeting its objectives of encouraging new investment, job creation, and economic reconstruction on the basis of strict equality of opportunity; and

(3) the International Fund has increased respect for the human rights and fundamental freedoms of all people in Northern Ireland.

SEC. 7. REQUIREMENTS RELATING TO FUNDS FOR "INTERNATIONAL ORGANIZATIONS AND CONFERENCES".

(a) DISBURSEMENTS, AUDITS, AND REPORTS.—The provisions relating to disbursement on vouchers, audits, and submission of reports with respect to expenditures pursuant to the Joint Resolution of July 11, 1956 (Public Law 689), shall also apply with respect to expenditures pursuant to section 109(c) of the Act of November 22, 1983 (Public Law 98-164).

(b) FUNDS SUBJECT TO REQUIREMENTS.—That section is amended—

(1) by striking out "In addition to" and inserting in lieu thereof "of";

(2) by striking out "by section 102(2)" and all that follows through "1985" and inserting in lieu thereof "for each fiscal year";

(3) by inserting "may be used" before "for expenses"; and

(4) by striking out all that follows "participation in" through "such as".

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term "Anglo-Irish Agreement" means the Agreement Between the Government of Ireland and the Government of the United Kingdom dated November 15, 1985; and

(2) the term "International Fund" means the international fund for economic development projects in Northern Ireland and Ireland, established pursuant to Article 10 of the Anglo-Irish Agreement.

CONTRACT DISPUTES ACT AMENDMENTS

STEVENS AMENDMENT NO. 2730

Mr. DOLE (for Mr. STEVENS) proposed an amendment to the bill (S. 2426) to amend the Contract Disputes Act of 1978 to require that a competitive examination process be used for the selection of members of boards of contract appeals of Federal Government agencies; to provide the members of such boards shall be treated in the same manner as administrative law judges of the Federal Government for certain administrative purposes; and to revise the procedures for the collection of claims under Federal Government contracts; as follows:

On page 3, strike out lines 16 through 23 and insert in lieu thereof the following:

SEC. 201. Section 6(a) of the Contract Disputes Act of 1978 (92 Stat. 2384; 41 U.S.C. 605(a)) is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by inserting at the end the following new paragraph:

"(2) An agency head may not adjust any price under a contract entered into after the date of enactment of the Contract Disputes Act Amendments of 1986 for an amount set forth in a claim, request for equitable adjustment, or demand for payment under the contract (or incurred due to the preparation, submission, or adjudication of any such claim, request, or demand) arising out of events occurring more than 18 months before the submission of the claim, request, or demand. For the purposes of this paragraph, a claim, request, or demand shall be considered to have been submitted only when the contractor has provided the certification required by section 6(c)(1) and the supporting data for the claim, request, or demand.".

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, August 13, in closed session to receive a briefing of intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the Com-

mittee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, August 13, to hold a hearing to consider House Joint Resolution 17, to consent to an amendment enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, August 13, to consider all items on the published agenda list, with the exception of the Export Revitalization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet until 12 noon during the session of the Senate on Wednesday, August 13, to hold a hearing on the nomination of John Agresto, to be the Archivist of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

CONGRESSIONAL CALL TO CONSCIENCE

● Mr. SARBANES. Mr. President, all of us are familiar with numerous cases of Soviet citizens who live in forced separation from family members outside the Soviet Union. In my own State of Maryland there are at least three Soviet-American divided families, two of whom have been separated more than 7 years. It is the most recent of the three to which I would like to call attention today.

Boris Goldfarb was 20 years old in 1985, when he married Elena Yatsina, a fellow student in Moscow. At that time his family had been refused emigration repeatedly and without explanation for 6 years. No sooner had the Goldfarbs requested a new invitation from Israel to include Elena, so that the whole family could emigrate together, than they received permission to leave the U.S.S.R. without her. Attempts to submit new papers including Elena were unsuccessful because her own parents would not give the required consent to the application.

OVIR officials informed Boris that "a spouse cannot leave the country without a divorce," forcing Boris and Elena to divorce in order to preserve the Goldfarb family's chance to emigrate. The Goldfarbs' exit permission was nonetheless canceled, and shortly after reapplying Boris received a military conscription notice, informing him that he would shortly be called for service. When the new emigration application was approved, again without Elena, the dilemma of whether to stay with Elena and their baby daughter—who was born the day after Boris received his draft notice—or to leave with the hope that Elena would soon be able to join him, was complicated by the fact that military service would almost certainly result in subsequent, and perhaps permanent, revocation of his exit visa. Boris decided to emigrate with his family.

Since the Goldfarbs' departure in January 1986, Elena has suffered continual harassment and intimidation by Soviet authorities. Alone with a newborn baby, she has been threatened with eviction from the apartment which she legally occupies and with cancellation of her permit to reside in Moscow. If forced to return to her parents' home, a thousand miles from Moscow, she will be isolated in a hostile community where application for an exit visa will be virtually impossible. Her husband fears that he will no longer be able to communicate directly with her.

Mr. President, on July 25, Elena Goldfarb was once again refused permission to be reunited with her husband in the United States. It is very difficult for me to understand how Soviet authorities could force this young, newlywed couple—or anyone, for that matter—into such a terribly unfair and unfortunate situation, and I deeply admire the bravery of Boris and Elena Goldfarb in dealing with it. I therefore call upon the Soviet Union to stop the senseless harassment of families wishing to live together, and to give particular consideration to emigration cases involving family reunification.●

REACTION TO THE TAX BILL

● Mr. SIMON. Mr. President, one of the most respected economists in this country and the world is Robert R. Nathan. He is one of Time magazine's distinguished economists who make observations for that periodical occasionally.

But he is best known, perhaps, for his advice to the Government of South Korea on how they should develop a healthy, competitive economy. They followed his advice—except for his advice to follow democratic principles—and today they are a major player on the world scene.

Recently, he wrote a letter to our colleague, Senator CARL LEVIN, about his reactions to the tax bill. His letter makes so much sense that I am taking the liberty of inserting that letter into the RECORD. I urge my colleagues who are on the tax-writing conference to read it, and I urge my other colleagues to read it before they vote on the conference committee report.

The letter follows:

ROBERT R. NATHAN ASSOCIATES, INC.,
Washington, DC, July 21, 1986.

Hon. CARL M. LEVIN,
Senate Russell Office Building,
Washington, DC.

DEAR CARL: Thanks for your letter about the Tax Bill. In my judgment, you demonstrated not only good sense, but political courage in your negative vote.

I like the rise in the exemption for lower income families. However, the drop in the top rate from fifty percent to twenty-seven percent is far too drastic. That cut, along with only two tax rate brackets strikes a severe blow to the concept of progressivity and ability to pay.

The huge shift from individual to corporate income tax incidence occurs at a time when we desperately need much more investment in modern and efficient capital facilities. In my judgment higher rates on corporate profits, along with carefully targeted and strictly monitored incentives, would be more stimulative to private productive investment than lower rates with no incentives.

Drastic reductions in tax rates being proposed as an offset to tax shelters make no sense because it is similar to rewarding someone for ceasing bad behavior. There is no reason why elimination of unwarranted and unproductive tax shelters has to be achieved through a marked departure from the principle of progressivity and ability to pay. Improvement in legislation and in the efficiency of implementation to overcome the abuse of tax shelters are far preferable to what the tax reform legislation entails. Abuses and inefficiency of tax shelters should be selectively eliminated or moderated, rather than destroying total incentive programs and cutting rates deeply so that those who will suffer from terminating improper tax shelters are rewarded through lower rates.

I believe that contributions to charitable, educational and other tax-exempt institutions will be substantially curtailed because of the tax reform legislation. Coming at a time when federal support for essential social programs is being sharply curtailed, the results of reduced private giving will have serious social consequences.

The concept of revenue neutrality in tax reform is untenable in view of unprecedented budget deficits. Some of the reforms of tax shelters should certainly be enacted without total or near total offset through lower rates. We are missing a great opportunity to reduce fiscal deficits.

One of these days even President Reagan will admit it will take more revenues to cut budget deficits. We are likely, then, to be faced with White House pressures for more sales taxes, more consumption taxes, and even a value-added tax. It will be argued that we have just achieved a great and magnificent tax reform and that it would be terrible to now raise income tax rates and undo the "marvelous" achievements of tax reform. Therefore, they will contend, further reliance on the above regressive taxes is the only way to get more revenue.

I hope some of these thoughts might be of interest to you.

Cordially,

ROBERT R. NATHAN.●

STATEMENT OF JOHN BUCHANAN, CHAIRMAN, PEOPLE FOR THE AMERICAN WAY

● Mr. SIMON. Mr. President, I ask to have printed in the RECORD the statement of the Honorable John Buchanan, chairman of People for the American Way and former Congressman for 16 years. Besides being one of the most influential Republicans on the Foreign Affairs Committee in the House before he left, John has been a leader in ensuring the rights and liberties of Americans through his work with People for the American Way and other groups.

On August 11, 1986, the Subcommittee on International Economic Policy, Oceans, and the Environment, chaired by our distinguished colleague, Senator MATHIAS, held a hearing on S. 2263, a bill which Senator MATHIAS and I introduced. During that hearing, several witnesses testified about the need to change our laws in a number of areas to ensure that free trade in ideas could continue into and out of our borders. One area of particular importance was the area of our immigration laws which currently allow our Government to exclude visitors to this country simply because of their political beliefs. In April 1986, I introduced S. 2177 along with Senator MATHIAS which deals exclusively with this problem in our immigration laws. Both of these bills, however, would make desirable changes and I hope that we can make progress in this area soon.

I urge my colleagues to read John Buchanan's statement and realize the importance of his efforts to preserve basic first amendment liberties.

The statement referred to follows:

FREE TRADE IN IDEAS: THE STRENGTH OF THE FIRST AMENDMENT

Good morning Mr. Chairman, and distinguished Senators. I am John Buchanan, Chairman, of People For The American Way, a 250,000-member, nonpartisan citizens' organization, dedicated to protecting constitutional liberties in America.

I am honored to provide testimony to the distinguished Chairman and members of the Subcommittee on International Economic Policy, Oceans and the Environment on the extremely important subject of Free Trade in Ideas.

I want to complement the distinguished Chairman, and Senator Paul Simon, for introducing S. 2263 to protect the public's right to receive and communicate information freely across the American border, and to ensure the right of international travel. I also complement Chairman Mathias and Senator Simon for introducing S. 2177, corollary legislation, to amend the Immigration and Nationality Act to prevent further exclusion of foreign travelers and visitors from entering the United States on ideological grounds.

FREE TRADE IN IDEAS

I cannot think of a healthier principle to promote in the United States and the international community. It is a fitting role for the world's greatest democracy to assume, and yet it occurs at a time when the precious liberties and democratic values which we proudly display to other nations are jeopardized within our own borders! Evidence of restrictions on the free flow of information and travel between nations has occurred with alarming frequency in recent years. We must question the impact of these restrictions on the preservation of First Amendment rights in America, upon the very goals we have for our own democracy, and the real need for cooperation and understanding between nations.

The strength of our own democracy rests upon the judgment and responses of American citizens, millions of Americans who live in hundreds of cities, towns, and villages across our nation. The vibrancy of our democracy depends on the ability of our citizens to think and speak freely, and to obtain information about the world from others living thoughout the world. Our democracy is only strengthened, and our constitutional freedoms maintained, when Americans can receive information, consider viewpoints, and participate in a dialogue with others at home and abroad. Government restrictions on the free trade in ideas weakens our democracy.

The goals of our democracy have always included the principles of free expression embraced by the First Amendment, and fulfillment of the democratic ideal of self-government is dependent upon an informed citizenry. These goals have been hard fought in the same free and open debate which fosters the healthiest democracy in the world. Creation of a vibrant system of freedom of expression under the First Amendment does not come easily. As Justice Holmes has said, majorities are prone "to sweep away all opposition." Governments strongly prefer acquiescence to dissent, but we must remember that the test of a democracy is not the ability of its government to arrogate power to itself, but to allow public opinion to develop and maintain a representative government of the people, for the people, and by the people.

Lastly, the need for cooperation and understanding between nations is best satisfied by encouraging the free trade in ideas, and the spirit of free expression throughout the world. As the world becomes a smaller place, what greater contribution can the United States make than to promote First Amendment values? As nations increasingly share the resources of earth and space, what greater contribution can the United States make than to promote the free trade in ideas between scientists? As nations participate together in a global economy, what greater contribution can the United States make than to promote the sharing of information, studies, and experience. As citizens of all countries come face to face with one another, what greater contribution can the United States make than to promote mutual understanding through the free flow of information between nations.

Mr. Chairman, and distinguished Senators, I applaud your efforts to improve the laws of our nation to promote the free trade in ideas. I am considerably encouraged by your effort. People For the American Way looks forward to working together towards passage of the legislation introduced by Chairman Mathias and Senator Simon. Thank you.●

TRANSFER OF JURISDICTION OVER AT&T

● Mr. METZENBAUM. Mr. President, on Monday of this week, the distinguished majority leader and the distinguished chairman of the Commerce Committee entered into a colloquy about S. 2565, the bill which would transfer jurisdiction over the AT&T consent judgment from the U.S. district court to the Federal Communications Commission.

In this colloquy, Senator DANFORTH indicated that, after reviewing comments on the legislation from about 60 parties, he has concluded that such a change in jurisdiction is warranted. The Senator also indicated that his review of the matter has convinced him that amendments to the legislation are necessary to protect ratepayers, enhance competition, and promote international trade. He said that his committee would move promptly to consider the matter.

I look forward to examining the Senate Commerce Committee's proposals. However, I also wish to underscore once again my strong belief that the bill raises issues which rightfully belong under the purview of the Senate Judiciary Committee. I do not see how we can move forward on this matter without the Senate Judiciary Committee carefully examining the competitive and constitutional aspects of this bill.

The consent judgment imposed on the divested Bell operating companies contains certain restrictions designed to prevent the recurrence of monopolization in the telecommunications industry. The question as to how the FCC would administer such restrictions is an issue that should be explored by members of the Senate Judiciary Committee.

Mr. President, I do not know the answer to such a question but I would certainly like to have the opportunity to find it. I hope my colleagues will see fit to accommodate this request so that, working together, we can provide for a comprehensive examination of the bill.●

NO CRIME DAY

● Mr. DIXON. Mr. President, I would like to call the Senate's attention to the third annual citywide "No Crime Day" which will be held in Chicago, IL, on August 16, 1986.

This event, sponsored by Chicago's Black on Black Love Campaign, is an excellent example of the important grassroot efforts to combat violent crime. Combating violent crime should and must be a national priority, and "No Crime Day" will allow an opportunity for community organizations to gather together in order to galvanize city support for the campaign's efforts to wipe out crime.

I commend the Black on Black Love Campaign for their commitment to preventing violent crime and protecting the victims of such acts. "No Crime Day" will provide Chicago with

an increased awareness of the value of a crime-free city. I would hope that such a positive move in the direction of crime prevention will be used as a model for other cities throughout the country.●

AN INDEPENDENT SOCIAL SECURITY ADMINISTRATION

● Mr. HEINZ. Mr. President, I see that the distinguished chairman of the Finance Committee is on the floor and I would like to discuss a Social Security issue with him.

● Mr. PACKWOOD. I would be happy to discuss the Social Security Program with the distinguished Senator from Pennsylvania.

● Mr. HEINZ. As the Senator is probably aware, by unanimous vote, the House recently passed H.R. 5050, a bill which removes the Social Security Administration from the Department of Health and Human Services and establishes it as an independent agency.

● Mr. PACKWOOD. I am aware of H.R. 5050. As I understand, the proposed new Social Security agency would be governed by a three member board, appointed by the President and confirmed by the Senate, and it would administer only the income security programs—the OASDI and SSI Programs—and not the Medicare and Medicaid Programs.

● Mr. HEINZ. That is correct. The intent of this bill is consistent with the direction in which we have been moving for some time, which is to remove the day-to-day operations of Social Security from the pressure of politics. We moved in that direction by automatic indexing of the COLA's, by taking Social Security out of the budget process, and by the disinvestment provisions we have included in the debt ceiling bill.

● Mr. PACKWOOD. Well, I certainly agree with the goal of insulating the Social Security Program from the inconsistencies and uncertainties that can be created by a rapidly shifting political climate. Retirees and disabled persons on fixed incomes have a compelling need for consistency in this program. Unfortunately, the program hasn't been consistent. The current Commissioner, Dorcas Hardy, is the 10th Chief Administrator of Social Security in the last 14 years. We have witnessed chaos in the Disability Program in recent years, and we have seen confusion in personnel policy and computer modernization.

● Mr. HEINZ. The distinguished chairman of the Finance Committee has identified several of the most serious problems that afflict the Social Security Administration. It is important to address those problems, and I believe the concept of an independent agency may provide many solutions.

My question to the chairman concerns the schedule for working on this legislation in the Finance Committee. I note that this is a major change in the structure of Government, and that we have never held hearings in the Senate on this issue. I also note that the heavy legislative calendar for the remainder of this Congress may prevent this bill from coming to the floor.

● Mr. PACKWOOD. The Senator is correct on all points. We do need to address several problems in the Social Security Program. The proposed independent agency might provide many solutions, although I will withhold judgment until after I have studied the proposal. And we have very little time remaining in this Congress to examine this complicated proposal.

I know that the Senator from Pennsylvania has been involved with this issue for several years and that he is well aware of the complexities of the proposal. These questions will take time to sort out, more time than we realistically have available in this Congress.

● Mr. HEINZ. I agree with the Senator. Any time you propose major changes in the management of a $200 billion program you are going to raise a lot of substantial issues. We need to look hard at the structure of the agency—is a three-member board a workable concept? We need to determine whether we want to separate the agency's policymaking function from its administrative function. We also need to consider what programs an independent agency should include—many people think Medicare should be included in the independent agency.

My question to the chairman of the Finance Committee is, Given the slim chance of action this year, will the Finance Committee put the examination of the proposal for an independent Social Security agency high on the list of its priorities next year? Can those who are interested in this issue look forward to hearings early next year?

● Mr. PACKWOOD. Yes, examining the proposal will be a priority. I expect that the Finance Committee will hold hearings early in the next session, as soon as the staff gets time to turn to the issue.

I should add that I am in no sense claiming to bind the distinguished Senator from Colorado [Mr. ARMSTRONG], who chairs the Subcommittee on Social Security. If Mr. ARMSTRONG wants to chair a hearing in his subcommittee, that is fine. If not, then we will hold a hearing in the full committee.

● Mr. HEINZ. I thank the chairman for that assurance, and I commend him for his willingness to engage in the careful study and preparation that this issue requires.●

BIPARTISAN COMMISSION ON CONGRESSIONAL CAMPAIGN FINANCING ACT

● Mr. ROTH. Mr. President, yesterday I voted twice against measures designed, at least in theory, to reform current practices for congressional campaign financing—the Boren amendment and the Boschwitz amendment. I did so not because I oppose campaign finance reform, but because neither of these amendments will accomplish the ends that all of us must surely seek: A meaningful reform of the congressional campaign process. The Boren and Boschwitz amendments aim at merely a few symptoms of the campaign finance issue, not at the underlying problem.

The Boren amendment, for example, identifies the growth in political action committee expenditures during recent congressional campaigns as a major problem to be dealt with. Yet simply limiting PAC expenditures may make the real problems of campaign financing even worse. Most serious to me is that limiting the contributions of PAC's does nothing to prevent wealthy individuals from spending huge amounts of their personal fortunes to finance their own campaigns.

The effect of the Boren amendment is to handicap candidates who are not wealthy and who must rely on campaign contributions. The Boren amendment could actually work to encourage wealthy people from out of State who have political ambitions to move into a State solely for the opportunity to run against incumbents who do not have great personal wealth. Ultimately, this has the potential for turning the Senate and the House into clubs for the very rich who have the pocketbooks to afford extraordinary campaign costs.

What is needed is not a piecemeal, cut-and-bite approach, which I am afraid must characterize both of the campaign finance amendments voted on today, but instead a comprehensive review of the full range of congressional campaign finance issues.

What is needed is the development of a policy of the Congress that will promote the availability of qualified candidates for congressional office and permit them to communicate effectively with the electorate, while at the same time promoting the responsible participation of political parties at all levels, protecting the integrity of the legislative process, and ensuring well placed public confidence in both the electoral and legislative processes.

Mr. President, I am pleased to report that yesterday my Committee on Governmental Affairs unanimously reported S. 528, the Bipartisan Commission on Congressional Campaign Financing Act, as amended, for consideration by the Senate. This bill charges the truly Bipartisan Commission it creates with

responsibility for developing consensus on the comprehensive policy that we need. It also grants the Commission necessary investigative powers and commands that the Commission report its findings and recommendations to the Congress within 12 months of the date of enactment.

In addition to reviewing the effects of congressional campaign contributions by individuals, political parties, and political action committees, the effects of Federal income tax credits available for campaign contributions, the potential effects of providing free or subsidized broadcasting, and the examining of the role of independent expenditures, S. 528 as reported will also have the Commission investigate the effect of unlimited contributions by candidates to their own campaigns. It will review contributions by banks, corporations, and labor organizations, as well as the effects of financial disclosure requirements made of candidates for Congress.

The Commission will consist of 10 members, selected by the majority and minority leadership of the Senate and House and by the chairmen of the Republican and Democratic National Committees, so as to assure equal bipartisan membership. Cochairmen of the Commission are to be selected by the majority leader of the Senate and the Speaker of the House.

Mr. President, S. 528 was initially introduced by the distinguished Senator from New Hampshire, Senator RUDMAN. It has subsequently undergone substantial study and refinement in the Governmental Affairs Committee. Among its many cosponsors are nearly all members of the committee, and I am pleased to be among them.

Mr. President, I believe S. 528, creating a Bipartisan Commission on Congressional Campaign Financing is the effective answer that we have sought over many hours of debate on this topic. As chairman of the Committee on Governmental Affairs, I urge its early consideration by this body.●

CONFERENCE REPORT ON THE CHILDREN'S JUSTICE ACT

● Mr. DODD. Mr. President, I am delighted that the Senate adopted the conference report on the Children's Justice Act yesterday. It is just about a year ago that the Senate first passed this legislation designed to improve the response of States to cases of childhood sexual victimization. As an original sponsor of this legislation, I am pleased the Senate has again acted to address the serious problem of the sexual and physical abuse of American children.

As ranking minority member of the Subcommittee on Children, Family, Drugs and Alcoholism, I am indebted to my colleague from Florida for accepting several provisions I offered to the Senate bill last year. One provision would require each State to set up a multidisciplinary task force to make legislative and administrative recommendations necessary to improve the State's handling of child sexual abuse cases. These task forces will enable representatives from law enforcement, the judicial community, and child protectives services as well as child advocates, health and mental health professionals, and parents to work together to devise new ways to improve the response of the legal system to child abuse victims.

Each task force should arrive at recommendations focused on minimizing trauma to child victims during legal proceedings, increasing the possibility of successful prosecutions, and setting new procedures in place to protect children from abuse. Such a task force has already been established in my State of Connecticut. Similar task forces in California and Maine have issued impressive recommendations designed to expedite court cases involving child abuse and to better coordinate the efforts of all State agencies involved in civil and criminal abuse cases. Likewise, the Senate children's caucus heard excellent testimony about the findings of the Louisiana multidisciplinary task force this past April, findings that should be shared with all States.

The Children's Justice Act would require the National Center on Child Abuse and Neglect to compile, evaluate, and disseminate such information on the Connecticut, Louisiana, Maine, and California task forces as well as other information about child abuse programs and reforms to all the States. That way, no State will be faced with the prospect of reinventing the wheel when developing new ways to protect child victims. In addition, this legislation would clarify that compliance with State and local child abuse reporting requirements supersedes the application of confidentiality provisions for patients in alcohol and drug abuse treatment programs. I was pleased to offer these two amendments on behalf of my distinguished colleague from California [Mr. CRANSTON], during subcommittee markup. I commend my colleague from California for his leadership on this issue.

The House has made changes in the funding mechanism for this program, drawing upon the resources of the Justice Department. Given the fiscal restraints facing Congress during this period, finding a steady funding stream is important. I commend my colleagues in the House for their successful efforts in this respect.

Mr. President, as founder and cochairman of the Senate children's caucus, I can attest to the public emergency presented by the sexual and physical victimization of our Nation's children. By even the most conservative estimates, a child is sexually abused someplace in this country every 2 minutes. One in every five victims is a child under the age of 7. And close to half of all victims under age 18 will be the targets of repeated abuse. To have such children further victimized by necessary legal proceedings jeopardizes our ability to combat the overall problem. I am, therefore, very encouraged that the Senate adopted the conference report on the Children's Justice Act yesterday to help improve the response of State legal systems to child victims.●

NAUM AND INNA MEIMAN: FIGHTING FOR A CHANCE

● Mr. SIMON. Mr. President, Inna Meiman is dying of cancer. She and her husband, Naum, are Soviet refuseniks. They have applied for permission to leave the Soviet Union several times, but Soviet authorities repeatedly refuse to grant their requests.

Recently, Mr. President, there have been two remarkable breakthroughs in cancer therapy that have occurred in the West. One involves a substance called the tumor necrosing factor and the second is a complex procedure which removes the white blood cells ridden with cancer, incubates them with a cancer killing substance, and then reinfuses the cells into the patient. Both of these approaches are experimental, but would offer Inna some hope in curing her cancer.

By allowing the Meimans the opportunity to seek such treatment the Soviet Government could save a life. I strongly urge the Soviets to allow the Meimans permission to emigrate to Israel so they may have the chance to help Inna.●

OUR TALENTED COLLEAGUE IS RECOGNIZED

Mr. BYRD. Mr. President, today's Washington Post contains an excellent article about our talented colleague, Senator MATSUNAGA.

According to the Post, the life of the distinguished junior Senator from Hawaii "reads like a classic success story," and indeed it does.

The article points out that at the age of 15, before Hawaii was even a State, he dreamed of becoming a U.S. Senator. It tells how he fought and overcame the bigotry he encountered as a Japanese-American. And it discusses how, for almost 20 years as a Member of Congress, he has worked for the creation of the position of a U.S. poet laureate, and for the establishment of a U.S. Institute of Peace, which was also a goal of my friend and former colleague from West Virginia, Senator Jennings Randolph. Now, in addition to effectively performing his duties as a Senator, he has written a

book about space exploration and is pushing for Soviet-American cooperation in space.

Senator MATSUNAGA attributes his success largely to his father, a Japanese immigrant who worked on the sugar plantations of Hawaii and later became a Shinto priest. His father uged him to blend the best of Eastern and Western cultures, rather than favor one over the other.

And this, too, the esteemed Senator has done very well. His successful political career has been more than a personal success; it has been a success for the people of his beloved State of Hawaii and for the people of the United States.

His ability to blend the best of the two cultures is revealed in the beautiful poetry he writes. Civilizations come and go, Senator MATSUNAGA explains, but it is the arts, such as poetry, that remain: "If the lessons of human experience were all written in verse, we might better learn and remember them."

Mr. President, I ask unanimous consent that the article from today's Washington Post be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 13, 1986]

THE SENATOR AND HIS SPACE REFRAIN

(HAWAII'S SPARK MATSUNAGA, PUSHING THE POTENTIAL OF MARS)

(By Carla Hall)

When visting Japanese Prime Minister Nakasone remarked on the beauty of the cherry blossoms at a small lunch this spring with members of Congress, Sen. Spark Matsunaga (D-Hawaii) stood up and, inspired, composed a haiku: *Cherry blossoms bloom. Washington is beautified. East and West do meet.*

His colleagues applauded, and the prime minister asked for a copy.

Another day, when Matsunaga got caught in traffic, he wrote an ode to traffic lights.

"Impartial traffic cop that blushingly speeding cars do stop"—he's reciting this now, sitting on a floor cushion at a Japanese restaurant in Silver Spring—"or, greening, let them go, what equality thine acts do show, man, thy maker, needs to know."

While other senators are off expounding on budget cuts, the defense authorization and tax reform, Matsunaga's pet projects have included establishing a U.S. Institute of Peace and creating the position of U.S. poet laureate (although he qualifies as an expert on many congressional matters; he is, for example, the third-ranking Democrat on the powerful Senate Finance Commitee and a tax committee conferee.)

Most recently, while Senate colleagues debate the future and financing of the administration's "Star Wars" proposal, Matsunaga is seeking to bring about his most ambitious project—joint U.S.-Soviet exploration of Mars.

Toward this last goal, he's recently published a book called "The Mars Project" (subtitled "Journeys Beyond the Cold War"). The book deals not just with Mars—which, he was moved to write, "incarnates the mystery and grandeur of a dawning Space Age"—but draws on his own research on the subject of space exploration, its history and politics.

"I hope my colleagues all read it and are convinced by it," says Matsunaga, deputy minority whip in the Senate. "They may think I'm out of this world, but one of the objectives I had in mind was to offer something positive in lieu of 'Star Wars' because 'Star Wars' can only lead to our mutual destruction."

He knows his plans take time. Both the poet laureate position and the peace academy required long-term efforts—about 20 years. (He has served 24 years in the House and Senate.)

He attributes his habit of thinking in the long term to his Japanese ancestry, including a Japanese-born father who was a Shinto priest and a great-great-grandfather who was a samurai warrior.

"I've always been a patient guy," he says. "Of course, Hawaiians have that, too . . . In Hawaiian they say *mahape mahape ho'o manawa nui:* 'Oh, that will take care of itself.'"

He eschews the round of television panel shows and makes good-natured fun of colleagues who want to be president. A media study by Stephen Hess of Brookings Institution noted that in 1981-82, Matsunaga got mentioned only once on television network evening news programs as opposed to the notices logged by Sen. Edward Kennedy (D-Mass.)—197 times—or Sen. Robert Dole (R-Kan.)—161.

Matsunaga, who has a home in Kensington with his wife Helene, steadfastly keeps his private life private. On his office wall, Matsunaga, the father of five grown children, has a photograph of a daughter, a ballet dancer, in performance.

But don't mistake his sometime avoidance of publicity for lack of ambition. "Ever since I was 15 when I was a junior at Kaual High School, I made up my mind I was going to be a United States senator," Matsunaga, 69, says, then laughs.

Matsunaga's laugh is his punctuation, rippling through his conversation in different strength and tone depending on whether the story is amusing or bittersweet or even tragic—as when he talks about being detained at Camp McCoy in Wisconsin with other Japanese Americans after Pearl Harbor.

His career may not fit the usual paths that other politicians trek, but his life reads like a classic success story—the son of hard-working Japanese immigrants, urged by his father not to shun East over West (or West over East) but to blend two cultures.

The sense of reconciling East and West is a guiding principle in much of what Matsunaga has done—from his days as a college student living in the home of a Christian missionary (he converted to Christianity) to the present, as he envisions a global effort to establish a Martian frontier.

Matsunaga's father Kingoro Matsunaga ran away to Hawaii from a Japanese monastery at the age of 19. He settled on the island of Kauai, married another Japanese immigrant, a widow with four children, and worked on a sugar plantation. As he was loading sugar one day, an avalanche of 100-pound bags fell on him. In his hospital bed, he vowed that if he survived—he was 55—he would dedicate himself to a spiritual life. He returned home, and had his sons build him a Shinto temple in the back yard. He lived to be 84.

In high school, Matsunaga complained about discrimination against Orientals to his social studies teacher, an Alabaman named Robert W. Clopton, who challenged him to do something about it. "Ohhh, he put that bug in my head!" Matsunaga chortles. "He planted a seed in my brain. In everything I did I was building steps toward the U.S. Senate."

He went to the University of Hawaii, majored in education, and upon graduation accepted a commission as a second lieutenant in the U.S. Army and immediately volunteered for active duty. After the attack on Pearl Harbor, he was in command of a company on the island of Molokai.

"When martial law was declared, I became commander of the island," he laughs. "But then after the battle of Midway was won and invasion became a remote matter, well, all of a sudden, the war department said, 'Good heavens, he's a Jap.'" He and other Japanese American soldiers were ordered to turn in their weapons.

"Oh, my heavens, that was a sad day," he says in a low voice. "Just imagine after serving there for almost a year and having proven my loyalty . . . Boy, I still feel emotional about it when I talk about it."

He was shipped out of Hawaii and put on a train (with the windows covered) to Camp McCoy in Wisconsin. During his time there, he helped the soldiers prepare a petition pleading with President Roosevelt for a chance to prove their loyalty.

After eight months, their petition was granted. "You should have seen the men—like kids," he says. "Jumping with glee."

Matsunaga and other Japanese Americans from Hawaii volunteered to form the 100th Infantry Battalion. They landed in Italy and subsequently linked up with the 442nd Regimental Combat Team. Their mission was to advance up the boot of Italy, and they became known as the Go for Broke combat team—the most highly decorated unit in U.S. military history. Matsunaga was honored with the Bronze Star Medal and two Purple Hearts.

Wounded at the foot of Monte Cassino, he took out a notebook and wrote:

When in the light of thought I ask
Myself; Just who am I and what,
What lasting imprints good or ill,
Have I for future mortals wrought?

"I've been writing poetry ever since I was a kid," he says. "the Japanese are poetic. They write haiku."

After the war, he went to Harvard Law School on the GI Bill and eventually became a member of the Hawaii Territorial Legislature during the 1950s. He made his name as a public prosecutor, was elected to the House of Representatives in 1962 and served seven terms before being elected to the Senate in 1976.

Fluent in Japanese, he was the third Japanese American in the Senate. Once during a 1979 hearing the late Sen. Frank Church (D-Idaho) referred to Matsunaga out loud as Sen. S.I. Hayakawa (the former Republican senator from California). "They all look alike," Matsunaga said, deadpan, to laughter in the room.

In his years in the Senate, he has made a habit of taking constituents to lunch in the Senate dinning room every day, sometimes entertaining two or three tables, having a main course with one and dessert with another. Two years ago, a heart attack set him back about a month. But an aide says he resumed all of his activities except one: "He's cut back on soy sauce."

Poetry is a guidepost: "I've always believed that civilizations of the past which have come and gone—what survives? The

arts! Poetry is an art," he says. "I've always felt that if the lessons of human experience were all written in verse, we might better learn and remember them."

He first brought up the concept of a peace academy as a freshman congressman—and got only five cosponsors. Years later, as a senator, he held hearings to broaden support.

The point, he says, was "to teach our future leaders—not only of this nation but of other nations—the art of peacemaking. With military academies, we take our brightest kids and send them to school to learn the art of war-making. I'm not opposed to that . . . Why not also get the leaders to be thinking in terms of peace?"

The result was not quite an academy. Instead, a U.S. Institute of Peace, funded by the government with offices here, was set up last year mainly to support peace research activities in other institutions around the country.

He's less eager to participate in public forums on other issues. "I've had so many various television programs ask, 'Will you debate on the tax bill? Will you be a member of a panel?' I've declined because they've got so many others. They're willing to go. They're *dying* to go," he laughs.

When he got to the Senate, he recalls, his House colleagues asked, "'Well, how is it, Sparky, being a senator?' I said, 'Well, I'll tell you, when I first went there I felt very uneasy, very out of place. Everybody else was running for president.'" He laughs with great glee.

"I don't want to be president. That's too awesome a job. Maybe—" he pauses, "my son, maybe my grandson, we'll be ready for it. But this country is not ready for a Japanese American president." He says this with a rueful laugh.

His commitment to Soviet-American joint space exploration has as much to do with his fascination with space as with his aversion to Reagan's defense policies. "Space—the last and most expansive frontier—will be what we make it," he writes in "The Mars Project." "Must we play the same old unwinnable game in space, too?"

Matsunaga began his quest for a different space policy in 1982 when he submitted a resolution calling for a "weapons-free international space station as an alternative to competing armed space stations." In March 1983, he introduced a space cooperation resolution. Later that month, Reagan unveiled his Strategic Defense Initiative, and amid all the debate no one paid much attention to Matsunaga's resolution. It was denied a committee hearing.

Matsunaga contends that the way to deal with the Soviets is not to punish them but to engage even more. "If you look upon it from a positive viewpoint . . . with the view that you are going to convert them to your way of openness then, well, they become more like us, the become more democratized. The more we become more like them, the more totalitarian we become, and this is the danger when we react the way we do."

When he reintroduced his resolution calling for a new U.S.-Soviet space cooperation agreement in 1984, the atmosphere had changed. He got Republican support; the resolution got a hearing. And Matsunaga marshaled all the backing he could find elsewhere—from novelist James Michener to science fiction writer Arthur C. Clarke to astronomer Carl Sagan.

The Senate passed the resolution, the House passed a similar version, and the president signed the joint resolution in the fall of 1984.

A few months later, Matsunaga talked abouts Mars. He suggested a specific course: Have NASA look into coordination of the 1988 Soviet mission to the Martian moon Phobos with the 1990 launch of the U.S. orbiter Mars Observer.

"Among other things," he said, "it could open the way to a wider range of cooperative activities in other areas of space science, such as solar-terrestial physics, astrophysical and plasma physics." He proposed that the space agency prepare a report on opportunities for joint East-West Mars-related activities, unmanned and eventually manned.

Sen. William Proxmire (D-Wis.) was listening from the Senate cloakroom. Matsunaga had already had something of a run-in with the senator when Proxmire awarded the University of Hawaii a Golden Fleece award for a study of the sex life of the fruit fly. "I went up to him and told him that that study has saved billions of dollars by eradicating the fruit fly," Matsunaga says.

"But then when I talked about going to Mars," Matsunaga, says, "well, that is even out of this world. I thought, boy, he'd raise hell with me. But . . . he came out and said, 'Put me as a cosponsor.' Ohhh, my heavens! I thought, 'The Golden Fleece man entering as a cosponsor!' That was a great victory for me . . . Actually nobody has really thought it was a wacky idea, because I explained it on the basis that in this age of nuclear warfare we've got to be thinking in terms of working together."

NASA is now studying the prospects of joint Mars projects, a long-term goal that fits the temperament of a long-term thinker like Matsunaga.

"When you go into space," he says "the opposition comes from people who think, 'Oh, hell, we've got to take care of starving people right now.' . . .

"Well, it's good to take care of people today," he continues, ". . . but unless we do something about preventing nuclear war, all the time and effort and money we spent to make people healthy won't amount to a pile of beans. They'll be gone. So this is the other aspect we've got to think about." He pauses. "This is not idealism, this is realism."

ORDERS FOR THURSDAY

RECESS UNTIL 8:45 A.M.

Mr. DOLE. Mr. President, I ask unanimous consent that once the Senate completes its business today, it stand in recess until the hour of 8:45 a.m. on Thursday, August 14, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. DOLE. Mr. President, I further ask unanimous consent that following the recognition of the two leaders under the standing order, there be a period for the transaction of routine morning business, not to extend beyond the hour of 9:15 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF S. 2701

Mr. DOLE. At 9:15 a.m., the Senate will resume consideration of the South Africa legislation, S. 2701, under the terms of the unanimous-consent agreement of August 9, 1986.

I will indicate as I have before that we can expect votes throughout the day on South Africa.

SWEARING-IN OF IMPEACHMENT COMMITTEE

Following one of those votes, we will get together with the minority leader to determine the time for swearing in the members of the committee involved in the impeachment proceedings.

I believe we will announce tomorrow who will do the swearing in.

The PRESIDING OFFICER. Without objection, it is so ordered.

□ 2340

RECESS UNTIL 8:45 TOMORROW

Mr. DOLE. Mr. President, there being no further business to come before the Senate, I move that the Senate stand in recess until the hour of 8:45 a.m. tomorrow, Thursday, August 14, 1986.

The motion was agreed to and, at 11:25 p.m., the Senate recessed until Thursday, August 14, 1986, at 8:45 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 13, 1986:

MERIT SYSTEMS PROTECTION BOARD

Daniel R. Levinson, of Virginia, to be a member of the Merit Systems Protection Board for the term of 7 years expiring March 1, 1993.

Daniel R. Levinson, of Virginia, to be chairman of the Merit Systems Protection Board.

Mary F. Wieseman, of Maryland, to be special counsel of the Merit Systems Protection Board for a term of 5 years.

FEDERAL LABOR RELATIONS AUTHORITY

Jean McKee, of the District of Columbia, to be a member of the Federal Labor Relations Authority for the remainder of the term expiring July 1, 1989.

U.S. POSTAL SERVICE

Crocker Nevin, of New York, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1992.

OFFICE OF PERSONNEL MANAGEMENT

James E. Colvard, of Virginia, to be Deputy Director of the Office of Personnel Management.

POSTAL RATE COMMISSION

Janet D. Steiger, of the District of Columbia, to be a commissioner of the Postal Rate Commission for the term expiring October 14, 1992.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

John H. Suda, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for a term of 15 years.

EXTENSIONS OF REMARKS

THE SAFE PIPELINE ACT OF 1986

HON. BRUCE F. VENTO
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. VENTO. Mr. Speaker, today I am introducing legislation to amend the Hazardous Liquid Pipeline Safety Act of 1979 and the Natural Gas Pipeline Safety Act of 1968. My bill, the Safe Pipeline Act of 1986, would impose much more rigorous requirements for testing pipelines and would also mandate new requirements for community notification, inventories of existing types of pipe in pipeline systems, and the installation of automatic shutoff valves on all pipelines within 10 years. Finally, this legislation would prohibit the construction of any new pipelines within 150 feet of any residential dwelling, school, hospital, nursing home, correctional facility, or other permanently inhabited facility.

On July 8, an underground pipeline owned and operated by Williams Pipeline Co. ruptured in Mounds View, MN spilling an undertermined amount of gasoline into a residential community. A subsequent explosion and fire killed a mother and her young daughter and seriously injured another woman. Many homes in Mounds View suffered extensive damage as a result of this disaster. This was only the latest and most tragic accident in a series of pipeline spills involving Williams Pipeline Co. in Minnesota.

Mr. Speaker, there are over 1.7 million miles of hazardous liquid and natural gas pipelines in the United States. Unfortunately, all too often, these extensive pipeline systems receive wholly inadequate Federal attention and inspection. Many of these pipelines are old and are corroding thus increasing the probability of their eventual failure. The results of a hazardous liquid or gas pipeline failure can range from serious environmental damage, including soil and ground water contamination, to loss of life and extensive property damage, such as that which occured in Mounds View.

Our Nation's hazardous pipelines are potential firebombs that run under our neighborhoods and through our communities. The Department of Transportation's Office of Pipeline Safety [OPS] has not had the necessary resources or inclination to regulate this industry as strictly as it should.

I have had a longstanding interest in the issue of pipeline safety. In the 98th Congress, I introduced H.R. 3314 which sought to mandate stricter testing standards for hazardous liquid pipelines. In 1984, I requested the General Accounting Office to undertake a study of pipeline safety. The alarming results of the GAO study (GAO/RCED-84-102) indicated that there were only three OPS inspectors responsible for monitoring pipeline safety in Minnesota and nine other Midwestern States. Nationwide, only 17 field inspectors were responsible for monitoring the safety of 1.7 million miles of pipeline. What we have created is a facade of safety; an illusion in which the public believes that its safety is being protected by the responsible Federal agency; the Office of Pipeline Safety.

Working with my colleague and friend, MARTIN SABO, and with the support of Appropriations Transportation Subcommittee Chairman BILL LEHMAN, we were successful in adding a requirement to the fiscal year 1987 Transportation Appropriation bill (H.R. 5205) which directs that two additional field inspectors be assigned to the OPS central region office in Kansas City. Additionally, the Transportation Appropriation bill directs the Department of Transportation to udertake annual comprehensive inspections of pipeline operators in the central region and to prepare a report assessing the need for mandatory quality assurance requirements for pipeline operators. I am hopeful that the Senate will retain these important provisions in the Transportation Appropriation bill. Mr. Speaker, the Safe Pipeline Act of 1986 attempts to accomplish several important objectives.

First, this bill would require operators of pipeline facilities to provide any local government whose jurisdiction extends to within one-half mile of a pipeline to provide detailed maps, which would also be available for public inspection, showing the location of these pipelines. The bill would also require pipeline operators to provide local governments with an inventory describing all of the types of substances which are transported through such pipelines. These maps and inventories would also have to be filed with local fire departments and public safety agencies and would have to be updated as appropriate.

Second, this bill would require pipeline operators to provide annual written notice to property owners within one-half mile of a pipeline about the presence and location of such pipelines. It is imperative that residents be absolutely aware of such pipelines in order to avoid damaging these lines accidentally through excavation and to take proper precautions and action in the event a pipeline is damaged.

Third, pipeline operators would be required to post conspicuous signs on all public roads and streets under which pipelines pass. Current signs are inadequate to effectively inform the public about the presence of pipeline facilities.

Fourth, this bill would require that within 10 years all manual shutoff valves on existing pipeline systems be converted to automatic valves. New pipelines would have to be built with the automatic shutoff valves.

Fifth, liquid and natural gas pipeline operators would be required to conduct an inventory of their pipelines to determine the types of pipeline which are unknown in their systems.

Sixth, additional integrity testing and inspection requirements would be mandated within 2 years and all pipeline systems would be inspected at least once every 4 years thereafter.

Finally, this bill would prohibit the construction of new pipeline facilites within 150 feet of any home, school, nursing home, or other permanently inhabited facility.

Mr. Speaker, this legislation takes strong action to address what has become a very serious problem. While I fully realize that we can never completely guarantee the safety of any activity, we must admit that surely we can do a much better job in regulating the safety of hazardous liquid and natural gas pipelines than we have done in the past. Clearly, while the Office of Pipeline Safety has not been as vigorous in enforcing existing pipeline safety regulations as some would like, nevertheless, OPS does not have infinite resources to do its job. Therefore, we must insist that the pipeline operators themselves assume a greater share of responsibility for insuring the safety of their pipeline systems.

I hope that the terrible tragedy which occurred in Mounds View, MN on July 8 will never occur anywhere else again. I believe that this legislation which I am introducing today is a step in the right direction. I hope that my colleagues will share my sense of urgency about this important issue and will join me in sponsoring the Safe Pipeline Act of 1986.

H.R. 5401

A bill to amend the Hazardous Liquid Pipeline Safety Act of 1979 and the Natural Gas Pipeline Safety Act of 1968 with respect to community notification, additional testing and inspection of pipelines, and siting of new pipelines, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Safe Pipeline Act".

SEC. 2. COMMUNITY NOTIFICATION.

(a) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979 AMENDMENT.—Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979 is amended by adding at the end a new subsection as follows:

"(i)(1)(A) The Secretary shall, by regulation, establish minimum Federal standards requiring operators of pipeline facilities subject to this Act to provide, to any local government whose jurisdiction extends to within one-half mile of such pipeline facilities, detailed maps showing the exact location of such pipeline facilities. Such maps shall be made available by such local government for public inspection.

"(B) The Secretary shall, by regulation, establish minimum Federal standards requiring operators of pipeline facilities subject to this Act to provide, to any local government whose jurisdiction extends to within one-half mile of such pipeline facilities, a complete inventory and description of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

all substances transported through such pipeline facilities.

"(C) Maps, inventories, and descriptions referred to this paragraph shall be updated as appropriate.

"(2) The Secretary shall, by regulation, establish minimum Federal standards requiring operators of pipeline facilities subject to this Act to provide, to any local fire department and public safety agency whose jurisdiction extends to within one-half mile of such pipeline facilities, any maps, inventories, and descriptions required to be provided to local governments under paragraph (1), along with a copy of such operator's operations, maintenance, and emergency manual, to be updated as appropriate.

"(3) The Secretary shall, by regulation, establish minimum Federal standards requiring operators of pipeline facilities subject to this Act to provide annually, to all residential and commercial property owners within one-half mile of such pipeline facilities, written notice informing such property owner that their property is within one-half mile of such pipeline facilities, and including a description of the location of the pipeline facilities and information on how to identify pipeline hazards and what to do if any such hazard is found.

"(4) The Secretary shall, by regulation, establish minimum Federal standards requiring operators of pipeline facilities subject to this Act to post conspicuous signs on all public roads and streets under which such pipeline facilities pass".

(b) NATURAL GAS PIPELINE SAFETY ACT OF 1968 AMENDMENT.—Section 3 of the Natural Gas Pipeline Safety Act of 1968 is amended by adding at the end a new subsection as follows:

"(e)(1)(A) The Secretary shall, by regulation, establish minimum Federal standards requiring operators of pipeline facilities subject to this Act to provide, to any local government whose jurisdiction extends to within one-half mile of such pipeline facilities, detailed maps showing the exact location of such pipeline facilities. Such maps shall be made available by such local government for public inspection.

"(B) The Secretary shall, by regulation, establish minimum Federal standards requiring operators of pipeline facilities subject to this Act to provide, to any local government whose jurisdiction extends to within one-half mile of such pipeline facilities, a complete inventory and description of all substances transported through such pipeline facilities.

"(C) Maps, inventories, and descriptions referred to this paragraph shall be updated as appropriate.

"(2) The Secretary shall, by regulation, establish minimum Federal standards requiring operators of pipeline facilities subject to this Act to provide, to any local fire department and public safety agency whose jurisdiction extends to within one-half mile of such pipeline facilities, any maps, inventories, and descriptions required to be provided to local governments under paragraph (1), along with a copy of such operator's operations, maintenance, and emergency manual, to be updated as appropriate.

"(3) The Secretary shall, by regulation, establish minimum Federal standards requiring operators of pipeline facilities subject to this Act to provide annually, to all residential and commercial property owners within one-half mile of such pipeline facilities, written notice informing such property owner that their property is within one-half mile of such pipeline facilities, and including a description of the location of the pipeline facilities and information on how to identify pipeline hazards and what to do if any such hazard is found.

"(4) The Secretary shall, by regulation, establish minimum Federal standards requiring operators of pipeline facilities subject to this Act to post conspicuous signs on all public roads and streets under which such pipeline facilities pass.".

SEC. 3. AUTOMATIC SHUT-OFF VALVES.

(a) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979 AMENDMENT.—Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979, as amended by section 2 of this Act, is further amended by adding at the end a new subsection as follows:

"(j)(1) The Secretary shall, by regulation, establish minimum Federal standards to require, within 10 years after the date of the enactment of this subsection, operators of pipeline facilities subject to this Act to convert all required shut-off valves to automatic shut-off valves.

"(2) The Secretary shall, by regulation, establish minimum Federal standards to require all pipeline facilities subject to this Act constructed after 90 days after the date of the enactment of this subsection to be equipped with automatic shut-off valves".

(b) NATURAL GAS PIPELINE SAFETY ACT OF 1968 AMENDMENT.—Section 3 of the Natural Gas Pipeline Safety Act of 1968, as amended by section 2 of this Act, is further amended by adding at the end a new subsection as follows:

"(f)(1) The Secretary shall, by regulation, establish minimum Federal standards to require, within 10 years after the date of the enactment of this subsection, operators of pipeline facilities subject to this Act to convert all required shut-off valves to automatic shut-off valves.

"(2) The Secretary shall, by regulation, establish minimum Federal standards to require all pipeline facilities subject to this Act constructed after 90 days after the date of the enactment of this subjection to be equipped with automatic shut-off valves".

SEC. 4. PIPELINE INVENTORY.

(a) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979 AMENDMENT.—Section 203 of the Hazardous Liquid Pipeline Safety Act of 1979, as amended by sections 2 and 3 of this Act, is further amended by adding at the end a new subsection as follows:

"(k) The Secretary shall, by regulation, establish minimum Federal standards to require, within 2 years after the date of the enactment of this subsection, operators of pipeline facilities subject to this Act to complete and submit to the Secretary an inventory including specifications with respect to all types of pipeline used in such operator's system.".

(b) NATURAL GAS PIPELINE SAFETY ACT OF 1968 AMENDMENT.—Section 3 of the Natural Gas Pipeline Act of 1968, as amended by sections 2 and 3 of this Act, is further amended by adding at the end a new subsection as follows:

"(g) The Secretary shall, by regulation, establish minimum Federal standards to require, within 2 years after the date of the enactment of this subsection, operators of pipeline facilities subject to this Act to complete and submit to the Secretary an inventory including specifications with respect to all types of pipeline used in such operator's system.".

SEC. 5. ADDITIONAL INTEGRITY TESTING AND INSPECTION.

(a) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979 AMENDMENT.—Section 210(c) of the Hazardous Liquid Pipeline Safety Act of 1979 is amended to read as follows:

"(c) The Secretary shall, by regulation, establish additional minimum Federal standards to require testing and inspection of pipeline facilities subject to this Act. Such additional testing and inspection shall be performed using the most reliable technology practicable for assessing the integrity of such pipeline facilities safely. Such additional testing and inspection shall begin immediately after the issuance by the Secretary of regulations under this subsection where feasible, but in no event more than 2 years after the date of the enactment of the Safe Pipeline Act, and shall be at intervals no less frequent than once every 4 years thereafter. The frequency and type of such testing and inspection shall be determined by the Secretary on a case-by-case basis after consideration of the following factors:

"(1) The location of the pipeline facilities.

"(2) The type, size, age, manufacturer, method of construction, frequency of pump stations, and condition of the pipeline facilities.

"(3) The nature and volume of the materials transported through the pipeline facilities, the sequence in which such materials are transported, and the pressure at which they are transported.

"(4) The climatic, geologic, and seismic characteristics of, and conditions (including soil characteristics) associated with the areas in which the pipeline facilities are located, and the existing and projected population and demographic characteristics associated with such areas.

"(5) The frequency of leaks, if any.

"(6) Any other factors determined by the Secretary to be relevant to the safety of pipeline facilities.".

(b) NATURAL GAS PIPELINE SAFETY ACT OF 1968 AMENDMENT.—The Natural Gas Pipeline Safety Act of 1968 is amended by redesignating section 13 as section 13(a) and by adding at the end a new subsection as follows:

"(b) The Secretary shall, by regulation, establish additional minimum Federal standards to require testing and inspection of pipeline facilities subject to this Act. Such additional testing and inspection shall be performed using the most reliable technology practicable for assessing the integrity of such pipeline facilities safely. Such additionasl testing and inspection shall begin immediately after the issuance by the Secretary of regulations under this subsection where feasible, but in no event more than 2 years after the date of the enactment of the Safe Pipeline Act, and shall be at intervals no less frequent than once every 4 years thereafter. The frequency and type of such testing and inspection shall be determined by the Secretary on a case-by-case basis after consideration of the following factors:

"(1) The location of the pipeline facilities.

"(2) The type, size, age, manufacturer, method of construction, frequency of pump stations, and condition of the pipeline facilities.

"(3) The nature and volume of the materials transported through the pipeline facilities, the sequence in which such materials are transported, and the pressure at which they are transported.

"(4) The climatic, geologic, and seismic characteristics of, and conditions (including soil characteristics) associated with the areas in which the pipeline facilities are located, and the existing and projected population and demographic characteristics associated with such areas.

"(5) The frequency of leaks, if any.

"(6) Any other factors determined by the Secretary to be relevant to the safety of pipeline facilities.".

(2) The heading of such section is amended by striking out "Plans".

SEC. 6. SITING OF NEW PIPELINES.

(a) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979 AMENDMENT.—The Hazardous Liquid Pipeline Safety Act of 1979 is amended by adding at the end a new section as follows:

"SITING OF NEW PIPELINES

"SEC. 219. No pipeline facility subject to this Act may be constructed, after the date of the enactment of this section, within 150 feet of any residential dwelling, school, hospital, nursing home, correctional institution, or other permanently inhabited facility.".

(b) NATURAL GAS PIPELINE SAFETY ACT OF 1968 AMENDMENT.—The Natural Gas Pipeline Safety Act of 1968 is amended by adding at the end a new section as follows:

"SITING OF NEW PIPELINES

"SEC. 20. No pipeline facility subject to this Act may be constructed, after the date of the enactment of this section, within 150 feet of any residential dwelling, school, hospital, nursing home, correctional institution, or other permanently inhabited facility.".

SEC. 7. DEFINITION AMENDMENT.

Section 202(2) of the Hazardous Liquid Pipeline Safety Act of 1979 is amended—

(1) in subparagraph (A) by striking "and";

(2) in subparagraph (B) by inserting "and" after "pipeline facilities;"; and

(3) by adding at the end a new subparagraph as follows:

"(C) chemical fertilizer products when transported by pipeline facilities;".

SEC 8. ISSUANCE OF REGULATIONS.

(a) GENERAL RULE.—Except as provided in subsection (b), all regulations required to be issued by the amendments made by this Act shall be issued within 90 days after the date of the enactment of this Act.

(b) EXCEPTION.—The regulations required to be issued by the amendments made by section 5 shall be issued within 180 days after the date of the enactment of this Act.

RULE ON H.R. 5395, TO INCREASE THE STATUTORY LIMIT ON THE PUBLIC DEBT

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. ROSTENKOWSKI. Mr. Speaker, I take this opportunity to inform my colleagues that the Committee on Ways and Means today favorably ordered reported to the House of Representatives H.R. 5395, to increase the statutory limit on the public debt.

I wish to serve notice, pursuant to the rules of the Democratic caucus, that I have been instructed by the Committee on Ways and Means to seek less than an open rule for the consideration of this legislation by the House of Representatives.

ALL-AFRICA PARLIAMENTARY CONFERENCE ON POPULATION AND DEVELOPMENT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. SCHEUER. Mr. Speaker, one of the many eloquent speakers who addressed the All-African Conference of Parliamentarians on Population and Development, held in Harare, Zimbabwe, in May, was Mr. James P. Grant, Executive Director of the United Nations Children's Fund [UNICEF].

Mr. Grant said the conference, the first of its kind in Africa, was particularly appropriate because it came at a time when Africa is facing unprecedented population growth that is outstripping Africa's ability to feed itself.

By improving health and nutrition for women and children, demonstrating the benefits of child spacing, providing women with access to education, and promoting a strong family planning program, Mr. Grant said that Africa could reduce its child mortality rate and bring its explosive population growth rate under control.

Mr. Grant called upon African parliamentarians to become "children's advocates and establish the national policies and priorities which are the framework of action affecting children and their families."

Mr. Speaker, I call the attention of my colleagues to Mr. Grant's speech and his recommendations on how to reduce malnutrition and suffering in Africa.

ADDRESS BY MR. JAMES P. GRANT TO THE ALL-AFRICA PARLIAMENTARY CONFERENCE ON POPULATION AND DEVELOPMENT

HARARE, May 13, 1986.—Mr. Chairman, Honourable Minister of Health, distinguished parliamentarians, ladies and gentlemen.

This Conference occurs at a time when the past generation in Africa can be described as both, to paraphrase Charles Dickens, the best of times and the worst of times.

The best of times for many reasons. The great majority of Africans now enjoy National self rule, the most notable recent advance being here in Zimbabwe in 1980. Child death rates have dropped by some 40% since the early 1950s, when one child out of every three died before reaching age 5 and many others were crippled for life from a wide variety of causes. Basic literacy and education rates have soared relative to the 1950s. Millions of Africans have acquired highly developed skills with scores working for UNICEF around the world. African States and leaders now have important roles in the world and Zimbabwe is now the President of the Non-Aligned Movement.

At the same time, we can recite many tragic circumstances in Africa, particularly at a time of continuing severe global economic difficulties which impact most heavily on Africa. Population increase has outstripped food production since 1970, and is now 11% less per capita. Malnutrition has risen in a number of African countries in the 1980s. The rate of infant and child mortality reduction has slowed in many countries and even risen in some, under the impact of drought, civil disturbances and global recession. Of the 22 million children born in 1980, by the end of 1985, approximately one third were dead or crippled for life, with millions more suffering from malnutrition. The unprecedented rapid population expansion has increased Africa's population to over 500 million. World Bank projections indicate that the population may not stabilize before it tops two billion—well over the total projected for Latin America and Europe combined, even though each today only approximately equal Africa in population.

But I have not come here to bring a message of defeat and despair. I come instead with a message, in the words of Prime Minister Robert Mugabe actionable opportunities for renewed progress for the survival and health of Africa's communities, and for progress toward population stabilization. We all know that Africa is generously endowed with physical and human resources. We also know, as Fred Sai and Nafis Sadik aptly noted yesterday, that nutrition, health and population growth rates are intimately inter-related. Sharply improved health and nutrition can help to significantly increase the desire for fewer births; and slowed population growth, particularly through child spacing with its great beneficial impact on mothers and children, can significantly improve child health and nutrition, contributing to a virtual circle of improved health and slowed population growth.

With respect to the former, the late Prime Minister Indira Gandhi aptly noted at the South Asian Meeting of Parliamentarians before her untimely death: "Parents are more likely to restrict their families if they have reasonable assurance of the healthy survival of their two children."

Former President Julius Nyerere expressed the same conclusion when he said: "The most powerful contraceptive is the knowledge that your children will survive".

My most urgent concern, as Exective Director of the United Nations Children's Fund, is the survival and well being of children. My proposition to you today is that child survival can be a key to developmental progress . . . and to population stabilization as well. And my purpose today is to demonstrate that—despite current economic, political and climatic adversity in Africa—there is not only a new capacity to dramatically reduce the current wanton waste of Africa's children, but also a new capacity to contribute to building a foundation for a broad range of social and economic advances . . . and slow the growth of population as well.

The possibilities for dramatic advance in child survival exist today because of one central new development of recent years—largely a by-product of the development progress of the past decades—that now holds forth the prospect for major breakthroughs, even in these lean times, when combined with recent technological advances. Vigorous use of this new development in the past several years is already saving the lives of more than one million small children each year in developing countries; truly vigorous support could mean by 1990 annually saving the lives of 5 million small children world wide—including more than one million in Africa, and improving the health of more than 100 million more while also contributing to decreasing population growth.

What is this new development? It is the new capacity—the major new potential—to communicate with the poor majority in developing countries. Indeed, it is the revolution in social communications and organization which has occurred in recent times,

now well known to commercial entrepreneur and politics but only now is beginning to be increasingly used for social benefit. An almost incredible transformation has taken place in virtually every country with respect to the capacity to communicate, no matter how poor or under-developed, as a result of general development progress. The ubiquitous radio is everywhere in the rural countryside. In North Africa a majority of homes have access to television. Almost every village now has a school, women organizations, farmers associations and commercial retail outlets in villages have vastly increased in numbers. A growing proportion of young mothers in their 20s and 30s can now read and write. Some countries have party structures that reach down to men and women in every village and urban neighbourhood.

Religious structures—whether Christian or Islamic have a whole new capacity to communicate. And, perhaps to the surprise of those in the "developed" world, people in most less-developed areas of Africa or Asia and Latin America—while they still have per capita incomes lower than those of our Europeans or North Americans of two centuries ago—now have a capacity to communicate not achieved in the industrialized world until it neared the mid 20th century—just two generations ago.

CHILDREN ARE THE FIRST FRONTIER

The revolutionary potential of these advances in social communication on the condition of life for the masses first pioneered with respect to family planning and promoting the Green Revolution in Asia is now being most dramatically experienced in the field of child health, as the evolution in the capacity to communicate in low-income communities coincided with the realization that major, grossly underutilized technological advances of recent years could bring about revolutionary improvement in the well-being of children—a Child Survival and Development Revolution—at extremely low cost . . . a cost so low that virtually all countries could afford them with a modicum of international cooperation, if only they are combined with the new capacity to communicate with the poor who are most in need of these technological advances.

These new, improved, rediscovered or newly appreciated technologies, which are detailed in UNICEF's annual report, The State of the World's Children, 1986, and sometimes referred to, as the Honourable Deputy Minister of Health of Zimbabwe has noted, as the GOBI—FFF measures include:

Growth monitoring through frequent charting (usually monthly) of a child's weight that enables the mother to detect the early signs of malnutrition and in a surprising majority of cases deal with it through means within the parents' own control.

The recently discovered oral rehydration therapy—a remarkable simple treatment with salts, potassium and glucose (sugar) in water—costing only a few cents, which can be applied by parents at home for a child suffering from diarrhoeal dehydration, the number one child killer that claims nearly 5 million lives annually world wide, including one million African children. No wonder Britain's Lancet described this as "potentially the most important medical advance of this century".

The recently appreciated, through scientific analysis, merits of breastfeeding and improved weaning practices.

Recent advances in vaccines, now costing only fifty cents to immunize a child for life against tetanus, measles, polio, whooping cough, diptheria and tuberculosis which cripple and kill several millions of children every year—including more than one million African children who die from immunizable diseases, and another million or more who are disabled.

Better family spacing of children, when alone, as we have heard, could reduce the infant toll by half.

Greater, female education—basic education—particularly for young women as pioneered in Tanzania in the 1970s, through low cost measures, whether achieved through expansion of primary schools or through informal education, or both.

To be effective, all of these measures require that parents be aware of and use them, whether it is to mix oral rehydration formulas at home or to bring a child the three or four times necessary for full immunization against six killer diseases. We all know how difficult it is to have people adopt new practices, and this is particularly true of mothers from low income and often illiterate families who may be reluctant to bring their children for vaccination, a process which the mother probably doesn't understand in the first place and particularly so after the child runs a fever after each immunization visit, as is often the case.

This, of course, is where the new capacity to communicate with parents is so important, using all channels intensively to reach the parents and local communities. Empowering parents, and particularly mothers, with present knowledge and technologies is the key to unlocking the potential for a revolution in child health. But, and I stress the but, the responsibility for turning that key rests with the whole of society, for the mother cannot act alone.

LIVES ARE BEING SAVED

It has been exhilarating to see how fast this potential has advanced in the just three and one half years since first articulated with respect to primary health care.

Colombia, for example, is a country which has been pioneering since 1983 in pulling this whole group of ideas together. Beginning in 1984, Colombia started on the immunization front. The key was leadership from the top for all sectors of society to be persuaded to participate. President Betancur talked to the media, including the leading opposition papers. He persuaded the press and the radio and television stations to cooperate, and then he recruited parliamentarians, the Church and the Red Cross, the Rotarians, the Lions, the Scouts, schoolteachers, businessmen, and all of his government ministries. Together, they set out to do what had never been done before in history—in one 3-month period, through three national immunization days, to immunize the great majority of the children of a country against five major diseases then killing and crippling more than tens of thousands of Colombian children each year. There were more than 10,000 TV spots; virtually every parish priest devoted three sermons to the importance of families immunizing their children; every school teacher was involved; etc. For the children of the world, with more than 10,000 dying each day from these six diseases, this accomplishment in Colombia was far more significant than even man's landing on the moon 15 years ago.

The Campaign began in June, 1984. By the end of that August more than three-quarters of the under-fives had been fully immunized. Repeated again last fall with particular emphasis on the most vulnerable under-twos, the total rose to over 80 per cent . . . sufficient in most areas to provide "herd" immunization—a process which, I should mention, President Carter joined in supporting by visiting Colombia for the third and final day over Thanksgiving weekend. So many children were reached that the "campaign" approach has been able to give way to on-going PHC infrastructures which have been vastly bolstered by the intensive efforts of the past two years.

Colombia illustrates the use of communications with a vengeance. The results demonstrated how spectacularly we can, if a country will only mobilize fully, defend children against these brutal mass killers and cripplers. The great majority of Colombian children now have been immunized and a significant start made on teaching millions of mothers how to use oral rehydration therapy, thereby saving the lives of more than 10,000 children a year who would have died only two short years ago while simultaneously saving many millions of dollars for Colombians, and greatly strengthening the Primary Health Care system. Similar techniques are beginning to be used in country after country, with each country tailoring the approach to fit the particular structures and cultures of that country.

It is particularly fascinating to watch as these efforts become politically relevant as well as socially. It becomes good politics for leaders to apply these techniques. It is sufficiently good politics that last year in El Salvador all the feuding factions were persuaded to lay down their arms for the Sundays of February 3rd, March 3rd, and April 23rd and pick up their children—and immunize them. When Salvadorans realized that more children died in that war-torn country from not being immunized than all the people who had been killed in all the fighting the year before, they understood the magnitude of the tragedy. And they were willing to cooperate—or, at least, to not shoot at each other—to allow a National Immunization Campaign to go forward. And so the government, and the guerrillas, and dozens of private groups (including notably the Church and the Red Cross) all set out to protect children, rather than to catch them in the crossfire. A second annual round of this campaign—beginning again with a "National Day of Tranquility"—began last month.

Turkey launched its child survival revolution just last September, with a national immunization week for 5 million under-fives vulnerable to the six diseases which in 1984 took the lives of more than 30,000 small children, and crippled tens of thousands more. Within three months, using and improving on many of the same techniques as Colombia, with imams—more than 50,000—taking the lead in each mosque just as Colombian priests had in their churches, and with the active participation of 95,000 village teachers who returned from summer vacations two weeks early for the purpose, some 85 per cent of all young Turks were fully immunized against these dread diseases.

These success stories are not alone. They are being joined by others—in Addis Ababa, Burkina Faso, China, the Dominican Republic, Ecuador, India, Nigeria, Pakistan, Peru, Uganda, Egypt and many others. In Egypt, the death toll of more than 100,000 small children annually from the dehydration from diarrhoea has been more than halved in just three years. In early 1983, less than one percent of Egyptian mothers were using oral rehydration therapy, by early 1986 this percentage had risen to over 60 per cent. And massive new efforts are begin-

ning—such as in Inida, where more than 1 million children died last year as a consequence of not being immunized, but where a programme is not underway to achieve universal immunization of Indian children by 1990 as a "living memorial" to the late Indira Gandhi.

Recognizing the critical urgency of protecting children especially in emergency situations such as those afflicting so many African children today, the Health Ministers of Africa have proclaimed 1986 "The Year of Immunization" for Africans, and the great majority of African countries have now committed themselves to achieving universal child immunization by 1990. Thus this Immunization Week in Zimbabwe, with many television and radio as well as other special events. I had the privilege on Sunday of watching a televised football match with the field well placarded with such signs as "Protect your Child—Immunize."

PEOPLE TAKING CHARGE

The Child Survival and Development Revolution rests upon one central foundation embodied in the concept of Primary Health Care: that people can and ought to be enabled to take far greater care of themselves. Indeed, there is very much a common tie between these sets of problems affecting the developing countries and the concerns of many people in North America and Europe and other developed countries. The essence of all of this is a new respect for the capacity of the individual and the importance of governments enhancing and encouraging use of that capacity. Consistent with this, these new technologies are must more relevant to the family—enabling people to take action—than to big institutions with experts in "white coats" intervening. The same is true on new agricultural technologies of relevance to subsistence farmers which are becoming available; the potential for a comparable food security revolution for poor farmers in Africa is just now becoming visible on the horizon.

Empowering parents with kowledge of techniques for child protection is the key to unlocking not only a health revolution but the potential for parents—and communities as a whole—to develop greater confidence in their abilities to control life events as they realize that their own actions can make a major difference as to whether their children live or die. This knowledge alone can act as a springboard and mark the beginning of a major frontier of progress towards educating and empowering women to be proactive rather than reactive and to have confidence in heir abilities to do more for themselves in other spheres of life—in food production, trade, sanitation, community health services and other sectors.

Fostering such a climate of realistic hope and possibility is an imperative if we are to contribute effectively to improving the condition of the poor, who too often are afflicted by a sense of powerlessness and fatalistic acceptance of life events.

Halving the infant and child death rate through use of these educational means can also be expected to help greatly accelerate the drop in fertility rates from those now projected and, particularly if associated with vigorous family planning education, could be the most important new intervention in the last 15 years of this century toward reducing population rates. The only question is by how much—whether we are talking about a net reduction of births over deaths of a few million per year, or vastly more than that. Thus, if all of Africa had the low infant and child death rates now prevailing in Sri Lanka, whose per capita income is less than the $500 per capita average for Africa, two million fewer children would be dying each year. And if all African countries had the birth rates of Sri Lanka, 9 million fewer babies would be born each year, for a net reduction in African population growth by more than 7 million annually. This is not surprising since most mothers, before sharply reducing their number of births, want to be assured, as noted earlier, that their children will survive.

Combined with accelerated family planning education and greater access to family planning methods, as WHO, UNFPA and UNICEF are seeking to do, the drop in fertility could be major.

The beneficial effects of planned births are also reflected in lower infant mortality and the creation of a more favorable climate to stimulate the socio-psychological development of the child. As the International Conference on Population at Mexico City declared of the beneficial synergism:

". . . Through breastfeeding, adequate nutrition, clean water, immunisation programme, oral rehydration therapy and birth spacing, a virtual revolution in child survival could be achieved. The impact would be dramatic in humanitarian and fertility terms."

It is precisely because of the relationship between infant and child mortality reduction through these means and fertility reduction that the present potential for dramatically improving child survival and well-being offers a real prospect for accelerating fertility decline and achieving earlier and lower population stabilization as well.

The advantages of such a prospect for parents—and especially for women—cannot be overstated. Our strategy to accelerate child survival and overall well-being through low cost measures such as growth surveillance oral rehydration, promoting of breastfeeding and immunisation brings far-reaching changes to a woman's life that stretch beyond the area of health of her children. It provides women with a technical and psychological capacity to begin to control important events in their lives; it contributes to emotional tranquillity, substantial financial savings and a major time release in their lives as thrust of child death and continuous illness is greatly eased.

MAKING REVOLUTIONARY CHANGE HAPPEN

So far I have stressed the positive elements of a potential Child Survivial and Development Revolution. But it will not happen by itself. There are some explicit "ifs" that will determine whether this seachange can be created and sustained on national and global scales.

This opportunity for accelerated progress for the protection and survival of children is possible.

If governments embrace this opportunity for accelerated basic services and primary health care as national commitments implemented through national efforts at the highest level in each country, and commanding the participation and cooperation of all relevant government sectors.

If the international cooperation community, which includes fora like this All-Africa Parliamentary Conference as well as institutions like WHO, UNFPA, UNICEF, UNDP, The World Bank and the bilateral agencies, commits its efforts to promoting appreciation of the opportunity and to make available resources to help countries to act.

If the campaign is joined in each country by a vast array of those media, religious institutions, non-governmental organizations, private enterprises and individuals which can provide or contribute to the service delivery systems necessary to extend this opportunity to the poor and the remote.

If planners and implementors constantly remember that this opportunity for a child survival revolution will only succeed in the long-term if it is integrated with other ongoing efforts, so as to be self-sustaining over the years.

If the implementors remember that the ultimate essence of the endeavour is to empower people to take care of themselves and their children. They should not be dependent solely on medical care institutions, government bureaucracies or even pediatricians for their health, but largely on family resources and community basic services. The objective is not, to use an old saying, to provide fish to feed people for a day (useful as that may be), but to teach people how to fish and feed themselves always. We seek to assure more self-reliant power for the parents through knowledge of oral rehydration therapy, securing the immunisation of their children, continuation of breastfeeding, and use of growth charts to monitor and thereby control the nutritional status of their children.

And,

If a very large number of individuals, especially those individuals such as/or with special knowledge, special status, and a special commitment to the health of children, keep constant pressure on their peers, their professional and social organizations, their governments, and their international agencies to ensure that that resolve remains firm and effective regarding all the other "ifs".

It seems to me that you, as Members of Parliament and colleagues in this All-African forum, have a role to play in assuring the realization of each of these "ifs".

THE CHALLENGE FOR PARLIAMENTARIANS

What can you do? What role is there for the Parliaments of Africa in advancing these techniques? For Parliamentarians as civic leaders?

The critical factor required for effective application of the approaches I have discussed is their promotion as "the thing to do" both at the national level and, possibly even more important, at the level of your parliamentary district.

Legislatively, as Members of Parliaments, you can propose the adoption of National Health Policies for Children in your countries. Such policies, of course, should provide for the promotion of these simple low cost techniques and their incorpration within your formal health and education systems. You can work to make implementation of the Year of Immunisation a priority within your country and in your own district during the remainder of 1986. Your can provide incentives for the production and marketing of oral rehydration salts. As leaders of your people, you can publicly demonstrate your confidence in ORT and growth charts by distributing sample packets and charts to health centres, community groups, teachers, and constituents in your districts. You can urge the media to encourage their use, and insist that health workers understand them, use them, and help promote them.

Legislatively, as well, you can protect the practice of breastfeeding. WHO and UNICEF jointly engaged in intensive discussions with international medical community, industry, governments and NGOS, over a several year period, resulting in the 1981

adoption by the World Health Assembly of the "International Code on Marketing of Breastmilk Substitutes" as a model to governments of the marketing standards they ought to allow in their own countries and of means to promote breastfeeding. It is extremely important that national codes be enacted in every country to control the abuses of breastmilk substitute promotion where those abuses have already caused terrible damage in terms of children's lives and children's deaths, and to prevent the occurance of such abuses in other countries.

As participants in this and other Africa-wide fora, you can express yourselves regionally and provide for coordinated regional action. I have previously met with Parliamentarians associations in Asia and Latin America, as well as with the League of Red Cross Societies, the International Pediatric Association, and others. Each of those bodies has resolved in support of accelerating and several are planning programs of action to pursue it. I hope that this Conference will do the same. And I hope that you will seek the support of your colleague legislators—the members of state assemblies and other bodies throughout your countries.

CHILDREN'S ADVOCATES

As Parliamentarians, you are in a unique position. In your role as legislators, you and your Governments establish the national policies and priorities which are the framework of action affecting children and their families. In your role as representatives, you have an intimate awareness of the real needs of your constituents, and can work with them in your districts in assuring their opportunities for expressing those needs. You also know the capacities and limitations of the government to respond to those needs. In a very real sense, you are an essential link between people and policy-makers, between need and fulfillment.

It is to you—the Parliamentarians of Africa—whom we turn for partnership in ensuring that children have their chance.

CAROL CHANNING HONORED

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. DOWNEY of New York. Mr. Speaker, today the Congressional Arts Caucus was honored to recognize one of our country's most versatile and loved actresses—Carol Channing. While her baby blue eyes and little girl voice make her one of the most recognizable women in the entertainment industry, it is her truly endearing performances that have mesmerized audiences throughout the world.

Gracing stage and screen for the past 45 years, she has brought us many unforgettable roles. In 1948, she debuted as the Gladiola Girl in "Lend an Ear" and then progressed to playing the zany Lorelei Lee in "Gentlemen Prefer Blondes." In her most revered and best known role as Dolly Gallagher Levi in "Hello Dolly!", she was so perfectly cast that the actress and character have remained a fixed picture in theatrical history. She broke records as Dolly with 1,273 performances—never missing a single appearance nor playing to an empty seat.

Dazzling audiences at every opportunity, she also gave four Command Performances for Her Majesty the Queen of England in "Carol Channing and Her Ten Stourthearted Men." Her energy and magnetism during her performance at London's Drury Lane Theatre prompted the Queen of England to elect Ms. Channing to "Her Majesty's Royal Order of Comedians."

When she was not entertaining in theaters, she was appealing to television audiences nationwide on such shows as "Password," "What's My Line?," "Girl Talk," and six of her own television specials. She also captivated audiences in her many night club appearances in Las Vegas and New York City as well as performed for President John F. Kennedy in 1963 and at the Inaugural Gala for President Lyndon B. Johnson. Currently, Ms. Channing is co-starring with Mary Martin in the new comedy "Legends!" at the National Theatre.

Ms. Channing is a remarkable woman with a plethora of talents that has earned her many great honors and awards. She received a Golden Globe award in 1967 as best supporting actress for her role in the film "Thoroughly Modern Millie"; a special Tony Award for "Hello Dolly!" in 1968; and the Harvard University's Hasty Pudding Theatrical Award as "Woman of the Year" in 1971. Thus it is fitting that the Congressional Arts Caucus honors this legendary lady.

Her sparkle and magnetism have captured the hearts of audiences throughout the world generating joy and laughter. One cannot help but love and adore this larger-than-life performer whose unbeatable combination of talent and energy makes her a legend in her own time.

VOTING RECORD

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. UDALL. Mr. Speaker, it has become my practice from time to time to list my votes in the CONGRESSIONAL RECORD. I strongly believe that the people of the Second Congressional District of Arizona have a right to know where I stand on the issues decided by this body, and I have found that printing my record here is the best way to provide that information.

This is not an all inclusive list. I have omitted noncontroversial votes such as quorum calls, motions to resolve into the Committee of the Whole House, and motions to approve the Journal of the previous day.

The descriptions are necessarily somewhat short, and I am sure that some of my constituents will have additional questions about the issues described here. So I invite them to write me for more specifics.

The votes are described as follows:

KEY

1. Rollcall number;
2. Number of the bill or resolution;
3. Title of the bill or resolution;
4. A description of the vote;
5. The outcome of the vote;
6. The vote total;
7. My vote, in the form Y=yes, N=no, and NV=not voting;
8. The vote totals of the Arizona delegation (yes-no-not voting);
9. The date.

VOTES

351. H.R. 3669. Temporary Public Debt Limit Increase. Pepper, D-Fla., motion to consider the rule (H. Res. 306) to provide for House floor consideration of the bill to allow an increase in the limit on the public debt by an amount determined by the secretary of the Treasury as necessary to meet the federal government's obligations without disinvesting the Social Security trust funds or other trust funds, but not to exceed $1.841 trillion. Motion agreed to 343-77: Y(2-3-0), November 1, 1985. A two-thirds majority of those present and voting (280 in this case) is required to consider a privileged report from the Rules Committee on the same day it is presented to the House.

352. H.R. 3669. Temporary Public Debt Limit Increase. Adoption of the rule (H. Res. 306) to provide for House floor consideration of the bill to allow an increase in the limit on the public debt by an amount determined by the secretary of the Treasury as necessary to meet the federal government's obligations without disinvesting the Social Security trust funds or other trust funds, but not to exceed $1.841 trillion. Adopted 374-44: Y(3-2-0), November 1, 1985.

353. H.R. 3669. Temporary Public Debt Limit Increase. Passage of the bill to allow an increase in the limit on the public debt by an amount determined by the secretary of the Treasury as necessary to meet the federal government's obligations without disinvesting the Social Security trust funds or other trust funds, but not to exceed $1,841 trillion. Passed 357-61: Y(2-3-0), November 1, 1985.

355. H.J. Res. 36. Women in Armed Services Memorial. Oakar, D-Ohio, motion to suspend the rules and pass the joint resolution to authorize the establishment in the Washington, D.C., area of a memorial to women in the armed services. Motion agreed to 405-0: Y(5-0-0), November 6, 1985.

356. H.R. 2205. Korean War Veteran's Memorial. Oakar, D-Ohio, motion to suspend the rules and pass the bill to authorize the establishment in the Washington, D.C., area of a memorial to veterans of the Korean War. Motion agreed to 406-0: Y(5-0-0), November 6, 1985.

357. H.J. Res. 142. Black Revolutionary War Patriots' Memorial. Oakar, D-Ohio, motion to suspend the rules and pass the joint resolution to authorize the establishment in the Washington, D.C., area of a memorial to black veterans of the Revolutionary War. Motion agreed to 408-0: Y(5-0-0), November 6, 1985.

358. H.R. 6. Water Resources Development. Edgar, D-Pa., amendment to apply local cost-sharing requirements to new components of the Mississippi River and Tributaries Project (which are exempt from cost-sharing under the bill), except on the main stem of the Mississippi and Atchafalaya rivers. Rejected 124-296: N(0-5-0), November 6, 1985.

359. H.R. 6. Water Resources Development. Weaver, D-Ore., amendment to deauthorize the flood control dam project for Elk Creek Lake, Rogue River Basin, Oregon. Rejected 200-220: Y(1-4-0), November 6, 1985.

360. H.J. Res. 372. Public Debt Limit. Mack, R-Fla., motion to concur in the Senate amendment to the House amendment to the Senate amendment. All the amendments would provide for declining

annual statutory limits on the federal debt, automatic deficit reductions under certain circumstances, and numerous procedural revisions in the congressional budget process. Motion rejected 177-248: N(4-1-0), November 6, 1985.

361. H.J. Res. 372. Public Debt Limit. Lott, R-Miss., motion to instruct the House conferees to agree to a schedule of deficit reductions to eliminate the federal budget deficit by fiscal 1991, and not to agree to language that provided that the entire bill would be nullified if any part were found to be unconstitutional. Motion rejected 181-239: N(4-1-0), November 6, 1985.

362. H.R. 3036. Treasury, Postal Service and General Government Appropriations, Fiscal 1986. Adoption of the conference report on the bill to appropriate $13,154,375,000 in fiscal 1986 for the Treasury Department, Postal Service, Executive Office of the President and other agencies. Adopted 237-171: Y(1-3-1), November 7, 1985.

363. H. Res. 314. Medvid Defection. Lantos, D-Calif., motion to suspend the rules and adopt the resolution to express the sense of the House that Ukrainian sailor Miroslav Medvid should not be allowed to be removed from the United States until a complete investigation can determine whether he has been accorded all rights due him as a possible defector. Motion agreed to 405-3: Y(5-0-0), November 12, 1985.

364. H.R. 2409. National Institutes of Health Authorizations, Fiscal 1986-88. Passage over President Reagan's Nov. 8 veto, of the bill to reauthorize selected biomedical research activities at the National Institutes of Health through fiscal 1988 and to set up a new arthritis research institute and nursing research center at the institutes. Passed 380-32: Y(4-1-0), November 12, 1985

365. H.R. Res. 441. Further Continuing Appropriations, Fiscal 1986. Passage of the joint resolution to provide continued spending authority from November 14 through December 12, 1985, for programs and agencies for which regular fiscal 1986 appropriations bills had not been signed into law. The resolution provided that funding levels for programs would depending on the status of uncompleted appropriations bills, be the lower amount of that enacted for fiscal year 1985 or that set in appropriations bills passed by one or both houses but not yet signed into law. Once enacted, appropriations bills for fiscal 1986 would supersede levels set by the continuing appropriations resolution. Passed 259-151: Y(2-3-0), November 12, 1985.

366. H.R. 1616. Plant Closing Notification. Adoption of the rule (H.Res. 313) to provide for House floor consideration of the bill to require employers to provide three months' notice before permanently laying off 50 or more employees. Adopted 233-176: Y(1-4-0), November 12, 1985.

368. H.R. 3038. Department of Housing and Urban Development/Independent Agencies Appropriations, Fiscal 1986. Adoption of the conference report on the bill to appropriate $57,290,141,490 in new budget authority in fiscal 1986 for the Dept. of Housing and Urban Development and 17 independent agencies. Adopted 268-153: Y(3-2-0), November 13, 1985.

369. H.R. 3721. Temporary Public Debt Limit Increase. Passage of the bill to raise temporarily the ceiling on the federal debt to no more than $1.904 trillion, from $1,824 trillion, with the ceiling reverting to the lower number after December 13, and also to direct the secretary of the Treasury to restore to the Social Security trust funds and any other federal trust funds any securities disinvested since September 30, 1985. Passsed 300-121: Y(3-2-0), November 13, 1985.

370. H.R. 6. Water Resources Development. Passage of the bill to authorize appropriations for water resources development and conservation projects, to establish a National Water Resources Policy Board, and for other purposes. (The Congressional Budget Office estimated that authorizations in the bill could result in federal outlays of $20 billion through 1998.) Passed 358-60: Y(4-1-0), November 13, 1985.

371. H. Con. Res. 232. Philippine Elections. Adoption of the concurrent resolution to urge that Philippine President Ferdinand E. Marcos honor his pledge that the 1986 elections will be free and fair, and to demand certain steps be taken to insure that result. Adopted 407-0: Y(5-0-0), November 14, 1985.

372. H.R. 1616. Plant Closing Notification. Bartlett, R-Texas, amendment to the Ford, D-Mich., substitute, to delete a provision requiring plant owners to consult with employees before closing a plant in an effort to find alternatives to the shutdown. Adopted 215-193: NV(4-0-1), November 14, 1985.

373. S. 583. Cooper-Hewitt Museum. Oakar, D-Ohio, motion to suspend the rules and pass the bill to authorize the appropriation of not more than $11.5 million in fiscal years beginning after September 30, 1988, to plan and construct an expansion of the Cooper-Hewitt Museum, also known as the National Museum of Design of the Smithsonian Institution. Motion rejected 177-234: Y(1-4-0), November 19, 1985.

374. H. Con. Res. 228. International Terrorism Condemnation. Mica, D-Fla., motion to suspend the rules and adopt the concurrent resolution to condemn all acts of terrorism, specifically including the hijacking of the Achille Lauro and the murder of Leon Klinghoffer, and to call for the creation of an international coordinating committee on terrorism and for proposals to protect American's abroad. Motion agreed to 408-1: Y(5-0-0), November 19, 1985.

375. H.R. 3456. Consumer Product Safety. Waxman, D-Calif., motion to suspend the rules and pass the bill to reauthorize the Consumer Product Safety Commission for fiscal year 1986-88. Motion rejected 264-146: Y(1-4-0), November 19, 1985.

376. H.R. 2419. Intelligence Agencies Authorizations, Fiscal 1986. Adoption of the conference report on the bill to authorize a secret amount in fiscal 1986 for the CIA, the National Security Agency, the Defense Intelligence Agency and other intelligence agencies. Adopted 387-21: Y(5-0-0), November 19, 1985.

337. H.R. 3244. Transportation Appropriations, Fiscal 1986. Young, R-Fla., motion to instruct the House conferees on the fiscal 1986 transportation appropriations bill to insist on the House position on funding levels for Coast Guard operating expenses. Motion agreed to 400-6: Y(5-0-0), November 20, 1985.

378. H.R. 3622. Joint Chiefs of Staff Reorganization. Bennett, D-Fla., amendment to allow the chairman of the Joint Chiefs of Staff to assign undivided authority for any operation to a single officer. Rejected 47-366: N(0-5-0), November 20, 1986.

379. H.R. 3622. Joint Chiefs of Staff Reorganization. Passage of the bill to change the system of the Joint Chiefs of Staff by strengthening the role of the chairman. Passed 383-27: Y(4-1-0-), November 20, 1985.

381. H.R. 1616. Plant Closing Notification. Jeffords, R-Vt., amendment to the Ford, D-Mich., substitute, to require employers of at least 50 full-time employees to give workers 90 days' notice of any plant shutdown or layoff involving at least 100 employees or 30 percent of the work force. Adopted 211-201: Y(1-4-0), November 21, 1985.

382. H.R. 1616. Plant Closing Notification. Roemer, D-La., substitute for the Ford, D-Mich., substitute, to require employers of at least 200 full-time employees to give workers 60 days' notice of any plant shutdown or layoff involving 100 or more workers. Rejected 109-298: N(2-3-0), November 21, 1985.

383. H.R. 1616. Plant Closing Notification. Passage of the bill to require employers of at least 50 full-time employees to give workers 90 days' notice of any plant shutdown or layoff involving at least 100 or more employees or 30 percent of the work force. Rejected 203-208: Y(1-4-0), November 21, 1985.

385. H.R. 1562. Textile Import Quotas. Adoption of the rule (H. Res. 325) to provide for House floor consideration of the Rostenkowski, D-Ill., motion to concur in the Senate amendment to limit textile, apparel and shoe imports and to call for negotiations leading to voluntary reductions in world copper production. Adopted 298-109: Y(2-3-0), December 3, 1985.

386. H.R. 1562. Textile Import Quotas. Rostenkowski, D-Ill., motion to concur in the Senate amendment to limit textile, apparel and shoe imports and to call for negotiations leading to voluntary productions in world copper reduction. Motion agreed to (thus cleared for the President) 255-161: Y(3-2-0), December 3, 1985.

387. H.R. 3700. Higher Education Amendments. Bartlett, R-Tex., amendment to retain the current requirement that borrowers begin repaying their Guaranteed Student Loans six months after leaving school, striking the provision of the bill extending the period to nine months. Rejected 177-221: N(4-1-0), December 3, 1985.

388. H.J. Res. 465. Further Continuing Appropriations, Fiscal 1986. Conte, R-Mass., motion to recommit to the Appropriations Committee for revision the joint resolution to provide continued spending authority through Sept. 30, 1986, for government agencies whose regular fiscal 1986 appropriations had not become law. Motion Rejected 200-221: Y(4-1-0), December 4, 1985.

389. H.J. Res. 465. Further Continuing Appropriations, Fiscal 1986. Passage of the joint resolution to provide continued spending authority through Sept. 30, 1986, for government agencies whose regular fiscal 1986 appropriations had not become law. Passed 212-208: Y(1-4-0), December 4, 1985.

390. H.R. 3700. Higher Education Amendments. Bartlett, R-Tex., amendment to cut the fiscal 1987 authorization for programs in the bill other than student aid to fiscal 1985 appropriations levels, and to allow increases in fiscal 1988-91 only to compensate for inflation. Rejected 127-289: N(4-1-0), December 4, 1985.

391. H.R. 3700. Higher Education Amendments. Passage of the bill to reauthorize college student aid and other programs under the Higher Education Act of 1965 (PL 89-329) through fiscal 1991. Passed 350-67: Y(2-3-0), December 4, 1985.

393. H.R. 3424. Labor, Health and Human Services, Education Appropriations, Fiscal 1986. Adoption of the conference report on the bill to appropriate $94,861,859,000 in fiscal 1986 funding and $11,687,750,000 in advance fiscal 1987-88 funding for the Department of Labor, Health and Human

Services, and Education, and related agencies. Adopted 356-54: Y(4-1-0), December 5, 1985.

394. H.R. 2817. Superfund Reauthorization. Fiscal 1986-90. Adoption of the rule (H. Res. 331) to provide for House floor consideration of the bill to authorize $10 billion in fiscal years 1986-90 for the "superfund" hazardous-waste cleanup program. Adopted 376-33: Y(4-1-0), December 5, 1985.

395. H.R. 2817. Superfund Reauthorization, Fiscal 1986-90. Daub, R-Neb., amendment to relieve from liability for hazardous waste cleanups persons who can prove that they had nothing to do with substances leaking from the site. Rejected 62-330: N(2-3-0), December 5, 1985.

396. H.R. 2817. Superfund Reauthorization, Fiscal 1986-90. Edgar, D-Pa., amendment to require companies to make public an inventory of their emissions of chemicals known to cause or suspected of causing cancer, birth defects or other chronic diseases. Adopted 183-166: NV(0-4-1), December 5, 1985.

398. H.R. 2817. Superfund Reauthorization, Fiscal 1986-90. McKernan, R-Maine, amendment to allow eight states with oil spill liability funds to continue to operate those funds after enactment of the federal oil spill liability program contained in the bill. (The bill would phase out state funds in three years.) Rejected 142-256: N(1-4-0), December 6, 1985.

399. H. Con. Res. 239. Ireland-United Kingdom Agreement. Fascell, D-Fla., motion to suspend the rules and adopt the concurrent resolution to commend the governments of Ireland and the United Kingdom for reaching an agreement on measures to begin a peace process in Northern Ireland. Motion agreed to 380-1: Y(5-0-0), December 9, 1985.

400. H.R. 1083. Low-Level Radioactive Waste Disposal. Udall, D-Ariz., motion to suspend the rules and pass the bill to establish requirements and deadlines for carrying out interstate compacts for the establishment and operation of regional disposal facilities for low-level radioactive waste. Motion agreed to 378-0: Y(5-0-0), December 9, 1985.

PROSPECTS FOR SDI IN THE NEAR TERM

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. KEMP. Mr. Speaker, tomorrow, the House will take up the question of funding for the President's strategic defense initiative. From a request of $4.8 billion—only 1.5 percent of the total defense budget—the Armed Services Committee has already cut $1.4 billion. Amendments are pending that would cut funding even further—taking our various research efforts well below what they would have been if they had followed normal funding paths.

And yet, as Dr. Robert Jastrow writes, "possibilities for early deployment of a robust near-term defense against ballistic missiles have come out of the first 2 years of research on the problem." In short, here is a program where our defense dollars are yielding results more promising and more quickly than we ever could have hoped—and the Congress is poised to cut the program drastically.

I believe that the time has come for a wide and open national debate on strategic defense for America. Because if we are serious about fielding defenses that will protect us against Soviet ballistic missiles, critics in the Congress should not be permitted to undercut that supremely important effort through inadequate funding or lack of understanding.

And we must reconfigure the program, so that the strategic defense initiative becomes something more than a research only effort. Most importantly, we need a commitment to develop and deploy strategic defenses, at the earliest possible date.

Contrary to some administration spokesmen, SDI is not merely a faraway dream. It can be a present day reality, using technology tried and tested and readily available to us. We are not lacking in technical know-how; we are only lacking the decision to deploy.

In Friday's Washington Times, Dr. Robert Jastrow, one of the Nation's leading experts in strategic defense concepts and technologies, writes of what we can do in the next 5 years to field strategic defenses. Skeptics in both the Congress and the administration would do well to review his words; and then let them answer the question, why not defend America? And why not help defend our allies and friends?

Mr. Speaker, I ask that Dr. Jastrow's challenging article, "SDI Results: A Defense in Five Years", be reprinted in the RECORD.

[From the Washington Times, Aug. 8, 1986]

SDI RESULTS: A DEFENSE IN 5 YEARS

(By Robert Jastrow)

Some senior government officials have suggested that nothing practical—that is, nothing deployable—can come out of the Strategic Defense Initiative for 15 or 20 years.

It appears that important SDI programs aimed at deployment of a nationwide defense in five years have not been brought to their attention. These possibilities for early deployment of a robust near-term defense against ballistic missiles have come out of the first two years of research on the problem by SDI and its contractors.

The business end of the near-term defense being developed by SDI is the "smart bullet," a slug of metal with a computer brain and a device sensitive to heat. The smart bullet tracks the enemy warhead by the delicate heat it emits, like a snake tracking a small mammal. The smart bullet collides with the enemy warhead at the end of the chase and destroys it by the force of the collision. It is highly effective.

The "smart bullet" projects in SDI haven't received as much attention as the laser and the particle beam, but they have the advantage of using a tried-and-tested technology that could be in place and protecting America in five years.

Smart bullets resemble the heat-seeking missiles used routinely in air defense, except that they are mounted on rockets that can carry them to heights of several hundred miles. An experimental smart bullet developed by Lockheed was tested against a U.S. Minuteman warhead in 1984. The test was completely successful. The smart bullet zeroed in on the oncoming warhead at a height of 100 miles and scored a bull's-eye collision. The speed of the impact gave the smart bullet the explosive power of more than 10 times its weight in TNT. The collision broke the warhead into an estimated 1 million fragments.

Another smart bullet developed by LTV that weighed less than 50 pounds was tested at a height of hundreds of miles against a target in space last year with complete success—another bull's-eye.

The most effective defense using the smart bullets will deploy them on satellites orbiting the Earth. This satellite-based defense can be available by 1995 and possibly somewhat earlier. In even nearer-term defense planned by SDI, the smart bullets will be carried on small rockets launched from the ground.

That makes it sound as if this defense only protects a small area, like a missile silo. However, while the smart bullets are launched from the ground, they intercept the enemy warheads high up in space, at an altitude of as much as 500 miles. This is a key factor in the usefulness of the defense. As a consequence of the high-altitude interception, the "footprint" of the defense, as the region it protects is called, is a continental-sized area including all of the United States and Canada. This is not a defense of missile silos, but a true area defense of the North American continent.

But smart bullets are not the whole story of the near-term defense. The trouble with the smart bullet is that it is not all that smart. Smart bullets have a deadly accuracy once they get within 20 miles or so of the warhead, but first they have to be told approximately where the warhead is: they aren't clever enough to find it just anywhere in the void of the heavens.

That requires the capability of the Airborne Operational Adjunct, or AOA, one of the most important projects in SDI, perhaps the most important for the near-term defense.

The AOA is a Boeing 767 airliner that has been stripped and reequipped with special intruments for detecting warheads coming at the United States. The AOA has "eyes" that can see the warhead anywhere in space and find out which way it is headed. Another instrument—a laser beam used as a radar—tells the AOA how far away the warhead is. The AOA turns this information over to the launcher sitting on the ground with a smart bullet on its nose, and the launcher then sends the smart bullet in the right direction.

The AOA and its infrared "eyes" and laser radar are as essential to the SDI near-term defense as the smart bullet itself.

Lockheed is working on a plan for the near-term defense of America, based on an experimental system called ERIS, that uses smart bullets and intercepts the warheads at high altitudes, so that the "footprint" covers all of North America. It looks very promising. But the system based on ERIS has two problems. First, it uses radars on the ground to pick up and track the warheads, instead of the airborne "eye" on the AOA. Radars have the advantage that we can deploy the smart bullet ERIS defense more quickly because the United States already has these radars in place. They have the disadvantage that a radar is a large, fragile, and immobile object, which can be blown up by the enemy at the beginning of the attack. The AOA, flying in an irregular flight pattern, cannot be targeted and is relatively invulnerable. ERIS plus AOA is the winning combination.

The second problem is the fact that a high-altitude smart bullet only works well above the atmosphere; it can't catch a ballistic missile when it is lower down and

inside the atmosphere. Another program being managed by SDI provides that capability. It also catches the leakers through the high-altitude layer of defense. The low-altitude smart bullet is called HEDI and is being developed by McDonnell Douglas.

How effective will the defense based on ERIS-HEDI-AOA be?

Once the smart bullet gets off the ground and the AOA points it in the direction of the warhead, the probability of its hitting the warhead is close to 100 percent. The main problem is launching the rocket that gets the smart bullet off the ground. With regular ground crews, the chance of a good launch is 75 to 80 percent. With more expensive and more highly trained crews, the success rate goes up to better than 90 percent; the success rate with the Thor-Delta rocket averages 96 percent.

That's for one layer of defense. We would probably want to take two shots at each warhead—one far out and high up, based on ERIS, and the second close in and lower down, based on HEDI, to catch the low-altitude missiles and the leakers through the first layer. If each layer is 75 percent effective, the two layers together have an effectiveness of 93 percent. With a high-quality launch operation, the combined effectiveness can go up to 99 percent.

We're heading toward the question of costs. Before we get there, we have to answer the question: how many warheads can the enemy throw at the United States? That determines how many smart bullets we need. At present, the Soviets have about 6,000 accurate first-strike warheads. Adding the Soviet submarine-based missiles, their new fifth-generation missiles, and some that are rumored to have squirreled away, we arrive at about 10,000 warheads as the threat probably facing the United States in the 1990s. That means a requirement of 10,000 smart bullets.

But the adversary can also deploy decoys—flimsy, lightweight objects that look like warheads but aren't—to confuse our defense. The smart bullets planned for our near-term defense can't tell a decoy from a warhead. The infrared "eyes" on the AOA probably won't be able to tell them apart, either. That means we will have to shoot at everything in sight, which means that we need more interceptors.

How many decoys will the adversary put up? A credibly disguised decoy weighs about a tenth as much as a genuine warhead. If the Soviets take a couple of warheads off every missile and replace them with decoys, they can throw 20,000 decoys at our defense, in addition to the 10,000 warheads. Shooting at everything in sight, we need 30,000 smart bullets. The second layer of the defense based on HEDI would require another 10,000 smart bullets. That's 40,000 smart bullets in all.

(Forty thousand smart bullets seems an impractically large number. For perspective on the matter, however, the Soviets have more than 13,000 surface-to-air missiles, similar to our smart bullets but somewhat less capable, already deployed for air defense.)

Getting back to costs: each smart bullet with its rocket will cost about $1 million. For comparison, the Maverick air-to-air missile with a similar degree of sophistication but a smaller rocket, costs $60,000 in large quantities. At $1 million each, the necessary 40,000 smart bullets will cost $40 billion.

The AOA aircraft are expensive and have to be added in. They will cost between $300 million and $400 million each, and a fleet of 15 to 20 will be needed to to keep three or four in the air at all times. The bill for the AOA fleet may run to $10 billion dollars in round numbers. The cost of the two-layer defense is $50 billion, spread over several years.

The U.S. currently spends between $40 billion and $50 billion each year on modernizing our offensive nuclear forces—nuclear weapons, missiles, bombers, submarines, and so on. Between now and the late 1990s we will probably spend $500 billion on these forces, designed to deter a potential adversary's attacks by the threat of mass destruction of his territory.

Viewed against the background of these vast expenditures, the near-term defenses being worked on by the SDI seem to me to be a way of saving the taxpayer's money, as well as his life.

A TRIBUTE TO RICHARD KOSINSKI

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. BIAGGI. Mr. Speaker, it is with great pride and pleasure that I pay tribute to a remarkable man whose courage and spirit truly serves as an inspiration to all—Mr. Richard Kosinski.

I have corresponded with Mr. Kosinski during the past 2 years regarding my legislation to outlaw employment discrimination against persons on the basis of cancer history. During this time, I have come to know him as a strong ally in my fight to outlaw this violation of rights, but more importantly, I have come to know him as a friend. He is an intelligent, sensitive, and determined man who has battled cancer, employment discrimination, and social prejudice—and finally won.

Richard Kosinski is a native Chicagoan. He attended Notre Dame High School in Niles and then earned a bachelor of science degree in psychology from Loyola University. After working as a pricing analyst for a large food and paper products distributor, he returned to Loyola to manage one of the development programs. At the same time, he began pursuing his master's in public administration degree. Soon, Loyola promoted Rick to be director of dental development at its medical center in Maywood. He then accepted a position with the American Fund for Dental Health.

Unfortunately, life was not all smooth sailing for Rick. In 1980, he was diagnosed as having cancer. After undergoing intensive chemotherapy treatments, he has experienced no recurrence of the disease. Yet, we, as a society, have not allowed Rick to remember his cancer history as just that—a person for whom cancer is history. He endured 5 years of job rejections and social discrimination that would have completely devastated most of us. Yet, Rick was able to pick up the pieces of his life and move forward.

Richard Kosinski is now director of development at the Niles Township Sheltered Workshop, an organization assisting the elderly and handicapped adults. He gratefully acknowledges that "the organization practices what it preaches, focusing on ability rather than 'perceived' disability." It is a lesson that should be taught to employers across the entire Nation.

Rick has told me that his experience with cancer has taught him a great deal about human suffering and the problems of the sick and the handicapped. It has also taught him a great deal about people, and society as well. Yet Rick Kosinski exudes a genuine positive attitude that engulfs you in the spirit of helping and caring. He is an inspiration to the millions of Americans in this Nation with a cancer history. It is for people like Rick that I dedicate my fight to end employment discrimination against persons on the basis of cancer history.

HONORING THE STATUE OF LIBERTY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. KANJORSKI. Mr. Speaker, this year we celebrate the 100th anniversary of the quintessential symbol of American freedom—the Statue of Liberty. To commemorate this national event, Walter Kasian, one of my constituents, and a personal friend who came to Ellis Island as an immigrant, wrote a moving tribute which I am pleased to share with my colleagues in the House of Representatives.

THE STATUE OF LIBERTY

My humble memories of long ago
One cold November dawn
Ocean liner was moving very slow
On the deck was hushing sound.
Whispering
America, America, America

Our hearts beating with joy
Tears rolling down our faces
Mother hugging baby boy
Family joined in an embrace.
Whispering
America, America, America

There she was in all her glory
Flaming torch in her hand
Lady Liberty—what a sight, what a story
Showing the way to freedom land.
Whispering
America, America, America

We had almost nothing, clothes on our back
Wealth of courage in our hearts
Few things in our burlap sack
With God's help, we will make our start.
Whispering
America, America, America

We passed through the golden door
To begin new life living free
Following us there will be more
Tired and poor from across the sea.
Whispering
America, America, America

Always remembering the engraved words on the Statue of Liberty
Give me your tired, your poor, your huddled Masses yearning to breathe free
The wretched refuse of your teeming shores
Send these, the homeless, tempest-tossed to me,
I lift my lamp beside the golden door!"

by Walter Kasian.

ADMINISTRATION SCORES ANOTHER TRADE VICTORY

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. FRENZEL. Mr. Speaker, after a 16-year trade dispute, the United States and the European Economic Community [EC] have decided to settle the citrus/pasta/almond war which has intensified in the past few years. In my judgment, that was a stunning victory, even though some of the elements of the agreement have yet to be finalized. The mere fact that the EC has agreed to settle is miraculous.

This dispute began 16 years ago when the United States protested the EC's preferential treatment of citrus from Mediterranean countries. Efforts to negotiate a settlement at the GATT have failed in the past. This caused our Government to retaliate by raising tariffs on EC pasta products which we allege are subsidized. Since the EC felt that our retaliation was unwarranted, it, in turn, retaliated by increasing tariffs on U.S. lemons and walnuts. Without a settlement, this retaliation and counterretaliation could have gone on forever.

Under the agreement, the EC will either lower tariffs or increase the quota on oranges, lemons, and almonds. The United States will make similar concessions to the EC on certain cheeses, olive oil, and olives. The dispute over the allegedly subsidized pasta products has not yet been resolved, but will be in the near future.

Considering the complexity and the political fervor that has arisen over this dispute, the agreement was a remarkable success for the administration. I commend them for it.

PREFERENCE TO AMERICAN-GROWN FOODS FOR RESALE IN U.S. COMMISSARIES

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. PANETTA. Mr. Speaker, the House adopted an amendment on August 12, 1986, offered by myself and Chairman DE LA GARZA, that requires the Department of Defense [DOD], when acquiring food products for resale through commissaries located in the United States, to give preference to U.S. companies that use American agricultural commodities in their final food products. My amendment requires the Department to issue guidelines on the implementation of this policy within 60 days of enactment of this act.

I recognize that commissaries are very important to military patrons and are intended to operate similarly to commercial stores. I understand that commissaries now purchase goods primarily from American companies. However, my concern is that American farmers are not benefiting under this policy since an American firm can use foreign commodities in its final products and still get the preference. My amendment requires commissaries located in the United States to alter their purchasing practices to give preference to U.S. companies whose food products use commodities grown in this country.

My amendment is limited to commissaries located in the United States, where the bulk of commissary sales are made; it would not apply to commissaries located in foreign countries. In fiscal year 1985, commissary sales totaled $4.8 billion, $4 billion of which were sold in the United States. Food product purchases accounted for about 75 to 85 percent of total sales.

For specific products, commissaries usually carry budget brands and name brands. Companies compete at one of these levels to place their products on commissary shelves. My amendment would not end this system. It only requires that commissaries, in determining which products to use for each category, give preference to U.S. companies using American-grown commodities. It is also my intent that the American terminal market system would be utilized for the purchase of specific products that are unavailable in the United States.

American farmers are under severe financial stress, greater than any encountered since the Great Depression. More than one-third of our Nation's commercial-sized family farms continue to experience serious financial problems. Not only are our farmers in for another dismal year, but farm banks are increasingly more vulnerable—as more and more farmers are unable to service their debt. The FDIC reported that net loan losses at agricultural banks nearly tripled over the past 2 years and that about 40 percent of the Nation's problem banks are farm banks. This year, about 70 farm banks are expected to fail—the highest number of failures since the Depression. Communities throughout the Nation are experiencing the effects of this crisis as many are faced with a loss of population and declining property values, tax revenue, and public services.

A combination of a sharp decline in farm exports and a rising flood of agricultural imports is forcing American farmers out of their traditional markets and pushing many farmers into bankruptcy. In May and June, $420 million more in farm products was imported into the United States than exported, the first monthly agricultural trade deficits reported since 1959.

But the steady rise in food imports is not always apparent to the American consumer. Fresh fruits and vegetables rarely carry labels of origin, and frozen and canned foods sold under American labels frequently contain foreign commodities. Lower production costs in Mexico and other Latin American countries have prompted a growing number of American food companies to set up food production facilities abroad and enter into contracts with foreign farmers, according to a recent New York Times article. The text of this article follows my statement.

I am also concerned that the American consumer may be exposed to pesticide residue levels that exceed the stricter standards imposed in this country. The inspection of imported raw commodities and processed food products is far from adequate. In addition, certain pesticides banned for use in this country, such as EDB and DDT, may be used legally on imported food products. All food imports should have to meet the same standards as those required for American-grown products. This would be one step toward restoring fair competition for our American farmers.

These conditions have wreaked havoc with American farmers. In the Salinas area, which is located in my congressional district, seven large farms and food companies closed between April 1985 and February 1986. These closures resulted in the loss of 3,090 jobs.

A recent case in my district illustrates the need for this preference requirement. Shaw's Frozen Foods, a frozen food processing facility, announced this year that it was going to buy raw produce only from American growers. Mr. Shaw explains that he initiated this policy because he was frustrated at buying less and less of his vegetables from local farmers, and more and more from Mexican or Guatemalan farmers. The reason was price. He wanted to support American farmers and help reverse the severe depression in the local farm economy. Mr. Shaw went a step further and set up a nonprofit organization to identify and promote the purchase of American-grown farm products. This organization developed a "Save Our Farmers—Buy American" logo to alert the American consumer to products grown and processed in the United States.

Shaw's Frozen Foods was operating under a purchase agreement with DOD for commissary sales. But, earlier this year, DOD dropped its agreement with Shaw's and instead entered into an agreement with a United States food company that gets most of its raw products from Mexico and Guatemala. It makes no sense at all to penalize American companies that are promoting the products of American farmers.

In conclusion, while I am pleased that DOD now gives preference to American food companies, it does not assure that their products originate with American farmers. The rising flood of imported commodities hurts American farmers and American food processing companies that operate under buy American-grown policies, exacerbates U.S. trade deficits, and exposes U.S. consumers to frequently unknown risks from excessive amounts of pesticides.

I recognize the budget constraints faced by all agencies as we work to reduce the Federal deficit. We must work to ensure that each Federal program is targeted to achieve the greatest good for this country. I believe it is in the best interests of this country to extend this American-grown preference, and thus reward U.S. companies that assist American farmers.

[From the New York Times, Aug. 3, 1986]

LOOKING ABROAD TO FILL OUR BELLIES

(By Keith Schneider)

WASHINGTON.—Every morning, 18-wheelers, gears grinding, back into the loading dock at the Giant Food supermarket on Rockville Pike just north of the capital. Aluminum doors clatter open, clerks scurry inside, and a dazzling array of food begins to move from the trailers to the shelves.

It is a ritual repeated at supermarkets all over America, and one that has not changed much in the last decade. What has changed, though, is the origin of the food being unloaded.

Almost unnoticed in the national anxiety over rising imports of autos, steel, textiles,

and electronic appliances, is the steadily increasing amount of foreign food consumed by Americans. Pork flows in from Canada, beef from Australia, tomatoes, broccoli and cauliflower from Mexico, olives from Portugal, apples from Chile, orange juice from Brazil, mushrooms from Taiwan—a myriad of foods that, despite transportation costs and United States tariffs, still carry lower price tags than their American counterparts.

This makes imported food a blessing for American consumers, but a new nightmare for American farmers—already driven out of many of their traditional export markets and now increasingly unable to undersell foreign competitors even at home. The changing economics is driving American food processors such as the Campbell Soup Company and Pillsbury abroad and prompting American farmers to protest against the foreign growers stealing domestic markets.

"Most Americans have no idea all this is going on," said Steve Teixara, a community worker with California Rural Legal Assistance, a federally sponsored group that provides legal services to the rural poor. "Our ability to produce fruits and vegetables in this country is disappearing."

Florida farmers, for example, who once dominated the winter vegetable market, now produce less than half of the tomatoes, peppers, cucumbers and other produce eaten by Americans between December and April. Mexican growers, financed by American companies, supply more than 70 percent of the winter vegetables during January and February, and control about half of that market in other months. Imported beef now includes 9 percent of the American market, and rice from Thailand, last year was sold in California for less than the American product, despite a huge domestic harvest and historic surpluses.

The insult of insults appears to be coming from Canada, whose wheat is being shipped to New York and other border states. Wheat was the one food that American farmers thought nobody else could ever supply as inexpensively as they for domestic use.

Imported foods are not newcomers to American pantries, of course. Danish and Polish hams, Iranian and Russian caviar, French wines and cheeses and Italian olive oil have long been considered gourmet foods well beyond their American counterparts in quality, cachet—and price. But now the imported foods flowing into American supermarkets are the staples that until recently were among the mainstays of this country's farm economy.

Brazilian growers, for example, with the help of government subsidies, low-cost land, and inexpensive labor, can produce juice oranges for less than one-third of the costs of Florida growers. Few agricultural economists expect the cost advantages overseas to change very soon, which spells sobering news for American farmers.

Unlike Toyotas or Sonys, imported food is not easily identifiable. Fresh produce rarely bears a label. And often, canned or frozen foods sold under American labels contain foreign ingredients. The Campbell Soup Company, which operates a beef processing plant in Argentina, imports much of the beef used in its chunky soups. Minute Maid, Tropicana and other major brands of frozen and chilled juices use a 50-50 blend of Brazilian and American oranges.

With Americans eating so much foreign food, the nation's balance of trade in agriculture—once a huge source of export earnings—is dipping into deficit. In May and June, the nation imported $419.7 million more farm products, edible and non-edible, than it exported, the first monthly agricultural trade deficits in a generation. For the year as a whole, the United States may well import more food than it exports for the first time since 1959.

All told, food imports are expected to total $24 billion this year, a record amount. Though imports make up only 6 percent of the total $400 billion spent on food in the United States, the percentage has nearly doubled since 1980. And in some food sectors, imports make up a sizable portion of the market. According to retailers, imports compose 40 percent of the $6 billion to $8 billion specially gourmet food market and 20 percent of the market for fresh fruits and vegetables.

Five years ago, the United States employed a positive balance of trade of more than $1 billion in international sales of jams, jellies, bakery products, canned goods and other processed foods. Last year, the United States registered a deficit of nearly $4 billion in the trade of processed food, according to a recent Department of Commerce survey.

Exports still are trying to assess the long-term significance of the decline in the balance of food trade, which reflects—in part at least—the high value of the dollar until recent months. "we're importing a fraction of what we consume, but we can't afford to ignore this sector like we have our other basic industries," said Dave Ingersoll, chief of the agriculture, fisheries and forest products division at the International Trade Commission.

Others insist that the trend could signal a long-term disintegration in the nation's ability to provide food at reasonable prices for American consumers. "This may be a greater threat to the consumer than we realize," said Doyle Conner, Commissioner of Agriculture in Florida.

Indeed, food executives' comments sound ominously like those of steel executives in the 1970's. "We have a five-year-old vegetable processing plant in Wisconsin that is the newest one that I know of," said Gary Klingl, a vice president at the Pillsbury Company in Minneapolis. "Most in our industry are a lot older than that. There just isn't any incentive now to invest in new plants."

America's switch from the world's dominant food exporter to its second largest food importer behind West Germany is likely to strengthen those on Capitol Hill who seek to insulate American industry from foreign competition, and those who are pressuring the Congress for changes in the nation's farm policy. "The entire emphasis in American agriculture has been on sending raw grain overseas," said Bill Janis, an economist at the Department of Commerce. "But that policy is dead as dinosaurs. Argentina, Canada, Brazil, France, China, India—everybody's competing with us in major grains, and we're losing our share of the market. Let's stop pretending we're going to get back to where we were five or ten years ago, and concentrate on exporting higher value products."

Among the most crucial changes affecting American food imports and exports has been the continuing strength of the dollar, which is still rising against the currencies of the nation's principal agricultural competitors—Canada, Mexico, Australia, Argentina and Brazil. The dollar's high value has made foreign farm and food products more attractive here, while raising the cost of American food overseas.

Last year, the high value of the dollar and the lower cost of grain overseas prompted Cargill Inc., a major American grain trader, to buy 15,000 tons of Argentine wheat for distribution in the United States. American farmers learned of the sale, and forced Cargill to divert the load to Europe before it arrived in New Orleans.

But that did not slow the flow of imported grain. Flour mills and bakeries along the Canadian border last year imported 270,000 tons of Canadian wheat for $37 million; American grain processing companies imported 400,000 tons of Swedish oats; and 50,000 tons of rice from Thailand flowed into California. Even after shipping and duties, Thai rice cost less than American rice.

Last year Congress and the Reagan Administration attempted to correct the grain trade situation by enacting a law that provides American grain farmers with the highest subsidy and income support payments in history. The program is expected to cost the Government more than $30 billion this year. The new law lowers Government-set grain prices to match those on the world market and make American grain more competitive. Most analysts believe grain exports should stop declining over the next few months as the law takes effect.

But they are not at all sure if American grain farmers will begin to recapture shares of the world market they have been losing since 1981. The reason: foreign nations have vowed to maintain their market shares by subsidizing farmers and pricing their commodities below those of the United States, no matter what the cost. As a result, the trade in grain has broken out into a full-scale global diplomatic war in recent months.

Fruit and vegetable growers, hurt by the high cost of field labor and huge debt payments, are also losing ground.

A farm worker picking grapes in California can earn $10 an hour. A field worker in Chile earns between $2 and $3 a day. The wage rate differences, combined with several other factors like lower costs for land and capital, have made it possible to fly a load of apples all the way from Chile to Boston and sell them for less than apples grown in New York.

These lower costs abroad have provided American food companies with powerful incentives to move some of their food production capacity outside the United States. In Mexico, 25 of the largest American food companies—Campbell Soup, Pillsbury, Castle & Cooke, General Foods—have developed extensive food-producing interests. All have signed contracts with Mexican farmers to grow fruits and vegetables. Most either built of brought canneries, and other processing installations.

American food companies and importing firms now finance, under contracts, loans, and other financial arrangements, virtually all of the Mexican fruit and vegetable production aimed at the United States market, according to professionals familiar with the industry. The American investment has pushed the value of Mexican fruits and vegetables exported to the United States from $29 million in the mid-1960's to more than $525 million last year. In all, Mexico exported nearly $1.5 billion in food to the United States last year. Only Canada and Brazil export more.

American food companies are quick to defend their overseas involvements. "American consumers want the variety," said Barry Scher, a spokesman for Giant Food. "Also, a

fair portion of the imported food is in crops that come from Central and South America during the winter when we aren't growing most of our fruits and vegetables. We now provide a year-round supply of fresh produce."

While Mexico has attracted the lion's share of American investments in recent years, food companies have found other Latin American countries receptive to their production plans.

Castle & Cooke, a Honolulu-based multinational, has interests for fresh fruit production in Chile, the Dominican Republic and Peru. Burger King, a division of Pillsbury, produces six million pounds of beef in Costa Rica under contract with Central American ranchers, enough to supply 2 percent of its hamburger needs in the United States. Orange juice makers are not only using foreign-grown oranges, but some American companies have also established overseas citrus processing plants.

And Chilean grape growers are hoping to have the same impact as their citrus counterparts in other Latin American countries. They have increased their production tenfold in a decade and now are the primary competitors to California growers. Chile table grape sales now account for 22 percent of the $670 million American market.

"They pay nothing for water down there," said Bruce Obbink, president of the California Table Grape Commission, which represents 1,100 grape growers. "They're paying $2 or $3 a day for labor. Our labor costs $10 an hour or more. And they're getting greedy. We're sending a team down there in September to talk to the growers, and tell them of our concerns, and warn them that unless things change, there's going to be a shootout in Congress over this."

The Pillsbury Company, which markets fresh, frozen, and canned vegetables under the Green Giant label, opened a plant three years ago in Mexico to freeze broccoli and cauliflower. The installation now accounts for one-third of the company's production of the two crops.

"There are cost advantages," said Mr. Klingl, the vice president. "We can freeze a pound of broccoli in our plant in Mexico and bring it to our plant in Belvedere, Ill., for about 35 cents a pound. In California, it costs us about 45 cents a pound.

"But it's not so easy to operate down there. You have to do everything yourself to realize the cost advantages. You have capital investments. It's a foreign country, and more difficult to work in. When you get it all established, it'll pay off. We're not breaking the bank on it, but it does pay."

According to the Campbell Soup Company, the costs of processing tomatoes run more than $70 a ton in Ohio, where the company operates a tomato paste plant. In California, the cost is roughly $54 a ton. In Mexico, the company can produce a ton of tomato paste for $17.

As a result, the amount of land in Mexico devoted to tomato production is expanding. In Baja, California, Mexican growers, financed by American importing companies and produce marketers, have opened more than 20,000 acres of new farmland in recent years, with 15,000 acres used for fresh tomato production, according to a report by the California Farm Bureau Federation.

"Production in Mexico is growing by leaps and bounds," said Rocky Springstead, president of Produce Specialists in Chula Vista, Calif., a marketing and importing company that finances and contracts vegetable production in Mexico. "We can produce an acre of fresh tomatoes for less than half what it would cost in California. That has brought an awful lot of American money to Mexico."

By far the largest American participant in Mexican fresh produce is Castle & Cooke, which sells fresh and processed fruit under the Dole Label. Though Castle & Cooke continues to produce lettuce, broccoli, cauliflower and celery under contracts to California and Arizona farmers, it has exported much of the high-value fruit and vegetable production to Mexico and other regions of Latin America. The company signed a joint-venture agreement in Mexico with the Canelos Brothers, one of the world's largest produce growers for the production of honeydew melons, tomatoes, cucumbers, bell peppers and other commodities that Castle & Cooke imports to the United States.

The cost savings in Mexico have resulted in sizable reductions in several of California's fruit and vegetable industries despite an increase in the demand by American consumers for fresh produce. In San Diego County, for example, farmers planted 2,000 acres of fresh tomatoes this year. Six years ago, according to the California Farm Bureau Federation, farmers there planted 5,300 acres.

Between April 1985 and February 1986, seven large farms and food companies closed in the Salinas area, an important vegetable and fruit producing region south of San Francisco, resulting in the loss of 3,000 jobs.

The lower production costs in Mexico have become so pronounced in recent years that American farmers themselves have begun building processing facilities in Mexico and importing Mexican food. Diamond Walnut, a cooperative of nut growers, recently opened a new plant in Tijuana. Diamond Walnut now imports processed walnut products into the United States. And Tri-Valley growers, a cooperative of 800 California produce farmers, said earlier this year that it was considering importing tomatoes from Mexico to process in one of its California plants.

AMENDMENT TO H.R. 4428, AS REPORTED

OFFERED BY MR. PANETTA OF CALIFORNIA

At the end of title III of division A (page 85, after line 12), add the following new section:

SEC. 314. PREFERENCE FOR UNITED STATES AGRICULTURAL PRODUCTS IN COMMISSARY FOOD PURCHASES.

(a) PREFERENCE REQUIREMENT.—The Secretary of Defense shall require that, when acquiring food products through the use of competitive procedures for resale through commissary stores located in the United States, the Department of Defense gives preference to United States companies that use United States agricultural commodities in the products sold to the Department of Defense.

(b) GUIDELINES.—The Secretary shall develop guidelines to implement the preference required by subsection (a). Such guidelines shall be developed and implemented not later than 60 days after the date of enactment of this Act. The Secretary shall transmit a copy of the guidelines to the Committees on Armed Services of the Senate and House of Representatives as soon as they are developed.

(c) REPORT.—The Secretary shall, not later than 120 days after the date of the enactment of this Act, submit to the Committees on Armed Services of the Senate and House of Representatives a report on the implementation of this section.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1987

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 6, 1986

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5294), making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1987, and for other purposes.

Mr. HOYER. Mr. Chairman, it is important that we look at the administration's record on customs. This is because there is much talk now about the war on drugs, and how the President is committed to eradicate this national problem. I applaud his commitment. However, I am concerned when his focus lies only with instituting a massive drug testing program for Federal employees and not with enforcement or efforts to stop drugs where they often can be found—at our borders.

The administration's record of lack of support for Customs drug enforcement efforts over the course of the last 6 years is clear. Each and every budget request made by the Reagan administration to the Congress has proposed substantial reductions in staff positions for the Customs Service.

For example, in fiscal year 1985, the President requested $602 million for Customs, and 12,447 average positions. This was a reduction of 954 positions, 612 out of inspection and control; 310 in tariff and trade enforcement: and 32 in tactical interdiction.

The Congress rejected this recommendation, and instead provided 13,418 positions and $650 million for Customs.

For fiscal year 1986, the President requested only 12,531 average positions, and $639 million for Customs. This was another recommended cut of 887 positions, 351 in inspection and control: 437 in tariff and trade; 60 in tactical interdiction; and 39 in investigations.

Again, the Congress rejected this recommendation and for this year provided 14,041 average positions and $717 million, which was subsequently reduced by Gramm/Rudman to $682 million and 13,264 positions. Fortunately, this cutback was reversed in the supplemental, restoring the original appropriation.

For this year, the year of the "War on Drugs", for which the President has proclaimed his "full" support, he again requested a cutback in customs personnel, only requesting 12,494 positions and $693 million. This represents a cut of 770 positions, 427 out of inspection and control; 241 out of tariff and trade enforcement; 50 in tactical interdiction and 52 in investigations.

It is clear that when it comes to putting money behind the rhetoric, this administration has shied away from the task. How can we expect to control drug trafficking in our country, our communities and schools if we slash the number of inspectors at our borders, cut our tactical interdiction teams and reduce in-

vestigations units of the U.S. Customs Service? The answer is simple. We cannot.

That is why the subcommittee has recommended an increase of 2,397 positions above the administration's request. We need these positions. The time has come to put our money where our mouths are, and the time has come for this House to take a clear and decisive step in funding the front line effort in our war on drugs. I would urge Members to support the subcommittee's recommendation and reject any attempt to reduce it through across-the-board reductions.

REMARKS OF CONGRESSMAN JACK KEMP

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. LIVINGSTON. Mr. Speaker, recently the National Conference of State Legislatures met in New Orleans. While the conference featured several speakers, I want to share with my distinguished colleagues the remarks of fellow Congressman JACK KEMP. They're worth reading.

The complete text of Representative KEMP'S speech follows.

REMARKS BY CONGRESSMAN JACK KEMP BEFORE THE NATIONAL CONFERENCE OF STATE LEGISLATURES, NEW ORLEANS, AUGUST 4, 1986

Thank you Ann Compton, Mayor Barthelemy and distinguished ladies and gentlement. I am delighted to have the opportunity to address your National Conference of State Legislatures. And I compliment you on a particularly well-chosen theme for your conference, "Building America's Future in a Changing Political System." It wasn't long ago that people wondered if we even had a future.

Well, you are the leaders on the front lines helping to build a future of progress in American daily life. You are the ones best informed about local problems and most accessible to respond to local needs. And you have the greatest flexibility to develop new ideas for opportunity, jobs and an adequate social safety net. But we at the Federal level can help.

Under President Reagan, we have witnessed a welcome recovery. But we have not yet seen a truly national and global recovery. And until we have national recovery and world wide growth with all regions of America and the world prospering, we will not have real recovery. And ladies and gentlemen, a national recovery means full employment without inflation. A fully productive, prosperous people moving America and the world forward—this must be more than just rhetoric, more than just a goal, it must be a victory fought for and won here in our time.

I believe President Reagan deserves credit for understanding and articulating the most powerful and progressive idea in history: Freedom and opportunity fuel the creativity that drives the engines of human progress.

There are some, of course, who would never concede him any credit. My friend DICK GEPHARDT of Missouri, one of "the best and brightest" of the Democratic Party recently said he doesn't see any burgeoning opportunity in America; he sees eroding opportunity. And he said it's not morning it's twilight, it may even be midnight, and getting darker all the time.

Talk about seeing clouds behind silver linings. Well, of course we have problems. But ladies and gentlemen, that's just bunk. After we lowered tax rates in 1981 on the families and workers and risktakers of America, we helped unleash 44 straight months of expansion without inflation. We are entering the age of the entrepreneur with stunning breakthroughs in new technologies, products, and markets for the future led by 3 straight years of record new business incorporations. The United States has created 10 million new jobs in private enterprise—more new jobs in one year than the entire continent of Europe has created in the last two decades.

That doesn't mean we can ignore that these are also very troubled times for millions of Americans in many States. For the resource rich States. For the farm belt. And for the industrial heartland, which, in some cases, has been depressed for years. The loss of jobs in steel as in my area of Buffalo, farming, automobiles, oil, coal and isolated industries have scared a dozen States.

We can't have an economy where American unemployment is down to 6.9 percent and unemployment in some regions is going up, for example here in Louisiana to 13.6 percent. Ladies and gentlemen, 13.6 percent unemployment in Louisiana and 11.3 percent unemployment in Metropolian New Orleans, and double-digit unemployment in some cities and areas are more than statistics of economic weakness—they are human cries for help and for hope, it is time that attention be paid and it is time for action.

Now, some people look at America and say things are bascially A-OK. Some in my own party are a little too content to sit back and just emphasize good news. I am not one of them. Status quo, you know that used to be an expression to describe the mess we are in. Well, America is a lot better off than at the start of this decade. But isn't it time we offered the over 8 million unemployed, the farmers facing bankruptcy, and the working men and women locked out of factory gates something better than just more of their status quo?

On the left side of the spectrum, we hear alot about new ideas, one of which is a strategic investment initiative, a national industrial policy for America. Well, when we look closely, we don't see a new idea, we see the same tired formulas for tax increases, austerity and Government spending—policies that failed America in the 1970's, and that are producing 14 percent unemployment in some European countries today.

Let's examine some of the so-called new ideas for a new industrial policy.

The centerpiece would be a Government funded Development Finance Corporation, a modern day version of Herbert Hoover's Reconstruction Finance Corporation. This multi-billion dollar Government fund would subsidize business development with loan guarantees, loans or outright grants. Perhaps some funding would target small young businesses, at least recognizing that small business is the economic dynamo of capitalism.

But let's face it, this is corporate welfare, pure and simple. And regardless of who gets the money, can anyone imagine a worse prescription for American workers and our future? The fund would quickly become mismanaged and subsidize failure and inefficiency. What a national industrial policy really means is constant collusion between big business and big government. What it really means is special interest groups with political clout in Washington logrolling at the expense of millions of businesses and investors competing honestly in the marketplace.

How would this enormously expensive national industrial policy be financed? Through tax increases of the most regressive kind, tax increases that would hit poor people and working Americans the hardest. One such proposal would nearly double the current price per barrel of oil and cost the average family of four $1,000 a year.

A national industrial policy is no vision for a pro-growth, pro-people, pro-opportunity future with America leading and competing in the world economy. It is a vision that looks back—straight back to the failures of the 1970's, with an idea from the 1930's.

I see a different America. Not an age of reliving the past, nor a post-industrial age that holds no place for traditional American industries. We are entering a new industrial age—an age that embraces sunrise industries like computers and fiber optics, even as these new technologies help upgrade America's manufacturing and industrial base. We need a strategy that will not single out a favored few, but will give all industry and Americans the opportunity to go forward together.

So, ladies and gentleman, let me suggest what I consider to be a superior vision: A larger view of America that liberates people, enterprises, and human capital through a continuing revolution of Democratic capitalism. There is a new and bipartisan and growing conviction in this nation today. More and more Americans see that only by waging a continuing revolution for liberation, will we win a true victory of economic opportunity and justice for all Americans.

Thomas Jefferson said in 1776, America has sworn eternal hostility against every form of tyranny over the minds of men and women.

If we mean to liberate our people and our potential in the fullest possible sense, if we mean to help them build and share in the success of an American opportunity society, we must remove the barriers to growth, dignity, justice and human fulfillment at every level of this Nation.

At the Federal level we must reform the way we spend money, we must reform the way we tax money, and we must reform the way we value our money. We must change our view of the world. There's only one economy and that's the world economy.

Everyone is concerned today that the Federal Government maintain the strictest possible discipline on public expenditures. That is why I so strongly support giving our president a line-item veto—the power to veto individual items within overall spending bills, just as most Governors have the same authority.

But the best way to reduce spending—and in the long run the only way—is to reduce the need for spending. And the best way to reduce the need for spending is through full employment and levels of growth at least 5 percent—now! Why should we listen to the language of limits when we know we can do so much better? Right now, unemployment stands at around 7 percent. Ladies and gentlemen, 4.5 percent unemployment would balance the budget by 1990 and create a $70 billion surplus by 1991.

Right now, our factories and plants are operating at only 78 percent of capacity. We have only begun to climb the first foothills toward new heights of economic growth and

jobs for all Americans. I say it's time to raise our sights, not our taxes.

Let me emphasize that I am one who believes in the reform of revenue sharing, not the abolishment of revenue sharing. And I believe that Federal aid must be continued, indeed guaranteed, to ensure that all states, and especially those now struggling, can deliver essential services, particularly those that are mandated by Federal policy.

But the greatest obstacles to liberating our economy, to creating stronger economic growth and more healthy State budgets, are the Federal Government's tax and monetary policies.

John F. Kennedy said that the major roadblock to a full employment economy was the heavy burden of taxes on the American people. We are on the verge of passing the most historic tax legislation in our lifetime. The top income tax rate was 70 percent when Reagan was elected, dropped to 50 percent under the Kemp-Roth tax bill in 1981, and this year may drop to a top rate of 27 percent and a flat 15 percent rate for most Americans. We are within an eyelash of abolishing the steeply graduated income tax system.

Democrats and Republicans are no longer debating how high to raise tax rates, we are debating how low to cut them. We are no longer debating how to redistribute wealth, we are debating how to create wealth.

And this American revolution is going to become a worldwide revolution. Other nations will have to lower their own tax rates or risk losing capital and investment, relocation of their industries, and, most importantly, their brightest minds for the future. Margaret Thatcher recently warned that if the Senate tax bill passes, England's lowest tax rate will be higher than America's top tax rate. She expressed concern that some of England's best scientists and wealth creators would decide to move their families or businesses abroad.

This is what we mean by the power of ideas. This is what we mean by the power of incentives. This is proof that freedom works.

But Federal tax reform is just the beginning—it could and must become the first wave in a mighty tide for tax reform in all-high tax rate States, including my own New York. The Federal changes will cause taxes to go up. That's because many State taxes piggyback on the Federal tax system, so when the Federal tax base is broadened, the tax base of the States will be broadened, too.

The impact would be as much as $2 billion more revenues in New York. States like New York are already overtaxed and losing jobs to neighboring States like New Jersey and Connecticut with more enlightened policies of lower rates. This is an historic opportunity. New York and other high-tax, high-welfare States should consider rolling back these automatic tax increases by cutting their own State tax rates and implementing a modified flat tax at the State level.

After all, the best welfare program in the world is the opportunity to work in a productive job. The best way out of the safety net is a safety ladder. The only way to balance the budget is to bring our economy to equilibrium. Ladies and gentlemen, we don't need a tax system that makes rich people poor; we need a tax system that allows poor people to get rich.

We must also reform the way that we value our currency. We don't want a rising dollar anymore than we want a falling dollar. We want a stable dollar. Commodity deflation is devasting major sectors of the economy here and around the world. Inflation is yesterday's problem. Deflation is today's problem. Oil prices have dropped to levels, adjusted for inflation, not seen since 1976. The falling commodity price index is a warning signal that the dangers of deflation are growing. September corn futures have fallen to $1.68 a bushel, the lowest price in 13 years. The Federal Reserve Board is keeping interest rates inexcusably high and money inordinately tight (and frankly so are our major trading partners in Asia and Europe).

For the Fed to keep the consumers, farmers, borrowers, and families of America chained to high interest rates during this deflationary period is more than wrong—it is callous. We need a national outcry—we need your help; we need lower interest rates and we need further cuts in the discount rate now.

But we also need monetary reform that makes the dollar a predictable, stable, long term standard of value. Historical experience shows that when the government guaranteed the purchasing price of the dollar interest rates never rose above 7 percent.

Imagine how interest rates at 5 or 6 percent could help liberate our economy and reduce deficits. Imagine what this would mean, the hope it could bring, to farmers, energy producers, small business men and women, homebuyers and every other consumer and industry in America—not to mention how it could reduce the cost of meeting interest payments on the debt for ourselves and our Latin American friends and neighbors.

Let me tell you one other way America must do better in the world economy. We need an international summit conference to restore exchange rate stability and put an end to predatory trade practices against U.S. agriculture and other U.S. industries.

We cannot have free or fair trade without a stable currency and stable exchange rates. America can compete with any nation in the world. But we must remove the barriers other nations have erected to U.S. goods, services, and exports. We exist in a global economy. There is no limit to America's progress, indeed to the world's progress, if exchange rates are stable and trading practices are free and fair among all nations.

I've talked about what we must do at the national level to liberate our economy. I mentioned our highest national priority—full employment with price stability, but that goal will remain beyond our reach until we attack the plague of joblessness in the distressed cities and rural areas of America. We can't put America back to work until all Americans are back to work.

One of the initiatives I am most proud of is the enterprise zone legislation I co-authored in 1980, with my friends and colleagues, BOB GARCIA from the South Bronx and BILL GRAY from Philadelphia. This proposal will help remove the tax and regulatory barriers that prevent inner city residents and entrepreneurs from starting up new businesses.

Enterprise zones offer dramatic changes in tax rates to encourage private sector investment and job creation in the most distressed urban and rural areas of our Nation. I'm heartened that this idea has spread like wildfire in States and cities across the Nation. Today, 29 States have designated a total of 1,400 enterprise zones, and are making them a very successful reality. Their success has even spurred Congress to finally act. In June, the House of Representatives took its first vote on enterprise zones, and they passed by a vote of 366-32.

As we create new areas of economic vitality in America, we will need to train or retrain displaced workers and young job seekers entering the workforce. These efforts will require a national commitment to vocational training and the very successful Job Training Partnership Act.

But liberation also means the opportunity to enjoy the blessings of private property—a home can be an island of personal freedom amidst the trials and pressures of daily life. Poor Americans, especially minority Americans living in our Nation's public housing, have too seldom shared in that dream of home ownership.

Walter Fauntroy, of the District of Columbia, and I introduced our Urban Homestead Act to empower public housing residents with the right to buy their apartments or homes in the public housing stock at a deep discount and with a low interest rate loan. I'm pleased that the House of Representatives soundly endorsed our bill, and the Senate should soon follow suit in this campaign to turn renters into homeowners.

But ladies and gentleman, to liberate America's economy, we must also liberate America's spirit—liberate ourselves from the hopelessness, despair, and confusion we see around us: impoverished families forced to break up just to qualify for needed assistance to feed their children. I think it is outrageous to only subsidize the family that breaks up, we should provide welfare to families that stay together. That's why I joined with Representative BILL GRAY, Senator ARLEN SPECTER, and Senator DANIEL PATRICK MOYNIHAN to introduce a welfare and job training reform bill to change the law.

But we see other signs of social and moral stress: Young people, with the brightest of futures, turning to drugs and despair; young women, lonely, confused, frightened, convinced the only answer to their dilemma is to abort a new life, and teachers and students incapable of discerning any moral difference between the United States and the Soviet Union?

The ideals of our Judeo-Christian heritage tell us these are signals that something is wrong in our society. Our hearts and our minds indeed our own history tell us there is a better way.

There is a better way and it begins with us—in our homes, churches, synagogues, schools, and neighborhoods. It begins with molding character, teaching virtue, striving for excellence, and leading by example. It begins with tolerance of differences and a conviction that all men and women are created equal.

Above all, it begins with a love of liberty and a sense of responsibility. As my friend, Secretary of Education Bill Bennett recently said, it is not enough to know what is right; we must also love what is right; love what is right so we have the character and the courage to do what is right.

I can't conclude without saying that all of our great dreams rest upon keeping America strong, secure and free. It is a terrible mistake to see this as a zero-sum contest between defense and social programs. We must have a strong defense, a strong economy, and a strong social safety net.

But there are some who would gut defense when it was already cut 6 percent last year and frozen (or worse) this year—the first absolute decline since the 1970's—and when we

face an enemy as dangerous and aggressive in the Third World as the Soviet Union.

The same holds true for the most hopeful vision for peace in modern times—the President's strategic defense initiative. We know the Soviets have been working on defensive systems for 20 years, while our SDI Program is still in its infancy. We know the Soviets have been cheating on major provisions of the ABM Treaty which prohibit deployment of defensive systems.

For America to decide to continue observing the provisions of this treaty, despite all the evidence of Soviet cheating, is to embrace a policy of increasing vulnerability. I believe we must not only research and test SDI, we must develop and deploy it at the earliest possible date—and this strategic imperative must never be bargained away.

Ladies and gentlemen, next year is the 200th anniversary of the American Constitution. And I'm running for election to the 100th Congress. I believe this is the most exciting time to be alive of any period of history—except perhaps in 1776.

For the first time in the history of the world, we have it within our power to truly eliminate poverty and elevate the dignity of the individual. We can do it within our lifetime. We have the cure. It works in big cities and small cities, in rich States and poor States, in cold climates and in hot climates. Indeed, it will work anywhere in the world.

The answer to poverty? Freedom. Freedom leads to free enterprise and free enterprise leads to growth, opportunity, jobs, and human fulfillment. We have seen the proof that freedom is the most progressive, exciting and revolutionary idea for human progress and peace the world has ever known. Freedom's time has come: It is time to liberate America's economy and make her fully free to reach her potential.

For Americans destiny is not a matter of chance, it is a matter of choice. So let us not follow where the path may lead, but go instead where there is no path and leave a trail. Our trail will be a history created from great dreams and great deeds of great people.

Thank you very much and God bless you all.

THE LEGAL AND CIVIL RIGHTS IMPLICATIONS OF AIDS

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mrs. SCHROEDER. Mr. Speaker, our colleague, HENRY WAXMAN, chairman of the Subcommittee on Health and Environment, gave an excellent speech to the American Bar Association this past weekend on the legal and civil rights implications of AIDS.

I would like to share Chairman WAXMAN's speech with my colleagues.

REMARKS OF HENRY A. WAXMAN

LEGAL LEGACY OF THIS DECADE

I am pleased to be here this afternoon. This session deals with what I believe will be the legal legacy of this decade. The Sixties will be remembered for the War and Protest. The Seventies for Energy and the Environment. The Eighties for the Epidemic.

And the Reagan Administration—for all its sweeping change and sudden shifts in politics—will not be remembered for its Space Shield, its secret wars, or its tax plans. The Reagan Administration will be remembered for its failure to deal with AIDS:

We will remember and regret saving a few million dollars and losing hundreds of thousands of lives.

We will remember and regret shying away from education and instead moving to mandatory testing.

We will remember the President as showing less foresight with more information than any leader since Herbert Hoover or Neville Chamberlain.

TRAGIC IRONIES OF THE EPIDEMIC

It has been said that the Greek gods could not have created a drama that would be more tragic and more ironic than this disease at this time during this Administration.

We have a Nation under the reign of a budget-slashing Administration and under siege by a budget-busting epidemic.

We have an Administration that finds it difficult to tell heterosexuals about contraception that now must tell homosexuals about safe sex.

We have a press corps that just five years ago could not use the words "gay" or "lover" and that now must explain how "bodily fluids" are exchanged.

We have a legal system that does not recognize sexual privacy among adults that now must deal with lovers' powers of attorney.

And gay people—who wanted only for the government to leave them alone—now have a real need for protection and assistance from governments that they fear more than ever, and with more reason.

It is tragic. It is ironic. And—in many ways—the epidemic has only begun. A vaccine and successful treatment are perhaps a long way away.

SOCIAL DISLOCATION TO COME

In the meanwhile, it will fall to lawyers and politicians to work with medical and public health officials to ensure that the society that lives through the epidemic is a society in which we want to live.

The U.S. Public Health Service—in numbers that it concedes may be as much as twenty percent underestimated—has said that one to two million Americans are already infected with the virus believed to cause AIDS. They go on to say that more than a quarter million Americans will come down with full AIDS within the next five years.

If the epidemic continues at this rate, by the end of the Reagan Presidency, more Americans will have died of AIDS than died in Viet Nam.

I am not reciting these numbers or making this war-time comparison because I think that you need to be made more aware of the epidemic or its consequences. Most of you in this room understand that this disease is not just another chronic social problem and that it cannot be delegated or addressed with recycled ideas and thin budgets.

But I believe these numbers and the Viet Nam comparison are useful in understanding the political problems to come. We face social dislocation unlike any event other than war.

The losses of the Viet Nam war deeply changed this country and the world. International politics were re-aligned. Domestic policy was re-examined. Patriotism, party loyalty, and civil protest were all radically re-defined.

I hope to be proven wrong, but I believe that, in the next few years, AIDS will deeply change America as well. If AIDS claims as many lives as projected and costs the country the billions it appears it will, we can expect serious national stress and division. There will be fundamental changes in those institutions that middle-class Americans have come to take for granted: medical care, insurance, education, employment, and—most of all—privacy.

Groups like this one—in cooperation with our colleagues in medicine and public health—are our best hope for preventing these issues from dividing the country and from disabling our response.

AIDS NOT THE WORST CASE

In important ways, we are assisted in this work by the nature of the epidemic itself. As hard as it is to imagine, AIDS is not as bad as it might have been. It is infectious, but it is not easily caught. This is not the bubonic plague of the Middle Ages. It is not the flu of seventy years ago. AIDS is not the worst case scenario for medicine or public health or good law.

PUBLIC EDUCATION

Our first agenda must be to convey that fact to the public. At a time when public fear of AIDS is growing as fast as the epidemic, everyone who understands the basic facts of the disease is obliged to provide public education. We must face the ongoing dilemma of how to lower irrational fears while increasing the legitimate sense of urgency for research and for changes in sexual and drug practices.

ANTI-GAY IDEOLOGUES

In providing this education, it is clear, however, that because of the politics of sexuality in this country, AIDS may be the worst case scenario not for medicine but for politics. We must deal with those ideologues and evangelists who have always hated gay men and lesbians and who are arming themselves with the new rhetorical weapon of AIDS. These people are AIDS terrorists, who will manipulate public fears, regardless of public health.

Groups like this one must be prepared to rebut these medical McCarthyites. You—with the credibility that you carry—will be able to reveal them for the propagandists that they are and to respond with facts.

HARD LEGAL FIGHTS REMAIN

But even after these educational and plainly political issues are dealt with, there will be many hard problems, many of them legal.

We will have to evaluate what employment rights are in this country of opportunity.

We will have to examine the costs of health care in our high-tech society.

We will have to re-consider what we mean by insurance and risk-pooling in a time of uncertainty.

I don't pretend to have the answers to these issues, but I do have some thoughts about them that I want to discuss briefly.

PUBLIC HEALTH IS NOT VERSUS CIVIL RIGHTS

The first point that must be made loudly and clearly, especially in a legal conference, is that lawyers and politicians should—and do—support defending the public health. The responsible protection of individual rights is not at odds with the protection of public health. This is not—as the media often portray it—a question of individual rights versus public well-being. No one advocates such an extreme defense of individ-

uals. To do so would be to defend yelling "Fire" in a crowded theatre.

During the AIDS epidemic, public health has not conflicted with civil liberties or civil rights. Quarantine is useless medicine and legal tyranny. Keeping a job is not inconsistent with good public health.

What we know and understand about this disease, we understand because AIDS patients and gay men have cooperated with scientists. When civil liberties for these people are threatened, the only outcome will be that the disease will be driven underground. We will know less and our chances of stopping the epidemic will grow smaller.

EMPLOYMENT DISCRIMINATION

Unfortunately, the Department of Justice has chosen to ignore the science and the law and to lend support to discrimination. In a recent opinion on protections for the handicapped, the Justice Department has said that people with AIDS can be fired or refused public services if the employer or service provider is afraid of the disease, whether their fear is rational or not.

In writing this tortured opinion, the Justice Department has ignored the law, which is clearly intended to change the fears and stereotypes that people hold about the disabled.

In endorsing this policy, the Reagan Administration has once more failed to listen to its health experts, who clearly understand that giving unfounded fears legal status encourages misunderstanding and panic.

A clear and coherent policy stance was available to the White House and its lawyers. Once again, they have chosen only to make the epidemic more complicated. Other than the simple politics of punishing the groups that now get AIDS most often, I cannot think of a reason why.

We must work to change this stance and to enforce the law as it was intended. Discrimination is bad private practice and bad public policy. And in this case it is bad for the health of the Nation.

It was not so long ago that people were afraid to work in an office with someone who had cancer? Who knows the lost productivity from such senseless fears? Who knows the human costs of people who dealt with a physical ailment only to be disabled by a social one?

More dramatically, during World War II, American soldiers lost their lives when military doctors refused to transfuse blood from black soldiers to white ones.

We cannot now allow employers to cater to prejudice that is contradicted by all public health. Discrimination against antibody-positive people will create a huge group of unemployables, a caste of people without the ability to provide for themselves.

We cannot afford such actions—economically or ethically. It is agreed that a person with antibodies presents no danger to fellow workers. If he or she can perform his or her work, they should have a right to keep working.

HEALTH CARE

And if they become too sick to work, they should have a right to be cared for. Those of you who know me, know that I have spent a long time working on problems of health care costs and access. AIDS brings these problems into bold relief.

HEALTH INSURANCE

The American health care system is already strained by pressures ranging from the growing number of uninsured people to the declining adequacy of Federal programs. Many public hospitals—who are left with the responsibility of caring for all those without insurance—may be unable to bear the responsibility of caring for the increasing number of AIDS cases. Medicaid benefits, already impossibly low in many States, are threatened with cuts and are not available to all.

Adding to these pressures is the growing trend of antibody testing for individual insurance. (To my knowledge, no insurer is using antibody testing to underwrite groups.)

The problem is simply this: Costs must be paid. They will be paid by patients and their families, by insurance, by local taxes for hospitals, *or* by Federal taxes for health programs.

The American system of health insurance is designed to let people pool their risks of illness if they can afford to enter the pool. Some pre-existing condition restrictions have always limited entry, but—by and large—most healthy people are allowed in.

With the HTLV-3 antibody test—still not verified or approved for any use except blood transfusions—insurance companies have begun another restriction, restrictions based not on existing conditions but on potential ones.

We should examine this type of insurance prediction very carefully.

Today we have the science to screen for HTLV-3 antibodies. Soon we will be able to screen for other viruses and for genetic predispositions to heart attack or cancer. We are told that it will not be long before doctors can predict the medical histories almost literally from cradle to grave.

With such abilities available, insurance may become as new industry—pooling healthy people with healthy people and letting the devil take the hindmost.

No one expects insurance in America to be run on a charitable basis. But insurance companies enjoy a number of special treatments under regulation and law. They should be held responsible—at the State and Federal level—for their real debts and for their risk-pooling responsibilities.

COST

Making the issues of insurance more volatile are the questions of the costs of AIDS care. Statistics vary wildly from one study to the next. One says "Diagosis-to-death" care costs $20,000, another says seven times that. Hospitals, insurers, and patients are understandably nervous about the discrepancies.

One partial solution has emerged clearly. We must be prepared—with AIDS and with other terminal illnesses—to provide hospice and home care and other alternatives to hospitalization.

I don't mean to suggest that we cut corners. If patients want to struggle to the last breath with every resource available, American medicine has tried to give them that choice. But if a patient wants only to be free of pain and to die with loved ones, we should not force them into institutions.

I have supported both Federal and private demonstration projects for alternative care for AIDS patients. Legislation to allow States to waive Medicaid requirements to provide such community care is a part of the House Budget bill now moving through Congress. I know that many insurers and employers have begun similar programs, and I would hope that there will be more.

CONCLUSION

Let me conclude by asking for your help with resources.

Many of you represent financial and corporate clients who must make private decisions on these issues and who can influence public policy.

If the epidemic continues, life and health insurance companies stand to lose billions of dollars. Hospitals stand to lose hundreds of millions more in care for those without insurance. And the Nation will lose productive citizens and billions in lost productivity.

As purchasers of health care, as taxpayers, and as fellow citizens, we will all share in these losses.

At the time of the initial outbreak of the disease it is easy to understand why it might have been regarded as a small issue. But much of the American financial and corporate community have failed to recognize the significance of the epidemic even now.

Powerful health lobbies have stood by, perhaps afraid of the controversy, as research budgets and education campaigns have gone wanting. Influential insurance lobbies have left the work of protecting their financial reserves to the National Gay Task Force and other diligent but small groups.

We all have a direct financial interest in making certain that the public and private sector respond fully to the epidemic—with research, with drug development, and with education. No market benefits from disease or panic.

But the Reagan Administration—penny-wise and pound-foolish and afraid to be seen helping gay men and drug abusers—has consistently short-changed all efforts. We will pay for that neglect.

Finally, let me enlist your help as people of reason and law. Simply by your presence here, I assume that many of you are aware of the legal problems posed by the epidemic. I urge you to work—as litigators, educators, or politicians—to bring compassion and urgency to our response to the epidemic.

One friend has said to me that this epidemic will bring us National Health Insurance or it will bring us camps.

I know gay men who make it a point to keep their passports in order at all times so they can leave the country if they have to. That people in this country should feel such anxiety is a sad commentary.

The epidemic has brought tragedy and loss to our country already. We cannot let it bring fear and repression as well.

Thank you.

PRO FOOTBALL'S HALL OF FAME

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. KEMP. Mr. Speaker, last Saturday, August 2, the Professional Football Hall of Fame in Canton, Ohio inducted five new members into its honored ranks.

They are Paul Hornung, Ken Houston, Willie Lanier, Fran Tarkenton, and Doak Walker. These men are great athletes who strove for perfection and I am honored to call them personal friends.

Selection as a member of the Hall of Fame is one of the most prestigious honors in professional sports. These men have had the courage and tenacity to be great.

They are the best that pro football has to offer. They are symbols of excellence. The

great coach Amos Alanzo Stagg summarized what is at the heart of these men's success in football when he said "bulk, strength, and speed are so much lath and painted plaster if they are not backed up by football temperament, and imagination is the prime ingedient of that temperament—imagination to dramatize the conflict and one's own part in it, imagination to anticipate what and where the foe's next move will be, imagination to capitalize instantly on any break in the game."

The five inductees' hard work and determination to succeed placed them in position to attain greatness. They received that chance because they never gave up, never lost sight of their goal—to be the best at their chosen profession. Samuel Johnson wrote that "every man has a lurking wish to appear considerable in his native place" and now, each of these men have achieved that not only in their hometowns, but across this great Nation of ours.

Each of this year's inductees bring to the Hall of Fame his own spirit which can inspire us all to strive for the best, to face obstacles, to overcome them, and reach our goals.

I would commend the following excerpt from an article by Bob Castello of the Football News to my colleagues. The article highlights the playing careers of each of this year's Hall of Fame inductees. I hope that the inspirational message of the men who are the Hall of Fame will energize all to be the best they can be.

Paul, Ken, Willie, Fran, and Doak and their dear families are not only great athletes but great Americans and I am proud to have Members of Congress know them better.

HALL OPENS DOORS TO FIVE NEW MEMBERS

(By Bob Castello)

Maybe it was fate that led Fran Tarkenton to his position as one of the hosts of the television show, That's Incredible, following his retirement from pro football. For 18 seasons as a quarterback in the National Football League, Tarkenton was just that—incredible.

Tarkenton, along with running backs Paul Hornung and Doak Walker, middle linebacker Willie Lanier and safety Ken Houston, will be accorded the game's highest honor when the five are inducted into the Pro Football Hall of Fame in Canton, Ohio, on Aug. 2.

The ceremonies for the Class of 1986 will begin at noon. Later that day, the AFC champion New England Patriots will battle the St. Louis Cardinals in the annual AFC-NFC Hall of Fame Game in Canton's Fawcett Stadium.

Born in Richmond, Va., on Aug. 3, 1940, Tarkenton was known for his unorthodox methods and uncanny scrambling ability.

"He runs as if he is in a basketball game," said former Cleveland Browns' cornerback Erich Barnes. "He takes all the skill away from the defensive back. He makes you cover a man for five or six seconds and that's too long. Once the pattern is over, you are fighting for your life."

A two-time All-Southeastern Conference pick at Georgia, Tarkenton was chosen in the third round by the Minnesota Vikings in their first-ever draft. He won the starting job early in the season and finished with a rookie-record 58.1 completion percentage.

Though the team struggled, Tarkenton performed brilliantly through six seasons in Minnesota. Following the 1966 campaign, he was dealt to a New York Giants' club in need of a boost. The dazzling signal caller steered the Giants to within a game of the NFC Eastern title in 1970.

Tarkenton returned to the Vikings in 1972 and continued his assault on numerous league passing marks. Beginning in 1973, he guided Minnesota to six consecutive NFC Central Division crowns and three Super Bowl berths. Unfortunately for the fiesty quarterback, the Vikings lost all three.

"I loved the whole time I spent in the NFL," he said upon his retirement. "I didn't achieve everything I wanted to, but who does? The fun is in the hunt. Now the hunt is over."

Tarkenton's hunt garnered him six Pro Bowl appearances between 1964 and 1970. He was All-Pro in 1972 and 1975 and All-NFC in 1976. He was selected to the Pro Bowl each of the latter three years as well, though injuries forced him to bypass the games.

Tarkenton completed his career with NFL records for attempts (6,467), completions (3,686), passing yards (47,003) and touchdown passes (342). His scrambling netted him 3,674 yards on the ground, a figure which tops those of six modern-era Hall of Fame running backs.

Hornung's 3,711 rushing yards barely topped Tarkenton's total, but they tell very little of his story.

"He may not be the greatest football player in the world," said Green Bay Packers' Coach Vince Lombardi, "but Paul has the special ability to rise to the occasion and to be the greatest of the great when the games are on the line."

It was when Lombardi became the Packers' head coach that Hornung's pro career began to flourish. Hornung won the Heisman Trophy as a quarterback at Notre Dame in 1956, but he spent his first two seasons in the NFL performing dismally while shifting between positions. Lombardi arrived, put Hornung at left halfback and sent the "Golden Boy" soaring.

Hornung, who was born in Louisville, Ky., on Dec. 23 1935, led the NFL in scoring in 1959, 1960 and 1961. He was named the league's MVP in both '60 and '61. While also handling the placekicking duties for Green Bay, Hornung set an all-time NFL record with 176 points in 1960 (15 touchdowns, 41 extra points and 15 field goals). His 760 career points placed fifth on the all-time list at the time of his retirement in 1966.

"I have never seen a guy who was more effective inside the 20-yard line," said former Packers' tackle and current Green Bay Coach Forrest Gregg. "You could hand off to him or throw it to him and somehow he would get the ball in the end zone."

Versatility was the key to Walker becoming the most productive running back of his era. Because he was injured throughout most of the 1952 season, Walker played just over five season with the Detroit Lions between 1950 and 1955. However, he rushed for 1,520 yards, caught 152 passes for 2,539 yards and 21 touchdowns. He also averaged 39.1 yards per punt, 15.8 yards per punt return and 25.5 yards per kickoff return.

Walker even recorded a pair of interceptions, as he played defensive back whenever it was necessary.

Like Hornung, Walker had a nose for the end zone. He chalked up 534 points during his career on 34 touchdowns, 183 extra points and 49 field goals.

Walker was praised for his efforts on both sides of the ball.

"I think Doak is the best safety man on kickoffs I've ever seen," Lions' Coach Buddy Parker once said of Walker. "He's really an outstanding tackler. He has saved many touchdowns for us."

Walker was born on Jan. 1, 1927 and attended Southern Methodist in his hometown of Dallas. He copped the Heisman Trophy as a junior and though many considered him too small (5-11, 173), he began his pro career in 1950.

His initial season was likely his best as Walker scored an NFL-leading, rookie-record 128 points and took rookie of the year honors. In six years as a Lion, he led Detroit to three division titles and a pair of NFL championships.

Even in 1952, when he sat out much of the season, Walker was ready in the clutch. His only touchdown of the season came on a 67-yard scoring burst which provided the clinching touchdown in Detroit's title game win over Cleveland.

While Walker's career was brilliant but short-lived, Lanier excelled for 11 seasons as the heart of the great Kansas City Chiefs' defense of the late '60s and early '70s. Born in Clover, Va., on Aug. 21, 1945, Lanier became the first black to hold down the middle linebacker spot.

"Playing middle linebacker is sort of a science," said Lanier. "The key factor is to make an instantaneous response to a given stimuli. It involves mathematics, geometry and angles. There is, it is true, great joy in exploding into a man, making a tackle they call the big hit. But you cannot do that on every play. So often you must control your aggressiveness."

If playing middle linebacker is a science, then Lanier was a dean's list student.

With the exception of 1969, Lanier was named either All-Pro, All-AFL or All-AFC every year from 1968 through 1976. He played in AFL All-Star Games in 1968 and 1969 and in the first six Pro Bowl games after the AFL-NFL merger.

Selected the defensive MVP in the 1973 Pro Bowl, Lanier was also one of the main cogs as the Chiefs defeated Minnesota in Super Bowl IV for their only world championship.

Lanier is spoken of in the same breath with Dick Butkus, Ray Nitschke and the other greats who have played the middle, but some feel he has no peers.

"Butkus is a friend of mine and a helluva linebacker," said former NFL quarterback Craig Morton, "but Lanier has to be the best."

Houston, a strong safety for 14 years with the Houston Oilers and the Washington Redskins, is also rated near the top at his position—if not the top.

"Ken Houston is the best player I have ever lined up with," said Jake Scott, also a star defensive back and a teammate of Houston's at Washington in the late 70's.

After a relatively unnoticed collegiate career at Prairie View A&M, Houston was selected by the Oilers in the ninth round of the first combined AFL-NFL draft in 1967. Four years later, Houston was selected to the All-AFC team for the first time.

In 1971, Houston notched a career-high nine interceptions, returning four for scores. He also tallied a touchdown on a fumble return. Houston, born Nov. 12, 1944 in Lufkin, Texas, was named either All-Pro or All-NFC for seven straight years after joining Washington in 1973.

However, it was with the Oilers on Dec. 19, 1971 that Houston had his finest day as a pro. On that day, he returned a pair of interceptions for scores, setting a new career mark with nine. He also tied the records for

most scoring returns in a season with four and in a game with two.

Houston completed his illustrious career with 49 interceptions and 12 touchdowns—nine on interceptions and one apiece on a blocked field goal, a fumble and a punt return.

TRIBUTE TO WILLIAM B. WILLIAMS—A NEW YORK RADIO LEGEND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. BIAGGI. Mr. Speaker, as a lifelong New Yorker, I wish to pay tribute today to a modern legend in the world of New York radio, William B. Williams who passed away last week at the age of 62. The strength of New York is best measured in its people, their diversity, and their distinctiveness. One of the most distinguished of these was William B. Williams who for the past 40 years graced the airwaves of the New York area.

For more than three decades, William B, as he was best known to his devoted audience, was the host of the "Make Believe Ballroom" on WNEW. William B became a fixture in the households of millions of Americans blending his easy listening style with a reservoir or intellect about the music he played on the program.

The result was William B was far more than a radio program host. He, in fact, was the standard that others in radio modeled themselves after. Despite the competitiveness of the New York radio business, William B emerged year after year as the class of the league. He was a radio personality in the truest sense of the word. He not only had a loyal audience, he was also responsible for advancing the careers of many in the music business. He was as much of an artist as anyone he featured on his program.

Perhaps William B's greatest known contributions to music was his labeling of Frank Sinatra, his dear friend, with the title of "Chairman of the Board." It was a nickname which Sinatra kept proudly over the years. When asked about William B, Sinatra was quoted as saying "He was the greatest friend I ever had. He was the best friend anyone could have had. God rest his soul."

The late mornings will never be the same in New York now that William B's voice has been silenced. Many people waited for that moment each morning when William B would sign on the air with his reassuring "Hello World." It was as regular to many as any other part of their day. William B. Williams leaves a legacy of artistry and accomplishment in his chosen profession of radio. Yet while his voice may have been stilled, it will never be forgotten by those who enjoyed it so much over the years.

GRYCZKO ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. KANJORSKI. Mr. Speaker, it is a great pleasure for me to take this opportunity to bring to your attention a couple from Duryea, PA, who are testimony to the abiding strength of devotion to one another.

Anthony and Margaret Gryczko celebrated their 50th wedding anniversary on Wednesday, August 5. Married 50 years ago in St. Hedwig's Church in Kingston, Mr. and Mrs. Gryczko have devoted a lifetime of love to each other and to their family. Their children, Dr. Gerald Gryczko and Mrs. Adrienne Boyle, have produced a total of eight lovely grandchildren.

Active within their community, both Mr. and Mrs. Gryczko have been active in the Holy Rosary Church of Duryea, as well as a variety of civic organizations such as the Knights of Columbus and the Lions Club.

Mr. Speaker, it is rare that we are fortunate enough to witness this depth of love between two people, and I am pleased to be able to share with my colleagues in the House of Representatives this very special love story.

WE NEED TO GET SERIOUS ABOUT FIGHTING DRUG ABUSE AND CRIME IN AMERICA

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. AuCOIN. Mr. Speaker, the President has made the elimination of illicit drugs in this country a high priority, and the Speaker of the House is putting together a tough, bipartisan bill to address the problem. And this is how it should be, Republicans and Democrats working together to come up with a solution to rid our country of the blight of drug abuse.

Today I am proud to announce my support for a package of legislative initiatives which I believe, taken together, will go a long way toward fighting drug abuse in the United States. And I'm convinced that when we begin seeing the incidence of drug abuse fall we will see the crime rate drop proportionally. Law enforcement officials throughout the country have stated that there is a strong, direct link between drug abuse and violent crime. When we wage a war against drug abuse we wage a simultaneous war against crime.

The complexity of this problem warrants an attack on many fronts. That's why I believe so strongly in the package of bills which I am cosponsoring today. They fight drug abuse on five different levels, all necessary if we are going to approach this problem with the seriousness which it warrants: First, interdicting the supply of drugs coming into the country; second, imposing stiff sentences on drug traffickers; third, making it tougher for drug dealers to do business, fourth, educating our youth on the dangers of drug abuse, and fifth, working to lower production and manufacturing of illicit drugs in foreign countries.

To interdict the supply of drugs coming into this country I have cosponsored a package of bills which will fund additional personnel and equipment for the Customs Service, which is responsibile for interdicting air-related smuggging activities, the Coast Guard, which is responsibile for stopping illicit drugs from entering our country by sea, the Drug Enforcement Agency, which oversees the investigation of drug smuggling in the United States, and the U.S. attorneys' office, which is charged with prosecuting Federal offenders of our drug laws.

Each of these agencies has seen their budgets reduced in recent years, and if we're serious about slowing the pace of drug smuggling into this country we must be willing to fund the Federal agencies charged with doing the job. But instead of increasing the Federal budget to come up with this funding for drug interdiction, I feel that it would make far more sense to simply transfer the necessary funds from an expensive, unnecessary Federal boondoggle like star wars. The national security of the United States would be better served by funding drug interdiction programs, which have the potential of saving a generation of young Americans, than in funding a system which would inevitably put our entire Nation a hair trigger away from nuclear war.

Right now it is estimated that of the tons and tons of narcotics entering the United States, only 5 to 15 percent is intercepted. The U.S. Customs Service has fewer employees today than it did in 1980, and while it is estimated that 62 percent of the cocaine entering the United States arrives in small, private aircraft the eight antismuggling air bases which Customs operates in the United States only have enough funds to operate 8 hours per day, 5 days per week. Mr. Speaker, stopping drugs from entering our country is more than a 40-hour-per-week job.

Another component of this fight is to insure that those who manufacture, import, and deal in illicit drugs will meet swift and severe punishment. These criminals must be made aware that when they are caught they will serve a mandatory minimum sentence with no possibility of suspended sentences, probation, or parole. For instance, one bill I have endorsed would impose a mandatory 15-year prison term for those who are repeat offenders of drug trafficking and violent crime offenses. It is widely believed that a relatively small group of career criminals is responsible for a large proportion of the violent crimes committed in the United States. This new Federal statute will give State and local law enforcement officials the tool they need to rid our streets of these career criminals.

Also in this package is a bill which will frankly make it harder for drug dealers to do business. Mr. Speaker, money laundering allows criminals to disguise money obtained through drug dealing and other illegal activities by depositing it in a bank or savings institution where the money can then be used legitimately through checks, money orders, and wire transfers. It is estimated that as much as $10

billion of illegal funds are laundered through U.S. institutions every year. The bill I am endorsing cracks down hard on this practice by creating a new category of Federal crime to punish individuals or institutions which knowingly engage in money-laundering activities. It provides for a 20-year maximum prison term, fines of up to $1 million for an individual and up to $5 million for companies, and seizure of assets of those who launder money.

But Mr. Speaker, we will not win this war on drugs and crime simply by busting the drug dealers and bolstering our drug interdiction activities. These efforts concentrate on the supply of drugs entering the country, but do nothing on the demand side. It is going to take a strong, concerted effort by officials at all levels of government, by school officials in communities throughout the Nation, and most importantly by every parent in the country to educate our youth to the dangers of drug abuse. Only then will we begin to make serious inroads in our fight against crime and drug abuse in the United States.

Ponder for a moment estimates from the Select Committee on Narcotics Abuse and Control and the National Institute on Drug Abuse: In 1986, 150 tons of cocaine will enter the United States, along with 12 tons of heroin and 30,000 tons of marijuana. Thirty percent of all college graduates will use cocaine at least once before they graduate, and up to 80 percent of all Americans will try an illicit drug by their midtwenties. And what I found particularly alarming was that two-thirds of all high school seniors surveyed by the University of Michigan had used some kind of illicit drugs.

At the same time the U.S. Department of Education is spending only $2.9 million on drug education programs. This at a time when Americans are spending $120 billion each year on illicit drugs, and drug abuse is costing our Nation more than $100 billion annually in increased health costs, lost productivity, and related crime and violence. Mr. Speaker, we simply must commit to do more to educate our youth to the dangers of drug use.

The bills I have cosponsored make this serious commitment. One bill would use the seized assets of drug traffickers to fund drug abuse education and prevention programs in elementary and secondary schools. The idea of drug traffickers paying for programs which will dry up their supply of customers seems like perfect justice to me. But we cannot rely on seized assets alone to fund these necessary education programs. That's why I have also cosponsored a bill which will assist local districts throughout the country to the tune of $100 million per year for 5 years.

Some may complain that in these times of budget restraints and Gramm-Rudman cuts we cannot afford the expenditures contained in this bill. Mr. Speaker, I would counter that while Americans are currently spending $120 billion each year on illicit drugs and the demand continues to grow, we simply can't afford not to make this commitment to drug education programs. And again I would suggest that funding can be found in the current budget without having to spend additional funds for these programs. Doesn't it make sense to transfer a fraction of the money we spend every year on foreign assistance, in a vain attempt to buy friends around the world, to a program which will educate our young people to the dangers of drug abuse? In the long run the money would be far better spent here at home.

Mr. Speaker, we also must have the cooperation of foreign nations in dealing with this problem. The opium used to manufacture heroin and coca plants used in making cocaine are not grown in our country, they are grown in Turkey, Pakistan, Mexico, Thailand, Peru, Colombia, Bolivia, and countries throughout Asia, Latin America, and Africa. I am encouraged by the progress made in many of those countries to get tough with large growers and manufacturers. And we cannot blame other countries for the huge demand which the citizens of our country make for the drugs produced in foreign nations.

However, as part of this drug and crime control package I have cosponsored a bill which would deny special trade benefits to foreign nations which refuse to cooperate with the United States in eliminating the production and distribution of narcotic drugs in their countries. This bill sends a loud and clear message to our foreign trading partners that the huge U.S. market will no longer be open for their exported goods and merchandise unless they assist us in our national priority of eliminating drug abuse.

Mr. Speaker, drug abuse and the crime which it breeds is not isolated in one part of the country. The blight of drug abuse has spread to every town and city in every State of the Union. In Oregon, law enforcement officials are noting that an exceptionally pure form of black tar heroin is widely available at lower and lower prices. There has also been a rise in cocaine use, along with its detestable cousin, crack. It should not be surprising, then, to read that Oregon had the second highest burglary rate in the country in 1985. As Sgt. Jim Baker of the Multnomah County Sheriff's Department said, "There's no question that narcotics usage plays a very large role in burglary and theft."

That's why I feel so strongly about the need to pass the package of drug legislation which I am endorsing today. As I mentioned earlier, this war on drugs and crime requires an attack on five fronts: first, interdicting the supply of drugs into the country; second, imposing stiff sentences on drug traffickers; third, making it tougher for drug dealers to do business; fourth, educating our youth on the dangers of drug abuse; and fifth, working to lower production and manufacturing of illicit drugs in foreign countries. This package of bills deals seriously and effectively with each of these areas, and taken as a whole I am convinced that they will help to alleviate the tragedy of drug abuse and crime which robs our Nation of billions of dollars in increased health costs, lost productivity, and related crime and violence while taking thousands of lives each year.

ILLUSORY DEFICIT REDUCTIONS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. GRADISON. Mr. Speaker, for some time I have been both promoting the sale of new loans while at the same time cautioning that the resulting deficit reduction is illusory.

The only valid reasons for selling loan assets is to determine the underlying subsidy costs of federally supported loans. When a loan is made and then sold—a mundane occurrence in private financial circles—the government subsidy is revealed as the difference—discount—between the origination—face—amount and the selling price. The resulting acceleration of the loan simply trades a future stream of income for a lump sum that is equivalent to the present value of the asset—loan.

Unlike conventional deficit reductions—from program spending reductions or increased taxes—loan asset sales simply shift portfolio ownerships. Thus, there is no reason to expect any economic impact from this sort of deficit reduction. In the case of nonloan asset sales—for example, Conrail—however, there might be a gain in efficiency that could result in a positive economic gain. Nevertheless, any gain in efficiency is no match for the impact resulting from a conventional deficit reduction of the same size.

Thus, Mr. Speaker, we perform no great public service by crafting budgets heavy on asset sales. In fact, because asset sales take us off the deficit-reduction glidepath, we only make it harder to reach a lower deficit in the future. I would argue, reluctantly, that the current interest in asset sales is an indication of our inability to reduce the deficit by conventional means; "necessity—of appearing to reduce the deficit—is the mother of invention."

Mr. Speaker, in this regard, I wish to call the attention of my colleagues to an article from the current issue of the National Journal by Jonathan Rauch.

The article follows:

PAWNSHOP BUDGETING

[Congress is looking to asset sales to reduce the deficit. But selling off federal loans may provide short-term relief at the expense of long-term solutions]

(By Jonathan Rauch)

Congress needs fast cash. Caught between the flourishing federal deficits on one side and the shrieks of pinched voters on the other, it has turned, with some encouragement from the Reagan Administration, to a new approach: selling federal assets, predominantly federal loans, to private investors.

Of the $17.7 billion in domestic savings assumed in Congress's recently adopted budget resolution for fiscal 1987, about $5 billion comes from asset sales—more than $3 billion of it from the sale of loans. The sales will give lawmakers some relief from the deficit headache, at least in the very short term. But they may create other, newer kinds of headaches. Consider:

Directly or indirectly, most assets produce income. When they are sold, the govern-

ment gets cash up front. But it loses the stream of dollars that the asset would have produced. Future income is converted into present income by converting one kind of asset—a loan, the Consolidated Rail Corp. or whatever—into another: ready cash.

"At best it's a wash," said Barry P. Bosworth, an economist with the Brookings Institution. Asset sales, he and many other economists say, have some advantages, but the one thing they do not do is help solve the deficit problem. "The result is we are able to fool ourselves"—delaying the tough choices that sooner or later must be faced, said former Reagan Administration economist J. Gregory Ballentine, now with the Washington office of the New York accounting firm of Peat, Marwick, Mitchell & Co.

Lawton Chiles of Florida, ranking Democrat on the Senate Budget Committee, told his colleagues: "It is much like the kind of fellow who starts going to the pawnshop and starts carrying the furniture and the jewels and everything else . . . until there is nothing else to carry."

No one knows how much the government's holdings, especially loans, are worth until they are sold—and in many cases they may not be worth very much. For example, one of the biggest savings in the budget resolution is the sale of rural housing loans with a book value of $1.8 billion, for receipts of almost $1.2 billion, according to congressional estimates.

Just one problem: Miner H. Warner, vice president and manager of government finance at Salomon Brothers Inc., a major New York investment banking firm, says that he doubts anyone will buy the loans. They require too much leniency from the buyer and will sell, he said, only if the government provides guarantees protecting the investors from losses—an arrangement that can prove expensive for taxpayers, and one that the Administration strongly opposes.

Selling federal loans without such government guarantees—in financier terms, without recourse—is not something the government has much experience with. "Government hasn't done this before," said Stephen E. Bell, who until March was the Senate Budget Committee staff director and now managers the Salomon Brothers Washington office. "The permanent bureaucracy doesn't know how to do it effectively." Sales will have to proceed at a snail's pace, despite any congressional expectations to the contrary.

The scramble for short-term cash may push Congress toward fire-sale deals that could cost more than they save over the long term. For example, the budget resolution calls for the sale of the Naval Petroleum Reserve in fiscal 1988. But with prices of oil so low, the reserve's market price may be depressed. "It's extremely doubtful that you're going to get anything out of it even close to what it's really worth," said Frank M. Cushing, the staff director of the Senate Energy and Natural Resources Committee. Selling the reserve might be a good idea on the merits, he said, but now would be the worst time to sell.

Whatever questions they raise, asset sales are often more politically palatable than cutting programs, which is part of what gives them their appeal. There is more to it than raising cash, though. To conservatives, selling assets shines with the luster of privatization, a policy of special interest to James C. Miller III, the director of the Office of Management and Budget (OMB). And many people have long argued that selling federal loans is a key step toward bringing order to the chaotic array of federal credit programs.

For all those reasons, a new federal effort to sell assets seems to be in the offing. "They're starting to pick up congressional attention right now," said OMB deputy director Joseph R. Wright Jr. "I think something is going to be happening."

GOVERNMENT GUARANTEES

Selling federal assets, and particularly loans, is nothing new. What is new is selling them without recourse, which is to say, without government guarantees. To a financer, the difference is vast.

When the federal government wants to raise cash, its main option is to sell interest-bearing notes to the public. That shows up in the federal accounts as borrowing.

Another way to raise cash is to sell a federal loan with recourse. The government might, for example, sell someone a package of $100 million worth of rural housing loans. The government would get the cash, and the investors who bought the loans would get the borrowers' payments of them. But taxpayers would carry the risk; if some of the borrowers defaulted, the government would step in and make their payments. Economically, the transaction winds up being identical to government borrowing: The government raises cash by promoting full repayment with interest.

With a few exceptions, most federal loans have been sold with government guarantees, and many congressional committees want to keep selling them that way. Recently, however, OMB and the Congressional Budget Office (CBO) have decided that such sales will be recorded as borrowing, not as reducing the deficit. To get credit toward meeting the fiscal targets in the Balance Budget Act, Congress will have to sell loans without recourse, unless the budget agencies back down under congressional pressure.

Selling without recourse is a whole different proposition. Investors who bought federal loans would have to assume the risk of default—which, because Congress makes many of its loans to people who could not get private credit, is often large. The sale of a $100 million loan package might bring in $90 million, if the loans were exceptionally good; much more often, the paper would be more heavily discounted, if it was salable at all.

Moreover, most federal loans are "subsidized to hell," in Bosworth's words. Investors discount them sharply to offset the low interest rates the loans carry and the lenient terms on which the government, a notoriously forgiving creditor, often issues them; thus the market's concern with forbearance in the case of the rural housing loans.

The bottom line is that much of the $250 billion in federal loans is probably not worth much on the private market. No one knows for sure, though: Taken together, credit programs are a vast, largely unexplored jungle consisting of almost every conceivable kind of loan in almost every conceivable state of repair or disrepair. Over the decades, the government has issued loans to students, veterans, electric utilities, farmers, home buyers and virtually everyone else—loans bearing interest rates from practically zero to well above market rates and carrying documentation ranging from exemplary records to scribbles on index cards. Some agencies have renegotiated loans every time a default is threatened, and so, by now, the loans have become gifts and are basically worthless. Other loans are in fine shape. Finding out which is which is a monumental task.

"The whole thing is an absolute disaster the way it's going now, because every kind of loan is under different rules," said Bosworth, who is working on a book about federal credit. "It's probably more messed up today than it has ever been."

Warner's guess is that a few tens of billions in federal loans are saleable; ultimately, though, the only way to find out what federal loans are worth is to try to sell them and see what happens. "There are some portfolios that cannot be sold at any reasonable price without recourse," he said.

One example, he said, is Small Business Administration disaster loans. The budget resolution counted on raising about $400 million over three years from selling such loans. But their default rate is 26 per cent, Warner said, and they bear an average interest rate of 4.4 per cent. The only way to sell those loans without guarantees is at "sub-junk" prices, if at all, he said.

There is no rule, no generalization, that one can rely on in figuring out where to find salable federal paper. "One just has to go program by program and see how things are," Warner said.

That is a long, slow process—one that the Administration is beginning with a pilot program of selling federal loans with a book value of about $4.4 billion. The primary goal is to begin finding out how much the federal portfolio is worth.

ILLUSORY GAINS

Where the broader aim of reducing the deficit is concerned, selling loans becomes more controversial. Unquestionably, selling loans or other assets brings in income that shows up as lower deficit. Many economists agree, however, that the gains are an illusion—a way of exploiting the inadequacies of federal accounting.

The federal budget is myopic: It reflects only the cash income and outgo in the fiscal year at hand and two-four years ahead. Politics is even more myopic, because the lawmakers' approach is to get this year's deficit down and worry about next year's when the time comes. An action, therefore, that brings in, say, $3 billion this year but costs $500 million a year for the 10 years after that looks to politicians like a $3 billion reduction in the deficit.

For example, selling the Naval Petroleum Reserve in fiscal 1988 would, according to congressional estimates, bring in about $1.6 billion right away. The annual losses of receipts from selling reserve oil as it is pumped out yearly—beginning at $600 million-$700 million in fiscal 1989 and gradually declining—would not show up on the balance sheet.

Fundamentally, asset sales improve this year's budget outlook at the expense of next year's. They use the marketplace to convert future benefits into current cash. The underlying problem—a government that is overcommitted—remains untouched.

Selling assets also doesn't help with the problem that makes people worry about deficits in the first place: massive federal borrowing that drives up the demand for credit and thus pushes up interest rates. Receipts from sales reduce government borrowing needs, but at the same time, someone else has to go out and borrow the money to buy whatever the government is selling, and so it's a wash.

"It's not real program reduction," said former OMB economist Lawrence A. Kudlow, now with the New York investment

banking firm of Bear, Stearns & Co., Inc. "The view from Wall Street is enormous skepticism that government is making permanent spending cuts. All you're doing by selling loans is accommodating the current and the future level of spending."

For that reason, Dave Stockman, Reagan's budget director until a year ago, opposed asset sales, despite believing that they were often a good idea on the merits. Stockman was afraid that Congress would pick them up as a substitute for economically meaningful spending cuts.

"I don't mind the policy of selling the loans," said Ballentine, who was Kudlow's successor as Stockman's chief economist at OMB. "The problem is you're using the sale of loans to avoid doing the other things you have to do to reduce the deficit."

That is what happened this year, at least to an extent. For example, by supporting loan sales, the advocates of rural housing aid were able to stave off cuts to their program, which the Administration wants to curtail drastically.

Stockman's strategy was to force the program cuts by holding asset sales off limits. Miller, by contrast, has regularly offered asset sales to Congress as a way to meet difficult deficit targets. "Jim likes this stuff because he is enamored of the concept of privatization," Kudlow said. "The guy wants to shrink the size of government by unloading some of the businesses the government runs."

Privatization is, for conservatives, a leading purpose of selling federal assets. Private enterprise, they say, can better manage such physical assets as the Naval Petroleum Reserve, which is basically a commercial oil operation. The same goes for loans: The private sector is far likelier than the government to administer them efficiently, conservatives argue.

Turning Stockman's strategy on its head, Miller seems to regard pressure to reduce deficits as an opportunity to put through asset sales that otherwise Congress wouldn't consider.

As those who tend toward cynicism are the first to point out, there is one group that gets real benefits when the government sells loans: investment bankers, who will in many cases handle the complicated business of arranging the sales.

An executive at an East Coast securities-trading firm, who handles a lot of government paper and requested anonymity so as not to prejudice himself with the agencies he deals with, said of investment bankers: "They're going to take their pound of flesh, you can be sure of that, because this is an expensive endeavor. If the philosophy of the government is to get out of these businesses, then the investment bankers are the only ones who can get them out."

THE OIL RIGS ARE STACKED AND SO IS THE DECK

HON. GLENN ENGLISH

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. ENGLISH. Mr. Speaker, the administration's free market philosophy is a bad gamble that is causing our basic industries to fold. The administration is betting that lower oil prices are good for consumers and good for economic recovery generally. The administration is also betting that lower farm prices will eventually sell more farm products overseas.

Many believe that the administration's lack of attention to financial disaster in the oil and farm sectors indicate poor advice being given to the President. That may be true but a recent exchange I had with OMB Director Jim Miller at a hearing of the Government Operations Committee leads me to believe that "buy foreign if it's cheaper" is the driving philosophy behind the administration's gamble. This was the exchange:

The gentleman from Oklahoma, Mr. Glenn English.

Mr. ENGLISH. Thank you, Mr. Chairman.

I was rather intrigued listening to the discussion between the professional economists with regard to the situation that faces us, and it seemed rather sterile, this discussion.

Mr. MILLER. Now, wait a minute. This is the nicest thing anybody has ever said.

Mr. ARMEY. I can only make a plea that I did my degree at Oklahoma, not A&M.

Mr. ENGLISH. I appreciate that, but in the discussion, it is almost as if it is automatic—these are figures out here that no one really has any control over, these things are happening, we are kind of bystanders—but that is not the case. Certainly in our economy the question of the size of the deficit, all of these factors are determined in large part—not totally, but in large part—by our government, and certainly by the philosophy that that government follows.

The Chairman earlier referred to the oil situation, the oil import fee, and certainly my State of Oklahoma is hurt as bad, some might even say worse than the State of Texas. Louisiana is in the same shape. A lot of that has to do with government policy, the policy of the government in Saudi Arabia, who decided that they are going to break their competitors, drive down the market price until they create enough pain that their OPEC allies will agree to quit cheating. That is government imposed.

When we look to our own government to respond to this challenge, this threat by another government against a major segment of our economy, we hear that it is the philosophy of our government to not get involved, to stand aside.

That brings to mind a year ago, whenever Treasury-I first came out of the Treasury Department, which was going to do away with intangible drilling cost deductions, the depletion allowance, and the Deputy Secretary of the Treasury happened to be an Oklahoman from Tulsa, Oklahoma, and a number of my independent oil and gas producers came to Washington to meet with him and talk about what this was going to do, what it was going to mean, how it was going to destroy the economy of the State of Oklahoma and the Southwest, what it was going to mean as far as energy independence was concerned.

The response that these oil and gas producers got was that it was the policy of this administration that if you can produce oil cheaper in Saudi Arabia than you can produce it in Oklahoma, then you guys in Oklahoma ought to be in some other business.

Now, the question I want to ask you is: is that, in fact, a true representation of the philosophy; and second, is it not true that the difficulties that we have got in the oil and gas business, the lack of revenue coming in, the lack of tax revenue, and certainly the same type of problem in agriculture—and I could make the same case and the same type of philosophical approach is being made in agriculture—but do those not have a great bearing over what the gross national product of this nation is going to be, and does it not have a great bearing with regard to what the size of this deficit is going to be?

Mr. MILLER. Let me answer those questions seriatim in reverse order. I think yes, as a general principle it is the position of this administration that supply and demand should determine which products are produced by whom. If there is an opportunity for U.S. consumers to purchase from abroad products more cheaply produced than could be produced at home, they should have a right to do that.

We do have compassion, however, and concern about transitional effects with respect to the oil industry, with respect to farming and other industries that are adversely impacted by events.

The second part of my answer goes to the question of the effects on the gross national product of actions of other governments. You are entirely correct. From time to time actions taken by foreign governments can have an impact on the United States gross national product. Trade barriers erected by foreign governments restrict the ability of U.S. producers to sell abroad, and as you know, Clayton Yeutter and Mac Baldridge and others in the administration are working very hard to make sure that those barriers are lowered or eliminated.

There have been so-called unfair trading practices that we have taken issue with by importers, or exporters from foreign countries to the United States.

So my answer is that you are absolutely correct that actions of foreign governments can have an impact on U.S. aggregate economic activity.

Mr. ENGLISH. I want to make certain that I am perfectly clear because I want to quote correctly. In effect what you are telling me is that the message I have got to take back to the oil producers in Oklahoma and the farmers in Oklahoma is that the most help that they can expect out of this administration is transition, that we are going to help you out of your business.

Mr. MILLER. Well, I don't think I said exactly that because one anticipates demand that may be low this year to rise in the following year. We do have concern over the transitional effects, but basically, ours is not only a free society in terms of individual freedom and freedom of expression, but it is free also in terms of what actions consumers can take and what opportunities they have, and if they can purchase something more cheaply abroad, they have the right to do so.

Mr. ENGLISH. What happened to fairness, though. Doesn't fairness have to be an ingredient? We talk about free trade. Usually when people talk about free trade, they are talking about it being a two-way street, talking about unimpeded trade. That means that the governments of foreign nations are not, in effect, affecting that trade adversely. That gets into the issue of is it fair?

Do you think it is fair for Saudi Arabia to flood the market and drive the price down to the point that—and they have stated—they want to put out of business oil and gas producers in Oklahoma and Texas and Louisiana?

Do you think it is fair for our government to provide foreign countries such as Argentina with low interest loans that any of us question will ever be paid back so that, in effect, they can sell their products in the

world market cheaper than farmers from Oklahoma or the whole Midwest can do?

Is that fair?

Mr. MILLER. Let me say on the question of fairness, arguably, (a) I think it is fair that consumers have opportunities to purchase at the lowest price. Secondly, I did indicate issues of fairness—when foreign governments restrain our ability to export abroad, that is unfair, and we have taken issue with that. When foreign governments dump in America, that is unfair, and I have taken issue with that.

Mr. ENGLISH. What about our own government?

Mr. MILLER. On the question of export subsidies or providing the kinds of financial subsidies, I think the administration on a number of occasions has taken issue with just that sort of thing.

Mr. ENGLISH. Well, it is our government that is doing it. We just had a few weeks ago the Secretary of the Treasury very proud of the fact that he was able to obtain a $350 million loan from Argentina, and they were going to be able to export $1 billion more in agricultural products than what they are doing now. Now, that undercuts the price of my farmers' products. It means that my farmers aren't going to be selling it. It means my farmers are going out of business.

Now, my farmers can compete against farmers from other parts of the world. They cannot compete against those farmers if they are going to have the assistance, and particularly the backing of the Treasury or the resources of the United States Government backing them up. That is what is unfair.

In Oklahoma, the gamble is costing dearly. Another bank failed last week. That makes 30 Oklahoma banks that have failed since 1982. The number of active drilling rigs has dropped from 900 to less than 100. Fifty thousand jobs in energy have been lost. Farm foreclosures are at record numbers.

In the first 7 months of this year almost 7,000 bankruptcy petitions were filed in Oklahoma. Most of these are related in one way or another to the collapse of energy and agriculture prices.

Enough is enough. If the President doesn't agree with Jim Miller's recitation of the administration's "buy foreign if it's cheaper" philosophy, he should fire him. If he doesn't fire him—and doesn't stop gambling—we're in trouble.

THE DEFICIT COULD BE $356 MILLION LESS THAN IT IS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. STARK. Mr. Speaker, last Monday the Congressional Budget Office projected that the 1987 deficit will be $173 billion, almost $30 billion above its ceiling in the budget-balancing law. The new projection is high enough to trigger the spending cut process under the law, which set a $144 billion deficit ceiling for 1987.

Strangely enough however, even in the midst of this horrendous budget crisis the administration may relieve General Motors of a $356 million fine owed to the U.S. Government for not being in compliance with the corporate auto fuel economy [CAFE] standard. Such foolish moves are what has helped raise the deficit to what it is today.

The CAFE standard was established in the midseventies as a response to the Arab oil embargoes and the resulting energy crisis in the United States. It was primarily created for a better national energy conservation policy and to ease our dependence on foreign oil. Unfortunately, today the administration doesn't see the importance of this energy conservation policy and has consistently moved to weaken it.

Early last fall as a result of pressure from General Motors and Ford Motor Co., the standard was rolled back for a year from 27.5 to 26.0 miles per gallon. This spring pressure was again mounted, urging an extension of the rollback for model years 1987 and 1988. In an unusual move NHTSA issued a supplemental notice to this pending rulemaking. In a further unusual, and very disturbing move NHTSA has raised the issue of issuing the CAFE standard at a level below 26.0 miles per gallon.

If the standard is set below 26.0 miles per gallon, General Motors will be able to accumulate enough credits to wipe out its $356 million fine. Although most of the Federal Government is being asked to make cuts in their budgets as a result of the budget crisis, the administration may give this very profitable company a $356 million gift!

I fail to see the justice or wisdom in such a decision. I hope that my colleagues will examine this issue and join with me in expressing outrage over such a foolish move. The CAFE standard should not be moved below 26.0 miles per gallon, but should be increased to 27.5 miles per gallon where it was originally set by law for model years 1986, 1987, and 1988.

PALMDALE'S CENTENNIAL

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. MOORHEAD. Mr. Speaker, it is with considerable pleasure that I announce to my colleagues in the U.S. House of Representatives the 100th birthday of Palmdale, CA

There were periods during its first century when Palmdale's future was not all that certain. Several times during its history, Palmdale sagged under the weight of natural and man-made disasters. But each time the city was threatened, its residents stiffened, faced the community's problems with tenacity and determination, and, as the coming centennial celebration attests, prevailed.

The first challenge occurred in 1899, about 15 years after German and Swiss families from Nebraska and Illinois, arrived and called the new land Palmenthal, having mistaken Joshua trees for palm trees. Old Palmdale, the Anglicized version of Palmenthal, with its shops and stores did just fine until a drought hit Southern California in the 1890's. This scourge shocked the young community but it rallied and regrouped in what became "new" Palmdale.

With the memories of the drought fresh in mind, the city began an irrigation district and in 1924 completed the Palmdale Littlerock Dam. The result was a flourishing community of farmers and ranchers who traded at Ickler's Dry Goods Store and Moulton Hardware Store and who raised chickens and turkeys and grew peaches, pears, grapes and melons.

Then came the Depression which drove away many of Palmdale's businesses. Ranchers lost their lands after fruit blight and low crop prices reduced their incomes. But again the strength of the people of Palmdale allowed the community to endure. The last traces of the Depression were banished by the outbreak of World War II.

Palmdale Airport, built by the WPA, served for training B-25 pilots. The military stayed through the war and remained. The Air Force wanted an assembly plant close but not too close to Los Angeles. In 1950 Lockheed became the first defense contractor to locate in Palmdale. Convair, North American Aviation, Rockwell International, Hughes Aircraft, McDonnell Douglas and Northrup Corp. soon followed. Palmdale bloomed anew. But another slump loomed.

In 1957, the Russians launched Sputnik and Pentagon planners decided that the Nation's defense should be manned by missiles not aircraft. The civic fortunes of Palmdale again dipped but not for long. Today, the space shuttle and the B-1 bomber have more than taken up the slack. The city and its residents thrive. They are proud of their 100-year tradition of tenacity, constancy and independence.

Mr. Speaker, I am proud to represent a large portion of Palmdale and I am delighted to play a small part in the city's centennial celebration.

B-1B AND STEALTH NOT AN EITHER/OR CHOICE

HON. THOMAS N. KINDNESS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. KINDNESS. Mr. Speaker, I believe that a great mistake has been made by those who have presented the B-1B and Stealth or advanced technology bombers as an either/or choice.

Last year we, in the Congress, asked the Department of Defense to do an unbiased analysis of our strategic bomber needs and requirements.

It was my impression that we clearly told DOD that the 1981 decision to build 100 B-1B bombers and 132 Stealth was not set in stone. We asked for a basic and fundamental review of the impact of reduced MX deployments, emerging SDI technologies, and other changes in the U.S. strategic picture.

What we got was the same old B-1B versus Stealth business. The DOD report arrived at the 11th hour, and it arrived highly classified. In fact, it was so classified that we still have little idea of the actual cost of the Stealth bomber.

We also do not have answers to questions about the best mix of B-1B's and Stealth bombers or about what we should do with the

hundreds of aging B-52's, which cost us about $1 billion a year to fly.

I am concerned that while we are debating the DOD Authorization bill, these questions remain largely unanswered.

Likewise, I am concerned that shutting down the B-1B bomber production line before the Stealth bomber is in production and under a firm, fixed contract will prove very costly.

If for some reason—cost, performance, or something yet unknown—the Stealth Program is delayed, we will be left with only 100 modern strategic bombers and a fleet of ancient B-52's and aging FB-111's to face an ever-growing Soviet threat.

Because of these concerns, I strongly support the provision in this bill as reported by the House Armed Services Committee.

Establishment of a strategic bomber contingency fund will help ensure that our deterent capabilities are maintained, and it will give us another year in which to carefully evaluate the cost performance of the Stealth bomber, while maintaining a low-risk and competitive option to continue producing the B-1B if necessary.

SERVING THEM RIGHT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. RICHARDSON. Mr. Speaker, recently one of the restaurants in Sante Fe celebrated its 20th anniversary. During those 20 years, The Compound has become one of the finest restaurants in New Mexico and has established itself as one of the premier restaurants in the United States. The Compound has come to deserve this reputation from the guidance of its owner, Mr. Victor Sagheer. The popularity and consistent excellence of the restaurant is an example of how hard work, a passion for perfection and a deep commitment to success can make dreams come true.

Victor Sagheer came to this country from Lebanon and has worked his way up to becoming the owner of The Compound. Victor's pride and dedication to this establishment extends to his well-trained staff and they all take exceptional joy in their work. Victor's ambition is to see The Compound as a four-star restaurant is now a reality and Santa Feans are all aware that it was because of Victor Sagheer's commitment and pride in his own work that his dream was achieved.

I would like to insert into the RECORD a recent article about The Compound and I'm sure that my colleagues join me in applauding an American success story.

[From the Santa Fe New Mexican, July 13, 1986]

SERVING THEM RIGHT—WAITERS AT COMPOUND DISH UP EXCELLENCE

(By Sam Atwood)

Ten minutes to show time. White-gloved waiters are scurrying around the formal dining room making last-minute adjustments to tables full of fine silver, crystal and china.

The maitre d' checks a full reservation list and feels the adrenaline flowing into his veins. This is an opera night, when the restaurant is at its busiest. His mental concentration shifts into high gear.

Like the crumbs of last night's meal, their personal frustrations must be swept out of sight to make room for this performance.

They will not sing or dance or tell jokes. Their act is providing top-notch service at one of the finest restaurants in the country.

They are waiters at the Compound, Santa Fe's most exclusive restaurant. It's the only one in town that requires men to wear a coat and tie. Infants and children under 8 are not allowed.

It is the only restaurant in the state to consistently win Mobil's prestigious Four Star dining award. Gourmet continental dishes like Dover sole and pepper steak are served under silver domes. A dinner for two averages $100. The wine list includes a 1935 vintage for $600 a bottle.

Their waiters serve the rich and famous, the stars and celebrities.

"There's definitely a certain glamour to working here," dining room manager Chris Ebner said. Ebner has refused Robert Redford a table several times when the star called too late to reserve a space.

Waiters average $100 a night in tips; one recently collected $150 from one table.

"It's quick money. And it's something I can do." waiter Bob Grahan said.

Others place less emphasis on their income and more on the privilege of working in a fine restaurant, and the personal commitment of those they work with.

Regardless of their motivation, they all work hard for the money. They must discipline their minds and bodies to work as fine machines. They must memorize the changing shape of a dozen table tops and anticipate a diner's every need.

Night after night, they turn on their waiter's personality to create the magic, to turn a good meal into a fine dining experience.

"Regardless of how down you are, when six o'clock comes around you're going to be up," wine steward Joseph Lyles said.

This month marks The Compound's 20th anniversary. A century ago, the building was a sprawling adobe hacienda surrounded by an apple orchard. In 1966, renowned designer Alexander Girard rebuilt the interior to house an elegant, first-class restaurant.

The walls are white. No curtains hang over the windows. One room is dominated by a patchwork fabric design on the ceiling; another by a hand-woven American flag on the wall. Outside, a formal garden with trim hedges and a cool fountain exudes Old World flavor.

Each place setting is equipped with six pieces of heavy silver, a brightly colored Limoges china platter and two goblets of lead crystal that sing like sopranos when flicked with a finger.

The restaurant is formal, but not pretentious, and it bothers Ebner when people see it that way.

The waiters are young, clean-cut men, and they look honest enough to trust with the family fortune. They wear spit-shined black shoes, blackpants, black tie and the ubiquitous white jacket and white gloves. On a busy night, they will go through three jackets and six pairs of gloves.

Waiters must learn hundreds of nuances important to fine service. They learn the proper way to stand at a table, the proper way to move there, the correct way to fill a water glass.

For about an hour before dinner, waiters ready the dining room for its guests. One of them will spend 40 minutes wiping all the silverware. Their pre-dinner motto is "shut up and set up."

When they are finished, they all sit down to a special meal prepared by the chefs. One of last week's dinners featured ground sirloin steak with marsala and mushroom sauce, homemade mashed potatoes and sautaeed vegetables.

Owner Victor Sagheer is the driving force behind The Compound's style and excellence. He started working there as manager in 1967 and bought the restaurant in 1975. A short, round, balding man, he demands perfection and has an unflinching eye for detail.

When Sagheer seats guests at a table, his hands go to work like a watchmaker adjusting a fine Swiss timepiece.

Guests seated, he glides the table toward their torsos. A fresh bunch of flowers is swiveled to face them. Deft fingers adjust the position of candle and ashtray, and smooth minute creases in the linen table cloth.

If a waiter sets a chair or a plate a few inches off its prescribed position, Sagheer or Ebner will call them aside to admonish their careless mistake.

"There is no room for daydreaming • • • it takes 100 percent concentration," Ebner said.

Only one in every three or four waiters • • • and stay beyond the initial trial period of about two weeks. They must show the right blend of intelligence, pleasant character, attention to detail and cool headedness during the heat of a dinner rush.

Most waiters start out as busboys, called captains at The Compound, and work their way into waiter positions after a training period of months or years.

While the restaurant is often host to stars, much of their bread and butter comes from locals who eat there four and five times a week. Sagheer and Ebner know ahead of time which drinks they will order, which tables they prefer and who they would rather not sit next to.

Like Sagheer, Ebner is driven by a desire for perfection.

"Personally, it just kills me when something goes wrong," he said.

Raised in a working class family in Syracuse, NY, Ebner has become an expert on the sensitivities of the rich. Occasionally, his private life and profession show up in stark contrast.

When the Grateful Dead played in Santa Fe, their manager called Ebner to make a reservation for the band at the restaurant. An avid Dead fan, Ebner was eager to please. But he knew that admitting the scraggly musicians to The Compound would be like opening the Oval Office to the homeless.

"I could see how this was just not going to work out," he said.

Johnny Montoya, a native Santa Fean and 16-year-veteran of The Compound, has waited on hundreds of celebrities. He's especially proud of his autograph collection of 106 stars he's served over the years, including Chuck Norris, Gregory Peck and Cary Grant.

Ready to apply for a job there? Ebner has a few words of advice:

"It's a good place for a perfectionist to work."

DEVELOPMENT ASSISTANCE IN AFRICA: A GOLDEN OPPORTUNITY FOR THE WEST

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. RANGEL. Mr. Speaker, I rise to alert my colleagues to the fact that the West stands at a crossroads in its relations with nations on the African Continent. Despite the flirtation of many African countries with closed or socialist economies, the vast majority of these nations now recognize the need for free-market or mixed economies.

What is the reason for this? Why have so many nations drawn back from once-cordial relations with the Soviet Union, and turned their attention westward? The answer is really quite simple; Africans are pragmatists.

The post-colonial era saw many of the new African nation-states reject anything which smacked of the old order. The capitalist West had bled Africa dry, largely without any consideration of how Africans would construct post-colonial economies. Thus, the first instinct of Africans was to begin with planned economies.

Ultimately, the East provided little more than ideology, and African nations found themselves looking for ways to create self-sustaining economies. In essence, they became willing to give the free-market a chance, and are now asking for Western assistance in building productive economies.

Mr. Speaker, the West should now understand that African nations are willing to give the free-market alternative a fair chance. Let us join hands with these nations, and help them build viable economies with Western expertise and assistance. They would like to join us as partners in development.

I would like to submit the following article, written by Bishop John T. Walker, for inclusion in the CONGRESSIONAL RECORD.

[From the Washington Post, July 22, 1986]

A BREACH OF FAITH WITH AFRICA—IT WILL GET THE SHORT END OF THE GRAMM-RUDMAN STICK

(By John T. Walker)

A new drought—this one man-made—is about to sweep Africa, threatening the brave but tenuous economic reforms that several countries have initiated at the urging of Western donors and international lending agencies.

Draconian cuts in U.S. assistance to Africa, virtually mandated by the Gramm-Rudman-Hollings budget legislation, could reduce FY87 development support by more than 55 percent—$428 million—below FY85 levels. We spend more to build a single Navy frigate.

It is difficult to understate the irony and the likely economic and political consequences of our imminent abandonment of Africa at the very moment many African governments are conceding that free enterprise works better than socialism. It is as though we had decided to impose sanctions on those who have begun to liberate themselves from the bonds of centrally planned, state-run economies.

Reform has a price, however. Leaders in Zambia, Tanzania, Ghana, Guinea and several other countries are willing to take the short-term political risks. We must be prepared to help them through the treacherous rapids of economic transition—with the capital they need to prime the free-market pump.

Governments that have at last guaranteed their farmers a fair price for growing food and export crops still need foreign exchange to guarantee that there are spare parts and tires for the trucks to bring production to market.

Without adequate capital resources in the critical years to come, to encourage and sustain the economic reform process, much of Africa will remain economically stagnant. This, in turn, will undermine the evolution of stable, democratic political systems.

Zambia is an object lesson of the opportunity that could be lost because of blind budget-cutting. After nearly two decades of controlling producer prices and subsidizing urban consumers, Zambia has finally admitted that economic growth is based on incentives to produce, not to consume. Through sometimes difficult dialogue with the U.S. Agency for International Development, the World Bank and others, Zambia has begun to provide the free-market conditions necessary to become agriculturally self-sufficient and to reduce dependence on a rapidly depleting copper-mining industry.

This process poses serious risks to the government of President Kenneth D. Kaunda. A freeze on civil service hiring, a sharp devaluation of the currency and the closing down of uneconomic state-operated companies and mines have greatly reduced the average Zambian's standard of living, especially in the cities. Unemployment and crime have increased hand in hand. And there have been signs of public unrest in a country that has been one of the most stable in Africa.

Having urged the Zambians to walk the tightrope between a controlled economy and its free-market opposite, we have an obligation to ensure that they reach the other side. One way to do that is to inject hard cash into Zambia's innovative biweekly auction of foreign exchange. This is enabling Zambian firms to obtain spare parts, machinery and raw materials they require to get the economy turning over.

Consider, however, what will happen if Gramm-Rudman is allowed to override common sense. Based on original funding allocations, the USAID mission in Zambia is proposing to commit about $13 million to promote small-scale rural enterprise. The money would be channeled through the foreign exchange auction and generate local currency for training and loans to rural entrepreneurs, with an emphasis on such things as food processing and manufacture of farm implements.

Gramm-Rudman is expected to reduce this program to a pittance. It will also reduce the credibility of patient American preaching on the virtues of free enterprise. U.S. foreign assistance in Africa will have become like a Christmas toy: batteries not included.

The African information has other notable converts. Guinea has come in from the cold, after experimenting with a closed economy for nearly a third of a century; Tanzania, an early proponent of African socialism, has begun reviving its private sector and is restoring nationalized land to individual ownership; and Mozambique has de-emphasized large state farms in favor of rehabilitating peasant agriculture.

Africans are more pragmatic than ideological. Their embrace of socialist theory and its Eastern bloc prophets was a rational response to a colonial experience that portrayed capitalism as essentially exploitative and dehumanizing. Their turning back to free enterprise is no less rational. They have determined, through trial and error, that socialism is no panacea. Now it is up to us to make sure that capitalism does not fail them a second time.

The Gramm-Rudman exercise seems bound to make certain it does fail Africa at a critical juncture in the continent's political and economic maturation. The current House-Senate budget resolution would allocate $342 million to Africa, about 39 percent less than estimated FY86 commitments. Not only will this be counterproductive to American interests and objectives, it will be tantamount to a breach of faith with African governments and leaders who have decided to follow our lead down the free-market path.

If hard choices must be made on the federal budget, they should be made as equitably as possible. Cutting $400 million from the administration's already modest request for African assistance, while treating the annual $2 billion subsidy to Israel and Egypt as sacrosanct, is a hard choice only for Africa.

That foreign assistance budget has become a tangle of special-interest earmarkings. For the most part, African development needs have been excluded from this most-favored nation process. It is time we rectified this. We should remember that the Soviets and other Eastern bloc nations have failed to exert sustained influence in Africa because, apart from selling—not giving—arms, they have offered little more than rhetoric and theory. We could fail in Africa for the same reason. Nurturing free enterprise has a cost.

FAILURE TO REAUTHORIZE SUPERFUND WOULD BE IRRESPONSIBLE

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. CLINGER. Mr. Speaker, cleanup of hazardous waste sites throughout the country are in dire peril of being shut down because the Congress has thus far failed to reauthorize superfund. Failure to do so by the time we recess this weekend would be extremely irresponsible. I want to share with my colleagues the impact failure to reauthorize will have on my State of Pennsylvania. The impact is detailed in a letter to me from Governor Thornburgh as follows:

COMMONWEALTH OF PENNSYLVANIA,
GOVERNOR'S OFFICE,
Harrisburg, August 12, 1986.

Hon. WILLIAM F. CLINGER,
House of Representatives,
Washington, DC.

DEAR BILL: Your help is needed to maintain the momentum of the conference committee considering Superfund reauthorization. Without quick resolution of the remaining issue of how to fund the program, the federal and all the cooperative state superfund programs face dismantlement.

On July 31, House and Senate conferees reached agreement on Superfund's many complex program issues after six months of

discussion. If conferees from the House Ways and Means Committee and the Senate Finance Committee decide to wait until September to resolve funding issues, the Environmental Protection Agency will be forced to slow down and in some cases terminate cleanup contracts. These disturbing actions could begin as early as September. If this happens, the cost of restarting the program could be high and, more importantly, the time delay will be detrimental to our environment.

Pennsylvania continues to be a leader in hazardous waste site cleanups. Two of the six Superfund sites EPA has completed are in Pennsylvania. This fiscal year, state appropriations were increased to $8.7 million to fund the state's share of Superfund cleanups and to continue the Commonwealth's aggressive program to identify and assess abandoned waste sites. If federal money were available and EPA expedites the Superfund program, Pennsylvania could be conducting an $80 million a year Superfund cleanup program.

I ask you to urge your colleagues who are conferees dealing with the funding issue to act this week. Let them know that only their quick action will ensure the federal Superfund program is reauthorized without a crippling loss of effectiveness.

I appreciate your help on this important issue that directly affects so many citizens of Pennsylvania.

Sincerely,

DICK THORNBURGH,
Governor.

WHAT AMERICA SHOULD DO ABOUT SOUTH AFRICA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. CRANE. Mr. Speaker, over the years I have warned the proponents of economic sanctions against South Africa of the likely impact of such sanctions on South Africa, the neighboring African states, and on the United States. I have repeatedly cited black leaders in South Africa, such as Lucy Mvubelo of the black National Union of Clothing Workers and Chief Buthelezi of the Zulus, who genuinely believe that economic sanctions will only add to the unrest and violence, and will ultimately do more harm than good for the blacks in that country. Today I am again raising my concerns, this time citing a liberal member of the South African Parliament as my source.

Helen Suzman was first elected to the South African Parliament in 1953. As an opposition member of Parliament, she has long been an articulate and outspoken critic of the Government's policy of apartheid. Although she is morally opposed to the system of apartheid, as am I, she warns, "the United States should exert pressure on apartheid, but not impose punitive measures that will wreck the South African economy. That is the strategy of despair that will destroy the inheritance which blacks will inevitably share."

It remains a mystery to me that, in the face of warnings from a wide array of prominent South Africans, black and white, liberal and conservative, United States legislators still feel a need to take the moral high ground and impose severe sanctions against South Africa. Before we sign off on punitive measures against South Africa, I urge my colleagues on both the House and the Senate to seriously consider the line of reasoning put forth by Helen Suzman in the following article. Let us not blindly follow our hearts, but also take into account the ramifications of imposing sanctions against South Africa.

[From the New York Times Magazine, Aug. 3, 1986]

WHAT AMERICA SHOULD DO ABOUT SOUTH AFRICA

(By Helen Suzman)

What should the United States do about South Africa? This is a simple question to which there is no simple answer, if there is an answer at all. Of course, if the desire to distance the United States from a morally repugnant system is paramount and if the objective is to punish South Africa for its glaring sins of omission and commission, regardless of the consequences, then sanctions and disinvestment spring readily to mind. And if political expediency is also part of the picture, then calling for economic sanctions must surely be irresistible.

I realized this in November 1984 when I was in the United States and watched on television the landslide victory of Ronald Reagan in the elections. The following morning , I received a call from the New York correspondent of the South African evening newspapers. He asked for my reaction to the election, and I told him I had no doubt that champagne corks were popping in Pretoria. I also said the celebrants were making a great mistake because I believed that the Democrats would seek a rallying cause—and South Africa was going to be it.

I did not need a crystal ball to make that prediction. During visits to the United States over the past seven years, I had observed the buildup of the anti-apartheid campaign in the United States, on campuses in particular. Year after year in the South African Parliament, I had warned that unless the Government began to dismantle apartheid, which is legally sanctioned racial discrimination, and to desist from some of its more abhorent practices—such as detention without trial and the forced removal of helpless black communities—South Africa would be faced with severe punitive measures. My warnings fell on deaf ears. Events in South Africa throughout 1985 triggered an anti-apartheid explosion in the West.

Day after day, scenses of ugly police brutality, of mass funerals of victims of police shootings in black townships, appeared before horrified American and European television viewers. (Such scenes were not shown on South African television, which is state controlled, although the horrendous black-on-black violence frequently appeared on the screen.) With relentless regularity, newspaper headlines abroad proclaimed the rising death rate, the enormous number of people detained without trail, torture at the hands of the security police, the hordes of children arrested and imprisoned.

By mid-1985, the South African issue had been reduced to a simple equation in the United States: "If you are against sanctions and disinvestment, you must be a racist—Q.E.D." The response was of tidal-wave proportions. In July 1985, Chase Manhattan, followed by other banks, pulled the rug from under South Africa's financial system by refusing to roll over loans; as a result, the value of the rand plummeted. Many colleges and universities divested themselves of stocks in companies doing in South Africa. Cities and states "cleansed" their pension-fund investments of South African connections.

Last year, unable to withstand the hassle factor at home, fearful of boycotts of their products in the United States and nervous about political and economic instability in South Africa, 28 American companies (according to the American Chamber of Commerce in Johannesburg) withdrew from South Africa. Others have followed suit this year.

In September 1985, hoping to forestall more severe Congressional action, President Reagan, long an opponent of sanctions, signed an executive order that prohibited most new loans to South African businesses. The order also banned the sale of most nuclear-related technology to South Africa and the sale of the Krugerrand, the South African gold coin, in the United States.

Across the Atlantic, the other stalwart opponent of sanctions, Prime Minister Margaret Thatcher of Britain, was experiencing even greater pressures. She was forced to agree to limited measures against Pretoria at the Commonwealth conference in the Bahamas in October 1985. The final report of the Eminent Persons Group—a seven-member mission appointed at the Bahamian conference to conduct an in-depth investigation in South Africa—brought no comfort. The mission originally put forward a "possible negotiating concept" to the South African Government, one calling for steps toward ending apartheid. They included the suspension of violence by both the Government and the African National Congress (A.N.C., the most prominent of exiled groups against apartheid); the release of Nelson Mandela, the black leader who has been in prison for 24 years, and other political prisoners; the removal of the Government's military forces from black townships; the legalization of the A.N.C. and Pan African Congress, another black political organization, and a ban on detention without trial.

Instead of accepting these very reasonable proposals, which have long been advocated by myself and by other opposition politicians in South Africa, the Pretoria regime, as is its wont, embarked on a course of action that could only strengthen the sanctions lobby. Last May, while the Commonwealth mission was still in South Africa and was in the process of preparing its final report, the South African Defense Force carried out raids on Lusaka, Gaberone and Harare, the capitals of three neighboring Commonwealth countries. The official reason given was "to take out" A.N.C. bases. But the gains appeared to be minimal. Politically aware South Africans ascribed the raids to a Government attempt to prove to militant right-wing elements inside the country that the Government had not "gone soft" on the A.N.C. and was not succumbing to outside pressures.

Not surprisingly, diplomatic reaction abroad was totally hostile. The Commonwealth mission was understandably outraged, and its final report made this clear. Shortly afterward, negotiations broke down and the group reported to the Commonwealth heads of government their "reluctant but unequivocal judgment that further talks would not lead anywhere in the current circumstances."

Paradoxically, it was during this tumultuous time that the most far-reaching reforms yet introduced by the South African Government in the direction of dismantling apartheid were enacted. As a result of pressures from inside and outside the country,

during the recent Parliamentary session, the Government offered to restore citizenship to those permanent residents in the republic who ceased to be South African citizens when the four black homelands became "independent." (Even with citizenship, however, the blacks in South Africa will not have Parliamentary voting rights.)

The Government also opened the central business districts in major cities to all races. It make property ownership available to blacks in the townships. Most significant of all, it abolished the hated pass laws and influx control, and replaced the old pass book with a common nonracial identity document. (The pass laws have for many decades inhibited the mobility of blacks and their right to lead family lives. Millions of people have been arrested for infractions of these laws, which have bedeviled the relationship between the police and the black community.)

Although many vital issues remain to be addressed—redistribution of land and the disproportionate living standards of white and black South Africas—there is no doubt that the reforms signify a change of direction: away from apartheid. The recent reforms will undoubtedly have a positive effect on the future well-being of black South Africans. In fact, had these changes taken place five years earlier, the impact would have been far greater among blacks. As it is, they have been totally overshadowed by the reimposition of a state of emergency, the detention of thousands of people and the ongoing violence in the black townships.

The reforms have evoked little reaction in decision-making circles in the United States and Europe. (Ten years ago, they would probably have been considered significant, particularly in the United States, which at the time might still have been harboring vivid recollections of its own civil-rights struggle of the 1960's.)

This response—or lack of it—to changes the South African Government considers to be of major importance has not only increased its intransigence, but confirmed what it has long suspected: that the failure of the West to define precisely what it means by "dismantling apartheid" is part of a ploy to move the goal posts as each demand is met; ultimately, the Government fears, the West will insist on the total transfer of power to the black majority. This is simply not under consideration by the South African Government.

Those who believe that a quick fix is likely to follow the imposition of sanctions, and that the Pretoria regime will collapse within a short time thereafter, are sadly misinformed. Certainly, if I believed in such a possibility, I would back sanctions to the hilt. Far more likely is a retreat into a siege economy, more oppression and more violence. There will be a long, drawn-out confrontation between a well-armed military force shoring up the Government and a popular movement backed by the masses and using Irish Republican Army-type tactics in urban and rural areas. The latter strategy has already been put into effect.

The Reagan Administration's policy of "constructive engagement" may well be dismissed in a great many circles in the United States and elsewhere. It has, at least, aimed for attainable objectives: to prevent forced removals of black communities; to extend funds from the Agency for International Development (A.I.D.) to civil-rights organizations and drought-stricken areas; to press for the release of anti-apartheid detainees. Moreover, together with the Sullivan principles, it encouraged American businessmen and, by example, their South African and European counterparts, to be socially responsible.

Nowadays, the Sullivan principles are also in the doghouse. Drafted almost a decade ago by the Rev. Leon Sullivan, a black Baptist minister from Philadelphia, the code calls for the desegregation of workplaces, equal employment practices, training for nonwhites, social services for black workers and the promotion of trade unionism. The code has been adopted by about 65 percent of the 260 or so American companies now doing business in South Africa. But many black South Africans feel that too much lip service has been paid to the code and not enough action taken.

While realizing that I lay myself open to the accusation of paternalism, I have to say that I have more respect for the American companies that have, so far anyway, remained in South Africa (and have set aside millions of dollars for the education, training and housing of their black employees) than for those that have left the country. The companies that have left have taken with them what influence they could have had inside South Africa, thereby abandoning desperate, jobless breadwinners in a country with no social security safety net, no dole and no food stamps.

The moral outrage and desire for punitive action is something I understand very well, but the reality that will come as a result of a grieviously afflicted economy will not be seen by those living thousands of miles away. That reality, compounded by decades of unequal employment opportunities and oppression, is bleak beyond belief. True, many black South Africans say they approve of disinvestment and sanctions, despite the additional hardships they will endure as a result. They fall into four categories: those who have no jobs and nothing to lose; those who have jobs in "sheltered" employment and will lose nothing; those who want everyone to lose everything (therefore, "roll on the revolution"), and, finally, those who believe that the South African Government will crack at the first (or, at worst, second) sign of sanctions. The last category brings to mind a former British prime minister who predicted that it would take "weeks rather than months" to bring down Ian Smith's Unilateral Declaration of Independence in Rhodesia. In the event, it took another 15 years and 30,000 dead.

There are also leaders of the neighboring black states who advocate sanctions against South Africa, despite the fact that southern Africa is one economic unit. Whatever harm is done to South Africa's economy will certainly harm the economies of the country's neighbors, which are dependent on South Africa for jobs, markets and transportation.

The former High Commission territories of Botswana, Lesotho and Swaziland are part of a customs union with South Africa from which they derive substantial revenues; Botswana and Lesotho also belong to the rand monetary area. South Africa's Electricity Supply Commission is an important source of power for these countries, which also depend entirely on routes through South Africa for trade. Zaire, Zambia and Zimbabwe are heavily dependent on South African transport and ports for their imports and exports.

More than 250,000 foreign blacks work in South African mines alone, earning almost 1 billion rand (about $400 million) a year, at least half of which is repatriated. A further 170,000 foreign blacks are employed in other occupations in South Africa, not to mention an estimated one million "illegals." The neighboring states cherish the hope that the Western nations will pick up the tab to make good the substantial losses they will sustain after they cut their links with South Africa. Unfortunately, this hope is probably unfounded.

Unpalatable as it may seem to the sanctions lobby, the most practicable way to get rid of apartheid and to achieve a nonracial democratic society in South Africa is through an expanding, flourishing economy. The process of integrating blacks as skilled workers into such an economy would be expedited. Their economic muscle would then, through increased trade-union action, be a potent force not only in the workplace but also in the sociopolitical sphere. Strike action and consumer boycotts—both of which can be used as temporary expedients, unlike disinvestment and mandatory sanctions—are the most powerful weapons for blacks to use to resolve important issues like political power-sharing.

Indeed, consumer boycotts have already been used to great effect in some parts of the country, such as the eastern Cape Province, where many white-owned shops were brought to the brink of bankruptcy. Conversely, if blacks are unemployed and have nothing to spend, such boycotts would be meaningless. It is astonishing to me that those advocating punitive actions do not realize that, if successful, they will have undermined the most significant power base that blacks could acquire.

Certainly, this approach presupposes a long-term strategy and blacks, especially young blacks, want liberation now. No one should underestimate the fierce spirit of resistance that pervades the black townships, but while incremental change is certainly attainable, the replacement of the white minority government by a black majority government is simply not within reach, even though many blacks believe that the era of white domination is about to end.

Those calling for sanctions and disinvestment often overlook two important factors.

First, while the present white minority Government in South Africa has no pretensions to democratic rule, there are also no guarantees that it would be replaced by a nonracial democracy respecting the rule of law, a free press, free association, free elections and an independent judiciary, not to mention an economy free of state control.

Second, South Africa does not consist only of an oppressed black majority and right-wing white oppressors. Indeed, 250,000 white voters (20 percent of the white electorate) in the last general election in 1981 cast their ballots for the official opposition in the House of Assembly—the Progressive Federal Party, which has for years advocated the ending of apartheid and the establishment of a truly representative government with protection for the legitimate rights of minorities. Although the percentage of those who voted against apartheid is small, it is nonetheless significant. It may be well to remember that from 1961 to 1974 I was the only Member of Parliament elected on such a platform.

Indications of support for such an alternative government from powerful nations like the United States would certainly encourage many move white South Africans to cast their votes against the Pretoria regime at the next election, due at the latest in three years' time. At the very least, there could be a Parliamentary realignment.

It may well be that all such arguments fall on deaf ears, and that they are advanced in a lost cause. Nevertheless, they deserve to be made in the interest of millions of moderate South Africans of all races who abhor apartheid, who have long fought the abominable practices of race discrimination and who are striving for a peaceful transition to a nonracial democracy. For them, at least it is surely not too much to ask that they be spared the violence and misery of a scorched-earth policy.

It is not at all certain whether President Reagan can stave off Congressional imposition of harsh punitive sanctions, as he tried to do in his recent speech on American policies toward South Africa. But if he does—and it is a big if—it is vital that the Pretoria Government use the time so won to accelerate the dismantling of apartheid, to provide better housing and education and, most important, to extend political rights to blacks. The release of Mandela as a prerequisite for negotiations is an obvious first step, as are the release of all persons detained without trial and an end to the state of emergency.

The United States should keep up its condemnation of apartheid. The system of apartheid is an affront to people concerned with civilized values throughout the world. Its eradication would be an important gain for the civil-rights movement and would increase the sum of human freedom worldwide. The United States should exert pressure on apartheid, but not impose punitive measures that will wreck the South African economy. That is the strategy of despair that will destroy the inheritance which blacks will inevitably share.

STEEL IMPORTS GO UNABATED

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. WALGREN. Mr. Speaker, in a report entitled "The Bi-Coastal Economy," the Joint Economic Committee reported that while the east and west coasts have been booming, the Nation's midsection has sunk deeper into a slump during the past 5 years. Hard times linger in the basic manufacturing industries, particularly.

The committee cites as the central cause of this stagnation trade and the "massive imbalance in trade that exists between the United States and its trading partners." In just 5 years, the United States has gone from a surplus of $1.8 billion to a $140-billion trade deficit. A major reason behind this reversal has been an influx of imported manufactured goods in competition with American-made products. In many industries—like steel—this hits hard.

President Reagan promised to slow steel imports through a series of individually negotiated voluntary restraint agreements [VRA's] with exporting nations. However, the continued high import levels and the state of the domestic steel industry clearly testify that the President's program is not working as promised. Failure to meet the VRA import target levels promised by the President constitute a crucial missed opportunity for increased production and badly needed jobs in the industry.

The recent performance of the steel industry is a history of struggle and decline. Ten years ago there were 370,000 workers in the industry and imports occupied only 14 percent domestic consumption. In contrast, employment by the first 4 months of 1986 had fallen to 190,000 workers—a 50-percent reduction in the work force over 10 years.

Imports have steadily climbed during the same period to 15 percent in 1979, to 20.5 percent in 1983, and to 25 percent in 1985—fully 17 months after the President's VRA program went into effect. In September 1985, imports reached a record high of 30.5 percent.

The industry has suffered substantial losses in the last 4 years estimated at $7.6 billion, while the aggregate net loss in sales since 1982 is close to $112 billion. Between 1984 and 1985 alone, losses increased dramatically from $30.5 million to $1.7 billion. Heavy losses such as these have forced 15 steel companies out of business since 1974, while 30 plants in surviving firms have closed and 560 production units in other plants have been terminated. All told, over 30 million tons of capacity have been eliminated.

The President's program has functioned poorly against this backdrop. While many analysts concede that steel imports could be as high as 38 percent without the VRA's, the program has fallen critically short of its promised import target levels of 18.5 percent for finished steel products and 20.2 percent for all steel products. Imports hit 25 percent in 1985 and hovered at 23.2 percent for the first 4 months of 1986. CRS reports the figures are unlikely to improve, estimating a consistently high market share for imports of 23.3 percent from 1986 to 1989. After 5 years, only half the desired reduction in steel import market share will been realized. According to CRS, this failure represents a crucial "missed opportunity" to raise production levels, boost capital formation, and create jobs in the industry.

If the President's VRA program had achieved the promised reductions in steel market shares, the total increase in output of the steel and steel-related portions of the economy would have amounted to $2.3 billion and the creation of 52,500 greatly needed jobs.

The reasons for the failure of the President's program are several: The complex and varying nature of each individual agreement; the difficulties of coordinating a strong and consistent enforcement procedure for many agreements with different countries; and loopholes that exporters use to circumvent quota levels. Several countries, in fact, have failed to negotiate agreements, including such substantial steel importing nations as Canada, Sweden, Taiwan, and Argentina.

Furthermore there is evidence that several countries are openly or covertly violating the VRA's they have negotiated. It has been reported that three countries have been importing specialty steel products at levels far exceeding the limits set in their VRA's. Korea imported stainless steel sheet and strip during the first months of 1986 at a rate nearly double their annual quota of 9,000 tons, while Spain and South Africa exceeded their annual rates by several thousand tons.

In addition, further evidence suggests that some exporters may be disguising the country of origin or the final form of their steel products in order to ship them to the United States in excess of their VRA quotas. Many are concerned about the transshipment of steel whereby steel is passed from a VRA country through a non-VRA country before arriving in the United States. By changing the "country of origin" of such shipments exporters hope to elude U.S. Customs officials and violate their VRA's.

Witnesses have also testified before Congress that steel products can be shipped from a participating country to a nonparticipating country and there undergo "substantial transformation." The altered products may then pass through control uncredited against the allocated export quotas for the real country of origin.

Another disturbing effect of the President's program is that it could legitimize these high import levels by allowing these levels to set the U.S. market share for imports. Participating and nonparticipating nations alike could take the U.S. failure to bring imports down to our stated goals of 20.2 percent as a sign that we are not serious and they would have little incentive for voluntary restraint. In addition, CRS reports that failure to bring imports down to stated levels could accelerate plant closings. Two major U.S. steel producers have conducted corporate restructuring which may lead to the phasing out of their steel divisions. LTV just announced bankruptcy. Cutting corners just continues to drain needed capital from modernization efforts so important to the industry's future survival.

The President's program is a disappointment to me, but more importantly, to many steel communities like mine in Pittsburgh. The continuing slump in the Nation's core industry requires some tough actions, not more empty promises.

WAITING FOR PROSPERITY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. COURTER. Mr. Speaker, the Newark Star-Ledger published an editorial today that points out how economic growth is slowing down. It is premature for any of us, Republicans and Democrats, to congratulate ourselves on our recovery when unemployment rates are stuck at around 7 percent, with much higher rates for the minorities and residents of inner city America.

The Ledger is right: the Federal Reserve could afford to bring down interest rates further. No one expects instant results from any policy, but with real interest rate costs at very high levels there is surely room for cutting the discount rate 1 percent or more.

WAITING FOR PROSPERITY

The American economy appears to be approaching a crossroads that could chart our economic health for some time. The scenario, as written by both private economists and those of the Reagan Administration, calls for sluggish growth to be replaced by faster growth. But the economy doesn't seem willing to go by the script.

The gross national product, the major measure of how our economy is faring,

slumped to 1.1 percent growth for the second quarter of 1986. This is far below the revised 3.8 percent growth rate the nation experienced during the year's first three months, and is the slowest quarter experienced since the end of the 1981-82 recession.

Most economists still believe there will be no recession in the near future, but the slow growth has called into question their assumption that the second half of the year would be a time of sharp pickup. If it does nothing more, it at least causes the asking of the familiar question: What are we doing wrong?

The problem is with American manufacturing, which has gone into a long tailspin. The steel industry, long depressed, is more so than ever. LTV Corp., the nation's second largest steelmaker, has had to file for protection under Chapter 11 of the bankruptcy law. Foreign competition has hurt here, as it has with the auto industry and the semiconductor industry.

Most disturbing of all is that the conventional remedies don't seem to be working. The cure for the huge foreign trade deficit is supposed to be a weaker currency. The dollar has been dropping for well over a year now, but the trade deficit, particularly with Japan, continues to swell.

The cure for slow growth is supposed to be lower interest rates. The falling price of petroleum products is also supposed to help. But although rates and oil prices have both been on the downgrade, the slow growth remains.

To all these hard facts, the Reagan Administration has a one-word answer: Patience. In time, the remedies will work and the economy will improve. The cautionary rejoinder to this is also a single word: Maybe. It is also true that there does not seem to be any likely alternative to the paths for recovery that have been chosen.

It is possible, however, that prudence requires that we move a little more quickly along these paths. With the absence of inflation, the Federal Reserve Board can afford to work to bring down both interest rates and the dollar somewhat more—and somewhat more quickly. Beyond that, there is little that can be done besides waiting and hoping things get better.

BANNING CIGARETTE ADVERTISING

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. TALLON. Mr. Speaker, today I would like to address the issue of banning cigarette advertising, which has been the topic of recent congressional hearings.

I should start off by noting what some would consider a skeleton in my closet with regard to this issue: I'm a southerner. My district, the sixth district of South Carolina, is the fourth largest tobacco-growing district in the Nation. More than 20,000 of my constituents are involved in the production of tobacco. Those are the facts.

However, Mr. Speaker, today I'd like to speak not just on behalf of those 20,000 farmers, but for all 520,000 Americans in my district, who live under a Constitution that guarantees the right of free speech and free press. They elected me to protect those and other fundamental rights. That's why I took an oath, as we all did, to "support and defend the Constitution of the United States."

I take that oath very seriously, as I know my colleagues do. And it's my opinion that a ban on cigarette advertising would be a groundless violation of the right to free speech, and a dangerous restriction on the commercial marketplace.

There's no secret about the goal of those who would ban cigarette advertising. They'd like to get all Americans to stop smoking. But they know they can't do that by direct means. Prohibition won't work, it never did.

So, instead of trying to achieve their goal through the front door, the antismoking people are going through the back, tying knots around the advertising industry. They figure they can't get away with violating the rights of individual citizens, but they might just get away with violating the rights of an industry. Somebody said it's like "trying to control handguns by outlawing the holster."

Mr. Speaker, antismoking groups fought very hard to educate the public about smoking. They insisted that Americans didn't know the true effects of cigarettes, and that they had a right to get that message across. They put warning labels on every package of cigarettes and every advertisement. They undertook broad programs of public information. They did a very effective job, and I suspect we're all the better for it.

But, the fact is, things didn't turn out quite as well as they hoped. Americans understand their message, and some of them smoke anyway. So now the antismokers want to go a step further, and say to the tobacco industry, "We have a right to get our message across, but you don't."

In fact, they want to extend the ban not only to advertising but also to marketing and sponsorship of events. They want to declare that a company producing a legal product doesn't even have the right to put its name on a race car or a tennis player's sweatband.

Some even want to ban smoking from movies scenes. You can plot to overthrow the Government in a movie scene, or have sex with a prostitute, or murder a dozen people, but not smoke a cigarette. I can truly understand the antismokers' frustration, but not the grounds for this kind of extremism.

Some will also argue that smoking is such a clear and enormous danger that it must be singled out for elimination in any way possible. I wonder if similar prohibitionists will be back before Congress in the near future, asking us to ban advertising of red meat, coffee and automobiles.

In addition, it is difficult to support a blanket ban when less restrictive approaches are feasible. And let's keep in mind that the results of a ban may not be as intended. Experience with cigarette advertising bans in most other countries has shown no overall decrease in smoking, and in some cases has even led to an increase.

Mr. Speaker, I'm not here to say that smoking is good for you. I'm saying that in our society we believe in free discussion and individual choice, and that means everybody has a chance to put their cards on the table. When we disagree, the right answer is not to cut off the flow of speech but to add another voice. That's as true in the marketplace of goods as in the marketplace of ideas.

Cigarettes are legal products, produced by legally existing companies. By prohibiting the commercial promotion of these products, we would be conceding that the most basic constitutional rights are subject to political manipulation—not for some greater good, but for the cause of some overzealous reformers who would force their views on others, regardless of the cost.

TRIBUTE TO MARY MARTIN

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. DOWNEY of New York. Mr. Speaker, today the Congressional Arts Caucus was honored to pay a special tribute to one of music theatre's greats—Mary Martin. Just as she immortalized the song "Anything You Can Do I Can Do Better" while playing the role of Annie Oakley, Mary Martin has done the best—both as a performer and a humanitarian.

Mary Martin is music theater. Her performances read like a list of everyone's favorite characters. Ensign Nellie Forbush washing that man right out of her hair, Peter Pan sprinkling the magic dust, and Maria Von Trapp filling the world with song—all are synonomous with this remarkable actress. She not only gave life to each role but, quite simply, these characters became Mary Martin.

Miss Martin's incredible career spans triumphant performances on stages around the world. She made her debut at age 5 in her hometown of Weatherford, TX singing "When Apples Grow on the Lilac Tree." Since then, she has starred in such highly acclaimed musicals as: "One Touch of Venus," "South Pacific," "Peter Pan," "The Sound of Music," "I Do! I Do!" and "Hello Dolly."

She has earned just about every show business accolade including Variety New York Drama Critics Polls, Tony, and Emmy Awards. She has also been the recipient of numerous community service honors. Last May, the American Diabetes Association gave Miss Martin the Peter Forsham Award for Outstanding Community Service. She received the American Women Radio and Television Award for Humanitarian Excellence and was honored by Children's Village USA who presented her with the very special Woman of the World Award. In 1984, the San Francisco General Hospital renamed their trauma center after Mary Martin, following her special benefit performance of "Peter Pan."

As if these accomplishments were not impressive enough, Miss Martin has also demonstrated her talent as an author by publishing two books: "Mary Martin's Needlepoint" 1969 and her autobiography "My Heart Belongs" 1976.

To add to Miss Martin's illustrious lifetime achievements and stage credits, she is currently costarring with Carol Channing in the spectacular new comedy "Legends!" at the National Theatre in Washington, DC—a fitting

title for a woman who is truly an American living legend.

SBA DOING EXCELLENT JOB

HON. BOBBI FIEDLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Ms. FIEDLER. Mr. Speaker, as a personf with a small business background, I have long been a strong advocate of the Small Business Administration. Therefore, I would like to include in the CONGRESSIONAL RECORD, an executive summary of a report which outlines the excellent job that the Small Business Administration is doing.

The text of the summary follows:

EXECUTIVE SUMMARY: THE SMALL BUSINESS ADMINISTRATION

This unpublicized report, the Small Business Administration, was prepared by the agency's Office of Advocacy and provides a program by program cost benefit analysis of S.B.A.'s activities. The report contains and overall positive assessment of the impact of the S.B.A. on small business and the national economy as a whole. The major highlights include the following.

In fiscal year 1984, S.B.A. approved 16,900 loan guarantees, averaging $145,222 in size and 13.8% in interest. Almost 70% of the loans went to new businesses, and 12% to minorities.

Businesses that have been assisted in the past by the S.B.A. loan guarantee program include NIKE, Winnebago Industries, Bertram Yachts, Healthdyne, Iowa Beef Processors, Totino's Frozen Foods, and Godfather's Pizza.

According to a recent general Accounting Office report cited by S.B.A., 82% of the loans guaranteed by the agency would not have been made without the S.B.A.'s involvement, or would have been made on more stringent terms.

Between 30% and 40% of the dollar amount of long-term financing by banks to small business carry an S.B.A. loan guarantee.

Over 550 small business development companies of several different forms approved over 1,600 loans totaling about $350 million in fiscal year 1984. These loans leveraged over $800 million in additional private funds, and created an estimated 32,000 new jobs.

In fiscal year 1984, about 240 small firms received loan guarantees totaling over $325 million through the S.B.A.'s Pollution Control Financing program.

During the past 26 years, over 500 Small Business Investment Companies have provided more than $5.0 billion to small businesses nationally, including early financing for major American corporations such as Apple Computer, Federal Express, Wang Laboratories, People Express Airlines, Intel, Pandick Press, Cray Research, and Essence Communications.

In fiscal year 1984, 14,128 disaster loans were approved, valued at $314.2 million. Of S.B.A.'s total loan portfolio of $16.1 billion, disaster loans account for $6.2 billion.

In fiscal year 1984, S.B.A.'s procurement and Technical Assistance programs cost $9.6 million and produced documented savings of about $550 million.

In 1984 the Small Business Development Center program assisted 50,115 clients with short-term counseling and provided some form of training to 102,384 individuals with a total budget of $21.8 million.

Finally, in fiscal year 1983, S.B.A. supported $3.0 billion in loans to small businesses; this induced $8.4 billion in "real" GNP and produced 227,000 jobs. The estimated full cost of these loans is $350 million, or a cost per job of about $1,550.

For more information contact: Christopher Burke, California State Conference on Small Business (916) 443-1907.

CENTENNIAL CELEBRATION OF ST. IGNATIUS IN CLEVELAND

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Ms. OAKAR. Mr. Speaker, on September 6, 1986, St. Ignatius High School in Cleveland will conclude its centennial celebration. I would like to convey my own best wishes to St. Ignatius and pledge my continued personal support for this fine institution. St. Ignatius has formed a firm covenant with the city of Cleveland by retaining its historic location in the very heart of the city. Through a program of continual renovation and revitalization, St. Ignatius helps to shape the character of the city and is an important catalyst for its growth. Nearly 10,000 alumni, their families, and friends of St. Ignatius will share in the sense of accomplishment and excellence that is embodied in that 100-year-old institution.

St. Ignatius was founded in 1886 by a group of Jesuits who came to this country from Germany. They started the first Catholic institution of higher learning in Cleveland to serve the needs of a growing immigrant community. Originally known as St. Ignatius College, the school combined a high school and college program, offering a 6-year degree. A separate high school department was formed in 1902 and in 1935, the college division took the name of John Carroll University and relocated in suburban University Heights, Ohio.

Located in the Ohio City section on the West Side of Cleveland, St. Ignatious is composed of six buildings on the 13-acre campus. The student body is presently composed of about 1,225 young men from the four-county Greater Cleveland area, under the able direction of its president, Rev. Robert J. Welsh, S.J. and the principal, Rev. Kenneth A. Styles, S.J. The Ignatius alumni include many of our country's leaders in business, law, education, medicine, civic affairs, and numerous other fields.

St. Ignatius has a distinguished faculty who teach a demanding curriculum. One-third of the faculty are members of religious orders. Three-fourths have masters degrees or better. True to the orginal standards of the school, St. Ignatius places a profound emphasis on classical studies, including languages, as well as all other facets of a 4-year, liberal arts, college preparatory institution.

Many of the students at St. Ignatius participate in the Advanced Placement and Honors Program that offer college-level courses in high school. Electives include computer science, art, and drama. Extracurricular activities are encouraged. In athletics, St. Ignatius has traditionally excelled in area and statewide competition. Many of the Ignatius student-athletes go on to participate at the collegiate and even professional level.

St. Ignatius graduates are regularly accepted at the academic institutions in America, including the Ivy League schools, service academies, and leading Catholic institutions like Notre Dame, Georgetown, Holy Cross, and Cleveland's own John Carroll. In fact, fully 98 percent of St. Ignatius graduates go directly to college.

At the present time, St. Ignatius is engaged in a major fundraising and capital improvement drive. Part One of this drive was initiated in 1978 with extensive renovation of Loyola Hall, construction of the Wasmer Field and Track and the growth of the endowment fund to $1.5 million. The school is now prepared to commence part two of a long-range program. Improvements during this phase will include the construction of a new building, built to conform with the Gothic architectural tradition of the school. The new facility will house the new liberary and completely equipped computer science mathematics department. Other improvements will include a renovation of the administration building and a re-equipped and remodeled Jesuit residence quarters.

St. Ignatius has a solid reputation as one of Cleveland's and indeed America's foremost institutions of college preparatory learning. The revitalization of the St. Ignatius campus will not only enhance the quality of life for all of its students, but also for its neighbors in Ohio City and the rest of Cleveland. St. Ignatius continues to take vital steps forward in its effort to provide the best possible education for many of Cleveland's finest young men.

On a personal note, St. Ignatius has been a neighbor to members of my family for more than 50 years. Two of my brothers are graduates as well as numerous relatives. We are proud of our relationship, proud of the graduates and faculty members.

Congratulations to the entire St. Ignatius family on this 100th birthday. Best wishes for your next 100 years.

NATIONAL GUARD NOW USED AS AUXILIARY FIGHTING FORCE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. EDWARDS of California. Mr. Speaker, as we continue the debate on H.R. 4428, the Department of Defense Authorization Bill, I would like to bring to the attention of my colleagues, an insightful op-ed article from the Los Angeles Times August 10, 1986. The article raises concerns over the use and security of our citizen-soldiers in questionable training exercises. It also questions the propriety of the administration's escalation of these "active" training exercises.

This week, we may enter into the debate of revoking the power of State governors who decline to send their National Guard on specific overseas training missions. I am concerned that we not take such an unwarranted drastic step before the House has had a

chance to hold extensive hearings on the issue.

The article follows.

[From the LA Times, Aug. 10, 1986]

NATIONAL GUARD NOW USED AS AUXILIARY FIGHTING FORCE

(By Anne Nelson)

The U.S. National Guard has played an active part in such foreign operations as the raid on Libya and the invasion of Grenada, according to official sources. These are not the sort of actions associated with a homegrown militia created to protect U.S. borders against foreign invasion or deal with such emergencies as floods, tornadoes and civil unrest.

But over the past 10 years the National Guard has taken on a surprising new identity. In 1986, more than 42,000 National Guardsmen are scheduled to go on training missions in 46 foreign countries, some of questionable legality.

According to the National Guard Bureau, a crew of eight Air National Guardsmen from Washington state took part in the raid on Libya—refueling aircraft used in the operation from a tanker over the Atlantic, while they were officially on a three-week "training mission" in Morocco. Another crew, this one from Arkansas, participated in the Grenada operation, also while on a "training mission." Five other guardsmen from Arkansas went to Chile in August 1985, for "Operation Pegasus," a joint command-post exercise with the Chilean military, which has been barred from receiving U.S. military aid because of the country's human rights record.

Most public controversy surrounding the overseas training activities has focused on Honduras, where the Guard has been involved in exercises since 1981. A total of 5,200 National Guardsmen from 23 states will have gone to Honduras on training missions this year. Governors of at least 12 states, including California, Ohio and New York, have questioned the need to train guardsmen in volatile areas.

In some cases, however, governors are misled regarding their troops' destination. Gov. Bill Clinton of Arkansas, for example, had authorized his state troops to take part in "regular NATO exercises and training." But Chile, located along the Pacific, is not a member of the North Atlantic Treaty Organization. "I was not aware that Chile was part of the package approved," Clinton said, when a reporter told him that Arkansas guardsmen took part in joint exercises there. Within hours after he had been informed of the year-old mission, Clinton stated, "That approval has been withdrawn."

Washington state Gov. Booth Gardner did not have prior knowledge of his state Air National Guard's deployment in the Libya bombing. "Each time we send National Guard troops on a training mission," Gardner said, "they are potentially in some kind of danger. This appears to be no different."

Gardner's press secretary, Richard Milnes, reported that the state military commander, Adjutant Gen. Keith Eggen, told the governor's office on Thursday that the guardsman, "were on standby and did not participate in any active capacity." But the Pentagon's National Guard Bureau said the Washington state guardsman were "not on standby, they were active."

The confrontation between the governors and the Administration began early this year, when Gov. Joseph E. Brennan of Maine refused to authorize 35 combat engineers from his National Guard to participate in maneuvers in Honduras. This triggered a dramatic response from the Pentagon. Under current U.S. law, the Guard "may not be ordered to active duty without the consent of the governor"—except in war or a national emergency. "Active duty" has been interpreted as training outside the United States.

Following Brennan's action—the first time in memory a governor has blocked such a mission—the Pentagon requested that Congress pass legislation removing the need for a governor's consent, and giving the Administration jurisdiction over National Guard overseas training. The Senate Subcommittee on Manpower and Personnel of the Armed Services Committee held hearings July 16.

Subcommittee members Pete Wilson (R-Calif.) and Phil Gramm (R-Tex.) drafted a bill on the Pentagon's behalf, and they are expected to introduce it as one of more than 100 proposed amendments to the Defense Authorization bill now on the Senate floor. Rep. G.V. (Sonny) Montgomery (R-Miss.) presented the bill on the House side. It is still uncertain whether the votes will take place before the Aug. 16 recess.

The debate poses urgent questions about the National Guard's role in military and foreign policy concerns. The National Guard was organized in 1792, under the first militia Act. State militias were often stubbornly anti-federal; in 1813, governors of Massachusetts and Connecticut refused the President's mobilization call to repel the British. The state militias considered themselves a domestic force and did not send troops to the 1846 war with Mexico or the Spanish-American War in 1898. But a new era dawned in 1903, when the Dick Act first assigned federal funding to militias.

Legislation passed in 1933 gave the Guard a "dual status" as both a state and a federal institution; units were mobilized and sent overseas to fight in World War I, World War II and the Korean War. The clauses that now permit state governors to exercise their veto were instituted in 1952. Overseas training missions began in the 1960s, and the Mississippi National Guard went on "training missions" that consisted of flying supplies into Vietnam.

With the Total Force Doctrine, introduced in the early 1970s, the National Guard was recast as a vital partner of the active services. As Assistant Secretary of Defense James H. Webb told the Senate subcommittee on July 16, that at the beginning of the "volunteer environment," the Pentagon planned an active force of three million personnel and 750,000 reservists. Those plans have been skewed toward greater emphasis on reserve units—now 1.2 million compared to 2 million on active duty. More than 90% of the National Guard budget comes from the U.S. Treasury; according to Webb, the Pentagon has spent close to $47 billion for equipment and training since 1981. In return, the Pentagon expects the Guard to serve as an auxiliary combat and support force, capable of instant response in a national emergency.

None of the dissenting governors challenge the principle of overseas training nor do they question the need for preparedness. But they question the characterization of Guard activities in Honduras as "training," asking why jungle training can't be conducted in Panama and Florida, as it has been for 15 years. U.S. Army Col. William Comee, commander of Joint Task Force Bravo in Honduras, helped raise doubts about the policy by telling Oregon legislators that guardsmen were in Honduras to "intimidate and harass" Nicaragua. In addition, governors are under pressure from public opposition to the Administration's Central America policies.

Gramm and Wilson argue that governors have no role in foreign policy, and should have no say in where the guardsmen are sent. Curiously, this position is challenged by the National Guard itself. Lt. Gen. E.H. Walker, chief of the National Guard Bureau at the Pentagon told the Senate subcommittee that he felt satisfied with existing legal mechanisms. He objected to the proposed amendment on the grounds that they could prejudice relations between National Guard units and state governments. Walker also admitted that his original testimony questioned the constitutionality of the proposed legislation, and the Pentagon had censored his statement.

From the first, Defense Secretary Caspar W. Weinberger's office pursued the change in legislation without consulting Walker, who only learned of Defense's initiative during Senate Appropriations Committee hearings in late May. Walker aired his objections at the hearings. And two weeks later, Webb stated that Defense had indeed decided not to seek the legislation. But, in late June, Walker heard—from a reporter—that Weinberger had written to committee member Sen. Barry M. Goldwater (R-Ariz.), expressing continued support for the measure.

One high ranking Defense Department official summarized the dissenting position last week. "If you use the question of contra aid to measure public opinion," he said, "the states that opposed sending National Guardsmen to Honduras are states where people oppose the Administration's policy in Central America. The governors are representing the will of the people in this, and in a democracy that's exactly what they should be doing." Obviously, this attitude is not universal in the Pentagon; Walker, its most steadfast proponent, will be retiring on Aug. 19, (He will be replaced by Lt. Gen. Herbert Temple, a Weinberger recommendation.)

It would be regrettable if Congress decided such an important issue by passing a precipitous amendment tacked onto a bill before recess. Arguments about the safety of guardsmen in Honduras are not yet compelling—so far, the only recorded 1986 casualty was a Puerto Rican guardsman who shot himself in the finger. There are larger matters. If the Administration justifies deployment of National Guardsmen in the Grenada or Libya strikes by describing them as "training missions," implications for U.S. policy in Central America could be grave.

Anne Nelson, author of "Murder Under Two Flags" a book about political violence in Puerto Rico, writes frequently on Central America.

IN PRAISE OF NICKY CRUZ

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. GARCIA. Mr. Speaker, I would like to take a moment to congratulate a friend of mine, Mr. Nicky Cruz on his 25th anniversary of ministry.

Nicky Cruz is a true success story, a man who has literaly picked himself up by his bootstraps through the strength of his faith. My sister Aimee, who is also a minister, has used Nicky as an example of what true faith can bring to an individual. As she has rightly pointed out, Nicky Cruz has not only saved his own life, he has saved the lives of countless other young people, youths who might have gone to jail if it had not been for Nicky.

Nicky Cruz's life story has had a powerful social and religious impact on the lives of literally millions of people throughout our United States. As I mentioned, it has been especially well received by our youth. His Gospel message has transformed the lives of tens of thousands, many of which had been involved with gang activity, and drugs.

Nicky Cruz is an evangelist in the purest sense, like St. Paul who traversed his world in his time to spread the good news, so Nicky Cruz is taking the gospel to the cities of the world. Most recently he was one of the few men evangelists to go to Russia, Poland, Hungry, and Czechoslovakia.

However, there was a time when recognition and respect would not be forthcoming for Nicky Cruz. Before becoming a minister, Nicky was a tough character. There seemed to be no hope for him; life, in the streets of Brooklyn, NY would not last long for one who had so much hatred.

Nicky Cruz was saved over 25 years ago from destruction by the power of his faith. And for 25 years he has been highly motivated as a minister, husband, and father to preach on the perserverance of the family structure, on the importance of morals for a healthy society and on the strength of his religious convictions.

Nick is also the author of multimillion best seller, "Run, Baby, Run", as well as many other books that have brought hope and inspiration to an often confused and hurting world.

I want to thank Nick Cruz for his 25 years of faithful ministry to the individual, his country, and to the world community at large. May God grant you many more years of fruitful ministry.

THE BERLIN WALL—DIVIDING MORE THAN A CITY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. LIPINSKI. Mr. Speaker, August 13 marks a black-letter day in the history of mankind. For it was 25 years ago that the Communist Government of East Germany erected a wall around the free city of Berlin. The Berlin Wall symbolized to the world that the "Socialist paradise" purportedly being created in East Germany was not proceeding smoothly.

The Berlin Wall, then, and now, symbolizes all that is wrong with communism—lack of individual liberties through restraints on movement, expression, and thought.

But on this anniversay day we must not be occupied solely by ideological considerations. When the Communists closed the Berlin gateway to the West, they in turn arbitrarily and immorally separated family members from one another. The cold war raging so bitterly between two hostile camps had descended to inflict untold burdens on them. The real tragedy on the Berlin Wall lies with the people whose lives were destroyed by totalitarianism.

One man seemed to identify with these people and to link their plight with the larger cause of freedom when he said, "freedom is indivisible, and when one man is enslaved, all are not free."

He showed us that the wall was "an offense not only against history but an offense against humanity, dividing husbands and wives and brothers and sisters, and dividing a people who wished to be joined together."

He told us that "Freedom has many difficulties and democracy is not perfect, but we have never had to put up a wall to keep our people in, to prevent them from leaving us."

My colleagues, I know all of you remember that one fine summer day not long after the construction of the ugly, gray wall when an American President seemed to bring a rainbow of hope to a city borne of despair. John F. Kennedy seemed to be speaking not only to the half million Germans gathered that day in the Rudolph Wilder Platz, but to all those in the world fighting to stay the hand of tyranny. President Kennedy's famous phrase, "Ich bin ein Berliner," was an acknowledgment that all humanity was bonded by the desire and need for freedom.

President Kennedy's words still inspire us today to rededicate our efforts to bring forth the fruits of freedom for all the world to enjoy, so that perhaps our children might live in a better world. Tyrants will always attempt to imprison their subjects, to control their lives, to interfere publicly in private lives. The Berlin Wall represents an attempt at this sort of pernicious control. But John F. Kennedy's words, and the courage of the people of Berlin, prove that it will always take more than mortar and stone to still the human spirit.

MIAMISBURG TRAIN DERAILMENT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. HALL of Ohio. Mr. Speaker, last month on July 8, a train carrying hazardous materials, white phosphorus and sulfur, derailed in my congressional district in Miamisburg, OH.

A tanker containing 12,000 pounds of white phosphorus exploded and burned, emitting poisonous fumes, for 5 days. Over 30,000 people in the cities of Miamisburg, Moraine, West Carrollton, Ohio, and in Miami, Jefferson and Washington townships were evacuated, the largest evacuation ever caused by a U.S. train derailment. Nearly 600 residents were treated at local hospitals for respiratory problems and irritated eyes which were caused by breathing phosphorus, and possibly sulfurous-laden fumes.

This accident has already cost the local taxpayers $400,000 in overtime personnel costs and emergency equipment-related costs. That figure will increase as the bills come in. It does not include the enormous costs to individuals who had to stay home from work, and businesses that were shut down.

For the people of the Miamisburg area who spent 5 days in high school gyms and convention centers, and the businesses and factories that closed, these were tough days. But they could have been worse.

While burning phosphorus and sulfur is bad, it is not as bad as nuclear waste, or nerve gas. There were no deaths directly attributed to the Miamisburg accident.

Our local officials coordinated over 30 jurisdiction bodies, including State and Federal agencies, and demonstrated outstanding leadership in making decisions and solving the crisis.

Mr. Speaker, the Miamisburg case raises some questions about our Federal policies as they pertain to the transportation of hazardous materials by rail. I believe we should correct those policies before we have an even more serious accident by rail.

I am introducing, today, a bill to correct some of the deficiencies we saw in the Miamisburg case. My bill does three things:

First, it requires the Department of Transportation [DOT] to develop emergency response procedures for railroads to follow when these accidents occur. Our Miamisburg firefighters and other emergency officials had trouble getting information about the types of hazardous materials on the train, and where they were located. My bill requires the train engineer or conductor to turn over this information and to work with the local officials in responding to the situation.

Second, my bill will retire old tank cars, like the one that carried phosphorus through Miamisburg. That car was over 20 years old and, according to the National Transportation Safety Board [NTSB], would not meet current design standards. However, because the car was already in operation when the new regulations came into effect in 1971, it was "grandfathered" in. My bill would eliminate that "grandfathering" and not allow these old cars to carry hazardous materials like phosphorus.

Third, my bill requires a DOT study to take a look at the whole design process of tank cars particularly with respect to public safety. Right now, DOT has delegated its authority to the Association of American Railroads [AAR] which designs tank cars. According to the Office of Technology Assessment [OTA], DOT is not involved in the design approval activities and does not attend sessions where designs are analyzed and evaluated. My bill requires DOT to take a look at this process and determine whether public safety considerations require greater control by the Secretary of Transportation.

Mr. Speaker, I hope this bill will help avoid accidents in other communities across our country and save our local taxpayers' money as well as good health. I urge my colleagues in the House of Representatives to join me in supporting this measure.

GILMAN COSPONSORS RESOLUTION ENDORSING ELLIS ISLAND MEDALS OF HONOR

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. GILMAN. Mr. Speaker, I am pleased to join with my colleague, the distinguished chairman of the Congressional Ad Hoc Committee on Irish Affairs, Mr. BIAGGI in introducing a resolution, endorsing the Ellis Island Medals of Honor.

Just this past Fourth of July, our Nation joined in a celebration of our history—a history inextricably tied to the experiences of the millions of immigrants who passed through Ellis Island and other ports of entry, to find their new home here in America. Whether one was able to participate in the many festivities held in New York City commemorating the unveiling of the newly refurbished Statue of Liberty, or the Fourth of July was spent with families and friends in a backyard picnic, I believe we all experienced the same awe and pride in America and her many citizens. Mr. Speaker, it is amazing to me that many, through sheer wits, perseverance, courage, made the trip across the ocean, braving in many cases unbelievable hardships, came to a land where they did not speak the language, had no home, no job and often no friends or relatives, and built a life for themselves. These individuals of whom I speak are our friends, our neighbors, and in may cases our parents and grandparents. And they all exemplify the spirit of America.

On October 28, 1986, this Nation will once again turn its eyes and hearts to the tall proud lady standing on Ellis Island, when we recognize the official rededication of the Statue of Liberty. On that day the Ellis Island Medal of Honor will be awarded to individuals who exemplify the ideal of living a life dedicated to the American way while preserving the values and tenets of their own heritage.

The Ellis Island Medal of Honor will be awarded to those individuals who have made special contributions to the reinforcement of the bonds between a heritage group and the people of its land of origin. These individuals will be further distinguished by their service to humanity in any field, profession of occupation.

I would like to commend the Statue of Liberty Ellis Island Foundation, the New York Statue of Liberty Centennial Commission, and the National Ethnic Coalition of Organizations for their efforts in establishing the Ellis Island Medal of Honor. I urge my colleagues to support this resolution endorsing these very special awards, and to participate in the ceremonies and other commemorations being held throughout the country paying tribute to this portion of the American experience.

1986 CALL TO CONSCIENCE VIGIL

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. BEILENSON. Mr. Speaker, as part of the 1986 Call to Conscience Vigil, I regret that it is again necessary for me to call my colleagues' attention to the continuing plight of Boris and Elena Klotz and their children.

Boris and Elena originally applied to emigrate in September 1980 and were refused on the grounds that Elena had been exposed to "state secrets." However, Elena graduated in 1978 as a French teacher and had worked only briefly as a kindergarten teacher. In March 1981 the Klotz family's application was reviewed and denied again—this time on the grounds of insufficient kinship to their relatives in Israel. In September 1981 the family reapplied and were again denied on the grounds of Elena's supposed "association with state secrets."

These denials clearly demonstrate the inconsistent and arbitrary nature of Soviet policy on family reunification. Our most recent information on the Klotz family includes a report that Boris was offered a promotion at work if he agreed to give up his intention to emigrate.

By granting the Klotz family permission to emigrate, the Soviet Union not only would indicate to the world its respect for the principles outlined in the Helsinki accords, but also would affirm its desire to improve relations between the United States and the U.S.S.R.

WELCOME TO PRESIDENT DE LA MADRID

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. COLEMAN of Texas. Mr. Speaker, as chairman of the congressional border caucus, a bipartisan forum which acts as a clearinghouse for information relative to United States-Mexico border issues. I welcome today's arrival of Mexican President De La Madrid for a series of important meetings with our President.

Although the events of the past several months have unfortunately focused media attention on the histrionics of some public officials who have engaged in what has become known as Mexico bashing, the opportunity afforded both countries by these face-to-face meetings between our leaders must not be squandered. The events of the next several days can represent a fresh beginning for the United States and Mexico as we acknowledge our common problems and devise constructive strategies for solutions instead of assessing blame.

On the part of the United States, it is time that we finally appreciate the political risks that the De La Madrid administration has taken in attempting to reform previously restrictive trade policies, curbing capitol flight, and generally taking steps to bring the Republic of Mexico into an increasingly competitive international economic community.

President De La Madrid, for his part, can hopefully come away from these meetings with a sense that we are sincerely interested in resolving a variety of bilateral concerns—such as narcotics trafficking and illegal immigration—without dictating to our southern neighbor the manner in which these solutions will be carried out.

Over the last several months, I have been encouraged by the frank admission of some administration officials that this country is sorely lacking a comprehensive foreign policy regarding our relationship with Mexico. Clearly, it is time that we realize the degree of economic and social interdependence which so characterizes our relationship with Mexico and take steps to ensure our policies reflect this realization.

In addressing the importance of those topics to be addressed by both Presidents Reagan and De La Madrid, obviously the interdiction of drug smuggling stands as a paramount concern to both countries. The United States needs to understand that the drug problem is not one solely created in Mexico or any other foreign country. The drug industry is one that thrives on supply and demand, and clearly the United States is a voracious consumer for the virtual smorgasboard of international drugs smuggled from offshore. Mexico must be encouraged to continue its cooperation with the United States in ongoing interdiction activities. Just as neither country is to blame for the influx of illegal narcotics, we must both understand that the problem will remain, unless both nations join together.

Like drug trafficking, a variety of bilateral concerns needs to be fully aired during these face to face meetings including cross-border commerce, environmental problems, and health-related issues prevalent along our respective borders. Let us praise the leaders of both countries for taking this opportunity to meet these topics head-on in the spirit of mutual trust and respect.

A TRIBUTE TO JAMES BRESCIAMI

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. HERTEL. Mr. Speaker, on several occasions, I have been proud to rise and pay tribute to the outstanding achievements of the Bishop Gallagher High School baseball team of Harper Woods, MI. Today, I ask my colleagues to join me in honoring the man behind this tradition of excellence, James Bresciami, on the occasion of his retirement as head coach.

The superb record of the Bishop Gallagher High School baseball team over the past 22 years serves as a fine testimony of Jim Bresciami's hard work and dedication. Under his inspiring leadership, their wins totaled 545 while they met with only 149 losses. The team captured 53 titles, including 8 State districts, 6 regionals, 12 invitational championships, 13 league titles, 3 State runners up, and 3 State

championships. Last year's record alone exemplifies Jim Bresciami's excellence in coaching. In 1985 the team achieved 4 titles, winning the Catholic league title, the city and State district championships and regional title. Moreover, they triumphed as State champs, finishing their season with 43 wins and only 6 losses, establishing a new State record.

This impressive set of statistics, however, is only a part of Coach Bresciami's accomplishments. In his field, he has been recognized eight times as coach of the year by such renowned organizations as the Michigan High School Coaches Association, the Detroit News, and the Michigan High School Baseball Association. On June 5, 1980, we celebrated Jim Bresciami Day in Warren, MI, and the following year, in 1981, Jim was honored by the Catholic Coaches' Hall of Fame and awarded the prestigious Lasallian Award. Last year, true to form, the Catholic High School Association named James Bresciami Athletic Director of the Year. In addition, Coach Bresciami held major offices in the Michigan Baseball Coaches Association and in 1982 initiated the popular Michigan-Illinois All Star Game. In this successful career, he has also enjoyed the support and aid of his most devoted fan club, his loving wife, Joann, and his four daughters, Kimberly, Stacy, Amy, and Kristine.

The scope of Jim Bresciami's accomplishments in both sports and community service has, and undoubtedly will continue to inspire many young people to follow his lead. I ask my colleagues to join me in wishing James Bresciami all the best in his retirement, and heartily thank him for his dedication and service to our youth.

CONCERNS FROM A CERTIFIED PUBLIC ACCOUNTANT ABOUT THE TAX REFORM ACT OF 1985

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. HUBBARD. Mr. Speaker, I would like to point out a timely and insightful letter from a constituent and friend of mine, Mr. Bob Cornman, of my hometown of Mayfield, KY.

Mr. Cornman, who is a respected certified public accountant whose clients include my wife Carol and me, raises objections to a provision requiring all partnerships, S corporations, and personal service corporations to adopt a calendar year of tax reporting which is contained in H.R. 3838, the Tax Reform Act of 1985.

Mr. Cornman highlights the adverse impact this provision could have on the above mentioned organizations. I encourage my colleagues to read this informative letter and keep it in mind when a final review of H.R. 3838 takes place in the full House:

JULY 17, 1986.

HON. CARROLL HUBBARD, JR.,
2182 Rayburn Building,
Washington, DC.

DEAR CARROLL: It has been brought to my attention by our professional organization that during final hours of debate the Senate adopted an amendment to the Tax Reform Bill that would require all partnerships, S corporations, and personal service corporations to adopt a calendar year of tax reporting.

This disturbs me greatly inasmuch as our own professional service corporation has a fiscal year that ends on June 30th. This enables us to plan and budget our operations at the end of our natural business year, and we find it much less burdensome than trying to concentrate our efforts during the first two and a half months of the calendar year.

I believe, also, that changing each of these organizations to a calendar year will not, in the long run, increase revenues, but have the effect of bunching them in the year of change without a permanent increase in revenue. Then, too, I believe the Internal Revenue Service will experience an increase in their cost in monitoring and controlling these different cycles.

You are personally aware of the burden placed on tax practitioners during the first three and a half months of the calendar year. It seems to me, that Congress and the Internal Revenue Service should be making an effort to spread out reporting requirements rather than bunch them together. I realize that this proposed Senate bill is now in the conference committee, however, if you have any influence pertaining to the outcome of this particular amendment, I would appreciate your support in opposition.

Yours very truly,

BOB D. CORNMAN,
Certified Public Accountant.

SUPPORT A 1-YEAR DELAY ON NERVE GAS PRODUCTION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. PORTER. Mr. Speaker, the United States has promised West Germany to remove our huge chemical projectile stockpile that we have maintained in that country since World War II. In return for a German promise to possibly consider redeployment in a crisis, the Pentagon will give up our existing European chemical deterrent.

The Defense Department contends in the event of a military confrontation in Western Europe, we can rush chemical weapons in from the United States. Estimates show that it would take our entire fleet of C-141's over 2 weeks to transport our stockpile to Europe.

To build unnecessay new nerve gas weapons, we are going to give in to one of the Soviet Union's most cherished goals—to unilaterally disarm NATO while keeping its huge stockpile of chemical weapons in Eastern Europe.

If you believe deterrence depends upon prepositioning weapons in Europe, then I urge you to support the Porter-Fascell-Roukema amendment to delay nerve gas production 1 year and prevent the withdrawal of the our European chemical deterrent.

THE AMERICAN SECURITY COUNCIL

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. DORNAN of California. Mr. Speaker, during today's debate on President Reagan's strategic defense initiative [SDI], I mentioned 174 House Members of the bipartisan American Security Council's Coalition for Peace Through Strength. These Members were recently awarded the 1986 Leadership Award—a foot tall, proud American Eagle—for "Outstanding Service as a Member of the Peace Through Strength Coalition." I observed that these Members were awarded that honor because of their strong support of the President and our national security. This support includes funding the President's SDI effort at his full budget request of $4.8 billion as my amendment would have done. This is the position of the Coalition for Peace Through Strength and its supporters across the Nation. Yet, only 94 Members voted for the President's budget.

Rather than put the names of the 80 who accepted the leadership award and couldn't find it in their hearts to vote with the President, I simply say, please each time you look at that proud American Eagle, remember all the American citizens who support the American Security Council and the Coalition for Peace Through Strength and were expecting you to support the President.

Anyone who would like to know more about the American Security Council, what it stands for, or how their Representative votes on key national security issues can write to the American Security Council, 499 South Capitol Street, Washington, DC 20003.

WALLOP AND KEMP WARN OF THE PERILS OF DEFERRING SDI

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. COURTER. Mr. Speaker, true leadership is exemplified by the ability to remember the past and act upon its lessons. As Malcolm Wallop and Jack Kemp write in their New York Times essay, "Perils of Deferring SDI," the current situation with the SDI program "is reminiscent of August 1970, when the United States offered Moscow an arms agreement based on a vastly scaled-down deployment" of our ABM system. Once the ABM program was the subject of negotiations, it ceased to exist as a viable defense program.

After pledging that the SDI program would never be negotiated with a Soviet government that has been spending $10-$15 billion per year on strategic defense, the President appears to have been worn down by the State Department and its "Office of Politico-Military Appeasement." Somehow, the President's subsequent promise to deploy SDI systems in the distant future rings hollow against the

ever-present background noise generated by the arms controllers and the mutual assured destruction lobby. Surely his noble vision of a world without nuclear weapons is worthy of more serious consideration. I encourage my like-minded colleagues to read the Wallop/Kemp essay reprinted below.

[From the New York Times, Aug. 12, 1986]

PERILS OF DEFERRING S.D.I.

(By Malcolm Wallop and Jack Kemp [1])

WASHINGTON.—President Reagan's announcement last week that he remains committed to the eventual deployment of strategic defenses deserves applause. But there are some of us who fear that S.D.I.—the Strategic Defense Initiative—still won't happen. The reason we're worried is that Mr. Reagan has also reportedly offered to defer deployment of any American defenses against Soviet missiles for five to seven years.

This is a dangerous change in our arms control policies that invites strategic peril. A moratorium on S.D.I. deployments—at the very time the Russians are violating the ABM treaty and fielding the components for their own nationwide strategic defense system—would place the United States in a no-win position and the Russians in a no-lose position.

Every American should by now be aware that the Soviet Union, from the very first day of negotiations, has had one overriding objective at Geneva—to kill S.D.I. Talk to our negotiators, and they will tell you that their Soviet counterparts are obsessed with S.D.I. But now, astonishingly, we appear ready to accept a limit on American S.D.I. deployments as part of our official negotiating position. Once we've agreed on the principle, we'll be reduced to arguing over the price.

Negotiations can be expected to turn increasingly on what part of the "Star Wars" program we are willing to deliver to Moscow in exchange for offensive reductions on both sides. Soviet cheating—which should be the primary issue—will become a side issue, and the 20-year-old Soviet S.D.I. program a fait accompli. In Congress, meanwhile, support for S.D.I. funding will erode, once people come to believe that our money is being spent on a program we may well give away. Indeed, judging by last week's close votes in the Senate, this process may already have begun. And over time, S.D.I. will increasingly be portrayed as the major obstacle to broader agreement.

All this is reminiscent of August 1970, when the United States offered Moscow an arms agreement based on a vastly scaled-down deployment of its "Safeguard" antiballistic missile system. Funding for the program fell immediately, and declined to less than one-fifth of its pre-agreement level by 1976. S.D.I. is vulnerable to the same fate.

It will also become much more difficult to conduct the tests necessary to deploy either near-term defenses—which the Russians are already deploying—or more ambitious defenses. Opponents will argue, as they did after the ABM treaty signing, that such tests are inconsistent with the spirit of the new agreement. Without such tests (the Russians, based on past record, will observe no restraints), the United States will be even more vulnerable to a Soviet ABM "breakout" during or at the end of the seven years. This is the diplomacy of accommodation at its worst.

Some at the State Department and elsewhere will say the scenario we envision is exaggerated. But these are the same people who say we have nothing to lose by this new offer because there's nothing we can do by way of S.D.I. deployments over the next five to seven years anyway.

These people are wrong. We have the military capability today to do very useful things with our strategic defenses. These options are not limited to the defense of our missiles silos, as some would have us believe. Intial deployments would include options to protect all military forces and disrupt a Soviet first strike. Such defenses would introduce significant uncertainty in the minds of Soviet planners, strengthen deterrence and provide an important level of defense against accidental or third-country attacks.

Just last month, the President rightly said that we would end our adherence to the terms of SALT II because Moscow long ago ceased to comply with that treaty. Yet his new offer makes no mention of the Russians' sweeping violations of the core provisions of the ABM treaty. How can we agree to extend a treaty we know the Russians are violating even as they put their name to paper? That's a sure way to lose all credibility and leverage in our efforts to put an end to Soviet cheating.

The purpose of the ABM treaty was to prohibit the things that Moscow is doing now. Signing yet another agreement would do nothing to stop them. It would only keep us from building the defenses we need to protect ourselves and our allies.

The great irony of the new approach is that we are jeopardizing S.D.I. in response to a basically worthless Soviet proposal. The Soviet offer to reduce offensive weapons is little more than a network of SALT II provisions at lower but less stable levels. It contains limits, as on so-called "forward-based systems," that previous Administrations have rejected. And it contains no offer to remedy Soviet treaty violations.

Yet for this we risk seeing S.D.I. reduced to a research program with virtually no promise of providing the strategic defense America so vitally needs. By the end of Mr. Reagan's term, the S.D.I. program could be reduced to a bargaining chip at the negotiating table, something the President has vowed would never happen. We do not believe that this is the legacy that the President wishes to leave the nation.

There is nothing to be gained from trading defensive limitations for offensive reductions. This is the clearest lesson of the past two decades, during which America fell further and further behind. The ABM treaty itself was sold on the basis that it would limit offensive weapons. Those limitations never materialized. The result has been a steady erosion of our deterrent in the wake of an unprecedented Soviet military buildup.

It's time we broke free of this destabilizing cycle. Let us deploy strategic defenses, and under protection of those defenses begin to reduce offensive forces. And let us insist that no arms control agreement is acceptable if it impedes near-term S.D.I. deployment or validates Soviet violations.

Mr. Reagan's magnificent vision of a strategic defense for America and our allies must not be compromised by the sort of bureaucratic equivocation that produced this new and ill-advised offer.

[1] Malcolm Wallop, Republican, is a U.S. Senator from Wyoming, Jack Kemp, also Republican, is a U.S. Representative from New York.

HEALTH PLANNING A GOOD INVESTMENT

HON. JIM CHAPMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. CHAPMAN. Mr. Speaker, I am deeply concerned about the future of the State Health Planning and Development Program. For 5 years, this administration has worked to cast off the Federal Government's responsibilities for health policy to the States and to the private sector. Yet at the same time it has slashed funding for programs that would facilitate such a move.

This has resulted in the duplication of services, higher health care costs, isolated groups of people being forced to go without necessary health care, or worse, being pitted against one another in competition for budget dollars. Certainly, an endless well of Federal money does not exist; however, if the States are to take over the responsibility of dispensing health care services, then it is up to us to help them get ready for that monumental task.

I am fully aware that controversy has been associated with the State health planning program. However, the State of Texas has made great strides in overcoming much of this dispute. It has responded admirably in shouldering the additional burden imposed by the administration and I believe it can serve as a model for other States seeking ways to meet their varied health care priorities.

Texas eliminated the certificate-of-need regulation as well as the excessive and often overlapping health service agencies. It has been successful in building cooperation among the various health agencies and other interested parties in the State by combining the talents and services of regional governmental councils, State agencies, private industry, and individuals throughout local communities. It has made significant accomplishments in providing innovative approaches in working to meet the health care needs of the State and to distribute resources, but it cannot continue, nor can the other State's health planning agencies continue, without further Federal assistance.

I am introducing a bill to reauthorize the Federal Health Planning Program through September 1987. I believe it is extremely critical that this program, and others like it, not be allowed to fall by the wayside. Using a relatively small amount of Federal dollars, the State health planning agencies have proved to be a cost-effective mechanism for determining the specific and unique health problems of our citizens.

In addition, studies estimate that every $1 spent on health planning has prevented $8 of duplicated investment in medical facilities. It should come as no surprise to us that health planning is a good investment.

Since 1981, Federal support for this program has decreased, and last year the program for the entire 50 States received just $28.1 million. Even at that level, Texas has been able to retain the vital elements needed to examine its health status, identify health problems, and has provided reasonable rec-

ommendations to address those problems. If the Congress allows this program to sunset next month, it will greatly undermine the efforts that have been made by Texas, and the other States, to address the specific health care needs within their borders.

States desperately need the health planning agencies in order to address their specific health care needs. With cost containment and deficit reduction at the forefront of every bill we are considering in Congress, with the imposition of prospective payment in Medicare and Medicaid, and with an increasing trend toward the corporate marketing of health care, it is even more important that we help States develop a community-planning program that will ensure no American is ever denied care ncessary for good health.

I urge my colleagues to join with me in reauthorizing this vital program.

IN TRIBUTE TO HON. BERKLEY BEDELL

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1986

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to an outstanding American, a great legislator, and a fine friend—the distinguished genetleman from Iowa, Mr. BERKLEY BEDELL. I have known Mr. BEDELL since 1974 when he was first elected to Congress. I liked him then, and I love him now like a brother. I have had the pleasure these many years of working with him on the Small Business Committee and I have always found him to be a dedicated proponent of American small business. He knows the issues well, having founded his own company at the tender age of 15. Needless to say Mr. Speaker, preparedness, conviction, and knowledge have been the hallmark of his tenure on our committee. Indeed we all owe him a debt of gratitude for the very persuasive and gentlemanly manner in which he helped to determine American small business policy. I know that the small business community will miss him dearly.

Mr. BEDELL, as you know, has always looked out for the little guy—he has a great sense of justice and fairness. From those strong moral convictions emerged his pioneering legislation in procurement reform—particularly title 12, the Defense Procurement Reform Act of 1984 and the Small Business and Federal Procurement Competition Enhancement Act (Public Law 98-557). Of course, we all remember when he brought his $100 tool kit on to the floor—that same kit cost the Navy $10,000 and certainly was a graphic demonstration of the need for reform.

But Mr. BEDELL'S concerns range significantly beyond just small business. His work on arms reduction, culminating in House Joint Resolution 3, the Kennedy-Bedell resolution, is the statesman in him looking out for the common man, the common woman. Nuclear arms reduction is the most pervasive issue of our time—affecting all of us. It was appropriate, indeed fitting, that Mr. BEDELL was the catalyst who on the floor and on the phone raised awareness and garnered the support for his bill to ratify the limited test ban treaty and the peaceful nuclear exposion treaty and calls for a resumption of negotiations on a comprehensive test ban. Mr. BEDELL has shown the country and the world what effective, concerned leadership can do to make our world a safer place.

Mr. BEDELL, Congress paid eloquent tribute to you when it approved House Joint Resolution 3 and I know that this resolution was a labor of love and devotion for you. Your presence here today and these many years we have shared together have been an experience we will all remember fondly. I know I speak for all of us when I say we will miss you dearly—and we all wish you the best now and in the future.

KEVIN GUNDERSON—A YOUNG HERO

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. SKELTON. Mr. Speaker, I rise today in honor of Kevin Gunderson, a young hero we can all be proud of.

Kevin, the son of Jeffery and Stephanie Gunderson of Overland Park, KS, was fishing with his grandfather in a private lake when their fishing boat capsized. Kevin's grandfather, Ken Gunderson of Sedalia, MO, suffering chest pains and shortness of breath was unable to swim for help. The 6-year-old boy swam 75 feet and ran a quarter of a mile to the nearest house to summon help. Emergency help was telephoned and Mr. Gunderson was rescued by a Pettis County sheriff's deputy.

It is an honor to bring Kevin's heroics to the attention of my colleagues in the U.S. House of Representatives. I ask that the Members of this body join me in saluting this very special young man.

TRIBUTE TO YAROSLAV STETSKO: LEADER OF THE UKRAINIAN INDEPENDENCE MOVEMENT

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. KEMP. Mr. Speaker, it is with great respect that I pay special tribute today to the great Ukrainian freedom fighter, Yaroslav Stetsko, who died on July 5. He dedicated his life to promoting the cause of liberty not only for his own people but for all those living in captive nations. As head of the Organization of Ukrainian Nationalists-Revolutionaries and Prime Minister of Ukraine during World War II, Yaroslav Stetsko led the campaign to make Ukraine a free and independent state.

Mr. Speaker, the following article, from the July 20, 1986, National Tribune deserves the attention of the Congress and I ask that it be included in today's RECORD for all Members to read. Yaroslav Stetesko's leadership in the struggle for Ukraine's independence and his message of freedom for the captive nations are a lasting tribute to this great patriot's life.

YAROSLAV STETSKO, OUN-R LEADER, PRIME MINISTER OF UKRAINE, DIES

MUNICH, West Germany.—Yaroslav Stetsko, head of the Organization of Ukrainian Nationalists-Revolutionaries and Prime Minister of Ukraine during World War II, died here Saturday, July 5, at the age of 74 after a prolonged illness. He is survived by his wife, Slava Stetsko, editor of the ABN Correspondence.

Stetsko, who was born into a priestly family in the Ternopil region of western Ukraine on January 19, 1912, was one of the leading persons in the political and military struggle for Ukraine's independence in the 20th century.

After graduating from the Ternopil gymnasium with exceptional grades, he entered the Lviv university as a student of philosophy and law. Stetsko joined the OUN as a student and among his first responsibilities as a member of the national executive board was ideological chairman and editor-in-chief of the underground publication "Yunak."

During the infamous 1936 trial of Stepan Bandera and others in Lviv, Stetsko declared during the Polish prosecutor's questioning, "I am a citizen of Ukraine. The Ukrainian state exists in our souls!"

In February 1940, following the division of the OUN, Bandera and Stetsko assumed the OUN's revolutionary leadership. Plans were immediately set in motion to proclaim the re-establishment of Ukraine's independence. This was further expanded with other Ukrainian political parties through Stetsko's role in the Ukrainian National Committee.

Independence was proclaimed on June 30, 1941, less than two weeks after Nazi Germany invaded the Soviet Russian occupied territories. Bandera, Stetsko, the revolutionary leadership and other nationalist figures were consequently arrested and imprisoned in concentration camps by the Nazis.

Stetsko's work on behalf of the Ukrainian nation and its independence continued after the war. In 1947, he was elected chairman of the Anti-Bolshevik Bloc of Nations, which had its roots in the clandestine Conference of Captive Nations convened by Gen. Taras Chuprynka in 1943. Stetsko served as its only chairman.

In 1968, Stetsko was elected head of the OUN-R central leadership.

Stetsko's anti-communist activity extended beyond Ukrainian affairs. As member of the honorary presidium of the European Freedom Council and a member of the presidium of the World Anti-Communist League, he met with international leaders and various statesmen, impressing upon them the need to wage a freedom campaign on behalf of the captive nations. Among the Western leaders he met were President Ronald Reagan and Vice-President George Bush.

CITY OF LONDON, OH, BEGINS 175TH BIRTHDAY CELEBRATION

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. WYLIE. Mr. Speaker, on Sunday, August 17, the city of London, OH, will begin a week

long celebration of its 175th birthday. Just recently we were able to help in having London's central business district listed on the National Register of Historic Places.

London is indeed an historic town, the county seat of Madison County, which was formed by a special act of the legislature on February 16, 1810. The county was named for James Madison, the fourth President of the United States. Local legend has it that when London was laid out, the street orientation was planned so that every side of each house would have sun at some time each day. Main and High Streets were each to be 99 feet wide with the width selected to allow a two-horse team pulling a loaded wagon to turn around.

The committee formed to celebrate London's 175th birthday noted:

The pioneers felt a responsibility not only to themselves but to future generations in laying the foundation for a prosperous and growing community. In this, our 175th year, we applaud their foresight and wisdom. We also hope that our legacy will be of value to those who come after us.

The President of the United States, Ronald Reagan, noted in a letter to the citizens of London, OH:

We are fortunate to live in a nation of strong and proud communities where everyone has a chance for success and the blessings of liberty and freedom can be enjoyed by all, regardless of background.

I extend my congratulations to the members of the 175th birthday committee: Virginia Hume, Mary Ellen Ardrey, Jay Phillips, Perry Croghan, Doris Goldhardt, Susan Goldhardt, and Bill Holton. Collectively, they have put together a tremendous program that is certain to generate enthusiasm and community spirit through appropriate celebrations beginning August 17 and lasting for 8 days—175 hours. London is a city of resolute people of the kind which have been a significant part of our country's greatness. It is a unique and wonderful community which I am proud to represent in Congress.

SPECIAL RECOGNITION TO ANTONIO GIANETTI A "WORLD FAMOUS BARBER"

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mr. CONTE. Mr. Speaker, I wish to take this moment to acknowledge the lifelong dedication which Antonio Gianetti has exhibited toward the children and adults of western Massachusetts and to honor Mr. Gianette for becoming a most celebrated barber, known both nationally and internationally.

Mr. Gianetti was born in Italy on July 9, 1902, and began his career as a barber upon his arrival in America in 1919. By 1928 he was the owner of his own shop known today as Tony's Famous Barber Shop which during the Depression, was given permission by city officials to open on Sunday and provide free haircuts to the poor. Early in his career, Mr. Gianetti was paying monthly visits to Brightside Orphanage in my First Congressional District, where he gave 150 free haircuts per month. In 1940, he began what was to become a 30-year tradition of donating his services to the crippled children at Shriner's Hospital.

Throughout the years, he has made an invaluable contribution of his time and business talent by providing charitable donations to the infirmed and less fortunate all around the country. For many years, Mr. Gianetti gave 10 percent of his business gross taken for a 1-week period and donated it to the March of Dimes. He also helped a dying girl realize her last wish to visit the Pope in Rome by donating money for the trip. These are but a few of the charitable deeds Antonio Gianetti has performed and have come to be associated with his altruistic personality.

Antonio Gianetti's numerous achievements over the years have earned him recognition as a great humanitarian and first-rate barber. His many years of hard work have touched the lives of thousands who will never forget his selflessness and caring. I salute you, Mr. Gianetti, for your dedication toward your fellow Americans and wish you a happy and healthy retirement.

SUPPORT FOR THE AMERICAN TEXTILE INDUSTRY

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Mrs. BYRON. Mr. Speaker, even though the House of Representatives did not vote to override the President's veto on the Textile and Apparel Trade Enforcement Act (H.R. 1562), last week, I still feel very strongly about supporting the American textile industry.

I represent a congressional district which was once filled with textile and clothing construction factories. Most of those industries have closed, adding to the unemployment in my district.

An organization called America for Kids has been working with retailers, fabric mills, and fiber mills, to improve their relationship with each other and to encourage import substitution with the stores.

America for Kids sponsored an Americana Fair in New York City from August 4 to August 16. The fair takes place during the holiday market when buyers are visiting the garment district, and will bring attention to the "Buy American" program. Their purpose is to promote children's wear produced in the United States through all channels of distribution to the consumer.

Tadd Schwab, of S. Schwab Co., in Cumberland, MD, is on the board of directors of the America for Kids Association. The Schwab Co., which puts "Made in America" tags on all its garments, manufactures 100 percent of its goods domestically. I applaud Mr. Schwab for his work with America for Kids and his efforts in encouraging Americans to "Buy America."

A TRIBUTE TO MICHAEL VERVEER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 12, 1986

Ms. KAPTUR. Mr. Speaker, for over 3 years, a truly dedicated high school student has served as a congressional intern in my Washington office, largely without compensation. This week, Michael Verveer will leave his position to embark upon a college career at the University of Wisconsin.

Michael represents the best in America's young people. He volunteered his hours in the spirit of apprenticeship and gave of himself unselfishly in his service to the people of Ohio's Ninth District and America.

Michael learned on the job. He developed a keener sense about how government operates and how critical decisions are reached in our Nation's most democratic legislative body.

All of us wish Michael well in his journey into the future. There is no doubt in my mind that his contribution to America in the years ahead will represent not only the best in him but the best in all of us.

CRACKING DOWN ON DRUG ABUSE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. KEMP. Mr. Speaker, the following article needs no introduction. We are all well aware of the devastating effect that drugs and drug abuse have on our society. The tragic deaths of Len Bias and Don Rogers have helped awaken this Nation to the pervasiveness of the problem. As a friend, Dick Capen, publisher of the Miami Herald so aptly points out in his column of July 6, drugs are ruthlessly affecting every segment of society, in every region of this country.

I believe that we must work together, in a bipartisan fashion, to respond to the crisis of drug abuse threatening our Nation. There is no single, easy solution to end this epidemic. As this enlightening article points out, all aspects of the problem must be addressed and all available weapons must be used to fight this battle. I have cosponsored a bipartisan initiative with CHARLIE RANGEL and BEN GILMAN to assist States and localities in more effectively responding to the escalating problem of drug abuse. This legislation will authorize $750 million per year to provide States with increased resources for enforcement, treatment, rehabilitation and prevention of drug abuse and drug trafficking.

Mr. Speaker, I strongly urge all Members of Congress to read the following article. I believe that Congress and the President owe it to the American people to develop a sustained and coordinated Federal response to the crisis of drug abuse that is destroying so many of America's youth.

MR. PRESIDENT: DO SOMETHING!

DRUGS HAVE NATION HOOKED ON DOWNWARD SLIDE

DEAR MR. PRESIDENT. It has been a spectacular weekend of celebration, patriotism, and the rekindling of fundamental freedoms. Once again your special brand of leadership has helped re-inspire confidence in our nation and in the greatness of its people.

But Mr. President, tomorrow the party's over. It's back to the real world—and it's an ugly scene. An insidious cancer is eating away our nation's viscera, and we desperately need your help. Drugs are devouring us, and there's no cure in sight.

For weeks our focus has been on the symbolism of the Statue of Liberty. But what about the symbolism of Lenny Bias and Don Rogers, star athletes killed by cocaine? What about the thousands of others across the country who are destroying their lives every day through substance abuse?

While millions joined you in New York to salute the Statue of Liberty, millions of others across this land exercised their own brand of liberty—taking cocaine, heroin, and marijuana into their bodies. Cocaine addicts have turned whole neighborhoods into combat zones, invaded homes, stolen from their loved ones, and robbed and even murdered innocent people to get money to fuel their dependency. Across the country, cocaine users are dropping off like flies. Cocaine has killed at least 38 South Floridians so far this year, and Greater Miami now averages one cocaine-related death per week. Nationally, cocaine deaths have increased more than 325 percent since 1980.

The vicious reach of drugs grasps every segment of society: the rich, the poor, the unemployed, the cream and the dregs, star athletes, well-known entertainers, neighbors, juveniles, public officials, friends, and loved ones. No city in America—large or small, rural or suburban—is safe from the ravages of substance abuse.

Despite massive Federal efforts to cut off the supply, there's been a 500 percent increase in the amount of cocaine smuggled into this country from South America. Our nation now has a $110-*billion*-a-year drug habit, according to one Government estimate. The Reagan Administration's National Narcotics Border Interdiction System is a valiant and essential effort, but we're shoveling against the tide. Demand has grown beyond anyone's belief, and now the drug dealers have developed "crack" or "rock," a lethal cocaine derivative that reaches the brain in less than 10 seconds. Crack already has captured the ghettoes of many cities. It's spreading rapidly to the suburbs.

This epidemic is as dangerous as the plagues of the Middle Ages. Today, an estimated one-half million Americans shoot heroin. Some 20 million smoke marijuana. Five million to six million use cocaine. An estimated 17 percent of America's high-school students have tried cocaine, and about 7 percent use it at least once a month. Drug cases fill 25 percent of the Federal courts' dockets. Among inmates of Federal prisons, 37 percent were convicted of drug offenses. Drug trafficking accounts for 40 percent of America's organized-crime activity. Besides the substantial human toll, drug-related absenteeism, on-the-job accidents, and inefficiency are a $47-billion-per-year drain on business.

Mr. President, this epidemic cannot be addressed on a business-as-usual basis. Nor should the problem simply be farmed out to the Federal bureaucracy for answers. The drug crisis demands your personal leadership and at least these White House initiatives:

A Presidential commission should be established immediately. It should consist of high-level Government and private-sector representatives. Their responsibility: Develop a consolidated action to deal with the demand side of substance abuse.

Prosecution of drug-related crimes should be expedited, and courts' staff and Federal prisons should be enlarged to handle the increased load.

Stiff sentences should be imposed on those dealing in cocaine, "crack," and "rock." Fines and sentences should be Draconian for dealers who use children in drug trafficking.

Federal spending for drug education and prevention must be increased. While Federal spending for drug-law enforcement has gone up by 70 percent since 1982, Federal spending for education and prevention actually has dropped by 5 percent. That's unacceptable. Such Federal programs should be coordinated with private-sector drug-prevention programs around the country.

The Federal drug-interdiction efforts must be redoubled. Despite budgetary pressures, especially on defense spending, we cannot afford to reduce such actions. Drugs, and the international criminal rings behind them, seriously threaten our national security.

Drug-producing nations, especially those exporting cocaine, must cooperate in our efforts to cut off supply. We cannot accept their willingness to overlook their involvement as producers simply because it's our demand that creates their supply. They too have been victims of bloody shoot-outs and extortion sparked by international drug cartels.

Mr. President, you enjoy unprecedented support from the American people. You've conquered inflation, improved the economy, stood up to terrorism, talked tough with the Soviets, and won a major *contra*-aid victory in Congress. You simply must tap this powerful resource or run the risk that the many accomplishments of the Reagan years—and the nation that you lead—will be overrun by drugs.

IMPROVING THE ACCESS TO FEDERAL SCIENTIFIC AND TECHNICAL INFORMATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. BROWN of California. Mr. Speaker, today I am introducing a bill which is entitled the "Government Information Act of 1986."

INFORMATION POLICY LACKING

For many years, I have been dismayed by the lack of a coherent and comprehensive Federal information policy, particularly in the areas of scientific and technical information.

We currently have a large array of Federal agencies which generate (directly or indirectly), collect, analyze, or disseminate a wide variety of scientific and technical information. Virtually every Cabinet department, dozens of agencies and bureaus, all of the Federal laboratories and many legislative entities are actively involved in these processes without the benefit of a clear-cut, unified policy governing the processing of this information, let alone addressing the issues of who may have access to what and at what price.

Our vaunted technological and innovative powers are in disarray, compared to those of other industrially sophisticated nations. For example, in 1980, the Japanese Ministry of International Trade and Industry published the JIPDEC report, which stated that: "The obligation now is for Japan to lead the world in this area (i.e., information systems), by means of the development of new technology based on original concepts."

And in France, the publication of the Nora/Minc report, "The Computerization of Society," commissioned by then President d'Estaing in 1978, signaled France's intention to compete vigorously for a large share of the world's information markets, which they have subsequently done.

And so it has gone with West Germany, Great Britain, and so forth. Where does the United States stand in its development of information policies?

If we agree that our political and economic traditions prescribe some fundamental differences in our information posture from that of most other countries, we have a beginning. The first amendment prohibits the Government from interfering with the free flow of information, except in limited and special circumstances, and we have a strong commitment to private ownership and operation of information. These political and economic traditions and the highly pluralistic nature of our society make a coordinated treatment of information policy concerns a difficult and delicate task.

When all the possible excuses have been made, however, I still think that the United States is doing an inadequate job of planning for the information future.

VALUE OF INFORMATION IN RESEARCH AND DEVELOPMENT

Dr. Lewis Branscomb (in "Improving R&D Productivity: The Federal Role." Science, No. 222, Oct. 14, 1983, p. 133) states that: "When accurate, pertinent data are available, work can proceed. When they are not, work must stop while a researcher invents a different approach, develops (or redevelops) missing data, or experimentally verifies unevaluated data reported in the literature before daring to commit another period of time and effort on a project that is heading down a critical path."

How important this data is, to which Dr. Branscomb refers, can be estimated from a portion of a report written for the U.S. Department of Energy (U.S. Dept. of Energy. King Research, Inc. "Value of the Energy Data Base." Mar. 31, 1982, p.1): "An investment of $5.3 billion (DOE's R&D budget) in the generation of information and about $500 million (DOE's information processing and dissemination budget) in processing and using information yields a partial return of about $13 billion in terms of savings to scientists and engineers in their time and in equipment."

Although the methodology employed in this study may be debated, and the dollar amounts subject to conjecture, the study does offer substantive indications that the availability of appropriate information at the appropriate time

increases the productivity of those working in the R&D arena.

Discussing the value of information in research and development, the following quote is from a Library of Congress' Congressional Research Service report titled "The Impact of Information Technology on Science" authored by Jane Bortnick and Nancy R. Miller (Library of Congress, 1985, p. 43–44): "in 1983 the National Academy of Science's Numerical Data Advisory Board, the Committee on Science and Technology of the U.S. House of Representatives, and the Congressional Research Service coordinated a workshop entitled, 'Toward a National S&T Data Policy.' At that workshop numerous representatives of industry, government, and academia discussed the importance of scientific and technical data for solving research questions and the appropriate role of the U.S. Government. Among the examples offered included those by Dr. Hollis Caswell, Laboratory Director, IBM Corp. In one case, Dr. Caswell stated that in trying to solve memory errors in computer systems, researchers discovered that nuclear particles on semiconductors were at fault. The availability of a symposium paper on this topic 'saved the computer industry much effort since, once the problem was identified, solutions evolved rapidly.' "

In another case, William F. Brown, Jr., a consultant to NASA gave a list of hardware failures traceable to inadequate data bases. He also cited the situation where the test failure of a rocket motor case resulted in a $17 million loss and the cancellation of that portion of the program. He commented that: "The motor case was fabricated from a relatively new steel using improper welding methods. The information that these methods were unsuitable was at the time not widely disseminated but available in the Aerospace Structural Metals Handbook sponsored by the Air Force. The cost of preparing the handbook chapter for this steel was about $3,000, or 0.02 percent of the loss."

I'm certain that many scientists and engineers working in R&D could add innumerable such stories, and they would be fascinating. But the point to be made and remembered is that missing information, like the horseshoe nail, can make or break projects, companies or even, quite possibly, nations.

It behooves us now to create a set of policies and guidelines which will efficiently effect the transfer of as much as possible of the technology paid for by American taxpayers back into American enterprises. If this goal can be accomplished, we may well find ourselves regaining some of the international competitive leadership we have lost over the last several years to the West Germans and Japanese, among others.

One of the reasons for the loss of this leadership has been the complacency with which we have viewed our successes. Believing ourselves to be secure in a redoubt fortified by "good old American ingenuity and know-how" coupled to our work ethic, we felt unassailable. We were and are, after all, the greatest, most powerful Nation on the face of the Earth.

But, Mr. Speaker, that complacency has permitted us to reduce our stockpiles of know-how and ingenuity. Our work ethic has been subverted to a "pleasure ethic" based on the "quick fix" of instant gratification. We became smug, and lazy and full of ourselves. And all the while, our international competitors kept advancing, and not so stealthily at that. There were warnings: We saw our automotive, steel, consumer electronics, textiles and footwear markets being eroded. And for some time, even when that erosion had dramatically changed the configuration of our international marketplace positions, we kept on hoping to be saved by a combination of failures on the part of our competitors and successes by our own businesses and industries.

Well, Mr. Speaker, I think we now know better. We must not act as if our capacities for innovation, invention, and productivity are limitless resources—as limitless as we once believed our natural resources were. We must nourish and husband all of our resources, including our intellectual energies. We must remember, too, that our research and development funds are limited. The incredible national debt, the ever-increasing deficit, the almost unbelievable negative balance of payments—all take their tolls on that which we can afford, however necessary those things are.

WHY THE GOVERNMENT INFORMATION ACT OF 1986?

Mr. Speaker, before going further, I want to make it clear that the Government Information Act of 1986 in no way overlaps with, or impinges upon, the Paperwork Reduction Act of 1980 (as amended). The Paperwork Reduction Act is quite specific to certain information collected or analyzed by the Federal Government, which information is either generated for the ongoing management of Government, or is collected from the public and which provides the Government with such data as census, or demographics or ascertains public needs or views regarding Federal programs.

Mr. Speaker, we must exercise care and not scatter our informational resources to the winds in the profligate manner to which we are used. We must pool and centralize our informational wealth in order that several ends may be met. And we must develop an overall, logical set of policies which can guide the development and handling of our scientific and technical information resources in order that they be made to work in favor of our national well-being.

For these and the following reasons, I am introducing this bill today:

First, this bill would allow American businesses, industries, academic institutions and private citizens to have access to the majority of unclassified federally sponsored or produced information from one central source. The information previously available for sale from among the Federal Government's largest producers or collectors of scientific, technical, business and economic information and from such agencies as the National Technical Information Service and the Government Printing Office, will be uniformly processed, priced, and available from the one central source.

Second, this bill will enhance the transfer of Federal technology to the private sector by reducing the number of agencies which now make Federal information available for sale to only one such agency. And by mandating the inclusion of a larger number of informational items, American business and industry should have access to larger amounts, and with greater ease, to the kinds of information which is necessary to the well-being of our economic, business, and industrial health.

Third, this bill would bring much of Federal information handling into the 20th century by mandating that contractually obtained information will be provided in formats which are manipulable by computers. This will reduce the costs of processing, finding, and reproducing this information.

Fourth, for this large mass of information, estimated to be growing at the rate of over 100,000 new items annually, there will be but one data base. This will lessen the time and costs necessary in order to find specifically needed information.

Fifth, through the centralization engendered in this bill, all costs to the Federal Government which are associated with dealing with this information will be reduced because institutional overlaps and redundancies will be reduced. This, in turn, should keep the prices to the customers of the Government Information Agency at the lowest possible level.

Sixth, this bill will reduce the Federal Government's payments on contracts since it prohibits contractors from duplicating specific Government functions.

Seventh, by having but a single data base of this type to consult, the public and private sectors should be able to enjoy a reduction in unnecessarily duplicated research or development. If this bill had but this one benefit to recommend it, I would strongly support it.

Eighth, this bill creates an entity, in the form of the Government Information Agency, which would not only be self-sustaining, but also revenue producing. I estimate that the initial authorization of $10 million should be returned to the Treasury Department in 3 years or less.

Ninth, this bill would provide greater ease for interaction with the private sector to do that which is best done by the information industry of the private sector and not the Government.

Given the scope and depth of the cogent benefits inherent in this bill, I urge my colleagues to support it with great enthusiasm.

SUMMARY OF THE GOVERNMENT INFORMATION ACT OF 1986

TITLE I

Establishes the Government Information Agency (GIA) as a self-sustaining, independent entity by subsuming in toto the National Technical Information Service of the U.S. Department of Commerce, and the information sales portions of the U.S. Departments of Defense and Energy, the National Aeronautics and Space Administration, and the Government Printing Office.

Defines the term "Government information" to include all scientific, technical, business, and economic information and data (in any form) which is in the possession or control of any Federal agency or is obtained by any Federal agency from a State or local government, a foreign entity, or any other public or private source, and which pertains to or derives from federally-performed or federally-sponsored research, development, or analysis or incorporates the results of such research, development, or analysis, except for information which is classified or provided for use in the performance of a contract with a Federal agency.

Specifies the principal officers as the Administrator and Deputy Administrator, both

to be appointed by the President of the United States, with the advice and consent of the U.S. Senate. Sets forth the professional qualifications of the Administrator as having ability in computer science, information science, or library science and in printing and publishing.

Defines the mission of the GIA as being the enhancement of the economic, scientific, and technological position of the U.S. by acquiring, processing and selling primarily the fruits of federally-performed or federaly-sponsored research, development or analysis. Indicates that the GIA shall collect Government information in electronic form to the greatest extent possible, and establish and maintain an electronic bibliographic database of all Government information collected, etc. Further requires that the GIA make such information available to business, industry, academe, other Federal agencies, State and local agencies and to the general public and to foreign governments or other foreign entities to the extent not inconsistent with applicable treaties and international agreements, etc.

Directs the GIA to collect, to the maximum extent possible, information on the results of foreign research, development or analysis to ensure that American enterprises will have such information available to them.

Establishes in the Treasury a revolving fund to provide working capital for the GIA, with contents of the fund to come from an initial appropriation of $10 million for the initial expense of establishing the GIA and an additional $5 million as initial capital for the revolving fund, with other monies to be gotten from fees for products or services, etc.

Requires each Federal agency to provide the GIA with all information developed or received by the Federal agency in connection with research, development or analysis performed or sponsored by that agency, including information obtained or received pursuant to research, development or analysis contracts. It further requires that such information be provided to the GIA at no cost to the GIA and authorizes that the GIA Administrator may reimburse the supplying Federal agency for the costs of materials and reproduction of such information. Additionally, requires all supplying Federal agencies to deliver to GIA each individual informational item in each form in which the supplying agency receives said information, including electronic forms.

Additional sections cover administrative provisions (including rules, delegation, personnel and services, contracts, use of facilities, acquisition and maintenance of property, copyrights and patents, gifts and bequests, transfers of funds from other Federal agencies, agency seal, annual report, salaries of the Administrator and Deputy Administrator, transitional, savings and conforming provisions transfer and allocations of appropriations and personnel, incidental transfers, effects on personnel, savings provisions, separability, transition, effective date, interim appointments, and authorization of appropriations). Enables the Administrator to establish and impose reasonable fees and charges with respect to the sale of Government information and with respect to the provision of services and assistance, etc.

TITLE II (SCIENTIFIC AND TECHNICAL INFORMATION IN GOVERNMENT CONTRACTS)

Requires that if the head of an executive agency determines that familiarity with scientific and technical information is necessary for the effective performance of a contract proposed to be awarded by such executive agency, such contract may not be awarded to offeror unless, before the award, the offeror demonstrates to the agency head that the offeror has conducted an exhaustive review of the available literature on such information, and that if a contract awarded by an executive agency requires the contractor to provide scientific and technical information to such agency as part of the performance of the contract, the contractor shall submit such information in an electronic data processing form prescribed by the agency head.

Requires that Department of Defense may not pay an amount charged by a contractor for indexing, cataloging, or otherwise organizing scientific or technical information furnished to the contractor by the Federal Government pursuant to a Federal Government contract.

TITLE III

Establishes a Joint Committee on Government Information to have oversight responsibility for the Government Information Agency. The Joint Committee shall be composed of eight members: four from the U.S. Senate (appointed by the President pro tempore of the Senate on the recommendations of the Majority and Minority Leaders—two from the majority party and two from the minority party) and four from the U.S. House of Representatives (appointed by the Speaker on the recommendations of the Majority and Minority Leaders—two from the majority party and two from the minority party).

Revises the jurisdiction of the Joint Committee on Printing by providing jurisdiction for the sale of Government publications to the public to the Joint Committee on Government Information.

Expands the jurisdiction of the Joint Committee on the Library to include oversight responsibility for the depository library program.

ARE THERE PROBLEMS IN FOLLOWING THROUGH ON THE ADMINISTRATION'S OFFER TO SUBSIDIZE GRAIN SALES TO THE USSR?

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. DE LA GARZA. Mr. Speaker, I hope that President Reagan's recent decision to use the export enhancement program to persuade the Soviet Union to buy the American wheat it is pledged to purchase this year will succeed. But there may be some problems to be overcome, and I would like at this time to share with my colleagues a staff review of the situation as it now appears to stand.

To date, the Russians have brought only 150,000 metric tons of wheat out of the 4 million tons they have agreed to purchase during the current 1985/86 season (ending September 30) under the long-term grain agreement [LTA] which runs through the 1986/87 year. The Soviets claim they have not been buying so far because the LTA obligates them to purchase only at competitive prices. They make the point that not only can they buy from other exporters at prices below those they would have to pay normally at U.S. gulf ports, but other selected U.S. customers can also get grain for less under the Export Enhancement Program [EEP].

Now, of course, the President has announced that EEP subsidies are available to the Russians. But at the subsidy rate which has so far been offered, we may not succeed in making sales. The subsidy set is $13 a ton, producing a net price of $90 a ton. This is about equal to the weighted average price the Soviets have paid for Argentine, Canadian and Australian grain, but the grain trade thinks it will take a subsidy of $20–$27 a ton to get the Soviets to purchase the full 4 million tons of wheat. A subsidy of that level would let the Soviets get our grain at the same price at which we sold wheat to Egypt last week, or about $80 a ton. This would also be competitive with EEC sales of inferior feed-grade wheat at $78 a ton. The total cost of the subsidy for the Soviets, should they buy 4 million tons at a $20–$27 subsidy would be about $80–$100 million compared to about $50 million at the $13 a ton level. All costs, either way, would be within the limits set by Congress for the Export Enhancement Program.

The announced $13 a ton subsidy level, incidentally, expired on last Friday, August 8, and another announcement of the subsidy level will be made this week.

Just how much the Soviets will actually buy remains to be seen. On the basis of their current purchases from all exporters to date, a total import level of 30–35 million tons has been projected including 16–20 million tons of wheat. At such levels, they would still be short of meeting their expected import needs which—based on a predicted Soviet harvest of 170 million tons—are expected to range between 40–50 million tons.

The Soviets may be holding off their purchases until our prices come down—either through the reduction in our loan rates or through competition as all exporters compete with export subsidies. Another factor which may be leading the Soviets to sharpen their search for lower prices is the shrinkage in their foreign exchange reserves.

If the Soviets buy the 4 million tons sought under the United States program for the current year, the net improvement in our wheat exports may be only 2 million tons. This could happen because other exporters may view our use of the EEP as an escalation of the trade war and may try to take sales away from us in other markets.

THE REVEREND DAVID JAMES BERKEDAL TO ASSUME NEW POST IN SAN DIMAS, CA

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. DYMALLY. Mr. Speaker, it is with a mixture of sadness and joy that we in Compton, CA, will be bidding farewell next week to one of the city's most active pastors, the Reverend David James Berkedal. We feel our own loss deeply, but knowing Reverend Berkedal, we can feel only joy for the city of San Dimas

where Reverend Berkedal will soon take up a new pastorate.

Compton has a special relationship with Reverend Berkedal. His first pastorate has been in our city. He joined us only 2 weeks after his ordination in July 1977, and has made an astonishing number of contributions to our city in the 9 years of his ministry.

Mindful of the charge that a minister should attend both to the corporal and the spiritual needs of his flock, Reverend Berkedal has administered one of the most active emergency food pantrys in Compton. He has been tireless in securing food for the poor and the hungry. He has even been successful in tapping Federal funds for this ministry. Since 1984, his efforts have brought more than $26,000 from the Federal Emergency Management Agency to his program to feed the hungry of the city.

Reverend Berkedal has served in an area where nearly half the residents are black. He has tried to adapt Lutheran worship to black practices and traditions, and has been quite innovative in this respect. For example, he has organized regular jazz vespers worship services, himself playing the drums for the services. He developed the first Lutheran revival to be held in the past half century. In addition to the traditional Lutheran Sunday service, Reverend Berkedal has instituted a second, experimental Sunday service wherein the traditions of Lutheranism are melded with the worship traditions and practices of the black church.

In his 9 years as a pastor, his ministry has spread well beyond the confines of his church. Through regular contributions to the "Amen Corner" of the Compton Bulletin, through numerous radio interviews, through contributions of theme music for local television, Reverend Berkedal has truly ministered not just to Lutherans but to the whole community of Compton. And most recently, his ministry has extended to the whole South Bay area where, during the past year, he has served as the South Bay Conference Pastor-at-Large.

Pastor David James Berkedal has been a civic leader in the old-fashioned way—through hard work. He has served as a member and often as an officer of key civic organizations in the South Bay region. In line with his desire to get affordable food to the people, he has been president since 1981 of the Hub City Certified Farmer's Market. Since its founding in 1981, he has been a member of the board of directors of the Youth Action Center for Positive Change. Since 1982, he has been a member of the Standing Committee on Crime of the city of Compton. This year, he is serving as that group's vice president. He has served a 4-year term on the Lutheran Social Services of Southern California Board of Directors and has led efforts within that body to remove accounts of this agency from banks doing business with South Africa. He has served as a member of the Los Angeles County Department of Mental Health Services Southeast Region Regional Community Liaison Committee. He has been a member of the President's Advisory Commission for Compton College. He is a member of the Compton Minority Health Task Force. And these are just the highlights.

It is an understatement to say that when the Reverend David James Berkedal assumes his new ministry, Compton will suffer a great loss. We will truly miss Reverend Berkedal. We want him to know that our deepest thanks, our affection, and our best wishes go with him to San Dimas.

PRESERVING THE COUNTRY'S OPTIONS ON ANGOLA

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. STUMP. Mr. Speaker, the Republican leader and the entire Republican membership of the Permanent Select Committee on Intelligence have written to all Members of the House to warn of the dangerous restriction on support to freedom fighters in Angola contained in section fiscal year 1987 intelligence authorization bill, H.R. 4759. I would urge my colleagues to review carefully the letter we have written, which I am inserting in the CONGRESSIONAL RECORD.

The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, August 11, 1986.

DEAR COLLEAGUE: The House will soon consider H.R. 4759, the Intelligence Authorization Act for Fiscal Year 1986. Section 107 of the bill eliminates the option for covert support for the resistance forces in Angola fighting against the Marxist-Leninist regime which seized power a decade ago. We intend to offer an amendment to strike Section 107, thereby preserving for the United States the full range of options for advancing U.S. interests in Angola.

Section 107 would prohibit aid to the Angolan resistance unless the President publicly requests such aid and the Congress publicly debates and approves it by joint resolution. The supporters of Section 107 fail to recognize that the United States must conduct certain aspects of foreign policy in secret. The Congress and the Executive Branch both should understand that they cannot discuss publicly the subject of the possible conduct of covert action in any particular country.

The floor debate cannot properly include discussion of whether the United States is or is not providing, or planning to provide, covert support to the Angolan resistance. Either way, section 107 is folly. The United States must preserve all options—overt and covert—which may become necessary to protect U.S. interests against Communist aggression around the world, including in Angola.

A majority of the Members of the House Permanent Select Committee on Intelligence have decided to force public discussion in the House of matters which should remain secret, ignoring the appropriate effective mechanisms which exist for Congress to control intelligence activities through the power of the purse while maintaining secrecy. We strongly oppose this breach of the regular process for congressional oversight of intelligence activities.

Our amendment to strike Section 107 is essentially a referendum on the process for congressional oversight of intelligence activities. If you believe, as we do, that Congress must act with appropriate confidentiality in consultation with the President and his senior advisers on the subject of sensitive national security operations, vote to strike Section 107.

Vote to strike Section 107 of H.R. 4759 and preserve the options for defending U.S. interests in Angola. Vote to tell the Permanent Select Committee on Intelligence to do the job it was created to do—handle funding and oversight of intelligence programs with the necessary secrecy.

Sincerely,

Bob Stump, Andy Ireland, Henry Hyde, Dick Cheney, Bob Livingston, Bob McEwen, Bob Michel.

IMPORTANT NEW MONEYS RELEASED FOR ELDERLY BY USDA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. BIAGGI. Mr. Speaker, I am pleased, as the chairman of the House Select Committee on Aging's Subcommittee on Human Services to share with my colleagues some information I have recently received from the U.S. Department of Agriculture with regard to new funds to be provided for congregate and home delivered nutrition services for the elderly, under the Elderly Feeding Program, which is part of the Older Americans Act nutrition program.

The data which follows is broken down on a State-by-State basis and these funds actually represent a reimbursement to the States for meals served during fiscal year 1985 despite a Federal funding cutback. During the final quarter of fiscal year 1985, the reimbursement rate per meal was cut by 3 cents a meal. While cutbacks were not made initially, failure to provide additional funds could have resulted in the reduction and or elimination of more than 2 million daily meals a day for seniors across the Nation.

These additional funds came under terms of several emergency bills passed by Congress including Public Law 99-269, which I authored in the House, the Older Americans Act Amendments of 1986. The precise bill that released the funds was a supplemental appropriations bill passed by Congress and signed into law by the President just last month. It provided a total of $8.5 million for the Elderly Feeding Program. The funds were to be used to pay past due claims and to keep the reimbursement rate at its current 56.76 cents per meal for the rest of this fiscal year.

On July 30, my Subcommittee on Human Services held a special hearing at which time testimony was received from Sonia F. Crow, Associated Administrator of the Food and Nutrition Services of the U.S. Department of Agriculture. Ms. Crow assured the subcommittee the Department was prepared to release $6.2 million for use by the States immediately and the figures that follow represent those 1985 payments from funds provided under Public Law 99-349, the supplemental appropriations bill.

I wish to commend Ms. Crow and the Department of Agriculture for their timely response and expedient implementation of this bill, and wish to thank them on behalf of the

seniors across our Nation who will ultimately benefit from these additional funds.

NUTRITION PROGRAM FOR THE ELDERLY—1985 PAYMENTS FROM FUNDS PROVIDED BY PUBLIC LAW 99-349

State	Earnings from meal rate of 56.33 cents	Estimated additional payment
NORTHEAST		
Connecticut	$1,543,684	$74,320
Maine	591,693	28,487
Massachusetts	3,748,495	180,471
New Hampshire	776,315	37,376
New York	11,566,166	556,851
Rhode Island	639,982	30,812
Vermont	469,766	22,617
Maine: Passamaquaddy	5,986	288
New York: Tonawanda Senecas	7,868	379
NERO subtotal	19,349,955	931,601
MID-ATLANTIC		
Delaware	638,123	30,722
District of Columbia	607,655	29,255
Maryland	2,131,706	102,631
New Jersey	3,131,001	150,742
Pennsylvania	6,250,938	300,951
Puerto Rico	1,129,419	54,376
Virginia	1,543,286	74,301
Virgin Islands	64,128	3,087
West Virginia	1,138,930	54,834
MARO subtotal	16,635,187	800,899
SOUTHEAST		
Alabama	2,235,569	107,631
Florida	6,826,498	328,661
Georgia	1,774,967	85,456
Kentucky	2,010,713	96,805
Mississippi	1,863,019	89,695
North Carolina	2,733,959	131,626
South Carolina	1,220,573	58,764
Tennessee	2,157,146	103,855
Mississippi: MS Choctaw	4,143	199
North Carolina: Eastern Cherokee	10,328	487
SERO subtotal	20,836,912	1,003,190
MIDWEST		
Illinois	4,394,979	211,596
Indiana	2,900,649	139,651
Michigan	5,325,311	256,386
Minnesota	2,436,412	117,301
Ohio	3,865,214	186,090
Wisconsin	3,580,143	172,365
Michigan:		
Keweenaw Bay	8,285	399
Sault Ste Marie	3,962	191
Grand Traverse Band	1,372	66
Intertribal Council	7,006	337
Minnesota:		
Fond du Lac	5,318	256
Mille Lacs	13,685	659
Chippewa	3,147	151
Red Lake Band	13,939	671
Lower Sioux Ind. Comm	2,892	139
Wisconsin:		
St. Croix	3,028	146
Stockbridge-Munsee	2,242	108
Winnebago	2,637	127
Bad River	3,383	163
Lac Courte	6,670	321
Menominee	7,602	366
Red Cliff	3,890	187
Oneida Trb. Ind. Wis	683	33
Lac Du Flambeau Band	4,598	221
MWRO subtotal	22,597,050	1,087,932
SOUTHWEST		
Arkansas	1,999,783	96,279
Louisiana	3,016,992	145,253
New Mexico	981,884	47,273
Oklahoma	2,125,598	102,337
Texas	7,609,983	366,382
Louisiana: Inst. Indian Rev	0	0
New Mexico:		
Pueblo of Acoma	5,563	268
Eight North Pueblo	8,268	398
Pueblo of Isleta	7,461	359
Pueblo of Zuni	15,924	767
Five Sandoval	7,006	337
Santo Domingo	5,522	266
Mescalero Apache	3,013	145
San Clara Pueblo	7,045	339
Pueblo of Taos	5,314	256
San Juan Pueblo	7,315	352
Jicarilla Apache	6,592	317
Pueblo of Laguna	13,572	653
San Felipe	2,887	139
Pueblo of Jemez	2,562	123
Oklahoma:		
Choctaw Nation	11,470	552
Chickasaw Nation	15,018	723

NUTRITION PROGRAM FOR THE ELDERLY—1985 PAYMENTS FROM FUNDS PROVIDED BY PUBLIC LAW 99-349—Continued

State	Earnings from meal rate of 56.33 cents	Estimated additional payment
Muscogee	25,872	1,246
Cheyenne-Arapahoe	967	47
Cherokee Nation	7,509	362
Potawatomi	9,080	437
Comanche Indian	1,676	81
Osage Tribe	9,889	476
Pawnee Tribal	6,274	302
Miami Tribe	11,301	544
Seneca-Cayuga	5,569	268
Kiowa Tribe	9,238	445
Quapaw Tribe	8,713	419
Kickapoo Tribe	6,542	267
Otoe-Missouria	2,868	138
Seminole Nation	8,387	404
Sac and Fox	0	0
Apache	2,477	119
Wyandotte	1,901	92
Ottawa	4,585	221
Peoria	2,604	125
Delaware	1,430	69
Caddo	303	15
SWRO subtotal	15,984,958	769,594
MOUNTAIN PLAINS		
Colorado	1,171,047	56,380
Iowa	2,280,711	109,805
Kansas	1,970,453	94,867
Missouri	3,468,366	166,984
Montana	801,974	38,611
Nebraska	1,194,157	57,493
North Dakota	643,498	30,981
South Dakota	711,095	34,236
Utah	745,689	35,901
Wyoming	524,982	25,275
Colorado:		
Southern Ute	7,575	365
Ute Mtn. Tribe	3,199	154
Kansas:		
Kickapoo	8,854	426
Potawatomi Reservation	4,001	193
Un. Trb. Ks. and Se. N	1,728	83
Montana:		
Blackfeet Tribe	11,543	556
Assiniboine Sioux	11,945	575
Chippewa-Cree	11,452	551
Northern Cheyenne	3,350	161
Salish and Kootenai	4,768	230
Crow	0	0
Fort Belknap	3,684	177
Nebraska:		
Omaha	7,380	355
Winnebago NE	2,761	133
Flandreau Santee Sio	7,270	350
North Dakota:		
Standing Rock	18,548	893
Three Affiliated	210	10
Trutle Mountain Band	2,330	112
Devils Lake Sioux	1,827	88
South Dakota:		
Oglala Sioux	43,171	2,078
Yankton Sioux	6,797	327
Cheyenne River	16,868	812
Rosebud Sioux	0	0
Sisseton-Wahp Sioux	3,415	164
Crow Creek Sioux	1,150	65
Utah: Uintah Otray	5,607	270
MPRO subtotal	13,701,402	859,852
WESTERN		
Alaska	204,182	9,830
Arizona	1,358,259	65,393
California	10,845,441	522,152
Guam	181,149	8,721
Hawaii	739,790	35,617
Idaho	601,916	28,979
Nevada	542,169	26,103
Oregon	1,440,499	69,353
Washington	1,711,829	82,416
Northern Marianas	44,294	2,133
Alaska:		
Kodiak Assoc	2,094	101
Central Council	0	0
Tanana Chiefs Conf	0	0
Arizona:		
Pascua Yagui	18,910	910
Salt River	6,285	303
Hopi Tribal	6,546	315
White Mt. Apache	12,719	612
Papago Tribe	2,160	104
Navajo Tribe	4,397	212
San Carlos Apache	10,032	483
Intertribal Council	0	0
Quechan Indian	0	0
Colorado River	1,511	73
California:		
Hupa	5,093	245
Hishop and Toiyabe	1,671	80
Riverside-San Bernad	3,077	148

NUTRITION PROGRAM FOR THE ELDERLY—1985 PAYMENTS FROM FUNDS PROVIDED BY PUBLIC LAW 99-349—Continued

State	Earnings from meal rate of 56.33 cents	Estimated additional payment
Tule River Ind. HC	81	4
Sonoma County	915	44
Round Valley Ind	1,288	62
Toiyabe	3,269	157
Idaho:		
Nez Perce	5,515	266
Shoshone-Bananock	13,743	662
Nevada:		
Washoe Tribe	5,954	287
Walker River Paiute	3,089	149
Intertribal	9,797	472
Shoshone-Paiute	4,582	221
Oregon:		
Umatilla Reservation	6,576	317
Conf Trb. Warm Spring	688	33
Washington:		
Yakima	676	33
Eastern Washington	3,452	166
Northwest Service	3,511	169
Colville	2,306	111
Lummi	2,921	141
Muckleshoot	2,629	127
Puyallup	6,402	308
Quinault	3,552	171
Southern Puget	4,155	200
Makah Tribal	1,081	52
WRO subtotal	17,830,204	858,432

Note.—The "estimated additional payment" column represents the increase in earnings from the previous per meal rate of 53.618 cents to the current per meal rate of 56.33 cents. Because there have been some minor changes in both the meal counts and the value of commodities credited against a State's entitlement since the last payment was made, the actual payment may vary slightly.

REPORT ON RELIGIOUS INTOLERANCE AND POLITICS

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. COLEMAN of Texas. Mr. Speaker, the year 1986 has already seen more cases of religious intolerance and unfair tactics than normally occur throughout most entire election years.

As People for the American Way have documented in their 1986 interim report on religious intolerance and politics:

The instances of religious intolerance and deceptive campaign tactics that have already occurred should serve as a warning. Unless these tactics are challenged, American society may become further polarized, our liberties threatened, and our political system distorted—not only for the remainder of this campaign season, but for years to come.

Based on the experience in this year's party primaries, caucuses, and conventions, the study warns that "This year may see some of the most intolerant and deceptive campaign tactics in recent history." Most instances of religious intolerance and unfair campaign tactics have been confined to intraparty battles, such as the extremism and conspiracy theories of the LaRouche movement within the Democratic Party and the increasingly deceptive and intolerant tactics of the religious right operating within the Republican Party. Considering the unfair tactics used in this year's skirmishes, People for the American Way have raised great cause for concern about what will

happen when Republicans and Democrats square off in this fall's elections.

Chairman of People for the American Way John Buchanan, an ordained Southern Baptist minister and former eight-term Republican Congressman from Alabama, observed:

So far in 1986, the main victims of intolerant and deceptive campaign tactics have been Republicans, including traditional conservatives as well as moderates, who have been subjected to theopolitical inquisitions and personal attacks from the religious right.

In its review of the first half of 1986, People for the American Way's report found that instances of political intolerance ranged from the antiSemitism of the LaRouche movement within the Democratic Party, to an attack on a Christian Scientist in a Republican congressional primary in Texas, to demands that candidates in several States answer questionnaires about their religious views, and even prayers for the death of political opponents.

The report warns that candidates associated with perennial Presidential candidate Lyndon LaRouche have continued to win Democratic primaries in addition to their upset victories for statewide offices in Illinois, including five Democratic congressional nominations in Illinois, Ohio, Pennsylvania, and Texas.

The religious right was found to continue to practice "a new form of intolerance which says there is only one way for godly people to vote, declares Biblical principles require adherence to a narrow set of political opinions, and claims divine endorsement for political candidates."

Calling the death prayers "the ultimate form of intolerance," the report notes that a Republican congressional nominee in Georgia has said he prays for God to remove Supreme Court Justices who support legal abortion, "in any way He sees fit." The report also notes that television evangelist Pat Robertson told the National Right to Life meeting in Denver that he is pleased "the wonderful process of the mortality tables" will change the composition of the Supreme Court.

The religious right, which in the past has been unusually and commendably forthright, has recently turned to "outright deceit" as a political tactic, distributing fliers advising fundamentalists to conceal their real views while seeking positions of power in the Republican Party. The growing influence of the religious right has been reflected in Republican State platform language in Iowa and Texas expressing radical views on constitutional issues. For example, the 1986 Iowa Republican platform is critical of the conception of "separation of church and state," and the Texas platform urges the teaching of Biblical creationism in public schools.

Other examples of intolerant or deceptive campaign tactics uncovered by the People for the American Way report include:

In Alaska, State Sen. Edna DeVries, a candidate for the Republican nomination for Lieutenant Governor, says she is running because God told her to run. She has told the Anchorage Times: "Some would say, 'Edna, you have a safe seat, why are you doing this?' When God speaks, you need to be obedient." According to the magazine Church and State, she believes the United States is a Christian nation and those who disagree "shouldn't live in the United States."

In California's 27th Congressional District, Republican nominee Rob Scribner said "God * * * called me to run for Congress," and declared electing him is tantamount to "'tak[ing] territory' for our Lord Jesus Christ." Scribner is opposing incumbent Democrat Mel Levine.

In Florida, Bob Plimpton, coordinator for television evangelist Pat Robertson's Freedom Council in the Southern part of the state, distributed fliers at Palm Beach churches soliciting "Christian candidates" for the county school board.

In Georgia's 7th Congressional District, Republican nominee the Rev. Joe Morecraft said he prays for God to remove Supreme Court Justices who support legal abortion "in any way He sees fit."

In Indiana's 7th Congressional District, Republican nominee William Costas said he entered the race because of a message from God.

In Indiana's 8th Congressional District, a fundamentalist group called the Agora sent candidates a questionnaire demanding to know how often they attended church and whether they consider the Bible "inerrant."

In Iowa, a flier on "how to participate in a political party" circulated among fundamentalists who took over Republican county caucuses. The flier urged activists to keep their views, goals, and activities secret, advising them to "hide your strength," "to a degree, keep your positions on issues to yourself," and "give the impression that you were there to work for the party, not to push an ideology." These tactics are justified by citing Biblical passages.

In North Carolina, a group called Students for Better Government asked candidates "Can you honestly say that you have a personal relationship with Jesus Christ?"

In Texas' 21st Congressional District, Republican contender Lamar Smith was attacked by his opponent, Van Archer, because of his (Smith's) Christian Scientist religious affiliation. Smith won the nomination, but Van Archer received 46% of the vote.

At state senate district Republican conventions in Texas, delegates were urged to sign a "Believers Decree of Agreement," pledging adherence to "the Christian faith" and other theological and political commitments.

Mr. Speaker, all Americans of every faith, color and creed should be thankful for the efforts of People for the American Way to expose this rising tide of religious and political intolerance as we enter the final stretch of the 1986 political season. Intolerance challenged is intolerance denied, and I urge my colleagues and the American people to study and ponder the results of this most important study.

THE PEACE GARDEN TRADITION

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. DORGAN of North Dakota. Mr. Speaker, this week the House acted to establish a *National Peace Garden in the Nation's Capital.* I commend my colleagues, Mr. MILLER of California and Mr. VENTO of Minnesota for their leadership in bringing this bill to the floor and rise in support of it.

The legislation authorizes the Secretary of the Interior, acting through the National Park Service, to enter into an agreement with the Peace Garden Project, Inc. to design and construct a Peace Garden in Washington, DC. The bill also provides that the Secretary will be responsible for its maintenance, once constructed from private funds.

Having such a Peace Garden in the National Capital will illustrate and embody our country's commitment to peace—on behalf of our citizens and for the millions of foreign visitors who tour our Federal City each year. It's a welcome addition to the tradition of peace gardens.

In my own State of North Dakota and the adjoining Canadian Province of Manitoba, thousands of people visit annually the International Peace Garden. The central attraction of the park is probably the International Peace Chapel, a nonsectarian oasis on the international border dedicated to the universal ideas of peace from the world's great thinkers—Mahatma Gandhi, Dag Hammarskjold, St. Francis, and Einstein. Its pool and fountain symbolize the continuity in the search for peace, which goal has inspired the work of the garden for over 50 years.

For the information of my colleagues, I am including in my remarks a summary of the unique activities which occur at the International Peace Garden. As we embark on an effort to develop a worldwide network of peace gardens, I want to urge my colleagues to consider the pioneering work for peace and understanding of the International Peace Garden. Currently, the governments of Canada, North Dakota, and Manitoba contribute to its programs and maintenance. I believe that our own Federal Government should make a similar contribution.

Summary follows:

INTERNATIONAL PEACE GARDEN,
Dunseith, ND, July 29, 1986.

The International Peace Garden is a busy place. Over 18,000 tourists registered at the Peace Chapel for the summer of 1985. The registration is not a complete account of the number of tourists to tour the International Peace Garden, as the registration is voluntary. There was 553 people from 53 nations other than U.S. and Canada sign in, all 50 of the United States states were represented, and 11 of the 12 Canadian Provinces were recorded in the guest book.

During the months of May, June, July and August of 1985, North Dakota's registration showed 5,960 people with Manitoba at 4,063.

Over the summer of 1985, 71 motor coaches toured the International Peace Garden, most made use of the Tour Guide services we provide.

The summer of 1986 is promising to be an even better year than 1985.

More than 2,000 students attended the International Music Camp located in the heart of the International Peace Gardens on the border between Manitoba and North Dakota during the summer session of 1986.

Students from approximately 25 states and provinces were able to take advantage of 26 summer school of fine arts programs taught by artist teachers. In addition, the 1986 season saw 67 students enrolled from twelve nations other than the United States

and Canada. Those countries included: the Bahamas, Brazil, Costa Rica, Chile, Egypt, Finland, France, Mexico, Norway, Spain, Switzerland and West Germany.

During the 1986 season the International Music Camp employed 162 staff members from 30 states and provinces as well as two European countries.

THE BILLION DOLLARS ISN'T ALL FOR DROUGHT

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. DE LA GARZA. Mr. Speaker, I want to set the record straight about one recent development in efforts to help farmers survive the terrible drought that has done so much damage in the Southeast this year.

Yesterday, August 12, the White House issued a news release from the office of the press secretary. In listing earlier administration actions to assist in the drought emergency, the release mentioned that the administration had approved—and I quote—"increased 1986 advance deficiency payments at a cost of about $1 billion."

The fact is, Mr. Speaker, that the increased deficiency payments go to producers of wheat, feed grains, cotton, and rice in all parts of the country. I have no quarrel with the decision to move up the delivery of a portion of the scheduled deficiency payments. This is a welcome bit of help with cash flow problems to farmers in all areas where the crops involved are grown, and is within the limits set by Congress in the 1985 farm bill.

My problem is, however, with the description of the entire $1 billion amount as drought assistance. The fact is, as Members know, that the payments go to producers wherever the crops involved are grown and most of them are grown outside the drought area. Only a small proportion, less than $50 million of the $1 billion, will be paid to farmers in drought areas. This too is welcome, but I wish the White House would keep the record accurate and would stop describing the entire $1 billion speedup in payments as part of its drought assistance.

NATIONAL HIGH-TECHNOLOGY MONTH RESOLUTION INTRODUCED

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. DYMALLY. Mr. Speaker, today Mr. LUJAN and I have introduced for the third consecutive year a resolution designating October as "National High-Technology Month." I am pleased to note that we introduce the resolution this year by popular demand. We have received numerous calls over the last several months from State and local government officials, from businesses, from teachers, all asking us to introduce the resolution.

In past years, the resolution has set aside a special time in which teachers and students and the general public can look in a focused way at the impact of high technology on our lives. There is hardly an aspect of our lives that is not now touched by technological advancement.

I can attest to the impact in my own career in politics. In 1962 when I won my first elected office, I thought it fortunate that my office eventually obtained an electric typewriter. The concept of a memory typewriter did not cross my mind, and I certainly gave no thought to the notion of having a computer in my office.

Today the electric typewriter is almost an anachronism in my office. These words were composed at a computer, one of six in my Washington office. They were stored electronically on a magnetic disk rather than on a piece of paper. If I had wanted to change these words, I wouldn't have had a secretary tied up for an hour retyping. The pushing of a few buttons changes whatever I desire and moves words, phrases, and paragraphs where I want them.

Rather than sending these words to the district in an envelope, I will feed them into a machine which will transmit them through electronic impulses over the telephone line. Or maybe I will have one of my Washington computers call my district computer and transfer the information directly to disk for perfect, hard-copy reprinting there. What would have taken a week to get from Washington to California in 1962 will take less than 45 seconds.

The press release announcing introduction of this bill, likewise, need not be sent conventionally. My press secretary needs only to call the wire service's telecopier number and send the press release instantly. To see how the wire service treats the announcement, I can have my computer dial up the wire services and read the copy almost as soon as it is composed. I could go to the House recording studio and record a discussion of activities that might surround High-Technology Month and have those comments beamed by satellite to news media in California.

As a person in public life, high technology has vastly expanded my opportunities to communicate. While helping a politician to say more to more people may not be viewed by all as a positive byproduct of high technology, it clearly illustrates what high technology has done for us. It has added to our freedom by giving us options and by giving us time. Freedom, and time to use that freedom creatively—those are substantial contributions. I hope our colleagues will join Mr. LUJAN and myself in giving the Nation an opportunity to reflect on and to celebrate the contributions of high-technology to our society.

DISTASTE FOR COVERT ACTIONS

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. STUMP. Mr. Speaker, the Honorable HENRY HYDE authored a brilliant article entitle "Distaste for Covert Actions" in the Washington Times of August 13, 1986. The article makes clear the folly of those who support the prohibition on aid to the freedom fighters in Angola in section 107 of H.R. 4759, the Intelligence Authorization Act for fiscal year 1986. The Congress will soon consider the intelligence bill, and every Member of the House should read Mr. HYDE's article before casting a vote on the Angola question:

DISTASTE FOR COVERT ACTIONS

It has been said that Queen Victoria, in rejecting the idea of submarine warfare, called it a decidedly un-British way of fighting. True or not, there are those in positions of power in Congress who express the same fastidiousness about U.S. covert actions. Among those appearing to hold such a view is Democratic Rep. Lee Hamilton of Indiana, the respected chairman of the House Permanent Select Committee on Intelligence.

Earlier this year, what amounts to a new anti-covert action doctrine was enunciated by Mr. Hamilton. Specifically, the Hamilton Doctrine says that any "hotly debated" aspect of U.S. foreign policy with sensitive, covert intelligence ramifications must be openly acknowledged, publicly debated, and approved by Congress before any money can be provided in support of that policy.

More recently, Mr. Hamilton has translated his doctrine into legislation that is designed to sabotage the Reagan Doctrine of aiding anti-Communist resistance forces around the world. This latest Hamilton proposal, which has very damaging foreign-policy implications, is incorporated in the Intelligence Authorization Act for Fiscal Year 1987 (H.R. 4759), slated to be considered by the full House soon.

The first test case of the Hamilton Doctrine will be Angola. In essence, the Hamilton legislation stipulates that no U.S. covert military or para-military assistance to Jonas Savimbi's National Union for the Total Independence of Angola (UNITA) can be furnished unless such aid is publicly acknowledged and publicly approved by Congress. In other words, this is a clear attempt to reverse Congress's decision last year to repeal the 10-year-old Clark Amendment, which prohibited U.S. covert para-military activities in Angola.

What particularly disturbs me, as one who shares membership with Mr. Hamilton on the House intelligence committee, is that his doctrine represents a threat, ultimately, to all covert action, not just to what might be undertaken in Angola.

Debating an issue of this nature in open session empties the congressional intelligence oversight process of any real meaning.

And who makes the determination as to what is "hotly debated"—the media, certain senators and represenatives, or the American public, which may have an entirely different point of view?

Questions concerning U.S. support of paramilitary operations in any part of the world should be discussed secretly within the confines of Congress's two intelligence committees. That is why those panels were established.

Members of Congress should realize there are instances when our foreign policy must be circumspect, and indeed, even appear ambiguous, to be fruitful. Angola is a case in point. As State Department officials have indicated, a public debate on whether we should have a military support relationship with UNITA might reveal specific, sensitive information to our adversaries.

The Libyan bombing episode of last April demonstrated that the president must have

a covert foreign policy option that lies somewhere between no action and sending the Marines or American bombers. The Hamilton Doctrine would preclude that. Moreover, it jeopardizes clandestine cooperation from other countries who feel that they cannot afford to be identified publicly as backing U.S. foreign-policy objectives and activities.

Some argue that once the general nature of a covert operation is disclosed, there is no sense in trying to protect it further. They fail to recognize, however, that as long as certain aspects of that operation are secret, the other side is kept guessing as to appropriate countermeasures. Dispelling uncertainties by congressional corroboration of information available elsewhere upgrades its probable accuracy, and thus aids our foes.

In addition, the nature of diplomacy is such that a government may diplomatically ignore rumors or even public non-official discussion of the existence of a covert action, but official acknowledgement requires a strong diplomatic response or more.

Furthermore, justifying, as Mr. Hamilton does, open congressional debate of a particular covert action, because of what he views as ostensible administration confirmation of that activity, is really a ruse for torpedoing any such operation. We should bear in mind that the president does not hold a press conference each time he notifies the House and Senate intelligence committees of a new covert plan or activity.

Admittedly, there have been some unfortunate public discussions by administration and congressional officials regarding some covert operations, but frequently these slips have occurred after someone privy to that action has apparently leaked the details. That's how, for example, the past U.S. program for aiding Nicaraguan resistance forces ultimately became the most overt covert program in American history. Although no excuse for these unauthorized revelations, such disclosures make it virtually impossible for the president plausibly to ignore or deny U.S. involvement.

In short, we must protect all covert activities. Congress cannot selectively pick and choose those we want to keep secret. Terminating those we don't like by leaks, or by public congressional debate—as envisioned by Mr. Hamilton—will eventually destroy this nation's covert-action capability. Removing a foreign-policy card from the president's hand that has been played by chief executives since the days of George Washington seriously imperils this nation's security.

As we have painfully learned in our war against terrorism, we cannot go it alone in this increasingly interdependent world. We cannot expect allies to engage in joint covert operations that may be disclosed. If we cannot guarantee confidentiality to otherwise cooperative third countries, we end up perilously isolated.

Mr. Hamilton's initiative is dangerous for everyone concerned. The Hamilton Doctrine sends a signal to the Soviet Union and to our friends alike that eventually all United States covert actions worldwide could be exposed because the U.S. Congress is an unpredictable and undependable "wild card" in the intelligence process.

Such a turn of events would irreparably damage our ability to confront Soviet expansionism, not only in Africa, but in Asia, the middle East and Latin America, with all that ominously portends for the future of the Free World.

THE 20TH ANNIVERSARY OF MISSION VIEJO

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. PACKARD. Mr. Speaker, this month marks an historic time for one of the communities located within my 43d Congressional District. It is the 20th anniversary of Mission Viejo.

While 20 years is a relatively short time compared with the long and colorful history of some cities in America, the anniversary of the planned community of Mission Viejo deserves special recognition for its achievements in land planning.

Back in the early 1960's, men with a vision of what has now become known as the "California Promise" sat down and created a spectacular new community on paper. Careful attention was paid to each detail, from the development of school, church, and recreational facilities, to the design of roads and other public needs.

From the start, the men and women of the Mission Viejo Co. had a vision; that vision has grown and blossomed over the past two decades to the point where this community is nationally recognized for its excellence in providing its residents with a wonderful place to live, work, play, and raise families.

In 1984, Mission Viejo's reputation in the Nation was further enhanced when it was selected as the site for the Olympic long-distance cycling races.

Today, over 60,000 people call Mission Viejo home. To them and the Mission Viejo Co., I offer my congratulations on a job well done.

THE UNITED STATES AND THE WORLD COURT

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. SOLARZ. Mr. Speaker, the Reagan administration appears to have believed that its interventionist policy in Nicaragua was totally incompatible with our general commitment to abide by international law. Before Americans accept the inevitability of a forced choice between power and principle, we would do well to read Richard Gardner's review of the avoidable mistakes which the Reagan administration made in its handling of Nicaragua's case before the International Court of Justice. Professor Gardner, who teaches at the School of Law of Columbia University, makes clear that the United States could have demonstrated its respect for international law without necessarily changing our policy on aid to the Contras—as desirable as that would have been. I am including Professor Gardner's essay, which was published in the New York Times on July 2, 1986, for the CONGRESSIONAL RECORD.

The essay follows:

[From the New York Times, July 2, 1986]

A REAGAN FIASCO IN THE WORLD COURT

(By Richard N. Gardner)

Suppose you had a lawyer who failed to shield you from an impending lawsuit by neglecting to exercise in a timely manner your right to refuse the court's jurisdiction? And, having missed that opportunity, suppose your lawyer than failed to present the merits of your case to the court, thus helping to assure a judgment against you? That is essentially what our Government has done in the case we lost last week to Nicaragua in the International Court of Justice.

Nicaragua brought its case to the court in April 1984, nearly three years after we started organizing, training and financing a 10,000-man contra army for operations inside Nicaragua. We could easily have blocked the Sandinistas' suit well before it came to the court by refusing to accept the court's jurisdiction in cases involving armed conflict—on the reasonable grounds that the security interests involved are too great, the factual issues to hard to resolve and the law on the subject insufficiently developed. But we failed to do so, and now we stand condemned before the world of breaking international law and violating Nicaraguan sovereignty .

To be sure, the International Court of Justice is not the same as a domestic court. Its decision that we should stop aiding the contras and pay damages to Nicaragua cannot be enforced. Nevertheless, the court's judgment will influence public opinion and policy in other countries, undermining confidence in our foreign policy and tarnish our reputation as a law-abiding nation.

Significantly, no member of the court was prepared to accept President Reagan's argument that we have a right to aid "freedom fighters" seeking to overthrow or force the liberalization of Communist regimes. But even the judges who voted against us acknowledged that our aid to the contras might be justified if it were shown to be part of a "collective self-defense"—if it were proved that Nicaragua was aiding leftist guerrillas in El Salvador and if our response was necessary and proportional.

The United States' refusal to come to court to make that case meant that the court heard only the self-serving arguments of the Sandinista witnesses, many of whom, to put it bluntly, lied through their teeth in denying Nicaragua's substantial involvement in the Salvadoran insurgency.

With such self-destructive behavior on our part, it is not surprising that we obtained scant support from the court, since it is difficult for judges to resolve factual issues in favor of a litigant who does not appear to present his case. In the larger court of international opinion, many will conclude that we have no case at all.

There is a new "realism" in vogue in our country today that considers international law a utopian dream and international institutions irrelevant or worse to the advancement of our national interests. That view, which is not shared by most other democratic countries, is itself unrealistic.

International law is a system of mutual restraints and concessions that nations accept because it serves their interests. The fact that the Soviet Union and its allies repeatedly violate international law does not mean that it does not exist; nor does it justify our doing the same. Democratic governments, unlike totalitarian ones, hold themselves accountable for their actions under a rule of law. When we exercise our lawful right to

use armed force in individual or collective self-defense, as we must in some cases, we should be willing to justify our actions in legal as well as political terms.

To say that we cannot do so in the Nicaraguan case because we would compromise vital intelligence sources is simply not credible. We were willing to show satellite photographs of Soviet missile sites during the Cuban missile crisis, and we revealed intercepts of Libyan messages to help justify our recent air strike against that country. If our case against Nicaragua is a good one, we must also have nonsensitive evidence from Salvadoran sources.

The Administration could still salvage something from its errors by publishing a full statement of the international law basis for aiding the contras. Other nations have the right to expect this from the world's greatest democracy. The American people, who correctly like to think of themselves as a law-abiding nation, have the right to demand no less.

AID CAN WITHHOLD FUNDS FROM U.N.

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. SHUMWAY. Mr. Speaker, yesterday the U.S. Court of Appeals for the District of Columbia upheld the Agency for International Development's decision to withhold $10 million from the United Nations Fund for Population Activities because it aids coercive abortion and involuntary sterilization in China.

Particularly in these times of fiscal despair, we should not be providing millions of dollars for a program which supports involuntary abortions and sterilization. These coercive measures constitute a gross violation of the rights of the individual and demonstrate a disregard for the value of human life. In my view human life is sacred and precious. No government should be allowed to require the termination of a human life, and certainly not with the assistance of an organization funded by the United States.

[From the Washington Post]

AID CAN WITHHOLD FUNDS FROM U.N.

(By Nancy Lewis)

The Agency for Intrernational Development's decision to withhold $10 million from the U.N. Fund for Population Activities on grounds that its work aids coercive abortion and involuntary sterilization in China was upheld yesterday by the U.S. Court of Appeals here.

But the three-judge panel, in a decision written by Circuit Judge Abner J. Mikva, turned aside claims by AID that the decision was political and therefore could not be reviewed by the courts.

Noting that the court must defer to the intent of Congress and, to some extent, the executive in matters that affect foreign affairs, Mikva stated, "These principles of deference do not alter our conclusion, however, that this case does not present a nonjusticiable political question and that we may review the administrator's determination."

The decision came in a case brought by the Population Institute, the Population Council and Reps. William S. Green (R-N.Y.) and Peter H. Kostmayer (D-Pa.) challanging AID Administrator M. Peter McPherson's Sept. 26, 1985, decision to withhold the funds appropriated for fiscal 1985.

An amendment to the supplemental fiscal 1985 appropriations bill prohibited distribution of AID funds to any organization or program that "supports or participates in the management of a program of coercive abortion of involuntary sterilization."

In challenging McPherson's decision to withhold the funds, the Population institute and others argued that the U.N. agency did not support coercive abortion or involuntary sterilization in its programs in China and that the funds should be distributed.

U.S. District Judge Louis F. Oberdorfer threw out the suit, saying that the decision by AID was a political one and could not be reviewed by the courts.

An appeals court panel last November blocked AID from distributing the $10 million to other recipients, but lifted the order less than two weeks later when McPherson submitted a new rationale, saying that the U.N. agency primarily provided demographic expertise to China, which in turn allowed "the Chinese to more effectively implement not their population planning program in general but their program of coercive abortion."

Mikva, joined by Circuit Judge Robert H. Bork and U.S. District Judge Harold Greene, said McPherson's interpretation was "reasonably grounded in a reasonable view of the amendment."

Officials of the Population Institute and the Population Council could not be reached for comment. Officials of the National Right to Life group, which had lobbied for the congressional amendment, said they applauded the decision.

AARONSBURG, PA CELEBRATES ITS BICENTENNIAL

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. CLINGER. Mr. Speaker, the town of Aaronsburg, PA, located in my congressional district, will celebrate its bicentennial on September 20 and 21, and a young constituent of mine from Aaronsburg, Andrea Vonada, researched and wrote a short history of the town that I would like to submit into the CONGRESSIONAL RECORD for the benefit of my colleagues who I know all join me in congratulating the people of Aaronsburg on the occasion of the town's Bicentennial.

The town's history is as follows:

AARONSBURG, PA

As early as 1775 the first German families to come to Centre County settled in Haines Township. The Germans, most of whom were farmers, found the limestone soil very pleasing for growing their crops.

They settled in the surrounding areas of Haines Township, but soon Aaronsburg became the largest village in the township. Aaronsburg is also the oldest town in Centre County. In 1786 Aaron Levy laid out lots and in October he bagan selling them. The town was, therefore, named for this early settler. This town is unusual in that when Mr. Levy planned it, he thought that it might some day be the capital of Pennsylvania. Therefore, he made the main street very wide. Even though the town never became the capital, the wide street was left that way. In the past one could travel down main street and observe the freshly painted houses and fences around each lot.

Aaron Levy is also remembered for giving lot number 167 for the Salem Lutheran Church when he planned the town. On November 16, 1789 he conveyed Jacob Stover and Michael Motz as trustees for the lot, for the use of the members in communion with the church called Luthran for a school, church, and burial-ground.

Aaronsburg was the center of many small businesses because of its location on the main road of travel between Union and Centre counties. Many businesses cared for the wants of the travelers and for the townspeople. Some of the many businesses were: hotels, general stores, chairmakers, tinsmiths, carpet weavers, hatters, blacksmiths, weavers, tanners, and carpenters. There were also two early doctors in the town by the names of Dr. Kloepper and Charles Coburn.

Aaronsburg grew and developed and in 1949 the "Aaronsburg Story" we celebrated. People thought Mr. Levy's idea of brotherhood was an important value to keep strong in the little community. The ideals of peace and brotherhood were displayed in a pageant that was held in the lot across from the church that Mr. Levy helped to start.

Then tragedy struck the town when in 1958 lightning struck the steeple of the Salem Lutheran Church and the building was destroyed. After much debate, it was decided that the historical landmark and church should be rebuilt. The other church still in use today in Aaronsburg is the St. Peter's United Church of Christ. It was started by a reformed group in 1842. The Evangelical United Brethren at Aaronsburg dates back to 1850. It went out of use in the 1960's and is now the Aaronsburg Library and Museum. The people who worshiped there joined the St. Peter's United Church of Christ in Aaronsburg, the United Methodist churchs in Milheim and Woodward.

In October of 1976, Aaronsburg got into the celebration of our country's bicentennial by having its first annual Haines Township Dutch Fall Festival. Each year since then, on a weekend in the fall, the town takes two days to enjoy some of the arts, crafts, and foods of a time gone but not forgotten. On September 20 and 21, 1986 the tradition continues, but this is a special year for the little town. The town that Aaron Levy helped to lay out on maps and charts will be celebrating its own bicentennial. The traditions of the past will be displayed by townspeople and local craftsmen. It will be a very special celebration for the people of Aaronsburg.

THE CLOSING OF PEIRANO'S GROCERY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. LAGOMARSINO. Mr. Speaker, I appreciate this opportunity to rise and pay tribute to Nick Peirano on the occasion of his retirement and the closing of his business, Peirano's Grocery in Ventura, CA.

Nick Peirano bought the market from his father in 1931 and has run the store ever since. Peirano has resisted the temptation to

modernize and has, instead, kept the charm missing from most modern-day convenience stores. You won't find microwave hot dogs, video games, or flashy displays at Peirano's Grocery. Instead, you'll find a brick building with wooden floors and a selection of hard-to-find pasta, salami, wine, and cheese. You'll also find Nick Peirano, the coloful owner, behind the counter.

Peirano's Grocery has become an institution in Ventura, CA. Right across the street from Holy Cross School, Peirano's Grocery was always a favorite with the students who would visit Nick's market to buy penny candy.

Nick Peirano has hung up his trademark blue apron for the last time and will be retiring to Oak View, CA. On behalf of all of the residents of Ventura, CA, I would like to say that we will all miss Peirano's Grocery but most of all, we'll miss Nick Peirano himself. I wish him the best during his retirement.

And, Mr. Speaker, I would say the same even if Nick were not a relative.

A TRIBUTE TO ARTHUR J. KIRSCH

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. LENT. Mr. Speaker, I rise today to pay tribute to an individual whose commitment to excellence in education has been the hallmark of his career. His name is Mr. Arthur J. Kirsch and he is retiring this August as a member of the Merrick Union Free School District Board of Education.

Mr. Kirsch has served on the local school board for the past 8 years in the capacities as both president and vice president. In addition, he served on the Bellmore-Merrick Central High School District Board of Education since 1983.

Clearly, Mr. Kirsch is committed to providing our students with the finest education possible. He worked closely with students, teachers, parents, and residents of the school district to ensure that the community's education needs were met.

Mr. Kirsch's outstanding records of achievement and many years of service to the community are worthy of the highest commendation.

On August 18, Mr. Kirsch's many friends and colleagues will honor him with a testimonial dinner. On this memorable occasion, I'd like to express my sincere appreciation to Mr. Arthur Kirsch for his significant contributions to better education and for his dedicated efforts on behalf of the community.

A TRIBUTE TO THE RECIPIENTS OF THE PURPLE HEART AWARD

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. CHAPPELL. Mr. Speaker, last week August 7, we marked the 204th anniversary of the Purple Heart Award. This military decoration, first bestowed by Gen. George Washington and which today bears his likeness, was first granted in 1782. Since that day, it has been given to Americans who have been either wounded or slain in the defense of their country and all that it stands for.

These brave men and women came from all walks of life. What has bound them together is the courage to make great personal sacrifices so that we may enjoy our freedom today.

My fellow colleagues, I ask that each of you take a moment out of your busy schedule to remember our recipients of the Purple Heart, who have given so much of themselves to these United States.

CONGRATULATIONS TO BOB TWAY

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. DARDEN. Mr. Speaker, young Bob Tway gave new meaning to the terms "sudden death" and "sudden victory" on Monday at the PGA Championship in Toledo, OH. Once trailing by nine strokes, his chances of winning the prestigious tournament seemed doomed, or at least to hinge on a sudden death playoff with Greg Norman, another rising star of professional golf.

But Bob Tway fought back to sudden victory over the final holes of the Inverness course. When he sank a dramatic 25-foot sand shot on the 18th hole to take the lead for good, I am sure all of us watching on TV joined—at least in spirit—in his leaps of joy. Moments later, of course, tears came to his eyes as he realized the magnitude of his feat.

Mr. Speaker, although Bob Tway now calls Oklahoma home, I am proud to say that he grew up and learned his golf game in my hometown of Marietta, GA. He was an outstanding golfer at Cobb County's Wheeler High School before going on to Oklahoma State University and the PGA tour.

All of us in Marietta and Cobb County share his pride in winning one of the top prizes of professional golf. We wish him well as he strives for more great accomplishments on the golf courses of America and the world.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, August 14, 1986, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 9

9:30 a.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings to review graduate medical education in ambulatory settings.
SD-430

SEPTEMBER 10

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
To hold hearings to review the human resources impact on drug research and space technology.
SD-430

SEPTEMBER 11

9:00 a.m.
Armed Services
Closed business meeting, to consider pending nominations, and to review the committee's agenda for the remainder of the 99th Congress.
SR-222

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

SEPTEMBER 16

10:00 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

SEPTEMBER 17

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

SEPTEMBER 18

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

SEPTEMBER 24

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

SEPTEMBER 25

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

OCTOBER 1

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

OCTOBER 2

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

SENATE—*Thursday, August 14, 1986*

(Legislative day of Monday, August 11, 1986)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Gracious Father in Heaven, we come to you this morning with the thoughtful words of St. Francis of Assisi.

Lord, make me an instrument of Thy peace * * * where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; and where there is sadness, joy.

O Divine Master, grant that I may not so much seek to be consoled as to console; to be understood as to understand; to be loved as to love; for it is in giving that we receive; it is in pardoning that we are pardoned; and it is in dying that we are born to eternal life. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able and distinguished acting majority leader, Senator ALAN SIMPSON of Wyoming.

Mr. SIMPSON. Thank you very much, Mr. President pro tempore.

A MOST APT QUOTATION

Mr. SIMPSON. Again, our Chaplain has shared with us a most apt quotation. I think so many of us know that, and certainly one of the timeless ones of philosophy, a thoughtfully presented piece on St. Francis and indeed very known to us, nearly as known as the 13th chapter of First Corinthians, "the greatest of these is love." We will need a little of that the next few days, indeed we will. But we have a target. We do not have a Rules Committee here in the U.S. Senate. We have a great freedom of debate, very important to us.

It was an excellent debate, a strong debate on the Contras, and I thought it was well done. Both sides presented themselves carefully and with great vigor, and that is what it is about. And yet we do have a target. We do have much work to do on South Africa. We will complete that, I feel quite certain, so that we might accommodate the Labor Day recess, which is very important to many of us and to our families, and we will refresh ourselves and come back for 3-plus, almost 4 weeks of vigorous activities.

So we thank the Chaplain for those remarks. They are very much appreciated.

□ 0850

SCHEDULE

Mr. SIMPSON. Mr. President, the convening hour, of course, is 8:45 a.m.

There is time for the two leaders, under the standing order, of 10 minutes each.

There will be routine morning business not to extend beyond 9:15 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

At 9:15 a.m., the Senate will resume consideration of the South Africa measure, S. 2701, under the terms of the unanimous-consent agreement of August 9, 1986.

Rollcall votes can be expected throughout the day. Yesterday, I believe we had 16 rollcall votes. I think activity will be that vigorous today.

The Senate is expected to remain in session late into the evening. The majority leader will try to indicate periodically throughout the day as to our progress and what Senators' personal schedules might be, and will try to accommodate those.

Mr. President, I reserve the remainder of the time for the majority leader.

RECOGNITION OF THE ACTING DEMOCRATIC LEADER

The PRESIDING OFFICER (Mr. WALLOP). The acting Democratic leader is recognized.

TRIBUTE TO THE CHAPLAIN

Mr. BENTSEN. Mr. President, I wish to join the acting majority leader in his comments with respect to the Chaplain.

When there is a battle around here, the Chaplain is often a voice of comfort and stability—not only in the remarks he makes on the floor of the Senate but also those he makes to us individually. I am appreciative of his counsel and advice.

TRADE LEGISLATION

Mr. BENTSEN. Mr. President, we are facing a tough schedule, but I think one of the most serious questions we face, and one that we must address, is the question of trade.

Earlier this week the Senate Democratic caucus met and adopted a timely, important statement calling for trade legislation before the 99th Congress adjourns. I ask unanimous consent that the caucus statement be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENTSEN. Mr. President, with the prospect of a $170 billion trade deficit this year, the acknowledged loss of millions of American jobs, and a currency devaluation of 30 percent, none of which have up to this point done much in the way of cutting back on that trade deficit, most people would assume that the administration is making a serious effort to address the potential problems of world trade.

Unfortunately, that is not the case. Lacking a comprehensive, consistent policy on trade, the administration is lurching from one trade crisis to another. The President and his advisers on trade have gone outside existing trade law to deal randomly and haphazardly with major trade issues like automobiles, steel, and machine tools.

A trade representative came to see me the other day and said: "I want you to know that now I am going to be able to try to work out something with you on trade. Of course, there are certain limitations placed on what I can do." It seems to me that, compared to administration opposition to a bill, that statement is a distinction without a difference.

In recent years, Congress has attempted to fill this dangerous leadership vacuum in trade by providing some logic and direction on trade policy. These efforts are frequently labeled as protectionist by an administration unwilling to face up to the problem. But in fact, Mr. President, the most effective trade actions of our Government have emanated from the Congress and been embraced only reluctantly—frequently at the last minute—by an administration desperate for ideas. What passes for administration trade policy is actually a patchwork of congressional trade initiatives.

This situation will reach crisis proportions during the new round of multilateral trade negotiations scheduled to begin soon in Punta Del Este. One

measure of the chaos and lack of purpose surrounding our trade policy is the fact that we will be sending our negotiators to Punta Del Este without adequate authority to enter meaningful negotiations.

The lack of negotiating authority will not be lost on our competitors in trade. They will understand that, and it will undermine our negotiators and dampen public support for our positions. Indeed, there are many in American industry and labor who fear that the administration sees the new round of talks as an opportunity to bury tough trade problems rather than resolve them.

Mr. President, that would be a tragedy for America. The new round of talks is a golden opportunity to reform the world trading system. No nation has a greater stake in that system than the United States; we should be spearheading the effort for reform. But the administration refuses to prepare seriously for the Punta Del Este talks and resists bipartisan congressional efforts to enact a trade bill that serves America's interests.

Congressional Democrats could remain silent and watch America's competitiveness go down the drain while the administration twiddles its thumbs on trade policy. We could take the position that there is no sense giving the administration negotiating authority it has not even requested. But we sense a broad, bipartisan concern about trade in the Congress—a concern that has nothing to do with protectionism. We think America needs a comprehensive, realistic policy to protect our trade interests and our ability to compete.

That is why, nearly a year ago, every Democrat in the Senate signed onto S. 1837, which authorized a new round of trade talks. Mr. President, there was nothing protectionist about that legislation. We do not punish any competitor. We do not protect any particular product in this country. How did the administration react? They reacted with alarm and conjured up images of the Smoot-Hawley tariff.

Why was the administration afraid of S. 1837? Because that legislation pointed toward a trade policy; it suggested the sort of leadership and vision that should have come from the administration.

Trade is not a Democratic issue; it is an American issue. Despite the lack of interest from the administration, many congressional Republicans have supported legislation that authorizes a new round of trade talks and proposes constructive elements of a national trade policy.

Mr. President, it simply makes no sense to wait for the administration to join the Congress in framing a trade policy, the administration obviously is not interested.

Instead, we will probably be treated to a lot of September surprises—a series of isolated, highly publicized, ad hoc trade actions designed to convince a few Senators to block a trade bill. There might be an action on informatics from Brazil; there might be some import protection; there could even be some harsh statements about the economic policies of our trading partners. But there will not be a trade policy, and America's ability to negotiate at the new round of trade talks will not be improved.

I know time is short and our agenda is full, but I am convinced the 99th Congress can still make a creative, constructive contribution to trade policy. The Democratic caucus is on record; we are ready to move. I hope our Republican colleagues will join with us so we can work together for a trade bill this year.

We were in the Finance Committee yesterday—the distinguished Senator from Montana was there—and the question was asked by the Republican chairman of the Subcommittee on Trade, the distinguished Senator from Missouri, as to whether the Democratic minority leader is ready to move on trade; and the minority leader said, "Yes, we are. And we are ready to work out the time limitations so that we can put the matter on the agenda, give it a high priority, and move." That is what we ought to do.

□ 0900

We have had the trade hearings. We have a House bill. We have the seeds of a bipartisan congressional trade policy. That has been planted. Now let us reap it.

We are not seeking political advantage. I stand ready to work with Senator DANFORTH, Senator PACKWOOD, and Senator DOLE to arrive at a bill Democrats can join in sponsoring.

EXHIBIT 1

STATEMENT OF THE SENATE DEMOCRATIC CAUCUS ON INTERNATIONAL TRADE LEGISLATION

The United States confronts a trade crisis, with imports exceeding exports by record levels for a fifth consecutive year. The $170 billion annual pace of the U.S. trade deficit so far this year is a cause of our economic sluggishness in the view of most economists and could tip our country into a recession in the view of some.

Continuing record trade deficits, in fact, have held U.S. economic growth to 2.5 percent since 1981 rather than the 4 percent Administration target.

Trade deficits have made the United States the world's largest debtor nation, dependent on massive inflows of foreign capital from other nations to sustain growth and avoid higher interest rates and a reduced standard of living.

The Administration has not developed policies in response to the trade crisis. It has reacted in isolated instances, under pressure, but there is no reason to believe it has any intention of developing a consistent, comprehensive trade policy.

The Administration will attempt in September to launch a new round of negotiations leading to reform of the rules governing world trade. A New Round is needed. But the Administration intends to launch these negotiations using congressional authority dating back to the Trade Act of 1974, enacted at a time when the U.S. was the world's largest international creditor nation and enjoyed persistent trade surpluses. Moreover, these complex negotiations may continue for a decade, while the existing congressional authority expires at the end of next year.

Foreign nations are unlikely to negotiate seriously with the President on trade without some assurances as to whether resulting agreements will receive a positive response from Congress and the American people.

Since last year, Democrats in Congress have urged the Administration to seek new authority for the New Round. The Administration has declined to ask Congress for negotiating authority and has resisted efforts to provide it.

Senate Democrats believe it is very important that legislation establishing a consistent, comprehensive U.S. trade policy and authorizing New Round negotiations, after adequate consultations with Congress and the American people, be approved before the 99th Congress adjourns.

We urge Senate leadership and the Administration to join us in calling for action on this trade legislation in September.

Mr. BAUCUS. Mr. President, will the Senator from Texas yield?

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order there will now be a period for the transaction of routine morning business for not to extend beyond 9:15 a.m. with statements therein limited to 5 minutes each.

Mr. BENTSEN. Mr. President, has my time expired?

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Montana.

TRADE LEGISLATION

Mr. BAUCUS. Mr. President, I commend the Senator from Texas. He is absolutely correct in pointing out the problems with our international trade and more particularly in pointing out that the Reagan administration has been, in my judgment, irresponsible in not allowing or not pushing for good, significant trade legislation this year.

We have immense economic difficulties in our country and they are going to get much worse unless we have a very firm, solid trade bill.

As an example, last fall Secretary Baker, the Treasury Secretary, finally agreed that perhaps the U.S. dollar is too high. He finally got other countries to meet with him in a coordinated reduction of the U.S. dollar, changing the exchange rates so U.S. business could export more easily.

He then projected last fall that the trade deficit for 1986 would fall by $30

billion. Last year the trade deficit was $150 billion.

What has happened? Our trade deficit this year will not fall by $30 billion. The projection is that our trade deficit is going to increase by $20 billion to $170 billion, not a decline in our trade deficit, but an actual increase in our trade deficit.

That means lost jobs for Americans. It also means that for the first time the United States is a debtor nation. We now owe more to overseas creditors than they owe us. That has not happened in the history of our country since 1914. We are a net debtor nation.

Is that a good trade policy? No, it is not a good trade policy.

In addition, the standard of living of American workers is not rising. It has not risen in the last several years. It has started a decline on a relative basis. Our standard of living has declined on a relative basis.

I think the time is now to have a trade bill, a good trade bill, a solid trade bill.

We have an omnibus trade bill in the Finance Committee supported by nearly all Republicans and Democrats.

Why is it not moving? It is not moving because the President of the United States cavalierly, benignly does not want a trade bill. He says everything is OK. We know everything is not OK.

The time is for the President finally to realize that he has to work with Congress and pass a trade bill. The ball is in his court. The ball is at the other end of Pennsylvania Avenue. It is down at the White House. He should take that ball and play ball with Congress and more importantly do something for the American people. I do not think he is doing enough.

Mr. BENTSEN. Mr. President, will the Senator yield without losing his right to the floor.

Mr. BAUCUS. I yield.

Mr. BENTSEN. I appreciate the leadership of the distinguished Senator from Montana concerning trade. He has been in the forefront of that fight for a long time.

I think it is quite interesting to note that the CRS study we had made showed that the administration opposed every major pending trade bill both in the House and in the Senate.

Their initial reaction to trade legislation and ultimate reaction to trade legislation is always that it is protectionist. Whatever it is, they label it protectionist.

We have had bill after bill, and those bills have been introduced by Republicans and Democrats.

So that administration position has been one of obstruction rather than trying to find a constructive solution to the problem.

Mr. BAUCUS. I thank the Senator very much.

The fact is that many other countries are taking advantage of the United States. Some countries have targeted industries they protect, barriers they protect, with export subsidies we do not have. We are not Simon Pure. Of course we have some protectionist barriers.

But the fact is that most countries are more protectionist than we. They are taking advantage of us. We are the largest, most lucrative market for other countries. We are the biggest country, have the highest GNP, the highest per capita income. Other countries want to design products to sell in the United States.

I am saying we should no longer let other countries take advantage of us. We cannot wait any longer.

Mr. President, I yield the floor.

THE SENATE'S RESPONSIBILITY IN CONFIRMING JUDGES IS TO THE AMERICAN PEOPLE

Mr. FORD. Mr. President, last week when the Judiciary Committee began its hearings on the nomination of Judge Antonin Scalia to become an associate justice of the Supreme Court of the United States, my good friend and respected colleague, CHARLES MCC. MATHIAS, the chairman of the Committee on Rules and Administration, on which I am privileged to serve as ranking minority member, devoted his weekly news column to an exposition of his views on the Senate's responsibility in confirming Federal judges. In particular, his views were directed to justices of the Supreme Court.

In my opinion, the senior Senator from Maryland has in this column surpassed even his own high standard of excellence in analysis and expression. What he has written is so excellent and timely, that I wish to be sure all of our colleagues can share in its wisdom and guidance.

Senator MATHIAS WRITES;

No responsibility entrusted to the U.S. Senate is more important than the duty to participate in the process of selecting the judges of the U.S. courts.

Then, in his final paragraph, the Senator states:

For when we carry out our duty to advise the President and consent to his choice, as our predecessors first did nearly two hundred years ago, our loyalty, like theirs, is neither to party nor to the President, but it is to the people, and to the Constitution they have established. If we cannot recognize and act upon that higher loyalty when we confirm judges, we cannot demand it of the judges that we confirm.

Mr. President, Senator MATHIAS calls our attention to the importance of ascertaining where nominees to the highest court in the land may take us when they fashion their decisions and opinions. Soon we will be called upon to vote not just on Antonin Scalia, but also the new chief justice designate, and many other Federal judge nominees. We can all benefit from reflecting on the clear and direct views expressed by Senator MATHIAS, and I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE'S RESPONSIBILITY IN CONFIRMING JUDGES IS TO THE AMERICAN PEOPLE

(By Charles McC. Mathias, Jr.)

The Senate Judiciary Committee has been holding hearings on the nomination of Antonin Scalia to become an associate justice of the Supreme Court. Judge Scalia came before us with impressive records of achievement and persuasive endorsements, not to mention the recommendation of the President of the United States. There is, from the outset, no doubt that he had the intellectual attainments and the legal and judicial experience to serve effectively on the Supreme Court. Judge Scalia's strong credentials make it all the more important that we pause at the beginning of this process to reflect on the importance of the task the Senate is about to undertake.

No responsibility entrusted to the United States Senate is more important than the duty to participate in the process of selecting the judges of the United States courts. Our role in the confirmation process is different from any other business that comes before the Senate. Most other decisions that we make are subject to revision, either by the Congress itself or by the Executive Branch. Statutes can be amended, budgets rewritten, appropriations deferred or rescinded. Of the legislative sins we commit in haste we may repent at leisure. But a judicial appointment is different; it is for life.

The decisions of a judge of an inferior court are subject to correction in the appellate process. If the system works as it should, no lower court judge can stray too far from the law of the land. But a Supreme Court Justice is different. In Justice Robert Jackson's famous dictum: "That tribunal is not final because it is infallible; but it is, in a constitutional sense, infallible because it is final."

Precedent must control a lower court's disposition of a constitutional controversy. But for the Supreme Court of the United States, precedent is a path that the court may usually—but need not always—choose to follow. Judge Scalia, if confirmed, will be charting new routes and correcting old courses. The Senate has an obligation, therefore, to find out, as best we can, where the nominee would take us, before we decide to empower him to take us here.

The Supreme Court has an unparalleled power under our constitutional system to advance the cause of liberty, or to impede it; to strengthen the foundations of republican government, or to undermine them. That may help to explain why the Framers of the Constitution thought that the power to appoint Justices was too important to be reposed in the hands of one branch of government alone. Of this sharing of power—the President's to nominate, the Senate's to confirm—Alexander Hamilton wrote, "It is not easy to conceive a plan better calculated than this, to produce a judicious choice of men for filling the offices of the Union." In the process that begins today, the nation once again puts Hamilton's assertion to the test, as we have done more than one hundred thirty times before in our history.

Judge Scalia merits our congratulations. He is the President's choice for an office of unsurpassed importance. But I think he also needs some good luck, for the scrutiny this nomination has received, will receive, and should receive must be thorough and exacting. The Constituion, and the oaths of senators to support and defend the Constitution, demand no less.

For when we carry out our duty to advise the President and consent to his choice, as our predecessors first did nearly two hundred years ago, our loyalty, like theirs, is neither to party nor to the President, but it is to the people, and to the Constitution they have established. If we cannot recognize and act upon that higher loyalty when we confirm judges, we cannot demand it of the judges that we confirm.

EXPERT ANALYSIS OF SDI COSTS

Mr. PROXMIRE. Mr. President on August 10, the Washington Post published the analysis by two independent experts of the possible cost of SDI or star wars. Barry Blechman, one of the authors, is the president of Defense Forecasts. He is also a fellow of the Johns Hopkins University Foreign Policy Institute. His coauthor is Victor Utgoff. Utgoff is a deputy director of the Strategey, Forces and Resources Division of the Institute for Defense Analyses. In the view of this Senator, the analyses are optimistic. It is likely that they sharply understate the cost of the strategic defense initiative. This is specially true of the cost of annual operations of the antimissile system. The cost of annual operations is specially difficult to determine. It depends on the success of counter measures taken by the Soviet Union.

Obviously every success the Soviets achieve in developing technology that can spoof, or overwhelm or penetrate the star wars defense will require an additional SDI expenditure to provide an effective defense against the countermeasure. Assume a star wars confrontation with an offensive nuclear attack. Which has the advantage? The star wars defense—or the nuclear offense? Consider: The offense can select the time of attack. It can pick the volume of attack. It can determine the place of the attack. It can select from variety of offensive options the particular weapon it will use for the attack. The defense must be prepared at all times. It must be ready for any volume of attack. It must be prepared at every place of attack. It must be ready for any of a variety of weapons the offense can use in the attack.

Does this increase the cost of effective defense? Of course, it does. It increases the cost of defense immensely. Does this open series of options for the offense decrease the likelihood of successful defense? It does, indeed. So Blechman and Utgoff can and do give us an informed judgment of the cost of a variety of star wars system. They can give us no estimate of the chances of success of any of these systems. Obviously, the chances of successfully achieving the purpose of each of the four defensive systems they describe will vary with how willing the United States is to spend whatever money it takes to meet the oncoming Soviet offensive nuclear technology. If the Soviets stand pat with their present arsenal and their present technology the Blechman-Utgoff estimate of the cost of SDI may turn out to be reasonably accurate. But if the Soviet Union is determined to remain a superpower, the cost of each of these systems will be far higher than the Blechman-Utgoff estimates. Based on its military buildup to date, the Soviets will do everything in their very considerable ability to remain a superpower. This is why the modernizing cost of the various SDI systems will be far greater, that is by a factor of 5 or 10 than these estimates.

The least expensive of the four systems analyzed is called Alpha. It is designed to make U.S. nuclear retaliatory "unattractive to attack." It consists of ground-based interceptors, early warning aircraft and long and short range interceptor aircraft. Estimated cost $160 billion.

For another $10 billion of a total of $170 billion the Alpha system can become a Veta system. It can provide "limited protection" of the 47 most densely populated areas of the United States and Canada. SDI would add this extra protection with additional ground-based, long-range interceptors near high population densities.

Mr. President, it is obvious that neither "Alpha" nor "Beta" come close to meeting the objective stated repeatedly by President Reagan of a missile defense system that would provide for the protection of the American people. Even if Alpha and Beta were successful the Soviet Union would still hold our cities hostage. Mutual assured destruction or MAD would continue to be our policy. The main contribution of Alpha and Beta would be to further strengthen the survivability of this country's nuclear deterrent. And why isn't that a worthy purpose even at a cost of $160 or $170 billion. Answer: The U.S. nuclear deterrent is already 50 percent deployed in submarines which are invulnerable now and would gain no additional invulnerability from either Alpha or Beta. Twenty-five percent of our deterrent is deployed in bombers which would receive little or no protection from either Alpha and Beta. The remaining ground based deterrent could be far more cheaply converted to a mobile land based Midgetman mode. In that mode it would get only marginal protection from either of these two systems.

The other two SDI systems are described as Delta and Gamma. Both would be designed to provide comperhensive, that is total defense including population defense against Soviet long range missile and aircraft, plus an option to defend against intermediate range missiles. The Gamma system would include the Beta components of interceptors and early warning aircraft interceptor missiles deployed in low Earth orbits controlled by battle management satellites. The Delta system would include the Beta system plus chemical lasers in low Earth orbits controlled by battle management satellites.

Cost of Delta $670 billion. Cost of Gamma $770 billion. Mammoth as these costs are they would not cover the cost of modernization which would certainly be required by the year 2012. By 2012 we would have to deploy ground based free electron lasers that could hit fast burn Soviet missiles. By 25 years from now the Soviet Union will certainly have mastered a fast burn ICBM technology. What would it cost us to meet that technology? The former head of the Livermore Laboratory, a man who is also a former Defense Secretary, that is Harold Brown told the Appropriations Committee a few months ago the cost would be around $100 billion each and every year indefinitely.

Would such a system fully deployed effectively defend our cities. Almost certainly it would not. It would be the most complicated technology ever assembled. It could obviously never be tested. It would have to work and work perfectly the first time. The odds that it would not work are very great, indeed.

Mr. President, I ask unanimous consent that the article to which I have referred in the August 10 Washington Post be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 10, 1986]

WHERE MONEY WOULD COME FROM

(By Barry M. Blechman and Victor A. Utgoff)

The United States could afford to deploy a strategic defense system, if it chose to do so. But it would have to divert substantial resources from other military and civilian activities.

We have prepared cost estimates for four possible versions of strategic defense, shown above. The most expensive system, which we call "Gamma," would entail annual expenditures on the order of $44 billion during its 10 most demanding years.

This is a large amount of money; more than a 15 percent real increase in the current level of defense outlays. It would represent a commitment of roughly one percent of the nation's resources for this single purpose for a sustained period of time. Such a commitment, however, would raise defense expenditures to only about 7 percent of the gross national product, a figure which has been far exceeded during wars, and matched or exceeded for all but a few of the peacetime years from 1945 to 1970. (Since 1970,

U.S. defense spending has varied between about 5 and 6 percent of GNP.)

But the pertinent question isn't whether the country could afford strategic defense theoretically. It is what economists call the "opportunity cost," or the alternative spending that the nation would have to give up to afford SDI. Dollars allocated for strategic defenses would not be available for other defense needs or for federal civilian programs. Or, if all other federal programs were protected, the cost of strategic defenses would have to be taken from private resources, by raising taxes or by deficit financing. Either way, someone would pay the price.

The best way to understand the opportunity costs of the four strategic defense systems we have outlined is by examining their budgetary requirements in the contexts of traditional levels of spending on strategic forces, the defense budget overall, the federal budget and the U.S. economy in aggregate. This analysis shows:

Strategic defenses couldn't be financed within historical levels of spending on strategic forces unless that portion of the defense budget were increased 60 to 100 percent from current levels to between $40 billion and $50 billion. Even then, it would be possible only if spending on strategic defenses were held to the level envisioned for the "Alpha" or "Beta" systems, roughly $10 billion per year. Neither of the systems employing space-based components could be financed at historical levels of spending for strategic forces, under any realistic circumstances.

Strategic defenses couldn't be financed within normal levels of military spending without sharp cuts in other Pentagon programs.

The defense budget has risen, on average, close to 2 percent per year, in real terms, since World War II, factoring out Vietnam and Korea. If this long-term growth rate continues, there isn't likely to be a sufficient margin to pay for a comprehensive strategic defense system, nor even to expand the strategic portion of the budget to pay for the "Alpha" or "Beta" system, unless trade-offs are made with other defense requirements.

As examples of such trade-offs, the $160 billion, 10-year cost of the "Alpha" system is comparable to the cost of eight carrier battle groups, or 27 wings of F15 fighters, or 14 armored divisions. Annual expenditures for the "Gamma" system would require even tougher trade-offs. Those costs are roughly comparable to what the Navy or Air Force currently invests in all weapons development and procurement. They would be twice what the Army now spends for such purposes.

Defense spending could be raised beyond its historical trend to finance strategic defenses. This could be accomplished without increasing the government's share of national resources by cutting spending on federal civilian programs.

Annual peak 10-year expenditures required for the "Alpha" system are roughly the same as current annual federal outlays for higher education, for example. The $37 billion and $44 billion annual peak expenditures required for the "Delta" and "Gamma" systems, respectively, compare to the $25 billion expended in 1986 on farm-income stabilization, the $30 billion spent for health care services, and the $71 billion expended for Medicare. All told, funding the "Delta" system during its peak 10 years would require cutting about one-fifth of the current $180 billion in so-called "discretionary non-defense federal spending."

Federal revenues will increase with economic growth, of course, even in the absence of tax increases, but other proposed uses for federal expenditures, such as infrastructure renewal and improving the educational system, will impose strong competing demands.

Increasing federal revenues to pay for strategic defenses would not receive serious attention this year, but it could be considered in the future. Financing the "Gamma" system in this way, for example, would require roughly an 11 percent increase in federal revenues from individual income taxes (based on 1985 returns). For an average family earning between $30,000 and $50,000 a year, this would mean an increase of about $570 a year in their tax bill. Alternatively, under the current tax code, the system could be financed by raising revenues from corporate income taxes by about 50 percent, or by roughly doubling the income from excise taxes. Of course, any increase in federal taxes would mean reduced individual consumption or savings, and potential effects on economic growth, employment, and inflation.

In addition to the economic cost of SDI would be the effects on specific industrial and scientific sectors. An undertaking on the scale of the "Gamma" system could strongly affect the availability and price of certain kinds of scientists and engineers, computer programmers, and other specialists. It also could distort markets for specific types of materials and manufactured goods. Given sufficient lead times, however, federal interventions to encourage growth in relevant occupations and affected industries probably could minimize any adverse effects.

In summary, unless far cheaper ways can be found for building these systems, the nation will face some very tough decisions in financing strategic defenses.

Mr. PROXMIRE. I yield the floor.

THE TRADE CRISIS

Mr. BINGAMAN. Mr. President, I want to, first of all, commend the senior Senator from Texas for the leadership that he has shown in trying to bring this trade issue on the national agenda, against very large odds, I would add.

I do think that it is one of the great unaddressed crises that this country faces today.

Mr. President, in 1975, the United States had a balance-of-trade surplus of $8.9 billion. In 1985, the United States had a trade deficit of $148.5 billion. Today, that deficit has grown even larger. For the first 6 months of this year, it has already hit $84 billion and is expected to reach a whopping $170 billion by the end of this year.

The consequences of this dramatic turnaround in our balance of trade and the damage it is doing and will continue to do if it is not stopped are widely accepted.

The new record deficit level paints a bleak picture. First, it shows that American manufacturers are continuing to rapidly lose ground to foreign importers. Second, it reveals the administration's continued failure to come to grips with our trade problems. And, third, it shows that our continuing inaction in trying to solve our trade problems is leading, and will continue to lead, to a loss of economic competitiveness and a reduced standard of living for Americans.

Imports continue to reach record levels each month. Virtually no industry has been spared. Manufactured goods have not been spared; telecommunications equipment has not been spared; electrical machinery has not been spared; heavy equipment has not been spared; automobiles have not been spared; textiles have not been spared; mining has not been spared, and lately even agriculture goods have not been spared. The list goes on and on with new items added each month.

Despite the industrial erosion this deficit is causing, the Congress and the President have failed to take decisive action to reverse the trade tide. Athough the House has passed major trade reform legislation and a major bipartisan omnibus measure has been introduced in the Senate, we have failed to act. Moreover, the administration has refused to support any trade modernization legislation and has done everything it can to ignore the trade crisis that is engulfing us. On issue after issue the administration opposes action. It opposes new round authority. It opposes 301 reform. It opposes 201 reform. It opposes changes in the countervailing duty and antidumping law. It opposes revision of the Generalized System of Preference. It opposes export licensing changes. And it opposes a number of other major reform items or simply ignores them.

This Senator is very concerned that our alarming trade problems are not getting the attention they demand. The damage it is doing to our economy is devastating. As America continues to import so much more than it exports, we are in danger of permanently losing both the sources of production and the skills requisite to a productive society. When that happens, we will no longer be able to compete in the world.

To pay for these massive foreign imports, we have already become the largest debtor nation in world history. At the rate we are going, we will owe more than all of Latin America combined in the next 2 years. This situation is a major threat to the security of this country, and very little is being done about it.

There is no shortage of ideas for correcting our trade problems. This Senator has several trade bills pending in various committees. Most of my colleagues have trade bills pending in various committees. Many of these bills are good, much needed bills that correct serious problems. And most of

these bills are not protectionist; they are bills that will create a level-trade playing field.

Mr. President, the time to act on trade modernization is now. We cannot wait until the trade deficit reaches $200 billion. We cannot wait until we lose 2 million jobs to the trade deficit. We cannot wait until exports exceed imports in every single industry. And we cannot wait until it claims the future of our children. I join with the distinguished chairman of the Senate Democratic Working Group on Trade Policy, and others, in asking the administration to stop ignoring the trade crisis and to act.

Thank you, Mr. President.

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There seems to be sort of a conspiracy of silence about the issue in the administration. No proposals have come forward to deal with it; nothing is proposed here in Congress that seems to be acceptable.

I truly believe that valuable time is being lost. We need to get on with dealing with this issue. We need to seriously consider the legislation that is pending here in Congress and come up with a piece of legislation which is not protectionist but which is realistic about the trading environment this country finds itself in today.

Mr. President, I think it is essential some action be taken before we complete this session of Congress. Otherwise, a year or 2 years will be lost before the opportunity arises again for us to seriously deal with the issue.

WHERE'S THE TRADE BILL?

Mr. DIXON. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Texas and chairman of the Senate Democratic Working Group on Trade, to discuss a question that we have been asking for 2 years. Where's the trade bill?

The U.S. trade deficit is running at an annual rate of $168 billion—well over the 1985 deficit of $148.5 billion and nearly five times the 1980 trade imbalance. With these recordbreaking deficits has come recordbreaking unemployment, particularly in the manufacturing sector of our economy. Today, there are 1.3 million fewer manufacturing jobs than in 1979. Estimates of jobs lost or not created in recent years due to the trade imbalance go as high as 4 million.

For 2 months in a row, the breadbasket of the world has actually run a trade deficit in agricultural trade. This occurs at a time when our Nation's farmers are having difficulty finding places to store all of their surplus grain!

Yet, the administration talks about the robust economy and the number of new jobs which have been created as a result of its economic policies. In his 1981 Labor Day message, President Reagan promised 13 million new jobs. As we approach Labor Day, 1986, it is fair to say he has fallen far short of that goal.

In fact, 2.5 million of the 9.7 million jobs which have been created in the past 5½ years are part-time jobs being held by people who would much prefer full-time employment; 1.8 million of those positions are service jobs. They are replacing 1,365,000 manufacturing and mining jobs which were lost between January 1981 and June 1986.

We cannot become a nation of hamburger stands and banks. Our industry base is the backbone of our entire economy. It cannot continue to erode.

Yet, the administration remains unalterably opposed to developing a comprehensive, responsible, responsive trade policy. Instead, an administration, which prides itself on fostering free trade, has reacted in Kamakazi fashion, usually under the threat of congressional action, to become one of the most protectionist, yet ineffective, administrations in memory. This was the case when the Fair Trade in Steel Act was being proposed a few years ago. Suddenly, we had voluntary restraint agreements negotiated just prior to the 1984 elections. Those efforts, unfortunately, have fallen short of established goals.

A few weeks ago, under the threat of a veto override on the textile bill, the administration busied itself negotiating new textile agreements with several countries—including South Africa.

The administration's actions in the cedar shake and shingle case against Canada has resulted in a threat from Canada retaliation against American books and periodicals which are already unfairly traded by Canada; semiconductors, which already have substantial problems; oatmeal and rolled oats; cedar, tea, Christmas trees, asphalt and air filters. This is quite a long list of products which cuts across every region of this country, in response to one industry which is regional in nature.

We need trade legislation this year. The truth is, there is still time. There are good proposals on the table, and there have been for several years. Many Members of Congress have repeatedly called for a comphrensive trade policy. We have worked in a bipartisan fashion with many of our colleagues to fashion legislation which makes sense. Yet, the administration apparently refuses to join in an effort to cope with one of our most critical economic problems of the day.

We need a new round of negotiations with our trading partners. The administration wants to launch them without new negotiating authority. Its current authority is outdated, going back to 1974, when the United States was preeminent in the world market. Today, we are the world's largest debtor.

Talk is cheap, and we have seen a lot of it from the administration. Yet the truth is, there has been little action. This has brought about a continued decline in America's share of foreign markets and an increase in the foreign share of our own. It must stop soon.

We need responsible trade legislation this year. The House has passed a bill. The Senate Finance Committee has held hearings. We are ready to act. I call on the administration to join with us in the Congress to pass a bill prior to adjournment. Next year may be too late.

THE PENTAGON'S AGREEMENT WITH FIAT, S.P.A.

Mr. DIXON. Mr. President, on August 12, 1986, the Department of Defense finally entered into an agreement with the Italian corporation, Fiat S.P.A., to ensure that profits from American defense business do not end up in the coffers of Colonel Qadhafi's Libya. As many of my colleagues are by now aware, the Libyan Arab Foreign Investment Co. owns 15.19 percent of Fiat.

I was surprised, Mr. President, to learn that U.S. tax dollars could somehow end up in the pockets of someone like Mu'ammar Qadhafi. Since learning of this, my colleagues and I on the Senate Armed Services Committee have acted on provisions of this year's Defense authorization bill which provide the Pentagon with the means to deny a contract when it benefits a nation hostile to the United States. Before this action, the Pentagon apparently had to award the contract to the low bidder, in this case, Fiat.

So I am pleased that an agreement has been concluded. Mr. President. In an effort to join with the Department of Defense to make doubly sure that Libya will not benefit under the terms of the Fiat agreement, I will examine the document with careful attention. I have asked my legal staff to examine the agreement with great care. I have asked professional staff on the Senate Armed Services Committee to examine the document. We must be 100 percent certain that Libya will not profit from American defense contracts with Fiat.

Finally, Mr. President, I would simply wish to add that this entire issue has been a difficult one for me. When the matter of Libyan ownership in Fiat was brought to my attention, I felt I had to oppose a contract award to Fiatallis, a Fiat subsidiary headquartered in my home State of Illinois. I believe this recent agreement with Fiat has in all probability brought Fiatallis out from under an uncomfortable situation, and I look forward to examining this document in great detail.

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RENAISSANCE SENATOR—SPARK MATSUNAGA

Mr. DOLE. Mr. President, the August 13 edition of the Washington Post contained a wonderful profile of my good friend and colleague, SPARKY MATSUNAGA.

What the article says—and what many of us knew already—is that SPARKY MATSUNAGA is very much a renaissance man. He is a man who thinks about and acts on the issues that shape our country—today and tomorrow.

Senator MATSUNAGA's commitment to the United States is manifest not only in his service in the U.S. Senate, but also in his wartime record. Awarded the Bronze Star Medal and two Purple Hearts, SPARKY as part of the 100th Infantry Battalion more than proved their patriotism and loyalty to this country.

His successful campaign to establish a poet laureate exemplifies SPARKY's sensitivity to the role of art in American life. As a poet himself, Senator MATSUNAGA holds dear the role of recording our thoughts and feelings at any given moment in history.

And finally, Senator MATSUNAGA, pershaps more than any other Senator, is a visionary—someone who looks out for this country's long-range future. His efforts to establish the U.S. Institute of Peace and his project to set up a joint United States-Soviet mission to explore Mars, typify his concern for life on this planet for the next generation.

The article concludes with a quote from SPARKY: "Well, it's good to take care of people today, * * * but unless we do something about preventing nuclear war, all the time and effort and money we spent to make people healthy won't amount to a hill of beans. * * * This is not idealism, this is realism." SPARKY is probably both—an idealist and a realist.

Mr. President, I have had the pleasure and honor of serving with SPARKY on the Finance Committee. He is a unique and valuable member of this institution. And this article is a fine rendering of his many skills.

EXPLANATION OF VOTE ON CONTRA AID

Mr. EVANS. Mr. President, I rise to explain my vote last night on title II and III of the military construction appropriations bill. The vote on these titles was a vote for or against U.S. aid to the Contras. I am completely opposed to such aid, I believe such aid to be folly and I fully intended to vote against titles II and III. I mistakenly cast a positive vote on titles II and III. On the succeeding vote, I voted against the military construction appropriations bill as a statement of my opposition to Contra aid.

SOVIET INVASION OF CZECHOSLOVAKIA

Mr. ZORINSKY. Mr. President, Thomas Paine once said that "tyranny, like hell, is not easily conquered, yet we have this consolation within us, that the harder the conflict, the more glorious the triumph." Nowhere is this feeling stronger than in Czechoslovakia, where people of all walks of life will pause a week from today to mark the 18th anniversary of the Soviet invasion of their homeland.

On August 21, 1968, some 200,000 Soviet, East German, Bulgarian, Polish, and Hungarian troops marched across Czech borders to crush the moderate political reform movement known as "Prague Spring." Since that time, the Czech people have bravely endured as the Soviet Union has stripped them of their human rights and erased any challenge to orthodox communism.

At a time when Czechs had decided the Communist Party should travel the path of free speech and political self-determination, the Soviet invasion came as a particularly cruel blow. Today, the Czech people are not ruled by their own free will, but by the will of a few Soviet puppets. Today, the Czech people do not read a free press; they do not participate in opposition political parties; they do not know freedom in any of its most elemental forms. Today, the people of Czechoslovakia continue to be forced to carry out the dictates of their Soviet masters.

As Czechoslovakians and all who love freedom around the world take part in next week's observance, I want to join in expressing support for the 15 million Czechs still living under Soviet domination. We must send a clear signal that we have not abandoned these brave people. It is our duty to keep alive the spirit and traditions of the Czechoslovakian nation. We must continue to champion the cause of freedom and independence for the Czech people.

S. 140—CHILDREN'S JUSTICE ACT

Mrs. HAWKINS. Mr. President, I am pleased that the House of Representatives has acted on S. 140, the Children's Justice Act. This legislation deals with the often ignored problem of how child victims of abuse and sexual assault are further traumatized and victimized by the authorities and the court system after the abuse is discovered. It is a tragedy that the child victim is often further traumatized by an administrative and court proceeding that protect the rights of the accused but ignore the rights of the victim.

Before I explain the details of the bill, I want to take a few minutes to praise the efforts of the House and Senate Members who have worked together to develop the bill that is before us today. This was truly a bipartisan, bicameral effort. All of the members of the Senate Labor and Human Resources Committee, especially Senators HATCH, GRASSLEY, DODD, and KENNEDY played an important role in the development of the original bill and its subsequent modifications. Senators CRANSTON and DENTON, although not members of the committee, have a strong interest in child protection and contributed their time and talents to the development of the bill and contributed significantly to the Children's Justice Act. In the House, Representatives WILLIAMS, EDWARDS, WAXMAN, SIKORSKI, DIO-GUARDI, JEFFORDS, BARTLETT, RODINO, SENSENBRENNER, CONYERS, and MADIGAN all worked together to develop the bill that is before us today. I am grateful for their assistance and they deserve praise for their part in the enactment of this important child protection legislation.

S. 140, The Children's Justice Act provides a much needed Federal financial incentive to the States to encourage them to improve their response to child abuse victims. I am hopeful that this Federal financial incentive targeted to assist the victim after the abuse is discovered will be as successful as the Child Abuse Prevention and Treatment Act. That program also provided a small Federal financial incentive to the States for child protection. But it has resulted in almost every State in our Nation dedicating substantial financial resources to prevent child abuse and improve the reporting of child abuse.

The Children's Justice Act does not seek to impose Federal reforms upon the States. I believe that the States are the best judges of what reforms or changes are needed within their boundaries. The bill merely requires States who desire a share of these Federal funds to gather together their experts in this field to review the States response to child victims of abuse and sexual assault and make recommendations on how these children's trauma can be reduced and their rights protected.

These multidisciplinary teams of professionals are composed of child protection workers, mental health professionals, prosecutors, defense attorneys, judges, basically every category of individuals who are involved with the child victim. These professionals will work together on the common goal of protecting the child by reviewing their State's response to the child victim and develop recommendations on how these procedures can be improved. Many States have already established such task forces and have found their recommendations very useful.

The multidisciplinary approach to child abuse and especially children who have been sexually assaulted has proven very successful. One of the best examples of this multidisciplinary approach can be found in Senator DENTON's State, the Children's House run by Bud Cramer of Huntsville, AL. Bud has shared his experiences and expertise with fellow prosecutors in Florida and I am pleased to see this multidisciplinary approach being adopted in several counties in Florida.

The types of reforms could range from avoiding duplicate interviews or providing a victim witness advocate to more far-reaching reforms such as statutory hearsay exceptions or videotaping. But as I stated earlier, the State should listen to the counsel of their own experts and determine which reforms or procedures are most needed within their own boundaries.

The Federal funding for the Children's Justice Act is derived from the victims of crime trust fund whose revenues are composed of fines collected by the Federal Government, penalty assessments levied upon convicted Federal defendants, forfeited bail bonds and collateral in Federal criminal cases and certain profits made by criminals from publishing their misdeeds. I think it is highly appropriate that revenues derived from criminal activity will be used to finance States efforts to protect the rights of the victims of crime. The ceiling for the victims of crime trust fund will be raised from $100 to $110 million.

However, the U.S. attorneys' offices have not been as diligent as I would prefer in the imposition of criminal penalties and fines. Therefore, the $100 million threshold is not expected to be reached in the next fiscal year. In years in which the revenues do not meet the threshold, the Children's Justice Act funding will come from a portion of the 5-percent Federal set-aside that was originally designated for use by the Department of Justice under the victims of crime trust fund. These funds were not utilized by the Department of Justice in fiscal year 1986. This new funding mechanism for the Children's Justice Act, has been dubbed the "Denton funding mechanism" and he richly deserves our thanks for the hours that he and his staff, especially Rick Holcolm, put into ensuring that the Children's Justice Act became a reality.

Mr. President, I want to point out that although our new funding mechanism now utilizes the victims of crime trust fund revenues, it was not our intention to divert funds from either the Victim's Compensation or Victims' Assistance Programs. Indeed, I am pleased that the provisions in the Children's Justice Act will actually strengthen the Victims of Crime Act [VOCA]. First, it rejects the administration's request to lower the current ceiling from $100 to $35 million, instead increasing the ceiling to $110 million. Next it will make the Federal program mandatory, taking away the possibility that the Attorney General may decide not to expend the funds set-aside for Federal crime victim assistance programs, which is exactly what happened last year. The bill would also put administration of the program under the Assistant Attorney General for Justice Program. I have worked closely with Lois Haight Herrington, and I believe that under her leadership crime victims have found strong and constant advocates for their cause. The bill also tightens the authority to operate a Federal Victim Assistance Program so that it is clearly focused on victims of crime.

This new funding mechanism does not adversely affect the funds available to Victim's Compensation or Victim's Assistance Programs. It merely redirects how 4.5 percent of the 5 percent set-aside for Federal VOCA programs are spent. The Department of Justice did not utilize this set-aside last year. This year, because our legislation mandates that they must spend it, the Department has indicated that they planned to spend the Federal share on training and technical assistance. I do not question the Department's desire to provide better training to law enforcement officers to assist victims but I want to point out that a provision in the Child Abuse Prevention and Treatment Act Amendments of 1984 provides a $2 million set-aside specifically for this purpose. The availability of these funds was delayed until this fiscal year because of the delay in providing appropriations for the program, but the money was released earlier this year after Congress refused to sequester the funds. Therefore, I believe that adequate funds exist to enable the Department of Justice to provide training and technical assistance.

The House Members made a point of including us in the negotiations and informed us of the status of the modifications they were considering to this bill. This version was drafted with the advice and consultation of organizations such as the National Network for Victims of Sexual Assault and the Child Abuse Task Force, the recommendations of the Attorney General's Task Force on Victims of Crime and the testimony presented by the American Bar Association's child sexual abuse law reform project, and the National Association of Attorneys General.

I want to stress that no funds for the Children's Justice Act will be diverted from either the Victim's Assistance or the Victim's Compensation Programs.

I consider passage of the Children's Justice Act as a victory for children and I want to thank the Senators who have supported this legislation. Senator HATCH, Senator DENTON, Senators DODD and CRANSTON, all have played an important role in developing the legislation that is before us today.

LAND MANAGEMENT

Mr. McCLURE. Mr. President, today I would like to briefly discuss an important land management issue. Idaho is a natural resource based State. Our economy, the quality of our life, and our financial independence is dependent upon our ability to manage the lands within our borders for continued, long-term production of commodity materials.

The flow of logs from our forests, ore from our open pit and underground mines, and agricultural crops from both dry and irrigated farmlands will continue to be the backbone of Idaho's economy well into the future. Most of our citizens depend, either directly or indirectly, on the land for both their work and their recreation and relaxation.

Each year, forest fires ravage thousands of acres of forest and rangelands across the Nation. Idaho contributes its fair share, and sometimes more, to the statistics. The combined cost of firefighting, resource losses such as timber and grazing, rehabilitation of damaged areas, and administration amounts to hundreds of millions of dollars annually.

In at least one of those areas, we have the opportunity not only to save money, but to actually return revenues to both Federal and State treasuries. That opportunity lies in being able to sell and harvest fire—or insect—damaged timber. Activities to control soil erosion on burned areas, reseeding grass or wildlife browse, and the replanting of young trees to reforest the site are often included in a sale package.

However, it seems that good land stewardship is not enough any more. In Idaho and in most other "public land" States, stewardship and sound land management ethics and activities have ground to a halt. A new breed of idealists who, in many cases, have little or no knowledge about the resources they want to control have, to their credit, been able to sway the necessary political powers to support their efforts to halt commodity uses of public lands.

The sale of national forest timber is an extremely important issue in Idaho. Contrary to popular mythology, those programs are not for the sole support of loggers and sawmill workers. The jobs of wildlife and fisheries biologists, hydrologists, engineers and a score of other "ologists" who work in both the government and private sectors are directly dependent on timber sale and road programs.

Loggers, truck drivers, sawmill workers and office support staffs depend on the programs. Fuel dealers, equipment operators, and more than a few bar owners owe their continuing prosperity, or the lack thereof, to forest commodity programs.

By law, 25 percent of the gross receipts of national forest timber sales is returned to the counties from which the timber was cut. By law, 70 percent of those dollars are allocated for the support of county road programs and 30 percent for the support of school programs. The $8 to $10 million that Idaho receives annually is extremely important in our State where populations are sometime sparsley distributed over counties whose size would swallow numerous Eastern States!

But the list goes on. Because 65 percent of the land in Idaho is owned by the Federal Government, it is exempt from taxation. I suspect that if we attempted to share our condition with our colleagues from more fortunate States by passing a law to give the Federal Government an equal amount of all the States, many of those who now show so little concern for our economic dependency would wail with grief at the very prospect.

Ironically, many individuals and a substantial number of the environmental groups owe their existence and prosperity to the very programs they continually seek to kill. Without the real or imagined issues they manage to make out of virtually every road and timber sale proposed, they would be nonexistent in a relatively short period of time. They feed, grow, and can prosper only on controversy and polarization.

Let me give you a recent example. Last year was a relatively bad fire year for Idaho both in numbers and the size of fires. This year looks like it is going to be worse. Almost exactly 1 year ago, some 14,500 acres of old growth pine and fir located on steep mountainsides along the famous river of no return, the Salmon, were blackened by a devastating fire. That is an area of over 20 square miles!

Much of the timber within the area was burned hard enough that it would not survive. There were two choices; it could be offered for sale on a "salvage" basis, cut into lumber and sold, or it could be allowed to remain in place where it would eventually fall down into an impenetrable jumble of barkless, shining, forest skeletons.

Because of biological factors and because the burned trees would be valueless within a year, the Forest Service decided to work quickly to prepare the timber for sale. The preparation included doing an environmental assessment, or EA, as required by the National Environmental Policy Act.

The professional staff of the Payette National Forest did their work well. They met with environmental groups, most of them responsible and reasonable people, and attempted to work out a solution that would both allow the timber to be salvaged and would provide the necessary protection for the classified roadless area in which the fire had occurred.

After weeks of preparation and revision, with a single exception, the environmental groups agreed to allow the Forest Service to proceed with the proposed salvage sale unchallenged. Legislative direction by the Congress, supported by the court system, has left us with little or no professional control over land management decisions. All it takes to waste precious resources such as the burned timber in the French Creek drainage and the tax dollars spent to hire professional managers who try to do their job, is a well-directed 22-cent stamp.

The Idaho Natural Resources Defense Council first angrily charged that the use of a tractor to build a fire line in an attempt to halt the raging fire had destroyed the integrity of the roadless area. Their fear was that the line would keep the area from eventually being added to Idaho's 4 million acres of classified wilderness. In fact, the Payette Forest had never, in all its years of planning, ever recommended the area for classification. This was simply another opportunity to mold an issue out of a natural catastrophe and to create the polarization that kept the cash-flow to the council's treasury healthy.

They then charged that the sale would violate the integrity of the inventoried roadless area. In fact, they were unnecessary. Helicopters, although much more expensive than conventional logging systems, were used to "yard" the trees to "landings" after they were cut so that they could be loaded onto trucks along existing roads.

The next charge was that logging would cause erosion which in turn would destroy the fish habitat in the creek. In fact, a year after the fire, the only change there, according to professional fisheries biologists, has been a slight rise in the water temperature resulting from the removal, by the fire, of tree cover along the edges of the stream.

This "environmentally concerned" group, cost the taxpayers hundreds of thousands of dollars simply because they do not believe that the national forests should produce any commodities as long as there remain virtually any unanswered questions. With the help of the Congress and the courts, they have managed to place the burden of proof in answering these impossible questions squarely on the shoulders of the best experts available. By doing so, they manage time and time again to thwart the responsible resource management they profess to champion.

Because the Payette Forest supervisor and his staff had the stamina and desire to stand up in this case, the courts eventually allowed the sale of the burned timber to take place.

Because of environmental constraints and challenges at every turn by groups like the INRDC, it would normally take from 5 to 10 years to plan, prepare, sell, and finally harvest a sale of this size. On French Creek, it took only 9 months from planning to final cleanup after harvest of the 27.5 million board feet of pine and fir.

This single sale provided enough lumber and plywood to build over 2,500 average sized, single-family homes. Proceeds from the sale amounted to $358,000. About $90,000 of that will ultimately be returned to Idaho County for use in supporting local school programs and to build and maintain county roads. The balance will go to the Federal Treasury.

At the peak of the harvesting operation, an average of 80 logging trucks per day made the 80 to 200 mile round trip to deliver the charred, black logs to the sawmills where they would be converted into lumber. Hundreds of people, some of whom had recently been faced with layoffs, could look forward to full paychecks. The local, State, and Federal taxes generated directly and indirectly by that single sale amounted to tens or perhaps hundreds of thousands of dollars.

French Creek is recovering a year after it was ravaged by mother nature despite the attempts by a small group of individuals who placed their own value judgments and concerns above all others and used our system, at little cost to themselves, in an attempt to strangle one of the gifts that God saw fit to put in Idaho. Traffic on the roads is quiet now. Only motorcycles, pickup trucks, and an occasional motor home now traverse the once busy, dusty logging road. Most of the current use is in pursuit of recreational opportunity provided by the road access. How ironic that these roads, the very target of the environmentalists in the tug-of-war over national forest management, should provide the access used by almost 95 percent of the users of these public lands.

Without the timber sale programs, there would be no revenues for the Federal Treasury. There would be far fewer jobs in many of Idaho's small communities. Above all, there would be far less access for the majority of the general public without a solid timber sale program and the revenues it generates.

Mr. President, I ask unanimous consent that the accompanying article about the French Creek fire taken from the Boise Idaho Statesman of August 5, 1986, be entered in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boise (ID) Statesman, Aug. 5, 1986]

SCARS HEAL FROM FIRE IN FOREST

(By Sean Jamieson)

The grass in the meadow is waist-high, where one year ago a forest fire ravaged 14,500 acres in the mountains of west-central Idaho.

On a tour Monday through the site of last year's French Creek fire in the Payette National Forest, signs that the forest was renewing itself—with a little help—were everywhere.

There was little indication of the devastation wrought by the fire, which burned from July 17 until early August. Ground that had been scorched black was covered with healthy grass and flowers.

Most of the scorched timber was harvested last winter in a salvage operation criticized by environmental groups. Forest Service officials on Monday repeated what they said at the time: Those concerns were groundless.

"I'd like to challenge anyone to find something seriously wrong with this salvage operation," David Bull, a timber management assistant in the McCall Range District, said.

Normally, the Forest Service takes about seven years to prepare a timber sale. The purchaser then usually takes three years or more to harvest the timber. The French Creek fire sale was prepared in three months and the timber harvested in six months.

Boise Cascade Corp. paid about $358,000 for 27.5 million board feet of timber, a relatively low price. The Forest Service is required to sell timber for at least the cost of reseeding the area harvested.

The Forest Service realized several benefits from the sale, Bull said. It put money back into the Treasury, and "it helped insect-proof the area," he said.

Logging lasted from Nov. 22 to mid-June. Most of the timber was hauled out during the winter, according to Dave Olson, public relations specialist with the Payette National Forest. In February, when the hauling operation was in full swing, an average of 80 logging trucks a day were delivering wood to Boise Cascade mills in Cascade, Horseshoe Bend and Emmett, Bull said.

French Creek Road, a one-lane dirt Forest Service road, was deserted Monday, except for a couple on motorcycles.

Every half-mile along the road, a small square piece of plywood with a number spray painted on it was nailed to a tree. Truck drivers used CB radios to call in their locations so that trucks could pass each other at wide areas. In February, talk on the CB radio sounded like orders from air traffic controllers, Olson said.

Rebuilding and maintaining the burnt forest is an ongoing job. This spring, the Forest Service seeded about 250 acres of the 3,180 acres that were burned. Another 500 acres will be seeded during the next two years. This fall, the piles of small brush left by the loggers will be burned.

Environmental groups objected to Forest Service actions and plans in the French Creek Roadless Area, Bull said. The Idaho Natural Resources Legal Foundation tried unsuccessfully in November to block the timber sale in federal court.

A roadless area is designated by the Forest Service as being potentially suitable for wilderness.

Idaho environmentalists were angry that the Forest Service dug a fire line with a tractor through the French Creek Roadless Area, because they feared that would prevent the land from being declared a wilderness area.

"It was the most cost-effective and expedient thing to do," Bull said. The fire jumped several hand-dug fire lines in very steep land in French Creek canyon, and officials feared they would lose control of the blaze once it left the canyon.

"For some time in the future you'll still see evidence of a tractor line . . . but it's not a road," Olson said. The tractor line was seeded in the spring, and grass is growing quickly in the area.

About 90 percent of the salvage operation was conducted in the Fall Creek drainage, Bull said. A sportsmen's group said that the combination of the fire and logging would ruin the fish habitat in the creek. But John Lund, the zone fisheries biologist for the Payette forest, said the only effect he had observed was a 5- to 10-degree temperature rise in the water, brought on because trees that used to shade the stream were burned in the fire. "I guess the creek today is pretty much the same as it was in '82," he said.

The Forest Service was careful to prevent erosion, Bull said. Looking at an area that had been logged, Bull said, "You come here and you can't see one example of a disturbance," or washout.

Huge blazes such as the French Creek fire may become increasingly rare as the Forest Service perfects new fire-management techniques, Bull said. The Forest Service is finding that fire plays an important role in the ecosystem of the forest. Current plans call for letting small fires run their course.

As he neared McCall, Bull pointed up at a wisp of smoke coming from a ridge far in the distance. The small fire in a wilderness area would be allowed to burn itself out, he said.

FALSE CLAIMS LEGISLATION

Mr. THURMOND. Mr. President, I support the False Claims Act which was introduced by the distinguished Senator from Iowa, Senator GRASSLEY. The pervasive growth of fraud has necessitated legislation which increases penalties for fraud, provides more effective tools to law enforcers, and encourages individuals who know about fraud against the Government to come forward.

I believe that S. 1652, as recently amended, will accomplish the aforementioned goals. I commend Senator GRASSLEY for his efforts in drafting legislation with strong bipartisan support. This bill does not raise the same concerns that other false claims legislation currently does. Specifically, this legislation does not raise the concerns I have about the right to a jury trial for those companies which have been charged with defrauding the Government.

I encourage my colleagues to support this legislation and strike a serious blow against fraud, which probably costs this Government billions of dollars each year. This legislation sends an unmistakable message to those who would steal from our national coffers, and I urge my colleagues to join in that message.

AMERICAN FARMER MEMORIAL

Mr. DOLE. Mr. President, much has been written and said about American farmers and their enormous contributions in providing an abundant supply of wholesome food to our Nation and improving the quality of life for all of our citizens.

As we attempt to complete a heavy legislative schedule before the August recess begins, I would like to bring to the attention of my colleagues a special dedication scheduled for this coming Labor Day weekend at the National Agricultural Hall of Fame in Bonner Springs, KA. The dedication will mark a unique event in the world of art, music, and agriculture: The unveiling of the national farmers memorial and sculpture commemorating the past, present, and future efforts of America's farmers.

The Board of Governors of the Agricultural Hall of Fame will join with the American Ideals Foundation, of Brooksville, FL, a nonprofit organization whose goals are to provide music and art in public places, to dedicate the American farmer memorial sculpture and orchestral suite on the grounds of the Agricultural Hall of Fame.

SCULPTURE DEDICATION

The half-million dollar memorial has been endorsed by farm corporations, farm associations, agricultural businesses, and every State secretary or commissioner of agriculture and every State Governor. Fifty States will declare September 1, 1986, as the first day of American Farm Week.

The sculpture is the work of a nationally recognized artist, Lewis Watkins. The sculpture measures 33 feet long by 10 feet high. The memorial will have a marble background, measuring 14 by 22 feet with scenes etched in the marble, and completed with three-dimensional historical figures in bronze showing a pioneer farm family, modern-day farmers engaged in conservation, and a farmer of the future.

FIRST IN MANY WAYS

Mr. President, I would underscore that this memorial dedication marks a first in several respects: The first national memorial ever to recognize the American farmer; the first national memorial placed outside of Washington, DC; the first national memorial produced by the private sector without tax dollars; the first national memorial produced in conjunction with an original orchestral suite, the first national memorial to depict the American family, the first memorial sculpture taken on a tour through the United States, having visited the State capitols of Florida, Georgia, Tennessee, Illinois, Missouri, and Kansas.

The dedication ceremonies will be complimented with an orchestral suite by noted composer, Robert A. Moffa. The orchestral suite will be performed by a major symphonic orchestra and will be the first piece of orchestral music ever written to commemorate the American farmer and ever to recognize the American farmer in four movements: intrada, past, present,and future; and the first such movement to be composed and played in conjunction with a memorial sculpture work. The dedication will be the first and largest combined effort of music and art commemorating a major event during this century, funded totally by the private sector.

A SHRINE TO AMERICA'S FARMERS

Mr. President, the Agriculture Hall of Fame has long been considered a shrine to American farmers. The hall of fame has thousands of farming artifacts and rural memorabilia. It contains the first farm truck—the 1903 Dart; a 1781 Indian plow; an exact replica of the McCormick reaper; a horse-drawn plow used by former President Harry Truman as a youth; many steel-wheeled tractors; and a one-room schoolhouse.

Some of agricultural's most well-known individuals have been inducted into the hall, including George Washington, Thomas Jefferson, George Washington Carver, Eli Whitney, and Squanto, the Indian who taught the pilgrims how to grow corn. Hugh Bennett, considered the father of the soil-conservation movement; plant scientist Luther Burbank, and hybrid corn promoter Roswell Garst were inducted last year, bringing the number of honorees to 22.

HISTORY OF THE AG HALL OF FAME

The idea of a hall of fame was developed by Howard Cowden, a Kansas City businessman, but it was four Kansans that helped locate the facility in Wyandotte County and made it work. Newell George, a Kansas City, KA lawyer, was in the U.S. House of Representatives, and helped get necessary legislation passed. Senator Harry Darby, of Kansas City, KA, and Senator Frank Carlson both helped get legislation through the Senate. President Dwight Eisenhower signed the bill, Public Law 86-680, on August 31, 1960, giving the United States the first and only Agricultural Hall of Fame in the entire world. Former Presidents Harry S. Truman and Herbert Hoover joined seven living former Secretaries of Agriculture in endorsing the project.

Later, it was Senator Darby who, almost single handedly, got area banks to pledge interest-free loans so that construction could begin, before the national fund-raising drive could be completed. This effort involved the Kansas City, KA, chamber of commerce in land acquisition, developing a master plan, and kicking-off the fund-raising drive which raised more than $500,000 from the area which resulted in the facility's present location. Following this initiative, Raymond Firestone headed a national fund-raising drive which raised over $1 million in $5 and $10 donations from thousands of farmers and agribusiness interests. Finally, the complex was dedicated and opened to the public by Vice President Hubert Humphrey in May 1965.

CONCLUSION

Mr. President, I would emphasize that the dedication at the Agriculture Hall of Fame this coming Labor Day weekend has been a massive undertaking. This initiative has not been funded by tax dollars or by large financial donations of major corporations. Instead, there have been numerous individuals donating their time, ideas and in-kind contributions to realize what was once a dream of the two founding artists: To dedicate a memorial that says something positive about the American farmer. The memorial and dedication ceremonies surrounding this Labor Day event promise to stand as a lasting tribute to our proud rural heritage for generations to come.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMPREHENSIVE ANTI-APARTHEID ACT OF 1986

The PRESIDING OFFICER. Under the previous order, the hour of 9:15 a.m., having arrived, the Senate will now resume consideration of S. 2701, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2701) to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes.

The Senate resumed consideration of the bill.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 0920

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I yield myself as much time as I may require for an opening statement.

The PRESIDING OFFICER (Mr. GRASSLEY). The Senator is recognized.

Mr. LUGAR. Since the Senate deliberated last year on South Africa, there has been a tragic increase of violence in that troubled country. The Government of South Africa has responded to the growing internal turmoil with harsh security measures accompanied by some selected reforms of government policies aimed primarily at urban blacks. During this period, and particularly since the imposition of the so-called state of emergency, racial polarization has deepened. The prospects for continued and increasingly strident forms of violence have grown.

Last year, both the House and the Senate passed legislation imposing sanctions upon South Africa. Last September, prior to Senate passage of the Anti-Apartheid Act conference report, President Reagan issued 12 Executive orders with respect to South Africa imposing certain sanctions which incorporated much of the legislation contained in that conference report. The Executive orders issued by the President did not go quite as far as the actions recommended in the conference report. Some Members believed that the stronger actions contained in the legislation would have constituted a stronger and clearer signal to the authorities in South Africa. Other Members, and I am one of them, believed that the President's willingness to join with the Congress in exerting pressure on South Africa deserved a supportive rather than a critical acceptance by the Congress. We argued that a premium should be placed on the American Government speaking with "one voice."

The President's Executive orders imposed certain prohibitions on U.S. bank loans to South Africa, on the sale of computers to South African governmental agencies, and on any nuclear trade with South Africa. Moreover, these Executive orders barred the importation to the United States of weapons and Krugerrands from South Africa and required most United States firms in South Africa to adhere to certain fair labor standards or face export sanctions here in the United States. Those orders also required increased funding for scholarship programs involving blacks in South Africa and additional resources for the human rights grant program initiated by Senator KASSEBAUM.

A number of bills have been submitted in the Senate which propose increased sanctions on South Africa as a means of demonstrating American intent to promote positive economic, political, and social change in South Africa. In our debates, the Senate must consider some of the fundamental realities bearing on the issue of sanctions. The first reality is that the United States does not possess unlimited influence and leverage over events in South Africa. This is not to argue that the United States has no influence, but rather that our influence and leverage are limited and must be applied with wisdom and in the service of well-defined goals and objectives.

In this country today, some citizens speak of sanctions without clearly identifying the objectives which are to be furthered by their imposition; some speak of exerting leverage and influence over developments in South Africa while simultaneously debating the wisdom of disinvestment, a form of disengagement rather than involvement in the affairs of South Africa. If one of our challenges is to devise better and more effective ways to talking to and influencing the millions of South Africans who would be citizens of the future South Africa, then we must establish and maintain multiple opportunities for communication and involvement with all parties. We must be creative in sponsoring talks and insistent that all potential conferees must be free and able to talk.

Americans have been a force for positive change in our relations with South Africa. It was an American group, led by the Reverend Leon Sullivan, that established the first code of corporate conduct in South Africa. It was an American corporation, Kellogg, that was the first company in South Africa to recognize a black trade union. It was an American organization that was the first educational charity to operate in South Africa with a nonracial board of directors. Throughout our history of relations with South Africa, it has been the United States that has sought to act at the cutting edge of social, economic, and educational reform in South Africa. These actions have not been sufficient by themselves to bring about the changes necessary for the well-being of the South African people, but they have been sufficiently instructive so as to cause us to question whether the withdrawal of American influence from this situation helps or hinders the promotion of a democratic and just society in that country.

The debate over an appropriate U.S. policy toward South Africa must be broader than the issue of economic sanctions. Economic sanctions are a tool, a means of policy, not ends in and of themselves. Economic sanctions, to be effective, must be carefully targeted, but equally important, they must address how fundamental governmental and societal reform might be assisted without so destabilizing the country as to lead to a worse alternative.

Whatever steps might be adopted with respect to South Africa, they will have to be taken with both a sense of tragedy and reality. There is no unemployment compensation system in South Africa for black workers, and no welfare system for their families. One looks in vain for concrete signs that the welfare and interests of black South Africans would be served by the departure of American corporations and the sale of American-owned firms to white South Africans.

By the same token, in assessing the potential impact of economic sanctions on South Africa, we must not overlook the effects that such sanctions will have on the neighboring states which remain heavily dependent upon South Africa for transportation, utilities, and overall trade. These countries would no doubt suffer increased hardships and strains upon their economies as the impact of sanctions takes effect.

Despite these potential hardships, seven of the nine neighboring states have declared themselves in favor of international sanctions against South Africa. Moreover, actions taken by the United States and other Western countries have not led to an appreciable increase in the number of South Africans able to enjoy basic human rights. Repression and violence are increasing. Large segments of South Africa's black community have come to believe that international sanctions may be the only way to force change.

Our moral outrage at the system of apartheid in South Africa must be accompanied by the moral determination to urge the South African regime to reduce the violence and repression and to accelerate the process of political, economic, and social reform. Our actions cannot be divorced from the economic, political, and strategic interests of the United States and its allies. An appropriate United States policy toward South Africa must contain multiple elements, carrots and sticks, not simply punitive measures. Political polarization and economic decline would likely hurt the prospects for a peaceful solution in South Africa.

The Committee on Foreign Relations has reported out a bill to provide for targeted sanctions against the Government of South Africa and against specified groups in South Africa which are closely associated with the National Party Government of that country and the system of apartheid. We have sought, to the maximum extent possible, to target sanctions in such a way as to avoid unintentional or avoidable harm to those in South Africa who do not vote for the Government of that country and especially to avoid harm to those who cannot vote at all. There are several measures that have already been introduced in this body which seek to impose sweeping restrictions that would impact most severely on those who have been victimized by the Government of the Republic of South Africa. It would be a tactical and moral mistake, I believe, to impose sanctions, ostensibly designed to pressure the South African Government, on those who bear no responsibility for and have no influence with that Government.

The bill provides for an embargo on the import of products produced by the South African Government's state corporations. These corporations are under the control of the Government and staffed by supporters of that Government in managerial, supervisory, and administrative positions. This provision will prohibit $100 million worth of imports into the United States from the state-owned ISCOR steel company, as well as some coal, uranium, aluminum, cement, and ferroalloys. Imports for America's essential needs can be met by imports from nongovernment producers, many of whom are financial and political supporters of the effort to overcome apartheid and establish a nonracial democracy.

This provision, if fully effective, will have a strong financial impact on employment and profits in these government-run corporations. Moreover, given the world glut of these products, I think this measure will be effective. This will send a clear, targeted message to the South African Government.

□ 0930

Similarly, the bill ends landing rights for the state-owned airline, South African Airways, immediately upon the expiration of the notice period required by international law under which these flights take place. The airline, like all other state-owned corporations, is staffed primarily by government supporters.

Consistent with the goal of applying sanctions to those who bear the moral and political responsibility for the present situation in South Africa and for the lack of democracy, the bill provides that South African Government agency or parastatal corporations may not hold bank accounts in this country except for diplomatic purposes. Again, this is a targeted sanction against those responsible for apartheid, not against all South Africans.

This is an excellent example of the difference between the carefully targeted bill we have introduced today and the sweeping, indiscriminate, and untargeted actions that have been discussed in other measures.

It is important, I believe, to keep the focus of this bill on the issue of apartheid. There are those who will be mightily tempted to offer amendments that ban products from South Africa that compete with the products of their states. Several industries have been mentioned as possible beneficiaries of a cut off of South African products. I would urge my colleagues to restrain from these amendments because we should send a clear message to the South African Government about apartheid. To distort that message with protectionist amendments will send an unclear signal.

As we proceed with this debate in the Senate, it might be useful for all Senators to start with a realization that was best expressed in a recent issue of The Economists:

Sanctions have a dismal record. They are a legitimate way of expressing distaste or despair, but they rarely change the things that cause those feelings. They can all too often be evaded. They sometimes stiffen the backs of the sanctioned and spawn dissent among the sanctioners. Once applied, they are embarrassing to remove if they turn out not to have worked.

And I might add, politically difficult to remove if they do work.

Yet they remain one of the few extensions of diplomacy available to governments short of war.

In fashioning the committee bill with respect to economic measures, one has sought to avoid what is impractical, what is counterproductive, or what is aimed only at self-gratification.

Indeed, the bill reported out of the Foreign Relations Committee attempts to reflect a balance between the economic measures to be applied toward South Africa and the conditions or terms to be met by the South African Government if those measures are to be modified or even terminated. All Members should be aware that efforts to jack up the number and severity of sanctions will likely be met by additional amendments to adjust the conditions or terms for modification up or down. Indeed, if the balance sought in the committee bill is destroyed, then our legislation dealing with South Africa could well become a Christmas tree for amendments having absolutely nothing to do with promoting democratic reform in South Africa.

As we debate South Africa legislation and contend with numerous amendments, I would ask my colleagues to consider a series of questions:

(1) does it matter which way the black majority and the disenfranchised seek to achieve a share of power in South Africa?

The answer is obviously yes. The United States would like to see a relatively bloodless transition to a pluralistic democratic society that will remain democratic and will preserve human rights and a free market economy. It would like to move South Africa toward and keep her within the community of Western ideas.

(2) Does the Senate, does the Congress have a clear conception of what it is seeking to encourage and promote through new economic measures? Or are we simply advocating an instant conversion to virtue?

The bill reported out of the Foreign Relations Committee is specific. The economic measures proposed are tied to conditions or terms which, if met, allow for the modification or termination of the economic measures. The objective of such measures and conditions must be to get all parties around a table, to try to negotiate a new constitution that will enfranchise the blacks. The objectives in the committee bill are clear, and, if sanctions are ever to work, they need clear objectives.

(3) Whose minds does the Congress seek to change through stiffened economic measures and sanctions?

Some Members might point to the administration. This would be the wrong target. By the same token, those on the far right of the political spectrum in South Africa, with 20 percent of the white vote, will likely feel little from sanctions beyond indignation. Supporters of the Progressive Federal Party, with another 20 percent of the vote, need no persuading. The target must be the main body of the ruling National Party and the organs of government charged with implementing the policies of that party. That is the reason that the economic measures reported out by the Foreign Relations Committee are targeted on the public sector, the parastatals, and not on the private sector.

(4) And last, can a credible package of new economic measures be agreed upon, credible to the sanctioned as well as the sanctioners?

No economic measures can be expected to work unless they are supported by almost all of the countries which supply goods and services placed under sanction. A total trade embargo with respect to South Africa would be impossible, unenforceable, and, in any case, most inappropriate and incredible. Whatever public statements one can wish to cite, a crippling of the South African economy would cripple the blacks and the neighboring black countries as well. But most importantly, while a crippling of the South African economy might provoke change, it would certainly not be the sort of change that would be in the interest of the United States.

I would hope, Mr. President, that all partisan feelings will be put aside on this important issue. Our goal should be to send a message of national unity—Democrat and Republican, Congress, the President and the people of this country—to the people of South Africa about our hopes for their country. We are eager, Mr. President, to reach out to the people of South Africa and to welcome them to the community of real democracies. South Africa's potential for democracy can only be realized if it commences immediately the process of negotiation and compromise that can lead to a national agreement on a new constitutional order allowing full participation by all citizens.

Mr. President, the question is whether the United States is going to be a vigorous and active participant in the movement to promote a truly dynamic, democratic system in South Africa, or will seek to withdraw itself from the inevitable process of change in that country. In the face of a seemingly intractable problem, the American people have always rolled up their sleeves, not washed their hands of it. The situation in South Africa is too serious for acts of desperation or resignation on our part.

Any American effort to serve as a trusted and reliable friend of both black and white South Africans, encouraging their progress and reforms because they benefit us as well, will always risk the anger of elements in both the United States and South Africa whose interests would be furthered by worsening conditions. We want to prevent a bloody civil war and the destruction of a nation. In my judgment, the United States must work to encourage the writing of a peace treaty in South Africa now by all South Africans before, and not after, such a war.

Mr. President, I yield the floor.

□ 0940

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. I thank the Chair.

Mr. President, the turmoil presently gripping South Africa is rooted, as the chairman of the Foreign Relations Committee has just pointed out, in the evil and inhumane system of apartheid. For the last 5½ years the administration has tried to encourage the South African Government to move away from apartheid through its policy of constructive engagement. This policy, which increased cooperation with the South African Government while reducing public, if not private, criticism and pressure, is generally regarded as a failure. It has created the impression among white South Africans that we are sympathetic to their cause while leading black South Africans to conclude that we do not support their struggle against apartheid. It has tarnished our image as a humanitarian nation in the international community and undermined our long-term interests in southern Africa.

In its recent reports, the British Commonwealth's Eminent Persons Group forecast a "racial conflagration with frightening implications * * * in the very foreseeable future" unless the international community brings effective pressure to bear on the South African Government. As a nation theoretically committed to peace and justice, the United States has a moral and political obligation to help all of the people of South Africa to avoid such a bloody end. We can no longer rely on talk and quiet diplomacy. We must take action that will put meaningful pressure on the South African Government and also make it clear to South African blacks that we are on their side. I believe that the bill before us, S. 2701, as amended, is a step in the right direction. Its very creation is a compliment and credit to the

chairman of our committee, the Senator from Indiana [Mr. LUGAR].

This bill was approved by the Foreign Relations Committee by a 15-to-2 vote. If enacted, it would codify the sanctions in the President's September 1985 Executive order, that is, a ban on loans to the public sector, on computer exports to apartheid-enforcing agencies, on nuclear exports, and on the importation of Krugerrands and military goods. It would also impose additional sanctions including a ban on loans to the private sector, on new investment, on the importation of uranium and coal from South Africa and on the importation of goods produced by South Africa Government-controlled companies.

However, given the severity of the situation in South Africa, I wish a stronger bill could have emerged from the committee. As the Eminent Persons Group concluded, the question is not whether sanctions will compel change; "it is already the case that their absence and Pretoria's belief that they need not be feared, defers change." I intend to support efforts that may be made to strengthen the bill on the floor. However, if those efforts fail, I intend to strongly and enthusiastically support the bill as reported by the committee because I firmly believe that the time to act is now, lest the opportunities for peaceful change slip away and the clock run out.

So I urge my colleagues to support this bill, which I believe is a good bill and worthy of passage.

I yield the floor.

Mr. PROXMIRE. Mr. President, I rise to speak in support of S. 2701, the bill reported out of the Foreign Relations Committee, which is designed to express the opposition of the United States to the apartheid policies of the Government of South Africa and to encourage South Africa to abandon such policies. I commend Chairman LUGAR and ranking minority member Senator PELL for crafting a bill that has such broad bipartisan support. I think the bill makes a good start in demonstrating American opposition to apartheid through assistance to black South Africans and the imposition of sanctions against the Government of South Africa. I hope, during our floor debate, we can add certain other provisions to make even clearer that America opposes apartheid and is willing to make economic sacrifices to make that point absolutely clear to the world community and, in particular to South Africans, both white and black. I myself will offer two amendments. One will establish procedures for determining when the sanctions we are adopting can be terminated. The other will strengthen the private cause of action the Foreign Relations bill gives to American companies who may be injured by the actions of companies from other countries who provide items to South Africa that we are prohibiting our own companies from providing. I will give a more detailed explanation of these amendments when I offer them.

I want to make absolutely clear that I support sanctions legislation against South Africa not to punish the people of that country—but rather to send encouragement to all those people of good will in South Africa, both white and black who are striving to bring about an end to the evil apartheid system.

Exactly what is apartheid and why should it concern our country? Apartheid is the system in South Africa designed by the white community in 1948 to ensure their absolute rule over the black majority. The 4½ million whites maintain their rule over 21 million blacks by denying blacks the right to vote, denying them educational opportunities, denying them economic and social opportunities, and by requiring them to live in separate, segregates areas. In effect, the whites have adopted a system of dehumanizing the black population in order to maintain their own privileged rule. The minority whites enforce their system through reliance on a harsh and repressive police rule backed up by the strongest military force on the African continent. That force very possibly has a nuclear capability.

Why is it any business of the United States to try to change this abhorent system in South Africa? First, our history, values and institutions place Americans in basic sympathy with people seeking political freedom and civil liberties. We have always believed that freedom is the birthright of all peoples and that we could not be true to ourselves or our principles unless we stand for freedom and democracy, not only for ourselves—but for others as well. And so time and again in the last 200 years we have lent our support—moral and otherwise to those around the world struggling for freedom and independence.

Second, it is in America's national interest to promote a peaceful end to apartheid in South Africa. In his July 22 speech on South Africa President Reagan noted the growing political crisis in South Africa and called the region of the world where that country is located as "a region of vital importance to the West." He noted that "the root cause of South Africa's disorder is apartheid" and pointed out rightly that "time is running out for moderates of all races in South Africa."

The problem is that presently political rights in South Africa are based solely on race, and black people, no matter how accomplished they are, have none. Since blacks have no political rights, it makes it very difficult for them to achieve a gradual, peaceful change in that country's race policies, and Soviet preached violent change becomes their alternative.

Americans can appreciate the frustrations blacks in South Africa must feel. Our own Declaration of Independence notes that all men are endowed by their Creator with rights to life, liberty and the pursuit of happiness and that men establish governments to help them secure such rights. That same declaration states then when governments suppress the people "it is their right, it is their duty to throw off such government." That is what Americans did in our war for independence, and it is what black South Africans are trying to do in their land. We in Congress in this legislation are attempting to move the South African Government to negotiate with black leaders to institute government by the consent of the government.

I am absolutely convinced this is the right thing for the Congress to do. We have talked about the evils of apartheid for over 40 years. It is time for action. The present administration is paralyzed and will take no action. That is why on January 3, 1985, on the very first day of this Congress, I introduced S. 147 the South African Human Rights Act of 1985.

That bill was referred to the Foreign Relations Committee and I am pleased that four of the key provisions in my bill: First, mandatory Sullivan principles for United States companies operating in South Africa; second, a ban on nuclear trade with South Africa; third, a ban on loans to the Government of South Africa; and fourth, restrictions on sales of computers to the Government of South Africa are in the bill reported out of the Foreign Relations Committee.

For the last 2 years I have worked to get Congress to pass legislation putting our people and Government on record as opposing apartheid. Last year both Houses of Congress did pass such legislation—but at the last minute the President issued an Executive order imposing some sanctions on South Africa. That action of the President split the bipartisan coalition in the Congress—but last year's action did send a clear signal that America could no longer continue business as usual with South Africa's apartheid government. The actions taken last year were only a warning shot of further steps Congress would take if real change was not forthcoming in that country.

President Botha, in his January speech opening the Capetown Parliament said "South Africa has outgrown apartheid" and gave us hope that South Africa might be taking heed of the worldwide revulsion against its benighted racial system. Since then, however, while the South African

Government has done some minor tinkering with aspects of its oppressive system, it has made no real effort to deal with the big question—institution of a government by the consent of the governed. In fact, that government has become even more oppressive in dealing with the 70 percent of its population which is black.

The bill before us today is specifically designed to help the process of peaceful change in South Africa. It makes clear to South Africa that political change must be instituted if American corporations are to play a growing role in that country's economy. It also provides for the termination of all sanctions if the South African Government will take five steps:

First, release political prisoners and Nelson Mandela from prison;

Second, repeal the state of emergency and release all detainees;

Third, urban democratic political parties;

Fourth, repeal the Group Areas and Population and Registration Act;

Fifth, publicly commit itself to good faith negotiations with truly representative members of the black majority without preconditions.

It is my strong hope that this bill will lead to the good faith negotiations that are South Africa's path to a better future for all its people.

In April Archbishop Tutu called on the International Community to pressure the government by means of economic sanctions to move toward nonviolent change. In May the Southern African Catholic Bishops Conference called on the world community to put economic pressure on the apartheid government and to link such pressure with negotiations with accepted leaders of the people. The Protestant South African Council of Churches has long called for economic sanctions against the government. Our country should respond to the moral voices of the South African people—both white and black. This bill is designed to do just that.

I urge its prompt passage.

Mr. KENNEDY. Mr. President, as we finally come to the moment when the Senate is ready to speak on the question of sanctions against South Africa, it is clear why this issue is so important for so many millions of Americans, and why so many Americans care so deeply about ending a system of oppression that exists so many thousands of miles distant from our own land.

We care about injustice. We feel the call to correct it because it is part of our culture and our heritage to help those who suffer anywhere from injustice and inhumanity. Wherever there is oppression, America is challenged to help those who seek to end it. As President John Kennedy said so many years ago, "We can never be fully free unless all of us are truly free."

Throughout our history, Americans have answered the call from those who suffer—whether that suffering comes from the tyranny of one country over another, as happened with Nazi Germany; whether that suffering comes from the exploitation of one race over another, as happened in our own country—or whether it comes from famine and disease, as has happened too frequently throughout the developing nations of the world, in Africa, Asia, and in Latin America.

But beyond our own culture, heritage and history, there is also the American ideal. Apartheid is anathema to every principle of the American system of Government. It strikes at the heart of the American experiment. As a concept and philosophy, apartheid mocks the values we hold dear.

There are certain fundamental truths that survive the test of time and history. Because of their strength and universality, these truths are handed down from generation to generation. Despite the forces of change over time, these truths abide in our own lives and in the spirtual and political life of our Nation. Over 200 years ago, our forebears set forth the message of human freedom that has inspired millions throughout modern history and throughout the world. As we announced our independence from Great Britain, we also declared our belief that all people are created equal, and are endowed by their Creator with certain unalienable rights, among them, the right to life, liberty and the pursuit of happiness.

We cannot be true to our own most basic values and be silent or passive about apartheid. Today millions of South Africans are struggling for their own freedom and independence. They seek to achieve for themselves what our ancestors fought a brutal civil war to achieve for us. We cannot be true to our own commitment to equal justice under law, without supporting their struggle to end apartheid in South Africa.

Americans care about the oppression of apartheid because of our own long and tragic experience with the curse of racism. We have seen the poison that racial discrimination and segregation spread in our own society, and we have struggled to eradicate it. That special experience binds millions of Americans together and moves us to reach out in sympathy and in support so that the millions in South Africa who struggle for freedom today will know that they are not alone.

Some have suggested that the cause of sanctions against South Africa has become the new civil rights issue in this country. There is, of course, some truth in this. The same coalitions that worked to pass the great bipartisan civil rights legislation of the sixties—the churches, the labor unions, the students and political leaders from both parties—have been mobilized again in support of sanctions against South Africa.

But finally and most powerfully is the feeling of shame by so many Americans that our country is implicated in the terrible system that blights South Africa. Our corporations have benefited from the apartheid economy, and our Government has, for many years, indulged the leaders of apartheid. Perhaps the single most powerful engine applying pressure for sanctions today is the pervasive disappointment generated by President Reagan's flawed policy—and the sense nationwide that the President's policy has failed and is no longer worthy of America.

Only strong action by the Senate can persuade the people of South Africa—black and white alike—that America is not neutral, that we are not uncaring, that we are—vigorously and visibly—on the side of human freedom inside that sad and troubled country.

It is often said on issues of high moment that "the world is watching what we do." In fact, that statement is true about the deliberation that we begin today—whether we like it or not, whether we want it or not. The message we send by our Senate action will be heard and heeded by many different audiences.

But most of all, the message will be heard by the audience to whom we owe our first allegiance—our own people. To the millions of Americans who have worked tirelessly to place our country on the right side of freedom and justice in South Africa, we will now demonstrate that their faith in our democracy is being vindicated.

To the students of America and to their teachers, to the presidents of our great universities and to the distinguished members of their boards of trustees, to the workers of America and to their union leaders, to our State legislators and municipal employees, to religous leaders and their congregations, to chief executive officers of corporations and those who control our powerful financial institutions—let the work go forth from the Senate that time for action by America against apartheid is finally at hand.

Let us speak with one voice, and let us act as one people, for on this issue, the character of our own society will be on display for all to see.

To those in the White House and the Department of State who designed and still defend the doctrine of constructive engagement, I say that your policy has betrayed what is best about America. You have had your time, and you have failed. No longer will we allow the American ideal to be cloaked in false diplomacy and empty rhetoric.

To President Reagan, we hope you will heed the mandate of the Con-

gress. The true friends of America are not to be found in the government offices of Pretoria but in the jail cells of South African prisons. P.W. Botha and his ministers are no friends of freedom, and their government does not serve the interests of the West. We cannot be evenhanded in the face of injustice; we cannot be neutral when confronted with a choice between oppressor and oppressed; we cannot be silent or passive when millions seek those same freedoms that have caused Americans to give their lives in so many wars over so many years. The one sure way for America to advance the cause of Communism in South Africa is for America to turn its back on the pursuit of freedom there.

To our friends and allies in the Commonwealth of Nations and in the European Economic Community, let us send a message that the great democracies of the world are ready to act together to use all of our influence—moral, political, economic—to advance the cause of freedom in South Africa.

To the leaders of the antiapartheid movement in South Africa—to Bishop Desmond Tutu, to Rev. Allan Boesak, to Rev. Beyers Naude, to Nelson Mandela—a man who has devoted his life and given his liberty for his people's freedom—to his courageous wife, Winnie, who has been true to her husband and their cause of a free South Africa—we know that you are watching us today. You had proven that the spark of freedom cannot be extinguished—that even when the darkness descends, and the rule of law is denied, the flame of freedom still warms and moves individual hearts; the spark still passes from soul to soul, connecting one person with another across vast expanses of space and time, with each for a few moments or miles passing on freedom's torch—until the light finally shines out again across the land. We say to you today: the people of America share your struggle and support your cause.

Our action cannot come a moment too soon, the situation in South Africa over the past year has gone from very bad to much, much worse. Over 2,000 people have died since September 1984, and over 100 have been killed in the last 30 days. South Africa is in the early stages of what could be one of the longest and bloodiest civil wars in human history.

The violence and brutality of the repression that is going on inside South Africa as we meet today is unparalleled even for South Africa. Since the state of emergency was imposed in June, 12,000 political leaders have been arrested and detained. The entire leadership of the black South African trade unions are in jail or in hiding at this very moment. Imagine what the impact would be on the United States if thousands of our leaders were suddenly arrested and led off to jail. This is the policy of a government that is not interested in negotiation or reconciliation. It is the policy of a government that is interested only in maintaining its arbitrary power, whatever the cost in human life and suffering may be.

Every day in the press, we see a new body count from South Africa. We are told the number of people killed since the violence began in 1984, and we are told the number of people detained since the most recent state of emergency was imposed. The statistics are updated on a daily basis, and standing alone, the numbers are shocking. Thousands have died; thousands more have been detained.

But the statistics tell only part of the story. There is another face to apartheid that can be seen only from within the cramped and crowded jail cells of South African prisons. I am talking about the face of torture.

In a detailed study published by the University of Cape Town's Institute of Criminology, we can read the results of interviews of 176 former detainees. These interviews were not conducted by political activists or members of the antiapartheid movement. The study was performed by two scholars—Don Foster, who is a senior lecturer in the Department of Psychology and holds a Ph.D. and Diane Sandler, who is a graduate student doing research at the institute. Their conclusions deserve special consideration as we try to understand the character of the apartheid regime in South Africa.

These are the facts: 83 percent of the detainees reported some form of physical torture by the security police; the forms of torture included: Punching, kicking, slapping, beating with a whip, forced standing, excrement abuse, maintaining abnormal body positions, electric shocks to genitals, arms and feet, strangulation by hand or by means of a cloth or towel, legs chained around the neck, pulling out or burning hair or beard, genital abuse, beating the soles of the feet, burning matchsticks under nails, fingernails being crushed by a brick, breasts squeezed, petrol poured over body and set alight, sleep deprivation, hooding and blindfolding, drugs, sham executions, the use of animals such as dogs, spiders, and snakes; the youngest age group—below 20 years old—is the most heavily tortured; 66 percent of the people detained were students, young people, and teachers.

In addition, all of the detainees reported some form of psychological abuse, such as prolonged and repeated interrogation, often exceeding 5 hours a session.

Even with the University of Cape Town study, we are forced to deal with numbers and statistics—cold and unfeeling. Last month, another study was issued which gives a more personal and human description of the fate of seven individuals who were detained by the South African authorities earlier this year. All seven were detained; all seven died; all seven were beaten to death; all seven were black.

This report was prepared by the Lawyers Committee for Human Rights and is based on interviews conducted with family members of the deceased, fellow detainees, doctors, attorneys representing the family, and official police statements about the cases. The conclusion of this report is chilling: "Inside South Africa's hellish detention centers, abuse has been meted out with such savagery that its victims were dying at the average rate of one per week in the period between April 2 and May 20 of this year."

The seven individuals who are the subjects of the report were killed during the interlude between the state of emergency that was lifted on March 7, 1986, and the more stringent emergency imposed on June 12, 1986. If anything, the situation has become much worse. Since then, South Africa's jails have been packed with over 10,000 new detainees, caught in the sweeping and indiscriminate dragnet of the Government's latest and harshest emergency measures.

I want to read a passage on the treatment of one victim, as described by another detainee arrested at the same time. He is speaking about the case of Lucky Kutumela, a 25-year-old journalist and antiapartheid activist who was arrested on April 4, 1986. He died the next day.

> As they dragged him out * * * they were hitting his body with sjamboks and the butt of a shotgun; they were kicking too * * * After they took him out we couldn't see him but we could still hear everything * * * We could hear the thuds on his body, his body bumping against the walls and his screams. At first he was just screaming in pain, but later * * * we could hear him pleading for them to stop.
>
> When he was brought back to the cell, he was writhing in pain * * * He was moaning, and his brain was going funny * * * We were shouting for help * * * but no one came even though we could near voices nearby. He was now breathing heavily * * * He asked us to cover him with water because he was burning * * * A few minutes later, he died.

Mr. President, the experience of the Commonwealth's Eminent Persons Group—the EPG—is instructive for the Senate. This group was formed under the Commonwealth accord on southern Africa which was agreed to by the heads of government of the 49 Commonwealth nations meeting in Nassau in October 1985. The group has now issued an eloquent report about its experience in South Africa, and that report should be required reading for everyone concerned about ending apartheid in South Africa.

The Eminent Persons Group made a valiant and honorable effort to medi-

ate between the South African Government and its antiapartheid opponents. But the South African Government was unyielding, recalcitrant, and devious. According to the report of the EPG.

We draw the conclusion that while the South African Government claims to be ready to negotiate, it is in truth not yet prepared to negotiate fundamental change, nor to countenance the creation of genuine democratic structures, nor to face the prospect of the end of white domination and white power in the foreseeable future.

In the face of such intractability by the South African Government, it is no surprise that the EPG reached the conclusion that concerted action by all Western nations in the form of stiff economic sanctions is necessary.

To the contrary, constructive engagement has become synonymous with aid and comfort to racism in South Africa. Instead of the last best hope on Earth, the United States of America has become the last best friend of apartheid.

On April 2, 1986, Bishop Desmond Tutu, the most eloquent voice for human freedom in South Africa today, risked his own freedom when he suggested the direction that all true friends of a free South Africa should now take:

I have no hope of real change from the [South African] government unless they are forced. We face a catastrophe in this land, and only the action of the international community, by applying pressure, can save us. Our children are dying. Our land is burning and bleeding. And so I call upon the international community to apply punitive sanctions against this government to help us establish a new South Africa that is nonracial, democratic, participatory and just.

This statement comes from the 1984 winner of the Nobel Peace Prize. He speaks, not only for his own people, but for all humankind.

Other eloquent voices in the international community have joined in Bishop Tutu's plea. The Eminent Persons Group concluded unequivocally that economic sanctions by Western nations are necessary to forestall even greater violence inside South Africa. They said:

It is quite clear that gentle diplomacy and quiet persuasion have failed. It is our very firm view that the South African government will never be moved by such approaches. There is no guarantee that sanctions will work, but greatly increased international pressure involving the use of sanctions offers the only chance to avert the tragedy of which we speak involving the destruction of all Western interests in South Africa.

The leaders of the Commonwealth meeting in London on August 5 responded to the EPG recommendation and adopted strong sanctions against the Government of South Africa. The Senate must do no less.

Despite Bishop Tutu's appeal, the recommendations of the Eminent Persons Group, and the action of the Commonwealth nations, the Reagan administration persists in its rejection of economic sanctions against South Africa.

The Government of South Africa has made clear that it will not respond to the overtures of diplomats from the United States or any other nation. The Botha regime has nothing but contempt for "quiet diplomacy" and "constructive engagement." It has lied to our diplomats, belittled our influence, and wreaked unprecedented violence upon its own citizens. By our continued adherence to constructive engagement, we are implicated in their policy of racism and the violence of apartheid.

The opponents of economic sanctions say that sanctions will not work. But Bishop Tutu responded to this argument in his commencement address at Hunter College last May. He said then:

But if they don't work, why oppose them so vehemently? If they don't work, why did Margaret Thatcher apply them to Argentina during the Falklands war? Why did the United States apply them to Poland and to Nicaragua? Why was President Reagan so annoyed that his European allies did not want to impose sanctions against Libya? If sanctions are so ineffective, why does the United States still maintain a blockade of Cuba? But we have all this wonderful sophistry when it comes to South Africa.

In fact, the failure of the international community to adopt economic sanctions only encourages the architects of apartheid to increase their repression. As the Eminent Persons Group pointed out, "It is not whether economic sanctions will compel change; it is already the case that their absence, and Pretoria's belief that they need not be feared, deters change."

The administration also argues that sanctions will be counterproductive because sanctions will exacerbate the pathological siege mentality of the South African Government. But as the cochairmen of the Eminent Persons Group wrote on June 12:

We reject completely the argument that international pressure will force the South African government to withdraw into itself. This commonly held view is masterly disinformation. It has hitherto been successful in persuading major states not to take substantive measures or sanctions against South Africa. The Afrikaners have, in fact, only changed course when under extreme pressure.

The administration also suggests that economic sanctions will injure the very people they are intended to help, the black majority in South Africa. But that argument has been consistently rejected by black South Africans. Recent surveys report that 70 percent of all blacks in South Africa support economic sanctions. As Bishop Tutu has stated:

Blacks are saying, "We are suffering already. To end it, we will support sanctions, even if we have to take on additional suffering.". . . I must ask, to whom is the international community willing to listen? To the victims and their spokesmen, or to the perpetrators of apartheid and those who benefit from it?

Finally, there are those who say that sanctions will destroy the South African economy and leave that nation in a financial and economic morass. But if the South African Government continues on its present course, then with or without sanctions, the South African economy will be destroyed by the violence and bloodshed that are now threatening to explode into all-consuming civil war.

The case for economic sanctions is clear. Quiet diplomacy has failed; concerted economic pressure from the international community—combined with continued peaceful pressure inside South Africa—is the last best hope to persuade the apartheid regime to change course and achieve the goal of a free South Africa.

TREATMENT OF OUTSTANDING OBLIGATIONS

Mr. LUGAR. Mr. President, I recognize that the Government of South Africa imposed a standstill on the repayment of debt to foreign banks in September 1985. For U.S. banks this amounts to approximately $3.3 billion. The regulations issued pursuant to the standstill allow a South African private sector borrower, without the consent of its U.S. bank creditor, to liquidate its obligation to the U.S. bank by placing a deposit with a government controlled entity, the Public Investment Commissioners [PIC]. PIC then assumes obligation for the ultimate repayment of the debt to the foreign bank.

In effect, the primary obligor on the debt has been changed as a result of the operation of South African law. I believe under these circumstances renewal of the obligation, with the new obligor, falls outside the definition of new investment contained in this bill S. 2701.

CODIFICATION OF EXECUTIVE ORDER

Mr. President, one of the purposes of S. 2701 is to codify the provisions of the Executive orders President Reagan issued last fall with respect to South Africa. To implement those Executive orders, the Departments of Treasury, Commerce and others issued a variety of regulations. To the greatest extent possible, those regulations should be relied upon in implementing S. 2701. In drafting S. 2701, staff of the Foreign Relations Committee looked to these regulations.

For example, the Executive orders and the regulations issued under them do not bar U.S. financial institutions for making rand-denominated loans to the private sector. This is permitted so long as the making of these loans do not involve any transfers of new funds by the financial institution to its South African subsidiary. This practice of redeploying local assets is fully

consistent with the ban on new investment contained in this bill.

Mr. PRYOR. Mr. President, I am glad that, at last, the Senate is debating this bill, which would extend the sanctions imposed by President Reagan and add others. I believe that we have a responsibility to do our part to change a political system which denies all political representation to 85 percent of its people, which denies them access to education, prohibits them from working where they wish, often keeps male workers from living with their families, denies them access to education, and which has launched military attacks against several of its neighbors.

Many of my constituents have written to me in strong support of these sanctions—and even stronger action—but a few have expressed a concern that first, we have no right to interfere in the affairs of another government, second, we are unnecessarily picking a fight with South Africa while we should be taking punitive action against the Soviet Union and other human rights violators, and third, we are paving the way for an unfriendly government.

Mr. President, I'd like to direct a few remarks toward these arguments of my constituents because I can understand their concerns.

NO RIGHT TO INTERFERE

A couple from Garfield, AR, points out, "Had some other country tried to tell us how to handle our desegregation problems a few years ago, we would certainly felt they were interfering in our internal affairs."

That is a reasonable argument. If we follow a strict rule of noninvolvement, however, wouldn't we have to end our support for the Contras in Nicaragua? All sanctions against the Soviet Union? I dare say many Arkansans would quarrel with such a course.

I don't believe we should go out of our way to interfere in the workings of other governments; after all, we can't even master our own. But there are circumstances which justify U.S. involvement—circumstances which are usually controversial but sometimes defensible. In recent years we have involved ourselves directly in the affairs of Nicaragua, Grenada, South Africa, Angola, Afghanistan, Vietnam, Korea, and the Dominican Republic—and many other countries to a less visible degree. In some cases I have approved of our actions; in others I haven't. Each case was a little different and had to be judged on its particular circumstances. In each case the United States had its own strategic interests of one degree or another.

But on top of that self-interest we also have a tradition of trying—where we can—to protect and extend the kind of personal freedoms that we enjoy in this country. Some say we should not let this consideration influence our foreign policy and for this reason have opposed our involvement in Vietnam or South Africa or Central America. I believe human rights must play a role in our foreign policy.

WHAT ABOUT ABUSES IN OTHER COUNTRIES?

A constituent from Fayetteville writes:

What business do we have to tell South Africa what to do? Do we undertake to tell Russia and other Communist countries what to do to correct their violations and deprivations of civil rights? Of course we don't, if for no other reason than that it would do no good.

On this point, Mr. President, I want to assure my constituents and others who feel that we ignore the abuses by Communist governments that we most certainly do not. Sanctions that we have imposed on the Soviet Union at one time or another include:

Refusal of most-favored-nation trade status, which results in the Soviet Union and most other Communist countries paying much higher duties on any imports to the United States;

Grain embargoes;

Strict controls on technology transfers;

Restrictions on the number of Soviet diplomats in the United States;

Suspension of Soviet fishing rights in a 20-mile zone;

Suspension of landing rights for the Soviet airline;

Opposition to Western aid on Soviet pipeline development;

Refusal to begin trade talks;

Import ban on many Soviet products;

The Jackson-Vanik amendment tying trade to Soviet emigration policy;

Military and economic support to Afghan freedom fighters and other groups which are trying to contain Soviet expansion.

In addition to these executive or legislative actions, there is a constant effort in the Congress and executive branch to obtain relief for individuals and religious or ethnic groups inside the Soviet Union and its satellites. Not a day goes by that I don't receive a "Dear Colleague" from another office urging my support for the case of a Soviet Jew who wishes to emigrate or Romanian fundamentalist Christians who cannot worship as they please or a political prisoner who advocates independence for the Baltic States. These issues are constantly raised with Soviet officials through letters, visits, and any other forum we can think of.

We are also spending more than $300 billion a year on our defenses, which are primarily directed against the Soviet Union.

We have applied sanctions against Poland, Nicaragua, Iran, Libya, Uganda, Cuba, Vietnam, and other nations whose policies we do not condone.

Why, then, is there this misperception that we do little or nothing to combat the internal abuses in the Soviet Union while we concentrate all our energies on South Africa? Part of the explanation must be that we have been attacking the Soviet Union for so long that nobody pays attention any more; our anti-Soviet attitude has been institutionalized. Another reason is that we expect a more enlightened attitude of former Commonwealth nations like South Africa. In addition, the abuses in South Africa are so blatant and so obviously directed against a single racial group that they cannot be ignored. Finally, the press has a tendency to spotlight emotional issues, and the South African situation is filled with drama. U.S. efforts on behalf of political prisoners or religious dissenters in the Soviet Union are apparently not so newsworthy.

ARE WE ENCOURAGING THE COMMUNISTS TO TAKE OVER?

A man from Omaha complains:

We traded Chiang Kai Chek for Mao, Batista for Castro, the Shah for Khomeini, Somoza for Ortega, and Marcos for we don't know yet. Why must we oppose those who want to be friends and leave alone those who want to destroy us?

In the cases of Nicaragua, Iran, and Cuba I sincerely believe we were indeed partially responsible for the radical elements taking over—because we mistakenly supported a repressive regime until the inevitable resentment boosted radicals into the leadership.

I don't want the United States to make the same mistake in South Africa. A tiny minority is trying to deny the most basic political rights to 85 percent of the population. Because of the sheer force of numbers, that situation cannot continue. The change over will take place. I don't know how, I don't know when, but it will happen. For once, let's be on the "right" side. By that I mean not only the winning side but also the side of political participation by all citizens. It is that simple.

As long as current conditions continue, resentment will intensify, and frustrated blacks will begin to turn to the left-wing groups. There is a danger from the left in South Africa, and the best way to ensure that the left will gain strength is to continue to resist basic reforms. P.W. Botha is the best ally the Communists have.

My constituents are right: We should not focus solely on South Africa. But we do have an obligation to act. That is why a sanctions bill has such overwhelming support among Republicans and Democrats in the Congress.

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. WEICKER. Mr. President, I yield to the distinguished Senator from Indiana.

The PRESIDING OFFICER. The Chair asks how much time is yielded to the Senator from Connecticut.

Mr. LUGAR. If the Senator will yield for 1 minute, I would like to simply make a general announcement.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I appreciate the recognition of the distinguished Senator from Connecticut. As the Chair knows, the amendment procedure calls for alternation back and forth between Republican and Democratic Senators in the offering of amendments so long as both sides have amendments to offer. It is always the prerogative of the Chair to recognize whomever the Chair wishes, but our hope on this side will be that Senator Weicker's amendment might be considered first. Then there will be a Democratic amendment, and then an amendment offered by the distinguished Senator from North Carolina [Mr. HELMS], a Democratic amendment, and then one by the distinguished Senator from South Dakota [Mr. PRESSLER]. We may have additional preferences in due course, but I wanted to mention that so that Senators could be alerted of the potential flow of amendments which we think will expedite handling of the bill. I thank the Senator for yielding.

The PRESIDING OFFICER. The Chair has recognized the Senator from Connecticut.

Mr. PELL. Will the Senator yield?

Mr. WEICKER. I certainly do yield.

Mr. PELL. Parliamentary inquiry. On Senator WEICKER's amendment, obviously he controls his time. Would the Senator from Indiana be controlling the bill time or would I?

The PRESIDING OFFICER. The Senator from Rhode Island is correct.

Mr. PELL. Which?

The PRESIDING OFFICER. The mover and the manager control the time.

Mr. PELL. So, in other words, the Senator from Indiana would control the time?

The PRESIDING OFFICER. Yes.

Mr. PELL. I thank the Chair.

The PRESIDING OFFICER. That would be with the exception if the Senator from Indiana is in favor of the amendment. Then under those circumstances, the Democratic leader controls the time.

Mr. LUGAR. Mr. President, in this first instance, I am in favor of the amendment, and so it would be appropriate for the Democratic manager to control the time.

Mr. PELL. I, too, am in favor of the amendment.

Mr. LUGAR. Perhaps we will have to work with the Chair from amendment to amendment.

The PRESIDING OFFICER. The Chair observes that the amendment will probably be adopted.

Mr. PELL. It is likely.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2731

(Purpose: to add sanctions and to redefine "South Africa")

Mr. WEICKER. Mr. President, I extend my thanks and appreciation to the distinguished Senators from Indiana and Rhode Island for structuring a bill in a timely fashion, a bill that might not include all that anyone would want but certainly represents to a great extent that which has to be done in terms of sending a statement by this Nation to the world on the issue of South Africa.

I believe the United States Senate is hours away from reasserting for this Nation a preeminent role of moral leadership on the issue of South Africa.

Mr. President, at this juncture, I would like to submit an amendment. I send it to the desk and ask that it be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. WEICKER], for himself and Mr. KENNEDY, proposes an amendment numbered 2731.

Mr. WEICKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 51, strike out lines 16 through 18 and insert in lieu thereof the following:

(6) SOUTH AFRICA.—The term "South Africa" includes—

(A) the Republic of South Africa;

(B) any territory under the Adminstration, legal or illegal, of South Africa; and

(C) the "bantustans-" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana Ciskei, and Venda; and

On page 72, between lines 16 and 17, insert the following new paragraph:

(3) the Secretary of Transportation shall prohibit the takeoff and landing in South Africa of any aircraft by an air carrier owned, directly, or indirectly, or controlled by a national of the United States or by any corporation or other entity organized under the laws of the United States or of any State.

On page 79, between lines 13 and 14, insert the following new sections:

TERMINATION OF TAX TREATY AND PROTOCOL

SEC. 314. The Secretary of State shall terminate immediately the following convention and protocol, in accordance with its terms, the Convention Between the Government of the United States of America and the Government of the Union of South Africa for the Avoidance of Double Taxation and for Establishing Rules of Reciprocal Administrative Assistance With Respect to Taxes on Income, done at Pretoria on December 13, 1946, and the protocol relating thereto.

PROHIBITION ON UNITED STATES GOVERNMENT PROCUREMENT FROM SOUTH AFRICA

SEC. 315. On or after the date of enactment of this Act, no department, agency or any other entity of the United States may enter into a contract for the procurement of goods or services produced or performed in South Africa except for items necessary for diplomatic and consular purposes.

PROHIBITION ON THE PROMOTION OF UNITED STATES TOURISM IN SOUTH AFRICA

SEC. 316. None of the funds appropriated or otherwise made available by any provision of law may be available to promote United States tourism in South Africa.

PROHIBITION ON UNITED STATES GOVERNMENT ASSISTANCE TO, INVESTMENT IN, OR SUBSIDY FOR TRADE WITH, SOUTH AFRICA

SEC. 317. None of the funds appropriated or otherwise made available by any provision of law may be available for any assistance to investment in, or any subsidy for trade with, South Africa, including but not limited to funding for trade missions in South Africa and for participation in exhibitions and trade fairs in South Africa.

PROHIBITION ON SALE OR EXPORT OF ITEMS ON MUNITIONS LIST

SEC. 318. (a) Except as provided in subsection (b), no item contained on the United States Munition list which is subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any item which is not covered by the United Nations Security Council Resolution 418 of November 4, 1977, and which the President determines is exported solely for commercial purposes and not exported for use by the armed forces, police, or other security forces of South Africa or for other military use.

(c) the President shall prepare and submit to Congress every six months a report describing any license issued pursuant to subsection (b).

On page 78, lines 8 and 9, strike out "sections 301 through 312" and insert in lieu thereof "this title".

On page 78, line 23, strike out "sections 301 through 312" and insert in lieu thereof "this title".

Mr. WEICKER. Mr. President, this indeed is a moment for truth insofar as the attitudes of the United States of America toward the practice of apartheid. When I first came to the U.S. Senate, in 1970, everybody recognized that apartheid was wrong, but everyone said it would go away—let nature take its course; certainly something so evil and so bad will not continue. Give to the South African Government the time to be rid of this cancer.

So for the 16 years I have been in the Senate nothing was done, as much by this Senator as anybody else. But the cancer did not go away. It has spread. It is worse today than it was in 1970.

□ 0950

For those who believe that this is a matter of recent note and that any action on the matter of sanctions is precipitous, this is only excusing our-

selves and fooling ourselves. We owe this assertion of moral responsibility to a bipartisan combination of forces now in Congress. Finally, both Democrat and Republican, House and Senate, wish to have the United States of America speak clearly on the greatest wrong of our times.

I especially want to thank my colleague from Massachusetts, Senator KENNEDY, who has been down this lonely road for the past several years. We have worked together on many efforts, and the amendment which I submit at this time is submitted on behalf of myself and the distinguished Senator from Massachusetts.

Above all, I want to thank someone who is not even in this Chamber nor a part of the official political process of the United States, and that is Randall Robinson, a man who organized the demonstrations in front of the South African Embassy here in Washington, DC, and who, with just a handful, when this was no issue at all, protested this policy of evil, and in his words and statements contrasted it to the great ideals of this Nation.

If this measure is passed and if sanctions become law, the person most responsible for that is Randall Robinson and those of his circle who, day after day after day, kept this matter before the American people, when the American people did not care at all.

So, if anyone thinks that citizen participation is not important, it was not a Congressman, a Senator, or a President who brought the matter of South Africa to the attention of the American people. It was a citizen—in this instance, Randall Robinson.

In any event, both on and off this floor, many people have worked many hours and many days to fashion legislation. It is more than a simple statement of ideals. It is a product of the common concerns of this body that I assume will become the law of the land.

In saying that, Mr. President, I do not want to ignore the important symbolism that this legislation lays before the world.

It shows to our own Nation that the constitutional process can respond with a combination of outrage and precision when deciding how we will do business—or not do business—with enemies of humanity and decency around the world.

It shows to our allies that the world's strongest democracy can lead the way in pursuit of peaceful change in a climate of South African violence. And it shows to the people of South Africa that the United States and the world will not stand silent as Pretoria intensifies its brutality.

Even as we condemn the Government of South Africa, this Nation and others concerned about the deteriorating situation has not turned its back on conciliation. This Nation now and in the future stands ready to resume normal economic relations with South Africa if that nation chooses to recognize political reality. And that reality, Mr. President, is an explosive situation that can only be extinguished by negotiation leading to a truly multiracial representative government.

The most comprehensive report on this situation is also among the most recent. Representatives of the British Commonwealth, after 6 difficult months of consultations and discussions with individuals in South Africa and the region, reached a disturbing conclusion.

Their report states:

> After more than 18 months of persistent unrest, upheaval, and killings unprecedented in the country's history, the Government believes that it can contain the situation indefinitely by use of force. * * * Put in the most simple way, the blacks have had enough of apartheid, * * * The strength of black convictions in now matched by a readiness to die for those convictions. They will, therefore, sustain their struggle, whatever the cost.

Mr. President, I know the responses proposed in this body and the House of Representatives and elsewhere are varied. Many of us have in these past months offered very different responses than the ones the Senate has before it today. No matter what our differences, what our emphasis, most in this body have come together to reject only one response. And that is the one that has fashioned for the United States our so far indelible association with apartheid across southern Africa. That response is the policy of noninvolvement crafted by successive administrations in this country. Any response that relies solely on a combination of diplomatic maneuvering the antiapartheid rhetoric is, to the suffering, a copout.

The call for economic sanctions is not a call to disengage from South Africa. It is a call to alliance with the majority of that country and a progression of U.S. policy from talk to action.

I know that this action has been and will continue to be condemned in some quarters as simply moral posturing. For my part, Mr. President, I plead guilty. I consider it vital that this Nation adopt a posture of morality that for all time will place the United States on the side of democratic opportunity in South Africa.

I know also Mr. President, that economic measures against South Africa are expected by some to meet an especially severe test of national purpose. To these critics, sanctions are wrong because the pain will likely extend beyond the government in Pretoria right to the people. It is an argument we have not heard from these same critics with regard to Nicaragua, or Cuba, or Libya, or the Soviet Union, or any of a score of other nations where economic relations are limited by political considerations.

Again, Mr. President, these critics are correct. As I and many others have said before, it is time we agree to that point and move on. The continued reliance on this argument as an excuse to do nothing is an outrage and an embarrassment to this Nation. Bishop Desmond Tutu writes last June 16 in the New York Times:

> I would be more impressed with those who made no bones about the reason they remain in South Africa and said, honestly, "We are concerned for our profits," instead of the baloney that the businesses are there for our benefit. We don't want you there. Please do us a favor: Get out and come back when we have a democratic and just South Africa.

We will hear in this debate, Mr. President, that Bishop Tutu and other foes of apartheid are not representative of the majority of South Africans. Because there are polls that show black respondents in South Africa to be divided on the question of sanctions as a tactic against apartheid, you will be told that advocates of sanctions are out of touch with the population.

□ 1000

And certainly there is no unanimity in the antiapartheid community anywhere in the world—not in the British Commonwealth, not in the United States Congress, indeed, not in South Africa itself. One prominent voice against sanctions is Chief Gatsha Buthelezi, the political and tribal leader of the Zulus. His also is a consistent voice against apartheid, against the hated homelands policy that seeks to isolate blacks on 13 percent of South African land, and against the continued detention of Nelson Mandela.

If it is this voice, the voice of Chief Buthelezi that the administration and other sanctions critics wish to hear, then where is the response to the despicable "group areas act" that sustains the homelands policy? Where is the response to his call for an unconditional release of Nelson Mandela? Where is the response to an end to apartheid? This is also the rhetoric of Chief Buthelezi.

I submit, Mr. President, that there is no response. I submit that the specter of Chief Buthelezi and others who seek an alternative to sanctions have been and will be raised only as a convenient excuse for continued inaction.

And I hope I'm wrong, Mr. President. I hope there is a response that could find economic relations with South Africa to be a positive force for change. It is not sanctions we seek, but political change.

Fortunately for the Zulus, Chief Buthelezi and his political party Inkatha were strong enough to reject so-called independence when Pretoria demanded it years ago. For the Ndebele

Tribe, whose leadership made the same decision only this week, the road to rejecting the loss of their South African citizenship has run with blood. In Kwandebele, 100 people have died in 7 months of fighting over the issue of so-called independence. To Kwandebele, this form of independence would have caused every man, woman, and child in this 1,000 square-mile area to lose even their meager rights as South Africans.

Many of the South Africans of this and other so-called homelands must by law separate from their families for months at a time simply to earn enough money to live. If their families seek to follow them, they must live in cardboard and tin shacks on the outskirts of white areas where they face the police-backed violence of vigilantes, the murderous and random reign of "comrades," the bulldozing of their communities, the hunger and the disease and the overwhelming poverty.

With an estimated 10,000 religious, civic, and labor leaders in jail, there are few voices left to raise in defense, even in the limited venue offered by apartheid. Increasingly, reports are heard of torture and mutilation by the police.

In April, the Lawyers' Committee for Human Rights issued a detailed report of South African police and army abuse aimed specifically at black children. Using South African Government figures, the group reported that 209 children under 16 were killed in political violence from January 1985 through mid-February 1986. More than 2,000 children were detained without charge under the state of emergency from July to March, a full 25 percent of all those detained.

Here is how the Los Angeles Times reported the committee study:

Even more shocking to the monitoring group, however, was the pattern of frequent and widespread torture of children as young as 10 and 11 by the police. More than 30 cases are cited in the report of children who were beaten, whipped, abused sexually, deprived for days of sleep and food and tortured with electric shocks.

For instance, Joseph, 14, whose last name was withheld in the report for his protection, says he was arrested while playing soccer and held for 9 days at an army camp. He said soldiers had burned him with cigarette lighters, cut him with broken bottles and shocked him repeatedly with electric current. His hands were twisted and blackened from the shocks, the report said, and his body badly scarred from the burns and cuts inflicted on him.

"A white soldier took my right arm and bent it behind my back", the report quotes Joseph as saying as he recalled the start of his interrogation at the camp. "He then took out a lighter, and he held it beneath the wrist of my right hand . . . I could smell my flesh burning."

Later, the soldiers used electric current to shock him, Joseph said. A wire would be tied around his right hand, water was poured on him and he was given electric shocks.

"Each time my body would convulse with the shocks," he recounted, "It ripped out my thumbnail and took a chunk of flesh out of my thumb."

That story is repeated countless times every day in the South Africa that up to now we claim as our ally and friend.

We cannot reach our hands into South Africa and wrench solution out of dissolution. What we can accomplish is the levying of a certain price on the continuation of intransigence in South Africa. The benefits of trade, airline travel and access to American banking and investment remain a tangible sign of U.S. acceptance of Pretoria's policy. South Africa is a nation where whites comprise 15 percent of the population yet control nearly 60 percent of the disposable personal income. Meanwhile, the disparities of South African life go almost unnoticed in the white community.

Richard Manning, the Johannesburg bureau chief for Newsweek magazine recently expelled from South Africa writes July 7 and I quote:

Most whites care little about how substandard nutrition and health care hamper the growth of black children. Most know little of the miserable black school system or of the shabby living conditions in the townships and homelands. Most are ignorant of the atmosphere of repression—armored police vans and daily arrests on every block—that turns young blacks against the white authorities and anyone who supports them.

This ignorance carries a very great price for the whites of South Africa. It is sustained in large measure by the absence of economic pressure by the free world. By refusing to carry the economic and political battle into the white community, the United States isolates that community from the rest of South Africa.

This veil of acceptance of the white community is setting the stage for even more tragic consequences. Every major black leader and organization in South Africa continues to call for nonracial and democratic solutions for the nation. Both tenets of the future will require a large measure of white participation and that participation must be encouraged, beginning now in the form of a white opposition to apartheid. This is an essential role of economic sanctions; the raising of a new era of white conciousness about apartheid.

We can only hope that direct Western action against apartheid serves to moderate the vicious polarization taking place in South Africa. This week in Newsweek magazine, Canadian Prime Minister Brian Mulroney was asked in an interview if he believed time is running out. His answer speaks directly to us as Americans. He said, and I quote:

I don't know what's going to happen, but you can be absolutely certain that when the history of this day is written, what is going to count is that they achieved freedom and what countries assisted in that process. We can't forget the long sweep of history. I spent a weekend watching the United States celebrate Miss Liberty. Someday the people of South Africa are going to be organizing such a celebration. They will remember who helped them.

We remembered that the French helped us, just that one act, to sustain many difficult times over the years. Now is the time to stand up and be counted.

We can only hope that the current debate over sanctions is not too little too late. Last January, in a meeting with civic leaders in my State capital in Hartford, Bishop Tutu said one of his greatest concerns as a man of moderation, as a man of peace, as a man of God, was that if he were a young man in South Africa, he would no longer be listening to Bishop Tutu. That should be our greatest concern as well.

Mr. President, I want to be hopeful, but I must also be realistic about this Nation's policy up to now. By its fruitless trafficking with white oppression, this policy of inaction and rhetoric has become the greatest pro-Communist force existent in Black Africa. That is the truth that this Nation will pay for many times over in the decades ahead unless we exhaust ourselves traveling a road of peaceful change to justice on behalf of all South Africans.

No schoolchild in this Nation is unaware of the circumstances that invite communism that have communism proliferate. It is disease. It is homelessness. It is ignorance. It is oppression. And all of these are there in full measure and more in South Africa, aided and abetted by the United States of America.

I said so in an interview several weeks back, and I repeat today that the greatest pro-Communist force existent in Africa today is the policy of constructive engagement.

If those are harsh words, they are true and there is going to be a price to be paid for that down the road.

Now, Mr. President, to the amendment before us I first want to commend the committee for devising its bill and its solutions to the problem. That committee bill is a long way from the present policy of constructive engagement, a long way, and it stands as a great credit to the Foreign Relations Committee and the Senators who participated in the writing and the passage of that bill.

□ 1010

And it certainly is a long way from the beginning of the debate on this subject several years ago and protests in front of the South African Embassy in Washington.

I have attempted in this amendment to tighten up in a series of small measures the provisions of that bill. I have worked hard and long, I might add,

with the distinguished Senator from Indiana, as well as the Senator from Massachusetts. And this amendment embodies the following provisions:

First, it redefines South Africa to include Namibia in the sanctions.

Namibia, which borders on South Africa, is occupied by South Africa in violation of international law. The United Nations Security Council, with U.S. support, has called upon all countries to refrain from dealing with South Africa insofar as Namibia is concerned. The State Department is on record discouraging United States investment in Namibia. The South Africa-established Government there has rescinded some aspects of apartheid, but segregation permeates housing, education, health care, transportation, and employment.

Second, this amendment then redefines South Africa to include Namibia in the sanctions. Also, it expands landing rights ban to include United States flights to South Africa.

This is a recommendation of the eminent persons group and one of the sanctions that will be applied by the Commonwealth without Britain. There are currently no flights from the United States to South Africa, but this is considered an important symbolic sanction. Because the committee language terminates a treaty relating to air travel between the United States and South Africa, no flights would be allowed between the two countries once this amendment is adopted. Any flight originating in South Africa must first land in a third country if the destination is the United States. The reverse would also be true under this amendment. The language in here also, I might add, includes the words "controlled by," thus preventing South Africans from leasing aircraft or having their aircraft leased for purposes of direct flight to the United States. Again, the reverse is true from the United States to South Africa.

Third, terminate dual taxation agreements with South Africa.

This amendment would terminate treaty entitled "convention between the Government of the United States of America and the Government of the Union of South Africa for the avoidance of double taxation and for establishing rules of reciprocal administrative assistance with respect to taxes of income."

The treaty currently prohibits double taxation of income of South African and United States nationals.

The treaty is an underpinning of tax relations between the United States and approximately 37 nations of the world. It is a statement of international cooperation that upholds a belief that economic activity carries with it a political benefit that should be encouraged rather than stifled by tax policy.

There is a separate component of U.S. tax policy that provides U.S. nationals a tax credit for taxes paid in other nations. This is a separate matter. The foreign tax credit is an effort to provide a measure of fairness in the U.S. tax code. The treaty with South Africa, on the other hand, is a recognition of the benefits of economic activity in South Africa and it flies in the face of this legislation.

Fourth, prohibit United States Government contracts and procurement with South Africa and assistance to trade and tourism.

PROCUREMENT

United States Government entities would be prohibited from entering into contracts with any South African entity, except to maintain the normal operation of diplomatic and consular facilities.

This prevents the United States on an official basis from extending economic relations with South Africa beyond the absolutely essential.

ASSISTANCE TO TRADE

United States funds would be prohibited from aiding investment in or providing subsidy to trade with South Africa.

This would prevent diplomatic efforts to facilitate American involvement in the South African economy. It would not effect consular efforts to facilitate U.S. exports.

PROMOTION OF TOURISM

This would bar United States efforts to encourage tourist travel to South Africa. South Africa has campaigned internationally to attract visitors and artists to its resorts.

None of these provisions will cause a substantive change in United States relations with South Africa. They are, however, an important symbol of U.S. determination to distance itself from apartheid. The resumption of normal diplomatic and trade efforts by our representatives in South Africa can resume when Pretoria takes the necessary steps to insure political rights for the majority.

Fifth, bar South Africa from receipt of United States munitions and commodities that have the potential for both civilian and military use.

The project committee bill makes no mention of arms exports from the United States. Sale or export of these items to South Africa is prohibited by a 1977 United Nations arms embargo and in large measure by the United States own export controls.

The amendment would prohibit the sale or export to South Africa of items on the United States munitions list that are also subject to the United Nations arms embargo. Remaining items on the list may be exported if the President determines the export is solely for commercial purposes and not exported for use by the armed forces, police, or other security forces of South Africa or any other military purpose.

In addition, the President must submit to Congress every 6 months a report describing any license issued for export of munitions list items to South Africa.

Now I would like to, if I might, for a few minutes discuss the task ahead of us in terms of parliamentary procedure.

The PRESIDING OFFICER. The Chair has to inform the Senator that 30 minutes under the amendment have expired.

Mr. WEICKER. I request of the leadership 5 more minutes from the bill.

Mr. LUGAR. I am happy to yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WEICKER. Our task out here, very simply, is to obtain not 51 votes, but 67 or more. What we want is not a vote on South Africa but a law on South Africa, and there is a big difference in that. We are not unaware of the fact that we could well be facing a Presidential veto. Indeed, that has already been hinted at by the President.

So what is necessary in whatever clears this floor is that it have at least 67 votes; it needs to be, in order to become the law of the United States. There is much that we all want to vote on, but whatever our final conclusion, let us have it understood that it can marshal at least 67 votes when that test comes.

Last, Mr. President, I ask unanimous consent that a letter to the editor appearing in today's Washington Post, written by Malcom Fraser, the former Prime Minister of Australia, who is the cochairman of the Commonwealth Eminent Persons Group, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WHAT PRESIDENT REAGAN SAID ABOUT THE ANC

(By Malcolm Fraser)

I am sure my co-chairman, Gen. Olesegun Obasanjo of the Commonwealth Eminent Persons Group on South Africa, would want to join me in correcting the impression given by President Reagan's speech Tuesday night in Chicago.

Mr. Reagan said, among other things, the one South African group supporting sanctions was the African National Congress. He also said the ANC was dominated by communism.

In fact, the current leadership of that group is largely moderate, nationalist and pragmatic. After many decades of nonviolence as a policy, it was forced to respond to the violence of apartheid by violence of its own. It did that against a background of denial of political and legal rights to blacks. This view of the ANC is supported by Prof. Lodge of Witwatersrand University, who is an accepted authority on the ANC from South Africa itself.

The ANC is not the only black group supporting sanctions. The United Democratic Front and all its many affiliated groups across South Africa support sanctions. The trade union groups COSATU and CUSA support sanctions. Most prominent church leaders, such as Bishop Desmond Tutu and the Rev. Alan Boesak, support sanctions. Alan Boesak's origins were in the Dutch Reform Church. The leading Catholic hierarchy also supports sanctions. These groups all support sanctions as the only means by which the West can offer effective support to the legitimate cause of blacks.

Everyone knows sanctions would hurt blacks. But blacks are hurting every day. Many are dying daily as a result of attacks by the security forces. They also know that continued and increasing guerrilla warfare will hurt both blacks and whites. Most of all, the use of effective sanctions offers the only opportunity of averting that course.

The blacks in South Africa are seeking to exercise those same rights that President Reagan asserts for the contras in Nicaragua, where, incidentally, I support the president's policies.

The president has argued, as does British Prime Minister Margaret Thatcher, that sanctions should be avoided because they would hurt blacks. Even so, there are some sanctions, such as the denial of air links and the freezing of overseas bank accounts, that virtually inconvenience whites alone.

If the United States and Britain do not provide substantial support for the cause of blacks rights in the form of sanctions, the blacks will conclude, as our group indicated in its report, that they are on their own as far as the West is concerned. The black leadership would then make decisions leading to total guerrilla warfare in response to the violence of apartheid.

Because of numbers, the blacks would win such a contest. It may take up to eight or 10 years after great loss of life. The government arising from such a conflict would be pro-Soviet and anti-West. It would nationalize the totality of Western economic and commercial interest. That will be the consequence of maintaining present policies in the United States and Britain. In such circumstances, Western strategic and commercial interests would both be destroyed.

On the contrary, a government composed of current black leaders would be largely pragmatic and would want the economic system to continue. This is recognized by many members of both sides of Congress, and I hope current proposed legislation receives substantial support.

It is tragic that the two most powerful and effective leaders in the Western world, President Reagan and Prime Minister Thatcher, stand very much alone in not recognizing these factors.

(Mr. COCHRAN assumed the chair.)

Mr. WEICKER. What we are confronted with today is really not much different than that which confronted the United States in the late 1930's, vis-a-vis Nazi Germany. We chose to wait and we chose not to act. Were it not for a few courageous allies, a good portion of the Western World today might be under the heels of Adoph Hitler and/or his successors.

The laws of Nazi Germany vis-a-vis the Jews are identical to the laws of South Africa vis-a-vis black South Africa.

We said back in the 1930's that this is a matter far across the ocean and it will not impact on us. And we waited and we watched and we paid the price. We cannot wait and watch this inhumanity any longer.

If not this administration or this generation of voters, then future administrations and future generations of voters will have to pay the price. And the price to be paid will not be some political price on the floor of the U.S. Senate or in the elections. It will be the same price that we had to pay in 1940. It will be a price to be paid in blood.

This is the time to say no. This is the time to make the choice. This is the time for the United States of America to stand side by side with black South Africa and state the very ideals, once again, that this Nation was founded on and under which it exists. For humanity to be demeaned in the fashion that it is demeaned and trampled and murdered in South Africa is to demean this Nation and what it is that we stand for.

□ 1020

And the longer we wait, the little bit less we are in terms of our own value.

I hope this amendment will pass. I hope the legislation will pass the U.S. Senate, would then in conference be approved by the House and Senate and be signed by the President of the United States. That once again will reassert the moral leadership of this Nation, and most importantly, will have used our strength on behalf of those who do not have any, will have given opportunity to those who have none, will give life to those who daily lose theirs. These are the objectives. These are the worthy objectives of a Nation as great as ours.

The PRESIDING OFFICER. The 5 minutes yielded to the Senator have expired.

Who yields time?

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I yield 5 additional minutes on the bill to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 2731, AS MODIFIED

Mr. WEICKER. Mr. President, I sent a modification of my amendment to the desk and request that it be read.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On page 2 of the amendment, on line 14,

PROHIBITION ON UNITED STATES GOVERNMENT PROCUREMENT FROM SOUTH AFRICA

SEC. 315. On or after the date of enactment of this Act, no department, agency or any other entity of the United States Government may enter into a contract for the procurement of goods or services from parastatal organizations except for items necessary for diplomatic and consular purposes.

The PRESIDING OFFICER. Is there objection to the modification? Without objection, the modification is agreed to.

The amendment, as modified, is as follows:

On page 51, strike out lines 16 through 18 and insert in lieu thereof the following:

(6) SOUTH AFRICA.—The term "South Africa" includes—

(A) the Republic of South Africa;

(B) any territory under the Administration, legal or illegal, of South Africa; and

(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana Ciskei, and Venda; and

On page 72, between lines 16 and 17, insert the following new paragraph:

(3) the Secretary of Transportation shall prohibit the takeoff and landing in South Africa of any aircraft by an air carrier owned, directly or indirectly, or controlled by a national of the United States or by any corporation or other entity organized under the laws of the United States or of any State.

On page 79, between lines 13 and 14, insert the following new sections:

TERMINATION OF TAX TREATY AND PROTOCOL

SEC. 314. The Secretary of State shall terminate immediately the following convention and protocol, in accordance with its terms, the Convention Between the Government of the United States of America and the Government of the Union of South Africa for the Avoidance of Double Taxation and for Establishing Rules of Reciprocal Administrative Assistance With Respect to Taxes on Income, done at Pretoria on December 13, 1946, and the protocol relating thereto.

PROHIBITION ON UNITED STATES GOVERNMENT PROCUREMENT FROM SOUTH AFRICA

SEC. 315. On or after the date of enactment of this Act, no department, agency or any other entity of the United States government may enter into a contract for the procurement of goods or services from parastatal organizations except for items necessary for diplomatic and consular purposes.

PROHIBITION ON THE PROMOTION OF UNITED STATES TOURISM IN SOUTH AFRICA

SEC. 316. None of the funds appropriated or otherwise made available by any provision of law may be available to promote United States tourism in South Africa.

PROHIBITION ON UNITED STATES GOVERNMENT ASSISTANCE TO, INVESTMENT IN, OR SUBSIDY FOR TRADE WITH, SOUTH AFRICA

SEC. 317. None of the funds appropriated or otherwise made available by any provision of law may be available for any assistance to investment in, or any subsidy for trade with, South Africa, including but not limited to funding for trade missions in

South Africa and for participation in exhibitions and trade fairs in South Africa.

PROHIBITION ON SALE OR EXPORT OF ITEMS ON MUNITIONS LIST

SEC. 318. (a) Except as provided in subsection (b), no item contained on the United States Munition list which is subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any item which is not covered by the United Nations Security Council Resolution 418 of November 4, 1977, and which the President determines is exported solely for commercial purposes and not exported for use by the armed forces, police, or other security forces of South Africa or for other military use.

(c) the President shall prepare and submit to Congress every six months a report decribing any license issued pursuant to subsection (b).

On page 78, lines 8 and 9, strike out "sections 301 through 312" and insert in lieu thereof "this title".

On page 78, line 23, strike out "sections 301 through 312" and insert in lieu thereof "this title".

Mr. LUGAR. Mr. President, let me commend the distinguished Senator from Connecticut for an eloquent statement and also for a very constructive amendment. On our side of the aisle, we are prepared to accept the amendment.

Mr. PELL. Mr. President, I think this amendment combines many of the recommendations of the Eminent Persons Group. It is a find amendment. I would like to recommend to my colleagues on my side of the aisle that they accept this amendment. I yield back the balance of my time.

The PRESIDING OFFICER. All time has expired on the amendment.

Is there further debate on the amendment? If not, the question is on agreeing to the amendment, as modified, of the Senator from Connecticut.

The amendment (No. 2731), as modified, was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, let me congratulate the Senator from Connecticut for offering the amendment which has just been adopted. It is a very, very fine one. I also congratulate him for the effective results on this issue, and for his effective work on this matter.

Mr. WEICKER. Mr. President, I first of all want to thank the Senator from California. I want to also indicate an omission on my part. Believe me, it was nowise intended, because ever since the first day on this matter years ago, the distinguished Senator from California has been in the forefront in combating these injustices and more particularly the form of the apartheid system in South Africa. I want to say that his support, his advice, and his courage in many instances are exactly why we are at the point we are today.

Mr. CRANSTON. I thank the truly great Senator from Connecticut for those generous remarks and for all his good works.

Mr. President, the amendment just adopted was a portion of the original Kennedy-Weicker-Cranston amendment and embodied many of the provisions that I offered in the Foreign Relations Committee when we were considering this matter. And for those reasons among others relating to my deep support of the substance of that amendment, I ask unanimous consent that I be listed as a cosponsor of it.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. PELL. Mr. President, I would like to yield such time to the Senator from California as he may need for the introduction of his amendment.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. I thank my friend from Rhode Island.

AMENDMENT NO. 2732

(Purpose: To ban textile imports from South Africa)

Mr. CRANSTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

On page 77, line 19, amend section 311(A) by adding after the comma the following: "or (4) textiles,".

Mr. CRANSTON. Mr. President, the amendment that I have sent to the desk simply adds textiles to the list of commodities that cannot be imported to this country from South Africa. And it would take immediate effect. The amendment is thus designed to bar the import of any textiles or textile products including finished clothing apparel from the Republic of South Africa. It adds textiles to those items which cannot be imported effective upon passage of the bill.

This carefully targeted sanction would be listed along with the other proposed economic sanctions until the conditions for ending apartheid that are spelled out in the committee reported bill are met. We are not proposing everlasting sanctions. We are proposing sanctions that will be lifted the moment certain conditions that indicate that South Africa is now preparing and actually getting rid of apartheid are fulfilled by the Government of South Africa.

The administration's secretive actions in signing the textiles agreement that provides for an increase in the importation to this country of textiles from South Africa at a time when Congress, supported by the people, intend to propose, to enact, and to bring about sanctions on South Africa of an economic nature, is an absolute outrage. Why should we be having an agreement negotiated with South Africa that permits their exports to our country to rise at a time when we want the exact opposite to occur—less trade relations, economic sanctions, until the end of apartheid?

□ 1030

That agreement is not raised. The Senate should act to overturn that decision, to stop those textiles from mounting, to stop any textiles from coming into this country from South Africa. The way to do it is to adopt this amendment. There is no reason that the United States should sign an agreement acceding to a surge in textile imports from South Africa at the same time the Congress—Republicans and Democrats working together—is achieving a consensus in favor of punitive economic sanctions against the abominable apartheid regime in South Africa.

What we need to do is to send a message that we will no longer tolerate business as usual with South Africa, just as we decided in the 1930's that we would no longer do business with Adolf Hitler, no longer do business with Nazi Germany. It is now our responsibility to stop doing business with the South African apartheid regime. Voiding the textile agreement is a good place to start, along with the other measures which are in the measure before us now reported by an overwhelming vote from the Foreign Relations Committee.

Textile imports from South Africa surged 139 percent in 1985 and 80 percent in the 12-month period ending in May 1986. This trade is highly imbalanced in favor of South Africa and becoming more so. We just do not need this agreement negotiated by the administration to permit it to continue to grow; we need to stop that trade totally.

To give the exact figures—imports that do cover all textile products, including finished clothing apparel and imports of textiles, were the following, beginning in 1983: Imports from South Africa, 1983, $34 million; exports to South Africa, $62 million. We were ahead at that time.

In 1984, imports rose to $59 million; exports were $71 million.

Last year, 1985, a total change, imports from South Africa 72 million dollars' worth; exports to South Africa shrank down to only $29 million.

In the first 5 months of 1986, imports were $20 million from South Africa; exports $12 million to South Africa.

The total over this 3-year-plus 5-month period: Imports, $185 million; exports $174 million, and the trend

very strongly adverse to the American interests.

Why, I ask, apart from our feelings about South Africa and apartheid, the need for moral leadership by our country, effective leadership by our country—why should we expect an American industry struggling here under unfair foreign competition to compete with what is virtually slave labor? That is what we are talking about in South Africa. We should not expand the profit margin of the apartheid state and its harsh, cruel, white rulers.

There are those who say this measure will harm some black South African workers.

Well, I think we have to grant that it will, to some degree. Actually, however, only 10 percent of the textiles manufactured that come into our country come from the so-called homelands. As with all the other sanctions in this bill, Congress recognizes, and the blacks in South Africa recognize, that black South Africans will suffer, and it is clear they are prepared to suffer, to support the punitive economic sanctions which are the best hope for bringing about an end to apartheid in a peaceful, not a violent, way.

There are those who say we should not do this because it will hurt some blacks, that they will be put into the rolls of the unemployed.

Well, you can draw an analogy to what was happening in our country when we were debating slavery and the Emancipation Proclamation. There were those who said if we abolish slavery, there will be many unemployed blacks in the South.

Well, there were for a while. But rather plainly, the blacks in the South in our country chose freedom over slavery, even if it meant unemployment for a time. That is clearly the choice of the blacks in South Africa.

One other argument that opponents of this amendment specifically will raise is that the textile agreement negotiated by the administration is needed to cap the surge in imports.

I repeat, that is nonsense. The administration already has plenary power under existing law to prevent South African textiles from penetrating the United States market. The administration could impose a total freeze, a reduction, or a total ban on textile imports from South Africa at any time. But has it done that? No. What it has done is to propose and to negotiate an agreement that will permit a steady increase over a 5-year period in imports to this country in textiles from South Africa.

South Africa, incidentally, is not even a party to the Multi-Fiber Marketing Agreement.

Let me, in closing, stress this point: This is not a trade issue. It is a sanctions issue. It is a moral issue. It is a question of American leadership morally and a question of American leadership materially in steps which, while they cannot bring down apartheid, cannot force it to an end, are the steps most likely to persuade the Government of South Africa that it had better mend its ways.

Textiles are a highly appropriate place to send a significant part of this message. The 5-year agreement negotiated by the administration, an agreement that shocked many Members of this body, many members of the American community, and many people who abhor apartheid in South Africa, will take effect beginning next month, unless we act.

So it is time to act now

Mr. President, I will have more to say on the general issue of apartheid and sanctions at some later stage in this debate, but I think this is an appropriate place to begin with a modest strengthening of the measure before us that will add a very significant component to the sanctions that we must take against South Africa.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. CRANSTON. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield myself such time as I may require from the 30-minutes allotted to the opposition on this amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LUGAR. Mr. President, I rise to oppose the amendment of the distinguished Senator from California. The committee was given this amendment and by a vote of 8-to-9 rejected the amendment. It was a close vote and the debate was spirited. I shall try to reiterate some of the points that occurred during the debate in the Foreign Relations Committee and the reason why the committee rejected the amendment at that time.

The committee found that most of the textile imports coming into the United States from South Africa are apparel and most of this produced in the tribal homelands—21,850 workers make textile products in the homelands. Over 90 percent of these workers are black. Some 146 apparel-producing projects have recently been launched in response to South Africa tax investment incentives.

During the negotiation for the new textile agreement, which the Senator from California has cited, the South Africans had individuals from the homelands on their negotiating team, and those individuals made a special appeal for United States understanding of their situation.

The new textile agreement which has been signed with South Africa, in our judgment, should be allowed to stand for at least 1 year.

I make the point, stand for 1 year because in the legislation before the Senate today, S. 2701, a textile ban is included as one of the additional measures that might be taken as a sanction following 1 year.

Mr. President, during the course of the debate there will be reference to these additional measures on many occasions. They are found in section 501 of the bill. I cite the language, starting with section 501(a).

It shall be the policy of the United States to impose additional measures against the Government of South Africa if substantial progress has not been made within 12 months of enactment of this Act in ending the system of apartheid and establishing a nonracial democracy.

□ 1040

Listed in that section are a number of sanctions the President might adopt. The suggestion of our committee was that the textile ban is an appropriate ban in that list we have attempted to make in the initial measures to be adopted, and these are in sections 301-313 of the bill; Kruggerrands, military articles, products from parastatal organizations, computer exports to South Africa, a ban on loans to the Government of South Africa, prohibition on air transportation with South Africa, prohibition on nuclear trade with that country, restrictions on issuance of visas to African nationals, sales of gold stocks, Government of South Africa bank accounts are restricted in some ways, prohibition on importation of uranium and coal, a prohibition on new investment in South Africa, and a termination of certain other provisions.

The Senator from California wishes to add essentially the textile situation to that list, and our argument, Mr. President, is essentially that this is a step which ought to be on the list of things that might occur down the trail. But I think throughout the debate on this bill we are going to have to measure the enthusiasm of Members who want to take additional steps to express their abhorrence of apartheid as opposed to a very targeted list of sanctions now which have to do primarily with the Government or with supporters of the Government.

I submit, Mr. President, that although the distinguished Senator from California has pointed out that many black workers would be unemployed following this type of sanction, and he suggests an analogy to our Civil War, the analogy in this particular case is not very precise. In this situation clearly these are black workers in the homelands area, in very desperate circumstances. They are not the Government of South Africa. They are not officials. They are not rich people. They are not people with any

power to change this one wit. They are people who are employed temporarily in the textile situation.

Now, Mr. President, the textile issue is of considerable poignancy and the issue is a current one, because as the Chair knows we have been discussing this in both Houses and most recently in a celebrated vote; a Presidential veto of a textile bill was not overridden by a close vote in the House.

I am aware that there is considerable interest in this area and in this industry. But during the course of testimony before the Foreign Relations Committee we examined the textile situation in terms of imports and exports from the United States and from South Africa. There have been 5 years of figures produced at least for our security. United States exports to the Government of South Africa—that is, of textiles to that government—in 1981, 1982, 1983, and 1984 exceeded the amount that we imported. In other words, we had a favorable balance of trade in textiles. It was a diminishing balance but nevertheless a favorable one throughout that period of time. Only in 1985 with the surge of textiles that has been mentioned did South Africa have a favorable balance in regard to that commodity with us. So I think in this particular case we have to take a look once again at the terms of trade. This has been a favorable situation by and large for American exporting as opposed to an unfavorable one.

Now, the agreement signed by the administration is more limiting. This is the 5-year agreement that more limiting, ironically, than the Jenkins bill which was vetoed by the President. It was at least an attempt to limit the amount of imports and did so fairly successfully.

The criticism of the agreement and its announcement was it was clearly a part of the debate we are now having on South Africa and the debate we are having on the Jenkins bill or other textile ban measures. So I appreciate the confluence of these events and the difficulty they present to Members trying to sort out all the equities.

Mr. President, I would not be true to the whole spirit of this bill if I failed to oppose the amendment. It simply is an amendment that I think is of marginal value in terms of ending apartheid.

It clearly is going to hurt black workers in the homelands, and it is clear that those black workers were a part of the negotiating situation led to a limitation in a trade which has been favorable to us in 4 out of the last 5 years.

So for these reasons, Mr. President, I rise in opposition to the amendment of the Senator from California. I believe that his general ban on textiles does have merit but only as one of additional sanctions that might be taken down the trail in the event our legislation today is less successful than we would hope.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. LUGAR. Does the Senator want time on the amendment?

Mr. WALLOP. No. I wish really to take time for an opening statement and set aside the amendment for that purpose. If it is the desire of the chairman to pursue the amendment, if he thinks he has it in hand now to the vote, I would suspend until after that.

Mr. LUGAR. I suspect we are at a point where we are almost prepared to vote on the amendment. However, a rollcall vote has been requested, so there would be that intervention before the Senator could be recognized.

Mr. WALLOP. It is in the hands of the chairman. I do not wish to do one thing or the other. If he wishes to let the committees operate for another 20 minutes, I could make my opening statement.

Mr. LUGAR. Let me suggest the absence of a quorum, and may I suggest the absence of a quorum to consult with my colleagues.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll

□ 1050

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I support the amendment of the Senator from California, which would immediately prohibit the importation of textiles from the Republic of South Africa.

To my mind, it is ridiculous that the executive branch has just negotiated a textile agreement with South Africa which provides for more favorable annual growth rates in American imports than in agreements concluded with countries such as Taiwan, longtime friends of the United States.

To those of us from States with an interest in textiles, which includes my own State of Rhode Island and many other States well represented here, this amendment has particular relevance and would be of particular value to our communities.

It seems to me that, given the critical situation in our textile industry, access to American markets should not be permitted to countries whose governments practice such reprehensible acts as apartheid.

I urge my colleagues on this side of the aisle to support this amendment.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. PELL. I yield to the Senator from Maryland.

The PRESIDING OFFICER. The Senator frm Maryland is recognized.

Mr. SARBANES. Mr. President, I support the amendment offered by the distinguished Senator from California.

I think it should be noted that this amendment was offered in the committee and failed to carry by a one-vote margin. It was an extraordinarily close vote in the committee. The committee divided virtually down the middle on this amendment.

It is true that textiles is listed as a possible sanction in the future. So, in a sense, the basic decision about textiles, in terms of sanctions, has been made. The question really embraced within this amendment is the timing of it.

What the Senator from California would do is bring it in effect forward now and make it an immediately applied sanction.

In some senses, this was provoked by the agreement which the administration reached with the South African Government. Coming at the very time we were facing a crisis with respect to South Africa itself, in terms of United States policy toward it, and coming at a time when we were facing a crisis with respect to textiles, why the administration ever entered into such an arrangement, at such an inopportune time, is puzzling to all of us.

I think the response of the Senator from California, under the circumstances, is appropriate and logical and right. It is on that the Senate ought to take. It would add an additional sanction, a particularly important one, given the visability and the focus on this issue which has occurred in only the last few weeks.

Therefore, I join my colleague in support of the amendment which the Senator from California has offered.

Mr. PELL. Mr. President, I yield back the remainder of my time.

Mr. LUGAR. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Arizona [Mr. GOLDWATER] and the Senator from Florida [Mrs. HAWKINS] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from New York [Mr. MOYNIHAN], is necessarily absent.

The PRESIDING OFFICER (Mr. SYMMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 67, nays 29, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—67

Andrews	Ford	Metzenbaum
Baucus	Garn	Mitchell
Bentsen	Glenn	Nickles
Biden	Gore	Nunn
Bingaman	Grassley	Packwood
Boren	Harkin	Pell
Bradley	Hart	Proxmire
Broyhill	Heflin	Pryor
Bumpers	Heinz	Riegle
Burdick	Hollings	Rockefeller
Byrd	Inouye	Sarbanes
Chiles	Johnston	Sasser
Cochran	Kasten	Simon
Cohen	Kennedy	Specter
Cranston	Kerry	Stafford
D'Amato	Lautenberg	Stennis
Danforth	Leahy	Thurmond
DeConcini	Levin	Trible
Denton	Long	Warner
Dixon	Matsunaga	Weicker
Dodd	Mattingly	Zorinsky
Eagleton	McConnell	
Exon	Melcher	

NAYS—29

Abdnor	Hatfield	Pressler
Armstrong	Hecht	Quayle
Boschwitz	Helms	Roth
Dole	Humphrey	Rudman
Domenici	Kassebaum	Simpson
Durenberger	Laxalt	Stevens
Evans	Lugar	Symms
Gorton	Mathias	Wallop
Gramm	McClure	Wilson
Hatch	Murkowski	

NOT VOTING—4

Chafee	Hawkins
Goldwater	Moynihan

So the amendment (No. 2732) was agreed to.

□ 1110

Mr. CRANSTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I yield myself 20 minutes from the time allotted to the Senator from Wyoming.

The PRESIDING OFFICER. Under the order, the Senator from Wyoming has that right to be recognized for 20 minutes.

Mr. WALLOP. Mr. President, could we have order in the Senate on the bill's time?

The PRESIDING OFFICER. The Senator is correct. Those Senators in the aisles, please proceed into the cloakroom and those Republican Senators in the back of the room, please cease conversations.

Would all Senators please take their seats or remove themselves from the Chamber so we will be able to hear the distinguished Senator from Wyoming?

The Senator from Wyoming.

Mr. WALLOP. Mr. President, I thank the Chair.

Mr. President, I wish that I could think that this was an exercise in anything but domestic racial politics. I have searched around for grounds on which I can justify the selective application of morality by those who support this legislation and ignore problems in the world far worse, looking for a compass that I think perhaps Congress can use in a desire to place its moral indignation on track.

If South Africa were a Communist nation, we would be granting it most favored nation trading status.

It is more than a little amusing—in fact, it is repugnant—to read the debate in the House of Representatives by those who voted for South African sanctions and see how they treat that repressive, repugnant country of Romania. A Communist country receives capitalist inducements to change its ways. Listen to Mr. ROSTENKOWSKI:

> The annual most favored nation renewal process has proved to be a highly effective lever in achieving the goals of increased emigration and has strengthened our hand in improving the human rights conditions for those thousands of Rumanians.

Curious that not sanctions but blessings flow on a Communist country that has a human rights record far more disgusting and repugnant than that of the regime we are looking at now.

□ 1120

I suggest, Mr. President, that what we are looking at is middle-class, comfortable white Senators playing up to the black population of America and the liberal population of America.

You can come to no other conclusion than that this is a racist proposition. It finds repugnance in the moral behavior of a white regime and so do I. It finds repugnance in apartheid and so do I. It finds repugnance in pass laws and discrimination on the basis of race, and so do I.

But it is silent on its repugnance to human rights violations far in excess of those which occur in South Africa. It seeks to go no further than one nation.

So the only conclusion that you can come to, this merry band of white legislators sitting here, is that if a white man does evil things to a black man, that is repugnant. And so it is. But if a white man does it to a white man, or a yellow man to a yellow man, or a black man to another black man, what else can you expect? Is that really what this Senate stands for? Apparently so, if you take a look at the vote that we exercised last year.

I asked this body last year to consider while it was seeking to impose sanctions on South Africa what it was we were doing. And to answer our own consciences as to whether what we were doing we really believed to be the right thing. There was then a lot of talk about standing up for human rights and for our principles, and the need to do something for the poor oppressed blacks of South Africa.

I asked the Senate, I asked all of us, to answer in our own consciences whether we had thought through whether sanctions against South Africa would in fact help anybody deserving of our help, and whether our imposing them would be a responsible assertion of the belief upon which our own political life is founded, that "all men are created equal."

Specifically, I asked if we were so outraged at the South African white suppression of blacks as to declare economic war upon them with the purpose of encouraging the overthrow of the regime, why do we then not declare economic war to seek to overthrow regimes that are by all responsible measures far worse than that of South Africa? Lest there be some doubt as to just where South Africa ranks among the modern world offenders against our principles that all men are created equal I mentioned that according to the State Department's Human Rights Bureau on the African continent only Botswana is a lesser violator. Only Botswana is a lesser violator and yet where are we postured?—on the backs of a regime that has a court that found its country in violation of its own laws and sought to change it. Peculiar how simple our arrogance becomes.

Anyone willing to challenge that would have to argue that Ethiopia's international starvation of millions of its own is preferable to South Africa or that Egypt's persecution of its Coptic Christians is preferable to South Africa, or that Nigeria's hungry found the solution to the Biafran problem preferable to South Africa, or that Zimbabwe's North Korean trained and led killer battalions let lose on Matabeleland is preferable to South Africa, or that Tanzanih's forced collectivization farming that has cost untold lives is preferabe to South Africa, or that Mozambique's human rights practices are preferable to South Africa, and that black Africa's most enlightened leaders have treated the East Indian minorities better than those terrible white South Africans have.

Indeed, I asked any of my colleagues that care to argue that black Africa's most enlightened rulers, not to speak of their worst, have treated nonruling black tribes, tribes that are not their own, better than those terrible South African whites have treated all blacks.

I asked earnestly if anyone cared to make such arguments and no one would. Perhaps some of my colleagues who have shown stern and impassioned faces to the cameras on South Africa will care to make any of the arguments that I just mentioned. But I doubt that they are any more ready today than they were last year, even

with television in the Senate. Any such argument this year or last would have to confront a question that just about every American understands. If South Africa is so much worse than the other countries of Africa, so bad as to justify economic war meant to make it like those other countries, why then are hundreds of thousands of blacks walking hundreds and even thousands of miles just to get into that terrible land?

Why is there no mass migration of blacks out of South Africa and into the likes of black-ruled Africa? Be careful, my colleagues. Be careful. Do not denigrate these peoples' yearning for the basics of life. They want safety. They want work. They want shelter. They want freedom from oppressors, for oppression is made no lighter by their dark skins.

If you denigrate these basic concerns, our constituents, who remember their immigrant fathers and grandmothers, will know us as liberals who hide an inhuman social agenda behind fancy words. Last year no one was able to take up this challenge, or willing. Is anyone willing this afternoon, this morning, or before we are done? Apparently not. The argument embarrasses.

Last year I asked those burning with moral furor against South Africa why they did not place on their list of countries marked for economic war and international auspices not just South Africa, but also every country whose human record is equal to or worse than South Africa's, or that commit terrorism against Americans. The biggest and worst offender against human rights, of course, is the Soviet Union. Without doubt, the Soviet Union is also doing its very best to make the lives of every American poor and more precarious. And without doubt is it not curious that we sit here and impose economic sanctions on South Africa and ask them to release Nelson Mandela, yet remain silent about Dr. Sakharov, and subsidize shipments of grain to the Soviet Union? Where is the compass that points with moral passion against human rights? Where is it? Or is this, in fact, domestic racial politics at its worst?

It is inconceivable that South Africa could ever threaten us as the Soviet Union does. Why then spend our moral frenzy to try to bring down the lesser offender that does not threaten us? We smile at Mr. Gorbachev, and facilitate his acquisition of U.S. technology. We subsidize his American grain and offer him Western capital at rates below that which westerners can borrow money. You ask us to bargain our future with Mr. Gorbachev's tyrannical world, yet say to us that South Africa's strategic location and South Africa's strategic minerals can be comfortably foresworn to the Soviet bloc.

□ 1130

What should the American people think of politicians whose exertions produce a stronger Soviet Union and a weaker South Africa? Just so no one will miss the point of my challenge, I quoted from the State Department Human Rights Bureau a clinical description of the normal day-to-day practices of the Soviet regime, this regime to whom we subsidize the purchase of food and the provisions of capital.

I have never defended and never will defend South Africa's apartheid and its treatment of blacks, but in this relative world of good and evil, common sense tells me to ask, "Does South Africa do such things? Are not such things worse than apartheid?" Let us look a little closer.

South Africa is in the process of dismantling a system of internal passports for some of its people. This terrible system has been around for a generation, during which it has been thoroughly flouted. Because it is an anomaly in a basically free society. Millions of blacks moved into the city in spite of it, set up businesses, and so on.

But the Soviet's Communist Party is not about to abolish the requirement that every single member of that society carry an internal passport—an internal passport—and must seek visas for intercity travel, let alone moving.

How do you think they keep them down on the collective farm?

This system is an indispensable part of an unholy society.

In the Soviet Union you cannot just quit your job, especially in farming and mining. If you are born on a collective farm yo may not try your hand at something else. Otherwise, you will end up among the 4 million inhabitants of the Gulag, slave labor camps where every day you earn your gruel for that day only. If you do not make your quota, you do not eat.

Is there any such slavery in South Africa? Is there? Is there such a thing that is so repugnant?

Does anyone here contend that South Africa compels rather than attracts labor?

In the Soviet Union and throughout the Communist world, including the Cuba that our liberals so admire, trying to leave the country without permission is a crime, and for trying it you may be shot and left to bleed to death.

Does South Africa punish those who seek to leave that country?

In the Soviet Union political dissent is deemed inherently illegitimate, indeed impossible according to the laws of scientific socialism and, therefore, a sure sign of insanity in anyone who opposes the party. Psychiatry is routinely used to treat dissidents with drugs. Does South Africa do that?

Does South Africa seek to treat Bishop Tutu with drugs? Who will say that in this body?

Again, Mr. President, no takers.

Would you rather speak out for human rights in South Africa or in the Soviet Union? In which of the following cities would you rather run afoul of the authorities: in Cape Town or Gorky, in Maputo or Havana?

Your constituents can buy a ticket to Cape Town and criticize apartheid there. They can get into that country and do it. Senators can get into that country and do it.

Would you advise them to go to Gorky and make a stink about Sakharov? What would happen in the Soviet Union to people who chose to speak out the way South Africans do about their regime? You know the answer.

Is there a court in the rest of Africa or the Soviet Union which would judge its own Government had exceeded its bounds? The answer is "No." Not in Egypt, not in Morocco, not in Tunis, not in Zimbabwe, not in Angola, not in the rest of Africa.

I know this is out of fashion, but bear with me. In the Soviet Union, Christianity is officially a threat to the regime and suppressing it is the highest State priority.

As for Jews, Jews in the Soviet Union are officially, by the Government organ, "ruthless cosmopolitans," and they have their own national homeland: Birobidjan, in Siberia.

Lutherans in the Baltic States; Moslems in Central Asia, Uniats in the Ukraine are also persecuted.

Is there any bar to free worship in South Africa?

All of this is to pose a straightforward challenge: Namely, that your claims about it being morally necessary to make economic war on South Africa just do not ring true. Either put the Soviet Union at the head of your target list, or argue that it is evil and its threats are of a lesser order and less repugnant than those of South Africa. Or admit that the claims are simply pretense.

I said last year, and I say now, that we are perverting the very idea upon which our freedom and mankind's hope for freedom rest. Hear, all men are created equal, all of them, not just those upon whom this comfortable white Senate chooses to bestow its blessings.

It is equally as bad for whites to oppress whites as it is for whites to oppress yellows or yellows to oppress blacks, as it is for blacks to oppress blacks or blacks to oppress whites, and as it is for whites to oppress whites.

Tell me why it is different for any of those situations to pertain? Is it that we believe all men are created equal or

is it that we posture for the press and for a constituency that we hope to persuade that we really understand?

Yes, contrary to passionate liberalism, the burden of oppression is not made lighter by claims that it is for the sake of progress. As Arthur Koestler taught us a generation ago, the shame of our century's liberalism is the acceptance of salvery under the banner of freedom, and of the blood of innocents shed for the sake of justice.

Because your moving in South Africa transforms the Founding Fathers' liberating words into contemporary double-think, it is not as cost-free as you think.

The only public response to my challenge last year was a very funny contention by the chairman of the Foreign Relations Committee: sanctions are only meant to help South Africa.

I suppose then that all our subsidized grain, our technology and our low-interest loans are meant to hurt the Soviet Union. In Heaven's name, where is the consistency upon which we can say we have a moral belief and a compass that points in the same direction no matter what the circumstances? Clearly not in this Senate.

Perhaps we should help your States the way you want to help South Africa.

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Mr. WALLOP. Mr. President, I yield myself an additional 5 minutes of my time.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WALLOP. Let us be serious.

Privately, few colleagues were outraged that I had asked questions that they did not wish to confront. Many more colleagues assured me that they would vote for a bill to impose upon human rights violators worse than South Africa the same sanctions we would impose against South Africa but would not join me in cosponsoring such a bill. Will a majority of this Senate do that? Will those who agree privately be counted in public? I think not, because it is not morality that drives them but domestic politics.

Let me turn now to a subject I only touched upon last year: responsibility.

None of us in this Senate have the means or the will to design a future for South Africa and make it happen. None of us do. If the liberals in both our parties who were trying to bring down the Government of South Africa had it both as their purpose and within their power of make sure that the results were significantly better than what is now, their hypocrisy might be excused.

But most of you who are going to vote economic war against South Africa have given no evidence that you have even thought about what your actions might bring about. In fact, you have no plan for making anything good happen and have been woefully ignorant about the suffering your actions entail.

I am not talking about the deprivation that economic war will bring, though nobody here talks of the children of South Africa. This is a game between adults, silly, consenting adults. To hell with the children of South Africa. Let them be hungry.

□ 1140

Let the economic sanctions work against the young, who have no place and no means to confront it. Let the black elders who speak for all the blacks—and we know they do not—say that they care not that the black children of Africa go hungry. Let them do that. If you had bothered to look at the reality over there, you would have realized that your hostility to a self-reliant people, not wholly unlike America's frontiersmen, will not bend them—especially since you have not told them under what conditions you would help them fight for their lives. Your only direct effect on them will be to unite them.

The ultimate triumph of apartheid is being created in this Chamber today and tomorrow; the ultimate separation of races, the means by which the moderates are lost and the fanatics on both sides take over.

After all, there are 5 million people who know that they and their children have no other world to build.

It is in the black community that you are doing your greatest harm. Had you cared to look, you who sponsored this legislation, you would have noticed that there are all kinds of blacks in South Africa, and many kinds of struggle. Had you cared, the beginning of responsibility would be to ask how what we say and do affect these troubles. Last year, I begged you to notice the correlation between what was taking place in Congress and the violence. The violence played to us, and we played to it. And it increased, thanks to the actions of the Senate.

After much prodding, liberals noted the perplexing fact that nearly all the violence in South Africa is perpetrated by blacks against blacks.

But nothing has so disgusted me as the sight of self-proclaimed civil libertarians who coddle criminals here at home and blithely accept the explanation that those blacks burned alive by self-proclaimed "comrades" are "police stooges" and deserve to die.

What kind of world do we think we possess and where is the morality in a posture like that?

It would dismay most Americans if they realized that their elected representatives were encouraging that kind of violence as the inevitable path to greater justice, and condemn all efforts to repress and punish that sort of thing as reactionary.

There are struggles to the death among South African blacks and it behooves us to assess how our actions are affecting them. First of all, as elsewhere in Africa, there are ancient tribal animosities that the overwhelming power of nonblacks has kept from producing periodic carnage. Because some leaders of the Xhosa Tribe are associated with the largely Communist ANC; they have support from self-styled progressives in the United States and in Western Europe. By talk and by sanctions, our progressives demean every black who does not submit to the ANC and its "comrades" as Uncle Toms. This certainly encourages greater assertiveness by the Xhosas.

All the talk about the passing of the white man's order of things, the whites' growing concentration on their own safety and the prospect of being oppressed by the Xhosas deeply distresses the Zulus, who may be the area's biggest tribe and certainly the one with the most ferocious past. It just so happens that Zulu leaders are procapitalist and anti-Soviet. In other words, our fine liberals and their morally hypocritical sanctions are helping to incite a not only civil war but within it a black civil war in which who knows how many innocents may die.

I wish this were something new. In fact, supporting progressive causes that result in mass murders is something of a specialty for American liberals in general and the Senate Foreign Relations Committee in particular. I need only mention Vietnam, Laos, and Cambodia. These holocausts were due in part to our distinguished Foreign Relations Committee in the late sixties and early seventies. In the late seventies, that distinguished body helped break resistance to Mr. Mugabe in Zimbabwe. Too bad for the Matabeles. In 1980, that body almost unanimously recommended to send $75 million for the Sandinistas. Too bad for the Miskitos. Now it is urging us to wage economic warfare on South Africa to break resistance to rule by that great moral leader Bishop Tutu, who says the West can "go to hell."

But this is no news to our distinguished foreign policy establishment. In fact the stock-in-trade of these distinguished people is that the Lord attempts to ingratiate people who want deeply to send us to hell.

I say to my colleagues, President Reagan has said that sanctions on South Africa would be "a historic act of folly," like pouring gasoline on a fire. That is the counsel of common sense. On the other side are people whose track records insist on failure after bloody failure. On every continent are liberals who indulge their conscience and millions who have paid

for their indulgence in blood. Have we not had enough?

Now I am amazed at how Congress, like lemmings, proceeds down to the waters of death, mindless of the future, heedless of history, and careless of the people they profess to embrace. Who will shoulder the blame for the approaching agony? History tells us no one. History tells us that liberals will place blame but never own up to it. Sad, is it not, that we here, in comfort, can legislate other people's pain without conscience—and without ever having to be called to account?

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. PRESSLER. Mr. President, I have an amendment but I first want to compliment my colleague from Wyoming for a very courageous speech. He needs to be listened to, as he said. I am afraid he may not be listened to.

AMENDMENT NO. 2693

(Purpose: To strike section authorizing the President to sell U.S. gold stocks)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Dakota (Mr. PRESSLER) for himself, Mr. MURKOWSKI, Mr. ABDNOR, Mr. LAXALT, Mr. BROYHILL, Mr. MELCHER, Mr. WALLOP, Mr. DENTON, Mr. MCCLURE, Mr. BOSCHWITZ, Mr. BAUCUS, Mr. SYMMS, Mr. GARN, Mr. HECHT, Mr. STEVENS, Mr. DOMENICI, Mr. HATCH, Mr. HELMS, Mr. EXON, Mr. HATFIELD, Mr. WILSON, and Mr. BINGAMAN, proposes an amendment numbered 2693.

The amendment is as follows:

Delete Section 309.

Mr. PRESSLER. Mr. President, I oppose the evil system of apartheid. Let me begin by saying that in the debate on South African sanctions, I think there are a number of assumptions floating around which are just accepted without adequate scrutiny, or they seem to be accepted in this body, they are accepted in our media, and I believe that they are basically wrong.

First, is the assumption that apartheid will be ended more quickly if we impose economic sanctions. I believe just the opposite will occur.

Indeed, a week ago Sunday, in the New York Times, a very liberal white member of parliament, Ms. Helen Suzman, wrote a brilliant article, which I circulated to all Senators, arguing against economic sanctions on the grounds that they will prolong apartheid.

I oppose apartheid. I believe strongly that that system is repugnant. But I also believe strongly that economic sanctions will prolong, not shorten, apartheid.

Many also believe in the assumption that sanctions will force the Botha government to the left. I believe it will be forced to the right, because the main threat against the Botha government comes from the right. If anything, it will become more oppressive if sanctions are imposed and if they work as intended.

I do not agree with everything the Botha government has done. Indeed, I have been a critic of South Africa, and have followed that action for a number of years. I serve on the board of directors of a group of former Rhode Scholars who are studying ways to improve education for blacks there. I have followed that problem closely and have tried to study it in depth.

The number of assumptions that are accepted domestically is truly amazing. I fear we are making this foreign policy decision based on a domestic civil rights criterion that should not apply. We are rigorously analyzing what must be done to change the apartheid system. There is no rigorous analysis of what is going to happen after sanctions. That troubles me greatly.

□ 1150

A third assumption that seems to float around is that at some point, the Afrikaner Government of South Africa is going to cut and run. That is not true because it has no place to cut and run to. It may be that some of the English South Africans, white South Africans will go back to England, but the Afrikaners are very imbedded in South Africa, and the Indian minority looks to them for protection, the colored minority looks to them for protection, and part of the black population looks to them for protection, very frankly. If there were a civil war in South Africa, if it did go up in flames as some seem to hope, it would not be everybody against the whites. In my judgment, it would probably be the whites or the Asians, the colored, Buthelezi blacks, and others against the ANC, and there is little doubt in my mind that the Afrikaner Government would win that very decisively, very quickly, with their allies, and they could be very much more repressive.

Another mistaken assumption is that the ANC movement in South Africa is similar to our civil rights movement. Nothing could be further from the truth. If you look at the philosophy of Martin Luther King and the philosophy of Oliver Tambo, they are quite different, indeed. Oliver Tambo is a totalitarian Communist whose group engages in necklacing of people, that is, putting tires around their necks—this is not whites but other blacks who do not agree with them—pouring gasoline on them and setting them afire. They are not interested in free elections. There are many in this country who will not be happy until Oliver Tambo runs South Africa. But there will not be free elections. That is not what they have in mind. There is not going to be a court system similar to what they have now. That is not what they have in mind. They have in mind a totalitarian state similar to Zimbabwe across the border or Mozambique, or some of the other African countries which we hear very little about but which have very much more repressive systems. But I hope we think about some of those assumptions.

So, Mr. President, I shall oppose these sanctions because I think they are going to have exactly the opposite impact we intend. I think many here are debating in a passionate fashion based on civil rights criteria. This will be the civil rights vote of the year. Already there are letters to the editors in my home State papers since I voted against the bill in committee saying I am proapartheid, that I am not concerned about civil rights, or that I am not concerned about equal rights for people.

None of this is true. I oppose apartheid, but I think what is being done today will have the opposite impact. Sanctions will slow down the dismantling of apartheid.

Perhaps one section of this bill illustrates that better than all others and that is what my amendment addresses. I shall not take much time in view of the fact that our distinguished Foreign Relations Committee chairman has indicated his willingness to accept this amendment, but I think that this amendment illustrates the problems with this bill. I want to recognize the cosponsors of the amendment and briefly state the reason for it. The cosponsors at this point are Senator MURKOWSKI, Senator ABDNOR, Senator LAXALT, Senator MELCHER, Senator BROYHILL, and Senator WALLOP. Senator MCCLURE has agreed to combine his amendment with mine, and I ask unanimous consent that his cosponsors be added to my amendment as cosponsors. They are Senators MCCLURE, BOSCHWITZ, BAUCUS, SYMMS, GARN, HECHT, STEVENS, DOMENICI, HATCH, HELMS, EXON, HATFIELD, WILSON, and BINGAMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, section 309 of this bill authorizes the President to sell U.S. gold stocks if he considers such action necessary or appropriate to accomplish the purposes of the bill. If this action were undertaken, the practical effect would be to drive down the world price of gold. I oppose this because of the devastation it would cause throughout the American mining industry and also I think it would be ineffective. It would also affect the economy of the Philippines which produces gold. Indeed, we would

be shooting ourselves in the foot with this bill if it had its desired result.

First of all, the United States is one of the highest cost gold-producing countries in the world. We would be the first affected by a drop in the price of gold. This would threaten the jobs of over 8,000 miners in 15 States, plus over 25,000 more who are employed in industries tied to gold mining. In my State of South Dakota alone, over 1,700 people directly employed in mining would be harmed, plus several thousand others whose livelihoods depend on gold mining.

Ironically, South Africa would be the last country affected by plummeting gold prices. Its average cost of production is $163 per ounce compared to the U.S. average of $300 to $330 per ounce. Gold now sells in the neighborhood of $350 per ounce. Under South African law, as the price of gold falls, mines which produce gold most cheaply are worked. The opposite occurs when the gold price rises—higher cost gold is mined. The small margin of profit available to U.S. gold producers does not permit this kind of control here. Our mines and our miners would be the first to be put out of business.

So here we have a sanction that would hurt us and South Africa would be the last country hurt. And that is why I have come to agree with Margaret Thatcher that economic sanctions presently have the opposite impact intended, and if we study all the economic sanctions in the last 10 years around the world they usually have had the wrong impact.

I spoke out strongly against the Soviet grain embargo and offered the amendment on this floor in 1980 that struck down enforcement funds for the Soviet grain embargo on an appropriations bill. The point of the matter is that it hurt us before it hurt anyone else. And this amendment addresses that same problem regarding gold.

There are other arguments against this provision, but in the interest of time I will simply list them here: It would increase pressure on the administration to sell gold, creating enough uncertainty in the domestic mining industry that mineral exploration and development decisions would be postponed; a number of smaller nations which export locally mined gold would be harmed. These include countries such as the Philippines, Papua, New Guinea, and Ghana, which receive United States foreign assistance; employment of 450,000 black South African miners would be jeopardized.

Mr. President, I now ask unanimous consent that the personal comments on this matter of Robert C. Horton, Director of the U.S. Bureau of Mines, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Washington, DC, August 7, 1986.

Hon. LARRY PRESSLER,
U.S. Senate,
Washington, DC.

DEAR SENATOR PRESSLER: I am deeply concerned regarding the proposal to sell gold from U.S. gold stocks with the avowed purpose of driving down the price of gold, presumably resulting in the economic punishment of South Africa. My personal general views and evaluation of the proposal are presented in the enclosed comments. I hope you will find them useful as you consider the proposal.

Sincerely,

ROBERT C. HORTON,
Director.

COMMENTS ON THE PROPOSED FORCED REDUCTION OF GOLD PRICES

(By Robert C. Horton)

There is no country in the world whose economy is more dependent upon the price and production of gold than that of South Africa. A recent report by the Chamber of Mines of South Africa noted:

"The South African gold mining industry accounts for some 55 percent of total free world gold production, employs 513,832 black and white workers, and maintains its position as a basis for much of the activity of the other sectors of the economy. The latter is reflected by the industry's rising share of the gross domestic product. This rose from an average of 9 percent in the 1950s to an average of 11 percent in the last five years."

The policies of the South African government and the probable response of its gold mining companies must be carefully considered by those who would seek to place South Africa at a disadvantage by forcing the price of gold downward. South Africa gold mines are legally required to mine to the average value of each mine's published ore reserves. Such reserves are determined by the pay limit, i.e., the minimum quantity of gold in a ton of rock which will produce enough revenue to cover the cost of mining, processing, and marketing. When the price of gold rises, the pay limit declines, lower grade ore is mined, and previously marginal mines acquire a new lease of life. This also affects the output of gold, which declines in volume as the grade which is mined decreases.

The increase in the price of gold since 1970 and the legal requirement to reduce the grade of ore mined has been partially responsible for a large decrease in the grade mined in South Africa, from 0.43 ounces per ton in 1970 to 0.20 ounces per ton in 1985, and a decrease in production from a high of 1000 metric tons in 1970 to 690 metric tons in 1985. South Africa appears well able to reverse this process, at least over the short term, if gold prices decline. The general increase in the world price of gold has been amplified in South Africa because of the devaluation of the rand versus the U.S. dollar. This devaluation has increased the rand price of gold to record highs, allowing mining of even lower grade ore than would have otherwise been possible. Further devaluation of the rand would likely occur were the price of gold to decline.

The U.S. Bureau of Mines recently completed a study of 111 of the more significant gold mines in 13 market economy countries. Two major conclusions of this study were:

1. South Africa is by far the largest source of economic gold production. It represents 716 million troy ounces (87 percent) of the 810 million troy ounces of total recoverable gold available from these 111 operations.

2. Seventy percent of the total recoverable gold is economic at a cost level of $300 per troy ounce or less. This gold is available from just 46 operations, 23 of which are in South Africa. Of greater significance, South African mines account for 90 percent of the gold in this cost range.

No other country is as well positioned as is South Africa as regards continued gold mining in the face of lower gold prices. Were the price to decline, South Africa would reverse its course of the last several years, as required by its laws, and mine higher grade ores, largely if not entirely compensating for the reduction in export earnings that would otherwise occur. Most gold mines in other countries, including the United States, would be forced to close.

Gold is a valuable coproduct or byproduct of other metal mining operations, particularly copper mining. Several U.S. and foreign copper mines, already in economic difficulty because of the low price of copper, may also be forced to close. As an example, the Bingham Pit copper mine of the Kennecott Corporation, scheduled to reopen in 1987 or 1988 following a $400 million renovation effort, depends heavily upon its gold byproduct earnings. A severe reduction in the price of gold may postpone or prevent its reopening.

Gold exploration and mining is the last bastion of profitable metal mining operations in the United States. Loss of this industry may cause the United States to lose its last pool of metal exploration and development technology, a technology already threatened with extinction.

Unsuspected economic impacts may result from a determined effort to reduce the price of gold. The motives and objectives of the many traders and speculators in gold defy economic modeling and reliable forecasting. However, were the United States to offer gold at a reduced price some foreign traders and speculators would rush to buy, counting on the historical long-term rise in the price of gold to eventually return a profit. To do so they would have to convert their local currencies to dollars, buying dollars in order to buy gold. This action would devalue the foreign currency and increase the value of the dollar, an action counter to that presently sought by the United States.

Gold is not just another metal. It is the preferred substance of wealth for those who doubt the value or stability of their own nation's currency. Its value is ultimately determined by those who would buy it rather than by those who would sell it. While some may believe that by reducing the price of gold they are following a course of action that will punish South Africa, they may discover instead they have punished themselves and their friends.

Gold Statistics (million troy ounces)

Gold stocks:	
Market economy countries	1,140
Centrally planned economy countries:	80
Privately held coin, bullion, jewelry	1350
World total, excluding industrial use	[1] 2,570
U.S. Government gold stocks	260
Gold production, 1985, estimated:	
United States	2.40
Australia	1.70
Canada	2.70

South Africa	22.20
Other market economy countries	7.00
China	1.90
U.S.S.R.	8.70
Other centrally planned economy countries	.40
World total	47.00

[1] The total quantity of gold held by governments and individuals, for whatever purpose, may exceed 3,200 million troy ounces.

Mr. PRESSLER. Mr. President, I understand that other Senators may have comments and may wish to supply statements in writing, including Senators ABDNOR, HECHT, and MCCLURE. I ask unanimous consent that they be inserted in the context of this debate as if read.

Also, I ask unanimous consent to add Senator DENTON as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, in conclusion, let me say that I understand Senators SYMMS and MURKOWSKI will be making brief comments. If the amendment cannot be accepted, I would ask for the yeas and nays, but if we can get it done by voice vote, I would prefer that—we have done a great deal of work on this amendment and visited I believe with every Senator's office on the minority and majority sides. We have been trying to work this particular amendment out without a rollcall vote, but I will be happy to have a rollcall vote if someone requests that.

This section of the bill illustrates the problem with the whole bill. If we can strike this it would make it a somewhat more palatable bill, but I would still not be able to vote for it. I should make that clear. What we are doing today is a mistake in terms of foreign policy, for this body is legislating on foreign policy using domestic civil rights criteria as the basis.

□ 1200

I am all for civil rights and equal treatment regardless of race and ending apartheid, but I think we must analyze this question in terms of foreign policy criteria. We must evaluate what will happen if the sanctions are adopted.

As I have gone around to other Senators and talked about what would happen if this gold sale section were left in, I have heard considerable agreement that it is counterproductive. South Africa would be the last country to be hurt; we and our allies would be the first, and it would not have anything to do with ending apartheid. I argue that the entire bill falls into the same category.

I hope we can at least strike this particular portion.

I yield to the Senator from Idaho [Mr. SYMMS].

Mr. SYMMS. I thank the Senator for yielding.

Mr. President, I thank the distinguished Senator from South Dakota for the work he has done in the Chamber to alert our Members of the folly of this suggestion.

Mr. President, I spoke on the floor a couple of weeks ago in opposition to dumping Federal Reserve gold on the world market to depress the value of South Africa's gold. Since that time, many organizations have come out in support of striking this section of the sanctions bill. The American Mining Congress, the Gold Institute, and even the Director of the Bureau of Mines, Robert C. Horton, have stated that this provision would harm the United States more than it would hurt South Africa. This provision must be removed from the bill to eliminate any instability it may cause to the domestic mining industry.

Director Horton's recent statement shows that South Africa would not be affected and the incidental impact on the other world producers would be dramatic. I have said before that enacting this section of the sanctions bill would be like "cutting off our nose to spite our face."

I think there is another point that should be made here. South Africa has the lowest cost of production in the world. Currently, its mining operations are forced by law to mine only the lower grade ores. This provision has left the higher grade ores in the ground. Should this provision be enacted, South Africa could easily make up the cost difference by switching to the lower cost, high grade ore mines. This would devastate those in mining in South Dakota, which I understand has 2,000 people who work in home State mining, not to mention other States in the West.

Gold is a world commodity. Its price cannot be set domestically at a different rate than the world price. What few realize is the massive damage dumping gold would have on the entire U.S. mining industry—not just gold. American miners have not had an easy time lately. Overly restrictive environmental regulations, ever increasing tax burdens and depressed commodity prices have put the U.S. industry in its worst recession in recent memory.

Gold has been the only metal—precious or otherwise—to retain a reasonable value. Many mining enterprises—and I think of many in my home State of Idaho—have been kept in business solely by their gold operations. I have said before, and say again, if we go forward with the attempt to bring South Africa to its knees by using Fort Knox, we will be shooting ourselves in the foot.

Those who offer sanctions as the means of getting rid of apartheid must think about the domestic consequences of their actions. It is easy to choose gold when you come from a State that does not produce gold and do not have to worry about a depressed mining economy. For those of us in the western mineral zone—and I think of Idaho, South Dakota, Montana, Utah, Nevada, California, Wyoming, Colorado, Arizona, and New Mexico—the reality of the depressed condition of mining comes home every day.

Gold is the glue that holds many of these mining operations together and allows at least some workers to continue earning a living producing the minerals we need. Gold is often a byproduct of other basic minerals that are mined.

I urge the Senate to support this amendment and remove the provision from the bill.

Mr. PRESSLER. Mr. President, in concluding the arguments for my amendment, it would present a very serious problem if we failed to adopt it. It would urge the President to sell gold from the stocks as a method of lowering the world gold price, theoretically to hurt South Africa. It would hurt last of all the countries that produce gold.

Mr. HECHT. Mr. President, I rise in support of the amendment of the Senator from South Dakota.

The provision contained in section 309 of S. 2701 would grant authority to the President to sell United States gold reserves to drive the world gold price down to make South Africa's gold mining less profitable. This is a prime example of why the use of economic sanctions only damage the position of the issuer and not the intended target.

Mr. President, the sanctions movement has the most honorable intent of attempting to force the elimination of the repugnant system of apartheid, however, the result will be greater hardship on U.S. citizens.

It is true that gold plays a significant role in the economy of South Africa, yet we must analyze closely the probable result of implementing such a proposal. Our neighbor to the south, Mexico, already suffering from a depressed economy because of the decreased value of its oil resources, depends on its gold production and reserves to maintain economic stability. Other strategic and economic allies of the United States could be seriously affected, including Canada, Australia, Brazil, Chile, and the Philippines. Surely, these countries are not the targets of the authors of this provision.

In the United States, gold mining is one of the last remaining profitable mining industries in this Nation. In my State of Nevada alone, several thousand people would be thrown out of work and the mines closed down. We have already seen actions by our own Government through below-market lending to foreign copper producers has destroyed the copper industry in our State.

There was a proposal last year to sell the reserves of the U.S. Treasury to meet the debt obligations of this country in the absence of legislation raising the debt ceiling. Treasury Secretary James Baker, in responding to this proposal stated:

* * * it would undercut confidence here and abroad based on the widespread belief that the gold reserve is the foundation of our financial system.* * *

Hence the basic position of the United States as the financial leader of the world could be seriously jeopardized.

And what of the many collectors and investors in gold, many of whom are elderly, who have purchased gold as a hedge against inflation? Just last December, the President signed into law, the Gold Bullion Coin Act of 1985, authorizing the minting of U.S. gold coins for the first time in over 50 years. One month we are encouraging purchase of United States gold coins as an alternative to the South Africa Krugerrand, and then, even before our coins have been struck, we are proposing to significantly diminish the market price for gold.

Yessiree! We'll show those South Africans a thing or two. We'll throw a hand grenade into the international financial markets, destabilize ourselves, our most important strategic and economic allies, throw thousands of people out of work, undermine the investment positions of thousands more, and thoroughly weaken America's standing as the economic leader of the free world.

Mr. President, this is too high a price to pay.

And what will happen to South Africa? They will probably adjust. They will sell more diamonds, or more of their vast quantities of strategic raw materials. They will throw thousands of black miners out of work. Probably only a minor economic setback and a major step backwards from the objective of those who promote sanctions.

Mr. President, I am absolutely opposed to the continuation of any semblance of the apartheid system in South Africa. However, it is vitally important that we not take such drastic action that will only weaken our own position and the position of our allies. Many progressive steps have already been taken to dismantle the apartheid policies of the Government of South Africa, but more importantly, many more steps are necessary. We should continue to work toward a peaceful evolution of majority participation in the Government there, but we should not adopt sanctions which will threaten our own economic stability.

Mr. McCLURE. Mr. President, the amendment before us would strike section 309 of S. 2701, which calls for sanctions against South Africa. Aside from the broader question of whether or not we should impose sanctions, section 309 will do little to change the situation in South Africa, but will badly damage the mining industries of the United States and our allies.

Inclusion of section 309 in the Senate bill was prompted by a recent editorial in the Economist suggesting that an attack on the South Africa gold market would significantly pressure the Government of South Africa to change its policies.

Section 309 grants authority to the President to sell our U.S. gold reserves. The proponents argue that this would drive the world gold price down and hurt the South African gold industry which produces 44 percent of the world's gold. However, when you review the situation of our domestic mining industry, it is obvious that any effect on South African production would occur only after the United States industry is devastated.

Mr. President, because of the depressed state of base metal and silver prices, many major mining companies are losing money on their operations. In my home State of Idaho, unemployment in the mining district currently exceeds 40 percent. Most of the mines have been closed and will probably not open until after the first of the year. Those which are in operation are only able to continue in business because of the profitability of their gold operations. Without gold mining, there would be essentially no mining exploration and development of any critical and strategic minerals.

Since gold is a world commodity and its price cannot be set domestically at a different rate than the world price, gold producers from the United States, Australia, Brazil, and Canada, which make up 33 percent of world gold production, would be badly damaged. In the case of certain small countries where gold production is a significant part of their GNP and their foreign exchange earnings, this action could create an economic disaster.

Domestically, gold is produced profitably in 15 States, with Nevada, South Dakota, California, and Montana being the largest producers. Other producing States include Alaska, Arizona, Colorado, Idaho, Missouri, South Carolina, Tennessee, Utah, Washington, New Mexico, and Oregon.

Mr. President, it makes no sense to sell our U.S. gold reserves. I appreciate the willingness of the chairman of the Foreign Relations Committee to reconsider this ill-advised proposal. There is overwhelming support for repeal of this section. On August 11, I sent a "Dear Colleague" letter which was signed by 20 Senators indicating their strong opposition to this proposed sanction. I ask unanimous consent that a copy of my August 11 "Dear Colleague" be printed in the RECORD along with the names of the cosignors.

Mr. President, I ask unanimous consent that the attached outline of statistics relating to the world production of gold, prepared by the Gold Institute, be printed in the RECORD.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

IMPACT OF GOLD SANCTIONS PROPOSED BY U.S. SENATE FOREIGN RELATIONS COMMITTEE

The proposal to authorize the dumping of gold, to drive down the gold price, has serious consequences for many completely innocent parties. Analysis of world gold production shows the following:

Percentage of world gold production, 1986

	Percent
Australia, Brazil, Canada, and the U.S.	20.0
50 other small producing countries	13.0
	33.0
South Africa	44.5
China	4.5
Soviet Union	18.0
Total	100.0

WHO WILL BE HURT MOST

It is true that the South African economy relies heavily on gold mining, and depressed gold prices would reduce that country's export revenues, but it is important to realize that many others in the world would be hurt much worse. In the case of certain developing countries, where gold production is a significant part of their Gross National Product and their foreign exchange earnings, this action could spell economic disaster. Gold is very significant to the following developing countries:

1986 gold production

	Ounces Troy
Brazil	1,628,000
Papua New Guinea	754,000
Philippines	843,000
Colombia	600,000
Chile	563,000
Zimbabwe	450,000
Dominican Republic	283,000
Ghana	347,000
Ecuador	350,000
Mexico	233,000
Peru	206,000

Canada and Australia, two of the United States' major trading partners and allies, also count on gold mining as a major segment of their economies. In 1986 these countries will produce 3,389,000 and 1,825,000 ounces of gold, respectively.

In the United States, gold is produced in 14 states with Nevada, South Dakota, California and Montana being the largest producers. However, because of the severely depressed state of base-metal and silver pieces, most major mining companies are losing money on these operations. Many are only able to continue in business because of the profitability of their gold operations. Without gold mining, there would be essentially no mining exploration and development of any critical and strategic minerals.

SOUTH AFRICA'S MINES WILL BE DAMAGED LEAST

Today, South Africa is the lowest-cost gold producer in the world. Its mines would be the least affected by a significant fall in the gold price. Higher-cost mines are located in the U.S., Canada, Australia, and the Philippines and these would be the first to close.

It is likely that a dramatic fall in the gold price would drive the exchange rate for the Rand even lower, further reducing South African mining costs. So, while South Africa could perhaps be injured in the short run by the Foreign Relations Committee's proposal, the long-term effect would most likely benefit South African gold producers who would have little competition left in the world other than perhaps from the Soviet Union.

Conversely, the mining industries and the economies of many Western allies would suffer serious damage, and United States mining may well suffer most of all.

JOHN H. LUTLEY,
Managing Director.

Mr. BAUCUS. Mr. President, I support efforts to delete section 309 from this sanctions bill.

I agree that the time has come for stronger sanctions against South Africa to protest the white minority government's policy of apartheid.

American and international pressure is needed to persuade the South African Government to abandon this abhorrent policy and grant full political, economic, and social equity to all its citizens.

I have little hope that the South African Government will voluntarily enter into meaningful negotiations that will lead to a peaceful end to apartheid. The small steps that the government has taken in the past were in response to international pressure.

Make no mistake about it, I support increased sanctions against South Africa.

And this bill, for the most part, is a good sanctions bill.

But one provision of this bill is illadvised and shortsighted.

Section 309 would grant the President the authority to sell U.S. gold reserves to drive down the world price of gold.

This provision would be ineffective as a sanction and destructive to the U.S. gold mining industry.

South Africa is the lowest cost gold producer in the world. The highest-cost gold producers are located in the United States, Canada, and Australia.

Therefore, lowering the world price of gold would drive U.S. producers and our allies out of business long before it would have significant effect on South Africa.

That's like trying to drive Saudi Arabia out of the oil business by lowering the price of oil.

All that would accomplish is the total destruction of our domestic oil industry.

Section 309 would have a similar effect on the U.S. gold mining industry. Under this provision, the mining industry could be badly damaged.

Many mines that do not mine gold as a primary metal use gold sales to support other mining operations.

Because of the depressed state of the mining industry, these gold sales are often the only profits that keep these operations in business.

It is not difficult to imagine the adverse effects that a drop in gold prices could have on the troubled mining industry.

In my State, gold mining is a growing industry, one of the few growing industries we've got right now.

Now is not the time to turn a gold boom into a gold bust.

But this provision could do just that.

I understand that sanctions will require many Americans to make sacrifices.

But these gold-mining companies—companies that do no business in South Africa—are going to pay the highest price. That's not fair.

And it's not smart foreign policy.

I ask my colleagues to consider this before voting on this amendment.

Mr. EXON. Mr. President, I have consistently supported the congressional effort to impose sanctions on the racist Government of South Africa. The State of Nebraska was the first State in the Nation to take an official stand against investment in South Africa.

In December of last year, Congress unanimously adopted legislation which I introduced to authorize the minting of American gold coins to directly compete with the South African Krugerrand. Those coins will be available in October.

The availability of American gold bullion coins will provide the world an opportunity to choose American gold over South African gold as a primary source of gold investment.

The existing provision in the committee bill will seriously compromise this report.

I support the amendment of the Senator from South Dakota, not because I represent a gold mining State—I do not—and I support the Senator's amendment not because I oppose sanctions—I support sanctions. I simply want the sanctions package to be effective and I want the American Gold Bullion Coin Act to be successful.

An effort to dump American gold reserves would not only weaken the Federal Government's asset holdings, it would work only to damage the American gold mining industry and the gold mining operations of our democratic allies. It will certainly compromise the efforts of the Treasury Department to market American gold bullion coins.

The Secretary of the Treasury already retains authority to buy and sell gold when it is in the interest of the Nation.

The gold-dumping provisions of the committee bill are counterproductive and will hurt workers in the free world long before it can begin to affect the oppressive South African Government.

I urge my colleagues to support the amendment of the Senator from South Dakota.

Mr. ABDNOR. Mr. President, I rise in strong support of the amendment offered by my distinguished colleague, Senator PRESSLER, to strike section 309 of the bill S. 2701, the Comprehensive Anti-Apartheid Act of 1986. Section 309 would grant authority to the President to sell U.S. gold stocks to affect the world market price of gold and thereby further the purposes of the act. I am pleased to be a cosponsor of this amendment.

I trust that the reasons for deleting section 309 will be recognized by my colleagues regardless of one's position with respect to imposing sanctions against South Africa.

Those who support section 309 evidently feel that by selling gold reserves of the United States on the world market we would be greatly damaging the economy and Government of South Africa. It is true that the gold mining industry of South Africa accounts for approximately 50 percent of the gold production of the free world, and, according to the South African Chamber of Mines, it employs over 500,000 black and white workers and is the basis for much of the other sectors of that country's economy. Hence, when considering possible economic sanctions against South Africa, the gold resources of South Africa might appear to be an excellent target.

The fact is, Mr. President, that ricochets from shots taken at that target would be far more damaging to the United States and other nations in the free world than they would be to South Africa. On this very point, Robert C. Horton, Director of the U.S. Bureau of Mines, has written, and I quote:

The U.S. Bureau of Mines recently completed a study of 111 of the more significant gold mines in 13 market economy countries. Two major conclusions of this study were:

First. South Africa is by far the largest source of economic gold production. It represents 716 million troy ounces, 87 percent, of the 810 million troy ounces of total recoverable gold available from these 111 operations.

Second. Seventy percent of the total recoverable gold is economic at a cost level of $300 per troy ounce or less. This gold is available from just 46 operations, 23 of which are in South Africa. Of greater significance, South African mines account for 90 percent of the gold in this cost range.

No other country is as well positioned as is South Africa as regards continued gold mining in the face of lower gold prices. Were the price to decline, South Africa would reverse its course of the last several years, as required by its laws, and mine higher grade ores, largely if not entirely compensating for the reduction in export earnings that would otherwise occur. Most gold mines in other countries, including the United States, would be forced to close. Gold exploration and mining is the last bastion of profitable metal mining operations in the United States. Loss of this industry may cause the United States to lose its pool of metal exploration and development technology, a technology already threatened with extinction.

While some may believe that by reducing the price of gold they are following a course of action that will punish South Africa, they may discover instead they have punished themselves and their friends.

If the price of gold were to be artificially depressed in the world market, a devastating blow would be dealt to the gold mining industry in my home State of South Dakota. Gold mining is not an insignificant industry in South Dakota, believe me. The Homestake mining operation in the Black Hills alone accounts for the employment of 1,350 people, and many thousands more are dependent upon the mine's staying in operation. It pays $7.5 million annually in State and local taxes. It has an annual payroll of $40 million. These are extremely significant figures for a sparsely populated State, which otherwise is greatly dependent upon farming and ranching.

When compared to mines in South Africa, Homestake, as well as other mines in the United States, is a high cost producer. It can operate at the current world market price, but Homestake and mines everywhere in the United States would have to shut down if U.S. gold reserves were to be dumped on the world market "to further the purposes of the act."

I wholeheartedly agree with my good friend and colleague from Idaho [Mr. SYMMS] when he says that dumping American gold on the world market for the purpose of damaging South Africa is akin to cutting off our nose to spite our face. I would add that it would be equally logical for our colleagues who represent oil producing states to propose dumping petroleum from our strategic petroleum reserve on the world market in order to pressure Saudi Arabia into joining a Near East peace process.

Mr. President, there is no sound reason for including section 309 in this legislation. I urge my colleagues to adopt the amendment.

The PRESIDING OFFICER (Mr. GORTON). Who yields time?

Mr. LUGAR. I yield myself 3 minutes.

Mr. President, I support the amendment offered by the distinguished Senator from South Dakota. I believe he has marshaled sufficient evidence to be convincing on this question.

It would be the intent of our side to accept the amendment. I will yield shortly so that my distinguished colleague, the ranking minority member of the committee, may speak to the issue on the Democratic side. We are prepared to vote as soon as the Democratic side has been heard.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I appreciate the arguments of the Senator from South Dakota, but I cannot support this amendment. However, at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time is the quorum call requested?

Mr. PELL. Equally divided, if that is agreeable to the manager.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I think the fair thing would be for this time to be charged to this side of the aisle.

Mr. MURKOWSKI. Mr. President, I support this amendment, of which I am a cosponsor, to strike the provision in the South Africa sanctions bill which would encourage the President to sell United States gold reserves.

This action is intended to hurt South Africa, the largest producer of gold in the world, by lowering the price of gold on world markets. I contend that it will not have the desired affect on South Africa. Instead, it will hurt our own gold industry, that of our allies, and that of U.S. foreign aid recipients who rely on gold as an important export commodity.

In my State of Alaska, as in other mining States, gold is the backbone of our mining industry. The current prices of other commodities such as tin and copper make it uneconomical to mine these minerals, some of which are strategic. It is the high value of gold that keeps the mining industry going today. Without the revenue from gold, most of the mineral companies would not be able to stay in business.

As we know, the price of gold has increased dramatically in anticipation of some action by this body. The actual merits of supply and demand and the fact that the world still trades its exchange officially on the basis of gold causes me deep concern as to just what the Congress of the United States is doing in manipulating the gold reserves and, in effect, the price of gold, as opposed to a free market economy dictating what gold will carry so far as a world price is concerned.

□ 1210

The average cost of production per ounce of gold in this country is $330. If the price of gold were deliberately forced down in an effort to influence South Africa, it would not be long before our domestic industry, affecting more than 25,000 people, would be severely damaged.

Let me again refer specifically to the significance of the industry in my State of Alaska. There are some 2,200 miners who are directly employed in the gold mining industry. The sanctions, as I have indicated, would hurt the mining industry nationwide.

In 1985 more than 2,200 people were directly employed in gold mining in Alaska. This number may seem small compared with some industries, but the gold industry is a lifeline to a number of small communities in my State, many of which would be wiped out economically if it wasn't there. While this proposed sanction would hurt the mining industry nationwide, it would have uniquely onerous consequences in Alaska. Our gold mining industry is already struggling due to constraints placed by the Environmental Protection Agency on water quality. Inadequate infrastructure and gold exploration costs make gold mining costs in Alaska 50 to 100 percent higher than in other States. Recently, a new venture, Inspiration Mine, in Nome, AK, was opened at great cost bringing a large dredge over from Singapore and providing 50 to 100 new jobs in a community of 2,000 people. Should the price of gold fall dramatically, as it would if the United States announced sales of reserves, then this new mine would shut down immediately.

I have been advised, Mr. President, that should this amendment fail to pass and indeed the United States should attempt to sell its gold supply that that development could no longer function under artificial prices that might be dictated.

Mr. President, I could go on a great deal and add the effects that this would have on our ally Canada which happens to be the third largest gold producer.

Mr. President, the gold provision in the sanctions bill would backfire on us in another and particularly ironic way. If the price of gold is deliberately lowered, it will not only hurt our industry as it exists today. It also will have an adverse impact on our mining companies' ability to invest in exploration of mineral reserves for the future. In Alaska and other States we have a great resource of critical, strategic minerals which we currently import from South Africa. We should be increasing our exploitation of these crucial minerals in order to reduce our dependence on South Africa for them. That is not going to happen if the mining industries receipts from gold are hurt. Lower the price of gold, and we will limit our ability to reduce our dependence on South African minerals.

Trying to lower the world price of gold, will also have an immediate negative effect on our closest allies. Now South Africa may be the single largest producer of gold in the world, but the third largest producer is Canada. Over 50 communities depend completely on gold mining. Direct employment in the

gold mining sector is 9,500 and an additional 67,000 Canadians are employed in other mining activities which depend on gold output for economic viability. If the price of gold were to decline from its present $380 to $200, half of Canada's production would be lost. This would represent a loss of 40,000 jobs, and many Canadian communities would never recover. This would work a particular hardship on isolated communities and native North Americans there, just as it would in Alaska.

I assure you, Mr. President, that Canada is looking at this proposed action by the Senate with a great deal of interest and curiosity.

The curiosity, Mr. President, is based on just what is the motivation that would result in such action being taken and how could it possibly be in the best interests of what the objective of the legislation is?

Obviously, that is to initiate changes in the South African apartheid which we all find reprehensible.

The question is to voluntarily assume that by selling our gold reserves on the market this would somehow address that ill I think is thinking that necessitates further examination.

We have heard already from the Senator from South Dakota the impact anticipated on South Africa.

But, Mr. President, the impact would also move to some of our neighbors. The Philippines, for instance, is one of the largest producers of low-cost, low-grade ore in the world. A drop in the gold price would have a quick and harsh effect on that industry in that country as well.

The impact on Australia might be even greater. In recent years, the Australian economy has suffered as Australia has seen the prices for its commodities tumble on world markets. At present, Australia ranks No. 5 in world gold production, but a number of fortuitous discoveries have led the Australians to harbor hopes of being the number two producer by 1988. Australia's demonstrated resources of gold have increased by over 30 percent in the past 15 months alone. The Australian Government clearly hopes that gold sales toward the end of the decade will pick up the slack for fallen commodity prices and make a significant contribution both to the Australian balance of payments and employment.

I would like to emphasize that at this point the Australian discoveries are just that, discoveries. They are not in production and will not go into production if the world price of gold drops precipitously. Among the American firms with investments in these new Australian discoveries are Reynolds Metals of Richmond, VA, Battle Mountain Gold Co. of Houston, TX, Newmont Mining of New York, AMAX of Connecticut, and ASARCO of New York. At this point, I ask unanimous consent to have printed in the RECORD an article from the February 12, 1986, issue of Australian Business describing these new discoveries.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GOLD RUSH '86

(By Ross Louthean)

The gold rush is on in Western Australia. Last week saw the first gold pour in the Broad Arrow joint venture's mine just north of Kalgoorlie.

And the next day, the Lawlers project further north was gearing up for its first pour.

Simultaneously, a promising find was reported by newly listed Julia Mines NL at Station Creek north of Harbour Lights at Leonora.

Broad Arrow provides a neat example of the boom. It is a marriage between two fledgling junior miners which have used speed and technical back-up to get into production quickly. It is 70 per cent owned by HMC Australasia NL and 30 per cent by Electrum NL which used project finance to get going and for insurance have forward sold 40 per cent of initial production.

Broad Arrow this year will join 57 other new mines across the nation producing 43 tonnes of gold in their first full year, in scenes reminiscent of the gold rush days.

The Lawlers mining team has been able to pick up fascinating relics where miners in the early 1900s left picks, other tools, newspapers and bottles in the Great Eastern Mine's stopes which are being exposed or explored by Fersayth geologists.

Even the prospect of a federal gold tax and the miners' warnings of the consequences of it have not diminished enthusiasm.

All this is happening when the gold price is hitting $US350 plus—its highest level for 18 months. Although Australian investors have not fully benefited because of the recent surge of the dollar against the greenback, the devaluation of the Australian dollar over the past year means miners are still getting about $500 an ounce in local currency.

The boom, according to brokers J. B. Were and Son, will lead Australia to be producing 100 tonnes of gold by the end of next year—a far cry from the 18 tonnes it produced in 1981.

Estimates for 1985 production range from 45 to 55 tonnes and reliable reports suggest that already by the end of this month production will be running at 60 tonnes a year rated capacity.

The latest available authoritative figures for the non-communist world from Consolidated Gold Fields show that in 1984 Australia produced 39 tonnes, Brazil 55, the US 71, Canada 81, South Africa 683. With civil unrest in South Africa and with politics in the Middle East ever volatile, some investors look to gold as something of a panic button to press in times of crisis but a broad section of institutions and individuals believe it prudent to hold some gold as an anchor in any well diversified portfolio.

South Africa gold producers may well be mining at lower margins than previously but it is believed they hold up to nine months of stocks to be moved to market at will.

J. B. Were's gold analyst Howard Walker, just returned from a world tour which included South Africa, says South Africa's gold mining could take a sharp downturn after 1990 even without the growing unrest among the black community.

This is because production is outpacing replenishment of ore reserves, mining is going deeper which is more costly and some future mines are in areas earlier ignored because of poor ground conditions, grades or other factors.

Even the near term could bring changes to the South African mining scene which in 1985 produced 678 tonnes of gold—nearly 60 per cent of Western world output—and Walker points to the largely-unheralded possibility of a white miners strike looming over government-management plans to end some restrictions (color) on job supervision.

Walker adds that any disruption to South African production will have international investors topping up their Australian gold holdings.

The accompanying table gives estimates for production from mines born in 1986, based on company estimates and calculations made by Resource Information Unit in Perth on available information.

They show that, excluding Pajingo (see below) and the expected mines for 1987 (including the massive Boddington, Big Bell, reactivating of the old Bayleys, Davyhurst Wiluna and Childe Harold in WA; Starra, Tregoora and Zelma in Queensland; Temora in NSW and Walhalla in Victoria), mines initiated in 1986 will boost national output in their first months operating by about 40 per cent.

A staggering 43 tonnes of gold could be contributed by the mines on the list in their first full year and in 1986 they could add 17.4 tonnes.

The latest *Australian Business* survey shows that, though Western Australia is producing the lion's share of Australia's increased capacity, northern Queensland gold provinces will start to show their wares and rapidly become a clear second-placed producer.

Our survey does not take into consideration the increased production by existing mines, such as the steady increase at Telfer in WA's Pilbara which could see this Newmont-BHP mine regain the mantle from Queensland's kidston as Australia's biggest single mine. Nor does it take in the many alluvial and other price-sensitive operations that could start or be rekindled if the latest gold price surge is sustained.

Conversely, the study does not take account of the elimination of 1985 mines where ore reserves petered out and where new mines are only providing supplementary ore at the mill—such as Orion at Kambalda, WA and satellite mines around Tennant Creek for Australian Development's Nobles Nob mill.

Most of the major mines coming on stream in 1986 were put in the advanced development mode by mid-1985. They illustrate the speed—compared to base metal mines—with which gold mines can be brought on stream, through such facilities as transportable treatment plants, such modern techniques as "carbon-in-pulp", "carbon-in-leach" and "heap leching" and financing through gold loans and forward selling of production.

Most mine devleopment in Western Australia takes place on Crown Land and, unlike Victoria and NSW, there are no bureaucratic walls or overbearing regulations from other departments to stultify progress.

Queensland has the opportunity through its exciting northern discoveries also to surpass Victoria by the 1990s and this should come from projects such as Pajingo, Red

Dome, Starra, Mt Leyshon and the guaranteed longer life for Kidston through the outlining of extra reserves.

Pajingo is undoubtedly the wild card for this year, not only because a clearer picture of its potential should be made known but also because it might just get into production by the end of the year and this should herald a big new Australian gold float.

Pajingo, about 70 km south of Charters Towers, is owned by America's Battle Mountain Gold Co (BMGC), sponsored by the oil giant Pennzoil which originally owned Duval Mining (Australia)—now a BMGC subsidiary, which discovered Pajingo in late 1984.

Battle Mountain has set up Pajingo Gold Mine Pty Ltd to operate the Pajingo prospect and, following the rich early drill intersections on the Janet A Lode, the company sank at least $1 million into this zone in 1985.

A Battle Mountain board meeting in the U.S. on January 28 will consider these drill results and make the important decision on whether to put the project into mine feasibility mode or whether to continue drilling (probably on neighboring targets to Janet A) to provide extra reserves. Like most majors, BMGC would be looking for at least one million ounces of gold recoverable for starters.

The American company has under-taken spadework on how to tackle the political side of the Australian corporate minefield and preliminary discussions at least have taken place with major brokers on "Australianising" the discovery through a local float. Potential investors could include the countless mining companies which unsuccessfully tried to woo the Battle Mountain group for project equity. Another big corporate move this year will be what option the Canadian-based Placer will take on shedding a further 15 percent equity in the Kidston project.

Placer may opt for another big Australian float that would not only take in the slice of Kidston but also the company's share of Porgera and Misima in Papua New Guinea and the right to a half interest in Big Bell in WA—a massive Mt Charlotte-style underground mine earmarked for the late 1980s but sensitive to Canberra's penchant for a gold tax.

WESTERN AUSTRALIA

Some of the big mines for the rest of the decade include Boddington in WA's southwest, an $80 million project to come on stream in early 1978 and expected to yield annually about 165,000 oz of gold (about 5.1 tonnes).

Boddington is well away from the West's traditional goldfields, and is held by the Worsley alumina partners Reynolds Australia, Shell, BHP and Kobe Alumina Associates.

The introduction of Boddington will make BHP one of the big Australian gold producers as it already holds 40 percent of Telfer and is mining at Ora Banda, WA.

It is difficult to provide reasonably accurate production figures for big mines of the later 1980s but Big Bell could produce 3.6t of gold pa from 1987-88; Temora in NSW (still deliberating on CIP or heap leaching alternatives) could be producing 1.26t gold and 1.81 silver pa from 1987-1988; South Australia's massive Olympic Dam (Roxby Downs) is anticipating milling 500,000 tpa of 5 g/t predominantly gold ore for 45,000 oz (1.3t); others include the Asarco-Metramar Minerals joint venture at Wiluna, WA, and Coronation Hill in NT (a joint venture between BHP, Noranda Pacific and EZ) where there is also intriguing platinum mineralisation.

Other big mines in the making are Mineral Hill in NSW (managed by Elf Aquitaine Triako Mines); Starra and other deposits in the Selwyn area of Queensland; and reopening of the Walhalla mining centre in Victoria by Walhalla Mining Co.

Leading WA's new great leap forward are Mt Pleasant (anticipated 2.86t in year one), Emu (1.68t), Mt Gibson (1.39t), New Celebration (1.31t), North Morning Star open cut (0.94t) and Lawlers (0.91t).

These projects alone have sunk more than $100 million in new capital investment, boosting WA engineering and mining service companies which less than four years ago were reeling from the false resource boom and postponed development of the second North West Shelf platform.

It has enormous scope in both the Western Tenements (Southern Resources 30 per cent, Technomin NL 25 per cent, Square Gold & Minerals 25 per cent, Mt Pleasant Gold Trust 12.5 per cent and Geometals 7.5 per cent) where mine planning is for a November-December gold pour and also in the less advanced Eastern Tenements (Southern Resources 60 per cent, MPGT 25 per cent, Geometals 15 per cent).

Phase one mining involves a "Rolls-Royce" mill of between 500,000 and 600,000 tonnes a year capacity, open cutting of the Golden Kilometer orebody, then—at optimum pit depth—declining into lower ore and also underground mining of the neighboring Southern Area zone via a crosscut.

Mt Gibson will provide the Wubin-Dalwallinu district on the border between WA's north central wheatbelt and pastoral country with new adrenalin.

Like Queensland's Kidston, the mine grade at Mt Gibson will decrease as the pit deepens but Forsayth-Reynolds will more than compensate by increasing mill capacity progressively up to 700,000 tpa.

This major development is financed and being developed by Forsayth NL as a 50 percent farm-in from Reynolds Australia, subsidiary of the US aluminium giant. Reynolds is a partner in the Worsley alumina project and has another megabuck commitment later in the 1980s with the Boddington gold mine.

Forsayth, which is emerging not only as a new wave gold miner but also a diverse resource house, will get an earlier return from the 100 per cent-owned Lawlers gold mine south of Agnew.

The good performing Metana Minerals will bring in the Morning Star North open cut, neighboring Hill 50 Gold Mine NL's Morning Star underground mine. Metana's ambition is apparently to get payback of the new mill within 18 months and to prove up greater reserves at depth.

Lady Bountiful, just north of Mt Pleasant and an equal joint venture between WMC and Consolidated Exploration, will tap some rich but irregular targets and involve open pitting and later underground mining.

Australian Consolidated Minerals, which is to be an expanded new mining house through the absorption of the Amax-controlled Austamax Resources Ltd, has an interesting competitioin . . . which of its two mines, Golden Crown near Cor or Edna May at Westonia in the eastern wheatbelt, will pour gold first in the second quarter.

Golden Crown is a rich underground resource in ACM's favorite hunting ground in the Murchison Goldfield and Edna May, by contrast, will be an open cast mine in the initial years at least. Collectively, they will help ACM fund further exploration on the highly prospective Great Fingall Dyke and for the commitment to the large Big Bell mine.

The conservative gold mining leader in the West, WMC, is opening up the Orion Mine within 500 metres of the Victory-Defiance and this illustrates just how effective Western Mining has been as an explorer at Kambalda where the gold mill is treating about 820,000 tpa of ore—well above its design capacity.

WMC is also advancing the Revenge discovery out on Lake Lefroy and this will be an ambitious underground operation that will test the company's excellent mining engineering record and could be on stream by early 1987.

The Mt Percy project in Kalgoorlie was probably the fastest big mine produced in the West, taking less than a year to advance from a concept to gold output once Alan Bond took the helm.

A new mine along the now large Mt Percy open pit, taking in the Far East Porphyry and Mystery North finds, should be opened up this year and Mt Percy's mill capacity could go to more than 500,000 tpa to accommodate this.

Some of the smaller mines in WA will blood new companies. These include Coolgardie Gold NL with its Greenfields discovery near Clackline Refractories' Three Mile Hill find.

This will probably involve vat leaching and provide Coolgardie Gold with the opportunity to get into other developments closer to Coolgardie, including re-opening of the famous Bayleys Reward lease.

Clackline Refractories will open up the Montague at Sandstone and this will provide cashflow to continue elucidating Three Mile Hill's potential.

Delta Gold will start a mine at the famous old Kanowana centre near Kalgoorlie and WMC could start up the nearby Six Mile Hill find.

QUEENSLAND

New mining operations coming on stream in the State this year should produce more than six tonnes of gold in their first full operating year.

Red Dome, 200km north of Kidston, with an open-pittable resource of about 9 million tonnes averaging 2.35 g/t, will be the main new producer.

The Elders Resources board is meeting on January 30 and 31 to take final decisions on the project's timing and production route but it is understood that a heap-leaching operation, the biggest in Australia, is recommended for at least initial production.

If first gold were poured in November, the fairly conservative target being suggested last week, Red Dome would produce about 50,000 ounces in its first year. But it has the potential, if a CIP plant is added, at least to double that output.

Elders Resources is also earning a 25 percent stake from Cyprus Minerals Australia in what is shaping as another top-class Queensland project—the Selwyn properties, south-east of Mt Isa.

A resource of 7.2 million tonnes grading 5 g/t has been established in the Starra area of the joint venture and drilling to prove up larger reserves will continue throughout 1986 and probably 1987.

Mt Leyshon—another large, low-grade heap-leaching operation in the north of the State—will begin production in October, at

an initial annual rate of 34,000 oz with enough plant capacity to build up to 50,000.

The other Queensland projects which are definite starters this year—Horn Island, the Golden Plateau hardrock prospect at Cracow, Lucky Break near Clermont, Croydon—are in the 20,000 to 30,000 oz a year bracket.

NORTHERN TERRITORY

New NT mines will outstrip new Queensland production by about two tonnes during their first 12 months of operation because of rich but short-lived operations such as TC8, Argo and Rising Sun West.

The production and exploration scene in the Territory is more buoyant than at any time since the early 1970s.

TC8 and Argo, both underground mines, temporarily will be the largest two projects in the Territory but both are likely to be exhausted inside two years.

Symptomatic of the most pressing problem for NT miners and explorers is the emergence of the Granites project three years after agreement was reached with traditional Aboriginal owners and 11 years after negotiations started.

First gold will be poured in August and during 1987, when the optimum annual production rate of 65,000 oz is ahieved, Granites will move ahead of Pine Creek which was commissioned late last year and is the Top End's largest goldmine.

NSW

Three smaller NSW operations—Hill End, Cowarra Creek and West Wyalong—will come on this year, with Paragon Resources' Temora project in the south of the State likely to start production at a minimum 20,000 oz a year early in 1987.

The nearby Dobroyde, one of the Getty Oil mineral properties acquired by Little River Goldfields last year and expected to be floated soon in Unimin NL, may also be developed next year.

VICTORIA

Despite the State's predominantly narrow reef orebodies and narrowminded governmental attitudes to mining, the new gold boom has not completely passed it by.

Several small projects are to start this year, Walhalla Mining Co's Walhalla project is a strong possibility for next year, Ballarat Goldfields' Ballarat East is looking increasingly promising for the longer term and exploration is busier than for at least the past five years.

SOUTH AUSTRALIA

South Australia's massive Roxby Downs uranium/copper deposit will also be an important gold producer in the late 1980s.

Mining of higher-grade gold zones will kick the project off next year with annual gold output doubling to 90,000 oz once mining of the main orebody begins.

TASMANIA

Hellyer, in north-western Tasmania, is another large polymetallic orebody made viable by its gold content at a time of depressed base metal markets.

Aberfoyle begins trial mining at Hellyer in mid-year.

Full-scale production, with about 36,000 oz annual gold output, is not due until 1989.

Mr. MURKOWSKI. Now, what would be the impact on South Africa?

There are two major gold producing countries in the world that have average gold producing cost of less that $200 per ounce. They are South Africa and the Soviet Union. South Africa's gold production costs were $139 per ounce last year. Average gold production costs in the United States are $330 per ounce. Moreover, South Africa is protected from long-term damage to its gold industry in event of a drop in the price of gold in several ways. One protection is that under the economic inequities of apartheid, they can pay their miners relatively low wages—even though these wages have been rising recently.

More significant, however, is the kind of flexibility South Africa has because of the availability of both very high grade and low grade gold ore in their country. When the price of gold is high, the South Africans can mine the more expensive low grade ore. Should the price of gold fall, they are able to turn to high grade ore which lowers their costs of production.

The country with the lowest grade ore and highest gold production costs, $340 per ounce, is the Philippines. A drop in the price of gold would have a quick and harsh affect not only on our domestic industry, but it would also deprive the Philippines of one of the only means it has to help itself out of its economic troubles. At a time when we are scraping to find foreign assistance funds to support the new democracy in the Philippines, it just doesn't make sense. And the decline in price would affect the Philippines first, long before the industry in South Africa—which because of its low production costs would be affected last. So, if this measure goes into effect, South Africa could sit back and wait for its competitors on the world market to go out of business.

While other Third World producers may have a small percentage of the world market, a decline in the price of gold would have an even larger impact on them. For example, gold sales are important contributions to the balance of payments of Papua New Guinea and the Dominican Republic, both of whom are recipients of U.S. foreign assistance. If the receipts from their gold sales are cut, they will be looking for additional U.S. foreign aid.

I ask unanimous consent to have printed in the RECORD a table provided by the Gold Institute listing countries that would be adversely affected by this provision.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

IMPACT OF GOLD SANCTIONS PROPOSED BY U.S. SENATE FOREIGN RELATIONS COMMITTEE

The proposal to authorize the dumping of gold, to drive down the gold price, has serious consequences for many completely innocent parties.

Gold Producing Countries

[Percentage of World Gold Production 1986]

	Percent
(1) Australia, Brazil, Canada, and the United States	20
(2) Fifty other smaller producing countries	13
Total	33
(3) South Africa	44.50
(4) China	4.50
(5) Soviet Union	18.00
Total	100.00

In attempting to penalize South Africa, the 33 percent of world gold producers, represented by the first two categories, will be badly damaged.

In the case of certain small countries, where gold production is a significant part of their G.N.P. and their foreign exchange earnings, this action could spell economic disaster. Gold is very significant to:

[In millions of dollars]

	1986 gold production ounces troy	1984 exports	Gold value[1] as percentage of exports
Papua New Guinea	754,000	$891	30
Philippines	843,000	5,273	6
Colombia	600,000	3,461	6
Chile	563,000	3,657	5
Zimbabwe	450,000	1,154	14
Dominican Republic	283,000	868	11
Ghana	347,000	559	22
Equador	350,000	2,583	5
Mexico	233,000	24,400	
Peru	206,000	3,147	2
As well as:			
United States	3,296,000	217,890	
Canada	3,389,000	90,291	1
Australia	1,825,000	23,994	3
Brazil	1,628,000	27,000	2

[1] At $350 per ounce.

Mr. MURKOWSKI. Mr. President, it would also require additional pressures on our foreign assistance, because these countries obviously would not have the value of their gold reserves in relationship to what they are in a free market level.

Where will we get the funds for additional foreign aid to these countries? With the current demands on the foreign assistance budget and the possible additional requests from the "front line" African states who are already being hurt by South African retaliation for sanctions imposed by the British Commonwealth, frankly, I don't see where we will.

Beyond all this, there is the question of how responsible it is for us to be suggesting a deliberate disruption of the world's commodity markets. This kind of thing can easily backfire. The United States holds 289 million ounces of gold in reserve, more than a quarter of the reserves held by all International Monetary Fund countries combined. If the U.S. Government decided to sell our reserves for a political reason, it would shake the confidence of individual holders of gold and traders in a number of other commodities linked to the price of gold. Nobody knows what kind of effect this kind of manipulation could have, and nobody can be sure that it would not lead to a crisis in the entire financial system.

Mr. President, the policy outlined in section 309 is seriously flawed and

should not be part of any sanctions bill passed by this body. I urge my colleagues to vote for the amendment to remove this provision.

I thank the chairman of the Foreign Relations Committee and thank my colleague, the Senator from South Dakota, and again, Mr. President, I would urge that the reflection on any artificial pressures on the basic medium of exchange between countries, gold, by the Congress of the United States is not only inappropriate but has grave dangers with regard to the financial stability of the various countries of the world that depend on the supply of gold to back up their internal exchange and trading.

I thank the chairman for the opportunity to speak on behalf of the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I yield such time as he may need to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I rise in opposition to the amendment offered by the Senator from South Dakota.

Mr. President, the President of the United States has the authority to sell gold if he so chooses. He has that authority under current law. He will have that authority whether this amendment passes or fails.

When the Foreign Relations Committee met, it placed this amendment in the bill as a way of sending a signal to South Africa that if it did not change its policy of apartheid it was the sense of this Senate that the President should consider the sale of gold in order to bring pressure to bear on South Africa.

Mr. President, exports account for about one-quarter of South Africa's GNP. Gold accounts for nearly half of South Africa's exports.

It is a significant, in fact, the dominant means by which South Africa obtains foreign exchange.

Tax and lease payments on gold in South Africa financed 15 percent of the South African Government revenues domestically.

So, the sale of gold and the export of gold and revenues from the leasing of gold mines generate significant economic benefits for South Africa.

Mr. President, an announcement that the United States might even be intending to sell gold would depress prices, would squeeze South Africa's economy and would let the South African Government know that we are serious about bringing pressure to bear on them to change their policy of apartheid.

It is clearly the most effective weapon that we could use in order to bring economic pressure on South Africa.

□ 1220

If prices drop, they would have much less revenue from exports. If prices drop, they would have much less revenue to finance their domestic budget. It would be real pressure on the Government of South Africa.

Mr. President, there is another advantage in the message that the United States Government might sell some of its gold and that is a message not only to South Africa but to the Soviet Union, a large exporter of gold. It would say to the Soviet Union that they would have less foreign exchange to pursue their objectives abroad, whether it is aiding Third World revolution or propping up their empire in Eastern Europe.

Mr. President, this policy of considering the sale of gold would also raise revenue for the Federal Government and help reduce the Federal deficit.

So, Mr. President, I was going to offer, and I still have a possibility, an amendment that would make the sale of gold even more possible. I think the least we should do is to reject this amendment. This was adopted in the Foreign Relations Committee in order to send a signal to South Africa. Mr. President, if we accept the amendment of the Senator from South Dakota, that will mean there will be less pressure on the Government of South Africa to moderate its apartheid policies, to end its apartheid policies. It will mean we will have less pressure on the Soviet Union to end Third World revolutions. And it will mean we will have a higher budget deficit than we otherwise would have if we were willing to sell some gold.

So, Mr. President, I urge rejection of this amendment that attempts to reverse the position taken by the Foreign Relations Committee.

I also ask, Mr. President, for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. The Senator from Indiana has 20 minutes and 43 seconds, and the Senator from South Dakota has 4 minutes and 55 seconds.

Mr. LUGAR. Is there a further requirement for time?

Mr. PRESSLER. Mr. President, I will use my 4 minutes to, in conclusion, state that I think that our budgetary deficit will be much higher if we destroy our domestic gold industry and lose the taxes that it pays. I do not think that anyone in our financial or banking insitutions is in agreement that the President selling our gold would be a positive thing for our economy.

We do not even know with certainty what the impact of the President selling gold would be. The last time the President sold gold, the price of gold inched upward.

So what we have here is an amendment which authorizes the President to sell gold, although he already has that authority. I should emphasize that. By putting it in here, we are urging him to do it in the context of South Africa. The statistics prove South Africa would be the last country hurt. The United States and its allies would be the first hurt. And all of this is based on the premise that ultimately this would help to end apartheid, which I think is a false assumption.

Mr. President, I am prepared to vote. We have a large number of cosponsors. We have talked with each Senator's office on this. I think that, if logic prevails, this amendment should be adopted.

Mr. PELL. I yield 2 minutes to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I am prepared to go to a vote. I would just like to make one final comment. This amendment and the bill does not say "sell gold." It preserves the option of selling gold. And the amendment was placed in the markup of the Foreign Relations Committee in order to send a message that it is the sense of the Senate that we should preserve that option. If we are serious about ending apartheid, we have to preserve all of our options, certainly one that would bring the most economic pressure to bear on the Government of South Africa.

Mr. PELL. Mr. President, I have listened to the arguments, pro and con. Maybe my judgment is a little affected by the fact that I represent a State that is a consuming State. We call ourselves "the jewelry capital of America." Half the jewelry of America is made in our State. Our interests, obviously, would be better served by seeing the price come down a certain amount, while the producing States would naturally like the price to go up.

If this amendment had any effect, one way or another, if passed, it would keep the price up. I am inclined to agree with other arguments that have been made by the Senator from New Jersey, so I will be voting in opposition to the amendment.

Mr. PRESSLER. Mr. President, I should emphasize, that this bill does not change the President's current authority. Whether this amendment stands or falls, the President's authority in this area will remain. It is very inappropriate to restate it in this bill because it will produce exactly the opposite of the intended effect. It would

also wreak havoc in our domestic money system and mining industry.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. I yield back the balance of my time.

The PRESIDING OFFICER. Does the Senator from South Dakota yield back the balance of his time?

Mr. PRESSLER. I yield back the balance of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from South Dakota [Mr. PRESSLER].

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 41, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—58

Abdnor	Garn	Melcher
Andrews	Gore	Mitchell
Armstrong	Gorton	Murkowski
Baucus	Gramm	Nickles
Bingaman	Grassley	Pressler
Boren	Harkin	Quayle
Boschwitz	Hatch	Roth
Broyhill	Hatfield	Rudman
Bumpers	Hawkins	Simpson
Burdick	Hecht	Stafford
Cochran	Heflin	Stennis
Danforth	Helms	Stevens
DeConcini	Humphrey	Symms
Denton	Kassebaum	Thurmond
Dole	Laxalt	Trible
Domenici	Long	Wallop
Durenberger	Lugar	Warner
Eagleton	Mattingly	Wilson
Exon	McClure	
Ford	McConnell	

NAYS—41

Bentsen	Heinz	Nunn
Biden	Hollings	Packwood
Bradley	Inouye	Pell
Byrd	Johnston	Proxmire
Chafee	Kasten	Pryor
Chiles	Kennedy	Riegle
Cohen	Kerry	Rockefeller
Cranston	Lautenberg	Sarbanes
D'Amato	Leahy	Sasser
Dixon	Levin	Simon
Dodd	Mathias	Specter
Evans	Matsunaga	Weicker
Glenn	Metzenbaum	Zorinsky
Hart	Moynihan	

NOT VOTING—1

Goldwater

So the amendment (No. 2693) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PRESSLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2733

(Purpose: To prohibit the import of goods marketed or exported by South African parastatal organizations)

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 2733.

Mr. DODD. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 69, line 26, strike "or" and add after the word "by" the following: ", marketed, or otherwise exported by"

Mr. PELL. Mr. President, I yield as much time as he may need to the Senator from Connecticut.

Mr. DODD. Mr. President, may I ask what time we have on this amendment?

The PRESIDING OFFICER. Each side has 30 minutes.

Mr. DODD. I thank the Chair very much.

Mr. President, for the benefit of my colleagues, I have a statement which I shall address to the general provisions of the bill before us; then I shall focus specifically on the amendment which I have offered.

First, Mr. President, let me once again compliment our distinguished chairman. He has had a busy week here, the last 2 days dealing with Central America and apparently, the next 2 days he will be equally busy dealing with South Africa. He has shown great patience and trememdous ability, as he has always done.

He did a masterful job, Mr. President, I should tell my colleagues, in fashioning a piece of legislation that we sent out of our committee on a vote of 15 to 2. That, I think, demonstrated its strong bipartisan support. It was stronger than some Members wanted, not strong enough for others, but nevertheless, it is a well-fashioned, well-crafted piece of legislation. What I intend to do shortly is offer a small amendment to that that I think will lend it some improvement. At the moment, I wish to address the overall issue.

I think we are all aware of the fact that there is a worsening national emergency in South Africa. No one would question that or doubt that. Recently expanded security laws have granted the South African police and military sweeping powers to use force against groups and individuals. Since the current state of emergency was imposed, some 160 people have been killed and over 4,000 detained. During proceding months, the earlier state of emergency brought some 900 deaths and 8,000 arrests before it ended. There is a level of violence, pain, and death in South Africa today which is intolerable, and it is the violence, pain, and death of the apartheid system.

Apartheid is the highest expression of bigotry and of man's capacity to be indifferent to the fate of his fellow man. Under the apartheid system, blacks are stripped of fundamental civil and political liberties. Under the apartheid regime, blacks are told where they may live, where they may work, and with whom they may associate. And, under the law of apartheid, blacks are denied the right to own land or to hold citizenship in their country of birth. Mr. President, our contribution—no matter how indirect—to the maintenance of this repugnant system must come to an end. That is the principle upon which we must act here today, and that must be our goal.

Yet, even at this late date, the President's recent statements remind us that there are those who say that the blacks in South Africa can wait; that justice will come in its own time; that our strategic and geopolitical interests in the southern African region outweigh moral imperatives and political values; and that we in the United States ought to advise those who have been abused, exploited, and exiled to have faith in their oppressors' good intentions.

I reject such advice and counsel. I reject it because in good conscience we cannot ask the blacks of South Africa to wait any longer. I reject it because we know the South African Government is determined to perpetuate its system of racial injustice and to feed off the suffering and misery that system imposes on the black majority of that country. Further, Mr. President, I reject it because we have something better to offer the people of South Africa than our investment dollars and our technological know-how.

□ 1300

With an historical record such as ours, Mr. President, replete with visionaries, revolutionaries, and radical reformers, I am frankly puzzled by the advice of these Americans who would place the United States among the patient and wishful, among the quiet and the passive who can only slow, but not stop, the march of progress in South Africa. Their thinking will no more benefit the blacks of South Africa than it would have benefited the blacks in this country, and those who marched in Selma and elsewhere at the head of the great civil rights movement that swept this country in the 1960's.

Recalling the events of that time, I would like to share with my colleagues the words of Dr. Martin Luther King, who during that particular period of strife penned a letter from his prison

cell, which I think is particularly poignant in the debate we are sharing today. Dr. King wrote from that prison cell these words:

> Actually time is itself neutral. It can be used either destructively or constructively. More and more I feel that the people of ill-will have used time much more effectively than have the people of good will. We will have to repent in this generation not merely for the hateful words and actions of the bad people, but for the appalling silence of the good people.

Mr. President, we have a choice here today, and I think Dr. King frames that choice quite properly. It is a choice between looking the South African Government in the eye and saying "We will do everything in our power to impel you to accept the judgment of your own people and of the people of the world;" or embracing an insidious silence—a silence we know as the policy of "constructive engagement."

Let there be no doubts as to what such silence means. It means continuing to pump dollars, energy, and expertise into a racist, elitist economic system. It means continuing to finance an apparatus of repression and state violence. And it means placing our faith in Pretoria's dubious promises when our own history tells us radical change does not happen without the compelling force of those who will no longer tolerate their condition. And it is regrettable that the administration does not recognize its guilt in maintaining that silence, a silence which can only ally itself with the people of ill-will; which can only be the friend of exploitation, abuse, and inhumanity.

Mr. President, the administration does not begin its understanding of the South African tragedy with a recognition of the struggle of the oppressed against the oppressor. Rather, with an unbelievable turn of illogic, the administration has come to treat the South African Government and the policy of apartheid as separate entities—one as a trusted friend, the other as a manageable foe. And it is from such a judgment that emerges a policy both ineffective against apartheid and frankly, "nauseating" to many of that system's victims.

It is a policy not based on the moral outrage of the human compassion which should determine U.S. posture. Rather, it compares the benefits of order with the costs of disorder. It weights the profit of commerce against the price of change. And most disturbingly, it equates the fears of whites who stand to lose valuable property with the fears of blacks who face continuing generations of oppression, deprivation, and disenfranchisement.

It is a policy which is both immoral and unacceptable. The American people, the overwhelming majority of the American people, and our own consciences would have us do more today for the people of South Africa, and the measure before us is the way to do it. Keep in mind that the sanctions imposed by the President during the last year had meaningful impact. They had an impact on the pass laws, which have been abolished; on funding for black education, which has increased sevenfold in the last year; and on restrictions on private life such as the intermarriage laws, which now have been lifted, I would argue, because the President imposed sanctions a year ago.

I would like to believe, as I believe most of us would, that the South African Government made those changes because they thought it was right. But frankly, Mr. President, I do not believe that any more than any one else in this Chamber or in this country. The Pretoria regime made those changes because the President of the United States imposed a number of economic sanctions and that message got through.

Mr. President, it is time for another message, a stronger message that breaks and rejects that inexcusable silence the administration would have us maintain. That message is in the bill before us. This bill both incorporates the sanctions of the President's Executive order and extends their scope even further. But, it is important to note, it emphasizes specifically and meticulously those sanctions most detrimental to the white regime, not the overall South African economy. Thus, the bill prohibits the importation of articles produced by South African Government-owned or controlled organizations. It bars U.S. bank loans to the Pretoria government or any entity under its control. It forbids American companies from making any new investments in South Africa. And, Mr. President, it revokes United States landing rights of all South African airliners.

This bill, however, was nurtured not on hostility or hate but on hope. It sets goals for the South African Government which, if achieved, could earn back our trust and our respect. It requires among other things a lifting of the current state of emergency, the release of ANC leader Nelson Mandela, and concrete steps toward the dismantling of the system of apartheid.

I sincerely hope these goals will be reached and reached soon. They would represent important steps in the right direction and signal the South African Government's willingness to change course and pursue the path toward reform.

But until that happens, Mr. President, it is incumbent upon us to pursue the course charted by the legislation before us. I urge my colleagues to give it their overwhelming support, and to impose strong sanctions on the Government of South Africa.

Mr. President, those are my general views on the subject matter. I have placed before us an amendment on which I would now like to spend a few minutes.

Mr. President, I ask how much time remains of my 30 minutes?

The PRESIDING OFFICER. Eighteen minutes.

Mr. DODD. Mr. President, let me briefly describe the specific amendment that I offer. Section 303 of the bill which we are now considering would prohibit the importation of articles grown, produce, or manufactured by South African parastatal organizations. Now, we have decided in that section of the bill, section 303, that it is a worthwhile sanction to have a ban on the importation of those articles that are produced by those governmental organizations. What we have failed to do, however, despite putting those sanctions on manufacturing, is to leave what I think is a gaping loophole in that particular section, and that is in its application to companies involved in marketing and exporting.

□ 1310

This provision was included in the bill because the vast majority of those employed by the South African parastatals are Afrikaners, which, I point out to my colleagues, is the group which forms the political base of support for President Botha's ruling national party. There is a direct linkage.

By prohibiting the imports from South African parastatals, we not only can make an important segment of the white minority in that country feel the sting of sanctions, since that is our purpose here today, but also, it will convey the seriousness of our call for an end to apartheid.

I commend the chairman and the bipartisan committee of Republicans and Democrats that supported that section.

If this provision, however, is to have the maximum political effect, it should extend to all parastatals, not merely those that are producers.

The amendment would strengthen that provision in the bill, a good provision. It would strengthen it further by extending it to South African parastatals that are engaged in marketing or exporting.

It is a necessary amendment, because the provision as now written would allow the South African Government to circumvent the prohibition by shifting state control and negating the effect of this provision in the bill.

The argument that will come back—and it is an argument with merit—is that if you add a provision here on marketing and banning the exporting of those goods to this country, there very well may be reprisals; that the South African Government may decide to put a ban on American-pro-

duced goods that we would like to sell in South Africa.

There has been some evidence of this already. The Government of Canada has imposed sanctions on South Africa that include the prohibition on importation of goods from South Africa to Canada. There are those who will argue that Canada has paid a price for that, given the quantity of wheat they have been able to sell in South Africa.

Mr. President, I suggest that if that is going to be the litmus test for every amendment offered, or for the provisions in the bill, we might as well abandon the sanctions idea altogether—and I know there are those here who favor that we do that. But here we are taking strong economic steps against the Government of South Africa. Most of all, we should be aware that in taking those steps, we in this country may feel some economic hardship.

It would be ludicrous for anyone to stand here and offer an amendment which imposes an economic hardship on South Africa in order to get them to change the policy of apartheid and try to convince our colleagues that there will never be any reciprocal action by South Africa toward us. I understand that and accept that. But I also believe that if Canada had the willingness and courage to imppose a complete prohibition on these items, that if other nations around the globe do the same, including ourselves, it will have a very signficant impact on South Africa and the policy of apartheid.

Mr. President, I urge the adoption of this amendment.

I tell my colleagues that in the absence of this particular provision, section 303, no matter how well-intended, loses any real meaning at all. In the absence of marketing and exporting language in that particular section, it is a very easy matter indeed for the South Africans to move around it and continue business as usual.

Mr. President, I reserve the remainder of me time.

I suggest the absence of a quorum, and I ask unanimous consent the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 1320

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I yield 10 minutes off the bill to the distinguished Senator from Missouri for a statement on the legislation.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri [Mr. DANFORTH].

Mr. DANFORTH. Mr. President, to Americans, and indeed to people throughout the world, our vote on sanctions against South Africa is symbolic of the stand for or against apartheid. This is an instance in which symbolism eclipses practicality. Sanctions almost certainly will have no practical effect on the racist policies of South Africa, yet it is important for Congress to make a clear statement against racism. Because apartheid is the antithesis of the most cherished moral principles that bind us together as Americans, this Senator has no hesitation at all in voting for sanctions.

To me, the fact that we will be voting against apartheid is vastly more important than the precise form the sanctions take. Indeed, because sanctions are of more symbolic than pratical consequence, I regret the bickering that has gone on about the details of the sanction package. This bickering seems to me an example of senatorial one-upmanship which obscures what should be a clear consensus against apartheid. At this point, the strongest statement we could make would be an overwhelming vote for the bill reported by the Foreign Relations Committee without long preliminary quibbling about the fine points of the legislation.

Our message should be simple and clear, not complex and obscure: In the eyes of our country, the Republic of South Africa is an international pariah.

Economic sanctions are the symbol we have chosen for our statement against apartheid. That is where we are in this debate. We are past the point of selecting other symbols, though to my mind they would have been preferable. We could have downgraded diplomatic relations with South Africa; we could have further limited the participation of South African athletes in our own sports events; we could have prohibited cultural exchanges between our countries; or we could have invited the leaders of South Africa's black, colored, and Asian community to the United States to meet with the President and Members of Congress. Instead, we selected economic sanctions as our symbol. I regret that selection, and I am concerned that economic sanctions have become the standard for symbolic statements against other countries.

This is not the first time America has used economic sanctions in order to make statements against the actions of others. When the Soviet Union invaded Afghanistan, we imposed a grain embargo. As a result, the Soviets still occupy Afghanistan while American farmers have lost world markets. Similarly, more than two decades of sanctions have not persuaded Cuba to remove its troops from Angola. Nor have sanctions mended the ways of Qadhafi in Libya or Khomeini in Iran.

The repeated failure of sanctions has not dampened the ardor of their advocates. Last Saturday, the Senator from New York [Mr. MOYNIHAN] argued quite forcefully for an end to subsidized sales or transfers of goods to totalitarian countries. A number of Senators have suggested that we suspend most-favored-nation status with Romania on the ground that that country practices religious persecution against its citizens.

Perhaps other Senators have better memory than I. I can recall no instance in which economic sanctions have brought about their intended results. I can recall occasions when they have backfired against our own people.

I cannot conceive of South Africa repenting of its racist policies because we impose sanctions. I can predict black South Africans losing jobs and opportunities in consequence of our actions. I can conceive that compromise and reconciliation in that sad country will be made more difficult as the various parties have to divide a shrinking rather than growing economic pie.

In sum, I do not agree with those who believe economic sanctions to be a useful tool of American policy. I do not think that sanctions against South Africa should be a precedent to use against other reprehensible regimes. I regret that sanctions have become symbolic of a strong stand against apartheid.

Yet, sanctions are the symbol we have chosen in this case, and we who wish to take our stand against apartheid have no choice but to vote for their imposition.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. LUGAR. I ask unanimous consent that it be equally divided on this amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

□ 1330

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I yield as much time on the amendment to the distinguished majority leader as he may desire.

Mr. DOLE. Mr. President, I thank the distinguished manager of the bill, the Senator from Indiana, Senator LUGAR.

First of all, I am very pleased that we are more or less on schedule on the week's work. At the outset, when we were talking about DOD authorization, Contra aid, and South Africa 2 weeks ago, there was some doubt in my mind, and I assume in many Senators' minds on either side of the aisle, that we were going to complete action on all three.

I believe, with the passage of the Contra aid measure last evening and with what I consider rapid progress being made on South Africa, with some good judgment and a little luck, we might even complete action on this bill much earlier than expected, maybe even this evening, which would leave us tomorrow with a debt ceiling extension and a few other things to wrap up, hopefully, by midafternoon.

Now that is the hope. It may not be a reality, but maybe we could even take up—no, we will not take that up. But maybe we could take up other matters.

But I want to address briefly the amendment that is pending and the one area I am concerned about. I understand the Senator from Connnecticut is also concerned and will be modifying his amendment.

But I wanted to indicate that, as is, I would oppose the Dodd amendment because I believe the Foreign Relations Committee has carefully crafted this bill. It would seem to me that, when we talk about the particular provision Senator DODD has offered, parastatal trading companies are in a totally different category. They market goods for a very large number of private companies, including most agricultural products. Many of the companies which use parastatal exporting companies to get their goods to market are small and they are black owned.

So passage of this amendment would not, in my opinion, be an attack on apartheid. Instead, it would be an assault on private enterprise and especially an assault on small business and agriculture in South Africa, and black-owned business in South Africa.

I would also note two other points. It would dramatically increase the economic impact on this bill. This is not just a technical amendment or a modest extension of the scope of the bill. It would mean about 60 percent of all exports from South Africa would be banned. And, I guess, particularly in the agriculture area, if we wanted to impose a trade embargo, then we ought to impose a trade embargo openly.

So I hope that there can be some modification of the amendment. I know it had been discussed when I was not on the floor, and I apologize for holding up the Senate. I do appreciate the concern that I understand the Senator from Connecticut has expressed and will express.

Mr. DODD. Mr. President, if my good friend, the majority leader, will yield, I appreciate his kind comments.

We are taking into consideration his concerns and the concerns of others in regard to the agriculture community there and working on a modification which hopefully will be satisfactory to him and which would exempt agricultural products for a period of 12 months before anything would happen in that regard. There would be no ban on those for the 12-month period after the date of enactment.

We are working on some language which I would then offer as a modification to my own amendment. If that is acceptable, then possibly we could avoid a rollcall vote on this.

Mr. President, I send a modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The modification requires unanimous consent.

Mr. DODD. I ask unanimous consent that the modification be accepted.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment is so modified.

The modification reads as follows:

On page 69, line 26, strike "or" and add after the word "by" the following: ", marketed, or otherwise exported by."

On page 70, line 2, after the comma, add the following: "(1) except for agricultural products during the 12 month period from the date of enactment; and (2)".

Mr. DODD. Mr. President, very simply, as I mentioned a moment ago in response to the majority leader, I understand his concerns and the concerns of others about the agricultural community with the immediate impact of this amendment if it were adopted in its original form. Obviously, to try to accommodate those concerns, the modification is as I have described it.

The modification would delay the impact of my amendment as it relates to agricultural commodities for a 12-month period following enactment of the legislation.

Mr. President, I hope that is acceptable to my colleagues. If it is, we may be able to accept the amendment.

I reserve the balance of my time.

Mr. LUGAR. Mr. President, I rise to support the amendment as modified by the distinguished Senator from Connecticut. The distinguished majority leader has pointed out some very considerable problems with this marketing aspect. But they are substantially mitigated by putting the agriculture situation into the same area as 1 year of delay, which the President, at that point, if apartheid has not been stopped by the South African Government, could take other action and that would be among them, as I understand the modification.

Clearly, there are difficulties in increasing the trading sanctions, and this amendment does that.

□ 1340

On the other hand, it appears to me that the modification takes care of a number of opposition factors. For that reason, I urge that the Senators on our side accept the amendment.

Mr. DODD. Mr. President, if the chairman will yield, I appreciate his comments on that.

As I intended, the ban on parastatals would go into effect immediately upon enactment, with the exception of a ban on agricultural products. If and when it would occur, it would occur within 12 months after enactment.

I appreciate his support of the modification.

Mr. DOLE. Mr. President, I will add one word.

I think this same provision reads so that some of us from the farm States, we hope we have made it clear with our record, are opposed to apartheid and are not willing to go along with the sort of nonpunitive sanctions. As I understand, the Australian Government tried this same approach. The end result was, it had no impact on apartheid. It hurt small black-owned businesses exporting to Australia, and it led to South African retaliation in the form of a de facto termination of grain purchases. So they kept apartheid, and they got all the grain they needed. They just got it from other sources. So I believe that the modification improves the amendment.

I thank the distinguished Senator from Connecticut.

Mr. DODD. Mr. President, I yield back the balance of my time.

Mr. LUGAR. I yield back our time.

The PRESIDING OFFICER (Mr. DENTON). Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Connecticut.

The amendment (No. 2733), as modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2734

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator form North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me.

Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself, Mr. DOLE, Mr. BOSCHWITZ, Mr. MCCLURE, Mr. DENTON, Mr. WALLOP, Mr. THURMOND, Mr. PRESSLER, Mr.

SYMMS, Mr. HECHT, and Mr. GRAMM, proposes an amendment numbered 2734.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 53, after line 24, add the following new section:

"POLICY TOWARD THE AFRICAN NATIONAL CONGRESS, ETC.

"SEC. 102 (a) United States policy toward the African National Congress, the Pan African Congress, and their affiliates shall be designed to bring about a suspension of violence that will lead to the start of negotiations designed to bring about a nonracial and genuine democracy in South Africa.

"(b) The United States shall work toward this goal by encouraging the African National Congress and the Pan African Congress, and their affiliates, to—

"(1) suspend terrorist activities so that negotiations with the Government of South Africa and other groups representing black South Africans will be possible;

"(2) make known their commitment to a free and democratic post-apartheid South Africa;

"(3) agree to enter into negotations with the South African Government and other groups representing black South Africans for the peaceful solution of the problems of South Africa;

"(4) reexamine their ties to the South African Communist Party

"(c) The United States will encourage the actions set forth in subsection (b) through political and diplomatic measures. The United States will adjust its actions toward the Government of South Africa not only to reflect progress or lack of progress made by the Government of South Africa in meeting the goals set forth in subsection 101(a) but also to reflect progress or lack of progress made by the ANC and other organizations in meeting the goals set forth in subsection (a) of this section."

On page 55, line 5, strike the semi-colon and insert in lieu thereof "and (B) to the families of those killed by terrorist acts such as 'necklacings';"

On page 55, between lines 14 and 15, insert the following new subsection:

"(7) supporting the rights of all South Africans to be free of terrorist attacks by setting a time limit after which the United States will pursue diplomatic and political measures against those promoting terrorism and against those countries harboring such groups so as to achieve the objectives of this Act.

On page 55, line 17, strike 103 and insert in lieu thereof "104";

On page 55, line 20, after the word, "rights,", insert the words, "an end to cross-border terrorism.";

On page 56, line 18, strike the word, "and";

On page 56, between lines 18 and 19, insert the following new subsection"

"(6) encouraging, and when necessary, strongly demanding that all countries of the region take effective action to end cross-border terrorism; and"

On page 56, line 19, strike "6" and insert in lieu thereof "7";

On page 56, line 25, strike "104" and insert in lieu thereof "105";

On page 57, line 5, strike "105" and insert in lieu thereof "106";

On page 57, line 14, add the following new sentence:

"The United States also recognizes that some of the organization is fighting apartheid have become infiltrated by Communists and that Communists serve on the governing boards of such organizations."

On page 59, line 3, after the word, "to", insert the following words, "suspend terrorism and to";

On page 59, line 15, strike "106" and insert in lieu thereof "107";

On page 59, line 17, strike the semi-colon and insert in lieu thereof "and to the suspension of terrorism in South Africa;";

On page 61, line 4, add the following new sentence:

"None of the funds authorized by this section or appropriated thereunder, can be used to finance education, training, scholarships or further study for any South African who has engaged in terrorist activities.";

On page 62, after line 24, insert the following new subsection:

"(g) Of the funds made available to carry out subsection (e) (2) (A) for each fiscal year, $175,000 shall be used for direct assistance to families of victims of violence such as 'necklacing' and other such inhumane acts. An additional $175,000 shall be made available to black groups in South Africa which are actively working toward a multiracial solution to the sharing of political power in that country through nonviolent, constructive means.";

On page 70, line 8, strike the period and insert in lieu thereof,", but does not mean a corporation or partnership which previously received start-up assistance from the South African Industrial Development Corporation but which is now privately owned.";

On page 79, between lines 13 and 14, add the following:

"(c) It is the policy of the United States to support the negotiations with the representatives of all communities as envisioned in this Act. If the South African Government agrees to enter into negotiations without preconditions, and the African National Congress, the Pan African Congress, or their affiliates, or other organizations, refuse to participate; or if the African National Congress, the Pan African Congress or other organizations—

"(1) refuse to abandon violence during such negotiations; and

"(2) refuse to commit themselves to a free and democratic post-apartheid South Africa under a code of law,

then the United States will support negotiations which do not include these organizations.

"POLICY TOWARD VIOLENCE OR TERRORISM

"SEC. . (a) United States policy toward violence in South Africa shall be designed to bring about an immediate end to such violence and to promote negotiations concluding with a removal of the sytem of apartheid and the establishment of a non-racial democracy in South Africa.

"(b) The United States shall work toward this goal by diplomatic and other measures designed to isolate those who promote terrorist attacks on unarmed civilians or those who provide assistance to individuals or groups promoting such activities.

"(c) The Congress declares that—

"(1) the abhorrent practice of 'necklacing' and other equally inhumane acts which have been practices in South Africa by blacks against fellow blacks; and

"(2) the fear of life, limb, and property instilled by the radical 'comrades' in the moderate blacks in South Africa so that they are intimidated to take part in strikes and boycotts they might otherwise not join, to refuse to pay lawfully due rents, to refrain from preventing their children from taking part in violent demonstrations, and generally to acquiesce to the demands to terrorists are an affront to all throughout the world who value the rights of individuals to live in an atmosphere free of fear of violent reprisals."

On page 87, after line 25, insert the following new section:

"REPORT ON COMMUNIST ACTIVITIES IN SOUTH AFRICA

"SEC. 508. (a) Not later then 90 days after the date of enactment of his Act, the President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate an unclassified version of a report, prepared with the assistance of the director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the National Security Advisor, and other relevant United States Government officials in the intelligence community, which shall set forth the activities of the Communist Party in South Africa, the extent to which Communists have infiltrated the many black and nonwhite South African organizations engaged in the fight against the apartheid system, and the extent to which any such Communist infiltration or influence sets the policies and goals of the organizations with which they are involved.

"(b) At the same time the unclassified report in section (a) is transmitted as set forth in that subsection, a classified version of the same report shall be transmitted to the chairmen of the Select Committee on Intelligence of the Senate and of the Permanenent Select Committee on Intelligence of the House of Representatives.".

Mr. HELMS. I thank the Chair.

Mr. President, two points I would make at the outset: First, that this amendment is cosponsored by the distinguished majority leader, Mr. DOLE, and Mr. BOSCHWITZ, Mr. MCCLURE, Mr. DENTON, Mr. WALLOP, Mr. THURMOND, Mr. PRESSLER, Mr. SYMMS, Mr. HECHT, and Mr. GRAMM.

The second point is that I have prepared and have on the list specified by the controlling unanimous consent agreement a total of 15 amendments, including the pending one. This is a fair amendment. It is a logical and sensible amendment which is why it will probably create some controversy among certain Senators. But if this amendment is accepted, or approved by a vote, then I do not propose to offer any of the remainder of my 14 amendments.

I think many other Senators would likewise be predisposed not to offer amendments which would mean that we could conclude the issue of proposed sanctions on South Africa in a fairly short period. But we will see. We will see what the good faith is, or is not, and proceed from there.

Mr. President, the cosponsors of this amendment and I are concerned that

the whole emphasis of the bill as it now stands is to stress the responsibilities and goals which we expect the Government of South Africa to adopt. With all due respect to those who favor self-defeating sanctions, they appear to overlook the fact that there must be two sides to any negotiation, and that neither side is wholly right and neither side is wholly wrong. Unless we recognize that, all of the posturing, semantics, and political rhetoric will be for naught.

It might be good politics for some to handle it that way. But this Senator and the cosponsors of the amendment feel that negotiations must have two sides.

In my own judgment, it is tactically wrong to impose sanctions whose burden falls only on one party to the negotiations. There are some who feel that that one party is so grievously in the wrong that it will just have to make all of the concessions—even those who feel that way should pause to think pratically about what we say we want to accomplish.

If we just want to rub South Africa's nose in it, if we want to play politics, let's just continue to be the one-sided thing that it is. I reject that, and will have no part of it. But if we are genuine in wanting to help the people of South Africa—I am talking about the whites and the blacks—then we will set it up so that there can be some real negotiations and some real progress.

The first goal is to move the South African Government to accept peaceful change, not to exact vengeance or retribution upon them. Therefore, from a psychological standpoint, the bill must be evenhanded. The bill must recognize the fears which exist in the South African Government itself, and among an enormous percentage of the people who are unheard from in the media accounts from South Africa.

Mr. President, the point is this: We must not make it appear that we are requiring South Africans to surrender abjectly because this is precisely the surest way to assure a bloody resistance.

The second goals is to move the various elements of the black groups to accept the goals of peaceful change. I believe that the overwhelming majority of blacks earnestly desire peaceful change. But there are elements of the leadership of some of the blacks which are seeking upheaval and bloody revolution, not for the purpose of establishing a free nation under God and under law but to establish a new totalitarian system. All South Africans, black and white, have a moral duty to resist all those who seek to impose a totalitarian system upon their country.

The blacks as well as the whites fear those black leaders who have adopted terrorism as a method and communism as a goal. Therefore, this Senator believes it should be the policy of the United States to offer its support to those blacks who want peaceful change, and who want a country based on freedom and law. We should not foolishly try to force South Africa to accept those who will not abandon terrorism during the negotiating period.

Mr. President, this amendment would assure a more even-handed approach to the present situation in South Africa, and which would make clear that while the South African Government bears the major responsibility for changes in the political situation there, and for eliminating the last vestiges of the apartheid system, organizations such as the African National Congress also have responsibilities in helping to bring about a genuine, nonracial democracy in South Africa.

Democracy cannot be born in an environment of terrorism directed against innocent citizens, black and white, but that is precisely what is going on there today. What is happening is that a tightly-organized minority within the black community is attempting to bully their way to leadership and control by adopting terrorist tactics against their fellow blacks.

So, Mr. President, that is why we must call upon the elements in the African National Congress, and other groups which have adopted terrorism as a policy, to abandon terrorism so that negotiations for peace and freedom can take place realistically. The cosponsors of this amendment and I do not feel that the U.S. Congress has sufficiently focused on the responsibilities of these organizations nor on what U.S. policy should be toward them.

Therefore, Mr. President the pending amendment would declare that it is the policy of the United States to support negotiations with the representatives of all communities as envisioned in the act. It states further that if the South African Government agrees to enter into negotiations without preconditions as envisioned in the act, and if the African National Congress, the Pan-African Congress or other organizations refuse to participate, then those negotiations cannot be vetoed by these parties staying away. In other words, if the act achieves its aim—that is to say, to get South Africa to the bargaining table without preconditions—then the ANC cannot undercut the purposes of the act. It is as simple as that.

□ 1350

Second, the amendment declares that if the ANC, the African National Congress, or any other organization, refuses to abandon violence during the negotiation, and if they refuse to commit themselves to a free and democratic government in South Africa, then the United States will have negotiations excluding those organizations.

Why should they be included?

In short, this amendment offers a bargain to the South Africans. If they keep their end of the bargain, then the ANC and others must agree to participate. They cannot veto good-faith negotiations through violence. They must agree to abandon violence and terrorism during negotiations, and they must agree to commit themselves to a free and democratic post-apartheid South Africa.

The amendment states that the United States will adjust its actions towards the Government of South Africa not only by that government's actions, but by the actions of the ANC in this regard. It supports the rights of all South Africans to be free of terrorist attack, and it strongly demands that all countries of the region take effective action to end cross-border terrorism.

It also makes funds available, by the way, to the victims of necklacing and to their families, and to support groups which are actively working toward a multiracial solution to the sharing of political power through nonviolent means.

Finally, it calls for the President of the United States to make a report to Congress on Communist activities in South Africa.

That point, Mr. President, brings up the underlying flaw in the bill as a whole.

I. A QUESTION OF INTENT

"The power is in our hand—we have people's power. . . . With our necklaces we shall liberate this country."—Winnie Mandela, Washington Post, April 14, 1986.

In American jurisprudence, the term "intent" is not interpreted to mean the psychological or cognitive state of the accused at the time before the act was performed. Rather, it refers to the formal circumstances of the action, and the consequences which might reasonably have been foreseen, If a foreseeable result flows naturally from certain actions, a court usually presumes that such a result was intended.

With this precise definition of "intent" in mind, it is no exaggeration to say that the intent of S. 2701, as reported by the Foreign Relations Committee, is to recognize the Communist movement of South Africa as the legitimate, nay, preferred successor to the present Government of South Africa.

This is not to say that any member of the Foreign Relations Committee who voted to report S. 2701 consciously desired to give preference to a Communist Government in South Africa. But what it does mean is that the bill itself gives preference in almost every respect only to those opponents of the Government and those groups that are deeply committed to the Commu-

nist Party of South Africa, an organization funded and controlled by the Soviet Union. The non-Communist leaders of the blacks and nonwhites are treated as though they do not exist.

Thus the preference is given by name to those groups and personalities which have adopted terrorism against innocent men, women, and children as their preferred method of liberation, and communism as the vision of democracy which they intend to install. Although the bill, as an empty ritual, makes a few passing references to "the establishment of a nonracial, democratic form of government," the key beneficiaries under the bill are precisely those who define democracy in Marxist-Leninist terms.

Nowhere does the bill exclude totalitarian groups, or groups which support terrorism. It is one thing to state a preference on behalf of an organized rebellion, or an insurrectionary group. Under international law, such groups are defined as those which carry on military activities against the security forces of the ruling power. Support for such groups is usually given on a case-by-case basis, and is limited in international law to urging negotiations between the group and the rebels, or granting asylum to rebels who flee to another country.

But when rebels or insurrectionists attack the civilian population, and commit atrocities in order to disrupt civil order, they become outlaws. They go beyond the limits of the moral order, and they forfeit any sympathy or understanding. Indeed, the international community has an obligation to join together to uproot and destroy any movements which adopt such methods, no matter how lofty the stated goals.

The fundamental flaw of S. 2701 is that its whole purpose is to force the South African Government to legitimize and negotiate a transfer of power to the Communist and terrorist movements which espouse these methods. No legislation which is not balanced, just, and constructive can hope to avert the impending disaster in South Africa. This bill fails on all three counts.

II. THE LANGUAGE OF SECTION 101

"Life in the townships is no longer like it was before . . . Here collaborators and informers live in fear of petrol, either as petrol bombs being hurled at their homes and reducing them to rack and ruin, or as petrol dousing their treacherous bodies which are set alight and burned to a charred and despicable mess. Lucrative it still is to sell out, but it carries the immediate hazard of having one's flesh and bones being reduced to unidentifiable ashes."—Cassius Mandela, in the official ANC publication Sechaba, published in East Germany.

In section 101, the bill calls for the Government of South Africa to "release Nelson Mandela, Govan Mbeki, Walter Sisulu, black trade union leaders, and all political prisoners."

NELSON MANDELA

Nelson Mandela was convicted in 1964 of: first, conspiracy to commit acts of violence—bombings, et cetera—and second, seeking to overthrow violently the South African Government.

Mandela pleaded guilty to the charges in the Transvaal Supreme Court, stating as his defense the illegitimacy of the South African Government. He refused to appeal the decision because he had already pleaded guilty as charged, and he was proud of being guilty. He was sentenced to life imprisonment.

Because he pleaded guilty, Mandela is not considered "a prisoner of conscience" by human rights groups such as Amnesty International.

Nine others sentenced at the same time were released about 6 months ago when they renounced the use of violence. Mandela has steadfastly refused to renounce the use of violence.

When Mandela was arrested, he had in his hand a 23-page document written in his own handwriting, entitled "How to be a good Communist." Mandela admitted that he wrote the document, which includes the following passage:

In our own country, the struggles of the oppressed people are guided by the South African Communist Party and inspired by its policies. The aim of the SACP is to defeat the Nationalist Government and to free the people of South Africa from the evils of racial discrimination and exploitation and to build a classless or Socialist society in which the mills and factories will be owned by the State.

Under a Communist Party Government, South Africa will become a land of milk and honey.

Mr. President, I ask unanimous consent that the complete text of Mandela's essay be printed in the RECORD at the conclusion of my remarks.

(See exhibit 1.)

The PRESIDING OFFICER. Without objection, it is so ordered.

GOVAN MBEKI

Govan Mbeki, is also in prison as a result of the same conspiracy in which Mandela was involved. According to the CIA, Govan Mbeki is a "South African Communist Party Leader." He is the father of Thabo Mbeki, whom the CIA calls one of the most visible officials in the ANC.

WALTER SISULU

Walter Sisulu is another member of the conspiracy to overthrow the South African Government, and a leader of the ANC. Like the others, he has been offered his freedom if he renounces the use of violence, but he refuses to accept on these terms.

Section 101 also calls upon South Africa to "permit the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise particpate in the political process." What would be unexceptional in the context of United States politics becomes very dangerous in the South African context, for this policy statement does not exclude totalitarian and Communist parties. Whereas in the United States, the Communist Party of the United States is only a token representative of subversive forces, in South Africa, the Communists are committed to the violent overthrow of law and order—in other words they are dedicated to the goal of making democratic transition impossible. When you have so-called "political parties" that express themselves by burning old women, young children, and innocent bystanders, the structure of law has to exclude their legitimacy. By mandating that all parties be included, without exception, S. 2701 is fatally flawed.

Section 102 provides that so-called "victims of apartheid" will be provided assistance "without discrimination by race, color, sex, religious belief, or political orientation." The inclusion of th phrase "political orientation" means that the U.S. taxpayers will be financing the education of terrorists and Communists.

It is especially significant that the bill fails to set up a framework which would specifically include well-known black leaders such as Bishop Isaac P.B. Mokoena, the presiding leader of 4.5 million black Christians, or KwaZulu Chief Minister Butelezi, leader of 7 million Zulus. The bill's constant reference to "political" leaders and "political" parties do not fit the categories of leadership in Africa, where "politics" is a superficial and meaningless concept in the tribal and religious environment. This bias against the traditional, deeply rooted structures of society can only result in revolutionary chaos and injustice.

III. COMMUNIST CONTROL OF THE ANC

The ANC invariable stresses that the socialist countries and all democratic, progressive forces which help the oppressed masses of South Africa in their struggle against imperialist pressure from abroad, are friends that we can rely on. This struggle is part of the overall anti-imperialist struggle. . . . The African National Congress is very active in the worldwide peace movement and in other movements which mobilize the forces of peace in different countries to rebuff imperialist forces.—Alfred Nzo, Secretary General of the ANC, in World Marxist Review.

Section 105 states that "United States policy will seek to promote negotiations among representatives of all citizens of South Africa to determine a future political system that would permit all citizens to be full participants in the governance of their country." Thus U.S. policy is guided directly to a policy of negotiating with the totalitarian groups.

There is no mention whatsoever of nontotalitarian groups, but there is a

specific reference to those groups which have been banned for terrorism and control by the Soviet Union: "The United States recognizes that important and legitimate political parties in South Africa include several organizations that have been banned and will work for the unbanning of such organizations in order to permit legitimate political viewpoints to be represented at such negotiations." There are only four organizations banned in South Africa: The African National Congress, the Pan Africanist Movement, the Black Consciousness Movement—a racist organization which seeks to exclude all whites from South Africa—and the Communist Party of South Africa.

These organizations are referred to in section 104(d)(2) as "the African National Congress, the Pan African (sic) Congress, the Black Consciousness Movement, and all other groups willing to participate in negotiations and a democratic process." It is noteworthy that only one group is omitted from specific mention in the bill, namely, the South African Communist Party, which apparently is considered among the "other groups willing to participate." The Pan Africanist Congress is a Communist group which followed Maoism after the Soviet-Sino split. Thus the bill expends considerable capital upon pressuring for the unbanning of the entire Communist movement in South Africa. As for the African National Congress, there are some who wrongly consider it to be a democratic movement.

Recently I asked William Casey, Director of the Central Intelligence Agency, to declassify the biographies of the Communist members of the Executive Committee of the African National Congress. Mr. Casey complied.

Mr. President, I ask unanimous concent that these biographies be printed in the RECORD at the conclusion of my remarks.

It should be noted that the Communists do not need a majority to dominate an organization, as has been proven all over the world. But in this case, it is clear that the Communists do have a majority. Indeed, other analysts offer even more complete results than the CIA.

It is perhaps inevitable that groups seeking the destruction of the Western society, and seeking to bring about its downfall, would use the resentment and perceived injustice of the less-developed society as instruments of psychological manipulation to destroy the progress that has been made, and to prevent the evolution of a unified society in which Western ideas of culture and economy predominate. But is it inevitable that the West would side with the groups seeking to install a minority government. By a minority government, I mean a Communist government, because that is what a Communist government is: a minority government.

The chief instrument of the Communist movement today in South Africa is the African National Congress. I don't mean that the ANC is led by some idealistic, but fuzzy minded people who are the innocent dupes of the world Communist movement. I mean that the Executive Committee of the ANC is actually composed of Communists, a majority of them being actual members of the Communist Party of South Africa. Yet we are being faced with a vast propaganda campaign from the media, the Marxists, and the State Department to convince America that the ANC is the legitimate heir to rule in South Africa.

Every time that I hear praise for the African National Congress in South Africa as a positive factor and a force to be negotiated with, I wonder why there has been almost no effort to inform the American people as to the real history and aims of the African National Congress.

It is time that the true nature of the African National Congress in South Africa be understood. It is a Communist front controlled by the South African Communist Party, which itself is under the control of the Communist Party of the Soviet Union.

The real question before South Africans, whether black, white, Indian, Cape Coloured, and other minorities, is whether they will have a Communist future or a free future. It is not for the United States nor for the Europeans nor for the Soviet bloc nor anyone else to try to impose solutions upon the people of South Africa. It is for the South Africans to decide how they will fashion constitutional and political solutions for their unique situation in order to promote peace, prosperity, and justice for all citizens.

The fact is that the ANC has been transformed from its original role as established in 1912 as a nationalist, but non-Communist, organization for blacks in South Africa into a front organization for the South African Communist Party. It is widely recognized that the South African Communist Party is a Soviet line orthodox Marxist-Leninist party completely under Moscow's guidance and control.

The South African Communist Party admitted this fundamental point in a recent article in its regularly published journal entitled Umsebenzi. In the issue which appeared as volume 2, No. 1 for 1986, in an article entitled "History of the South African Communist Party," it was pointed out that the 6th Congress of the Communist International, COMINTERN, which occurred in 1928, gave guidance on the relationship between the South African Communist Party and the ANC. The article stated, and I quote, "The South African Communist Party should pay particular attention to the ANC. Our aim should be to transform the ANC into a fighting nationalist revolutionary organization."

The Subcommittee on Security and Terrorism under the able leadership of the distinguished Senator from Alabama [Mr. DENTON] held extensive hearings in March 1982 which documented the Communist penetration and dominance of the ANC organization. During the hearings on S. 2701, Mr. DENTON appeared before the Foreign Relations Committee and delivered eloquent testimony about the findings of his Judiciary Subcommittee.

I commend our distinguished colleague for his determined efforts to inform our colleagues as well as the American people about the real nature of international terrorism. The hearings of the subcommittee to which I just referred appear in two volumes which were published by the subcommittee and I recommend the hearings and the report to Senators who wish to be informed on the matter.

Senator DENTON's hearings revealed that, as of 1982, at least 12 members of the 22 member National Executive Committee of the ANC organization were known members of the South African Communist Party. Seven more members were suspected members of the South African Communist Party. That was in 1982, before the more recent changes which I shall discuss shortly.

Those who were identified by the Senate Security and Terrorism Subcommittee in 1982 as known members of the South African Communist Party were: Yusuf Dadoo, the vice-president of ANC; Alfred Nzo, the secretary general; Dan Tloome, the deputy secretary general; Joe Slovo, the deputy chief of the Umkhonto We Sizwe ("Spear of the Nation," the armed terrorist branch of the ANC); Josiah Jele, director of international affairs; Reginald September; Thabe Mbeki, chief of the political department; Moses Mabhita, secretary general of the South African Communist Party; Stephen Dlamini; Hector Mkula; John Nkadimeng; and Mziwandile Piliso, chief of personnel and security.

Those who identified as suspected members of the South African Communist Party were: Oliver Tambo, president of ANC; Joe Modise, chief of the Umkhonto We Sizwe; Sizakele Sigxashe, director of information and publicity; Henry Makgothi; Jacob Zuma; Andrew Masondo; and Edward Dilinga.

It is quite clear from this analysis that the national executive committee of the ANC was, as of 1982, fully penetrated by the South African Communist Party and that the party had a dominant influence on the organization. There is no excuse for not recog-

nizing this simple fact in light of the extensive testimony presented at the subcommittee's hearings.

However, Mr. President, since 1982 the situation has become even more transparent. The executive committee of the ANC has been enlarged to 30, and there are even more Communists on its rolls.

In June 1985, at Kabwe, Zambia, the Second National Congress of the African National Congress was held and a 30-member National Executive Committee was appointed. According to information made available to my office by the Subcommittee on Security and Terrorism there are 19 members who have been identified as members of the South African Communist Party and there are 6 additional members who are suspected of being members of the South African Communist Party.

Those who have been identified as known members of the South African Communist Party are: Alfred Nzo, the secretary general of ANC; Dan Tloome, deputy secretary general and deputy treasurer general of the ANC; Joe Modise, commander of the Umkhonto we Sizwe; Joe Slovo, deputy chief of the Umkhonto we Sizwe; Reginald September, former London representative of the ANC currently in Zambia; Thabo Mbeki, secretary for publicity; Moses Mabhida, secretary general of the South African Communist Party, decreased March 8, 1986; Stephen Dlamini, president of the South African Congress of Trade Unions; Henry Makgothi, secretary of the education department; Mziwandile Piliso, special aide to Oliver Tambo, president of ANC; Chris Hani, political commissar of the Umkhonto we Sizwe; Pallo Jordan, senior member of the department of information and publicity; Mac Maharaj, member of political and economic committees; Cassius Make, senior commander of the Umkhonto we Sizwe; Francis Meli, editor of Sechaba, the ANC monthly magazine; Anthony Mongalo, ANC representative in East Germany; Aziz Pahad, senior ANC member in London office; and James Stuart, ANC representative in Zambia.

It is quite clear from this information that after the 1985 reorganization of the ANC National Executive Committee it remains fully penetrated and dominated by members of the South African Communist Party.

IV. THE OVERTHROW OF THE SOUTH AFRICAN GOVERNMENT

In the first place our objective is not to work for the regime's abdication but to bring about its revolutionary overthrow. *Umesebenzi*, Vol. 2, No. 2, 1986.

Although there is much pious talk about "power sharing" and a nonracial government, the real aim of the anti-apartheid movement is the violent overthrow of the South African Government, and the institution of a Communist dictatorship based on tribal loyalties. No Senator who supports S. 2107 can be said to support such an aim. But the thrust of S. 2107 is to bring that about.

The African realities are that the most significant sociological fact is the tribal organization. In country after country, after a Communist takeover, the regime in power has sought to consolidate its power by eliminating all opponents, not based just upon political beliefs, but upon tribal distinctions. These aims are brought about by intimidation of political opponents, wholesale slaughter, removals of whole populations to concentration camps or to areas which cannot support life, and politically induced famine and starvation.

It is a disturbing fact to African observers to note that Marxism and tribalism are a dangerous and tragic mix.

In Ethiopia, for example, 300,000 died in a politically manipulated famine, and 5 million more had their lives changed through deprivation and forced removals.

In Mozambique, 200,000 have died, and on May 1, Samora Machel called for 200,000 more to be put into concentration camps by the end of this year.

In Zimbabwe, Robert Mugabe, whose terriorist guerrillas concentrated on horrible murders of children, women, teachers, and missionaries, has, since taking office in a so-called democratic election, systematically intimidated and dispersed his political opposition. But Mugabe is a Shona, and his chief political opposition comes from the Matabele Tribe, and he has used his army to slaughter between 10,000 and 20,000 Matabele. It was only last July that the United States finally suspended aid—and then not for the murders, but because he insulted the visiting former President of the United States, Jimmy Carter.

Thus it is very disturbing to learn that the majority of blacks on the Communist-dominated executive committee of the ANC are Xhosa, the historic enemies of the Zulus. That is a fact that looms larger in Africa than the political views of the executive committee, but it is no less deadly. Under such circumstances, the remedies proposed in S. 2701 are based upon fantasy.

At the same time, S. 2701 gives no quarter at all to the present Government of South Africa, a country with Western values and Western political traditions, a country that has been trying to come out of its geographic isolation. It was very disppointing that the committee rejected an amendment I offered taking note of the reforms which South Africa has initiated since 1976.

My amendment took note of the significant progress which South Africa has made in dismantling the apartheid system, particularly in undertaking the following actions:

In 1976, for the desegregation of sports and athletic competition, and reforms in the educational system;

In 1977, for partially removing the job reservation system;

In 1978, for allowing 99-year leasehold home ownership for blacks;

In 1979, for recognizing black trade unions, and giving them the right to strike and bargain collectively;

In 1980, for desegregating the leading hotels, restaurants, libraries, and sporting facilities;

In 1981, for accepting the permanence of blacks living in white areas, for abolishing racial wage differentiation in the public sector, for initiation of compulsory education for black children, for opening trade unions to all races, and for convening the racially-mixed President's Council to discuss South Africa's constitutional future;

In 1982, for the President's Council admitting the urgent need for political reform, despite deep divisions in the white political sector; for instituting black self-government at local levels; for putting blacks on government and quasi-government boards such as the Housing Commission and the Prime Minister's Economic Advisory Council;

In 1983, for successfully promoting a referendum which, by a two thirds vote, admitted Coloreds and Indians to Parliament; for its straightforward admission that the homeland policy has been a failure; for eliminating legalized discrimination in employment; for giving blacks the right to vote in local elections; and for abandoning the job reservation system that discriminated against blacks;

In 1984, for adopting the Constitution that abolished the whites-only Parliament; for setting as an urgent goal the achievement of parity in education; for abolition of the restrictions on blacks in the Western Cape;

In 1985, for repealing the Immorality Act; for legalizing racially-mixed marriages; for abolishing forced removals; for opening political parties to all races; for extending freehold land ownership rights for urban blacks; for opening the central business districts to businessmen of all races; for setting as a goal one citizenship for all South Africans; for declaring that the reincorporation of the homelands in a united South Africa was a negotiable item; for appointing Colored and Indian Cabinet Ministers; for declaring that public services are to be staffed according to merit; for publicly announcing a commitment to powersharing with blacks; for meeting with Natal Province leaders to discuss multiracial government; for offering amnesty to Nelson Mandela on condition that he renounce violence; for granting the right to own land to South Africans of all races; for promising negotiations with black leaders; for desegregating all universities; for the repeal of all references to race and color in immigration laws; for creating a climate of opinion in which 75 percent of all whites in a nationwide poll said they would accept some form of power sharing with blacks;

In 1986, for abolishing the Pass Laws; for amending and/or repealing the Influx Control Act and 34 related laws; for abolition of the all-white Provincial Councils; for the formation of multi-racial Regional Services Councils; for repealing the Separate Amenities act; for increasing government expenditures on black education seven times over

the level of 1979; for introducing legislation to enable homeland blacks to regain South African citizenship; for appointing blacks, Coloreds, and Indians as members of Executive Councils in previously all-white provincial governments; and for the institution of a National Statutory Council to begin discussion with blacks on a new Constitution."

The fact is that the system of apartheid has been totally abolished under law, with the single exception of residential segregation. What remains to be negotiated is not apartheid, but very, very fundamental issues of how to protect the rights of all groups through a system of checks and balances.

There has never been a democratic transfer of power in Africa after the first election in the transition period. The rule in Africa is one man, one vote, one time. The Government of South Africa knows that it cannot, in justice to black and white alike, surrender to the kind of intimidation that seeks to achieve that kind of transfer—whether it comes from internal Communists, or from the supposedly advanced industrial nations of the West. Democracy is a necessary component, but only one component of a stable and just society. Unless we draft our sanctions bill with wisdom and justice, the people of South Africa, and all of Africa, face the bleakness of a Communist future.

EXHIBIT 1

ANNEX I—HOW TO BE A GOOD COMMUNIST

(By Nelson Mandela)

INTRODUCTION

A Communist is a member of the Communist Party who understands and accepts the theory and practice of Marxism-Leninism as explained by Marx, Engels, Lenin and Stalin and who subjects himself to the discipline of the Party.

The goal of communism is a classless society based on the principle: from each according to his ability and to each according to his needs.

The aim is to change the present world into a Communist world where there will be no exploiters and exploited, no oppressor and oppressed, no rich and poor Communists fight for a world where there will be no unemployment, no poverty and starvation, disease and ignorance. In such a world there will be no capitalists, no imperialists, no fascists. There will be neither colonies nor wars.

In our own country, the struggles of the oppressed people are guided by the South African Communist Party and inspired by its policies. The aim of the S.A.C.P. is to defeat the Nationalist Government and to free the people of South Africa from the evils of racial discrimination and exploitation and to build a classless or Socialist Society in which the land, the mines, the mills and factories will be owned by the state.

Under a Communist Party Government, South Africa will become a land of milk and honey. Political, economic and social rights will cease to be enjoyed by whites only. They will be shared equally by whites and non-whites. There will be enough land and houses for all. There will be no unemployment, starvation and disease. Workers will earn decent wages; transport will be cheap and education free. There will be no pass laws, no influx control, no police raids for passes and poll tax and Africans, Europeans, Coloureds and Indians will live in racial peace and perfect equality.

The victory of Socialism in the U.S.S.R., in the People's Republic of China, in Bulgaria, Czechoslovakia, Hungary, Poland and Romania, where the living conditions of the people were in many respects similar and even worse than ours, proves that we too can achieve this important goal.

Communists everywhere fight to destroy capitalist society and to replace it with Socialism, where the masses of the Common people, irrespective of race or colour, will live in complete equality, freedom and happiness. They seek to revolutionise society and are thus called revolutionaries. Those who support capitalism with its class divisions and other evils, and who oppose our just struggles to end oppression and exploitation are called counter-revolutionaries.

Comrade Liu Shao-chi, member of the Central Committee of the Communist Party of China, says:

"We Communist Party members are the most advanced revolutionaries in modern history and are the contemporary fighting and driving force in changing society and the world. Revolutionaries exist because of counter-revolutionaries still exist. Therefore, to conduct a ceaseless struggle against the counter-revolutionaries constitutes an essential condition for the existence and development of revolutionaries. If they fail to carry on such a struggle, they cannot be called revolutionaries and still less can they advance and develop. It is in the course of this ceaseless struggle against the Counter-revolutionaries that Communist Party members change society, change the world and at the same time change themselves."

To succeed in conducting a ceaseless struggle against the counter-revolutionaries, and to be able to play the vital role of being the most advanced revolutionary and driving force in changing society and the world, one must put all else aside and seriously and faithfully undertake self-cultivation.

1. The process of self-cultivation

The process of self-cultivation involves two elements:

(a) One's steeling in the practical struggles of the oppressed people, and

(b) The cultivation of one's ideas.

(a) One's schooling in the practical struggles of the oppressed people.—To become the most advanced Communist revolutionary, it is not enough to understand and accept the theory of Marxism-Leninism. In addition, one must take part in the practical struggles of the people against oppression and exploitation. A person who is isolated from the peoples struggles, an arm-chair politician, however deep his knowledge of Marxist theory might be, is not a Communist revolutionary.

It is only in the course of such practical struggles that one's advancement and development is stimulated; that one acquires the necessary experience to guide the masses of the people in their political battles and the art and skill of being a driving force in changing society and the world. It is precisely for this reason that S.A.C.P. requires its members to participate fully and without reservations in such issues as the anti-pass campaigns, the struggle against Bantu Authorities, against Job Reservation, the Group Areas Act and in all other mass campaigns.

By consistently taking part in such struggles party members, who very often start with no experience whatsoever, gain valuable knowledge, and get hardened for the stern mass struggles that are part and parcel of the life of every communist revolutionary.

(b) The cultivation of one's ideas.—Participation in practical mass struggles does not in itself enable a Party member to raise his revolutionary qualities, nor does it help him to understand the law of the development of society and the laws of the revolution. Progress in one's revolutionary qualities and knowledge of the laws of social development and the laws of the revolution will be achieved by a thorough understanding of the theory of Marxism. It is thus absolutely imperative for all Party members to have to make a serious study of Marxist philosophy and to master it completely. Only in this way will Party members become the most advanced revolutionaries. Only in this way will they advance and develop.

The aim of studying Marxist philosophy is to enable us to direct more effectively revolutionary mass struggles. To put it in a nutshell, Marxism is a guide to action.

Communist Party members must undertake self-cultivation whether they are new members in the Party or old ones, whether they are workers, peasants, businessmen, professional men or intellectuals, and whether they are conducting difficult or easy revolutionary mass campaigns; in victory or defeat.

Finally, self-cultivation must be imaginative and practical, and must be used to eliminate from one's outlook and conduct unhealthy tendencies which local conditions may give rise to.

South Africa is a country where the politically, economically and socially and where Africans, Coloureds and Indians are treated as inferiors. It is a country torn asunder by racial strife and where black and white channistism finds fertile soil in which it thrives and where efforts and appeals for working-class solidarity very often fall on deaf ears.

The pamphlet compiled by the S.A.C.P. to mark the fortieth anniversary of the Communist Party of South Africa, which preceded the S.A.C.P. and which was declared illegal in 1950, correctly points out that, in spite of all the formidable difficulties that faced it, the C.P.S.A. had in existence brought about profound changes in the thinking and political outlook of the oppressed people of South Africa. These achievements are being expanded and further developed by the S.A.C.P., the worthy successor of the C.P.S.A. In spite of these advances, however, there is still the danger that the historical problems and prejudices produced by capitalist society in our country may infiltrate into our Party and influence the political outlook of our Party members.

In cultivating their outlook, our members must consciously strive to remove these particular weaknesses and shortcomings as well.

This is what we mean when we say Party members must undertake self-cultivation.

2. How to become the best pupil of Marx, Engels, Lenin and Stalin

At the beginning of these lectures we defined a Communist as a member of the Communist Party who understands and accepts the theory and practice of Marxism-Leninism as explained by Marx, Engels, Lenin and Stalin.

Any person may become a member of the Communist Party if he accepts the pro-

gramme and constitution of the Party, pays Party membership fees and undertakes tasks given to him in one of the Party's organisations. These are called the minimum qualifications that every Party member must possess. But every one of our members should not be content to be a member of minimum qualifications. He must strive to become a member of Marxism qualifications. Every party member should raise his revolutionary qualities on every respect to the same level as those of Marx, Engels, Lenin and Stalin.

Some says that it is impossible to acquire the great qualities of revolutionary geniuses like Marx, Engels, Lenin and Stalin and that it is impossible to raise our own qualities to the same level as theirs. But as long as Party members work hard and earnestly, never allow themselves to be isolated for one single moment from the day to day struggles of the people and make serious efforts to study Marxist literature, learn from the experiences of other comrades and the masses of the people, and constantly strive to steel and cultivate themselves, they will be perfectly able to raise their qualities to the same level as that of Marx, Engels, Lenin and Stalin.

There are two ways of studying Marxism. One is to learn it by heart and be able to repeat mechanically the information learnt without being able to use this information for the purpose of solving problems.

The second is to try to master the essence, spirit and methods of Marxism. In this second category belongs those comrades who read over and over again Marxist literature, who pay special attention to the concrete conditions existing in the country have they live and draw their own conclusions, their entire activities, their attitude towards other comrades and the masses of the people, and the whole of their lives are guided by the principles of Marxism-Leninism and aimed at one thing—national liberation, the victory of the working class, the liberation of mankind, the success of Communism and nothing else.

To reach this goal calls for a supreme effort and an iron will. It means complete dedication to the struggle for the removal of oppression and exploitation and for life long devotion to the study of Marxism.

3. The aspects and methods of cultivation

Cultivation must be carried on in all aspects in the course of the long and strenuous struggle to free the working class and the masses of the people from capitalist exploitation. Cultivation is needed in studying Marxism and in applying it to answer questions and to solve practical problems, in sharpening one's moral character and behaviour; in hard work and ability to withstand hardship; in preserving the unity of the Party and conducting inner-party struggle; loyalty to the Party and complete dedication to the clause of the Communist revolution.

The life of a Communist revolutionary is no bed of roses. It consists of serious studies in Marxist literature, of hard work and of constant participation in numorous and endless mass struggles. He has no time for worldly pleasures and his whole life is devoted to one thing, and one thing only, the destruction of capitalist society, the removal of all forms of exploitation and the liberation of mankind. A Communist revolutionary always combines theory with practice. He studies for the sole purpose of putting into practice what he has learnt. He regards Marxism as a guide action and takes part fully and without reservation in mass struggles directed by the Party or by other political organisations outside of the Party. In South Africa, a Communist Party member must take part in mass struggles initiated by the S.A.C.P., the Congress Movement, or by other political bodies within the liberation movement.

4. Relation between the study of Marxist-Leninist theory and the ideological cultivation of party members

It is commonly thought that one's intelligence, ability and the study of Marxist text books are in themselves enough to enable one to master the theory and method of Marxism-Leninism.

Nothing could be further from the truth. Dealing with this point Liu-Shao-Chi says: "Marxism-Leninism is the science of the proletarian revolution. It can be thoroughly understood and mastered only by these who fully take the proletarian standpoint and who adopt the ideas of the proletariat as their own. It is impossible for anyone to thoroughly understand and master the Marxist science of the proletariat, only by means of his intellect and strenuous study if he lacks the firm standpoint and pure ideals of the proletariat. This is also an obvious truth. Therefore, in studying the theory and method of Marxism-Leninism today, it is necessary that our study proceeds simultaneously with our ideological cultivation and steeling because without the theory and method of Marxism-Leninism, we should have nothing to guide our thoughts and actions and our ideological cultivation would also be impossible. These two are closely related to each other and are inseperable."

We do need Communist Party members who are highly intelligent and who have ability and who make it their business to have a thorough understanding of Marxist theory. But a working class revolution will be carried out successfully by those Party members who in addition to the characteristics mentioned above, adopt without reservation, the standpoint and ideals of the working class.

Although they may be unable to recite quotations from Marxist text books, experience shows that Party members of working class origin have a keener interest and deeper understanding of Marxism-Leninism than these Party members of student origin, provided it is explained to them in words they understand. In loyalty to the Party, in discipline and in the handling of practical problems, they often prove more correct and more in conformity with the prinicples of Marxist-Leninism than others.

This is so because Party members of working class origin have a firm and pure Communist standpoint and ideals, an objective attitude towards things, and in their minds they have no pre-conceived ideas whatsoever, and no worries about personal problems or about impure matters.

Party members who lack a firm working class outlook, who have the habits and prejudices of other classes and who have personal interests and selfish ideas are not true Communists. As a matter of fact, they very often find that Marxist-Leninist principles will clash with their interacts and they invariably try to distort these principles to suit their own personal interests and prejudices.

Every Communist revolutionary must, therefore, firmly adopt the standpoint and ideology of the working class. Unless he does this, it is not possible for him to understand the universal truth of Marxism-Leninism.

5. The cause of communism is the greatest and most arduous cause in the history of mankind.

On page one of this section we point out that our aim is to change the present world into a Communist world where there will be no exploiters and exploited, no oppressor and oppressed, no rich and poor. We also make the point that the victory of Socialism in the U.S.S.R., in China and other states in Asia and Eastern Europe proves that a Communist world is capable of attainment. Moreover, since the victory of Socialism in the U.S.S.R. in 1917, the Socialist camp has grown to become a world force with a population of more than 1000, million and occupying a third of the globe.

But in spite of this victorious advance, the Communist movement still faces powerful enemies which must be completely crushed and wiped out from the face of the earth before a Communist world can be realised. Without a hard, bitter and long struggle against capitalism and exploitation, there can be no Communist world.

The cause of communism is the greatest cause in the history of mankind because it seeks to remove from society all forms of oppression and exploitation, to liberate mankind and to ensure peace and prosperity to all.

A Communist revolution is different from all other revolutions in history. Whereas in other revolutions the seizure of State power is an end in itself, in a Communist revolution the seizure of State power by the working class is a means to an end, that end being the total removal of all forms of exploitation, the liberation of mankind by building up a classless society.

Every Communist Party member must possess the greatest courage and revolutionary determination and must be prepared to play his part and carry out all political tasks without fear or hesitation.

In the struggle to transform the present world into a Communist world, we must strive consistently to combine theory with practice.

Finally, we must live and develop in reality. In fighting to change the world we must start from the very people in close contact with us. We must thoroughly study our own situation and problems, understand them completely and work out appropriate solutions.

6. The unconditional subordination of the personal interests of a party member to the interests of the party

A Communist Party member must subordinate his personal interests to those of the Party. As the political of the working class, the Communist Party has no interests of its own apart from those of the working class. The Party seeks to destroy capitalist exploitation and to free the working class. Therefore, the subordination of a Party member's personal interests to the Party's interests means subordination to the interests of the working class.

We test a Communist Party member's loyalty to the Party, to the revolution and the Communist cause by the manner in which he absolutely and unconditionally subordinates his interests to those of the Party under all circumstances. To sacrifice one's personal interests and even one's life without the slightest hesitation for the cause of the Party is the highest manifestation of Communist ethics.

In the Party our members should not have personal aims independent of the Party's interests. The desire for personal

power and positions, individual heroism conflict with the interests of the Party and the working class.

A true Communist should possess the following characteristics:

(i) He must possess very good Communist ethics. He can show love and loyalty to all his comrades, revolutionaries and working people, help them unconditionally, treat them with equality and never harm any one of them.

He always tries to do more revolutionary work than others and to fight harder. In times of adversity, he will stand out courageously and unflenchingly and in the face of difficulties he will demonstrate the greatest sense of responsibility.

He is able to resist corruption by riches or hours, to resist tendencies to facilitate in spite of poverty and lowly status and to refuse to yield in spite of threat and force.

(ii) He possesses the greatest courage. He can see his mistakes and shortcomings and has sufficient willpower to correct them. At all times and under all circumstances he speaks the truth and nothing but the truth. He courageously fights for it even when it is temporarily to his disadvantage to do so.

(iii) He has a thorough understanding of the theory and method of Marxism-Leninism. He has an objective attitude.

(iv) He is the most sincere, most candid and happiest of men. Apart from the interest of the Party and of the revolution, he has no personal losses or gains or other things to worry about. He takes care not to do wrong things when he works independently and without supervision and when there is ample opportunity for him to do all kinds of wrong things.

He does not fear criticism from others and he can courageously and sincerely criticise others.

(v) He possesses the highest self-respect and self esteem. For the interest of the Party and of the revolution, he can also be the most lenient, most tolerant and most ready to compromise and he will even endure, if necessary, various forms of humiliation and injustice without feeling hurt or bearing grudges.

The Communist Party represents not only the interests of individual Party members but also the long-range interests of the entire body of workers and the emancipation of mankind. Apart from the interests of the working class and the emancipation of mankind, the Communist Party has no other interests and aims. The Party must not be regarded as a narrow, small group like a guild which seeks only the personal interest of its members. Whoever holds such a view is not a Communist.

A member of our Party is no longer just an ordinary person. He is a conscious vanguard fighter of the working class. He should prove himself a conscious living representative of the interests and ideology of the working class. He should thoroughly merge his personal interests and aims of the Party and the working class.

A Communist revolutionary has his personal interests and the Party should neither eliminate his personality nor prevent personal development, so long as these do not conflict with the interests of the Party.

This is what is meant by the unconditional subordination of the personal interests of a Party member to the interests of the Party.

7. Examples and origin of the various kinds of erroneous ideologies in the party

(i) People who join the Communist Party come from different classes of society, and bring with them various habits and prejudices which often clash with the basic levels of Marxism-Leninism. Because these people do not have a firm and clear cut Communist outlook they very often waver and even desert the Party when they are faced with danger or difficulties.

The party must pay particular attention to the education, steeling and self-cultivation of such comrades, since without them, they can never develop to be true Communists. No Communist Party anywhere in the world limits its members only to those who have a thorough understanding of communism. The Party will admit any person who accepts the programme of the Party and its constitution. By serious study and hard work such comrades can develop into excellent Communists ready to give their lives for the Party and the Communist cause.

(ii) Certain members of the Party still reflect individualism and self-interests in their work. In their attitude and work they place their personal interests above the Party's interests; they worry about personal gains, they use the Party for their own personal interests. They always want special treatment, less work and more pay. They avoid hard work and hardships; and will disapper at the first sign of danger; and yet they will want to share the honours won by their comrades for the Party through sacrifice and hard work.

Individualism frequently expresses itself in unprincipled discussions and disputes, factional struggles and in sectarian tendencies and in undermining Party discipline. A closely related mistake is that of departmentalism in which a comrade sees only partial interests, sees only his part of the work instead of seeing the situation as a whole and of the work of others. It often leads to obstruction and must be avoided.

(iii) Others show council, individual heroism and like to show off. Liu Shao-chi says of these people:

"The first consideration of these people with such ideas is their position in the Party. They like to show off, and want others to flatter them and admire them. They have a personal ambition to become leaders. They take advantage of their abilities and like to claim credit to show off themselves to keep everything in their hands and they are intolerant. They are full of vanity, do not want to bury their heads in hard work and are unwilling to do technical work. They are haughty. When they have made some small achievements they become very arrogant and domineering as if there were no one else like them in the world. They seek to overshadow others and cannot treat others on equal terms, modestly and politely. They are self-conceited and like to lecture others to instruct and boss others. They are always trying to climb above others, and do not accept directions from others, do not learn modestly from others and particularly from the masses, nor do they accept criticism from others. They lie to be "promoted" but cannot stand to be 'demoted.' They can only work in fair weather but in foul. They cannot bear attacks on injustices and are unable to adopt themselves to circumstances. They are not great men capable of asserting themselves when necessary or of keeping in the background when required. They have not yet got rid of their deep-rooted desire for fame and they try to build themselves up into great men and 'heroes' in the Communist cause, and even no scrupples in employing any means for the gratification of such desires. However, when their aims cannot be achieved, when they receive rebuffs or cool treatment from comrades in the Party, there is a possible danger of their wavering. In the minds of such persons, there exists remnants of the ideology of the exploiting classes. They do not understand the greatness of communism, nor do they have the broad vision of a Communist."

A Communist should have none of these shortcomings. Whoever possesses such can never rise to become as great as Lenin. In the Communist Party leaders achieve success through mass support. Mass support is earned by those Party members who have no personal interests as against those of the working class and the Party, who are completely loyal to the Party, who have a high degree of Communist ethics and revolutionary qualities, who strive to master the theory and methods Marxism-Leninism, who have considerable practical ability, who can actually direct Party work, who are not afraid of serious study and hard work, and who become heroes and leaders in the Communist revolution because of the confidence and support they enjoy from the masses of people.

The struggle to change the present world into a Communist world cannot be carried out by one person however hard he may work. It can be carried out successfully only by the planned and combined efforts of millions of people.

Some Party members are contemptuous of technical work within the Party. Such an attitude is incorrect because technical work forms an important part of Party work, and because a Party should be ready and willing to do any work which is important to the Party whether or not he likes such work.

(iv) Other Comrades within the Party reflect the ideology of the exploiting classes. In their Party work and in their relations with other Party members, they behave like landlords, capitalists, imperalists and fascists.

These persons seek to develop themselves by holding down others. They are jealous of those who are more capable. They are not prepared to work under other Comrades and to take instructions. They secretly rejoice when other Comrades fail in their political tasks and their moral standards and conduct. They indulge in gossip and spread false information about their Comrades. They are the characteristics of exploiting classes and are alien to the working class and the Party; they should be exposed wherever they are found.

The working class is entirely different from the exploiting class. It does not exploit others nor does its interests conflict with those of the Party and other workers or exploited masses.

The outlook and thinking of the working class are altogether different from those of the exploiting classes. In dealing with the enemies of the people they are merciless and uncompromising.

But in dealing with their Comrades, they are always inspired by love and desire to assist. They are strict with themselves but lenient towards other Comrades. They are strict and firm on matters of principle and always adopt a frank and serious attitude. This is the outlook of the working class and should be learnt and developed by every Party member.

(v) Some Comrades still have bureaucratic tendencies. They like to run the Party by issuing edicts and directives without consulting Party organisations and without taking into account the views of their comrades. They resent criticisms and are very harsh in

dealing with other Comrades. Such weaknesses are un-Marxist and every Communist should strive to overcome them completely.

Furthermore a Party member should be broadminded and concern himself always with the overall situation when dealing with problems. He should avoid pettiness and unprincipled discussions. He should have a clear and definite standpoint and not be a fence sitter.

Although the Communist Party is the most progressive of all political parties, and although it fights for a society which guarantees happiness and prosperity to millions of people not everything in it is perfect. In spite of the fact that its members are the world's most conscious and progressive revolutionaries, with the highest sense of morality and righteousness, there are still defects in the Party and some of its members do not measure up to the qualifications of a Communist revolutionary.

The explanation for this state of affairs lies in the fact that every Communist Party emerges out of the very society whose evils it seeks to remove. Its members come from the various classes of that society and some of them bring into the Party the habits, prejudicies and outlook on life of the class from which they came. It is precisely for this reason that Communist Party members must undertake self-cultivation. In addition to waging struggles against counter-revolutionary forces, the Party must carry on inner Party struggle against those comrades which are still influenced by the outlook and prejudices of the exploiting classes.

The working class is commonly referred to as the proletariat. The working class can be divided up into the three groups.

(i) The first group is composed of those who completely severed their ties with the capitalist class years ago. This is the core of the working class and are the most loyal and reliable.

(ii) The second group consists of those who only recently came from the non-working class, who came from the peasants, the middle-classes and intelligentsies. They are usually anorehistic and ultra-left.

(iii) The third group is composed of the working class aristocracy, those working class members who are best provided for, who earn high wages and whose economic position is comparatively high. They comprise easily with the enemies of the people, with the capitalistic class.

The attitude towards various erroneous ideologies in the party and inner-party struggle.—Some party members have a pessimistic view on things they see only errors, defects and a future beset with formidable difficulties and dangers. The growing strengths of the Socialist Camp, the powerful influence scerted by our Party in our own country and the certainty of the final victory of communism over capitalism, inspire them with no hope in the future.

Both views are wrong and un-Marxist. A Communist Party member knows that the Communist Party is the most progressive and most revolutionary Party in the world. He has complete confidence in the future and he dedicates his entire career to the cause of communism. In spite of this knowledge he realises most clearly that in our Party there are still various kinds of errors, defects and undesirable things. Furthermore, a Party member clearly understands the origin of these errors and the method to be used in removing them.

The following are the various kinds of attitudes toward undesirable things in the Party:

(i) To enjoy seeing errors and defects in the Party and to magnify them to undermine the Party. This is the attitude of spies and similar elements within the Party.

(ii) Some people consider that the existence of errors and defects in the Party is to their advantage and they deliberately help to spread them and to make use of them. This is the attitude adopted by opportunists and similar elements within the Party.

(iii) To leave these errors and defects undisturbed instead of fighting against them. This is the course followed by those members who have but a weak sense of duty towards the Party and who have bureaucratic tendencies.

(iv) To harbour violent hatred towards errors and defects and toward Party members whose political outlook is incorrect. They believe in bitter struggles among Party members and expel their comrades at the slightest pretext. This is the method used by Party comrades who do not correctly understand the methods of correct mistakes and weaknesses amongst comrades.

All these attitudes are incorrect and dangerous and should be scrupulously avoided by Communists. Our own attitude is as follows:

(i) We first analyse the situation most thoroughly and decide which views are correct and which of them are incorrect and dangerous to the Party. Once we are convinced of the correct opinion we firmly uphold it to the better and no matter how strong the opposition and how influential the individuals who hold the opposite point of view.

(ii) Having carefully analyzed the situation and have decided which is the correct opinion, we then devote our attention to the promotion and development of the correct viewpoint. We never allow ourselves to be influenced by an incorrect point of view.

(iii) Communists are men of action. In promoting and developing the correct viewpoint we also fight actively against all the undesirable things in life. A Party member who is afraid of action and hard struggle, however brilliant he might be, can never be a Communist revolutionary. A Communist must always, and under all circumstances, be ready and willing to conduct an active struggle against all forms of reaction.

(iv) Although a Communist never compromises on questions of principle, he never adopts an inflexable and mechanical attitude in his methods of struggle. The aim is always to reform and educate those comrades who still possess non-Communist tendencies.

(v) The elimination of undesirable tendencies in the Party and the building up of revolutionary qualities in our members enhances the disipline and prestige of the Party. Those Party members who fail to respond to the most patient pursuasion and to efforts to educate and reform them should be expelled from the Party.

As indicated at the very beginning of this series, a Communist is a member of the Communist Party who understands and accepts the theory and practices of Marxism-Leninism as expounded by Marx, Engels, Lenin and Stalin, who subjects himself to the discipline of the Party.

A good Communist is therefore one who:

(i) is a member of the Communist Party, who is absolutely faithful and loyal to the party, who obeys without question all Party rules and regulations and who carries out all instructions issued by the Party,

(ii) has thoroughly studies the works of Marx, Engels, Lenin and Stalin, who understands them clearly and who knows how to carry out their teachings in the struggles of the people to defeat capitalism and all forms of exploitation,

(iii) devotes all his time to one thing, and one thing only, the struggle against capitalism and for a Communist world.

(iv) in their relations with Party comrades are always inspired by love and sincere friendship and the desire to be helpful,

(v) are honest and upright and who are prepared to defend the truth at all times and under all circumstances.

Such is a good Communist.

ANNEX II—BIOGRAPHIES OF SELECTED ANC OFFICIALS

(Prepared by the Central Intelligence Agency and Declassified by Mr. William Casey at the Request of Senator Jesse Helms)

STEPHEN DLAMINI

Stephen Dlamini, president of the South African Congress of Trade Unions (SACTU) and a member of the ANC National Executive Committee, has opposed South Africa's white government for several decades. A communist, he has described his activities against Pretoria as directed not only against the government but also against imperialist powers in general and multinational monopolies.

Dlamini, 73, has been a member of the ANC and the SACTU since the early 1950s. He was convicted in 1964 of antigovernment activities and spent the next six years in prison. Dlamini was elected president of SACTU while in prison. He left South Africa in 1977.

MARTIN (CHRIS) HANI

Chris Hani, a member of the National Executive Committee since 1985, is deputy commander and political commissar of the military wing of the ANC. He has had nearly seven years of military training in the Soviet Union. Hani believes that the only way to change South Africa is through the intensification of the armed struggle. He has accused Pretoria of avoiding serious negotiations in order to "buy time."

Hani served as ANC representative to Lesotho during the early 1980s. While he was in Lesotho, his home there was bombed several times. Hani is about 42 years old.

PALLO JORDAN

A member of the National Executive Committee, Pallo Jordan is director of research in the ANC's Department of Information and Publicity. The South African Government has publicly stated that Jordan, 44, is either a Communist or an active supporter of Communism. He has made several visits to the United States on ANC business.

S.R. (MAC) MAHARAJ

Mac Maharaj, an Indian and longtime member of the South African Communist Party, plays a major role in ANC military and intelligence activities. He also has a hand in the information of the ANC's political strategy; he has been a leading participant in the ANC's recent meetings with delegations of the white South African businessmen, students, and opposition parliamentarians.

Maharaj, who studied law at the University of Natal, has been associated with the ANC and the SACP since at least the mid-1950s. He left South Africa in 1957 for the United Kingdom, where he taught for several years. He joined the Communist Party of Great Britain in the 1950s; and subsequently became a member of its executive com-

mittee. In 1964, Maharaj was convicted of sabotage and of furthering the aims of communism and was imprisoned on Robben Island. Immediately after his release in 1976 he was banned for five years. He fled the country in 1977 and resumed his political activities. He was elected to the ANC's National Executive Committee in 1985. He is 51 years old.

CASSIUS MAKE

Cassius Make, a member of the National Executive Committee, is political commissar of the military wing of the ANC. He is about 45 years old.

HENRY MAKGOTHI

A longtime member of the National Executive Committee, Henry Makgothi is secretary of education of the ANC. (The education department is under the office of the secretary general Alfred Nzo.) He has received training in the Soviet Union. Makgothi has been a member of the ANC since at least the 1970s. Makgothi is 57 years old.

THABO MBEKI

Thabo Mbeki, a member of the National Executive Committee, is one of the most visible officials of the ANC. He is the son of imprisoned ANC and South African Communist Party leader Govan Mbeki. Thabo Mbeki is hostile to many nonblack SACP members, such as Joe Slovo, because he resents their influence in the ANC.

Mbeki left South Africa in 1962 for the United Kingdom, where he attended Sussex University and later became an officer of the ANC's Youth Section. During the 1960's he was associated with the World Federation of Democratic Youths (a Communist-front organization). He held several posts in the ANC during the 1970s, including assignments as a political officer in the military wing and political secretary in the president's office. Mbeki, 44, has two brothers who are also prominent ANC members.

FRANCIS MELI

Francis Meli, a member of the National Executive Committee, is editor of *Sechaba*, an ANC magazine funded and published by the East Germans. The South African Government has publicly stated that he is either a Communist or a supporter of communism. A member of the ANC for more than a decade, he was educated in East Germany. Meli now lives in London and makes frequent trips abroad, including the United States.

JOE MODISE

Joe Modise is a member of the National Executive Committee and the commander of the ANC's military wing. Modise has belonged to the ANC since at least the late 1950s. Before leaving South Africa in 1964 he was involved in political activities in the Johannesburg area. Modise is about 53 years old.

ANTHONY MONGALO

Anthony Mongalo, a member of the National Executive Committee, has been the ANC representative to East Germany since 1978. He previously served as the ANC representative in Italy. Mongalo, 49 has stressed that the "socialist community" has proved itself as an ally of the ANC.

JOHN NKADIMENG

John Nkadimeng, a member of the National Executive Committee, is general secretary of the South African Council of Trade Unions. Nkadimeng is a Communist. He has described the Eastern bloc as the true ally of those struggling for national liberation and economic independence. Nkadimeng, who is now about 60, fled South Africa in 1976. During the late 1970s he served as ANC representative in Swaziland. In 1982 he was reassigned to Mozambique. His son was killed by a car bomb in 1985.

ALFRED NZO

Alfred Nzo, a self-avowed Communist, is the ANC's contact point with the Soviet Union and he frequently visits that country. A longtime member of the National Executive Committee, he has been secretary general of the ANC since 1969.

Nzo worked as a health inspector before joining the ANC in 1957. His subsequent political activism led to his banning in 1959 and detention in 1963. After fleeing South Africa in 1964, he served first as the ANC representative in Cairo (1964–67) and later in New Delhi (1967–69). He is a vice president of the World Peace Council and last year received a Soviet award, the Order of Friendship of Peoples. Nzo is 60 years old.

AZIZ PAHAD

Aziz Pahad has served on the National Executive Committee since 1985. He is one of two committee members who are of Indian ancestry. He also serves on the ANC's Political Secretariat. A South African politcal scientist who writes about the ANC lists Pahad as a possible member of the South Africa Communist Party. Pahad has written articles for the *African Communist*, the SACP publication. He has represented the ANC in London.

MZWANDILE (MZWAI) PILISO

Mzwai Piliso, a longtime member of the National Executive Committee, works out of ANC headquarters in Lusaka. Piliso, a Communist, has been a member of the ANC for more than 30 years. He has a long history of contacts with Communist-front organizations, including the Afro-Asian Peoples' Solidarity Organization. During the 1960s he served as ANC representative in Egypt (sharing the post with Alfred Nzo) and Tanzania. Piliso is 62 years old.

REGINALD SEPTEMBER

Reginald September, a Colored South African, has been a member of the National Executive Committee since 1985. He is a Communist. In 1961 September was jailed in South Africa for organizing a general strike. He went into exile in 1963.

JOE SLOVO

Joe Slovo is a longtime member of the South African Communist and the only white on the National Executive Committee. He plans military strategy for the ANC. Slovo advocates the violent overthrow of the South African Government and has publicly acknowledged his involvement in numerous terrorist actions directed against the white regime. He frequently visits the Soviet Union and strongly supports its position on all issues.

Slovo, a Lithuanian Jew, immigrated to South Africa with his parents in 1935, when he was 9 years old. He was already a Communist when he joined the South African Army in 1944. After serving in Italy and Egypt during the war, he returned home, where he subsequently earned a law degree from the University of Witwatersrand. Associated with the ANC since the late 1940's, Slovo helped draft its Freedom Charter in 1955 and was defense counsel at numerous treason trials during the 1950's. He himself was tried on treason charges in 1960, but he was acquitted. He fled South Africa in 1963. Slovo's wife, Ruth First, a prominent historian and Communist propagandist, was killed by a parcel bomb in 1982. Slovo was elected to the National Executive Committee last year.

JAMES STUART

James Stuart, a Colored South African, has served on the National Executive Committee since 1985. Stuart has long been associated with Communist front groups, including the South African Congress of Trade Unions (affiliated with the Prague-based World Federation of Trade Unions) and the World Peace Council.

Since 1972 Stuart has lived in exile, initially in Zambia and Tanzania. For about five years, he has been the ANC representative in Madagascar. He is 50 years old.

DAN TLOOME

Deputy secretary general of the ANC, Dan Tloome, is a longtime member of the National Executive Committee and a high-ranking official of the South African Communist Party. During the early 1950s Tloome was the editor of the SACP magazine Liberation. In 1961 he was served with a banning order by the South African Government. Three years later he fled to Botswana. Tloome is 65 years old.

Mr. President, I reserve the remainder of my time.

Mr. LUGAR. Mr. President, I yield myself 5 minutes.

Mr. President, I rise in support of the amendment of the distinguished Senator from North Carolina.

The purpose of the amendment, it seems to me, is clear and commendable. It is an amendment that is antiviolence and, in my judgment, it is pronegotiation. It is clearly antiviolence on the face of it.

The Senator in drafting his amendment has indicated the policy of the United States would be to encourage various elements he has identified to proceed without violence. I think all Senators would share that sentiment.

Mr. President, more importantly, the Senator from North Carolina has proposed at least a series of steps to put some general pressure on all groups to come to the negotiating table.

This amendment is important for the balance of this legislation. I say that advisedly because there are many Senators in this body who want to see an end to apartheid, who want to see successful talks, but who are fearful that the bill as it was drafted weighs in too heavily on one side as opposed to the other. It will take both sides coming together to form an agreement, and a degree of pressure in order for that coming together to occur.

The Senator's amendment in my judgment is a very important factor in the success of this legislation.

Let me simply indicate that as we began the debate this morning, the distinguished Senator from Connecticut, Senator WEICKER, spoke to a basic issue. Senator DODD also has spoken on this issue. It is that we are hopeful that if this legislation is to send a strong signal, it will be supported by a very large majority of Senators. I

share in that hope. As a matter of fact, I have tried in the committee hearing and in our markup to fashion legislation that could cause many, many Senators, if not all Senators, to look sympathetically upon this endeavor.

The amendment by the distinguished Senator from North Carolina can be an instrumental factor in bringing about that large majority. So that there will be no doubt in the mind of any Senator about that possibility, let me state that I believe the creation of large majority in itself is a very desirable objective of this amendment and the sentiments it contains.

I would indicate furthermore that I have been pleased, along with members of my staff, to consult with the distinguished Senator from North Carolina about this amendment and various other amendments he has proposed. He has been most forthcoming in helping us draft language which expresses his sincere convictions and does so in a very straightforward way.

I would say that I believe the language he has adopted in this amendment is responsible language. It is direct language. It is understandable language. And it belongs in this bill if we are to speak with near harmony in this body to the Government of South Africa and to all the people of South Africa.

Mr. President, I strongly commend the attention of my colleagues to this amendment. I am hopeful it will have very strong support on our side of the aisle. We are prepared to accept the amendment. I appreciate that there are Senators who wish to be heard on the other side of the aisle and before the debate is concluded we shall see if we can reach some consensus. I am most hopeful we shall do so and do so promptly.

I yield the floor.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I rise in opposition to the amendment. I would ask if someone would yield this Senator 10 minutes in opposition to the amendment.

Mr. LUGAR. Mr. President, I ask unanimous consent that I be allowed to yield on behalf of the opposition to the amendment 10 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I rise in opposition to the amendment, principally on the basis that it tries to equate the violence and the hurt imposed by apartheid with the activities of resistance by those to whom the hurts are being done.

Let us get some things straight which have been bandied about, not only by the introduction of this amendment, but by statements made by others in our Government who keep on referring to the African National Congress and the fact that it is Communist-dominated.

That is just not so. That is not my opinion. That is the opinion of the Eminent Persons Group.

Are there Communists in the movement? The answer is yes.

I want to read the following, which is from the Eminent Persons Group who visited Nelson Mandela in prison this year.

MANDELA ON COMMUNISM

When the Commonwealth Eminent Persons Group visited Nelson Mandela in prison this year, the members of the delegation were struck by "the consistency of his views," and said that he told them his "principles were unchanged from those to which he subscribed * * * in 1955." The following is adapted from his statement from the dock in the Pretoria Supreme Court, where he was convicted of sabotage in 1964.

Another of the allegations made by the state is that the aims of the A.N.C and the Communist Party are the same. The allegation is false.

The creed of the A.N.C. is and always has been African nationalism. The A.N.C. has never at any period of its history advocated a revolutionary change in the economic structure of the country. Nor has it, to the best of my recollection, ever condemned capitalist society.

The A.N.C.'s chief goal was, and is, for the African people to win unity and full political rights. The Communist Party's main aim, on the other hand, was to remove the capitalists and to replace them with a working-class government. The party sought to emphasize class distinctions whilst the A.N.C. seeks to harmonize them. This is a vital distinction.

It is true that there has often been close cooperation between the A.N.C. and the Communists. But cooperation is merely proof of a common goal—in this case the removal of white supremacy—and is not proof of a complete community of interests.

It is perhaps difficult for white South Africa to understand why experienced African politicians so readily accept Communists as their friends. But to us the reason is obvious. Theoretical differences amongst those fighing against oppression are a luxury we cannot afford at this stage. What is more, for many decades Communists were the only political group in South Africa who were prepared to treat Africans as human beings and their equals; who were prepared to eat with us; talk with us, live with us and work with us. They were the only political group which was prepared to work with the Africans for the attainment of political rights and a stake in society.

I turn now to my own position. I have always regarded myself, in the first place, as an African patriot. I have been influenced by Marxist thought. But this is also true of many leaders of the new independent states. We all accept the need for some form of socialism to enable our people to catch up with the advanced countries and to overcome their legacy of extreme poverty. But this does not mean we are Marxists.

From my reading of Marxist literature and from conversations with Marxists, I have gained the impession that Communists regard the parliamentary system of the West as undemocratic and reactionary. But, on the contrary, I am an admirer of such a system.

I have great respect for British political institutions, and for the country's system of justice. I regard the British Parliament as the most democratic institution in the world. The American Congress, that country's doctrine of separation of powers, as well as the independence of its judiciary, arouses in me similar sentiments.

I have been influenced in my thinking by both West and East. All this has led me to feel that my search for a political formula, I should be absolutely impartial and objective. I should tie myself to no particular system of society other than socialism. I must leave myself free to borrow the best from the West and the East.

(Mr. COHEN assumed the Chair.)

Mr. WEICKER. In a few minutes, Mr. President, I shall read from the Eminent Persons testimony as given before the Senate. The fact remains that what we are confronting here is nationalism, a people who are oppressed in their own nation, who are slaves in their own nation. And when they dare raise their hand to the terrorism and violence that is imposed on them day after day; when they even raise their hands, their sticks, or their hoes against the troop carriers and the machineguns and the security forces of the State; when they raise their hands or their pitchforks or whatever—horror; that is violence we cannot stand.

As a Nation, if indeed, we are to assist in this peacemaking process—I heard the President in his press conference the other night exclaim how there was press censorship, differentiating between South Africa and Nicaragua. The President saying how there is press censorship in Nicaragua. Press censorship in Nicaragua? What is it that is happening in South Africa? Ask our own news media—electronic, printed, whatever, gets kicked out of South Africa, where you have a total press embargo. Press censorship? The past masters sit there in Pretoria.

Then he commented about the opposition to the clergy in Nicaragua. Opposition to the clergy? How would you like to have your church services, day in, day out, supervised and/or obliterated by the security forces of South Africa?

And what were the patriots in America supposed to do when the English occupied us? Sit back and take it? I do not think there is any comparison.

This is why I oppose the amendment of the distinguished Senator from North Carolina. To equate the reaction to oppression by the blacks of South Africa with the terrible injustices and inhumanity imposed by that regime in Pretoria—which is in effect what we do if we accept this amendment—that is my problem and I imagine the problem of a few other Senators on this floor.

To reject violence? I have no problem with that. But if violence is to be

set on a scale as between the violence and terrorism of the South African Government compared to the feeble reaction by the blacks, there is no comparison. One end of the scale, indeed, is on the floor.

Nobody in the Senate of the United States cares to go ahead and engage in any activity which encourages one side or both sides toward the end of violence. But I do not want them to be able to sit in South Africa and say the Senate acted, but it acted in such a way as, believe me, this black majority is as much at fault as is the government in Pretoria. That would be wrong.

In the testimony of General Obasanjo, one of the Eminent Persons Group from the British Commonwealth, Senator Kennedy asked the following question:

Chairman KENNEDY. General, I just have one final question. I note that Senator Weicker has one or two concluding questions. And that is with regard to the ANC.

There are those that say members of Congress and the Senate and American people that are supporting strong economic measures are really working in harmony with the ANC and that that is basically a Communist-front organization. Therefore, that those who are really committed to democracy should reject both the ANC, its policies, and the policies of those who may be in harmony with the ANC.

How do you respond to the allegation that the ANC is basically a Communist-front organization that is a terrorist organization and that is committed to continued violence and disruption? I suppose that's put in about as hard a way as you could put it.

General OBASANJO. Thank you, Senator.

I raised that same question with Mr. Nelson Mandela. He gave me an answer, and in front of the whole group, an answer—Well, Nelson Mandela, of course, was the leader of ANC, who has been sentenced to life imprisonment. He's spent 24 years there and has recently celebrated his 60th birthday. Now he said that in 1947 he headed the move to rid the ANC of Communist elements. And that it was those who were opposed to Communists that, in fact, defeated him and his group because they said that the ANC is democratic movement. And in a democracy you do not ban—or fail a radical's idea by banning them. You do it by force of persuasion.

And that the ANC is like the British Parliament where the only thing you need to be a member of is to win an election. And the only thing you need to be a member of the ANC is to be opposed to apartheid. And he said to us that if in 24 years that he has been put in prison—and the government has not got him to say what he does not believe in, how can anybody think that the Communists will get him to do what he does not believe in?

And he referred to Oliver Tambo and said, "You know Oliver Tambo? We have been childhood friends. Do you see him as a Communist, or is Oliver Tambo the kind of man that the Communists would put up as a front? And he will accept that position? No," he said.

He agreed that there are people in ANC who have been in the Communist party before. He did not deny that. But he said they are much less in number than the number that the government quoted.

He also said that the only document that the ANC has now to work with is the Freedom Charter. And for that document, the ANC was taken to Court. The Court absolved them that that document is not a Communist document. And they won that case in Court. And he referred us to the latest writeup on the ANC by Professor Lodge which is very, very instructive, and which is very up-to-date.

It talks about the ANC executives, which of them has any Communist connection in the past and which of them have no Communist connection. If one goes by this really, the cry that ANC is a Communist organization, it's absolutely baseless.

Mr. President, let us not fog up this issue and let us not draw parallels that have no basis in fact. Did we work with the Communists to get rid of Nazi Germany? Yes, we worked with the Communists to get rid of Nazi Germany. And nobody asked us about our allies at that time. Nobody asked us about our allies at that time. Now, if you want to leave the ball field to the Communists in Africa, then all you have to do is to align us with apartheid or say that the responsibility sits equally on two shoulders. Really? Why, the blacks cannot even step up into parliament or a senate or a house or whatever and speak their piece peacefully. They have some courts to turn to. They cannot contest this policy in a parliamentary way, in a constitutional way.

□ 1310

What this amendment says is they are supposed to sit there and take it. Well, I came here in 1970, as I indicated this morning, and everybody said, "Don't worry, apartheid is so bad it has to go away." It has not gone away and it gets worse and it gets worse and it gets worse. And if that is our perception here in the comfort and safety of the United States, what is the perception on the part of the mother whose children are starving or beaten and tortured to death, where there is no opportunity for a job, where there is no food, where there is no say in their own land?

It is precisely because we do not want to see the resolution of this problem by the Communists that we offer these sanctions, in the hopes that the government will change its point of view and will negotiate with Nelson Mandela and the ANC and all other black groups.

But the first recognition that has to come to pass is the responsibility for what we see today, the responsibility of the government in Pretoria and not those on whose neck they have their foot.

So to use the scare tactic, and it has been used, we want to make sure we are not going to go ahead and have the Communists take over, if that is what we want to be certain of—and that is what we want to be certain of—then let us work with those whose land it is insofar as the majority is concerned and try to achieve a peaceful solution, but in no wise give any comfort or aid by these types of resolutions to the fact that what has been done is all right, or that which is being done is all right, or that which will be done is all right, when compared to the ideals of this Nation and the ideals of all humanity. It is this generation's form of Nazism, pure and simple. It is totalitarianism of the worst kind. It is what we have gone to war for and what we have died fighting against. And rather than criticize those who would in their meagre numbers and in their pitiful way have fought for, their land and their loved ones, rather than criticize that or imply it by the virtue of resolution, let us pass this bill which makes it very clear that peace is what we seek, but we seek it in terms of justice and the facts.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, we on this side of the aisle are unable to accept this amendment. If this amendment were limited to condemning violence initiated by the African National Congress, condemnation of violence or initiated violence, there would be no problem; but the amendment really does a great deal more than that.

If we look on page 2 of the amendment, paragraph (c), it makes the U.S. policy toward apartheid dependent really on the actions of the ANC. That, I think, is unacceptable for us. It suggests in fact that our opposition to apartheid would decrease to the extent that ANC violence increases. In other words, if ANC violence increases to a substantial degree, we would then decrease our objections to apartheid. But if it should drop down, then we would do just the opposite. I do not think we can have American policy dependent upon any foreign group, the ANC or any other group, and for that reason I think this amendment itself is unacceptable.

The amendment also is a bit vague about what constitutes terrorism and violence. Does self-defense against the government instigated violence, for example, constitute violence to be condemned?

In fact, the amendment says nothing about government-inspired violence, nor does it touch on the fact that the ANC has agreed to quit its violent tactics if the Government will do the same.

So while recognizing the basic good intent of the amendment and knowing of the desirability of trying to secure a bill here that would meet general acceptance, I still believe this amendment as written would be unwise and

must recommend to my colleagues that we defeat it.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON addressed the Chair.

Mr. PELL. I yield 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 1 minute.

Mr. CRANSTON. Mr. President, I want to say a word against the pending amendment. In my view it equates the oppressors with the oppressed, and that is not appropriate. It would advance evenhandedness, but I do not think we can be evenhanded when dealing with such an evil as apartheid. We have to be very, very clear where we stand and how we feel.

The amendment suggests that apartheid, with all its evils, is not basically different from those who are fighting against apartheid, and I think most of the Members of this body and most Americans know better, and I trust we will reject this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield 3 minutes to myself.

Mr. President, I appreciate the fact that many Senators are present here who are deeply involved in this question, and I speak to them as well as to other Members who are not here and who may come on the scene.

I am hopeful that Senators will reevaluate their thoughts about this amendment and read it more carefully. Certainly the drafter of the amendment, the distinguished Senator from North Carolina, can make this argument but I want to make it initially because in all modesty he might not wish to press the virtues of what he has drafted here.

In short, this amendment is not simply an evenhanded idea that on the one hand you have apartheid and on the other the ANC, and that there is something wrong with both and they ought to get together in some harmony. That is not what the amendment says at all. It says simply, and I read the exact words, "The United States will adjust its actions toward the Government of South Africa not only to reflect progress or lack of progress made by the Government in meeting the goal"—and that is to get into negotiations—"but also to reflect progress or lack of progress made by the ANC and other organizations of meeting the goal set forth in subsection (a)," namely, the end of violence. It says there will be an adjustment. It is not a weighing of the scales. It is an obvious commonsense statement.

The people of this country condemn the violence of necklacing. They condemn the actions that they have seen on the TV screens of this country. There is no need to go through the litany of apartheid to come to some conclusion that leads you to say that necklacing is wrong. This amendment says that. And we reflect that. We say that.

But having said that and having condemned that violence, the amendment very clearly calls for negotiations. The pressure is there on the Government to talk, to talk to all groups, not just the ANC, but every other group. It is a comprehensive amendment, I think a well-drafted amendment.

Now, Mr. President, I have a feeling that Members are almost straining for arguments to find something wrong with this amendment. I do not think the speeches made on the amendment pertain to this specific language, which has been carefully honed over a matter of days to come to this particular formulation. It is an important amendment for the success of this bill, and if for no other reason all Members ought to consider that very carefully—I say again for the success of this bill, for the success of the endeavor of our statement against apartheid. So I ask Members to re-read the language, be generous in their assessment of the amendment.

I yield the floor.

The PRESIDING OFFICER. Time has expired.

Who yields time?

Mr. PELL. I yield 2 minutes to the Senator from Connecticut.

Mr. WEICKER. Mr. President, let us make very clear what this amendment says. I am perfectly willing to sit down and see if we can make it a better amendment, but it says:

> Suspend terrorist activities so that negotiations with the Government of South Africa and other groups representing black South Africans will be possible.

Terrorist activities are terrorist activities, if you want to say suspend terrorist activities in the Government of South Africa. Because it is a government makes its activities no less terrorist, as if there are two terrorist activities going on here.

□ 1420

It then goes on to indicate: "supporting the rights of all South Africans to be free of terrorist attacks." The ongoing terrorist attacks of the Government of South Africa.

> The United States also recognizes that some of the organizations fighting apartheid have become infiltrated by Communists and that Communists serve on the governing boards of such organizations.

Do you want to put in: "The United States recognizes that the Government of South Africa has become infiltrated by fascists and that fascists serve in the Government of South Africa"? Do you want to put that in there so it will be clear?

No, the implication is clear: That those who are downtrodden are the terrorists and that they are Communists, and then there is the Government of South Africa. That is what is wrong with this amendment.

I would be glad to sit down so that we can get some of this inflammatory language out of here.

If it is going to be evenhanded, let us not start pointing the finger at the Communists and saying who is being infiltrated by Communists. If that can be done, possibly an amendment can be worked out.

To me, this is very clear: It is an attempt to counterbalance the sense of justice without demagoguery, no knowledge whatsoever as to what exists on the other side. I do not mean that in terms of the sponsor of the amendment, because I have seen this language used nationwide in discussion of the subject by many people.

The problem here is totalitarianism, not communism. The problem is a government that has created a situation that is abominable to the ideals of this Nation. That is the issue before us.

If we going to put this kind of language in that amendment that calls for peace and evenhandedness, I have no quarrel with that. Then I suggest that we sit down and take a careful look at the language contained herein; and before we go to a vote, I would suggest the absence of a quorum, without interfering with any other Senator's right to speak.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. The distinguished Senator from North Carolina controls the time.

THE ANC IN THE SANCTIONS EQUATION

Mr. DENTON. Mr. President, I support the amendment offered by the distinguished Senator from North Carolina, Mr. HELMS. Like most of my colleagues here today, I am opposed to any continuation of the vestiges of apartheid that yet remain in South Africa and seek its complete elimination and the peaceful transformation of South African society into one in which all South Africans, regardless of race, have a voice in their governance and adequate protection for their individual rights and civil liberties. Ultimately, of course, the decision about the form that that society will take must be made internally by the South Africans.

In the fashioning of our policy toward South Africa, I believe that it is essential that we understand the complexities of the South African crisis, lest we undercut those, like members of the business community, who have been in the forefront of the battle against apartheid, or inadvertently give tacit encouragement, if not outright moral support to those groups whose aspirations go beyond securing full political rights for the black majority to the destabilization and complete overthrow of the South

African Government, and its replacement with a Communist regime.

The people of South Africa will not benefit from that development. Neither can we can afford that. The Helms amendment, of which I am a cosponsor, gives some balance to the legislation that we are considering today.

United States policy must clearly and unequivocally reject the revolutionary option and demand of all opposition groups, equally as much as we require it of the South African Government, their good faith, constructive participation in a peaceful process for change. If they continue to use harrassment, intimidation, and murder to derail negotiations for political power sharing, we must respond.

A failure to do so can only lead to a repetition of the kind of costly foreign policy failures that we sustained in Vietnam, Cambodia, Iran, and Nicaragua, costly to ourselves but particularly so to the thousands who have been enslaved under Soviet supported totalitarian regimes. The Soviets have a particular interest in southern Africa, which Brezhnev so well described in Prague in 1973:

> Our aim is to gain control of the two great treasure houses on which the west depends * * * the energy treasure house of the Persian Gulf and the mineral treasure house of central and Southern Africa.

For an outline of Soviet active measures in southern Africa, I refer this committee to a 1982 report of the House Select Committee on Intelligence. Included in the report is a Soviet document obtained by the FBI. I have it here for submission to the RECORD and believe that my colleagues will find an interesting correlation between events in South Africa and the stated Soviet agenda.

Mr. President, as chairman of the Judiciary Subcommittee on Security and Terrorism, I have followed internal events in South Africa quite closely, particularly the activities of the African National Congress [ANC]. I make note that many of those who advocate sanctions also believe that the African National Congress presents a real alternative to the present South African Government, and a concerted campaign is underway to broadcast that organization as the patient, long-suffering, black nationalist movement that it once was.

Unfortunately, although many South African blacks and whites who express support or sympathy for the ANC may share our vision of a peaceful transition to a government based on the consent of the governed, which protects the rights of all, evidence presented in 1982 before my subcommittee clearly established that the ANC leadership does not.

The brave testimony of several witnesses, coupled with numerous original ANC documents, irrefutably established the degree to which the goals, strategies, and leadership of the South African Communist Party [SACP] and the ANC are integrated. One of our witnesses, Bartholomew Hlapane, who had held top leadership positions concurrently in the ANC and the SACP, was murdered within weeks of the publication of our hearing report, because of his testimony. The ANC publicly took credit for the assassination, which also left Bartholomew's wife dead and one of his young daughters, Brenda, a paraplegic.

We have tried to acknowledge our debt to Mr. Hlapane for his courage and commitment to a free future for his people by looking out for his children. Two daughters Charmaine and Audrey, are now studying in Alabama, thanks to the contributions of many generous people.

If anything, the evidence that has become available since the 1982 hearings on ANC intentions and links to the Soviet bloc and international terrorists groups further substantiates our conclusions. At its first party conference in many decades, the watershed Kabwe Conference of June 1985, the ANC acted to expand Communist influence on its national executive committee. Roughly two-thirds of the committee are now SACP members or Communist advocates. The U.S. intelligence community has provided the subcommittee with detailed classified information on SACP influence in the ANC.

In the intervening years since our hearings, the ANC has also acted to solidify its ties to its foreign allies. Virtually all of its material support, estimated at $80 million, comes from the Soviet Union. Furthermore, it conducts a persistent anti-Western rhetorical campaign, which includes generous expressions of solidarity with the Marxist-Leninist regimes in Vietnam, Nicaragua, Afghanistan, and others. Last week, a high-ranking repesentative of the Iranian Government met with Oliver Tambo in Lusaka to strengthen relations between Iran and the ANC.

I think that Alfred Nzo, secretary general of the ANC, explained the ANC's foreign alignment best in a contribution to the World Marxist Review in December 1984:

> * * * the ANC invariably stresses that the socialist countries and all democratic, progressive forces which help the oppressed masses of South Africa in their struggle against the apartheid regime at home and against imperialist pressure from abroad are friends we can rely on. This struggle is part of the overall anti-imperialist struggle * * * The African National Congress is very active in the worldwide peace movement and in other movements which mobilize the forces of peace in different countries to rebuff imperialist forays * * *.
>
> We express our solidarity with all those who uphold their legitimate rights and rebuff attempts on their countries' sovereignty and independence. We support the courageous Palestinian people who are repelling the imperialist and Zionist aggression and affirm that the objectives of the Palestine Liberation Organization and the African National Congress are similar. The ANC supports the peoples of Nicaragua, El Salvador, Chile and Lebanon in their struggle. We urge greater unity of the democratic and progressive forces fighting off the imperialist onslaught in all parts of the world.

The statement gives only a hint of the ties that exist between the ANC and the PLO, a relationship that has existed since at least the early 1970's. In 1981, ANC cadres received training from the PLO in Mozambique. In 1982, further training was conducted in Tyre, Lebanon, and as I understand it, the PLO offices in Zimbabwe, Mozambique, and Zambia serve as communication and supply links for the ANC.

The ongoing PLO-ANC alliance has finally become serious enough to draw the attention of the Anti-Defamation League of the B'nai B'rith. Its May 1986 bulletin carries a revealing article by Nathan Perlmutter and David Evanier. I ask that it be included in the RECORD of this hearing and urge all of you to review it for additional detail on the issue of the ANC and its alliances.

Mr. President, there is further cause for us to reject the notion that the ANC provides a respectable solution to South Africa's internal problems. The African National Congress is openly committed to revolutionary armed struggle. I refer you to only one of many statements by the ANC leadership on the subject. On July 23, 1985, Oliver Tambo, the head of and a so-called moderate in the ANC, declared:

> Our own tasks are very clear: To bring about the kind of society that is visualized in the Freedom Charter we have to break down and destroy the old order.

In the Harare Star Africa of July 2, 1985, Tambo commented on the ANC's view of negotiations.

> In any case, even if there were talks and if we thought the time had come for talks with the Pretoria regime, we would not abandon the armed struggle. We would simply carry on.

Not surprisingly, ANC statements are totally consistent with SACP objectives. For example:

> In the first place our objective is not to work for the regime's abdication but to bring about its revolutionary overthrow. Umsebenzi, Vol. 2, No. 2, 1986.

It is, therefore, not unusual that at the Kabwe Conference the ANC announced the beginning of a new operational phase in its campaign to destroy South Africa, or that the military decisions taken there have resulted in an upsurge in classic terrorist activity aimed at whites in South Africa and in an increase in black on black violence in the townships.

This year, 1986, was declared the year of the People's Army, Umkhonto We Sizwe, the Communist led military

wing of the ANC. Tambo called for an intensification of the people's war, and he announced that "the distinction between 'soft' and 'hard' is going to disappear in an intensified conflict."

The precise meaning of that declaration has only recently become apparent in the latest series of bombings and limpet mine explosions. The ANC has not only abandoned its practice of minimizing casualties, it has turned to deliberately targeting civilians—women and children—for attack.

As the South African Government has moved toward political accommodation, sacrificing a third of its own political support and exciting Afrikaaner extremists, and as the international community has responded by adopting policies to further isolate and discredit the presently white-dominated parliamentary government, the ANC has reaffirmed its active commitment to revolutionary armed struggle.

Mr. President, the most horrifying aspect of the armed struggle is that now taking place in the black townships themselves. A careful reading of press accounts would leave one with the impression that by far the majority of the township violence is comprised of largely unprovoked South African police attacks on innocent antiapartheid protesters. I believe that the facts do not support that contention.

Recent published figures indicate that 284 blacks were killed by radicals between March 1986 and June 1986; 172 of them were by the gruesome "necklace." The total figure represents 65 to 70 percent of all black violent deaths. The South African police were only responsible for the remaining third. Some evidence suggests that at least some of the black-on-black violence is the product of roving street gangs, I do not believe that the ANC can be relieved of complicity in this violence.

The ANC has repeatedly called for the townships to be made ungovernable and urged retaliation against anyone who collaborates with the government. The definition of collaboration is very broad, and retribution is not limited to attacks on the so-called collaborator himself—like the 11-year-old boy who was hacked to death in May of this year because his father was a town councilor in Port Elizabeth.

Newsweek reporter Richard Manning reported on June 6, 1986, that collaboration includes almost any comrade-perceived sin. "Township officials and black policemen have been executed—but so have migrant miners, since mines are pillars of the system, and liquor store owners since they operate under Government licenses." He reports that an old woman who worked in a funeral home was necklaced because she sold funeral insurance.

Lest you question that the ANC could possibly be involved in encouraging the use of the so-called necklace, let me share with you a few more ANC statements.

On May 21, 1986, the CIA Foreign Broadcast Information Service reported that the ANC had repeated its call to "render the tricameral parliamentary arrangement unworkable and to isolate those who serve in it." As you may recall, an earlier such challenge resulted in the murder of a colored member of the South African Parliament.

An ANC press release issued in Lusaka on July 1, 1986, reads:

> Let us turn every corner of our country into a battlefield * * * every partriot a combatant, every combatant a patriot * * * The charge we give to Umkhonto We Sizwe and to the masses of our people: attack, advance, give the enemy no quarter—an eye for an eye, a tooth for a tooth.

Nelson Mandela's wife recently promised, as reported in the April 14, 1986, Washington Post: "The power is in our hand—we have people's power * * * with our necklaces we shall liberate this country."

An ANC spokesman and South African writer, Alosi Moloi, stated during a meeting at a California State university on October 10, 1985, that "among us we have people who have openly collaborated with the enemy. You have to eliminate one to save hundreds of others." At the same meeting, Tim Ngubane, another ANC official, said, "We want to make the death of a collaborator so grotesque that people will never think of doing it."

Cassius Mandla, commenting on "collaboration" in the November 1985 issue of the ANC official publication, Sechaba, encourages necklacing by not condemning:

> Life in the townships is no longer like it was before * * * Here collaborators and informers live in fear of petrol, either as petrol bombs being hurled at their homes and reducing them to rack and ruin, or as petrol dousing their treacherous bodies which are set alight and burned to a charred and despicable mess * * * Lucrative it still is to sell out, but it carries the immediate hazard of having one's flesh and bones being reduced to unidentifiable ashes.

It is clear to me that in its rhetoric and its call to make the townships ungovernable, the ANC has—at a very minimum—provided moral license and political cover for murder as a means to satisfy grievances. Among those grievances is rising black unemployment, which was at first the product of the recent world wide recession but is now sustained by the dislocations caused by the real and psychological effects of the international sanctions campaign.

I believe that the ANC is highly responsible for the black-on-black violence in the townships. I occasionally wonder about the role of some members of the United Democratic Front [UDF], as well. For example when I read statements like the following from UDF executive member, Mr. Curtis Nkondo:

> Anybody who does not want to join the liberation struggle must join the police. There is no such thing as the politics of neutrality.

The above statement sounds very much like the Marxist-Leninist terror that has engulfed Nicaragua, where everyone is forced to choose sides and where there is only one choice that is safe.

In conclusion, Mr. President, I would like to refer to a statement made by Oliver Tambo regarding the importance of international sanctions to the achievement of the ANC's objectives. He made it during his 1984 annual address, which was heavily cited in fourth quarter 1984 issue of another ANC publication, the African Communist.

> Our revolutionary struggle rests on four pillars. These are, first, the all-round vanguard activity of the underground structures of the ANC, second, the united mass action of the peoples, third, our armed offensive spearheaded by Umkhonto We Sizwe, and fourth, the international drive to isolate the apartheid regime.

Mr. President, I urge my colleagues in this body to adopt the Helms amendment, which will send a clear signal to those black South Africans who have been at the mercy of ANC-instigated terror that we are on their side—not only in their attaining full political rights from the current South African Government, but in assuring that their dreams and aspirations are not stolen by those who have another agenda.

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Ten minutes and 7 seconds.

Mr. HELMS. I thank the Chair. I yield 4 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 4 minutes.

Mr. BOSCHWITZ. I thank the Senator from North Carolina.

Mr. President, I say to my friend from Connecticut that the entire bill really is a condemnation of South Africa. This amendment, which we had a hand in drafting—and it may not be perfect with every word—does not seek to in any way alleviate that feeling or to change that impression. The entire bill condemns what is happening in South Africa and condemns the whole idea of apartheid, as we all do in the Senate of the United States. But there are other portions of this amendment that are very important.

The distinguished chairman of the Foreign Relations Committee has spoken about one section. Let me read another section:

> "(c) It is the policy of the United States to support the negotiations with the represent-

atives of all communities as envisioned in this Act. If the South African Government agrees to enter into negotiations without preconditions, and the African National Congress, the Pan African Congress, or their affiliates, or other organizations, refuse to participate; or if the African National congress, the Pan African Congress or other organizations—

"(1) refuse to abandon violence during such negotiations; and

"(2) refuse to commit themselves to a free and democratic post-apartheid South Africa under a code of law,

then the United States will support negotiations which do not include these organizations."

Certainly, that is not asking too much, and certainly that is a reasonable approach.

I know that my friend from Connecticut talks about this Government providing no food and no opportunity for jobs, and that is not the case. I am afraid if these sanctions are imposed, we, as a Senate, may be doing just that—taking away opportunities for jobs and causing some rather massive unemployment in that part of the world.

This is an amendment that is intended to bring the parties to the table, and during that time at the table, they not engage in violence and not engage in the kind of acts that do not make negotiations possible. If negotiations are going to be successful, it is not unreasonable to say that violence should be suspended during such negotiations. There is certainly a great deal of precedent for that in international law, that negotiations take place during ceasefires; that during the terms of negotiations, violence and other forms of killing and mutilation should end.

That is why I support this amendment, because we, as a Senate and as a Nation, not only should seek negotiations but also should seek an end to violence during the course of those negotiations, to see that those negotiations have a reasonable chance of succeeding.

I thank the Senator from North Carolina.

Mr. HELMS. I thank the Senator for his comments.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Nine minutes and 6 seconds remain.

Mr. PELL. I yield 4 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield to no one in this body and to no one in the Congress of the United States and to no American or any other person in this world about the issue of violence.

Mr. President, we are here on the floor of the U.S. Senate in a serious debate about the direction of American policy and with widely divergent views about how that finest ideal can be expressed.

I deplore the violence of the IRA in Northern Ireland; I deplore the violence of the Chilean Government of Mr. Pinochet on political prisoners in Chile, and I deplore the violence of ANC actions in South Africa and terrorist organizations in Libya and in the Middle East and around the world.

I think we really do a disservice to try to somehow appeal to the best instincts of the American people, who deplore violence as a solution to political problems, to try to divert worthwhile and useful and important attention of this body in the final hours and days of this session, in somehow disrupting the legitimate purposes for which this legislation has been fashioned, and that is to express a series of sanctions against a regime which believes somehow that because one's color of the skin is different from their own—in this case, black rather than white—therefore, they can subject that population, that majority population, to a continued existence of slavery.

Mr. President, I hope this amendment will be rejected, for the reasons and the arguments that have been expressed so well by my colleagues here today. This amendment has absolutely no place on this legislation, and it deserves to be dismissed now, so that we can continue the debate on United States policy toward South Africa.

□ 1430

Mr. PELL. Mr. President, I yield 2 minutes to the Senator from Arkansas.

Mr. PRYOR. Mr. President, if the distinguished chairman of the Foreign Relations Committee will yield, I have a question about the amendment.

On page 4 of the amendment, line 6, I believe it is, it says:

On page 61, line 4, add the following new sentence: "None of the funds authorized by this section or appropriated thereunder, can be used to finance education, training, scholarships or further study for any South African who has engaged in terrorist activities.";

My question to the distinguished chairman and manager of the bill today is, who will make a definition of what a terrorist activity might be?

I do apologize if the chairman has answered that question previously in the debate. I was not present if he did.

Mr. LUGAR. Let me respond to the distinguished Senator from Arkansas that obviously the authorities involved in this educational pursuit on page 61 would be involved. I presume this comes in the section on scholarships for the victims of apartheid. Senators KASSEBAUM and LONG are interested in this issue.

There are persons who are responsible for making the selection of those to begin the program. They would have to make the judgment.

I am sorry that I cannot define better who the administrator of the agency is. But it is this person at least who is going to be making the judgments.

Mr. PRYOR. I thank the distinguished Senator.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, will the Senator yield?

Mr. LUGAR. I yield 2 minutes to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, I am not certain. There may be some discussions going on with reference to this amendment. I want to indicate my support for the amendment with or without change.

I think all of us in this body without exception have made it clear, either through our votes or statements, or both, that we want to end apartheid, and I do not think there is any question about that.

I believe we have made it clear that we want to see a democratic system put in its place in South Africa.

We are not going to get an early end to apartheid by force. It is just not going to happen.

The South African regime has most of the guns. It has already shown how determined and, in the majority of cases, how ruthless it can be.

If we do see a new wave of violence, whether or not apartheid is brought down in flames, that is not going to lead to the kind of post-apartheid South Africa we want.

I think it is clear we are all against violence. Everybody has indicated that.

As I read the amendment, that is just what this amendment says. We all say we are against forces which want to impose a totalitarian system on others. As I read the amendment, that is precisely what it says and what it would do.

We all say we want negotiations among all responsible elements in South Africa to bring an end to apartheid. Again, as I read the amendment, that is precisely what it purports to do and what it says.

It seems to me it is an evenhanded amendment. Maybe there is some language, some would see as inflammatory. Maybe it could be changed; maybe it should be changed. I understand there may be some discussions going on in that event.

In my view, the amendment makes it a stronger bill, a stronger statement against apartheid.

I think it is fair to assume that we all are fairly certain what we wish to achieve. I do not believe we are certain whatever we do is going to reach the result that someone suggests will happen down the road.

Mr. KENNEDY. Mr. President, will the Senator yield on these points?

Mr. DOLE. I have a little bit of time left.

I have been listening to statements all week long on this floor. I have heard a lot of statements not only about South Africa, about Nicaragua, and nearly every other matter we had on the floor about who is more determined to something than some other person in this body or anywhere else.

I believe this amendment does encourage the ANC to give up violence.

As the distinguished chairman pointed out, we are going to adjust our policies depending on what happens. They are not going to adjust our policies depending on what happens. They are not going to determine our policy. We will determine the policy we will follow.

I would just suggest what I believe most Members in the Senate wants is the strongest possible vote to send the strongest possible message that we can. That is the goal of the distinguished chairman of the committee. That is the goal of the sponsors of this amendment. That is the goal of the original sponsors of the Weicker-Kennedy bill. I do not think anybody is in disagreement.

Maybe there is some way, if there is a difference, it can be resolved. If not, I do not see any great damage being done if the amendment is adopted.

Mr. KENNEDY. Will the Senator from Rhode Island be kind enough to yield 5 minutes off the bill?

Mr. PELL. I yield 5 minutes off the bill.

Mr. KENNEDY. Mr. President, I am really kind of surprised and quite frankly appalled that both the chairman of the Foreign Relations Committee and the majority leader of the United States Senate in talking about violence do not talk about the 2,000 blacks who have been killed, many of them tortured to death, many of them beaten to death in South African prisons, or the 10,000 detainees who are being held today as a result of the South African Government's policy of violence. No statement, no comment by the majority leader about that violence. No.

It is about the particular violent act of the ANC which I deplore and other Members of this body deplore.

But it is a very one-sided kind of comment that is coming from those who support this amendment.

No effort to try and condemn violence or to point out the violence of the Government in breaking up religious meetings, coming into churches and dragging out men of the cloth and imprisoning those individuals without notifying their families, of fining individuals and beating them to death in the prisons in that Government under virtually Government approval. No statement about that.

No tradition about American policy being related to that. Oh, no. Oh, no. But just take some individuals who are members of an organization who do commit acts of violence and tie this United States of America's foreign policy to their individual acts.

Mr. President, I think that is a one-sided and shameful rationalization justification for the amendment of the Senator from North Carolina, and it does not deserve this kind of support.

I would just ask the chairman of the Foreign Relations Committee: Was this brought up in the Foreign Relations Committee during the course of the deliberations on the amendment?

Mr. LUGAR. Let me respond to the distinguished Senator by saying that these ideas were brought up.

Mr. KENNEDY. My question is this amendment.

Mr. LUGAR. No, it was not offered.

Mr. KENNEDY. This amendment was not offered in the Foreign Relations Committee deliberation. Now we are having it offered here on the floor of the U.S. Senate. Make no mistake about it, this is the killer amendment. All of us knew that there would be those efforts that would be made here and all of us are very much aware about the various parliamentary processes and procedures and votes and other votes on these issues and questions. But make no mistake about it. This is the killer amendment. This is the killer amendment. There should be no mistake about it by the Members of this body.

I hope that it will be rejected.

I return the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I rise today in support of this amendment. It is well-settled that the South African Government is ultimately responsible for eliminating apartheid. However, it is equally important that antiapartheid organizations, such as the African National Congress, assist in this process by abandoning their terrorist activities. There is no question but that several members of the national executive committee of the African National Congress are committed to the violent overthrow of the South African Government. It is also a fact that some of these men have been tried for such crimes as sabotage and treason. We must recognize these antiapartheid activists for who they really are.

If these activists are genuinely committed to the establishment of a nonracial, democratic government, then they bear the responsibility of abandoning their terrorist activities. Mr. President, this amendment would require them to do just that. Terrorism and violence have no place in the establishment of a free and democratic South Africa. In addition, this amendment would require the ANC to renounce further Soviet assistance and disavow Communists in the ruling hierarchies of these organizations. I urge my colleagues to support this measure.

Mr. HELMS. I yield to the majority leader such time as he may require.

The PRESIDING OFFICER. There are 3 minutes and 5 seconds remaining on the amendment.

Mr. HELMS. I thank the Chair.

Mr. DOLE. Mr. President, maybe I have been missing something. I thought this entire exercise was aimed at South Africa. At least the bill in my hand, S. 2701, and the contents of that bill, as I understand it, are aimed at the concerns expressed by the Senator from Massachusetts.

In fact there is a section that begins on page 54 "The policy toward the victims of apartheid." It is all there.

The United States policy toward the victims of apartheid is to use economic, political, diplomatic, and other effective means to achieve the removal of the root cause of their victimization, which is the apartheid system.

It goes on and on talking about aid and what we intend to do, financial assistance, intervening at the highest levels.

So I just suggest that I heard all about the killer amendment yesterday. I think they were coming from our side. Funny what a difference a day makes around here. Now they are talking about killer amendments.

This is not a killer amendment. I do not believe those of us who offer amendments are any less concerned about the plight of blacks in South Africa than any other Senator in this body.

□ 1440

I suggest that we have an opportunity here to really send a message and to stop the division on this issue in the Senate.

So I hope that we can vote on this amendment. It seems to me, we ought to find out where the votes are and we ought to make that judgment and then we ought to proceed to other amendments. There are some 65 amendments that I can think of that are still pending on this particular piece of legislation.

It was my impression, by imposing sanctions on the Government of South Africa, we were indicating, in a rather measured fashion, that we were concerned about that government and about its policies and about treatment and about its detention of blacks.

Now, if there is something else we need to do, then I hope the Senator from Massachusetts will offer additional amendments. Then I think we could get on with the business at hand.

But I hope we could have a vote on this amendment.

I would say, apart from the amendment, sort of as an announcement to my colleagues, that following the vote on the amendment, I would ask all of my colleagues to remain in the Chamber so we might be sworn in for the impeachment trial of Judge Claiborne. It is important that we all be sworn. So, following the rollcall vote, if Members would just standby for, I would say, 2 or 3 minutes, then they can go back to their other duties.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Will the Senator yield to me?

Mr. WEICKER Mr. President, I ask for 5 minutes off the bill.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 1 minute to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it is interesting now to listen to both the majority leader and the Senator from North Carolina. I happened to have the good opportunity, as the guest of the chairman of the Foreign Relations Committee, to sit in during the Foreign Relations Committee deliberations. The Secretary of State was asked specifically—asked specifically by the Senator from North Carolina—whether we should not refuse to negotiate or even talk to the ANC and his answer was in the negative. He believed that there ought to be some opportunity for dialog. That is what the Secretary of State—their Secretary of State; their Secretary of State—has said.

So before we get overly pious about who is interested and who is not interested, I dare say that the Secretary of State's statement before the Foreign Relations Committee on this issue is diametrically opposed to what the majority leader and the Senator from North Carolina has said and, quite frankly, with due respect, the chairman of the Foreign Relations Committee, and this body should not have any question about it.

Mr. WEICKER. Mr. President, I ask the distinguished chairman if I might have 5 minutes off the bill.

Mr. LUGAR. I yield 5 minutes off the bill.

Mr. HELMS. Will the Senator yield for 1 minute?

Mr. WEICKER. Yes.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair, and I thank the Senator from Connecticut.

Mr. WEICKER. Mr. President, I would like to direct my comments in the hope of some form of persuasion to my good friend, the distinguished majority leader, since he seems to have joined on this amendment.

Let me give you an example as to what the problems are with the amendment. Reading from the amendment:

"It is the policy of the United States to support the negotiations with the representatives of all communities as envisioned in this Act. If the South African Government agrees to enter into negotiations without preconditions, and the African National Congress, the Pan African Congress, or their affiliates, or other organizations, refuse to participate; or if the African National Congress, the Pan African Congress or other organizations—

"(1) refuse to abandon violence during such negotiations; and

"(2) refuse to commit themselves to a free and democratic post-apartheid South Africa under a code of law,

then the United States will support negotiations which do not include these organizations."

Now, you notice it does not say anything about the Government of South Africa, if they refuse. It does not say anything if they refuse to suspend violence. Indeed, the Eminent Persons Group stated that the Government of South Africa refused to suspend violence because they do not deem the actions of the government to be violent.

Now, you see what the problem is here. In other words, all of the very things that have brought us to this moment which, admittedly, I believe, by every Senator—Republican, Democrat, Conservative, Liberal—are violence.

That is not violence and that is excluded. That is what is wrong with this amendment.

Now, if you want to apply the same standard as to getting people into the negotiating table, the suspension of violence, then let us say both South Africa and the ANC and other groups. Fair enough. But why, when they refuse, should we go ahead and exclude the Government of South Africa? And we can do it under this amendment. They can engage in what they do not even deem as violence and they are free from that underneath this particular amendment.

So I hope, again, that we do not vote. I hope we have a few minutes to sit down and put our heads together, because I know the strong feelings of the distinguished majority leader, and they are akin to mine. We are not different. But I think after a careful reading of this amendment we would all agree what is sauce for the goose is not sauce for the gander in this amendment. And that is all we think it should be in order to go ahead and put it into a condition where it is fair to all parties.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield the remaining time I have on the amendment to the Senator from Maryland.

The PRESIDING OFFICER. There are 3 minutes and 6 seconds remaining.

Mr. MATHIAS. Mr. President, like everyone else here, I want to restrict my comments to a minimum.

This is an extremely complex subject, and by not addressing certain aspects of it at this moment, I do not intend to ignore or downplay the gravity of the crisis in South Africa, my opposition to the system of apartheid or our desire to see a peaceful transition to a democratic, multiracial form of majority rule.

I wish to focus on one aspect of the discussion in this country, the debate in this Chamber, a problem that continues to plague us, an obstacle which must be overcome if we are to exert effective pressure to bring about the kind of peaceful change that we all want to see.

I refer to perceptions of the policy of the United States on the part of the government of South Africa and on the part of the black majority and its leaders.

The United States must begin—very, very soon—to send a clear, constant, and united signal to the Government of South Africa. We're not doing that now and I believe that the confusion is a direct factor in the intransigence of Pretoria.

We must, as a nation, executive and legislative branch together, move beyond mere condemnation of apartheid and the tragic policies it fosters. We must act, firmly, promptly, convincingly, to disabuse the architects and governing authorities of South Africa of any notion that, as a recent visitor to the region put it, there is an umbilical cord to the United States; that, in the final analysis, "Washington is with us."

With this legislation, we have an opportunity to put together a more coherent, more active policy, a full-court press by this administration that has been lacking to date. Like many others here, I have no abiding belief in the effectiveness of sanctions. But this measure is not solely a list of sanctions. It is a statement, a political statement that includes some targeted sanctions, a statement of what we as a nation feel we should say and what we should do about an unfolding tragedy.

Some say we are interfering in another nation's affairs, and as a result should be careful about what we do. And I do not completely disagree with that. I do not agree that it is not our business, but I fully agree that we bear a heavy burden of responsibility. And we should, because as a great nation, as a nation committed to freedom and human rights, it is our business to be concerned with a persistent pattern of repression and inhumanity that threatens to undermine not only one important country but an entire

region. It is this concern that makes us responsible and requires us to act today; without it we would be irresponsible indeed.

We also should begin to send a clearer and more convincing signal to the nonwhite population of South Africa. We're not doing that now and I believe that the confusion is a direct cause of despair and disillusion among the politically voiceless majority in South Africa.

The only glimmer of light was offered recently by the Secretary of State, who said he recognizes that the African National Congress represents millions of black South Africans and that we should talk to their leaders.

A perception of U.S. support for the apartheid regime is reflected in many ways, but a comment by Frank Chikane, a popular churchman and a leader of the United Democratic Front, is telling.

People used to have a good image of the United States,

Mr. Chikane told the Wall Street Journal in May.

People have become suspicious of anything American. Even when the United States is doing something, it doesn't seem generated by any sense of commitment.

We must be ready to talk to all elements of the nonwhite majority in South Africa—to Chief Buthelezi, to leaders of the UDF and to leaders of the ANC. And the chief objective of this legislation is to encourage the leadership of the white minority to talk to the leaders of the nonwhite majority, to release them from detention instead of jailing them under martial law, to turn to dialogue and reconciliation before it is too late to do so.

One Senator from North Carolina has described at length some of the objections to talking with several parties in the nonwhite population. But I would suggest that he ignores reality—and is inviting the South African Government to continue to ignore reality—the reality that the African National Congress represents a significant percentage of the people of the country and may well gain the support of even more.

In its exhaustive study, the Eminent Persons Group concluded that the ANC is a necessary party to any meaningful negotiations. Its recent report said:

The open identification with the ANC, through banners and songs, in funerals and in churches throughout the country, despite the risks involved, supports the widely held belief that if an election were held today on the basis of universal franchise, the ANC would win it. Whatever the truth of that assertion, we nonetheless recognize that black political opinion is not monolithic. If therefore, the government is serious about negotiations, it must create conditions in which free political activity becomes possible, and political parties and leaders are able to function effectively and test the extent of their popular support. Tragically, the whole thrust of government policy has been to thwart such legitimate leadership from emerging and destroy it where it does.

The Senator from North Carolina cites the number of Communists in the ANC and insists that no progress can be made in South Africa until these Communists are eliminated and the ANC renounces violence. I would agree with the Senator that little progress can be made as long as anyone resorts to violence and terrorism in whatever form—including the Government of South Africa whose armed forces often rely on firepower to enforce the will of a discredited political system. As for the number of Communists in the ANC, I would suggest that their number may increase in direct relation to the intransigence of the government in that country.

Some Senators have suggested that our legislation will penalize developing black nations around South Africa. But language in this bill calls for economic support to these states, to help them to become less dependent on South Africa and more insulated from the very punitive sanctions South Africa imposes on them—through punitive sanctions, through armed invasion.

We cannot shatter the perception in South Africa—among the black majority that we have no commitment to real change, among the white minority, that we will stand by them—by condemning apartheid, crossing our fingers and praying for change.

Just before he died, Theodore White wrote a short article about the meaning of our Declaration of Independence. In that article, he outlined the difference of opinion between Thomas Jefferson and John Adams over the lasting meaning of our own revolution. Adams argued that it was principally a declaration of American independence; Jefferson insisted that it had a more universal force. I think we must all recognize that Jefferson won that argument, and we must keep faith with the integrity of his argument.

"May it be to the world," he said of the declaration, "what I believe it will be, to some parts sooner, to others later, but finally to all, the signal of arousing men to burst their chains."

We cannot pick and choose the nations and peoples that have been aroused by our own experience. We must, in fact, reach out to help them do so. And I am confident that we can help them do so peacefully, constructively, with this legislation.

The PRESIDING OFFICER. The Senator's time has expired.

□ 1450

Mr. LUGAR. Mr. President, I yield 2 minutes off the bill to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I have just a few comments because I think this is an amendment that has caught some of us by surprise. On much of it, I think there would be general agreement. Certainly, I think we would agree that the African National Congress, and the Pan-African Congress should be trying to perform a more positive effort rather than the violence and other terrorist activities that they have been engaged in. We all support language that would be designed to bring a suspension of violence, and so forth. But as it moves ahead, I think that we realize we are engaged on both sides of this issue in trying to dictate from the United States what indeed the policy and the actions of the ANC as well as the South African Government can be. We set the conditions. We are setting out the guidelines and in such a finite way that we are not able to, I think, address the broader outlines of what we wish to achieve and what the President himself outlined—the unbanning of all political parties, the release of Nelson Mandela, and the beginning of negotiations. That, I think, should be the basic thrust. I personally would wish we could delete some of the additional measures that are outlined in the bill in return for not trying to be so specific in telling in this amendment what the ANC should or should not do. I do not think it serves us well, Mr. President, at this particular juncture to try to dictate the ABC's on both sides of the issue.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twelve seconds.

Mr. HELMS. Would the able manager of the bill allow me 3 minutes off the bill?

Mr. LUGAR. I yield 3 minutes off the bill.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I will try not to use even that much, and then we can go to a vote, the Senate willing.

Mr. President, the arguments that I hear from the distinguished Senator from Massachusetts, the Senator from Maryland, and others against this amendment are at best nonsequiturs. They have apparently not read the bill. Let us be very clear about one thing. This amendment does not lay a finger on the underlying bill. We do not touch it. All we are saying is, give balance to it. Otherwise, we are going to be inviting a bloodbath in Africa, and no solution. If that is what Senators want, let them be candid enough to say so. But let me illustrate what I am talking about as of now.

During the past 3 months, Mr. President, 242 blacks have been killed by

blacks. Out of that 242, 192 have been necklaced; that is to say, have had automobile tires hung around their necks, filled with gasoline and set afire. But the most poignant, distressing picture I have ever seen was that of a 6-year-old child who had a bicycle tire put around his neck and set afire.

I say to Senators, if you want that to continue, vote against this amendment, Senator KENNEDY. Vote against this amendment.

Mr. KENNEDY. Will the Senator yield?

Mr. HELMS. No. I will not. I did not interrupt the Senator.

Mr. KENNEDY. The Senator mentioned my name.

Mr. HELMS. The Senator referred to me as well in his remarks and I did not interrupt him.

Mr. KENNEDY. You can have a chance, too.

Mr. HELMS. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. The Senator must learn the rules one of these days.

Mr. KENNEDY. I know them.

Mr. HELMS. Questions were raised about how we know that the Executive Committee of the African National Congress consists, of the majority, of Communists. The answer is simple, I requested the CIA to declassify biographical sketches of the members of the ANC's executive committee. I put the information in the RECORD.

As for the necklacing, let me read from Winnie Mandela. On April 14 of 1986, she said:

> The power is in our hands. We have the people's power. With our necklaces we shall liberate this country.

Does that not indicate the horror, the bloodbath, that will continue if this amendment is rejected? Mrs. Mandela makes clear that she has no intention whatsoever of stopping the terrorism of which she is a part.

Mr. President, I yield back the balance of my time, and I suggest that we vote.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I shall suggest in a moment the absence of a quorum and hope there still might be some colloquy on this amendment before we come to a decision.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 1520

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

The question is on the adoption of the amendment of the Senator from North Carolina.

Mr. LUGAR. Mr. President, I ask unanimous consent that that amendment be temporarily laid aside and that the Senator from Kansas be recognized for presentation of an amendment. I advise Senators it is hoped that after recognition comes to the Senator a rollcall vote might ensue rapidly.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Kansas.

AMENDMENT NO. 2735

(Purpose: To delete Section 308 of the bill)

Mrs. KASSEBAUM. Mr. President, I send to the desk an amendment and ask for its immediate consideration. It is proposed by myself, Senator WALLOP, Senator SIMON, and Senator WEICKER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Kansas [Mrs. KASSEBAUM] for herself and others, proposes an amendment numbered 2735:
>
> Delete Section 308 of the bill.

Mr. KENNEDY. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Does the Senator yield for an inquiry?

Mrs. KASSEBAUM. I will be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Did not our consent agreement require alternative amendments, that after one side offers an amendment, the other side would have an opportunity to do so with regard to the South Africa issue?

The PRESIDING OFFICER. The agreement did specify that. However, unanimous consent was just granted to the Senator from Kansas to proceed. The Senator from Kansas.

Mr. KENNEDY. Parliamentary inquiry. Is that consistent with both the spirit and the letter of the agreement from last week, that a consent agreement would be made to circumscribe the agreement from last week?

The PRESIDING OFFICER. A subsequent unanimous-consent agreement takes precedence over any prior agreement.

Mr. KENNEDY. But I am correct, am I not, that the agreement entered into last week, which this body agreed to, was that there would be alternative amendments on both sides?

The PRESIDING OFFICER. The agreement did so specify. The Senator is correct.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The subsequent agreement provided an exception.

Mrs. KASSEBAUM. Mr. President, if I may just briefly explain what this is about, because I believe it has approval on both sides of the aisle, it deletes a section of the committee bill pertaining to the restrictions on visas, and I think that we discussed this in committee. In fact, I offered this amendment in committee, believing that visa restrictions are a mistake. I think it very important to have access back and forth from the United States to South Africa, as well as South African officials or various members of the Government to the United States. All this would do is delete the section saying that the President would have the authority to restrict official visas.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I should apologize to the Senator from Massachusetts. I should have jumped up with greater alacrity and objected to the unanimous-consent agreement. In a spirit of comity, I had forgotten that for a moment. We are trying to get everybody together to be sworn in for the impeachment trial of Judge Claiborne. We were concentrating on getting Senators here for that. We viewed a vote as a good opportuntiy to do that. We understood this amendment was going to take little time. It is an important subject but the Senator from Kansas is never verbose and we would get Senators to the Chamber more quickly than would normally be the case.

I now support this amendment. I was dubious about it when we dealt with it in the committee, but I think we should support it.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. KENNEDY. Will the Senator yield?

Mr. LUGAR. Mr. President, let me just say, first of all, that I support the amendment of the distinguished Senator from Kansas. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. Mr. President, I likewise wish to respond to the distinguished Senator from Massachusetts. It was the collective error of the ranking member and myself in overlooking that. As the Senator well stated it, we were hoping to have a rollcall vote to get Senators on the floor.

Mr. KENNEDY. Will the Senator from Kansas yield?

Mrs. KASSEBAUM. I would be happy to yield.

Mr. KENNEDY. I appreciate the comments of the Senator from Rhode Island. I think it is the first mistake I have seen him make in umpteen numbers of years, and as far as the Senator from Indiana with the exception of the endorsement of the last amend-

ment, I think I could almost say the same.

May I ask the Senator from Kansas, does she draw a distinction between governmental personnel and other citizens of South Africa? It seemed to me that one of the recommendations of the Eminent Persons Group dealt with the Government officials who, by and large, are bent upon a propaganda role rather than on individuals traveling across frontiers, which I would agree with the Senator from Kansas is something which all of us recognize as a very important and basic and fundamental right with certain kinds of exceptions in terms of the security of those individuals. But does the Senator draw any distinction, or does the amendment draw any distinction between those two different groups of people?

Mrs. KASSEBAUM. Mr. President, I say to the Senator from Massachusetts, I do not. I think that if we start down the path of trying to ascertain ourselves who should or should not have a visa, we would only invite retaliation. I believe it is important to leave that up to the discretion of the Secretary of State, who has the authority already to determine any issuance of visas which might be questionable.

Mr. KENNEDY. I ask the Senator then, does she agree with that same reasoning, for example, with Government officials from Nicaragua or from Cuba?

Mrs. KASSEBAUM. Mr. President, I really believe this should be a question in which there should be encouragement for travel, whether it be from Cuba or from Nicaragua, from South Africa, wherever it might be. I personally am one who does not believe we, in the Congress, should be here trying to determine any restrictions on visas.

Mr. KENNEDY. That applies then universally in the view of the Senator from Kansas as to all countries, the totalitarian regimes and the Communist regimes, that all of those personnel ought to be able to have the free right to travel, if I understand the Senator's position.

□ 1530

Mrs. KASSEBAUM. Mr. President, as the Senator from Massachusetts knows, there is already the authority that is invested in the Secretary of State to determine when he would issue a visa and when he would withhold a visa. This section pertains directly to the language that was stated in the bill, which would say that it would be possible to withhold the authorizing visas for officials of the South African Government who might be coming here.

Mr. KENNEDY. I thank the Senator from Kansas.

Mr. DOLE. Mr. President, I want to remind Senators to remain on the Senate floor for a few moments after the vote, so that we can be sworn.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. We yield back our time.

Mr. PELL. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

YEAS—99

[Rollcall Vote No. 233 Leg.]

Abdnor	Glenn	Melcher
Andrews	Gore	Metzenbaum
Armstrong	Gorton	Mitchell
Baucus	Gramm	Moynihan
Bentsen	Grassley	Murkowski
Biden	Harkin	Nickles
Bingaman	Hart	Nunn
Boren	Hatch	Packwood
Boschwitz	Hatfield	Pell
Bradley	Hawkins	Pressler
Broyhill	Hecht	Proxmire
Bumpers	Heflin	Pryor
Burdick	Heinz	Quayle
Byrd	Helms	Riegle
Chafee	Hollings	Rockefeller
Chiles	Humphrey	Roth
Cochran	Inouye	Rudman
Cohen	Johnston	Sarbanes
Cranston	Kassebaum	Sasser
D'Amato	Kasten	Simon
Danforth	Kennedy	Simpson
DeConcini	Kerry	Specter
Denton	Lautenberg	Stafford
Dixon	Laxalt	Stennis
Dodd	Leahy	Stevens
Dole	Levin	Symms
Domenici	Long	Thurmond
Durenberger	Lugar	Trible
Eagleton	Mathias	Wallop
Evans	Matsunaga	Warner
Exon	Mattingly	Weicker
Ford	McClure	Wilson
Garn	McConnell	Zorinsky

NAYS—0

NOT VOTING—1

Goldwater

So the amendment (No. 2735) was agreed to.

□ 1550

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, if we could have order.

The PRESIDING OFFICER. Will the majority leader withhold?

Senators will please take their seats. Those who desire to converse, please adjourn to the Cloakrooms. Would Senators please take their seats?

The VICE PRESIDENT. The Senate will be in order. Senators are asked to take their seats so the Senate will be in order.

The majority leader is recognized.

Mr. DOLE. Mr. President, I would just indicate this will not take over 10 or 15 minutes to complete the full action that we can do at this time. It is important. I would ask our guests and staff and Members if they could accommodate the Chair and remain silent.

THE IMPEACHMENT OF JUDGE HARRY E. CLAIBORNE

Mr. DOLE. Mr. President, I move that the senior Senator from Mississippi, Mr. STENNIS, who is the senior Senator in point of service in the Senate, be now designated by the Senate to administer the oath to the Vice President, who will be the Presiding Officer of the Court of Impeachment when he is present, and to the President pro tempore, Mr. THURMOND, who will be the Presiding Officer of the Court of Impeachment in the absence of the Vice President.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. STENNIS. You do solemnly swear that in all things appertaining to the trial of the impeachment of Harry E. Claiborne, a judge of the U.S. District Court for the District of Nevada, now pending, you will do impartial justice according to the Constitution and laws. So help you God.

Mr. THURMOND. I do.

The VICE PRESIDENT. I do.

Mr. DOLE. I thank the distinguished Senator from Mississippi.

Mr. President, at this time the oath should be administered to all the Senators. If any Senator has cause to be excused from this service, now is the appropriate time to make that known. If there is no Senator who desires to be excused, I move that the Presiding Officer administer the oath to the Senators, so that they may form a Court of Impeachment.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. Senators shall now be sworn.

You do solemnly swear that in all things appertaining to the trial of the impeachment of Harry E. Claiborne, a judge of the U.S. District Court for the District of Nevada, now pending, you will do impartial justice according to the Constitution and laws. So help you God.

SENATORS: I do.

The VICE PRESIDENT. Any Senator who was not in the Senate Chamber at the time the oath was administered to the other Senators will make the fact known to the Chair so that the oath may be administered as soon as possible to the Senator.

The majority leader.

Mr. DOLE. I thank the distinguished Presiding Officer.

The Secretary will note the names of the Senators who have been sworn, and will present them for signature a book which will be the Senate's permanent record of the swearing-in of the Members of this body.

Mr. President, on behalf of myself and the distinguished minority leader, Mr. BYRD, I send to the desk a resolution for the issuance of a summons with respect to the articles of impeachment against Judge Harry E. Claiborne, and ask for its immediate consideration.

Mr. President, now that the oath has been administered, the next procedural step in these impeachment proceedings is to provide for the issuance of the summons to Judge Claiborne. The summons directs the impeached officer to answer the articles of impeachment within a designated time and thereafter to abide by and obey the further orders, directions, and judgments which the Senate shall make. In accordance with the practice of prior impeachment, the managers on the part of the House will have the opportunity to file a reply, formally known as a replication, to the answer. The Sergeant at Arms will serve the summons on the impeached officer.

The VICE PRESIDENT. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 480) to provide for the issuance of a summons and for related procedures concerning the articles of impeachment against Harry Claiborne.

The VICE PRESIDENT. The question is on the adoption of the resolution.

The resolution (S. Res. 480) was agreed to, as follows:

Resolved, A summons shall be issued which commands Harry E. Claiborne to file with the Secretary of the Senate an answer to the articles of impeachment no later than September 8, 1986, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than September 15, 1986.

SEC. 5. The Secretary shall notify counsel for Harry E. Claiborne of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 8. The Secretary shall notify the House of Representatives of this resolution.

Mr. DOLE. I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, on behalf of myself and the distinguished minority leader, Mr. BYRD, I send to the desk a resolution for the appointment of a committee to receive and to report evidence with respect to the articles of impeachment against Judge Harry E. Claiborne, and ask for its immediate consideration

The VICE PRESIDENT. The resolution will be stated by title.

The legislative clerk reads as follows:

A resolution (S. Res. 481) to provide for the appointment of a committee to receive and to report evidence with respect to the articles of impeachment against Harry E. Claiborne.

The VICE PRESIDENT. The question is on the adoption of the resolution.

The resolution (S. Res. 481) was agreed to as follows:

S. RES. 481

Resolved, Pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve Senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The Majority and the Minority Leader shall each recommend six Members to the Presiding Officer for appointment to the committee.

SEC. 3. Necessary expenses of the committee shall be paid from the contingent fund of the Senate from the appropriation account "Miscellaneous Items" upon vouchers approved by the chairman of the committee.

SEC. 4. The committee shall be deemed to be a standing committee of the Senate for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 5. The Secretary shall notify the House of Representatives of this resolution.

Mr. DOLE. Mr. President. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, this resolution, which the distinguished minority leader, Mr. BYRD, and I believe will facilitate the Senate's ability to render a fair and informed judgment at the impeachment trial of Judge Harry E. Claiborne, involves the first utilization of a procedure authorized by rule XI of the Rules of Procedure and Practice in the Senate when sitting on impeachment trials.

Rule XI provides in part "(t)hat in the trial of any impeachment the Presiding Officer of the Senate, upon the order of the Senate, shall appoint a committee of twelve Senators to receive evidence and take testimony. * * * the committee so appointed shall report to the Senate in writing a certified copy of the transcript of the proceedings and testimony had and given before such committee. * * * The rule explicitly preserves "the right of the Senate to determine competency relevancy, and materiality." The rule also specifically reserves the right to the Senate to hear directly the testimony of witnesses by providing that "Nothing herein shall prevent the Senate from sending for any witness and hearing his testimony in open Senate, or by Order of the Senate having the entire trial in open Senate."

The history of rule XI, which was debated in 1934 and adopted in 1935, makes clear that the drafters did not intend to substitute the committee's judgment for that of the Senate on the ultimate question of whether the impeached official should be convicted. The committee is not to make any recommendation to the Senate on that question.

Through these means the full Senate retains "the sole power" to determine the facts and law in an impeachment trial. As Senator Norris stated during the Senate's consideration of rule XI, the Senate would only be "delegat(ing) to a committee the tedious task of taking the evidence * * * the trial of the case would take place in the Senate, the evidence would be offered here, and the Senate would pass on it."

□ 1600

Rule XI presently provides that the committees shall consist of 12 members who shall be appointed by the Presiding Officer. The distinguished minority leader and I have agreed that each of us will recommend six members to the Presiding Officer. Rule XI further provides that the members of the committee shall elect a chairman. We recommend to the committee that it also elect a vice chairman from the other party.

I recommend to the Presiding Officer the following Senators for appointment to the committee under impeachment rule XI: Senators MATHIAS, HATCH, WARNER, RUDMAN, PRESSLER, and MCCONNELL.

Mr. BYRD. Mr. President, on behalf of the minority, I recommend to the distinguished Presiding Officer that the following Senators be appointed to serve on the committee of 12 under

impeachment rule XI: Senators HEFLIN, DECONCINI, SARBANES, PRYOR, GORE, and BINGAMAN.

The VICE PRESIDENT. Senators MATHIAS, HATCH, WARNER, RUDMAN, PRESSLER, MCCONNELL, and Senators HEFLIN, DECONCINI, SARBANES, PRYOR, GORE, and BINGAMAN are hereby appointed to be members of the committee appointed under impeachment rule XI.

Mr. DOLE. Mr. President, I ask unanimous consent that the articles of impeachment, the writ of summons, and the precept be printed as a Senate document.

The VICE PRESIDENT. Without objection, it is so ordered.

The articles of impeachment, the writ of summons, and the precept are printed as follows:

H. RES. 461

IN THE HOUSE OF REPRESENTATIVES, U.S.,
July 22, 1986.

Impeaching Harry E. Claiborne, Judge of the United States District Court for the District of Nevada, of High Crimes and Misdemeanors.

Resolved, That Harry E. Claiborne, a judge of the United States District Court for the District of Nevada, be impeached for misbehavior, and for high crimes and misdemeanors; that the evidence heretofore taken by a subcommittee of the Committee on the Judiciary of the House of Representatives sustains articles of impeachment, which are hereinafter set out; and that the articles be adopted by the House of Representatives and exhibited to the Senate:

Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Judge Harry E. Claiborne, a judge of the United States District Court for the District of Nevada, in maintenance and support of its impeachment against him for misbehavior and for high crimes and misdemeanors.

ARTICLE I

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court of the District of Nevada, was and is guilty of misbehavior and of high crimes and misdemeanors in office in a manner and form as follows:

On or about June 15, 1980, Judge Harry E. Claiborne did willfully and knowingly make and subscribed a United States Individual Income Tax Return for the calendar year 1979, which return was verified by a written declaration that the return was made under penalties of perjury; which return was filed with the Internal Revenue Service; and which return Judge Harry E. Claiborne did not believe to be true and correct as to every material matter in that the return reported total income in the amount of $80,227.04 whereas, as he then and there well knew and believed, he received and failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code.

The facts set forth in the foregoing paragraph were found beyond a reasonable doubt by a twelve-person jury in the United States Court of the District of Nevada.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor and, such conduct, warrants impeachment and trial and removal from office.

ARTICLE II

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes and misdemeanors in office in a manner and form as follows:

On or about June 15, 1981, Judge Harry E. Claiborne did willfully and knowingly make and subscribe a United States Individual Income Tax Return for the calendar year 1980, which return was verified by a written declaration that the return was made under penalties of perjury; which return was filed with the Internal Revenue Service; and which return Judge Harry E. Claiborne did not believe to be true and correct as to every material matter in that the return reported total income in the amount of $54,251 whereas, as he then and there well knew and believed, he received and failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code.

The facts set forth in the foregoing paragraph were found beyond a reasonable doubt by a twelve-person jury in the United States District Court for the District of Nevada.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor and, by such conduct, warrants impeachment and trial and removal from office.

ARTICLE III

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes in office in a manner and form as follows:

On August 10, 1984, in the United States District Court for the District of Nevada, Judge Harry E. Claiborne was found guilty by a twelve-person jury of making and subscribing a false income tax return for the calendar years 1979 and 1980 in violation of section 7206(1) of title 26, United States Code.

Thereafter, a judgment of conviction was entered against Judge Harry E. Claiborne for each of the violations of section 7206(1) of title 26, United States Code, and a sentence of two years imprisonment for each violation was imposed, to be served concurrently, together with a fine of $5000 for each violation.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of high crimes.

ARTICLE IV

That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guility of misbehavior and of misdemeanors in office in a manner and form as follows:

Judge Harry E. Claiborne took the oath for the office of judge of the United States and is required to discharge and perform all the duties incumbent on him and to uphold and obey the Constitution and laws of the United States.

Judge Harry E. Claiborne, by virtue of his office, is required to uphold the integrity of the judiciary and to perform the duties of his office impartially.

Judge Harry E. Claiborne, by willfully and knowingly falsifying his income on his Federal tax returns for 1979 and 1980, has betrayed the trust of the people of the United States and reduced confidence in the integrity and impartiality of the judiciary, thereby bringing disrepute on the Federal courts and the administration of justice by the courts.

Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of misdemeanors and, by such conduct, warrants impeachment and trial and removal from office.

U.S. SENATE,
Washington, DC.

The United States of America:

The Senate of the United States to Ernest E. Garcia, Sergeant at Arms, United States Senate, greeting:

You are hereby commanded to deliver to and leave with Harry E. Clairborne, if conveniently to be found, or if not, to leave at his usual place of abode, a true and attested copy of the within writ of summons, together with a like copy of this precept; and in whichsoever way you perform the service, let it be done at least fifteen days before the answer day mentioned in the said writ of summons.

Fail not, and make return of this writ of summons and precept, with your preceedings thereon indorsed, on or before the day for answering mentioned in the said writ of summons.

Witness George Bush, Vice President of the United States, and President of the Senate, at Washington, D.C., This 14th day of August, in the year of our Lord 1986, and of the Independence of the United States the two hundred and tenth.

JO-ANNE L. COE,
Secretary of the Senate.

U.S. SENATE,
Washington, DC.

The United States of America:

The Senate of the United States to Harry E. Claiborne, greeting:

Whereas the House of Representatives of the United States of America did, on the sixth day of August, 1986, exhibit to the Senate articles of impeachment against you, the said Harry E. Claiborne, in the words following:

"Articles of Impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Judge Harry E. Claiborne, a judge of the United States District Court for the District of Nevada, in maintenance and support of its impeachment against him for misbehavior and for high crimes and misdemeanors.

ARTICLE I

"That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes and misdemeanors in office in a manner and form as follows:

"On or about June 15, 1980, Judge Harry E. Claiborne did willfully and knowingly make and subscribe a United States Individual Income Tax Return for the calendar year 1979, which return was verified by a written declaration that the return was made under penalties of perjury; which return was filed with the Internal Revenue Service; and which return Judge Harry E. Claiborne did not believe to be true and correct as to every material matter in that the return reported total income in the amount of $80,227,04 whereas, as he then and there well knew and believed, he received and failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code.

"The facts set forth in the foregoing paragraph were found beyond a reasonable doubt by a twelve-person jury in the United States District Court for the District of Nevada.

"Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor and, by such conduct, warrants impeachment and trial and removal from office.

ARTICLE II

"That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes and misdemeanors in office in a manner and form as follows:

"On or about June 15, 1981, Judge Harry E. Claiborne did willfully and knowingly make and subscribe a United States Individual Income Tax Return for the calendar year 1980, which return was verified by a written declaration that the return was made under penalties of perjury; which return was filed with the Internal Revenue Service; and which return Judge Harry E. Claiborne did not believe to be true and correct as to every material matter in that the return reported total income in the amount of $54,251 whereas, as he then and there well knew and believed, he received and failed to report substantial income in addition to that stated on the return in violation of section 7206(1) of title 26, United States Code.

"The facts set forth in the foregoing paragraph were found beyond a reasonable doubt by a twelve-person jury in the United States District Court for the District of Nevada.

"Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of a high crime and misdemeanor and, by such conduct, warrants impeachment and trial and removal from office.

ARTICLE III

"That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of high crimes in office in a manner and form as follows:

"On August 10, 1984, in the United States District Court for the District of Nevada, Judge Harry E. Claiborne was found guilty by a twelve-person jury of making and subscribing a false income tax return for the calendar years 1979 and 1980 in violation of section 7206(1) of title 26, United States Code.

"Thereafter, a judgment of conviction was entered against Judge Harry E. Claiborne for each of the violations of section 7206(1) of title 26, United States Code, and a sentence of two years imprisonment for each violation was imposed, to be served concurrently, together with a fine of $5000 for each violation.

"Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of high crimes.

ARTICLE IV

"That Judge Harry E. Claiborne, having been nominated by the President of the United States, confirmed by the Senate of the United States, and while serving as a judge of the United States District Court for the District of Nevada, was and is guilty of misbehavior and of misdemeanors in office in a manner and form as follows:

"Judge Harry E. Claiborne took the oath for the office of judge of the United States and is required to discharge and perform all the duties incumbent on him and to uphold and obey the Constitution and laws of the United States.

"Judge Harry E. Claiborne, by virtue of his office, is required to uphold the integrity of the judiciary and to perform the duties of his office impartially.

"Judge Harry E. Claiborne, by willfully and knowingly falsifying his income on his Federal tax returns for 1979 and 1980, has betrayed the trust of the people of the United States and reduced confidence in the integrity and impartiality of the judiciary, thereby bringing disrepute on the Federal courts and the administration of justice by the courts.

"Wherefore, Judge Harry E. Claiborne was and is guilty of misbehavior and was and is guilty of misdemeanors and, by such conduct, warrants impeachment and trial and removal from office."

And demand that you, the said Harry E. Claiborne, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials, and judgments might be thereupon had as are agreeable to law and justice.

You, the said Harry E. Claiborne, are therefore hereby summoned to file with the Secretary of the United States Senate, S-221 The Capitol, Washington, D.C., 20510, an answer to the said articles of impeachment no later than the close of business on the 8th day of September, 1986, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate of the United States shall make in the premises according to the Constitution and laws of the United States.

Hereof you are not to fail.

Witness George Bush, Vice President of the United States, and President of the Senate, at Washington, D.C., this 14th day of August, in the year of our Lord 1986, and of the Independence of the United States the two hundred and tenth.

JO-ANNE L. COE,
Secretary of the Senate.

CONCLUSION

Mr. DOLE. This completes the actions which the Senate must take today with respect to the Articles of Impeachment. The committee appointed under Impeachment Rule XI will be in communication with the House managers and counsel for Judge Claiborne to arrange for the proceedings before it. Counsel for the parties should be ready on September 15, at the latest, to present their witnesses and documents to the committee. It is my hope that the week of September 22 would be utilized to complete the printing of the record compiled before the committee for submission to the full Senate on September 29 or as soon thereafter as the Senate, sitting as a Court of Impeachment, can hear them.

I ask unanimous consent that the Senate, sitting as a Court of Impeachment, now adjourn until a time to be fixed later by the Senate.

I thank my colleagues.

The VICE PRESIDENT. Without objection, it is so ordered.

Thereupon, at 4:01 p.m., the Senate, sitting as a Court of Impeachment, adjourned until a time to be fixed later by the Senate.

COMPREHENSIVE ANTI-APARTHEID ACT

The Senate resumed consideration of the bill.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

(Mr. EVANS assumed the chair.)

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask that the Senate be in order.

The PRESIDING OFFICER. If the Senator will withhold for a moment, the Senate is not in order. Will those who are conversing in the wells and in the aisles please retire to the cloakrooms or their desks?

Mr. BYRD. Mr. President, I ask that the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order.

Senators who are conversing please retire to the cloakrooms or to their desks. All staff members will take their seats. The Senate will not continue until all Members have either taken their seats or retired to the cloakroom.

The Senate is in order. The minority leader is recognized.

Mr. BYRD. Mr. President, I did not seek recognition. I want to compliment the chairman on restoring order. If I am recognized I do have a statement to make.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. BYRD. I will be happy to forgo my statement and let other Senators call up amendments if they so desire.

Mr. President, I believe there are Senators on the floor who wish to call up amendments. I do not have an amendment at this time. I will forgo making a statement on the subject matter.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. It is the Chair's understanding that the time allotted to the Helms amendment has expired. There is time however on the bill itself. That is the position we are now in.

Mr. KENNEDY. Mr. President, will the Senator from Rhode Island yield for a minute for a question?

Mr. PELL. I yield to the Senator from Massachusetts for a question.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I understand there were some negotiations going on with regards to the Helms amendment. I am quite prepared to offer my amendment at this time so that we can continue the progress which will necessitate asking the others be temporarily set aside. But I will be glad to withhold if others wish to proceed. Whichever way the floor manager wants to proceed is certainly satisfactory.

Mr. LUGAR. If the Senator will yield, I ask unanimous consent that the Helms amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

AMENDMENT NO. 2736

Mr. KENNEDY. Mr. President, I send an amendment to the desk in behalf of myself, the Senator from Connecticut, Mr. WEICKER, and the Senator from California, Mr. CRANSTON, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. WEICKER, and Mr. CRANSTON, proposes an amendment numbered 2736.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be disponsed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 49, delete lines 11 through 20; and

On page 50, delete lines 4 through 13, and at line 14 delete "(iii)"; and

On page 70, line 8, insert the words "or subsidized" after the word "controlled;" and

On page 79, between lines 13 and 14, insert the following new sections:

PROHIBITION ON IMPORTATION OF SOUTH AFRICAN AGRICULTURAL PRODUCTS AND FOOD

SEC. . Notwithstanding any other provision of law, no:

(1) agricultural commodity, product, by-product of derivitive thereof,

(2) article that is suitable for human consumption, that is a product of South Africa may be imported into the customs territory of the United States after the date of enactment of this Act.

PROHIBITION ON IMPORTATION OF IRON OR STEEL

SEC. . Notwithstanding any other provision of law, no iron or steel produced in South Africa may be imported into the United States.

PROHIBITION ON EXPORTS OF CRUDE OIL AND PETROLEUM PRODUCTS

SEC. . (a) No crude oil or refined petroleum product which is subject to the jurisdiction of the United States or which is exported by a person subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any export pursuant to a contract entered into before the date of enactment of this Act.

On page 78, lines 8 and 9, strike out "sections 301 through 312" and insert in lieu thereof "this title".

On page 78, lines 23, strike out "sections 301 through 312" and insert in lieu thereof "this title".

Mr. KENNEDY. Furthermore, I understand there is an hour time limitation. Is that correct?

The PRESIDING OFFICER. The Senator is correct. Thirty minutes to each side.

Mr. KENNEDY. I yield myself 7 minutes.

First of all, Mr. President, I want to express my appreciation to Senator LUGAR for his cooperation and his willingesss to accept the first amendment offered this morning by Senator WEICKER and myself. That amendment included certain measures that were also adopted by the Commonwealth of Nations during their meeting in London on August 3-5, and, but for the fact that I was participating in the Judiciary Committee's deliberations on the nomination of William Rehnquist as Chief Justice of the United States, I would have been here to speak in support of that amendment.

The purpose of the amendment that I am offering now, with Senator WEICKER, is to complete the process of bringing our legislation into conformity with the Commonwealth's proposals. This amendment, if adopted, will do the following:

First, it will eliminate the loophole in the bill that excepts short-term credit arrangements—such as trade credits, letters of credit and sales on account—from the ban on bank loans to the South African private sector.

Second, it will also eliminate the loophole in the bill that excepts reinvestment of profits from the prohibition on new investments by United States corporations doing business in South Africa.

Third, it will prohibit the importation of South African agricultural products, by-products, derivitives and food.

Fourth, it will also prohibit the importation of steel.

Finally, it will prohibit the export or sale of crude oil or petroleum products to South African entities.

I want to make a number of points in support of this amendment.

In his opening remarks today, Senator LUGAR made an important point which I agree with. That point actually serves as the underlying premise of this amendment and the amendment that Senator WEICKER and I offered earlier today that was accepted by the committee chairman. To be most effective, whatever measures that we adopt here should be designed to work in conjuction with, in coordination with, in concert with actions of the other nations of the world. To cite section 106 of the legislation that we are considering today, "The Congress finds that international cooperation is a prerequisite to an effective anti-apartheid policy." This amendment, if adopted, will put us in lock-step with the Commonwealth of Nations and will be a very powerful sign to Pretoria that the civilized nations of the world are working together.

My second point anticipates an argument that I expect to hear from opponents of these measures. This legislation, they argue, is carefully targeted to strike the government of South Africa, to hit the public sector as opposed to the private sector. This has been done, they say, for two reasons: first, because it is the government that administers and enforces apartheid, not the private sector; and second, by carefully focusing our sanctions on the public as opposed to the private sector, we minimize the suffering to the black majority that may result from the imposition of these sanctions.

I do not accept the validity of the distinction between the private and the public sectors in South Africa. That distinction has no justification economically, and it has no justification politically. The South African economy is the most concentrated economic system in the world, outside of the socialist systems of the Eastern bloc. The Afrikaaners have created a system of Afrikaaner socialism whereby the government works in complete partnership with Afrikaaners to build the power and influence of Afrikaanerdom inside South Africa. It makes no sense as an economic proposition to say that a parastatal is somehow a worthy target of sanctions while the state-sponsored, state-subsidized system of agriculture is not.

□ 1610

And politically, the leaders of the private sector are full partners in the apartheid system. If anything, sanctions will only work if the South African economy as a whole feels the pressure, if the leaders of South Africa's industry and commerce are faced with the kind of economic hardship that

will turn them into effective advocates of fundamental change in apartheid.

As for the suffering of the black population, this is an issue that has been beaten to death by the opponents of any action against South Africa. It is true that the black majority may well experience additional economic hardship as a result of an effective international system of sanctions aimed at the apartheid system. But we should never forget three things:

First, the suffering that the blacks are experiencing under apartheid today is, for them, intolerable. Infant mortality in some of the relocation camps is as high as 50 percent during the first year of life. Infant mortality as an average in the homelands is 20 percent: one out of five babies die routinely in the homelands. That will only end with the end of apartheid.

Second, it is now clear that the black majority overwhelmingly supports economic sanctions. As Richard Manning the former Newsweek Bureau Chief in Johannesburg stated during the special forum that we held last month:

> I will tell you that from my experience in South Africa, sanctions are supported by the vast majority of black leader. Any black leaders who does not support universal punitive sanctions runs the risk of being left at the station after the train has left.

Let us heed the words of Bishop Tutu when he says:

> Last year, organizations representing more than 12 million South Africans called for sanctions and economic pressures. These are not significant actions or irresponsible bodies or individuals. I must ask, To whom is the international community willing to listen? To the victims and their spokesmen or to the perpetrators of apartheid and those who benefit from it?

The efforts of those who support this particular amendment, Mr. President, as I mentioned earlier, have one very basic, fundamental goal and commitment. That is to ensure that the United States is going to meet its responsibilities in fashioning and shaping a policy which reflects our own best values, and to be able to work with countries around the world, most particularly now the Commonwealth countries, which receive the recommendations of the Eminent Persons Group, that have a special relationship with South Africa and have a special knowledge and understanding of the situation there.

These recommendations are measured, they are balanced, they are well considered, well thought out. They have been examined in very considerable detail by the Eminent Persons Group and by adding these particular sanctions as well as those within the committee's bill, along with some of the other changes that hopefully will take place over the course of further debate, I think then the United States will be in the position of leadership for not only the Commonwealth countries but for Western Europe and for Japan.

I think this is the position that we should be in and that we must be in. I am very hopeful that this amendment will be successful.

I ask unanimous consent that Senator METZENBAUM be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield myself such time as I may require from the time allotted to this side.

Mr. President, I rise to oppose the amendment of the distinguished Senator from Massachusetts, but I want to review the amendment to make certain that the Senate has an understanding of its provisions. It is a serious amendment, a very important attempt to come into cooperation with the Commonwealth nations who have adopted sanctions after their recent meeting.

First, as I understand the amendment of the distinguished Senator from Massachusetts, it would require the cutoff of trade credits.

This is a devastating action, obviously, to all aspects of South Africa-United States trade. This may be the intent of the amendment and clearly, to this Senator, that would be the effect.

Second, the Kennedy amendment would deny U.S. banks the right to reschedule existing loans. Given South African law, this would result in United States banks having to write off virtually all outstanding loans.

Once again, this may be the intent. This would clearly be the effect. It is a serious one involving several billions of dollars of loans that are outstanding.

Third, by including within the definition of parastatals, state-owned industries, all companies receiving any subsidy from the South African Government, this would lead to an almost compete embargo on imports from South Africa.

Members may wish to vote for such an embargo, but they ought to know precisely that that is the effect.

Fourth, the Kennedy amendment would embargo all agricultural exports to the United States from South Africa. It would embargo all iron and steel exports from South Africa. It would ban all crude oil exports to South Africa from the United States.

I might say, Mr. President, that there has been considerable discussion in the European Common Market already of the potential sanction dealing with iron and steel and, clearly, in the amendment we now have before us, a parastatal company which deals in steel would clearly be affected by this. So these sanctions may be comprehensive but they are not unique to the amendment.

Nevertheless, the composite effect of the amendment, Mr. President, is, in essence, to create a trade embargo. It is to stop all trade and almost pin down all four corners, and, likewise, to create what will amount to the nonpayment by South Africa of loans owed to United States banks. That, I think is a very serious proposition, well beyond the legislation drafted by the Foreign Relations Committee.

One could raise the question, Mr. President: Why stop simply with the sanctions that the Foreign Relations Committee adopted? Why, while we are considering this today, do we not really pile it on?

In other words, if there are problems with the South African Government, would it not be true that you ought to do more rather than less? It might be misinterpreted as being restrained in the situation.

Indeed, Mr. President, I suspect this amendment begins to take us into the zone in which a piling on effect is likely to occur.

If these sanctions, which create almost a total trade embargo, were to be adopted, there is no particularly good reason why we should not, in effect, terminate all relations between South Africa and the United States. Indeed, there are some Senators, I would think, who would choose to do precisely that.

The legislation that the House adopted, if I read it correctly, pretty well winds up South African affairs for United States firms in a 6-month period of time.

The Foreign Relations Committee, in my judgment, wisely rejected the idea of a total trade embargo. We wisely rejected the idea of total disinvestment of U.S. firms.

Instead, we attempted to target certain sanctions that would have particular effect upon the Government of South Africa and those who appear to be in the leadership in that country, who are in a position to end apartheid and to enter into negotiations with representative leaders of all factions of black Africa.

The problem I see in this particular amendment is that it is drafted with a purposeful focus on the Commonwealth sanctions. It is drafted with the thought that others have adopted this course of action. An argument is being made that if we are to be in consonance with them, supportive, we ought to go down the same path.

□ 1620

Mr. President, I said that the United States in this particular instance is eager to try to maintain a strong relationship with South Africa. We do not seek the destruction of the economy of

that country. We do not seek the termination of all ties with that country. Quite to the contrary, we are thinking to the future of that country. That is the basic reason we have presumed to be involved in their affairs.

We believe that democracy is important in South Africa, that trade is important there, that it can play a tremendous role in the future. The point that we insist upon is that our South African friends, black and white, think about human rights, think about the termination of apartheid, think about how a political system might be constructed in the future that would accommodate, in freedom and in justice and with human rights, all the parties that are involved.

We are not seeking a scorched earth policy. We are not involved in deliberately punitive sanctions, trying to wind up the affairs of that country, even as we wind up the affairs of many businesses and banks in our country.

For these reasons, Mr. President, I hope Senators will think carefully, as I am certain they will, about the meaning of following this course with regard to additional sanctions. We have tried, and this point will be made, I suppose, with regard to each amendment or argument we have, but we have tried—and by "we," I mean many Senators, including the Senator from Massachusetts—to come to a conclusion in this body which will have a very large vote of support.

I cannot predict which additions or which sanctions diminishes by one vote or two the number in support. I would say that the collective sanctions in this amendment are such as to give pause to many Senators. I think that would be a shame.

In short, while we are busy piling on additional sanctions, if we are, in the process, losing support on this floor for the bill, that will not have been a good bargin.

Mr. President, the fundamental fact finally remains that our influence in South Africa is limited. In my opening statement, I said it is limited but we have some. We ought not to minimize that. The fact is that none of us knows whether 12 sanctions, 15 sanctions, or 21 sanctions will make any particular difference, or that 21 will make any more difference than 12. Our objective is not economic destruction. It is persuasion, persuasion to move and persuasion, hopefully, for a country that is still alive economically and politically and has a future and has potential, to move on to the steps we have suggested.

For these reasons, Mr. President, I oppose the amendment. I am hopeful that Senators will think carefully about the implications of adding such an unusually large number of additional sanctions in this one amendment.

I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself an additional several minutes.

First, this is not a trade embargo, no matter what the chairman of the Committee on Foreign Relations states. It will still be possible for any of the companies or corporations in South Africa to gain whatever banking arrangements they desire and still trade with the United States. That would not be prohibited by this amendment. That is what I would consider a trade embargo. This amendment does no such thing. We are dealing with whether we are going to fund those particular amounts.

Mr. President, this is not such a radical proposal. A proposal very similar to this was included in the Kassebaum proposal when it was initially recommended to the Senate. So it is important that we give this the careful attention of this body at this time.

Let me say that I would think that most of the Members of this body would think that the amendment which I offer, with the Senators WEICKER and CRANSTON, is already included in this legislation. Let me point out why.

On page 78 of the bill, it says:

Prohibition on New Investment in South Africa. No national of the United States may, directly or through another person, make any new investment in South Africa.

I would think most people would say, well, that is right, we do not want any new investment in South Africa. Now we go back to page 50 in terms of no new investment and there are definitions of new investment on page 49. We turn the page over to 50 and it says it is a loan.

Oh, we say, no new loans. All right. We go back to page 48 and get what the term "loans" is. It is a prohibition of all loans except—except—those that are listed on page 49, where it says:

(B) does not include—

(i) normal short-term trade financing, as by letters of credit or similar trade credits;

(ii) sales on open account in cases where such sales are normal business practice; or

(iii) rescheduling of existing loans, if no new funds or credits are thereby extended to a South African entity or the Government of South Africa;

That particular provision, Mr. President, when you wind your way through those definitions and the various pages of the bill, means that effectively 80 percent of the American investment in refinancing will be excluded from this prohibition unless this amendment is adopted.

You cannot have it both ways. You cannot be representing to the Senate and to the American people that you have such a beautiful prohibition as we have defined here in which most Members of the Senate and most people who can read the English language would say you are prohibiting. But you have to weave your way all the way back through the definitions and weave your way through what loans are in and what loans are out. Eighty percent are excluded. We ought to be fair and frank and candid with the Members of this body and say either we intend to do that or we do not intend to do it.

The Senator from Kansas indicated this was a sufficient area of concern for her to include most of this in her amendment. But it has escaped from coverage by the Foreign Relations Committee.

Mr. President, we understand that the change in South Africa is going to be as a result of internal action and external pressure. We understand that the future of South Africa is going to be decided by South Africans, blacks and whites alike. But again, debate before the U.S. Senate has to be to the extent that American credit is going to continue to fuel the engine of the economy of South Africa, which is committed to the policy of apartheid.

I daresay with the continuation of these credits, 80 percent of which are turned over in the course of the year—$2.5 billion of the $3.1 billion of loans turned over in the year—it is U.S. credit that is doing it. We believe, those of us who support this amendment, that that is not right.

Let us not include this kind of approach if we are not going to believe it but let us not pretend that we are doing something which we are not doing by writing in this kind of language in the legislation.

□ 1630

This is, I think, something which has to be addressed. That is what this amendment does. I withhold the remainder of my time.

Mr. LUGAR. Mr. President, the distinguished Senator has indeed read the language of the Foreign Relations Committee bill correctly. As I expressed, but perhaps not as directly as I should have, our intent was not to devastate American business in South Africa in totality, nor to terminate all of the loans that are now there. I do not know whether 80 percent of what is now going on would continue to go or whether it is 75 or 85 percent.

I accept the Senator's rough estimate that a substantial amount of American business will be continuing. That was our intent; no subterfuge. That clearly is what I believe most Americans want to occur. Most Americans would not, in a referendum now, tell IBM, Xerox, and General Motors to get out of South Africa or to make no new investment under any circumstances or to have no new financing under any circumstances. Now, there may come a time when the board of directors of General Motors comes to that conclusion.

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I think all of us have heard testimony from our constituents who have business in South Africa, or from national leaders of great American firms, that they are all discouraged about doing business in South Africa; they are losing money, by and large; they expect to continue losing money. It is a depressed economy and getting worse. It is a situation there where they are harassed on many occassions. They have much difficulty.

And so this is the reason most of us have come to an agreement, listening to testimony by the Secretary of State or the eminent persons or others who have followed this issue, that there is basically no new investment by American firms going into South Africa. It is simply not a good investment if you are looking for any return on your money. Many firms likewise have a sense of foreboding about the future of South Africa. I think any practical businessman would be bound to have a sense of foreboding. It is not a pleasant place right now in which to be doing business. Nor is any expectation generated by the debate that we are having. This debate comes because there is turmoil, an expectation of very real difficulty in South Africa.

So I have no quarrel with the fact that the Senator may be correct that only about 20 percent of what business is currently taking place is wound up by the Foreign Relations Committee draft. I suspect that he would prefer to get rid of the other 80 percent. I would not. I think that is a basic difference between us. I would still hold to the hope that American business, American business practices, American business leadership would be important in the formulation of the new South Africa. I believe it is important that we witness our ideals there, even if only 2 percent of South African blacks are employed by American business, as is presently about the case. I think it is important that those firms doing the right thing have an opportunity to continue doing it. I reject the thought that willy-nilly, across the board, every firm ought to get out just to show those folks we mean business and close all loopholes as we close all businesses. I think there is a clear distinction in our positions, Mr. President.

This amendment comes as a part of a series of amendments. We have thus far entertained this morning an amendment by the distinguished Senator from California that would put an immediate ban on textiles. That amendment was adopted by the Senate. We have adopted a formulation by the distinguished Senator from Connecticut [Mr. DODD] that would expand the parastatal situation in production also into marketing, excluding agricultural products. These seem to me to be amendments that were at the margins, at least with regard to their effect on the bill. One could argue back and forth, as we did, on the effects on certain domestic imports and exports, but the Senate has acted. The Senate has also stricken two sections, the one dealing with gold, claiming the President already had the authority, and rejected the visa sanction that we had in the bill. So we have had some modifications.

But this particular amendment enters a different realm altogether. This one is not at the margins. It is not an incremental difference. It is a very large difference. It really winds things down with a vengeance.

The Senator has said he is closing the loopholes. Indeed, he does; he closes the businesses; he closes the loans. I think that would be a mistake, Mr. President, given the awesome difficulties facing that country. We are engaged in this debate because we still have hope for South Africa and our relationship with all the people of that country.

So I urge Senators to reject this amendment. It vastly changes the scope of the bill. In my judgment, it changes it so markedly that we are arguing in different parameters altogether; instead of targeting sanctions on the Government and on those in authority, it would impose a much more blanket economic sanction that I think would devastate our purpose quite apart from what happens in South Africa.

I yield the floor.

Mr. KENNEDY. Mr. President, we will have an opportunity to talk about an investment or disinvestment amendment, I suppose, a little later, but that is not what this bill is all about. This legislation reported out of the Foreign Relations Committee says no new investment and no new bank loans and then provides a back door by which those bank loans and those new investments can take place. It is as simple as that. In fairness to the membership, they ought to understand that. We are trying to say that there will not be new investment and there will not be new bank loans. Under the current amendment, if American companies or corporations have the kinds of profits that they had several years ago, which went up to 30-odd percent, they would be able to reinvest that and expand their operations in that country.

Now, either we want new investment and we want no new banks loans or we do. That is the simple issue. We tried in the earlier intervention to point out the reasons why that currently is the case. I hope, Mr. President, this amendment will be accepted. I think it is an essential amendment if we are going to be serious about no new bank loans and no new investments. We are not talking about a trade embargo. The fundamental question, Mr. President, is whether we want to have the genius, American know-how, American technology, American business acumen continuing to be an engine in the South African economy without the kind of meaningful assurances that political prisoners would be released and that a process would be set in motion which would permit recognition of some of the basic and fundamental rights and liberties in which we believe.

That is the issue before the Senate. We want to continue with American ingenuity, continue the strength of the economy, by continuing the extensive presence of American business. All we are saying is that that should not be the case in terms of new bank loans and new loans. In those specific areas we are saying no. I hope this amendment will be accepted.

I will be glad to yield 2 minutes to the Senator from Illinois. Then, unless there are other speakers, I would be glad to yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I rise in support of this amendment. What we clearly have to do is to put a meaningful squeeze on the economy of South Africa; let them know that we really mean business. One of the most devastating books I have read in the last couple years was a book by a fellow named David Wyman called "The Abandonment of the Jews," and it tells how the United States used all the pious words when Hitler came into power and was abusing the Jews but we did not do the meaningful thing that might have changed policy and ultimately might have saved millions of lives.

I see us doing the same thing again, using pious words but not the meaningful ones.

I spent a half day with Bishop Tutu 3 years ago.

□ 1640

I shall never forget that his basic message was that we are headed toward unbelievable violence and the only country that can prevent it, because of its economic power, is the United States of America. I really believe that.

This amendment, as I look through it, goes to the problem of loans. That does not mean that if IBM is in South Africa, they cannot borrow money from a Swiss bank or someplace else, but at least they must go elsewhere.

Agricultural products: We have enough problems in this country. We do not need to be importing agriculture from South Africa.

Importation of iron or steel: I do not know much about iron, but I know a little about steel. The steel industry in our country is devastated. We import only about 5 percent of South Africa's production of steel, but that 5 percent

means substantial profits for that steel industry.

I think that what we are doing here really makes sense.

I will add one other thing: I recall when we were involved in the civil rights struggle, when the economic pressure started to be applied, and then the Birmingham Chamber of Commerce came out with a statement or a resolution—I do not recall which—but a statement that was devastating, that really changed the atmosphere, because they sensed which way things were going.

I have to believe that the business interests of South Africa, if they feel the squeeze and sense where we are going, are going to do the right thing in South Africa and move that great country toward peace, and blacks and whites alike will benefit.

This amendment moves us in the right direction and, more significantly, moves South Africa in the right direction, and I will strongly support it.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 11 minutes remaining.

Mr. KENNEDY. I yield myself 3 minutes.

Mr. President, included in this amendment is the prohibition of the importation not only of steel, but also agricultural goods; $36 million imports of sugar products. There are areas like Louisiana and in the Philippines—I know that my colleague will be offering an amendment on this later in the debate.

Thirty million dollars' worth of corn: There are farmers in Iowa and in the Senator's own State who can produce corn and have excesses of corn and can use this market.

Twenty-five million dollars' worth of rice: There are States in the South and Southeast that are producers and could use those markets.

Seventeen million dollars' worth of tobacco: With all the problems the small tobacco farmers are facing, it seems to me that they could make up for those particular markets.

Would the Senator, who represents not only an industrial State but also an agricultural State, indicate to me whether, to his knowledge, the agricultural community and the farming community would welcome the opportunities for these new markets?

Mr. SIMON. I thank my colleague from Massachusetts for his comments. I assure him that the corn farmers of Illinois and Iowa and Indiana, if I may add that, do not want to see corn imported from South Africa, any more than rice growers, sugar growers, tobacco growers, or any other growers.

Here is a practical way of helping our own economy and at the same time sending a message we ought to be sending.

The point of the Senator from Massachusetts is absolutely correct.

Mr. KENNEDY. We did not have much time to talk about that particular provision of this amendment, but it is an important one and a significant one, and something that I hope our colleagues would recognize as well.

It is also true that we have the prohibition of fruits and vegetables, up to $52 million a year. We can also produce some of the finest fruits in the world.

So I think the point the Senator makes is not only consistent with the thrust and purpose of the legislation and with our policy in terms of rejection of apartheid, but also, we are doing something for the American farmer, steelworker, and other citizens who are hardpressed in many parts of our country, given the state of our economy.

Mr. SIMON. Let me give the Senator a practical illustration.

In downtown Chicago, we have the State of Illinois Center, built with South African steel. Just a few miles away, a steel works is closed.

In Gary, IN—the Senator from Indiana knows this better than I do—they are in terrible shape.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SIMON. I ask for 1 additional minute.

Mr. KENNEDY. I yield to the Senator.

Mr. SIMON. Clearly, we can send a message to South Africa and at the same time help the people here in the United States.

I think the Senator's amendment is a superb one, and I am pleased to support it.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time remains on the amendment?

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. KENNEDY. I yield.

Mr. PELL. Mr. President, I believe this is a very useful amendment.

It would tighten the prohibitions on new investment and loans contained in the bill.

It would also strengthen the bill by adding prohibitions that have been agreed to or are under consideration by the European Community and the British Commonwealth. In fact, the European Community is likely to adopt the ban on the importation of iron and steel in September. The Commonwealth will undoubtedly follow suit.

Also, six of the Commonwealth heads of state have also agreed to implement most of the measures and to encourage their other Commonwealth colleagues to do so as well. This is a strengthening amendment, it is a good amendment, and I hope it will be acted on favorably by my colleagues.

Mr. LUGAR. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Indiana has 10 minutes.

Mr. LUGAR. Mr. President, in the colloquy between the distinguished Senator from Massachusetts and the distinguished Senator from Illinois, we saw the development of a line of inquiry that they found congenial and I suspect that they found appealing to the American people. They said that even while we are doing good with regard to the moral problem of apartheid, we can really sock to those South Africans and help some good American firms along the way.

Why not, while we are in a moral frame of mind, trying to get the South Africans to change their apartheid policy and a governmental structure, engage in a little protectionism on the side? Why not help the corn farmer? Why not help those making steel? Why not, in fact, just lock in any exports from South Africa that might in any way come into our country and thus create problems, as the Senators saw them?

It was an appealing argument. It was the one offered today on textiles. It is the current topic, a poignant topic. If we were having a debate today on free trade or fair trade or trade laws, some Senators would point out that even as particular industries and particular individuals are being helped, the vast majority of Americans are being hurt.

I fear that in this amendment, we finally get to the nub of a real problem which does not strengthen the bill but weakens it materially.

The moral basis of what we are doing really floats out of this, if we are engaged in a protectionist trade bill by another name. It demeans the South African debate, and I think we should cut it out.

If we are engaged in sanctions, they ought to be for the purpose of influencing that government and those who are in power.

The distinguished Senator from Illinois has said that if you squeeze the South African businessman, you can count on him to sort of get the job done, get this apartheid business wound up, get the government back on the right track. In fact, as the distinguished Senator knows, because he is a student of these affairs, it is arguable whether South African business has much influence at all with regard to the Government of South Africa.

It is a shame that the influence is so little, but that appears to be the case. Even then, business people could be more effective, and they should be more effective and perhaps stimulated by a sanctions bill. But, for the moment, it is arguable, even if all of them were outraged by the sanctions,

that they would have much effect upon the Afrikaner Government that we are taking a look at and which is the target of this sanctions bill.

□ 1650

In short, Mr. President, all of these different situations of strengthening or weakening miss the point of why this kind of legislation makes any sense. It makes sense only if the political officials who have power now are prepared to share it, are prepared to think of a new constitutional structure, are prepared at least to end apartheid and the repression of blacks in South Africa.

Let me just add while we are in the course of so-called strengthening the bill, we are in fact involved in winding up international trade between our country and South Africa.

If you deny trading companies the short-term financing they require, Mr. President, this international trade is on a cash-and-carry basis and, as a result, you wind up their affairs.

That may not have been the total intent. That is the effect. It is a trade embargo. It is in fact disinvestment.

If you wind up any possibilities of people reinvesting profits in their businesses, having sources of credit to reinvigorate their business, they will atrophy, they will depreciate. This investment is a slower method than the House of Representatives, the other body, prescribed. They said 6 months. This will be more of a lingering death, I suspect, but it is disinvestment. It is the windup of business as it is. It is the termination of trade.

This is not a good amendment, in my judgment. It is likely to tip this bill into a situation of a pile-on of sanctions that makes no more difference with regard to the Government of South Africa and the change of its attitude. But it will in effect harm U.S. businesses very substantially.

For the small pittance of fruits that will be kept out or corn that can no longer be exported or 5 percent of steel that has been mentioned, and so forth, the devastating effect upon American banks that are loaned money, American's businesses that are in legitimate pursuits that are offering jobs and opportunity, those will be very startling, Mr. President.

I hope Senators will consider that and vote to reject the amendment.

Mr. KENNEDY. Mr. President, I just want to point out finally in conclusion and make a couple of observations.

The Senator's own bill prohibits the importation of uranium and coal. So effectively he is putting an embargo on that particular measure.

I imagine the Senator from Indiana supports economic sanctions on Nicaragua. I think I have heard him speak in favor of that. I imagine the Senator from Indiana favored economic sanctions on Libya at the time when they were perpetuating terrorism. I imagine he favors sanctions on Poland and Cuba.

So the fact of the matter is this administration and this Foreign Relations Committee has been prepared to make recommendations on economic sanctions in those particular countries, and now when we are trying to strengthen those particular provisions, we are somehow put in a position of being an antifree trade, anti-American economy.

Mr. President, we were prepared to offer those particular measures on sanctions on Nicaragua, Libya, Poland, Uganda some years ago and other places.

This is a question about—and we are prepared to do it to carry on our own kinds of national interest, national purpose, national policy—we are talking about similar kinds of actions now dealing with new loans, dealing with new investment.

That is what this amendment is about, and as I said, these particular recommendations that are included in our amendment are not just taken out of whole cloth. They are the recommendations which will hopefuly be adopted by the Commonwealth countries. Each and every one of these are effectively the recommendations of the Commonwealth countries.

We are attempting to conform with what the Senator from Indiana initially outlines as to be the purpose, and that is, that the sanctions be effective.

They will be effective if the European market closes agricultural products because they import $434 million. We import some $52 million; $432 million adds up to one-half of a billion dollars. It becomes pretty important, pretty effective.

These recommendations are the ones that the Commonwealth countries are recommending. That is part of the reason that we have accepted it, so that we will have concert, so that we will have effective action, so that the democratic world community will be able to speak with one voice.

That is what this amendment is about. It has broad and wide support across this country.

We were prepared to take much more dramatic action in other areas of foreign policy in the last few years. We ought to be prepared to take these small steps.

I am glad to yield back if the leader wanted to yield back. Otherwise I withhold the remainder of my time.

The PRESIDING OFFICER. (Mr. HECHT). The Senator from Washington.

Mr. EVANS. Mr. President, will the manager yield 3 minutes?

Mr. LUGAR. I yield 3 minutes.

Mr. EVANS. Mr. President, the Foreign Relations Committee dealt with a wide variety of proposed sanctions and measures to try to get to the end of apartheid in South Africa. I do not think there is much difference in the views of Members of this Senate in their abhorrence of apartheid. We are all struggling to find the right way, the most effective way, the best way to end apartheid.

Ultimately, it will happen as others have mentioned within South Africa, by South Africans, black and white. We can be of some value and some help.

I believe the bill crafted in the Foreign Relations Committee is one that steers the best course, the most appropriate course, the one which is most likely to succeed.

With that, Mr. President, I would like to ask the chairman of the Foreign Relations Committee some questions which are based on testimony that came before our committee during the time we debated South Africa.

Is it correct that if, as the chairman pointed out, there are to be restrictions of the kind this amendment would institute, businesses, for all practical purposes, would have to disinvest or withdraw or end their operations in South Africa? Is that the ultimate effect of the amendment as it relates to loans?

Mr. LUGAR. Businesses would literally wither on the vine and they would have to make forced sales to South Africans or other countries or simply terminate operations.

Mr. EVANS. It is my further understanding that the South African Government in an attempt to deal with this problem of disinvestment has established two separate kinds of rands, their currency, one being an economic rand, one a financial rand, and that both investment and disinvestment in South Africa must be conducted through the financial rand. Is that substantially correct?

Mr. LUGAR. That is correct.

Mr. EVANS. It is my further understanding that the financial rand is at an all-time low and headed lower as there is much less interest in investing and much greater interest in disinvesting and, since it is a relatively free market, the market continues to sink; is that further correct?

Mr. LUGAR. That is correct.

Mr. EVANS. Then it appears to me that the end result of this amendment, we ought to understand, would be for American companies to be forced to withdraw at extraordinary losses, virtual expropriation of their investments which have been made in South Africa over the years. Is that essentially correct, as well?

Mr. LUGAR. That is my understanding.

Mr. EVANS. I hope that Members of the Senate do understand the extent of this amendment, the end result it

would have on American companies and not only the end of their operations in South Africa, which may be what the Senator from Massachusetts seeks, but also the end in a way that would create financial havoc for those who have invested.

Mr. KENNEDY. Mr. President, I yield myself time as I might need.

It is my understanding that there were no business men or women who testified on this legislation in the Foreign Relations Committee. Am I correct?

Mr. LUGAR. I do not recall that there were in these hearings. We have had such testimony as I recall in the past.

Mr. KENNEDY. I am wondering what was the basis of the certainty in the response of my good friend from the State of Washington.

Mr. LUGAR. I respond we have heard from witnesses in the past in fairly close proximity to these hearings.

Mr. PELL. We have in the past but not on this particular bill.

Mr. BYRD. Mr. President, the amendment offered by the distinguished Senator from Massachusetts is a powerful statement of American opposition to apartheid. I introduced a version of this legislation on behalf of Senator KENNEDY, Senator CRANSTON, and Senator WEICKER in an effort to join the issue of U.S. policy toward South Africa.

The Foreign Relations Committee has provided the first few steps—useful and significant steps—on the ladder to help American policy climb out of darkness and uncertainty and into the clear light of legitimacy. But these Senators are finishing that job. These additions are consistent with the policy adopted by our allies in the European Community and the Commonwealth.

The distinguished chairman of the Foreign Relations Committee has characterized this amendment as protectionism in the guise of economic sanctions. I have to disagree. The effort here is to have an impact on the South African economy without destroying that economy. The sanctions in the Kennedy amendment banning imports of agricultural and steel products achieve that measured goal. South African steel exports to the United States account for only 5.3 percent of total South African raw steel production. If we end imports of South African steel, we say that we are not prepared to be dependent upon that country for a basic product—A product that is competing with American steel. Incidentally, I would like to see an end—or considerable reductions—in steel imports from other nations.

I doubt that the 500,000 tons of steel we import annually from South Africa will make any difference to our own troubled steel industry, though I am not embarrassed to say that I hope it does help. Why should American steel workers compete with South African steel that is made at slave wages? Nonetheless, this is an issue of foreign policy, and the amendment makes a meritorious contribution on that basis.

The Kennedy-Weicker-Cranston amendment is a well-considered addition to the Foreign Relations Committee's bill. It increases our leverage and impresses upon the government of South Africa that we are, indeed, serious about the need for progress. We cannot make policy in South Africa. As Senators have said, only South Africans—Black and White—can meet the challenge there. But we can and must exercise our influence in support of peaceful change. This amendment is a step in that direction.

□ 1700

The PRESIDING OFFICER. (Mr. EVANS). Who yields time?

Mr. KENNEDY. I yield time to the Senator from California.

Mr. PELL. I yield 4 minutes to the Senator from California.

Mr. KENNEDY. I think I have some time remaining. How many minutes do I have remaining, Mr. President?

The PRESIDING OFFICER. Two minutes.

Mr. KENNEDY. I yield all of those to the Senator from California.

Mr. PELL. Mr. President, I yield Senator KENNEDY's 2 minutes and 2 minutes of my time from the bill to the Senator from California.

Mr. CRANSTON. I thank both my friends and colleagues.

The PRESIDING OFFICER. The Chair is in doubt. Is that 2 minutes of Senator KENNEDY's time plus 2 minutes of time off the bill, for a total of 4 minutes?

Mr. PELL. Yes.

Mr. CRANSTON. Mr. President, the Kennedy-Weicker-Cranston amendment brings us into agreement with Commonwealth actions. It supports multilateral actions. It is a very important part of the process we must follow, and I urge adoption of this amendment, which I am delighted to cosponsor.

The American people are tired of the "do nothing" policy of this administration in regard to apartheid. They are counting on Congress to act.

Cynics predicted that the Senate would never get its act together. We are about to prove those cynics were very, very wrong.

We must put together a veto-proof bill, a bill that will enable us to override a veto with a two-thirds vote of this body, because we must anticipate a veto. A veto is virtually certain to occur.

We are going to win on this measure today, tonight, or tomorrow. But we must be prepared to fight another day, as well.

We must not trifle with evil. We must not try to appease apartheid.

We paid a full price of a world war. And I watched that unfold as a correspondent in Nazi Germany in the late thirties. We paid a terrible price to learn that we could not do business with Hitler.

Today, we must resist the siren song of profits that tempt us to do business with apartheid. The acrid smell of genocide is beginning to rise in South Africa. We must let the people of all races, black and white, in South Africa know that America stands for democracy against fascism, America stands for equality against racism, America stands for liberty against oppression.

The stronger the measure that we enact, the stronger that message will be to all those in South Africa and all those outside South Africa deeply concerned about this issue and looking to us longingly for leadership. Now is the time for us to provide that leadership. Adopting this amendment will strengthen that effort.

I yield back any part of the 4 minutes that I might have.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LUGAR. Mr. President, how much time remains on my side?

The PRESIDING OFFICER. Five minutes.

Mr. LUGAR. Mr. President, let me just reiterate that we need to be very thoughtful about what is meant by strength, by strengthening this measure.

Clearly, none of us want to trifle with disaster, with evil, with apartheid. Very clearly, that is the reason we have adopted already in this body a year ago sanctions and we are about to adopt many more. The Senator from California is correct, that there is a strong message in our action.

But, Mr. President, there is no good evidence that piling on additional sanctions all in the name of strengthening the bill will make one whit of difference. As a matter of fact, we know that the piling on of the particular sanctions that are in this amendment will cause a very great deal of harm for Americans, for South Africans, for the future of our relationship, for the future of trade, for the future of business.

One can make an argument that it is clearly our purpose to fight apartheid and to do so to target sanctions and also our purpose to try to maintain a relationship with South Africa that is to follow.

It is in that regard, Mr. President, that I ask Members to reject this amendment.

Mr. President, I yield back all time on our side. I move to table the Ken-

nedy amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana [Mr. LUGAR] to table the amendment of the Senator from Massachusetts [Mr. KENNEDY]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER], is necessarily absent.

The PRESIDING OFFICER (Mr. MCCONNELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 234 Leg.]

YEAS—51

Abdnor	Gorton	Murkowski
Andrews	Gramm	Nickles
Armstrong	Grassley	Pressler
Boren	Hatch	Quayle
Boschwitz	Hawkins	Roth
Broyhill	Hecht	Rudman
Chafee	Heflin	Simpson
Cochran	Helms	Stafford
Cohen	Humphrey	Stennis
Danforth	Kassebaum	Stevens
Denton	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Lugar	Trible
Durenberger	Mathias	Wallop
Evans	Mattingly	Warner
Ford	McClure	Wilson
Garn	McConnell	Zorinsky

NAYS—48

Baucus	Glenn	Melcher
Bentsen	Gore	Metzenbaum
Biden	Harkin	Mitchell
Bingaman	Hart	Moynihan
Bradley	Hatfield	Nunn
Bumpers	Heinz	Packwood
Burdick	Hollings	Pell
Byrd	Inouye	Proxmire
Chiles	Johnston	Pryor
Cranston	Kennedy	Riegle
D'Amato	Kerry	Rockefeller
DeConcini	Lautenberg	Sarbanes
Dixon	Leahy	Sasser
Dodd	Levin	Simon
Eagleton	Long	Specter
Exon	Matsunaga	Weicker

NOT VOTING—1

Goldwater

So the moton to lay on the table amendment No. 2736 was agreed to.

□ 1720

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HELMS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table is agreed to.

AMENDMENT NO. 2734

The PRESIDING OFFICER. The question recurs on the Helms amendment, on which all time has expired.

Mr. HELMS. Mr. President, I ask unanimous consent that I may have 2 minutes on the bill.

Mr. BYRD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Indiana.

Mr. LUGAR. Mr. President, I yield 2 minutes to the distinguished Senator from North Carolina.

Mr. BYRD. Mr. President, will the distinguished Senator yield without losing his right to the floor and without it being charged against his time?

Mr. HELMS. I yield.

AGENDA

Mr. BYRD. Mr. President, I seek recognition at this point in order to ask the distinguished majority leader what the program is for the rest of the day, what it is likely to be tomorrow, and where we go from there.

□ 1730

Mr. DOLE. Mr. President, if I may have the attention of my colleagues, there will be a window from about 6:30 until 8 o'clock, during which time we shall continue to conduct business as we did during the window last night, except for about 30 minutes when we could not find any business. We will continue on the bill tonight. The clock is running as far as time is concerned.

I am advised that on the Democratic side, there may be as many as eight additional amendments, which means eight additional votes. I hope that is not an accurate count. I am not certain how many amendments will be on this side. I hope there are not that many, although there are 62 listed.

We do plan to stay in tonight. If there are votes ordered between 6:30 and 8, if there is no objection, I ask unanimous consent that those votes be stacked back to back.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I think that would be very agreeable, and I believe that Senators on this side would want to see that hour and a half filled, that the time run so that at the end of the line tomorrow, we would not have that additional hour and a half to go, which could be expended tonight. If the hour and a half could be utilized by speeches that have to come off the time of the bill or amendments that could be debated and perhaps stacked, as the distinguished majority leader has indicated, it would expedite matters if it helps us to come to a final conclusion on this bill tomorrow.

Mr. DOLE. I share the view of the minority leader. I have just been advised by the distinguished manager on this side that he will be here during that period. He would like amendments to be offered. If not, there are still a couple of Senators who have about 3 hours of special time that they could use to take up part of that time. But if we could stack the votes during that period, perhaps we would have two or three to dispose of when we come back.

Mr. BYRD. Mr. President, I shall ask a very important question because it can well affect Senators' schedules beyond tomorrow, even though action may be, and hopefully will be, concluded on the South Africa measure. What is the plan with respect to the short-term debt extension? If it develops, as I have read in the paper, that there may be a very major amendment sought to be attached to that short-term extension, I would think Senators might want to hold onto their airline reservations but also have alternate plans.

Mr. DOLE. If the distinguished minority leader will yield, it seems to me if there is an indication that when the short-term debt ceiling is brought up, there is going to be a major debate on any amendment—I do not care what the amendment is, and someone indicates that that will not happen today—I am going to urge my colleagues to let it go; in other words, pass the debt ceiling. I know there are very important amendments. There are 26 amendments on the regular debt ceiling. I know that a number of Senators on both sides feel strongly about their amendments. But obviously, we cannot start the process of putting them all back on the short-term debt extension.

I just received a call from the Speaker when I was at the desk, saying, "When are you going to send me the adjournment resolution?" I think I understand what he has in mind, to send us the debt ceiling and adjourn. If we want it clean, we can have it clean and they are gone. I told him we would have that little problem.

I do say this: If there is someone on either side who intends to have an extended debate on any amendment, whether it is Gramm-Rudman or some other amendments, I hope that if someone has in mind doing that, we know about it so we can work it out and get out of here tomorrow afternoon at a reasonable time.

Mr. BYRD. Mr. President, if the distinguished Senator from North Carolina will yield further under the previous understanding, when does the distinguished majority leader intend to call up the debt limit extension?

Mr. DOLE. The House is still debating it, I am advised, but I hope to do that—if we could finish this bill this evening, I think it is possible to do that in the morning.

We have one other bill we hope to bring up. I am advised it is of some urgency as far as the District of Columbia is concerned. That is the DC appropriations bill. We are trying to get a time agreement on that. I am not certain we are having any success.

We need also to extend the Superfund.

Mr. STAFFORD. Mr. President, will the majority leader yield?

Mr. DOLE. I do not have the floor. The minority leader has.

Mr. BYRD. The distinguished Senator from North Carolina has the floor.

Mr. HELMS. I yield to the Senator from Vermont.

Mr. STAFFORD. I would like to respond to the majority leader. We have an understanding with the House that they will bring over a bill tomorrow. It will be up at 10 o'clock by unanimous consent. It would supply $22 million for EPA to operate at current level of Superfund through the month of September. Otherwise, they will have to send out notices of intention to terminate contracts, lay off people, and stop work at 72 sites. I do not think anybody wants that to happen. So, it will be our hope that that will come over here by unanimous consent tomorrow and it can be done by unanimous consent sometime tomorrow.

Mr. BYRD. Mr. President, if the Senator will again yield, let me say what I am about to say and I hope it will not be misunderstood.

There are Senators on both sides of the aisle who are very supportive of the Gramm-Rudman-Hollings amendment. There are Senators on both sides of the aisle who oppose that amendment. I am saying neither here nor there on that point. But I am saying that if that amendment is called up on the short-term extension, there will be considerable debate. I would say at that point, regardless of the outcome—I am not saying what the outcome should be, but I am saying that if that amendment is offered, I believe Senators ought to forget about going home for the recess until action is completed, one way or the other.

We cannot afford to go home without action taken on a short-term debt extension. Otherwise, we know what will happen to Social Security, for example. To avoid that, the Senate should stay here until the work on that short-term extension is done. If it takes part of the recess, that is fine. But I think Senators should know that if the Gramm-Rudman amendment is going to be offered to that legislation, we ought to just plan on staying here a while and not going home on recess until the debt-limit extension is finished.

I do not know what the other body will do. In the past, we have had some experience with their taking final action and if we in the meantime, adopt an adjournment resolution, they go home and leave the Senate holding the bag. So it may be well to hold up action on the adjournment resolution, and make sure that we know where we are going here on this short-term extension before Senators pack their bags and leave town.

My other thought would be to ask the distinguished majority leader how late he intends to stay in this evening and what time he intends to come in tomorrow.

Mr. DOLE. I guess I would have to make some judgment on how many amendments there may be tonight and how we are going to handle the debt ceiling. Maybe I can do that between now and, say, 8:30 or 9. I have been asked by the Speaker, of course, to send the adjournment resolution back this evening or no later than tomorrow morning. I think I detected a rather firm request for that in his message. So that is a consideration, too.

I think the information the Senator has just provided will be helpful. I think we are on notice now that if the amendment comes on Gramm-Rudman, there will be extended debate. I would guess somebody will say, "Well, if there is going to be an amendment on something else, there may be extended debate on this side." I think what we may do is take up the debt ceiling, keep it clean, pass it, complete action on this bill either tonight or early tomorrow morning, do the extension that we need to do, and depart sometime around 3 or 4 o'clock tomorrow.

Mr. BYRD. If I may add one final postscript, I think the distinguished majority leader has already indicated what his plans are, but I believe I understood the majority leader to say there will be rollcall votes even beyond the window, into the evening. That will definitely help on tomorrow, because the more action we take today, the more time we take off the hours on the bill today, the more amendments we are able to dispose of today—hopefully, this will be cut down considerably—then the sooner we can closeup shop tomorrow.

Am I correct?

Mr. DOLE. That is certainly important, Mr. President. I hope Members would not say, "I will offer my amendment tomorrow." We are running out of tomorrow. After tomorrow, I hope we do not have any tomorrows for 2 or 3 weeks.

If we can do that this evening, I know there are a number of Senators waiting to offer amendments, we have some lined up, and that will be helpful.

I thank the distinguished minority leader.

Mr. BYRD. I thank the distinguished majority leader and the Senator from North Carolina.

Mr. RUDMAN. Will the Senator yield?

Mr. HELMS. I ask unanimous consent that I may do so without losing my right to the floor or have it come out of my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUDMAN. I want to say respectfully to the distinguished Democratic leader and to our majority leader that there are a number of people in the Chamber on both sides who will have some problems voting for even a temporary extension of this debt ceiling without consideration, if necessary, of what we consider to be vital in terms of this economy.

□ 1740

I am not going to get into a speech about that today but, quite frankly, to put it as bluntly as I can, I agree with the Democratic leader. I think it is more important we discuss this issue and discuss it here than it is for anyone to go home.

I thank the Senator from North Carolina.

Mr. HELMS. The Senator is quite welcome.

Mr. President, let me see if my understanding of the parliamentary situation is correct. The pending business is the amendment sponsored by the Senator from North Carolina and several others; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. And all time on that amendment has expired or been used?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. And the yeas and nays have been ordered?

The PRESIDING OFFICER. That is also correct.

Mr. HELMS. I thank the Chair.

Now, Mr. President, after the debate I met with Senator WEICKER and others who had some concerns about the amendment and, as an accommodation to them, I prepared modifications which they have approved.

Now, it is a matter of no moment to me whether it is modified or not. I like it either way. But I must ask unanimous consent, as the Chair knows, in order to modify an amendment on which the yeas and nays have been obtained. So I send a modification to the desk and ask unanimous consent that it be in order for me to do so.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

In this case, Mr. President, I ask the clerk to read the modification.

The PRESIDING OFFICER. The clerk will read the modification.

The legislative clerk read as follows:

Modifications to the Helms' amendment numbered 2734.

On page 2, line 21, strike the word "South." on page 5, line 7, strike all beginning after the word "Act" through line 20 and insert in lieu thereof the following:

"If the South African Government agree to enter into negotiations without preconditions, abandons unprovoked violence against

its opponents, commits itself to a free and democratic post-apartheid South Africa under a code of law; and if nonetheless the African National Congress, the Pan African Congress, or their affiliates, or other organizations, refuse to participate; or if the African National Congress, the Pan African Congress or other organizations—

"(1) refuse to abandon unprovoked violence during such negotiations; and

"(2) refuse to commit themselves to a free and democratic post-apartheid South Africa under a code of law.

then the United States will support negotiations which do not include these organizations."

On page 6, strike all after line 8 and insert in lieu thereof the following:

"(c) The Congress declares that the abhorrent practice of 'necklacing' and other equally inhumane acts which have been practices in South Africa by blacks against fellow blacks are an affront to all throughout the world who value the rights of individuals to live in an atmosphere free from fear of violent reprisals.".

Mr. HELMS. Mr. President, I thank the clerk for reading the text because it has not been available in print.

Now, let me say to the majority leader, as I have said to him and the distinguished manager of the bill, if this amendment is approved, I have no intention of calling up any of the 14 other amendments that I have on the approved list, and I think other Senators may feel the same way about it.

Mr. DOLE. Mr. President, if I could have 2 minutes off the bill.

Mr. LUGAR. I yield 2 minutes off the bill to the distinguished majority leader.

Mr. DOLE. Mr. President, let me indicate that based on some of the concerns expressed, there was an agreement we would make some modification so there is no question we are talking about South African violence as well as violence on anyone else's part, unprovoked violence, and we believe we have now changed the amendment. So I would hope the vote might be unanimous, and I will indicate to anyone that was the purpose, when it was raised by the distinguished Senator from Massachusetts. He had some concerns about it. The Senator from Connecticut had concerns about it. The Senator form Maryland had concerns about it. The Senator from Kansas [Mrs. KASSEBAUM] had some concerns about it, and others. I thank all those who participated in trying to resolve it. I thank the distinguished principal sponsor, Senator HELMS.

We have taken out one section altogether that caused problems. We have modified the other section that I think was of concern. I thank those Senators who were willing to compromise in what I believe is the spirit of trying to send the strongest possible message we can.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield 2 minutes off the bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, what the majority leader has indicated is in the sense of trying to make the proposed amendment of the distinguished Senator from North Carolina evenhanded.

Now, I have to say that there is still rhetoric in there which would not be rhetoric that I would like to see included in anything to which I put my name. On the other hand, the operative section of that amendment has clearly been altered as to where the conditions and the requirements apply to both sides insofar as violence is concerned.

Again, I have to repeat that there is entirely new language and the language states:

If the South African Government agrees to enter into negotiations without preconditions, abandons unprovoked violence against its opponents, commits itself to a free and democratic post-apartheid South Africa under a code of law;

All of which, I might add, they have not done, nor have they agreed to. But at least it is in there now. It just is not a condemnation of violence as being something belonging to the other side.

So I would only say this, that it is an imperfect amendment as far as I am concerned. But, on the other hand, in the spirit of trying to get out a bill and a strong bill—do not forget that is what we are talking about, a law—this will assist along that path to make a clear-cut statement by this station against apartheid and all of its evil. If it means that even more Senators will add their names to this legislation and to the possibility of an override, fair enough. I am not interested in a vote on apartheid. Everybody is against apartheid.

We are interested in a law which represents the policy of this Nation and which uses the moral suasion and the real suasion of this Nation to end that system and to end the tragedy that has been visited upon the blacks of South Africa. It is in that spirit that we met in an attempt to go ahead and have compromise.

I might add Senator LUGAR had already done that. Senator DOLE had done that. Now we have something which again is not to my taste and probably now not much to the taste of the Senator from North Carolina, but at least it is a long stride to achieving the legislation that I feel so deeply is necessary to alleviate the terrible plight of our friends and allies in black South Africa.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Who yields time?

Mr. KENNEDY. I yield myself 4 minutes on the bill.

Mr. President, I commend those who have attempted to make this particular provision more acceptable to this body and to make it perhaps more evenhanded in its alleged purpose, which is the condemnation of violence. But quite frankly, even with the changes that have been made here, the amendment misses the mark.

This legislation ought to be a message of support for the victims of apartheid and for those who are working to end apartheid. That is one purpose of this legislation—to make clear this country's opposition to apartheid. But, this amendment attempts to refocus our attention—off of apartheid and on to the performance and behavior of the ANC. This diverts and dilutes the thrust of this bill.

□ 1750

The amendment has had other references added—about violence by the South African Government, but, it still tries to link United States policy toward the Government of South Africa to the conduct of the ANC. Our view of apartheid should not be colored by our opinions of the ANC.

The amendment also has rather gratuitous language in here that actually threatens the Front Line States and tries to equate them with Libya or Syria or other countries that really do "harbor" terrorists.

I think all of us deplore violence as well as those organizations committed to violence. Unfortunately the world history of today is that there are individuals and organizations that exist that continue this kind of regrettable behavior. But if there is a finding that the Front Line States do, in fact, "harbor" terrorists, as determined by the Secretary of State, there is a whole range of activities that can be taken by this Government against those Front Line States. But the leaders and people of the Front Line States deplore terrorism as much as they deplore apartheid, and they are trying to work with the people of the United States to free South Africa from apartheid.

This threat to the other nations of Africa is gratuitous, I think, and certainly not consistent with the thrust of the legislation.

So, Mr. President, I could list a series of other provisions in this amendment that are objectionable, such as the failure anywhere to give any definition of what terrorism is, for the purposes of this particular legislation. Remember, this amendment was never considered in Committee. The amendment is long and detailed. The language has been changed and altered from the original. But, the fundamental problems, I think that the amendment misses the direction and purpose of this legislation and actually changes it. The real purpose behind

this amendment is to comdemn the ANC. There are probably some people in the ANC and some activities of the ANC that are worth deploring.

All of us, for example, deplore terrorism. But this amendment does not include any mention of the terrorist activities of the Government of South Africa, with its Government policy of torture and beating and killing—of men, women, and children. There was no mention of that in the first draft, and it still is not there. There still is no mention about other forms of government terrorism—about detainees being separated from their families—some detainees as young as 12, 13, and 14 years old.

As worthwhile as the efforts have been to try to tinker with this particular amendment, I feel, as one Member of the Senate, that it should be rejected, and I intend to vote against it.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona. [Mr. GOLDWATER] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

The PRESIDING OFFICER (Mr. COCHRAN). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 67, nays 31, as follows:

[Rollcall Vote No. 235 Leg.]

YEAS—67

Abdnor	Garn	Melcher
Andrews	Gorton	Murkowski
Armstrong	Gramm	Nickles
Bentsen	Grassley	Nunn
Boren	Hatch	Packwood
Boschwitz	Hatfield	Pressler
Broyhill	Hawkins	Quayle
Byrd	Hecht	Roth
Chafee	Heflin	Rudman
Chiles	Heinz	Sasser
Cochran	Helms	Simpson
Cohen	Humphrey	Stafford
D'Amato	Johnston	Stevens
Danforth	Kassebaum	Symms
DeConcini	Kasten	Thurmond
Denton	Laxalt	Trible
Dodd	Leahy	Wallop
Dole	Long	Warner
Domenici	Lugar	Weicker
Durenberger	Mathias	Wilson
Evans	Mattingly	Zorinsky
Exon	McClure	
Ford	McConnell	

NAYS—31

Baucus	Harkin	Moynihan
Biden	Hart	Pell
Bingaman	Hollings	Proxmire
Bradley	Inouye	Pryor
Bumpers	Kennedy	Riegle
Burdick	Kerry	Rockefeller
Cranston	Lautenberg	Sarbanes
Dixon	Levin	Simon
Eagleton	Matsunaga	Specter
Glenn	Metzenbaum	
Gore	Mitchell	

NOT VOTING—2

Goldwater Stennis

So the amendment (No. 2734), as modified, was agreed to.

□ 1810

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GLENN. Mr. President, I ask if our floor manager would yield me 8 minutes.

Mr. PELL. I yield 8 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 8 minutes.

Mr. GLENN. Mr. President, I thank the distinguished floor manager of the bill.

Mr. President, I rise to express my strong support for legislation mandating meaningful sanctions against the Government of South Africa.

Now I am not under any illusions whatsoever that the enactment of United States sanctions will immediately bring about the desired changes in South African Government and society; in that respect sanctions are an imperfect foreign policy tool. But sanctions will serve several very important purposes.

First, whereas the policy of constructive engagement, as the administration has called it, has failed miserably, sanctions will make it unmistakably clear that the United States finds the pervasive and institutionalized racism that is apartheid a total unacceptable violation of the universal principles of human rights and liberty upon which we as a Nation were founded and which we as a people cherish.

I would note that the Commonwealth of Nations, of which South Africa has been a part, also agrees basically with what we are trying to do here today. Those are sister nations within the Commonwealth. So it is not as though we, the United States, were acting solo and irresponsibly in this situation.

Second, they, for example, will signal to the South African regime that its claim to membership in the democratic community of nations will be rejected so long as South Africa denies basic democratic rights to a majority of its population solely on the basis of the color of their skin; so long as it locks up opponents without charge and without trial; and so long as it insists on muzzling and censoring its press.

And third—and perhaps most important of all—sanctions will demonstate to the oppressed majority in South Africa that we are not unsympathetic to their struggle for democratic rights and their legitimate claim to participate in the governing of their nation.

Mr. President, I have a very hard time understanding the arguments of those who offer a host of reasons why the United States should not take this principled stand. Do they forget the universal truths we claim are self evident—"that all men are created equal, that they are endowed by their creator with certain unalienable rights?" If we truly believe those words, then it is imperative that we support the struggle of the South African majority.

We pledge, in our pledge to the flag in this country, that we are "one Nation, indivisible, under God," all those things that we say, and then we end it up by saying, "with liberty and justice for all." We do not say except those with black skins, except those with brown skins, except those that agree with us. We say "for all" and it is that kind of beacon for freedom and hope and opportunity before this world when we make that pledge.

For 6 long years the administration pursued a policy of constructive engagement and quiet diplomacy. And 6 years later, it is all too clear that, where South Africa is concerned, the administration has used quiet diplomacy as an excuse for closing its ears to the cries of those who suffer. As a result, constructive engagement has led only to the destructive enragement of the majority of South Africa's population.

Let me say, we have had American influence in South Africa that has been good in the past. I would cite the role played by some companies, such as one we have in Ohio, Goodyear. They have been in South Africa for some 60 or more years. They have taken the lead in the training and promotion of blacks and have blacks in middle management positions there. And they have been an example of what we wish all companies were alike. This was long before the Sullivan program passed, long before we were involved, long before the United Kingdom long before the Commonwealth nations started taking action against South Africa themselves. They have trained blacks. They have promoted blacks. They have opened doors there and we wish that other companies in South Africa had followed their lead.

So we have not been without some United States influence in South Africa, and good influence, I might add. I do not want to disturb that.

Some opponents of sanctions still contend that the internal situation in South Africa is none of our business, or that the collapse of the white minority regime will lead to the establishment of a Communist government hostile to United States interests. I believe that both arguments are fundamentally and fatally flawed. First, if fighting oppression and supporting

social justice is our business anywhere, then it is our business everywhere—from the gulags of the Soviet Union to the jails of South Africa. The second argument is flawed because it assumes that the United States should oppose the establishment of Communist regimes, but denies the obvious corollary that we should promote the establishment of democratic regimes. How can it be legitimate to oppose what we do not like, but not legitimate to give concrete support to what we do like? Nor do I buy the argument that the only two options in South Africa are institutionalized racism on the one hand or communism on the other. Yet South Africa does stand at a crossroads, and options available today will not be available forever. If the South African Government refuses to address the legitimate demands of its black majority for their rightful place in government and society through good faith negotiations for a transition to true democracy, I believe it is inevitable that polarization will intensify. The situation will deteriorate into all-out civil war in which moderate democratic black leaders will be discredited and radical revolutionairies will gain the upper hand in the struggle.

What effect there may be from American business interests there that have taken the lead in apartheid will mean nothing. It will go down in such confutation.

We can only forestall such an undesirable turn of events by weighing in today, forcefully and concretely, for negotiation, for peaceful yet fundamental reform; for democracy; and against the insult to human dignity, and affront to human rights, which is apartheid.

The administration, for its part, argues that we should refrain from enacting sanctions because they would hurt the blacks in South Africa. That argument makes about as much sense as saying that Abraham Lincoln should not have issued the Emancipation Proclamation since it temporarily put 4 million slaves out of work.

And those who argue against sanctions on the grounds that South African blacks are relatively better off economically than many of their impoverished neighbors are missing a key point—a point driven home by America's own revolutionary experience. America's Founding Fathers were a relatively prosperous lot. But they were willing to risk all of it for something they held dearer than material well-being—and that "something" was freedom and the right to determine one's future.

Of all the people in the world, we Americans, who were raised on Patrick Henry's stirring cry of "Give me liberty or give me death," should understand and support the yearning of South Africa's blacks for their own liberation from the tyranny of apartheid. And we—of all people—should be willing to demonstrate that support with deeds as well as words.

I yield the floor.

Mr. EAGLETON addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. EAGLETON. Mr. President, will the minority floor manager yield me 15 minutes?

Mr. PELL. Mr. President, it is my understanding that the Senator from Missouri will take 15 minutes on a side?

Mr. EAGLETON. Yes.

The PRESIDING OFFICER. Does the Senator have an amendment?

Mr. EAGLETON. I have an amendment at the desk.

Mr. PELL. I yield 15 minutes.

The PRESIDING OFFICER. If the Senator offers his amendment, he will have his own time under the unanimous-consent agreement.

AMENDMENT NO. 2737

Mr. EAGLETON. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. EAGLETON], proposes an amendment numbered 2737.

Mr. EAGLETON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 78, strike lines 8 through 21, and insert the following:

SEC. 313. (a) The provisions of sections 301 through 312 and sections 501(c) and 503(b) shall terminate if the Government of South Africa—

(1) releases all persons persecuted for their political beliefs or detained unduly without trial and Nelson Mandela from prison;

(2) repeals the state of emergency in effect on the date of enactment of this Act and releases all detainees held under such state of emergency;

(3) unbans democratic political parties and permits the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process;

(4) repeals the Group Areas Act and the Population Registration Act and institutes no other measures with the same purposes; and

(5) agrees to enter into good faith negotiations with truly representative members of the black majority without preconditions.

Mr. EAGLETON. Mr. President, this amendment relates to those actions which must be taken by the South African Government before the sanctions under the bill may be terminated or modified. It does not change the basic thrust of the five conditions contained in the committee bill with which the South African Government must comply to come out from under the sanctions imposed by the bill. Rather, it elaborates upon four of those five conditions to assure that the South African Government takes truly meaningful and not cosmetic actions toward dismantling apartheid. In so elaborating, the amendment takes language already contained in statements of policy in the committee bill.

Under section 313(a) of the bill reported by the Foreign Relations Committee, all sanctions imposed by the bill upon its enactment, those in title III, as well as all sanctions imposed in the future, those in title V, are to be terminated if: first, Nelson Mandela and other political prisoners are released; second, the present state of emergency is repealed and all detainees held under that state of emergency are released; third, democratic political parties are unbanned; fourth, the Group Areas Act and the Population Registration Act are repealed; and fifth, the South African Government publicly commits itself to good faith negotiations with truly representative members of the black majority without preconditions.

Under subsection (b) of this section, the President has the power to suspend or modify any of the sanctions imposed by this act if Nelson Mandela and other political prisoners are released and any three of the four remaining conditions listed above are met.

These so-called triggers for the modification or termination of sanctions are fine, as far as they go. But in virtually each instance, they lend themselves to the possibility of cosmetic reform on the part of the South African Government. Let me be more specific.

First, the mandatory trigger states that Nelson Mandela and other political prisoners must be released.

Given the South African Government's track record on its dilemma of having held Nelson Mandela too long in prison, it is not, in my view, farfetched to imagine that the South African Government might offer to release Mr. Mandela and a handful of other political prisoners.

The amendment we propose seeks to close that loophole by making it absolutely clear that in order for sanctions under this bill to be terminated or modified, Nelson Mandela and all other political prisoners must be released.

Second, the second modification to the committee bill that I propose relates to the condition that the South African Government unban democratic political parties. Again, I can envision the South African Government may be issuing an unbanning declaration, but not taking the crucial next

step of creating conditions in which free political activity becomes possible. The amendment simply expands upon the committee bill's condition that democratic political parties be unbanned by stating that the South African Government must "permit the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process."

Third, the third modification to the committee bill relates to the condition that the Group Areas Act and the Population Registration Act be repealed. These two acts, along with the "homelands" policy, are the essential pillars of apartheid.

In 1948, the incoming National Party government, controlled by the Afrikaners, embarked on its systematic program of apartheid by passing the Group Areas Act. Under this law, urban blacks, coloureds, Indians, and whites are all compelled to live in their "own" areas, as so designated by the State. And in order to administer effectively the Group Areas Act, it was necessary to classify each person in South Africa. Thus came about the Population Registration Act, a rigid system based on appearance, general acceptance and descent, which divides up the population into black, white, and coloured, and then subdivides the black and coloured categories in order to create "minorities."

□ 1830

There is no question that repeal of these two obnoxious laws would be major reforms. But mere repeal of what is now on the books offers the South African Government another opportunity to put forward the appearance of reform without any real change in its policies. One has only to look at South Africa's most recent promises of reform to see how hollow they ring. The Restoration of South African Citizenship Act was approved by Parliament and came into force on July 1, with much fanfare that it brought life to President Botha's commitment to move away from the "outdated concept of apartheid" toward a "new South Africa." It was not until several weeks later, when the South African Department of Home Affairs spelled out the details of the new law, that it was made clear that South African citizenship will be restored to only about 1.7 million of the estimated 4 million blacks of the independent homelands who live in South Africa. The other 2.3 million people remain statutory foreigners; so, too, do the 5 million people who live within the independent homelands. Only the independent homeland citizens who had received permanent residence rights under the law that was the basis of the so-called pass laws are eligible to regain South African citizenship.

The second element of South Africa's significant "reform" was the promise to repeal the influx control or pass laws. On July 1, all influx control laws, of which the most important was the Urban Areas Act, were abolished. In fact, new freedom of movement was restricted to black South African citizens and the 1.7 million blacks who are eligible to regain South African citizenship. The 5 million who live within the independent homelands are, in the opinion of South African civil rights organizations, worse off than they were before. Instead of being subjected to the controls of the old Urban Areas Act, they fall under the harsher restrictions of the Aliens Act.

It seems clear, at least to me, Mr. President, that we have a pattern here. South Africa abolishes the pass laws, then sets about arresting blacks for "trespassing" under a different law. South Africa declares it will restore South African citizenship to blacks, but then makes citizenship available to only a limited number of blacks, and even that is not automatic. South Africa abolishes the Mixed Marriages Act, but then refuses to allow married people from different races to live together where they choose.

Against this background, the condition that South Africa repeal the Group Areas Act and the Population Registration Act must be expanded to state explicitly that the Government may institute no other measures with the same purposes.

Fourth, and final modification sought by this amendment relates to negotiations between the South African Government and representatives of the black majority. The committee bill requires only that the South African Government "publicly commit" itself to good faith negotiations. The amendment I propose changes that requirement to one of agreeing to actually enter into negotiations.

Mr. President, the issue of violence is central to the political debate in South Africa and thus to the prospect for negotiations to determine a future political system in South Africa.

The Government of South Africa demands of its opponents a renunciation of violence as a precondition to negotiation. Its opponents say their violence is reactive, and call upon the Government to abandon its violence first.

I think it is instructive to look at the Commonwealth Group of Eminent Persons Report in seeking an answer to these assertions. In the section of the EPG report entitled "The Apartheid State: Origins of Violence," it states:

> The implementation of this design [of apartheid] over the years, with the Government riding rough-shod over the wishes and traditions of the people affected, necessitated coercion by the State in a manner and on a scale which reveal the inherent violence of the system . . . By 1960 it was plain that the apartheid state was determined to put down by violent means peaceful protest of any kind and to clamp down on any organization which sought to mobilise black opinion. It is against this background of total repression, in which all avenues for legitimate protest and non-violent opposition were denied, that the decision of the ANC and the PAC finally to turn to armed resistance must be viewed . . .

In a further section of the Eminent Persons Group report, "Violence during the Group's Visit," it states:

> Clearly the police were confronted with an enormously difficult task, in having to try to maintain law and order in an atmosphere seething with discontent, distrust and hostility. But equally clearly they chose in the main to adopt an aggressive and ruthless approach. As evidence to the 1985 Kannemeyer Commission makes plain, the police do not hesitate to fire lethal buckshot into crowds of unarmed black civilians, even when they are not threatening and are on their way to a funeral. When confronted with an illegal gathering (and two people are sufficient in law to comprise a "gathering"), the police respond with a degree of force wholly out of line with that either required by the circumstances or permitted by law.
>
> Everywhere we went we received complaints about police and army conduct. So widespread and so consistent were these complaints that to us they had an unmistakable ring of truth; of excessive force, of gratuitous beatings, of point-blank shootings.

The EPG report, as evidenced in the selected quotes above, leaves little doubt as to the origins of the violence that permeates daily life in South Africa.

Mr. President, again I emphasize that the amendment does not change the basic thrust of the five conditions with which the South African Government must comply to bring about the termination of sanctions. Rather, it elaborates upon what is already in the bill to assure that any of the actions taken by the South African Government are meaningful steps toward dismantling apartheid. Again, I would point out that virtually all of the additional language in the amendment is taken from title I of the committee bill.

I urge adoption of the amendment.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. Mr. President, I would like to say that I think the Senator from Missouri [Mr. EAGLETON] has made some very important points, and, in fact, clarifying the intent of the bill. We are prepared to accept the amendment on this side.

Mr. EAGLETON. I thank my colleague from Kansas.

□ 1840

Mr. PELL. Mr. President, I share that thought. It is an excellent amendment. It improves the language according to the conditions which must

be met for the South African Government for the termination or suspension of sanctions. Altogether, I think it improves the bill. I recommend to my colleagues that we accept this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. EAGLETON. I thank my friend from Rhode Island.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri.

The amendment (No. 2737) was agreed to.

Mr. EAGLETON. I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2738

(Purpose: To require an affirmative vote of the Congress before the President may modify sanctions by an international agreement)

Mr. HEINZ. Mr. President, I call up my amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania [Mr. HEINZ] proposes an amendment numbered 2738.

Beginning on page 79, strike out line 17 and all that follows through line 13, page 81, and insert in lieu thereof the following:

SEC. 401. (a) It is the policy of the United States to seek international cooperative agreements with the other industrialized democracies and other trading partners of South Africa to bring about the complete dismantling of apartheid. Sanctions imposed under such agreements should be official executive or legislative acts of governments and no less extensive or direct than those imposed by this Act.

(b)(1) Negotiations to reach international cooperative arrangements with the other industrialized democracies and other trading partners of South Africa on measures to bring about the complete dismantling of apartheid should begin promptly and should be concluded not later than 180 days from the enactment of this Act. During this period, the President or, at his direction, the Secretary of State should convene an international conference of the other industrialized democracies and other trading partners of South Africa in order to reach cooperative agreements to impose sanctions against South Africa to bring about the complete dismantling of apartheid.

(2) The President shall, not less than 180 days after the date of enactment of this Act, submit to the Congress a report containing—

(A) a description of United States efforts to negotiate multilateral measures to bring about the complete dismantling of apartheid; and

(B) a detailed description of economic and other measures adopted by the other industrialized countries and other trading partners of South Africa to bring about the complete dismantling of apartheid, including an assessment of the stringency with which such measures are enforced by those countries.

(c) If the President successfully concludes an international agreement described in subsection (b)(1), he may, after such agreement enters into force with respect to the United States, adjust, modify, or otherwise amend the measures imposed under any provision of section 301 through 312 to conform with such agreement.

(d) Each agreement submitted to the Congress under this subsection shall enter into force with respect to the United States if (and only if)—

(1) the President, not less than 30 days before the day on which he enters into such agreement, notifies the House of Representatives and the Senate of his intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(2) after entering into the agreement, the President transmits to the House of Representatives and to the Senate a document containing a copy of the final legal text of such agreement, together with—

(A) a description of any administrative action proposed to implement such agreement and an explanation as to how the proposed administrative action would change or affect existing law, and

(B) a statement of his reasons as to how the agreement serves the interest of United States foreign policy and as to why the proposed administrative action is required or appropriate to carry out the agreement; and

(3) a joint resolution approving such agreement has been enacted within 30 days of transmittal of such document to the Congress.

On page 91, line 9, strike out "disapproves" and insert in lieu thereof "approves".

Mr. HEINZ. Mr. President, before I address the details of this amendment, I wish to say a word about the subject we address here today. That is the intent of the Senate to act, to speak for the American people on the urgent need to abolish the evil of apartheid in South Africa. I recognize there are disagreements among some in this body about how exactly we should bring about an end to apartheid, what we can do about that. But there should be no disagreement that the system of racism and the violence used to preserve it are a gross denial of basic human rights, an affront to American values, an invitation to unrest and radical revolution and a threat to peace and stability in southern Africa.

Some have been convinced by the South African Government's claims that it is reforming apartheid, getting rid of it just as fast as it possibly can. But those who look closely, like those in the Commonwealth's Eminent Persons Group, have seen that the Government's so-called reform program, and I quote those of the Eminent Persons Group, "does not end apartheid but seeks to give it a less inhuman face."

Mr. President, that face is inhuman indeed. At the moment, thousands are in detention for opposing apartheid. Most are secretly apprehended and jailed not because they are violent, not because they are Communists, but simply because they are determined to overthrow apartheid, or because somebody just thinks they are. I say thousands of detainees without a specific number because no one knows exactly how many people are under arrest. Some say 5,000, others 10,000. It is against the law to report such arrests under the state of emergency. More thousands have died since the violence began, again in 1984.

Again, we cannot say exactly how many have died. More than 1,000, many more. But under the state of emergency, that information is also restricted.

No amount of powder and paint, no amount of cosmetic surgery can change the grim reality of apartheid; the inhuman face of apartheid cannot be made prettier. No amount of artifice can dress up a government that shoots children or imprisons them simply because they will not learn to obey the rules of a system which has kept their parents in bondage. There is no perfume which can disguise the carrion stench of racism. Perhaps even the South African Government itself has recognized that fact, because now they have imposed a news blackout to the press that is unprecedented in the history of this planet. It is ruthless, it is complete, it is designed not to disguise the sight or smell of apartheid but to make it vanish.

Mr. President, it will not work. Most Members of this body have long since seen the ugly face of apartheid for what it is and now we have seen that the South African Government and its intransigence on apartheid is a guarantee of revolution within South Africa and instability in the region.

The South African Government demands that its opponents renounce violence. Meanwhile, it is that very Government that tortures children, dispatches flying squads of police to intimidate, uses well-equipped armed forces against unarmed civilians, and puts whole regions under house arrest.

Mr. President, the Senate is going to adopt, either later tonight or tomorrow, clear, unequivocal sanctions against South Africa and apartheid. There is certainly no doubt about what the Senate intends to do. The sanctions we will adopt against South Africa are extremely serious steps. The American people are asking us to take a strong, unambiguous, unequivocal action to demonstrate where this Nation stands and, I might add, the Senate is marshalling an enormous amount of time, energy, effort, and emotion into fashioning a sanctions policy in this legislation to take a strong stand. But, Mr. President, I have examined this legislation. There are a lot of very good parts to it. But notwithstanding those very good and important parts, the legislation as it is

now written, I am sorry to report, is a sham.

"Sham" is a strong word, Mr. President, but it is the word I have to use to describe a loophole of such proportions that it could undo all the vital work we are doing here today. It contains an escape hatch so vast that our failure to close it will make a mockery of this legislation and perhaps even the Senate. What I am referring to is section 401 of the committee bill.

Section 401 is nominally intended to achieve multilateral cooperation in imposing sanctions to make them more effective. The committee bill, in the name of achieving multilateral sanctions, in fact gives the President sweeping authority to vitiate, to modify, to eliminate U.S. sanctions in this legislation, the ones we have aimed against apartheid, that we presumably will enact.

I do not know whether that is intended or not, but the effect of the provision that I have just cited is legislative hypocrisy. It is legislative hypocrisy because the Senate will be saying one thing and doing something entirely different.

The Senate is saying that this bill, if it is enacted, is going to impose tough sanctions. But what the Senate would be doing in this legislation is giving the President, who says he is opposed to sanctions, the plain, unvarnished power to do as little as he wants. If that is what the Senate wants to do, so be it, but I think we ought to be up front about it. That does not happen to be the choice of this Senator. I do not want to say one thing and do another. But let me be clear as to where I come down on what we are trying to do.

I may not be in favor, as some Senators may, of imposing any sanctions no matter how severe simply because we are mad at South Africa. What it is we want to do needs to be effective, needs to be carefully thought through.

But there are probably some Members in this body who would be satisfied with nothing less than a total end to all relations with South Africa, economic and/or diplomatic, no matter the effect on blacks or whites, irrespective of the need to obtain any American leverage in the future. That is not my position, but I do believe that what we do, however much or little, should have meaning and be real. We can hardly tell the American people that we are acting seriously on the subject of sanctions against apartheid if we leave this part of the bill as it is.

The section dealing with multilateral sanctions allows the President to modify the American sanctions, U.S. sanctions, that we would enact in this legislation to have them conform with any international agreements on sanctions to which the United States may become a party and then enter into.

□ 1850

Now, it is possible such multilateral sanctions could be strong, but, frankly, it is more than likely that they would not, and in this latter case such a weakening of our sanctions policy could only be blocked by yet another piece of legislation, a joint resolution of disapproval. That is what section 401 requires.

What that means, Mr. President, is that if the President said he had sat down with Margaret Thatcher and the two of them had decided on a course of action which was going to have just a little bit more in the way of net economic effect, whatever that is, on South Africa than the United States acting alone, he could change anything in this legislation and we would have to pass a resolution that would be subject to a Presidential veto. If the President did veto it, if we felt that it was important and we were committed to do so, we would have to override his veto by a two-thirds vote of both Houses. And as a result, unless we do change the legislation, we should recognize we are giving to the President the power to entirely nullify, if he chooses to do so, the entire package of sanctions that we have been laboring so hard here to assemble.

To my mind, Mr. President, that makes no sense at all. We all realize that any sanctions package we produce may well have to be enacted over the President's veto. That is why the managers of the bill want to get 67 votes. If we adopt this bill as now written, we guarantee that both Houses of Congress will have to achieve subsequent two-thirds majorities, not just once on this legislation if necessary, not just on one resolution of disapproval, but every time and any time—and they are endless—the President seeks to modify or vitiate or eliminate U.S. sanctions in the name of multilateral cooperation, and each of those sanctions are ones that this Congress has enacted.

I would like to give the President the benefit of the doubt on what course he would take. He has not, however, made much secret of where he stands with respect to sanctions on South Africa. Just two nights ago in a news conference in Chicago, he reiterated his strong opposition to sanctions. So while I do not know what he would do, we have his statement to depend on, to analyze, to understand, and I fear if we pass this legislation as it is, we are doing the Senate a disservice. My amendment addresses this issue and it does so by requiring an affirmative vote of both Houses to bring into force any modifications the President may propose in the sanctions that Congress is going to enact. This has the effect of keeping the burden of proof of the need for changes in those sanctions where it belongs—on the President, and it also avoids what to my mind is the even more serious problem of the Senate saying one thing and really doing quite another.

Now, I have discusssed this amendment, Mr. President, with many people who have been more familiar than I with the evolution of this legislation. I have discussed it with people on both sides of the aisle, and all of them tell me this is not what the drafters intended. They tell me that section 401 was intended simply to encourage the President to go out and achieve more multilateral cooperation with any U.S. sanctions.

Mr. President, I think anybody who reads the legislation carefully will understand that is not what the legislation does. The committee bill as it is presented to us, yes, does urge the President to reach international agreement on coordinated sanctions that have the same net economic effect as sanctions imposed by the United States. I have said, and I think it is true, that this can only be read as calling for multilateral sanctions by many nations against South Africa whose effect in the aggregate would be as great as or perhaps greater than the United States acting along.

Well, Mr. President, the effect, as we learned in the Soviet grain embargo, as we learned in the Yamal pipeline, the net effect on another country—in that case the Soviet Union—of the United States acting alone was someplace between zero and nil. So you do not have to come up with much of a sanctions package if you want to meet that test. I suppose that it would even be possible to say if South African Airways lands in the United States on Monday, Wednesday, and Friday, it lands in the United Kingdom on Tuesday, Thursday, and Saturday, where were we in our sanctions to say we are going to deny landing rights to South African Airways, the President could get the United Kingdom to say, well, we will just eliminate South Africa landing in the United Kingdom on Thursday and Saturday and here in the United States we will eliminate them on Wednesday and Friday and that will have more economic effect than if we did it ourselves, he would be right because South African would be landing fewer times in the United States and the United Kingdom combined but they would still be landing in both countries.

So I say that the net economic effect test is meaningless, and besides, even if it were meaningful, it is the wrong test. This Senator's test is not how big an economic burden we can heap on South Africa. Maybe that is some Senator's test. It is not this Senator's test. This Senator's test is what do we have to do to achieve a political goal, the dismantling of apartheid? What do we have to do, whether it is symbolic, whether it is real, whether it has eco-

nomic cost, diplomatic impact? The question is, what do we have to do to get the South African Government to realize that it is on a course of self-destruction?

So I hope that my colleagues, Mr. President, will accept this amendment.

Let me simply conclude by saying that while our influence in these matters is, particularly if we do act alone, somewhat limited, failure of the Senate to act violates all of the moral underpinnings of this Nation and failure to provide moral leadership, to encourage other countries to act in concert with us in meaningful ways is an abdication of our position as the leader in the free world. Although we have made our share of mistakes and while I have not always seen us follow our best instincts, I believe this country indeed stands for decency, compassion, justice, and the fulfillment of human potential. These are the fundamental underpinnings of America's character and they are diametrically opposed to the Orwellian nature of apartheid. It is not often we have the luxury of making a choice between good and evil. Too often we must try and choose between the lesser of two evils and hope that we could tell the difference as to which was which. Today I think we have a choice between good and evil, and I urge my colleagues to make the right choice. I urge them to support my amendment which will make the overall choice meaningful and enforceable.

□ 1900

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. Mr. President, I oppose the amendment offered by the senior Senator from Pennsylvania.

I certainly share with him his desire to see the most effective bill, the most precise language, and the toughest sort of language that can be put together. But title IV of S. 2701, as reported by the committee, grants the President a negotiating authority and, more important, the flexibility he needs to reach an international agreement on economic sanctions. Unfortunately, I think that the amendment of the Senator from Pennsylvania would have the disastrous effect of making an international agreement impossible.

Our experience with the Carter grain embargo, the Siberian gas pipeline in 1982, the Libya sanctions more recently, indicates that the effectiveness of economic sanctions is directly proportional to the amount of international cooperation that is generated.

By changing the standard from the net economic effect of S. 2701 to the standard of the Senator from Pennsylvania, if no less extensive than this act, it forces all our negotiating partners to our level or nothing. In other words, everybody has to agree to the same sanctions.

I would like to give an example that the Senator from Pennsylvania used, of South African Airways. The flights into New York City, for example, add about $80 million to the South African balance of payments. Each country is in a different position, however. For example, we have more flights coming in than the Swiss, but banking relations are far more important to the Swiss. By being locked into only our sanctions, we do not account for the difference in circumstances.

Net economic effect I do not believe is meaningless, nor do I believe it is a sham. To lose a right to fly into the United States or Iran has real economic value. I think we have to take into consideration the differences that exist. Some countries could not meet such a standard because their trade is so small.

For example, even if Portugal had a complete trade embargo, it could not have an effect "no less extensive" than U.S. sanctions.

Mr. President, I think we run the risk of losing all coordination, which I think the Senator from Pennsylvania would agree would be a disastrous result.

Just as we would not accept the right of the French Parliament to dictate what actions the United States should take with regard to South Africa, so we cannot legislate the foreign policy of other nations. We can and we should coordinate, but we cannot dictate.

This Senator, for one, would not want to head the negotiating team which had to enter discussions with industrialized democracies carrying these burdens and instructions.

It is for these reasons that I oppose this amendment. I believe it would unnecessarily restrict the hands of the President in achieving what I think could be a significant and flexible international agreement.

Mr. HEINZ. Mr. President, will the Senator from——

Mrs. KASSEBAUM. Kansas.

Mr. HEINZ. I have seen too many Senators from Kansas today who are tall, dark, and handsome.

Mrs. KASSEBAUM. I yield.

Mr. HEINZ. The Senator points out that the amendment sets a higher goal than the legislation reported by the committee. Will the Senator agree that both in the committee print and in this legislation, whether it is net economic effect or whether it is sanctions that are no less expensive or direct, those are simply negotiating goals?

Mrs. KASSEBAUM. Those are negotiating goals, but they have two different applications with respect to what would be required, as I pointed out. Would not the Senator agree?

Mr. HEINZ. One is a standard that asks more. One is a standard that asks less.

We can debate, I think, whether or not net economic effect has great meaning or little meaning. But it is this Senator's view that it is highly desirable to set as challenging a goal as possible when it comes to having the administration negotiate with other countries any package of sanctions. Or do I misunderstand the legislation?

Mrs. KASSEBAUM. Mr. President, I was trying to point out that there are different situations in different countries that could have an equivalent effect. That was the intent of the language we designed, and I gave the example of South African Airways. In terms of landing rights, it means more to the South Africans than it would in Switzerland. Yet, certain banking regulations there could have far more effect. Therefore, if we had something that was equivalent, it would be far more effective than saying each country had to agree with the same sanctions.

Mr. HEINZ. I do not think we have any dispute over that. That is why I chose "extensive." The word "extensive" is not mirror image. The word "extensive" is meant—and I think does mean—a choice of sanctions.

If the Swiss are in a better position to impose one kind of sanction that will have more impact, this goal would clearly allow for that. If my amendment said something different, if it said that other countries have to do exactly what we do, I would agree entirely with the criticism of the Senator from Kansas. But that is not what the amendment says. Would the Senator not agree?

Mrs. KASSEBAUM. I thought the Senator was implying, though, that there had to be the same sanctions imposed.

Mr. HEINZ. I never implied that.

Mrs. KASSEBAUM. So it could be different sanctions?

Mr. HEINZ. Absolutely. There is no question about it.

Mrs. KASSEBAUM. Then, I ask the Senator from Pennsylvania why there could not be the language "net economic effect." Is this not, as a matter of fact, achieving the same end?

Mr. HEINZ. I have two problems with "net economic effect."

One, I have a philosophical problem with the idea that what we want to do is simply heap economic problems on South Africa. That may be the goal of some Senators, but this Senator believes that what we can do, what we should do, is not simply to impose economic costs on South Africa. I want to impose political costs on South Africa—political costs that are so large that they will force them to abandon apartheid.

It is perfectly reasonable for anybody to say that part of putting political costs on a country is economic costs, and I do not disagree. But that is only a part, and it is not the be-all and the end-all.

What I say to my friend and colleague from Kansas is this: The biggest issue here is not so much the goal, the policy, the standard. Those are all hortatory. None of those is mandatory. They do not force anything. The real issue here is, if the President does want to do something different, should he be able to do so without any practical limitation other than the fact that we would have to come back and really start all over from scratch.

This legislation, as I read it—and as I think legislative counsel would read it and the Parliamentarian would read it—calls for one simple thing. It says that if the President makes a determination of net economic effect, in the name of having some kind of multilateral agreement—it could be with Margaret Thatcher alone—he could eliminate, if he wanted to, the sanctions. He could allow the importation of Krugerrands. He could allow South African Airways to land here.

□ 1910

We could do all kinds of things. If we did not like it, what we would have to do is to pass a resolution of disapproval that would then be subject to veto by the President, and the only way that we could make our disapproval stick, if that is what the Senate and the House of Representatives decided jointly, is to have a two-thirds vote of both Houses in order to override his veto.

To my mind that is called going through the hoops a second time in order to jump once.

Does the Senator disagree with my analysis of what is in the legislation?

Mrs. KASSEBAUM. I do not disagree with the analysis. But I really feel that the net effect, Mr. President, of the language of the Senator from Pennsylvania would be to cut off the flexibility that I think the President needs to achieve international agreement. I really think, and I think we would both agree on this, that the success of a sanction effort is international cooperation.

We have had for 25 years a ban on the level of military exports and that has been a sanction that has been in place which has largely found a number of loopholes and various means to go around that effort. If we really intended to be effective, which the Senator from Pennsylvania has said he wishes to do with this amendment, I think we should not cut off, and I think this would do that, the means to achieve coordination and cooperation in the international community.

To me that is a real key.

As you know, the President has 6 months to gain such an agreement. If he does he may modify the sanctions in title III to harmonize with the agreement.

This authority, as the Senator stated, is subject to congressional disapproval under fast track procedures.

I think personally that as a practical matter an international agreement, even if only equal to U.S. levels, would have a much greater real impact on South Africa because of the elimination of certain provisions, and that I think is what really is the key.

Mr. HEINZ. If the Senator will yield further, the Senator, of course, is a member of the Foreign Relations Committee, and the Senator knows that treaties which are international agreements have to be approved by a two-thirds vote of the Senate.

What the committee bill does is to take what I will call in its loosest sense a precedent of the Senate and stand it on its head because it requires a two-thirds vote of the Senate to disapprove a treaty, an agreement in this case.

Does that not seem inconsistent?

Mrs. KASSEBAUM. It is an agreement. It would not be a treaty.

Mr. HEINZ. It is an agreement. It is an international agreement. I do not claim to give it treaty status. But I think the Senator understands that parallel.

Mrs. KASSEBAUM. It does not apply to the same procedures, however, that we do operate under international treaties, a requirement for a two-thirds vote of approval by the U.S. Senate.

There is a difference, I think, in distinction there that enables us to put this on a fast track as is so designed in the committee language.

Mr. HEINZ. Would the Senator be amenable to if all we did was to require rather that instead of a resolution of disapproval, whatever the President negotiated was subject instead to a resolution of approval which would only require a vote of 50 percent plus 1 on each side?

Mrs. KASSEBAUM. I would want to consult with the ranking minority members, but for myself I would have no objection to that, and I think, as a matter of fact, that puts it in a much more positive framework that would enable us to deal with it and I think in a more constructive fashion.

But I would like to have the Senator from Rhode Island speak to that as the ranking minority member.

Mr. PELL. As the Senator from Pennsylvania knows, I was very sympathetic with his amendment. But I think the modification of the amendment is most acceptable and actually improves the bill.

I recommend to my colleagues that they accept the bill as modified.

Mr. HEINZ. I do not know I have presented the modification. I may and perhaps I will.

But I simply was asking the Senator from Kansas a question. I just want to be sure we are both clear on both sides of the aisle of what I am asking about and what I am proposing as a question is whether it would be acceptable if we changed the legislation from a disapproval which, of course, does require a two-thirds vote of both the House of Representatives and Senate to enforce to a resolution of approval, which requires only a simple majority of approval of both Houses. At this point the managers of the bill say that they believe that modification, if that was all there was, would be acceptable. Do I understand that?

Mrs. KASSEBAUM. The Senator from Pennsylvania is correct.

I think, as a matter of fact, it is a positive change, changing it to subject to approval rather than disapproval.

Mr. HEINZ. I thank both Senators for being accommodating. I do not want to presume on their great good sense and comity.

It seems to me that we may also be able to work out a modification with respect to the present language of section 401, the net economic effect language. I do not happen to have what the Senator and I might call a compromise in mind. But I think if we set this amendment temporarily aside we might be able to work something else out.

Mrs. KASSEBAUM. Mr. President, I suggest that we should do that. Perhaps we can.

At this point I would have some reservation to certainly changing the standard, but I think we could meet and see if we could come up with some agreeable language.

Mr. PELL. I think if we could go ahead as we did earlier and set this amendment aside for a moment and move on to the next one and then come back to it with a common front, it would be of advantage.

Mr. HEINZ. Mr. President, if it is appropriate and in order, I would ask unanimous consent that my amendment be temporarily set aside.

The PRESIDING OFFICER (Mr. HUMPHREY). Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I have an amendment which is very similar in some ways to the amendment by the Senator from Pennsylvania. His amendment deals with section 401 on page 80. My amendment does not touch that part so I think it is in order.

Mr. President, his amendment deals with multilateral agreements. Mine does not. But mine provides that the President cannot terminate, modify, or suspend sanctions.

This amendment is sponsored by Senators CRANSTON and KENNEDY. This amendment is to section 313 of the Foreign Relations Committee bill.

That section of the bill deals with the termination, suspension or modification of the sanctions we are adopting to pressure the South African Government to move to reform its benighted racial system.

Section 313(a) of S. 2701 presently provides that the sanctions in sections 301 through 312 and in sections 501(c) and 503(b) shall terminate if the Government of South Africa takes five steps.

These have just been adjusted, as I understand it, by the Eagleton amendment. The five steps are as follows:

Release all persons persecuted for political beliefs or detained without trial and Nelson Mandela from prison;

Second, repeals the state of emergency in effect on the date of enactment of this act and releases all detainees held under such state of emergency;

Third, unbans the democratic political parties and permits free exercise in South Africa of all races of the right to take part in the political process;

Fourth, repeals the Group Areas and Population Registration Acts and institutes no other measures for the same purpose; and,

Fifth, publicly commits itself to good faith negotiations with truly representative members of the black majority without preconditions.

Mr. President, these conditions were designed to provide incentives for the South African Government to move toward government by the consent of the governed which is what we all want for South Africa.

I understand there may be efforts made on the floor to modify my amendment, to modify or change the five conditions dealing with it. I guess we have taken care of that.

Now, Mr. President, presently section 313 has no provision dealing with how a determination that the five conditions needed to terminate sanctions is to be made. Who is to make that determination and who is to approve it? S. 2701 is silent on that. The Foreign Relations Committee bill does provide procedures for modifying or suspending sanctions but it does not provide procedures for terminating sanctions.

So my amendment provides that sanctions shall terminate 30 days after the President determines and so reports to Congress that the Government of South Africa has met the five conditions set forth in section 313 of the bill, and provided that the Congress within such 30-day period passes a joint resolution approving the President's determination. There are expedited procedures provided in section 602 of the bill to ensure that Congress will have a chance to vote on such a resolution during that short 30-day period.

My amendment also modifies the provisions of section 313(b) of the bill dealing with the procedures provided therein for suspending or modifying sanctions. Presently sanctions can be modified or suspended if the President makes certain determinations listed in that section and Congress does not disapprove that determination within a 30-day period. My amendment requires that the Congress approve the determination before it becomes effective.

Why do I want the Congress to have to approve the Presidential determination before it becomes effective? First, it makes the procedures for termination of sanctions consistent with those procedures we, the Senate, adopted last year in conference. The House then passed those procedures and passed them overwhelmingly.

In the conference bill, sanctions were not to be terminated until the President made a determination that the South African Government was dismantling apartheid and the Congress approved that determination—I repeat—and the Congress approved that determination. Congress had to approve that determination.

□ 1920

So my amendment does not strike new ground. It is consistent with what we and the House adopted last year in conference.

Aside from precedent, the reason I want the Congress to approve any Presidential determination is because it is the Congress which is setting America's policy toward South Africa. We know the President does not want the sanctions legislation we are considering. We may even have to override a Presidential veto to get this bill enacted.

What if, after all our labors, the President should terminate, suspend, or modify the sanctions based on his authority in section 313. Well, we could pass a resolution disapproving that termination. But, as the Senator from Pennsylvania just pointed out with respect to his amendment, what if the President vetoes our joint resolution? Under the present provisions, we would need two-thirds of the Members of both Houses to override that veto. Does that make sense, under the circumstances, with a President, of course, who is opposed to sanctions and a Congress who is pushing hard for them? It does not. Since it is Congress policy toward South Africa that we are enacting, we should provide procedures to ensure that our policy cannot be changed without our approval. For those who fear that Congress would delay in approving any determination I note that the foreign relations bill provides expedited procedures to guarantee that the President would get a vote on his determination.

In summary, my bill cures the defect in the bill. That defect is that the bill does not presently provide a significant role for Congress in the termination of sanctions. My amendment provides a congressional authority. It makes it necessary for Congress to approve determination to terminate, to modify, or to suspend sanctions.

Thus, it would be an expedited procedure. It can be done in an orderly way. I urge my colleagues to support my amendment for the reasons I have stated.

Mr. PROXMIRE. Mr. President, I apologize. I send my amendment to the desk. I failed to send the amendment to the desk. I intended to do so. I do so at the present time.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin, [Mr. PROXMIRE] for himself, Mr. CRANSTON, and Mr. KENNEDY proposes an amendment numbered 2739.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 78, strike out lines 8 through 21, and insert in lieu thereof the following:

Sec. 313. (a) The provisions of sections 301 through 312 and sections 501(c) and 503(b) shall terminate 30 days after the President determines, and so reports to the Congress, that the Government of South Africa—

(1) has released other political prisoners and Nelson Mandela from prison;

(2) has repealed the state of emergency in effect on the date of enactment of this Act and has released all detainees held under state of emergency;

(3) has unbanned democratic political parties;

(4) has repealed the Group Areas and Population Registration Acts; and

(5) has publicly committed itself to good faith negotiations with truly representative members of the black majority without preconditions,

if Congress enacts within such 30-day period, in accordance with section 602 of this Act, a joint resolution approving the determination of the President under this subsection.

On page 79, line 10, strike out "unless" and insert in lieu thereof "if".

On page 79, line 12, strike out "disapproving" and insert in lieu thereof "approving".

On page 88, line 15, insert "313(a)," after "sections".

On page 89, line 21, insert "313(a)," after "section".

On page 90, line 14, insert "313(a) or," after "section".

On page 90, line 17, strike out "313(b)" and insert in lieu thereof "313(a) or 313(b), as the case may be,".

On page 90, line 21, strike out "313(b)" and insert in lieu thereof "313 ——".

On page 90, line 24, strike out "blank" and insert in lieu thereof "first blank and the

appropriate subsection designation inserted in the second blank".

Mrs. KASSEBAUM. Mr. President, I have not had a chance to look at the amendment. I would like to suggest the absence of a quorum for a few moments to study the amendment.

Mr. PROXMIRE. I have no objection.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PELL. Mr. President, I rise to support the amendment of the Senator from Wisconsin. It fills a gap because the bill, as written, is silent on the procedure by which sanctions would be terminated. In a sense, we are dealing with some of the same problems we were dealing with earlier in connection with the Heinz amendment, which also sought to fill a gap and tighten up the congressional controls in this legislation.

The amendment now under consideration would remedy the problem today by requiring a Presidential report and passage of a joint resolution approving the termination of sanctions. It would also protect Congress' right to approve any suspension or modification of the sanctions.

Given the importance of this issue and the depth of feeling on it of Congress, I think it is essential that both the President and the Congress be in accord and on record on the question of terminating or suspending sanctions.

In this regard, what we have here really is a question of philosophy. I think that this amendment gives more power to the Congress and to our judgment than it would if it was not inserted in there. That is the reason I would like to be supportive of it.

Mrs. KASSEBAUM. Mr. President, I yield at this time a half an hour off the time of the bill to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I thank the distinguished floor manager of the bill, the Senator from Kansas, for the time, and I thank the Presiding Officer for the recognition.

I want to make a few remarks about the bill, about the situation as I see it and the mistake that I think we are embarking on by passing sanctions against South Africa, I think our actions will do more harm than good.

At the appropriate time, I also have an amendment to offer that would have significant impact on lessening the damage sanctions will cause to this country, and lessening the aid that this bill, the way it is written, would give to some of the Communist countries that we might start turning to to buy some of these sanctioned materials from.

□ 1930

Mr. President, it is obvious that the focus of the Senate has again turned to punishing the Government of the Republic of South Africa. Once exclusively the province of a few "enlightened beltway liberals," South Africa-bashing has become a popular sport in Washington. Hordes of concerned elected officials are now scrambling to "Build Their Own" South Africa sanctions.

In the past, sense and moderation have kept such initiatives in check. This time, however, sanction supporters seem more determined—and are in greater numbers—than ever before.

As always, the heart of the issue is human and civil rights abuses under the apartheid policy in South Africa. As always, the pro-sanctions debaters assume the straw-man premise that someone—somewhere—believes apartheid is a good policy. Time and time again we have debated the evils of apartheid—evils universally acknowledged in this body and in this Nation, and throughout this great land, the United States of America.

I share the concern of all my colleagues for the plight of the disadvantaged victims of the discrimination of apartheid. But I share with President Reagan the desire to help solve that problem rationally, rather than economically. Rarely is there any rational discussion of the actual effects of our proposed sanctions on that vile policy. No responsible person can believe that after we impose these sanctions the South Africans will promptly abolish apartheid. At best these sanctions will do nothing. At worst they will plunge many thousands of black citizens of the Republic of South Africa into unemployment, and millions of citizens of neighboring nations into starvation.

There is no one in this Chamber who supports the racist policies of South Africa, and I believe that most of those who advocate economic sanctions against South Africa do so with the sincere intention of reversing those policies.

I want to say, Mr. President, that I do not impugn the motives of any of my colleagues. I think many of my colleagues think that they are somehow going to help the situation in South Africa and reverse those policies. But I think those who seek to brand the opponents of disinvestment as racists do a grave disservice to the debate on this issue. The truth is and always has been that those who oppose disinvestment are no less in opposition to apartheid and racism than those who claim to have cornered the morality market—those who favor sanctions.

The system of legalized race separation and discrimination practiced in South Africa is repugnant to all Americans who cherish individual liberty and equality. The issue here is not whether to accept or condemn apartheid, but how best to aid South Africa in its move to dismantle this policy and bring greater freedom and prosperity to all South Africans. I do not believe sanctions will accomplish this goal. They will cause more harm than good.

The supporters of sanctions claim to have captured the "moral high ground" in this debate. But what is the moral principle from which they operate?

They claim we must sanction South Africa (even if sanctions are ineffective and may harm innocent people) as a symbolic display of our contempt for South Africa's gross human rights abuses. Yet this decision is illogical and arbitrary. It is based on no moral principle at all.

We are to assume that the advocates of sanctions against South Africa want to impose sanctions against repressive regimes in other countries as well? Of course not.

How many of the supporters of South Africa sanctions favor sanctions against the Soviet Union, Communist China, or the Communist dictatorship of Eastern Europe? Obviously, very few.

Yet these nations are certainly among the most repressive governments in the world's history.

So we apply an incredible double standard when we come in here and call for the economic punishment of South Africa. It is astoundingly obvious to the world that it is a double standard.

Sanction supporters have contrived this "moral high ground" myth as a way to coerce the Senate into imposing sanctions. The moral principle they claim to defend seems to apply only to South Africa. If the supporters of sanctions are operating from no moral principle whatsoever, this vote on South Africa sanctions is not a test of this Senate's moral fiber. Nor is it a test of the morality or commitment to human rights of any individual Senator.

The issue before us should be—and is for the opponents of this bill—how the United States can most constructively contribute to the final demise of apartheid and racism in South Africa. I believe that imposing sanctions is the wrong way. It is ineffective and it is dangerous.

I think there are four very good reasons to raise in opposition to this legislation.

First. Sanctions are not in the strategic interests of the United States;

Second. Sanctions will harm most the very people we seek to help—the black South Africans;

Third. Sanctions will impose incredible hardships on the already impoverished populations of South Africa's neighbors; and

Fourth. Sanctions are not effective. By cutting ourselves off from South Africa, we will destroy any chance we have of influencing the South African Government to enact further reforms.

Although the central issue in this debate is civil and human rights, it is not the only issue. The United States must consider the extremely important strategic issues involved in the South African equation.

Morally, South Africa and the United States are sharply divided, and we will remain so until South Africans—with our help, but not as a result of our bullying—complete the abolition of apartheid. Strategically, however, South Africa is a crucial ally. This alliance is based on three things: Our common foreign policy goals; South Africa's strategic geographical position; and the West's reliance on South Africa's vital mineral resources that come from the southern subcontinent of Africa.

We all know South Africa is an anti-Communist country. We all know it is actively involved in opposing the Soviet-initiated, Cuban-enforced Communist subversion of the southern half of Africa. As we look at the continent of Africa, one which has undergone more change than any other in the last half-century, we must realize that the Republic of South Africa holds the key to the security and stability of the entire southern half of the continent.

I do not believe that South Africa will fall next year if the Senate imposes sanctions, but we must recognize that without the continued presence and activism of a strong, pro-Western South Africa, the prospects of ridding southern Africa of totalitarianism will virtually disappear. South Africa is indispensable to those fighting the Cubans in Angola. It is the only stable pro-Western government in the region. It is not in our interests to destabilize that government.

I recall vividly my own personal visit to Angola in January 1984. Without South Africa, Jonas Savimbi and the freedom fighters in Angola would not have a chance in Angola to fight for freedom, for the people of Angola, for self-determination, and for a democratic form of government in that country that now suffers under the regime of the Cuban-Soviet backed Communist Luanda government. That reason alone should cause us to be careful in taking the course we are starting on today.

South Africa is geographically located in an incredibly important strategic position. The South African coastline borders on two oceans and is now friendly territory for Western merchants and military vessels. Vital shipping lanes are located around the entire perimeter of South Africa. A large percentage of the West's oil and mineral resources are shipped around the Cape of Good Hope. These vital shipping lanes could be closed or restricted if dominated by unfriendly forces.

It would only take one Soviet patrol bomber squadron at Cape Town or a small Soviet fleet at Simon's Town to close the oil lanes from Japan, Asia, and the Pacific rim to Western Europe and the United States. These shipping lanes could be closed at a moment's notice if that vital region were occupied by the Soviets or their allies.

By far the most obvious and most important strategic factor for the United States is the huge percentages of the free world's strategic minerals supplied by South African mines. The United States depends on South Africa for about one-half of its supplies of many crucial raw materials. The concern here is obviously not for gem quality diamonds, but for minerals which are essential for the maintenance of both our military arsenal and our technological society.

Mr. President, I want to give my colleagues some facts about how dependent we are on mineral imports from South Africa.

We are 82-percent reliant on imports for chromium. South Africa supplies us with 55 percent of that element, which is vital for the production of stainless steel.

We are nearly 100-percent reliant on imports for our industrial diamonds; South Africa supplies over 57 percent of this crucial resource.

□ 1940

The United States relies on imports for 99 percent of its manganese, which is essential for the production of quality steel; South Africa supplies 31 percent of this need.

We rely on imports for 91 percent of our platinum; we buy 85 percent of that metal from South Africa.

It is important, also, to realize that the major alternate supplier of many of these commodities is the Soviet Union. The strategic implications of this are obvious. Clearly, trade with South Africa is of vital importance to us. Strategically and economically, South Africa is our ally, and we do not have so many in that region that we can afford to squander one.

Opponents of this so-called anti-apartheid legislation have been caricatured as crazy "commie hunters," intent on finding Russians under every rock and propping up even the most ruthless of dictatorships to stall the Communist juggernaut. This is an absurd treatment of a serious and important issue. The facts speak for themselves: Southern Africa is a vital region, both to the United States and the free world and to the Soviets and their puppet agents. The Soviet presence in southern Africa has spread dramatically since 1973 when Brezhnev told the supreme Soviet that the goal of the Soviet Union was to seize the "two great treasure houses on which the West depends: the energy treasure house of the Persian Gulf and the mineral treasure house of central and southern Africa."

Brezhnev and his successors have been implementing this policy for 13 years. Since Brezhnev's speech, Soviet influence has spread to Africa; Angola, Benin, the Congo Republic, Ethiopia, Guinea, Mozambique, and Zimbabwe have all become Marxist states. The massive Cuban military presence in Angola demonstrates the determination of the Soviets and their allies to gain control of this crucial strategic area.

U.S. foreign policy should serve primarily the interests of the United States. Crippling our "mineral treasure house" by imposing sanctions does not serve our interest or the interests of the citizens of South Africa. The only beneficiaries of this policy will be Brezhnev's heirs. By passing this type of legislation we will be sacrificing an ally, and the important benefits of that alliance, for an extreme policy with little chance of success.

I do not believe our strategic interests in the region should close our eyes to the plight of the people of southern Africa. I do not believe that they have. Our record in South Africa is not something to be ashamed of. The United States has been skillfully playing a difficult role, we have supported an ally, a strategic interest, and a supplier of raw materials which we in the West desperately need, while at the same time moving that ally closer to attaining the greatest gift which this country has to offer: the example of our form of government and its values of freedom and equality for all citizens.

The role of American companies in South Africa has been to provide equal employment opportunities for tens of thousands of black workers. Sanctions will treaten these people with unemployment.

Those black leaders whose political bases are inside South Africa and not in the Western news media, realize this and oppose disinvestment.

We should recognize the role of the American companies in setting the pattern to improve the life of the blacks in South Africa. If we disinvest and other countries go in and purchase those companies, do you think they will have the concern for the standard of life of those black citizens of South Africa that we have had as Americans?

No, Mr. President. I think we all know that the answer to that is "no." They will not. We should be proud of our record in South Africa, not ashamed of it.

If we listen to the anti-South Africa apostles, we might conclude that all South African black and opposition leaders favor American and European disinvestment in their country. This is not the case. As the following examples show, many of the key black leaders, as well as many other opposition leaders in South Africa oppose this meat-cleaver method of solving the problem.

Mangosuthu Gatsha Buthelezi, the leader of more than 5 million Zulu people and President of Inkatha. The largest black South African political organization, has said:

It is simply not true that the vast majority of blacks support the disinvestment lobby.

I understand the moral indignation of the world and I am glad for it. However, disinvestment is a wrong strategy, and will do nothing to aid the struggle for liberation within the country. For me the first question that must always be asked in the disinvestment debate is what the people of South Africa themselves say about it. I have yet to meet a (black South African) worker who favors disinvestment. Disinvestment would strip us bare. So I must conclude that those who advocate disinvestment do so in complete disregard of what black people themselves think.

Lucy Mvubelo, president of the National Union of Clothing Workers, one of the largest black unions, has said:

To proponents of isolation, disinvestment, and embargoes must say: Don't break off contact and don't advocate disengagement and withdrawal of foreign investments. Only indigenous movements—the trade unions, the political groupings, the schools, the business associations—within South Africa can bring about significant, positive change. Outsiders can influence it, but only through participation, not by isolation.

The Trade Union Council of South Africa [TUSCA], a multiracial trade union federation, the largest in South Africa declares:

TUSCA believes that any action of this sort (disinvestment) will hurt those it is supposed to help. TUSCA does not believe that most black South Africans support a policy which must lead to fewer jobs and opportunities for advancement. They want equal opportunities in a free and expanding economy not unemployment and poverty.

Rashid Alli, General Secretary of Muslim Business League of Southern Africa, has declared:

We are strongly opposed to any form of disinvestment or economic sanctions for it is very well for those "individuals" to lobby for it with their full stomachs and their pockets full of coins—hunger is an experience—political talk is a prerogative—human beings act, care and feel at all times—politicans talk, and perform only during the storm.

Richard Maponya, a prominent black community leader and businessman, says:

Foreign companies could, through partnerships, help blacks to get started in business where it would otherwise be impossible and by investing in black communities, foreign firms could help communities, generate their own capital.

John Nkadimengh, the General Secretary of the South African Congress of Trade Unions believes:

Economic sanctions against South Africa would only worsen the economic position of South African Blacks.

Helen Suzman, civil rights spokesman for the opposition Progressive Federal Party in the South African Parliament, explains:

There is a simple appeal in the course of action that advocates disengagement from any form of association with South Africa . . . This relieves the conscience, but it also dilutes any influence over future events . . .

These prominent, respected South African citizens oppose disinvestment and its various alternate versions for the same reasons that I oppose them. Their views are largely ignored by the news media and by those who favor so-called antiapartheid bills. If we are to responsibly address this question we must take their concerns into consideration. Surely, they have more knowledge of the situation and the feelings of their people than Members of this body can hope to accumulate in 1-week trips.

Of course, the motives of the South African leaders I have just quoted are different from those of the South African bashers. Most opposition leaders inside South Africa are not concerned with American politics or moral grandstanding. Their goal is not to overthrow the South African Government, but to preserve the security and prosperity of their nation as they continue to peacefully pursue equality and the end to the discrimination of apartheid.

The blacks inside South Africa are not the only ones who will suffer if we pursue this policy. More than 250,000 foreign black workers work in South African mines alone. They earn $400 million a year—most of which they send home to their families. Over 170,000 foreign blacks are employed in other South African businesses, not to mention the estimated 1 million "illegal" migrants.

As President Reagan pointed out, the challenge in South Africa is to eliminate apartheid without destroying South Africa's stability and economic capacity which "is a mighty engine that could pull southern Africa into a prosperous future." These sanctions threaten to stop that engine.

The immediate effect of sanctions on the countries bordering South Africa will be severe. Tens of thousands of migrant workers may be sent home jobless as South Africa is forced to close many industries. The result will be an incredible increase in unemployment and poverty in these bordering nations. The long-range effects could be even more disastrous. South Africa could cut off aid to these nations and discontinue access to ports, railroads, motorways, water, and electricity. Economic gains which people in these poverty stricken nations have struggled for decades to achieve could be erased overnight by imposition of "austerity" measures in South Africa as a result of our sanctions.

I believe it is important to discuss the potential consequences on each of these nations and their populations:

Swaziland would be devastated. Ninety percent of its imports originate in or are shipped through South Africa. Fifteen percent of all Swazis are employed in South African mines. The Swazi Government has publicly stated its opposition to sanctions.

Zambia would also be crippled. It receives 30 percent of its imports from South Africa, 64 percent come from South Africa via Zimbabwe and Botswana. One third of its exports are shipped through South Africa.

Lesotho, like Swaziland, is encircled by South Africa. Seventy-five percent of its working population are employed in South African mines. It gets 97 percent of its imports from South Africa. Our Embassy there says that in the event of countersanctions by South Africa, "we can turn out the lights, pull down the shades and close the country * * *"

Botswana, a completely landlocked nation and one of the few democratic governments in black Africa, "could not survive for more than two months" if South African countersanctions were imposed, according to our Ambassador there. Democracy, already fragile in Botswana, would have great difficulty surviving the blow.

Mozambique, a Marxist-Leninist state whose primary trading partner is the Soviet Union, may actually gain from the misery created by American-Western sanctions and South African countersanctions. Its ocean ports may see slightly more action as a result of its landlocked neighbors' frantic efforts to compensate for lost South African access.

Zimbabwe, which as Rhodesia once faced the same type of moral castigation from the West as South Africa now faces, would suffer again as a result of Western sanctions. Even though it is now dominated by the Marxist dictatorship of Robert Mugabe, Zimbabwe has continued its heavy economic reliance on South Africa.

Many prosanction activists take great delight in pointing out that the leaders of a number of these "frontline" countries say they support sanctions and are willing to suffer to bring down apartheid. These offers may be sincere or they may be made out of political expediency. Whatever the source of their stupidity and reckless-

ness, the United States should not be a party to the economic suicide of half a continent.

I am not opposed to our pressuring South Africa toward racial reform as we are doing with constructive engagement. I support it not only because it is morally right but because it is the only way for the Republic of South Africa to continue to survive. Rational South Africans know this.

The most productive anti-apartheid action we can take is to continue working quietly, through our Government and our businesses and industries, to aid and urge the South African Government to abolish apartheid. South Africa is governed by proud, capable men. We may have major disagreements with them, but we must recognize this fact. We cannot expect to treat them like delinquent children without severing our ties, destroying our influence in the region and threatening the economic and physical well-being of the very people whose lives we seek to improve.

The sanction advocates should review their Rhodesia files. The pressure imposed on the white minority government of Ian Smith hasn't produced the promised utopia. In 6 years of Mugabe rule, more than half of the white population has left. Massacres of members of the minority Nbedele tribe by Cuban mercenaries, and a harsh state of emergency are some of the domestic reforms undertaken in the "new" Zimbabwe. A once prosperous economy has been ground to dust. Racial discrimination has been replaced with totalitarian repression.

I believe that President Reagan's policy toward South Africa is the right one. In part due to this administration's policies, many changes have occurred in South Africa, others are now being implemented, still others have been promised or are being discussed and considered.

Let us look for a minute at some of the progress that has been made in the last 6 years. In 1979, the current prime labor law, the Industrial Conciliation Amendment Act, was passed. This law removed racial restrictions on labor unions and legally allowed multiracial trade unions and associations. From this legislation many other benefits—legal, economic and social—were achieved.

There are now black labor unions which bargain with industry and business for better wages and working conditions. Blacks have the right to shop and conduct business in almost all areas. Housing restrictions have begun to be repealed. Interracial marriages have been allowed, and many other reforms which were thought impossible only a few years ago have been initiated in the last couple of years.

Here is a sampling of some of the progressive reforms which have been initiated in the last several years. Note that the bulk of these reforms have occurred during the Reagan administration once the much castigated "constructive engagement" policy was put into effect:

In June of this year the hated "Pass Laws," which inhibited black majority and disrputed black family life, were abolished.

In 1983 black voters elected mayors and town councils to govern their communities across the nation.

On November 2, 1983, a national referendum overwhelmingly extended the National franchise to nonwhites for the first time in South Africa's history.

In August 1984, colored, and Indian voters went to the polls for the first time to elect Representatives to Parliament.

On January 25, 1985, the multiracial, tricameral Parliament convened. Whites, coloreds and Indians participated jointly in the executive and legislative functions of the national government for the first time.

In February 1985, the South African Government discontinued the resettlement of black communities, thus ending the so-called black spot policy.

Downtown commercial districts were also opened to all businessmen, irrespective of race.

From 1979 to 1984 desegregation of trade unions and workplaces was achieved. Black and multiracial unions were legalized. Of the 200 unions in South Africa today, 79 are multiracial, 21 are black, 43 are colored and 57 are white.

In 1983 job reservation for whites was eliminated.

From 1970 through 1980, black income rose tremendously, thus creating a black middle class for the first time in the nation's history.

In those 10 years the black share of personal income rose from 25 percent to 40 percent, today it is nearly 50 percent.

From 1970 to 1980 the numbers of black high school students rose from 105,000 to over 250,000.

From 1975 to 1980 spending on black education rose 230 percent, and another 51 percent in 1980–81.

The literacy rate for South African blacks aged 12–22 is now over 80 percent.

South Africa now trains more black doctors than any other African country and offers the best health care on the continent.

Since 1975 $2 billion has been spent to provide new homes for South Africa's urban blacks, who were granted home ownership privileges in 1982.

As Helen Suzman, a long-time apartheid critic and the first member of South African parliament to be elected on an antiapartheid platform, notes, "Although many vital issues remain to be resolved, there is no doubt these reforms signify a change of direction: away from apartheid."

These reforms did not come about as the result of bullying from the United States, but as the result of a firm commitment by both South Africans and American Government and business leaders to work together to solve these complex social problems.

The role of American business has been a key factor in relaxing economic and social barriers. The dramatic rise in black disposable income has released a consumer-driven relaxation of apartheid laws in retail trade and has led to the racial integration of the marketplace and the workplace. Much of this economic progress is fueled by American businesses and their comparatively high wages and nondiscriminatory hiring policies.

American companies, through the "Sullivan principles" of desegregation in the workplace, equal employment practices, training for nonwhites, social services for black workers, and the promotion of trade unionism, have served as a valuable example to the South Africans.

If these progressive American companies were withdrawn there would be no mechanism to shoulder the burden of newly unemployed blacks on the economy. Conditions would deteriorate. If we cut off American businesses and investments in South Africa, we will slow the momentum for change. We are on this floor saying we are trying to help.

The point is that progress is being made, progress which might not be possible if we were to withdraw and give the South Africans punishment instead of cooperation. For many of us this progress is proceeding too slowly. I understand these feelings. But we must not allow our frustration to force us to irrationally abandon a policy which is producing desirable results. We should resist the temptation to impose aggressive sanctions which may cripple the one healthy aspect of South Africa's society—its economy.

I know of no American who wishes to harm the average South African citizen, but that would be the net effect of economic sanctions, disinvestment, and banning of bank loans. I do not know of a way to surgically strike at those few South African dinosaurs who continue to advocate apartheid without severely hurting the vast majority of the people we say we desire to help. I know of no way to strike at the extremist supporters of apartheid without delivering a devastating blow to the moderates who are now in power and to whom most of the credit for the gains of the last several years belongs.

Our goal should be to elevate the rest of South African society to the same heights which its economy has reached. As President Reagan said, we

must stand ready to welcome "a new South Africa home, to the family of free nations where she belongs." The duty of this Senate is to determine how best to achieve this goal without needlessly weakening the South African nation.

We cannot accomplish anything for the people of South Africa if we take ourselves out of the equation and alienate ourselves from the South African Government. Without the leverage which comes from our economic stimulation of South Africa, the United States will have little way of continuing to urge moderation and relaxation of South Africa's racial policies. Without the influence and credibility which comes from our reasoned, patient persistence in support of abolishing apartheid, our views will neither be heard nor respected.

If the sanctions being debated here today are adopted we will have squandered the last of our power to influence events in South Africa; a power which has been a great force for good in that nation. Great progress has come from the United States investment in South Africa and now we are trying to say we want to stop it.

In our effort to spread human rights throughout the world we must remember that not all nations are on the same timetable as we. Not all nations are capable of enacting "civil rights acts" or "voting rights acts." We must also turn a modest eye toward our own history and remember that it took the United States 4 years of war and the battlefield deaths of nearly 500,000 young Americans to rid the Nation of slavery. This Nation was torn apart. All one has to do is visit the battlefields of Gettysburg, Antietam, Bull Run, or Fredericksburg and see what happened in this country, and that was only 100 years ago.

We must not allow our anxiety over the perceived slowness of South Africa's progress blind us to the significance of the reforms already enacted or the difficulty with which they were achieved. South African President Botha, the source of the most recent and most important reforms, has endured great political pressure from those in his own party, who are more conservative, who oppose relaxing apartheid. He has received even more criticism from those who want the reforms to proceed more rapidly. His balancing act is yielding positive results; we should not upset it by crippling his nation's economy.

South Africa and all South Africans need our continued encouragement and support for the progressive change now under way in that country. We should compliment, encourage, and reward these changes, rather than enacting legislation which slows, stalls, or reverses the economic gains of South Africa's black population.

President Reagan's policy is wise. His reasoning is sound. I only hope we will overcome the illogic and hysteria which seems to dominate Congress' thinking on this issue.

Only if we continue to work with the South Africans will we be able to influence them to push forward with their reforms. President Reagan was correct when he said:

To make a difference, Americans—who are a force for decency and progress in the world—must remain involved. We must stay and work, not cut and run.

I urge my colleagues to vote against sanction legislation.

Mr. President, I send an amendment to the desk on behalf of myself and Senators MCCLURE, DENTON, PRESSLER, HELMS, HECHT, and MURKOWSKI, and ask for its immediate consideration.

The PRESIDING OFFICER. This amendment is not in order at this time. There are two amendments now pending.

Mr. SYMMS. I ask unanimous consent that the pending amendments be temporarily laid aside.

Mr. PELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DIXON addressed the Chair.

Mr. SYMMS. I thank the distinguished floor leader for the generosity of his time and I thank my colleagues for listening to my arguments.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I yield 5 minutes to the senior Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois [Mr. DIXON] is recognized.

Mr. LUGAR. Will the Senator yield without losing his right to the floor or his time?

Mr. DIXON. I am delighted to yield.

AMENDMENT 2737

Mr. LUGAR. Mr. President, earlier this evening the Senate adopted an amendment by the distinguished Senator from Missouri [Mr. EAGLETON]. The reference in the first line of that amendment was incorrect. I send a corrected version of that amendment to the desk and ask unanimous consent that it be substituted for the text of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 78, strike lines 8 through 21, and insert the following:

SEC. 313(a) This title and sections 501(c) and 503(b) shall terminate if the Government of South Africa—

(1) releases all persons persecuted for their political beliefs or detained unduly without trial and Nelson Mandela from prison;

(2) repeals the state of emergency in effect on the date of enactment of this Act and releases all detainees held under such state of emergency;

(3) unbans democratic political parties and permits the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process;

(4) repeals the Group Areas Act and the Population Registration Act and institutes no other measures with the same purposes; and

(5) agrees to enter into good faith negotiations with truly representative members of the black majority without preconditions.

Mr. LUGAR. I thank the Chair. I thank the distinguished Senator from Illinois.

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The PRESIDING OFFICER. The Senator from Illinois [Mr. DIXON] is recognized.

Mr. DIXON. I thank my distinguished friend, the manager of the bill, the senior Senator from Rhode Island, for yielding me this time.

Mr. President, we are here on the Senate floor to consider the proper legislative means to express our repugnance of apartheid, to demonstrate that we are with the black majority in South Africa, and to change United States foreign policy to make it consistent with this country's founding principles and with our national interests.

President Reagan's policy of "constructive engagement" has failed and therefore must be abandoned. Congress came to this realization last year when both the House and the Senate, by strong bipartisan majorities, passed sanctions legislation. Unfortunately, that legislation was never enacted. Since that time, however, the House has passed a new, much stronger, bill, and now the Senate has a second opportunity to change the discredited policy that the administration has followed for far too long.

My position on antiapartheid is clear and consistent: I believe it must be ended. For that reason, I supported last year's sanctions legislation, even though I generally believe that trade sanctions are overused and most often do not represent sound public policy. I also voted for cloture, in an attempt to ensure that the final legislation cleared the Senate, because I felt that the administration's actions were too weak to have any real impact.

I am sorry to say that events seem to have demonstrated the correctness of that judgment. The situation in South Africa continues to deteriorate. Thus, it is time to take further action to distance ourselves from a regime that resorts to violence and repression in an effort to maintain itself in power.

Economic sanctions, though, are not without cost. They will hurt businesses in the United States, and could result in layoffs here, as well as in South Africa. If South Africa retaliates, poor black African countries along its border could be seriously

hurt, at a time when they are already facing severe economic problems.

Further, unless sanctions are kept on for a very long time, they will likely be not much more than an inconvenience to South Africa itself. Sanctions, particularly if imposed solely by the United States without the cooperation of our allies, will not by themselves cause South Africa to abandon apartheid.

It is nonetheless essential for us to take further action because this government will not last in the long run. It will either be replaced by whites more willing to end apartheid, or by a majority black government. In either case, long-run American influence will likely be maximized in the future if we distance ourselves from the current disaster in the making. Sanctions, therefore, not only express our moral revulsion over apartheid, they also represent a sound, hard-headed view of long-term American interests in the region.

I strongly believe the United States must make clear to the world, to South Africa's neighbors, and to the black majority in South Africa itself, that it is against this institutionalized system of racial discrimination and subjugation. S. 2701 represents a means to make our position clear. It is not a perfect bill. I have already voted for amendments to strengthen it, and I will continue to vote for reasonable and appropriate additions to the bill. However, I do believe its enactment would be the kind of change in our policy toward South Africa that has been needed for a long time. I strongly urge the Senate to act quickly on this bill. We need to act—now. We should have passed sanctions legislation last year. We cannot afford any additional delay.

I yield back the remainder of my time.

Mr. PELL. Mr. President, I yield one-half minute to the Senator from Wisconsin.

AMENDMENT NO. 2739, AS MODIFIED

Mr. PROXMIRE. I thank the Senator from Rhode Island.

Mr. President, I ask unanimous consent to modify my amendment, and I ask that the amendment be in order. I send the modification to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modified amendment is as follows:

On page 78, strike out lines 8 through 21, and insert in lieu thereof the following:

Sec. 313. (a) This title and sections 501(c) and 503(b) shall terminate 30 days after the President determines, and so reports to the Congress, that the Government of South Africa—

(1) releases all persons persecuted for their political beliefs or detained unduly without trial and Nelson Mandela from prison;

(2) repeals the state of emergency in effect on the date of enactment of this Act and releases all detainees held under such state of emergency;

(3) unbans democratic political parties and permits the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process;

(4) repeals the Group Areas Act and the Population Registration Act and institutes no other measures with the same purposes; and

(5) agrees to enter into good faith negotiations with truly representative members of the black majority without preconditions.

if the Congress enacts within such 30-day period, in accordance with section 602 of this Act, a joint resolution approving the determination of the President under this subsection.

On page 79, line 10, strike out "unless" and insert in lieu thereof "if".

On page 79, line 12, strike out "disapproving" and insert in lieu thereof "approving".

On page 88, line 15, insert "313(a)," after "sections".

On page 89, line 21, insert "313(a)," after "section".

On page 90, line 14, insert "313(a) or" after "section".

On page 90, line 17, strike out "313(b)" and insert in lieu thereof "313(a) or 313(b), as the case may be,".

On page 90, line 21, strike out "313(b)" and insert in lieu thereof "313—".

On page 90, line 24, strike out "blank" and insert in lieu thereof "first blank and the appropriate subsection designation inserted in the second blank".

The PRESIDING OFFICER. Who yields time or seeks recognition?

Mr. HEINZ. Mr. President, what is the pending business?

The PRESIDING OFFICER. There are two amendments pending—the Proxmire amendment and the Heinz amendment. There is time remaining on each.

The question before the Senate is on the Proxmire amendment, as modified by the Senator from Wisconsin.

Who yields time?

Mr. HEINZ. Mr. President, I think the Senate is prepared to vote on the Proxmire amendment; is it not?

The PRESIDING OFFICER. The Senator from Wisconsin has 22 minutes remaining and the Senator from Indiana [Mr. LUGAR] has 28 minutes remaining on the Proxmire amendment.

Mr. LUGAR. Mr. President, I am not aware of the modification. I ask that the Proxmire amendment be temporarily laid aside and that we vote on the Heinz amendment, which we are prepared to accept.

The PRESIDING OFFICER. Without objection, it is so ordered.

The issue before the Senate is now the Heinz amendment.

AMENDMENT NO. 2738, AS MODIFIED

Mr. HEINZ. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Pennsylvania [Mr. HEINZ] is modified.

The amendment as modified is as follows:

Beginning on page 79, strike out line 17 and all that follows through line 13, on page 81, and insert in lieu thereof the following:

SEC. 401. (a) It is the policy of the United States to seek international cooperative agreements with the other industrialized democracies to bring about the complete dismantling of apartheid. Sanctions imposed under such agreements should be both direct and official executive or legislative acts of governments. The next economic effect of such cooperation should be measurably greater than the net economic effect of the measures imposed by this Act.

(b)(1) Negotiations to reach international cooperative arrangements with the other industrialized democracies and other trading partners of South Africa on measures to bring about the complete dismantling of apartheid should begin promptly and should be concluded not later than 180 days from the enactment of this Act. During this period, the President or, at his direction, the Secretary of State should convene an international conference of the other industrialized democracies in order to reach cooperative agreements to impose sanctions against South Africa to bring about the complete dismantling of apartheid.

(2) The President shall, not less than 180 days after the date of enactment of this Act, submit to the Congress a report containing—

(A) a description of United States efforts to negotiate multilateral measures to bring about the complete dismantling of apartheid; and

(B) a detailed description of economic and other measures adopted by the other industrialized countries to bring about the complete dismantling of apartheid, including an assessment of the stringency with which such measures are enforced by those countries.

(c) If the President successfully concludes an international agreement described in subsection (b)(1), he may, after such agreement enters into force with respect to the United States, adjust, modify, or otherwise amend the measures imposed under any provision of sections 301 through 312 to conform with such agreement.

(d) Each agreement submitted to the Congress under this subsection shall enter into force with respect to the United States if (and only if)—

(1) the President, not less than 30 days before the day on which he enters into such agreement, notifies the House of Representatives and the Senate of his intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(2) after entering into the agreement, the President transmits to the House of Representatives and the Senate a document containing a copy of the final legal text of such agreement, together with—

(A) a description of any administrative action proposed to implement such agreement and an explanation as to how the proposed administrative action would change or affect existing law, and

(B) a statement of his reasons as to how the agreement serves the interest of United States foreign policy and as to why the proposed administrative action is required or appropriate to carry out the agreement; and

(3) a joint resolution approving such agreement has been enacted within 30 days of transmittal of such document to the Congress.

On page 91, line 9, strike out, "disapproves" and insert in lieu thereof "approves".

Mr. HEINZ. Mr. President, I have had discussions with the managers of the bill. At that time, the majority manager of the bill was Mrs. KASSEBAUM, and Senator PELL was the manager on behalf of the minority.

After some discussion, we reached a general agreement in terms of making some minor modifications in my amendment to make it more acceptable to the committee. It is my understanding that the committee believes that those modifications, which preserve the heart of my amendment—the heart of that amendment being to replace the resolution of disapproval with a permanent resolution of approval—that my amendment as now modified is acceptable to the managers of the bill. I do not think there will be any need, if it is acceptable, to have a rollcall vote.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, we are prepared to accept the amendment as modified by the distinguished Senator from Pennsylvania, and we are prepared to have a voice vote.

Mr. PELL. Mr. President, I share the sentiments of the chairman and suggest that we vote.

The PRESIDING OFFICER. If the Senators will yield back their remaining time——

Mr. HEINZ. I yield back the remainder of my time.

Mr. LUGAR. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Pennsylvania [Mr. HEINZ] as modified.

The amendment (No. 2738), as modified, was agreed to.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I thank the managers of the bill for their acceptance of the amendment. I am sure it is an improvement in what is becoming quite a good bill.

Mr. LUGAR. I thank the Senator.

Mr. President, I wish to propound a unanimous-consent request. It is an important request.

I have consulted with the majority leader, and I agree with the general sentiment that it would be helpful if amendments could have a shorter time limit, if this be the will of the Senate.

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So I would like to ask unanimous consent, Mr. President, that—

Mr. DOLE. Senator LUGAR may want to clear it with Senator BYRD.

Mr. PELL. I appreciate the suggestion of the manager of the bill. I share his sentiments but I am not in a position to approve it at this time.

Mr. LUGAR. Very well. At a later time we will suggest perhaps a time limit of 30 minutes.

Mr. PELL. We might get it down to 15.

Mr. LUGAR. Very well.

Mr. PROXMIRE. Will the Senator from Indiana yield at that point?

Mr. LUGAR. I yield.

Mr. PROXMIRE. I am happy to either have a vote promptly on my amendment or limit the time any way the Senator from Indiana chooses, because I have no need for further time.

Mr. LUGAR. I thank the Senator.

The PRESIDING OFFICER. The amendment before the Senate is the Proxmire amendment.

Twenty-eight minutes remain on Senator LUGAR's side and 22 minutes remain on Senator PROXMIRE's side.

Mr. LUGAR. Mr. President, I ask unanimous consent on the Proxmire amendment there be a limit of 30 minutes, 15 minutes to a side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I am happy to limit it further if the Senator wants to do so.

Mr. DOLE. He is ready to vote now.

Mr. LUGAR. I am not certain we are ready to vote.

AMENDMENT NO. 2739

The PRESIDING OFFICER. Who yields time on the Proxmire amendment? The time is controlled by Senator PROXMIRE and Senator LUGAR.

If no one yields time, time will run and be assessed equally against both sides beginning now.

Mr. LUGAR. Mr. President, I am speaking on the Proxmire amendment.

Would the distinguished Senator inform me what is the modification? We seem unable to find out what his amendment is and how it has been modified.

Mr. PROXMIRE. The modification of the amendment primarily was to make it conform with the Eagleton amendment that was adopted earlier and somewhat changed the various provisions. There were five specific conditions that were added in order to have the sanctions struck.

Mr. LUGAR. May I ask the Senator has the Eagleton language been changed or are the requirements different now?

Mr. PROXMIRE. The Eagleton language was different than the language I had. Of course, the Eagleton amendment interceded between the time I prepared my amendment and the time I sent my amendment to the desk.

Mr. LUGAR. Has the Senator adopted the Eagleton language?

Mr. PROXMIRE. I have adopted the Eagleton language.

Mr. LUGAR. So the gist of the argument, if I may ask the Senator, is the word "disapproving" and his amendment calls for approval by a joint resolution of the President. Let me ask the Senator.

Mr. PROXMIRE. The Senator is absolutely right.

The principal difference between my amendment and the provisions in the bill were the same as the proposal that was made by the Senator from Pennsylvania respecting international agreements.

My amendment would affect all sanctions whether international agreements or not. In fact, international agreements were stricken, so my amendment did not conflict with the Heinz amendment.

But my amendment would provide a positive action required on the part of the Congress before a termination of sanctions.

Mr. LUGAR. So I get the situation perfectly clear at least for this Senator, currently the President may terminate these sanctions or modify them unless the Congress enacts within a 30-day period in accordance with section 602 a joint resolution disapproving the termination of sanctions under this subsection.

Mr. PROXMIRE. That is right.

My problem with that was the President, of course, can veto that, disapproving action, in which case it would take a two-thirds vote by Congress.

In this case, as you know, the President disagrees with us on sanctions and the sanctions are stricken by the Congress instead of the President. Therefore, as a practical matter, it means the sanctions could be disapproved even though the Congress felt the conditions had been met.

Mr. LUGAR. I thank the Senator.

Let me simply address the Senator for a moment on the point. I think the difference is just as the Senator from Wisconsin has described it. Under this bill, 2701, that we are debating, the President could determine that the conditions had been met as the Eagleton amendment modified it tonight and terminate all or part of the sanctions or modify them.

If the Congress disagreed with that, it would have to pass a joint resolution of disapproval.

As the Senator from Wisconsin has pointed out, the President could veto that resolution of disapproval and it would take a two-thirds vote of the Congress to override the President.

The Senator from Wisconsin is attempting to modify that by saying that if the President acts to terminate

the sanctions that it takes a joint resolution of approval by the Congress to allow the President to proceed in that way.

Therefore, essentially the balance of power in this particular amendment passes from the President, where it is strongly in the bill, to the Congress in a joint resolution of approval.

I would have to oppose the amendment by the Senator from Wisconsin, simply because it was the intent of the drafters of this legislation to give the President that authority. We believe the President is the chief architect of our foreign policy, ought to be the chief arbiter, chief decisionmaker. If the President of the United States and his staff believe that four out of five of these conditions have been met, or requirements that we have, we believe he ought to be the judge of that. But there is a backstop. If the President should err egregiously, if two-thirds of both Houses believe he has erred, they can reverse it.

The proposal of the Senator from Wisconsin would call upon the Congress to make this determination, with both Houses needing a majority for these sanctions to be removed. It would be very difficult to remove the sanctions. This may be the purpose of the distinguished Senator.

But clearly the purpose of the drafters of the bill was to say in the event the Government of South Africa moves to end apartheid and to change the constitutional framework, that ought to be recognized, it ought to be recognized promptly and should not wait for a joint resolution of the Congress, two Houses, with the difficulties we have of scheduling votes of this variety, and therefore, it can be an immediate termination if the President makes it with the backstop if somehow he errs egregriously the Congress can overrule it.

Therefore, I would ask the Members to vote against the amendment of the Senator from Wisconsin.

I am prepared to yield back our time as soon as the Senator is.

Mr. PROXMIRE. I am happy to yield.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I think for some of the very arguments that my good friend and colleague, the Senator from Indiana, advances, I will be compelled to vote for the amendment of the Senator from Wisconsin because, as he points out, what this amendment does, it lessens the authority or the power of the Presidency and moves it toward the Congress.

Laws can be reconsidered over time. At this time and in this particular case, I would like to see a larger role for the Congress in any decision to dismantle apartheid.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. May I just say to my good friend from Indiana, my amendment requires that the majority of both Houses approve the end of sanctions. This is exactly what was agreed to in conference last year by the Senate and by the House. It was agreed to, as I understand it, by the Foreign Relations Committee. So it is not new ground. This is not a precedent. It is something we felt was right then and it seems to me it is right now.

Mr. LUGAR. I simply respond to my good friend, the Senator from Wisconsin, that getting a vote in two Houses of Congress sometimes takes time and the response for the Chief Executive would be much more immediate with this backstop, but clearly it is a balance-of-power debate and my vote will be cast with the President, because I believe this is where foreign policy judgments ought to lie.

Mr. PROXMIRE. If the Senator will just yield, there is a provision for expedited procedures. The Congress is required to act I believe within 30 days, so this would not be held up. It would not be something that would be delayed by either House of Congress. The amendment would not permit that.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. PROXMIRE. Mr. President, I yield back my time.

Mr. LUGAR. Mr. President, I yield back my time.

I move to table the Proxmire amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays have been ordered.

Mr. DOLE. Mr. President, as I understand, there are three votes.

Mr. LUGAR. One.

Mr. DOLE. Just one. No other stacked?

Mr. LUGAR. No. One went away.

The PRESIDING OFFICER. There is one question before the Senate and that is now on the Proxmire amendment.

The question is on agreeing to the motion of the Senator from Indiana to lay on the table the amendment of the Senator from Wisconsin.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] and the Senator from Maryland [Mr. MATHIAS] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 236 Leg.]

YEAS—51

Abdnor	Gramm	Murkowski
Andrews	Grassley	Nickles
Armstrong	Hatch	Packwood
Boschwitz	Hatfield	Pressler
Broyhill	Hawkins	Quayle
Chafee	Hecht	Roth
Cochran	Heinz	Rudman
Cohen	Helms	Simpson
D'Amato	Hollings	Stafford
Danforth	Humphrey	Stevens
Denton	Kassebaum	Symms
Dole	Laxalt	Thurmond
Domenici	Long	Trible
Durenberger	Lugar	Wallop
Evans	Mattingly	Warner
Garn	McClure	Weicker
Gorton	McConnell	Wilson

NAYS—46

Baucus	Ford	Metzenbaum
Bentsen	Glenn	Mitchell
Biden	Gore	Moynihan
Bingaman	Harkin	Nunn
Boren	Hart	Pell
Bradley	Heflin	Proxmire
Bumpers	Inouye	Pryor
Burdick	Johnston	Riegle
Byrd	Kasten	Rockefeller
Chiles	Kennedy	Sarbanes
Cranston	Kerry	Sasser
DeConcini	Lautenberg	Simon
Dixon	Leahy	Specter
Dodd	Levin	Zorinsky
Eagleton	Matsunaga	
Exon	Melcher	

NOT VOTING—3

Goldwater	Mathias	Stennis

So the motion to lay on the table amendment No. 2739, as modified, was agreed to.

□ 2050

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was laid on the table.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, before beginning and without losing my right to the floor, I understand that the Senator from New Mexico desires 30 seconds. I yield to him without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I thank the Senator from Alabama.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

IN SUPPORT OF SANCTIONS AGAINST SOUTH AFRICA

Mr. BINGAMAN. Mr. President, I rise tonight to support swift, effective action from this body on the issue of American policy toward South Africa. While I am not completely satisfied with the bill sent to us by the Foreign Relations Committee, I believe it is an appropriate vehicle through which we can formulate a new policy aimed at eliminating apartheid in South Africa. This legislation would mark a new stage in American policy toward apart-

heid and sends a new message to Pretoria.

Nearly a month has passed since we listened expectantly for the announcement of a new South Africa policy from the White House. On July 22, the President said that the United States "cannot maintain cordial relations with a government whose power rests on apartheid." The President's assessment was correct, and so Americans across the country listened closely for an end to business as usual there. We were greatly disappointed. Instead of breaking with his so-called constructive engagement strategy, the President retreated even further from last year's Executive order on South Africa.

It is clear that the Nation, indeed, the world, can no longer wait for leadership from the White House on this issue; the time has come for Congress to act and to act emphatically. Our passage of a sanctions bill will send two messages to Pretoria. To those South Africans, black and white, who oppose apartheid, this measure says, "Americans are with you, we support your struggle." To those who resist the inevitable tide of change there, we shall say, "We will no longer be an accomplice to apartheid."

Let me briefly state what I consider to be the teeth of S. 2701, the Comprehensive Anti-Apartheid Act of 1986. First, it prohibits new United States loans and investment in South Africa. While American investment has dropped significantly already, this provision tells the Botha government that we will no longer seek to profit from apartheid. Second, the bill bans two significant South African exports, uranium and coal. This bill would prohibit American depositories from holding the money of the South African Government or its entities. Fourth, the bill terminates air travel between the United States and South Africa. These last two provisions are particularly significant, I believe, because they directly affect affluent white South Africans, who have the ability to put pressure on their government.

While I commend my colleagues on the Foreign Relations Committee for coming to a relatively speedy consensus on this issue, I believe they could have gone further in applying economic sanctions to South Africa. I would support amendments to the Lugar bill to bring it more into line with the Kennedy-Weicker-Cranston initiative, S. 2498, which I cosponsored. As it stands now, the bill largely extends the partial export restrictions set out in last year's Executive order on South Africa. And, clearly, these limited sanctions have not been effective.

I want to emphasize that the sanctions we are voting on today are not merely punitive or negative in nature. This bill includes $8 million in educational aid to South African blacks, $1.5 million in aid to political prisoners, and $10 million for housing for blacks. Finally, this measure also holds out a carrot to the South African Government. All sanctions will be terminated if the President certifies that the South African Government has met four of five criteria, including the release of Nelson Mandela and all other political prisoners, the repeal of the Group Areas and Population Registration Acts, and entering good-faith negotiations with the black majority.

To those who argue that the Botha government has made meaningful reforms, that we simply need to give him more time, I ask you to consider the 3-month-old state of emergency which he imposed. Under this new law, which is characteristic of a totalitarian regime, not a Western democracy, individuals may be detained indefinitely without having charges laid against them. This is the reform we are asked to consider before applying tough sanctions? It is clear to this Senator that there is no genuine intention to dismantle apartheid on the part of the Botha government. President Botha has said yielding to international calls for majority rule in South Africa would be national "suicide."

Let us not be led to inaction by warnings that the greatest victims of punitive sanctions will be blacks in South and southern Africa. Seven of South Africa's nine neighboring states themselves have called for international economic sanctions. Within South Africa too, there is mounting support for sanctions. Surely, these people are able to distinguish between their long-term and short-term interests. It is true that international sanctions will hurt blacks in South Africa, but who here could say that they are not now more hurt, in body and in spirit, by the brutal laws of apartheid?

A policy of tough economic sanctions against apartheid's apologists satisfies our three-tiered national interests in South Africa: our moral, political, and strategic interests. Morally, we must show those fighting apartheid that we support them. Politically, it is clear that the South African Government will not change its ways without harsh international actions and the internal pressure such actions will bring about.

Opponents of sanctions argue that U.S. strategic interests in southern Africa make us dependent on the Botha administration. But we must gauge our strategic interests into the future; where will they lie in 15 or 20 years? By then, regardless of the means by which they do so, the black majority will control the South African Government. Our true interest is to be remembered as a friend of that emerging government, not as its enemy in its earliest stages.

A couple of weeks ago, after completing an exhaustive 6-month review of South Africa, including first-hand travel there to meet with a broad spectrum of government and white and black anti-apartheid leaders, the Commonwealth Group of Eminent Persons concluded that, "at present, there is no genuine intention on the part of the South African Government to dismantle apartheid." In view of this intransigence, stiff economic sanctions are the last alternative to violent civil war in South Africa. I would like to conclude with a plea to those of you who remain unconvinced that sanctions will have the desired effects. I ask you to consider not whether sanctions will bring the end of apartheid, but the fact that the absence of sanctions thus far has not worked to weaken apartheid. It is true that passage of this legislation will not guarantee the end of apartheid, but there is the chance that it may hasten that end. We must take that chance.

We must not pretend, however, that, having passed sanctions legislation, Congress is finished dealing with South Africa. Passage of this legislation is only beginning. We must monitor its effects on the system of apartheid in South Africa. Still, this legislation, which earned broad bipartisan support in committee, is an important first step in our formulation of a new South Africa policy.

Mr. DOLE. Mr. President, will the Senator from Alabama yield without losing his right to the floor?

Mr. DENTON. I yield.

Mr. DOLE. Mr. President, let me indicate what the program may be for the rest of the night.

As I understand, there are still about 20 or 25 amendments that are going to be offered. If that is the case, we have to make a judgment, and I would rather not make it right now, whether to stay all night tonight and try to complete action on the bill by 7 or 8 o'clock in the morning, or to go until 2 or 3 o'clock and come in at 7:30 or 8 in the morning.

Another option would be to stay here on Saturday, which would be a third option we could look at.

We have been trying to get time agreements to reduce the time on all amendments to 30 minutes. It is a little different on South Africa than it was on Contra, as I understand. Even though we have used up all the time on the bill, there is still 1 hour for every amendment. This could extend on and on and on.

Perhaps if Members had a chance to reflect on how many amendments there may be, maybe we could reach some agreement. I will be busy with the minority leader about it.

I do believe if we want to leave anytime tomorrow on the so-called Labor Day recess, we do not have much choice but to either reduce the number of amendments or extend the

time we stay here tonight and tomorrow morning.

Mr. CRANSTON. Mr. President, will the Senator from Alabama yield to me for a question?

Mr. DENTON. Reserving my right to the floor; yes.

Mr. CRANSTON. Mr. President, without trying to do it on the floor, which would consume a lot of time, I would suggest we try to reduce the number of amendments through discussions off the floor. I have two amendments. I will drop one of them.

Mr. DOLE. I think we had 62 amendments on this side with 20-some on that side. I think many of the amendments on this side disappeared. In fact, 14 disappeared in one fell swoop this afternoon. If we can repeat that two or three times, we will be down to 10 or 15 amendments.

I will be busy with the dintinguished minority leader, but I would hope that everybody would, as we normally do, cooperate on each side.

Mr. BYRD. Will the Senator yield?

Mr. DENTON. I am pleased to yield without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Senator from Alabama.

Mr. President, on this side there are 13 Senators who are listed with amendments. Some of those Senators have more than one amendment. I would propose that both sides contact the Senators who have amendments and see which Senators would be willing to cut their time on amendments to 30 minutes or less. As it stands now, there is 1 hour on each amendment. We will be glad to do that.

Then we could, at a later moment this evening, try to get that agreement as far as those particular Senators are concerned. Some may be willing and some may be unwilling at this point. But it seems to me at this point we could pare down the number of amendments. Perhaps some Senators would be willing, now that there have been some votes, to cut down their amendments. I have two amendments listed at this time that I would not like to cut the time on. I may not want to call up both amendments, but only call up one amendment. If the majority leader would think well of that, we will proceed.

Mr. DOLE. I will ask the Senator to yield one more time.

Mr. DENTON. Mr. President, for my part, may I say to the majority leader and the Democratic leader that I intend to cut my amendments about in half, and after using some of my allotted 2 hours by the unanimous-consent agreement I would agree to 20 minutes at the most, equally divided, on any of those.

Mr. DOLE. I thank the Senator from Alabama. I think that might be a good course to follow, if we can find out on this side if Members on this side will contact the manager, Senator LUGAR, and indicate what amendments they intend to offer.

We are not encouraging any, but if there is a need, of course, to offer amendments, that is understandable.

I am a little reluctant to try to stay late-late tonight because we have had 8 or 10 late nights in the last 10 days we have been in. I do not know about other Members, but I can speak for one at least. There are limits.

I will leave it up to the Members. If they would rather stay most of the night tonight in an effort to finish tomorrow, or not worry about tomorrow and stay late tomorrow night and finish, we can take a sample as we go on.

Mr. BYRD. Mr. President, if we could revisit this question at the end of the next rollcall, we might be able to come to a determination.

Mr. ARMSTRONG. Mr. President, if the majority leader will yield, I would urge the majority leader and the minority leader to set the time for tomorrow. We would have the opportunity to speak tomorrow. Those of us who would prefer to entertain ourselves in other ways until all hours tonight, we can do that as well. We can come in at 10 o'clock in the morning and have 10 or 15 rollcall votes. [Laughter.]

Mr. DOLE. I think that is a great idea.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. DENTON. Mr. President, perhaps this is as good a time as any for us to acknowledge, mutually between the two sides, that the sanctions issue before us is one which, on both sides, has people of good will and humanitarianism.

I grant those qualities of good will and humanitarianism to each of those speaking on the other side, and I assert that this Senator has those qualities.

I note the presence of the Junior Senator from Massachusetts who has persuaded me on the floor and in committee on a number of matters.

Mr. President, I beseech my colleagues at this time to agree with me that each side needs to listen to the other.

Mr. President, may we have order?

The PRESIDING OFFICER. The Senator from Alabama is going to be heard on his amendment. Will those Democratic Senators engaged in conversation retire to the cloakroom? Will Democratic staffers please take their seats or retire?

On the Republican side, the same request is made. Will those Senators engaged in conversation in the aisles please take their seats?

Mr. DENTON. Mr. President, I beseech my colleagues to agree with me that each side needs to listen to the other—listen carefully, because the issue of economic sanctions against South Africa will have major effects not only on people in South Africa but also on people elsewhere and on the interests of the United States and other Nations. Never before have the words "deliberative body" been more needful of real application to the mood and method which should be applied to the Senate's disposing of this issue. Let us deliberate on facts, on opinions and on likely consequences of proposed U.S. actions.

I would like to join the others who have congratulated the chairman of the Foreign Relations Committee for fashioning a useful proposal, now much amended, which some regard as not going far enough on sanctions, and others, including the administration, think goes too far.

The administration distributed a statement of administration policy an hour or so ago in which they state their strong opposition to enactment of S. 2701 because the actions it calls for would impede rather than advance the goal of promoting further change in South Africa.

This Senator has views on the bill itself but, more important than the ultimate specific features of the bill this body finally fashions, the bill needs to be considered in a larger context.

The South African issue will not go away and our further actions respecting the issue depend on the context in which most of us come to view the issue. I wish to try to contribute to some declarative indication of the definition of that context. In my view, Mr. President, the real context of these deliberations revolves around the question of the usefulness of the imposition of more and more sanctions, especially economic sanctions. It revolves not only around what further sanctions the United States should now impose on South Africa but with what conditions, for what reasons, and with what criteria those sanctions should be imposed.

As to reasons, this Senator agrees it is necessary, necessary not only for the United States to have humane domestic policies herself, but it is useful for us to consider encouraging or motivating other countries to act humanely in their domestic policy.

I suggest similar motives should exist regarding foreign policies of our own and of other nations notwithstanding our unanimous desire to effect the elimination of apartheid, at least in passing, one must note that the United States possesses neither the right nor the power to impose forthwith its own standards on other sovereign nations. But we can and sometimes should try to affect those nations. Indeed, frequently we have tried. Our success has been mixed. We have done so in the case of the Shah

of Iran, for example, moving him to the left during the terms of several of our Presidents. Our experience was not entirely successful. Hopefully we will learn from the clumsiness and tragedy of having moved that ruler further left than his right wing would tolerate, then effectively abandoning him and his people to a much worse fate that the one we tried to correct. So we should move with caution. Our own historical record with the American Indian, the blacks of America is not exemplary so we should also move with humility.

To assess the degree of humaneness of domestic policies of our own or other nations, permit me to suggest that it would be helpful to consider the definition of a term I shall coin: "Political equilibrium."

Let us define perfect political equilibrium as a condition in which all of a nation's citizens consider their own political system as perfect just. I doubt if any nation exists in that condition of perfect equilibrium by that definition. But I acknowledge that there is a wide spectrum of relativity in equilibria among nations as defined.

I acknowledge that the political condition of South Africa definitely exists in a state of relatively severe disequilibrium. In the interest of not losing sight of proportion, at least in passing, we should note that the political conditions of a number of other states exist in at least a similar kind of disequilibrium. I would cite Poland, the Soviet Union, Nicaragua, Cuba, Ethiopia, Afghanistan, and others.

I would acknowledge nonetheless that the political condition in South Africa is in a state of disequilibrium that exceeds that of any so-called free nation in the world and as I said, I would agree that the United States might usefully consider sanctions intended to help move it toward equilibrium.

In the interest of proportion and honesty, I would add that the foreign policy of other nations should also be the subject of judgment on our part, and we should decide whether the United States should invoke sanctions repecting the humaneness of their foreign policies.

I would cite as examples for careful examination the foreign policies of the U.S.S.R., Cuba, Libya, Nicaragua, the so-called Government of Afghanistan, and others as perhaps decidedly more in need of further sanctions than South Africa.

The issue of sanctions against South Africa thus includes a number of subordinate questions. For example, should not sanctions against that nation be considered more in the continum of events in the geographical and historical context and the political realities of South Africa rather than in comparison with simply our own present domestic standards and policies? If that consideration is properly made, then we could conclude whether a given set of sanctions would tend to improve the lot of those intended to be improved.

What effects are possible, probable, or certain on the political economic, or military interests of the United States, particularly vital, life or death, interests. Do such effects exist? This Senator believes so. What are the effects of a given set of proposed sanctions on the same kinds of interest of other states?

I believe, Mr. President, that only by a deliberative consideration, a lengthy consideration, an objective consideration, of those questions and others which I shall hear from my colleagues can we hope to proceed toward a useful, not to mention fair or sensible conclusion.

□ 2210

I have made these preliminary remarks not because I think everyone who has spoken has been without proper context but because from what I have heard from some Senators I truly believe that the mood and method in which we have been dealing with the question of sanctions have not been deliberative nor objective, nor full of a desire to learn what must be known as to effects before acting.

I truly believe that as we continue to deal with this issue, we are becoming prone, by inference in this bill, to committing not only a great injustice and folly but also to committing a mortal self-inflicted wound.

This process impends because rather than ask themselves the many questions mentioned above, perhaps too many of us may be populistically and simplistically dealing from purely domestic politically based motivations. I hope not. Having said all that, I know I have much to learn, as do others. I remain receptive to hearing all of what is said by those who propound these sanctions, by those who would amend these sanctions, and by those who would negate these sanctions.

I hope my colleagues will listen as attentively as I have listened and as I shall listen to what they say.

As to the bill itself, although possibly not extreme in itself, I am concerned that the Lugar sanctions bill caters to attitudes, aims, and assumptions that, if nourished, will grow into a vicious self-perpetuating cycle, a cycle requiring the imposition each year of tougher sanctions because one of the underlying assumptions seems to be that the more the violence the more the need for sanctions. This assumption ignores which parties are promoting violence and ignores the fact that those who are promoting it will be encouraged to promote more violence to get more sanctions.

This sanction cycle will be counterproductive to our objectives in South Africa, the achievement of a nonracial multiparty democracy in South Africa; will lead to the further impoverishment of South Africa, will have as yet unexamined consequences for our own domestic economy that will translate into lost jobs and decreased competitiveness for American industries.

Mr. President, let me be more specific about the path of folly which I see likely to develop unless some dangerous assumptions and criteria are abandoned. We must abandon illusions. We must deal with the following facts:

First, truly punitive economic sanctions will hurt economically—even to the point of starvation—those whom we want most to help. That point has two subpoints: economic growth will slow or stop, and, second, black South Africans themselves oppose sanctions and disinvestment.

So economically they will suffer and right now—spiritually, intellectually—they oppose sanctions and disinvestment.

Second, sanctions will hurt black South Africans politically and will, with high probability, leave them far worse off than they are now.

Third, punitive sanctions can hurt the U.S. economy and force some Americans out of work; ultimately our own economy, if this cycle continues far enough, can be destroyed. There is sufficient risk of that for us to consider the matter.

Fourth, sanctions will hurt the United States strategically, and if the cycle continues far enough can hurt it vitally in the strategic sense.

Fifth and last, sanctions can and will accelerate the accomplishment of global Soviet objectives, especially and most immediately on the continent of Africa.

I will deal with each of those five points individually. First, truly punitive economic sanctions will truly hurt economically—even to the point of starvation—those whom we want most to help. There is an old African saying, Mr. President, still unfortunately true: "When the white man grows thin, the black man starves."

Let us examine South African economic growth and unemployment as related to the efficacy of the further imposition of sanctions. Mr. President, South African economists estimate that South Africa's economy must grow a steady 4 percent a year in order to provide employment for new blacks entering the work force even under the system as it existed 5 years ago without sanctions and without the loosening of apartheid made easier by the improving economic conditions. Let us look at boycotts and their effectiveness. If boycotts of South African exports were imposed and became 20-percent effective, the following number of people would lose their jobs

in South Africa: 90,000 whites, 343,000 blacks.

If we boycotted their exports to the point of 50-percent effectiveness, there would be a 1.1 million loss of jobs, with income falling by $1.5 billion a year, in direct effects without including multiplier effects.

It is interesting to note that at the outset of the international sanctions campaign South African unemployment was already high due to worldwide recession and depressed world prices for the commodities exported by South Africa. Since 1980, the average growth rate has been far less than 2 percent. The ban on new loans will assure that GNP growth will remain low. That ban is one of the previous sanctions ordered by the President, upon which S. 2701 expands.

In 1981, South African unemployment was 13,000. Today it is 80,000. That 80,000 does not reflect the number of unemployed blacks, but is comprised of whites, coloreds, and Asians. It is unfortunate that unemployment statistics do not exist for blacks, but the projected losses I quoted above in black jobs are true, notwithstanding the unfortunate lack of those statistics regarding current black unemployment.

The effects of limited sanctions are already being felt. Further punitive sanctions will most assuredly bring hardship for those whom we wish to help the most. There is no way around that.

Let us take a look at certain commodity sectors in terms of the effect of sanctions. For example, the coal industry. The Chamber of Mines reports that under limited sanctions export sales have already fallen 17 percent. The employment in the coal sector is roughly 110,000 total, 95,000 of whom are black. Thirty-five percent of South African coal workers could lose their jobs under an import embargo, which means that when dependents are taken into account—an average of 5 per laborer—200,000 men, women, and children would be deprived of their means of living.

Let us go to steel. The Iron and Steel Corp. [ISCOR], has 58,000 employees. ISCOR exports account for 25,000 jobs, of which 13,500 are held by blacks. To give you an idea of the multiplier effect, each ISCOR iron-steel job generates an additional four jobs in transportation, harbors, and supplier industries. Thus, 100,000 jobs could be affected by an embargo, approximately 50,000 of these held by black South Africans. So the potential number of black employees losing jobs because of lost ISCOR exports is 63,500, not including dependents.

□ 2120

Let us move to textiles—140,000 people are employed in the industry: 40 percent are colored, 36 percent are black, 1 to 2 percent are white, the rest Asiatics. The industry has had regular wage increases, most of that going to blacks. Wage discrimination based on race was prohibited by the South African Government in 1981. I say again, wage discrimination was prohibited in 1981.

Lost jobs in the textile and apparel industry if a trade embargo were to be levied, would be as follows:

With a U.S. embargo on textiles and apparel, 9,700 employees would lose their jobs, 34,000 indirect job losses would also occur; 136,000 when dependents are included.

With a joint United States and European embargo on textiles and apparel: 48,500 employees would become unemployed, with an additional 169,800 indirect job losses; with dependents, a total of almost 700,000 human beings could be deprived of their means of well-being.

Those are some of the direct economic hardships that could be imposed, inevitably imposed, by sanctions.

Let us move now to the second part of the point—namely, that black South Africans oppose sanctions, particularly if it means economic hardship. I am going to report on all the polls at my disposal. I am going to refer to polls showing both ways.

Polling data generated each year since 1984 show considerable opposition to punitive economic sanctions and disinvestment, as a general statement.

In July and November 1984, in a poll by the Center for Applied Research, conducted under the direction of Dr. Lawrence Schlemmer, and questioning urban blacks alone: 74 percent opposed sanctions in July and 84 percent opposed them in November 1984.

A 1985 poll: six different polls were conducted among urban blacks by Human Sciences Research Council, the Sunday Star, Market and Opinion Research International—MORI. Only one poll, the MORI poll, showed significant support for disinvestment—77 percent. I cannot account for the difference in those polls.

In 1986, three polls were conducted—one by the Human Sciences Research Council, in March. Among urban blacks, 67.7 percent opposed international sanctions; 73.3 percent when it meant the loss of their jobs.

A poll conducted in March by the Institute for Black Research headed by Fatima Meer, a prominent pro-UDF activist showed 73 percent of urban blacks opposing sanctions.

A later poll by MORI, which had the anomalous results, showed this time, polling both rural and urban blacks, 32 percent opposed sanctions, 29 percent supported. The rest had not ever heard of sanctions or did not know what to think. Thus, 52 percent of those who know the issue or about the issue opposed sanctions.

Numerous uncontestedly reliable black South Africans, on behalf of their constituencies, have also spoken out against sanctions. Most well-known, perhaps, is Gatsha Buthelezi, leader of the almost 7 million Zulus.

The third point: Sanctions will hurt black South Africans politically and will, with high probability, leave them far worse off than they are now.

I ask Senators to listen to this point: Black South Africans as well as white ones know something that many in this body and many other Americans do not know and are not permitted to know by the way much of the media has handled this question—namely, that the South African business sector, unlike those in most of the world, is well to the left of the white political center; and most of those black and white South Africans know that the Government itself is now convinced, and has been for some time, that apartheid and the homeland system are mistakes, tragic mistakes.

Now, government, urged by the business sector, is moving to correct, at an increasing pace, those mistakes. I do not deny that many of those who are in opposition to me on this issue today and those like them may have helped develop that pace, and I applaud them for that. But we can cause a reversal of that pace, we can bring about a reversal of the pace toward improvement, and change it toward tragedy, toward great human loss, toward great loss in the interests of the United States.

We cannot deny something that is evident in some of the liberal media which they try to disguise. Throughout South Africa's black townships, the principal force and trend is terrorism. Township residents are being forced by terrorism and intimidation to choose between a horrible death on the one hand and, on the other hand, taking part in, or at least not opposing, violent revolution.

The principal opponents of these tactics are the African National Congress, South African Communist Party Alliance, and elements of the broad coalition organization known as the United Democratic Front.

I do not say that all or any of those organizations are for that. I am saying that the weight, on balance, of the African National Congress is, and that many in the United Democratic Front are also involved.

Mr. President, I do not want to overplay my involvement in this area, but I have been involved in it for the entire time I have been in the Senate; and I find candid Members saying that they do not know very much about it. I do not know everything about it, I do know the sum of that which I have learned through having to apply

myself to it as chairman of the Subcommittee on Security and Terrorism. By duty, I have been forced to follow internal events in South Africa quite closely. My staff has made numerous trips to South Africa. We have been visited by parties from all sides on this issue.

We have watched necessarily—and I acknowledge this—the activities of the African National Congress, as a matter of security. I make note that many of those who advocate sanctions also believe that the African National Congress presents a real alternative to the present South African Government, and a concerted campaign is underway to broadcast this organization as the patient long-suffering national movement that it once was. Indeed, it once was.

(Mr. HEINZ assumed the chair.)

Mr. DENTON. Different Senators are saying different things now about this. I am not speaking from subjectiveness. I am speaking from what facts I have learned from studying this matter and from witnesses who have testified.

□ 2130

Unfortunately, although many South African blacks and whites who express support or sympathy for the ANC may share our vision of a peaceful transition to a government based on the consent of the governed, which protects the rights of all, evidence presented in 1982 before my subcommittee clearly established that the ANC leadership does not share that vision.

There was brave testimony, unforgettable testimony to this Senator from several witnesses, coupled with the exposition of numerous original ANC documents, which established irrefutably the degree to which the goals, strategies, and leadership of the South African Communist Party and ANC are integrated.

One of the most painful experiences of my life was the interview of one of our witnesses, Bartholomew Hlapane, who had held leadership positions concurrently in the ANC and the South African Communist Party. He told me that as a result of his testimony he knew that he would be assassinated. Indeed, on December 16, 1982, within weeks of the publication of our hearing report he was murdered because of his testimony, and the ANC publicly took credit for the assassination, referencing his testimony at the hearing. His murder also left his wife dead and one of his young daughters, Brenda, a paraplegic.

My staff and I have tried to acknowledge our debt to Mr. Hlapane for his courage and commitment to a better future for his people by looking out for his children. For example, two daughters, Charmaine and Audrey. They are now studying in Alabama at the University of Montevallo, thanks to the contributions of many generous people.

That man was not lying. That man knew he was giving his life for telling the truth. I do not see why this body does not respect that. If you do not believe it go and look at what he said; go look at what the other witnesses said.

If anything, the evidence that has become available since the 1982 hearings on ANC intentions and links to the Soviet Bloc and international terrorist groups further substantiates our conclusions. At its first party conference in many decades, the watershed Kabwe Conference of June 1985, the ANC acted to expand Communist influence on its national executive committee. They acted to expand that influence in 1985, not to decrease it as many Senators are saying. Roughly two-thirds of the committee are now SACP members or Communist advocates. The U.S. intelligence community across the board has provided the subcommittee with detailed classified information on irrefutable SACP influence in the ANC.

One of the witnesses was taken to Moscow, an attractive young woman. When she refused to engage in terrorist training, which they afforded her in response to her accepting an offer of a college education, they took her to the Soviet Union, not to some neighboring African state. After they took her to the U.S.S.R., kept her in a room with dead people night after night, they multiply raped her. She pretended to go along with them, then came back and escaped. She subsequently came to us and told us about her experiences in Moscow. There was no doubt in her mind who was running the show.

In the intervening years since our hearings, the ANC has also acted to solidify its ties to its foreign allies. Virtually all of its material support, estimated at $80 million, comes from the Soviet Union. Furthermore, it conducts a persistent anti-Western rhetorical campaign—I am referring to ANC—which includes generous expressions of solidarity with the Marxist-Leninist regimes in Vietnam, Nicaragua, Afghanistan, and others. Last week, a high-ranking representative of the Iranian Government met with Oliver Tambo in Lusaka, Zambia to strengthen relations between Iran and the ANC.

I think that Alfred Nzo, Secretary General of the ANC, explained the ANC's foreign alignment best in a contribution to the World Marxist Review in December 1984:

I am not saying that if it walks like a Communist, talks like a Communist, looks like a Communist, it is a Communist; I am quoting this man in the World Marxist Review in December 1984. He is the Secretary General of the African National Congress.

. . . the ANC invariably stresses that the socialist countries and all democratic, progressive forces which help the oppressed masses of South Africa in their struggle against the apartheid regime at home and against imperialist pressure from abroad are friends we can rely on. This struggle is part of the overall anti-imperialist struggle . . . The African National Congress is very active in the worldwide peace movement and in other movements which mobilize the forces of peace in different countries to rebuff imperialist forays. . . .

We express our solidarity with all those who uphold their legitimate rights and rebuff attempts on their countries' sovereignty and independence. We support the courageous Palestinian people who are repelling the imperialist and Zionist aggression and affirm that the objectives of the Palestine Liberation Organization and the African National Congress are similar. The ANC supports the peoples of Nicaragua, El Salvador, Chile and Lebanon in their struggle. We urge greater unity of the democratic and progressive forces fighting off the imperialist onslaught in all parts of the world.

What a benign, sweet, peace-loving organization with which to go along.

The statement gives only a hint of the ties that exist between the ANC and the PLO, a relationship that has existed since at least the early 70s. In 1981, ANC cadres received training from the PLO in Mozambique. In 1982, further training was conducted in Tyre, Lebanon, and as I understand it, the PLO offices in Zimbabwe, Mozambique, and Zambia serve as communication and supply links for the ANC.

It may interest my colleagues to know that the ongoing PLO/ANC alliance has finally become serious enough to draw the attention of the Anti-Defamation League of the B'nai B'rith. Its May 1986 Bulletin—that is not very long ago—carries a revealing article by Nathan Perlmutter and David Evanier.

I ask unanimous consent that it be printed in the RECORD and urge all of you to review it for additional detail on the issue of the ANC and its alliances.

The PRESIDING OFFICER. Without objection it is so ordered.

[See exhibit 1.]

There is further cause for us to reject the notion that the ANC provides a respectable solution to South Africa's internal problems, and further cause to concern ourselves with their heavy involvement with the debacle which we by sanctions would further. The African National Congress is openly committed to revolutionary armed struggle. I refer you to only one of many statements by the ANC leadership on the subject. On July 23, 1985, Oliver Tambo, the head of and a so-called moderate in the ANC, declared:

Our own tasks are very clear: To bring about the kind of society that is visualized in the Freedom Charter we have to break down and destroy the old order.

I do not think that those objectives are the objectives of anyone in this body. I think we would rather accelerate the existing government toward improvement. I respect that motivation.

I only ask that caution be exercised with respect to the ANC and its connections with the problem.

The ANC is doing in South Africa what the Nicaraguan-backed guerrillas are doing in El Salvador.

Both want confrontation and violence. Both want political and economic chaos. Both want the respective governments to crack down, appear repressive, more repressive than they really are in South Africa, appear more repressive because for survival they are going to try to protect the blacks being killed by blacks. They do not want peace. They do not want negotiations. They want control of South Africa for the reasons that are evident in the quotations I have given.

Sadly, the ANC works with "necklacing." In an ANC press release in Lusaka, July 1, 1985, the ANC urged:

Let us turn every corner of our country into a battlefield. . . every patriot a combatant, every combatant a patriot. . . .

ANC spokesmen at California State University on October 10, 1985: Alosi Moloi stated:

Among us we have people who have openly collaborated with the enemy. You have to eliminate one to save hundreds of others.

□ 2140

Tim Ngubane, and ANC man, said at the same meeting:

We want to make the death of a collaborator so grotesque that people will never think of doing it.

Winnie Mandela, mentioned with near reverence many times in this body, wife of Nelson Mandela, according to the Washington Post of April 14, 1986, said:

The power is in our hand—we have people's power . . . with our necklaces we shall liberate this country.

There are others who also encourage necklacing.

Before mentioning that, I will show you photographs of what necklacing is.

Here is the description from an article entitled "The Nacklace: How they Die," describing what death by necklace is like.

The terrified victim is captured by his (her) executioners. Frequently, his hands are hacked off as a first deterrent to resistance. Barbed wire is otherwise used to tie the helpless victim's wrists together.

An automobile tire is placed over the shoulders and filled with petrol or diesel (the latter has been found to stick to the skin when it burns. It is therefore in greater demand).

The fuel is ignited with a match.

And it so happens that I have seen this kind of thing in Vietnam.

(Exhibiting boxes of matches is the way the comrades earn the respect and fear in the townships.)

In other words, everybody is so familiar with this, the intimidation of it is so great, all you have to do is wave a box of matches.

The victim is usually forced to light his own necklace.

The fuel ignites the tyre which rapidly attains a temperature of 400 °C to 500 °C.

INTERNALLY

As the tyre burns great clouds of black smoke spiral upwards. Various short-chain hydro-carbon type fumes are released which reach a temperature of 300 °C. They are inhaled and destroy the lining of the throat and lungs.

EXTERNALLY

The rubber melts and the molten rubber runs down neck and torso, burning, as it goes, deeper and deeper into flesh and tissue. (The tyre cannot be removed by others e.g. family, at this stage, neither can the fire be doused with water). The victim is now a living corpse.

The victim may take up to twenty (20) minutes to die whilst he or she endures this agony, the Comrades stand about laughing and rediculing him or her. Often members of the victims family are encouraged to attempt to save the victim. The Comrades know that this cannot be done. The molten rubber is similar to boiling tar and cannot be separated from the scorched flesh.

The elements of UDF who participate in that are among those members of the UDF who wish to polarize the issue at any cost, regardless of what developments take place in terms of improvement on the government's part.

UDF executive member, Mr. Curtis Nkondo, stated in Johannesburg on May 17—and this was reported in the CIA's Foreign Broadcast Information Service:

Anybody who does not want to join the liberation struggle must join the police. There is no such thing as the politics of neutrality.

Another quote, more grim, by a Newsweek reporter, Richard Manning, reported on June 2 that a grim joke is making the rounds on the eastern cape. The joke is: "What does the UDF stand for? Answer: Uniroyal, Dunlop, and Firestone."

I remind my colleagues that the definition of a "collaborator" is not very definitive. Those whom the ANC consider to be legitimate targets for necklacing have included migrant miners, liquor store owners, a 62-year-old woman who sold funeral insurance in a funeral parlor, and many other innocent people who were in no way collaborators.

That kind of terrorism should be something we are focusing our attention on and trying to see what part it plays in the dynamism of South Africa.

In a classic pattern, outlined in Carlos Marighella's Minimanual for Urban Guerrilla Warfare, moderates are the targets of attack by the radical extreme.

To some people, like Claire Sterling, a female author, a self-acknowledged member of the Young Communist League while in college, a self-acknowledged liberal today, these tactics used by the ANC, used originally or classically in Uruguay, used by the guerrillas supported by the Sandinistas, used in Afghanistan, used in Vietnam, Laos, Cambodia, those are old stories with which she and men like Arnaud DeBorchgrave from his studies and experiences, are very familiar.

Men like Joel Lisker, my staff director is very familiar with it. They are an old theme with which the West Germans, the Italian Government and its judiciary are very familiar.

Why is not this body, to a man, so familiar? Why was it that when the CIA was briefing us years ago about Carlos possibly crossing a certain border, we had no Senators in the room who had ever heard of "Carlos the Jackal." No one knew who he was.

The same extreme elements regard punitive international sanctions as integral to their efforts to obtain revolutionary change. ANC President, Oliver Tambo, in his 1984 annual address, described sanctions as the "fourth pillar" of their struggle.

To the extent that the African National Congress, which is materially supported and ideologically aligned with the Soviet Union, and extreme elements of the UDF appear to have been successful in delivering on their agenda—imposition of international sanctions; that is one of their biggest aims—their position is strengthened vis-a-vis moderate blacks who are steady, but less high profile actors in the process of change.

Why not give them a chance?

Punitive sanctions that do not take into account and accurately assess other actors—like the ANC—can only contribute to greater political polarization in South Africa and be counterproductive to our objectives for peaceful change to a genuine democratic, fully representative government.

The worst case results of this cycle to which I referred would be a bloodbath in South Africa and the installation in that country of a regime that is much more highly repressive than the present government, built on the kind of terrorism that is now wracking the townships.

□ 2150

I have talked tonight only about the violence/sanctions cycle. I will later addresss the potential economic and strategic disasters that could occur unless we reasonably try to reach a perspective.

I invite with all of my heart, any Senator here to come to my office, or in any way inform me of anything to

the contrary about what I have said, or anything about the way the Government can be improved. I think it is changing and moving more and more rapidly in the right direction.

I again commend the chairman of the Foreign Relations Committee for his effort in committee and his skillful and extremely generous conduct in floor management of the bill. I say that, too, to the ranking minority member because he always comports himself in that manner.

While I have serious doubts, I reserve my judgment on the bill because I do not know what further changes we are going to impose. I personally believe, without any insight from consultation, that the President himself might approve it if we amend it enough. Maybe we do not want that. But every President that I know of who is alive today thinks that we in the Senate and the Congress in general are taking too much away from the rights and prerogative of the President in the field of foreign policy.

In conclusion, I would like to say I was informed that the Senator from South Dakota, [Mr. PRESSLER] is to offer an amendment to delete the embargo provision of the bill. He may be having second thoughts. If he does on that amendment 2699, if he chooses not to offer it, I intend to call it up.

EXHIBIT 1

[From the May 1986 ADL Bulletin]

THE AFRICAN NATIONAL CONGRESS—A CLOSER LOOK

(By Nathan Perlmutter and David Evanier)

Discussion of the political scene in South Africa properly begins with the self-evident stipulation that apartheid is racist and dehumanizing.

If you are a black citizen of South Africa, you cannot vote in national elections; you must generally use separate public facilities; you are not allowed to own real estate in 87 percent of your own country; you are told with whom you may socialize, and where you can look for a job. If the government wants to resettle you, it can do so at any time for any reason.

The "homelands" resettlement drive has forced half of South Africa's blacks into overcrowded, unproductive segregated Bantustans, areas with no industrial base that are so overpopulated hardly any viable agricultural land remains. Drinking water is unsafe and sanitation deplorable. Since the Bantustans are little more than detention camps, many Africans migrate to urban centers as "illegals" subject to arrest. Forty percent of black children are estimated to be malnourished and ten percent suffer from kwasiokor (extreme protein deficiency).

In 1984, Pretoria's Constitution granted Parliament chambers to Asian and "colored" communities but not to blacks.

On the positive side, black, colored and Asian trade union membership has grown from 150,000 after legalization in 1979 to 750,000 today and blacks' real income has risen substantially in the last 25 years, higher than in any other African country. The U.S. State Department says that more positive changes have taken place in South Africa in the last five years than in the previous 300.

Hotels, parks and theaters are being integrated, and the pass laws controlling where blacks can live and work were recently revoked. Other reform commitments that are going to be translated into legislation include guaranteeing blacks freehold property rights.

Paul Johnson, British historian and former editor of the New Statesman, recently wrote in Commentary: "There is . . . overwhelming evidence that South Africa has been moving away from apartheid . . . It is quite clear that P.W. Botha . . . is convinced that apartheid has to go and has been dismantling it almost by stealth to avoid panicking the regime's followers."

Nevertheless, apartheid remains in force today. We, as Jews, with a collective memory of centuries in European ghettos and who have experienced the singular evil of racism, feel a special personal responsibility to insist on its dismantling.

But this is not to suggest closing our eyes to what may emerge once apartheid is gone. Political morality demands that the values that see us abhor apartheid also measure the society that will follow. We must distinguish between those who will work for a humane, democratic, pro-Western South Africa and those who are totalitarian, antihumane, anti-democratic, anti-Israeli and anti-American.

It is in this context that the African National Congress (ANC), so frequently discussed as an alternative to the Botha Government, merits a close, unsentimental look.

The question can be fairly asked, what has all this to do with Jews?

As a revolutionary national liberation movement oriented toward Moscow, the ANC has long echoed Soviet attempts to undermine the legitimacy of Israel. Moreover, the ANC is a strident supporter of the Palestine Liberation Organization.

In 1970, the ANC denounced "Israel's aggressive expansionism" as "supported to the hilt by the ruling circles of the U.S. and their allies" and urged "all peace-loving non-aligned states . . . (to) immediately sever state relations with Israel . . ."

An article in the September 1971, issue of Sechaba, the monthly ANC magazine headlined, "Zionism, South Africa and Apartheid—a Paradoxical Triangle," was adapted from a pamphlet with the same title published by the Palestine Research Center, an affiliate of the P.L.O.

In September, 1980, ANC president Oliver Tambo spoke in Paris at an International Conference on Solidarity with the Struggle of the Namibian People, sponsored by the World Peace Council, a Soviet front. He said:

". . . I would like to assure our comrades in the liberation struggles . . . and the P.L.O. . . . that their struggle is ours . . . our fight is carried on in the knowledge of the degree of intimacy and political, military and economic alliance that has been developed between racism and Zionism."

At the 60th anniversary meeting of the South African Communist Party (SACP) in 1981, Tambo stated: "Today, in the anti-imperialist struggle, we have won new allies like the struggling people of Palestine. We have thrown up new enemies of peoples, like those who murder civilians in Beirut."

In July, 1982, during the Israeli military action against Lebanon-based P.L.O. terrorism, ANC chief United Nations observer Johnstone M. Makatini denounced Israel for its "flagrant and unprovoked aggression against Lebanon" and its "attempted extermination" of the Palestinian people. He referred to Prime Minister Begin's policies as "Zionist Nazism."

Witnesses who had been associated with th ANC testified before the U.S. Senate Judiciary Committee Subcommittee on Security and Terrorism in March, 1982, that the ANC cooperated with the P.L.O. and that some members trained in the U.S.S.R. with P.L.O. cadres.

In 1983, a controversy erupted at the State University of New York at Stony Brook involving Professor Ernest (Fred) Dube, who taught a course on "The Politics of Race." Dube, an ANC representative at the United Nations serving on the ANC's National Educational Council, taught that Zionism is a form of racism and suggested as a term paper theme "Zionism is as much racism as Nazism is racism." Dube spoke at a "Teach-in on Palestine" in New York in December, 1983, sponsored by the November 29 Coalition, a pro-P.L.O. organization of radical leftist and Arab-American groups. In an interview published in the July-August 1985 issue of Palestine Focus, a publication of the now renamed November 29 Committee for Palestine, Dube said that "what the Zionists did to the Arabs in Palestine was exactly the same that the whites did to us" in South Africa.

At the ANC National Consultative Conference in June, 1985, Oliver Tambo stated: "In 1973, the Arab armies succeeded to inflict a major defeat on Zionist Israel for the first time in a quarter of a century, forcing U.S. imperialism to seek new measures to protect its client state in the Middle East."

The ANC, the P.L.O. and the South West Africa People's Organization (SWAPO) were observers at the second annual United Nations North American Regional Non-Governmental Organizations (NGO) Symposium on the Question of Palestine, in July, 1985, under U.N. auspices in New York. The symposium, held to plan an anti-Israel propaganda campaign in the U.S. and Canada, was replete with anti-Israel and pro-P.L.O. declarations that often straddled the fine line between criticism of Israel and its supporters and outright anti-Semitism.

The ANC and the November 29 Committee for Palestine cosponsored a meeting in New York in April, 1986, on the subject, "Israel-South Africa: The Apartheid Connection?" Similar meetings have since been held in many other American cities.

The ANC, which seeks to overthrow the South African government, is a "national liberation movement" that, plainly said, is under heavy Communist influence.

The ANC has been allied with the South African Communist Party (SACP) for 30 years.

The ANC is oriented toward the Soviet Union and its East Bloc allies, who have furnished it with arms, funding, military training and other logistic support.

Oliver Tambo, who has headed the ANC since 1964 when former president Nelson Mandela was sentenced to life imprisonment for acts of sabotage, is a member of the Presidential Committee of the World Peace Council (WPC), a leading Soviet-controlled front organization based in Helsinki. Tambo has been a speaker or guest at various forums sponsored by the U.S. Communist Party.

The ANC is a member of the Afro-Asian People's Solidarity Organization (AAPSO), described in 1983 by the U.S. State Department as a Soviet-controlled front.

Sechaba, the ANC magazine, is printed in Communist East Germany.

Moses Mabhida, General Secretary of the South African Communist Party, speaking at the SACP 60th anniversary meeting in 1981, said: "Our Party . . . fully supports the same program of liberation as the African National Congress for the seizure of power and black majority rule."

In 1982, seven members of the ANC national executive committee were identified in sworn testimony before the U.S. Senate Subcommittee on Security and Terrorism as SACP members. The 30-member national executive committee now has 12 to 15 members said to be affiliated with SACP.

The ANC supports the Soviet Union on foreign policy issues. Tambo told the June, 1985, ANC National Consultative Conference: ". . . the democratic, anti-feudal and anti-imperialist revolution in Afghanistan had been saved, with the support of the Soviet Union."

In a message to the same conference, the SACP Central Committee stated:

". . . The SACP . . . pledges to do its utmost to ensure that your decisions are carried into the field of struggle and implemented."

ANC spokesmen were featured speakers at banquets sponsored by the Communist Party newspaper, People's World, held this spring in California.

The fall of South Africa to such a Soviet-oriented and Communist-influenced force would be a severe setback to the United States, whose defense industry relies heavily on South Africa's wealth of strategic minerals. If America's defense industry were handicapped, our allies' security would also be at peril. A recent Commerce Department report noted that South Africa possesses 83.6 percent of the world's chromium; 80.8 percent, platinum; 70.8 percent, manganese; and 47.7 percent, vanadium.

In the event of a Communist-influenced or controlled revolution, South Africa's dependence on income from the export of strategic metals would perhaps result in continued sales to the West. However, if South Africa's strategic metals were controlled by a regime favoring the Soviet Union, American vulnerability to making political concessions to Moscow would increase substantially.

Moreover, should South Africa be controlled by a regime supportive of the Soviet Union, sea lanes and "choke points" around the Cape of Good Hope through the red sea, trade routes to the South Atlantic and Indian Oceans, and from the Persian Gulf would be at risk.

During the last three decades, it has been made painfully clear to the American Jewish community and to all supporters of human rights, that while tyrannies can be overthrown, at times the regimes replacing them may be even worse.

Some examples: In Cuba, the authoritarian Batista was replaced by Castro's Communism; in Iran, the undemocratic Shah's fall brought to power the tyrannical Ayatollah Khomeini; in Nicaragua, the corrupt Somoza's ouster saw the Communist Sandinista regime rise to power. And in Vietnam, the boat people are our times' searing reminder of the spawn of Communism.

As Freedom House has stated, ". . . South Africa bears the major onus for the bloodshed. Oppressed by the system of apartheid imposed on them by the white minority, the Africans are fighting back in whatever ways possible."

The ANC and the South African Communist Party are not root causes of the upheaval in South Africa. Communists exploit and manipulate economic and political desperation and oppression for their own purposes. South Africa is a tinder box; the Communists are poised to strike the match.

Yet there is still time for other agents of change to take hold and a number of them exist today in South Africa. Those partisans of democratic alternatives can take heart at the recent outcome in the Philippines, in which a democratic force, Corazon Aquino, emerged triumphant.

One example of assistance to a democratic alternative is the two-month training program in political, economic and social self-sufficiency for leaders from the black township of Soweto taking place at the Afro-Asian Institute in Tel Aviv, Israel.

Israel's labor federation, the Histadrut, a staunch opponent of apartheid, runs the Afro-Asian Institute. The training program focuses on unionizing South Africa's black workers, developing black civil infrastructures, organizing black women and teaching social work.

Israel has repeatedly condemned apartheid and has expressed its willingness to join other countries in economic sanctions against South Africa.

The writer Thomas Mann wrote at the conclusion of his epic novel. "The Magic Mountain":

"Out of this universal feast of death, out of this extremity of fever, kindling the rain-washed evening sky to a fiery glow, may it be that Love one day shall mount?"

The same question applies to violence—ridden South Africa. The survival of freedom in South Africa will be possible only if the forces of violence on the far left and of racial violence on the far right are defeated by the democratic forces of moderation.

AMENDMENT NO. 2740

Purpose: To prohibit assistance to any person or group engaging in "necklacing"

Mr. DENTON. Mr. President, I reserve the balance of my time and send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. DENTON] proposes an amendment numbered 2740.

Mr. DENTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 69, between lines 10 and 11, insert the following new section:

PROHIBITION ON ASSISTANCE TO ANY PERSON OR GROUP ENGAGING IN "NECKLACING"

SEC. 211. No assistance may be provided under this Act, the Foreign Assistance Act of 1961, or any other provision of law directly or indirectly to any individual, group, organization, or member thereof, or entity that engages in, advocates, supports, or condones the practice of execution by fire, commonly known as "necklacing".

Mr. DENTON. Mr. President, this amendment is an uncomplicated one, designed to assure that no foreign assistance funds from any of our foreign assistance accounts, or any other money from U.S. official sources, will go to any individual, group, or organization that supports, condones, or practices necklacing.

There can be no ignorance about the nature of the executions by fire. I have already shared a description with you of it.

I would like to offer some statistics about it very briefly.

Since July 1985, black-on-black violence has risen steadily. During the first 6 months of this year, the principal method of death was the necklace. We do not know how many have taken place for sure; but in 1986, 67 black South Africans were victimized that we do know about. Already in 1986, there have been 268 such murders by this method alone that we know of.

Mr. President, the sense of the Senate language on "necklacing" in the pending legislation is not strong enough. I urge my colleagues to take stronger action by supporting this amendment. We must ensure that those who commit, condone, and support such heinous crimes will not be able to receive any assistance in any form from the United States.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I congratulate the distinguished Senator from Alabama on a very eloquent and thoughtful address. For our part on this side, we are prepared to accept the amendment.

The PRESIDING OFFICER. Are there other Senators desiring to speak on the amendment?

The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Would the Senator answer the following: What do the words "directly or indirectly to any individual, group, organization, or member thereof" mean? Does this phrase mean that no assistance could be given for example to any national group, African National Congress, or will each case be judged on its own merits?

Mr. DENTON. Yes. If the African National Congress refuses to denounce necklacing, and the evidence shows that they are continuing to practice it, we would not be in the position of determining that, we would simply write the requirement.

Mr. PELL. Who, if I can ask the Senator, would make that determination?

Mr. DENTON. The President of the United States has his sources of intelligence on that. I think the President should be the one to make that determination.

Mr. PELL. Obviously we all abhor the practice of necklacing, but this is the first time I have seen the amendment. I will need a moment ro review it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

□ 2200

Mr. DENTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROYHILL). Without objection, it is so ordered.

Mr. DENTON. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, as modified, is as follows:

On page 69, between lines 10 and 11, insert the following new section:

PROHIBITION ON ASSISTANCE TO ANY PERSON OR GROUP ENGAGING IN "NECKLACING"

SEC. 211. No assistance may be provided under this Act, the Foreign Assistance Act of 1961, or any other provision of law to any individual, group, organization, or member thereof, or entity that directly or indirectly engages in, advocates, supports, or approves the practice of execution by fire, commonly known as "necklacing."

Mr. LUGAR. Mr. President, the distinguished Senator from Alabama has shown this Senator the modified amendment. We ask for its adoption. We are prepared to accept the amendment, as modified.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, we have seen the modification. I share the sentiments of the chairman. I would request, however, that the modification be read.

The PRESIDING OFFICER. The clerk will report the modification to the amendment.

The bill clerk read as follows:

SEC. 211. No assistance may be provided under this Act, the Foreign Assistance Act of 1961, or any other provision of law to any individual, group, organization, or member thereof, or entity that directly or indirectly engages in, advocates, supports, or approves the practice of execution by fire, commonly known as "necklacing".

Mr. PELL. Mr. President, I would recommend the adoption of this amendment with the modification.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2740), as modified, was agreed to.

Mr. DENTON. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

Mr. LUGAR. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2741

(Purpose: To suspend air service between the United States and South Africa)

Mr. SARBANES. Mr. President, I send an amendment to the desk on behalf of myself and Senator KASSEBAUM and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. DENTON. Mr. President, will the Senator allow me 10 seconds to thank Senator LUGAR and Senator PELL?

Mr. SARBANES. I will yield without losing my right to the floor.

The PRESIDING OFFICER. The amendment will first be reported.

The bill clerk read as follows:

The Senator from Maryland [Mr. SARBANES], for himself and Mrs. KASSEBAUM, proposes an amendment numbered 2741.

Mr. SARBANES. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 72, between lines 5 and 6, insert the following:

SEC. 306 (a)(1) The President shall immediately notify the Government of South Africa of his intention to suspend the rights of any air carrier designated by the Government of South Africa under the Agreement Between the Government of the United States of America and the Government of the Union of South Africa Relating to Air Services Between Their Respective Territories, signed May 23, 1947, to service the routes provided in the Agreement.

(2) Ten days after the date of enactment of this Act, the President shall direct the Secretary of Transportation to revoke the right of any air carrier designated by the Government of South Africa under the Agreement to provide service pursuant to the Agreement.

(3) Ten days after the date of enactment of this Act, the President shall direct the Secretary of Transportation not to permit or otherwise designate any United States air carrier to provide service between the United States and South Africa pursuant to the Agreement.

On page 72, line 6, strike out "Sec. 306. (a)(1) and insert in lieu thereof "(b)(1)".

On page 72, line 17, strike out "(b)" and insert in lieu thereof "(c)".

On page 72, line 18, strike the word "subsection" and insert in lieu thereof "subsections".

On page 72, line 19, after "(a)" add "or (b)".

On page 72, line 22, strike out "(c)" and insert in lieu thereof "(d)".

Mr. SARBANES. Mr. President, I yield to the distinguished Senator from Alabama without losing my right to the floor.

Mr. DENTON. Mr. President, I thank the distinguished Senator from Maryland.

I want to respond to the kind remarks of the manager of the bill, the distinguished chairman of the committee, and also recognize the kindness and wisdom displayed by the ranking member and his staff, and the Senator from Maryland.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I know the hour is late. There was to be 1 hour of debate on this amendment. I hope we will not have to use it all. In fact, I hope the managers, once they have a chance to review the amendment, will find it possible to accept the amendment.

To explain it very briefly, this amendment is intended to perfect a provision already in the bill, section 306, with respect to prohibiting air transportation with South Africa.

Interestingly enough, I think most people think that the provision in the bill now would bring a prompt end to air transport with respect to South Africa.

In fact, it would not do that until a year had elapsed.

As the bill is now written, notice has to be given to terminate the current agreement. A year would then have to elapse before aircraft were actually prohibited from flying between the South Africa and the United States.

When the committee considered immediate sanctions and future sanctions to express our opposition to apartheid, the termination of air transportation was included among those that would be imposed immediately.

The way section 306 has been drafted, it does not accomplish this goal. What the provision does, as currently written, is set in motion the termination of our bilateral air service agreement with South Africa. But that would not actually take effect until 12 months later. The amendment that the Senator from Kansas and I have offered would bring a suspension of air service 10 days after the enactment of the legislation. It would have the President notify South African authorities of his intention to suspend and 10 days later, the suspension would take effect.

Currently, air service between the two countries is governed by a 1947 agreement. South Africa has been providing service under that agreement. No U.S. carrier currently flies between the two countries, since Pan American has suspended service.

It is my judgment, after analyzing the agreement and consulting with legal experts, that the United States is within its rights to suspend air service in the interim without violating provisions of the agreement, a concern raised by some. I am convinced it is perfectly proper for the United States to engage in such a suspension because the agreement allows such an action in the event either party has failed to fulfill the terms of the agreement.

I think it is clear the Government of South Africa has breached section IV of the annex to the agreement, which has an objective to "foster and encourage the widest possible distribution of the benefits of air travel for the good

of mankind * * * and to stimulate international travel as a means of promoting friendly understanding and good will among peoples." I do not believe anyone can honestly assert that the South African Government has permitted all its citizens fully to enjoy the benefits which the agreement envisioned. As my colleagues will recall, the South African Government has prohibited Reverend Boesak, Bishop Tutu, and other leaders in South Africa from leaving the country from time to time. These individuals are but a few of the many critics of apartheid who have been denied the fruits of the agreement.

For this reason, it is totally proper for the United States to suspend the air service. I think most Members assumed that in acting with respect to air travel, the committee was acting in a manner to ensure that the ban would take effect, if not immediately, at least in the very near future and not a year down the road. In fact, the bill itself contains in a different section a list of other sanctions which would be put into place a year from now if there were not significant progress toward dismantling apartheid. So I think we stand on firm ground in cutting off forthwith air links between the United States and South Africa, until such time as South Africa is prepared to permit all its people fully to enjoy the benefits of any agreement with respect to air travel entered into between our two governments.

This amendment will send a strong message to those South Africans who do not fully understand the strength of American opposition to apartheid or appreciate our commitment to see it dismantled. I urge my colleagues to support it.

I might note that one of the sanctions the Commonwealth countries are looking at is the suspension of air travel. I understand that they intend to seek to implement it in the near future. It seems to me imperative that the United States be part of that effort and, indeed, lead that effort. I very much hope this amendment will command the support of my colleagues.

Mr. DODD. Mr. President, will the Senator yield?

Mr. SARBANES. I yield to my colleague.

Mr. DODD. I thank the Senator for yielding. I commend him and the Senator from Kansas [Mrs. KASSEBAUM] on the amendment. I would like to be added as a cosponsor.

Mr. President, I ask unanimous consent that I may be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I commend my colleague because I think in all conversations we have had over the last several weeks about sanctions, and there have been many—it becomes somewhat confusing to people the degree of involvement and complexity when you start listing all the sanctions.

However, if there is one single sanction which seems to enjoy more support, I suppose, than anything else, that has been discussed in any way over and over again, it is the one that the Senator from Maryland is referring to tonight. This is the one area that I think people felt was an area that could probably have as much effect as any. This is an important issue to the Government of South Africa. While certainly it will create some hardship, obviously, it is the one sanction that I think most agree may have the most direct and immediate effect of any.

We had discussed it in fact, a year ago—we did not incorporate it as part of the legislation a year ago, but there was significant discussion, as I recall, and the Senator from Maryland may correct me on this, about adding this kind of sanction. While we did not have a decision about adding this kind of sanction. While we did not have a decision about that particular provision, there was some discussion about it.

In fact, I think many felt if we had to come back to this subject again, this particular sanction would be one that the President and the Congress would want to impose as part of the legislation.

Obviously, as the distinguished Senator from Maryland has pointed out, by having a year before the termination could go into effect, I think we would be losing some valuable time on this issue. So I commend him and Senator KASSEBAUM for the amendment. I hope the amendment can be adopted.

Mr. SARBANES. I thank my distinguished colleague. I simply want to underscore again that in the legislation brought before the committee, this sanction was included in that section of the bill which deals with immediate sanctions. There is a further section, section 501, which declares it the policy of the United States to impose additional measures against the Government of South Africa if substantial progress has not been made within 12 months toward ending the system of apartheid and establishing a nonracial democracy.

Other sanctions are listed in this section, 501, but the termination of the air service is not among them.

The air service termination was included in the section imposing immediate sanctions therefore assuming that the end of flights would indeed take effect at once. As it was written, however, requiring a termination of agreement in effect, the flights would only end after the expiration of 12 months.

At the recent Commonwealth meeting, it was decided that a ban on air links with South Africa was one of the measures Commonwealth nations would proceed on forthwith. It had earlier been recommended by the Commonwealth Eminent Persons group.

I very strongly commend this amendment to my colleagues.

Mr. PELL. Mr. President, will the Senator yield to me?

Mr. SARBANES. I certainly will yield to the Senator from Rhode Island.

Mr. PELL. I just want to say I support this amendment. I think it fills a gap in the bill as reported by the committee. My own recollection is that the committee's intention was to impose this sanction immediately. Adoption of this amendment will ensure that.

Mr. SARBANES. Mr. President, I yield the remainder of my time.

Mr. LUGAR. Mr. President, I yield myself such time as I may require.

The distinguished Senator from Maryland is quite correct that the airport sanctions is one of the most important in the legislation we have adopted in committee and before us this evening. I suspect there is a difference in our interpretation of how our Nation ought best to proceed.

The Department of State—and we have sought their view with regard to the 1-year notice provision which is provided in article 11 of the bilateral service agreement between South Africa and the United States. Their view is that if we unilaterally suspend, terminate, or otherwise interfere with the agreement, the South African Government would have a right to take the United States to arbitration as provided in article 9 of this bilateral agreement. And if the arbitrators were to find in favor of South Africa and award damages, we would be obliged to seek an appropriation from Congress to pay the award. This is what is described as the best efforts clause in article IX of the agreement.

□ 2220

Now, Mr. President, I wish that this was not so. Clearly, we would like to move rapidly. It appears to me under the international agreement that we have, if we are to respect that—and I contend we ought to—we will at the time this legislation is passed institute the notice. That we can do immediately, and that we would do immediately. But the agreement, the bilateral agreement between our countries clearly calls for 1 year for that notice to take effect.

I appreciate the research of the distinguished Senator from Maryland, who has obtained an opinion from the Library of Congress that interprets this agreement to permit the suspension he has suggested. But I must say, Mr. President, that there are differing interpretations and the State Depart-

ment, that would have at least important authority and responsibility in this respect, respectfully differs with the Senator and I would simply say that our adherence to international agreements would require our taking cognizance of the agreement we have had since 1947 and that in my judgment we ought not to abrogate even in enthusiasm to make the sanctions package more vital and more timely.

Mr. DODD. Will the Senator yield?

Mr. LUGAR. I would be happy to yield.

Mr. DODD. I am just curious. The chairman said that if in fact this amendment were adopted it could result in the United States being brought by the South African Government to arbitration. Where would that arbitration occur?

Mr. LUGAR. I suspect wherever the parties designate the arbitration to occur, that is, the two parties, the South African Government and our own. They would need to find an arbitrator.

Mr. DODD. Is it a matter for the World Court? Would it fall under the jurisdiction of the World Court?

Mr. LUGAR. I think it would not fall under the jurisdiction of the World Court. Article IX that I now have in front of me suggests that it should be filed at a panel of arbitral personnel maintained in accordance with the ICAO, and therefore the arbitrator is to be found there.

Mr. DODD. It would have nothing to do with the International Court of Justice?

Mr. LUGAR. No, it does not, as I read article IX.

Mr. DODD. I was curious because I did not think we were participating there any longer.

Mr. LUGAR. I hear the point made by the distinguished Senator and that point has been made in another debate fairly recently, but I would just say to the distinguished Senator he probably will not argue that we ought to unilaterally go about violating international agreements, nor do I, nor does the Senator from Maryland. He has an opinion based at least upon his research and I am simply stating one with which I think our Department of State concerns.

Mr. DODD. If the Senator will yield, I must say to my good friend he reads my mind. Of course, he would not argue that at all. I happen to be one who regrets that we walked away from that particular situation in Nicaragua, because we were the country that founded the World Court. It was created at the insistence of the United States as a result of the Holocaust of World War II. If any nation in the world ought to uphold the jurisdiction and integrity of this institution, it ought to be this Nation. So I was being a bit facetious, but nonetheless I made the point and I appreciate the chairman's remarks.

Mr. SARBANES. Mr. President, I would like to respond briefly to the able chairman of the committee. First of all, Mr. President, it is my contention that we are not unilaterally abrogating the agreement. On the contrary we are working within the parameters of the agreement. The State Department has a different view, but now the State Department is against sanctions altogether, so I find it very difficult to place any stock in the Department's clearly self-serving legal view. The position taken by the State Department runs directly counter to other expert opinion, I submit counter to the clear language of the document. The arbitration procedure set forth in article IX, to which the Senator refers says at its very outset, "Except as otherwise provided in this agreement or its annex."

"Except as otherwise provided," and Mr. President it is otherwise provided. There is another section, article VI, which provides that each contracting party reserves the right to withhold or revoke a certificate or permit to an air carrier in case of failure to fulfill the conditions under which the rights are granted in accordance with the agreement and its annex. I quoted earlier from a provision of the annex with respect to encouraging free travel, and underscored the clear violation of the South African Government of that provision.

What I am saying is that they have violated the agreement—the South African Government has violated the agreement. In view of that fact, we are entitled to invoke article VI to carry out the suspension of air travel. The invocation of article VI, with respect to suspension operates separate and apart from the arbitration provision of article IX, which clearly states "except as otherwise provided in this agreement or its annex."

So I submit that we are acting consistent with the agreement.

I might point out that when we terminated the air agreement with the Soviet Union, we did so on the grounds that there was not reciprocity in air travel. There was not reciprocity in air travel we asserted because Pan Am had ceased its flights to the Soviet Union, and on the basis of that—which involved a decision made not by the Soviets but made by Pan Am—we cited the reciprocity provision in that agreement and suspended air travel immediately.

Now, I submit that is far less clear a case than the provisions being cited here.

I think it was everyone's assumption when we dealt with it that the bill's provision ensured that air travel would end in short order. No one assumed it would be at least a year away. This is a sanction that all have regarded as meaningful and significant. To delay it for a year is to undercut what this body is seeking to accomplish. I submit to you that we should and can proceed promptly; the air travel ban is included in the immediate sanctions and can be accomplished consistent with the 1947 agreement. I hope the Senate will adopt the amendment.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, my argument will be brief because I suspect we want to proceed to a vote, but I would respond to the scholarship of the Senator from Maryland by pointing out the Soviet agreement had no arbitration clause, and therefore more direct means I suspect were required. The Polish air agreement did have such a clause and at the time that we finally negotiated a new air agreement they were trying to fence us in and make us live up to the arbitration agreement we had.

I appreciate that there can be differences of opinion, and I share the need for timeliness that the Senator has expressed with regard to the effectiveness of our sanctions. But I must argue that in my judgment and the judgment of the State Department we would be in violation of our agreement, we would be subject to a potential award from an arbitrator because of this violation, and therefore I believe that the current interpretation of 2701, the legislation before us, that we give notice of this point, the year notice keeps us fully in compliance with our international agreement and in itself indicates the seriousness of our intent.

I conclude my argument, and after the Senator has yielded back his time I will yield back my time so we might proceed to a vote.

Mr. SARBANES. Mr. President, let me make one final point. The arbitration provision, article IX, provides for arbitration except as otherwise provided in this agreement or its annex. Since the suspension provision found in article VI seems straightforward and absolute, I am convinced it can be invoked independently and without resort to the arbitration procedure.

I respect the chairman's opinion. I must confess to him I do not respect the State Department's opinion because the Department is against these sanctions in any event. They are not for this bill. They do not want any sanctions. And I think, clearly, they are engaged in a self-serving enterprise in offering this "legal opinion."

I am prepared to go to a vote, if the Senator wishes to yield back his time.

□ 2230

Mr. LUGAR. I yield back the remainer of my time.

The PRESIDING OFFICER. All time is yielded back.

Mr. LUGAR. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

Mr. CRANSTON. I announced that the Senator from Mississippi [Mr. STENNIS] is absent on official business.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 42, nays 56, as follows:

[Rollcall Vote No. 237 Leg.]

YEAS—42

Abdnor	Gramm	Nickles
Andrews	Grassley	Packwood
Armstrong	Hatch	Pressler
Boschwitz	Hatfield	Quayle
Broyhill	Hawkins	Rudman
Cochran	Hecht	Simpson
Danforth	Helms	Stafford
Denton	Humphrey	Stevens
Dole	Kasten	Symms
Domenici	Laxalt	Thurmond
Durenberger	Lugar	Trible
Evans	McClure	Wallop
Garn	McConnell	Warner
Gorton	Murkowski	Wilson

NAYS—56

Baucus	Ford	Mattingly
Bentsen	Glenn	Melcher
Biden	Gore	Metzenbaum
Bingaman	Harkin	Mitchell
Boren	Hart	Moynihan
Bradley	Heflin	Nunn
Bumpers	Heinz	Pell
Burdick	Hollings	Proxmire
Byrd	Inouye	Pryor
Chafee	Johnston	Riegle
Chiles	Kassebaum	Rockefeller
Cohen	Kennedy	Roth
Cranston	Kerry	Sarbanes
D'Amato	Lautenberg	Sasser
DeConcini	Leahy	Simon
Dixon	Levin	Specter
Dodd	Long	Weicker
Eagleton	Mathias	Zorinsky
Exon	Matsunaga	

NOT VOTING—2

Goldwater	Stennis

So the motion to table the amendment (No. 2741) was rejected.

□ 2250

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2741) was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATOR SARBANES ON SOUTH AFRICA

Mr. BYRD. Mr. President, the Baltimore Sun of Thursday, August 14, 1986 includes an excellent editorial on the issue of sanctions against South Africa by Senator PAUL SARBANES. As has been the case throughout the Senate debate on this important and difficult issue, Senator SARBANES brings a trenchant, insightful analysis to the debate. His colleagues on the Foreign Relations Committee benefit as we all do, from his understanding, and he has made significant contributions to the legislation the Senate is now considering.

In this thoughtful writing, Senator SARBANES describes the recent history of the sanctions question, and the state of affairs in the sad nation of South Africa. He makes the case in favor of economic sanctions and raises the compelling question of what options we have if we desire to promote peaceful change in South Africa, but refuse to acknowledge that economic sanctions can have a role.

Senator SARBANES goes right to the point in saying "we do not know for certain that sanctions will 'work.' We do know, however, that the absence of sanctions has not worked."

I believe all of his colleagues can benefit from the thoughtful and scholarly observations of the Senator from Maryland. I ask unanimous consent that his column, entitled "Sanctions Against Pretoria," be included in the RECORD at the close of my remarks, and I recommend that all Senators read it while we are debating this issue.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Baltimore Sun, Thursday, Aug. 14, 1986]

SANCTIONS AGAINST PRETORIA

(By Paul Sarbanes)

WASHINGTON.—The Senate bill of economic sanctions on the government of South Africa, while not as far-reaching as some members, including myself, had urged, is a major step forward. The bill is a declaration of unequivocal opposition to the apartheid regime in South Africa. More important, it represents American determination to act on that declaration.

With strong bipartisan support, the bill sharply reverses the Reagan administration's policy of constructive engagement, a failed and discredited policy that is perceived by black and white South Africans alike as an endorsement of the vicious apartheid system.

The bill builds on congressional action of a year ago, when limited sanctions—banning loans to the public sector, computer sales to apartheid-enforcing agencies, sales of military-related articles and nuclear exports, and imports of the krugerrand gold coin—were approved. At this time, to avoid imminent congressional passage of the legislation over his veto, President Reagan imposed very limited sanctions by an executive order which is now about to expire.

Congress, unlike the president, had gone beyond immediate limited sanctions to provide for additional sanctions over time in the absence of "significant progress" toward ending apartheid. Regrettably, the situation to day is far worse than it was a year ago.

The limited state of emergency imposed in July 1985, was lifted in March, but replaced in June by a more oppressive nationwide state of emergency that has led to the deaths of hundreds and the detention of thousands. South Africa's black political leadership, first and foremost Nelson Mandela, remains in prison. South Africa continues its acts of military aggression against neighboring states and has recently initiated damaging economic measures.

In the meantime, the degrading structure of apartheid remains in place. The "pass laws" have been revoked, but a new law requiring a national identity document has been substituted. The right of black South Africans to own land has been recognized, but only within the government's black townships. The Mixed Marriages Act has been repealed, but residence laws still prohibit spouses of different races from living together. Black South Africans will no longer be stripped of citizenship, but of the roughly 9 million already deprived only a small proportion will have their citizenship restored. Arbitrary arrest and detention remain the order of the day.

The Senate's response to the continuing tragedy and outrage in South Africa is logical necessary and right. Major new provisions in the bill prohibit new investment, bank loans to the private sector, imports of goods produced by state-owned or controlled corporations, and uranium and coal imports. The bill also suspends direct air travel between South Africa and the United States and clamps down on South African government deposits in U.S. banks.

If South Africa takes concrete steps toward dismantling the apartheid system, beginning with the release of Nelson Mandela and other political prisoners, the bill stipulates that the sanctions may be lifted. By the same token, the bill makes possible further sanctions in a year's time if steps to eliminate apartheid are not taken.

Some critics of the legislation argue that sanctions will hurt blacks. Bishop Desmond Tutu has eloquently rebutted this argument. "Blacks are saying we are suffering already," he wrote recently. "To end it, we will support sanctions even if we have to take on additional suffering. I must ask, to whom is the international community willing to listen? To the victims and their spokesmen or to the perpetrators of apartheid and those who benefit from it?"

Critics also argue that sanctions will not "work." Such an argument addresses the wrong question. We do not know for certain that sanctions will "work." We do know, however, that the absence of sanctions has not worked. The Eminent Persons Group, after six months' intensive study and negotiation in South Africa, concluded that "It is not whether such measures will compel change; it is already the case that their absence and Pretoria's belief that they need not be feared, defers change."

A sanctions policy, Bishop Tutu said not long ago, is "the last non-violent option left and it is a risk with a chance." In the face of South African government intransigence, it is a chance we must now take.

Mr. DOLE. Mr. President, if I could have the attention of Members, I would announce the schedule for the balance of the day.

Mr. President, I have conferred with the distinguished minority leader, and I must say I do not see any possibility of finishing this bill—maybe by 3 or 4 in the morning, but I do not see that that has a great deal of merit.

So what we are going to try to do here is ask Members who have amendments if they would stay so we could work something out on those amendments. There will be no more votes on this bill tonight. We will ask that an amendment be laid down—I am not certain whose turn it is; I guess it would be this side's turn—so we would have something to vote on at a fairly early time tomorrow morning.

I believe now—I just say to my colleagues—that there is a good chance we could finish this bill by 2 or 3 o'clock tomorrow afternoon. That would still leave us the debt ceiling, the Superfund extension, and maybe one or two other extensions that would probably not take a great deal of time.

But I just do not see any wisdom in staying on later tonight.

Mr. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. DOLE. I am happy to yield to the minority leader.

Mr. BYRD. Mr. President, I share the distinguished majority leader's view.

I would suggest that we proceed now to nail in, by unanimous consent, some reductions of amendments and then agree that there will be no amendments other than these that may be called up. I am ready to proceed with mine, if the distinguished majority leader is ready on his side.

Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Senators will take their seats or retire from the Chamber. All Senators would like to listen to hear what the rest of the schedule would be.

The Senator from Kansas has yielded to the Senator from West Virginia.

Mr. BYRD. But the Senate is not in order yet, Mr. President.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. I thank the chair.

Mr. President, keeping in mind that, under the agreement, each amendment is entitled to 1 hour and that there are at least 23 or 24 amendments on this side still listed, here is the list now as we have been able to work it down: Mr. BIDEN, on automatic trigger, 1 hour.

Mr. BIDEN. Would you like reductions now?

Mr. BYRD. Yes.

Mr. BIDEN. I would agree to reducing the time to 30 minutes, equally divided, and it may not take that much time.

Mr. BYRD. All right, Mr. BIDEN, 30 minutes, equally divided.

Mr. BRADLEY, a gold amendment, 30 minutes equally divided; Mr. BYRD, 1 hour equally divided; Mr. BYRD, 1 hour equally divided.

I probably will not call up two amendments and I may not even call up one. But I would like to retain the hour on each at this point.

Mr. CRANSTON, disinvestment, 20 minutes; Mr. KERRY, a sugar amendment, 20 minutes; Mr. LEVIN, Mandela, 30 minutes; Mr. LEVIN, munitions list, 30 minutes, equally divided in each case; Mr. LEVIN, commodities list, 30 minutes.

Mr. LEVIN. Mr. President, on those three amendments, I understand that two of those may be accepted, in which event it would be fine with me to have 10 minutes, equally divided, on each of the two; in which event, I would withdraw the third amendment, after needing about 5 minutes on the third amendment.

Mr. BYRD. As of now, I assume the distinguished Senator would want to retain the 30 minutes, if we enter the consent agreement, 30 minutes on each of three.

Mr. LEVIN. Yes.

Mr. BYRD. Mr. PROXMIRE, private right of action, 30 minutes, equally divided. Mr. SARBANES—that one has just been disposed of.

Mr. MOYNIHAN, an amendment that probably will be offered by Mr. D'AMATO. There is nothing on time. It is one I suppose that was listed on the calendar. There is one by Mr. MOYNIHAN and Mr. D'AMATO on the calendar.

Mr. DODD, one amendment on banks.

Mr. D'AMATO. If the minority leader would yield, we can do that 20 minutes equally divided.

Mr. DODD. Mr. President, I will withdraw that amendment.

Mr. BYRD. Very well.

Mr. PROXMIRE, banking.

Mr. PROXMIRE. I withdraw that amendment. The only amendment is the one that you have already mentioned.

Mr. BYRD. All right.

That would complete the list of amendments that remain on this side.

Mr. KENNEDY. Mr. President, I have an amendment.

Mr. BYRD. Yes, I beg the Senator's pardon. The Senator had one on military cooperation.

Mr. KENNEDY. We talked to the chairman of the Foreign Relations Committee. I hope to be able to get 10 minutes on the amendment, even if it is 5 minutes on either side.

The second amendment revisits the Commonwealth sanctions proposal. I would be glad to have 30 minutes, equally divided.

Mr. BYRD. It would be 30 minutes on the second one?

Mr. KENNEDY. Yes.

Mr. BYRD. And on the first one?

Mr. KENNEDY. The first one, if it is accepted, 10 minutes. I believe it will be.

Mr. BYRD. And if it is not?

Mr. KENNEDY. Ten minutes.

Mr. BYRD. One hour?

Mr. KENNEDY. No, 10 minutes.

Mr. BYRD. Twenty minutes, in either event?

Mr. KENNEDY. Fine.

Mr. BYRD. Is that agreeable?

Mr. KENNEDY. Yes. I think it is worked out. Mr. Leader.

Mr. BYRD. So there you are, may I say to the majority leader. We have 14 amendments still listed on this side. We have been able to reduce the list considerably. As a matter of fact, there are 13 amendments remaining on this side. We have not only reduced the list considerably, but we have reduced the time on most of those considerably, at least half, in some instances more than half.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I have an amendment by Senator DENTON. I am not certain of the nature of the amendment or how much time. So, without knowing how much time, I assume he would be entitled to the hour, equally divided. But I hope we could do better than that.

Mr. HATCH, earmark on aid. Does anybody know how much time he may need?

Well, since he is not here, we will give him 10 minutes on a side.

[Laughter.]

Mr. BYRD. Good enough. We will buy that.

□ 2300

Mr. DOLE. Senator CHAFEE has an amendment on the sense of the Congress.

Mr. CHAFEE. Twenty minutes equally divided. That might be accepted. If so, it would be 2 minutes equally divided.

Mr. DOLE. Mr. D'AMATO: Provide State localities enforce anti-apartheid. Is that 20 minutes?

Mr. D'AMATO. Twenty minutes equally divided.

Mr. DOLE. Ten minutes on a side.

Mr. BYRD. That is the D'Amato-Moynihan amendment.

Mr. DOLE. That is right.

Mr. D'AMATO. I think we have two amendments. One would be by unanimous consent. But there are two amendments.

Mr. DOLE. If the first fails, the Senator will have a fallback. That would be the same 20 minutes.

Mr. D'AMATO. Twenty minutes. I do not think we will take 20 minutes. But it is provided.

Mr. DOLE. Mr. NICKLES: Allow Secretary of Agriculture to promote U.S. agriculture exports.

Mr. NICKLES. Twenty minutes equally divided.

Mr. DOLE. Mr. BOSCHWITZ: Modify sanctions.

Mr. BOSCHWITZ. Mr. Leader, I have four amendments, and I would not need to raise the one about dealing with South African judges. I believe that has been taken care of already. The sense-of-the-Senate one I do need to deal with. The one dealing with black-owned businesses I can do this evening. I think it would be accepted. And the one compensating South African blacks who are made unemployed, that would take 10 to 12 minutes equally divided.

Mr. DOLE. I had better list two amendments yet this evening.

Mr. BOSCHWITZ. Yes. Twenty minutes equally divided. One I do not think will be accepted. I think the other will be accepted.

Mr. DOLE. In any event, the Senator would be satisfied with that time.

Mr. BOSCHWITZ. Ten minutes equally divided on each amendment.

Mr. BYRD. Mr. President, I take it that no new amendments are on the list. We are talking in every case about amendments that are already on the list.

Mr. DOLE. That is correct.

Senator WALLOP: Apply same sanctions to U.S.S.R., 20 minutes equally divided, and another amendment to apply same sanctions to all of Africa with 20 minutes equally divided.

Senator HUMPHREY: Sanctions on Aeroflot.

Mr. HUMPHREY. Mr. President, I would be willing to agree to 20 minutes equally divided if I can be assured of an up or down vote.

Mr. DOLE. I am advised by the manager that we cannot assure that. What is the next offer?

Mr. HUMPHREY. Let us start with an hour.

Mr. DOLE. An hour equally divided.

Senator SYMMS has one on sanctions lifted if U.S. dependence on strategic materials from Communist countries increase.

Mr. SYMMS. Mr. Leader, I think that the majority side, if I have the information right, has agreed to accept the amendment, if the minority side has agreed. I do not know whether Senator PELL has looked at it yet or not.

Mr. DOLE. Why do we not list it?

Mr. PELL. I have not seen it yet.

Mr. SYMMS. If this amendment is going to be accepted, the one I have on the purchases from countries which do not allow free trade unions, I would not need to offer. I can withdraw it.

Mr. DOLE. I do not think at this point we are in a position to indicate whether or not it will be accepted. How much time would the Senator in any event need? Twenty minutes?

Mr. SYMMS. On the strategic mineral amendment, I would think 30 minutes equally divided would be satisfactory, and on the Soviet gold coin amendment 10 minutes equally divided would be adequate. On the free trade union amendment, it would be 10 minutes equally divided.

Mr. DOLE. All these that are listed.

Mr. SYMMS. Yes.

Mr. DOLE. Senator LUGAR: Technical amendment.

Mr. SYMMS. I have taken one amendment out because of the passage of the Pressler amendment. I do not need to offer the other amendment related to gold.

Mr. DOLE. Senator LUGAR: A substitute amendment, if required.

Mr. SYMMS. Mr. President, I might say that I do not know what the text of the Bradley amendment is. I may need to reserve my gold and silver amendment depending on what the Bradley amendment is.

Mr. DOLE. That would be a fourth amendment?

Mr. SYMMS. I have a fourth amendment in the unanimous-consent agreement. The one amendment deals with the purchase of silver, dollar for dollar offset sales of gold. I do not know what the Bradley amendment calls for. The passage of the Pressler amendment makes it unnecessary. We are not going to be selling gold.

Mr. DOLE. I think the Senator had better list the fourth amendment.

Mr. SYMMS. We may not have to offer it.

Mr. DOLE. That would be 20 minutes.

Mr. SYMMS. Twenty minutes equally divided would be adequate.

Mr. DOLE. Senator WILSON: United State companies training blacks in South Africa.

Mr. WILSON. Twenty minutes equally divided, and maybe less.

Mr. DOLE. Twenty minutes equally divided, and Senator PRESSLER on parastatal, 40 minutes.

Mr. PRESSLER. Mr. Leader, the parastatal amendment I do not think will take 10 minutes. I know Senator DENTON wants to speak for a considerable amount of time on that. So, 40 minutes.

Mr. DOLE. Forty minutes equally divided. I may have one amendment, 30 minutes.

Are there any other Senators who we have overlooked?

Mr. BYRD. We have checked with our Senators very carefully on this side. I believe the list is complete.

Mr. DOLE. Mr. MCCONNELL: A substitute, 20 minutes equally divided.

Mr. President, that would add up to about 18 amendments on this side down from 62. I am not certain that is all of those. I think maybe it is in that whole group, and hopefully we will only have seven or eight rollcalls. But that is still a pretty heavy schedule even if we start early tomorrow. I am a little more discouraged that I was when I stood up. I am not so certain we will be leaving here tomorrow evening.

But in any event, I hope some of those amendments that might be taken up could be disposed of this evening.

Mr. SYMMS. Mr. President, I am ready to move on a couple of amendments that can be disposed of very rapidly. I do not know. We were almost at the point, before the leader came on the floor, to bring it up on the floor. I thought it was moving pretty fast. We might dispose of a couple of these.

Mr. DOLE. The managers may be more tired than anyone else.

Mr. PELL. If the majority leader will yield for a second, I am not prepared to sign off on this particular amendment.

Mr. DOLE. Mr. President, I wonder, if there is no other amendment, whether we can limit the amendments to those that have been identified by the distinguished minority leader and those that have been identified by this Senator.

Mr. BYRD. Mr. President, I suggest that the majority leader put the question, and while the iron is hot. Of course, there will be no more amendments if these are agreed to.

Mr. KENNEDY. Mr. President, will the leader yield? Do I understand that unless we pass this South Africa that the Contra aid bill is null and void? Is that still part of the consent agreement?

Mr. DOLE. No. I think the recess is null and void. I think we have committed ourselves to stay here until we complete action on it. So that is an option.

Mr. President, I ask unanimous consent that the amendments identified by the distinguished minority leader and those identified by the majority leader with a time allocation be the only amendments in order.

Mr. BYRD. There is a committee amendment; together with the committee amendment. We do not want to exclude the committee amendment.

The PRESIDING OFFICER. With the committee amendment.

Is there objection to the request of the majority leader?

If there is no objection, and without objection, it is so ordered.

Mr. DOLE. Mr. President, I make one further inquiry. As I understand now each of these have the allocation of time, where we were able to make an allocation, and I guess we did in each case. How much time remains on the bill?

□ 2310

The PRESIDING OFFICER. The Senator from Wyoming has 1 hour 58 minutes, the Senator from Indiana has 2 hours 7 minutes, and the Senator

from Rhode Island has 3 hours 29 minutes.

Mr. DOLE. I wonder if we might be able to get consent for the time on the amendments to be charged against that total package. There are about 7 hours there. Then at the end, when we reach the end, there would be 5 minutes on each amendment instead of 2 minutes.

Mr. WALLOP. If the leader will yield, I would be willing to take the entire time for my amendment out of my remaining time. I would be happy to take it out of that time. In all probability, I will yield back the remainder of it.

Mr. DOLE. Under the Contra agreement when we reached this point, we had the time shrinking and it reduced the time on each amendment.

Mr. BYRD. The only difference, if the distinguished majority leader will yield, in the case of the Contra package several hours were up front and utilized before the cloture vote. In the case of the South Africa agreement, no hours were utilized prior to the cloture vote. So everything had to happen subsequent thereto. That is the difference.

I have a feeling that certainly overnight we can think about this and talk about it in the morning and find a way to reduce that time. I think the distinguished majority leader has made a great deal of progress in cutting down the number of amendments and the amount of time on each. I would hope that we could reduce the remaining overall time, but I believe we ought to take another look at that.

Mr. DOLE. Mr. President, I do not know of any problem but there may be one problem. We failed to check with Senator DURENBERGER and he has three amendments. I am not sure he will ask for any of them. I may have to come in in the morning and ask unanimous consent for him. I will have to clear that with him.

Mr. BYRD. His amendments are on the original list.

Mr. DOLE. Yes, on the original list, but not on the second list.

A parilamentary inquiry. What happens at 6 o'clock tommorrow night if we are still on this bill?

The PRESIDING OFFICER (Mr. STEVENS). Amendments after that time are limited to 2 minutes.

Mr. DOLE. There is some hope.

Mr. WALLOP. If the leader will yield again, it is my intention to be generous but not unilaterally generous. It is my hope that if my offer of taking my amendments out of my time is accepted there would be a corresponding reduction on somebody elses's part, that mine is not the only gift for the evening.

Mr. DOLE. Well, we could come in at 4 o'clock tommorrow afternoon. We probably will not do that.

Mr. SYMMS. I would like to say again that I am aready to go with a couple of amendments. I can have them done here in no time at all.

Mr. DOLE. I understand they are not acceptable on the minority side.

Mr. PELL. The amendment that Senator SYMMS has just sent to us is still under study. As currently formulated it is unacceptble.

Mr. DOLE. I am advised by the distinguished manager on this side, and I have checked with Senator PELL, that they are tired, too. They would be willing to stick around and take amendments that can be accepted, but not get into long debates. They have the most responsibility in any event. I think we have made some progess. I will turn it back to the distinguished chairman.

Mr. BYRD. Mr. President, before the majority leader yields, may I suggest that any amendments that are still on the list for 1 hour, that the additional half hour will come out of the time on the bill.

Mr. DECONCINI. I will have to object because I have to put a statement in on one of the amendments and I do not know how much time will be needed.

Mr. BYRD. May I say to the distinguished majority leader I will yield to the distinguished Senator from Arizona time from one of my two amendments for him to have for his statement. I am just suggesting that on any amendment that retains more than a half-hour equally divided the additional time will come out of the overall time on debate on both sides.

Mr. SARBANES. May I ask a question on that point? Will that still leave time for debate? Some people might want 5 minutes or 3 minutes or 6 minutes at some point. I am not pushing that very hard, but I do not think we ought to simply give that all away so there is nothing left for debate time on the bill, at least a reasonable limited amount.

Mr. DOLE. Mr. President, as I understand, there are about 8 hours, if you count the time of Senator WALLOP and Senator DENTON and the two managers, about 8 hours on the bill, and there are in excess of a dozen hours, I think, on the amendments. That is 20 hours, as a rough guess. We have about 20 hours plus rollcalls, if everything is used up. There is plenty of time, I would think.

Mr. BYRD. May I make this final suggestion with the majority leader: We have made a lot of progress on cutting down the number of amendments tonight and the time on the amendments. Let us talk again in the morning about reducing the overall time for debate. We will certainly do the best we can on this side.

Mr. President, one final question of the majority leader: What time will the majority leader be coming in in the morning?

Mr. DOLE. Mr. President, I would say we will get on the bill by 10 o'clock. We will come in about 9:30.

Mr. BYRD. I thank the distinguished majority leader.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, let me ask the distinguished ranking member, is he prepared to stay for a bit and to attempt to deal with amendments that might be acceptable?

Mr. PELL. Absolutely. I would also like to see that Mr. DECONCINI gets 15 minutes for his statement.

The PRESIDING OFFICER. The Chair will advise the distinguished manager of the bill that the next Senator to be recognized for an amendment would be a Republican Member. That does not apply to Senators who wish to make statements.

The Senator from Indiana has the floor.

Mr. LUGAR. Mr. President, let me simply indicate that a promise was made to Mr. DECONCINI to speak and Senator HATCH to offer an amendment. Following that we will go back to the Democrat-Republican rotation on any that we can accept.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. CHAFEE. Would the Senator yield for a unanimous-consent request?

Mr. DECONCINI. I will be glad to yield without losing the floor.

Mr. CHAFEE. Does the Senator from Arizona have a lengthy statement that he wishes to make?

Mr. DECONCINI. That is correct, about 15 minutes.

Mr. CHAFEE. And then we go back to regular order on the amendments?

Mr. LUGAR. Mr. HATCH will have his opportunity next.

Mr. DECONCINI. Mr. President, I think I have the floor. I yielded to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator has been yielded 15 minutes by the Senator from Rhode Island.

□ 2320

Mr. DECONCINI. Mr. President, it is not my intent to cut somebody off if they want to ask a question.

The PRESIDING OFFICER. The Senate agreed to recognition of Senators for the purpose of presenting an amendment. The next Senator to present an amendment would, under the agreement, be a Republican Senator.

Mr. DECONCINI. I thank the Chair.

Mr. President, I do not mean to preclude other Senators, but this Senator has been around here since about 4:30 this afternoon trying to put a magnifi-

cent statement into the record expressing my support of sanctions and hoping that they will pass overwhelmingly.

Speaking of patience, I have had patience and I have allowed this administration, I think we all have, a great deal of discretion in regard to constructive engagement. My patience has run out and I think probably the patience of the majority of people in this body has run out with a lot of things. But I think constructive engagement has gone and seen its day. This policy involves neither constructive nor engaging elements of foreign policy.

I am reminded, in strongly encouraging this body to vote for sanctions, of an adage by Mark Twain: "Loyalty to a petrified opinion never yet broke a chain or freed a human soul."

This is precisely what we are discussing in terms of South Africa—a system of political and economic exploitation. Apartheid literally means "separateness." Let me explain a few things.

It takes 15 Ministers of Education just to administer South Africa's segregated schools. Black schools receive one-eighth of the nation's education budget, yet comprise 80 percent of the students.

At last count, only 74 of the country's 1,450 hotels enjoyed "international" status, which allows them to admit and serve all races.

Whites make up 15 percent of the population, yet enjoy all of the widest of privileges such as wealth, representation in parliament, and land ownership, just to mention a few.

Blacks are not represented in any national parliament. So called coloreds have a separate body of representation.

While "domestic workers" who are black are allowed to live in the city of Johannesburg, it is only because they work for white families. They must live in separate quarters and their employers are legally required to install separate toilets and separate septic tanks.

During the past 19 months more than 15,000 people have been detained and 1,600 have died in disturbances. The examples are endless. The current state of emergency is no longer technical or temporary. It is endemic. It seems permanent. It smells of a Fascist police state. Change in South Africa is ever less likely to be peacefully negotiated, alone decided by the ballot box, if something is not done.

The Foreign Minister, R.F. Botha, said in responding to the recently approved sanctions applied by the Commonwealth countries against apartheid: "We are prepared to make sacrifices for the principles we believe in." He then went on to reiterate his resolute objection to changing the racial system known as apartheid: "So far and no further." Let me repeat: "the principles we believe in" and "so far and no further." This is precisely why we need sanctions. Governments—which set their policemen outside the law, which imprison priests and community peacemakers, which ban journalists and cameras which deny dissemination of information which suspend constitutional rights—should not be immune from criticism. They should not benefit from the U.S. economic might. We should do everything within our power to persuade and encourage them to change including applying economic sanctions. They have a deplorable system of social, political, and economic exploitation. As Abraham Lincoln so accurately stated "No man is good enough to govern another man without that other's consent."

ENCOURAGE EVENTUAL DEMOCRACY

Let me continue, Mr. President, to comment upon this bill as it relates to the situation in Nicaragua. When President Reagan was asked at his August 12 news conference to explain his eloquence regarding the issue of freedom fighters in Nicaragua but his resistance in the South African sanctions, he replied in the following manner:

"I think that I have condemned publicly all of those things that you're talking about. On the other hand, I also realize the complexity of the South African problem because much of that death that you spoke of is being inflicted by blacks on blacks because of their own tribal separations. And all of this must be taken into account in defining a system of Government.

He went on talking:

"Nothing like that is going on in Nicaragua—not when a priest stands up and speaks to his congregation and because he says some things for example, protesting the fact that the Government has shut down on the Church's newspaper and shut down on the Church's radio station * * * and he's thrown out of the country for having said that.

I draw this example, because most Presidents have the political ability to frame the issues for a decision. They also have the ability to frame issues for the American public. A President as articulate and persuasive as Mr. Reagan has been unable to sell his pitch to the American public on either of these cases. Americans oppose Contra aid and support sanctions in South Africa. But never have I seen the President make comparisons like the ones I have just cited.

How can anyone make the connection between Nicaraguan priests who are not allowed back into the country and the enslavement, imprisonment, detainment, and death of thousands of South Africans? I strongly condemn the repression of the Catholic Church in Nicaragua. But I am resolute in my appeal to President Reagan to support sanctions in the case of South Africa. The United States must exhibit its moral purpose in this matter.

Apartheid is evil. Apartheid is humiliating. Apartheid is repugnant to anyone with the slightest sense of fairness. It is getting closer to the point where the horrors of apartheid will lead to an impending disaster which cannot be averted.

The South African Government has been tough in restricting freedoms. They have been ruthless in oppressing families. They have been inflexible in negotiations. And they have been determined to retain a government that subjects 85 percent of its population to indignities abuses and distortions. The very idea of apartheid should outrage our American citizens. It has quickly become a system of organized injustice that not only distorts human dignity but robs human life.

We need to encourage change in this crucial part of the world for U.S. interests. This is an area rich in strategic minerals. This is an area vital to U.S. foreign policy. But most of all, Mr. President, this is an area where the United States should act against flagrant injustice.

I am hopeful that effective measures, such as strong sanctions, will force comparatively peaceful change. It is my understanding that South Africa might not experience the severe destruction of its economy if this issue is settled. But it must be addressed now. And it must be addressed peacefully. This is the hope for all South Africans—black, white, and colored. It is also the hope for the people of the entire area of southern Africa. Seven of these nine countries support sanctions. Many of these countries depend upon the South African economy.

The blacks, many of whom have benefited from the U.S. presence and the Sullivan principles, are willing to suffer sanctions. I believe we should vote for this bill. We have imposed sanctions before—against terrorist countries, against communist countries, and against countries that hold our citizens hostage. We should have the moral courage to impose sanctions against a country that prohibits liberty and practices tyranny. This is a tyranny based on apartheid that produces anguish and outrage. All human beings should do everything possible to bring this system to an end as quickly and peacefully as possible.

Mr. President, let me end by saying the time has come. We have labored and debated and it troubles me that this body had to spend weeks, literally weeks, trying to get before us very important issues—aid to the Contras. Though I voted against it, I thought it was necessary that we have an opportunity to vote and debate and pass or fail on that issue. The same goes here for sanctions to South Africa.

But I wonder when we are going to address some of the other issues in this body. Are we going to continually be burdened by failure to act as a legislative body and pass legislation? As

the distinguished presiding officer knows, we have some appropriations bills, including a defense appropriations bill and many others that we have not acted on. We have a host of legislation that has passed the Judiciary Committee and has not been acted upon. I think that goes for every other authorizing committee in this institution.

It is my hope that we can wind this up, but it is my hope also that we can learn something, that we need to move on these issues because the people of this country are entitled to know what their elected leaders believe and not constantly be doing it at 10, 11, and 12 o'clock at night.

I thank the distinguished ranking member [Mr. PELL] for yielding to me the time I needed to make these statements for the RECORD.

I thank the distinguished chairman [Mr. LUGAR] for his courtesy.

I yield back the remainder of my time.

AMENDMENT NO. 2742

(Purpose: To prohibit the importation of Soviet gold coins)

Mr. SYMMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS] proposes an amendment numbered 2742.

At the end of the Bill add the following new section:

SEC. . PROHIBITION ON THE IMPORTATION OF SOVIET GOLD COINS.—

(a) No person, including a bank, may import into the United States any gold coin minted in the Union of Soviet Socialist Republics or offered for sale by the Government of the Union of Soviet Socialist Republics.

(b) For purposes of this section, the term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(c) Any individual who violates this section or any regulations issued to carry out this section shall be fined not more than five times the value of the rubles involved.

Mr. SYMMS. Mr. President, what motivated this Senator to offer this amendment was a gentleman who came up to me about 2 weeks ago and pulled a coin out of his pocket. He showed it to me and said "Senator, do you recognize what this is?"

I said, "No, I don't."

He said, "I just bought it at a coin store to show you that you can buy these Soviet-made rubles in the United States."

He said, "You people in the Congress have said you have outlawed the purchase of Krugerrands. It seems to me in view of the massive lack of human rights in the Soviet Union, we should apply that same standard to the Soviet Union."

I think the distinguished chairman of the committee has agreed to accept this amendment. I am hopeful that the minority manager will accept the amendment.

□ 2330

Mr. PELL. I see no objection to this amendment at this time.

Mr. SYMMS. I thank the distinguished Senator from Rhode Island.

Mrs. KASSEBAUM. I say to the Senator from Idaho, this is an acceptable amendment. I think he makes a good point and both sides have cleared it.

The PRESIDING OFFICER. Is all time yielded back?

Mr. SYMMS. I yield back all time.

Mr. PELL. I yield back the time on my side.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 2742) was agreed to.

Mr. SYMMS. I move to reconsider the vote by which the amendment was agreed to.

Mr. BOSCHWITZ. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 2743

(Purpose: To provide economic support for disadvantaged South Africans.)

Mr. HATCH. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 2743.

Mr. HATCH. I ask unanimous consent further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place add the following:

SEC. . ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS.

(a) Chapter 4 of Part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 535. ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS.—(a) Up to $40,000,000 of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1987 and each fiscal year thereafter shall be available for assistance for disadvantaged South Africans. Assistance under this section shall be provided for activities that are consistent with the objective of a majority of South Africans for an end to the apartheid system and the establishment of a society based on non-racial principles. Such activities may include scholarships, assistance to promote the participation of disadvantaged South Africans in trade unions and private enterprise, alternative education and community development programs.

"(2) Up to $3,000,000 of the amounts provided in each fiscal year pursuant to subsection (a) shall be available for training programs for South Africa's trade unionists.

"(c) Assistance provided pursuant to the section shall be made available notwithstanding any other provision of law and shall not be used to provide support to organizations or groups which are financed or controlled by the Government of South Africa. Nothing in this subsection may be construed to prohibit programs which are consistent with subsection (a) and which award scholarships to students who choose to attend South African-supported institutions.

(b) Not later than 90 days after the date of enactment of this Act, the Secrtary of State shall prepare and transmit to the Congress a report describing the strategy of the President during the five-year period beginning on such date regarding the assistance of black Africans pursuant to section 535 of the Foreign Assistance Act of 1961 and describing the programs and projects to be funded under such section.

The PRESIDING OFFICER. On this amendment there will be 20 minutes equally divided.

Mr. HATCH. Mr. President, I rise today to offer this amendment out of a real concern for the future of the people of South Africa. For these brave people are truly on the front lines in the struggle against the repugnant, racist policy known as apartheid.

We are, of course, considering legislation which would impose economic and other sanctions against the Pretorian regime for their policy of apartheid, their refusal to release Nelson Mandela, their unwillingness to unban political parties and their activities, and their refusal to begin in earnest the process of negotiation and compromise by which all the people of that nation will be afforded a say in their country's future.

I am personally opposed to punitive sanctions, because I believe, as I know many of my colleagues do, that the imposition of such sanctions only hurt those who are trying to help—that is, of course, the black majority in South Africa.

Mr. President, there are a number of important individuals in South Africa who have been fighting for positive change in that beleaguered country for a number of years—longer than most of us have followed events there. These individuals—including Mangosuthu Buthelezi, the chief minister of Kwazulu, the largest black organization in South Africa today, and Helen Suzman, who was first elected to the South African Parliament in 1953 and today remains an effective and outspoken member of the opposition—have long been critical of the Government and of apartheid.

These important and influential South Africans reject punitive sanctions. They quite eloquently argue that sanctions would hurt blacks most of all.

Let me quote from a letter that Chief Buthelezi sent to the distinguished chairman of the Foreign Relations Committee, the Senator from Indiana, during that committee's consid-

eration of sanctions legislation. The letter reads, and I quote:

I believe that the imposition of punitive economic sanctions against South Africa will not hasten the day when all South Africans can live in freedom and dignity. Such sanctions will only further destabilize an already deteriorating economy, without producing the desired effect on the apartheid regime. My people cannot afford to commit themselves to a course of action which brings further hardship to their lives, when what they need most importantly is a robust economy which can produce the jobs and stability necessary to facilitate peaceful change.

Chief Buthelezi continues:

While I understand the frustrations of many who support economic sanctions, and share their aspirations and ideals, I believe that there are alternative measures which should be considered first. Let us not embark upon an irrevocable course of action which harms blacks first and whites only marginally. In the end, the apartheid regime must go, and what is placed in its stead will only have any change of success if the economy of South Africa is able to function.

That was Chief Mangosuthu Buthelezi, Mr. President, chief of the Kwazulu Tribe. Helen Suzman is one of South Africa's most influential and outspoken critics of apartheid and the white minority regime. She also argues against sanctions. She says:

Those who believe that a quick fix is likely to follow the imposition of sanctions, and that the Pretoria regime will collapse with a short time thereafter, are sadly misinformed. Certainly, if I believed in such a possibility, I would back sanctions to the hilt. Far more likely is a retreat into a siege economy, more oppression and more violence * * *.

She continues:

The moral outrage and desire for punitive action is something I understand very well, but the reality that will come as a result of a grievously afflicted economy will not be seen those living thousands of miles away.

Suzman concludes:

Unpalatable as it may seem to the sanctions lobby, the most practicable way to get rid of apartheid and to achieve a nonracial democratic society in South Africa is through an expanding, flourishing economy.

Thus, we hear the strongly antisanctions views of two solid opponents of apartheid. They oppose sanctions for good, solid reasons. I share their very real concerns about the welfare of South Africa's blacks. I, too, share their opposition to sanctions.

Mr. President, the members of this body are united in their opposition to apartheid. We view apartheid as morally wrong, and we demand that it be eliminated. And, while some of my colleagues view sanctions as a way to send a signal to the white minority regime in Pretoria that this Nation is categorically opposed to their stranglehold on power, and to their racist policies, I do not share their views in support of such sanctions. I remain strongly opposed to the imposition of punitive sanctions which, as Helen Suzman says, and Chief Buthelezi says, would hurt the victims of apartheid which we claim we are trying to help.

Mr. President, let me repeat the statement made by Chief Buthelezi in his letter to the distinguished Senator from Indiana, the chairman of the Foreign Relations Committee. He says, "There are alternative measures—to sanctions—which should be considered first." Again, "There are alternatives * * *."

And the search for such positive, constructive alternatives is precisely the purpose of my amendment.

Mr. President, do we not as legislators have a duty to look beyond purely punitive measures against the Government of South Africa, to measures which will provide assistance to the victims of apartheid? At the same time we condemn apartheid, should we not look also for constructive alternatives? While we seek apartheid's elimination, should we not also be doing our utmost to ensure that that which replaces apartheid is fair and equitable to all South Africans?

Some suggest that we have a duty, an obligation merely to condemn apartheid—that the political situation in South Africa will somehow work itself out over time. Others argue that America's influence over events in South Africa is negligible at best and, therefore, our role is simply to state our moral outrage at apartheid's evil policies. Both of these perspectives would simply have the United States walk away from the people and future of South Africa.

I could not disagree more with that interpretation of this Nation's role in South Africa. America, as the moral leader of the world, whose society was founded on the principles of justice and fairness and equality, and which fought a great civil war to ensure that those principles extended to all Americans regardless of color or creed, does have a role to play in South Africa's future—a positive and powerful role, if we choose to use it.

That is the very heart and soul of my amendment, Mr. President. The Hatch amendment dramatically increases the level of U.S. Government support for both public and private efforts to prepare those disadvantaged by apartheid for leadership roles in a future South Africa Government by the consent of all.

The specifics of the amendment are as follows. Those funds authorized for fiscal 1987 under the Foreign Assistance Act of 1961, as amended, for economic support to black South Africans would be nearly doubled from $25 million to $40 million. The amendment would also allow those funds not obligated or expended in fiscal 1987 to be carried over to future years. The amendment also directs the Secretary of State to report to the Congress within 90 days of enactment of this legislation on the administration's overall strategy for helping black South Africans, and on the specifics of how these additional funds are to be used.

Thus, the amendment would substantially increase the level of American support offered to those most directly affected by apartheid's vicious policies. Perhaps more importantly, the amendment would send a strong signal to South Africa's black majority, as well as to the white minority government, that the Congress and the American people are willing to go beyond sanctions and engage directly in the business of promoting freedom and justice and equality in South Africa.

Some of the projects which have to date been undertaken by the U.S. Government to assist black South Africans include:

Resources for labor union and entrepreneurial training;

Scholarships to bring students to universities in the United States and in African countries;

Opportunities for journalists, community leaders, university students, and others to visit the United States for the purpose of professional development;

Resources to improve education within South Africa;

Support to legal advice centers and other agencies addressing the needs of apartheid's victims;

Startup financing for community-based projects that encourage community development and improved economic standing; and

Aid to South African refugees though international organizations.

These resources have been channeled through a number of private and public entities, including the U.S. Agency for International Development, the U.S. Information Agency, and the U.S. Department of Commerce. Many of these programs represent what might be termed model programs for aiding black South Africans. My amendment would strengthen these and other worthwhile programs.

I am certain that my colleagues followed with great interest, as I did, the recent visit to South Africa by AFL-CIO chief Lane Kirkland. And while I may disagree with Lane over whether we ought to impose economic and other punitive sanctions against the government and people of South Africa, we completely agree on the need for a greater American role in providing assistance to apartheid's needy victims.

While discussing trade unions, Mr. President, my amendment calls for up to $3 million of the funds authorized in this act to be provided for training programs for South Africa's trade

unionists. Many of my colleagues are aware that some of the best work being done with blacks in South Africa today is that which is being performed under the auspices of Lane Kirkland's AFL-CIO African-American Labor Center. Certainly, programs such as this deserve greater support from the U.S. Government.

Finally, Mr. President, let me offer a few comments on the present situation in South Africa and Americans' response to events there.

The people of this great Nation are normally slow to anger. We are by nature a peaceful people. But when we sense an injustice, we respond. I need not remind my colleagues that Americans' response to apartheid has been loud and clear: They reject it, they are revolted by it, they demand that it end— immediately. Of course, their response is justified.

But I am convinced that Americans want more from this body than rejection, more than revulsion. The American people want to see this distinguished body take necessary steps to help the blacks in South Africa to help themselves; to present viable, effective alternatives to bloodshed and violence; to offer aid where it can do some good.

And that, Mr. President and my colleagues, is what my amendment seeks to accomplish. By bolstering those elements in South Africa today which seek both an end to apartheid and a peaceful transition to a government wherein all South Africans—black, white, coloureds, indians, and others—are represented, we increase the likelihood that tomorrow the vision of blacks and others in South Africa for a peaceful, democratic society will become reality.

In an era of trillion dollar Federal budgets, and defense budgets of almost $300 billion, the $40 million for assistance to disadvantaged South Africans contained in my amendment is a relatively insignificant sum of money. But, in this instance, $40 million can go a long way. I ask my colleagues simply, aren't the people and future of South Africa worth it?

Mr. President, I ask unanimous consent that documentation with regard to apartheid be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times Magazine, Aug. 3, 1986]

WHAT AMERICA SHOULD DO ABOUT SOUTH AFRICA

(By Helen Suzman)

What should the United States do about South Africa? This is a simple question to which there is no simple answer, if there is an answer at all. Of course, if the desire to distance the United States from morally repugnant system is paramount and if the objective is to punish South Africa for its glaring sins of omission and commission, regardless of the consequences, then sanctions and disinvestment spring readily to mind. And if political expediency is also part of the picture, then calling for economic sanctions must surely be irresistible.

I realized this in November 1984 when I was in the United States and watched on television the landslide victory of Ronald Reagan in the elections. The following morning, I received a call from the New York correspondent of the South African evening newspapers. He asked for my reaction to the election, and I told him I had no doubt that champagne corks were popping in Pretoria. I also said the celebrants were making a great mistake because I believed that the Democrats would seek a rallying cause—and South Africa was going to be it.

I did not need a crystal ball to make that prediction. During visits to the United States over the past seven years, I had observed the buildup of the anti-apartheid campaign in the United States, on campuses in particular. Year after year in the South Africa Parliament, I had warned that unless the government began to dismantle apartheid, which is legally sanctioned racial discrimination, and to desist from some of its more abhorrent practices—such as detention without trial and the forced removal of helpless black comnunities .... South Africa would be faced with severe punitive measures. My warning fell on deaf ears. Events in South Africa throughout 1985 triggered an anti-apartheid explosion in the West.

Day after day, scenes of ugly police brutality of mass funerals of victims of police shootings in black townships, appeared before horrified American and European television viewers. (Such scenes were not shown on South African television, which is state controlled, although the horrendous black-on-black violence frequently appeared on the screen.) With relentless regularity, newspaper headlines abroad, proclaimed the rising death rate, the enormous number of people detained without trail, torture at the hands of the security police, the hordes of children arrested and imprisoned.

By mid-1985, the South African issue had been reduced to a simple equation in the United States: "If you are against sanctions and disinvestment, you must be a racist—Q.E.D." The response was of tidal-wave proportions. In July 1985, Chase Manhattan, followed by other banks, pulled the rug from under South Africa's financial system by refusing to roll over loans; as a result, the value of the rand plummeted. Many colleges and universities divested themselves of stocks in companies doing business in South Africa. Cities and states "cleansed" their pension-fund investments of South African connections.

Last year, unable to withstand the hassle factor at home, fearful of boycotts of their products in the United States and nervous about political and economic instability in South Africa, 28 American companies (according to the American Chamber of Commerce in Johannesburg) withdrew from South Africa. Others have followed suit this year.

In September 1985, hoping to forestall more severe Congressional action, President Reagan, long an opponent of sanctions, signed an executive order that prohibited most new loans to South African businesses. The order also banned the sale of most nuclear-related technology to South Africa and the sale of the Krugerrand, the South African gold coin, in the United States.

Across the Atlantic, the other stalwart opponent of sanctions, Prime Minister Margaret Thatcher of Britain, was experiencing even greater pressures. She was forced to agree to limited measures against Pretoria at the Commonwealth conference in the Bahamas in October 1985. The final report of the Eminent Person Group—a seven-member mission appointed at the Bahamian conference to conduct an in-depth investigation in South Africa—brought no comfort. The mission originally put forward a "possible negotiating concept" to the South African Government, one calling for steps toward ending apartheid. They included the suspension of violence by both the Government and the African National Congress (A.N.C., the most prominent of exiled groups against apartheid); the release of Nelson Mandela, the black leader who has been in prison for 24 years, and other political prisoners; the removal of the Government's military forces from black townships; the legalization of the A.N.C. and Pan African Congress, another black political organization, and a ban on detention without trial.

Instead of accepting these very reasonable proposals, which have long been advocated by myself and by other opposition politicians in South Africa, the Pretoria regime, as is its wont, embarked on a course of action that could only strengthen the sanctions lobby. Last May, while the Commonwealth mission was still in South Africa and was in the process of preparing its final report, the South African Defense Force carried out raids on Lusake, Gaberone and Harare, the capitals of three neighboring Commonwealth countries. The official reason given was "to take out" A.N.C. bases. But the gains appeared to be minimal. Politically aware South Africans ascribed the raids to a Government attempt to prove to militant right-wing elements inside the country that the Government had not "gone soft" on the A.N.C. and was not succumbing to outside pressures.

Not surprisingly, diplomatic reaction abroad was totally hostile. The Commonwealth mission was understandably outraged, and its final report made this clear. Shortly afterward, negotiations broke down and the group reported to the Commonwealth heads of government their "reluctant but unequivocal judgment that further talks would not lead anywhere in the current circumstances."

Paradoxically, it was during this tumultuous time that the most far-reaching reforms yet introduced by the South African Government in the direction of dismantling apartheid were enacted. As a result of pressures from inside and outside the country, during the recent Parliamentary session, the Government offered to restore citizenship to those permanent residents in the republic who ceased to be South African citizens when the four black homelands became "independent." (Even with citizenship, however, the blacks in South Africa will not have Parliamentary voting rights.)

The Government also opened the central business districts in major cities to all races. It made property ownership available to blacks in the townships. Most significant of all, it abolished the hated pass laws and influx control, and replaced the old pass book with a common nonracial identity document. (The pass laws have for many decades inhibited the mobility of blacks and their right to lead family lives. Millions of people have been arrested for infractions of these laws, which have bedeviled the relationship between the police and the black community.)

Although many vital issues remain to be addressed—redistribution of land and the disproportionate living standards of white and black South Africans—there is no doubt that the reforms signify a change of direction: away from apartheid. The recent reforms will undoubtedly have a positive effect on the future well-being of black South Africans. In fact, had these changes taken place five years earlier, the impact would have been far greater among blacks. As it is, they have been totally overshadowed by the reimposition of a state of emergency, the detention of thousands of people and the ongoing violence in the black townships.

The reforms have evoked little reaction in decision-making circles in the United States and Europe. (Ten years ago, they would probably have been considered significant, particularly in the United States, which at the time might still have been harboring vivid recollections of its own civil-rights struggle of the 1960's.)

This response—or lack of it—to changes the South African Government considers to be of major importance has not only increased its intransigence, but confirmed what it has long suspected: that the failure of the West to define precisely what it means by "dismantling apartheid" is part of a ploy to move the goal posts as each demand is met: ultimately, the Government fears, the West will insist on the total transfer of power to the black majority. This is simply not under consideration by the South African Government.

Those who believe that a quick fix is likely to follow the imposition of sanctions, and that the Pretoria regime will collapse within a short time thereafter, are sadly misinformed. Certainly, if I believed in such a possibility, I would back sanctions to the hilt. Far more likely is a retreat into a siege economy, more oppression and more violence. There will be a long, drawn-out confrontation between a well-armed military force shoring up the Government and a popular movement backed by the masses and using Irish Republican Army-type tactics in urban and rural areas. The latter strategy has already been put into effect.

The Reagan Administration's policy of "constructive engagement" may well be dismissed in a great many circles in the United States and elsewhere. It has, at least, aimed for attainable objectives: to prevent forced removals of black communities; to extend funds from the Agency for International Development (A.I.D.) to civil-rights organizations and drought-stricken areas; to press for the release of anti-apartheid detainees. Moreover, together with the Sullivan principles, it encouraged American businessmen and, by example, their South African and European counterparts, to be socially responsible.

Nowadays, the Sullivan principles are also in the doghouse. Drafted almost a decade ago by the Rev. Leon Sullivan, a black Baptist minister from Philadelphia, the code calls for the desegregation of workplaces, equal employment practices, training for nonwhites, social services for black workers and the promotion of trade unionism. The code has been adopted by about 65 percent of the 260 or so American companies now doing business in South Africa. But many black South Africans feel that too much lip service has been paid to the code and not enough action taken.

While realizing that I lay myself open to the accusation of paternalism, I have to say that I have more respect for the American companies that have, so far anyway, remained in South Africa (and have set aside millions of dollars for the education, training and housing of their black employees) than for those that have left the country. The companies that have left have taken with them what influence they could have had inside South Africa, thereby abandoning desperate, jobless breadwinners in a country with no social security safety net, no dole and no food stamps.

The moral outrage and desire for punitive action is something I understand very well, but the reality that will come as a result of a grievously afflicted economy will not be seen by those living thousands of miles away. That reality, compounded by decades of unequal employment opportunities and oppression, is bleak beyond belief. True, many black South Africans say they approve of disinvestment and sanctions, despite the additional hardships they will endure as a result. They fall into four categories: those who have no jobs and nothing to lose; those who have jobs in "sheltered" employment and will lose nothing; those who want everyone to lose everything (therefore, "roll on the revolution"), and, finally, those who believe that the South African Government will crack at the first (or, at worst, second) sign of sanctions. The last category brings to mind a former British prime minister who predicted that it would take "weeks rather than months" to bring down Ian Smith's Unilateral Declaration of Independence in Rhodesia. In the event, it took another 15 years and 30,000 dead.

There are also leaders of the neighboring black states who advocate sanctions against South Africa, despite the fact that southern Africa is one economic unit. Whatever harm is done to South Africa's economy will certainly harm the economies of the country's neighbors, which are dependent on South Africa for jobs, markets and transportation.

The former High Commission territories of Botswana, Lesotho and Swaziland are part of a customs union with South Africa from which they derive substantial revenues; Botswana and Lesotho also belong to the rand monetary area. South Africa's Electricity Supply Commission is an important source of power for these countries, which also depend entirely on routes through South Africa for trade. Zaire, Zambia and Zimbabwe are heavily dependent on South Africa transport and ports for their imports and exports.

More than 250,000 foreign blacks work in South African mines alone, earning almost 1 billion rand (about $400 million) a year, at least half of which is repatriated. A further 170,000 foreign blacks are employed in other occupations in South Africia, not to mention an estimated one million "illegals." The neighboring states cherish the hope that the Western nations will pick up the tab to make good the substantial losses they will sustain after they cut their links with South Africa. Unfortunately, this hope is probably unfounded.

Unpalatable as it may seem to the sanctions lobby, the most practicable way to get rid of apartheid and to achieve a nonracial democratic society in South Africa is through an expanding, flourishing economy. The process of integrating blacks as skilled workers into such an economy would be expedited. Their economic muscle would then, through increased trade-union action, be a potent force not only in the workplace but also in the sociopolitical sphere. Strike action and consumer boycotts—both of which can be used as temporary expedients, unlike disinvestment and mandatory sanctions—are the most powerful weapons for blacks to use to resolve important issues like political power-sharing.

Indeed, consumer boycotts have already been used to great effect in some parts of the country, such as the eastern Cape Province, where many white-owned shops were brought to the brink of bankruptcy. Conversely, if blacks are unemployed and have nothing to spend, such boycotts would be meaningless. It is astonishing to me that those advocating punitive actions do not realize that, if successful, they will have undermined the most significant power base that blacks could acquire.

Certainly, this approach presupposes a long-term strategy and blacks, especially young blacks, want liberation now. No one should underestimate the fierce spirit of resistance that pervades the black townships, but while incremental change is certainly attainable, the replacement of the white minority government by a black majority government is simply not within reach, even though many blacks believe that the era of white domination is about to end.

Those calling for sanctions and disinvestment often overlook two important factors.

First, while the present white minority Government in South Africa has no pretensions to democratic rule, there are also no guarantees that it would be replaced by a nonracial democracy respecting the rule of law, a free press, free association, free elections and an independent judiciary, not to mention an economy free of state control.

Second, South Africa does not consist only of an oppressed black majority and right-wing white oppressors. Indeed, 250,000 white voters (20 percent of the white electorate) in the last general election in 1981 cast their ballots for the official opposition in the House of Assembly—the Progressive Federal Party, which has for years advocated the ending of apartheid and the establishment of a truly representative government with protection for the legitimate rights of minorities. Although the percentage of those who voted against apartheid is small, it is nonetheless significant. It may be well to remember that from 1961 to 1974 I was the only Member of Parliament elected on such a platform.

Indications of support for such an alternative government from powerful nations like the United States would certainly encourage many more white South Africans to cast their votes against the Pretoria regime at the next election, due at the latest in three years' time. At the very least, there could be a Parliamentary realignment.

It may well be that all such arguments fall on deaf ears, and that they are advanced in a lost cause. Nevertheless, they deserve to be made in the interest of millions of moderate South Africans of all races who abhor apartheid, who have long fought the abominable practices of race discrimination and who are striving for a peaceful transition to a nonracial democracy. For them, at least, it is surely not too much to ask that they be spared the violence and misery of a scorched-earth policy.

It is not all certain whether President Reagan can stave off Congressional imposition of harsh punitive sanctions, as he tried to do in his recent speech on American policies toward South Africa. But if he does—and it is a big if—it is vital that the Pretoria Government use the time so won to accelerate the dismantling of apartheid, to provide better housing and education and, most important, to extend political rights to blacks.

The release of Mandela as a prerequisite for negotiations is an obvious first step, as are the release of all persons detained without trial and an end to the state of emergency.

The United States should keep up its condemnation of apartheid. The system of apartheid is an affront to people concerned with civilized values throughout the world. Its eradication would be an important gain for the civil-rights movement and would increase the sum of human freedom worldwide. The United States should exert pressure on apartheid, but not impose punitive measures that will wreck the South African economy. That is the strategy of despair that will destroy the inheritance which blacks will inevitably share.

KWAZULU, MINISTRY OF THE CHIEF MINISTER, ECONOMIC AFFAIRS AND POLICE,

July 29, 1986.

The Honourable RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate Foreign Relations Committee and The Senate begin to consider legislation which would impose punitive economic sanctions on the Republic of South Africa, permit me to express to you my deep concern about this development.

I am grateful that the United States Congress has so eloquently and forcefully called upon the Government of South Africa to end its tyrannical state of emergency and begin the dismantling of apartheid. These expressions of solidarity are important reminders that the American people care deeply about the plight of South Africa. However, I believe that the imposition of punitive economic sanctions against South Africa will not hasten the day when all South Africans can live in freedom and dignity. Such sanctions will only further destabilize an already deteriorating economy, without producing the desired effect on the apartheid regime. My people cannot afford to commit themselves to a course of action which brings further hardship to their lives, when what they need most importantly is a robust economy which can produce the jobs and stability necessary to facilitate peaceful change.

While I understand the frustrations of many who support economic sanctions, and share their aspirations and ideals, I believe that there are alternative measures which should be considered first. Let us not embark upon an irrevocable course of action which harms Blacks first and Whites only marginally. In the end, the apartheid regime must go, and what is placed in its stead will only have any chance of success if the economy of South Africa is able to function.

I am grateful for your consideration of my views, and wish to express to you my deep appreciation for your wisdom and leadership on this important issue.

With my warm regards.

Very truly yours,

MANGOSUTHU G. BUTHELEZI,
Chief Minister: Kwazulu and President of Inkatha.

[From the Washington Times, August 6, 1986]

CHIEF MANGOSUTHU "GATSHA" BUTHELEZI ON SANCTIONS FOR SOUTH AFRICA

Chief Mangosuthu "Gatsha" Buthelezi, chief minister of the self-ruling Kingdom of KwaZulu, is the most powerful active black leader in South Africa politics. He has the allegiance of 6 million Zulus, the biggest black population group in the country, and his Inkatha political organization numbers 1.3 million paid-up members.

Although on friendly personal terms with jailed African National Congress (ANC) leader Nelson Mandela, with whom he corresponds regularly, Mr. Buthelezi is hated by the communist element in the outlawed ANC, which sees his political strength as an obstacle to its plan to gain total power in South Africa.

In the following exclusive interview with Peter Younghusband of the Washington Times in Ulundi, South Africa, Mr. Buthelezi discusses South Africa's political future, his differences with the ANC, and gives his views on the sanctions campaign against South Africa:

QUESTIONS AND ANSWERS

Q: How do you view the campaign for economic sanctions against South Africa?

A: With extreme regret and concern. I am passionately opposed to apartheid, and I have been fighting it most of my life. But it is madness that in order to kill a snake in the house, one should burn down the house. That really doesn't make sense. The economy is the engine which alone can generate the wealth which will be needed by any government which will be running South Africa in another generation or two from now. The South African economy does not belong to just the whites. The economy of South Africa belongs to all the people of South Africa. Whites and blacks have developed it together. It is an extremely misguided view to destroy the economy of South Africa under the misapprehension that one is punishing white racists.

Q: Then why are other black leaders urging the international community to apply sanctions?

A: The international community must take note of the fact that most black leaders and black organizations which advocate the implementation of disinvestment and sanctions also support violence as the strategy for change. They also reject the free enterprise system and they do not therefore only support disinvestment and sanctions because they want pressure exerted on Pretoria. They have agendas of their own. Their aim is to destroy the economy because it is based on the free enterprise system which they reject. There are people who want the economy destroyed because they want a clean slate on which to write a socialist or Marxist future for all of us.

Q: What alternative ways are there for the international community to pressure the South African government into a faster pace of reform if not by sanctions?

A: While I, as much as anyone, appreciate and feel the need for urgency in achieving the end of apartheid in South Africa, which I have fought against for over 30 years of my life, the complexity of the situation simply requires more time than most of the external forces and others inside South Africa are prepared to allow. I see grave dangers in being oversimplistic about this situation.

This is not Rhodesia, a colony, where the international community had to deal with only 200,000 whites, many of whom were, in any case, expatriates. Here you have more than 5 million recalcitrant whites who are not expatriates, but who have become indigenous to South Africa, after most of their families have been in South Africa for 300 years.

I know that any effort to resolve the South African problem peacefully is immediately described as proof that those who do so are bedfellows of the apartheid regime, and fellow travelers of the racist oppressors. It is largely because of this that I respect the courageous stand taken by President Reagan and by the British prime minister, Mrs. Thatcher, and Chancellor Helmut Kohl of West Germany. For the fact is that in the best interests of all, we have to seek a peaceful solution with Pretoria.

Q: How?

A: Firstly, by having the common sense to see that the South African government can ride out this situation. They know they have the capacity to survive any economic or revolutionary onslaught for years to come. They are superb strategists in the art of gambling for time. Look how they have strung the world along in the case of Namibia. They know that in the long term all sorts of things may happen to alter the configuration of forces—a new war in the Middle East, an international banking crisis, a world epidemic of AIDS, or whatever.

Secondly, by working for a reconciliation between the races right now. This is why, while certain other organizations and personalities are involved in throwing bombs and shooting people and calling for sanctions, we in Inkatha are involved in debate at the Durban Indaba, seeking a constitutional formula, free of racism, which we hope to share with our fellow white citizens in our corner of South Africa and which we hope might prove its worth as a model for a constitution for the whole of South Africa.

Q: The Indaba is discussing a federal-style formula for the Kwazulu-Natal region. Does this mean you favor a federal system for South Africa?

A: Although Inkatha is committed to one-man, one-vote in a unitary state, I have often said publicly that we are prepared to consider other options. If a federal system would suit South Africa better, we would go for it. It works well and democratically in many parts of the world. It works well in the United States, the greatest democracy of all.

Q: President Botha has invited you, among other black leaders, to join his National Statutory Council (NSC) to discuss such options, but you have refused. Is there any chance of your changing your mind?

A: The NSC cannot be faulted insofar as it has been set up as a forum where South Africans can seek a solution to their political future. But the president has allocated to himself the right to decide who should sit on it and who should not. I would find it difficult to join until such clauses are removed. Above all, I wouldn't touch the thing with a barge pole so long as [ANC leader] Nelson Mandela remains in prison. I could not sit on that council until Nelson is released. There is no way I am prepared to negotiate South Africa's future behind the backs of other black leaders.

Q: Do you think President Botha's condition for the release of Nelson Mandela—that he first renounces violence—is unreasonable?

A: It may seem unreasonable. But both men are in a difficult situation. Botha needs the pledge of non-violence, because his people will hold him responsible for whatever happens if Mandela is released, and Botha fears that if it results in a sort of Ayatollah situation, it will be the end of his government. He is also haunted by the fear of having to jail Mandela again if he leads a campaign of violence—because that could also lead to an uprising.

There is also worry that if Mandela gets assassinated once out of prison, the crime will be laid at the door of the government, no matter who does it. So they are really caught over a barrel on the whole issue, although personally I feel they are creating an Ayatollah-like situation by keeping him in prison.

On Mandela's side it is difficult for him to renounce violence if his colleagues in Lusaka don't agree, as that would mean repudiating them. And the ANC, fully aware of Mandela's propaganda value to them in jail, have no intention of helping to break the deadlock. They are, in any event, committed to violence.

Q: What would you do if you were in President Botha's position?

A: I would simply set Nelson Mandela free and tell him, "Look, old man, if you do it again, we will have to put you back inside."

Q: But would not that sort of release pose the very risks Mr. Botha fears?

A: I don't think so. I think his release would cause a hullabaloo for a few days and it would soon die down. And then we would be able to get down to the business of negotiations. Whereas right now we are totally logjammed and running into all this sanctions nonsense. I cannot now see Nelson being released until this government feels secure about the outcome. Last year, when Nelson had his operation, I wrote President Botha and told him that it was a good opportunity to release him on medical grounds. Mr. Botha wrote back saying that Mandela was really not as sick as I seemed to think. He appeared to have missed the point completely.

Q: The ANC is extremely hostile towards you. Can you explain this?

A: Yes. I am on good terms with Nelson Mandela. We correspond and exchange messages. But elements in the ANC—especially the communist elements—are anxious about the growing power of Inkatha. They now see our strong regional base and our expanding political power as a threat to their goal of achieving total power in South Africa as a unitary state. It is as simple as that.

Q: How would you describe the essential differences between the ANC's objectives for South Africa and your own?

A: They argue very fiercely that South Africa's economy must be destroyed and brought under the control of a future government by nationalizing major undertakings.

They want to overthrow the government and seize power by violence. They say the time for talking, for national conventions and forums is past and that all that matters now is the transition of power to themselves, and it does not matter how this is achieved, so long as it is achieved.

I argue that whether we like it or not, the free enterprise system is the most efficient system mankind has devised with which to translate the kind of wealth with which South Africa is blessed into benefits for the people. I want a democratic system of government. I reject violence. Look at the rest of Africa where violence has been used as an instrument of change. It has become a way of life in those countries.

Quite apart from that, speaking pragmatically and purely from a logistical viewpoint, how can violence work here? The present rulers have awesome power, of which they have used a mere fraction to date. They have not yet begun to fight in the true meaning of the word. How then can violence succeed in gaining power?

Apart from this, I have never been opposed to the ANC. We both want freedom from apartheid and the black man's rightful share of power in his own land. We simply have different ways of striving toward that goal.

Q: Does this mean Inkatha and the ANC are on a collision course?

A: I hope not. I hope that in a national forum and through reasonable discussion we can work together. For one thing is certain, in the long run the ANC can achieve nothing without Inkatha, and Inkatha can achieve nothing without the ANC.

Q: How will these tensions affect your relations with Mandela ultimately?

A: I cannot really say until he is released. Hopefully, we will have good relations with him, even though some people are attempting to drive us apart from each other. For the present we regard him as our martyr. He is the martyr of all blacks in South Africa for what he has suffered. I have every belief that when he is released, many of my own people will be there to cheer him.

This does not mean that I automatically place him as the leader of all of black South Africa. It is just that he is our martyr because he has paid that price.

Q: Do you agree that the pace of reform in South Africa has been too slow?

A: Yes. I would like to see the Group Areas Act and the Race Classification Act abolished. This would make whatever discussions we might have with the government in the future extremely easier. We would then be able to say that the back of apartheid was definitely broken.

Q: To what extent do you feel the international community can put pressure on South Africa to help achieve this?

A: I believe the international community has a moral obligation to help blacks here to free themselves from political injustice and to uplift themselves socially and economically. But I cannot see how this can be done further than by diplomatic pressure, social programs, monetary aid by multinational corporations and by example. If you create precedents by going beyond that, where will it all end, not only for South Africa but for all nations?

What we want here is economic, educational and moral support in fighting our own battle. More than that we should not expect. South Africa is a sovereign state and is internationally recognized as such. It sits in the United Nations. It is entitled to be treated as a sovereign state.

Q: There are some black leaders who say that the black community at large is prepared to suffer, and to endure that chaos and destruction of the economy that might occur under economic sanctions applied to destroy apartheid.

A: I know it. And I am amazed. When I addressed about 100,000 blacks in a football stadium in Durban recently to launch—and mark this—a new trade union, they roared a gigantic "no" when I asked them if they wanted sanctions and disinvestment. I got the same reply when I spoke to a rally of 40,000 blacks in Soweto. So I don't know where these people are who say they are prepared to suffer.

What I do know is that there is a campaign of trumped-up opinion surveys going on at present, and which are being presented as proof of this willingness to suffer. They are being organized by people who hope to benefit by the bitter fruits of this suffering. Black anger is our national asset at this present time. But the way in which much of it is being exploited appalls me.

[From the Sunday Times (London, England), Aug. 3, 1986]

POLL SHOWS SOUTH AFRICAN BLACKS OPPOSE SANCTIONS

(By Peter Godwin)

More blacks in South Africa oppose economic sanctions against their country than support them, according to a poll carried out for The Sunday Times. The poll reveals that 32% of South African blacks oppose sanctions while 29% are in favour of them. The rest have never heard of, or have no opinion about, sanctions.

This finding is likely to give comfort to Mrs. Thatcher ahead of the Commonwealth mini-summit on South Africa, which starts in London this afternoon. The prime minister has argued that sanctions would be immoral because they would cause hardship among blacks. But until now the proponents of sanctions have countered that most blacks in South Africa are in favour of sanctions.

Some of the other results of the poll, which was carried out in the past three weeks specially for The Sunday Times by Market & Opinion Research International and the South African company, Markinor, are more embarrassing for Thatcher. The poll shows that most blacks do not regard Britain as their friend. A third of all blacks believe that the British government actually supports apartheid; only 24% of blacks think that it opposes the racist system.

A year ago The Sunday Times commissioned a poll of blacks in South Africa urban areas and found that a clear majority favored sanctions. But nobody has ever before polled the more conservative blacks who live in the countryside and account for 56% of all blacks, on this issue. For the past three weeks black pollsters have been travelling through some of the remotest parts of the country and the black townships to obtain a fully representative sample.

In the urban areas, support for sanctions is still strong; 47% of blacks there favour sanctions and only 29% are against them. But in the countryside, the picture is reversed. There 34% of blacks are against sanctions and only 22% are in favour. As a result, the poll suggests that a narrow majority of all blacks in South Africa oppose sanctions.

We investigated how far blacks understood what sanctions meant. We found that 36% of those polled had never heard of economic sanctions against South Africa. But even after eliminating answers from blacks who did not understand the meaning of the phrase, 51% were opposed to sanctions against 46% in favour.

In general, urban blacks are much more informed about politics than their rural counterparts. But whereas 62% of urban blacks who had heard of sanctions were in favour of them, 58% of informed rural blacks were opposed. Rural blacks are in general poorer than those who live in the townships, and our poll found that slightly more informed rural blacks (76%) expected to be hit personally by sanctions than did informed urban blacks (69%).

Most blacks think that they would suffer if sanctions were imposed: 44% thought they would be hurt personally, against only 17% who thought they would not be hurt.

Whites continue to be overwhelmingly against economic sanctions: 92% oppose them. But, despite defiant statements from the South African government, there is a growing realisation by most whites of the damage sanctions would cause them. Now

63% of whites acknowlege that sanctions would harm them personally, 9% more than last year.

Our poll suggests that the chorus of world disapproval may be having some impact on white views. The poll shows a 17% increase in the number of whites who favour the release of Nelson Mandela, the imprisoned black leader. 56% of the sample of 500 whites polled now want Mandela released, either unconditionally or if he renounces violence.

This is bound to give President P W Botha more room for manoeuver as he considers Mandela's release, which is top of the list of Western demands to be met if South Africa is to avoid further sanctions.

Our poll suggests that, so far, Botha has little to fear from white extremists. A striking 62% of whites think that he is the best president for South Africa. The leaders of the far right, Andries Treurnicht and Eugene Terreblanche, scored just 3% and 4% respectively. The most popular politician among whites after Botha was the moderate black leader, Chief Gatsha Buthelezi, who scored 12%.

The poll also found that 45% of whites are now unhappy with apartheid, against 33% in last year's poll. Some of those who say they are unhappy may feel that the system should be even harsher in dealing with blacks.

BLACKS SAY NO TO VIOLENCE

(By Peter Godwin)

Most blacks in South Africa opposed violence, according to a poll carried out for The Sunday Times in the past month, despite their strong opposition to apartheid. Our poll found that nearly two thirds of blacks think violence is not justified to change apartheid, even though 88% are fairly or very unhappy with the racial system.

Even among blacks in urban areas, where most of the violence has taken place in the past 18 months, there is still a clear majority against violence, with 43% of blacks there saying that violence is justified and 55% saying it is not.

Despite the present level of violence, more blacks (50%) expect to see a peaceful solution to South Africa's problems rather than a plunge into civil war. But the urban blacks, who have witnessed most of the violence, take a much more pessimistic view than blacks who live in the countryside: some 63% of urban blacks think there will be a civil war.

The Sunday Times poll is the first country-wide survey of blacks in South Africa. Previous polls (including a survey carried out for this newspaper last August) have been limited to urban blacks because of the practical difficulties of polling in the countryside. Although our poll reveals that rural blacks are less militant than the urban blacks, it also shows that they are far more ignorant of what is happening.

When asked to name the president of South Africa, 34% of rural blacks did not know the answer (compared with only 7% of urban blacks). In reply to our question "Have you heard of the phrase one-man-one-vote?" more than half the rural blacks polled had no idea what it meant.

Indeed, 41% of them have not heard of the state of emergency, 42% of them have not heard about possible economic sanctions against South Africa and 14% have never even heard of Nelson Mandela, the jailed African National Congress leader. Urban blacks are far better informed on all these issues.

When asked if whites should have any special privileges in a new system of government in South Africa, only 1% of blacks believe they should. But most are happy for whites to stay on in any post-apartheid South Africa. Some 78% of blacks polled believe whites should continue to live in a future South Africa, whatever shape in takes.

By contrast, 53% of whites polled think that special white voting privileges are a good idea, with only 30% believing in equal voting rights for all races.

Black support for Mandela remains overwhelming despite his continued imprisonment. Over the last year, his support in urban areas has grown from 49% to 64%. Nationwide, Mandela has almost three times the support of the Zulu chief, Gatsha Buthelezi. Mandela is even the favourite for president among rural blacks. Buthelezi's popularity in urban areas is tiny by contrast. In the main cities he attracts only 5% of votes.

South Africa's controversial state of emergency is strongly disliked by most blacks: 59% hate it. But in urban areas where it has most effect, that figure rises to 90%.

Rural blacks have only a vague understanding of the emergency and 41% of them are unaware that it even exists. Whites, on the whole, however, heartily endorse it: 81% of whites think the state of emergency is "a good thing" and only 15% dislike it.

In white eyes, the president, P W Botha, is still the man they most want to lead them. Although his lead has dropped off fallen very marginally since a year ago, at 62% he still has no serious challenger. The far right, represented by Eugene Terreblanche and Andries Treurnicht, attract only 7% support between them.

Indeed, Buthelezi has almost twice as many white supporters as the white right-wing. After Botha himself, Buthelezi is apparently the great white hope. His white support has grown from 4% last year to 12% now.

On the crucial question of white willingness to accept eventual black rule in a democratic South Africa, the chasm remains as wide as ever with no evidence of the "leap of imagination" that Sir Geoffrey Howe, the foreign secretary, said last week was desperately needed from South African whites.

When given the choice between living under black rule or breaking away into a "white homeland" in some sort of federation, 50% choose the latter. Only 15% are prepared to consider life under a black president.

But when asked what they thought *would* happen, the percentage of whites who believe in a white homeland drops to 34% and those believing that they will end up under black rule rises to 30%. The poll also found that 72% of whites, a rise of 9% since last year, now believe that the apartheid system will not exist in a decade.

White South Africans, who have been largely unaffected by township violence, are still comparatively optimistic: 55% believe the country's problems can be solved peacefully, but a third expect a civil war. And the whites are marginally *more* gloomy about this than they were a year ago.

The number of whites intending to emigrate from South Africa remains constant, with 12% either very or fairly likely to leave within 10 years, a similar figure to that in last year's poll of whites. Obviously, some of those polled last year who said they intended to leave may now have done so. But 76% of whites polled, including nearly all Afrikaners show no intention of leaving.

The poll was carried out for the The Sunday Times by Market & Opinion Research International (Mori) and the South African company, Markinor, last month. The most difficult part of the operation was interviewing blacks in remote rural areas.

Interviewers had to travel to a sampling point drawn up on map, then walk to the nearest village or cluster of huts. Because of these difficulties, the polling took 10 days to complete.

A representative sample of 615 blacks was interviewed between July 18-27 at 123 points throughout the country, covering urban areas and homelands, with the exception of the Transkei, where polling results were seized by the police.

Data was weighted to reflect the latest population estimates by age and language.

Two hundred blacks were interviewed in the main metropolitan areas of Johannesburg, the Reef and Pretoria. They are directly comparable with the sample of 400 blacks interviewed for our poll in August 1985.

A representative sample of 500 whites were interviewed by telephone on July 26 and 27 in 100 sampling points.

[From the Wall Street Journal, Aug. 8, 1986]

SANCTIONS: THE MORAL ISSUE

"I told him I had no doubt that champagne corks were popping in Pretoria. I also said the celebrants were making a great mistake because I believed that the Democrats would seek a rallying cause—and South Africa was going to be it."

So Helen Suzman—who for 30 years has courageously opposed apartheid from within the South African parliament—summed up an interview on her reaction the morning after Ronald Reagan's landslide victory in the last U.S. presidential election. She writes in the New York Times Magazine to support Ronald Reagan and Margaret Thatcher in their effort to avoid sanctions calculated to wreck the South African economy.

Mrs. Suzman pleads on behalf of "millions of moderate South Africans of all races who abhor apartheid, who have long fought the abominable practices of race discrimination and who are striving for a peaceful transition to nonracial democracy." She asks that "they be spared the violence and misery of a scorched-earth policy."

Clear eyed in the face of impending tragedy, Mrs. Suzman understands the momentum toward precisely such a policy. The Afrikaner-dominated government erected a truly ugly political system, and the Western press increasingly covered its injustices and repressions. The response in the U.S. was one part a desire of the Democrats to find an issue, and one part a desire to distance America from South Africa and punish it. "By mid-1985, the South African issue had been reduced to a simple equation in the United States: 'If you are against sanctions and divestment, you must be a racist—Q.E.D.' " So business is pulling out, punitive sanctions may by now be unstoppable, and the South African economy is already in decline.

But of course, it will not be Americans who pay the price of this. It will be South Africans, many of them black, who stand to lose their jobs with Xerox or IBM. It will be the most progressive employers who leave.

It will be the more liberal English business community, not the more strident Afrikaner farmers, who will suffer the business losses. It will be blacks who lose their jobs in the gold fields; indeed, immigrants from black African nations to South Africa will be sent back from what they saw as opportunity.

Nor will this suddenly topple the present regime. The government will retreat into the laager, and it is by no means without resources to defend itself. As pressure has displaced "constructive engagement" it has reversed its inching movement toward reform and resorted to greater repression. And already we are seeing that in a war of economic sanctions, it can outgun its black neighbors. (The frontline states no doubt expect that the economic damage they suffer will be made good by the U.S., which will be the first sour joke.)

Beyond this lies a spiral of repression, reaction and violence. An outright assault might or might not topple the government—but certainly not except after years of fighting and millions of deaths. And if it did fall it would leave wreckage to be inherited, and there is by no means a guarantee its successor would be a freedom-loving democracy.

Mrs. Suzman and other South African foes of apartheid look these prospects squarely in the face. But American proponents of sanctions are oblivious to the probable on-the-ground outcome of the policies they advocate. At best, they wave fatuous public-opinion polls purporting to show South African blacks are ready to pay the price; for whatever it's worth, a London Sunday Times poll just found that almost two-thirds of the blacks think violence is not justified despite their abhorrence of apartheid. Only 29% support sanctions, while 32% oppose them.

Now, we would be the last to claim we have an answer for the agonies of South Africa. We certainly think the best hope lies in trying to buttress the moderates, white and black—in particular the business community and the Zulus led by Chief Mangosuthu Buthelezi. The trend currently is in the opposite direction, to wreck business, to depict moderate blacks as Uncle Toms to apartheid, and to accept even white communists as the authentic spokesmen for the true blacks. All this is the name of morality.

Even if the trend toward sanctions were reversed, of course, there might in the end be no peaceful way to displace the current government with something better. It may well be that South Africa like Lebanon, is an impossible tinderbox. But if so, we would still prefer not to be the one who strikes the match. If millions ultimately must die, better that they should first live a few more years. If there is going to be an explosion, we want to be on the side that worked to make it come later, not sooner.

Sanctions, we hear, are a moral issue. You bet. The issue is the morality of striking political and moral postures from the safety of Capitol Hill and Georgetown, at the risk of other people's lives and livelihoods.

[From the Washington Times, Aug. 6, 1986]

LOOKING "RIGHT" ON SANCTIONS

(By Smith Hempstone)

There is not much point in talking to congressmen facing elections about sea routes, strategic minerals, or Communist influence within the African National Congress. On South Africa, Congress does not want to be confused by the facts.

Indeed, the coming congressional imposition of sanctions against Pretoria has nothing to do with rationality and a great deal to do with politics. Everybody wants to be on the "right" side of this issue.

For Democrats, it is a perfect opportunity to punish President Ronald Reagan for hornswoggling Congress into passing his $100 million aid package for the Nicaraguan "contras." For Republicans facing the voters in the fall, it is a chance to appease the young, black pressure-groups and activists.

No congressman of either party is going to commit political suicide to preserve American access to vanadium. Indeed, the lemming-like rush of politicians who wouldn't know Shaka from Smuts to vote for sanctions would be ludicrous if the well-being and lives of millions of people were at stake.

An alliance of feel-gooders, hypocrites, liberals, blacks, and opportunists is almost unbeatable, and a presidential veto of sanctions—if there is one—probably will be overridden.

Where will we be then?

To the astonishment of at least some, President P.W. Botha's government will neither fall nor mend its ways. If anything, the pace of reform, already under fierce attack from white ultraconservatives, will be slowed. The number of blacks detained—now in excess of 10,000—will increase.

Sanctions, while they will not bring South Africa to its knees, will have enough bite to reduce the republic's development rate to zero (its real gross domestic product dipped 1 percent, to $32 billion, in 1985). Hundreds of thousands of the 1.5 million foreign blacks, whose families are totally dependent on their remittances, will be sent home to Lesotho, Swaziland, Botswana, Zambia, Malawi, and Mozambique.

The misery in South Africa's black townships will be matched by despair and political instability in those neighboring nations.

The African National Congress will not mind this; indeed, it will welcome it. For the Marxists who dominate the ANC know that misery and despair are their allies. What they cannot abide is the prospect of racial reconciliation and a political dispensation that might bring black moderates to power.

The notion that the white regime can be forced to yield political power at gunpoint is ludicrous. South Africa produces its own howitzers, missile systems, and helicopters, and probably has primitive nuclear weapons. It can put 400,000 men in uniform, most of whom have had some combat experience in Namibia, Angola, or Zimbabwe (Rhodesia). The South African defense forces—which lost only 104 men in action or training last year—have demonstrated time and again that they can strike with impunity hundreds of miles from their own frontiers.

Almost every white male adult has a gun and knows how to use it. As of the end of last year, more than 1 million civilians—the white population is 4.4 million—were licensed to possess firearms. In 1985, 135,382 new applications were approved. A big shoot-out is just what some white extremists would like.

Given the cries of outrage from the likes of Democratic Sen. Joseph R. Biden, Jr. of Delaware, one would think apartheid was a new policy of repression enunciated yesterday by Mr. Botha. One wonders where Mr. Biden has been for the past 38 years, during which time the ruling National Party has slowly erected this indefensible edifice, itself nothing more than a legal codification of the mishmash of old British-imposed pass laws, social practices, and industrial policies.

But just as apartheid was not created in a day, neither can it be dismantled overnight. And the Botha regime, inadequate as its reforms may seem in black or American eyes, has done more to liberalize South Africa's social, political, and economic structure than all other South African regimes combined.

The Afrikaners, the politically dominant group among South Africa's whites—60 percent of them—have seen other white settler communities, from Algeria to Zimbabwe, overwhelmed by a tide of indigenous nationalism. The Afrikaner people have been in Africa for 300 years, have no place else to go, and have not the slightest intention of handing over power to a bunch of thugs.

There will be evolutionary change in South Africa, if only because apartheid, like any other rigid system of government, does not work very well. But if there is revolution—and the U.S. Congress seems intent on producing revolution—it will be defeated, at the cost of much human suffering, particularly among blacks.

South Africa, like the Holy Land—and for many of the same reasons—is a deeply troubled place. Whites and blacks alike posit claims that are mutually exclusionally and equally unfair. But they—the people of South Africa of all races—are the only ones capable of producing a solution, if there is one, to their dilemma.

If we cannot help, which is what Mr. Reagan has been trying to do with his policy of constructive engagement, we ought to have the decency not to throw gasoline on a smoldering fire.

They, not we, will be the ones burned in the conflagration.

[From Insight Aug. 18, 1986]

DANCING TO THE ANTIAPARTHEID BEAT

(By Woody West)

A frenzy against apartheid makes many Americans feel exceedingly righteous. But the drastic U.S. policies they espouse toward South Africa are not going to further the cause of justice in that nation or move the tormented country toward multiracialism. It is folly to try to fashion the inherent morality of U.S. foreign policy into a bludgeon.

A club of such facile antiapartheid moralism was aimed at Secretary of State George P. Shultz as he testified before a Senate committee after President Reagan's nationwide speech on South Africa. Sen. Joseph R. Biden, Jr., a Delaware Democrat, put on a display of moral indignation that would shock an apprentice snake-oil peddler.

"I hate to hear an administration and a secretary of state refusing to act on a morally abhorrent point," Biden fumed in the glare of the television cameras. "I'm ashamed that's our policy. . . . I'm ashamed at the lack of moral backbone to this policy." Well, we are ashamed of a U.S. senator who would resort to such demagogic posturing.

That was part of the congressional minuet over South Africa; of course. The House of Representatives has passed an immensely stringent sanctions bill. It is likely that the Senate will cobble together some sort of sanctions, and Congress then will toss the primed grenade to President Reagan. The administration may have to acquiesce. And it must be said that the Reagan administration has not shown great tactical skill as the South African matter has accelerated to as much or more of a domestic as a foreign policy issue.

That being said, however—and as reluctant as one is to use the term "constructive engagement" any longer—the president's

approach to South Africa has not been unintelligent. What has impeded the effectiveness of that policy is the way apartheid has caught fire in this country as a visceral issue. Does anyone of sensibility, in public life or private, defend South Africa's harsh racial separatism? Does anyone of perspective not recognize the horrendous implications of what is happening in Southern Africa?

Yet, on the campuses, among the intellectuals of the left and the politicians who shelter beneath the liberal tent, passionately establishing one's bona fides as a foe of Pretoria (which is very far away) has become requisite. To suggest that Reagan has not done a bad job in nudging the South Africans toward dismantling apartheid is to risk being characterized as racist.

The antiapartheid script conveniently ignores a number of points. First, those red-hot for sanctions overestimate the influence this country has in dramatically bringing change to South Africa. The United States does not exercise authority over that unusually independent and tenacious regime, and it is inordinately arrogant to assume that we do. Second, sanctions are largely a gesture: They can be substantially evaded. More, they could lead the government in Pretoria a) to cause vast harm to the nations that share Southern Africa or b) to manipulate those states, with the happy connivance of corrupt politicians, as entrepots to capital imports.

Imposition of broad sanctions also could heighten the likelihood of devastating violence, and make no mistake, there are those who are yearning for revolution there. The banned African National Congress is not communist-dominated. But there are significant numbers of communists throughout the ANC leadership. A casual reader of history will not be in suspense about what would happen as the communists, the liberals and the black nationalists sorted themselves out should the white government be overthrown.

It is simply false that the Botha government has not ameliorated apartheid in the past few years. It has ended the despised pass laws, is restoring citizenship to some 2 million blacks who technically lost it under the "homelands" program, is ending de jure segregation laws in a variety of social contexts and, among the most critical steps, is legalizing black and racially mixed trade unions. (In fact, a robust capitalism was already demolishing apartheid and is apartheid's most lethal opponent.)

There remains much of apartheid's brutal structure, not least the Group Areas Act, restricting where blacks may live, and property rights and voting. But apartheid is dead, State President P.W. Botha told INSIGHT Editor-in-Chief Arnaud de Borchgrave earlier this year. But the eradication of that system is generational, he added.

He is probably right. It is probably right also, however, that internal and external pressures are rapidly shrinking the time to accomplish orderly change. The question Americans must answer is this: Do we serve the best interests of our country, of South African blacks or that continent by demanding that South Africa totally dismantle apartheid by the day after tomorrow by imposing a standard of one-man, one-vote where it can be a fuse to racial, political and economic conflagration?

The United States is able and obligated to maintain a persistent and modulated influence on that stubborn government to continue the imperative change in South Africa. We cannot decree those changes—and if we continue to dance a frantic moral jig, we can make the situation far worse.

U.S. ASSISTANCE: WORKING FOR POSITIVE CHANGE IN SOUTH AFRICA

Americans are deeply concerned that apartheid end in South Africa. Sharing that concern, the Administration has sought to apply U.S. influence to bring about constructive change in South Africa as rapidly as possible.

Consistent with this effort, Congress and the executive branch have worked together over the past several years to develop U.S. assistance programs to help prepare those disadvantaged by apartheid for leadership roles in a future South Africa governed by the consent of all. The U.S. Government works directly with private voluntary organizations, local groups, and individuals in South Africa in this effort.

The following report provides an overview of both continuing and new U.S.-funded activities and documents the extent and variety of these efforts on behalf of change in South Africa.

Under the Foreign Assistance Act of 1961, as amended, and related legislation, the United States is providing:

Resources for labor union and entrepreneurial training;

Scholarships to bring students to universities in the United States and in African countries;

Opportunities for journalists, community leaders, university students, and others to visit the United States for the purpose of professional development;

Resources to improve education within South Africa;

Support to legal advice centers and other agencies addressing the needs of victims of apartheid;

Startup financing for community-based projects that encourage community development and improved economic standing; and

Aid to South African refugees through international organizations.

These resources are channeled through a number of public and private entities, including the Agency for International Development (AID), the United States Information Agency (USIA), the African-American Institute, the National Endowment for Democracy, the International Committee of the Red Cross, and the U.S. Department of Commerce.

THE AGENCY FOR INTERNATIONAL DEVELOPMENT

Over the next 2 years, the Agency for International Development will provide $45 million for U.S. assistance to South Africans. In fiscal year (FY) 1986, AID has allocated $20 million to address needs in the fields of education, labor relations, legal defense, private enterprise, and community development. AID's FY 1986 South Africa program comprises the following:

CONTINUING PROJECTS

The Training for Disadvantaged South Africans Project finances graduate and undergraduate study at U.S. colleges and universities. About 80-100 new students are selected annually and placed in U.S. universities. The project, which began in FY 1982, will continue through FY 1989 at a total cost of $30 million. In FY 1986, AID plans to commit about $5 million to this project. AID funds supplement private contributions from U.S. corporations, foundations, universities, and church groups.

The Internal Bursaries Project provides financing for disadvantaged South Africans to attend universities within South Africa. AID plans to provide $5.5 million for scholarships in FY 1986. During the project's 5-year life, it is expected that more than 800 students will receive scholarships. This project and others planned for FY 1986 will implement the President's commitment of up to $8 million for scholarships and education programs.

The Human Rights Fund is aimed at promoting political, economic, social, and juridical change in South Africa. In FY 1985 $1 million was obligated and $1.5 million is planned for FY 1986. This year roughly $525,000 of this will be obligated for direct legal and other assistance to political detainees and their families and assistance to black-led community groups resisting apartheid through nonviolent means.

Labor Union Training—Through a grant to the AFL-CIO's African-American Labor Center, AID funds programs to train black South African trade unionists. The project helps existing unions strengthen their collective bargaining procedures and their handling of grievances. This program will receive $1.5 million from AID in FY 1986.

The Special Self-Help Fund finances small, community-based efforts directed toward increasing the economic and social standing and self-sufficiency of disadvantaged South Africans. In FY 1986 this program has received an allocation of $275,000. Examples of past self-help projects include:

Funds to enable a community to build additional school classrooms to remedy overcrowding;

Funds to establish Educare centers for child care and teacher training;

Financing for agricultural demonstration projects to encourage improved small-scale production and nutrition awareness in rural areas; and

Funds to urban community centers to provide for youth activities and leadership development.

NEW ACTIVITIES

Community Outreach and Leadership Development.—In response to the emergence of grassroots neighborhood development organizations and leaders, and to help established organizations expand their operations, AID will begin a Community Outreach and Leadership Development Project in FY 1986. It is expected to cost $10 million over a 5-year period, with an initial obligation this fiscal year of $2 million and $3 million next year. Although only two to three recipients will be funded during the first year, other grantees will be included later.

Alternative and Nonformal Education.—AID has proposed a 5-year program of educational support, beginning with $2 million in FY 1986 and $3.5 million in FY 1987. These funds will be used to finance direct grants to South African organizations working to develop preparatory materials to help black students gain entrance to universities in South Africa, to train teachers outside the formal system, to develop supplemental materials to assist students at all levels, and to support community efforts to work with students and teachers outside the classroom in a variety of alternative education programs.

Black Business Development Expansion.—Through the Entrepreneurial Training project, AID provided funds to teach entrepreneurial skills to black owners and operators of small businesses. The project is conducted by the National African Federated

Chamber of Commerce. Its program includes the development of four regional training centers and an improved curriculum to assist black entrepreneurs. AID has committed $3 million to the project.

In addition, AID plans to obligate $2 million in FY 1986 and $3.5 million in FY 1987 to assist South African black-owned and black-managed banking institutions to finance credit expansion in the black community. A 5-year project requiring $12 million is planned. It is anticipated that matching funds will be forthcoming from other U.S. and South African corporate or financial sources.

U.S. INFORMATION AGENCY

USIA intends to obligate more than $1.7 million in FY 1986 for several exchange programs for South Africans working actively to end apartheid. These programs involve university faculty and students, journalists, labor leaders, and entrepreneurs. Specifically, they consist of:

The International Visitors Program.—USIA will sponsor 70 grantees for month-long visits to the United States in FY 1986, each with a specialized program designed to accommodate individual professional interests. Grantees generally are people who have demonstrated leadership in professional and community roles from all areas of South Africa. This fiscal year about $436,000 is allocated for this program.

Fullbright Grants.—USIA will fund scholarships for 89 South African students for postgraduate education in the United States beginning in FY 1986; $750,000 has been set aside for these grants.

American Lecturer Program.—Tripling its previous effort under this program, USIA will place six to eight American university professors in FY 1986 in South African institutions that welcome disadvantaged students. These professors will spend 2-5 months working in South Africa. U.S. funding is budgeted at $100,000.

The Journalist Training Program.—brings black South African journalists to the United States for 6 months of training in the theory and practice of American journalism through internships with media organizations. USIA will provide funding for 10 journalists to visit the United States in FY 1986 at an expected cost of $85,870.

Georgetown Law Program.—Georgetown University Law Center is offering a 1-year program leading to a Master of Law degree for five black South African law school graduates, to begin in July 1986. USIA will contribute $12,000 toward this $34,400 program.

Pretoria Cultural Center.—A new American Cultural Center has been established in Pretoria.

American Participant Program.—In FY 1986 a total of 21 speakers will visit South Africa to discuss topics related to U.S. foreign policy, the black experience in America, the U.S. labor movement, freedom of the press, government-media relations, and other aspects of the U.S. economy and society.

Teacher Upgrading.—Up to 25 disadvantaged South African teachers will visit the United States to participate in a skillbuilding, English-language workshop at a U.S. institution of higher education. The month-long course will be followed by a 2-week professional/cultural tour of the United States. Additionally, five black secondary teachers and trainers will spend a year studying English-teaching methodology at an American university.

OCA Professional Exchange.—Between 12-15 South African black professionals will spend 35 days in the United States under programs administrated by Operation Cross-roads Africa (OCA). These programs are designed to allow exchange of ideas and perspectives with American counterparts working in similar fields.

THE NATIONAL ENDOWMENT FOR DEMOCRACY

The National Endowment for Democracy is a private, nonprofit bipartisan organization, begun by the Congress, which works to strengthen democratic institutions throughout the world. A recent congressional resolution that calls for the National Endowment to receive funds for programs promoting democracy and seeking to end apartheid policies in South Africa has prompted consideration of additional U.S. Government monies for this institution. The government already has allocated $17 million for the Endowment in FY 1986. Examples of grants for South Africans in FY 1985 include $25,000 for the South African-based Black Lawyers' Association and $15,000 for Project South Africa, an A. Philip Randolph Foundation project designed to link needs in South Africa with resources in the United States.

THE STATE DEPARTMENT'S BUREAU FOR REFUGEE PROGRAMS

Refugee Scholarships Through the African-American Institute and the Phelps Stokes Fund.—U.S. funds are made available through the Bureau for Refugee Programs for scholarships to refugees from South Africa and Namibia for undergraduate training in the United States and in African countries. More than $2 million will go toward this program, administered by the African-American Institute and the Phelps Stokes Fund, in FY 1986.

International Committee of the Red Cross (ICRC) traditionally has received roughly 25% of its Africa budget from the Bureau for Refugee Programs. The ICRC maintains substantial operations in South Africa, estimated at $4 million in FY 1986. Under its international protection mandate, ICRC delegates visit detained persons and provide basic supplies to needy families of the detained. The ICRC also works with the South Africa Red Cross Society in assisting people in troubled areas in the country with first aid and first aid training, ambulance services, and human rights seminars.

UN High Commissioner for Refugees (UNHCR).—The Bureau for Refugee Programs traditionally provides approximately 30% of the UNHCR Africa budget. In calendar year 1986, the UNHCR has budgeted more than $3 million for programs for South African refugees in Angola, Botswana, Swaziland, Lesotho, Mozambique, Tanzania, Zimbabwe, and Zambia. UNHCR assists these refugees with meeting costs of local integration and education as well as with third-country resettlement.

U.S. DEPARTMENT OF COMMERCE

The Department of Commerce is sponsoring several activities over the next few months to promote black business in South Africa.

Matchmaker Fair.—The American Chamber of Commerce in South Africa and the Soweto Chamber of Commerce cosponsored a fair in Johannesburg in April 1986. This event was designed to match the goods and services available from black-owned firms with the needs of American and other companies operating in South Africa. Some 50 black South African businesses participated.

Directory of Black Business Firms.—A directory listing South African black-owned business firms has been made available to U.S. companies to encourage patronage of these firms. The U.S. Embassy assisted the Urban Foundation in preparing the directory.

Business Services Mission.—In concert with the Department of State, the Department of Commerce will invite U.S. firms to participate in an investment mission to South Africa with the specific purpose of creating new partnerships between U.S. businesses and black-owned businesses in South Africa. The mission is scheduled for mid-1986. Funding is expected from participating U.S. firms.

HATCH TESTIMONY BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE

Mr. Chairman and members of the Foreign Relations Committee, I asked to make a presentation today about the labour union movement in South Africa because the issue is important in any consideration of our policy toward South Africa and it is being neglected. In 1979 the South African Government permitted the formation of black trade unions after years of successful lobbying by the white business community and the chambers of commerce in South Africa. As a member of the Board of the National Endowment for Democracy and as Labor Committee chairman, I have been interested in fostering the growth of black trade union leadership through public funds made available to the AFL-CIO for training of black union leaders. Senator Kennedy and I succeeded in authorizing a small sum for the AFL-CIO in 1982 from the Department of Labor and many Senators supported the formation of the National Endowment for Democracy.

The problem we face today is that the leadership of the black trade unions has been arrested, in many cases without charges, and the threat exists that the Government of South Africa will be tempted to destroy the important work of the last 7 years since the black unions were legalized in 1979.

Mr. Chairman, my concern is that we are neglecting the black leaders who could become responsible negotiating parters from the black majority who could help lead South Africa to a future without apartheid and a future with one man, one vote in that country. Instead, too many Americans are obsessed with proclaiming the African National Congress as the sole representative of the 23 million blacks of South Africa. The cover of The Economist this week shows a gold ingot with the words "Free Nelson Mandela" engraved on top. Many observers want President Botha to begin a serious negotiation with the black leadership, but we harm the chances of that negotiation by demanding that Nelson Mandela and the ANC be the sole representative of the black majority.

The ANC is not only composed of at least a dozen members of the South African Communist Party, but some of those Communists are from the original trade union movement in South Africa that has now been supplanted by the new black trade unions. What makes the ANC more objectionable is that its terrorist activities are run by a white man, an acknowledged Communist active in the ANC for over two decades, Mr. Joe Slavo.

I am here today to listen and learn. My mind is not made up about the sanctions

issue. I am eager to hear the President's speech today. My only recommendation to the committee today is that whatever sanctions are considered, they should be carefully designed to help the black trade unions, not to harm them. At least 10 of the 100 Executive Committee Members of the Confederation of South African Trade Unions are under arrest. At least 250 union leaders are under arrest since the emergency was declared June 12. Lane Kirkland and an international delegation are in South Africa to help them. Let us not rush to embrace the ANC with its white Communists and terrorists.

[From the Washington Times, May 6, 1986]

LABOR UNCERTAINTIES IN SOUTH AFRICA

(By Orrin Hatch)

The rise of South Africa's black and multiracial unions has truly been phenomenal. Just seven years ago black trade unions were illegal, unrecognized, and impotent.

Since they were legally recognized by the South African government in 1979, black and multiracial unions have experienced tremendous growth in membership and influence and have become increasingly sophisticated in their operations.

Three years ago I pointed out that this positive trend offers tremendous hope for black workers and the ultimate dismantling of the onerous system of apartheid.

Today, as unrest continues throughout the country and debates rage in the South African Parliament over the desired pace of change, the country's labor unions have become a powerful force for helping blacks to climb the socioeconomic ladder. This, in turn, provides the impetus for achieving fundamental political reform peacefully.

The AFL-CIO's African American Labor Center deserves its share of credit for assisting more than 30 black unions: AALC's leadership training programs and seminars have benefited more than 300,000 black workers in just two years. Now that they have proven their effectiveness in improving the working and living conditions of their members, it is important to ask where South Africa's labor unions are headed.

The formation of a federation of black unions, COSATU (Congress of South Africa Trade Unions), last November marked an important and controversial—step in the development of the country's black labor unions. COSATU President Elijah Brayi, a former African National Congress activist, bluntly told *Newsweek*, "COSATU is going to govern this country."

COSATU's 37 affiliated unions include factory-based unions, such as the Federation of South African Trade Unions (FOSATU) which have previously shied away from political activism, as well the more politically oriented unions, such as those affiliated with the radical United Democratic Front.

Claiming a membership of half a million—almost half of South Africa's black union members—COSATU has a political agenda which includes support for disinvestment; nationalization of the country's mines and major industries; formation of a unitary state with one man, one vote; rejection of the so-called "homelands" policy; an ultimatum for the government to scrap its racist pass laws [which the government has announced it is ending]; a demand for the release of Nelson Mandela; and a call for President Botha's resignation.

While some elements of COSATU's agenda are supported by all who oppose apartheid, the leadership's apparent sympathy for the ANC's tactics is cause for serious concern, given the ANC's stated support for violence as a means for achieving political change.

In February, the ANC, COSATU, and another South African trade union group, SACTU (South African Congress of Trade Unions) met in Lusaka, Zambia to issue a joint communique which stated that the fundamental problem facing South Africa, "the question of political power, cannot be resolved without the full participation of the ANC." They further said that "COSATU forms an integral part of the liberation forces" in South Africa.

Not surprisingly, the ANC delegation emphasized "the importance of the armed struggle."

Regrettably, COSATU leaders have been engaged in a bitter feud with Chief Gatsha M. Buthelezi, leader of South Africa's Zulus and head of a moderate, 1.3 million member political movement known as Inkatha, whose membership includes many trade union members.

On the very day of its formation, COSATU attacked Mr. Buthelezi, who quickly pointed out that "the facts of the matter are that COSATU is taking orders from the ANC Mission in Exile."

Saying that COSATU had "declared war" on Inkatha, Mr. Buthelezi said there are a great number of Inkatha members and sympathizers within its ranks "who are unhappy indeed about the unmandated actions of COSATU leaders. It is never wise to alienate one's own members, as COSATU will soon find out." Mr. Barayi responded by saying that Mr. Buthelezi was "scared" and claimed that he was known as Mtwana ("child") in his homeland.

In early January, Mr. Buthelezi states that Inkatha might have to enter the field of labor relations as a counterweight to COSATU. Ten days later, a group of workers dissatisfied with COSATU's attacks on Inkatha and its pro-disinvestment stance met in Empangeni to form a new trade union federation. The new group, UWUSA (United Workers Union of South Africa), was formally launched at a rally last Thursday. Not surprisingly, COSATU's secretary-general, J. Naidoo, has characterized UWUSA as a "sweetheart union" and has warned of conflicts with the group.

The rhetorical war between COSATU and Inkatha is unfortunate. An even more serious concern is the effect that COSATU's actions may have on South Africa's black trade union movement as a whole. The federation's first organizational priority is to consolidate its member unions and form industrywide unions in "order to realize the principle of one industry, one union, and to unite the entire working force of (South Africa) under the banner of COSATU."

Of course, industrywide unions would give COSATU the power to call nationwide strikes. If the federation's action provoke a backlash and cause the South African government to institute a harsh crackdown on the trade unions, blacks will be the net losers: COSATU's actions may potentially betray black workers.

Hopefully, the country's rank-and-file union members will prevent this grim scenario from taking place. It would be tragic indeed if black trade unions—which so far have been mechanisms for peaceful reform—were to squander their hard-won gains by adopting the tactics of the ANC.

DOES SOUTH AFRICA HAVE A FUTURE?

(Remarks by Hon. Alan L. Keyes, Assistant Secretary of State, Bureau of International Organization Affairs Before the National Urban League's Annual Conference)

In the past few months, Americans have become more intensely aware of the violent and tragic situation in South Africa. We have witnessed an escalating cycle of violence and repression, accompanied by mounting international pressures for effective action against the apartheid regime. Calls for severe economic sanctions against South Africa, once confined to the halls of the UN General Assembly, are being sounded from platforms around the country and the world. After an abortive effort to mediate among the opposing factions, the Commonwealth's Eminent Persons Group joined the rising crescendo. Three weeks ago, in response to these pressures the U.S. House of Representatives passed legislation that would impose severe economic sanctions against South Africa.

People everywhere are outraged by the reprehensible abuses inherent in the South African government's efforts to maintain the unjust apartheid system. Many regard punitive sanctions as the only way to express this outrage, despite persistent doubts about whether they will in fact help to achieve the desired goal of justice in South Africa. Because the injustice is so great, because the anger and frustration in the face of repression is so strong, it seems almost a travesty to employ deliberate, patient, careful analysis to devise an effective strategy for promoting justice in South Africa. The heart cries out for action, impatient with the trammels of thought. The heart says repression must end, no matter how. The heart says injustice must cease, no matter how. The heart says apartheid must go, not in a year, a decade, or a generation, but now.

The heart cries out, the heart speaks, the heart demands—but cries are not enough, speech is not enough, demands are not enough—defiant outrage, anger and condemnation are not enough without an effective strategy for action. The world today is burdened with the tragic consequences of righteous passion undisciplined by careful thought. Not every crusade against evil and injustice leads to the promised land. Many instead are lost in a wilderness of violence, a vicious circle of repression, retribution and revenge. Will this be the fate of South Africa? Will the just demands and hopes of a people long oppressed end in a quagmire of civil war—black against white, black against black, white against black against white—until equality in suffering and atrocity grimly refutes the hateful premises of racism?

In a world beset by so many ills, and host to so many deadly and intractable conflicts, it is awfully hard to see through the ugly realities of present day South Africa to a better day. Why should South Africa fare better than Lebanon, Northern Ireland, Cyprus, Chad, Ethiopia. Angola, Iran and Iraq? What will keep it from this tragic roll of countries burnt out with conflicts no one in the world knows how to end? The South African situation has all the qualifications for inclusion. On the one hand people determined by any means to throw off the yoke of physical oppression and indignity imposed upon them by the heinous apartheid system. On the other, people too crudely arrogant or terrified to share power or to use it well. Bound together now by the iron

bands of a long and bitter history, they must live and let live, or kill and be killed together. On the one side the advantages of a just, angry and unquenchable determination to be free. On the other, the advantages of technology, organization and the residue of a stubborn national spirit, crystallized in bitterness after the Afrikaners suffered defeat in the Boer war at the hands of what was then the world's most powerful Empire. The one side will never give up, for suffering only sharpens the thirst for justice. The other will not easily yield, since fear and misbegotten pride are often willing partners in self-destruction.

As these antagonists come to grips, not only South Africa but the whole Southern African region will be embroiled in conflict. The states around South Africa surely will not sit passively by. The South African government, for its part, has repeatedly demonstrated that respect for boundaries and the rule or law will not constrain the death throes of apartheid. The defenders of the present regime will lash out at the surrounding states, making them choose between insatiable war and ignominious passivity. In each neighboring state, they will fan the flames of internal conflict, vindictively determined that if their power is to be broken then the hopes of all southern Africa will also be reduced to ashes.

These are some who contemplate this prospect with grim resignation, feeling that if this is the price that must be paid to end the long nightmare of apartheid, then so be it. Yet no one can guarantee that the nightmare of apartheid will end before the nightmare of war and mutual atrocity has established itself as a permanent reality. No one can say that the whirlwind of violence will not give birth to a tyranny of the violent, rejecting racism only so that it may oppress all equally. Is this the justice for whose sake apartheid is condemned? Is this the future the oppressed victims of apartheid desire?

Apartheid is the evil against which we fight, but we do not fight against evil for the sake of evil. We fight against evil for the sake of a present and future good. Without the sense of a positive good to be preserved and realized, the struggle against evil is determined and defined by evil itself. The oppressed see themselves only with the eyes of the oppressor. They fear as he would have them fear, hate as he would have them hate, kill as he would have them kill. They react according to a logic determined not by their own good but by the violence, fear and hatred at the heart of the evil they seek to undo.

Such logic can be the basis of struggle, but not of victory, for true victory is achieved not when the present enemy is vanquished but when a better destiny is won. To achieve that destiny, it is not enough to know what evil we fight, we must know as well the good we seek to achieve. It is not enough that we seek to destroy apartheid unless in the process we see and help to build the foundations for a South Africa that is just, democratic and free. Yet how is it possible to see the ingredients for such a future in the present welter of stubborn discrimination, injustice and repression?

Clearly, it is impossible if we allow the reality of apartheid to blind us to the complex reality that is South Africa itself. It is unfortunate that among the chief victims of apartheid is the ability to see beyond the premises of racism that apartheid represents, to see without racial blinders the problem of governance and nation-building that confronts the South African people. Apartheid is not unjust only because it is racist, it is unjust because it manipulates racism in order to achieve the abritrary domination of the whole society by one group or faction within it. Historically, apartheid had the twin purposes of neutralizing the power of the English-speaking whites in South Africa while guaranteeing the political supremacy of the Afrikaners. It achieves these purposes by isolating whites within the false solidarity of a racist enclave. Within this all white enclave, the political power of the more numerous Afrikaners counterbalances the economic power of the more wealthy English-speaking community. At the same time, the resentment engendered by racist practices prevents cooperation between the English and the nonwhites to challenge Afrikaner domination.

In South Africa, therefore, the injustice is not simply racism, it is the arbitrary domination of one faction of the society, skillfully employing racism to keep all its other elements in check. But if the injustice lies in factional domination, Justice cannot be achieved simply by substituting the tyranny of one faction for that of another, even if the new faction is a majority of the population. Justice, therefore, is not simple majority rule. As an American, but especially as a black American, nothing is more evident to me than this oft neglected truth. If simple majority rule had prevailed in the United States, I would probably not be standing before you today as a legally free and equal citizen of the United States. In the history of the United States, simple majority rule meant slavery. Simple majority rule meant Jim Crow. Simple majority rule meant the unjust repression of a vulnerable minority.

Fortunately, the basic principles of the American constitution did not sanction unlimited majority rule. They demanded respect for individual rights, whether the individuals composed a majority or a minority of the population. What we often forget, however, is that guarantees for individual rights were not originally intended to protect the welfare of poor, vulnerable minorities. They were intended to prevent the personal and property rights of the wealthy few from being invaded and expropriated by the poorer but more numerous majority. They were part of the overall system of checks and balances through which a political system based upon the authority of the people could aviod tyranny, demagoguery and endless factional strife. As it turned out, the same principles that protected the wealthy few from the arbitrary abuse of government power, could later be invoked to protect a poor, black minority.

The American experience suggests that, when rightly conceived, the constitutional protections afforded a privileged minority can become bulwarks for all against arbitrary and tyrannical uses of government power. What seemed at first to be limits on democratic rule were revealed instead as guarantees of democratic freedom. Justice therefore is not the simple assertion of the political power of a majority. In a just society, neither a small minority nor a large majority are allowed arbitrarily to dominate the whole. The power of each must be balanced and limited by protections for the power of the other.

On the basis of such a concept a concept of democratic justice, one can begin to envisage a democratic future for South Africa. It is a future in which all have an equal vote, but in which the power of the majority is limited and constratined by laws and practices which protect the persons and property of minorities. It is a future in which the archaic of artificial divisions of race and tribe are gradually replaced by the more productive and useful divisions of economic, professional or social interest. It is a future in which whites and blacks understand that human beings may have more in common than language or race or even the shared experience of oppression and the struggle to overcome it. It is a future in which the long repressed, but undying spirit of black Africa joins with the stubborn pride and careful industry of white Africa in the crucible of a new national identity. One that could point the way toward the brighter future of the entire continent.

Strange as it may seem, in that future land the very community that today maintains a system to repress freedom in South Africa could be the anchor and shield against repression. In the new South Africa, the white community would retain the advantages of economic power, of technical and managerial expertise, of skills invaluable to the maintenance and progress of society. Too few to dominate, they would nonetheless be too powerful to oppress. Individuals and groups that would otherwise be exposed to the arbitrary abuse of power could, by forging alliances with whites, successfuly thwart efforts to rule by fear or brute force. The pattern of arbitrary rule by one man or one party that prevails in so many other parts of Africa and the world, could be successfully forestalled if the whites could be brought to play a constructive role in the political system. The key to this success, however, will be to avoid any system of reserved voting or representation for whites. Such a system would merely perpetuate the false white political enclave created by apartheid. It would isolate the whites from the rest of the political system, depriving them of the critical balancing influence they otherwise will have.

I believe that a just constitution for South Africa will protect property, but accord no privileges to race. It will allow a certain influence to economic interests, but without recognizing such interests as the privileged possesion of any race or ethnic group. By respecting the balance of public and private forces within the society, it will guarante that all have the instruments with which to protect their interests, while none has the power to destroy or dominate the interests of the rest. Taking advantage of geographic as well as economic divisions, it will aim to prevent tyranny, but to compel shifting patterns of cooperation along non-racial, nontribal lines. It will aim to preserve the existence of a thriving private sector in South Africa. This sector will serve both as a refuge and base for Afrikaners no longer able to enjoy the privileges of the present racially exclusive welfare state. It will also avoid reliance upon government power as the engine fo progressive social and economic change.

Without the racist blinders of apartheid, such a future for South Africa is easy to imagine. Given the ugly realities of apartheid, it will be difficult to achieve. Yet the effort to conceive of it can help us to discern better and worse ways of working for justice and against the apartheid regime. Once we conceive a positive future for the country, we realize that our efforts now must help to build the new, more just society even as we support those forces working to dismantle the present unjust regime. Justice in South Africa cannot wait until the campaign against apartheid is over. Laying its foundation must be an integral part of

that campaign. In a campaign of destruction, bombs and bullets might suffice, but in effort to construct a just society, we must seek to transform the pillars and walls of oppression into the bricks and mortar of a new mansion of freedom.

It we wish to foster such a process of transformation, the first step to realize that it is a process that must involve all the people of South Africa. The common error that is made on all sides in the current discussion of the South African tragedy, is the assumption that the white government and the white community are the arbiters of the country's future. Whether the goal is pressure or engagement, the primary object of every existing approach is to influence a change of heart among South Africa's whites. The non-white population is perceived either as victim or threat, the target of repression or the source of angry violence.

The tragic irony of apartheid lies precisely in this insidious triumph of its racist presumptions. When shall we come to see in the angry faces of striking students not only the desperate hatred of oppession, but the desperate passion for learning and truth? When shall we come to know in the grim determination of striking workers not just the burning reaction to depression, but the deep will to labor with dignity, rise with merit, and pass on to a future generation a legacy of achievement? When shall we be able to see beyond the "necklaces" and battling shantytown gangs to perceive the unquenchable spirit that can light a hearthfire in the deepest poverty, maintain the bonds of family through long years of separation, keep home and even hope alive despite every brutal blow of degradation? When shall we see beyond the categories of victimization to the strong, resilient human beings whose passion, will and spirit are the constructive flame in which the better future of South Africa can be forged and tempered?

Despite every effort of the apartheid system, these people have already been the makers of a profound revolution in South Africa's life. We speak glibly of South Africa's mineral wealth, of its agricultural plenty, of its developed industrial economy. But whether on the land, or in the mines or in the factories, the hands and sinews that have made such progress possible have been drawn primarily from South Africa's black community. Blacks comprise over 75% of South Africa's labor force, and without them hardly a crop would grow, hardly a drill or screw would turn. They are indispensable builders of present day South Africa, the positive power of its economic life. If they have been weak, it is only because until now they have not been fully conscious of this power, or fully capable through organization of transforming it into an instrument of change.

More than anything else, the growth and expansion of South Africa's modern economy has impelled the development of this consciousness. The very economic arena in which Blacks were unjustly deprived of arable land, discriminated against in wages, unjustly denied promotion for their skill and merit, nevertheless provided the framework for developing the most potent form of power now in the hands of South Africa's blacks. It is not their power to destroy that offers the most potent threat to the apartheid system, but the indispensable necessity to South Africa's existence of their power to labor and build. Blacks do not have this power because South Africa's white government permits them to enjoy it, they have it because neither the government nor the country could long survive without it. Those who talk of power sharing in South Africa as if it were a future goal have been duped into forgetting that, despite every effort of repression, it is a present realty. The question is not whether whites and blacks will share power, but rather how blacks, effectively using the power they have, can work toward the justice they have been denied.

Seen in this light, the question for Americans and for others in the international community is not with what well-intentioned gestures we can show our hatred of apartheid and our sympathy with the suffering of its black victims, but rather how, with concrete action, we can support the expansion and use of their constructive power. Will we serve the latter through a campaign which, in order to bring pressure to bear on the white South African government sacrifices the modern economy? Will we serve that purpose by withdrawing our effective presence from South Africa, leaving a weakened black community alone with an armed oppressor, facing the desperate choice of combat or surrender? The proponents of punitive economic sanctions claim that such sanctions are the last means of avoiding an all out civil war. I believe that on the contrary, by depriving South African blacks of their most potent non-violent tool for change, these sanctions will in fact make such a war inevitable. Given the future for which we hope, given the positive goal of justice for which we strive, we should oppose such sanctions, not because they will hurt South Africa's blacks, but because they are not the most effective way to help them.

Our goal should be to help South African blacks transform the economic revolution that could not have occurred without them, into the political revolution that is their moral right. To achieve this goal, we must not dismantle or withdraw from our role in South Africa's economy. We must seek broadly and effectively to develop and use that role in ways that explicitly enhance the actual power of South Africa's unjustly oppressed black majority. Our effort should not be undertaken in the token spirit of reformers, but in the spirit of peaceful revolutionaries. Even Marx acknowledged that man has never invented a more potent tool of revolutionary historical change than the capitalist economic system. Its insistence upon profit and efficiency has little tolerance for the archaic categories of feudal tradition or the invented classifications of racist delusion. It is no accident that the South African business sector has gradually come to be among the most outspoken opponents of apartheid repression. It is no accident that South Africa's modern economic sector has yielded ever stronger anti-apartheid labor unions and associations which continue to grow despite repeated assaults upon their leadership by the South African government. Those who read history with some insight will realize that in the face of such dynamic and widespread economic forces, the only way the South African government can long hope to preserve apartheid is by destroying the modern, capitalist economy. Thus do the proponents of punitive, destructive sanctions against the South African economy become the unwitting allies of apartheid's preservation.

This does not mean, of course, that left on their own such economic forces will simply overwhelm the apartheid system. Even were this possible, it might take several generations. What is needed is a conscious effort to harness and accelerate the effects of the financial and organizational forces of the modern private sector. We must continue and intensify the sharing and use of power in the economic sphere as a base and instrument for change in the political arena. This can be accomplished in three broad areas:

A. Within the modern corporations and enterprises themselves, and in their relations with the black community;

B. Through massive support for the increasingly effective South African labor movement; and

C. Through a program of expanded capital ownership that seeks to facilitate ownership by black South African workers of shares in firms doing business in South Africa.

In line with the spirit of quiet revolution, efforts in these areas must go beyond reformist schemes to improve the conditions of life for blacks. The aim should be effectively to incorporate the black community within the power structure of the economic sector, and to use some portion of the resources of that sector to support black efforts to build and sustain effective bases of economic, social and political organization. Corporations should consciously seek to become the wellsprings of expanding oases of transformation in South Africa, the focus of peacefully revolutionary communities in which the new South Africa ceases to be a dream and becomes a powerful, incorporate reality, competing with the sordid spectacle of apartheid for the allegiance of South Africans, white and black, who dare to believe in the better destiny of their country.

The American corporations in South Africa, as well as those of other foreign states, are the best available positive leverage the international community has in that situation. If we throw this leverage away in order to create pressure, we will deprive ourselves of the ability to create change, and to build the future now. This is not to say that these corporations or the private economic sector are the only potential instruments of change in South Africa, but they are the ones over which we, as outsiders, can have the greatest influence, and through which we can hope to achieve the most immediate and direct effects. In a world prone to facile gestures and easily disposable moralism, it may seem better to use these instruments once, and then throw them away. But I believe that such a course would be cheap, self-satisfying and morally wrong.

I do not mean to suggest, either, that using America's position in South Africa in the way I have outlined will bring about immediate, fundamental political change, though I believe it is the best way to make maximum positive use of America's limited but important influence in bringing about the conditions for that change. In the final analysis, basic political change in South Africa will come about only as the result of negotiations among all South Africans of good will—black and white. Such negotiations are unlikely to occur, even more unlikely to bear good fruit, in a climate of violent state repression, with the most important leaders of the non-white community jailed, and the leaders of the South African government barring the gates against peaceful agitation for change. Free from the racist assumptions and effects of the apartheid system, we can see the way clearly to a secure future for *all* South Africans. But between the idea and the reality, between the motion and the act there falls the shadow of violence, violence to preserve evil, violence to destroy evil, violence feeding upon

itself to block out the vision of a better day. Violent repression and the violence it foments are the chief enemies of South Africa's present and future hopes. If international pressure serves a useful purpose in this situation, than it should be as a means of discouraging violence on all sides, beginning with the repressive violence of the South African state. This, not the destruction of the economic engines of change, should be America's immediate aim, and the aim of all people of goodwill in the world at large.

Mr. HATCH. Mr. President, it is my understanding that both the majority and the minority are willing to accept this amendment. It is a good amendment. It is a positive amendment. It is one that will do a lot for blacks, and I hope they accept it.

Mr. PELL. If the Senator will yield, I think we are moving a little bit fast. We are getting amendments which we are supposed to have signed off on. I have not seen this amendment before, and I want to study it and understand it before agreeing to it. I would suggest to the majority not to bring up amendments as being cleared unless they have been cleared.

Mr. HATCH. We understood this one was cleared by both majority and minority.

Mr. PELL. I have not seen it.

Mrs. KASSEBAUM. Mr. President, if I may just make an inquiry, is it correct that the language of the Senator from Utah simply increases the amount?

Mr. HATCH. Increases the amount from $25 million to $40 million and provides for greater help for the free trade union movement in South Africa and all of these positive programs to help black South Africans. I think it is something we ought to do.

Mrs. KASSEBAUM. I thank the Senator. I think it sounds like a very positive approach. And essentially there is no language change?

Mr. HATCH. That is correct.

Mrs. KASSEBAUM. Just an increase in the amount of money.

Mr. PELL. Mr. President, I see where the confusion came. In this case we have now studied the amendment, it is acceptable and I wish it Godspeed.

Mr. HATCH. I want to thank my colleague. it is a good amendment, I think it is a positive amendment, and it will do a lot of good for the blacks of South Africa.

Mr. President, I move the amendment.

The PRESIDING OFFICER. Did Senators yield back their time?

Mr. HATCH. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield back the remainder of his time?

Mr. PELL. Mr. President, I believe the Senator from Maryland has a question.

Mr. SARBANES. As I understand the amendment of the Senator from Utah, it is to authorize a larger amount for economic support for disadvantaged South Africans?

Mr. HATCH. That is correct?

Mr. SARBANES. And as I further understand it, it is directed toward scholarships, trade unions, private enterprise, alternative education, and community development programs; is that right?

Mr. HATCH. That is correct.

Mr. SARBANES. Mr. Chairman, it seems like a constructive amendment to me.

Mr. HATCH. I appreciate my colleague's remarks and I really appreciate the support on the floor at this time because I think this is the type of thing we ought to be doing and it is going to be encouraging to black Africans.

Mr. PELL. I would agree, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment.

The amendment (No. 2743) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2744

(Purpose: To exempt firms owned by black South Africans from punitive sanctions)

The PRESIDING OFFICER. Under the agreement, does the Senator from Minnesota seek recognition to offer an amendment?

Mr. BOSCHWITZ. Yes.

The PRESIDING OFFICER. Under the agreement, the next opportunity would be given to a minority member. Is there anyone on the Democratic side who seeks to offer an amendment at this time?

Mr. PELL. No. At this time we have nobody here to offer an amendment. Tomorrow morning first thing the Senator from Delaware [Mr. BIDEN] will have an amendment.

The PRESIDING OFFICER. The Chair recognizes the Senator from Minnesota.

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The Legislative clerk read as follows:

The Senator from Minnesota [Mr. BOSCHWITZ] proposes an amendment numbered 2744:

Add the following new paragraph to Section 312:

(c) The prohibition contained in this section shall not apply to investments in or loans to a firm owned by black South Africans, or a joint venture business entity with at least a 20% black South African ownership or a corporation whose board of directors are predominately black South Africans.

The PRESIDING OFFICER. On this amendment there will be 20 minutes, equally divided.

Mr. BOSCHWITZ. Mr. President, it will not take more than 3 minutes.

This amendment simply says that sanctions should not apply to corporations or business firms that are owned by black South Africans in joint ventures with 20 percent ownership. The amendment has been cleared on both sides. I think it is very much within the intent of the bill.

Mrs. KASSEBAUM. Mr. President, I say to the Senator from Minnesota that I think that it is very positive language and improves the bill. We have no objection.

Mr. SARBANES. Mr. President, will the Senator yield for a question on this amendment?

Mr. BOSCHWITZ. I yield.

Mr. SARBANES. As I read it, would it be possible to have a business entity 80 percent white-owned in which investments could be made?

Mr. BOSCHWITZ. Yes, the Senator is correct.

Mr. SARBANES. I say to the Senator——

Mr. BOSCHWITZ. That language, I say to the Senator, was put in at the request of the minority.

Mr. SARBANES. Before that, you had hardly any requirement for black participation at all.

Mr. BOSCHWITZ. I say to my friend from Maryland that this would be a joint venture, with no South African whites but Americans, where at least 20 percent black ownership is involved.

Mr. SARBANES. I think we ought to look this over. I have some knowledge of the use of dummy corporations, front corporations, and it seems to me that the way this amendment is worded at the moment, it would permit that to take place, including the last sentence, in which the board could be predominantly black, which I take to mean a majority; but the ownership could be completely white.

The bill as it is written has a pretty clear prohibition on new investment in South Africa. I take it that this amendment is to carve out an exception to that, in order to allow investments that directly involve blacks.

It seems to me that the way this amendment is worded, I, for one, would not support accepting it as written. I think we probably need to work on this overnight and try to make sure that what we are doing does not contain a loophole which could be exploited.

Mr. BOSCHWITZ. The Senator from Minnesota is not trying to create loopholes.

Mr. SARBANES. I am not suggesting that the Senator is. I want to be very clear that there is no such implication. But we also need to be clear

about the provisions of the amendment and how they might be used.

Mr. BOSCHWITZ. The Senator from Minnesota wants to be sure that black-owned, black-run businesses are not subject to sanctions. I am sure that is also the intent of the Senator from Maryland.

I am very pleased to allow it to be rewritten or restructured over the course of the evening and we can resubmit it tomorrow. The language was drafted by me, and the subsequent change were made by the staff on the other side. It is not the intention to have any type of exception or create any loopholes, as the Senator expressed it. I am perfectly willing to allow it to be rewritten over the course of the evening, if the Senator wishes.

The PRESIDING OFFICER. Does the Senator seek to withdraw his amendment or set it aside?

Mr. BOSCHWITZ. Mr. President, I ask that it be set aside, so that the Senate can move on to other business at the moment.

The PRESIDING OFFICER. Is that a unanimous-consent request?

Mr. BOSCHWITZ. It is.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

AMENDMENT NO. 2745

(Purpose: To express the sense of the Congress that the United Nations Security Council should impose the same sanctions against South Africa as are in this bill)

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE] proposes an amendment numbered 2745.

Mr. CHAFEE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of section 401 of the bill, add the following:

(e) It is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council, pursuant to Article 41 of the Nations Charter, impose measures against South Africa of the same type as are imposed by this Act.

Mr. CHAFEE. Mr. President, what this amendment does is express the sense of Congress that the President should instruct our permanent representative to the United Nations to propose to the U.N. Security Council, pursuant to article 41(c)(f) of the United Nations Charter that the Security Council impose measures against South Africa of the same type as are imposed by its act.

In other words, what I am seeking is that we get some international cooperation in this effort. It is fine for the United States to do what we are proposing to do here, and I certainly support it, but I would like to see the other nations in the United Nations join in.

This amendment has been cleared by both sides, and I believe it is acceptable.

Mr. PELL. Mr. President, I think this is an excellent amendment. I am delighted that it has been submitted. It was an oversight on the part of the committee that we did not include this language at the time. I recommend that we support this amendment.

Mrs. KASSEBAUM. Mr. President, I think it is a fine amendment, and it has been cleared by the chairman of the Foreign Relations Committee.

Mr. CHAFEE. Mr. President, I yield back the remainder of my time.

Mr. PELL. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment (No. 2745) was agreed to.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I thank the acting chairman of the Foreign Relations Committee, the distinguished Senator from Kansas, and the ranking minority member. I appreciate their support.

Mr. SYMMS. Mr. President, a parliamentary inquiry. What is the parliamentary situation?

The PRESIDING OFFICER. The situation is that the amendment of the Senator from Minnesota is pending. It would take unanimous consent to put it aside to consider another amendment.

Mr. SYMMS. I ask unanimous consent that the amendment of the Senator from Minnesota be temporarily set aside so that I may offer my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized to offer an amendment.

AMENDMENT NO. 2746

Mr. SYMMS. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Idaho [Mr. SYMMS], for himself and Mr. MCCLURE, Mr. DENTON, Mr. PRESSLER, Mr. HELMS, Mr. HECHT, and Mr. MURKOWSKI, proposes an amendment numbered 2746.

Mr. SYMMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

(a) Notwithstanding any other provision of this Act, no prohibition contained in this Act may be imposed against South Africa if the President determines, and so reports to Congress, that such prohibition would increase United States dependence upon any member country or observer country of the Council for Mutual Economic Assistance (CMEA) for the importation of coal or any strategic and critical material by an amount which exceeds by weight the average amounts of such imports from such country during the period 1981 through 1985.

(b)(1) Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall prepare and transmit to the Congress a report setting forth for each country described in subsection (a)—

(A) the average amount of such imports from such country during the period of 1981 through 1985, and

(B) the current amount of such imports from such country entering the United States.

(2) Thirty days after transmittal of the report required by paragraph (1) and every thirty days thereafter, the President shall prepare and transmit the information described in paragraph (1)(B).

□ 2350

The PRESIDING OFFICER. The Chair will state pursuant to the agreement there are 30 minutes on this amendment, equally divided.

The Senator from Idaho.

Mr. SYMMS. Mr. President, the purpose of this amendment is to be sure that the imposition of sanctions on any products so named in the amendment will not increase the purchases of those same products from the CMEA countries. That will be Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Mongolia, Poland, Romania, Soviet Union, Vietnam, Afghanistan, Laos, Mozambique, Nicaragua, Yemen.

The history of this, Mr. President, is that when I was in the other body, a member of the Interior Committee and the Mines and Mining Subcommittee, we published a report that was chaired by then chairman Jim Santini from Nevada, a report on the Subcommittee on Mines and Mining, Committee of Interior and Insular Affairs in the House of the 96th Congress, July 1980, published this.

Essentially, the facts are still the same today as they were then with respect to the dependence we have on that section of the world for minerals.

I commend the language in the committee, although it does address part of this. Just to say how this would work, for example, at the current time we import coal from two countries primarily, South Africa and Poland. So if we pass this legislation, we will stop

importing coal from South Africa. Then we would not buy more coal from Poland next year. We have to buy in West Virginia, Illinois, Kansas, Wyoming, or wherever, someplace in this country some State to purchase the coal.

The report that I mentioned of the House Mines and Mining Subcommittee which reported this report has been reprinted by the National Forum Foundation and I think should be carefully studied by all Senators who support sanctions.

As I say nothing changed in the 6 years with respect to this.

Aside from the strategic mineral needs of our military, every Pontiac that someone buys or every Ford or Chrysler must have some platinum. Each kitchen in the United States uses stainless steel—and therein some chrome—each ton of steel produced in U.S. factories needs manganese. The list goes on and on.

These facts are well known to my coleagues in both Houses and to the public.

In 1979 and 1980, the fear that American differences with South Africa would disrupt the supply of these minerals led to the President's constructive engagement policy. These fears are being revived by what we are doing here today. The market is anticipating that we will act directly or indirectly to disrupt the flow of these crucial minerals. If the market perceives a self-imposed cutoff of South African supplies, windfall profits will be made at the expense of American consumers. CPI could be reignited as costs of raw materials escalate.

In addition, the export competitiveness of American industry will be damaged unless all industrialized nations enforce the same sanctions. U.S. steel exports will be at a disadvantage relative to the Japanese if ferrochrome imports are restricted or cost the producer even a few cents more per pound. All this will begin to happen if we declare that in 12 months we will consider banning strategic and crucial minerals from South Africa.

I have another concern—which I may address more specifically in another amendment at a later time. Seven years ago, the Carter administration concluded that the South African decision to legalize and recognize black trade unions was merely "cosmetic." We have been hearing that word today in reference to recent South African reforms. But the policy analysts were wrong in 1979. The Black National Union of Mineworkers has become not only a 250,000 member-strong labor union that has won contracts which average to 15 to 20 percent increases in black wages per year since 1981 but also a decisive and fundamental political force against apartheid. This cosmetic has reduced the White-Black wage ratio from 9:1 to nearly 2:1 and it is closing fast—without our sanctions.

By our actions we can deprive the National Union of Mineworkers of its capacity to make mining in South Africa nonracial, its capacity to obtain future wage increases or even maintain what it has won for its membership. If we sanction coal today and all minerals next year, we will surely destroy a black majority labor union because jobs will be lost and wages cut back. It is ironic that the loss of jobs of black miners in South Africa will be translated into more jobs or overtime for white miners of strategic minerals in Canada and Australia. Our 1980 report of the House Mines and Mining Subcommittee concluded that the South African mining industry was the "cutting edge" of social and economic change in South Africa.

We were right then and we stand by that conclusion today and in the future. Our actions should not blunt that edge through import prohibitions.

Just in summary, Mr. President, for us to increase dependence on Soviet bloc sources of strategic materials because of our enthusiasm to punish South Africa is a national security risk with serious implications.

This amendment refers to the CEMA, also known as Comecon. For the benefit of my colleagues and I have read the list of those countries, and I would insert that list at this point in my remarks.

And I am offering this amendment to prevent the United States from becoming dependent on those so-called countries, the Comecon countries, who have been in reality, Mr. President, they are sworn enemies of freedom, sworn enemies of the United States and for those critically important strategic materials.

I think that this is an amendment that should not be called proapartheid. It is a pro-American amendment. It just makes good sense.

I hope my colleagues will support the amendment.

I will be prepared to see what the wishes of the committee would be at this time on this amendment.

So I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, this is a pretty complicated amendment, particularly for 11:55 at night.

But as I read it, if our imports from the Eastern European countries and the Soviet Union increase as a result of the sanctions, then the sanctions would be wiped out. To my mind it is inevitable that our imports will increase because in many of these cases the other major source of the product is the Soviet Union.

In any case, I would suggest that we put this over until tomorrow because I do believe that there will be opposition to it and therefore a vote will be required.

Mr. SYMMS. I am happy to lay it over until tomorrow.

I would like to say to my good friend from Rhode Island—reading from page 70 of the bill, and I just think this tightens it up a little bit.

My intention will be that the bill the way the committee wrote it said that:

Notwithstanding any other provision of law, no article which is grown, produced, or manufactured by a parastatal organization of South Africa may be imported into the United States, except for those strategic minerals for which the President has certified to the Congress that the quantities essential for the economy or defense of the United States are unavailable from reliable and secure suppliers.

So I think you have already spoken to this issue in this bill, and that is what I would appeal to my good friend from Rhode Island.

What the Senator from Idaho is trying to do is spell it out very clearly that if we could get those products in Alaska or in Canada or in Western Europe that did not come from the CMEA countries or CMEA observer nations, we could do so. But we would not have this end up being a windfall to our sworn enemies. That is the purpose of the amendment.

I do not think that it dilutes what the committee has already done. That is the point that the Senator from Idaho would like to make.

The committee has already made it very clear that we are not going to impose sanctions on South Africa on precious or on critical minerals that are not secured. The language of the bill is essential for the economy or defense of the United States that are unavailable from reliable and secure suppliers.

All I am trying to do is tie that down so that we be sure we do not cause windfall profits to go to those other countries.

And, Mr. President, in the close of my remarks I did speak earlier on the bill today and I want to include in the RECORD at this point the statement of the administration policy on S. 2701, The Antiapartheid Act.

The Administration strongly opposes enactment of S. 2701 because the measures it calls for would impede rather than advance the goal of promoting further change in South Africa.

The Administration shares the view of the bill's sponsors that the United States should remain in South Africa and work for change. However, it believes that this bill, if passed, will unintentionally erode efforts to break down apartheid, strengthen radical elements on both sides, and penalize the people and the economy of South Africa. Measures in the bill would also cause serious deleterious economic effects to the people of neighboring black African states that rely extensively on South African trade and transportation links.

The Administration supports a joint effort by the United States and its allies to hasten negotiations between black leaders and the South African government. If the measures called for in S. 2701 are enacted, this could heighten the intransigence on both sides, as well as seriously impair the President's ability to promote collective action with our allies.

Mr. President, I reserve the remainder of my time.

Mr. SARBANES. Mr. President, will the Senator yield for a question?

Mr. SYMMS. I am happy to yield.

Mr. SARBANES. What is the deficiency that the Senator finds with section 303 of the bill as reported by the Foreign Relations Committee?

Mr. SYMMS. The one deficiency I think is with respect to coal. My amendment would be sure—one deficiency would be coal—that we will not be buying more coal from Poland.

I prefer to buy the coal from West Virginia or Wyoming or some other State that is a coal-producing State.

My State does not happen to be a coal-producing State, but I do think we would be sure we do not buy more coal from Poland than we are buying currently.

□ 2400

That would be the impact of it. And it would make it a little bit more clear and spell out that we are not going to allow a windfall to fall on these countries that I named—Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Mongolia, Poland, Romania, Soviet Union, Vietnam, Afghanistan, Laos, Mozambique, Nicaragua, or Yemen.

Mr. SARBANES. Do you regard any of those countries as reliable sources of supply?

Mr. SYMMS. I would not say they are what I would call a—no, I would not.

Mr. SARBANES. Does not the bill, as written, address your concern?

Mr. SYMMS. I would just say to my colleague from Maryland that that is why I think this amendment should be accepted.

Mr. SARBANES. Why does not this bill, as written, address that?

Mr. SYMMS. Well, like I say, your bill does not place the effect of coal. I think that is important for coal-producing States.

In my opinion, this makes it more clear what the intent is. It leaves nothing for doubt. It will make it more difficult for products to be taken out of the Soviet Union and put into some other country or out of those countries and moved into Western countries and then on into the United States.

Mr. SARBANES. Does your amendment permit the current level of importation to continue?

Mr. SYMMS. Yes; for the importation of coal or any strategic critical mineral material by an amount which exceeds—it would not allow the amount to exceed the average amount of such imports from such country during the period of 1981 through 1985.

Mr. SARBANES. That leads into the next question. Why did you choose the particular determinant of dependency or nondependency from a given supplier which is contained in your amendment?

Mr. SYMMS. The reason for that is to try to give the administration an idea of how much has been coming in and have a record of what has been coming in from those countries.

Mr. SARBANES. In order to understand the impact of this standard you have chosen, one would have to see a table showing the average quantity of shipments by weight over the 5-year period from the countries you cite in your amendment. Isn't that correct?

Mr. SYMMS. The intention of this Senator, Mr. President, to see, if it starts being very apparent that the sanctions are causing a windfall to the Comecon countries, that the administration would have the authority to waive the sanctions on any given critical mineral or coal.

Mr. SARBANES. I understand that is the intention of the Senator. My question is not really directed to that. My question is directed to the use of the average shipments by weight over a 5-year period. If we are to understand the amendment and its impact, we would need to see what the shipments had been over that 5-year period. Based upon that information we could then make some sort of judgment about the current impact of this amendment. Would that not be correct?

Mr SYMMS. The point, I would say to my friend, is that section (b) spelled out how we would get those studies back, which would provide the information that the Senator is talking about. I think the Senator makes a good point.

In my opinion, this makes it stronger and would improve the committee's bill. It is obvious to this Senator, from the way the committee wrote the bill, that you made a big exception in anything you think may hurt the United States of America. We are for sanctions unless it is going to hurt us.

Now, all I am saying is we want to be sure that it not only does not hurt us, we want to be sure that it does not help our sworn enemies. That is the purpose of the amendment.

I am not trying to do anything here to be difficult with the committee. If the commitee has some suggestions of improvements on this, I would be open to discussion on it.

But I think that the language is very clear in what the intent of it is, that we should not pass legislation here that will, No. 1, jeopardize our own security, and No, 2 help our sworn enemies.

Mr. SARBANES. I am not arguing with the general objective of the Senator's amendment. I am just trying to get some very detailed answers to how the Senator's amendment would function.

The PRESIDING OFFICER. The Senator will suspend. The Senator from Idaho's 15 minutes has expired because he has used it for questions and no time has been charged to the minority.

Mr. SARBANES. How much time does the minority have?

The PRESIDING OFFICER. Fifteen minutes.

Mr. PELL. Mr. President, I yield 5 minutes to the Senator from Maryland on the bill.

The PRESIDING OFFICER. The Senator from Maryland is recognized for 5 minutes.

Mr. SARBANES. Mr. President, if the Senator would continue to yield. First of all, let me say to the Senator, with respect to the comment that he made about not doing anything if our own interests were to be affected, there is a provision in the bill, section 503, which the distinguished Senator from Alaska included in the bill, that is going to require a report from the President about the extent of our dependency on the importation from South Africa of certain minerals and also the development of a program which would reduce U.S. dependency, if any, on mineral imports from South Africa which would be identified by the report submitted under subsection (a).

I may say to the Senator that the distinguished Senator from Alaska, a member of our committee, was very strong in the position that, in fact, these minerals are present in Alaska. Now, they have not been brought on line. They have not been, as yet, developed to the point that they are immediately accessible, but it is his view, contrary to the assertion that is made by some that we are absolutely dependent on these strategic minerals in South Africa or, alternatively, on going to an Eastern bloc country, particularly the Soviet Union for them, it is his assertion, apparently based on reliable studies, that, in fact, these minerals are present in Alaska.

Mr. SYMMS. Will the Senator yield?

Mr. SARBANES. Yes.

Mr. SYMMS. I think the Senator brings up a very important point. I happen to agree with the Senator from Alaska on that point. That is part of the report that we did in the Mines and Mining Subcommittee, which I was privileged to serve on, with respect to wilderness questions here in the United States. Congressman SANTINI and myself got deeply involved with that and met with Presi-

dent Carter on that issue at the time. President Carter was very concerned about that.

I happen to think that Senator MURKOWSKI is correct in what he is trying to say, that those minerals are available in Alaska. Senator MURKOWSKI inspected my amendment and helped in what I was trying to accomplish with the amendment. As a matter of fact, he is one of the cosponsors of it.

I did not mention that at the beginning. But this amendment is also cosponsored by Senators MCCLURE, DENTON, PRESSLER, HELMS, HECHT, and MURKOWSKI.

What Senator MURKOWSKI's point is in section 503 is that if we do not buy the products from South Africa and if we can buy them here in the United States or produce them, that should be the first place to do it. If we cannot do that, for heaven's sake, let us not start buying them from our own enemies. Let us develop our own resources here in this country and, in the process of this, to try to make this work.

That is what I would anticipate in the report that would come back from the administration, that they would prepare and transmit to Congress a report setting forth each country described in subsection (a), and the average amount of imports from such country during that period from 1981 through 1985. And it fits right in with the language on page 70 of the bill.

I just personally believe, I say to my colleague from Maryland, that the amendment that I offer here strengthens this legislation and strengthens what the intent of the committee is trying to accomplish.

□ 0010

Mr. SARBANES. To debate this further, I say to the Senator from Idaho, your amendment may not have the intended effect of reducing U.S. dependence by lifting the prohibition on importation from South Africa. Since this will lessen the incentive to bring on line new, perhaps more expensive mineral deposits which may be located in Alaska.

I happen to think this is an interesting proposition in terms of U.S. self-sufficiency in an important area.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. PELL. I yield 1 minute to the Senator from Maryland.

The PRESIDING OFFICER. The Senator is recognized for an additional 1 minute.

Mr. SARBANES. I assume we will pursue this tomorrow. I have not yet gotten a full understanding of this amendment. I can follow it up with the Senator or the staff can follow it up. It seems to me that an important part of the amendment is the 5-year average of shipments standard be set. It is something that needs to be more clearly understood than I think it is at the moment.

Mr. SYMMS. If I can answer that, I will try to answer. I am not trying to be evasive. There could be a difference in one year from the next to where the supplies came from. We thought the 5-year average gave a little more practical solution than trying to pick out one given year. In some years they report more, and some years less. If the Senator has some better suggestion, this Senator is open to assistance to try to come up with a better way to do it.

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Who yields time?

Mrs. KASSEBAUM. Mr. President, might I suggest that this be laid aside until tomorrow and perhaps there could be some efforts to say there might be an agreement on language before this would come up again tomorrow.

Mr. SYMMS. This Senator would be agreeable to that.

Parliamentary inquiry: If the amendment is laid aside, will it be subject to disposal at some point?

The PRESIDING OFFICER. The amendment will recur. There are 14 minutes left to the opponents. All time has expired on the amendment for the proponents. The matter is pending until it is set aside.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator's amendment be temporarily laid aside if it is not already.

The PRESIDING OFFICER. Does the Senator also ask unanimous consent to also set aside the amendment of the Senator from Minnesota so he might present an amendment?

Mr. LEVIN. I ask unanimous consent that both amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

AMENDMENT NO. 2747

(Purpose: To require Presidential notification and certification with respect to the sale of certain items on the U.S. munitions list, and to allow for a joint resolution of disapproval of such sale)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2747.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In the appropriate place in the bill, insert the following new section:

SEC. . (a) Notwithstanding any other provision of this Act, the President shall:

(i) notify the Congress of his intent to allow the export to South Africa any item which is on the United States Munition List and which is not covered by the United States Security Council Resolution 418 of November 4, 1977, and

(ii) certify that such item shall be used solely for commercial purposes and not exported for use by the armed forces, police, or other security forces of South Africa or for other military use.

(b) The Congress shall have 30 calendar days of continuous session (computed as provided in section 906(b) of title 5, United States Code) to disapprove by joint resolution of any such sale.

The PRESIDING OFFICER. The Chair is informed that there is a 30-minute time agreement under the basic agreement for this amendment equally divided.

The Senator from Michigan.

Mr. LEVIN. I thank the Chair.

I understand that this amendment will be accepted. I hope we will be able to reduce that time to about 5 minutes.

The amendment that I am offering now will have the effect of modifying the portion of the Weicker amendment we already adopted dealing with the U.S. munitions list. The President under the Weicker amendment can still allow the sale of certain items on the munitions list if those items are being exported solely for commercial purposes and not for use by the Armed Forces of South Africa or for other military use. The amendment that we are offering to add to the Weicker amendment is a proviso that the President would have to notify the Congress of such sale and certify its commercial and nonmilitary character. The Congress would, then, have 30 days of continuous session to disapprove by joint resolution of any such sale. In essence, this amendment adds to the Weicker amendment a requirement that the President notify and certify the nature of the sale to the Congress prior to the sale being made. The Weicker amendment includes a reporting requirement, but the report would be made after the sale and without the requirement of a certification of the character of the sale.

I complement my colleague from Connecticut for his focusing the attention of this body on the munitions list. I do think, however, that past experience requires that the Congress have the opportunity to scrutinize the sales before they take place.

While various agencies of our Government examine license requests before they are granted, it is clear that mistakes can and have been made—and as a result, material with a clear military value has been exported to South Africa despite the best intentions of the Government and the clear intent of the Congress as expressed in the Arms Export Control Act. For ex-

ample, mechanical gear which can be used for 155 millimeter howitzers has been licensed for export. In addition, a CAD/CAM software system which was licensed for export apparently can be used to develop military equipment ranging from radios to missiles to aircraft.

There is, I must admit, no guarantee that a public, advance notice to the Congress of an intent to license a given export item will prevent the unauthorized use of that item. But publicity can reduce the chances that we will make bad licensing decisions. For example, in November 1985 when word leaked out about a decision to license the export of certain advanced, "hardened" computers with a clear potential for military use, opposition to the license developed and ultimately the decision was reversed.

Advanced notification then, will give the Congress and the public an opportunity to examine the decisions which are now not made a matter of public record in a timely fashion. If the decisions to grant a license is a wise one, nothing in this amendment will prevent the exportation of the items in question. If, however, the decision involves substantial risk of diversion, then the public and the Congress deserve the opportunity to question it and perhaps stop it before the items leave our shores. For South Africa.

I believe this amendment makes our policy more effective and I believe it is acceptable to both the majority and minority leaders.

Mrs. KASSEBAUM. Mr. President, yes. This does have the support of this side of the aisle. It is believed, I think, to be language that does make a more comprehensive and tightened policy regarding our sales to South Africa of munitions. I compliment the Senator from Michigan on the language that he has chosen to use.

Mr. PELL addressed the chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. I think this is an excellent amendment. I recommend support by my colleagues.

The PRESIDING OFFICER. Do the Senators yield back their time?

Mr. LEVIN. I yield back my time.

Mr. PELL. We yield back our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 2747) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendments be temporarily laid aside so that I might offer another amendment which has been made a part of the unanimous-consent request, and I believe it has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

AMENDMENT NO. 2748

(Purpose: To express the sense of the Senate that the United States Ambassador to South Africa should promptly make a formal request to the South African Government to meet with Nelson Mandela)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2748.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . It is the sense of the Senate that the United States Ambassador should promptly make a formal request to the South African government for the United States Ambassador to meet with Nelson Mandela.

Mr. LEVIN. Mr. President, this is preemently the time to reach out and to grasp the hand of the future of South Africa. The bill before us now is a part of that effort. But we can do more to signify our opposition to apartheid and to identify with the voice of majority rule. One additional step that we should take is to express the sense of the Senate that the U.S. Ambassador to South Africa should seek to meet with the imprisoned nationalist leader, Nelson Mandela. That is the purpose of this amendment.

□ 0024

Nelson Mandela is the embodiment of a people's struggle to overcome oppression. He has been in prison for almost 25 years. His imprisonment is symbolic of the imprisonment of the black majority under the system of apartheid. His determination to stand by his principles in the face of conditional offers of leniency mirrors the determination of the black majority to stand up to the minority government and to endure hardships now for the promise of a freer South Africa, a more just South Africa in the future.

Let me quote from the recent report by the Commonwealth Commission know as the Eminent Persons Group:

We were first struck by his physical authority—by his immaculate appearance, his apparent good health, and his commanding presence. In his manner he exuded authority, and received the respect of all around him, including his jailers . . . . In our discussions Nelson Mandela also took care to emphasize his desire for reconciliation across the divide of color. He described himself as a deeply committed South African nationalist but added that South African nationalists came in more than one color. . . . He pledged himself anew to work to a multiracial society to which all would have a secure place.

It is no secret that many in South Africa view the United States as an antagonist in their struggle for freedom, as an apologist for the minority government. By the end of this week, it should be clear that the majority of the Congress—the overwhelming majority of the Congress—seeks to be an ally in the struggle for majority rule. What should accompany this statement of our policy is a crystalizing act which will demonstrate the bridge that we are building between the United States and the forces for multiracial freedom in South Africa.

We want to see Mandela free. In May 1984 I introduced legislation calling for the immediate release of Nelson Mandela. On October 10 of that year this Senate passed this legislation. Unfortunately, Mandela remains in prison to this day. But if the prison doors cannot be opened for him to leave, then they should be opened for the U.S. Ambassador to enter. It would be a simple human gesture—a vitally important symbol recognizing the crucial role that Mandela must play in any significant negotiations on the future of South Africa. It would be a sign that we acknowledge that Mandela, even in prison, has achieved the status which justifies his being informed about the new American policy by the highest ranking American official in South Africa. It would signify that we recognize and support the dawning of a new day in South Africa.

I urge my colleagues to support this sense of the Senate resolution calling on the U.S. Ambassador to South Africa to meet with Nelson Mandela.

The PRESIDING OFFICER. Who yields time?

Mrs. KASSEBAUM. Mr. President, this language is acceptable to this side of the aisle. I personally think it is fine language and certainly support the intent of the Senator from Michigan to call attention to the imprisonment of Nelson Mandela. We are happy to accept this amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I concur with the acting chairman of the committee that this is an excellent amend-

ment. When the Secretary of State testified before the Foreign Relations Committee last month on the administration's policy toward South Africa, I suggested that it would be a good idea if he instructed our Ambassador to see Mr. Mandela.

I think that this amendment may encourage the State Department to pursue that idea and issue the necessary instructions.

On this side of the aisle, we enthusiastically support the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEVIN. I yield back the remainder of my time.

Mrs. KASSEBAUM. We yield back the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment (No. 2748) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. KASSEBAUM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, if there is nobody else who wants to offer an amendment, I do have another amendment under the unanimous-consent agreement. If I could, I would like to utilize 2 minutes of the time I have on that amendment and then I will waive the offering of the amendment, if I might.

I think it would be better for the Senate if I can use that 2 minutes tonight, as tired as we are.

The PRESIDING OFFICER. Without objection, the pending amendment is temporarily set aside.

Mr. LEVIN. Mr. President, first let me commend the committee for this bill and also commend them for their willingness to consider amendments which will strengthen this bill. Their efforts reflect the fact that there is no way, there simply is no way, to turn back the tide in South Africa even if we wanted to. Through political transition or through bloody revolution, the black majority will achieve their God-given rights in South Africa.

The amendments we have accepted today, and others that I hope will be accepted later, will help us be what we should be, which is a decent and a caring people.

Americans have always known enough to know good from evil. Americans have also been a decent and a caring people.

We know there is evil in South Africa, and there is evil in us if we continue to even implicitly support it.

Mr. President, it is time to act. The bill does not go far enough, but it is an important beginning and it is time that we began to behave toward South Africa in ways which are consistent with the principles of our people and our nature as a nation.

Mr. President, I yield the floor and the remainder of my time on that amendment.

The PRESIDING OFFICER. Do the Senators yield opposition time back on that amendment?

Mr. PELL. I yield back the remainder of my time.

Mrs. KASSEBAUM. I yield back our time.

The PRESIDING OFFICER. Does the Senator wish to withdraw the third amendment?

Mr. LEVIN. Mr. President, that amendment will not be offered.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Minnesota. Who yields time?

Mrs. KASSEBAUM. Mr. President, I do not believe language has been worked out on that amendment.

Mr. PELL. No, it has not been.

Mrs. KASSEBAUM. That amendment will still be pending tomorrow.

Mr. PELL. Mr. President, I rescind the yielding back of my time.

The PRESIDING OFFICER. That time has not been yielded back, the Chair will state. The Senator from Michigan yielded back the time on the amendment he spoke 2 minutes on. The Chair requested yielding that time back so the amendment could be disposed of.

Mr. THURMOND. Mr. President, I have previously expressed my opposition to harsh, punitive sanctions against South Africa. However, I supported the President's Executive order of September 1985 which I believed was appropriately designed to encourage efforts to enact meaningful reforms.

It is unfortunate that we continue to read of growing racial unrest and violence in South Africa. It does not appear that the South African Government has constructively responded to the Executive order. The question we should ask is whether the South African Government will constructively respond to the imposition of additional sanctions? I do not believe that anyone in Congress has the answer to that question. Nor do I believe that sufficient efforts will be made during this debate to focus on this central issue.

The issue today is not whether such sanctions achieve their intended goals, but rather what type of sanctions should we approve. I have difficulty answering that question when it is stated in the affirmative. The better question, for the purposes of the realities of this debate is, What type of sanction should we not approve?

Any sanctions which could increase the danger to the security interest of the United States should be rejected. We should never forget that, despite the abhorrent policies of apartheid, we are dealing with a strategic ally. I am afraid that the zeal of those who seek the harshest possible sanctions has clouded the ability to clearly focus on the importance of their strategic relationship. The ability to obtain resources which are necessary to defend our Nation should never be sacrificed. For instance, we should not cause possible harm to our Nation by advising the entire world that our stockpiles of strategic minerals are insufficient to meet our military needs before we can import such minerals from South Africa.

I have reviewed the bill introduced by Senator LUGAR AND favorably reported by the Senate Foreign Relations Committee. The chairman and members of that committee should be commended for their efforts to constructively express our national opposition to apartheid, while attempting to avoid harm to our national security.

The sanctions which are imposed by this bill are designed to avoid unintentional harm to the victims of apartheid. Broadly sweeping, punitive sanctions are likely to have an adverse impact on those who bear no responsibility for the apartheid policies of the South African Government.

Sanctions which are targeted at government-controlled South African corporations may have a better chance at achieving reforms. Although imports from such corporations are subject to a general ban under the bill, an exception is provided for strategic minerals. Furthermore, imports for the essential needs of the United States can continue to be obtained from nongovernmental producers.

The legislation establishes specific goals to guage the process, if any, resulting from these sanctions. The sanctions can be modified if such progress is demonstrated.

I think it is clear that Congress intends to impose further sanctions against South Africa. Although I am not convinced of their effectiveness, I will only support those measures which do not jeopardize our national security or adversely affect those who bear no responsibility for apartheid. Of all the legislative initiatives being discussed in this matter, the bill reported by the Senate Foreign Relations Committee comes the closest to accommodating these important policies. I would support amendments to that legislation which I believe further these policies. Likewise, I intend to oppose amendments that would change the Foreign Relations Committee bill by overextending its scope or by compromising the defense of our country.

CLARIFICATION OF THE TERM "PARASTATAL ORGANIZATION"

Mr. DENTON. I would ask the Senator from Indiana to clarify for me a very important aspect of S. 2701. Section 303(a) provides that, except for certain strategic minerals, "no article which is grown" produced, or manufactured by a a parastatal organization of South Africa may be imported into the United States * * *." The term "parastatal organization" is defined in section 303(b) as "a corporation or partnership owned or controlled by the Government of South Africa."

My concern is with the intended scope of the term "owned or controlled by the South African Government" used in S. 2701. Clearly, a corporation whose stock is 100-percent owned by the South African Government would fall under the definition of section 303(b) and, therefore, be considered a "parastatal organization." I understand, however, that a corporation in which the South African Government has a minority ownership interest would not be considered a "parastatal organization."

It has come to my attention that the Industrial Development Corporation, which is an arm of the South African Government, has an ownership interest in many industrial enterprises. Some of these interests are majority ownership interests, while others are minority ownership interests. If all enterprises in which the South African Government holds any ownership interest were deemed "parastatal organizations," then the importation prohibition of section 303(a) would be far reaching indeed. It is my understanding that this is not the committee's intent. Rather, the committee seeks only to include organizations in which the South African Government owns a majority interest in the definition of "parastatal organization." This construction is consistent with the committee's recent rejection of Senator CRANSTON's substitute that would have prohibited virtually all imports from South Africa.

Let me add that a thorough search for a definition of "parastatal" outside the text of S. 2701 was fruitless because the term simply does not appear in American dictionaries or American legal texts.

Could the chairman please confirm for the record that it is not the intent of S. 2701 to include as "parastatal organizations" corporations in which the South African Government holds less than a 51 percent interest?

Mr. LUGAR. No. That is not the committee's intent. When we drafted S. 1701 and defined a "parastatal organization" in section 303(b) as "a corporation or partnership owned or controlled by the South African Government," we intended that the words "owned and controlled" be given their normal and everyday meanings. Normally, when one "owns" something, one has the power to exercise domination over it and the right to use or enjoy it to the exclusion of all others. Likewise, "control" typically means having "the authority to manage, direct, or administer" the affairs of a subject or entity. It is the intent of the Foreign Relations Committee that the definition of "parastatal" in S. 2701 include only those organizations which the South African Government actually owns or controls in this sense. It is not the intent of the bill to define as a "parastatal organization" any corporations in which the South African Government owns a minority interest. Let me state, therefore, for purposes of S. 2701, the term "owned or controlled by the Government of South Africa" found in section 303(b) means that the Government of South Africa beneficially owns or controls, whether directly or indirectly, more than 50 percent of the outstanding voting securities of a corporation or partnership.

I hope this clarifies the issue the Senator from Alabama raised.

Mr. LEAHY. Mr. President, 10 weeks ago I spoke on this floor in support of legislation to impose broad sanctions against South Africa if it fails to take significant steps to dismantle apartheid. For my colleagues who had reservations about the wisdom of economic sanctions then, the events of the past 10 weeks should have left no lingering doubts about the future of South Africa, and of our relations with the future black leaders of that country, if our policy there is not radically changed.

South Africa is steadily sliding toward civil war. Those of us who predicted it and warned against it and urged past and present administrations to act boldly to try to prevent it, have watched our fears evolve into reality. The time has come for the Congress of the United States to do what is morally right in South Africa. We must stop trading with a racist regime that uses our wealth to strengthen its illegitimate hold on political power.

This administration has had 6 years to use its considerable political and economic influence to change the course of events in South Africa. Its policy of constructive engagement was well intentioned, but unrealistic. Perhaps someday it might be said that constructive engagement helped to bring down the pillars of apartheid. But does anyone here honestly believe that the black majority is going to continue to wait patiently for that day to come? It is far more likely that we will remember constructive engagement as having been used by the South African Government as a license to strengthen apartheid, not to weaken it.

Constructive engagement has failed. In the past 12 months, over 1,200 blacks have been killed in racial violence in South Africa. Government reforms, such as the abolition of the pass laws, have not addressed the fundamental issues of continued white political domination and the segregation of residency and education. Under the recent "state of emergency," thousands of blacks have been jailed indefinitely without formal charge. The administration should concede that its policy has failed, rather than continue to defend it even as the South African Government attacks its neighbors and imposes yet again more draconian restrictions on the liberty of its citizens.

Mr. President, regrettably, we have few choices. The black majority has borne this modern form of slavery for so long only because they know they are no match for the modern South African military. Ten years ago even slow progress toward an end to apartheid might have averted war between the races in South Africa. That time is now lost. We were unable to avoid our own civil war a century ago, and perhaps the South Africans will have to fight theirs. Ethiopia has offered to train black soldiers to fight apartheid. Other African nations may follow suit. One wonders how patient American blacks would have been if they had had to wait another century for their freedom.

I believe we can still prevent a full-scale war, but only if we radically change our policy, and persuade our Western allies to follow our example.

To my colleagues who honestly believe that constructive engagement will work, I say that time has run out. The same was true of our policy in Haiti and the Philippines. The black majority has lost faith in a policy that has completely failed to deliver them from evil.

To those who argue that sanctions will not work, my answer is that real sanctions have never been tried in South Africa. This administration has imposed broad sanctions against Libya, which I support. Even if sanctions don't work in the sense of forcing the South African regime to begin moving toward majority rule, we must, out of respect for our own ideals and values, find meaningful ways to express our rejection of apartheid. We must show the rest of black Africa where we stand, before we suffer a precipitate loss of influence in the rest of the continent.

One day, the blacks will rule in South Africa, and they will look back and ask where the United States stood at this time when we were tested. The Eminent Persons Group from the Commonwealth of Nations, recently returned from South Africa and described what it will be like if the West refuses to impose sanctions:

Without (sanctions), black leaders will again have their view confirmed that they are without fundamental support from the

West. The kind of government that would emerge from increased violence through much larger-scale civil conflict, whether it is eight or ten years hence or even longer, would be totally radical, owing its allegiance to those countries from which it would obtain arms and support. The politics of the whole of Southern Africa would be soured. Such a government would nationalize all major corporations. The strategic, economic and commercial interests of the West would be utterly destroyed.

Recently, at the same time the United States representative at the United Nations vetoed a Security Council resolution calling for sanctions against South Africa, the House of Representatives took the courageous step of passing legislation requiring total United States divestment from South Africa.

The President's July 22 address on this issue was appallingly out of step with the sentiment of Congress and the American people. He claims to know what is best for South African blacks. There is distressing irony in the fact that the South African Government has so effectively proven him wrong.

The recent decision by the Commonwealth nations to impose sanctions, with the unfortunate exception of Great Britain, was a welcome change. We should follow their example. We must enact strong economic and diplomatic sanctions this year, as well as urge the President to make as concerted an effort to persuade our allies to join us as he has in the case of Libya.

Finally, we should urge the President to undertake a policy of high-level diplomacy aimed at bringing together representatives of the black majority with the South African Government. As the only organizations capable of negotiating on behalf of the blacks, the African National Congress [ANC] and United Democratic Front [UDF] must be brought into the process of peacefully dismantling apartheid.

I deplore the violence of the ANC as I do the violence of the South African Government security forces. We should universally condemn acts of terrorism, whomever is responsible, and encourage all South Africans to reject violence as a means of achieving a truly democratic society. As Secretary of State Shultz has said, we must attempt to bring together black and white leaders if a bloodbath is to be avoided. The true leaders of South Africa are patriots like Desmond Tutu, Nelson and Winnie Mandela, and Allan Boesak. They are desperately exploring all avenues of peaceful change, and they are looking to the United States for support before all chance for negotiations is lost. The United States should be making every effort to be the mediator in that process.

Mr. President, as the leader of the free world, the United States has a responsibility to use its diplomatic, economic, and moral powers to help end the abhorrent system of apartheid. It is morally indefensible for us to do anything less than what I have suggested today. I strongly support S. 2701, the Comprehensive Anti-apartheid Act, as well as the efforts of several of my colleagues to strengthen the sanctions it contains.

Mr. CHILES. Mr. President, the Senate today has joined the House of Representatives in speaking out against the harsh, cruel, and terrible system of apartheid in South Africa. The only voice missing from the national chorus is that of the President. I would hope that the President would heed the message from the Congress and not veto this legislation but move with us to ensure that the United States of America is on the right side.

The key issue in South Africa is not black versus white, it is rather wrong versus right. Once we come to that realization, we can then understand the importance and magnitude of the vote taken here today.

It is my hope that the Government of South Africa will view our actions not in anger or hatefulness but rather as an effort to help them do what they should do. First, grant to all its citizens full citizenship; second, the release of Nelson Mandela and other political prisoners who have resisted apartheid and are paying for that resistance by their loss of liberty. Third, to immediately lift the state of emergency which exists in South Africa. It is my hope that other Western nations will take note of this action—particularly England—and follow our lead.

The legislation passed by the Senate sets forth a comprehensive framework to guide United States efforts to help end apartheid and establish a nonracial, democratic form of government in South Africa; sets forth a progressive human rights policy toward the Government in South Africa and offers some relief to the victims of apartheid. The victims of apartheid are the people of South Africa who are not afforded full citizenship; who live in fear; who look to this Nation as a beacon of liberty and justice. It is noteworthy that this bill's major provision included financing education, training, and scholarships for apartheid victims who are attending colleges, universities, and secondary schools in South Africa.

The economic prohibitions that are contained in this legislation are particularly significant. We've acted to ban the export of computers, computer software, and computer technology. We've prohibited importation of uranium ore, uranium oxide, or coal from South Africa to be effective 90 days after enactment.

The strong steps to terminate air services agreements with South Africa are laudatory.

Certainly the strong amendment by the Senator from California [Mr. CRANSTON] is a needed and strongly desired addition to the bill. The prohibition on the importation of textiles should send a strong message to the Government of South Africa.

I want to add my appreciation to the managers of this bill. It is an important piece of legislation.

A COLLEAGUE'S UNPARALLELED CONTRIBUTION TO NATIONAL SECURITY

Mr. MOYNIHAN. Mr. President, we are all aware of the unique contributions of the senior Senator from Arizona to the defense of the Nation. The respect of his colleagues is such that we now speak of the Barry Goldwater Defense Reorganization Act and the Barry Goldwater Scholarship and Excellence in Education Program. They are richly deserved honors.

I rise today, Mr. President, to add one more accolade to those already made on the floor of the Senate this past Saturday evening. Just last week, Senator GOLDWATER received what is known as the Central Intelligence Agency Seal Medallion. This event went largely without notice, just as it is the nature of intelligence work—properly so—that it go largely without notice. But I think this occasion deserves to be an exception. It is time to call public attention to the singular contributions my distinguished colleague has made to the future prospects of intelligence efforts in our democratic society. I say this as someone who served as vice chairman of the Senate Select Committee on Intelligence during which time Senator GOLDWATER served as that committee's chairman (1981–84). Allow me to read from the citation:

> Consistently adhering to the highest standards of personal and professional integrity in furtherance of the national security interests of the United States, Senator Goldwater clearly demonstrated that effective oversight of intelligence can be realized in a democratic nation without risk to the intelligence process.

Mr. President, it seems to me that Senator GOLDWATER located that crucial balance all democracies must reach—that is, the balance between legitimate national security needs and civil liberties, including the citizens' right to know. I think particularly of Senator GOLDWATER'S leadership, indeed statesmanship, in formulating a compromise over the Freedom of Information Act, a compromise which allows for the protection of intelligence sources while streamlining and speeding the legitimate process of disclosure. This legislation is known as the CIA Information Act of 1984, it might better be called the Barry Goldwater Intelligence Sources Protection Act. It was BARRY GOLDWATER who chaired the first hearing the Intelligence Committee ever had on Soviet surveillance of our domestic communi-

cations. And it was BARRY GOLDWATER who played a key leadership role, as committee vice chairman, on the Intelligence Oversight Act of 1980. This act requires that the CIA keep the Congress fully informed of its activities while reducing the number of reporting committees from eight to two (the intelligence committees); once again we see the Goldwater balance.

Finally, Mr. President, I would be remiss if I failed to note BARRY GOLDWATER'S contribution to increasing resources for our intelligence agencies, which they began to receive in 1978; a time when morale was low and our intelligence capability in peril—the "dark ages" some have said. I recall in 1982 when John McMahon was before the committee as the President's nominee for Deputy Director of Central Intelligence. He told us, "the Agency indeed was down in 1978, and I think since then we have begun a rebuild, and a great deal of credit for that rebuild belongs to Congress because Congress led the charge to give the resources." And you know who was out there leading the quiet charge.

Mr. President, I am proud to have served on the Intelligence Committee with my distinguished colleague from Arizona and I am proud to serve in the Senate with him today. I ask unanimous consent that the full text of the citation awarded to Senator GOLDWATER be printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE UNITED STATES OF AMERICA CENTRAL INTELLIGENCE AGENCY CITATION

Barry M. Goldwater is hereby awarded the Agency Seal Medallion in recognition of his outstanding accomplishments as a Member of the Senate Select Committee on Intelligence from May 1976 to January 1985. He was a leader in establishing the oversight of intelligence which was and is today in the finest spirit of bipartisan government. Consistently adhering to the highest standards of personal and professional integrity in furtherance of the national security interests of the United States, Senator Goldwater clearly demonstrated that effective oversight of intelligence can be realized in a democratic nation without risk to the intelligence process. Serving with full knowledge that his achievements would never receive public recognition, he chose to align himself with the thousands of men and women who have devoted their lives to support the intelligence needs of our country. Senator Goldwater's extraordinary contributions and exemplary dedication while serving on the Senate Select Committee on Intelligence reflect great credit on himself and the Congress of the United States.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following joint resolutions:

August 8, 1986:

S.J. Res. 356. Joint resolution to recognize and support the efforts of the United States Committee for the Battle of Normandy Museum to encourage American awareness and participation in development of a memorial to the Battle of Normandy.

August 13, 1986:

S.J. Res. 256. Joint resolution designating August 12, 1986, as "National Neighborhood Crime Watch Day."

REPORT ON UNITED STATES-SOVIET UNION VERIFICATION OF COMPLIANCE WITH NUCLEAR TESTING LIMITATIONS—MESSAGE FROM THE PRESIDENT—PM 165

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

In response to the requirements of Section 1003 of the FY 1986 Department of Defense Authorization Act (P.L. 99-145), I am pleased to transmit this unclassified interagency study of possible avenues of cooperation between the United States and the Soviet Union in the development of verification capabilities consistent with national security restrictions.

The requirement under Section 1003 involves: "limited exchanges of data and scientific personnel," in general, and "joint technological effort in the area of seismic monitoring," in particular. Upon review of a number of possible scientific disciplines, it was concluded that in terms of this study, nuclear testing issues appear to offer the most promising avenues for such "scientific" cooperation and data exchange. Therefore, the attached study focuses its examination on matters relating to the verification of limitations in nuclear testing.

While the attached study focuses on nuclear testing limitations, it should be noted that in other arms control areas as well, the Administration believes that exchanges of information would, in addition to various monitoring provisions including types of on-site inspections, play an important role in establishing a verification framework.

In START and INF, for example, areas of possible exchange of information might include the declaration of missile and launcher facilities, the numbers of missiles and launchers at such facilities, and information on the destruction of missiles and launchers that are in excess of agreed treaty limits. In the negotiations on Mutual and Balanced Force Reductions (MBFR), we have asked for an exchange of information to be updated annually, on the structure of forces subject to MBFR limitations. At the Stockholm Conference on Confidence- and Security-Building Measures in Europe (CDE), we believe it important to have an exchange of information both on overall force structures and on specific forces participating in military activities. In chemical weapons arms control, we believe it important, among other things, to have a preliminary bilateral exchange of data on chemical weapons stockpiles and on production facilities as a confidence-building measure prior to the entry into force of a convention banning such weapons.

The prospects for progress in arms control may be significantly enhanced if a regime of cooperation between the United States and the Soviet Union in the development of verification capabilities consistent with national security restrictions can be established. The attached interagency study describes some possible avenues of cooperation that could produce benefits in the near term in the nuclear testing limitations area.

As indicated in the attached study, the United States has long sought a meeting with the Soviets to present our concerns about the verification provisions of the Threshold Test Ban Treaty (TTBT) and the Peaceful Nuclear Explosions Treaty (PNET). The United States and the Soviet Union recently agreed to have experts meet to discuss issues related to nuclear testing.

This meeting of experts, which took place in Geneva July 25-August 1, allowed the United States to present its ideas and concerns to the Soviet Union and to hear Soviet views. At the meeting, the United States presented its views of verification improvements in existing agreements which we believe are needed and achievable at this time. A follow-on meeting of U.S. and Soviet experts is scheduled for September. We hope the Soviet Union will join in a constructive dialogue.

RONALD REAGAN.

THE WHITE HOUSE, *August 14, 1986.*

MESSAGES FROM THE HOUSE

At 12:15 p.m., a message from the House of Representatives, delivered by Mr. Allen, one of its clerks, announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 991. An act to provide authorization of appropriations for certain fisheries activities.

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 249. Joint resolution to proclaim October 23, 1986, as "A Time of Remembrance" for all victims of terrorism throughout the world;

S.J. Res. 298. Joint resolution to designate the week of October 5, 1986, through October 11, 1986, as "Mental Illness Awareness Week";

S.J. Res. 338. Joint resolution to designate November 18, 1986, as "National Community Education Day";

S.J. Res. 358. Joint resolution to designate the month of September 1986 as "Adult Literacy Awareness Month"; and

S.J. Res. 386. Joint resolution to designate October 6, 1986, as "National Drug Abuse Education Day".

The message further announced that the House has passed the following enrolled bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 2631. An act to provide for study and research on the decline in United States forest productivity and to determine the effects of atmospheric pollutants on forest environments, and for other purposes;

H.R. 4260. An act to provide the Small Business Administration continuing authority to administer a program for small innovative firms, and for other purposes;

H.R. 4351. An act to withdraw and reserve certain public lands in Nevada for use by the Departments of the Air Force and the Navy, and for other purposes;

H.R. 4354. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1987, and for other purposes;

H.R. 4843. An act to provide for a minimum price and an alternative production rate for petroleum produced from the naval petroleum reserves, and for other purposes;

H.R. 5073. An act to amend the Toxic Substances Control Act to require the Environmental Protection Agency to promulgate regulations requiring inspection for asbestos-containing material in the Nation's schools, development of asbestos management plans for such schools, response actions with respect to friable asbestos-containing material in such schools, and for other purposes;

H.R. 5316. An act to amend title 28 of the United States Code to provide for the appointment of additional bankruptcy judges, to provide for the appointment of United States trustees to serve in bankruptcy cases in judicial districts throughout the United States, to make certain changes with respect to the role of United States trustees in such cases, and for other purposes;

H.J. Res. 678. Joint resolution to designate October 1986 as "Crack/Cocaine Awareness Month";

H.J. Res. 692. Joint resolution to designate the week of October 19, 1986, through October 26, 1986, "National Housing Week"; and

H.J. Res. 694. Joint resolution to designate the week of December 14, 1986, through December 20, 1986, as "National Drunk and Drugged Driving Awareness Week".

At 5:27 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 4329) to authorize United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland.

The message also announced that pursuant to section 1928a of title 22, United States Code, the Speaker appoints Mr. SOLOMON as a member of the U.S. Group of the North Atlantic Assembly, vice Mr. O'Brien, deceased.

At 6:15 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5395. An act to increase the statutory limit on the public debt.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 4151. An act to provide enhanced diplomatic security and combat international terrorism, and for other purposes; and

H.J. Res. 683. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Maine Central Railroad Company and Portland Terminal Company labor-management dispute.

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills and joint resolutions were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2631. An act to provide for study and research on the decline in United States forest productivity and to determine the effects of atmospheric pollutants on forest environments, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry;

H.R. 4351. An act to withdraw and reserve certain public lands in Nevada for use by the Departments of the Air Force and the Navy, and for other purposes; to the Committee on Energy and Natural Resources;

H.J. Res. 678. Joint resolution to designate October 1986 as "Crack/Cocaine Awareness Month"; to the Committee on the Judiciary; and

H.J. Res. 694. Joint resolution to designate the week of December 14, 1986, through December 20, 1986, as "National Drunk and Drugged Driving Awareness Week"; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4354. An act to authorize appropriations to the Secretary of Commerce for the programs of the National Bureau of Standards for fiscal year 1987, and for other purposes.

H.R. 5073. An act to amend the Toxic Substances Control Act to require the Environmental Protection Agency to promulgate regulations requiring inspection for asbestos containing material in the Nation's schools, development of asbestos management plans for such schools, response actions with respect to friable asbestos containing material in such schools, and for other purposes.

H.R. 5316. An act to amend title 28 of the United States Code to provide for the appointment of additional bankruptcy judges, to provide for the appointment of United States trustees to serve in bankruptcy cases in judicial districts throughout the United States, to make certain changes with respect to the role of United States trustees in such cases, and for other purposes.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore [Mr. THURMOND] reported that on today, August 14, 1986, he had signed the following enrolled bill which had previously been signed by the Speaker of the House of Representatives:

H.R. 2478. An act to amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and with a preamble:

S.J. Res. 325: Joint resolution to approve the "Compact of Free Association" between the United States and the Government of Palau, and for other purposes (Report. No. 99-403).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. 2759: An original bill relating to telephone services for Senators (Report. No. 99-404).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S.J. Res. 269: Joint resolution to provide for the reappointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution (Rept. No. 99-405).

By Mr. ABDNOR, from the Committee on Appropriations, with amendments:

H.R. 5294: A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and Independent Agencies, for the fiscal year ending September 30, 1987 (Rept. No. 99-406).

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

H.R. 4175: A bill to authorize appropriations for fiscal year 1987 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission (Rept. No. 99-407).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2055: A bill to establish the Columbia Gorge National Scienic Area, and for other purposes.

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment:

S. 2721: A bill to amend the Agricultural Act of 1949 to modify cross compliance requirements for producers of extra long staple cotton, and for other purposes.

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2760: An original bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

Mr. DANFORTH. Mr. President, today I rise on behalf of the Senate Commerce Committee to file S. 2760, the Product Liability Reform Act. This is an original bill that was approved by the Senate Commerce Committee on June 26. At the same time, I ask unanimous consent that Senators KASTEN, PRESSLER, LONG, FORD, and DODD be added as original cosponsors of this measure. I also ask unanimous consent that the bill be printed in the RECORD following my remarks. I would note that copies of the bill have been widely available since the beginning of July.

This important measure is being filed today, prior to the committee's formal report, in order to facilitate timely consideration of this bill by the full Senate. It is my expectation that the report on S. 2760 will be filed in the very near future.

Mr. President, The present system in the United States for resolving product liability disputes and compensating those injured by defective products is costly, inefficient, slow, inequitable, and unpredictable. It does not benefit manufacturers, product sellers, or injured persons. The system's excessive transaction costs are passed on to consumers; moreover, the unpredictability, uncertainties, and inefficiencies of the system have been linked to the increasing cost and unavailability of liability insurance. Because of the serious burden of interstate commerce imposed by these product liability problems, Federal legislation is needed.

S. 2760 addresses these problems. It is a bill that has envolved over the past few years out of efforts begun by Senator KASTEN, Senator GORTON, Senator DODD, and others. It is a bill that was shaped by the Commerce Committee during 6 days of executive session.

This measure contains a number of significant reforms of the product liability system. These reforms include a new, expedited settlement system that would create incentives for both plaintiffs and defendants to settle product liability claims in the initial stages of litigation; moreover, this settlement system provides greater certainty that those injured by defective products will be made whole for their actual losses without the excessive costs and delays of litigation.

In addition, S. 2760 modifies the doctrine of joint and several liability in product liability cases. It eliminates joint and several liability for so-called noneconomic damages—damages for pain and suffering. This provision was presented to the committee as an amendment by Senator PRESSLER; it is consistent with the approach adopted recently by the voters of California in a State referendum. It allows injured parties to be made whole for their economic loss, but limits a defendant's liability for noneconomic damages to his percentage of responsibility for the harm as determined by the trier of fact.

With respect to punitive damages, a higher burden of proof and uniform standard is established that requires clear and convincing evidence that the harm suffered was the result of conduct manifesting a conscious, flagrant indifference to the safety of persons who might be harmed by a product. Moreover, this measure contains a Government standards defense that bars the imposition of punitive damages awards against manufacturers of drugs or aircraft when these products have been subjected to premarket approval by the Food and Drug Administration or the Federal Aviation Administration.

S. 2760 also imposes a uniform liability standard for product sellers who are not manufacturers. Moreover, it provides that any damages awarded in a product liability action shall be reduced by any workers' compensation benefits recoverable by the plaintiff for the same harm, and it significantly reduces transaction costs in such cases by eliminating the employer's subrogation lien. These are important reforms.

This measure imposes, as well, uniform statutes of limitations and repose for product liability actions. It establishes a rule barring recovery in product liability cases by plaintiffs who are legally intoxicated and more than 50 percent responsible for their harm. In addition, it establishes sanctions to be imposed on attorneys who file frivolous lawsuits or delay litigation without good cause.

Other reforms in S. 2760 include a forum non conveniens rule that creates a presumption that when a foreign plaintiff suffers a product-related injury overseas, that claim should be brought overseas. This bill establishes, too, uniform rules as to admissible evidence, and limits the use of evidence of subsequent remedial measures taken by manufacturers after harm has occurred.

This bill also imposes penalties for the destruction or concealment of material relevant to product liability actions. Finally, this bill requires the Secretary of Commerce to provide Congress with an annual report analyzing the impact of this legislation on product liability insurance.

I believe that this is a fair and balanced bill that effectively addresses the product liability problem; however, I recognize that at least one element of this measure has generated a great deal of controversy and that is the $250,000 cap on pain and suffering awards when a settlement offer is rejected. I also recognize that if this cap had been removed from the bill the committee probably would have approved this measure by a margin greater than the 10 to 7 vote to report the bill.

I would like to explain in greater detail the rationale for this litigation on pain and suffering awards, which is imposed as an incentive for settlement in the most serious cases—those involving disfigurement, and loss of life, limb, or bodily function. This cap is intended as an incentive for defendants in such cases to offer payments of all of an injured person's actual economic losses that are not reimbursed by other sources plus $100,000 for pain and suffering. This cap only applies if there is such an offer and it is rejected by the plaintiff. It is not an across-the-board limitation on recovery for pain and suffering in all product liability cases.

S. 2760 also imposes a $50,000 cap on pain and suffering when an offer to pay actual economic losses is rejected in the great majority of cases involving less serious injuries. But that does not seem to be a major concern. It is the limitation on recovery in the most severe cases that has provoked the most controversy. Several members of the Commerce Committee, including Senator INOUYE and Senator STEVENS, have expressed great concern about this cap on pain and suffering in cases involving severely injured persons.

This is an extremely volatile and emotional issue. But it is important to note that the $250,000 cap is not merely a relief measure for manufacturers as some have suggested. The issue here is not the size of pain and suffering awards or how such awards have grown. The issue is how to provide swifter, more certain recovery for the seriously injured person, because the data shows that recovery in the average product liability case is delayed for years and that the tort system grossly overpays people with

small losses, while underpaying people with the most serious losses.

How then, does a $250,000 cap help such people who are grossly undercompensated. It helps them because such a limitation on liability reduces the unpredictability of the litigation system and is a compelling incentive for defendants to offer to pay the injured person's actual losses, as they are incurred, plus an additional $100,000, and to do so in the initial stages of litigation—not 5 years down the road, when the average product liability claim is paid.

During committee consideration of this proposal, Senator INOUYE eloquently described the plight of many of those who have been severely injured and are burdened by pain and suffering for the rest of their lives. Some of them are able to recover their economic losses and to receive some payment for their pain and suffering. But it is important to remember that many of these seriously injured parties may recover nothing at all because of the uncertainties of litigation. They face a legal system that has been compared to a lottery in which similar cases can produce vastly different results. And they also face years of delay and the costs of protracted litigation. As a consequence, victims with the worst injuries, facing the greatest economic hardships, often settle for far less than their full losses to meet pressing financial needs.

The purpose of the cap is to give these severely injured persons greater certainly of being paid in full for their out-of-pocket losses along with an additional $100,000. It is not a mean-spirited idea to deprive the injured of just recompense but a tradeoff of predictability for defendants for certainty of recovery for those who have been injured.

Those injured by defective products seek full, swift, and more certain recovery. Manufacturers and product sellers seek greater certainty as to the scope of their liability. Manufacturers, product sellers, and consumers seek to reduce the excessive transaction costs of product liability disputes. The settlement system in the bill, with its limitations on liability is intended to address these concerns. I beleive that by far the most inportant component of a meaningful product liability bill is such a system for fairly compensating victims without forcing them through the long and costly ordeal of full blown litigation.

The key to such a system is the incentives provided for settlements. There may be alternatives to the $250,000 cap that will be effective, and we are open to consideration of such alternatives. In the weeks ahead, I will be working with Senator INOUYE, Senator STEVENS, and others to review this issue and to examine other viable approaches to this question.

Mr. President, I would like to add a few comments about our efforts to provide sequential referral of this measure to the Committee on the Judiciary.

Shortly after the committee ordered the bill reported, the Judiciary Committee requested a 30-day referral of the bill. After some negotiation, we offered 21 days. That was unacceptable to Democratic members of the Judiciary Committee.

Finally, in an effort to accommodate the concerns of the Judiciary Committee members, we agreed to meet their original 30-day referral request. At that point, Democratic members of the committee requested referral through Septemeber 12, a full 11 weeks after the Commerce Committee had acted, and more than 9 weeks after the members of the committee had been given copies of the bill.

In a final effort to accommodate the concerned members of the Judiciary Committee, during the week of July 21 we proposed two alternatives: A straight 30-day referral, or a referral lasting through September 12, conditioned on an agreement to limit debate on a motion to proceed to have the full Senate debate S. 2760. Both alternatives were rejected.

At that point, it seemed fruitless to continue the discussions. I made a good faith effort over several weeks trying to accommodate the Judiciary Committee. I regret that no agreement was reached. It is my understanding that the Judiciary Committee intends to hold a hearing on the measure. I would certainly welcome the committee's input when the measure is taken up on the Senate floor.

As a final comment, Mr. President, let me thank the distinguished chairman of the Judiciary Committee, Senator THURMOND, for his consistent and determined efforts to try to work out a mutually satisfactory arrangement. He has been totally accommodating from the outset, and the failure to reach agreement should in no way reflect on his role or his leadership.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 2760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE I

SHORT TITLE

SEC. 101. This Act may be cited as the "Product Liability Reform Act".

DEFINITIONS

SEC. 102. (a) As used in this Act, the term—

(1) "claimant" means any person who brings a civil action pursuant to this Act, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "collateral benefits" means all benefits and advantages received or entitled to be received (regardless of any right any other person has or is entitled to assert for recoupment through subrogation, trust agreement, lien, or otherwise) by any claimant harmed by a product or by any other person as reimbursement of loss because of harm to person or property payable or required to be paid to the claimant, under—

(A) any Federal law or the laws of any State (other than through a claim for breach of an obligation or duty); or

(B) any life, health or accident insurance or plan, wage of salary continuation plan, or disability income or replacement service insurance or any benefit received or to be received as a result of participation in any pre-paid medical plan or Health Maintenance Organization;

(4) "commerce" means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(5) "commercial loss" means economic injury, whether direct, incidental, or consequential, including property damage and damage to the product itself, incurred by persons regularly engaged in business activities consisting of providing goods or services for compensation;

(6) for the purposes of title II of this Act, "dignitary loss" means noneconomic loss resulting from harm caused by a product, compensable under State law, in the amount of $100,000, and consisting of pain and suffering or mental anguish associated with (A) the death of a parent, child or spouse; (B) serious and permanent disfigurement; (C) loss of a limb or organ; or (D) serious and permanent impairment of a bodily function;

(7) "economic loss" means any pecuniary loss resulting from harm which is allowed under State law;

(8) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution and judgment that society expects of its members for the protection of their own interests and the interests of others;

(9) "harm" means any harm recognized under the law of the State in which the civil action is maintained, other than loss or damage caused to a product itself, or commercial loss, with respect to which recovery is available under the commercial or contract law of the State;

(10) "manufacturer" means (A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product); (B) a product seller with respect to all aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of a product;

(11) for purposes of title II of this Act, "net economic loss", in accordance with subsection (b) of this section, includes—

(A) reasonable expenses incurred for reasonably needed and used medical and rehabilitation care and services;

(B) lost income from work which the claimant would have performed if the claimant had not suffered harm, reduced by any income earned from substitute work actually performed by the claimant or by income the claimant would have earned in available appropriate work which the claimant was capable of performing but unreasonably failed to undertake;

(C) reasonable expenses incurred in obtaining ordinary and necessary services in lieu of those the claimant would have performed, not for income, but for the benefit of the claimant or the claimant's immediate family, if the claimant had not suffered the harm;

(D) lost earnings of a deceased person who suffered fatal harm caused by a product which, if the person had not died, would have been contributed to claimants who are entitled to receive benefits by reason of such person's death under the law of the place where the deceased person was domiciled; and

(E) reasonable expenses incurred by the claimant in preparation and submission of an offer of settlement or a response pursuant to section 201 of this Act, or in resolving a dispute involving the inclusion or exclusion of dignitary loss pursuant to section 201(d)(3) of this Act, including a reasonable attorney's fee,

less the total amount of collateral benefits paid or payable to the claimant by reason of the same harm;

(12) "non-economic loss" means loss caused by a product other than economic loss or commercial loss;

(13) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(14) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(15) "product" means any object, substance, mixture, or raw material in a gaseous, liquid or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(16) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(17) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

(b)(1) The lost income taken into account under subsection (a)(11)(B) of this section shall be reduced by the amount of all Federal, State, and local income taxes and any Social Security or other payroll taxes which would be applicable to such income, but which would not be applicable to compensation paid under this Act.

(2) Where harm occurs in circumstances that might entitle a claimant to benefits (including workers' compensation benefits) which would reduce the amount of the claimant's net economic loss in accordance with subsection (a)(11) of this section and it cannot reasonably, within the time provided for payment under section 205 of this Act or any reasonable extension of such time, be determined whether or in what amount such benefits will be payable, the defendant shall place in an interest-bearing escrow account that portion of the economic loss which the defendant reasonably anticipates the claimant will receive from collateral sources, until the claimant's right to such benefits and the amount of such benefits finally has been determined under applicable law.

(3)(A) The total amount of compensation for economic loss paid or payable to a claimant from any other source shall, for purposes of subsection (a)(11) of this section, be reduced by the amount of legal fees and other costs incurred by the claimant in collecting such compensation.

(B) Attorney's fees may be on a contingent basis but, for the purposes of subsection (a)(11) of this section, shall be calculated solely on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

(4) Except as otherwise provided by any provision of Federal law, no program of compensation, whether public or private, the benefits of which would be deducted from a claimant's economic loss in order to calculate net economic loss under subsection (a)(11) of this section, may make payment of benefits secondary to payment of net economic loss by a defendant under this Act.

PREEMPTION

SEC. 103. (a) This Act governs any civil action brought against a manufacturer or product seller, on any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this Act and shall be governed by applicable commercial or contract law.

(b) This Act supersedes any State law regarding recovery for harm caused by a product only to the extent that this Act establishes a rule of law applicable to any such recovery. Any issue arising under this Act that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) Nothing in this Act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except the Federal Employees Compensation Act;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of the Foreign Sovereign Immunities Act of 1976 (28 U.S.C. 1602 et seq.);

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) except as provided in section 309 of this Act, affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any

other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution.

(d) As used in this section, "environment" has the meaning given to such term in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)).

(e) This Act shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

JURISDICTION OF FEDERAL COURTS

SEC. 104. The district courts of the United States shall not have jurisdiction over any civil action pursuant to this Act, based on section 1331 or 1337 of title 28, United States Code.

EFFECTIVE DATE

SEC. 105. (a) This Act shall take effect 90 days after the date of its enactment and shall apply to all civil actions pursuant to this Act commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this Act.

(b) If any provision of this Act would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability, the claimant may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this Act within one year after the effective date of this Act.

TITLE II

EXPEDITED PRODUCT LIABILITY SETTLEMENTS

SEC. 201. (a) Any claimant may bring a civil action for harm caused by a product against the product's manufacturer or the product seller, pursuant to applicable State or Federal law, except to the extent such law is superseded by this Act.

(b) Any claimant may, in addition to any claim for relief made in accordance with State law, include in such claimant's complaint an offer of settlement. For the purposes of this title, an offer of settlement shall be limited to a claim for payment of the claimant's net economic loss, pursuant to section 205 of this title, and any dignitary loss.

(c) Any defendant in such an action may make an offer of settlement for the claimant's net economic loss and any dignitary loss. Such offer shall be made by certified mail, return receipt requested, within ninety days after service of the claimant's complaint, or within the time permitted pursuant to applicable State or Federal law for the responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may make such an offer to the claimant within ten days after the court's determination regarding such motion. A copy of such offer shall be filed with the court within such time period.

(d)(1) The recipient of an offer of settlement made in accordance with subsection (b) or (c) of this section shall determine whether to accept or reject such offer, unless the recipient disputes the validity of such offer because of the inclusion or exclusion of dignitary loss. If such a dispute exists, paragraph (3) of this subsection shall apply.

(2) A recipient of such an offer shall provide to the offeror written notice of acceptance or rejection of such offer by certified mail, return receipt requested, within ninety days after the date on which such offer is made. A copy of such notice shall be filed with the court within such time period.

(3) If, during such time period, the recipient of such an offer of settlement disputes the validity of such offer because of the inclusion or exclusion of dignitary loss, the recipient shall file a motion with the court for a determination as to the validity of the offer of settlement. Within fifteen days after the filing of such motion, the court shall rule as a matter of law on such motion. If the court finds that the offer of settlement is invalid, a new offer of settlement consistent with the court's ruling may be made by the offeror within ten days after the date of such finding, and a response to such offer must be made within the time period and in the manner specified in paragraph (2) of this subsection. Such offer shall be made by certified mail, return receipt requested, and if the plaintiff makes such an offer, such offer shall be sent to all defendants. If the court finds that the offer of settlement is valid, there shall be a period of ten days in addition to the applicable time period under this section in which the recipient may respond to such offer of settlement.

(e) In any case in which an offer of settlement is made under subsection (b) or (c) of this section, the court may, upon motion made prior to the expiration of the applicable period for response, enter an order extending such period for discovery. Any such order shall contain a schedule for discovery of evidence material to the issues of the circumstances of the harm and the appropriate amount of relief, and shall not extend such period for more than ninety days. Any such action shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material and is not, after reasonable inquiry, otherwise available to the moving party.

(f) Subject to subsection (e) of this section, and unless otherwise agreed by the parties, failure to respond to an offer of settlement within the applicable time period set forth in subsection (d) of this section shall be deemed to be a rejection of such offer of settlement, and the provisions of sections 203 and 204 of this title shall apply.

(g) Any person who makes an offer of settlement or who agrees to accept such an offer pursuant to this title shall be bound by the court's determinations as to any disputes involving net economic loss. Such disputes shall be resolved by the court on an expedited basis, unless the parties agree to be bound by determinations made pursuant to any voluntary alternative dispute resolution procedures established or recognized under the law of the State in which the civil action for damages for harm caused by a product has been brought, or under the rules of the court in which such action is maintained.

(h) When an offer of settlement is made in accordance with this section, a civil action brought by a claimant shall be stayed until—

(1) notification by the recipient of such offer pursuant to subsection (d) of this section; or

(2) failure to respond to such offer within the time periods specified in subsection (d) or (e) of this section.

This subsection shall not apply to a dispute regarding dignitary loss pursuant to subsection (d) of this section or to discovery pursuant to subsection (e) of this section.

RIGHTS UPON SETTLEMENT

SEC. 202. (a) Subject to the provisions of section 206 of this title, a claimant may not bring or maintain a civil action against any person for damages arising from the same harm if—

(1) any defendant has accepted the claimant's offer of settlement made pursuant to section 201 of this title and has paid or agreed in writing to make payment to the claimant pursuant to section 205 of this title; or

(2) any defendant's offer of settlement made in accordance with section 201 of this title has been accepted in writing by the claimant.

In such circumstances, the court shall dismiss the civil action of the claimant upon motion by any party to the settlement, except that the court shall retain jurisdiction for the purpose of resolving disputes concerning the extent of the claimant's net economic loss and for other purposes consistent with this title.

(b) If a claimant is precluded from bringing or maintaining a civil action under subsection (a) of this section, a defendant who has entered into a settlement with the claimant may not be made a defendant in any action brought by any other party for contribution, reimbursement, subrogation or indemnity for damages arising from the same harm, in the absence of a prior written agreement to the contrary, except as provided in section 206 of this title.

(c) Neither the claimant's employer nor any insurer shall have any right of subrogation, contribution, or indemnity against the defendant or any lien on the claimant's settlement from the defendant, nor shall the defendant have any right of contribution or indemnity against the claimant's employer or fellow employee.

REJECTION OF CLAIMANTS' OFFER OF SETTLEMENT

SEC. 203. (a) If a defendant rejects an offer of settlement made by a claimant in accordance with section 201 of this title, and a verdict is entered against the defendant in such action equal to or greater than the current value of such offer of settlement (as determined by the court), the court shall enter judgment against the defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fees and costs, not to exceed $100,000, incurred by the claimant from the date on which the defendant rejected such offer or failed to respond as provided in section 201 of this title until the date of entry of the claimant's judgment. Such fees shall be offset against, but shall not exceed, any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(b) The court shall review the amount for the claimant's reasonable attorney's fees and costs included in such judgment under subsection (a) of this section. The court shall reduce such amount if the court determines that the defendant had a reasonable basis for rejecting the offer of settlement made by a claimant in accordance with section 201 of this title because the case involved a novel question of law or complex questions of fact.

(c) For the purpose of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

RIGHTS UPON CLAIMANT'S REJECTION OF OFFER OF SETTLEMENT

SEC. 204. (a) In a civil action subject to this Act, if a defendant makes an offer of settlement pursuant to section 201 of this title and such offer is rejected by the claimant, the provisions of this section apply if the defendant is found liable in such action for harm to the claimant.

(b) The liability of the defendant for the claimant's economic loss shall not exceed the claimant's net economic loss.

(c)(1) The liability of the defendant for the claimant's noneconomic loss, other than punitive damages, shall not exceed $250,000 in any case in which the court finds that recovery for dignitary loss is appropriate. Such a determination shall be made by the court prior to the entry of judgment.

(2) In any case other than a case specified in paragraph (1) of this subsection, the liability of the defendant for the claimant's noneconomic loss, other than punitive damages, shall not exceed two times the claimant's economic loss or $50,000, whichever is less.

(d) In any such civil action tried by a jury, the jury shall be instructed to make specific findings of fact regarding the portion of any damage award allocable to economic loss and the portion of any damage award allocable to noneconomic loss. The jury shall not be instructed regarding the limitations on damages specified in subsections (b) and (c) of this section, but the award of damages in any such action shall be reduced by the court in accordance with such limitations.

(e) If more than one defendant joins in an offer of settlement made in accordance with section 201 of this title that is rejected by the claimant, the limitations on damages specified in this section shall apply in the aggregate to the liability of such defendants.

PAYMENT OF NET ECONOMIC LOSS

SEC. 205. (a) Subject to subsection (b) of this section and section 201 of this title, net economic loss shall be paid periodically as costs are incurred, but not later than thirty days after the date on which reasonable proof of the fact and amount of net economic loss incurred is submitted to any defendant who is a party to a settlement under this title.

(b)(1) An obligation to make payment of net economic loss may be discharged initially or at any time thereafter by a settlement agreement, including an agreement to make a lump-sum payment, except that no such discharge shall be made with respect to harm giving rise to an estimated value of net economic loss equal to or greater than $10,000 unless the court determines that the settlement is fair to the claimant.

(2) A settlement agreement may be modified upon a finding that a material and substantial change of circumstances has occurred after the date on which the agreement was made or that there is newly discovered evidence concerning the claimant's physical condition, loss, or rehabilitation which could not have been known or discovered in the exercise of reasonable diligence prior to the date on which such agreement was made.

(3) The court, upon application of any party to the settlement, may make appropriate orders concerning the protection and disbursement of the proceeds of a settlement agreement entered into under this section.

(c) If a period of five years has elapsed after the most recent claim for payment is made with respect to the harm at issue, the claimant shall not be entitled to receive payment for any additional net economic loss with respect to such harm.

REIMBURSEMENT

SEC. 206. (a) A defendant who has entered into a settlement with the claimant under this title shall be subrogated to any rights of the claimant against another person arising from or contributing to the harm at issue to the extent that the amount of loss paid or to be paid in the settlement exceeds such defendant's comparative proportion of responsibility for such loss.

(b) Any other person provided with notice by a defendant that an offer of settlement has been made shall, within ninety days after receipt of such notice, determine whether to contribute its proportionate share of such claim. Any potentially liable person who would benefit may join in the defendant's response to the claimant's offer of settlement or in an offer of settlement made by the defendant. Such person shall give written notice to the claimant and the defendant. A person who joins in such a settlement is deemed to have agreed to pay a share of the claimant's net economic loss pursuant to section 205 of this title and any dignitary loss, based on the comparative responsibility of all those joined in the settlement other than the claimant.

(c) Persons who join in a settlement pursuant to subsection (b) of this section shall be bound by the court's determination, made upon motion by any such person, of their proportionate shares of responsibility for the claimant's loss, unless such persons agree to be bound by determinations made pursuant to any voluntary alternative dispute resolution procedures established or recognized under the law of the State in which the civil action for damages for harm caused by a product has been brought, or under the rules of the court in which such action is maintained.

(d)(1) If any person who is responsible for causing the claimant's harm and who has received notice under subsection (b) of this section refuses to contribute such person's proportionate share of loss pursuant to this title, a defendant who has entered into a settlement agreement pursuant to section 201 of this title to pay such loss may recover from such person a total amount equal to the amount of subrogation recovery pursuant to this section plus one-half of the amount of such subrogation recovery, in addition to reasonable attorney's fees and costs incurred in seeking such subrogation recovery.

(2) If an action is brought under this section against another person (other than the claimant's employer or fellow employee) for contribution, reimbursement or indemnity and the action is not a civil action subject to this Act, such action shall be governed by applicable standards of liability under State or Federal law.

(e) For the purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

TITLE III

CIVIL ACTIONS

SEC. 301. A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable State or Federal law, except such law is superseded by this Act.

UNIFORM STANDARDS OF PRODUCT SELLER LIABILITY

SEC. 302. (a) Notwithstanding the provisions of section 301 of this title, in any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant; (B) the product seller failed to exercise reasonable care with respect to the product; and (C) such failure to exercise reasonable care was a proximate cause of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product; (B) the product failed to conform to the warranty; and (C) the failure of the product to conform to the warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1) of this section, the trier of fact may consider the effect of the conduct of the product seller with respect to the construction, inspection, or condition of the product, and any failure of the product seller to pass on adequate warnings or instructions from the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this title based upon an alleged failure to provide warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, the product seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with those warnings and instructions which it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this title except for breach of express warranty where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) A product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES

SEC. 303. (a) Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this title to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscious, flagrant indifference to the safety of

those persons who might be harmed by a product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions or warnings is not of itself such conduct. Except as provided in subsection (b) of this section, punitive damages may not be awarded in the absence of a compensatory award.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

(c)(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer or product seller which caused the claimant's harm where—

(A) the drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) or medical device (as defined under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Food and Drug Administration or any other agency or official of the Federal Government information that is material and relevant to the performance of such drug or device.

(2) Punitive damages shall not be awarded pursuant to this section against a manufacturer of an aircraft which caused the claimant's harm where—

(A) such aircraft was subject to premarket certification by the Federal Aviation Administration with respect to the safety of the design or performance of the aspect of such aircraft which caused the claimant's harm or the adequacy of the warnings regarding the operation or maintenance of such aircraft; and

(B) the aircraft was certified by the Federal Aviation Administration under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.).

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Federal Aviation Administration information that is material and relevant to the performance or the maintenace or operation of such aircraft.

UNIFORM TIME LIMITATIONS ON LIABILITY

SEC. 304. (a) Any civil action subject to this title shall be barred unless the complaint is filed within two years of the time the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that any such action of a person under legal disability may be filed within two years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

(b)(1) Any civil action subject to this title shall be barred if a product which is a capital good is alleged to have caused harm which is not a toxic harm unless the complaint is served and filed within twenty-five years after the time of delivery of the product.

(2)(A) With respect to any good other than a capital good, a manufacturer or product seller shall not be subject to liability to a claimant for harm caused by a product in any civil action subject to this title if the manufacturer proves, by a preponderance of the evidence, that the harm was caused after the product's useful safe life.

(B) A manufacturer or product seller may be subject to liability for harm caused by a product after its useful safe life if—

(i) the manufacturer has warranted that the product can be utilized safely for a time longer than the useful safe life;

(ii) the manufacturer intentionally misrepresents facts about the product or intentionally conceals information about the product and that concealment was the proximate cause of the claimant's harm; or

(iii) the harm was caused by exposure to a product, which exposure first occurred within the useful safe life of the product, even though the harm did not manifest itself until after such useful safe life.

(C) In any civil action brought pursuant to this paragraph, there is a presumption that the harm was caused after the useful safe life of the product if the harm was caused more than ten years after the time of delivery of the product. Such presumption may be rebutted by a preponderance of the evidence.

(3) A motor vehicle, vessel, aircraft, or railroad used primarily to transport passengers for hire shall not be subject to the provisions of this subsection.

(4) As used in this subsection—

(A) the term "time of delivery" means the time when a product is delivered to its first purchaser or lessee who was not involved in the business of manufacturing or selling such product or using it as a component part of another product to be sold; and

(B) a product's "useful safe life" begins at the time of the first use of the product following delivery and extends for the time during which the product would normally be likely to perform or be stored, or both, in a safe manner.

(c) As used in this section, the term—

(1) "capital good" means any product, or any component of any such product, which is of a character subject to allowance for depreciation under the Internal Revenue Code of 1954, and which was—

(A) used in a trade or business;

(B) held for the production of income; or

(C) sold or donated to a governmental or private entity for the production of goods, for training, for demonstration, or other similar purposes; and

(2) "toxic harm" means harm which is functional impairment, illness, or death of a human being resulting from exposure to an object, substance, mixture, raw material or physical agent of particular chemical composition.

(d) Nothing in this section shall affect the right of any person who is subject to liability for harm under this Act to seek and obtain contribution or indemnity from any other person who is responsible for such harm.

COUNSEL'S LIABILITY FOR EXCESSIVE COSTS

SEC. 305. (a) In the case of any civil action subject to this title, any attorney or other person who is admitted to conduct cases in any court of the State in which such civil action is pending and whose conduct in the course of such action is calculated to delay resolution of the action, or who is determined by the court (after consideration of the circumstances) not to be in good faith, shall be subject to pecuniary sanctions to be imposed by the court. Any such sanction shall be equal to an amount not less than the total amount of court costs, fees, and expenses (including attorney's fees) reasonably attributable to the conduct.

(b)(1) Notwithstanding any other provision of law, if the court finds that an attorney representing either a claimant or a defendant in a civil action subject to this title acted in the manner prescribed in paragraph (2) of this subsection, such attorney shall be liable for costs, fees, and expenses, including attorney's fees reasonably incurred to respond to, proceed with, or resist such action.

(2) Any such attorney shall be liable as specified in paragraph (1) of this subsection if the court finds that such attorney commenced a civil action subject to this title or maintained a defense in such an action without a good faith belief by such attorney that there was a reasonable basis in law and in fact for the recovery of the damages (including punitive damages, if pleaded) or for such defense.

(3) The provisions of paragraph (1) of this subsection shall not apply if a claim for punitive damages is withdrawn at least thirty days prior to the commencement of trial.

(c) Nothing in this section shall be construed to subject an attorney to sanctions for pursuing a novel but credible theory of law or defense.

RECORD RETENTION

SEC. 306. (a) Any claimant and any person who is a party to a civil action subject to this title who anticipates bringing such an action, or who has notice that he or she may be made a party to such an action, shall retain all material, documents and other data (including, in the case of the claimant, the product alleged to have caused the claimant's harm) within such person's possession, custody or control that are relevant or may lead to the discovery of evidence relevant to the claim or action.

(b) In any civil action subject to this title, if the court determines that a party has willfully disposed of, destroyed, concealed, altered or removed any material, document or data in violation of subsection (a) of this section or any State or Federal rule, regulation or statute requiring the retention of such material, document or data, there shall be a rebuttable presumption that the facts to which the material, document or data relate are established in a manner adverse to the position of the party who has committed the violation. The court shall assess a civil penalty against such party in an appropriate amount not less than $1,000 and order such party to pay the other party's costs, including reasonable attorney's fees, incurred in proving the violation.

(c) In any other civil action subject to this title, in which the court determines that a party has nonwillfully violated subsection (a) of this section or any State or Federal rule, regulation or statute requiring the retention of such material, document or data, and that no other means are available to establish the facts to which the unavailable

material, document or data relate, the court may, in the interest of justice, establish a rebuttable presumption that the facts to which the material, document or data relate are, for the purposes of such action, established in a manner adverse to the party who has committed the violation.

UNIFORM STANDARDS FOR OFFSET OF WORKERS' COMPENSATION BENEFITS

SEC. 307. (a) In any civil action subject to this title in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, any damages awarded shall be reduced by the sum of the amount paid as workers' compensation benefits for such harm and the present value of all workers' compensation benefits to which the employee is or would be entitled for such harm. The determination of workers' compensation benefits by the trier of fact in a civil action subject to this title shall have no binding effect on and shall not be used as evidence in any other proceeding.

(b) In any civil action subject to this title in which damages are sought for harm for which the person injured is entitled to receive compensation under any State or Federal workers' compensation law, the action shall, on application of the claimant made at claimant's sole discretion, be stayed until such time as the full amount payable as workers' compensation benefits has been finally determined under such workers' compensation law.

(c)(1) Except as provided in paragraph (2) of this subsection, unless the manufacturer or product seller has expressly agreed to indemnify or hold an employer harmless for harm to an employee caused by a product, neither the employer nor the workers' compensation insurance carrier of the employer shall have a right of subrogation, contribution, or implied indemnity against the manufacturer or product seller or a lien against the claimant's recovery from the manufacturer or product seller if the harm is one for which a civil action for harm caused by a product may be brought pursuant to this Act.

(2) Paragraph (1) of this subsection shall not apply to any civil action involving workplaces covered by a State-operated worker's compensation insurance fund, if the State had adopted, prior to June 3, 1986, a statute eliminating workers' compensation subrogation liens in cases where the claimant's employer or co-employee has been found to be at fault.

(d) In any civil action subject to this title in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third-party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any co-employee or the exclusive representative of the person who was injured.

(e) Nothing in this Act shall be construed to affect any provision of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm caused by a product in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer, any co-employee or the exclusive representative of the person who was injured. Any action other than such a workers' compensation claim shall be prohibited, except that nothing in this Act shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or co-employee, where the claimant's harm was caused by such an intentional tort.

(f) Without regard to when the harm giving rise to the claim occurred, the provisions of this section shall not apply to any person subject to or covered by the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.).

SEVERAL LIABILITY FOR NONECONOMIC DAMAGES

SEC. 308. (a) In any product liability action, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(b) For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

(c) As used in this section, the term—

(1) "noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation; the term does not include objectively verifiable monetary losses including, but not limited to, medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, rehabilitation and training expenses, loss of employment or loss of business or employment opportunities; and

(2) "product liability action" includes any action involving a claim, third-party claim, cross-claim, counterclaim or contribution claim in a civil action in which a manufacturer or product seller is found liable for harm caused by a product.

FORUM NON CONVENIENS

SEC. 309. Any court in which an action subject to this title is commenced shall decline to exercise jurisdiction over such action if the court determines that the convenience of the parties and the interests of justice dictate that the action should proceed in another State or foreign jurisdiction or that the plaintiff has taken up residence in the State in which the court in located principally for the purpose of invoking the jurisdiction of such court with respect to such action. In any such action maintained by a citizen of a foreign jurisdiction which arises out of a transaction which occurred in a foreign jurisdiction, there is created a presumption, rebuttable by clear and convincing evidence, that the action should proceed in a foreign jurisdiction.

ADMISSIBLE EVIDENCE

SEC. 310. (a)(1) All relevant evidence is admissible in any civil action brought pursuant to this Act, except as otherwise provided by the Constitution of the United States, Act of Congress, or any other rule prescribed by the Supreme Court of the United States pursuant to statutory authority, or, with respect to any action based on section 1332 of title 28, United States Code, by the Federal Rules of Evidence. Evidence which is not relevant is not admissible in any such action.

(2) Evidence which is relevant may be excluded in any civil action brought pursuant to this Act if—

(A) its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence;

(B) such evidence is inadmissible hearsay under applicable State law; or

(C) the privilege of a witness, person, government, or State under applicable State law provides for the exclusion of such evidence.

(3) As used in this subsection, the term "relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without such evidence.

(b) Evidence of measures taken after an event, which if taken previously would have made the event less likely to occur, is not admissible to prove liability in any action subject to this title, in connection with the event. This section does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as proving ownership, control, or feasibility of precautionary measures, if controverted, or impeachment.

DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS

SEC. 311. (a) In any civil action subject to this Act in which all defendants are manufacturers or product sellers, a manufacturer or product seller may assert in complete defense of such action that the claimant was under the influence of intoxicating alcohol or any drug and that such condition was more than 50 per centum responsible for such claimant's harm.

(b) In any civil action subject to this Act in which not all defendants are manufacturers or product sellers and the trier of fact determines that no liability exists against those defendants who are not manufacturers or product sellers, the court shall enter a judgment notwithstanding the verdict in favor of any defendant which is a manufacturer or product seller if it is proved that the claimant was under the influence of intoxicating alcohol or any drug and that such condition was more than 50 per centum responsible for such claimant's harm.

(c)(1) For purposes of this section, the determination of whether a person was under the influence of intoxicating alcohol shall be made pursuant to applicable State law.

(2) As used in this section, the term "drug" means any non-over-the-counter drug which has not been prescribed by a physician for use by the claimant.

TITLE IV

PRODUCT LIABILITY INSURANCE REPORTING

SEC. 401. (a) The Secretary of Commerce (hereinafter referred to as "the Secretary") shall provide to the Congress before June 30 of each year after the date of enactment of this Act a report analyzing the impact of this Act on insurers which issue product liability insurance either separately or in conjunction with other insurance; and on self-insurers, captive insurers and risk retention groups.

(b) To carry out the purposes of this section, the Secretary shall collect from each

insurer all data considered necessary by the Secretary to present and analyze fully the impact of this Act on such insurers.

(c) Within one hundred and twenty days after the date of enactment of this Act, the Secretary shall issue such regulations as may be necessary to implement the purposes, and carry out the provisions, of this section. Such regulations shall be promulgated in accordance with section 553 of title 5, United States Code. Such regulations shall—

(1) require the reporting of information sufficiently comprehensive to make possible a full evaluation of the impact of this Act on such insurers;

(2) specify the information to be provided by such insurers and the format of such information, taking into account methods to minimize the paperwork and cost burdens on such insurers and the Federal Government; and

(3) provide, to the maximum extent practicable, that such information is obtained from existing sources, including, but not limited to, State insurance commissioners, recognized insurance statistical agencies, the Administrative Office of the United States Courts and the National Center for State Courts.

(d) The Secretary may subpoena witnesses and records related to the report required under this section from any place in the United States. If a witness disobeys such a subpoena, the Secretary may petition any district court of the United States to enforce such subpoena. The court may punish a refusal to obey an order of the court to comply with such a subpoena as a contempt of court.

● Mr. HELMS. Mr. President, on behalf of the Senate Committee on Agriculture, Nutrition, and Forestry, I am filing S. 2721, a bill ordered reported by the committee.

I ask unanimous consent that the text of the bill be printed in the RECORD and that a section-by-section analysis and a statement showing changes in existing law also be printed, immediately following the text of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CROSS COMPLIANCE FOR PRODUCERS OF EXTRA LONG STAPLE COTTON.

Paragraph (16) of section 103(h) of the Agricultural Act of 1949 (7 U.S.C. 1444(h)(16)) is amended to read as follows:

"(16)(A) Notwithstanding any other provision of law, except as provided in subparagraph (B), compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans or payments under this subsection.

"(B) In the case of each of the 1989 and 1990 crops of extra long staple cotton, the Secretary may require that, as a condition of eligibility of producers for loans or payments under this subsection, the acreage planted for harvest on the farm to any other commodity for which an acreage limitation program is in effect shall not exceed the crop acreage base established for the farm for that commodity.

"(C) Notwithstanding any other provision of law, in the case of each of the 1987 and 1988 crops of extra long staple cotton, compliance with the terms and conditions of the program authorized by this subsection may not be required as a condition of eligibility for loans, purchases, or payments under any other commodity program.".

SEC. 2. LOCAL AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES.

The fifth paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) (as amended by section 3 of Pubic Law 99-253 (100 Stat. 36)) is amended—

(1) by inserting after the third sentence the following new sentence "Notwithstanding the preceding sentence, there may be 1 local administrative area in any county for which there had been established less than 3 local administrative areas as of December 23, 1985."; and

(2) in the sixth sentence (as it existed before the amendment made by paragraph (1)), by striking out ": Provided," and all that follows through the period and inserting in lieu thereof a period.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill would amend paragraph 16 of section 103(h) of the Agricultural Act of 1949 (7 U.S.C. 144(h)(16)) to provide that, in the case of the 1987 and 1988 crops of extra long staple cotton, compliance with the terms and conditions of the extra long staple cotton program could not be required as a condition of eligibility for loans, purchases, or payments made under any other commodity program. The Secretary is authorized to require compliance with the terms and conditions of the extra long staple cotton program as a condition of eligibility for loans, purchases, or payments made under other commodity programs for the 1989 and 1990 crops.

Section 2 of the bill would amend the fifth and sixth sentences of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) to authorize the Secretary of Agriculture to permit the continuation of one local Agricultural Stabilization and Conservation administrative area in those counties that had one such area on the date of enactment of the Food Security Act of 1985 (December 23, 1985).

CHANGES IN EXISTING LAW MADE BY S. 2721

Changes in existing law made by S. 2721 are shown as follows (existing law proposed to be deleted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

Agricultural Act of 1949

SEC. 103. (a) * * *

(h)(1) * * *

[(16) Notwithstanding any other provision of law, compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans or payments under this subsection.]

(16)(A) Notwithstanding any other provision of law, except as provided in subparagraph (B), compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans or payments under this subsection.

(B) In the case of each of the 1989 and 1990 crops of extra long staple cotton, the Secretary may require that, as a condition of eligibility of producers for loans or payments under this subsection, the acreage planted for harvest of the farm to any other commodity for which an acreage limitation program is in effect shall not exceed the crop acreage base established for the farm for that commodity.

(C) Notwithstanding any other provision of law, in the case of each of the 1987 and 1988 crops of extra long staple cotton, compliance with the terms and conditions of the program authorized by this subsection may not be required as condition of eligibility for loans, purchases, or payments under any other commodity program.

SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

SEC. 8 (a) * * *

(b) * * * In carrying out the provisions of this section in the States of the Union, except Alaska, the Secretary is directed to utilize the services of local and State committees selected as hereinafter provided. The Secretary shall designate local administrative areas as units for administration of programs under this section. There shall be 3 local administrative areas in each county, except that, in counties with less than one hundred and fifty farmers, the county committee selected as hereinafter provided may reduce the number of local administrative areas to one, and except that the Secretary may include more than one county or parts of different counties in a local administrative area when the Secretary determines that there are insufficient farmers in an area to establish a slate of candidates for local committee and hold an election. *Notwithstanding the preceding sentence, there may be 1 local administrative area in any county for which there had been established less than 3 local administrative areas as of December 23, 1985.* Each local administrative area shall have one local committee consisting of at least three members elected to three-year terms in a local election to be held every third year, except that there may be more than one local committee per administrative area in counties that, as of the date of enactment of the Food Security Act of 1985, have more than three local committees. Only one local administrative area shall hold an election in any given year in each county. Only farmers within a local administrative area who are producers who participate or cooperate in programs administered within their area shall be eligible for nomination and election to the local committee for that area [*Provided*, That the foregoing requirement of this sentence shall not apply to any county that, on the date of enactment of the Food Security Act of 1985, had less than three local administrative ares]. Only farmers who are participating or cooperating producers within an area shall be eligible to vote in the election in that area. Each local committee shall meet (A) once each year and shall receive compensation for such meeting by the Secretary at not less than the level of effect on December 31, 1985, and (B) at the direction of the county committee and with the approval of the State committee, such additional times during the year as may be necessary to carry out this section without compensation. The meetings of a local committee shall be held on different days of the year. The members of the local committee shall, in the county convention, nominate and elect a county committee which shall consist of three members who are farmers in the county. At the first county convention held on or after the effective date of this sentence, one member of the county committee shall be elected for one year; one member shall be elected for two years; and

one member shall be elected for three years. Thereafter, each member of a county committee shall be elected for a term of three years. No member of the county committee shall be elected for more than three consecutive terms (exclusive of any term which began prior to the effective date of this sentence). The local committee in each county shall (A) in a county in which there is more than one local committee, serve as advisors and consultant to the county committee; (B) periodically meet with the county committee and State committee to be informed on farm program issues; (C) communicate with producers within their communities on issues or concerns regarding farm programs; (D) report to the county committee, the State committee, and other interested persons on changes to or modifications of farm programs recommended by producers in their communities; and (E) perform such other functions as are required by law or as the Secretary may specify. The Secretary shall ensure that information concerning changes in Federal laws in effect with respect to agricultural programs and the administration of such laws are communicated in a timely manner to local committees in areas that contain agricultural producers who might be affected by such changes. The local committee shall select a secretary and may utilize the county agricultural extension agent for such purpose. The county committee shall select a secretary who may be the county agricultural extension agent. If such county agricultural extension agent shall not have been elected secretary of such committee, he shall be ex officio a member of the county committee. The county agricultural extension agent shall not have the power to vote. In any county in which there is only one local committee the local committee shall also be the county committee. In each State there shall be a State committee for the State composed of not less than three or more than five farmers who are legal residents of the State and who are appointed by the Secretary. The State director of the Agricultural Extension Service shall be ex officio a member of such State committee. The ex officio members of the county and State committees shall be in addition to the number of members of such committee, hereinbefore specified. The Secretary shall make such regulations as are necessary relating to the selection and exercise of the functions of the respective committees, and to the administration, through such committees, of such programs. In carrying out the provisions of this section, the Secretary shall, as far as practicable, protect the interests of tenants and sharecroppers; is authorized to utilize the agricultural extension service and other approved agencies; shall accord such recognition and encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in existing Acts of Congress and as will tend to promote efficient methods of marketing and distribution; shall not have power to acquire any land or any right of interest therein; shall, in every practicable manner, protect the interests of small producers; and shall in every practical way encourage and provide for soil-conserving and soil-rebuilding practices rather than the growing of soil-depleting crops. Rules and regulations governing payments or grants under this subsection shall be as simple and direct as possible, and, wherever practicable, they shall be classified on two bases: (a) Soil-depleting crop and practices, (b) soil-building crops and practices.

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EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

William H. Rehnquist, of Virginia, to be Chief Justice of the United States; and

Antonin Scalia, of Virginia, to be an Associate Justice of the Supreme Court of the United States.

By Mr. MURKOWSKI, from the Committee on Veterans' Affairs:

Thomas E. Harvey, of the District of Columbia, to be Deputy Administrator of Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. COHEN (for himself and Mr. LEVIN):

S. 2756. A bill to amend title 5 of the United States Code, to ensure privacy, integrity, and verification of data disclosed for computer matching, to establish Data Integrity Boards within Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SIMON:

S. 2757. A bill to amend the Public Health Service Act to establish school-based adolescent health services demonstration projects; to the Committee on Labor and Human Resources.

By Mrs. HAWKINS (for herself, Mr. LAXALT, and Mr. HECHT):

S. 2758. A bill to authorize the exchange of certain lands in the States of Nevada and Florida; to the Committee on Energy and Natural Resources.

By Mr. MATHIAS from the Committee on Rules and Administration:

S. 2759. An original bill relating to telephone services for Senators; placed on the calendar

By Mr. DANFORTH from the Committee on Commerce, Science, and Transportation:

S. 2760. An original bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; placed on the calendar.

By Mr. MOYNIHAN:

S. 2761. A bill to amend the Tariff Schedules of the United States to temporarily suspend the duties imposed on doll wig yarns; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2762. A bill to amend the Job Training Partnership Act to establish a Literacy Training Demonstration Program to serve individuals most in need of literacy skills who are not presently being served; to the Committee on Labor and Human Resources.

By Mr. MURKOWSKI:

S. 2763. A bill to amend the International Claims Settlement Act of 1949 to provide that the value of claims be based on the fair market value of the property taken; to the Committee on Foreign Relations.

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. CHILES, Mr. MOYNIHAN, Mrs. HAWKINS, and Mr. DIXON):

S. 2764. A bill to authorize appropriations for fiscal year 1987 for increased activities to interdict and control drug trafficking and to control drug abuse, and for other purposes; to the Committee on Finance.

By Mr. LEAHY (for himelf, Mr. STAFFORD, Mr. CHAFEE, Mr. MITCHELL, Mr. ROTH, and Mr. DURENBERGER):

S.J. Res. 399. Joint resolution making a repayable advance to the Hazardous Substance Response Trust Fund; to the Committee on Appropriations.

By Mr. D'AMATO (for himself, Mrs. HAWKINS, Mr. DECONCINI, and Mr. MOYNIHAN):

S.J. Res. 400. Joint resolution designating the month of September 1986 as "National Back to School—Back Off Drugs Month"; to the Committee on the Judiciary.

By Mr. GORE (for himself, Mr. QUAYLE, Mr. MOYNIHAN, Mr. KENNEDY, Mr. BURDICK, Mr. HOLLINGS, Mr. DIXON, Mr. SASSER, Mr. ZORINSKY, Mr. SIMON, Mr. SPECTER, Mr. STENNIS, Mr. LAUTENBERG, Mr. DECONCINI, Mr. BOSCHWITZ, Mr. CHILES, Mr. CHAFEE, and Mr. HATCH):

S.J. Res. 401. Joint resolution to designate the week of October 12, 1986, through October 18, 1986, as National Job Skills Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 480. Resolution to provide for issuance of a summons and for related procedures concerning the articles of impeachment against Harry E. Claiborne; considered and agreed to.

By Mr. DOLE (for himself and Mr. BYRD):

S. Res. 481. Resolution to provide for the appointment of a committee to receive and to report evidence with respect to articles of impeachment against Harry E. Claiborne; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. COHEN (for himself and Mr. LEVIN):

S. 2756. A bill to amend title 5 of the United States Code to ensure privacy, integrity, and verification of data disclosed for computer matching, to establish Data Integrity Boards within Federal agencies, and for other purposes; to the Committee on Governmental Affairs.

COMPUTER MATCHING AND PRIVACY PROTECTION ACT

Mr. COHEN. Mr. President, today I am introducing the Computer Matching and Privacy Protection Act of 1986 to ensure that the Government adequately respects the rights of individual citizens when conducting computer matching programs. I am pleased that

Senator LEVIN is joining me as a cosponsor of this legislation.

Over the past few years, I have become increasingly concerned over the widespread use of computer matching by Federal and State government agencies. In matching programs, agencies routinely exchange and cross-check information from two or more data bases to find individuals common to both. Most often, matching programs are performed to detect fraud, abuse, or overpayments in Government programs. The Department of Education has, for example, cross-checked its lists of delinquent student loans with lists of Federal employees to determine whether any student loan defaulters work for the Federal Government, and soon each State agency administering AFDC, food stamp, and other welfare benefit programs will be matching their lists of applicants and recipients with Internal Revenue Service files to search for unreported assets or earnings. A single matching program could exchange the records of thousands of citizens at one time.

Although most citizens do not even know what computer matching is, the expansion of matching programs over the past few years has been staggering. The Office of Technology Assessment recently estimated that the number of computer matches performed by the Federal Government tripled between 1980 and 1984, with over 2 billion separate records being exchanged during this period. Many of these matches involved very personal information, such as income and employment data, on individual citizens.

Mr. President, the Federal Government would be remiss if it did not take full advantage of advanced technology to ensure that it is spending tax dollars wisely. In many instances, computer matching is a useful, efficient tool to protect the integrity of Government programs. In our pursuit of efficiency, however, we cannot become insensitive to the fundamental rights of our citizens. What is today seen as an ally against fraud and waste could grow into an enemy of the very liberties that we profess to cherish most.

Computer matching programs, unless properly conducted and controlled, can pose serious threats to the privacy and due process rights of individuals whose records are matched. Since 1982, the Subcommittee on Oversight of Government Management, which I chair, has extensively investigated computer matching by Government agencies. The subcommittee's hearings and investigation revealed tremendous potential for abuse in computer matching programs because there are no mandatory rules for agencies to follow when performing matches, little protection for the persons whose records are matched, and little oversight of how these programs are conducted.

In matching programs, individuals can have crucial government benefits reduced or terminated solely on the basis of unverified information produced by a computer match—information that can be out of date, misleading, or just plain wrong. Citizens can be—and have been in the past—placed in the difficult position of having to defend themselves against information that has never even been reviewed by a human being for its accuracy. Anyone who has ever done battle with a computer for a billing error or some other problem knows how frustrating it can be to prove that the computer made a mistake. Much more than simple frustration is at stake when essential Government assistance, such as AFDC or food stamps, can be cut off because of faulty computer matching results.

There is now very little oversight of matching programs to determine how they are being conducted. Without vigilant oversight and strict procedures for agencies to follow, the powerful tool of the computer can be easily abused. Unchecked disclosures and exchanges of personal records could result in "fishing expeditions" by overzealous government officials who may be insensitive to the privacy and confidentiality rights of citizens. Loose oversight and matching requirements could also expose sensitive personal records to computer security risks or other abuses of data.

The legislation I am introducing today attempts to strike the proper balance between the legitimate needs of government efficiency and personal privacy.

First, the bill requires Federal agencies to enter into written agreements before disclosing records for use in matching programs. These written agreements are required for matching programs between Federal agencies or between Federal and State government agencies. The legislation specifies several elements that must be addressed in these agreements, such as procedures agencies must follow in securing records used in matches and conditions governing return and destruction of data after a match has been completed. The agreements must also include certain prohibitions on what agencies can do with data used in matching, such as prohibitions on redisclosing the information and creating new, permanent files about persons who are identified as "hits" in computer matches. These agreements will force agencies participating in matches to establish and observe basic safeguards on information that they exchange. The agreements will also provide an important audit trail of how matches are performed, thus facilitating oversight of matching by the Office of Management and Budget, the Congress, and agencies themselves.

My legislation also remedies the lack of attention paid to the privacy implications of matches by establishing Data Integrity Boards in each agency subject to the Privacy Act of 1974. These Boards, which would consist of senior officials and staff, would serve as the principal policymakers and overseers of the agency's implementation of the Privacy Act. In addition to advising agency personnel on privacy issues, the boards are given responsibility to review, approve, and maintain the matching agreements required by this act, and to annually review all matches in which the agency has participated. Those boards, which are modeled after the Department of Defense's Defense Privacy Board, should enhance privacy as a priority of each agency.

Finally, my legislation ensures basic due process protections of individuals whose records are matched. Specifically, it prohibits agencies from reducing, suspending, or terminating Federal financial assistance on the basis information produced by a matching program without first verifying the information for accuracy, providing notice to the individual involved, and providing individuals with an opportunity to refute the information produced by the computer match. These basic elements are not only principles of fairness, but are also good management practices for agencies to follow.

Mr. President, we cannot—nor would we want to—reverse the trends of computerization in our society. We must, however, pay adequate attention to the individual's side of the equation when reducing fraud in Government. We must take care not to allow the beast of technology to overtake the values of our democracy.

I look forward to working with Government managers and citizen groups in developing this legislation to strike the most appropriate balance between Government efficiency and personal privacy.

I ask unanimous consent that the text of the Computer Matching and Privacy Protection Act of 1986 be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2756

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Computer Matching and Privacy Protection Act of 1986".

SEC. 2. MATCHING AGREEMENTS.

(a) IN GENERAL.—Subsection (b) of section 552a of title 5, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (11),

(2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; or", and

(3) by adding at the end thereof the following new paragraph:

"(13) to a matching agency or a non-Federal matching entity pursuant to a written matching agreement under subsection (o) of this section.".

(b) MATCHING AGREEMENTS.—Section 552a of title 5, United States Code, is amended—

(1) by redesignating subsections (o), (p), and (q) as subsections (p), (q), and (r), respectively, and

(2) by inserting after subsection (n) the following new subsection:

"(o) MATCHING AGREEMENTS.—At least 30 days prior to disclosing any record to a matching agency or non-Federal matching entity for use in a computer matching program or front-end eligibility verification program, a source agency and the matching agency or non-Federal matching entity shall enter into a written agreement specifying—

"(1) the justification, purpose, and legal authority for conducting the program;

"(2) a description of the records that will be matched, including the data elements that will be used, the number of records that will be matched, and the projected starting and completion dates of the matching program;

"(3) that individuals whose records are matched will be notified of such matching program or front-end eligibility verification program and the procedures for providing such notice;

"(4) that information produced by matching programs or front-end eligibility verification programs will be verified and the method of such verification;

"(5) that records created by such program shall be retained only so long as an investigation, either criminal or administrative, is active, and procedures for destroying such records created by the program;

"(6) safeguards to ensure administrative, technical, and physical security of the records matched and the results of such programs;

"(7) prohibitions on the duplication or redisclosure of records provided by the source agency within or outside the matching agency or non-Federal matching entity conducting the matching program or front-end eligibility verification program, unless authorized by the source agency;

"(8) prohibitions on the extraction or compilation of data on individuals who are not identified as a result of the matching program or front-end eligibility verification program;

"(9) terms and conditions governing the use of the records provided by the source agency for use in a matching program or front-end eligibility verification program, such as procedures governing return to source agency or destruction of records used in such program; and

"(10) information on any reliability assessments that have been conducted on the records that will be matched.".

SEC. 3. NOTICE OF MATCHING PROGRAMS OR FRONT-END ELIGIBILITY VERIFICATION PROGRAMS.

(a) NOTICE IN FEDERAL REGISTER.—Subsection (e) of section 552a of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (10),

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and", and

(3) by adding at the end thereof the following new paragraph:

"(12) with respect to any establishment or revision of a matching program or front-end eligibility verification program, at least 30 days prior to conducting such program, publish in the Federal Register notice of such establishment or revision.".

(b) REPORT TO CONGRESS AND OFFICE OF MANAGEMENT AND BUDGET.—

(1) IN GENERAL.—Subsection (p) of section 552a of title 5, United States Code, as redesignated by section 2(b)(1) of this Act, is amended by striking out "system of records" and inserting in lieu thereof "system of records, matching program, or front-end eligibility verification program".

(2) CLERICAL AMENDMENT.—The heading of such subsection (p) is amended by inserting "or Programs" after "systems".

SEC. 4. DATA INTEGRITY BOARD.

Section 552a of title 5, United States Code, as amended by section 2(b)(1) of this Act, is amended by adding at the end thereof the following new subsection:

"(s)(1) DATA INTEGRITY BOARDS.—Every agency shall establish a Data Integrity Board to oversee and coordinate the agency's implementation of this section.

"(2) Each Data Integrity Board shall consist of senior officials designated by the head of the agency, including the senior official responsible for agency administration, the senior official designated under section 3506(b) of title 44, United States Code, and any senior official designated by the head of the agency as responsible for implementation of this section.

"(3) Each Data Integrity Board shall perform the following functions:

"(A) serve as the principal policymaker and overseer of the agency's implementation of this section;

"(B) develop, review, and coordinate privacy training programs for the agency's personnel;

"(C) review, approve, and maintain all written agreements for disclosure of agency records for matching programs of front-end eligibility verification programs to ensure compliance with subsection (o), and all relevant statutes, regulations, and guidelines;

"(D) annually review all matching programs and front-end eligibility verification programs in which the agency has participated during the year, either as a source agency or matching agency, to determine compliance with applicable laws, regulations, and agency agreements;

"(E) annually review all recurring matching programs in which the agency has participated during the year, either as a source agency or matching agency, continued justification for such disclosures, and compliance with applicable laws, regulations, and agency agreements;

"(F) compile an annual report to the head of the agency, the Office of Management and Budget, and the Congress on the matches in which the agency has participated as a source agency or matching agency;

"(G) receive information on the accuracy and reliability of records provided by the source agency for use in matching programs or front-end eligibility verification progams;

"(H) provide interpretation and guidance to agency components and personnel on the requirements of this section; and

"(I) review agency recordkeeping and disposal policies and practices to assure compliance with this section.

"(4) Each Data Integrity Board shall maintain such staff as necessary to carry out its functions specified by this subsection. Such staff includes persons designated by the head of the agency as responsible for implementation of this section.".

SEC. 5. VERIFICATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, in order to protect any individual whose records are used in matching programs or front-end eligibility verification programs, no matching agency or non-Federal matching entity may deny, terminate, suspend, or reduce any Federal financial assistance to such individual, or take other adverse action against such individual as a result of information produced by such programs, until such agency or entity has independently verified such information. Such independent verification may be from third-party sources or the individual whose records are matched.

(b) INDEPENDENT VERIFICATION.—Independent verification required by subsection (a) of this section shall relate to—

(1) the amount of the asset or income involved.

(2) whether such individual actually has or had access to such asset or income for such individual's own use, and

(3) the period or periods when the individual actually had such asset or income.

(c) OPPORTUNITY TO REFUTE INFORMATION.—Notwithstanding any other provision of law, no matching agency or non-Federal matching entity may deny, terminate, suspend, or reduce any Federal financial assistance to any individual described in subsection (a), or take other adverse action against such individual as a result of information produced by a matching program or a front-end eligibility verification program, until such agency or entity has provided such individual an opportunity to refute the information produced by such program.

(d) NOTICE OF DECISION.—Notwithstanding any other provision of law, in all cases involving denial, reduction, suspension, or termination of Federal financial assistance as a result of information produced by a computer matching program or front-end eligibility verification program, an individual shall be provided with notice of the findings of the matching agency or non-Federal matching entity made on the basis of verified information, of the adverse action to be taken, and information on the right to appear and any opportunity for a hearing.

(e) SANCTIONS.—Nothwithstanding any other provision of law, no source agency may disclose any record or system of records to a matching agency or non-Federal matching entity for a matching program or front-end eligibility verification program if such source agency has reason to believe that the requirements of this section and any matching agreement entered into pursuant to section 552a(o) of title 5, United States Code, are not being met by such matching agency or entity.

(f) DEFINITIONS.—For purposes of this section—

(1) The terms "matching program", "front-end eligibility verification program", "matching agency", non-Federal matching entity", "record", and "source agency" shall have the meanings given to such terms by section 522a(a) of title 5, United States Code.

(2) The term "Federal financial assistance" means any assistance provided through a Federal grant, loan, or contract of insurance or guaranty.

SEC. 6. DEFINITIONS.

Subsection (a) of section 552a of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (6),

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon, and

(3) by adding at the end thereof the following new paragraphs:

"(8) the term 'matching program' means any computerized comparison of two or more automated systems of records or a system of records with a set of non-Federal records to identify individuals common to two or more of the systems of record or unique to one of the systems or record, but such term does not include—

"(A) matches done to produce a statistical record; or

"(B) matches performed by an agency in which no records or systems of records are disclosed to other agencies or non-Federal entities;

"(9) the term 'front-end eligibility verification program' means the certification of accuracy of information supplied by an applicant for Federal financial assistance (as defined in section 5(e)(2) of the Computer Matching and Privacy Protection Act of 1986) by matching such information against a computerized data base;

"(10) the term 'matching agency' means the agency performing a matching program;

"(11) the term 'source agency' means the agency which discloses records from a system of record to be used in a matching program or a front-end eligibility verification program; and

"(12) the term 'non-Federal matching entity' means any State or local government, or agency thereof, which acts as a matching or source agency for matching programs or front-end eligibility verification programs involving Federal Government data.".

By Mr. SIMON:

S. 2757. A bill to amend the Public Health Service Act to establish school-based adolescent health services demonstration projects; to the Committee on Labor and Human Resources.

SCHOOL-BASED ADOLESCENT HEALTH ACT

● Mr. SIMON. Mr. President, adolescents are probably the most medically underserved population in the country, and in low-income areas this is especially true. Illinois, Minnesota, Maryland, and 13 other States have made health care for youth a priority. These States have supported the decision of local school boards to establish health clinics providing a full range of services in high schools.

Through school-based clinics these States have had success in diagnosing and addressing a range of health and social problems of adolescents, such as malnutrition, poor eyesight, handicaps, undiagnosed disease, and teen pregnancy. About 50 such clinics exist and about 60 more are in the works—but many more than this are needed, and those that exist need and deserve our support. I am introducing a bill which would amend the public Health Service Act to establish school-based adolescent health services demonstration projects. A similar bill has been introduced in the House by Representatives WAXMAN, MILLER, and ATKINS.

School-based clinics are primary health care clinics located on the grounds of junior and senior high schools. They are staffed by nurses and/or physicians, and often also include social work professionals.

Typically they are not administered by the schools themselves but by hospitals, public health departments, and nonprofit organizations.

Parental consent is required before students can use clinic services, and efforts are made to involve the parents in the program.

The services offered cover a broad range of health-related problems. They provide both preventative and emergency care. Services range from general physicals to testing for genetic diseases such as sickle cell anemia to treating sexually transmitted diseases, to immunizations, first aid, and substance abuse programs.

Pregnant teens receive prenatal care through the clinic. Often these teen mothers are also given parenting education and referrals to child health programs such as WIC. The clinics often provide family planning services to help prevent unwanted pregnancy and keep these young women in school—educational, nondirectional counseling, and referral family planning services typically represent 20 percent or less of the clinics' services.

A number of the current clinics around the country also address issues such as school dropout, day care, gang resistance, and suicide.

One of the worst social problems that the United States faces today is a staggering rate of teenage pregnancy. In 1981, nearly 15 percent of all babies born here were born to teenage mothers. Our country has the highest teen pregnancy rate of any Western industrialized nation in the world. This is unacceptable. We need to act, and act now. The school-based clinic is one of the very few methods of combating teen pregnancy that has been found to be significantly successful.

The annual national cost of teen pregnancy, in just dollar terms, is estimated to top $16 billion per year. But there are much greater costs still: As the Colorado State Task Force on Teen Pregnancy said,

> Millions of babies are being condemned to poverty, poor health, poor educations and poor prospects for their own adult futures.

Add to this the extraordinarily high rates of school dropout, welfare dependence, and abortion for unmarried teen mothers, and the human cost of this crisis becomes clearer.

Women under age 20 are twice as likely to bear premature and low birth-weight babies. These babies are medically at risk, and require expensive care. Premature births and low birth weights can be avoided to a great extent with prenatal care—but few teens have the resources or initiative to seek it.

Another face of this problem is that twice as many females drop out of high school due to pregnancy than all other medical reasons combined. In a high school in Chicago, over 65 percent of the young women who dropped out said they had left school because they were pregnant. How many of them will ever return to get their high school diploma? Without it, how many will be able to provide even a decent standard of living for their children?

Several of the school-based clinic programs have been in place for a decade now, so plenty of long-term research is available. Examples of their success, and their necessity, abound. Sixty-three percent of the students at a Kansas City school-based clinic said they would not have gone elsewhere for treatment. In a Dallas clinic, up to 30 percent of the patients were found to have undiagnosed health problems. In a St. Paul, MI, high school with a clinic, the dropout rate declined 35 percent. The 10-year-old program in St. Paul has achieved a 66-percent reduction in the student fertility rate, and kept an astonishing 87 percent of their adolescent mothers in school after delivery. The national rate for teen mothers to get pregnant again within 2 years of giving birth is 33 percent. For those who returned to their St. Paul schools with clinics, it was only 1.4 percent.

The proposed bill would give the Secretary of the Department of Health and Human Services the authority to make grants for demonstration projects. The program would be administered by the same unit that administers the maternal and child health services block grants in the Department of Health and Human Services. It recommends an appropriation of $50,000,000 for each of fiscal years 1987 through 1990 for this title. This is money which, I think, we cannot afford not to spend. Recall that the public cost of teenage pregnancy alone was estimated at $16 billion per year.

The amendment stipulates that the States and localities bear an increasing percentage of the program costs over the 4-year demonstration period. It would also provide that charges for services be adjusted according to the income of the adolescent patient. School-based clinics established under this bill must maintain confidentiality of records, while following parental notification regulations where applicable. Where a project serves a substantial proporation of students with limited English-speaking ability, bilingual or translation services must be provided. At the option of the service provider in each locality, other individuals under the age of 21 who live in the school district or districts served by the project may qualify for services.

I am very proud to be associated with the growth and development of

school-based clinics in our country. It is my hope that my colleagues will join me in supporting this demonstration project.●

By Mr. GRASSLEY:

S. 2762. A bill to amend the Job Training Partnership Act to establish a Literacy Training Demonstration Program to serve individuals most in need of literacy skills who are not presently being served; to the Committee on Labor and Human Resources.

LITERACY TRAINING DEMONSTRATION ACT OF 1986

● Mr. GRASSLEY. Mr. President, throughout the course of the Congress, the Finance Committee has held hearings to gather information on trade-related issues in order to design a trade bill to enhance America's position in international trade. We've heard that American industries need a supply of skilled workers to remain competitive in the global market. A reoccurring concern has been the need to address training opportunities for the unemployed and retraining for displaced workers in industries that have been adversely affected by unfavorable international trade conditions.

At a recent hearing of productivity and competitiveness, Dr. Norwood from the Bureau of Labor Statistics emphasized that, while many displaced workers will find new jobs on their own, there are many other unemployed adults and displaced workers who are illiterate. They cannot read a newspaper help-wanted ad or fill out a job application. They will not find a job on their own. They need help.

I think most of us have heard at least once some of the staggering statistics: 25 million American adults are considered functionally illiterate—they lack the reading, writing, comprehension, and simple math skills necessary to function in society beyond the most minimal level—fourth grade. Another equally large number of Americans are considered only marginally literate—their basic skills fall in the range of the fifth through eighth grade levels.

Yet a more staggering statistic is the cost. A direct correlation has been established between the number of illiterate adults unable to perform at the standard necessary for available employment, and the money allocated to child welfare cost and unemployment compensation. And the total cost of illiteracy to society has been estimated to exceed $200 billion a year, when calculated in terms of welfare payments, crime, job incompetence, industrial and military accidents, prison programs, lost taxes, and remedial education programs administered both publicly and by private industry.

Currently, the Adult Basic Education Program administered under the Department of Education, does provide remedial education services to approximately 2.6 million adults across the country. And another 1.4 million adults are receiving services in a variety of smaller literacy programs, both public and private. But this totals only 4 million. The majority of the functionally illiterate population is not being served. This is tragic loss to the individual and a drain on our Nation's productivity.

We must do something to rectify this loss. However, we need to realize that the task of improving basic skills for an adult who did not achieve success in school as a youth, is not easy. Often the individual must first overcome the embarrassment associated with the stigma of being illiterate, recognize the advantages of literacy training, and then make the personal decision to invest the time for self-improvement. To move from a fourth-grade level to an eighth-grade level may well require 2 years of hard work. In the best of scenarios under current programs, less than one-half of the 4 million in remedial education programs will move out of the pool of illiterates in any given year. And even more bleak are the estimates that 1.5 to 2.3 million new illiterates are being added to the pool each year, chiefly from school dropouts and foreign immigrants.

The Job Training Partnership Act programs, administered by the Department of Labor, have shown success in providing some basic education skills, training, and job placement services for unemployed or displaced workers. But JTPA does not address the needs of the functionally illiterate adult population. JTPA's remedial education component is of too short a duration to adequately prepare an illiterate adult for its job-training component. Most of the occupations for which JTPA training programs have been developed require at least a seventh-grade reading level and a working knowledge of fractions, decimals, and often some algebra and geometry. It's a catch-22 situation for the illiterate adult who wants to obtain training through JTPA programs. Requirements for success in the training program and on the job exceeds his or her abilities.

Mr. President, I believe that Congress must act to bridge the existing gaps in the Nation's literacy and job training programs. Our current efforts are just not sufficiently addressing the scope of the adult illiteracy problem. The Finance Committee will soon begin markup on a trade bill that will address measures to enhance the competitiveness of American industry. I intend to introduce an initiative that will expand opportunities for individuals who want to gain entry into our Nation's work force, but are lacking the basic skills needed to obtain employment or to even participate in job training programs such as JTPA.

My initiative is a 2-year pilot project calling for the establishment of community-based programs to provide 1-to-1 tutorial service to any individual seeking help. It would involve the participation of postsecondary institutions who are eligible providers of JTPA programs, employment service agencies, local social service agencies, the local PIC's [private industry councils] and local volunteer service organizations. It calls for the delivery of free tutoring services under flexible hours, and a variety of locations in communities so that individuals can get help near where they live. It also encourages optional use of computer-assisted instruction in appropriate situations, so individuals will gain the additional benefit of becoming familiar with new technology, once they have progressed in skill development and self-esteem in the nurturing environment of a 1-to-1 tutor.

Mr. President, I would like to invite my colleagues to sign on as cosponsors for this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Literacy Training Demonstration Act of 1986".

SEC. 2. Title IV of the Job Training Partnership Act is amended by adding at the end thereof the following new part:

"PART H—LITERACY DEMONSTRATION PROGRAM

"PURPOSE

"SEC. 491. The purpose of this part is to—

"(1) establish community-based literacy training programs to improve the basic reading, writing, and computational skills of unemployed, underemployed, and displaced workers;

"(2) enable such workers to gain employment or to benefit from further training assistance from programs under this Act; and

"(3) improve productivity and enhance the competitiveness of the United States in the global marketplace through adult literacy initiatives that enable unemployed, underemployed, and displaced workers to gain new job skills.

"PROGRAMS AUTHORIZED

"SEC. 492. (a) In order to improve productivity and enhance the competitiveness of the United States in the global marketplace through adult literacy initiatives for unemployed, underemployed, and displaced workers who are not otherwise served by Federal programs, the Secretary is authorized to award grants and enter into contracts with postsecondary institutions participating in any program pursuant to title II of this Act to establish literacy training programs.

"(b) The Secretary may not award a grant in excess of $200,000, for the two fiscal year period of fiscal year 1987 and fiscal year 1988, to any postsecondary institution with an approved plan submitted pursuant to section 493.

"LITERACY TRAINING PLAN

"SEC. 493. Each postsecondary institution participating in any program pursuant to

title II of this Act seeking a grant under section 492 shall submit a plan to the Secretary. Each plan shall be submitted to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require. Each plan shall—

"(1) describe a strategy to identify and serve unemployed, underemployed, and displaced workers most in need of literacy training, at no cost to such workers;

"(2) describe planned involvement of professionals of such postsecondary institution and volunteer civic organizations to provide reading, writing and computational mentors to work with such workers on an individual basis under flexible hours and in community locations;

"(3) describe the resources to be committed by such institution, including—

"(A) the amount of funds derived pursuant to part C of title IV of the Higher Education Act of 1965, relating to the work study program, which may be used to pay students to serve as tutors in the literacy program;

"(B) the use of supplemental computer-assisted instruction wherever feasible; and

"(C) the use of computer equipment for the literacy program, which may be provided by or donated to the institution;

"(4) provide for—

"(A) coordination by the institution with the State employment service agencies, local social service agencies, the local private industry councils established under section 102 of this Act, and other local volunteer service organizations; and

"(B) coordination between programs under this part and any other Federal program, including other programs under this Act; and

"(5) provide for the conduct of an evaluation and report on the achievement attained under the program by the institution to the Secretary.

"USE OF FUNDS

"SEC. 494. (a) Funds made available under this part may be used for—

"(1) the salary of a project director;

"(2) related supporting staff expenses;

"(3) client outreach;

"(4) training of professional and volunteer mentor and student tutors; and

"(5) development or purchase of curriculum materials and supplies, including related software packages.

"(b) Funds made available under this part may not be used to purchase computer hardware.

"REPORT TO CONGRESS

"SEC. 495. No later than October 1, 1988, the Secretary shall report to Congress on an evaluation of the literacy training demonstration program carried out under this part.".

SEC. 3. Section 3 of the Job Training Partnership Act is amended—

(1) in subsection (a)(1) by inserting "and part H" after "part B";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection:

"(e) There are authorized to be appropriated to carry out part H of title IV, $12,500,000 for fiscal year 1987, and $12,500,000 for fiscal year 1988.".

SEC. 4. The table of contents of the Job Training Partnership Act is amended by inserting after the item "SEC. 481. Affirmative action." the following:

"PART H—LITERACY TRAINING DEMONSTRATION PROGRAM

"Sec. 491. Purpose.
"Sec. 492. Programs authorized.
"Sec. 493. Literacy training plan.
"Sec. 494. Use of funds.
"Sec. 495. Report to Congress.".●

By Mr. MURKOWSKI:

S. 2763. A bill to amend the International Claims Settlement Act of 1949 to provide that the value of claims be based on the fair market value of the property taken; to the Committee on Foreign Relations.

DETERMINATION OF VALUE OF CLAIMS

● Mr. MURKOWSKI. Mr. President, today I am introducing legislation to amend the International Claims Settlement Act of 1949. The purpose of this bill is to codify the legal standard by which the Foreign Claims Settlement Commission determines the compensable value of property of U.S. citizens that has been expropriated by foreign governments. That standard, consistently recognized by Congress, is the fair market value, or the price a willing buyer would pay to a willing seller in an arms-length transaction. This standard, as applied to an operating business enterprise would generally be the going concern value of the enterprise.

In addition, the bill codifies the principle that the amount of compensation due is not to be influenced by pre- or post-expropriation actions by the taking government which may have depressed the value of the property. The standard enunciated in the bill conforms to accepted principles of international law established by a long history of treaty practice and decisions of international judicial and arbitral tribunals; it is based primarily upon the standard established by Congress in title V of the International Claims Settlement Act.

For the growing volume of U.S. foreign investments in service industries, recognition that the fair market value should be the value of the enterprise determined as a going concern is vital. Alternative methods, such as book value calculation, are an inadequate measure of income-producing investments in service industries. On an accountants balance sheet, these assets are shown at a fraction of their fair market value.

Mr. President, in recent settlements, the Foreign Claims Settlement Commission has deviated from the traditional principles of international law which dictate that compensation must reflect the full market value or going concern value of expropriated property; it has applied a lesser standard, looking only to net book value and ignoring the market value of expropriated property. This legislation seeks to reverse that trend which if continued will adversely impact international law, deprive Americans who have lost their property, and reward and encourage expropriating governments.

Both the Foreign Claims Settlement Commission and U.S. claimants will benefit from the codification of this applicable standard.●

By Mr. DECONCINI (for himself, Mr. D'AMATO, Mr. CHILES, Mr. MOYNIHAN, Mrs. HAWKINS, and Mr. DIXON):

S. 2764. A bill to authorize appropriations for fiscal year 1987 for increased activities to interdict and control drug trafficking and to control drug abuse, and for other purposes; to the Committee on Finance.

NATIONAL DRUG INTERDICTION IMPROVEMENT ACT

Mr. DECONCINI. Mr. President, today, Senator D'AMATO, Senator CHILES, Senator MOYNIHAN, Senator HAWKINS, and Senator DIXON are introducting the National Drug Interdiction Improvement Act of 1986—a bill that will finally provide our civilian drug interdiction agencies with the additional manpower and tools it will take to really fight a war on drugs.

Mr. President, I am proud to have been a part of the bipartisan effort of the past 4 years that has tried to bring the military more deeply into the war on drugs; has tried to put more military assets into the hands of the civilian drug enforcement agencies to fight drug smugglers; and to try to beef up personnel levels at the Custom Service, the Justice Department, and the Coast Guard.

But it has been, for the most part, a piecemeal, slow, difficult process to gradually bring on line a few aircraft here and a couple of new high-speed vessels there.

Part of the sluggishness and frustration that many of us in both parties and on both sides of the Capitol have experienced over the past 4 years has, in part, been due to a lack of will by the Department of Defense to play an active role in this drug war.

Part of the problem has been a disjointed approach by this administration and the past administration to providing the necessary equipment and manpower to really attack the drug menace head-on.

And part of the problem has been too few Members of Congress willing to put the drug interdiction effort at the top of our national security priorities.

Well, this bill, if enacted by the end of this year, will put us as close as we have ever been toward having a real fighting machine to throw at the narcotics trafficker.

Mr. President, this bill does not pull any punches.

It does not try to mask the magnitude of the resources that we need to fight a real war on drugs.

It is not intended to be a small, mild-mannered, long-term blueprint for helping our drug enforcement agencies by the year 2,000.

No sir. This bill puts our drug interdiction program into overdrive and tells the drug smuggler enemy that we are not going to wait any longer to put the muscle into our antidrug effort.

The time to throw the heavy artillery at the narcotics smuggler is now, not 10 years from now when "crack" is as plentiful as candy bars in our schools; when cocaine has claimed the lives of thousands of our best and brightest young people; and when herion has put another 10,000 lives into reverse.

This bill does not fool around.

It puts the hardware on the table in fiscal year 1987 and tells the drug smuggler that we are not going to wait another year to launch a full-scale assault on him and his organizations.

Mr. President, the National Drug Interdiction Improvement Act of 1986 addresses a major element of our war on drugs—an element that must be pursued in conjunction with an attack on at least six other important drug fronts: First, drug education; second, drug eradication in source and transhipment countries; third, organized crime drug trafficking investigation; fourth, increased drug intelligence gathering; fifth, increased drug treatment and rehabilitation; and sixth, tougher penalties for big time drug dealers.

This bill addresses the important drug interdiction piece of an antidrug battle plan.

Specifically, this bill authorizes $1,424,115,000 in fiscal year 1987—on top on any other drug interdiction spending—for additional Department of Defense; U.S. Customs Service; U.S. Coast Guard; and Department of Justice Drug interdiction equipment, activities, personnel, and facilities.

Of this amount, $1,019,115,000 would be new budget authority in addition to any other amount authorized in regular authorization or appropriation bills that may pass the Congress for fiscal year 1987, and $405,000,000 would be earmarked within the fiscal year 1987 Department of Defense budget for enhanced coastal defense operations, equipment, and manpower.

The bill authorizes enhancements for drug interdiction activities at the following agencies and departments:

Department of Defense to support civilian drug interdiction agencies: $887,015,000 including $405,000,000 earmarked for enhanced coastal defense augmentation by Coast Guard; U.S. Customs Service; $357,300,000.

U.S. Coast Guard: $110,000,000; and Department of Justice: $69,800,000, including $57,800,000 for the Drug Enforcement Administration.

The bill authorizes three major new initiatives that will help to significantly enhance our ability to interdict the narcotics trafficker before—not after—he attempts to penetrate our borders.

They are: One, the estab;ishment of a United States-Bahamas Drug Interdiction Task Force under joint operational control of the Bahamian Government and the U.S. Customs Service, with the Coast Guard, and other agencies actively participating;

Two, the establishment of a new Customs Service air support branch in the State of New York to address the growing air smuggling threat to the Northeastern portion of the United States; and

Three, the implementation of a national Drug interrediction battle plan for bringing National Guard into the war on drugs.

The bill also authorizes a total of approximately 3,700 additional drug interdiction and law enforcement personnel at Coast Guard, plus 2,000 including 500 tactical law enforcement team positions; Customs—plus 969, including 400 additional slots for a Southwest Border Drug Task Force started last year by the Congress; 218 additional assistant U.S. attorneys at Justice to increase drug smuggler prosecutions; and 600 additional DEA agents, of which 300 would be assigned to foreign countries where the drug smuggling problem is most acute.

Finally, Mr. President, this bill contains a title that calls for the administration to submit legislation that would, if necessary, reorganize the executive branch drug enforcement agencies in order to improve the way the Federal Government combats drug trafficking and drug abuse.

This is a provision that the chairman of the House Government Operations Committee, JACK BROOKS, has introduced and reported out of his committee in the House.

Mr. President, the war on drugs will be expensive.

This bill's price tag is not cheap and I recognize that.

However, the fact that the ranking member of the Budget Committee is an original cosponsor of this bill should tell Senators on both sides of the aisle that the sponsors of this legislation put drug interdiction near the top of our national spending priorities.

Providing the appropriations to carry out the mandates of this bill will not be easy in these times of unprecedented budget deficits.

Budget tradeoffs will have to be made and some bitter fiscal medicine swallowed in order to put our civilian antidrug armies into combat against the drug smuggler.

Furthermore, over 73 percent of the total amounts authorized in this bill are nonrecurring, one-shot expenditures to bring hardware and facilities online and fully fund these items in fiscal year 1987.

The bottom line is that we must treat the war on drugs as national security treat to the United States and act accordingly.

The President has stated that he puts the narcotics smuggling threat at the top of his national priority list.

His National Security Directive in April called for bringing the military more deeply into this effort.

The Attorney General, as head of the Drug Enforcement Policy Board, has called for putting nearly a quarter of a billion dollars into DOD resources and other areas in fiscal year 1987.

Both the Speaker of the House and the minority leader of the House, Mr. MICHEL, have joined forces on omnibus drug enforcement legislation that could call for as much as $2 to $3 billion in new funding for the war on drugs.

We must join in that effort, and, party labels aside, buckle our chinstraps and go to war against the drug trafficker.

This bill gives our drug enforcement agencies the weapons to do exactly that and I urge the prompt passage of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE; FINDINGS; PURPOSES

SEC. 101. SHORT TITLE.

This Act may be cited as the "National Drug Interdiction Improvement Act of 1986".

SEC. 102. FINDINGS.

The Congress hereby finds that—

(1) a balanced, coordinated, multifaceted strategy for combating the growing drug abuse and drug trafficking problem in the United States is essential in order to stop the flow and abuse of drugs within our borders;

(2) a balanced, coordinated, multifaceted strategy for combating the narcotics drug abuse and trafficking in the United States should include—

(A) increased investigations of large networks of drug smuggler organizations;

(B) source country drug eradication;

(C) increased emphasis on stopping narcotics traffickers in countries through which drugs are transshipped;

(D) increased emphasis on drug education programs in the schools and workplace;

(E) increased Federal Government assistance to State and local agencies, civic groups, school systems, and officials in their effort to combat the drug abuse and trafficking problem at the local level; and

(F) increased emphasis on the interdiction of drugs and drug smugglers at the borders of the United States, in the air, at sea, and on the land;

(3) funds to support the interdiction of narcotics smugglers who threaten the transport of drugs through the air, on the sea,

and across the land borders of the United States should be emphasized in the Federal Government budget process to the same extent as the other elements of a comprehensive antidrug effort are emphasized;

(4) the Department of Defense and the use of its resources should be in integral part of a comprehensive, national drug interdiction program;

(5) the Federal Government civilian agencies engaged in drug interdiction, particularly the United States Customs Service and the Coast Guard, currently lack the aircraft, ships, radar, command, control, communications, and intelligence (C3I) systems, and manpower resources necessary to mount a comprehensive attack on the narcotics traffickers who threaten the United States;

(6) the civilian drug interdiction agencies of the United States are currently interdicting only a small percentage of the illegal, drug smuggler penetrations in the United States every year;

(7) the budgets for our civilian drug interdiction agencies, primarily the United States Customs Service and the Coast Guard, have not kept pace with those of the traditional investigative law enforcement agencies of the Department of Justice; and

(8) the Department of Defense and the Office of Management and Budget have resisted congressional efforts to bring the military into the war on drug smugglers within the confines of section 1385 of title 18, United States Code (popularly referred to as the Posse Comitatus Act).

SEC. 103. PURPOSES.

It is the purpose of this Act—

(1) to increase the level of funding and resources available to civilian drug interdiction agencies of the Federal Government;

(2) to increase the level of support from the Department of Defense for attacks on the narcotics traffickers before such traffickers penetrate the borders of the United States; and

(3) to improve other drug interdiction programs of the Federal Government.

TITLE II—DEPARTMENT OF DEFENSE NARCOTICS ENFORCEMENT ASSISTANCE

SEC. 201. AUTHORIZATION OF APPROPRIATIONS FOR ENHANCED DRUG ENFORCEMENT ACTIVITIES.

(a) AMOUNTS AUTHORIZED.—Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 1987 for enhancement of authorized drug enforcement assistance activities of the Department as follows:

(1) For procurement of aircraft for the Army, $40,000,000, to be available for the procurement of Blackhawk helicopters.

(2) For procurement of aircraft for the Navy—

(A) $83,000,000, to be used for modification of four P-3 aircraft by the addition of APS-138 radar; and

(B) $138,000,000, to be used for (1) refurbishment, upgrade, and modification of four existing E2C Hawkeye surveillance aircraft, and (ii) the procurement of four E2C Hawkeye surveillance aircraft and related spare parts.

(3) For procurement for the Air Force, $135,000,000, of which—

(a) $75,000,000, is for procurement of six aerostat radar systems; and

(B) $60,000,000, is for the procurement of three C-130 tanker aircraft with APG-63 radar.

(4) For operation and maintenance for the Air Force, $12,615,000, to be available for the transfer of six Air Force transport helicopters to Davis-Monthan Air Force Base, Arizona.

(5) For a drug interdiction program of the National Guard, $61,400,000.

(6) For the Secretary of Defense, $12,000,000, for enhanced intelligence collection activities relating to illegal importation into the United States of drugs originating in South America.

(b) LOANS TO CUSTOMS SERVICE.—The Secretary of Defense shall make available to the United States Customs Service, in accordance with chapter 18 of title 10, United States Code, the aircraft procured or modified using funds appropriated pursuant to authorizations in paragraphs (1) and (2) of subsection (a).

(c) LOCATION OF AEROSTAT RADAR SYSTEMS.—Of the six aerostat radar systems authorized by subsection (a)(3)(A)—

(1) one shall be stationed at a location on the west coast of Florida;

(2) one shall be stationed at a location on the Island of Grand Turk in the Caribbean Sea; and

(3) four shall be stationed at strategic locations along the southwest border of the United States.

(d) RESPONSIBILITIES OF THE CUSTOMS SERVICE.—(1) The United States Customs Service shall bear the expense for operation and maintenance costs attributable to aircraft which are procured, refurbished, upgraded, or modified with funds appropriated pursuant to authorizations in paragraphs (1) and (2) of subsection (a) and the operation and maintenance costs attributable to the aerostat radar systems procured with fund appropriated pursuant to the authorization in subsection (a)(3)(A). The responsibility of the United States Customs Service for such costs shall commence upon acceptance of such aircraft by the Customs Service and upon completion of the installation of the aerostat radar systems, respectively.

(2) Upon enactment of this Act, the Commissioner of Customs shall immediately consult with the Commandant of the Coast Guard regarding coordination of the deployment of the aircraft loaned or to be loaned to the Customs Service under subsection (b) in order to realize the maximum detection, surveillance, and intelligence gathering capabilities of such aircraft. The Commissioner shall make quarterly reports to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives regarding drug interdiction plans developed under this paragraph. The first such report shall be submitted on the last day of the first quarter ending not less than 90 days after the date of the enactment of this Act.

(e) AMOUNTS IN ADDITION TO OTHER AMOUNTS.—The amounts authorized by subsection (a) are in addition to any other amounts authorized to be appropriated to the Department of Defense for fiscal year 1987.

SEC. 202. FUNDING OF COAST GUARD DRUG-INTERDICTION ACTIVITIES.

(a) USE OF DEPARTMENT OF DEFENSE FUNDS FOR THE COAST GUARD.—Of the amounts authorized to be appropriated for the Department of Defense in fiscal year 1987—

(1) $290,000,000 shall be used for the acquisition and maintenance of United States Coast Guard inventories related to the national defense. Of the amounts provided in this paragraph, $90,000,000 shall be authorized to be appropriated for the installation of four APS-138 radar systems on four existing C-130 aircraft;

(2) $100,000,000 shall be used for operating funds for the performance of defense readiness responsibilities of the Coast Guard; and

(3) $15,000,000 shall be available for transfer to the Secretary of Transportation and shall be used only for the program described in subsection (b).

Funds made available pursuant to the authorizations specified in this section shall be attributed to functional category 050 (National Defense) of the Budget of the Government of the United States.

(b) ENHANCED DRUG-INTERDICTION ASSISTANCE.—(1) Chapter 18 of title 10, United States Code, is amended by adding after section 378 the following new section:

"§ 379. Assignment of Coast Guard personnel to naval vessels for drug enforcement purposes

"(a) The Secretary of Defense and the Secretary of Transportation may, by agreement, provide for the assignment to duty on board surface naval vessels at sea in a drug-interdiction area members of the Coast Guard who are trained in law enforcement and are empowered to arrest, search, and seize property and persons suspected of violations of law.

"(b) Members of the Coast Guard assigned to duty on board naval vessels under this section shall perform such law enforcement functions (including drug-interdiction functions)—

"(1) as may be agreed upon by the Secretary of Defense and the Secretary of Transportation; and

"(2) as are otherwise within the jurisdiction of the Coast Guard.

"(c) No fewer than 500 active duty personnel of the Coast Guard shall be assigned each fiscal year to duty as provided in subsection (a).

"(d) In this section, the term 'drug-interdiction area' means an area outside the land area of the United States in which the Secretary of Defense (in consultation with the Attorney General) determines that activities involving smuggling of drugs into the United States are ongoing.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 378 the following new item:

"378. Assignment of Coast Guard personnel to naval vessels for drug enforcement purposes.".

TITLE III—COAST GUARD DRUG INTERDICTION ENHANCEMENT

SEC. 301. ADDITIONAL AUTHORIZATIONS FOR THE COAST GUARD.

(a) SECURE RADIO COMMUNICATIONS.—There is authorized to be appropriated to the Coast Guard for fiscal year 1987, $50,000,000 for the acquisition of secure radio equipment.

(b) ADDITIONAL PERSONNEL.—(1) The full-time equivalent strength level for the Coast Guard for active duty personnel for fiscal year 1987 is hereby increased, above the level otherwise provided by law, by 1,500.

(2) There is authorized to be appropriated for operation and maintenance of the Coast Guard for fiscal year 1987, $40,000,000 for expenses related to the additional personnel authorized by paragraph (1).

(c) COAST GUARD-BAHAMAS DRUG INTERDICTION DOCKING FACILITY.—(1) There is authorized to be appropriated for acquisition, construction, and improvements for the Coast Guard for fiscal year 1987, $20,000,000, to be used for construction of a drug interdiction docking facility in the Ba-

hamas to facilities Coast Guard and Bahamian drug interdiction operations in and through the Bahama Islands.

Of the amounts authorized to be appropriated in this subsection, such sums as may be necessary shall be available for necessary communications and air support.

(2) The Commandant of the Coast Guard shall use such amounts appropriated pursuant to the authorization in this subsection as may be necessary to establish a repair, maintenance, and boat lift facility to provide repair and maintenance services for both Coast Guard and Bahamian marine drug interdiction equipment, vessels, and related assets.

(d) AMOUNTS IN ADDITION TO OTHER AMOUNTS.—The amounts authorized to be appropriated for the Coast Guard by this section are in addition to any amounts otherwise authorized by law.

(e) The United States Coast Guard, including all related accounts, shall be included in major functional category "050: National Defense" for purposes of the Budget submitted by the President of the United States under Section 1105 of Title 31, United States Code and for purposes of the Congressional Budget Act of 1974, as amended, and for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

TITLE IV—UNITED STATES CUSTOMS SERVICE DRUG INTERDICTION ENHANCEMENT

SEC. 401. AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL CUSTOMS SERVICE PERSONNEL.

In addition to any other funds authorized to be appropriated to the United States Customs Service for fiscal year 1987, there are authorized to be appropriated the following sums for additional drug interdiction personnel:

(1) $14,000,000 for 329 additional positions for the air interdiction program, including 67 additional positions for command, control, communications, and intelligence (C3I) centers in Houston, Texas, at March Air Force Base, California, in Miami, Florida, and in Oklahoma City, Oklahoma.

(2) $4,000,000 for 100 additional positions for the marine interdiction program.

(3) $18,000,000 for 400 additional positions and related equipment for the Southwest Border Drug Enforcement Task Force operations.

(4) $2,000,000 for 50 additional headquarters supervisory staff positions for air and marine interdiction activities.

(5) $1,500,000 for 20 new air interdiction positions to be allocated to a new Customs Air Support Branch in the State of New York.

(6) $3,000,000 for 70 additional air interdiction officers and radar operators for a United States-Bahamas Drug Interdiction Task Force established under section 402(d).

SEC. 402. AUTHORIZATIONS OF APPROPRIATIONS FOR CUSTOMS SERVICE EQUIPMENT AND TRAINING.

(a) AMOUNTS AUTHORIZED.—In addition to any other funds authorized to be appropriated to the United States Customs Service for fiscal year 1987, there are authorized to be appropriated the following sums for additional drug interdiction equipment and training:

(1) $40,000,000 for voice privacy and high frequency single sideband secure radios.

(2) $1,800,000 for 1,800 drug enforcement vehicles.

(3) $1,000,000 for electronic and acoustic sensors and tranponders for air and marine interdiction purposes.

(4) $2,000,000 for 10 marine interdiction utility vessels.

(5) $2,600,000 for 40 marine interdiction interceptor vessels, including $600,000 for 10 marine interdiction interceptor vessels for a United States-Bahamas Drug Interdiction Task Force established under subsection (d).

(6) $1,000,000 for training and support for Bahamian drug interdiction officers who are to be part of a United States-Bahamas Drug Interdiction Task Force established under subsection (d).

(7) $5,000,000 for training for new air and marine interdiction positions authorized in paragraphs (1) and (2) of section 401.

(8) $4,300,000 for training for new Southwest Border Drug Enforcement Task Force personnel authorized in section 401(3).

(b) USE AND MAINTENANCE OF VESSELS.—The vessels provided for under subsection (a)(5) shall be made available for use by a United States-Bahamas Drug Interdiction Task Force established under subsection (d). While so used, such vessels shall be located in the Bahamas, shall be operated by the Bahamian members of such Task Force, and shall be jointly maintained, under the agreement entered into under subsection (d), by the Customs Service and the Government of the Bahamas.

(c) TRAINING MATTERS.—(1) The training provided for under subsection (a)(7) shall be conducted at the Federal Law Enforcement Training Center at Glynco, Georgia.

(2) The training provided for under subsection (a)(8) shall be conducted at the Federal Law Enforcement Training Center at Marana, Arizona.

(d) ESTABLISHMENT OF A UNITED STATES-BAHAMAS DRUG INTERDICTION TASK FORCE.—(1) There is authorized to be established a United States-Bahamas Drug Interdiction Task Force to be operated jointly by the United States Customs Service and the Government of the Bahamas.

(2) The Commissioner of Customs, in consultation with the Secretary of State, the Commandant of the Coast Guard, the Attorney General of the United States, and the head of the National Narcotics Border Interdiction System (NNBIS) shall, upon enactment of this Act, immediately commence negotiations with the Government of the Bahamas to enter into a detailed agreement for the establishment and operation of a new drug interdiction task force, including plans for (A) the joint operation and maintenance of the drug interdiction assets authorized for the task for in this title and title III, and (B) the training and personnel enhancements authorized in this title.

(3) The Secretary of the Treasury shall report to the appropriate committees of Congress on a quarterly basis regarding the progress of the United States Customs Service in establishing the United States-Bahamas Drug Interdiction Task Force.

SEC. 403. AUTHORIZATIONS OF APPROPRIATIONS FOR OPERATIONS AND MAINTENANCE FOR THE AIR INTERDICTION PROGRAM.

(a) AMOUNTS AUTHORIZED.—In addition to any other funds authorized to be appropriated to the United States Customs Service for fiscal year 1987, there are authorized to be appropriated the following sums for operation and maintenance activities of the air interdiction program conducted by the Customs Service:

(1) $75,000,000 for the establishment of command, control, communications, and intelligence (C3I) sector operations centers in Houston, Texas, at March Air Force Base, California, and in Miami, Florida, and one national command, control, communications, and intelligence (C3I) center in Oklahoma City, Oklahoma.

(2) $120,000,000 for 24 high endurance tracker aircraft equipped with APG-66 or APG-68 radar and forward looking infrared radar (FLIR), including $30,000,000 for 6 such aircraft (so equipped) for use by a United States-Bahamas Drug Interdiction Task Force established under section 402(d).

(3) $20,000,000 for 4 high speed interceptor jet aircraft with APG-66 or APG-68 radar and forward looking infrared radar (FLIR).

(4) $18,000,000 for 6 twin engine drug interdiction pursuit helicopters for use by a United States-Bahamas Drug Interdiction Task Force established under section 402(d).

(5) $1,000,000 to enhance communications capabilities for the operation of a United States-Bahamas Drug Interdiction Task Force established under section 402(d).

(b) ESTABLISHMENT OF CUSTOMS AIR SUPPORT BRANCH IN NEW YORK.—There is authorized to be appropriated to the United States Customs Service for fiscal year 1987, in addition to amounts otherwise authorized by law, $23,100,000 for the establishment of a Customs Air Support Branch in New York, to be available for the following:

(1) $10,000,000 for the purchase of two high endurance tracker aircraft with APG-66 or APG-68 radar and forward looking infrared radar (FLIR).

(2) $10,000,000 for the purchase of two Blackhawk helicopters to be used for drug interdiction purposes.

(3) $3,100,000 for site preparation, construction, and operation and maintenance for the aircraft authorized in paragraph (1) and the helicopters authorized in paragraph (2) and to meet other expenses related to the establishment of such air support branch.

(b) REPORTS TO CONGRESS BY THE UNITED STATES CUSTOMS SERVICE.—The Commissioner of Customs shall report to the Committee on Appropriations of the Senate and the House of Representatives, the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate on a quarterly basis on the progress made in the establishment of the New York Air Support Branch authorized in subsection (a).

TITLE V—ADDITIONAL FUNDS FOR THE DEPARTMENT OF JUSTICE

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNTS AUTHORIZED.—There are authorized to be appropriated to the Department of Justice for fiscal year 1987, in addition to any other amounts authorized to be appropriated to the Department for such fiscal year, the following amounts:

(1) $12,000,000 for additional assistant United States attorneys.

(2) $50,000,000 for the Drug Enforcement Administration for—

(A) 600 additional special agents and related equipment; and

(B) voice privacy radios;

of which $7,000,000 shall be available for voice privacy radios.

(3) $7,000,000 for twin engine helicopters with forward looking infrared radar (FLIR) for drug interdiction operations in Hawaii.

(b) ALLOCATION OF DRUG ENFORCEMENT ADMINISTRATION SPECIAL AGENTS.—(1) The Attorney General of the United States shall allocate no fewer than 300 of the additional special agent positions authorized in subsec-

tion (a)(2) to drug intelligence and interdiction operations in the foreign drug source countries and the countries through which drugs are transshipped, as identified by the Department of Justice as the major contributors to the drug trafficking threat to the United States.

(2) The Attorney General shall report on a regular basis to the Committees on Appropriations and to the Committees on the Judiciary of the Senate and the House of Representatives regarding the allocation of the new special agents authorized in subsection (a)(2)(A), including the new special agents allocated as directed in this subsection.

TITLE VI—FEDERAL GOVERNMENT REORGANIZATION TO COMBAT DRUG TRAFFIC AND DRUG ABUSE

SEC. 601. FINDINGS.

The Congress finds that—

(1) the Federal Government's response to drug trafficking and drug abuse is divided among several dozen agencies and bureaus of the Government, ranging from the Department of Defense to the Department of Health and Human Services;

(2) numerous recent congressional hearings and reports, reports by the Comptroller General of the United States, and studies by Executive branch agencies have documented the waste and inefficiency caused by this division of responsibilities;

(3) interagency competition for credit and budget dollars imposes critical obstacles to efficient application of national resources in combating drug trafficking and drug abuse; and

(4) in order to successfully combat such trafficking and drug abuse, there must be coherent planning that includes intelligent organization and operations of Executive branch agencies.

SEC. 602. SUBMISSION OF PROPOSED LEGISLATION.

Not later than 6 months after the date of the enactment of this Act, the President shall submit to Congress recommendations for legislation to reorganize the Executive branch of the Government to combat more effectively international drug traffic and drub abuse. In the preparation of such recommendations, the President shall consult with the Comptroller General of the United States, State and local law enforcement authorities, the appropriate committees of Congress, the Attorney General of the United States, and the Secretaries of State, Treasury, Transportation, Health and Human Services, Defense, and Education.

THE NATIONAL DRUG INTERDICTION IMPROVEMENT ACT OF 1986

Mr. D'AMATO. Mr. President, I am proud to join my good friend and colleague, Mr. DECONCINI, in introducing the National Drug Interdiction Improvement Act of 1986. This comprehensive legislation authorizes a national mobilization to interdict drugs effectively.

This bill follows up on the unanimous action by the Senate last Thursday and Friday on S. 2683, the defense reauthorization bill, authorizing more than one-half billion dollars' worth of military resources for drug interdiction.

Title I of this bill consists of a thorough statement of congressional findings regarding the need for a comprehensive drug interdiction strategy that involves the military as an active partner, the various elements of such a strategy, and the problems we have encountered to date in waging a real war on drugs.

Title II is entitled, "Department of Defense Narcotics Enforcement Assistance." It authorizes the most extensive level of Defense Department drug enforcement assistance ever proposed in the Senate. Under this title, new resources will be provided from funds authorized for the Department of Defense, as follows:

Army: Procurement of Blackhawk helicopters: $40 million.

Navy: $83 million for modification of four P-3 radar planes by the addition of APS-138 radar, $138 million for the addition of four E2C Hawkeye surveillance aircraft—including spare parts, and the upgrading and modification of four more.

Air Force: $75 million for six aerostat radar systems, $60 million for three C-130 radar planes with APG-63 radar, and $12.615 million for operation and maintenance of six helicopters.

National Guard: $61.4 million for the drug interdiction program of the National Guard.

Office of the Secretary of Defense: $12 million for enhanced intelligence collection activities relating to the illegal importation of drugs from South America.

Under Section 201(b) of this bill, the Secretary of Defense shall make available to the Customs Service on a loan basis (under 10 U.S.C. chapter 18) the Blackhawks, P-3's, and E2C's thus procured and modified. The Customs Service shall be responsible for the operation and maintenance costs of this aircraft, and of the aerostat radar systems. This responsibility shall begin as soon as the aircraft are accepted by the Customs Service, and as soon as the aerostats are installed.

This bill repeatedly emphasizes the need for better coordination among drug law enforcement agencies with respect to the most productive possible use of drug interdiction assets. For example, under section 201(d)(2), the Commissioner of Customs shall consult with the Commandant of the Coast Guard in order to obtain the best possible use of the new aircraft and aerostats obtained from the Department of Defense.

Section 202 of this bill provides for Defense Department assistance in the funding of Coast Guard drug interdiction activities. It authorizes $290 million for the Coast Guard for the acquisition and maintenance of drug interdiction equipment as a matter of national defense, including $90 million for four radar systems of four C-130 aircraft. An additional $100 million is provided for operational costs.

Per year $15 million is permanently authorized to place at least 500 Coast Guard personnel on naval vessels for drug interdiction and other law enforcement activities.

In title III the Coast Guard's special drug interdiction needs are addressed. Included is $40 million for secure radio equipment and $40 million to increase Coast Guard personnel levels by 1,500.

Other initiatives contained in this bill are: a Coast Guard-Bahamas Drug Interdiction Task Force; 969 additional Customs Service personnel; interceptor boats; an expanded Customs Air Wing—including new tracker and interceptor aircraft, and command, control, communications, and intelligence centers; a new Customs Air Support Branch in New York; additional U.S. attorneys, and 600 DEA agents—one-half for overseas intelligence assignments.

This bill concludes with a call for the reorganization of the executive branch of the Government to end the turf wars and interagency competition that prevent a truly effective war on drugs. This bill, instead, calls for coherent planning and cooperation against drug trafficking. No later than 6 months after this bill becomes law, the President shall submit to the Congress recommendations for legislation to reorganize the executive branch to improve our efforts against international drug trafficking and domestic drug abuse.

Mr. President, if we are to have a real war on drugs, we must have a full national mobilization. This bill seeks to bring about that mobilization. I urge my colleagues to join the bipartisan group of Senators introducing this bill today by adding their names as cosponsors and by working for passage of this historic initiative this year.

Mr. President, at the request of the Senator from New York [Mr. D'AMATO] I ask unanimous consent that at its next printing, the name of the Senator from New York [Mr. D'AMATO] be added as a cosponsor to the National Drug Interdiction Improvement Act to be introduced by Senator DECONCINI.

By Mr. LEAHY:

S.J. Res. 399. Joint resolution making a repayable advance to the Hazardous Substance Response Trust Fund; to the Committee on Appropriations.

ADVANCE TO THE HAZARDOUS SUBSTANCE RESPONSE TRUST FUND

● Mr. LEAHY. Mr. President, once again we find ourselves at a critical juncture in the Superfund Program.

The situation is very simple. If we do not enact a special appropriation bill by tomorrow, the Superfund Program will be irreparably damaged.

In conversations with the chairman of the Environmental and Public Works Committee and the chairman of the Finance Committee, I have learned that the committee on confer-

ence on the 1986 tax bill is not inclined to break its deliberations on that landmark legislation to enact the taxes necessary to refill the depleted Hazardous Substances Response Trust Fund.

Now, we should all understand that the authorizing committee, led by my distinguished colleague and friend, the senior Senator from Vermont, has completed its work on this legislation. He has labored long and hard. The final bill is over 200 pages. It was only because of his outstanding leadership that the conference committee resolved the score of controversial issues in the Superfund bill.

However, if the tax conference cannot address the Superfund issues before the August recess, the program will be damaged in two significant ways.

First, the core contractor capacity cannot be maintained. These contractors are absolutely essential to respond to emergencies, to control hazardous sites, and to develop cleanup programs at toxic dumps.

Second, at 76 sites, the work needed to control and remove toxic waste would be halted and at 10 sites, removal actions would end as of September 30.

Like all of my colleagues, I am frustrated with the time it has taken to amend the Superfund law. There are some who have argued that until the agency actually announces lawoffs or terminates contracts, these taxes will never be enacted.

I do not believe that we can afford the risks of a brinkmanship strategy.

Therefore, yesterday Senator STAFFORD and I introduced a special appropriation bill to provide $60 million so that the members of the tax committee can complete action on the taxes in September without disrupting the Superfund Program. (S Res. 393.)

Because of concerns raised by Members of the other body and by Members of this body, the resolution introduced yesterday has now been refined. The total has been lowered to $48 million. Second, all remedial action funds and removal funds will have to be committed by September 30. All funds provided for contract continuation could only be used for that purpose. They would not be a kitty that the agency could use to keep the program going absent a Superfund tax bill.

I am well aware of the position of the other body that all appropriations measures must begin in that body. I respect that position, every though as a Member of this body I do not agree with it. Thus, I am introducing this legislation today to emphasize my strong convictions on this matter. I want to underline my interest in working with the able and experienced chairmen of the HUD-Independent Agencies Appropriations subcommittee in this body and of the HUD Subcommittee of the other body to develop jointly a measure that will resolve this matter.

Mr. President, I want to say a few words about Senator LAUTENBERG's leadership on the Superfund issue.

Last March we faced this same situation. It was only because of the outstanding efforts of the Senator from New Jersey, Senator LAUTENBERG, that an emergency appropriation was passed at that time. Without his dynamic leadership, Superfund would have been shut down months ago. Thus, I look forward to working closely with him in keeping this program—which is vital to his State and the Nation—operating.

Finally, I ask unanimous consent that a copy of the resolution and materials describing the resolution be included in the RECORD at the end of this statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 399

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That language under the heading "Environmental Protection Agency, Hazardous Substance Response Trust Fund" in Public Law 99-160, as amended by Public Law 99-270, is further amended by deleting "$750,000,000 shall be derived from the Hazardous Substance Response Trust Fund and $150,000,000 shall be derived from an advance from the general fund of the Treasury to the Hazardous Substance Response Trust Fund to be repaid in accordance with section 223(c)(3) of Public Law 96-510 and notwithstanding section 223(c)(2)(D) of Public Law 96-510: *Provided,* That none of the $150,000,000 shall be available for obligation after May 31, 1986, to remain available until expended: *Provided,*" and inserting in lieu thereof "$702,000,000 shall be derived from the Hazardous Substance Response Trust Fund and $198,000,000 shall be derived from advances from the general fund of the Treasury to the Hazardous Substance Response Trust Fund to be repaid in accordance with section 223(c)(3) of Public Law 96-510 and notwithstanding section 223(c)(2)(D) of Public Law 96-510: *Provided,* That none of the $150,000,000 made available by Public Law 99-270 shall be available for obligation after May 31, 1986: *Provided further,* That of the additional $48,000,000 made immediately available, $15,000,000 shall be obligated by September 30, 1986, for continuation of ongoing remedial and removal site work and $19,000,000 shall be used only to continue ongoing contracts and to replace contracts for essential services: *Provided further,* That all funds appropriated shall remain available until expended, except as specified above: *Provided further,*".

STOPGAP SUPERFUND PROPOSAL

CONTRACT ACTIONS

Ongoing Contracts.—Much of the Superfund work is performed by contractors. The contracts obligate EPA to provide a certain portion of the contractors basic operating costs. These are the costs required to keep key management staff on board, and their support services. The costs necessary to prevent termination of these contracts is $10 million.

Replacement Contracts.—For certain essential program needs, such as field investigations and removal actions, contractors have not elected to recompete or have not won the competition for contracts expiring in September. If these essential services are to be continued, $9 million is needed.

Termination Costs.—When the U.S. Government enters into a contract which it may have to terminate, it must have the budget authority to pay the termination costs inherent in those contracts should termination occur. If the budget official does not set aside termination costs, it would violate the Anti-Deficiency Act to renew or to enter into the contracts. $14 million is required for the termination costs involved in the ongoing and replacement contracts described above.

CLEAN UP RELATED ACTIONS

Removal Actions.—These are funds that would be used to stabilize existing Superfund sites where immediate action is required to protect public health. There are 12 sites where removal action work will stop on September 30. $7 million is needed to continue removal actions at these sites and $2 million is needed to maintain SWAT teams for environmental emergencies.

Remedial Actions.—Remedial actions determine the extent of contamination at a site and develop clean-up plans. If these activities are not continued the pre-clean up activities at 76 of these sites will be stopped in mid-process. This interruption will significantly delay the clean up of these sites. For example, an existing remedial action such as establishing a baseline of environmental contamination by monitoring which has been ongoing for months may become worthless if interrupted for a month.

Cost summary

	Millions
On-going Contracts	$10
Replacement Contracts	9
Termination Costs	14
Removal Actions	9
Remedial Actions	6
Total	48●

By Mr. D'AMATO (for himself, Mrs. HAWKINS, Mr. DECONCINI, and Mr. MOYNIHAN):

S.J. Res. 400. Joint resolution designating the month of September 1986, as "National Back to School—Back Off Drugs Month"; to the Committee on the Judiciary.

NATIONAL BACK TO SCHOOL—BACK OFF DRUGS MONTH

● Mr. D'AMATO. Mr. President, I rise today to introduce a joint resolution designating the month of September 1986 as "National Back to School—Back Off Drugs Month." Senators DECONCINI, MOYNIHAN, and HAWKINS are original cosponsors of this resolution, which is a companion measure to House Joint Resolution 698, introduced by my good friends, Congressmen BIAGGI, RANGEL, and GILMAN.

I urge my colleagues to pass this joint resolution quickly to highlight the need to focus national attention on drug prevention education. The problem of youth drug abuse, especial-

ly since the emergence of the crack epidemic, cannot be overstated. Nearly two-thirds of all high school students and one-third of all seventh graders report that they have experimented with illegal drugs. In 1985, 13,308 young people between the ages of 6 and 17 were admitted to hospital emergency rooms for reasons related to drug abuse.

This joint resolution calls upon the President to issue a proclamation calling upon the people of the United States to dedicate themselves to a meaningful drug prevention education campaign. This proclamation will urge school policymakers to inform their students about the dangers of drug abuse during the month of September, and to follow up with comprehensive and long-term drug education and prevention programs in the schools.

The joint resolution suggests the additional use of audiovisual instruction on the destructive effects of drug abuse and the use of role models to reenforce the need to stay drug free. The list of recommendations concludes with the suggestion that schools enter into formal agreements among students, parents, teachers, law enforcement officials, and school administrators regarding the role each will play in the drug abuse prevention process.

The single most important task we face is to educate young people about the dangers of drug abuse, yet when we look to our schools for drug prevention education, we rarely find programs that work and that are in place throughout an entire school system. The fact is, we do not provide effective drug education programs in most of our schools. In New York City, if it were not for Police Commissioner Benjamin Ward, we would be doing next to nothing. His SPECDA [School Program to Educate and Control Drug Abuse] program is one of the few bright spots.

Drug education has been neglected because we have not given priority attention to identifying programs that work, or to determining why some approaches work, while others have either no effect, or actually encourage drug use.

I have repeatedly called on our Federal, State, and local officials to show me their statistically significant research proving what programs work to reduce substance abuse.

Where is the guidance to local school districts identifying model programs and curricula? I encourage my colleagues to look carefully at this issue, because unless we are careful, we run the risk of funding the wrong programs, and neglecting the best programs.

We must find the money for an effective education and prevention program, so that we can begin to reach millions of school children to teach them to say "no" to drugs, and teach them to counter the peer pressure to use drugs with the examples of positive role models.

It may be that, in the crack epidemic, we have a rare window of opportunity to join together finally to take united, effective action against the drug menace. We cannot afford anything less than an all out effort by every segment of society, every level of government, and by families, and individuals.

Nothing is more important than that we begin to wage a real war on drugs, because nothing less than the lives of our children are at stake.

Mr. President, education can be only part of a national mobilization to mount—and win—a real war on drugs. I ask unanimous consent that an article from the Washington Post of August 10, 1986, on the extent of the problem we face be placed in the RECORD at the conclusion of my remarks.

I urge my colleagues to give this joint resolution their full support and I ask unanimous consent that the full text of this resolution and a Washington Post article be printed in the RECORD at the conclusion of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES. 400

Whereas elementary, secondary, and postsecondary students will be returning to school in the month of September;

Whereas the drug abuse problem among our young people has reached epidemic proportions;

Whereas surveys show that nearly two-thirds of all high school seniors report illicit drug use, and nearly a third of all seventh graders report having used drugs before entering that grade;

Whereas a recent survey of 27 cities showed that, in 1985, 13,038 young people between the ages of 6 and 17 were admitted to hospital emergency rooms for reasons related to drug abuse;

Whereas drug abuse is a significant factor among the estimated 750,000 students who drop out of school each year;

Whereas the cocaine-based drug, crack, is making the drug abuse problem among young people even worse because it is relatively inexpensive and highly addicitive;

Whereas in 1984, persons under the age of 18 committed 67,211 drug abuse violations; and

Whereas a minimal amount of Federal, State, and local resources have been targeted toward drug abuse education and prevention, despite strong evidence that education and prevention efforts at an early age are the most effective means to address the drug abuse problem: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of September 1986, is designated as "National Back to School—Back Off Drugs Month" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that month with appropriate activities, including—

(1) a message by the chief administrators of all schools to their students concerning the dangers of drug abuse and the specific penalties that exist for drug abuse in the school;

(2) the introduction of comprehensive and longterm drug education and prevention programs in the schools, with a particular focus on kindergarten through the sixth grade;

(3) the use of audio visual education tools to show the destructive effects of drug abuse;

(4) the use of role models (such as sports, religious, public safety, political, and cultural figures) to reinforce the need to stay drug free; and

(5) the formalization of agreements among students, parents, teachers, law enforcement officials, and school administration officials about the role each will play in the drug abuse education and prevention process, including the reporting of drug use and sales in or around schools.

A NEW ASSAULT PLANNED AGAINST FORMIDABLE FOE—VICTORIES ARE ELUSIVE IN U.S. WAR ON DRUGS

(By T.R. Reid)

With President Reagan's announcement of a new "national strategy" and with leading Democrats planning a "far-reaching" program of their own, it is clear that the United States is about to launch a major new war on illegal drugs.

It will be a war against a formidable and elusive enemy. Drug use in America is commonplace. In a recent survey, 30 percent of college seniors said they had tried cocaine; 40 percent of all college students said they had smoked marijuana in the previous year. Street kids smoke PCP; hard-core addicts shoot heroin; yuppies snort cocaine and smoke crack, a highly addictive cocaine derivative.

Details of the Reagan strategy and the Democratic program should be released in the coming weeks. Judging from initial descriptions, each approach will involve a mixture of sticks and carrots—tough new law enforcement combined with new treatment and education programs.

These are basically the same weapons that have been used since the government first got into the drug control business in 1914 with the Harrison Narcotics Act. In the seven decades since then, police and social service agencies at every level of government have launched countless antidrug efforts, each designed to correct the shortcomings of its predecessors.

Even past triumphs have proved ephemeral. A classic instance was the U.S. victory in 1984 at a huge cocaine factory called Tranquilandia in southern Colombia. A syndicate had erected an entire cocaine city in the jungle, complete with airport, dormitories and a hospital for workers.

When U.S. agents and Colombian police seized Tranquilandia, they were stunned to find not 1, not 3, but 10 metric tons of pure cocaine waiting to be shipped. It was the biggest capture in this history of the drug war.

"We told our agents that shutting down Tranquilandia would seriously disrupt the U.S. supply of cocaine," recalled William F. Alden of the Drug Enforcement Administration. "But then the intelligence reports came in, and there was no impact at all on

price or supply. *Nada.* The rest of the world had just made up the difference overnight."

According to the federal government's antidrug coordinating body, the National Drug Enforcement Policy Board, annual federal spending on drug-law enforcement has grown more than $963 million in 1980 to $2.1 billion this year. State and local governments spend another billion dollars on the same effort annually.

"And yet," as Reagan said in a speech last week, "drug use continues and its consequences escalate * * * bringing sorrow and heartbreak into homes across the country."

"We've made some progress, but a lot of people in the field are frustrated," said Alden, chief of the DEA's congressional and public affairs. "We have all these good statistics—arrests are up, seizures are up, intelligence is better than ever. But there's as much or more drug use in the country today as there's ever been."

Alden and many other drug-control professionals argue that the limited success may reflect excessive emphasis on the "supply side" of the drug trade—that is, efforts aimed at drug producers and sellers.

The new trend in the profession is "demand side" control. These programs ranging from Nancy Reagan's "Just Say No" campaign to job-site urinalysis, are designed to educate or scare people away from using drugs. The most novel aspect of Reagan's just-announced national strategy is a stronger emphasis on "comprehensive" drug control, in which supply-reduction efforts are complemented by demand-side programs.

A different response to the disappointing results of drug-control efforts to date comes from analysts who would move in a completely new direction—to legalizing drug use.

The arguments for this approach are partly pragmatic (i.e., drug control is the unwinnable Vietnam war of law enforcement) and partly philosophical. Proponents of legalization say drug use is just one of many risks people might choose to take in a free society.

In the current national climate legalization of drugs might seem an extremist position. But for the past 53 years the nation has accepted legalization of society's most damaging drug: alcohol.

"Alcohol is the drug which causes the greatest range of acute and chronic medical and social problems," said the White House Drug Abuse Policy Office. "Alcohol use in conjunction with other drugs is the most frequently mentioned drug in emergency room episodes and drug-related deaths," it added. Alcohol kills more users than any other drug of abuse; because of drunk driving, it causes the deaths of more innocent third parties than any other factor. And yet the nation decided in 1933 to end Prohibition, concluding that the ban on alcohol was too hard to enforce and too great an intrusion on personal freedom.

There has been some movement in the United States toward legal tolerance of another widely used drug: marijuana. The Alaska Supreme Court has ruled that the constitutional right to privacy bars any law banning possession or cultivation of marijuana for personal use. A marijuana legalization referendum will be on the ballot this November in Oregon.

For the most part, though, the trend at all levels of government has been toward stronger restrictions on drug use, with greater spending on law enforcement, tougher penalties and broader programs of education and treatment.

As the president said recently, "We have come to a time when the American people are willing to make it clear that illegal drug and alcohol use will no longer be tolerated." As a result, in an era when many public programs are being frozen or cut, drug control is one of government's major growth industries.

There is a strong trend in the states toward harsher criminal penalties. A typical example is the new "drug barons" act in Alabama mandating a life sentence without parole for high-volume drug traffickers, including some first offenders. Responding to the deaths of prominent atheletes this summer, some states are considering so-called "Len Bias laws," which authorize murder charges against anyone who provides a drug used in a fatal overdose.

Frustrated with delays and obstructions in the criminal justice system, New York City officials have instituted direct action against suspected drug users. The city seizes the cars of people accused—but not yet convicted—of buying drugs from curbside dealers. Officials say one potential problem is finding enough garage space in New York for the captured vehicles.

But strict law enforcement has yet to make a noticeable dent in the problem, as academic studies have repeatedly shown. A 1984 Rand Corp. study, for example, said, "It does not seem likely that any reasonable law enforcement measures could wipe out the drug traffic or even raise the price of drugs very much."

In terms of money, law enforcement is the government's major antidrug effort; it will consume about $1.7 billion of the $2.1 billion spent on drug control this year.

Much of this money goes abroad. Virtually all the cocaine and heroin and most of the marijuana sold on the nation's streets comes from foreign providers: from poppy fields and their affiliated heroin refineries in Southeast and Southwest Asia, from coca leaf plantations in the equatorial jungles of South America, and from marijuana farms all over the temperate world.

Against those outposts the United States and allied nations are waging a multibillion dollar land, sea and air war. There have been some big victories, like the 10-ton seizure in Colombia, but no official claims that the problem is diminishing as a result.

The major market for the illegal foreign drugs in the United States is the existing addict population. All studies agree that most drug dealers focus their attention on existing customers. The popular myth of the drug seller who offers free samples to win new customers is not supported by research. Apparently, people are typically drawn into drug use by friends, not professional dealers.

Therefore, the second major phase of drug-control efforts is treatment of current users, designed to wean them off drugs and return them to a legal, productive life. There are thousands of drug-treatment facilities in the United States, and they spend more than $500 million annually, most of it public money. Treatment has had some success, but generally at high cost. The Rand study found scientific evidence inconclusive, but it said "certain forms of treatment * * * work better than no treatment at all."

A quarter-century ago, the most common de-addiction method was "cold turkey" detoxification—i.e., preventing the addict from using any drug for weeks or months, until the physical symptoms of "withdrawal" had disappeared and the individual could return to normal life.

Today, this approach is generally in disfavor; studies show it doesn't work. It has been replaced by such efforts as "methadone maintenance." Methadone is an addictive drug that prevents an addict from undergoing withdrawal but does not provide the "high" or drunken state that heroin offers. It seems to help addicts cut their addiction to heroin, but it leaves them with a different, if less destructive, chemical dependence.

There are thousands of methadone "addicts" in every big U.S. city—about 8,000 in Washington. They can live a relatively normal life except for daily trips to the clinic for their oral dose of methadone.

In his speech last week, Reagan called for stepped-up research to find more effective methods for treating drug users. The problem with treatment as a weapon in the war on drugs is that it invariably requires public money, experienced professional guidance and the patience to wait months or years for results; none of these commodities is easy to come by.

The most important new trend in drug control, and the real focus of the new Reagan program, is "prevention"—programs aimed at stopping people from becoming drug users.

The boom in drug-prevention programs is reflected in the enormous growth of the "Just Say No" campaign, built around a single sentence in a speech by Nancy Reagan in Oakland, Calif., in 1984. Today there are 10,000 "Just Say No" clubs across the country. Every week during the school year, there are hundreds of "Just Say No" rallies, at which baseball stars, rock idols or the First Lady herself urge young people to ignore peer pressure to try drugs.

Because many analysts think that social pressure, rather than some inherent attraction of the substances, is what pulls young people into drug use, there is great hope in the academic community that such programs might provide an offsetting social pressure to abstain. But there is little hard data to support this optimism.

One difficulty with the prevention "weapon" is the existence of legal addictors, such as tobacco and alcohol. Almost all studies agree that most people who try illegal drugs are experienced smokers or drinkers. Many children can easily find cigarettes and liquor at home. Therefore, they don't need social pressure or friendly suppliers to get them started.

Negative-enforcement prevention measures are becoming fashionable—that is, scaring people away from drugs.

The classic example is urinalysis testing, which can lead to job loss and possible criminal problems for even the one-time drug user who happens to get caught. Reagan has proposed job-site testing for some, but not all, federal employes. Drug-control professionals have called for widespread use of the tests, including required roadside specimens from motorists stopped by police.

There is positive news on urine tests from the military services that report dramatic decreases in drug use after testing and other prevention methods were instituted.

But urinalysis may be difficult to institute on a broad scale in a society that values personal privacy. Done properly, the test requires production of a specimen in the presence of a witness in a setting where there is no water available (i.e., no sink or toilet) that could be used to dilute a sample. Further, the tests are imperfect. Many innocent people will be identified as having illegal

drugs in their bodies if urinalysis becomes common.

Although studies of the effectiveness of EMIT (Enzyme Multiplied Immunology Assay Technology), the urine test for cocaine, are not consistent, they suggest that the tests return a "false positive"—that is, a false report of drug use—between 2 percent and 11 percent of the time.●

By Mr. GORE (for himself, Mr. QUAYLE, Mr. MOYNIHAN, Mr. KENNEDY, Mr. BURDICK, Mr. HOLLINGS, Mr. DIXON, Mr. SASSER, Mr. ZORINSKY, Mr. SIMON, Mr. SPECTER, Mr. STENNIS, Mr. LAUTENBERG, Mr. DECONCINI, Mr. BOSCHWITZ, Mr. CHILES, Mr. CHAFEE, and Mr. HATCH):

S.J. Res. 401. Joint resolution to designate the week of October 12, through 18, 1986, as "National Job Skills Week"; to the Committee on the Judiciary.

NATIONAL JOB SKILLS WEEK

Mr. GORE. Mr. President, the American workplace is undergoing a dramatic transformation. In the long run, the changes will help America to compete in the world economy. But for the economic revolution in this country to succeed, we must not let the American worker get lost along the way. America's future growth depends on the talents and security of the people who make it work.

To call attention to the importance of the modern American work force, Senator QUAYLE and I are introducing a joint resolution today designating the week of October 12 to 18, 1986, as "National Job Skills Week." The week will highlight the changes that are taking place in our economy and the new skills they will require. It will also encourage a close look at private and public job training programs.

Let me also mention that "National Job Skills Week" will coincide with the anniversary of the Job Training Partnership Act, which was signed into law on October 13, 1982. JTPA is the principal Federal training program for the unemployed.

The global economy is changing more rapidly that we ever imagined. Change will become even more dramatic in the years to come. As policymakers, managers, or skilled workers, we will all have to learn to be fast on our feet.

Consider the challenges our work force will face in the next decade:

By the year 2000, automation will replace an estimated 20 million jobs.

In this decade, 5 million Americans have lost their jobs to competition from overseas.

Since 1970, our economy has been producing jobs eight times faster in services than in manufacturing.

Clearly, the workers of tomorrow will need the best preparation we can provide—a quality education, strong basic skills, and ready access to retraining. As technology renders many current skills obsolete, a flexible work force will be able to learn new ones quickly.

Business and Government must join to help workers meet that challenge. Together we can give Americans what they want and all they need—the tools to make their own way.

National Job Skills Week will draw attention to the special place of American workers—and the talents they will need to maintain it. More than a dozen of our colleagues have already agreed to cosponsor this measure. I hope the rest of the Senate will join us in this effort.

Mr. President, I ask unanimous consent that the joint resolution be printed.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 401

Whereas one of the most critical problems facing the Nation is to design and engineer a national work force that can meet the challenges of today and tomorrow;

Whereas work in the United States is undergoing rapid and profound change;

Whereas advances in technology will require new skills not now held by the national force;

Whereas it is predicted that during the decade beginning in 1980, businesses will experience a shortage of skilled workers;

Whereas the skills of many young adults and teenagers are inadequate to perform jobs that are becoming available, thereby contributing to a much greater than normal unemployment rate among young people;

Whereas the ability to maintain a competitive and productive edge necessary for a strong economy and relatively high quality of life standard are dependent on the national work force;

Whereas the productivity and ability of the Nation to compete in a world economy are dependent on the national work force; and

Whereas a National Job Skills Week can serve to highlight the many changes that are underway in the workplace which have necessitated the learning of new skills, concentrate attention on private and public job training efforts, and bring attention to present and future workforce needs: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of October 12, 1986, through October 18, 1986, is designated as "National Job Skills Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate programs and activities.

Mr. QUAYLE. Mr. President, I am pleased to be the chief cosponsor of this joint resolution to designate October 12–18, 1986, as "National Job Skills Week." I commend Senator GORE for coming forth with it. The goal of this resolution is to increase public awareness about a very basic fact which is that our skilled work force is the basis for our "ability to maintain a competitive and productive edge necessary for a strong economy and relatively high quality of life standard."

It also gives me pleasure to note that National Job Skills Week coincides with the anniversary of the Job Training Partnership Act [JTPA] that I sponsored. JTPA provides skill training for the disadvantaged and chronically unemployed. It was signed by President Reagan on October 13, 1982.

As chairman of the Subcommittee on Employment and Productivity for the Labor and Human Resources Committee, I have carefully analyzed the condition of our work force and the employment needs of our economy. It is very apparent that the structure of the economy will continue to be characterized by many of the same types of changes that have already occurred. For those who have examined these structural changes it is cliche to point to the evidence and sources of change such as technological improvements, worker dislocation, consumer demand, and the impact of foreign trade. My State of Indiana continues to be one of those most dramatically affected by these changes. We know that an important part of the solution is to link skill training to economic development projects.

It is crucial that workers understand that structural changes will continue and will spread throughout our economy. In turn, we must expect to train and retrain during the course of our worklives. Skill deficiencies will be more accentuated among some population groups. Labor force demographics indicate that there will be a growth in the number of potential workers who lack basic skills and work experience, inhibiting their employment potential. We are very concerned about those individuals as well as the fact that it further limits the pool of workers possessing skills that are needed.

We can act now to anticipate future skill needs and forestall skill shortages. In many respects this is difficult because economic changes are largely unpredictable. However, we can encourage individual initiative by increasing public awareness and understanding of the problem, as this resolution is designed to do. Another solution is to design education and training systems so that they are flexible. Also, we can attempt to address the education or skill deficiencies that we have already identified among some disadvantaged populations.

We attempted to do these things in recent education and employment legislation in which Congress established programs to address some of the most serious areas of skill deficiencies. These programs include the reauthorization of the Higher Education Act, the Job Training Partnership Act, the Carl D. Perkins Vocational Education Act, and the Education for Economic Security Act.

Characteristically these programs take into account the unique circumstances of dislocated workers, recognize the increasing demand for postsecondary education or adult continuing education, emphasize basic skills training, target services to individuals who have been disadvantaged in having access to education and training opportunities, and, significantly, they increase linkages between education or training and business. I have been a strong and active supporter of these points.

However, the potential of Government programs can only be fulfilled by individual citizens who exercise initiative and foresight. Also, governments, Federal, State, or local, only address a small part of our training and retraining needs.

I strongly support the goal of this resolution which is to increase citizen awareness through public discussion and dissemination of information about our skill needs and problems. To deal with the larger problem, Americans will need to respond with a variety of approaches to education and training. Employers and employees must anticipate responsibility for addressing their unique education or training needs. Steps may be taken now to prepare for our future job skill needs. This joint resolution is an important step.

Again, I commend Senator GORE for sponsoring this joint resolution and I call upon my colleagues to join me in cosponsorship.

ADDITIONAL COSPONSORS

S. 519

At the request of Mr. EVANS, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 519, a bill to require a study of the compensation and related systems in executive agencies, and for other purposes.

S. 1806

At the request of Mr. BOREN, the names of the Senator from New York [Mr. MOYNIHAN], the Senator from Massachusetts [Mr. KERRY], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 1806, a bill to amend the Federal Election Campaign Act of 1971 to change certain contribution limits for congressional elections and to amend the Communications Act of 1934 regarding the broadcasting of certain material regarding candidates for Federal elective office, and for other purposes.

S. 2049

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2049, a bill to prohibit Export-Import Bank loans to Angola.

S. 2550

At the request of Mr. SPECTER, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2550, a bill to amend the Packers and Stockyards Act, 1921, to remedy burdens on commerce in poultry, poultry products, and eggs, and protect poultry sellers and growers and egg producers and suppliers, and for other purposes.

S. 2565

At the request of Mr. DOLE, the name of the Senator from California [Mr. WILSON] was added as a cosponsor of S. 2565, a bill to ensure the orderly and competitive development of the telecommunications industry.

S. 2654

At the request of Mr. D'AMATO, the names of the Senator from Maine [Mr. MITCHELL] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 2654, a bill to permit States and political subdivisions of States to enforce State or local antiapartheid laws with respect to contracts funded in whole or in part by funds provided by the Federal Government.

S. 2678

At the request of Mr. BENTSEN, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 2678, a bill to provide a comprehensive national oil security policy.

S. 2699

At the request of Mr. SPECTER, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of S. 2699, a bill to amend the Controlled Substances Act to provide mandatory minimum sentences for distribution of controlled substances to minors, to add enhanced penalties, including mandatory minimum sentences, for employment of minors in the distribution of controlled substances, and to allow States receiving forfeited assets to use such assets for youth drug abuse prevention and rehabilitation.

S. 2703

At the request of Mr. DOLE, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 2703, a bill to amend the Federal Aviation Act of 1958 to provide that prohibition of discrimination against handicapped individuals shall apply to air carriers.

At the request of Mr. ZORINSKY, his name was added as a cosponsor of S. 2703,

S. 2760

At the request of Mr. DANFORTH, the names of the Senator from Wisconsin [Mr. KASTEN], the Senator from South Dakota [Mr. PRESSLER], the Senator from Louisiana [Mr. LONG], the Senator from Kentucky [Mr. FORD], and the Senator from Connecticut [Mr. DODD], were added as cosponsors of S. 2760, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

SENATE JOINT RESOLUTION 299

At the request of Mr. COCHRAN, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Joint Resolution 299, a joint resolution to designate the week of December 7, 1986, through December 13, 1986, as "National Alopecia Areata Awareness Week."

SENATE JOINT RESOLUTION 329

At the request of Mr. BIDEN, the names of the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Mississippi [Mr. STENNIS], the Senator from Arizona [Mr. DECONCINI], the Senator from Hawaii [Mr. INOUYE], the Senator from Texas [Mr. BENTSEN], the Senator from North Dakota [Mr. BURDICK], the Senator from Connecticut [Mr. DODD], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. LEVIN], the Senator from New York [Mr. MOYNIHAN], the Senator from Georgia [Mr. NUNN], the Senator from Tennessee [Mr. GORE], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Maryland [Mr. MATHIAS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Kansas [Mr. DOLE], the Senator from Florida [Mrs. HAWKINS], the Senator from Idaho [Mr. MCCLURE], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of Senate Joint Resolution 329, a joint resolution to designate the period of December 1, 1986, through December 7, 1986, as "National Aplastic Anemia Awareness Week."

SENATE JOINT RESOLUTION 352

At the request of Mr. METZENBAUM, the names of the Senator from Michigan [Mr. LEVIN] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Joint Resolution 352, a joint resolution to designate the week beginning September 7, 1986, as "Gaucher's Disease Awareness Week."

SENATE JOINT RESOLUTION 390

At the request of Mr. CRANSTON, the names of the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Montana [Mr. MELCHER], the Senator from North Dakota [Mr. ANDREWS], the Senator from Oklahoma [Mr. BOREN], the Senator from Hawaii [Mr. INOUYE], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of Senate Joint Resolution 390, a joint resolution to authorize and request the President to proclaim the week of November 23, 1986, to November 30, 1986, as "American Indian Week."

SENATE CONCURRENT RESOLUTION 147

At the request of Mr. CRANSTON, the name of the Senator from Idaho [Mr.

SYMMS] was added as a cosponsor of Senate Concurrent Resolution 147, a concurrent resolution to express the sense of the Congress that the monkeys known as the Silver Spring Monkeys should be transferred from the National Institutes of Health to the custody of Primarily Primates, Inc., animal sanctuary in San Antonio, TX.

SENATE CONCURRENT RESOLUTION 154

At the request of Mr. D'AMATO, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of Senate Concurrent Resolution 154, a concurrent resolution concerning the Soviet Union's persecution of members of the Ukrainian and other public Helsinki monitoring groups.

SENATE CONCURRENT RESOLUTION 155

At the request of Mr. SIMON, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of Senate Concurrent Resolution 155, a concurrent resolution expressing the support of the Congress for a transition to democracy in Paraguay.

SENATE CONCURRENT RESOLUTION 156

At the request of Mr. CRANSTON, the names of the Senator from New Jersey [Mr. BRADLEY], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of Senate Concurrent Resolution 156, a concurrent resolution expressing the sense of Congress concerning the need for international cooperative efforts to identify the individuals exposed to radiation as a result of the nuclear accident at Chernobyl in the Soviet Union and to monitor the health status of those individuals so as to increase, for their benefit and the benefit of the citizens of the United States and of all the world's peoples, the level of understanding of the effects of exposure to radiation.

SENATE CONCURRENT RESOLUTION 160

At the request of Mr. SIMON, the names of the Senator from Tennessee [Mr. GORE], the Senator from Maine [Mr. MITCHELL], the Senator from Maryland [Mr. SARBANES], the Senator from North Dakota [Mr. BURDICK], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Concurrent Resolution 160, a concurrent resolution expressing the sense of the Congress that the jamming of radio broadcasting is contrary to the best interests of the people of the world and should be terminated.

SENATE RESOLUTION 434

At the request of Mr. WEICKER, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of Senate Resolution 434, an original resolution to urge the President to submit to the Senate a nominee for the position of Administrator of the Small Business Administration.

SENATE RESOLUTION 464

At the request of Mr. ROTH, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of Senate Resolution 464, a resolution to designate October 1986 as "Crack/Cocaine Awareness Month".

AMENDEMENT NO. 2693

At the request of Mr. PRESSLER, the names of the Senator from Alabama [Mr. DENTON], the Senator from Idaho [Mr. MCCLURE], the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Montana [Mr. BAUCUS], the Senator from Idaho [Mr. SYMMS], the Senator from Utah [Mr. GARN], the Senator from Nevada [Mr. HECHT], the Senator from Alaska [Mr. STEVENS], the Senator from New Mexico [Mr. DOMENICI], the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Nebraska [Mr. EXON], the Senator from Oregon [Mr. HATFIELD], the Senator from California [Mr. WILSON], the Senator from New Mexico [Mr. BINGAMAN], were added as cosponsors of amendment No. 2693 proposed to S. 2701, a bill to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes.

SENATE RESOLUTION 480—PROVIDING FOR ISSUANCE OF A SUMMONS AND RELATED PROCEDURES RELATING TO THE ARTICLES OF IMPEACHMENT AGAINST HARRY E. CLAIBORNE

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 480

Resolved, A summons shall be issued which commands Harry E. Claiborne to file with the Secretary of the Senate an answer to the articles of impeachment no later than Sept. 8, 1986, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than September 15, 1986.

SEC. 5. The Secretary shall notify counsel for Harry E. Claiborne of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 8. The Secretary shall notify the House of Representatives of this resolution.

SENATE RESOLUTION 481—PROVIDING FOR APPOINTMENT OF A COMMITTEE TO RECEIVE AND REPORT EVIDENCE WITH RESPECT TO ARTICLES OF IMPEACHMENT AGAINST HARRY E. CLAIBORNE

Mr. DOLE (for himself and Mr. BYRD) submitted the following resolution; which was considered and agreed to:

S. RES. 481

Resolved, Pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve Senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The Majority and the Minority Leader shall each recommend six Members to the Presiding Officer for appointment to the committee.

SEC. 3. Necessary expenses of the committee shall be paid from the contingent fund of the Senate from the appropriation account "Miscellaneous Items" upon vouchers approved by the chairman of the committee.

SEC. 4. The committee shall be deemed to be a standing committee of the Senate for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 4. The Secretary shall notify the House of Representatives of this resolution.

AMENDMENTS SUBMITTED

COMPREHENSIVE ANTI-APARTHEID ACT

WEICKER (AND OTHERS) AMENDMENT NO. 2731

Mr. WEICKER (for himself, Mr. KENNEDY, and Mr. CRANSTON) proposed an amendment, which was subsequently modified, to the bill (S. 2701) to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes; as follows:

On page 51, strike out lines 16 through 18 and insert in lieu thereof the following:

(6) SOUTH AFRICA.—The term "South Africa" includes—

(A) the Republic of South Africa;

(B) any territory under the Administration, legal or illegal, of South Africa; and

(C) the "bantustans" or "homelands", to which South Africa blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana Ciskei, and Venda; and

On page 72, between lines 16 and 17, insert the following new paragraph:

(3) the Secretary of Transportation shall prohibit the takeoff and landing in South

Africa of any aircraft by an air carrier owned, directly or indirectly, or controlled by a national of the United States or by any corporation or other entity organized under the laws of the United States or of any State.

On page 79, between lines 13 and 14, insert the following new sections:

TERMINATION OF TAX TREATY AND PROTOCOL

SEC. 314. The Secretary of State shall terminate immediately the following convention and protocol, in accordance with its terms, the Convention Between the Government of the United States of America and the Government of the Union of South Africa for the Avoidance of Double Taxation and for Establishing Rules of Reciprocal Administrative Assistance With Respect to Taxes on Income, done at Pretoria on December 13, 1946, and the protocol relating thereto.

PROHIBITION ON UNITED STATES GOVERNMENT PROCUREMENT FROM SOUTH AFRICA

SEC. 315. On or after the date of enactment of this Act, no department, agency or any other entity of the United States Government may enter into a contract for the procurement of goods or services from parastatal organizations except for items necessary for diplomatic and consular purposes.

PROHIBITION ON THE PROMOTION OF UNITED STATES TOURISM IN SOUTH AFRICA

SEC. 316. None of the funds appropriated or otherwise made available by any provision of law may be available to promote United States tourism in South Africa.

PROHIBITION ON UNITED STATES GOVERNMENT ASSISTANCE TO, INVESTMENT IN, OR SUBSIDY FOR TRADE WITH, SOUTH AFRICA

SEC. 317. None of the funds appropriated or otherwise made available by any provision of law may be available for any assistance to investment in, or any subsidy for trade with, South Africa, including but not limited to funding for trade missions in South Africa and for participation in exhibitions and trade fairs in South Africa.

PROHIBITION ON SALE OR EXPORT OF ITEMS ON MUNITIONS LIST

SEC. 318. (a) Except as provided in subsection (b), no item contained on the United States Munition list which is subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any item which is not covered by the United Nations Security Council Resolution 418 of November 4, 1977, and which the President determines is exported solely for commercial purposes and not exported for use by the armed forces, police, or other military use.

(c) The President shall prepare and submit to Congress every six months a report describing any license issued pursuant to subsection (b).

On page 78, lines 8 and 9, strike out "sections 301 through 312" and insert in lieu thereof "this title".

On page 78, line 23, strike out "sections 301 through 312" and insert in lieu thereof "this title".

CRANSTON AMENDMENT NO. 2732

Mr. CRANSTON proposed an amendment to the bill S. 2701, supra as follows:

On Page 77, line 19, amend section 311 (A) by adding after the comma the following: "or (4) textiles,".

DODD AMENDMENT NO. 2733

Mr. DODD proposed an amendment which was subsequently modified, to the bill S. 2701, supra as follows:

On page 69, line 36, strike "or" and add after the word "by" the following: ", marketed, or otherwise exported by."

On page 70, line 2, after the comma add the following: "(1) except for agricultural products during the 12 month period from the date of enactment; and (2)".

HELMS (AND OTHERS) AMENDMENT NO. 2734

Mr. HELMS (for himself, Mr. DOLE, Mr. BOSCHWITZ, Mr. PRESSLER, Mr. THURMOND, Mr. MCCLURE, Mr. WALLOP, Mr. SYMMS, Mr. HECHT, Mr. DENTON, and Mr. GRAMM) proposed an amendment which was subsequently modified, to the bill S. 2701, supra as follows:

On page 53, after line 24, add the following new section:

"POLICY TOWARD THE AFRICAN NATIONAL CONGRESS, ETC.

"SEC. 102. (a) United States policy toward the African National Congress, the Pan African Congress, and their affiliates shall be designed to bring about a suspension of violence that will lead to the start of negotiations designed to bring about a nonracial and genuine democracy in South Africa.

"(b) The United States shall work toward this goal by encouraging the African National Congress and the Pan African Congress, and their affiliates, to—

"(1) suspend terrorist activities so that negotiations with the Government of South Africa and other groups representing black South Africans will be possible;

"(2) make known their commitment to a free and democratic post-apartheid South Africa;

"(3) agree to enter into negotiations with the South African Government and other groups representing black South Africans for the peaceful solution of the problems of South Africa;

"(4) reexamine their ties to the South African Communist Party.

"(c) The United States will encourage the actions set forth in subsection (b) through political and diplomatic measures. The United States will adjust its actions toward the Government of South Africa not only to reflect progress or lack of progress made by the Government of South Africa in meeting the goal set forth in subsection 101(a) but also to reflect progress or lack of progress made by the ANC and other organizations in meeting the goal set forth in subsection (a) of this section."

On page 55, line 5, strike the semi-colon and insert in lieu thereof "and (B) to the families of those killed by terrorist acts such as 'necklacings';"

On page 55, between lines 14 and 15, insert the following new subsection:

"(7) supporting the rights of all Africans to be free of terrorist attacks by setting a time limit after which the United States will pursue diplomatic and political measures against those promoting terrorism and against those countries harboring such groups so as to achieve the objectives of this Act.

On page 55, line 17, strike 103 and insert in lieu thereof"104";

On page 55, line 20, after the word, "rights,", insert the words, "an end to cross-border terrorism.";

On page 56, line 18, strike the word, "and";

On page 56, between lines 18, and 19, insert the following new subsection"

"(6) encouraging, and when necessary, strongly demanding that all countries of the region take effective action to end cross-border terrorism; and"

On page 56, line 19, strike "(6)' and insert in lieu thereof "(7)";

On page 56, line 25, strike "104" and insert in lieu thereof "105";

On page 57, line 5, strike "105" and insert in lieu thereof "106";

On page 57, line 14, adding the following new sentence: "The United States also recognizes that some of the organizations fighting apartheid have become infiltrated by Communists and that Communists serve on the governing boards of such organizations."

On page 59, line 3, after the word, "to" insert the following words, "suspend terrorism and to";

On page 59, line 15, strike "106" and insert in lieu thereof "107";

On page 59, line 17, strike the semi-colon and insert in lieu thereof "and to the suspension of terrorism in South Africa;";

On page 61, line 4, add the following new sentence: "None of the funds authorized by this section or appropriated thereunder, can be used to finance education, training, scholarships or further study for any South African who has engaged in terrorist activities.";

On page 62, after line 24, insert the following new subsection:

"(g) Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, $175,000 shall be used for direct assistance to families of victims of violence such as 'necklacing' and other such inhumane acts. An additional $175,000 shall be made available to black groups in South Africa which are actively working toward a multi-racial solution to the sharing of political power in that country through nonviolent, contructive means.";

On page 70, line 8, strike the period and insert in lieu thereof, ", but does not mean a corporation or partnership which previously received start-up assistance from the South African Industrial Development Corporation but which is now privately owned.";

On page 79, between lines 13 and 14, add the following:

"(c) It is the policy of the United States to support the negotiations with the representatives of all communities as envisioned in this Act.

"If the South African Government agrees to enter into negotiations without preconditions, abandons unprovoked violence against its opponents, commits itself to a free and democratic post-apartheid South Africa under a code of law; and if nonetheless the African National Congress, the Pan African Congress, or their affiliates, or other organizations, refuse to participate; or if the African National Congress, the Pan African Congress or other organizations—

"(1) refuse to abandon unprovoked violence during such negotiations; and

"(2) refuse to commit themselves to a free and democratic post-apartheid South Africa under a code of law,

then the United States will support negotiations which do not include these organizations.

"POLICY TOWARD VIOLENCE ON TERRORISM

"Sec. . (a) United States policy toward violence in South Africa shall be designed to bring about an immediate end to such violence and to promote negotiations concluding with a removal of the system of apartheid and the establishment of a non-racial democracy in South Africa.

" (b) The United States shall work toward this goal by diplomatic and other measures designed to isolate those who promote terrorist attacks on unarmed civilians or those who provide assistance to individuals or groups promoting such activities.

"(c) The Congress declares that the abhorrent practice of 'necklacing' and other equally inhuman acts which have been practiced in South Africa by blacks against fellow blacks are an affront to all throughout the world who value the rights of individuals to live in an atomsphere free from fear of violent reprisals."

On page 87, after line 25, insert the following new section:

"REPORT ON COMMUNIST ACTIVITIES IN SOUTH AFRICA

"Sec. 508. (a) Not later than 90 days after the date of enactment of this Act, the President shall prepare and transmit to the speaker of the House of Representatives and the chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate an unclassified version of a report, prepared with the assistance of the Director of the Central Intelligence Agency, the Director of the Defense Intelligence Agency, the National Security Advisor, and other relevant United States Government officials in the intelligence community, which shall set forth the activities of the Communist Party in South Africa, the extent to which Communists have infiltrated the many black and non-white South African organizations engaged in the fight against the apartheid system, and the extent to which any such Communist infiltration or influence sets the policies and goals of the organizations with which they are involved.

"(b) At the same time the unclassified report in section (a) is transmitted as set forth in that subsection, a classified version of the same report shall be transmitted to the chairman of the Select Committee on Intelligence of the Senate and of the Permanent Select Committee on Intelligence of the House of Representatives.".

KASSEBAUM (AND OTHERS) AMENDMENT NO. 2735

Mrs. KASSEBAUM (for herself, Mr. WALLOP, Mr. SIMON, and Mr. WEICKER) proposed an amendment to the bill S. 2701, supra, as follows:

Delete Section 308 of the bill.

KENNEDY (AND OTHERS) AMENDMENT NO. 2736

Mr. KENNEDY (for himself, Mr. WEICKER, Mr. CRANSTON, and Mr. METZENBAUM) proposed an amendment to the bill S. 2701, supra, as follows:

On page 49, delete lines 11 through 20; and

On page 50, delete lines 4 through 13, and at line 14 delete "(iii)"; and

On page 70, line 8, insert the words "or subsidized' after the word "controlled;" and

On page 79, between lines 13 and 14, insert the following new sections:

PROHIBITION ON IMPORTATION OF SOUTH AFRICAN AGRICULTURAL PRODUCTS AND FOOD

SEC. —. Notwithstanding any other provision of law, no—

(1) agricultural commodity, product, by-product or derivative thereof, or

(2) article that is suitable for human consumption, that is a product of South Africa may be imported into the customs territory of the United States after the date of enactment of this Act.

PROHIBITION ON IMPORTATION OF STEEL

SEC. —. Notwithstanding any other provision of law, no iron or steel produced in South Africa may be imported into the United States.

PROHIBITION ON EXPORTS OF CRUDE OIL AND PETROLEUM PRODUCTS

SEC. . No crude oil or refined petroleum product which is subject to the jurisdiction of the United States or which is exported may be exported to South Africa.

(b) Subsection (a) does not apply to any export pursuant to a contract entered into before the date of enactment of this Act.

On page 78, lines 8 and 9, strike out "sections 301 through 312" and insert in lieu thereof "this title".

On page 78, line 23, strike out "sections 301 through 312" and insert in lieu thereof "this title".

EAGLETON AMENDMENT NO. 2737

Mr. EAGLETON proposed an amendment to the bill S. 2701, supra, as follows:

On page 78, strike lines 8 through 21, and insert the following:

SEC. 312. (a) This title and sections 501(c) and 503(b) shall terminate if the Government of South Africa—

(1) releases all persons persecuted for their political beliefs or detained unduly without trial and Nelson Mandela from prison;

(2) repeals the state of emergency in effect on the date of enactment of this Act and releases all detainees held under such state of emergency;

(3) unbans democratic political parties and permits the free exercise by South Africans of all races of the right to form political parties, express political opinions, and otherwise participate in the political process;

(4) repeals the Group Areas Act and the Population Registration Act and institutes no other measures with the same purposes, and

(5) agrees to and enter into good faith negotiations with truly respresentative members of the black majority without preconditions.

HEINZ AMENDMENT NO. 2738

Mr. HEINZ proposed an amendment, which was subsequently modified, to the bill S. 2701, supra, as follows:

Beginning on page 79, strike out line 17 and all that follows through line 13, on page 81, and insert in lieu thereof the following:

SEC. 401. (a) It is the policy of the United States to seek international cooperative agreements with the other industrialized democracies to bring about the complete dismantling of apartheid. Sanctions imposed under such agreements should be both direct and official executive or legislative acts of government. The net economic effect of such cooperative should be measurably greater than the net economic effect of the measures imposed by the Act.

(b)(1) Negotiations to reach international cooperative arrangements with the other industrialized democracies and other trading partners of South Africa on measures to bring about the complete dismantling of apartheid should begin promptly and should be concluded not later than 180 days from the enactment of this Act. During this period, the President or, at his direction, the Secretary of State should convene an international conference of the other industrialized democracies in order to reach cooperative agreements to impose sanctions against South Africa to bring about the complete dismantling of apartheid.

(2) The President shall, not less than 180 days after the date of enactment of this Act, submit to the Congress a report containing—

(A) a description of United States efforts to negotiate multilateral measures to bring about the complete dismantling of apartheid; and

(B) a detailed description of economic and other measures adopted by the other industrialized countries to bring about the complete dismantling of apartheid, including an assessment of the stringency with which such measures are enforced by those countries.

(c) If the President successfully concludes an international agreement described in subsection (b)(1), he may, after such agreement enter into force with respect to the United States, adjust, modify, or otherwise amend the measures imposed under any provision of section 301 through 312 to conform with such agreement.

(d) Each agreement submitted to the Congress under this subsection shall enter into force with respect to the United States if (and only if)—

(1) the President, not less than 30 days before the day on which he enters into such agreement, notifies the House of Representatives and the Senate of his intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register;

(2) after entering into the agreement, the President transmits to the House of Representatives and to the Senate a document containing a copy of the final legal text of such agreement, together with—

(A) a description of any administrative action proposed to implement such agreement and an explanation as to how the proposed administrative action would change or affect existing law, and

(B) a statement of his reasons as to how the agreement serves the interest of United States foreign policy and as to why the proposed administrative action is required or appropriate to carry out the agreement; and

(3) a joint resolution approving such agreement has been enacted within 30 days of transmittal of such document to the Congress.

On page 91, line 9, strike out "disapproves" and insert in lieu thereof "approves".

PROXMIRE (AND CRANSTON) AMENDMENT NO. 2739

Mr. PROXMIRE (for himself and Mr. CRANSTON) proposed an amendment, which was subsequently modi-

fied, to the bill S. 2701, supra, as follows:

On page 78, strike out lines 8 through 21, and insert in lieu thereof the following:

SEC. 313. (a) This title and sections 501(c) and 503(b) shall terminate 30 days after the President determines, and so reports to the Congress, that the Government of South Africa—

(1) releases all persons persecuted for their political beliefs or detained unduly without trial and Nelson Mandela from prison;

(2) repeals the state of emergency in effect on the date of enactment of this Act and releases all detainees held under such state of emergency;

(3) unbans democratic political parties and permits the free exercise by South Africans of all races of the right to form political parties, express political opinions, * * *.

(4) repeals the Group Areas Act and the Population Registration Act and institutes no other measures with the same purposes; and

(5) agrees to enter into good faith negotiations with truly representative members of the black majority without preconditions.

if the Congress enacts within such 30-day period, in accordance with section 602 of this Act, a joint resolution approving the determination of the President under this subsection.

On page 79, line 10, strike out "unless" and insert in lieu therof "if".

On page 79, line 12, strike out "disapproving" and insert in lieu thereof "approving".

On page 88, line 15, insert "313(a)," after "sections".

On page 89, line 21, insert "313(a)," after "section".

On page 90, line 14, insert "313(a) or" after "section".

On page 90, line 17, strike out "313(b)" and insert in lieu thereof "313(a) or 313(b), as the case may be,".

On page 90, line 21, strike out "313(b)" and insert in lieu thereof "313 ".

On page 90, line 24, strike out "blank" and insert in lieu thereof "first blank and the appropriate subsection designation inserted in the second blank".

DENTON AMENDMENT NO. 2740

Mr. DENTON proposed an amendment, which was subsequently modified, to the bill S. 2701, supra, as follows:

On page 69, between lines 10 and 11, insert the following new section:

PROHIBITION ON ASSISTANCE TO ANY PERSON OR GROUP ENGAGING IN "NECKLACING"

SEC. 211. No assistance may be provided under this Act, the Foreign Assistance Act of 1961, or any other provision of law directly or indirectly to any individual, group, organization, or member thereof, or entity that engages in, advocates, supports, or condones the practice of execution by fire, commonly known as "necklacing".

SARBANES (AND OTHERS) AMENDMENT NO. 2741

Mr. SARBANES (for himself, Mrs. KASSEBAUM, and Mr. DODD) proposed an amendment to the bill S. 2701, supra, as follows:

On page 72, between lines 5 and 6, insert the following:

SEC. 206. (a)(1) The President shall immediately notify the Government of South Africa of his intention to suspend the rights of any air carrier designated by the Government of South Africa under the Agreement Between the Government of the United States of America and the Government of the Union of South Africa Relating to Air Services Between Their Respective Territories, signed May 23, 1947, to service the routes provided in the Agreement.

(2) Ten days after the date of enactment of this Act, the President shall direct the Secretary of Transportation to revoke the right of any air carrier designated by the Government of South Africa under the Agreement to provide service pursuant to the Agreement.

(3) Ten days after the date of enactment of this Act, the President shall direct the Secretary of Transportation not to permit or otherwise designate any United States air carrier to provide service between the United States and South Africa pursuant to the Agreement.

On page 72, line 6, strike out "Sec. 306. (a)(1) and insert in lieu thereof "(b)(1)".

On page 72, line 17, strike out "(b)" and insert in lieu thereof "(c)".

On page 72, line 18, strike the word "subsection" and insert in lieu thereof "subsections".

On page 72, line 19 after "(a)" add "or (b)".

On page 72, line 22, strike out "(c)" and insert in lieu thereof "(d)".

SYMMS AMENDMENT NO. 2742

Mr. SYMMS proposed an amendment to the bill S. 2701, supra, as follows:

At the end of the Bill add the following new section:

SEC. . PROHIBITION ON THE IMPORTATION OF SOVIET GOLD COINS.

(a) No person, including a bank, may import into the United States any gold coin minted in the Union of Soviet Socialist Republics or offered for sale by the Government of the Union of Soviet Socialist Republics.

(b) For purposes of this section, the term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(c) Any individual who violates this section or any regulations issued to carry out this section shall be fined not more than five times the value of the rubles involved.

HATCH AMENDMENT NO. 2743

Mr. HATCH proposed an amendment to the bill S. 2701, supra, as follows:

At the appropriate place add the following:

SEC. . ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS.

(a) Chapter 4 of part II of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 535. ECONOMIC SUPPORT FOR DISADVANTAGED SOUTH AFRICANS.—(a) Up to $40,000,000 of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1987 and each fiscal year thereafter shall be available for assistance for disadvantaged South Africans. Assistance under this section shall be provided for activities that are consistent with the objective of a majority of South Africans for an end to the apartheid system and the establishment of a society based on non-racial principles. Such activities may include scholarships, assistance to promote the participation of disadvantaged South Africans in trade unions and private enterprise, alternative education and community development programs.

"(2) Up to $3,000,000 of the amounts provided in each fiscal year pursuant to subsection (a) shall be available for training programs for South Africa's trade unionists.

"(C) Assistance provided pursuant to the section shall be made available notwithstanding any other provision of law and shall not be used to provide support to organizations or groups which are financed or controlled by the Government of South Africa. Nothing in this subsection may be construed to prohibit programs which are consistent with subsection (a) and which award scholarships to students who choose to attend South African-supported institution.".

(b) Not later than 90 days after the date of enactment of this Act, the Secretary of State shall prepare and transmit to the Congress a report describing the strategy of the President during the five-year period beginning on such date regarding the assistance of black Africans pursuant to section 535 of the Foreign Assistance Act of 1961 and describing the programs and projects to be funded under such section.

BOSCHWITZ AMENDMENT NO. 2744

Mr. BOSCHWITZ proposed an amendment to the bill S. 2701, supra, as follows:

Add the following new paragraph to Section 312:

(c) The prohibition contained in this section shall not apply to investments in or loans to a firm owned by black South Africans, or a joint venture business entity with at least a 20 percent black South African ownership or a corporation whose board of directors are predominantly black South Africans.

CHAFEE AMENDMENT NO. 2745

Mr. CHAFEE proposed an amendment to the bill S. 2701, supra, as follows:

At the end of section 401 of the bill, add the following:

(e) It is the sense of the Congress that the President should instruct the Permanent Representative of the United States to the United Nations to propose that the United Nations Security Council, pursuant to Article 41 of the United Nations Charter, impose measures against South Africa of the same type as are imposed by this Act.

SYMMS (AND OTHERS) AMENDMENT NO. 2746

Mr. SYMMS (for himself, Mr. MCCLURE, Mr. DENTON, Mr. PRESSLER, Mr. HELMS, Mr. HECHT, and Mr. MURKOWSKI) proposed an amendment to the bill S. 2701, supra, as follows:

At the appropriate place in the bill, insert the following:

(a) Notwithstanding any other provision of this Act, no prohibition contained in this Act may be imposed against South Africa if

the President determines, and so reports to Congress, that such prohibition would increase United States dependence upon any member country or observer country of the Council for Mutual Economic Assistance (C.M.E.A.) for the importation of coal or any strategic and critical material by an amount which exceeds by weight the average amounts of such imports from such country during the period 1981 through 1985.

(b)(1) Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall prepare and transmit to the Congress a report setting forth for each country described in subsection (a)—

(A) the average amount of such imports from such country during the period of 1981 through 1985, and

(B) the current amount of such imports from such country entering the United States.

(2) Thirty days after transmittal of the report required by paragraph (1) and every thirty days thereafter, the President shall prepare and transmit the information described in paragraph (1)(B).

LEVIN AMENDMENT NO. 2747

Mr. LEVIN proposed an amendment to the bill S. 2701, supra, as follows:

In the appropriate place in the bill, insert the following new section:

SEC. (a) Notwithstanding any other provision of this Act, the President shall:

(i) notify the Congress of his intent to allow the export to South Africa any item which is on the United States Munition List and which is not covered by the United States Security Council Resolution 418 of November 4, 1977, and

(ii) certify that such item shall be used solely for commercial purposes and not exported for use by the armed forces, police, or other security forces of South Africa or for other military use.

(b) The Congress shall have 30 calendar days of continuous session (computed as provided in section 906(b) of title 5, United States Code) to disapprove by joint resolution of any such sale.

LEVIN AMENDMENT NO. 2748

Mr. LEVIN proposed an amendment to the bill S. 2701, supra, as follows:

At the appropriate place in the bill, insert the following new section,

SEC. . It is the sense of the Senate that the United States Ambassador should promptly make a formal request to the South African government for the United States Ambassador to meet with Nelson Mandela.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, August 14, for discussion only of the Uranium Mill Tailings Reclamation Act of 1985, S. 1004.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, August 14, to conduct a business meeting to consider S. 2055, Columbia Gorge Scenic Area.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. LUGAR. Mr. President, I ask unanimous consent that the Subcommittee on Foreign Agricultural Policy of the Committee on Agriculture, Nutrition and Forestry be authorized to meet during the session of the Senate on Thursday, August 14, to hold a hearing on the "Overview of U.S. Food Aid Programs and World Hunger."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, August 14, in closed session, to conduct a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

1,855 CUBAN DETAINEES IN ATLANTA

● Mr. JOHNSTON. Mr. President, something is going on in Atlanta that we as patriotic Americans cannot be proud of. It is a tragedy that I am sure makes many people question whether we truly respect human dignity and whether we are compassionate.

I am talking about the detention of 1,855 Cubans in Atlanta's U.S. Federal Penitentiary. Cognizant, as most of us are, of only two facts, that these Cubans arrived as part of the "Freedom Flotilla" of 1980 and that they then committed crimes in this country, it is understandable that many of us see no injustice in their detention. These Cubans appear unappreciative of the great opportunity to live in our society and certainly do not appear to measure up in quality to the millions of others who wish to do so.

Their detention, however, is an injustice. It is an injustice because of the harshness of the conditions. In any country, these conditions would be abhorrent. In this rich, democratic country, they are abhorrent and disgraceful and run against our view of ourselves as generous, tolerant people. In addition, they make the declarations we have made to advance human rights appear hypocritical.

One thousand two hundred thirty-six of the Cubans live in two cellhouses, consisting of five layers of 10- by 21-foot cells, which is about the size of a one-car garage. In each cell live eight men. Many of the detainees have been locked in those cells 23 hours a day for the past 20 months.

Reporters are not permitted to visit the punishment wing, cellhouse E. An American inmate, who lives separately from the Cubans, but who has on three occasions visited the wing, told the Atlanta Constitution, "The yelling and the screaming is almost unbearable." He said the guards give the Americans earplugs when they are sent in there. Summarizing the general conditions, an Atlanta Constitution reporter said the Cubans' situation "in the Atlanta pen defies description in the usual terms of American justice and punishment."

As might be expected, the detainees are not holding up well. Since 1980, 4,000 cases of self-mutilation have been recorded. There have also been eight suicides.

"Detainee," as the label for these persons is carefully chosen. It is more appropriate than "convict" because most of the Cubans have already served their time. In other words, for the majority, the punishment is supposed to have ended. The American Government, specifically, the U.S. Department of Justice, apparently does not understand this. To impress upon the Government what is going on appeals are being made to human rights organizations, including the United Nations.

It is true that this country has been caught by political events. We had intended to return these persons to Cuba, but due to a disagreement with Mr. Castro, that country will not take them back. I do not, however, believe these circumstances allow us to treat these Cubans as subhuman.

Moreover, it should be pointed out that many are in the penitentiary for committing crimes that were by no means serious. Granted, some are in for extremely serious crimes, such as rape and murder, but some are there for shoplifting.

It might be argued that in this era of budgetary restraint, our Government cannot afford the extra expenditure of improving the detainees' conditions. My answer is that human dignity and this Nation's reputation for compassion demand special priority. Moreover, we are only talking about 1,855 people, not about a large segment of the population. Perhaps we can make up for the loss by a commensurate and therefore negligible reduction in Federal highway expenses or expenses for chemical weapons.

I have two recommendations. One is that the living conditions for all the detainees be drastically improved, even for the worst offenders.

My other recommendation is that the records of the individual detainees be examined much more carefully. Perhaps the best way to do this would be for the Government to grant public

hearings, complete with meaningful legal representation. Those who the judge decides have not been excessively violent and are mentally stable and appear likely to become useful members of society should be admitted to halfway houses. And those who make that transition without trouble should be paroled.

But before we have to legislate to make such changes, I hope the person most directly responsible for this disgraceful situation, the U.S. Attorney General, can find it within himself to reduce the suffering of these detainees, if not out of compassion, at least out of a desire to uphold the image of his country.

Mr. President, I ask that the articles from the Atlanta Constitution on the Mariel people be included in the RECORD.

The articles follows:

NOT EVEN JUAN DESERVES THE PEN

(By Frederick Allen)

No question, Juan's story was going to be a tear-jerker.

The official mental health evaluation of a Cuban prisoner rested atop a sheaf of documents sent to me by Gene Guerrero, the executive director of Georgia's chapter of the American Civil Liberties Union, to lend support to his organization's complaint to the United Nations that the continuing, indefinite detention of about 1,800 Cubans at the Atlanta Federal Penitentiary is a gross violation of human rights.

Juan, as we will call him, since his real name was inked out, is one of the Marielitos, and his story unfolds through an interview conducted in March by a U.S. Public Health Service doctor in Rockville, Md.

According to a section of the report devoted to vital statistics, Juan is a 5-foot-7-inch, 157-pound, Havana-born Catholic with a seventh-grade education, the son of a truck driver and a schoolteacher, who arrived during the "Freedom Flotilla" at Key West, Fla., on July 16, 1980.

The item that leaps off the page is his age. Juan was 13 years old when he arrived in Florida, and he is just 19 now. Surely, one thought, Gene Guerrero had found a child in prison—an innocent who was swept up in the hysteria, doomed to life in a cramped cell because the U.S. government harbors an irrational fear of Cubans.

But this was not exactly the case.

Upon arrival, Juan was processed through immigration and, four days later, sent to New York, where he was sponsored by an aunt who ran a clothing factory in the Bronx. According to Juan, his aunt made him work grueling hours—from 7 a.m. to midnight—and took him out of school.

CANDIDATE FOR REHABILITATION?

"On one occasion," the report continues, "he discovered some welfare money that was supposed to go to him and was being taken by his aunt and her family. He complained and she grabbed him by the neck and attempted to strangle him in the company of her son and a cousin who also had arrived through the Mariel boatlift. At that time he was thrown out of the house, and he just wandered through New York City for four months."

At this point in the account, frankly, one begins to entertain some nagging doubts about Juan. It would be interesting, for instance, to hear the aunt's version. But the story quickly picks up pace. Indeed, it becomes astonishing.

Juan, after wandering the streets, "met someone in school [who] gave him a place to live in his home. Unfortunately, this individual was into mugging elderly couples in the Bronx and [Juan] felt he had to join him in the ventures."

What a marvelously offhanded disclosure! Suddenly we have a fellow who is "into" mugging, much as someone might get "into" macrame, with poor Juan drawn faithfully along into the "ventures," as though making an unwise business investment. Not only does one begin to wonder about Juan, but also about the government doctor who wrote the report.

In any case, Juan was arrested, served a 2½- to seven-year sentence in Sing Sing, was then sent to a detention center in Arizona (where another Cuban refugee stabbed him in the neck during an argument over a female staffer), and finally wound up in the Atlanta Pen.

The doctor's recommendation? Highly optimistic: Juan is "a very good candidate for rehabilitation," and should be released after six months in a halfway house.

IF HE WERE AN AMERICAN . . .

The story, unhappily, is not unusual. Another government evaluation provided by the ACLU tells of a man who lost his parole when "he got involved in an incident when he went fishing because he saw a boat that was lost—he was trying to bring in the boat, but there was marijuana in the boat."

Sure. Happens every day.

The reports do not provoke sympathy at all, of course, but an urge to scream: The Cubans stuck in the prison system had been awarded one glorious, golden opportunity to live in freedom in the United States, and they blew it. About 120,000 of their fellow Marielitos have managed to obey the law. It is hard to pity the 5,000 who didn't.

And yet, if pity is inappropriate, so is a life sentence in a hellhole. In this country, we get angry with lawbreakers and we punish them. But we try to do so in humane prisons, and we try to make the punishment fit the crime.

We lock up a teenager like Juan, but not in a broom closet, not cheek-by-jowl with violent adults—and certainly not forever. Juan is no prize, God knows, but he is a human being. If he were an American citizen, he would be out on the streets by now.

At some point soon—despite our misgivings, with no guarantee of success—we ought to take a deep breath, say a prayer, grant parole and give Juan another chance.

We ought to treat him, in short, like an American criminal.

1,855 CUBAN INMATES WAIT FOR THEIR FATE

"Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tost to me, I lift my lamp beside the golden door."—Inscription on the Statue of Liberty.

In the summer of 1980, roughly 125,000 Cubans poured into the Cuban port of Mariel, intent on leaving a life of poverty and political repression for a new start in the United States.

Behind them were hostile mobs of Fidel Castro loyalists, who stoned them and burned them in effigy. Ahead were the inviting words of President Jimmy Carter who said America welcomed them "with an open heart and open arms." Drowned out in the noise of diesel boat engines was the rest of Carter's message: The Cubans must comply with U.S. immigration law.

Most of the Cuban immigrants who filled Florida refugee camps that summer were law-abiding. But not all. On the other side of the Florida straits, officials had circulated a message inside Cuba's prisons: We'll help you go to America.

Today, 1,855 Mariel prisoners—shoplifters as well as rapists—are warehoused in the Atlanta Federal Penitentiary. Most are packed in stale, cramped cells in groups of eight. Many have been locked in those cells 23 hours a day for the past 20 months. More than 2,800 others are destined for Atlanta when they complete sentences in state prisons and local jails.

A congressional committee called conditions at the penitentiary the worst of any U.S. prison. Political and church groups, alarmed by the incidence of violence, suicide and self-mutilation among the inmates, have called on the United Nations to investigate for alleged human rights violations—a charge usually leveled at Cuba.

Despite their presence behind bars, the Cubans are not legally prisoners. In theory, the United States is detaining them for deportation. But for now, Cuban President Fidel Castro refuses to take them back.

Six years after the boatlift—which former Carter administration officials now admit was mishandled—no good options remain. The United States can release potentially dangerous refugees into society, keep them in prison indefinitely or negotiate to send them back to possibly a grimmer fate in Cuba. Delay only worsens the dilemma. Each day the Mariel refugees stay in prison, their chance of ever functioning in American society shrinks and criticism about human rights violations grows louder.

While their fates are debated, the undesirables wait.

"The personality evolves," says Leonel Alfonso, locked down in an eight-man cell since October 1984. "A lot of people are becoming crazy."●

ANNIVERSARY OF THE COUNTRY GENTLEMEN

● Mr. WARNER. Mr. President, as we celebrated July 4, Independence Day, the anniversary of our Nation's struggle for freedom and individuality, we recognized some of the artists who have contributed to our uniquely American culture.

One of the most distinctive American musical forms is that southern country favorite, bluegrass music, which, since its beginning in the bluegrass region in Kentucky, has developed and grown along with the region and the Nation. Bluegrass captures the spirit and musicality of the country folk of the southern mountain region of the United States, and is one of the few musical forms uniquely developed in the United States.

One of the foremost bluegrass bands in the United States is the Country Gentlemen. The Country Gentlemen also celebrated its anniversary on July 4, and I wish to commend the band on its success and its contributions to our musical heritage.

The band's leader, Charlie Waller, began the group on July 4, 1957, with

an appearance at a small Virginia nightclub. He and his band have taken this delightful art form across the country to college campuses and bluegrass festivals and played in such centers of American music as Carnegie Hall, the Lincoln Center in New York City, and the Grand Ole Opry in Nashville, TN. They have also been the ambassadors of American music and spirit abroad, taking bluegrass music on concert tour through Europe and Japan.

Charlie Waller and his Country Gentlemen are the premier bluegrass band in the United States. Just this year, they received numerous awards at the Society for the Preservation of Bluegrass Music of America 12th Anniversary Bluegrass Music Awards National Convention at the Opryland Hotel in Nashville, TN. Bill Yates was named Bluegrass Bass Fiddler of the Year; Charlie Waller was named Bluegrass Rhythm Guitar Player of the Year and Male Vocalist of the Year. The band was named Bluegrass Band of the Year instrumentally, and, once again, received the honor of Overall Bluegrass Band of the Year.

The success of the Country Gentlemen has special meaning to me as a Senator from Virginia. All of the current members of the group are from the Commonwealth of Virginia, where they made their debut 29 years ago. I take great pride in commending to my colleagues in the Senate these talented and dedicated sons of the Commonwealth.

This year, the Country Gentlemen marked its 29th anniversary with a performance in Portsmouth, OH on July 5. I congratulate Charlie Waller and the other members of the band, Bill Yates, James Bailey, and Norman Wright, as well as the many talented Country Gentlemen alumni, for perfecting and spreading this musical tradition that so charmingly captures the spirit and musicality of America's southern country folk.●

A CALL FOR PEACEFUL CHANGE IN SOUTH AFRICA

● Mr. HART. Mr. President, the Baltimore Sun published an eloquent call for peaceful change in South Africa by the distinguished Senator from Maryland, Mr. SARBANES.

His article, "Sanctions Against Pretoria," makes a powerful and persuasive case for a more aggressive foreign policy against apartheid in South Africa. Senator SARBANES understands that the administration policy of "constructive engagement" has failed, and that the leverage offered by the imposition of economic sanctions by the United States represents the last, best hope for peaceful change and majority rule in that troubled country.

In the debate of South Africa, as with most questions involving the foreign and domestic policies of the United States, Senator SARBANES has been an activist—an activist for moral leadership, an activist for democratic principles, an activist for America.

As the Senate considers sanctions against South Africa, I urge all my colleagues to read this thoughtful article by our colleague, PAUL SARBANES:

SANCTIONS AGAINST PRETORIA

(By Paul Sarbanes)

WASHINGTON.—The Senate bill of economic sanctions on the government of South Africa, while not as far-reaching as some members, including myself, had urged, is a major step forward. The bill is a declaration of unequivocal opposition to the apartheid regime in South Africa. More important, it represents American determination to act on that declaration.

With strong bipartisan support, the bill sharply reverses the Reagan administration's policy of constructive engagement, a failed and discredited policy that is perceived by black and white South Africans alike as an endorsement of the vicious apartheid system.

The bill builds on congressional action of a year ago, when limited sanctions—banning loans to the public sector, computer sales to apartheid/enforcing agencies, sales of military related articles and nuclear experts, and imports of the krugerrand gold coin—were approved. At that time, to avoid imminent congressional passage of the legislation over his veto, President Reagan imposed very limited sanctions by an executive order which is now about to expire.

Congress, unlike the president, has gone beyond immediate limited sanctions to provide for additional sanctions over time in the absence of "significant progress" toward ending apartheid. Regrettably, the situation today is far worse than it was a year ago.

The limited state of emergency imposed in July 1985, was lifted in March, but replaced in June by a more oppressive nationwide state of emergency that has led to the deaths of hundreds and the detention of thousands. South Africa's black political leadership, first and foremost Nelson Mandela, remains in prison. South Africa continues its acts of military aggression against neighboring states and has recenly initiated damaging economic measures.

In the meantime, the degrading structure of apartheid remains in place. The "pass laws: have been revoked, but a new law requiring a national identity document has been substituted. The right of black South Africans to own land has been recognized, but only within the government's black townships. The Mixed Marriages Act has been repealed, but residence laws still prohibit spouses of different races from living together. Black South Africans will no longer be stripped of citizenship, but of the roughly 9 million already deprived only a small proportion will have their citizenship restored. Arbitrary arrest and detention remain the order of the day.

The Senate's response to the continuing tragedy and outrage in South Africa is logical, necessary and right. Major new provisions in the bill prohibit new investment, bank loans to the private sector, imports of goods produced by state-owned or controlled corporations, and uranium and coal imports. The bill also suspends direct air travel between South Africa and the United States and clamps down on South African government deposits in U.S. banks.

If South Africa takes concrete steps toward dismantling the apartheid system, beginning with the release of Nelson Mandela and other political prisoners, the bill stipulates that the sanctions may be lifted. By the same token, the bill makes possible further sanctions in a year's time if steps to eliminate apartheid are not taken.

Some critics of the legislation argue that sanctions will hurt blacks. Bishop Desmond Tutu has eloquently rebutted this argument. "Blacks are saying we are suffering already," he wrote recently. "To end it, we will support sanctions even if we have to take on additional suffering. I must ask, to whom is the international community willing to listen? To the victims and their spokesmen or to the perpetrators of apartheid and those who benefit from it?"

Critics also argue that sanctions will not "work." Such an argument addresses the wrong question. We do not know for certain that sanctions will "work." We do know, however, that the absence of sanctions has not worked. The Eminent Persons Group, after six months' intensive study and negotiation in South Africa, concluded that "It is not whether such measures will compel change; it is already the case that their absence and Pretoria's belief that they need not be feared, defers change."

A sanctions policy, Bishop Tutu said not long ago, is "the last non-violent option left and it is a risk with a chance." In the face of South African government intrasigence, it is a chance we must now take.●

THE VALUE OF SPACE RESEARCH PROGRAMS

● Mr. TRIBLE. Mr. President, with the tragic explosion of the *Challenger* in January and the ensuing efforts to return this Nation to its full space transportation potential, little notice is given to the basic research programs being daily conducted at NASA. I would like to draw the attention of my colleagues to work that NASA's Langley Research Center in Hampton, VA, performed in understanding a severe problem being experienced by the world's commercial jet fleet starting in 1982 and extending over a period of several years.

In 1982, a sudden severe acrylic window-crazing problem was experienced by the world's commercial jet fleet. "Crazing" is the term applied to the development of little, hair-like cracks in jet windows, often producing a hazy effect. The problem was causing cockpit and passenger cabin windows to become so badly crazed that they required replacement, in some cases after 400 to 500 flight hours. Normal replacement would take place in the neighborhood of 20,000 to 30,000 flight hours. The problem was causing a major disruption of airline schedules and costing the airlines millions of dollars.

The Air Transport Association formed a working group to study the problem. Initially, many reasons were attributable to causing the severe crazing: contamination of deicing fluids; chemical attack by rain repellant;

cleaning materials; waxes; a change in the manufacturing process or materials used to fabricate the windows. The group also surveyed possible atmospheric conditions which might lead to the problem; eliminating acid rain and ozone concentrations, it was conjectured that volcanic eruptions contributed substantially to atmospheric pollution.

With data obtained by Dr. M.P. McCormick, of the Atmospheric Sciences Division at NASA Langley, through its worldwide monitoring of atmospheric conditions, it was learned that this volcanic material—solid particles and sulphuric acid droplets—had encircled the globe and was trapped in the stratosphere where it tends to stay because of the very stable character of the stratosphere. In contrast, material injected into the troposphere tends to dissipate rapidly because of its turbulent nature. The significance of debris trapped in the stratosphere becomes significant in relation to the crazing pattern when one understands that the tropopause which separates the troposphere from the stratosphere varies considerably as a function of latitude. In the northerly latitudes—above approximately 45 degrees north—the average tropopause drops down to about 20,000 to 30,000 feet. At the more southerly latitudes, the average altitude of the tropopause is around 50,000 feet. Transports flying in the more northerly latitudes—for example, from Seattle to Japan—would always be cruising in the stratosphere and thus in contact with this volcanic debris.

Using this information, a strong correlation between the crazing data and the worldwide volcanic eruptions and, in particular, the eruption of El Chichon, and the consequent placement of volcanic debris into the stratosphere of a worldwide basis, was shown.

Laboratory tests confirmed the sensitivity of acrylic materials to contact with sulfuric acid. Additional data provided by NASA Langley Research Center indicates that the aerosol mass—primarily sulfuric acid droplets—in the stratosphere has been dropping since about mid-1983 as the volcanic debris gradually dissipates. It has now reached a level equivalent to that prior to the 1980 eruption of Mt. St. Helens and, therefore, has reached a somewhat normal level. At the same time, operator reports indicate that the crazing situation is also improving and has reached a level approximately equal to that prior to the epidemic situation. The window crazing problem dissipated in accordance with the predictions of Dr. McCormick on the dissipation of the atmospheric pollutants from the stratosphere.

In sum, all evidence indicates that the major cause of premature acrylic window crazing experienced by some airlines in 1983 and 1984 was the eruption of El Chichon and the consequent placement of volcanic pollution in the stratosphere. This is a unique and unexpected aftermath of volcanic eruptions and has not been previously experienced in the short time space in which modern aircraft have cruised in the stratosphere.

A number of commercial airline programs were initiated to understand the problem and develop methods of alleviating the problem. As a result, a number of advancements to provide improved window performance in airline service have been made. In addition, these studies indicate the need for some rethinking of, and revisions to, current acrylic material specifications.

While both atmospheric data and airline window removal statistics indicate that the premature crazing problem has passed, aggressive efforts should continue to improve craze resistance of aircraft windows. When will another eruption like El Chichon occur?

This episode again illustrates the value of basic space research programs in providing data which have many applications not conceived at the time the programs are initiated.●

POLITICAL EXCLUSION PROVISIONS OF CURRENT IMMIGRATION LAW

● Mr. SIMON. Mr. President, I submit for the RECORD a column by Mrs. Coretta Scott King which appeared in the Atlanta Journal and the Atlanta Constitution on June 29, 1986.

I am confident that all of my colleagues recognize Mrs. King as a prominent leader in the area of human rights and social justice. Her column focuses on an area of our law which has been an embarrassment to our country for over 30 years.

Mr. President, the law in this area simply does not make sense. Right now, a visitor to this country may be denied, according to the Immigration and Nationality Act—also known as the McCarran-Walter Act—a temporary, nonimmigrant visa simply because of beliefs he or she may hold. In the last few years there have been innumerable cases of people who have been denied visas because of this law and it is embarrassing to the United States in the world community.

This law is contrary to everything our country stands for and it is clearly not what Jefferson, Madison, and others had in mind when our Nation began.

I urge my colleagues to read Mrs. King's article and realize just how foolish this law is.

The article follows:

[From the Atlanta Journal, June 29, 1986]

U.S. IMMIGRATION LAW IS FORM OF CENSORSHIP

(By Coretta Scott King)

As we prepare for our 210th Independence Day celebration, the right of free expression remains the cornerstone of American democracy. Unfortunately, one federal law passed during the McCarthy era continues to undermine the nation's credibility as a champion of free speech.

The Immigration and Nationality Act of 1952, also known as the McCarran-Walter Act, was passed over the veto of President Harry Truman, who explained, "Seldom has a bill exhibited the distrust evidenced here for citizens and aliens alike." Although the legislation laid the foundation of modern immigration law, Truman disapproved of some of the 33 reasons the bill listed for denying entry to visitors and immigrants.

Some of the reasons—criminal history, insanity, disease and moral turpitude—provide ample opportunities for abuse in their application. None of these, however, has caused more problems than Section 212(a) 27-29, which was used in 1984 to deny entry to more than 700 individuals because of their political beliefs. No other Western democracy excludes visitors on this basis.

The list of people who have been denied visas under the McCarran-Walker Act in recent years is a national embarrassment (several were admitted subsequently). It includes some of the world's most distinguished writers and artists—Italian playwright Dario Fo, English novelist Graham Greene, Spanish filmmaker Luis Bunuel, Vietnamese pianist Dang Thai Son, Mexican writer Carlos Fuentes and Canadian writer Farley Mowat.

Nobel Prize winners Gabriel Garcia Marquez, Czeslaw Milosz and Pablo Neruda have all been barred by the McCarran-Walker Act. As former Assistant Secretary of State Hodding Carter III said recently in an interview, "The Russians have made it hard for Nobel laureates to get out of the Soviet Union. We have made it hard for Nobel laureates to get into the United States."

Other public figures have been denied visas by the act. Before he was elected Canada's prime minister, Pierre Trudeau had problems with McCarran-Walter. Italian General Nino Pasti, a former vice supreme allied commander of NATO, was denied a visa to the United States after he began to speak out against further U.S. missile deployments in Europe.

Supporters of the act claim that the First Amendment's prohibition of the abridgement of free speech does not apply to aliens. The American Civil Liberties Union argues that past court decisions upholding the act have been clouded by peripheral issues.

Meanwhile, measures have been introduced in Congress to correct the injustices of the act and bring the United States into compliance with the Helsinki Accords on Human Rights. In the House of Representatives, Rep. Barney Frank (D-Mass.) has proposed a broad amendment (H.R. 2361) that would reform U.S. visa policies in a number of areas, including the elimination of purely political or ideological considerations as a reason for exclusion. Sen. Paul Simon (D-Ill.) is sponsoring the Immigration Exclusion Amendment Act (S. 2177) that would ensure that "No one may be denied a temporary visa because of his or her political beliefs," while excluding people who are sus-

pected of engaging in terrorism or espionage.

There is growing support for the argument that withholding visas because of political views is a form of censorship unacceptable for a great democracy. When this position is adopted as the undisputed law of the land, all the rhetoric about the sanctity of freedom of speech and expression in our democracy will have new credibility and meaning.●

WESTLANDS SETTLEMENT

● Mr. McCLURE. Mr. President, on July 24, the Secretary of the Interior submitted to Congress for its review a proposed settlement in the case of Westlands Water District versus United States, a longstanding and complicated lawsuit filed in 1981. Negotiations between the Westlands Water District and the United States to settle the issues associated with the litigation were begun 2 years ago with the encouragement of the Federal District Court in California.

Since the time the settlement was submitted to Congress for review, news articles and editorials have appeared which have tended to distort or misrepresent the argument and the purpose behind it. Last week, action was taken in the other body during consideration of the Interior appropriations bill which would prevent the settlement package from being submitted to the court for consideration. I believe this action was unwise and unwarranted.

I have worked closely with Secretary Hodel for many years, and have always found him to be above board and honorable. He is motivated by what he believes to be right for the country. The Secretary has written to me outlining the reasons he believes this settlement is sound, and why he chose to allow it to go forward. I think this information should be available to Members of the Senate and the public to set the record straight, and I ask that the text of Secretary Hodel's letter be printed in the RECORD. I also ask that a statement issued by Congressman TONY COELHO, characterizing the agreement and its status be printed in the RECORD following the Secretary's letter to me.

The material follows:

THE SECRETARY OF THE INTERIOR,
Washington, DC, August 5, 1986.

Hon. JAMES MCCLURE,
U.S. Senate,
Washington, DC.

DEAR MR. CHAIRMAN: As you know, last week I submitted a proposed settlement of the Westlands litigation against the United States for congressional review. Since that time, opponents to the settlement have made a number of allegations that are based on invalid assumptions about the litigation itself. Because your committee has jurisdiction in this area, I would like to provide you with the justification behind my decision to seek a settlement of this case.

The most critical element in the settlement is the 1963 contract between Westlands and the United States. Despite all of the controversy and conflicting opinions surrounding it, the validity of the 1963 contract has never been in question. In fact, former Solicitor Krultz' opinion, upon which the lawsuit is based, specifically states that the contract is valid and has not been superseded or rescinded by the parties to the contract. Thus, Westlands base water supply of 900,000 acre-feet would continue to be supplied at $7.50 per acre foot, plus a $0.50 an acre-foot service charge, under any realistic scenario.

Those who oppose the settlement have assumed that the lawsuit itself offers some sort of leverage to the Federal Government to force the District to amend its 1963 contract and thus come under the Reclamation Reform Act of 1982. As you are well aware, the Reform Act applies only to new and amendatory contracts entered into after its passage. Any district which seeks a new or amendatory contract must come under the provisions of that Act.

Because the validity of the base supply of water at the contract rate is not an issue in the lawsuit and the California law which authorized the merger of Westlands and Westplains into the Westlands Water District of today gave the farmers in the original Westlands priority right to the water, it is highly unlikely that the majority of the members of the District would accept an amendatory contract. Simply put, the majority of the District's members can be served by the base supply and need no new distribution of drainage systems. The majority could easily block the adoption of any amendatory contract as their needs have already been met. Thus, any perceived leverage to force the entire District to amend its contract is illusory.

However, we believe the settlement will increase revenues to the Treasury more rapidly than litigation. Through the settlement, the Federal costs of building the delivery system and providing water, currently $16.40 an acre-foot, will be charged for all the water delivered to the Westplains area. As the 1963 contract provides for interim water at the contract rate of $8 an acre-foot, this is a clear improvement from the government's standpoint.

Some critics of the settlement have suggested that we should charge $42 an acre-foot for all of the water delivered to the District. This "full cost" charge would add an interest component to the repayment. By law, full cost is only charged to individual farmers who operate farms larger than the ownership limits set by the Reform Act. Even under those conditions, that charge is only applied to water delivered to lands leased in excess of the ownership limits. Full cost will be applied, when appropriate, but it is incorrect to assume the government could receive $42 an acre-foot for the entire water supply.

Without settlement, any move to apply the Reform Act must come from the District, barring a court order to the contrary. I might also point out that the so-called hammer clause of the Reform Act, which does indeed apply to contracts entered into before 1982, will be coming into play next year, and may influence individual farmers to come under the provisions of the Reform Act.

As I noted earlier, the California law which provides for the merger of Westlands and Westplains gives the original Westlands priority use of the water. I bring this up again to stress the fact that growth of Westlands has been accommodated through entirely legal means. Because former Solicitor Krulitz stated that only lands shown of the 1956 feasibility report to Congress on the San Luis Unit were eligible for service, opponents to the settlement have implied that Westlands added new lands illegally. That is simply not the case. Indeed, some of the lands outside of the so-called Krulitz service area have been part of Westlands since it was formed in 1952.

In fact, the Krulitz opinion overturned a 1962 opinion by the Regional Solicitor that all of the original Westlands was within the authorized service area. He also overturned a long-standing Reclamation policy, based on material submitted to Reclamation through the Solicitor, which allows lands adjacent to the area shown in the original feasibility study for the San Luis Unit to be served by federally developed water if no major changes in construction resulted. These decisions were in place before the 1963 contract was signed. Subsequently, Congress appropriated funds for construction of delivery systems to these lands.

On June 17, 1986, after a thorough review of the relevant law and facts, the Department's current Solicitor, Ralph Tarr, provided a written analysis of the Krulitz opinion. Solicitor Tarr found that the former Solicitor had incorrectly ignored these consistent administrative interpretations, which had been followed for more than 15 years by the Department. Solicitor Tarr concluded that, by its terms, the authorizing legislation did not prohibit service to the entire Westlands Water District as currently constituted.

There is an additional element of the 1963 contract that deserves some attention. The original contract makes provision for drainage service to the District. However, due to the selenium problems at Kesterson Reservoir, I have ordered the closure of the drain. That order has been complied with. The United States is no longer providing drainage service to the District. The settlement does not obligate the United States to provide drainage service.

However, the settlement still requires that Westlands pay the $0.50 an acre-foot drainage service charge. Of greater importance is the District's agreement to create a trust fund, which will total $100 million, to be used as a cost sharing contribution toward any future drainage facilities which the government might build in the District. Consistent with Reclamation law, of course, the District would be required to repay its share of the remainder of the construction cost for any future drainage facilities. Westlands would also be required to cover the operations and maintenance charges for any new facilities.

Opponents of the settlement maintain that the costs for new drainage facilities will be shifted to the other beneficiaries of the Central Valley Project. This would only happen if Westlands were unable to pay. As you are aware, Westlands alone has provided almost all of the repayment for the Central Valley Project. This fact speaks for itself. I firmly believe that Westlands has the ability to pay, and will pay, its share of any future drainage costs.

Admittedly, the 1963 contract has many problems. It is not what I would characterize as a good contract, although it was hailed by President Kennedy when he approved it in 1963. Ideally, we would be able to wipe the slate clean and develop an entirely new contract to resolve the difficult situation which now presents itself. Clearly, we have learned a good deal through our ex-

perience with this contract, and many like it that were signed at that time. As we have testified before your Committee, all of the water service contracts signed by this Department over the past five years contain clauses which allow us to escalate the charges we make for water at specified dates. We would not enter into a contract similar to the 1963 contract with Westlands again.

Because the validity of the 1963 contract is not in question and is not an issue in the lawsuit, I believe that the settlement currently before Congress for its review indeed represents the best interests of the Government. Through execution of the settlement, the Treasury will receive more revenues than it would if we won on all of the issues associated with the present lawsuit, which is a doubtful outcome at best. The settlement will also bring stability to the water supply and drainage issues in the San Joaquin Valley—the stability needed to address the other difficult issues we face as we seek to resolve the long-term drainage issues represented by the problems at Kesterson.

Although the 1963 contract is far from ideal, it has often been observed that great men and great nations keep their word. I continue to maintain that the proposed settlement is in the best interests of the United States. I would be happy to discuss the issues associated with the settlement in greater depth with you or your colleagues in the Senate.

Sincerely,

DONALD PAUL HODEL.

STATEMENT OF CONGRESSMAN TONY COELHO REGARDING ANNOUNCEMENT OF U.S. INTERIOR DEPARTMENT-WESTLANDS SETTLEMENT

It is important to note that this proposed settlement is just that: a proposal. It still must be accepted by the court, and Congress will also have an opportunity to review the settlement and the decree.

I am glad that the settlement is now being discussed publicly. During the past year, we have witnessed an abundance of misinformation, innuendos and allegations that I am confident will be corrected now that everyone can review the facts. It is especially important to note that the settlement clearly abides by the Reclamation Reform Act of 1982, and that there will not be a transfer of drainage costs to other water and power users in the state. This is good settlement for farmers, water users, and most importantly, for taxpayers.●

IMPEACHMENT OF JUDGE HARRY E. CLAIBORNE

ORGANIZATIONAL MEETING OF COMMITTEE ON RULES AND ADMINISTRATION

● Mr. MATHIAS. Mr. President, I submit for printing in the RECORD a memorandum that has been sent to all members of the committee appointed by the Presiding Officer in the matter of the impeachment of Federal Judge Harry E. Claiborne advising of an organizational meeting of the committee on August 15, 1986, at 9 a.m. in the Senate Russell Building, room SR 301.

The memorandum follows:

U.S. SENATE,
COMMITTEE ON RULES
AND ADMINISTRATION,
Washington, DC, August 14, 1986.

To: Members of the Committee appointed by the Presiding Officer of the Senate pursuant to Rule XI of the Senate Impeachment Rules on the matter of the Impeachment Trial of Federal Judge Harry E. Claiborne.

From: Senator Charles McC. Mathias, Jr.

Subject: Organizational Meeting of the Committee on August 15, 1986 at 9:00 am in the Senate Russell Building Room SR 301.

The first clause of Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials provides "That in the trial of any impeachment the Presiding Officer of the Senate, upon the order of the Senate, shall appoint a committee of twelve Senators to receive evidence and take testimony at such times and places as the committee may determine . . ."

As you know, the Senate adopted Senate Resolution 481 on August 14, 1986, to provide for the appointment of such a committee. In order to proceed expeditiously on this matter, I am calling a meeting of the committee for August 15, 1986, at 9:00 am, in the Rules and Administration Committee hearing room in the Russell Building: Room SR-301.

I am enclosing copies of Rule XI, together with Senate Resolution 481. An agenda will be provided at the meeting.●

NAUM AND INNA MEIMAN: RIGHTS DENIED

● Mr. SIMON. Mr. President, since Naum and Inna Meiman applied for exit visas to emigrate to Israel, they have had to suffer much pressure and harassment by Soviet authorities.

The Meimans are an elderly and ailing couple whose only desires are to seek additional medical treatment for Inna's cancer and to be reunited with their daugher, Olga, who lives in the West. The Soviet Government has denied Naum and Inna these basic rights.

The Soviets claim that because of classified work Naum completed over 30 years ago, he has been privilege to state secrets. Naum's calculations have long been neither secret nor of any interest or significance to anyone anywhere. Even more disturbing, however, is that the reason that the Soviets' continue to refuse Inna is that she has lived with Naum for too long. The Meimans have been married for 5 years, 25 years after Naum's classified work ended.

Inna's illness is aggravated by the multiple stresses of her life as a refusenik. The Meimans have gone through all kinds of harassment such as searches, shadowing, and disconnection of their telephone. In addition, Naum was forced to retire from his job.

I strongly urge the Soviet Government to grant the Meimans their right to emigrate to Israel.●

SOVIET RADIO JAMMING

● Mr. SIMON. Mr. President, last week, I submitted Senate Concurrent Resolution 160 along with Senators HATCH, DIXON, LAXALT, REIGLE, and HATFIELD. The concurrent resolution, which calls for the President to negotiate an end to Soviet jamming of Western broadcasts, particularly the Voice of America (VOA), was referred to the Committee on Foreign Relations on August 12, 1986. We are also sending a letter to Mr. Charles Wick, Director of the U.S. Information Agency (USIA), asking him to use his good offices to promote an end to Soviet jamming.

This concurrent resolution coincides with the sixth anniversary of the resumption of Soviet jamming of VOA and other radios, which will be August 20. Other radios jammed for the past 6 years include the BBC, Deutsche Welle, Kol Israel, and Radio Beijing. These radios were not interferred with between September 1973 and August 1980.

I believe that an opportunity has arisen to end Soviet jamming of most Western broadcasts. General Secretary Mikhail Gorbachev has been actively engaged in efforts to gain greater acceptance in Western Europe. Talks have begun between Moscow and Jerusalem, and renewed efforts at normalization of relations have been made between Moscow and Beijing. United States-Soviet exchange programs, including youth exchanges featuring for the first time Soviet high school students, are expanding.

Vladimir Posner, a leading Soviet media spokesman who often appears on U.S. television news shows, recently said at an American Enterprise Institute conference that Soviet jamming of Western broadcasts were "counterproductive" and that "it would be a good idea to get some changes there." There have been other changes inside the Soviet Union and within the Soviet foreign policy establishment that indicate positive changes in this area.

The Spirit of Geneva cannot flourish if we refuse to communicate with each other. I believe it is in the Soviets' interest to stop jamming VOA and other international broadcasts, and it is my hope that Mr. Gorbachev will see it in the same light. I am confident that negotiations toward this end can be successful if we start talking to each other and stop shouting at each other.

We need to replace rhetoric with reason. This measure is a good first step. I ask my colleagues to join with us and cosponsor this concurrent resolution, and I ask that the text of the concurrent resolution that I earlier submitted be printed in the RECORD.

The text follows:

S. CON RES. 160

Whereas the free flow of information across national boundaries is in the best interests of the people of the world;

Whereas increased communication between the people of the United States and the people of the Soviet Union will reduce the chance that conflict will arise out of misunderstanding and will thereby bring

about a more secure and lasting world peace;

Whereas free and open communication reinforces the "spirit of Geneva" which the United States and the Soviet Union have been trying to foster since November 1985;

Whereas the United States and the Soviet Union are obligated under the United Nations Declaration on Human Rights to guarantee the right to "seek, receive, and impart information and ideas through any media and regardless of frontiers";

Whereas the United States and the Soviet Union, as signatories of the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Accords"), have commonly declared it "their aim to facilitate freer and wider dissemination of information of all kinds";

Whereas the United States and the Soviet Union, as signatories of the 1973 International Telecommunications Convention, have committed themselves to taking all practicable steps to prevent the jamming of the radio services of communications of other signatories;

Whereas the Voice of America, as a radio service of the United States Government, is bound by law through it charter to uphold the highest standards of truth and credibility in its presentation of the news, significant American thought and institutions, and the policies of the United States;

Whereas during the period beginning in 1973 and ending in 1980, the Voice of America was free from jamming of its broadcasting in all Soviet languages;

Whereas August 20, 1986, marks the 6th anniversary of the resumption of the jamming by the Soviet Union of the Voice of America and other Western radio broadcasts, including broadcasts of the British Broadcasting Corporation, Deutche Welle, Kol Israel, and Radio Peking; and

Whereas the jamming of radio broadcasts is contrary to the interest of the people of the world: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress, recognizing the significant potential for improving communications, enhancing mutual understanding, and aiding the free flow of information among the people of the world—

(1) calls upon the Government of the Soviet Union to cease harmful interference with radio broadcasting and, in particular, with the broadcasts of the Voice of America;

(2) urges the President to enter into discussions with the Soviet Union on the existence of harmful interference with radio broadcasting, with a view to reaching an agreement that will enhance the prospects for a more secure and lasting peace, by emphasizing the goals of improved communication, enhanced mutual understanding, and a freer flow of information among the people of the world; and

(3) calls upon freedom-loving people throughout the world to lend their support and moral authority to this effort.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.●

TRIBUTE TO GENERAL CHAVARRIE

● Mr. STEVENS. Mr. President, I would like to take this opportunity to recognize the contributions of one of the most distinguished Air Force officers that has served this country and would ask that my fellow Senators join in the tribute to this superb officer.

On September 1, 1986, Lt. Gen. Edgar A. Chavarrie will retire after 43 years of serving his country. With his retirement will come the departure from active duty of our last warrior with World War II experience. His service has included combat missions during World War II as a B-25 bombardier-navigator and during the Korean war as a B-26 navigator.

Throughout his lengthy and distinguished career General Chavarrie has served in high-level positions at Headquarters, U.S. Air Force; Headquarters, U.S. European Command; Supreme Headquarters Allied Powers Europe; and in the Office of the Secretary of Defense.

General Chavarrie assumed his present duties as Deputy Assistant Secretary of Defense for Military Manpower and Personnel Policy in September 1983. In this assignment, he has played a major role in the restoration of the military manpower posture that we see today. Of particular note, he has raised military personnel programs to new heights during the period of acute budget austerity-for personnel programs that we are presently experiencing. Perhaps his greatest achievement during the last few years resulted from his ability to identify and preserve those aspects of military personnel programs that are crucial to the men and women in uniform. His efforts in this area bolstered the well-being and morale of the military force, thereby increasing the retention of our service members.

In addition to his decorations and awards from other countries, this Nation has awarded General Chavarrie the Defense Distinguished Service Medal with oak-leaf cluster, Distinguished Service Medal, Defense Superior Service Medal with oak-leaf cluster, Legion of Merit, Distinguished Flying Cross, Air Medal with six oak-leaf clusters, Air Force Commendation Medal, Presidential Unit Citation with two oak-leaf clusters, Air Force Outstanding Unit Award Ribbon.

Over the length of his distinguished career, General Chavarrie has compiled a record of accomplishments of which he can be justly proud, and for which this Nation owes its gratitude. It is my pleasure to make this tribute to General Chavarrie for the many contributions he has made to our Nation and the national defense during the past 43 years. He is one of the finest military leaders of our time and my fellow Senators and I ask that you join us in honoring him.

I submit for the RECORD a biography of General Chavarrie.

LIEUTENANT GENERAL EDGAR A. CHAVARRIE

Lieutenant General Edgar A. Chavarrie is deputy assistant secretary of defense for military personnel and force management, Office of the Secretary of Defense, Washington, D.C.

General Chavarrie was born April 27, 1925, in Douglas, Ariz. He graduated from high school in Los Angeles in 1943 and has a bachelor of arts degree in international relations from the University of Southern California and a master of arts degree in economics from the George Washington University, Washington, D.C. He graduated from the Air Command and Staff College, Maxwell Air Force Base, Ala., in 1961 and the National War College, Fort Lesley J. McNair, Washington, D.C., in 1967.

He entered the Army Air Corps as an aviation cadet in August 1943 and was commissioned a second lieutenant. He flew combat tours of duty as a B-25 bombardier-navigator in the 340th Bombardment Group, 12th Air Force, in the Mediterranean theater. He was released from active duty in 1945.

In 1950, at the outbreak of the Korean War, he was recalled to active duty and flew a combat tour of duty as a B-26 navigator with the 452nd Bombardment Wing in South Korea. Upon his return to the United States, he entered pilot training and was awarded his wings in December 1952. In January 1953 he was assigned with the 314th Troop Carrier Wing at Sewart Air Force Base, Tenn. From October 1956 to September 1960, he was on the staff in the Office of the Assistant Chief of Staff, Intelligence at Headquarters U.S. Air Force, Washington, D.C.

The general entered the Air Command and Staff College in September 1960. Following graduation he served at Headquarters United States Air Forces in Europe, Wiesbaden, Germany, from July 1961 to September 1962, in the Office of the Deputy Chief of Staff, Intelligence.

He returned to Headquarters U.S. Air Force in October 1962 as an operations staff officer in the War Games Division of the Air Battle Analysis Center in the Office of the Deputy Chief of Staff, Plans and Operations. In June 1965 he was reassigned within the deputate as a plans and programs officer in the Force Plans Division, then moved to the Office of the Secretary of Defense for Systems Analysis.

Following graduation from the National War College in July 1967, he was assigned to the Strategic Plans Branch, Plans and Policy Division at Supreme Headquarters Allied Powers Europe, Belgium. His principal duty was as Supreme Allied Commander Europe liaison officer with the Nuclear Planning Group staff at the North Atlantic Treaty Organization headquarters in Brussels, Belgium.

In July 1970 he returned to Air Force headquarters as chief, Europe and North Atlantic Treaty Organization Branch in the Directorate of Plans, Office of the Deputy Chief of Staff, Plans and Operations. He became the assistant deputy director for Joint Chiefs of Staff Matters, in the Directorate of Plans, in October 1970, and in June 1971 was assigned as deputy assistant for National Security Council Matters in the same directorate.

From December 1971 to June 1975, the general was assigned to the Organization of the Joint Chiefs of Staff as the special assistant for joint matters in the Office of the Director, Joint Staff. He then joined the Office of the Assistant Secretary of Defense for Legislative Affairs as a deputy assistant to the secretary.

In August 1978 General Chavarrie was named director of plans and policy at Headquarters United States European Command

in Stuttgart-Vaihingen, Germany. Upon his return to the United States in September 1981, he became the assistant deputy chief of staff for programs and resources at Air Force headquarters. He assumed his present duties in September 1983.

The general is a command pilot and navigator-observer. During his flying career, he has logged more than 4,000 hours as a pilot and navigator-observer in twin-engine and single-engine jet aircraft. His military decorations and awards include the Defense Distinguished Service Medal, Distinguished Service Medal, Defense Superior Service Medal with one oak leaf cluster, Legion of Merit, Distinguished Flying Cross, Air Medal with six oak leaf clusters, Air Force Commendation Medal, Presidential Unit Citation Emblem with two oak leaf clusters, Air Force Outstanding Unit Award Ribbon, Republic of Korea Presidential Unit Citation and Spanish Grand Cross of Aeronautical Merit with distinctive white.

He was promoted to lieutenant general Sept. 1, 1983, with same date of rank.

General Chavarrie is married to the former Jeannette Pappmeier of North Hollywood, Calif. They have two children: Paul and Julie.●

ON CHOCOLATE TARIFFS BETWEEN JAPAN AND THE UNITED STATES

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Resolution, 465, submitted by my distinguished colleague from Kansas which recognizes the vast difference in chocolate tariffs between Japan and the United States. This legislation, which I have cosponsored, is timely as the United States continues its negotiations with the Japanese in an attempt to reduce tariff and nontariff barriers. This is just one of the many actions needed to reduce the unprecedented $170 billion trade deficit which the United States will face by year's end.

The American confectionery industry is the second largest industrial consumer of refined sugar and a major user of domestically grown peanuts, milk, and milk products. This industry receives no subsidies and is faced with stiff import competition without a buffer of tariffs or quotas. While U.S. manufacturers must pay a 20-percent duty on chocolate and a 35-percent duty on sugar confectionary in Japan, Japanese importers enjoy the low United States duties of 5 and 7 percent respectively.

Although Japan has agreed to open its markets to imported goods, it has refused to reduce the tariff on American chocolate imports. This situation is just one more example of the gross inequities that exist in United States-Japanese trade.

American confectionary manufacturers are feeling the effects of reduced world competitiveness. New York, which is home to many major chocolate manufacturers, is not exempt from the effects of high-tariff barriers. Its agricultural industry is affected as well because the chocolate companies have reduced their consumption of agricultural products.

I commend the distinguished majority leader for addressing the critical issue of fair and reciprocal trade between the United States and Japan. I thank my Senate colleagues for voting for this resolution, restoring the fair balance of trade to the chocolate and confectionary markets.●

COMMENDATION OF SAN ONOFRE BORDER PATROL AGENTS FOR DRUG INTERDICTION EFFORTS

● Mr. WILSON. Mr. President, the Nation owes a debt of gratitude to the border patrol for its tireless efforts, in situations that are often life and death, to keep the peace and uphold the laws of this land.

Typical of the dedication exhibited by border patrol agents was the recent confiscation by four agents at the San Onofre immigration checkpoint of a record amount of cocaine.

On Thursday, August 7, Agent Kathleen M. Cunningham became suspicious that the passengers of a vehicle were undocumented aliens. Agent Cunningham directed the vehicle to a second check point, at which it was determined that one of the individuals in the vehicle was indeed entering the country illegally.

Agents Candice M. Baldwin, Irvin J. Frankson, and Paul A. Anderson then conducted a routine search, during which they uncovered four suitcases containing cocaine and about two dozen "bricks" of cocaine.

It was later determined that the amount of cocaine seized totalled 477 pounds, with an estimated value of $58 million. This was the largest cocaine seizure ever in San Diego County, and the largest at the San Onofre checkpoint.

Later that day, agents George Prat and Howard A. Schroeder arrested another individual for possessing and transporting over 600 pounds of marijuana and 22 semiautomatic pistols.

The alertness and thoroughness of these six agents was responsible for keeping a huge amount of cocaine off the streets of California's cities. Every day, border patrol agents risk life and limb in situations such as these.

The courage and commitment displayed by agents Cunningham, Baldwin, Frankson, Anderson, Prat, and Schroeder is standard operating procedure for a group of public servants known for grace under pressure. These six agents, in particular, deserve the commendation of a proud Congress and a grateful people.●

ANGOLA

● Mr. D'AMATO. Mr. President, I rise today to cosponsor two important pieces of legislation that I believe will help correct our foreign policy toward the nation of Angola. These bills, S. 2049 and Senate Resolution 381, will align our economic policy with our foreign policy.

Senate Resolution 381, offered by my good friend, the distinguished junior Senator from Arizona, requests that the President use his special powers under the International Emergency Economic Powers Act to block United States business transactions and operations in Angola. I was happy to support the recent adoption of this legislation as an amendment to the Export-Import Bank reauthorization.

S. 2049, introduced by the senior distinguished Senator from Wisconsin, amends the Export-Import Bank Act of 1945 to prohibit the Export-Import Bank from guaranteeing, insuring, or extending credit in connection with any export of goods or services to Angola until the President certifies to the Congress that no Cuban military personnel or military personnel from any other country remain in Angola. The House passed similar legislation prohibiting Export-Import Bank loans to Angola earlier this month.

Angola's government, the Marxist Popular Movement for the Liberation of Angola [MPLA], has not held a free and fair election since assuming power in 1975. The U.S. Government officially considers the government in Luanda as illegal. Angola currently has 35,000 Cuban troops and thousands of Cuban, Soviet, and East German advisers. In 1985, Congress repealed the Clark amendment, which prohibited assistance to any nation or group for military operations in Angola.

It is outrageous that, while we support the efforts of UNITA and Jonas Savimbi, U.S. oil companies provide the Marxist government with a high percentage of its foreign exchange. One United States oil company alone accounted for $600 million in hard foreign currency for Angola last year. What does this foreign exchange buy for the Luanda government? It buys an estimated $2 billion worth of military equipment and 35,000 Cuban soldiers.

It is important for the United States to challenge the expansion of Soviet and Cuban influence in this country which is clearly an enemy of the United States and its interests. One only has to look at its U.N. voting record to realize that Angola holds one of the lowest percentages of voting agreement with the United States.

In addition to these pieces of legislation, I also sponsored an amendment with the distinguished junior Senator from Florida to the debt ceiling extension bill which eliminates foreign tax credits for United States companies operating in Angola. It is my hope that all three of these legislative ini-

tiatives eventually will be passed by Congress this year.

Each Chamber of Congress has expressed its will regarding the issue of United States economic activity in Angola. We can no longer indirectly support Cuban troops and Soviet advisers with U.S. business interests. Constructive engagement is not only unworkable in South Africa, it is unworkable in Angola as well. As the United States pushes for negotiations, the Soviets, through the Cubans, seek total victory. Economic sanctions, similar to those being considered against South Africa, will encourage the illegal Government of Angola to promote a fair political solution and a peaceful settlement.

I urge my colleagues to join with me as cosponsors of Senate Resolution 381 and S. 2049 to help send a clear signal to democratic forces resisting the illegal Luanda government that we support them, and to send a signal to the Soviet Union that we plan to oppose their policy of expansionism in Africa.●

DAYS OF PEACE AND FRIENDSHIP

● Mr. D'AMATO. Mr. President, I rise today as an original cosponsor of this resolution designating July 2 and 3, 1987, as "United States-Canada Days of Peace and Friendship." I commend the distinguished senior Senator from Indiana, the chairman of the Foreign Relations Committee, for his leadership in this matter. It is timely and appropriate that all Americans make July 2 and 3, 1987, special days to recognize the great blessings of peace and friendship which characterize our relations with our closest neighbor, Canada.

It was not always that way. While it is difficult for us to imagine today, our ancestors did not live in peace with Canada. When Canada was New France and New York was one of the 13 colonies, the Mohawk Valley, Fort Niagara, Crown Point, and Fort Ticonderoga were the sites of fierce and bloody conflict. From 1689 until 1763, the French and their Algonquin allies struggled with the British, New York colonists, and their Iroquois allies for control of the frontier and northern New York.

Then, after France ceded Canada to Britain at the end of the French and Indian War, Canada became a base for British power during the Revolution and the War of 1812. During the Revolution, two of the major battles of the war were fought in New York, involving forces based in Canada. The battles of Oriskany and Saratoga, both fought in 1777, were vital, respectively, in securing the frontier from raids by British forces and their Indian allies, and in tipping the diplomatic balance in favor of decisive French aid to the Colonies.

During the War of 1812, the United States attempted to invade and capture Canada. Two separate invasions were defeated by British and Canadian troops. In 1812, two invasion forces departed from New York for Canada. One captured Queenstown Heights on the Niagara River, but was subsequently defeated. Another force advanced from Plattsburg up Lake Champlain, but never entered Canada.

In 1813, a United States force captured Toronto, which was then called York, and was the capital of upper Canada. The force subsequently retreated. Oliver Hazard Perry defeated a British fleet on Lake Erie on September 13, 1813, compelling the British to retreat from Detroit, which they had captured in 1812. U.S. forces made an attempt to take Montreal in the fall, but failed and retreated into northern New York. British forces crossed the Niagara River in December of that year, taking Fort Niagara and burning Buffalo and surrounding villages.

In 1814, the United States lost hope of taking Canada, as the British reinforced Canada with 18,000 veteran troops made available by the defeat of Napoleon in Europe. The United States, however, had greatly improved the quality of its Army, proving it by defeating some of these veteran British forces at the Battle of Chippewa, as United States forces recaptured Fort Niagara and moved for the last time into Canadian territory as a hostile force. United States forces under the command of Thomas MacDonough also defeated British naval forces on Lake Champlain on September 11, 1814, ending the last Canadian threat to New York.

Despite tensions between the United States and Canada over border issues in the west and during the Civil War, no shots have been fired in anger between United States and Canadian forces since the War of 1812. Since then, relations between our two peoples, and, after Canada's independence, our two nations, have grown uncommonly close, New York has a special relationship with our Canadian friends, sharing as we do a long and peaceful border crossed now by trade and tourism instead of troops.

Canada became a self-governing dominion of the British Empire on July 1, 1867, and declared itself independent in 1926. Its independence was ratified by the British Parliament in 1931 with the adoption of the Statute of Westminster. Despite occasional outbreaks of fear that the United States has designs on Canada, we have the world's longest unfortified international border.

One of the few arms control agreements affecting relations between nations over a long period of time remains in existence between the United States and Canada. This treaty, the Rush-Bagot Agreement, signed in Washington, DC, in 1817, prevented the militarization of the Great Lakes. Later disputes over border issues were resolved amicably through the Webster-Ashburton Treaty of 1842 and the Oregon Treaty of 1846. These major agreements set the tone of positive relations between our two nations which continues to the present time.

Canadian and United States forces have fought as allies from the trenches of the western front in World War I to the beaches of Normandy in World War II and to the barren hills of Korea during the United Nations police action. Our forces stand together today in defense of freedom under the North Atlantic Treaty. They also serve together in the North American Air Defense Command, NORAD, created as a combined military command to defend the North American Continent and our two nations from hostile attack.

Let me recognize the bravery and steadfastness of our Canadian friends in the less certain struggles we face on the battlefields of international terrorism and diplomacy. I want to remind all of my colleagues here in the Senate and all Americans of the role the Canadians played while our diplomats were held hostage in Teheran. Canadian diplomats risked their lives to aid our people in an extreme situation. We recognized and honored that contribution at the time, but I wonder how many of us have since forgotten those heroic actions by our Canadian friends.

As chairman of the Helsinki Commission, I want to take special note of our Canadian friends' support for human rights. Their strong and energetic support for our shared values—respect for human dignity, basic human rights, and fundamental freedoms—is indispensible in the Helsinki process. Most recently, at the Bern human contacts experts' meeting, the forceful position taken by the representative of Canada set a powerful example for our allies and pointed out clearly the severe shortcomings in Warsaw Pact compliance with their human rights obligations.

I look forward to continuing cooperation with our Canadian friends as we seek full and faithful implementation of all of the provisions of the Helsinki final act by all signatory states, including the Soviet Union. I know the Canadian Government will be sending its representatives to the forthcoming Vienna review meeting with clear instructions meeting their usual high standards. Working together with our other NATO allies and our friends among the neutral and nonaligned states, we can make a difference in the

struggle for human rights and for a stable, peaceful world.

Finally, I call upon my colleagues to join with me in support of this resolution. It should be adopted without hesitation by this body. Moreover, all Americans should heed its call "to observe such days with appropriate ceremonies and activities." These ceremonies and activities will be, in fact, celebrations of generations of peace and friendship between the United States and Canada and recognition of the promise our special relationship holds for the future.●

LYLES STATION CENTENNIAL

● Mr. LUGAR. Mr. President, today, I want to take a moment to honor the centennial of Lyles Station (Gibson County), IN, on August 30, and two of its native sons, Alonzo Fields and Carl C. Lyles.

Even since slavery became an issue in the United States, there have been recurring suggestions that the "Negro problem" could be solved by isolating Negroes. The subsequent widespread efforts to isolate Negroes in the United States seem to have taken two aspects. On the one hand, abolitionists and benevolent partisans interested in the Negro took steps to give him a "start by establishing communities outside of the South where fugitive slaves and free Negroes might find sanctuary."

Other attempts to establish Negro communities apparently resulted from the initiative of the Negroes. This was true with the settlement of Lyles Station. It was founded by free Negroes sometime before the Civil War.

The first settler at what is now known as Lyles Station was Joshua Lyles. This town was named in his honor in 1886. Joshua Lyles and his brothers came from Virginia—where they had attained their freedom—through Tennessee, across the Ohio River, and into Indiana in the 1840's.

As time passed, other settlers came to Lyles Station and its suburbs to live and contribute to the welfare and the advancement of the community. Lyles Station became an important part of the Underground Railroad, assisting many slaves going north by hiding them during the day, so that by night they could journey farther north, some to Canada.

The children of these early pioneer families married and reared large families, and thus the population grew. From 1890 to 1914, they community reached its zenith. Then Lyles Station went the way of other towns in rural America.

One of the town's descendants is Alonza Fields, 86 years of age, who left Indiana to attend the New England Conservatory of Music in the 1920's. In his lifetime, he was an accomplished musician; chief butler and maitre d'hotel for Presidents Herbert Hoover, Franklin Delano Roosevelt, Harry Truman, and Dwight D. Eisenhower, and authored his autobiography, "My Twenty-One Years in the White House." The book was on the best seller's list in 1961; another, Carl C. Lyles, A.B., Indiana University, M.A. Indiana State University, was awarded honorary doctor of laws, Indiana State University. He is an author, and was assistant principal at Central High School, and an adjunct assistant professor of history, Indiana State University.

These are only two of Lyles Station's native sons who have achieved a place in the history of Indiana.●

S. 2727, THE DRUG ABUSE EDUCATION AND PREVENTION ACT

● Mr. D'AMATO. Mr. President, I am pleased to be an original cosponsor of S. 2727, the Drug Abuse Education and Prevention Act. As did S. 1583, legislation I have previously introduced, this bill extends the life of the Justice and Customs assets forfeiture funds and seeks to use the funds we obtain from drug forfeitures to fight a real war on drugs.

Rather than turn forfeited assets over to the general Treasury, Senator KERRY and I propose making use of these funds to assist our hard-pressed and underfunded drug prevention and rehabilitation programs. This approach was recommended last year by the American Bar Association.

Each year, $300 to $400 million in drug money and property is seized by Federal drug law enforcement agencies. As we make full use of our drug forfeiture laws, there is no reason why, in the next few years, we cannot seize $1 billion or more per year of the $100 billion a year narcotics industry's illegal income.

In 1984, in the Comprehensive Crime Control Act, we established a Department of Justice forfeiture fund and the Customs forfeiture fund. These funds consist of the proceeds of the sale of property forfeited under the laws enforced by the Department of Justice and the customs laws. These were important, but limited, steps forward. The uses of the funds are strictly limited.

Drug education and treatment are not even mentioned as possible purposes for these new funds. They should be. We must reduce the demand for drugs as well as the supply, and to do this we must have adequately funded drug prevention programs nationwide.

When our forfeiture efforts attain their full potential, the provisions of this bill would enable us to mount a truly effective education and prevention program to reach millions of schoolchildren to teach them to say "no" to drugs in the earliest grades when they are still reachable, and to counter the peer pressure they face to use drugs with the examples of positive role models.

Mr. President, we need a massive commitment of people and resources to win war on drugs. S. 2727 can help provide this reinforcement. I encourage my colleagues to join me in cosponsoring this legislation and to give to their full support.●

A NATIONAL CIVIL RIGHTS DAY

● Mr. D'AMATO. Mr. President, as we move in this country to take a strong stand against the inhuman policy and shame of apartheid in South Africa, we would do well to reflect on the status of the civil rights movement in our own country. Recently, Senator LUGAR introduced legislation to focus our attention on this matter of central importance. Senate Joint Resolution 391, a joint resolution designating August 12 as "National Civil Rights Day," is an important legislative statement. I am pleased to be a cosponsor of this legislation.

Although there was not time to so designate August 12 this year, the idea of a National Civil Rights Day is an excellent one, and I am confident we will pass similar legislation next year. I also would suggest that the sponsors of this bill and its companion in the House, House Joint Resolution 686, may want to consider designating another day so that we might still have a National Civil Rights Day this year.

While there is a long way to go before we have full civil rights for everyone in this country, there has been undeniable progress. Most recently, we have extended the Voting Rights Act, and have made Martin Luther King, Jr.'s, birthday a national holiday.

Through Supreme Court decisions and the initiative of the Congress and certain members of the administration, we have demonstrated how affirmative action without quotas is an appropriate response to past discrimination. I am proud to have supported each of these efforts.

Mr. President, we must do more to educate people about the history of civil rights in this country, and the people who have worked to make that history and who have struggled on behalf of civil rights. We need to do more to focus attention, both on the progress we have made and on the goals to which we must rededicate ourselves.

A National Civil Rights Day would encourage us to do more in each of these areas, and, for that reason, is itself a goal to which we should all dedicate ourselves.●

THE NATIONAL DRUG INTERDICTION IMPROVEMENT ACT OF 1986

● Mr. D'AMATO. Mr. President, I am proud to join my good friend and colleague, Senator DECONCINI, in introducing the National Drug Interdiction Improvement Act of 1986. This comprehensive legislation authorizes a national mobilization to interdict drugs effectively.

This bill follows up on the unanimous action by the Senate last Thursday and Friday on S. 2683, the Defense reauthorization bill, authorizing more than one-half billion dollars' worth of military resources for drug interdiction.

Title I of this bill consists of a thorough statement of congressional findings regarding the need for a comprehensive drug interdiction strategy that involves the military as an active partner, the various elements of such a strategy, and the problems we have encountered to date in waging a real war on drugs.

Title II is entitled, "Department of Defense Narcotics Enforcement Assistance." It authorizes the most extensive level of Defense Department drug enforcement assistance ever proposed in the Senate. Under this title, new resources will be provided from funds authorized for the Department of Defense, as follows:

Army: Procurement of Blackhawk helicopters: $40 million.

Navy: $83 million for modification of 4 P-3 radar planes by the addition of APS-138 radar, $138 million for the addition of 4 E2C Hawkeye surveillance aircraft (including spare parts), and the upgrading and modification of 4 more.

Air Force: $75 million for 6 aerostat radar systems, $60 million for 3 C-130 radar planes with APG-63 radar, and $12.615 million for operation and maintenance of 6 helicopters.

National Guard: $61.4 million for the drug interdiction program of the National Guard.

Office of the Secretary of Defense: $12 million for enhanced intelligence collection activities relating to the illegal importation of drugs from South America.

Under Section 201(b) of this bill, the Secretary of Defense shall make available to the Customs Service on a loan basis (under 10 U.S.C. Chapter 18) the Blackhawks, P-3's, and E2C's thus procured and modified. The Customs Service shall be responsible for the operation and maintenance costs of this aircraft, and of the aerostat radar systems. This responsibility shall begin as soon as the aircraft are accepted by the Customs Service, and as soon as the aerostats are installed.

This bill repeatedly emphasizes the need of a better coordination among drug law enforcement agencies with respect to the most productive possible use of drug interdiction assets. For example, under section 201(d)(2), the Commissioner of Customs shall consult with the Commandant of the Coast Guard in order to obtain the best possible use of the new aircraft and aerostats obtained from the Department of Defense.

Section 202 of this bill provides for Defense Department assistance in the funding of Coast Guard drug interdiction activities. It authorizes $290 million for the Coast Guard for the acquisition and maintenance of drug interdiction equipment as a matter of national defense, including $90 million for 4 radar systems on 4 C-130 aircraft. An additional $100 million is provided for operational costs.

Fifteen million dollars per year is permanently authorized to place at least 500 Coast Guard personnel on Naval vessels for drug interdiction and other law enforcement activities.

In title III the Coast Guard's special drug interdiction needs are addressed. Included is $50 million for secure radio equipment and $40 million to increase Coast Guard personnel levels by 1,500.

Other initiatives contained in this bill are: a Coast Guard-Bahamas drug interdiction task force; 969 additional Customs Service personnel; interceptor boats; an expanded Customs air wing (including new tracker and interceptor aircraft, and command, control, communications, and intelligence centers); a new Customs air support branch in New York; additional U.S. attorneys, and 600 DEA agents (one-half for overseas intelligence assignments).

This bill concludes with a call for the reorganization of the executive branch of the Government to end the turf wars and interagency competition that prevent a truly effective war on drugs. This bill, instead, calls for coherent planning and cooperation against drug trafficking. No later than 6 months after this bill becomes law, the President shall submit to the Congress recommendations for legislation to reorganize the executive branch to improve our efforts against international drug trafficking and domestic drug abuse.

Mr. President, if we are to have a real war on drugs, we must have a full national mobilization. This bill seeks to bring about that mobilization. I urge my colleagues to join the bipartisan group of Senators introducing this bill today by adding their names as cosponsors and by working for passage of this historic initiative this year.●

ORDERS FOR FRIDAY, AUGUST 15, 1986

RECESS UNTIL 9:30 A.M.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that once the Senate completes its business tonight, it stands in recess until the hour of 9:30 a.m., August 15, 1986.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mrs. KASSEBAUM. Mr. President, following the recognition of the two leaders under the standing order, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESUME CONSIDERATION OF S. 2701

Mrs. KASSEBAUM. Mr. President, at 10 a.m. the Senate will resume consideration of S. 2701, the South Africa bill, under the unanimous-consent agreement. Votes can be expected throughout the day on Friday.

I inquire of the acting minority leader if he has any further business.

Mr. PELL. Mr. President, I have no further business.

RECESS UNTIL 9:30 A.M.

Mrs. KASSEBAUM. Mr. President, there being no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess.

The motion was agreed to; and the Senate, at 12:28 a.m., recessed until 9:30 a.m., Friday, August 15, 1986.

NOMINATIONS

Executive nominations received by the Senate August 14, 1986:

DEPARTMENT OF STATE

L. Paul Bremer III, of Connecticut, a career member of the Senior Foreign Service, class of career minister, to be Ambassador at Large for Counter-Terrorism.

Sam H. Zakhem, of Colorado, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Bahrain.

David C. Fields, of California, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

Alexander Fletcher Watson, of Maryland, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Peru.

DEPARTMENT OF JUSTICE

George L. McBane, of North Carolina, to be U.S. Marshal for the middle district of North Carolina for the term of 4 years, reappointment.

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of lieutenant colonel under title 10, United States Code, section 5912:

Agro, Robert J., xxx-...
Arendt, Peter E., xxx-...
Arndt, Thomas G., xxx-...
Baker, Christopher L., xxx-...
Bandy, Larry E., xxx-...
Batterton, Donald L., xxx-...
Baumgartner, Cary, xxx-...
Beach, Douglas R., xxx-...
Bearden, James D., xxx-...
Bennett, Coleman L., xxx-...

Bittner, Frank J., III, xxx-...
Blue, William T., xxx-...
Bowman, Steven K., xxx-...
Bragg, James C., xxx-...
Brooks, Arthur E., xxx-...
Brown, Ronald J., xxx-...
Bruey, Donald F., xxx-...
Bull, Thomas W., II, xxx-...
Burzinski, Walter, xxx-...
Bushey, Keith D., xxx-...
Campbell, Matthew R., xxx-...
Campbell, Thomas H., xxx-...
Campbell, William A., Jr., xxx-...
Cantrell, Donald V., xxx-...
Carson, Scott C., xxx-...
Cebula, Lusty L., xxx-...
Cherry, Stephen F., xxx-...
Cleek, William D., xxx-...
Conley, Stephen E., xxx-...
Conway, Thomas J., xxx-...
Cooney, Kathryn P., xxx-...
Cosgrove, Daniel P., xxx-...
Crouch, Douglas C., xxx-...
Cummins, Robert C., xxx-...
Daniel, William R., xxx-...
Daniels, Thomas W., xxx-...
Danin, Mark L., xxx-...
Dartt, James W., xxx-...
Davis, Alan H., xxx-...
Day, Peter R., xxx-...
Delmott, Dennis E., xxx-...
Dennis, Daryl E., xxx-...
Derry, Bruce E., xxx-...
Dewitt, Albert M., xxx-...
Dubia, Christian F., Jr., xxx-...
Dunn, James M., xxx-...
Ellis, Robert B., Jr., xxx-...
Enders, George W., xxx-...
Erickson, Steven C., xxx-...
Fallon, Geoffrey D., xxx-...
Farmer, David M., xxx-...
Felix, Paul M., xxx-...
Ferguson, David L., xxx-...
Foster, Percy E., Jr., xxx-...
Funk, Roland V., xxx-...
Garrison, Royce C., xxx-...
Gilbreath, Ronnie R., xxx-...
Gilman, Michael T., xxx-...
Glassmire, Charles F., xxx-...
Gleason, James F., xxx-...
Glover, Richard A., xxx-...
Goodwin, Herbert T., Jr., xxx-...
Graves, Reynolds C., xxx-...
Grier, William D., II, xxx-...
Grober, Robert C., xxx-...
Groseclos, Jerry M., xxx-...
Grundmann, Paul A., xxx-...
Haag, David M., xxx-...
Hager, Charles T., xxx-...
Harcourt, Robert M., Jr., xxx-...
Harman, David R., xxx-...
Henig, Michael W., xxx-...
Higgins, Michael K., xxx-...
Hinshelwood, Ian B., xxx-...
Hodgdon, Gregg A., xxx-...
Hostutler, Charles R., xxx-...
Hundley, Danny R., xxx-...
Hyatt, William R., III, xxx-...
Jandora, John W., xxx-...
Jarrette, David F., xxx-...
Jendresak, Stanley A., Jr., xxx-...
Jenkins, Bentley P., xxx-...
Joyce, Richard A., xxx-...
Kelly, James V., xxx-...
Kromm, Michael xxx-...
Kudwa, Robert P., xxx-...
Lange, Robert B., xxx-...
Lees, Robert B., xxx-...
Lehman, Donald D., xxx-...
Leitch, Larry L., xxx-...
Linder, Stephen T., xxx-...
Marsh, Wayne P., xxx-...
Martin, John R., xxx-...
Matranga, Dominick, xxx-...
Maydak, Mark G., xxx-...
McDougall, William A., xxx-...
McGirr, Richard J., xxx-...
Michaud, John R., xxx-...
Mills, John V., xxx-...
Miner, Broge A., xxx-...
Minihan, Stephen P., xxx-...
Moore, Burns K., xxx-...
Moore, William M., xxx-...
Moran, Frederick W., xxx-...
Moran, Michael J., xxx-...
Morey, William M., xxx-...
Morrow, Spencer M., xxx-...
Motta, Dennis R., xxx-...
Moughan, John H., xxx-...
Mroczkowski, Dennis P., xxx-...
Muschel, Ronald H., xxx-...
Myhra, Arnold E., xxx-...
Neithammer, Lynda J., xxx-...
Nerbun, William J., xxx-...
Newbold Kathleen E., xxx-...
Nicholson, Thomas J., xxx-...
Nievaard, Robert H., xxx-...
O'Dell, Michael B., xxx-...
Paradis, Emile E., xxx-...
Parent, Kenneth W., xxx-...
Perkins, William E., III, xxx-...
Pickert, Perry L., xxx-...
Pierce, John R., xxx-...
Quinlan, Francis E., xxx-...
Raines, Robert D., xxx-...
Rears, Christopher L., Jr., xxx-...
Reece, Disney H., xxx-...
Reilly, Thomas L., xxx-...
Richards, David G., xxx-...
Richardson, Julianne, xxx-...
Roberts, Dale J., xxx-...
Roe, John R., xxx-...
Romah, Nicholas H., Jr., xxx-...
Rudden, Gerard H., xxx-...
Ryan, Thomas P., xxx-...
Sager, Roger A., xxx-...
Salomon, Charles L., xxx-...
Sanasack, David W., xxx-...
Sander, Richard M., xxx-...
Sandrick, Edward J., xxx-...
Schaefer, Kendall S., xxx-...
Schimmel, Robert W., xxx-...
Schlegel, Robert C., xxx-...
Schuler, Richard A., xxx-...
Sebastian, Walter J., Jr., xxx-...
Shaidnagle, William E., xxx-...
Shi, James S., xxx-...
Shields, John E., xxx-...
Shimonis, Peter J., Jr., xxx-...
Shouse, John G., xxx-...
Shreeve, Thomas W., xxx-...
Siepert, Michael A., xxx-...
Smith, Kim E., xxx-...
Smith, William C., xxx-...
Speacht, Donald R., Jr., xxx-...
Stafford, Thomas J., III, xxx-...
Standifer, Paul W., xxx-...
StClair, Robert B., xxx-...
Stephens, Michael A., xxx-...
Sullivan, Kevin P., xxx-...
Sullivan, Michael P., xxx-...
Sutherland, William F., xxx-...
Taylor, Sears R., II, xxx-...
Tierney, Mark F., xxx-...
Ulrich, George H., xxx-...
Urban, Rodell L., xxx-...
Valenzuela, John M., xxx-...
Valerga, Thomas H., xxx-...
Vankuiken, Thomas R., xxx-...
Vansciver, Leroy D., xxx-...
Voisin, Glynn F., xxx-...
Vossekuil, Craig S., xxx-...
Walters, Larry D., xxx-...
Warner, Milo J., xxx-...
Warren, Ronald, xxx-...
Washburn, John F., xxx-...
Wcislo, Andrew J., xxx-...
Weiland, Henry J., xxx-...
Wein, Louis P., xxx-...
Weiss, Michael J., xxx-...
Whitlow, Raymond R., xxx-...
Wicks, Bryon D., xxx-...
Willett, Bryce O., xxx-...
Williams, Leo V., III, xxx-...
Williams, Steven J., xxx-...
Woodroof, George P., xxx-...
Wort, Jonathan P., xxx-...
Wozniak, Ronald S., xxx-...
Wray, Robert P., xxx-...
Wrynn, Margaret M., xxx-...
Yoshioka, Benjamin K., xxx-...
Young, Alden P., xxx-...
Zinger, Charles E., xxx-...
Zumwalt, James G., II, xxx-...

DEPARTMENT OF STATE

Charles J. Pilliod, Jr., of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico.

INTERNATIONAL ATOMIC ENERGY AGENCY

The following-named persons to be the representative and alternate representatives of the United States of America to the Special Session and the 13th session of the General Conference of the International Atomic Energy Agency:

Representative:

John S. Herrington, of California.

Alternate representatives:

Richard T. Kennedy, of the District of Columbia.

Bruce Chapman, of Washington.

Lee M. Thomas, of South Carolina.

Lando, W. Zech, Jr., of Virginia.

HOUSE OF REPRESENTATIVES—*Thursday, August 14, 1986*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We thank You, O God, that in the midst of the necessary clamor of partisan ways, there can be moments of prayer and fellowship that lift us and give us a glimpse of our shared humanity. As we confess, O God, that Your ways are above our ways, and Your truth above our truth, so remind us that we are called to see in each other Your glorious image. Teach us to encourage and respect those of different views as we seek to celebrate together Your divine creation and Your redemptive love to us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 4329. An act to authorize United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland;

H.R. 5052. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes; and

H.R. 5203. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1987, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5052) "An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MATTINGLY, Mr. LAXALT, Mr. GARN, Mr. SASSER, and Mr. INOUYE to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5203) "An act making appropriations for the legislative branch for the fiscal year ending September 30, 1987, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. D'AMATO, Mr. HATFIELD, Mr. STEVENS, Mr. BUMPERS, and Mr. HARKIN to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendments of the House to the amendment of the Senate to the bill (H.R. 3132) "An act to amend chapter 44 of title 18, United States Code, to regulate the manufacture, importation, and sale of armor piercing ammunition, and for other purposes."

APPOINTMENT AS MEMBER OF U.S. GROUP OF THE NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 1928a, the Chair appoints the gentleman from New York, Mr. SOLOMON, as a member of the U.S. Group of the North Atlantic Assembly to fill the existing vacancy thereon.

THE DEBT CEILING INCREASE AND THE GARAGE SALE TYPE OF APPROACH

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, today I understand the bills are coming due. Today we have to deal with the debt ceiling increase, and that means it is not a very pleasant day. It is much more fun to vote to spend money than it is to vote to pay the bills. Many Members, I hear, are going to look for clever ways to deal with the debt ceiling anyway but head-on.

I understand, one of the ideas that will be offered is the garage sale type of approach which says that we will sell Government assets to pay off the debt. Well, before Members jump on that garage sale bandwagon, I want to remind them of a native American legend that comes from my part of the country, and it is about the beautiful eagle who has absolutely gorgeous feathers, but he starts trading his feathers for worms. You can imagine how it ends. He is suddenly literally a totally bald eagle with lots of worms and very fat.

I do not think that selling off Government assets to try to pay the debt is a good idea.

I can give the Members one other example from my area. We just had the Federal Government sell land in my State, and they sold it for $2.50 an acre. If this is your idea of how we are going to pay off the national debt, it is an outrage. You cannot even get a good car wash for $2.50 in my district of Denver, and yet you have the Federal Government selling a whole acre of land for that amount of money in the same State.

So I do not think the garage sale idea is a good one. I hope if Members voted to spend the money, they will now realize that we have to pay and there is no cute way to avoid it. We cannot have the Federal Government go into chapter 11 bankruptcy.

WHERE SO MUCH MONEY IS THROWN ABOUT WITH WILD ABANDON

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, we look into a mirror when we read the history of the greenback episode in the wake of our Civil War:

> The war, like most wars, had bred waste, extravagance, speculation, and graft. Where so much money is thrown about with wild abandon, unscrupulous men permit a bit to stick to their fingers. A caloused public showed an appalling degree of indifference toward dishonest practices * * *. Corruption was commonplace * * *.
>
> Although the great majority of businessmen and government officials were decent and law-abiding, the whole atmosphere was fetid. The Man in the Moon, it was said, had to hold his nose when passing over the Earth. With the air so badly contaminated, it is not surprising that the gullible President Grant failed to scent some of the worst evil-doing in public life. (The American Pageant, by Thomas A. Bailey, Boston, 1956, pp. 485-486.)

Why is it that we cannot learn from our own history, nor from our past mistakes?

THE MONTGOMERY GOVERNOR CONSENT AMENDMENT

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, my amendment would change the law in a way that says a Governor's consent to National Guard training outside the United States cannot be withheld because that Governor objects to

the location, purpose, type or schedule of such duty.

We are only changing part of the consent law passed in 1952. Under this amendment, the Governors still have the authority to block the training if he or she thinks the guardsmen are needed at home for local emergencies.

The use of the National Guard has changed a great deal in the last 30 years. The Army Guard and Air Guard are no longer backup or fillers for the Active Forces. They are front-line, alongside the regulars.

A few Governors can't say, "I won't let my guardsmen go to train in a certain part of the world because I don't like the politics of the situation." My amendment would prohibit that.

The Congress insisted, starting about 15 years ago, that more missions, more equipment, more incentives be given to the Guard and Reserve. Congress said we don't want a big standing Army and we think the Reserves is the way to go. Plus, the National Guard is a great buy for the taxpayers. The Federal Government furnishes 100 percent of the equipment to the National Guard and pays 100 percent of the salaries of guardsmen.

If the Defense Department has to worry whether a Governor is going to block his or her units from going to training exercises in Europe or elsewhere, then the Defense Department is not going to give missions or provide equipment to the National Guard.

The Reserves are doing a good job, but no way can they handle some of the combat missions of the National Guard.

By adopting this amendment, the Governors will still be protected and the National Guard will continue to be a strong arm of our defense.

THOSE IN SUPPORT OF THE MONTGOMERY "GOVERNOR CONSENT" AMENDMENT TO H.R. 4428

The Adjutants General Association of the United States.
The National Guard Association of the United States.
The Enlisted Association of the National Guard of the United States.
The Secretary of the Army.
The Secretary of the Air Force.
The Chief of the National Guard Bureau.
The Director of the Army National Guard.
The Director of the Air National Guard.

TORT REFORM AND H.R. 1309

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, the deepening liability crisis must be brought under control. Yet the House will soon consider legislation (H.R. 1309) adding to that crises. This legislation creates a new Federal program notifying employees considered at risk from harmful substances in the workplace. We've seen that this notice will lead to extensive litigation.

If the Federal Government provides notification leading to lawsuits, we must make sure that fair national liability standards apply to those cases. In suits arising from notification the law should impose liability only on those actually at fault and only to the extent of their fault.

I will be offering an amendment requiring this, and ask your support for this effort to provide Federal leadership in tort reform. I will be submitting a copy of this amendment for publication in today's RECORD.

COMPARATIVE PURCHASING AND THE ARMED FORCES' MWR FUND

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANIEL. Mr. Speaker, the first order of business when we return to the Committee of the Whole on the defense bill will be an amendment offered by my dear friend, the gentleman from Arkansas [Mr. ROBINSON]. If that amendment is adopted, it will reverse a policy which this House adopted just recently, and that is competitive purchasing.

We have in the military organization what we call an MWR fund—a morale, welfare and recreation fund, which is used to fund child care centers, body building, and libraries. This amendment would seriously and adversely impact that fund.

I might say that these funds are self-generated, generated by the soldiers, marines, sailors, and airmen, and I hope very much, as much as I admire the gentleman from Arkansas, that when this amendment is presented, it will be rejected.

□ 1010

BETTER RELATIONS WITH MEXICO

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, yesterday the President of Mexico visited with Members of this Chamber, led by our distinguished Speaker. We had a very constructive visit.

I would like to mention to my colleagues and Members of the House that in my opinion at this time what we need to do with Mexico is to be patient, to be understanding, to offer a helping hand without any expectation of return, and not be demanding perfection that is even unachievable for us.

I think as good friends and allies, we need to understand the situation. Even offering suggestions may be inopportune. We should help with what they have in their plans and should assist them in every way possible.

Today, yesterday, and the day before, we have been discussing the security of this Nation, ballistic missiles, ABM's, SDI. The thing that we need first is a stable, secure, and free Mexico, before we go about protecting ourselves from others who may not be friendly to us.

REMEMBERING THE SEVEN

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, many Members have asked me what this little seven is that I wear on my lapel. It was given to me by our beloved colleague who died on July 17, George O'Brien.

It stands for seven Americans who found themselves chained in filthy cellars in Beirut when they had only gone to the Middle East to help. One of them was the AP bureau chief, a newsman. Two were religious people, a Protestant minister who had been there 42 years, and a Catholic priest. Three of them were educators and one of them was a public servant, like ourselves, who worked in our Foreign Service.

Two have been murdered, the two clerics have been released, and three Americans still are in those filthy dungeons waiting for some relief, hoping that we are remembering them.

Mr. Speaker, I have the signature of every single Republican in this House, except one who lies desperately ill in the hospital at this moment, asking President Assad of Syria to continue his efforts to help secure the release of the hostages.

I have 100 Members on your side, including your distinguished majority leader, the gentleman from Texas [Mr. WRIGHT].

I now have to turn to the Democrats, and I beg you, as I circulate this simple letter asking the President of Syria, who has the major power in that area to help, I ask you please sign this letter. I have only had three noes from my fellow Democrats and I will not use their names because I am trying to do something positive; but Mr. Speaker, please help me. I ask my fellow Democrats, I sign every letter on human rights you put before me without question. This is not political. It has no down side to it. It is pure human rights.

I reach out to you for these three suffering American hostages. Help them. Please sign my letter.

DROUGHT AID: TODAY, NOT TOMORROW

(Mr. ROWLAND of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROWLAND of Georgia. Mr. Speaker, for those farmers suffering from the drought, the recent rain was certainly welcomed over these past few days. But even with this relief, it is too little too late. As a result of the losses of these farm families, the House recognized their urgent need by passing H.R. 5288, the drought relief bill. While this legislation cannot save every farmer, it will provide desperately needed aid to many. All of Georgia has been declared a disaster area, and in my district, all segments of agriculture need relief to help them stay in business: Livestock and poultry producers, dairymen, producers of crops, landowners wanting to reestablish stands of pine trees, and farm borrowers unable to make their loan payments in full due to no fault of their own. This bill offers all of them some much needed emergency assistance.

But this body cannot act alone to save our farm economy. Now this House has before it the drought relief measure as an amendment to the debt ceiling limit which looks like a Christmas tree it has so many amendments on it. Mr. Speaker, this is not the time to play brinksmanship when the livelihood of thousands of farm families are at stake. The other body should move to secure passage of the House bill immediately. At that point, and with the President's help, we can go home and truly state that we have helped alleviate the suffering of rural Americans.

NONBANK BANK LOOPHOLE CLOSURE

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, it is the responsibility of Congress to address the fundamental issues of competition and consumer confidence in our financial system. Yet our traditional banking institutions are competing against entities not regulated or restricted by the laws under which the banking institutions operate, the Bank Holding Company Act. These entities, nonbank banks, are limited service financial institutions which offer either but not both demand deposit accounts and commercial loans, and thus function through a loophole in the law. These nonbank banks are radically transforming our Nation's financial marketplace at a time when we are witnessing bank failures in unprecedented numbers, largely because of loans made to economically troubled sectors—agriculture, energy, and the Third World.

The banking regulators now have asked Congress to address the problem of bank failures by approving special powers for banks to cross State lines to purchase failing institutions, thus relieving the pressure on the Federal Deposit Insurance Corporation. Yet with the ease by which financial institutions can use loopholes to go interstate by opening nonbank banks, there is less incentive for healthy banks to buy failing institutions. The pressure on the FDIC to make depositors whole will only grow.

Over 1 year ago the Banking Committee reported H.R. 20, a bill to close the nonbank bank loophole, and still it has not been brought to the floor for debate. We cannot afford to simply ignore one of the most controversial aspects of the structure of financial institutions. I agree with the chairman of the Banking Committee. There is little incentive to give banks more powers for emergency acquisitions until the nonbank bank issue is confronted.

ELDER ABUSE

(Mr. BONER of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONER of Tennessee. Mr. Speaker, on July 1 of this year in Nashville, TN, Congressman BART GORDON and I conducted an aging committee hearing on the subject of elder abuse. As a result of that hearing, I am today introducing legislation which is intended to address this tragic situation in our country.

It is estimated that at least 10 percent of persons age 65 years or older are victims of elder abuse—whether it be physical, financial, or emotional abuse. And, sadly enough, the abuser is usually a relative, friend, or caretaker of the victim.

Elder abuse is the social issue of the eighties. While certainly still a problem, child and spouse abuse have been addressed at the Federal level. But, with the so-called graying of America, the passage of a Federal law on elder abuse is long overdue.

My legislation, which would become effective October 1, 1987, would establish a national clearinghouse on elder abuse within the Department of Health and Human Service's Administration on Aging. The clearinghouse would bring a needed coordination to nationwide efforts in dealing with elder abuse. My bill would also offer financial assistance in the form of grants to public and nonprofit agencies and matching grants to States which have a mandatory elder abuse reporting requirement in effect.

I urge support of this very important piece of legislation. As a matter of American pride and patriotic duty, it is time that we here in Congress protect the dignity of our elderly citizens.

ANGLO-IRISH AGREEMENT SUPPORT ACT OF 1986

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4329) to authorize United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anglo-Irish Agreement Support Act of 1986".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that the Anglo-Irish Agreement is a clear demonstration of the determination of the Government of the United Kingdom and the Government of Ireland to make progress concerning the complex situation in Northern Ireland. The Congress strongly supports the Anglo-Irish Agreement and is particularly encouraged that these two neighboring countries, longstanding friends of the United States, have joined together to rebuild a land that has too often been the scene of economic hardship and where many have suffered severely from the consequences of violence in recent years. In recognition of our ties of kinship, history, and commitment to democratic values, the Congress believes the United States should participate in this renewed commitment to social and economic progress in Northern Ireland and affected areas of Ireland.

(b) PURPOSES.—It is, therefore, the purpose of this Act to provide for United States contributions in support of the Anglo-Irish Agreement, such contributions to consist of economic support fund assistance for payment to the International Fund established pursuant to the Anglo-Irish Agreement, as well as other assistance to serve as an incentive for economic development and reconciliation in Ireland and Northern Ireland. The purpose of these United States contributions shall be to support the Anglo-Irish Agreement in promoting reconciliation in Northern Ireland and the establishment of a society in Northern Ireland in which all may live in peace, free from discrimination, terrorism, and intolerance, and with the opportunity for both communities to participate fully in the structures and processes of government.

SEC. 3. UNITED STATES CONTRIBUTIONS TO THE INTERNATIONAL FUND.

(a) FISCAL YEAR 1986.—Of the amounts made available for the fiscal year 1986 to carry out chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund), $50,000,000 shall be used for United States contributions to the International Fund.

(b) FISCAL YEARS 1987 AND 1988.—Of the amounts made available for each of the fiscal years 1987 and 1988 to carry out that chapter, $35,000,000 shall be used for United States contributions to the International

Fund; and that amount is hereby authorized to be appropriated for each of those fiscal years to carry out that chapter (in addition to amounts otherwise authorized to be appropriated). Amounts appropriated pursuant to this subsection are authorized to remain available until expended.

SEC. 4. OTHER ASSISTANCE.

(a) AVAILABLE AUTHORITIES.—In addition to other available authorities, the following authorities may be used to provide assistance or other support to carry out the purposes of section 2 of this Act:

(1) Section 108 of the Foreign Assistance Act of 1961 (relating to the Private Sector Revolving Fund).

(2) Sections 221 through 223 of that Act (relating to the Housing Guaranty Program).

(3) Title IV of chapter 2 of part I of that Act (relating to the Overseas Private Investment Corporation), without regard to the limitation contained in paragraph (2) of the second undesignated paragraph of section 231 of that Act.

(4) Section 661 of that Act (relating to the Trade and Development Program).

(b) OTHER LAWS.—Assistance under this Act may be provided without regard to any other provision of law.

SEC. 5. CONDITIONS AND UNDERSTANDING RELATING TO THE UNITED STATES CONTRIBUTIONS.

(a) PROMOTING ECONOMIC AND SOCIAL RECONSTRUCTION AND DEVELOPMENT.—The United States contributions provided for in this Act may be used only to support and promote economic and social reconstruction and development in Ireland and Northern Ireland. The restrictions contained in sections 531(e) and 660(a) of the Foreign Assistance Act of 1961 apply with respect to any such contributions.

(b) UNITED STATES REPRESENTATION ON THE BOARD OF THE FUND.—The President shall make every effort, in consultation with the Government of the United Kingdom and the Government of Ireland, to ensure that there is United States representation on the Board of the International Fund.

(c) PRIOR CERTIFICATIONS.—Each fiscal year, the United States may make contributions to the International Fund only if the President certifies to the Congress that he is satisfied that—

(1) the Board of the International Fund, as a whole, is broadly representative of the interests of the communities in Ireland and Northern Ireland; and

(2) disbursements from the International Fund—

(A) will be distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation; and

(B) will address the needs of both communities in Northern Ireland.

Each such certification shall include a detailed explanation of the basis for the President's decision.

SEC. 6. ANNUAL REPORTS.

At the end of each fiscal year in which the United States Government makes any contribution to the International Fund, the President shall report to the Congress on the degree to which—

(1) the International Fund has contributed to reconciliation between the communities in Northern Ireland;

(2) the United States contribution to the International Fund is meeting its objectives of encouraging new investment, job creation, and economic reconstruction on the basis of strict equality of opportunity; and

(3) the International Fund has increased respect for the human rights and fundamental freedoms of all people in Northern Ireland.

SEC. 7. REQUIREMENTS RELATING TO FUNDS FOR "INTERNATIONAL ORGANIZATIONS AND CONFERENCES".

(a) DISBURSEMENTS, AUDITS, AND REPORTS..—The provisions relating to disbursement on vouchers, audits, and submission of reports with respect to expenditures pursuant to the Joint Resolution of July 11, 1956 (Public Law 689), shall also apply with respect to expenditures pursuant to section 109(c) of the Act of November 22, 1983 (Public Law 98-164).

(b) FUNDS SUBJECT TO REQUIREMENTS.—That section is amended—

(1) by striking out "In addition to" and inserting in lieu thereof "of";

(2) by striking out "by section 102(2)" and all that follows through "1985" and inserting in lieu thereof "for each fiscal year";

(3) by inserting "may be used" before "for expenses"; and

(4) by striking out all that follows "participation in" through "such as".

SEC. 8. DEFINITIONS.

As used in this Act—

(1) the term "Anglo-Irish Agreement" means the Agreement Between the Government of Ireland and the Government of the United Kingdom dated November 15, 1985; and

(2) the term "International Fund" means the international fund for economic development projects in Northern Ireland and Ireland, established pursuant to Article 10 of the Anglo-Irish Agreement.

Amend the title so as to read: "An Act to authorize United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland, as well as other assistance.".

Mr. FASCELL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. BROOMFIELD. Reserving the right to object, Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. BROOMFIELD. Mr. Speaker, does this preclude a vote on the final passage of this conference report if we do not object at this time?

The SPEAKER. This is a unanimous-consent request to agree to Senate amendments. No vote would be required.

Mr. BROOMFIELD. Can we have a vote following this then, Mr. Speaker?

The SPEAKER. The gentleman can have a vote on the first amendment in the Committee of the Whole or there could be a call of the House afterward.

Mr. BROOMFIELD. All right. Mr. Speaker, I withdraw my reservation of objection.

Mr. FASCELL. Mr. Speaker, I rise in support of H.R. 4329, authorizing United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland.

At the outset, let me commend our Speaker, THOMAS P. O'NEILL, whose leadership on this issue has been outstanding. I also want to thank the gentleman from Indiana, Mr. HAMILTON, the chairman of the Subcommittee on Europe and the Middle East, and the gentleman from New York, the ranking member of that subcommittee, Mr. GILMAN, and all the other members who have worked so diligently on this vital legislation.

Mr. Speaker, in November 1985 the Government of the United Kingdom and the Government of Ireland reached an agreement whose purpose was to try to bring peace to Northern Ireland, ending violence and bloodshed in that troubled region.

The United States agreed to support the peace process by participating in an international fund to be established under the agreement. The House passed H.R. 4329 in March, the Senate passed similar legislation in July. The basic difference between the two bills was that the Senate passed bill authorized $10 million for each of the fiscal years 1986 and 1987 while the House passed bill authorized $50 million per year for 5 years for a total commitment of $250 million, which was consistent with the long-term commitments made by Presidents Carter and Reagan.

The Senate amendment which we are considering today is a compromise between the two bills.

It authorizes $50 million for fiscal year 1986 and $35 million for each of the fiscal years 1987 and 1988. While it is not a 5-year authorization, it is long enough to demonstrate that the United States is committed to providing long-term support for the peace process. We are willing to provide assistance for 5 years and possibly longer if required and appropriate. And although the authorization is less than the $250 million authorized by the House, it is a solid first step toward achieving the ultimate contribution of $250 million given by President Reagan, Secretary of State George Shultz, and our Speaker THOMAS P. O'NEILL.

Furthermore, nothing in the legislation precludes the Congress from reconsidering the amount of the authorization in future years or to increase the authorization if necessary.

The funds made available by the recently enacted Urgent Supplemental Appropriations Act of 1986, satisfy the requirement contained in section 3(a) of H.R. 4329 as amended that the United States contribute $50 million to the Anglo-Irish International Fund from the ESF account in fiscal year 1986. Further, the Congress intends that the various requirements contained in H.R. 4329 apply with respect to the contribution made with the funds made available by the Urgent Supplemental Appropriations Act.

Mr. Speaker, the United States contributions to the Fund are designed to help promote a reconciliation in Northern Ireland in which all the people of that part of Ireland may live in peace, free from discrimination, terrorism, and intolerance and to provide an opportunity for both communities to participate fully in the structures and processes of government.

Mr. Speaker, H.R. 4329, as amended, contains authorities and requirements that will insure effective oversight of this important assistance program. Through annual prior certifications by the President and through annual reports on the program implemented, Congress will be able to monitor the program closely to ensure that the money is being spent wisely and properly. The legislation also requires the President to make every effort to insure U.S. representation of the Board of the International Fund. It should also be noted that in the annual report to the Congress, the President will report on the degree to which:

First, the International Fund has contributed to reconciliation between the communities in Northern Ireland;

Second, the U.S. contribution to the International Fund is meeting its objective of encouraging new investment, job creation, and economic reconstruction on the basis of strict equality of opportunity; and

Third, the International Fund has increased respect for the human rights and fundamental freedoms of all people in Northern Ireland.

Mr. Speaker, 9 months ago the Government of Ireland and the United Kingdom entered into an historic agreement to try to provide a brighter future for the peoples of Northern Ireland and Ireland. Our action today in support of H.R. 4329, as amended, is an appropriate means for the Congress to help sustain and reinforce the Anglo-Irish Agreement.

I urge my colleagues to support H.R. 4329, as amended.

Mr. BROOMFIELD. Mr. Speaker, the United States has long deplored violence and discord in Northern Ireland. Only rarely does the news from that distant land provide much cause for hope.

One such occasion was the Anglo-Irish agreement signed on November 15, 1985, and welcomed by the Reagan administration as an historic step toward peace.

Today, the House of Representatives considers legislation authorizing $50 million for 1986, and $35 million for each year over the following 2 fiscal years to support economic development and reconciliation in Northern Ireland.

On March 11, 1986, this body considered and passed a very similar bill under suspension of the rules. The legislation before us today authorizes a total of $120 million over a 3-year period. This results in a savings of $30 million compared with the previously considered bill. given the pinch we are experiencing in the Federal budget, I believe the reduced figure is still generous and quite appropriate.

The Anglo-Irish agreement is a solid foundation upon which peace can be built in Northern Ireland. It may not come tomorrow. It may not come next week. But it will come more quickly with the tangible assistance of interested friends of those involved in the conflict.

U.S. funds provided in the bill would be used only to support and promote economic and social reconstruction and redevelopment in Ireland and Northern Ireland in a fair and equitable manner without regard to religious affiliation.

The United States has an opportunity to do something about economic injustices while at the same time encouraging the parties to the conflict to build upon the foundation established last October.

I urge my colleagues to vote for this legislation.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 4329, as amended by the other body, providing aid to Ireland. H.R. 4329 has been amended to reflect a compromise between the House and Senate on funding levels for aid to Ireland and Northern Ireland. This will be the final congressional action on this legislation—and when we are through, it will go to the President for his signature.

The compromise agreement limits the authorization for this program to 3 years, as opposed to the House-passed 5-year authorization. Even so, this program is authorized through fiscal year 1988, which is longer than our other foreign aid programs, all of which expire at the end of 1988. This is a measure of congressional support for the political process now underway in Ireland and Northern Ireland for reconciliation by peaceful means. The funding levels in the bill reflect the $50 million appropriation passed by Congress and authorize a further $35 million in each of next 2 fiscal years. This is less than the House passed figure but should make a significant contribution to the peace process in Northern Ireland, especially when combined with the expected contributions of other nations.

I want to make it clear that the "political" provisions of the House legislation have not been watered down in the compromise process—indeed, the same provisions were passed in the Senate bill. Those provisions, for example, require Presidential certification that he is satisfied that the Board which will distribute the funds is broadly representative of the various communities in Ireland, that disbursements from the funds will meet the needs of both communities in Northern Ireland and that the funds will be distributed on the basis of strict equality of opportunity. The President is to report annually on the degree to which the fund has contributed to reconciliation, that the fund is meeting its objectives of helping to create new investment and employment and respect for human rights and fundamental freedoms. The law explicitly restates that these funds are not to be used for police or security purposes.

The conditions contained in the bill, Mr. Speaker, are to apply to the contribution to the funds made available by the Urgent Supplemental Appropriations Act.

Mr. Speaker, I would like to take a moment to applaud the efforts of the chairman of the committee, the gentleman from Florida [Mr. FASCELL], the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD], and the chairman of our Subcommittee on Europe and the Middle East, the gentleman from Indiana [Mr. HAMILTON], all of whom have played a key role in bringing the original bill to the floor and in backing this compromise at this time. We had strong support from the House leadership and from the Irish-American community, including organizations such as the Irish National Caucus. I would like to pay special tribute to a friend on the other side of the aisle, the gentleman from New York [Mr. BIAGGI], who has worked so long and diligently on this issue, and who has backed legislation of this kind every step of the way. The other body and its leadership, especially the chairman of the responsibile committee, has graciously moved this bill and come to a reasonable accommodation with the House, and we are appreciative of that.

Mr. Speaker, this is the final step in this chapter; it is the end of the beginning. Let us resolve to continue the process of helping to uphold the highest of American values by working for a peaceful and just solution to the problems besetting Ireland. I accordingly, urge my colleagues to support the motion to concur in the Senate amendment.

Mr. BIAGGI. Mr. Speaker, I rise to lend my full support to the final version of H.R. 4329, the Anglo-Irish Agreement Support Act of 1986. We are adopting historic legislation today, a first time comprehensive economic aid package for Northern Ireland and the Republic of Ireland.

While I would have preferred to see the original House authorization levels in the final bill. The levels agreed to namely $120 million over 3 years, do represent a significant initial installment that can make a significant impact.

In my judgment, the most essential feature of this legislation was its retention of the conditions and understandings as they appear in section 5 of the final bill. It is important to relate the development of these conditions in the history of the legislation.

First, I take great pride in the fact that I was the first author of a piece of legislation to provide economic aid to Northern Ireland. I introduced my first bill in 1983 and it called for $50 million. In this Congress I introduced two bills H.R. 2597 and H.R. 3772 each calling for $500 million over 5 years. I sponsored these bills because of a longstanding and firm belief that a lasting political solution in Northern Ireland is very much contingent on economic aid. However just as important is the fact that the aid must be provided in a way to aid both communities and in a nondiscriminatory fashion.

The final version of this legislation does in fact provide the framework for meaningful and constructive aid. I will include in my statement at this point the precise text of the legislation and its important conditions, which if fully adhered to, would in fact make a significant impact on the future in Northern Ireland.

(a) PROMOTING ECONOMIC AND SOCIAL RECONSTRUCTION AND DEVELOPMENT.—The United States contributions provided for in this Act may be used only to support and promote economic and social reconstruction and development in Ireland and Northern Ireland. The restrictions contained in sections 531(e) and 660(a) of the Foreign Assistance Act of 1961 apply with respect to any such contributions.

(b) UNITED STATES REPRESENTATION ON THE BOARD OF THE FUND.—The President shall make every effort, in consultation with the Government of the United Kingdom and the Government of Ireland, to ensure that there is United States representation on the Board of the International Fund.

(c) PRIOR CERTIFICATIONS.—Each fiscal year, the United States may make contributions to the International Fund only if the President certifies to the Congress that he is satisfied that—

(1) the Board of the International Fund, as a whole, is broadly representative of the

interests of the communities in Ireland and Northern Ireland; and

(2) disbursements from the International Fund—

(A) will be distributed in accordance with the principle of equality of opportunity and nondiscrimination in employment, without regard to religious affiliation; and

(B) will address the needs of both communities in Northern Ireland.

Each such certification shall include a detailed explanation of the basis for the President's decision.

SEC. 6. ANNUAL REPORTS.

At the end of each fiscal year in which the United States Government makes any contribution to the International Fund, the President shall report to the Congress on the degree to which—

(1) the International Fund has contributed to reconciliation between the communities in Northern Ireland;

(2) the United States contribution to the International Fund is meeting its objectives of encouraging new investment, job creation, and economic reconstruction on the basis of strict equality of opportunity; and

(3) the International Fund has increased respect for the human rights and fundamental freedoms of all people in Northern Ireland.

I wish to pay tribute to the work of a number of my colleagues on behalf of this legislation. First and foremost is my friend and colleague from New York [Mr. GILMAN] who, as a member of the Foreign Relations Committee, championed the inclusion of the conditions language in the House bill and worked to ensure it remained in the final bill. He has served with me from the outset as a member of the ad hoc congressional committee for Irish affairs which I am proud to share. In addition, I commend the leadership of Chairman DANTE FASCELL who made such an important imprint on this legislation. In addition, we must also recognize the contributions of our Nation's leading Irish American organizations, the Ancient Order of Hibernians, the Irish National Caucus, and the Political Education Committee of New York for their efforts. Finally, I also wish to commend the work of the distinguished Speaker of the House, THOMAS P. "TIP" O'NEILL. The Speaker feels very deeply about his homeland of Ireland and wants to see peace come to both parts of Ireland. We have agreed that a catalyst to this peace will be economic aid and we have achieved an historic step forward with the adoption of this bill today.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER. Is there objection to the initial request of the gentleman from Florida?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

CALL OF THE HOUSE

Mr. BROOMFIELD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 344]

Ackerman	Dannemeyer	Hendon
Akaka	Darden	Henry
Alexander	Daschle	Hertel
Anderson	Daub	Hiler
Andrews	Davis	Hillis
Annunzio	de la Garza	Holt
Anthony	DeLay	Hopkins
Applegate	Dellums	Horton
Armey	Derrick	Howard
Aspin	DeWine	Hoyer
Atkins	Dickinson	Hubbard
AuCoin	Dicks	Huckaby
Badham	DioGuardi	Hughes
Barnard	Dixon	Hunter
Bartlett	Donnelly	Hutto
Barton	Dorgan (ND)	Hyde
Bateman	Dornan (CA)	Ireland
Bates	Dowdy	Jacobs
Bedell	Downey	Jeffords
Bellenson	Dreier	Jenkins
Bennett	Duncan	Johnson
Bentley	Durbin	Jones (NC)
Bereuter	Dwyer	Jones (OK)
Berman	Dymally	Jones (TN)
Bevill	Early	Kanjorski
Biaggi	Eckart (OH)	Kaptur
Bilirakis	Eckert (NY)	Kastenmeier
Bliley	Edwards (CA)	Kemp
Boehlert	Edwards (OK)	Kennelly
Boggs	Emerson	Kildee
Boland	English	Kleczka
Boner (TN)	Erdreich	Kolbe
Bonior (MI)	Evans (IA)	Kolter
Bonker	Evans (IL)	Kostmayer
Borski	Fascell	Kramer
Bosco	Fawell	LaFalce
Boucher	Fazio	Lagomarsino
Boulter	Feighan	Lantos
Boxer	Fiedler	Latta
Brooks	Fields	Leach (IA)
Broomfield	Fish	Leath (TX)
Brown (CA)	Foglietta	Lehman (CA)
Brown (CO)	Foley	Lehman (FL)
Bruce	Ford (MI)	Leland
Bryant	Frank	Lent
Burton (CA)	Franklin	Levin (MI)
Burton (IN)	Frenzel	Levine (CA)
Bustamante	Frost	Lewis (CA)
Byron	Fuqua	Lewis (FL)
Callahan	Gallo	Lightfoot
Carney	Garcia	Lipinski
Carper	Gaydos	Livingston
Carr	Gejdenson	Lloyd
Chandler	Gekas	Loeffler
Chapman	Gephardt	Long
Chappell	Gibbons	Lott
Chappie	Gilman	Lowery (CA)
Cheney	Gingrich	Lowry (WA)
Clay	Gonzalez	Lujan
Clinger	Goodling	Luken
Coats	Gordon	Lundine
Cobey	Gradison	Lungren
Coble	Gray (IL)	Mack
Coelho	Gray (PA)	MacKay
Coleman (MO)	Green	Madigan
Coleman (TX)	Gregg	Manton
Collins	Guarini	Markey
Combest	Gunderson	Marlenee
Conte	Hall (OH)	Martin (IL)
Conyers	Hall, Ralph	Martin (NY)
Cooper	Hamilton	Martinez
Coughlin	Hammerschmidt	Matsui
Courter	Hansen	Mazzoli
Coyne	Hatcher	McCain
Craig	Hawkins	McCandless
Crane	Hayes	McCloskey
Daniel	Hefner	McCollum
McCurdy	Regula	Stenholm
McDade	Reid	Stokes
McGrath	Richardson	Strang
McHugh	Ridge	Stratton
McKernan	Rinaldo	Studds
McKinney	Roberts	Stump
McMillan	Robinson	Sundquist
Meyers	Roe	Sweeney
Mica	Roemer	Swift
Michel	Rogers	Swindall
Mikulski	Rose	Synar
Miller (CA)	Rostenkowski	Tallon
Miller (OH)	Roth	Tauke
Miller (WA)	Roukema	Tauzin
Mineta	Rowland (CT)	Taylor
Mitchell	Rowland (GA)	Thomas (CA)
Moakley	Roybal	Thomas (GA)
Molinari	Rudd	Torricelli
Mollohan	Russo	Towns
Monson	Sabo	Traficant
Montgomery	Saxton	Traxler
Moody	Schaefer	Valentine
Moorhead	Schneider	Vander Jagt
Morrison (WA)	Schroeder	Vento
Mrazek	Schuette	Visclosky
Murphy	Schulze	Volkmer
Murtha	Schumer	Vucanovich
Myers	Sensenbrenner	Waldon
Natcher	Sharp	Walgren
Neal	Shaw	Walker
Nelson	Shelby	Watkins
Nielson	Shumway	Waxman
Nowak	Sikorski	Weaver
Oakar	Siljander	Weber
Oberstar	Sisisky	Weiss
Obey	Skeen	Wheat
Olin	Slattery	Whitehurst
Ortiz	Slaughter	Whitley
Owens	Smith (FL)	Whittaker
Oxley	Smith (IA)	Whitten
Packard	Smith (NE)	Williams
Panetta	Smith, Denny (OR)	Wilson
Parris	Smith, Robert (NH)	Wirth
Pashayan	Smith, Robert (OR)	Wise
Pease	Snowe	Wolf
Penny	Snyder	Wolpe
Pepper	Solarz	Wortley
Perkins	Solomon	Wright
Petri	Spence	Wyden
Pickle	Spratt	Wylie
Porter	St Germain	Yates
Price	Staggers	Yatron
Pursell	Stallings	Young (AK)
Quillen	Stangeland	Young (FL)
Rahall		Young (MO)
Rangel		Zschau
Ray		

□ 1035

The SPEAKER pro tempore (Mr. MATSUI). On this rollcall, 398 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

PERMISSION FOR SUBCOMMITTEE ON SPACE SCIENCE AND APPLICATIONS OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT ON TODAY DURING THE 5-MINUTE RULE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that the Subcommittee on Space Science and Applications of the Science and Technology Committee be allowed to sit, despite the fact that the House is operating under the 5-minute rule.

This has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERSONAL EXPLANATION

Mr. WEISS. Mr. Speaker, on Monday, August 11, I was absent for rollcalls 316 through 322. I ask that my statement explaining how I would have voted appear in the RECORD at this point.

On rollcall 316, I would have voted "aye."

On rollcall 317, I would have voted "aye."

On rollcall 318, I would have voted "no."

On rollcall 319, I would have voted "no."

On rollcall 320, I would have voted "aye."

On rollcall 321, I would have voted "aye."

On rollcall 322, I would have voted "no."

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

The SPEAKER pro tempore. Pursuant to House Resolution 523 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4428.

□ 1042

IN THE COMMITTEE ON THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes with Mr. PANETTA (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, August 13, 1986, amendment No. 38, made in order pursuant to paragraph 3 of House Resolution 531, had been offered by the gentleman from Arkansas [Mr. ROBINSON].

The gentleman from Arkansas [Mr. ROBINSON] will be recognized for 5 minutes and the gentleman from Virginia [Mr. DANIEL] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment quite simply put would require the DOD to procure alcoholic beverages from sources within the State in which a military installation is located.

Current policies and policies of the past have been that they go outside of the various States and buy their alcoholic beverages, circumventing the 21st-amendment of the Constitution which mandates that the States will regulate the importation of alcoholic beverages.

This amendment would also stop the DOD from a plan that they have to waste millions of taxpayers' dollars to set up their own distribution systems throughout the United States.

Thirty-two Governors, including the Governors from Alabama, California, Connecticut, Illinois, Indiana, Louisiana, North Carolina, Wisconsin, and on and on support this.

Also, 50 State alcohol regulators and the National Conference of State Legislatures support this.

Mr. MARTIN of New York. Mr. Chairman, will the gentleman yield for a brief clarification?

Mr. ROBINSON. I yield to the gentleman from New York.

Mr. MARTIN of New York. Mr. Chairman, before my distinguished friend goes on with his presentation, I would hope that he would explain and what this speaks to, whether it is just the distilled spirits or whether it is malt beverages and wines as well. Could the gentleman explain that to us, because I think it might make a difference.

Mr. ROBINSON. This amendment includes all alcoholic beverages.

My colleagues, the only argument that you are going to hear in opposition to this amendment is that it will take money out of the soldiers' and sailors' pockets that is from the morale, welfare, and recreation fund.

Mr. Chairman, I resent that. Yesterday my 18-year-old son went into the U.S. Army. I feel like if he needs something to help his morale, welfare or recreation activities, that we in this body ought to fund that. We ought not to give our soldiers and sailors an incentive to go out and get drunk just to shore up the morale, welfare, and recreation fund.

Mr. Chairman, I ask for an aye for on this, and I reserve the balance of my time.

Mr. DANIEL. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong opposition to the Robinson amendment. The Readinesss Subcommittee has spent considerable time on this issue and believes the provision incorporated in the committee's bill is the proper course to follow on alcohol beverage procurement.

I would like to contrast the committee amendment with that offered by my esteemed colleague from Arkansas.

The committee amendment permits Department of Defense [DOD] military clubs and alcohol beverage stores to purchase distilled spirits from the most competitive source. These sources include distillers, controlled States, wholesalers, or retailers.

Beer and wine would be purchased from sources within the State where the military installation is located. These products would be purchased locally because this is the normal industry practice and because such products have special characteristics. They are perishable, bulky, and require special handling and frequent delivery.

On the other hand, Mr. ROBINSON's amendment would mandate that the DOD buy all alcoholic beverages in the State where the military base is located.

Let me make several important points about DOD alcohol procurement so that the key issues are clearly understood.

Alcoholic beverages are purchased and sold primarily by package beverage stores. These stores do not receive any taxpayer support. They are operated with nonappropriated funds which are generated by the sale of consumer goods and services to authorized military patrons.

Package beverage store profits are used by the local base to directly fund morale, welfare, and recreation [MWR] programs. The earnings are considerable and supplement minor taxpayer support for local MWR programs like child care centers, athletic programs, youth activities, and libraries.

As a result of recent legislation, during fiscal year 1986, military installations are required to procure distilled spirits from within State sources. This requirement has increased product costs substantially because middleman markups and taxes are included in acquisition prices. An Assistant Defense Secretary estimates earnings during fiscal year 1986 will be reduced by over $20 million. This loss amounts to 30 percent of total profits used to support morale, welfare, and recreation programs.

Prices will continue to rise in future years because military installations will be held hostage to State funding requirements and prevented from procuring distilled spirits from the most economical source. It seems to me that at a time when efforts are being made to reduce Defense expenditures, this body should be strongly encouraging our military personnel to continue funding their morale, welfare, and recreation programs with their own nonappropriated funds instead of relying on tax dollars.

On several occasions, States have passed laws which have attempted to regulate and tax the sale of alcoholic beverages sold on military installations. However, in three separate cases, the Supreme Court has ruled that States cannot regulate or tax al-

coholic beverages sold by the Department of Defense.

Finally, Mr. Chairman, I would like to point out that the Robinson amendment places the Congress in the position of walking down the aisle of the military package beverage stores and artificially increasing costs on consumer goods by law.

The Robinson amendment denies the men and women of the armed services the profits which are used to fund their own morale, welfare, and recreation programs at the base level. The amendment, in effect, transfers these earnings to a small segment of the business sector and permits State taxation of Federal activities.

I strongly recommend that rights of our military personnel be protected and that the Robinson amendment be defeated.

This amendment reminds me of the preacher who was asked if he would accept donations from a bootlegger. He said, "Of course, I will. That money has been working for the devil long enough. I'll put it to work for the Lord."

Let's put the profit from the sales to work for our service people and their families.

Mr. ROBINSON. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to say the gentleman is correct in his approach. But let us all be clear what is happening here.

The committee wants to change current law. Current law requires alcoholic beverages to be purchased from in-State. If you do not do that, you lose control.

The issue for me is control by a State government of alcoholic beverages that cross State lines. The 21st amendment gives them that opportunity. If you do not have the ability to control and require in-State purchases, then I think the State has lost something very important.

□ 1050

With respect to cost, some say, "Well, the military can purchase it at less cost than the current distribution system." Name one thing the military can purchase at less cost than anything else in the world.

The fact is, if you consider all the warehousing costs, all the distribution costs that the military incurs, they are paying a higher price than if they were required to purchase it from the free enterprise system, using in-State wholesalers.

Mostly, this issue, to me, is control. Can the States control the distribution and sales and movement of alcoholic beverages across their lines? They cannot if you do not have a requirement for in-State purchases. That is what this is all about.

Mr. DANIEL. Mr. Chairman, I yield 1 minute to the gentleman from the Second District of Virginia [Mr. WHITEHURST].

Mr. WHITEHURST. Mr. Chairman, I rise in opposition to the Robinson amendment. I think no one should be under any illusion about what this does: It is a device to increase costs and generate State taxes.

A Member of the other body, in a "Dear Colleague" letter during May of this year stated the real purpose of this amendment. It would require the Defense Department to pay the same taxes which any other consumer pays in that State.

Now, The Supreme Court has already ruled that States cannot tax nonappropriated fund activities of the Federal Government, or regulate where they buy alcoholic beverages. This amendment would circumvent these court rulings and allow the States to indirectly tax the Federal Government and force the service member to pay higher costs for products.

I think we ought to recognize it for what it is: It is special interest legislation which increases the profits of those business interests that sell to the military. It subjects military purchase to State and local taxes.

Who pays the increased costs? It is passed on to the military service member. The committee, the Department of Defense, our military personnel and their families all oppose this amendment, and I ask that it be defeated.

Mr. ROBINSON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Chairman, I rise in support of the Robinson amendment. It is an important amendment which says to the military—you can't say you're concerned about alcohol abuse on one hand and on the other say—"we've got inexpensive liquor here, come on and buy some."

Without micromanaging the military on prices—by that I mean, tell the military how much they can charge for a product—we can effectively have military prices come in line with local prices. They will still be less because they buy in bulk and due to the supremacy clause in the Constitution they don't have to pay State sales tax. But the price will be more in line.

Morale welfare and recreation funds do not have to be cut if the bases do as any normal business would do—if they pass along the price increase to the consumer.

Some would say that cheap booze is a benefit that we should not take away from military personnel. Granted, there should be benefits, but I don't think that booze should be one of them. Alcohol abuse hurts our national security by directly risking readiness. Can we justify telling the service man and woman that alcohol can hurt them and their Nation, but insist on selling it at cheap prices. Maybe this isn't an answer to the problem of alcohol abuse by our Armed Forces, but it's consistent.

Let's be consistent—let's pass the Robinson amendment.

Mr. DANIEL. Mr. Chairman, the issue here is not whiskey. We do not advocate the use of alcohol we advocate competitive prices. If the States can compete, the States get the business.

I yield the balance of my time to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Chairman, I rise in opposition to the Robinson amendment.

Mr. Chairman, as Mr. DANIEL has pointed out, this is going to affect the Department's morale, welfare and recreation activities. I have a personal example.

Fort Benning, GA, will lose $112,000; one-third of the cost of a family recreation center canceled because of lack of funds. This is not a State's rights issue, Mr. Chairman, this is a liquor dealer's profit issue, and I am opposed to it.

I recently was in Ramstein, Germany where there are 15,000 families; went to the gym there, and they did not even have enough equipment there that was in working order to have a reasonable workout.

This affects youth programs, gyms, athletic programs, churches, and religious activities. We just recently canceled a chapel in Osan, South Korea, because of lack of funds. I am told that my Governor approves of it and the liquor dealers approve of it; so what? I am going to get on to those guys and let them know what I think about it, and the affects it will have on non appropriation funds. Non family and children and our service personnel

I rise in opposition to this amendment, and I urge its defeat.

The CHAIRMAN pro tempore (Mr. RUSSO). The question is on the amendment offered by the gentleman from Arkansas [Mr. ROBINSON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROBINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes, 149, noes 265, answered "present" 4, not voting 13, as follows:

[Roll No. 345]

AYES—149

Akaka	Barnard	Bevill
Anthony	Barnes	Biaggi
Applegate	Barton	Boggs
Archer	Bentley	Boner (TN)
Atkins	Bereuter	Bonior (MI)

Boulter	Gray (IL)	Quillen
Boxer	Hall, Ralph	Regula
Brooks	Hammerschmidt	Reid
Burton (CA)	Hefner	Richardson
Burton (IN)	Henry	Rinaldo
Bustamante	Hertel	Roberts
Callahan	Hiler	Robinson
Carper	Hillis	Roemer
Carr	Holt	Rose
Chappie	Hoyer	Savage
Cheney	Hughes	Schuette
Clinger	Hunter	Seiberling
Cobey	Jones (OK)	Sensenbrenner
Coelho	Jones (TN)	Shelby
Coleman (TX)	Kanjorski	Skeen
Combest	Kastenmeier	Skelton
Craig	Kleczka	Slattery
Crockett	Kolter	Smith (FL)
Dannemeyer	Leland	Smith (NE)
Daschle	Levine (CA)	Smith (NJ)
Daub	Lewis (CA)	Spence
Davis	Loeffler	Stangeland
DeLay	Lott	Strang
Derrick	Lujan	Stump
DeWine	Luken	Synar
Donnelly	Martin (IL)	Tallon
Dorgan (ND)	Martinez	Tauzin
Dornan (CA)	Matsui	Taylor
Durbin	McCurdy	Thomas (GA)
Dyson	McKernan	Torres
Eckart (OH)	McMillan	Towns
Edwards (OK)	Meyers	Traficant
Emerson	Michel	Traxler
Erdreich	Mikulski	Udall
Evans (IL)	Moody	Vento
Fazio	Morrison (WA)	Walgren
Feighan	Murphy	Watkins
Fields	Myers	Weaver
Florio	Nowak	Whitley
Ford (MI)	Oakar	Whittaker
Franklin	Obey	Williams
Frost	Ortiz	Wolpe
Gaydos	Penny	Wright
Gejdenson	Pepper	Yatron
Glickman	Pickle	

NOES—265

Ackerman	de la Garza	Hopkins
Alexander	Dellums	Horton
Anderson	Dickinson	Howard
Andrews	Dicks	Hubbard
Annunzio	Dingell	Huckaby
Armey	DioGuardi	Hyde
Aspin	Dixon	Ireland
AuCoin	Dowdy	Jacobs
Badham	Downey	Jeffords
Bartlett	Dreier	Jenkins
Bateman	Duncan	Johnson
Bates	Dwyer	Jones (NC)
Bedell	Early	Kaptur
Beilenson	Eckert (NY)	Kasich
Bennett	Edwards (CA)	Kemp
Berman	Evans (IA)	Kennelly
Bilirakis	Fascell	Kildee
Bliley	Fawell	Kolbe
Boehlert	Fiedler	Kostmayer
Boland	Fish	Kramer
Bonker	Foglietta	LaFalce
Borski	Foley	Lantos
Bosco	Frank	Latta
Boucher	Frenzel	Leach (IA)
Broomfield	Fuqua	Leath (TX)
Brown (CA)	Gallo	Lehman (CA)
Brown (CO)	Garcia	Lehman (FL)
Bruce	Gekas	Lent
Bryant	Gephardt	Levin (MI)
Byron	Gibbons	Lewis (FL)
Carney	Gilman	Lightfoot
Chandler	Gingrich	Lipinski
Chapman	Gonzalez	Livingston
Chappell	Goodling	Lloyd
Clay	Gordon	Long
Coats	Gradison	Lowery (CA)
Coble	Gray (PA)	Lowry (WA)
Coleman (MO)	Green	Lundine
Collins	Gregg	Lungren
Conte	Guarini	Mack
Conyers	Gunderson	MacKay
Cooper	Hall (OH)	Madigan
Coughlin	Hamilton	Manton
Courter	Hansen	Markey
Coyne	Hatcher	Marlenee
Crane	Hawkins	Martin (NY)
Daniel	Hayes	Mavroules
Darden	Hendon	Mazzoli
McCandless	Rangel	St Germain
McCloskey	Ray	Staggers
McCollum	Ridge	Stallings
McDade	Ritter	Stark
McEwen	Rodino	Stenholm
McGrath	Roe	Stokes
McHugh	Rogers	Stratton
McKinney	Rostenkowski	Studds
Mica	Roth	Sundquist
Miller (CA)	Roukema	Sweeney
Miller (OH)	Rowland (CT)	Swift
Miller (WA)	Rowland (GA)	Swindall
Mineta	Roybal	Tauke
Mitchell	Rudd	Thomas (CA)
Moakley	Russo	Torricelli
Molinari	Sabo	Valentine
Mollohan	Saxton	Vander Jagt
Monson	Schaefer	Visclosky
Montgomery	Scheuer	Volkmer
Moorhead	Schneider	Vucanovich
Mrazek	Schroeder	Waldon
Murtha	Schulze	Walker
Natcher	Schumer	Waxman
Neal	Sharp	Weber
Nelson	Shaw	Weiss
Nichols	Shumway	Wheat
Nielson	Shuster	Whitehurst
Oberstar	Sikorski	Whitten
Olin	Siljander	Wilson
Owens	Slaughter	Wirth
Oxley	Smith (IA)	Wise
Packard	Smith, Denny (OR)	Wolf
Panetta	Smith, Robert (NH)	Wortley
Parris	Smith, Robert (OR)	Wyden
Pashayan	Snowe	Wylie
Pease	Snyder	Yates
Perkins	Solarz	Young (AK)
Petri	Solomon	Young (FL)
Porter	Spratt	Young (MO)
Price		Zschau
Pursell		
Rahall		

ANSWERED "PRESENT"—4

Hutto	McCain
Lagomarsino	Sisisky

NOT VOTING—13

Breaux	Flippo	Kindness
Campbell	Ford (TN)	Moore
Dymally	Fowler	Morrison (CT)
Edgar	Grotberg	
English	Hartnett	

□ 1100

Messrs. PORTER, WISE, LEHMAN of Florida, CRANE, ANDERSON, HAYES, NEAL, and SWINDALL changed their votes from "aye" to "no."

Messrs. ROBERTS, STANGELAND, SAVAGE, GRAY of Illinois, QUILLEN, BONER of Tennessee, HUGHES, DAVIS, BONIOR of Michigan, WOLPE, FORD of Michigan, BIAGGI, HERTEL and NOWAK changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1115

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to advise the Members of the Committee of the Whole that what I am about to request is a unanimous consent request to consider en bloc 18 amendments which are noncontroversial, have been cleared by the minority side, and I think the gentleman from Alabama will attest to that fact.

Mr. Chairman, if we could do these 18 amendments by unanimous consent, we will have made a big dent on the remaining problem of dealing with this bill.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, in our usual posture of cooperation and comity with the majority, and in order to expedite the passage of the bill, we have agreed to the presentation of these amendments en bloc, with the understanding that if anyone wants to speak on their amendment, it will be taken out. Otherwise, we will accept them and move on.

AMENDMENTS, AS MODIFIED, OFFERED BY MR. ASPIN

Mr. ASPIN. Mr. Chairman, pursuant to the order of the House of August 11, 1986, I ask unanimous consent that I may offer an amendment en bloc composed of amendments numbered, 53, 72, 75, 76, 78, 79, 84, 85, 88, 91, 95, 108, 113, 116, 118, 120, 124, and 127 made in order under the rule, including modifications in the text of amendments numbered 53, 84, 108, 113, 116, 118, 120, 124, and 127; that no amendment to such amendment en bloc be in order; that such amendment en bloc not be subject to a demand for a division of the question; that such amendment en bloc be debatable for not to exceed 30 minutes, to be equally divided and controlled by myself and the gentleman from Alabama [Mr. DICKINSON]; that the original proponents of amendments included in such amendment en bloc may have their statements inserted in the RECORD immediately before the disposition of the amendment en bloc; and that the reading of the amendment as modified be dispensed with.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will designate the amendments.

The text of the amendments, as modified, is as follows:

Amendments, as modified, offered by Mr. ASPIN: Page 158, line 14, is amended by adding the following:

PART C—COMMISSION ON MERCHANT MARINE AND DEFENSE MATTERS

SEC. 814. STATUS OF MEMBERS OF COMMISSION ON MERCHANT MARINE AND DEFENSE; EXTENSION OF REPORT DEADLINES AND AVAILABILITY OF APPROPRIATIONS.

(a) STATUS OF COMMISSION MEMBERS.—Subsection (d) of section 1536 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2633), is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) A member of the Commission appointed under subsection (c)(1)(C) (who is not otherwise employed by the Federal Government) shall not be considered to be a Federal employee, except for the purposes of—

"(A) chapter 81 of title 4, United States Code, relating to compensation for work-related injuries; and

"(B) chapter 171 of title 28, United States Code, relating to tort claims.".

(b) EXTENSIONS.—Such section is further amended as follows:

(1) The last sentence of subsection (b) and the first sentence of subsection (g) are each amended by striking out "the date of the enactment of the law first providing funds for the Commission" and inserting in lieu thereof "the date on which sufficient members of the Commission to constitute a quorum have been appointed".

(2) The second sentence of subsection (g) is amended by striking out "of enactment" each place it appears.

(3) The last sentence of subsection (i) is amended by striking out "September 30, 1988" and inserting in lieu thereof "36 months after the date on which sufficient members of the Commission to constitute a quorum have been appointed".

(c) DEADLINE FOR APPOINTMENTS.—The President shall make appointments as required by subsection (c)(1)(C) of such section before the end of the 30-day period beginning on the date of the enactment of this Act.

At the end of title X of division A (page 239, after line 5), add the following new section:

SEC. 1033. REIMBURSEMENT FOR INCIDENTAL EXPENSES INCURRED WHILE PROVIDING VOLUNTARY SERVICES.

Section 1588 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c) The Secretary of the military department concerned may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under subsection (a) as an ombudsman or for a family service center program. Such Secretary shall determine which expenses are eligible for reimbursement under this subsection.

At the end of title X of division A (page 239, after line 5), add the following new section:

SEC. 1033. DEFENSE OF LEGAL MALPRACTICE SUITS.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following section:

"§ 1051. Defense of certain suits arising out of legal malpractice

"(a) The remedy against the United States provided by sections 1346(b) and 2672 of title 28 for damages for injury or loss of property caused by the negligent or wrongful act or omission of any person who is an attorney, paralegal, or other member of a legal staff within the Department of Defense (including the National Guard while engaged in training or duty under section 316, 502, 503, 504, or 505 of title 32), in connection with providing legal services while acting within the scope of the person's duties or employment, is exclusive of any other civil action or proceeding by reason of the same subject matter against the person (or the estate of the person) whose act or omission gave rise to such action or proceeding.

"(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) (or the estate of such person) for any such injury. Any person against whom such a civil action or proceeding is brought shall deliver, within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person (or an attested true copy thereof) to such person's immediate superior or to whomever was designated by the head of the agency concerned to receive such papers. Such person shall promptly furnish copies of the pleading and process therein—

"(1) to the United States attorney for the district embracing the place wherein the action or proceeding is brought;

"(2) to the Attorney General; and

"(3) to the head of the agency concerned.

"(c) Upon a certification by the Attorney General that a person described in subsection (a) was acting in the scope of such person's duties or employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court—

"(1) shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending; and

"(2) shall be deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (a) is not available against the United States, the case shall be remanded to the State court.

"(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect.

"(e) For purposes of this section, the provisions of section 2680(h) of title 28 shall not apply to a cause of action arising out of a negligent or wrongful act or omission in the provision of legal assistance.

"(f) The head of the agency concerned may hold harmless or provide liability insurance for any person described in subsection (a) for damages for injury or loss of property caused by such person's negligent or wrongful act or omission in the provision of authorized legal assistance while acting within the scope of such person's duties if such person is assigned to a foreign country or detailed for service with an entity other than a Federal department, agency, or instrumentality or if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 1346(b) of title 28, for such damage or injury.

"(g) In this section, 'head of the agency concerned' means—

"(1) the Secretary of Defense or the Secretary of a military department; or

"(2) the Secretary of Transportation."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1051. Defense of certain suits arising out of legal malpractice."

(b) EFFECTIVE DATE.—Section 1051 of title 10, United States Code, as added by subsection (a), shall apply only to claims accruing on or after the date of the enactment of this Act, regardless of when the alleged negligent or wrongful act or omission occurred.

At the end of title X of division A (page 239, after line 5), insert the following new section:

SEC. 1033. CORRECTION OF EFFECTS OF CONTAMINATION AT ROCKY MOUNTAIN ARSENAL.

(a) IN GENERAL.—

(1) USE OF AMOUNTS RECEIVED FROM LITIGATION.—Any amounts received as the result of the litigation described in paragraph (2) (whether from a judgment rendered in such litigation or from a settlement of such litigation) shall be available, without fiscal year limitation, to the Secretary of the Army only for purposes of correcting the effects of contamination at the Rocky Mountain Arsenal.

(2) DESCRIPTION OF LITIGATION.—The litigation referred to in paragraph (1) is any litigation between the United States and any person concerning the liability of such person for correcting the effects of contamination at the Rocky Mountain Arsenal or for cost receovery relating to correcting the effects of such contamination.

(b) ACCEPTANCE OF SERVICE.—In partial settlement of the litigation described in subsection (a), the United States may accept services that correct the effects of contamination at the Rocky Mountain Arsenal.

At the end of title X of division A (page 239, after line 12), add the following new section:

SEC. 1033. WAGE RATE FOR CERTAIN CORPS OF ENGINEERS EMPLOYEES.

(a) WAGE DETERMINATIONS.—(1) Notwithstanding any other provision of law in the administration of the last undesignated paragraph preceding chapter 6 of title I of Public Law 97-257 (96 Stat. 832), the individuals described in paragraph (2) shall be paid wages determined in the same manner as that established in such undesignated paragraph with respect to United States Army Corps of Engineers employees paid from Corps of Engineers Special Power Rate Schedules.

(2) The individuals described in this paragraph are electric powerplant controllers and powerplant shift operators (as defined under regulations prescribed by the Secretary of Defense or his designee) assigned to the Soo Locks Power Plant in the Detroit District in the North Central Region of the Untied States Army Corps of Engineers.

(b) EFFECTIVE DATE.—Subsection (a) is effective with respect to pay periods commencing on or after the date of enactment of this Act.

At the end of title X of division A (page 239, after line 5), add the following new section:

SEC. 1033. MEAL REIMBURSEMENT FOR NONPROFIT YOUTH GROUPS RESIDING AT MILITARY INSTALLATIONS.

Section 1011(b) of title 37, United States Code, is amended by inserting after "military installation" in the second sentence the following: "or when residing at a military installation pursuant to an agreement in effect on June 30, 1986,".

At the end of title X of division A (page 239, after line 5), insert the the following new section:

SEC. 1033. FOREIGN CURRENCY EXCHANGE FOR MOVEMENT OF HOUSEHOLD GOODS.

(a) REINSTATEMENT OF PROGRAM.—The Secretary of the Army shall reinstitute the foreign currency rate adjustment program of the Military Traffic Management Command of the Army effective with the procurement

Volume 54 (effective April 1, 1987) provided that: the Comptroller General certifies to the Congress no later than September 30, 1986 that cost savings to the government can reasonably be expected by the reinstitution of the program.

(b) Subject to paragraph (a), the Commander of the Command shall follow the recommendations of the Comptroller General with respect to procedures for the administration of the program to ensure that the interests of the United States are adequately protected when any rate adjustment is made under the program. The Commander of the Command shall also, to the extent practicable, take into account the concerns of the affected industry in any reinstitution of the program.

At the end of title X of division A (page 239, after line 5), insert the following new section:

SEC. 1033. REPORT ON PROPOSED REGULATIONS RELATING TO MOVEMENT OF HOUSEHOLD GOODS AND CARGOES.

(a) REPORT REQUIREMENT.—

(1) IN GENERAL.—The regulations of the Military Traffic Management Command described in subsection (b) may not become effective until—

(A) the Commander of the Military Traffic Management Command submits a report to Congress with respect to such regulations that includes a discussion of—

(i) the cost savings expected as a result of implementation of such regulations; and

(ii) the increased quality of services expected as a result of such implementation; and

(B) 90 days of continuous session of Congress elapse after the submission of such report.

(2) COMPUTATION OF TIME PERIOD.—For purposes of this subsection, the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 90-day period.

(b) DESCRIPTION OF REGULATIONS.—The regulations referred to in subsection (a) are the regulations contained in the International Through Government Bill of Lading Rate Solicitation, volume 54, that concern—

(1) elimination of the so-called "me-too" rate filing cycle;

(2) elimination of the rate cancellation cycles;

(3) mandatory use of Government-owned containers; and

(4) changes in storage-in-transit charges.

At the end of part C of title X of division A (page 236, after line 12), insert the following new section:

SEC. 1022. REPORT ON ARMY DEBT COLLECTION.

(a) REPORT REQUIREMENT.—The Secretary of the Army shall submit to Congress a report on actions of the Secretary relating to debt collection taken as a result of the identification of problems with such debt collection in the report of the General Accounting Office entitled "Debt Collection", dated December 13, 1985.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than the end of the 60-day period beginning on the date of the enactment of this Act.

At the end of title X of division A (page 239, after line 5), add the following new section:

SEC. 1033. SENSE OF CONGRESS ON USE OF ARMED FORCES TO PROTECT UNITED STATES CITIZENS AND AIR CARRIERS AT AIRPORTS OUTSIDE THE UNITED STATES.

It is the sense of the Congress that the President, pursuant to his authority under the Constitution, should consider assigning or detailing members of the Army, Navy, Air Force, or Marine Corps to guard United States citizens and United States passenger air carriers (including aircraft and personnel) at airports outside the United States against terrorism and other acts of violence. Any such assignment or detail—

(1) should not be made if the assignment or detail will adversely affect the military preparedness of the United States; and

(2) should be made only in a Nation whose government has agreed to allow the assignment or detail.

At the end of title X of division A (page 239, after line 5), insert the following new section:

SEC. 1033. OFF-POST RENTAL HOUSING LEASE INDEMNITY PILOT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM BY SECRETARY OF DEFENSE.—

(1) IN GENERAL.—The Secretary of Defense shall establish a pilot program to test the feasibility of implementing a program under which the Secretary of a military department may guarantee compensation of any person who leases a rental unit to any member of the armed forces under the jurisdiction of the Secretary for any breach of any lease or any damage to the rental unit by the member.

(2) DEADLINE.—The program referred to in paragraph (1) shall be established not later than the 90-day period beginning on the date of the enactment of this Act, but not before October 1, 1986.

(b) ACTIONS BY SECRETARIES OF MILITARY DEPARTMENTS.—

(1) DESIGNATION OF MILITARY INSTALLATIONS.—In accordance with action taken by the Secretary of Defense under subsection (a), the Secretary of each military department shall designate one military installation in the United States that is under the jurisdiction of such Secretary to participate in the program established under subsection (a).

(2) SECURITY AGREEMENTS.—For purposes of carrying out this section, the Secretary of a military department, to the extent approved in advance in appropriation Acts, may enter into an agreement with any person who leases a rental unit to any member of the armed forces under the jurisdiction of the Secretary. Any agreement under this paragraph shall provide that—

(A) the term of the agreement shall not be for more than one year;

(B) the member shall not pay a security deposit;

(C) the Secretary (except as provided in subparagraphs (D) and (E)) shall compensate the lessor for any breach of the lease by the member and for any damage to the rental unit caused by the member or by any guest or dependent of the member;

(D) the total liability of the Secretary for any breach of the lease or for any damage described in subparagraph (C) shall not exceed an amount equal to the amount that the Secretary determines would have been required by the lessor as a security deposit absent the agreement authorized in this paragraph;

(E) the Secretary shall not compensate the lessor for any breach of the lease or for any damage described in subparagraph (C) until the lessor exhausts any remedies available to the lessor against the member for the breach or damage; and

(F) the Secretary shall be subrogated to the rights of the lessor in any case in which the Secretary compensates the lessor for any breach of the lease or for any damage described in subparagraph (C).

(3) REGULATIONS.—Any authority of the Secretary of a military department under this section shall be exercised under regulations prescribed by the Secretary of Defense.

(c) GARNISHMENT OF PAY OF MEMBER OF ARMED FORCES.—Any Secretary who compensates any lessor under subsection (b) for any damage to a rental unit or any breach of a lease by a member of the armed forces may issue a special order under section 1007 of title 37, United States Code, to authorize the withholding from the pay of the member of an amount equal to the amount paid by the Secretary to the lessor as compensation for the breach or damage.

(d) REPORT REQUIREMENT.—

(1) IN GENERAL.—The Secretary of Defense shall submit to Congress a report concerning the pilot program established under subsection (a), including—

(A) findings and conclusions of the Secretary with respect to the pilot program; and

(B) recommendations as to the feasibility of implementing a program similar to the pilot program on all military installations.

(2) DEADLINE.—The report referred to in paragraph (1) shall be submitted before the expiration of the 18-month period following the date of the establishment of the pilot program under subsection (a).

(e) TERMINATION OF AUTHORITY.—The authority of the Secretary of a military department to enter into any contract under subsection (b) shall terminate upon the expiration of the 18-month period following the date of the establishment of the pilot program under subsection (a).

At the end of title X of division A (page 239, after line 5), add the following new section:

SEC. 1033. REIMBURSEMENT FOR TRANSFERRED DEFENSE INDUSTRIAL RESERVE EQUIPMENT.

(a) IN GENERAL.—Section 4 of the Defense Industrial Reserve Act (50 U.S.C. 453) is amended—

(1) by inserting "(a)" before "To execute"; and

(2) by adding the following:

"(b)(1) The Secretary of a military department to which equipment or other property is transferred from the Defense Industrial Reserve shall reimburse appropriations available for the purposes of the Defense Industrial Reserve for the full cost (including direct and indirect costs) of—

"(A) storage of such property;

"(B) repair and maintenance of such property; and

"(C) overhead allocated to such property.

"(2) The Secretary of Defense shall prescribe regulations establishing general policies and fee schedules for reimbursements under paragraph (1).".

(b) EFFECTIVE DATE.—(1) The regulations required to be prescribed by subsection (b) of section 4 of the Defense Industrial Reserve Act, as added by subsection (a), shall be prescribed not later than 60 days after the date of the enactment of this Act.

(2) The requirement for reimbursement under such subsection shall apply with respect to property transferred from the Defense Industrial Reserve to a military department after the date on which such regulations are prescribed.

At the end of title X of division A (page 239, after line 5), add the following new section:

SEC. 1033. LIMITATION ON SOURCE OF FUNDS FOR NICARAGUAN DEMOCRATIC RESISTANCE.

(a) LIMITATION.—Notwithstanding title II of the Military Construction Appropriations Act, 1987, or any other provision of law, funds appropriated or otherwise made available to the Department of Defense for any fiscal year for operation and maintenance may not be used to provide assistance for the democratic resistance forces in Nicaragua. If funds appropriated or otherwise made available to the Department of Defense for any fiscal year are authorized by law to be used for such assistance, funds for such purpose may only be derived from amounts appropriated or otherwise made available to the Department for procurement.

(However, not more than 10 percent of the amount required may be taken from the procurement of ammunition provided that the Secretary of Defense notifies the Congress in writing that such transfer of funds will not adversely effect the combat readiness of U.S. forces.)

(b) REPORT.—Before funds appropriated or otherwise made available to the Department of Defense are released to be used for the purpose described in subsection (a), the Secretary of Defense shall submit to Congress a report describing the specific source of such funds.

Page 305, after line 19, insert the following:

(c) USE OF CERTAIN FUNDS.—Of the amounts appropriated pursuant to subsection (a), not more than $16,000,000 may be used for the construction of a medical facility for Kirtland Air Force Base, New Mexico.

Page 259, after line 19, insert the following:

SEC. 2112. STUDY OF USE OF PROPERTY AT LOS ALAMITOS ARMED FORCES RESERVE CENTER, CALIFORNIA, FOR MILITARY FAMILY HOUSING.

(a) IN GENERAL.—The Secretary of the Army and the Secretary of the Navy shall conduct a study concerning the potential use of the property currently being utilized as the Los Alamitos Armed Forces Reserve Center, California, for military family housing for the Navy.

(b) MATTERS TO CONSIDER.—In conducting the study described in subsection (a), each of the Secretaries shall take into consideration—

(1) the extensive number of complaints from residents concerning aircraft noise;

(2) the need for such military family housing;

(3) the public safety concerns involved with respect to military aircraft flying over a highly populated, urban area;

(4) the importance of maintaining facilities for the stationing of National Guard and other Reserve component units;

(5) the importance of maintaining facilities for the training of military aviation personnel;

(6) the importance of maintaining facilities for the maintenance of Army facilities and Army aircraft assigned to the California Army National Guard and the United States Army Reserve;

(7) the importance of the Los Alamitos Armed Forces Reserve Center, California, as a designated relief site in the event of a national disaster or emergency; and

(8) the costs associated with establishing and maintaining military family housing for the Navy at such Center.

(c) RECOMMENDED ACTION.—If the Secretaries find that the Center described is subsection (a) would not be suitable for military family housing or that it should not be so used, they shall recommend, in the report transmitted to the Committees pursuant to subsection (d), an alternate course of action for reducing the noise caused by aircraft traffic between the Center and the training area in the Santa Ana Mountains.

(d) DATE OF TRANSMITTAL.—The Secretaries described in subsection (a) shall transmit a copy of the findings and conclusions of the study carried out under this section to the Committees on Armed Services of the House of Representatives and the Senate no later than 90 days after the date of enactment of this Act.

Page 259, insert the following new section after line 19:

SEC. 2112. LAND EXCHANGE, SANTA FE, NEW MEXICO

(a) AUTHORITY TO CONVEY.—(1) Subject to subsections (b) through (f), the Secretary of the Army may make the conveyances described in paragraphs (2) and (3).

(2) The Secretary may convey, without reimbursement except as provided in subsection (f)(2), to the City of Santa Fe, New Mexico (hereinafter in this section referred to as the "City"), all right, title, and interest of the United States in and to the southernmost 27.88 acres, more or less, of the parcel of land conveyed to the State of New Mexico in accordance with the Act of June 19, 1956 (70 Stat. 296) and currently being leased to the City as a public park.

(3) The Secretary may convey, without reimbursement except as provided in subsection (f)(2), to the New Mexico State Armory Board (hereinafter in this section referred to as the "Board"), all right, title, and interest of the United States in and to the northernmost 21.61 acres, more or less, of the parcel of land conveyed to the State of New Mexico in accordance with the Act of June 19, 1956 (70 Stat. 296), and currently the location of the State headquarters and other facilities of the New Mexico National Guard.

(b) CONDITIONS.—The lands conveyed by the Secretary under subsection (a) shall be subject to the following conditions:

(1) The City shall, in accordance with the agreement entered into under subsection (d), provide to the Board a site of not less than 250 acres determined by the Board to be acceptable for the construction of—

(A) an armory for all New Mexico National Guard units located in Santa Fe, New Mexico;

(B) an organizational maintenance shop;

(C) a United States property and fiscal office building and warehouse;

(D) a headquarters complex for the New Mexico National Guard;

(E) a local training area for the New Mexico National Guard units;

(F) a complex for the New Mexico Army National Guard officer candidate school and noncommissioned officer academy; and

(G) additional facilities specified by the National Guard Bureau or the New Mexico State Armory Board.

(2) The Board shall use the land provided to it by the City pursuant to paragraph (1) for the training and support of the National Guard of New Mexico, and for other military purposes, and if the site ever ceases to be used for such purposes, all right, title, and interest in and to such property shall revert to and become the property of the United States which shall have the immediate right of entry thereon.

(c) MINERAL RIGHTS.—The conveyances made by the Secretary under subsection (a) shall reserve all mineral rights, including oil and gas, to the United States in accordance with the Act of June 19, 1956 (70 Stat. 296).

(d) GENERAL AUTHORITY.—To implement the land exchange authorized by this section, the Secretary may enter into agreements with the City, the Board, and such other parties the Secretary determines are necessary to effectuate the purpose of this section.

(e) LEGAL DESCRIPTION OF LANDS.—The exact acreage and legal description of the site provided by the City to the Board in accordance with subsection (b) shall be determined by surveys that are satisfactory to the Secretary. The cost of any such surveys shall be borne by the City or the Board.

(f) ADDITIONAL TERMS AND CONDITIONS.—(1) The Secretary may require such other terms and conditions with respect to the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

(2) The terms and conditions described in paragraph (1) may include a requirement for payment to the United States by the City or the Board, or both, to the extent, if any, that the value of the property conveyed by the United States pursuant to subsection (a) exceeds the value of the property conveyed to the Board pursuant to subsection (b).

On pages 335, 336 and 337, strike section 3031 in its entirety, and insert in lieu thereof:

SEC. 3031. PROTECTION OF SENSITIVE TECHNICAL INFORMATION.

Whenever any contractor makes an invention or discovery to which the Department of Energy has reserved the right to retain ownership at the time of contracting pursuant to section 202(a) (ii) or (iv) of title 35, United States Code, or pursuant to section 152 or section 159 of the Atomic Energy Act of 1954 (42 U.S.C. 2182 or 2189) in the course of or under any Government contract or subcontract of the Naval Nuclear Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy, the Secretary of Energy shall decide whether to assign to the contractor any property rights in such invention or discovery. Such decision shall be made within a reasonable time (which shall usually be six months from the date of the request by the contractor for assignment of such rights). In making a decision under this section, the Secretary shall consider—

(1) whether national security will be compromised;

(2) whether sensitive technical information (whether classified or unclassified) under the Naval Nuclear Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy for which dissemination is controlled under Federal statutes and regulations will be released to unauthorized persons;

(3) whether an organizational conflict of interest contemplated by Federal statutes and regulations will result; and

(4) whether failure to assert such a claim will adversely affect the operation of the Naval Nuclear Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy.

At the end of title I of division C (page 341, after line 4), add the following new section:

SEC. 3036. CONTRACTOR LIABILITY FOR CLAIMS ARISING OUT OF ATOMIC WEAPONS TESTNG PROGRAMS.

(a) IN GENERAL.—(1) Chapter 171 of title 28, United States Code, is amended by adding at the end the following new section:

"§ 2681. Certain civil actions involving the atomic weapons testing program

"(a)(1) Notwithstanding any other provision of this chapter, or section 2401 of this title, an action may be brought against the United States for money damages for injury to or loss of property or for personal injury or death due to exposure to radiation based on an act or omission of a contractor in carrying out an atomic weapons testing program under a contract with the United States. In any such action, the United States shall be liable to the same extent as the contractor would be liable, and shall have available as defenses only those defenses that would be available to the contractor.

"(2) Notwithstanding any other provision of this chapter, or section 2401 of this title, in any action brought against any person other than the United States for money damages for injury to or loss of property or for personal injury or death due to exposure to radiation based on an act or omisison of a contractor in carrying out an atomic weapons testing program under a contract with the United States, the United States shall be substituted as the party defendant and shall have available as defenses only those defenses available to the contractor.

"(3) For purposes of any action described in paragraph (1) or (2), the contractor shall not be considered to be a corporation primarily acting as an instrumentality or agency of the United States.

"(4) Any action described in paragraph (1) or (2) shall, at the request of any party to the action, be tried by the court with a jury.

"(b) A contractor against whom an action described in subsection (a)(2) is brought shall promptly deliver all process served upon that contractor to the Attorney General. Upon certification by the Attorney General that the suit against the contractor is within the provisions of subsection (a)(2), an action commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place in which the action is pending. For purposes of such removal, the certification by the Attorney General under this subsection establishes conclusively that the action is within the provisions of subsection (a)(2) of this section.

"(c) In any action under subsection (a), the United States shall not be liable for interest prior to judgment or for punitive damages.

"(d) The judgment in an action under subsection (a) shall constitute a complete bar to any other civil action by the plaintiff, by reason of the same subject matter, against the contractor whose act or omission gave rise to the claim, or against any employee or agent of the contractor.

"(e) The Attorney General or a person designated by the Attorney General may arbitrate, compromise, or settle any action under subsection (a).

"(f)(1) No attorney may charge, demand, receive, or collect for services rendered, fees in excess of 25 percent of any judgment rendered, or any compromise or settlement made, in an action under subsection (a).

"(2) Any attorney who violates paragraph (1) shall, if recovery be had, be fined not more than $2,000 or imprisoned not more than one year, or both.

"(g) This section applies to actions pending on October 19, 1984, and to actions commenced after that date.

"(h) For purposes of this section, the term 'contractor' includes a contractor, or cost reimbursement subcontractor of any tier, participating in the conduct of the United States atomic weapons testing program for the Department of Energy (or any of its predecessor agencies, including the Manhattan Engineer District, the Atomic Energy Commission, and the Energy Research and Development Administration). Such term also includes facilities which conduct or have conducted research concerning health effects of ionizing radiation in connection with the testing under contract with the Department of Energy (or any of its predecessor agencies).".

(2) The table of sections at the beginning of chapter 171 of title 28, United States Code, is amended by adding at the end the following new item:

"2681. Certain civil actions involving the atomic weapons testing program.".

(b) COURT JURISDICTION.—Section 1346 of title 28, United States Code, is amended by adding at the end the following new subection:

"(g) The district courts shall have exclusive jurisdiction of all actions under section 2681 of this title.".

"(c) REPEAL.—Section 1631 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2646) is repealed effective on October 19, 1984.

"(d) EFFECT ON STATUTES OF LIMITATIONS.—The period during which section 1631 of the Department of Defense Authorization Act, 1985, was in effect shall not be taken into account in computing the period provided in any Federal or State statute of limitations applicable to any civil action for an injury, loss of property, personal injury, or death described in subsection (a)(1) of such section.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] is recognized for 15 minutes and the gentleman from Alabama [Mr. DICKINSON] is recognized for 15 minutes.

Mr. WHITEHURST. Mr. Chairman, the purpose of this amendment, amendment No. 72, is to authorize the Secretaries of the military departments to provide for reimbursement of incidental expenses incurred by volunteers performing service as family ombudsmen or in connection with family service center programs.

The intent is to provide a statutory basis so that commanding officers can legitimately utilize existing operating funds to reimburse their volunteers. It is not a request for additional funds. The amendment is needed to allow commanding officers discretionary authority to allocate from his organizations available operation and maintenance funds and from locally generated nonappropriated funds.

About 20,000 volunteers serve between 2 hours and a few days per week as ombudsmen and in connection with family service programs. Navy family ombudsmen, generally the wives of servicemen, act as a liaison between the local command and families for information, problems, news, and dissemination of resources. Volunteers serving at the 300 family service centers throughout the world provide information and support related to housing, spouse employment, and relocation assistance.

The large majority of military spouses are young and have children who are of school age or younger. Many want to volunteer, but few can afford to incur additional family expenses. Increasing numbers of military spouses are joining the work force to supplement their family income. The result is that while the need for volunteers is increasing, the number of people able to incur the expenses of volunteering is decreasing.

This amendment would authorize commanding officers to reimburse these volunteers for incidental expenses such as telephone calls, mileage, and babysitting. Reimbursement would be at the discretion of local commanders and would be paid from available operations and maintenance and locally generated nonappropriated fund income. No additional appropriations are envisioned either at this time or in the future.

I am certain we all agree that family morale is a vital component of a successful military career. In order to retain experienced and dedicated volunteers, who otherwise could not afford to volunteer, I urge my colleagues to support this amendment.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of Congressman WHITEHURST'S amendment, amendment No. 72, to reimburse volunteers for their expenses while performing services in connection with family service center programs or with the family ombudsmen program.

This amendment does not ask for additional funds; it simply allows the Secretaries of each service the authority to use existing operating funds to reimburse their volunteers.

This bill is long overdue. Volunteers provide for substantial savings to the Government. If the Government were to contract out or have personnel perform, the services for members and their families that volunteers perform, it would be costly.

The expenses incurred by the volunteer have become too burdensome to bear the financial sacrifies. The type of expenses we are talking about are for gasoline, long distance telephone calls, and child care. There is no practical way these items can be provided "in kind."

Yesterday's family with one income is gone. Today's realities and survival dictate a two-income family. This amendment only reimburses basic expenses. If we want to keep a volunteer force of talented and dedicated individuals, we must pass this amendment.

Mr. DAVIS. Mr. Chairman, the amendment I am offering today, amendment No. 78 affects the pay rates of nine individuals employed by the Army Corps of Engineers at a hydroelectric powerplant in Salt Ste. Marie, MI. Through a quirk in the law, these employees are paid at a lesser rate than the other 1,000 employees who perform the same work in other parts of the country. These other 1,000 Army Corps of Engineers personnel, employed at hydroelectric facilities, had a pay inequity problem

resolved during the 97th Congress. My nine constituents, however, were left out of that adjustment because they had been originally placed in a different job classification than other hydroelectric employees due to a technicality.

I believe it was the intent of the Congress to include all Army Corps of Engineers hydroelectric workers when this problem was addressed previously. Problems have arisen at the Sault Ste. Marie facility due to this situation. A vacancy has gone unfilled for several months because no qualified personnel have been willing to apply for the position, not surprising in that it would result in a pay cut of between 26 and 36 percent.

This is obviously a very small issue compared to most of what we are considering this week but it is one which is very important to this small group of people. I am grateful to the committee leadership for their willingness to allow this amendment. I would also like to thank the leadership of the Post Office and Civil Service Committee who have been very helpful in this matter.

Mr. RINALDO. Mr. Chairman, I am offering an amendment to the Defense authorization bill, amendment No. 88, requiring the Secretary of the Army to prepare a report to Congress on his progress in improving their debt collection procedures. At the present time, the Army is owed more than $150 million by discharged soldiers and former civilian employees. This money ranges from reenlistment bonuses, overpayment for travel, efforts to replace lost or stolen property, and unpaid hospital bills.

A GAO study which has come to my attention pointed out the slow and ineffective procedure currently in force. Case after case in the study point out the lackadaisical manner in which the Army has pursued investigations, often relying on unsubstantiated and sometimes unsigned financial statements. Debts under $600 are written off if mail is returned undelivered. For debts over $800, an address check is made with the Post Office. Failing that, the debt is written off. They have gone so far as to write off a debt based on a letter from the debtor's grandmother.

In another case, the Army had a report stating that debtor had a job paying him an estimated $20,000. The debtor wrote in 4 months later stating that he was unemployed and had not worked since he left the service. Based on this, the Army wrote off his debt, ignoring the previous report.

Another former soldier had an income-and-asset report which stated that he was married with two dependents, working at General Motors and receiving an income of $21,000 to $23,000. It also reported he owned his own home, which had a value of approximately $70,000. The debtor sent in a statement stating that he was single, had no dependents, no job, and no assets. On the basis of this unsigned affidavit, the debt was written off.

In the cases, studied by GAO, approximately $1,800 was collected while $37,000 was written off as uncollectible.

By far the most shocking aspect of this report applies to those who have small incomes and have promised to make payments every month according to their ability to pay. The Army has simply written off these moneys citing the debtors' inability to pay.

Another example cited had to deal with an individual who owed the Army $3,800. He paid back $1,185 and offered to settle the remainder for $130 a month for 10 months. The Army responded that he could pay $50 a month until his financial condition improved. No comment was made regarding his compromise. No further payments were then received and the debt was written off as being uncollectible.

In the 20 cases examined, one was paid in full. The Army claims to have short- and long-range plans to improve their collection rate. Several months have passed since the report was issued. It is time for Congress to check on their progress.

Mr. PANETTA. Mr. Chairman, I rise in support of one of the amendments contained in this bloc of amendments that is being offered by the chairman of the Armed Services Committee to title X of the Department of Defense authorization. Amendment No. 95 is an amendment that I introduced, and it is based on legislation I authored earlier in this session, H.R. 4840. I am pleased that the chairman of the Armed Services Committee, Mr. ASPIN, has agreed to include my amendment in this bloc, and I would like to take a few moments to describe what the amendment will do.

The goal of both the original legislation and my amendment are the same: to lighten the financial burden on our military families. In short, this amendment would authorize a pilot program involving military personnel and civilian landlords. As part of this program, landlords could agree to waive security deposits when renting housing units to military personnel. In return, the landlords would get a guarantee from the post command that if the servicemember left without making final payments for rent or any damage, the post would pay the bill, up to a certain point. The post would only pay an amount up to the level of an ordinary security deposit.

Now, the post would not be left holding the bill. After the post has made payment, the wages of the servicemember would be withheld to pay the post back for any payments for which the servicemember was responsible.

This pilot program would run for 1 year, and at the end of that time, we could evaluate its results and consider the possibility of enlarging the program.

By removing the burden of a security deposit from the military family, we would save them a great deal of money at a time they need it most. During a Government-ordered permanent change-of-station move, a military family can easily run thousands of dollars into debt. And just when the family has been able to climb out of that hole, they are thrown back into it by another PCS move.

This program could help them keep from falling in that hole. It would enable the military family to hold on to its money, rather than pay it out in sometimes outrageously large security deposits. And it would give landlords one point of contact for all military tenants.

And if the program worked as expected, it would not cost us anything, since all post payments to landlords would be met by a corresponding withholding from the servicemember's pay. No one loses in this program; everybody wins, especially those that need our help the most: the military family.

Once again, I am pleased that the chairman supports this amendment and I thank him for pushing forward with its adoption.

Mr. DANNEMEYER. Mr. Chairman, I rise in support of the amendments now pending before the Committee of the Whole. In particular, I want to commend Chairman ASPIN for including my amendment, amendment No. 118, in the package of amendments now under consideration. I also want to commend my friend and colleague, Mr. DAN LUNGREN, for working with me in producing an amendment that is acceptable to everyone. My amendment requires the Secretary of the Navy and the Secretary of the Army to conduct a study concerning the potential use of the property currently being used as the Los Alamitos Armed Forces Reserve Center for the purpose of military family housing. The study will be comprehensive and is to consider all arguments concerning this issue. If the Secretaries find that the center would not be suitable for military family housing, they shall recommend an alternate course of action for reducing the noise caused by helicopter traffic between the center and the training area in the Santa Ana Mountains. The report is due no later than 90 days after enactment of this act.

The need for this study is twofold: First, there is a pressing need to acquire land to build Navy housing in the Long Beach area; and second, the Los Alamitos facility, which is surrounded by a densely populated urban area, may have lost its usefulness as a military facility because helicopters from the base are causing a severe noise problem along the Katella route from the center to the training area in the Santa Ana Mountains.

In 1941, the Navy began acquisition of land for construction of a Naval Air Station [NAS] in Los Alamitos, CA. At the time the area was mainly agricultural; however, what was once a county of 53,210 agricultural acres has become an urban environment with a population of over 2.2 million. The installation began its flight operations in 1942 and continued as a flying base until 1970, at which time the Navy, under encroachment and environmental noise pressures, stopped its aviation program and proposed that NAS Los Alamitos be demolished and the property used for Navy housing. Under pressure from the Navy for housing and the Army for facilities for its Reserve component helicopters, the DOD recommended that NAS Los Alamitos should not be demolished, but that aging Fort MacArthur should be used as the site for Navy housing and that the Los Alamitos facility should be transfered to the Army.

While the NAS Los Alamitos facility was converted to the Armed Forces Reserve Center in early 1973, the Fort MacArthur property was never converted to Navy housing. Given the current noise pressures, it may be that the DOD recommendation of the early 1970's is obsolete and that the facility should now be converted to Navy housing.

The Armed Services Committee and Mr. LUNGREN have done an admirable job identifying sites for Navy housing. In fact, H.R. 4428 addresses this issue. It is my understanding,

however, that there is a need to identify additional sites for Navy housing. In early 1979, the Secretary of the Navy announced his decision to homeport approximately 28 ships at the Long Beach Naval Station by the end of fiscal year 1986. An influx of over 2,500 Navy families was expected as a result of this accession. Currently, there are 30 ships homeported at the Long Beach Naval Station and by fiscal year 1989 there will be 31.

In 1979, the Navy conducted a study of 44 potential sites to help alleviate their long-term housing needs. The Navy study displayed the Los Alamitos facility as the No. 2 preferred housing locations. The original Navy plan for Los Alamitos, which was approved by the Secretary of Defense in 1970, called for the construction of 2,600 family housing units. There is a current backlog of 1,300 families waiting for Navy housing. Given the noise that is being generated by the helicopters located at the Los Alamitos facility, I believe that it is appropriate to take another look at the Los Alamitos base in an effort to meet the Navy's housing needs.

The main reason why I believe that we should be reviewing the DOD recommendation is that the UH-1 Hueys based at the Los Alamitos Armed Forces Reserve Center (AFRC) are causing a sever noise problem over several cities in Orange County, CA. The problem over the cities of Orange and Villa Park have been studied for almost 2 years. While there are several types of helicopters flying over this area, the indication from local officials is that the UH-1 from Los Alamitos is the primary aircraft responsible for the noise. Even the military recognizes the problem caused by the annoying blade slap of the Huey.

At this point I am inserting in the RECORD a copy of correspondence that I have received with regard to the noise problem. This letter is from James Beam, the mayor of Orange, CA.

CITY OF ORANGE,
Orange, CA, January 28, 1985.

Hon. WILLIAM E. DANNEMEYER,
Longworth House Office Building, Washington, DC.

DEAR BILL: I would like to request your assistance in resolving a problem in our City which has persisted for the past several months. I have received numerous complaints from Orange residents on the Mayor's Hot Line about low flying military helicopters. (Please see enclosed sample.) The helicopters fly through Orange in the early evening and their low flight pattern imposes an intrusive noise on the residents below their flight path.

City staff investigated the problem last summer and met with representatives of the Marine Corps and the Army Reserves. Although from time to time the Marine Corps overflys this area of Orange, it appeared that the helicopters in question were based at the Los Alamitos Army Airfield and travel over Orange enroute to the Canyon areas for night maneuvers. Following our discussions with the United States Army Reserves and the Marine Corps, the problem did subside for several months. But, within the past two to three months, night flights have resumed and I am once again receiving complaints on the Hot Line.

The assistance of your office would be greatly appreciated in two areas. First, in determining specifically which military branch is responsible for the helicopters. And, second, in requesting the military to alter their flight pattern in such a manner that the helicopters do not disturb Orange residents.

Please do not hesitate to contact me should you need additional information regarding this matter. I am sure that with your intercession, we will speedily resolve this problem.

Sincerely,

JAMES BEAM,
Mayor.

Since January 1985, I have pursued several courses of actions in an effort to determine the best policy for mitigating the noise problem caused by the Los Alamitos facility. I have conducted meetings and initiated several inquiries to determine the source and the nature of the problem. I have supported several different options which address the noise issue ranging from the procurement of flight simulators to alternate routes. None of these options, however, will fully and effectively solve the problem in Orange County. Flight simulators cannot replace the need for inflight training and, since the area surrounding the Los Alamitos facility is densely populated, almost any alternate route will still traverse heavily populated areas, therefore raising the potential problem of shifting the noise to a different area.

I believe that the only solution that we may be faced with is the relocation of the Army Reserve and National Guard operations to a more remote area of southern California. If it is not feasible to convert the property currently being used as the Los Alamitos AFRC to Navy, the Secretaries of the Army and the Navy are to recommend an alternate course of action to resolve the noise problem. Presumably, they will fully consider the relocation issue in the context of the noise being generated over Orange County.

Mr. KOLBE. Mr. Chairman, I am offering an amendment, amendment No. 108 which will help to reduce costs for the Defense Industrial Plant Equipment Center [DIPEC] by requiring that individual military services which use DIPEC equipment to reimburse DIPEC for the full cost of storage, repair and maintenance, and overhead of the equipment. This amendment is derived from one of the many recommendations made by the President's private-sector survey on cost control—known as the Grace Commission.

At first blush, this amendment must seem like robbing Peter to pay Paul. In reality, it could result in a savings of many millions of dollars for the overburdened taxpayers of America. Let me explain briefly how DIPEC functions.

DIPEC was established in the 1960's when there were efforts to centralize the administration of our armed services' procurement functions. The services given to DIPEC excess equipment, thus making it available to the services as well as other agencies and contractors. The idea is that under DIPEC, extra equipment can be redistributed to the military services and other users. There would be less duplication of machinery in the individual services.

That was 20 years ago. Today, much of the equipment maintained by DIPEC is at least that old. Why would anyone want to use antiquated equipment? The answer is simple: Military services, contractors, and other agencies are not charged when they borrow the machinery, so it is cheaper for them to use old equipment they don't have to maintain than to buy new equipment. Perhaps cheaper for the armed services on their ledger—but not for the taxpayer. Because of the high cost of maintaining, repairing, and administering this old and antiquated equipment, money would actually be saved by disposing of it and allowing the service to purchase new, cost-efficient equipment.

The Department of Defense wants to do this. The last few months, they have made genuine efforts to divest themselves of the DIPEC items. One thousand two hundred and eighteen items have already been disposed of and 500 more would have been sold, but for the fact the Environmental Protection Agency objected because there were polychlorinated-biphanels [PCD's] in the transformers.

If the services are charged for the use of the equipment, they will seek the most cost-effective source for machinery. Maybe DIPEC is that source. But if they can't justify it after paying the costs incurred by using DIPEC equipment, this will require them to use their own budgets more efficiently to purchase or rent equipment and it will give even more incentive for DIPEC to get rid of unused items more quickly.

My amendment requires that the Secretary of Defense to prescribe general policies and fee schedules for reimbursements, so Congress cannot be accused of meddling in defense affairs by establishing rates. The underlying purpose of this amendment is to tell the Pentagon to get rid of unusable junk they have stored in Tennessee. If it's broke, don't fix it. Just get rid of it.

I urge my colleagues to support the amendment.

Mr. LUNGREN. Mr. Chairman, in response to the initiative by my distinguished colleague and friend from California [Mr. DANNEMEYER], I have offered perfecting language to his amendment designed to make it more thorough and comprehensive.

According to the language in the Dannemeyer amendment, amendment No. 118, a study would be conducted by the Secretary of the Army and Secretary of the Navy to determine whether the Los Alamitos Armed Forces Reserve Center [AFRC] could be properly utilized as adequate housing facilities for Navy families. In conducting such a study, the respective Secretaries would take into consideration such factors as the noise problem generated by aircraft between the AFRC and the training area in the Santa Ana Mountains, public safety concerns posed by such aircraft, and the issue of military family housing.

While I had reservations concerning any precipitous transfer of property between the two services, I have no reservations about the commencement of such a study providing it is thorough and comprehensive. Such a study, however, must take into consideration such factors as the importance of maintaining facilities at the existing location for the National Guard, the U.S. Army Reserve, various other Reserve component units, and military aviation personnel. Further, I felt such a study should include an accurate accounting of all

the costs associated with establishing and maintaining military family housing for the Navy at the center. Thus, my additions to the Dannemeyer amendment—provisions 4, 5, 6, 7, and 8 in subsection [b]—attempt to go further in analyzing the many factors associated with both relocating the center to another location as well as using the existing center as a site for military family housing.

There does exist in my congressional district an acute shortage of military family housing as a result of the various military assignments in the area. I have long recognized that problem and have worked with military personnel and city officials in attempting to identify additional property to ameliorate those difficulties. I am fearful, however, that a total conversion of the Armed Forces Reserve Center at Los Alamitos into military family units may not be the best answer to this problem. Therefore, in fairness to the military personnel at the center and in deference to my friend from California [Mr. DANNEMEYER], I have included language to his amendment which would have the desired affect of making such a study more detailed and comprehensive and thereby hopefully serve the respective interests in an equitable manner.

Mr. FUQUA. Mr. Chairman, I am a long-time advocate of both the establishment of a uniform Federal patent policy and of domestic technology transfer. I am interested in seeing more American companies marketing products based on brilliant ideas resulting from federally funded research. There are good ideas in the DOE defense programs just as there are in other Federal programs. I see my amendment, amendment No. 124, as encouraging their transfer, where appropriate, to private sector companies that can refine them and market products based on them.

However, atomic energy defense programs have some special risks associated with them that require unique treatment. The amendment, for example, in no way affects nuclear weapons patents. These must remain high classified Government property. There are other legitimate reasons to restrict certain inventions and discoveries from these programs and only the Secretary of Energy and his designees are in the position to evaluate them. However, if we are to remain competitive as a nation, we must have a policy of getting inventions into the private sector unless there is a good reason not to do so.

Let me give you an example of how my amendment would work. Assume the Department of Energy enters a contract under the Bayh-Dole Act where exceptional circumstances require the Department to retain patent rights at the time of contracting. Then a class of inventions occurs under the contract. These inventions remain the property of the Government rather than the contractor unless the contractor requests them. If the contractor makes a request, then the Department can review the inventions individually or as a class to see if any of the four conditions warranting retention that are enumerated in my amendment arise. If they do not, then the Department of Energy within 6 months, should waive title to the invention retaining a nonexclusive license for Government use or transfer the technology in some other mutually agreeable fashion in accordance with the Bayh-Dole Act.

If in my example the Government had held title under the Atomic Energy Act, that act's procedures would remain intact. All this amendment does is to make sure a similar review and waiver, if appropriate, would take place within 6 months of a request. Nothing in this amendment should be construed as limiting the current ways through class waiver or otherwise, that the Government can transfer an invention or discovery to a contractor or third party if it is in the national interest to do so. Similarly, my amendment must not be construed as forcing the Government to transfer any property interest in an invention when it is not in the national interest do do so.

My amendment has been crafted to balance the objectives of the provision recommended by the Committee on Armed Services and a Federal patent policy that encourages technology transfer.

I understand the Armed Services Committee's strong desire to preserve the traditional patent arrangements for nuclear programs under the committee's jurisdiction.

The Committee on Science and Technology recognizes this concern. The Atomic Energy Act vests title to certain inventions and discoveries in the Secretary of Energy. The Small Business and Universities Patent Procedures Act, as amended, provides for a special exemption for the Naval Nuclear Propulsion Program, the nuclear weapons programs, and other atomic energy defense activities of the Department of Energy. In addition, the Department of Commerce has provided an appropriate exemption in the interim final rule on "rights to inventions made by nonprofit organizations and small business firms." Nothing in the amendment is intended to change these arrangements under current law or the interim final rule.

Mr. LEVINE of California. Mr. Chairman, I rise today as the author of amendment No. 113, the amendment to the fiscal year 1987 DOD authorization bill which requires that funds for the democratic resistance forces in Nicaragua—the Contras—be taken from the procurement account of the defense budget, instead of from the readiness account.

Mr. Chairman, I regret that any aid will be going to the Contras. I oppose it coming from the Defense budget. I oppose it coming from the foreign aid budget. And I oppose it coming from any other portion of the Federal budget.

Unfortunately, the Contra aid fight has already been fought in the House for this fiscal year. And we have voted to provide the Contras with $100 million in aid. Naturally, Mr. Chairman, during the Contra debate nobody bothered to ask where that money would come from. The administration and its supporters were so intent on pushing the aid through that they neglected to consider this very important question.

Mr. Chairman, it now seems that the first place the administration looked to was the account used to buy ammunition for the U.S. military. In other words, in an era of decreasing defense spending, we would deprive our fighting men of their capability to wage a conventional war in order to help the Contras. That is an outrage.

Defense Department officials have been quoted as saying that the Pentagon's long-range goal of building war reserve stockpiles of ammunition—the bulk of bullets, missiles, and bombs used in armed conflicts—would be set back up to 3 years. A congressional military expert said that the ammunition purchases which would be displaced by the administration proposal would have "a great impact in a war." Other officials point out that we buy tremendously expensive weapons platforms—warships and jets—and then take steps to ensure that they will not be armed in war. "It doesn't make sense," a Defense Department spokesman said.

No, Mr. Chairman, it doesn't make sense. But in another respect, it does. Bullets and bombs have no natural constituency on Capitol Hill. Few people will go to bat for them. They pale in comparison to big ticket items like missile programs or fighter jets. I suspect this is precisely the reason the administration chose the ammunition account from which to take the funds. They didn't expect any controversy. Almost certainly they did not expect opposition to surface from within.

But it has. An official from the Navy said the $31 million which is supposed to come from the Navy for Contra money will "buy tons" of conventional weaponry, such as general purpose bombs and missiles. Even the Secretary of Defense, Mr. Weinberger, in his annual report to Congress this year, stated our ammunition reserve build-up has been "painfully slow" and that it was "worth the expense" to build up the conventional sustainability needed to fight a war and present a credible deterrent.

It for these reasons, Mr. Chairman, that I have introduced my amendment. While it is foolish to provide the Contras with any money, it is equally foolish to take from the very account we would rely on to fight a war. That is why my amendment directs the Department of Defense to take Contra funding from the procurement account rather than from readiness—regardless of the fiscal year in which a Contra aid request is made—and to disallow all but 10 percent of procurement for ammunition to be used for the Contras. Procurement can afford a $100 million cut; readiness cannot.

I am pleased to see that the House Armed Services Committee has accepted my amendment. They have even added language which directs that the Secretary of Defense must provide Congress with a written report describing the specific source of the funds before they are made available to the Department. It is a sensible addition, which I accept.

In conclusion, Mr. Chairman, let me reiterate my opposition to Contra aid. Nonetheless, if we must provide such aid, we shouldn't penalize our fighting men in the process.

Mr. ANDERSON. Mr. Chairman, let me commend the distinguished chairman of the Armed Services Committee, Mr. ASPIN, and ranking member, Mr. DICKINSON, for their support for two provisions I offered to this bill affecting the movement of household goods and cargoes of our military personnel. I appreciate their willingness to accept these provisions which will be included at the end of title X of division A of the bill and were numbered

as amendments 84 and 85 by the Committee on Rules.

Likewise, I would like to thank Edward J. Holton, Robert J. Eastman, and Deborah Roche Lee of the staff of the Armed Services Committee for their personal assistance in drafting these two provisions that are so important to the hundreds of companies across this Nation who work to see that our military personnel's household goods and cargoes are transported around the world in such a way as to maximize service while minimizing the cost to the taxpayers.

These two amendments, No. 84 and 85 are quite simple. The first directs the Secretary of the Army to reinstitute the foreign currency rate adjustment program of the Military Traffic Management Command effective with volume 54 provided that the Comptroller General report that such an action can reasonably be expected to result in cost savings to the Government. I am advised that the GAO has set August 31, 1986, as the completion date for completion of their analysis of the benefits of this foreign currency program.

At this point, Mr. Chairman, I would be remiss if I did not take this opportunity to thank Congressmen JIM WRIGHT, BILL LOWERY, and DUNCAN HUNTER for requesting this review by the GAO. Likewise, I want to thank them for their assistance in working with me on this amendment which also has the support of Congressman ALBERT BUSTAMANTE and Representative MARCY KAPTUR. The direct effort made by Congressman BUSTAMANTE was especially helpful and I commend him and Jose Rosenfeld of his staff for all their hard work.

Mr. Chairman, I would like to insert at this point in my remarks a report on this foreign currency program dated February 17, 1986:

ATTACHMENT A

FOREIGN CURRENCY ADJUSTMENTS, FEBRUARY 17, 1986

INTRODUCTION

We recommended the immediate re-establishment of a currency stabilization program, which has as its key features:

The enhancement of the CRP, so as to continue to provide essential services at a reasonable cost to the taxpayer;

Is equitable to the Government;

Is simple to administer;

The Government is assured of 100% compliance with the proposed regulations;

Is economical of staff resources of MTMC in implementing and administering the proposal; and

Preserves as many viable sources of supply as competitive conditions will permit.

Simply put, this proposal is a safety valve which protects all ITGBL programs, and allows MTMC to obtain good service at a reasonable and compensatory rate.

It automatically guarantees immediate payment to the Government when the dollar strengthens, and allows payment to the carriers when the dollar weakens beyond a threshold amount.

It operates to the advantage of MTMC irrespective of which way the dollar goes.

In a period of deteriorating dollar value, it preserves the ability of carriers to continue to service the business at the competitive rate level.

In a period of a strong dollar, it allows MTMC to obtain services at rates which are reasonable in amount and compensatory to the vendor, and reduces overall transportation costs by automatically and immediately returning to the Government the increased value of the dollar caused by market forces.

It is in the Government's interest for carriers to use their best efforts to qualify for the work. All carriers have varying margins of profit but the bulk of their price difference is a reflection of the underlying costs they must pay their suppliers. No competitive rate can have excess profits built into it, for under the CRP, the bulk of that rate consists of underlying costs. If the currency moves too much, the result must necessarily be that all low cost CRP carriers are eliminated. Only that party who had an unconscionable profit could withstand large unforeseen cost changes.

This has been an unstable industry, and since we deal with foreign markets, it will continue to be unstable into the foreseeable future.

The lack of stabilization is compounded by the long lead time from solicitation of bid through final performance. The following tables illustrate what has happened to a typical CRP carrier between the peg-date and the commencement of the cycle.

Table I

Typical Deutsche Mark (DM) costs paid in Germany:	*Hundredweight*
Packing at origin (DM)	46.00
Container (box)	12.50
Linehaul to port	11.50
Port charges	5.00
Total (DM)	75.00

TABLE II.—VOLUME 51—NORTH GERMANY

[DM cost: DM75.00 per hundredweight]

	Peg May 16, 1985	Cycle started Oct. 1, 1985	Feb. 13, 1986
Conversion rate	0.3240	0.3791	0.4256
Actual cost per hundredweight	$24.30	$28.43	$31.92
Bid cost (hundredweight)	24.30	24.30	24.30
Added cost	0	4.13	7.62

TABLE III.—VOLUME 52—NORTH GERMANY

[DM cost: DM75.00 per hundredweight]

	Peg Dec. 1, 1985	Feb. 13, 1986	Cycle started Apr. 1, 1986
Conversion rate	0.3967	0.4256	?
Actual cost per hundredweight	$29.75	$31.92	?
Bid cost (hundredweight)	29.75	29.75	$29.75
Added cost	0	2.17	?

Table III illustrates uncontrollable cost increases already incurred prior to the commencement of performance under Volume 52.

The economic tumult of the last several years has been such that only a handful of carriers having the capacity to handle a large volume of ITGBL business have survived. Those that continue to service the tonnage have done so because they can control most costs and effectively manage their operations in the face of substantially reduced rates.

The single largest non-controllable cost is currency fluctuation, which despite popular conception, cannot be safeguarded against at a reasonable cost, nor for the term of the bid cycle. This has had a substantial adverse impact on the carriers' ability to service shipments.

BACKGROUND

MTMC solicited comments regarding the retention of the currency program in July 1984. In October 1984, MTMC announced that the currency rate adjustment procedure was to be terminated March 31, 1985. MTMC recognized that its solicitation for comments on the proposed action had drawn mixed opinions concerning the retention of the program.

Some smaller firms stated that the procedures unfairly favored larger firms, a position with which we have never agreed, as all competitive firms are affected equally by currency changes.

Those favoring retention of currency stabilization recommended termination in those countries where agency agreements are neogitated in United States currency. We support the observation.

MTMC concluded that the program did not foster competition; was administratively burdensome; placed small businesses at a disadvantage; was not reflective of actual costs; placed on Government risks associated with foreign exchange costs; and has a potential for fraud, waste and abuse.

Included among MTMC's reasons for the discontinuance of the currency program was the following: "• • • Currency adjustments were initiated during a period when the dollar was weak and unstable against foreign currencies. The dollar is now stronger, and more stable. Therefore, these procedures are no longer justifiable, since the economic conditions under which the adjustments were initiated no longer exist."

This has certainly not been true since the early part of 1985.

The dollar has dramatically fluctuated up and down, and fell 29 points (8.4 percent) over the weekend of September 20–23 following the Plaza cabal announcement. Commodity Research Bureau reported that in 1985, the DM increased in value 43 percent against the dollar.

American Ensign has incurred well over a million dollars in additional costs by reason of the heads of state lowering the value of the American dollar.

We do not believe that either MTMC nor the industry foresaw that on September 22, the Finance Ministers of the free world's industrial nations would secretly confer together in the New York Plaza Hotel, and announce that they desired to see the dollar weakened, and then intervene with massive dumping of dollar reserves to ensure that it happened.

By reason of the plunge of the dollar in late September, carriers paying German agents in Marks suffered greatly.

The Finance Ministers of the industrial democracies stated they wanted the trend to continue, for on January 20, 1986, the Wall Street Journal stated:

"• • • The ministers agreed to 'continue', albeit more gradually, the concerted action they began September 22 to intervene in the foreign exchange markets to drive down the value of the dollar. Moreover, they agreed to prevent any 'reversal' of the dollar's recent decline. U.S. officials later said Mr. Baker would like to see the dollar's value decline somewhat further. The U.S. currency has fallen an average 14% against the West German mark and 16% against the Japanese yen since the Sept. 22 initiative, which the U.S. sought partly to help blunt protectionist pressures. The ministers said they were satisfied with the dollar-reduction effort "to date", but *they left the door open for further, if gradual, reductions.*

Again, however, no major step-up in intervention is expected immediately." [Emphasis added.]

Last Tuesday, February 4, 1986, the President reported to the nation on the State of the Union. He said:

"* * * The constant expansion of our economy and exports requires a sound and stable dollar at home and reliable exchange rates around the world. We must never again permit wild currency swings to cripple our farmers and other *exporters.* Farmers, in particular, have suffered from past, unwise government policies, and they must not be abandoned with problems they did not create and cannot control. We've begun coordinating economic and monetary policy among our major trading partners. But there's more to do, and tonight I am directing Treasury Secretary Jim Baker to determine if the nations of the world should convene to discuss the role and relationship of our currencies." [Emphasis added.]

ITGBL carriers are exporters, and a key element in MTMC successfully fulfilling its mission.

LIMITATIONS ON HEDGING

Additionally, MTMC reasoned that: "* * * Managing foreign currency exchange risk is a normal practice of companies engaged in international business. Financial services are available for carriers to protect themselves from the risk of currency fluctuations.

"Hedging is a transaction or positioning in any contract which: (a) represents a temporary substitute for a transaction or position to be taken at a later time in a physical marketing channel; (b) is economically appropriate to the reduction of risk in the conduct and management of a commercial enterprise; and (c) arises from potential changes in the prices of assets, liabilities, and services (existing or anticipated) associated with the operations of a business enterprise."

It is true that by hedging, some merchants can protect their interests against currency fluctuations for a long period. Such cannot be done, as demonstrated by practical experience, and as confirmed by the advice of highly regarded consultants whom we have retained, when confronted with the extraordinary procurement practices of the Government.

It is instructive, by way of review, to explore the timing in the bidding cycle. This is particularly timely because we have just made our rate filings for Volume 52 and the financial considerations discussed herein are those with which we have to wrestle on a daily basis.

The Volume 52 solicitation letters were mailed to ITGBL carriers in early October, 1985, with the initial filing date being set for December 18. Our internal "peg dates" for currency forecasts were November 6–15. The awards of the prime and Me-Too tonnage for each channel were made known in mid-February when the industry-wide rate tape was distributed. April 1 commences the performance period which continues on until September 30, 1986.

In sum, a ten and a half month period elapses between the time when calculations of a bid price are begun, and the final performance is rendered under the agreements. All costs incident to the carriage of the goods must be negotiated and locked in place ten to eleven months before the rendition of the final services. A carrier never knows the total extent to which it will be successful until almost three months after the initial filing. Nor does it know how much tonnage it will receive on a daily, weekly, monthly, quarterly, or cyclical basis.

Hedging in currency futures is an arcane art, and even the best persons in the business have achieved indifferent results. In 1983, Dr. Mark J. Powers, an internationally respected expert in commodities, a former Senior Vice President of the International Monetary Market, and the former Chief Economist for the Commodities Futures Trading Commission, addressed international trade and hedging in foreign currencies.

When dealing with the futures market, he cautioned:

"In *any* hedging decision, the manager must answer three important questions:

1. What is the net risk exposure?
2. What is the probability of a loss as a result of the risk exposure?
3. Which of the alternative methods available to me for managing the risk will provide the most complete coverage at the least cost?" [Emphasis added]

Net risk exposure refers to the amount of money that would be lost if the exchange rate for a currency changes. It is usually calculated with a procedure which takes account of such things as receivables booked, liabilities incurred, and the method by which balance sheet values are converted from one currency to another. In bidding on these contracts for which payment is to be received after performance, the carrier at the time of the bid does not know the size of the liabilities to be incurred.

In addressing the second point, the probability of loss on risk exposure, the manager must evaluate the economic and political information available. (There was no advance information about the Finance Ministers' meeting of September.) The manager must estimate the probability of the size of the change in the exchange rate.

Armed with these pieces of information (net exposure, probability of loss, and probability of size of loss) the manager can estimate the expected value of loss to the firm by multiplying the probability of loss times the probability of the size of the loss. Once that is known, he can compare the expected value of the loss to the cost of hedging.

To demonstrate, in a conventional economic transaction, the money manager calculates his net expense is $10 Million, based on an expected devaluation of the U.S. dollar relative to the Deutsche Mark. Second, given an evaluation of the economy, he expects the probability of loss to be 50 percent. Assume also he calculates the probability of the size of the devaluation to be 10%.

a. Net exposure—$10,000,000.
b. Probability of loss—50 percent.
c. Probable size of loss—10 percent.
d. Expectation of loss (b x c)—5 percent.
e. Cost of hedge—6 percent.
f. Decision—compare d to e. If d is greater than e:—hedge.

It is impossible to hedge when the net exposure (total volume) is unkown. According to Dr. Powers, "The key to the decision of whether or not to hedge is found in correct calculations of the probabilities. If the probabilities were different, the mathematical expectations would be different also." We submit that no forwarder has the foresight to rationally construct such predictions.

The above comments have been concurred with by futures experts in the International Department of our own large regional bank, and by the experts of Drexel, Burnham and Lambert, who were consulted during the construction of possible hedging strategies.

Putting the postulate differently, the key ingredients in any hedging program are:

a. Know the cost of production so that it can be determined whether the futures price will offer a measure of protection.

b. Know what the future price represents in time, quality, quantity, and location, and how that corresponds to the commodity being hedged.

c. Know the basic—the relationship between the local price and the future price.

Forwarders have found that it takes work to hedge. We are in many senses gambling on what might happen many months from now. Hedging or no, the literature is replete with examples that a hedge is not insurance, nor can it be, because cash and futures prices do not move in parallel. Hedging is a risk reduction concept which is very expensive, and entirely dependent upon the astuteness and luck of the manager hired to do the job.

Intermarket Magazine of November, 1985 described the "unprecedented volatility" of the foreign exchange markets over the last three years. "Volatility now is such", says Graham Steward, assistant director of Hambros Bank Treasury Services in London, "that you can be 20 to 25 percent off (your forecast) by dealing in forwards, even in three months."

The Chief Futures Exchange Advisor of our bank, though very proud of a significant number of valuation forecasts in currencies, is quick to state that nine months out there has historically been a 10% (+−) error in his projections.

Typically, we will have $30 (U.S.) in costs per cwt incurred in Germany. Thus, our own advisor states that nine months in advance the costs can swing from $27,00 to $33.00/cwt. Such a variation not only exceeds twice our historical claims expense per cwt, but devours the administrative cost and profit on a $60 single factor rate, using standard industry margins.

Hedging is not the answer to economical and dependable transportation resources. It is costly; it is not accurate, nor as certain as insurance; it is impossible to hedge in advance when you do not know if you will be a successful bidder, whether as prime or a "me-tooer", nor when you will receive the tonnage during the cycle, nor in what amounts, nor for how much to hedge.

PRICING THE TRANSACTION

A forwarder seeking to hedge on the Volume 52 cycle, having submitted a proposal, seeks coverages into the future for the period ending September 30, 1986. [A copy of the Wall Street Journal is attached for ease of reference in understanding this illustration,, as Appendix I]. In the commodities section for February 10, 1986, are two relevant portions.

Several terms are referred to in the newspaper. Included are:

Options.—An option is a contract to purchase or sell something in the future; it is a wasting asset; it has only an initial value that declines and wastes away as time passes. A currency option is the right to buy or sell currency against delivery of that currency at an agreed exchange rate by some point in the future.

Price.—The price or rate fixed at the time of the initial option trade at which the dollars underlying the option will be delivered versus the designation currency; also referred to as the striking price (or strike price).

Call.—An option to buy a stock or a commodity. This entitles one to buy (but not the obligation) a particular commodity at any time during the option period at a fixed

price. Delivery will be taken of U.S. dollars versus payment in the designated currency.

Contracts.—West German monies are sold in whole units of 125.000 marks.

Put.—The option to sell a commodity at a preagreed price. Puts and calls are usually given for sixty-five or ninety-five or a hundred and ninety days, but never for eleven months.

Since prices do not decay at a linear rate, the time premium disappears more rapidly as the option approaches expiration.[7]

On February 7, the Deutsche Mark was priced at .4155 cents to the dollar. If you will look at the right-hand column, entitled "Future Options" the strike price is listed at between $.40 and $.45. On the "call side", note that calls may not be purchased beyond September, 1986. On February 7, by way of illustration, a striking price may be sued of $.41. Since an option is a wasting asset, the premium for that charge will be less for the near term than for the more distant term. For the three month period ending in June, the permium is $.1.68 x DM 1250 or $2100/contract, and for the three month period, July-September 1986, it is $2.20 x DM 1250 or $2750/contract.

Thus, to be able to hedge $6 Million, payable in DMs to European agents, for the three month period July—September 1986, at an exchange rate of 2.406 DM to the dollar, one calculates $6 Million × 2.406 = 14,436,000 DM -|- 125,000 = 116 Contracts, or 116 × 2750/contract = $319,000.

Conversely, on the put side, the same increasing price is noted on the right hand side of the column, and with a strike price of $.41 for the July—September period, the cost is .79. To be fully covered for the period, the forwarder would hedge 14,436,000 DM ($6,000,000) or 116 Contracts at a cost of $114,550 [1250 × .79 × 116 = $114,550].

Significant observations to be made, as a result of the foregoing are:

1. If you looked in the Wall Street Journal, in November, when the bid price was being formulated by the forwarders, there were no options available beyond May 30, which left a forwarder without protection for the last three months of the cycle. No data was available.

2. Assuming that a forwarder, in November, had the omniscience to know that it would be awarded tonnage equivalent to that received by American Ensign in the Volume 50 cycle, then the cost to be fully protected for three months, only, is $433,550 [$319,000 + $114,550]. This cost, plus additional commissions of nearly $23,000 payable to the broker purchasing the hedges is something that must be factored into the bid price.

This is a very significant expense. In the case of American Ensign, it equated to $1.11 per cwt [$433,550 -|- 390,000 cwt] for a three month period, and like additional amount for the balance of the cycle.

Contrast that cost to the historical average claims expense of $1.00 per cwt.

There is another way to hedge, which can be illustrated from the same page of the Journal. In that section, captioned "Futures Prices", one finds data about buying DMs. In this section, information is obtained about committing oneself to purchase DMs at a future date. This, of course, presupposes that one knows he will have a need for DMs in future months.

This is a bold assumption, when made in October of 1985, for use during April—September 1986. Note the following:

1. One is committed to buy a pre-set number of Marks at a fixed price in the future.

2. One can only buy in whole contracts of 125,000 DM.

3. The delivery date is always the third Wednesday of each month. What happens if they are needed before or after such peg data? Do you keep a safe filled with DMs instantly available and tie up more capital?

4. One must place with one's broker a margin sum equal to 15% of the price covering the total purchase, or $900,000 ($6,000,000 × 15%), thus tying up capital, and in the case of American Ensign, necessitating the need to borrow it at a substantial interest expense from the bank. If the dollar strengthens and there is a margin call, we must come forward with additional cash.

5. You cannot purchase futures beyond the September—November, 1986 period, leaving a forwarder uncovered for ⅓ of the cycle.

6. In October, 1985, there was no June—August market available for such futures at all!

7. There is extremely little activity in the futures market during its most distant cycle. Note that there were only 574 trades a day versus 53,003 trades a day for the March, 1986 period. This means that a forwarder going into the market, and purchasing same for a distant period, will find a thinly traded market, and work against itself by bidding up the price artificially. The normal market equilibrium is absent in the distant cycle because there are few traders on the sell side.

The position of the forwarder is greatly worsened by inadequate information as to the anticipated loads during the next cycle. For instance, in Volume 50, we were advised that the Northern European/CONUS route would experience 127,925,000 lbs. of household goods, and 14,186,000 lbs. of unaccompanied baggage. This was a gross underestimate. This forwarder alone processed and handled 65,000,000 lbs. of household goods, and 13,000,000 lbs. of unaccompanied baggage, which was only a portion of the total traffic! More recently, we were advised that the tonnage estimates provided the industry for Volume 52 bids were completely erroneous, and we should use data for Volume 50.

The forwarder, under the present scheme of things, is put into an impossible position:

1. It is expected to bid on a service commencing 5 months after the solicitation for a period of 6 months, with information which is historically inaccurate.

2. The cost of hedging is tremendous. It must somehow be built into the rate and borne by the customer. However, hedging is an imperfect solution, for, as has been demonstrated above, there is no practical way to hedge beyond six months, and a forwarder's costs are fixed eleven months in advance.

3. It is impossible to hedge against a dollar volume which is not known. We are advised only shortly before the move date of the tonnage awarded.

4. If you hedge as would a prudent person, but find that you are not a successful bidder, your costs are sunk and non-recoupable.

5. Further, you have no information whatsoever as to the amount that should be hedged during each week of the cycle. A carrier is blind-eyed, in October, 1985, to learn what tonnage will be awarded it in April, May, June, 1986, etc.

MTMC'S MISSION IS FRUSTRATED

Most significantly, the present procurement method deprives DOD of the benefits of all the prolonged negotiations with draymen, warehouse companies, steamship operators, and truckers, for if by reason of an unacceptable fluctuation of the currency, the forwarder must withdraw from the channel, the traffic automatically passes to the next highest bidder, who would not have bargained as strongly and as persuasively for the services. The Government thus unnecessarily pays greatly increased costs, and loses the vigorously bargained for cost benefits.

An approximation of the costs to the Government incident to this probability can be made from information available within MTMC. If the prime carrier sets the rate at $xx/cwt and then withdraws, and if there are no "me-tooers" in the competition [or they too have withdrawn, as was the case in Volume 51] the tonnage passes to the carriers at the third level. A simple calculation will demonstrate what the cost difference would be on the CONUS/North Germany traffic between what the low rate carrier bid and what the overage was for carriers at the third level. The reasoning and benefits are quite clear. The conclusion must be that MTMC should protect the prime carrier after the award of tonnage. Thus does MTMC protect itself by preserving the cost concessions extracted from the suppliers of underlying services. The alternative to currency stabilization has proven unacceptable.

We do not believe that all administrative costs related to the currency stabilization program approximate one fiftieth of the additional costs MTMC is presently incurring in awarding tonnage to second and third tier carriers. These carriers have either higher underlying costs or have included higher profits in their rates.

Bidding today is in some respects like Russian Roulette. It is inevitable that those companies which are serious about CRP will fail on at least one cycle. When the profit margin has been reduced to nil, any fluctuation will remove them from the program. If there is a continued erosion without relief being accorded the industry, the result must be that thousands of military families will be moved at enormously inflated cost.

We believe the economic vitality of all carriers involved in shipping military goods is being sapped by the lack of a currency stabilization program.

Accordingly, we urge that the Command consider the following proposal:

CURRENCY ADJUSTMENT PROCEDURE

If one looks at the objections raised by MTMC to the "old method" of equalizing fluctuations in the value of the dollar, they fall into three general categories:

A. Arbitrary cost factors. By any definition, the cost basis must be arbitrary since it will be an average. There is no incentive to fudge on costs by any carrier, and even an approximation of costs is better than nothing at all.

B. Administrative burdens to the Carrier and Government.

C. MTMC is concerned that it had no simple methodology for recovering adjustments due the Government.

The following procedure addresses these concerns and fulfills the requirements for a proposal that is simple, equitable and administratively feasible.

Under this proposal, all currency adjustments would be required to be reflected on the billing for the single factor rate charges. This eases the administrative burden of preparing supplementals, eliminates the risk and post audit administration on the part of

the Government, and brings the adjustment into the time frame in which the carrier incurred the gain or loss.

I. Determining the baseline Cost.

A. As part of the solicitation package, a single page rate questionnaire would be required with certification that the rates, as reflected, are true and accurate representations of the carriers costs in the rate areas shown. (See Exhibit I). This would be submitted within ten days of the initial filing rate.

These sheets would be tabulated and costs would be averaged to determine the overseas cost for each country, code and direction.

B. The Wall Street Journal conversion rate for a selected date (peg date) would be used to convert the above costs into U.S. dollar costs.

The product of this extension would become the baseline cost for the upcoming rate cycle.

II. Computation of the adjustment.

The rate adjustment to be applied to the single factor billing will be determined by multiplying the foreign exchange rate from the Wall Street Journal times the average overseas cost and subtracting from the baseline cost. Exhibit II demonstrates this procedure with hypothetical costs and exchange rates for the period covered by Volume 51.

No original billings would be paid without the adjustment amount stated on the voucher.

On a weekly basis, as the Wall Street Journal is received for the designated day, insertion of the exchange rate would yield the amount of the adjustment to be used in the subsequent week.

III. Application of the Adjustment.

A. Inbound and Outbound.

Basis of the adjustment would continue to be the pick up date of the shipment. It is recognized that there is likely to be a variance between this date and the date on which the overseas agent's invoice is paid, but this will vary from carrier to carrier, and is not something that can be addressed without making the procedure too complicated.

IV. Implementation of the Adjustment.

A. A constructive composite average of all costs paid in foreign currencies would be made from data supplied by the three lowest bidders. This would be the constructive baseline cost for both inbound and outbound shipments. The methodology of using data of the three lowest bidders is dictated by reason of their collective desire to avoid magnifying the amount of currency shift. They would have absolutely no incentive to exaggerate or minimize such foreign costs for defined items such as box costs, packing, line haul, warehousing, etc.

B. In submitting an Invoice to the Finance Center for payment, the carrier would include a calculation of adjustment (in excess of a threshold amount such as ∓5%) computed in accordance with Part III, above.

C. The Finance Center would have programmed into its computer a schedule to validate the calculation and would confirm the validity of the adjustment.

Mr. Chairman, this provision would not have been necessary had the Army and the Department of Defense been responsive to several attempts made by several of my colleagues to get this program reinstated administratively. Though the cost savings to the Government are potentially significant, the Army refused to reinstate the program.

At this point of my remarks, I would like to insert copies of two letters. The first is dated May 1, 1986, to Dr. James P. Wade, and the second is dated May 14, 1986, to the Director of the Office of Management and Budget.

ATTACHMENT B

CONGRESS OF THE UNITED STATES,
Washington, DC, May 1, 1986.

Dr. JAMES P. WADE, Jr.,
Assistant Secretary (Acquisition and Logistics), Department of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: Since several of our respective staff contacts on this matter have failed to resolve, to our satisfaction, a request which was made to the Army's Military Traffic Management Command (MTMC), we now ask that you immediately exercise your existing authority under Public Law 85-804 and grant Extraordinary Relief to American Ensign Van Service, Four Winds Enterprises, Inc., Sherwood Van Lines, and the household goods forwarding industry under the Volume 52 existing contract with the MTMC.

Your prompt decision on this specific request will be appreciated. Other related aspects of this matter, such as your on-going review of the need to reinstitute the foreign currency rate adjustment program, should not delay your timely response to this specific request.

Sincerely,

JIM WRIGHT,
DUNCAN L. HUNTER,
MARCY KAPTUR,
GLENN M. ANDERSON,
BILL LOWERY,
ALBERT G. BUSTAMANTE,
Members of Congress.

ATTACHMENT C

HOUSE OF REPRESENTATIVES,
Washington, DC. May 14, 1986.

Hon. JAMES C. MILLER III,
Director, Office of Management and Budget, Washington, DC.

DEAR MR. MILLER: On May 1, 1986, the attached letter was hand delivered to Dr. James P. Wade, Jr. at the Department of Defense. If you would like to help us save between $100-200 million in unnecessary defense spending, then I would appreciate your help in convincing the Department of Defense to reinstitute the foreign currency rate adjustment program prior to May 22, 1986.

The General Accounting Office (GAO) is currently studying the need to reinstate this program which dramatically impacts on the cost to the government for moving military household goods around the world. Unfortunately, this review will not be completed until this Fall. In the meantime, the Army's Military Traffic Management Command intends to press forward without this rate adjustment program as a part of its Volume 53 solicitation to be released on May 22, 1986.

Since this House is currently focusing on the budget, I wanted you to be aware of this opportunity to reduce unnecessary defense spending with sufficient time for you to contact the Department of Defense.

Sincerely,

GLENN M. ANDERSON,
Member of Congress.

Last, Mr. Chairman, for the benefit of Members not familiar with our household-goods-moving industry or this foreign currency rate program, I would like to insert at this point of my remarks a "History of the DOD Forwarder Industry," a "History of the Effect of Foreign Currency Exchange Rates on the DOD Forwarder Industry," "Two Scenarios for DOD Household Goods Forwarders Industry Relative to Currency Stabilization," and a letter dated March 26, 1986, from Calvin W. Stein, president of the Household Goods Forwarders Association of America, Inc.

ATTACHMENT D

HISTORY OF DOD FORWARDER INDUSTRY

c. 1958.—DOD establishes policy to contract moving of service members' household goods and personal effects.

1958-1974.—Without competitive bidding among forwarders, cost to the government skyrockets. There is no incentive to tender a low bid. Forwarders are given equal shares of business regardless of who tenders low rates. Profit margins are high. ICC regulation effectively bars any new competition.

1974.—GAO recommends competitive bidding to control costs.

c. 1976.—DOD begins trial of Competitive Rate Program (CRP) in one rate area, Okinawa.

1976-1980.—DOD phases in CRP worldwide except Alaska and Hawaii.

1982-1985.—Responding to incentives to tender low bids, rates fall 26 percent. Annual savings may approach $100 million. Volume tonnage from DOD allows efficient forwarders to negotiate lower costs with their suppliers. In competitive environment, lower costs are passed through to the DOD.

1984.—Grace Commission recommends extension of CRP to include Hawaii and Alaska. Estimates three-year savings at $69.5 million.

April 1, 1985.—DOD (MTMC) ends currency stabilization. Forwarders cannot control currency costs because they do not know the amount of tonnage they will be awarded or obliged to service.

Industry will become unstable and costly to the government.

ATTTACHMENT E

HISTORY OF THE EFFECT OF FOREIGN CURRENCY EXCHANGE RATES ON THE DOD FORWARDER INDUSTRY

Background.—Forwarders subcontract moving services in dollars in the United States and foreign currencies overseas. For example, in Germany, where a large number of service people are stationed, one third to one half of forwarders' costs are in foreign currency.

c. 1958—c. 1970.—World currencies are stable under Bretton Woods agreement. Fluctuations in foreign exchange rates do not occur. Changes in currency rates not a factor in forwarders' costs.

c. 1970.—Gold standard is abandoned. World currencies are allowed to float.

c. 1971.—Dollar weakens versus world currencies. Because this weakness impaires forwarders' ability to continue service, DOD (MTMC) institutes an emergency currency stabilization program.

April 1, 1985.—DOD (MTMC) ends currency stabilization with reason that the dollar is not "stable" and program is no longer necessary. German Deutche Mark costs 32.2 cents each on April 1, 1985. For perspective, the DM100 million needed to service 1985 will cost $32.2 million.

December 1985.—Dollar weakens due to coordinated Group of Five (G5) action and effects of Federal deficit. German Deutsche Mark costs 40.9 cents each on December 31, 1985. This represents a 27 per cent uncontrollable cost increase. Now, the DM 100

million needed to service 1985 will cost $40.9 million.

March 1986.—Dollar continues to weaken. German Deutsche Mark now costs 44.9 cents each, a 39 per cent increase.

Forwarders have begun to refuse to serve traffic. Because normal profits have been diminished by the weak dollar, forwarders have not been able to buy new shipping containers to maintain the worldwide "pool" needed to serve household goods moves. Because the life of these containers is so short, the pool is rapidly depleting.

Replacement of these containers is essential for long term service capacity. Without currency stabilization or higher-than-current profit margins, it is doubtful that the industry can attract adequate capital to maintain these containers.

ATTACHMENT F

TWO SCENARIOS FOR DOD HOUSEHOLD GOODS FORWARDERS INDUSTRY RELATIVE TO CURRENCY STABILIZATION

SCENARIO IF CURRENCY COSTS ARE NOT STABILIZED

The government pays higher costs. Incentives to competitive forwarders are lost because the risk of currency fluctuation is greater than traditional profit margins. Also, forwarders will be unable/unwilling to negotiate low-cost subcontracts for the government because they will not be able to reasonably forecast tonnage. The 26 per cent advantage seen between 1982-1985 will be lost. The annual cost will exceed $100 million.

The service member is inconvenienced because service is not always available when the dollar weakens.

The household goods industry becomes a gamble on currency fluctuations. Capital formation is hindered and retention of competent staff is not likely because competitive, efficient forwarders will be squeezed out of business in times of short-term dollar weakness.

SCENARIO IF CURRENCY COSTS ARE STABILIZED

The Government benefits from competitive low rates. The percent savings seen between 1982-1985 will continue. These savings exceed $100 million annually.

The service member benefits from service without interruption from currency fluctuations.

The household goods forwarder industry benefits because short-term currency fluctuations will not disrupt normal, competitively set profits.

When the dollar is weak, lower-cost, efficient forwarders will not be squeezed out of business by short-term currency fluctuations. This allows capital formation and retention of competent staff.

When the dollar is strong, forwarders return any windfall profits. In the long term, these recaptured windfalls equal stabilization payments from times of dollar weakness.

When the dollar is unchanged, low cost, efficient forwarders have given their best rate without hidden premiums for uncontrollable risks.

ATTACHMENT G

HOUSEHOLD GOODS FORWARDERS ASSOCIATION OF AMERICA, INC.,
Washington, DC, March 25, 1986.

Re your Telex, dated March 21, 1986, concerning curreny adjustments.

Col. JOSEPH R. MAROTTA, GS,
Director of Personal Property, Military Traffic Management Command, Falls Church, VA.

DEAR COLONEL MAROTTA: The Household Goods Forwarders Association takes the position that the solicitation for Volume 53 should be amended to include a provision for currency adjustments for the following reasons:

1. Currency fluctuations, especially now that the U.S. dollar is the subject of joint control under agreement between the United States and other countries, are so volatile that it is impossible to file SFR's pursuant to MTMC solicitations which are low enough to be truly competitive and give the government the benefit of the lowest reasonable rates, and yet high enough to cover changes in the valuation of the U.S. dollar occurring between the deadline for filing the IF rates in Volume 53 and the termination of that traffic cycle, namely, March 31, 1987, a period of nine and one-half months.

2. We are uniformly advised, both from our membership and independent research with financial institutions, that it is not practicable to protect against such fluctations by a hedge of any kind. The result is that carriers are forced to gamble on this unforeseen contingency, the scope of which cannot be predicted.

3. As you know, the result of run-away currency fluctuations is the wholesale cancellation of low rates, which jeopardizes MTMC's availability of sufficient carrier capability and tends even to adversely impact its ability to effectively administer the RDDIP because of the limited number of carriers possessing the capability to perform the service and whose rates have remained uncancelled.

4. At best, the government must ascend up the rate ladder and pay charges considerably higher than the cancelled low rates, plus a reasonable currency adjustment. This would not only be contrary to the interests of the carriers desiring to give MTMC the benefits of the lowest reasonable rates but would appear to conflict with MTMC's objective of obtaining responsive service at the lowest possible responsible rate.

5. We understand that the previous currency adjustment program resulted in some situations where carriers failed to pay negative currency adjustments. This problem, in our opinion, can be largely overcome by adding a new provision to the program. It would be our suggestion that when a carrier billed its SFR, it would be required to place a statement on its billing under penalty of 18 U.S.C. § 1001, along the following lines:

"A currency adjustment of $—— per cwt. is applicable to this shipment." or "No currency adjustment, negative or positive, is applicable to this shipment."

This would require a carrier to state a negative adjustment and, by appropriate direction, such billings, if not reflecting an appropriate credit, could be transmitted to the GSA for audit and collection. We believe that this method would solve the past problem since the non-payment of negative currency adjustments was not based upon any misrepresentation by a carrier, but upon the assumption that billing for such payment should be made by GSA much in the same manner as in a Notice of Overcharge.

Further, we have had some discussion within the Executive Committee of the Association, and there appear to be available some technical suggestions which will tend to limit the additional workload on MTMC which might arise from the provision for currency adjustment.

I would welcome the opportunity to pursue this matter further if this would be helpful.

Very truly yours,

CALVIN W. STEIN,
President.

Now, as to the second provision, Mr. Chairman, the Secretary of the Army is directed not to issue in final form four proposed rule changes that would drastically alter the manner in which household goods have been handled over the past 20 years. I am not stating that these four proposals are without merit, Mr. Chairman. But, when the entire household goods moving industry tells me that they are solidly opposed to these changes, and when the Army admits that no indepth study or analysis as to the impact on costs incurred or service obtained under their proposals have been done, then I must oppose the current attempt to proceed with these four proposed regulations in final form until more information is available. My provision directs the regulations to be set aside until the Army can provide the Congress with a report on how these regulations, once implemented, can result in cost savings to the Government and increased quality of service to our military personnel. My provision further provides, Mr. Chairman, that we must have 90 days of continuous session elapse after the submission of the report before the Army may proceed with these four proposed regulations in final form.

At this point of my remarks, I would like to insert a letter date July 10, 1986, to Maj. Gen. Harold Small from Calvin W. Stein:

ATTACHMENT H

HOUSEHOLD GOODS FORWARDERS ASSOCIATION OF AMERICA, INC.,
Washington, DC, July 10, 1986.

Maj. Gen. HAROLD I. SMALL, USA
Commander, Military Traffic Management Command, Falls Church, VA.

DEAR GENERAL SMALL: This is in response to the MTMC letters, dated May 19 and June 3, 1986, seeking comments on proposed changes in SIT compensation and the use of Government-owned containers, and the proposed elimination of the me-too rate filing and cancellation cycles, respectively.

To have full discussion and develop a clear position of this Association, a special membership meeting was called for this purpose, and a day was dedicated to discussion of the ramifications of your proposals. The unanimous position of the Association, as determined at that meeting, was in strenuous opposition to the drastic changes in the ITGBL personal property procurement which you now propose. This letter sets forth some of the specific concerns of our membership.

PROPOSED ELIMINATION OF THE ME-TOO CYCLES

As is fairly stated in the June 3 letter, the proposed elimination of the me-too rate cycle is a "major change" in the ITGBL procurement. The me-too cycle has been a consistent feature of the ITGBL household goods procurement for over 25 years. Considering the impact this change, if adopted, would have, we view the attempt to force-feed this modification into the next solicitation, viz. Volume 54, as a misguided effort which will cut off meaningful consideration of this change with industry and make only facial compliance with the requirement to communicate with forwarders, carriers and

associations on changes in the ITGBL Personal Property Program, a duty which you recently recognized in your letter to me, dated June 23, 1986. (Copy attached for your convenience).

The impropriety of an inordinately short time-frame for consideration of the problems created by the MTMC proposals is underscored by the fact that MTMC has presented industry with what amounts to no more than a bare-bones statement of concept (presumably to diffuse industry opposition) with the result that this letter should be considered only as our initial comments, subject to amplification after being furnished the detailed changes you propose to make in the procurement.

Due to the fact that the me-too feature has been in the ITGBL Personal Property procurement for over 25 years and that you expect it to have a major impact on the program, both in service and rates, and in light of the obvious effect it will have, not only on forwarders and carriers participating in the program, but upon the entire infrastructure upon which this service depends, consisting of hundreds of local agents throughout the United States and overseas, port agents, steamship companies and flatbed operators, we ask that, at a minimum, this proposal be scrubbed for inclusion in Volume 54. This will enable MTMC, should you determine to proceed with this concept, to place before industry completely developed specific proposals so that carriers and associations can comment specifically and direct the substance of their positions to the particular elements of the proposed procurement modifications, rather than addressing them, as we are not required to do, solely to the concept itself. As stated, at this time our comments are necessarily limited to your expression of the concept as set forth in the June 3rd letter, and will be supplemented when the specific proposal is furnished for consideration and comment.

At the outset, we think it only fair that before further consideration is given to the advancement of the proposed elimination of the me-too rate cycle, a clear statement be given to industry setting forth the objectives which MTMC has determined will be achieved, as well as the studies relied upon for MTMC's conclusion that these objectives will in fact be attained by amending the ITGBL procurement as proposed. For example, we note throughout the June 3rd letter the recognition that the present rate levels are not sufficient to cover carrier costs and a reasonable profit but that it is anticipated that such reasonable rates will be filed once the me-too rate cycle has been eliminated. Are we therefore to conclude that one of the results anticipated under your proposal is the receipt of increased rates from carriers? On the other hand, we note some statements referencing so-called "economy of scale by consolidation". It is therefore your expectation to have these alleged cost savings passed on to the Government in the form of lower rates, and therefore is it your objective to obtain rates lower than are obtained in the present procurement?

Although the MTMC proposal is, to say the least, fragmentary, several matters are clear from the June 3rd letter:

First, the proposal guarantees that the low bidder will obtain 100 per cent of the business in a given traffic channel, save only for a limitation of capacity. (Page 2). Since at present (except for limited Class 1 rate countries) the low bidder is guaranteed from 10-50 per cent of the tonnage, it is obvious that the proposal will concentrate business in the hands of substantially fewer carriers.

In light of this, we ask has MTMC made a study of the effect this new proposal will have on the number of carriers serving DOD ITGBL traffic? If so, please identify the study and furnish us with a copy for dissemination to our membership.

Since no carriers, other than the low bidder, can rely on receiving any tonnage, has MTMC made a study of the stand-by capacity, viz., forwarder/agent that would be available to serve the traffic should the low bidder withdraw, be disqualified or otherwise be unable to perform? If so, please identify the study and furnish us with a copy for dissemination to our membership.

Second, the proposal, by definition, eliminates the ability of the Government to obtain service from other carriers at the same rates submitted by the low bidder. Has MTMC made a study to determine to what extent it will have to look to other than the low-cost carrier to obtain required service? Also, has MTMC made a study to determine the additional cost to the Government, resulting from the need to use carriers other than those quoting the low rates? If so, please identify the study and furnish us with copies for dissemination to our membership.

Third, throughout the June 3rd letter, it is the stated assumption that carriers will, by this proposal, be able "to submit rates based on their cost of doing business, plus a reasonable profit", something which you recognize carriers are not able to do under the present procurement. Could you please explain the logic underlying this assumption that a 100 per cent tonnage incentive will evoke higher rates than a 10, 20 or 50 per cent tonnage guarantee on a given traffic channel, as is presently the case? It appears to us that this is the converse of the logical conclusion which flows from the increased incentive.

In any event, has MTMC made a study to determine the impact on cost to the Government resulting from the implementation of the proposal? If so, please identify the study and furnish us with a copy for dissemination to our membership.

Fourth, we note that you place some reliance upon "economy of scale by consolidation". (Page 3). As you know, consolidation must presently be accomplished to the fullest in order for carriers to participate in ITGBL traffic at competitive rate levels. This is done through the use of port agents. In light of this, has MTMC made a study to determine cost savings to carriers and/or MTMC which would result from such consolidations and the extent to which, if any, greater consolidation than now being performed will be accomplished? If so, please identify the study and furnish us with a copy for dissemination to our membership.

The request for studies, as set forth in paragraphs first through fourth, above, is made pursuant to the Freedom of Information Act, 5 U.S.C. § 552.

Lastly, we are confused by the statement contained in your letter that one of the purposes to be achieved by the elimination of the me-too rate cycle is:

"Carriers should not be placed in the dilemma of having to meet a competitor's rate or possibly not participate in the program." (Page 1).

Since the program provides that a carrier will get 100 per cent of the traffic in every traffic channel in which it is the low bidder, save only for the capacity limitation, how is the dilemma of the other carriers resolved? At least under the present terms of the CRP, a carrier has the ability to assure itself of some participation in the traffic by me-tooing, an option specifically foreclosed under your present proposal.

We are also amazed by the abrupt change of direction which is reflected in the proposal. MTMC had previously modified its ITGBL procurement to reduce incentive tonnage (see Volume 51), responsive to this Association's meeting with you and Col. Marotta on May 28, 1985. Now you are proposing a procedure under which, save for capacity limitations, the low bidder will be awarded 100 per cent of the tonnage. How come?

In this connection, the solicitation covering Greece, Turkey and Crete, which was converted to Class 1 rates over our Association's objections, also a winner-take-all concept, serves as a useful microcosm to view the impact on both service and rates of the 100 percent set-aside which is an integ.al part of your present proposal. MTMC's records will reflect that low bidder after low bidder has cancelled its bids and MTMC is paying substantially higher rates on this traffic. In addition, the service obtained by way of RDD performance has been recognized to be very inferior. Presumably you have considered this experience in your decision, and we would appreciate your advices as to how and when it was evaluated in connection with the present proposal.

We look forward to your prompt response on the following matters:

1. That, for the reasons here set forth, the me-too rate cycle will not be eliminated from the Volume 54 procurement.

2. That if you determine to pursue this concept, a specific proposal will be furnished industry for comment and joint consideration and that industry input be the subject of specific evaluation by MTMC jointly with representatives of industry. Unfortunately, in the last several years "input", when furnished by industry, has been treated in a manner of "in one end and out the other". We ask that on a matter of this importance, you give effect to the statement contained in your letter of June 23, 1986, with which we wholeheartedly agree:

"To achieve that goal (quality service) at the lowest cost possible but not at industry expense, we must achieve greater communication to resolve issues of mutual concern."

3. That you identify the economic impact studies requested above and advise when they will be furnished to industry for comment and evaluation.

4. That you advised what consideration has been given to the impact or this proposal on small business and what steps have been taken to clear this change with the Small Business Administration.

PROPOSED ELIMINATION OF THE CANCELLATION CYCLES

The proposed elimination of rate cancellation cycles, which cycles have been in being since the advent of this procurement, is made with the following rather superficial comment:

"Since carriers' rates should be based on the cost of doing business plus a reasonable profit, there should be no need to cancel rates." (Page 3).

First, as stated above, we fail to see how in a procurement, where bidders are separated by one cent per hundred pounds, with many bidders being dependent upon continued participation in the ITGBL program for their very survival, and 100 per cent of the

traffic being offered to the low bidders, carriers will be able to file rates which reflect full costs plus a reasonable profit. Second, even if this were so, we cannot perceive the logic of this supporting elimination of the rate cancellation cycles.

What was a reasonable rate, giving the carrier a reasonable profit at the time it was constructed may very well be below cost at the time of required performance many months later. This possibility has become an eventuality due to MTMC's elimination of the currency and ocean rate adjustments from the ITGBL procurement. Unless omniscience is to be ascribed to carriers, how can they possibly establish rates which are reasonable at time of performance when the devaluation of the U.S. dollar has such a substantial impact on this traffic? How can they foresee changes in ocean rates, one of the most significant costs reflected in carriers' single-factor ITGBL rates?

At least, with the present rate cancellation cycles, a carrier is able to exercise its right to cancel rates when supervening events make it economically impossible to provide service at rates submitted under the terms of the procurement. What relief would carriers have under your proposal?

In light of the pendency of these pivotal questions I ask your assistance that the rate cancellation cycle will not be eliminated from Volume 54 of the ITGBL procurement.

MANDATORY USE OF GOVERNMENT OWNED CONTAINERS

In the MTMC letter, dated May 19, 1986, MTMC proposes to "require carriers to use GOCs [Government-owned containers] when directed by the installation transportation officer." No logical support is advanced for this change.

Under the present procurement carriers are required to have their own containers in position to service traffic up to the limit of the commitments specifically set forth in the procurement. MTMC has made clear that a declination of shipments for lack of carrier-owned containers will subject the carrier to suspension and expose it to worldwide disqualification and elimination from the ITGBL program. How can a carrier intelligently discharge this commitment which requires it to stockpile a significant number of containers at various installations when, subject only to the will of an individual ITO, the carrier must use Government containers in preference to its own? Not only will this proposal increase costs by an unknown amount (since no one can predict the extent to which a given carrier at a given installation will be required to use Government-owned containers), but it will interfere with the economic, intelligent management of a carrier's container fleet. One of the important factors many times reflected in the bidding of low rates is the need to position containers. Further, the proposal will require agents to store and protect carriers' containers for a longer period due to their non-use caused by the mandatory substitution of Government containers. Furthermore, the Government has a number of different household goods containers, some of which present extreme problems to the agent, both by way of assembly or repair to ensure safe delivery of the shipment. The specifics of these matters can be furnished upon request. Also, the Government containers do not efficiently stow into the steamship company containers, resulting in an increase in broken stowage and a significant loss of density, which in turn results in substantially higher ocean transportation costs.

Apparently the Government is having difficulty in making efficient use of its household goods containers presumably purchased for use in the DPM method of transportation. Since this Government operation is in direct competition with the commercial service furnished by carriers under the ITGBL procurement, fairness dictates that those problems be solved within the DPM system and that they should not be placed as mandatory burden on the back of the ITGBL industry.

In any event, this proposal has substantial ramifications both from a service and cost standpoint. It should not be implemented until an appropriate study of these impacts has been made and the study furnished to industry, with an appropriate time period being granted for industry analysis and comment.

We therefore ask your prompt written assurance that this amendment to the ITGBL procurement will not be included in Volume 54.

STORAGE-IN-TRANSIT (SIT)

The MTMC letter of May 19, 1986 also proposes to change all SIT charges, both in CONUS and overseas, but does not set forth the specific changes and charges which MTMC intends to establish "for each [overseas] country or area of responsibility in CONUS". Although the letter states that industry input will be considered when developing rates, we have no assurance what consideration will be given to this input.

In this connection, we note that since MTMC amended its domestic and ITGBL procurements so as to reserve unto itself establishment of the level of accessorial services, industry has had no opportunity for meaningful input. Furthermore, without being demeaning, there is substantial question whether MTMC has the experience, personnel and other qualifications, as well as the necessary budget, to take unto itself the formulation of appropriate warehouse and related charges throughout the United States and in all overseas countries covered by this procurement.

In any event, once again it is clear that what is presented to industry for comment is merely a concept and that the specific amendments to the procurement are absent. We have therefore stated our initial objection to the concept reflected in your proposal but specifically request that MTMC furnish the industry with the precise changes in costs it proposes to reflect in the procurement and provide industry with a reasonable opportunity for analysis and meaningful comment.

Under these circumstances, we ask for your prompt assurance that these changes will not be implemented in Volume 54 as proposed.

Very truly yours,

CALVIN W. STEIN,
President.

Mr. HUTTO. Mr Chairman, for many years now, since 1972, the Navy and the State of Florida have cooperated in a tremendous success story involving the Boys' Base Facility, a home for troubled 14- to 18-year-old youths. The Technical Training Center, Corry Station, FL, has hosted Boys' Base, a State of Florida Teenage Rehabilitation Program.

In support of this program, reimbursable messing without surcharge has been provided. The exemption from paying the surcharge for all these years has been based on a renewable memorandum of agreement between the Navy and the State of Florida.

In order to provide the statutory basis for this surcharge waiver, I have offered an amendment that would ensure that members of organized nonprofit youth groups, such as Boys' Base, that are sponsored at either the national or local level, when extended the privilege of visiting a military installation or when residing at a military installation pursuant to an agreement in effect on June 30, 1986, be granted a waiver of the surcharge. Let me add that presently, these groups can be exempted from the surcharge by the base commanders when they are visiting a military installation. My amendment would permit a surcharge waiver to those groups that reside on an installation.

Mr. Chairman, I encourage this body to vote in favor of my amendment.

Mr. DASCHLE. Mr. Chairman, I rise in support of the Boucher amendment to the fiscal year 1987 Department of Defense authorization bill. This amendment would provide veterans and Federal retirees legal redress for their exposure to atomic radiation during the 1940's and 1950's.

Prior to October 1984, a person who was injured or suffered damages by reason of the acts or omissions of contractors who were carrying out the Atomic Weapons Testing Program could sue for their injuries. In 1984, Congress adopted a Senate amendment which effectively precluded this legal recourse.

Earlier this year, the House passed by unanimous voice vote legislation (H.R. 1338) which would restore to those individuals the right to their day in court. It now appears unlikely, however, that the Senate will act on independent atomic veterans legislation before adjournment.

The Boucher amendment provides an alternative means of assuring that our atomic veterans will receive due process of law. The current prohibition was enacted through an amendment to the fiscal year 1985 DOD authorization bill. I urge the House to repeal it through this amendment to the fiscal year 1987 DOD authorization bill.

AMENDMENT NO. 79 TO H.R. 4428, AS REPORTED OFFERED BY MR. HUTTO OF FLORIDA

At the end of title X of division A (page 239, after line 5), add the following new section:

SEC. 1033. MEAL REIMBURSEMENT FOR NONPROFIT YOUTH GROUPS RESIDING AT MILITARY INSTALLATIONS.

Section 1011(b) of title 37, United States Code, is amended by inserting after "military installation" in the second sentence the following: "or when residing at a military installation pursuant to an agreement in effect on June 30, 1986,".

Mr. ASPIN. Mr. Chairman, I yield back the balance of my time.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendments, as modified, offered by the gentleman from Wisconsin [Mr. ASPIN] en bloc.

The amendments, as modified, were agreed to.

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KAPTUR: At the end of title III of division A (page 85, after line 12), add the following new section:

SEC. 314. TRANSPORTATION OF CARGO THROUGH GREAT LAKES PORTS.

Of the funds appropriated for fiscal year 1987 for operation and maintenance of the Department of Defense, not less than $10,000,000 shall be spent for the transportation of cargo by ocean common carrier via Great Lakes ports and the St. Lawrence Seaway in vessels documented under the laws of the United States.

The CHAIRMAN pro tempore. Under the rule, the gentlewoman from Ohio [Ms. KAPTUR] will be recognized for 5 minutes in support of the amendment, and a Member opposed thereto will be recognized for 5 minutes.

Mr. BIAGGI. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. BIAGGI] will be recognized for 5 minutes in opposition to the amendment.

PARLIAMENTARY INQUIRY

Ms. OAKAR. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentlewoman will state it.

Ms. OAKAR. Mr. Chairman, under the rule, is it permissible for a Member to rise in support of the amendment and get an additional 5 minutes?

The CHAIRMAN pro tempore. It is not permissible. The rule is specific. Under the rule, a Member may have 5 minutes to speak in favor of the amendment and a Member may have 5 minutes to speak in opposition to the amendment, unless there is an amendment to the amendment.

Ms. KAPTUR. Mr. Chairman, the amendment that I am offering today is very straightforward. In fact, it is an amendment that probably should have been offered 30 years ago when President Eisenhower and the Congress designated the Great Lakes as the fourth seacoast in our Nation's system of defense.

The amendment is very simple. The Kaptur amendment would require the Department of Defense to spend no less than $10 million on cargo transportation on the Great Lakes, a mere 3 percent of tonnage, the total volume, that is shipped by our country and the Department of Defense through all of the ports of call.

I want to stress that even with the amendment, we are talking about 3 percent of the total volume of cargo shipped by the DOD.

It is a fair amendment. In 1984, overseas cargo transportation amounted to 7.8 million measurement tons, 20 percent of which originated and was manufactured in the Great Lakes region.

However, our ports in the areas where this cargo was manufactured were only able to ship one-fifth of 1 percent of the cargo shipped by the Defense Department of the United States.

Do you call that a fair allocation of cargo to the fourth seacoast of the United States?

In 1985, a new American-flag service was instituted on the Great Lakes. Even with this service, less than 1 percent of Department of Defense cargo was shipped through the Great Lakes.

We know also that even with the minimal amount of cargo that is presently being shipped, this new flag service in shipment through the lakes saves the people of the United States lots of money. In fact, shipment through the lakes has reduced cargo costs by 60 percent to the people and the taxpayers of this country.

The shipment of cargo through the lakes would not endanger other seacoasts because the volume of cargo moved through the Great Lakes, even with the amendment, would be less than 3 percent. It is very fair.

It is only fair that the Department of Defense cargo that is manufactured in the Great Lakes area, at least some of it be shipped through Great Lakes ports.

Let us give the Great Lakes a fair shake. We have been waiting for 30 years.

Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I thank the gentlewoman for yielding this time to me.

Mr. Chairman, I want to commend the gentlewoman for bringing this matter to the floor to focus the attention of the underutilization of the port facilities all along the Great Lakes.

The annual price tag for domestic and international shipping through the Department of Defense is approximately $750 million.

In the past we have seen that the annual expenditure for Great Lakes shipping has been about $5 million. So the gentlewoman is only asking for an increase of $5 million in an aggregate package of $750 million.

We all know that the halcyon days of shipping in the sixties are over for the Great Lakes, we hope only temporarily. But if you take a look at Chicago and Detroit, and you come down to Cleveland, Toledo, the Port of Erie, which I represent, and Buffalo, you realize that although they have modernized, although they have maintained, they are grossly underutilized.

□ 1125

The Port of Erie in the good days, in the 1960's, was about to ship out 5 million tons of cargo.

The CHAIRMAN pro tempore. (Mr. RUSSO). The time of the gentleman from Pennsylvania [Mr. RIDGE] has expired.

Ms. KAPTUR. Mr. Chairman, I reserve the balance of my time.

Mr. BIAGGI. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. BIAGGI] is recognized for 5 minutes in opposition to the amendment.

Mr. BIAGGI. Mr. Chairman, I think we should set the record straight.

Mr. Chairman, I rise to vigorously oppose the amendment on procedural and substantive grounds.

This amendment incorporates provisions included in H.R. 5046, introduced by my distinguished colleague from Ohio, Ms. KAPTUR. The legislation was introduced on June 18, less than 2 months ago, and was jointly referred to the Armed Services and Merchant Marine and Fisheries Committees. In the brief period since introduction of that legislation, neither the Merchant Marine Committee nor the Armed Services Committee has held any hearings on the legislation.

Floor consideration of this amendment would bypass the Merchant Marine and Fisheries Committee, without the opportunity for careful review of the ramifications of this proposal—without a record on which to base action. We can only speculate on the impact. The administration, ocean carriers, and coastal ports have not had an opportunity to be heard and questioned.

Even disregarding these procedural problems, there are at least three strong policy justifications for defeating this amendment.

First, the amendment, on its face, gives an unconstitutional preference to one port range of our Nation to the detriment of other port ranges.

Second, this amendment would apparently benefit a foreign company to the detriment of U.S. companies.

Third, it may very well increase the deficit and waste Government funds by forcing the Department of Defense to pay higher ocean transportation rates.

I would like to expand somewhat on these points.

First, this amendment flies in the face of the constitutional prohibition against giving preference to the ports of one State over those of another. (Article 1, section 9) One does not have to be a lawyer or constitutional expert to recognize the gross unfairness of treating one group of States in a special manner. This is special treatment that has a direct and adverse economic impact on other States.

Second, by requiring that $10 million in defense cargo move through the Great Lakes, we are virtually guaranteeing a Government benefit to a

foreign company, to the detriment of U.S. firms. Only two U.S.-flag operators—Lykes and Fednav—provide service to the Great Lakes. No one has denied that this provision will primarily benefit one of those companies—Fednav—a U.S. subsidiary of a Canadian corporation.

The reservation of cargo that will result from passage of this legislation may harm other U.S. operators serving other ports, who desperately need this cargo. Is it fair to advance one company at the expense of other companies, especially when that company is foreign?

Finally, we come to the issue of cost. Regardless of whether we like it, we are in an era when the budget determines policy rather than policy goals determining spending. We are eliminating and cutting back on numerous meritorious programs to reduce the budget deficit. Yet, here is a bill that limits the military's opportunity to secure the lowest-cost ocean transportation.

Opponents of cargo preference have complained that the cargo preference laws limit their flexibility to secure the lowest transportation costs. Yet, under the cargo preference laws, a Government shipper has the option to choose among the rates offered by a number of U.S.-flag operators. This amendment forces the Department of Defense to select between two operators.

Representatives of Fednav have asserted their operation has reduced the cost of military shipments. If that is the case, the Government is free to select the company that offers the best price. If that is Fednav, fine.

Fednav has charged these low rates because of the competition offered by other U.S. operators serving other port ranges. Pass this amendment to eliminate that competition and see what happens to Fednav's rates.

Is it fiscally responsible to pass an amendment that could increase the cost of ocean shipping—and, in the process, hurt other ports and U.S.-flag maritime interests?

I hear the concerns of my colleagues from the Great Lakes. The ports of their region need cargo. I have always tried to help that region. As a matter of fact, H.R. 4024—legislation I have introduced to assist the U.S. Merchant Marine—contains a grandfather provision to assist Fednav's Great Lakes operation. But, in the absence of hearings, I must give serious consideration to the grim consequences predicted by other operators and ports.

I hope we will have a full opportunity to seriously consider that approach in a sound, legislative manner. But until we have that opportunity, I must object to enactment of this provision.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I am glad to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman for yielding.

While this seems to be a parochial fight, speaking as a member of the Committee on Armed Services, I think this sets a terrible precedent.

I could offer an amendment saying that x percent has got to go through the Port of Mobile, and somebody from Jacksonville, FL, could offer another amendment to say that so much goes through that port.

This Armed Services Committee bill is not a bill to bring up local interests that have not been heard in our committee. We have a committee that should hear it.

Mr. Chairman, I think just as a matter of principle and precedent this should not be on this bill, and I would hope that we would not accept the amendment.

Mr. LIVINGSTON. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Chairman, I just want to say that I share the gentleman's view. This actually is not even a parochial issue. This amendment virtually directs 10 million dollars' worth of business to go to a Canadian firm, which means simply that we are taking what should be a defense bill and making it a pork-barrel, special interest bill for one specific company and for one region of the country. That seems to be in the very worst interest of the country, and I hope that we do not adopt this amendment.

Mr. BIAGGI. What is more, Mr. Chairman, it gives an unconstitutional preference to one port and one section of our Nation to the detriment of others.

Mr. Chairman, how much time do I have left?

The CHAIRMAN pro tempore. The gentleman from New York [Mr. BIAGGI] has 2½ minutes remaining and the gentlewoman from Ohio [Ms. KAPTUR] has 1½ minutes remaining.

Mr. BIAGGI. Mr. Chairman, I yield 40 seconds to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. Mr. Chairman, I rise in opposition to this amendment on the premise of what has already been reiterated here today and on the fact that this has been referred to our committees and it should be considered through the committee process.

Mr. Chairman, let me preface my remarks by saying that I have the utmost respect for my colleague, MARCY KAPTUR, the gentlelady from the Ninth District of Ohio. In many instances, the Congresswoman and I have fought side by side to prevent the further erosion of our basic industries.

However, in this particular instance, I must rise in opposition to the gentlelady's amendment to require the Department of Defense to spend at least $10 million on cargo transportation out of the Great Lake ports on procedural grounds.

In essence, this amendment is identical to H.R. 5046, a bill to provide for certain transportation of cargo to the DOD. H.R. 5046 was introduced on June 18, 1986, and referred to the Merchant Marine and Fisheries as well as to the Armed Services Committee. Neither committee has been able to consider this bill to date. I believe action on this amendment should be deferred until the appropriate committee of jurisdiction has had sufficient time to study the proposal—to give the proposal all the consideration it deserves.

Mr. BIAGGI. Mr. Chairman, I reserve the balance of my time.

Ms. KAPTUR. Mr. Chairman, I yield 45 seconds to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Chairman, I thank the gentlewoman for yielding me this time.

There is no pork barrel in this amendment. This amendment was approved by the subcommittee and by the committee because it is involved in the defense of this Nation.

Let me remind the Members of the House that the industrial heartland, the entire Midwest, and especially those States around the Great Lakes, is the heaviest in industrial capacity. In a wartime situation, we have got to be able to move those goods on ships because we cannot take enough of those goods on planes and trains. Therefore, this would keep those shipping lanes open by only shipping 3 percent of all of the goods moved on Great Lakes ships.

Mr. Chairman, I will ask the subcommittee chairman, the gentleman from Virginia [Mr. DANIEL], is it not true that the subcommittee and the committee voted for this amendment?

Mr. DANIEL. Mr. Chairman, if the gentleman will yield, the full committee voted without objection. There were two votes in the negative in the subcommittee.

Mr. HERTEL. Mr. Chairman, it is very clear that the committee understood that this does have to do with the defense of the Nation. We are only talking about $10 million to make sure that we have the capacity in a wartime emergency to have those ships remaining in the Great Lakes.

Mr. Chairman, I commend the gentlewoman for bringing this matter to the attention of the House.

The CHAIRMAN pro tempore. The Chair will state that the gentleman from New York [Mr. BIAGGI] has 2 minutes remaining, and the gentlewoman from Ohio [Ms. KAPTUR] has 45 seconds remaining. Under the procedure used by the committee, the offerer of the amendment has had the

opportunity to close debate, so the Chair would now recognize the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland [Mr. DYSON].

Mr. DYSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the amendment offered by the gentlelady from Ohio [Ms. KAPTUR], because it is an unconstitutional amendment that favors one range of ports over the other port ranges. This is improper and unfair to the other ports of our great Nation.

The drafters of the Constitution wisely prohibited any Federal action that would benefit the ports of one State or region to the detriment of other ports. The constitutional prohibition assumed that the shipper, not the Federal Government, would determine which port he would use. This amendment will deprive the Department of Defense of the ability to shop around for the lowest cost transportation system.

The Great Lakes have a problem competing with other ports. The issue before Congress is whether the solution to this problem is a special preference for the Great Lakes. This special preference will increase costs to the taxpayer. It will adversely impact on all ports.

I would like to emphasize that the Department of Defense opposes this amendment and for good reasons. Not only would the provision burden the Department with increased costs, but it would require a complete revision of its methods of shipment. These revisions will, in themselves, impose additional costs, and have an adverse impact on the budget.

In addition, this amendment will, in the final analysis, benefit one vessel operator that is controlled by foreign interests. The amendment will, literally, force DOD to ship on this Canadian-controlled carrier—regardless of the rates it charges. In the process, a U.S.-flag operator serving the east coast will lose significant amounts of cargo. The Department of Defense has recently realized significant savings as a result of the competition between these two operators. It is not fair for Congress to now step in and end that competition.

If the operator serving the Great Lakes can provide shipping services at the lowest cost to the military, then that company will get the cargo and it will survive and prosper. However, I don't think it is our responsibility to guarantee its existence.

Mr. BIAGGI. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I regret being required to oppose this amendment. I serve as the chairman of the Subcommittee on Merchant Marine. It is my responsibility to work with members of that subcommittee who represent different port areas in our Nation.

We are always dealing with cargo preference. We support cargo preference, we are concerned with the Great Lakes, but I ask the Members not to be misled by the so-called simple 3 percent. As I told the Members very clearly, that $10 million represents the major share of that portion of RO/RO transportation. It will impact negatively on other ports, among which is Baltimore, so ably represented by the gentlelady, Ms. MIKULSKI, who vigorously opposes this amendment because it would inflict injury and only exacerbate an already depressed port. I might add no port has a greater champion than the Port of Baltimore. Let the committee do its work. There is a bill before us, and we will have a hearing on it. As the gentlewoman knows and as every Member knows, when we have bills, we have hearings. We are most cooperative.

Mr. Chairman, the Members should vote against this amendment. It is poor policy as a matter of procedure. Substantively, it is simply wrong. The Members should not be misled. I ask them not to let the mere 3 percent mislead them. It is $10 million, which represents the major portion of that business be given to a foreign-owned company.

How can we countenance this? I understand that the Great Lakes has a problem. Let us try to deal with it. Let the Committee on Armed Services deal with it in a meaningful way. They have the capacity to do it, but we should not do it in a circuitous fashion as we are doing here.

Mr. Chairman, I urge a vote against the amendment.

The CHAIRMAN pro tempore. All time of the gentleman from New York [Mr. BIAGGI] has expired.

The gentlewoman from Ohio [Ms. KAPTUR] has 45 seconds remaining.

Ms. KAPTUR. Mr. Chairman, I yield 15 seconds to the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, if the Merchant Marine Committee had dealt with this issue, we would not be dealing with it here today. We are talking about $10 million, which is a very small sum of money for national security reasons, to make a fourth port or a series of four ports on the Great Lakes. This was clearly supported by the Committee on Armed Services, and I think it ought to be supported by the full House.

Ms. KAPTUR. Mr. Chairman, I yield 15 seconds to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. Mr. Chairman, I thank the gentlewoman for yielding to me.

As a member of the Committee on Armed Services, I want to underscore what our chairman said. The House Armed Services Committee supported this overwhelmingly.

I also want to point out that when we built that seaway system to open up the ports of Cleveland, Chicago, Superior and others—you name it—part of the reason why we spent the money was for the defense of this country and the utilization of that waterway. The waterway and those ports are underutilized, and whether or not we use those ports or not we are still going to have to pay for that system.

So, Mr. Chairman, I salute the gentlewoman from Ohio [Ms. KAPTUR] and recommend that every Member in the Chamber support this amemdment wholeheartedly.

The CHAIRMAN pro tempore. The gentlewoman from Ohio [Ms. KAPTUR] has 15 seconds remaining.

Ms. KAPTUR. Mr. Chairman, I yield myself the balance of my time.

I would like to conclude, Mr. Chairman, by saying that this very simple amendment would merely recognize the decision that was made years ago, and that is that the Great Lakes, the entire Midwest, the fourth line of defense of this Nation, deserves our attention, and it is time that we got something, something that is not even our fair share but a tiny share of the amount that the Department of Defense spends in the defense of this Nation.

Mr. KLECZKA. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Wisconsin.

Mr. KLECZKA. Mr. Chairman, I rise in strong support of the Kaptur amendment.

I would like to call this a "fair share" amendment for the Great Lakes States, but that would be overstating the case.

This amendment would simply require the Department of Defense to ensure that 3 percent of its overall shipping volume of $300 million originate in Great Lakes ports.

It is worth noting that even with the new American flag service instituted in 1985, less than 5 percent of the military cargo manufactured in the Great Lakes States actually moved through Great Lakes ports.

That is simply not fair.

If we can make it Great Lakes States, we can certainly ship at least some of it from Great Lake ports.

Adoption of this amendment would require less than 15 percent of the cargo manufactured in the Great Lakes States be shipped from Great Lakes ports.

That's not our fair share.

But it is a first step, if only a small one.

I urge support of the amendment.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Ms. KAPTUR. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I rise in strong support of the amendment.

Mr. Chairman, I would ask the Members, which comes first, the chicken or

the egg? The only reason we do not have as many American flagships as we would like is that we do not get a fair share of the cargo. That is the reason for it.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BIAGGI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 256, not voting 10, as follows:

[Roll No. 346]

AYES—165

Annunzio	Hamilton	Perkins
Applegate	Hawkins	Petri
Aspin	Hayes	Porter
Atkins	Hefner	Price
Boehlert	Henry	Pursell
Bonior (MI)	Hertel	Rahall
Boxer	Hiler	Rangel
Broomfield	Hillis	Regula
Brown (CA)	Horton	Richardson
Bruce	Hyde	Ridge
Bryant	Jacobs	Rose
Burton (CA)	Johnson	Rostenkowski
Burton (IN)	Jones (NC)	Roth
Bustamante	Kanjorski	Rowland (CT)
Carr	Kaptur	Rowland (GA)
Clay	Kasich	Russo
Clinger	Kastenmeier	Sabo
Coats	Kemp	Savage
Coelho	Kennelly	Schuette
Coleman (TX)	Kildee	Seiberling
Collins	Kleczka	Sensenbrenner
Conte	LaFalce	Sharp
Conyers	Latta	Sikorski
Cooper	Lehman (CA)	Siljander
Coyne	Lehman (FL)	Skelton
Crockett	Leland	Solomon
Daniel	Levin (MI)	St Germain
Darden	Levine (CA)	Staggers
Daschle	Lewis (CA)	Stangeland
Davis	Lipinski	Stark
Dellums	Luken	Stokes
DeWine	Lundine	Stratton
Dixon	Martin (IL)	Traficant
Durbin	Martin (NY)	Traxler
Eckart (OH)	Martinez	Udall
Edgar	McCloskey	Valentine
Edwards (CA)	McDade	Vander Jagt
Evans (IL)	McEwen	Vento
Fawell	McHugh	Visclosky
Feighan	Michel	Volkmer
Fish	Miller (CA)	Walgren
Foley	Miller (OH)	Waxman
Ford (MI)	Montgomery	Weber
Ford (TN)	Moody	Wheat
Frenzel	Murtha	Whitley
Garcia	Myers	Whitten
Gaydos	Natcher	Williams
Gejdenson	Nowak	Wise
Gephardt	Oakar	Wolpe
Gilman	Oberstar	Wortley
Gordon	Obey	Wright
Gray (IL)	Olin	Wylie
Guarini	Oxley	Yates
Gunderson	Pease	Yatron
Hall (OH)	Penny	Young (MO)

NOES—256

Ackerman	Badham	Bennett
Akaka	Barnard	Bentley
Alexander	Barnes	Bereuter
Anderson	Bartlett	Berman
Andrews	Barton	Bevill
Anthony	Bateman	Biaggi
Archer	Bates	Billirakis
Armey	Bedell	Billey
AuCoin	Beilenson	Boggs
Boland	Hopkins	Reid
Boner (TN)	Howard	Rinaldo
Bonker	Hoyer	Ritter
Borski	Hubbard	Roberts
Bosco	Huckaby	Robinson
Boucher	Hughes	Rodino
Boulter	Hunter	Roe
Brooks	Hutto	Roemer
Brown (CO)	Ireland	Rogers
Byron	Jeffords	Roukema
Callahan	Jenkins	Roybal
Carney	Jones (OK)	Rudd
Carper	Jones (TN)	Saxton
Chandler	Kolbe	Schaefer
Chapman	Kolter	Scheuer
Chappell	Kostmayer	Schneider
Chappie	Kramer	Schroeder
Cheney	Lagomarsino	Schulze
Cobey	Lantos	Schumer
Coble	Leach (IA)	Shaw
Coleman (MO)	Leath (TX)	Shelby
Combest	Lent	Shumway
Coughlin	Lewis (FL)	Shuster
Courter	Lightfoot	Sisisky
Craig	Livingston	Skeen
Crane	Lloyd	Slattery
Dannemeyer	Loeffler	Slaughter
Daub	Long	Smith (FL)
de la Garza	Lott	Smith (IA)
DeLay	Lowery (CA)	Smith (NE)
Derrick	Lowry (WA)	Smith (NJ)
Dickinson	Lujan	Smith, Denny (OR)
Dicks	Lungren	Smith, Robert (NH)
DioGuardi	Mack	Smith, Robert (OR)
Donnelly	MacKay	Snowe
Dorgan (ND)	Madigan	Snyder
Dornan (CA)	Manton	Solarz
Dowdy	Markey	Spence
Downey	Marlenee	Spratt
Dreier	Matsui	Stallings
Duncan	Mavroules	Stenholm
Dwyer	Mazzoli	Strang
Dymally	McCain	Studds
Dyson	McCandless	Stump
Early	McCollum	Sundquist
Eckert (NY)	McCurdy	Sweeney
Edwards (OK)	McGrath	Swift
Emerson	McKernan	Swindall
English	McKinney	Synar
Erdreich	McMillan	Tallon
Evans (IA)	Meyers	Tauke
Fascell	Mica	Tauzin
Fazio	Mikulski	Taylor
Fiedler	Miller (WA)	Thomas (CA)
Fields	Mineta	Thomas (GA)
Florio	Mitchell	Torres
Foglietta	Moakley	Torricelli
Frank	Molinari	Towns
Franklin	Mollohan	Vucanovich
Frost	Monson	Waldon
Fuqua	Moorhead	Walker
Gallo	Morrison (WA)	Watkins
Gekas	Mrazek	Weaver
Gibbons	Murphy	Weiss
Gingrich	Neal	Whitehurst
Glickman	Nelson	Whittaker
Gonzalez	Nichols	Wilson
Goodling	Nielson	Wirth
Gradison	Ortiz	Wolf
Gray (PA)	Owens	Wyden
Green	Packard	Young (AK)
Gregg	Panetta	Young (FL)
Hall, Ralph	Parris	Zschau
Hammerschmidt	Pashayan	
Hansen	Pepper	
Hatcher	Pickle	
Hendon	Quillen	
Holt	Ray	

NOT VOTING—10

Breaux	Fowler	Moore
Campbell	Grotberg	Morrison (CT)
Dingell	Hartnett	
Flippo	Kindness	

□ 1150

Mr. LENT, Mr. ROYBAL, Mrs. LLOYD, Mr. FAZIO, and Mr. BERMAN changed their votes from "aye" to "no."

Messrs. HILLIS, MYERS of Indiana, BURTON of Indiana, and McEWEN changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. RUSSO). Under the rule, the next amendment in order was amendment No. 39, which was previously adopted by voice.

The next amendment in order was amendment No. 40, which was previously adopted by voice.

The next amendment in order was amendment No. 42, whch was previously adopted by voice.

Under the rule, the next amendment in order is amendment No. 43. Does the gentleman from Mississippi [Mr. MONTGOMERY] wish to offer amendment No. 43?

Mr. MONTGOMERY. Mr. Chairman, I will not offer amendment No. 43, but I will offer amendment No. 44.

AMENDMENT OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MONTGOMERY:

Page 86, line 4, strike out "459,310" and insert in lieu thereof "456,596".

Page 86, line 6, strike out "153,013" and insert in lieu thereof "152,994".

Page 87, line 12, strike out "25,231" and insert in lieu thereof "25,731".

Page 87, line 14, strike out "20,510" and insert in lieu thereof "21,476".

The CHAIRMAN pro tempore. The gentleman form Mississippi [Mr. MONTGOMERY] will be recognized for 5 minutes in support of his amendment, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

MODIFICATION OF AMENDMENT OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Chairman, I ask unanimous consent to modify my amendment.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. MONTGOMERY: The amendment is modified to read as follows:

Page 86, line 4, strike out "459,310" and insert in lieu thereof "456,596".

Page 86, line 6, strike out "153,013" and insert in lieu thereof "152,994".

Page 86, line 7, strike out "44,263" and insert in lieu thereof "43,663".

Page 87, line 12, strike out "25,231" and insert in lieu thereof "25,731".

Page 87, line 14, strike out "20,510" and insert in lieu thereof "21,476".

Page 87, line 15, strike out "1,645" and insert in lieu thereof "1,745".

Mr. MONTGOMERY (during the reading). Mr. Chairman, I ask unanimous consent that the modification be

considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN pro tempore. Without objection, the modification is agreed to.

There was no objection.

Mr. MONTGOMERY. Mr. Chairman, this amendment increases full-time support personnel for several of the Reserve components. The original amendment addressed only the Army National Guard and the Navy Reserve. The modification adds an increase for the Marine Corps Reserve also. The original amendment, as well as the modification, results in a zero net funding effect due to offset savings which are also part of the amendment.

H.R. 4428 grants only about one-third of the requested growth in reservists on full-time active duty—ARG's, TAR's et cetera—while granting the full requested growth in drilling reservists.

The amendment is needed in order to allow the Army Guard, Navy Reserve, and Marine Corps Reserve to achieve a better balance between overall growth in drilling reservists and reservists on full-time active duty.

This amendment adds full-time support personnel: 500 for the Army National Guard; 966 for the Navy Reserve; and 100 for the Marine Corps Reserve.

Funds needed for these people—approximately $27 million—are offset with savings resulting from a reduction in the number of drilling reservists—part-timers—a zero net funding effect.

Some 3,900 drilling Reserve positions are eliminated under my amendment to provide offset cost savings needed to fund the added full-time positions.

The armed services staff has reviewed and concurs with these cost savings figures.

AMENDMENT OFFERED BY MR. JONES OF OKLAHOMA TO THE AMENDMENT OFFERED BY MR. MONTGOMERY, AS MODIFIED

Mr. JONES of Oklahoma. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES of Oklahoma to the amendment offered by Mr. MONTGOMERY, as modified: At the end of the amendment add the following:

At the end of title III (page 85, after line 12) add the following new section:

SEC. 314. TRANSPORTATION OF LIVESTOCK FEED.

The Secretary of Defense may authorize the use during 1986 of National Guard equipment and personnel for transportation (including airlift) of livestock feed to drought-stricken areas of the United States.

Mr. JONES of Oklahoma. Mr. Chairman, this amendment very simply authorizes the Secretary of Defense to use the National Guard for transporting livestock feed, hay, et cetera, to the drought-stricken areas of the Southeastern United States or elsewhere.

We have all read the stories of the heartbreak and the damage caused to farmers, particularly in the Southeastern United States, by this unprecedented drought. The humanitarian outpouring of support, of feed, of hay, to these farmers has truly been heartwarming.

For example, in Oklahoma, under the leadership of the Council of Churches, Oklahoma farmers who themselves are facing depression conditions have come forth in a voluntary effort to offer hay to these farmers in the Southeastern United States; private companies, transportation companies, both railroad and trucking, have offered their services to transport this.

Despite this wonderful voluntary effort, it is still not enough. The secretary of agriculture of South Carolina has said that there is going to have to be more.

Clearly, two things have to be done. One, we have to use the surplus feed grains that are now in the storage bins in record numbers. Those surpluses are costing the taxpayers millions and millions of dollars for storage fees. Those grains need to be used to get more protein to these starving animals in the Southeastern United States.

Second, we have to transport it.

□ 1200

We have a resource there in the National Guard to transport this livestock feed on training duty, and they can do it at no additional cost to the Government. For some reason, there apparently is not that authority today for the National Guard to transport these grains.

This amendment will give the Secretary of Defense that authority and will provide both a training exercise and humanitarian support to a part of the country that needs it badly.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I thank the gentleman from Oklahoma for yielding. I think this is a good amendment and deserves the strong support of the Members. In Bergstrom Air Force Base in my district, farmers have already cut some 5,000 bales of hay that they want to send to the South. They sent some already by rail, but it is rather difficult and cumbersome. If they could ship this from the base with this authorization, it would be a good thing for that part of the country, and it is good training for the National Guard and the reservists, and this authorization should be granted. I think the gentleman has a very good amendment that should be supported.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I want to congratulate the gentleman on his amendment. I think it is wonderful that you are giving the Guard this authority. I hope everybody supports it, and I think it is a very, very constructive use of training time, and it is also going to save many people's food.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I thank the gentleman and want to associate myself with the gentleman's amendment. I commend him for his leadership, along with the gentleman from Mississippi [Mr. MONTGOMERY], the general on the committee, who is always there fighting for the Guard and Reserve, and I urge a strong yes vote on this amendment.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. I thank the gentleman and I certainly support the amendment. I have had a chance to talk with the gentleman about the amendment, and also to have a study on the amendment. I think it makes a lot of sense, and I am proud that the National Guard could be involved in this worthwhile cause. I thank the gentleman.

Mr. RAY. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Georgia.

Mr. RAY. Mr. Chairman, I really appreciate the gentleman introducing this amendment. It is a very worthwhile amendment, one that is very well deserved, and we appreciate the people in the Midwest and the western part of the United States for shipping this hay. We thank you so much, and I join you and support your amendment.

Mr. McKERNAN. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Maine.

Mr. McKERNAN. Mr. Chairman, I also want to commend the gentleman for his amendment. I think in these very difficult times we have seen our country pull together, and it is very appropriate that the gentleman sponsor this amendment and that we include the National Guard in these types of activities.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, I would like to state for the record that we have no objection at all on this side to

the amendment. I think it is a very good amendment and I commend the gentleman.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I compliment the gentleman from Oklahoma on this amendment. It not only is doing a very humanitarian and proper thing, but those members of the National Guard that would be involved with this would have added meaning to their training, knowing that they are doing something for their fellow Americans. I compliment the gentleman again.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. JONES of Oklahoma. I yield to the gentleman from Alabama.

Mr. NICHOLS. Mr Chairman, I want to compliment the gentleman from Oklahoma on his amendment.

Coming from one of the States that is a recipient of much of this hay from the Midwest and from the gentleman's area of the country, let me say it is timely in nature, and we badly need it. I was not aware that the National Guard could not do this on their own.

I strongly support what the gentleman is trying to do.

Mr. JONES of Oklahoma. I thank the gentleman and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. Russo). Does any Member rise in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from Oklahoma [Mr. JONES] to the amendment offered by the gentleman from Mississippi [Mr. MONTGOMERY], as modified.

The amendment to the amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. Is there opposition to the amendment offered by the gentleman from Mississippi [Mr. MONTGOMERY]?

If not, the question is on the amendment offered by the gentleman from Mississippi [Mr. MONTGOMERY], as modified, as amended.

The amendment, as modified, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment made in order is amendment No. 45.

AMENDMENT OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MONTGOMERY: At the end of title V of division A (page 103, after line 6), add the following new section:

SEC. . ACTIVE DUTY OF NATIONAL GUARD.

(a) GOVERNOR CONSENT FOR ACTIVE DUTY OF NATIONAL GUARD MEMBERS.—Section 501 of title 32, United States Code, is amended by adding at the end the following new subsection:

"(c) With regard to active duty outside the United States, its territories, and its possessions, the consent of the Governor described in sections 672(b) and 672(d) of title 10 may not be withheld in whole or in part because of any objection to the location, purpose, type, or schedule of such active duty.".

(b) CONFORMING AMENDMENT.—Section 672 of title 10, United States Code, is amended—

(1) by inserting "except as provided by section 501(c) of title 32" after "as the case may be" in subsection (b); and

(2) by inserting "except as provided by section 501(c) of title 32" after "whichever is concerned" in subsection (d).

The CHAIRMAN pro tempore. Under the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 5 minutes, and a Member of the Committee opposed to the amendment will be recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN pro tempore. The gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I yield myself 2 minutes, and I would like to reserve the last minute of the debate for my closing argument.

The CHAIRMAN pro tempore. The Chair will state to the gentleman from Mississippi that under the procedure adopted by the Committee, a Member of the committee who is in opposition to the amendment has been recognized to close the debate. So it would be the Chair's discretion to recognize the gentlewoman from Colorado [Mrs. SCHROEDER] to close debate.

POINT OF ORDER

Mr. MONTGOMERY. Mr. Chairman, I have a point of order.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. MONTGOMERY. Mr. Chairman, the Member that is opposing this amendment is not reflecting the committee's position. That is not the will of the committee. I am on the committee myself, and I think it is my amendment and I have the right to close the debate. This is not the committee's position at all.

The CHAIRMAN pro tempore. The Chair will inform the gentleman from Mississippi that the Member who is entitled to close the debate would be a member of the committee who supports the committee's position. Is the gentleman in support of the committee's position?

Mr. MONTGOMERY. Yes, Mr. Chairman; I support the committee position. I am for the amendment, so, therefore, I think I have the right to close debate.

The CHAIRMAN pro tempore. If there is no committee position on the amendment, then the gentleman is entitled to close debate.

Mr. MONTGOMERY. Thank you, Mr. Chairman. I knew that all of the time.

Mr. Chairman, I yield myself 2 minutes and 30 seconds, and I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 2½ minutes.

Mr. MONTGOMERY. Mr. Chairman, my amendment would change the law in a way that says a Governor's consent to National Guard training outside the United States cannot be withheld because the Governor objects to the location, purpose, type, or schedule of such duty.

We are only changing part of the consent law passed in 1952. We are not offering an amendment changing the Constitution. This was the law passed in 1952.

Under this amendment, the Governor still will have the authority to block the training if he or she thinks the guardsmen are needed at home for local emergencies.

Mr. Chairman, the use of the National Guard has changed a great deal in the last 30 years. The Army Guard and the Air Guard are no longer backup or fillers of the active forces. They are frontline, alongside the Regulars.

A few Governors just cannot say I will not let my guardsmen go to train in a certain part of the world because I do not like the politics of that situation. My amendment would prohibit that.

The Congress insisted, starting 15 years ago, that more missions, more equipment, more incentives should be given to the Guard and Reserve. Congress said we do not want a big standing Army, we think the Reserves are the way to go. Plus, the National Guard is really a good buy for the American taxpayer.

The Federal Government furnishes 100 percent of the equipment to the National Guard and pays 100 percent of the salaries of the guardsmen. If the Defense Department has to worry about whether a Governor is going to block his or her units from going to training exercises in Europe or elsewhere, then, and this is the main point, then the Defense Department is not going to give missions or provide equipment to the National Guard.

The Reserves are doing a good job, but in no way can they handle the combat missions of the National Guard. If you defeat this amendment, you in effect are putting the National Guard out of business.

By adopting this amendment, the Governors will still be protected and the National Guard will continue to be a strong arm of the defense.

Mr. HILLIS. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Indiana.

Mr. HILLIS. Mr. Chairman, I rise in strong support of the gentleman's amendment. I think he has hit a very cogent point here. If we are going to have this total force concept where we rely heavily on the National Guard and Reserve, the gentleman's amendment is very, very important.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the very distinguished gentleman from California [Mr. EDWARDS], the constitutional scholar from the Judiciary Committee.

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to the amendment. It raises serious constitutional questions which the House has never had an opportunity to consider since this amendment was never the subject of a single hearing in this body.

Under the Constitution, control over the National Guard is split between Congress and the Governors of the several States. Under article I of the Constitution, Congress has the authority to provide for organizing, arming, and disciplining the militia, but article I also expressly reserves to the States authority over the training.

The National Guard missions to Honduras that have generated this controversy are specifically described as training exercises. If the Governors have no control over where their National Guard may be sent for training, they have no control over training at all and the constitutional language is meaningless.

Supporters of the amendment claim that citizen-soldiers being sent to Central America are not ordinary National Guardsmen, subject to the control of the States in matters relating to their training, but have become National Guardsmen of the United States, subject only to Federal control. The Constitution cannot be circumvented so readily. The Framers obviously intended that there would be a militia, distinct from the standing army and they specified that the States would control the training of that militia. The principle of State control set forth in the Constitution cannot be abolished just by saying that we now have total-force concept and that all National Guardsmen are Reserve members of the Army.

This amendment would, in fact, destroy the dual status of the National Guard. It would overturn the longstanding principle of State control reflected in article I. I don't believe it has been given adequate consideration. Certainly, the constitutional implications have never been explored. The Senate's hearing had witnesses from only one side. I urge my colleagues to reject this amendment so we can take a closer look at this issue, including the constitutional aspects.

Mrs. SCHROEDER. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Maine [Mr. MCKERNAN].

Mr. MCKERNAN. Mr. Chairman, it is with great regret that I rise to oppose the gentleman from Mississippi's amendment, particularly as the Governor of my State is the only one who has refused to send National Guardsmen on an overseas training mission for which a unit was requested. While I disagree with our Governor's decision, I believe the Constitution is clear on this issue: Matters relating to the training of the Guard, under normal circumstances, should be within the jurisdiction of the Governors.

I understand the gentleman's reason for offering the amendment, and I sympathize with the problem that has been caused by several Governors' reluctance to consider allowing Guard units to train in countries, such as Honduras. The actions of the Governors set a precedent that could hamper or prevent Guard units from obtaining the training necessary to fulfill their obligations in times of emergencies. The issue has also been used, to some extent, as a platform from which Governors may express their views on foreign policy. Regardless of whether an individual Governor approves or disapproves of an administration's foreign policies, I do not believe it was our Founding Fathers' intent to extend to the Governors a role in the foreign policy of this Nation through their control of the Guard: Obviously, to anticipate the situation which has developed today would have required tremendous foresight.

We need to reconcile two issues here, one consisting of the Governors' authority over the National Guard during periods when national declared emergencies do not exist, and the other being the need to allow the Guard to carry out training missions that are required for readiness. The gentleman's amendment addresses the latter issue, but only at the expense of the former, and, as such, is unacceptable.

What I think we have here is an attempted solution in which the shoe is on the wrong foot. We have a problem that needs to be addressed, but this amendment goes about it in the wrong way. With this amendment, we're saying that, regardless of the need for a particular National Guard unit, the Governors lose the historical authority they have had over such training missions. We need to rearrange our priorities so that the Governors only lose this authority in times of need, when a State's National Guard units are required to fulfill the objectives of the training mission, or in cases when the training is essential in order to carry out the stated purpose of a particular unit.

In the case of my State, the 48 positions that were requested but denied by our Governor were quickly filled with guardsmen from the 11 other States participating in the maneuvers. While the construction project for which these guardsmen were requested would have provided valuable training experience, the participation of the Maine Army National Guard was not required to complete the project, nor did this project present the only opportunity the Maine guardsmen would have to obtain this type of training. While I understand and share the gentleman's concern over the effect of our Governor's decision, I believe the amendment before us is an overreaction to the situation.

If an amendment were offered which could satisfy both of the concerns I have expressed—and which would place the shoe on the other foot by reserving the authority over overseas training missions for the Guard to the Governor, except when national need dictates otherwise—I would gladly support it, and I certainly would be willing to work with the gentleman from Mississippi further on this issue. Clearly, we need to ensure that Federal policies in time of need are not undermined by our States, and the mission of the National Guard is not undermined; but we must also place limitations on the extent to which the Federal Government extends its authority over the National Guard of each State.

Mr. MONTGOMERY. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, I think this is a very, very reasonable amendment. Obviously, the Governors of the several States are not expected to be military tacticians or to be deciding on the foreign policy of the United States, although some of them have tried to do that.

As the gentleman from Mississippi has pointed out, the United States provides all of the funds for the National Guard and the Reserves. If there is any action abroad the Guard and the Reserves are going to join that action. But for them to do the job they should do, they need prior training in realistic circumstances.

These decisions must be made by the leaders of the Guard and the Reserves. That is a military decision and it cannot, of course, be made by a Governor. We need the best professional leadership possible with our Reserves and Guard.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], a member of the Committee on Rules.

Mr. BONIOR of Michigan. Mr. Chairman, I thank my colleague for yielding me this time.

Mr. Chairman, I rise in strong opposition to this amendment which would strip away our Nation's Governors' authority to veto National Guard participation in overseas training exercises. I think it is another avenue which will lead our country, very frankly, into war in Central America.

This amendment would allow the administration to call the National Guard for training in Honduras without regard to the wishes of the elected representatives of the people of our States, our Nation's Governors. Training National Guardsmen in Central America is unwarranted, and blatantly ignores, as the gentleman from California [Mr. EDWARDS] has pointed out, the constitutional powers granted to the States to assess when, where, and why their National Guardsmen are trained.

Training National Guardsmen in Honduras presents risks which need not be taken, especially when jungle training can be accomplished in the southern parts of this country.

It should be noted that a Governor's veto only extends to training exercises, since the President can overrule a veto in case of a national emergency. This is clearly not a national emergency.

Therefore, we should abide by the wishes of the people of this country and put the safety of our National Guardsmen first.

I think we also have to be candid here and look at this amendment for what it really is: Another weapon in the administration's arsenal to conduct war in Central America. I suggest to my colleagues we not abandon our commitment to the independence of the States, but uphold their constitutional rights and vote against this very onerous amendment.

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Mr. MONTGOMERY. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Chairman, I want to commend the gentleman from Mississippi [Mr. MONTGOMERY]. The gentleman from Mississippi has been a leader of the Guard and Reserves for a long time, and he spoke about the Guard and Reserve being on the frontlines and their need to be ready, and certainly a state of readiness is required.

Is it not true that they have to have training that can only be obtained in certain areas, like certain terrain, climate, conditions, and is that not very important for the readiness of the Guard and Reserve?

Mr. MONTGOMERY. That is very important, Mr. Chairman, and some of my colleagues are concerned about Honduras. We are not starting a war down there; all we have got is engineers, communications, and quartermaster personnel.

It is terrific training. Think about the enlisted man.

Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, let me just say to my colleagues that if we do not pass the Montgomery amendment, we are really putting a large portion of foreign policy, because the Guard is an instrument of foreign policy, in the hands of Governors of individual States.

I would like to remind the body that in an operation like the Libyan strike that we made, we have Guard planes supporting those F-111's. Theoretically, a Governor who was against the strike on Libya, could, unless the Montgomery amendment is passed, stop his aircraft, and essentially stop that operation that involves the Guard.

The Guard is intimately involved in these foreign operations, and the President has to control them. I urge support for the Montgomery amendment.

Mrs. SCHROEDER. Mr. Chairman, I yield 30 seconds to a distinguished member of the committee, the gentleman from Maryland [Mr. DYSON].

Mr. DYSON. Mr. Chairman, the Guard has no greater friend than the gentleman from Mississippi [Mr. MONTGOMERY], but I think this is a bad idea. We have not had enough time to look into this; 10 minutes per amendment is not enough time to fully understand a proposal as important and far reaching as this amendment. I see it as a gross erosion of States rights. As a State righter, I think it is a very dangerous precedent to take. This issue of Central America will someday not be so prominent in our attentions; so I do not believe we should erode the authority of the States to correct a preceived wrong.

I think it is something we should be very cautious about, therefore I am opposed to it, Mr. Chairman.

Mr. JEFFORDS. Mr. Chairman, I rise in opposition to the Montgomery amendment because it strikes at the very heart of States rights, of constitutional rights. It would eliminate the requirement that a Governor give his or her consent before the National Guard could be assigned to active duty outside the United States.

As my colleagues know, the Constitution clearly delegates command of the National Guard to the President during time of war or national emergency. But in peacetime, the Governor of each State is commander in chief of the State National Guard. With that responsibility comes the right to make certain fundamental decisions. This includes the right to withhold permission for the militia to train outside the United States, or to object to the location, purpose, type, or schedule of an active duty assignment.

The head of the Vermont National Guard, Adj. Gen. Don Edwards, strenuously opposes this amendment. He makes it clear that the issue here is training, not combat. In his opinion, this amendment would undermine the Governor's responsibility over the Guard's peacetime activities.

What has brought and prompted this controversy is the question of whether it is appropriate for the National Guard to train in Honduras. Nine Governors have expressed reluctance to allow their Guard to participate in training exercises in Honduras. In March, Vermont Gov. Madeleine Kunin stated that she would not consent to any request to send the Vermont Guard to Honduras for this purpose. As the Governor noted, the situation along the Honduran borders is very sensitive and any United States military presence in these areas only increases these tensions. There are many places where the Guard trains in jungle terrain without aggravating tense military situations.

I would like to remind my colleagues that the real issue here is a States rights issue, not a foreign policy issue. This vote should not be a referendum on United States policy in Central America. The question before us is whether we should alter an essential component of the Federal system, the time-honored tradition of State control of militias in a time of peace. There is no reason to change the system now just because it has aroused some foreign policy concerns. I think that my colleagues will find that these temporary difficulties are insignificant in comparison to the larger issue of States rights.

I urge all my colleagues to oppose the Montgomery amendment.

Mr. LOWRY of Washington. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Mississippi [Mr. MONTGOMERY]. We have no right to do this.

Both the law and longstanding tradition hold that the States control the disposition of National Guard forces during peacetime. The Governor of my own State of Washington, Booth Gardner, is one of the Governors who have expressed an unwillingness to send his National Guard troops to Honduras. If the Governor made a mistake—and I don't think he did—it's up to the voters in the State of Washington to make him aware of it, not the U.S. Congress.

Let me make one thing clear. If we go to war, and I fervently hope we do not, all of the States' National Guard forces will become part of a unified national defense system and the States will lose control over them.

But in peacetime, these troops belong to the States. Right now we are not at war. In fact, the administration claims that its policy in Central America is not going to get us into war. So let's not needlessly change a system that works and further increase Federal power at the expense of the States.

By the way, Washington's Governor seems to have the support of the people of the State on this issue. The mail that I received on this issue was, I would guess, 80 or 90 percent in favor of Governor Gardner's position. Perhaps the people out there know something about the course we're on in Central America that we who are endlessly hammered by adminis-

tration salesmen don't see as clearly as we should.

This amendment is an expedient way of getting around one form of opposition to the administration's Central American policy. But it will not change the conditions that led Governor Gardner and others to make their decisions. We will still be at risk of sinking into a conflict that our people do not want and we will have silenced one of the alarms we should be listening to.

Mr. MONTGOMERY. Mr. Chairman, I yield 30 seconds to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Chairman, I rise in support of this amendment. As the former director of the State department of public safety in Arkansas with jurisdiction over the National Guard, I think that the gentleman from Mississippi [Mr. MONTGOMERY] is right on target.

No Governor ought to be allowed to disallow training for National Guard units in this country. They are responsible for 51 percent of our combat readiness. If we do have a conflict around this world, and I pray to God that we do not, what would happen to us if some leftwing Governor decided that he was going to refuse to send his National Guard people?

Vote "yes" on Montgomery. This is not a question of going to the Judiciary Committee, or a vote on Contra aid. It is a vote for the military readiness of this country.

Mrs. SCHROEDER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as it has been pointed out, there is a great question as to whether this is constitutional. We have not had hearings on this. I think this is a very major structure change in our Government that has been operating in the manner—that has been operating for over 200 years.

I think to quickly run in with an amendment and change it in the heat of debate over Central America is really wrong. Why did our forefathers create the National Guard and create it in a different manner? Well, they call it the "National" Guard. It is not the Foreign Legion. There is a big difference.

Having Governors use and be able to direct the National Guard is very important. I would like to point out that there are many, many Governors, and we have all their names here, who are really thinking that this is not the right way to go. We have had different State legislatures, in fact over 20, say that they are really not sure that this is the way to go.

Basically, whether you agree or disagree, I think we all agree that if it is unconstitutional according to many constitutional scholars, and if we have never had hearings, and if it has been functioning this way for over 200 years, why in the world the rush to put this in with a 10-minute debate on the House floor?

I think that is playing too fast and loose.

Mr. MONTGOMERY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me correct what has been said here today by the opponents of this amendment. This amendment is not eroding the States rights or those of the Governors of the States. It does not get into the Constitution at all; it just changes a part of the law that was passed in 1952.

If we do not adopt this amendment, and as I said earlier, the National Guard is dead in the water; you can forget about it. You Governors are going to lose all your equipment; you are going to lose a lot of payroll, so you had better support this amendment and let the Guard keep going.

As we talk today, Mr. Chairman, the Guard is guarding us up around the Alaskan borders; they are in the air, flying, protecting the interior of this country, and it just does not make any sense not to adopt this amendment.

Mr. AUCOIN. Mr. Chairman, there's no question that the Montgomery amendment is ambitious. It does nothing less than reverse U.S. history and rewrite the Constitution—stripping State Governors of their authority to veto National Guard training exercises overseas. It should be soundly defeated.

Frustrated because Congress keeps saying yes, no matter how outrageous the request for military aid to Central America, some Governors are threatening to say no. They've been telling the Pentagon they don't like their State Guard units taking part in military manuevers in Honduras.

These Governors know that our steady military parade through Honduras is destabilizing Central America. They know that the Pentagon has used the guise of temporary military exercises as an excuse for building a permanent military infrastructure in Honduras—roads, nine airfields, two radar stations and air intelligence equipment.

Supporters of the amendment would have you believe that the ability of Governors to see through the Pentagon ruse threatens U.S. national security. That's just not so. For 200 years Governors have controlled the Guard, and we've been secure. To say that, without this amendment, State executives will withhold Guard units in a national emergency ignores our history.

In January, the Oregon National Guard took part in training exercises in Honduras. Though this invitation was strongly protested by some members of the State legislature and scores of private citizens, Oregon's Governor decided to let the mission take place. The group was accompanied, however, by a contingent of State legislators acting as observors.

Many Oregonians disagreed with the decision to send the Guard. Fewer still would agree with a proposal that takes away the discretion of the State Governors to veto overseas training missions.

I strongly oppose this amendment, and urge my colleagues to vote no.

The CHAIRMAN pro tempore (Mr. RUSSO). The question is on the amendment offered by the gentleman from Mississippi [Mr. MONTGOMERY].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MONTGOMERY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 159, not voting 11, as follows:

[Roll No. 347]

AYES—261

Akaka	Frenzel	Meyers
Alexander	Fuqua	Mica
Andrews	Gallo	Michel
Annunzio	Gaydos	Miller (OH)
Archer	Gekas	Miller (WA)
Armey	Gephardt	Molinari
Aspin	Gibbons	Mollohan
Badham	Gilman	Monson
Barnard	Gingrich	Montgomery
Bartlett	Glickman	Moorhead
Barton	Goodling	Morrison (WA)
Bateman	Gordon	Murtha
Bennett	Gradison	Myers
Bentley	Gray (IL)	Nelson
Bereuter	Green	Nichols
Bevill	Gregg	Nielson
Bilirakis	Gunderson	Ortiz
Bliley	Hall, Ralph	Oxley
Boehlert	Hammerschmidt	Packard
Boggs	Hansen	Parris
Boner (TN)	Hatcher	Pashayan
Bonker	Hefner	Penny
Boulter	Hendon	Pepper
Brooks	Henry	Petri
Broomfield	Hiler	Pickle
Bryant	Hillis	Porter
Burton (IN)	Holt	Price
Bustamante	Hopkins	Pursell
Byron	Horton	Quillen
Callahan	Hubbard	Rahall
Carney	Huckaby	Ray
Carper	Hughes	Regula
Carr	Hunter	Richardson
Chandler	Hutto	Ridge
Chapman	Hyde	Rinaldo
Chappell	Ireland	Ritter
Chappie	Jenkins	Roberts
Cheney	Johnson	Robinson
Clinger	Jones (NC)	Roe
Coats	Jones (OK)	Roemer
Cobey	Kasich	Rogers
Coble	Kemp	Rose
Coleman (MO)	Kolbe	Roth
Coleman (TX)	Kolter	Roukema
Combest	Kramer	Rowland (CT)
Cooper	LaFalce	Rowland (GA)
Coughlin	Lagomarsino	Rudd
Courter	Latta	Saxton
Crane	Leach (IA)	Schaefer
Daniel	Leath (TX)	Schneider
Dannemeyer	Lewis (CA)	Schuette
Darden	Lewis (FL)	Schulze
Daub	Lightfoot	Sensenbrenner
Davis	Lipinski	Shaw
de la Garza	Livingston	Shelby
DeLay	Lloyd	Shumway
DeWine	Loeffler	Shuster
Dickinson	Lott	Siljander
DioGuardi	Lujan	Sisisky
Dornan (CA)	Luken	Skeen
Dowdy	Lungren	Skelton
Downey	Mack	Slattery
Dreier	MacKay	Slaughter
Duncan	Madigan	Smith (IA)
Eckert (NY)	Marlenee	Smith (NE)
Edwards (OK)	Martin (IL)	Smith (NJ)
Emerson	Martin (NY)	Smith, Denny (OR)
English	Mavroules	Smith, Robert (NH)
Erdreich	Mazzoli	Smith, Robert (OR)
Evans (IA)	McCain	Snowe
Fascell	McCandless	Snyder
Fawell	McCollum	Solarz
Fiedler	McCurdy	Solomon
Fields	McDade	Spence
Fish	McEwen	
Florio	McGrath	
Franklin	McMillan	

Spratt	Taylor	Weber
Stangeland	Thomas (CA)	Whitehurst
Stenholm	Thomas (GA)	Whitley
Strang	Torricelli	Whittaker
Stratton	Valentine	Wilson
Stump	Vander Jagt	Wolf
Sundquist	Vento	Wortley
Sweeney	Volkmer	Wright
Swindall	Vucanovich	Wylie
Tallon	Walker	Young (AK)
Tauzin	Watkins	Young (MO)

NOES—159

Ackerman	Frost	Oberstar
Anderson	Garcia	Obey
Applegate	Gejdenson	Olin
Atkins	Gonzalez	Owens
AuCoin	Gray (PA)	Panetta
Barnes	Guarini	Pease
Bates	Hall (OH)	Perkins
Bedell	Hamilton	Rangel
Beilenson	Hawkins	Reid
Berman	Hayes	Rodino
Biaggi	Hertel	Rostenkowski
Boland	Howard	Roybal
Bonior (MI)	Hoyer	Russo
Borski	Jacobs	Sabo
Bosco	Jeffords	Savage
Boucher	Jones (TN)	Scheuer
Boxer	Kanjorski	Schroeder
Brown (CA)	Kaptur	Schumer
Brown (CO)	Kastenmeier	Seiberling
Bruce	Kennelly	Sharp
Burton (CA)	Kildee	Sikorski
Clay	Kleczka	Smith (FL)
Coelho	Kostmayer	St Germain
Collins	Lantos	Staggers
Conte	Lehman (CA)	Stallings
Conyers	Lehman (FL)	Stark
Coyne	Leland	Stokes
Craig	Levin (MI)	Studds
Crockett	Levine (CA)	Swift
Daschle	Long	Synar
Dellums	Lowery (CA)	Tauke
Derrick	Lowry (WA)	Torres
Dicks	Lundine	Towns
Dingell	Manton	Traficant
Dixon	Markey	Traxler
Donnelly	Martinez	Udall
Dorgan (ND)	Matsui	Visclosky
Durbin	McCloskey	Waldon
Dwyer	McHugh	Walgren
Dymally	McKernan	Waxman
Dyson	McKinney	Weaver
Early	Mikulski	Weiss
Eckart (OH)	Miller (CA)	Wheat
Edgar	Mineta	Whitten
Edwards (CA)	Mitchell	Williams
Evans (IL)	Moakley	Wirth
Fazio	Moody	Wise
Feighan	Mrazek	Wolpe
Foglietta	Murphy	Wyden
Foley	Natcher	Yates
Ford (MI)	Neal	Yatron
Ford (TN)	Nowak	Young (FL)
Frank	Oakar	Zschau

NOT VOTING—11

Anthony	Fowler	Lent
Breaux	Grotberg	Moore
Campbell	Hartnett	Morrison (CT)
Flippo	Kindness	

□ 1240

Messrs. GEPHARDT, SMITH of New Jersey, and ROSE changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Under the rule, the next amendment in order is No. 46, of the gentlewoman from Colorado [Mrs. SCHROEDER].

AMENDMENT OFFERED BY MR. STARK

Mr. STARK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STARK: At the end of title V of division A (page 103, after line 7), insert the following new section:

SEC. 513. TREATMENT OF SINGLE PARENTS ENLISTING IN RESERVE COMPONENTS OF THE ARMED FORCES.

(a) IN GENERAL.—(1) Section 510 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) In determining whether a person is qualified for enlistment as a Reserve of an armed force, the Secretary concerned may not disqualify the person because the person is a single parent.

"(2) The Secretary concerned shall provide that treatment of a single parent applying to enlist as a Reserve shall be equivalent with respect to parenthood to the treatment of a member enlisted as a Reserve who becomes a single parent during the term of the member's enlistment. Such equivalent treatment may include a requirement for a written agreement with respect to child care.

"(3) In this subsection, the term 'single parent' means a person who is not married and who has custody of a child under the age of 18 pursuant to a court order.".

(b) EFFECTIVE DATE.—Section 510(e) of title 10, United States Code, is added by subsection (a), shall take effect on the date of the enactment of this Act.

The CHAIRMAN pro tempore. Under the rule, the gentleman from California [Mr. STARK] will be recognized for 5 minutes and a Member in opposition to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Chairman, I rise in support of an amendment to reverse discrimination applied to single parents who would like to enlist in the National Guard and Reserves.

As it stands now single parents must give up legal custody of their children permanently in order to enlist in the National Guard and or Reserves. In many States this requires the parent to prove that they are not fit to be a parent. It seems totally unreasonable to require a single parent to make this sacrifice because they would like to serve their country.

Marital status does not affect one's commitment, obligation, patriotic duty, or job performance.

Those who serve in the Reserves and National Guard and become a single parent remain in service and work out a child care agreement with the commanding officer and a third party who agrees to care for the child while the parent is on duty.

Unlike active duty soldiers reservists have a stable life. They do not move. They live in their own communities with support systems of family and friends.

Recruitment is a problem for the Guard and the Reserves today. We are offering cash bonuses to those who will enlist. By 1990 one out of every four children will be living in a single household. If we look to the demographics of our population and recruitment we will have to face up to this change in our society. Why not now?

I would also like to mention that the entire Enlisted Association passed a resolution against this regulation at their conference just this week. I would like to enter this resolution into the RECORD for the purpose of this debate:

RESOLUTION No. 85-39

Whereas, an important part of a unit's mission ready capability is based on the quality of the individuals who make up its membership; and

Whereas, much of that membership includes married couples, divorced and single parents with minor children; and

Whereas, one's maritial status does not affect one's commitment, obligation, patriotic duty or job performance, and

Whereas, the military is recognizing the importance of the family unit in the effectiveness and morale of the military member, and

Whereas, the requirement to relinquish his/her right as a parent is morally abhorrent in our American society, and

Whereas, there are many ways to assure a military members dependents would receive care when the military sponsor is meeting his/her military commitments: Therefore, be it

Resolved, That the Enlisted Association of the National Guard of Montana urge EANGUS to support a resolution to seek a revision of current regulations allowing single parents and parents whose spouse is military, with minor children, to enlist without requiring a court order giving total unconditional custody or guardianship of their minor child/children, to others, but rather a provision for providing persons to care for the minor child/children during periods of training or when mobilized.

This resolution was passed by the entire Enlisted Association at their conference just this week.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I just want to compliment the gentleman from California on his amendment. I think it is absolutely correct that we really should not look at people's marital status as part of whether or not they are able to carry out patriotic duties. The gentleman is absolutely correct to be moving to get rid of this discrimination, and I compliment the gentleman.

AMENDMENT OFFERED BY MR. MONTGOMERY TO THE AMENDMENT OFFERED BY MR. STARK

Mr. MONTGOMERY. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MONTGOMERY to the amendment offered by Mr. STARK: Strike out subsection (e) proposed to be added to section 510 of title 10, United States Code, by the amendment and insert in lieu thereof the following:

"(e)(1) In determining whether a person who is applying to enlist in a reserve compo-

nent upon discharge or release from active duty is qualified for enlistment as a Reserve of an armed force, the Secretary concerned may not disqualify the person because the person is a single parent if the person became a single parent while serving on active duty.

"(2) The Secretary concerned shall provide that treatment of a person described in paragraph (1) shall be equivalent with respect to parenthood to the treatment of a member who becomes a single parent during the term of the member's enlistment. Such equivalent treatment may include a requirement for a written agreement with respect to child care.

"(3) In this subsection, the term 'single parent' means a person who is not married and who has custody of a child under the age of 18 pursuant to a court order.".

Mr. MONTGOMERY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Mississippi will be recognized for 5 minutes and a Member in opposition to the amendment will be recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Chairman, my amendment would permit someone who becomes a single parent while on active duty and who later seeks to enlist in the Reserve or National Guard to be on the same footing as someone who is already in the Reserves and who becomes a single parent. Namely, he or she would have to arrange for someone to care for his or her children in the event of mobilization. Currently, such individuals are denied enlistment in the Reserve components, unless they give up custody of the child.

This amendment makes a lot of sense, Mr. Chairman, because the military has invested significant training dollars in these people—resources that are lost at the present because the Reserve and Guard do not accept single parents as enlistees. There is no reason why these soldiers should be denied the opportunity to further serve their country if they have an adequate child care plan and I support the gentlelady's efforts to rectify this situation.

Mr. STARK. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from California.

Mr. STARK. Mr. Chairman, I thank the gentleman for yielding to me.

I will state that, as usual, with the gentleman's compassionate and complete understanding of the problems that face so many of our fellow citizens in the military, the gentleman has come up with a solution that I would think, is fair and equitable.

Mr. Chairman, I accept the gentleman's amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Mississippi [Mr. MONTGOMERY] to the amendment offered by the gentleman from California [Mr. STARK].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California, as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment in order is No. 47 of the gentleman from Pennsylvania [Mr. BORSKI]. That has been agreed to by voice vote.

The next amendment in order is No. 48 of the gentleman from Pennsylvania [Mr. BORSKI]. The Chair understands the gentleman from Pennsylvania will not offer the amendment.

The next amendment in order is No. 49 of the gentleman from Arkansas [Mr. ROBINSON], which has been accepted by voice vote.

The next amendment in order is No. 50 of the gentlewoman from Colorado [Mrs. SCHROEDER].

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. SCHROEDER: Page 110, after line 8, insert the following new section:

SEC. 616. COORDINATION OF PERMANENT CHANGE OF STATION MOVES WITH SCHOOL YEAR.

The Secretary of each military department shall establish procedures to ensure that, to the maximum extent practicable, permanent change of station moves for members of the Armed Forces under the jurisdiction of the Secretary who have dependents in elementary or secondary school occur between normal school years.

Page 118, line 2, strike out "$2,209,060,000" and insert in lieu thereof "$2,533,760,000".

The CHAIRMAN pro tempore. Under the rule, the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 5 minutes and a Member in opposition to the amendment will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I rise to offer an amendment to restore approximately half of the enormous cut the Armed Services Committee made in the overall limitation on the amount of money which can be spent for costs associated with permanent changes in duty station moves. The committee cut the PCS—permanent change of station—accounts by $594 million. My amendment restores $324 million.

I voted for the Spratt amendment to reduce the total funding level of the bill by about $7 billion. I do not lightly move to add back in $300 million. Yet, after the passage of the Bennett amendment cutting $700 million from the authorization for the Strategic Defense Initiative, I believe there is now enough money available to adequately fund PCS. I can think of no more valuable use for the money.

Members of the military are moved from station to station every 2 or 3 years. Each of these moves extracts a serious financial, emotional, and personal sacrifice from members of the military and their families. If we cut the amount available for PCS, we raise the level of pain inflicted on members of the military and their families.

Studies have shown that military families take a beating with each move. Out-of-pocket transfer expenses average $1,500 for an E–4 and can average nearly $2,800 for a senior enlisted person. It is an outrage that we force our loyal military personnel to pay money out of their own limited pay to move from one place to another to serve their country.

One of the obvious effects of limiting the amount of PCS money available is that the services extend the tour lengths which must be served. A 1- or 2-month extension may well be no problem for the single soldier. But consider the case of the soldier with kids in school. A 2-month extension may well mean that the move from Germany to Colorado will occur in October, not in August. That means that the children will change schools in the middle of the school year. This is quite harmful to the child. It impairs the child's learning and it makes it more difficult for the child to make friends. And when this happens to the child, how can we expect the parent to be inclined to reenlist for another tour?

My amendment has specific language to deal with that problem. It tells the service Secretaries to move families with school-age children between school years to the extent practicable.

The committee report also contains language telling the Department of Defense to test a model relocation assistance program to help families during changes in duty station. This study is written into the bill because DOD utterly failed to produce a meaningful study required by last year's authorization bill. Studying new proposals makes sense only if the Department produces reasonable and useful studies. In the case of the relocation assistance study, the Department produced garbage.

I have talked with the Department of the Army and they are willing to conduct the model relocation assistance program required by the committee report. The Army says it has two

problems. The first is that PCS money is so limited that it would be difficult to fund a demonstration. This amendment will ensure that the Army has sufficient funds to conduct the test program. Obviously, even if PCS money is limited, the requirement to conduct the demonstration remains.

The second problem is that the study is limited to 1 or 2 years. The Army is concerned that the normal competitive procurement procedures will take up the full period and make it impossible to produce a valuable demonstration. I have checked and believe the Army has ample legal authority to depart from competitive procurement procedures to run a demonstration program of the sort required by the committee report. I expect the Army to shop around for the best service available. Still, if sole sourcing the final contract is necessary to get this demonstration project going, I think the Army should go the sole source route.

I urge my colleagues to support my amendment.

□ 1250

Mr. ASPIN. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the committee chairman, the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I thank the gentlewoman for yielding.

It seems to me that the gentlewoman is dealing with a real problem here that we did not foresee when we made the original cuts. I support the gentlewoman's amendment.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Wisconsin, and I hope that other Members can do likewise.

If I could just break out the overseas transfers and what percentage of the PCS is needed—and I am including Alaska and Hawaii—for the Army, it is 71 percent. That is a particularly high amount of the PCS accounts used, 71 percent for moving overseas.

Mr. BUSTAMANTE. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the gentleman from Texas, who has worked hard on this issue and cares a lot about families.

Mr. BUSTAMANTE. Mr. Chairman, I thank the gentlewoman for yielding.

Mr. Chairman, I rise in support of Mrs. SCHROEDER's amendment to provide adequate reimbursement to military personnel and their families for permanent change of station moves.

The number and costs of transfers of military personnel from one permanent duty station to another raise two major concerns. First, there is concern that the services are moving people too often which creates unnecessary turbulance, impacts adversely on readiness, and causes undue hardship on military members and their families. Second, I am extremely concerned about the level of out-of-pocket expenses service members have to pay during a permanent change of station move.

The Air Force estimates that for every $4 service members spend on permanent change of station moves, only $1 is reimbursed. In addition, more than half of all Air Force personnel must either borrow money or use some portion of their savings to pay for a permanent change of station move. I find this situation distressing and believe that the Government, and not the service member, should bear the cost of Government directed moves.

I urge your vote for the Schroeder amendment on behalf of the men and women who serve.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Is there any opposition to the amendment?

If not, the question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, amendment No. 51 has been accepted.

Under the rule, amendment No. 52 would be in order, and the Chair understands that the gentleman from California [Mr. PANETTA] desires a colloquy.

Mr. PANETTA. That is correct, Mr. Chairman.

The CHAIRMAN pro tempore. Without objection, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

There was no objection.

Mr. PANETTA. Mr. Chairman, will the gentleman from Wisconsin [Mr. ASPIN] join me in a colloquy on the issue of providing special pay for members of the Armed Services who are proficient in foreign languages?

Mr. ASPIN. I would be happy to engage in a colloquy with the gentleman from California [Mr. PANETTA] on that issue, if the gentleman will yield.

Mr. PANETTA. As the gentleman knows, the knowledge of foreign languages is a central component of our intelligence-gathering operation. More than 22,000 of our service personnel are required by their jobs to have a foreign language skill. The State Department, the National Security Agency, and the Central Intelligence Agency all recognize the importance of this skill and pay their employees more money for possessing them. The Department of Defense does not.

I have proposed legislation—H.R. 5306—which would provide extra pay for servicemembers proficient in foreign languages if that proficiency is required for their job. I understand that the Senate authorization bill contains a very similar program. I am prepared to offer an amendment based on my legislation that would match the Senate provision. But, I certainly understand the chairman's wish to move forward on this bill as quickly as possible.

My point is this: If the chairman would be willing to look at the Senate provision in conference—in the context of the budget constraints the House has supported—and give it strong consideration, then I would be willing to withhold my amendment. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Let me say first of all that I share the gentleman's view that, given the requirement for language proficiency in many of our intellgence-related jobs in the Department of Defense, providing extra pay for servicemembers with foreign language proficiencies has considerable merit.

As the gentleman knows, the Department of Defense has asked for this program, and funds were included in the legislative contingencies account of the budget for it. In fact, this was one of the more meritorious programs contained in that account. But, given our budgetary constraints, the contingencies account was zeroed out in committee. This was done without prejudice to the proficiency pay program.

I can assure the gentleman that during the upcoming conference on this bill, we will be looking very carefully at the Senate provision to authorize foreign language proficiency pay. Of course, we will be looking at all conference items with an eye on budget targets, but given the strengths and benefits of this program, I know that we will look at this program carefully and make every attempt possible, within the constraints of the budget that we face at that time, to authorize a proficiency pay program.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for his comments. I know he supports the same basic goal, and I urge him to do that in conference.

Mr. Chairman, with this understanding, I will not offer my amendment.

The CHAIRMAN pro tempore. Under the rule, the next amendment in order is amendment No. 53. That amendment has been accepted.

The next amendment in order is amendment No. 54. It is the Chair's understanding that the author of that amendment will not offer the amendment.

The next amendment in order is amendment No. 55. This amendment was accepted by voice vote.

The next amendment in order is amendment No. 56. That amendment was also accepted by voice vote.

The next amendment in order is amendment No. 57. That amendment was acceptd by voice vote.

The next amendment in order is amendment No. 58 by the gentleman from Virginia [Mr. BATEMAN].

AMENDMENT OFFERED BY MR. BATEMAN

Mr. BATEMAN. Mr. Chairman, I offer amendment No. 58.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BATEMAN: On page 130, line 16, after "Provisions" and before "specifying," mutually acceptable to the Navy and the contractor".

On page 131, line 5, after "performed" insert "including any waste materials rendered hazardous as a result of the performance of the work required by the contract".

On page 131, after line 5, add the following new subsections:

"(c) IDENTIFICATION NUMBERS.—Each naval vessel, or each Supervisor of Shipbuilding in lieu of each vessel, at or upon which hazardous wastes are produced or from which hazardous wastes are removed, shall obtain an identification number which shall be used on all contracts, manifests, and invoices for the transportation of such wastes for treatment, storage, or disposal in accordance with regulations issued by the Administrator of the Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1978 as amended. For purposes of this provision, the term 'hazardous wastes' shall include all wastes for which the contractor is entitled to reimbursement under subparagraph (a)(2) or (b) of this section.

"(d) REIMBURSEMENT.—The contractor shall be reimbursed by the United States for long-term liability costs of cleanup or remedial action, any other necessary costs of response, and damages for injury to, destruction of, or loss of natural resources, including the costs of assessing such injury, destruction, or loss, as well as reasonable attorney's fees, resulting from the non-negligent performance of the duties described in paragraph (a)(3). The liability of the United States under this provision is subject to the availability of appropriated funds to cover such liability at the time a contingency occurs.".

MODIFICATIONS OF AMENDMENT OFFERED BY MR. BATEMAN

Mr. BATEMAN. Mr. Chairman, I ask unanimous consent that modifications to the amendment which is at the desk be accepted.

The CHAIRMAN pro tempore. The clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. BATEMAN:

The modifications are as follows:

In the amendment to page 130, line 16, strike out "and before 'specifying,'" and insert in lieu thereof "insert".

In lieu of the amendment to page 131, line 5, insert the following:

On page 131, line 5, strike out "performed.'" and insert in lieu thereof "performed, including any waste materials rendered hazardous as a result of the performance of the work required by the contract.".

In the matter proposed to be inserted on page 131, after line 5, strike out subsection (d) (and insert closing quotation marks and a period at the end of the subsection (c)).

Mr. BATEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the modifications, which I will explain, be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN pro tempore. Without objection, the modifications are accepted.

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. BATEMAN, as modified: On page 130, line 16, after "Provisions" insert before "specifying," "mutually acceptable to the Navy and the contractor".

On page 131, line 5, strike out "performed.'" and insert in lieu thereof "performed, including any waste materials rendered hazardous as a result of the performance of the work required by the contract.".

On page 131, after line 5, add the following new subsections:

"(c) IDENTIFICATION NUMBERS.—Each naval vessel, or each Supervisor of Shipbuilding in lieu of each vessel, at or upon which hazardous wastes are produced or from which hazardous wastes are removed, shall obtain an identification number which shall be used on all contracts, manifests, and invoices for the transportation of such wastes for treatment, storage, or disposal in accordance with regulations issued by the Administrator of the Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1978 as amended. For purposes of this provision, the term 'hazardous wastes' shall include all wastes for which the contractor is entitled to reimbursement under subparagraph (a)(2) or (b) of this section.".

The CHAIRMAN pro tempore. The gentleman from Virginia [Mr. BATEMAN] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chairman recognizes the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, the modification that is at the desk simply eliminates from the floor amendment the last paragraph dealing with reimbursement of ship repair firms for liability in their disposal of hazardous waste. That provision eliminated. That accommodates concerns expressed to me as the author of the amendment by the chairman of the Committee on Energy and Commerce and the chairman of the subcommittee. Both the distinguished gentleman from Michigan [Mr. DINGELL] and the gentleman from New Jersey [Mr. FLORIO], the subcommittee chairman, have agreed to the amendment with this deletion.

□ 1300

I believe it also has the support in the amended form of the membership of the Armed Services Committee and with all those with whom I have assiduously tried to discuss it, and I know of no pending objection to it in the modified form.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, in the modified form of the amendment to the amendment, it is agreeable to me and to the committee to accept that and also the main amendment with those modifications.

Mr. BATEMAN. Mr. Chairman, I thank the chairman of the Seapower Subcommittee.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the amendment, as modified, offered by the gentleman from Virginia [Mr. BATEMAN].

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment in order is No. 59. Does the gentleman from West Virginia [Mr. RAHALL] desire to offer his amendment.

Mr. ASPIN. Mr. Chairman, it is my understanding that the gentleman from West Virginia [Mr. RAHALL] does not want to offer his amendment.

The CHAIRMAN pro tempore. The gentleman from West Virginia [Mr. RAHALL] declines to offer amendment No. 59.

The next amendment in order is No. 60. That will not be offered.

The next amendment in order is No. 61. It is the understanding of the Chair that the gentleman from California [Mr. DORNAN] is going to offer No. 61. Is the gentleman in the Chamber?

If not, the amendment is declined.

The next amendment in order is No. 62 of the gentleman from New York [Mr. SOLOMON]. Does the gentleman from New York desire to offer his amendment?

Mr. SOLOMON. Mr. Chairman, I do not plan to offer this amendment. I have amendment No. 101 which will come up later and which will take its place.

I yield back this 40 minutes.

The CHAIRMAN pro tempore. The gentleman from New York declines to offer amendment No. 62.

The next amendment in order is No. 63. It is the understanding of the Chair this will not be offered.

The next amendment in order is No. 64.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer amendment No. 64.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of New Jersey: At the end of part B of title VIII of division A (page 158, after line 13), insert the following new section:

SEC. 814. ELIGIBILITY OF PHILANTHROPIC INSTITUTIONS TO RECEIVE REIMBURSEMENT UNDER CHAMPUS.

(a) IN GENERAL.—

(1) ACTIVE-DUTY DEPENDENTS.—Section 1079 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(1) Notwithstanding subsection (j), a hospital that is operated primarily for philanthropic purposes may not be denied payment for a charge for services for which a claim is submitted under a plan contracted for under subsection (a) solely on the basis that such hospital does not impose a legal obligation on patients to pay for such services.".

(2) CERTAIN MEMBERS, FORMER MEMBERS, AND THEIR DEPENDENTS.—Section 1086 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(h) Notwithstanding subsection (d) or any other provision of this chapter, a hospital that is operated primarily for philanthropic purposes may not be denied payment for a charge for services for which a claim is submitted under a plan contracted for under subsection (a) solely on the basis that such hospital does not impose a legal obligation on patients to pay for such services.".

(b) EFFECTIVE DATE.—Section 1079(1) of title 10, United States Code (as added by subsection (a)(1)), and section 1086 of such title (as added by subsection (a)(2)) shall apply with respect to medical care received after the date of the enactment of this Act.

The CHAIRMAN pro tempore. The gentleman from New Jersey [Mr. SMITH] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, the amendment I am offering today will reform CHAMPUS regulations to provide payment to philanthropic hospitals which do not charge their patients or impose a legal obligation to pay for services rendered.

Under current regs, such a hospital is denied reimbursement unless the patient is billed and required to share some of the cost.

Enforcement of this regulation in recent months has proved particularly detrimental in its effect on one of the finest hospitals in the world, Deborah Heart and Lung Center of Browns Mills, NJ. Absent my amendment, CHAMPUS policy will force Deborah to pay millions of dollars over the next few years out of its own "pocket" for surgery and health care for CHAMPUS-eligible patients. That, Mr. Chairman, is simply unfair and begs correction by the Congress.

Mr. Chairman, Deborah Heart and Lung Center is a non-profit hospital that provides expensive lifesaving care at no charge to the patient. Last year alone there were 4,745 admissions to Deborah for serious cardiac or pulmonary ailments. Of those treated, there were 898 open-heart surgeries performed on adults and 89 on children. Additionaly, almost 17,000 individuals were treated on an outpatient basis.

I think it is important to note here that Deborah is located adjacent or in close proximity to three military installations—Maguire AFB, Fort Dix, and Lakehurst Naval Air Engineering Center.

And thus it shouldn't come as any surprise that over the years, thousands of military dependents and retirees have been treated at Deborah on both an inpatient and outpatient basis. In 1986, for example, hospital officials project approximately 100 CHAMPUS-eligible admissions for serious heart and lung disease.

According to Deborah's statistics, the average length of stay for each admission is 7.5 days. All of these costs, Mr. Chairman, as well as those attributable to the considerable array of outpatient services provided for CHAMPUS patients are now being borne by Deborah. By denying payment for CHAMPUS-eligible patients, I believe the Federal Government is abdicating its responsibility and cheating Deborah of moneys owed.

Mr. Chairman, to meet the financial obligation for its enormous workload, Deborah bills third party payors including Blue Cross, HMO's, and commercial insurers. Medicare and Medicaid, likewise, reimburse Deborah. Significantly, CHAMPUS itself paid its fair share for CHAMPUS-eligible patients for many years—a practice which abruptly ended in January 1985.

As an indication of widespread public commitment to the humanitarian mission of Deborah and the considerable respect it enjoys, I would point out to my colleagues that more than 70,000 volunteers raise funds for the medical center. The moneys raised are used to pay the deductible and copayment costs of those patients who do not have partial insurance and the entire costs for patients who are uninsured.

Mr. Chairman, I'm proud to say that my own grandmother, Ann Smith, who is now 89 spent two decades soliciting funds for Deborah. Over 300 Deborah chapters in New Jersey, New York, Pennsylvania, and even as far away as Florida plan and coordinate the fundraising drives to provide a safety net for individuals in need of the lifesaving care available at Deborah.

Mr. Chairman, my amendment enjoys the support of the American Hospital Association [AHA]. In a letter of August 6, 1986, Jack Owen, AHA executive vice president wrote, "Deborah, located near Fort Dix and MaGuire AFB, treats numerous CHAMPUS patients and such a change in policy would be financially devastating for the institution * * * the American Hospital Association supports your efforts to seek a legislative solution to this problem by amending the Department of Defense authorization bill * * *."

The New Jersey Hospital Association [NJHA] likewise "applauds" this effort. In a letter of August 1, 1986, NJHA Vice President Craig A. Becker wrote, "* * * for CHAMPUS to take advantage and not pay for its patients because of Deborah's mission * * * should be an embarrassment. CHAMPUS should not be allowed to shirk its responsibility for its clients on a technicality * * *."

In his letter to me of May 7, 1986, Mr. William C. Quinlan, research coordinator, department of surgery at Deborah in sharing the current predicament into which Deborah has been thrown says, "We frequently receive referrals from the military for patients covered by CHAMPUS. A large number of these patients are children that are military dependents. As you know, Deborah is well-known for its pediatric cardiac surgery. However, Deborah may have to refuse these patients in the future, since it is becoming very difficult to fund these surgeries."

Finally, Mr. Chairman, I would like to commend my good friend and colleague JIM SAXTON for the fine role he has played in bringing this issue to the attention of the Membership of the House and for helping formulate a constructive legislative approach to address this problem. Both JIM and I are committed to seeing to it that this amendment becomes law and that Deborah is adequately reimbursed for the health care it provides. I urge passage of the amendment.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to my colleague, the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, let me commend my friend, the gentleman from New Jersey [Mr. SMITH] for his strong effort in support of this amendment and in fact for bringing it to the floor.

Mr. Chairman, I rise in strong support of this amendment.

I am very proud of the work of Deborah Heart and Lung Center which will benefit from this amendment.

For over 60 years Deborah has provided vital, lifesaving care to thousands of individuals—at no cost to the patient. Deborah is an unique, nonprofit hospital which offers such vital care as open-heart surgery. Furthermore, Deborah offers this care regardless of a persons race, creed, or ability to pay. Without Deborah, many poor and uninsured persons would have to forgo or delay vital medical attention.

Over 70,000 volunteers raise the funds and perform the services provided by Deborah. These people make it possible for Deborah's patients to have legal obligation to pay. Deborah will accept and is offered reimbursement from Medicare, Medicaid, commercial insurance carriers, and HMO's. Only CHAMPUS refused to

reimburse Deborah for care given its beneficiaries.

CHAMPUS regulations say that if a beneficiary has no legal obligation to pay, CHAMPUS has no legal obligation to pay. CHAMPUS believes that if they reimbursed Deborah, then an abuse of services would result. This is not a valid argument. Deborah does not provide frivolous care, but serious, expensive, lifesaving care like open heart surgery.

As my distinguished colleague and good friend, Mr. SMITH, mentioned, this amendment is further made necessary by the location of Deborah. This great hospital is located near three military facilities and is in an area which has a high concentration of military retirees. I am sure that these CHAMPUS beneficiaries are shocked to learn that their insurance policy will reimburse just about any hospital except a highly regarded and philanthropic hospital located near them.

Mr. Chairman, the refusal of CHAMPUS to reimburse Deborah means that genuinely deserving charity patients may not receive needed medical attention. Therefore, I urge my colleagues to support this amendment. This is not a big ticket item, but it is very important to Deborah, other charitable hospitals like it, and the patients they serve.

And lastly, I would like to thank Congressman SMITH for his hard work and fast action on this amendment. I urge its passage.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey [Mr. SMITH] has expired.

Is there any Member desiring to speak in opposition to the amendment?

If not, the question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment in order is No. 65 of the gentleman from Oregon [Mr. WYDEN].

AMENDMENT OFFERED BY MR. WYDEN

Mr. WYDEN. Mr. Chairman, I offer Amendment Number 65.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WYDEN: At the end of part A of title VIII of division A (page 142, after line 8), add the following new section:

SEC. 808. DEFENSE INVESTIGATIVE SERVICE INVESTIGATIONS OF SPECIAL ACCESS PROGRAM CONTRACTORS.

(a) PERIODIC SECURITY INVESTIGATIONS.—The Secretary of Defense shall direct the Director of the Defense Investigative Service to conduct an investigation at least every six months of each special access program contractor in order to verify control of classified material held by the contractor pertaining to the special access program.

(b) REPORT.—The Secretary of Defense shall submit to Congress an annual report on the results of investigations under subsection (a). Such report shall be submitted in an unclassified form and shall be prepared in consultation with the Director of the Defense Investigative Service. Each such report shall include—

(1) a certification of what portion of special access program contractors have been determined to be handling special access program information in accordance with established Department of Defense procedures and what portion have been determined to not be handling such information in accordance with such procedures;

(2) with respect to those special access program contractors which have been determined to not be handling such information in accordance with such procedures—

(A) a certification of what portion have been corrected or are being corrected;

(B) a description of the seriousness of the failures to handle such information in accordance with such procedures; and

(C) a description of what corrective action has been taken and is planned to be taken to correct such failures.

(c) DEFINITION.—For purposes of this section, the term "special access program contractor" means a firm that is a contractor with the Department of Defense under a special access program.

The CHAIRMAN pro tempore. The gentleman from Oregon [Mr. WYDEN] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, the Members have heard a great deal in recent days about the serious security problems with special access, or black, military programs. These programs represent the Nation's most guarded national security operations, and as such are supposed to be protected with the utmost diligence. Incredibly, over the last few weeks the Congress has learned that more than 1,400 secret and top-secret documents, files, tapes, blueprints, and other materials are missing from one of the super-secret black programs designed and built by Lockheed's Burbank facility.

Mr. Chairman, Members of Congress who must vote on these top-secret programs are not allowed access to them. But have terrorists seen the materials that are missing from the Lockheed facility? Have the Soviets seen these materials? We simply do not know.

Earlier this week the Pentagon's Under Secretary for Research and Engineering, Mr. Donald Hicks, described the situation at Lockheed as a "near disaster."

I asked Mr. Hicks that day whether other defense contractors had similar security problems to Lockheed.

Mr. Hicks called the Lockheed situation an aberration, though in response to my question he told the Oversight Subcommittee that he had not surveyed the security practices of other defense contractors after he had learned about the Lockheed situation.

Mr. Chairman, in my view it is time to rethink the way our black defense programs are managed.

If the Lockheed case is representative, there may be far more protection for our defense secrets at white, or unclassified, defense programs than there are for those in the black world.

Mr. Chairman, to begin the development of a fresh approach to black program management, I am offering this amendment which has two sections. The first requires that the Director of the Defense Investigative Service conduct inspections at least every 6 months of each special access program contractor. This inspection is to verify the control of materials that are part of black programs.

The second section requires that the Secretary of Defense send a report to Congress certifying what portion of special access contractors are handling material in accord with established procedures and what portion are not.

Of the small percentage of those programs where internal security has been handled incorrectly, my amendment would require three things:

First, there has to be a certification of the problem that needs correction.

Second, there would have to be a description of the seriousness of the security problem involved.

Last, there must be a description of the action planned or taken to correct the problem.

Mr. Chairman, I would make just two points in summary. First, it is my view that had we adopted this approach, one, recommended by the General Accounting Office several years ago, we might have caught the problem at Lockheed's Burbank facility quite a bit earlier.

Second, I offer this amendment as just the first step to rethinking black program management. It is my own view that there is too much material classified. I think we need to have an independent review of programs that are included in the special access category.

In particular, Mr. Chairman, we have to make sure that the Members who vote on these programs have arrangements to get access to the information they need when they are casting a vote.

Mr. Chairman, at this time I want to yield to the chairman of the Armed Services Committee, who I think has been exceptionally gracious with his time and his staff in trying to start the rethinking of our policy in this area.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from Wisconsin, and then I will yield to my colleague on the other side as well.

Mr. ASPIN. Mr. Chairman, I thank the gentleman for yielding.

I do not want to take any time of the committee, but just to say that I agree with what the gentleman from Oregon has been saying. He has been putting in a lot of work over in his committee, on the Energy and Commerce Committee.

Several of us on the Armed Services Committee have had the same concerns. I think the gentleman's amendment will go part of the way toward correcting some of the problems.

It is a much more complicated problem than we can solve with this single amendment at this time, but I think the gentleman's amendment here is a good start and I commend him for the amendment and hope that the Members of the Whole House will vote for his amendment.

Mr. STUMP. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to my colleague, the gentleman from Arizona.

PERFECTING AMENDMENT OFFERED BY MR. STUMP TO THE AMENDMENT OFFERED BY MR. WYDEN

Mr. STUMP. Mr. Chairman, I offer a perfecting amendment to the amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Oregon [Mr. WYDEN] has expired, so the Chair will accept the perfecting amendment. The Clerk will report the perfecting amendment.

The Clerk read as follows:

Amendment offered by Mr. STUMP to the amendment offered by Mr. WYDEN: Strike the period at the end of section 808 as contained in the amendment and insert in lieu thereof "established by the Secretary of Defense.".

The CHAIRMAN pro tempore. The gentleman from Arizona [Mr. STUMP] will be recognized for 5 minutes in support of his perfecting amendment and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, the amendment of the gentleman from Oregon [Mr. WYDEN] provides for Defense Investigative Service to investigate DOD contractors engaged working in special access programs.

Although most U.S. Government special access programs are established by the Secretary of Defense and are Department of Defense programs, special access programs relating to intelligence sources, methods, and activities are established by the Director of Central Intelligence.

By section 4.2(a) of Executive Order 12356, the President has ordered that the Director of Central Intelligence has exclusive authority over access, distribution, and protection of information in intelligence special access programs, even if they are intelligence special access programs involving DOD components.

The Wyden amendment would override the authority of the Director of Central Intelligence over intelligence special access programs, giving the Defense Investigative Service inappropriate access to special access programs under the security auspices of the Director of Central Intelligence.

The perfecting amendment modifies the scope of the Wyden amendment to make clear that it applies only with respect to special access programs under the purview of the Secretary of Defense, and not intelligence special access programs under the purview of the Director of Central Intelligence.

Mr. WYDEN. Mr. Chairman, will the gentleman yield?

Mr. STUMP. I yield to the gentleman from Oregon.

Mr. WYDEN. Mr. Chairman, I think the gentleman's amendment is a sensible suggestion, and as I said in my remarks, I think we have to rethink this whole area with respect to black program management.

The chairman of my committee, the gentleman from Michigan [Mr. DINGELL], who heads the Oversight Subcommittee, has been looking at this area in depth.

□ 1315

As part of this rethinking process we have to look at a variety of issues. I think that the gentleman's amendment at this point is a sensible step and would be very acceptable to me.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the perfecting amendment offered by the gentleman from Arizona [Mr. STUMP] to the amendment offered by the gentleman from Oregon [Mr. WYDEN].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oregon [Mr. WYDEN] as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. The next amendment in order under the rule is amendment No. 66. Amendment No. 66 has been adopted.

The next amendment in order is amendment No. 67.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BENNETT: At the end of title IX of division A (page 214, after line 18), insert the following new section:

SEC. 925. LIMITATION ON AVAILABILITY OF EXCESS FUNDS.

(a) UNNECESSARY FUNDS.—The Secretary of Defense may not obligate or expend amounts appropriated to the Secretary for any program, project, or activity, that are in excess of the amount needed to carry out the program, project, or activity for which such amounts were appropriated. Excess amounts that may not be obligated or expended are—

(1) inflation savings;

(2) excess working capital fund costs;

(3) foreign currency savings; and

(4) all other savings.

(b) FAILURE TO OBLIGATE FUNDS WITHIN THREE YEARS.—The Secretary of Defense may not obligate amounts appropriated to the Secretary for any program, project, or activity, for which a contract has not been entered into, after the end of the three-year period beginning on the date that such amounts become available for obligation for such program, project, or activity.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. BENNETT] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, in debates in the House and in reports in the press there have been numerous references to excess funds in the Department of Defense. Estimates of the amount of excess funds have varied but some estimates have exceeded $40 billion. While there may be some doubt as to the exact amount of excess funds there is no question that they exist. The Congress has increasingly used excess funds to pay for defense programs not provided new appropriations. For fiscal year 1985, $1.5 billion of excess funds were used to finance the continuation of the MX Program. In fiscal year 1986, $6.3 billion of excess funds were used for a variety of defense programs.

The existence of excess funds in the Department of Defense creates a number of problems that need to be solved.

First the excess funds allow the Department of Defense to operate in an inefficient manner that simply wastes money and does not produce a strong national defense. The presence of these extra funds tends to encourage loose fiscal administration. We have a responsibility in the Congress to provide the sums necessary for a strong national defense, but we also have a responsibility to see that no more than is necessary is provided.

Second, as the Congress and the public have become aware of the waste in the Department of Defense, and that perception of waste is aided by the existence of excess funds, the willingness to support necessary defense programs is eroded.

Third, those excess funds that are identified under our existing procedures tend to be regarded as something that is free-funds that can be used without meeting the same standards that might otherwise be applied if the funds were subject to the normal process of authorization and appropriation. Thus the presence of

these extra funds tends to encourage Congress to apply less stringency in their use. The use of $1.5 billion of excess funds to pay for the MX in 1985 is, because of my opposition to the MX Program, an example that I like to point out. Others may prefer to point out use of excess funds to authorize ships that could not have been authorized under ordinary budget procedures. In any event the point is that excess funds are used to fund things that may not otherwise be done.

There is a straightforward solution to the problem of excess funds in the Defense Department. My amendment would provide that excess funds may not be spent. Excess funds that could not be spent would include inflation savings, excess working capital fund cash, foreign currency savings, and all other savings. Additionally my amendment would provide that any funds provided for a program that had not been initiated within 3 years could not be spent.

Mr. Chairman, we need to act to restore the confidence of the American people that money provided to the Department of Defense will be used prudently and efficently to provide for the National Defense. My amendment will achieve that end.

The CHAIRMAN pro tempore. Is there opposition to the amendment? If not, the question is on the amendment offered by the gentleman from Florida [Mr. BENNETT].

The amendment was agreed to.

The CHAIRMAN pro tempore. The next amendment in order is amendment No. 68. The author is not here.

The next amendment in order is amendment No. 69. The author is not here.

The next amendment in order is amendment No. 70. The author is not here.

The next amendment in order is amendment No. 71. The author is not here.

The next amendment in order is amendment No. 72. The amendment has been agreed to.

The next amendment in order is amendment No. 73. The amendment is identical to the one just agreed to.

The next amendment in order is amendment No. 74. The author is not here.

The next amendment in order is amendment No. 75. The amendment has been agreed to.

The next amendment in order is amendment No. 76. The amendment has been agreed to.

The next amendment in order is amendment No. 77. The author is not here.

The next amendment in order is amendment No. 78. The amendment has been agreed to.

The next amendment in order is amendment No. 79. The amendment has been agreed to.

The next amendment in order is amendment No. 80.

AMENDMENT OFFERRED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HUNTER:

SEC. . PERFORMANCE OF AIRCRAFT CARRIER SERVICE LIFE EXTENSION PLAN.

The Secretary of the Navy shall carry out the service life extension of aircraft carriers in shipyards located on the same coast of the United States on which those aircraft carrier are homeported. Subject to this provision are all aircraft carriers that undergo a service life extension following the USS *Kitty Hawk*.

The CHAIRMAN pro tempore. The gentleman from California [Mr. HUNTER] will be recognized for 20 minutes, and a Member in opposition will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this is an opportunity for this Congress to save a great deal of money and to provide for the continuation of a carrier repair base on the west coast—not in my district, in the district of the gentleman from Washington [Mr. DICKS], up in Bremerton—and it is an opportunity to save a tremendous separation of Navy families of our men and women who operate in the fleet.

Let me explain very simply what this is. This is John Lehman's around-the-world cruise, taking west coast carriers that are generally repaired in Washington, in Mr. DICKS' area, around the world to his home port of Philadelphia.

A couple of years ago, when this plan started to be worked by the Pentagon—not by the working Navy, because the working Navy opposed it very strongly—the working Navy, said, "Wait a minute. We have two places where we can SLEP aircraft carriers on the Atlantic coast. We have one, of course, at Newport News, and one at Philadelphia. We only have one place on the Pacific coast." We have two places on the Atlantic coast, the two places I just mentioned, but only one place on the Pacific coast, up in Washington.

This around-the-world cruise is a drawing from Mr. Lehman's staff. That is not my illustration, it is his illustration on how he is going to get carriers from the west coast to his hometown of Philadelphia. They have to go around the world or else around the tip of South America, because carriers, as you know, cannot go through the Panama Canal.

When they came up with this, Airpac said, "Wait a minute. We can save a billion dollars simply by doing a comprehensive overhaul on the west coast and by doing a few extra things where we have always repaired these three carriers—the *Constellation*, the *Kitty Hawk*, and the *Ranger*." This is the working Navy saying we can save a billion dollars. I have Airpac's study right here.

They were immediately muzzled. The point is, Congress is not muzzled. Let me show you what is going to happen to this deployment of carriers just in order to put pork in Mr. Lehman's hometown.

They are going to take off from the west coast, as you see, in California. They are going to work around to Westpac operations. They are going to come around through the Indian Ocean. They are going to change command at the Indian Ocean. They are going to go—and this is a carrier, this is the first carrier, the *Kitty Hawk*—with a full escort of 11 ships—they are going to finally end up on the east coast after taking an around-the-world cruise.

Then all of the aircraft, the 100 aircraft, are going to fly across America back to the west coast, and 11 escorts, according to Mr. Lehman's people, are going to depart from Philadelphia, where they dropped off the carrier, and they are going to go down to Central America and make friendship visits. Then they are going to go through the Panama Canal. Finally, they are going to cruise back up into the Pacific Ocean.

This is going to cost millions and millions of dollars. We are moving our ships approximately 240,000 ship miles to accommodate a SLEP or an extensive aircraft carrier overhaul in Mr. Lehman's hometown.

Very simply, Airpac, the working Navy, commanded by Admiral Foley, who was commander in chief of naval forces in the Pacific, while he was on active duty, not as a retired gentleman who was then no longer afraid to face up to the Navy, but on active duty, said, "It is asinine to destroy the only carrier repair base that we have on the west coast by moving these ships to Philadelphia for repair."

□ 1325

Pretty strong words for a commander in chief to make, especially when he is opposed very strongly by his own Secretary, Mr. Lehmam.

But what he said it was absolutely right, and Airpac studies say that you can save $1 billion by doing this overhaul expending only about 850,000 man days per carrier, which is what they think it will take, instead of approximately 1½ million man days per carrier that they would undergo in Philadelphia. They think they can do this job on the west coast in 14 to 16 months. The Navy right now has them scheduled to lay in the Philadelphia

Shipyard for about 30 months. Now that is almost as long as it took us to win World War II, and you can expect that there are going to be enormous expenditures when you consider how long they are going to be in the yard, and how long they are going to be repaired.

The *Kitty Hawk* has already gone. It has not gone for repair, but it has already had a great deal of long lead investment. We can get the *Ranger* and the *Constellation* repaired on their own side of the continent. We can maintain Washington as a viable carrier repair area. Admiral Foley said and it is true, "we will lose critical components of carrier repair if we let this base lay idle until 1991," and if we do this, if we go ahead and take these ships around the world for Mr. Lehman to his hometown, the carrier repair base in Washington will lie idle until 1991.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I am happy to yield to the gentleman from Washington.

Mr. DICKS. I appreciate the gentleman yielding.

Obviously, my district would be a great benefactor of the gentleman's amendment, and it is clear that there was a division in the Navy on this important issue.

The people who operate the aircraft and the carriers felt that it was in the best interest to continue to do that overhaul work at Puget Sound naval shipyard. I commend the gentleman for offering this amendment. I think it makes sense, and I urge my colleagues to adopt it.

Mr. HUNTER. I thank the gentleman and I reserve the balance of my time.

Mr. BENNETT. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman from Florida [Mr. BENNETT] is recognized for 20 minutes.

Mr. BENNETT. Mr. Chairman, I yield myself such time as I may consume.

Briefly, Mr. Chairman, the Subcommittee on Seapower and Strategic and Critical Materials has discussed this matter numerous times. We have had numerous hearings on it. We have reports back from the Navy, and the Navy has reported that it is not cost effective to do what the gentleman wishes to do.

The gentleman from California [Mr. HUNTER] is a very eloquent Member and his district should be proud of him. But the reports do not show his procedure to be cost effective. They show some of the things he attributes to this movement as things resulting from that SLEP, but it is not true. Those things would occur anyway. They are things that are already planned by the Navy in other respects.

Second, the effort that he wants to put forth is not the SLEP that is needed and can only be done cost effectively at Philadelphia.

It is something short of what this ship actually needs.

Mr. Chairman, I yield such time as he may consume to the gentleman from Philadelphia, PA [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in opposition to the Hunter amendment. This amendment directs the Secretary of the Navy to perform the Service Life Extension Program on the same coast as the aircraft carrier is homeported.

Mr. Chairman, this is an issue that has been reviewed extensively. It has been taken up by the Seapower Subcommittee, the full Armed Services Committee, and the Congress itself. The conclusion after each deliberation has been the same: The decision to SLEP aircraft carriers should be left up to the Navy. Frankly, I am a little surprised that my colleague from California would continue to pursue this issue when the weight of evidence is so clearly against his position.

The Service Life Extension Program is a highly successful program that has succeeded in extending the availability of aircraft carriers for 15 years at less than one-third the cost of constructing a new one. To date, SLEP has been performed on the U.S.S. *Saratoga* and *Forrestal* and is currently underway on the U.S.S. *Independence*. The Navy has been very pleased with the results of this program.

I oppose the Hunter amendment for the following reasons. First, as I stated before. Congress has reviewed this issue quite extensively. There is nothing to warrant a change of position. Second, this amendment is an attempt to micromanage the Navy. By directing the performance of SLEP on the same coast as the ship is homeported, this amendment, in effect, ties the hands of the Secretary. The Secretary no longer has the option of looking for the most cost-effective method. Instead, he will be limited to one coast and half of the Navy's shipyard resources.

Third, it is most cost effective to perform SLEP in Philadephia. The Navy has studied all possible options to accomplish SLEP at the least cost to the taxpayer. The most recent of these studies was submitted to Congress this year which provided evidence that the plan to SLEP aircraft carriers at the Philadelphia Navy Shipyard is the most cost effective. A change in location of SLEP would increase the price by at least $63 million per carrier. Shifting SLEP now would mean a decline in worker productivity due to a loss of the learning curve. In addition, the Navy would incur program start up costs. Mr. Chairman, the end result would be an unnecessary increase in the overall price of SLEP. I believe it does not make any sense to alter the Navy's plans to carry out the program.

I would now like to take this opportunity to examine some of the points my colleague from California has made in support of this amendment. He charges that, without a shipyard on the west coast capable of performing SLEP, the Navy will lose aircraft carrier maintenance capability in the Pacific. This is completely untrue. The Navy has an adequate industrial base in all areas to repair battle damage and to do routine maintenance and repairs to aircraft carriers. Spending additional millions of dollars to conduct SLEP in more than one location adds nothing to this repair capability.

We need to keep something in mind when we are discussing this issue: SLEP is not an overhaul. We are not talking about limited repairs or short range availabilities. SLEP is a major industrial effort akin to building a new ship. It is an extensive modification and upgrade. Furthermore, the capability to strip down an aircraft carrier is not a condition of being able to perform limited repairs and maintenance. The west coast is capable of performing battle damage and routine maintenance work on all classes of ships. Relocating SLEP will not enhance this capability.

My colleague from California has also suggested that some factions within the Navy are agreeable to a reduced SLEP that could be performed on west coast carriers in Puget Sound while the remaining SLEP work could be done incrementally during regular maintainence. There are several problems with this assertion. First, my colleague refers to the factions within the Navy who drew up the so-called Airpac study. This study was drawn up without the knowledge or approval of top Navy officers. Moreover, this noncommissioned study has been completely discredited by the Department of the Navy.

Second, a reduced SLEP at Puget Sound would increase costs. The projected man-day rates at Puget Sound for the next 3 years range from $310 to $315 versus $305 to $311 at Philadelphia.

Third, performing the remaining work incrementally would drive up costs. The rates of efficiency incurred in a single availability would be lost. In addition, the projected costs at private west coast shipyards that would be considered for such maintenance work range from $366 to $403 per man day in San Diego to $422 to $487 in San Francisco. Again, these do not compare favorably to Philadelphia's rates. Also, in adopting the incremental maintenance concept there is an increase of 10 percent in the overall cost to accomodate the disruption and inefficiencies associated with the periodic

startup costs. Thus, there is absolutely no savings associated with a limited SLEP and incremental maintenance work.

In conclusion, the Hunter amendment is fiscally irresponsible, unnecessary, and does not enhance fleet readinesss requirements. I urge my colleagues to defeat this amendment.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. FOGLIETTA] has consumed 7 minutes.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just one by one rebut the points that have been made.

No. 1, this study was put together by the working Navy, and that is Airpac, that is not a couple of retired officers, that is the Pacific Air Command, and that is led by a three-star admiral who is in command of the entire Pacific Fleet, Adm. Sylvester Foley.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Florida.

Mr. HUTTO. Mr. Chairman, I was in my office a few minutes ago watching the gentleman's presentation, the earlier one. I know the gentleman would not want to mislead the House, but it is my understanding he said after the *Kitty Hawk* receives its SLEP, the Surface Life Extension Program overhaul in Philadelphia, that it would be steaming back to the Pacific.

Mr. HUNTER. No, I did not say that.

Mr. HUTTO. That is what I understood.

Mr. HUNTER. I will reclaim my time. I said that after dropping off, and let me go over this again, after sailing the *Kitty Hawk* around the world with full escort, approximately 240,000 ship miles to get to Secretary Lehman's hometown of Philadelphia, he drops off the *Kitty Hawk* which later on will be reassigned to the district of the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Pensacola.

Mr. HUNTER. The 11 escorts by the Navy's own demonstration here and this is their illustration, not mine, will then go down and will make port of call friendship visits in Central America, and finally will steam him through the Panama Canal, go many more thousands of miles, and they will end up back on the west coast. Then the air wing, as I understand, while the carrier is being SLEPed, are going to fly 100 planes across the United States, and that is this mark right here on the chart, so I did not misstate the facts. I did not say that the *Kitty Hawk* would be going back to the west coast.

Mr. HUTTO. I want it understood, though, at the end of the overhaul, the SLEP, it will be going to Pensacola, FL, and not San Diego, because you will be getting another carrier, a CVN.

Mr. HUNTER. I absolutely did not misstate the facts, I will say to the gentleman, and I never implied that.

Mr. HUTTO. I wanted the record to be clear, because that is what I understood the gentleman to say.

Mr. HUNTER. I thank the gentleman. Let me go on.

Mr. Chairman, very clearly Mr. Foley said it makes all the sense in the world, and this is Adm. Sylvester Foley, commander in chief of the Pacific Fleet, it makes all the sense in the world from an operational and strategic viewpoint to maintain our industrial base on the west coast and to follow our successful incremental maintenance program with our carriers.

It was also stated by Admiral Fowler, who was then the head of NAVSEA that it was feasible to overhaul these ships on the west coast. He stated in his April 1985 report it was feasible to overhaul these ships on the west coast with the Incremental Maintenance Program, and that it would indeed give them a full life of 15 years. With AIRPAC, and that is the working Navy, with these three ships being overhauled in their regular place, in the district of the gentleman from Washington [Mr. DICKS], where they have been overhauled many times before, you have a high learning curve and the U.S. taxpayers and this Congress can save $1 billion by not letting Mr. Lehman take them to his hometown.

Now we have, however, already taken the *Kitty Hawk*. So that is a third of a billion dollars. We can only save at this point between $600 million and $700 million.

Nonetheless, it would be a wise move for this Congress to not allow this Secretary of the Navy to be overly parochial in this very constrained defense package, and to follow the directives that were given by a very courageous admiral who went against his Secretary, Adm. Sylvester Foley, in very strong language that was conveyed to Secretary of Defense Caspar Weinberger. He said it is asinine for the Navy to destroy its carrier overhaul industrial base on the west coast by sending these three carriers to Philadelphia.

□ 1340

So if you want to make a vote today against the around-the-world cruise of the Secretary of the Navy that coincidentally ends in his hometown, with a lot of work and a lot of pork, vote for the Hunter amendment.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. Mr. Chairman, I appreciate the gentleman yielding to me.

I would like to raise a couple of questions, Mr. Chairman. First, I notice that Admiral Foley, when he made these statements, was commander in chief of the Pacific Fleet; and I imagine that one of the reasons he made those statements is because he wanted to have all of this done in the Pacific Basin.

The question I would ask the gentleman is, Has the gentleman computed the increased cost of ships, of moving the SLEP Program from where it is now, where three ships have already been done and done in a very fine and exact way, how much it would cost to start that program over again, and the buildup costs in another yard, in another place, to be ready to do the SLEP Program?

Mr. HUNTER. Reclaiming my time, Mr. Chairman, I thank the gentleman. The gentleman has just made my point.

The point is the carriers are not on the Atlantic coast and they do not have to be steamed around the world. They are already in the Pacific. If you are looking at costs; you are going to take the *Ranger* and the *Constellation*, and you are going to drive them around the world because you cannot go through the Panama Canal with them. These are costs that will be involved if we go ahead with the present plan to SLEP these in Philadelphia, in the gentleman's State.

We will have to drive them around the world with full escorts of over 11 ships apiece. We will have to travel 240,000 ship-miles, we will have to get to Pennsylvania and then we will have to take those 11 escorts, according to Mr. Lehman, and take them down for friendship visits in Central America, because there is nothing else to do with them, and then take those 11 ships back through the Panama Canal to the west coast.

My estimate of that cost and of the personnel costs, is about $20 million. If you are counting steaming time, if you are counting all the fuel that we are taking—so my point is, there are no startup costs that are involved, and there are no learning curve costs that are involved with doing this in Mr. DICKS' district because the people in Mr. DICKS' district have already overhauled these same ships. They have the talent to do that.

In fact, the people who will be unfamiliar with these ships will be the Philadelphia people. They will have to acquaint themselves with the *Constellation* and the *Ranger*, which they have never seen before.

Mr. GRAY of Pennsylvania. If the gentleman will yield further, Mr. Chairman, is the gentleman saying that there are no startup costs whatso-

ever in the proposed place that he wants to move the SLEP program?

Mr. HUNTER. Well, you are not going to have any talent startup costs. You may have some very minimal startup costs just like you have when any ship comes into a shipyard; but you are going to have those same types of learning curve costs in Philadelphia; because those people have never seen these ships before.

Mr. Chairman, I reserve the balance of my time.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I would like to let the gentleman from California [Mr. HUNTER] know that I personally, and as a representative of the city of Philadelphia, resent the gentleman's referral to Philadelphia constantly as the Secretary of the Navy's hometown; implying that there is some parochial favoritism being shown, rather than arguing on the merits; to impugn the Secretary's integrity by stating that he would lessen the security of the United States of America by selecting one port over the other I think is totally unfair.

I would suggest that the gentleman from California confine his remarks to the merits rather than any specific personal detrimental remarks to the Secretary of the Navy.

Mr. HUNTER. Mr. Chairman, will the gentleman yield? Since he has made some statements.

Mr. FOGLIETTA. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding.

Let me just say, the Secretary of the Navy has got the right, initially, as the administrator who is in charge of moving vessels, to move them wherever he wants to.

Now, if the gentleman, especially in light of the home porting political battle that is going on now, is going to assert to me——

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The time of the gentleman from Pennsylvania has expired.

Mr. BENNETT. Mr. Chairman, I yield 1 additional minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. HUNTER. Will the gentleman yield further?

Mr. FOGLIETTA. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I think that Secretaries of the Navy, ever since we have had Secretaries of the Navy, have been very concerned with strategic implications of every action. I think they are also aware of the fact that they have enormous power with respect to homeporting ships, with respect to ordering repairs; and if the gentleman is going to ask this House, which has been heavily lobbied by the Secretary of the Navy, to believe that he does not take into consideration the political quid pro quo that exists in this political situation with regard to defense programs and the constituency of this Congress, then I think he is asking us to be naive.

So I have said nothing derogatory about the Secretary of the Navy. I have pointed out that the Secretary of the Navy's hometown is Philadelphia, and I think he probably has a soft place in his heart, if you will, for that particular town.

Mr. FOGLIETTA. Mr. Chairman, I would like to repeat the quote from my chairman; namely, that he might have a soft place in his heart, but he certainly does not have a soft place in his head.

Mr. BENNETT. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. STRATTON].

Mr. STRATTON. Mr. Chairman, I can recognize that the gentleman from California [Mr. HUNTER] is anxious to do what he can for this area and his district; but I join with Mr. FOGLIETTA in deploring this statement that Secretary Lehman is carrying out this procedure merely so he can go back to his hometown.

The gentleman from California is too young to remember that in several previous administrations in the White House, we endured the elimination of three outstanding Naval shipyards on the east coast. The historical fact is that at the end of the Kennedy administration, and in the beginning of the Johnson administration, the New York Naval Shipyard, which incidentally produced the *Constellation*, was put out of business totally; and it is still totaled.

They then closed down the Boston Navy Yard. The only thing that is up there now is Old Ironsides, and I dare say Old Ironsides might still be able to carry out an around-the-world trip. Old Ironsides would go through the Panama Canal and maybe we could get it done more cheaply.

And the third naval shipyard on the east coast that was eliminated was Philadelphia. We finally succeeded in getting some kind of reprieve, and that was to institute the SLEP mechanisms which have been very effective.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. Mr. Chairman, I would like to join with the comments of the gentleman from New York, a distinguished member of the committee on Armed Services, in his recitation of the history.

This program was not started by Secretary Lehman; and I think it is sort of insulting to imply that the Secretary, because he is originally from Pennsylvania, is somehow looking out for Pennsylvania.

This program, as the gentleman correctly points out, historically started in the previous administration, and there was competition and great debate, and it was decided that the Philadelphia yard was the best one to do the SLEP repairs; and that all of the carriers should go there.

So to imply that somehow the Secretary of the Navy of this particular administration is somehow involved in some political shenanegans is absolutely wrong. What the gentleman wants to do is just plain take it from someplace and put in in his own area.

□ 1350

The statement of my friend from Philadelphia is absolutely correct. The establishment of the facility there in the old Philadelphia Navy Yard has been an extremely successful operation, and it has kept the jobs of these highly trained people in the area of the east coast. I do not begrudge the fact that they have facilities in the Pacific area in the district of our colleague, Mr. DICKS, but it makes sense that there should be a facility on the east coast and it makes a lot of sense that there should be one on the west coast. But the east coast suffered practically a wipe-out of any kind of naval facilities. And it is a little ironic that the gentleman from California [Mr. HUNTER] should be complaining because we have been able to utilize the technology of the Navy and of the naval shipyard employees. I might point out that the first battleship to be taken out of mothballs and the beginning of the mothball battleship fleet was the *New Jersey* at the time of Vietnam. I was in Philadelphia at the time that the *New Jersey* sailed out to go to Vietnam to carry out precision bombing with those powerful 16-inch guns. But unfortunately President Johnson ordered a bombing pause, and so the *New Jersey* was not allowed to fire on the Communists in Vietnam. She had to wait until Lebanon to show her great power, generated in the Philadelphia shipyard and the skilled employees who worked there.

Mr. GRAY of Pennsylvania. Will the gentleman yield an additional 30 seconds to the gentleman from New York?

Mr. BENNETT. Mr. Chairman, I have now exhausted practically all of my speakers and it has taken too much time. So if it is my time to yield, I yield to the gentleman from Virginia [Mr. BATEMAN].

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The Chair would advise that it is now time for the proponent of the amendment to yield. The gentleman from California [Mr. HUNTER] has 6 minutes remaining, and

5 minutes remain on the opposing side.

The Chair would state that the gentleman from Florida [Mr. BENNETT], under the rules, is entitled to close the debate, so he can take his time accordingly.

Mr. BENNETT. Mr. Chairman, that being the case, the gentleman from Virginia, [Mr. BATEMAN] will get 2 of those minutes, and the gentleman from New Jersey [Mr. COURTER] will conclude with the 3 minutes.

The CHAIRMAN pro tempore. The gentleman from California [Mr. HUNTER] is recognized.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

Mr. Chairman, I understand the great sensitivity of my colleagues on this issue, especially my friends from Philadelphia because this is a matter that I know has great local concern and interest to them, and they are certainly doing an outstanding job of presenting their case.

I come just to say about my friend from California, Mr. HUNTER, there has been a question here about how he presented this. I can tell the Members that the Congressman from California has spent an extraordinary amount of time studying up on this issue, and I frankly must tell you he has presented it to the Secretary of Defense, he has felt very, very strongly about it. He is from California. The beneficiary of this will be this gentleman from Washington, whose shipyard would get the additional work. I must tell you that I am concerned that we have a 5-year gap at the Puget Sound Naval Shipyard, which is one of the best overhaul and repair yards, where we are not going to have a carrier. It does disturb this gentleman from Washington that we are taking a carrier in the Pacific that would normally be overhauled on the west coast and bringing it around to the east coast. I honestly can tell the Members here today that our workers are prepared, have extraordinary skills and could handle this job very, very effectively.

So let us try to finish this debate on the merits.

I want to just make sure that everybody understands that the gentleman from California has worked long and hard on this amendment and I think has the facts and the details down and has been very expert in it. I know he has only a short time to conclude, and I do appreciate him yielding.

Mr. HUNTER. I thank the gentleman for his comments. I, too, also understand the concerns and the sensitivities on this particular issue, especially with regard to our friends from Philadelphia and from other areas.

Let me just ask a couple of questions so the gentlemen from Philadelphia if they would like to respond: The idea is there is a great deal of merit to overhauling these vessels in Philadelphia, but most of us are aware that Mr. Mondale at one time promised to overhaul SLEP in Philadelphia and for that reason the *Saratoga* was initially overhauled in Philadelphia.

But I have a question for my friends: After these escorts drop off the carriers, after they go around the world with the carrier and drop it off at Philadelphia, after going 240,000 ship miles, they are then going to go south on friendship visits, according to the Navy, in Central America. The crews presumably are going to get some relaxation, some rest, they are going to be able to buy us some souvenirs. Then they are going to go back through the Panama Canal. That is thousands and thousands of miles traveled by a major part of our naval component without any military merit attendant to it whatsoever. Let me just say that we have seen courageous military people before, we have seen those who are not courageous, and we have seen those in the middle. Adm. Sylvester Foley was a guy who was active, and he criticized this policy promulgated by his own Secretary of the Navy, and the working Navy, the Airpac people who were under him, sent a study back to Mr. Lehman in which they said, and I am quoting them, "We can save $1 billion for the taxpayers of the United States. We can reduce the negative impact on readiness." That is what Mr. DICKS was referring to. We are going to go 5 years with no carrier at Puget. So we will have two carrier repair bases within 100 miles of each other in Philadelphia and Norfolk; we will have none on the west coast of the United States. The most important part of their presentation was that during the years 1991 and 1992 there will, according to Admiral Foley, be only one carrier available for work and for deployment in the Pacific. That is a very compelling case.

So this is not a case that is made by a Congressman, it is a case that is made by the Navy, and it is a case that is made by probably the most courageous commander in chief of the Pacific Fleet whom we will ever see.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I would like to ask the Chairman what time remains on this side.

The CHAIRMAN pro tempore. The gentleman [Mr. HUNTER] has 2 minutes remaining.,

Mr. HUNTER. I yield very, very briefly to my friend from Philadelphia.

Mr. GRAY of Pennsylvania. I thank the gentleman for yielding.

Mr. Chairman, no one questions the courageousness of the admiral. I would like to know what date were those figures compiled? Were they put together and compiled prior to the beginning of the program? Or in the last 12 months? Those that you quoted about $1 billion in savings. I would also remind the gentleman about the battleship *Iowa* which was towed out of Philadelphia Navy yard, taken elsewhere to be repaired. How does that fit into the scenario that is described with regard to the Secretary of the Navy presently, Mr. Lehman?

Mr. HUNTER. Well, I would just tell my friend that several ships have been towed out of Philadelphia. The *Saratoga* ultimately had to be finished by some shipyard in Mr. BENNETT's district.

But the estimate that airpac gave was that if we overhauled these three ships, kept them on the Pacific coast, it would save $1 billion. They said we are going to save about $330 million per carrier. Now, my answer to the gentleman is that we will save about $600 million because the *Kitty Hawk* is already out of the barn. It already has had long lead funds put into it.

So we are talking about the *Ranger* and the *Constellation.*

I would urge my friends to vote for this amendment for which Admiral Foley has made a very compelling argument.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman reserves 30 seconds.

Mr. BENNETT. Mr. Chairman, before I yield time, I would like to say I do not think I have a shipyard in my district that can handle these SLEP's. So it is not a parochial matter with me at all.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. I thank the gentleman for yielding.

It occurs to me that thus far in this debate on behalf of this amendment that we have essentially heard that there is one vice admiral who has an opinion not shared by the Secretary of the Navy and the Secretary of Defense, not shared by the Seapower Subcommittee who held extensive hearings on the subject, that says he thinks SLEP's of Pacific coast-based aircraft carriers should be performed only there. He is entitled to his opinion.

The fact of the matter is the matter has been inquired into very extensively and has been rejected as what should be the policy by the Navy.

I would suggest to you it is the very height of micromanagement for us on this floor to now say statutorily, "You will do it on the west coast only anyway." I have heard so much rheto-

ric on this floor in the past month about "We want more competition, we want more effective procurement, we have got to free up the Pentagon to be efficient managers." What in the world are we doing then by an amendment such as this, which tells them where they must overhaul each ship in the Navy? I do not have a parochial interest in this. I have no anticipation that this or other aircraft carriers of these classes are going to be SLEP'd in the shipyard that I represent. I am speaking in the hopes that we would put ourselves in what we do on this vote consistently with the philosophy and the policy we constantly articulate. If we are going to do that, we will vote "no" on this amendment.

Mr. Chairman, I rise in opposition to the amendment by my good friend and colleague, Mr. HUNTER, of California. This amendment, if adopted and enacted into law, would require that the Navy wastefully and needlessly duplicate a public shipyard capability which already exists in Philadelphia. This issue has been extensively reviewed and studied by the Seapower Subcommittee of which both I and Mr. HUNTER are members, and it has been determined that the provisions of the pending amendment is simply uneconomical and unnecessary.

In his recently circulated "Dear Colleague" letter, Mr. HUNTER made the assertion that the Secretary of the Navy is "willing to spend hundreds of millions of dollars sailing the carriers, with full escort, around the world in order to leave them on the east coast for SLEPing." The gentleman from California claims the U.S.S. *Kitty Hawk* is being unnecessarily deployed in order to accommodate a SLEP schedule in Philadelphia. However, the *Kitty Hawk* is and will be on a routine deployment when it makes this trip. There is nothing whatsoever unusual about intrafleet transfers. The Navy is not spending any additional money to send Pacific escort ships to accompany the *Kitty Hawk*.

In a situation where an aircraft carrier is transferred from one fleet to another, the original set of escort ships, in this case the Pacific Fleet, are replaced with a new Atlantic Fleet battlegroup during deployment. Most likely, the *Kitty Hawk* transfer will occur in the Indian Ocean where the Navy operates from both the Pacific and Atlantic Fleets. Clearly, in this case, the Navy is not adding any unusual expense to its operation by SLEPing the *Kitty Hawk* in Philadelphia.

I urge my colleagues in this body to reject this costly and unnecessary amendment.

The CHAIRMAN pro tempore. Does the gentleman from California [Mr. HUNTER] desire to use his 30 seconds, since the gentleman from Florida [Mr. BENNETT] is entitled to close debate?

Mr. HUNTER. Mr. Chairman, in reply to my friend from Virginia, we have not held extensive hearings on SLEPing in the Seapower Subcommittee. And the Secretary of the Navy in response to BARRY GOLDWATER, sent a one-line or one-paragraph certification saying simply, "I want to do it in Philadelphia because I think we can do it more effectively and cheaper." No supporting material whatsoever was sent.

The Air Pacific Fleet, the working Navy which involves thousands of military leaders on the west coast, put together this plan saying "Don't go around the world with these ships. We can save a billion dollars."

I would urge my colleagues to stop this around-the-world cruise and vote "yes" on the Hunter amendment.

Mr. BENNETT. Mr. Chairman, I yield the remainder of my time, 3 minutes, to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. I thank the gentleman for yielding the balance of the time of 3 minutes to me.

Mr. Chairman, I have been standing here in great interest following this debate. It seems to me this amendment really, very frankly, is nothing more than a raw, naked power grab by two or three States from the west coast.

If anybody in this committee, in the Congress has read the Packard Commission report, they recognize that one of the things that we do not do well is micro-manage the Department of Defense, giving them no flexibility, giving them no opportunity to use their discretion, no opportunity to take some chances, take some risks, do things differently the way other corporations would do them.

It seems to me that the model of the Department of Defense is very often along the lines of the Kremlin. What we are attempting to do here through military reform, through procurement reform, through acquisition reform, the whole thrust of the Packard Commission report is to give some accountability, some flexibility, some discretion to the leaders that we have decided to be the best leaders of the Department of Defense, the Secretary of the Navy and everybody underneath them. This amendment undoes all that. This amendment says the discretionary decision, based on studies, based on the best information to spread out the work, should be repealed. All the work on the SLEP Program, the extension of the life of the overhauling now must be done on one small area of the United States. Does that make any sense? It makes absolutely no sense regardless of what way you analyze it.

From a cost standpoint, the man-day rate of labor is less in Philadelphia than it is on the west coast.

Puget Sound, where most of this work would be going, is now filled with activity. There is really little chance for them to expand. And there are gaps in employment opportunities on the east coast.

Also, I might add that what is happening now is that this amendment is changing the status quo. The work is now being done in Philadelphia, can be done in Philadelphia, is being done in Philadelphia, and all the service life extension program work that has being done to date in Philadelphia under this program has been done on schedule and under budget. That has not been mentioned.

If the work was being poorly done, if it was being done in such a way that it was costing more, if they did not meet budget requirements, time requirements; but it is under budget and on time, every single service life extension program on the east coast has been on time and under budget.

Basically we come down to philosophy. Does this body want to dictate using favoritism, a little bacon, a little whatever it may be, dictate to the Secretary of Defense precisely where the work should be done? Give him discretion, give him the opportunity to make the proper decisions.

Mr. Chairman, I urge my colleagues to vote against the amendment.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. HUNTER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 69, noes 350, not voting 12, as follows:

[Roll No. 348]

AYES—69

Anderson	Eckert (NY)	Packard
Armey	Fawell	Panetta
AuCoin	Fazio	Pashayan
Badham	Fiedler	Roth
Bartlett	Hunter	Roybal
Barton	Kasich	Schaefer
Bates	Lagomarsino	Sensenbrenner
Bereuter	Lantos	Shumway
Bosco	Lehman (CA)	Smith, Denny (OR)
Boulter	Lewis (CA)	Stark
Boxer	Lowery (CA)	Swift
Brown (CO)	Lowry (WA)	Thomas (CA)
Burton (CA)	Lujan	Torres
Burton (IN)	Luken	Vucanovich
Chandler	Lungren	Waldon
Chappie	Matsui	Weaver
Dannemeyer	McCandless	Williams
DeLay	McEwen	Wyden
Dellums	Miller (CA)	Young (AK)
Dicks	Miller (WA)	Young (FL)
Dixon	Monson	Zschau
Dornan (CA)	Moorhead	
Dreier	Morrison (WA)	
Dymally	Nielson	

NOES—350

Ackerman	Beilenson	Borski
Akaka	Bennett	Boucher
Alexander	Bentley	Brooks
Andrews	Berman	Broomfield
Annunzio	Bevill	Brown (CA)
Anthony	Biaggi	Bruce
Applegate	Bilirakis	Bryant
Archer	Bliley	Bustamante
Aspin	Boehlert	Byron
Atkins	Boggs	Callahan
Barnard	Boland	Carney
Barnes	Boner (TN)	Carper
Bateman	Bonior (MI)	Carr
Bedell	Bonker	Chapman

Chappell	Hillis	Oxley
Cheney	Holt	Parris
Clay	Hopkins	Pease
Clinger	Horton	Penny
Coats	Howard	Pepper
Cobey	Hoyer	Perkins
Coble	Hubbard	Petri
Coelho	Huckaby	Pickle
Coleman (MO)	Hughes	Porter
Coleman (TX)	Hutto	Price
Collins	Hyde	Pursell
Combest	Ireland	Quillen
Conte	Jacobs	Rahall
Conyers	Jeffords	Rangel
Cooper	Jenkins	Ray
Coughlin	Johnson	Regula
Courter	Jones (NC)	Reid
Coyne	Jones (OK)	Richardson
Craig	Jones (TN)	Ridge
Crane	Kanjorski	Rinaldo
Crockett	Kaptur	Ritter
Daniel	Kastenmeier	Roberts
Darden	Kemp	Robinson
Daschle	Kennelly	Rodino
Daub	Kildee	Roe
Davis	Kleczka	Roemer
de la Garza	Kolbe	Rogers
Derrick	Kolter	Rose
DeWine	Kostmayer	Roukema
Dickinson	Kramer	Rowland (CT)
Dingell	LaFalce	Rowland (GA)
DioGuardi	Latta	Rudd
Donnelly	Leach (IA)	Russo
Dorgan (ND)	Leath (TX)	Sabo
Dowdy	Lehman (FL)	Savage
Downey	Leland	Saxton
Duncan	Lent	Scheuer
Durbin	Levin (MI)	Schneider
Dwyer	Levine (CA)	Schroeder
Dyson	Lewis (FL)	Schuette
Early	Lightfoot	Schulze
Eckart (OH)	Lipinski	Schumer
Edgar	Livingston	Seiberling
Edwards (CA)	Lloyd	Sharp
Edwards (OK)	Loeffler	Shaw
Emerson	Long	Shelby
English	Lott	Shuster
Erdreich	Lundine	Sikorski
Evans (IA)	Mack	Siljander
Evans (IL)	MacKay	Sisisky
Fascell	Madigan	Skeen
Feighan	Manton	Skelton
Fields	Markey	Slattery
Fish	Marlenee	Slaughter
Florio	Martin (IL)	Smith (FL)
Foglietta	Martin (NY)	Smith (IA)
Foley	Martinez	Smith (NE)
Ford (MI)	Mavroules	Smith (NJ)
Ford (TN)	Mazzoli	Smith, Robert (NH)
Frank	McCain	
Franklin	McCloskey	Smith, Robert (OR)
Frenzel	McCollum	
Frost	McCurdy	Snowe
Fuqua	McDade	Snyder
Gallo	McGrath	Solarz
Garcia	McHugh	Solomon
Gaydos	McKernan	Spence
Gejdenson	McKinney	Spratt
Gekas	McMillan	St Germain
Gephardt	Meyers	Staggers
Gibbons	Mica	Stallings
Gilman	Michel	Stangeland
Gingrich	Mikulski	Stenholm
Glickman	Miller (OH)	Stokes
Gonzalez	Mineta	Strang
Goodling	Mitchell	Stratton
Gordon	Moakley	Studds
Gradison	Molinari	Stump
Gray (IL)	Mollohan	Sundquist
Gray (PA)	Montgomery	Sweeney
Green	Moody	Swindall
Gregg	Mrazek	Synar
Guarini	Murphy	Tallon
Gunderson	Murtha	Tauke
Hall (OH)	Myers	Tauzin
Hall, Ralph	Natcher	Taylor
Hamilton	Neal	Thomas (GA)
Hansen	Nelson	Torricelli
Hatcher	Nichols	Towns
Hawkins	Nowak	Traficant
Hayes	Oakar	Traxler
Hefner	Oberstar	Udall
Hendon	Obey	Valentine
Henry	Olin	Vander Jagt
Hertel	Ortiz	Vento
Hiler	Owens	Visclosky
Volkmer	Whitley	Wortley
Walgren	Whittaker	Wright
Walker	Whitten	Wylie
Watkins	Wilson	Yates
Weber	Wirth	Yatron
Weiss	Wise	Young (MO)
Wheat	Wolf	
Whitehurst	Wolpe	

NOT VOTING—12

Breaux	Grotberg	Moore
Campbell	Hammerschmidt	Morrison (CT)
Flippo	Hartnett	Rostenkowski
Fowler	Kindness	Waxman

□ 1415

Messrs. DORNAN of California, NIELSON of Utah, and LEHMAN of California changed their votes from "no" to "aye."

Mr. COBEY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have asked for this time so that I may yield to the gentleman from California [Mr. HUNTER] for the purpose of a colloquy.

Mr. HUNTER. Mr. Chairman, I thank the distinguished chairman of the Armed Services Committee, the gentleman from Wisconsin [Mr. ASPIN].

Mr. Chairman, during the committee's markup of this authorization bill, the Air Force's request for $26 million to procure 51 AGM-130 powered GBU-15 glide bombs was denied. The primary rationale behind this action was the continued delay in the program's execution. Apparently in an effort to simply remain consistent within the overall bill, we consequently canceled research and development funding related to this program to the tune of $44 million. In so doing, however, I think the committee may have inadvertently denied fiscal year 1987 funding for an important program related to the AGM-130 powered GBU-15—the jam resistant IDL, or improved data link. While the IDL is a planned component of the AGM-130 powered GBU-15, it has great potential for use in a number of future missile systems. Is it your recollection Mr. Chairman that it was the committee's intention to deny funding to this important R&D program?

Mr. ASPIN. I assure my colleague, the gentleman from California that it was not the committee's intention to kill funding for research and development of the improved data link. The committee's action was unintentional and without prejudice, and I would hope that we are able to correct this oversight in conference. Either way, I would strongly urge the Air Force to continue funding the research and development of the IDL.

Mr. HUNTER. I thank the chairman for his clarification on this point and urge my colleagues who will be going to conference to do what they can to reinstate funding for this important program.

The CHAIRMAN pro tempore (Mr. RUSSO). Under the rule, the next amendment in order is amendment No. 81 offered by the gentleman from Calfiornia [Mr. HUNTER].

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

Amendment offered by Mr. HUNTER: At an appropriate place, add the following new section:

SEC. . BALLISTIC MISSILE DEFENSIVE SYSTEM.

The Congress declares that it is the policy of the United States to expeditiously develop and deploy in cooperation with our allies a defensive system no less capable than the Soviet SA-12 system to defend against attacks by ballistic missiles.

The CHAIRMAN pro tempore. The gentleman from California [Mr. HUNTER] will be recognized for 5 minutes in support of his amendment, and the gentleman from Florida [Mr. BENNETT] will be recognized for 5 minutes in opposition to the amendment.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I have a modification to the amendment at the desk, and I ask unanimous consent that it be allowed.

The CHAIRMAN pro tempore. The Clerk will report the modification:

Modification to the amendment offered by Mr. HUNTER: Strike out "an appropriate place" and insert in lieu thereof "the end of title X of division A (page 239, after line 5)".

In the section proposed to be inserted by the amendment—

(1) strike out "not less capable than" and insert in lieu thereof "as capable as"; and

(3) insert "tactical" before "ballistic missiles".

The CHAIRMAN pro tempore. Without objection, the modification is agreed to.

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. HUNTER: At the end of title X of division A (page 239, after line 5), add the following section:

SEC. . BALLISTIC MISSILE DEFENSIVE SYSTEM.

The Congress declares that it is the policy of the United States to expeditiously develop and deploy in cooperation with our allies a defensive system as capable as the Soviet SA-12 system to defend against attacks by tactical ballistic missiles.

The gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, the Soviet Union has just completed the research and development and testing of its SAX-12 missile system, which is now the SA-12, the SAM-12. We are very concerned about that missile because those of us who are debating SDI in this body and in the other body and in the Nation are looking at that

missile and its capability to destroy some of our Pershing missiles, our submarine-launched ballistic missiles, and even some of our ICBM missiles.

In simple words, the Soviet Union is on the verge of deployment of an SDI system of its own that will have tremendous capability. Right now our allies in Europe are faced with SS-20's which they cannot confront, and this amendment very simply says that the United States intends to have a system that is at least as capable of taking down tactical ballistic missiles as the SAM-12.

□ 1425

I think it is a strong statement to the Soviet Union and one that needs to be made at this time, because the Soviets are now considering whether or not they are going to go into mass production with the SAM-12 system.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, it is my understanding the gentleman's amendment does not involve any conjunction or cooperation necessarily in the SDI Program, but only in the tactical program, is that correct?

Mr. HUNTER. The gentleman is right. Some of the technologies are similar, but it does not intrude on the ABM Treaty.

Mr. BENNETT. Mr. Chairman, if so, we agree.

Mr. HUNTER. Mr. Chairman, I thank the gentleman.

The CHAIRMAN pro tempore (Mr. RUSSO). The question is on the amendment, as modified, offered by the gentleman from California [Mr. HUNTER].

The amendment as modified, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment made in order is amendment No. 82.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer Amendment No. 82.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HUNTER: At the end of title X of division A (page 239, after line 5) add the following new section:

SEC. 1033. FEDERAL SUPPORT OF STATE DEFENSE FORCES.

(a) IN GENERAL.—(1) Title 32, United States Code, is amended by adding at the end the following new chapter:

CHAPTER 9—STATE DEFENSE FORCES

Sec.
901. Definitions.
902. General.
903. Membership.
904. Arms and Equipment.

§ 901. Definitions.

In this chapter:

(1) The term "State defense force" means a military force or defense force organized by a state to serve as a state military reserve force that would train to become actively operational when the State National Guard forces are federalized or otherwise not available in or adequate to the needs of the state. A State defense force need not be so named by the state to be a State defense force for purposes of this chapter.

(2) The term "State" includes the District of Columbia and any territory or commonwealth that has an organized National Guard.

(3) The term "national emergency" means an emergency declared by the President or the Congress.

§ 902. General Policy

State defense forces are considered to be in the national interest as a reserve force of the several states to maintain public safety and order, to protect essential resources and facilities, to combat terrorism, and to perform essential services when National Guard forces are federalized or otherwise not available or adequate to the state. Such State defense forces serve an essential need to the nation, and it is national policy and in the interest of national security that such forces be supported by the armed forces within operational, readiness, and fiscal constraints.

§ 903. Membership

(a) Membership in a State defense force is determined by the state sponsoring such a defense force. However, a member of any of the armed forces may not be a member of a State defense force unless such membership is authorized under regulations prescribed by the Secretary of Defense, or, in the case of the Coast Guard, the Secretary of Transportation. Membership in a State defense force does not exempt any person from the registration or conscription provisions of the Military Selective Service Act or from any military duty or service which such person may be required to perform by virtue of membership in the armed forces.

(b) A state may require an oath of allegiance to a chief executive of a state before membership in a State defense force. However, any oath administered shall include an affirmation of support for the Constitution of the United States and shall not include a provision that would limit a person's appointment or enlistment in an armed force.

§ 904. Arms and Equipment

(a) The Secretary of a military department may issue or loan military equipment supplies, arms ammunition, and similar items to a state for the use of its State defense force.

(b) The Secretary of Defense shall prescribe such policies and procedures as the Secretary considers necessary to carry out the provisions of this section. Such policies and procedures shall—

(1) ensure that the items specified in subsection (a) may not be issued or loaned if to do so would affect adversely the readiness of active or reserve armed forces at that time, and

(2) provide that when any property issued or loaned is no longer needed by a State defense force, it shall be reported to the Secretary of the military department concerned and any property disposal shall be in accordance with the provisions of the Federal Property and Administrative Services Act of 1949.

The CHAIRMAN pro tempore. The gentleman from California [Mr. HUNTER] will be recognized for 5 minutes in support of his amendment and the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I am going to ask that this amendment be withdrawn, but I would like to enter into a brief colloquy with my colleague, the gentleman from Mississippi [Mr. MONTGOMERY].

This is regarding the State defense forces, which are the forces which take on National Guard responsibilities in time of mobilization.

I would simply say this to my colleague, the gentleman from Mississippi. I am willing to withdraw the amendment if the gentleman from Mississippi would be willing to engage in a colloquy on this legislation.

Mr. MONTGOMERY. Mr. Chairman, if the gentleman will yield, I certainly will.

May I ask the gentleman several questions pertaining to his amendment for the record? I think it would be most helpful in years to come in coming up with legislation to cover what the gentleman is doing with this amendment.

Mr. HUNTER. Mr. Chairman, the gentleman is correct. My intention in offering the amendment was to make my colleagues aware of this important issue in order to set the stage for formal submission of the administration's legislative proposal to the Congress.

Mr. MONTGOMERY. Mr. Chairman, I would like to ask the gentleman, if he will yield, is his amendment similar to the Pentagon proposal on this same subject?

Mr. HUNTER. Absolutely. It is very similar to the proposal that is currently working its way through the administration and is right now I believe at the Office of Management and Budget.

Mr. MONTGOMERY. Well, that is my next question. It is working its way through and as I understand it it has been approved at the Defense Department level and it is now over at the OMB, is that correct?

Mr. HUNTER. That is right.

Mr. MONTGOMERY. Mr. Chairman, I would like to say that I think what the gentleman is trying to do is proper. I would like to point out, as the gentleman knows, there is authority in current law for State defense forces, but it is more than 30 years old and it predates the current total force policy by many years. In other words, we have changed our total force in the Reserves and National Guards. We ought to go back and update this authority.

I would just ask the gentleman to further explain, does this increase missions to the Guard and Reserve and where do we go from here?

Mr. HUNTER. Well, this would not affect the missions of the Guard and the Reserve, but would provide us a State defense force that would take care of Guard and Reserve responsibilities in time of mobilization.

I fully agree with the gentleman on the importance of a fresh look at the State defense forces and I am anxiously awaiting receipt of the final Pentagon position and I look forward to working further with the gentleman at the time.

Mr. MONTGOMERY. Well, I certainly will work with the gentleman. I appreciate very much the gentleman withdrawing the amendment so that we can update further what the gentleman is trying to do. It has a lot of merit to it and I will certainly help the gentleman in any way I can.

Mr. HUNTER. I thank the gentleman. I look forward to his support when the bill makes its way to the House floor.

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman.

Mr. HUNTER. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Under the rule, the next amendment made in order is Amendment No. 83.

AMENDMENT OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Chairman, I offer amendment No. 83.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FOLEY: At the end of title X of division A (page 239, after line 5), add the following new section:

SEC. 1033. LIMITATION OF INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT.

(a) LIMITATION.—Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of introducing United States Armed Forces into or over Nicaragua for combat.

(b) DEFINITION OF COMBAT.—As used in this section, the term "combat" means the introduction of United States Armed Forces for the purpose of delivering weapons fire upon an enemy.

(c) EXCEPTIONS TO LIMITATION.—This section does not apply with respect to an introduction of United States Armed Forces into or over Nicaragua for combat if—

(1) the Congress has declared war or enacted specific authorization for such introduction; or

(2) such introduction is necessary—

(A) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions; or

(B) to meet a clear and present danger to, and to provide necessary protection for the United States Embassy; or

(C) to meet a clear and present danger to, and to provide necessary protection for and to evacuate, United States Government personnel or United States citizens;

(d) EXISTING REQUIREMENTS PRESERVED.—Nothing in this section shall invalidate any requirement of Public Law 93-148.

(e) TREATY AUTHORITY PRESERVED.—Nothing in this section shall invalidate any authority of the United States to act in accordance with the Organization of American States under the provisions of the Inter-American Treaty of Reciprocal Assistance.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Washington [Mr. FOLEY] will be recognized for 20 minutes in support of his amendment and the gentleman from Virginia [Mr. BATEMAN] will be recognized for 20 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this is the identical amendment to that which I offered in the last Congress and which would provide for the restriction on appropriation or expenditure for the purpose of combat forces of the United States being introduced over or above Nicaragua.

The definition of combat as used in this amendment is the introduction of U.S. Armed Forces for the purpose of delivering weapons fire upon an enemy. It contains some clear exceptions. One of them is that if Congress has declared war or otherwise authorized the introduction of U.S. forces.

The second is that such introduction is necessary to meet a clear and present danger of hostile attack on the United States, its territories or possessions.

Third, to meet a clear and present danger to and provide necessary protection for the U.S. Embassy.

Or last, to meet a clear and present danger to and provide necessary protection for and to evacuate U.S. Government personnel or citizens of the United States.

The amendment contains a provision that nothing in this section shall invalidate any requirement of Public Law 93-148.

It asserts the continuation of authorities of the United States to participate in accordance with the Organization of American States under the provisions of the Inter-American Treaty of Reciprocal Assistance, commonly known as the Rio Treaty.

Mr. Chairman, this amendment simply says that unless Congress authorizes the introduction of American armed forces into Nicaragua or unless these conditions that I have mentioned occur, that such American forces should not be used in combat in Nicaragua.

Now, we have taken action to authorize aid to the so-called Contras. I and many others have opposed that, but it is a decision of this body and it has similarly been a decision made in the other body recently to take similar action, but everyone who has participated in the debate on the issue surrounding Nicaragua, including those statements of the President of the United States himself, had been clear in their opposition to and in their avoidance of and desire to avoid any use of U.S. forces in Nicaragua.

Accordingly, I cannot imagine why this should be a controversial amendment. It is overwhelmingly the judgment of the American people in percentiles of opinion that go off the charts into the 80 and 90 percent, not to have American forces engaged in combat in Nicaragua. That has been repeated time after time in surveys of opinions of the United States in every part of the country, among every political group and those of every philosophical opinion. It is reflected constantly in the statements of the President himself, of those in responsible positions in the administration responsible for defense, and it is clearly I think the mood of the American people overall, and accordingly it seems to me that this is an action we can take to reassure those in the country who are concerned that aid to the Contra forces will not lead to the introduction of forces opposed even by those who favor that unfortunate decision, that we will not fall into the trap of going from aid to the Contras into the introduction of American combat forces.

□ 1440

Mr. BATEMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is certainly quite accurate, as the gentleman from Washington [Mr. FOLEY] has pointed out, that the membership of this House has no interest in nor desire to have American combat forces introduced into Nicaragua. It is against the stated sense of this House repeatedly, I am entirely in concurrence with that. I do not want American combat forces introduced into Nicaragua.

I think that it is important that we focus on something beyond what seems at times to be an obsession of some with Nicaragua. I do not want American combat forces introduced into Cuba, into Afghanistan, or into any other place on Earth. I also do not want this Congress introducing itself into those prerogatives subject to the War Powers Act which are the legitimate prerogatives of the President of the United States as the architect of our foreign policy and as the Commander in Chief of all American military forces.

Does it not strike you as strange that we should have one amendment, one provision in this Defense authorization bill that says that the President of the United States, in the making

and shaping of foreign policy and as Commander in Chief, shall not introduce armed forces into one country, but only one country? I think that it is very passing strange.

I have no opposition at all to the desires of the gentleman from Washington. I share them. I simply rise to state my opposition to singling out, almost as if inviting the President of the United States, for whatever reasons he might have, to introduce combat forces into one of 140 nations, or whatever number on Earth there may be.

For that reason, I rise in opposition to the amendment offered by the gentleman from Washington.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. BATEMAN. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is a perennial amendment offered by the gentleman from Washington [Mr. FOLEY]. It always prevails, and it singles out one country on the globe, which happens to be dominated by a Marxist-Leninist junta, and it says that we may not introduce combat troops, or for the purposes of combat, into that one country on the globe, unless, of course, we declare war, which nobody does anymore—they call them police actions—or unless our Embassy or our personnel are attacked—but it says to Honduras, it says to El Salvador, it says to Costa Rica, it says to allied countries down there: "Go it alone. We are not a good ally. You can't rely on us. We'll help you, we'll hold your coat, but we will not introduce troops into Nicaragua."

I hope that we never do. I do not want to go, and I do not want my kids to go, or my grandchildren. But I also do not like to tell a country that they will be immune from ever feeling the sting of our troops no matter what they do unless we declare war, which involves trading with the enemy, treason, censorship, and therefore it will not happen, or unless our Embassy or our personnel are attacked.

I would like to think that being an ally of a country means something. For goodness sake, do we have to tell the Sandinistas, "You've got a fence built around you as far as we're concerned"?

It is bad policy. It may be a good idea, but it is bad policy, and it is country-specific. Why not say "Central America"? Why not say "the world"? Why do we want to protect Nicaragua? I know the answer. The question answers itself. I just think that it is unwise, and I wish that the gentleman would find—if Grenada had the same protection that the gentleman wishes to give to the Sandinistas, we would still have tyranny, Communist tyranny, down there.

You are on a roll, gentlemen, you are going to win, "give surrender a chance," and I think that you have written another little chapter in your dismal book, "America the Weak."

Mr. BATEMAN. Mr. Chairman, may we be advised as to how much time we have remaining?

The CHAIRMAN pro tempore (Mr. RUSSO). The gentleman from Virginia [Mr. BATEMAN] has consumed 5 minutes, and has 15 minutes remaining.

Mr. BATEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. I thank the gentleman for yielding time to me.

Mr. Chairman, I would ask the proponent of the amendment if he would accept an amendment with the same limitations that he accepted last year on this particular proposal and particular amendment, and that was that it would not stand upon the introduction of Mig aircraft in Nicaragua.

I understand that as the gentleman has drafted it it does not disturb the President's powers under the War Powers Act or the Rio Treaty. I would ask the gentleman if he would accept the same restrictions that he accepted last year with regard to the amendment.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. FOLEY. I would be willing to accept the amendment. I accepted it last year, I would advise the gentleman, and I am happy that he mentioned the fact that the amendment does protect all rights of the United States under the Rio Treaty. So the suggestions of my distinguished friend, the gentleman from Illinois [Mr. HYDE], that we would stand helpless if there was an invasion of Honduras or Costa Rica or something by Nicaragua is not correct. All U.S. rights under the Rio Treaty are protected.

Mr. HUNTER. As I understand, though, there are still problems with the United States' rights to act to protect neighbors in Central America even under the Rio Treaty. There is some degradation of the President's right to act when he thinks that neighbors are being threatened.

Mr. FOLEY. I would tell the gentleman that it is my intention in the language to assert that any right available to the United States under the Rio Treaty for the common defense of the hemisphere is protected.

Mr. HUNTER. Would the gentleman agree to the same amendment that we offered last year with regard to MIG aircraft being introduced into Nicaragua?

Mr. FOLEY. I will if I can have some sense that we are not going to start on a whole series of amendments. I will accept that amendment with the understanding that we do not go on a long list here.

Mr. BATEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. I thank the gentleman for yielding time to me.

Mr. Chairman, I do not think there are any of those, so the gentleman's acceptance of that I do not think will start a precedent.

I have a question. If under the gentleman's amendment the Nicaraguan armed services attack United States troops that are helping train Hondurans in Tegucigalpa, would they be able to seek refuge at the line? Would we not be able to engage in hot pursuit? I do not see that as one of the exceptions.

Mr. FOLEY. Mr. Chairman, would the gentleman yield?

Mr. COURTER. I yield to the gentleman from Washington.

Mr. FOLEY. "Clear and present danger of hostile attack on the United States." I would interpret "hostile attack on the United States" to be hostile attack on United States forces that are peacefully engaged anywhere in the world.

Mr. COURTER. So in other words we would be able to engage Nicaraguan soldiers under the gentleman's amendment inside Nicaragua if they fired upon United States troops outside of Nicaragua.

Mr. FOLEY. If there was a clear and present danger or obviously an actual event or determination that they were firing on United States forces outside of Nicaragua, that constitutes an attack on the United States.

Mr. COURTER. Would there have to be a congressional finding?

Mr. FOLEY. No. This is a restriction on the administration. They obviously have to make the judgments, whether the conditions occur.

Mr. COURTER. I was just trying to clarify some of these things. It seems like those exceptions require congressional findings.

Mr. FOLEY. No, they do not. I will tell the gentleman that what is involved here is either a finding by the Congress to authorize specifically, or in the absence of that finding, events. Among those events is a clear and present danger to, and obviously subsumed under that is an actual attack on, the United States of America.

I am sure any President would regard a deliberate attack on American forces as an attack on the country.

Mr. COURTER. This is serious. I appreciate the gentleman's entering into this dialog. I do not mean to pursue it too long. When the gentleman says "attack," could that be for example a terrorist attack that we have good knowledge and belief came from Nica-

ragua on our troops training in Honduras?

Mr. FOLEY. I think that the subject here is that if the attack is by the Nicaraguan Government. Obviously if it is someone else operating—a Contra, for example, operating in Nicaragua attacks United States forces—then I cannot assume that the United States would have the right to attack the Nicaraguan Government in response. We are talking about the actual Government of Nicaragua attacking the United States. If that occurs, or if the Nicaraguan forces deliberately attack United States forces, I am sure that any President would constitute that as an attack on the United States, its territories, or possessions.

Mr. COURTER. I am not going to pursue this. I would appreciate one last, quick question. Is this according to the author's understanding a modification of the War Powers Act?

Mr. FOLEY. In the amendment itself, if I can refer the gentleman to it, it says nothing shall affect Public Law 93-148. That is the War Powers Act.

□ 1450

Mr. COURTER. So it does not affect the War Powers Act at all?

Mr. FOLEY. The gentleman is correct.

Mr. COURTER. So we have that 60-day capability? Under the War Powers Act, the President has 60 days within which to report before he acts, and the gentleman does not modify that under this amendment?

Mr. FOLEY. The statement is clear, the language is clear. Nothing herein in this amendment affects the War Powers Act.

Mr. COURTER. I thank the gentleman.

Mr. FOLEY. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. Mr. Chairman, I am a little disturbed and the thing I would like to clear up in this issue is that there are many of us that are greatly concerned over the possibility of our ending up sending combat troops to be engaged in Nicaragua.

If, for example, we had a helicopter with American personnel that was shot down by Nicaraguans, I assume the gentleman feels we should be able to take retaliatory action to try to see that that did not occur. But I assume the gentleman is not offering an amendment that says if anything, any incident like that occurs, we can go ahead and, in effect, start a war against Nicaragua?

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Chairman, I would say to the gentleman not unless the President makes a finding. The Congress is not in a position to make a finding. If under the amendment the President makes a finding that there is an attack on the United States by Nicaraguan forces, or on American territories or possessions, then he is entitled to regard this amendment as not applicable. It does not commit him to do anything, but it is not applicable.

Mr. BEDELL. I have some trouble with that, Mr. Chairman.

Mr. FOLEY. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am somewhat distressed by the argument of the gentleman from Illinois who suggests that the Constitution of the U.S. Government is archaic, because "we do not declare war anymore." It seems to me if the gentleman concludes that, in fact, the Constitution is archaic, he ought to take steps to amend it, but not just do it by fiat.

Second, I find the discussion sort of revealing. Earlier this year there was a great to-do because the Nicaraguan Government forces followed in hot pursuit into Honduras against Contras who had been in Nicaragua and had returned to their bases in Honduras. The President and the administration and a lot of people on that side of the aisle, thought and said that that was terrible. Yet in the course of this debate it has become obvious that if our troops in Honduras are attacked by Nicaraguan Government forces we would consider it our right to pursue them into Nicaragua.

At the very least, there seems to be some confusion as to principle and I suggest that there is a grave double standard.

My concern about the amendment the gentleman from Washington [Mr. FOLEY] is offering is that it seems to me that in the guise of preventing it, in fact we may be spelling out the ground rules for getting American troops involved in the war in Nicaragua.

Mr. BATEMAN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I thank my friend for yielding me this time.

Mr. Chairman, far be it for me to presume to instruct anybody in this Chamber. But I will just explain my views on why declarations of war are anarchronistic.

You will recall from your careful study of history in the Vietnamese engagement nobody declared war on anybody, but an awful lot of people died, and an awful lot of troops were over there fighting an authentic war. But it was not a declared war, because that involves imposing the concept of treason, censorship, trading with the enemy, and it is an incremental step toward world war III because other countries, if we decide we have to declare war, then they have to declare war, and that is the last thing you want to do, take that step toward world war III. So you fight it, but you do not call it war, and you do not declare a war.

Then another great President, Harry Truman, sent some troops over to Korea. That was called a United Nations police action. But war was not declared because that again would have involved accusing some of our friends of trading with the enemy. Some other countries would have had to declare war on us, and once again you are moving close to world war III.

So that is why the declaration of war is anachronism and does not happen anymore, and probably will not, I hope, in your lifetime or in my lifetime.

That does not disparage the Constitution. That is a recognition of current history.

But I am mystified as to why thinking people want to make it easy for a government that has closed up the one newspaper that had a modicum of freedom down there, even though they censored it at noon every day, and it looked like a piece of swiss cheese when the Communists censors got through, but at least the owners were free, they were not toadies to the Marxist-Leninist government that runs that poor, unhappy country. Why do you want to immunize from worry and anxiety a government that is persecuting the church, that is drafting seminarians into their dragooned army, that has excluded from the country clergymen who are native Nicaraguans because they do not salute the Communist gestapo down there? Why of all the countries in the world, do you have to immunize them?

I really find that curious. I think I know. I think I know, but I find it sad and curious.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to my friend from Washington.

Mr. FOLEY. I thank the gentleman for yielding, because I share with him his conclusion about the conduct of the Sandinista government. I could adopt as his concerns my own about the dreadful and dreary conduct of that government, and that lamentable direction in which it has been moving.

Mr. HYDE. How about tyrannical, would the gentleman accept the word tyrannical?

Mr. FOLEY. I think tyrannical is well applied in some of the policies of that government. Certainly they have been unbelievably insensitive to the commitments that they made themselves after the revolution in ensuring a pluralistic state and protecting the political rights of individuals. There is

oppression of La Prensa, and their action that the gentleman mentioned with respect to the church, the sad copying of what I would call the Cuban model, the developing of a one-party state. I share all the gentleman's repugnance.

Mr. HYDE. If I may just ask the gentleman while he and I are agreeing with each other, why do you want to make it comfortable for them?

Mr. FOLEY. I do not.

Mr. HYDE. Why do you not want them to share the apprehension that every Communist country ought to share that maybe, just maybe if they continue down that road they are going to pay a price? Why do you want to make it easy for them.

Mr. FOLEY. The gentleman and I differ on what makes them comfortable and what is important here.

In fact, Mr. Chairman, if the time of the gentleman from Illinois has expired, perhaps I could continue this colloquy by yielding myself 3 minutes.

Mr. BATEMAN. As a parliamentary inquiry, Mr. Chairman, would you advise how the time remains between the proponent and the opponent?

The CHAIRMAN pro tempore. In about 15 seconds the time of the gentleman from Illinois [Mr. HYDE] will have expired. At that point the gentleman from Virginia [Mr. BATEMAN] will have 5 minutes remaining, and the gentleman from Washington [Mr. FOLEY] will have 14 minutes remaining.

The gentleman from Illinois [Mr. HYDE] has 15 seconds remaining in his time.

Mr. HYDE. Mr. Chairman, I yield to the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, if I may continue to use up the 15 seconds, I will repay the gentleman, as I say.

Mr. Chairman, it is my concern that it is precisely the propaganda effort of the Sandinista government that the United States is preparing an attack, preparing an invasion of the country, that has led them to mobilize a certain amount of sympathy that they have no right to in the country.

The CHAIRMAN pro tempore. The time of the gentleman from Illinois [Mr. HYDE] has expired.

Mr. FOLEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, there is no country, in fact, no country I know of in the world that can do anything but arouse its own citizens to act on patriotism in self defense if they believe it is possible they are going to be invaded by another country, and there is hardly any country in South America that is not going to respond with great repugnance to the idea of a U.S. invasion of any other country in South America.

So, if we are not planning to do it, why, I would say in return, do we give the Sandinistas the opportunity to rally the country, to say that the United States is preparing an invasion, to militarize the country further, to raise the levels of the militia by lowering the age at which militia are recruited, and raising the age at the same time?

It is the constant drumming by the Sandinista government of the imminent American invasion that is their one major hold on the dim allegiance of many people in the country.

I just want to tell the gentleman that one of the leaders of Central America, one of the major emerging democracies, was quoted as saying to visiting Members of Congress that he did not know whether they would not have to have invented the threat in Nicaragua in order to try and keep their hold on the opinion of a part of the populace.

□ 1500

He said further that the one thing he did not think this government in Nicaragua, in Managua could stand is a year of peace. A year of peace; that war and threat of war was helping their aims and advancing their interests.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, it is my reading of history that every time we have invaded a country, we leave rather quickly and we leave them in much better shape than when we got there.

I think of the Philippines, where I spent 2 years. I think of Grenada, I think of so many countries where we go in——

Mr. FOLEY. Would the gentleman like to think of Haiti, where we were there 20 years?

Mr. HYDE. Yes; we are sending several millions to Haiti, and they are better off with it than without it.

I say the gentleman ought to want to giver the Sandinistas more to worry about, not less. They are going to lie anyway, and say invasion is imminent. Ortega has been saying that on a weekly basis for about 4 years. Their own people do not trust the Sandinistas anymore.

Why give them less to worry about? Why give them some assurance, some security? I would think the gentleman would want to multiply their worries, not diminish them.

Mr. FOLEY. Mr. Chairman, I yield myself an additional 2 minutes.

Mr. Chairman, I will say further that the gentleman and I share a feeling of lack of sympathy, to put it mildly, toward the present government in Managua. Where we differ is what helps that government.

I think war and fear of war and invasion by the United States helps them rally a naturally reactive public, if they believe that charge. If we put that charge to rest, then that government does not have an opportunity to rally its public by a fear of an American invasion; and has to face the dreary realities of its own mismanagement of the country, of its own mismanagement of its commitments of the revolution; of its suppression of personal religious liberties and the other obviously unfortunate, not to say despicable actions of the government in recent months.

This is not intended to be and is not a friendly act. Passing this amendment is not a friendly act to the government of Managua. I share every sentiment that the gentleman from Illinois [Mr. HYDE] has raised with respect to this government. I think it would be a very hostile act to the Government of Nicaragua; to the Sandinista government, to pass this amendment and put aside their phony charges of an imminent American invasion.

Mr. BATEMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it would occur to me that the logic we have heard applied to the adoption of this amendment is that if we say the United States, except for the very specific conditions spelled out in the amendment, has committed itself to never have any combat forces in Nicaragua, it will give assurance to the Sandinista regime that we are not going to invade them, and somehow this will undermine the position of the Sandinista government.

If that logic is correct as to Nicaragua, it would seem to me that it is equally correct for us to make that statement to every Central and South American country or any other country in the world that has any leftist-oriented opposition or leanings to its government.

For that reason, I think it is an anomaly; we should not go along with it. That we should make this one declaration that we will never entertain or engage in any combat under any circumstances.

Mr. Chairman, I yield 15 seconds to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, on the theory of the gentleman from Washington that threatening a country enables them to rally their people around their Communist flag and strengthens the resolve of these Communists, then I suggest we dismantle all our missiles that are aimed at any Soviet countries, because their very presence enables them to consolidate their forces and only strengthens them.

Mr. BATEMAN. Mr. Chairman, I yield 3¾ minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, let me ask the proponent of the amendment if he would accept an amendment to his amendment that does the same things that he accepted last year; and that is to make an exception where Mig aircraft have been introduced into Nicaragua, or nuclear weapons have been introduced into Nicaragua, or where the allies of the United States are subject to a clear and present danger, that is enumerated in his amendment.

Would he accept essentially the same amendment that he accepted last year?

Mr. FOLEY. Yes; with the understanding that the clear and present danger action of our allies is authorized by the Rio Treaty, is authorized under our Rio Treaty obligations.

Mr. HUNTER. Mr. Chairman, would the gentleman accept the amendment that I have just proposed?

Mr. FOLEY. Yes; with the understanding that the clear and present danger to our allies is in accordance with our responsibilities and rights under the Rio Treaty.

The gentleman does not want to expand the Rio Treaty obligations, does he?

Mr. HUNTER. I do not want to change the Rio Treaty, but I would say to the gentleman that it is subject to some varying interpretations——

Mr. FOLEY. Well, the interpretation is going to be by the President.

Mr. HUNTER. If the gentleman considers it to be redundant, so be it; but it is essentially the same amendment he accepted last year.

Mr. FOLEY. I understand that. I just want to make sure that what we are saying with the clear and present danger to the allies is that action will be authorized under the Rio Treaty.

We have authority under the Rio Treaty to come to the common defense of allies.

Mr. HUNTER. Mr. Chairman, I agree with the gentleman's interpretation of the Rio Treaty. Some people do not. I agree with it, so I would offer it at this time.

AMENDMENT OFFERED BY MR. HUNTER TO THE AMENDMENT OFFERED BY MR. FOLEY

Mr. HUNTER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER to the amendment offered by Mr. FOLEY:

In paragraph (2) of subsection (c) of the matter proposed to be inserted by the amendment—

(1) insert "or its allies" in subparagraph (A) before the semicolon;

(2) strike out the period at the end of subparagraph (C) and insert in lieu thereof "; or"; and

(3) at the end of such paragraph, insert the following new subparagraph:

(D) to respond to hijacking or kidnapping of citizens of the United States or of an ally of the United States, or to respond to other acts of terrorism involving such citizens.

At the end of the matter proposed to be inserted by the amendment, insert the following new subsection:

(f) EXPIRATION.—This section shall not apply after the date on which MIG aircraft, or other aircraft similar in design and capability, or nuclear weapons are introduced into Nicaragua.

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). Is there objection to the request of the gentleman from California?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. BEDELL. Mr. Chairman, I have seen a copy of the amendment. I cannot tell what it says, the way it is written above, and everything else. I think we are entitled to at least know what it is we are voting on, as we have an amendment.

The gentleman has a printed amendment and then he has a whole lot of notes up above, written in hand. I do not know how they apply.

The CHAIRMAN pro tempore. The Chair will state to the gentleman that that is not a parliamentary inquiry. The amendment has been read.

Mr. HUNTER. Mr. Chairman, the gentleman has just stated his problem; and let me just explain it to the gentleman. If he has Mr. FOLEY's amendment, it simply states, if he will look at Mr. FOLEY's amendment, it says:

Exceptions to limitation. This section does not apply with respect to an introduction of United States armed forces into or over Nicaragua for combat if—

And it gives a series of exceptions.

If the gentleman will look at Exception No. 2, one exception is where such introduction is necessary (a) to meet a clear and present danger of hostile attack upon the United States, its territories or possessions, and we inserted—and this was done in amending the gentleman's amendment last year—or allies.

So that could be, an attack upon the allies or a clear and present danger to the allies of the United States, would also be an exception.

Now, if you go down further where it says:

EXPIRATION.—This section shall not apply after the date on which Mig aircraft, or other aircraft similar in design and capability, are introduced into Nicaragua.

The reason that amendment is in there is because Mig aircraft can, in most cases, not reach the United States, but could still wreak havoc with our allies in this hemisphere; and because of that, we need to have this exception in there.

It also states, where the introduction—this section shall not apply after the date on which nuclear weapons are introduced into Nicaragua.

Mr. Chairman, I think the gentleman will recall that Mr. Ortega and some of his associates made statements early in the game that they would be amenable to the introduction of nuclear weapons in Nicaragua; and this addresses that point.

In explanation, this is essentially the same thing that the House accepted as an amendment to Mr. FOLEY's amendment last year.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, the gentleman says it is "essentially." Is it exactly the same thing that was accepted before? If it is not, where does it differ?

Mr. HUNTER. The only difference, I would tell the gentleman, is with regard to form. If the gentleman will follow here, we had the Mig aircraft limitation last year; I think the gentleman recalls that. We had the nuclear weapons limitation or exception last year also, and we also had the allies exception or limitation last year.

So with regard to the substance, it is the same. With regard to form, the words are slightly different, or the form of the amendment is slightly different.

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Mr. BEDELL. Will the gentleman yield further? Is the "allies" wording in effect exactly the same as it was before?

Mr. HUNTER. Yes.

Mr. BEDELL. The effect as far as the allies is concerned is exactly the same as we passed before?

Mr. HUNTER. Yes, where there is a clear and present danger. Let me read it: "Where there is a clear and present danger of hostile attack upon the United States, its territories or possessions." Last year we had "or allies." I would ask the proponent of the amendment who offered the same amendment last year if that is not accurate that we did include the words "or allies" in last year's.

Mr. FOLEY. Yes, as I recall. But the gentleman from Iowa [Mr. BEDELL], I think, was asking an important question to ensure that there is not any new element in the amendment since the gentleman is representing it as an identical one as last year. And he is telling us it is identical in substance?

Mr. HUNTER. Yes.

Mr. FOLEY. There are no additional requirements or restrictions?

Mr. HUNTER. Yes. I do not have the precise wording that we had last year, but we had the allies limitation. That was the substance of one of my amendments, and it was agreed to fully.

OK. Let me just tell my friend, I am reading the amendment we had last

year, "to meet a clear and present danger of hostile attack upon the United States, its territories or possessions or its allies"; so this is the same amendment to Mr. FOLEY's amendment that we had last year.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman has 45 seconds remaining.

The Chair now recognizes the gentleman from Iowa [Mr. BEDELL] for 5 minutes in opposition to the amendment.

Mr. BEDELL. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, the reason I had wanted to propound a question of the gentleman from California is so that I can understand what the meaning of the "allies" part of the amendment means. I refer again back to the incident in the spring of this year when the Nicaraguan Government forces went into Honduras into pursuit of, or to attack, a base of the Contras inside of Honduras. And my question is whether that kind of an attack or that specific attack were to be renewed after the adoption of this amendment would in fact justify and authorize the President of the United States to introduce American troops into Nicaragua against the Government of Nicaragua?

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I was referring to my notes during most of the gentleman's question. But is he referring to the invasion of Honduras by the Nicaraguan Sandinista troops?

Mr. WEISS. In the spring of this year.

Mr. HUNTER. Well, I would say that clearly the invasion across the borders of an American ally by armed forces could be considered, could be considered to be a "clear and present danger" to that particular country.

Mr. WEISS. Well, if I may then, if the gentleman would yield further, then, Mr. Chairman, it seems to me that spells it out quite clearly. Here we had earlier in the debate some suggestions as to how the President of the United States ought, rightly, to have the opportunity to respond if American troops were attacked. And now we have a situation where Honduran-based Contras would be attacking the Government of Nicaragua. Nicaragua would respond against those and cross the border where those Contras are based in Honduras. And on that basis the gentleman from California says the American troops could be introduced. Anybody who votes for this amendment on that basis, if it is accepted or not accepted, in fact is giving the President of the United States a blank check under present circumstances to introduce American troops into hostilities in Nicaragua.

Mr. HUNTER. Mr. Chairman, will the gentleman yield on that point?

Mr. BEDELL. I would be glad to yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Let me just say to the gentleman that my understanding is that the leader of Honduras communicated to the President of the United States at that time that he did not feel that that was a clear and present danger. So if the gentleman asks me a question, would the invasion of an ally of the United States constitute a clear and present danger, I think the answer has to be in many cases "yes." That is not to say in every case it absolutely is.

Mr. BEDELL. If I may reclaim my time, Mr. Chairman, if I understand the gentleman, from what he says is that it would not be considered action against that nation unless that nation applied to us and indicated to us that they considered it to be such and asked for our help; is that correct?

Mr. HUNTER. Certainly, yes.

Mr. BEDELL. I think that is helpful.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. HUNTER] to the amendment offered by the gentleman from Washington [Mr. FOLEY].

The amendment to the amendment was agreed to.

Mr. FOLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it should be clear to all the Members that this amendment is a restriction on appropriations and does not constitute by any of its exceptions any special authority of the President or any other officers of the United States to take any action that is not otherwise authorized by law. It is not an authority to do anything. It is a restriction on authority which in some cases is removed or is qualified. It ought to be made very clear in the RECORD that none of the exceptions give any authority to the President or to any other officer of the United States that they do not presently hold by treaty or law or constitutional authority.

I want to make that clear so there is no misunderstanding of the intention of the amendment or the effect of the exceptions. It does not constitute an advance U.S. Congress authority or a specific authority to act. It is a removal of a restriction on action which then has to be justified by the President or by the responsible officials in accordance with existing law, constitutional authority, or treaty obligation.

Mr. HUNTER. Mr. Chairman, will the gentleman yield briefly?

Mr. FOLEY. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, is the gentleman saying that the amendment that he has agreed to in his opinion does not constitute additional authority to the President of the United States?

Mr. FOLEY. No, it does not. The President has authority to act or not to act under existing law.

Mr. HUNTER. Let me just say to the gentleman that I stated to the other gentleman, the gentleman from New York, quite clearly what the case would be in which clear and present danger would be found with regard to the invasion by Nicaragua of an American ally. I think that that language speaks for itself.

Mr. FOLEY. But I think the gentleman has to understand the context of the amendment.

Mr. HUNTER. What I am saying is I do not think the gentleman can, after the amendment has been passed, restate the effects of the amendment.

Mr. FOLEY. No.

Mr. HUNTER. I think the gentleman is talking about a very gray area. I think the War Powers Act, of course, is involved in what the President can do. The Rio Treaty has limitations and also gives the Americans some discretion in some areas. It is a gray area, and I think this amendment speaks for itself.

Mr. FOLEY. I will tell the gentleman it is the general intention of all this amendment, and I just want to make it clear for everyone, that it is a restriction on authority and where the restriction is removed the President has whatever authority he normally has. It does not constitute an advance declaration of war when X or Y exists. It does not constitute an amendment to or any advance or retreat from the War Powers Act, it does not add or subtract from the Rio Treaty. What it does is offer certain restrictions on existing authority to appropriate money. And where the exceptions have been named, then those restrictions on appropriating money are removed assuming that the authority exists for the action. It does not constitute any broadening of the President's executive authority. It involves the removal of restrictions that would otherwise be placed upon the appropriation of money.

I think that ought to be very clear from the whole context of the amendment.

Mr. HUNTER. Mr. Chairman, will the gentleman yield further?

Mr. FOLEY. Mr. Chairman, I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding and I thank the gen-

tleman for the characterization of his amendment. But I do not think the gentleman can characterize the amendment to the amendment.

Mr. FOLEY. I therefore will offer an amendment to the bill: "Nothing herein shall add, no restrictions or exceptions herein on this amendment shall address the authority of the President of the United States or any official of the United States to act otherwise than by Constitution, existing law or treaty of the United States."

Mr. GREGG. Mr. Chairman, I object.

The CHAIRMAN pro tempore. The Chair would state before the gentleman from Washington [Mr. FOLEY] could offer such an amendment, it would have to be in writing.

Mr. FOLEY. It would be my intention to offer that amendment.

PARLIAMENTARY INQUIRY

Mr. BATEMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BATEMAN. I would like to know whether we are now at the point where we are debating again the amendment offered by the gentleman from Washington [Mr. FOLEY], as amended, and, if so, if I have any further time.

The CHAIRMAN pro tempore. The gentleman is correct. The gentleman from Virginia [Mr. BATEMAN] has 1¾ minutes remaining.

Mr. BATEMAN. I thank the Chair. Mr. Chairman, I yield myself that 1¾ minutes.

Mr. Chairman, we now have the floor amendment. As the gentleman from Washington says, it places constraints on the authority of the President of the United States with certain exceptions where those constraints are not present under the terms of the floor amendment, the original amendment. Under the amendment of the gentleman from California [Mr. HUNTER], there are other exceptions. The net result being that the Foley amendment, as amended, does constrain the powers of the President of the United States but has more exceptions in it where those powers will not be constrained.

Mr. FOLEY. That is correct.

Mr. BATEMAN. I thank the gentleman. I am glad, hopefully, that we are at least together on the implications of the amendment as it relates to the floor amendment.

I would hope that we see no need for any perfecting amendment spontaneously drafted.

Mr. FOLEY. I would be happy to yield back the balance of my time as long as we have an understanding.

Mr. HYDE. Mr. Chairman, will the gentleman from Virginia yield?

Mr. BATEMAN. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

I would like to ask: May we leave this Chamber upon adoption of this amendment secure in the expectation that the President is still Commander in Chief of the armed services?

Mr. FOLEY. I would be very happy to assert for the record the President of the United States remains, under this amendment, as indeed he would have to remain under the Constitution, the Commander in Chief.

Mr. HYDE. That is most reassuring.

Mr. BATEMAN. Mr. Chairman, on that happy note I yield back the balance of my time.

Mr. FOLEY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am very happy the gentleman from Virginia has clarified that this amendment provides restrictions on the expenditure of authority. Its exceptions remove those restrictions, it does not otherwise act to expand the authority to make war or to conduct military actions that is not presently possessed by the President under the authority of the Constitution, the statutes of the United States or of treaties in effect.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). The question is on the amendment offered by the gentleman from Washington [Mr. FOLEY] as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. The Chair will observe that amendments No. 84 and 85 have been adopted.

The next amendment in order under the rule is amendment No. 86.

AMENDMENT OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CHAPPELL: On page 216 of the bill, delete the matter beginning after line 3 and all following thereafter through line 24, page 223.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Florida [Mr. CHAPPELL] will be recognized for 20 minutes and a Member in opposition thereto will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. CHAPPELL].

Mr. CHAPPELL. Mr. Chairman, this is amendment No. 86 printed in the House Report 99-766, the report submitted by the Rules Committee on August 7, 1986.

Mr. Chairman, this amendment would strike section 1002 of the bill dealing with an authorization on an appropriation matter which has been worked out between the Committee on Armed Services and the Committee on Appropriations. We have complete agreement between the chairman of this committee and the ranking member. By deleting this section of the bill, we avoid establishing a formal and inflexible system requiring subsequent authorizing legislation to be enacted every time an appropriation amount exceeds a line item funding level set forth in the authorizing backup documents.

Mr. Chairman, we have had great relations with our good friends on the Committee on Armed Services. We have been working exceedingly well together, and we would ask adoption of this amendment. We understand there is no problem.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the chairman of the Committee on Armed Services.

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, we have been in discussion with the members of the Committee on Appropriations and indeed the gentleman from Florida [Mr. CHAPPELL] is correct. The gentleman from Florida has been very, very cooperative, as has been the gentleman from Pennsylvania and all the members of the Subcommittee on Defense Appropriations of the Committee on Appropriations, and we concur in the amendment offered by the gentleman from Florida.

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Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I just want to let it be known that there is, particularly on the House side, a great deal of cooperation between the Appropriations and authorizing committees, particularly as it has to do with the area of national defense. I want to take my hat off to the gentleman for that.

This amendment originally was to be accepted en bloc with the others, and I guess I was the one who was originally concerned about it, but I would like to say that I have had the chance to speak with the chairman of the Appropriations Committee and the ranking member of the authorizing committee, and also to the gentleman from Wisconsin [Mr. ASPIN], chairman of the authorizing committee, and I understand now the reason that it is essential to pass this amendment. I understand the Appropriations, even though we give this window of opportunity to them, will not take advantage of it and, as such, I support the amendment.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. CHAPPELL. I yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I simply want to commend my colleague, the gentleman from Florida, for offering the amendment. I urge its adoption.

Mr. CHAPPELL. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). The question is on the amendment offered by the gentleman from Florida [Mr. CHAPPELL].

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, amendment No. 87 is now in order.

AMENDMENT OFFERED BY MRS. COLLINS

Mrs. COLLINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. COLLINS: At the end of title X of division A (page 389, after line 5), insert the following new section:

SEC. 1033. ADVERTISING CONTRACT SET-ASIDE REQUIREMENTS.

(a) SET-ASIDE REQUIREMENT.—Not less than 10 percent of amounts appropriated or otherwise made available to the Department of Defense during fiscal year 1987 that are obligated for advertising contracts shall be obligated for advertising contracts entered into with small business concerns owned and controlled by socially and economically disadvantaged individuals (as defined by section 8(d) of the Small Business Act (15 U.S.C. 637(d) and regulations issued under such section).

(b) WAIVER.—The Secretary of Defense may waive the application of this section if—

(1) the Secretary determines that lack of such a waiver would result in unacceptable delays in fulfilling the needs of the Department of Defense; and

(2) 60 days elapse after the submission to Congress by the Secretary of a report that—

(A) sets forth the reasons for the waiver; and

(B) provides supporting evidence for such reasons.

Mrs. COLLINS. Mr. Chairman, I offer modifications to the amendment.

The CHAIRMAN pro tempore. The Clerk will report the modifications.

The Clerk read as follows:

Modifications of amendment offered by Mrs. COLLINS: In subsection (a) of the matter proposed to be inserted by the amendment, strike out "(as defined by" and all that follows through "such section)".

At the end of the matter proposed to be inserted by the amendment, add the following new subsection:

(c) DEFINITIONS.—In this section:

(1) SMALL BUSINESS CONCERN.—The term "small business concern owned and controlled by socially and economically disadvantaged individuals" means a business concern—

(A) that is independently owned and operated;

(B) that is not dominant in its field of operation;

(C) that performs a dollar volume of business that is not more than $80,000,000,000;

(D) that is at least 51 percent owned by one or more socially and economically disadvantaged individuals, or, in the case of any publicly owned business, the stock of which is owned by one or more socially and economically disadvantaged individuals; and

(E) whose management and daily business operations are controlled by one or more of such individuals.

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term "socially and economically disadvantaged individuals" includes Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, and other minorities, or any other individual found to be disadvantaged by the Administration pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

Mrs. COLLINS (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the modifications to the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS]?

Mr. COURTER. Mr. Chairman, reserving the right to object, although I am well aware of the fact that the amendment is printed, the modification of the amendment I am not sure what it says, and I am not sure whether under the rule it was required to be printed and, if so, if it was printed.

So under my reservation, I wonder if the gentlewoman could set me at ease.

Mrs. COLLINS. Mr. Chairman, will the gentleman repeat the question, please?

Mr. COURTER. Mr. Chairman, I guess my reservation is, what does the modification do to the amendment? The amendment was printed according to the rules, and the modification may or may not have been. Are we dealing with a different animal than was originally proposed?

Mrs. COLLINS. Mr. Chairman, if the gentleman will yield, the modification redefines a small business concern to mean any business that is independently owned and operated, that is not dominant in its field, that performs a dollar volume of business that is not more than $80, and that is at least 51 percent owned by socially and economically disadvantaged individuals. Those individuals would include the usual, the black Americans, Hispanics, and so forth.

Mr. COURTER. Mr. Chairman, further reserving the right to object, and I am not sure whether this is the proper place to get into this dialog or not, but does that definition change the standard definition of a small business?

Mrs. COLLINS. It changes it only in that it broadens its scope more.

PARLIAMENTARY INQUIRY

Mr. COURTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. COURTER. Mr. Chairman, is this modification of the amendment permissible and germane, or does it need unanimous consent to be considered?

The CHAIRMAN pro tempore. The Chair will state to the gentleman from New Jersey that a modification of this sort is permitted only by unanimous consent.

Mrs. COLLINS. Mr. Chairman, I again ask unanimous consent to offer the modification to the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Illinois?

Mr. COURTER. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

The gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes on her original amendment.

Mrs. COLLINS. Mr. Chairman, advertising is big business. According to the September 1985 issue of Advertising Age, a marketing newsletter, the Federal Government is the Nation's 26th largest advertiser. Of the three largest users of such services, the Defense Department ranks top. Overall, the bulk of their advertising needs have been directed toward increasing the number of military recruits.

Unfortunately, business opportunities for minority advertising corporations have remained limited at best.

Therefore, in order to increase contracting opportunities for minority advertising companies, I am offering this "minority advertising contract set-aside" amendment which would provide these firms with greater "access" to Department of Defense advertising dollars. Specifically, my amendment would require that at least 10 percent of DOD's advertising moneys be obligated for contracts entered into with businesses owned and controlled by minority and disadvantaged persons. For example, during fiscal year 1985 there was a total DOD advertising budget of $194 million, but only $4.7 million went to minority ad firms. Those companies which did 5 million dollars' worth of billings need just as much exposure and access to defense advertising contracts as the companies doing $15 million or more. My modified amendment includes these firms, by defining "small business" concerns as those that perform a dollar volume of not more than $80 million. Right now, either way you look at it, the access is just limited.

According to DOD, advertising expenditures for fiscal year 1985 totaled

approximately $194 million. Of that amount, less than $5 million went directly to minority and disadvantaged firms. Frankly, I am more than a bit concerned that minority ad companies receive so little of the available advertising moneys. Although DOD's budget for advertising has increased steadily since 1983, subcontracts awarded to minority advertising firms has remained fairly constant: they have been few and far between and have hardly increased in size. The pie gets larger, but for minority agencies the pieces get smaller.

Let me take this opportunity to share with my colleagues a sample of the types of responses my office received in our quest to find out just why the Defense Department didn't utilize the services of minority advertising companies.

First. We were told that the number of blacks in the Army exceeds their representation in society. Consequently, DOD does not need to target recruitment ads at the black community. This incorrect assumption assumes that because an ad company is black owned, it has only one area of expertise—black audiences. This is just not the case. Black ad agencies have a general market.

Second. We were told that contracts were only directed toward full service ad agencies, and that the black agencies were too small to handle the volume of business required by defense agencies. I took this to mean that DOD does not want to get involved with a minority owned ad agency because even top 10 ad agencies have to contract out services to others. Why should this be any different for a minority ad agency? They might be smaller, but they are equally competent, creative and resourceful in their development and packaging of marketing strategies.

Third. When we inquired as to the apparent lack of competition among advertising agencies in bidding for recruitment advertising contracts and asked specifically why black agencies were not bidding, we were told that once a company is awarded a contract it is very difficult for others to out perform the incumbent. We were also told that the ad companies didn't make a lot of money on the service accounts.

It goes without saying that these responses do little to justify why minority ad companies receive so little of the advertising moneys at DOD. Frankly, it is high time we in the Congress and the Defense Department break up the cozy relationships being engaged in with top ad companies. N.W. Ayer has had the Army account for 19 years, J. Walter Thompson USA has had the Marine account for 40 years, Ted Bates Worldwide has had the Navy account for 11 years and D'Arcy Masius Benton & Bowles has had the Air Force recruiting account for 27 years. We need to stop relegating small subcontracting awards to minority firms; let's bring in some new faces and share the wealth.

My colleagues, I submit to you that certainly it is time to spread the wealth, to make sure that the little guys are included when the DOD does its advertising contracting.

Let me say that my interest in promoting business opportunities for minority advertising companies does not end at the Defense Department. Last Friday, I introduced legislation—H.R. 5373, the Nondiscrimination in Advertising Act—which would deny advertising expenses to persons who discriminate against minority owned or formated communication entities—radio, television, print—in the purchase or placement of advertisements.

Discriminatory advertising practices whether practiced by agencies who do not place ads on minority stations or Federal departments who refuse to do any significant business with black ad agencies because they are presumed to have expertise only in appealing to black audiences, must be abandoned. The time is long overdue for minority advertising companies to be included in significant numbers, for the sake of both fundamental fairness and program efficiency.

I urge my colleagues to join me in sending a signal to DOD that they must open up competition in their advertising contracting and increase opportunities for minority advertising companies.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to talk with my colleague, the gentleman from California [Mr. DELLUMS] about this amendment. It is still not clear to me what we have done by not changing the perfecting amendment and what we ought to do with this bill.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from California.

□ 1535

Mr. DELLUMS. Mr. Chairman, since my colleague on the other side of the aisle chose to object to the modification of the amendment offered by the gentlewoman from Illinois [Mrs. COLLINS] and since there is some question with respect to how the amendment is drawn, perhaps the amendment could be withdrawn at this time and we could try to work this matter out in conference.

Having said that, let me try to add some emphasis to it. I would say to my colleague, the gentlewoman from Illinois, that in my estimation, in my humble opinion, she is offering a noteworthy amendment. We offered a 10-percent set-aside amendment, as my colleague well knows and as the chairman of the committee knows, in the Committee on Armed Services with respect to military construction procurement and research and development. My colleague saw fit to eventually arrive at a 5-percent set-aside figure that they were prepared to live with and bring to the floor of Congress and take to the conference.

I might say that the gentlewoman has raised an important issue in an area that we have simply overlooked in the negotiations, and that is advertising. Since there is some question as to how the amendment is drawn at this point and since I believe that the gentlewoman's amendment has great merit, if the gentlewoman would be willing to withdraw the amendment and if the chairman of the committee and my distinguished colleague, the gentleman from New Jersey [Mr. COURTER], would be willing to work with me in trying to get this category into the 5-percent set-aside, I certainly would feel confident and secure in that. If this would be amenable to the gentlewoman, we could work it out, because I think there is great merit in the gentlewoman's amendment, and I certainly would not want it to go down on the floor simply by virtue of the way the amendment is drawn at this particular moment.

Mr. ASPIN. Mr. Chairman, let me say that I think the gentleman from California [Mr. DELLUMS] has a very good solution to the issue here. It seems to me that it is a fine solution if that is what we decide to do.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding.

Let me say two things. First of all, I congratulate the gentlewoman from Illinois [Mrs. COLLINS]. The purpose of my objecting to the modification was simply the fact that it was changing the definition of "small business," and really that is something that is difficult to do by unanimous consent.

Also my objection does not mean that I am against the thrust of this, and I congratulate the gentleman from California [Mr. DELLUMS] for suggesting the withdrawal of the amendment and the incorporation of this concept into the gentleman's amendment which was accepted by the Armed Services Committee.

Mr. Chairman, I thank the gentleman for yielding.

Mrs. COLLINS. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Illinois.

Mrs. COLLINS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am very much in favor of that approach, and with that

understanding, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. BROWN of California). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The amendment of the gentlewoman from Illinois is withdrawn.

The next amendment in order is amendment No. 88, which has already been adopted.

The next amendment in order is amendment No. 89 of the gentleman from New York [Mr. DOWNEY].

AMENDMENT OFFERED BY MR. DOWNEY OF NEW YORK

Mr. DOWNEY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

The amendment offered by Mr. DOWNEY of New York: At the conclusion of title X of division A, insert the following new section:

SEC. . LIMITATION.—Military technology developed with funds appropriated or otherwise made available for fiscal year 1987, or any subsequent year, to the Strategic Defense Initiative Organization may not be made available to the Soviet Union.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. DOWNEY] is recognized for 20 minutes and a Member opposed will be recognized for 20 minutes.

The Chair recognizes the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this has been designated as a controversial amendment. It deals with the strategic defense initiative. It was not intended to be controversial, nor was I intending to be mischievous, and it is my fervent hope not to use 40 minutes of time in discussing it.

I am not a supporter of the strategic defense initiative. I make no bones about it, and it does not come as an atomic secret to anyone. But there has been talk, and indeed most recently from the President of the United States, that when the strategic defense initiative is finished, we would supply this, lock, stock and barrel, at cost to the Soviet Union. I say to my colleagues that, frankly, I cannot think of anything more dangerous than to provide the Soviet Union at this time or at any time in the future with this sort of technology. Let me explain why.

First of all, my most ardent opposition to the strategic defense initiative comes from the fact that I believe it to be a first-strike weapon. The side that puts it up in space first is capable of attacking other strategic defenses or other satellites.

Second, as any military person will tell you—and you need not trust me on this; you can talk to anyone—if you tell somebody how to do something, you have shown them the way to undo it. With respect to any offensive capability or defensive capability that rests in the strategic defense initiative, if it is given to the Soviet Union, they will learn of a way to overcome it. It is that simple.

Now, while I am not a supporter of this—and I have said this many times—I have seen many things that I have not supported become enacted and get in our arsenal, and it is possible that at some point in the future a future Congress will go ahead and decide to build a strategic defense initiative, that more money will be provided, and that there will in fact be a series of weapons that will be so construed, and a future President may want to turn this technology over to the Soviet Union. I do not want that to happen. I do not want it to happen for the reasons I mentioned before. I especially do not want to convey to the Soviet Union our most important secret military technology.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. Yes, I am happy to yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding.

I have a couple of questions.

I think the gentleman's position is, as is the position of some other people, that what we want is to have as much cooperation as possible with the Soviet Union, not only in the field of arts and literature and circuses and olympics, but also with respect to professional exchanges of information, scientific exchanges, space ventures that would be utilizing Americans and Russians in the same capsule, using the same launch pad, et cetera. Is that not really an exchange of scientific information that could be utilized for the purpose of offensive and military capabilities?

Mr. DOWNEY of New York. I do not think so. What I have attempted to do here is to narrowly consider the military technology that we have developed under the strategic defense initiative. I think the gentleman makes an interesting point, and it is one that has been debated. For instance, in the Apollo-Soyuz mission, there have been arguments that this was not a particularly good idea because the Soviets could gain a lot of useful potential military information. I will leave that for future Presidents and for future Congresses to decide.

What I am attempting to do here is to say that with the money that we are spending today, with 1987 money, whether it is $3 billion or $3.5 billion, whatever is ultimately decided, the military technology associated with the strategic defense initiative should not be provided to the Soviet Union, not this year or any year in the future.

I believe the gentleman is well aware of this because we have debated this many times in all sorts of collective arrangements and understandings, and I believe very fervently in collective security, but I do not believe that giving the Soviet Union potential star wars technology is smart military or that it has anything to do with future cooperation. I personally believe that all it can do is potentially put in the hands of our principal adversary the ability to overcome the strategic defense initiative.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. Yes, I yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Chairman, I appreciate the gentleman's yielding.

I perhaps misunderstood the gentleman's position of a number of days ago in prior conversations. It was my understanding that the gentleman felt that our effort with regard to strategic defense was pretty much a waste of taxpayers' dollars because it would lead to no usable technology; in other words, it would not work.

If the gentleman is convinced that this is a waste of money and it is impossible to stop incoming missiles by defensive means, why is he proferring an amendment prohibiting the Soviets from gaining technology which is not worthwhile, which is useless, and which is a waste of United States dollars?

Mr. DOWNEY of New York. Mr. Chairman, I thought I explained that point, and I will do so again for the gentleman because I was apparently not clear.

I believe that money spent on the strategic defense initiative now should be on the order of what the gentleman from California [Mr. DELLUMS] offered, about $1.8 billion, or possibly $2 billion. Let me explain to the gentleman my reasoning. The money would be spent so that we know what the Soviet Union is up to in this area. I happen to think that is a prudent expenditure of money.

The Congress does not agree with my position on the strategic defense initiative. I quite believe that if it is ultimately developed, it will be the ultimate first-strike weapon. As I said, there are many times that Congress does not agree with me, and they may go ahead and accept the gentleman's reasoning—and I certainly hope that is not the case, but they may—and decide to go ahead and build the strategic defense initiative. So quite apart from whether I believe it is a good idea or a bad idea, I am simply addressing a very fundamental and simple point—that I do not believe

that the 1987 technology money or future money that is used for this program, whether it will work or whether it will not work, should be shared with the Soviets. Now, the gentleman might want to share this with the Soviet Union. The gentleman may do what he wants; he may want to build a strategic defense initiative and turn it over to the Soviet Union for cost.

□ 1545

I do not want to do that. That is all that my amendment does. If you are anxious to turn over the technology of the strategic defense initiative to the Soviet Union at some point in the future, you will vote against my amendment. If you believe as I do that American security is enhanced by our retaining our own military technology, you will vote for it.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I think I understand the thrust of the gentleman's amendment, but if I do understand its import, the gentleman is saying that for now and forever that the President is prohibited from doing what he has publicly said that he would be willing to do at some point. If the gentleman wanted to make it a little more finite, if the gentleman would say that you cannot exchange technology this year or next year, but the way it is written, as I understand it, you cannot say what flows from what has developed this year by saying whatever has developed, therefore in 1987, this cannot be exchanged at any future time because we do not know what will flow from that.

If the gentleman would agree, and I would be glad to offer a perfecting amendment that would say the administration would now share or give any technology coming from the research and development during fiscal year 1987, that is OK with me. I would agree with it. Make it 1988, it is all right; but to make it vague and forever, which is really just a gratuitous thumb in the eye of the President if this goes along.

So what the gentleman is trying to do would appear, I am sure the gentleman does not intend it, is really a gratuitous insult to the President by saying, well, now he said that at some point he would be willing to do this.

Mr. DOWNEY of New York. This is not meant as any gratuitous insult to the President.

Mr. DICKINSON. I am saying that could be the perception.

Mr. DOWNEY of New York. Heaven forbid that I would offer the President a gratuitous insult. That is certainly not my intention.

Mr. DICKINSON. Well, I know that it is beyond the gentleman. I know the gentleman would never consider that.

Mr. DOWNEY of New York. I would never think of doing such a thing. If the gentleman wants to change the offending language, as I understand the gentleman's point is for any subsequent year, is that correct?

Mr. DICKINSON. I believe that is correct, just simply say you cannot do it this year, no problem.

Mr. DOWNEY of New York. Well, if the gentleman could possibly in an effort to achieve bipartisan harmony here say 1987 or 1988, I would be happy to accept that.

Mr. DICKINSON. Good, no problem.

Mr. DOWNEY of New York. I think under the rule the gentleman will have to be recognized for the purpose of making an amendment.

Mr. DICKINSON. I am asking the staff to try to draft it in an effort to achieve some harmony and understanding here.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I am happy to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I think we can do this by unanimous consent, with a little bit of luck here.

Can we have unanimous consent to modify the Downey amendment according to the proposal of the gentleman from Alabama [Mr. DICKINSON]?

The CHAIRMAN pro tempore. The Member will have to send the modification to the desk.

MODIFICATION OFFERED BY MR. DICKINSON TO THE AMENDMENT OFFERED BY MR. DOWNEY

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent to modify the amendment.

The CHAIRMAN pro tempore. Is there objecton to the request of the gentleman from Alabama?

There was no objection.

The CHAIRMAN pro tempore. The Clerk will report the modification to the amendment offered by the gentleman from New York [Mr. DOWNEY].

The Clerk read as follows:

Modification offered by Mr. DICKINSON to the amendment offered by Mr. DOWNEY of New York: Strike out ", or any subsequent year," and insert in lieu thereof "or fiscal year 1988".

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. DOWNEY of New York, as modified: At the conclusion of title X of division A, insert the following new section:

SEC. . LIMITATION.—Military technology developed with funds appropriated or otherwise made available for fiscal year 1987, of fiscal year 1988, to the Strategic Defense Initiative Organization may not be made available to the Soviet Union.

PARLIAMENTARY INQUIRY

Mr. COURTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. COURTER. Mr. Chairman, just to find out where we are, after the amendment to the Downey amendment is accepted, where do we stand as far as times goes, because I wanted to oppose the amendment.

The CHAIRMAN pro tempore. The gentleman from New Jersey [Mr. COURTER] will be recognized for 20 minutes in opposition to the amendment. The gentleman from New York [Mr. DOWNEY] has consumed 11 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, this hardly is going to take 20 minutes.

Really, as amended, I do not think I am going to oppose the amendment. I think basically it is important to keep in mind the fact what the President of the United States had in mind was a future goal. That goal is certainly supported by the advocates of moving as robustly and as quickly as we can toward deployment of a strategic defense.

As everybody knows, the Soviet Union is spending as much money on defensive capabilities as they are spending on offensive capabilities. They spend as much on strategic and air defense as we spend on offense. That is a massive sum of money. They take defensive capabilities very seriously. We do not.

A number of years ago I guess there was a certain amount of logic to the idea that the United States should give up the right to defend our population from an attack by an intercontinental ballistic missile because the technology was not at hand. If we did not have the right or the capability, the technology capability of defending ourselves against an ICBM or SLBM, sea-launched ballistic missile, then for sure there was no sense in having an air defense and air interceptors and radar which would be used for air defense, the logic being if you cannot stop the missiles, why bother stopping airplanes.

The Soviet Union did not share that. They continued with their massive buildup of population defense. They continued with their massive buildup of air defense, knowing in their own minds that they would reach some day, or science would reach that threshold and that level such that they would be able to stop missiles as well.

The United States, not going along with the scenario, did not develop any type of air base defensive system, air-breathing defensive system, civil defensive system nor strategic defensive system.

That is a long way of saying what the President is talking about is a future goal. That goal is if science has

now reached the stage—and I will yield to the gentleman from New York in a minute or two—if we have reached the stage that civil defense is worthwhile, that air defense can work and strategic defense is within our grasp, then truly maybe we will be reaching the day when ICBM's and SLBM's will not have their strategic importance. That does not mean they will cease to exist in the future tension or competition between offense and defense, but what that may mean is that the intercontinental ballistic missile, the most feared weapon in anybody's arsenal of mass destruction, may go by the way of the long bow.

Some people may laugh, but every single offensive weapon has over a period of time been rendered useless, ineffective, and rendered obsolete.

Unless we are people of no vision whatsoever, we have to understand that the old ICBM and SLBM may find themselves faced with laser technology, other types of directed energy capabilities, may find them no longer worthwhile.

If according to the President's desire we reach the stage that we can render less effective offensive ICBM's and SLBM's, and at the same time be able to deploy defensive systems using future technologies, then you can obviously reach negotiations for the elimination of these first-strike weapons. If we do reach that day, I think it would be worthwhile if we shared the technology. If we achieved the day that the Soviets would give up their SLBM's and ICBM's and cruise missiles in a change for nonnuclear defensive capabilities that they are now moving toward, I think that is a worthwhile gambit and I would not want to tie the President's hands.

I understand that the amendment, as amended, does not interfere with that dream.

I might also add finally, and I know the gentleman wants me to hurry up, I might also add finally that with the Soviet effort in strategic defense, the amendment is not probably realistic, because the Soviets will be achieving as long as we keep cutting our efforts in strategic defense as we have in the past, 3 years, cutting $4 billion off the request in 3 years, the Soviet Union will achieve the perfectability of defending themselves against ICBM's and SLBM's long before the United States.

So in the 1990's we will be standing here asking the Soviet Union to share their technology with us, rather than propagating and writing amendments prohibiting us from sharing it with them.

AMENDMENT OFFERED BY MR. BROWN OF COLORADO TO THE AMENDMENT OFFERED BY MR. DOWNEY OF NEW YORK, AS MODIFIED

Mr. BROWN of Colorado. Mr. Chairman, I offer an amendment to the amendment, as modified.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Colorado to the amendment offered by Mr. DOWNEY of New York, as modified: At the end of the amendment, strike the period, insert a comma and add the following: "unless the President determines it is in the national interest and for the purposes of maintaining peace.".

The CHAIRMAN pro tempore. The gentleman from Colorado [Mr. BROWN] is recognized for 5 minutes.

Mr. BROWN of Colorado. Mr. Chairman, there is a tendency on the floor to forget the great potential that is before us, in that our country can sit down with the Soviet Union and hopefully at some point achieve an agreement that will lead to and enhance peace. There is no guarantee of that, but it would be a tragedy for this body to act in a way that forestalls the ability of the two parties to work together.

I am not going to forecast that that is going to happen but I do know it would be a mistake for us to permanently prohibit the use of any tools in this area. What we have is a potential that somehow by exchanging information that we could enhance the peace process.

So all this amendment says is that if the President determines that it is in the national interest and for the purpose of maintaining peace, you can share information.

It would be a tragedy to turn our backs on a potential for achieving an agreement with the Soviet Union simply because of this amendment.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from New Hampshire.

Mr. GREGG. Mr. Chairman, I rise in support of the amendment.

I do not believe the amendment changes the character of the basic proposal by the gentleman from New York.

Essentially what the amendment does, however, is give the President the flexibility which he has already stated he wishes to have.

If it should be determined that SDI is a viable system, and no one has determined that yet, then he would be able to negotiate with the Russians, with the Soviets, for the purpose of obtaining a commitment which would evolve toward arms control and toward obtaining and maintaining peace.

So essentially what the gentleman's amendment does, as I understand it, is to reconfirm the basic thrust of the purpose that the administration and the President has stated, which is that SDI is to be used as a tool to promote arms control and to promote peace. I see that as a very logical extension of the original amendment.

Mr. BROWN of Colorado. Mr. Chairman, I thank the gentleman for his remarks.

Without this language we could be turning our backs on an opportunity to help bring in an agreement that could mean peace.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, as one of the parents of this amendment, I guess one would say, I find in the spirit of what I had intended and as I understood what the gentleman from New York had intended, I certainly would support the gentleman's amendment.

Mr. BROWN of Colorado. Mr. Chairman, I thank the gentleman for his comments.

Mr. DOWNEY of New York. Mr. Chairman, I reluctantly oppose this amendment.

Frankly, I do not remember too many times in my history of the President of the United States acting outside the national interests or against the interests of peace, so I believe the amendments to be completely superfluous and redundant.

I think it might have some more import if the original language of the amendment were retained in the sense that we were extending this ad infinitum. We are not. We are only extending this between 1987 and 1988.

Frankly, I cannot imagine the President determining that the sale or the giving of U.S. military technology between now and 1988 would be in the national interest or for the purpose of maintaining peace.

I also find it a fascinating and delicious irony to see the gentleman from New Jersey [Mr. COURTER], the gentleman from Colorado [Mr. BROWN], and the gentleman from Alabama [Mr. DICKINSON] talking about the vision and the dream of peace in the future, something we all share.

Mr. COURTER. Mr. Chairman, the gentleman finds that surprising.

Mr. DOWNEY of New York. I am not yielding to the gentleman at this point.

No, no. I think the gentleman has articulated very ably and well over the years that he believes his vision of peace is by adding more weapons. I do not undermine that. Many people believe that.

My concern, however, is that when it comes to military technology, very simply that military technology, like star wars, should not be shared with the Soviet Union, that it is inimical to the interest of peace, inimical to the interest of national security. Obviously, the gentleman believes differently and that is his right to believe that.

□ 1600

If I can remind my colleagues, what we are voting on here very simply, very simply—it is not complicated, it has been made complicated by people who divine some ulterior motive of mine—is that the technology in the strategic defense initiative in 1987 and 1988 should not be shared with the Soviet Union. Maybe at some distant time in the future we will want to share this sort of technology with the Soviet Union. I suspect that the world will be very, very different at that time. Until that time we do not need to water down a very specific and targeted effort to retain the most important military technology in our possession.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. RUSSO). The gentleman from Colorado [Mr. BROWN] has 2 minutes remaining.

Mr. BROWN of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let us be very clear. All we are saying here is if it is clearly in the national interest and if it promotes peace, an exception is permitted. If you vote "no," you are opposed to allowing an exception that would promote peace.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from New Hampshire.

Mr. GREGG. Mr. Chairman, I would simply point out that if the argument is that this amendment is superfluous, then I do not understand why the gentleman from New York [Mr. DOWNEY] would oppose this, because as a practical matter it therefore under his definition would add nothing to the language of the amendment, and it could also not detract from the language of the amendment.

More specifically, it seems to me that to take this bit of flexibility away from the President is to continue to go down the road which the majority party has decided to pursue rather aggressively on this bill, of basically underwriting foreign policy and underwriting defense policy here in the House and giving no flexibility, no movement to our President.

This language is specific. It says that the President has movement only in the case of national interest and in the case of maintaining peace. I cannot imagine how anybody could oppose such language.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are in a little bit of a jam on this amendment. We thought that it was going to take less time than it is. We do need to rise now, because we have to do the debt ceiling and deal with that, and we are coming back to this bill later.

I would propose that we suspend on this amendment and rise now. When we come back to this bill, we will have some more debate on the issue, with votes on the Brown amendment and on the Downey amendment.

Mr. BROWN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I am happy to yield to the gentleman from Colorado.

Mr. BROWN of Colorado. Mr. Chairman, I would be happy to dispense with further debate. I think that the amendment is very clear. My preference would be simply to dispense with this amendment before we rise.

Mr. ASPIN. If we are going to have a recorded vote, we are out of business, because that is going to take 15 minutes. So I think that we would be better off rising now; unless everybody is willing to abide by a voice vote, we had better rise on this amendment and come back and to it afterward.

Mr. BROWN of Colorado. I would not want to preclude that possibility.

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

PARLIAMENTARY INQUIRY

Mr. COURTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. COURTER. Mr. Chairman, I would assume that the motion offered by the chairman of the Committee on Armed Services is a preferential motion. If it is passed, does that cut off my time underneath this debate, and if not, how much time do I have remaining?

The CHAIRMAN pro tempore. The Chair will state that the preferential motion of the gentleman from Wisconsin [Mr. ASPIN] will be voted on immediately. It only suspends debate, and would bring the Committee back to the point at which it ended debate.

There is 1 minute remaining on the amendment of the gentleman from Colorado [Mr. BROWN]. The gentleman from New York has yielded back the balance of his time.

On the base amendment, the gentleman from New Jersey [Mr. COURTER] has 15 minutes remaining and the gentleman from New York [Mr. DOWNEY] has 9 minutes remaining.

The question is on the motion to rise offered by the gentleman from Wisconsin [Mr. ASPIN].

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. RUSSO, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On August 7, 1986:

H.R. 1406. An act to authorize appropriations for nongame fish and wildlife conservation during fiscal years 1986, 1987, and 1988;

H.R. 2991. An act for the relief of Betsy L. Randall; and

H.R. 4434. An act to amend the Act entitled "An Act granting a charter to the General Federation of Women's Clubs".

On August 8, 1986:

H.R. 1904. An act to provide for the use and distribution of funds appropriated in satisfaction of judgments awarded to the Chippewas of the Mississippi in Docket Numbered 18-S before the Indian Claims Commission, and for other purposes.

PUBLIC DEBT LIMIT INCREASE

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 534 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 534

Resolved, That upon the adoption of this resolution it shall be in order to consider the bill (H.R. 5395) to increase the statutory limit on the public debt in the House, all points of order against the bill and against its consideration are hereby waived, debate on the bill shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and the previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida [Mr. PEPPER] is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the able gentleman from Mississippi [Mr. LOTT], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 534 provides for expeditious consideration in the House of H.R. 5395, to increase the statutory limit on the public debt. One hour of debate will be equally divided and controlled by the chairman of the Committee on Ways and Means and the ranking minority member. The rule waives all points of order against the bill and against its consid-

eration. The rule provides one motion to recommit.

Mr. Speaker, we are once again faced with the need to raise the public debt limit. The permanent limit on the public debt is now set at $2.078 trillion. The permanent limit has no expiration date, of course, but the Treasury Department says that outstanding public debt is bumping against the limit. According to recent estimates, our cash balances will reach zero this Friday or soon after. After that, the Government will be unable to meet its statutory obligations.

H.R. 5395 would change the debt limit to $2.152 trillion, an increase of $73.3 billion. That amount will get us through September 25, 1986, according to recent Treasury estimates. As my colleagues know, on June 26 the House sent to the other body an increase in the permanent debt limit from $2.078 trillion to $2.322 trillion. The new figure reflected amounts in the conference report on the budget resolution for fiscal year 1987.

The other body passed the joint resolution on August 9 but only after adopting a series of amendments. The amendments would allow the use of the Social Security Trust Funds to get us through other debt limit crises, revise Gramm-Rudman, provide disaster assistance for farmers and ranchers, repeal the windfall profit tax, remove the 3-percent threshold for Social Security cost-of-living adjustments, increase penalties for unlawful money laundering, and provide for other purposes.

We do not have time to consider the other body's amendments before the debt limit is reached. We are compelled to consider a short-term extension quickly and we cannot invite amendments from the other body. There are those who wish to muddy the debate with extraneous and contentious matters. That is irresponsible, in light of the debt limit crisis we face in the next few days.

The rule provides for timely consideration but permits full debate and allows one motion to recommit. The rule before us is fair and responsible. I urge its adoption.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last December this Congress made a compact with the American people. We pledged ourselves, by binding statute, to reduce the deficit by a specified amount each year until we had balanced the budget in 1991. In that statute, known as the Emergency Deficit Control Act or Gramm-Rudman-Hollings, we established all manner of procedures, penalties, and deadlines to ensure that we kept that pledge to the American people.

Where are we on that great march to a balanced budget? I regret to inform my colleagues that for some reason we have faltered and fallen along the way in just the first year of that march. It seems that the further we go, the behinder we get. We were supposed to complete action on the budget resolution by April 15; we didn't finally agree to a budget resolution until June 26, over 2 months late. We were supposed to have passed all appropriations bills in the House by June 30; by June 30 we had passed none; to date we've passed 10 of the 13.

By June 15 we were supposed to complete action on a reconciliation bill to bring us under this year's deficit target; that bill is still languishing in the House Rules Committee even though it was reported from the Budget Committee on July 31.

So, what are we doing today to remedy this breakdown in our deficit reduction march? The answer is, not a darn thing. Instead of resuming that march at quickstep, we are being asked to do an about-face and charge up the public debt hill. Oh, we are told this is just a short-term debt extension that will enable us to take our August recess and put-off until September the longer term debt bill the other body sent us.

But all this ignores the Gramm-Rudman sequestration trigger that we'll be asked to pull when we return in September. We are ignoring our responsibilities under the Constitution and the Gramm-Rudman-Hollings Act to find our own savings and set our own priorities so that we can avoid automatic, across-the-board cuts. That's what we should be about.

Not only are we not setting our own budget priorities, but our scheduling priorities are topsy-turvy as well. We are told we must increase our cumulative deficit now, and maybe later we'll reduce our current year's deficit. We're sort of a 3-D movie house: we have a peculiar knack around this place for delaying, deferring, and dallying on the tough issues. And just like those 3-D movies, we don't really face the danger until it jumps off the screen into our laps. And by then it's too late to really confront it rationally. That's just what sequestration is all about: we don't want to face-up to the threat it poses. So we try to pretend it's not there and avoid taking the steps necessary to avoid it. Come September, it's in our laps.

Mr. Speaker, what we are asking today on this rule is that we rectify this awful mess by tackling the present deficit first and then deal with the debt limit. We are asking for a "no" vote on the previous question so that we can offer a substitute rule that would bring-up the reconciliation bill first, including a Loeffler amendment, and then bring up the debt limit bill.

The gentleman from Texas [Mr. LOEFFLER] had previously testified on behalf of his amendment to the reconciliation bill on Tuesday, August 5. And he has placed a copy of his amendment in yesterday's CONGRESSIONAL RECORD. So this is not something that is striking out of the blue. It is simply designed to strike the increased spending provisions in the reported reconciliation bill, and goes on to provide for additional savings of approximately $6.5 billion over and above the $6 to $7 billion in savings in the reported bill.

Now I know there are those who will argue that this is a most unusual procedure that we are proposing in our substitute rule, and I won't dispute that fact. But these are unusual times and the deficit is growing to unusual proportions, and we can no longer afford business as usual. That business is bankrupting our country. We must make good the pledge we made to our taxpaying citizens last December that we are serious about reducing these triple-digit deficits to zero by 1991.

I would remind my colleagues that it was on the debt limit bill last year that we enacted the Gramm-Rudman-Hollings deficit control law in the first place. What could be a more appropriate place than this year's debt limit bill for putting the implementation of Gramm-Rudman-Hollings back on track?

Some will argue that our substitute rule is nongermane to the reported rule. That's not an argument against defeating the previous question; that's a matter for the chair to decide. But I would simply ask, what could be more germane to putting a limit on the public debt than a bill to cut those debts? That's what reconciliation is about; that's what our rule is about.

The Democratic leadership has argued against bringing up reconciliation before the recess on grounds that the other body won't consider it until September anyway. I would submit that the other body cannot and should not dictate this body's agenda. We have a job to do and we should do it in a timely and responsible way. Let's send this reconciliation bill over there now and put the ball in their court. But, regardless of when the other body takes this up, by acting today we will have brought final enactment of this deficit-cutting bill that much closer. We should accelerate rather than delay that deficit reduction process if we are truly interested in avoiding sequestration in October.

If the previous question is defeated, the rule we will offer will provide for consideration of H.R. 5300, the reconciliation bill first, subject to 2 hours of debate and two amendments—one by Mr. LOEFFLER and a substitute by the chairman of the Budget Committee, each subject to an hour's debate.

After that bill is disposed of, we would take up the debt limit bill in the

House under a 1-hour, no-amendment process, just as proposed by the Rules Committee. This is the order in which we should be acting if we have our priorities straight. How can we possibly justify further raising the national debt now if we must go back to our districts and tell our constituents that we won't deal with this year's deficit until later? That just won't wash!

So we are giving our colleagues on both sides of the aisle this opportunity to do something about the fiscal 1987 deficit now! This is your chance to cast a deficit reduction and anti-sequestration vote. A "no" vote on the previous question means you are against deficits and sequestration; a "yes" vote on the previous question means you are for deficits and sequestration. Vote down the previous question so we can vote on reconciliation and the Loeffler amendment that will make sequestration less likely, or at the least, less damaging. This is your chance.

□ 1610

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas [Mr. LOEFFLER].

Mr. LOEFFLER. Mr. Speaker, I thank the distinguished minority whip for yielding.

Mr. Speaker, I support the position of the gentleman from Mississippi, and I believe it is vital that we defeat the previous question so that we can clear the way for a vote on reconciliation, prior to August 15. This is a vote that we must take if we truly are serious about beginning the long, tedious and difficult task of achieving a balanced budget by 1991.

I believe that we deserve the opportunity to vote on reconciliation now, especially before we are asked to raise the limit on the public debt. I do not believe we want to send a message to our constituents, and indeed to the entire country that we are perfectly willing to approve the spending of money, but we are unwilling and incapable of trying to save money.

Mr. Speaker, the House deserves an opportunity to vote on reconciliation, and that is all we are asking; for the opportunity to adopt a reconciliation package with sufficient savings to avoid, or at least minimize, across-the-board cuts under sequestration.

For a moment I would like to review what has occurred in the last several weeks in the House. The Budget Committee reported H.R. 5300, the 1986 Omnibus Reconciliation Act on July 31. There has been ample opportunity for the House leadership to bring it to the floor.

The failure to do so deliberately invites sequestration, and it promotes a legislative atmosphere of crisis and disorder.

One must ask the question: Why has not the reconciliation bill be brought to the floor? Quite frankly, it is because H.R. 5300 is flawed, and flawed in many ways.

The House leadership does not have a plan at this moment to even begin to fix it. Nevertheless, we stand ready to offer an amendment which will add $6 billion in savings for fiscal year 1987 to H.R. 5300, the pending reconciliation bill.

It takes a tremendous leap of faith, a leap, quite frankly, I am not capable of making, to accept the argument that we must and should simply wait until September in order that we can see exactly what amount of savings is needed to avoid sequestration.

One must ask, does the leadership intend that in future years we simply wait until September of every year to implement the budget resolution, to enact all of the budget legislation requires, including reconciliation and appropriations?

In my judgment, Mr. Speaker, this is a prescription for failure, just as our present course is headed for disaster.

Last year the reconciliation bill took 8 months to complete. So, can we seriously assume that in 3 short weeks in September the Congress will succeed in enacting, first, a reconciliation bill with sufficient savings; second, the remaining appropriation bills; third, a continuing resolution perhaps; fourth, a further increase in the public debt limit; and fifth, and last, the tax reform bill?

Mr. Speaker, I seriously doubt it.

Delaying substantive action on budget legislation in order to try to figure out in the waning days of the session just how much we need to save to avoid sequestration is a high risk game. What we should be doing is going forward to implement the budget resolution and get that behind us. It is, quite frankly, time that we fish or cut bait. Then we can look at what incremental reductions are required to avoid the sequestration in a manageable framework.

I urge a "no" vote on the previous question so that we can offer a substitute rule allowing a vote on reconciliation before we pass the debt limit increase. This is an antisequester vote, and it is a vote for Federal retirees, Federal workers, farmers, defense, education, health, social services, law enforcement and transportation, and finally and most importantly, a balanced budget in 1991.

Mr. Speaker, again I urge the House to defeat the previous question and adopt a rule that will be offered by the gentleman from Mississippi [Mr. LOTT].

Mr. PEPPER. Mr. Speaker, I yield 5 minutes for purposes of debate only to the distinguished gentleman from Illinois [Mr. ROSTENKOWSKI], chairman of the Committee on Ways and Means.

Mr. ROSTENKOWSKI. Mr. Speaker, today we are faced with an immediate potential crisis with swift and severe repercussions: The inability of the Government to meet its financial obligations. This could occur, according to Treasury Department estimates, as early as tomorrow. We must enact the temporary debt ceiling extension today.

The temporary debt extension before the House today (H.R. 5395) is estimated to provide sufficient funds to carry the Government through September 25. It should be clearly understood that this extension will require Congress to act before adjournment on the longer term increases. The measure before us today, in other words, is a temporary, short-term increase that will carry us through the August district work period and give us a few weeks in September to act on the longer term debt bills that have already passed both the House and the Senate.

If the temporary debt extension is not enacted within the next 2 days, the following could occur:

Treasury would be forced to disinvest the Social Security Trust Funds in order to meet immediate obligations.

Treasury would have to default on $15 billion in interest payments due August 15.

The Government would be unable to make over $1 billion in Medicare payments, $1.7 billion in military and civilian payments, and $600 million in unemployment and highway trust fund payments to States, all of which are due around August 15.

Domestic and foreign investors would flee from the Government bond market if the Government is forced to default on its August 15 obligations.

The attempt is being made today to defeat the previous question and amend the rule to bring the minority reconciliation bill before us.

Let me outline why we should not consider reconciliation today.

The reconciliation legislation simply cannot be adequately considered and acted on in the 1 or 2 days remaining before the recess. We will have the time and the necessary information to address these important matters in September.

The Senate has already postponed action on reconciliation until after the recess. There is no reason to act in haste and not give adquate consideration to the work of the House committees.

The ultimate purpose of reconciliation is to avoid sequestration. It will be September before we have the final economic assumptions against which the sequestration target will be measured. Until we have these assumptions, which will be announced after August 20, we will not know for sure the level of savings that has to be achieved.

We should wait until we have all the relevant economic assumptions and savings targets before deciding what additional specific or spending changes we will propose in order to avoid sequestration.

We have a range of revenue and spending options available to us. Our first priority in September, once we know precisely how much savings we have to achieve, will be to review the options and make decisions with regard to specific revenue or spending measures.

The Committee on Ways and Means has always met the reconciliation targets. We are committed to meeting the target for fiscal year 1987, and we are committed to taking the actions necessary to avoid sequestration. The committee will work closely with the leadership of the House in developing the additional deficit measures.

The highest priorities when Congress returns in September will be enactment of the reconciliation legislation; avoiding the Gramm-Rudman sequester; and completion of the House/Senate conference on the longer term debt ceiling bills, including consideration of the proposed Senate amendments to Gramm-Rudman.

The current business before the House, and the highest priority today, is enactment of a short-term debt extension. I urge you to support the previous question.

□ 1625

Mr. Speaker, I yield back the balance of my time.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. LATTA], who is of course a member of the Budget Committee and a member of the Rules Committee, and who does yeoman work on this Budget Committee issue and has expressed his concern about the fact that we do not have a reconciliation bill.

I appreciate the fact that he allowed us to go first to talk about the rule, because none of us are more involved and know more about this issue and this rule than the gentleman from Ohio; so I am pleased to yield 3 minutes to the gentleman.

Mr. LATTA. Mr. Speaker, I thank the gentleman for his kind comments.

Mr. Speaker, next Wednesday we will get the bad news about a sequestration order, unless Congress takes action to avert it. We can do this by enacting an antisequester reconciliation package. To do this, we must defeat the previous question on the rule and get a new rule which will allow the House to vote on avoiding sequestration.

This expanded package incorporates all the deficit reduction savings in the reconciliation bill approved recently by the House Budget Committee plus several billion dollars worth of additional savings to help meet the deficit reduction target for fiscal year 1987 stipulated in Gramm-Rudman-Hollings.

The amendment is far better than any technical change in the mechanics of the Gramm-Rudman-Hollings law because it actually does something about deficit reduction. We think that if it is adopted, it will bring the deficit down enough to avoid sequestration for fiscal year 1987.

Sequestration this time could be devastating to our national security and to some of our best domestic programs. It could result in reducing our Armed Forces by some 300,000 men and women, in cutting drug enforcement funds by more than 12 percent from the level at the start of fiscal year 1986 even though we are now trying to declare all-out war on drugs, in eliminating COLA's for Federal retirees for the second year in a row, and in sharply reducing farm incomes at a time when the farmer needs all the help he can get. Obviously, we must do everything possible to avoid sequestration.

I am having a hard time understanding the motivation of my colleagues on the Democratic side of the aisle. It almost seems as if my Democrat colleagues want sequestration to be triggered. All year long they have been dragging their feet. They were late with the budget resolution, late with the conference report, and now they are late with reconciliation. Why are they holding it up? Why are they denying the House a chance to vote on the one bill that could prevent sequestration? Do they want to see agricultural price supports go down, educational assistance go down, drug enforcement go down? Do they want retirees' COLA's to be forfeited for a second year in a row? Do they want hundreds of thousands of troops to be dismissed and thrown on the unemployment rolls?

Congress should not leave town for 3 weeks before it has demonstrated that it is serious about reducing the deficit and avoiding sequestration. It can do so by accompanying the temporary debt limit extension with an antisequester reconciliation package.

Mr. PEPPER. Mr. Speaker, I yield 4 minutes, for purposes of debate only, to the distinguished chairman of the Budget Committee, the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. Mr. Speaker and colleagues, I rise in support of the rule. The rule simply provides for consideration of a temporary debt limit extension. It is necessary for Congress to consider this legislation to meet our obligations on the increased debt as a result of many of the fiscal policies around Washington, DC.

I oppose any attempt to add extraneous matter to this legislation. The House has acted responsibly in implementing the fiscal 1987 budget resolution in order to meet Gramm-Rudman targets.

What we should know in this debate is whether or not we are going to limit, are going to raise the debt limit extension? It is not whether we are going to deal with reconciliation.

I should point out to my colleagues that a reconciliation package has been put together. It is currently before the Rules Committee. The question is asked: Where is it now? It is still before the Committee on Rules.

Why is there a delay? It is a delay because the other body announced several weeks ago that they were not going to move reconciliation. That is right. So what we would be doing today by voting on reconciliation is we could pat ourselves on the back and say, "Gee, we've got reconciliation," and then you could adjourn tomorrow and you would still have to come back and wait for the other body to act.

There is something else Members should know when we vote, and that is simply this: We are going to have the opportunity to vote on sequestration and avoiding it, and on reconciliation, but that opportunity is going to come in September.

I have committed the Budget Committee, and I know the leadership is committed to bringing forth the reconciliation package in a timely fashion in September when we will know what the numbers are that must be met in order to avoid sequestration under Gramm-Rudman.

Thus, I have to ask the question: Why do we want to vote for reconciliation today when the other body has already declared that they are not going to bring it up? Who would we have a conference with over the next few weeks?

We will have an opportunity to vote for reconciliation and therefore avoid sequestration in the fall. At that time we will know what the numbers are. Then I certainly would welcome the support from the esteemed colleague from Texas [Mr. LOEFFLER], a valued member of the Committee on the Budget, who has made many contributions in this area.

At that time we will be able to vote on a reconciliation package that we will know will meet the target, avoid sequestration, and thus reduce the deficit.

A vote today on so-called reconciliation is not going to produce any savings, because we will not have a conference with the other body. That will come in September. Let us do it then.

I urge a yes vote on the rule and a yes vote on the previous question.

Mr. COELHO. Mr. Speaker, will the gentleman yield?

Mr. GRAY of Pennsylvania. I yield to the gentleman.

Mr. COELHO. Mr. Speaker, I would like to ask the gentleman, I am kind of surprised; as I read through the documents, I see that the Republican proposal would in effect kick out the elderly that are under Medicare, out of hospitals before their medical care is provided. Is that true?

Mr. GRAY of Pennsylvania. Well, yes, if one looks at the merits of the substitute, there is a provision that would reduce, by about $100 million, Medicare services for the elderly, if that was passed.

Mr. COELHO. I just cannot believe that.

Mr. LOEFFLER. Mr. Speaker, will the gentleman yield?

Mr. GRAY of Pennsylvania. I yield to the gentleman.

Mr. LOEFFLER. Mr. Speaker, I thank the distinguished chairman for yielding, and I must say that his response to the gentleman from California [Mr. COELHO] is absolutely wrong.

The pending amendment that we would offer to reconciliation, as reported by authorizing committees, does not do what the gentleman from California [Mr. COELHO] has inferred.

I would also like to say to my distinguished chairman that I welcome the opportunity to work with him in an effort to achieve responsible reconciliation; but I think it is fair for both of us to let this body know that reconciliation legislation from the authorizing committees missed the budget reconciliation instruction by $2 billion. Is that not correct?

□ 1635

Mr. GRAY of Pennsylvania. Could I take back my time? I will respond. What the gentleman ought to know is that the reconciliation package of the House was $7.6 billion; the reconciliation package of the other body is $8.1 billion. Both are below the 1987 target. The House exceeds the target over 3 years. That is one of the reasons why the other body decided to wait and delay reconciliation so they could reach the target.

I should also point out to the distinguished gentleman from Texas that my answer to the gentleman from California is correct.

The SPEAKER pro tempore (Mr. MURTHA). The time of the gentleman from Pennsylvania [Mr. GRAY] has expired.

Mr. PEPPER. Mr. Speaker, I yield 1 additional minute to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. I would say to the gentleman from Texas [Mr. LOEFFLER] my response to the gentleman from California about Medicare is correct because the amendment of the gentleman from Texas would delete the expanded coverage for occupational therapy, extension of Medicare appeal rights to part B, and the research program on patient outcomes. That is what the amendment says. I would just simply say, if I may maintain my time and then I will recognize the gentleman from Mississippi, I think what we have got to understand is what is going on here. What you are being asked to do is vote for reconciliation as if somehow that is going to avoid sequestration.

Do they know what CBO scores the Loeffler amendment at? Do they know what CBO scores our $7.6 billion at? I do not think so. Because if they did, this amendment would have to be significantly larger than it is.

I urge a "yes" vote on the rule and a "yes" vote on the previous question.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to take another minute of my time here since I did not get a chance to engage the gentleman in a dialog. Perhaps he could answer a question now. It is very curious to me that all of a sudden we are not acting in this body because of something that may or may not be done in the other body. Do they now control our agenda? I also would make note of the fact that the Committee on the Budget acted on this reconciliation bill back on July 31. If it had been acted on expeditiously in the Rules Committee, we could have already acted on it and it could be over in the other body and perhaps they could have acted.

But I do not understand, in either body, why we are forgoing our responsibility under the deficit reduction package that we passed to pass reconciliation now?

Mr. GRAY of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. I thank the gentleman for yielding.

Mr. Speaker, I can only communicate to the gentleman what I have learned from Members of the other body including the distinguished chairman of the Senate Committee on the Budget, and that is that it was my understanding, based on conversations with Senator DOMENICI that what they want to do is, hopefully, put together a certifiable reconciliation package that would guarantee that we would be below the Gramm-Rudman target in September and thus avoid sequestration. You cannot do that now, as the gentleman knows, because you do not know what the numbers are.

Mr. LOTT. Mr. Speaker, where is the pride in our own institution? Why would we refuse to act because they may have been looking for something certifiable? As a matter of fact, we have certification from CBO and OMB of what is in your reconciliation package, what the gentleman from Texas has in his package. It seems to be a moving target, but there is no question if we could get between $6 or $7 and $13 billion now, it would be in the best interest of the country and reducing the deficit to go ahead and do it now.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire [Mr. GREGG].

Mr. GREGG. I thank the gentleman for yielding.

Mr. Speaker, I am tempted to ask the question, Wherefore art thou, reconciliation? Is it under this table? Is it in the back of the Chamber? No, I will tell you where it is, folks. It is in the pocket of the Speaker of the House, that is where reconciliation is. And this is a critical issue for this House because we are facing right now a $2.1 trillion debt. Just for gamesmanship, let us convert that to lira, which is about what the dollar is going to be worth if we keep running up this debt; that is 3 quadrillion lira. The debt is a sickness. And one of the remedies to that sickness, one of the medications for that sickness is reconciliation.

Yet we hear the leadership of that side have the audacity to come here and say that reconciliation is extraneous.

I will tell you what is extraneous. If you look at the definition of extraneous, it means somebody who is outside of the loop, someone whose scene has nothing to do with the play. The leadership of this House is extraneous. The leadership of this House is fiddling while we are going through a fiscal firestorm.

The time is now. The action is reconciliation. Let us get on with it and let us vote.

Mr. PEPPER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I know why some Members of the other side of the aisle are anxious to vote for the Republican-controlled reconciliation from the other body, because that reconciliation bill is cruel to the elderly. You cannot trust that kind of mentality. We know what has happened in the past. I want to tell you how. First of all, in terms of reconciliation, which this side in the House is so anxious to vote on, they would reduce Federal employees who are older employees, they would see a reduction in their benefits by 2 percent. They have already been clobbered every time the other body and this side of the aisle gets a chance, and the administration.

But let me tell you in more specific terms what they are trying to do.

Mr. LOEFFLER. Mr. Speaker, will the gentlewoman yield?

Ms. OAKAR. No, I will not yield unless I have time.

Let me tell you what they are trying to do. They say that we should eliminate the centers for Alzheimer's disease. Anyone who has a relative, a parent, a grandparent with that terrible disease knows that some nursing

homes will not take Alzheimer's patients. We have it; Ways and Means has provided for having these centers, and they want to eliminate that.

But I think the cruelest thing they are trying to do is they want to eliminate the provision that this body, led by the chairman of the Committee on Ways and Means and others, put in to protect Medicare patients from being discharged from hospitals too quickly. And we have had, all of us, have had calls from families in our districts where older Americans were literally thrown out of the hospitals before they were supposed to be discharged.

Now, that is the cruel mentality of that kind of philosophy. I ask for a "yes" on the previous question and a "yes" on the rule.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. MACK].

Mr. MACK. I thank the gentleman for yielding.

I think I would like to take a moment to kind of put this back into perspective, I guess. It was just a few months ago that we began the whole debate or we finished the debate on increasing the debt ceiling of the Nation. And I think most people remember how long a debate that was and what the debate was all about was that if we were going to increase the size of debt in this Nation, we said that there had to be conditions on the borrowing of the Federal Government. It was that simple: If we are going to increase the debt, there are certain conditions that would be established.

Those conditions were the establishment of targets, the accountability necessary to determine whether we were going to reach those targets and an enforcement mechanism to make sure that in fact we would get to the targets that we established.

What has happened since then is that every single target from a date standpoint has been missed.

The House Committee on the Budget controlled by the Democrats dragged their feet; no consultation with the minority. It was said a minute ago that we have acted responsible, that is the "we" came from the chairman of the Committee on the Budget, "We have acted responsibly."

Do you call missing the April 15 date for the budget resolution acting responsibly? Do you call acting responsibly to have missed the reconciliation date by June 15, which was when we were supposed to have passed that?

So I would suggest what we need to do is think about what we said just a few short months ago, that we should establish a target and we should try to reach those targets. Now everyone wants to rush home. No one wants to act. Everyone wants to wait until September.

And when we get here in September, guess what. We are going to be told "let us wait until October" because that is the crucial date. And the real question that I have got and the question that each of you ought to ask on both sides is the question," will we ever really act?" Will we ever really meet those targets? I think the answer to that is clearly they do not want to.

Mr. GRAY of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. MACK. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. I am glad that the gentleman raised the points that he raised. But I would like to point out to the gentleman: Is he aware that executive action by the administration has reduced automatically, significantly the savings of the reconciliation package of both the House and the other body with regard to the PIP and the TR?

Mr. MACK. If I could reclaim my time, it is interesting that the chairman always wants to point the finger at someone else. The chairman always wants to point either to the other body or to the executive.

What I would suggest is that the chairman would say——

Mr. GRAY of Pennsylvania. Could the gentleman answer the question?

Mr. MACK. That we should in fact act on our own, we ought to take the lead, we ought to force the other body to respond. Instead of saying, "It is not our responsibility, it is not our fault."

Mr. GRAY of Pennsylvania. Mr. Speaker, will the gentleman yield further?

Mr. MACK. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. Mr. Speaker, I am sorry my friend from Florida, who is a descendant from Philadelphia, my city, would characterize my remarks in that way. I am deeply hurt by it. But be that as it may, I am not shifting the blame. What I am trying to say to you, Mr. MACK, is that the argument has been put forth that this amendment will ensure that we will prevent sequestration. What I am trying to say to you is there has been a $4 billion action taken by the administration that reduced both bodies' reconciliation packages, and the gentleman ought to be aware of that and know it.

Mr. PEPPER. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. I thank the gentleman for yielding.

My colleagues, nowhere have I seen a difference between a Republican approach to the deficit and the Democratic approach to the deficit than what is before us today. Our Democratic approach is fairness, and our reconciliation bill will come with fairness and it will meet the target.

Let us look at the Republican reconciliation. One-hundred million dollars cost to the senior citizens of this Nation, when they are thrown out of hospitals because Medicare will not pay.

Mr. LOEFFLER. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. No, I will not. I do not have the time.

Mr. LOEFFLER. Well, that is completely wrong.

The SPEAKER pro tempore. The gentlewoman from California [Mrs. BOXER] controls the time.

Mrs. BOXER. They have enough money to send $100 million to the Contras. And how do they pay for it? One-hundred million dollars from the senior citizens, many of whom are frail.

I also have another way that they made it. They will shut down Alzheimer's centers. Have you ever met anyone with Alzheimer's? It is tragic.

Mr. LOEFFLER. Mr. Speaker, will the gentlewoman yield?

Mrs. BOXER. I will not yield, sir. I have got a minute. I have to make my points.

The fact of the matter is we are not going to balance this budget on the backs of the frail. If that is what the Republicans want to do, I think they are headed for big trouble.

I say vote "yes" on the rule. We will meet this deficit with fairness.

Mr. LOTT. Mr. Speaker, there have been a lot of inaccurate statements made about what is in this package. Now to correct the RECORD, I yield 2 minutes to the gentleman from Illinois [Mr. MADIGAN], who is very familiar with the details of what is in the package.

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Speaker, there are no deletions in the minority package in any service that Medicare beneficiaries now receive.

The deletions are research money, new demonstrations for services that are not currently provided to beneficiaries and expanding occupational therapy outside the confines of the hospital or home health agency. This substitute shuts down nothing.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. MADIGAN. Just as you were willing to yield to this side, I am willing to yield to you, when I finish my remarks.

In fact, we expand things that are not now contained in law. We provide vision care services to Medicare beneficiaries that they do not presently receive. We provide that Medicare payments would be authorized for the services of physician assistants furnished under the direction of a physician in a hospital or nursing home.

We provide a different and more costly reimbursement procedure to

Medicare beneficiaries for the services of nurse anesthetists.

The majority proposal contemplates providing an increase of $2.6 billion in the hospital market basket provision. We maintain that $2.6 billion increase. That is not an existing program. That is a new program. And we have it in the proposal on this side as well. We have additions for services for Medicare beneficiaries.

We eliminate nothing that they presently would receive. And I would remind my distinguished colleagues on the other side of the aisle that, if you add in all of the add-ons that you contemplate having in your package, if you add all of those things in, new programs, you do that at the expense of existing things.

□ 1650

Now whether that is the litany that Mr. LATTA referred to, which is farm programs, laying people out of the military service, whatever, your additions have to come back out someplace.

We have additions also, but our additions are more modest than yours and we are closer to the target required by Gramm-Rudman than you are.

Mr. PEPPER. Mr. Speaker, I yield 4 minutes, for the purpose of debate only, to the distinguished gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, all of us are going to be facing Gramm-Rudman whether we like it or not, and come August 15 we will get the photograph that will show exactly how we stand with regard to Gramm-Rudman.

Rather than running around like a bunch of chickens with our heads cut off trying to solve this problem, it seems to me we need to do it the right way, not the wrong way.

The wrong way is to try to throw a sudden piece of reconciliation onto a debt ceiling proposal and hope that somehow that will solve the problem with regard to sequestration. That is the wrong way to do it. Why is it wrong?

First of all, we should not use the debt ceiling proposal as a vehicle to carry that kind of legislation. The Senate does it all the time. The other body does it all the time. They have added 26 amendments and that proposal is sitting here on the desk. That is the wrong way to deal with the debt ceiling proposal.

Second, the attempt here is to do it with reconciliation. This body has never failed to deal with reconciliation. We have always passed reconciliation, and we will pass it again. But the right way to deal with reconciliation is to do it in September when we know the number we have to reach to accomplish it.

The reconciliation and the proposal that would be added here gives us no guarantee that we are going to be able to avoid the trigger. There is no guarantee.

In September, hopefully, both sides working together will come and put together a reconciliation that will indeed get us below the sequestration trigger. That is the right way to do it.

So what I would urge this body to do is to sustain the motion for the previous question and to vote to get the debt ceiling out, and let us begin work on a comprehensive reconciliation bill that will indeed avoid the sequestration trigger, and let us do it in September in conjunction with the other body.

Mr. LOEFFLER. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Texas.

Mr. LOEFFLER. Mr. Speaker, I thank my good friend, the gentleman from California, for yielding to me, and I commend the gentleman on the years that he has put into the budget process, and also on his expertise in dealing with the process itself.

But is it not correct that reconciliation, according to the current budget statutes that we function under, was to be acted upon and acted into law by June 15 of this year?

Mr. PANETTA. Mr. Speaker, reclaiming my time, we always know the problems. The Senate holds up reconciliation and reconciliation can be held up on this side. We have always come together each year to pass reconciliation. We passed over $400 billion in reductions in reconciliation, and we can do it again in terms of reaching our target this year. I am confident we can. But let us not do it in this way. This is the wrong way to do it.

Mr. DERRICK. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from South Carolina.

Mr. DERRICK. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, as chairman of the task force, I can tell the gentleman that this amendment will absolutely not avoid sequestration. This amendment will absolutely not do the job. It will not avoid sequestration.

Mr. PANETTA. Mr. Speaker, my understanding is that, even if all of their numbers came together here, and we have no idea because CBO has not given us an analysis, we are about $6 to $7 billion, which leaves us anywhere from $4 to $5 billion short of the target we would have to reach.

Mr. DERRICK. At least $3 or $4 billion short, this amendment does. That is based on what we projected that CBO is going to come down the road with.

Mr. LOEFFLER. Mr. Speaker, will the gentleman yield?

Mr. PANETTA. I yield to the gentleman from Texas.

Mr. LOEFFLER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I might just add a bit more to what the gentleman from South Carolina has said. The gentleman made reference to the amendment that we would offer to the reconciliation package now. Will it really meet the targets?

I believe that our numbers are very solid, having been checked by OMB and CBO, in the $6 billion range.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL].

Mr. FRENZEL. Mr. Speaker, we are confronted with a debt ceiling extension, and we are going to have to pass one, or somebody is going to have to pass one. It has to be done.

The best way to handle it is not to add extra amendments to a debt ceiling resolution or bill. It should be passed by itself and sent on.

The trouble is, however, at least on this side of the aisle, we have waited patiently through almost all of the legislative year with absolutely no action from the House leadership, from the Democrat leaders in the various fiscal committees, to get the job done.

Last year it took us 8 months to pass reconciliation. This year we are told we are going too fast on it and we will have to wait until September. If we follow last year's model, that will get the job done in May 1987.

It is not a surprise that reconciliation is due. It is not a surprise that the debt ceiling is up now. We should be able to plan for those things, but everybody around here wants to duck it. They do not want to accept the sacrifice.

The chairman of the Budget Committee said the reason that we have to have reconciliation is because of fiscal policies around Washington, DC. Yes, I would agree with the gentleman, and I know where they all originated.

We have seen the other body blamed for the problem. We do not have to wait for the other body. This is a sovereign body that can act on its own motion.

We are finally told, let us wait until September and we do not need to vote on reconciliation. The chairman of the Budget Committee says he is going to bring this to a vote in a timely fashion.

If you believe that, you believe that Rip Van Winkle woke up in a timely fashion 20 years after he laid down for a nap. This is utterly ridiculous.

The only way that we can get some kind of a vote to prove we have some interest in fiscal responsibility is to defeat the previous question. I urge us to do so.

Mr. PEPPER. Mr. Speaker, I yield 3 minutes, for the purpose of debate

only, to the distinguished gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I urge Members to vote for this rule, for the previous question, and then I would urge you to vote for this debt ceiling extension.

We have debated over the last 6 or 7 years the debt ceiling on many, many different occasions, and the argument for the debt ceiling extension is always the same: Once you have decided to spend, you have to pay the bill. The debt ceiling is one of the ways we pay the bill.

A lot of the debt that has been created I did not agree with, and I am sure Members on both sides of the aisle did not agree with. But the debt is the debt of the United States and we are Representatives of the people of the United States, and we have an obligation now to pass this bill.

The only question today seems to be whether or not we should add to it the reconciliation procedure. We are going to do reconciliation in September. There are good reasons to do it in September of this year rather than doing it now.

First, the reconciliation bill has proceeded through a number of our committees, and if we put a procedure in place today with this rule to take up a reconciliation suggestion from the other side that has not been processed by the committees, we would be undoing all the work that these committees have done.

Second, this is the first year that we now have the Gramm-Rudman-Hollings procedure. That calls for the snapshot to be brought out tomorrow. We do not know today what that snapshot is going to tell us, and we do not know what it is going to take to get under the Gramm-Rudman target of $154 billion. We will know that in September, and we can pass a reconciliation bill that not only enacts the budget that we passed, but does additional work to get us under the Gramm-Rudman-Hollings ceiling.

It only makes common sense to do this in September and not do it today.

The last thing I want to say is this. The other body wants to put on a new mechanism for Gramm-Rudman-Hollings.

□ 1700

This is not the time to do that either. We have not had time to look at that mechanism. I am dissatisfied with that mechanism because I think it takes away some very important prerogatives of the Congress and of the legislative branch.

So for all of these reasons—that we need to pay the bills and we need to do it now, we need to do reconciliation when it is timely and when it is within the process we have already started, and, last, that we want to avoid putting in a mechanism that transfers powers unduly from the legislative to the executive branch—for all of these reasons, I ask the Members to vote for the previous question, to vote for the rule, and to vote for this short-term extension of the debt.

Mr. LOTT. Mr. Speaker, may I inquire about how much time remains on each side?

The SPEAKER pro tempore (Mr. MURTHA). Each side has 5 minutes remaining.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. DAUB].

Mr. DAUB. Mr. Speaker, I am very happy to have the chance to speak at this point in time following the distinguished chairman of the Democratic Caucus and a strong supporter of Gramm-Rudman, I might add. I note that the gentleman voted for that particular mechanism. I think we should understand that 118 Members of the majority party in this body voted for Gramm-Rudman.

Now they come to the well today asking to have it both ways. If they have a chance to vote on the question of reconciliation, they say that our proposal would cut too much. Others come along and say. "No, let's wait, let's delay for 1 more month because we would like to have more."

Mr. Speaker, the majority party in this House is trying to have it both ways, and here we go again. The legislative schedule of the House is simply a joke. The squirrels on the Capitol lawn do not take it seriously, much less the country.

Think about reconciliation a year ago. Look at our predicament. Surprise, surprise. We tried to get $61 billion out of that reconciliation package a year ago. When we got all finished delaying, we were lucky if we got $6 billion in savings with respect to this bloated budget. And it is bloated because the majority chairman do not have the guts to cut spending.

I think it is high time we made an example out of the process of adjournment. If we do not win today, we ought to win tomorrow.

Vote for what we are offering. It is the way to solve the problem, and mark my words, it is the way to avoid sequestration. The majority party in this body is taking us down the path to the very subject they want to avoid. Sequestration will be the result if we do not adopt the package offered today by the gentleman from Mississippi [Mr. LOTT].

Mr. Speaker, I thank the gentleman from Mississippi for yielding me the 2 minutes.

Mr. LOTT. Mr. Speaker, I yield the balance of our time on this side, 5 minutes, to our distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I came into the debate rather late, but at one point I did hear something to the effect that reconciliation was rather extraneous to the budget process. That just rankled me inside because if there was ever an issue that is at the heart of the budget process, it is reconciliation. I was happy to see the gentleman from California make the point of how important it is to the process. Without it, it is nothing, it is a sham, it is all a charade, and you have to have reconciliation to make it go.

We have been seeing one date after another slip, slip, slip. We have not honored one date in the budget process all year long, which really brings this matter to the conclusion that conceivably in the next Congress we ought to just do away with the entire process. It simply has not worked, and reconciliation is the one vehicle we have for making some significant savings.

I am not all that concerned that the other body may not want to move on this. What is wrong with our at least getting that far along in the process, even though it is Republican controlled? I would not be reluctant to criticize my fellow Republican colleagues for failure to move. We ought to move, but we do not have the majority; we always have to respond to the will of the majority as minority Members. The gentleman from Minnesota pointed it out so carefully.

The majority argues that we should wait and do reconciliation later and they use the argument that we do not know how much we need to save until we get the OMB–CBO report. What they do not say is that the report really will not give us the true story because we have not enacted one appropriation bill as yet and the percentage cuts we will see in our snapshot in August will not be based on reality.

The gentleman from Minnesota [Mr. FRENZEL] made the point that it took nearly 8 months last year to get reconciliation completed, and that was not an election year, I might add.

So why wait? Why do we not get started now? I suspect that we are going to continue operating as we have for the last 5 years. The Democratic leadership of this House is not really leading, at least not on this issue. They do not want to get out front on the tough ones, maybe on just some of the easier ones, the ones that the public opinion polls see as the popular things to do.

You always want to have the other body go first. You followed on almost every one of the budget reconciliation items that I have observed around here for the last several years. You whisper that we need taxes, and then again you are afraid to really speak out openly on that subject. My view is that we ought to do whatever we can now by voting down the previous ques-

tion. That gives us an opportunity at least to get some savings through on reconciliation. But, frankly, if we fail in that effort, I am going to vote for an extension of the debt ceiling for the temporary period of time. I recognize it has to be done.

As the gentleman from Minnesota appropriately pointed out, we have no alternative here on this side, having to always respond to the will of the majority, but we can at least make this fight on the previous question to open it up and give us that opportunity.

Mr. Speaker, I urge the Members to vote down the previous question.

Mr. PEPPER. Mr. Speaker, I yield 5 minutes, for the purpose of debate only, to the distinguished majority leader, the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Speaker, I ask for a vote for the previous question, a vote for the rule, and a vote for this temporary debt ceiling extension.

Quite obviously, it is not a timely moment to try to reconcile the budget. That is not what we set out to do today. This is a temporary debt ceiling extension. Its purpose is to get us 30 days down the road to the point where, in an orderly way, when the information is available to us as to exactly how much money we need to reconcile in order to avoid sequestration, we can do that.

Now for a very serious question on the part of the Republicans as to whether or not we will be given an opportunity in this House to vote for an orderly reconciliation bill that will avoid sequestration, let me reiterate the pledge that has been given here today by the chairman of the Budget Committee, the pledge that was given to the Budget Committee members today by the chairman of the Committee on Ways and Means. I give it to you today upon the honor of the leadership of this House. In an orderly way, at an orderly time, when the information is available to us, Members of this House will be given an opportunity to adopt a reconciliation measure that will avoid sequestration. You can count on that.

My distinguished friend, the gentleman from Illinois [Mr. MICHEL] raises the point: "Well, you can't count on anything around here; you haven't passed any appropriation bills." but the gentleman surely cannot lay that at the door of the Democratic leadership. The House has passed 10 appropriation bills. Only three remain to be acted on in the House. It is the Senate side that has not acted.

That has been the case every year for the last 5 years. Every year for the last 5 years we have enacted appropriation bills in an orderly way and in a timely fashion. We will do it again this year. We are in the process of doing it. This is not the time to put a pistol to the House's head and have a game of brinkmanship played on this simple 30-day extension bill and try to force this on us and cram down our throats something that we have not examined and do not understand.

The second thing I do want to say is that if we were to try to reconcile, this is not the way to do it. Surely we do not want to be forced to sell off all the Government's assets. One of the things that seems to be posed by the Republican substitute that they would have us vote on today right now, here and now, is a proposal to sell the Government's naval petroleum reserve. They would have us get rid of the petroleum reserve that our public, our citizens have paid for. They would sell it to private speculators so they could go out and make money on it.

They would sell off our Government's assets in Conrail, a system that is now beginning to make money for the first time. They would sell it off to some private individual so he could take it and make money on it.

Selling the public assets, that is like selling the farm, then eating up the proceeds and saying, "Well, we are not going into debt." But the truth of it, I say to my friends, is that we would be going very deeply into debt by doing that. That is the major fallacy of our economic policy during these last 5½ years.

□ 1710

That is that the Government under this administration has been willing to sell off the future, sell it off, so that we could enjoy the temporary creature comforts of today. That is why we have a $2 trillion national debt. That is why we would have an even greater national debt in the long run if we were to sell off the moneymaking assets of the Government, sell off the loan assets that are going to make money for us in the long run.

The CBO estimates that if we offer them for sale to private speculators, the best we could hope to get would be about 55 cents to 60 cents on the dollar. If we gobble it up, eat it up this year, and show a phony saving, show a false reference to saving, make it appear that we were not breaking the budget, when in reality we would be breaking the budget by selling our assets. That is what a company does when it comes into chapter 11. It enters into a forced sale of its assets. That is the last desperate gasp of a dying business or a bankrupt family or a bankrupt individual, sell off your assets and eat the proceeds this year. I do not think we are quite that desperate yet.

The Government of the United States is still an entity that owes something to its future. The Government of the United States is still in the hands of people in the Congress, at least, who do care about the assets that belong to the public, to the people, that have been bought and paid for by the sweat and honest toil and by the taxes of the American people, that are owned by the public at large and which should not be taken away from future generations and sold today to a private speculator who will make money on them at the expense of our future generations in order to give us the false illusion that by so doing we are balancing our budget today.

There has been too much of that kind of thing. That is not responsible thinking. It is not even good conservative thinking. That is a kind of thinking that has gotten us into $2 trillion deficits, $2 trillion debt, which has doubled the national debt in just these last 6 years, added more to the national debt than our entire previous history added through 192 years of constitutional government, 39 American Presidents, 6 or 8 world-class wars, recessions and depressions and in these 6 years of peace we have added more to the national debt than all of our predecessor generations combined. That is the kind of thinking that will be perpetuated and magnified by selling off tomorrow's assets for today's temporary show of an illusory balanced budget.

Vote yes on the previous question. Vote "yes" on this resolution.

Mr. PEPPER. Mr. Speaker, I urge the House to support the previous question and the rule, and I move the previous question on the resolution.

The SPEAKER pro tempore. (Mr. MURTHA). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LOTT. Mr. Speaker, it is obvious this body does not know how to run a railroad; therefore, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 178, not voting 9, as follows:

[Roll No. 349]

YEAS—244

Ackerman	Bevill	Carper
Akaka	Biaggi	Carr
Alexander	Boggs	Chapman
Anderson	Boland	Chappell
Andrews	Boner (TN)	Clay
Annunzio	Bonior (MI)	Coelho
Anthony	Bonker	Coleman (TX)
Applegate	Borski	Collins
Aspin	Bosco	Conyers
Atkins	Boucher	Cooper
AuCoin	Boxer	Coyne
Barnard	Brooks	Daniel
Barnes	Brown (CA)	Darden
Bates	Bruce	Daschle
Bedell	Bryant	de la Garza
Beilenson	Burton (CA)	Dellums
Bennett	Bustamante	Derrick
Berman	Byron	Dicks

Dingell	Kostmayer	Rose
Dixon	LaFalce	Rostenkowski
Donnelly	Lantos	Rowland (GA)
Dorgan (ND)	Leath (TX)	Roybal
Dowdy	Lehman (CA)	Russo
Downey	Lehman (FL)	Sabo
Durbin	Leland	Savage
Dwyer	Levin (MI)	Scheuer
Dymally	Levine (CA)	Schroeder
Dyson	Lipinski	Schumer
Early	Lloyd	Seiberling
Eckart (OH)	Long	Sharp
Edgar	Lowry (WA)	Sikorski
Edwards (CA)	Luken	Sisisky
English	Lundine	Skelton
Erdreich	MacKay	Slattery
Evans (IL)	Manton	Smith (FL)
Fascell	Markey	Smith (IA)
Fazio	Martinez	Solarz
Feighan	Matsui	Spratt
Florio	Mavroules	St Germain
Foglietta	Mazzoli	Staggers
Foley	McCloskey	Stallings
Ford (MI)	McCurdy	Stark
Ford (TN)	McHugh	Stenholm
Frank	Mica	Stokes
Frost	Mikulski	Stratton
Fuqua	Miller (CA)	Studds
Garcia	Mineta	Swift
Gaydos	Mitchell	Synar
Gejdenson	Moakley	Tallon
Gephardt	Mollohan	Tauzin
Gibbons	Montgomery	Thomas (GA)
Glickman	Moody	Torres
Gonzalez	Mrazek	Torricelli
Gordon	Murphy	Towns
Gray (IL)	Murtha	Traficant
Gray (PA)	Natcher	Traxler
Guarini	Neal	Udall
Hall (OH)	Nelson	Valentine
Hall, Ralph	Nichols	Vento
Hamilton	Nowak	Visclosky
Hatcher	Oakar	Volkmer
Hawkins	Oberstar	Waldon
Hayes	Obey	Walgren
Hefner	Olin	Watkins
Hertel	Ortiz	Waxman
Howard	Owens	Weaver
Hoyer	Panetta	Weiss
Hubbard	Pease	Wheat
Huckaby	Penny	Whitley
Hughes	Pepper	Whitten
Hutto	Perkins	Williams
Jenkins	Pickle	Wilson
Jones (NC)	Price	Wirth
Jones (OK)	Rahall	Wise
Jones (TN)	Rangel	Wolpe
Kanjorski	Ray	Wright
Kaptur	Reid	Wyden
Kastenmeier	Richardson	Yates
Kennelly	Robinson	Yatron
Kildee	Rodino	Young (MO)
Kleczka	Roe	
Kolter	Roemer	

NAYS—178

Archer	Craig	Green
Armey	Crane	Gregg
Badham	Crockett	Gunderson
Bartlett	Dannemeyer	Hammerschmidt
Barton	Daub	Hansen
Bateman	Davis	Hendon
Bentley	DeLay	Henry
Bereuter	DeWine	Hiler
Billirakis	Dickinson	Hillis
Bliley	DioGuardi	Holt
Boehlert	Dornan (CA)	Hopkins
Boulter	Dreier	Horton
Broomfield	Duncan	Hunter
Brown (CO)	Eckert (NY)	Hyde
Burton (IN)	Edwards (OK)	Ireland
Callahan	Emerson	Jacobs
Carney	Evans (IA)	Jeffords
Chandler	Fawell	Johnson
Chappie	Fiedler	Kasich
Cheney	Fields	Kemp
Clinger	Fish	Kindness
Coats	Franklin	Kolbe
Cobey	Frenzel	Kramer
Coble	Gallo	Lagomarsino
Coleman (MO)	Gekas	Latta
Combest	Gilman	Leach (IA)
Conte	Gingrich	Lent
Coughlin	Goodling	Lewis (CA)
Courter	Gradison	Lewis (FL)
Lightfoot	Packard	Smith, Robert (NH)
Livingston	Parris	Smith, Robert (OR)
Loeffler	Pashayan	Snowe
Lott	Petri	Snyder
Lowery (CA)	Porter	Solomon
Lujan	Pursell	Spence
Lungren	Quillen	Stangeland
Mack	Regula	Strang
Madigan	Ridge	Stump
Marlenee	Rinaldo	Sundquist
Martin (IL)	Ritter	Sweeney
Martin (NY)	Roberts	Swindall
McCain	Rogers	Tauke
McCandless	Roth	Taylor
McCollum	Roukema	Thomas (CA)
McDade	Rowland (CT)	Vander Jagt
McEwen	Rudd	Vucanovich
McGrath	Saxton	Walker
McKernan	Schaefer	Weber
McKinney	Schneider	Whitehurst
McMillan	Schuette	Whittaker
Meyers	Schulze	Wolf
Michel	Sensenbrenner	Wortley
Miller (OH)	Shaw	Wylie
Miller (WA)	Shumway	Young (AK)
Molinari	Shuster	Young (FL)
Monson	Siljander	Zschau
Moorhead	Skeen	
Morrison (WA)	Slaughter	
Myers	Smith (NE)	
Nielson	Smith (NJ)	
Oxley	Smith, Denny (OR)	

NOT VOTING—9

Breaux	Fowler	Moore
Campbell	Grotberg	Morrison (CT)
Flippo	Hartnett	Shelby

□ 1725

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. ROSTENKOWSKI. Mr. Speaker, pursuant to House Resolution 534, I call up the bill (H.R. 5395) to increase the statutory limit on the public debt, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof "$2,152,000,000,000,".

The SPEAKER. Under the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 30 minutes and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill that is before us, H.R. 5395, provides a temporary, short-term increase in the public debt limit. It raises the debt limit by $73.3 billion; from $2 trillion, 78.7 billion to $2 trillion, 152 billion. This amount is estimated to be sufficient to carry us through September 25. This temporary extension is necessary because the Treasury Department estimates we will reach the current debt limit as early as tomorrow.

As you are aware, both the House and the Senate have passed longer term debt ceiling increases, intended to carry the Government through fiscal year 1987. The Senate, however, has attached a number of amendments to their bill, some of which are quite controversial. Because of the Senate amendments, it will not be possible for us to reach agreement before the August recess on the longer term debt ceiling bills.

It should be clearly understood that the temporary debt ceiling increase provided in H.R. 5395 will require Congress to act before adjournment on the longer term bills already passed by the House and Senate.

The domestic and international consequences of the Government reaching the current debt ceiling, and, therefore, becoming unable to carry out its financial obligations, are severe. To avoid this, we must enact the temporary extension that is before you today.

Mr. Speaker, I reserve the balance of my time.

□ 1735

Mr. DUNCAN. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. FRENZEL], a member of the committee.

Mr. FRENZEL. Mr. Speaker, it is true that the Congress must pass the debt extension bill because the Government must continue to operate.

One might question, however, why we are asked to pass a 30-day extension. We know the Government has obligations that extend beyond that. In many respects, we are simply beating ourselves to death by passing short extensions and forcing ourselves to vote over and over, and allowing the other body to add more and more extraneous amendments.

I think the worst of this is, however, that we always pass the debt ceiling extension at a time when it is about to expire. It is as though it were a great surprise to us to find that suddenly the Government is running out of money. It should not come as any surprise unless we have been asleep all year.

It is also true that we should pass a debt ceiling extension without the nongermane Senate amendments. We tried to get rid of the process by saying that the House's debt ceiling extension would be included in its budget. I wish that were the process, and that would have been accepted by the other body. But it was not, and maybe, maybe that was not a good idea anyway because we do not seem

to be interested in honest budgeting around here, and certainly the debt extension or debt limits provided in the budget could never stretch through the years, since our budgets never stretch through the years.

Mr. Speaker, I have indicated there is an obligation for Congress to pass this bill. The Congress has danced, and it must pay the piper. But I must say, very strongly, Mr. Speaker, that the obligation to pass this bill attaches to those who have danced, not those who have tried to operate frugally.

This is not my budget that is covering this fiscal year, they are not my appropriations, nor in general are they the appropriations of the Republican minority. In general it is the budget of the Democrat majority. They are the appropriations of the Democrat majority.

Mr. Speaker, year after year I have stood up like a good soldier and voted for debt ceiling extensions to support the profligacies of this House and this Congress. I am not going to do it this year. I am going to let those who have danced pay the piper. Those who support the appropriations and those who have voted for those ephemeral budgets can stand up and be recorded like heroes to pay the debts that the Government is ultimately going to have to pay. This time I am going to take a rest. I am going to invite the Democrat heroes who have voted for all those appropriations and all those entitlements to stand up and be counted on this debt ceiling.

We will all be watching you.

I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I yield myself whatever time I may consume.

Mr. Speaker, I reluctantly support the passage of H.R. 5395, a bill which provides for a short-term increase in the Federal debt ceiling.

For many reasons, a long-term increase appears to be an impossible goal at this time. The current statutory limit on the debt is $2,078 billion. At best, this may be adequate to last the rest of August, but will not—according to the Treasury Department—meet September demands.

H.R. 5395 would increase the ceiling by $73.3 billion, allowing the Government just enough to make its normal payments through September 25.

The crux of the matter is this, Mr. Chairman: Unless the debt limit is increased sufficiently, the Treasury Department will be forced to disinvest the Social Security Trust funds in order to make regular monthly payments to some 37 million beneficiaries in September. This is a step which Treasury officials clearly do not want to take, but feel they must. It is seen as their only legal recourse in the absence of congressional action on the debt ceiling.

Legislation to prevent disinvestment was passed here on July 22, 1986, and is pending in the other body. If it had been enacted into law, Treasury would not have the option of disinvesting, and the sole responsibility for making sure that Social Security beneficiaries get their checks as scheduled in September would rest right here—where it belongs.

It is not the administration's responsibility. The Congress authorizes spending and appropriates the money to spend. When we are asked to increase the debt limit, it is analogous to the presentation of the check at a restaurant. The money has been spent, and we are asked to pay up. If we are ever to reduce the debt, we first must reduce our spending authorizations. And we show no real signs of doing that.

Personally, I dislike voting for a debt ceiling increase, even though I know it may be necessary. My record in the Congress speaks for itself on that point. But in this case, with the Social Security trust funds at risk, I feel compelled to cast such a vote.

Because the Congress is a spendthrift, it now must pay up or force the Treasury to engage in crazy practices. It's an irresponsible way to do business.

Mr. KOLBE. Mr. Speaker, today the House of Representatives will vote to raise the debt ceiling to a mind-boggling $2.152 trillion.

I have never been one to say that I would vote against all debt ceiling increases. We pass the spending bills and the revenue bills that, taken together, result in this massive deficit. Our responsibility demands that we meet the legal obligations of Government and we can only do that if we increase the debt ceiling and permit the Government to resume borrowing.

But we are being asked today to vote for a temporary debt ceiling increase without addressing the underlying problem of our deficit: Too much spending. The means to do that is in our grasp, Mr. Chairman. We could fix the operative provisions of the Gramm-Rudman deficit reduction act, so that the leverage to make this Congress do its job would exist.

Or, we could vote—right now—to adopt a reconciliation for the budget, to reduce the red ink by more than $6 billion and make a large down payment on the reductions that will be required to avoid sequestration. Fix Gramm-Rudman so it can work or make a down payment on deficit reduction by adopting reconciliation: Either of those would be a responsible act for this body. Raising the debt ceiling alone is not responsible.

How can we say to the American taxpayer that we are conducting the type of responsible government for which we were elected? How can we, with straight faces and sincerity in our voices, say to them that the House of Representatives of the United States is doing its best to provide for the common good of the citizens we represent when we behave in a manner such as this?

I say that we cannot.

It seems that the Democratic majority of this body would rather subject this country to the blunt and cruel instrument of a massive sequestration of public funding—would rather turn its head on the specter of precisely cutting excessive spending under the cold light of day, than to conduct ourselves in a responsible and forthright manner.

Is it a wonder that the American public has lost confidence in the ability of Congress to take a meaningful role in the conduct of contemporary government?

I think not.

We have before us the opportunity to adopt a reconciliation bill—drafted by Members of this body who are serious about making the kinds of decisions which need to be made; the kind of decisions which the Gramm-Rudman bill was supposed to force us to make, in order that the blind and arbitrary cuts required by sequestration need not be made.

Sequestration was designed to be so onerous that making touch choices to cut spending would be the only obvious course of action. Not easy, but obvious. Apparently it is not onerous enough for some Members of this body.

The Republican reconciliation package which we could adopt tonight, combined with responsible appropriations bills, would make sequestration unnecessary. Tomorrow the CBO/OMB snapshot will be taken, and tonight we already have a good idea of what that picture will show us. We have the chance to begin this process now, today. But we will not if we fail to adopt reconciliation—and the consequences will come to rest squarely with us.

The other body has prepared, voted, and presented us with a solution to those automatic processes of the Gramm-Rudman bill which were ruled unconstitutional. I am an original cosponsor of that proposal in this body. It is reasonable. It is workable. And if the Democratic leadership of this House have their way, it will not see the light of day—now or ever.

It is time the House of Representatives stopped following and started leading. It is time we stopped delegating the responsibility of government to other branches of government, stopped delegating responsibility to automatic procedures which they are unwilling to refine. Mr. Chairman, it is time for the Members of this body to get serious. Serious about the budget, serious about spending, serious about honest budget reconciliation, and seri-

ous about doing the job that they have been elected to do.

Mr. DUNCAN. Mr. Speaker, I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Speaker, I yield back the balance of my time.

(By unanimous consent, Mr. LOTT was allowed to speak out of order for 1 minute.)

LEGISLATIVE PROGRAM

Mr. LOTT. Mr. Speaker, before this vote I ask to address the House so that there can be a colloquy and Members will understand what the schedule is going to be for the rest of tonight and in the morning.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I am glad to yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, it will be our purpose as soon as this vote comes for the committee not to reconvene until 8:15 in order that Members may attend the event at the White House. So if this vote comes now, this will be the last business before the Speaker declares a recess.

Members may expect that the bells will ring at 8 o'clock and that the House will reconvene at 8:15 and resume consideration of the Department of Defense authorization bill and go tonight perhaps until we reach the section on military construction, and then rise and complete the rest of the bill tomorrow.

Mr. LOTT. Do we have any idea how long that would take? Are we thinking in terms of a couple of hours?

Mr. ASPIN. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Speaker, we are looking at about a couple of hours of work tonight. We will go to the military construction section and, of course, the lead-off amendment in the military construction section is the Davis-Bacon amendment. We would make that the first order of business in the morning. If we were able to do that tonight, we would have about 3 hours left to do on the bill tomorrow, beginning with Davis-Bacon, and the big chunk of that 3 hours would be taken up with Davis-Bacon.

Mr. LOTT. And would we come in tomorrow at 10 o'clock?

Mr. WRIGHT. We will announce that later, but we will not be later than 10 o'clock coming in.

Mr. LOTT. I thank the gentleman.

The SPEAKER. Pursuant to House Resolution 534, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 199, not voting 16, as follows:

[Roll No. 350]

YEAS—216

Ackerman	Gordon	Olin
Alexander	Gradison	Ortiz
Andrews	Gray (IL)	Owens
Annunzio	Gray (PA)	Panetta
Anthony	Green	Pease
Applegate	Guarini	Penny
Aspin	Hall (OH)	Pepper
Atkins	Hall, Ralph	Perkins
Barnard	Hamilton	Pickle
Barnes	Hatcher	Price
Bateman	Hawkins	Rahall
Bedell	Hayes	Rangel
Beilenson	Hefner	Reid
Bennett	Horton	Richardson
Berman	Howard	Rodino
Bevill	Hoyer	Roe
Biaggi	Jeffords	Rose
Boehlert	Jenkins	Rostenkowski
Boggs	Johnson	Rowland (GA)
Boland	Jones (NC)	Roybal
Bonior (MI)	Kanjorski	Russo
Bonker	Kaptur	Sabo
Borski	Kastenmeier	Savage
Boxer	Kemp	Scheuer
Brooks	Kennelly	Schroeder
Brown (CA)	Kildee	Schumer
Burton (CA)	Kleczka	Seiberling
Bustamante	Kostmayer	Sharp
Carper	LaFalce	Sikorski
Chapman	Lantos	Sisisky
Clay	Leath (TX)	Skelton
Coelho	Lehman (CA)	Slattery
Coleman (TX)	Leland	Smith (FL)
Collins	Levin (MI)	Smith (IA)
Conte	Levine (CA)	Smith (NJ)
Cooper	Lipinski	Solarz
Coyne	Long	Spratt
Darden	Lott	St Germain
de la Garza	Lowry (WA)	Staggers
Dellums	Luken	Stallings
Derrick	Lundine	Stark
Dicks	MacKay	Stenholm
Dingell	Manton	Stokes
Dixon	Markey	Stratton
Donnelly	Martinez	Studds
Dowdy	Matsui	Swift
Downey	Mavroules	Synar
Duncan	Mazzoli	Thomas (GA)
Durbin	McCloskey	Torres
Dwyer	McCurdy	Towns
Dymally	McDade	Traxler
Early	McHugh	Udall
Eckert (NY)	McKinney	Valentine
Edgar	Mica	Vento
Edwards (CA)	Michel	Visclosky
Erdreich	Mikulski	Volkmer
Evans (IL)	Miller (CA)	Waldon
Fascell	Mineta	Walgren
Fazio	Mitchell	Waxman
Feighan	Moakley	Weiss
Foglietta	Mollohan	Wheat
Foley	Montgomery	Whitehurst
Ford (TN)	Moody	Whitten
Frank	Mrazek	Williams
Frost	Murtha	Wilson
Garcia	Natcher	Wirth
Gaydos	Nelson	Wise
Gekas	Nichols	Wolf
Gephardt	Nowak	Wolpe
Gibbons	Oakar	Wright
Glickman	Oberstar	Yates
Gonzalez	Obey	Young (MO)

NAYS—199

Akaka	Barton	Boucher
Anderson	Bates	Boulter
Archer	Bentley	Broomfield
Armey	Bereuter	Brown (CO)
AuCoin	Bilirakis	Bruce
Badham	Bliley	Bryant
Bartlett	Boner (TN)	Burton (IN)
Byron	Huckaby	Rinaldo
Callahan	Hughes	Ritter
Carney	Hunter	Roberts
Carr	Hutto	Robinson
Chandler	Hyde	Roemer
Chappell	Ireland	Rogers
Chappie	Jacobs	Roth
Cheney	Jones (OK)	Roukema
Clinger	Jones (TN)	Rowland (CT)
Coats	Kasich	Rudd
Cobey	Kindness	Saxton
Coble	Kolbe	Schaefer
Coleman (MO)	Kolter	Schneider
Combest	Kramer	Schuette
Coughlin	Lagomarsino	Schulze
Courter	Latta	Sensenbrenner
Craig	Leach (IA)	Shaw
Crane	Lent	Shumway
Crockett	Lewis (CA)	Shuster
Daniel	Lewis (FL)	Siljander
Dannemeyer	Lightfoot	Skeen
Daschle	Livingston	Slaughter
Daub	Lloyd	Smith (NE)
Davis	Loeffler	Smith, Denny (OR)
DeLay	Lowery (CA)	Smith, Robert (NH)
DeWine	Lujan	Smith, Robert (OR)
Dickinson	Lungren	Snowe
DioGuardi	Mack	Snyder
Dorgan (ND)	Madigan	Solomon
Dornan (CA)	Marlenee	Spence
Dreier	Martin (IL)	Stangeland
Dyson	Martin (NY)	Strang
Eckart (OH)	McCain	Stump
Edwards (OK)	McCandless	Sundquist
Emerson	McCollum	Sweeney
English	McEwen	Swindall
Evans (IA)	McGrath	Tallon
Fawell	McKernan	Tauke
Fiedler	McMillan	Tauzin
Fields	Meyers	Taylor
Fish	Miller (OH)	Thomas (CA)
Florio	Miller (WA)	Torricelli
Ford (MI)	Molinari	Traficant
Franklin	Monson	Vucanovich
Frenzel	Moorhead	Walker
Gallo	Morrison (WA)	Watkins
Gejdenson	Murphy	Weaver
Gilman	Myers	Weber
Gingrich	Neal	Whittaker
Goodling	Nielson	Wortley
Gregg	Oxley	Wyden
Gunderson	Packard	Wylie
Hammerschmidt	Parris	Yatron
Hansen	Pashayan	Young (AK)
Hendon	Petri	Young (FL)
Henry	Porter	Zschau
Hertel	Pursell	
Hiler	Quillen	
Holt	Ray	
Hopkins	Regula	
Hubbard	Ridge	

NOT VOTING—16

Bosco	Fuqua	Morrison (CT)
Breaux	Grotberg	Shelby
Campbell	Hartnett	Vander Jagt
Conyers	Hillis	Whitley
Flippo	Lehman (FL)	
Fowler	Moore	

□ 1750

The Clerk announced the following pair:

On this vote:

Mr. Morrison of Connecticut for, with Mr. Shelby against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1800

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, TUESDAY, AUGUST 19, 1986, TO FILE A PRIVILEGED REPORT ON THE DEPARTMENT OF DEFENSE APPROPRIATION BILL, 1987

Mr. CHAPPELL. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may file a privileged report on a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes, at any time between today and midnight Tuesday, August 19, 1986.

Mr. McDADE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

RECESS

The SPEAKER. Pursuant to the order of the House of Wednesday, August 13, 1986, the Chair declares the House in recess until the hour of 8:15 tonight.

Accordingly (at 6 o'clock and 1 minute p.m.), the House stood in recess until 8 o'clock and 15 minutes p.m.

□ 2005

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore. [Mr. MURTHA] at 8 o'clock and 18 minutes p.m.

STUDY ON NUCLEAR TEST VERIFICATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-258)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Armed Services and the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, August 14, 1986.)

□ 2020

AUTHORIZING FUNDS FOR NATIONAL MARITIME MUSEUM

Mr. VENTO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1343) to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, CA, and for other purposes with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, line 4, strike out "and".

Page 2, line 8, strike out "properties." and insert:

properties; and

(3) inserting in the first paragraph after the words "National Maritime Museum," the word "and" and deleting ", and for a coordinated public and private access system to and within the recreation area and other units of the national park system in Marin and San Francisco Counties".

Mr. VENTO (during the reading). Mr. Speaker I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. LAGOMARSINO. Reserving the right to object, Mr. Speaker, will the gentleman briefly explain the Senate amendments?

Mr. Speaker, I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, H.R. 1343 passed the House on July 15, 1985.

The Golden Gate National Recreation Area was authorized by the act of October 27, 1972, to preserve for public use and enjoyment certain areas of Marin and San Francisco Counties, CA, possessing outstanding natural, historic, scenic, and recreational values.

One of those historic values preserved for the public is a collection of seven historic vessels which are representative of maritime history. The ships require routine maintenance and repairs which can best be done when the vessels are out of the water, in a drydock. For that reason, the National Park Service, in 1981, acquired drydock AFDL-38 which the Navy had declared surplus. The Park Service uses the drydock when necessary, but does not need it for significant periods of time each year.

H.R. 1343 would provide that income from leasing of the drydock and from user fees charged for visitation on the ships be used by Golden Gate National Recreation Area.

As the bill left the House it would have applied these revenues to the maintenance and repair of the ships for rehabilitation of certain buildings in the recreation area and to support public transportation to the facilities of the recreation area.

The amendment by the other body would delete the transportation system as a recipient of these funds.

Mr. Speaker, I find the amendment acceptable and urge the House act to forward H.R. 1343 to the White House.

Mr. LAGOMARSINO. Mr. Speaker, further reserving the right to object, I agree with the Senate amendments to H.R. 1343 and urge that we approve this bill as amended. As the subcommittee chairman has explained, this legislation allows the utilization of funds from the rental of the AFDL-38 drydock and other marine equipment to support the National Maritime Museum in San Francisco. The amendments simply delete the Golden Gate National Recreation Area Transportation System as a recipient of the funds.

This is a good bill and I urge that we approve it today.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Minnesota?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1343, the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

The SPEAKER pro tempore (Mr. MURTHA). Pursuant to House Resolution 523 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4428.

□ 2024

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the armed forces for procurement, for research, development, test, and evaluation, for operation and maintenance and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with Mr. RUSSO, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, pending was an amendment numbered 89, made in order pursuant to paragraph 3 of

House Resolution 531, offered by the gentleman from New York [Mr. DOWNEY], and pending also was an amendment to the amendment offered by the gentleman from Colorado [Mr. BROWN].

The gentleman from New York [Mr. DOWNEY] had 9 minutes remaining in support of his amendment, the gentleman from New York [Mr. COURTER] had 15 minutes remaining in opposition, and the gentleman from Colorado [Mr. BROWN] had 1 minute remaining in support of his amendment to the amendment.

The Chair now recognizes the gentleman from Colorado [Mr. BROWN] for 1 minute.

Mr. BROWN of Colorado. Mr. Chairman, I will try and be as brief as possible. The question is very clear.

The amendment involves the restriction of sharing information on SDI. If my amendment is adopted, it restricts the sharing of information on SDI, but allows that sharing only when it is in the national interest and it is for the purpose of maintaining peace.

So if you want to vote yes, you allow the sharing of that information, if it promotes peace and if it is in the national interest. If you vote no, you are saying that you do not want to share that information, even though it would help the cause of peace and even though it is in the national interest.

The issue is very straightforward, and I yield back the balance of my time.

The. CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado [Mr. BROWN] to the amendment offered by the gentleman from New York [Mr. DOWNEY], as modified.

The amendment to the amendment, as modified, was agreed to.

PARLIAMENTARY INQUIRY

Mr. COURTER. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. COURTER. Mr. Chairman, the inquiry is whether the Downey amendment was amended before the Brown amendments. Was the Downey amendment amended twice?

The CHAIRMAN pro tempore. The Downey amendment was amended by the gentleman from Colorado. There was also a modification by Mr. DICKINSON that was agreed to by unanimous consent that applied it to the fiscal years 1987 and 1988.

Mr. COURTER. I thank the Chair.

The. CHAIRMAN pro tempore. The gentleman from New Jersey [Mr. COURTER] has 15 minutes remaining on the Downey amendment.

The Chair now recognizes the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, needless to say, I am not going to be talking for 15 minutes. I certainly understand the position of the gentleman from New York [Mr. DOWNEY] in proffering the amendments.

We on this side of the aisle attempted to modify it and did so successfully for I think a couple of valid reasons. That is the fact that we can believe there may be a day, we hope there certainly is a day, because we as well on this side have a strategic vision of the world as the way it should be; and that is certainly not the way it is now.

As a matter of fact, I think we exist under a situation of instability; which was one of the main reasons that I was never a proponent of the nuclear freeze resolution.

Basically what that did was freeze us into an unstable situation with first strike weapons that are MIRV'd with multiple independently targeted reentry vehicles. In the United States these deterrent forces being insufficiently hardened, thus being massively attractive targets by the Soviet Union in the time of real tension.

We think the situation can be changed for the better. We think the situation can be stabilized to a great degree. We believe that a move toward stabilization would be achieved by the deployment of defensive weapons.

Now, some people would say, "What do you have in mind? Defensive weapons that defend our deterrent capability, our command and control center, or our deterrent forces, our own land-based leg of our triad, command and control; or do you have a defensive system in mind to protect the population?"

They are saying that one excludes the other; but I think it is important to keep in mind with the emerging technology one type of defense does not exclude the other. As a matter of fact, if you deploy a two-layer defensive system, even though that system be land-based and stationary, it would by virtue of its being able to reach into the outer atmosphere, protect large portions of the United States.

As a matter of fact, according to Bob Jastrow, a physicist, he believes that the footprint of a two-tier land-based nonmobile defensive system would protect all the population of continental United States as well as Canada.

□ 2030

So when we talk about defenses, we are talking defenses that defend human beings, that defend the homeland, that defend America. If you deploy this type of two-tier system, we think stability will be increased. We think the risks of war will be decreased. We believe that it would be a lot safer situation than you have today. And that is explained by the following situation: at the present time the Soviet war planners in the Soviet Union target two warheads per target in the United States. They have two reentry vehicles at each target, whether that be a target of a land-based missile, whether it be a submarine in a harbor, whether it be a command and control center, whether it be a depot of ammunition or petroleum, they have two warheads per target. Our deterrent force, our petroleum, our command and control centers, our ammunition depots are not sufficiently hardened, obviously not mobile. Therefore the Soviet Union targets two warheads per target in the United States, they have a 90-percent probability of kill. What that means is that they are in essence 90-percent sure that they will destroy the target.

That is a very unstable situation. That means in a period of great tension between the Soviet Union and the United States a Soviet war planner could advise their leader, Mikhail Gorbachev, in this case, or a future leader, that there is a great chance that a first strike would be eminently successful because of the probability of kill.

If I could automatically by waving a wand reduce that probability of kill, that probability of success from 90 percent down to 10 percent, stability would be increased, because no rational individual would say, "Let's initiate a first strike," because they know that strike would be unsuccessful, they know that our deterrent capability would be unharmed, they know that most of our war supply stocks, our depots would remain intact, that our command and control would be intact so we could communicate with each other. Therefore, deterrence would be massively increased. That is what defenses get you.

Some people argue it will never be perfect. If there are 10,000 warheads launched, a few of them may get through. Granted, they may. But we have never imputed perfectibility on any other system in the United States, and there is no reason to change and require perfectibility with regard to defenses. The purpose here is to deter conflict and, of course, if there is a launch by mistake, to be able to save millions of human lives. We think defenses will achieve that.

If we can work out a situation such that the Soviet Union and the United States will reduce their offensive weapons dramatically and also we can negotiate a situation where both powers want to deploy defenses, I think it would be important to give to the Soviet Union that defensive capability.

So the Downey amendment, as amended, it being in effect for only 2 years and not for the foreseeable future, is perfectly acceptable to this gentleman from New Jersey.

I congratulate the gentleman from New York [Mr. DOWNEY] for his amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. DOWNEY] has 9 minutes remaining.

Mr. DOWNEY of New York. Mr. Chairman, when last we met, we were discussing my pending amendment which would have prohibited the Soviet Union from gaining access to the military technology of SDI in the next 2 years.

Mr. BROWN of Colorado amended that to provide a provision unless the President provides that in the event that this will help achieve peace and it is in the national interest, that absent those two caveats, we would not do that.

Without getting into a long discussion of the strategic defense initiative, let me simply explain that the reason for my offering the amendment is not because I am a supporter of SDI, I think I made it abundantly clear that I am not, but many things happen around here that do not have my imprimatur and this may be one of them. And at some point in the future, a future President may decide—and I cannot imagine who—that we would share this technology and give it to the Soviets. They would then have the ultimate first-strike weapon—if it works, and also the ability to defeat any system we might give them. That is something I do not want to see happen.

So that is the reason why I offer the amendment. I do not think it requires any additional explanation. It would be my hope that we could support it in a bipartisan spirit of unanimity.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DOWNEY of New York. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, we absolutely support it on this side. We think, as amended, it is a step in the right direction. We congratulate the gentleman.

Mr. DOWNEY of New York. I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. DOWNEY], as modified, as amended.

The amendment, as modified, as amended was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment made in order is amendment No. 90.

Does the gentleman from Oregon wish to offer his amendment?

Under the rule, amendments 91, 92, and 93 have previously been adopted.

Under the rule, the next amendment made in order is amendment No. 94.

AMENDMENT OFFERED BY MR. MURPHY

Mr. MURPHY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Murphy: At the end of title X of division A (page 239, after line 5), insert the following new section:

SEC. 1033. COMPUTATION OF CONTRACT BID PRICES.

(a) IN GENERAL.—Section 2306 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(i) The head of an agency, in computing the price of a contract to be awarded using sealed-bid procedures, may not include in such computation the prices under such contract for options to purchase additional units of the item being procured under such contract."

(b) EFFECTIVE DATE.—Section 2306(i) of title 10, United States Code (as added by subsection (a)), shall apply to solicitations for sealed bids issued after the date of the enactment of this Act.

MODIFICATION OF THE AMENDMENT OFFERED BY MR. MURPHY

Mr. MURPHY. Mr. Chairman, I ask unanimous consent to offer a modification to my amendment.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. MURPHY: At the end of title X of division A (page 239, after line 5), insert the following new section:

SEC. 1033. COMPUTATION OF CONTRACT BID PRICES.

(a) IN GENERAL.—Section 2306 of title 10, United States Code, is amended by adding at the end of the following new subsection:

"(i) The head of an agency, in computing the price of a contract to be awarded using sealed-bid procedures, may not include in such computation the prices under such contract for options to purchase additional units of the item being procured under such contract unless the head of the agency has determined that there is a reasonable certainty that the options will be exercised."

(b) EFFECTIVE DATE.—Section 2306(i) of title 10, United States Code (as added by subsection (a)), shall apply to solicitations for sealed bids issued after the date of the enactment of this Act.

Mr. MURPHY (during the reading). Mr. Chairman, I ask unanimous consent that the modification to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. MURPHY] to modify his amendment.

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Pennsylvania [Mr. MURPHY] is recognized for 5 minutes.

Mr. MURPHY. Mr. Chairman, very simply, I had originally introduced my amendment to prohibit the taking of options in multiyear contracts. But after many discussions with the very able chairman of the committee and his staff and the gentleman from Massachusetts [Mr. MAVROULES], and his staff, they convinced me that on many occasions it is necessary for the Defense Department, for the welfare and benefit of the taxpayers, to bid multiyear contracts and to take bids on options for contracts.

I recognize that fact as necessary.

However, my staff uncovered recently a situation where there was a case where there was not a reasonable certainty that the options would be met.

The Defense Department admitted to me in our office there was no certainty, in fact not a reasonable certainty that they would be met.

Therefore, we would merely like to amend the procurement section of the act to provide that, if there is a reasonable belief that these options or multiyear contracts will be necessary, that the Defense Department may do that. But if there is not a reasonable certainty that you may have the outyears, that they must then take the lowest responsive and responsible bidder.

Mr. Chairman, presently, the Defense Department is required by law to publicly open bids at a time and place stipulated in the contract solicitation. In addition, the Department must give prompt written notice to the responsible conforming bidder whose bid will be most advantageous to the United States. Generally that means the low bidder, although other factors may be considered.

The Secretary of Defense is also allowed to enter into multiyear contracts when funds are made available under certain conditions. Among other things, the multiyear contract is supposed to avoid higher costs and promote the national defense. For a multiyear procurement contract there is supposed to be a good faith belief that funding will be continued, that technical requirements will stay relatively constant and that the expectation of cost avoidance through a multiyear contract be realistic. That all sounds pretty good and few of us here would quarrel with the reasoning or the intentions of our defense procurement laws.

Like so many things, however, the practical reality is too often quite different. The question as to who is the lowest responsible bidder is not always as easy to answer as you might think, especially on multiyear contracts for many units of equipment strung out over a period of several years. Often the military services will put together a contract schedule for weapons systems that includes a firm contract to build a certain number of units over 1 or 2 years. The "firm buy" represents the amounts we have actually approved for defense spending. Many of these contracts, however, also include options to purchase many additional units of these same weapons in the so-called outyears.

Very simply, my amendment, amendment No. 94, would prohibit the awarding of contracts based on options in these outyears, unless there is a reasonable certainty that the options will be exercised. These numbers oftentimes represent equipment that the Army, Navy, Air Force, or Marines may never want to build or have the funding to build.

At a time when Congress is faced with deficit reduction and looks to save money where it can, why is any branch of the service soliciting bids based on multiyear options that will never be exercised? I know what the smart defense contractor does, he loads up the front end, low-balls the outyears that won't be performed and emerges as the low bidder. It's wrong, it's expensive, and the taxpayer deserves better. My amendment seeks to prevent this abusive practice.

Sometimes the expectation of purchasing additional units is realistic, although, all to often the large numbers of additional units represented in the option years are pie-in-the-sky or wish-list numbers that no one ever expects to be built. This situation has opened the door to waste and abuse in bidding practices. Big defense contractors, those familiar with the system, exploit the lucrative loophole presented by multiyear contracts with lots of option years. Knowing that the outyear options are unlikely to be exercised, some companies have been known to jack up the bid on 1- or 2-year firm contracts and then low-ball their bid on the outyear option units. Chances are they will never have to build many option units, and in the interim they can make higher profits on units actually sold to the Defense Department. Even in the unlikely event that such defense contractors would ever be obligated to build large numbers of option year units, they can usually manage to find some pretext to obtain more funding for the outyear work that they underbid in the first place.

My amendment would simply require DOD to base its procurement decisions on bids for units that it is certain will be built when the contract is initiated. This is a modest proposal, but one I believe will go a long way to putting truth in bidding back into defense weapons procurement.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Alabama [Mr. DICKINSON] rise in opposition to the amendment?

Mr. DICKINSON. Mr. Chairman, normally I would, but the gentleman has been so persuasive in elucidating his position I withdraw any objection I might have, and we will accept the amendment.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Pennsylvania [Mr. MURPHY].

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. Under the rule the next amendment made in order is amendment No. 95, which has been previously adopted.

Under the rule the next amendment made in order is No. 96.

Under the rule the next amendment made in order is amendment No. 97.

AMENDMENT OFFERED BY MR. DORNAN OF CALIFORNIA

Mr. DORNAN of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DORNAN of California: Page 239, after line 5, add the following new section:

SEC. 1033. SENSE OF CONGRESS REGARDING RENAMING OF CHECKPOINT CHARLIE

(a) FINDINGS.—The Congress finds the following:

(1) On March 24, 1985, Major Arthur D. Nicholson, Junior, of the United States Army was carrying out his official duties as a United States intelligence officer in the German Democratic Republic.

(2) On that date, Major Nicholson was performing his duties in an open and direct manner, according to orders and in the knowledge that he was conducting himself in a way which was neither excessively provocative nor beyond the limits of acceptable behavior for his assigned duties.

(3) On that date, a member or members of the Soviet armed forces shot and fatally wounded Major Nicholson without warning and without provocation, given the traditionally accepted rules of behavior for military officers engaged in activities such as those which Major Nicholson was engaged in.

(4) After having shot Major Nicholson, the members of the Soviet armed forces forceably restrained Major Nicholson's aide and prevented him from providing medical assistance to Major Nicholson, so that Major Nicholson died slowly and with great suffering, which death and suffering might have been prevented had Major Nicholson been permitted to receive assistance.

(5) The death of Major Nicholson was an untimely, unnecessary, cold-blooded murder committed against a United States military officer in pursuit of his official duties by a member or members of the armed forces of the Soviet Union, in a painful and degrading manner.

(b) SENSE OF CONGRESS.—The Congress deplores and condemns the cold-blooded murder of Major Arthur D. Nicholson, Junior. It is the sense of Congress that—

(1) the Government of the Union of Soviet Socialist Republics should apologize for and renounce the murder of Major Nicholson and should indemnify the family of Major Nicholson financially; and

(2) the President should name the East-West control point between the American and Soviet sectors in Berlin, currently known as Checkpoint Charlie, in honor of Major Arthur D. Nicholson, Junior.

The CHAIRMAN pro tempore. The gentleman from California [Mr. DORNAN] will be recognized for 5 minutes in support of his amendment.

Mr. DORNAN of California. Mr. Chairman, yesterday a peculiar event took place in Berlin, the city of Berlin, the divided city.

The Communists on the eastern side of the city celebrated the building of one of the world's most hated divisions between people, the hated Berlin Wall. And on the free side of the wall, people gathered with flowers and wreaths, many of them crying, to recall to mind this last quarter of a century in which our State Department says 72 known people were murdered trying to seek freedom crossing the Berlin Wall, or the entire division between East and West Germany.

The German Government records 86 deaths, and all three Governments agree that it probably is way over 100. We will never know the amount of people murdered in incompleted tunnels under the wall or how many people died trying to reach the wall and they were killed without us ever knowing it on the free side.

My amendment wants to finally take a near military phonetic designation for the third checkpoint starting from the northernmost point in Berlin and rename what is commonly called Checkpoint Charlie. There is probably hardly a Member in this House or in the other body who knows that the real name is Friedrichstrasse Gate, that Checkpoint Charlie was merely an Army designation.

At the time it was so designated, there were many crossings between East and West Berlin. They were using then the older phonetic alphabet, so there was an Able Gate, Baker Gate, Charlie, Dog, Easy, Fox, it went down to the middle of the alphabet. They were all closed except Friedrichstrasse Gate, which was called Checkpoint Charlie.

Now, I was briefly arrested or detained at that gate in 1965 because 4 years after the murder of the very first person killed a Checkpoint Charlie, a young German, 19 years old, Peter Fechter by name, was shot halfway across what was then barely a barbed wire wall. He was allowed by the Russians, because he was closer to their side, to slowly bleed to death. For the first hour he was conscious, raising his hand in the air. The German name for doctor is the same as ours, just spelled with a K, phonetically identical. He called "doktor, doktor," waving his arm for an hour. Finally, he fell silent. About 30 minutes later, the last of his life was drained from his body.

A very guilty-looking Volpo guard came out, carried him away, looking over his shoulder, and that became the cover of many American and free-world magazines.

Well, I had a wreath of flowers in 1965. I leaned over the small fence and put it out a few yards toward the spot where Peter Fechter was murdered, and I was arrested by the Russian guards on their side, taken into a small shack and held there for a couple of hours. From that moment forth, for years I tried to get that gate renamed the Peter Fechter Gate.

But when one of our fine young Army lieutenant colonels was murdered in the same fashion, although miles away in occupied Poland, and after being shot by Soviet soldiers, was allowed to slowly bleed to death in their presence while being denied military aid, I decided that the time had come for the United States occupation forces in West Berlin to name the

Friedrichstrasse Gate the Arthur B. Nicholson Gate.

I spoke to Nick's mother, as his family calls him, last night. I have been trying to reach the father who is an active duty Navy commander.

She said, "Is Checkpoint Charlie not a historical name?" And I said, "Mrs. Nicholson, believe me the history is your son." And every visitor to that gate and every American is allowed to go through it, as is every one of our soldiers and men and women, everyone stationed in the Berlin garrison as the Soviets are allowed to come into our side, everyone who sees that gate, if we rename it, will have to ask and be reminded who Arthur B. Nicholson is. I said, "Checkpoint Charlie was not even the real name, the history is your son." She said, "Well, this is a noble gesture, and I think it is important that he be remembered." I think we all here agree with Mrs. Nicholson that it is important that Lieutenant Colonel Nicholson be remembered.

□ 2045

Now keep in mind this is not naming the gate, no matter what we do here. All this is is an advisory, a consensus of this one-half of our Congress, and that it will have to go through Congress and a long process. I just do not think we should wait for the State Department that is sort of inherently against things like this. I think that if we wait for the military, we will wait for a public relations move forever.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. DOWNEY of New York. Mr. Chairman, I rise to a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. DOWNEY of New York. Mr. Chairman, is smoking permitted on the House floor?

The CHAIRMAN pro tempore. The Chair will advise Members that there is no smoking on the House floor. Clause 7 of rule XIV is explicit on that point. The Chair will advise Members that the Chair has a very vigilant eye for those kind of infractions. The Chair will advise Members, the Chair is ever watchful for that opportunity to find someone out of order for smoking on the floor.

The Chair will advise Members that the Chair is reluctant to point out Members who have smoking material on their person on the floor. This is the Chair's last warning to those individuals. The Chair will have the Sergeant at Arms enforce the rule.

Mr. DICKINSON. Mr. Chairman, I rise in reluctant opposition to the amendment.

The CHAIRMAN pro tempore (Mr. RUSSO). The gentleman from Alabama is recognized for 5 minutes in opposition to the amendment.

Mr. DICKINSON. Mr. Chairman, I say that I rise in reluctant opposition to the amendment, and I mean just that. It seems like a good idea. It was not presented to the committee, nor was it considered, nor were any witnesses heard. I have discussed it privately with the author of the amendment.

I am told by way of rumor, I have nothing to substantiate it except the word that came to me from some of the people in the Pentagon, that the widow of the person we are intending to offer is reluctant to have this done. I do not know if this is so or not.

For that reason, I am rising to register opposition to the amendment. If it should pass, perhaps by then we can ascertain and handle it in conference. But at this point, I will have to rise in opposition to it.

Mr. DORNAN of California. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California.

Mr. DORNAN of California. Mr. Chairman, I thank the distinguished gentleman for yielding to me.

Mr. Chairman, this is a very humble family. They have named the library in Berlin the Arthur B. Nicholson Library. I think the family feels, at least Mrs. Nicholson, Jr., the widow, I think she feels that there is too much honor being bestowed on her husband. I have not had a chance to point out to her as I did to the mother that library names tend to be forgotten over the years, and a person approaching the library, a newly assigned young lady or man to our Berlin garrison, is not necessarily going to ask who is this library named after. But they will ask who is this gate named after.

As I said, since the House consensus is by no means the final act, all it becomes tonight, if we can pass this by voice vote, is another expression of honor to Lieutenant Colonel Nicholson and his whole family, and we will see where it goes.

I am trying to reach his Navy commander father and the young widow.

Mr. DICKINSON. Mr. Chairman, I can certainly understand that, and I certainly would not want my actions here misinterpreted.

In conclusion, I do not want my objection to be misconstrued. I simply think that it would be a more orderly procedure to check with and make sure that the widow of the distinguished officer whom we are seeking to honor here really desires this to be the case. I think that, before that happens, it is premature.

For that reason, I would register an objection.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DORNAN].

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment made in order is amendment No. 98.

AMENDMENT OFFERED BY MR. DORNAN OF CALIFORNIA

Mr. DORNAN of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DORNAN of California: Page 236, after line 12, add the following new section:

SEC. 1022. REPORT ON LANDING AREA FOR AV-8B HARRIER AIRCRAFT ON IOWA CLASS BATTLESHIP.

Within six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the feasibility and benefits of removing the rear turret off an Iowa class battleship to create a landing area for AV-8B Harrier aircraft.

The CHAIRMAN pro tempore. The gentleman from California is recognized for 5 minutes in support of his amendment.

Mr. DORNAN of California. Mr. Chairman, this amendment for one brief, shining moment was willingly accepted by all of my friends on the other side, particularly the chairman, whom I admire so much, particularly those who keep decorum on the House floor at all times from New York.

The problem was on this side of the aisle ever so briefly.

It is a report on Soviet compliance with the ABM Treaty. Now there are plenty of reports on our compliance with it. Since I am not that strong a fan of the treaty, I did admire those on the other side who find some merit left in the committee that they are not afraid at all of having a focused report on Soviet ABM compliance.

I again thank you for trying to accept it en bloc without opposition. I think I have taken care of the opposition on this side. I think the amendment speaks for itself.

I thank the chairman again.

Mr. ASPIN. Mr. Chairman, I think the gentleman from California was talking about amendment 99 when the gentleman offered amendment No. 98.

The CHAIRMAN pro tempore. The Chair recognized the gentleman from California for amendment No. 98.

Mr. DORNAN of California. Mr. Chairman, if the gentleman wants to pass them both en bloc, this is the Dornan honorary amendment.

Mr. Chairman, will the Chair read the amendment? There have been too many baked beans at the White House.

The CHAIRMAN pro tempore. The Chair would ask the gentleman from California, is the gentleman withdrawing amendment No. 98?

Mr. DORNAN of California. No, Mr. Chairman.

The CHAIRMAN pro tempore. The Chair would ask the gentleman to speak to amendment No. 98.

Mr. DORNAN of California. Mr. Chairman, this amendment is far more exciting and has even more acceptance on the other side of the aisle. I will speak to 98, and I beg the House's forgiveness and indulgence for putting out of sequence these two amendments. I am glad Mr. DOWNEY of New York is on his feet. We won the T-46.

Here we go with an eminently fair report costing very little money, because the officers of the U.S. Navy love to do whatever they can to help the Marine Corps.

If I can jog everyone's memory, there was never a capital ship, battleship, or heavy cruiser, from the 1920's until recent times that did not have the long-range eyes of an aircraft. We all remember, those of us who were boys and the younger ones later in newsreels, of the catapults and the cranes on the rear of battleships and cruisers that would launch Chance-Vought Kingfishers made in Texas and Curtis Seagulls made in New York.

And these long-range eyes of those ships turned many a naval battle in World War II.

Now we have four carriers. The *Wisconsin* is just about to start its retrofitting. I stood on the deck of the *Missouri* and, after I looked at the plaque where our Member of Congress JOHN MCCAIN'S grandfather stood in the last 2 days of his life at the signing of the Japanese Treaty, I went to the back of the ship. And there on the fantail I looked at the third turret, guns numbered 7, 8, and 9, and I said, "Where is your helicopter hanger? You have to have a Sprite or some kind of a helicopter for warning in case you lose your Aegis cruiser or lose your destroyer support. This is an expensive ship."

They said, "Well, we can't have a helicopter because the concussion of the rear guns is so strong that it would shake the hut apart, and it would probably damage a sensitive flying object like a helicopter."

I said, "Well, how about taking this gun port off completely and putting Harriers back here."

And then I heard a Navy officer mumble, "But Marines fly helicopters."

I said, "Don't you have a fleet Marine force guard group under a gunnery sergeant on every carrier and battleship?"

"Yes."

I said, "Well, what is wrong with a few Marine pilots on here, or what is wrong with some Navy pilots checking out on the Harrier the way you have Marine F-18 squadrons flying in the Med right now?"

I said, "Look, you used the big guns wrong in Lebanon. I do not know what you are saving them for, but six guns in the back of four Harriers with a short jump jet deck is eminently sensible to me."

Mr. Chairman, I reserve the remainder of my time, and yield to the gentleman who has spent years on the Armed Services Committee and now serves on the Committee on Ways and Means, the gentleman from New York [Mr. DOWNEY].

□ 2055

Mr. DOWNEY of New York. Mr. Chairman, the gentleman has a very good idea. There is more recent history to buttress the gentleman's argument. The fact is that during the Falkland Islands war we had an opportunity to see the performance of the Harrier jets. They performed beyond the expectation of anyone.

The idea of removing the aft guns from the battleship and putting Harriers there makes eminent sense. We are spending hundreds of millions of dollars for these battleships. There is no reason why they could not be accompanied with a few Harrier jump jets, if it is feasible. It may not be feasible.

All the gentleman is asking for is a study to take a look at this. It was not my idea. It was not the gentleman's idea. It was a number of naval officers who came to me and came to the gentleman with this idea and it makes sense.

Mr. DORNAN of California. I found that out a year later.

Mr. ASPIN. Mr. Chairman, I rise in opposition to the amendment.

It is probably not worth trying to do it if it is a report, but let me tell you, both of these two guys are a little bit nuts.

Mr. DORNAN of California. Reserving the right to object, Mr. Chairman, I will not ask to take down those words because I see the gentleman had too many baked beans, too, at the White House.

Mr. ASPIN. Mr. Chairman, it was probably a bad idea to come back here after that picnic.

The CHAIRMAN pro tempore (Mr. RUSSO). The Chair will advise the Members that the Chair considers it a challenge to keep the Committee in order and will see to it that that challenge is met, so the Chair will ask the gentleman to proceed in order in debate on the amendment.

Mr. ASPIN. Mr. Chairman, let me just say that I think it is not a very good idea to be talking about taking the back turret off the battleships. If you are going to spend money, this is not one of the better ideas that has come out of the House today, but it is only a report. I will not make a big deal out of it.

I hope the people writing the report have got more sense than the authors of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DORNAN].

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment in order is amendment No. 99.

AMENDMENT OFFERED BY MR. DORNAN OF CALIFORNIA

Mr. DORNAN of California. Mr. Chairman, I offer amendment No. 99.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DORNAN of California: Page 236, after line 12, add the following new section:

SEC. 1022. ANNUAL REPORT ON SOVIET ABM TREATY COMPLIANCE.

Not later than February 1, 1987, and not later than February 1 of each following year, the Secretary of Defense shall submit to the Congress a report (in both classified and unclassified versions) on the compliance of the Soviet Union with the 1972 Treaty on the Limitation of Anti-Ballistic Missile Systems. The report shall include—

(1) the findings of the Secretary with respect to such compliance during the previous year including, if necessary, the military implications of, and possible United States military responses to, violations by the Soviet Union of such treaty; and

(2) any additional information the Secretary considers necessary to keep the Congress currently informed about such compliance.

Mr. DORNAN of California. Mr. Chairman, I notice of the Members on the floor at this present moment we have some of the keener intellects and best memories in the House. If I can refer to my prior debate when I started before, I will just briefly repeat that this was already accepted for one of the en bloc arrangements on the other side. I had some mild objection on this side because there is sort of an inherent conservative objection to reports even when they are valuable and desired, even when they are on the Soviet Union's compliance with the ABM Treaty.

So I would like to go back to the arrangement we had before with our distinguished chairman. I think, though, I would have to name the prior amendment as the Tony Batista amendment, since he saved the Harrier for the Marine Corps.

On this one, I know the Chairman would want reports on Soviet compliance.

Mr. Chairman, I reserve the balance of my time.

Mr. ASPIN. Mr. Chairman, I rise in opposition to the amendment, just to reserve the time.

Mr. Chairman, I think we will not oppose this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. DORNAN].

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment made in order is amendment No. 100.

AMENDMENT OFFERED BY MR. NELSON OF FLORIDA

Mr. NELSON of Florida. Mr. Chairman, I offer amendment No. 100.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NELSON of Florida: At the end of title X of division A (page 239, after line 5), add the following new section:

SEC. 1033. AUTHORITY FOR TRANSFER TO NASA.

(a) AUTHORITY.—The Secretary of Defense may transer funds made available to the Department of Defense in this division to the National Aeronautics and Space Administration for purposes of supporting the space shuttle program, including costs associated with the accident of the space shuttle obiter Challenger and costs of system support and operations.

(b) REPORT.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

Mr. NELSON of Florida. Mr. Chairman, I will yield shortly to the chairman of the committee for a perfecting amendment. I will explain the amendment first.

Mr. Chairman, over the course of time the NASA space shuttle has been launching Department of Defense payloads. An arrangement was worked out between the Department of Defense and NASA for payments to be made. Then these launches were interrupted by the tragic events of January 28 of this year.

The question has arisen, should the payments continue to be made? Part of the budgeting for America's space program and the spending in NASA's program was predicated on these payments. Indeed, not only NASA has requested these, but the Secretary of Defense, the Secretary of the Air Force and the OMB Budget Director, Mr. Miller, have requested these payments.

I would quote from Mr. Miller's letter as recorded in a recent CONGRESSIONAL RECORD statement from the other body:

NASA and DOD have agreed that the most effective approach to the U.S. space launch recovery would be for DOD to make the fiscal year 1987 reimbursement to NASA as planned and to receive credit in fiscal year 1988 for flights paid, but not flown.

So I believe this has all been worked out and agreed to by both sides. There needs to be a perfecting amendment, Mr. Chairman, and I yield to the chairman of the committee.

AMENDMENT OFFERED BY MR. ASPIN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. NELSON OF FLORIDA

Mr. ASPIN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ASPIN as a substitute for the amendment offered by Mr. NELSON of Florida: At the end of title X of division A (page 239, after line 5), add the following new section:

SEC. 1033. AUTHORITY FOR PAYMENT TO NASA.

(a) AUTHORITY.—The Secretary of Defense may make payments during fiscal year 1987 to the National Aeronautics and Space Administration for space shuttle services in advance of the receipt of such services. Any such payments—

(1) may be made only from funds available to the Department of Defense for obligation and only to the extent provided in appropriations Acts;

(2) may not be made until 30 days after the date on which the report required in subsection (b) is received in the Congress; and

(3) may not exceed $531,000,000.

(b) REPORT.—Not later than December 31, 1986, the Secretary of Defense shall submit to the appropriate committees of the Congress a ten-year plan setting forth the schedule for planned payments to the National Aeronautics and Space Administration for space shuttle services and the schedule for the provision of such services.

Mr. ASPIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. ASPIN. Mr. Chairman, as the gentleman from Florida was explaining, this has been worked out. The perfecting amendment takes care of all the problems that anybody on our committee saw on either side of the aisle.

I commend the gentleman for his amendment and urge adoption of both the perfecting amendment and the Nelson amendment.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. NELSON of Florida. I yield to the gentleman from New York.

Mr. GREEN. Mr. Chairman, I thank the gentleman from Florida for yielding.

Mr. Chairman, I rise in support of the amendment. As the ranking minority member of the Appropriations Subcommittee for NASA, I think it is absolutely essential that the House adopt this amendment. It is in the interest of the Air Force as well as of NASA that the expenses that NASA will continue to have in connection with the shuttle program on which the Air Force so heavily depends continue to be met. This amendment is a vital part of doing that, so I think it is very important that the House adopt this amendment tonight.

I commend the gentleman on it and I commend the Armed Services Committee for its willingness to accept it.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

I, too, want to congratulate both the chairman of the Armed Services Committee and the gentleman from Florida for their amendments and for working this problem out.

The recovery of the shuttle program in large part depends upon the continued cooperation of the Defense Department and I certainly want to thank the gentleman for making certain that that is going to go on.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield to me?

Mr. NELSON of Florida. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman for yielding.

I would like to ask the gentleman from Florida a question if I might.

Is there anything in the amendment that would in any way interfere with or impact on the question of whether or not Vandenberg Air Force Base will eventually be used for space shuttle operations?

Mr. NELSON of Florida. Not at all.

Mr. LAGOMARSINO. Let me ask one other question, if I might. This is, as I understand it, an authorization, not a requirement of DOD; is that correct?

Mr. NELSON of Florida. That is correct.

Mr. LAGOMARSINO. Mr. Chairman, I thank the gentleman and I urge support for the amendment and I commend the gentleman.

Mr. ASPIN. Mr. Chairman, I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Chairman, I thank the gentleman for yielding.

With the gentleman from New York, I also serve on the Subcommittee on Appropriations. I commend the gentleman from Florida for his amendment and join in strong support of it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. ASPIN] as a substitute for the amendment offered by the gentleman from Florida [Mr. NELSON].

The amendment, offered as a substitute for the amendment, was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. NELSON], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment in order is amendment No. 101.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer amendment No. 101.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: Page 239, after line 5, insert the following new section:

SEC. 1033. RESTRICTION ON PERFORMANCE OF SERVICES BY PERSONS WHO FAIL TO REGISTER UNDER THE MILITARY SELECTIVE SERVICE ACT.

(a) IN GENERAL.—(1) Chapter 141 of title 10, United States Code, is amended by adding at the end the following:

"§ 2408. Contracts: performance of services by selective service nonregistrants

"(a) A person born after December 31, 1959, who is required to register under section 3(a) of the Military Selective Service Act (50 U.S.C. App. 453(a)) and who has not so registered shall not perform services under any contract or subcontract financed in whole or in part by funds appropriated to the Department of Defense.

"(b) The Secretary may waive the application of this section with respect to a contract when the Secretary determines such a waiver is necessary in the interests of national security.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2408. Contracts: performance of services by selective service nonregistrants.".

(b) EFFECTIVE DATE.—Section 2408 of title 10, United States Code (as added by subsection (a)), shall apply to contracts entered into after the date of the enactment of this Act and only with respect to individuals hired by contractors or subcontractors after such date.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. SOLOMON] will be recognized for 20 minutes in support of his amendment, and the gentleman from Illinois [Mr. DURBIN] will be recognized for 20 minutes in opposition to the amendment.

The Chair recognizes the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, out of consideration for the House, I will only take a few minutes of that 20 minutes.

Mr. Chairman, the Solomon amendment I am offering today is a logical extention to the legislation Congress approved in 1982, 1983, and 1985. The original Solomon amendment, conditioning Federal education assistance to the registration requirement, was approved by a vote of 303 to 95 in the House. In 1983 Congress overwhelmingly approved by amendment conditioning benefits under the Job Training Partnership Act Program to the registration requirement. And again, last year Congress conditioned Federal employment to the requirement to register with the Selective Service. The amendment I am offering today simply extends these laws to cover taxpayer financed defense employment.

What more appropriate condition is there than to request an individual who benefits directly from a taxpayer financed national security program to fulfill the obligation he has under the law, to another national security program?

The message this amendment, Solomon III, conveys is the same as Solomon I and II. If you expect to receive the benefits of society you must meet the minimum requirements of citizenship.

Although the program of peacetime registration is a success, we still have young men who refuse to register. The level of nonregistrants in certain regions of the country is a serious problem and on-time compliance—18 years of age—has been going down.

If Congress authorized a draft today the system would bypass those who have ignored the law and call up only those who have abided by the law. This amendment would be one more strong inducement to comply with the law. It will improve registration compliance and help ensure that the young men of this Nation are treated in a fair and equitable manner.

Public awareness is an important aspect of this legislation. Every day almost 5,000 young men turn 18 and must register with the Selective Service. This type of legislation and the publicity it receives send a very effective message to the young men in our country: If you expect the benefits of our society, you must meet the responsibilities of citizenship.

I agree with those who say peacetime registration is a success. However, I disagree with those who use this argument to say that this type of legislation is no longer needed. As I already stated, almost 5,000 young men turn 18 every day and there is no better mechanism to get the registration message across to this dynamic population. It is this very type of legislation which has made the peacetime registration program a success and which will keep it a success.

This amendment also addresses the fairness question. The original Solomon amendments applied mostly to middle and lower income people seeking Federal education and job training benefits. This amendment would apply to any young man—no matter what his or his family's income level—who applies for employment with a corporation under a defense contract.

Mr. Chairman, this action would not require any additional paperwork for defense contractors. Under the amendment young men would simply have to certify they have registered by checking a box on the employment application. No proof of registration would be required during the application process and the amendment leaves open the possibility of an individual simply registering at the post office at time of application. All that would be required to monitor the program would be a random cross check with the Selective Service compliance file. The costs are negligible.

This amendment has also been carefully drafted so that it could not in any way interfere with or jeopardize an important national security contract. The language of the amendment states that the Secretary of Defense may waive the application of the requirement on any contract in the interest of national security.

All this amendment does is request corporations that benefit from a defense contract to encourage compliance with the program of peacetime registration.

Peacetime registration is a straight forward and vital contribution to the maintenance of our Nation's defense. Peacetime registration contributes up to 2 months to our national readiness posture in the event America must mobilize. Linking employment created by defense contractors to the registration requirements is a practical and inexpensive way to ensure the effectiveness and fairness of the program of peacetime registration.

Mr. DURBIN. Mr. Chairman, I would like to say at the outset that I am aware of the previous efforts of the gentleman from New York along these lines and I do not quarrel with them.

In fact, I am also aware of the fact that the gentleman's amendment to the education statutes have been upheld by the courts and I do not quarrel with that conclusion in any way whatsoever; but I do have difficulty with the gentleman's amendment and I would like to specify my reasons.

In the first instance, I think the gentleman's amendment is redundant. At the present time the Secretary of each military department under section 2393 has broader authority to suspend a contractor from doing business with the Government than the gentleman from New York allows in his amendment, and let me tell you why.

Under the present statute, that Secretary can suspend the contractor for doing business if, in the words of the statute, a concern or individual is suspected—suspected of engaging in criminal activity or conduct.

Now, the gentleman from New York in his amendment is very specific. The gentleman specifies a class of individuals who have failed to register. That on its face is a violation of the Federal statutes.

So the gentleman is saying on the one hand that he believes his amendment is positive, and what I am suggesting to the gentleman is that his amendment, if taken alone, would diminish the power of the Secretary to suspend the contractor engaged in any form of criminal activity.

□ 2110

Now if the gentleman will allow me to take a step further, the gentleman said in his opening statement, "What more appropriate condition could we place on a contractor than that the people who work for him comply with

our registration laws?" I do not argue with that precondition, but I would suggest to the gentleman that there are other conditions equally if not more compelling that are not specified by the gentleman from New York. Some are patently obvious.

I am certain that if the gentleman from New York had a perfecting amendment before us which suggested that someone working for a contractor had been guilty of espionage activity or suspected of disclosing classified information, the gentleman would be equally vehement in suggesting that, too, should bar that person from contracting with the Department of Defense.

My difficulty is, although I accept the gentleman's amendment, if I were to sit down to prepare a perfecting amendment, the list of possible activities that a contractor could be engaged in to disqualify him from Government work would be virtually endless. So I would say to the gentleman that the existing statute is broader than the one that he has proposed. If he wants to be specific, as he is with registration, he owes it to the House and to our work product to include other violations of the law even more compelling than the failure to register.

When the gentleman from New York fails to include those, I am afraid that he has left us in an untenable position. He has taken one specific criminal activity and highlighted it, but he has failed to recognize so many others that are more compelling. I am afraid that the legislative record that we would write this evening may sound fine in terms of the failure to register for the draft, but I do not know that any of us could defend to our constituents or this Nation the failure to include espionage activities, for example.

Mr. Chairman, I reserve the balance of my time.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that the gentleman has made excellent points. He has made the points that we discussed with the Selective Service System when we were asked to carry this legislation as a logical extension to the existing law.

No. 1, we only want to deal with the Selective Service issue. We do not want to deal with espionage and others. I would be more than happy to join the gentleman if he wants to offer amendments. I might even be offering those myself.

Let me just explain why we go about it in this way. The reason is, back in 1981, after we reinstated draft registration in this country, we had hundreds of thousands of young men who were either intentionally or unintentionally in violation of the law. I felt sorry for those that were unintentionally in violation of the law. They simply did not understand it.

Consequently, by enacting the three previous Solomon amendments, and from the publicity that they received throughout the country and all of the college campuses, today we have 98-percent compliance with draft registration—98 percent. That is over 13 million young Americans living up to their obligations as U.S. citizens and obeying the law of the land.

Do you know what is discriminatory? It is those 2 percent who fail to register deliberately or for whatever reason, because, God forbid, should we have to reinstate the draft itself, then the names of that 2 percent would not be thrown into the pot and be subject to the draft, and we would be penalizing the 13 million young Americans who have lived up to their obligations as U.S. citizens.

That is why we take the approach we have, simply by requiring the contractor or the private sector to add an additional sentence which says, "Have you registered for the draft if you are eligible?" They simply certify, "Yes, I have," or "No, I haven't."

If they want to comply and they have not, all that they have to do before they go down to fill out the application is to stop by the post office, fill out the registration, and then go to the General Electric Co., go to General Dynamics, or any of the other corporations, and answer the question truthfully, "Yes, I have registered for the draft." That is fair and that is what I am pushing.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, would the gentleman concede the point that if an individual has not registered for the draft under existing Federal statute, he is in violation of the criminal statues of the United States?

Mr. SOLOMON. Yes, but it has been a policy of this Government, of this administration, that we are not out to prosecute and to persecute those young men who might have forgotten to register or did not know about the law. They can now, even though they have been in violation for 6 months or a year, they can simply go down to the post office and register, and they will not be prosecuted.

That is the policy of the Federal Government. All we are doing is trying to encourage these young men to live up to their obligations as citizens, and that is exactly the intent of this legislation.

The U.S. Supreme Court by a vote of 7 to 2 said that that was the intent, and therefore it was constitutional.

Mr. Chairman, I reserve the balance of my time.

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am going to try to keep this brief, because I believe that the issue is very clear before us.

The gentleman from New York [Mr. SOLOMON] has conceded that the failure to register for the draft is a violation of our criminal statutes. There is an existing provision in the law much broader than the general amendment offered by the gentleman from New York which allows the Secretary of each military Department to suspend business with any contractor suspected, or individual suspected, of engaging in criminal activity. That would cover the gentleman's concern.

My problem is that I think that the gentleman by specifying only one criminal violation in our procurement statute—and this would be the only one that is specified—the gentleman suggests that there are not others even more compelling.

I think that the gentleman would readily concede that our concern over the disclosure of classified information or espionage activity even exceeds our concern about the selective service.

I reluctantly oppose the gentleman's amendment. I believe that it could be crafted properly to include the category of individuals he is seeking to bring under the law, but it should be drawn in a fashion so that it is clear that our priorities include other very sensitive national security concerns.

Mr. SOLOMON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing my part of the debate, let me just say that my amendment simply codifies what the gentleman has just said, simply codifies the regulation into law. It goes one step further in allowing the Secretary of Defense to waive this law should it be in the national security interest of this country.

Mr. Chairman, I yield back the balance of my time.

Mr. DURBIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SOLOMON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 284, noes 120, not voting 27, as follows:

[Roll No. 351]

AYES—284

Alexander	AuCoin	Bentley
Andrews	Badham	Bereuter
Annunzio	Barnard	Bevill
Anthony	Bartlett	Biaggi
Applegate	Barton	Bilirakis
Archer	Bates	Bliley
Armey	Bennett	Boehlert

Boner (TN)	Holt	Reid
Bonior (MI)	Hopkins	Richardson
Boulter	Horton	Ridge
Brooks	Hubbard	Rinaldo
Broomfield	Huckaby	Ritter
Brown (CO)	Hughes	Roberts
Bruce	Hunter	Robinson
Bryant	Hutto	Roe
Burton (IN)	Hyde	Roemer
Byron	Ireland	Rogers
Callahan	Jacobs	Rose
Carney	Jenkins	Rostenkowski
Carper	Johnson	Roth
Chandler	Jones (NC)	Roukema
Chapman	Jones (OK)	Rowland (CT)
Chappie	Jones (TN)	Rowland (GA)
Cheney	Kanjorski	Rudd
Clinger	Kasich	Russo
Coats	Kemp	Saxton
Cobey	Kennelly	Schaefer
Coble	Kindness	Schneider
Coelho	Kolbe	Schuette
Coleman (MO)	Kolter	Schulze
Coleman (TX)	Kramer	Sensenbrenner
Combest	LaFalce	Sharp
Cooper	Lagomarsino	Shaw
Coughlin	Lantos	Shumway
Courter	Latta	Shuster
Craig	Leach (IA)	Siljander
Crane	Leath (TX)	Sisisky
Daniel	Lent	Skeen
Dannemeyer	Lewis (CA)	Skelton
Darden	Lewis (FL)	Slattery
Daschle	Lightfoot	Slaughter
Daub	Lipinski	Smith (FL)
Davis	Livingston	Smith (NE)
de la Garza	Lloyd	Smith (NJ)
DeLay	Loeffler	Smith, Denny (OR)
Derrick	Lujan	Smith, Robert (NH)
DeWine	Luken	Smith, Robert (OR)
Dickinson	Lungren	Snowe
Dingell	Mack	Snyder
DioGuardi	MacKay	Solomon
Dorgan (ND)	Madigan	Spence
Dornan (CA)	Marlenee	Spratt
Dowdy	Martin (IL)	St Germain
Dreier	Martin (NY)	Staggers
Duncan	Mazzoli	Stallings
Dwyer	McCain	Stangeland
Dyson	McCandless	Stenholm
Eckart (OH)	McCloskey	Strang
Eckert (NY)	McCollum	Stratton
Edwards (OK)	McCurdy	Stump
Emerson	McEwen	Sundquist
English	McGrath	Sweeney
Fawell	McKernan	Swindall
Fazio	McMillan	Tallon
Feighan	Meyers	Tauke
Fiedler	Mica	Tauzin
Fields	Michel	Taylor
Florio	Miller (OH)	Thomas (CA)
Franklin	Miller (WA)	Thomas (GA)
Frenzel	Molinari	Torricelli
Gallo	Mollohan	Valentine
Gaydos	Monson	Vander Jagt
Gejdenson	Montgomery	Volkmer
Gekas	Moorhead	Vucanovich
Gephardt	Morrison (WA)	Waldon
Gibbons	Murphy	Walker
Gilman	Murtha	Watkins
Gingrich	Myers	Weber
Glickman	Nelson	Whitehurst
Goodling	Nichols	Whitley
Gordon	Nielson	Whittaker
Gradison	Olin	Wilson
Gray (IL)	Oxley	Wise
Gregg	Packard	Wolf
Guarini	Parris	Wortley
Gunderson	Pashayan	Wright
Hall, Ralph	Penny	Wyden
Hamilton	Petri	Wylie
Hammerschmidt	Pickle	Yatron
Hansen	Porter	Young (AK)
Hatcher	Price	Young (FL)
Hefner	Pursell	Young (MO)
Hendon	Quillen	
Henry	Rahall	
Hertel	Ray	
Hiler	Regula	

NOES—120

Ackerman	Atkins	Bellenson
Akaka	Barnes	Berman
Anderson	Bateman	Boggs
Aspin	Bedell	Boland
Bonker	Hayes	Pease
Borski	Howard	Pepper
Bosco	Hoyer	Perkins
Boxer	Jeffords	Rangel
Brown (CA)	Kastenmeier	Rodino
Bustamante	Kildee	Roybal
Carr	Kleczka	Sabo
Clay	Kostmayer	Savage
Collins	Lehman (CA)	Scheuer
Conte	Lehman (FL)	Schroeder
Conyers	Leland	Schumer
Coyne	Levin (MI)	Seiberling
Crockett	Levine (CA)	Sikorski
Dellums	Long	Smith (IA)
Dicks	Lowry (WA)	Solarz
Dixon	Lundine	Stark
Donnelly	Markey	Stokes
Downey	Martinez	Studds
Durbin	Matsui	Swift
Dymally	Mavroules	Synar
Early	McHugh	Torres
Edgar	McKinney	Towns
Edwards (CA)	Miller (CA)	Traficant
Evans (IL)	Mineta	Traxler
Fascell	Mitchell	Udall
Fish	Moakley	Vento
Foglietta	Moody	Visclosky
Foley	Mrazek	Walgren
Ford (MI)	Natcher	Waxman
Ford (TN)	Nowak	Weaver
Frank	Oakar	Weiss
Gonzalez	Oberstar	Wheat
Gray (PA)	Obey	Whitten
Green	Ortiz	Williams
Hall (OH)	Owens	Wirth
Hawkins	Panetta	Wolpe

NOT VOTING—27

Boucher	Frost	Manton
Breaux	Fuqua	McDade
Burton (CA)	Garcia	Mikulski
Campbell	Grotberg	Moore
Chappell	Hartnett	Morrison (CT)
Erdreich	Hillis	Neal
Evans (IA)	Kaptur	Shelby
Flippo	Lott	Yates
Fowler	Lowery (CA)	Zschau

□ 2135

Messrs. McKINNEY, DOWNEY of New York, WHEAT, HOYER, SOLARZ, FOLEY, and FOGLIETTA changed their votes from "aye" to "no."

Mr. GRAY of Illinois changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Under the rule, the next amendment in order is No. 102.

AMENDMENT OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUNDERSON: At the end of title X of division A (page 239, after line 6), add the following new section:

"SEC. 1033. INVESTIGATION AND CLEANUP OF NATIONAL PRESTO INDUSTRIES SITE.

"It is the sense of Congress that, notwithstanding the definition of 'owner or operator' in section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (41 U.S.C. 9601)—

(1) the Department of Defense has a responsibility to investigate the clean up any hazardous substance resulting from the production of munitions and ordinance materials for the Department of Defense at the National Presto Industries plant near Eau Claire, Wisconsin, and

(2) the Secretary of Defense should provide sufficient funds to immediately and expeditiously investigate and clean up any such hazardous substance which has contaminated the site, structures, equipment or natural resources at or near the National Presto Industries Plant."

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 5 minutes, and a Member in opposition will be recognized for 5 minutes.

Mr. GUNDERSON. Mr. Chairman, my amendment is a simple sense-of-the-Congress resolution designed to encourage the Department of Defense to participate in the investigation and cleanup of hazardous substances created by the production of shells for the Army at a manufacturing site in Wisconsin.

For over 40 years, a plant formerly owned by the U.S. Army and currently owned by National Presto Industries in Eau Claire, WI produced 105mm shells for the Army. In fact, Presto still maintains the plant in a high state of readiness for future production.

The problem is that after 40 years of production, hazardous substances have been found in and around the production area. In fact, the Presto site has been nominated for and has now been placed on the EPA's National Priority List of Superfund cleanup sites.

To date, Presto has borne the costs associated with this designation alone. Since the Army currently owns only the machinery and approves the process—while Presto now owns the land and buildings—the Department of Defense does not come within the CERCLA ["Superfund"] definition of "owner or operator" because, technically, the facility is not "government owned". As a result, the Army has been unwilling to fund or to make a commitment as to any part of the investigation or cleanup at the Presto site.

No matter how you cut it, Mr. Chairman, that's just not fair—after all, it's the Government-owned machines and process that caused the Superfund problem, not the land and buildings.

This is particularly inequitable given the fact that, during the 1966–75 period when Presto was producing these shells, production efficiencies Presto introduced saved the U.S. Government $180 million in outlays on the 105 mm shell program.

We tried to address this problem by correcting the definition of "owner or operator" during the recent Superfund reauthorization; however, some of the CERCLA conferees were unwilling to make a broad, sweeping change in that language. There was, however, an interest expressed in assisting Presto to settle this specific matter with the Army.

In the spirit of this cooperation, then, I am presenting this sense-of-Congress language to

the Committee at this time. The amendment merely states the opinion of Congress that the Department of Defense does, indeed, have a responsibility to participate in the investigation and cleanup of this problem, and that the Secretary ought to provide funding for the investigation and cleanup efforts.

This language is not intended to create any form of precedent. Similarly, it neither creates specific liability nor requires the payment of a sum certain by the Army. It is, therefore, my hope that the Committee will be willing to adopt it.

AMENDMENT OFFERED BY MR. MCCURDY AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. GUNDERSON

Mr. McCURDY. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. McCURDY as a substitute for the amendment offered by Mr. GUNDERSON:

Page 23, after line 5, insert the following:

SEC. 1033. REPORT ON CLEANUP OF NATIONAL PRESTO INDUSTRIES.

The Secretary of Defense shall investigate and report to the Committees on Armed Services of the Senate and the House of Representatives by January 1, 1987, on the sources, dates of origin, and responsibility for hazardous waste contamination at the National Presto Industries Plant near Eau Claire, Wisconsin.

Mr. McCURDY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCURDY. Mr. Chairman, the gentleman from Wisconsin [Mr. GUNDERSON] has cooperated with the Committee on Armed Services and the gentleman from New York [Mr. MARTIN] who served on a panel on environmental restoration.

With this perfecting amendment, I believe that the Armed Services Committee is in a position to accept the amendment, which I think has been offered in good faith as a serious amendment; one that concerns the gentleman's district. We applaud his efforts in trying to protect those interests in his district, and those concerns, and believe that with the perfection of this amendment, that both sides are protected.

Mr. Chairman, I now yield to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. Mr. Chairman, I thank the gentleman from Oklahoma and the gentleman from Wisconsin, and I agree, we ought to accept this perfecting amendment.

In doing so, I want to salute the gentleman from Oklahoma [Mr. MCCURDY], whom I served with on the restoration panel. In particular, I want to salute the gentleman from Wisconsin [Mr. GUNDERSON]. It is because of his persistence that we can continue to try to resolve this problem that is in his congressional district.

The panel, then, as well as the full committee are very concerned, as the gentleman knows and we have discussed many times; about any precedent this might set that might well make the Department of Defense obligated for cleanups irrespective of the degree to which they were at fault.

Again, I think that this amendment is going to give us an opportunity to study this particular situation. I again salute the gentleman for his persistence and want to point out it is always a pleasure to work with him.

Mr. McCURDY. Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

Mr. GUNDERSON. Mr. Chairman, I find the substitute amendment offered by Mr. MCCURDY acceptable, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MCCURDY] as a substitute for the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment in order is number 103.

AMENDMENT OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUNDERSON: Page 237, line 25, strike out "or".

Page 238, line 3, strike out the period and insert in lieu thereof "; or".

Page 238, insert after line 3 the following new paragraph:

(4) public and private not-for-profit organizations eligible for assistance under section 7(h) of the Small Business Act.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 5 minutes and a Member in opposition will be recognized for 5 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, this is an amendment that deals with section 10 of the bill, on a small business set-aside to add to that, eligibility for handicapped or sheltered workshops.

Mr. Chairman, the second amendment I am offering this evening would make public and private not-for-profit organizations operated in the interest of handicapped individuals, eligible to participate in the contract set-aside requirements under title X, section 1032 of the fiscal year 1987 Defense authorization bill.

My amendment does not require the Department of Defense to contract with these organizations, nor does it guarantee these groups any specific level of set-aside funds. The amendment simply makes these organizations eligible to compete under the set-aside as established under section 1032.

Two organizations located in the Third Congressional District of Wisconsin, the Career Development Center in Eau Claire and Riverfront Inc. of La Crosse, that work centers for the developmentally disabled individuals have found themselves effectively prohibited from participating in small business set-aside programs. Despite the fact that many of these centers have successfully completed Government contracts, while at the same time providing invaluable employment opportunities, the centers are now finding themselves at a competitive disadvantage in the Federal procurement process.

There are currently 5,000 sheltered workshops for the developmentally disabled certified by the Department of Labor. Over 15,500 handicapped individuals are employed as a result of Government procurement contracts.

But this is simply not good enough. We must do more. A recent Lou Harris poll of handicapped individuals in general, found that two-thirds of working age handicapped individuals are unemployed. No other demographic group of individuals under 65 years of age has such a small percentage employed.

When Congress passed the Education for the Handicapped Act—Public Law 94-142—providing important training programs, it demonstrated its commitment to America's handicapped citizens. We now need to go a step beyond training, and help to provide the opportunity for meaningful employment.

I want to commend the Armed Services Committee and its members for supporting the establishment of contract set-asides for small business concerns owned and controlled by socially and economically disadvantaged individuals, historically black colleges and universities, and minority institutions. The committee has clearly demonstrated its commitment to seeing that these individuals and organizations have the opportunity to fairly and actively participate in the business of providing for our national security.

My amendment is consistent with this congressional goal and will aid not-for-profit workshops in providing both an economic service and a social service to our towns, States, and Nation, and I urge that it be adopted.

Mr. Chairman, I yield to my distinguished colleague, the gentleman from California [Mr. DELLUMS], who put his section into the Defense bill, and who I haved worked with in modifying this particular amendment.

Mr. DELLUMS. Mr. Chairman, members of the committee, what my distinguished colleague from Wisconsin is attempting to do is to insert into the provision that establishes a 5-percent set-aside, a provision for the disabled and the sheltered workshops.

This gentleman thinks that the amendment offered by my distinguished colleague is meritorious; it ought to be part of the bill; and we are more than pleased and privileged to accept the gentleman's amendment.

Mr. GUNDERSON. I appreciate the gentleman's remarks.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON].

The amendment was agreed to.

□ 2145

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Under the rule the next amendment in order is No. 104, the amendment of the gentleman from Illinois [Mr. SAVAGE].

AMENDMENT OFFERED BY MR. SAVAGE

Mr. SAVAGE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SAVAGE: Page 237, strike out line 15 and all that follows through page 239, line 5, and insert in lieu thereof the following:

SEC. 1032. CONTRACT SET-ASIDE REQUIREMENTS.

(a) SET-ASIDE REQUIREMENT.—Except as provided in subsection (d), not less than 10 percent of each amount described in subsection (b) shall be obligated during any fiscal year for contracts entered into with—

(1) small business concerns owned and controlled by socially and economically disadvantaged individuals (as defined by section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and regulations issued under such section);

(2) historically Black colleges and universities; or

(3) minority institutions (as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.).

(b) AMOUNT TO BE SET-ASIDE.—The requirements of subsection (a) for any fiscal year apply to each of the following amounts:

(1) Funds appropriated to the Department of Defense for such fiscal year for procurement.

(2) Funds appropriated to the Department of Defense for such fiscal year for research, development, test, and evaluation.

(3) Funds appropriated to the Department of Defense for such fiscal year for military construction.

(4) Funds appropriated to the Department of Defense for operation and maintenance.

(c) TECHNICAL ASSISTANCE.—The Secretary of Defense shall provide for technical assistance to potential contractors described in subsection (a). Such technical assistance shall include information about the set-aside program, advice about Department of Defense procurement procedures, assistance in preparation of proposals, and such other assistance as the Secretary considers appropriate.

(d) APPLICABILITY.—Subsection (a) does not apply—

(1) to the extent to which the Secretary of Defense determines that compelling national security considerations require otherwise; and

(2) if the Secretary making such a determination notifies Congress of such determination and the reasons for such determination.

(e) COMPETITIVE PROCEDURES AND ADVANCE PAYMENTS.—In carrying out the requirements of subsection (a), the Secretary of Defense shall—

(1) solicit bids or competitive proposals in a manner designed to achieve full and open competition for the procurement, and

(2) to the extent practicable and when necessary to facilitate achievement of the 10 percent set-aside requirement described in subsection (a), make advance payments under section 2307 of title 10, United States Code, to contractors described in subsection (a).

(f) ANNUAL REPORT.—(1) Not later than May 1 of each fiscal year, the Secretary of Defense shall submit to Congress a report on the compliance of the Secretary with the requirements of subsection (a) during the preceding fiscal year. Each such report shall include—

(A) a full explanation of any failure to comply with such requirements; and

(B) a plan to remedy such failure.

(2) The first report required by subsection (a) shall be submitted not later than May 1, 1987.

(g) EFFECTIVE DATE.—This section applies to each of fiscal years 1987, 1988, 1989, 1990, and 1991.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Illinois [Mr. SAVAGE] will be recognized for 20 minutes, and a Member in opposition will be recognized for 20 minutes.

The Chair will recognize the distinguished gentleman from Alabama [Mr. DICKINSON] for 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. SAVAGE].

Mr. SAVAGE. Mr. Chairman, this is a set-aside amendment for minority owned businesses.

I am aware, of course, of the bill which itself contains a 5-percent set-aside amendment. But this very body last year passed a 10-percent set-aside amendment that did not survive the joint conference.

This amendment proposes 10 percent instead of 5 percent provided in the bill. But there are a couple of other distinctions. One is that the problem with minority businesses in the bidding process that contribute to the low participation with the Defense Department which last year was only 2.1 percent, one of the reasons is that in a small minority business, minority businesses have gone out of business trying to fulfill contracts from the Defense Department. One of the reasons is that minority business being small, when they secure such a contract that requires them to expand their facility, increase personnel, materials, supplies and equipment, in other words, requiring additional investment, since many minority businesses do not have banking connections as sufficient as that of larger businesses, therefore they have difficulty waiting for the normal course of events to bring them pay in time.

Often of course, as you know, the Government is most slow in its payments. What the committee does not do and this amendment provides is to direct the Secretary to use his existing advance payment authority to help deal with this problem, to facilitate the fulfillment of the reaching of the goal.

Also, it directs the Secretary to provide technical assistance to minority business to also increase the possibility of reaching this goal. That is not provided in the committee bill.

Also, the committee bill, while covering the procurement research and development and military installations sections, omits the maintenance and operations section, a section for which minority bidders are often better prepared on which to bid. This amendment corrects that and amends the operation and maintenance section of the defense bill.

Finally, the purpose of this is to promote competition and equal opportunity.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. SAVAGE. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman and Members, this is a very important amendment, and we would like to first of all thank the Committee on Armed Services for the work that has gone on throughout the year in their report and in their hearings in moving toward the 10 percent set-aside amendment.

There was language in the report toward the 5 percent. As a matter of fact, there is language in the bill for 5 percent. This brings it up to 10 percent, and it goes to all of the operational aspects of the armed services, military construction, research and development, operational facilities. It sends money and prepares the black colleges for making their contribution toward the military.

I would like to particularly thank my colleague Congressman Dellums, who has worked with the chairman in

this regard. We are hoping that the Committee will accept this amendment and let it go to the conference as it did last year.

I thank the gentleman for yielding to me.

Mr. SAVAGE. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore. The gentleman has 15 minutes remaining.

Mr. SAVAGE. Mr. Chairman, I reserve the balance of my time.

Mr. DICKINSON. Mr. Chairman, if I might have the attention of the Members on this side, especially the ones who are talking, I think we can discuss it briefly and not take the entire 40 minutes. Mr. Chairman, last year when we were discussing this authorization bill, I occupied the same position in that I was handling it on our side of the aisle.

Last year I was approached by some of the proponents and they suggested since the hour was late and we were sort of, like we are now, we had a lot to do and this was a controversial amendment or could be, we were asked to go on and accept it, accept the 10 percent, and we realized it was an unrealistic figure but we accepted the 10 percent, "We will work it out in conference." This is what I agreed to. So thinking perhaps that was correct, I agreed. By unanimous consent we accepted it. We did not vote it, we did not debate it, and then we went to conference.

Some of the proponents who were not on the committee were appointed by the Speaker, and they were conferees and they were in the conference. As a result, we came to loggerheads and there was no resolution on this because there was no give and there was no take. It was just "give us the full amount and that is all we want, we will take no less," and they got zero.

This year, trying to work the thing out, Mr. DELLUMS offered an amendment in committee at 10 percent saying that at least as a member of the committee he wanted to be the sponsor of it and to be responsible for getting it through the committee. We realized on the Research and Development Subcommittee that 10 percent is an unrealistic figure to expect to be utilized fully by minority and disadvantaged people. So in a sense we compromised.

I believe it was my motion, accepted by Mr. DELLUMS, and we came to a compromise of 5 percent. That is what is in the committee bill for research and development, 5 percent.

We think that this is attainable, we think if it is not attainable it is close to attainable. We can work toward it. Anything more than 5 percent is unrealistic because 2 percent is about the figure that is being used now.

So we would like to see more people brought into the mainstream. We would like to see more people utilize the advantages of contracting with the government. We do not want to be disadvantaged by setting aside 10 percent, not of research and development, but across the board that cannot be fully utilized. But to set it aside and say, "You must use 10 percent and this is the figure."

So this, in a spirit of compromise, we agreed to in committee. I support it, the committee supports it. We would urge the Members of the House to support your committee, which is having to operate under a rather reduced budget and to support the committee position of 5 percent as a fair and reasonable and attainable goal to set aside for minority and disadvantaged people.

Over and above that, we feel it is not realistic. It is what got us in trouble and we had the breakdown with no resolution in conference last year.

I urge support of the committee position. Help us work toward an attainable goal so that eventually in the future we raise this figure. But more than this now is not reasonable.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding. First of all, I want to thank the gentleman for the work that he has done not only during the year and in the committee on this measure but in allowing us to bring this to a successful conclusion in the bill of last year. The point that I wanted to make, and the only point that I wanted to make, sir, was that we do not expect to achieve 10 percent throughout this operation, not in the first year nor in the second, nor is that the thrust of this amendment. It is a beginning. But the black universities, some 200 or more, do have a capability, and we have talked with their presidents, for research and development. But it would start off at a very, very small level. So there is nothing mandatory about us reaching a 10-percent level.

Now, with reference to what my colleague from California did in the markup and during the hearings in your committee, it is very important. He did the best that he could under the circumstances that he was in. It in no way negated the thrust that the chairman of the Committee on Small Business and others, who have promoted this measure before, and I do not think it was intended to substitute his own intentions for what we were going to have to do here today.

In that respect we are indebted to the gentleman from California, but it did not preclude this amendment that is before us tonight.

Mr. DICKINSON. Well, if I might reclaim my time, I did not mean to say that there was an agreement that would preclude anyone from offering any amendment they care to. But I do say that we are working in good faith, and we were working in good faith with the gentleman from California, we attempted to arrive at a figure that was realizable, attainable, realistic and will be beneficial.

So I would hope that the Members of the Committee would support the Committee on Armed Services in our efforts to work in an orderly manner to a transition to a higher percentage of participation on behalf of minorities.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the chairman.

Mr. ASPIN. I thank the gentleman from Alabama for yielding. I would like to get the attention of the gentleman from Illinois and the gentleman from Michigan because I, too, was part of the agreement whereby we accepted on the House floor the 10 percent last year. And what happened, after we accepted that, was that I felt we came under enormous pressure from the gentleman from Michigan and the gentleman from Illinois to then stick with that 10 percent in the conference. I, like the gentleman from Alabama, accepted the 10 percent, thinking we will go in and we will negotiate, that we will get the best thing that we can.

□ 2200

So I do not know what the right number is. I do not know in the case of universities what it should be, whether it should be 5, whether it should be 10, whether it should be 2 or what it should be. All I know is that we get into conference and it is unlikely that we are going to be able to get that.

I think that even the gentleman from California, the gentleman and I were commiserating last year, that we felt under enormous pressure to bring back this 10 percent when we accepted it, not thinking that we were going to get 10 percent, but that we would do the best we could.

If the gentleman from Illinois and the gentleman from Michigan would understand that we are dealing with another body which has no provision on it, and so it is unlikely that we are going to be able to bring back whatever we go in with, and that we will not be under pressure—I mean, last year, if the gentleman remembers, the thing finally ended where the gentleman said, if you cannot get 10 percent, do not do anything.

But what we wanted to do was to go in with 10 percent and come back with something.

Our negotiator here is going to be the gentleman from California (Mr. DELLUMS]. Whatever we go in with, our negotiator is going to be Mr. DELLUMS. The gentleman is not going to

bring it back, but I hope that we will not have the acrimony that we had last year about the 10 percent.

I think the gentleman from Alabama and I feel exactly the same, that we accepted this as a negotiating lever and then found ourselves with ultimatums, if you cannot produce 10 percent, then do not produce anything.

Mr. DICKINSON. Mr. Chairman, reclaiming my time, as the gentleman from Wisconsin has said, the chairman, has said, we realize we made a mistake. Instead of going in with a negotiating position, we went in with an ultimatum, this or nothing. We are not going to get in that position again.

So let me tell the gentleman from Illinois and the gentleman from Michigan, we will go into conference if you give us the House position, and we will defend that. We have agreed to it in committee and we will defend it. If you go over that, I am not going to defend it. I am going to defend the House position, and if you are going to try to run it up and be adamant, then I am going to walk away from it.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I think the gentleman from Alabama has already stated the history of the situation.

But let me point out that when this gentleman offered the 10 percent in the committee, I tried to indicate that a 10-percent amendment would come on the floor at any rate. So I argued diligently for 10 percent because I felt that there is where it should be.

The committee decided in its wisdom to make it 5 percent. But there are two interesting points of view. Those who advocate less than 10 percent, and that is my distinguished colleague at 5 percent, is saying we want to advocate what we think is attainable.

The gentleman from Michigan and the gentleman from Illinois and the gentleman from California believe that the 10 percent should be a goal. Whether you achieve it in one particular calendar year is not the relevant factor, that drives the principle. We are simply saying 10 percent is the goal that you ought to be trying to move toward, if it takes you 1 year, 2 years, 3 years or whatever, but you are trying to move to that level.

The gentleman from Alabama, in good faith, is saying we do not want to set it at a goal level, we want to set it at what is an attainable leve.

If the gentleman will yield further, and I think in all candor as we discuss this among ourselves in the House, perhaps the problem that we have is that we not only are bicameral, we have two parties. And many of my colleagues in the other party felt that even if they accepted the 10-percent goal, that if it was not achieved in a particular calendar year, that would be a political criticism of the administration and would be challenged on the ground that it was incapable of reaching the 10 percent. Therefore, the better part of valor was to attempt to acquiesce to a figure that they thought was attainable rather than a goal.

What we have here are two different points of view. I think the gentleman from Alabama obviously is sincere in trying to achieve what is attainable in a given year from the other party, and believes that that is 5 percent. That was accepted in the committee. I think that everyone here knows that that was historic. For the Armed Services Committee to place a set-aside in its legislation, in and of itself, was historic.

My two colleagues here are also attempting in good faith to say we are not simply talking about what is attainable, but what can ultimately be a goal.

The difference is where the twains meet. And the problem is that many of my colleagues feel that politically if you do not get the 10 percent, the administration would be criticized.

We are not interested in trying to criticize, the gentleman from Michigan nor the gentleman from Illinois. we are simply trying to state a preference.

Mr. DICKINSON. Mr. Chairman, let me reclaim my time by saying the 5 percent is more than double what is presently being used by minority set-asides, more than double. So if we get a doubling or more in 1 year, we have done pretty darn good.

So let us work toward that, because I am telling you we have another body to deal with, as the gentleman says. If you come in with something unrealistic and come in intransigent as we were last year, we are going to wind up with zero again.

I do not want to see us work this long and this hard for a goal and wind up with another zero.

Stay with the committee. That is all I am asking.

Mr. SAVAGE. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I just want to say that it seems to me the House made a statement last year, if I am not mistaken. The statement was that 10 percent of these contracts would be set aside. That, to me, is not too much to ask since one out of four individuals who serve in the Armed Forces happen to be minorities. We are talking about minorities who are black and Hispanic and other minorities according to the definition in the small business provisions.

I have never negotiated on a defense bill, but as one who has been a conferee on other bills, it is always going to be lower than what you ask for. If you ask for 5 percent, you will probably get the 2 percent that they already get.

I think it is a reasonable approach to ask for 10 percent. I have enough confidence in our conferees that they can attain that goal. Go for it.

Mr. SAVAGE. Mr Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. MITCHELL].

Mr. MITCHELL. Mr. Chairman, I am closing out my service in this Congress, in this term, and I have seen many wonderful things take place.

But one of the most startling and dramatic and almost miraculous things that has transpired has been this Congress demonstrating its will to move minorities into the economic mainstream of this country.

When I first started this business, minorities were receiving less than one-tenth of 1 percent of all Government contracts. Now we have moved generally across the board to almost 4 percent. That does not sound like much, but it is a steady increase.

The fascinating thing about that commitment is what has transpired with reference to minority businesses.

□ 2210

I cite by way of illustration the highly publicized Maxima Corp. that has gotten a lot of publicity recently. It is a minority business company. It has grown from zero to the point where now a major Fortune 500 company purchased stock in that company. That is growth.

I cite by way of illustration the firm, and the chairman known about this firm, that manufactured purification systems for the military and employed 300 people. It started as a small firm. It has now reached that capacity.

What I am attempting to say is that I see a commitment on the part of this House and the Congress to finally move us into the economic mainstream of this country.

How did we achieve the growth from less than one-tenth of 1 percent to almost 4 percent? We did it by setting goals that were high and incrementally moving toward those goals.

My colleague, the gentleman from Alabama, has shown a remarkable sensitivity and, indeed, heart in doing what he has done up to this point.

I simply respectfully suggest that the way to finally get to that full economic participation is by setting goals that are high—goals and moving toward them.

Now, I would like to ask the gentleman from Illinois a question. Am I right in assuming that if you have a

10-percent goal, if we reach 5 percent this coming year or next year, that is satisfactory progress toward that goal?

The CHAIRMAN pro tempore. The time of the gentleman from Maryland [Mr. MITCHELL] has expired.

Mr. SAVAGE. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. Chairman, will the gentleman yield?

Mr. MITCHELL. I yield to the gentleman from Illinois.

Mr. SAVAGE. Mr. Chairman, the gentleman is absolutely right. I think there is not as much disagreement here as confusion. When you talk of a goal, you are not talking about what you must do. The amendment is very specific, as it is an appeal, indicating that what is really required is a good faith attempt and sets forth some assistance, like technical assistance, like advance payments, to facilitate a maximum good faith effort. That is all that is asked is to provide congressional monitoring of that good faith. That is all that is asked.

Mr. MITCHELL. Mr. Chairman, I thank the gentleman for his explanation. It seems to me that we really have a way out of this situation which might appear to be a dilemma, and that is if we go ahead and accept the 10-percent goal, understanding that another more realistic measure can be achieved this year. Then that should not constitute any major problem. I think even the most mean-spirited Members of the other body would understand that, that we are dealing with a goal and with an objective which is immediate in terms of 5 percent.

I would urge support for the amendment.

Mr. DICKINSON. Mr. Chairman, I yield myself 1 minute.

In order in the time remaining that the proponent of the amendment might answer this, all the statements to this point have said that this is a goal. This is something that we are seeking, that we might not make it this year, we might not make it next year, but we must set a goal and seek it. That is fine. I applaud that.

But I refer the gentleman to the language of the amendment. It does not make it permissive. Let me read the language:

(a) SET-ASIDE REQUIREMENT.—Except as provided in subsection (d), not less than 10 percent of each amount described in subsection (b) shall be obligated during any fiscal year for contracts entered into with—

(1) small business concerns owned and controlled by socially and economically disadvantaged individuals—

And so forth.

It is not discretionary. It is not permissive. It is mandatory. It says it shall happen and it is more than a goal. It is obligatory.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama [Mr. DICKINSON] has expired.

Mr. SAVAGE. Mr. Chairman, I yield myself such time as I might consume.

To the gentleman from Alabama, let me say in reading what the gentleman read, the gentleman made reference to subsection (d), but the gentleman did not read subsection (d). If the gentleman had, it is contrary to what the gentleman just said.

Subsection (d) says:

(d) APPLICANT.—Subsection (a) does not apply—

(1) to the extent to which the Secretary of Defense determines that compelling national security considerations require otherwise; and

(2) if the Secretary making such a determination notifies Congress of such determination and the reasons for such determination.

It says almost precisely what is said in the bill. All setasides are goals and the traditional standard is 10 percent. It is not unusual that that standard may not be met. That is why this amendment provides for a 5-year period. That is why it provides for technical assistance and advance payments. You can only require a good-faith attempt; but more importantly, I think we are missing a very significant point here and that is that the standard has been traditionally set at 10 percent. Minorities constitute some 20 percent of the population of our great Nation, but we are not saying in this amendment, nor does the traditional set-aside say to provide minorities in proportion to their numbers in the population. What it simply says is that while minorities may constitute 20 percent of the population, let us set a 10-percent goal. It may not get them into the race, but at least it will get them into the stadium where the race is going on and maybe then we can make up the other half on our own.

What we are asking when we talk about this 10 percent versus 20 percent of the population is simply give us the votes so that we will have some straps to pull upon.

Now, if we say traditionally then that 10 percent, my good friend, if we say that 10 percent will be accepted as giving us an equal chance, then how can we in this body turn around and say if 10 percent would give you a chance to be equal, we will only make that goal one-half that amount.

Do you realize what you would be saying to the poor people in the ghetto, people who have been demotivated by social disadvantage, do you realize what you would be saying to people who constitute some 25 percent of this Nation's armed services? Do you realize what you would be saying to people who suffer unemployment almost three times as high as that of whites, that has caused broken homes?

Do you realize what you would say when you say that we will set a goal to which you should aspire that would represent one-half of equality?

How can you expect people to be motivated if this body says, "Your goal of equality is one-half of equality."?

My God, the U.S. Constitution, adopted when my ancestors were slaves, they did better than that. At least that Constitution while we were in slavery declared that we were three-fifths of a person, not one-half.

All we ask of this committee, if you accept this 10 percent, is to go into the joint conference and do the best you can; but everyone knows, do not tell me that you go in asking for less than you want, even if you come out with that. You start with what is right.

You will tonight if you do not adopt this amendment have set a new standard that would then default every time the traditional set-aside comes up at a time when we need unity in this country, at a time when we must share equally, we would cut in half the hopes of 20 percent of our population.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois, along with the gentleman from Michigan [Mr. CONYERS].

I think all of us know the reason why Congress historically has used the set-aside procedure. It is not an absolute requirement. It is a goal and we have done it many times before. As one who has introduced those goals and applied them to foreign assistance, I remember when we introduced that goal in the development assistance program of this country. We found that at that time there was only a participation of about $13 million. After 3 years, despite people saying it is too much, we found that this administration was able to move that $13 million to over $80 million, because they were talking about a wide range of individuals who were left out of the economic mainstream.

I remind you that the definition used here is "socially and economically disadvantaged individuals." That applies to several groups in our society. It applies to Asian Americans, Hispanic Americans, native Americans, black Americans, as well as women.

So I would simply say that what we are talking about is a goal that we have used before. That is all it is.

There is a disclaimer on page 2 of the amendment under (d) that says the Secretary of Defense can determine whether or not that goal can be met.

So thus I would urge my colleagues to strongly support the Savage amendment to the defense authorization bill. It is workable. It is achievable and we are opening a doorway of opportunity to many goups in America, not simply

those that we look at as traditional minorities, but many who we do not look at.

I urge your support.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding to me.

I have analyzed this amendment. I think this is a good amendment.

We hear a lot of rhetoric here on the floor about minority economic betterment. We have a lot of empty votes, but this is a solid vote.

Read this amendment. This is a good economic amendment. It is a good amendment for America.

This amendment will do more for jobs and for economic betterment for minorities than any government program we are going to pass here on the floor. If we are concerned about economic betterment, I think this is a just amendment. This is the right amendment.

If I am in the trenches as an American soldier and 20 percent of the people are minority, why is the 10 percent contract asking too much? I do not think it is.

I think this is a good amendment. I am going to vote for this amendment.

Mr. SAVAGE. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I rise in support of the amendment.

I just want to address myself to one issue. We were able to pass a "Buy American" provision last week. I was told it was DOA at the Senate.

Now I hear the talk that even though we may pass this amendment, it will not stand up in the Senate.

I am saying that our conferees should take the will of the House to the Senate and stand their ground. If we do not have these types of goals for minority enterprises in this country, there will be no signficant capitalization that will move minority businesses forward. We should stand here today, be very serious, and charge our conferees to go to the Senate and hold our ground.

I stand in strong support of the amendment. I admire the gentleman for bringing it forward. I am asking that this House charge our conferees with holding to the principles in the vote and the mandate of the House in that conference battle.

□ 2225

Mr. SAVAGE. Mr. Chairman, I yield my remaining time to the gentleman from Michigan [Mr. CONYERS].

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DICKINSON. Mr. Chairman, does not the gentleman have the right to close, as the proponent?

The CHAIRMAN. The Chair will state that under the rules, a member of the committee supporting the committee's position has the right to close. The gentleman from Alabama [Mr. DICKINSON] has the right to close.

The gentleman from Michigan [Mr. CONYERS] is recognized for 2 minutes.

Mr. CONYERS. Mr. Chairman, I want to personally express my gratitude to the chairman and ranking minority member of the Committee on Armed Services for having brought this discussion this far along the way.

There is one thing that should be made clear: The Armed Services Committee last year in conference did a great job. The problem that ensued in the conference was on the other side, in the other body. It was not the conferees from the House that did not do the best that they could under the circumstances.

Since we have come this far in the hearings, in the committee report, in the language in the bill before the body tonight, what we have now is a completely new bill and a new scenario for the conference.

Already the chairman of this committee has assured the supporters of this measure that he will do the best that he can in conference. That is all that anybody in the House on either side of the aisle can do. I want to thank the conferees from the Armed Services Committee that did as well as they could last year.

I think that with the 10-percent provision we will be able to get the best that we can get from the conference. I hope it is the full 10 percent, but we will do whatever we can.

Mr. SAVAGE. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Illinois.

Mr. SAVAGE. Mr. Chairman, may I just say to my dear colleague, the gentleman from Alabama [Mr. DICKINSON], that we only ask that you set a right goal, and then do the best that you can to come as close to fulfilling it as possible. In setting the right goal, if that exceeds what is attainable, do not reduce your goal. Someone once said that "* * * a man's reach should exceed his grasp, or what's a heaven for?"

I would only remind our colleagues that our great Nation, America, was founded on an impossible dream, and America was built by doing the improbable. Do not limit your goal to the attainable; set your goal at what is right.

Mr. DICKINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to cover the points that I have made before, because I really feel that they are important.

I think, first, that the committee has done a bona fide job and given a bona fide effort to achieve what the gentleman is attempting to do by his amendment, and that is to give a thrust and an impetus toward helping minorities and the disadvantaged get into the mainstream.

We have set a figure at more than double what is presently being used. We think that that is reasonable. They are not achieving this now. So to say that they have to double what they are presently doing we thought was fair.

To say we realize that we made a mistake by tentatively agreeing to a 10-percent figure last year as a negotiating point because we heard thrown right back in our face tonight, the House has an obligation because they agreed to 10 percent last year, so that is the figure that you have to be stuck with—well, that was not the agreement last year, and it is not the agreement this year.

I am working with the gentleman from California [Mr. DELLUMS]. The committee is trying to work out something fair and reasonable that we can take to the other body and sell. They do not have any such figure in their bill. We are trying to take with us a reasoned position, something that we can defend, and we would like to feel that the House is supportive of us.

I would like to feel that the House would support us in our bona fide, good-faith effort to more than double the amount of minorities presently enjoying the benefits of Federal contracting.

One other point. The gentleman argues that this is not mandatory. It is mandatory, if you can read the law. The only way that the Secretary of Defense cannot do this is—under applicability it says that he has to determine that compelling national security considerations require otherwise, and notify the Congress.

It is a burden placed on him. He must do this.

It would be different if the proponent of the amendment and the Members who are pushing so hard for it would say, "Hey, we're for a strong defense, and we're going to give you the money in here to do it."

They cut it to the bone. They vote against every appropriation bill for defense. And then when they cut it to the bone, they come in and say, "Give us 10 percent of what's left."

It is not right. It is not fair. It is working against our interests in this House, and I think that in the long run it is working against what they want to achieve.

We are asking Members to support the committee. We have a reasoned approach, a fair proposition, and I

have assured the gentleman and do assure the gentleman that in conference I will work to support the committee position.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. RUSSO). The question is on the amendment offered by the gentleman from Illinois [Mr. SAVAGE].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 135, not voting 37, as follows:

[Roll No. 352]

AYES—259

Ackerman	Eckart (OH)	Levin (MI)
Akaka	Edgar	Levine (CA)
Alexander	Edwards (CA)	Lewis (FL)
Anderson	Edwards (OK)	Lightfoot
Andrews	English	Livingston
Annunzio	Evans (IL)	Lloyd
Anthony	Fascell	Lowry (WA)
Applegate	Fazio	Lujan
Aspin	Feighan	Luken
Atkins	Fish	MacKay
AuCoin	Foglietta	Madigan
Badham	Foley	Manton
Barnes	Ford (MI)	Markey
Bateman	Ford (TN)	Martin (IL)
Bates	Frank	Martinez
Bedell	Gaydos	Matsui
Bellenson	Gejdenson	Mavroules
Bennett	Gekas	McCain
Bentley	Gephardt	McCloskey
Berman	Gilman	McCurdy
Bevill	Glickman	McEwen
Biaggi	Gonzalez	McKernan
Bilirakis	Goodling	McKinney
Billey	Gray (IL)	Mica
Boggs	Gray (PA)	Miller (CA)
Boland	Green	Mineta
Boner (TN)	Guarini	Mitchell
Bonior (MI)	Gunderson	Moakley
Bonker	Hall (OH)	Mollohan
Borski	Hall, Ralph	Moody
Bosco	Hamilton	Murphy
Boulter	Hammerschmidt	Natcher
Boxer	Hatcher	Neal
Brooks	Hawkins	Nowak
Broomfield	Hayes	Oakar
Brown (CA)	Hefner	Oberstar
Bruce	Hendon	Olin
Bryant	Hopkins	Ortiz
Bustamante	Horton	Owens
Carper	Howard	Panetta
Chapman	Hoyer	Pashayan
Clay	Hubbard	Pease
Coelho	Huckaby	Penny
Collins	Hughes	Pepper
Conte	Hunter	Perkins
Conyers	Hyde	Pickle
Coughlin	Jacobs	Price
Courter	Jeffords	Rahall
Coyne	Jones (NC)	Rangel
Craig	Jones (OK)	Regula
Crockett	Jones (TN)	Reid
Daniel	Kasich	Richardson
Daschle	Kastenmeier	Rinaldo
Daub	Kennelly	Robinson
de la Garza	Kildee	Rodino
Dellums	Kindness	Roe
Derrick	Kleczka	Roemer
Dicks	Kolbe	Rose
DioGuardi	Kolter	Rostenkowski
Dixon	Kostmayer	Roth
Dowdy	Lantos	Roybal
Downey	Latta	Russo
Durbin	Leath (TX)	Sabo
Dwyer	Lehman (CA)	Savage
Dymally	Lehman (FL)	Saxton
Dyson	Leland	Scheuer
Schneider	Stark	Walgren
Schroeder	Stenholm	Walker
Schulze	Stokes	Watkins
Schumer	Strang	Waxman
Seiberling	Stratton	Weaver
Sharp	Studds	Weiss
Sikorski	Swift	Wheat
Siljander	Tallon	Whitley
Sisisky	Tauzin	Whitten
Skeen	Torres	Williams
Skelton	Torricelli	Wirth
Slattery	Towns	Wise
Smith (FL)	Traficant	Wolpe
Smith (IA)	Traxler	Wright
Smith (NJ)	Udall	Wyden
Snowe	Valentine	Wylie
Solarz	Vento	Yatron
Spratt	Visclosky	Young (AK)
St Germain	Volkmer	Young (MO)
Staggers	Vucanovich	
Stallings	Waldon	

NOES—135

Archer	Gordon	Parris
Armey	Gradison	Petri
Barnard	Gregg	Porter
Bartlett	Hansen	Pursell
Barton	Henry	Quillen
Bereuter	Hertel	Ray
Boehlert	Hiler	Ridge
Brown (CO)	Holt	Ritter
Burton (IN)	Hutto	Roberts
Byron	Jenkins	Rogers
Callahan	Johnson	Roukema
Carney	Kanjorski	Rowland (CT)
Carr	Kramer	Rowland (GA)
Chandler	LaFalce	Rudd
Chappie	Lagomarsino	Schuette
Cheney	Leach (IA)	Sensenbrenner
Clinger	Lent	Shaw
Coats	Lewis (CA)	Shumway
Cobey	Lipinski	Slaughter
Coble	Loeffler	Smith (NE)
Coleman (MO)	Lungren	Smith, Denny (OR)
Combest	Mack	Smith, Robert (NH)
Cooper	Marlenee	Smith, Robert (OR)
Crane	Martin (NY)	Snyder
Dannemeyer	Mazzoli	Solomon
Darden	McCandless	Spence
Davis	McCollum	Stangeland
DeLay	McGrath	Stump
DeWine	McHugh	Sundquist
Dickinson	McMillan	Sweeney
Dingell	Meyers	Swindall
Donnelly	Michel	Synar
Dorgan (ND)	Miller (OH)	Tauke
Dornan (CA)	Miller (WA)	Taylor
Dreier	Molinari	Thomas (CA)
Early	Monson	Thomas (GA)
Eckert (NY)	Montgomery	Vander Jagt
Emerson	Moorhead	Weber
Fawell	Morrison (WA)	Whitehurst
Fiedler	Myers	Whittaker
Fields	Nelson	Wolf
Franklin	Nichols	Wortley
Frenzel	Nielson	Young (FL)
Gallo	Obey	
Gibbons	Oxley	
Gingrich	Packard	

NOT VOTING—37

Boucher	Fuqua	Mikulski
Breaux	Garcia	Moore
Burton (CA)	Grotberg	Morrison (CT)
Campbell	Hartnett	Mrazek
Chappell	Hillis	Murtha
Coleman (TX)	Ireland	Schaefer
Duncan	Kaptur	Shelby
Erdreich	Kemp	Shuster
Evans (IA)	Long	Wilson
Flippo	Lott	Yates
Florio	Lowery (CA)	Zschau
Fowler	Lundine	
Frost	McDade	

□ 2235

Mr. ARCHER and Mr. GALLO changed their votes from "aye" to "no."

Messrs. GALLO, LIVINGSTON, HUCKABY, SPRATT, STRANG, MACKAY, BADHAM, LIGHTFOOT, and Mrs. BENTLEY changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2250

The CHAIRMAN pro tempore (Mr. RUSSO). Under the rule, the next amendment in order is No. 105.

AMENDMENT OFFERED BY MR. MRAZEK

Mr. MRAZEK. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MRAZEK: At the end of title X of division A (page 239, after line 5), insert the following new section:

SEC. 1033. RESEARCH ON ALTERNATIVE USES FOR STRATEGIC DEFENSE INITIATIVE TECHNOLOGY.

Of the amounts authorized to be appropriated in section 201 for the Defense Agencies, $3,100,000 is only available to the Secretary of Defense for purposes of entering into a contract with the National Academy of Sciences to conduct a series of studies on alternative uses of technology related to the Strategic Defense Initiative.

MODIFICATION OF AMENDMENT OFFERED BY MR. MRAZEK

Mr. MRAZEK. Mr. Chairman, I have a modification to the amendment at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. MRAZEK: The modification to the amendment is as follows:

Strike out "a contract with the National Academy of Sciences" in the section proposed to be inserted by the amendment and insert in lieu thereof "contracts with nonprofit organizations representing a diversity of viewpoints".

The CHAIRMAN pro tempore. Is there objection to the modification?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment offered by Mr. MRAZEK, as modified: At the end of title X of division A (page 239, after line 5), insert the following new section:

SEC. 1033. RESEARCH ON ALTERNATIVE USES FOR STRATEGIC DEFENSE INITIATIVE TECHOLOGY.

Of the amounts authorized to be appropriated in section 201 for the Defense Agencies, $3,100,000 is only available to the Secretary of Defense for purposes of entering into contracts with nonprofit organizations representing a diversity of viewpoints to conduct a series of studies on alternative uses of technology related to the strategic Defense Initiative.

Mr. MRAZEK. Mr. Chairman, the amendment that I offer tonight is very simple and straight-forward. Out of the $3.1 billion that this House—and it may be adjusted in the future—has committed to the SDI Program, the Secretary of Defense would utilize

$3.1 million, less than one-tenth of 1 percent of the amount spent on SDI, for the purpose of funding a series of studies.

Mr. Chairman, these studies I think are the same technologies, the same studies that the space caucus of the House of Representatives believes are important technologies, as byproducts to SDI.

These studies to be determined by the Secretary of Defense and General Abrahamson would be conducted by organizations chosen by the Secretary of Defense, representing a wide diversity of viewpoints.

I offer this amendment in a spirit of cautious optimism, that conceivably we might reach a mutual and verifiable agreement. Mr. Chairman, we would explore those portions of SDI which have potential applications in national and international security matters.

The study would examine possibilities in the verification of arms control agreements, and of crisis management.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. MRAZEK. I yield to the gentleman.

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent to proceed out of order for 1 minute at this time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DICKINSON. Mr. Chairman, for the information of the House, in discussion with the chairman of the committee and the leadership of the House, it was our intention and agreed that there will in all probability be a recorded vote required on the Mrazek amendment.

We think that we can probably finish the balance of these without a recorded vote. We will proceed in an attempt to finish the balance of this title without a recorded vote.

If there is another recorded vote following MRAZEK, we would rise prior to that vote and have it tomorrow. Hopefully, we can finish the whole thing without any additional votes. I do not know that that is so, but that is our hope.

Mr. MRAZEK. Mr. Chairman, I think that Members of this House recognize that when we have spent billions of dollars in developing a variety of options with regard to SDI that there may be very beneficial, nonsensitive, defense-related things that can be very important in a variety of different industries within this Nation.

All we are suggesting through this amendment is that the Secretary of Defense spend a small amount of money to begin studying some of those options now. We would explore the civilian space applications of laser technology for propulsion and communications.

One of the important things that the House space caucus, that many of us belong to, believe would be important to the future. The importance of computer technology for global communications, air traffic control and data networking. Of command, control and communications technologies for automation, robotics, and artificial intelligence.

A lot of progress is being made in these areas, and there is no reason that some of it cannot be shared in a way with American industry that is going to provide valuable resources to better the human quality of our Nation.

Studies could be performed into the possibilities of technology alternatives in kinetic, directed and third generation nuclear energy for propulsion, particle physics, search and rescue, guidance, and other applicable areas, as well as new techniques for satellite capability and survivability.

Again, this is a very small amount of money. I would ask my colleagues to support an amendment which, in my view, can make some immediate benefits to a range of other areas important to this House.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Alabama revise in opposition to this amendment?

Mr. DICKINSON. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. DICKINSON. Very briefly, Mr. Chairman, and then I would like to yield the balance of my time to my distinguished colleague from New Jersey [Mr. COURTER].

Ladies and gentlemen of the Committee, if you heard the reading of the litany of things that the gentleman proposed that this money go to, you would see that it takes a whole page of things, none of which are focused or specified; everything including air traffic control and data networking.

Many of these things are being done, but the irony is that the gentleman, if he wants SDI to do this work, had an opportunity to at least more fully fund it. Instead, the gentleman voted for the lowest dollar; to gut the program, absolutely gut the program, and then, that having passed, says "Whatever is left, earmark this"—and we do not know exactly for what—but "take $3.5 million out for these pet projects."

□ 2300

You just cannot have it both ways. You cannot gut a program and take all the money out and then say what is left, "We want it for our pet projects over here." That really sort of boggles the mind.

Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. I thank the gentleman for yielding.

This is going to be very, very short. Mr. Chairman, I rise in reluctant opposition to the amendment. I rise in opposition to the amendment not only because I do not want what precious money is there to be used for other purposes besides their intended use, for example, what would it be if we required the money that NASA got to used for civil applications of some of their technologies? It does not seem to me to be a proper use of this money. But the main reason I am against it is the fact that the money is being taken from the office, removed from the office and given to a third party. It is one thing to require the office itself to use some of its funds for the purposes of determining civil applications on this high-tech frontier. It is quite another to take $3 million from the office. It is quite another to take some money and give it to third-party entities and have them make this study or do these types of studies.

Finally, the real reason is: where does it end? Last year we had an amendment by a gentleman in this body to use $13 million or so of this money to study free electron laser application to medical use.

Now, another $3 million for other types of things. The $3 million next year will go up to 6, 9, 12 and there will be another Member here later on tomorrow or next year saying, "I have another worthwhile program, and there is a pot of gold and I want my $3 million." It has nothing to do with the merits of the idea, but I think there are other days, there are other opportunities, and the money that the office is given should be used for the primary purpose of making a determination as to whether we can stop Soviet missiles before they hit our territory.

So I rise in opposition to the amendment.

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from California.

Mr. BADHAM. I thank the gentleman for yielding.

Mr. Chairman, I would just like to say that I would like to rise in generic opposition to this amendment. The gentleman has some good ideas. The gentleman never presented them to the Committee on Armed Services. We have had 150 amendments to this bill, 150 amendments to this bill on the floor. Most of them have been offered by Members of this body who have never appeared before the Committee on Armed Services, never offered their amendments to the Committee on Armed Services. I will have to say that when I have an amendment that af-

fects me or my district or my State or my country that is in another committee, I go and appear before that committee and offer that amendment. We are considering 150 amendments during this discussion from people who have never appeared before the committee, who have never heard testimony before our committee.

Mr. MRAZEK. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma, [Mr. WATKINS].

Mr. WATKINS. Mr. Chairman, I stand in support of the amendment of the gentleman from New York. I say to my colleagues he has a good amendment here. What we are talking about is technology transfer. Technology transfer for the good of the people here on Earth, not just for the Star Wars Program out in outer space. This has been done by NASA's Technology Transfer Program which is one of the biggest reasons why many of our civilians support this kind of program. I say to the gentlemen here on this side who are opposing this, if you want to build civilian support for SDI, you would want to support the amendment of the gentleman. We have agriculture, we have technology transfer, which is one of the greatest things that ever happened. In NASA there is a mandated technology transfer.

I think the gentleman is on the right track trying to get technology to be used for civilian use.

The gentleman from New York has made it clear that he is not going to take it from the sensitive or classified areas of defense on the SDI. I think his amendment is very much in order, and I hope our colleagues support it.

The CHAIRMAN pro tempore (Mr. RUSSO). The time of the gentleman has expired.

The Chair would advise the gentleman from Alabama [Mr. DICKINSON] that he has one-half minute remaining, and the gentleman from New York [Mr. MRAZEK] has 1 minute remaining.

The gentleman from Alabama has the right to close on this amendment.

The gentleman from New York is recognized.

Mr. MRAZEK. I submit I understand it is late and Members are anxious to get home.

The CHAIRMAN pro tempore. The gentleman yields back the balance of his time.

Mr. DICKINSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from New York [Mr. MRAZEK].

The question was was taken; and on a division (demanded by Mr. MRAZEK) there were—ayes 80, noes 103.

So the amendment, as modified, was rejected.

The CHAIRMAN pro tempore. Under the rule, the next amendment is amendment No. 106. Does the gentleman from California [Mr. ZSCHAU] seek to offer his amendment?

If not, under the rule the next amendment made in order is amendment No. 107.

AMENDMENT OFFERED BY MR. BRUCE

Mr. BRUCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRUCE: At the end of title X of division A (page 239, after line 5), insert the following new section:

SEC. 1033 CLARIFICATION OF RESTRICTIONS ON PURCHASE OF 5-TON TRUCKS.

Section 125 of the Department of Defense Authorization Act, 1986, is amended by adding at the end the following new subsection:

"(D) APPLICABILITY OF DFARS.—Nothing in this section may be construed as exempting the applicability of the provisions of 8.7801 through 8.7803 of Department Defense Federal Acquisition Regulations, relating to forging items that must be acquired from domestic sources, to the purchase of 5-ton trucks, or engines or components of such trucks, by the Army.".

The CHAIRMAN pro tempore. Under the rule, the gentleman from Illinois [Mr BRUCE] is recognized for 5 minutes in support of his amendment.

Mr. BRUCE. Mr. Chairman, this is a straightforward amendment. It requires the Department of Defense to comply with its Federal acquisition regulations for procurement of forged items from domestic production sources for the 5 ton truck.

Mr. Chairman, let me say at the outset I do not intend to press this amendment to a vote. In fact, it is my intention to withdraw the amendment at the conclusion of my statement—however, I have a number of concerns which I believe need to be stated for the record.

I want Members to understand that the forging industry in this country is facing hard times. In the last 5 years, this industry has closed over 70 plants and lost over 10,000 jobs in 21 States.

The forging industry has long been recognized as an important element in our defense industrial base. A few years ago, the Defense Department confirmed this by developing a policy and acquisition regulation intended to preserve this domestic capability. After reviewing a list of forging items, the Department of Defense recommended that certain forged items—including crankshafts—were to be secured from domestic sources.

This policy has been in place since 1985—and I was disturbed to recently learn that in a number of instances, it is not being followed.

This came to my attention through a forging company in my district—a company which is unique in its ability to provide high volume, midsized crankshafts. It is the only U.S. firm which can supply these crankshafts to meet the military's combat and combat support requirements. However, when it loses business—in the commercial arena as well as in defense—the contracts don't go to Ohio or Pennsylvania or Arizona—they go offshore.

I want Members to understand that we have a situation where we've been relying on foreign sources to meet much of important defense needs in the forging area. That if we continue to do this, our domestic source will vanish.

In a limited way, the amendment I had planned to offer today would have addressed this concern. However, I have been advised by the Army that by opening the existing contract on the 5-ton truck, the taxpayers would have been required to absorb an otherwise avoidable cost.

I have spoken to the chairman of the Armed Services Committee and he is also very concerned about our defense related forging capabilities. I would therefore like to enter into a colloquy with the distinguished gentleman from Wisconsin, the chairman of the Armed Services Committee.

Mr. Chairman, in view of my concerns I would like to request that the Armed Services Committee hold hearings—at the earliest possible date—to clarify defense policies in this area. Specifically, I would request that these hearings focus on:

First, the Department of Defense's policies and mobilization base requirements for forgings and other metal working components;

Second, the impact of foreign sources for these components on our defense industrial base; and

Third, DOD's implementation of various domestic sourcing requirements in these areas.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. BRUCE. I yield to the chairman of the committee.

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, my understanding is the gentleman's concerns are valid. I can assure you that the committee will hold hearings tha the earliest possible time concerning DOD's requirements and policies for the mobilization base and forging industry. I hope that the gentleman will continue to work with the committee on this issue.

Mr. BRUCE. I want to thank the distinguished chairman for his assurances to hold this hearing and also for his help and that the work of his staff's in coming to this agreement.

Mr. Chairman, having received these assurances, I ask unanimous consent that this amendment be withdrawn.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. Under the rule, the next amendment made in order is amendment No. 108, previously adopted.

Under the rule the next amendment made in order is amendment No. 109.

Does the gentleman from Connecticut [Mr. ROWLAND] seek to offer his amendment?

Under the rule, the next amendment made in order is amendment No. 110.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 236, after line 12, add the following new section:

SEC. 1022. REPORT ON EFFORTS TO INCREASE DEFENSE CONTRACT AWARDS TO INDIAN-OWNED BUSINESS.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the efforts by the Department of Defense during fiscal year 1986 to increase defense contract awards to Indian-owned businesses in accordance with the memorandum of understanding between the Department of Defense and the Small Business Administration of September 29, 1983. Such report shall include, to the maximum extent practicable, any data regarding the number and value of prime contracts awarded by the Department of Defense during such fiscal year to such businesses.

(b) DEADLINE.—The report required by subsection (a) shall be submitted no later than March 31, 1987.

(c) INDIAN-OWNED BUSINESS DEFINED.—For purposes of this section, the term "Indian-owned business" means a firm owned and controlled by American Indians, including a tribally owned for-profit entity.

The CHAIRMAN pro tempore. The gentleman from North Dakota [Mr. DORGAN] is recognized for 5 minutes in support of his amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, to the Department of Defense authorization for fiscal year 1987, amendment No. 110 calls for a report on efforts to increase defense contract awards to Indian-owned businesses. This builds on a similar amendment which I added to the Defense authorization bill for fiscal year 1986, which required a report on Indian contracts for fiscal years 1984 and 1985 under a Defense-SBA agreement.

Since last year, we have been making progress in alerting the Defense Department to the need for focused attention and action on this matter. The Department has made some significant strides in fiscal years 1984 and 1985 and I understand that this is continuing in fiscal year 1986. To help ensure this result, I am again asking that the Department report on its program to increase Indian and tribal defense contracts.

I will include for the record the report mandated by last year's amendment. In summary, it shows that the memorandum of understanding of September 29, 1983, between the Department of Defense and the Small Business Administration:

Eighty-one new Indian firms were added to the 8(a) Business Development Program, as opposed to the target of 75 in the MOU in 1984 and 1985;

Targeted firms received contract awards of about $327 million; and

Many major DOD prime contractors provided technical help to Indian-owned firms.

As a result of this success, DOD and SBA agreed to extend the Indian contract agreement through fiscal year 1986. The report required in amendment No. 110 will track this progress.

I further understand that Defense Department and Small Business Administration officials have agreed to extend the Memorandum of Understanding for 2 additional years, through fiscal year 1988. This is welcome news and I urge those officials to seal this agreement.

There is a clear and pressing need to invigorate Indian reservation economies and to energize greater tribal self-reliance. The current budget crunch is one reason: Tribes simply cannot expect increased Federal aid for economic development. Self-determination is another: Building Indian businesses will help tribes care for their own needs and advance development on their own terms.

I want to express my appreciation to Indian tribal and organizational leaders, the leadership of the Armed Services Committee, committee staff, and procurement officials at DOD and SBA for helping to make increased Indian defense contracting a reality.

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, April 8, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: The attached report is provided in the Department of Defense Authorization Act, 1986, Section 956. The report covers the efforts by the Department of Defense (DoD) during fiscal years 1984 and 1985 to increase contract awards to Indian-owned businesses under the September 29, 1983 Memorandum of Understanding (MOU) between the DoD and the Small Business Administration (SBA). The purpose of the MOU was threefold: (1) provide outreach to the Indian business community; (2) increase DoD awards to Indian-owned firms; and (3) increase the involvement of Indian-owned firms with major DoD prime contractors.

This report reviews our experience with Indian-owned businesses in the 8(a) Business Development Program operated by the SBA. During the two years of the original MOU, the SBA included firms, including tribally-owned for profit entities, in its 8(a) program versus firms specified in the MOU. Also during the fiscal year 1984 and 1985 timeframe, the DoD awarded 313 targeted firms under the 8(a) program authority. These contracts were valued at approximately $326.5 million. In addition, a number of major DoD prime contractors provided technical and management assistance to Indian-owned businesses, and several of these successful efforts are highlighted in Part IV.

At the end of the initial two-year term of the MOU, it was jointly concluded by the SBA and the DoD that the MOU had developed a momentum to the advantage of the Indian business community. Therefore, the MOU was extended until September 28, 1986. Accordingly, the DoD, in cooperation with the SBA, will continue to exert every effort during FY 1986 to increase the number and dollar value of contract awards to Indian-owned businesses.

Sincerely,

JAMES P. WADE, Jr.

ATTACHMENT

I. Executive summary.—Since 1982, Department of Defense (DoD) Appropriation Acts have contained an amendment known as the "Buy-Indian" provision.

The Logistics Management Institute (LMI), representatives from Indian business development associations, and law firms representing Indian tribes offered many suggestions on how best to further the objectives of the provision. DoD acquisition officials, after considering the various recommendations, decided on a course of action which would involve the use of existing programs to provide to Indians information about techniques for doing business with the DoD, and using the authority of Section 8(a) of the Small Business Act to direct more contracts to Indian-owned businesses including tribally-owned entities.

The Small Business Administration (SBA) joined with the DoD in a Memorandum of Understanding (MOU) covering a two-year period which provided for:

The SBA to increase by 75 the number of Indian-owned firms in its 8(a) portfolio.

The DoD to support such firms with 8(a) contracts.

The DoD to encourage major prime contractors to consider Indian-owned businesses as subcontractors.

At the end of the original two-year term of the MOU, the SBA had placed 81 Indian-owned firms into the 8(a) program, exceeding the goal of 75 firms set in the MOU, and with an additional number of 8(a) program applications still being considered. Because of these additional applicants, and because many applicants for the program had been approved during the last months of the term of the MOU, many of the targeted firms have not received substantial procurement assistance from the 8(a) program via DOD procurements. Therefore, the term of the MOU was extended through fiscal year (FY) 1986 to accommodate the momentum created by the initiative, and to permit the contract support for Indian firms to be processed by DOD acquisition activities.

The SBA provided reports of 8(a) program contracting activity by the DOD with Indian-owned firms. These reports show that during the FY 1984 and 1985 timeframe, the DOD awarded 313 contracts to targeted firms using the 8(a) program authority. These contracts were valued at approximately $326.5 million. This compares favorably with previous performance. In addition, some major DOD prime contractors provided assistance to tribal businesses and several significant contracts were the result of this activity.

II. Background.—Since 1982, DOD Appropriation Acts (See Section 775A of Public Law 98-212 (1984), the DOD Appropriation Act of 1984) have contained the following provision:

* * * So far as may be practicable Indian labor shall be employed, and purchases of the products of Indian industry may be made in open market in the discretion of the Secretary of Defense: Provided that the products must meet pre-set contract specifications.

The LMI was requested to review issues pertaining to this provision. In its May 11, 1982 memorandum on "DOD Use of Indian Labor and Products" (see Attachment 1), LMI recommended: (1) the use of existing programs to provide information to Indians about techniques for doing business with the DOD; and (2) using the authority of Section 8(a) of the Small Business Act to direct more contracts to Indian businesses including tribal organizations.

The 8(a) Business Development Program operated by the SBA is specifically designed to provide the support envisioned by the amendment. In addition to providing authority for the award of sole source contracts to Indian businesses, the SBA provides technical and management assistance through its other programs and contract financing assistance to firms in its 8(a) portfolio. Accordingly, the DOD proposed a MOU to the SBA covering a framework in furtherance of the objectives of the provision (see Attachment 2). The MOU was signed on September 29, 1983.

III. Memorandum of Understanding.—Meetings were held by DOD acquisition officials with representatives from a number of Indian business development associations, and with law firms representing Indian tribes and businesses, for the purpose of soliciting recommendations covering how best to further the objectives of the provision. After considering various recommendations offered by many sources, the Assistant Deputy Under Secretary of Defense for Acquisition decided on a course of action involving increased emphasis on awarding contracts to Indian businesses through the 8(a) Business Development Program. This conclusion paralleled the recommendations made in the May, 1982 report from the LMI.

Accordingly, discussions with the SBA were initiated in January, 1983 and the MOU, formally proposed in March, was signed in September, 1983. The most significant provisions of the MOU called for the SBA to increase by 75 the number of Indian-owned firms in its 8(a) portfolio, and for the DOD to support the SBA-approved business plans of such firms with contract requirements. Other MOU provisions called for the SBA and the DOD to jointly sponsor or attend meetings of groups involved in industrial development and business planning for Indians, and for the DOD to encourage major prime contractors to consider the use of Indian-owned firms as subcontractors.

IV. Accomplishments.—By letter dated November 22, 1985, to the Deputy Secretary of Defense (Attachment 3), the SBA reported that during the two-year term of the MOU, 81 additional Indian-owned businesses had been approved for participation in the 8(a) program. This accomplishment exceeded the SBA goal of 75 new 8(a) firms set in the MOU. The SBA also reported in that letter that the initiative begun by the DOD and SBA through the MOU had established a momentum in which more Indian-owned firms were continuing to apply for inclusion in the 8(a) program. SBA officials also reported that there were many more applications for the 8(a) program in the pipeline and those officials were highly pleased that the Indian business community was now very much aware of the benefits of the 8(a) program in assisting their companies into the nation's business mainstream.

SBA reports of 8(a) contracting activity with Indian-owned business show that the DOD awarded one or more 8(a) contracts to 57 Indian-owned businesses during FY 1984, the first year of this joint initiative. For FY 1985, the DOD awarded 8(a) contracts to 69 such businesses, representing a 21 percent growth rate. This upward trend for the DOD also carries through in the total number of 8(a) contracts awarded to Indian-owned firms. During FY 1984, the DOD awarded 151 contracts utilizing the authority of section 8(a) of the Small Business Act to Indian-owned businesses, while in FY 1985, we awarded 162 contracts to Indian-owned businesses for a growth rate of 7.3 percent. DOD awards in both these categories represent well over 45% of the Federal awards.

The dollar value of DOD 8(a) contract awards to Indian-owned firms has not increased during this period. During FY 1984, DOD 8(a) contract awards to Indian-owned firms approximated $189.1 million. This includes two, one-time awards to one firm of approximately $102 million, $87 million more than the firms' normal contracting activity. During FY 1985, DOD contract awards in this category approximated $137.4 million.

The DOD does not collect statistical data on our regular contract awards to Indian-owned businesses. Therefore, exact data on these awards is not available. However, because the SBA listing of Indian business in the 8(a) Business Development Program is available, we matched the SBA listing against the DOD listing of non-8(a) contract awards to small disadvantaged business concerns. This matching process revealed that our regular contract awards to Indian-owned businesses during FY 1984 approximated $32.8 milion, and approximated $28.3 million in FY 1985. We also found that competitive contracts valued at more than $50 million were scheduled to be awarded to Indian-owned businesses during FY 1985 but, because various contract actions were not completed, awards were actually accomplished during the first few weeks of FY 1986. We are pleased to report this positive trend.

Finally, it should be noted that according to SBA statistical records, the DOD awarded approximately $739.5 million in 8(a) contracts to Indian-owned firms during the period FY 1978 through FY 1985. This compares favorably to the aproximately $223.2 million in 8(a) contract awards to such firms by all other Federal agencies for the same period.

V. Success stories.—The MOU provides that the DOD will encourage major prime contractors to consider Indian-owned businesses as an element of their subcontract plans. Boeing Aerospace Company, basing contractor for the Peacekeeper (MX) intercontinental ballistic missile system, subcontracted manufacture of the foam blocks used in the shock isolation system installed in missile silos to La Manse Industries of the Winnebago Reservation in Nebraska, a company owned by Mr. Henry Moore, an Oglala Sioux Indian. Boeing identified the company and determined it needed assistance with process specifications, quality control procedures, production control and fabrication training. Boeing supplied the needed assistance after awarding the firm a contract in June, 1984 for 72 blocks, with options for 144 more. The contract is valued at $815,645. The potential is for the company to manufacture up to 3,000 blocks for the fully deployed Peacekeeper system with a workforce of about 20 people.

The MOU also provides for DOD to encourage major prime contractors to consider the potential for cooperative business arrangements that would combine the management and technical expertise of their firms with tribally-owned businesses. Raytheon Service Company, a subsidiary of Raytheon Company of Lexington, Massachusetts, a major DOD prime contractor, provided assistance to the Pueblo of Laguna tribe of New Mexico in this regard. The tribe has a need for work as the closing of uranium mining operations on the reservation caused unemployment to rise to over 70 percent. Raytheon devoted significant time and effort in helping the Laguna tribe organize a business and apply for inclusion in The SBA's 8(a) program portfolio. Raytheon also trained key Indian personnel, provided assistance covering effective ways to participate in the Defense marketplace, and helped develop marketing strategies and business direction. As a result of these efforts, Laguna Industries, Inc., the newly-formed tribal business, received an 8(a) contract from the Department of the Army in August, 1985 for the installation of communications equipment in transportable shelters valued at approximately $10.9 million. The Army contract with Laguna Industries contains options which could triple its current value. The company will employ more than 150 people under this contract effort. Raytheon is continuing to provide technical and management assistance to the Laguna's under a subcontract with the goal of leaving a trained workforce as well as a competent management team which will continue the business as a competent Defense prime contractor.

VI. Conclusions.—The DOD initiative to further the objectives of the so-called "Buy Indian" provision of the Defense Appropriation Acts has caused an increase in contract awards to Indian-owned businesses including tribally-owned entities. The record reflects progress, including an increase in the number of Indian busineses receiving DOD contracts, which has had a favoragle impact on strengthening the DOD industrial base. We anticipate additional progress with this initiative for the following reasons:

Through an exchange of letters between the SBA Administrator and the Deputy Secretary of Defense dated November 22, 1985 (Attachment 3), the term of the MOU was extended for another year. The extension will allow both agencies to take advantage of the momentum the initiative has established in terms of outreach to the Indian business community, and increasing prime contract and subcontract awards to Indian-owned businesses.

Several major DOD prime contactors have made contacts with Indian-owned businesses resulting in the potential for increased subcontracting activity. Some of these major prime contractors are sponsoring businesses on Indian reservations.

Indian tribes are considering the defense marketplace as a valuable tool in developing tribal economies, and are adjusting their marketing strategies to accommodate DOD acquisition rules and procedures.

DOD competitive contract awards to Indian-owned businesses should increase sig-

nificantly during FY 1986 and beyond because of the momentum established by this initiative.

MEMORANDUM OF UNDERSTANDING BETWEEN THE SMALL BUSINESS ADMINISTRATION AND THE DEPARTMENT OF DEFENSE

I. BACKGROUND

A. The United States Government has a unique and special relationship with Indian tribal governments and their tribal members.

B. The Small Business Administration (SBA) through the 8(a) business development program, fosters and assists in the establishment and growth of small business concerns owned and controlled by socially and economically disadvantaged individuals, including for profit entities owned and controlled by Native American Indians and Indian Tribes. This program is intended to promote and facilitate full participation in our free enterprise system by socially and economically disadvantaged individuals.

C. In accordance with policy, the Department of Defense will, to the extent practicable, employ Indian labor, and purchase the products of Indian industry.

II. OBJECTIVES

In order to provide for the increased use of products of Indian industry, the SBA and the Department of Defense (DOD) share the following objectives with respect to Indian-owned and controlled small business concerns:

A. To increase the opportunity for Indians to benefit from existing programs by providing information to Indians about techniques for doing business with the DOD;

B. To include Indian firms on appropriate lists of prospective bidders;

C. To encourage firms owned and controlled by Indians, including tribal-owned for profit entities, to participate in the SBAs 8(a) program; and,

D. To the extent of each agency's authority, to cooperate, inform, advise, and assist individual Indian entrepreneurs and tribal organizations in establishing business enterprises that can participate in the SBAs 8(a) program.

III. RESPONSIBILITIES

A. The SBA shall:

(1) Provide business opportunities, which have been nominated for contracting through the 8(a) program, to Indian firms included in the SBAs 8(a) portfolio.

(2) Provide management, technical, and financial assistance, currently available to firms included in the SBAs 8(a) portfolio, to both individually and tribally owned Indian firms; and,

(3) Receive from tribally owned firms, individual Indian owned businesses and their representatives, 150 fully completed business plan applications. The SBA will target 75 of these submissions for program entrance.

B. The DoD shall:

(1) Provide specific contract support to SBA for subcontracting to the targeted Indian businesses in the SBAs 8(a) portfolio in accordance with paragraph 1-705.5 of the Defense Acquisition, Regulation;

(2) Conduct any pre-award surveys that may be required of Indian enterprises being considered for award for 8(a) subcontracts;

(3) Provide contract administration on such contracts; and,

(4) Institute through its Office of Small and Disadvantaged Business Utilization a specialized and systematic search to identify requirements that can be directed to Indians 8(a) firms.

C. Both the SAB and the DoD agree:

(1) To meet with representatives of Indian businesses and tribal organizations with the objective of strengthening the involvement of Indian industry in the SBAs 8(a) program, which in turn is intended to lead such firms to a positive means for participating independently as prime or subcontractors to the DoD, and to lead to an increased use of Indian labor.

(2) DoD will encourage major prime contractors to consider Indian business as an element of their subcontract plans and will encourage them to consider the potential for cooperative business arrangements that would combine the management and technical expertise of their firms with Indian tribes and /or businesses.

IV. EFFECTIVE DATE AND TERM

This agreement is effective when signed by both agencies. It shall remain in effect for two years from the date of execution unless extended by mutual agreement or terminated by written notification by either party.

PAUL THAYER,
Deputy Secretary, Department of Defense.
JAMES C. SANDERS,
Administrator,
Small Business Administration.

U.S. SMALL BUSINESS ADMINISTRATION,
Washington, DC.

Hon. WILLIAM H. TAFT IV,
Deputy Secretary of Defense,
Washington, DC.

DEAR MR. TAFT: On September 29, 1983, the Department of Defense and the Small Business Administration executed a Memorandum of Understanding (MOU) to facilitate the development of Indian-owned small business utilizing Department of Defense (DOD) procurements and the Small Business Administration's (SBA) 8(a) authority. The initial term of this MOU was (2) years expiring on September 28, 1985. Section IV of the MOU provides for extension via mutual agreement of both agencies.

I am writing to express SBA's desire to extend the period of this MOU for one (1) year to September 28, 1986. During the period of the MOU, SBA has approved 81 Indian-owned firms for 8(a) participation meeting the directives of paragraph III A (3) of the MOU. The addition of these 81 firms brings the total of Indian-owned firms in the 8(a) program to 180. Seventy-five (75) of the 81 firms however, have been approved since January 1, 1984. Many of these newly approved firms have not yet received substantial procurement assistance from the 8(a) program via DOD Procurements. Moreover, while the SBA target of 75 Indian-owned firms has been exceeded the other objectives and responsibilities of the MOU have not yet been substantially addressed. An extension of this MOU will allow both agencies to take advantage of the momentum this initiative has established in terms of (a) outreach to the Indian business community, (b) the increase in DOD awards to Indian-owned firms, and (c) increasing the involvement of Indian-owned firms with DOD prime contractors.

For these reasons we propose to extend the existing MOU as follows:

1. Paragraph III A(3) is hereby deleted, as being fully performed.

2. Pursuant to paragraph IV, the agreement is hereby extended to remain in effect until September 28, 1986. The effective date of the extension shall be deemed to be September 29, 1985.

3. All the terms and conditions remain in full force and effect.

If you concur in his proposed extension, please sign and date this letter where indicated as evidence of your agreement, and return a fully executed copy to Mr. Rodney A. Lewis, Acting Director, Office of Program Eligibility, 1441 L Street, N.W., Room 618, Washington, D.C. 20416; phone number (202) 653-6813.

Yours truly,

JAMES C. SANDERS,
Administrator.

The Department of Defense agrees to the extension of the Memorandum of Understanding as described in this letter.

WILLIAM H. TAFT IV,
Deputy Secretary of Defense.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member rise in opposition? If not, the question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN].

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment made in order is amendment No. 111.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 236, after line 12, add the following new section:

SEC. 1022. REPORT ON GEOGRAPHIC DISTRIBUTION OF DEFENSE CONTRACTS.

(a) REPORT.—The Secretary of Defense shall submit to Congress a report on the geographic distribution by State of defense contract awards during fiscal years 1985 and 1986. Such report shall include—

(1) an analysis of any efforts undertaken by the Department of Defense to reduce disparities in the number and value of contract awards between geographic regions and between States; and

(2) data on direct purchases, indirect purchases, indirect payroll, total defense spending, share of net State product, and per capita amounts of defense outlays, using the Department of Defense's Defense Economic Impact Modeling System.

(b) DEADLINE.—The report required by subsection (a) shall be submitted no later than March 31, 1987.

The CHAIRMAN pro tempore. Under the rule, the gentleman from North Dakota [Mr. DORGAN] will be recognized for 5 minutes in support of his amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, amendment No. 111 to the Defense Authorization Act for fiscal year 1987 requires the Secretary of Defense to report to Congress on the geographic distribution of defense contracts. It further mandates a statement of the policies and procedures being undertaken by the Department of Defense to reduce any major disparities in the geographic distribution of defense contracts between re-

gions and between States. The disparity is between what these States contribute in terms of defense tax burden and what they receive in procurement.

Existing data suggest glaring disparities in the amount of defense contracts and spending in the various States. Based on information for 1985 from the Pentagon's defense economic impact modeling system the bulk of defense contracting flows to only a handful of States. I include a table illustrating this problem.

The problem with such skewed spending patterns is that many States now suffering from farm and energy slumps are missing out on the only significant Federal counterweight to these problems: the growth in defense spending. These States, too, hunger for the permanent jobs created by such Federal spending as defense procurement.

Unemployment in my own State of North Dakota is above the national average, with some counties facing jobless rates of nearly 20 percent. Several cities have higher unemployment than major cities in the so-called Rust Belt like Pittsburgh, Baltimore, and New York City. The well-known energy depression that has hit Texas so severely is wreaking havoc in western North Dakota as well. The overriding farm crisis has created an economic disaster approaching that of the Great Depression. Yet, on a net basis, North Dakota loses $242 million a year from defense activities; taxes exceed procurement.

I am not suggesting that we dismantle existing defense plants or relocate bases merely to achieve some artificial or arithmetic equality in defense contracting. My point is that many States—especially rural ones—have the labor, business, and natural resources needed for high-quality defense contracts. They need only a greater opportunity to bid on and to subcontract on the billions in defense contracts which now flow to a very limited circle of companies and States. Right now, two universities alone receive more defense contracts than the whole State of North Dakota. This is not opportunity.

More aggressive outreach by the Department can help bring this about. So can increased efforts to contract with small, disadvantaged, and minority firms.

As a Representative of a State with two missile/SAC bases on the front line of our Nation's defense, I know that North Dakotans want to do their share in defending America. They also want to share fairly in the benefits of the defense buildup. This amendment simply suggests a way to help bring that about.

FROM DEFENSE SPENDING INCREASES

The chart shows the DEIMS projections of 1985 state-by-state defense spending based on direct purchases (Pentagon payroll and purchases of goods and services), indirect purchases (spending by defense contractors) and the economic impact of spending by Pentagon employees, all in billions of 1984 dollars. Share of net state product is the total impact of defense-related spending as a percentage of the Pentagon's estimate of net state product (* denotes a tie).

State	Direct purchases	Rank	Indirect purchases	Rank	Indirect payroll impact	Rank	Total defense spending	Rank	Percent share of State net product	Rank
Alabama	$2.89	21	$1.75	25	$1.41	23	$6.05	23	6.2	*22
Alaska	0.88	38	0.24	48	0.20	50	1.32	43	9.3	6
Arizona	2.83	22	2.53	18	1.06	30	6.42	21	7.8	10
Arkansas	1.12	35	0.96	35	0.87	32	2.94	32	5.1	33
California	42.75	1	20.38	1	10.52	1	73.65	1	9.9	5
Colorado	3.36	18	1.89	24	1.49	21	6.75	20	6.5	*18
Connecticut	5.76	10	3.54	12	1.34	26	10.65	12	10.7	3
Delaware	0.34	46	0.29	45	0.32	45	0.94	46	4.2	*46
District of Columbia	1.55	32	0.45	42	0.44	38	2.44	37	6.5	*18
Florida	9.60	5	4.27	9	4.15	7	18.03	5	6.3	21
Georgia	4.78	13	2.38	19	2.53	11	9.69	17	5.7	*28
Hawaii	2.28	25	0.26	47	0.40	41	2.94	33	10.8	2
Idaho	0.30	48	0.30	43	0.32	44	0.91	47	4.3	45
Illinois	4.18	15	5.94	6	4.99	4	15.10	8	4.5	*41
Indiana	3.60	17	4.10	11	2.24	13	9.94	16	6.2	*22
Iowa	0.77	39	0.98	34	1.19	28	2.93	34	3.9	51
Kansas	2.54	23	1.63	27	1.16	29	5.33	26	6.8	17
Kentucky	1.68	30	1.39	28	1.36	25	4.43	29	4.9	*35
Louisiana	3.02	20	2.62	16	2.09	15	7.72	19	5.7	*28
Maine	0.88	37	0.53	40	0.41	39	1.82	41	7.0	16
Maryland	5.91	9	2.60	17	1.58	20	10.10	15	9.0	7
Massachusetts	7.03	6	4.92	7	2.46	12	14.41	9	8.3	8
Michigan	3.25	19	4.23	10	3.87	8	11.35	11	4.2	*46
Minnesota	2.22	28	2.27	20	1.81	19	6.30	22	5.0	34
Mississippi	2.26	26	1.18	30	0.81	33	4.25	30	7.9	9
Missouri	5.44	12	3.08	14	2.08	16	10.60	14	7.5	12
Montana	0.26	50	0.29	44	0.28	46	0.83	48	4.5	*41
Nebraska	0.71	41	0.53	39	0.58	34	1.93	40	4.4	*43
Nevada	0.53	43	0.24	49	0.38	42	1.16	44	4.6	40
New Hampshire	1.03	36	0.68	36	0.37	43	2.09	38	7.7	11
New Jersey	4.61	14	4.30	8	3.37	9	12.27	10	5.5	31
New Mexico	1.32	34	0.66	37	0.49	37	2.47	36	7.1	15
New York	10.69	4	9.74	3	7.32	3	27.74	3	5.8	*26
North Carolina	3.62	16	2.27	21	2.76	10	8.64	18	4.8	37
North Dakota	0.38	45	0.16	50	0.27	47	0.81	49	4.9	*35
Ohio	5.72	11	6.38	5	4.26	6	16.37	7	5.4	32
Oklahoma	2.25	27	1.68	26	1.38	24	5.31	27	5.8	*26
Oregon	0.75	40	1.04	31	0.87	31	2.66	35	4.2	*46
Pennsylvania	6.64	7	6.85	4	4.67	5	18.16	4	5.7	*28
Rhode Island	0.70	42	0.59	38	0.40	40	1.69	42	6.4	20
South Carolina	2.54	24	1.30	29	1.21	27	5.05	28	5.9	25
South Dakota	0.26	49	0.15	51	0.26	48	0.68	51	4.1	*49
Tennessee	1.85	29	2.16	22	1.88	18	5.88	24	4.7	*38
Texas	13.12	2	11.01	2	7.96	2	32.10	2	6.1	24
Utah	1.64	31	0.98	33	0.60	36	3.21	31	7.3	14
Vermont	0.32	47	0.50	41	0.18	51	1.00	45	7.5	12
Virginia	12.57	3	3.26	13	2.17	14	18.00	6	11.6	1
Washington	6.12	8	3.08	15	1.45	22	10.64	13	10.0	4
West Virginia	4.00	44	1.02	32	0.63	35	2.05	39	4.7	*38
Wisconsin	1.48	33	2.14	23	2.06	17	5.68	25	4.1	*49
Wyoming	0.18	51	0.28	46	0.25	49	0.72	50	4.4	*43
U.S. total	200.90		136.00		97.25		434.14			

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, we find no objection to this amendment on this side, and we would accept it.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the chairman of the committee, the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, we have no objection to this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered

by the gentleman from North Dakota [Mr. DORGAN].

The amendment was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment made in order is amendment No. 112.

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 236, after line 12, add the following new section:

SEC. 1022. SENSE OF CONGRESS EXPRESSING SUPPORT FOR A CENTRAL ROLE FOR NUCLEAR RISK REDUCTION CENTERS.

Whereas Congress has expressed its prior support for the establishment of nuclear risk reduction centers;

Whereas Congress supports the President's willingness to negotiate an agreement with the Soviet Union to establish such centers in each nation: Now, therefore, be it

Resolved, That it is the sense of the Congress that if an agreement on nuclear risk reduction centers is signed, that the American center should be tasked with the responsibility for ongoing assessment of federal risk reduction activities, to serve as the locus of such federal activities, and to submit an annual report to the Congress on risk reduction activities.

The CHAIRMAN pro tempore. Does the gentleman from North Dakota have a modification?

MODIFICATION TO THE AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I ask unanimous consent to modify the amendment.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. DORGAN of North Dakota:

The modification to the amendment is as follows:

Strike out the text of the section proposed to be inserted by the amendment and insert the following:

(a) CONGRESSSIONAL STATEMENTS.—The Congress—

(1) has expressed its prior support for the establishment of nuclear risk reduction centers; and

(2) supports the President's willingness to negotiate an agreement with the Soviet Union to establish such centers in each nation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that if an agreement on nuclear risk reduction centers is signed, the United States center should be assigned the responsibility—

(1) for ongoing assignment of federal risk reduction activities; and

(2) to serve as the locus of such federal activities.

Mr. DORGAN of North Dakota (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the modification?

□ 2315

Mr. DICKINSON. Mr. Chairman, we have no objection to the amendment on this side. This side will accept it.

The CHAIRMAN pro tempore (Mr. RUSSO). Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The text of the amendment, as modified, is as follows:

Strike out the text of the section proposed to be inserted by the amendment and insert the following:

(a) CONGRESSIONAL STATEMENTS.—The Congress—

(1) has expressed its prior support for the establishment of nuclear risk reduction centers; and

(2) supports the President's willingness to negotiate an agreement with the Soviet Union to establish such centers in each nation.

(b) SENSE OF CONGRESS.—It is the sense of Congress that if an agreement on nuclear risk reduction centers is signed, the United States center should be assigned the responsibility—

(1) for ongoing assignment of federal risk reduction activities; and

(2) to serve as the locus of such federal activities.

The CHAIRMAN pro tempore. The gentleman from North Dakota [Mr. DORGAN] is recognized for 5 minutes in support of the amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, this is a sense-of-Congress resolution on risk reduction centers, supporting the President in support of risk reduction centers.

Mr. Chairman, amendment No. 112 to the Defense Authorization Act for Fiscal Year 1987 expresses the sense of Congress in support of a central role for the United States center, if an agreement with the Soviet Union is signed to establish nuclear risk reduction centers.

The amendment clarifies that the American center should play a central and vital role in nuclear risk reduction activities. It commends the administration for its willingness and efforts to negotiate a treaty to make risk reduction centers a reality. But it also makes clear the intent of Congress that these centers not become arms control window dressing. What both bodies have envisioned in developing the original idea is robust risk reduction centers which play a key role in such critical efforts as crisis forecasting and crisis prevention.

I have no intention here of dictating a negotiating posture of micromanaging legitimate functions of the executive branch. I simply offer this amendment to reiterate importance which Congress attaches to genuine risk reduction activities. Put in a nutshell, we can make massive reductions in nuclear arms and still have a nuclear war. Better crisis management and risk reduction can help guarantee our future—either in spite of an arms race or in tandem with arms control.

At my request, the Congressional Research Service has prepared a cogent analysis of our present risk reduction capabilities and illustrated how and why this effort can be strengthened. I will include the full text in the record for the benefit of my colleagues and to illustrate the careful thought which underpins this amendment.

Let me simply say that nuclear terrorism, false alarms, and accidental launches are everyone's concern. As one group of experts put it, "Despite their many areas of contention, the United States and the Soviet Union have one overriding common interest—the avoidance of nuclear war. No single institution in either country, however, has the dedicated responsibility to build on this common interest by developing the means of reducing nuclear risks." That's the issue this amendment seeks to address and why it belongs in the center of our debate on national security.

In large measure, this debate is joined because of the leadership of Senators SAM NUNN, JOHN WARNER, and GARY HART. They are the intellectual godfathers of risk reduction and crisis management and we in this body have been enriched by their leadership.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, August 12, 1986.

To: Hon. Byron, L. Dorgan, 238 Cannon Building. Attention: Doug Norell.

From: Steven A. Hildreth, analyst in national defense, Foreign Affairs and National Defense Division.

Subject: Reducing the Risks of Nuclear War: Crisis Escalation Control Capabilities.

I. INTRODUCTION AND APPROACH

This memorandum responds to your request to examine efforts within the U.S. government to reduce the risk of nuclear war (nuclear risk reduction), identify potential problem areas, and develop possible options for congressional action.

In preparing this response, we have (1) reviewed the literature on nuclear risk reduction, crisis prevention, and crisis management; (2) examined both classified and unclassified U.S. programs and activities that contribute to reducing the risks of nuclear war; and (3) interviewed persons in the Excutive Branch, in Congress, and outside government who are knowledgeable on the subject of nuclear risk reduction.

Our investigations reveal, first, that nuclear risk reduction activities encompass a broad range of activities,[1] and, second, that much information on many of these activities is classified.[2] Consequently, our response is of necessity general in its treatment of the wide range of nuclear conflict risk reduction activities, and partial, in that it is limited to unclassified information.

Nuclear risk reduction can be pursued at any point in a conflict cycle. Such efforts begin with crises forecasting and analysis, continue with efforts to prevent or avoid unintentional development of crises, and with efforts to monitor crises that do develop, and ultimately include efforts to respond to or manage crises in ways that avoid their becoming nuclear conflicts. This memorandum considers nuclear conflict risk

Footnotes at end of article.

reduction efforts at each stage of the conflict cycle.[3]

II. RISK REDUCTION AND THE CONFLICT CYCLE

A. Crisis Forecasting

The United States needs to be able to identify situations that might develop into (1) crises or conflicts leading to direct superpower confrontation or conflict, and (2) crises or conflicts that might lead indirectly to nuclear escalation. Crisis forecasting requires effective intelligence gathering, assimilation, analysis, coordination, as well as computer modeling and simulations, gaming exercises, and crisis/conflict data-base development, for example. Various federal departments, agencies, and military services devote some effort to crisis forecasting, but we are unable to determine from unclassified sources whether crisis forecasting in the Executive Branch meets the need, whether it is coordinated effectively (e.g., at the National Security Council level or within the intelligence community), and whether information and analyses reach to decisionmakers in time for crisis prevention and control decisions. Not only is the quality of forecasting at issue, but also whether such forecasts are used in the policy making process to: anticipate problems and perhaps resolve them before they occur, develop contingency plan, identify and correct areas where there ae inadequate technological capabilities and ineffective operational procedures for dealing with potential crises, and assess potential reactions of adversaries to crises and develop possible responses that would best meet U.S. objectives without unduely risking crisis escalation.

Presumably, much of the effort of the U.S. intelligence community and of the Joint Chiefs of Staff is dedicated to such forecasting activities. The pervasive, largely understandable classification of those activities precludes evaluation of their adequacy in this memorandum.

B. Crisis Prevention and Avoidance

Crisis prevention requires an ability to identify a potential crisis or conflict, reduce pressures causing such crises or conflict, and to be able, if so desired, to signal to other parties an intent to avoid crisis or conflict. Some of the more important areas of crisis prevention activities that the United States pursues, for example, include efforts to: avoid accidental nuclear war, prevent the further spread of nuclear weapons to other countries, improve arms control verification, and develop confidence-building measures and military operating procedures to avert unintentional superpower conflict, for example.

Each of these four areas is examined below.

1. Accidential Nuclear War.

There are many ways in which a nuclear war or crisis might develop. One way that analysts seem to be especially concerned about (because it suggests the inability to control circumstances) is accidential war, which might result from circumstances and events that include:

a. Nuclear terrorism. It is important that efforts be taken to protect against theft of nuclear materials and weapons and sabotage of nuclear weapons related facilities, and to prevent black or gray markets from developing in nuclear equipment and materials for clandestine nuclear weapon development. Nuclear terrorism might precipitate U.S.-Soviet confrontation, especially if either side believes the other guilty of complicity. There is considerable U.S. research and activity in this area,[4] but there is concern raised in public forums as to confidence in the U.S. ability to prevent terrorists from getting or making atom bombs or sabotaging nuclear power plants or weapons facilities.[5]

b. Accidental launches or unauthorized release of nuclear weapons. Since the beginning of the nuclear age, there has been concern that an accidental launch of a nuclear weapon could trigger a full-scale nuclear war. Over the years, some agreements have been put into place by the United States and the Soviet Union regarding procedures in such a situation.[6] There is also a technical fail-safe system known as PALs (Permissive Action Links) that the United States uses on ICBMs and B-52 strategic bombers to prevent arming of nuclear weapon without proper authorization. Such a system is not used on strategic nuclear submarines on grounds that other precautions and procedures are adequate.[7] Apparently, the B-1 strategic nuclear bomber will not have a PALs system because of cost considerations.[8] There is little discussion of such systems for use on intermediate-range nuclear forces, such as Pershing II missiles, cruise missiles, and fighter bombers.

c. False alarms of nuclear attacks. Accurate and reliable early warning systems have been a top priority over recent years because a false alarm might trigger the inadvertent launching of nuclear weapons. Debate still continues over whether the system of safeguards in place today in peacetime will be reliable during crises when those safeguards might be removed.[9]

d. Third party nuclear attacks. Although both sides can pinpoint nuclear explosions, it is not clear that the United States or the Soviet Union has the technical capability to determine the origin of a detonated nuclear device in a timely and conclusive manner [10] before such an event could trigger unwanted nuclear escalation. Both powers presumably have a strong interest in possessing the means to find the origin of a detonated nuclear device. To help prevent third party nuclear attacks, it would be important to develop a capability to track transportation of weapons grade nuclear materials, especially by remote sensing for potential clandestine weapon transport.[11] The development of such a capability may not be technically feasible at this time, but it seems to warrant attention.

2. Nuclear Non-Proliferation.

Preventing the spread of nuclear weapons to other countries or parties has for a number of years been a serious focus of U.S. nuclear risk reduction efforts. It is a problem in which the Soviets share our concerns and have in some measure cooperated with our efforts. There has been much concern for many years that in future regional crises, other nations might be less inhibited from using nuclear weapons against each other to resolve problems and that the United States and Soviet Union could be drawn into the conflict.[12] Both superpowers have engaged in a variety of unilateral, bilateral, and multilateral efforts to prevent additional proliferation of nuclear weapons.

A potentially important means available to limit proliferation is the International Atomic Energy Agency (IAEA), which inspects nuclear materials in non-weapons states to certify that none is diverted to nuclear weapons. This safeguard system in effect audits accounts for fissile materials and reports unresolved discrepencies. Its major problem is that most so-called problem countries do not accept the IAEA safeguards for all of their nuclear facilities. The Non-Proliferation Treaty (NPT) is a multilateral arms control regime with over 130 participating nations that seek to minimize incentives for nuclear weapons development. The United States strongly supports these efforts to curtail nuclear proliferation.

The limits of these multilateral efforts has led the United States to work extensively on bilateral efforts to control nuclear proliferation. There is considerable attention paid to nonproliferation in the Department of Energy [13] and the intelligence community. The United States undertakes remote sensing of clandestine facilities for production of fissile materials for weapons production and surveillance of construction activities and mining operations. It uses these monitoring efforts in conjunction with technology transfer controls and aid policies to discourage other countries from acquiring and using nuclear weapon technologies.

3. Arms Control Verification.

One component of strategic stability is arms control stability, which can be described as the absence of surprise technological breakthroughs that could be translated into military advantages by one side or the other. If such advantages were obtained by the USSR and were coincidental with a major crisis, the United States could be limited in its ability to pursue crisis control favorable to the United States. It is therefore important to have the capability to monitor treaty compliance and advanced weapons development programs in other countries. This is in fact a major intelligence community effort. Some of this work is even conducted within the Department of Energy (Verification and Control Technology Program). DoE seeks to pursue advanced research and development projects for detection and verification and export control purposes, and provides for some analytical support.[14]

4. Confidence-Building Measures and Military Operating Procedures.

Additional crisis prevention efforts seek to prevent crises or conflicts from occuring, or to control them if they do occur. Some of these in the area of arms control include confidence-building measures and other agreements that serve to build confidence and decrease tensions.[15] The are also a variety of military operating procedures that are designed to prevent serious military incidents from occuring (or if they occur, to keep them from escalating), because such incidents could lead to direct U.S.-Soviet confrontation.

Research conducted for this memorandum indicates that these crisis prevention capabilities are not coordinated or centrally managed within the government. It appears that these activities are largely conducted in relative isolation from each other. This has lead some to believe that existing crisis prevention capabilities are inadequate and to suggest the need for additional measures. For example, there is interest in establishing joint U.S.-Soviet nuclear risk reduction centers, which might play a key role in crisis prevention and possibly a role in enhancing crisis management. This idea has been supported by Congress [16] and is now a topic of negotiation with the Soviet Union. Advocates suggest that nuclear risk reduction centers might do several things: [17] identify, negotiate, and implement additional institutional and procedural arrangements intended to reduce the risks of nuclear war; create a buffer around nuclear risk prevention measures and protect them from the ups and downs of U.S.-Soviet relations; pro-

vide more latitude to national leaders during crises; provide a means of instant communications among technical experts in the event of unusual contingencies; provide a mechanism for training skilled interagency crisis prevention teams; and reassure publics in both nations and in other countries that the two powers are acting to reduce the risk of nuclear war.

Critics of a nuclear risk reduction center make several arguments. For example, these centers, it is argued, may give the Soviets opportunities to spread disinformation (especially in time of crisis), provide the Soviets with opportunities to gain intelligence information, create a redundant and potentially confusing channel of communication, and raise allied concern that they have no role to play in crisis prevention or management.

An additional crisis prevention idea is sponsorship of joint crisis gaming events with the Soviet Union (perhaps initially on a nonofficial basis). The purpose would be to facilitate mutual understanding of each side's approach to crisis prevention and management.[18]

C. Crisis and Conflict Monitoring

It is important that accurate, real-time intelligence information be available to analysts and decisionmakers as soon as a crisis or conflict begins to unfold. Such information is critical to support crisis management decisions. Much of the U.S. intelligence-gathering capability is directed toward the Soviet Union and its forces around the world; it also seems important that the United States have the ability to closely monitor regions where U.S. and Soviet confrontation might develop as a result of local crisis and conflicts. At the unclassified level, it cannot be said how well crisis and conflict monitoring capabilities are coordinated or how effective and time-responsive they are.

Additional crisis monitoring capabilities have been suggested. For example, at the United Nations and elsewhere, some have suggested the need for an international crisis monitoring satellite.[19] This idea might be explored by the United States to provide its allies (perhaps through a jointly funded program) with independent crisis monitoring technologies, or the idea might be considered for much broader international use and control.

D. Crisis Management and Response

Crisis management requires the ability to evaluate intelligence information quickly and accurately, provide effective coordination within the bureaucracy and the decisionmaking structure for that particular crisis, explore alternatives and implications, and communicate to U.S forces, and through diplomatic channels to others. Crisis management therefore encompases a range of political, military, and technical capabilities for responding in a deliberate way to crisis and conflicts. Measures to facilitate crisis management might include, for example: simulations and training programs for decisionmakers; information-processing aids to improve the speed of information usage and quality of analysis; computer-aided language translation; computer models and expert systems coupled with sophisticated data bases to enhance decisionmaking capabilities (and perhaps provide rapid, cost effective and risk-free analyses of extremely complex scenarios and options); fail-safe strategic C³; well-established diplomatic and military channels designed to enhance crisis management; and well-established channels of access into the academic community, which might provide alternative views and analyses.

Many of these are the focus of various programs and other efforts in the government. Many of them are classified, so it is difficult to say how well such crisis management efforts are coordinated and how effective they are in terms of being able to deal with a variety of crises and conflict termination.

III. THE STRATEGIC C³ PROGRAM: A MODEL FOR NUCLEAR RISK REDUCTIONS?

In some respects, the strategic C³I (command, control, communications, and intelligence) program might serve as a model for consolidating all federal crisis control and nuclear risk reduction activities. This program, which is centrally managed and aims to identify and resolve problems across the spectrum of crisis and conflict, is given high priority attention.[20] Strategic C³I policy objectives seek to enhance crisis control capabilities by:[21]

(1) providing attack warning and assessment (to provide an unambiguous basis for determining the nature of an attack or potential threat);

(2) supporting command decisionmaking (to be able to take whatever actions might be needed for defense or force employment);

(3) providing communications support (to convey attack warning information to decisionmakers for use by the National Command Authority, convey orders, report results, control escalation, and bring a conflict to an end).

The program emphasizes the need for reliable, endurable, and survivable execution of these objectives in peacetime, during crisis and conventional war, during possible transition to nuclear war, and through a period of possibly extended nuclear conflict, to termination.[22]

IV. OBSERVATIONS

There are diverse efforts within the federal government to reduce the risks of nuclear war. Based upon our research of such nuclear risk reduction activities, the following observations can be made.

(1) Research indicates there is no centralized government locus for coordination and oversight of the broad range of nuclear risk reduction activities. This observation is supported by a private group of government and academic experts, who concluded that despite an overriding interest in avoiding nuclear war the United States has no single entity dedicated to build on this interest by developing the means of reducing nuclear risks.[23] (The possible exception is the strategic C³ program as mentioned above.) Such an effort to develop the centralized capabilities to prepare for possible crisis and control or manage them if they occur, or to at least be able to make deliberate choices during crises and conflicts, may or may not be desirable or necessary, but it is not certain whether this issue has been thought through in a concerted manner by the Executive Branch or Congress.

(2) If the lack of a central crisis control facility is not an illusion created by secrecy, and much of the nuclear risk reduction activities are performed independently, it raises questions about the extent to which the United States government is capable of crisis forecasting and crisis prevention. It might further raise a number of questions as to how well intelligence and analytical support can be used by decisionmakers when it is most needed, for example.

(3) If U.S. nuclear risk reduction activities are for the most part conducted on an ad hoc basis, questions arise about the ability of the United States to deal with potential nuclear terrorist incidents and third party nuclear crises. While rudimentary mechanisms are in place for U.S.-Soviet cooperation in this area, there is no practical experience to suggest how and whether such cooperation would occur, or even be desirable in an incident that risks nuclear conflict, and whether existing obstacles could be overcome in the heat of a crisis.

V. OPTIONS FOR CONGRESS

In light of the above findings and in response to your inquiry, the following options appear reasonable for legislative consideration. Where legislative action in the form of an amendment might be pursued depends in part upon germaneness to a particular bill or section in a bill.

(1) Report to Congress on Reducing the Risk of Nuclear War

A reporting requirement could be offered that builds on the report on crisis control measures required in the FY 1986 ACDA Authorization bill.[24] Some have criticized the Administration's subsequent response [25] as inadequate. A new reporting requirement could be viewed as evolving from the one last year.

In that there is no single locus within the Executive Branch for effectively examining the range of nuclear risk reduction capabilities and exploring the need across the board for improved crisis forecasting, crisis prevention, crisis monitoring, and crisis management to reduce the risk of nuclear war, Congress might require that the Department of Defense or GAO, in coordination with other appropriate agencies, submit a report next year that:

(1) examines unilateral U.S. capabilities across the board for dealing with the problem of crisis escalation control; and

(2) examines the need for a centralized mechanism for monitoring the development of U.S. capabilities as they pertain specifically to nuclear risk reduction across the spectrum of conflict.

The report could include recommendations for congressional action.

The purpose of this report would be to focus Executive Branch attention on the issue, identify potential problems, and thus possibly serve a catalytic role for legislative-executive interaction on the issue.

(2) Sense of Congress Support for Nuclear Risk Reduction Center (NRRC)

This amendment could build on prior congressional support for nuclear risk reduction centers, as expressed in Sense of Congress legislation in the FY 1985 DoD Authorization bill,[26] to encourage U.S.-Soviet cooperation in nuclear crisis prevention.

Congress might further support the concept of a Nuclear Risk Reduction Center and commend the President's willingness to conduct negotiations toward agreement with the Soviet Union pertaining to such centers. Based on the observation that there is no government locus for coordination and oversight of nuclear risk reduction activities, and in anticipation of an agreement establishing an NRRC, an amendment might be offered that states the sense of Congress that an NRRC should be given responsibility for ongoing assessment of all nuclear risk reduction activities, to serve as the locus of such federal activities, and to submit an annual report to Congress detailing areas in need of congressional legislation and support.

Such an amendment could do several things: (1) show congressional intention

that an NRRC should be taken seriously by the Administration and given commensurate responsibilities from the outset before an agreement is formalized; (2) avoid forcing the Administration to decide prematurely what an NRRC should be or where it should fit in the bureaucracy; (3) avoid premature preoccupation with the detailed responsibilities of an NRRC (such an amendment only recommends that a center be given key responsibilities and ensured bureaucratic continuity); and (4) provide Congress a base for additional requirements next year if necessary.

(3) Hearings on Nuclear Risk Reduction

Hearings were held by the Senate Armed Services Committee two years ago on nuclear risk reduction.[27] Since that time, much has happened in terms of movement toward establishing an institution dedicated solely to reducing the risks of nuclear war. A new round of hearings could follow a U.S.-Soviet agreement establishing a NRRC. These hearings could focus on the NRRC, on nuclear risk reduction more broadly, on exploring the possible development of an international crisis monitoring satellite, or other crisis prevention measures, for example.

(4) Report on Multilateral Crisis Management Satellite

This option is more technical in nature, even though it is in essence a reporting requirement. There has been no congressional attention paid to this idea in recent years.

Some might suggest that Congress support the goal that other countries obtain or develop capabilities to deal effectively with crises, particularly with respect to those countries and regions wherein nuclear escalation might occur as a result of a clash of superpower interests. An independent satellite reconnaissance capability, which could be controlled by a multilateral political organization, for example, might be important for reducing the risk of nuclear war. Such a program, it is argued, could be pursued with allied governmental and industrial cooperation, for example. Congress might therefore seek to require that the Administration explore with its key allies and industry this concept's feasibility and desirability and make recommendations to Congress at the time the FY 1988 Department of Defense budget is submitted. This could also be the topic of an OTA report.

(5) Funding for Crisis Forecasting and Crisis Prevention Research

A final option that Congress might consider calls for earmarking funding in the DoD authorization bill of $10 million, for example, to begin exploratory research conducted initially under the auspices of DARPA to develop a computer data base and analytical support for the National Security Council or NRRC in the areas of crisis and conflict forecasting and crisis prevention. This amendment might be included in the Defense Agencies, RDT&E budget, keyed to DARPA's budget. A principal disadvantage of this approach at this time is that such an amendment would require additional funding in an era of fiscal austerity.

FOOTNOTES

[1] These activities include, for example, strategic deterrent and nuclear forces structure, foreign policy commitments and alliance relationships, diplomacy, and arms control measures. Many would argue that these are the most critical for reducing the risks of nuclear war.

[2] These activities include, for example, intelligence-gathering satellite technologies, arms control verification programs, and crisis training for the national leadership.

[3] Not everyone would agree that it is desirable to have the capability to control crises in order to reduce the risks of nuclear war. Some would argue that control implies a willingness to use or, at a minimum, consider entering crises despite the risks of possible nuclear escalation. Having such capabilities, it is argued, encourages "brinksmanship" and breaks down existing psychological barriers to risk taking in crises where nuclear conflict might occur. Still others believe that it is impractical (and costly) to seek such capabilities because crises involving nuclear weapons could not be controlled. This memorandum acknowledges that debate, but assumes for purposes of analysis that nuclear risk reduction capabilities bear thoughtful examination.

[4] Some of the nuclear weapons physical security work is conducted by the Defense Nuclear Agency (under their Technology Base Activity) to develop plans, development programs, and techniques for physical security of nuclear weapons in Europe. Within the Department of Energy, there is a Nuclear Safeguards and Security program (about $60-70 million per year) to develop measures to assure adequate protection of DoE's nuclear weapons, nuclear materials and facilities, provide safeguards technical support for U.S. and international activities, and track nuclear material shipments. DoE uses a nuclear materials accountancy approach (with advanced measurement instrumentation) to protect against theft, diversion, or sabotage.

[5] This was a major concern of the Nunn-Warner working group on Nuclear Risk Reduction, November 1983. See Nuclear Risk Reduction, Hearings, Senate Committee on Foreign Relations, April 4, 1984, pp. 31-32.

[6] For example, the 1971 Nuclear Accidents Agreement and the 1985 Standing Consultative Commission Memorandum of Agreement regarding accidental launch notification procedures.

[7] See Report to Congress on Measures for Enhancing Crisis Stability and Crisis Control, April 22, 1986, p. 3-4.

[8] See Washington Post, September 14, 1985, p. A1.

[9] See, Our Nation's Nuclear Warning System: Will It Work When We Need It?, Hearings, House Subcommittee on Legislation and National Security, September 26, 1985.

[10] The new IONDS (Integrated Operational Nuclear Detonation Detection System) to be placed on U.S. satellites is desiged to provide the United States with the capability to determine the location of a nuclear detonation. If a detonation occurred without prior warning (e.g., if no missile early warning were registered or no other warning occurred), it could be very difficult if not impossible to verify who was responsible for the detonation.

[11] These materials are highly enriched uranium (i.e., 90% or more U-235) and high quality plutonium. U.S. and Soviet nuclear weapons are clad in materials that makes it very difficult to detect their presence unless in close proximity. The nuclear devices that might be constructed by other parties might not be as sophisticated and the task of detecting their presence over larger distances might not be as difficult.

[12] See, for example, Rodney Jones and Steven Hildreth, Modern Weapons and Third World Powers (Boulder, CO: Westview Press, 1984), pp. 74-80.

[13] Primarily in two areas: Nuclear Safeguards and Security and the Verification and Control Technology Program.

[14] This program is authorized at about $100 million per year and focuses on four main areas: (1) advanced technology weapon detection and characterization; (2) arms control compliance technology for treaty verification and other monitoring requirements; (3) analyses of foreign nuclear weapons and weapons material data; and (4) improvement of DoE's capability to assess potential terrorist activities against nuclear facilities and programs.

[15] For example, some U.S.-Soviet Confidence-Building Measures (CBMs) or other agreements, strive to restrict various military activities (e.g., Limited Test Ban Treaty, Non-Proliferation Treaty, ABM Treaty, SALT Agreements, Incidents at Sea Agreement, and Outer Space Treaty). Other CBMs and agreements seek to provide for informational exchanges (e.g., Hot Line Agreement, Nuclear Accident Agreement, Prevention of Nuclear War Agreement). See William Lynn, "Confidence-Building Measures," in Barry Blechman (ed) Preventing Nuclear War: A Realistic Approach (Bloomington, IN: Indiana University Press, 1985), pp. 24-52.

[16] In the FY 1985 DoD Authorization bill, PL 98-525.

[17] These were the conclusions of government and academic experts. See Barry Blechman and Michael Krepon, Nuclear Risk Reduction Centers, Significant Issues Series, Vol. 8, No. 1 (Washington, DC: Georgetown University, Center for Strategic and International Studies, 1986).

[18] This was a recommendation of a study group chaired by Senators Jake Garn and Daniel Inouye, and Robert Kupperman. See Opportunities for Crisis Control in a Nuclear Age (Washington, DC: Georgetown University CSIS, October 1985), p. 42.

[19] This idea is not new. See K. Tsipis and M. Callaham, Crisis Management Satellite: Progress Report of Study Group (Program is Science and Technology for International Security, Massachusetts Institute of Technology, Report No. 3, September 1978); Bhupendra Jasani (ed). Outer Space: A New Dimension of the Arms Race (London: Taylor and Francis, 1982); and The Implications of Establishing an International Satellite Monitoring Agency, (New York: United Nations, 1983).

[20] It is centralized under the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence, who seeks to ensure consistency of DoD policy development in this area, and provide resource management and program evaluation, as Congress has directed. The strategic C31 program has been a high priority concern of the Reagan Administration and Congress. See Message from the President of the United States Transmitting Information Concerning his Intentions with Regard to Reductions in the Defense Budget to the Congress, June 3, 1986, House Document No. 99-230.

[21] Statement of Donald C. Latham, Assistant Secretary of Defense (Command, Control, Communications, and Intelligence), Hearings, Senate Armed Services Committee, May 1985, pp. 3898-3900.

[22] Ibid.

[23] This finding is raised in the context of both superpowers having this interest, yet neither having an institution dedicated to developing the means of reducing nuclear risks. For their study's results, see Blechman and Krepon, Nuclear Risk Reduction Centers, p. 1.

[24] Arms Control and Disarmament Act, FY 1986, PL 99-93 [H.R. 2068], Sec. 706, "Study of Measures to Enhance Crisis Stability and Control," approved August 16, 1985.

[25] Department of State and Arms Control and Disarmament Agency, Report to Congress on Measures for Enhancing Crisis Stability and Crisis Control, April 22, 1986.

[26] Department of Defense Authorization FY 1985, PL 98-525, Sec. 1108, October 19, 1984.

[27] Nuclear Risk Reduction, Senate Foreign Relations Committee, April 4, 1984.

Mr. DICKINSON. Mr. Chairman, if the gentleman does not insist on discussing his amendment, we will not discuss it over here.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from North Dakota [Mr. DORGAN], as modified.

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment made in order is amendment No. 113, which was previously adopted.

Mr. ASPIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. NATCHER] having assumed the chair, Mr. RUSSO, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for work-

ing capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, had come no resolution thereon.

DIRECTING THE CLERK TO MAKE A CORRECTION IN ENROLLMENT OF H.R. 4883, ADMIRALTY ISLAND LAND EXCHANGE ACT OF 1986

Mr. SEIBERLING. Mr. Speaker, I send to the desk a concurrent resolution (H. Con. Res. 383) directing the Clerk of the House of Representatives to make a correction in the enrollment of the bill H.R. 4883, and ask unanimous consent for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 383

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 4883), to provide options for land exchanges involving lands on Admiralty Island, Alaska, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

1. In section 2(c), change the last sentence to read as follows: "The acreages and road mileages cited in this Act are approximate, and in the event of discrepancies between cited acreages or road mileages and the lands or roads depicted on referenced maps, the maps shall control, but such maps shall not be construed as attempts by the United States to convey State or private lands.".

2. In section 3, paragraph numbered (5) change "of approximately" to "not to exceed".

3. In section 7, add the following new subsection:

"(d) ROAD ACCESS.—After issuance of an interim conveyance to Shee Atika for the Bay of Pillars Lands, the Secretary, upon application from Shee Atika, shall exercise the Secretary's existing authority to grant Shee Atika, without consideration, a permit to build, maintain, and use a road across National Forest lands to provide access from the existing road system on Kuiu Island to the portion of the Bay of Pillars Lands located south of the Bay of Pillars. The Secretary, in consultation with Shee Atika, shall determine the route for such a road and shall permit its construction, maintenance, and use in accordance with reasonable conditions for the protection of the fish and wildlife and other values of the Tongass National Forest, and subject to free public use for access to the Federal lands traversed by such road.".

4. In section 8(a)(1) strike "(except as occurring under a contract in existence on May 21, 1986)" in the first sentence.

5. In section 8(c), redesignate paragraphs "(A)" and "(B)" as paragraphs "(1)" and "(2)", respectively.

6. In section 15, add the following new subsection: "(d) DEDUCTION—If Shee Atika accepts the offer contained in section 3, the first installment of the payment specified in section 3(6) shall be reduced as follows:

(1) by an amount the Secretary determines to be equal to the net receipts to Shee Atika (after payment of costs of timber harvesting and related activities) resulting from timber harvesting occurring on the Cube Cove lands after August 14, 1986, under a contract in effect on May 21, 1986; and

(2) by an additional amount the Secretary determines to be equal to the net receipts to Shee Atika (after payment of costs of timber harvesting and related activities) resulting from any timber harvesting occurring on the Cube Cove lands under a contract entered into after May 21, 1986 but prior to August 14, 1986; and

(3) by an amount the Secretary determines to be equal either to the gross receipts realized by Shee Atika from the harvest of timber on the Cube Cove lands occurring after August 14, 1986 under a contract entered into after such date, or to the export value as of August 14, 1986 of the volume of timber harvested from such lands after such date under a contract entered into after such date, whichever is greater.".

7. In section 17(d)(2), at the end of the last sentence, before the quotation marks insert the following: "No lands on Back Island shall be conveyed out of federal ownership pursuant to this subparagraph unless the Secretary of the Navy and the Secretary of Agriculture both concur in such transfer. Nothing in this subparagraph shall be construed as permitting the transfer out of federal ownership of any federal lands within a conservation system unit or of any lands subject to a lease issued pursuant to section 9 of the Admiralty Island Land Exchange Act of 1986.".

Mr. SEIBERLING (during the reading). Mr. Speaker, I ask unanimous consent that the concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Ohio?

Mr WALKER. Mr. Speaker, reserving the right to object, I do so to inquire of the gentleman from Ohio, it is my understanding that this bill has been cleared by the ranking minority member the gentleman from Alaska [Mr. YOUNG]; is that correct?

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, the gentleman is correct.

Mr. Speaker, this resolution is intended to tie down a few loose ends in the Admiralty Island Land Exchange Act of 1986, which the House passed on Monday of this week.

The purpose is to save some money for the taxpayers, and to correct some deficiencies. It has been worked out on bipartisan basis. I urge its adoption and ask unanimous consent to revise and extend my remarks.

The effect of the resolution would be, first, to make a few technical and conforming changes.

Second, it would make explicit that the Secretary of Agriculture is to permit the Shee Atika Native Corporation to build a road across national forest lands so that they will have access to their lands on the south side of the Bay of Pillars, should Shee Atika accept the bill's offer to transfer those lands to them in exchange for their lands on Admiralty Island.

Third, it would provide that the cash component of the offer to Shee Atika would be reduced as necessary to reflect reductions in the value of the lands to be acquired by the United States under the bill as the result of timber harvesting subsequent to the present date.

The result would be that the United States would deduct from the funds otherwise payable to Shee Atika an amount equal to the sum of the following: First, the net receipts to Shee Atika—after payment of costs of timber harvesting and directly related activities—resulting from timber harvesting on the Admiralty Island lands after today under a contract in existence on May 21, 1986; second, the net receipts to Shee Atika, similarly defined, resulting from timber harvest on the Cube Cove lands under an existing contract entered into after May 21, 1986, if any; and, finally, either the gross receipts; that is, the total amounts, with no deductions, realized by Shee Atika from timber harvesting on the Admiralty Island lands after today under a contract entered into after today or the export value, as of August 15, 1986, of the volume of timber harvested from those lands after today under a contract entered into after today, whichever is greater.

Finally, it would make it clear that no lands on Black Island will be conveyed out of Federal ownership without the concurrence of the Secretary of the Navy and that nothing in the bill permits transfer out of Federal ownership of lands in a conservation system unit or of the lands which may be leased under section 9 of the bill.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. VISCLOSKY). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

NAVAJO-HOPI LAND DISPUTE

The SPEAKER pro tempore (Mr. VISCLOSKY). Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, I have been involved in the Navajo-Hopi land dispute now for nearly 15 years. I

know you are aware of how frustrating and emotionally draining this dispute has become.

The Native Americans who are ultimately the subject of this dispute are equally frustrated, and I recently came across an editorial that appeared in the July 10, 1986, edition of the Navajo Times, which addresses part of that frustration

The editorial discusses a critical facet of this dispute—the role of non-Hopi and non-Navajo people who have involved themselves in this issue. This editorial deserves a wide audience, and I am submitting it here today for the benefit of all the Members of this House.

[Editorial from the Navajo Times, July 10, 1986]

COOLING OFF SUMMER

A long hot summer was a 1960s phrase that suggested hot temperatures combined with social unrest was a formula for violence.

Now, on Navajo and Hopi lands there is the possibility of a long hot summer: a summer where danger increases daily because of an impasse over land and people.

The potential violence, moreover, is increased by groups of non-Navajos, and non-Hopis, who don't understand the dispute at all. Indeed, if the words of the leaders of the American Indian Movement were taken at face value, a listener would have to conclude there was no intertribal dispute at all.

There is a dispute—and it does involve both tribes.

The outside groups are quick to point out a conspiracy involving energy companies. Sorry, that's the wrong line too. It's quite true that energy interests are involved in some of the land dispute areas, but it's also true that both tribes—when the time is right for them—will develop energy resources to benefit the majority of their tribal members. That is what self-government is all about.

The land dispute, then, for energy purposes is irrelevant.

Another example of propaganda comes from Big Mountain. True or False:

Big Mountain is home to the bulk of Navajo resisters fighting relocation. It's where traditions are strongest.

False. Big Mountain, for what ever reason, has captured the heart of resistance but it is neither the largest community facing relocation nor the most traditional.

Indeed, one major newspaper reported that Big Mountain was an Indian reservation in its own right.

The propaganda has been flowing freely from the so-called support groups and too many in the media are addicted. These groups are composed of people who fight apartheid, oppose Contras and save the whales. It's a mix and match of political zealots of all stripes.

The support groups came for July 6. July 6, however, came and went without the forced-march removal of 10,000 Navajos. The support group's own propaganda is now bogged down. The war of words—sooner or later—will need another hook, another July 6.

Fortunately, we don't think there is another July 6-type hook.

There is a way, though; to cool the long summer. We think it's time that the Navajo and Hopi tribes jointly take steps to encourage outside groups to go home. The land dispute will not be solved unless it's a solution negotiated between the Navajo and Hopi nations.

The support groups should find a whale to save and move on.

TRIBUTE TO HON. BERKLEY BEDELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. WEISS], is recognized for 5 minutes.

Mr. WEISS. Mr. Speaker, It is with regret that I bid goodbye to my good friend, BERKLEY BEDELL.

Throughout his 12 years in this House, BERKLEY BEDELL has established himself as an effective legislator, an honorable politician, and most notably, a sincere gentleman.

BERKLEY BEDELL believes in good government and in respecting the views of Members with whom he disagrees. He is a man of principle, not one to join the crowd just to get along. I deeply respect his integrity and value his friendship.

As a member of the Agriculture Committee, his efforts in behalf of the farmers in his home State of Iowa, and thoughout the country, will not be forgotten. And as a member of the Committee on Small Business, we will not soon forget his ardent, timely crusade to open the Pentagon's wasteful and abusive spare parts procurement system to small businesses.

His commitment to the local interests of the people in his district has been unmatched in this House, but it was his leadership on the issue of peace that won the respect of this New Yorker.

Through careful study and reasoned debate, he has become not only an advocate for peace, but one of its most articulate and effective champions in this House. His is the voice of the heartland on the most pressing issue of the day.

BERKLEY BEDELL's most recent victory, passage of House Joint Resolution 3, which calls upon the President to support a comprehensive test ban treaty with the Soviet Union, was merely the most visible example for his sincere passion for peace and reason.

He has served as a member of the executive board and treasurer of Parliamentarians for Global Action, an international organization of legislators devoted to promoting arms control and development reforms. He has also been instrumental in prompting the Five Continent Peace Initiative—an attempt by the leaders of Argentina, Mexico, Sweden, India, Tanzania, and Greece to facilitiate an arms control agreement among nuclear powers.

His commitment and sincerity on these matters and others have clearly not been lost to the people of Iowa's Sixth District. This mostly Republican district, which has solidly supported Ronald Reagan, has also awarded BERKLEY BEDELL with more than 60 percent of its votes.

BERKLEY BEDELL is a rare Member of Congress. His service will be missed not only by his constituents back home in Iowa, but by the Nation as a whole. I wish BERKLEY and his lovely wife, Elinor, happy and fruitful days and especially the opportunity to relax with and to enjoy their children and grandchildren.

BERKLEY BEDELL it has been a privilege serving with you.

SOVIET DAY OF SHAME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, August 21 marks yet another sad anniversary of the unprovoked and unjustified invasion of Czechoslovakia by the Soviet Union. On this day of shame, 18 years ago, Soviet military forces crossed over the borders of the peaceful nation of Czechoslovakia, crushing the reform-minded government of Alexander Dubcek, and attempting to suppress the efforts by citizens in the country to obtain freedom and liberty.

The people of Czechoslovakia will again commemorate August 21 as a day of Soviet shame, as well as Americans who trace their ancestry to this captive nation. None of us as Americans must ever forget that a system of monstrous barbarity still rules in this country, and that all of us must continue our support for the Czechoslovak people in their just aspirations to achieve self-determination and human dignity.

At this point in the RECORD, I would like to share with my colleages excerpts from a statement on this tragic event which was prepared by the Czechoslovak National Council of America. The excerpts follow:

WHY CZECHOSLOVAKIA HAUNTS US TODAY

Note the date, August 21, 1968. On this day, Czechoslovakia was invaded by the combined military strength of the Warsaw Pact Armies.

Eighteen years have passed and Czechoslovakia is still occupied by the Soviet army, ruled from the Kremlin by Moscow's stooges. Although "normalization"—Soviet style—has been accomplished, the Soviets have no intention of keeping their promise to leave the country; their "assistance" was to have been temporary but the Soviet Union intends to remain permanently, otherwise the people of Czechoslovakia might once again, as in 1968, get ideas tainted by democratic aspirations.

Why dwell on things of the past? Because the past is with us constantly; because the past is the future. Therefore, do not push Czechoslovakia aside, no matter how many other problems have arisen since 1968, for what we are living through today and are about to face tomorrow are all the outgrowth of problems we have avoided facing at the time, beginning with Munich. After Czechoslovakia, now there is Afghanistan. Once again the Soviet Union has felt the necessity of giving "brotherly assistance" to the Afghan people, allegedly upon their own request. Exactly the same lies as in the case of Czechoslovakia in 1968.

Kremlin's plans for communist conquest have not been abandoned; they have been strengthened. Younger men with more vigor, trained to perfection, wiser to the ways of the West and seemingly outwardly more reasonable, have been sent by Moscow to Washington to distract the West. Under the guise of cultural exchange and other peaceful expectations, their mission is to blunt our suspicions, undermine our will-

power and soothe our conscience that we are doing well . . .

Americans should know by now that their natural, truest allies are the captive peoples behind the Iron Curtain. They understand their master's mentality, the extent of Soviet deceit and corruption and what it has done to destroy democratic institutions and their way of life. These captives of the Soviet system realize the danger the world is facing today and pray for a strong, more alert and wiser United States of America.

This is why the date of August 21, 1968, the day of Czechoslovakia's disaster, must be in our minds today as a warning to the western world and also as an incentive for us to pursue our course for peace with more vigilance.

Mr. Speaker, on this 18th anniversary of the Soviet Day of Shame, I join with Americans of Czechoslovakian descent in the 11th Congressional District of Illinois which I am honored to represent, and all over this Nation, as we pause to pay tribute to the people of Czechoslovakia who must daily live under the persecution of the Communists, and we join them in their hopes and prayers for once again obtaining a homeland free from the tyranny of their Soviet oppressors.

CONTRA LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. RAY] is recognized for 30 minutes.

Mr. RAY. Mr. Speaker, several weeks have now passed since the House of Representatives adopted the Skelton-Edwards-Ray-Chandler amendment to the military construction bill which provided aid to the Contras in Central America.

On Wednesday, August 13, the Senate passed its version of aid to the Nicaraguan Contras.

Mr. Speaker, I believe that it is worthwhile to remind our colleagues and America that we must keep an eye on this important legislation.

Both the administration and the Congress are heavily involved in year-end legislative activities, and we could easily overlook the progress or lack of progress that is being made as the Contra legislation begins to be implemented.

Those of us who support the legislation did so under certain conditions.

Therefore, it's extremely important that the Congress, as well as American citizens, know what is taking place, what the facts are, and what the rumors are. I would urge the administration to keep the Congress informed!

The conditions which I supported this bill on June 25 were as follows: First, that we broaden our concerns to address the economic problems of Costa Rica, Honduras, Guatemala, and El Salvador.

The reason being that these countries have newly elected democratic governments, and therefore would be able to more strongly resist Marxist influence with stronger economies.

We reprogrammed 300 million dollars to these governments for this purpose, and in doing so, encouraged the full implementation of the Kissenger Commission recommendations for the years ahead. Second, we encouraged that the United Nicaraguan Opposition [UNO] be strengthened and that its leadership be broadened to include credible representatives of the six political parties in Nicaragua.

The reason being that the Contra leaders have always emphasized that they seek a political settlement and not a military settlement.

We concurred that the [FDN] Contras having received considerable bad publicity—hopefully unjustified in the majority of cases—suffered from a poor image.

UNO, an infant organization, has a better image and therefore should be completely in control and responsible for accountability.

The Contras [FDN] should be totally subservient to UNO and civilian control.

Third, the Contra leadership and its military strategy leaves much to be desired.

Its goals must be clearly defined, its leadership broadened, and its military strategy clearly stated.

Mr. Speaker, in summary we know what the U.S. goals are. They are to provide a catalyst for the Nicaraguan people to rise up and to give them hope that a democracy can be resurrected from the repressive Sandinista regime. Subsequently we would hope that free elections would result.

UNO must be an organization in exile with good credentials if this is going to occur.

We must remember that the Sandinistas have been in power for 7 years.

They have made significant progress during this time in instilling the Marxist philosophy in the Nicaraguan society.

The schools, including the Catholic parochial school, are required to teach Marxist philosophy.

This means that 6-year-old children in 1979, now 13 years old, are indoctrined with such a philosophy.

Block captains are in place, closely supervised by security police.

Eleven new prisons have been constructed.

The agriculture system has been dismantled.

The middle class has fled the country.

Soviet and Cuban advisers are involved in the government and military.

The military has grown from 12,000 to 60,000 in 7 years.

So, Mr. Speaker, I believe that it is important that we keep this serious situation before the Congress and before America.

I'm convinced that very few Americans understand or even care about Central America.

We have a responsibility to educate America about the serious concerns that are right off of our door step and the coast of Florida.

The problems of Central America will be around for a long time without our involvement—long enough to create grave problems for America's future.

If our people can understand this serious implication, and if we as a country can encourage Americans to show interest and become responsibly involved, I believe that it will pay dividends for generations to come.

Mr. Speaker, I recently received a letter from the leaders of UNO, messers, Calero, Cruz, and Robelo. I replied to their correspondence, and am including this correspondence for the RECORD.

UNITED NICARAGUAN OPPOSITION,
July 9, 1986.

Hon. RICHARD RAY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN RAY: We wish to express our most sincere appreciation for your support in favor of aid to the Nicaraguan Democratic Resistance, which strengthens even more our commitment to freedom and justice in our country. You may rest assured that we will do our part.

Your vote is important because it will make possible material assistance but more important yet, it has given us the moral and political support which is vital for the success of our struggle. Futhermore, by voting affirmatively, the United States Congress conveyed to the world the determination of the United States of America to foster freedom and justice everywhere.

"The cause of Freedom is the cause of God", may He bless you, your family and this great nation, leader of the Free World.

Sincerely yours,

ADOLFO CALERO.
ARTURO J. CRUZ.
ALFONSO ROBELO.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 7, 1986.

Mr. ADOLFO CALERO,
Mr. ARTURO J. CRUZ,
Mr. ALFONSO ROBELO,
United Nicaraguan Opposition,
Miami, FL.

GENTLEMEN: I want to thank all of you for your thoughtful letter of July 9, in which you jointly expressed appreciation for my support in favor of aid to the United Nicaraguan Opposition.

I concur with you that the "cause of freedom is the cause of God".

I am convinced that the vote of June 25, which gave the Nicaraguan Freedom Fighters a victory, was the correct vote. I was pleased to have contributed to that victory.

Gentlemen, I believe also that the earlier vote of March 20, in which aid to the contras was defeated, was also a victory in disguise, because it caused the Reagan administration to reassess its policy, to review its communication and information practices with the Congress, and to pledge to strengthen its accounting procedures and to make additional commitments. The defeat also appeared to consolidate your own positions and, hopefully, it has caused all of you to focus, as the United States Congress has,

on a three-pronged approach. The three-pronged approach, as I see it, is as follows:

(1) To work to economically strengthen Costa Rica, Honduras, Guatemala, and El Salvador and to discourage any tendencies in these countries toward Marxist philosophies by helping them build a progressive economy.

(2) To encourage UNO to become an organization in exile—with your leadership broadened to include credible representatives of the six political parties in Nicaragua and to provide strict civilian control over the FDN and other contra forces.

(3) To strengthen the military arm of UNO (the contras) and to improve its training, broaden its leadership, and develop a stronger military strategy.

This is the approach that I and certain of my colleagues used to persuade our colleagues and to provide the successful swing vote on June 25.

We are anxious that progress be made in this direction, and, in my opinion, this will be necessary to encourage my colleagues to authorize future funding to continue necessary assistance.

I would ask your indulgence in my following comments.

It is extremely important—and, in my opinion, of the highest priority—that UNO be strengthened as soon as is possible to include credible new leadership to supplement your own leadership—preferably with young people whose credibility is acceptable to the citizens of Nicaragua.

You are all to be commended for the sacrifices and hardship you have jointly endured.

But with UNO there is an opportunity for a new beginning. UNO has a better reputation than does the FDN, because it is an infant organization yet to be proven effective. The FDN, understandably, in order to get where it is today and to hold a resistance movement together, has endured considerable criticism and has been in Nicaragua, in the United States, and in other countries. As a result, the majority of Americans do not know the true story, and the contra organization, as they see it, is not acceptable.

A new beginning is necessary now, and UNO is the vehicle for this new beginning.

Therefore, I along with certain of my colleagues believe that, for accountability and other purposes, UNO should control the funding and run the show and be totally in charge.

I was impressed with the meticulous records of the FDN logistics office and at the base camps. However, I believe that the total responsibility should flow through UNO. Since there has been criticism regarding the mishandling of American aid and other volunteer aid (although unproven), we must be able to set up a system which will refute the future charges which will no doubt be forthcoming.

This can be better accomplished if you gentlemen will move to the background and direct your considerable wisdom from an advisory posture to newer members of UNO—selected very carefully from among credible Nicaraguan citizens representing broad points of view.

While military pressure is necessary, it must be coordinated with the political process in such a way that the masses of Nicaraguan citizens will want to support it. We believe that victory must come through the political process, as you collectively have assured me and others that you also believe.

There must be a catalyst—a light at the end of the tunnel—which citizens can rally to.

Not very many of my colleagues, including myself, believe that there will be a military victory without such a process.

I am your supporter and your friend, and, to continue to support you and a free Nicaragua, I must keep my credibility sound, also.

Sincerely,

RICHARD RAY,
Member of Congress.

□ 2325

HOUSE LEADERSHIP HAS MISSED EVERY SINGLE DEADLINE ON THE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. DIOGUARDI] is recognized for 15 minutes.

Mr. DIOGUARDI. Mr. Speaker, I had a meeting in my office earlier today and was unable to participate in the debate on the debt limit extension. I wanted to speak tonight because what happened on the floor today represents what I have found to be the most frustrating lesson I have learned in my first term here in Congress. The lesson is that the Democrat leadership of this House has placed the interest of their party ahead of the interests of the Nation. Poll after poll shows that the No. 1 issue concerning the American public is the budget deficit. All of us talk about the urgent need to address this issue. However, when it comes time to put your money with your mouth, the House Democrat leadership says "Let's wait until tomorrow."

Mr. Speaker, I'm tired of hearing all this talk about Gramm-Rudman being a failure and we never should have accepted it. The fact of the matter is that more Democrats voted for Gramm-Rudman last November than voted against it. This is your bill and just like all the other tough decisions around here, you have decided to ignore it.

This is not just rhetoric. Last February, confronted with $11.7 billion of automatic cuts on March 1, the gentleman from Pennsylvania [Mr. WALKER], proposed that each committee of the House get together and find the savings to avoid the automatic cuts. Did the House Democrat leadership accept this proposal? No! They voted to take a vacation. Since that time, the House leadership has missed every single deadline on the budget.

You would have thought that we learned a lesson last February; but, today again, when it came to addressing the budget deficit and avoiding almost certain across-the-board cuts, most House Democrats voted to blindly increase the debt limit once again; most House Republicans, including myself, voted against increasing the debt limit unless it was accompanied by an amendment to reduce spending.

I believe there is another reason why the leadership wants to avoid these tough budget choices. The real agenda of the House Democrat leadership is to raise the taxes of the American people. They want to take a vacation and charge it to the taxpayer.

Mr. Speaker, its still not too late to act. We can vote to stay here and do the job we were elected to do by our constituents and not go on vacation. I know the people of Westchester County, NY, would want me here working to reduce the deficit. Sadly, given the record to the House Democrat leadership, I fear it's not going to happen.

I think this is a travesty and a testimonial to the lack of priorities of the House Democrat leadership.

Thank you, Mr. Speaker, I yield back the balance of my time.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. KEMP, for 30 minutes, on August 14.

Mrs. BENTLEY, for 30 minutes, on September 10.

Mrs. BENTLEY, for 30 minutes, on September 11.

Mrs. BENTLEY, for 60 minutes, on September 17.

Mrs. BENTLEY, for 60 minutes, on September 24.

Mrs. BENTLEY, for 60 minutes, on September 16.

Mrs. BENTLEY, for 60 minutes, on September 23.

Mr. DIOGUARDI, for 15 minutes, on August 14.

(The following Members (at the request of Mr. RAY) to revise and extend their remarks and include extraneous material:)

Mr. UDALL, for 5 minutes, today.

Mr. WEISS, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. JEFFORDS, prior to vote on Montgomery amendment, in the Committee of the Whole, today.

Mr. LOWRY of Washington, prior to vote on Montgomery amendment, in the Committee of the Whole, today.

Mr. AUCOIN, to revise and extend his remarks prior to the vote on amendment No. 45, in the Committee of the Whole, today.

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. LIVINGSTON.

Mr. PORTER.

Mr. PARRIS.

Mr. CONTE in two instances.

Mr. DAVIS.

Mr. BLAZ.

Mr. GEKAS.
Mr. SMITH of New Jersey.
Mr. BROOMFIELD in four instances.
Mr. FRENZEL in five instances.
Mr. MCCAIN.
Mr. GILMAN in three instances.
Mr. COURTER.
Mr. KEMP in three instances.
Mr. YOUNG of Alaska.
Mr. CRANE in two instances.
Mr. BEREUTER in two instances.
Mr. MORRISON of Washington.

(The following Members (at the request of Mr. RAY) and to include extraneous matter:)

Mr. COLEMAN of Texas.
Mrs. SCHROEDER.
Mr. HOWARD.
Mr. HAWKINS.
Mr. GRAY of Pennsylvania.
Mr. KOLTER in two instances.
Mr. TORRES.
Mr. GARCIA in three instances.
Mr. GUARINI.
Mr. FAZIO.
Mr. LUNDINE in two instances.
Mr. MILLER of California in two instances.
Mr. JACOBS.
Mr. JENKINS.
Mr. LIPINSKI.
Mr. VENTO.
Mrs. BOXER.
Mr. OBEY.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill and joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 4151. An act to provide enhanced diplomatic security and combat international terrorism, and for other purposes; and

H.J. Res. 683. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Maine Central Railroad Company and Portland Terminal Company labor-management dispute.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and joint resolutions of the House of the following titles:

H.R. 483. For the relief of Edwin Marcos Rios (also known as Marcos Edwin Rios) and Geovanna Rios;

H.R. 850. To modify the boundary of the Humboldt National Forest in the State of Nevada, and for other purposes;

H.R. 1693. For the relief of Enrique Montano Ugarte;

H.R. 1757. For the relief of Leonard Leslie Gambie;

H.R. 1963. To increase the development ceiling at Allegheny Portage Railroad National Historic Site and Johnstown Flood National Memorial in Pennsylvania, and for other purposes, and to provide for the preservation and interpretation of the Johnstown Flood Museum in the Bambria County Library Building, Pennsylvania;

H.R. 3093. For the relief of Juan Ricardo McRaw;

H.R. 3154. For the relief of John Patrick Brady, Ann M. Brady, and Mark P. Brady;

H.R. 3212. To declare that the United States holds certain lands in trust for the Reno Sparks Indian Colony;

H.R. 3323. For the relief of Alexander Lockwood;

H.R. 3365. For the relief of Mountaha Bou-Assali Saad;

H.R. 3556. To provide for the exchange of land for the Cape Henry Memorial site in Fort Story, Virginia;

H.R. 3577. For the relief of Milanie C. Escobal Norman;

H.J. Res. 377. To designate December 5, 1986, as "Walt Disney Recognition Day";

H.J. Res. 529. Designating the week of September 21, 1986, through September 27, 1986, as "Emergency Medical Services Week";

H.J. Res. 630. Designating the College of William and Mary as the official United States representative to the Tercentenary Celebration of the Glorious Revolution to be celebrated jointly in the United States, the Netherlands, and the United Kingdom; and

H.J. Res. 642. To designate the week beginning May 17, 1987, as "National Tourism Week."

ADJOURNMENT

Mr. DIOGUARDI. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 32 minutes p.m.), the House adjourned until tomorrow, Friday, August 15, 1986, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4049. A communication from the President of the United States, transmitting amendments to the request for appropriations for fiscal year 1987, pursuant to 31 U.S.C. 1107 (H. Doc. No. 99-257); to the Committee on Appropriations and ordered to be printed.

4050. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting the selected acquisition reports [SARs] and SAR summary tables for the quarter ending June 30, 1986, pursuant to 10 U.S.C. 139a(b)(1) and (f) (96 Stat. 740); to the Committee on Armed Services.

4051. A letter from the Auditor, District of Columbia, transmitting a report entitled "Follow-up Compliance Audit of the District of Columbia Lottery and Charitable Games Control Board", pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

4052. A letter from the Secretary of Education transmitting final regulations—institutional aid programs—general provisions, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4053. A letter from the Secretary of Education transmitting final regulations—student assistance general provisions, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

4054. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled "EPA Activities and Accomplishments Under the Resource Conservation and Recovery Act: Fiscal Years 1980 to 1985," pursuant to 42 U.S.C. 6915; to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 2127. A bill to establish a United States Boxing Commission, and for other purposes; with an amendment (Rept. 99-791). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5334. A bill to establish Federal programs for the prevention and treatment of drug abuse; with an amendment (Rept. 99-792, Pt. 1). Ordered to be printed.

Mr. CHAPPELL: Committee on Appropriations. H.R. 5438. A bill making appropriations for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes (Rept. 99-793). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FRENZEL:

H.R. 5424. A bill to suspend temporarily the duty on certain plastic sheeting used in the production of water purification system elements; to the Committee on Ways and Means.

By Mr. BONER of Tennessee:

H.R. 5425. A bill to provide financial assistance for programs for the prevention, identification, and treatment of elder abuse, neglect, and exploitation, to establish a National Clearinghouse on Elder Abuse, and for other purposes; jointly, to the Committees on Education and Labor, and Energy and Commerce.

By Mr. GLICKMAN (for himself, Mr. WOLPE, Ms. KAPTUR, Mr. FISH, Mrs. SCHROEDER, and Mr. BRYANT):

H.R. 5426. A bill to amend chapter 11 of title 18, United States Code, to prohibit the President, the Vice President, certain other former Federal civilian and military personnel, and Members of Congress from representing or advising certain foreign entities for a period of 4 years after leaving Government service, and for other purposes; to the Committee on the Judiciary.

By Mr. GUARINI (for himself, Mr. WRIGHT, Mr. RODINO, Mr. RANGEL, Mr. HUGHES, Mr. GILMAN, Mr. GEPHARDT, Mr. SHAW, Mr. SMITH of Florida, and Mr. HUNTER):

H.R. 5427. A bill to establish the President's Media Commission on Drug Abuse; to the Committee on Energy and Commerce.

By Mr. SHUMWAY:

H.R. 5428. A bill to permit endurance and competitive trail rides and foot races in wilderness areas; to the Committee on Interior and Insular Affairs.

By Mr. STOKES:

H.R. 5429. A bill to award a congressional gold medal to Mrs. Ruth Owens in recognition of the late Jesse Owens' humanitarian contributions to athletics, public service, civil rights, and international goodwill; to the Committee on Banking, Finance and Urban Affairs.

By Mr. UDALL:

H.R. 5430. A bill to amend the Gila River Pima/Maricopa Indian community judgment distribution plan; to the Committee on Interior and Insular Affairs.

By Mr. GILMAN (for himself, and Mr. FORD of Michigan):

H.R. 5431. A bill to amend title 5, United States Code, to codify the Congressional Award for Exemplary Public Service Program; to the Committee on Post Office and Civil Service.

By Mr. GREEN:

H.R. 5432. A bill to amend the Food Security Act of 1985 to strengthen the payment limitation provisions with respect to annual farm programs under the Agricultural Act of 1949; to the Committee on Agriculture.

By Mr. KRAMER:

H.R. 5433. A bill to amend the Controlled Substances Act to provide enhanced penalties for distribution of controlled substances to minors or in or near schools; jointly, to the Committees on Energy and Commerce, and the Judiciary.

By Mr. VENTO:

H.R. 5434. A bill to provide for the establishment of the Mississippi National River and Recreation Area, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mrs. VUCANOVICH (for herself and Mr. REID):

H.R. 5435. A bill to authorize the exchange of certain lands in the States of Nevada and Florida; to the Committee on Interior and Insular Affairs.

By Mr. WEBER:

H.R. 5436. A bill to amend the Agricultural Act of 1949 to authorize the Secretary of Agriculture to pay participants in the producer reserve program for wheat and feed grains a storage fee based upon the commercial rate paid by the CCC for storage in the same State; to the Committee on Agriculture.

By Mr. YOUNG of Alaska (for himself, Mr. ARCHER, Mr. MOORE, Mr. TAUZIN, Mr. WILSON, Mr. FIELDS, Mr. SWEENEY, Mr. DELAY, Mr. BARTON of Texas, and Mr. HUCKABY):

H.R. 5437. A bill to encourage the continued exploration and development of domestic energy resources located in hostile areas; to the Committee on Ways and Means.

By Mr. WIRTH (for himself, Mr. RINALDO, Mr. ANDERSON, Mr. ATKINS, Mr. BARNARD, Mr. BATES, Mr. BEDELL, Mrs. BENTLEY, Mr. BEVILL, Mr. BLILEY, Mr. BONIOR of Michigan, Mr. BORSKI, Mr. BOUCHER, Mrs. BOXER, Mr. BRYANT, Mrs. BURTON of California, Mr. BUSTAMANTE, Mr. CARNEY, Mr. CARPER, Mr. CARR, Mr. CHANDLER, Mr. CHAPPIE, Mr. COATS, Mr. COELHO, Mrs. COLLINS, Mr. CONTE, Mr. CONYERS, Mr. COYNE, Mr. CROCKETT, Mr. DASCHLE, Mr. DAUB, Mr. DELLUMS, Mr. DINGELL, Mr. DIXON, Mr. DONNELLY, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DOWDY of Mississippi, Mr. DYMALLY, Mr. DWYER of New Jersey, Mr. DYSON, Mr. ERDREICH, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FRANK, Mr. FROST, Mr. FUQUA, Mr. FUSTER, Mr. GONZALEZ, Mr. GORDON, Mr. GRAY of Illinois, Mr. GRAY of Pennsylvania, Mr. HAMMERSCHMIDT, Mr. HAMILTON, Mr. HANSEN, Mr. HAYES, Mr. HEFNER, Mr. HENRY, Mrs. HOLT, Mr. HORTON, Mr. HUNTER, Mr. JONES of North Carolina, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LANTOS, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LIPINSKI, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCHUGH, Mr. MARKEY, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MATSUI, Mr. MINETA, Mr. MITCHELL, Mr. MOAKLEY, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. MURPHY, Mr. NIELSON of Utah, Ms. OAKAR, Mr. OWENS, Mr. PANETTA, Mr. PASHAYAN, Mr. PEPPER, Mr. PERKINS, Mr. RANGEL, Mr. RAHALL, Mr. REID, Mr. ACKERMAN, Mr. RITTER, Mr. RODINO, Mr. ROE, Mr. ROSE, Mr. ROWLAND of Georgia, Mr. SAVAGE, Mr. SCHEUER, Mr. SIKORSKI, Mr. SMITH of Florida, Mr. SPRATT, Mr. STALLINGS, Mr. STANGELAND, Mr. STOKES, Mr. STUDDS, Mr. SUNIA, Mr. SYNAR, Mr. TALLON, Mr. TAUZIN, Mr. TOWNS, Mr. TORRICELLI, Mr. TRAFICANT, Mr. VALENTINE, Mr. VANDER JAGT, Mr. VENTO, Mr. WAXMAN, Mr. WEAVER, Mr. WEISS, Mr. WOLPE, Mr. WORTLEY, Mr. YATRON, Mr. WYDEN, Mr. YOUNG of Alaska, Mr. CLINGER, Mr. SKELTON, Mr. AKAKA, Mr. APPLEGATE, Mr. ASPIN, Mr. ECKART of Ohio, Mr. FLORIO, Mr. GUARINI, Mr. SHELBY, Mr. MILLER of Washington, Mr. MAVROULES, Mr. LUKEN, and Mr. CALLAHAN):

H.J. Res. 710. Joint resolution to designate the week beginning October 6, 1986, as "National Children's Television Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. RITTER:

H.J. Res. 711. Joint resolution to designate the week beginning October 5, 1986, as "National Birds of Prey Conservation Week"; to the Committee on Post Office and Civil Service.

By Mr. WALKER (for himself, Mr. KOLTER, Mr. GAYDOS, Mr. ROSE, Mr. WRIGHT, Mr. BROWN of California, Mr. COURTER, Mr. KANJORSKI, Mr. BILIRAKIS, Mr. CARPER, Mr. IRELAND, Mr. LEWIS of Florida, Mr. REGULA, Mr. DEWINE, Mr. SHUSTER, Mr. ARCHER, Mr. GEKAS, Mr. YOUNG of Alaska, Mr. WYLIE, Mr. COUGHLIN, Mr. DREIER of California, Mr. SAXTON, Mr. DUNCAN, Mr. COBLE, Mr. BARTLETT, Mr. HUBBARD, Mr. BATEMAN, Mr. ROBINSON, Mr. BROOKS, Mr. MARLENEE, Mr. COMBEST, Mr. LENT, Mr. DAUB, Mrs. SMITH of Nebraska, Mr. JEFFORDS, Mr. STRANG, Mr. ECKERT of New York, Mr. SHAW, Mr. KASICH, Mr. MORRISON of Washington, Mr. MCGRATH, Mr. YOUNG of Missouri, Ms. FIEDLER, Mr. MILLER of Washington, Mrs. MEYERS of Kansas, Mr. HILER, Mr. GREGG, Mr. COATS, Mr. HENRY, Mr. MONSON, Mr. BOEHLERT, Mr. HANSEN, Mr. GILMAN, Mr. SMITH of New Jersey, Mr. BARTON of Texas, Mr. LUNGREN, Mrs. ROUKEMA, Mr. RITTER, Mr. RALPH M. HALL, Mr. VOLKMER, Mrs. VUCANOVICH, Mr. ROBERTS, Mr. EVANS of Iowa, Mr. BEREUTER, Mr. BLILEY, Mr. HYDE, Mr. BIAGGI, Mr. ROWLAND of Connecticut, Mr. DIOGUARDI, Mr. SCHAEFER, Mr. STENHOLM, Mrs. LLOYD, Mr. WOLF, Mr. DORNAN of California, Mr. ROGERS, Mr. QUILLEN, Mr. TAYLOR, Mr. LUJAN, Mr. DANNEMEYER, Mr. YATRON, Mr. COYNE, Mr. GINGRICH, Mr. DELAY, Mr. SMITH of New Hampshire, Mr. MCCANDLESS, Mr. SUNDQUIST, Mr. KRAMER, Mr. WEBER, Mr. ROTH, Mr. KOLBE, Mr. NIELSON of Utah, Mr. FRANKLIN, Mr. KEMP, Mr. ARMEY, Mr. LIGHTFOOT, Mr. MICHEL, Mr. CRANE, Mr. TAUKE, Mr. LOEFFLER, Mr. SKEEN, Mr. MONTGOMERY, Mr. COBEY, Mr. HOPKINS, Mr. MOORHEAD, Mr. PACKARD, Mr. MARTIN of New York, Mr. MCMILLAN, Mr. HUNTER, Mr. SOLOMON, Mr. MOLINARI, Mr. LOTT, Mr. MACK, Mr. EMERSON, Mr. GALLO, Mr. MILLER of Ohio, Mr. LAGOMARSINO, Mr. NICHOLS, Mr. SWEENEY, Mr. MYERS of Indiana, Mr. YOUNG of Florida, Mr. DENNY SMITH, Mr. LEVINE of California, Mr. PARRIS, Mr. PURSELL, Mr. HENDON, Mr. SLAUGHTER, Mr. WHITEHURST, Mr. BADHAM, Mr. DICKINSON, Mr. AUCOIN, Mr. MCCURDY, Mr. MURTHA, Mr. FASCELL, Mr. GIBBONS, Mr. OLIN, Mr. SPRATT, Mr. REID, Mr. BUSTAMANTE, Mr. BENNETT, Mr. GARCIA, Mr. DANIEL, Mr. ACKERMAN, Mr. RIDGE, Mr. MCCAIN, Mr. MCEWEN, Mr. CHENEY, Mr. SPENCE, Mr. LOWERY of California, Mr. MCCOLLUM, Mr. PORTER, Mr. CONTE, Mr. STUMP, Mr. LIVINGSTON, Mr. SILJANDER, Mr. GRAY of Illinois, Mr. TRAXLER, Mr. LATTA, Mr. RUDD, Mr. BROOMFIELD, Mr. CALLAHAN, Mr. RAY, Mr. SENSENBRENNER, Ms. SNOWE, Mr. MCKERNAN, Mr. MCDADE, Mr. FIELDS, Mr. CRAIG, Mr. CLINGER, Mr. FISH, Mr. EDWARDS of Oklahoma, Miss SCHNEIDER, Mr. THOMAS of California, Mr. GRADISON, Mr. GLICKMAN, Mr. DYSON, Mr. LEACH of Iowa, Mr. BROWN of Colorado, Mr. WORTLEY, Mr. CARR, Mr. ANDERSON, Mr. FAWELL, Mr. MINETA, Mr. HUGHES, Mr. WIRTH, Mrs. SCHROEDER, Mr. STANGELAND, Mrs. MARTIN of Illinois, Mr. FRENZEL, Mr. CARNEY, Mr. ROEMER, Mr. WHITTEN, Mr. PERKINS, Mr. PASHAYAN, Mr. SCHUETTE, Mrs. BENTLEY, Mr. SHELBY, Mr. SWINDALL, Mrs. HOLT, Mr. FLIPPO, Mr. BARNARD, Mr. ERDREICH, Mr. NATCHER, Mr. BEDELL, Mr. GONZALEZ, Mr. HUCKABY, Mr. ENGLISH, Mr. KILDEE, Mr. NELSON of Florida, Mr. WHITLEY, Mr. JONES of Tennessee, Mr. HORTON, Mr. MADIGAN, Mr. DAVIS, Mr. GOODLING, Mr. OXLEY, Mr. CHANDLER, Mr. VANDER JAGT, Mr. RINALDO, Mr. STRATTON, Mr. STAGGERS, Mr. FOGLIETTA, Mr. ROE, Mr. DWYER of New Jersey, Mr. MRAZEK, Mr. WILSON, Mr. HAMMERSCHMIDT, Mr. GREEN, and Mr. BRYANT):

H.J. Res. 712. Joint resolution to request that the entertainment industry take certain steps to assist in the national war against illegal drugs; to the Committee on Energy and Commerce.

By Mr. SEIBERLING:

H. Con. Res. 383. Concurrent resolution directing the Clerk of the House of Representatives to make a correction on the en-

rollment of the bill H.R. 4883; considered and agreed to.

By Mr. CLAY:

H. Res. 535. Resolution expressing the sense of the House of Representatives that the concerns of Safeway workers should be addressed as an integral part of the takeover plan currently underway, and for other purposes; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. WILLIAMS.

H.R. 455: Mr. MARLENEE.

H.R. 465: Mr. GRAY of Pennsylvania.

H.R. 585: Mr. PASHAYAN.

H.R. 1875: Mr. HAWKINS.

H.R. 2504: Mr. DAVIS.

H.R. 2700: Mr. MURTHA.

H.R. 3305: Mr. BEDELL, Mr. MITCHELL, Mr. MINETA, Mr. BLAZ, and Mr. LEVIN of Michigan.

H.R. 3479: Mr. AUCOIN, Mr. BENNETT, Mr. BORSKI, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. FUSTER, Mr. GEJDENSON, Mr. GRAY of Illinois, Mr. IRELAND, Mr. MITCHELL, Mr. NICHOLS, Mr. NOWAK, Mr. BRYANT, Mr. HEFNER, Mr. RUSSO, and Mr. LANTOS.

H.R. 3599: Mr. BROOMFIELD, Mr. GREEN, Mr. KEMP, Mr. MICHEL, and Mr. MURPHY.

H.R. 3865: Mr. PURSELL and Mr. STRANG.

H.R. 4142: Mr. COBEY, Mr. ROGERS, and Mr. FASCELL.

H.R. 4299: Mr. COBLE, Mr. ROGERS, Mr. FISH, Mr. ENGLISH, Mr. NIELSON of Utah, and Mr. HUCKABY.

H.R. 4338: Mr. KOSTMAYER.

H.R. 4713: Mr. FISH, Mr. PENNY, and Mr. PETRI.

H.R. 4734: Mr. MORRISON of Connecticut and Mr. SYNAR.

H.R. 4840: Mr. ACKERMAN, Mr. LEATH of Texas, and Mr. FISH.

H.R. 4864: Mr. GREEN.

H.R. 4871: Mr. LANTOS, Mr. PETRI, Mr. BARNES, and Mr. STUDDS.

H.R. 4894: Mr. FISH, Mr. JEFFORDS, Mr. MCKERNAN, Mr. LAFALCE, Mr. WEISS, Mr. HORTON, Mr. FUSTER, Mr. RINALDO, Mrs. BURTON of California, and Ms. SNOWE.

H.R. 5098: Mr. RITTER.

H.R. 5133: Mr. MILLER of Washington.

H.R. 5135: Mr. MILLER of Washington.

H.R. 5138: Mr. MILLER of Washington.

H.R. 5140: Mrs. BURTON of California, Mr. LEVINE of California, Mr. HAYES, Mr. SUNIA, Mr. LEHMAN of Florida, and Mr. WALDON.

H.R. 5267: Mr. AUCOIN, Mr. BENNETT, Mr. BORSKI, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. FUSTER, Mr. GEJDENSON, Mr. GRAY of Illinois, Mr. IRELAND, Mr. MITCHELL, Mr. NICHOLS, Mr. NOWAK, Mr. BRYANT, Mr. HEFNER, Mr. RUSSO, and Mr. LANTOS.

H.R. 5268: Mr. AUCOIN, Mr. BENNETT, Mr. BORSKI, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. FUSTER, Mr. GEJDENSON, Mr. GRAY of Illinois, Mr. IRELAND, Mr. MITCHELL, Mr. NICHOLS, Mr. NOWAK, Mr. BRYANT, Mr. HEFNER, Mr. RUSSO, and Mr. LANTOS.

H.R. 5269: Mr. AUCOIN, Mr. BENNETT, Mr. BORSKI, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. FUSTER, Mr. GEJDENSON, Mr. GRAY of Illinois, Mr. IRELAND, Mr. MITCHELL, Mr. NICHOLS, Mr. NOWAK, Mr. BRYANT, Mr. HEFNER, Mr. RUSSO, and Mr. LANTOS.

H.R. 5270: Mr. AUCOIN, Mr. BENNETT, Mr. BORSKI, Mr. DWYER of New Jersey, Mr. FAZIO, Mr. FUSTER, Mr. GEJDENSON, Mr. GRAY of Illinois, Mr. IRELAND, Mr. MITCHELL, Mr. NOWAK, Mr. BRYANT, Mr. HEFNER, Mr. RUSSO, and Mr. LANTOS.

H.R. 5301: Mrs. JOHNSON, Mr. VALENTINE, Mr. BURTON of Indiana, Mr. WORTLEY, Mr. STRANG, Mr. FAZIO, Mr. HATCHER, Mr. PANETTA, Mr. EMERSON, Mr. BOEHLERT, Mr. MORRISON of Washington, and Mr. MCEWEN.

H.R. 5306: Mr. TOWNS, Mr. RANGEL, Mr. EDWARDS of California, Mr. HUGHES, Mr. MINETA, and Mr. FROST.

H.R. 5325: Mr. LEWIS of Florida.

H.R. 5327: Mr. COLEMAN of Texas, Mr. NIELSON of Utah, Mr. LAFALCE, and Ms. KAPTUR.

H.R. 5356: Mr. SKEEN and Mr. COELHO.

H.R. 5396: Mr. MOAKLEY.

H.R. 5407: Mr. STAGGERS, Mr. DORGAN of North Dakota, Mr. DASCHLE, and Mr. LIGHTFOOT.

H.R. 5410: Mr. AUCOIN.

H.R. 5413: Mr. STALLINGS and Mr. COOPER.

H.J. Res. 47: Mr. FEIGHAN, Mr. HAYES, and Mr. UDALL.

H.J. Res. 96: Mr. NICHOLS and Mr. VALENTINE.

H.J. Res. 438: Mr. BOEHLERT, Mr. OBERSTAR, Mr. GUARINI, Mr. LEHMAN of Florida, Mr. SKELTON, Mr. GREEN, Mr. SWINDALL, Mrs. BURTON of California, Mr. WALGREN, and Mr. SOLOMON.

H.J. Res. 511: Mr. BLAZ, Mr. DASCHLE, Mr. FUSTER, Mr. RUDD, Mr. AUCOIN, Mr. FRANKLIN, Mr. GINGRICH, Mr. HOPKINS, Mr. KRAMER, Mr. WHITLEY, Mr. KASTENMEIER, Mr. HOYER, Mr. VALENTINE, Mr. SUNIA, Mr. MICHEL, Mr. LEWIS of Florida, Mr. MILLER of Ohio, Mr. HUTTO, Mr. MINETA, Mr. HERTEL of Michigan, Mr. CONYERS, Mr. KASICH, Mr. ORTIZ, Mr. FAZIO, Mr. LEVINE of California, Mr. CHAPPIE, Mrs. BURTON of California, Mr. ZSCHAU, Mr. SISISKY, Mr. GEJDENSON, Mr. MCKINNEY, Mr. MICA, Mr. BILIRAKIS, Mr. SHAW, Mr. MACK, Mr. PEPPER, Mr. YOUNG of Florida, and Mr. FLORIO.

H.J. Res. 558: Mr. RICHARDSON.

H.J. Res. 594: Mr. SUNIA, Mr. ATKINS, and Mr. BOSCO.

H.J. Res. 611: Mr. GREEN.

H.J. Res. 619: Mr. MCGRATH, Mr. BONIOR of Michigan, Mr. LOWERY of California, Mr. KOLTER, Mr. LAFALCE, Mrs. MARTIN of Illinois, Mr. PETRI, Mr. CLINGER, Mrs. VUCANOVICH, Mr. BARNARD, Mr. BLAZ, Mr. BOSCO, Mr. BROOMFIELD, Mr. BUSTAMANTE, Mr. BOUCHER, Mr. CAMPBELL, Mr. BROOKS, Mr. COURTER, Mr. COBEY, Mr. CHAPPIE, Mr. COLEMAN of Texas, Mr. DE LUGO, Mr. LUNDINE, Mr. DICKINSON, Mr. DINGELL, Mr. FAWELL, Mr. FRANKLIN, Mr. GORDON, Mr. DANNEMEYER, Mr. COYNE, Mr. FAZIO, Mr. FRENZEL, Mr. WALDON, Mr. COLEMAN of Missouri, Ms. KAPTUR, Mr. LEACH of Iowa, Mrs. KENNELLY, Mr. KANJORSKI, Mr. HAMILTON, Mr. TRAXLER, Mr. MINETA, Mr. MCHUGH, Mrs. JOHNSON, and Mr. LENT.

H.J. Res. 670: Mr. TOWNS, Mr. BLILEY, Mr. BONER of Tennessee, Mr. CHAPPIE, Mr. DASCHLE, Mr. DAUB, Mr. DIXON, Mr. DYMALLY, Mr. CONTE, and Mr. CONYERS.

H.J. Res. 685: Mr. TOWNS, Mr. RANGEL, Mr. LIPINSKI, Mr. MARTINEZ, Mr. KOLTER, Mrs. BOXER, and Mr. LEVIN of Michigan.

H.J. Res. 687: Mr. BROOMFIELD, Mr. BURTON of Indiana, Mr. NIELSON of Utah, Mr. SOLOMON, Mr. LATTA, Mr. MCEWEN, Mr. MARTIN of New York, Mr. DEWINE, Mr. CHAPPIE, Mr. FAWELL, Mr. CHENEY, Mr. HORTON, Mr. KINDNESS, Mr. OXLEY, Mr. LOWERY of California, Mr. MCMILLAN, Mr. SENSENBRENNER, Mr. SABO, Mr. RUDD, Mr. SPENCE, Mr. RITTER, Mr. ROGERS, Mr. STUMP, Mr. WHITEHURST, and Mr. LIVINGSTON.

H.J. Res. 698: Mr. GARCIA.

H. Con. Res. 129: Mr. BOEHLERT, Mr. BOSCO, Mr. BOULTER, Mr. WALGREN, Mr. MINETA, and Mr. LOTT.

H. Con. Res. 233: Mr. BREAUX.

H. Con. Res. 332: Mr. WOLPE, Mr. OWENS, Mrs. ROUKEMA, Mrs. JOHNSON, Mr. AKAKA, Mr. VISCLOSKY, Mr. WALGREN, Mr. MCCAIN, Mr. GEKAS, Mr. ANTHONY, Mr. SAXTON, Mr. GUARINI, and Mr. KOSTMAYER.

H. Con. Res. 334: Mr. GEKAS.

H. Con. Res. 338: Mr. WHITLEY.

H. Res. 405: Mr. EVANS of Illinois.

H. Res. 406: Mr. EVANS of Illinois.

H. Res. 469: Mr. FOGLIETTA and Mr. LIPINSKI.

H. Res. 498: Mr. DE LUGO, Mr. VENTO, and Mr. LEVIN of Michigan.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1309

By Mr. CHANDLER:

—Page 7, beginning on line 4, strike out "The Board shall" and all that follows through line 2 on page 8 and insert in lieu thereof the following:

The Board shall consist of 9 members—

(A) 5 of whom shall be career or commissioned public health service employees, including an epidemiologist, a toxicologist, an industrial hygienist, a physician, and an occupational health nurse;

(B) 3 of whom shall represent academia, labor, and employers, respectively; and

(C) the remaining member of which shall be the Assistant Secretary of Health of the Department of Health and Human Services, who shall serve as chairperson of the Board.

—Page 8, line 3, redesignate paragraph (5) as paragraph (2).

H.R. 1309

By Mr. PETRI:

—On page 22, line 21, after "claim" insert the following:

and that a person may not be found liable for damages in such a claim resulting from notification of an employee pursuant to this Act to the extent such liability is inconsistent with the following limitations:

(1) Such person may not be found liable for any injury unless either (A) the person was negligent in the design, production, distribution or sale of a product for its reasonably foreseeable use, or (B) the product was defective, and such defect rendered the product unreasonably dangerous for its reasonably foreseeable use. In addition to any other applicable defense or limitation of State law, a defective product may not be found unreasonably dangerous if the defect is the subject of an adequate warning, is apparent to a reasonable person, or is a matter of common knowledge, or if, at the time the product was made, the ability to discover and to eliminate the defect was unavailable and incapable of use according to engineering and manufacturing practices which were reasonably feasible in light of existing technology.

(2) Such person may be found liable, if at all, only for those damages directly attributable to the person's pro rata share of fault

or responsibility for the injury, and may not be found liable for damages attributable to the pro rata share of fault or responsibility of any other person (without regard to whether that person is a party to the action) for the injury, including any person bringing the claim. This paragraph shall not apply as between persons consciously acting together in a common scheme where such concerted action proximately caused the injury for which one or more of such persons are found liable for damages.

EXTENSIONS OF REMARKS

TO COMMEMORATE THE 50TH ANNIVERSARY OF THE NATION'S AIR TRAFFIC CONTROL SYSTEM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. WOLF. Mr. Speaker, 50 years ago, the U.S. Bureau of Air Commerce established "an airways traffic control system * * * to assure adequate spacing between airplanes flying along established air routes and to prevent congestion at airports."

The safety, efficiency, and technical sophistication of the U.S. National Airspace System is now unparalleled in the world, and the preeminence of the United States in pioneering the technology of air traffic control is universally recognized and emulated by other nations throughout the world. Our Nation's civil and military air traffic controllers are Federal employees who daily guide unprecedented volumes of traffic safely and efficiently through the National Airspace System.

In honor of the birthday in 1936 of air traffic control as we know it today, the Federal Aviation Administration commemorated the event in July with a special ATC50 anniversary program coordinated by the Washington Air Route Traffic Control Center located in Leesburg in the 10th District of Virginia which I represent. It was an honor and pleasure to take part in the half-century celebration to express gratitude and respect to the pioneers of the technology of air traffic control and the air traffic controllers—past and present—who have dedicated their lives and careers to development, safety, and efficiency of the National Airspace System.

The ATC50 activities brought together varied segments of the local, county, and State communities as well as a varied representation of elected leaders, military officials, and dignitaries over a 3-day period beginning July 11, 1986. The celebration included opening ceremonies, a reception, dinner/dance, golf tournament, airshow, concert, and a 3-day open house at the Washington ARTCC.

The opening ceremonies attended by some 1,000 employees and their families and guests and members of the community included a color guard review, aeriel review, and tour of the ARTCC. Guests and speakers included FAA Administrator Donald Engen, Virginia State Senator Charles Waddell, Delegate Ken Rollins, Lt. Gen. Robert Springer (USAF), Maj. Gen. J. Dugan (USAF), Brig. Gen. J. Hoar (USMC), Adm. M. Wilkersen (USN), Brig. Gen. R. Granrud (USA), Virginia Director of Aviation Ken Rowe, and members of the Loudoun County Board of Supervisors, County School Board, Leesburg Town Council, and Loudoun County Chamber of Commerce.

I joined many of the guests and officials on the evening of July 11 at the Sheraton Hotel in Tysons Corner at the anniversary dinner/dance and had the honor of speaking on July 12 at the airshow and exhibits held at the Simpson Middle School in Leesburg. More than 40,000 people attended the day's activities and enjoyed the Northern Virginia Police Chiefs Association exhibits along with elaborate aerial demonstrations and fly bys of F-4, A-10, A-7, C-130, C5A, and F-15 aircraft as well as demonstrations by the Confederate Airforce and the Flying Circus.

Overall, during the 3-day open house and anniversary program, more than 60,000 people visited Leesburg and the ATC50 activities, funded by contributions, donations, and corporate sponsorships. Charles Reavis, air traffic manager at the Washington ARTCC, served ably as chairman of the project, while Bob Sturgill coordinated the program and Ed Brocke was program assistant. They and the many thousands of air traffic control professionals are to be commended for their dedicated service and contributions to assuring the safety of our Nation's airways. We celebrate with them 50 years of air traffic control excellence—a standard for the world.

CITY OF GALLUP ECONOMIC DEVELOPMENT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. RICHARDSON. Mr. Speaker, I want to take this opportunity to bring to the attention of my colleagues the outstanding advances in economic development being pursued by the city of Gallup, located in western New Mexico. The city of Gallup has, among other things, produced a publication advertising its most recent accomplishments and plans for future growth. I would like to take this opportunity to inform you of some of the developments outlined in this publication.

Gallup has been preparing its economic development group effort for more than 1 year. These efforts have paved the way for the active recruiting of new businesses into the area. In its second year as an independent, nonprofit corporation, the Gallup group has put together a board of directors that represents an impressive cross-section of the community and formulated a realistic set of development objectives. This summer the group expects to complete its certification with the State Economic Development and Tourism Department, and is already launching its first major marketing campaign, an image enhancement effort called "Gallup. . . . Surprise."

"Gallup. . . . Surprise." is a particularly appropriate theme. While the Santa Fe Railroad and mining companies are important employers in Gallup, the city has a much broader economic base to build on. The local economy is built around the retail and wholesale trades, public administration, transportation services, tourism, mining, and some manufacturing. As the largest city within a 100-mile radius, Gallup serves as a market center for a wide geographic area with a population of more than 100,000. Retail sales and services are thus an important element of the community's economic base. Gallup also serves as a center for one of New Mexico's largest industries, the native American arts and crafts trade. The combination of these related factors accounts for the city's stable local economy, which is far more resistant to the ups and downs of the national economy than many larger cities—and far less dependent upon the boom and bust of any particular industry than many other cities in New Mexico.

Interstate 40 brings a continuing stream of tourists to Gallup's front door, and is also a valuable asset in attracting new industry to the area. The city's central location in the Southwest—between Albuquerque and Phoenix, two of the fastest growing metro areas in the country—and its highway, rail and air links to Arizona, California, and Texas make it an attractive location for light industry and manufacturing facilities. McKinley County, the county surrounding Gallup, ranked fifth in total retail sales among the 33 counties in the State last year. Gross receipts from retail trade in Gallup in 1984 amounted to $239 million. In preparation for the expected growth of Gallup, the Gallup Industrial Task Force has been compiling a list of major properties suitable for industrial use. Thus far, four major sites ranging in size from 21 to 60 acres and a smaller site of approximately 9 acres have been identified. All the sites have rail and highway access as well as utility services.

Serving the extensive area and large population that it does confers other benefits on Gallup besides an impressive retail sales accumulation. The city is home to the Gallup Indian Medical Center, a 110-bed hospital with associated clinics on the reservation that logs more than 130,000 patient visits annually. The city also boasts one of the largest and best-equipped private hospitals in the State in the Rehoboth McKinley Christian Health Care Services. UNM Gallup, a branch of the University of New Mexico, also contributes greatly to the cultural and economic life of the city.

One example of the current development in Gallup area is General Dynamics Corp., which has operated a manufacturing plant in the vicinity of Gallup for more than 18 years. General Dynamics has recently expanded its facility and added 150 new jobs. The expansion was financed through a $388,000 Economic Development Administration grant, a $400,000 loan from the Navajo Nation and a $250,000 advance rental payment from General Dynam-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ics. Gallup business leaders are hoping that General Dynamics' positive experiences will serve as a model for other companies seeking to tap the talents of the work force in western New Mexico.

Another important program is the revitalization of Gallup's central business district. In cooperation with local banks, the Gallup Downtown Development Group has made low-interest loans available to downtown property owners. Several buildings have been surveyed and listed in the National Historic Register, making them eligible for tax credits for rehabilitation. Last year Gallup won a coveted spot as one of the five New Mexico cities to participate in the Main Street Preservation Program sponsored by the National Trust for Historic Preservation. The Trust, in partnership with State and local government, provides expert consultants to assist in the restoration, preservation and renovation of historic buildings. One of the structures which will be restored is a vintage 1910 hotel in downtown Gallup.

Mr. Speaker, I call upon all my colleagues in the House to join me in congratulating the city of Gallup for their substantial efforts and recognizing their future potential.

HEAVY-HANDED CANADIAN TACTICS ON ACID RAIN NOT HELPFUL TO DEBATE

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. RAHALL. Mr. Speaker, while I have always valued the friendship and tradition of mutual cooperation of our neighbors to the north in Canada, I have become increasingly upset with certain tactics they have employed to pressure the U.S. Congress to enact acid rain control legislation.

The Canadian Coalition on Acid Rain has been in the forefront of these activities and an article in today's edition of the Journal of Commerce clearly illustrates the heavy-handed manner in which this organization operates. Rather than approaching the acid rain issue from the standpoint of scientific data and information, the coalition instead has attempted to emotionalize the debate. I would submit that when dealing with a highly complex issue such as acid rain the Congress is not best served by these antics. I would further submit that the Canadians would be well advised to clean their own house before pointing the finger at their neighbors. Little, if anything at all, is being done in that country to reduce the so-called precursor emissions of acid rain.

I submit an article entitled "Canada Aims at Tourists in Acid Rain War" for the RECORD.

The article follows:

[From the Journal of Commerce, Aug. 13, 1986]

CANADA AIMS AT TOURISTS IN ACID RAIN WAR

TORONTO.—A Canadian radio ad campaign is urging U.S. visitors to Ontario to "get mad about acid rain," and asking them to press for a U.S. law aimed at reducing the cross-border environmental hazard.

The Canadian Coalition on Acid Rain said it asked Ontario radio stations to broadcast messages on the topic directed at the more than 1 million U.S. sportsmen and tourists who are expected to visit Ontario this summer.

The tough-talking messages, which ask U.S. visitors to pressure Congress into approving legislation on acid rain, may not be taken kindly by some.

"For years the Americans have been pussyfooting around," a housewife, angry about acid rain, says to her husband in one public service advertisement.

An announcer then urges: "Get mad about acid rain. This land's worth fighting for. If you're Canadian, talk to an American. If you're American, when you get home, push for Bill 4567."

The bill, which was approved May 20 by the House of Representatives Subcommittee on Health and Environment, and is still being considered in Congress, would require polluters to cut their emissions of sulfur dioxide and nitrogen oxide, the two major causes of acid rain.

It also would approve a nationwide utility bill surcharge of about 50 cents a month to pay for emission controls.

One commercial notes that Canada's sugar maple trees are dying off because of acid rain, and another has two fishermen bemoaning the lack of bites in a high-acidity lake.

The messages underline Canada's claim that half of its acid rain originates in the United States, a percentage that rises to 75% in parts of Ontario, says Adele Hurley, executive coordinator for the Coalition of Acid Rain.

Most of the pollutants are funneled north by prevailing winds from Ohio, Illinois, Indiana, Pennsylvania and Kentucky, she said.

The 5-year-old coalition, which claims the backing of 2.5 million Canadians ranging from civil servants to fishing tackle manufacturers, says that 48,000 lakes in Ontario are within 20 years of losing all life because of acid fallout.

"We are in a race against time," Ms. Hurley said.

Her colleague, Michael Perley, said the radio campaign is directed at anglers and other Americans who come to Canada to enjoy its natural resources. He called those visitors "our greatest allies" in the battle to cut U.S. emissions.

Paul Grissom, an American living in Canada, created the commercials. He said he had wanted to do something about acid rain since he went fishing at Ontario's vast Algonquin Park four years ago and discovered a dead lake.

Canadian Prime Minister Brian Mulroney has put acid rain at the top of his agenda, claiming that 1 million square miles of eastern Canada may be affected. He signed an accord with President Reagan in March to fight the problem.

Canada has enacted legislation to cut smokestack sulfur by 50% between 1980 and 1994, and, starting with 1988 models, vehicular emission standards for Canadian cars will match U.S. restrictions. (AP)

DUTY-FREE SALES ENTERPRISE ACT OF 1986

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. AKAKA. Mr. Speaker, today I am introducing the Duty-Free Sales Enterprise Act of 1986, legislation which, for the first time, provides statutory guidelines for the regulation of duty-free stores. This bill is the product of many months of work, and in particular I want to recognize the contribution that the duty-free industry and the U.S. Customs Service have made to this process. While this legislation is particularly important to the State of Hawaii, it also will be of substantial benefit to the Nation as a whole. There are nearly 125 duty-free stores nationwide, including stores at every major international airport and major land border crossing.

This bill is particularly important because it will allow the Customs Service to propose regulations in the duty-free area. Pursuant to section 114 of Public Law 98–473, the Customs Service is currently prohibited from issuing regulations affecting duty-free stores until statutory standards are established. The prohibition in Public Law 98–473 was enacted in response to a July 1983 proposed rulemaking by the Customs Service which considered, among other options, the abolition of duty-free stores.

The bill amends section 555 of the Tariff Act of 1930 which relates to customs bonded warehouses. Duty-free sales enterprises are bonded warehouses covered by special Customs procedures wherein merchandise is offered for sale to travelers leaving the United States without payment of U.S. duties and taxes. Because such enterprises operate as retail stores, the general statutory and regulatory provisions governing bonded warehouses are in many cases inappropriate. This bill establishes guidelines specifically designed to address the unique characteristics of duty-free enterprises.

Duty-free sales enterprises are authorized by section 205 of the Trade and Tariff Act of 1984. However, there are no statutory guidelines for the operation of such enterprises, nor are they provided for by regulation. Until now, duty-free sales enterprises have been administered through Customs' internal directives and circulars. Such an arrangement is undesirable because it provides an uncertain and inadequate foundation for the operation of duty-free stores.

Duty-free sales enterprises benefit the United States in a number of ways. They pay substantial concession fees to international airport operating authorities which constitute a significant percentage of total airport revenues. Duty-free operations located outside of airports pay substantial concession fees to local governmental entities. Duty-free enterprises also induce foreign visitors to increase their overall expenditures in the United States. This makes duty-free stores one of a decreasing number of U.S. businesses which make a positive contribution to the U.S. balance of payments. Moreover, studies demonstrate that duty-free operations actually attract tourists to the United States, thereby benefiting other U.S. industries, including airlines, hotels, and restaurants. This bill is designed to foster these benefits to the United States.

The bill sets forth various operating procedures for duty-free stores and authorizes the Secretary of the Treasury to promulgate regulations based on these guidelines. Duty-free stores, for the first time, will be specifically au-

thorized to sell and deliver duty-free goods for exportation. The bill imposes several limitations on duty-free stores, including their physical location and the quantities of goods which may be sold to any one individual. It also will require that notices be posted to advise purchasers of the U.S. and foreign customs law treatment of duty-free merchandise. Finally, the bill also outlines the various means by which duty-free merchandise may be delivered to purchasers, and it requires that local governmental concessions be obtained when necessary.

I urge my colleagues to support this measure which will provide much needed legislative guidelines for the proper regulation of the duty-free industry, a valuable segment of the Hawaiian and national economy.

TRIBUTE TO JAMES V. DAY

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. McKERNAN. Mr. Speaker, I rise to pay tribute to James V. Day, who passed away last Friday while vacationing at his home in the State of Maine. A native of Brewer, ME, Jim Day served the public interest tirelessly for decades.

Appointed by President Kennedy in 1962, Jim Day served as a Commissioner and Vice Commissioner of the Federal Maritime Commission under six consecutive Presidents, receiving unanimous Senate confirmation on each subsequent confirmation.

Prior to that, he spent 5 years as director of the American Legion's National Public Relations Division in Washington. In this position, he directed the Legion's nationwide press, radio, and television services. A member of the American Legion since World War II, Jim was Maine's youngest State commander and, in 1956, he was elected National Vice Commander of the Legion.

Long active in civic and service organizations, Jim received several honors and awards, including a citation for meritorious service from the Maine Maritime Academy, where he served as president of the board of visitors, an honorary doctorate degree from the University of Maine at Machais, and Maine's Supreme Merit Award for promoting natural and economic resources of the State of Maine.

His knowledge and expertise, and his dedication have proven a significant benefit to the Nation and an inspiration to all of us in Government service. His passing is a great loss to the State of Maine and the Nation.

HELEN S. KAWAGOE ASSUMES PRESIDENCY OF INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. DYMALLY. Mr. Speaker, I was delighted to learn recently that Helen S. Kawagoe has been elected president of the International Institute of Municipal Clerks. When I was Lieutenant Governor of California, Helen served as my Deputy Lieutenant Governor. We have long been close friends. While I was overjoyed to hear of her victory, I was not surprised by it because Helen Kawagoe is an extraordinary person. On the occasion of her latest success, I want to take a moment to tell my colleagues something about this trailblazer.

Helen will be the first person of minority background of either sex to serve as president of the IIMC. This "first" is far from her first "first," however.

I suspect that she is most proud of the fact that she is the first woman of Japanese-American descent to have been elected to public office on the United States mainland. That fact was noted in a CONGRESSIONAL RECORD entry in 1974 when she became the second person ever to hold the elective post of city clerk of the city of Carson, CA.

Her youth, like that of many Japanese Americans of her age, was a rather harsh one. She was one of those interned by the United States during a part of World War II. She completed high school while interned in the Gila River Relocation Center in Arizona. The relocation was so disruptive to her and her family that she was never able to attend college. Yet education has always been a matter of primary importance to her. Significantly, in assuming the presidency of the IIMC she stated that a goal of her tenure would be to strengthen the IIMC's Educational Foundation. The foundation provides scholarships for city clerks to pursue a course of study leading to certification.

Helen is a longtime member of the National League of Cities. She has served as first vice president, president, and director of the League of California Cities. She is chairman of the United Way Region III Commerce and Industry West Communities Campaign Drive. The list of her other civic memberships runs to several pages.

Helen has been a leader within the Japanese American Citizen's League for many, many years. She has been recognized by the California Assembly and Senate as the first woman to become JACL Pacific Southwest District Governor. While this and other of her accomplishments were recognized in 1977 with an honorary doctor of laws degree from South Bay University College of Law in Los Angeles, she points out that her most important degree has been from the University of Hard Knocks. Helen, you have graduated summa cum laude, and you have used the wisdom gained in your education with great distinction. All of your friends extend their congratulations to you as you take on the presidency of the International Institute of Municipal Clerks. The IIMC is truly enriched by your presidency.

SPEECH BY BERNARD T.G. CHIDZERO, MINISTER OF FINANCE, ZIMBABWE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. SCHEUER. Mr. Speaker, I commend to my colleagues an eloquent speech by Bernard T.G. Chidzero, the Minister of Finance, Economic Planning and Development for Zimbabwe.

Mr. Chidzero, who is the most brilliant finance minister in Africa and one of the foremost finance ministers in the world, delivered the address during the unprecedented All-African Conference of Parliamentarians on Population and Development held in Harare, Zimbabwe, in May.

In his reflections on population and resource development in Africa, Mr. Chidzero cited the serious impact that rapid population growth has on physical and human resources of Africa. He points out that unless the population growth rate in developing countries is reduced drastically, the economic gap between the world's rich and poor nations will continue to widen.

Chidzero estimates that 25 percent of the world's population, all of which is in developing countries, live in absolute poverty and consumes less than 5 percent of the world's output, compared to the top 25 percent of the world's population, most of it in the industrialized countries, which consumes at least 65 percent of the world's output.

Mr. Chidzero warns that:

The pressure or adverse impact of rapid population growth on physical and financial resources in developing countries will clearly be colossal and incalculable; indeed, too ghastly to contemplate.

Mr. Chidzero calls on the world's parliamentarians to show the leadership necessary to make the changes necessary to improve financial, social and economic issues in the Africa and the rest of the Third World.

I hope my colleagues will review this excellent speech.

SOME REFLECTIONS ON POPULATION AND RESOURCE DEVELOPMENT

The advent of independence in Developing Countries ushered in the acceptance of some form of national planning as an active instrument for accelerating, economic and social development and transformation. This was necessitated by the need to raise the living standards of the masses, which implies the alleviation if not total elimination of the symptoms of poverty, namely hunger, disease, ignorance, lack of shelter, and a low life-expectancy.

PHYSICAL AND HUMAN

This overall goal of planning cannot be achieved without the development of both physical and human resources. This necessitates the rational allocation and efficient use of financial resources and application of technological and managerial know-how, which is easily a scarce phenomenon in

many developing countries. But resource development also implies the wise utilisation or controlled exploitation of physical resources, thus lenghtening their useful life span, particularly those which are non-renewable.

POPULATION DYNAMIC THE GAP AND THE COST

In either case, i.e., development or utilisation of resources, there is a high cost element and the population dynamic is of critical importance, since it may either depress or facilitate development, hasten or retard the process of depletion of resources. The outcome depends on either the population growth rate or its absolute size, relative to the variables such as the availabilty of financial resources, land availability and quality of soil, water, forests, to mention but a few.

The average population growth rate in developing countries was estimated at 2.6 percent in 1980/81, compared to 0.8 percent for developed market economies during the same period. This implies a doubling period of 27 years for developing countries and 87 years for developed countries. The implications are immense.

It is estimated that a quarter of the world's population, all of which in developing countries, live in what the World Bank has described as "absolute poverty" and consumes less than 5 percent of the world's output, compared to the top quarter of the world's population, most of it in industrialised countries, who consume at least 65 percent of the World's output. Furthermore, the GNP in developing countries is growing at 3.3 percent per annum while that of developed countries has been growing at 2.5 percent per annum. Thus the doubling period of GNP is 21 years and 28 years respectively. But GNP per capita in developing countries stood at $970 per annum while that of developed countries stood at $9,681. Thus while the doubling rate of the GNP is almost the same as that of the population for developing economies implying no change in GNP per capita which in any case is 10 times lower than that of developed countries, the doubling period of the population in developed countries is 4 times longer than that of the GNP. Thus over time unless the population growth rate in developing countries is reduced drastically the gap between the world's rich and poor nations will continue to widen.

Looking into the future and on present performance, the United Nations medium projection for the year 2000 is for a world population of 6.1 billion, rising to 8.2 billion in the year 2025. In stunning statistics is that at present rates of growth only 10 per cent of the additional people in these figures will reside in industrialised or rich countries as we know them today. On this reckoning, the pressure or adverse impact on physical and financial resources in developing countries will clearly be colossal and incalculable; indeed too ghastly to contemplate.

PRESSURE ON RESOURCES

The pressure of population growth has already had serious impact on the physical resources although the greater source of the stress has been from developed countries who, at present, consume the greatest percentage of the world's output. It is estimated that every year six million hectares of land are degraded to desert-like conditions and 11 million hectares of tropical forest are destroyed. As a result atmospheric concentrations of carbon dioxide have increased and a continuation of this trend will lead to an increase in the global temperature and a rise in sea levels. The consequences of our irresponsible actions might be the inundation of large tracts of land. In order to correct the situation rural afforestation programmes have been undertaken in many countries. But, in developing countries, because of financial constraint the rate of afforestation has been lower than the rate of deforestation. More financial resources need to be mobilized, therefore.

POPULATION AND STAPLE GOODS

Furthermore, in their quest for industrialisation, developing countries have encouraged the production of cash crops at the expense of sufficient food production. Policies also encouraged the consumption of imported cereals at the expense of local cereal production and this has been reinforced by food aid programmes whose levels are rising even today. For the African region, food imports now provide 20 percent of the region's cereal requirements, while 25 percent of ODA goes for the purchase of food. The production of local staples has lagged far behind the population growth of most of the developing countries. Besides land utilisation for cultivation and forestry, there is a need for the expansion of commercial livestock and fish production. There is also need for careful exploitation of fauna since it can produce higher protein level than conventional livestock due to its more efficient utilisation of the flora. However both flora and fauna are endangered resources in many developing countries unless urgent steps are taken to control the human population growth.

EFFECT ON HUMAN RESOURCE DEVELOPMENT

The high population growth rate has also had a negative effect on human resource development, in terms of high costs for education, health and other social requirements. Yet, the human resource development element is a very vital link to physical resource development and the uplifting of the standard of living in general. But the situation of a high education budget has an inherent contradition in itself in the sense that the rate of job creation (i.e. via the productive sectors tends to lag far behind the rate at which school graduates are produced, a situation arising from the competition of limited financial resources between investment in productive sectors and social sectors. Planning therefore needs to maintain a sustainable balance between physical and human resource development and this has to be complimented by appropriate population control policies.

In the implementation stage of the plans, resource management is critical. That is more so if an economy objective are clear and an appreciation of the resources available been internally and externally has been made. I would suggest here that one of the main problems is the scarcity of trained or skilled and professional people in technical and managerial fields. In this connection I must emphasize also the importance of Research and Development (R&D), so important in resource development—physical and human.

INTERNATIONAL ASSISTANCE

In the whole area of resource development international assistance has a major role to play, as has the effective mobilization of domestic resources particularly for training and research. More international assistance should be channelled in resource development not only to combating desertification and soil erosion, to afforestation and the like, but also to research and development, training in resources management and manpower development generally. Of equal importance would be assistance in population control activities and programmes, the planning of human settlements and related environmental measures to achieve an ecological balance.

LEADERSHIP

It should be apparent by now that resource management in the context of the population dynamic is complex and what I have just said is a mere sketch of the problem. The issue at stake, however, is to ensure at one and the same time efficient development and utilisation of resources now on the one hand, and an adequate inheritance for our future generations on the other. Posterity will certainly hold us responsible for any mishandling of our common heritage.

In the final analysis it is informed, wise and courageous leadership that is required. Leadership by various groups of people and by Government. And here Parliamentarians have a vital role to play in directing policy and development efforts; handling scarce resources efficiently by, for example pricing them adequately; building and promoting capabilities for effective management of resources. Everything is scarce on earth; everything has a price. Only folly is limitless but very costly in development terms! I trust, therefore, that Parliamentarians who are gathered here today will play a decisive role in ensuring that the recommendations of this gathering will not end up as mere literature in office shelves or archives, but will be practical tools for creating a good environment for better lives today and for future generations.

GRAMM-RUDMAN II

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. HOYER. Mr. Speaker, I would like to share with my colleagues an op-ed piece that recently appeared in the Washington Post with regard to Gramm-Rudman II. I believe this article, written by lawyers who successfully argued the Gramm-Rudman Supreme Court case on behalf of the National Treasury Employees Union, makes some very persuasive points as to why we should discontinue the folly we began with Gramm-Rudman I. The constitutional and political questions raised in this article about Gramm-Rudman-Hollings II should make us all realize that our time would be much better spent working on actually getting our deficit under control rather than coming up with more gimmicks that could very well be struck down again by the courts. I recommend this article to all of my colleagues.

[From the Washington Post, Aug. 12, 1986]

TRIGGER HAPPY—GRAMM-RUDMAN II IS NO BETTER THAN BEFORE

(By Gregory O'Duden and Lois G. Williams)

Just weeks ago, the Supreme Court struck down a key element of the Gramm-Rudman-Hollings Act. That now-notorious law aims to balance the federal budget by 1991. The court threw out the law's novel trigger mechanism that would make automatic across-the-board budget cuts.

The court agreed with the National Treasury Employees Union and a group of Congressmen that Gramm-Rudman violated the Constitution's separation of powers scheme by assigning executive powers to the comptroller general, a creature of Congress. On the day of the court's ruling, Sen. Phil Gramm dismissed the decision as inconsequential, and proclaimed that its "fallback" procedure, which requires Congress to vote for budget cuts, would get the job done.

Well, apparently Gramm had a change of heart. Together with Sens. Warren Rudman and Ernest Hollings, Gramm has pushed through the Senate legislation that would reconstitute the automatic cutting gimmick. The budget law revision is tied to legislation raising the federal debt ceiling, though there is talk of the House's sidetracking the measure until after the recess.

Congress shouldn't return to it in September; the measure puts budgetcutting on automatic pilot and thus avoids responsibility for making painful budget choices. Gramm's latest concoction has the same flaws as his first, and so should suffer the same fate.

The revised automatic trigger looks a lot like its parent. Under Gramm-Rudman I, the Office of Management and Budget and the Congressional Budget Office gazed into their crystal balls and guessed the amount of the federal deficit for the upcoming fiscal year. If the targeted deficits were exceeded, the comptroller general ordered the President to make across-the-board cuts in spending.

In the wake of the Supreme Court's conclusion that the old trigger was unconstitutional, Gramm initially proposed making OMB responsible for determining the final budget cuts. Subsequent changes to that proposal were made to give the appearance of circumscribing OMB's discretion. We believe that this "fix" of Gramm-Rudman is nothing more than a transparent Band-Aid that doesn't cure the law's constitutional flaws.

First, if Congress were to hand off ultimate budget-making power to OMB, as the Senate bill does, it would be delegating to an unelected executive branch official its constitutional duty to make the laws. In our view, Congress cannot constitutionally say to OMB, "You decide whether and how much to cut federal spending."

Under Gramm-Rudman II, the power to predict the deficit does exactly that; it is that prediction which "triggers" whether budget cuts have to be made at all, and how deep those cuts should be. Congress cannot allow those policy determinations automatically to become law, no matter how desperate it is to avoid responsibility. Clearly, in designing an automatic cutting mechanism that will allow OMB to slash federal programs, Congress means to abdicate its constitutional responsibility to make the hard choices concerning the federal purse.

The sponsors of Gramm-Rudman II dispute that any significant power is being ceded to OMB. The Supreme Court emphasized, however, that the role Congress would now give to the director of OMB is far from that of a clerk wearing a "green eye shade," as Gramm-Rudman's supporters contend.

Architects of Gramm-Rudman II have tried to make it appear that OMB would not possess unharnessed authority, given OMB's notorious tendency to "cook the books." For FY 1987, the bill does take an important step in keeping OMB in check: Congress would furnish the key economic assumptions to be used in projecting the 1987 deficit. But for FY 1988-1991, OMB would be free to project whatever deficit it chooses, on the basis of its own economic assumptions.

The bill's supporters assure us that Congress will be watching over OMB's shoulder. Gramm-Rudman II gives Congress a chance to reject OMB's economic assumptions by merely passing a new law correcting those assumptions. But of course Congress can always pass a law taking back some or all of the power it gave away to the President. That fact does not make the original delegation lawful.

Gramm-Rudman II's proposed shift of budget-making power from Congress to the President would be unprecedented. Even if OMB were somehow to be straitjacketed, the new trigger is nonetheless constitutionally suspect, given the role it continues for the comptroller general. The mechanism still features that officer as a pivotal partner in the budget-cutting process.

The absurdity of mindless automatic budget cuts is so manifest that it is incredible that Congress is again considering such a mechanism. The temptation is strong to cut the budget by "anonymous consent," to borrow Sen. Charles Mathias' phrase. But it surely must be overcome by an appreciation of the folly of tying federal spending to the projections of such economic soothsayers as OMB.

NATIONAL INSTITUTES OF HEALTH CENTENNIAL YEAR

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. WAXMAN. Mr. Speaker, on behalf of Mr. DINGELL, Mr. WALGREN, Mr. MADIGAN, Mr. NATCHER, and Mr. CONTE, I am pleased to introduce House Joint Resolution 709. The purpose of this resolution is to honor the contributions of an outstanding Federal agency. The National Institutes of Health and its predecessor agencies will be celebrating their centennial anniversary in 1987. House Joint Resolution 709 will designate the year beginning October 1, 1986, as the National Institutes of Health Centennial Year.

The NIH is the world's foremost biomedical research entity. Through its sponsorship of university-based investigators, intramural research, and the training of promising young researchers, NIH has done more to expand human knowledge about the causes and prevention of disease than any other research institution in the world. The products of NIH work have led to dramatic improvements in the treatment of many diseases. Victims of cancer, heart disease, and diabetes can look forward to effective treatments that were only dreams in a research lab a decade ago.

The legacy of NIH demonstrates that strong congressional support has allowed it to flourish and be extremely productive. Support for health research has traditionally been one of Congress' highest priorities, as evidenced most recently by passage last year of Public Law 99-158, the "Health Research Extension Act of 1985." That new law establishes a solid statutory framework to preserve America's preeminence in medical research. I am convinced that the confidence of the Congress has been well placed.

Enactment of House Joint Resolution 709 will be a fitting tribute to the contributions of this distinguished institution and the thousands of scientists who have labored to fulfill NIH's primary mission: overcoming diseases and improving the health of mankind.

Mr. Speaker, without objection, I request that a copy of House Joint Resolution 709 be printed in the RECORD at this point.

H.J. RES. 709

Joint resolution to designate the year beginning October 1, 1986, as the National Institutes of Health Centennial Year

Whereas the National Institutes of Health over the past 100 years has grown from a one-room laboratory of hygiene within the Stapleton Marine Hospital on Staten Island, New York to become one of the largest and most respected biomedical research centers in the world;

Whereas the National Institutes of Health, as an agency of the Department of Health and Human Services, is the Nation's flagship in mankind's continuing battle to conquer disease;

Whereas the National Institutes of Health continuously contributes to the discovery of new knowledge that will lead to longer lives and better health for all people;

Whereas the National Institutes of Health provides national leadership in a critical partnership of the Government, academic, and private sectors;

Whereas the National Institutes of Health conducts research in its own laboratories, supports the research of non-Federal scientists in universities, medical schools, hospitals, and other public, private, and voluntary research institutions throughout this country and abroad;

Whereas the National Institutes of Health fosters training and career development of future research scientists, sponsors the enhancement of research resources, and promotes improvements in biomedical communications;

Whereas the National Institutes of Health facilitates the assembly of United States and foreign biomedical scientists and promotes the exchange of scientists and scientific information between the United States and other countries;

Whereas the National Institutes of Health supported the work of 60 Nobel Prize winners before their selection as laureates;

Whereas the National Institutes of Health has contributed to the great strides of the past 100 years in the control and virtual worldwide elimination of epidemic diseases such as cholera, smallpox, yellow fever, and bubonic plague, and the prevention in this country of childhood diseases such as diptheria, polio, tetanus, and pertussis;

Whereas the National Institutes of Health has stimulated biomedical research that has played a role in the 70 percent reduction in the death rate in the United States since 1900;

Whereas the National Institutes of Health has pioneered new methods for the detection and treatment of diseases and has promoted their widespread dissemination into medical practice;

Whereas grantees and scientists of the National Institutes of Health work at the forefront of biomedical technologies that open up new opportunities in medical research;

Whereas the next 100 years will undoubtedly see the National Institutes of Health

lead the world in ways of promoting health and preventing disease;

Whereas the Congress of the United States has consistently supported the National Institutes of Health to maintain America's preeminence in medical research; and

Whereas the Congress of the United States looks to the National Institutes of Health for progress in overcoming the diseases that afflict the people of this country: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the year beginning October 1, 1986, is designated as the "National Institutes of Health Centennial Year" and the President is requested to issue a proclamation calling upon the people of the United States to observe such year with appropriate ceremonies and activities.

NUCLEAR WASTE POLICY AMENDMENTS OF 1986

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. SWIFT. Mr. Speaker, today I am introducing the Nuclear Waste Policy Amendments of 1986, which I have authored with the assistance of my colleague Representative SID MORRISON.

These amendments will restart the process of selecting a site for a national radioactive waste repository, and will require a rigorous scientific process that does not pit region against region.

The need for these amendments is clear. On May 28, 1986, the Department of Energy narrowed the list of States being considered for the first repository from six to three: Nevada, Texas, and Washington.

Of the sites that DOE evaluated, the Hanford site in Washington was ranked most dangerous and most expensive under every scenario, but it was chosen anyway because DOE wanted to characterize a basalt site. Yet, on the same day, DOE decided to stop all work toward selecting a granite site.

Those decisions are inherently inconsistent and arbitrary. If DOE fails to follow its own rankings because it wants to get to basalt, and then turns around and fails to follow procedures required by law which would have gotten a granite site, that is, on its face, an inherently inconsistent decision. There is no way that DOE can claim that that decision was objective, was scientific or in any way meets the kind of rigid requirement that every State should expect if it is going to end up being a repository of nuclear waste.

Recently, the Subcommittee on Energy Conservation and Power obtained internal decisionmaking documents from DOE showing that the decision to terminate the work toward finding a granite site was based on political, not scientific factors. That is unacceptable. More to the point, it is unlawful by the terms of the Nuclear Waste Policy Act.

Some will say that these amendments will set us back, and that we should start from where we're at and just hope that the process will work better in the future. I cannot accept that. The fact is that the entire track record of DOE with regard to siting a nuclear waste repository has been a disaster. It does not work with the States. It does not work with the Congress. It holds itself above the law.

If we are to be successful in our search for a safe place to dispose of nuclear waste, either DOE must change its practices or Congress must change the law. DOE has shown no willingness to improve its implementation of the law. It therefore remains for Congress to improve the law. The bill I am introducing today is the first step toward doing that.

THE NUCLEAR WASTE POLICY AMENDMENTS OF 1986

SECTION-BY-SECTION ANALYSIS

Section 1 entitles the act the "Nuclear Waste Policy Amendments of 1986".

Section 2 provides that no funds may be expended for site characterization activities under the Nuclear Waste Policy Act of 1982 (NWPA) until the Federal Nuclear Waste Board, established under section 3 of these amendments, has nominated sites suitable for characterization.

Section 3 amends section 304 of NWPA by establishing within the Office of Civilian Radioactive Waste Management a Federal Nuclear Waste Board that shall be responsible for overall implementation of NWPA. The Board shall consist of the Secretary of Energy, the Secretary of the Interior, and the Administrator of the Environmental Protection Agency, the Director of the National Academy of Sciences shall be a nonvoting advisory member of the Board. The Secretary of Energy shall chair the Board. The Board shall be considered an agency for purposes of subchapter II of title V of the United States Code, thereby ensuring that the Board will be subject to the requirements of the Sunshine Act and the Freedom of Information Act.

Section 4 amends section 112(a) of NWPA, which provides for the development of guidelines for the recommendation of sites for repositories, in three major respects.

First, section 4(a) amends section 112(a) of NWPA to require that the Federal Nuclear Waste Board shall, by rule, issue revised guidelines not later than 24 months after enactment of these amendments. Such guidelines must be issued with the concurrence of the Nuclear Regulatory Commission, and shall be developed in consultation with the Council of Environmental Quality, the Director of the Geological Survey, and any interested Governor.

Second, section 4(a) amends section 112(a) of NWPA to require that the revised guidelines required by this section shall specify the methodology that the Board shall use in ranking prospective repository sites in order of suitability.

Third, section 4(b) amends section 112(a) of NWPA to eliminate the requirement that the guidelines require the recommendation of sites in different geologic media, although it retains the requirement that the various geologic media be a consideration under the guidelines.

Section 5 amends sections 112(b) and 112(c) of NWPA, which establish certain requirements regarding the nomination of sites that are suitable for characterization for selection of repositories, and for the selection of sites to be so characterized, in four major respects.

First, section 5(a) amends section 112(b)(1) of NWPA to require that, not later than 18 months after issuance of the revised guidelines, the Federal Nuclear Waste Board shall nominate at least 5 sites that it considers suitable for site characterization. The Board shall nominate sites, ranked in order of suitability based on the methodology described in the revised guidelines, after surveying (1) the 9 sites under consideration in the original first repository program, (2) the crystalline rock bodies identified in Volume 51, No. 11 of the Federal Register at page 240, and (3) any other sites which the Board considers appropriate. In making the nominations and rankings required under this section, the Board is specifically authorized to use information available on the date of enactment, but is prohibited from taking into consideration the volume of such information.

Second, section 5(a) amends section 112(b)(1)(C) to require that at the time the Board nominates sites that it considers to be suitable for site characterization, it also recommend to the President at least 3 of those sites for such characterization. The Board is required to recommend those sites which have the highest rankings as determined by the methodology described in the revised guidelines.

Third, section 5(b) amends section 112(b(1)(E) to require that not later than 6 months after issuance of the revised guidelines required under section 4 of these amendments, the Board shall issue a draft environmental assessment for each site that is being considered for nomination. After allowing for at least 6 months of public comment on the draft environmental assessment, the Board shall, within 12 months of issuance of the draft environmental assessment, issue a final environmental assessment for any site nominated. Section 5(c) amends section 112(b)(F)(i) of NWPA to clarify that only the final environmental assessment, and not the draft, is considered to be a final agency action subject to judicial review.

Fourth, section 5(d) amends section 112(c) of NWPA to require that in the event the President approves a site for characterization other than the sites with the highest rankings, no site characterization activity shall be carried out until 18 months after such approval.

Section 6 amends section 113(a) of NWPA, which provides for site characterization, by striking the reference to the location of candidate sites in various geologic media.

Section 7 amends section 114 of NWPA, which provides for the approval and construction authorization of repositories, in three major respects.

Section 7(a) amends section 114(a)(2)(A) of NWPA to require that the President shall submit to Congress a recommendation for approval of a site for a repository not later than 6 months after receiving a recommendation from the Federal Nuclear Waste Board.

Section 7(b) amends section 114(d) of NWPA by eliminating the specific deadlines for a final decision by the Nuclear Regulatory Commission on issuance of construction authorizations for repositories, retaining the requirement that such final decision shall be made not later than 3 years after submission of an application for a construction authorization, and retaining the Commission's authority to extend that deadline by not more than 12 months.

Section 7(c) amends section 114(f) of NWPA to require that the preliminary determination of suitability required in that section shall be made at the time the draft environmental impact statement is issued.

Section 8 amends section 116(c)(1)(B) of NWPA to provide DOE with explicit author-

ity to make grants to States which are adjacent to States with a site that has been approved for characterization under section 112(c) of NWPA.

Section 9 requires the Federal Nuclear Waste Board to appoint a panel, composed of persons with appropriate technical training, to study the need for disposal capacity beyond 70,000 metric tons, to identify all technologically feasible options for providing such capacity, and to rank such options in order of preference, stating the reasons for such ranking. The panel shall be subject to the provisions of the Sunshine Act. The panel is required to submit its findings and recommendations to the Board within 12 months of enactment of these amendments. The Board is required to promptly submit the panel's findings and recommendations to Congress. If the panel determines that there is a need for disposal capacity beyond 70,000 metric tons, the Board shall recommend to Congress that it implement one of the options identified by the panel and submit appropriate proposed legislation.

Section 10 amends section 301 of NWPA to require that the Secretary of Energy revise the mission plan required thereunder, as may be necessary to carry out these amendments.

Section 11 includes various technical and conforming amendments.

COMMUNIST REPRESSION OF TURKS

HON. FRED J. ECKERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. ECKERT of New York. Mr. Speaker, I would like to direct your attention to a grave situation that deserves a great deal more attention: The vicious mistreatment of the Turkish minority in Communist Bulgaria. In an effort to erase Turkish heritage from Bulgaria, the Communist government has instituted a deliberate policy of repression and harassment against the Turkish community. The perpetrators of this cultural genocide have gone so far as to force Turks to change their names. Many of those refusing to comply have faced death.

I was glad to become a cosponsor of House Joint Resolution 262, condemning the brutal treatment of, and blatant discrimination against the Turkish minority by the Government of the People's Republic of Bulgaria, and I would like to submit into the RECORD a recent Jack Anderson column that describes in some detail this record of Bulgarian repression.

[From the Washington Post, July 21, 1986]

BULGARIA SUPPRESSES TURKISH MINORITY

(By Jack Anderson and Dale Van Atta)

Cultural genocide is being systematically practiced against Bulgaria's Turkish minority by the communist regime. Those who resist the government's attempts to stamp out all traces of Turkish language and customs, and minority's adherence to the Moslem religion, are either imprisoned or shot.

The plight of Bulgaria's ethnic Turks, who number about 1 million, or nearly 10 percent of the population, is described in cables to the State Department from the U.S. Embassy in Sofia. Our associate Lucette Lagnado has seen the cables and interviewed experts on the subject. Here's what she learned about this little-publicized tragedy:

The communist regime does not acknowledge that there are Turks in Bulgaria. One embassy cable noted that the government "eliminated from statistical existence more than 1 million persons previously identified as [Turks]." This official creation of "unpersons" is "a socio-political feat of truly Orwellian proportions," the cable commented.

In the past two years, the embassy reported, there have been "well-documented . . . police terror tactics used to isolate remote villages and force inhabitants to change their full names from Islamic to Slavic/Christian Bulgarian names."

The embassy reported violence when ethnic Turks resisted attempts to eradicate their cultural identity. The militia, backed by the army, entered Turkish communities and used "deadly force to reduce resistance," an embassy cable stated, adding: "There were several reported cases of mass civil violence, which resulted in hundreds of deaths and many more injuries."

While some resisters were imprisoned on political charges, this relatively mild treatment was reserved for the "Turkish minority elite—party officials, teachers, etc.," the embassy reported. Most of the recalcitrant ethnic Turks were subjected to naked force. "Refusal to agree quickly to a name change was met by documented cases of summary executions. . . . Individual killings seem to have been more widespread."

As the poorest, least assimilated and worst-treated of any minority in Bulgaria, ethnic Turks are considered easy targets for Khomeini-style Moslem fundamentalism—a possibility that frightens the communist rulers. The embassy has received "reports of razed mosques and . . . pressure against fundamental Islamic religious practices such as circumcision and funerals."

Turkish-language publications were once numerous and widely read by the ethnic minority. But last year the government stepped in and the publications were "abruptly published only in Bulgarian," the embassy reported. At the same time, Turkish-language radio broadcasts were eliminated.

The communist regime prudently applies its anti-Turkish discrimination to military service. As the embassy has explained: "The Bulgarian constitution's alleged 'equal treatment' of . . . citizens does not apply to the Turks when it comes to military duty. The Turks are placed into uniformed labor battalions and are not entrusted with weapons."

TRIBUTE TO THE CITY OF SAN FERNANDO

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. BERMAN. Mr. Speaker, I rise today to pay tribue to one of the finest cities in my district. The city of San Fernando will be celebrating its 75th anniversary on August 31, 1986. In recognition of this occasion, the city is planning an anniversary picnic on Sunday, August 31, at Recreation Park.

The city of San Fernando was incorporated in 1911. It nestles at the best of the panoramic foothills of the San Gabriel Mountains and is the keystone and namesake of the San Fernando Valley of Los Angeles County.

Steeped in the heritage of early Calfironia, of Spanish conquest and mission era, of cattle ranches, olive and citrus groves, today's city of San Fernando is emerging as a dynamic center of growth in the Valley that bears its name. Located at the northeastern end of the San Fernando Valley, the city of San Fernando is the outgrowth of the first settlement in the valley, Mission de San Fernando Rey, and thus carries the title of "First City of the Valley."

The modern image of San Fernando is one of a colorful blending of Spanish-American cultures influenced by the phenomenal growth of one of the largest retail sales merchandising areas in the United States.

The city of San Fernando, named in honor of an ancient Spanish king, is a marvelous place to call home. Its regal setting combines the community spirit, pride, and rich cultural traditions found in so many small, independent cities, and at the same time it has all of southern Calfornia's vast cosmopolitan, cultural and recreational amenities.

San Fernando is a wonderful place to live, work, and play, the heart and soul of the southern California lifestyle—a crossroad of opportunity. I am honored to join with my colleagues to salute the city of San Fernando on its 75th birthday and to wish this community continued success and productivity.

SALUTE TO LINDEN, NEW JERSEY INDUSTRIAL ASSOCIATION

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. DWYER of New Jersey. Mr. Speaker, it is an honor to bring to the attention of the Congress the fine work and many contributions of the Linden Industrial Association which was incorporated in 1935 to promote the mutual interests in Linden and surrounding areas.

Over the past 50 years, the member companies, through their concern and enthusiasm, have fulfilled the goals set forth by the association's founders. The Linden Industrial Association has established itself as a vital part of the community, working to enhance local commerce and improve the quality of life for all citizens.

The organization symbolizes what can be achieved when small businesses and large companies combine their talents and energies in the pursuit of common goals. Our towns, the State of New Jersey, and the entire Nation benefit from this high level of dedication and effort. The association's members, both past and present, are to be commented for their excellent work and genuine sense of civic awareness.

The Linden Industrial Association has provided invaluable input on local issues, always striving to keep our communities safe and strong, and area businesses thriving. This spirit of cooperation and commitment has

yielded benefits manifold and a private and public sector partnership that has been enormously successful. As the Linden Industrial Association enters the 21st century, it will continue to provide crucial leadership in the sustained development of local commerce and keeping our communities vibrant. I salute the association for its fine work.

DIAMOND JUBILEE OF KAPPA ALPHA PSI

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. JACOBS. Mr. Speaker, Indianapolis was privileged last weekend to host the Diamond Jubilee of the Kappa Alpha Psi fraternity.

The keynote speaker was our colleague, Walter Fauntroy, who during his remarks brought his audience to their feet and then, as he beautifully sang the Impossible Dream, he brought the audience to inspired tears.

Our colleague, GEORGE CROCKETT, was one of those honored by Kappa Alpha Psi in Indianapolis. Judge CROCKETT is a walking segment of the best of American history. His accomplishments are measured in terms of courage and a heaven-sent talent.

In addition to Judge Crockett, Irven Armstrong, Arthur Ashe, and our dearly departed astronaut, Ron McNair, were honored by the fraternity.

A TRIBUTE TO THOMAS F. COMICK

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. GARCIA. Mr. Speaker, our Nation is much indebted to hardworking public servants. Today, I rise to commend one public servant, Thomas F. Comick, who retired on August 1 of this year. In an era that is filled with much change, it is comforting to find some sense of stability. Thomas F. Comick embodied that stability in his service to our country and in his life. Thomas Comick devoted 24 years of service to our Nation—9 years in the military and 15 years with the U.S. Postal Service.

As a postal employee, he spent much of his time and efforts in preparing for the Postal Service involvement with the Census Bureau in the decennial censuses. Those of us who understand the importance of our national census to the proper running of our country can fully appreciate Mr. Comick's efforts.

Every 10 years, our Nation takes a census of population and housing by which we establish the statistical foundation for legislative reapportionment, public policymaking, and distribution of Federal funds. Our next census will be in 1990, and as it was for the past several censuses, the 1990 census will rely heavily on the mailing process. Therefore, the Census Bureau and the Postal Service must work together to assure an efficient and accurate census. Mr. Comick was the critical liaison between the Postal Service and the Census Bureau who assisted in obtaining the goal of efficiency and accuracy in the census.

Mr. Comick was also a devoted family man to his wife, Doffy, of 37 years and to his five children.

As he retires from the Postal Service, he will be missed, but he is wished only the best in the new phase of his life.

A TRIBUTE TO "DOC" FREDA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. GILMAN. Mr. Speaker, I regret to inform our colleagues of the passing of an outstanding community and public leader, and a sincere and gracious gentleman, Dr. Carmine Freda of Rockland County, NY.

"Doc" became a household word throughout the mid-Hudson Valley of New York during the 20 years—1964 through 1984—that he served as Republican Party chairman for Rockland County. Anyone who ever met him was impressed by his graciousness, his fairness, and his genuine concern for his fellow man. "Doc" Freda was truly a humanitarian.

"Doc" Freda, a native of New York City, was a graduate of Stuyvesant High School in New York, and of the Long Island College of Podiatry.

Upon establishing his medical practice in Rockland County, he soon became known as a community leader, serving as a village trustee in Granview-on-Hudson, NY. For 10 years, followed by a 10-year tenure as mayor of that village. He also served on the South Orangetown School Board. He was an active volunteer fireman in the Piermont and Grandview Fire Companies for many years, and until recently was an active member of the New York State Alcoholic Beverage Control Board.

"Doc" Freda distinguished himself in the U.S. Navy, from whence he retired as a commander. He received the Presidential commendation for meritorious service from the President of the United States and the U.S. Marine Corps. "Doc" Freda is the individual who initiated the navigation bombadier program in the U.S. Marine Corp, and to the day of his death he was a licensed pilot and instructor, a licensed navigator, and a licensed meteorologist.

"Doc" Freda was elected to the first of 10 2-year terms as Republican county chairman in 1964. At that time, at age 63, he was preparing to retire from his highly respected medical practice in order to devote full time to Republican politics. And devote himself he did—serving for the next 20 years with an even-handed fairness and total devotion to the best interests of the electorate. It is a tribute to "Doc" Freda's skills as a political leader that he was selected as a delegate to five Republican National Conventions—1968, 1972, 1976, 1980, and 1984. In the capacity of convention delegate, he represented not only his home county of Rockland, but in various years portions of Orange, Sullivan, Ulster, and Westchester counties. "Doc" Freda also served as a member of the electoral college twice, representing New York State.

In 1984, when "Doc" Freda was only 83 years young, he decided to step down from the chairmanship of the Rockland County Republican Committee. At the time, he said: "This is the time I should pursue other things." However, in his position as the first "chairman emeritus" in Rockland County history, he was always pitching in and doing more than his share—just like always.

At the time "Doc" Freda stepped down as party chairman, one of his friends remarked that if you add up all of the years of public service that "Doc" had devoted, it would add up to over 100 years.

"Doc" Freda slipped away from us last night, at the age of 85. However, this impact or his heart will be felt throughout our region for many years to come.

To his devoted wife, Hazel, to his two sons and five grandchildren, we all offer our deepest condolences. Although mere words never suffice at a time such as this, I hope it is of some consolation to his family and loved ones that many share their loss.

A SALUTE TO THE McKINNEY-THOMPSON FAMILY

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. FAUNTROY. Mr. Speaker, on behalf of the residents of the District of Columbia, I would like to take this opportunity to commend the members of the McKinney/Thompson family on the occasion of their reunion. During the weekend of August 22–24, 1986, family members from various parts of the country will gather in our Nation's Capital to celebrate and fellowship with one another.

The rich background and heritage of the McKinney/Thompson family is rooted in a firm faith in God. Rev. and Mrs. George D. McKinney, Sr., instilled in each of their children the importance of adhering to Christian principles in every aspect of their lives.

The members of the McKinney/Thompson family have distinguished themselves in the fields of education, religion, social work, dentistry, law, nursing, Government and minority enterprise.

Their family reunion will not only serve as a gathering of relatives, but as a means of passing history on to younger generations. For it is the family that gives us a sense of pride in ourselves and our heritage.

I invite my colleagues to join with me in extending sincere best wishes to the entire McKinney/Thompson family on this joyous occasion and dedicate the poem, entitled, "Family," to this outstanding American family:

FAMILY

Is a deeply rooted tree with branches of different strengths all receiving nourishment from an infinite source.

Is where character is formed, values are learned, ethics are created, and society is preserved.

Is where all members contribute and share, cooperate and work, and accept their responsibilities toward the good of the group.

Is where holidays are celebrated with feasting, birthdays acknowledged with gifts, and thoughts of days gone by kept alive with fond remembrances.

Is where each can find solace and comfort in grief, pleasure and laughter in joy, and kindness and encouragement in daily living.

Is a haven of rest, a sanctuary of peace, and most of all, a harbor of love.

JUSTICE DEPARTMENT TELLS HOW TO DISCRIMINATE PROPERLY

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 13, 1986

Mr. WEISS. Mr. Speaker, our distinguished colleague BARNEY FRANK is known among House Members as one of the most passionate, articulate, and persuasive orators in this body. He is also widely respected as an inexhaustible proponent of civil rights and civil liberties.

Mr. FRANK's many skills came together in a speech he made to this body on July 21, chastising the U.S. Justice Department for its outrageous opinion that employers working on Federal contracts may fire people with AIDS on the grounds of fear of contagion, in spite of incontrovertible evidence that the disease cannot be spead by casual workplace contact. Since some Members may have missed this important speech, I am submitting for the RECORD an article written by our former colleague Otis Pike of Newhouse News Service, which appeared in the August 3 issue of the Sunday Republica . I commend this important article to the attention of my colleagues.

PIKE: JUSTICE DEPARTMENT TELLS HOW TO DISCRIMINATE PROPERLY

(By Otis Pike)

WASHINGTON.—It is too bad that Congress has drifted back into the old habit of not having any votes on Mondays and Fridays. Since votes are what opponents check on during political campaigns, congressmen tend to be present when votes are scheduled, which normally means Tuesday or Thursday.

While their absence constitutes no mortal peril to the republic, it is conceivable that the old-fashioned five-day work week might lead to a few things getting done that will go undone. Perhaps more significantly, that handful of people who show up for the formalities of prayer, politics and adjournment on Mondays and Fridays sometimes do say things that it would do their colleagues good to hear. The speeches are declaimed to echoing walls in empty halls.

On July 21, Rep. Barney Frank, D-Mass., spoke to an empty House chamber. He is perhaps the most articulate, literate and intellectually interesting speaker in the House. Too bad no one was there to hear him.

Frank was tearing apart the Justice Department for its incredible decision that employers working on federal contracts may fire persons with AIDS. Congress passed a law prohibiting discrimination against handicapped persons, yet the Justice Department decision teaches employers how to go about discriminating.

You may not fire people because they have AIDS, says the Justice Department; that would be discrimination. You fire them because you say you are afraid they will spread the disease in the workplace. No matter that all the scientific evidence is against any such casual contract spreading the disease. No matter that the fear is irrational. No matter that the real motivation is simple prejudice. The Justice Department tells you how to go about discriminating. Some justice.

"In their absolute zeal to give people a chance to discriminate against people with AIDS, they falsify scientific evidence," said Frank. "They may not have falsified it knowingly, but I think they falsified it, to use lawyers terms, recklessly; that is, maybe they did not know, but if they did not know it is because they made every effort not to know."

The Justice Department's opinion, issued as a memorandum from the Office of Legal Counsel over the signature of Mr. Charles Cooper, did acknowledge that the federal government's own Centers for Disease Control had determined that "the kind of nonsexual person-to-person contact that generally occurs among workers and clients or consumers in the workplace does not pose a risk for transmission." Then it said, "It has been suggested, however, that conclusions of this character are too sweeping."

Frank dissected that one meticulously: "It has been suggested.' A semantic point, Mr. Speaker. Watch out for the passive voice when lawyers and politicans speak. When someone says, 'It has been suggested,' he is not suggesting it; you are not suggesting it; who is suggesting it? It, the atmosphere, the ether is making the suggestion.

When people, for political reasons, want to offer up an opinion that is too stupid, too baseless, too worthless, in the most literal sense, to own up to, 'it' is suddenly imported and 'it' suggests this."

The Justice Department quoted two doctors who seemed to question the Centers for Disease Control. Frank contacted both of them, and both of them said they agreed with the CDC that AIDS is not casually transmittable. They were, said Frank, "appalled by the misuse by the Justice Department of their statements."

Barney Frank did not take the floor simply to tear into the Justice Department for what he termed a "vicious, calculated assault on some of the most vulnerable people in our society." He made his speech because he knows that people with AIDS are suffering enough. His sense of moral outrage combined with his legal and intellectual abilities to make an exemplary speech.

"There are," said Frank, "cases of politicans with a lack of scruple that is extraordinary even in a profession where scruple is not always present. There are people who have sunk to the point of demagoguing against people with AIDS, a classic case of blaming the victim and inflicting pain and hardship on people who are already suffering and on their families and on their friends."

On a Monday, in an empty hall, Frank went after such people in a speech that was intellectually honest, heartfelt and eloquent. Too bad no one was around to hear it.

RETURNING TO PARADISE: COMBATING THE SOVIET THREAT TO THE SOUTH PACIFIC

HON. BEN GARRIDO BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. BLAZ. Mr. Speaker, as a son of the Pacific and a retired military officer, I want to share with my colleagues my deep concern with the growing Soviet threat to the South Pacific. I believe that with a little interest and effort we can accomplish a great deal to retain our strategic interest in the region and prevent further Soviet expansion.

It would be supremely and tragically ironic if the islands for which we paid so dearly—islands like Tarawa, Guadalcanal and Tulagi—fell under the influence of the Soviet Union. So it is with these thoughts and feelings that I share the following reflections and suggestions.

U.S. ENTERS NEW ERA IN RELATIONS WITH THE SOUTH PACIFIC

The Southwest Pacific is no longer a peaceful, palm fringed preserve of American goodwill. The region, long a staunch United States ally, has been thrust into the global struggle by a new Soviet strategy. The South Pacific has become the newest arena of superpower rivalry.

We now face a three-pronged Soviet strategy in the region. Soviet naval expansion has made their Pacific fleet their largest and gained them their long sought goal of a warm water port at Vietnam's Cam Ranh Bay, ironically a United States built port.

Politically, they are attempting to inject themselves into the region through expanded diplomatic contacts and efforts at spreading nuclear free fallacies. Those efforts are complemented by economic ploys such as so-called fishing and economic development agreements aimed at securing port access and eventually naval and air facilities.

The Soviets are capitalizing on several trends in the region: First, the rise in nationalistic/anticolonial sentiment; second, spread of nuclear free Pacific fervor; third, resentment over disputes with United States commercial fishermen; fourth, resentment with French nuclear and colonial policies.

These developments threaten a major pillar of our Pacific basin policy—strategic denial of the area to hostile outside forces.

The stakes are substantial: First, the United States alliance structure in the Pacific and Southeast Asia; second, vital sea lines of communication to United States allies and trading partners; third, the right of passage and port entry for our nuclear navy; fourth, access to the natural resources of oceania and the Indian Ocean; fifth, American prestige in the all important Asia-Pacific era.

TWOFOLD NATURE OF THE PROBLEM

There are really two problems confronting the United States in the South Pacific: The long-term Soviet challenge in the region and the current trend of the area's nations to flirt back.

The Soviet half of the equation is easiest to understand. Soviet leaders have decided to

become players in Asia and the Pacific because of the phenomenal increase in trade and development in the region and the Pacific basin's enormous potential for future growth.

The expansion over the past two decades of the Soviet Pacific Fleet—which is now the largest fleet in their navy—and the development of Soviet naval and air bases at Cam Ranh Bay are the most visible signs of this new Soviet thrust into the region.

The Soviets want to gain access and bases for their fleet and aircraft through fishing and other economic development and diplomatic agreements; and they seek to deny United States ships and aircraft access and bases by encouraging nuclear paranoia and underwriting extremist elements of the nuclear free Pacific movement.

The problem of South Pacific nations flirting back at the Soviets is less clearly understood. Previous Soviet attempts in the 1970's were ignored or rebuffed by South Pacific nations.

But now some of these nations are responding, accpeting Soviet aid, diplomatic relations and offering port access and on-shore facilities for Soviet commercial vessels.

New Zealand has refused United States nuclear Navy port visits because the Labor Party there swallowed the fatal fallacy, actively promoted by Soviet propaganda, that unilaterally banning our nuclear Navy will protect them. The United States has responded by ending New Zealand's role in the Anzus Mutual Defense Pact.

The Republic of Kiribati is renewing its $1.5 million fishing agreement with the Soviets and may add port access to the benefits granted Soviet vessels. This agreement allows Soviet trawlers and spy ships access to the largest exclusive economic zone in the Pacific—several million square miles—and positions their spy ships to observe testing at our Kwajalein missile test range in the Marshalls.

Kiribati leaders have said they entered this Russian gambit out of disgust and resentment with the United States failure to enter a tuna fishing rights agreement that would allow the island to collect adequate fishing fees from United States tuna boats.

Vanuatu has decided to establish diplomatic ties with Cuba, Libya, and the Soviet Union as well as provide the Soviets port and onshore facilities at Espiritu Santo—a United States base in World War II) in a soon-to-be-announced fishing treaty. Vanuatu's proximity to the racially troubled French colony of New Caledonia and potential for influencing developments there are very disturbing.

Traditional friends such as Fiji also are entertaining Soviet offers of fishing treaties.

Anger with French nuclear and colonial policies has led to heightened antinuclear sentiment and the development of South Pacific nuclear free zones. French policies in Tahiti and New Caledonia create resentment in the region and these anti-French feelings wash onto the United States because of the mistaken belief that we can force the French to change their policies.

The South Pacific, our World War II ally, is allowing Soviet inroads because of disillusionment with the United States and resentment with what the region's leaders see as our disinterest in their welfare as well as disagreement over fishing policies.

In a sense we are the victims of the passing of the Coral Sea generation. Those South Pacific leaders who remember the American servicemen, American democracy and equality, and the enormous productive power of the American economy are passing. This generation is being replaced by younger leaders who have no memory of the war-years partnership. They are more critical of our commitment to the region and want to see positive action from us to demonstrate our concern. Our reservoir of good will has not run out completely but we can see the end of it unless we act soon and act forcefully.

The most pressing issue is resentment with what these leaders see as years of Jolly Roger tactics by American tuna boat operators who refused to recognize the islands' fishery rights and would not pay fishing fees for tuna caught in the islands' exclusive economic zones—their major sources of wealth.

It would be difficult to overemphasize the deep resentment these tuna wars have created in the region. It is not an exaggeration to say that the current U.S. image in the South Pacific is dominated by the vision of rapacious and arrogant tuna boat operators.

Kiribati's Russian gambit is seen in the area as a direct result of the United States Government's unwillingness to negotiate a new fishing pact recognizing these rights and fee payments.

The absence of adequate and clearly targeted U.S. financial assistance to the region and the possible cut in AID funding for next fiscal year also are a large part of the problem.

COMBATING THE SOVIET THREAT TO SOUTH PACIFIC

There is not much that can be done in the short term about Soviet adventurism in the region, but there is much we can do about the sudden receptivity of the region to Soviet allurements.

A complete denial of a Soviet presence in the region is not feasible or probably even desirable. We have political and economic relations with the Soviet Union as do our closest allies. Why shouldn't the South Pacific?

Most importantly we must recognize the roots of the problem in the South Pacific lie in changing leadership and the perceptions of the new regional leaders with short-term economic and political problems with the United States.

Who are these new generation leaders and what is it they seek for their nations? What do they want from the Soviets and us?

"The Pacific way" is anticolonial, yet conservative; traditionalist yet Christian; issues are openly debated but resolved through quiet compromise and consensus decisionmaking.

The region is politically and culturally conservative with a strong commitment to democratic institutions and pluralistic societies.

Interpersonal relationships are extremely important. Face-to-face dealings can solve problems thought unsolvable.

There is no grinding poverty, no clashing class conflicts in the region. Families and kin groups provide basic necessities and bind all levels of society.

The ideal leader in the Pacific way is the person who distributes the food, goods, resources as widely and fairly as possible.

So in international perceptions and relations, South Pacific leaders tend to view issues in terms of which countries can best approach the ideal of the Pacific way. Which country will be seen as giving—or thought likely to give—the fairest payments for services or the fairest amount of aid.

In short, the Pacific way is diametrically opposed to everything Communist doctrine and practice stand for. Despite our disagreements with regional leaders, the South Pacific retains a strong affinity for Americans and American ideals. Island leaders welcome U.S. interest, involvement, and concern, especially if it is followed up with aid and trade over the long term.

Few regional leaders savor the prospects of superpower rivalry, but they have discovered that the best way to get our attention is to flirt back at the Communists.

The leaders and people of the South Pacific want to be our friends. Can we be theirs?

LESSONS FROM FREE ASSOCIATION NEGOTIATIONS

The long, complex negotiations between United States and Micronesia grappled with the same basic issues we face in the South Pacific today: How to meet the conflicting needs and wants of small Pacific island nations while protecting our preeminent strategic interests in the region.

The island ministates want independence, sovereignty, dignity as members of the world community, political stability and, most importantly, assured long-term economic growth so they can gain a better life for their people. The United States wants assurance of political stability and strategic denial of the area to hostile outside forces.

The outcome of 17 years of difficult negotiations with Micronesia was the United States recognition that there is not necessarily an inherent conflict between self-determination/economic development and strategic denial.

By our recognizing we had a responsibility and self-interest in accepting and respecting Micronesia's sovereignty and underwriting its development, the Micronesians, persuaded by our willingness to negotiate a long-term commitment, were willing to endorse and support our strategic interests.

The South Pacific is not in the same situation as Micronesia but what I believe they are saying to us is, if we are not interested in their long term economic well-being—beyond lip service and about $8 to $10 million a year in development aid—then they will go elsewhere for underwriters.

The essence of the free association agreement with Micronesia—a long-term, comprehensive commitment to the region's political and economic development in return for strategic denial of the area is similar to the solution we are seeking with the South Pacific.

I am not suggesting we enter an auction with the Soviets for the favor of the South Pacific. That leads us into a game of manipulation we should not play and does not address the real long-term needs of the region.

Nor am I suggesting we shoulder the burden alone. Whatever we do in the region, we should do in a community effort with regional organizations like the South Pacific forum and our major allies, especially Japan, Australia, and New Zealand. This does not

mean the aid cannot be bilateral and clearly marked U.S.A.

I am not talking about huge expenditures even over the long run. There is a fundamental reality of scale here that places clear limits on the amount of financial aid the islands can absorb. There are about 5 million people in the South Pacific on islands scattered over several million miles of ocean.

THOUGHTS ON ECONOMIC/POLITICAL STRATEGY FOR PACIFIC BASIN

In conclusion, I offer the following thoughts for a plan to combat the Soviet threat to the South Pacific:

First, in conjunction with our allies, negotiate with the region a comprehensive, long-term development plan, properly scaled to the size and needs of the island nations—a South Pacific initiative that addresses immediate solutions to major stress points in our relationship with the region; conclude at earliest possible time a fisheries treaty recognizing the EEZ's and fishery fee rights of the region. The plan should also address long range plans to better integrate, economically and strategically, the South Pacific, Micronesia and our Southeast Asian allies.

Second, upgrade our presence. Our physical presence in the region is minimal and that lack of constant personal contact on leadership as well as academic and people-to-people levels feeds an impression of the United States as unconcerned, uncaring and uninterested in the welfare of South Pacific people.

We need to return to paradise, to rediscover the South Pacific on all levels—diplomatically and politically, expanded cultural ties, tourism, business investment—a broad spectrum presence.

Third, strengthen the moderate center. Expand the moderate center of political spectrum in the region through regional approach and support. Allow moderates to bring extremist nations around through Pacific way consensus.

Fourth, clarify our nuclear position/disengage from French connection through expanded public diplomacy effort in the region. The United States does not now and does not intend to dump nuclear waste, conduct nuclear tests or store nuclear weapons in the South Pacific. This policy conforms with the baisc needs of the island states for nuclear weapons free societies.

We have little control over French actions and if we cannot make them see their nuclear testing policy is creating strategic problems in the region, we should reevaluate our position on French nuclear testing and, if needed, clearly disassociate ourselves from their policy and condemn their actions.

We also must seriously examine and, if necessary, clearly disassociate ourselves from French colonial policy in Tahiti and New Caledonia. The volatile situation in New Caledonia and the specter of racial war there between the indigenous Melanesians and white setters requries us to speak out on behalf of democratic self-determination. We have an excellent, progressive record in the Philippines and Micronesia of fostering self-determination. We should not allow ourselves to be associated with French policies that regional leaders view as colonial and regressive.

We must continue to stress that any unilateral barring of United States nuclear forces is dangerous and destabilizing because it can generate in nations a perception of superior Soviet strength and the attendant political influence that might be gained by that perception.

THE 40TH ANNIVERSARY OF INDIAN INDEPENDENCE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. GARCIA. Mr. Speaker, tomorrow is the 40th anniversary of the world's largest democracy, India. I think it is only fitting that we salute the people and Government of India for its shining example to all the nations of the region. It stands as a beacon of democracy.

On August 17, the Federation of Indian Associations in New York City will observe India's independence with a colorful parade. Last year the parade attracted some 50,000 people.

On a related issue, I'd like to mention to my colleagues that the Fourth National Convention of Asian Indians in North America is scheduled to take place this August 29 through September 1 at the Anaheim Marriott Hotel in California. During the convention, a number of simultaneous conferences will take place on a variety of topics of interest and importance to the Indian-American community.

One final note, Dr. Joy Cherian, former president of the Indian American Forum for Political Education, passed on to me a copy of a speech by Dr. Thomas Abraham, president of the National Federation of Asian Indians. I would like to share it with my colleagues in honor of Indian Independence Day. I would also like to thank Dr. Cherian for making the speech available to my office:

INDIAN AMERICAN COMMUNITY—MATURING IN THE UNITED STATES

Indian immigrants in America have found a congenial atmosphere for preserving their cultural identity while joining the mainstream of American life. Unlike many of the groups that preceded them, the Indian immigrants came from the upper strata of society and they moved quickly into middle class occupations in this country.

In contrast to other ethnic groups, Indians are unusual in their higher levels of education and their relatively dispersed settlement patterns. Big cities like New York, Chicago and Los Angeles have a higher concentration of Indians. But they have settled in every part of this country. Most of them are professionals working in big corporations, hospitals and universities. Many of them have made outstanding contributions in their respective fields.

Most of the Indians migrated to this country in the late 60's and 70's, at a time when the melting pot concept was changing. A curiosity for their cultures and habits sprouted in American society at this time, leading to a deeper appreciation of different ethnic groups. In spite of the fact that cultural pluralism has come to stay and be accepted in the American society, the Indian community whether in university town or a metropolitan area started sensing the need for Indian organizations to safeguard our ethnicity. This resulted in a number of cultural, philanthropic, religious and regional organizations.

It is true that there are a number of Indian organizations, especially in the metropolitan areas but this is simply a reflection of the heterogenicity and cultural diversity of India. Is is gratifying that there are so many people who are actively involved in these organizations even though the objectives of the latter may be quite limited.

PRESERVING CULTURAL IDENTITY

One of the primary objectives of the Indian organizations is the exposure of our culture to the second generation. It has been felt that this generation brought on McDonald's and American T.V. has little if any idea about India, its culture, its great past and its wisdom. Our cultural organizations have been doing a fine job in promoting our culture and arts here in the United States and they should continue doing that.

A BETTER IMAGE OF INDIA?

Through the various Indian associations, the community has greatly helped in changing the impressions of India from a country of snake charmers to a country of great cultural heritage and values, fine art forms and exotic foods. Indian classical music and dance performances are largely attended by Americans. International festivals organized in different American cities are well represented by Indian community. The first Indian Parade in New York City in 1981 organized by the Federation of Indian Associations, to celebrate India's Independence Day was a historic event which is reinforcing further a positive image of India. This and several other India festivals and parades continue to grow in different parts of America.

IMPACT IN SCIENTIFIC AND EDUCATIONAL FIELDS

The most noticeable contribution, the Indian community has made is in the science and engineering fields. In the various scientific and professional society meetings, a good percentage of the scientific papers are presented by Asian Indians. The community can be proud of several known names including two Nobel Laureates.

Indian Americans have also made a major contribution in the education field. There are over 5,000 faculty members of Asian Indian origin teaching in the various universities. Many of them have reached the level of chairmen of the departments or directors of various programs. However, due to the lack of political clout or due to social discrimination, some of the faculty members have gone through the process of getting fired or not getting tenured, even though many of them were senior or more qualified than their American counterparts. Some of those who have been unjustifiably fired, have contested their cases in the courts and won in their favor. However, those who go to courts are very few, since it is a big financial burden. So far we do not have a mechanism in the community to help such persons, and this needs to be addressed by the various community groups.

CORPORATE AND BUSINESS INVOLVEMENT

In the corporate field, we have made some strides. However, when it comes to the level of top positions of medium and large corporations, we have not been able to make much impact. Lately a large number of Indian Americans have started engaging themselves in business. This writer recently published the first edition of the "North American Directory and Reference Guide of

Asian Indian Businesses and Independent Professional Practitioners". This directory lists over 8,000 businesses and professional practices owned by Asian Indians, though the total number may be over 20,000. There are several Asian Indian business success stories, which should motivate others to start various businesses. It is widely acknowleged that Indian American businessmen have revitalized several neighborhoods in the big cities, and in particular New York City and Chicago. The major impact of Indian Americans in the American industry is in the hotel and motel industry. Twenty-five percent of the small motel and hotels in the U.S. are owned by people of Indian origin. Overall, Asian Indian businessmen and professional practitioners have projected a healthy image of the community among American businessmen and professionals.

POLITICAL INVOLVEMENT

With the growth of the Indian community here, there has been an increasing awareness among the community to participate in the political process and voice their opinion in the social, political and economic issues. There are many issues where we need to speak with one voice. Some of the recent ones are the minority status and the new immigration bill. The restoration of the family reunification provisions in the new immigration bill has been a great triumph for the Indian community. It was a united effort of all in the community. The achievements in the immigration bill and the minority status are not enough. We still have to fight the social and economic discrimination that each Black, Yellow and we Brown Americans are subjected to.

In terms of community's involvement in American politics, it has been a new phenomenon which started in the late 70's. In the 1982 elections, the Indian community in the U.S. actively participated in fifteen states and over half a million dollars was raised for the various candidates. This was a breakthrough for Indians to participate in the political process. In 1984, the Indian Americans actively participated in the Presidential and Congressional elections. I visualize a greater role for our community in serving as a brain bank for the various political leaders in shaping up the policies on the city, state, and national levels. Even though our numbers are not large, we could get involved in the affairs of the larger community such as schools, public service, public issues, etc.

COMMUNITY'S ROLE IN SHAPING UNITED STATES FOREIGN POLICY TOWARDS INDIA

Many ethnic groups have been able to exert economical and political influence in the U.S. for their countries of origin. This is particularly noteworthy for the Jewish community. Indian Americans, as permanent ambassadors of India to the U.S. can contribute for a better relation between both the countries.

A better U.S. foreign policy towards India can begin with the help of representatives in the U.S. Congress who are sympathetic to India. Lately, there has been an initiative from the White House to interact with representatives of the Indian community on issues pertaining to India-U.S. relations. Early this year, it was a historic event for the community when this writer and Mrs. Achamma Chandersekaran, President of the Indian American Forum for Political Education, were invited to the White House along with a few other Asian Americans leaders to meet President Reagan and other White House officials. The meeting was arranged at the behest of Asian American voters coalition, an umbrella group of 14 national Asian American associations. The community representatives were also briefed by the State Department officials at several occasions.

In addition to interacting with the elected officials, the Indian community throughout the U.S. need to be mobilized to keep regular contact with Americans who help form public opinion and legislation. Many of our national organizations have taken initiative in this respect, but more community participation is needed.

Indian Americans also have a role in building a bridge of friendship between India and the U.S. Recently, the American Ambassador to India Mr. John Gunther Dean, and India's former Ambassadors to the U.S., Mr. K.R. Narayanan and Mr. K.S. Bajpai have reiterated the importance of the Indian community in developing better India-U.S. relations. The Festival of India in the United States which was started in 1985 has been a great gift to the Indian and American community from the governments of India and the United States. It has given a tremendous opportunity for Indian Americans to project a good image of the community and India.

The Indian community must build bridges of understanding between the land of their birth and the land of their adoption. With the release of the films "Gandhi", "A Passage to India", "The Jewel of the Crown", more and more Americans are showing interest to know more about India. And this is the opportunity for each one of us to interpret to Americans, Mahatma Gandhi's message of Soul Peace and Non-violence. And this is the opportunity for us to educate Americans in applying Gandhian thoughts for social change, community development, disarmament and peace. A few years back we had Martin Luther King to convey Gandhi's message. But at present we have over half a million Asian Indians living in America and let us convey Mohatma Gandhi's message more than ever before.

LOS ANGELES COUNTY CHILDREN'S BUDGET

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. MILLER of California. Mr. Speaker, in spite of apparent economic prosperity, many American children are suffering. As proof, one need look no further than to the recent findings of the Los Angeles Roundtable for Children, an impressive group of administrators from public and private agencies, as well as volunteer leaders of civic organizations devoted to children.

The Los Angeles Roundtable assessed funding for the entire range of children's services in Los Angeles County—where 1 in every 30 American children resides—over a 5-year span. They concluded that in virtually every service area, assistance had diminished despite an increase in demand for services.

Their report, "The Children's Budget of Los Angeles County Government," analyzes the children's budget of Los Angeles County across county departments, in the areas of health, mental health, income support, protective services, juvenile justice, child care, and recreation and culture.

The report also includes specific recommendations to make current services more responsive to the needs of LA's children.

This study reflects a nationwide trend—one of retreat from earlier commitments to vulnerable and at-risk children. For example, child care expenditures in Los Angeles, which are targeted primarily for abused, neglected, and poor children, fell $1.3 million, or 74 percent after inflation. This decline meant a loss of child care for nearly 7,000 children at a time when poverty and child abuse and neglect were on the rise. Despite the serious gap between the number of LA County children in need of child care and its availability, the county government returned substantial amounts of unspent child care funds to the State.

Children's income support programs also fell—by 1.4 percent. The largest of these programs, Aid to Families with Dependent Children [AFDC], increased 1 percent in constant dollars, while caseloads rose 6 percent. The income of a family of three receiving the maximum AFDC grant dropped from 9 percent below the poverty level in 1981 to 21 percent below the poverty level in 1984, despite the slight increase in funding. This is particularly alarming, given that there were more than 388,000 impoverished children in LA County in 1980.

In addition to the decline in child care and children's income support program, there was a 12 percent cutback in critical maternal and child preventive health care services. These reductions are especially shortsighted in light of the fact that nearly 50 percent of LA County's 9-, 10-, and 11-year-olds has one or more risk factors associated with heart disease and cancer. Or, that one out of every five preschool children is not fully immunized against childhood diseases. Mental health services, already seriously underfunded, also suffered a 12 percent drop, while admissions to inpatient facilities jumped 32 percent, and admissions to outpatient treatment centers increased 18 percent.

Only the juvenile justice system, child protective services, and the children's recreation and culture programs realized any increases in funding.

Even in these areas, however, there was a decrease in services to those children and youth most in need. The budget of juvenile justice, which in 1980 served over 32,000 youngsters, was increased 3 percent, but this was achieved largely through a drastic reduction in supervisory probation officers, with the newly available funds going to lawyers and witnesses in the juvenile courts rather than to supervisory and rehabilitative services for delinquent children.

The Roundtable blamed policy decisions at the Federal and State levels for placing more of the financial burden on the county. They also pointed to increased caseloads, which either offsets gains or exacerbated losses in funding. In addition, substantial cutbacks in preventive or early intervention services forced larger expenditures as problems became more severe for the target population.

As I noted, the Roundtable also developed comprehensive recommendations to improve Los Angeles County's policies and resources for children.

First, it recommends that current problems be examined and identified to guarantee that all available Federal and State dollars are used and not returned.

Second, it urges fuller cooperation between county departments, including greater coordination of services to children who receive assistance from more than one department.

Third, it proposes that the county adopt a comprehensive, continuous case management system between and within departments for all at-risk children.

Fourth, it calls for a shift in emphasis from after-the-fact care to preventive and early intervention services.

Fifth, the Roundtable suggests that the county adopt program budgeting for children's services within each department serving children, and

Sixth, the Roundtable requests that additional management information systems be introduced to provide adequate service and fiscal data which will in turn allow for better planning and budgeting for children's programs.

The LA Roundtable's report is the most comprehensive and practical analysis of a children's budget at the county level that I have ever seen. None committed to the well-being of children and their families can afford to overlook the Roundtable's fiscally responsible and socially compassionate recommendations. I strongly urge my colleagues, as well as legislators at both State and county levels, to study ways the LA Roundtable report may be applied to programs for children and families in their communities. They have given us an opportunity to learn, one that should help us dramatically improve our current efforts to deliver services to needy children.

COOLEY'S ANEMIA

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. LUNDINE. Mr. Speaker, I would like to take a few minutes today to discuss a terminal disease, a disease which poses a threat to the children of millions of Americans: Cooley's anemia. What distinguishes Cooley's anemia from other terminal afflictions is that it can be easily and effectively prevented.

Cooley's anemia is a fatal blood disease passed from parent to child. It strikes children of Mediterranean-American parents—people of Italian, Greek, Syrian, Israeli, and other Mediterranean ancestry.

When both parents carry the trait for Cooley's anemia, there exists a one-in-four chance that each pregnancy will produce a child with this terminal disease. Even when an infant is not born with actual manifestations of the disease, he or she may carry the disorder on to the next generation.

Cooley's anemia can be prevented, however. A simple blood test can offer the answer as to whether or not an individual carries the disease.

I commend the Order of the Sons of Italy in America, UNICO National, the Coalition of Italo-American Associations, the Columbus Citizens Foundation, the National Italo-American Foundation, the National Organization of Italian-American Women, the Columbia Association of Custodians and Administrative Employees, the Hellenic Society, Kiwanis Clubs, and, of course, the Cooley's Anemia Foundation, for their efforts in publicizing the fact that a simple blood test is all that is necessary to discover whether or not one is a carrier of the disease.

Yet not enough interest has been given to this critical issue. We need to educate all the people who may be at risk, through the active participation of the medical community, the news media, and other sources of public information. For example, warning literature could be presented to couples when they apply for marriage licenses. I encourage my colleagues to bring this vital issue to the attention of the health officials in their districts, so that they may take proper steps to educate people about this deadly affliction.

We can put an end to Cooley's anemia. It is time that we do so.

HONORING KEVIN NOLAN—A 1986 NCDD AWARD RECIPIENT

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to a constituent of mine, Kevin Nolan of Northampton, MA who was recently honored with one of the 1986 National Council of Communicative Disorders Awards. Mr. Nolan is the recipient of the NCDD Individual Award which is given to a communicatively handicapped citizen who surmounts his or her own handicap and is considered a model for other communicatively handicapped people.

Throughout his life, Kevin Nolan has successfully worked to overcome his hearing impairment. Upon completion of his bachelor's degree in business administration and a master's degree in education from Western Maryland College, he become the first deaf person to be elected to public office in Massachusetts. Serving a 2-year term, Mr. Nolan is one of nine members of the Northampton City Council as the result of campaigning vigorously against an incumbent who had been in office for 20 years. In spite of his deafness, he conducted a door-to-door campaign and made several public appearances.

Mr. Nolan attended the Clarke School for the Deaf where adaptation to the world is stressed by teaching students speech rather than sign language. Kevin's training at the Clarke School enables him to vocally express his opinions and be an enthusiastic participant at city council meetings.

Currently, Kevin Nolan is a guidance counselor at the Clarke School for the Deaf. His many achievements certainly are an inspiration to his students and to any communicatively handicapped individual. Mr. Nolan, you have truly earned the 1986 NCDD Individual Award and I wish you continued success in the future.

SUPPORT THE PRESIDENT'S FOREIGN POLICY BUDGET

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. LIVINGSTON. Mr. Speaker, some Members of Congress have decided that the best way to meet their domestic political agenda is to gut the President's foreign policy budget. I believe that this will be disastrous for our global national security interests, and I urge my colleagues to read the following article from the El Salvador News-Gazette. The article shows how the indomitable spirit of the Salvadoran people, combined with monetary and technical assistance from the Agency for International Development [AID], has prevented the Marxist guerrillas from destroying the country's infrastructure and its economy.

To reduce funding for effective programs such as this is not only shortsighted--it's dangerous.

[From the El Salvador News-Gazette, July 14-20, 1986]

AID Has Kept the Country Going With Money and Know-How But El Salvador Has Supplied the Spirit

(By Mario Rosenthal)

San Salvador, El Salvador, C.A.—It takes more than money to keep a country going during a guerrilla war in which the strategy of the terrorist enemy is to destroy necessary services and damage the economy. It also takes organization, technical know-how and more than anything else the right spirit.

Quietly, without any fanfare, and with the great merit of letting the Government of El Salvador take most of the credit, the U.S. AID General Development program, with a budget of around $30 million a year, headed by Charles "Chuck" Brady, has been largely responsible for keeping electricity flowing by reconnecting the thousands of lines the subversives have cut or dynamited; kept roads open by replacing bridges; keeping the telephones working by replacing bombed switch boxes and repairing damaged microwave transmitters. But the people of El Salvador have supplied to necessary element of a refusal to be defeated.

The magnitude of the damage inflicted by the guerrillas to the production facilities, communications system, water and energy systems, is estimated at $250,000,000. And the indirect damage, for instance, the closing of a road by destroying a bridge, stopping work by cutting off electricity, is estimated at $8 indirect damage for every $1 of direct damage.

"The United States couldn't afford to put up the $8 billion this country has lost from guerrilla actions," an AID spokesman says, "but we have done our best to patch up things." He said that the approach had been the "band aid" method.

"For instance," he said, "There used to be 1,800 high voltage energy towers throughout the country. At one time or another the guerrillas have destroyed almost every single one. Now there are only 800, 1,000 less than before, but the current is still flowing."

AID has supplied a helicopter and crew to transport substitute poles for those destroyed. But not only that. Salvadoran

crews were trained to make repairs in high voltage lines without turning off the electricity. "Before when a line was interrupted, the whole system had to be shut down to make the reconnection," he said. "Now the Salvadoran repair crews go in there, with special equipment and make the reconnection without shutting off the current."

Another way AID helps is to have standby equipment ready to take over when installations are destroyed. The most notable example is the gas turbine electric plant, supplied by AID at a cost of $10 million, that can provide current for the whole Oriente sector when the hydroelectric distributor system is damaged. Previously damage to the main lines from Cerron Grande left the entire Oriente sector blacked out. Now the emergency plant is turned on while the lines are reconnected.

Inventories of materials expected to be needed are maintained. These include Bailey bridges for quickly replacing a bombed-out bridge. Supplies needed for maintaining water lines, roads, transportation, electricity, are kept on hand. "To date we have authorized $78 million for this," the AID spokesman said. "About 50% has gone to CEL," he added. "The distribution grid for energy is so extensive that it is impossible to guard it all. We have provided funds for preventive protection in some vital areas, but for the rest all we can do is stand by ready to rush men and equipment out to repair the damage as quickly as possible. However, much has been done to provide illumination, emergency means of communication, in addition to creating physical barriers to protect installations."

The spokesman was quick to point out that although it was AID that provided the money, the know-how, and the equipment, it was the Salvadorans themselves, the men who made up the repair crews at CEL, ANTEL and ANDA, that deserved the most credit for keeping the roads open, the lights on and the telephones working. "These brave men work under dangerous conditions, they have been ambushed, fired upon and wounded by landmines. Their work is no less dangerous than that of the soldiers who are fighting the subversives," he said.

EMPLOYMENT GENERATION PROGRAM

All the projects under the General Development Program of AID have had a double objective: to carry out work that the government had to do but lacked the funds because of the crisis and to create jobs. "This program has been the basic thrust of the national plan intended to rebuild the areas ravaged by the war.

When the program began in 1980 the focus was entirely on stabilizing the economy through creating employment and keeping vital services in operation.

It is estimated that over the years 14,000,000 person/days of work at the minimum wage were generated. Typically AID has 10,000 men at work during any given day. It served to alleviate to some extent unemployment which runs between 30% and 50% of the work force. It was believed that between 49% and 50% of the entire work force of economic age of El Salvador was underemployed in 1980 and between 30% and 40% were unemployed. The economic age, or persons who should be working, in El Salvador is between age 15 and 60.

FIRST OBJECTIVES

The first objective was to create jobs through short term projects such as bridges, schools, irrigation, roads, street, drains, that had to be done anyway. Streets were paved. the road to Cerro Verde was partially completed, sewers were built, water storage tanks were put up all around the country.

The enormous drains that allowed Tutunichapa Avenue (Now Juan Pablo II) Boulevard to be build, were put in under this program. Between 1980 and 1985, 1,807 urban and suburban projects were completed. Up to the present a total of 2,500 projects have been completed.

PRESENT FOCUS

Recently the focus has been changed to emphasize rehabilitation projects because if the work is not done now it will cost much more in the future. Efforts are still made to create as many jobs as possible but the urgency of the reconstruction has now become the chief factor. That is why AID is now building provisional bridges over the Lempa River to replace the two spans destroyed by the subversives. The Cuscatlan Bridge and the Puente de Oro were both suspension bridges, the most expensive type of bridge construction. They are being replaced with low bridges more than adequate to clear the maximum heights of the rivers. Some experts say that suspension bridges over the river were an unnecessary expense.

The longest Bailey bridge ever built by U.S. Army corps, more than 1 kilometer long, will shortly be inaugurated between San Marcos Lempa and San Nicolas Lempa. It will be a single lane bridge to alternate with the railroad bridge.

The original estimate for the span was $33 million. AID is doing it for $8 million.

The Cuscatlán Bridge will be a semi-permanent two-lane bridge intended to divert traffic from the San Lorenzo dam. It is constructed on piling. Special pile drivers were imported by AID to do the job. It will be inaugurated by the end of July.

In addition AID is building a bridge at Citalá, connecting Honduras and El Salvador. "For 108 years the people wanted a bridge; it was impossible to ford the river during the rainy season. They are finally getting one . . . from us." The cost of the three spans over Lempa and the Citalá bridge will be $1.8 million plus $8 million, less than the original cost of the two bridges over the Lempa River. "Our next project is the bridge over the Rio Grande near San Miguel," the AID spokesman said.

HOUSING

"Few people know that El Salvador is in the middle of a housing Crisis with a capital 'C'," the AID spokesman said. "A recent shelter sector assessment showed that there is a deficit of between 500,000 and 600,000 low cost family housing units in the country. A family unit for El Salvador is taken to be 6 persons. That means that there are 3 million persons living in substandard housing in El Salvador, more than half the entire population.

"And as if that wasn't enough, the deficit is growing by leaps and bounds. The population growth requires 50,000 additional low cost housing units per year, and El Salvador is only building 3,000 low cost housing units per year. In other words, the need is growing geometrically. Right now at the rate of 47,000 per year. Nobody knows what it will be ten years from now," the AID spokesman said.

AID is attempting to do something about this enormous problem. The AID spokesman said that it is trying to spur the government and the private sector into building more low cost housing units. "It is good for everybody. It puts roofs over the heads of people; it increases employment, it creates a market for goods and services and in addition it's something close to the people's hearts," the AID spokesman said.

AID is working with IVU to provide funding through the "Housing Investment Guarantee Program," and by providing investment guarantees. Already $25 million has been made available since 1981 and the government has borrowed $15 million for this purpose. In addition $35 million was made available to the Government of El Salvador under PL 480 Title I and ESF programs on a grant basis. This money was specifically earmarked for low cost housing, for upgrading slums and for home improvement loans.

LOOKING AHEAD

The future AID program to offset war damage depends on what the guerrillas do, the AID spokesman said. "If they continue their destructive tactics AID will entertain continued support along these lines.

"Hopefully our projects have stimulated production. New roads have opened isolated areas and made them self-sustaining. Jobs have been created indirectly because of the projects; airstrips have been built, ports and river defenses have been built with money we provided and under our guidance. Our services have been used by the Government as the first response to natural disasters and those caused by the subversives. One example is what we did in Berlin in 1983 after the subversives wreaked havoc there. We initiated employment projects, we cleared up the debris, we injected new hope in the living.

"The wonderful thing is how the people of El Salvador respond. As I said at the outset, it takes more than money to keep going when guerrillas are dedicated to destroying everything. It takes know-how and organization and the right spirit. We can provide the first two to some degree but far less than needed. Only the Salvadorean people can provide the last and most important element: the right spirit," the AID spokesman concluded.

IDA NUDEL: THE GUARDIAN ANGEL OF SOVIET JEWRY

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. WOLPE. Mr. Speaker, although there are encouraging developments in recent days between Israel and the Soviet Union, they must be kept in perspective. All involved in the struggle for Soviet Jewry welcome the news that the Soviets will finally, after months of unjustified and cruel delay, release the family of Anatoly Shcharansky—his mother, Ida Milgrom, and his brother Leonid and his family—to be reunited in freedom in Israel. And after a break of 19 years, Soviet and Israeli officials will meet to discuss the reestablishment of consular ties between their countries.

While positive, it is important to understand that these are but gestures. They help create a better atmosphere, but they do little to change the facts that characterize Soviet policy. The Soviets continue to redouble their political and military ties with Israel's enemies, particularly Syria. And on the fundamental issue of human rights, the repression of Soviet Jews continues unabated.

Of all the refuseniks, perhaps the most revered for her determination, her courage and her selflessness is Ida Nudel. Now 55, she has spent two decades seeking her freedom—the past 10 years in prison and exile. In Moscow, before her arrest, as a leading member of the Helsinki Watch Group, she was known as the "Guardian Angel" of Soviet Jewry, providing a haven, and spiritual and moral support, for those whose struggle she shared.

Of what possible threat to the Soviet Union is a person who has been removed from society for the past 10 years and whose only desire—before and after her imprisonment—is to complete her life in Israel?

Recently, Louis Rappoport, a reporter for the Jerusalem Post, interviewed Ida Nudel in a clandestine location in Leningrad. That account is worth sharing. If Ida Nudel's dream has any hope of fulfillment, it is imperative that we neither forget nor abandon her.

Indeed, the success of the new dialog between Israel and the Soviet Union can be gauged, in large measure, by whether Ida Nudel wins her freedom, along with the tens of thousands of others who simply wish to fulfill their personal destiny.

An excerpt from the interview with Ida Nudel follows:

[From the Jerusalem Post International Edition, July 5, 1986]

The only solace Ida Nudel gets is from her writing—letters to some 30 people, prisoners and members of their families. It takes almost all of her time. She had just lost contact with some of her correspondents, and was worried about them, for instance: Leonid Shrayer, a refusenik serving three years in Izyaslav, Ukraine, for "Anti-Soviet activity."

Ida also works in her garden, growing her own vegetables and tending fruit trees, all of which were affected by the Chernobyl radiation. Immediately after the nuclear disaster, she took in five children evacuated from Kiev, Jews and non-Jews. "Everybody is a slave here," Nudel says, "They don't care if we live or die." The refuseniks want to get out, and now. Ida Nudel, after 15 years of struggle, is the epitome of this desperate desire. In short, she has had it.

"I think only how to escape from this place. I've gone through thousands of clashes with the KGB. What can I say more? Take me out I cannot wait anymore. I want Israel now!"

But in her mind, she has made a "Schindler's list" of who should get out first, and her own name is not at the top. Her list begins with the 21 prisoners of conscience, with the ailing Yuli Edelstein, and with Yosef Begun, and the others: Moshe Abramov, Yevgeny Yakir, Ya'acov Levin, Nadezhda Fradkova, Zachar Zunshyne, Alexander Cholimyansky, Yoseph Zissels, Yaacov Rozenberg, Leonid Volvosky, Yoseph Berenstein, Roald Zelichonik, Vladimir Brodsky, Vladimir Lifshits, Betzalel Shalolashvili, Alexei Magarik, Lev Shefer.

Then come the people who have served in prison or in exile, like Vladimir and Masha Slepak, and herself. Then refuseniks with boys approaching army age (once inducted into the army, Jews, though they do not carry rifles or engage in anything but manual labour, are said by the Soviet authorities to have had access to "state secrets," and can be denied emigration visas for five, 10, even 15 years.)

Then come the families with three children or more, and the most activist refuseniks. Then the rest of the refuseniks (no one knows the number, but it is estimated that there are as many as 400,000 who want to emigrate), followed by the rest of Soviet Jewry (according to the Soviet census, there are about two million Jews; but Nudel and other activists say there are three to four million Jews in the USSR, a large number of whom were intermarried and registered themselves as "Russians" or "Ukrainians" in order to ease their lives).

"I daydreamed that they asked me, "Who goes out?" I thought about it a lot." What can people in the West do? "Rally public opinion, press for government declarations, make films and write books, send letters to refuseniks and to the Soviet government. Deluge them. Approach French, German and Japanese businessmen who trade with the Soviet Union, get them to each ask for one person, one family. It has to be done on a personal level. If the businessman works at it, he'll succeed. You need very devoted people, you need many people like Isai Goldshtein. Make an animated film—the grotesque story of how I escaped this town for a few days. Make people understand the situation. Make posters. Make it so you laugh and cry. The Soviets are very sensitive, and they're afraid to be laughed at. Find people who can finance these activities."

She speaks with semi-professional authority when she suggests making an animated film (she thought her friend Felix Kandel, a writer and former refusenik now in Israel, could do "the perfect script"). When Nudel was in Siberia, she made a film about her life there that has been seen around the world, and remains one of the most moving and impressive shorts ever made. In the winter of 1978-1979, Yevgeny Tzirlin and Boris Chernobylsky had planned to travel to the Jewish village of Ilyinka—a forbidden place, because all of the Jews there had applied to go to Israel—and to make a documentary, Tzirlin visted Nudel in Siberia first, and said he wanted to practise with his camera.

"Why practise? Let's make a film," she told him. She wrote the scenario, which he translated into English. "We worked all day, shooting film in my very little room where I lived with my dog. It was very cold, the snow blowing and churning outside, I said, 'Zenya, if we lose this moment, we are both fools. Stand up and get to work.' The weather was so miserable that no man or beast braved the out-of-doors. We shot film all day. In the last scene, I sat on my cot and looked into my soul—I turned my face to the camera and looked directly at my future audience to tell each one of them: 'But if you foget us, all this suffering is in vain.'"

Tzirlin left the next day, and managed to smuggle the film to the West. "Months later, I start getting letters from England, 'Ida, it's not in vain.' Five thousand people in a London church saw it, and many wept. Now, it's seven years later. I'm very very tired. And I say it again. "If you forget us, all this suffering is in vain.'"

CONCERNS FROM OUR ALLIES

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. GARCIA. Mr. Speaker, this past Monday the Washington Post published articles by Australia Prime Minister Bob Hawke and Argentine Ambassador to the United States, Enrique Candioti. They are concerned about the President's recent decision to subsidize wheat being sold to the Soviet Union.

As one who represents this Nation's poorest congressional district, I can well appreciate the plight of this Nation's farmers. But as one who has met with Ambassador Candioti and Australian Ambassador Rawdon Dalrymple to discuss this problem, I can also well understand their point of view. I am inserting in the RECORD copies of the articles by Prime Minister Hawke and Ambassador Candioti for my colleagues perusal in order to give their point of view a fair hearing.

This does not mean for a moment that I feel we should sell our farmers short. We can't, but it is my hope that we can aid American farmers without hurting such valuable friends and allies as Argentina, Australia, and Canada.

[From the Washington Post, Aug. 11, 1986]

WORK WITH US, NOT THE SOVIET UNION

(By Bob Hawke)

One measure of a strong friendship is the ability of the parties to disagree without endangering their underlying closeness. This is certainly true of the United States and Australia—we are firm allies, firm friends.

A relationship such as ours can only endure and strengthen with the good will and support of the people. For these reasons the Australian government—and I in particular—have been attempting to raise in Washington and across the United States the profile of issues raised by the Dole and Daschle amendments.

The extension of the U.S. export enhancement program (EEP) proposed in these amendments would have far-reaching consequences beyond the immediate and short-term effects they may have on American farmers. In fact, the extension would be unlikely to achieve its goal of assisting U.S. farmers.

Apart from the devastating economic impact on efficient wheat exporters such as Australia, Canada, and Argentina, an extension would have serious foreign policy implications, damaging U.S. credibility in its opposition to aiding and subsidizing the Soviet Union.

American farmers, especially in the Midwest, are suffering very hard times, as are farmers in other exporting countries. The fundamental cause of the rural crisis is the high level of subsidies and support paid in Europe and Japan, as well as the United States, which encouraged oversupply and glutted world markets.

The loss of export sales by the United States is due to uncompetitiveness caused by an overvalued U.S. dollar and U.S. farm incomes' being insulated from international market signals. It has not been caused by Australia.

The proposed extension of the EEP to the Soviet Union and other markets would increase the amount of EEP-subsidized wheat

released on the world market. It is unlikely that the U.S. would make any significant gains in market share, because the EC subsidy mechanisms will match the U.S. price, as a matter of course. Non-subsidizers such as Australia would have no option but to follow the price down.

The United States would succeed only in depressing the world wheat price further, to the advantage of the Soviet Union and other importers. American wheat farmers would not receive a higher return. They would still get the target price. For Australian farmers the extension would be another body blow.

Already the EEP will cost Australian farmers $360 million next year. The extension is conservatively estimated to cost Australia a further $282 million. All up, the cost to Australia would be more than $642 million—a third of our wheat exports, 3 percent of our total exports. The effect on Australia would be devastating.

It has been suggested that the United States is seeking to parallel the marketing practices of Australia. This is false. Australia, unlike the United States and the European Community, does not subsidize its wheat exports.

The industrialized West must understand that there are smaller Western nations that, like Australia, so depend on farm exports that it would be impossible for them to compete in providing wheat subsidies. Any gains Australia has made on world markets come from selling wheat at unsubsidized-prices. That is the fundamental difference.

Rather than extending export subsidies, the United States should be working with Australia and other efficient agricultural producers to liberalize world agricultural trade. We should be working for new multilateral trade negotiations that give high priority to agriculture.

The extension of the EEP to the Soviet Union amounts to the United States' subsidizing a major communist regime. In the past, the United States has led the campaign to restrict benefits to the Soviet Union, to discourage the diversion of resources into non-peaceful purposes. The administration's vehement opposition to Western involvement in the Soviet gas pipeline is just one example. This campaign was founded on principles of protecting Western ideals of liberty—liberty in markets and in the fundamental realm of politics.

These are not ideals to be taken lightly, to be brushed off as dispensable rhetoric. America will, at its long-term peril, give the impression that they are.

Australians find it astonishing that the administration, with its public commitment to the free market and free enterprise, is prepared to subsidize the Soviet Union at the expense of American taxpayers and efficient Australian farmers.

In Australia's region, several Pacific Island countries have moved to conclude fishing agreements with the Soviet Union. In the joint interests of the United States and Australia, my government has sought to deter this, urging those countries not to act from short-term economic imperatives. The United States will be seen as acting from precisely those same imperatives. This is a fundamental contradiction.

The plight of American farmers would be more effectively addressed through income support arrangements or lowering costs, rather than through driving down the world price of wheat. The proposed extension of the EEP would not only offer little benefit to American farmers, but would undermine U.S. credibility in the eyes of allies and friends as well as opponents.

DON'T BETRAY A FAIR COMPETITOR

(By Enrique Candioti)

In today's increasingly interdependent world no country, or sector of the economy, is an island, and the United States and agriculture are not exceptions to this rule.

Overproduction and underconsumption are chronic symptoms of the crisis in international markets. They have been brought about by the agricultural programs of some industrialized countries in which artificial incentives, in the form of subsidies, play an important role.

The root of the problem is the agricultural policy launched in the mid-'70s by the European Community, whose original and laudable intent was self-sufficiency; the actual result has been a nightmare in which the European Community, in little more than a decade, has transformed itself from a net importer of food into a major subsidized exporter. During 1985 alone, Argentina lost about $800 million in wheat and beef sales to the European Community.

For several years the United States, Argentina and other producers have unsuccessfully tried to persuade the Europeans to forgo subsidies in their agricultural programs. Unfortunately, we have not persuaded them to change their ways. On the contrary they have steadily increased the practice.

Now, regrettably, the United States appears ready to join the subsidizers. Why?

When the European Community implemented its program in the '70s, the United States did not react. In that decade the United States increased exports twice in volume and five times in value. In the euphoria we all forgot the threat of EC agricultural-trade policies.

But the bonanza and the optimism of the '70s in agriculture was soon replaced by the difficulties and pessimism of the '80s. In 1981 drastic measures against inflation suddenly changed the economic climate in the United States, and American farmers were hard put to compete internationally.

During the downturn in the American agricultural sector, which has not come to an end, U.S. exports stagnated while trade frictions with the European Community increased. As a consequence of all these factors, prices dramatically dropped. In the past five years this has meant a loss of $5 billion for Argentina alone.

In late December 1985, in a change in tactics, the U.S. Congress approved a new farm bill that instituted aggressive export programs, a weapon of the European Community long denounced by the American government. By far the most aggressive of all these policies is the export enhancement program specifically designed to counter unfair EC trading practices. When this program began, American authorities assured us it had explicit targets and that Argentina, because it is a fair competitor, was not one of them. We were also assured the United States would be careful to minimize possible damages to our exports.

If the Dole amendment, which would permit the indiscriminate subsidization of agricultural exports, becomes law, these assurances would be moot.

It is not a question of being afraid to compete. We are efficient, low-cost producers. But we cannot compete against the foreign treasuries of the European Community and now of the United States.

For the new democracy of Argentina, the president's decision to sell subsidized wheat and approval of the Dole amendment would be a major setback. Agricultural exports represent 76 percent of our export revenues. (In the United States they represent 20 percent.) Those revenues provide the hard currency for socio-economic development and to meet our foreign debt commitments.

Because of the volume of American exports in the world market (about 50 percent of the total), the nature of international agricultural trade would be changed: price would be increasingly determined by subsidies and not by the cost of production. This could lead to a situation as devastating to our economy as the sharp reduction in oil prices has been to the economies of other debtors, multiplying the strains on the international financial system.

The United States and Argentina have long struggled against export subsidies. We have shared a policy based on natural self-interest and trust in the market as a guide to the efficient allocation of resources. Are we now to part company? There must be a better solution for the United States than to become part of the problem.

The administration's decision to sell 4 million tons of subsidized wheat, whatever its intent, sets a precedent that is bound to influence the behavior of international buyers by generating expectations about the availability of large quantities of subsidized grain. It is an act that has significance for the marketplace.

Nonetheless, based on the many words of encouragement the democracy of Argentina has heard from those who advocate freedom of trade as a solution to the economic crisis that affects the debtor nations, we still hope that the principle of freedom of trade will prevail in practice.

TRIBUTE TO BOMANI PARKER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. MILLER of California. Mr. Speaker, the city of Richmond, CA, is proud to have as one of its citizens Bomani Parker, who was a recent competitor in the boxing finals at the Goodwill Games in Moscow.

Bomani Parker graduated from John F. Kennedy High School in 1985, and continued his training under the auspices of the Richmond Police Activities League [PAL]. His titles included the 1984 Amateur Boxing Federation junior national championship, 1985 Amateur Boxing Federation championship, and the 1986 National Golden Gloves championship at 165 pounds. Parker was the first National Golden Gloves champion from the State of California in the past 20 years.

Parker reached the finals of the 165-pound division, and lost a close decision, 3–2, to Soviet boxer Ruslan Taramov. Bomani Parker is scheduled to represent the United States during September in competition in Sweden and Finland.

A recent article in the West County Times outlines a recent interview of Bomani Parker prior to the Goodwill Games:

PARKER CONSIDERED GOLD MEDAL THREAT AT MOSCOW

COLORADO SPRINGS.—All he needs now is a secret agent code.

Richmond boxer Bomani Parker, alias Parker White, is one of two amateur middleweights who will represent the United States at the upcoming Goodwill Games in the Soviet Union.

When Parker steps off the plane in Moscow, the 18-year-old Kennedy High graduate will be carrying an equipment bag instead of an attache case.

Parker White, an experienced international boxer, will only be known as Parker White and not Bomani to the Soviet audiences and those viewing back home on the Turner Broadcasting Network.

"As far as we're concerned and according to our paperwork, he's still Parker White," said Leslie King, director of communications for the USA/Amateur Boxing Federation. "We know about his name was changed but the papers haven't gotten to us yet."

Earlier this year Parker changed his name to Bomani (which means "Warrior") but his passport and visa do not reflect the name change.

"It's just a name, I'm sure it won't affect my boxing," said Parker by telephone from the site of the U.S. Olympic training facility. "They know who I am. I'm just going there to box and take care of business. That's my main purpose."

The first ever international Goodwill Games are scheduled July 5-20 with competition in 18 sporting events. While many countries will be represented, the main competition will be between the Soviet Union and the United States. The boxing competition begins July 11 and runs through July 19.

The American contingent of boxers, sponsored by the USA/ABF, will leave Saturday for Moscow with a scheduled one-day stopover in West Germany.

Because of the threat of international terrorism, the team of 24 American boxers has been advised about taking security precautions during their trip abroad.

"It doesn't hurt that they're aware of that," King said. "This is just something we do for all of our trips abroad. We're just advising them to keep a low profile and be courteous."

Parker, with a record of 148-13, has boxed in Rumania, Ireland, England and Hungary during his amateur career. He is anxious about the trip.

"How many people my age get to go to Russia?" Parker asked "It's good for me to get away. I'm very excited. I'm really looking forward to it."

PRAISE FOR THE ANCIENT ORDER OF HIBERNIANS

HON. STAN LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. LUNDINE. Mr. Speaker, recently, at the 150th anniversary of the Ancient Order of Hibernians, I had the distinct pleasure to hear firsthand from several of our country's foremost Irish leaders. Nicholas Murphy, newly elected national president of A.O.H., Dr. Joseph Roche, former national president, Jack Irwin, State president of A.O.H., and Dave Henshaw, national editor of Hibernian Digest, presented a comprehensive overview of the role A.O.H. has played in this country.

I came away with heightened awareness of the legacy A.O.H. has provided and the vivid spirit it has embodied.

Mr. Murphy and Sheila Clifford, A.O.H.'s women's national president, should be congratulated on their recent elections. They have worked hard for many years to uphold the traditions of the Hibernians and now have been chosen to serve as their national presidents.

Under their leadership, the Hibernians will continue to provide for all an appreciation of Irish culture and an awareness of the ideals of freedom.

ANNIVERSARY OF THE CITY OF PITTSFIELD, MA

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. CONTE. Mr. Speaker, I rise today to honor and pay tribute to a momentous occasion in the history of western Massachusetts—the 225th anniversary of the founding of my home town, Pittsfield, MA.

As part of this celebration, Pittsfield this month will celebrate the contributions of a small group of long-time residents known affectionately as the Splendid 100. I want to congratulate these outstanding members of the community who have given selflessly of themselves for the benefit of all around them.

Mr. Speaker, the Splendid 100 come from all walks of life and have made their individual contributions in a number of different fields including business, public service, education, the arts, law, and medicine. What they share is a commitment to the betterment of their community, a compassion for their neighbors and a vision in which they see bright prospects for the future.

During this its 225th anniversary year, Pittsfield has taken the opportunity to tell these Splendid 100 that it appreciates their contribution and recognizes their effort in forging the city's path to the future. The good people of Pittsfield take great pride in their city and on August 21, 1986 they will honor 100 of their finest.

I am very proud to call Pittsfield, MA, my home, and honored to have served its people for the past 28 years as their Representative in the U.S. Congress. Since 1761, the city of Pittsfield has grown and prospered through the hard work and undying optimism of its residents. From a small frontier town, it grew into one of this Nation's most beautiful small cities and during three centuries, it has changed to meet the needs of all who call it home.

The Splendid 100 have left an indelible mark on this wonderful community and for their unique contributions they should be very proud. I am indeed honored to share in their celebration, thank them for their efforts and wish the city great success in the years, decades, and centuries ahead.

THOUGHTFUL COMMENTS ON INSURANCE CRISIS RECEIVED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. FLORIO. Mr. Speaker, in the wake of the insurance crisis and my subcommittee's inquiry regarding the crisis, I have received a good deal of thoughtful mail on this important subject. I am inserting in the RECORD a particularly noteworthy letter from attorney Thomas S. Higgins of New Jersey. I believe all Members of the House will benefit from Mr. Higgins' observations.

HIGGINS & SLACHETKA,
ATTORNEYS AT LAW,
Laurel Springs, NJ, August 4, 1986.

Congressman JAMES J. FLORIO,
Rayburn House Office Building, Washington, DC.

Re: Insurance Crisis

DEAR JIM: I received your letter of July 14, 1986, informing me of the recent legislation you designed to address the insurance crisis on a Federal level.

I have several observations regarding this topic to share with you:

1. CONSUMER CONFUSION

In New Jersey, automobile insurance purchasers have a right to make certain "choices" which affect their coverage and right to sue. These "choices" are purportedly designed to reduce premiums under certain scenarios by which the insured participates in the sharing of the risks, e.g., one may choose to increase his threshold to sue from $200.00 to $1,700.00, or he may elect to be responsible for payment of a certain percentage of the medical bills, etc.

My experience is that those who are least able to afford increased premiums select the higher deductibles and higher threshold. This saves them approximately $38.00 per year in premiums. Business people such as myself purchase the most insurance with the least deductible because we can afford to do so and the costs are deductible for tax purposes.

The problems arise, however, when there are claims. The lower and middle income people who elected to save the premium, now are confronted with the awesome financial responsibility of paying the deductible and the co-payment for the medical expenses. Moreover, they are disenfranchised from the right to sue for pain and suffering because their legitimate medical bills, although substantial, are under the high "premium saving" threshold they unfortunately selected.

When injured parties in this category come to the office, they are shattered to learn of the disastrous results of their "choices" at the time they purchased their insurance. For the most part, they did not understand the ramifications of their "choices," they did not understand the nuances of the law and they did not understand the financial burden that would be placed upon them in the event of an accident. They come to the office innocent of liability, injured, and hopeful. They leave the office dismayed, confused, angry, and desperate.

Hence, the "choices" which they were given under the veil of reducing premium to help the consumer is detrimental to them at

a time when they need help the most such as when they are the innocent victim of someone else's torturous act. I suggest that the Federal and/or State government must take necessary steps to protect the consumer from these deceptive practices by the insurance industry and, frankly, from some of our own legislators who endorse these programs.

2. PRODUCT SAFETY

Many unsafe consumer products have been withdrawn from the market not because of diligence by a quality control engineer or by the testing of products by the manufacturer, but because of the exposure of unsafe products through jury verdicts. I refer to the asbestos cases and the Dalkon birth control device as typical examples.

In the rush to enact legislation to lower insurance premiums by amending, restricting, or abolishing certain tort recoveries, we must be mindful of the public safety function played by product liability trials.

3. ALTERNATIVE DISPUTE RESOLUTION

Unquestionably, a substantial amount of premium expense is paid for investigation, administration, and legal expenses relating to accidents. The rights accorded to litigants in the legal process can be time-consuming and expensive. This, of course, is reflected in increased premiums.

Your suggestion, therefore, for an alternative dispute resolution is desirable but can only be successful if there are appropriate sanctions in the event of abuse. In my view, the availability of the court system must always be a backup to any alternative method.

This office has participated in a number of automobile negligence arbitration cases in Camden County. Our experience is that the arbitrators are experienced attorneys who render reasonable decisions. In each of the approximately six cases that we have arbitrated this year, this office has recommended acceptance of the arbitrator's decision in all cases, even those where we believe the award to be under our expectations.

Unfortunately, in those cases where the insurance company disagreed with the decision of the arbitrators, the insurance companies offered less money, mindful of plaintiff's expenses for trial preparation and trial.

In my view, therefore, the insurance companies must have adequate sanctions imposed by way of additional award or reimbursement for expenses in those instances where they refuse to pay the award of the arbitrator. This, of course, would be conditioned upon a favorable verdict and judgment obtained in Court.

4. PENALTIES FOR FRAUD

From my viewpoint as an arbitrator, I have had the opportunity of reviewing approximately 100 automobile negligence cases in the past two years. Too frequently, it appears that there are potential abuses, if not fraudulent representations, by treating experts such as physicians, chiropractors, physiotherapists, etc., in the treatment of injured plaintiffs. It is extremely difficult to distinguish between those cases which are legitimate and illegitimate. The presumption, of course, always is that people are acting honestly and high awards are predicted upon that sometimes false assumption. Settlements or verdicts based on false claims or bills result in higher premiums.

This is tolerated only because there are no criminal statutes prohibiting such activities. In my view, such practices would be substantially curtailed if the physicians and/or attorneys knew that any knowingly false representations in their reports or bills as to treatment or condition could be punished by revocation of license, fines or imprisonment.

As I understand it, there are no laws in New Jersey which prohibit this type of practice. I have been informed that such fraud statutes do exist elsewhere, however.

I would suggest that, jurisdiction permitting, you incorporate a criminal fraud section in addressing this issue.

Very truly yours,

THOMAS S. HIGGINS.

THE SAFEWAY TAKE-OVER: WHAT IT MEANS FOR WORKERS AND CONSUMERS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. CLAY. Mr. Speaker, one of the hottest stories on the financial pages this summer was the struggle for control of Safeway, the Nation's largest supermarket retailer.

The news media tells us that the battle is over. Safeway was saved from a hostile take-over attempt by a "white knight" holding company, which arranged to buy out the company for about $4.1 billion.

The "loser", according to the newspapers, was the Dart Group, which managed through its take-over bid to increase the price of Safeway stock by nearly $30 per share, making a quick $100 million profit.

Lots of other people stuffed their pockets as a result of the deal, too.

Kohlberg Kravis Roberts & Co., which arranged the buyout, will get $60 million in fees, plus expenses and annual consulting fees, which are $500,000 a year to start.

Bankers who are handling the financing of the deal will receive $48 million in fees, not to mention interest payments.

KKR's financial consultants, Morgan Stanley & Co., will collect $10 million for their role.

Lawyers and accountants involved in the deal will get about $10 million.

Another $3 million will go to printers.

Other consultants will get about $33 million in fees.

Dart Group's investment banker, Drexel Burnham Lambert, will be paid about $15 million for their unsuccessful efforts.

Safeway stock shareholders saw their stock rise from approximately $40 per share in the spring to $69 per share in cash value and securities.

The battle may be over for the corporate executives and their bankers and lawyers, but for the rest of us, the fall-out is just beginning.

A few dozen people made a lot of money on the deal—obscene amounts of money. But two groups are noticeably missing from the list of those who will profit from the Safeway deal: Safeway employees and Safeway customers.

There is nothing to break the fall awaiting the tens of thousands of Safeway employees across the country and the millions of customers who have made Safeway a profitable and viable company.

More than $4 billion will change hands, but what will that money buy? It won't create one single job. It won't finance one new store renovation or building. It won't create one new product for consumers to try. It won't produce one new piece of technology to improve production.

In fact, all that it bought is the right to destroy a profitable company—to split it up and sell it. Safeway will no longer be a viable company, as it is presently structured.

The fact that a handful of financiers and lawyers engineered the destruction of a once profitable company that provided stable employment for tens of thousands of workers is a perversion of the free enterprise system.

A few wealthy individuals who figured out a way to manipulate the system to their personal advantage have reaped huge profits from the sale of pieces of paper.

But workers and consumers will be the ones who ultimately will have to pay.

Safeway has several alternatives to come up with the money to pay off the loans incurred in the buy-out.

Safeway could raise prices to consumers.

Safeway could close marginal stores. Not only would this option cost thousands of employees their jobs, but also, because many of the marginal stores are in areas hard hit by the economic recession or in inner cities, thousands of consumers—especially minorities and the elderly—could lose their neighborhood grocery stores.

Safeway could sell stores or divisions to new owners, who may or may not continue in the retail food business. Because the company's greatest asset is its real estate, selling leases and property may lead to more store closings, costing more jobs and reducing competition.

These new owners may not hire existing workers, leaving experienced Safeway workers out in the cold.

Safeway undoubtedly will ask its workers for wage and benefit concessions in order to meet debt payments, which will greatly reduce purchasing power in local communities and adversely affect other businesses. Tax revenue will fall. Moreover, the downward spiral in workers' wages and standard of living will accelerate as competitors also seek comparable concessions.

Regardless of what options the company acts on, hundreds of thousands of people will be affected.

Transactions of this sort tie up massive amounts of capital, but provide absolutely no benefit to the American economy.

The company has a moral obligation to treat Safeway employees, consumers, and their communities fairly by making every effort to preserve jobs and neighborhood stores.

The company has a legal obligation to bargain in good faith with the unions representing the workers on the effects on Safeway employees. This Congress must not overlook any effort by Safeway to take this obligation lightly, and we will make certain that the National Labor Relations Board vigorously enforces the law.

In a larger sense, this Congress also has an obligation to study this recent wave of "merger mania" to assess the impact of these multibillion deals hammered out in corporate boardrooms and lawyers' offices on those of

us who end up paying the bills—workers and consumers—and on our economy as a whole.

That is why I have today introduced House Resolution on this matter. I hope my colleagues will consider this legislation to ensure justice for millions of consumers and tens of thousands of Safeway workers and scores of communities. They must not become the losers in the deal which earned hundreds of millions of dollars for a few dozen people.

The text of the resolution I have introduced follows:

H. Res. 535

Resolution expressing the sense of the House of Representatives that the concerns of Safeway workers should be addressed as an integral part of the takeover plan currently underway, and for other purposes

Whereas the pending $4,100,000,000 leveraged buy-out of Safeway Stores, Inc., by Kohlberg Kravis Roberts & Co. (hereinafter in this resolution referred to as "KKR") raises substantial question as to the benefit of such deals to the United States economy;

Whereas such mergers tie up massive amounts of capital but fail to provide any benefit to the American economy, because they do not create a single job, lead to one store renovation or new store construction, improve productivity through the introduction of technology, or enhance selection for consumers;

Whereas huge profits will be generated and fees totaling tens of millions of dollars will be collected by the investment bankers, lawyers, accountants, and advisors involved;

Whereas the company which unsuccessfully threatened a hostile takeover of Safeway gained a profit of at least $100,000,000 because of its actions;

Whereas schemes such as the Safeway-KKR deal threaten the foundation of the free enterprise system (whereby investment results in the creation of jobs) and represents instead greed gone haywire, at the expense of millions of average citizens, including workers and consumers, who will suffer from the action;

Whereas the interests and concerns of the workers employed by Safeway nationwide have been ignored, placing their jobs and standard of living in jeopardy;

Whereas the massive debt and the resulting need for repayment of the huge sum of money involved will result in the breakup and restructuring of Safeway from its present structure;

Whereas the restructuring could mean the sale or closing of stores in dozens of communities across the nation, causing major job loss among Safeway employees and disruption to communities;

Whereas in areas where stores are not closed or sold, Safeway likely will seek wage and benefit concessions from its workers in order to meet debt payments, thus greatly reducing purchasing power in local communities and adversely affecting other businesses;

Whereas massive job loss affects not only those laid off, but also entire families and the community at large;

Whereas the loss of jobs erodes the local tax base, strains community services, swells unemployment assistance programs, and has a ripple effect on other local businesses;

Whereas Safeway workers, consumers, and local communities (all of whom are the key to the company's viability and profitability) will be the ones who end up paying for the profits reaped by a few, with consumers facing higher prices, reduced selection on supermarket shelves, and in some cases, the loss of their neighborhood stores; and

Whereas if stores are sold, workers may be forced to pay with their jobs, pensions, and standard of living: Now, therefore, be it

Resolved, That—

(1) the House of Representatives urges—

(A) KKR and Safeway Stores, Inc., to treat Safeway employees and their communities fairly by taking every action possible to preserve the jobs, benefits, and standard of living of the tens of thousands of Safeway employees across the United States;

(B) KKR and Safeway Stores, Inc., to meet immediately all legal and moral obligations to bargain collectively and in good faith with the appropriate workers' representatives, particularly the United Food and Commercial Workers Union (UFCW), to minimize the adverse impact the buyout could have on Safeway workers;

(C) that all terms and conditions of the buyout that affect Safeway workers be addressed through existing collective bargaining agreements between Safeway and the UFCW; and

(D) that, in the event Safeway stores are sold, the company should strongly urge the new owners to give employment preference to former employees;

(2) appropriate Federal agencies give prompt assistance to any displaced workers, including unemployment assistance, job retraining and placement, counseling, and all other services available under law; and

(3) the Joint Economic Committee study the implications of leveraged buyout deals and assess whether restrictions are needed to protect the integrity of the American free enterprise system as well as the rights of workers involved.

THE BERLIN WALL: THE DARKER SIDE OF MANKIND

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. BROOMFIELD. Mr. Speaker, one of the great tragedies that I can remember in my lifetime is the construction of the Berlin Wall. In addition to it being a physical barrier, it is also symbolic of the stark differences between the world of communism and the world that all of us enjoy. Most important, however, is the fact that many have given their lives as they tried to cross the wall to freedom.

With its unsmiling guards and unending ribbon of concrete, the wall separates the East from the West. Before 1961, East German officials knew that the best in their society were fleeing to West Berlin. Between 1949 and 1961, more than 2 million East Germans, out of a population of 17 million, fled to the West. A large percentage of those who left were skilled workers and talented professionals. Shortly after midnight on August 13, 1961, East German troops began stringing rolls of barbed wire along the 29-mile sector boundary between East and West Berlin. By the end of that day, East Berlin was sealed off from the rest of the city.

The "wall of shame" was born. Today, that symbol of oppression is still with us. Why is it there? Our Government should have taken down the first strands of wire. Regrettably, President Kennedy decided not to confront the East Germans. The Communists were testing our will that fateful night. We were eye to eye with them and we blinked. In later years, we paid dearly for our Government's vacillation.

Since that time, only 197,000 East Germans have escaped. The occasional East German still gets across. More than 70 innocent human beings have died trying. They gave their lives grasping for what we in the West take for granted.

The heroic dash to freedom of young Peter Fechter is typical of the many who died in their attempt to reach the West. That young East German attempted to cross the wall but was shot by East German guards who let him bleed to death after he fell back into the East German side. Another 110 have been killed crossing the East-West German border at other points. The flame of freedom burns bright in the hearts of many who suffer under the tyranny of Communist repression.

The existence of the wall clearly tells the world that communism does not work. As a political and economic system it has failed. Communist East Berlin had to build a wall to keep its people in. A political system and a wall, however, cannot crush the human spirit. Brave men and women will continue to reach out for liberty.

I want to share with my colleagues an interesting editorial from the Washington Post about the ongoing duplicity of communist East Germany and its attempts to gain hard currency from the plight of homeless refugees.

ORBITING THE WALL

That ignoble monument to Communism's failure, the wall through Berlin, was built 25 years ago on Soviet orders, to halt the humiliating flood of refugees from East to West. The tide then dwindled to a trickle, but those who somehow got past the wall were granted automatic asylum by West Germany. Now, with malign cunning. East Germany is inviting the wretched of the earth to avail themselves of the asylum forbidden its own people.

No questions are asked, no visas are demanded of refugees who fly to East Berlin on Soviet or East German commercial flights. All they need is the price of a ticket. After they arrive, they are put on a subway to West Berlin, whose humane, law mandates their admittance.

In 1985, 74,000 third-world refugees—Iranians, Palestinans, Ghanaians, Tamils, Pakistanis and Lebanese—applied for asylum in West Germany. At least 42,000 more refugees followed this year, provoking an angry political debate with racist overtones in West Germany.

Ponder the cunning. The East Germans earn hard currency, even from the hopeless "orbit cases"—the wandering exiles flown from country to country, often at airline expense, until someone agrees to accept them.

East Germany poses as a friend of these tempest-tossed, but it takes no responsibility for providing them homes or jobs. By manipulating the West's asylum traditions, it poisons democratic politics in Bonn. And the agitation diverts attention from what the wall really stands for—keeping East Germany's people in.

West Germany ought not, in response, to abandon its tradition of asylum, but it can strike back with an apt weapon of freedom: information. The wall notwithstanding, West German television now reaches most of East Germany. Let it tell these refugees' stories. Let them describe the promises given them. Let them tell how much they paid to reach a socialist paradise, whose cynical idea of refuge is a subway ticket to the West.

DR. S. ANDREW CHEN ADDRESSES ORGANIZATION OF CHINESE AMERICANS

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. KOLTER. Mr. Speaker, on July 11 of this year, one of my constituents, Dr. S. Andrew Chen, had the honor of addressing the national convention of the Organization of Chinese Americans. Dr. Chen gave a rousing speech which showed his passion and concern for the special situation facing Chinese Americans. I submit that speech for the RECORD.

OPENING REMARKS OF DR. S. ANDREW CHEN, PRESIDENT, ORGANIZATION OF CHINESE AMERICANS

This is a great personal honor for me to open this 8th Biennial Convention in this great city of New York.

Less than a week ago, my family and I were rubbing shoulders with thousands of fellow Americans at the New York harbor celebrating America's birthday and the centennial of the Statue of Liberty. Above the bursting colorful fireworks, there stood the tall and glittering World Trade Center.

Today, Chinese American leaders and friends have gathered at this beautiful site to continue the celebration of liberty and chart our "road to excellence"!

WHY SHOULD WE CELEBRATE LIBERTY?

With years of exclusion and discrimination against Chinese immigrants, why should we celebrate Liberty? Before we can reach a conclusion, let us examine where we have been.

Despite 1882 Chinese Exclusion Act, more than 3/4 million Chinese immigrants have officially entered this United States of America. In fact, we are the largest Asian group in this country.

Despite cultural ignorance and oppression, Chinese cultural heritages have been richly preserved and even flourished in the United States of America.

Despite unprecedented hostility and prejudice, Chinese Americans have not only endured but actually thrived. We have achieved prominence in business, education, industry, medicine, science and technology. The stereotyping of us has shifted now from "yellow peril" to "model minority" within recent years.

Yes, we are indebted to Ms. Liberty, not the liberty itself but the aspiration for liberty. Yes, we are indebted to America, not just for happiness, but for the opportunity to pursue and attain happiness. It is this idea it is this hope, it is this vision which we rejoice and celebrate.

THE HIDDEN DANGERS OF CHINESE AMERICA

As we celebrate our achievements, we must not overlook the hidden dangers of Chinese American communities in mainstream America, now and for years to come!

The greatest concern for us all is that we are considered the highest educated ethnic group in America, yet, we are the most ignorant about ourselves.

Let me ask you, why are we the oldest and also the largest Asian community in the country that has never had a national voice on behalf of you and me.

Why, after two centuries of immigration, are most of us still possessed by a sojourners attitude? When are we going to call America our home?

Why has the community always been so divided that there has been very little communication nor is there any compassion for each other?

Why has it cost more to be Chinese in America than it does most of our fellow Americans? Why do we have to trade off our education, professional degrees, hard work, time and most of all our personal dignity for what we can get?

Where have our superkids gone? Why do they continuously disappear from public schools to colleges, from colleges to the working place? It is a total wasteland for Chinese Americans when you examine the who's who of American power structure.

Ladies and gentlemen, there are dangerous barriers to our road to excellence! Yet the real danger is that we hold a "we don't know" and "we don't care" attitude!

I hope that the agenda reflected in the convention brochure will sharpen our awareness, set our compassion on fire, and chart our action agenda in Hawaii, Orlando, Boston, New York, Norfolk, and throughout the nation. The Chinese American is setting off a new era of equality through compassion and enlightment for all Americans.

IDEALS OF CHINESE AMERICAN EXCELLENCE

1. My first ideas of excellence are the emergence of a solid, fulfilling and integrated sense of "Chinese American identity." An identity does not require explanation, justification, nor an apology. Its roots, ethos, life experiences, and affiliations are American and American alone. Selected Chinese cultural heritage is, of course, part of these identity experiences.

2. My second idea of excellence is the establishment of a Chinese American University or institute affiliated with some major university across the country. For both the development of one's sense of identity and also a tool to participate in the democratic process, we must quickly establish a knowledge base and scholarly research about ourselves in such areas as health, psychology, economics, community services, education, and so on.

3. The third idea of excellence is the establishment of a national federation to solidarity of all Chinese American organizations. I am proud to report to you that the New York Chinese American community leaders and OCA had a most pleasant informal meeting on May 30 in New York's Chinatown. In order to establish an influential voice for Chinese America, we must establish a national network to coordinate our action and voice our needs and concerns.

4. The fourth idea of excellence is that we become active partners with civil rights and minority groups. OCA has an excellent track record in outreach with all minority groups. During the last two years, we have spoken up for Japanese Americans' redress issue. Arab Americans anti-terrorism issue, Blacks apartheid protest, Jewish protest against the President's visit to Bittergh, Hispanics concern for bilingual education and immigration, etc. We cannot demand justice, if we do not speak up for civil rights for all Americans.

5. Historically Chinese Americans have been stereotyped as expert in science and technology and yet, that is not even half of what our capabilities are. We should be recognized and applauded for our expertise in all areas. This idea of excellence is that all Chinese Americans be informed and articulate about social and political process. To the extent that there is full active participation in voting, lobbying, and campaigning for political candidates. Someday we shall articulate and influence the ideas and the action agenda for the nation.

CONCLUSION

It is a great privilege and I have much pride in opening this convention. I thank you for your kind attention. For our children, for ourselves and for our America, I pray that this convention will be an enlightening and productive experience for all of us.

Thank you.

NAVAL HOMEPORTING AT STATEN ISLAND

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. GARCIA. Mr. Speaker, over the past few years, debate has been raging over the issue of naval homeporting. During consideration of the fiscal year 1987 military construction appropriations bill, I supported a House-approved amendment by our colleague, Rep. DENNIS HERTEL of Michigan, to strike funding for naval homeporting. I supported the Hertel amendment because of my opposition to the planned naval port proposed for Staten Island. I am not comfortable with the possibility of the presence of nuclear weapons in or near New York City.

While my reservations still remain, I will with certain reservations support future homeporting initiatives. I will do so because I have been guaranteed by homeport proponents, which include numerous constituents, unions, businesses, the State, the city and other maritime interests, that the Staten Island port will bring thousands of jobs to the city. For example, Bath Iron Works of Portland, ME has indicated that it will locate a ship repair facility at the old Brooklyn Naval Shipyard if homeporting is approved by the Congress. Moreover, I was assured by the Navy, the unions, and maritime-related businesses that job recruitment efforts will be conducted in the Bronx as well as other economically depressed areas of the city.

Mr. Speaker, I with some reservations accept the homeport proposal for New York Harbor because it means a significant number of jobs for the residents of our city.

THE COURTSHIP OF ACADEMIA AND SMALL BUSINESS

HON. PARREN J. MITCHELL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. MITCHELL. Mr. Speaker, a decade ago, William Crawford Flewellen, Jr., otherwise known as Bill Flewellen, was serving as dean of the College of Business Administration at the University of Georgia. He saw the gap or the separation between the curiculum in the Nation's business schools and the problems in the day-to-day operations of small businesses.

Unlike his colleagues, he believed that this gap could be bridged. With another dean on the opposite side of the country, they jointly formulated a model to bring together the colleges and universities and the world of small business. With the Federal Government providing some seed money as a catalyst, university business development centers were born.

Ten years ago these UBDC's were established in eight schools. In 1977 SBA funded them for a total of $360,000 and the schools and other private sources put up the rest of their operating funds.

Bill saw the success stories emerging from these shoestring operations. He recognized, however, that their contributions would be extremely limited unless they could be formally structured on a national basis through legislation.

Even though small businesses oftentimes expressed their historic distrust of the academic community and even though academia oftentimes expressed disdain for small business, Bill simply increased his efforts as a matchmaker. His efforts bore fruit and the Small Business Development Center Act of 1980 was enacted. The UBDC seed had grown and become SBDC's, small business development centers.

Today there are 45 SBDC's and last year they received $28.5 million in Federal dollars which they more than doubled with contributions from the schools and universities, State governments and other private sources. Collectively, last year they counseled 65,000 small businesses and provided training to another 172,000, a remarkable increase from the 2,000 counseled and 30,000 trained in 1977.

Today, as a result of Bill's efforts, the SBDC Program helps small business with a myriad of problems including operations, manufacturing, engineering, technology, exchange and development, personnel administration, marketing, sales, merchandising, finance, accounting, business strategy, and other disciplines.

The return on this program is tremendous. Studies have shown that the small businesses who are helped by SBDC's have achieved increases in sales of 3 to 4 times the sales increases achieved by other small firms; that they have increased employment 2 to 10 times the amount by other firms; and that they have increased profits more than 3 times the increase experienced by other firms.

This increase in performance by assisted firms also translates to an increase in taxes paid to all levels of government and more than pays for the program.

Early next month the Georgia SBDC will have an opening ceremony for the new SBDC facility in Athens. It is in no small measure a tribute to Bill Flewellen's efforts in seeing the Georgia program grow from one small office to a statewide network of assistance centers.

Bill deserves our gratitude and appreciation for his leadership in helping to match the academic community with small business through the Small Business Development Center Program.

DEFICITS: EVERYONE MUST GIVE SOMETHING OR NOTHING WILL HAPPEN

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. PORTER. Mr. Speaker, 1 year ago CBO scored the fiscal year 1986 budget resolution deficit at about $170 billion. Now, the real deficit is going to be $60 billion higher, even counting the $12 billion sequester. Slower revenue growth, higher health and financial insurance costs, booming farm and defense outlays are all to blame.

Given this, Mr. Speaker, why do we expect the fiscal year 1987 deficit to be only around $170 billion at worst? Rosy budget estimates are not new, yet we continue to believe in them. We fudge our budget resolutions, we violate our 302(b)'s, we fall short on reconciliation, and we miss our deadlines again and again. And then, Mr. Speaker, we throw up our hands at astronomical deficits and look for someone to blame.

The blame lies here with our cowardice and selfishness. Congress and the administration have refused to do what must be done and freeze total spending—including domestic appropriations, defense, and entitlements. Until we muster the courage to ask everyone's spending priorities to sacrifice a bit, we won't be able to produce a deficit below $200 billion.

100TH ANNIVERSARY OF YOUNG HARRIS COLLEGE

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. JENKINS. Mr. Speaker, this year marks the 100th anniversary of Young Harris College. The celebration began in January of this year on the campus which is now a sharp contrast to the country store where the circuit-riding Methodist minister Artemus Lester led three girls and four boys and one teacher to start the school. The Reverend Lester's vision was to bring education to the children of the Enchanted Valley locked in by the majestic Brasstown Mountains. But from those humble beginnings on that cold January morning sprang much more than educational opportunities for a few mountain children. It became a magnet for students from everywhere, and its graduates spread far beyond the boundaries of those mountains.

Next week, from August 21 through August 24, many of those students will return for a centennial homecoming celebration. They will come from around the world and from down the road. A list of the professions they represent will read like a manual on career possibilities. And the communities, towns and cities and professions they will leave for a few days will have felt their impact, some quietly and unobtrusively, others more obviously.

When doomsayers search for reasons for society's ills and turn their critical guns on educational institutions, they run out of ammunition at the gates of Young Harris College. I pay tribute today not just to an institution which has managed to survive 100 years, but to its academic standards and environment which continue to put young people on the roads to productive lives which contribute as much and more than they take from society.

As the world has progressed, so has Young Harris College. New facilities with the latest technological education equipment rise from valley floor and the sides of the mountain. But in the midst of growth and change, the college has not forgotten the individual student. Its professors still concentrate on opening the mind's doors to a lifetime of education and building the self-esteem of students who leave not only with pieces of paper acknowledging their degrees but with a feeling of accomplishment and a foundation on which to build a lifetime of achievement.

The muddy ruts, impassable during many months of the year, leading in and out of Young Harris gave way to ribbons of highways laced among the forested mountainsides. But Brasstown Valley still nestles within the mountains providing a retreat for time to search one's soul and mind and prepare for the world outside. The students still take time to know each other, forming lasting friendships, many times mates for life, and forming the basis for building future friendships.

I know of those roads, and I know of those friendships. I, my two brothers and three sisters, were among the future generations of mountain children in Artemus Lester's vision. I know of the benefits of a Young Harris education, and my youngest daughter will have the privilege of learning of its benefits this fall. Others who might seek and could benefit from Young Harris College should not be denied the experience because of a lack of funds. That's why, 3 years ago, I started the Ed Jenkins Scholarship program for ninth congressional district students who need financial assistance to attend Young Harris College. It's my way of continuing the Reverend Lester's vision into the future.

With an enrollment around 500, Young Harris College probably has produced more leaders per square foot then most institutions. The contributions it makes by providing leaders in government, business, finance, religion, journalism, and the numerous other fields are returned to it by those people who support its reputation and endowment. Young Harris College will continue to provide leaders for communities, cities, and towns, as long as those who benefit from it return the investment. Young Harris College will survive.

RESTORATION OF LAKEWOOD TOWNSHIP

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. HOWARD. Mr. Speaker, I would like to take this opportunity to recognize the excellent work being done by the people of Lakewood Township toward the restoration of their downtown business district. Their efforts have become a model for other communities.

In earlier times, Lakewood was one of the leading resort towns in the Nation, a gathering spot for the most famous names in American business, political, social, and literary history. Clean, healthy, pine-scented breezes and moderate temperatures attracted visitors from far and wide. John D. Rockefeller and George J. Gould both established magnificent estates there, while the Vanderbilts, Astors, Tilfords, and Arbuckles all made Lakewood their winter home.

Among the 100 hotels in Lakewood during its height as a resort community, none became as famous as the million-dollar Laurel-in-the-Pines. Here Rudyard Kipling and Oliver Wendell Holmes frequently gathered children about them on the floor by the fireplace and read to them.

Now, Lakewood is working to restore its golden-era glory. The township's planners have spent $6 million in Federal, State, county, and local funds on the renovation of the downtown district. On September 12, 13, and 14, 1986, the township will celebrate the completion of this project with a parade down beautiful, tree-lined Clifton Avenue. I think everyone in Lakewood can be proud of this effort. Township residents have shown that energy and enthusiasm can lead to change for the better.

THE REVEREND MONSIGNOR SALVATORE E. POLIZZI

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. GEPHARDT. Mr. Speaker, I am pleased to rise today to pay tribute to a dear friend of mine, the Reverend Monsignor Salvatore E. Polizzi. Father Polizzi is a legendary figure in the rebirth of neighborhoods in the city of St. Louis. He stood at the forefront of the nationally recognized historic restoration and preservation movement in St. Louis.

I pay tribute today on Monsignor's elevation in the Catholic Church to the rank of honorary prelate.

Father Sal has acted as a good shepherd to his flock. When their neighborhood was threatened by the insensitivity of the highway department proposal to decimate and divide their community, Father mobilized politicians and parishioners alike, led them to Washington and shaped the destiny of their neighborhood.

He was a driving force in the formation of the famous neighborhood organization known as Hill 2000, an organization which set the example for neighborhood preservation in St. Louis. When young couples needed financing to purchase a home in the old neighborhood, Hill 2000 was there to help. When homeowners needed funds for home improvement, Hill 2000 was there. Hill 2000 stirred the community and began the momentum that today has made St. Louis a city of viable and active neighborhoods.

Monsignor Polizzi has provided leadership and inspiration in the fight against blight, neglect, and apathy. His dedication has been the cornerstone on which neighborhood stability in the city of St. Louis has been built.

On behalf of my constituents, I wish to take this occasion to publicly commend and thank Monsignor Polizzi for his contributions to the betterment of his church and our community.

A MILESTONE FOR WORKERS FROM A PIONEERING STATE AND A PIONEERING COMPANY

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. OBEY. Mr. Speaker, in a few days, most of us will be going home for the Labor Day weekend. As the Representative from Wisconsin's Seventh Congressional District, I want to call to the attention of my colleagues the important events which took place in my State and district 75 years ago, events which played a major role in improving the lives of working men and women throughout the Nation.

At the turn of the last century, the United States, unlike a number of industrialized European nations, had not yet adopted an equitable means of dealing with the problem of industrial illness and injury. A number of States, beginning with New York in 1910, had passed workers compensation laws but all of them had been struck down on constitutional grounds.

In Wisconsin, a professor of economics at the University of Wisconsin, John R. Commons, developed an approach to workers compensation legislation which avoided the shoals of the constitutional issue. Legislation closely patterned after Professor Common's model was introduced in the Wisconsin Legislature by Senator Theodore Brazeau of Wisconsin Rapids.

Senator Brazeau noted that as a practicing attorney for lumber and paper companies he "strongly felt the injustice of turning an injured workman away without a cent of compensation."

But he added, "The situation was far from satisfactory for the employers too. The old liability laws practically made court action necessary. In fairness to both sides, a change had to be made."

Senator Brazeau's bill passed both houses of our legislature and was signed into law in the spring of 1911, to become fully effective on September 1.

One hundred and fifty miles to the north of the capital, in my home town of Wausau, a group of central Wisconsin businessmen soon formed a small mutual insurance company to meet their obligations under this new law. Their tiny new corporation, Employers Mutual Liability Insurance Co. of Wisconsin, opened for business in a rented room above a cigar store in downtown Wausau on September 1, 1911. Today, that organization is known throughout the Nation and the world as the Wausau Insurance Co.'s. and it is recognized as the Nation's pioneer in workers compensation insurance.

I might add, as a footnote to all of this, that the very first policy issued by the fledgling company was to the Wausau Sulphate Fiber Corp., which is now the Mosinee Paper Corp. That policy has been continually in force for the past 75 years.

Last year, the State Historical Society of Wisconsin authorized an historical plaque in my district noting the events I have described here today.

As we all know, the concept of workers compensation has now been accepted in every State and jurisdiction of our country. But it is not surprising that Wisconsin showed the way. The Wisconsin idea, as we like to call it, has always been a unique melding of the stimulating intellectual endeavors of the University of Wisconsin, the progressiveness of our State government, and the willingness of our citizens to work together to solve problems.

The creation of this Nation's first constitutional workers compensation legislation and the systems that implemented it and made it work are manifestations of that commonality of purpose and effort.

As we approach Labor Day, 1986, we reflect on these historic events of 1911 and recommit ourselves to the principles they represent.

SENATE—*Friday, August 15, 1986*

(Legislative day of Monday, August 11, 1986)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in heaven, recess is imminent—and desperately needed. Help the Senators and staffs to take seriously their responsibility to themselves. They have been working very hard under abnormal stress. They need to rest, relax, and enjoy some recreation. They return in September to face 4 more weeks of intensive demanding schedule with an imponderable agenda and unyielding deadlines. Help us all to take seriously our responsibility to our families who give up so much for the sake of Senate activities. They have great needs. May recess provide quality family time. Then, dear Lord, November 4 is very near and political campaigns are relentless in their demands. Help those who are up for reelection, their staffs, and their advocates among their peers to make the most of the recess period without neglecting personal and family needs.

The Lord bless you and keep you; the Lord make His face to shine upon you and be gracious unto you; the Lord lift up His countenance upon you and give you His peace. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. CHAFEE. I thank the Chair.

SCHEDULE

Mr. CHAFEE. Under the standing order, the two leaders have 10 minutes each. I do not choose to use my 10 minutes. However, the junior Senator from Kentucky [Mr. MCCONNELL] would like part of that at the appropriate time.

Routine morning business will not extend beyond the hour of 10 a.m. Senators are permitted to speak therein for not more than 5 minutes each.

At 10 a.m., the Senate will resume consideration of S. 2701, the South Africa bill. Several amendments were disposed of during yesterday's session. However, many amendments still remain, as we well know.

I think on the Democratic side there are in the neighborhood of 13, but some of those were disposed of last evening. On the Republican side, as we got close to recess last evening, there were something like 22. Some of those have been disposed of.

Votes can be expected throughout today's session and the Senate is expected to remain in session until evening.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The able minority leader is recognized.

RESERVATION OF THE MINORITY LEADER'S TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time under my control under the standing order for the leader be reserved throughout the day under my control.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

RESERVATION OF THE MAJORITY LEADER'S TIME

Mr. CHAFEE. Mr. President, I wish to reserve the time I have remaining of the 10 minutes. We shall use it somewhat later.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. GRASSLEY). Under the previous order, there will now be a period for the transaction of routine morning business for a period not to extend beyond the hour of 10 a.m. Anyone making statements during that period of time should limit those statements to 5 minutes.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDENT pro tempore. The Chair recognizes the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I thank the Chair.

HAROLD BROWN—THE SUPREME TECHNICAL EXPERT ON SDI

Mr. PROXMIRE. Mr. President, what one person could provide this Congress with the most expert, competent, technical advice on the strategic defense initiative? First, what qualities should this expert possess? He should have thorough training and experience as a physicist. He should have had substantial experience working at the highest level in one of our top weapons laboratories. It would also help if he had been faced with making the tough, practical choices of conventional and nuclear weapons as a top manager in the Defense Department. Does such a person exist? If he does, where does he stand on the practicality of the hotly controversial strategic defense initiative or star wars?

Mr. President, such a person does exist. He exists in spades. His name is Harold Brown.

Who is Harold Brown? Listen: He is now chairman of the Foreign Policy Institute at Johns Hopkins. What is his scientific background? Mr. President, Harold Brown has not only worked at one of this Nation's preeminent weapons laboratories; he served as head, top man, chief honcho of the Livermore Laboratory, than which there is none than "whicher," as they say. It is this Nation's No. 1 weapons laboratory. From 1969 to 1976, he was president of the California Institute of Technology. And what is CIT? It is one of the world's most eminent scientific institutions.

How about his experience on the job in the Defense Department? From 1977 until 1981, Harold Brown was not just in top management at Defense, he was the highly respected Secretary of Defense. He was No. 1, Numero Uno. Of all the persons who have served this Nation as Secretary of Defense, Harold Brown undoubtedly brought into the job the most impressive technical credentials, quiet, thoughtful, without doubt the most technically knowledgeable man who has ever served as this Nation's Secretary of Defense. To the credit of the Reagan administration, Brown's advice is still sought.

On Sunday, August 10, the Washington Post carried an article by Dr. Brown describing how, in his judgment, arms control can save the Anti-Ballistic Missile Treaty [ABM] without killing the strategic defense initiative [SDI]. In the course of that article, Brown spells out in technical but clear detail a practical analysis of what, in his expert judgment, is likely to be the timing of the deployment of SDI and the technical problems that stand in the way of achieving success.

This article constitutes the most competent analysis of the strategic defense initiative of the many excellent articles this Senator has read on the subject.

So what is Harold Brown's judgment on the wisdom of proceeding with the strategic defense initiative? His first conclusion is that he is skeptical of the kind of rapid-fire, heavily funded SDI rush to development, production, and deployment championed by the administration. He sees no reason to renounce the ABM Treaty—at least for the next 7½ to 10 years. He is especially critical of the present concentration of this administration on the development of an SDI system that would rely primarily on striking Soviet ICBM's in their boost phase. He calls this the least promising technology. Why? For one solidly persuasive reason. That is because it is the most vulnerable to Soviet countermeasures.

Then, what kind of SDI system would Brown pursue? He says that for some years to come, we can make the most technical progress by working on the long-range technology that is most promising and incidentally would not violate the ABM Treaty for a number of years. Nevertheless, Brown sees serious technical challenges even for those more promising long-range projects.

For instance, he calls the space-based directed energy weapons such as the neutral particle beams and chemical lasers as among "the less uncertain of the later technologies." And yet even here, he sees what he calls serious technical challenges. For chemical lasers, he contends that "several technological problems still need to be solved."

Brown also sees promise in excimer lasers and free electron lasers. How close are we to developing these lasers into effective weapons? Brown says that we are now "many factors of 10" away from achieving the intensity necessary for the required lethality. "Many factors of 10" means to this Senator it will take time—many years, if ever—before we develop the technology to make these weapons workable. X-ray lasers also have distant promise. But I mean distant. Brown calls them "still further off than the other types of lasers."

The big problem is only touched on by this supreme technician. Dr. Brown sees not a primarily technical problem for proceeding at a prudent scientific pace to develop this exotic, uncertain, immensely costly weapons technology. He wisely sees a political and psychological problem. This immensely expensive, technologically questionable project strikes this country in the middle of its most serious fiscal crisis. For years to come, Congress will be under great pressure to hold down spending, all spending, including military spending. And now, in the midst of our worst fiscal crisis, we face in SDI a mammoth jump in Federal spending. We have an addition to our defense burden which Dr. Brown told the Senate Defense Appropriations Subcommittee a couple of months ago could impose regular annual additional cost on our taxpayers of $100 billion annually in 1986 dollars to maintain and modernize on top of $1 trillion to research, develop, produce and deploy.

And what do we get for all that money? We do not know what we will have, if anything, if and when we develop this fabulous "defense." We know it would challenge the Soviets to pour their resources into an all-out race to develop an offensive technology that could overcome it.

In such a massive arms race, would the United States be more or less militarily secure 25 years from now with a fully deployed SDI or star wars? In this Senator's judgment, we would be far less secure. Others obviously disagree, but it is clear that our country as well as the Soviet Union will be poorer for having diverted so much of our economic resources and our scientific genius into chasing this chimera of a perfect nuclear weapons defense in space. So what's the alternative? The alternative is arms control. Arms control offers a far more promising road to peace at an infinitely smaller cost.

Mr. President, I ask unanimous consent that the Washington Post article to which I have referred from the August 10 Washington Post be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARMS CONTROL CAN SAVE ABM WITHOUT KILLING SDI

(By Harold Brown)

The United States has an opportunity in the current round of arms-control negotiations to achieve a negotiator's dream: to obtain an edge in the bargaining on offensive forces without giving up anything of practical significance on defense.

Recent developments in the Geneva arms talks may make such a deal possible. The Soviet Union has proposed deep reductions in offensive nuclear forces in exchange for an agreement not to withdraw from the ABM treaty for 15 to 20 years. (The treaty is of indefinite duration but contains a provision allowing a party to withdraw on six months notice if "extraordinary events . . . have jeopardized its supreme national interest.") The United States has countered by offering not to withdraw for 7½ years, providing that the Soviets agree now that the treaty will be inoperative thereafter, according to news reports.

Extending the withdrawal period would give the United States an important quid in exchange for a relatively minor quo. That's because during the next 7½ years, the ABM treaty wouldn't prevent the United States from doing anything in the area of strategic defenses that would be sensible and feasible. Even with a robust Strategic Defense Initiative, full-scale testing and deployment of strategic defenses probably won't be possible until the mid-1990s. In other words, the United States will have difficulty violating the 1972 ABM treaty over the next 7½ years even if it wants to do so.

The SDI timetable is much further off than is generally understood. An analysis of the range of possible SDI systems and the timetables for developing and deploying them demonstrates that an extension of the ABM agreement will have only very modest effects on:

Deployment. The United States couldn't begin deployment of the simplest SDI system—an array of ground-based missiles that could provide terminal defense for U.S. missile silos and other military targets—until well into the 1990s. (Indeed, SDI chief Lt. Gen. James Abrahamson said last month that deployment couldn't begin until "after the mid-1990s.") Engineering and development work on such a system would probably take five or six years. Deployment couldn't be completed until about the year 2000. Thus, a corresponding extension of the required withdrawal notice from the ABM treaty wouldn't significantly affect deployment of a terminal defense.

Testing. SDI advocates fear that an extension of the treaty would prevent testing of space-based defenses. But during the next seven years, the only kind of system whose testing would be impeded is the simplest space-based system, an array of satellites carrying kinetic-energy weapons that could attack Soviet missiles during the boost phase. These rockets would intercept Soviet missiles when their engines are burning and destroy them by impact or detonation of a warhead. Testing of components of such a system could begin by the early 1990s, using currently available technology. But this system is the least promising SDI approach, since it would be so easy for the Soviets to counter. Full-scale engineering development and testing of more exotic and (if they work) promising technologies—such as lasers and particle beams—couldn't begin for a decade or more, and wouldn't be affected by a treaty extension.

For better or worse, then, the so-called "grand compromise" on arms control wouldn't radically affect a sensibly designed SDI program. It would curtail only the least promising systems for boost-phase attack, allowing the United States to continue to explore technologies that might be useful in the 21st century. That also means that even if the grand compromise is reached, the SDI debate won't be over. It could be with us for decades to come.

The most compelling concern SDI advocates should feel about extending the withdrawal period is not that it would create serious practical problems for development and deployment of strategic defenses. The simple truth is, it wouldn't. This applies even under the interpretation of limits on development and testing that the administration labels "restrictive."

But an extension could create a political and psychological environment that would make massive funding increases for SDI more difficult to obtain. A similar disinterest in defensive systems and technologies followed the signing of the original 1972 ABM treaty, and a reaffirmation of the treaty would probably have the same effect. Since a rolling extension of the withdrawal period would begin to impinge on SDI development and testing after a few years, it is clear why the Reagan administration wants SDI to run free after 7½ years.

One resolution of the problem would be to tie a periodic roll-forward of the extended

withdrawal period to simultaneous agreements for further cuts in strategic offensive forces after the initial agreement, and to compliance with such agreements. Those who, like myself, are skeptical of the benefits of SDI will not be troubled by the inhibitions associated with such an approach.

In considering the prospects for the various SDI technologies, it is important to remember that movement from technological development through full scale engineering to testing and deployment is governed by the budgetary and legislative process, as well as by the state of technology. Even after the technology is proven out, full-scale engineering development of a moderately complex system takes from five to eight years, while deployment takes an additional five to seven years. Thus, a weapon system based upon proven technology would take a total of 10 to 15 years to completely deploy.

What SDI technologies would allow deployment of defenses by the year 2000? The answer is that only the simplest systems would be available, and these would be constrained only in modest ways by a 7½-year extension of the withdrawal period.

Terminal defenses, using hardened ground-based radars and interceptor rockets, would require about 10 years between a decision to deploy and having a significant force. Complete deployment would take up to 15 years. The necessary technology exists now, and some sub-systems have already been partially developed. Present designs of interceptor missiles would require the use of nuclear warheads. A non-nuclear version could be developed using homing devices in the interceptor, but that would take a few years longer. Development of space-based kinetic-energy weapons also would be technologically feasible over the next 10 to 15 years. The accuracies required to track Soviet missiles would require significant technological development.

The biggest drawback of this kinetic system is that it would be extremely vulnerable to Soviet countermeasures. For example, fast-burning boosters would effectively negate such a defense system, and other measures would significantly degrade it.

Nevertheless, the technology for a space-based, boost-phase intercept system, using kinetic-energy weapons, could be ready as early as 1990-92 for a decision to initiate full-scale engineering development. If testing wasn't constrained by the ABM treaty, deployment could begin some time between 1995 and 2000.

In the medium term—for the period five to 10 years beyond 1995-2000—more elaborate space- and ground-based technologies may be feasible, with a corresponding period of deployment beginning some time between 2000 and 2010. Increased uncertainty, however, naturally attaches the further out we look.

Among the less uncertain of these later technologies are spaced-based directed-energy weapons such as neutral particle beams and chemical lasers.

A neutral particle beam would be made up of atomic particles, accelerated to a high speed by electric fields, then steered and pointed by a magnet, and then neutralized so that it will not be deflected by the earth's magnetic field.

A chemical laser would use the energy created by chemical reactions to create a highly focused, intense beam of infrared light, directed by a mirror.

Neutral particle beams are, in their present state of development, more intense than any existing laser. However, neutral particle beam defenses would pose substantial technical challenges in addition to the usual acquisition and tracking problems. Among these are the difficulty of tracking the beam itself, since it gives off no signal in space, and the difficulty of determining the effect of the beam on the target, since the target will not be physically destroyed. (The beam would work by damaging the internal electronic components of the target.) Finally, the beam's low energy efficiency would require a nuclear power source, delaying possible deployment.

For chemical lasers, several technological problems still need to be solved, such as achieving a beam of sufficient power and concentration and the feasibility of the large optical systems required. Although some promising technologies are under development for chemical and other lasers, most have yet to reach full demonstration of the physical principles involved, and all are still far from being developed. Testing and deployment of these technologies probably would not be affected by a 7½-year extension of the ABM withdrawal requirement, or even a commitment not to deploy a system for 10 or 15 years.

In the long term, there are some interesting new technologies, less developed and therefore more suitable for deployment beginning 20 to 25 years from now. They include systems based on excimer lasers, whose light comes from excited molecules, and free-electron lasers, whose light comes from accelerated electrons.

Both types of lasers are now many factors of ten away from achieving the intensity necessary for the required lethality. The weights of these lasers and of their energy supplies probably require them to be ground-based and used with mirrors in space. The laser wavelength for both would allow the beams to penetrate the atmosphere, if the atmospheric distortion problem can be solved.

X-ray lasers powered by nuclear explosions are still further off than the other types of lasers, although they seem to offer some interesting distant possibilities. Their higher power and wider beams would make them suitable for destroying clouds of objects or for actively discriminating heavy objects among them. They might be effective against such countermeasures as balloons and decoys. Demonstrations even of the physical intensities needed for weapon use, if feasible at all, is at least 5—more likely, 10—years off. Weaponization would involve another five or more years. Only thereafter could it be incorporated into a full-scale engineering development.

Rail guns, which accelerate objects to very high speed electromagnetically, may also have promise. But as components of a space-based SDI, they are almost as far off as X-ray lasers.

While many uncertainties exist as to future laser technologies for strategic defense, all laser systems would be vulnerable to other lasers. In general, the rules of the competition are that ground-based lasers will defeat space-based ones, larger ones will defeat smaller ones, and bomb-driven X-ray lasers looking up through the fringes of the atmosphere will defeat the same sort of X-ray lasers looking down into the fringes of the atmosphere.

A successful strategic defense would require not only kill mechanisms but also a battle management system involving sophisticated command, control and communications. The most fundamental problems in this area are: rules of engagement that specify such things as how many observed missile launches would trigger action by the system and which satellites would attack which missiles; the need to change portions of the software as new elements are introduced into the system without having the changes compromise the working of the rest of the software, and most of all, the ability to check out the system to make sure there are no conceptual errors in the software.

Let's assume that a grand compromise in arms-control can be achieved: an agreement that would prevent the United States from withdrawing from the ABM treaty for at least 7½ years in exchange for deep cuts in offense. (The bargaining on cuts and limits for offensive forces on both sides will not be easy. The Soviets surely have in mind limits on the strategic forces that we consider vital parts of our deterrent capability, and the Soviet idea of "equality" is very different from our own. But the key to being able to get to that bargaining is U.S. willingness to deal with strategic offensive forces and strategic defense at the same time.)

With such a treaty in force, SDI research could continue, subject to the limitations of the ABM treaty. In such a regime, what kinds of SDI research would make sense? I believe that an SDI research program, designed to remain within the treaty, should be based on the following premises:

Ground-based terminal defense can provide an effective defense of ICBMs in some basing modes, but not in the present vulnerable silos. Testing and deployment of many aspects of such a system are permitted under the ABM treaty. A decision to initiate full-scale engineering development for terminal defenses should be undertaken, however, only after determining that other less vulnerable modes of ICBM deployment, such as mobile missiles or multiple protective shelters, are either not technically feasible or not politically acceptable. And if deep cuts in offensive forces are part of a new arms agreement, the need for active defense of ICBMs would be reduced.

Space-based kinetic-energy weapons for boost-phase intercept should be deemphasized because they would be defeated by almost certainly available offensive countermeasures, such as fast-burn rockets. R&D should concentrate on the more advanced kill mechanisms that are further off in time. It would also make sense to delay any decision on engineering development of boost-phase intercept systems until 1994 to 1995. By that time enough ought to be known about the various directed-energy weapons to allow a more informed choice.

A full-scale R&D program for technologies associated with early warning and attack assessment is warranted. These should include infrared tracking of missiles in boost-phase, and infrared, optical, and radar tracking of objects in space. Like terminal defense development activities, they are consistent with the ABM treaty. But they could also constitute the "eyes" of strategic defense (of either military forces or population) should such defense be decided upon.

The electromagnetic rail gun, the bomb-driven X-ray laser, and the neutral-particle beam should be confined to demonstration of the technology, rather than any consideration of components or systems.

This orientation of the SDI program would delay conflict with the ABM treaty while permitting continued development and preliminary testing of technology. It reflects a judgment that the program dates advanced by SDI managers are ambitious

even for the more-developed (and less-promising) technologies. It concentrates instead on the less-developed but more promising ones, which can be explored while the ABM treaty continues in force.

Mr. PROXMIRE. Mr. President, I yield the floor.

□ 0940

TRADE AND NATIONAL SECURITY ENHANCEMENT ACT

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Seante Democratic leader.

Mr. BYRD. Mr. President, I seek recognition during morning business.

The PRESIDING OFFICER. The Senator is so recognized.

Mr. BYRD. I thank the Chair. Yesterday, Sentor ROTH and I introduced legislation to amend the National Trade Expansion Act. The title of our proposed legislation is the National Security Trade Act of 1986.

I am also today introducing the substance of the amendment which I offered to the Department of Defense authorization bill on last Saturday. I am introducing this as a freestanding bill to be kown as the Trade and National Security Enhancement Act. I am going to introduce it for appropriate referral, and I also will utilize rule XIV as a mechanism to eventually place this bill on the calendar.

Mr. President, I send to the desk this bill and ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 2765) to amend section 232 of the Trade Expansion Act of 1962, to improve its administration, and for other purposes.

Mr. BYRD. Mr. President, I ask for the second reading of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. I object.

The PRESIDING OFFICER. Objection having been heard, under those conditions the bill will remain at the desk for its second reading on the next legislative day.

Mr. BYRD. Mr. President, I thank the distinguished acting Republican leader. The mechanism which is used now under rule XIV, and following the next adjournment the bill will be read the second time and eventually will be placed on the calendar.

I thank the Senator and I thank the Chair.

THE CALENDAR

Mr. CHAFEE. Mr. President, I would like to inquire of the minority leader if he is in a position to pass any or all of the following calendar items, and if he is agreeable then we would take them en bloc:

Calendar No. 751, S. 1047; Calendar No. 806, 1917; Calendar No. 807, Senate Joint Resolution 190; Calendar No. 818, Senate Resolution 439; Calendar No. 819, Senate Resolution 466; Calendar No. 820, Senate Resolution 467; Calendar No. 821, Senate Resolution 468; Calendar No. 822, Senate Resolution 469; Calendar No. 823, Senate Resolution 470; Calendar No. 824, Senate Resolution 471; Calendar No. 825, Senate Resolution 472; Calendar No. 826, Senate Resolution 473; Calendar No. 827, Senate Resolution 474; Calendar No. 828, Senate Resolution 475; Calendar No. 829, House Concurrent Resolution 288; Calendar No. 830, House Concurrent Resolution 301; Calendar No. 835, Senate Resolution 478; Calendar No. 837, S. 2703; Calendar No. 840, House Resolution 5371; Calendar No. 841, S. 1092; Calendar No. 842, S. 2462; Calendar No. 843, S. 2496; Calendar No. 844, S. 2585, and Calendar No. 845, S. 2000.

Mr. BYRD. Mr. President, if the distinguished acting Republican leader will indulge me just for a moment, I will be in a position to respond to his inquiry.

Mr. President, all of the measures that have been identified by the distinguished acting Republican leader have been cleared by all Members on this side of the aisle. We are ready to proceed with action thereon.

Mr. CHAFEE. I thank the distinguished Democratic leader.

I ask unanimous consent that the calendar items just identified be considered en bloc and passed en bloc and all committee-reported amendments and preambles be considered agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

FORMER PRESIDENTS FACILITIES AND SERVICES REFORM ACT

The Senate proceeded to consider the bill (S. 1047) to reform the laws relating to former Presidents, which has been reported from the Committee on Governmental Affairs, with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Former Presidents Facilities and Services Reform Act of 1986".

TITLE I—FORMER PRESIDENTS

SPOUSAL PENSIONS

SEC. 101. Subsection (e) of the first section of the Act entitled "An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (72 Stat. 838; 3 U.S.C. 102 note) is amended to read as follows:

"(e) The spouse of a deceased former President shall be entitled to receive from the United States a monetary allowance at a rate per annum, payable monthly by the Secretary of the Treasury, which is equal to two-thirds of the rate which is payable under subsection (a) to a former President. The monetary allowance of such spouse—

"(1) commences on the day after the former President dies;

"(2) terminates on the last day of the month before such spouse—

"(A) dies; or

"(B) remarries before becoming sixty years of age; and

"(3) is not payable for any period during which such spouse holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.".

OFFICE AND STAFF FOR FORMER PRESIDENTS

SEC. 102. (a) Subsections (b) and (c) of the first section of the Act entitled "An Act to provide retirement, clerical assistants, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (72 Stat. 838; 3 U.S.C. 102 note) are amended to read as follows:

"(b)(1) The Administrator of General Services (hereinafter referred to as the 'Administrator') is authorized to provide to each former President, upon request, necessary services and facilities, including—

"(A) one suitable office, not to exceed four thousand square feet in area unless the Administrator determines that circumstances exist to warrant the provision of an office in excess of four thousand square feet, in a public building owned or leased by the United States in a location in the United States as the former President shall designate;

"(B) appropriate equipment for such office, including furniture, furnishings, office machines and equipment, and office supplies, as determined by the Administrator after consultation with the former President or the individual designated by the former President under subsection (c);

"(C) payment of the compensation of members of an office staff designated by the former President at rates determined by the former President which are not in excess of the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, except that notwithstanding any other provision of law, persons receiving compensation as members of an office staff of a former President under this subsection shall not be considered to be employees of the Federal Government except for purposes of chapters 81, 83, 87, and 89 of title 5, United States Code;

"(D) payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, found necessary by the former President, as authorized for employees serving intermittently under section 5703 of such title;

"(E) when authorized by the President, transportation on Government aircraft or Government chartered aircraft solely for the purpose of enabling a former President to complete the affairs of such former President's office and otherwise as required incidentally to protect such former President;

"(F) communications services found necessary by the former President;

"(G) payment of expenses for necessary printing and binding, notwithstanding the provisions of section 501 of title 44, United States Code; and

"(H) movement of the personal effects and household goods of a former President

and the family of the former President from the Executive Residence at the White House in Washington, the District of Columbia, to a location in the United States selected by such former President.

"(2) Any Federal employee may be detailed to the office staff of a former President on a reimbursable basis with the consent of the head of the agency involved. Any such detail shall be for a period not in excess of eight months and ten days after the date on which the former President leaves office. An employee detailed to the office of a former President shall be responsible only to the former President for the performance of such employee's duties during the period of such detail. An employee detailed under this paragraph is deemed, for the purpose of preserving the employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which such employee is detailed, and such employee is entitled to pay, allowances, and benefits from funds available to that agency. The authorization and payment of such allowances and other benefits from appropriations available therefor is deemed to comply with section 5536 of title 5, United States Code.

"(3) The costs of providing transportation to a former President under subparagraph (E) of paragraph (1) shall be paid from amounts appropriated for such former President under subsection (i) and from such amounts as may be collected by the Administrator from the Secret Service, other Federal agencies, or other persons for the use of space on Government aircraft or Government chartered aircraft and are credited (with respect to such former President) to the account for appropriations under this Act.

"(c) Each former President may designate to the Administrator an individual authorized to make, on the behalf of such former President, such designations or findings of necessity as may be required in connection with the services and facilities to be provided under subsection (b).".

(b)(1)(A) Subsection (e) of such section (as amended by section 101 of this Act) is redesignated as subsection (j).

(B) Subsection (f) of such section is redesignated as subsection (k).

(2) Such section is amended by inserting immediately after subsection (c) the following new subsections:

"(d) Funds provided for necessary services and facilities for a former President under this Act shall be used for activities which are the direct result of such former President having held the office of President. Such funds may not be used for partisan political activities or income generating activities (including the preparation of the memoirs of such former President and the preparation for any speech, radio or television appearance, or other activity for which such former President will receive any compensation or honorarium), as determined under standards established by the Administrator.

"(e)(1) The Administrator is authorized to provide necessary services and facilities to a former Vice President for use in connection with winding up the affairs of office of such former Vice President. Such services and facilities shall be of the same general character as the services and facilities provided to a former President under subsection (b). The Administrator shall provide for the movement of the personal effects and household goods of a former Vice President and the family of the former Vice President from the Vice President's House in Washington, the District of Columbia, to a location in the United States selected by such former Vice President.

"(2) Each former Vice President shall be entitled to conveyance within the United States and its territories and possessions of all mail matter, including airmail, sent by such former Vice President under the written autograph signature of such former Vice President in connection with preparations for winding up of official duties as Vice President.

"(3) No funds for necessary services and facilities provided to a former Vice President under this Act shall be used for partisan political activities or income generating activities (including the preparation of the memoirs of such former Vice President and the preparation for any speech, radio or television appearance, or other activity for which such former Vice President will receive any compensation or honorarium), as determined under standards established by the Administrator.

"(f) No funds appropriated under this Act may be expended by the Administrator for the provision of services and facilities under this Act with respect to a former President or former Vice President at any time after ninety days after the date on which such former President or former Vice President dies.

"(g) Except for expenditures from an imprest fund consisting of such amounts as the Administrator shall determine, any expenditure of funds under this Act may be made only with the prior approval of the Administrator or the designee of the Administrator.

"(h) By March 1 of each year, each former President shall prepare and transmit to the Committee on Governmental Affairs of the Senate, the Committee on Government Operations of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives a report concerning activities carried out with the funds for necessary services and facilities provided under this Act.

"(i)(1) To carry out the provisions of subsections (b) and (e), there are authorized to be appropriated to the Administrator with respect to a former President and former Vice President a total of $1,000,000 for the fiscal year in which the term of a former President expires, except that no funds appropriated pursuant to this paragraph shall be available for expenditure until the day on which such term expires.

"(2) Except as provided in paragraphs (3) and (4), to carry out the provisions of subsection (b) with respect to each former President, there are authorized to be appropriated to the Administrator—

"(A) $300,000 for each of the first four fiscal years beginning after the fiscal year in which the term of a former President expired;

"(B) $250,000 for the fifth and each of the three succeeding fiscal years beginning after the fiscal year in which the term of a former President expired; and

"(C) $200,000 for the ninth and each of the succeeding fiscal years beginning after the fiscal year in which the term of a former President expired.

"(3) Except as provided in paragraph (4), to carry out the provisions of subsection (b) with respect to any individual who is a former President on the date of enactment of this subsection, there are authorized to be appropriated to the Administrator—

"(A) $300,000 for each of the four fiscal years beginning after the fiscal year in which this subsection is enacted;

"(B) $250,000 for the fifth and each of the three succeeding fiscal years beginning after the fiscal year in which this subsection is enacted; and

"(C) $200,000 for the ninth and each succeeding fiscal year beginning after the fiscal year in which this subsection is enacted.

"(4) The provisions of paragraphs (2) and (3) shall cease to be in effect ten years after the date of enactment of this subsection.".

(c) Section 4 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is repealed.

(d) Section 5 of such Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 5. There are authorized to be appropriated to the Administrator such sums as may be necessary for carrying out the purposes of this Act, except that with respect to any one Presidential transition not more than $2,000,000 may be appropriated for the purposes of providing services and facilities to the President-elect and Vice President-elect under section 3. The President shall include in the budget transmitted to Congress, for each fiscal year in which the President's regular term of office will expire, a proposed appropriation for carrying out the purposes of this Act.".

TITLE II—PROTECTION OF FORMER PRESIDENTS AND FORMER VICE PRESIDENTS

PROTECTION AUTHORIZED

SEC. 201. (a) On or after the date of enactment of this Act, no Secret Service protection shall be provided to a former President or to the spouse or child of a former President, unless such protection is authorized by subsection (b) or is extended or reinstated by the Secretary of the Treasury or the President in accordance with section 202.

(b)(1) The Secret Service is authorized to protect a former President after the date of enactment of this Act for a period of five years beginning on the date of enactment of this Act or on the date on which an individual becomes a former President, whichever is later, and for such additional periods as the Secretary of the Treasury may authorize under section 202.

(2)(A) Except as provided in paragraphs (3) and (4), the Secret Service is authorized to protect the spouse and each child of a former President after the date of enactment of this Act for a period of two years beginning on the date of enactment of this Act or on the date on which such former President becomes a former President, whichever is later, and for such additional periods as the Secretary of the Treasury may authorize under section 202.

(B) After the expiration of the period described in subparagraph (A), the Secret Service is authorized to protect the spouse and each child of a former President who is receiving protection under paragraph (1) to the extent that such protection is incidental to the protection of the former President, except as provided in paragraph (4).

(3) If, after the date of enactment of this Act, a former President dies before the expiration of the two-year period for which Secret Service protection of the spouse and each child of such former President is authorized under paragraph (2)(A), the Secret Service is authorized to protect such spouse and each such child—

(A) for a period—

(i) of six months after the date on which such former President dies; or

(ii) equal to the amount of time remaining in the two-year period for which such spouse or child would have received protection under paragraph (2)(A) had such former President lived until the end of such two-year period,

whichever is greater; and

(B) for such additional periods as the Secretary of the Treasury may authorize under section 202.

(4) If a former President dies after the expiration of the two-year period during which the spouse and each child of such former President received Secret Service protection under paragraph (2)(A), the Secret Service is authorized to protect such spouse and each such child of such deceased former President for a period of six months after the date on which such former President dies, and for such additional periods as the Secretary of the Treasury may authorize under section 202.

EXTENSION OR REINSTATEMENT OF PROTECTION

SEC. 202. (a) The Secretary of the Treasury may extend or reinstate Secret Service protection provided under section 201—

(1) in the case of a former President, for one or more one-year periods; and

(2) in the case of a spouse or child of a former President, for one or more six-month periods,

upon a finding that a threat warranting such protection exists to the individual.

(b)(1) No extension or reinstatement of Secret Service protection under subsection (a) for an individual shall become effective—

(A) unless the Secretary of the Treasury submits a notice to the Congress specifying that the Secretary has made the finding described in subsection (a) with respect to such individual; and

(B) until a period of sixty days of continuous session of the Congress after the date on which such notice is submitted has expired.

(2) For purposes of this subsection and subsection (d)(2), continuity of session is broken only by an adjournment sine die, but the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded.

(c) A former President or the spouse or a child of a former President may request the Secretary of the Treasury to extend or reinstate the Secret Service protection of such former President, spouse, or child in accordance with subsection (a). If the Secretary of the Treasury denies a request under the preceding sentence, the Secretary shall, as soon as practicable, notify the Congress of such denial.

(d) The President is authorized to direct the United States Secret Service to protect a former President or a spouse or child of a former President upon a determination that a threat warrants emergency action. The President shall notify Congress of any such action. Such authorization shall extend for—

(1) a period not in excess of sixty calendar days; or

(2) in the case of the submission by the Secretary of the Treasury of a notice under subsection (b) within such sixty-day period, a period not in excess of the time required for the expiration of sixty days of continuous session of Congress after the date on which such notice is submitted.

PROTECTION OF FORMER VICE PRESIDENTS

SEC. 203. (a) The Secret Service is authorized to protect a former Vice President if such protection is authorized by the Secretary of the Treasury in accordance with subsection (b).

(b) The Secretary of the Treasury may authorize the provision of Secret Service protection to a former Vice President upon a finding that a threat warranting such protection exists to such former Vice President. The Secretary of the Treasury may authorize the provision of such protection for a period beginning on the date on which the Vice Presidential term of such former Vice President expires and ending on the last day of the fiscal year in which such term expired.

DEFINITIONS

SEC. 204. For purposes of this title—

(1) the term "former President" means an individual—

(A) who has held the office of President of the United States of America;

(B) whose service in such office has terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America; and

(C) who does not currently hold such office; and

(2) the term "child" means a child who is under the age of sixteen years.

TECHNICAL AMENDMENT

SEC. 205. Section 3056(a) of title 18, United States Code, is amended—

(1) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) Former Presidents and their spouses and children, in accordance with title II of the Former Presidents Facilities and Services Reform Act of 1986.";

(2) by striking out paragraph (4);

(3) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively; and

(4) by striking out "(7)" in the last sentence and inserting in lieu thereof "(6)".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IMMUNIZATION AND ORAL REHYDRATION ASSISTANCE

The Senate proceeded to consider the bill (S. 1917) to amend the Foreign Assistance Act of 1961 to provide assistance to promote immunization and oral rehydration, and for other purposes, which had been reported from the Committee on Foreign Relations, with an amendment to strike out all after the enacting clause, and insert the following: with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) the United Nations Children's Fund (UNICEF) reports that 3.5 million children die annually because they have not been immunized against the six major childhood diseases: polio, measles, whooping cough, diptheria, tetanus, and tuberculosis;

(2) at present less than 20 percent of children in the developing world are fully immunized against these diseases;

(3) each year more than five million additional children are permanently disabled and suffer diminished capacities to contribute to the economic, social, and political development of their countries because they have not been immunized;

(4) ten million additional childhood deaths from immunizable and potentially immunizable diseases could be averted annually by the development of techniques in biotechnology for new and cost-effective vaccines;

(5) the World Health Assembly, the Executive Board of the United Nations Children's Fund, and the United Nations General Assembly are calling upon the nations of the world to commit the resources necessary to meet the challenge of universal access to childhood immunization by 1990;

(6) at the 1984 "Bellagio Conference" it was determined that the goal of universal childhood immunization by 1990 is indeed achievable; and

(7) the Congress has expressed its expectation that the Agency for International Development will set as a goal the immunization by 1990 of at least 80 percent of all the children in those countries in which the Agency has a program.

SEC. 2. (a) The Congress calls upon the President to direct the Agency for International Development, working through the Center for Disease Control and other appropriate Federal agencies, to work in a global effort to provide enhanced support toward achieving the goal of universal access to childhood immunization by 1990 by—

(1) assisting in the delivery, distribution, and use of vaccines, including—

(A) the building of locally sustainable systems and technical capacities in developing countries to reach, by the appropriate age, not less than 80 percent of their annually projected target population with the full schedule of required immunizations; and

(B) the development of a sufficient network of indigenous professionals and institutions with responsibility for developing, monitoring, and assessing immunization programs and continually adapting strategies to reach the goal of preventing immunizable diseases; and

(2) performing, supporting, and encouraging research and development activities, both in the public and private sector, that will be targeted at developing new vaccines and at modifying and improving existing vaccines to make them more appropriate for use in developing countries.

(b) In support of this global effort, the President should appeal to the people of the United States and the United States private sector to support public and private efforts to provide the resources necessary to achieve universal access to childhood immunization by 1990.

SEC. 3. [(a)] Section 104(c)(2)(B) of the Foreign Assistance Act of 1961 is amended by striking out "$25,000,000 for fiscal year 1987" and inserting in lieu thereof "$75,000,000 for fiscal year 1987 (of which $50,000,000 shall be used to carry out paragraph (3) of this subsection)".

[(b) Section 104(c) of such Act is amended by adding at the end thereof the following new paragraph:

["(4) The provisions of section 620(c) of this Act shall not apply to the provision of assistance to carry out paragraph (3).".]

The amendments were agreed to.

Mr. LUGAR. Mr. President, I would like to call up S. 1917, the Universal Child Immunization Act of 1986, and

urge its adoption by the Senate. The purpose of this amendment to the Foreign Assistance Act is to authorize additional foreign assistance funding for fiscal year 1987 for worldwide child immunization programs.

Mr. President, each day the children of the developing world face what has aptly been characterized as the silent crisis. Every year 4 million children die from the six major vaccine-preventable diseases—polio, measles, whooping cough, diphtheria, tetanus, and tuberculosis. These diseases are virtually unknown in the developed world, Mr. President, due to the success of immunization programs. Today, here in the United States our children are at little risk from these diseases and it is difficult to even recall how relatively recent are the major medical advances which have produced this security.

Mr. President, half of the children who die throughout the developing world from these preventable diseases could be saved through the provision of a basic immunization program. The purpose of this legislation is to increase the resources available through our foreign assistance program for this purpose.

Universal child immunization is not a new issue to come before the Congress, Mr. President. Participants in the World Health Assembly of 1974, including the United States, committed themselves to the goal of universal immunization of all children by 1990. This goal was adopted at a World Health Organization-UNICEF conference in 1978 and was subsequently endorsed by the United Nations General Assembly in 1979. In 1984, the "Bellagio Conference on Protecting the World's Children" found that the goal of universal immunization is achievable. In 1985, the Congress created the Child Survival Fund to provide a focus on this issue within our foreign assistance programs. In September of last year, the Senate adopted Senate Resolution 227, the Pell-Lugar resolution urging a joint United States-U.S.S.R. effort to achieve worldwide immunization by 1990. That 1990 goal was also adopted during Senate consideration of S. 960, the foreign assistance authorization.

I cite this record, Mr. President, only to point out that child immunization is already a high priority for our U.S. foreign assistance program. Congress created the Child Survival Fund as a means of focusing resources on vital child survival activities such as immunization and oral rehydration therapy, and—through the Agency for International Development—the United States is steadly increasing its focus on this effort.

Mr. President, this legislation will increase the authorization of the Child Survival Fund from $25 to $75 million in fiscal year 1986 and will require that a minimum of $50 million will be provided for immunization activities. Foreign assistance is always a difficult topic to raise on this floor, Mr. President. It is doubly difficult to consider actually increasing foreign assistance funding levels at a time when we are facing budget deficits which have caused painful cutbacks domestically as well as internationally.

Questions are often raised about the effectiveness of foreign assistance programs and whether the U.S. taxpayer is actually getting a return on the investment. In this instance, Mr. President, I can assure my colleagues that this investment will pay handsome returns. Millions of children throughout the world will live to lead a productive life due to the immunizations provided by this legislation. I know this legislation responds to the deep humanitarian concerns of the American people, Mr. President, and I urge its adoption by the Senate for the American people.

Mr. PELL. Mr. President, I join the distinguished chairman of the Committee on Foreign Relations in urging swift passage of S. 1917, the Universal Child Immunization Act of 1986. As an original cosponsor of this bill, first introduced by Senator BRADLEY earlier this year, I will take pride in seeing this idea of universal immunization enshrined in the law. There are so few opportunities we have in this body not only to demonstrate our concern for human lives, but do do something to improve them. This is such a case. Passage of S. 1917 will help cement an American commitment to wipe out childhood diseases—easily avoidable through simple immunization—before the end of this century. It is a global effort worthy of our Nation's leadership, and similar to the successful international effort to wipe out smallpox a decade ago.

The legislation before the Senate would increase the authorization for the Child Survival Fund from $25 to $75 million, and further require that at least $50 million of that amount be spent on immunization activities. This modest increase in the authorization promises to attract other contributions from other donors to those organizations such as UNICEF that are devoting their full-time energies to this global effort.

Mr. President, if our Foreign Aid Program leaves behind it no other legacy than that the American people united behind this single program, saving 4 million young lives each year, it will have been worth it. This is the kind of foreign aid that the American people understand, and support. I urge adoption of the legislation.

Mr. BRADLEY. Mr. President, I am extremely pleased that the Senate will have a chance today to act decisively to prevent the senseless death of millions of children around the world with the adoption of the Universal Child Immunization Act, a bill that I introduced last December. This important measure is cosponsored by three-fifths of the Members of this body. I am gratified at the outpouring of support for this legislation and I especially want to thank my colleagues on the Foreign Relations Committee, the Senator from Indiana [Mr. LUGAR] and the Senator from Rhode Island [Mr. PELL] for their support.

Mr. President, the Universal Child Immunization Act of 1986 affirms our commitment to universal access to childhood immunization by 1990. Each year, Mr. President, 3.5 million children die needlessly because they have not been vaccinated against six major childhood diseases: polio, measles, whooping cough, diphtheria, tetanus, and tuberculosis. An equal number of children who survive these diseases suffer permanent physical and mental handicaps or are so severely weakened that they succumb more rapidly to the ravages of malnutrition and diarrhea. This legislation is urgently needed by the world's children. Today, and each day we delay, 10,000 children will perish from these preventable diseases.

The technology is available to thwart this daily tragedy. And nothing is more urgent than the immunization of young and defenseless children to shield them from agonizing death and lifelong disability. All civilized nations must refuse to accept this magnitude of preventable child deaths. The six childhood diseases that take such a toll on children in the developing countries are well controlled in industrialized societies. From our comfortable vantage point, we have difficulty conceiving of these diseases as real killers. Yet, in 1985 2 million children worldwide died from measles alone. On any given day, over 5,000 mothers and fathers in developing countries must watch helplessly as their children suffer agonizingly painful deaths from measles.

While these figures are sobering, if immunizations remain at current levels for the next 10 years, the toll on children will be significant. More than 2.5 million children will be permanently paralyzed by polio; and 20 million children will die needlessly from measles, a disease that is preventable with a single injection.

Achieving universal access to immunization will require a commitment on the part of all of the world's nations. The United States is not being asked to take sole responsibility. Approximately 80 percent of the needed resources to carry out vaccination programs are provided by developing nations. But, help from industrialized countries is badly needed. This legislation commits the United States to contribute to the worldwide immunization effort by assisting developing nations

with the delivery, distribution, and use of vaccines. It will help these countries develop locally sustainable delivery systems capable of maintaining an immunization program for their children.

The human suffering that will be avoided with universal childhood immunization is immeasurable. In addition, immunization is a cost-effective strategy. The international campaign to eradicate smallpox is a case in point. In 1967, smallpox killed an estimated 2 million people. Ten years later, the world recorded the last case of smallpox. With the eradication of smallpox, the United States was able to discontinue routine smallpox vaccinations and dismantle public health procedures to protect our citizens against this plague. Each year, the United States saves $120 million in today's dollars—thereby achieving a savings every few months of the $32 million total United States investment in the Eradication Program. For every $1 spent on immunization in industrialized countries, $10 to $14 in medical and rehabilitation costs are avoided. In developing countries, the savings are even more substantial. In the Ivory Coast, for example, for every $1 spent, $20 in costs will be avoided.

The American people are a generous and caring people. A volcanic eruption in Columbia, a chemical leak in Bhopal, and the famine in Ethiopia are catastrophic events that have mobilized an outpouring of aid from Americans. At the same time we must not forget about the catastrophe that kills 10,000 children each day with little public notice but with equal significance in terms of human suffering. Sadly, this daily human suffering is preventable. The world has the technology to wipe out polio, measles, whooping cough, diphtheria, tetanus, and tuberculosis. What is needed is the will to translate this capacity into a reality for the world's children.

I urge my colleagues to support passage of this legislation—for the sake of the world's children.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1917

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) the United Nations Children's Fund (UNICEF) reports that 3.5 million children die annually because they have not been immunized against the six major childhood diseases: polio, measles, whooping cough, diphtheria, tetanus, and tuberculosis;

(2) at present less than 20 percent of children in the developing world are fully immunized against these diseases;

(3) each year more than five million additional children are permanently disabled and suffer diminished capacities to contribute to the economic, social, and political development of their countries because they have not been immunized;

(4) ten million additional childhood deaths from immunizable and potentially immunizable diseases could be averted annually by the development of techniques in biotechnology for new and cost-effective vaccines;

(5) the World Health Assembly, the Executive Board of the United Nations Children's Fund, and the United Nations General Assembly are calling upon the nations of the world to commit the resources necessary to meet the challenge of universal access to childhood immunization by 1990;

(6) at the 1984 "Bellagio Conference" it was determined that the goal of universal childhood immunization by 1990 is indeed achievable; and

(7) the Congress has expressed its expectation that the Agency for International Development will set as a goal the immunization by 1990 of at least 80 percent of all the children in those countries in which the Agency has a program.

SEC. 2. (a) The Congress calls upon the President to direct the Agency for International Development, working through the Centers for Disease Control and other appropriate Federal agencies, to work in a global effort to provide enhanced support toward achieving the goal of universal access to childhood immunization by 1990 by—

(1) assisting in the delivery, distribution, and use of vaccines, including—

(A) the building of locally sustainable systems and technical capacities in developing countries to reach, by the appropriate age, not less than 80 percent of their annually projected target population with the full schedule of required immunizations; and

(B) the development of a sufficient network of indigenous professionals and institutions with responsibility for developing, monitoring, and assessing immunization programs and continually adapting strategies to reach the goal of preventing immunizable diseases; and

(2) performing, supporting, and encouraging research and development activities, both in the public and private sector, that will be targeted at developing new vaccines and at modifying and improving existing vaccines to make them more appropriate for use in developing countries.

(b) In support of this global effort, the President should appeal to the people of the United States and the United States private sector to support public and private efforts to provide the resources necessary to achieve universal access to childhood immunization by 1990.

SEC. 3. Section 104(c)(2)(B) of the Foreign Assistance Act of 1961 is amended by striking out "$25,000,000 for fiscal year 1987" and inserting in lieu thereof "$75,000,000 for fiscal year 1987 (of which $50,000,000 shall be used to carry out paragraph (3) of this subsection)".

GREATER PRODUCTIVITY IN FEDERAL GOVERNMENT OPERATIONS

The joint resolution (S.J. Res. 190) to establish greater productivity in Federal Government operations as a national goal of the United States, was considered.

Mr. ROTH. Mr. President, I join my colleague, Senator THAD COCHRAN, in recommending Senate approval of Senate Joint Resolution 190, a joint resolution which would establish increased productivity in the Federal Goverment as a national goal.

To strengthen the integrity and improve the productivity of Federal programs, President Reagan has proposed several legislative initiatives, many of which are being considered by the Governmental Affairs Committee, which I chair. These will provide Government managers with the new tools necessary to more effectively manage the Government's resources. These initiatives build upon past accomplishments in assuring that we get the most for each tax dollar spent. This joint resolution is the cornerstone of these initiatives.

Partnership between the Congress and the administration in support of a governmentwide productivity improvement program will help to assure success. Everyone knows what productivity is—getting the most for each tax dollar while efficiently delivering goods and services. A joint resolution establishing productivity improvement in the Federal Government as a national goal would be a strong signal of congressional intent to foster productivity improvement.

While Federal productivity has been improving, it has not been increasing as quickly as private and public organizations that have continuously focused on its importance. This resolution presents the Congress with an opportunity to show its support for better management, more efficient services to the public and a conscious effort to make productivity a higher priority.

By executive order, the President has established a productivity improvement program to be administered by the Office of Management and Budget and involving all major executive departments and agencies. Each agency is to appoint a productivity executive and develop a 5-year productivity plan. OMB will then review agency plans as a part of its budget and management review process to ensure overall guidance and control.

While the executive branch is primarily responsible for the operation of Government, it does so under the statutory limits and oversight powers of the Congress. That makes us, the legislators, partners in the delivery of better Government. Through this congressional resolution, we are reaffirm-

ing our responsibilities by making productivity a national goal, encouraging the President to make recommendations to Congress he believes necessary to achieve that goal, and requiring him to submit a report annually with the budget detailing the management improvements in each agency that contribute to greater Government productivity.

We expect this annual productivity report to provide, for each department and major independent agency, productivity data on relevant operations, productivity goals, management actions taken during the current and previous years which contribute to improving productivity, and planned management actions for the next year.

Senate approval of this resolution will let the American public, as well as the executive branch know that we are behind the President's initiative to provide those that rely on Government and those who pay for Government with the best management that we can deliver. I urge my colleagues to approve this legislation.

Mr. COCHRAN. Mr. President, in his message to the Congress on July 31, 1985, the President requested congressional support for productivity improvement measures. Consistent with this request, Senators STEVENS, COHEN, DURENBERGER and ROTH introduced Senate Joint Resolution 190 on August 1, 1985. This joint resolution declares increased productivity in Federal Government operations a national goal, encourages the President to make recommendations to Congress to achieve this goal, and requires the President to transmit, with his annual budget, a report on management improvements in each agency that contribute to productivity improvement.

On February 25, 1986, the President issued Executive Order 12552 which formally established a Productivity Improvement Program for the Federal Government. The program's principal goal is a 20-percent improvement in productivity within the Federal Government by 1992.

Productivity is defined and measured by the improvement of the quality, timeliness, and efficiency with which government services are delivered to the public. A 1983 GAO report on productivity management suggested that a 5-percent increase in Federal productivity could produce a 1-year savings of $4.5 billion. Although efforts to improve productivity in government processes have been initiated in the past, they have been done on what amounts to an ad hoc basis. In view of the budget debate now underway in the Congress, productivity initiatives in the Federal Government should be encouraged.

A joint resolution establishing improved productivity in the Federal Government as a national goal would help institutionalize existing productivity improvement initiatives and help to make productivity improvement a priority in the Federal Government.

The joint resolution was ordered to be engrossed for a third reading, read the third time and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 190

Whereas improved productivity has been recognized by America's businesses as an important step in increasing effectiveness and reducing costs; and

Whereas there is an urgent and pressing need to increase the efficiency with which necessary governmental services are delivered and obtain the maximum return for the taxpayers' dollars; and

Whereas reducing the cost of Government need not depend primarily upon terminating or diminishing Government services and that reductions can also be achieved through improved productivity; and

Whereas a comprehensive, systematic and continuing program in each agency of the Federal Government is necessary if substantial productivity gains are to be fully achieved and the pace of progress to date is to be accelerated: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) increased productivity in Federal Government operations is hereby declared a national goal of the United States;

(2) the President is encouraged to make recommendations to the Congress necessary to achieve the national goal of increased productivity; and

(3) the President shall annually transmit to each House of Congress with the President's budget a report on management improvements in each agency which contribute to the goal of productivity improvement.

AUTHORIZING THE PRINTING OF A SENATE DOCUMENT

The Senate proceeded to consider the resolution (S. Res. 439) to authorize the reprinting of Senate Document 93-102, 93d Congress, 2d session, which had been reported from the Committee on Rules and Administration, with amendments.

The amendments were agreed to.

The resolution, as amended, was agreed to; as follows:

That there be printed a revised edition of Senate Document 93-102, 93d Congress, 2d Session, entitled "Procedure and Guidelines for Impeachment Trials in the United States Senate," as a Senate document and that there be printed, in addition to the usual number of copies of such document, such additional copies as are allowed to be printed under the limitations imposed by section 703 of title 44, United States Code.

The title was amended so as to read: "A resolution to authorize the printing of a revised edition of Senate Document 93-102, 93d Congress, 2d session."

RELATING TO THE PURCHASE OF CALENDARS

The resolution (S. Res. 466) relating to the purchase of calendars, was considered, and agreed to; as follows:

S. RES. 466

Resolved, That the Committee on Rules and Administration is authorized to expend from the contingent fund of the Senate, upon vouchers approved by the chairman of that committee, not to exceed $68,640 for the purchase of one hundred and four thousand 1987 "We The People" historical calendars. The calendars shall be distributed as prescribed by the committee.

GRATUITY TO THOMAS G. BALDWIN, JOHN C. BALDWIN, MARY E. ALLEY, AND JEAN E. BALDWIN

The resolution (S. Res. 467) to pay a gratuity to Thomas G. Baldwin, John C. Baldwin, Mary E. Alley, and Jean E. Baldwin, was considered, and agreed to; as follows:

S. RES. 467

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Thomas G. Baldwin, John C. Baldwin. Mary E. Alley and Jean E. Baldwin, children of Bryan W. Baldwin, an employee of the Senate at the time of his death, a sum to each equal to one-fourth of ten months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

GRATUITY TO CHRISTIE R. BASHAM

The resolution (S. Res. 468) to pay a gratuity to Christie R. Basham, was considered, and agreed to; as follows:

S. RES. 468

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Christie R. Basham, widow of William R. Basham, an employee of the Senate at the time of his death, a sum equal to seven months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

GRATUITY TO DORA L. CAMPBELL

The resolution (S. Res. 469) to pay a gratuity to Dora L. Campbell, was considered, and agreed to; as follows:

S. RES. 469

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Dora L. Campbell, mother of Frank A. Campbell, an employee of the Senate at the time of his death, a sum equal to seven months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

GRATUITY TO PAUL HADLEY AND MARY HADLEY

The resolution (S. 470) to pay a gratuity to Paul Hadley and Mary Hadley, was considered, and agreed to; as follows:

S. RES. 470

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Paul Hadley and Mary Hadley, parents of Paula Hadley, an employee of the Senate at the time of her death, a sum to each equal to one-half of three months' compensation at the rate she was receiving by law at the time fo her death, said sum to be considered inclusive of funeral expenses and all other allowances.

GRATUITY TO THERESA B. HUDSON

The resolution (S. Res. 471) to pay a gratuity to Theresa B. Hudson, was considered, and agreed to; as follows:

S. RES. 471

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Theresa B. Hudson, mother of Sally S. Heet, an employee of the Senate at the time of her death, a sum equal to three months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

GRATUITY TO ROBERT W. REINHOLD

The resolution (S. Res. 472) to pay a gratuity to Robert W. Reinhold, was considered, and agreed to; as follows:

S. RES. 472

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Robert W. Reinhold, widower of Ruth M. Reinhold, an employee of the Senate at the time of her death, a sum equal to eleven and one-half months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

GRATUITY TO RICHARD L. TYNER, JOHN F. TYNER, AND MARY G. TYNER

The resolution (S. Res. 473) to pay a gratuity to Richard L. Tyner, John F. Tyner, and Mary G. Tyner, was considered, and agreed to; as follows:

S. RES. 473

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Richard L. Tyner, John F. Tyner, and Mary G. Tyner, children of Lillian G. Tyner, an employee of the Senate at the time of her death, a sum to each equal to one-third of seven months' compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

GRATUITY TO EDWIN A. BERNSTEIN AND PHYLLIS J. BERNSTEIN

The resolution (S. Res. 474) to pay a gratuity to Edwin A. Bernstein and Phyllis J. Bernstein, was considered, and agreed to; as follows:

S. RES. 474

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Edwin A. Bernstein and Phyllis J. Bernstein, parents of James Lee Bernstein, an employee of the Senate at the time of his death, a sum to each equal to one-half of three months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

GRATUITY TO CARTER L. JACKSON

The resolution (S. Res. 475) to pay a gratuity to Carter L. Jackson, was considered, and agreed to; as follows:

S. RES. 475

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Carter L. Jackson, brother of Burroughs J. Jackson, an employee of the Senate at the time of his death, a sum equal to one year' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

PRINTING OF ADDITIONAL COPIES OF A COMMITTEE PRINT

The concurrent resolution (H. Con. Res. 288) authorizing printing of additional copies of the committee print entitled "U.N. Conference to Review and Appraise the U.N. Decade for Women; Report of Congressional Staff Advisers to the Nairobi Conference", was considered, and agreed to.

PRINTING OF ADDITIONAL COPIES OF A MESSAGE FROM THE PRESIDENT.

The concurrent resolution (H. Con. Res. 301) authorizing printing of additional copies of a message from the President, transmitting certain rescissions, deferrals, and revised deferrals of budget authority, was considered, and agreed to.

ACCESS TO PRESIDENTIAL DOCUMENTS

The resolution (S. Res. 478) to express the sense of the Senate that resolutions promulgated by the National Archives and Records Administration setting forth procedures for the preservation, protection of, and access to historical materials of the Nixon Administration (36 CFR Part 1275) meet the requirements of the Presidential Recordings and Materials Preservation Act of 1974 (44 USC 2111 note), and for other purposes, was considered, and agreed to.

The preamble was agreed to.

The resolution and preamble are as follows:

S. RES. 478

Whereas Congress enacted The Presidential Recordings and Materials Preservation Act of 1974 to preserve the records of former President Richard Nixon, nullifying an agreement between Mr. Nixon and former GSA Administrator Arthur Sampson, the effect of which agreement was to vest all authority over such Presidential materials in the former President;

Whereas The Presidential Recordings and Materials Preservation Act of 1974 required that the approximately 35,000 cubic feet of Presidential Materials of Richard Nixon be protected, preserved, and made publicly available at the earliest reasonable date and vested such authority in the Administrator of the General Accounting Administration;

Whereas The Presidential Recordings and Materials Preservation Act of 1974 required seven interests to be taken into account by the Archivist in proposing regulations that would provide public access to the Presidential historical materials of the former President;

Whereas The Presidential Recordings and Materials Preservation Act of 1974 provided for judicial review of challenges the validity of the statute or its regulations;

Whereas the U.S. Supreme Court in *Nixon* v. *Administrator,* 433 U.S. 425 (1977), upheld the constitutionality of The Presidential Recordings and Materials Preservation Act of 1974;

Whereas Congress enacted The National Archives and Records Administration Act of 1984 (P.L. 98-497) to establish The National Archives as an independent agency and transferred the archives and records management authority of the Administrator to the Archivist of the United States;

Whereas the National Archives and Record Administration regulations which took effect on June 26, 1986, are the sixth attempt since 1975 to implement the Presidential Recordings and Materials Act of 1974 governing access to the Nixon Presidential materials;

Whereas during the public comment period on such proposed regulations, the incumbent President, the Office of Management and Budget, and the Department of Justice did not object to the regulations or comment on questions of executive privilege;

Whereas an interpretation of the regulations by the Office of Legal Counsel of the Department of Justice dated February 18, 1986, dealing with executive privilege claims of former President Nixon, contradicts the plain language of the regulations and the Congressional intent in both The Presidential Recordings and Materials Preservation Act as further implemented by The National Archives and Records Administration Act;

Now, therefore, be it Resolved:

That it is the sense of the Senate that the National Archives and Records Administration regulations meet the statutory requirements that a variety of interests, including those of former President Nixon as well as the public interest, be accommodated;

That the regulations establish a reasonable and fair process that ensures that all interests will be weighed by the Archivist prior to release of any Presidential materials;

That the regulations should take effect and be implemented by the Archivist without regard to the interpretive memorandum by the Department of Justice Office of Legal Counsel dated February 18, 1986, dealing with executive privilege claims of former President Nixon.

AIR CARRIER ACCESS ACT

The Senate proceeded to consider the bill (S. 2703) to amend the Federal Aviation Act of 1958 to provide that prohibitions of discrimination against handicapped individuals shall apply to air carriers.

Mr. DOLE. Mr. President, it is with great personal pride that I ask unanimous consent that the Senate now turn to consideration of S. 2703, my bill to provide equal access to the airlines by handicapped persons.

The purpose of the legislation is quite simple. It overturns the recent Supreme Court decision in the case of Paralyzed Veterans of America versus the Department of Transportation. This case, which was handed down by the high court in the closing days of its spring term, held that section 504 of the Rehabilitation Act of 1973 "is not applicable" to U.S. commercial air carriers, except for those few small regional carriers who receive direct Federal subsidies.

Despite the billions of Federal assistance dollars devoted to our air transportation system through the Airport and Airway Improvement Act of 1970 and its successor legislation, and despite the fact the Federal Government directly operates the air navigation system, the Court held that this indirect assistance was not enough to invoke section 504. Using Grove City reasoning, the majority found no jurisdiction because of no direct Federal funding.

Although it is somewhat difficult, to say the least, to imagine that our airlines could operate without airports or navigational aids and assistance, it cannot be said that the Supreme Court was expanding the scope of Federal jurisdiction in this instance. I suppose it could be described as an example of judicial self-restraint.

In any event, the effect of the decision was to render inoperative and inapplicable DOT regulations which had attempted to set forth implementing 504 regulations for air carriers. These regulations had previously been drawn up by the CAB before its demise and had been carried on by the FAA. Although they still apply to those carriers receiving direct assistance, most of the industry has now been removed from coverage.

In fashioning remedial legislation two alternative approaches have been considered. The first was to add air carriers specifically to the coverage of section 504. Although this approach was simple and direct, substantial objections were posed by representatives of air carriers as well as those concerned with Grove City legislation. Once the scope of the legislation was expanded beyond those receiving direct assistance, the list could become endless. Also, the airlines strongly felt that they should continue to be regulated under the control of the Aviation Act as the legislation providing the basic Federal regulatory authority for their industry.

For awhile it seemed that it would not be possible to reconcile these differences; however, a compromise has been reached and is reflected in S. 2703. This is now incorporated into the legislation which amends the Aviation Act and incorporates compromise definitions which rely heavily on language and precedents from the Rehabilitation Act. The bill also adds terminology from the FAA regulations and the Aviation Act.

SUPPORT FOR DISABLED ACCESS TO THE AIRLINES

In addition to those Members of the Senate who have agreed to cosponsor this legislation, I understand that the bill is endorsed by the Paralyzed Veterans of America and a broad range of organizations serving the needs of the disabled. These groups include:

The Blinded Veterans of America.
Disability Rights Centers.
Disability Rights Foundation and Defense Fund.
Disability Focus.
Disabled but Able to Vote.
Handicapped Organization of Women.
National Challenge Committee of the Disabled.
National Association of Developmental Disability Councils.
National Organization on Disability.
National Spinal Cord Injury Association.
American Coalition of the Blind.
Goodwill Industries.
Coalition of Texans with Disabilities.
American Association of Retired Persons.
American Foundation for the Blind.
National Easter Seal Society.
National Association for Retarded Citizens.
American Physical Therapy Association.
American Occupational Therapy Association.
National Federation for the Blind.
Epilepsy Foundation of America.
National Council on Independent Living.

The bill also is acceptable to the Air Transport Association. The administration has now formally endorsed S. 2703 by means of letters of support from the Secretary of Transportation and the attorney general. Mr. President, I ask unanimous consent that these letters be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. President, S. 2703 was referred to the Committee on Commerce. With the broad base of support for the legislation, as I indicated earlier, the committee moved to consider the measure promptly. The bill was ordered reported unanimously at its markup session on August 7. The formal report, Report 99-400, was filed on August 12.

With the Senate action today, the bill will now go to the other body, where companion measures, H.R. 5274 and H.R. 5154, have been introduced by Congressmen HAMMERSCHMIDT, ACKERMAN, and others. It is hoped that the House will consider the legislation shortly.

In conclusion, Mr. President, the action that the Senate takes today is clearly in the best interests of the 36 million disabled citizens. After all, they need and must have access to our public transportation systems. Although the present bill is limited to air carriers, it can reasonably be anticipated that subsequent legislation will address itself to other forms of public transportation. This in one sense is a stop-gap bill, specifically addressing the recent Supreme Court decision. I would hope that the Commerce Committee will address a broader inquiry to other forms of transportation at an early date. If additional legislation is needed, this Senator will be the first in line to propose it.

Finally Mr. President, I would like to thank Senators DANFORTH, HOLLINGS, KASSEBAUM, EXON, and all the cosponsors of this legislation along with the committee staff, for all of there hard work and cooperation. Thanks, should also go to the Departments of Justice and Transportation for their quick responses.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE,
Office of Legislative and Intergovernmental Affairs, Washington, DC, August 14, 1986.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: This letter expresses the support of the Department of Justice for the enactment of S. 2703, the "Air Carrier Access Act of 1986."

This bill amends the Federal Aviation Act of 1958 to prohibit air carriers from discriminating against qualified handicapped persons, because of their handicap, in the provision of air transportation.

The Department of Justice argued in *Department of Transportation* v. *Paralyzed Veterans of America* that federal financial assistance to airports does not constitute such assistance to air carriers using the airports, under Section 504 of the Rehabilitation Act of 1973 (Section 504). Section 504 forbids discrimination against qualified handicapped persons in federally asisted programs or activities. Accordingly, we argued that Section 504 did not cover air carriers which merely used federally-assisted airports or benefitted from the federal air traffic control system. The Supreme

Court's June 27, 1986 decision accepted our position. We continue to believe that it is important to remain faithful to Congress' intention in 1973 to tie coverage under Section 504 to receipt of federal financial asistance. A contrary result in this case would have greatly expanded Section 504's coverage beyond reasonable bounds in many other areas outside of air carriers.

We are aware, however, of demonstrated discrimination by air carriers against handicapped persons and the inadequacy of current law to address this problem. Further, Congress is uniquely situated to regulate air carriers as part of its authority under the Commerce Clause of the Constitution. We believe that by amending the Federal Aviation Act of 1958, S. 2703 not only commendably addresses such discrimination but it does so in a manner which presents no threat of unintended and overboard federal oversight in other areas already covered by different laws or where a need for additional federal regulation has not been demonstrated.

The Office of Management and Budget has advised the Department that there is no objection to the submission of this bill report from the standpoint of the Administration's programs.

Sincerely,

JOHN R. BOLTON,
Assistant Attorney General.

U.S. DEPARTMENT OF TRANSPORTATION,
Washington, DC, August 14, 1986.

Hon. JOHN C. DANFORTH,
Chairman, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Department of Transportation would like to advise you of its views on S. 2703, a bill entitled the "Air Carrier Access Act of 1986."

The bill would amend section 404 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1374), to add a new subsection (c) entitled "Prohibition on Discrimination Against Handicapped Individuals". The new subsection would impose a requirement on air carriers, as defined in the Act, to not "discriminate against any otherwise qualified handicapped individual, by reason of such handicap, in the provision of air transportation."

The Department supports enactment of S. 2703 for the reasons set forth in the Department of Justice's report on this bill to Majority Leader Dole.

The Department's current regulations in this area (14 CFR Part 382) are consistent with the definition of "handicapped individual" set forth in new paragraph 404(c)(2). This will assist us in swift implementation of S. 2703, should it become law. We would note, however, that it will be difficult to issue final new or revised regulations within the 120-day deadline established by the bill.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of this report for the consideration of the Committee.

Sincerely,

JIM J. MARQUEZ,
General Counsel

Mr. METZENBAUM. Mr. President, in order that the intent of S. 2703, the Air Carrier Access Act, may be clarified, I wish to make an inquiry of the distinguished majority leader.

Mr. DOLE. Mr. President, I would be happy to respond to the Senator's questions.

Mr. METZENBAUM. Mr. President, as the distinguished majority leader knows, we are all very concerned that the Department of Transportation implement this legislation, upon its enactment, in an effective and timely manner. Toward that end, I understand that commercial airlines have already designed procedures intended to provide for the safe carriage of handicapped passengers and that these procedures are placed on file with the Federal Aviation Administration pursuant to a Federal aviation regulation (14 CFR Sec. 121.586).

Mr. DOLE. I am aware that these procedures to which the distinguished Senator refers have been developed by some of the airlines. I believe also there have been regulations promulgated by the Federal Aviation Administration and its predecessor agency, the CAB. These regulations have been under development since 1977. They deal primarily with safety. However, since the Supreme Court decision in the "Paralyzed Veterans" case in June, the regulations affect only those few small airlines receiving direct Federal financial assistance.

Mr. METZENBAUM. The Senator is correct. The regulation I referred to was promulgated in 1977 and intended originally to provide access to air carriers for anyone who is handicapped. But the procedures left to each airline are not working. Incidents of discrimination continue in what appears to me to be an ever increasing pattern. In fact, the procedures themselves may actually be discriminatory in many instances.

A letter from the Secretary of Transportation received by me in July 1986, a copy of which I believe was also sent to the majority leader, indicates that the Department does not evaluate the airline procedures for potentially discriminatory requirements, absent a specific complaint by a handicapped passenger. The only check made on the procedures by the Federal Aviation Administration is to determine that the procedures themselves do not pose safety problems.

If we are going to tackle successfully this problem of discrimination against the handicapped on airlines, we are going to have to be sure that the procedures that each airline places on file with the FAA do not contain discriminatory requirements.

Mr. DOLE. May I say to the distinguished Senator from Ohio that I agree entirely with the sentiment he is expressing. I understand that a safety review of each airline's procedures is already made by the FAA. Our intent in S. 2703 is that so long as the procedures of each airline are safe as determined by the FAA, there should be no restrictions placed upon air travel by handicapped persons. Any restrictions that the procedures may impose must be only for safety reasons found necessary by the FAA. Beyond this, the Secretary of Transportation should review each airline's procedures in light of the regulations to be promulgated pursuant to S. 2703 to ensure that the procedures of each airline do not contain discriminatory requirements. This review will be essential in my judgment for the uniform, timely, and effective implementation of this bill's nondiscrimination policy.

Mr. METZENBAUM. Mr. President, I thank the distinguished majority leader for clarification of this point. Since the airlines already file procedures with the FAA, it just makes good sense that S. 2703 should require a review in order to bring the procedures into conformity with the nondiscrimination policy. I understand that this is the intent of the legislation.

Mr. DOLE. Mr. President, the Senator's understanding is correct.

Mr. METZENBAUM. I thank the Senator.

Mr. GRASSLEY. Mr. President, I, too, rise in support of S. 2703, and I commend the Senator from Kansas, the distinguished majority leader, for bringing this legislation to the floor without delay. May I simply make one brief inquiry of the Senator?

Mr. DOLE. Mr. President, I thank the Senator from Iowa, and I would be most pleased to respond to his inquiry.

Mr. GRASSLEY. Mr. President, I am struck by the fact that S. 2703 contains a very broad definition of "handicapped person" fashioned, I believe, after the Rehabilitation Act of 1973. That seems appropriate to ensure that anyone who may be subjected to discrimination based on handicap will be afforded the protection of Federal regulations and this act.

However, each disability is not equally limiting, and different disabilities impose different limitations under different circumstances. Many disabilities impose no limitation or handicap whatsoever on an individual in air travel. Constituents of mine who are blind have made this point repeatedly—and I think legitimate—in their dealings with the airlines. Is it the intent of the Senator's bill to take these differences among disabilities into account, especially as the regulations are developed by the Secretary of Transportation? My concern is that discrimination against the handicapped often may arise by treating everyone who is handicapped alike, regardless of the nature or extent of the disability.

Mr. DOLE. Given the general language of S. 2703, the distinguished Senator's Iowa concern is very important and appreciated. It is not our intent to regiment the treatment of

the handicapped under identical procedures that apply necessarily in the same manner to everyone. Rather than focusing our attention on disabilities, we should be thinking in terms of abilities. Many individuals—including those mentioned by the Senator and others—may be able to use air transportation in precisely the same manner as all other travelers who are not handicapped. Others may need assistance. Everyone must be served in air transportation in a manner appropriate to their abilities. That is the intent of the nondiscrimination policy of S. 2703.

Mr. GRASSLEY. Mr. President, I thank the Senator from Kansas for his clarification.

Mr. CRANSTON. Mr. President, as a principal sponsor of S. 2703, the proposed "Air Carrier Access Act of 1986," I am delighted to rise in support of this legislation to ensure that individuals with disabilities are not discriminated against by airlines.

In passing this measure introduced by Members of the Senate leadership on both sides of the aisle, the U.S. Senate would be rejecting in a remarkably swift and decisive fashion the Supreme Court's decision in the case of Paralyzed Veterans of America versus Department of Transportation. On June 27, 1986, the Supreme Court, by a vote of 6 to 3, held in that case that commercial airlines are not, by virtue of the benefits they receive through the federally operated air traffic control system and the provision of Federal Assistance to airports pursuant to the Airport and Airway Development Act of 1970, subject to the prohibition in section 504 of the Rehabilitation Act of 1973 against discrimination against handicapped individuals.

Section 504, of which I was a principal coauthor, prohibits such discrimination "under any program or activity receiving Federal financial assistance" or conducted by Federal agencies. In the Court's view, the value to the airlines of federally operated air traffic control and federally assisted runways and airport structures was too indirectly bestowed upon the airlines to bring them within the scope of section 504. Thus, the Court reversed the decision of the Court of Appeals for the District of Columbia Circuit, which had held that those forms of aid were sufficiently direct Federal financial assistance to make commercial air carriers subject to section 504.

Without addressing in any detail the isssues raised by the Court's reasoning, I wish to express my deep disappointment at the outcome of the case. Section 504 of the Rehabilitation Act was enacted to help ensure that disabled individuals who are seeking to participate more fully and independently in our society and in the activities of our commercial, professional, recreational, social, and governmental institutions are dealt with fairly and reasonably. This legislation, often referred to as the civil rights charter for individuals with disabilities, has opened doors previously used to shut out disabled Americans.

Air transportation obviously is a most important component of our society and full access to it is vital to millions of individuals' pursuit of business and personal matters. Unfortunately, however, except in the cases of carriers receiving more direct forms of Federal assistance, section 504 is not now available to make certain that such access is available for individuals with disabilities.

I strongly believe that this major gap in the protection that section 504 affords against unjust discrimination should be filled. The disability community—including the organizations which pursued this issue in the courts, the Paralyzed Veterans of America, the American Council of the Blind, and the American Coalition of Citizens with Disabilities—is dissatisfied with the airlines' efforts to accommodate disabled passengers. Complaints of inadequate training of airlines personnel and lack of uniformity in policies relating to the transportation of disabled persons and in the implementation of such policies clearly indicates that there is considerable progress to be made in the air transportation industry before it can be concluded that air travel in this nation is appropriately accessible to all of our citizens.

Mr. President, I express my deep gratitude to the Senator from Missouri [Mr. DANFORTH], and the Senator from South Carolina [Mr. HOLLINGS], the chairman and ranking minority member, respectively, of the Commerce Committee, and to the Senator from Kansas [Mrs. KASSEBAUM], the chairperson of the Commerce Committee's Subcommittee on Aviation, and that subcommittee's ranking minority member, the Senator from Nebraska [Mr. EXON], who made swift committee action on this legislation possible.

Mr. President, I am very pleased that the Senate is moving ahead on this bipartisan legislation to provide protections against discrimination of disabled individuals by commercial airlines, and I urge all of my colleagues to support its passage.

Mr. METZENBAUM. Mr. President, I am pleased that the Senate has moved promptly to enact legislation to eliminate discrimination in services provided to handicap individuals by airline carriers.

It is gratifying to see the Senate move so swiftly on this issue. We introduced this bill just a few short weeks ago. The Senate Commerce Committee reported it to the full Senate in a matter of days. Now the Senate is about to pass it and send it to the House.

The bill is sailing through this body for one very simple reason—it corrects a grave injustice.

In June, the Supreme Court ruled that airlines were not direct recipients of Federal funds and therefore the handicap antidiscrimination provisions of the Rehabilitation Act of 1973 did not apply to them. The Supreme Court was saying, in effect, that commercial air carriers were free to discriminate against people with a handicap.

Our bill undoes the damage perpetuated by the Supreme Court ruling. It states—in very clear terms—that all Americans should be treated equally when they use commercial air carriers.

Over the years, the Department of Transportation has received numerous complaints about discriminatory treatment of handicapped persons by different commercial airlines. For instance, there have been cases where individuals were not permitted to board a flight simply because they were handicapped. In some cases, handicapped passengers have been charged more than others on flights; they have been segregated in separate waiting areas; and they have seen their wheelchairs and other necessary medical equipment damaged or misplaced.

We have come a long way from the days when it was acceptable to treat persons with disabilities as second class citizens. Congress must act now to ensure that handicapped persons are not subjected to humiliating and degrading regulations or practices by any commercial air carrier or its personnel.

I thank Senators DOLE and BYRD for their leadership in this matter and for helping to bring the bill to the floor in an expedited fashion.

The bill was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Air Carrier Access Act of 1986".

SEC. 2. (a) Section 404 of the Federal Aviation Act of 1958 (49 U.S.C. 1374) is amended by adding at the end thereof the following new subsection:

"PROHIBITION ON DISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS

"(c)(1) No air carrier may discriminate against any otherwise qualified handicapped individual, by reason of such handicap, in the provision of air transportation.

"(2) For the purposes of paragraph (1) of this subsection the term 'handicapped individual' means any individual who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.".

(b) That portion of the table of contents of the Federal Aviation Act of 1958 which appears under the side heading

"SEC. 404. Rates for carriage of persons and property."

is amended by adding at the end thereof:

"(c) Prohibition on discrimination against handicapped individuals.".

SEC. 3. Within one hundred and twenty days after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations to ensure non-discriminatory treatment of qualified handicapped individuals consistent with safe carriage of all passengers on air carriers.

EMERGENCY ACQUISITION AND NET WORTH GUARANTEE PROVISION EXTENSIONS

The bill (H.R. 5371) to extend until September 15, 1986, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982, was considered, ordered to a third reading, read the third time, and passed.

AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES MINT

The Senate proceeded to consider the bill (S. 1092) to authorize appropriations for the United States Mint for fiscal years 1986 and 1987, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment to strike out all after the enacting clause, and insert the following:

AUTHORIZATION OF APPROPRIATIONS

SECTION 1. (a) ANNUAL OPERATING COSTS.—Paragraph (2) of section 5132(a) of title 31, United States Code, is amended to read as follows:

"(2) Not more than $43,521,000 may be appropriated to the Secretary for the fiscal year ending on September 30, 1987, to pay costs of the mints and assay office.".

(b) EXPANSION AND IMPROVEMENT OF MINT FACILITIES.—Not more than $694,000 may be appropriated to the Secretary of the Treasury for expansion and improvement of mint facilities. Amounts appropriated pursuant to this subsection shall remain available until expended.

REDESIGNATION OF ASSAY OFFICE AS MINT

SEC. 2. (a) REDESIGNATION.—Section 5131(a)(4) of title 31, United States Code, is amended by striking out "assay office" and inserting in lieu thereof "mint".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 5131(b) of title 31, United States Code, is amended by striking out "assay offices" each place such term appears and inserting in lieu thereof "assay office".

(2) Section 5131(b) of such title is amended by striking out "assay offices" and inserting in lieu thereof "assay office".

(3) Section 5133(a)(1) of such title is amended by striking out "and the officer in charge of the assay office at San Francisco" and by striking out "or officer".

(4) Section 5133(a)(2) of such title is amended by striking out "and the officer" and by striking out "or officer".

(5) Section 5133(a)(3) of such title is amended by striking out "and the officer".

(6) Section 5133(b) of such title is amended to read as follows:

"(b) SETTLEMENT OF ACCOUNTS.—

"(1) IN GENERAL.—At least once each year, the Secretary of the Treasury shall settle the accounts of the superintendents of the mints and the assay office.

"(2) PROCEDURE.—At any settlement under this subsection, the superintendent shall—

"(A) return to the Secretary any coin, clipping, or other bullion in the possession of the superintendent; and

"(B) present the Secretary with a statement of bullion received and returned since the last settlement (including any bullion returned for settlement).

"(3) AUDIT.—The Secretary shall—

"(A) audit the account of each superintendent; and

"(B) allow each superintendent the waste of precious metals that the Secretary determines is necessary—

"(i) for refining and minting (within the limitations which the Secretary shall prescribe); and

"(ii) for casting fine gold and silver bars (within the limit prescribed for refining), except that any waste allowance under this clause may not apply to deposit operations.".

(7) Subsections (c) and (d) of section 5133 of such title are each amended by striking out "assay offices" and inserting in lieu thereof "assay office".

COUNTERFEIT DETERRENTS

SEC. 3. (a) Section 474 of title 18, United States Code, is amended by—

(1) striking out "United States; or" at the end of the sixth paragraph and inserting in lieu thereof, "United States—"; and

(2) by striking out the seventh paragraph.

(b) Chapter 25 of title 18, United States Code, is amended by inserting the following new section after section 474:

"§ 474A. Deterrents to counterfeiting of obligations and securities

(a) Whoever has or retains in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other proper officer of the United States, shall be fined not more than $5,000 or imprisoned not more than fifteen years, or both.

(b) Whoever has or retains in his control or possession, after a distinctive counterfeit deterrent has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States by publication in the Federal Register, any similar feature or device adapted to the marking of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other proper officer of the United States, shall be fined not more than, $5,000 for each violation, or imprisoned not more than fifteen years, or both.

(c) As used in this section—

(1) the term 'distinctive paper' includes, but is not limited to, any distinctive medium of which currency is made, whether of wood pulp, rag, plastic substrate or other natural or artificial fibers or materials; and

(2) the term 'distinctive counterfeit deterrent' includes, but is not limited to, any ink, watermark, seal, security thread, optically variable device, or other feature or device in which the United States has or by any means acquires a property interest, and which the Secretary designates as being of value in preventing counterfeiting of obligations or other securities of the United States.

(d)(1) For the purposes of this chapter, counterfeits and materials, tools, apparatus, implements, plates, stones or other things used or fitted or intended to be used, in the making of such counterfeits include any electronic means used for the acquisition, recording, retrieval, transmission, or reproduction of any obligation or other security unless authorized by law, the Secretary of the Treasury, or some other proper officer of the United States.

(2) For purposes of section 504 of this title, electronic means used for the acquisition, recording, retrieval, transmission, or reproduction of any obligation or other security are not authorized for the production of illustrations of obligations or other securities.".

(c) Section 504 of title 18, United States Code, is amended by striking out "Notwithstanding" and inserting in lieu thereof "Except as provided in section 474A of this title, notwithstanding".

(d) The analysis of chapter 25 of title 18, United States Code, is amended by inserting after the item relating to section 474 the following:

"474A. Deterrents to counterfeiting of obligations and securities.".

AUTHORITY TO ENGRAVE AND PRINT

SEC. 4. (a) Section 5114 of title 31, United States Code, is amended by adding at the end thereof the following subsection:

"(d) The Secretary, after apprising the Secretary of State, may engrave and print currency and other security documents, or engage in research and development for the engraving and printing of currency and other security documents on behalf of a foreign country if the engraving and printing or research and development does not interfere with the production of the Bureau of Engraving and Printing necessary for domestic use.".

(b) Section 5143 of title 31, United States Code, is amended—

(1) in the first sentence, by inserting "or a foreign country" after "agency"; and

(2) in the last sentence, by inserting "or the foreign country" after "agency".

REPEAL OF THE REQUIREMENT THAT UNITED STATES CURRENCY NOTES BE REISSUED AFTER REDEMPTION

SEC. 5. Section 5119(b)(2) of title 31, United States Code, is amended by adding the following sentence at the end thereof: "The Secretary shall not be required to reissue United States currency notes upon redemption.".

PAY OF TREASURER

SEC. 6. Section 5315 of chapter 53 of title 5, United States Code, is amended by adding at the end thereof the following item:

"Treasurer of the United States".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize appropriations for the United States Mint, and for other purposes.".

CONGRESSIONAL GOLD MEDALS TO ANDREI SAKHAROV AND YELENA BONNER

The Senate proceeded to consider the bill (S. 2496) to authorize the President to award congressional gold medals to Drs. Andrei Sakharov and Yelena Bonner for the great personal sacrifice they have made to further the causes of human rights and world peace, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

On page 3, beginning on line 17, strike "such funds as may be necessary", and insert "not to exceed $20,000".

So as to make the bill read:

S. 2496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) Doctor Andrei Sakharov and Doctor Yelena Bonner have earned worldwide admiration and respect for their courageous efforts to secure fundamental freedoms for the people of the Soviet Union, including those rights guaranteed in the Final Act of the Conference on Security and Cooperation in Europe signed at Helsinki, Finland, on August 1, 1975;

(2) Doctor Andrei Sakharov was awarded the Nobel Peace Prize in 1975 for his "love of truth and strong belief in the inviolability of the human being, his fight against violence and brutality, his courageous defense of the freedom of the human spirit, his unselfishness and strong humanitarian convictions which have turned him into the spokesman for the conscience of mankind";

(3) Doctor Andrei Sakharov and Doctor Yelena Bonner, as a direct result of their selfless work for human rights and world peace, have been illegally banished to internal exile in the closed city of Gorky by the Soviet Government; and

(4) Doctor Andrei Sakharov and Doctor Yelena Bonner continue to hold firm to their ideals, which are important to Americans as freedom-loving people, in the face of these adversities.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) AWARD.—The President is authorized and requested to present, on behalf of Congress, gold medals to Doctor Andrei Sakharov and Doctor Yelena Bonner in recognition of the great personal sacrifices they have made to further the causes of human rights and world peace.

(b) DESIGN AND CONSTRUCTION—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall cause to be struck two gold medals with suitable emblem, devices, and inscriptions, to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not to exceed $400,000 to carry out the provision of this section.

SEC. 3. DUPLICATE MEDALS.

(a) CONSTRUCTION AND SALE.—The Secretary may cause duplicates in bronze of the gold medals provided for in section 2 to be coined and sold under regulations prescribed by the Secretary, at a price sufficient to cover the cost of such duplicates and such gold medals, including labor, material, dies, use of machinery, and overhead expenses.

(b) REIMBURSEMENT OF APPROPRIATIONS—Any appropriation made under section 2 shall be reimbursed out of the proceeds of the sales referred to in subsection (a).

SEC. 4. NATIONAL MEDALS.

The medals provided for in this Act shall be considered to be national medals for purposes of section 5111 of title 31, United States Code.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SPECIAL GOLD MEDAL TO AARON COPLAND

The Senate proceeded to consider the bill (S. 2462) to provide for the awarding of a special gold medal to Aaron Copland, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

On page 3, line 14, strike "such sums as may be necessary", and insert "not to exceed $40,000"

So as to make the bill read:

S. 2462

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—The Congress finds that—

(1) Aaron Copland has contributed to American music as a composer, a pianist, a lecturer, an author, and an organizer of various musical societies;

(2) Aaron Copland has composed patriotic musical works, such as "Lincoln Portrait", which was composed during World War II as a patriotic tribute to the United States and distributed worldwide;

(3) Aaron Copland has enjoyed great popularity and critical acclaim as evidenced by his receiving many awards, including a Guggenheim Fellowship, a Pulitzer Prize, an Academy Award, and the Presidential Medal of Freedom; and

(4) Aaron Copland is referred to as the "dean" of American musical composition as the result of his contributions to American music.

(b) STATEMENT OF POLICY.—The incomparable contributions of Aaron Copland to American musical composition should be recognized by awarding him a special congressional gold medal.

SEC. 2. AUTHORIZATION TO PRESENT GOLD MEDAL.

The President is authorized to present on behalf of the Congress 1 gold medal of appropriate design to Aaron Copland.

SEC. 3. PRODUCTION OF GOLD MEDALS AND PRODUCTION AND SALE OF BRONZE MEDALS.

(a) PRODUCTION OF GOLD MEDAL.—The Secretary of the Treasury shall coin 1 gold medal and shall deliver the medal to the President for presentation under section 2. The gold medal shall contain suitable emblems, devices, and inscriptions to be determined by the Secretary.

(b) PRODUCTION AND SALE OF BRONZE DUPLICATE MEDALS.—The Secretary of the Treasury may coin and sell bronze medals which are duplicates of the gold medal coined pursuant to subsection (a) under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost of the gold medal and such duplicates, including the cost of labor, materials, dies, use of machinery, and overhead.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for any fiscal year beginning on or after October 1, 1986, not to exceed $20,000 to carry out the purposes of this Act.

SEC. 5. EFFECT ON OTHER LAW.

The medals provided for in this Act are national medals for the purpose of section 5111 of title 31, United States Code.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONGRESSIONAL GOLD MEDAL TO RED SKELTON

The Senate proceeded to consider the bill (S. 2585) to authorize the President of the United States to award a congressional gold medal to Red Skelton in recognition of his lifetime commitment in service of Americans and to authorize the Secretary of the Treasury to sell bronze duplicates of such medal, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

On page 2, line 10, strike "$25,000", and insert "$20,000".

So as to make the bill read:

S. 2585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President of the United States is authorized to present, on behalf of the Congress, a gold medal to Red Skelton, in recognition of his work on behalf of Americans.

(b) For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall cause to be struck a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

(c) There is authorized to be appropriated, for fiscal year 1987 and thereafter, not to exceed *$20,000* to carry out the provisions of this section.

SEC. 2. (a) The Secretary may cause duplicates in bronze of the gold medal provided for in the first section of this Act to be coined and sold under regulations prescribed by the Secretary, at a price sufficient to cover the cost of such duplicates, including labor, material, dies, use of machinery, overhead expenses, and the gold medal.

(b) Any appropriation made under the first section of this Act shall be reimbursed out of the proceeds of the sales referred to in subsection (a).

SEC. 3. The medals provided for in this Act shall be considered to be national medals for purposes of section 5111 of title 31, United States Code.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARIFYING AUTHORITY OF THE SECURITIES AND EXCHANGE COMMISSION

The Senate proceeded to consider the bill (S. 2000) to clarify the exemptive authority of the Securities and Exchange Commission, which had been reported from the Committee on Banking, Housing, and Urban Affairs, with an amendment:

On page 2, line 1, after "provisions", insert "except section 9(a)(2)",

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, Notwithstanding section 3(a) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79c(a)), a holding company which has only one subsidiary company that is solely a gas utility company, as defined in said Act, shall be exempt from all provisions , *except section 9(a)(2),* of said Act: *Provided,* That, neither the holding company nor any other subsidiary company is a public utility company, the operations of such subsidiary gas utility company do not extend beyond the State in which it is organized, the subsidiary company was incorporated on or before July 1, 1986, for the express purpose of operating as a gas utility company, and all of whose voting securities are owned by the holding company, and neither the holding company, nor any of its subsidiary companies are engaged in residential or commercial plumbing, heating, refrigeration, air-conditioning, or in the sale, installation or servicing of such or related equipment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CHAFEE. Mr. President, I move to reconsider that action.

Mr. BYRD. Mr. President, I move to lay the motion to reconsider on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

KLAMATH INDIAN TRIBE RESTORATION ACT

Mr. CHAFEE. Mr. President, I inquire of the distinguished Democratic leader if he is prepared to consent to the discharge and passage of H.R. 3554.

Mr. BYRD. Yes, Mr. President. I do not like to approve of discharges from committees very much. I feel the committee process of reporting out bills with a majority of the members present at the time of the reporting should be followed rather meticulously, but there are times when I am agreeable to pursuing the matter through the process that is being used today. There is no objection to the discharge from the Select Committee on Indian Affairs H.R. 3554 and there is no objection to its immediate consideration.

Mr. CHAFEE. I thank the minority leader.

I ask unanimous consent that the Select Committee on Indian Affairs be discharged from further consideration of H.R. 3554, Klamath Indian Tribe Restoration Act, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3554) to provide for the restoration of the Federal trust relationship with the Klamath Tribe of Indians.

Mr. HATFIELD. Mr. President, in 1954 the Klamath Indians of Oregon suddenly found themselves stripped of their status as a federally recognized tribe. Since that time members of the tribe have struggled to achieve the restoration of their tribal status by the Federal Government. It is my pleasure today to be a part of the culmination of their hard work, as the Senate considers H.R. 3554, legislation which will restore Federal recognition for the Klamath, Modoc, and Yahooskin Band of Snake Indians, now known collectively as the Klamath Tribe.

The 1954 Western Oregon Termination Act, Public Law 83-587, was enacted by the Federal Government in an effort to mainstream approximately 60 Northwest Indian tribes, including the Klamath Tribe, into American life and improve their socioeconomic conditions. With termination, the Klamath Tribe lost their tribal tax benefits, tribal meeting places, college scholarship moneys, and vast tribal lands. Instead of improving conditions for tribal members, termination brought a rise in unemployment rates throughout the tribe, a decline in the education level, and the disruption of the normal social patterns of the tribe. Clearly, the Termination Act had no positive effects and severely disrupted the Klamath Indians' way of life.

At one time in their history, the Klamath Tribe lived on vast acres which were rich in wildlife and natural resources. Hunting, fishing, and trapping were common activities for the Klamath Indians who lived on about 20 million acres in southern Oregon. The Klamath Indians were left alone by the U.S. Government until 1864 when Federal officials signed a treaty with the tribe. The treaty took much of the Indians' land away from them and confined the tribe to a reservation, where they continued their traditional activities on a smaller scale. Nevertheless, the tribe was still able to preserve its traditional way of life. However, with the enactment of the Termination Act in 1954, the tribe's remaining identity would have been destroyed had it not been for their strong determination and hard work.

Mr. President, throughout their quest for restoration, the tribe has enjoyed a positive working relationship with Klamath County officials, State of Oregon officials, and the Oregon congressional delegation. In addition, they have tirelessly pursued establishing the most efficient and effective means of managing their resources, despite the obstacles termination has wrought. For years tribal leaders have worked closely with the Oregon Department of Fish & Wildlife and Federal wildlife officials in an effort to manage the rich natural resources of their former reservation lands.

Mr. President, will restoration bring an end to all tribal problems? Certainly not, but restoration will provide important assistance to the tribe to become economically self-sufficient and to help alleviate health, education, and employment problems left in the wake of the 1954 Termination Act. With the restoration of their Federal recognition, a government to government relationship will be reestablished with the United States and tribal identity will grow and flourish. Finally, a benefit will be realized throughout Klamath County as the economic growth and productivity of the tribe increases.

Mr. President, this long awaited restoration bill received unanimous support in the House of Representatives both at the committee hearing and during its consideration by the full House. In addition, I have received many letters from community, business, and political leaders in Oregon expressing support for the Klamath Tribe and for this bill. I urge my colleagues to pass H.R. 3554.

Mr. PACKWOOD. Mr. President, it is with great pleasure that I rise in support of H.R. 3554, the Klamath Tribal Restoration Act. This bill will restore the Federal trust relationship with the Klamath Tribe of Indians of Oregon.

The Klamaths' tribal status was ended in 1954 under a Government policy of forced assimilation that now is widely discredited. As part of termination, the Federal Government purchased or sold to private parties about 1.1 million acres of reservation land. Proceeds from the reservation's sale were distributed to those Klamath Indians who didn't put their holdings in a trust. In exchange, the Indians not only lost their reservation but were cut off from any Federal Indian-assistance programs. The Termination Act scattered more than half of the Klamath Indians throughout Oregon and has denied Indian health, education, and welfare benefits to more than 1,000 tribal members born since 1954. Worse, psychologically, the Termination Act attempted to tell the Klamaths that they were no longer Indians.

However, the Klamath Indians are a resilient people with a deep, abiding love for their heritage. I salute the continued and resourceful efforts of the Klamath Tribe to seek the Federal recognition that was stripped from the tribe's members in 1954. The spirit of the tribe and its members has earned

them the respect of the State of Oregon and the communities in which they live. I have received letters supporting restoration of the Klamath Tribe from the Governor of Oregon, civic leaders, churches, and many concerned citizens. This outpouring of support for the tribe's restoration efforts is a fitting tribute to the tribe's outstanding contributions to Oregon and its people.

This important piece of legislation will return to the Klamath Indians their rightful historic identity. It will reinstate the eligibility of Klamath tribal members for Federal social, educational, and economic programs which are available to all members of federally recognized Indian tribes. This bill is long overdue, and I urge my colleagues to support it.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3554) was ordered to a third reading, was read the third time, as passed.

Mr. CHAFEE. I move to reconsider the vote by which the bill was passed.

Mr. BYRD. Mr. President, I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

CONSERVATION SERVICE REFORM ACT-CONFERENCE REPORT

Mr. CHAFEE. I ask the distinguished Democratic leader if he is prepared to accept the conference report on S. 410,

Mr. BYRD. Mr. President, this side is prepared to proceed with that conference report.

Mr. CHAFEE. Mr. President, I submit a report of the committee of conference on S. 410 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 410) to repeal the Commercial and Apartment Conservation Service, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 12, 1986.)

Mr. McCLURE. Mr. President, the purpose of the bill, S. 410, is to reform two energy conservation programs administered by the Department of Energy. The bill is a compromise that represents many months of effort by Senators, Members of the House, and their staffs. I know of no opposition to the measure and I urge that the Senate approve the conference report promptly. Because a delay in the implementation of this measure will have a significant impact on utilities, and on their costs related to these programs, I would also urge that the President sign the bill expeditiously following final congressional action.

Prior to the conference on this measure, both the House and Senate versions of the bill were similar in concept. Both bills would have repealed the Commercial and Apartment Conservation Service [CACS] Program and both bills would have extended the Residential Conservation Service [RCS] Program which is currently in limbo due to an ambiguity in the law regarding its termination date. In addition, both bills would have provided an opportunity for States and utilities to develop alternative programs to the Residential Conservation Service and would have provided additional protections to small businesses against unfair competition by utilities.

The agreement of the conferees maintains these general concepts and has reconciled the differences which existed between the two versions in a manner which I believe is fair and deserves our support. The important aspects of this conference agreement are as follows:

First, the conferees agreed to extend the RCS Program until June 30, 1989, with the intent that no utility or home heating supplier be required to issue more than one informational announcement before June 30, 1989. This agreement clarifies any ambiguity as to the status of the RCS Program and in addition, it clarifies the law regarding termination of the program. All aspects of the program are explicitly terminated on June 30, 1989. The RCS Program was also expanded under the agreement to cover residential buildings with five or more dwelling units in which the units are individually metered for energy use. This expansion was made, in part, because it is generally the current practice of utilities under the RCS Program to offer audits in residential buildings with units that are individually metered. It was therefore felt that the expansion would add little, if any, additional cost to the RCS Program efforts of utilities.

Second, in regard to the RCS alternative plans, because the House and Senate alternative plan concepts were significantly different, it was agreed to follow the House concept for the alternative State plans and to follow the Senate concept for the alternative utility plans or utility "Waiver," as it was called in the original Senate bill. This approach to the agreement, I am certain, saved much heated debate over the merits of one concept over the other and allowed agreement to be achieved by including both concepts in the final bill.

Both alternative plan concepts will improve upon the existing RCS Program by allowing States and utilities the opportunity to develop new programs to meet their own specific energy conservation objectives, rather than be forced to follow the generally inflexible national program specifications.

Third, with respect to small businesses seeking protection from unfair utility competition, the conferees agreed to modify the procedures used by the Federal Trade Commission to review allegations of unfair competition. Although there are currently procedures for the review of such allegations, the conferees agreed to modify these procedures so that the Commission's review would not be subject to the "public interest" test required for the review of antitrust violations conducted pursuant to section 5 of the Federal Trade Commission Act. The new standard of review consists of the Commission's determination that it has "reason to believe," based on the information provided, that a utility is carrying out the specified unfair activities. The conferees further specified that a complaint must provide certain minimum information in order to initiate a review. The agreement recognized that, as a matter of the FTC practice, the Commission staff conducts an initial review of the information provided.

The conferees intend that through the staff review, and if needed, the full Commission review, complaints believed to be frivolous or unsubstantiated would be rejected. The conferees recognized that the Commission must allocate its resources to meet its many responsibilities. It is intended in this agreement that review of utility energy conservation activities will be balanced with the other responsibilities of the Commission in its allocation of resources.

Finally, the conferees agreed to the repeal of the Commercial and Apartment Conservation Service [CACS] upon enactment of the bill. As stated earlier, both the original House and Senate bills provided for the repeal of this program. The CACS Program was felt to be costly and inflexible. Experience from the time that this program was enacted has shown that the private sector can provide the energy conservation services anticipated from the CACS Program in a more cost-effective manner. That is to say, the goals of the CACS Program are already being achieved without a Federal program. In fact, the existence of such a program may interfere with, and decrease the effectiveness of, on-

going private sector efforts. There is a broad consensus that repeal of the program is appropriate, except in the case of certain multifamily buildings which are to be covered under the extended RCS Program.

Mr. President, I would like to recognize the patience and dedication of those persons who have worked on this bill. I would particularly like to express my thanks to Senator JOHNSTON who introduced S. 410 back in February 1985 and whose persistence has brought it to this final stage here today. I would also like to express my thanks to Senator NICKLES, chairman of the Subcommittee on Energy Regulation and Conservation, for his efforts as the Senate floor manager and as a conferee on this legislation. Finally, I would like to thank our colleagues in the House and our staffs on both sides who so diligently worked on this important legislation.

I urge my colleagues to join with us in support of adoption of the conference report.

Mr. JOHNSTON. Mr. President, I urge the Senate to approve the conference report on S. 410, the Conservation Service Reform Act of 1986. The bill before us is a fair compromise of the House and Senate provisions. It has broad support and no opposition. I hope that the President will sign the bill promptly so that the needed changes that are made by the bill can be put into effect as soon as possible.

The important provisions of S. 410 as reported by the conferees are as follows:

First, the bill repeals the Commercial and Apartment Conservation Service Program as of the date of enactment. The CACS Program in current law is potentially very costly to electric and gas utilities. On the other hand, CACS duplicates energy audit services that the private sector is already providing for the large buildings that the original CACS statute sought to cover. Significant costs that will be borne by utility ratepayers can be avoided by repeal of CACS. No significant benefits will be foregone.

There will be no loss in energy savings from the repeal of CACS. Rather, by removing a rigid Federal program that threatens to occupy the field, a much more flexible and effective private sector response will be set free to maximize the very real energy savings that are potentially available.

The aim of the original CACS statute was to call forth a capacity to provide site-specific information on the best methods to improve the energy efficiency in commercial and apartment buildings. The CACS statute forces the utilities to perform the task. Since the CACS statute was enacted, energy conservation and shared energy savings companies have moved strongly into the market to offer services that are far more flexible and varied than was ever contemplated under CACS.

In a real sense the goals of CACS have been achieved. Energy audits and quite sophisticated energy consumption analyses of commercial and apartment buildings are readily available. We do not need a Federal program to insure the existence of these services. In fact, the Federal program, just because it is there, may preempt private sector response. There is a broad consensus that repeal is appropriate. The Federal Government should declare victory and withdraw. That is what S. 410 does.

Second, S. 410 clarifies the currently ambiguous status of the Residential Conservation Service. The bill makes clear that utilities must continue to offer RCS services, but that the entire program will terminate on June 30, 1989, unless explicitly extended by a new act of Congress.

S. 410 also amends the RCS statute to provide for a more flexible program and expands coverage under the law to include individually metered apartments.

In addition, two alternative residential conservation options are established by the bill. Under a provision that is based on the original House bill, a State can establish an "alternative State plan" for utilities covered by RCS. Any such plan must be authorized in State law. That is, S. 410 does not provide any new authority in Federal law to compel utilities to undertake RCS-type activities.

This option offers a State a chance to define its own residential conservation program and to design an alternative to the Federal RCS Program for its utilities.

S. 410 also contains an option offering similar opportunities to any individual utility subject to RCS. This second alternative follows a provision that I developed during consideration of S. 410 by the Committee on Energy and Natural Resources. This utility waiver option allows a utility subject to RCS—or an alternative State plan under the act—to obtain a waiver from any provision of the act—or plan—if it can be shown that the program the utility will implement if the waiver is granted will result in energy savings equal to or greater than savings under RCS. This provision offers utilities that feel constrained by RCS a chance to show what they can do on their own. It invites utilities who have complained about RCS to put their money where their mouth is.

Substantive review of any waiver proposal would take place at the State level. If the Governor and the jurisdictional State regulatory authority, if any, support a utility's request for a waiver, the Secretary is required to grant the request.

A utility that is unable to perform as promised would be in danger of losing its waiver. Any waiver could be revoked if the State authorities named in the provision find, after opportunity is granted for a hearing, that the annual savings achieved under the waiver fall below savings in the year prior to the granting of the waiver.

This provision assumes the use of comparative analysis to assess energy savings under utility programs. In order to estimate the energy saving potential of any waiver proposal, one compares the potential savings from the program with the waiver to the potential savings from the program without the waiver. Each analysis would make use of common methodology and assumptions. This should simplify the process of identifying circumstances where the granting of a waiver will benefit customers of a utility by reducting energy use and therefore the need for costly marginal supplies of energy.

These two optional programs can be targeted to fit conditions existing in specific States or utility service territories in terms of climate, population density, customer income level, and degree of market saturation, in ways in which an RCS Program implemented under uniform Federal standards cannot.

The components of alternative State and utility conservation programs could vary based on local conditions and needs. Such components could include programs providing low-income and elderly customers with direct financial assistance for installation of energy conservation measures or directing such customers to agencies through which assistance is available. Financial and other incentives to encourage customers to replace older inefficient appliances with more efficient modern models could also be utilized, as could educational programs recommending simple but effective means of reducing consumption. Conservation recommendations that are more customer-specific could be provided to customers in a cost effective manner through a "do-it-yourself" variant on the traditional RCS audit.

The options are numerous and are limited only by the bounds of the creativity of the State or utility designing the program. These alternative residential conservation programs are supplements to the RCS program in that they encourage States and utilities to utilize such creativity to base their programs on region and utility-specific conditions.

Third, S. 410 directs the Secretary of Energy and the Comptroller General to provide information to Congress in the form of reports that will assist in defining the role of utility programs in the energy policy of the United States after the termination date established for the RCS. The GAO has already begun work on the report required

under S. 410. The intent of these reporting requirements is to insure that when the issue of the termination or extension of the RCS is before Congress, the policy issues can be decided on the basis of adequate information.

Finally, S. 410 addresses a recurrent issue in utility involvement in energy conservation: the rights of persons who feel that energy conservation activities of utilities are being carried out in a manner that, notwithstanding the requirements of Federal law, is anticompetitive.

The conference agreement on S. 410 recognizes the tension between the need to promote energy conservation and the desire to maintain open access for independent firms to the market for sales of energy conservation services. This agreement confirms the judgment of Congress, expressed in the existing RCS statute, that the standards in existing law for judging competitive behavior are appropriate and adequate to protect the public interest. Nothing in S. 410 alters these standards.

However, in response to concerns that a more accessible forum should be provided for comparing these standards against practice in energy conservation markets, S. 410 provides for access to the Federal Trade Commission under existing law in the event that the Commission determines that there is reason to believe that existing standards governing competitive practice are being violated. It is the intent of the conferees that persons with real, documented complaints about utility practices have an opportunity to have their case heard at the FTC. The right to such a forum exists where there are valid reasons to believe that unfair methods of competition or unfair or deceptive acts or practices are involved in an activity pursuant to an exemption from the general prohibitions on utility energy conservation activities contained in the National Energy Conservation Policy Act.

However, it is not the intent of the conferees that the mission of the FTC be so altered that the agency becomes a police court for the RCS Program. The FTC has many missions of importance, and the Commission must balance the imperatives of these missions in allocating the limited resources made available to it by Congress. There is no intent in the language or S. 410 to elevate concern about utility activities in energy conservation above other concerns of the Commission or to suggest that the Commission has less discretion in allocating resources to its tasks by virtue of the language of S. 410.

The findings of the National Energy Conservation Policy Act, as amended by S. 410, emphasize the importance of energy efficiency and controlling the growth of energy demand in reducing the vulnerability of the United States to interruptions in foreign oil supply. The fundmental intent of the act is the accelerated and effective promotion of energy efficiency. This intent would be subverted if utilities that in good faith are attempting to comply with the provisions of the act are prevented from such compliance by harassment by complaint at the FTC.

Mr. President, I congratulate Representative RALPH HALL for his persistence and patience in guiding this legislation through some dangerous waters in the House of Representatives. I express my thanks to Senator MCCLURE for his strong and very effective support for this legislation in the Senate.

I urge the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. CHAFEE. I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD. Mr. President, I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate recede from its disagreement with the House in respect to the amendment to the title.

The PRESIDING OFFICER. Without objection, it is so ordered.

□ 0950

EXECUTIVE SESSION

Mr. CHAFEE. Mr. President, I ask the distinguished minority leader if he is in a position to confirm any of the following nominations on the Executive Calendar: Calendar No. 945, Marshall A. Staunton; 946, A David Rossin; 947, Theodore J. Garrish; 974, Michael Mussa; 975, H. Robert Heller; 976 through 980, under the Air Force; 981 through 984, under the Army; 985 through 993, under the Navy; and all nominations placed on the Secretary's desk with the exception of Edwin G. Corr.

Mr. BYRD. Mr. President, in response to the inquiry of the distinguished acting Republican leader, I wish to state that there are two nominations on this calendar that have been on there for quite some time: Mr. Morton I. Abramowitz, of Massachusetts, a career member of the Senior Foreign Service, class of career minister, to be an Assistant Secretary of State. It has been on the calendar since May 20. Then there is the nomination of Frank G. Wisner, of the District of Columbia, a career member of the Senior Foreign Service, class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt. That has been on the calendar since July 31.

I received a call last evening from soneone on behalf of the State Department, saying that these nominations are very much needed; and I do not think I will be in a position to give approval of the nominations that have been identified by the distinguished acting Republican leader until we have some understanding as to when the two nominations I have just inquired about are cleared on the other side of the aisle.

However, at this time I will agree to go forward with all the nominations under the Air Force, Army, and Navy, as well as the nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, Navy, and Senior Foreign Service, which have been identified also by the distinguished acting Republican leader.

So, Mr. President, what I am saying is that other than the military nominations, this side will not go forward with the confirmation of any of the other nominations until we have some understanding as to what is happening on Calendar No. 823, Morton Abramowitz, and Calendar No. 952, Frank G. Wisner.

I hope that later, during the day, the other side will clear these nominations. This side is ready, willing, and able to proceed with those nominations and would like to proceed with them.

Mr. CHAFEE. Mr. President, in that situation, why do we not proceed with the military nominations, 976 through 980, under the Air Force; 981 through 984, under the Army; 985 through 993, under the Navy?

Mr. President, I ask unanimous consent that the Senate go into executive session in order to consider those nominations and that the nominations be considered and confirmed en bloc.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. CHAFEE. Mr. President, I also ask unanimous consent that we include all nominations on the Secretary's desk, with the exception of Edwin G. Corr.

The PRESIDING OFFICER. Without objection, the nominations as suggested by the Senator from Rhode Island are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Edgar A. Chavarrie, [redacted] FR, United States Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Robert E. Kelley, xxx-xx-xxxx FR, United States Air Force.

The following named officer for appointment to the grade of general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be general

Gen. Andrew P. Iosue, xxx-xx-xxxx FR, United States Air Force.

The following named officer, under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Thomas J. Hickey, xxx-xx-xxxx xxx-... FR, United States Air Force.

The following named officer, under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Lt. Gen. John A. Shaud xxx-xx-xxxx FR, United States Air Force.

IN THE ANRY

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Emmett H. Walker, Jr., xxx-xx-x... xxx-... (Age 62), Army National Guard of the United States.

The following-named officer under the provisions of Title 10, United States Code, Section 3015, for appointment as Chief, National Guard Bureau, and further under the provisions of Title 10, United States Code, Section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Herbert R. Temple, Jr., xxx-xx-x... xxx..., Army National Guard of the United States.

The United States Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of Title 10, United States Code, sections 595(a), 3371 and 3384:

To be major general

Brig. Gen. Marvin G. Back, xxx-xx-xxxx.
Brig. Gen. George E. Barker, xxx-xx-xxxx.
Brig. Gen. Murry E. Cantrall, xxx-xx-xxxx.
Brig. Gen. Joseph G. Gray, xxx-xx-xxxx.
Brig. Gen. Roger W. Sandler, xxx-xx-xxxx.
Brig. Gen. George J. Vukasin, xxx-xx-xxxx xxx-...
Brig. Gen. Robert L. Wick, Jr., xxx-xx-xx... xxx-...

To be brigadier general

Col. Gary A. Stemley, xxx-xx-xxxx.
Col. Richard G. Quick, xxx-xx-xxxx.
Col. Thomas P. O'Brien, Jr., xxx-xx-xxxx.
Col. James A. Brooke, xxx-xx-xxxx.
Col. Howard A. Pope, xxx-xx-xxxx.
Col. Francis T. Mataranglo, xxx-xx-xxxx.

The following-named officer to be placed on the retired list in grade indicated under the provisions of Title 10, United States Code, Section 13370:

To be lieutenant general

Lt. Gen. Richard D. Lawrence, xxx-xx-xxxx xxx-..., (Age 55), United States Army.

The following-named Army Chaplains Competitive Category officer for appointment in the United States Army to the grade indicated under the provisions of Title 10, United States Code, sections 611(a) and 624:

To be permanent brigadier general

Col. Charles J. McDonnell, xxx-xx-xxxx, Chaplains Competitive Category, United States Army.

IN THE NAVY

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Bernard M. Kauderer, xxx-xx-x... xxx-.../1120, United States Navy.

The following named officer to be placed on the retired list in the grade indicated under the provisions of Title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Edward A. Burkhalter, Jr., xxx-... xxx-xx-x.../1120, United States Navy.

The following named officer, under the provisions of Title 10, United States Code, section 5148(b), to be assigned as Judge Advocate General of the Navy:

To be judge advocate general of the Navy

Rear Adm. Hugh D. Campbell, xxx-xx-xxxx xxx-.../2500 Judge Advocate General's Corps, U.S. Navy.

The following named officer, under the provisions of Title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Richard M. Dunleavy, xxx-xx-x... xxx-.../1320, U.S. Navy.

The following named officer, under the provisions of Title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Robert F. Dunn, xxx-xx-xxxx/1310, U.S. Navy.

The following named officer, under the provisions of Title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Diego E. Hernandez, xxx-xx-xx... xxx-.../1310, U.S. Navy.

The following named officer, under the provisions of Title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under Title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Charles R. Larson, xxx-xx-xxxx xxx-.../1120, U.S. Navy.

The following named officer, under the provisions of Title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under Title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Edward H. Martin, xxx-xx-xxxx xxx-.../1310, U.S. Navy.

The following named officer, under the provisions of Title 10, United States Code, section 711, to be reassigned in his current grade to be Senior Navy Member of the Military Staff Committee of the United Nations and to a position of importance and responsibility designated by the President under Title 10, United States Code, section 601:

To be senior navy member of the military staff committee of the United Nations

Vice Adm. Henry C. Mustin, xxx-xx-xxxx/1110, U.S. Navy.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY, SENIOR FOREIGN SERVICE

Air Force nominations beginning Yon Chan Lee, and ending Theodore K. Loyd, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 22, 1986.

Air Force nominations beginning Maj. Charles E. Amos, xxx-xx-xxxx and ending Maj. Henry Edelenbos, xxx-xx-xxxx which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 28, 1986.

Air Force nominations beginning Robert D. Childs, and ending Robert B. Renz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 31, 1986.

Air Force nominations beginning Maj. Frederick J. Barratt, xxx-xx-xxxx and ending Maj. Margaret A. Woods, xxx-xx-xxxx which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 1, 1986.

Air Force nomination of Gary A. Piepkorn, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of August 5, 1986.

Air Force nominations beginning Gary A. Piepkorn, and ending Charlene A. Miller, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 5, 1986.

Air Force nominations beginning Robert P. Belihar, and ending Daniel W. Litwhiler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 5, 1986.

Army nominations beginning Verlin L. Abbott, and ending Jack W. Zimmerly, Jr., which nominations were received by the Senate on July 18, 1986, and appeared in the CONGRESSIONAL RECORD of July 21, 1986.

Army nominations beginning Nicoll F. Galbraith, Jr., and ending Edward T. Salvato, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 22, 1986.

Marine Corps nominations beginning Craig S. Esslinger, and ending Jeffrey D. Warren, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 31, 1986.

Marine Corps nominations beginning Donald P. Baldwin, and ending Michael A. Mccollough, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 5, 1986.

Navy nomination of Maryus O. Saunders, which was received by the Senate on July 18, 1986, and appeared in the CONGRESSIONAL RECORD of July 21, 1986.

Navy nominations beginning Scott G. Chatlin, and ending John W. Alexander, which nominations were received by the

Senate and appeared in the CONGRESSIONAL RECORD of July 22, 1986.

Navy nominations beginning John B. Anderson, and ending Robert A. Yale, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 28, 1986.

Mr. CHAFEE. Mr. President, I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I yield myself, on my own time——

The PRESIDING OFFICER. Will the Senator suspend? The Senate is still conducting morning business.

Mr. WALLOP. I am sorry. I understood the Chair to say that we were in legislative session.

The PRESIDING OFFICER. The Senator is correct, the Chair did say that; but implied in that was the return to morning business, whence we came when we went into executive session.

Is there further morning business?

Mr. CHAFEE. Mr. President, I still have the 10 minutes. If the Senator from Texas spoke at this time, could he use part of those 10 minutes?

The PRESIDING OFFICER. The Senator from Rhode Island has control of the leadership time, and he may use it as he wishes.

Mr. CHAFEE. Mr. President, I yield such time as the Senator from Texas requires.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. I thank the distinguished Senator for yielding.

GRAMM-RUDMAN-HOLLINGS AND THE DEBT CEILING

Mr. GRAMM. Mr. President, we all sat here last night as Member after Member presented amendments to be offered on South African sanctions. We ended up with 27 amendments. If each of those amendments had played out into a recorded vote, that would have kept us here to the wee hours of the morning.

We do have a limit on debate after 6 o'clock today. We could have a series of votes beyond that.

Mr. President, I am concerned about the South African sanctions bill. I think it is very appropriate that we debate it. But I want to let my colleagues know now that I intend to offer the Gramm-Rudman-Hollings II trigger to the debt ceiling bill no matter when that debt ceiling is brought to the floor.

I hope my colleagues will be as patient with me on an issue that is important to the people who do the work and pay the taxes and pull the wagon in the United States of America as our colleagues have been during the debate on South African sanctions.

I think we have something of a paradox here. We have everyone saying that they are perfectly willing to stay here all day and into the night to debate problems in South Africa. But somehow, when some of us are trying to sustain a recovery which is critical to the working people of America, when we are trying to deal with the largest deficit in American history, when we are debating a temporary debt ceiling that will raise the debt ceiling more for 30 days than we incurred in debt in the first 150 years of the Republic, that we may not have time to deal with this problem because we would all like to go home.

Now, Mr. President, this may all make sense in the context of the media attention on South Africa. But I submit that while the American people are rightly concerned about South Africa, they are far more concerned about the future of America.

I defer to no one in my desire to conclude the business of the Senate. I very much hope to leave here this afternoon with us having finished our business. But I simply want to ask my colleagues to try to be as kind to those of us who want to deal with America's problems as they were to those who wanted to deal with Africa's problems. I think staying with our commitment to balance the budget, bring the deficit under control, lower interest rates, and strengthen and sustain the recovery is at least as important and, quite frankly, far more important than the South African sanctions bill.

For that reason, I thought it was important that someone get up and point out that America has business to be done here as well.

I am hopeful we will have an opportunity to see this agenda debated and voted on, so that whenever we leave we will know that we have reaffirmed our commitment to control the deficit and to balance the budget.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Is there further morning business?

Mr. CHAFEE. Mr. President, I yield to the distinguished junior Senator from Kentucky 3 minutes if that is adequate.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. McCONNELL. I thank the Senator from Kentucky.

A TRIBUTE TO WILMA STOKELY

Mr. McCONNELL. Mr. President, on Wednesday evening, while working late here in the Russell Senate Office Building, my personal secretary, Wilma Stokely, fell victim to a fatal heart attack. We are all stunned and saddened by her sudden death. Wilma was a dedicated employee. She gave of her time, her energy, and her spirit in carrying out her responsibilities as a member of my staff. I rise today to offer my personal condolences to Wilma's family and to pay tribute to her memory.

Wilma came to my office in February 1985—about a month after I came to the Senate. We all know the stresses and strains involved in organizing a new office; indeed, in organizing a new Senator. Throughout this period, Wilma was a tremendous help. She brought to her position a wealth of experience borne of years of service in the Congress.

Wilma had served on the staff of former Senator John Sherman Cooper of my home State of Kentucky. And she worked for Senator Warren Magnuson of Washington. On the House side, Wilma served on the staff of former Congressman McClory of Illinois for several years.

Wilma was born in Portland, and graduated from the University of Washington. She is survived by her son, David, whom she spoke about very often and with great pride and love, as well as her brother, Robert Kerr, and her mother, both of whom reside in California.

I know I speak for all of my staff when I say that we will miss Wilma very much. We mourn her passing and extend our most sincere sympathies to her family.

Thank you very much, Mr. President.

I yield the floor.

AN IMPORTANT MESSAGE

Mr. DOLE. Mr. President, recently, I was privileged to address the State FFA President's Conference conducted here in Washington, DC.

I would like to include into the CONGRESSIONAL RECORD the comments of Kipling Godwin, the national FFA vice president from Whiteville, NC.

I would encourage all of my colleagues to take the time to reflect on Kipling Godwin's remarks concerning agriculture and the importance of vo-

cational agriculture training in shaping the leaders of our country's future.

PRESENTATION AT THE 1986 CONGRESSIONAL LUNCHEON STATE FFA PRESIDENT'S CONFERENCE

(Remarks of Kipling Godwin)

This is a very special week for vocational agriculture and the future farmers of America. Through the corporate sponsorship of Chevrolet, some one hundred newly-elected State FFA officers have come to our Nation's Capital representing over 43,000 members at the 1986 State FFA President's Conference. These young people represent the very best of our organization and our country; they are the future of American agriculture. It's also a special week because many of the vocational agriculture State supervisors are here attending a national conference on programs and activities which will help ensure continued excellence in vocational agriculture education.

LEADERS FOR THE NEW FIELDS OF AGRICULTURE

America has always needed—and continues to need—competent and aggressive agricultural leaders. Since passage of the Smith-Hughes Act in 1917, vocational agriculture students have been trained to become the dedicated work force that will meet the food and fiber needs of our Nation and the world. They are eagerly preparing themselves as "leaders for the new fields of agriculture."

While these young people "believe in the future of farming," they also realize that there are over 200 other challenging and rewarding careers within the industry of agriculture. Today, approximately 22 million Americans work in AG-related occupations. However, only 10 percent of those are directly involved in production agriculture or what we call farming. The others work in agribusiness, communications, science, Government, education, processing, distribution, marketing and sales, as well as dozens of other occupations which make up the number one industry in America—agriculture!

Before young people are ready to meet the many challenges of this diverse industry they must first acquire skills in record keeping, management, science and mathematics, communications, marketing, problem solving, and leadership. This is what vocational agriculture and the FFA are all about! Our curriculum consists of three basic parts: Classroom instruction; practical, hands-on, work experience; and valuable leadership and human relations training through FFA activities.

Vocational agriculture and the FFA are in the "people building business." The primary aim of our organization is the development of agricultural leadership, cooperation, and citizenship. Our members learn to appreciate the dignity of labor; "without labor neither knowledge nor wisdom can accomplish much." And, although we emphasize the value of the individual and all the virtues of independence in though and action, we are ever mindful of the vital need for cooperation and teamwork in our society.

VOCATIONAL EDUCATION—SUPPORTING A VITAL INDUSTRY

Recently, FFA joined millions of other Americans in celebrating not only the birthday of the Statute of Liberty, but also of the Declaration of Independence, a document known around the world as one of the greatest symbols of human freedom. As we think of the freedom we now enjoy in America, we realize that it is time for us to declare our dependence on the industry of agriculture to provide food and fiber for our society. That industry itself is dependent on high quality education through vocational agriculture to train America's youth for the future. Once we have declared our dependence on agriculture and agricultural education, then we can successfully go about the business of keeping America strong.

CONCLUSION

It is with these thoughts, that we thank you for your continued support of our organization. Working together, our efforts to build a stronger agriculture and in turn build a greater America will be as productive in the future as they have been in the past.

LOUISIANA FARMERS HELP SOUTHEAST FARMERS

Mr. JOHNSTON. Mr. President, I want to bring to the attention of my colleagues the efforts farmers in Louisiana are making to help farmers in the Southeast who have been hard hit by drought.

We in Louisiana know too well about natural disasters and the devastation such events leave. While our problem is usually disasters resulting from too much water, we too have suffered through times of drought and watched months if not years of hard labor shrivel and dry.

To date, Louisiana farmers have donated more than a thousand tons of hay to help the drought-stricken livestock owners in Alabama and the Southeast. Already 150 tons of hay from Louisiana have been delivered and they will continue this operation until all the hay is delivered or until the situation improves in the stricken States.

Mr. President, I want to commend our Commissioner of Agriculture, Bob Odom, for organizing this effort to provide help to farmers and livestock owners in our neighbor States. I only hope that this spirit will spread and further needed relief will be provided to avert the irreversible loss which will surely occur if long-term assistance is not made available.

NEW FARM BILL IS PRODUCING DESIRABLE RESULTS

Mr. COCHRAN. Mr. President, in developing and supporting adoption of the marketing loan concept as the policy for cotton and rice titles of the farm bill, I stated repeatedly that it offered an efficient and effective alternative for addressing the complete set of economic circumstances confronting American farmers. As discussed thoroughly during the debate in 1985, U.S. farm policy must protect farm income while allowing commodities to be competitively priced in international and domestic markets.

Moreover, U.S. policy must encourage foreign producers to participate in balancing supply with demand. Unfortunately there are those who believe U.S. policy should be unilateral supply management. Mr. President, U.S. farmers are among the most efficient producers in the world, and should not, therefore, be denied the opportunity to do what they know best, and that is farm. If production is to be cut, it should not be just U.S. producers who make all the cuts.

Mr. President, the marketing loan policy is producing very desirable results for both cotton and rice industries on all three of these critical objectives. Traditional support is being maintained, prices are competitive again as reflected by large increases in new crop sales relative to previous year levels, and there are indications that major adjustments are already underway by foreign producers.

There have been several accounts of these results, the most recent is in the Wall Street Journal, August 11, 1986, "New U.S. Law Hurts Foreign Farmers, Speeds Policy Changes as Prices Decline." I ask that this article be included in the RECORD.

Mr. President, these results suggest the marketing loan concept is the right direction for U.S. policy for cotton and rice. Such results indicate it is possible to bring the recovery that is occurring in the service sector of our economy to agriculture. Congress must only stay with an efficient and effective program that is moving agriculture in the right direction, one of growth and potential.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW U.S. LAW HURTS FOREIGN FARMERS, SPEEDS POLICY CHANGES AS PRICES DECLINE

(By Albert R. Karr)

WASHINGTON.—The new U.S. farm law is hurting foreign farmers and speeding a round of policy changes globally as competitors struggle to adjust to lower crop prices.

The new five-year farm law, enacted last December, slashes price-supports for major U.S. crops in an effort to make American farmers more competitive on world markets. Since the U.S. is one of the world's largest agricultural exporters, that move is lowering crop prices worldwide.

Already, the new program is showing some signs of reversing the five-year U.S. farm trade slump. Export orders for this year's rice and cotton crops are running 35% to 156% ahead, respectively, of year-earlier levels; wheat orders are also running ahead of last year's extremely depressed levels.

Foreign farmers are beginning to feel the pinch of lower prices. The Argentine government estimates that net farm income will tumble 20% in 1986. In Australia, farm income is expected to fall about one-third over the coming year. Last week, angry Australian wheat farmers dumped sacks of grain on the American embassy lawn in Canberra to protest a U.S. offer to sell subsidized wheat to the Soviet Union.

Foreign cotton growers, who have been particularly hard hit by the new U.S. law, are already beginning to cut back production. Auscott Ltd., a large Australian cotton ginner, plans to slash its plantings 40% this year because of the price drop. Cotton farmers in China, Turkey and Mexico are also re-

ducing their acreage, an international statistics-collecting group says.

But the U.S. still faces a tough fight in its effort to win back market share. Recently, for instance, U.S. wheat-price cuts wiped out a $40-a-ton advantage held by Argentine growers, widely considered the world's lowest-cost producers. But debt-strapped Argentina simply slashed its prices $15 a ton. The country is also lowering its grain exports to spur shipments.

"Our only strategic tool is to use very cheap prices," says Manuel Otero, Argentina's agricultural attache here.

Such price undercutting has held down U.S. wheat exports, prompting an outcry from domestic farm groups and farm-state legislators. Responding to such pressure, President Reagan last week expanded a limited export subsidy program to include some bargain wheat sales to the Soviet Union.

Meanwhile, other countries are moving to shelter their farmers from the falling prices. In April, Australia announced that it would subsidize farm-loan interest rates, remove tariffs on imported farm equipment and take other steps to reduce farmers' costs.

Canada cut some crop payments to wheat farmers this year; but farm income is expected to rise largely because of higher domestic prices and larger income-support payments from the government. Thus sheltered, Canadian wheat farmers boosted their acreage in 1986.

U.S. officials hope the lower world prices eventually will force competitors like Canada and the Common Market to stop bolstering farm income. The group of European nations, which heavily subsidize farm exports, edged in that direction this year. Facing intense budget pressures, the European Community imposed a small tax on farmers to make them shoulder some of the subsidy burden.

The new U.S. farm bill is also bringing the global farm-policy debate to a boiling point. Ontario farmers recently asked the Canadian government to levy duties on U.S. corn imports, charging that the U.S. unfairly subsidizes its corn growers. Other nations, meeting recently in Uruguay and Thailand, denounced U.S. farm policy.

U.S. officials hope to resolve the farm policy issues at the General Agreement on Trade and Tariffs talks that begin next month in Punta del Este, Uruguay. They say the U.S.'s tougher stance is convincing competitors of the need to talk seriously. Negotiators have agreed to put agriculture on "the front burner for the first time in four decades, says Clayton Yeutter, the U.S. special trade representative.

"MISS MARGARET" ERVIN

Mr. HELMS. Mr. President, yesterday in Morganton, NC, a gracious lady went to her reward. Mrs. Sam J. Ervin, Jr., widow of our former distinguished colleague, Senator Ervin, died after a lengthy period of declining health.

"Miss Margaret" was one of a kind. Senator Sam put it this way in his autobiography:

> Margaret is a strong and gentle spirit who is loved and respected by all who know her. Since our marriage she has stood beside me, in sunshine and in shadow, with steadfast love and constant inspiration.

Dorothy and I often reflect upon what a privilege it was to serve in the Senate with Senator Ervin during my first 2 years as a Member of this body. Dorothy and I had long been friends and admirers of "Senator Sam and Miss Margaret" and it was always a joy to be with them.

Mr. President, Miss Margaret never hesitated to emphasize that while she had enjoyed being in Washington, she nevertheless yearned to be back home in North Carolina with her children and grandchildren. On one occasion, in February 1973, she leaned over to us and said: "Sam doesn't know it yet, but we're going home after this term." Then she chuckled and added: "I've made up my mind and now all I've got to do is make up his."

Which is precisely what happened. They went home to the hills of Burke County. And we missed them.

We still miss them, Mr. President, and even though there is the sadness of losing the physical presence of Miss Margaret, it is comforting to know that Senator Sam and Miss Margaret are together again, the lady who, as the Senator put it, "stood beside me, in sunshine and in shadow, with steadfast love and constant inspiration."

Dorothy and I extend our sympathy to their son, U.S. Appeals Court Judge Sam Ervin III; their two daughters, Mrs. Leslie Hansler and Mrs. Laura Smith; and the seven grandchildren whom Senator Sam and Miss Margaret loved so dearly.

RETIREMENT OF LT. GEN. EMMETT H. WALKER, JR.

Mr. STENNIS. Mr. President, Lt. Gen. Emmett H. "Mickey" Walker, Jr., is retiring from active service of the U.S. Army National Guard after over 37 years of truly remarkable military service to this Nation. For the last 4 years he has served as Chief of the National Guard Bureau, giving excellent leadership and direction to our National Guard units that contribute so much to our overall national defense efforts.

National Guard and Reserve units are really on the cutting edge of our military strength, and General Walker has contributed greatly over these last 4 years to improving the readiness of National Guard units to respond in time of need. As a result of the progress we have seen under General Walker's leadership, I am more convinced than ever before that the National Guard is fully capable of assuming an even larger role and responsibility in our national defense. This is a trend I hope will continue, and I am committed to doing what I can to see that these units are provided with the equipment and training necessary to enable them to perform at maximum efficiency. They are fully capable.

General Walker's leadership as Chief of the National Guard Bureau is the capstone of a distinguished career that prepared him for service as the director of this highly important portion of our military. I have known him personally for many years since he is a native of my home State of Mississippi. He is a graduate of Mississippi State University, which is also my alma mater. I have been privileged to watch closely as he has grown and developed over the years into an exemplary military officer. He has committed his entire adult life to the military, distinguishing himself through the years as he has moved up the leadership ladder.

Before coming to Washington as a special assistant to the Director of the Army National Guard in 1976, General Walker served as Assistant Adjutant General of the Mississippi National Guard. He did a splendid job in that position, providing leadership and direction to National Guard units in our State during a period of real advancement in quality and effectiveness. This is no reflection on the regular military, but it pleased me greatly to see results showing that some of these Guard units outranked the regulars in some contests. That shows that we have had outstanding leadership in the Guard, and that is a credit to General Walker and his lifetime service. I know that he always insisted on the best effort from everyone with whom he was associated, and he always gave the best.

I have seen his commitment in action through the years as he has come to me and other Members of Congress seeking new and better equipment for Guard units. He has made a good case, demonstrating clearly the need and the potential for Guard units to strengthen their contribution to overall defense. He has convinced many, and the impression he has made here has enhanced the reputation of the Guard. In all truthfulness, he has brought great honor and respect to the military uniform he has worn.

I know General Walker well enough to be sure that he will continue to find ways to serve his country, even as he leaves full time service. His commitment has never wavered through all these years. His example alone stands as a significant contribution to the future of our military strength. But many of the actions he has taken as a responsible and effective leader will continue to strengthen and reinforce our ability to defend our Nation. He has added significantly to the foundation upon which we will continue to build.

I am personally proud of the excellent career of General Walker, and I commend him for his willingness and determination to make a real difference. He has succeeded personally, and his efforts have brought us success in providing for our Nation's defense. We

will owe him a great debt of gratitude as he leaves this position with the distiction that has marked his career and with the satisfaction that comes from knowing that he has achieved much for the good of us all.

CORRECTION OF THE RECORD

Mr. DOLE, Mr. President, in the May 15, 1986, edition of the CONGRESSIONAL RECORD, there was a report filed listing expenses incurred by various Senators and staff during a trip that I led to the Far East from August 15–29, 1985. That report contained an inaccuracy in that it misstated the amount of per diem spent by Senator WILSON in South Korea. The amount listed was $1,168.70. However, the correct amount should have been listed as $168.70, which was spent by Senator WILSON during our 2 days in that country.

TRIBUTE TO CONGRESSMAN BILL NICHOLS

Mr. HEFLIN., Mr. President, several months ago, the Army decided to rename the Army Reserve Center located in Anniston, AL, in honor of Congressman BILL NICHOLS. It was my great pleasure to pay tribute to Congressman NICHOLS during the groundbreaking ceremony for the renovation and expansion of this facility.

The tremendous accomplishments and achievements which Congressman NICHOLS has made in many, many legislative areas are well known in the Chamber. It is with good reason that he enjoys the respect, admiration, and friendship of so many in both Houses of Congress.

Congressman NICHOLS is especially well-known for his outstanding military expertise and his continued support of our Nation's armed services. However, his support is not blind, as he is a leader in the fight against the military waste of tax dollars. He has also looked for ways in which to better the organization of our military leaders. The result of his efforts is a bill which passed both the House and the Senate by overwhelming numbers. This bill is aptly named "The Bill Nichols Department of Defense Reorganization Act of 1986."

Mr. President, very few people, and very few legislators have accomplished what Congressman NICHOLS has. I feel that we should all commend him for the great, unprecedented service which he has provided to his State, and Nation.

I ask unanimous consent that the speeches given in his honor at the groundbreaking ceremony be printed in the RECORD. I also ask that a congratulatory letter from President Reagan be printed, as well as the attached newspaper article for the Anniston Star reporting the groundbreaking ceremony, on July 13, 1986, and the attached newspaper article from the Washington Post with the headline "Mr. Reliable Becomes Mr. Fix-it."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF MAJ. GEN. WILLIAM R. BERKMAN AT BILL NICHOLS USAR CENTER GROUNDBREAKING

Senator Heflin, Mrs. Nichols, Congressman Nichols: It is a pleasure for me to be here today to honor in this very special way Congressman Bill Nichols, a patriot, statesman, and a vigorous champion of the armed services and their Reserve components.

For nearly 20 years Congressman Nichols has served with distinction as a member of the House Armed Services Committee. He supports our national security founded on a strong military structure—a military force dedicated to maintaining peace by deterring war and protecting our national interests.

This Army Reserve center expansion that we observe today will provide the facilities needed by members of the Army Reserve from the Anniston area to fulfill their mission as full partners in today's total Army. As a result of this expansion our soldiers will have more space for training, more space for mission planning, and more space for storing and servicing equipment. These improvements are clear evidence of the Army Reserve's commitment to the Nation and its people, a commitment to provide the tools and facilities our soldiers need to get the job done.

Congressman Nichols' years of dedication and service honor this center and the Army Reserve far more than we honor him. He has served our Nation faithfully and we know we will continue to do so for years to come. With his support, the Army reservists who train here will be better ready to meet the challenges facing them as citizen-soldiers. Those citizen-soldiers with important support of their families and employers, are essential members of the total Army team—a total Army upon whom our citizens rely for our national security.

SPEECH OF SENATOR HOWELL HEFLIN AT BILL NICHOLS ARMY RESERVE CENTER

Ladies and gentlemen, we come here today to pay tribute to a great soldier, a great American, and a distinguished Member of the Congress of the United States who is recognized as an expert on our national defense and who last but certainly not least, is a good friend of all of us here. It gives me great pleasure to have the opportunity to participate in this ceremony and to say a few words in his honor as well as to mark the official ground breaking ceremony for the renovation and expansion of a facility designed to strengthen the national security of our great Nation. This facility is further recognition of the importance of the Army Reserve and the dependency of this Nation on our Reserve units and reservists.

The United States Army has decided, and appropriately so, to name this new Army Reserve center here in Anniston in honor of Congressman Bill Nichols. While there are many compelling reasons why this reserve center should be named after Bill Nichols, I think it would be particularly appropriate since Congressman Nichols himself received his commission as a second lieutenant from the Reserve officers training corps program at Auburn University and served his country as a reserve officer on active duty in World War II and thereafter. This is just one reason that Bill Nichols has been such a good friend to the Army Reserve for so many years.

I think it is most interesting to note that the Third Transportation Brigade, the most senior unit which will occupy this center here in Anniston, most likely would not be in existence today if it were not for the actions of Bill Nichols. Eight years ago, when the Army had decided to dismantle the 405th Civil Affairs Group, they had no plans for a replacement. Bill Nichols intervened and convinced the Army that Anniston was the perfect location for the new Third Transportation Brigade which has since established itself as an outstanding U.S. Army Reserve command. Now, as a result of Bill's help, three major units will be located here at the reserve center—the 490th Chemical Battalion, two batteries of the Third Battalion Field Artillery and, as mentioned, the Third Transportation Brigade.

As you may know, Bill Nichols grew up in, and is still a resident of, Sylacauga, Alabama, which is about 50 miles from Anniston. After graduating from Sylacauga High School, Bill attended Auburn University where he excelled both academically and athletically. During his tenure at Auburn, he earned a football scholarship, lettered three years on the football team and was captain of the 1940 team. He was inducted into three honorary fraternities: The Blue Key, Gamma Sigma Delta, and the Scabbard and Blade. Auburn University awarded Bill Nichols a bachelor of science degree in agriculture in 1939 and in 1940 he earned a masters degree in agronomy.

Although Bill Nichols was offered a pro football contract after graduation, he chose instead to utilize his newly acquired skills in agriculture as assistant county farm agent in Autauga County. He planned to pursue a career in agriculture, but our Nation's involvement in World War II changed his mind. Bill entered the service in 1942 as a second lieutenant and was assigned to the Eighth Infantry Division as an artillery officer. Lieutenant Nichols distinguished himself in combat, seeing action in both France and Germany. On November 30, 1944, in the battle of the Hurtgen Forest in Germany, he was critically wounded. In 1947, Bill Nichols was promoted to captain. As a result of his achievements in battle, he was awarded the Bronze Star and the Purple Heart.

At the urging of his friends, Bill Nichols entered political life. He was first elected to the Alabama House of Representatives in 1959, and then to the Alabama State Senate in 1963, where the capitol press corps voted him "most outstanding member of the Alabama Senate" in 1965.

In 1966, after serving in the Alabama Legislature, Bill was elected as a U.S. Congressman from his east-central Alabama district. Following his re-election in 1968, he petitioned the House leadership for a seat on the Armed Services Committee. His request was granted and Bill has become a strong and effective leader on the committee.

Congressman Nichol's strong committee leadership has allowed him to spearhead a bill in the House, similar to one recently passed in the Senate, which will completely reorganize the Department of Defense. Such an immense undertaking could only have been accomplished by someone with Bill's knowledge of defense and the great respect he receives from his colleagues. It is for this reason that the House has honored him by naming this legislation, "The Bill

Nichols Department of Defense Reorganization Act of 1986."

His fervent patriotism has led him to support a series of Presidents, regardless of party affiliation, on military issues. As you know, Congressman Nichols has been an outstanding leader in the field of military compensation and has been, and continues to be, a strong defender of the military retirement system.

Bill Nichols is widely known in Congress and throughout all of our armed services as: "The friend of the Serviceman." In my judgment this is the highest tribute that can be paid a Member of Congress. He has always fought to give the military the equipment and supplies it needs to do its job. However, he has never given the Pentagon a blank check to do so and he has always insisted that the military use funds it is allocated both wisely and efficiently.

When it comes to being responsive and effective in serving his district, Congressman Nichols is one of the best in Congress. There are several major military installations in his district: Anniston Army Depot, Fort McClellon and a portion of Fort Benning. He has continuously fought for the funding and advancement of the vital programs which are carried on at these installations.

His service in Congress has not been limited to just national defense. He is regarded as one of the most well balanced Congressman in Washington. His leadership is felt in education, agriculture and in every field that affects our Nation. His faithful, beautiful and devoted wife, Carolyn, has been a big plus for him and her additional strength and balance has brought universal acclaim to the Nichols as one of the most delightful and informed congressional couples on Capitol Hill.

There are many reasons that we should honor Bill Nichols today with the groundbreaking of the Bill Nichols Army Center. This is a great tribute to a great statesman, soldier and patriot.

THE WHITE HOUSE,
Washington, DC, July 9, 1986.

Hon. BILL NICHOLS,
Anniston, AL.

DEAR BILL: I am pleased to send warm congratulations on the ground-breaking of the Bill Nichols Army Reserve Center in Anniston, Alabama.

You richly deserve this special honor for your years of service to the people of Alabama and the people of the United States. As an ROTC graduate of Auburn University, you served heroically during World War II, earning the Bronze Star and the Purple Heart. In Congress your work on the House Armed Services Committee has earned you a reputation as "the Serviceman's Friend" and as leading advocate for a strong national defense.

Nancy joins me in saluting you on this occasion and in expressing the fond hope that the Bill Nichols Army Reserve Center will further enhance the contributions of Alabama to our national security.

God bless you, and God bless America.

Sincerely,

RONALD REAGAN.

[From the Anniston Star, July 14, 1986]

U.S. REPRESENTATIVE BILL NICHOLS HONORED AT GROUNDBREAKING CEREMONIES

(By Ladale Lloyd)

As the 283rd Army Band played, distinguished guests and military officials tapped their feet Sunday afternoon from behind the red, white and blue grandstand at the Army Reserve Center on McClellan Boulevard.

The event marked the official groundbreaking ceremony for the Bill Nichols U.S. Army Reserve Center. U.S. Sen. Howell Heflin and Maj. Gen. William R. Berkman, chief of the USAR, were on hand, among other military and civilian dignitaries, to toss a little dirt and pay tribute to U.S. Rep. Nichols.

"It is because of his years of dedication, service and honor to the military and this center . . . we come here to pay homage to him (Nichols)," Berkman told the audience.

The event was in the parking lot of the center under the cover of canopies which blocked much of the scorching midday Sun. Breezes blew frequently, giving some relief to the almost 100-degree temperature. The military provided transportation from the Anniston Plaza parking lot to the center across the boulevard.

As the band played "The Star Spangled Banner," the military held a steady salute while the mostly civilian audience placed hands over their hearts.

Sen. Heflin, behind the push to name the center in honor of Nichols, gave the keynote remarks and tribute to Nichols, calling him the "leading expert on defense in the (U.S.) House.

"As" a result of Nichols' efforts, three major components of the reserves will be located in Anniston," Heflin said.

The $4.9 million structure will house 50 full-time military and civilian personnel and 300 reserves.

In addition to the 3rd Transportation Brigade and the 490th Chemical Battalion, Headquarters and Service Batteries of the 3rd and 15th Field Artillery from Fort McClellan will be housed at the center.

Work on the structure started around the first of April and is expected to be completed in September 1987, according to T.D. Hall, spokesman for the Sunday event. The existing structure will be expanded into a two-story building and a maintenance shop will be built, Hall said.

"This new center will give us the space and facilities to better train ourselves and maintain our equipment in a high state of mobilization readiness," said Brig. Gen. Richard F. Allen, commander of the 3rd Transportation Brigade.

After the groundbreaking ceremony, Nichols acknowledged those who withstood the heat and came to pay tribute to him. He jokingly promised not to keep them long in the heat since this is an election year.

"I'm proud that I live in a district that supports defense like we do," Nichols told the audience. "We support defense here, we don't protest the defense of this country."

Nichols said he felt he was "well on my way to a full recovery" from the heart surgery he had three months ago.

The program ended with Heflin reading a letter from President Reagan honoring Nichols and the center.

[From the Washington Post, Aug. 7, 1986]

MR. RELIABLE BECOMES MR. FIX-IT—OVER PENTAGON RESISTANCE, NICHOLS GETS MILITARY REFORM BILL PASSED

(By George C. Wilson)

Rep. Bill Nichols, a conservative Alabama Democrat, has been the Pentagon's Mr. Reliable on the House Armed Services Committee for almost two decades, supporting Defense Department brass on everything from budgets to bombers. Who would have thought he would become the biggest military reformer of them all?

But it was "The Bill Nichols Department of Defense Reorganization Act of 1986," named after him by his colleagues, that whizzed through the House Tuesday on a 406-to-4 vote in the form of an amendment to the fiscal 1987 defense authorization bill. The Nichols bill, hammered out over the past five years by the Armed Services investigations subcommittee, which Nichols has chaired for the past three, goes much farther in several key areas than the ballyhooed Senate military reform measure passed earlier this year.

The House bill, which the Pentagon fought strongly and still strenuously opposes, would not only strengthen the chairman of the Joint Chiefs of Staff, as the Senate version does, but also would make combat commanders far more powerful commanders far more powerful than they are today. The theater commander, under the Nichols bill, could decide how to prepare for a war and how to fight it if it started, could hire and fire deputies and could court-martial miscreants.

In one of its most radical reforms, the Nichols bill would also force mergers of now-rival staffs. For example, the civilian secretary of the Air Force and the uniformed Air Force chief of staff could no longer have separate research offices reporting solely to them. The two staffs would have to be merged into one office, and manpower cut by 15 percent of the combined total.

House Armed Services Committee Chairman Les Aspin (D-Wis.) said when the Nichols bill was on the floor that it was "a stronger bill, a better bill, and much more comprehensive" than the Senate military measure.

"That is due to the gentleman from Alabama," Aspin said of Nichols. Forging the bill "has perhaps even been the most difficult task in his public life. He has always been a strong supporter of national defense."

Nichols, 67, said in an interview yesterday that he is still a strong supporter of national defense and believes that the bill just passed by the House was long overdue. He said that national leaders since Dwight D. Eisenhower left the presidency have tried in vain to reform the Defense Department, only to be blocked by the entrenched bureaucracies.

Lawmakers who voted for reform have said that the combination of procurement scandals and the bombing of the Marine Corps barracks at the Beirut airport in 1983 emboldened Congress to force reforms on the Pentagon. Nichols, too, cited the bombing of the Marines in October 1983 as a major force in radicalizing him.

"I put in a little time in the service—combat time," said Nichols, who still walks stiffly because of the wound he suffered when a mine exploded under him during the World War II battle for the Hurtgen Forest in Germany. Nichols was a lieutenant with an artillery battery supporting the 8th Infantry.

Nichols told of visiting the Marines in Beirut before the October attack; he and other members of his subcommittee did not like what they saw. "We were worried about their defenses and said so at the time," Nichols said.

But the House subcommittee warning was unheeded until a lone terrorist in a truck loaded with explosives penetrated those defenses and killed 241 servicemen. "That pic-

ture became indelibly printed in my mind," Nichols said, and drove him toward reform of the military chain of command.

"Here was General [Bernard] Rogers responsible for what happened in Beirut, but with no authority to tell the Marines how to defend the airport and themselves," Nichols said.

"Rogers was the European commander and the Marines were his responsibility, but the Marines reported back to their own commanders. Rogers today is responsible for the defense of Europe, but doesn't even have the authority to say where the ammunition should be stored. The same thing was true of Vietnam and Grenada. The CinCs [commanders in chiefs] had the responsibility for the battle but their hands were tied.";

Nichols predicted yesterday that the House and Senate will work out a compromise bill that will still be opposed by much of the Defense Department, but that will actually make it easier to fight the half-wars like the one the Marines lost at the Beirut airport, the small wars like Vietnam and the big wars like World War II.

A TRIBUTE TO MARGARET BELL ERVIN

Mr. BROYHILL. Mr. President, the town of Morganton, NC, and the entire State of North Carolina has lost its most loved Margaret Bell Ervin, wife of the late Senator Sam Ervin Jr., who died August 14, 1986, 1 month short of her 88th birthday. Miss Margaret, as known by the Senator and her closest friends, was the ideal wife and mother and provided a serenity and peace-of-mind for Senator Sam. Miss Margaret and Senator Sam were together for 62 years. He was an aspiring country lawyer studying at Harvard Law when he met his bride in his hometown of Morganton.

Miss Margaret was a kind and gentle woman who had the capacity to make everyone feel comfortable. She was the type of person that we all aspire to be. She could walk with kings yet never lose her common touch and the legacy that she leaves behind will continue to live in everything she touched. She will live in all of our hearts—she lives in her children and the people they touch as well.

Miss Margaret was a busy woman who was active in the community. She was a member of the Daughters of the American Revolution, the North Carolina State Society, and a leader in the Congressional Wives Club. Although she spent over 25 years in Washington supporting her husband through his years as a Representative and then a Senator, Morganton remained her beloved home and upon the Senator's retirement they returned there to continue serving North Carolina.

Miss Margaret will be missed by all of us, but especially by those who meant the most to her—her daughters Leslie Hansler and Laura Smith, her son Judge Sam Ervin III and her seven grandchildren. But all of us can be content knowing that our dear friends Senator Sam and Miss Margaret are together once again.

APPOINTMENT ON BEHALF OF THE VICE-PRESIDENT

The PRESIDING OFFICER (Mr. D'AMATO). The Chair on behalf of the Vice President, in accordance with Public Law 90-206, appoints the following individual to the Commission on Executive, Legislative, and Judicial Salaries: Mr. Russell W. Meyer, Jr. of Kansas.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. STAFFORD). Is there further morning business? If not, morning business is closed.

COMPREHENSIVE ANTI-APARTHEID ACT OF 1986

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 2701) to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes.

The Senate resumed consideration of the bill.

Mr. WALLOP. Mr. President, from the time allotted the Senator from Wyoming, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. WALLOP. Mr. President, I rise because the sponsors of the pending amendment are not here and it is time that we moved on with the business of debate.

Later, at an appropriate time, I will be introducing two amendments. My purpose now in rising is to debate those amendments and so, to that end, I will describe them in detail and at the appropriate time, introduce them. It is my hope that debate will be essentially done and time will have been saved.

Mr. KENNEDY. Mr. President, will the Senator yield for a brief question?

Mr. WALLOP. I yield.

Mr. KENNEDY. Even though the Senator from Delaware is not here on this particular amendment, I must say I am very familiar with it.

Whenever the Senator wants to engage in debate or discussion, I will give him assurance that in the absence of the Senator from Delaware, we are quite prepared to debate and discuss it.

Mr. WALLOP. I guess the Senator from Wyoming is unaware of the necessity of the presence of the Senator from Delaware. I am not even certain the Senator from Massachusetts knows which amendment whereof I speak.

Mr. KENNEDY. I thought in the earlier comment the Senator mentioned since the amendment of the Senator from Delaware would be the first one to be offered on this side, some reference was made to his absence.

Mr. WALLOP. No.

Mr. KENNEDY. If not, I apologize.

Mr. WALLOP. If the Senator from Massachusetts would forgive me, either I misspoke myself or he misunderstood me. I am talking about amendments which I intend to propose.

Mr. Kennedy. I thank the Senator.

I express my apology.

Mr. WALLOP. Mr. President, I will read the amendment which I intend to offer because, by reading it, I essentially will have conducted most of the debate. My purpose in raising it is not to make mischief but to determine whether or not the Senate's purpose is indeed a moral exercise expressing indignation about practices of governments or whether it is in fact not a moral exercise but merely a political exercise; whether our myopia is such that we can see but one evil in the world at a time; whether our myopia is such that we can see one political opportunity at a time; whether our myopia is such that we, in fact, cannot contemplate moral decisions.

I would hope that is not the case but I am under no illusions that that is precisely the case.

I am going to read this amendment because it is obvious what it seeks to do.

At the end thereof, add the new following section: The protection of human rights in the Soviet Union. Notwithstanding any other provision of law, the provisions applicable to South Africa under this act shall be equally applicable to the Soviet Union. For purposes of this section, the President shall consider practices by the Soviet Union that deprive citizens of their human rights and of full citizenship on the basis of religion, class, race, or national origin including but not limited to the following:

Mr. President, the following provisions are taken from section 101 of the bill in front of us and the principles apply, I hope, to the rest of the world.

Including but not limited to the following: The deliberate restriction on the right to live and work in accordance with one's wishes, including the restrictions on the right to form free labor unions.

I ask my colleagues where, in the Soviet Union, there is the right to live and work in accordance with one's wishes, and where, in the Soviet Union, there is unrestricted right to form free labor unions?

Two: Denial of meaningful democratic participation in the political process by a majority of the population.

Who in the Senate is going to claim to me that the population of the Soviet Union has meaningful democratic participation in the political

process by a majority of the population? Candidates are restricted.

□ 1010

Candidates are restricted to membership in the Communist Party. There is no multiparty system in the Soviet Union and the vote is in accordance with the directions of candidates selected directly by the Communist Party. So not only must they be members of the Communist Party, but indeed they have been selected by the ruling clique of the Soviet Union.

3. The consignment of most citizens to economic, religious, or cultural deprivations.

Who in this Senate will say to the Senator from Wyoming that the Soviet Union does not consign most of its citizens to economic, religious, or cultural deprivation? Who in this Senate will tell the Senator from Wyoming that there is free exercise of religion in the Soviet Union? Who in the Senate will tell the Senator from Wyoming there is no prejudice against Jewry in the Soviet Union? Who in this Senate will tell this Senator that the rights of racists in the Soviet Union are in excess of the rights of racists in South Africa?

4. The denial of citizens of the right to travel in their country or abroad.

Now is that not a good one? Who in the Senate is going to tell the Senator from Wyoming that Soviet citizens can travel where they wish, can leave the country at will, can travel within their country without visas for internal travel, indeed, without passports for internal travel? Who is going to tell me that there is the Soviet equivalent of Bishop Tutu, traveling the world speaking against the Government of the country he represents?

Who in the Senate is going to tell the Senator from Wyoming that we, in this country, can go to the Soviet Union and tell its people of the deprivations and speak against that country inside the Soviet Union? Who is going to tell me that the rights of South African citizens are more restricted than those of the citizens of the Soviet Union?

Please, offer yourself if there is such an argument to be made.

5. The denial of property rights supposedly guaranteed by local law.

Who in the Senate is going to tell the Senator from Wyoming about property rights guaranteed by local law in the Soviet Union or indeed in any of their satellites? Who will rise to make this argument?

6. The effective deprivation of rights enjoyed by others in whole or in part on the religion, class, race, or national origin of any individual or groups of individuals.

Who will tell me that in South Africa the restrictions or the effective deprivation of rights is more severe than they are in the Soviet Union?

So, Senators, what is our purpose here? Is it to be morally outraged about the treatment of citizens by governments or is it to be morally outraged by treatment of citizens by one government?

Why is it that we, why is it that we in the Senate have just voted to send subsidized grain, paid for by the American taxpayers, to the Soviet Union, who, along the way, just happened to have violated the contract that they made with the Government of the United States to accept delivery of grain at market prices?

No; for their deprivation of rights, they do not receive our moral indignation. They get rewarded.

Now our bill seeks the release of Nelson Mandela. But our bill does not seek the release of Dr. Sakharov. Our bill is silent on the dreadful deprivation of rights of a Nobel Peace Prize winner and his wife.

I happen to be one of the Senators who sits on the Committee for Security in Eastern Europe, the Helsinki Commission. Though the Soviet Union is a signatory to the Helsinki accord, I do not have an equivalent to me to talk to in the Soviet Union. They are in jail or in psychiatric wards or in exile in Gorky. But, oh, no, the Senate of the United States has rage but for one country of the world—only one and one alone. We middle-class white Senators are expressing outrage only about the treatment of blacks by whites, not of whites by whites; not of blacks by blacks; not of whites by yellows, or any other thing.

We have but one rage at a time. We have the vision of small men, the outrage of moral principles, little people exercising politics, not morality; little teeny men saying that it only hurts if you are abused by a white and your skin is black. It does not hurt if you are black and abused by a black.

The sanction bill abhors the denial of rights of South African blacks to participate equitably in the South African economy as managers or owners of business.

Who would tell me about the rights of citizens in the Soviet Union to participate as managers or owners of business, and especially who would even gain a position of managership under the state without his belonging to the Communist Party?

We have a prohibition on loans or credits to the Government of South Africa, though we have spent billions subsidizing the economy of the Soviet Union and its European clients. We have a prohibition on air transportation with South Africa at a time when we have just lifted the ban on Aeroflot landing rights in the United States. Aeroflot, the official airline of the Soviet Union, is run by a government that has demonstrated more than once its disrespect for free and unfettered international air travel. But, oh, no, we reward them because they are Communist.

Is it our purpose to achieve another Communist nation? Is that what we are up to? Would South Africa spare itself this misery of judgment if only it would declare itself Communist and then be outside the judgmental rule of the Congress? I doubt it.

We are talking to a population that is not black and does not live in Africa. We are talking to a population that is liberal and lives in America. We are trying to salve our little consciences at who cares what the cost of the people in other countries. If it suffocates them, so what? We will feel better.

I get more disrespect as the days go by for a Senate which cannot see that the horizons of bad government practices in the world are greater than just the tip of one continent.

We prohibit United States investments in South Africa. Shall we also prohibit further United States investment in the Soviet Union? Shall we muzzle Armand Hammer, the great apologist for communism? Shall we return Pepsi-Cola? Shall we ask Italy to shut down Fiat? Oh, no, no.

□ 1020

Why? Because we are frightened of the Soviet Union? We are not frightened of South Africa.

At any rate, Mr. President, that is the first of my two amendments. It simply asks us to apply the same standard to another country in the world which treats its citizen in no respect the tiniest bit better than those citizens of South Africa. My apology is not for a system of apartheid. I find it as repugnant as does every Member of this Senate, and as does every citizen of the United States who enjoys freedom. But I am asking us to be somewhat more responsible in our expression of rage, a little less narrow-minded, and a little more consistent.

Mr. President, the second amendment would merely apply to the continent of Africa the requirements that we seek to apply to the tip of Africa.

I wonder why that would be wrong. Does the Senate know that there is slavery in countries of Africa, that there are people in Africa, blacks, who trade other blacks into slavery to Saudi Arabia and other places? Does the Senate know that? Does the Senate find no reason to care? Does the Senate really assume the appallingly racist attitude of "what else can you expect" from black ruled countries? I expect more. Blacks expect more.

Mr. President, I yield myself 6 more minutes.

The PRESIDING OFFICER. The Senator has a right to do so.

Mr. WALLOP. We are talking about rights, I assume. We in America believe that all men are created equal

and that all men are endowed by their Creator with certain rights. Do we assume that when we transfer that overseas that our passion for rights narrows? Can we assume that is the case? I hope we cannot assume such a thing.

The advocates of these economic sanctions have abandoned their arguments that they will stop apartheid or that they will help peoples of all races—Indians, coloreds, and Asians—in the Republic of South Africa. It seeks in the most populist way, according to its sponsors, to create a system of one man, one vote. I would point out to the people of the country and the Senators of the United States that our own history provides for the protection of minorities. If we had one man, one vote in this county, there would be some sort of reverse apartheid, and make no mistake about it, when we had that and before judgments came down from the Supreme Court, Jim Crow was the result of one man, one vote. Jim Crow was the result of one man, one vote. We are seeking to establish an Athenian democracy in that country, where we know it will not work, where tribes conflict with tribes, and in other countries of Africa where tribal minorities rule tribal majorities.

I sublimely guess and know it is the case, that when we go to the ocean seeking certainly to jump in, drown ourselves along with our sorrows, and when we see what we have done, we will blame it on somebody, anybody but those nearest.

We cheapen our commitment to human rights if we do not accept one or both of these amendments, particularly the one about the rest of Africa. Why should we find it amusing what other countries of Africa do to themselves? Why should we find Ethiopia's incredible starvation of its own people, forced resettlement of its own people amusing? Why should we find that unworthy of the criticism of the rage of Americans? I guess because it is not chic, radically or otherwise, to be anticommunist or to care about what happens to families, workers, advocates of democracy in other countries in the world.

Let us look at Angola, a one-party Marxist-Leninist state that received $1 billion in military assistance from the Soviet Union last year, who has Soviet advisors running its attempt to crush a popular revolt, and requires the presence of Cuban mercenaries in its country. Thirty-five thousand of them. Let us listen to what the State Department says about human rights practices in Angola. Two of the most persistently and frequently reported charges of human rights violations have been arbitrary arrest and imprisonment without due process. Does the Senate mind? Of course not. The Senate is full of small minds.

Numerous reports allege that individuals are arrested, imprisoned on suspicion or denunciation by others, and in some cases held for years without charges being filed against them. The 1984 Amnesty International report stated that unofficial sources estimated that more than a thousand political detainees were held in Luwanda and provincial capitals. What happens to these political prisoners? The Department of State goes on to report:

Persistent allegations have been made of torture and mistreatment in Angolan prisons, but information is insufficient to determine the extent to which torture is practiced. Prison authorities reportedly have wide latitude in the treatment of prisoners. Treatment of political prisoners in the prisons controlled by the ministry of state security is alleged to be harsher than treatment in the regular prisons. Mistreatment reportedly includes solitary confinement, confiscation of personal effects, physical intimidation, including beatings and threats, and prolonged interrogation with the use of force.

What else does the report say about Angola? That it runs the media and censorship exists, that defendants are not allowed to defend themselves, that freedom of assembly is denied, and that independent trade unions are not allowed. Does that concern the Senate? Of course not. The Senate is not full of people with hearts large enough to see beyond one country at a time.

Mr. President, 200,000 Angolans have taken refuge in Zaire since 1975, and another 73,000 in Zambia. A total of 400,000 have left since independence. This contrasts sharply, Mr. President, with the persistent immigration of blacks into South Africa.

Mr. President, let us look at Ethiopia, a budding worker's paradise. What does the State Department have to say about the treatment of blacks in this country?

Ethiopia's record on human rights is deplorable, and 1985 saw no improvement. The country remains without civil and political freedoms and without institutions or laws to protect its citizens' human rights. The provisional military government of Socialist Ethiopia maintains complete control over the media, labor, education, internal and external movements of Ethiopian citizens, and all political process.

Persons expressing opposition to the regime or suspected of not supporting it are routinely arrested by security police and subjected to torture in varying degrees; some executions have been reported as well.

Contrast that, Senators, with the Supreme Court in South Africa which recently found its Government had overstepped its authority and ordered it to stop.

Does this Senate claim that the rights of Ethiopians exceed those of South Africa? I doubt it. They would just ignore it because it does not hurt as much.

We worry about South Africa's resettlement program. And I do. It is repugnant. What about the massive resettlement program of the Government of Ethiopia with considerable loss of human lives that was carried out involuntarily? This is the most reprehensible form of abuse.

□ 1030

So we go on, Mr. President. Countries with slavery, countries that abuse their own citizens all over Africa.

Those are my two amendments. I have no illusions about what the managers of the bill will do. They will agree that these are deplorable situations, but they are beyond the reach of this paltry band of Senators. We cannot do anything about the Soviet Union. They are too threatening. Besides, they have nuclear weapons. So if we raised our voices in protest, we might regret it.

I will tell the distinguished chairman of the Foreign Relations Committee, that is the context of the two amendments. They are not complex or devious. They seek to say that when America speaks on its outrage about human rights abuses, it speaks with one mind.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WALLOP. I thank the Chair.

I would ask the distinguished chairman if he would like some of my time for debate or would he prefer, I just yield the floor?

Mr. LUGAR. At the moment we are attempting to prepare a program which, we hope, will include the statement of the Senator from Wyoming shortly. The first amendment is to be offered by a Democratic Senator. Then if the Senator would be able to, he could offer his amendment.

Mr. WALLOP. I just wondered whether the distinguished chairman might be able to accept one or the other of these amendments.

Mr. LUGAR. Let me examine them further. Perhaps I can make a further comment during the day.

Mr. WALLOP. I have said my piece, I will say to the distinguished chairman. I am only trying to save the Senate's time and get to the point where the Senate can vote on things. And not just on mine. I am not trying to step out of order. But we do have a long day before us. We may as well use the time available to us.

Mr. LUGAR. I appreciate the Senator's willingness to accommodate, but I would like to proceed in order.

Mr. WALLOP. I do not see the Senator from Delaware here, or any other Senator. I will speak later, for perhaps 1 minute.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I suggest the absence of a quorum with the time to be equally charged against the bill on both sides.

The PRESIDING OFFICER. Without objection, the request is granted. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I also ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside.

AMENDMENT NO. 2749

(Purpose: To modify provisions relating to the imposition of additional measures against South Africa after one year)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], proposes an amendment numbered 2749.

Mr. BIDEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 82, strike out line 16 and all that follows through line 14 on page 84, and insert in lieu thereof the following:

SEC. 501. (a) It shall be the policy of the United States to impose additional measures against the Government of South Africa if substantial progress has not been made 12 months after the date of enactment of this Act in ending the system of apartheid and establishing a nonracial democracy.

(b) The President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate 12 months after the date of enactment of this Act a report on the extent to which substantial progress has been made toward ending the system of apartheid, including—

(1) whether the Government of South Africa has taken the actions listed in paragraphs (1) through (5) of section 313(a);

(2) whether the Government of South Africa has taken any action which would have the effect of undermining or nullifying any action taken by the Government of South Africa under paragraph (1); and

(3) an assessment of the progress, or lack of progress, made in reaching a negotiated settlement to the conflict in South Africa.

(c) If the President reports pursuant to subsection (b) that the Government of South Africa—

(1) has not taken the action described in paragraph (1) of section 313(a),

(2) has not taken three of the four actions listed in paragraphs (2) through (5) of section 313(a), or

(3) has taken any action which would have the effect of undermining or nullifying any action taken by the Government of South Africa under paragraphs (1) through (5) of section 313(a),

then the prohibitions contained in subsection (d) of this section shall take effect.

(d) Effective on the date that a report containing any of the findings described in paragraphs (1) through (3) of subsection (c) is transmitted or, in the event that no report required by subsection (b) is transmitted, on a date 12 months after the date of enactment of this Act—

(1) no iron extracted in, or steel made in, South Africa may be imported into the United States;

(2) no food or other agricultural product grown or produced in South Africa, and no diamonds mined in South Africa, may be imported into the United States;

(3) no United States despository institution, within the meaning of section 19(b)(1) of the Federal Reserve Act, may accept, receive, or hold any deposit account from or/on behalf of any South African entity or national;

(4) no strategic mineral extracted in South Africa may be imported into the United States except for any strategic mineral for which the President certifies to the Congress that quantities of such mineral which are essential for economic or military uses exceed reasonably secure domestic or international supplies of such mineral and that substitutes for such mineral are not available; and

(5) no military assistance may be furnished to, or cooperation undertaken with, those countries that the report required by section 507 identifies as continuing to circumvent the international embargo on arms and military technology to South Africa.

On page 78, line 9, strike out "sections 501(c) and" and insert in lieu thereof "section".

On page 78, lines 23 and 24, strike out "or sections 501(c)".

On page 88, line 15, strike out "313(b), 401(d), and 501(d)" and insert in lieu thereof "313(b) and 401(d)".

On page 89, line 22, strike out "313(b), 401(d), or 501(d)" and insert in lieu thereof "313(b) or 401(d)".

On page 90, line 24, insert "and" after "blank;".

On page 91, beginning on line 11, strike out "and" and all that follows through the period of line 22.

Mr. BIDEN. Mr. President, I understand under the time agreement that we reached with unanimous consent late last night, that this amendment has 30 minutes equally divided. Is that correct?

The PRESIDING OFFICER. The Senator is correct, 30 minutes equally divided.

Mr. BIDEN. Mr. President, my colleagues have a number of amendments on this very important and controversial piece of legislation. This is but another. I hope it will be viewed by my colleagues as a serious step to correct what I think is a serious deficiency in the pending legislation.

Three days ago at his press conference in Illinois, President Reagan reaffirmed his categorical opposition to sanctions saying, "They would not be helpful."

Mr. President, the amendment that I have offered today is designed to deal with what is, I believe, the majority opinion in this body. That is the fact that sanctions are helpful and are necessary. And to change, or attempt to change legislatively, the President's disposition on this matter.

Mr. President, I would like to give a little background, if I may, on what the bill as reported by the committee now contains.

Section 501 of the bill now before us would:

First, direct the President to report to the Congress within 1 year of the date of enactment on what progress, if any, has been made in the dismantling of apartheid; and, second, in the case of insignificant progress, to recommend what sanctions, if any, should be imposed; and, third, the recommendations the President is to make, in the absence of significant progress, are to be drawn from a list of measures set forth in section 501.

□ 1040

To recap that, we are saying in this legislation that a year after the enactment of this legislation, the President reports to us on what progress has been made; and if certain progress has not been made and he cannot certify to us that it has been made, then he has an option. The President can draw from a list of measures which include the following: prohibition on the import of iron or steel from South Africa; prohibition of the import of food or other agricultural products and diamonds; prohibition on South African bank accounts in the United States; prohibition on the import of strategic minerals except for those which the President certifies cannot be secured elsewhere; and prohibition on military assistance or cooperation with countries identified in the Presidential report as continuing to circumvent the international embargo on arms and military technology to South Africa.

That is the list from which the President of the United States can choose. He can say that there has not been sufficient progress, and that as a consequence, "I am now," 1 year from the date of passage of this, "going to add those additional prohibitions."

In light of the President's clear and stated opposition of sanctions, I think that the language we have placed in the legislation is not very meaningful and the attempt of the Senator from Delaware is to say that if the President cannot certify that significant progress has been made, not only can he but he must—he must—a year from this date impose those additional sanctions.

The so-called Biden amendment establishes a timetable so that the threat of future sanctions in section 501 of this bill has some credibility.

Because of the President's categorical opposition to sanctions, there is little if any reason to believe that the South African Government will take seriously the possibility that the President will recommend additional sanctions after a year's time. As a result, the threat of future sanctions embodied in section 501—as it is now written—lacks any real credibility. My amendment would restore or attempt to restore credibility by establishing a timetable which would put the South African Government on notice now that more sanctions will be triggered automatically if it does not take major steps toward ending apartheid within the period of the next year.

The specific amendment would impose additional sanctions 12 months after the date of enactment of this bill if the President reports to Congress that the South African Government has failed to take steps required under section 313(b) of the bill.

Those steps are as follows: One, the release of Nelson Mandela and other political prisoners and three out four of the following steps: Repeal the present state of emergency and release of detainees; unban democratic political parties; repeal the group areas and population registration acts; and publicly commit itself to good-faith negotiations with truly representative black leaders without preconditions.

My amendment also provides for the automatic imposition of sanctions if the President reports that the South African Government has taken these steps but has undermined or nullified them through other actions. By creating a timetable for the imposition of sanctions, we create, in my view, a credible threat. We give the South Africans ample time to remedy the situation, but we also make clear that we are serious about our commitment to helping bring about an end to apartheid.

This amendment keeps the pressure on the South African Government to take concrete actions that would speed an end to this repugnant system of discriminatory action by the South African Government based on the color of a man's or woman's skin. The sanctions to be automatically imposed if South Africa fails to meet the standards set out in this bill before us are as follows:

First, a ban on the importation of iron and steel; second, a prohibition on the importation of agricultural products, food and diamonds; third, a ban on opening of South African bank accounts in the United States; fourth, a ban on the importation of strategic minerals from South Africa except for those certified by the President as critical for economic and military use; and, fifth, a ban on military assistance and cooperation with any country identified under section 507 of the bill as circumventing the international arms embargo on South Africa.

This amendment, Mr. President, by creating a credible timetable for U.S. sanctions, would strengthen the bill substantially. I wish to make it clear to the victims of apartheid and the international community that looks to America for moral leadership and guidance that the United States has a long-term sanctions policy to expedite the dismantling of apartheid by putting real pressure on the South African Government to take specific steps toward change.

I would like to make one final point, but before I do I ask the Chair how much time is remaining on my 15 minutes.

The PRESIDING OFFICER. The Chair advises the Senator he has 6 minutes remaining.

Mr. BIDEN. Mr. President, the final point I would like to make relates not to the amendments specifically but to some of the talk we have heard on the floor in the last couple of days from some of my distinguished colleagues. Yesterday, and again this morning, we heard on the floor a remarkable interpretation—in my view remarkable—of the reasons that underlie the sanctions policy on which the Senate is now embarking. I was deeply concerned by that statement and I believe it must be addressed. It was made here again this morning.

We were told by several of my colleagues, one in particular, that sanctions represent the policy of "moral hypocrisy," shaped by white and middle-class Senators who are now engaged in "a disgusting and corrupt act of pandering to American blacks and liberals." That was the phrase, if I read the RECORD correctly, that was used.

We were also told yesterday and, in some degree this morning, that the dominant white regime in South Africa should be thought of as being the spiritual kin to the "American frontiersmen."

We were told that it is those who oppose sanctions who are truly concerned about the blacks in South Africa.

Finally, we were told that the policy of imposing sanctions is fundamentally racist—racist because if it were not blacks who were being oppressed in South Africa, if there were not a black political constituency in America, the Senate would not care. So the only reason we are here is that we have black Americans who make up a significant portion of this population and it is blacks who are being oppressed in South Africa. We are told that is the only reason we are acting here.

Mr. President, it had not occurred to me that the subject of racism in America should have a place in this debate. I have not accused the administration, nor has anyone else that I am aware of, of racism for its adamant resistance to sanctions and I, quite frankly, find it deeply saddening and certainly ironic to hear the charge of racism leveled at those who support the policy of sanctions.

This administration has enunciated a policy of support for people around the world struggling to be free. It is called the Reagan doctrine. Why is it—I ask those who would call sanctions racist—that the Reagan doctrine does not apply to the blacks of South Africa, who—in their numbers and the horrifying policies of apartheid under which they live—represent the most powerfully significant liberation struggle in the world today?

Mr. President, this country—our own country—has over the last 40 years undergone a revolution in race relations. We recognize racism when we see it. What we see now in South Africa is, in extreme form, what we ourselves experienced: a system of laws and habits that have the effect of oppressing a whole people because of color. Motivated by our own experience with racism, and by a conviction that the races can live peacefully in coexistence, we are now acting to bring American leadership to bear on behalf of South African blacks struggling to be free.

I would not call our actions racist; I would call it racist if we failed to act.

The PRESIDING OFFICER. Who yields time?

Mr. PELL. Mr. President, I support the amendment of the Senator from Delaware. I think it fills a gap. It tightens the bill. I recommend that my colleagues support it.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. I yield myself such time as I may require.

Mr. President, I appreciate the amendment of the Senator from Delaware, because he has been a careful student of the sanctions procedures and certainly is a well-informed and valuable member of our committee process.

It will just respond to the Senator as to the problem I see with the amendment, and perhaps it is an unintentional one, because this is arguable. The basic problem is that the flexibility given to the President of the United States in the bill—namely, to identify the progress at the end of the year, to select various sanctions that might be appropriate—that flexibility is removed.

Essentially, the purpose of the Senator from Delaware, as I gather it, is to argue that President Reagan has not shown enthusiasm for imposing sanctions on South Africa; and I think the Senator would probably state it more strongly than that, as he has cited various press conference and various statements. Given the reluctance of

our President to get into this business, the Senator is arguing that it cannot be left to chance. In other words, when we get to the end of a year, if progress has not been occurring in the four out of five criteria, or any progress at all, there should be no shilly-shallying around at that point. We should get on with it and impose the rest of the sanctions in section 501.

Mr. President, I cannot support that idea, and I should like to engage the Senator from Delaware in a colloquy, if I may. I know that this time is very limited, so he may use my time in responding.

I simply want to see this time to reason a bit about the bill. Essentially, one of the reasons why the President of the United States was opposed to the legislation we passed last year was that it limited his flexibility in its year-after period.

The Secretary of State, George Shultz, made the point to me and others that the reason why the President proceeded with an Executive order was that this preserved the President's options. He was the one who took leadership and should have opportunities to move beyond that.

Members may be critical as to whether the President has been doing precisely what we think he should do; and, indeed, this legislative body today may impose very substantial sanctions and impose them immediately, quite apart from the ones that are a year down the trail.

I do not know what the President's response will be to the legislation as a whole. I anticipate that the President's response to this particular amendment would be severe, because at this point we get into Presidential prerogatives and his ability to have some flexibility in the future. So whatever he may have thought of particular sanctions, his thoughts about President prerogatives probably take us into a different order.

The Senate finds it difficult to proceed if we are negotiating on so many different levels. I have been candid with the Members that I hope that, as the day begins, I think we still have a bill, before we start amending it this morning, that is going to get a very substantial vote of the Senate; and it speaks loudly that we have this kind of a vote—it speaks loudly to our administration, to the South Africans, to the world.

I am not suggesting that the adoption of the Senator's amendment is going to diminish the vote. I do not know what the margins will be. At this point, I am speaking to the relationship we have with the Chief Executive, the President. I do not know whether there is a possibility that the President may sign South African legislation. I do not know whether that is a possibility. I am suggesting that when we get into Presidential prerogative situations, the chances of that occurring diminish very substantially, even if we leave the sanctions thing off altogether and simply deal with the constitutional relationship we have.

Therefore, I plead, in a way, with the Senator from Delaware to relent with the amendment. I understand his point. We have, of course, a number of sanctions immediately, a whole list of things that could occur later.

I argued yesterday that we do not know whether the addition of specific sanctions makes any difference—in other words, if the President put all these things on a year from now, or half of them, or the Senator's amendment was adopted and automatically they occur—whether that makes any difference to the proposition. But I think it makes a difference in terms of our constitutional relationships, and it is this problem I want the Senator to address.

Mr. BIDEN. Mr. President, as usual, I think my colleague from Indiana goes to the heart of the matter. I will not be gratuitous when I make the following statement: Frankly, I would not have made as much progress were it not for his leadership.

I say to my friend from Indiana that I realize that we have already trespassed on the President's prerogatives in a broad sense. It could be argued and has been argued by the President that we should leave the entire matter—the initial imposition and the future imposition of sanctions, if any—to the President's discretion.

This body has made a judgment—or is about to make a judgment, I believe—that on the first question of whether or not we should leave to the judgment of the President whether or not to impose sanctions at this moment, we are not going to allow him the discretion of making that judgment. We are going to say, I suspect, before the day is over, that the President does not have that flexibility, that he must apply the sanctions.

To the extent that we have invaded the President's area and prerogatives by the first imposition of sanctions, I suggest to my friend that this additional invasion, if you will, is not of any constitutional consequence, because it is designed not so much to send a message to the President as it is to send a message to the Afrikaners.

My concern is this, I say to the Senator: We come forward today with a set of sanctions, and the Afrikaners go out there and say: "All right, we know that if we can hold out for a year, the President of the United States is not going to renew this policy, or he is not going to impose traditional sanctions, because he stated his forthright opposition to them."

If we have in the bill a continuation of the first step we have taken, which is that it is mandatory, then I think it has a greater impact upon what they may or may not do during the intervening year.

The last point I make in response to my friend—and I appreciate his giving me the opportunity to answer the question in full—is that we do not remove the flexibility from the President to determine whether or not the progress has been made. It is a judgment he will make and recommend to us. But if the President comes forward and says that progress has not been made, then from that point on we do remove the flexibility, in the sense that he then must impose additional sanctions.

□ 1100

I guess what I am trying to say to my friend from Indiana is that we have already crossed that threshold of invading the executive's prerogative in the first instance, and this additional invasion, to put the best light from my perspective onto the Senator's argument, is helpful and not hurtful once you have crossed the first threshold.

Mr. LUGAR. May I ask the Senator would all of the list of sanctions be imposed automatically or is there a discretion left with the President that he may employ some of them?

Mr. BIDEN. He must impose all of the sanctions listed. Would the Senator like me to read them?

Mr. LUGAR. I understand the list.

Is it conceivable that the Senator would be willing to modify his amendment to give the President the flexibility to adopt some of the sanctions? In other words, my general judgment by the end of the day and the ending of all of the amendments ahead of us, we may have additions to these ones and these are the immediate sanctions; list two, these are ones a year down the road. We may have a pretty hefty list.

Even if the Senator's argument is correct as he stands here at this hour this morning, he may find that this amendment has triggered in much more than he anticipated by the end of the day.

Mr. BIDEN. That could be, but I am prepared to say to my friend that this amendment would not lock in any other than the five particular sanctions that are mentioned.

The sanctions that we in fact have in the bill that our committee has reported are the only ones that I take and move over into the category of "shall" rather than "may."

So notwithstanding the fact that unless, and I may be wrong—I ask my colleague to correct me if I am—as I understand it if this amendment passes notwithstanding the fact that we may put additional sanctions in today that would be triggered immediately, my amendment would not automatically trigger them a year from

now or any of the other ones. It would only trigger the five specific sanctions that I speak to in the legislation.

Mr. LUGAR. I thank the Senator.

I yield 2 minutes to the distinguished Senator from Vermont who wishes to debate on this amendment.

The PRESIDING OFFICER (Mr. BROYHILL). The Senator from Vermont is recognized for 2 minutes.

Mr. STAFFORD. Mr. President, this really is just a general observation. I do intend to vote for the legislation that is pending in front of the Senate at the present time as it now exists.

I have listened very carefully to the amendment offered by the very able Senator from Delaware.

I have to say that sometimes in recent nights when I have been having trouble sleeping even during the short hours that we had available to us the thought has occurred to me that maybe in this country with farm surpluses and yet hunger, with banks in trouble more than they have ever been since I can remember back in the 1930's, with all of the problems we have in the environment, the water, the air, the stratosphere, the ground, with the deficits that we are experiencing in trying to operate our National Government, with the trade imbalances that are now becoming I think a great danger for this country, the thought occurred to me that maybe if we could run our own country better than we seem to be doing. Nations that we are telling that they ought to emulate our example in many ways probably would be much more willing to do so if we were just doing a better job of it here in the United States.

That is my thought for the day.

Mr. PELL. Amen.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I thank the Senator for his wisdom.

Mr. President, I suspect that I have exhausted really the basic argument that I have with regard to the amendment. I think it boils down to the preservation of the Presidential prerogatives and flexibility. I think that is the issue that we have identified.

I am not certain how that can be compromised on, massaged, or worked over at this point.

So I suspect in the event that the Senator is prepared to yield back his time maybe after a final remark or so, I am prepared to do so and proceed to a vote at that point.

Mr. BIDEN. Do I have any time remaining?

The PRESIDING OFFICER. The Senator has 1 minute and 45 seconds remaining; the Senator from Indiana 1 minute and 10 seconds remaining.

Mr. BIDEN. Mr. President, I will probably not take more than 40 seconds.

I would like to suggest that as usual the Senator from Indiana has stated the issue succinctly. It does boil down to Presidential prerogatives, but, frankly, we crossed that threshold. If we should in fact decide the President should not have the flexibility in the first instance, I say he should not have the quantum step a year from now.

But I thank him for his engaging me in this subject, and I look forward to my colleagues' supporting the amendment.

I yield back the remainder of my time.

Mr. LUGAR. I thank the Senator. I think the question is the President's prerogative.

I agree with the distinguished Senator from Delaware that we are in this legislation moving very heavily into the foreign policy area. I think we are doing so with eyes wide open. I still have the hope that our President will support what we are doing.

I have a hope that he will finally decide to sign this legislation and so that America may speak with one voice. I think this is tremendously important.

I will oppose the Biden amendment because I believe it offers a very significant reason why the President even having adopted the policies of sanctions we are debating today and must now compromise and confer with the House on later on, by taking away those prerogatives we have another issue which goes beyond South African sanctions and which I feel will engage his attention and his opposition.

For these reasons, Mr. President, I yield back all time on this side and I move to table the Biden amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana to lay on the table the amendment of the Senator from Delaware.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 238 Leg.]

YEAS—55

Abdnor	Evans	Kassebaum
Andrews	Ford	Kasten
Armstrong	Garn	Laxalt
Boren	Gorton	Long
Boschwitz	Gramm	Lugar
Broyhill	Grassley	Mathias
Chafee	Hatch	Mattingly
Cochran	Hatfield	McClure
Danforth	Hawkins	McConnell
Denton	Hecht	Murkowski
Dole	Heflin	Nickles
Domenici	Helms	Nunn
Durenberger	Humphrey	Packwood
Pressler	Stennis	Warner
Quayle	Stevens	Weicker
Roth	Symms	Wilson
Rudman	Thurmond	Zorinsky
Simpson	Trible	
Stafford	Wallop	

NAYS—44

Baucus	Eagleton	Matsunaga
Bentsen	Exon	Melcher
Biden	Glenn	Metzenbaum
Bingaman	Gore	Mitchell
Bradley	Harkin	Moynihan
Bumpers	Hart	Pell
Burdick	Heinz	Proxmire
Byrd	Hollings	Pryor
Chiles	Inouye	Riegle
Cohen	Johnston	Rockefeller
Cranston	Kennedy	Sarbanes
D'Amato	Kerry	Sasser
DeConcini	Lautenberg	Simon
Dixon	Leahy	Specter
Dodd	Levin	

NOT VOTING—1

Goldwater

So the motion to lay on the table amendment No. 2749 was agreed to.

□ 1130

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2750

Mr. WALLOP. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Mr. WALLOP. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. WALLOP] for himself, Mr. MCCLURE, Mr. HECHT, Mr. THURMOND, and Mr. SYMMS proposes an amendment numbered 2750.

Mr. WALLOP. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end thereof, add the following new section:

SECTION . Protection of human rights in the Soviet Union.

Notwithstanding any other provision of law, the provisions applicable to South Africa under this Act shall be equally applicable to the Soviet Union.

For purposes of this section, the President shall consider practices by the Soviet Union that deprive citizens of their human rights and of full citizenship on the basis of religion, class, race, or national origin, including, but not limited to the following:

(1) The deliberate restriction on the right to live and work in accordance with one's

wishes, including the restriction on the right to form free labor unions;

(2) The denial of meaningful democratic participation in the political process by a majority of the population;

(3) The consignment of most citizens to economic, religious, or cultural deprivations;

(4) The denial to citizens of the right to travel within their country or abroad;

(5) The negation of property rights supposedly guaranteed by local laws;

(6) The effective deprivation of rights enjoyed by others in whole or in part on the religion, class, race or national origin of any individual or groups of individuals.

Mr. LUGAR. Will the Senator yield for a question?

Mr. WALLOP. I yield.

Mr. LUGAR. Last evening the Senator made the generous offer that the debate on his amendment might occur on the time reserved to the Senator. Is it possible that the Senator would be willing to renew that request and so inform the timekeeper?

Mr. WALLOP. Mr. President, I ask unanimous consent that the debate on this amendment be charged to the Senator from Wyoming under the unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WALLOP. Mr. President, I have very little to say, having earlier said what this amendment does. This is taken word-for-word from section 101 of the bill which, in essence, provides the reasons for the sanctions that we seek to impose upon the South African Government. It simply does the same thing by way of the Soviet Union.

It is a simple enough amendment.

We in the bill encourage the South Africans to release Nelson Mandela, Govan Mbeki, Walter Sisulu, and others.

We encourage the Soviet Union to release Dr. Sakharov, and others, people who, like Nelson Mandela, are held in prison or held in restraint of their freedom.

The bill asks that we permit the free exercise by South Africans of all races to form political parties, express political opinions, and otherwise participate in the political process.

We say that the citizens of the Soviet Union have no such rights and unless our purpose is not the moral abhorrence of the abuses of human rights but the exercise of domestic racial politics that I suggest it is, we ought not to draw a distinction. Otherwise, we would be found guilty by the world and the American public of moral myopia.

Fourth, we would negotiate with the representatives of all groups in South Africa as to the future political system.

We suggest that Jews in the Soviet Union, that Christians in the Soviet Union, Catholics and others in the Soviet Union, be negotiated with by that government for the future of the political system in the Soviet Union.

Mr. President, I make the case that there is a vast inconsistency in this bill. If we are entitled to abhor the activities of the Government of South Africa, and we are, surely we must abhor that in the world which is just as bad or worse.

How is it that we can single out one country at the tip of the continent and say that the evils of the world rise and fall there?

Mr. President, I made the case earlier that the Soviet Union for its abuse of its citizens gets subsidized grain from the United States. China for its abuse of its citizens gets subsidized sugar from the United States.

When we prohibit air transportation from South Africa, we just renew the landing rights of Aeroflot.

When we prohibit credit to the Government of South Africa, we subsidize credit to the Union of Soviet Socialist Republics.

When we prohibit United States investments in South Africa, we encourage investments and cultural exchanges in the Soviet Union.

I just would seek to ask this Senate if its moral outrage really applies to humans of all colors, all races, and all circumstances, or if it is our determination that it only hurts when you are black.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the distinguished Senator from Wyoming presented a very thoughtful speech earlier, and, for that matter, likewise yesterday, not only on the question of apartheid and the opposition that he and all Senators share to apartheid, but the very real question of fairness, of equity, of some evenhandedness with regard to our foreign policy in regard not only to South Africa but to the Soviet Union and other Communist bloc countries.

I believe the Senator's argument deserves a very serious analysis. So, for a few minutes I want to talk about the problem of sanctions and the whole problem of equal application of our foreign policy.

I suppose the dilemma is that applying sanctions to other societies in precisely the same measure and the same form as the ones we have crafted with regard to South Africa is not only difficult, but it may very well not make good common sense because of the very great differences in those societies and the effects that we hope we are going to find.

To take the Soviet Union specifically, as the Senator from Wyoming has pointed to that country in his amendment, in the Soviet Union presently there are no internal movements violently opposing the current system. The political system unhappily, at least from our standpoint, and we believe from the standpoint of the Soviet citizen, is hardly passive support.

The economic system of the Soviet Union, ridiculed by outside critics, is not seriously challenged.

Mr. President, both the Senator from Wyoming and I might wish that there were challenges and that there were possibilities for dissent that were more substantial, and that there was something less than the passiveness that we are able to witness, although we know from scholars, the Senator from Wyoming, and others who have visited on this, that repression by the Soviets has been absolute.

It should come as no wonder that there are problems in dissent, even if the economic system does not work and the political system has very great problems.

But that is the Soviet Union.

□ 1140

Let me mention that in the past, when sanctions have been taken against the Soviet Union after major political incidents—the Soviet invasion of Afghanistan comes to mind as one that was a very significant incident—the administration of President Carter imposed a grain embargo. The closing of the Aeroflot offices in the United States came after the shooting down of the KAL 007 in 1983 and the embargo on United States oil and gas equipment and technical data for the production and exploration of energy resources was announced after imposition of martial law in Poland in 1981. That was in the case of Poland but there was very heavy Soviet influence in that situation in Poland. All of these sanctions have been subsequently lifted or eased and none, unfortunately, has had an appreciable effect upon Soviet behavior.

The case could be made by the distinguished Senator from Wyoming, as I would make it, that in most cases, sanctions have not worked historically. They simply have not made it. Most economic historians would say unless the country is very small and unless the action is concerted by all of the major powers acting with some simultaneity, the possibility of sanctions making some visible change have been nil.

So, one may ask, Why the supposition that they may work with South Africa? That is part of our debate. Senators will have different opinions on what kind of change might occur. But the South African Government does have many qualities and they have been mentioned, I think, during this debate, which lead an observer to see possibilities for economic and political pressure that might, even at this late date in the history of that troubled country, make a difference. I think it is a tougher case to make that

the sanctions imposed upon the Soviet Union—and we have imposed at least the few that I have mentioned—have made a difference.

Let me add that it is unclear that sanctions against the Soviet Union would be enforceable under current circumstances. If past Soviet behavior did not lead to international sanctions, it is unlikely that in the absence of a truly cataclysmic event, any sanctions would hold. We might regret that, but the OECD countries do not show a great eagerness to get involved with the United States. Indeed, one of the basic problems after the invasion of Poland once again and the rearrangement by the Soviet Government of that state was that the NATO countries that opposed, and rightly so, that mission of the Soviets simply were unable to coordiante activity in concert; therefore, the sanctions that we took by and large did not get a second or a third. There is no evidence that that situation has changed.

Let me mention, Mr. President, that our economic links, in any event, with the Soviet Union are small.

Just slightly more than 1 percent of our total exports go to the Soviet Union, amounting to some $2.5 billion. Similarly, Soviet exports to the United States are a fraction of 1 percent of total United States imports or less than half a billion dollars. Moreover, Soviet exports and United States exports consist mostly of primary goods that can be replaced easily from other sources, including the Third World. Past efforts to limit United States—and allied—exports of critical technology which are in high demand in the Soviet Union revealed that the Soviets easily found alternative sources elsewhere and did not alter their behavior in ways we sought.

When we get into current talks with the Soviets, leading to the proposed summer visit by the Soviet leader to our country or the arms control talks, the distinguished Senator from Wyoming is observer at those talks and is as knowledgeable about those talks as anybody about the Soviets and our prospects. Once again, this is an arguable proposition, but we are working on the assumption that we ought to be talking to the Soviets and we ought to remain in contact.

Clearly, one could argue that imposing sanctions on the Soviet Union comparable to the ones envisioned for South Africa would not make any difference in that relationship. I am of the judgment that, given the lack of response that has come from previous sanctions, it would not make good sense to impose additional sanctions at this time, unilaterally, without the support of our allies and in the face, at least, of concerted attempts to bring progress in the arms control negotiations and progress in bilateral relationships which the summit conferences represent.

For these reasons, Mr. President, I shall oppose the amendment of the distinguished Senator from Wyoming. I understand the point of view that he is expressing, as do most Senators, and most sympathize with that point of view.

It seems to me to be unwise on a piece of legislation dealing with South Africa to become involved in a very important policy consideration with regard to the Soviet Union, especially in view of the fact that, having dealt with sanctions of this manner before with the Soviets, we were not especially effective.

Mr. President, I understand and to a degree share the motives which have led Senator WALLOP to propose this amendment. The South African Government is, in its own way, immoral as the Soviet is immoral, and, as a result, there is a certain surface symmetry to the notion of having our actions toward one mirror our actions toward the other.

But Mr. President, there are—and should be—differences in the way we respond to these two Governments. Under both current law and under this bill, there are some areas in which we treat the Soviet Union more harshly than South Africa. For example, the restrictions we impose on exports to the Soviet Union under both the munitions and commodity lists are more stringent than those we impose on South Africa. That difference does not reflect a moral distinction between the two states but rather it recognizes practical political and power differentials.

Similar differences dictate that in some areas our policy toward South Africa can and should be harsher than our policy toward the Soviets. In South Africa there is a clear majority opposition to the Government; the situation is different in the Soviet Union. That difference, as the chairman of the Foreign Relations Committee argued in opposing this amendment, requires the United States to act in ways which speak clearly to the opposition and indicates our support for their goals.

In these and other ways, there are real differences between the situation in South Africa and the Soviet Union. Those differences have been and should be recognized in the approach we take toward both countries.

The PRESIDING OFFICER. Does the Senator from Wyoming seek recognition?

Mr. WALLOP. Mr. President, I seek it on my own time.

Before responding to the Senator from Indiana, I wish to set the Senator from Delaware completely straight. Whether willfully or unwillfully, he mischaracterized the statement made by the Senator from Wyoming yesterday.

I did not say some people do not care if blacks are mistreated. What I said was some people in this body do not care if blacks are mistreated by blacks, as if the pain inflicted by that agony is less than the pain inflicted by the agony of mistreatment by whites of blacks.

Let me say to my distinguished friend from Indiana that there are no internal movements in the Soviet Union for a very simple reason: They have been crushed. There have been strikes in the Soviet Union and they have been crushed. We do not read about them because there is no free press.

I agree sanctions in the past have not worked with the Soviet Union and changed their behavior. Nobody is making the claim that we seek a change in behavior that is going to be created by these sanctions, only that we are trying to make some kind of symbolic statement that the United States stands in opposition. Indeed, we do. I am suggesting that we stand in opposition to the abuse of human rights wherever they exist.

Keep in mind that the President suggested that there be a report card last summer, that one of the things he asked for was the better emigration of Soviet citizens, freer movement of those citizens, and the like. We are, according to the Senator from Indiana, putting arms control as a higher priority in the world than humans and human rights.

Now, perhpas the argument, if I understood it correctly, from the distinguished chairman of the committee would be an argument in favor of my second amendment, which will be introduced later today. That is to apply these same sanctions to other countries in Africa who abuse their citizens in the same way, whether ruled by blacks or or whites, as does the Government of South Africa—those engaged in slavery, those engaged in taking political prisoners, restriction of movements, forced resettlements, no free press, no free labor unions, no free political process, and all the rest.

What he said was it does not work because Russia is too big; it only works on little countries. It tells me something about our principles, that we only stand up as long as we are not intimidated. But if it works on little countries, all the countries of Africa are little. There is only one, Botswana, that has a better human rights record than that of South Africa.

Mr. President, I call for the question on my amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The queston is on agreeing to the amendment.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Indiana seek recognition?

Mr. LUGAR. Mr. President, is there not time remaining in opposition?

The PRESIDING OFFICER. There is time remaining in opposition. Are there Senators who wish to speak?

Mr. LUGAR. In opposition to the amendment.

Mr. WALLOP. I yield to the Senator from Indiana.

□ 1150

Mr. LUGAR. Mr. President, of course the Senator from Wyoming is correct, that dissidence in the Soviet Union is very difficult, given the repressive system, and that is one very good reason why there are not groups of people we can identify. But I respond to the distinguished Senator by saying that sanctions work only if there are elements of dissidence, and I think he is correct in recounting my thought that they work only if the country is relatively small.

One can argue that sanctions ought never be used, but we argue today that they might be used and might be effective in this specific instance. For that reason, and because we believe there is an important objective, we should utilize them.

I respond that the Senator is incorrect in stating my priorities as valuing arms control over human rights. Quite the contrary, I believe that the whole thrust of the efforts of this body and of our President have been to elevate the human rights question.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LUGAR. Mr. President, I ask about the parliamentary situation. How many minutes for the proponents and the opponents are available on this amendment?

The PRESIDING OFFICER. The Senator has 2 minutes and 45 seconds remaining.

Mr. LUGAR. Initially.

The PRESIDING OFFICER. Twenty minutes, equally divided.

Mr. PELL. I yield myself 1 minute on the bill.

Mr. President, I, too, recommend to my colleagues that they oppose this amendment.

I agree with what the Senator has said concerning human rights conditions in the Soviet Union. He is absolutely correct. However we are dealing with the difficult issue of what our policy should be with respect to South Africa. Now is not the time to deal with United States-Soviet relations. The time may come when we will wish to reexamine our policy with respect to the Soviet Union. We will then have an opportunity to review our policy concerning how we deal with Soviet abuses of human rights. That is a separate subject.

For the time being, let us keep our focus on the Republic of South Africa and its problems. This is what we have been engaged in over the past many hours. I urge my colleagues to vote against this amendment.

Mr. WALLOP. Mr. President, I only suggest that we are not talking about fish but humans. I am asking us, if we are interested in the simple subject of human rights, should we be consistent?

I yield back the remainder of my time.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the amendment of the Senator from Wyoming. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Washington [Mr. EVANS] and the Senator from Arizona [Mr. GOLDWATER] are necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 239 Leg.]

YEAS—41

Armstrong	Hawkins	Pressler
Bentsen	Hecht	Quayle
Broyhill	Heflin	Roth
Chiles	Heinz	Rudman
Cohen	Helms	Sasser
D'Amato	Hollings	Simpson
DeConcini	Humphrey	Stevens
Denton	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Mattingly	Trible
Garn	McClure	Wallop
Gramm	McConnell	Warner
Grassley	Moynihan	Wilson
Hatch	Packwood	

NAYS—57

Abdnor	Exon	Matsunaga
Andrews	Ford	Melcher
Baucus	Glenn	Metzenbaum
Biden	Gore	Mitchell
Bingaman	Gorton	Murkowski
Boren	Harkin	Nickles
Boschwitz	Hart	Nunn
Bradley	Hatfield	Pell
Bumpers	Inouye	Proxmire
Burdick	Johnston	Pryor
Byrd	Kassebaum	Riegle
Chafee	Kennedy	Rockefeller
Cochran	Kerry	Sarbanes
Cranston	Lautenberg	Simon
Danforth	Leahy	Specter
Dixon	Levin	Stafford
Dodd	Long	Stennis
Durenberger	Lugar	Weicker
Eagleton	Mathias	Zorinsky

NOT VOTING—2

Evans	Goldwater

So the amendment (No. 2750) was rejected.

□ 1210

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. SYMMS. I move to lay this motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I voted against the Wallop amendment not because I oppose sanctions against the Soviet Union. In fact, a few days ago, I was in the small minority who voted for the Moynihan amendment on the Defense bill to prohibit subsidized goods or services to be sold or transferred to Communist countries. What I am opposed to is the justification for this amendment; that is, whatever we do to South Africa we have to do to the Soviet Union as well. This is no way to conduct foreign policy. Our relations with any country has to be managed on its own merits after careful analysis of all pertinent factors. To do something to Yugoslavia just because we did the same thing to Sri Lanka is the worst possible way to conduct this business. Today we deal with South Africa, not with the Soviet Union. If my colleague from Wyoming has an independent idea on sanctions vis-a-vis the Soviet Union, I will be happy to consider his suggestions. I am opposed, however, to the cluttering-up of this bill with extraneous issues.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, if I could have the attention of my colleagues.

The PRESIDING OFFICER. The Senate will be in order. Will Senators in the well take their conversations elsewhere?

The majority leader.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I understand that we are now able to clear a nomination that is quite important.

I ask unanimous consent that the Senate go into executive session to consider the nomination of Frank Wisner to be Ambassador to Egypt.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, I am glad to see that this nomination has been cleared. It has been cleared on this side of the aisle for several days. We are happy to proceed with the action on the confirmation.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate is in executive session.

NOMINATION OF FRANK G. WISNER TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Frank G. Wisner, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

Mr. WARNER. Mr. President, I rise in strong support of the nomination of Frank G. Wisner to the post of Ambassador to the Arab Republic of Egypt.

During his foreign service careers, he has been associated with many of the crises of the past quarter century: Algeria at its independence, Vietnam throughout much of that conflict, Bangladesh at the time of its separation from Pakistan, as well as the long history of trouble in South Africa.

In Vietnam, during the Lodge, Bunker, Westmoreland, and Abrams periods, he was heavily involved with these leaders in the design and execution of the pacification policy. At the age of 29, and during the year of the Tet offensive, he was given command of the military and civilian team in one of Vietnam's most politically sensitive provinces. At the unhappy conclusion of that war, he was one of those in charge of President Ford's evacuation plan for 130,000 Vietnamese to whom the United States owed a particular debt. He was thus instrumental in finding for these people new homes and lives in the United States.

In sub-Saharan Africa, he has been involved in many of the significant decisions which the United States has made over the past 10 years: The Angolan situation in 1975 as we sought to check Soviet and Cuban expansion; with Secretary of State Henry Kissinger at the outset of our involvement with Rhodesia and Namibia (acting also as his representative at the 1976 Geneva Conference); with Secretary of State Cyrus Vance while serving as Ambassador to Zambia during the period which led to the Lancaster House Settlement of the Zimbabwe question; and finally, during President Reagan's administration, in representing the United States in sensitive negotiations with South Africa, with Mozambique, and with the MPLA and Unita factions in Angola. He has also been an articulate practitioner of public diplomacy, explaining and defending the President's policies both at home and abroad, and serving in addition as an expert witness before the Congress.

The Middle East was his first area of specialization. As a student of Arabic and Middle Eastern Affairs at Princeton University, he lives briefly in Lebanon and Egypt before joining the Government and serving in Morocco, Algeria, and Tunisia. He was on Under Secretary of State Joseph Sisco's staff for part of the Post-1973 war round of diplomatic initiatives. He also worked for Secretary Cyrus Vance during the Camp David Accords between Egypt and Israel.

Ambasssador Wisner comes from a family that has committed over three generations to our Nation's service. In particular, his father enjoyed the distinction of helping to create and then direct our clandestine intelligence effort during the most difficult years of the cold war.

Mr. President, the Vice President of the United States recently returned from an official visit to Egypt and advised me that early confirmation of the Senate of this nomination is strongly in our national interests.

Mr. President, I have great confidence in Ambassador Wisner's ability to serve with distinction in the post for which he has been selected and I urge the Senate to confirm that nomination.

Mr. EAGLETON. Mr. President, I am personally acquainted with Frank Wisner. I consider him to be an outstanding person and an outstanding career diplomat. He joined the State Department in 1961 and has risen through the ranks to various important posts, most recently Senior Deputy Assistant Secretary for African Affairs (1982 to 1986) and Ambassador to Zambia (1979 to 1982).

Frank Wisner exemplifies the very best in our career Foreign Service. He will serve our Nation with great distinction as our Ambassador to Egypt.

Mr. BYRD. Mr. President, I strongly support the nomination of Mr. Frank G. Wisner to be the Ambassador of the United States of America to the Arab Republic of Egypt.

Mr. Wisner is a professional diplomat who has previously attained the rank of Career Minister in the Senior Foreign Service. Most recently, he served from April 1982 until April 1986 as the Senior Deputy Assistant Secretary for African Affairs at the Department of State.

Prior to that service, Mr. Wisner was the American Ambassador to Zambia from August 1979 to April 1982.

Ambassador Wisner joined the State Department as a Foreign Service Officer in December 1961 and was assigned to Algeria, Morocco. He went to Vietnam in 1964 as a detailee to the Agency for International Development. He remained in Vietnam until 1968, serving in a variety of staff positions of increasing responsibility.

Upon his return to Washington, DC, in 1968, Mr. Wisner became Officer in Charge of Tunisian Affairs, in which capacity he served until 1971. That year, he was named Chief of the Economic/Commercial Section at the American Embassy in Tunis. He returned again to Washington in 1974, and spent the following 3 years working at various State Department jobs in planning, political affairs, and refugee problems.

Frank Wisner's career has been highly successful, and he is well experienced in Northern African affairs, a fact that will be of great value to the United States as he embarks on his service as Ambassador to Egypt. I wish him the very best, and I am sure that he will perform to the high-professional standards that have marked his career.

Mr. NUNN. Mr. President, I rise today to support the nomination of Frank Wisner to be Ambassador to the Republic of Egypt.

Mr. Wisner joined the Foreign Service in 1961 and has had a very distinguished career in the Department of State. Let me detail some of his experience which I believe makes him very highly qualified to serve as our Ambassador in Cairo. Ambassador Wisner has had a long association with the Middle East. His first assignment, after Arabic language training in Morocco, was Algiers. He has subsequently served as the Officer in Charge of Tunisian Affairs in the Department of State and then as the Chief of the Economic/Commercial Section at the American Embassy in Tunis.

From August 1975 to July 1976 he served as Special Assistant to the Under Secretary for Political Affairs, Joe Sisco, one of the Department's most distinguished career diplomats and Middle East experts. Subsequently, he was named Director of the Office of Southern African Affairs, then Deputy Executive Secretary in the Department of State. He was then named as Ambassador to Zambia where he served with distinction from August 1979 to April 1982. Most recently, he has been serving as the senior Deputy Assistant Secretary of State for African Affairs.

In all of these positions, Ambassador Wisner did an excellent job.

Mr. President, Ambassador Wisner represents the finest in our Foreign Service. He enjoys an excellent reputation for great intelligence, integrity, judgment and hard work. As Ambassador in Cairo, he will serve in one of the most important posts in all of the Foreign Service and will play a major role in the formulation and conduct of American foreign policy in the Middle East. He will bring to the Embassy in Cairo a great deal of experience in Middle Eastern and African policy that will enable him to perform the enormously difficult tasks which he will face. I am confident that he will do an excellent job, as he has throughout his distinguished career.

Mr. President, the United States is very fortunate to have men such as Frank Wisner in our Foreign Service. I know that the Members of the Senate have a very high regard for the Foreign Service as we see them in our travels around the world and as we work with them here in Washington. Frank Wisner represents the finest of this tradition.

Mr. President I am proud to support Mr. Wisner's nomination and I urge my colleagues to join me in supporting him.

Mr. PELL. Mr. President, now that the Senate has given its advice and consent to the President's nomination of Frank Wisner to be the new Ambassador to Egypt, I would like to make a few observations about both Mr. Wisner, and the process we have undergone in conjunction with his nomination these past 2 months. Mr. Wisner is a 24-year veteran of the Foreign Service. He is also an individual whom I have known, liked and admired for many years. During that time he has served his country ably in six overseas posts, including a stint as the U.S. Ambassador to Zambia in 1979–82. Most recently he has served here in Washington as the Deputy Assistant Secretary of State for African Affairs for the past 4 years. Although he has served as the deputy to the administration's architect of the now discredited constructive engagement policy with South Africa, Mr. Wisner worked in his post with loyalty to the President he served, and in the finest tradition of our career foreign service. His outstanding record of service to his country and the breadth of knowledge and experience in the Middle East he brings to his new post in Cairo, will bring credit to his country in the months and years ahead.

I take note of the Senate's confirmation of Mr. Wisner today, not only because he is a fine example of the very best our foreign service can produce in terms of men and women serving their country overseas, but also because despite these credentials his nomination has been delayed by some here in the Senate who do not like Mr. Wisner's past service to other administrations—or even to this one—because they did not like the policies he worked hard to implement. Despite his record, and despite the importance of the post to which he has been confirmed, namely the Ambassador's post in Cairo, his nomination has languished with holds essentially since May. I did not want this occasion of his confirmation to pass without my strong expression of support for him, and my regret that the process was thwarted so long. Mr. President, I say to my colleagues that if we get into the business of blocking the nominations or promotions of career Foreign Service officers because they were carrying out the policies of an administration they are required to serve then I suggest it will only result in a less professional, less effective service. The ultimate loser of such an assault is the United States and its foreign policy.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that we now resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE ANTI-APARTHEID ACT

The Senate resumed consideration of the bill (S. 2701).

SYMMS AMENDMENT NO. 2746

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Idaho [Mr. SYMMS]. On this amendment, the Senator from Indiana has 14 minutes remaining. The time of the Senator from Idaho has expired.

The Senator from Indiana.

Mr. SYMMS. Mr. President, I ask unanimous consent that I may have 2 minutes from the bill.

The PRESIDING OFFICER. The Senator from Indiana has been recognized.

Mr. LUGAR. Mr. President, I simply want to say we are prepared to accept the amendment. Perhaps we could expedite procedures if we simply moved the amendment and completed it.

Mr. SYMMS. Mr. President, if the Senator will yield, the modification that I worked out with the minority is in my hand.

Mr. LUGAR. I yield to the Senator.

Mr. SYMMS. Mr. President, I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2746), as modified, reads as follows:

(a) Notwithstanding any other provision of this Act, the President may lift any prohibition contained in this Act imposed against South Africa if the President determines after six months from the date of the imposition of such prohibition, and so reports to Congress, that such prohibition would increase United States dependence upon any member country or observer country of the Council for Mutual Economic Assistance (CMEA) for the importation of coal or any strategic and critical material by an amount which exceeds by weight the average amounts of such imports from such country during the period 1981 through 1985.

(b)(1) Not later than thirty days after the date of enactment of this Act, the Secretary of Commerce shall prepare and transmit to the Congress a report setting forth for each country described in subsection (a)—

(A) the average amount of such imports from such country during the period of 1981 through 1985; and

(B) the current amount of such imports from such country entering the United States.

(2) Thirty days after transmittal of the report required by paragraph (1) and every thirty days thereafter, the President shall prepare and transmit the information described in paragraph (1)(B).

Mr. SYMMS. Mr. President, the importance to the United States of strategic materials such as cobalt, manganese, platinum, chromium, vanadium, ferrochromium, ferromanganese, and other alloys and strategic and critical materials within the meaning of the Strategic and Critical Materials Stockpiling Act, is well known to my colleagues in the Senate.

Last night there seemed to be some confusion on the minority side with regard to the scope of my amendment. I would simply point out to my colleagues that the terms used in my amendment, specifically the reference to "Strategic and Critical Materials" are used in the committee bill itself in section 503(a).

Last night the Senator from Maryland asked why I felt that this amendment was necessary. "Why," he asked, did I not believe the committee bill's language in section 303(a) regarding strategic minerals to be adequate?

Mr. President, there are several reasons, but by far the most important is to be found in title V, section 501 of the bill. This section states that:

It shall be the policy of the United States to impose additional measures against the Government of the Republic of South Africa if substantial progress has not been made within 12 months of the date of enactment of this Act in ending the system of apartheid and establishing a non-racial democracy.

Among these additional measures is the imposition of further sanctions of strategic minerals. I quote from section 501, subsection (c), paragraph (5):

A prohibition on the importation into the United States of strategic minerals from South Africa.

Mr. President, my amendment simply seeks to insure that by imposing these sanctions against South Africa, we do not become more dependent on the extremely unreliable Communist bloc nations of the Council for Mutual Economic Assistance for our strategic minerals.

Under my amendment, the sanction against South Africa on a particular mineral would be lifted if it resulted in a greater United States dependence on the following nations for coal or critical and strategic materials:

Bulgaria, Cuba, Czechoslovakia, East Germany, Hungary, Mongolia, Poland, Romania, the Soviet Union, Vietnam, or Afghanistan, Angola, Ethiopia, Loas, Mozambique, Nicaragua, or Yemen.

My amendment provides a reporting procedure by which the levels of past, current, and future imports from these nations may be determined. My amendment does not prohibit imports of strategic materials from these nations, it merely prohibits an increase

of those imports as a result of sanctions against South Africa.

If our imports of a particular material from one of the listed nations increase, then either they will have to be decreased to a level equal to the average of our imports over the past 5 years, or the sanction against South Africa on the importation or that material will have to be lifted.

In conclusion, Mr. President, I would like to say that this is a simple amendment based on a simple premise:

Our sanctions against South Africa should not result in increased U.S. dependence for vital raw materials on Communist suppliers, nor should these sanctions provide a rich mineral trade for our Communist adversaries.

I do not have all the numbers on the amounts of these minerals we import, the report required by my amendment will provide these.

But if there is no domestic or free world supply of a material which this Nation must have for our military arsenal or our technological industries and it comes to a choice of continuing to buy from South Africa or becoming more reliant on our sworn adversaries in the Soviet bloc—I will choose South Africa, and the choice is so obviously logical that I would hope my colleagues would also.

Mr. President, I ask unanimous consent that certain materials relating to this issue be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFINITIONS

SEC. 12. For the purposes of this Act:

(1) The term "strategic and critical materials" means materials that (A) would be needed to supply the military, industrial, and essential civilian needs of the United States during a national emergency, and (B) are not found or produced in the United States in sufficient quantities to meet such need.

(2) The term "national emergency" means a general declaration of emergency with respect to the national defense made by the President or by the Congress.

SEC. 13. Notwithstanding any other provision of law, on and after January 1, 1972, the President may not prohibit or regulate the importation into the United States of any material determined to be strategic and critical pursuant to the provisions of this Act, if such material is the product of any foreign country or area not listed as a Communist-dominated country or area in general headnote 3(d) of the Tariff Schedules of the United States (19 U.S.C. 1202), for so long as the importation into the United States of material of that kind which is the product of such Communist-dominated countries or areas is not prohibited by any provision of law.

TABLE 2.—NATIONAL DEFENSE STOCKPILE INVENTORY OF STRATEGIC AND CRITICAL MATERIALS, SEPT. 30, 1985

	Material	Unit	Goal	Inventory	Value of inventory (millions)	Quantity after crediting offset	
						Excess	Deficit
1.	Aluminum metal group	ST Al metal	7,150,000	4,278,912	$827.9		2,871,090
	Alumina	ST	0	0			
	Aluminum	ST	700,000	2,080	3.4		697,920
	Bauxite, metal grade, Jamaica type	LDT	21,000,000	12,457,740	560.6		8,542,260
	Bauxite, metal grade, Surinam type	LDT	6,100,000	5,299,597	263.9		800,403
2.	Aluminum oxide, abrasive grain group	ST AB grain	638,000	259,124	128.6		378,876
	Aluminum oxide, abrasive grain	ST	0	50,904	63.6		
	Aluminum oxide, fused, crude	ST	0	249,867	65.0		
	Bauxite, abrasive grade	LCT	1,000,000	0			
3.	Antimony	ST	36,000	37,843	104.1	1,843	
4.	Asbestos, amosite	ST	17,000	34,011	23.8	17,011	
5.	Asbestos, chrysotile	ST	3,000	10,705	19.5	7,705	
6.	Bauxite, refractory	LCT	1,400,000	199,926	46.6		1,200,074
7.	Beryllium metal group	ST Be metal	1,220	1,079	223.0		141
	Beryl ore (11 percent BeO)	ST	18,000	17,987	20.0		13
	Beryllium copper master alloy	ST	7,900	7,387	94.4		513
	Beryllium metal	ST	400	280	108.6		120
8.	Bismuth	LB	2,200,000	2,081,298	9.2		118,702
9.	Cadmium	LB	11,700,000	6,328,809	5.2		5,371,191
10.	Chromium, chemical and metallurgical group	ST Cr metal	1,353,000	1,268,449	1,043.2		
	Chromite, chemical grade ore	SDT	675,000	242,414	11.9		
	Chromite, metallurgical grade ore	SDT	3,200,000	2,290,459	232.8		
	Chromium, ferro, high carbon	ST	185,000	402,695	300.1		
	Chromium, ferro, low carbon	ST	75,000	318,943	418.1		
	Chromium, ferro, silicon	ST	90,000	58,357	52.1		
	Chromium, metal	ST	20,000	3,763	28.2		
11.	Chromite, refractory grade ore	SDT	850,000	391,414	39.1		458,586
12.	Cobalt	LB Co	85,400,000	50,191,130	567.2		35,208,870
13.	Columbium group	LB Cb metal	4,850,000	2,713,469	19.8		2,136,531
	Columbium carbide powder	LB Cb	100,000	21,372	6		78,628
	Columbium concentrates	LB Cb	5,600,000	2,019,218	12.3		
	Columbium, ferro	LB Cb	0	930,911	5.3		
	Columbium, metal	LB Cb	0	44,851	1.6		
14.	Copper	ST	1,000,000	29,048	43.7		970,952
15.	Cordage fibers, abaca	LB	155,000,000	0			155,000,000
16.	Cordage fibers, sisal	LB	60,000,000	0			60,000,000
17.	Diamond, industrial group	KT	29,700,000	34,825,130	379.7	5,125,130	
	Diamond dies, small	PC	60,000	25,473	1.1		34,527
	Diamond, industrial, crushing bort	KT	22,000,000	22,001,344	38.5	1,344	
	Diamond, industrial, stones	KT	7,700,000	12,811,050	340.1	5,111,050	
18.	Fluorspar, acid grade	SDT	1,400,000	895,983	155.0		504,017
19.	Fluorspar, metallurgical grade	SDT	1,700,000	411,738	51.5		1,288,262
20.	Germanium	KG	30,000	0			30,000
21.	Graphite, natural, Ceylon, amorphous lump	ST	6,300	5,500	10.7		800
22.	Graphite, natural, Malagasy, crystalline	ST	20,000	17,838	53.5		2,162
23.	Graphite, natural, other than Ceylon and Malagasy	ST	2,800	2,803	2.0	3	
24.	Iodine	LB	5,800,000	7,372,112	38.5	1,572,112	
25.	Jewel bearings	PC	120,000,000	73,234,255	82.4		46,765,745
26.	Lead	ST	1,100,000	601,025	234.4		498,975
27.	Manganese, dioxide, battery grade group	SDT	87,000	208,165	19.2	121,165	
	Manganese, battery grade, natural ore	SDT	62,000	205,154	15.0		
	Manganese, battery grade, synthetic dioxide	SDT	25,000	3,011	4.2		
28.	Manganese, chemical and metallurgical group	ST Mn metal	1,500,000	1,911,396	489.7	377,794	
	Manganese ore, chemical grade	SDT	170,000	171,806	14.1	1,806	
	Manganese ore, metallurgical grade	SDT	2,700,000	3,222,087	149.0		
	Manganese, ferro, high carbon	ST	439,000	624,310	273.1		
	Mamganese, ferro, low carbon	ST	0	0			
	Manganese, ferro, medium carbon	ST	0	29,057	19.7		
	Manganese, ferro, silicon	ST	0	23,574	11.1		
	Manganese metal, electrolytic	ST	0	14,172	22.7		
29.	Mercury	FL	10,500	170,539	55.4	160,039	
30.	Mica, muscovite block, stained and better	LB	6,200,000	5,212,361	27.8		987,639
31.	Mica, muscovite film, 1st and 2d qualities	LB	90,000	1,177,032	13.8	1,087,032	
32.	Mica, muscovite splittings	LB	12,630,000	14,652,181	22.0	2,022,181	
33.	Mica, phlogopite block	LB	210,000	130,745	.7		79,255

TABLE 2.—NATIONAL DEFENSE STOCKPILE INVENTORY OF STRATEGIC AND CRITICAL MATERIALS, SEPT. 30, 1985—Continued

	Material	Unit	Goal	Inventory	Value of inventory (millions)	Quantity after crediting offset	
						Excess	Deficit
34.	Mica, philogpite splittings	LB	930,000	1,518,951	3.0	588,951	
35.	Molybdenum group	LB Mo	0	0			
	Molybdenum disulphide	LB Mo	0	0			
	Molybdenum, ferro	LB Mo	0	0			
36.	Morphine sulphate and related analgesics	AMA LB	130,000	71,303	26.6		58,697
	Crude	AMA LB	0	31,795	5.3		
	Refined	AMA LB	130,000	39,508	21.3		
37.	Natural insulation fibers	LB	1,500,000	0			1,500,000
38.	Nickel	ST Ni + Co	200,000	32,209	146.0		167,791
39.	Platinum group metals, iridium	Tr Oz	98,000	27,790	11.8		70,210
40.	Platinum group metals, palladium	Tr Oz	3,000,000	1,255,001	129.6		1,744,999
41.	Platinum group metals, platinum	Tr Oz	1,310,000	452,641	144.9		857,359
42.	Pyrethrum	LB	500,000	0			500,000
43.	Quartz crystals	LB	600,000	1,848,532	11.1	1,248,532	
44.	Quinidine	Av Oxz	10,100,000	2,008,879	6.6		8,091,121
45.	Quinine	Av Oz	4,500,000	3,246,164	6.8		1,253,836
46.	Ricinoleic/sebacic acid products	LB	22,000,000	12,524,242	10.7		
47.	Rubber	MT	864,000	127,160	121.5		736,840
48.	Rutile	SDT	106,000	39,186	12.9		66,814
49.	Sapphire and ruby	KT	0	16,305,502	.2	16,305,502	
50.	Silicon carbide, crude	ST	29,000	80,550	36.2	51,550	
51.	Silver, fine	Tr Oz	0	136,005,707	828.1	136,005,707	
52.	Talc, steatite block and lump	ST	28	1,081	.4	1,053	
53.	Tantalum group	LB Ta metal	7,160,000	2,642,073	142.5		4,517,927
	Tantalum, carbide powder	LB Ta	0	28,688	4.7		
	Tantalum metal	LB Ta	0	201,133	44.2		
	Tantalum minerals	LB Ta	8,400,000	2,837,943	93.6		
54.	Thorium nitrate	LB	600,000	7,121,812	19.6	6,521,812	
55.	Tin	MT	42,700	185,434	2,336.8	142,734	
56.	Titanium sponge	ST	195,000	36,831	404.7		158,169
57.	Tungsten group	LB W metal	50,666,000	74,707,435	409.1	24,041,435	
	Tungsten carbide powder	LB W	2,000,000	2,032,942	23.2		
	Tungsten, ferro	LB W	0	2,025,361	24.8		
	Tungsten, metal powder	LB W	1,600,000	1,898,831	24.5		
	Tungsten ores and concentrates	LB W	55,450,000	80,787,663	336.6		
58.	Vanadium group	ST V metal	8,700	721	8.6		7,979
	Vanadium ferro	ST V	1,000	0			1,000
	Vanadium pentoxide	ST V	7,700	721	8.6		6,979
59.	Vegetable tannin extract, chestnut	LT	5,000	12,734	8.6	7,734	
60.	Vegetable tannin extract, quebracho	LT	28,000	126,781	87.1	98,781	
61.	Vegetable tannin extract wattle	LT	15,000	15,001	10.6		
62.	Zinc	ST	1,425,000	378,316	313.1		1,046,684

Mr. SYMMS. Mr. President, I thank the distinguished Senator from Rhode Island and the distinguished manager, the chairman of the committee, for working this out with me.

Once this amendment is accepted, I am prepared to yield back any time I might have had on the free trade amendment and I will not be offering that.

Mr. LUGAR. I thank the Senator.

Mr. SYMMS. Mr. President, I ask unanimous consent to add Senator DOLE, the majority leader, as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. May we proceed to vote on the amendment?

Mr. PELL. Mr. President, I think the amendment, as modified, is an excellent amendment. I trust we will all support it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho [Mr. SYMMS], as modified.

The amendment (No. 2746), as modified, was agreed to.

Mr. WALLOP. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SYMMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Minnesota, Mr. BOSCHWITZ. On this amendment, debate is limited to 10 minutes, equally divided.

Mr. LUGAR. Mr. President, I ask unanimous consent that that amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2751

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself, Senator WEICKER, Senator CRANSTON, and the minority leader, Senator BYRD, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. WEICKER, Mr. CRANSTON, and Mr. BYRD, proposes an amendment numbered 2751.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

On page 70, line 8, insert the words "or subsidized" after the word "controlled;" and

On page 79, between lines 13 and 14, insert the following new sections:

PROHIBITION ON IMPORTATION OF SOUTH AFRICAN AGRICULTURAL PRODUCTS AND FOOD

SEC. . Notwithstanding any other provision of law, no;

(1) agricultural commodity, product, by-product of derivitive thereof,

(2) article that is suitable for human consumption, that is a product of South Africa may be imported into the customs territory of the United States after the date of enactment of this Act.

PROHIBITION ON IMPORTATION OF IRON AND STEEL

SEC. . Notwithstanding any other provision of law, no iron or steel produced in South Africa may be imported into the United States.

PROHIBITION ON EXPORTS OF CRUDE OIL AND PETROLEUM PRODUCTS

SEC. . (a) No crude oil or refined petroleum product which is subject to the jurisdiction of the United States or which is exported by a person subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any export pursuant to a contract entered into before the date of enactment of this Act.

On page 78, lines 8 and 9, strike out "sections 301 through 312" and insert in lieu thereof "this title".

On page 78, line 23, strike out "sections 301 through 312" and insert in lieu thereof "this title".

□ 1220

Mr. KENNEDY. Mr. President, just a matter of information, if I can have the attention of the chairman of the Foreign Relations Committee, yesterday we submitted to the chairman of

the committee another amendment prohibiting U.S. military cooperation with South Africa. I understand that the amendment has been cleared. I do not want to go out of order on this, but I noticed that we went out of order a little bit on this last measure. I am quite interested in expediting the procedures of the Senate, and I would be glad, if this other amendment would be accepted, to temporarily lay aside this first amendment, yield back the time, and submit my statement of support for the record.

Mr. LUGAR. If the Senator will yield, I suggest he temporarily lay aside the amendment he just laid down and propose the amendment. The Senator is correct. It has been cleared on this side of the aisle. I believe the distinguished Senator from Rhode Island likewise is in favor of the amendment. We could expedite that procedure.

AMENDMENT NO. 2752

(Purpose: to prohibit cooperation with the Armed Forces of South Africa)

Mr. KENNEDY. Mr. President, I ask unanimous consent to temporarily set aside the Kennedy-Weicker-Cranston-Byrd amendment, and I send to the desk an amendment prohibiting U.S. military cooperation with South Africa and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 2752.

At the appropriate place insert:

PROHIBITION ON COOPERATION WITH THE ARMED FORCES OF SOUTH AFRICA

SEC. 319. No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of the government of South Africa, except activities which are reasonably designed to facilitate the collection of necessary intelligence. Each such activity shall be considered a significant anticipated intelligence activity for purposes of section 501 of the National Security Act of 1947.

Mr. KENNEDY. Mr. President, I understand that there is a time limit on this of 10 minutes equally divided. I will be glad to yield time. We have talked about this measure. We talked yesterday about this measure during the course of debate.

I think this is an important amendment, and I welcome the willingness of both the chairman of the committee and the ranking member to support it.

Mr. LUGAR. Mr. President, we have examined the amendment. We agree with the amendment. We support it.

I yield back all time.

Mr. PELL. Mr. President, this is an excellent amendment. I think we should support it.

Mr. KENNEDY. I yield back the balance of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (No. 2752) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2751

The PRESIDING OFFICER. The question now recurs on the earlier Kennedy amendment.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. I understand there are 30 minutes, equally divided.

Mr. President, I yield myself 5 minutes.

Mr. President, this is really a follow-on amendment to the measure that I and Senator WEICKER and others offered yesterday to help conform the Senate product to what was adopted by the Commonwealth nations. Those were a series of recommendations which they hope will be a standard which the rest of the international community will follow.

We lost by a very narrow margin in that effort yesterday—by some three votes. We revisit the issue today with this particular amendment. We do not include in this amendment the provision, that closed certain loopholes, in the ban on bank loans by prohibiting trade credits and letters of credit. That particular provision has been eliminated. I still support this measure. But the Senate has spoken on that. We have also eliminated the provision, prohibiting reinvestment of profits of United States corporations doing business in South Africa. Those two measures, I understand from my colleagues in the past several hours, caused the greatest concern to some of the Members. I must say that I still support those particular provisions but we must move on.

So in this amendment we are basically incorporating the remainder of the Commonwealth sanctions which would prohibit the importation of various agricultural products, food, the importations of iron and steel, the exportation of petroleum products, and also to expand the definition of the parastatals in South Africa to include those companies that are being subsidized by the South African Government. This amendment will put the United States in conformity with the Commonwealth of nations.

This is a fallback amendment. But it is important to indicate to our friends and colleagues not only in the Commonwealth countries but also in the European Community countries that we are prepared to impose these various additional provisions. They do add strength to this legislation. Only this morning I received a telephone call from Alan Boesak, a church leader in the antiapartheid movement, a strong spokesman against violence in South Africa, and Reverend Boesak in his telephone conversation told me, and I am paraphrasing "Tell the Senate how extremely important it is to have a clear line of cooperation in the international community on the issue of economic pressure. We look forward eagerly to the action of the Senate, and perhaps it will help restore some of our faith in America."

This is a backup amendment. But I think it is worthwhile and it is valuable. I think it helps to strengthen the legislation that has been reported out of the Foreign Relations Committee.

I hope that the amendment will be accepted.

I reserve the balance of my time.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I appreciate the work as always of the distinguished Senator from Massachusetts, who has worked on this legislation and has attempted to craft legislation that will be meaningful and hopefully persuasive to the South African Government. As he has pointed out, this is a backup amendment to the amendment the distinguished Senator offered yesterday afternoon.

Mr. President, it seems to me that there are a couple of considerations that Senators must weigh before voting on this amendment. First of all, the agricultural prohibition which is the first portion of the revised amendment means, as I understand the amendment, that all agricultural commodities, products, byproducts, derivatives, or articles suitable for human consumption cannot be imported into the United States.

In 1985, Mr. President, the United States agricultural exports to South Africa totaled $108 million. The United States imports from South Africa, agricultural imports, were $98 million. One can argue that this is not a large amount of trade either way. But it is a positive balance of trade for the United States in terms of agricultural products.

I appreciate the intent of the amendment. That is to stop that trade, to stop imports on our part. And we could anticipate, I suspect, that the South Africans would retaliate by stopping imports on their side. I could be in error in this. This is the type of judgment Senators will have to make.

But I would just say, Mr. President, we have had many debates during this year about agricultural exports. We have tried in our very best way in the Committee on Agriculture on the Senate floor in working with the administration to boost exports. And

many Senators have lamented that we have not succeeded very well.

Mr. President, those persons who are interested in this body in the agricultural problem are going to have to weigh this amendment in its first section because, in my judgment, it will terminate agricultural trade. And it is a trade that currently is favorable for us and amounts to at least 108 million dollars' worth of agricultural products last year.

Mr. President, the second point that I want to make is that the bill before us, S. 2701, deals in a way with the steel situation immediately. The parastatal company that produces steel could no longer export its steel to our country. And clearly, one can make the point that in the backup list of sanctions in section 501 that might occur after a year, iron and steel imports could well be selected by the President at that point as a suitable sanction, trying to turn the pressure on further and gain progress.

This amendment of course accelerates that. It puts it into the present time, or within the period of time, I think 90 days that the Senator contemplates.

So Senators will have to weigh once again this piling on of sanctions argument that I utilized in debating the amendment of the Senator from Massachusetts yesterday.

I am not certain what judgment Senators will reach as to how many sanctions will make a particular difference. And I appreciate the Senator from Massachusetts has not selected this particular one just out of the hat. It is a part of the program of the Commonwealth nations have chosen to adopt.

So it has some consistency with that. It is in agreement with apparently where the European Community is heading.

□ 1230

If there is to be some strength in sanctions, one can make the case that we ought to have the ability to act in concert.

I would simply point out, Mr. President, that the President of the United States has currently a great deal of flexibility to act in concert with our allies. We have argued that back and forth, too, whether the Chief Executive would take that initiative and in what timeframe he would do so.

I would simply say, Mr. President, that I oppose the amendment because it appears to me to be unnecessary at this point, unnecessary in the sense that the bill has many sanctions. The bill may have more sanctions by the time the day is over. But our intent is very clear, and the effect of these sanctions will be substantial.

We do not know whether all of them collectively will make a difference, but we hope that they will. We trust that the message that we are sending is clear, not only in terms of the political realities but the moral realities of the situation.

Mr. President, I would advise against adding additional sanctions at this time in the hope that somehow the bill would be strengthened. I do not believe the bill will be strengthened by these additions. I believe the bill is strong as it stands. I fear each amendment coming along the trail in the enthusiasm of its proposer may simply lead to a situation in which we lose support for a bill that I think now has a great deal going for it.

Respectfully, I rise to oppose the Senator's amendment with full knowledge of the background of that, both the Commonwealth and the EEC, and to make certain that the statement is as strong as possible.

The Senator has offered other amendments and he has offered this one on the basis of those other votes. I want to acknowledge and recognize that. But I do not think it is a good idea to adopt these additional sanctions in the timeframe. Therefore, I oppose the amendment.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

Mr. President, the figures I have from the Commerce Department for the top five agricultural imports from South Africa totaled 119 million. But whatever it is, it is in the general area between the chairman and myself in terms of the value of the products coming to the United States.

Let me underline a couple of important points.

The European Community is going to be addressing this issue in the next several weeks. If our action here is followed by the European Community, the effect will be to ban an additional 432 million dollars' worth of South African agricultural exports, fruits, and vegetables, to the European Community and Western European nations. It is difficult for me to believe that we in the United States could not find some way to pick up the slack.

That is the purpose of this amendment—these measures have been recommended by the Eminent Persons Group and by the Commonwealth countries. These are the areas that they have defined or being important to coordinate, to work together on.

Second, on the issue of steel, Mr. President, this is the one recommendation that Margaret Thatcher accepted from the Eminent Persons Group and the Commonwealth country. Of all the various recommendations that have been made with regard to sanctions, Margaret Thatcher indicated that she would only support a ban on steel. This measure will be accepted by all of Western Europe, by the United Kingdom, and hopefully by other countries around the world. Steel is an area that we should catch up on. We are not trying to get out ahead in this area. All we are trying to do is catch up.

Finally, I would just say, Mr. President, I am aware that the President does want discretion and flexibility, but the fact of the matter is that he has not been willing to do anything over any period of time. As recently as 2 days ago, he indicated his continued opposition to sanctions.

We cannot here in this body say this afternoon that we believe the President in his own good time may or may not use these particular measures, when he is on record and has stated his opposition to all of these particular proposals.

As I said, these measures mark a rather significant move back from the measures which were defeated by a narrow margin yesterday. But they do have a foundation in logic and reason because they have been well thought out, have been recommended by the Eminent Persons Group, have been recommended by the Commonwealth nations. There will be a solid attempt to try to standardize these various economic actions within the Western industrial society and countries around the world. It just seems to me that we ought to be prepared to play our part in that particular area, not only to play our part but actually to take the lead.

Mr. DODD. Will the Senator yield?

Mr. KENNEDY. How much time have I, Mr. President?

The PRESIDING OFFICER. The Senator has 1 minute of the 5 minutes he just yielded himself.

Mr. KENNEDY. I yield.

Mr. DODD. I want to underscore what the Senator said. I think if there is any important point in all of this effort it is to have as much coordination worldwide as possible. We heard arguments that if it is just the United States, Australia, the Economic Community, Great Britain, or Canada, the effect will be diminished. I think there is logic to that position. However, where you can have several nations simultaneously applying the same sanction, that will have the most profound effect of all.

What I understand the Senator has done is to have these particular sanctions track either the Commonwealth nations or the European Economic Community, one or the other, or both simultaneously. When we get through with this process, the hope would be that we would have as much coordination as possible. I think for the first time ever we would see that kind of significant effort. I think the Senator is to be commended for this amendment. That would be ultimately the most important, the coordinated effort.

Mr. KENNEDY. I thank the Senator. As the Senator knows, for any of these measures to be effective, they best be commonly shared and be coordinated. If there is a series of disjointed kinds of actions, they have less effect.

This is an attempt to try to ensure that the United Staes will be working in coordination and harmony and that the actions that we take will be of greatest effectiveness. The Senator has underlined that point. I appreciate that.

□ 1240

The language itself points out the policy toward cooperative measures in fighting apartheid. One of the findings of Congress is that the international cooperation has been directed toward an effective anti-apartheid policy.

This is exactly what the Senator is trying to achieve.

I ask unanimous consent that the Senator form Ohio [Mr. METZENBAUM] be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I yield whatever time is remaining to the Senator from Rhode Island.

Mr. PELL. Mr. President, I have listened carefully to the arguments made by the chairman. He deserves much credit for the fine bill pending before the Senate today. The bill is here today due to his efforts. But anything, no matter how good, can always be improved. In my view, the amendment of the Senator from Massachusetts, which contains many of the recommendations of the Eminent Persons Group and clearly makes a good bill, better. This amendment is a logical follow-on to a Weicker/Kennedy amendment adopted yesterday. I urge passage of its amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I shall take 2 minutes to reiterate the basic arguments against the amendment. Whatever its merits, the two areas that will be hit are agriculture and steel. The bill already bans iron imports through the parastatal ban, so the two issues involved are agriculture and steel. In the agriculture situation, however one argues about it, we will lose export sales. Those are now greater than the imports. Senators may very well say the United States should be willing to make that sacrifice and that even though there is a sacrifice of these imports, we ought to step up and do our share.

Likewise with regard to the steel situation, there are three steel companies in South Africa. One is the parastatal situation. We have already barred those imports. The other two are American owned. One can make the case, well, fair enough, we have a steel industry in great difficulty in the United States, but steel ought to play its part, too.

I just say, Mr. President, in common sense I appreciate the thought of coordination in agriculture and steel, but if my basic argument is right that piling on additional sanctions at this point is redundant, that it will not make one whit of difference, in my judgment, with regard to the reaction of the South African Government to our whole package of sanctions contained in this bill, then this is simply gratuitous harm to American farmers and to people in our steel industry. I see no particular reason why those activities of sanction ought to be accelerated. They are held in reserve in due course. The President of the United States has those opportunities if he feels they are worthwhile and the South African Government has not acted correctly.

I rest my case, Mr. President. When all time is yielded back, I shall move to lay the amendment on the table. I understand the Senator from Massachusetts has some time remaining.

Mr. KENNEDY. Mr. President, unless there are other Senators who wish to speak, I am prepared to yield back the remainder of my time.

Mr. LUGAR. I yield back the rest of my time.

The PRESIDING OFFICER. All times has been yielded back.

Mr. LUGAR. Mr. President, I move to lay the amendment of the Senator from Massachusetts on the table.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendment of the Senator from Massachusetts on the table.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER (Mr. MATTINGLY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 55—as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—44

Abdnor	Gorton	Quayle
Andrews	Gramm	Roth
Armstrong	Hatch	Rudman
Boschwitz	Hawkins	Simpson
Broyhill	Hecht	Stafford
Cochran	Helms	Stennis
Cohen	Humphrey	Stevens
Danforth	Kassebaum	Symms
Denton	Laxalt	Thurmond
Dole	Lugar	Trible
Domenici	McClure	Wallop
Durenberger	McConnell	Warner
Evans	Murkowski	Wilson
Ford	Nickles	Zorinsky
Garn	Pressler	

NAYS—55

Baucus	Gore	Mattingly
Bentsen	Grassley	Melcher
Biden	Harkin	Metzenbaum
Bingaman	Hart	Mitchell
Boren	Hatfield	Moynihan
Bradley	Heflin	Nunn
Bumpers	Heinz	Packwood
Burdick	Hollings	Pell
Byrd	Inouye	Proxmire
Chafee	Johnston	Pryor
Chiles	Kasten	Riegle
Cranston	Kennedy	Rockefeller
D'Amato	Kerry	Sarbanes
DeConcini	Lautenberg	Sasser
Dixon	Leahy	Simon
Dodd	Levin	Specter
Eagleton	Long	Weicker
Exon	Mathias	
Glenn	Matsunaga	

NOT VOTING—1

Goldwater

So the motion to lay the amendment (No. 2751) on the table was rejected.

□ 1000

The PRESIDING OFFICER (Mr. MATTINGLY). The question recurs on amendment No. 2751.

The amendment (No. 2751) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The PRESIDING OFFICER. The question now recurs on the Boschwitz amendment.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. LUGAR. Mr. President, I ask unanimous consent that the Boschwitz amendment be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

□ 1310

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 2753

(Purpose: To permit States and political subdivisions of States to enforce State or local anti-apartheid laws with respect to contracts funded in whole or in part by funds provided by the Federal Government)

Mr. D'AMATO. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself and Mr. MOYNIHAN, Mr. KENNEDY, Mr. SIMON, Mr. MITCHELL and Mr. BRADLEY proposes an amendment numbered 2753.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. ——. ANTI-APARTHEID AMENDMENTS.

(a)(1) notwithstanding any other provision of law and subject to paragraph (2)—

(a) the eligibility of a State or a political subdivision of a State to receive funds under any Federal law; and

(B) the amount of funds which a State or a political subdivision of a State is eligible to receive under any Federal law, shall not be affected by the application of any anti-apartheid law for the State or political subdivision to a contract entered into by the State or political subdivision which is funded in whole, or in part, with funds provided by the Federal Government.

(2) The Federal Government shall not be responsible for the payment of the amount of any increase in the cost of any contract entered into by a State or political subdivision of a State if such increase is a result of the application of an anti-apartheid law of that State or political subdivision.

(b) for purpose of this section:

(1) the term "anti-apartheid law" means a law which requires a State or a politcal subdivision of a State to include in contracts entered into by such State or political subdivision provisions and conditions relating to the contractor's business relationships in South Africa or to limit or condition the award of contracts on the basis of such relationships or to take such relationships into consideration in the award of contracts; or a law which prohibits or restricts the purchase of goods originating in South Africa; and

(2) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, today I am offering an amendment that expresses my personal abhorrence of the doctrine of apartheid practiced by the Government of South Africa. Passage of this amendment would assure that State and local governments will not suffer the loss of Federal aid due to their enforcement of local laws limiting or prohibiting contracts with parties having business interests in South Africa. My distinguished colleagues, Senators MOYNIHAN, KENNEDY, SIMON, MITCHELL, and Mr. BRADLEY are cosponsoring this amendment.

My amendment would permit States and political subdivisions of States to enforce State or local antiapartheid laws with respect to contracts funded in whole or in part by Federal moneys. Such laws would not affect the eligibility of States or local governments to receive Federal funds, or the amount of Federal funds which may be allocated to them. However, should the application of such local laws increase the cost of any federally aided contract, the Federal Government will not be responsible for paying the increase.

The term "anti-apartheid law" would cover local laws that require contracts to contain provisions relating to a contractor's business relationships in South Africa or to limit or condition the award of contracts on the basis of such relationships. It also includes laws which prohibit or restrict the purchase of goods originating in South Africa.

This amendment is needed immediately to assist those local governments which have chosen to restrict their dealings with those who do business with South Africa. According to the American Committee on Africa, there are at least 25 local governments that have passed such legislation. While some of these laws specify that they do not apply to federally funded contracts, some do permit local discretion with respect to their application to contracts involving Federal funds. New York City has enacted a local anti-apartheid law, Local Law 19, which applies to all contracts entered into by the city.

New York City enacted Local Law 19 in 1985. Compliance with this law is now a condition of doing business with the city. Local Law 19 requires contractors to agree not to do business with the agencies that enforce apartheid in South Africa. If the lowest bidder does not agree to these conditions, but another bidder within 5 percent of the low bidder does agree, the bid would be referred to the board of estimate to determine whether it is in the public interest to award the contract to other than the low bidder. The board of estimate can go with the low bidder even if it is in violation of Local Law 19. To date, the low bidder has always been chosen.

The U.S. Department of Transportation and the Justice Department believe that New York City's antiapartheid law interferes with the competitive bidding process; as a result, DOT had withheld about $138 million in Federal aid for city highway projects. In order to assure that these funds were not lost to New York City, I introduced an amendment to the fiscal year 1986 supplemental appropriations bill (Public Law 99-349) signed by the President on July 2. My amendment permits New York City to continue to enforce its local law without the loss of Federal funds. However, it only applies until the end of fiscal year 1986 and it does not cover jurisdictions other than New York City. That is why the amendment I am proposing today is so necessary; we must not allow this protection of a local anti-apartheid law to expire in less than 7 weeks.

This amendment would change Federal contract law to allow local governments to meaningfully participate in the antiapartheid movement if they are willing to bear any additional costs that ensue. It provides a long-term solution to the problems faced by all State and local governments that wish to follow this course of conscience without depriving local taxpayers of desperately needed Federal aid.

The PRESIDING OFFICER. The distinguished Senator from New York.

Mr. MOYNIHAN. I thank the Chair and the chairman.

Mr. President, I rise to join my distinguished colleague in this matter.

As the Senator from New York has stated with such clarity, the purpose of this legislation is simple, direct and in our view wholly congruent with the larger legislation we are considering today and which this Chamber will adopt by the end of this day.

The United States Government is setting forth now to impose a series of sanctions on the Government of South Africa and economic activities therein. And these sanctions will, in one way or another, probably raise the costs of certain activities here in the United States. But we accept this willingly; if there were no costs, there would be no consequence, at least of the kinds we intend.

Now a number of States and municipalities have already adopted similar measures as the city of New York most assuredly has done. We would like simply to include in the larger antiapartheid legislation, a provision which says that States or localities will not run afoul of Federal regulations which require a least cost contract if the costs of a State or municipal contractor are raised as a result of complying with the State or local law imposing restraints with respect to their activities and relations with the South African Government.

We ask that this be permitted under Federal law with the specific condition that any excess costs, any increased costs be covered by the jurisdiction that chooses or has chosen to impose that restraint.

Senator D'AMATO and I are clear in this matter. This does not impose a penny of additional cost on the Federal Government. But it does enable other jurisdictions in the Federal system that wish to go beyond our measures to do so and not run into technical difficulties with Federal contracts.

That is our sole purpose. It is an enlightened purpose. It is one which surely in our view the Senate would be able to accommodate.

Mr. President, I ask unanimous consent that my statement in full be printed in the RECORD at this point.

STATEMENT BY DANIEL PATRICK MOYNIHAN

Mr. President, the bill we have been debating today, S. 2701, would provide for actions and sanctions by the Federal Government against apartheid in South Africa. Today I join with my able colleagues from New York in offering an amendment that would permit state and local governments to enforce their own anti-apartheid laws as they pertain to contracts funded in whole or in part by funds provided by the Federal Government. The language of this amendment is identical to that in S. 2654, which

Senator D'Amato and I introduced on July 17, 1986.

In important part, this amendment will allow localities to enforce anti-apartheid bidding standards that differ from those set forth in the Federal statutes and regulations, without the loss of Federal funds, if they agree to pay for any additional costs that result.

Last year, New York City passed an anti-apartheid law that modified the competitive contract bidding process. Known as Local Law 19, it requires companies seeking to work for the city to declare that they do not conduct business directly with agencies responsible for enforcing apartheid and will not supply the city with goods originating in South Africa.

Mr. President, the citizens of New York City had taken a stand. Local Law 19 grants preferential treatment to bidders who comply with its anti-apartheid provisions. If the bid from such a company is within 5 percent of a bid from a company who does not so comply, the bidder who does adhere to those principles will be awarded the contract.

Now if this law comes into conflict with Federal competitive-bidding regulations (as the Department of Transportation and the Department of Justice so found), the only reasonable solution is for the city to be able to choose which ever contract they find appropriate—as long as they agree to pay any increase in cost that results.

The solution is eminently fair. As long as it involves no added cost to the Federal agency, states and localities should have the right to make their own decisions regarding their own individual involvement with the South African regime without the threat of Federal penalty. The amendment I cosponsor today guarantees this right.

On July 23, 1986, the Senate Environment and Public Works Committee approved a similar provision that I offered to the Federal-Aid Highway Act of 1986. The provision prevents the US Department of Transportation from denying federal funds to states and localities that give contractual preference to firms that do not conduct business with South Africa. By approving the amendment before us today, we would give much wider scope to such measures for combating apartheid.

As I stated when Senator D'Amato and I introduced S. 2654, "If our cities and states stand up to say they can no longer abide a racist, repressive regime, and are willing to stand behind those sentiments, then the Federal government has no right to interrupt their moral stance."

Mr. President, I hope my colleagues will support this amendment.

Mr. President, I also ask unanimous consent to have printed in the RECORD a letter from Mayor Koch of New York City, expounding the concerns of that particular jurisdiction.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, NY, August 15, 1986.

DEAR SENATOR: I am writing to urge you to support the D'Amato-Moynihan amendment to the proposed Comprehensive Anti-Apartheid Act of 1986, to protect the right of State and local governments to regulate their own business relationships with companies doing business in South Africa.

New York City and many other municipalities throughout the country have adopted legislation whose aim is to ensure the expenditure of public monies in a manner consistent with the deeply-held moral values of the local community. For example, the local law adopted in New York City establishes a procedure whereby contractors are asked to certify that they will not do business with the instrumentalities of apartheid and will not supply the City with goods originating in South Africa and provides that, in certain narrowly-defined circumstances, a contract may be awarded to other than the low bidder if the low bidder will not make this certification. The D'Amato-Moynihan amendment provides that a locality must pay for any increase in cost that results from the application of a local law of this type to a federally-aided contract.

While the terms of various local laws vary, the policy they embody represents the genuine concern of Americans in large and small communities throughout the nation for victims of apartheid, and the view that it is in the public interest to award public contracts to companies whose activities do not lend support to the racist policies of the South African government. It is, of course, proper for Congress to be concerned where action at the State or local level impinges on foreign policy. We recognize that under our system of government the federal government must speak for the nation.

However, the State and local action at stake here should not be a cause of concern to the Congress because it involves local decision-making on matters of local concern, i.e., the purchase of goods and services. Localities should remain free to express their abhorrence of apartheid in the manner provided by their own legislation, and should not be mandated by the federal government to cease implementing the policies and procedures that have been developed at the grassroots level to aid in the struggle for freedom in South Africa.

I urge you to vote against any motion to table the D'Amato-Moynihan amendment.

Sincerely,

EDWARD I. KOCH.

Mr. LUGAR. Mr. President, I rise to oppose the D'Amato amendment. I do so respectfully knowing that the Senator has gone to great lengths in attempting to draft this in a form which is less objectionable. It is an old argument and that is essentially which branch of the Federal Government or which level ought to be preeminent in foreign policy.

I would just say, however drafted, the D'Amato amendment raises that question of Federal preemption. Does S. 2701, the bill in front of us, occupy the field with regard to U.S. law on apartheid and thereby supersede or preempt all State and local laws on that subject?

The answer to the question for the moment is it does. In the event the D'Amato amendment is adopted, it would not.

We are back into a situation in which local and State governments may express their viewpoints in law, in essence adopt their own foreign policies in my judgment.

Let me just say the reasons for Federal preemption of this field are clear: foreign policy is the domain of the national Government. Foreign relations are national relations. We cannot have individual States and cities establishing their own foreign policies. As Madison said in Federalist No. 42:

> If we are to be one nation in any respect, it clearly ought to be in respect to other nations.

Although Congress could permit State and local governments to enforce their own antiapartheid laws, the wisdom of Federal preemption is particularly sound in an area such as antiapartheid policies where there are different approaches to the issue.

Some cities and counties believe the appropriate United States policy is total disengagement from South Africa by all United States firms; others believe United States firms are a force for change and should be encouraged to remain in South Africa. Suppose some States refused to do business with firms operating in South Africa while other States required firms wanting to do business with them to remain in South Africa? The message to South Africa would be unclear; the effect on United States commerce could be disastrous.

□ 1320

Even if the D'Amato amendment is narrowly drafted, it could still create problems for U.S. firms bidding for contracts with State and local governments. New York City may promulgate one list of South African Government entities which it believes it enforces the apartheid laws; another city or State might come up with a different list. Companies would be faced with inconsistent requirements.

Let me just say, Mr. President, the administration strongly opposes all State and local efforts to enact anti-apartheid laws. Perhaps the major positive aspect of this legislation that we now have before us is that administration point of view; namely, it clears up the terrain.

Mr. President, I appreciate that Senators have argued that the administration is not enthusiastic about the legislation. I think that we know. But I can only point out that the administration will be much less enthusiastic if the D'Amato amendment is adopted.

Let me just make the general argument, Mr. President, that I appreciate the fact that Senators have passionate arguments for many things they deeply believe in, and we are being visited with one after another. Each Senator believes that he or she is improving this legislation, strengthening it. That may be so. The will of the body, I certainly respect.

But I would just say, Mr. President, we are getting dangerously close to the point in which there become very, very great difficulties for this legislation in terms of its overall support in

this body and clearly any hope of reconciliation with the administration on this legislation. This is one of those areas. We faced an earlier one this morning with regard to Presidential prerogatives. We face now one of constitutional import in terms of the sure chaos, with the multiplicity of all the ways in which every city and county and State in the country could deal with the antiapartheid question.

If we are going to deal with it firmly and fairly in the Congress—we are trying to do that, and this is a heavy sanctions bill that sends a message—clearly there needs to be that preemption that the Federal Government can exercise at the local level. But one could make the argument that if it was not for the message at the local level perhaps the national Government would not have gotten involved. But we have. The bill is an answer to that message.

So I plea with those, however fervently they may wish to pursue this at the city council level, to allow preemption to occur, to allow the Federal Government to speak with one voice for this country in its external affairs.

Mr. PELL. Mr. President, I would like to address a question—I am not sure to whom. I have not made up mymind how I will vote on this. Maybe the originator of the amendment could answer this.

I come from a State which has made the decision to divest from its portfolio securities of companies which continue to do business in the Republic of South Africa.

My point is, that would seem to me to be their privilege. If my State wants to invest only in companies whose chief executive officer has a first name that begins with "O," they could invest where they wish or how they wish. That is not a foreign policy matter.

As I understand this amendment, this would prevent the Federal Government from, in any way, jeopardizing them or harming them for following this policy. Is that correct?

Mr. D'AMATO. I say to my distinguished friend and colleague from Rhode Island that what this amendment does is holds harmless any local government who makes up any deficiency in a contract as a result of their policy that would disqualify them from doing business with a potential low bidder that does business with South Africa from a cutoff of Federal funds that otherwise might take place as a result of the policy they have opted for. It does not address the question of those State legislatures who have begun to undertake a policy of disinvestment in terms of their pension funds with those companies who do business or are located in South Africa. So it would not hold them harmless in that way.

But it does hold harmless about 25 cities and 19 States that have laws similar to that which New York has from the loss of Federal funds if they decide not to give and award a contract to a low bidder because that low bidder is doing business with South Africa in countervention of their local statutes.

Mr. PELL. This would not, of course, cost the Federal Government anything because the local government would make up the difference.

Mr. D'AMATO. My distinguished colleague is correct. It would not cost the local government, as Senator MOYNIHAN has indicated, one penny. Those dollars would have to be made up by that local or State government or political subdivision.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. D'AMATO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Four minutes.

Mr. LUGAR. Mr. President, let me make an attempt to answer the question raised by my distinguished colleague from Rhode Island.

I think the answer to his question is that Rhode Island might be able to continue enforcing its law and it might not be able to continue. That would be up to the court to decide and would be an interesting case.

I would just submit that this is one very great problem with the D'Amato amendment, that it muddies the water with regard to the preemption issue and any entity around the country that has some doubt would find themselves in court.

I would just suggest that we clarify the entire predicament by stating that when we get into an antiapartheid law, the Federal Government is speaking for the Nation, not each city and each county. They might have spoken to try to get our attention. They have gotten our attention. We are speaking. We better now speak with one voice.

Therefore, Mr. President, I yield back all of my time and I move to table the D'Amato amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana [Mr. LUGAR] to table the amendment of the Senator from New York [Mr. D'AMATO]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—64

Abdnor	Gramm	Nickles
Andrews	Grassley	Nunn
Armstrong	Hatch	Packwood
Baucus	Hatfield	Pressler
Bingaman	Hawkins	Quayle
Boren	Hecht	Rockefeller
Boschwitz	Heflin	Roth
Broyhill	Heinz	Rudman
Chiles	Helms	Sasser
Cochran	Humphrey	Simpson
Cohen	Johnston	Stafford
Danforth	Kassebaum	Stevens
Denton	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Long	Trible
Durenberger	Lugar	Wallop
Evans	Mathias	Warner
Exon	Matsunaga	Weicker
Ford	Mattingly	Wilson
Garn	McClure	Zorinsky
Gore	McConnell	
Gorton	Murkowski	

NAYS—35

Bentsen	Eagleton	Metzenbaum
Biden	Glenn	Mitchell
Bradley	Harkin	Moynihan
Bumpers	Hart	Pell
Burdick	Hollings	Proxmire
Byrd	Inouye	Pryor
Chafee	Kennedy	Riegle
Cranston	Kerry	Sarbanes
D'Amato	Lautenberg	Simon
DeConcini	Leahy	Specter
Dixon	Levin	Stennis
Dodd	Melcher	

NOT VOTING—1

Goldwater

So the motion to lay on the table amendment No. 2753 was agreed to.

□ 1350

Mr. LUGAR. I move to reconsider the vote by which the motion was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. BYRD. Does the Senator from New York wish me to yield to him without losing my rights to the floor?

Mr. D'AMATO. That would be most appreciated, because I think both sides have agreed to accept an amendment I am prepared to offer. The amendment is in behalf of Senator MOYNIHAN and myself. It would allow State and local governments which have passed antiapartheid legislation 90 days from enactment of S. 2701 to change their laws. I believe it is important to prevent the loss of Federal assistance to those States.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Minnesota.

Mr. LUGAR. Mr. President, I ask unanimous consent that the amendment of the Senator from Minnesota be temporarily laid aside.

The PRESIDING OFFICER. Also by agreement——

Mr. BOSCHWITZ. Reserving the right to object.

The PRESIDING OFFICER. Also by agreement, the next amendment should be offered by a Democrat.

Mr. BOSCHWITZ. Reserving the right to object, Mr. President.

Mr. BYRD. Mr. President, I understand that both sides have accepted this amendment. Am I correct? It will only take 60 seconds.

Mr. D'AMATO. That is correct.

Mr. BYRD. Mr. President, I shall yield for that purpose and that purpose only, with the understanding that I retain my right to the floor and that this time not be charged against my amendment which I shall call up.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Minnesota. Is there objection to——

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the amendment of the distinguished Senator from Minnesota be set aside for the purpose of calling up this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 2754

(Purpose: To permit states and political subdivisions of states to enforce State or local anti-apartheid laws with respect to contracts funded in whole or in part by funds provided by the Federal Government for 90 days following the enactment of this act)

Mr. D'AMATO. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO] for himself and Mr. MOYNIHAN, proposes an amendment numbered 2754.

At the appropriate place in the bill, insert the following new section:

Notwithstanding Sec. 210 of Public Law 99-349 or any other provision of law

(1) no reduction in the amount of funds for which a State or local government is eligible or entitled under any federal law may be made, and

(2) no other penalty may be imposed by the federal government,

by reason of the application of any state or local law concerning apartheid to any contract entered into by a State and local government for 90 days after the date of enactment of this Act.

Mr. D'AMATO. Mr. President, this amendment holds harmless those local governments which have passed anti-apartheid legislation. It gives them 90 days after the date of enactment of S. 2701 to change their laws. It prevents any loss of Federal funds that might result from the passage of the anti-apartheid legislation on a local basis. I offer this for myself and my senior colleague [Mr. MOYNIHAN].

Mr. MOYNIHAN. Mr. President, the distinguished junior Senator from New York [Mr. D'AMATO] has made the case explicitly. I am happy to associate myself with the amendment.

Mr. LUGAR. Mr. President, on our side, we accept the amendment. We think this is a useful remedy, given the vote on the last amendment.

Mr. BIDEN. We also accept it on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 2754) was agreed to.

Mr. D'AMATO. I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment or amendments be set aside so I may send an amendment to the desk.

Mr. BOSCHWITZ. Reserving the right to object, what is the regular order, Mr. President?

The PRESIDING OFFICER. The regular order is the amendment of the Senator from Minnesota.

Mr. BOSCHWITZ. May I ask the distinguished minority leader if he is now going to offer an amendment?

Mr. BYRD. Yes, he is, Mr. President.

Mr. BOSCHWITZ. Is it now the turn of the Democratic side to offer an amendment?

Mr. BYRD. Yes, it is, and I shall be happy to do so.

AMENDMENT NO. 2755

(Purpose: To clarify the purpose of the "Comprehensive Anti-Apartheid Act of 1986", and for other purposes)

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] for himself and Mr. SIMON proposes an amendment numbered 2755.

On page 52, line 10, between the period following the word "government" and the word "This", insert the following: "It further is the purpose of this Act to set forth a framework and to provide guidance so as to encourage and facilitate the establishment of political and social stability in the nation of South Africa as a result of the establishment there of a nondiscriminatory, democratic form of government, in order to prevent dissatisfaction and anger of South African victims of discrimination and government abuse from becoming a fertile bed for the spread of communism and so that South Africa will be able to resist Soviet-Marxist expansionism."

On page 77, strike out lines 13 through 23, and insert in lieu thereof the following:

PROHIBITION ON IMPORTATION OF URANIUM, COAL, AND FLUORSPAR FROM SOUTH AFRICA

SEC. 311. (a) Notwithstanding any other provision of law, no—

(1) uranium ore,

(2) uranium oxide,

(3) coal,

(4) textiles, or

(5) fluorspar,

that is produced, manufactured, or extracted in South Africa may be imported into the United States.

(b) This section shall take effect 90 days after the date of enactment of this Act.

On page 96, after line 4, add the following new section:

ASSISTANT SECRETARIES OF STATE

SEC. 606. (a)(1) There is established within the Department of State a Bureau of West and Central African Affairs which shall be headed by an Assistant Secretary of State for West and Central African Affairs who shall be appointed by the President, by and with the advice and consent of the Senate and who shall be responsible for so much of the functions of the Bureau of African Affairs (being carried out on the day before the date of enactment of this Act) as relate to West and Central Africa.

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"( ) Assistant Secretary of State for West-Central African Affairs.".

(b)(1) There is established within the Department of State a Bureau of South and East African Affairs which shall be headed by an Assistant Secretary of State for South and East African Affairs who shall be appointed by the President, by and with the advice and consent of the Senate and who shall be responsible for so much of the functions of the Bureau of African Affairs (being carried out on the day before the date of enactment of this Act) as relate to South and East Africa.

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"( ) Assistant Secretary of State for South and East African Affairs.".

Mr. BYRD. Mr. President, this is one of the amendments on which I have a total of 1 hour equally divided and I may not offer the second one.

I want to begin by taking just a moment to discuss an issue raised by the amendment offered earlier that would apply the same sanctions against the Soviet Union as we adopt with respect to South Africa.

Those of us who support realistic effective sanctions against the Government of South Africa want to put the earlier vote on the amendment by Mr. WALLOP in perspective.

Sanctions against South Africa were imperiled by the amendment. No Senator in this Chamber is soft on communism—no Senator. I should point out that the irony of that vote is revealed when we look back to last Saturday, just a few short days, when the distinguished Senator from New York [Mr. MOYNIHAN] offered an amendment, and a motion was adopted to table the Moynihan amendment. The

Moynihan amendment sought to stop the U.S. Government from subsidizing sales to Communist countries. One of the obvious targets of the Moynihan amendment was the recent decision by the administration—an administration that is not supposed to be soft on communism—to subsidize grain sales to the Soviet Union. The Moynihan amendment was tabled by a vote of 72 to 24.

The obvious irony here is that the Senate had an opportunity last Saturday to repudiate the policy of supplying the Soviet Union with subsidized goods, and I am making specific reference to the administration's decision to provide subsidized grain to the Soviet Union. This subsidization is to be paid for, of course, by all the taxpayers of this country.

□ 1400

The Senate had an opportunity on Saturday to repudiate a policy that can assist the U.S.S.R. in feeding Soviet soldiers in Afghanistan. The Soviets have 120,000 to 150,000 soldiers in Afghanistan. They made a big P.R. play recently when they said they would withdraw 5,000 or 6,000 soldiers. Of course, they rotate their forces from time to time anyway. They withdraw 5,000 or 6,000 and they send in 5,000 or 6,000. Among those military forces that are being withdrawn from Afghanistan by the Soviet Union is an antiaircraft unit. Imagine that. Why would they need an antiaircraft unit in Afghanistan? Those poor people do not have anything but World War I rifles and World War II bazookas and stones and sticks and strong wills.

But those Soviet military forces in Afghanistan have to be fed, and the Soviet Union is going to feed them. The American taxpayer is going to help to feed them through the administration's subsidized grain sales. The Senate did not choose last week to repudiate this policy of supplying grains that will be subsidized by the American taxpayers to the Soviet Union. We cannot escape history. No doubt we will have a chance to reconsider our policy concerning economic relations with the Soviet Union at some point. I hope that that choice does not come at the expense of some other important expression of our national interests—as would the Wallop amendment have done—such as the need to encourage peaceful change in South Africa. This is vital for the sake of the South Africans who are most directly affected.

It is vital because of the tremendous stakes to the United States and to the rest of the free world in keeping South Africa out of the grasp of the tentacles of Soviet-Marxist expansionism that are finding handholds in the anger and dissatisfaction of the South Africans who are the victims of that government's discrimination and oppression.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twenty-four minutes.

Mr. BYRD. Mr. President, I yield 2 minutes to the distinguished Senator from Connecticut [Mr. DODD].

Mr. DODD. I thank the minority leader for yielding. I commend him for the statement, Mr. President, that he is making on this issue. I think in all fairness we ought to point out that the author of the amendment to which the distinguished minority leader refers, the Senator from Wyoming, who is not presently with us, to his credit voted for the Moynihan amendment of last Saturday.

Mr. BYRD. Yes, he did.

Mr. DODD. So he is being consistent, if you will, in his support of the Moynihan amendment and in then his offering of this most recently offered amendment to which the leader has made reference. There were 24 of us who voted for the Moynihan amendment that was being offered on the Department of Defense authorization bill. Now, arguably there is a connection there and the distinguished Senator from West Virginia can speak to this particular point with far greater authority than the junior Senator from Connecticut. The amendment offered by the Senator from New York [Mr. MOYNIHAN] dealing with subsidized products going to the Soviet Union is quite relevant to the issues we address through the Department of Defense authorization bill. That was a national security issue which belonged on that legislation.

But I voted against the amendment offered by the distinguished Senator from Wyoming [Mr. WALLOP] this afternoon because, as the Senator from Indiana pointed out, the subject was completely unrelated to today's legislation. We are dealing with a bill here that focuses on South Africa, and although I cannot speak for all the people who voted against that amendment, many of us felt that the subjects were so separate that they should not be linked.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. DODD. I ask for 30 seconds.

Mr. BYRD. Mr. President, I yield another minute.

Mr. DODD. I pointed out to my distinguished leader, the Senator from West Virginia, on another issue, affecting the most-favored-nation status for Romania, that the Senator from Virginia [Mr. TRIBLE] and I have legislation that would delay for 6 months granting most-favored-nation status to Romania. We are having a very difficult time, in fact, getting the administration to be supportive on that issue. So I would suggest on our specific proposals there is some linkage which exists, but that it is somewhat ironic that those who voted against the Moynihan amendment last Saturday should turn around and vote for this amendment today.

I thank the leader for yielding.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Connecticut.

The Senator from Wyoming [Mr. WALLOP], indeed, was at least consistent. He voted for the Moynihan amendment, just as I did, on last Saturday. So no quarrel can be had with him as far as his consistency is concerned.

The amendment that I have just offered on behalf of myself and Mr. SIMON also provides for a ban on the importation of South African fluorspar, a critical mineral used in steel and aluminum processing, which is available from alternative sources. This ban would be added to the bans on coal, steel, and agricultural products and other items contained in the committee bill and in the Kennedy amendment and the Cranston amendment already passed. This amendment expands the statement of policy and purpose in the bill to include a statement that makes plain an additional reason for this amendment. One very important reason is because we want to foster an environment that will discourage Soviet Marxist adventurism in the southern African region. Our humanitarian concerns are self-evident, but while we have talked about the need to check the spread of Communist influence, I believe we would do well to state that intention right up front, right up front in this bill. We want South Africa to be free and self-determined, not dominated by Soviet Marxist influence. The continued oppression by the Government there is only leading it closer to such a catastrophe for both South Africans and the free world. In other words, the more violence, the more dissatisfaction, the more division, among the peoples of South Africa, then the more fertile is the ground for Soviet-Marxist influence. This is one of the basic reasons why it is in the vital interests of the United States and the rest of the free world that everything possible be done to stop the violence and to get the people of South Africa, all people, black and white, to sit down and agree to stop the killing. That country needs to be saved from itself, from its own destruction. We must do whatever we can to make it very strong up front that the legislation we are passing today is in the best interests not only of South Africa but also will help to impede the efforts of the Soviet Union to expand its influence in southern Africa.

Finally, my amendment includes the requirement that the State Department's Bureau of African Affairs be

abolished and subdivided into two geographic bureaus—a bureau of south and east African affairs, and a bureau of west/central African affairs—each to be headed by an Assistant Secretary. The purpose here is obvious. The administration's policy of "constructive engagement" is a dismal failure. After more than 5 years of uncertainty and growing instability in South Africa, even the President has abandoned the use of that phrase.

One reason for this disaster is the fact that the Assistant Secretary for the entire continent cannot hope to spend the appropriate amount of time and attention on the crucial problems of southern Africa. The Soviets have lavished attention on this strategic region. They know the stakes. We cannot afford to neglect the region. This amendment addresses that problem by dividing responsibilities along logical, geographical lines.

I believe this amendment makes a significant contribution to a comprehensive American policy toward South Africa. I believe it is consistent with the intent of the foreign relations committee, and that it builds upon the conspicuous leadership that Senators KENNEDY, CRANSTON, and others have brought to this issue.

I hope all my colleagues on both sides of the aisle will support this amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. BYRD. I yield to my distinguished friend, the distinguished Senator from Illinois [Mr. SIMON], who is also a cosponsor of this amendment.

□ 1410

Mr. SIMON. I thank the minority leader. I thank him for offering this amendment. I am pleased to be a cosponsor of it, and I am pleased that he has included fluorspar.

When I talked to a few of my colleagues about fluorspar, the immediate question was, "What is fluorspar?"

When you have fluoridated water or you have fluoride toothpaste, or whatever, that contains fluorspar. However, much more significant for the country is that you take a little bit of fluorspar as you manufacture steel and aluminum.

Right now, we import about 85 percent of fluorspar: 29 percent comes from South Africa, about 50 percent from Mexico. We mine it in Illinois and in Tennessee.

For those who think there may be an inflationary impact if we do this, fluorspar amounts to only about 3 cents on a ton of steel. So even if the price should go up 10 percent, it amounts to almost nothing. We have a 2-year reserve in the United States. In the mines in our country we have enough potential to take us well into the next century.

One other very practical thing—and I got involved because fluorspar is in Illinois: Where it is mined in South Africa, they have the single-sex hostels, where people have to go, from their homes. They go and live in these little places away from their families. It is not slave labor, but it is the closest thing to it.

Here is a very practical way that we can send a signal to South Africa. It may create a few jobs in the United States—I do not think that many. Frankly, I think it will be more help to Mexico. I do not think it will have any adverse consequences on the economy of the United States.

I am pleased to join the distinguished minority leader in cosponsoring this amendment.

Mr. BYRD. Mr. President, I thank my friend, not only for his cosponsorship, but also for his fine statement in support of the amendment and his explanation as to just what is meant by fluorspar and its involvement in the making of such divergent items as steel and toothpaste.

Mr. LUGAR. I yield myself such time as I may require.

Mr. President, I wish to discuss, first, the amendment of the distinguished minority leader, Senator BYRD.

Clearly, the statement of policy which he has suggested is a good one, and I appreciate that and the sentiments that brought it forward.

There are two elements of the amendment that I think are worthy of discussion.

On one occasion during this debate, I will ask the distinguished Senator from Kansas, who is the chairman of the Subcommittee on African Affairs and who is well acquainted with the organization of the State Department in that area, to give her views. We have not discussed the reorganization of the State Department before—that is, the Senator from Kansas and I have not discussed it—and there may be merit in the idea.

I do not wish to express immediate opposition, because this is a first impression. The distinguished Senator was kind enough to lend me a copy of his amendment earlier this morning, so I had at least an idea of the content of it, and I appreciate that.

I just say at this point, Mr. President, that I suspect that there is some reticence on our part to accept reorganization of the State Department on this particular bill, as it is pertinent in the sense that we are discussing Africa and South Africa in particular. I know few Senators who have given much thought to the specific divisions of the State Department in this respect.

I say this respectfully to the distinguished Senator: The idea may have merit, but I have some doubts as to our enacting this reorganization at this time.

The remainder of the amendment, given the action we have already taken, the original bill, would ban imports of uranium or uranium oxide and coal.

Yesterday, an amendment offered by the distinguished Senator from California was adopted which would ban immediate imports of textiles. So this brings us to fluorspar, and the distinguished Senator from Illinois has explained fluorspar.

I suspect that the distinguished Senator from Illinois is proud of the fact, and I would be too, if 90 percent of the fluorspar produced in the country came from my home State—and, in fact, it seems to me, probably out of the two or three counties in the southern part of the State. So there is some parochial interest in this amendment.

It was very difficult to weigh with gravity and with all guns blazing, when we finally have in this whole list only fluorspar to talk about. The bill will not ride or fall on the basis of whether it is added or subtracted.

I do ask, Mr. President, when will the stream of amendments end? In other words, how many sanctions are too many? Fluorspar will not break the back; it will not bring a veto or end one. It probably does not assure that the Senator from Illinois will vote for the bill. He probably will vote for the bill, anyway.

We must be careful, as we should have been earlier, on—and have not been entirely successful—in not turning this bill, which has a high moral purpose, to fight apartheid, into a protectionist vehicle, into a trade bill.

It is a great temptation on the part of Senators, while they are fighting apartheid and fighting sin, to also fight the battle of trade, to throw in protectionism. If it is going to hurt South Africa a bit in the process, it does not make a lot of difference. But I hope we will not demean the process by endless addition of endless products.

□ 1420

I say simply that I have no great objection to the fluorspar aspect but I would defer to the distinguished Senator from Kansas for a discussion of what I think is the importance of this amendment which is namely reorganization of the State Department. I am deeply interested in her views.

I yield time she may require.

Mrs. KASSEBAUM. Mr. President, I thank the Senator from Indiana.

I would like to ask the Democratic leader, if I might, some questions about his intent in thinking that an additional Assistant Secretary for African Affairs would help us solve some of the problems that face the African nations.

I personally, Mr. President, believe that we have a very able Assistant Secretary of State for African Affairs at this moment, Dr. Crocker, who has certainly a broad agenda that he has to cover when his territory is all of sub-Sahara Africa.

I think the importance of having one Assistant Secretary responsible for the totality of interests and concerns and really in many ways separate and distinct a relationship provides an important continuity of leadership.

We already have 16 assistant secretaries at the State Department responsible for various areas of the world. But I believe while we all share concerns about the declining agricultural production in much of sub-Sahara Africa, the enormous problems that have been caused by drought and famine and before us today, of course, the tragedy of apartheid in South Africa, an additional Assistant Secretary is not going to solve that problem.

I would be interested in hearing the Democratic leader's view on just why he might feel that this would help us.

Mr. BYRD. Mr. President, the distinguished Senator from Kansas [Mrs. KASSEBAUM] has demonstrated great leadership in this area. She is chairman of the subcommittee on the full Committee on Foreign Relations which has jurisdiction over this part of the world. I have lauded her upon previous occasions for what I felt were wise, reasonable farseeing statements which reflected great vision and understanding. I take occasion to do that again.

I think that her question in this instance is very pertinent and appropriate.

Sadly, under bureaucratic arrangements, it is not possible for the high-level attention to be given to South Africa that should be accorded it without ignoring other issues in Africa that need similar attention.

There is Nigeria, where there is one-fourth of the population of black Africa, which is facing difficult economic reforms and challenges as a result of the steep decline in oil prices. Other petroleum exporting countries of Africa are facing the same challenge.

The reforms have the potential of creating great political turmoil in those countries.

Therefore, I think we need to be paying close attention to the possible damage that that turmoil could create for American national interests on the entire continent.

Last year, Africa faced a staggering famine that required hundreds of millions of dollars in food and other famine relief from the United States.

Today although the immediate challenge of the famine is no longer present in most countries to the degree that we saw it, we face the greater difficulty of trying to address the causes of that famine so that such relief efforts will be avoided in the future.

In the Northern part of Africa, Libyan adventurism, encouraged by the Soviet Union, threatens the security of every country, even of our own country and our own interests.

In Liberia, America's oldest friend on the continent, there are serious political problems. We have installations in Liberia which I am told are very important to American foreign policy and national security interests. The wrong turn of events in Liberia could seriously undermine our interests there.

I could go on, but I do not want to take much more of my colleagues' time on this last day before the recess.

What it seems to me is that the task we are requiring of a single Assistant Secretary of State is too much to require, with one-third of the world's nations and with perhaps one-third of its intractable problems, such as apartheid. The African Continent needs more attention by our foreign policy professionals than we have given to date.

This amendment, therefore, provides for a division of responsibility between Assistant Secretary for East and South Africa and Assistant Secretary for West and Central Africa. This reorganization of the Department of State will allow us to give attention to East Africa and South Africa that deserves attention and let us not allow other problems in the other regions of the continent to suffer.

Mrs. KASSEBAUM. I am happy to yield to the Senator from Illinois.

Mr. SIMON. Mr. President, I speak for myself and not Senator BYRD or anyone else here.

Candidly I think you can make the case Senator BYRD has laid out. I think some of us have concern whether the administration policy which we consider anemic is reflected by the Assistant Secretary of State for African Affairs or is created by the Assistant Secretary of State for African Affairs. I do not know what the answer is.

But what is clear is that our policy is not as strong as it ought to be.

It does seem to me on that basis some change in personnel might cause a reevaluation of policy and I think is an excellent reason for having this amendment.

If I might just add the Senator from Kansas follows these things much more closely than I. She would know whether the Assistant Secretary of State for African Affairs is simply reflecting what the administration believes or is he helping to create that policy?

Mrs. KASSEBAUM. Mr. President, as the Senator from Illinois knows, the State Department officials probably do both. They study very hard the situation that exists in the countries in which their responsibility lies and they also are a part of recommending policy. But as the administration decides what way to go, they are a part of implementing that policy.

I certainly share with the Democratic leader the concerns and the magnitude of the problems that exist in many of the very populous and important nations of the sub-Sahara Africa. But I also believe we have found that too many cooks sometimes can only add more problems as far as preparing the recipe, and I think at this point we would be far better in consolidating instead of dividing responsibility, and I think it is very important for strong leadership to come from someone who can oversee all of sub-Sahara Africa.

For that reason, Mr. President, I would have to oppose this particular part of the amendment of the Senator from West Virginia.

Mr. LUGAR. Mr. President, in an earlier debate this morning the distinguished Senator from Delaware, who is now here on the floor helping to manage this bill, pointed out that this Senate already is in the process of invading the executive prerogatives because we are in the process of passing a bill of heavy sanctions for South Africa.

I admitted that he had a very good point. I was arguing we ought not to invade the executive prerogatives further, and the Senate by a narrow margin agree with that.

Clearly we are involved in reshaping foreign policy. It is a very important shift. I share and I appreciate the reasoning and the dialog we have had in this debate, because the Senator from Illinois has been candid that maybe splitting up or having more than one secretary is not the answer to the problem he has with the policy. He has raised the rhetorical question but an actual one, is the policy a problem of that particular assistant or the administration or a combination about which the Senator from Kansas responded? It may be a bit of both.

Obviously, since I strongly backed the bill, I find things wrong with the policy, substantially a number of things wrong, and this is why we moved in a pretty strong bipartisan situation on this legislation.

But I would respectfully ask some delay before we reorganize the State Department because of our dissatisfaction with this particular policy. It may be that is the remedy. A more direct remedy I suspect would be to have a change of personnel. I am not advocating that. But, clearly, if one is looking at Government efficiency, one would think that is probably the first option.

□ 1430

Rather than having a debate upon the Assistant Secretary, I think the point made by the distinguished Senator from West Virginia's amendment is clear, as well as the other debate. I hope the amendment would not be adopted, even though the point has been made and the debate has been a good one.

Mr. President, I rise in opposition to the amendment and at the appropriate time will move to table the amendment of the distinguished Democratic leader.

Mr. BYRD. Mr. President, the Senator would certainly be within his rights to move to table. I am a little amused by the fact that any amendment I call up, the distinguished manager of the bill on the other side always wants to table it. I see other Senators have their amendments called up on the other side of the aisle and several of them get up or down votes on them. I would like to have an up-or-down vote, also in a while.

Why is it—I just ask a rhetorical question; if the Senator wants to answer, I would be happy to hear him—why is it that amendments we offer on this side of the aisle are not voted on up or down? We offer amendments and they are tabled.

We would like to have some up-or-down votes on the issues, rather than have a tabling motion—which is certainly within the rules; I do not quarrel with that—obscuring the real meaning of the vote.

It is sometimes easier for Senators to vote for a tabling motion because they can go home and say, "Well, that was just a parliamentary procedure, so I was voting on the parliamentary procedure. I wasn't really voting on an issue. I was voting with my leadership to table the amendment."

That is a rhetorical question. I do not ask for an answer, but I would be happy to hear the response.

Mr. LUGAR. Mr. President, I will give a brief response so the Senator's time will not be misused.

I say to the Democratic leader, in the spirit of comity, I will not move to table his amendment and we will have an up or down vote on the amendment.

I took the same position, quite frankly, with regard to the distinguished Senator from California's amendment on textiles, perhaps because I felt we probably had 67 votes, or more or less, as it did. So I am somewhat arbitrary. You will have to excuse me. But in this particular instance, I will not move to table.

Mr. BYRD. I am glad that my very persuasive statement was so eloquent and so cogent that the distinguished manager of the bill had decided to let us have an up-or-down vote. I think I will try it again sometime. I do thank the Senator.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. Seven minutes.

Mr. BYRD. How much time does the opposition have?

The PRESIDING OFFICER. Eighteen minutes.

Mr. BYRD. I yield 5 minutes to the distinguished Senator from New Jersey.

Mr. LUGAR. Mr. President, if the distinguished Senator is in opposition, I would be happy to yield time.

Mr. BYRD. Is the Senator in opposition to my amendment?

Mr. BRADLEY. No, I am not.

Mr. BYRD. I yield 5 minutes to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, I thank the distinguished leader very much for yielding.

I wish to compliment him for his amendment. In particular, I want to compliment him for the first section of his amendment that makes it crystal clear that the purpose of this act is to prevent the racism that exists in South Africa today from becoming "a fertile bed for the spread of communism and so that South Africa will be able to resist Soviet-Marxist expansionism."

I want to compliment him on that section of his amendment, as well as the whole amendment, because it makes crystal clear his intent.

Earlier, we had an amendment that related to the Soviet Union. I must say I found that amendment to have just a touch of irony, because a couple of weeks ago we were voting vast sums of money to protect the free world from Soviet expansionism and then, a week or so late, in adopting the amendment of the majority leader and rejecting the amendment of the Senator from New York, Senator MOYNIHAN, the Senate voted to sell wheat to our Soviet adversaries at bargain basement prices.

In fact, the Secretary of State, Secretary Schultz, was even less restrained, because what he said was: "This is ridiculous." He said: "The Soviets must be chortling and scratching their heads at the fact that they are paying less for American-produced food than American housewives."

He raised the specter of a subsidy war that will yield big benefits for the Soviets and large losses for the West. He observed that patriotic American farmers are not advocating tax hikes on Americans to subsidize food for the Soviet citizens.

So I think that is one touch of irony, that many of the people who supported the amendment of the distinguished Senator from Wyoming voted against the Moynihan amendment to say, "Let us not subsidize the sale of grain."

I must say to the distinguished leader that there was another moment of irony yesterday when Senator PRESSLER stood to delete the section of the bill that said the President should consider the sale of gold. Well, Mr. President, how do you think the Soviet Union is financing revolution in Third World countries? It is financing it with hard currency derived from the sale of oil and gas and the sale of gold. If we would encourage the sale of gold and say that we might, speculators would take the price down and the Soviet Union would have less revenue to finance expansionism in Third World countries around the world.

I must say, because I checked that vote, I saw many of the people that supported the earlier amendment by the Senator from Wyoming voting against my position that said we should consider to sell gold so as to penalize the Soviets and diminish their capacity for expansionism.

So I would say to the leader, I appreciate very much his amendment, particularly the first part. I find a great deal of irony in the fact that many of the people who supported the amendment of the Senator from Wyoming on one day, said in earlier days, "No, don't sell gold and to subsidize grain to the Soviet Union," the results of which would be to give the Soviet Union more money to purchase Third World adventurism.

So I appreciate the Senator's amendment.

On the issue itself, I will simply say that this bill is——

Mr. BYRD. Mr. President, may I add, may I suggest to the distinguished Senator that he also address a comment to the fact that, because the administration has decided now to provide the Soviets with subsidized grain at a cost to be paid for by the American taxpayers, will he comment on the Australians who now say that they will have some concern in the future about American bases located in Australia as a result of the action by the administration in subsidizing grain to the Soviets?

Mr. BRADLEY. I would say to the distinguished leader, I do not have enough time to get into my assessment of what our foreign policy—our farm policy—has done to our strategic interest around the world. This is just the latest example of an attempt to reach out to say we are going to help a few farmers, the result of which is to endanger our strategic position abroad. Australia is just one example. The Canadians are equally upset about this. This was an unwise decision. It has negative strategic implications, and I do not think we have yet to see the full extent of the damage.

I hope, ultimately, we will be able to reverse that decision.

Certainly, I compliment the leader on this amendment.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 25 seconds remaining.

Mr. BRADLEY. Mr. President, I would simply say that I hope this amendment will be adopted. I think it adds a little addition to the sanctions.

Frankly, as someone who has grappled and lived with the issue of apartheid for 20 years, as one who first encountered it over 20 years ago with students at Oxford who were students there because they escaped political prisoner status in South Africa, these sanctions are even coming too late.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, we are prepared to yield all time back on the amendment.

The PRESIDING OFFICER. All time has been yielded back.

Mr. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute and forty-five seconds.

Mr. BYRD. Mr. President, I urge the Senate to vote for the amendment.

I thank the distinguished manager for allowing an up-or-down vote. I thank him for his courtesy and I thank the Senator from Kansas for her very incisive questions. I thank those on this side of the aisle who have spoken in support of the amendment.

I yield whatever remaining seconds I have back.

The PRESIDING OFFICER. All time is yielded back. The question is on the amendment.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia [Mr. BYRD]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER (Mr. WARNER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—45

Baucus	DeConcini	Hollings
Bentsen	Dixon	Inouye
Bingaman	Dodd	Johnston
Boren	Eagleton	Kennedy
Bradley	Exon	Kerry
Bumpers	Ford	Lautenberg
Burdick	Glenn	Leahy
Byrd	Gore	Levin
Chiles	Harkin	Long
Cranston	Hart	Matsunaga
D'Amato	Heflin	Melcher
Metzenbaum	Proxmire	Sarbanes
Mitchell	Pryor	Sasser
Moynihan	Riegle	Simon
Nunn	Rockefeller	Stennis

NAYS—54

Abdnor	Grassley	Packwood
Andrews	Hatch	Pell
Armstrong	Hatfield	Pressler
Biden	Hawkins	Quayle
Boschwitz	Hecht	Roth
Broyhill	Heinz	Rudman
Chafee	Helms	Simpson
Cochran	Humphrey	Specter
Cohen	Kassebaum	Stafford
Danforth	Kasten	Stevens
Denton	Laxalt	Symms
Dole	Lugar	Thurmond
Domenici	Mathias	Trible
Durenberger	Mattingly	Wallop
Evans	McClure	Warner
Garn	McConnell	Weicker
Gorton	Murkowski	Wilson
Gramm	Nickles	Zorinsky

NOT VOTING—1

Goldwater

So the amendment (No. 2755) was rejected.

□ 1500

Mr. LUGAR. I move to reconsider the vote by which the amendment was rejected.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, I seek recognition at this time to inquire of the distinguished majority leader if there might be some action we could take now to speed up completion of the bill. I say before I yield to the distinguished majority leader that we have on this side of the aisle—I have dropped my 1-hour amendment from the list and others have dropped amendments from the list. We have four that still appear to be on the list. I hope that one or two of those might be accepted.

Under the previous agreement, the final vote on passage of this bill was to occur at 6 p.m. today. I may draw a little fire from my own side, but now is the time for speed. I would propose to the distinguished majority leader—I believe that on this side, as far as our amendments are concerned, I would suggest that we might try moving that 6 p.m. vote up to 4 p.m. and dispose of this matter. That would mean that we would cut down practically all of the remaining debate on both sides and cut down some of the time on the remaining few amendments. It is hoped that most of them would be dropped as I have dropped my 1-hour amendment.

I yield to the majority leader.

Mr. PELL. Mr. President, before the majority leader responds, I have heard that Senators LAUTENBERG, HART, and SARBANES have statements to make. Otherwise, I think it is an excellent idea, the minority leader's suggestion.

Mr. DOLE. Mr. President, if the minority leader will yield, we are trying to make some progress on this side, but I am still counting 11 amendments and I am advised 6 of those would require rollcalls.

We are almost in the reverse situation we were in on Contra aid. We had no amendments and I know the other side has fewer amendments on South Africa; we seem to have more amendments on South Africa.

Perhaps after the next vote, we will have had an opportunity to check personally on each one of these and at least see if we can shrink the time. If we had consent to vote at 4, that would shrink the time to 2 minutes on each amendment. But there would still be a number of rollcalls. Let me try to determine how that would be if we moved it up to, say, an hour or 2 hours.

Mr. LEAHY. Will the distinguished minority leader yield?

Mr. BYRD. Yes, Mr. President.

Mr. LEAHY. As the distinguished senior Senator from Vermont has mentioned, I have a matter involving Superfund.

Mr. DOLE. We can do that right now.

Mr. LEAHY. The distinguished Senator from New Jersey [Mr. LAUTENBERG] also has an interest in that. I think we would have to get him on the floor. It is a matter I would like to dispose of. The distinguished senior Senator from Vermont, who has been the outstanding national leader on this matter, I know also has a conference meeting going on. I would like to ask him.

Mr. BYRD. Mr. President, do I still have the floor?

The PRESIDING OFFICER. The minority leader has the floor.

Mr. BYRD. I think there are many Senators who would like to see this matter resolved. I suggest to the distinguished majority leader if it could be accomplished in a minute or 2 or 3, so we would not take any more time——

Mr. DOLE. If the Senator will yield, if it is going to be a unanimous-consent request that will not take more than 3 or 4 seconds. If it is going to be a matter of making speeches, we will not be able to do that. I understand it is a matter of unanimous consent on extension. We are willing to do that right now.

Mr. HUMPHREY. Will the majority leader yield?

Mr. DOLE. I think the Senator from West Virginia still has the floor.

Mr. BYRD. I am going to yield the floor. Before I do yield the floor, I wonder if we could also get consent to adopt the correcting enrollment on H.R. 4329. That is the U.K./Ireland aid bill. If we can do that by unanimous consent, I yield the floor.

Mr. DOLE. Mr. President, we are prepared now——

Mr. LAUTENBERG. Would the majority leader yield for a question?

Mr. DOLE. We are prepared to do the extension on Superfund if it can be done within a couple of minutes. Otherwise, we can do this later. There will be no rollcall on it and it will not further complicate the lives of people who want to offer amendments, have rollcalls, and leave.

Mr. LAUTENBERG. Will the Senator yield so I can complicate life just a little bit, because I have not complicated much around here for a long time?

Mr. DOLE. Yes, I yield.

Mr. LAUTENBERG. I would like to have it known that I would like to make a statement on this. In the interest of expediency, I am willing to submit it for the record, but I would like a guarantee that immediately after the disposition of the South African matter, I will be permitted 10 minutes to make my remarks.

Mr. DOLE. That will be fine. That is a reasonable request.

□ 1510

SUPERFUND

The PRESIDING OFFICER. The Senator from Vermont.

Mr. STAFFORD. Mr. President, I ask unanimous consent that the Senate now turn to House Joint Resolution 713, Superfund, just received from the House. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Will the Senator from Vermont and the floor managers be willing to enter into a time agreement or some stipulation of how much time they will consume so the rest of us who have been waiting to offer amendments will be aware of how long this will take?

Mr. STAFFORD. We do not intend to use any time. We plan to move immediately on it and ask for its adoption.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (H.J. Res. 713), making a repayable advance to the Hazardous Substance Response Trust Fund.

The Senate proceeded to consider the joint resolution.

Mr. LEAHY. Mr. President, once again we find ourselves at a critical juncture in the Superfund Program.

The situation is very simple. If we do not enact a special appropriation bill today, the Superfund Program will be irreparably damaged.

The House has now acted. It is now our responsibility to act.

It is now clear that the committee on conference on the 1986 tax bill will not enact the taxes necessary to refill the depleted Hazardous Substances Response Trust Fund before we recess.

Now, we should all understand that the authorizing committee, led by my distinguished colleague, the senior Senator from Vermont, has completed its work on this legislation. He has labored long and hard. The final bill is over 200 pages. It was only because of his outstanding leadership that the conference committee resolved the score of controversial issues in the Superfund bill. Once again he has shown the exemplary concern for the environment characteristic of his distinguished public career.

However, if the tax conference cannot address the Superfund issues before the August recess, the program will be damaged in two significant ways.

First, the core contractor capacity cannot be maintained. These contractors are absolutely essential to respond to emergencies, to control hazardous sites, and to develop cleanup programs at toxic dumps.

Second, at 76 sites, the work needed to control and remove toxic waste would be halted, and at 12 sites, removal actions would end as of September 30.

Therefore, 2 days ago Senator STAFFORD and I introduced a special appropriation bill to provide $60 million so that the members of the tax committees can complete action on the taxes in September without disrupting the Superfund Program. (S. Res. 393)

Because of concerns raised by the Senator from New Jersey, Senator LAUTENBERG, the resolution introduced yesterday has now been refined. The total has been lowered to $48 million. Second, all remedial action funds and removal funds will have to be committed by September 30. All funds provided for contract continuation could only be used for that purpose. They would not be a kitty that the agency could use to keep the program going absent a Superfund tax bill.

This resolution was greatly improved as we resolved the excellent issues raised by my friend, Senator LAUTENBERG.

Mr. President, I want to say a few words about Senator LAUTENBERG's leadership on the Superfund issue.

Last March we faced this same situation. It was only because of the outstanding efforts of the Senator from New Jersey, Senator LAUTENBERG, that an emergency appropriation was passed at that time. Without his dynamic leadership, Superfund would have been shut down months ago, the Superfund conference would have collapsed, and we would not have the strong Superfund bill we do today. Thus, I look forward to working closely with him in keeping this program—which is vital to his State and the Nation—operating.

Finally, I want to thank the chairman of the HUD Subcommittee, JAKE GARN, for his cooperation on this resolution. As usual he has bent over backward to make sure that these essential programs are not disrupted.

I urge the passage of the resolution.

I ask unanimous consent that materials describing the amendment be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT ON SHORT-TERM SUPERFUND EXTENSION

The legislation establishes $48 million in borrowing authority against the Treasury, to be repaid by future Superfund trust fund revenues. The $48 million is to be used for four specific purposes:

1. $10 million will be used to continue in force fourteen "core" contracts which were identified in the EPA Administrator's letter dated August 13, 1986.

2. $9 million will be used to exercise new options on three categories of replacement contracts, listed as Items 4, 5 and 6 at page 4 of Attachment A to the Administrator's August 13 letter.

3. $14 million will be available to satisfy Anti-Deficiency Act requirements for newly obligated contracts.

4. $15 million will be spent to conduct removal and remedial activities at sites specifically identified in Attachment B of the Administrator's August 30 letter.

The basis for the Congress' decision to enact a second short-term extension of Superfund funding is that there is no other significant amount of money readily available to meet the purposes identified above. We have been informed by senior EPA officials that there are only two other sources of available funding and that each is negligible: (1) money from the states under cooperative site agreements, if the states agree to release such funds; and (2) a very limited amount of Superfund money which has been transferred to other federal agencies and departments under Interagency Agreements and that could not easily be transferred back.

Because of these assumptions, we expect the effect of the $48 million extension to be that the circumstances described in the Administrator's August 13 letter will reoccur on September 30, 1986 unless Congress takes further legislative action.

Mr. GARN. Mr. President, we have before us a very critical supplemental appropriations measure to provide additional resources needed to prevent the effective termination of EPA's Superfund Program.

Last year, Congress, through the appropriations process, provided this program $900 million for fiscal year 1986. Unfortunately, this authority is not available unless the authorization and tax legislation for the program clears conference and is enacted into law.

At the time that Congress acted on the appropriations bill last fall, we were assured that prior year balances

could maintain the Superfund core activities and technical infrastructure for several months. But due to the delay of the conference consideration of the authorization bill, in April, we had to do such an emergency measure to provide EPA with the funds necessary to keep the Superfund going until September 30 without disrupting the contract infrastructure. Now we are again faced with a delay of the authorizing bill action and the possible termination of EPA's Superfund Program. Contractors who directly implement hazardous waste cleanups are being told that their contracts will be terminated and their work force disbanded.

The years of effort to establish and develop an effective and aggressive program to cleanup these hazardous waste dumps will all go down the drain unless additional funding is released immediately.

That is what the measure before us will do. House Joint Resolution 713 permits EPA to obtain a $48 million repayable advance from the Treasury.

Of the $48 million, $15 million shall be obligated by September 30, 1986, for the continuation of ongoing remedial and removal site work and $19 million shall be used only to continue ongoing contracts and to replace contracts for essential services. All the funds appropriated shall remain available until expended except the $15 million which must be obligated by September 30, as I stated earlier. This emergency action will, we hope, allow the authorizing committees to conclude their conference on the necessary legislation.

I urge immediate adoption of this bill.

Mr. MITCHELL. Mr. President, I am pleased that we are considering legislation providing stopgap funding for the Superfund Program. The pending resolution would provide the Federal Environmental Protection Agency with $48 million for Superfund activities through September 30, 1986.

The conferees for the substantive provisions of Superfund have reached agreement. The only remaining issue is the kind of tax that will be used to fund the program. I am hopeful that the Superfund tax conferees will conclude work on their title of the bill shortly after we return from the Labor Day recess. Once all the conferees have reached agreement, the Superfund Program can be funded at the level envisioned by the conferees: $7.5 billion over a 5-year period.

In the interim, the program faces grave funding problems that this resolution is designed to alleviate.

The money we are providing today should permit EPA to maintain its major contracts and to continue some work at Superfund sites. We support the continuation of these activities.

Fifteen million dollars is provided for remedial activity. We do not anticipate that this money will be used by EPA to sign records of decisions so that compliance with new and more complex cleanup standards agreed to by the Superfund conferees on June 13, 1986, can be avoided. In fact, EPA should be using the time until the reauthorization bill is signed to fully implement the new cleanup standards upon enactment.

I am pleased that further funding for the Superfund Program can be made available. The unfortunate pace of the Superfund conference has delayed the infusion of funds that is so badly needed. The money we provide today is not sufficient to fully fund the program, but it will prevent virtual shutdown of the program.

I urge my colleagues to support this resolution.

SUPERFUND EXTENSION URGENTLY NEEDED

Mr. STAFFORD. Mr. President, I hope that the Senate can approve this resolution immediately, because it provides money which is urgently needed by the Superfund Program.

As many Members probably know, the conferees on the nontax aspects of the Superfund legislation have reached agreement and the report will soon be ready for signature. Unfortunately, the tax conferees have not yet reached agreement, so there is no money available for this program because the tax supporting it expired last September 30. This resolution will provide $48 million to the Superfund Program, enough to keep it running at a minimal level until September 30. This should provide time for the tax differences to be worked out.

Mr. President, I would like to say that this extension would not have been possible without the assistance and perseverance of the Senator from New Jersey, Senator LAUTENBERG. He has been a steadfast supporter of this program and has worked at every turn to assure that it continues to operate as well as possible under these very difficult circumstances. I would also like to thank my fellow Senator from Vermont, Senator LEAHY, for his help. He has worked closely with our counterparts on the House side to assure that we were able to reach an understanding agreeable to both bodies. Bringing the many different parties together on a matter as contentious and complex as this law is no small feat and both Senators LAUTENBERG and LEAHY deserve credit for their efforts.

Finally, Mr. President, I would like to assure that the Senator from Delaware, Senator ROTH, is included as a cosponsor of this resolution, as it was introduced in the Senate yesterday as Senate Joint Resolution 399. Although not a member of the Committee on Environment and Public Works or the Committee on Appropriations, he has been a steadfast supporter of this program, for which I express my appreciation.

Mr. President, I hope we can dispose of this matter quickly and urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Thank you, Mr. President.

I intend just to speak for a few minutes, and ask unanimous consent to submit a colloquy between the junior Senator from Vermont and myself and the full text of my remarks. In the interests of moving things along, I will just briefly summarize these remarks.

I rise to express some concerns about the interim funding measure for Superfund before us.

Two weeks ago, conferees on the programmatic portion of the Superfund conference reached final agreement on the nonrevenue parts of the Superfund reauthorization bill. After months of tough and enormously complex negotiations we approved a vastly enlarged and strengthened Superfund bill. I felt a deep sense of satisfaction at what we had accomplished.

We came out of the negotiations with a fivefold increase in the size of the Superfund Program and we approved a bill with very stiff new requirements that we all hope will lead to a better program.

Mr. President, when we completed our deliberations on the Superfund, I believed that we would complete action on the conference report accompanying the bill before the recess that we are about to begin. However, because of the continuing conference on the tax title we obviously do not have a bill to send to the White House. Due to the work on several tax reforms, the tax conferees apparently will not be able to get to this until after the recess.

I want to say that I commend my very distinguished colleagues, the chairman of the Environment and Public Works Committee, Senator STAFFORD, and the ranking member of the HUD and Independent Agencies Subcommittee on Appropriations for their concerns over the fiscal crisis Superfund is facing, concerns which have led them to support this interm funding measure for Superfund. It is designed to be strictly a stopgap, short-term measure. The point that I would like to make here is that I hope that with all the effort, all the commitment, and all the work that went into fashioning and crafting a Superfund bill that had teeth and had appropriate resources behind it, that we will not permit these efforts to be lost. That we will not take the pressure off Congress to complete action on Superfund.

So, Mr. President, I support keeping the pressure on, and I feel the need to raise concerns about the interim fund-

ing measure. I support ensuring that Congress get the job done on Superfund, and have some questions about the measure before us. I am first and foremost behind enactment of the Superfund reauthorization, and hope that all of us here will recognize that the Environmental Protection Agency and the Superfund Program will have to get on with the task of cleaning up this Nation's toxic waste sites as quickly as we give them the resources to do so.

Mr. President, I rise to speak with some degree of ambivalence.

Two weeks ago, conferees on the programmatic portion of the Superfund Conference reached final agreement on the nonrevenue parts of the Superfund reauthorization bill. After months of tough and enormously complex negotiations, we approved a vastly enlarged and strengthened Superfund bill. I felt a deep sense of satisfaction at what we had accomplished. We came out of those negotiations with a fivefold increase in the size of the Superfund Program. And, we approved a bill with stiff new requirements that I hope will lead to a better program.

Our bill provides for the first Federal right-to-know requirements, to make sure that communities and emergency response personnel know about the chemicals nearby, and how to respond in case of an emergency. I authored those provisions and fought long and hard to keep them in conference, against a lot of opposition.

Our bill also established Federal clean up standards, to avoid quick fixes at Superfund sites, and gives citizens the right to sue when EPA is not doing its job. It provides, for the first time, health assessments at Superfund sites, and meaningful Federal participation in cleaning up contaminated ground water.

Mr. President, when we completed our deliberations on the Superfund bill, I believed that we would complete action on the conference report accompanying the bill before the recess that begins today. However, due to continuing disagreement over the tax title, we cannot send a bill to the White House today. Because of their work on the tax reform bill, the tax conferees have been distracted from this task.

Mr. President, while there had been some optimisim that the conference on the tax reform bill was nearing conclusion, it appears that the conferees will not complete action before recess. This will make it doubly hard for them to work on Superfund legislation. I have joined with the two Senators from Vermont in writing to Senator PACKWOOD and Congressman ROSTENKOWSKI, chairmen of the Finance and Ways and Means Committees, asking for prompt resolution of this issue when we reconvene in September.

Mr. LAUTENBERG. Mr. President, it is this impasse over the tax title of the bill that is the genesis of this interim funding measure for Superfund. In March, I sponsored a $150 million interim funding measure for Superfund, which was enacted into law, to keep the Superfund Program intact during a very sensitive 60-day period of the Superfund Conference. At that time, many of us considered it a close call whether or not we should provide interim funding for Superfund. Ultimately, many of my colleagues, including the two Senators from Vermont, joined in a modest, short lived, interim funding measure to keep the program afloat during this period of time.

We wanted to keep pressure on the conference, and the administration, to work constructively toward a reauthorized program. However, we did not want to destroy the integrity of the Superfund Program. We wanted to make sure that Superfund employees at EPA were not fired. We wanted to make sure that Superfund contracts were not canceled, and that work at sites continued. We wanted to make sure that adequate funds existed for emergency actions.

So, Mr. President, we arrived at what we considered just the right balance. We pumped enough funding into the program—$150 million for 2 months—to keep Superfund employees on board, and Superfund contractors intact. We provided enough money to keep clean up projects going and adequate funds available for emergency actions and removals.

With the failure of the Congress to enact a conference report on Superfund today, we again face the threat of serious disruption to the program. The Administrator of EPA, Lee Thomas, has notified Congress in a letter dated August 13, has discussed the fiscal situation of Superfund. I ask unanimous consent that this letter be inserted in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LAUTENBERG. Mr. Thomas states that if no further interim funding is provided, he will have to send out termination notices for cleanup contracts on September 1. Critical cleanup work will be sharply curtailed. That is not a pleasant prospect.

This situation, Mr. President, is the genesis of the bill before us. And, I compliment the two Senators from Vermont. They are a good team for their State, one of the most environmentally conscious in our Nation. The senior Senator from Vermont, Senator STAFFORD, is the able chairman of the Environment and Public Works Committee, on which I serve. The junior Senator from Vermont is the ranking minority member of the Appropriations Subcommittee which oversees environmental programs. They have worked in close cooperation on this measure, in an effort to avoid damage and disruption to the Superfund Program. They have been responsible and I commend them for their concern and leadership.

Mr. President, my reservations about the bill go to the question of timing on the rest of the Superfund Conference, and the prospects that the President will veto the Superfund bill.

This measure would add an additional $48 million to existing funding for the Superfund Program. These funds will be used to fund core Superfund projects and conduct removal and remedial actions at specific Superfund sites. I join with my colleagues from Vermont in supporting funding for these endeavors. My only concern is that providing these funds could reduce pressure on the conferees to finish their work on the Superfund tax title, playing into the hands of an administration that has already threatened to veto this bill.

Mr. President, I earnestly hope that this interim funding measure does not take pressure off the conferees on the tax portion of the conference to come to a timely agreement on a financing mechanism for the Superfund Program. It would be tragic if the work of the programmatic conferees, work that produced a stronger and better Superfund bill, were to be lost because of delay in coming to agreement on the rest of the legislation.

But, Mr. President, the greater danger is that delay in completing action on Superfund legislation will make possible a pocket veto of this bill by the President. If interim funding takes the pressure off Congress to complete action, we may not vote on a conference report until late September. With Congress scheduled to recess on October 3, President Reagan will be in a position to kill Superfund by inaction. He could pocket veto the bill and Congress would not be in session to override it.

Mr. President, the White House and Department of the Treasury have already threatened a veto of the Superfund bill unless the Congress scales the program way back, and raises revenues for it according to the President's lights.

As my colleagues well know, the conferees authorized a $9 billion Superfund Program, including the Underground Storage Tank Program. But, the administration has consistently said it would veto a Superfund bill larger than $5.3 billion. Further, the administration has said it will veto a bill which incorporates the Senate's broad based tax to finance the program. This tax would broaden the base of the financing mechanism for Super-

fund, taking into account the large range of industrial and commercial users of products with toxic byproducts. I support this broad based tax. And it has overwhelming support in the Senate. But, the President has said he will veto any bill that includes a financing mechanism that broadens the tax for this program.

Mr. President, I think that President Reagan misreads the American public and their concern about the environment. In my home State of New Jersey, public opinion polls show environmental protection is the No. 1 priority. A recent national poll by NBC and the Wall Street Journal indicates that 67 percent of the American people viewed cleaning up toxic wastes as more important than tax reform. Another poll by CBS and the New York Times indicated that 67 percent of the American people agreed that requirements for cleaning up toxic wastes cannot be too high, regardless of the costs. This is quite a mandate for a strong, well funded Superfund.

If the President is willing to ignore this mandate, we are entering another very sensitive window on Superfund legislation. The threat of a Presidential veto must be taken seriously. And, as we get closer to our adjournment date, it gets more and more likely that the President could veto a bill without giving the Congress a chance to override that veto.

Today I contacted Lee Thomas to seek what assurances I could that he would recommend that the President sign the reauthorization legislation. In response to my call, Mr. Thomas has sent up a letter underscoring his concern that the Superfund Program be reauthorized as quickly as possible. Mr. President, let me quote from this letter:

> The Superfund Program is again at a crisis point—Superfund is near collapse. It is crucial that Congress complete a full reauthorization of Superfund as soon as possible. I cannot overemphasize the urgency I place on swift congressional action. Interim funding represents nothing more than a stop-gap means for maintaining the Superfund's infrastructure during the final days of debate. In no way does it eliminate or diminish the urgency of the situation.

I ask unanimous consent that a copy of this letter be inserted in the RECORD.

Mr. President, this does not sound like a veto message to me. When our bill lands on the President's desk, I hope he heeds the words of his chief environmental steward about the urgency of enacting this legislation into law. And, in the days ahead, I hope he does not use his leverage of a veto threat to try and weaken the bill, or reduce the funding which will be available in the years ahead to clean up toxic wastes.

Mr. President, to address these concerns I have raised, I would like to engage in a brief colloquy with the junior Senator from Vermont about the scope and intent of this interim funding measure.

Mr. LAUTENBERG. Mr. President, I would like to ask the Senator from Vermont about the necessity and scope of the measure before us. What is the status of available funds for the Superfund Program?

Mr. LEAHY. Mr. President, as Lee Thomas stressed in his August 13 letter, the Superfund Program will be facing a fiscal crisis on September 1. Notices of termination will have to be sent to cleanup contractors. Removal and remedial actions will be severely curtailed. In fact, according to Mr. Thomas, work at some 76 remedial projects, 10 of which are in New Jersey, will stop at the end of September, if we do not respond with interim funding. In sum, the program, already operating at a reduced level will be pushed to the brink of no longer being able to respond to the serious hazardous waste problems we are facing. I am convinced that this interim funding measure is necessary.

Mr. LAUTENBERG. Mr. President, can the distinguished Senator clarify whether there are any other sources of money available to EPA to respond to the needs you have described?

Mr. LEAHY. Mr. President, according to EPA, the Agency lacks any other sources of funding sufficient to address the urgent needs facing the Superfund Program.

Mr. LAUTENBERG. Mr. President, the Senator from Vermont has outlined a real crisis in the Superfund Program if we do not pass this legislation. Could the Senator explain how the measure before us responds to this crisis, without taking the pressure off Congress to achieve prompt final passage of the Superfund reauthorization?

Mr. LEAHY. Mr. President, I should begin my response by making it clear that the measure before us has been carefully tailored to achieve this goal. It provides only $48 million, enough funds to postpone a real crisis through the month of September but not so much so as to carry the program for any extended length of time. Even with this funding measure, contract termination notices must issue on October 1. So let there be no doubt, the pressure will remain on Congress to complete action on reauthorization as soon as possible in September.

Let me describe the details of just how carefully structured this measure is. First, it places a date certain for the obligation of $15 million for removal and remedial actions. This sum must be obligated by September 30. Fifteen million dollars is the amount that EPA has deemed necessary to carry on the remedial and removal activities at the sites specifically identified in attachment B of Lee Thomas' August 13 letter.

Second, $19 million is explicitly designated to continue ongoing contracts and to replace contracts for essential services. This money is intended to be used to continue action on the 14 cleanup contracts identified in Mr. Thomas' letter as being subject to termination notices on September 1, and to replace the three categories of contracts, listed as items 4, 5, and 6 on page 4 of attachment A of this letter.

Third, $14 million is appropriated to satisfy the Anti-Deficiency Act requirements for cleanup contracts. This is the sum that EPA has indicated it is required by law to have to cover the termination costs associated with such contracts.

Fourth, the measure explicity prohibits EPA from reobligating any of the $150 million of the previous interim funding measure.

Thus, the measure before us today has been crafted to avert the crisis for 30 days, to ensure that EPA obligates the money for its essential needs, and to keep the pressure on for Congress to complete action on the bill with all deliberate speed.

Mr. LAUTENBERG. Mr. President, the Senator from Vermont has cross referenced the obligation of specific sums to specific sites, contracts, and contract categories noted in Lee Thomas' August 13 letters. I would inquire whether EPA has assured the Senator that such sums will be obligated at such sites and for such contracts?

Mr. LEAHY. Mr. President, EPA has assured us that the sums specified in the legislation will be obligated for the sites, contracts, and contract categories I have cross referenced to Mr. Thomas' letter. They have also assured us that the designated sums are the minimum amounts to achieve these specified purposes.

Mr. LAUTENBERG. Mr. President, I thank the Senator for his clarifications. As ranking minority member of EPA's Appropriations Subcommittee, he had to make a tough call. He had to decide whether to move to provide interim funding now, or to wait until September to see whether we could conclude action on the conference, before taking this step.

The Senators from Vermont are both concerned about the Superfund Program, and I share their concern. I commend the two Senators for their concern. It is always a pleasure to do business with them on the environment and public works and appropriations committees.

Mr. President, I think the President would be making a terrible mistake if he were to veto the Superfund bill. The Congress has spent more than 2 years working on this legislation. There is a strong consensus in the Congress that this is a good bill, desperately needed. The American people

want these waste sites cleaned up. The Congress has written a good, strong bill to improve this program. Mr. President, I urge the tax conferees on the Superfund bill to move promptly on the tax title when we return from recess, so that we can send a bill to the White House in time to respond to a veto, should one be sent to the Congress.

(Conclusion of later proceedings.)

EXHIBIT 1

ENVIRONMENTAL PROTECTION AGENCY
Washington, DC, August 15, 1986.

Hon. FRANK LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: As you and I have discussed several times, the Superfund program is again at a crisis point. while we have all struggled during the past year and one half to craft a strong and workable reauthorization, we at EPA have also worked very hard to maintain the integrity of the Superfund program itself. We have succeeded in keeping the program intact with limited resources, but even those funds are now virtually exhausted. Superfund is near collapse.

It is crucial that Congress complete a full reauthorization of Superfund as soon as possible. We must get on with the strong national cleanup effort that was underway a year ago when the original law expired.

The Superfund legislation which emerged from the Conference Committee will greatly expand our cleanup program. While we may disagree about certain provisions in the final compromise, I think the new law, if enacted, will enable us to get back to our priority task quickly.

But before we can proceed with the aggressive cleanup effort we all want, Congress must complete the reauthorization. I cannot overemphasize the urgency I place on swift Congressional action.

Interim funding represents nothing more than a stop-gap means for maintaining Superfund's infrastructure during the final days of debate. In no way does it eliminate or diminish the urgency of the situation.

I appreciate your support on this matter. And I urge you to continue to push for a full reauthorization of Superfund.

Sincerely,

LEE M. THOMAS,
Administrator.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that there may be printed in the RECORD at this point certain letters relating to this matter.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC, August 14, 1986.

Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

Hon. BOB PACKWOOD,
Chairman, Committee on Finance, Dirksen Senate Office Building, Washington, DC.

DEAR MESSRS. CHAIRMEN: This is to urge you, in the strongest possible terms, to turn to the question of how to finance the Superfund program immediately upon your return from the August recess.

Attached is a letter from Lee Thomas, Administrator of the Environmental Protection Agency, describing the current status of the Superfund program due to lack of funding. His letter focuses primarily on the impact of a funding loss on contractors. What should not be lost is the fact that this is merely the latest development in steady program deterioration that began over one year ago when it became apparent that there was a Congressional impasse.

The non-tax conferees have now reached agreement on the several hundred issues which separated the House and Senate bills. The papers can soon be signed. All that will remain to be done is reach agreement on a revenue mechanism.

There have been repeated assurances that such an agreement could be reached between the two revenue Committees almost immediately upon resolution of the non-tax issues. If that is so, attendance to the Superfund issues should divert attention from the tax reform bills for no more than a few hours. This would be a small sacrifice for the sake of guaranteeing the rest of the Congress and the American public that the Superfund program will once again, and for the forseeable future, be on sound footing.

With every passing day, the chance of the thousands of hours spent on the non-tax issues having been wasted increases because of the possibility that agreement might not be reached on tax matters. It is fair to say that each and every Member of the non-tax conference considers this to have been the most difficult legislative challenge they have ever undertaken or witnessed. It would be a tragedy if, having come so far, it were all to be for nought.

We understand that general tax reform is uppermost in your minds. We also understand that the delay in extending the Superfund tax may have been due to no fault of the revenue committees. Nevertheless, we hope that Superfund can be made the first and only order of business after the recess so that a bill can be sent to the President for signature with no delay.

Thank you in advance for your consideration of this request.

Sincerely,

ROBERT T. STAFFORD,
PATRICK J. LEAHY,
MAX BAUCUS,
GARY HART,
FRANK R. LAUTENBERG.

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, August 13, 1986.

Hon. ROBERT STAFFORD,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Your leadership and the involvement of the many Members of the Superfund Conference have now led to resolution of the program portion of the legislation. It is clear, of course, that the legislation will not be acted upon before Congress recesses until September. I am hopeful Congress will act soon after returning. However, unless additional interim funding is received before Congress leaves, I will have to take actions that will impair the long term viability of the Superfund program. This will delay even further the return to a fully expanded cleanup effort to protect the public health and environment of our Nation.

Current funding levels will only support our contracts through the end of September. Unless interim funding is provided, I will be sending notices to contractors on September 1 which will result in fully terminating two of our contracts and partially terminating another twelve contracts as of September 30. Over 40 sub-contractors and 600 contractor personnel will be affected by this decision. Attachment A provides a list of contractors that will receive these notices. The direct costs of these terminations is estimated at $6 million. The costs of delay, loss of talented staff and contractors will be much higher, both in dollars and public protection.

Other contracts will also be affected. Without further funding, we will not be able to award new contracts to replace those which normally expire in September. Even those contracts which we do not legally need to terminate will be of little use to us because we will not have adequate funding to support ongoing work. This will have a serious impact on their personnel also. In our contract lab program alone, over 1,000 people will be affected. These disruptions will place enormous pressures on contractors who are striving to maintain the integrity of their staffs during this period of uncertainty.

We have already taken drastic steps to avoid these actions. We have tried to stretch our funding by all possible means. We have minimized our emergency response program to respond to only the most significant and immediate threats to human health or the environment. We have managed our contracts to conserve funding to the maximum extent possible without jeopardizing site work. We have closely scrutinized our contract balances to deobligate and reuse any unexpended funds. As a last ditch effort, we are deobligating site work that would continue past September 30 in order to redirect those funds into our absolutely critical program needs. However, even these actions fall far short of providing the funding necessary to support our contract infrastructure beyond September 30.

Due to the lack of funding, critical site work in both the removal and remedial program is being sharply curtailed. Work will cease at approximately 76 projects by September 30 as funding runs out. Starting in October, another 46 projects will also begin phasing out as remaining funds are used up. Our emergency removal program, which is already operating at a reduced level, is also facing devastating cutbacks. We have already been forced to demobilize our ongoing efforts at 29 removal actions so far this year. These sites have been stabilized at this stage, but are not yet completed. Without additional funding, we will be forced to leave work uncompleted at another 12 actions before the end of September. For your information, Attachment B provides a list of these affected sites.

I must also consider taking actions to plan for an extended employee furlough under reduction-in-force procedures. Even though I have allotted sufficient funding to retain our staff through the end of December, we need adequate leadtime to initiate open discussions with employees, establish retention registers, and allow employees to exercise their options.

The process is a lengthy and complicated one which must be executed with great sensitivity. It affects not only Superfund employees, but employees throughout the entire Agency. It is a virtual certainty that Superfund employees will displace other Agency employees from positions for which they are eligible. As good managers, it is in-

cumbent upon us to conduct the process with utmost professionalism.

Throughout the year we stretched our funding while Congress worked on Superfund reauthorization. Congress provided $150 million in interim funding in April which enabled us to continue the program. However, we are now at a crucial impasse. We can no longer maintain, even at the current minimum levels, the entire Superfund program as an integrated response to abandoned and uncontrolled hazardous sites. Unless reauthorization is enacted or interim funding is received prior to the upcoming Congressional recess, I am now faced with dismantling the program, piece by piece, beginning in two weeks and continuing over the next 30 to 45 days.

Given the gravity of the situation and the short time remaining before Congress goes on recess, I urge that you actively support an interim funding measure to avoid lasting disruption to the program's performance.

Sincerely,

LEE M. THOMAS.

ATTACHMENT A.—CONTRACTS TO BE TERMINATED ON 9/30/86 DUE TO CERCLA REAUTHORIZATION DELAYS

Contract No.	Contract title	Prime contractor	Subcontractors	Complete (C) or partial termination
68-01-6939	REM II	Camp Dresser & McKee [CDM]	Woodward Clyde	P
			ICF	
			Clement Association	
			Roy F. Weston	
			C.C. Johnson	
68-01-7090	Superfund policy support	CH_2M Hill	Versar	P
			ICF	
			Environ	
			Envir. Law Institute	
			Engineering & Economics Research, Inc.	
68-01-7250	REM III	Ebasco Services, Inc.	E.C. Jordan	P
			Environmental Science & Engineering	
			ICF	
			NUS Corp	
			AEPCO	
			C.C. Johnson	
			Technos, Inc.	
			Weston Geophysical Corp.	
			Environmental Testing & Certification Corp.	
			Aquatec, Inc.	
68-01-7251	REM IV	CH_2M Hill	Ecology & Environment	P
			Planning Research Corp.	
			Black & Veatch	
			ICF	
68-01-7054	National Priorities List Program	The MITRE Corp.	N/A	C
68-01-7104	Evidence audit and case file preparation assistance	Techlaw, Inc.	N/A	P
68-01-7253	Contract lab program management	Viar	N/A	P
68-01-7159	QA/QC support for contract lab program	University of Las Vegas	N/A	C
68-01-3161	Aerial imagery interpretation and analysis	Bionetics	N/A	P
68-01-3255	Emergency environmental response unit	Enviresponse, Inc.	NUS Corp	P
			Princeton Aqua Science	
68-01-3249	Collection and analysis of environmental samples	Lockheed Engineering & Management Services Co. [LEMSCO].	N/A	P
68-01-3245	Remote Sensing	LEMSCO	N/A	P
68-01-7331	Technical enforcement support at hazardous waste sites [TES 3].	Camp, Dresser & McKee	Versar, Inc.	P
			Booz Allen & Hamilton, Inc.	
			PRC Environmental Management, Inc.	
			TechLaw, Inc.	
			Labat Anderson, Inc.	
			Priede Sedgwick, Inc.	
			Geoscience Consultants Ltd.	
			SRA Technologies, Inc.	
			Life Systems, Inc.	
			Hydraulic & Water Resources Engineers, Inc.	
			AEPCO, Inc.	
			Sobotka & Co., Inc.	
			Geo Resources, Inc.	
			Lee Wan & Associates, Inc.	
			Putnam, Hayes & Bartlett, Inc.	
68-03-3206	Hazardous sample repository	Northrop	N/A	P

Note.—Contracts in the Contract Laboratory Program (CLP) would not be terminated as we have met our minimum obligations under these contracts. However, additional work up to the contracts' maximums would not be ordered. This would significantly and adversely affect the 94 laboratories in CLP.

NEW CONTRACTS WHICH CANNOT BE AWARDED BY 9/30/86 DUE TO CERCLA REAUTHORIZATION DELAYS

Contract title	*Potential contract value*
1. Transportation and disposal services at Schaffer site	$800,000
2. Technical assistance teams (TAT) for removal program—zone I	150,000,000
3. Technical assistance teams (TAT) for removal program—zone II	100,000,000
4. Field investigation teams (FIT) for remedial program—zone I	115,000,000
5. Field investigation teams (FIT) for remedial program—zone II	160,000,000
6. Technical enforcement services (TES IV)	60,000,000
7. Evidence audit and case file preparation	11,000,000

ATTACHMENT B—REMEDIAL PROJECTS WHERE WORK WILL STOP ON SEPTEMBER 30, 1986

REGION I

Yaworski Lagoon, CT.
Charles George Reclamation, MA.
Iron Horse Park, MA.
Re-Solve, MA.
Davis Liquid, RI.

REGION II

Chemical Control, NJ.
De Rewal Township, NJ.
Fried Industries, NJ.
Lang Property, NJ.
Lipari Landfill, NJ.
Lone Pine Landfill, NJ.
Myers Property, NJ.
Reich Farms, NJ.
Tabernacle Drum Dump, NJ.
Waldick Aerospace, NJ.
Katonah Well, NY.
Robintech/Nat'l Pipe, NY.
Sarney Farm, NY.

REGION III

Kane & Lombard, MD.
Sand Gravel & Stone, MD.
Southern Maryland Wood, MD.
Amchem/Ambler, PA.
L.A. Clarke, VA.

REGION IV

Mowbray Engineering, AL.
Zellwood Groundwater, FL.
SCRDI Dixiana, SC.
Wamchem, SC.

REGION V

Byron Salvage Yard, IL.
Kerr-McGee, IL.
American Chemical, IN.
Envirochem Corp., IN.
Fisher-Calo, IN.
Fort Wayne Reduction Dump, IN.
Main Street Wellfield, IN.
Marion (Bragg) Dump, IN.
Midco I, IN.
Midco II, IN.
Northside Landfill, IN.
Butterworth #2 Landfill, MI.
G&H Landfill, MI.
Ionia City Landfill, MI.
K&L Avenue Landfill, MI.
Mason County Landfill, MI.
Packaging Corp., MI.
Tar Lake, MI.

Verona Wellfield, MI.
Industrial Excess, OH.
Miami City Incinerator, OH.
Pristine, Inc., OH.
Skinner Landfill, OH.
South Point Plant, OH.
United Scrap Lead, OH.
Eau Claire Wellfield, WI.
Master Disposal, WI.
Mid-State Disposal, WI.
Moss American, WI.
Schmalz Dump, WI.

REGION VI

United Nuclear Corp., NM.
Motco, TX.

REGION VII

Cherokee County, KS.
Doepke Holliday, KS.
Fulbright Landfill, MO.
Hastings Ground Water, NE.
Waverly Ground Water, NE.

REGION VIII

Broderick Wood, CO.
Central City, CO.
East Helena Site, MT.
Monticello Radioactive, UT.

REGION IX

Atlas Asbestos Mine, CA.
Coalinga Asbestos, CA.
Operating Industries, CA.
San Fernando, CA.
Stringfellow Acid Pit, CA.
Ordot Landfill, GU.

REGION X

Comm. Bay/Nearshore, WA.
Comm. Bay/S. Tacoma Channel.

REMOVAL ACTIONS WHERE WORK WILL STOP ON SEPTEMBER 30, 1986

REGION I

South Bank, NH.
Tibbetts Rd., NH.
Auburn, NH.

REGION II

Madison Wireworks, NY.
Fulton Terminals, NY.

REGION III

East Kane Tar Pit, PA.
North Road Landfill, PA.
Paoli Railyard, PA.
Son of Lansdowne, PA.

REGION V

Carter Industrial, MI.

REGION VII

Minker/Stout/Romaine Creek, MO.

REGION VIII

Montana Pole, MT.

REMOVAL ACTIONS WHERE WORK WAS STOPPED DUE TO FUNDING CONSTRAINTS BEFORE COMPLETION

REGION II

Shirley-Broadway, NY.
Friendship Drive, NY.
Gozzola Drive, NY.
Honeyoe Falls, NY.

REGION III

Walsh Landfill, PA.
Ryeland Road, PA.
Rotunda Drive, PA.
Roanoke River Drugs, VA.
Shaffer Site, WV.
Howard Rogers Prop., PA.
Pagan Road, PA.
Johnson Bronze, PA.
Sandonelle, PA.

REGION IV

Naomi Drug Site, GA.
Aberdeen Pesticides, NC.

REGION V

International Disk Corp, MI.
Laskin Poplar, OH.
Midco II, IN.
Conservation Chemical, IN.
Greiners Lagoon, OH.
Commercial Oil, OH.

REGION VI

Filling Station, TX.
FM 518, TX.
Heritage/Laurel, TX.
Dempsey/Holly, TX.

REGION VII

Castle Wood Community, MO.

REGION IX

Garvey Ave., CA.

REGION X

Pallister Paint, WA.
Standard Steel, AK.

Mr. STAFFORD. Mr. President, I move the adoption of the joint resolution.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 713) was ordered to a third reading, was read the third time and passed.

Mr. STAFFORD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CORRECTION IN THE ENROLLMENT OF H.R. 4329

Mr. LUGAR. Mr. President, I send to the desk the enclosed concurrent resolution.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 161) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 4329.

The concurrent resolution is as follows:

S. CON. RES. 161

Resolved by the Senate (the House of Representatives concurring). That in the enrollment of the bill (H.R. 4329) to authorize United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland, as well as other assistance, the Clerk of the House of Representatives shall insert the following at the end of subsection (a) of section 3: "Pending the formal establishment of the International Fund and submission of the certification required by section 5(c) of this Act, these funds may, pursuant to an agreement with the Government of the United Kingdom and the Government of Ireland, be disbursed into and maintained in a separate account.".

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (S. Con. Res. 161) was considered and agreed to.

Mr. LUGAR. I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. I thank the Chair. I thank the distinguished Senator.

COMPREHENSIVE ANTI-APARTHEID ACT OF 1986

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2756

(Purpose: To prohibit the takeoff and landing rights in the United States of Aeroflot)

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The Chair brings to the attention of the Senator from New Hampshire that the pending question recurs on the amendment of the Senator from Minnesota [Mr. BOSCHWITZ].

Mr. BOSCHWITZ. I would say to the chairman of the Foreign Relations Committee, is the Senator from New Hampshire now going to offer an amendment?

Mr. LUGAR. The Senator from New Hampshire I believe has been recognized. Is that correct, Mr. President?

The PRESIDING OFFICER. The Senator has been recognized, but the Chair advises the pending matter is the amendment of the Senator from Minnesota [Mr. BOSCHWITZ].

Mr. BOSCHWITZ. Mr. President, has the Senator yielded the floor?

Mr. HUMPHREY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. It was my impression under the time agreement I was to offer an amendment next. I do not wish to preclude the right of the Senator from Minnesota if it was his expectation his amendment was to be dealt with.

Can the floor manager enlighten us?

Mr. LUGAR. Mr. President, the Senator from New Hampshire is correct that he is next in rotation. The Senator from Minnesota, however, is correct insofar as his amendment is pending, and so, therefore, we would have to have unanimous consent to lay aside temporarily the amendment of the Senator form Minnesota.

The PRESIDING OFFICER. The Senator from Indiana is correct.

Mr. LUGAR. I ask unanimous consent that the amendment of the Senator from Minnesota be temporarily laid aside.

71-059 O-87-34 (Pt. 15)

The PRESIDING OFFICER. Is there objection? without objection, it is so ordered.

The Senator from New Hampshire is now recognized.

Mr. LUGAR. Will the Senator from New Hampshire indulge me for an item of business? I will take time off the bill in order to deal with a unanimous-consent request to tidy up an affair from last evening and then we will expedite affairs.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. LUGAR. I thank the Chair.

Mr. President, during last night's discussion of amendments, two amendments reserved by Senator DENTON on the original unanimous-consent request were inadvertently overlooked. I understand at least one of these amendments can be accepted on voice vote. Therefore, Mr. President, I ask unanimous consent the list of amendments of last night's order be enlarged by two to reflect this oversight.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. HUMPHREY. May we have the clerk read the amendment?

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY], for himself and Mr. HECHT, proposes an amendment numbered 2756.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 96 after line 4, insert the following new section:

(A) FINDINGS.—The Congress finds that—

(1) The Soviet Union, like the Republic of South Africa, prohibits the existence of truly representative political parties;

(2) The Soviet Union, like the Republic of South Africa, condones the indefinite detention without trial of political dissidents;

(3) The Soviet Union, like the Republic of South Africa, restricts the freedom of movement for citizens living within that nation;

(4) In the Soviet Union, as in the Republic of South Africa, numerous cases of torture and disappearance of individuals while in detention, remain unresolved;

(5) The Soviet Union, like the Republic of South Africa, punishes individuals participating in peaceful protests and demonstrations;

(6) The Soviet Union, like the Republic of South Africa, exercises the unrestrained prerogative to search the home or personal property of citizens in that nation;

(7) The Soviet Union, like the Republic of South Africa, employs policies to force the relocation of citizens;

(8) The Soviet Union, like the Republic of South Africa, employs policies that discriminate against individuals solely on account of race or personal beliefs.

(9) On June 25, 1986, the Senate unanimously passed a concurrent resolution recognizing that Soviet policies in Afghanistan may constitute the crime of genocide, as defined in Article II of the International Convention on the Prevention and Punishment of the Crime of Genocide.

(10) The people of the United States are recognized for their concern with violations of human rights in all nations;

(B) None of the provisions in section 306 shall apply unless the same restrictions are applied relative to any civil air transport agreement between the United States and the Union of Soviet Socialist Republics.

Mr. HUMPHREY. How much time do I have, Mr. President?

The PRESIDING OFFICER. I am informed by the Parliamentarian that there is a 1-hour time limit equally divided.

Mr. HUMPHREY. Mr. President, I would say to the floor managers that I would be perfectly willing to reduce that right now by unanimous consent if I might be assured of having an up-or-down vote. I think the managers have copies of the amendment. It is quite straightforward.

Mr. LUGAR. Will the Senator yield for a question?

Mr. HUMPHREY. Of course.

Mr. LUGAR. Will the Senator be agreeable to 10 minutes to a side and an up-and-down vote?

Mr. HUMPHREY. The Senator is asking for just a little too much. I really do not like rushing through a statement; 20 minutes on a side would really be more adequate.

Mr. LUGAR. Will the Senator be agreeable to 20 minutes on his side and 5 minutes on this side, which would be roughly the same, and an up-and-down vote?

Mr. HUMPHREY. That would be agreeable.

Mr. LUGAR. I thank the Senator. I ask unanimous consent that 20 minutes be allowed to the Senator from New Hampshire, the proposer, and 5 minutes to the opposition on this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, to this amendment I am giving the informal title of "the Intellectual Honesty and Consistency in Foreign Policy Amendment of 1986."

Seriously, Mr. President, the bill before us is an abomination of intellectual dishonesty, hypocrisy, double-standard and inconsistency. Just a few days ago the White House announced that we would subsidize the sale of wheat to the Soviet Union. Today, by contrast, we are on the verge of applying economic sanctions against the Government of South Africa, a government whose sins are very great, to be sure, but not nearly as great as those, for instance, of the Soviet Union. Just a few weeks ago, the White House restored landing rights to Aeroflot, the Soviet airline; today we are on the verge of, among other things, withdrawing landing rights from the South African airline, among other sanctions.

I do wish, Mr. President, along with many other Senators we could have intellectual honesty, a single human rights standard for all and consistency in our foreign policy. If only we could do that, how much more we could achieve if we did, we could avoid the hypocrisy which is inherent in the bill before us, a bill which singles out only South Africa for our wrath.

One way to strive for at least future intellectual honesty, a single standard for human rights and consistency in foreign policy, is to expose present hypocrisy and double standard. That is my hope in offering this amendment: to promote future intellectual honesty and a single standard by which to judge the human rights records of all nations. My intention is to expose the hypocrisy of this bill.

Mr. President, I am not going to address all of the sanctions in the bill before us.

I need only address one of the sanctions to be applied to South Africa, to demonstrate the point of intellectual dishonesty—the withdrawal of landing rights for South Africa Airways. My amendment would extend the logic of that sanction to withdraw landing rights from Aeroflot, the Soviet airline.

The Government of South Africa has imposed injustices of many kinds on the majority of its citizens. We are disgusted with these injustices. Are we not disgusted also by the even greater injustices imposed upon citizens by the rulers of the Soviet Union?

Consider the parallels. South Africa does not allow truly representative political parties. Neither does the Soviet Union. It has one party, the Communist Party.

South Africa has detained political dissidents without trial. So has the Soviet Union. In fact, those attempting to exercise political rights in the Soviet Union are sent to prison, labor camps, and phychiatric hospitals. Prisoners in the Soviet Union are beaten and deprived of adequate food, clothing, and medical care. They are tortured with drugs, interrogated, and forbidden to communicate with their families.

South Africa restricts internal movement of its black citizens. The Soviet Union, too, requires internal passports which must be carried at all times. Soviets citizens must obtain visas from their Government before they may travel within their own country. And emigration has become nearly impossible for Soviet citizens, particularly those of strong religious faith.

South Africa detains and tortures her citizens. So does the Soviet Union. Who has not heard of the Gulag? Who has not heard of the other abuses? Dr. Andrei Sakharov relates how he was seized by KBG men disguised in doctors' white coats, who then tormented him for 4 months.

South Africa forbids peaceful protests. So does the Soviet Union. Last December, on International Human Rights Day, Soviet citizens tried to demonstrate in the Pushkin Monument in Central Moscow. But those suspected of intending to participate were subjected to house arrest or were arrested on their way to the monument.

The South African Government unlawfully searches the homes of its citizens. So does the Soviet Union. South Africa persecutes individuals on the basis of race. The Soviet Union persecutes its citizens on the basis of race, religion and ideals.

The parallels are strong and undeniable, Mr. President. There is not a Senator here or observing these proceedings in his office, on television, who would deny the truth of what was just said—not only by this Senator but also eloquently said by the Senator from Wyoming, this morning, and others.

The Soviet Union is far worse; for bad as the sins of South Africa are, the Soviet Union is full of slave labor camps. Four million Soviet citizens rot away in the slave labor camps as we are speaking here today.

The most recent report of the Helsinki Commission sums up the dismal Soviet record on human rights, reporting that during the past year under Mr. Gorbachev, "Soviet persecution of dissidents, refuseniks, and religious activists continued unabated, as did suppression of national minorities and harassment of political prisoners and their families."

Mr. President, these are the evils and the injustices of the South African regime, multiplied by 100.

I must add, Mr. President, that the massive human rights violations being conducted by the Soviet Union in Afghanistan are well known to everyone in this body. The bombing, killing, and torture of innocent noncombatants in that country is one of the horror stories of the 20th century. Just a few weeks ago, the Senate adopted, by a vote of 94 to 0, an amendment offered by by the distinguished Senator from West Virginia [Mr. BYRD], recognizing that Soviet atrocities in Afghanistan may constitute the crime of genocide.

Apartheid is unjust. It is repugnant. It violates the most fundamental notions of human freedom and equality that underlie the institutions upon which our Nation rests, rights we wish for all the peoples of the world. But must we be selective in our indignation? Why can we not be intellectually honest about this? Why can we not apply a single standard to all countries? If we would be intellectually honest and apply a single standard consistently, other nations would pay attention to us in matters of human rights.

My amendment does not delete any of the sanctions now in the bill. My amendment merely says that if we are to withdraw the landing rights of the South African airlines, we must also do the same to Aeroflot, the Soviet airline. The amendment addresses no other sanction in the bill, just the landing rights sanction.

I have chosen to focus only on this one sanction. It is necessary to focus only on one sanction to show the hypocrisy in this bill. I hope the Senate will prove me wrong. I want to see the amendment adopted. We will have an up and down vote. Senators cannot avoid directly addressing the issue by means of a parliamentary ruse. That is often the case when an amendment is tabled. There will be no tabling motion in this case, by unanimous consent.

Senators will have a chance to say to their colleagues, to their constituents, to the people of South Africa and the Soviet Union and the entire world, "We believe there ought to be one standard of human rights, and it ought to be applied consistently, with intellectual honesty, to the conduct of every nation."

I hope the Senate will prove me wrong. I expect that this amendment will be defeated, as was the Wallop amendment, which was of much broader proportions. But I expect it to be defeated. I hope I will be proven wrong.

I hope the Senate, in this one little way—it may be the last chance in the sense of amendments—I hope the Senate, in just this one little way, will show the courage to exercise intellectual honesty and apply the same standard to the Soviet Union. We ought to be applying it to many other countries as well, but I want to keep the focus simple.

Mr. President, it may be that Senators felt that the package of sanctions against the Soviet Union, the parallel sanctions offered by the Senator from Wyoming, was too broad. I think not. I thought it was excellent. I thought it rang perfectly clear with intellectual honesty. But I thought it might be well to give the Senate an additional opportunity.

By adopting the sanction against the Soviet Union, that of withdrawing landing rights of the Soviet airline, Aeroflot, it would constitute a pinprick. The Soviets could not care less, except from the standpoint of international prestige. It will not affect their economy by 1 kopek or 1 ruble. On the other hand, the sanctions we are about to impose on South Africa are intended to badly wound and inflict pain on South Africa.

Here is a proposal saying that if we are going to inflict heavy pain upon South Africa, at the same time let us inflict, just for the sake of intellectual honesty, a pinprick on the Soviet Union. Are Senators willing to inflict a pin prick on the Soviets for the sake of human rights, for the sake of intellectual honesty, for the sake of a single standard in human rights conduct, or the sake of consistency in international relations? That is what this amendment asks.

Mr. President, I want to read the amendment. It is very short. There are two sections, (A) and (B). It reads as follows:

(A) FINDINGS.—The Congress finds that—

(1) The Soviet Union, like the Republic of South Africa, prohibits the existence of truly representative political parties;

That is reasonable; that is true. No one would contest that.

(2) The Soviet Union, like the Republic of South Africa, condones the indefinite detention without trial of political dissidents;

□ 1530

I am confident no Senator will argue against finding No. 2. It is a matter of fact.

Finding (3):

The Soviet Union, like the Republic of South Africa, restricts the freedom of movement for citizens living within that nation;

It is a statement of fact. No one contests it.

Finding (4):

In the Soviet Union, as in the Republic of South Africa, numerous cases of torture and disappearance of individuals while in detention, remain unresolved;

Finding (5):

The Soviet Union, like the Republic of South Africa, punishes individuals participating in peaceful protests and demonstrations;

That is a pure statement of fact and uncontestable.

Finding (6):

The Soviet Union, like the Republic of South Africa, exercises the unrestrained prerogative to search the home or personal property of citizens in that nation;

Finding (7):

The Soviet Union, like the Republic of South Africa, employs policies to force the relocation of citizens;

Finding (8):

The Soviet Union, like the Republic of South Africa, employs policies that discriminate against individuals solely on account of race or personal beliefs.

Finding (9):

On June 25, 1986, the Senate unanimously passed a concurrent resolution recognizing that Soviet policies in Afghanistan may constitute the crime of genocide, as defined in Article II of the International Convention on the Prevention and Punishment of the Crime of Genocide.

Finding (10):

The people of the United States are recognized for their concern with violations of human rights in all nations;

I am sure that no Senator will disagree even with one word in these 10 findings much less disagree with any of those 10 findings.

That is section (A).

The other section (B), says this:

None of the provisions in section 306 shall apply unless the same restrictions are applied relative to any civil air transport agreement between the United States and the Union of Soviet Socialist Republics.

That is the operative part, Mr. President. It says since these 10 findings are true we feel, therefore, that the same sanctions, namely the withdrawal of landing rights, should be applied to the Soviet Union that is proposed to be applied to the Republic of South Africa.

Mr. President, who can argue against any of this? Who can argue against it with any intellectual honesty?

Here is his rebuttal saying it is wrong on this bill applying it, somehow we are going to have another opportunity, that there is going to be a bill bomb, going to be a hearing on the human rights conduct of the Soviet Union, and the Foreign Relations Committee is going to jump into that after recess, have full exposition of the sins of the Soviet Union on civil rights.

They have produced a bill before us with respect to South Africa. We will get a chance to do it separately.

Baloney. The Soviet Union has been violating human rights for decades and generations. There never has been any such bill and probably never will be because this body, for some reason, refuses to apply a single standard, instead relies on a double standard, with one standard for those nations that are allies of ours, however sinful their conduct may be, and another standard for the countries of the Soviet empire.

That is inconsistent, intellectually dishonest. It is a tragedy of historic proportions.

Mr. President, the amendment I have offered is simple, honest, and straightforward. It is intellectually honest. It is consistent.

I hope Senators will seize what may be in this amendment the last chance to apply a parallel restriction just to show that South Africa is not the only nation whose human rights violations concern us.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to oppose the amendment of the distinguished Senator from New Hampshire.

Throughout this debate there has been much discussion of human rights violations in South Africa, but also much discussion of human rights violations in the Soviet Union. The Soviet Union has come under fire a good number of times in this body and very specifically sanctions had been authorized against Aeroflot in 1979 and 1981. On both occasions they have been lifted.

As I pointed out this morning in response to the distinguished Senator from Wyoming [Mr. WALLOP] when he offered his amendment, the attempt simply to put sanctions into force, to bring some parallel misses the point in my judgment of sanctions.

Sanctions are a serious business. They are adopted if they are likely to be effective not simply as a gratuitous gesture or an evening up of the score.

The reason that the Aeroflot sanction with regard to the Soviet Union is not effective is that the Soviet Union is a large country. There is a matter of size involved.

I pointed out this morning that sanctions are useful usually only if the country is relatively small and if there are a large number of countries that are willing to come together to enforce the sanctions.

In most cases those situations are not prevalent.

In this particular case of South Africa, we are hopeful that many other countries will join with the United States of America and that South Africa will change its ways regarding apartheid and will enter into talks with all citizens of this country in terms of its democracy.

It is an objective that in our judgment is worthwhile attempting, but simply to institute another sanction against the Soviet Union because one feels that South Africa is being put upon in this case would not be justifiable in terms of its predicted result in foreign policy.

Mr. President, I oppose the amendment, and I am hopeful Senators will carefully consider the situation as they cast their votes.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. HUMPHREY. Mr. President, the Senator from Indiana, my friend despite our disagreement on this amendment, points out that a similar sanction was applied to the Soviet Union in withdrawal of landing rights to Aeroflot in recent years. The point to remember is it was just lifted. The sanction was just lifted.

Of course sanctions do not work with the Soviet Union if you put them on one year and lift them the next. We never applied sanctions to the Soviet Union that have been more than pinpricks. It is no wonder they are not taken seriously. It is no wonder in the end we repeal them and lift them with no benefit having occurred as a result of their institution in the first place.

Mr. President, we can get into all kinds of sophisticated arguments and we can split hairs. But I think one of the great benefits of televising the proceedings of the Senate is that the American people can now judge for themselves by seeing things live. They no longer have to rely on the sometimes biased screen of the press corps to come to their own conclusions about the wisdom of this policy or that, about the wisdom of this vote or that, about the conduct of the Senator each State sends to this body.

I think that judgment will be made. Frankly, that is why I offered this amendment. I think the amendment, if the Senate chooses to defeat it, will bring out the hypocrisy which underlies this bill before us, this despicable double standard that lets the worst offender in the eyes of civilization off scot-free, more than that, more than scot-free, with rewards like grain subsidies and cultural exchanges.

It brings out the hypocrisy. That is what I intend by this vote.

I hope I am proven wrong. But I do not really expect it.

I am prepared to yield back the remainder of my time if the Senator is likewise.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. PELL. Mr. President, what we are concerned with here is legislation involving South Africa. What the amendment does, it involves, rather, tangentially our relations with the Soviet Union.

I must say I share the general cynicism with regard to the efficacy of sanctions. That is the path in which we started.

I think this is correct in doing this in the case of the Republic of South Africa. But when it comes to also reversing ourselves, reversing our course, and reimposing the airplane sanctions on the Soviet Union, I think that would be an error, particularly in attaching it to this bill.

Therefore, I support our chairman and I must oppose the amendment.

The PRESIDING OFFICER. The question occurs on the amendment.

Mr. HUMPHREY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Chair understands that all time has been yielded back.

Does the Senator from Indiana yield back his time?

Mr. LUGAR. I yield back our time.

The PRESIDING OFFICER. All time having been yielded back, the question is on the amendment of the Senator from New Hampshire.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 33, nays 66, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—33

Abdnor	Grassley	Nickles
Armstrong	Hatch	Packwood
Broyhill	Hawkins	Pressler
Cochran	Hecht	Quayle
Cohen	Helms	Rudman
D'Amato	Humphrey	Stevens
Denton	Kasten	Symms
Domenici	Laxalt	Thurmond
Durenberger	Mattingly	Trible
Garn	McClure	Wallop
Gramm	Murkowski	Wilson

NAYS—66

Andrews	Ford	McConnell
Baucus	Glenn	Melcher
Bentsen	Gore	Metzenbaum
Biden	Gorton	Mitchell
Bingaman	Harkin	Moynihan
Boren	Hart	Nunn
Boschwitz	Hatfield	Pell
Bradley	Heflin	Proxmire
Bumpers	Heinz	Pryor
Burdick	Hollings	Riegle
Byrd	Inouye	Rockefeller
Chafee	Johnston	Roth
Chiles	Kassebaum	Sarbanes
Cranston	Kennedy	Sasser
Danforth	Kerry	Simon
DeConcini	Lautenberg	Simpson
Dixon	Leahy	Specter
Dodd	Levin	Stafford
Dole	Long	Stennis
Eagleton	Lugar	Warner
Evans	Mathias	Weicker
Exon	Matsunaga	Zorinsky

NOT VOTING—1

Goldwater

So the amendment (No. 2756) was rejected.

□ 1600

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. CRANSTON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Minnesota.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from California.

AMENDMENT NO. 2757

(Purpose: To prohibit United States trade with South Africa and to require United States firms in South Africa to withdraw their investments.)

Mr. CRANSTON. Mr. President, I send an amendment to the desk on behalf of myself, Mr. KENNEDY, Mr. WEICKER, Mr. BRADLEY, Mr. BIDEN, Mr. KERRY, and Mr. PROXMIRE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mr. CRANSTON], for himself, Mr. KENNEDY, Mr. WEICKER, Mr. BRADLEY, Mr. BIDEN, Mr. KERRY, Mr. PROXMIRE, Mr. BUMPERS, Mr. LEVIN, and Mr. PELL proposes an amendment numbered.

Mr. CRANSTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. GRAMM). Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. PROHIBITION ON INVESTMENTS IN SOUTH AFRICA.

No United States person may, directly or through another person, make or hold any investment in South Africa.

SEC. 2. PROHIBITION ON IMPORTS AND EXPORTS FROM SOUTH AFRICA.

(a) IMPORTS.—Notwithstanding any other provision of law, no article which is the growth, produce, or manufacture of South Africa may be imported into the United States, except for those strategic minerals of which the President certified to the Congress that the quantities essential for military uses exceed reasonably secure domestic supplies and for which substitutes are not available.

(b) EXPORTS.—

(1) GENERAL RULE.—No goods, technology, or other information subject to the jurisdiction of the United States may be exported to South Africa, and no goods, technology, or other information may be exported to South Africa by any person subject to the jurisdiction of the United States. The prohibition contained in this paragraph shall apply to goods, technology, or other information of any kind, which is subject to controls under the Export Administration Act of 1979, the Arms Export Control Act, the Atomic Energy Act of 1954, or any other provision of law.

(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply to exports described in section 6(g) of the Export Administration Act of 1979.

SEC. 3. PROHIBITION ON LANDING RIGHTS OF SOUTH AFRICAN AIRCRAFT.

(a) PROHIBITION.—The Secretary of Transportation shall prohibit the takeoff and landing of any aircraft by a foreign air carrier called, directly or indirectly, by the Government of South Africa or by South African nationals.

(b) EXCEPTIONS FOR EMERGENCIES.—The Secretary of Transportation may provide for such exceptions from the prohibition set forth in subsection (a) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers are threatened.

(c) DEFINITIONS.—For purposes of this section, the terms "aircraft" and "foreign air carrier" have the meanings given those terms in section 101 of the Federal Aviation Act of 1958.

SEC. 4. PROHIBITION ON IMPORTATION OF KRUGERRANDS

No person may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa.

SEC. 5. ENFORCEMENT PENALTIES.

(a) AUTHORITIES OF THE PRESIDENT.—The President shall take the necessary steps to ensure compliance with the provisions of this Act and any regulations, licenses, and orders issued to carry out this Act, including establishing mechanisms to monitor compliance with such provisions, regulations, licenses and orders. In ensuring such compliance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and production of all books, papers, and documents relating to any matter under investigation.

(b) VIOLATIONS.—Any person that knowingly violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall—

(1) If other than an individual, be fined not more than $500,000; and

(2) If an individual, be fined not more than $250,000, or imprisoned not more than 5 years, or both.

(c) ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.—Whenever a person commits a violation under subsection (b)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who willfull carried out such act or practice, shall, upon conviction, be fined not more than $250,000, or imprisoned not more than five years, or both.

(2) RESTRICTION OF PAYMENT OF FINES.—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

(d) SEIZURE AND FORFEITURE OF AIRCRAFT.—Any aircraft used in connection with a violation of section 3 of any regulation, license, or order issued to carry out that section shall be subject to seizure by the forfeiture to the United States. All provisions of law relating to the seizure, forfeiture, and condemnation of articles for violations of the customs laws, the disposition of such articles or the proceeds form the sale thereof, and the remission of mitigation of such forfeitures shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subsection, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for purposes of this subsection, be exercised or performed by the Secretary may designate.

SEC. 6. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this Act.

SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) UNITED STATES.—The term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(2) UNITED STATES.—The term "United States person" means any United States resident or national and any partnership, corporation, or other entity organized under the laws of the United States or of any of the several States, of the District of Columbia, or of any commonwealth, territory, or possession of the United States.

(3) INVESTMENT IN SOUTH AFRICA.—The term "investment in South Africa" means—

(A) a commitment of funds or other assets (in order to earn a financial return) to a business enterprise located in South Africa or owned or controlled by South Africa nationals, including—

(i) a loan or other extension of credit made to such a business enterprise, or security given for the debts of such a business enterprise;

(ii) the beneficial ownership or control of a share or interest in such a business enterprise, or of a bond or other debt instrument issued by such a business enterprise; or

(iii) capital contributions in money or other assets to such a business enterprise; or

(B) the control of a business enterprise located in South Africa or owned or controlled by South African nationals, in cases in which subparagraph (A) does not apply.

(4) SOUTH AFRICA.—The term "South Africa" includes—

(A) the Republic of South Africa;

(B) any territory under the administration, legal or illegal, of South Africa; and

(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Ciskei, and Venda.

(5) BUSINESS ENTERPRISE.—The term "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa, as such ownership or control is determined under regulations which the President shall issue.

(6) BRANCH.—The term "branch" means the operations or activities conducted by a person in a different location in its own name rather than through a separate incorporated entity.

(7) SOUTH AFRICAN NATIONAL.—The term "South African national" means—

(A) a citizen of South Africa; and

(B) any partnership, corporation, or other entity organized under the laws of South Africa.

(8) CONTROL BY SOUTH AFRICAN NATIONALS.—For purposes of paragraph (3)(A), South African nationals shall be presumed to control a business enterprise if—

(A) South Africa nationals beneficially own or control (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the business enterprise;

(B) South African nationals beneficially own or control (whether directly or indirectly) 25 percent or more of the voting securities of the business enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the business enterprise is operated by South African nationals pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of a South African national;

(E) South African nationals have the authority to appoint a majority of the members of the board of directors of the business enterprise; or

(F) South African nationals have the authority to appoint the chief operating officer of the business enterprise.

(9) CONTROL BY UNITED STATES PERSONS.—For purposes of paragraph (3)(B), a United States person shall be presumed to control a business enterprise if—

(A) the business enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(B) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of the United States person;

(C) the United States person has authority to appoint a majority of the members of the board of directors of the business enterprise; or

(D) the United States person has authority to appoint the chief operating officer of the business enterprise.

SEC. 8. APPLICABILITY TO EVASIONS OF ACT.

This Act shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of this Act or any regulation license, or order issued to carry out this Act.

SEC. 9. EFFECTIVE DATE.

The provisions of this Act shall take effect 180 days after the date of the enactment of this Act.

SEC. 10. TERMINATION OF PROVISIONS OF THE ACT.

(2) DETERMINATION OF MET CONDITIONS.—If the President determines at any time that the conditions set forth in subsection (c) have been met, the President may submit a report setting forth that determination, and the basis for the determination, to the Congress.

(b) CONGRESSIONAL ACTION TERMINATING PROVISIONS OF THE ACT.—Upon the enactment of a joint resolution approving a determination of the President under subsection (a) that the conditions set forth in subsection (c) have been met, the provisions of the Act, and all regulations, licenses, and orders issued to carry out this Act, shall terminate.

(c) STATEMENT OF CONDITIONS.—The conditions referred to in subsections (a) and (b) are that the Government of South Africa—

(1) has freed Nelson Mandela;

(2) has freed all political prisoners; and

(3) has entered into good faith negotiations with truly representative leaders of the black majority for a new, nonracial political system.

Mr. CRANSTON. Mr. President, I believe this is the last amendment to be brought up on this side of the aisle that will require a rollcall vote. I am not certain, but I believe that is the case. I have dropped two amendments I had intended to bring up in the interest of expediting our action, and I have cut the time on this amendment down to 10 minutes on each side.

Mr. President, I offer this amendment on behalf of myself and Mr. KENNEDY, Mr. WEICKER, Mr. BRADLEY, Mr. BIDEN, Mr. KERRY, and Mr. PROXMIRE. I will be very brief in my remarks.

Mr. President, in my judgment, the committee reported bill is a constructive step forward. The original bill was strengthened in committee. The bill has been strengthened on the floor. But I believe the measure now before us will not have sufficient impact on those who monopolize political and economic power in Pretoria.

We can and should do more. Therefore, I have sent to the desk this amendment which would establish an embargo on all United States trade with South Africa and provide for an orderly withdrawal of all American investments in that nation. I believe this is the most desirable action for the Senate to take.

This amendment is virtually identical to the measure which passed the House. It contains three sanctions effective 6 months after enactment.

First, a total trade embargo on imports from and exports to South Africa, and including South African-occupied Namibia.

Second, a total ban on U.S. investment, including bank loans; disinvestments would have to occur within 6 months.

Third, a ban on landing of South African Airways in the United States.

Mr. President, there are virtually no exemptions or loopholes other than a proviso allowing exports of medicine to South Africa and imports of those strategic minerals which the President certifies are in short supply.

Let me say just this very briefly: In confronting the evil of apartheid, halfway measures are not really satisfactory. Really, we would not trade with Adolf Hitler in his day. We should not trade with South Africa in this day. We would not profit from Nazism; we should not profit from racism, oppression, apartheid.

Severing trade is the best way to send a strong message.

We should also end investment in South Africa. South Africa is the only land on the planet where you lose your rights at birth solely on the basis of the color of your skin, the only land on the face of the Earth where the child in the cradle is born with little hope just because of the color of the skin of that child.

I suppose we will hear, "Well, the President will not accept this provision."

Let me say this: The President is not speaking for the country on the subject of apartheid. The country is ready for far more effective action than the President wants on the subject of apartheid.

This is the Congress; this is not the executive branch.

Mr. President, I yield 3 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 3 minutes.

Mr. KENNEDY. Mr. President, I welcome the opportunity to join with my colleagues and friends on this very important amendment.

Mr. President, this has been a historic debate over the period of these past 2 days involving a very dramatic change of American policy toward South Africa. I believe that the bill that has been fashioned, developed, and strengthened on the floor of the U.S. Senate is a good bill. I personally would like to see a stronger bill, but I intend to support the bill that has been fashioned and has been shaped.

But I do support this amendment for a very fundamental reason. That is that I do not believe that the genius of the American economy and the financial skill of the American businessmen and businesswomen of our country should continue to be involved in strengthening a system which is abhorrent to the fundamental values and principles of our country.

Make no mistake about it. Every dollar that is invested in South Africa is another brick in the wall of apartheid. American business has no business doing business in South Africa.

I believe that this Senate at this time should be willing to take this historic stand and support this amendment to separate every aspect of financial arrangement in South Africa, to separate our country from that abhorrent system.

I hope this amendment will be accepted.

Mr. CRANSTON. Mr. President, how much time remains?

The PRESIDING OFFICER. Four minutes and fifty-seven seconds.

Mr. CRANSTON. Mr. President, I yield myself less than 1 minute.

Mr. President, as of this moment, the following are cosponsors of this amendment: Messrs. KERRY, WEICKER, PROXMIRE, KENNEDY, BRADLEY, BIDEN, BUMPERS, LEVIN, and PELL.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PELL. Mr. President, I yield 10 minutes from the time on the bill to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, when I was a student at Oxford, I knew several South Africans.

One South African was black, about 35 years of age. He left South Africa to get an education with the hope that someday he would return to South Africa to participate in that country's growth and prosperity.

The second South African was called colored, in the lexicon of South Africa. He was probably the brightest philosophy student that I ever met. Because he was so bright and he saw the evil of apartheid, he took political action in South Africa. He was at Oxford only because he had a benefactor in England who told the Government of South Africa that if they let him out of prison he would be taken care of in England and would never return to South Africa.

The third South African I knew was white, upper class. But when he got out of the country and confronted the horror that apartheid is, he could not balance that with his own moral values and he became a Jesuit.

The fourth South African I knew was a rugby player. In fact, I wondered sometimes how he got to Oxford. He was there. He did not think much about apartheid. He finished and went on to become a star of the South African rugby team. In the late 1960's, on returning to England, he was, for the first time, confronted with a large group of people, the English people, who were appalled by apartheid and they protested to him in the games that he played there.

He returned and tried to change the system. Occasionally I would see him, and he would tell me, "You know, we are making progress," but it never happened. He told me, "We are making a little more progress," but it never happened.

□ 1610

He told me about a young politician about 10 years ago named Von Slabert, who was really going to make the change. That politician resigned from the Government several months ago because no change was made.

Mr. President, that was 20 years ago that I first confronted the evil of apartheid and saw how it worked in the lives of four South Africans—one black, one colored, one upper class white, one lower class white. If this country stands for anything, it has to stand for the workability of a multiracial society and the commitment of equality for all.

I have thought a lot about those four South Africans during this debate. I have thought a lot about their lives, their families, and their potential. Some will say that these sanctions that we will vote on later this afternoon come too late. They might be right. But I also say thank God, we are doing this. What the amendment say that the Senator from California offered is that there is still more to do.

I thank the Chair.

Mr. LEAHY. Mr. President, I rise in support of the amendment offered by my distinguished friend, the senior Senator from California [Mr. CRANSTON]. His amendment will require total divestment from South Africa by American businesses within 6 months of enactment. After that time, it will be illegal for Americans to hold investments in South Africa.

This is a very severe step, and one which I can support only because of the gravity of the situation in South Africa and the urgency of sending the strongest message possible to the Afrikaner oligarchy ruling that nation that apartheid must end at once. I would have preferred a more gradual phaseout of American investments in South Africa. That would have eased the economic loss to American businesses and would have given their black employees more time to find other means of economic support.

However, the Senate must act in a clear and unmistakable way to express the outrage of the American people at the continuation of apartheid. South Africa is rapidly sliding toward a bloody race war, and only strong measures by the international community have any chance of pushing the Afrikaaners toward the profound reforms that are so urgently necessary. Divestment, which will cause some economic pain to the United States, is an effective way to demonstrate how serious we are in demanding an immediate end to minority rule, legalized oppression and gross violations of basic human dignity and human rights.

Mr. President, the people of Vermont want divestment from South Africa. On December 6, 1985, the University of Vermont voted to divest itself totally from companies which do business in or with South Africa within 18 months. On May 1, 1986, the Vermont Legislature voted to divest State funds from South Africa, except for pension funds which belong to the pensioners and not to the State. The Vermont State employees voted to divest retirement funds. The city of Burlington voted to divest itself totally of any holdings in companies doing business in South Africa.

"Total divestment" is the rallying cry today, and there are good reasons for it. Strong sanctions by the United States and other industrialized nations are probably the last hope of pressuring the South African Government to negotiate a peaceful end to apartheid. I would not want to overstate the chances, but the only realistic chance for change short of civil war is that the South African economic elite becomes sufficiently afraid of severe economic dislocation that it will exert its influence on the regime to begin negotiating a peaceful solution.

Black leaders in South Africa are calling for the toughest sanctions we can apply to the white regime, including divestment. They are prepared to accept the short-term sacrifices and hardships total divestment will mean for the blacks who gain their livelihood from American businesses and American investments. They believe the short-term problems are far eclipsed by the terrible suffering that will come with the inevitable explosion

of violence if apartheid does not end soon. I cannot and will not quarrel with their judgment. It is they who are on the firing line and who will bear the pain. I honor them for their courage and willingness to sacrifice for the hope of a peaceful evolution to majority rule, democracy and a true multiracial state in South Africa.

I urge all my colleagues to join me in supporting this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CRANSTON. Mr. President, we are ready for a vote on our side. I am prepared to yield back our time.

Mr. BUMPERS. Mr. President, I wonder if the distinguished Senator from Rhode Island would yield me 5 or 10 minutes on the bill.

Mr. PELL. I shall split the difference. I yield 7 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 7 minutes.

Mr. BUMPERS. Mr. President, I want to say that there are two possible outcomes in South Africa. One is a coalition government between the whites—the Afrikaners and those of English descent—and the blacks. A second is all black. In my opinion, there is no possibility of a final resolution of that being all white.

If you study history, you will find that the greatest yearning of man is to be free. We have recently seen it in the Philippines, we saw it in Nicaragua, we have seen it in Iran, we see it throughout history, that man above everything else wants to be free. You cannot believe, if you know anything about history, that 4 million whites can forever enslave and oppress 20 million blacks.

I remember on Gandhi's first trip to South Africa, he was shocked to find racism there and he said later on that he never understood what satisfaction man got from walking on the sidewalk and forcing everybody else to walk in the streets. Since Gandhi made that statement, things have only gotten worse in South Africa.

We are not trying to dictate the terms of how the South Africans get into a transition government, and I do not think we should. I thought one of the things wrong with the Helms amendment yesterday was it got too deeply involved in the conditions of negotiation. We cannot dictate that from the floor of the U.S. Senate. We can simply state that, as a nation, we are morallly outraged and indignant about what is going on there. We are simply expressing our national character and, as has more often been said on the floor, our set of moral evaluations.

I certainly do believe that if the situation were reversed in South Africa and 4 million blacks had 20 million whites enslaved, this debate would also be taking place today.

There have been efforts to bring the Soviet Union into this debate and perhaps that is worthy of the Senate's consideration, but not here, not on this bill. I can tell my colleagues one thing: if the blacks were to take over in South Africa tomorrow, based on what they have seen from the United States and Commonwealth nations so far, if we give them an opportunity to decide to be with us or decide to be with the Soviet Union, I can tell you it is not going to be with us. So, today, while we hope there is still time, we are trying to make that statement and convince those people that, yes, we do care about their enslavement.

For 40 years, Anastasio Somoza was the greatest beast in the world. He slaughtered, he tortured, he persecuted, he pillaged, he summarily executed people and, so far as I know, precious few voices were ever raised on the U.S. Senate floor about it. As I said earlier on, any body could predict with almost absolute certainty what was going to happen in Nicaragua. Today, as disenchanted as the Nicaraguans are with their revolution and with the Sandinistas, they still remember Somoza much, much better. They also remember how quiescent the United States was about the treatment they were subjected to at his hands.

I can remember being in Iran a couple of times when I first came to the Senate. It did not take me very long to realize what was going on there. I talked to some people who were involved in opposition movements there and they told me, "The Shah is gone. We are sick to death of his oppression." That word was communicated back to the leaders of this country but still precious few voices were raised about the oppression of the Shah of Iran against 35 million people.

Mr. President, Iran certainly is not even remotely everything we would like for it to be today. It is simply because of their strong religious beliefs that they have not sided with the Soviet Union; otherwise, they would also be in the Soviet camp.

I saw a movie the other night on PBS about South African women, a 2-hour documentary on how 1 million black women work in the homes of 1 million white women in South Africa 7 days a week, 10 hours a day, for roughly $100 a month. In order to work in a white woman's home there, the black woman must abandon her children to her husband, to her relatives, whoever will take them, and she seldom gets to see her children again after that. That was one of the most poignant documentaries I have ever seen.

Can you imagine anybody not sensing the heartbreak of a woman who, in order to stay alive and keep her children alive and food in their mouths, has to abandon her children so she can go to work in one of the white homes of South Africa?

The PRESIDING OFFICER. The Senator's time on the bill has expired.

Mr. BUMPERS. Mr. President, I ask for 3 additional minutes.

Mr. PELL. I yield 3 additional minutes.

Mr. BUMPERS. There is nobody in this room who does not believe that a black woman's heart does not break, that she does not feel just as a white woman's heart breaks and a white woman feels. And that is one of the lesser oppressions in South Africa.

Mr. President, what we have not done in the past has brought the scorn of the leading moderate in South Africa, the one person who would have the greatest influence in keeping South Africa out of the Communist orbit. That is Bishop Tutu, a frequent visitor to this country. Many of my colleagues will remember he sat in that gallery about 2 or 3 years ago and watched the deliberations here. What a tragedy it was that we were not debating this issue we are debating today while Bishop Tutu sat in the gallery.

But we heard his response to the President's proposals. This moderate, very bright, inspirational man, so widely admired and respected among all the people of South Africa—we heard his response.

So, Mr. President, we are here today with very limited sanctions. Our investments in South Africa are not sufficient to bring that government down. Indeed, that probably would not be to anybody's credit, but I can tell you, that is where it is headed. So we are here today to say these sanctions are limited, but we will look at it again and hope that, in the meantime, sensible, rational people, seeing what can only be a bloody end, will get together and work out their differences and this horrendous policy of apartheid will be ended.

□ 1620

The bitterness grows, the rancor grows, and time is running out. As time runs out, I do not believe there is anybody in this room who doubts for an instant whether or not 4 million people can forever keep 20 million enslaved.

Mr. President, I thank the distinguished Senator from Rhode Island for yielding to me.

Mr. DENTON and Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator from Indiana has 10 minutes remaining. The Senator from California has 4 minutes and 18 seconds.

Mr. LUGAR. Mr. President, I see the distinguished Senator from Alabama on his feet. I simply want to indicate that I suspect we ought to proceed to a vote on this amendment, but we are going to come into a situation very rapidly in which Members on our side who have amendments are going to be up against the 2-minute rule and have no time to debate their amendments. I know there is probably urgency. Does the Senator wish to speak now?

Mr. DENTON. I only want 2 minutes of my own time to make an observation regarding some of the remarks made in support of this amendment.

Mr. LUGAR. With that understanding, I would be happy to relinquish the floor and ask the Chair if he might recognize the Senator for 2 minutes on his time as a part of this dialog and then we will proceed on to the issue.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 2 minutes on his own time.

Mr. DENTON. Mr. President, the remarks from the Senator from New Jersey were particularly poignant and touching to me. We have discussed this in private. If I believed that the sanctions approach were the way to go to improve the circumstances which the Senator from New Jersey enumerated so well, I would be for the sanctions. He and I understand the difference in the way we look at those.

As to the remarks of the Senator from Arkansas about Mr. Ghandi going there and seeing things get worse, Mr. Tutu in 1984 listed four changes that needed to be accomplished within 18 to 24 months or he would call for punitive sanctions:

First, abolition of pass laws and influx controls. They were abolished July 1, 1986.

Second, infusion of money into black education. In the 1986-87 budget they have the largest education expenditure in their history.

Third, restore South African citizenship to blacks. Restored for 1.5 million, the rest being negotiated.

Fourth, end to forced resettlement. The government ordered an end to it in August 1985.

I am not saying things are moving fast enough but I am saying it is not true to say they are not moving.

I ask unanimous consent to have printed in the RECORD three pages which list the pace of reform in South Africa from 1976 to the present.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

PACE OF REFORM IN SOUTH AFRICA

1976

Sports and athletic competition were desegregated. Education reforms instituted.

1977

Job Reservation, which reserved certain job categories for only whites or coloreds, was partially scrapped. (Section 77, Labour Relations Act of 1956) Only 1 or 2 provisions (blasting certificates and certain other mining occupations) remain pertaining to the mining sector.

1978

99-year lease-hold home ownership granted to blacks. These could be sold, renewed, and inherited.

1979

May—Black trade unions were legalized by amending the Labour Relations Act of 1956.

Black unions given the right to strike and to bargain collectively.

August—Racial references in the provision of unemployment compensation were eliminated by amending the Unemployment Insurance Act of 1966; Unemployment Insurance Board was also made multi-racial.

Education and Training Act of 1979 allowed the use of any official language chosen by the parents to be used beyond the 4th grade, rather than mother-tongue instruction.

1980

Leading hotels, restaurants, libraries and sporting facilities were desegregated.

Government doubles expenditures on black housing.

Schlebusch Commission recommends formation of new advisory council to include coloreds and Indians.

1981

Conceptual change—permanence of blacks in white areas was accepted.

Racial wage differential was prohibited by amending the Wage Act of 1957.

Compulsory education for black children instituted.

Racially mixed President's Council established to draw up a new Constitution; replaces the South African Senate.

Trade unions opened to all races. (Today 79 are multiracial, 21 are black, 43 are colored, and 57 are white.)

Small Business Development Act was established to serve all population groups, replacing those that had served individual groups.

1982

President's Council admits urgent need for political reform.

Self-governing councils instituted for blacks at the local level.

National Party splits; 18 conservative M.P.s break away in protest against reform measures.

Blacks join Government and quasi-government boards: ex., the Housing Commission, the Prime Minister's Economic Advisory Council.

1983

November 2, 1983—referendum was held on new constitution to establish a Tricameral Parliament for whites, coloreds, and Indians; a multi-racial Cabinet for exercising executive authority; and three Ministers' Councils for executive authority over matters of interest to the different population groups. (Also provided for an independent Supreme Court and a advisory President's Council comprised of the three races.)

Government admits that the homelands policy is a failure.

November 1983—blacks vote for Mayors and Town Councils to govern communities.

Legalized employment discrimination eliminated.

Universities were desegregated.

1984

August 1984—Nonwhites go to the polls for the first time to elect direct representatives to the Parliament.

Government promises parity in education for the different races.

Abolition of restrictions on the movement of blacks in the Western Cape.

1985

February 8, 1985—downtown business districts were opened to all regardless of race and State President was given the authority to abolish use restrictions for trading, commercial, religious, and educational use in those districts (amended Section 19 of Group Areas Act of 1966).

April 15, 1985—Immorality Act of 1950 and 1957 were repealed.

April 15—Prohibition of Mixed Marriages Act repealed.

May 1985—prohibitions on multi-racial political parties were repealed by repealing the Prohibition of Political Interference Act of 1968.

Repealed the ceiling on black workers that could be employed in the Witwatersrand and in the Western Cape (Environment Planning Act of 1967).

Forced removals relating to the homelands policy ended.

Freehold land ownership rights extended for urban blacks.

One citizenship for all South Africans promised (August speech by P.W. Botha).

Reincorporation of homelands into a united South Africa declared negotiable by Botha (National States Citizenship Act of 1970).

Colored and Indian Cabinet Ministers appointed.

Public service to staffed according to merit.

Commitment to power sharing with blacks publicly stated and call for negotiations on the subject with blacks extended.

Natal Province leaders meet to discuss multi-racial government.

Repealed all references to race and color in immigration laws. (Admission of Persons to the Republic Regulation Act of 1972).

February—amnesty offered to Nelson Mandela and other ANC members serving prison terms if they renounce violence.

1986

February 10—repealed provisions of Liquor Act of 1977, which prohibited establishments in white areas licensed to sell liquor from admitting blacks.

April 2—Reservation of Separate Amenities Act of 1953 repealed.

April 23—announced intention to repeal Black Labour Act of 1964 and Black Affairs Administration Act of 1971, which set up separate boards to oversee black area development.

Abolition of all-white provincial councils and reinstitution as fully multi-racial councils; formation of multi-racial regional services councils.

Legislation introduced to enable homeland blacks to regain South African citizenship.

National Statutory Council instituted to begin discussions of a new Constitution to accord political rights to blacks.

July 1986—repealed the Black (Urban Areas) Consolidation Act of 1945 (as promised on April 23, 1986), which had controlled movement of blacks into urban areas—influx control.

July 1986—repealed the Black Abolition of Passes and Coordination of Documents Act of 1952.

July 1986—repealed 34 other laws or parts thereof which dealt with "influx" controls and "pass laws."

June 1986—repealed the Black Affairs Administration Act of 1971, as promised.

June 1986—approved law granting freehold title to property to urban blacks.

ONEROUS APARTHEID LAWS REMAINING ON THE BOOKS

Groups Areas Act of 1966: being reviewed by President's Council.

The Population Registration Act of 1950.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. I now want to address the Cranston amendment. This is an important point in our debate, and I hope all Senators are cognizant of the issue now before us. The distinguished Senator from California has offered what he has just described correctly as essentially the House bill. This bill that Representative DELLUMS of California introduced in the House, and it is a very wide-sweeping bill. The Senator from California is correct in saying this calls for a total trade embargo, total, with no loopholes, no cracks in the situation, across the board. It calls for disinvestment in 6 months of all United States firms, out of South Africa, lock, stock, and barrel. I might add, Mr. President, no one really asked how that is physically possible, and I would suggest that many who advocated this amendment really did not care. What they really wanted to make was a statement and they have made a statement.

Now, Mr. President, in all due respect to the other body, when this particular piece of legislation came before that body, it passed without a rollcall vote, and following that situation, which dismayed a good many Americans, I received telephone calls from Members of the House on both sides of the aisle. Mr. President, the message of both sides of the aisle was very clear. They said, "We have sent our message, now we want you over in the Senate Foreign Relations Committee to clean up the act, pull this thing back together." Republicans said, "We didn't ask for a vote because we thought that the proposal was so outlandish it would fall of its own weight." It was an unusual calculation on their part, and if I had been in their shoes, I think I would have asked for a rollcall vote because the idea still persists. It is alive; it is on the floor right now. I hope that Senators who are not on the floor right now will appreciate the gravity of the vote that is about to be taken. In the event that the Cranston motion was to succeed, we would coincide precisely with a House action on which there was no opposition, on which there was no vote, and that would be the law of the land until it got to the desk of our President, who mercifully would veto it and I would hope that that veto would be upheld.

Now, that would not be responsible. This is not a responsible amendment in my judgment, with all respect to the Senator from California. He wants a vote. He has a position on which he wants to make a statement, but we are beyond the point of making statements. We are at the point of attempting to pass responsible legislation. This amendment does not belong on the bill.

Mr. President, if anyone is in doubt about the merits, they really ought to examine physically how you do it, even if you wanted to do it.

My judgment is, Mr. President, that we really do not want to do it. Let us return to the basic aspects of why we are involved in the sanctions business. We want South Africa to change. We do not want to devastate the country. As I said yesterday, this is not a scorched Earth policy. We want to have friends, white and black, in South Africa. We want apartheid to end. We want some hope of a constituted situation to be created.

That is why we are moving carefully, and all Members in my judgment have kept that in mind, so that we are going to impose sanctions but we have created the means for the sanctions to be removed, for the dark situation of sanctions and the dark situation of our relationship to end. That is important, Mr. President. This is a cloud over the relationship but it can end, and we have offered the ways that it can end.

Mr. President, let us not self-destruct with regard to our own industries, quite part from those we injure abroad. Let us move at least with some judicial thought of what we are about.

So for these reasons, Mr. President, I oppose the Cranston amendment and as the time comes to an end I will offer a motion to table the amendment.

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. CRANSTON. Mr. President, I rise to take issue with remarks that I heard made in the Foreign Relations Committee and then that I have heard made on the floor of the Senate.

I have heard Senators who oppose any effective action against apartheid charge that Senators advocating sanctions are just seeking votes back home. That may explain the behavior of those Senators who make that charge on the issue of apartheid. It does not explain the behavior of this Senator from California. It does not explain the behavior of the Senator from Massachusetts [Mr. KENNEDY]. It does not explain the behavior of the Senator from Connecticut [Mr. WEICKER]. It does not explain the behavior of the Senator from Arkansas [Mr. BUMPERS]. It does not explain the behavior of the Senator from New Jersey [Mr. BRADLEY]. It does not explain the behavior of the floor manager of this bill on the Democratic side of the aisle, Senator PELL. It does not explain the behavior of others who are supporting strong sanctions, and I speak of Democrats and Republicans.

Let me say this in regard to my position on this matter. I first saw a form of apartheid in Nazi Germany in the 1930's. What I saw there was official, violent discrimination, official race hatred, practiced as a formal government policy.

□ 1630

At that time, I determined that throughout my life I would oppose all forms of discrimination and intolerance and bigotry, and, most of all, those practiced by government.

We have discrimination in our society, but it is not official policy. It is official policy in South Africa, and that is why some of us feel so strongly about the Government of South Africa.

To me, taking strong action against South Africa is a moral obligation. To me, taking strong action against apartheid South Africa amounts to a national security imperative advancing our security interests in South Africa, in that region generally, and elsewhere.

We should no longer profit from apartheid. We should cleanse our souls of apartheid. We should lead the world against apartheid. We should take the strongest possible action against apartheid. This amendment offers that opportunity.

Mr. President, I am prepared to yield back the time on this side.

Mr. LUGAR. I yield back the time on our side, and I move to table the Cranston amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—65

Abdnor	Ford	McConnell
Andrews	Garn	Moynihan
Armstrong	Glenn	Murkowski
Baucus	Gorton	Nickles
Bentsen	Gramm	Nunn
Bingaman	Grassley	Packwood
Boren	Hatch	Pressler
Boschwitz	Hatfield	Pryor
Broyhill	Hawkins	Quayle
Bumpers	Hecht	Roth
Byrd	Heflin	Rudman
Chafee	Heinz	Simpson
Chiles	Helms	Stafford
Cochran	Humphrey	Stevens
Cohen	Kassebaum	Symms
Danforth	Kasten	Thurmond
Denton	Laxalt	Trible
Dole	Long	Wallop
Domenici	Lugar	Warner
Durenberger	Mathias	Wilson
Evans	Mattingly	Zorinsky
Exon	McClure	

NAYS—33

Biden	Hart	Metzenbaum
Bradley	Hollings	Mitchell
Burdick	Inouye	Pell
Cranston	Johnston	Proxmire
D'Amato	Kennedy	Riegle
DeConcini	Kerry	Rockefeller
Dixon	Lautenberg	Sarbanes
Dodd	Leahy	Sasser
Eagleton	Levin	Simon
Gore	Matsunaga	Specter
Harkin	Melcher	Weicker

NOT VOTING—2

Goldwater	Stennis

So the motion to table the amendment (No. 2757) was agreed to.

□ 1650

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Minnesota [Mr. BOSCHWITZ].

The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that my amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2758

(Purpose: To provide humanitarian assistance to black South Africans and authorize the President to waive or modify any provision of this Act if certain conditions occur)

Mr. BOSCHWITZ. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. BOSCHWITZ] proposes an amendment numbered 2758.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment reads as follows:

At the end of the bill add the following new section:

SEC. ——. (a) The President is hereby authorized to provide humanitrian assistance from the funds made available under Chapter 4 of Part II of the Foreign Assistance Act of 1961, as amended, to any black South African who becomes unemployed due to American actions taken under this Act or any Executive Order. Such humanitarian assistance shall provide at least the Minimum Effective Level for a family of 6 as determined by the University of Port Elizabeth.

(b) The President is hereby authorized to waive or modify any provision of this Act in the event that more than 40,000 black South Africans have become unemployed as a direct or indirect result of the provisions of this Act.

Mr. BOSCHWITZ. Mr. President, I have 10 minutes, equally divided, on this amendment. I will be very brief because the amendment is quite simple and direct. It authorizes two things:

First, it authorizes the President to provide humanitarian assistance to those South African blacks who lose their jobs due to this bill. The assistance would be of about $1 a day, which is what the University of Port Elizabeth has determined will support a family of six in South Africa on a minimal basis.

There are no unemployment benefits in South Africa. There is no welfare system. There is no safety net. This would authorize the President to provide a very minimal safety net for black South Africans.

The second part of my amendment, Mr. President, is to authorize the President to waive this action if 40,000 people lose their jobs in South Africa, if 40,000 black South Africans lose their jobs because of this act.

Mr. President, Alan Paton, who wrote "Cry the Beloved Country" in 1948, and who first alerted the world to the horrors of apartheid, said that he could not vote for sanctions at this time if people were to lose jobs. Clearly, they will lose jobs if sanctions are imposed.

First, Mr. President, as I said, Alan Paton, who wrote "Cry the Beloved Country," in 1948, really alerted the world to apartheid. He said he could not vote for sanctions if black South Africans would lose their jobs.

Helen Suzman, who is a Member of Parliament since 1948—for nearly 40 years—and for 20 years, 25 years, the only Member in the Parliament of South Africa to run on an antiapartheid ticket, said that she could not support sanctions at this time because she says only if blacks have economic power will they be able to gain equality.

She wrote a powerful article about this that appeared in the New York Times on August 3. She pointed out that the real way to gain equality and the real way to gain some stature was for the South Africans to exercise the kind of economic muscle they exercised through a strike in Port Elizabeth and Cape Town last year.

Some people say that South African blacks will not mind being unemployed temporarily. If I thought it would be temporary, I might have a different thought about it and would support sanctions.

But, like Mrs. Suzman, I do not believe it will be temporary. I believe, as she said in her article, that "Those who believe that a quick fix is likely to follow the imposition of sanctions, that the Pretoria regime will collapse within a short time, are sadly misinformed. Certainly, if I believed in such a possibility, I would back sanctions to the hilt."

So would I, Mr. President.

But nobody in South Africa, no South African blacks are voting with their feet and saying, "Yes, we don't want these jobs. We are going to walk off the jobs to show our belief that sanctions should be imposed."

The most effective protest will be an economic one and an economic protest can only be made if the South African blacks have muscle.

Why 40,000 people? Again, this amendment would say that if the President makes a determination that 40,000 South African blacks lost their jobs because of this bill—why 40,000 people? Because approximately 10 people in South Africa rely on each one, so that 400,000 people would be affected. In that event, the President would be able to waive or modify provisions of this act in the event that 40,000 black South Africans became unemployed as a direct or indirect result of the provisions of this act.

Mr. President, that is the essence of my amendment. It is simple, it is straightforward, and it is direct. I do not want to put people out of work, and that is why I am submitting the amendment at this time.

I yield the floor and reserve the balance of my time, if any.

Mr. LUGAR. Mr. President, I rise to oppose the amendment of the distinguished Senator from Minnesota. Clearly, he has expressed the sentiments of all of us, that we do not wish to see unemployment in South Africa, and we fear that there will be unemployment from the sanctions.

Mr. President, it is very difficult right now to gauge the amount of unemployment in South Africa. It is considerable. The country is in a severe recession. It is probable that any number of factors will lead to more unemployment, with or without a sanctions bill from the U.S. Senate.

But, Mr. President, let me just simply direct the Members' attention to the fact that this amendment calls

for the end of the bill if unemployment rises by 40,000. All of the work in which we have been involved is over. The Senator from Minnesota has a very compassionate idea but it is expressed in a clause that says, "The President is hereby authorized to waive or modify any provision of this act in the event that more than 40,000 black South Africans become unemployed as a direct or indirect result of the provisions of the Act."

I will not quibble over the administration of this amendment. I think the degree of black unemployment is unknowable to begin with. So that the base from which the 40,000 is to be gauged seems to me is a very fuzzy area. But beyond that, it is clear that more than 40,000 blacks are going to be unemployed in South Africa due to policies already in place, namely, the cessation of much credit for South Africa, and of the South Africans to really pull their act together. I would say, Mr. President, that the amendment is a good sentiment. But if it would be bad legislation, it would be devastating to this bill.

I plead with the Senator from Minnesota, if he would consider, having made the statement that he has made, withdrawing the amendment as opposed to proceeding to a vote.

Very well, Mr. President. Is any time remaining on either side?

The PRESIDING OFFICER. The Senator has 2 minutes and 37 seconds.

Mr. EXON. Mr. President, will the Senator yield?

Mr. LUGAR. I will be happy to yield for a question.

Mr. EXON. We had similar discussion yesterday on another amendment that the distinguished manager of the bill indicated was a killer amendment. If I could have the attention of the Senator, the previous amendment was indicated by the leader of this bill as a killer amendment. Would not the amendment just offered by the Senator from Minnesota likewise fall into the category of a killer amendment in the opinion of the manager?

Mr. LUGAR. Yes. In direct answer to the Senator, it would be a killer amendment. I indicated it seems to me it would terminate the rest of the legislation.

Mr. SARBANES. Will the Senator yield?

Mr. LUGAR. I yield for a question.

Mr. SARBANES. Mr. President, I want to commend the chairman of the committee for his very forceful statement in response to this amendment. First of all, it is administratively unworkable. Second of all, if you truly implement the second paragraph, the whole bill ends and the sanctions come to a halt. Third, the black leadership in South Africa is willing to undergo additional suffering in order to bring the apartheid system to an end. That system must end. It cannot go on. This is an effort to try to help bring that about.

So I support the chairman.

Mr. LUGAR. I reserve the balance of my time.

Mr. BOSCHWITZ. Mr. President, will the Senator yield to me to respond 1 minute on his side?

If 40,000 blacks are going to be unemployed because of this bill, then I think the bill should indeed be killed. I understand the difficulty of administering it.

I would trust the good will of the people involved to administer it properly. If it is a killer amendment, so be it if we are going to create unemployment.

Mr. LUGAR. Does time remain on the amendment?

The PRESIDING OFFICER. The Senator has 12 seconds.

Mr. LUGAR. Mr. President, I move to table the Boschwitz amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana to lay on the table the amendment of the Senator from Minnesota. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER (Mr. D'AMATO). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 81, nays 18, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—81

Abdnor	Ford	McConnell
Andrews	Glenn	Melcher
Baucus	Gore	Metzenbaum
Bentsen	Gramm	Mitchell
Biden	Grassley	Moynihan
Bingaman	Harkin	Nickles
Boren	Hart	Nunn
Bradley	Hatfield	Packwood
Bumpers	Hawkins	Pell
Burdick	Heflin	Proxmire
Byrd	Heinz	Pryor
Chafee	Hollings	Riegle
Chiles	Inouye	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Rudman
Cranston	Kasten	Sarbanes
D'Amato	Kennedy	Sasser
Danforth	Kerry	Simon
DeConcini	Lautenberg	Specter
Dixon	Laxalt	Stafford
Dodd	Leahy	Stennis
Dole	Levin	Stevens
Domenici	Long	Thurmond
Durenberger	Lugar	Trible
Eagleton	Mathias	Warner
Evans	Matsunaga	Weicker
Exon	Mattingly	Zorinsky

NAYS—18

Armstrong	Hatch	Pressler
Boschwitz	Hecht	Quayle
Broyhill	Helms	Simpson
Denton	Humphrey	Symms
Garn	McClure	Wallop
Gorton	Murkowski	Wilson

NOT VOTING—1

Goldwater

So the motion to lay on the table the amendment (No. 2758) was agreed to.

□ 1720

Mr. LUGAR. I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I shall not detain Senators too long. I think at this point, it would help all Senators if we might have order.

The PRESIDING OFFICER. May we have order, please? The minority leader has the floor.

Mr. BYRD. Mr. President, I believe all Senators would like to get an idea of what we are going to do the rest of the day. At 6 o'clock, all of the time under the agreement on the South Africa legislation will expire. Any amendments called up at that time from then on have only 2 minutes for debate. I would like to ask the majority leader what his plans are with respect to the extension of the debt limit, the short-term extension.

The reason I do this is to say that if there is any effort to amend this short-term extension, there is very likely to be some considerable debate. That being the case, would it be the distinguished majority leader's intention to keep the Senate in tonight and do that, or come in tomorrow and work on it? I would assume that there would be a few amendments that would be called up and voted on under the 2-minute rule. I do not think there will be any on this side. I think it will all be on the other side. Senators are entitled, under the agreement, to call them up and have a vote on them. In that event, I hope the Senate would stay in as long as necessary and we should, this evening, to pass this South Africa legislation.

□ 1730

But so that Senators will know what to count on with respect to tomorrow and Monday and Tuesday or whatever, I would like it if the distinguished majority leader could share his thoughts with all of us in this respect.

Mr. DOLE. Mr. President, if the minority leader will yield, I want to take just a little bit of time because there are a number of amendments and they are going to be crowded out of time here at 6 o'clock so I will respond as quickly as I can.

As I understand, there will be about five more amendments that are going to require votes. That may include final passage. I assume there will be a rollcall requested. And then we are

going to try to take up the debt ceiling, a temporary extension of the debt ceiling and I am advised on this side there will be an attempt to amend the debt ceiling with a 1-year extension or fix of Gramm-Rudman-Hollings. And I understand that could trigger considerable discussion, maybe even some debate. But in any event that could go on for 2 or 3 hours. Hopefully it will not.

I think it is fair to say to our colleagues both myself and the distinguished minority leader visited with the Speaker, with the majority leader, Congressman WRIGHT, and the minority leader Congressman MICHEL. They are waiting for us. We have not passed the adjournment resolution and do not intend to do that because of our own concerns.

But I guess we just have to wait and see what happens. One solution might be to put all the amendments that we put on the long-term debt ceiling on the short-term debt ceiling, put all 26 of them on there—en bloc—and send it back to the House. I assume they would disagree with all those and then send back something to vote on. But it looks like we are going to be here for a while this evening. Then the question is should we stay in again late tonight or let Members go home and rest up for tomorrow. So we will have to make that judgment a little later.

Mr. BYRD. I thank the majority leader.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I yield 5 minutes on the bill to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, as evidence in President Reagan's press conference, the administration continues to ignore or misunderstand the depth of American sentiment against Pretoria's repression. How can that be?

No sorrow is more deeply etched in America's soul than the sorrow of racism. And no American trial was won at greater cost than our own struggle against the bonds of slavery, the walls of segregation, and the poison of racial discrimination. Mr. Reagan must surely understand how our own history impels us to the cause of justice in South Africa.

President Reagan, visit out Nation's great monuments and you will come to understand. Visit the memorial for a President of your own party, Abraham Lincoln. He once said that in a nation of immigrants who have no blood ties to the revolution, the one sentiment that unites us as a nation is our commitment to the equality of man.

President Reagan, visit the Jefferson Memorial, where you will see chiseled in stone words Pretoria should hear:

> I tremble for my country when I reflect that God is just, and that his justice cannot sleep forever * * * Nothing is more clearly written in the book of fate than that these people are to be free.

And come with me, Mr. President, to the National Archives. For if you cannot hear the cries of Steven Biko from his grave, if you do not hear the voice of Nelson Mandela from his prison cell, if you will not hear the moral authority of Bishop Tutu from his pulpit, then surely you must understand these words, which speak as clearly to the people of South Africa in 1986 as they did to our own people in 1776:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed with their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just powers from the Consent of the Governed, that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it.

Mr. President, if we believe all men are created equal in America, then must believe all men are created equal in South Africa—and throughout the world.

Some say it is not our battle. But, at stake is the friendship of a continent, the security of a hemisphere, and the fate of a freedom-loving people. Our cause is not only for America's self-interest; it is also for America's self-respect.

Some say there is nothing we can do. But these are the voices of defeatism and isolationism. And they are wrong. As Reverend Boesak has said, "Virtually by lifting one finger, the United States can change the course of history in South Africa."

That is our challenge and that is our cause. The time has come for real economic sanctions.

It is unfortunate that the Contra and South Africa issues have been linked. It was a political ploy, pure, and simple, to tie them together.

But the decision to link has been useful, in one sense. It has served to highlight the confusion of the administration on the issue of sanctions. The administration, on one hand, countenances economic sanctions against Nicaragua. It countenances a "Contra" war against civilian targets and Nicaraguan economic assets. It is approving of actions that inflict damage on the Nicaraguan economy and its people as a means of undermining the Sandinista regime.

But the immense tyranny of South Africa's apartheid has failed to change the administration's opposition to sanctions. Using a cruel and crude calculus, the administration has somehow determined that the cost of punishing a system of legally-enshrined racism is too high. The plight of black South Africans straining under the yoke of apartheid should not command the full force of America's economic power and moral leadership.

The administration's position is bankrupt and ill befitting a great nation. Thankfully, the American people understand that the time for sanctions is now.

The time has come, Mr. President.

The time has come to sever military ties with the racist regime in Pretoria.

The time has come to close our runways to South African planes.

The time has come to stanch the flow of trade with South Africa and to end the subsidization of its totalitarian rule.

The time has come to insist on freedom for Nelson Mandela.

The time has come to terminate the state of emergency and take a stand for a nonracial democracy.

The time has come to stand with the majority of South Africans in their struggle to determine their own destiny.

The time for sanctions against South Africa is now.

I thank the Senator from Rhode Island.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, as we approach final passage on this very important piece of legislation, I would like to make some observations on what we have done thus far on what we may yet have to do in order to ensure that sanctions become law.

First of all, I would like to pay tribute once again to the chairman of the Foreign Relations Committee, Mr. LUGAR, for the leadership, patience, and skill that he has displayed in guiding this legislation through the Senate. He is a man of conscience, but he has also been guided by a sense of realism as to what is achievable; and I have the greatest respect for those qualities, which are the essence of effective leadership.

Second, I would like to note that in my view we would not be here today voting to impose sanctions on the Government of South Africa if the administration has exercised strong and credible leadership in opposing apartheid. Many in the administration and in this body have cited statements by Chief Buthelezi, Helen Suzman, and other South African opponents of apartheid that sanctions should not be imposed. I respect those views, and and in fact I have great sympathy for them because I have always doubted the wisdom of sanctions. But what opponents of sanctions have overlooked with regard to the views of people like Chief Buthelezi and Helen Suzman is that they have called for strong political and moral leadership by the United States as an alternative to

sanctions. And that is exactly what has been lacking. As a result, the Congress has taken matters into its own hands in an effort to compensate for the inadequate policies of the administration. As Time magazine put it on the cover of a recent issue, "If not now when? If not this, what?" That says it all.

Mr. President, I note with great satisfaction that as we have moved through this process, both in committee and on the floor, we have continuously improved the bill—adding some sanctions and refining others. And even in those cases where amendments to add further sanctions have failed, there was a substantial vote in favor of those amendments, thus sending a message that there is likely to be a majority for additional sanctions if the South African Government does not take steps to dismantle apartheid.

Now, looking down the road a bit, the Senator from Indiana has frequently pointed out that the inclusion of certain amendments or the exclusion of others would endanger the goal of achieving a veto-proof vote. We will shortly see if we have struck the right balance; I believe we have. If we have not, however, and there is a conference on this bill, we will have to look closely at what needs to be done to ensure that we have at least a two-thirds majority for sanctions legislation. In the meantime, we have made a moral statement on apartheid; we have made it known that we are on the side of black liberation in South Africa; and we have impressed upon the South African Government that there is a price to pay in their relationship with us if they do not commit themselves to ending a fundamentally evil and inhumane political and social system. That is a record of which we can be proud, and I urge my colleagues to support the bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 2759

(Purpose: To transfer to the Philippines the portion of the sugar quota currently allocated to South Africa)

Mr. KERRY. Mr. President, I send the following amendment to the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. There is a pending amendment.

Mr. KERRY. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the Boschwitz amendment.

Mr. KERRY. I ask unanimous consent that the amendment be set-aside in order to take up this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 2759.

Mr. KERRY. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 79, between lines 13 and 14, insert the following:

PROHIBITIONS ON SUGAR IMPORTS

SEC. 313. (a)(1) Notwithstanding any other provision of law, no sugars, sirups, or molasses that are products of the Republic of South Africa may be imported into the United States after the date of enactment of this Act.

(2) The aggregate quantity of sugars, sirups, and molasses that—

(A) are products of the Philippines, and

(B) may be imported into the United States (determined without regard to this paragraph) under any limitation imposed by law on the quantity of all sugars, sirups, and molasses that may be imported into the United States during any period of time occurring after the date of enactment of this Act,

shall be increased by the aggregate quantity of sugars, sirups, and molasses that are products of the Republic of South Africa which may have been imported into the United States under such limitation during such period if this section did not apply to such period.

(b)(1) Paragraph (c)(i) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended—

(A) by striking out "13.5" in the item relating to the Philippines in the table and inserting in lieu thereof "15.8", and

(B) by striking out the item relating to the Republic of South Africa in the table.

(2) Paragraph (c) of headnote 3 of subpart 4 of part 10 of schedule 1 of the Tarifff Schedules of the United States is amended by adding at the end thereof the following new subparagraph:

"(iii) Notwithstanding any authority given to the United States Trade Representative under paragraphs (e) and (g)(of this headnote—

"(A) the percentage allocation made to the Philippines under this paragraph may not be reduced, and

"(B) no allocation may be made to the Republic of South Africa,

in allocating any limitation imposed under any paragraph of this headnote on the quantity of sugars, sirups, and molasses described in items 155.20 and 155.30 which may be entered.".

Mr. KERRY. Mr. President, this is a very straightforward amendment. It will only take a moment or two because it is my understanding the distinguished chairman will accept it.

Mr. President, I would just like to summarize one thought if I may. I took great pleasure and pride in working with the distinguished chairman as a member of the Foreign Relations Committee in helping to bring this bill out of committee, and I am particularly grateful, as I think all of us who support this measure are, for his leadership and for the great effort which his staff has put into helping to make this possible. Among the many arguments we heard, I frankly thought none was more persuasive nor possibly more eloquent than that set forth by the Eminent Persons Group, and I would just like to read one paragraph if I may for the RECORD.

In drawing their conclusions about why we should submit sanctions they said, in regard to the so-called efforts of reform in South Africa, the following:

From these and other recent developments we draw the conclusion that while the government claims to be ready to negotiate, it is in truth not yet prepared to negotiate fundamental change, nor to countenance the creation of genuine democratic structures, nor to face the prospect of the end of white domination and white power in the foreseeable future. Its program of reform does not end apartheid. It seeks to give it a less inhumane face. Its quest is power sharing but without surrendering overall white control.

And as a final conclusion the Eminent Persons said:

The question in front of heads of governments is in our view clear. It is not whether such measures will compel change; it is already the case that their absence and Pretoria's belief that they need not be feared, defers change. Is the Commonwealth to stand by and allow the cycle of violence to spiral? Or will it take concerted action of an effective kind? Such actions may offer the last opportunity to avert what could be the worst blood bath since the Second World War.

□ 1740

So the question is very simple. Will the United States help and finally be viewed as helping blacks to seek their freedom in South Africa, or will we be viewed as having been complacent and willing to defer that victory? I think the answer to that is obvious.

Mr. President, the amendment is very straightforward. It is even simplified by virtue of Senator KENNEDY's earlier amendment, which was adopted. It would transfer from the Government of South Africa to the Philippines the current quota for the importation of sugar, and that would mean the difference of about 39,000 tons to the Philippines.

The distinguished chairman has led an effort to assist the Philippines. The Senate has been part of that effort, and I think this is in keeping not only with the purposes of this bill but also with the larger foreign policy objectives of the United States at this time.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. KERRY. I yield.

Mr. SARBANES. Mr. President, I commend the distinguished Senator from Massachusetts for this amendment, and I particularly commend him for the consistent effort he has made in support of the effort to restore democracy in the Philippines.

This is but another step in his continuing effort, which has helped to produce very important constructive changes in the Philippines. I know this is an issue he has followed closely. The Philippines now face pressing economic problems, and this amendment would help to address them, albeit by no means to the full degree necessary.

Mr. KERRY. I thank my distinguished colleague for his comments.

Mr. LUGAR. Mr. President, I join my colleague from Maryland in commending the Senator from Massachusetts for his work with regard to the Philippines and his work on this legislation.

On our side, we are pleased to accept the Kerry amendment.

Mr. PELL. Mr. President, I think this is an excellent amendment, well thought out and much needed. I ask that it be adopted overwhelmingly.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2759) was agreed to.

Mr. KERRY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, what is the pending business?

The PRESIDING OFFICER. The Boschwitz amendment.

AMENDMENT NO. 2744, AS MODIFIED

Mr. LUGAR. Mr. President, on behalf of Senator BOSCHWITZ, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. There is a Boschwitz amendment pending.

Mr. LUGAR. This is it.

The PRESIDING OFFICER. Does the Senator wish to modify it?

Mr. LUGAR. Yes.

The PRESIDING OFFICER. Is there objection to modifying the amendment? The Chair hears none, and it is so ordered.

The amendment will be stated.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, reads as follows:

Add the following new paragraph to section 312:

(c) The prohibition contained in this section shall not apply to a firm owned by black South Africans.

Mr. LUGAR. Mr. President, I believe the Boschwitz amendment has been cleared, as modified, on both sides of the aisle. We are prepared to accept the Boschwitz amendment.

Mr. PELL. Mr. President, this amendment is acceptable to us, and I recommend its adoption.

Mr. SARBANES. Mr. President, the original Boschwitz amendment has now been modified.

There was serious concern that, as originally worded, the amendment contained a number of loopholes whereby the purposes of the legislation would be frustrated. There may still be some concern. But as it is now written, an exception to the prohibition on new investment would permissible only in the case of a firm owned by black South Africans. In other words, investment is possible only if a firm is owned exclusively by black South Africans.

We are trying to encourage economic development in the black sector, an objective which in a sense runs contrary to the prohibition on new investment. The amendment before us represents an effort to facilitate that development, and it has been changed to ensure that it will serve that objective only. We have tried to see that there are no loopholes in the amendment that can be exploited to frustrate its declared purpose.

In the light of this statement, I am willing to join in accepting the amendment.

Mr. LUGAR. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2744), as modified, was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2760

(Purpose: To authorize the Secretary of Agriculture to permit South Africa to participate in agricultural export credit and promotion programs conducted by the Secretary at similar levels, and under similar terms and conditions, as other countries that have traditionally purchased United States agricultural commodities and the products thereof)

Mr. NICKLES. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for himself, Mr. GRASSLEY, Mr. PRESSLER, and Mr. ABDNOR proposes an amendment numbered 2760.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 69, between lines 10 and 11, insert the following new section:

PARTICIPATION OF SOUTH AFRICA IN AGRICULTURAL EXPORT CREDIT AND PROMOTION PROGRAMS

SEC. . Notwithstanding any other provision of this Act or any other provision of law, the Secretary of Agriculture may permit South Africa to participate in agricultural export credit and promotion programs conducted by the Secretary at similar levels, and under similar terms and conditions, as other countries that have traditionally purchased United States agricultural commodities and the products thereof.

Mr. NICKLES. Mr. President, today, on behalf of myself, Senator GRASSLEY, Senator PRESSLER, and Senator ABDNOR, I offer an amendment that is very simple and straightforward.

The amendment is designed to protect the hungry of southern African nations and American agriculture producers from unintended discrimination.

The amendment states that no provision of law shall shut off our ability to utilize USDA's export promotion programs to the benefit of American farmers. As Senators know, if the Nation's agriculture industry is to be revived, we must make full use of existing export tools. This amendment does not mandate that those provisions be used. It just gives the Secretary the discretion to use them if it is for the benefit of the American farmer.

Our losses suffered from the Soviet grain embargo and recent efforts to regain this market prove that using food as a foreign policy tool unfairly penalizes the American farmer more than anyone else. Surely, this backfiring foreign policy action has taught those in Government a lesson.

I might point out to my colleagues that American farmers have moved a substantial amount of their production into the South African market. This year, out of 301,000 tons in South African wheat purchases, United States farmers have captured over 156,000 tons, or more than half, of that market. In 1984, USDA figures show that out of nearly 3 million tons in South African corn purchases, United States farmers captured over 90 percent of the business. American farmers indeed cannot afford to lose this or any other market given the depressed state we find ourselves in today.

Under the bill before us, S. 2701, the Comprehensive Anti-Apartheid Act of 1986, our ability to use existing agriculture export promotion programs would be hindered. In section 305 it states "No national of the United States may make or approve any loan or other extension of credit, directly or indirectly, to the Government of South Africa or to any corporation, partnership or other organization which is owned or controlled by the Government of South Africa."

Under the provisions of S. 2701, the Secretary of Agriculture could not

extend a loan or other credit to South Africa for the purpose of increasing agriculture exports. Without this amendment, the Secretary of Agriculture would be prevented from utilizing existing export tools to help the American farmer. I do not believe this is what the Senate intends to accomplish through this legislation.

When considering legislation such as this, we must look beyond the surface. We must look at the impact on other industries, and certainly the impact on American agriculture must not be overlooked.

Congress should not follow down the same path as the Soviet grain embargo by allowing food to be used as a foreign policy tool. With this in mind, I urge my colelagues to join me in support of the amendment.

Again, this amendment is simple and straightforward. I think it will be of assistance to American farmers, and I hope it will be adopted.

Mr. COCHRAN. Mr. President, will the Senator yield?

Mr. NICKLES. I am happy to yield.

Mr. COCHRAN. Mr. President, I commend the Senator from Oklahoma.

We have been trying to expand our exports of foreign commodities by the use of all kinds of techniques and measures which are producing some results in some cases, but not enough. We need to continue to work on this. I think the Senator has focused the attention of the Senate on this problem, and this amendment ought to be agreed to.

Mr. NICKLES. I thank the Senator from Mississippi.

Mr. GRASSLEY. Mr. President, will the Senator from Oklahoma yield?

Mr. NICKLES. I am happy to yield.

Mr. GRASSLEY. Mr. President, I support this amendment, of which I am a cosponsor. The American farmer has for too long been used as a scape goat for U.S. foreign policy. We are all aware of the tremendous negative impact the Carter grain embargo had on our farmers and the exportation of our agricultural products. I fought hard against that embargo and, even though that embargo was lifted by President Reagan, the effects of that embargo can still be felt today through lower exports and trouble in the farm economy.

The objectives of the amendment before us is very clear: To keep our commodities competitive in the international marketplace, try to reestablish the United States as a reliable supplier, protect our farmers against inconsistent foreign policy decisions, and help to start our rural economy back on the road to recovery.

It is very clear that the United States is presently using our export programs for countries that are far less friendly than South Africa. It is also clear that U.S. export programs are presently being used for countries who have far more human rights abuses and far less individual freedoms than South Africa. Just recently the President announced that the Export Enhancement Program will be used for the sale of wheat to the Soviet Union. The Soviet's record in terms of human rights abuses, lack of individual freedoms, and being an adversary of the United States is very clear and I don't think anyone here will deny that. So let's not shoot the American farmer in the foot again by applying policies that ruin market the United States has fought so hard to gain.

What does South Africa mean to the American farmer as a customer? First of all, South Africa primarily pays in cash, not in credit. Second, they have increased their importation of American products dramatically in recent years. In corn for example, they went from importing 146 thousand bushels of American corn in 1983-84 to importing 2.67 million bushels in 1984-85. Third, South Africa has proven itself as a loyal customer by increasing the percentage of it's imports that come from the United States. For example, in 1983-84 only 22 percent of their corn imports came from the United States and in 1984-85, even at higher import levels, this figure increased to over 90 percent from the United States.

I have particular concerns in this area because my State has worked hard to develop foreign markets for our products, including South Africa. In 1984 for example, Iowa exported over $75 million in feed grains to South Africa. In that same year feed grains accounted for about 47 percent of Iowa's agricultural exports. I feel strongly that Iowa's farmers should not lose a good market for their largest agricultural export just because the U.S. Congress decided to impose a foreign policy decision on them in a haphazard, inconsistent fashion.

Mr. President, I strongly encourage the Senate to support this amendment as a way to protect our farmers and help them out of the present crisis in rural America.

□ 1750

Mr. NICKLES. Mr. President, one final comment: I have not been on the floor to do this in the past but I will today.

I wish to compliment Senator LUGAR for the outstanding work he has done on one of the most difficult and trying pieces of legislation this body has considered in some time. I think he has done an outstanding job in coming up with a proper piece of legislation. I compliment him for the effort and leadership he has made over the last couple of months in working on this legislation.

Mr. DENTON. Mr. President, will the Senator yield for a question?

Mr. NICKLES. I yield.

Mr. DENTON. Does the Senator intend to have a rollcall vote?

Mr. NICKLES. It does not make any difference. I am happy to have the amendment accepted. If it is not accepted, I would like to have a rollcall vote.

Mr. DENTON. The favor I request is, if there is a rollcall vote, will the Senator consent to have delay on it until after I offer one because we are going to have 1 minute per amendment after 6 o'clock?

Mr. NICKLES. I hear what the Senator is saying. It is not my intention to tie up the Senate. I know the Senator has a couple amendments. That is fine with me.

If the amendment is accepted, that is fine. If the Senator wants to stack it, have rollcall votes, that is the decision of the Senator from Indiana, but that is fine with this Senator.

Mr. DENTON. I do ask that the leader permit that.

Mr. LUGAR. We are prepared to accept the amendment on our side.

Mr. PELL. Mr. President, it seems to me that this amendment goes against the general thrust of the bill. The thrust of the bill is to discourage trade with South Africa.

What this amendment does, perhaps to oversimplify it, is it encourages trade with South Africa.

For that reason, I would think it should not be accepted.

Mr. NICKLES. If the Senator will yield for a comment, I do not see this legislation as encouraging trade. It gives the Secretary of Agriculture the option he has had in the past. That is not giving preferential treatment. But he could apply some type of export credit as he does in any other country, which we do with the Soviet Union, which we do with mainland China, and which we do with any number of countries.

Just for the information of the Senator from Rhode Island, I asked the Senator from Mississippi what percentage of our ag exports has some type of Government input, and we have, as I am sure the Senator is aware, a lot of different types of promotion programs, credits, and so forth. About 27 percent of all of our agriculture commodities receive some type of Government assistance, loans, or credits of some kind.

This would just allow them that opportunity to use it. It does not put South Africa ahead of any other country. It just leaves them in the same status by allowing out Government to be able to maintain and hopefully increase a market for agriculture.

Mr. PELL. I see the point the Senator is making. But my understanding is that this amendment, if accepted,

would encourage the Commodity Credit Corporation to finance agricultural exports to the Republic of South Africa.

Mr. NICKLES. The way we have drafted it at one point, we said that they "shall." We took "shall" out and say the Secretary "may" use those tools which are available to him presently, and again no preferential treatment to South Africa. It just allows him to use those tools that are presently under his control.

The whole purpose of it is simple. Internationally, our agriculture exports have been on the decline. We do not want to add an agriculture embargo to South Africa. That is the purpose of our amendment. It is to allow the Secretary to use those tools which are available to him.

Mr. SARBANES. Will the Senator yield for a question?

Mr. NICKLES. Yes.

Mr. SARBANES. Would this, in effect, amount to U.S. Government loans to South Africa?

Mr. NICKLES. No.

I tell the Senator from Maryland right now, most all of our agriculture sales to South Africa are on a cash basis. I hope that is the way it continues to be. As the Senator is aware, a lot of agriculture exports are not made unless we use GSM-102 or GSM-5 credits or the Export Enhancement Program.

This allows them to use those tools which are available to the Soviet Union or any other country.

Mr. SARBANES. However, using those tools amounts to a loan, does it not?

Mr. NICKLES. In some cases, it will be a loan; in some cases, it might be a PIK-type program where they would use bushels to enhance the deal. Basically, what it boils down to is to make us internationally competitive.

Again, it is not so much a loan to the Government as it really is a program to assist the American farmers, not to assist the South African Government or any other government, but basically, assisting American agriculture to be competitive internationally.

Mr. SARBANES. Does the Senator understand that under the current Executive order issued by the President, they could not do this. The President prohibited Government loans; is that not correct?

Mr. NICKLES. I believe the Senator is correct.

Mr. SARBANES. So the Senator is seeking to reverse the President's Executive order as well.

Mr. NICKLES. Basically, again I do not know how many times I said this, we are saying the Secretary should have that discretion. I think the Secretary has not used that. Most of our agriculture sales have been primarily on a cash basis, which is great. It means the impact of this amendment may not be all that great. But they have used credit in 1978, 1982, and 1983 at different times and at different amounts, not large amounts.

I might mention some of the GSM-5 and GSM-102 programs were used to enhance our exports or make our exports competitive internationally.

Mr. SARBANES. If the Secretary does not use the discretion, the issue does not arise. The question arises in those instances in which he might use the discretion. As I understand it, that discretion is not now allowed under the President's Executive order.

Mr. NICKLES. It would not be allowed.

Mr. SARBANES. Among other things, the Senator's amendment then seeks to reverse the President's Executive order in this respect? Is that correct?

Mr. NICKLES. To answer the Senator's question, I am not positive how far the President's Executive order goes, but the legislation that we have before us I believe goes much further. The underlying bill would deny any types of agricultural credit or any type of program to enhance exports.

Again, what we are trying to do is make our exports competitive so we can move more commodities overseas.

Mr. PELL. Mr. President, good arguments can be made on both sides obviously. I have the greatest respect and regard for the Senators from Iowa and Oklahoma.

But I think what this reminds me of is of two ships passing in the night. The main bill is one ship, sailing us away from contact with South Africa, while this amendment represents a smaller ship going in the opposite direction.

So I will recommend to my colleagues that they vote against this amendment.

Mr. LUGAR. Mr. President, I ask for the yeas and nays on the Nickles amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. Mr. President, I ask unanimous consent the Nickles amendment be voted on at 6'clock and that Senator DENTON might be recognized so he can commence his debate before that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair.

Mr. NICKLES. Mr. President, I ask unanimous consent that Senator GRASSLEY be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2761

(Purpose: To assure that when further sanctions are imposed full account has been taken of other national security interests of the United States)

Mr. DENTON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alabama [Mr. DENTON] for himself and Mr. SYMMS, Mr. PRESSLER, Mr. MCCLURE and Mr. HELMS proposes an amendment numbered 2761.

Mr. DENTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 84 between lines 14 and 15, insert the following:

(e) Notwithstanding any other provision of this section, no measure described in paragraphs (1) through (5) of subsection (c) shall take effect against South Africa until the President—

(a) certifies to the Congress that the Soviet Union and its allies will derive no significant direct economic benefit from the imposition of such sanction;

(b) has provided to Congress a detailed written analysis of the possible effects of such sanction, including any European or other sanctions, that such U.S. action might encourage, on the economy of the United States, by state, by industry; and

(c) has provided to Congress a detailed analysis of the possible effects of such sanction, including any European or other sanctions that U.S. action might encourage, on the strategic interests of the United States and its allies, particularly with respect to the access, at reasonable cost, to southern Africa's vital strategic minerals."

Mr. DENTON. Mr. President, I believe this is a reasonable amendment.

If the clerk had read it all the way through it might have taken the place of the statement I hope I can make before 6 o'clock.

Mr. President, I believe that this is a reasonable amendment. Its primary purpose is not to restrict the President's authority, or the Congress' interest in, any future imposition of sanctions against South Africa. Rather it represents an effort to assure that our strategic interests—those interests which by virtue of our responsibilities as elected representatives must be our main concern—are adequately taken into account.

The amendment would require, prior to any sanction under title V taking effect, a report by the President to the Congress. The elements of the report are: first, a detailed written analysis of the effects of any recommended or approved sanctions on the economy of the United States; second, a detailed written analysis of the effects on our strategic interests; and, finally, a certification that the Soviet Union and its allies will derive no direct benefit from the imposition of such sanctions.

The practical effect of the amendment would be to assure that we have an adequate understanding of each sanctions effect, and that only those sanctions that provide a direct benefit to the Soviet Union would not go into effect. If a particular sanction is found to provide a direct benefit to the Soviet Union—the active and ultimate architect of the plan for the Western World conquest—then the opportunity to recast the sanctions so as to accomplish this body's purpose—to send their antiapartheid signal—without, at the same time, helping the Soviets.

□ 1800

It would require us to be more careful in the construction of our sanctions package.

I urge my colleagues to support this amendment which is cosponsored by Senators McCLURE, WALLOP, PRESSLER, HELMS, and SYMMS. I hope the amendment will be accepted.

Mr. LUGAR. Mr. President, I do not have a copy of the amendment. I have been listening very carefully. If I understand the Senator's argument, no sanctions would go into effect if there was a—let me just read the amendment—"shall take effect until the President certifies to the Congress that the Soviet Union and its allies will derive no significant direct economic benefit from the imposition of such sanctions;" and has provided the Congress with a detailed written analysis.

Mr. DENTON. They are severable and individually considered. It is not a blanket.

Mr. LUGAR. Mr. President, respectfully, I do not know how we could determine that the Soviet Union and its allies would derive no direct economic benefit from the imposition of sanctions. I simply am at a loss to try to fathom precisely how we get benchmarks on this particular amendment. I must suppose that it comes to a point in the bill which I suspect it would simply nullify the sanctions situation and be subject to a very considerable latitude of interpretation.

The PRESIDING OFFICER (Mr. QUAYLE). The hour of 6 p.m. has arrived. All time on this amendment has expired.

The vote will now occur on the amendment.

VOTE ON NICKLES AMENDMENT NO. 2760

Mr. LUGAR. Mr. President, parliamentary inquiry. By unanimous consent, we have laid aside the vote on the Nickles amendment until 6 o'clock. I ask the Chair if the vote on the Nickles amendment would not take place to be followed by the vote on the Denton amendment?

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the amendment of the Senator from Oklahoma [Mr. NICKLES]. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—55

Abdnor	Gramm	Nickles
Andrews	Grassley	Pressler
Armstrong	Hatch	Quayle
Baucus	Hatfield	Roth
Boren	Hawkins	Rudman
Boschwitz	Hecht	Sasser
Broyhill	Heflin	Simpson
Burdick	Helms	Stafford
Cochran	Humphrey	Stennis
Danforth	Kassebaum	Stevens
Denton	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Long	Trible
Durenberger	Lugar	Wallop
Evans	Mattingly	Warner
Exon	McClure	Wilson
Ford	McConnell	Zorinsky
Garn	Melcher	
Gorton	Murkowski	

NAYS—44

Bentsen	Glenn	Metzenbaum
Biden	Gore	Mitchell
Bingaman	Harkin	Moynihan
Bradley	Hart	Nunn
Bumpers	Heinz	Packwood
Byrd	Hollings	Pell
Chafee	Inouye	Proxmire
Chiles	Johnston	Pryor
Cohen	Kennedy	Riegle
Cranston	Kerry	Rockefeller
D'Amato	Lautenberg	Sarbanes
DeConcini	Leahy	Simon
Dixon	Levin	Specter
Dodd	Mathias	Weicker
Eagleton	Matsunaga	

NOT VOTING—1

Goldwater

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote? If not, on this vote, the yeas are—

Mr. BRADLEY. Mr. President, I do not intend to ask for reconsideration of this——

The PRESIDING OFFICER. The vote has not been tallied.

The yeas are 56, the nays are 43. The amendment is agreed to.

□ 1820

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Several Senators addressed the Chair.

Mr. NICKLES. Mr. President, I move to lay that motion on the table.

Mr. BRADLEY. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The question is on the motion to table the motion to reconsider.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Chair will inform the Senator from New Jersey the question is on the motion to table the motion to reconsider.

Mr. BYRD. Mr. President, this Senator was seeking recognition before the motion to table the motion to reconsider was made.

The PRESIDING OFFICER. The Senator was not recognized——

Mr. BYRD. Mr. President, when a Senator seeks recognition, he should be given recognition. I have held for that even when a minority Senator was seeking recognition. He was seeking recognition and should be recognized.

The PRESIDING OFFICER. The Senator was not recognized by the Chair until the motion to table was made.

Mr. SARBANES. Mr. President, who made the motion to table? Who was recognized to make the motion to table?

The PRESIDING OFFICER. The Senator from Indiana moved to reconsider and the Senator from Oklahoma moved to table.

Mr. DOLE. Mr. President, I ask unanimous consent that the Chair recognize the Senator from New Jersey for 1 minute.

The PRESIDING OFFICER. Without objection, the Senator is recognized for 1 minute.

Mr. BRADLEY. I thank the majority leader.

Mr. President, I simply wanted to point out that on this vote, on the day the U.S. Senate is imposing sanctions on the Government of South Africa, with this vote we have agreed to subsidize the Government of South Africa. I think it is a rather peculiar vote.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I had understood this was a tabling motion. I ask unanimous consent that my vote be changed to "nay."

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The foregoing tally reflects the above order.)

The question is on the motion to table.

SEVERAL SENATORS. Rollcall. Rollcall.

Mr. DOLE. Can we have a 10-minute rollcall?

Mr. BYRD. No. Fifteen minutes. Some Senators may not like that.

SEVERAL SENATORS. Rollcall.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the motion to reconsider. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER], is necessarily absent.

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 247 Leg.]

YEAS—50

Abdnor	Grassley	Murkowski
Andrews	Hatch	Nickles
Armstrong	Hatfield	Pressler
Boren	Hawkins	Quayle
Boschwitz	Hecht	Roth
Broyhill	Heinz	Rudman
Cochran	Helms	Simpson
Danforth	Humphrey	Stafford
Denton	Kassebaum	Stennis
Dole	Kasten	Stevens
Domenici	Laxalt	Symms
Durenberger	Long	Thurmond
Evans	Lugar	Trible
Ford	Mattingly	Wallop
Garn	McClure	Warner
Gorton	McConnell	Wilson
Gramm	Melcher	

NAYS—49

Baucus	Exon	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gore	Nunn
Bingaman	Harkin	Packwood
Bradley	Hart	Pell
Bumpers	Heflin	Proxmire
Burdick	Hollings	Pryor
Byrd	Inouye	Riegle
Chafee	Johnston	Rockefeller
Chiles	Kennedy	Sarbanes
Cohen	Kerry	Sasser
Cranston	Lautenberg	Simon
D'Amato	Leahy	Specter
DeConcini	Levin	Weicker
Dixon	Mathias	Zorinsky
Dodd	Matsunaga	
Eagleton	Metzenbaum	

NOT VOTING—1

Goldwater

So the motion to lay on the table the motion to reconsider was agreed to.

□ 1840

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senate will come to order. The Chair will now announce that the pending business is the Denton amendment. All time for debate has expired.

Mr. DOLE. Mr. President, I wonder if I might make a request now that the remaining votes on this bill and all amendments thereto be 10 minutes in duration.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I will not object, I thank the distinguished majority leader for asking unanimous consent that the Senator from New Jersey [Mr. BRADLEY] have a minute. That was a kind gesture. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I move to table the Denton amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will called the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—73

Abdnor	Ford	Melcher
Andrews	Glenn	Metzenbaum
Baucus	Gore	Mitchell
Bentsen	Grassley	Moynihan
Biden	Harkin	Murkowski
Bingaman	Hart	Nunn
Boren	Hatfield	Packwood
Bradley	Heflin	Pell
Bumpers	Heinz	Proxmire
Burdick	Hollings	Pryor
Byrd	Inouye	Quayle
Chafee	Johnston	Riegle
Chiles	Kassebaum	Rockefeller
Cohen	Kasten	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Kerry	Simon
Danforth	Lautenberg	Specter
DeConcini	Leahy	Stafford
Dixon	Levin	Stennis
Dodd	Long	Trible
Domenici	Lugar	Weicker
Durenberger	Mathias	Wilson
Eagleton	Matsunaga	Zorinsky
Evans	Mattingly	
Exon	McConnell	

NAYS—26

Armstrong	Hatch	Roth
Boschwitz	Hawkins	Rudman
Broyhill	Hecht	Simpson
Cochran	Helms	Stevens
Denton	Humphrey	Symms
Dole	Laxalt	Thurmond
Garn	McClure	Wallop
Gorton	Nickles	Warner
Gramm	Pressler	

NOT VOTING—1

Goldwater

So the motion to table the amendment (No. 2761) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order.

Senators on both sides of the aisle who desire to converse will please either cease conversation or retire from the Chamber.

Under the previous unanimous-consent agreement, the bill is open to further amendement, and an amendment offered will be limited to 2 minutes of debate, equally divided.

Mr. DOLE. Mr. President, may I remind Senators that votes will be 10 minutes in length? We are going to cut the votes off after 10 minutes.

AMENDMENT NO. 2762

(Purpose: To require a report regarding the African National Congress)

Mr. DENTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama [Mr. DENTON] proposes an amendment numbered 2762:

On page 87, after line 25, insert the following:

REPORT ON THE AFRICAN NATIONAL CONGRESS

SEC. 701. (a) Not later than 180 days after the date of enactment of this Act, the Attorney General shall prepare and transmit to the Congress a report on actual and alleged violations of the Foreign Agents Registration Act of 1938, and the status of any investigation pertaining thereto, by representatives of governments or opposition movements in sub-Saharan Africa, including but not limited to members or representatives of the African National Congress.

(b) For purposes of conducting any investigations necessary in order to provide a full and complete report, the Attorney General shall have full authority to utilize civil investigative demand procedures, including but not limited to the issuance of civil subpoenas.

Mr. DENTON. Mr. President, is this amendment acceptable to both sides?

Mr. LUGAR. We are prepared to accept the amendment of the distinguished Senator from Alabama.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama.

The amendment (No. 2762) was agreed to.

AMENDMENT NO. 2763

Mr. DENTON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alabama [Mr. DENTON] proposes an amendment numbered 2763.

Mr. DENTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 69, between lines 10 and 11, insert the following:

RESTRICTION ON USE OF FUNDS UNDER THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 211. Notwithstanding any other provision of law, no assistance under the Foreign Assistance Act of 1961 shall be available for assistance to any country that—

(1) detains or arrests or imprisons for purposes other than immediate expulsion black South African exiles or other than the commission of activities that would be considered criminal in the United States;

(2) permits other organizations operating inside that country to arrest or detain black South African exiles, as described in paragraph (1); or

(3) refuses to permit officers or employees of the United States Government to visit any place where South African exiles are

present or to visit detained, arrested, or imprisoned exiles in order to ascertain the conditions under which they are being held.

(4) the President may waive this section if he determines that it is in the national security interest of the United States and so certifies to Congress specifying the country, number of political prisoners, and the justification for this waiver.

Mr. DENTON. Mr. President, the purpose of this amendment is simple. I had understood that it was acceptable to our side, but that word has been changed. The purpose is to prevent U.S. funds from being used to indirectly subsidize the brutalization and imprisonment of black South African refugees—not by the South African Government, but by African countries which have entered into a cynical alliance with the Soviet-dominated ANC.

Mr. President, the ANC is interested in power, not democracy. That is why its slogan is not "freedom" or "democracy" but "amandla"—"power." It would bring a gulag to South Africa. And it depends on a gulag now to enforce its will against all rival black South Africans.

The shameful thing is that some African countries actively assist this. They arrest and imprison black South African refugees who oppose apartheid but who do not support the Communist party and the ANC. They provide the prison guards for young black refugees who join the ANC and then find out they do not agree with their political commissars and want to leave. It has a lot of trouble recruiting; and it is deathly afraid of rival black political leaders being allowed to build up followings, air their views, or question the party line.

Mr. President, we must refuse to continue providing economic aid to countries which imprison black South African refugees for their political beliefs, and which refuse to allow American officials to investigate complaints and allegations of abuse from friends and relatives of these people. Angola, one of the worst offenders, currently receives no U.S. Government aid, but Tanzania, Mozambique, Zambia and others do. This amendment would penalize those states that would arrest these refugees for their political activities, affiliations, or beliefs, and which refuse to allow American Embassy officials to visit the sites of their alleged detentions and investigate fully the circumstances of such detention.

Mr. President, the amendment contains a national security waiver which would permit the President to waive the provisions of this section if he determines that such waiver is in the national security interest of the United States.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. I yield to the distinguished Senator from Rhode Island.

Mr. PELL. Mr. President, I yield my 1 minute to the Senator from Maryland.

Mr. SARBANES. Mr. President, may we have order in the Senate?

The Senate will be in order.

The Senator from Maryland is recognized for 1 minute.

□ 1900

Mr. SARBANES. Mr. President, I say to my colleagues the hour is late and we are getting close to finishing this bill, and I hope we can do it in good order without now dealing with a lot of amendments which very frankly I think ought to be rejected.

This amendment, amongst other things, says that no country can benefit from the Foreign Assistance Act if it detains a person for the commission of a crime unless the act is a crime in the United States. That is what the first paragraph says. In other words, it says that a country cannot detain someone unless it, in effect, applies the criminal laws of the United States. You know these countries have different criminal laws often based on their tribal structure.

Suppose a country decides that adultery should be a criminal offense, which it may not be in the United States, and that someone should be imprisoned for that activity. They could not do it under this amendment without losing any foreign assistance which might be provided.

I urge the defeat of the amendment.

The PRESIDING OFFICER (Mr. ABDNOR). The time has expired.

Mr. LUGAR. Mr. President, I move to table the Denton amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Indiana to lay on the table the amendment of the Senator from Alabama.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 75, nays 24, as follows:

[Rollcall Vote No. 249 Leg.]

YEAS—75

Andrews	Burdick	Dixon
Baucus	Byrd	Dodd
Bentsen	Chafee	Dole
Biden	Chiles	Durenberger
Bingaman	Cohen	Eagleton
Boren	Cranston	Evans
Boschwitz	D'Amato	Exon
Bradley	Danforth	Ford
Bumpers	DeConcini	Garn
Glenn	Laxalt	Proxmire
Gore	Leahy	Pryor
Gorton	Levin	Quayle
Harkin	Long	Riegle
Hart	Lugar	Rockefeller
Hatfield	Mathias	Sarbanes
Heflin	Matsunaga	Sasser
Heinz	McConnell	Simon
Hollings	Melcher	Specter
Inouye	Metzenbaum	Stafford
Johnston	Mitchell	Stennis
Kassebaum	Moynihan	Stevens
Kasten	Murkowski	Trible
Kennedy	Nunn	Warner
Kerry	Packwood	Weicker
Lautenberg	Pell	Zorinsky

NAYS—24

Abdnor	Hatch	Pressler
Armstrong	Hawkins	Roth
Broyhill	Hecht	Rudman
Cochran	Helms	Simpson
Denton	Humphrey	Symms
Domenici	Mattingly	Thurmond
Gramm	McClure	Wallop
Grassley	Nickles	Wilson

NOT VOTING—1

Goldwater

So the motion to lay on the table the amendment (No. 2763) was agreed to.

□ 1910

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. PRESSLER. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator has several amendments at the desk. Which amendment?

AMENDMENT NO. 2764

(Purpose: To require that certain conditions be met before implementing the prohibition of importation of products from parastatal organizations)

Mr. PRESSLER. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. PRESSLER] proposes an amendment numbered 2764.

At the end of title III, add the following new section:

EFFECTIVE DATE OF CERTAIN PROVISIONS

SEC. 314. Notwithstanding any other provision of this title, no prohibition contained in section 303 shall take effect until the President prepares and transmits to the Congress, not later than 90 days after the date of enactment of this Act, a report describing the employment costs to South Africa, the United States, and the Southern African region of the implementation of such prohibition.

Mr. SARBANES. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SARBANES. Mr. President, would a point of order lie against this

amendment if it does not conform with the unanimous-consent request?

Mr. PRESSLER. Mr. President, I would argue it does, because last night I said it was a parastatal amendment. The way it was printed was not what I stated in the RECORD.

Mr. SARBANES. The unanimous-consent agreement lists a Pressler amendment to delete section 303.

Mr. PRESSLER. That is not what I said last night.

The PRESIDING OFFICER. The amendment does not conform to the unanimous-consent agreement.

Mr. PRESSLER. Mr. President, that is not my understanding of the unanimous-consent agreement.

The PRESIDING OFFICER. The Senate will be in order, please, so we may hear.

Mr. PRESSLER. Mr. President, I appeal the ruling of the Chair.

The PRESIDING OFFICER. The Chair has not ruled. It has only responded to a parliamentary inquiry.

Mr. PRESSLER. Mr. President, last evening—and it is printed in the CONGRESSIONAL RECORD—I asked to bring up a parastatal amendment and I did not state to repeal section 303. I cannot be responsible for what was printed this morning. I ask unanimous consent to bring this amendment forward.

Mr. DODD. Objection.

Mr. PRESSLER. Mr. President, I appeal the ruling of the Chair and I ask for the yeas and nays.

The PRESIDING OFFICER. Let us have order in the Senate.

The Chair has not ruled at this time. A point of order has not been raised against the amendment and will not until the time expires.

Who yields time?

Mr. SARBANES. Is it in order to consider an amendment that does not conform with the unanimous consent agreement?

The PRESIDING OFFICER. A point of order cannot be raised on an amendment until the time allocated for that amendment expired.

Mr. PRESSLER. Mr. President, I sent this amendment to the desk. This is a parastatal amendment included in the unanimous consent agreement of last night and was printed in the CONGRESSIONAL RECORD that way. And if we refer to the CONGRESSIONAL RECORD it will be printed that way and not as it is printed on this sheet.

I shall use whatever parliamentary device——

The PRESIDING OFFICER. Please. The Senate will be in order.

Mr. SARBANES. Parliamentary inquiry. If the Senator's amendment was printed in the RECORD or if there is a statement in the RECORD on the substance of the amendment and this unanimous consent is erroneous, I will not raise a point of order. I am not trying to be unfair to the Senator.

□ 1920

If, in fact, that was laid out before the Senate, then I think it is reasonable. Was the amendment printed in the RECORD?

Mr. LUGAR. Mr. President, it is my understanding that the parastatal discussion occurred at some point last evening.

Mr. SARBANES. I will not make a point of order. I will oppose the amendment when the appropriate time comes.

The PRESIDING OFFICER. The Senator may proceed for the remaining time.

Mr. PRESSLER. Mr. President, in the apparently needless haste to pass a sanctions bill, I am afraid that we have lost sight of the need to consider the consequences of our actions. We lack crucial data on the effects of these proposed sanctions in three key areas: The impact on the South African nonwhites; the impact on South Africa's 10 neighboring countries; and the impact on our own industries and consumers.

Therefore, I propose that we postpone enacting the most punitive sanctions—those against South Africa's parastatals—for 3 months. At that point, the President would be required to submit to Congress a detailed study of the economic consequences of these proposed sanctions.

This does not mean that the sanctions would not go into effect. But there would be a study on employment for blacks, coloreds, Asians, and whites, for that matter, in South Africa and neighboring countries.

I am against these sanctions, and will not vote for them. However, I venture to say that a majority of my colleagues—both those who support the bill and those who are against it—would like to know the cost of the proposed sanctions.

Responsible government requires us to face up to the consequences of our actions, especially when the consequences could be substantial for the nonwhites we want to help in South Africa, could cripple economic development in all of southern Africa, and could impose such great costs on the United States consumer.

There is confusion over the definition of parastatal organization in this bill. As written, section 303 could affect as much as 87 percent of South Africa's exports to the United States. The major problem here is that it does not differentiate between parastatals engaged in production and those that are engaged in marketing. There are parastatal marketing organizations that market the products of private firms. In effect, the bill would constitute a trade war against South Africa, and we should be prepared for retaliation by South Africa.

The ambiguity of this provision means that South Africa's gold exports would be embargoed. The Central Bank of South Africa markets 100 percent of the country's gold production, and gold represents almost one-half of South Africa's total exports. Seventy percent of that nation's agricultural production is marketed by parastatal organizations. And many other South African minerals, metals and metal products—representing 28 percent of total exports—are marketed by such organizations.

Let us consider the employment consequences of banning imports controlled by parastatals. The South African Iron and Steel Corporation [ISCOR], a parastatal, employs 31,000 nonwhite workers. Each one of these individuals supports an average of five other persons, making a total of 186,000 nonwhites who would be affected by an import ban. These figures do not even account for the 80,000 whites whose livelihoods depend on this industry. If one also considers employment in industries related to iron and steel, another quarter-million jobs are at stake.

It should also be noted that South Africa was one of the first nations to declare voluntary restraints on exports of steel to the United States. In fact, that declaration became a model for the 17 or 18 other countries which have since agreed to voluntarily restrain steel exports to the United States.

Mr. President, I am concerned that if we launch this first shot against the very heart of the South African economy, that country will retaliate in ways that could be extremely damaging to our own economy. Everyone knows how dependent we are on certain strategic minerals and metals from South Africa. We cannot afford the tremendous costs that would arise from South African retaliation against the United States. We could lose major wheat sales to South Africa—our largest foreign wheat buyer so far this year. We are highly dependent on South African chromium, platinum, and vanadium. In some cases, we are 100-percent dependent on these rare metals. If we lost this source of chromium, for example, we would be forced to turn to the Soviet Union, the only other major exporter.

According to the United States Bureau of Mines, in a report issued just last month, the direct cost to the United States consumers of a cutoff in South African chromium exports to us would be $3.6 billion over a 3-year period. This is just the direct cost, and it is a figure which assumes maximum conservation of chromium use and maximum substitution. Going beyond direct consumer losses, the estimated impact on the U.S. gross national product would be $8.7 billion in the first year with almost 300,000 American jobs lost. Over the 3-year period

examined by the Bureau of Mines, the total lost GNP would be $18.8 billion and 437,000 jobs.

My amendment does not delete the parastatal section. It would simply require a delay of 90 days in its implementation in order to complete a report on the employment consequences for nonwhites in South Africa and southern Africa, as well as the United States. The figures I have used here are only the tip of the iceberg. We do not know all of the ramifications yet, and that is the purpose of my amendment. We really should know what we are doing, right down to the last black person who loses a job in Johannesburg to the last wheat farmer in Jones County, SD, who faces the possible loss of another major foreign wheat market.

Finally, Mr. President, before the debate on this bill draws to a close, I will make one addition to the many objections I have stated regarding it over the past several weeks.

Another objection to this bill is that it includes Namibia, which already has put into effect the four objectives President Reagan has stated as necessary for peace in South Africa and Namibia. These actions by Namibia are: First, the elimination of all apartheid laws; second, the release of all political prisoners; third, the unbanning of black political movements; and, fourth, the initiation of an internal political dialogue which could lead to a system based on the consent of the governed. It would be a mistake to impose sanctions on Namibia when it already has done what sanctions proponents desire.

Mr. DENTON. Mr. President, I have cosponsored and strongly support the amendment of the distinguished Senator from South Dakota [Mr. PRESSLER]. As he has indicated, it would delay the implementation of section 303 of S. 2701 for 3 months, during which time a full analysis of the provision's potential consequences would be made.

Mr. President, I know, first hand, some of the pitfalls of the section 303 provision. Barely a week ago, I received a panicked phone call from one of my constituents, who represents Cortaulds, Inc., a rayon manufacturing plant in Alabama. It employs 700 people.

That plant imports woodpulp from South Africa from Saiccor, which is two-thirds owned by Cortaulds and only a one-third minority by the Industrial Development Cooperation, a South African Government entity. The question arose as to whether Saiccor would therefore be considered a parastatal under the definition in section 303.

Fortunately, Mr. President, after a colloquy with the distinguished chairman of the Foreign Relations Committee, I was able to ascertain that it is not. But, Mr. President, if I had not been able to ascertain that fact, 700 Alabamians would have become unemployed within days or weeks of this bill taking effect, because there is no other source in the world for the fast-growing eucalyptus, flock pulp used by the Mobile Cortauld's plant. The job loss, of course, would have been even greater because of other spinoff effects in the Mobile port and supplies companies.

Mr. President, this problem was taken care of, but how many other U.S. businesses will be affected by this provision? We don't know, we haven't had time to look at it.

Furthermore, we have no idea what the effects will be in South Africa—particularly on black South Africans. The ambiguity of the definition of parastatal and the role that parastatal organizations play in the South African economy could make this bill more than a punitive sanction bill aimed at the South African Government which would be bad enough, but one aimed at the business community, which has been in the forefront of the fight against apartheid for years. But most especially it could become a punitive sanction measure against the South African people themselves.

Mr. President, I don't believe it is really our intention to impose sanctions against the people of South Africa. Surely, we don't intend, from the comfort and abundance of our own country, to deprive already impoverished black South Africans of their ability to feed and clothe themselves and their families. Mr. President, I believe this provision may do that. That prior to the implementation of this provision, we should have a fair idea of its consequences.

I urge my colleagues to support the Senator's amendment. I yield the floor back to the distinguished Senator from South Dakota and thank him for letting me speak in support of his amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PRESSLER. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PELL. Mr. President, in view of the fact that this amendment would wipe out the amendment previously accepted by the Senator from Connecticut, I would ask him to respond.

Mr. DODD. Mr. President, very briefly, the bulk of the parastatal language of this bill was in the committee print when it came to the floor. This was subject to a great deal of debate here on the floor in the Senate. Second, the modifications that were made were made by unanimous-consent votes here. In fact, the majority leader and I, along with the chairman of the Foreign Relations Committee, spent some time yesterday afternoon working out the language to the satisfaction of both the minority and the majority leaders.

Delaying the imposition of language which has been worked out over a great deal of time seems to be unnecessary and unwarranted. These are important sections. The ultimate effect, of course, of the amendment of the Senator from South Dakota would be to only delay something, to have any real significant effect.

I think it would be a tragedy for us to postpone those for 90 days, given the time and effort put into them to make them become law.

The PRESIDING OFFICER. All time has expired.

Mr. DODD. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut to lay on the table the amendment of the Senator from South Dakota. On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 250 Leg.]

YEAS—66

Andrews	Exon	Mattingly
Baucus	Ford	Melcher
Bentsen	Glenn	Metzenbaum
Biden	Gore	Mitchell
Bingaman	Gorton	Moynihan
Boren	Harkin	Nunn
Bradley	Hart	Packwood
Bumpers	Hatfield	Pell
Burdick	Hollings	Proxmire
Byrd	Inouye	Pryor
Chafee	Johnston	Riegle
Chiles	Kassebaum	Rockefeller
Cohen	Kasten	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Kerry	Simon
Danforth	Lautenberg	Simpson
DeConcini	Laxalt	Specter
Dixon	Leahy	Stafford
Dodd	Levin	Stennis
Durenberger	Long	Trible
Eagleton	Mathias	Weicker
Evans	Matsunaga	Zorinsky

NAYS—33

Abdnor	Hatch	Nickles
Armstrong	Hawkins	Pressler
Boschwitz	Hecht	Quayle
Broyhill	Heflin	Roth
Cochran	Heinz	Rudman
Denton	Helms	Stevens
Dole	Humphrey	Symms
Domenici	Lugar	Thurmond
Garn	McClure	Wallop
Gramm	McConnell	Warner
Grassley	Murkowski	Wilson

NOT VOTING—1

Goldwater

So the motion to lay on the table (Amendment No. 2764) was agreed to.

□ 1930

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I ask unanimous consent that I be allowed to send to the desk on behalf of myself and Senator FORD an amendment in lieu of the original amendment I was entitled to offer under the unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object, I intend to object unless we know what the amendment is.

Mr. McCONNELL. The amendment is one we have been discussing with you and your staff over the afternoon. It simply deletes from the bill the ban on the uranium imports.

Mr. KENNEDY. Then I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FORD. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. FORD. At what point would the distinguished Senator from Kentucky be allowed to offer this amendment based on the one that is already at the desk, and will he be allowed to modify that amendment?

The PRESIDING OFFICER. Amendments may not be modified once they are called up.

Mr. FORD. Can we modify it now without calling it up?

The PRESIDING OFFICER. The Senator can send the amendment to the desk in any form he desires, but the amendment must conform with the amendment listed and described in the agreement.

Mr. FORD. At this point is the Senator from Kentucky precluded from calling up his amendment?

The PRESIDING OFFICER. The Senator is not precluded from calling up his amendment.

Mr. FORD. So that another Senator could proceed and the amendment could be so modified.

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 2766

Mr. DOLE. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 2766:

On page 77, strike lines 17 and 18.

Mr. DOLE. Mr. President, I yield to the distinguished Senator from Kentucky.

Mr. McCONNELL. I thank the distinguished majority leader for offering the amendment.

Mr. President, I had originally planned to offer a comprehensive amendment in the nature of a substitute for the pending legislation. I have not done that.

Mr. President, with few exceptions, the rhetoric I have heard recently regarding South Africa is marked by a sense of failure. On both sides of the aisle, on both sides of the issue, the plans some of my colleagues have advocated seem to presume, or perhaps fear, that this time next year, we will have no ties with South Africa.

I would like to take a minute to review the positions that I believe have been staked out. My distinguished colleague from Massachusetts have introduced three bills and as many amendments on South Africa. To one degree or another they all end economic and political ties. Supporters of this approach argue there is no flexibility or sincerity in the white minority government's commitment to change. Thus, we need to end any association with this racist, repressive regime.

On the other hand, some of my colleagues have urged a hands-off approach. Concerned in part, about regional Soviet advances and the lack of success of neighboring independence movements, some of my colleagues have suggested Congress not meddle and give South Africa the opportunity to independently resolve internal problems.

As you can tell from my characterization of what I see as two extreme alternatives, I think there are elements of each which are of valid concern. But, cutting ties or pretending South Africa's troubles will disappear are simply not realistic. More importantly, both approaches promise nothing and accomplish less.

So where does that leave us? First, it is critical that those of us in this Chamber who are addressing their problem share some basic assumptions. Let me briefly review mine. The South African minority government has a very angry tiger by the tail. To stretch the metaphor further, they seem to think they have few choices: They can use force and try to kill it or they can run. Reaching an accommodation appears to be a remote possibility. Obviously, they are not going to do anything which jeopardizes their safety, security or well being.

On the other hand, the black community is justifiably enraged by their political and economic circumstances. From their perspective, they live in a political cage. The right to participate in government and to choose jobs, where to live and who to associate with are all denied. Even the subject matter of church sermons is restricted.

While the minority government and majority of the population are at odds, I do not think the situation is beyond hope. As evidence, I think the recent London Times poll indicates 71 percent of the black community are either ambivalent or opposed to sanctions suggests there is room for negotiated improvements.

The United States can choose to play an effective, responsible role or we can grandstand. Frankly, I am tired of the hollow moral outrage I have heard from every corner. It is so easy to be contemptuous of the excesses of apartheid, or for that matter the radical black youths who stone, douse their neighbors in gasoline and torch them. Daily, some incident in South Africa invites our scorn and criticism. It is much harder to define the solution and role we should play.

I would ask my colleagues to consider the following. Our goal should be to encourage meaningful power sharing in South Africa. Soon. Power sharing will restore stability which allows for economic and political growth and the preservation of our regional security interests. There is no doubt that we seek long term, secure access to minerals, ports, and airfields.

We are also hoping to diminish the Soviet presence as we enhance our own. We risk our national interests if we fail to press for meaningful, immediate change.

Several weeks ago, I joined Senator LUGAR in introducing S. 2701, which was subsequently marked up by the Senate Foreign Relations Committee. The bill, as introduced, represented a sound balance of positive and punitive policy. It included initiatives to strengthen the black community's position, for example through providing scholarships to educate teachers, and it included punitive measures narrowly drawn and targeted specifically at the minority government's policy. The punitive measures included the five sanctions imposed in last year's executive order, as well as several new actions.

Most importantly, the bill was conditional. It structured incentive for progress by allowing for sanctions to be modified or removed if certain terms were met. As we contribute to the growth of education, social and political opportunity for blacks, we are distancing ourselves from a repugnant policy and encouraging the minority government to choose what we view as an acceptable, necessary and changed direction.

Mr. President, the bill that emerged from committee shifted in balance and changed in direction. The bill became far more punitive than positive and lost its finely honed focus.

Fortunately, many of the concerns I had about the marked-up bill have been addressed on the floor during this debate and I have decided not to introduce my substitute. However, I have a few questions about the scope and specific intent of the bill as it has been agreed to, thus far. My first question of the chairman bears on a provision of the substitute amendment. I had intended to delete the section of S. 2701 relating to visa restrictions because I felt at best this authority has proven to be controversial, and at worst, it has produced no results, I think the purpose of this provision was to impose restrictions on the freedoms enjoyed by officials of the white minority government posted in the United States. I think we wanted to send a message that we simply were not willing to continue to deal exclusively with the minority in South Africa. I concur with this sentiment.

I had intended to address this issue by recommending that the Secretary of State be directed to impose limitations on the numbers, status, and privileges of official representatives of South Africa equivalent with the numbers, privileges, and status of our foreign service personnel posted in South Africa. I understand there are over 180 South Africans with diplomatic status assigned to the United States, not including officials posted at the United Nations. On the other hand, we have roughly 80 people assigned to South Africa.

I do not intend to pursue this issue at this time. However, I would like to ask the distinguished chairman if he might be willing to devote some of the committee's time to this matter as he continues to monitor developments in southern Africa? I would think it might be helpful to this body if we had a fuller understanding of the merits or potential demerits of pressing the case for representational equivalence at some future date?

I have one additional question for the chairman. Would the Senator please advise me if it is his understanding that the bill intended the prohibitions on imports to mean imports for actual consumption? As the chairman well knows, our Nation's manufacturing sector is weathering extremely difficult times. Many industries are dependent on foreign natural resources which they process and then reexport. I would hope that the distinguished chairman would view such activity in a special category, perhaps as transit imports, or reexports, and as such they would not be subject to the bill's restrictions?

Mr. LUGAR. I share the Senator's concern about the condition of the manufacturing sector and can reassure him that there is no intention in this legislation to damage our industrial capacity. The bill is not designed to have any punitive impact except on products which are imported into the United States for consumption in the United States. I think economists have defined a distinction between temporary imports and imports for consumption. It is the latter that we are targeting when we refer to imports in this bill.

Mr. FORD. I appreciate the chairman's reassurance. I have had discussions with the leadership on my side of the aisle and we share your interpretation of the bill's intention. As my colleague from Kentucky is aware, we have manufacturers in the State which are dependent for their survival on foreign, and in particular, South African imports. We do not want to jeopardize their livelihood. These manufacturers import natural resources, process them and immediately export them. I would consider the resources as in transit. It is important that this kind of transaction is not subject to the same restrictions as imports intended for consumption in the United States.

Mr. McCONNELL. I thank the Senator from Indiana for his indulgence and his thoughts.

In conclusion, I would observe that I believe United States relations with South Africa should be sensible, reasoned, balanced, and most importantly productive. The relationship should not be electrified and distorted by the strong emotions we all feel when we watch the gruesome spectacle of a necklacing.

The difficult, violent nature of the situation demands carefully crafted, tough, evenhanded policy. Legislation must recognize and balance justifiable black demands and the white minority's fears and future interests. We can not afford to be blind to the historical failure of sanctions in the region, nor can we ignore our allies' actions or reservations. Most importantly, we should not believe our solution is the solution.

We can contribute or we can withdraw. I urge my colleagues to exercise caution and refrain from overloading this legislation with sanctions. I share the chairman's view that this legislation should reflect a consensus opinion of this body, to ensure the President's support and prevent any confusion on the part of the South African Government as to the intentions and the policy of the United States.

Mr. President, the amendment the distinguished majority leader sent to the desk eliminates the ban on the importation of uranium and uranium oxide. The Department of Energy's biggest customers overseas for enriched uranium use U.S. facilities to process that uranium.

□ 1940

A portion of this uranium comes from South Africa. The uranium ore ban threatens 2,400 jobs at the Department of Energy's Paducah, KY, uranium enrichment plant as well as jobs at the Portsmouth, OH, plant, also owned by the DOE.

As all my colleagues know, I support sanctions against the South African Government, but I thought the whole idea was to punish the minority South African Government and not cause American workers to lose jobs.

Mr. FORD. Mr. President, I support my distinguished colleague in this amendment. Not only do we get enriched uranium from other countries, there are 13 major utilities in Boston, Baltimore, Virginia, you can name them all, that get their uranium from the plant at Paducah. I thought we were saving jobs with this amendment. I hope our colleagues will support our amendment.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. In view of the fact that I made a personal commitment to the Senator from Kentucky to support this amendment, I turn over the time in opposition to the Senator from Maryland.

Mr. SARBANES. Mr. President, it should be very clear what we are doing. We are undoing the bill now. We are taking out a sanction that actually was in the bill as originally introduced, went through the committee process without any effort to take it out, was approved 15 to 2 in the committee and has been here, on the floor.

The argument has been made that we must have this uranium from South Africa; otherwise, we will not be able to carry on these reprocessing activities in the United States. The United States has 470,000 tons estimated existing reserves; annual production 23,000 tons. Canada's reserves, 300,000 tons; annual production, 9,200 tons. Australia, 390,000 tons of reserves; annual production, 2,000 tons. Niger, 210,000 tons; existing reserves, 5,200 tons of annual production. So there are places to go in order to get the uranium. U.S. mines have been reduced from over 300 down to about 15 U.S. uranium mines. So it is not correct to say that if this supply is cut off, it cannot be replaced. It will cause some discomfort, but the sanctions in the bill are not designed for comfort.

I understand, and I could be corrected by the Senators from Kentucky, that only a relatively small percentage of the uranium processed in the Kentucky plant is from South Africa. In any event, it is clear that there are alternative sources of production to fill in for the uranium that would be not available from South Africa.

Mr. DODD. Mr. President, I move to table the amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Kansas. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Mississippi [Mr. STENNIS] is necessarily absent.

The PRESIDING OFFICER (Mr. WARNER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 40—as follows:

[Rollcall Vote No. 251 Leg.]

YEAS—56

Andrews	Eagleton	Mathias
Baucus	Evans	Matsunaga
Bentsen	Glenn	Melcher
Biden	Gore	Metzenbaum
Bingaman	Harkin	Mitchell
Boren	Hart	Moynihan
Bradley	Hatfield	Nunn
Bumpers	Heflin	Proxmire
Burdick	Hollings	Riegle
Chafee	Inouye	Rockefeller
Chiles	Johnston	Sarbanes
Cohen	Kassebaum	Simon
Cranston	Kasten	Simpson
D'Amato	Kennedy	Specter
DeConcini	Kerry	Stafford
Dixon	Lautenberg	Stevens
Dodd	Leahy	Wallop
Domenici	Levin	Weicker
Durenberger	Long	

NAYS—40

Abdnor	Grassley	Pressler
Armstrong	Hatch	Pryor
Boschwitz	Hawkins	Quayle
Broyhill	Hecht	Roth
Byrd	Heinz	Rudman
Cochran	Helms	Sasser
Danforth	Humphrey	Symms
Denton	Laxalt	Thurmond
Dole	Lugar	Trible
Exon	Mattingly	Warner
Ford	McClure	Wilson
Garn	McConnell	Zorinsky
Gorton	Nickles	
Gramm	Pell	

NOT VOTING—4

Goldwater	Packwood
Murkowski	Stennis

So the motion to lay the amendment (No. 2766) on the table was agreed to:

□ 2000

Mr. LUGAR. I move to reconsider the vote by which the motion was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2767

(Purpose: To express the sense of the Congress regarding the recruitment and training of black South Africans by United States employers operating in South Africa)

Mr. WILSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California [Mr. WILSON] proposes an amendment numbered 2767.

Mr. WILSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 60, between lines 5 and 6, insert the following:

POLICY TOWARD THE RECRUITMENT AND TRAINING OF BLACK SOUTH AFRICANS BY UNITED STATES EMPLOYERS

SEC. 108. (a) The Congress finds that—

(1) the policy of apartheid is abhorrent and morally repugnant;

(2) the United States believes strongly in the principles of democracy and individual freedoms;

(3) the United States endorses the policy of political participation of all citizens;

(4) a free open and vital economy is a primary means for achieving social equality and economic advancement for all citizens; and

(5) the United States is committed to a policy of securing and enhancing human rights and individual dignity throughout the world.

(b) It is the sense of the Congress that United States employers operating in South Africa are obliged both generally to actively oppose the policy and practices of apartheid and specifically to engage in recruitment and training of black and colored South Africans for management responsibilities.

Mr. WILSON. Mr. President, apartheid is totally repugnant and without justification to decent men and women everywhere.

What we are debating is not whether to condemn officially sanctioned racism, but how to combat it most effectively.

We must take pains that our efforts are carefully aimed so as not to cause serious if unintended injury to the very black South Africans whom we seek to help. If we came upon a man savagely whipping a group of children, we would not simply request that he stop. But neither would we fire a shotgun blast into the group of children to hit their tormentor standing among them.

And yet that is precisely what we are about to do, in our outrage, as we reach for the nearest weapon to hand, the blunderbuss of divestment. For even though the blast we aim at the South Africans Government is intended to bring down apartheid and its practitioners, the pattern of the shot will include and wound tens of thousands of innocent black South Africans.

Those whom we wound, whose economy and jobs we destroy, will look on us with wonder and not gratitude for this act we take, professing it to be in their behalf. It will be no excuse, Mr. President, that the harm we cause was unintended or that it made us feel good to vent our moral outrage.

Perhaps we would do well to listen to one who has been much longer in this struggle, and one who has been far more deeply and personally involved in it than we. Listen to Helen Suzman, for many years an outspoken foe of apartheid and a lonely voice of conscience in the South African Parliament as a member of the opposition to the apartheid government. In her words, in a recent article in the New York Times Magazine.

> Unpalatable as it may seem to the sanction lobby, the most practicable way to get rid of apartheid and to achieve a nonracial democratic society in South Africa is through an expanding, flourishing economy. The process of integrating blacks as skilled workers into such an economy would be expedited. Their economic muscle would then, through increased trade-union action, be a potent force not only in a workplace but also in the sociopolitical sphere . . . conversely, if blacks are unemployed and have nothing to spend, (consumer) boycotts would be meaningless.

Ms. Suzman makes a powerful—and morally impeccable—case against disinvestment. "The United States should exert pressure on apartheid," she concludes, "but not impose punitive measures that will wreck the South African economy. That is the strategy of despair that will destroy the inheritance which blacks will inevitably share."

We should remember those words, even as we move to exert whatever influence we can upon the men in Pretoria in behalf of their disenfranchised and disadvantaged constituents. No country can build a healthy future on a sick economy. Nor should anyone in this country be content to foster a South African society where in legal equality coexists with economic scarcity. Indeed as Ms. Suzman points out so cogently, there can be little realistic hope of achieving legal equality where there is not basic economic opportunity and power.

So let us resolve, first, that we have a moral obligation to condemn apartheid without qualification. Then, we must act upon the rightful claims of black South Africans to have not just a job, but managerial participation in their own economy.

No doubt there are some American companies which quite understandably would welcome divestment and the chance to walk away from South Africa, to wash their hands of a dirty business, and, not so incidentally, cut their own losses.

And yet those that have chosen instead to turn away from the path of least resistance, to stay and fight apartheid, represent one of the best hopes of the people of South Africa to overcome this sick system of repression.

I commend those companies and I believe all American companies who would operate in South Africa are obliged to shoulder the same burden and discharge the same responsibility.

Specifically, I believe that American business is obliged to stay in South Africa, to recruit and train black South Africans for management responsibilities, to move beyond declarations of protest to concrete actions actively opposing apartheid. By commending and backing those companies which choose to stay and fight, rather than cut and run, we can make certain that their considerable economic and moral power is not wasted but used to hasten the end of apartheid, and hurry the dawn of a new and free South Africa of ample as well as equal opportunity.

Mr. President, this is a sense-of-the-Congress measure. United States employers operating in South Africa are obliged generally to actively oppose the practice and policies of apartheid and specifically to engage in recruitment and training of black and colored South Africans for management responsibility.

Simply stated, a number of American companies have used their considerable economic and moral power to combat apartheid. All American companies operating in South Africa should do so. It should be the sense of the Congress that we are very clearly on record to that effect.

Mr. LUGAR. Mr. President, I commend the distinguished Senator from California on his amendment, and we are prepared to accept it.

Mr. PELL. Mr. President, this amendment has been worked out and approved. It is an excellent amendment as now written, and I recommend that it be accepted.

I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2767) was agreed to.

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, the Senate Foreign Relations Committee bill, S. 2701 as amended on this floor, does an excellent job of expressing our Nation's moral outrage at the system of apartheid. We establish a new and needed United States policy toward the Government of South Africa. It is our hope that this new policy will lead to a nonracial democracy.

I am of the opinion that whatever can be done to enhance the economic potential for the black South Africans must be done. My highest hopes are for the least disruptive and most peaceful transition possible to a South African society that offers the best of economic and political opportunities to the vast majority of its black citizens. The Botha government and its successors must also recognize the true benefits to South Africa and to the world of black participation and black potential.

Our concern here tonight is to be punitive enough to be clearly opposed to apartheid. We do not want to undermine the economic potential of all South African citizens and the other economies of Africa that are dependent on this economic engine of the African Continent. Economic sanctions are punitive and should be so. There has been much debate about the real impact of punitive sanctions on South Africa. There precise impact cannot be stated yet. We do know, however, that we will get our message across. There are even official "sanction busters" in the South African Government waiting for us to act. Computers, for example, can be purchased from France instead of the United States. An oil embargo can be sidestepped by stockpiling oil in old mine shafts. Multibillion-dollar plants have been built to produce oil from abundant coal. These things are already being done and more methods to avoid the negative impact of economic sanctions are being devised.

In general terms we know that the total impact of American, British, and Japanese sanctions would affect less than one-quarter of the South African economy. Our efforts to deliver an economic message to South Africa will certainly be felt in Pretoria. There is no question that the Senate has expressed its repugnance for a system that actively excludes black participation.

The full Senate has modified the Senate Foreign Relations Committee bill. This bill codifies five major provisions of the President's 1985 Executive order banning: First, public sector loans; second, computer exports; third, nuclear exports; fourth, importation of military articles; and fifth, importation of Krugerrands. This new bill goes quite a bit farther than the Executive order by banning: first, loans to the private sector; second, new investments; third, importation of uranium and coal; and fourth, importation of products produced by parastatals (state-owned companies). Landing rights for South African aircraft are denied and United States banks cannot hold deposits from the South African Government or agencies.

These sanctions can be modified by the President if certain conditions are met. Before any sanctions can be lifted, the Senate bill requires that Nelson Mandela, who has been a political prisoner for 24 years for his leadership in the African National Congress, be released and three of the following four actions must be taken by the Government of South Africa: First, lift the state of emergency; second, unban political parties; third, repeal the restrictive registration acts; and fourth, express a good faith commitment to negotiate with the opposition. If all five conditions are met, all measures of the act are terminated.

If the Botha government does not move to dissolve apartheid, additional sanctions may be imposed within 12 months. If substantial progress has not been made in ending the system of apartheid and establishing a nonracial democracy, the new sanctions would affect several key markets: diamonds, steel, strategic minerals, and agriculture. Further, if any other country violates the international embargo on arms and military technology to South Africa, the United States would stop all military assistance to that country.

The Senate bill authorizes $8 million for scholarships and training for black South Africans. This amount increases to $15 million by fiscal year 1989. I believe that educational opportunities are a vital key to the promotion of real opportunities in building a politically viable future for South Africa.

An important floor amendment that I supported states the

> United States policy toward the African National Congress, the Pan African Congress, and their affiliates shall be designed to bring about a suspension of violence that will lead to the start of negotiations designed to bring about a nonracial and genuine democracy in South Africa.

Under the terms of this amendment, the United States would encourage these groups to agree to enter into negotiations with the South African Government and other groups representing black South Africans for the peaceful solution to the problems of South Africa. I believe this antiviolence amendment adds a vital tone to the Senate bill.

Mr. President, there is no question about the strategic importance of South Africa in the balance of world power. South Africa's gold, platinum, manganese, and chromium are essential for commercial production of automobiles and aircraft, to name just two vital industries. The world's busiest sea lane is the Cape of Good Hope. Over half of Western Europe's oil and more than one-fifth of all United States oil imports run by the cape.

South Africa's strategic importance is well known to all. I would like to emphasize that the wealth of South Africa owes much to the contributions of black labor. There is no doubt in my mind that these black natives of Africa deserve a better reward for their essential contributions to the well-being of South Africa and the world economies. The world sum of human freedom must be increased and South Africa can be an example to the

world of the benefits of the application of democratic principles.

The black people of South Africa must have access to the fruits of their labor and they must have the political and personal dignity that accompanies their productive efforts. Their housing and education should be reflections of their true worth. The wealth that flows through their hands can be used to upgrade their daily lives.

Therefore, Mr. President, I support the fine efforts of my colleague and friend, Senator LUGAR and the Foreign Relations Committee he chairs. The Senate should pass this modified sanctions measure by a large margin to show our solidarity for the cause of freedom and our repugnance at the system of apartheid that eventually degrades all of us.

AMENDMENT NO. 2768

(Purpose: To make technical amendments, and for other purposes)

Mr. LUGAR. Mr. President, I send to the desk certain technical amendments which have been cleared on both sides.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Indiana [Mr. LUGAR] proposes an amendment numbered 2768.

Mr. LUGAR. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 47, in the item relating to section 303, strike out the first "of" and insert in lieu thereof "on".

On page 50, line 16, strike out "of" and insert in lieu thereof "or".

On page 60, line 9, insert "(a)" after "Sec. 201.".

Beginning on page 60, strike out line 14 and all that follows through line 17 on page 61 and insert in lieu thereof the following:

"(2)(A)(i) Of the amounts authorized to be appropriated to carry out this section for the fiscal years 1987, 1988, and 1989, not less than $4,000,000 shall be used in each such fiscal year to finance education, training, and scholarships for the victims of apartheid, including teachers and other educational professionals, who are attending universities and colleges in South Africa. Amounts available to carry out this subparagraph shall be provided in accordance with the provisions of section 802(c) of the International Security and Development Cooperation Act of 1985.

"(ii) Funds made available for each such fiscal year for purposes of chapter 4 of part II of this Act may be used to finance such education, training, and scholarships in lieu of an equal amount made available under this subparagraph.

"(B)(i) In addition to amounts used for purposes of subparagraph (A), the agency primarily responsible for administering this part, in collaboration with other appropriate departments or agencies of the United States, shall use assistance provided under this section or chapter 4 of part II of this Act to finance scholarships for students pursuing secondary school education in South Africa. The selection of scholarship recipients shall be by a nationwide panel or by regional panels appointed by the United States chief of diplomatic mission to South Africa.

"(ii) Of the amounts authorized to be appropriated to carry out this section and chapter 4 of part II of this Act for the fiscal years 1987, 1988, and 1989, up to an aggregate of $1,000,000 may be used in each such fiscal year for purposes of this subparagraph.

"(C)(i) In addition to the assistance authorized in subparagraph (A), the agency primarily responsible for administering this part shall provide assistance for in-service teacher training programs in South Africa through such nongovernmental organizations as TOPS or teachers' unions.

"(ii) Of the amounts authorized to be appropriated to carry out this section and chapter 4 of part II of this Act, up to an aggregate of $500,000 for the fiscal year 1987 and up to an aggregate of $1,000,000 for the fiscal year 1988 may be used for purposes of this subparagraph, subject to standard procedures for project review and approval.".

On page 61, between lines 17 and 18, insert the following:

(b) The Foreign Assistance Act of 1961 is amended by inserting after section 116 the following new section:

"SEC. 117. ASSISTANCE FOR DISADVANTAGED SOUTH AFRICANS.—In providing assistance under this chapter or under chapter 4 of part II of this Act for disadvantaged South Africans, priority shall be given to working with and through South African nongovernmental organizations whose leadership and staff are selected on a nonracial basis, and which have the support of the disadvantaged communities being served. The measure of this community support shall be the willingness of a substantial number of disadvantaged persons to participate in activities sponsored by these organizations. Such organizations to which such assistance may be provided include the Educational Opportunities Council, the South African Institute of Race Relations, READ, professional teachers' unions, the Outreach Program of he University of the Western Cape, the Funda Center in Soweto, SACHED, UPP Trust, TOPS, the Wilgespruit Fellowship Center (WFC), and civic and other organizations working at the community level which do not receive funds from the Government of South Africa.".

On page 62, beginning with "(f)" on line 3, strike out through "$350,000" on line 4 and insert in lieu thereof the following:

"(f)(1) Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, not less than $500,000.

On page 62, line 11, strike out "(1)" and insert in lieu thereof "(A)".

On page 62, line 13, strike out "(2)" and insert in lieu thereof "(B)".

On page 62, line 16, strike out "(3)" and insert in lieu thereof "(C)".

On page 62, line 18, strike out "(4)" and insert in lieu thereof "(D)".

On page 62, line 21, strike out "(5)" and insert in lieu thereof "(E)".

On page 62, line 24, strike out the quotation marks and the second period.

On page 62, after line 24, add the following:

"(2)(A) No grant under this subsection may exceed $100,000.

"(B) The average of all grants under this paragraph made in any fiscal year shall not exceed $70,000.".

On page 65, lines 12 through 13, strike out "to the extent permitted by law" and insert in lieu thereof "without regard to any provision of law".

On page 65, line 16, after "Conduct." insert the following new sentence: "Nothing in this section shall be construed to grant any employee of the United States the right to strike.".

On page 70, line 5, insert after "suppliers" the following: "and except for any article to be imported pursuant to a contract entered into before August 15, 1986: *Provided*, That no shipments may be received by a national of the United States under such contract after April 1, 1987.".

On page 78, line 6, strike out "30" and insert in lieu thereof "45".

On page 80, line 1, strike out "this".

On page 81, line 12, strike out "adopted" and insert in lieu thereof "enacted".

On page 81, strike out lines 14 through 20, and insert in lieu thereof the following:

LIMITATION ON IMPORTS FROM OTHER COUNTRIES

SEC. 402. The President is authorized to limit the importation into the United States of any product or service of a foreign country to the extent to which such foreign country benefits from, or otherwise takes commercial advantage of, any sanction or prohibition against any national of the United States imposed by or under this Act.

On page 86, line 25, strike out "State" and insert in lieu thereof "the Treasury".

On page 87, line 7, strike out "State" and insert in lieu thereof "the Treasury".

Mr. LUGAR. Mr. President, these technical amendments have been studied and cleared by both sides.

I yield back the remainder of my time.

Mr. PELL. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2768) was agreed to.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, I would first like to say that the success of this legislation is due to the dedication and thoughtful perseverance of the chairman of the Foreign Relations Committee, the Senator from Indiana [Mr. LUGAR].

S. 2701 is important legislation which clearly sends a strong message from the United States Senate to the Government of South Africa.

Over the past 2 years, I have expressed growing concern with the direction of events in South Africa and with the direction of our policy there. Two months ago, I called specifically for a direct, personal role by the President, and joined with the chairman of the Foreign Relations Committee, Senator LUGAR, in offering the President some specific proposals.

I believed, and still do, that our best and most effective means of affecting events in South Africa would come

only with strong Presidential leadership, so that Americans spoke with one voice. Unfortunately, this has not happened. Congress has been left, in effect, to its own devices, and I think most of my colleagues would agree that our devices usually turn out to be blunt instruments.

So it was with the House bill, imposing a total trade cutoff. So it is with this bill, despite the thoughtful and very positive efforts of Senator LUGAR and other members of the Foreign Relations Committee. I had hoped for legislation that would send a very clear, targeted message to the South African Government. This bill goes beyond that goal in many ways and in doing so the focus has been blurred.

However, I support this bill because it sets a new direction for our policy that is necessary and even essential, given the recent actions of the South African Government. Whatever the shortcomings of this bill, they are far less onerous than a failure to respond to the challenge of the present moment.

We should be under illusions that this legislation will solve the problems in South Africa. Those who hope for dramatic results are going to be disappointed, just as the advocates of a cooperative approach have been disappointed in the past.

The fact is that the South African Government is not prepared to consider fundamental political change at this point, and nothing that can be done from outside is going to alter that situation quickly.

Our aims with this legislation should be stated clearly. One is to correct the South African misperception that it has tacit Western approval for its course of gradualist reform without political change. South Africa believes that it can avoid pressure for fundamental change by invoking the spectres of Communist domination and black violence. We must make it clear that the outside world believes that the time has come for political change, and that nothing less will do.

A second aim is to begin to show white South Africans that intransigence will have tangible costs for them. To date whites have been largely insulated from the costs and pain of what is going on in their own country, by the apartheid isolation of the black townships and the Government's control of the media. They have also held onto the hope that, somehow, international consequences could be avoided. Action such as this may begin to shock them out of this dream world, and into a realization that change cannot come solely on their terms.

Finally, legislation is needed to preserve our own role as an honest broker in the South Africa dilemma. If we continue on our past course, we risk a steady decline in our role, as black South Africans and other countries of Africa perceive us to unacceptably aligned with white South Africa.

We should not take this step of limited sanctions without a realistic understanding of the difficulty ahead. This is the start of a long and difficult process, not the end of one.

We should also recognize that sanctions will have real costs. The costs for black South Africans have been referred to by many, and are real. But we should also be aware of the costs for ourselves and for the region of southern Africa.

I want to warn my colleagues in advance that there is a real risk of South African retaliation against this country and against the countries surrounding South Africa. We can and should expect increasing trouble in the region, which could have much more serious consequences than many of the governments of those countries seem to realize.

It is particularly fortunate that, as the Congress is considering legislation on South Africa, many of our allies are thinking along similar lines. I have always felt that coordinated action among all Western States active in South Africa is vital for effective influence. We now seem to be evolving toward such coordination, albeit in a rough and somewhat unplanned way.

This is very important—first, because it addresses the South African myth that it is only the irrational United States that is pressing for change; and second, because it creates the potential for the kind of coordinated, sustained outside leverage that will be needed.

The course we are beginning in South Africa will not be an easy one. But one may ask: What is the alternative? South Africa has made clear its refusal to consider fundamental power-sharing in present circumstances. The question is whether nonviolent forces can be brought to bear that can alter this position before growing violence overwhelms the option of peaceful change.

South Africa's friends, and I count myself one of them, sincerely hope that reason and common sense will prevail.

Mr. LUGAR. Mr. President, this completes the amendment procedure.

Mr. DURENBERGER. Mr. President, today the Senate votes on whether to impose sanctions against South Africa and, if so, what kind.

But, while sanctions may be today's Senate business, Mr. President, they are not the issue. The issue is how the United States can play a positive role in changing the internal policy of the South African Government—how we can help eliminate institutional and morally repugnant disenfranchisement, repression, and discrimination against that country's black majority.

The issue, Mr. President, is apartheid, and how to eliminate it. The issue is apartheid and its effects on the black population, its long-term implications for peace and stability in southern Africa, and the economic support this country continues to give to that nation's apartheid policies.

The first order objective for U.S. foreign policy in the modern era, Mr. President, has been to support political systems which enhance and improve the human condition. That's our moral responsibility. It has also become a political imperative by its Third World contrast with the Soviet Union's bankrupt policy of suppressing individual liberties to the interest of the state.

History has taught us that, unless the human condition is improved, the seeds of violence that repression has sown will grow, ultimately into a violent revolution—a revolution with an unpredictable—and potentially very harmful—outcome for this country's long-term economic and security interests.

And, so, Mr. President, we have struggled with how we can most effectively use our influence to improve the human condition—to avoid the seeds of violence and repression which have so often worked against our own interests as well as those we have sought to help.

In this quest, economic sanctions have often been our answer.

But, Mr. President, in my home State of Minnesota, when hundreds of thousands of my constituents think of economic sanctions, they remember the ill-fated "Russian Grain Embargo" imposed by this country following the Soviet invasion of Afghanistan. The effects of that unfortunate set of economic sanctions is still being felt in hundreds of farming communities, communities which are now fighting to stay alive as they struggle against worldwide economic forces way beyond their control.

What this means, Mr. President, is that this Senator—and those he represents—do not take the imposition of economic sanctions lightly. Sanctions must—above all else—be truly tested against the goal of promoting the genuine improvement in the human condition I mentioned a moment ago.

How, in other words, will sanctions help eliminate apartheid? How will sanctions improve the conditions of the black South African population? How will sanctions stem the flow of white South Africans from their homeland? How will sanctions contribute to long-term peace and stability in southern Africa?

Against this test, Mr. President, I support the Foreign Relations Committee proposal on economic sanctions because it comes the closest to striking a balance between applying pressure on the South African Government without causing greater harm to black

South Africans. And, I support the Foreign Relations Committee's proposal because it does not undermine the long-term economic viability of South Africa—an outcome which would threaten the future economic viability of the entire region.

Realistically, Mr. President, the South African Government can survive even the harshest economic sanctions. In and of themselves, sanctions will not bring about a change in that Government or its policy, any more than boycotting grain sales to the Soviet Union drove the Soviets out of Afghanistan.

But, sanctions can serve to demonstrate the seriousness of our purpose. Sanctions can send a clear signal to the South African majority, to responsible South African whites, to the American people, and to the entire world that we will not tolerate a government which pursues an internal policy of institutional disenfranchisement, repression, and injustice.

For sanctions to send that kind of clear signal, they must be effective. They must have teeth. And, Senator LUGAR's proposal, Mr. President, has some very sharp teeth.

This proposal is no empty posturing, no friendly slap on the wrist, no new phase of constructive engagement. There is no question that the economy of South Africa will suffer from the effects of these measures.

But, it is the Government of South Africa which will be the primary target of these sanctions, Mr. President. And, it is the Government which will feel the pain.

This proposal bans all new investment by American businesses which do not follow the Sullivan principles.

It bans all imports into this country from South African Government-owned or controlled corporations.

And, it bans any use of United States banks by the South African Government or Government-owned corporations.

These kinds of targeted sanctions give the South African Government an option.

It can continue with apartheid and accept the pain of the sanctions with the clear understanding that more and stiffer sanctions are likely to follow.

Or, it can meet the conditions set forth in the bill.

These conditions, Mr. President, are not onerous. They are the minimum that any civilized country could accommodate in implementing reasonably fair treatment of its people.

The Foreign Relations Committee proposal contains all the elements of a sound, bipartisan, and broadly supported policy toward South Africa—a policy which clearly lays out the objectives which sanctions are intended to achieve—a policy which this country desperately needs.

Mr. President, the Foreign Relations Committee proposal is important for the strong signals it sends through its effective and forceful sanctions. But, even more important than the sanctions are the measures which this bill contains to assist the victims of apartheid.

The Foreign Relations Committee proposal established scholarships for black South Africans. It established a human rights fund. It expands participation in the South African economy by blacks and nonwhites by giving them special consideration for loans by the Export-Import Bank.

These are positive steps—steps to enhance the economic position of the majority of South Africans who are so unjustly treated by apartheid.

One year ago, Mr. President, I joined this body in moving the U.S. from noninvolvement with change in the Government policies of South Africa to administratively imposed sanctions, coupled with strong efforts at effective diplomacy.

Twelve months later, we have lost—not gained—important ground—and we have lost important time.

Twelve months later, increasingly repressive measures are being used on a people who are dangerously close to a bloody civil war.

Twelve months later, this country and its allies have been damned by South Africans whom we had previously looked to as sources of moderation and constructive leadership.

Tens of thousands of black and white South Africans need not perish in a prolonged and bloody civil war, Mr. President.

South Africa doesn't have to end up with an authoritarian or even Communist Government.

South Africa doesn't have to lose its status as an important part of the economy of the West.

But, time, Mr. President, is running out. The South African majority, its neighbors, and all those who value justice and freedom and democracy must know that we share their dreams—that we are on their side.

This proposal must not be viewed as the sum total of United States policy in South Africa, Mr. President. But, it is a beginning which we must not deny a proper opportunity to succeed.

Mr. SPECTER. Mr. President, our disapproval of the policy of apartheid must be expressed now, and in the strongest terms. Many efforts have been made to move the South African Government toward the inevitable demise of this heinous system, yet our dreams of equality for South African blacks remain unrealized.

Almost a year ago, the President, faced with a near certain override of his veto of the Dole-Lugar Anti-Apartheid Act of 1985, issued an Executive order which largely adopted the provisions of the Dole-Lugar bill.

We have now seen the response of the South African Government to the Executive order and, regrettably, it is woefully inadequate. I argued 10 months ago that Congress could take stronger action if the Executive order proved insufficient. The time for that action is now.

Mr. President, I only have been outspoken on issues of human and civil rights. I consistently have supported the imposition of sanctions against the South African Government. It is clear from the numerous measures which have been introduced before this body that the fight to end apartheid knows no party or political bounds. We have just concluded a national celebration of our Statue of Liberty, and all for which it stands. How can we, as a nation committed to liberty, justice, and equality for all, do anything other than eliminate—root and branch—all vestiges of United States economic support for the system of apartheid?

I strongly support this bill, and I urge my colleagues to support it.

STATUS OF STOCK OR ADR PURCHASES OF MULTINATIONAL CORPORATIONS NOT OWNED OR CONTROLLED BY SOUTH AFRICANS

Mr. FORD. Mr. Chairman, I would like to clarify a point for the record with the managers of the bill. It is my understanding that, under the provisions of the legislation before us, the committee does not intend to restrict United States persons' investments in enterprises not located in South Africa or not owned or controlled by South Africans unless these investments are undertaken to evade the provisions of the bill in violation of section 604.

Therefore, a United States investor may purchase stock, for example, in an American or European multinational which happens to have a subsidiary in South Africa, as long as he or she is not purchasing securities in a company located in South Africa or owned and controlled by South Africans.

Mr. LUGAR. That is correct.

Mr. PELL. I concur.

Mr. FORD. I thank the managers of the bill.

Mr. RUDMAN. Mr. President, I rise to express my serious concern about S. 2701, the South Africa sanctions bill now pending before this body. There is no doubt that discrimination and denial of basic human rights in any form, in any nation, is morally repugnant and counter to the principles of freedom upon which our own country was founded. Furthermore, every Member of the Senate would agree that South Africa's system of apartheid is so repugnant that it should, without question, be abandoned in favor of equal rights for all citizens of that troubled nation.

However, the issue before the Senate is not whether apartheid is evil. The question before us is what role the United States should play in attempt-

ing to bring about change, and what steps can be taken by the United States which would be useful or effective. If we fail to adequately consider the long-term implications of the bill we are about to vote on, we not only may do a disservice to those we are attempting to help, but perhaps more important, Mr. President, we may be doing a disservice to our own country.

I would begin by noting that I voted in favor of the sanctions bill—which was really more a moral statement of outrage—passed by the Senate last fall. Like the majority of my colleagues, I did so in the hope that the South African Government would recognize the seriousness with which apartheid is viewed by most Americans and in the hope that the Government would begin to address the issue in a real manner. The fact that that has not occurred, however, should not have come as a surprise to anyone.

Now, just a few months later, we have a bill before us which attempts to impose real economic sanctions on South Africa. Mr. President, sanctions are not a new instrument for effecting change in countries with which we don't agree. As my colleagues know, we currently have economic sanctions of varying degrees against Cuba, North Korea, Vietnam, Cambodia, Libya, Nicaragua, Iran, Syria, South Yemen, the Soviet Union, Afghanistan, and Poland. The basis for our sanctions against these countries can best be defined as being due to foreign policy differences. In each of these cases, the purpose for the eocnomic sanctions is to affect one country's relationship with either the United States or some third nation. And, in each of these cases, sanctions have had a dismal success rate in bringing about their desired results.

In South Africa, however, the purpose of the sanctions is to affect South Africa's relationship with itself. The purpose is to affect the relationship of one segment of the population, the one in power, with another segment of the nation's population. Frankly, Mr. President, I am not aware of any precedent for what is being proposed here, and I am not comfortable with pursuing the new precedent until all other options have been adequately considered. Furthermore, it defies credibility to believe this is going to work. If sanctions have a dismal effective rate when we are trying to influence a government to treat another nation more reasonably, it is hard to believe they are going to work when their purpose is to force a government and that government's supporters to give up political and economic power.

And, that is what is at issue here. Ending apartheid by definition means that the white minority of South Africa has to sacrifice a great deal of political and economic power. We should not forget that the very reason for the establishment of apartheid in the first place was to deny the black majority a role in running the country.

Mr. President, I fear that the imposition of economic sanctions and the further isolation of South Africa will simply make matters worse. Rather than provoking change, it is much more likely that the Government will dig in its heels.

It is reasonable to expect that sanctions, if imposed, will have some small impact on the economy of the country. Unfortunately, that impact is unlikely to significantly affect the Government and the ruling class. Sanctions are going to have the largest impact on those nonwhites, both South Africans and those from the neighboring countries such as Mozambique, who lose their jobs and find themselves unable to feed their families. Sanctions will hurt those whom this legislation purports to help. And, to what end?

Therefore, I must question whether the effect of S. 2701 will be primarily of a constructive nature, or a destructive one. Unfortunately, I'm afraid it's the latter. Last year, in reaction to sanctions and fear of political instability, 28 American companies withdrew from South Africa. The irony of those companies leaving is that it is precisely a majority of the American companies which have been a thorn in the side of apartheid by adhering to the Sullivan principles. In fact, Ford and IBM both promote trade-union recognition and openly defy apartheid's job reservation and workplace segregation. It is American companies such as these which afford nonwhites the opportunities they don't find elsewhere, and I would submit that the tighter we squeeze South Africa economically, the narrower become the opportunities for positive, constructive change, and the greater become the possibilities for violence and revolution.

Mr. President, it is my opinion that enough has been said both here and in the media about the South African Government and its policy of apartheid, and about the African National Congress and its policy of violence. What we have failed to adequately address is the majority of the nation's population—the moderates who ascribe to neither apartheid nor violence, and in fact the very segment of the population we are most attempting to assist.

On August 3, the New York Times Magazine published an article by the Honorable Helen Suzman, a moderate member of the South African Parliament since 1953. In her article, Mrs. Suzman, a South African liberal, explains why sanctions against South Africa would primarily hurt the blacks. Quoting from the article, Mrs. Suzman states that:

> Unpalatable as it may seem to the sanctions lobby, the most practicable way to get rid of apartheid and to achieve a nonracial, democratic society in South Africa is through an expanding, flourishing economy. The process of integrating blacks as skilled workers into such an economy would be expedited. Their economic muscle would then, through increased trade-union action, be a potent force not only in the workplace but also in the sociopolitical sphere. Strike action and consumer boycotts—both of which can be used as temporary expedients, unlike disinvestment and mandatory sanctions—are the most powerful weapons for blacks to use to resolve important issues like political power sharing.

She then goes on the say that:

> If blacks are unemployed and have nothing to spend, such boycotts would be meaningless. It is astonishing to me that those advocating punitive actions do not realize that if successful, they will have undermined the most significant power base that blacks could acquire.

Why then, Mr. President, are we rushing toward sanctions?

The issue we face is much more than just soothing our conscience, feeling good about ourselves, or responding to a political constituency calling for immediate change. Each of us should understand, in fact must understand, that the actions we call for may mean more than a dismantling of apartheid. They may in fact mean a dismantling of an entire society—a society composed of extremists on both ends, but constituted in the middle by peoples seeking meaningful, nonviolent change.

Mr. President, those who clamor for more drastic sanctions and who seek to dismantle apartheid immediately, I believe, have failed to adequately consider the consequences of stringent sanctions. I would like to suggest that regardless of our final vote here today, we begin consideration of constructive actions, proactive actions, which our Government could undertake to effect the removal of apartheid while promoting the political and economic development of those moderate whites and nonwhites from which we should hope the future leadership of that country will come from. Some of the initiatives called for in this bill should be expanded.

For example, the number of scholarships available for nonwhites seeking to go to schools and universities both here and in South Africa should be increased, we should seek avenues for teaching and advising victims of apartheid on democratic principles and ideals, and we should involve ourselves to a greater degree with companies owned by nonwhite South Africans.

Mr. President, this issue will not go away no matter what happens on the vote today. It will be here with us for some time to come, and we can only hope, and pray, that whatever actions we propose are the right ones. I would conclude, Mr. President, by again quoting Mrs. Suzman, who I again remind my colleagues is a liberal

member of the South African Parliament:

> The moral outrage and desire for punitive action is something I understand well. But the reality that will come as a result of a grieviously afflicted economy will not be seen by those living thousands of miles away. That reality, compounded by decades of unequal employment opportunities and oppression, is bleak beyond belief.

Accordingly, Mr. President, and for the reasons I have expressed, I urge my colleagues to vote against this bill.

Mr. KERRY. Mr. President, I strongly support the effort to impose sanctions on the Government of South Africa. I want to commend my colleagues, Senators KENNEDY and WEICKER, in particular for their efforts in bringing us to the point where we are today. Senator KENNEDY, by his courageous trip to South Africa last year, brought this issue to the fore, and focused the attention of the American people on the continuing tragedy in that country. Senator WEICKER, by participating in the protests at the South African Embassy in Washington, and by his willingness to even go to jail as a result of that protest, has also played a critical role in bringing this issue to our attention. Both of them have shown the kind of courage and leadership on this issue that commands our respect.

Mr. President, we should not even be having a debate here today on whether or not to impose sanctions on South Africa. We should not even be debating which side we are on, or whom we choose to support in that country. It should be a given that our values are such in this country, that whether or not to support the struggle of the people of South Africa against the apartheid regime should not even be a debatable proposition. Unfortunately, because of the unwillingness of the South African Government, and of the President of the United States, to face reality, we are forced to have this debate today.

Mr. President, if we do not impose sanctions on the South African Government, we ignore who we are, and what we stand for in this country. Sanctions against South Africa are simply a matter of form, which give substance to who we are, and what this Nation represents. I want to see this Nation once again represent the struggle for freedom, democracy, and equality in the world. I want to see us represent the best in the American tradition, not the worst. I want the struggling black population of South Africa to know that we stand with them, not against them. That is why I hope that we will impose sanctions today.

Some of us here in this Chamber came of age in the civil rights movement in this country. We remember Selma, AL. We remember the march on Washington. We remember when Martin Luther King said "I have a dream * * * that my children will live in a country where they are judged by the content of their character, and not by the color of their skin." Some of us shared that dream with Martin Luther King. Some of us fought for that, and marched for it, and struggled for it. And I'm proud to say that we've coming a long way toward achieving that goal in this country.

But today, that same dream is being trampled in South Africa. Today, because of the color of their skin, people are suffering in South Africa. They cannot live where they choose. They cannot work where live with their own families. Husbands are separated from wives and from their children for 11 months out of the year, because of the apartheid system. Blacks cannot own land in their own country. They are denied citizenship and are not allowed to vote in the land of their birth. They cannot live with dignity as human beings because of the greed and racism of a small minority, and a system called apartheid. My colleague Senator CHRIS DODD expressed it very well the other day, in his response to President Reagan's radio address. Apartheid is a modern form of slavery, pure and simple.

All of us oppose apartheid. Even President Reagan says he opposes apartheid. But while he has pursued a policy of "constructive engagement," what he has really brought us is a policy of "destructive enragement"—enragement of the black majority in South Africa, and destruction of America's image in Africa and around the world. No longer are we seen as the champions of freedom and democracy. Instead, we are seen, as Senator KENNEDY has said, as the last best friend of the apartheid regime in South Africa.

The South Africans claim that they are doing away with apartheid. President Reagan claims that they are doing away with apartheid. At one point, incredibly, President Reagan even said, and I quote, "They have eliminated the segregation which we once had in our own country." Nothing could be further from the truth. The fact that he could even make such a statement only indicates that the President is so determined to support the white regime in South Africa, that he is totally out of touch with the reality of that country.

Let's examine some of the "reforms" which the South Africans have supposedly made in the apartheid system.

They claim that they have "abolished" the pass laws—the hated system whereby each black person in South Africa had to carry a "pass" at all times, to show who he was and that he had a right to be where he was. Yes, they have eliminated the passes. But they have replaced them with a new ID card called a "uniform identity document." This document still lists the race of the person carrying it. It still upholds the basic pillar of the apartheid system, the classification of all individuals in South Africa, from time of birth onward, by race. And one other technicality—the South African Government recently admitted that the "reform" of the pass laws does not apply to several million blacks living in the so-called homelands.

Let me say a word about the homelands. These so-called homelands are not recognized by any state in the world except for the Government of South Africa. They have not been abolished in any of the so-called reforms. They are, in fact, another of the pillars of the apartheid system. And in reality, the homelands are nothing more than a modern form of concentration camps.

What kind of a system forces 87 percent of the population to live on 13 percent of the land—the most barren, infertile, useless land? What kind of a system forces millions of people to leave their homes and move hundreds of miles away to live in shacks in the desert, with no viable economic means to support themselves, and tells them "This is your homeland"? What kind of a system forces men to get up at 2 in the morning to get on buses, to ride for hours in the dark, so that they can get to work on time, because there is no work available in their homelands? What kind of a system creates conditions where babies suffer from malnutrition, and children starve, while white families live in affluence and European-style luxury? The answer is simple—the apartheid system does those things, and much more.

The South Africans claim that they have "reformed" the system, because they have repealed the "Immorality Act," and the "Mixed Marriage Act," which banned interracial sex and interracial marriage. But let's look at the facts.

Only about 100 people per year are affected by these so-called reforms, out of a population of 28 million. And couples who do intermarry are still affected by the "Group Areas Act," which means that they must live in the area designated for the partner with the "lowest" racial classification, which of course means the darkest skin. If a white woman, living in a white area, marries a black man, she must immediately move out of her home, even if she has lived there all of her life. She can only live in a "black" area from then on. This is the South African idea of "reform."

And the children of the marriage are also classified according to the "lowest" racial classification of the two parents. If a white man marries a "colored" woman, their children are automatically classified as "colored". And they too can only live in a "col-

ored" area. That doesn't sound like "reform"—it sounds more like Nazi Germany.

The South African claim great progress because they have repealed the "Influx Control Act," which governs movement into cities. But again, the people living in the so-called homelands are not covered by these reforms. The homelands are an essential part of the apartheid system, because they are the embodiment of the apartheid dream of a "White South Africa."

When all of the blacks of South Africa are living in their respective homelands; then the white tribe of Afrikaners will be able to lay claim to sole possession of South Africa, of that 87 percent of the land which they claim is theirs and theirs alone. That is the great theory behind the apartheid system. And the homelands are part of the final solution in South Africa.

The South Africans also claim to be one of the great democracies of the world. As proof of that, they point to the establishment of the "colored" and "Indian" parliaments in South Africa. However, they forgot something. There is still no black parliament in South Africa. Blacks still do not have the right to vote in South Africa. Even Bishop Tutu, recipient of the Nobel Peace Prize, has no right to vote in his own country. Perhaps President Reagan forgot that when he said that South Africa has "eliminated the segregation which once existed in our country." But the blacks of South Africa have not forgotten it.

The true situation in South Africa has been well stated in the Report of the Eminent Persons Group of the Commonwealth, which recently returned from an extensive mission to South Africa. The Eminent Persons Group consisted of a truly distinguished group of world statesmen, cochaired by former Prime Minister Malcolm Fraser of Australia, and former Nigerian head of State Gen. Olusegun Obasanjo. The Eminent Persons Group hoped to be able to convince the South African Government to enter into negotiations with representatives of the black leadership, for a transition to true democracy. In that effort, they were totally rebuffed by State President P.W. Botha. Instead, he declared a state of emergency, suspended the laws of the country, and placed restrictions on the press.

The Eminent Persons Group, in their report, stated:

> We draw the Conclusion that while the (South African) government claims to be ready to negotiate, it is in truth not yet prepared to negotiate fundamental change, nor to countenance the creation of genuine democratic structures, nor to face the prospect of the end of white domination and white power in the forseeable future. Its program of reform does not end apartheid, but seeks to give it a less inhuman face.

The Eminent Persons Group also had the opportunity to meet with Nelson Mandela, the imprisoned leader of the African National Congress, while in South Africa. Since it has been alleged by the South Africans, and by their friends in this country, that the ANC is really nothing more than a Communist front, and that Nelson Mandela is just a convicted terrorist, it is worth examining the findings of the Eminent Persons Group from their meetings with Mr. Mandela.

They stated the following:

> During the preliminary visit, General Obasanjo was permitted to see Mr. Mandela. Thereafter, the full group met with him on two occasions. * * * We were first struck by his physical authority—by his immaculate appearance, his apparent good health, and his commanding presence. In his manner, he exuded authority, and received the respect of all around him, including his jailers. * * * His authority clearly extends throughout the nationalist movement. * * *
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> Second, we found his attitude to others outside the ANC reasonable and conciliatory. * * * In our discussion, Nelson Mandela also took care to emphasize his desire for reconciliation across the divide of color. * * * He pledged himself anew to work to a multiracial society to which all would have a secure place. * * *
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> Third, we were impressed by the consistency of his beliefs. He emphasized that he was a nationalist, not a Communist, and that his principles were unchanged from those to which he subscribed when the Freedom Charter was drawn up in 1955. Those principles included the necessity for the unity and political emancipation of all Africans in the land of their birth; the need for a multiracial society, from any kind of racial religious, or political discrimination; the paramountcy of democratic principles, and of political and human rights, and equality of opportunity.

The Eminent Persons Group concluded their observations of Nelson Mandela with the following statement:

> Provided the negotiating process was agreed, Mr. Mandela's own voice would appeal for calm. We believe his authority would secure it. Our judgment of Nelson Mandela has been formed as the result of lengthy discussions with him, spanning three meetings. He impressed us as an outstandingly able and sincere person whose qualities of leadership were self-evident. We found him unmarked by any trace of bitterness despite his long imprisonment.

This is the man who the South Africans have kept locked in Pollsmoor Prison for the past 25 years, and who is still there to this day. This is the man who is accepted as the single unifying leader of all blacks in South Africa, and who represents the only alternative to continued and increasing violence and bloodshed in South Africa.

What then is the future for South Africa? What will be the outcome if we do not impose sanctions now, and the South African Government continues on its present course. Let me again cite the conclusions of the Eminent Persons Group:

> After more than 18 months of persistent unrest, upheaval and killings unprecedented in the country's history, the Government believes that it can contain the situation indefinitely by the use of force. We were told repeatedly by Ministers (of the Government) that the Government had deployed only a fraction of the power at its disposal. Although the Government's confidence may be valid in the short term, but at great human cost, it is plainly misplaced in the longer term. South Africa is predominantly a country of black people. To believe that they can be indefinitely suppressed is an act of self-delusion.
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> But in the most simple way, the blacks have had enough of apartheid. They are no longer prepared to submit to its oppression, discrimination, and exploitation. They can no longer stomach being treated as aliens in their own country. They have confidence not merely in the justice of their cause, but in the inevitability of their victory . . . The strength of black convictions is now matched by a readiness to die for those convictions. They will, therefore, sustain their struggle, whatever the cost.

Mr. President, there is no course of action left to us other than sanctions, if we wish to influence the South African Government. That was the conclusion of the Eminent Persons Group. That was the conclusion of the House of Representatives last month. That was the conclusion of a bipartisan majority on the Senate Foreign Relations Committee. And that is the conclusion of the American people.

Let me cite, one last time, the conclusions of the Eminent Persons Group, in calling for the imposition of sanctions against South Africa. They said:

> We point to the fact that the Government of South Africa has itself used economic measures against its neighbors and that such measures are patently instruments of its own national policy. We are convinced that the South African government is concerned about the adoption of effective economic measures against it. * * *
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> If it comes to the conclusion that it would always remain protected from such measures, the process of change in South Africa is unlikely to increase in momentum and the descent into violence would be accelerated. In these circumstances, the cost in lives may have to be counted in the millons.
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> The question in front of heads of governments is in our view clear. It is not whether such measures will compel change; it is already the case that their absence and Pretoria's belief that they need not be feared, defers change. Is the Commonwealth to stand by and allow the cycle of violence to spiral? Or will it take concerted action of an effective kind? Such actions may offer the last opportunity to avert what could be the worst blood bath since the Second World War.

Mr. President, the Commonwealth nations have now acted. They have joined together to impose sanctions on South Africa. They have unfortunately not been joined in any meaningful way by Prime Minister Thatcher, but they have nevertheless decided to go ahead without her and impose meaningful sanctions on South Africa. And

we have a moral obligation to join them in that effort.

There are those who claim that we should not impose sanctions because it will hurt the blacks in South Africa, and will harm the frontline states in South Africa. But the blacks of South Africa, and the leaders of the frontline states, are the very people who are calling upon us and urging us to impose sanctions.

President Reagan said in his recent speech that we should not impose sanctions, because "they would hurt the very people we are trying to help." As Bishop Tutu said in response to this speech, "He sits there like the great, big white chief of old, who can tell us black people that we don't know what is good for us. The white man knows." And as Prime Minister Mugabe of Zimbabwe stated last week, the frontline states are prepared for "economic war" with South Africa. If they suffer, South Africa will also suffer. And they have told us that they are prepared to suffer.

The opponents of sanctions in this country have advanced contradictory arguments to support their cause. First they have told us that we should not impose sanctions because they will destroy the South African economy and hurt the blacks. Then they have told us that sanctions will not work, and will have no effect on the economy. Secretary of State Shultz came before the Foreign Relations Committee and told us that we should not impose sanctions because U.S. companies are already imposing "sanctions of the marketplace" by pulling out of South Africa. He told us that that sends a more powerful message to the South Africans than sanctions would. Then he told us that U.S. companies should not pull out of South Africa—in fact, he would encourage them to invest more money in South Africa. He didn't explain what kind of a message that would send them.

But he missed one point altogether. And that is that sanctions would send a powerful psychological message, and a moral message, to the blacks of South Africa, about which side we are on in South Africa. And they would send an equally powerful message to the white Government of South Africa. And sanctions would send a powerful message to the world about where the United States stands on the issue of apartheid in South Africa.

But sanctions would also have a real impact on South Africa's economy. An article in the Washington Post of July 25, 1986, entitled "Limited Sanctions Take Their Toll on South African Economy," points out that even the limited sanctions which have already been imposed by France and Denmark have had a serious impact on South Africa's economy. The embargoes on South African coal invoked by those two nations, and a growing reluctance by other countries to buy South African coal, have already cut projected exports for 1986 by 7.5 million metric tons, or 17 percent. Coal is South Africa's second biggest source of income, after gold. And according to the Post article:

> Now, partial sanctions by just two countries, one of them tiny, have thrown this key industry into what one company official described today as "a slough of despond."

That is the effect of sanctions.

And if we add to that further sanctions to be imposed by the Commonwealth countries, and potentially by the European Community and by the United States, we will see a far greater effect on the South African economy, and an even greater "slough of despond" among the South African leadership.

There are those who say that the South African blacks will be the first to lose their jobs, and to suffer economically. But Cyril Ramaphosa, secretary of the National Union of Mineworkers, which is one of the largest black labor unions in South Africa, has said that his union strongly supports international sanctions against South Africa. And he has said of those who oppose sanctions:

> They should be looking instead at the reasons why many people are calling for sanctions, including the payment of starvation wages to miners.

Mr. President, that is the heart of the matter. It is not sanctions which will cause suffering among blacks in South Africa. It is the apartheid system which is causing suffering. And it is sanctions which will bring an end to the apartheid system.

It has been said that not all blacks in South Africa support sanctions. As evidence, sympathizers with the South African regime point to Chief Buthelezi, who supposedly enjoys a following among blacks in South Africa, particularly Zulus, and who has opposed sanctions.

Senator KENNEDY put this very question to Malcolm Fraser, cochairman of the Eminent Persons Group, when he testified before the Kennedy Forum on South Africa here last month. He asked why he was calling for sanctions, when Chief Buthelezi opposed them. Let me quote his answer:

> I think that, Senator, is probably one of the most false arguments of all. Let me just say one word about Chief Buthelezi. He is a political figure in South Africa. He can't be ignored, but he is not as significant as many people say, because if you want to have a job, you have to be a card-carrying member of (his political organization) Inkatha or even if you want to go to school. That reinforces his numbers very, very greatly. So he can't be ignored, but everyone else says "We want sanctions imposed." The black leaders say, the blacks generally say, "We know that sanctions will affect us and will hurt us but we are hurting already." Sixty or seventy percent are unemployed in Crossroads and many other townships. High levels of unemployment in that and the "homelands" where there is no economic activity possible, and with the towns and the general state of the country being one that really denies blacks access to the normal dignity that should be associated with the participation in a reasonable and civilized society. * * *
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> But it also needs to be judged against the alternative. And if one can accept the general view of our report, that a descent into greater and greater violence is likely—and in our view if there's no change there will be a total guerrilla war which will obviously hurt many, many, maybe tens or hundreds of thousands of people, black and white—that's the alternative, the sanctions.
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> That alternative will result in infinitely more people, black and white, being hurt than would the imposition of sanctions. So you are not comparing a sanction situation with another situation which is a clean slate. The alternative to sanctions is one that would lead to much, much greater loss of life, and greater killings.

That was the judgment of Malcolm Fraser, the former Prime Minister of Australia. And I might add that Mr. Fraser is deeply conservative. He supports many American policies, including some which I do not support, such as aid to the Contras in Nicaragua. And one of the reasons why he has called for sanctions to be imposed as soon as possible, is that he does not want to see South Africa fall into the hands of the Communist bloc. Nor do I. But that is likely to be the result, if we continue with the shortsighted policy of support for the Botha regime.

Even Chief Buthelezi has now recognized that his position as a collaborator with the South African regime is causing him to lose all credibility with the blacks of South Africa. He said last week, and I quote, there must come a time when the South African Government's actions and attitudes demand that I revise my position before I become an outdated, has-been politician. And he went on to say that, instead of acting as a statesman, President Botha has behaved like a Third World amateur employing Boer War-style Afrikaner diplomacy.

Mr. President, the opponents of sanctions, including President Reagan, have said that sanctions are wrong, and that they do not work. If they do not work, why have we employed sanctions against Nicaragua? If they do not work, why have we invoked sanctions against Libya? If they do not work, why do we continue to employ sanctions against Cuba? Why did we impose sanctions against Poland after the imposition of martial law? Why did we place sanctions on Iran after the seizure of the American Embassy? Why did we place sanctions on the Soviet Union in connection with the Soviet oil pipeline? And what will it take before we impose sanctions on the racist regime in South Africa?

The opponents of sanctions also argue that sanctions will not be effective if imposed by the United States alone. But we did not hesitate to act

alone to impose sanctions against Libya, or against Nicaragua, or in the case of the Soviet oil pipeline. In none of those cases were we joined by any of our allies, or indeed, by any other nations. In truth, of course, there is far more international support for sanctions against South Africa than there was in any of those cases. The commonwealth nations have already acted to impose sanctions. The European community will do so next month. And it is clear to all that, if the United States imposes sanctions, that Britain, Japan, West Germany, and our other allies have no choice but to follow immediately.

So that is another patently false argument. But then the opponents of sanctions make another argument. They say that "If we impose sanctions now, then we will have no leverage left with the Government of South Africa." I would ask them first of all—what leverage do we have now with the Government of South Africa? What has the policy of constructive engagement achieved as far as results in changing the behavior of the Botha regime? Let's look at the record of the past 5 years.

First of all, for most of the Reagan years, Pretoria has distracted this administration with fruitless negotiations over Namibia. It is no secret that those talks have been a total failure. South Africa is still illegally occupying Namibia, in violation of U.N. Resolution 435, in violation of international law, and in violation of world opinion. Those negotiations have produced only a stalemate, and have diverted this administration from focusing on the growing crisis in South Africa itself.

Second, South Africa has embarked on a policy of destabilizing its neighbors. It has used every measure at its disposal—from economic sanctions, to covert aid to antigovernment forces in neighboring countries, to cross-border raids, to outright invasions—to impose its will on the region. Most recently, South Africa has launched brazen attacks against Zimbabwe, Zambia, and Botswana, for no reason other than sheer intimidation, against targets which represented no military threat.

Third, the South African Government has responded to black unrest over the last 2 years with mounting repression. The state of emergency declared in June is harsher than the marital law imposed on Poland in 1981, to which we responded with economic sanctions and great condemnation. Not only have we failed to influence the Botha regime to exercise restraint, but President Reagan's personal appeal for restraint was rejected outright.

Fourth, the South African Government has refused to enter into negotiations with authentic, recognized black leaders in South Africa. Instead, they have arrested the entire leadership of the black trade union movement and other elements of black leadership in South Africa, in a decapitation strategy.

And fifth, the Botha regime has brushed off the United States and other Western nations in a series of actions that indicate an unprecedented disregard of world opinion. The Botha regime has thumbed its nose at President Reagan, scuttled efforts of the commonwealth delegation to start negotiations, cold-shouldered British Foreign Secretary Geoffrey Howe, and has virtually dared the world to impose sanctions. This is a display of arrogance rarely seen among supposed U.S. allies. Foreign Minister Pik Botha has dared the West to get tough with South Africa, declaring that it really doesn't matter if we impose sanctions—in fact, he said, "the sooner the better."

So the policy of constructive engagement clearly has been a total failure. It has only exposed the basic weakness of the Reagan administration, behind all of its tough talk. As Pauline Baker of the Carnegie Endowment stated in testimony before the Senate Foreign Relations Committee, "As a result of the administration's staunch opposition to sanctions, Pretoria has concluded that it is virtually immune from outside pressure of any significance and that, in matters concerning the region, it can act with impunity."

So the truth is that, at present, we have no leverage with the South African Government. Sanctions will give us that leverage. But the argument is made that, if we impose sanctions now, we will have no leverage left in the future. Again, this argument is totally false.

First of all, the bill reported out by the Senate Foreign Relations Committee by a margin of 15 to 2, provides for one set of sanctions now, and an additional set to be imposed in 12 months, if the South African Government does not release Nelson Mandela and other political prisoners, and take several other significant steps such as lifting the state of emergency. So we would continue to have additional leverage by the threat of further sanctions.

I supported the committee bill on sanctions. But I also said that it was only a first step, and that I hoped that it could be strengthened on the Senate floor. I support the effort of Senator KENNEDY by adding the sanctions recommended by the Eminent Persons Group in their report, including prohibiting all loans to the South African private sector, expanding the import ban to include textiles, crude oil, and refined petroleum products, food, and agricultural products, expanding the ban on computers, prohibiting United States-South African military cooperation, expanding the arms embargo, and severing all air links to South Africa. I support all of those steps, and the others which have been suggested. I also would support a total ban on trade with South Africa, and mandatory disinvestment, as was passed by the House of Representatives.

But even if we were to go that far, which no one expects, we would still have additional steps which we could take. We could break diplomatic relations with Pretoria, as some have suggested. We could provide humanitarian assistance to the ANC, as we do to the resistance in Afghanistan, and the Contras in Nicaragua. And we could take what might be the strongest step of all—a step which was suggested by the conservative Economist magazine—to sell off some of our gold reserve, and thereby depress the price of gold. That might be the most significant sanction of all, in terms of its effect on the South African economy.

So there are still more steps that we can take. We are a powerful country. There is no question that we can exert influence over the South Africans, if we choose to do so. The question is, Will we choose to do so? And will we do so before it is too late?

We are at a critical turning point in our relationship with the people of South Africa. If we do not act now, clearly and forcefully, to do whatever we can to end the apartheid system, then in all likelihood the United States will simply become irrelevant to the situation in South Africa. We will no longer be able to influence the situation there. The blacks of South Africa will become totally alienated from the United States, as they already have from their own Government. And the situation there will begin an irreversible slide toward violence, revolutionary upheaval, and the bloodbath foreseen by the Eminent Persons Group. They have warned us that if we do not act now, by the end of August, that it will be too late. If we do not send a clear signal now to the people of South Africa that we are with them, that we are on their side, and if we are not joined in that effort by Britain, by the European Community, and by the Commonwealth nations, then the West will lose its influence in South Africa, and that country will simply degenerate into an all-out civil war.

And I think we all know what the outcome of that struggle will be. There is no question that, whether it takes 5 years, or 10 years, or 20, eventually the blacks of South Africa will triumph, and will take control of that country, and of its government. The only question is what kind of government it will be. And, if we continue with the present policy, the likelihood is that a future black government will simply see the United States as their enemy, and we will have no influence left in South Africa. And if that hap-

pens, then we will lose all of our economic interests. We will lose all of our strategic interests. We will lose everything that we are trying to protect in South Africa. And where we lose, the Soviet Union will gain.

Mr. President, the world is watching what we do here today. History will judge us by what we do on the issue of South Africa. This is not an ordinary political issue. This is one of the great moral issues of our time. And future generations, our children and grandchildren, will judge us by how we respond today to the moral challenge of apartheid.

In the 1930's, much of the world stood by and watched as the Nazi regime took power in Germany. The Western nations failed to act as Hitler passed racist laws, proclaimed Jews to be second-class citizens, and declared his intention to carry out the final solution to the Jewish problem. We failed to act in time. And as a result, 6 million Jewish lives were lost. Many millions more were killed in combat. And this Nation spent 4 years at war, fighting the evil of Nazi Germany.

Today, we are faced with the evil of apartheid. Today, we are faced with the prospect of another bloodbath, this time in South Africa. As the Eminent Persons Group has warned us, we are faced with the prospect of "the worst bloodbath since the Second World War."

So the choice before us is clear. Do we take action now, to use all of our power and influence to bring about the end of the apartheid system, or do we stand by and do nothing? Do we sit and watch as a bloodbath takes place in South Africa, or do we use our influence to bring about a negotiating process, and a peaceful resolution of that conflict? Do we allow ourselves to be silent partners with racism, or do we take a stand against a racist system? Do we show the South Africa people that we stand with them, or do we show the world that we no longer care about principles of freedom and democracy which this country has stood for in the world?

Those are the choices confronting us today. Mr. President, for my part, the choice is clear. I support sanctions against South Africa. I support them strongly, because I support the people of South Africa, in their struggle against a racist system, and a racist regime.

Mr. President, I am ashamed of the position of the U.S. Government on this issue. I hope that we will send a message today, to South Africa and to the world, that the President of the United States does not speak for the American people on the issue of apartheid. I hope that we will send a message to the world that we still believe in the words which this Nation has long stood for—that "All men are created equal." And I hope that all of my colleagues will join with me in sending that message.

Mr. MITCHELL. Mr. President, the Senate rarely is called upon to consider an issue that transcends the political differences that divide us. This is one of those rare occasions.

The basic issue with respect to South Africa is simple: Apartheid is wrong. There are those who would obscure the issue by introducing other political, economic and strategic considerations into the debate. But we should not be misled. This is a moral issue. A system based upon the principles of apartheid inevitably—unavoidably—breeds injustice, violence, and repression. Continuing apartheid in South Africa guarantees a widening cycle of hatred, bloodshed, fear, and death. This is the reality with which we must reckon.

There exists a second fundamental truth as well: Any further support by the United States for the white minority government in Pretoria makes the United States an accomplice to systematic brutality and widespread injustice.

Many nations have already imposed economic sanctions on South Africa. Every day we delay we further sacrifice our moral standing within the international community. Every day we delay we lend credence to those who would argue that the United States cares only for itself.

We have been a patient nation. The South African Government has been given ample time to demonstrate a commitment to reforming its hateful domestic practices. But it has spurned all opportunities to do so. Instead, there has been an escalation of oppression.

"Oppression" is a word that should not be lightly used. But what else does one call a system that attacks even its children? During last year's state of emergency more than 2,000 children under the age of sixteen were detained by the Government's security forces, some of them for months. Eleven-year-olds were charged with political offenses, jailed, and denied bail. At least 200 children died at the hands of the police.

The repressive measures imposed by the Government this past June under the latest state of emergency are simply the most recent affront to the dignity of all South Africans. The minority government's willingness, even eagerness to resort to further restrictions in order to maintain its control eloquently illustrates the moral and political bankruptcy of the present regime. It also serves to highlight the necessity for quick, effective action by the international community. And as a leading member of that community, the United States should show the way.

We in the Senate have also been patient. For more than 5 years we have allowed President Reagan to pursue the policy he calls constructive engagement. But there are limits, there should be limits to our patience. And we have reached those limits.

All of us here today seek peace and national reconciliation for South Africa. Our dispute is over the best method for achieving that common objective. For 5½ years we have tried the President's method, without tangible result. If anything is obvious, it is that constructive engagement has failed.

The President's speech 2 weeks ago offers stark testimony to that fact. The speech was a national embarrassment. It demonstrated a complete inability on the part of administration officials to place themselves in the shoes of South Africa's blacks, and a total incomprehension of the larger forces at work in the region. According to press reports, the Botha government greeted the address with elation and viewed it as a total vindication of its racial practices.

Yet there are those who tell us that constructive engagement will work if it is given more time. But more time is a luxury South Africans no longer enjoy.

It is time that we speak out unequivocally, that we say with a single voice: Apartheid is wrong; apartheid is repugnant; we will have nothing further to do with it.

And how do we best say this? Moral persuasion has failed. Public encouragement has failed. Private diplomacy has failed. It is now time to raise the stakes. It is now time to impose a set of immediate, comprehensive, and mandatory sanctions on the South African Government.

Much has been said about what sanctions might or might not accomplish. We should be clear, both in our own minds and in our dealing with other nations, what it is we seek to achieve by imposing sanctions on South Africa. There are four objectives we can reasonably expect sanctions to further:

First, there is the spur that the imposition of U.S. sanctions might give to other nations, particularly the industralized Western nations with whom South Africa conducts much of its trade, and on whom South Africa relies for foreign capital. Strong U.S. sanctions could have a significant impact if other nations were thereby encouraged to follow suit, and it seems to me that this possible domino effect is a strong argument favoring U.S. sanctions.

Second, sanctions would place additional pressure on the South African Government to respond to the grievances of its black citizens in a meaningful way. The Botha regime is not likely to fail simply because we announce a program of sanctions. But if

the authorities in Pretoria are given a convincing demonstration that they can no longer rely upon unqualified American support, perhaps they may awake to the realization that sooner or later they must deal with the black majority.

Third, the imposition of sanctions would lend support and encouragement to those elements in the white South African community who understand that apartheid is doomed and realized that South Africa must respond to the legitimate demands of its black population. At the moment the only white opposition the Pretoria government has to listen to is on its right. This need not always be so strong and effective sanctions will enlarge and embolden the moderate white opposition.

Finally, sanctions will make a statement about America, about our values and priorities. Some have scoffed at what they call moral posturing. But to dismiss the symbolic importance of sanctions would be a serious mistake. The oppressed all over the world are watching what we do. Should we fail to place the full weight of America's influence behind the movement to dismantle apartheid, we will have forfeited some of our moral standing in the world. This is not something we either want or can afford.

This brings us to another important point that is often overlooked in the debate over South Africa. Much of what has been said in this Chamber today has dealt with the injustices of apartheid, with its reprehensible effect on South African, particularly black South Africans. And this is as it should be.

But I also wish to say a word about American interests. Make no mistake about it: Change is coming to South Africa. It may come with great violence and bloodshed, though I hope not; or it may come through the peaceful workings of the democratic system. But come it will. And when the new order arrives in South Africa, when the black majority has assumed its rightful share of the opportunities and power within South Africa, what will we want said about our own role in this process? Will we have it said that we fought against change, and against the rights of the majority? I think not.

Fortuitously, South Africa presents us with an issue where our moral interests and our political interests coincide. Failure to take concrete action at this juncture, failure to make absolutely clear our support for full equality for all South Africans would be both morally indefensible and extraordinarily harmful to long-term American interests.

What would we have the South African Government do? Our demands are easily stated.

We require that the authorities in Pretoria immediately: Put an end to government-sanctioned violence against both its citizens and its neighbors; declare that they are committed to ending all forms of discrimination based on race, and issue a specific timetable for the implementation of this declaration; release Nelson Mandela and all other political prisoners currently incarcerated in South Africa; lift all restrictions on political activity, free speech, and free association; enter into good faith negotiations with representative leaders of the black majority over fundamental issues involving the distribution of political and economic power in South Africa; and end the present curbs on the press and other media.

We Americans are periodically called upon to redefine ourselves—who we are, what we as a nation stand for. This is such a time. The United States had a long tradition of support for the oppressed, the underdog, those who strive for freedom and justice and the opportunity to live their lives untrammeled by distinctions of race or color or nationality or religion. It took us many years to understand fully the error of intolerance, the evil of judging men and women solely by the color of their skin. But having finally learned that lesson, we are the wiser for it. Let us not now forget all that we have learned.

I urge my colleagues to act now so that South Africa need not destroy its soul in the process of acquiring that same wisdom. Without the shock that strong sanctions would represent, South Africa may slide into even greater turmoil. I urge my colleagues to vote for sanctions. For us to do less would be to betray our ideals and the hopes of oppressed peoples throughout the world.

Mr. BENTSEN. Mr. President, I am pleased to support the Comprehensive Anti-Apartheid Act of 1986. It is a strong bill which will send a strong signal of United States opposition to South Africa's apartheid system.

This is a balanced measure, combining carefully targeted sanctions to undermine the structure of apartheid with actions to assist the victims of that repugnant system. It does not sever American economic relations with South Africa, but instead begins to impose significant penalties and threatens additional steps within 1 year.

South Africa can avoid these sanctions by dismantling apartheid, by freeing political prisoners, and by opening up its political process. That is indeed my wish. I have no desire to injure those least able to protect and defend themselves under the present system. I do not seek to penalize economically those who are already denied basic political rights.

But apartheid must go. It must go because it is wrong and because its continuation can only serve to strengthen the enemies of American interests and values.

Mr. President, I am especially pleased that this bill contains measures to promote multilateral action against South African apartheid. As we have learned to our regret in the past, unilateral sanctions are unlikely to succeed if others rush to take advantage of U.S. restraints. This bill closely parallels sanctions planned by the British Commonwealth nations and the European Economic Community. It also gives the President authority to negotiate multilateral measures and to modify U.S. sanctions to conform with such agreements as may result. I earnestly hope that these provisions will help to promote a strong and unified front against apartheid that will persuade the South African Government to change its course.

Change is coming to South Africa. The white minority government has begun to respond to the limited sanctions approved by the Congress but then unilaterally imposed by President Reagan last year. The changes made thus far are proof that moral and economic pressure can work. The pace and breadth of change must increase dramatically, however, if the hopes of South Africa's peoples are to be fulfilled by a peaceful and democratic process.

I earnestly hope that this bill will be an engine of change for the better in South Africa.

Mr. COHEN. Mr. President, the overriding goal of United States policy in South Africa has been, and must continue to be, to support a peaceful transition to representative government. The repugnant system of apartheid must be abolished, and the United States must do everything in its power to help achieve this result. This is the only manner in which the United States can advance its moral, as well as its strategic and economic interests in the region. The question that we must ask ourselves today is, "What can we do to increase the prospects for peaceful change in South Africa?"

At the outset I would like to state that I recognize that this is not a simple issue, that there is room for disagreement among reasonable people about the most effective method for the United States to oppose the system of apartheid. Opponents of economic sanctions have argued that they will only hurt black South Africans. Furthermore, they argue that economic sanctions will increase unemployment and unrest, thereby increasing the prospect of a violent civil war from which both sides will emerge losers. These are serious objections which must be addressed.

Against whatever risks may be associated with economic sanctions, however, we must compare the costs of continuing on the present course.

On the other hand, there are many Members of this body who believe that the measure before us is too weak to be effective, that it is "Too little, too late." The Foreign Relations Committee has chosen to take the middle ground between those who support complete disinvestment and those who oppose economic sanctions. I believe this is the most responsible course of action to pursue at this time.

Admittedly, it is difficult to assess with certainty what effect these sanctions will have if the South African Government continues on an intransigent path in defiance of world opinion and the aspirations of its black population. There is no question that some blacks will suffer greatly if sanctions remain in effect for a long period of time. In part, objections to this fact are overcome by indications that many South African blacks are themselves supportive of economic sanctions. The results of a poll conducted by the Sunday Times of London, for example, indicate that 77 percent of urban blacks in South Africa support economic sanctions against Pretoria's apartheid policies. They realize, as we must, that there are no perfectly precise policy instruments available, that it is not possible to pressure the elite minority who run South Africa without affecting other segments of the population.

The crux of the argument for sanctions, however, in my view rests on the compelling indications that black South Africans are rapidly losing hope in the prospects for peaceful change. All evidence indicates that there is a polarization of public opinion in South Africa, that the ideological distance between whites and blacks is growing, that attitudes are becoming more rigid and less flexible. This is an ominous development.

A new generation of blacks is growing up in South Africa, a generation that is more militant and more anti-American. The perception is increasingly widespread that the United States is in complicity with the South African Government, that the United States is part of the problem and not the solution. The same poll that showed that 77 percent of urban blacks in South Africa support sanctions also showed that nearly half believe that violence is justified in the struggle against apartheid. A majority of those interviewed already believe that civil war is inevitable.

We have witnessed the devastating effects of racial and ethnic conflict in many parts of the world in recent years, and we have seen how difficult it is to achieve peace once the fighting begins. History also shows that these revolutions often breed violent regimes that substitute one form of oppression for another.

Already this year thousands of blacks have been killed in South Africa. Thousand of others are being detained. With each new round of violence the support for black leaders who advocate nonviolent policies is eroded, and the prospects for peace are diminished. In my view, whatever risks and hardships are associated with economic sanctions are heavily outweighed by the danger that the remaining opportunity to negotiate an end to apartheid will be missed. Events have overtaken policy; there simply is not time to meander down the road of effective power-sharing as the proponents of constructive engagement would have us do.

We must show the black majority in South Africa that we support their cause, not only with words but with action. We must keep alive the hope that there is an alternative to violence. Without both the tangible and symbolic help of the United States, that hope is considerably diminished.

Together, the provisions of this legislation provide the South African Government with a significant incentive to dismantle the apartheid system. Demonstrable progress will allow the Government to avoid economic dislocation and increased political resistance. At the same time American corporations can continue to operate inside South Africa, working through the system and setting an example by conforming to the Sullivan principles, which require nondiscriminatory practices in the workplace. This measure also provides financial aid to black South Africans, in the hope of assisting democratic elements. This is a flexible, multidimensional approach to a complex problem.

We have come a long way very quickly in this body toward building consensus for using both the carrot and the stick in our policy toward South Africa. In order for us to change United States policy toward South Africa, however, this legislation must be able to overcome the final hurdle of an almost certain Presidential veto. That, for me, is a conclusive argument for opposing efforts to significantly strengthen the sanctions contained in this bill.

The chairman and other members of the Foreign Relations Committee have produced an extraordinary piece of legislation, one that can attract the overwhelming support of this body. That fact alone—that this measure has served to unite the Members of this body with respect to United States policy toward South Africa—is more important than the specifics of the sanctions we adopt.

Mr. President, I hope my colleagues will resist major changes to this legislation that will either undermine its effectiveness or make it difficult to overcome the Presidential veto that we almost certainly can expect. I urge my colleagues to support S. 2701, which in my view is both morally correct and strategically sound.

Mr. HECHT. There are few international problems facing this country which are more perplexing and complex than the question of how to deal with our long-time friend and ally South Africa. The American people and Members of Congress have expressed outrage over the current racial policies in South Africa, but history should teach us to move cautiously! The cure may be worse than the disease!

Mr. President, I have spent time in South Africa and have talked with many people there, both black and white, who firmly believe the economic sanctions would be the worst action this Congress could take. Do we really want to wreck the economy of an ally? Would South African blacks be better off without the jobs provided by American investment? Should our sanctions topple the Pretoria regime, would blacks be better off under Communist rule? And if Pretoria should slip into the hands of the Soviets, would America be better off?

I firmly believe, Mr. President, that most of us believe the majority of black South Africans are entitled to the rights enjoyed by the minority of black Americans. However, many of these same Americans recall that it was not very long ago that blacks in this country faced a tremendous amount of racial discrimination. As a Nation we worked out this social problem. We didn't need another country, especially one of our allies, threatening sanctions or economic upheaval. The same lesson applies to the current situation in South Africa.

Mr. President, many Americans would agree that President Richard Nixon's great strength and contribution to this country was his expertise in foreign policy. President Nixon viewed the world realistically. We will be forever in his debt.

In 1978, soon after the completed work on his memories, Mr. Nixon began writing a book directed at our foreign policy. "The Real War" because a national best seller, and provided further evidence of how much useful knowledge Richard Nixon shared with us, even after he left the Presidency.

Mr. President, my remarks are taken directly from the words of Richard Nixon's excellent book: "The Real War." The U.S. Senate should heed his advice on the subject of South Africa, published in 1980. It is just as relevant in 1986.

To the Soviets, anyone who stands in the way of their supremacy—of their hegemony—is an adversary. The Soviet Union's ultimate target in

world war III is its chief rival, the United States. Its intermediate targets are Western Europe and Japan. Its immediate targets are those volnerable and unstable areas of Africa, Asia, the Middle East, and Latin America, in which, at relatively little risk and cost, it can gain strategic advantages and place itself increasingly in position to control the world's resources and lifelines.

Stalin highlighted the vulnerability of the West to resource interdiction back in 1921. "If Europe and America may be called the front," he said, "the nonsovereign nations and colonies, with their raw materials, fuel, food, and vast stores of human material, should be regarded as the rear, the reserve of imperialism. In order to win a war one must not only triumph in the front but also revolutionize the enemy's rear, his reserves." More recently, Soviet President Leonid I. Brezhnev confided to Somalian President Siad Barre, then an ally of the U.S.S.R., that "our aim is to gain control of the two great treasure houses on which the West depends—the energy treasure house of the Persian Gulf and the mineral treasure house of Central and Southern Africa."

While the United States is partially dependent on imported oil and strategic minerals, Europe and Japan are absolutely dependent on overseas sources. Half of our oil is imported, but Europe imports 85 percent and Japan 100 percent. As for minerals, Western Europe imports 80 percent and Japan 95 percent. Minor interruptions of imports that would cause inconvenience and annoyance in the United States might create panic in our industrial allies. Thus they have even more reason than we to be concerned about the Soviet drive toward those "great treasure houses on which the West depends." But we too have a vital stake—both because we are also dependent on those treasure houses for strategic materials, and because the strength and unity of the western alliance as a whole are essential to meeting the Soviet challenge. What weakens our allies weakens us.

The Soviet leaders have their eyes on the economic underpinnings of modern society. Their aim is to pull the plug on the western industrial machine. The western industrial nations' dependence on foreign sources of vital raw materials is one of our chief vulnerabilities. This, as well as the inherent instability of many of the producing nations, dictates Soviet strategy in such areas as the Middle East, Africa, and Latin America.

If the U.S.S.R. continues to succeed in its penetration of Africa, it will have come a long way in its larger strategy of encircling the world city—of cutting off the industrialized West from the resources without which it cannot survive. Even the resource-rich United States depends heavily on imports for several of the basic minerals vital to a modern economy. Chromium offers an example of the hidden dangers of this dependency.

Most people, when they think of chromium, think of the fancy trim on automobiles. But to strategic planners chromium means such things as ball bearings, precision instruments, and missiles. A single jet aircraft requires more than 3,600 pounds of chrome. As one expert has put it, "If you don't have chromium, you don't have top-quality aircraft engines." Stainless steel cannot be made without chromium. The National Research Council recently concluded that the U.S. long-term vulnerability in chrome is greater than in petroleum. Chromium is already in short supply, and we desperately need it to rebuild our Armed Forces. Our domestic supplies of chromium ore are small in quantity and low-grade in quality; 92 percent of our chrome must be imported. And our two principal sources have recently been South Africa, 33 percent; and the Soviet Union, 25 percent. Furthermore, of the world's known reserves of chromium, 96 percent are in the Union of South Africa and Zimbabwe Rhodesia.

This vital dependency illustrates why the Soviets have particularly targeted for interference that portion of the continent that intensely engages the emotions of many in the West: Southern Africa. The Soviet Union seldom acts without a purpose, and its purpose are always strategic, never moral. Thus its persistent efforts to stir further the already troubled waters of southern Africa have to be viewed against the backdrop of the resources in that part of the world, and of the importance of those resources to the West. By one authoritative estimate, the Union of South Africa alone possesses a tenth of the world's asbestos, three-fourths of the world's chromite ore, more than half of its platinum group metals, half of its gold, a third of its manganese ore, a fifth of its uranium, and a third of its diamonds: a mineral treasure of almost incalculable strategic and economic importance.

Zairean copper and cobalt, Rhodesian chrome, South African gold, diamonds, manganese, and platinum metals—these are among the economic stakes the Soviets are playing for in southern Africa. They already control the excellent ports in Angola and Mozambique flanking the Cape of Good Hope. If South Africa were to fall under their control, they would control the sea lanes around the cape through which 70 percent of the strategic raw materials and 80 percent of the oil needed by European NATO powers flow. South Africa is also the continent's leading economic power. It alone provides 40 percent of the industrial production of all Africa and 25 percent of its agricultural production.

The Soviets want southern Africa. They also try to exploit its racial troubles, particularly those of the Republic of South Africa, in order to incite hostility toward the West; and, if they could, they would like to precipitate a military confrontation and a race war there, which would have incalculably tragic consequences for black and white alike, as well as for the whole continent of Africa and the whole of the Western World. It would leave a lot of shattered pieces for Russia to pick up.

South Africa's particular racial troubles are different, because that nation's history is different; but troubles between racial, ethnic, or tribal groups are not unique to South Africa. In northernmost Africa the Arabs rule. In the countries of the Sahel, the Arabs struggle with blacks for dominence. In Chad, struggles between Moslems in the north and Saharan people in the south have led to civil war for 12 years—an indication of the problems racial divisions can cause. In Africa south of the Sahara, blacks predominate, but this has not prevented violent tribalism, a sin just as bad as racism. Fierce intertribal rivalries and wars—the Katanga rebellion in the Congo; the civil war in Nigeria, which caused the death of probably more than a million Ibos in Biafra; the bloody war between the Hutu and the Tutsi in tiny Burundi in 1973, where 100,000 died; and many other conflicts—have occurred. Nor have black Africans been free of racism. In East Africa, those of Asian origin had their property expropriated and then were driven out, solely on racial grounds. In equatorial Guinea a dictator supported by Russia, China, Cuba, and North Korea forced an estimated one third of that nation's population to flee into exile and many of those who stayed behind met their death in forced-labor camps or prison. For many Africans the benefits of majority rule have been so slight that, according to Amnesty International, 8 black African countries are among the 15 worst human rights violators in the world. Given the experience of the rest of Africa, instant majority rule, even if it were possible, would surely not be the best thing for the Africans of South Africa—black and white alike.

The real threat of white domination in Africa during the remainder of this century is not from the old order. The real danger is from the new order—the new slavery that Jonas Savimbi warns of, imposed and maintained by the new Soviet imperialism. In no Soviet-dominated state does any majority rule, whatever its color; minority rule is the essence of the Soviet system. Whatever the color of the local puppet, the strings are pulled from

Moscow—and there are no black faces in the politburo. The Soviets are not in Africa to liberate. They are there to dominate, control, and exploit, and to replace the old white supremacy with a new white supremacy. White colonial rule is white colonial rule, whether exercised from London or from Moscow.

Throughout history many of the worst atrocities have been perpetrated in the name of the highest ideals. Passion is a poor guide to policy. The racist obsession of many black African leaders, while understandable in terms of their priorities, ought not to dictate ours. The sort of holy war they preach, to eradicate in southern Africa all vestiges of special privilage or even special protection for the white minorities, would be bloody even beyond the standards of Idi Amin; and it would destroy the economic and political structures on which both black and white depend for such freedom and prosperity is they have.

A race war against South Africa is not the way to end racism in South Africa, nor will economic warfare against the most economically advanced nation on the continent resolve the issue. Here in the United States we fought a Civil War in part over the issue of slavery, and it took another century before even those racial discriminations sanctioned by law were wiped away. With our own history, we are hardly free of sin to cast the first stone—or even the second. Without condoning South Africa's racial policies, we should be more understanding of the need to change them peacefully over a period of time, and more sensitive to the other issues besides race that are at stake in the future of that tortured part of the continent.

Mr. PRYOR. Mr. President, I believe the Senate has taken an historic action this week. The sanctions bill which we have approved makes a clear statement to the Afrikaner ruling party, and it has real economic punch. I only wish it had happened sooner.

A few members of this body feel that this legislation goes too far or that it is improper to single out South Africa as a human rights violator or to interfere in its internal policies.

But it seems to me that no one who has any respect for our own constitution should hestitate to become the advocate on behalf of the blacks of South Africa, who are the real freedom fighters in today's world. If we can interfere in Nicaragua, we can certainly attempt to speak for the blacks of South Africa.

While it is true that the South African Government is not the only human rights offender, it is a blatant example of the tyranny of a minority of 4.5 million whites over 25 million blacks.

While the Government has made some cosmetic reforms in its separate but unequal apartheid laws, blacks are still denied the most basic of rights: The right of political representation, the right to work where they please, the right of male workers to live with their families, the right to own land, the right to protest peacefully, the right to a decent education—in short, the right to enjoy equal opportunity and personal dignity.

Mr. President, it wasn't too long ago that we went through our own civil rights revolution. It was a painful process, but we are a much, much stronger nation today because of it. We learned to understand the aspirations of all Americans, and in this legislation we are extending that same sympathy and fellowship to the 85 percent of the South African population who simply seek real citizenship in their own country.

The time has come to stop talking and start acting. The message we send today from the U.S. Senate to our President must be clear and our resolve undiluted.

Mr. RIEGLE. Mr. President, Senate action on South Africa is needed now.

Since the Congress addressed this issue 1 year ago, the situation in South Africa has grown steadily worse. The Botha government has stood firm in its refusal to accommodate the legitimate struggle of the black majority for equity and justice. And sadly our own Government has held fast to its irrelevant and ineffective policy of so-called constructive engagement.

Current United States policy is a failure, as we are told by the 23 million black South Africans who are the victims of apartheid. Bishop Desmond Tutu, Rev. Alan Boesak, and others have been clear in their call for the international community to take strong action against the South African Government in an effort to help bring down the system of apartheid and establish a new political order in that country.

The South African Government has responded to United States accommodation by becoming more intransigent. I believe the administration's policy of constructive engagement has damaged long-term United States interests in South Africa and in the remainder of Africa.

It is time for the United States to act decisively. We must take the lead in helping mold a Western-oriented, democratic and pluralistic South Africa. We must not stand by and watch the Afrikaner regime lead the nation and the region into chaos.

President Reagan has said that Americans believe apartheid to be morally wrong, politically unacceptable and that it must be dismantled. He is right, and we must act.

Our Government has a responsibility to translate that belief into a policy which clearly places the United States on the side of the oppressed black majority in South Africa.

As the Eminent Persons Group states in its report:

> The message is clear: apartheid must end. It will end if necessary, through a bloody struggle whose cost in lives may be counted in millions and whose agonies will reverberate in every corner of our multiracial world. But it could end by peaceful means—by a genuine process of negotiation—once white South Africa accepts that the evil system by which it has sustained its dominance must end, and is ready by deeds to bring it about.

We must do all we can to open the eyes of the South African Government to that reality by applying every diplomatic and economic pressure at our means.

The House of Representatives has taken the proper step of adopting strong sanctions legislation and the Senate must now do the same.

SANCTIONS AGAINST SOUTH AFRICA

Mr. TRIBLE. Mr. President, I rise in support of this legislation imposing new sanctions on South Africa. Since the imposition of the President's Executive order last year, there has been a dramatic increase in violence and repression. The South African Government has imposed a state of emergency and more than 12,000 blacks have been arrested and detained.

It is clear that the efforts of Congress and the administration have failed to move the Government of South Africa adequately in the direction of reform. The bill before us is a carefully targeted measure aimed at the South African Government and those in South Africa closely allied with the system of apartheid, and it has broad bipartisan support.

The bill provides for an embargo on products produced by South Africa's state corporations. It terminates the landing rights of South African Airways. And it prohibits United States bank accounts for the South African Government or corporations owned entirely or in large part by the South African regime.

With this bill, we send a powerful message to South Africa—the United States believes that apartheid is morally wrong and politically unacceptable. We also indicate our willingness to be an active participant in the effort to establish a multiracial and free political system.

We do so by linking sanctions to conditions which could permit the modification or termination of economic measures provided for in this bill. The objectives are thus clear. If there is progress, if negotiations begin, if we see a constitutional assembly, then sanctions can be lifted.

The case for action is clear. Diplomacy alone has failed, and economic pressure is our best hope for dismantling apartheid.

Mr. President, the essence of the American experience is the pursuit of

freedom and justice, at home and throughout the world. That is why it is necessary and appropriate for us to take the action contemplated by this legislation.

SANCTIONS AGAINST SOUTH AFRICA

Mr. MOYNIHAN. Mr. President, as we proceed to the adoption of general sanctions against South Africa, it may be useful to recall the extended period of patient insistence on change that has led the Senate to this point.

Section 101 of S. 2701, "The Comprehensive Anti-Apartheid Act of 1986," states that it is the policy of the United States to encourage the release of "Nelson Mandela, Govan Mbeki, Walter Sisulu, black trade union leaders, and all political prisoners. * * *" Section 313 sets forth the conditions under which the sanctions imposed under the bill would be terminated. Prominent among these is the release of "political prisoners and Nelson Mandela from prison."

The United States has been insisting on as much for over a decade.

In 1975, at the time I had the honor to serve as the U.S. Permanent Representative to the United Nations, President Ford directed that the United States support a General Assembly resolution entitled "Solidarity with the South African Political Prisoners." This resolution condemned "the ruthless repression by the racist South African regime * * *," expressed "solidarity with all South Africans struggling against apartheid * * *," and called upon the South African regime to grant an unconditional amnesty to all persons imprisoned or restricted for their opposition to apartheid or acts arising from such opposition, as well as to political refugees from South Africa, and to repeal all repressive laws and regulations restricting the right of the people to strive for an end to the apartheid system.

The resolution passed the Special Political Committee by consensus on October 20 of that year. Three days later, speaking on behalf of the U.S. Government before that committee concerning apartheid, the late and beloved Clarence M. Mitchell, Jr., the public member of our delegation to the 30th Assembly, and a historic figure in the American civil rights movement, said:

> The U.S. deplores the detention of persons whose only act is outspoken opposition to the system of apartheid. The South African Government is courting disaster when such repressive measures have the effect of closing off all avenues for peaceful change.

In response, then Prime Minister Vorster of South Africa called the first sentence of this statement a downright lie. He also called for the name of just one individual in South Africa who was arrested and detained only because of his outspoken opposition to apartheid.

Mr. President, the United States could not let such a charge go unanswered. And so we immediately commenced to document what we knew to be true. We prepared, in effect, a bill of particulars.

I should note, Mr. President, that the United States had a larger purpose than merely responding to Mr. Vorster's charge. The plain fact was that half or more of the nations who sponsored the General Assembly resolution, calling for amnesty for political prisoners in South Africa, were either police states or totalitarian states—need I name them?—with political prisoners in their own jails and gulags.

Now President Ford always understood that we could not stand apart, no matter how noxious the company we would be keeping. Our solution was to be specific about names and places, in the manner a constitutional government need not fear—the totalitarians did not dare begin such a practice—but also to point out that not all was lost in South Africa, that the rudiment of constitutional government still existed and needed to be supported by the West, not abandoned.

Another solution was to introduce in the Special Political Committee a draft resolution entitled "Amnesty for political prisoners." That resolution appealed to "all governments to proclaim an unconditional amnesty by releasing all political prisoners. * * *" Not surprisingly, we were not successful in having this resoluton adopted—and in fact withdrew it, on November 21.

In any event, we prepared a lawyer-like presentation of the case, in the tradition of a "Brandeis Brief"—a term we used at the time. There may have been political prisoners in South Africa: But they no longer would be unknown political prisoners.

On November 28, Mr. Mitchell addressed the Assembly at length with respect to violations of civil liberties in South Africa. He named prisoners, specified dates, cited statutes, quoted judges, described sentences, identified jails. He presented a list of persons under banning orders as published in the South African Government Gazette on July 11, 1975. The U.N.'s Department of Political and Security Council Affairs' Unit on Apartheid had issued a report that month providing details on those individuals listed in the Gazette.

And later that day, the General Assembly adopted the draft resolution on Solidarity with the South African Political Prisoners unamended and without objection as General Assembly Resolution 3411 (B).

President Carter continued the U.S. policy of condemning South Africa's imprisonment of political opponents. When the South African Government carried out a major crackdown against such opponents on October 19, 1977, arresting or banning dozens of opposition leaders, President Carter declared that the action was deplorable and that "We look upon * * * apartheid as completely contrary to the principles that Americans have always espoused."

Mr. President, since coming to the Senate I have continued to speak out against apartheid—and have sponsored legislation to combat it. I was an original cosponsor of S. 635, "The Anti-Apartheid Act of 1985," and supported S. 995, "The Anti-Apartheid Action Act of 1985," which was approved by the Senate on July 11, 1985. To provide a further spur to change in South Africa, that act—S. 995—stated that it would be U.S. policy to impose additional economic and political sanctions against the Government of South Africa within 12 months, if significant progress had not been made toward ending apartheid.

Unfortunately, such progress has not been forthcoming. Apartheid continues to guide the racist and increasingly repressive policies of South Africa. Any hope we might have had that South Africa's legal system could provide some protection and serve as an instrument for good seems to have been extinguished with the South African Government's declaration of a state of emergency on June 12, 1986.

Although the South African Government refuses to disclose how many people are being detained without trial under this emergency decree, independent estimates cited in the New York Times of August 12, 1986, put the figure as high as 10,000.

The South African Government has been particularly vigorous in detaining labor leaders and union members, because the South African labor movement has been at the forefront of the struggle against apartheid. According to reports in the New York Times of July 1 and July 25, 1986, 2,700 labor unionists have been taken into custody during the current state of emergency, including Elijah Barayi, president of the 500,000-member Congress of South African Trade Unions. And when Lane Kirkland, president of the AFL-CIO, led an international delegation of labor leaders to South Africa last month, that delegation heard grim accounts of brutal beatings and torture inflicted on detained black trade union leaders.

The Government has also done its best to stifle reporting of these measures by seizing publications, detaining reporters, and censoring news accounts of the Government's repression.

Now I know, Mr. President, that on August 11, 1986, the Supreme Court of Natal Province, South Africa, ruled that the emergency rule on detention was invalid because South African President P.W. Botha had exceeded

the powers available to him under a 1953 law permitting the President to order a state of emergency. And the emergency decree's censorship rules are also being challenged in the Natal court.

But my colleagues should know that on July 28, the Grahamstown Regional Supreme Court had already declared illegal the authority of regional police commissioners to issue orders under the emergency decree. And on August 1, 1986, President Botha simply amended the emergency decree to restore those police powers.

It is precisely this erosion of the rule of law in South Africa that is so disturbing. Recognizing the damage done to civil liberties and human rights under the emergency decree, Freedom House President John W. Riehm sent a cable to President Botha urging that the state of emergency be lifted immediately. In Freedom House's January 1986 Comparative Survey of Freedom, South Africa is classified as "Partly Free"—although at the lower end of the category. But in the August 1986 Freedom Monitor, Freedom House stated that "South Africa is de facto 'Not Free.' "

The United States Catholic Conference has issued a clarion call for responding to this repression. On July 30, 1986, Msgr. Daniel F. Hoye sent a letter to all Members of the Senate describing the conference's position. Monsignor Hoye wrote:

> The repressive measures recently imposed by the South African government under the guise of a State of Emergency are an additional intolerable affront to the dignity of all South African people and to the common opinion of humankind. the minority government's willingness to resort to further restrictions in order to maintain its control only serves to highlight the necessity of quick, effective action by the international community.

And Monsignor Hoye stated that such action must include strong economic sanctions, targeted against the South African regime in order to promote peaceful change.

The National Council of Churches, made up of the major Protestant and Orthodox denominations, has also endorsed sanctions as the last avenue for peaceful change in South Africa.

Of course, to impose sanctions would not be without costs. Helen Suzman—a courageous and perceptive leader of the South African opposition to apartheid—has pointed out that if sanctions are adopted, black workers would lose jobs and suffer economically along with the rest of the South African populace.

And Mrs. Suzman has emphasized that those workers, organized in trade unions and committed to conducting strikes and consumer boycotts to promote change, could provide a powerful force for resolving issues such a political power sharing.

But black labor leaders themselves support sanctions against the South African Government. Elija Barayi, president of the Congress of South African Trade Unions, said in December 1986 that his organization "is in full support of divestment."

Even those unions most directly affected by sanctions already imposed are strongly in favor of such measures. Owing to an embargo on South African coal imposed this year by Denmark and France, and a growing reluctance by other countries to buy coal from that country, projected exports for 1986 have fallen 17 percent below last year's level. Yet the leader of the National Union of Mineworkers, Cyril Ramaphosa, endorses further international sanctions to combat apartheid, noting that miners are paid starvation wages under the current regime.

And if those who would pay the heaviest price for sanctions have the courage to call for such measures—believing, as Bishop Tutu has said, that sanctions are the "last nonviolent option left"—we should heed that call.

Moreover, as I said on December 9, 1984, "its not just what the people think in South Africa that matters. It's what they think in the world. They're looking to us. We are the most successful multi-ethnic, multiracial nation on Earth. We demonstrate that what most countries can't do can in fact be done. We show what South Africa could do."

Mr. President, I ask unanimous consent that the full text of Clarence Mitchell's statement of November 28, 1975, including the list of persons under banning orders, be printed in the RECORD so that it might be more generally available.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT BY CLARENCE M. MITCHELL, JR., U.S. REPRESENTATIVE, IN PLENARY, ON CIVIL RIGHTS IN SOUTH AFRICA, NOVEMBER 28, 1975

The United States Delegation has voted in Plenary as it did in the Special Political Committee on the resolutions before us relating to the discussion of the "Policies of Apartheid of the Government of South Africa".

On October 23, 1975, when speaking on behalf of my Government before the Special Political Committee on the subject of apartheid, I made the following statement:

"The U.S. deplores the detention of persons whose only act is outspoken opposition to the system of apartheid. The South African Government is courting disaster when such repressive measures have the effect of closing off all avenues for peaceful change."

Prime Minister Vorster of South Africa has called the first sentence of that quoted portion of my speech a "downright lie." He has also called for the name of just one individual in South Africa who was arrested and detained only because of his outspoken opposition to apartheid.

If the Prime Minister wants to establish credibility at the U.N. on the matter of repressive laws and policies in his country, he cannot do so by trying to narrow the issue to one point or by calling for the name of one victim. He would be better off if he could give positive assurance that his Government will stop making arrests and holding persons on vague charges. His indignation would seem more plausible if he accompanied it with an announcement of full equality under the laws of his country for all South Africans without regard to race or color.

One useful opportunity emerges from the heated response of the Prime Minister. At last he has shown that he is paying attention to the much deserved criticism being voiced against the racial politics and policies of South Africa. Some of the members of the U.S. Delegation to the U.N. have made extensive studies of South African racial policies and the method of enforcing those policies. Congressman Donald M. Fraser, who is a member of the U.S. Delegation to the U.N. and also a member of the Committee on International Relations in the U.S. House of Representatives, has been and continues to be particularly interested in Africa. But I wish to emphasize that in making this statement I am speaking for the United States and on behalf of the entire United States Delegation.

First, I want to point out that the South African Government has the forms, but for over 80% of its people, it has little of the substance of democracy. To understand this one should consider this brief comment. South Africa is governed by a white minority which runs the affairs of the nation through an all-white Parliament chosen by an all-white electorate. In that Parliament, the Nationalist Party, dedicated to apartheid or separate development, has enjoyed a decisive majority since 1948. In 27 years, it has introduced a system of police and administrative control of the black, colored and Asian people who constitutes 83% of the population. Government controls have eliminated these people's political organizations and cut off the growth of new political organizations representative of what the Nationalists euphemistically label the non-European or non-white people. Indeed, the majority party of South Africa's white minority has made these people political nonpersons by forbidding even their participation in the affairs of the white political parties. They are permitted political activity only in tightly circumscribed segregated bodies existing on sufferance of the white South African Parliament.

In 1948, when the Nationalists came to power, the Constitution entrenched only a limited privilege of vote for the colored and equality of the English and Afrikaans languages. A little over a decade later, the Nationalists deprived the colored of the vote, and today only the two white languages enjoy Constitutional protection. Thus the judiciary has no Constitutional basis on which to protect the individual against violation of internationally recognized human rights such as freedom of movement, freedom of expression, freedom from arbitrary arrest and detention and, it goes without saying, freedom from discrimination on the basis of race or color. Moreover, although its supporters say it enjoy a fine old tradition of independence and integrity, the judiciary has been repeatedly frustrated in the exercise of that tradition. Judgments giving the benefit of the doubt to liberty and freedom have been overruled by express legislative amendment. The judiciary itself has also changed with new appointments under the Nationalists.

In any society it is possible for law enforcement agencies to pervert just laws by using them for repressive purposes. Being aware of that possibility, my own country has established safeguards in our constitution and laws to guard against acts which officials might use to deprive persons of their rights. While I do not pretend to say we are perfect in that respect, I am pleased to say that these important laws exist and are enforced and I am proud that I have played a part in getting some of these laws enacted.

In South Africa the laws are written to repress and stifle free expression or lawful activity to change such statutes. Thus, while there is abundant evidence of repressive acts by those who enforce the law in the country, it must be remembered that what these officials do is sanctioned by law instead of being prohibited. For that reason it is important that some statement be made about the nature of South African laws and the policies that implement those laws.

The South African system of detention and repression is built into the legal structure itself. There is a system of political laws, which are designed to stifle and intimidate political opposition, laws which make criminal, acts which are not criminal in any free society. Indeed, certain acts which form the rough give-and-take that is the life blood of democracy are considered criminal in South Africa.

The statutes employed to stifle opposition to South Africa's racial policy are numerous: these include the so-called "Suppression of Communism Act," the so-called "Terrorism Act," the Bantu Administration Act, the Unlawful Organizations Act, the Public Safety Act, the Criminal Law Amendment Act, the Riotous Assemblies Act, the General Law Amendment Act (No. 76 of 1962) Section 21 (a.k.a. the Sabotage Act), the General Law Amendment Act (No. 37 of 1963) Section 17 (a.k.a. the 90-day law), the Criminal Procedure Act (No. 56 of 1955) Section 215 bis (a.k.a. the 180-day law), the General Law Amendment Act (No. 62 of 1966) Section 22 (a detention law for Namibia).

Consider the so-called "Suppression of Communism Act." This Act, together with its complement, the Unlawful Organizations Act, is one of the most important elements employed by the South African Government to limit individual opposition to apartheid and to destroy political organizations which oppose apartheid. It seeks to conceal its real nature by drawing on the emotional responses attached to the term "Communist."

The Act starts out by declaring the South African Communist Party to be an unlawful organization. It then authorizes the State President to declare unlawful, organizations other than the Communist Party, if he is satisfied that the organization engages in activities which are calculated to further the achievement of any of the objectives referred to in the statute's definition of communism. The definition includes any doctrine or scheme "which aims at bringing about political industrial, social or economic change within the republic by the promotion of disturbance or disorder." Thus all that is necessary for a political organization to be declared illegal is that the State President is satisfied that it aims at bringing about change through disorder or disturbance. No definition of "disturbance or disorder" is given. Because no definition exists, the police have full discretion. As a result, passive resistance campaigns and sit-ins can and have been treated as disturbances and thus "Communistic."

It should be noted that no judicial process is necessary to make the political activity of any organization illegal. All that is necessary is that the State President issue a proclamation. In the case of *South African Defense and Aid Fund vs Minister of Justice*, the Appellate Division held that the organization has no right to be heard at any stage.

Once an organization has been declared illegal, there are far reaching penalties imposed upon it and its members. For the organization, its legal life is ended, and its property vested in a liquidator appointed by the Minister. After debts are paid, any surplus is given to charitable and scientific organizations designated by the Minister.

When an organization has been declared unlawful, the liquidator may compile a list of persons who were, whether before or after the commencement of the act, office-bearers, officers, members or active supporters of the organization. An individual has only twelve months to institute judicial proceedings to get himself removed from the list. It is up to him to prove that "he neither knew nor could reasonably have been expected to know that the purpose or any of the purposes of the organization were of such a nature or that it was engaged in such activities as might render it liable to be declared an unlawful organization." Thus, purely by administrative action not only the organization but the individual is found guilty and is given the expense of an unpromising attempt to clear himself.

Based upon this listing the individual may be prohibited from joining an organization of any type specified by the Minister. There is a blanket prohibition against belonging to any organization "which in any manner propagates, defends, attacks, criticizes, or discusses . . . any . . . policy of the Government of a state." (Paragraph 2 of Part II of the annexure to Government notice 2130 Supra.)

The Act further restricts the individual's civil liberties by making it a crime to record, reproduce, print, publish or disseminate any statement made by a listed person. A listed person is almost without exception disqualified from practice as an advocate, attorney or notary. It is a criminal offense for a listed person to change his residence without giving notice to the police. He is disqualified from holding various elective offices and commits a criminal offense if he accepts nomination for election.

Thus, in a variety of ways, a net of new criminal offenses is thrown around the individual. Without trial he is precluded from participating in political life.

The Act does more than create new political crimes and treat individuals unjustly. It serves the general and more basic purpose of discouraging as both dangerous and futile all political criticism of the system.

The system of apartheid includes not only this system of political repression; it includes as one of its elements a system of detention. Detention is so thoroughly a part of South African life that it is impossible to imagine apartheid without it. In my original statement, I spoke of the detention of opponents of apartheid, but there is an even more basic form of detention which is at the heart of the apartheid system. It requires no act and is not conditional on any belief. It applies to South Africans who are Black because they are Black. It is carried out through the operation of the notorious "Pass Laws" which restrict the freedom of movement of Black South Africans. They require that every Black South African carry at all times a pass which specifies the one place in white South Africa where the Black is allowed to be, to remain, to reside and to work. Failure to carry the pass, or contravention of the term of the pass, is a criminal offense. It is as though one was restricted forever to a specific place merely because one had been born there. Even married couples from different areas are not permitted to live together without special permission.

The Pass Laws aside, there are several different forms of detention in South Africa and these result in various classes of detainees. That are:

1. Those who are under banning orders including house arrest.

2. Those who are being detained without charges.

3. Those who have been charged, and are either awaiting trial or serving sentences.

Banning orders are issued under the so-called "Suppression of Communism Act." They vary in form and degree. The most severe are those which include 24-hour house arrest. They may be less severe and permit movement within a particular neighborhood or district. They restrict the person from attending any gathering of more than 2 persons—whether of a political or purely social nature. They may further restrict his right to engage in various occupations. They often result in loss of employment. As we have seen, banning orders are imposed without trial. Their intent is to restrict the freedom of movement and political participation of individuals who are political opponents of the regime. They are given to people against whom the Government can prove no offense as well as to those political prinsoners who have been convicted and have completed serving their sentences. Violation of these orders itself constitutes a crime which may result in imprisonment.

A typical banning order starts with these words: "Whereas I, ————, the Minister of Justice, am satisfied that you engage in activities which are furthering or may further the achievement of the objects of Communism, I hereby . . . prohibit you . . . from . . ." What follows is a long list of prohibitions which force the individual to choose between abstention from all political activity or violation of South African law. Let me make clear at this point that in criticizing the arbitrary use of banning orders, I am not conveying support for any ideology but rather—pointing out how opponents of apartheid have their basic freedoms abridged without due process of law.

The most recent information published in the South African Government Gazette lists banned persons. Their names follow. (See attached) I will not read them aloud but they are included in the printed text. My source is from the Gazette of July 11, 1975.

The second category of detainees are those that are actually held by government authorities but not charged with any offense. Most of these detainees are held under Section (6) of the Terrorism Act.

Section (6) of the Act provides for indefinite detention incommunicado of persons believed to be terrorists or to have information about terrorism.

Terrorism is defined in the Act in terms broad enough to include as terrorist acts any of a variety of peaceful protests against state policy. Thus, Section 2(2) states that if it is prove that the accused committed an act which had or was likely to have results such as the obstruction of traffic, the hindrance of administration of the affairs of

the state or "to cause, encourage or further feelings of hostility between white and other inhabitants of the Republic," then the accused shall be presumed to have committed "such act with intent to endanger the maintenance of law and order in the Republic, unless it is proved beyond a reasonable doubt that he did not intend any of the results aforesaid." Section 2(1) makes any such act committed with intent a "terroristic act." Thus, acts ranging from writing poetry about the suffering of Blacks under apartheid, to engaging in a hunger strike, or a peaceful sit-in may constitute terrorism.

If one is believed to have information about such acts of so-called "terrorism," Section (6) not only provides for unlimited detention, it specifies that the person may be arrested without a warrant and then explicitly states that " no court of law shall pronounce upon the validity of any action taken under this Section, or order the release of any detainee."

Finally, and this may explain Mr. Vorster's challenge to name names, Section 6(6) states that: "No person, other than the Minister or an officer in the service of the state acting in the performance of his official duties, shall have access to any detainee, or shall be entitled to any official information relating to or obtained from any detainee."

It is interesting to note that an exchange between Mrs. Helen Suzman, a member of the House of Assembly of the Republic of South Africa, and the Minister of Police in that country gives enlightening details on how the detention system works. The colloquy is printed in the weekly edition February 8, 1974 of the House of Assembly Debates on pages 34 through 38.

In response to questions, the Minister of Police revealed that during 1973, 69 males and 13 females were arrested and detained under Regulation 19 of Proclamation R. 17 of 1972. These persons were held for periods ranging from 1–92 days. Most were held for periods of 20 to 65 days. Of those held only 27 were charged with any offense. For these the charge was contravention of Regulations 3 and 11 of Proclamation R. 17 of 1972. According to the Minister, 26 of the 27 were convicted.

At another point in the exchange, the Minister gave a racial breakdown on the number of persons detained during the period of March 1, 1973, to December 31, 1973. Of these 49 were white, 16 were Asians, 34 were Coloureds and 117 were what South Africa calls Bantu. These were detained under Section 13 of the Abuse of Dependence-Producing Substances and Rehabilitation Act. The period of detention lasted from 1 day to 113 days with most being held from 5 to 50 days.

The Suzman questioning also revealed that in 1969, 26 persons were detained under the South African Proclamation No. 400 of 1960. Twenty-two of these persons were held for periods ranging from 2 to 125 days and then released without charges. Four were charged after being detained from 56 to 103 days. The record does not show whether any of the four were convicted.

On May 27, 1975 Mrs. Suzman asked the Minister of Police: "whether any persons detained in September 1974 in terms of Section 6 of the Terrorism Act, as a result of investigations in connection with meetings planned in support of the Frelimo Movement of Mozambique, are still in detention under that Section; if so, how many?"

The Minister replied:

"Yes. I am not prepared to disclose this information."

Mrs. Suzman asked: "Whether any of persons detained have been charged; if so (a) with what offenses, (b) when were they so charged; and (c) how many persons were charged with each offense."

The Minister replied:

"Yes.

"(a) Contravention of Section 2 of the Terrorism Act.

"(b) On 31-1-1975.

"(c) 12."

Mrs. Suzman further asked:

"Whether any of them have not been charged and are in detention in terms of other legal provisions; if so (a) how many, and (b) in terms of what legal provisions."

The Minister of Police responded:

"I am not prepared to disclose this information."

This police power still goes unchecked.

On October 23, 1975, the *Rand Daily Mail* commented: "Eight more Terrorism Act arrests during the past week have been reported. Are these all the arrests that have taken place? Why is there this continuing series of arrests? Why are people disappearing for days or up to a year and then being released without trial or explanation? How can anyone having concern for the welfare of our country countenance the official silence?"

With respect to those individuals who have been detained without charge, it is not the responsiblity of the United States to prove that the detainees are innocent of any wrongdoing. On the contrary, we stand behind their right to be presumed innocent.

The situation is only too clear. The South African Government holds these individuals. The South African Government knows their names. It is South African laws which countenance official secrecy. It is South African officials who refuse to divulge this information. It is the South African system which operates under the shroud of secrecy.

After Prime Minister Vorster's statement, the *Cape Times*, a respected South African newspaper, in its lead editorial for November 3, 1975 said that the controversy over my statement:

"Illustrates how indefensible the present system of detention is in South Africa. The fact is that unless Mr. Vorster is prepared to reveal reasons for detentions, he will be unable to answer convincingly the United States Government charge that people are detained whose only act is outspoken opposition to apartheid. To term this a "downright lie" as Mr. Vorster has, might sound impressive for domestic consumption, but it is not really satisfactory."

The editorial concluded:

"For a start, Mr. Vorster should abolish the iniquitous Terrorism Act if he wants to deal effectively with the U.S. charge. The Act provides for indefinite detention incommunicado and without trial, on the mere say-so of a police officer. There are no effective judicial reviews or guarantees. While the system remains on the statute books, charges such as the recent U.S. Delegate's remarks in the U.N. will persist; and they cannot be answered convincingly. South Africa, moreover, will remain in the dubious company of countries which bypass the due process of law as part of the ordinary routine."

There is a third category of detainess: those that have actually been charged with criminal offenses and are either awaiting trial or have been sentenced and are now in prison.

We must examine these cases within the unique South African context.

As we have seen, there exists a series of laws that are designed and are consistently used to stifle political opposition. Individuals may be convicted under these laws for performing acts which would not constitute criminal behavior in a free society. Within this category I include violation of the bans restricting the individuals right to exercise traditional political freedoms, such as writing and speaking on matters of public policy. The so-called "Suppression of Communism Act" makes it a crime to publish anything said or written by a banned person. The Gatherings and Demonstrations Act authorizes the Minister of Justice, at his own discretion, to prohibit demonstrations or meetings, however peaceful and otherwise law abiding, in any area he designates for as long as he designates. Violations of such prohibitions carry criminal penalties.

The Publications Act of 1974—the basic censorship statute of South Arica—makes it a criminal offense to publish books and articles or to show films that are deemed "contrary to the public interest." The list of such banned books includes the works of outstanding African writers and even includes the writings of the late civil rights leader, Dr. Martin Luther King, Jr.

The Customs and Excise Act makes it a crime to bring into the country material which would be unproblematic in a free society.

There are laws restricting strikes, demonstrations and meetings. There include the Bantu Labor Act (No. 48 of 1953), the Suppression of Communism Act, the General Law Further Amendment Act (No. 92 of 1970 Section 15), the Gatherings and Demonstrations Act, the Riotous Assemblies Act (No. 17 of 1956).

In addition there are special laws designed to prevent other forms of peaceful protest. Thus, the Criminal Law Amendment Act (No. 8 of 1953) provides special, harsher penalties for any person who commits any offense, however, minor, "by way of protest" or in a campaign to repeal or modify any law or affect its administration. Instead of the normal penalty originally imposed for the same offense under non-political circumstances, he may be punished by special penalties including fines, imprisonment up to three years and whipping. Section (2) of the same Act makes it an offense to commit any act calculated to cause anyone to commit an offense by way of protest or in support of a protest campaign. Penalties include fines, up to five years in prison and whipping.

In view of the underlying fact that Blacks are not permitted to vote in any of the elections for those officials with the power to eliminate or alter the system of apartheid, one may safely say that any political effort which has any realistic likelihood of mobilizing opposition to the system of apartheid will fall under one or another criminal statute.

This has two consequences for anyone committed to democracy and human rights. First, it means that a distinction must be made between those acts which are only criminal by virtue of this body of repressive legislation and acts which would be criminal in any free society. But secondly, and more to the point, it means that the system of apartheid has made peaceful change not only criminal and thus personally dangerous, it has made it next to impossible. This is the point I was stressing in my October 23rd speech when I stated that the South African Government is courting disaster

when it closes off avenues for peaceful change. No people will forever bear the deprivation of the basic elements of human dignity.

The South African Government continues to employ its legislation to stiffle the opponents of apartheid. At present there is an effort to destroy the unity movement among Blacks. Nine young men are charged with "participation in terroristic activities. As I noted before, we must not be misled by words such as "terroristic activities." Although these young men, if convicted will face sentences ranging from five years imprisonment to execution, the indictment mentions no act of violence, whether against persons or property, that these individuals are even alleged to have committed. Instead, the indictment and accompanying documents contain page after page of essays, plays and poems written by the accused. One of the so-called "terroristic acts" is a call for business interests to disinvest from South Africa.

There are several other cases which merit special attention as illustrations. A shocking example of how far the South African regime is willing to go in detaining persons for their opposition to apartheid is illustrated by the case of Mrs. Winnie M. and 18 other Africans who were detained under the Terrorism Act in May, 1969. In February, 1970 they were acquitted of all charges under the Suppression of Communism Act. After the judge left the courtroom, they were immediately surrounded by the security police who, with guns in their hands, placed them under detention once again. After several months of detention, they were re-charged for the very same acts, now under the Terrorism Act.

They were acquitted a second time. Within a few days they were all served with five-year banning orders.

Thus, these people were twice found "not guilty" of all charges—even under the loose and repressive provisions of South African law.

An even more shocking example of the way the apartheid system corrupts the entire fabric of South African society is the case of Robert Sobukwe. No other case better illustrates the lengths to which the South African Government will go in its efforts to suppress opposition.

Mr. Sobukwe became the President of the Pan-Africanist Congress in 1959. In March of 1960 he announced a campaign against the "Pass Laws." This campaign involved a refusal to comply with the Pass Laws and peaceful marches to police stations at which time the demonstrators surrendered themselves for arrest. In the instructions to all PAC branches, Mr. Sobukwe stated: "Our people must be taught now and continuously that in this campaign we are going to observe absolute non-violence."

On March 21, 1960, Mr. Sobukwe, accompanied by about fifty supporters, marched to the Orlando Police Station and presented himself for arrest. At the same time similar marches took place in many parts of South Africa. At Sharpeville, the police opened fire on the peaceful demonstrators killing 68 of them.

Mr. Sobukwe was charged with sedition and incitement to riot. He was sentenced to three years in prison. He served this sentence from May 1960 to May 1963. But before his term was up, Prime Minister Vorster, then Minister of Justice, obtained passage of the 1963 General Laws Amendment Act in Parliament. Enacted the day before Sobukwe was to be released, the Act states that the "Minister, may, if he is satisfied that any person serving any sentence of imprisonment" under a variety of acts "is likely to advocate, advise, defend or encourage the achievement of any of the objects of Communism, prohibit such person from absenting himself, after serving such sentence, from any place or area which is or is within a prison."

This clause, widely known as the "Sobukwe Clause" was used only against Mr. Sobukwe. It was extended annually for five years. Mr. Subukwe was detained under it on Robben Island until May 13, 1969. He was then put under banning orders which placed him under partial house arrest and restricted him to the Kimberly Municipality. These same banning orders further prohibited Mr. Sobukwe from various forms of political expression including the preparation of any "book, pamphlet, record, list, placard, poster, drawing, photograph, or picture . . . in which . . . any form of state or any principle or policy of the Government of a state is propagated, defended, attacked, criticized, discussed, or referred to."

On May 23, 1970, Mr. Sobukwe applied for an exit permit. Departure from South Africa on an exit permit involves loss of citizenship and prohibition against return to the country. He was granted the permit on March 1, 1971. However, as his banning orders restricted him to Kimberly, he was not allowed to leave. Unbelievably, the courts of South Africa have upheld this refusal to allow him to leave. At present he still resides in the Kimberly area, although his wife and children are in the United States and he has been offered a teaching position at an American university. He is still under banning orders.

In summation, the basic facts about human rights in South Africa are clear and may be stated in two propositions:

First, the majority of South Africans live under an oppressive government which deprives them of their basic human rights; and

Second, the South African system of laws is designed and administered so as to prevent that majority from taking effective action to alter this condition of fundamental deprivation.

If the South African Government has any difficulty in accepting these two propositions, then let me extend the following challenge to them:

Allow the Human Rights Commission or any commission of internationally known and respected jurists to conduct a full examination to determine the truth of these two propositions. Allow them access to your prisons, to your detention centers. Allow them to take testimony from the people within your control. Allow them to make a full inquiry, and then let the world know the truth?

LIST OF PERSONS UNDER BANNING ORDERS AS PUBLISHED IN SOUTH AFRICAN GOVERNMENT GAZETTE, JULY 11, 1975

A. Blankes/Whites:
Aitchison, John Jacques William.
Arenstein, Jacqueline.
Arenstein, Rowley Israel.
Cheadle, Michael Halton.
Curtis, Neville Wilson.
Davis, David Kennelly.
De Beer, David Edmond.
Desmond, Patrick Anthony.
Ensor, Margaret Paula.
Hayes, Stephen Thromp Wynn.
Hemson, Christopher David Law.
Heyman, Isaac.
Hirson, Bertram Martin.
Keegan, Clive William Arthur.
Lapinsky, (nee Barsel), Sheila.
Le Roux, Phillipe Anthony David.
Moore, Basil Scott.
Pretorius, Paul Joseph.
Schermbrucker, Ivan Frederick.
Schermbrucker, Leslie Erica.
Strachan, Robert Harold Lundie.
Tarshish, Jack David.
Turner, Richard Albert David.
Weinberg, Eli.
Weinberg, Violet May.
Wood, Donald James Christopher.
B. Nie-Blankes/Non-Whites:
Alexander, Neville Edward.
Asvat, Mohamed Farouk.
Balfour, Mabel.
Baqwa, Dumo Jeffrey Martin.
Bardien, Mogamat Tafie.
Bhana, Mohamed Sulliman.
Bhengu, Moses.
Biko, Steven Bantu.
Bock, William Jacobus.
Buthelezi, Herman Sipho.
Cachalia, Amina.
Cachalia, Yasuf Ahmed.
Charles, Sipo Samuel.
Chetty, Saravanan.
Cooper, Sathasivan alias Saths.
Dangor, Ahmed Ebrahim.
Davis, Don John William.
Davis, Lionel Bazil.
Dhlamini, Martha Litha.
Dhlamini, Stephen.
Diale, Nelson.
Diseko, Mathe Mathews.
Duma, Alfred Maphanga.
Docrat, Abdul Khalek alias Khalik Mohamed.
Ferus, John Marinus alias Hennie.
Gwentshe, Mzinikulu.
Gqola, Frederick.
Gwabeni, Joel.
Gwala, Temba Harry.
Hendricks, Gordon Frederick.
Issacs, Henry Eric.
Issel, John James.
Josie, Mervyn Jayaprakash.
Joyi, Twalamfene Gobinambo.
Keke, Zolile Hamilton.
Khoapa, Bennie.
Kobo, Willem Mwali.
Koka, Kgalushe.
Langa, Benjamin Johnson.
Leeuw, Jeremia Baiden.
Mabandla, Lindelwa Mtutuzeli.
Maduna, Mncedisi A-ednego.
Mafuna, James Bokwe.
Magubane, Sexford Peter.
Mahlangu, Mqothwa Lucas.
Mahlawula, Hlengani Jackson.
Mandela, Nomzamo Winnie.
Manisi, alias Mansi, Mparolo Oria.
Maroo, Oupa John.
Mashaba, Tshintsheng Caroline.
Mattera, Donald Francisco.
Mati, Joseph alias Joe.
Maumakwe, Boiki Issac alias Moumakwe.
Mbali, Mehlo Gladwell.
Mbane, Livingstone Russel Jiyana.
Mdhletshe, Gideon Makatamane.
Mkwanazi, Pipi Riot.
Mngoma, Virginia alias Venus alias Thoko.
Modisane, Jerome Leteane.
Moetsi, Mogapi Solomon.
Mokoape, Maitshwe Mchaupe Aubrey.
Mokoditoa, Madibeng Chris.
Mokwebo, George alias David.
Moodley, Mary.
Moodley, Strinivasa Rajoo.
Moodey, Sumboornam (nee Pillay).
Morolong, Joseph Duncan Kgomotsi.
Moseneke, Dikgang Ernest.

Mosikare, Mosimanegape Simon.
Motau, Mankurwana David.
Motau, Patrick Abie.
Mpumlwana, Malusi Mthanjiswa.
Mvemve, Matshetshe Douglas.
Mxenge, Mlungiso Griffiths.
Naidoo, Gonaseelan.
Naidoo, Indris Elathenater.
Naidoo, Moorgiah Dhanabathy.
Naidoo, Phyllis Ruth Vasendha.
Nanabhai, Shriish alias Fakir Jasmath.
Nathaniel, Immanuel Gotlieb alias Machuriri.
Ndabana, Sipho Price.
Ndawonde, David.
Ndhlovu, Jethro Sililo.
Ndou, Samson Ratshivhanda.
Ndyolo, Richard.
Ndzanga, Rita Alita.
Ndzanga, Lawrence Owathi.
Nene, Samson John.
Nengwekhulu, Ranwedsi Harry.
Ngoye, Lillian.
Nhlapo, Frank Fezile.
Nhlapo, Welile Augustine Witness.
Nikelo, Alex.
Njana, Theophulus Vukile.
Nkadimeng, John.
Nobanda, Joseph Chamberlain.
Noel, Victor Reuben.
Nqini, Zola alias Sqonyela.
Ntsoane, Jackson Thibedi.
Ntwasa, Sabelo Stanley.
Nyembe, Gabriel Sondhlo.
Pityana, Nyameko Barney.
Pholoto, Solomon Magalane.
Ramgobin, Ela (nee Gandhi).
Ramgobin, Mawalal.
Ramokgadi, Martin.
Reddi, Soma Lynette.
Sewpersadh, Chanderden.
Shinners, Mark Mabitisi.
Sikakane, Joyce.
Singh, Girja.
Sisulu, Albertina.
Sobukwe, Robert Mangaliso.
Solomon, Marcus Chinsani.
Tsotetso, David.
Van der Heyden, Elizabeth.
Vandeyar, Reggie Pakiry.
Vanqa, Msimelelo Owen.
Wilcox, Alfred Kennith.
Wilcox, Gwendoline Edith.
Willem, Kolisile Stanford
Zikalala, Joseph alias Snuki.

Mrs. HAWKINS. Mr. President, while I view apartheid as morally repugnant, I also feel that we should work within the country to encourage positive change. I disagree with the destructive proposals which have been irresponsibly tossed about, seemingly designed to punish the South African Government. This bill achieves our stated purpose—to express our strong dissatisfaction with a system which violates the human rights of certain individuals.

We have been looking for a responsible policy which addresses those elements we find repulsive in South African policies, but which also addresses the consequences of that policy on the poor and the unemployed. I believe this bill demonstrates our complete unwillingness to stand by advocating this violation of human rights, while indicating our comprehension of the difficulties involved in dismantling the system. The South African Government has progressed in the last year, and I give them credit for recent actions aimed at dismantling apartheid.

We, as Americans, owe the responsible individuals in South Africa our support. When I say responsible, I mean those blacks who want to have a hand in shaping South Africa into a free, democratic society rather than those Communist-backed rebels advocating violent change. We have done all South Africans—and I mean all members of South African society—the greatest service by not imposing sweeping sanctions. We have demonstrated our support for a better South Africa with this bill of limited sanctions.

I hope to see progress made by the South African Government in the next few months in defining a workable solution to their problems. I will continue to support the administration's efforts in aiding the country overall rather than jumping on the political bandwagon with those who look only at the surface of this issue. In closing, Mr. President, I again applaud the efforts of the Foreign Relations Committee and my colleagues for adopting a responsible initiative.

Mr. HARKIN. Mr. President, I rise today in support of legislation imposing sanctions against South Africa, and urge my colleagues to support amendments imposing stronger measures against the apartheid regime in Pretoria.

The time has come for the United States to back up its verbal condemnation of apartheid in South Africa with substantive action. And if President Reagan does not have the moral courage to take that action, then it is the moral imperative of the U.S. Congress to take that stand.

Mr. President, apartheid is a system that reaps profits from the enslavement of others, that denies a person fundamental rights because of the color of his or her skin. This practice of institutionalized racism runs counter to our most basic democratic principles by denying the right of all people to be treated equally under the law.

That apartheid must end is no longer the issue. All of my colleagues share a desire to see democracy established in South Africa. The question which faces us today is what role the United States is to play in South Africa. Will we stand by and accept the status quo by our inaction? Or will we institute strong economic measures to give substance to our rhetoric?

Opponents of sanctions have argued that left alone, the South African Government will eventually phase out apartheid. However, apartheid is an institution and, as our own history shows, social institutions are rarely dismantled in the absence of strong pressure. Would equality under the law be the fact today were it not for the marches and civil disobedience of the civil rights movement in this country?

There is, however, an important distinction between the struggle for racial equality in this country and that going on in South Africa. Despite the upheavals in our society triggered by the civil rights movement, our nations commitment to democracy allowed these actions to be effective. Unfortunately, South Africa's white minority government makes peaceful protest virtually impossible. The state of emergency imposed by the Botha government allows police to jail anyone for up to 2 weeks, close businesses or entire neighborhoods without reason, and exercise complete press censorship.

Opponents of sanctions—including President Reagan—express concern that blacks will be hurt by tough economic sanctions. This a paternalistic attitude which cannot be accepted.

On this point, South African blacks have spoken clearly and loudly in support of sanctions. Nobel Prize winner Desmond Tutu, in fact, has stated: "There is no guarantee that sanctions will topple apartheid, but it is the last nonviolent option left, and it is a risk worth taking."

Furthermore, a majority of South African blacks support sanction. A London Sunday Tims August 1985 poll found 77-percent support for sanctions among urban blacks. The nation's major black political organizations, including the African National Congress, the Pan-Africanist Congress, the United Democratic Front, the Congress of South African Trade Unions, and others, are united in calling for sanctions.

It is not the black majority but the white minority which enforces apartheid that stands to lose the most if apartheid is not abolished and sanctions are imposed.

Because the will of the majority population has been so blatantly ignored by Pretoria, the international community has moved with remarkable unanimity toward imposing economic sanctions to pressure substantive change in South Africa. The British Commonwealth's Eminent Persons Group, representing the 49 commonwealth governments, recently issued a report supporting what they called economic measures, concluding: "There is no guarantee that sanctions will topple apartheid, but it is the last nonviolent option left, and it is a risk worth taking." This group includes many of South Africa's neighboring states, who stand to suffer the most from South Africa's retribution in response to sanctions.

Mr. President, institution of economic sanctions against the South African Government is a risk worth taking not only because of the possibility that they may help hasten the dismantling

of apartheid. The institution of sanctions by the United States is also a moral statement, an affirmation that we as a nation will not be associated with racist policies of South Africa's white minority government.

Sanctions are not only morally correct. They are also in the best long-term political interests of the United States. President Reagan's refusal to follow the lead of the international community in imposing sanctions has led South Africa's blacks and whites to assume the United States tolerates the continuation of apartheid. When the black majority finally takes control of their nation, and there is no doubt they eventually will, does the United States really want to be seen as a defender of apartheid?

Last year, President Reagan reluctantly imposed minor sanctions, but only in response to public pressure and far weaker than those actions urged by Congress. The United States must now join concerned South Africans, the British Commonwealth, and other countries to persuade the South African Government to start dismantling apartheid and begin negotiations with legitimate representatives of the black majority.

We need to help the Pretoria government realize that it cannot sustain white domination indefinitely and that business as usual will only invite greater violence. Strong and effective United States sanctions could open up South African politics, embolden the now impotent moderate white opposition, and signal to the black majority our support for their struggle for freedom and human dignity.

While I support measures stronger than those included in the committee bill and will support amendments to strengthen this bill, I believe that we must take this opportunity to take a moral stand against apartheid.

For 6 years, this administration has pursued a policy of constructive engagement toward the Pretoria regime. The President's characterization of this policy is a misnomer.

There is nothing constructive about the Reagan administration's South Africa policy. It is at best a do-nothing policy. At worst, it is, as the Senator from Delaware, Mr. BIDEN, has stated, a policy of "collusion with evil," a policy which has allied the United States—in the eyes of black South Africans and the international community—with the oppressive and racist apartheid regime.

Tragically, this administration's South Africa policy has betrayed fundamental American values of justice and freedom. The President contends that "quiet diplomacy" and "constructive engagement" can help bring about peaceful change.

But what changes have this policy brought?

The Pretoria government continues its intransigence, intensifying its repressive measures and attempting to play black groups against each other. Peaceful political protest is a crime against the state, and tens of thousands of blacks have been imprisoned for protesting apartheid.

The failure of constructive engagement is apparent to everyone but the administration. It is time that the Congress make clear that the continuation of apartheid is completely unacceptable to the United States.

Gentle persuasion and subtle signals will not resolve the problems in South Africa. As Bishop Tutu stated recently:

> There is no room for neutrality. When you say you are neutral in a situation of injustice and oppression, you have decided to support the status quo. . . . Are you on the side of oppression or liberation? Are you on the side of death or life? Are you on the side of goodness or evil?

If Mr. Reagan is not willing, it is time that the Congress place the United States firmly in support of liberation and in opposition to oppression.

Nearly 25 years ago, President John F. Kennedy warned us that "those who make peaceful change impossible make violent change inevitable."

Today, by adopting the sanctions proposed by the legislation before us, we have the opportunity to save South Africa from the violence that awaits it unless dramatic reforms are taken now.

I pray that it is not too late for the people of South Africa to spare themselves a cataclysm of violence and further bloodshed.

Mr. THURMOND. Mr. President, at the outset of this debate, I expressed my concerns regarding the effectiveness of imposing additional sanctions on South Africa. Despite these misgivings, I also understand the merit of expressing in a unified and constructive manner our national abhorrence for the policies of apartheid.

In order to be constructive, sanctions must avoid unintentional harm to the innocent victims of apartheid. Furthermore, sanctions should not jeopardize our national security.

The bill introduced by Senator LUGAR and favorably reported by the Senate Foreign Relations Committee represented a good faith effort to accommodate these important policies. Accordingly, I stated my willingness to support the Lugar bill as written, and any other amendment which I believed would further these critical policies. However, I also expressed my firm resolve to oppose amendments which would overextend the scope of the Lugar bill or would compromise the defense of our Nation.

When this legislation was introduced, Chairman LUGAR, in his introductory statement, was pleased to report that the sanctions imposed were closely targeted to avoid harm to those not responsible for the apartheid policies of the South African Government. I regret that this statement can no longer be ascribed to this legislation because of various amendments which the Senate has approved.

I am particularly concerned with the extension of sanctions to Namibia. The amended bill equates Namibia with South Africa for the purpose of the imposition of sanctions. This is a prime example of the overly broad imposition of sanctions which can only harm the innocent.

In June 1985, the Republic of South Africa voluntarily and as a result of peaceful negotiations transferred all administrative authority of local self-government to a multiparty conference comprised of duly elected or designated Namibian leaders. These leaders immediately established the Namibian Transitional Government of National Unity and invited all political parties, including the Soviet-backed terrorist group SWAPO, to participate. SWAPO, which is committed to seizing control of Namibia by force, refused and continues to refuse participation in this coalition government.

The Namibian transitional government opposes apartheid in all its forms and has abolished it in Namibia. This pro-Western alternative to SWAPO is governing Namibia according to democratic principles, without apartheid, and is dedicated to achieving peace without violence in Namibia.

Namibia has the largest uranium and diamond mines in the world. If sanctions are imposed on the struggling, democratic transitional government of Namibia, it can only strengthen SWAPO's resolve to overthrow our allies and install a Communist regime. The United States interests in this region could be compromised by a SWAPO government which could totally deny our Nation access to these strategic minerals, block sea routes from the Persian Gulf around the Cape of Good Hope, and restrict supplies of oil and minerals from reaching our NATO partners in Western Europe.

If we are to condemn the human rights violations of the South African Government, we should be consistent in our policy. Specifically, the Soviet Union and its surrogates perpetrate some of the most terrible human rights violations in the world. Accordingly, it is absolutely inconsistent for our Government to impose economic sanctions on our strategic ally, South Africa, and not on the Soviet Union. Despite the logic and equity of this position, the Senate failed to adopt an amendment which would impose the same sanctions on the Soviet Union as would be imposed on South Africa by this legislation.

The Senate has approved other amendments which, I believe, unreasonably broaden the scope of the Lugar bill, and inappropriately grant Congress the power to determine foreign policy. The Kennedy amendment precludes the export of United States oil to South Africa. Based on the economic crisis faced by our domestic oil industry, this does not appear to be a sound extension of the Lugar bill.

In the original bill, the President could suspend or modify sanctions if certain reforms were enacted. Congress could disapprove such action of the President by passing a joint resolution. I have no constitutional problem with Congress being given the opportunity to disapprove a foreign policy decision initiated by the President. However, the amended bill inappropriately shifts the power of foreign policy decisions to Congress. Under the amended bill, Congress must approve the President's actions to terminate or modify sanctions or the President's actions would be considered invalid.

As we prepare to vote on final passage, I repeat my willingness to support the Lugar bill as reported by the Foreign Relations Committee. Unfortunately, during full Senate consideration of this legislation, I believe the Senate has acted to unreasonably extend the provisions of that bill, and has failed to act in a consistent manner in regards to human rights violations. Specifically, it is absolutely wrong to impose sanctions on the democratic transitional government of Namibia which has abolished apartheid and is struggling against the threat of forcefully imposed communism; it is wrong for sanctions to be imposed on South Africa and not on the Soviet Union; it is wrong to unreasonably expand the scope of the Lugar bill by prohibiting domestic oil exports; and it is wrong to shift the power of foreign policy decisions from the President to the Congress.

In view of the concerns which I have expressed in this statement, it would be unwise and improper to support this legislation as amended.

Mr. LAUTENBERG. Mr. President, tonight the Senate is considering far-reaching legislation to impose sanctions on South Africa. This legislation reflects the impatience of the Senate with the intransigence of the South African Government and President Botha's unwillingness to undertake reform of South Africa's political, social or economic system. Our actions tonight express the revulsion Americans feel about apartheid. They are a statement of our commitment to racial and political justice in South Africa. South Africa is the only country in the world which blatantly bases political and civil rights on the color of one's skin.

Mr. President, it is important for the South African Government to know that the administration does not speak for the majority of Americans. And it is important for those struggling for their freedom in South Africa to know that we have not forgotten them. That we are committed to full political and economic rights for all citizens in South Africa. And, that as the most powerful democracy in the world, America is providing moral leadership in the battle against apartheid.

During the historic struggle to secure equal rights for American blacks, the Reverend Martin Luther King wrote from the Birmingham jail, "Injustice anywhere is a threat to justice everywhere." Mr. President, apartheid is the epitome of injustice. Americans must stand against apartheid. And we must do more than talk. We must take those actions available to us to exert pressure on Pretoria and to move away from apartheid.

Mr. President, the situation in South Africa is complex. But, that cannot be an excuse for stepping aside. We must assert America's role of moral leadership. We must align ourselves with those in South Africa who seek a democratic, pluralistic, and nonracial society. And we must not stand silently by as the oppression of the black majority intensifies. This legislation is the right medicine for that ailing country.

The limited sanctions imposed by President Reagan last year have failed to move the South African Government to dismantle apartheid in any meaningful way, or to pursue negotiations for a transition to true democratic rule. The Government has refused to take the steps that I believe would put South Africa on the path to peace instead of war. It has not released Nelson Mandela. It has not restored freedom of political organization. It has not begun a dialog with representatives of the black majority.

Instead, President Botha has chided us for our concern. He has not moved toward discussions with representatives of the black majority unless they agree to his conditions. As the Botha government digs in its heels, the situation continues to deteriorate. The South African Government's response to rising opposition and escalating civil unrest in the townships has been a ruthless campaign to crush all dissent. Brutality against blacks has increased.

The Government has imprisoned thousands of legitimate voices of opposition, including trade union leaders, church and black community leaders, members of the United Democratic Front and other political groups. The state of emergency imposed by the Government has given the security forces the right to use force upon little or no provocation, and granted them other sweeping powers.

Children and young people in the townships are moving into a leadership role as the forces of protest grow. They are becoming apartheid's youngest victims. The Lawyer's Committee on Human Rights reports of torture and murder of South African's young blacks. The prospect exists for a generation of South African children to grow up knowing nothing but the daily violence of a white regime, and the bleakest prospects for their future.

Unprecedented censorship has pulled a curtain over the world's eyes, but it does not blind us to the reality that is South Africa today.

In light of the worsening situation in South Africa, it is time for clear, unequivocal action. The black majority will not wait any longer. Many in South Africa believe that America, with its policy of constructive engagement, is actively supporting a regime that denies the most fundamental of human and civil rights. Bishop Desmond Tutu expressed this view clearly when he said, "We will not forget where the American administration stood at a time when we needed them desperately."

Mr. President, South Africa is hurtling down a road that leads only toward violent, bloody conflict, at an ever-quickening pace. She is at a critical point in her history. She can continue to choose confrontation and violence. Or she can take the path of political negotiations for a fair society. The United States has an obligation to play a role in this debate. To exert whatever pressures might move South Africa to choose the path of negotiation.

Speaking to the court of world opinion, Bishop Tutu said:

> I have no hope of real change from the South African Government unless they are forced. We face a catastrophe in this land, and only the action of the international community, by applying pressure, can save us • • • I call upon the international community to apply punitive sanctions against this government—to help us to establish a new South Africa—nonracial, participatory, and just.

And the report of the Eminent Persons Group concluded:

> It is not whether such measures will compel change; it is already the case that their absence, and Pretoria's belief that they need not be feared, defers change.

Mr. President, black leaders and organizations in South Africa have endorsed tough economic sanctions. Urban blacks who have perhaps the most at stake, support sanctions. So do neighboring black states which depend on South Africa. All of the so-called front line states—Zambia, Zimbabwe, Tanzania, Mozambique, Angola, and Botswana have called for mandatory, comprehensive sanctions.

Mr. President, if our country's commitment to equality means anything, we must act forcefully against apart-

heid. And we must do it now. I urge adoption of the bill.

Mr. MURKOWSKI. Mr. President, it is important to understand exactly how the strategic minerals provisions of S. 2701 would work. They do not mandate that we ban the importation of strategic minerals from South Africa. Rather, an embargo on strategic materials is one of the alternative sanctions from which the President may choose after a careful study of our dependence on South Africa for those materials.

This bill requires the President to assess the apartheid situation in South Africa 12 months after enactment of the bill. If he determines that there has not been significant progress by the South African Government in ending apartheid, he shall recommend additional sanctions from a list contained in the bill.

During markup, I amended S. 2701 to add the prohibition on the importation of South African strategic minerals to the list of sanctions available to the President.

The President is also required to report to Congress within 90 days after passage of the bill on the extent of our dependency on strategic and critical minerals from South Africa. The conclusions in the report will serve as the basis for the President's decision, 12 months from enactment, to impose an embargo on strategic minerals as an additional sanction or not.

Mr. President, I want to emphasize, this bill does not require the President to ban the importation of strategic minerals from South Africa. It does, however, require him to seriously study the extent of this Nation's dependency on these minerals.

The combination of these two provisions—the requirement to study our dependence on South African strategic minerals and the addition of strategic minerals on the list of available sanctions—indicates Congress' unmistakable intent that we become less dependent on strategic minerals from South Africa.

Mr. President, my amendment on strategic minerals was offered in the Foreign Relations Committee for the sake of consistency. It was offered to close a major loophole in the sanctions bill. A loophole which excluded strategic minerals from the list of items to be embargoed.

The objective of sanctions is to bring an end to apartheid. We find apartheid reprehensible and are willing to impose economic sanctions to force the South African Government to change its policies respecting this situation.

Yet, without my amendment, this bill imposed embargoes only on commodities that we really did not need. In other words, we were willing to impose sanctions as long as it did not affect our own self-interests.

Mr. President, I find that situation to be very hypocritical and as morally reprehensible as apartheid.

As was so eloquently stated by Dr. John Silber, president of Boston University, in his statement before the Foreign Relations Committee, excluding strategic minerals from the list of sanctioned items "elevates hypocrisy to the level of national policy."

There simply can be no excuse for prohibiting the importation of all the South African goods mentioned in the bill except for strategic minerals. If it is to be our policy to end apartheid through economic sanctions, then we should be willing to stick to our principles whether to do so affects our interests or not.

Mr. President, there is a second very important reason for including strategic minerals in the South Africa sanctions bill. That is to focus national attention to the deplorable state of our domestic policy with regard to strategic and critical minerals.

While the President may ultimately decide not to embargo strategic minerals from South Africa, there is no guarantee that South Africa will continue to supply those minerals to the United States.

What is South Africa's most effective "counter sanction" to our sanctions? The answer is obvious. To end or substantially curtail the shipment of certain strategic minerals to the United States. If pushed to an extreme, the South African Government may decide it has nothing to lose but to engage in an international game of chicken—believing that we would be the first to blink.

And we may well be the first to blink. Why? Because we have allowed ourselves to become totally dependent upon foreign sources—primarily South Africa—for many of the minerals and materials that are essential to the functioning of our society. And the only other source for many of these commodities is the Soviet Union.

We have elected to buy these materials from cheap foreign sources rather than to develop our own reserves. At the same time, we have neglected our national defense stockpile to the point where it is virtually useless. The result is that we are at the mercy of either the South Africans or the Soviets.

In my opinion, that is not an enviable position to be in.

My amendment sends a clear signal that Congress is ready to prohibit the importation of strategic minerals from South Africa if significant strides are not made toward the elimination of apartheid within 12 months. When taken in conjunction with another provision of the bill that directs the President to develop a program to reduce our dependence on South African minerals, the message to the President is unequivocal—give our domestic strategic minerals policy a very high priority.

Mr. President, I ask unanimous consent that a table on strategic minerals be entered in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

STRATEGIC MINERALS FACTS AND FIGURES

Minerals most critical to U.S. security

Chromium: 55 percent of U.S. consumption from S.A.

Cobalt: 61 percent of U.S. consumption from S.A.

Manganese: 39 percent of U.S. consumption from S.A.

Platinum: 49 percent of U.S. consumption from S.A.

Alaska reserves of "critical four"

Chromium: Up to 4.5 million tons recoverable reserves—approx. 6 years total U.S. consumption

Cobalt: 18 percent of U.S. reserve base.

Manganese: Significant reserves, extent as yet unevaluated.

Platinum: 50 percent of U.S. recoverable reserves.

Other minerals and materials with U.S. dependence

Industrial diamonds: 67 percent of U.S. consumption from S.A.

Gold: 13 percent of U.S. consumption from S.A.

Vanadium: 54 percent of U.S. consumption from S.A.

Uranium: 24 percent of U.S. consumption from S.A.

Other strategic minerals found in Alaska

Antimony, Asbestos, Fluorite, Graphite, Hafnium, Iron, Mercury, Mica, Nickel, Niobium, Tantalum, Tin, Titanium, Tungsten, and Uranium.

Mr. MATTINGLY. Mr. President, I rise to urge my colleagues to support the enactment of sanctions against the Government of South Africa.

In the history of mankind, there is no evil more repugnant, more pernicious that that of racism. Countless men, women, and children have been murdered, enslaved, and deprived of basic human rights because of the color of their skin. We have struggled against the curse of racism in our own country. It was only after a bloody war that our own Nation managed to end slavery. It has been a longer battle to bring about the enactment of laws that guarantee all Americans equal justice and freedom. We have been down this road ourselves. We know the evils of state-sanctioned racism.

The goal of this legislation and of this Senate is to bring about reform in the apartheid Government of South Africa before it is too late. The Government of South Africa is on a one-way street to civil war. It would be a long and bloody war. But ultimately, there can be but one outcome. The Government of South Africa is traveling against the flow of history. Unless it changes direction, it will be swept aside and destroyed along with the

lives of many of its citizens, black and white.

Now there are those who say why should we care about what is happening in this country so far from our own shores. They ask why should we meddle in this affair.

The answer is simple to me. We should care about the oppressed people of South Africa just as we care about the people of Afghanistan or the people of Nicaragua. I cannot apply a different standard to South Africa than the one I apply to the Sandinistas.

The argument is made that the Government of South Africa is anti-Communist. Now, Mr. President there is no one in this body who is more anti-Communist than this Senator. My record is clear on that subject.

But there comes a time when being anti-Communist is not enough. It certainly does not excuse the oppression routinely practiced by South Africa. It is simply not enough. Furthermore, we should not send a signal to the world that no matter how terrible a government may be to its own people, we will close our eyes to its wrongs as long as it professes to be anti-Communist. The virtue of anticommunism will not wash away all sins.

Therefore, Mr. President, I supported sanctions legislation last year. When the administration issued executive sanctions due to congressional pressure, I thought it was proper to hold off action for a few months in order to give those sanctions a chance to work. While initially there did seem to be some progress, more recent events have canceled that hope. The case is clear now. Nothing can be gained by further delay.

While this legislation alone will not force reform in South Africa, it will put the United States on record, in the strongest possible terms, as opposing apartheid. I urge my colleagues to vote for this legislation.

Mr. KASTEN. Mr. President, in a few moments the United States Senate will decide whether or not to impose sanctions on the Government of South Africa and its people.

Last September, we voted for sanctions in the hope that our efforts would facilitate change. However, since September, unrest has only escalated. More South Africans have died and many others detained without charge.

The reality of South Africa demands our attention and requires our condemnation.

Yes, the laws are changing. However, they are not changing quickly enough. While in this country we made radical changes to end segregational policies over 20 years ago, we still witness instances of blatant, racial discrimination in the United States. The point is that these kind of changes take time. And the South African Government must start now if real, institutional changes are to be made anytime in the near future.

We all agree that apartheid is deplorable, that it is abhorrent. But simply agreeing on this fact is not enough. We must make it clear to the South African Government that this policy must be abolished, and that real movement toward an egalitarian society must be made, and made now.

Mr. CHAFEE. Mr. President, I support the legislation before us, and commend the committee on the fine work it has done. I believe that this Nation has a moral imperative to express in no uncertain terms its opposition to the evil of apartheid, and to do everything we can to press for the dismantling of South Africa's institutional racism.

Apartheid is inherently contrary to the fundamentals of American democracy, and indeed, to fundamental principles we share with the other truly democratic nations of the world. As a country that has done a great deal of its own soul searching over racism and civil rights, and as a leader to which others look for guidance, the United States has a duty to show it stands with the black South Africans struggling under apartheid's oppressive grip.

The intransigence of the South African Government is the most obvious obstacle for this legislation. But I am deeply troubled by another, no less important, problem that plagues this and all sanctions legislation: Lack of multilateral cooperation. As past experience demonstrates, sanctions are meaningless if other countries rush in to meet the needs created by the sanctions. Recall, for example, the United States grain embargo against the Soviet Union, prompted by the latter's 1979 invasion of Afghanistan. Well-intended though it was, this action had absolutely no effect on Soviet policy because it had no effect on Soviet grain supplies. The simple fact is that Argentina jumped into the picture with its abundant supply of surplus grain, and nullified the intended effect of our sanctions.

My colleagues will also remember that in June 1982 President Reagan banned the sale of all energy-related equipment to the Soviet Union by United States companies and their foreign affiliates. This policy, intended to halt construction of the Urengoi pipeline, was our response to the imposition of marshal law in Poland by the Soviet-controlled Jaruzelski regime. These so-called pipeline sanctions were, like the sanctions before us today, well-intended. But once again, our friends left us in the lurch. In this case, the Western European governments ignored our call for unity, and supplied the Soviets with the equipment they needed to build their pipeline.

As I did last year, I will support sanctions in the hope that they will send a message to South Africans and the rest of the world that the United States will not idly tolerate apartheid's tyranny. It is my desire that we be realistic about these sanctions, and make a strong effect to obtain the cooperation of other nations. Unless we implement the measures contained in this legislation as part of a broad, multilateral effort, all of our work and good intentions will be for nought. As with the grain and pipeline embargoes, others will see these sanctions as their opportunity to make a profit. Unless we get them on board in this effort, other countries—countries friendly to the United States—will not hesitate to fill the void created by these sanctions.

The committee's legislation addresses this issue in three ways. First it gives the President authority to negotiate international agreements incorporating sanctions against South Africa. Second it states that countries which take commercial advantage of U.S. sanctions will be considered in violation of section 301 of the Trade Act of 1974, and will be subject to U.S. retaliation. Third, it provides that U.S. firms may bring a private action for damages against any foreign firm that takes commercial advantage of this act.

Although I am skeptical about the effectiveness of the second and third provisions, I am pleased to see that the committee has addressed the issue of multilateral cooperation. I am grateful at the adoption of my amendment stating that the President should instruct the permanent U.S. representative to the United Nations to propose that the U.N. Security Council impose sanctions of the same type as are imposed by this bill.

In my view, the United Nations is the ideal place for the United States to make clear its new policy toward South Africa, and to solicit the cooperation of the rest of the world. Not only does the United Nations offer a convenient place for multilateral cooperation on sanctions, but it is also a forum in which sanctions have been discussed for years.

It may be that the President will not heed this sense-of-the-Senate provision, and will oppose the United States bringing up sanctions in the security council. But it also may be—in fact it is quite likely—that the President will oppose and even veto the entire bill. That is not our concern tonight. We should be concerned with crafting the best, most effective sanctions legislation we can, and I think that means international cooperation.

This bill we pass tonight is clearly not the last we will hear on the subject of sanctions against South Africa. The subject is incredibly complex with

human lives being affected. I do hope that our actions here will not only help to end apartheid but also will bring some reconciliation to the racial tragedy that exists in that country.

Mr. LEVIN. Mr. President, there is a tide to history, a point of no return. We know that. Our own Declaration of Independence recognizes it. That document of faith tells us that at some point "in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the Earth, the separate and equal station to which the laws of nature and nature's God entitle them. * * *"

That time came for us. And in the course of human events, that time is coming for the black majority in South Africa.

There is no way, no way, to turn back the tide in South Africa even if we wanted to. Through political transition or bloody revolution the black majority will achieve their God given rights.

That change is neither debatable nor preventable.

For years we have profited politically and economically and strategically from a friendly Government in Pretoria. And in the years to come we will either continue to profit from a friendly relationship with a new government or we will be punished by a new government which can neither forget nor forgive our unwillingness to help them in their search for freedom.

Our choices are that simple. That clear cut. That pragmatic. That inevitable.

And to me, the choice is easy.

On purely pragmatic grounds, the inevitability of a majority rule mandates that we have a relationship with the inevitable black leadership.

The African continent contains more that a fair share of nations whose current policies—developed in reaction to past abuses—ought to teach us the same lesson.

We cannot always be as lucky as we were in the Philippines. It is not often that a new leader—whose spouse was murdered by a government we supported and aided—will decide to retain an alliance with an American nation that has too often been on the wrong side for too long.

Black rule is inevitable in South Africa. Now is long past time for us to build a relationship with the future rather than trying to prolong the past.

I think that even those who prefer a weaker bill than I do recognize the truth of that argument. Even the President has said that Pretoria must negotiate a new political relationship with the black majority. He recognizes the inevitability—and desirability—of change. And that leads me to my second argument.

If we are serious about being an agent of change and a force for progress in South Africa, then we need to develop an effective strategy for influencing Pretoria. And that, to a large degree, is what this debate is about.

There are those who believe—despite 6 years of failure—that some variation of constructive engagement will be sufficient to promote change. There are those who believe that a little pressure, a small slap on the wrist, will be sufficient to bring the white majority to its senses.

I disagree.

The regime in Pretoria is as unreasonable as it is racist. They feel no shame about their policies, no remorse for their actions. Blacks, they believe, are unworthy and unable to assume a meaningful role in their society let alone their Government.

As a result, they will not be brought to their senses by polite pressure any more than Hitlers course was changed by pleas that he kill a few less Jews or invade a few less nations.

As rhetorical condemnation has risen, Pretoria has responded by declaring a state of emergency and arresting thousands of people; it has responded by bombing terrorist bases in neighboring countries; it has responded by imposing taxes on goods going to Zambia and Zimbabwe.

South Africa is a brutal regime and it will not react to gentle pressures or subtle suggestions or moral scorn. But it may respond to power—the only currency it understands, the only methods it has ever used.

Sanctions are a form of power. Disinvestment is a form of power. And the stronger the power we use, the greater the probability that South Africa will respond. The weaker our actions, the greater the probability of South African intransigence and black incredulity.

But there are those who oppose sanctions because they will harm the black majority. And they will. If sanctions are going to be effective, it is inevitable that blacks will pay a price. But it is a price they are willing to pay. And it is a small price to pay compared to the bill of particulars they have been presented with for so many years.

If sanctions exact a toll on blacks—and they will—then at least we will be able to see it. Their suffering will no longer be confined to small cells hidden in dark prisons or to riot torn townships to which reporters are denied access. And under sanctions, the blacks will not suffer alone—no, not this time. This time the white majority will share the burden and feel the pain too.

And this time the suffering will have a purpose. This time the suffering will be designed to produce change rather than protect the status quo.

Now if someone could come up with a set of surgical sanctions—sanctions which effectively hit the Government and actually spare the population—I would support it. But I have seen no plan.

But let me leave the pragmatic considerations I have been discussing. Because, in the final analysis, there is another argument that has to be made and has to be a compelling consideration in our decision. And that argument involves basic morality.

I began these remarks by quoting from the Declaration of Independence. In that document our Nation—and not just the men who signed it—pledged "our lives, our fortunes, and our sacred honor" to the struggle for freedom.

That struggle did not cease with our revolution nor does it stop at our shores. A half a world away, another people have risen up to demand what should never have been denied them—the right to be treated as human beings, the right to determine their own destiny, the right to be free.

Those are our brothers and sisters over there. My skin may make me look like kin to the South African Government, but my soul tells me to be with the people.

This is not a question of black and white; it isn't even a question of politics or party. It is a question of principle. And I know of no principle—no principle—which requires or allows the United States to form an alliance with a racist regime which uses torture as an instrument of social policy, repression as an instrument of public policy and jail as the reward for political opposition.

Yet that is South Africa. Do we have to see the bodies stacked up yet again before we see injustice? Do we have to hear the accounts of beatings and electric shock yet again before we hear the cries of the oppressed? Do we have to review the Homelands Act? Do we have to see more killings in Soweto, more riots in Crossroads? Has the emergency degree cut off our sensibilities as well as our news?

We have seen this sort of racist policy played out too often. In Germany under the Nazis, in Cambodia under the Khmer Rouge, in too many countries under too many petty dictators. And we have done too little too often.

But in South Africa, to my dismay, we are doing something. We are not at war with the killers. We have not cut off diplomatic relations with the destroyers. No, not here. Here we recognize the state, we deal with the government, we even defend them in the court of world opinion.

Enough already. Enough. It is time to be what we should be: a decent and caring people. Americans have always known enough to know good from evil.

And we know there is evil in South Africa—and there is evil in us if we continue to even implicitly support it.

It is time to act. This bill does not go far enough. But it is a beginning. And it is time that we began to behave toward South Africa in ways which are consistent with the principles of our people and our nature as a nation.

One final comment, Mr. President, not about the policies involved in this South Africa issue but the people. Over the last few days—and the last few nights and mornings as well—I have been struck by how fortunate the members of this body are. No matter how long we work, no matter how much we demand, there are staff people who surround us and seek to satisfy us. Sometimes we aren't as appreciative as we should be for that. But as I look back at this South African debate, I really do need to express my appreciation to my staff.

The principle person to work on this issue for me is Jackie Parker. Jackie has been on the Hill longer than I have and I suspect that she will be here long after I have left. Her advice, her counsel, her knowledge, and her, passionate commitment to changing American policy toward South Africa have influenced my views of this issue. And I'm not the only person who seeks and values her advice: Her peers in both the House and Senate have demonstrated their confidence in her by asking her to serve as the president of the Black Legislative Staff Caucus.

I also want to express my appreciation to my Legislative Director, Chuck Cutolo. As always, Chuck has been willing to do what I ask him to even before he asks for the opportunity to tell me why I ought not do it. His loyalty and skill contributed to my work on this bill and my work throughout this year.

Having said all that, and having risked offending all the other wonderful and talented people on my staff, let me just remind them of an old saying: "nothing is impossible to the person who doesn't have to do it."

Mr. BOSCHWITZ. Mr. President, I would like to draw your attention today to an article that appeared recently in the New York Times magazine which addresses the dilemma of what America should do about the situation in South Africa.

Written by Helen Suzman, an opposition member of the South African Parliament since 1953, the article is an insightful piece which offers thoughtful alternatives to the economic sanctions we are now considering to demonstrate our revulsion for the South African practice of apartheid.

Ms. Suzman's position in the Government, as well as the simple fact that South Africa is her homeland, make her exceptionally well qualified to comment on what is best for South Africa.

I urge all my colleagues to read the article and seriously consider Ms. Suzman's point of view.

The article follows:

[From the New York Times Magazine, Aug. 3, 1986]

WHAT AMERICA SHOULD DO ABOUT SOUTH AFRICA

(By Helen Suzman)

What should the United States do about South Africa? This is a simple question to which there is no simple answer, if there is an answer at all. Of course, if the desire to distance the United States from a morally repugnant system is paramount and if the objective is to punish South Africa for its glaring sins of omission and commission, regardless of the consequences, then sanctions and disinvestment spring readily to mind. And if political expediency is also part of the picture, then calling for economic sanctions must surely be irresistible.

I realized this in November 1984 when I was in the United States and watched on television the landslide victory of Ronald Reagan in the elections. The following morning, I received a call from the New York correspondent of the South African evening newspapers. He asked for my reaction to the election, and I told him I had no doubt that champagne corks were popping in Pretoria. I also said the celebrants were making a great mistake because I believed that the Democrats would seek a rallying cause—and South Africa was going to be it.

I did not need a crystal ball to make that prediction. During visits to the United States over the past seven years, I had observed the buildup of the anti-apartheid campaign in the United States, on campuses in particular. Year after year in the South African Parliament, I had warned that unless the Government began to dismantle apartheid, which is legally sanctioned racial discrimination, and to desist from some of its more abhorrent practices—such as detention without trial and the forced removal of helpless black communities—South Africa would be faced with severe punitive measures. My warnings fell on deaf ears. Events in South Africa throughout 1985 triggered an anti-apartheid explosion in the West.

Day after day, scenes of ugly police brutality, of mass funerals of victims of police shootings in black townships, appeared before horrified American and European television viewers. (Such scenes were not shown on South African television, which is state controlled, although the horrendous black-on-black violence frequently appeared on the screen.) With relentless regularity, newspaper headlines abroad proclaimed the rising death rate, the enormous number of people detained without trial, torture at the hands of the security police, the hordes of children arrested and imprisoned.

By mid-1985, the South African issue had been reduced to a simple equation in the United States: "If you are against sanctions and disinvestment, you must be a racist—Q.E.D." The response was of tidal-wave proportions. In July 1985, Chase Manhattan, followed by other banks, pulled the rug from under South Africa's financial system by refusing to roll over loans; as a result, the value of the rand plummeted. Many colleges and universities divested themselves of stocks in companies doing business in South Africa. Cities and states "cleansed" their pension-fund investments of South African connections.

Last year, unable to withstand the hassle factor at home, fearful of boycotts of their products in the United States and nervous about political and economic instability in South Africa, 28 American companies (according the the American Chamber of Commerce in Johannesburg) withdrew from South Africa. Others have followed suit this year.

In September 1985, hoping to forestall more severe Congressional action, President Reagan, long an opponent of sanctions, signed an executive order that prohibited most new loans to South African businesses. The order also banned the sale of most nuclear-related technology to South Africa and the sale of the Krugerrand, the South African gold coin, in the United States.

Across the Atlantic, the other stalwart opponent of sanctions, Prime Minister Margaret Thatcher of Britain, was experiencing even greater pressures. She was forced to agree to limited measures against Pretoria at the Commonwealth conference in the Bahamas in October 1985. The final report of the Eminent Persons Group—a seven-member mission appointed at the Bahamian conference to conduct an in-depth investigation in South Africa—brought no comfort. The mission originally put forward a "possible negotiating concept" to the South African Government, one calling for steps toward ending apartheid. They included the suspension of violence by both the Government and the African National Congress (A.N.C., the most prominent of exiled groups against apartheid); the release of Nelson Mandela, the black leader who has been in prison for 24 years, and other political prisoners; the removal of the Government's military forces from black townships; the legalization of the A.N.C. and Pan African Congress, another black political organization, and a ban on detention without trial.

Instead of accepting these very reasonable proposals, which have long been advocated by myself and by other opposition politicians in South Africa, the Pretoria regime, as is its wont, embarked on a course of action that could only strengthen the sanctions lobby. Last May, while the commonwealth mission was still in South Africa and was in the process of preparing its final report, the South African Defense Force carried out raids on Lusaka, Gaberone and Harare, the capitals of three neighboring Commonwealth countries. The official reason given was "to take out" A.N.C. bases. But the gains appeared to be minimal. Politically aware South Africans ascribed the raids to a Government attempt to prove to militant right-wing elements inside the country that the Government had not "gone soft" on the A.N.C. and was not succumbing to outside pressures.

Not surprisingly, diplomatic reaction abroad was totally hostile. The Commonwealth mission was understandably outraged, and its final report made this clear. Shortly afterward, negotiations broke down and the group reported to the Commonwealth heads of government their "reluctant but unequivocal judgment that further talks would not lead anywhere in the current circumstances."

Paradoxically, it was during this tumultuous time that the most far-reaching reforms yet introduced by the South African Government in the direction of dismantling apartheid were enacted. As a result of pressures from inside and outside the country, during the recent Parliamentary session, the Government offered to restore citizenship to those permanent residents in the republic who ceased to be South African citizens when the four black homelands became

"independent." (Even with citizenship, however, the blacks in South Africa will not have Parliamentary voting rights.)

The Government also opened the central business districts in major cities to all races. It made property ownership available to blacks in the townships. Most significant of all, it abolished the hated pass laws and influx control, and replaced the old pass book with a common nonracial identity document. (The pass laws have for many decades inhibited the mobility of blacks and their right to lead family lives. Millions of people have been arrested for infractions of these laws, which have bedeviled the relationship between the police and the black community.)

Although many vital issues remain to be addressed—redistribution of land and the disproportionate living standards of white and black South Africans—there is no doubt that the reforms signify a change of direction: away from apartheid. The recent reforms will undoubtedly have a positive effect on the future well-being of black South Africans. In fact, had these changes taken place five years earlier, the impact would have been far greater among blacks. As it is, they have been totally overshadowed by the reimposition of a state of emergency, the detention of thousands of people and the ongoing violence in the black townships.

The reforms have evoked little reaction in decision-making circles in the United States and Europe. (Ten years ago, they would probably have been considered significant, particularly in the United States, which at the time might still have been harboring vivid recollections of its own civil-rights struggle of the 1960's.)

This response—or lack of it—to changes the South African Government considers to be of major importance has not only increased its intransigence, but confirmed what it has long suspected; that the failure of the West to define precisely what it means by "dismantling apartheid" is part of a ploy to move the goal posts as each demand is met; ultimately, the Government fears, the West will insist on the total transfer of power to the black majority. This is simply not under consideration by the South African Government.

Those who believe that a quick fix is likely to follow the imposition of sanctions, and that the Pretoria regime will collapse within a short time thereafter, are sadly misinformed. Certainly, if I believed in such a possibility, I would back sanctions to the hilt. Far more likely is a retreat into a siege economy, more oppression and more violence. There will be a long, drawn-out confrontation between a well-armed military force shoring up the Government and a popular movement backed by the masses and using Irish Republican Army-type tactics in urban and rural areas. The latter strategy has already been put into effect.

The Reagan Administration's policy of "constructive engagement" may well be dismissed in a great many circles in the United States and elsewhere. It has, at least, aimed for attainable objectives: to prevent forced removals of black communities; to extend funds from the Agency for International Development (A.I.D.) to civil-rights organizations and drought-stricken areas; to press for the release fo anti-apartheid detainees. Moreover, together with the Sullivan principles, it encouraged American businessmen and, by example, their South African and European counterparts, to be socially responsible.

Nowadays, the Sullivan principles are also in the doghouse. Drafted almost a decade ago by the Rev. Leon Sullivan, a black Baptist minister from Philadelphia, the code calls for the desegregation of workplaces, equal employment practices, training for nonwhites, social services for black workers and the promotion of trade unionism. The code has been adopted by about 65 percent of the 260 or so American companies now doing business in South Africa. But many black South Africans feel that too much lip service has been paid to the code and not enough action taken.

While realizing that I lay myself open to the accusation of paternalism, I have to say that I have more respect for the American companies that have, so far anyway, remained in South Africa (and have set aside millions of dollars for the education, training and housing of their black employees) than for those that have left the country. The companies that have left have taken with them what influence they could have had inside South Africa, thereby abandoning desperate, jobless breadwinners in a country with no social security safety net, no dole and no food stamps.

The moral outrage and desire for punitive action is something I understand very well, but the reality that will come as a result of a grievously afflicted economy will not be seen by those living thousands of miles away. That reality, compounded by decades of unequal employment opportunities and oppression, is bleak beyond belief. True, many black South Africans say they approve of disinvestment and sanctions, despite the additional hardships they will endure as a result. They fall into four categories: those who have no jobs and nothing to lose; those who have jobs in "sheltered" employment and will lose nothing; those who want everyone to lose everything (therefore, "roll on the revolution"), and, finally, those who believe that the South African Government will crack at the first (or, at worst, second) sign of sanctions. The last category brings to mind a former British prime minister who predicted that it would take "weeks rather than months" to bring down Ian Smith's Unilateral Declaration of Independence in Rhodesia. In the event, it took another 15 years and 30,000 dead.

There are also leaders of the neighboring black states who advocate sanctions against South Africa, despite the fact that southern Africa is one economic unit. Whatever harm is done to South Africa's economy will certainly harm the economies of the country's neighbors, which are dependent on South Africa for jobs, markets and transportation.

The former High Commission territories of Botswana, Lesotho and Swaziland are part of a customs union with South Africa from which they derive substantial revenues; Botswana and Lesotho also belong to the rand monetary area. South Africa's Electricity Supply Commission is an important source of power for these countries, which also depend entirely on routes through South Africa for trade. Zaire, Zambia and Zimbabwe are heavily dependent on South African transport and ports for their imports and exports.

More than 250,000 foreign blacks work in South African mines alone, earning almost 1 billion rand (about $400 million) a year, at least half of which is repatriated. A further 170,000 foreign blacks are employed in other occupations in South Africa, not to mention an estimated one million "illegals." The neighboring states cherish the hope that the Western nations will pick up the tab to make good the substantial losses they will sustain after they cut their links with South Africa. Unfortunately, this hope is probably unfounded.

Unpalatable as it may seem to the sanctions lobby the most practicable way to get rid of apartheid and to achieve a nonracial democratic society in South Africa is through an expanding, flourishing economy. The process of integrating blacks as skilled workers into such an economy would be expedited. Their economic muscle would then, through increased trade-union action, be a potent force not only in the workplace but also in the sociopolitical sphere. Strike action and consumer boycotts—both of which can be used as temporary expedients, unlike disinvestment and mandatory sanctions—are the most powerful weapons for blacks to use to resolve important issues like political power-sharing.

Indeed, consumer boycotts have already been used to great effect in some parts of the country, such as the eastern Cape Providence, where many white-owned shops were brought to the brink of bankruptcy. Conversely, if blacks are unemployed and have nothing to spend, such boycotts would be meaningless. It is astonishing to me that those advocating punitive actions do not realize that, if successful, they will have undermined the most significant power base that blacks could acquire.

Certainly, this approach presupposes a long term strategy and blacks, especially young blacks, want liberation now. No one should underestimate the fierce spirit of resistance that pervades the black townships, but while incremental change is certainly attainable, the replacement of the white minority Government by a black majority government is simply not within reach, even though many blacks believe that the era of white domination is about to end.

Those calling for sanctions and disinvestment often overlook two important factors.

First, while the present white minority Government in South Africa has no pretensions to democratic rule, there are also no guarantees that it would be replaced by a nonracial democracy respecting the rule of law, a free press, free association, free elections and an independent judiciary, not to mention an economy free of state control.

Second, South Africa does not consist only of a oppressed black majority and right-wing white oppressors. Indeed, 250,000 white voters (20 percent of the white electorate) in the last general election in 1981 cast their ballots for the official opposition in the House of Assembly—the Progressive Federal Party, which has for years advocated the ending of apartheid and the establishment of a truly representative government with protection for the legitimate rights of minorities. Although the percentage of those who voted against apartheid is small, it is nonetheless significant. It may be well to remember that from 1961 to 1974 I was the only Member of Parliament elected on such a platform.

Indications of support for such an alternative government from powerful nations like the United States would certainly encourage many more white South Africans to cast their votes against the Pretoria regime at the next election, due at the latest in three year's time. At the very least, there could be a Parliamentary realignment.

It may well be that all such arguments fall on deaf ears, and that they are advanced in a lost cause. Nevertheless, they deserve to be made in the interest of millions of moderate South Africans of all

races who abhor apartheid, who have long fought the abominable practices of race discrimination and who are striving for a peaceful transition to a nonracial democracy. For them, at least, it is surely not too much to ask that they be spared the violence and misery of a scorched-earch policy.

It is not all all certain whether President Reagan can stave off Congressional imposition of harsh punitive sanctions, as he tried to do in his recent speech on American policies toward South Africa. But if he does—and it is a big if—it is vital that the Pretoria Government use the time so won to accelerate the dismantling of apartheid, to provide better housing and educational and, most important, to extend political rights to blacks. The release of Mandela as a prerequisite for negotiations is an obvious first step, as are the release of all persons detained without trial and an end to the state of emergency.

The United States should keep up its condemnation of apartheid. The system of apartheid is an affront to people concerned with civilized values throughout the world. Its eradication would be an important gain for the civil-rights movement and would increase the sum of human freedom worldwide. The United States should exert pressure on apartheid, but not impose punitive measures that will wreck the South African economy. That is the strategy of dispair that will destroy the inheritance which blacks will inevitably share.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 4868, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4868) to prohibit loans and other investment in, and certain other activities with respect to, South Africa, and for other purposes.

Mr. LUGAR. Mr. President, I move to strike all after the enacting clause of H.R. 4868 and insert the text of S. 2701 as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, during the 2 days of debate on this bill, and in the preceding days, I would imagine that every Senator has spoken out against apartheid. We all—every one of us—oppose apartheid. We all want to see it go. That has not been what we have been debating about.

Instead, our debate has been about the best strategy for helping to bring apartheid to a speedy, nonviolent end, and helping to usher in, in its place, a democratic system in South Africa.

I voted for this bill because I believe it is important that the Senate speak, legislatively, against apartheid. I believe that the South African authorities must be convinced that all Americans—the President, the Congress, the people of this country—all abhor apartheid and demand that it be dismantled. Passage of this bill sends that message on behalf of the Senate. I do not believe this is a perfect piece of legislation. I have some reservations about the utility of economic sanctions as instruments to bring about political and social reform in South Africa. I have great concern that some of what is in this bill will hurt blacks in South Africa far more than it hurts the Government power structure.

But, on balance, I believe this is a good bill and, as I said, a needed statement by the Senate.

Its policy sections are good ones—they say what we should say about the situation in South Africa and about apartheid. The bill focuses and targets the sanctions it does contain—particularly those in the original version, reported out by committee—about as well as practically possible. Some of the changes we made on the floor—the Helms amendment, the Pressler amendment and others—have been improvements. The bill contains some good provisions on aid projects, particularly those for blacks. And the bill also preserves some Presidential flexibility.

So I think it is a good bill, a needed bill, one which has the Senate in sync with the country and, I hope, with the executive branch on this important issue.

I want to commend the distinguished chairman of the Foreign Relations Committee, Senator LUGAR, who has been the principal architect of the committee's bill. His floor work, as usual, has been outstanding—especially considering that he was sharing floor duties, late every night, earlier this week, with the distinguished Senator from Georgia, Mr. MATTINGLY, on the Mil Con/Contra Aid bill. The Senator from Rhode Island, the ranking member on Foreign Relations, also deserves commendation. So do many other Senators, too.

This has been a cooperative, bipartisan effort. It is one of which we can all be proud.

Mr. BUMPERS. Mr. President, will the Senator yield for a question?

Mr. DOLE. I yield.

Mr. BUMPERS. Can the majority leader tell us what we can expect for the rest of the evening? Maybe he already has.

Mr. DOLE. I assume there is going to be considerable discussion on the debt ceiling measure. I am going to try to take up the temporary debt ceiling. I need unanimous consent to do that. I assume I can do that. Then I understand there will be some debate, and there may be some amendments. It is hoped that we can resolve all the problems in the next hour and a half.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER] and Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

On this vote, the Senator from Arizona [Mr. GOLDWATER] is paired with the Senator from Alaska [Mr. MURKOWSKI].

If present and voting, the Senator from Arizona would vote "nay" and the Senator from Alaska would vote "yea".

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 14, as follows:

[Rollcall Vote No. 252 Leg.]

YEAS—84

Abdnor	Ford	McConnell
Andrews	Garn	Melcher
Baucus	Glenn	Metzenbaum
Bentsen	Gore	Mitchell
Biden	Gorton	Moynihan
Bingaman	Grassley	Nickles
Boren	Harkin	Nunn
Boschwitz	Hart	Packwood
Bradley	Hatch	Pell
Bumpers	Hatfield	Proxmire
Burdick	Hawkins	Pryor
Byrd	Heflin	Quayle
Chafee	Heinz	Riegle
Chiles	Hollings	Rockefeller
Cochran	Inouye	Roth
Cohen	Johnston	Sarbanes
Cranston	Kassebaum	Sasser
D'Amato	Kasten	Simon
Danforth	Kennedy	Simpson
DeConcini	Kerry	Specter
Dixon	Lautenberg	Stafford
Dodd	Leahy	Stennis
Dole	Levin	Stevens
Domenici	Long	Trible
Durenberger	Lugar	Warner
Eagleton	Mathias	Weicker
Evans	Matsunaga	Wilson
Exon	Mattingly	Zorinsky

NAYS—14

Armstrong	Helms	Rudman
Broyhill	Humphrey	Symms
Denton	Laxalt	Thurmond
Gramm	McClure	Wallop
Hecht	Pressler	

NOT VOTING—2

Goldwater	Murkowski

So the bill (H.R. 4868), as amended, was passed.

□ 2020

Mr. LUGAR. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LUGAR. Mr. President, I move to request a conference with the House and insist on the Senate amendments and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. In accordance with the previous order, the motion is agreed to.

Mr. LUGAR. Mr. President, I take this opportunity to thank all Senators who played such an important role in the passage of this bill, especially the members of the Foreign Relations Committee, and all who have championed legislation on South African sanctions for many years: Senator KENNEDY, Senator CRANSTON, Senator WEICKER, in particular, and I am certain there are others.

I thank especially Senator PELL, the ranking member of our committee. I thank the majority leader and the minority leader for their special help.

And I thank especially the magnificent staff on both sides of the aisle that we have in our committee who worked magnificently to help us create a committee bill in fairly short order and to be prepared for the floor debate.

Mr. PELL. Mr. President, I share the sentiments of the chairman of the Foreign Relations Committee. I would also like to say that much of the credit for the passage of this bill rests with him in his fine management of the bill. He did it very well and expeditiously.

I would also like to thank members of my committee staff. I truly appreciate the able assistance given by Ms. Nancy Stetson, Ms. Janice O'Connell, and other committee staff members on both the Democratic and Republican side.

Mr. DOLE. Mr. President, let me first congratulate the managers of the bill, the chairman, Senator LUGAR, and the ranking member, Senator PELL.

I think in many ways this has been an historic week, from the standpoint that we have been able to move a couple of very important pieces of legislation. As I indicated earlier, there was not nearly the division on this issue as the earlier one. But, in any event, they both have been accomplished through the efforts of a number of Members on both sides of the aisle. And for that, I think we can all be very thankful.

I also want to extend my thanks to the members of the staff on each side for their efforts and to all Members who have had amendments and who complied with the unanimous-consent agreement. As lengthy and complicated as it was, it worked. And we finished, well, only about 2 hours and 15 minutes later than we had hoped we might finish. We thought it would be around 6 o'clock.

So I would say, overall, it has worked out quite well. And for that, I particularly want to thank the distinguished minority leader who put together sort of the framework of the agreement and worked with a number of us to put the final touches on it and satisfy numerous Members on both sides, not only on both sides of the issue, on both sides of the aisle, Republicans and Democrats.

Now, I hope we can make one little final step here, and that is to figure out some way to dispose of the temporary debt extension in short order so that we can start what I believe is a well-deserved rest.

I do believe the American people would understand that for the past 2 weeks, I believe, with one exception, we have been on this floor almost every night until 10, 11, or midnight. We are not asking for mercy or not complaining, but it is an indication that when we have work to do, we accomplish what we believe the people expect us to do.

Mr. HART. Will the majority leader yield for 10 seconds?

Mr. DOLE. I am happy to yield.

Mr. HART. Mr. President, on the issue of the sanctions bill just passed, I would like to acknowledge one Senator that I do not believe was mentioned who I think had a great deal to do with the willingness of the Senate to face up to this issue, and that is our colleague from Massachusetts, the distinguished Senator, Mr. KENNEDY, who day after day took the floor on this question and kept it before us. I think he deserves recognition, as well.

Mr. DOLE. I think the distinguished Senator from Indiana, the chairman, mentioned Senator KENNEDY, Senator WEICKER, Senator CRANSTON, and a number of others who have played vital roles in this particular issue. And certainly it has been bipartisan; in a sense, nonpartisan.

Mr. BYRD. Mr. President, if the distinguished majority leader will yield, I want to asssociate myself with this remarks. I want to compliment the distinguished chairman of the Foreign Relations Committee and the distinguished ranking member, Mr. PELL. I also want to commend Mr. KENNEDY, Mr. CRANSTON, Mr. WEICKER, and others who were instrumental in bringing this bill to a conclusion. I think the management of it was handled with great skill on the part of both managers.

I think that there were amendments offered that were fiercely fought, for and against, and throughout it all I think the Senators conducted themselves in a very fine way. I think it was a high level debate. Senators had the opportunity to call up their amendments and have them voted on. Some were voted up, some were voted down. But that is the way it is supposed to work. That is the legislative process.

I congratulate all Senators and thank all Senators. I believe that the Senate has acquitted itself.

Mr. DOLE. Mr. President, in mentioning my compliments, I failed to mention the outstanding work of my own colleague, the distinguished Senator from Kansas, Senator KASSEBAUM. She worked not only in the committee, but on the floor. And, I might add, we were in the cloakroom trying to work out some differences as recently as yesterday on the amendment by the distinguished Senator from North Carolina. So her help and leadership has been invaluable.

We indicated earlier that when we reached this point we would permit the distinguished Senator from New Jersey about 10 minutes to speak on an issue of vital concern to him. I am wondering, before we do that, if I might ask unanimous consent that the Senate now turn to H.R. 5395, the debt limit extension.

The PRESIDING OFFICER. Is there objection?

Mr. SASSER. Reserving the right to object, may I inquire of the distinguished majority leader what plans, if any, he has for the drought assistance legislation that we passed here just a few evenings ago? As the majority leader knows, the House-passed drought relief bill, H.R. 5288, is on the Senate Calendar. Calendar item No. 813 could be brought up this evening under a proper unanimous consent agreement and expeditiously disposed of.

I see the distinguished junior Senator from Georgia on the floor this evening. I know that he has a profound interest in this matter, as do all Senators from the Southeastern United States.

As of August 12, we have had 536 counties across the Southeastern United States asked to be declared eligible for emergency relief because of the drought and excessive heat. Forty-six of these counties are in my native State of Tennessee.

I must say to the distinguished majority leader and to my colleagues that this administration's promises of drought relief to Southeastern farmers are now appearing to be very meager and almost as empty as the hay fields of the Southeastern United States. Only 4 percent of the $1 billion in advance deficiency payments of the administration's so-called drought relief package is going to Southeastern farmers. And that is where the problem is.

So I wanted to inquire of the distinguished majority leader if perhaps we could work out a consent agreement this evening, to bring up the House drought relief package. That package, as the distinguished leader knows, need not be bogged down in conference. If we pass the House bill precisely as the House sent it over, we could be speeding much needed emergency relief to farmers in the Southeastern

United States who so desperately need it and are not getting it now.

□ 2030

Mr. DOLE. Mr. President, first, I asked the distinguished Senator from Tennessee last evening if there was some disposition to try to work out a compromise on this matter. He said yes. I understand there have been consultations throughout the day with the Senator from Tennessee and the Senator from Georgia, Senator MATTINGLY. No agreement has been reached.

I regret that the House did not go to conference on this issue. In fact, there are 26 amendments on the bill the Senate passed. The House has declined to go to conference on any of the issues, and had they done that, we might have resolved not only Gramm-Rudman, drought relief, windfall profit tax repeal, COLA adjustment, and I cannot remember the other 22 but there are a number of amendments that as I understand will be dealt with that have not been dealt with.

Whether or not we can reach some agreement to pass another drought relief program this evening, I am not certain. I certainly am willing to try. I would not want to pass the one that is on the calendar.

Mr. SASSER. If the distinguished majority leader will yield for just a moment, I would say that the distinguished junior Senator from Georgia and I have discussed this off and on during the day. It has been my view that we ought to go ahead and try to address this issue using the House-passed legislation. If we do not do that, any drought assistance legislation we construct this evening would be different from the House-passed bill. It would have to go to conference. And we simply would be delaying this whole matter an additional 30 days. We are in a crisis situation in the Southeastern United States. Our farmers simply cannot wait until we return from this 3-week recess to have this matter dealt with.

So I hope the distinguished majority leader will consider this evening letting us move on the House-passed bill or attempting to work out the appropriate consent decree so that we could move on it.

Mr. DOLE. I am certainly sympathetic to the distinguished Senator from Tennessee. But I would not want the record to indicate the administration has been silent as far as drought relief assistance is concerned. The administration in my view acted very promptly, very responsibly, and they provided a great deal of relief. There are additional things that can be done under existing law. If the need arises, I would certainly urge the administration to meet those needs as best they can wherever they may be. And I must say I believe that is the intent of the President, the intent of Secretary Lyng, and finally I would again express my regrets because the House failed to go to conference on this matter—and 25 others that I will include in the record—and that we should have gone to conference on 10 days ago.

I would be happy to yield to the distinguished Senator from Georgia.

Mr. MATTINGLY. I say to the distinguished majority leader that the Senator from Tennessee and I have introduced another piece of legislation tonight to once again even modify further what the House had passed and sent over here, and even what we had passed on the debt ceiling and sent to the House of Representatives.

We sort of hate for the farmer to have to wait for once again the ping-pong game between the House and the Senate. I know the USDA has given some relief. But the No. 1 thing of the relief that will help those people in the drought area of course is the use of 8 to 10 billion dollars' worth of surplus commodities to try to give some type of immediate relief. I hope maybe this dialog that we continue to go through will encourage USDA and the administration to begin to use these surplus commodities for this relief.

Whatever the Senator from Tennessee and I can do, we will to encourage and expedite movement on the passage of any type of legislation to try to make it mandatory to use the surplus commodities, and we would certainly appreciate the majority leader, minority leader, and anybody else who would be willing to help us.

Mr. SASSER. If the distinguished majority leader will yield for just one additional moment or two. The newspapers in the Southeastern United States have been reporting that drought relief has passed the U.S. Senate, and the House of Representatives.

The farmers in that region are expecting that drought relief. And when the distinguished Senators from South Carolina, North Carolina, Georgia, Alabama, and Tennessee are traversing our States during the next 3 weeks, these farmers are going to be out there looking for us. They are going to be asking us, "Where is this drought relief that we have been reading about in the newspapers that you fellows have passed? Our cattle are starving." And they are not going to accept the statement that, well, you know, our bill was not just like the House bill, and it had to go to conference, and maybe something will be forthcoming in a month or 45 days or 2 months.

So I implore the dintinguished majority leader, and I know he has great burdens on him this evening, the majority leader has labored long and valiantly. I compliment him on his efforts to try to conclude our business here in an expeditious fashion.

But I hope that we will not be so eager to adjourn this evening or tomorrow that we forget the needs of the farmers in the Southeastern United States. The situation is critical and crucial.

Mr. DOLE. I thank the Senator.

Mr. BOREN. Mr. President, I wonder if the distinguished majority leader might yield for a brief question.

Mr. DOLE. I am happy to yield.

CAMPAIGN REFORM

Mr. BOREN. Mr. President, I know the distinguished majority leader has had his staff working on the possible unanimous consent that might enable us to return to the campaign reform measure with pending amendments which we adopted earlier this week in an expeditious fashion when we return immediately after the recess.

I appreciate the work which he and his staff have been doing on this proposal which I understand is now circulating on both sides of the aisle to see if we can obtain consent. I wonder if the distinguished majority leader could give us any progress report on that, and if he could signal his intent to attempt still at some point tonight before we finish the proceedings to propound that request which would give us at least at this point in time 6 hours to further debate, an opportunity for amendments on each side, and a final vote on that particular measure along with a vote on a proposal by Senator RUDMAN and Senator EAGLETON for a commission to study campaign reform.

I wonder if he could signal any progress on that, and whether or not it is still his intention to hopefully propound the request later this evening that will enable us to come back to that in a timely fashion.

Mr. DOLE. I would say very quickly, it is my intention to propound that request later. I understand there will be an objection but the request will be propounded.

Mr. BOREN. I again want to signal my willingness to work with the majority leader. I hope if there is an objection that we can find some way to work around it perhaps still tonight so we could get back to that.

Mr. DOLE. I thank the Senator from Oklahoma. We have been working on it. We are not quite there yet.

INCREASE IN STATUTORY LIMIT ON THE PUBLIC DEBT

Mr. DOLE. Mr. President, I now renew my request that we turn to H.R. 5395, the debt limit extension.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 5395) to increase the statutory limit on the public debt.

The Senate proceeded to the immediate consideration of the bill.

□ 2040

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, there are numerous Senators who want to be heard on the debt ceiling bill. I am going to be quite brief.

What we have before us is the House bill, a short-term extension of the debt limit (H.R. 5395) and the purpose of the legislation is to allow the Government to function between now and the end of September.

This short-term extension raises the debt ceiling by some $73 billion. I repeat, $73 billion.

I assume that all our colleagues are aware that we are operating under two time constraints. The first one is the most obvious one. That is the need to increase the amount of money that the Federal Government is authorized to borrow so there is no crisis that we create.

I do not want anybody to be in doubt about the consequences of not taking the action in some way, shape, or form to address the debt ceiling limit.

I want to take just a moment to address the alternative.

Basically, what will happen if we do not increase the debt limit is this: The Treasury Department will once again dip into the Social Security Trust Fund in order that Social Security checks may go out on time next month. But in the process, literally millions of dollars, tens of millions of dollars, in the investment of the Social Security Trust Fund will be lost because of the need, indeed the requirement, under current law, for the Treasury Department to disinvest the Social Security Trust Fund in order that the checks may be paid.

Mr. President, I have really not done justice to the process by which the disinvestment of the Social Security Trust Fund takes place in order to insure the payment of Social Security checks, but we went through this exercise last year and the result was, frankly, massive confusion. There was grave concern that something was happening, something untoward in the form of what appeared to be, but was not, in fact, a raid on the Social Security Trust Fund.

I want to take the time of my colleagues for a moment to read a letter addressed to the chairman of the Finance Committee, Senator BOB PACKWOOD, regarding what, factually, will happen.

This letter is from the Secretary of the Treasury, Jim Baker, it is dated August 15, 1986.

The letter reads as follows:

THE SECRETARY OF THE TREASURY,
Washington, DC, August 15, 1986.

Hon. BOB PACKWOOD,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR BOB: In recent testimony before both Houses of Congress, Treasury officials stated that I would notify you in advance of the likely need to take certain actions affecting the Federal Old Age and Survivors Insurance and Federal Disability Insurance trust funds. If Congress fails to increase the debt limit prior to the August recess, I will be forced to take actions exclusively to ensure that Social Security benefits will be paid. However, those actions could cause the trust funds to lose interest earnings.

It is important that the Congress understand that to go home in August without passing a debt limit increase would mean that September Social Security benefits could be paid only at the expense of hundreds of millions of dollars of trust fund earnings. I intend to make certain that benefits are paid. Without congressional action to increase the debt limit, this would hurt the trust funds, but it would be the only way to protect millions of Social Security recipients from needless financial hardship. If congressional inaction results in harm to the trust funds, I will propose legislation to restore the funds to the condition in which they would have been had such actions not been necessary. While this would correct the financial effects, it could not make up for the anxiety and concern felt by recipients in the interim, nor fully assuage recipients' concerns about the soundness of the funds in the future.

On September 2, the Treasury will credit the Social Security trust funds with approximately $15.9 billion, representing anticipated September Social Security tax receipts. However, because in the absence of a debt limit increase the projected outstanding public debt would be at the debt limit, we would be unable to invest the credit. Although there would be no immediate direct loss of trust fund interest earnings solely as a result of the inability to invest, other losses would be sustained, as explained below.

On September 3, 9, and 10, under normal operating procedures Treasury would redeem approximately $15.6 billion of securities held by the Social Security trust funds in order to cover September benefit payments. Ordinarily, the securities redeemed would all be short-term securities created for investment of the September advance tax credit. Those securities would carry relatively low interest rates. However, because we would have been unable to make the normal investments in such securities on September 2, we would be forced instead to redeem approximately $15.6 billion of longer-term and/or higher-rate securities solely so that benefits could be paid. If this situation arises, we will alter our normal redemption pattern and will redeem securities with the lowest interest rates first, regardless of maturity, minimizing near-term losses to the trust funds. Nevertheless, the redemption of these securities would cost the trust funds approximately $200 million in lost interest earnings through June 1987, assuming that all uninvested funds would be invested at the current investment rate of 7¾% upon enactment of a debt limit increase on or about September 15. The trust funds would also lose an indeterminate, but potentially quite large, amount of interest earnings after June 1987. The exact amount would be dependent on the difference between the June 1987 investment rate and the interest rates on the longer-term securities redeemed.

In addition, although our projections are subject to change, it is likely that in order to ensure that the government has sufficient cash to insure payment of benefits, we would have to accelerate the normal timing of redemption of some securities from September 9 and 10 to September 3 and 4. Depending on the degree of acceleration required, the trust funds could suffer up to an additional $14 million loss of interest earnings.

We will take these actions reluctantly, only if the debt limit is not increased prior to September 2, and only in order to make certain that millions of Social Security recipients receive their benefits on time. The other members of the Social Security Trust Fund Boards have authorized me to state that while they too regret the need to take these actions, they support my determination that payment of benefits must take precedence. I urge responsible congressional action to increase the debt limit to avoid the need for actions adverse to the trust funds.

Sincerely,

JAMES A. BAKER III.

□ 2050

Mr. HEINZ. Mr. President, I think the RECORD is clear that if we do not act, if we do not, in some way, shape, or form, address the debt limit increase, the Social Security trust funds are going to be at least temporarily prejudiced to the tune of about $200 million and people will be put in a position where they will think that something serious, something dangerous is happening to the trust fund into which they have paid. That is one time pressure we have.

The other time pressure that is operating here is one we imposed on ourselves. We imposed it last year. Ironically, we imposed it when we were considering last year's debt ceiling increase. We imposed that pressure by promising the American people that we were going to make genuine institutional reforms, that we were going to force the budget deficit down, down, down to, we believed, zero by the year 1991. I think we are all aware of what those reforms were called. It was called the Gramm-Rudman-Hollings bill.

We need to understand that we are moving very close to a day of reckoning on the Gramm-Rudman-Hollings dates. I just want to take one moment to review those dates as I understand them. In just 5 days, the Office of Management and Budget and the Congressional Budget Office are going to report to the GAO just how far over budget—in a good year we might be under budget—we are going to be. I think we all know it is going to be a larger number than $144 of Federal budget deficit, larger than $154 billion, it is going to be a considerably larger number than that. Just 5 days after that, on August 25, that report, which

OMB has sent to GAO, goes to the President. Then the President, on or about the first of September—Labor Day, if you will—is going to issue the initial Presidential order, the so-called sequester. Then, under the fallback provisions of Gramm-Rudman, this Chamber and the other Chamber, by about the 15th of September, must vote, by resolution acted upon jointly, to send that sequester order to the President. That order potentially takes effect on the 1st of October except that we have a grace period in which to take other action in order to prevent the so-called Gramm-Rudman-Hollings sequester, the across-the-board cuts, from going into effect. The point is that we are on a very fast track, even a very slippery slope. It is real time pressure that we are under to maintain the institutional reform that we set in motion just last year.

I want to make some rather personal remarks about exactly the kind of situation we face here. The situation is that the House has decided that they do not want to take up the debt ceiling bill that we passed just a few days ago, about a week ago. They have decided that they want to get us to agree to their extension and I must tell you, Mr. President, I do not know what we are going to conclude on the floor, here. Unless I miss my guess, there is going to be a significant effort here tonight to amend the debt ceiling to include the additional Gramm-Rudman changes—some have referred to it as Gramm-Rudman II—so that Congress is forced to face up to whether or not we are going to reinstitute a better trigger mechanism than the one I was referring to a moment ago.

It is my best guess, Mr. President, and it is always dangerous to guess in this body, that that issue will soon be debated. It is going to be an item of very great concern to a lot of Senators in this Chamber. In general, I have no doubt that the vast majority of Senators who supported Gramm-Rudman II on the last debt ceiling extension about a week ago, feel just as strongly about using this vehicle as a means of insuring the continuation of institutional reform.

I cannot predict how we are going to dispose of that, but I do make this prediction, unless there is either the enactment of follow-on institutional reforms, Gramm-Rudman II, or some version of it, or, at the very least, unless we receive a commitment of some kind from the House that is satisfactory to the authors of Gramm-Rudman II, it is going to be very hard to marshal the votes to pass this temporary debt ceiling extension.

I think it will be very difficult indeed, because I do not see at this point—maybe as the evening grows older, it will change—but I simply do not see a lot of Senators who are willing to vote for a $73 billion increase in the national debt free and clear of a continuation of the institutional reforms that we voted on, that we said we were in favor of, and that we believe the country needs this year. So I expect we are going to be faced with that.

More importantly, I think the House of Representatives needs to be on notice: one thing we all realize, is the deficit crisis is not going to go away. The American people have demanded action. They have been promised action by both the House and Senate in the adoption of the Gramm-Rudman-Hollings law. It is my view that we have to find the way—some way, shape or means—of addressing that issue.

□ 2100

I would only add that we have a very serious problem facing not just the Treasury Department, as I described on Social Security. We are faced not just with a question of whether or not we are going to keep our word to the American people, but I suggest that if we falter in our task of moving down the road of fiscal responsibility, it will undermine the confidence that we have been laboring so hard to build up not just the last 12 months since we confronted the debt ceiling and institutional reform but for the last 4 years when we have tried and for the 4 years succeeded in putting this country back onto the right economic track. If we do not have institutional reforms, I am afraid we are going to slip off the track.

If that sounds like a reference to a railroad, so be it. It is my view that Gramm-Rudman-Hollings can be compared to a train, and the train is right now on a track, and that train has a bunch of cars on it. They are the freight cars, the passenger cars. They are carrying all the programs. They include all the programs that the American people know the Government needs and up in the cab of the train are the politicians, us. We are driving that train down the track. As we learned just a few days ago, the deficit that the train has on board along with all the cars is in the neighborhood of between $225 and $250 billion for this fiscal year. If we do not do something about it, if we do not meet the targets, the train goes over a cliff and everybody on the train goes with it. The bad news, Mr. President, is that, as I have said, all the programs this country needs to defend itself, all the programs the American people are dependent upon, are following the engine right on over the cliff. I guess the good news is that all the politicians, and that includes us here in the Senate and the people over in the House, are all up in the cab of that train and we are going to hit first. That is why we have to switch the train onto a track of lower deficits. In my view, anything less than that would be irresponsible, not just to the promise that we made last year but to the American people who have a right to expect prudent stewardship, a stewardship that will be good not just for Americans and politicians and people who are interested in government but for the children of all those people as well.

The American people are waiting and watching to see whether we will follow through on our promise to do something about the deficit. If Congress turns tail and runs, I can guarantee my colleagues that the economy will sink faster than we can run and I can also guarantee that there won't be any place to hide.

Mr. President, this debt limit bill illustrates the problem we face more graphically than anything I can say. As I mentioned at the outset, the extension provides the Government the authority to borrow $73 billion and that authority will only allow the Government to function between now and the end of September—talk about living on borrowed money and borrowed time!

By way of illustration, $73 billion is enough to fund for 3 years all Federal aid to mass transit, highways, Amtrak, and airports, to fund for 2½ years all elementary and secondary education, higher education, job training, employment services, foster care, CSBG and vocational rehabilitation, to fund for 1 year nearly all of Medicare, to fund for 3 years Medicaid, it is the equivalent of 3½ years of pay for the Army, and it could take care of Air Force aircraft procurement for 3 years.

Mr. President, if that doesn't make the case for institutional reforms which will result in declining deficits, I don't know what does. We simply cannot continue to pile up data at geometrically increasing rates. We have already established a massive and growing wealth transfer program just to service that debt—and it is a transfer of wealth from poor and middle-class Americans to the wealthy, both in this country and abroad.

As a personal matter, this Senator believes that we should stay here as long as is necessary to ensure that we take the steps we must take if we are to avoid economic disaster.

As the manager of this bill, my responsibility is to shepard it through, and I have a very real concern that we will not be able to pass anything unless we repair the flaw found by the Supreme Court in Gramm-Rudman-Hollings.

Mrs. HAWKINS. Mr. President, the legislation before us is necessary to millions of this Nation's elderly who are awaiting their Social Security cost-of-living adjustment. It was just about

2 weeks ago when this body accepted my amendment to eliminate the COLA trigger and I am here to ensure that the amendment remain intact. I would like to join my close colleague, Senator HEINZ, to make sure that those awaiting their COLA's get them.

The escalating budget deficit is of serious concern to all of us here but we should not hide our responsibility behind automatic across-the-board budget triggers. The resolution passed by this body 2 weeks ago is a good example of how the Senate can confront the realities of this country's elderly and needy.

There are a number of worthy and truly deserving programs for child care, Social Security retirees, drug enforcement, day care which must be addressed in this resolution. These are not wild-eyed spending programs, but programs which help people to better deal with the unexpected hardships of life. These are for needy people, single family mothers and children, for child vaccines, and to combat this country's drug epidemic, not for high-rolling defense contractors. Mr. President these people must be protected they need our assistance.

The deficit is coming down, and even though the Supreme Court struck down a provision of the Gramm-Rudman law, Congress has taken up the battle of the budget. In the coming days we will be returning to our States and we will have to face a number of our constituents asking why we in the Senate cannot face up to our responsibilities. They will ask about their COLA's and they have a right to. They will ask what we in the Senate are doing to stop crack, cocaine abuse, and the crime associated with drugs. The drug plague must be combated with all our might. Funding for Navy surveillance and increased Coast Guard enforcement and a new Bahamas Drug Interdiction Task Force are all addressed in the debt ceiling resolution.

Therefore, I would ask my colleagues to retain the programs in the debt ceiling resolution which we passed here in the final days of July and to vote for those amendments as they are offered.

AMENDMENT NO. 2769

(Purpose: To modify procedures under the Balanced Budget and Emergency Deficit Control Act of 1985)

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER [Mr. TRIBLE]. The Senator from Texas [Mr. GRAMM].

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment of the Senator from Texas [Mr. GRAMM].

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] for himself, Mr. RUDMAN, and Mr. HOLLINGS, proposes an amendment numbered 2769.

Mr. GRAMM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new title:

TITLE II—BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL

SEC. 201. SHORT TITLE.

This title may be cited as the "Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1986".

SEC. 202. REVISION OF PROCEDURES.

(a) REFERENCE.—Except as otherwise specifically provided, whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) REVISION OF REPORTING RESPONSIBILITIES.—(1) Section 251(b) is amended to read as follows:

"(b) REPORTS BY THE COMPTROLLER GENERAL AND THE DIRECTOR OF OMB.—

"(1) REPORT TO THE DIRECTOR OF OMB AND THE CONGRESS BY THE COMPTROLLER GENERAL.—

"(A) REPORT TO BE BASED ON OMB-CBO REPORT.—The Comptroller General shall review and consider the report issued under subsection (a) by the Directors for the fiscal year and, with due regard for the data, assumptions, and methodologies used in reaching the conclusions set forth therein, shall issue a report to the Director of the Office of Management and Budget and the Congress on August 25 of the calendar year in which such fiscal year begins, estimating the budget base levels of total revenues and total budget outlays for such fiscal year, identifying the amount of any deficit excess for such fiscal year, stating whether such deficit excess will be greater than $10,000,000,000 (zero in the case of fiscal year 1991), specifying the estimated rate of real economic growth for such fiscal year, for each quarter of such fiscal year, and for each of the last two quarters of the preceding fiscal year, indicating whether the estimate includes two or more consecutive quarters of negative economic growth, and specifying (if the excess is greater than $10,000,000,000, or zero in the case of fiscal year 1991) the percentages by which defense and non-defense accounts must be reduced during such fiscal year in order to eliminate such deficit excess. Such report shall be based on the estimates, determinations, and specifications contained in the report submitted by the Directors under subsection (a) and shall utilize the budget base, criteria, and guidelines set forth in subsection (a)(6) and in sections 255, 256, and 257.

"(B) CONTENTS OF REPORT.—The report of the Comptroller General under this paragraph shall contain such views as the Comptroller General considers appropriate concerning the estimates, determinations, and specifications contained in the report submitted by the Directors under subsection (a). The report of the Comptroller General shall explain fully any differences between the contents of such report and the report of the Directors under subsection (a).

"(2) REPORT TO PRESIDENT AND CONGRESS BY THE DIRECTOR OF OMB.—

"(A) REPORT TO BE BASED ON GAO REPORT.—The Director of the Office of Management and Budget shall review and consider the report issued by the Comptroller General under paragraph (1) of this subsection for the fiscal year and, with due regard for the data, assumptions, and methodologies used in reaching the conclusions set forth therein, shall issue a report to the President and the Congress on September 1 of the calendar year in which such fiscal year begins, estimating the budget base levels of total revenues and total budget outlays for such fiscal year, identifying the amount of any deficit excess for such fiscal year, stating whether such deficit excess will be greater than $10,000,000,000 (zero in the case of fiscal year 1991), specifying the estimated rate of real economic growth for such fiscal year, for each quarter of such fiscal year, and for each of the last two quarters of the preceding fiscal year, indicating whether the estimate includes two or more consecutive quarters of negative economic growth, and specifying (if the excess is greater than $10,000,000,000, or zero in the case of fiscal year 1991), by account, for non-defense programs, and by account and programs, projects, and activities within each account, for defense programs, the base from which reductions are taken and the amounts and percentages by which such accounts must be reduced during such fiscal year in order to eliminate such deficit excess. Such report shall be based on the estimates, determinations, and specifications, and views of the Comptroller General under paragraph (1) and shall utilize the budget base, criteria, and guidelines set forth in subsection (a)(6) and in sections 255, 256, and 257.

"(B) CONTENTS OF REPORT.—The report of the Director of the Office of Management and Budget under this paragraph shall—

"(i) provide for the determination of reductions in the manner specified in subsection (a)(3);

"(ii) contain estimates, determinations, and specifications for all of the items contained in the report submitted by the Directors under subsection (a); and

"(iii) state whether the estimates, determinations, and specifications contained therein are consistent with the views contained in the report of the Comptroller General under paragraph (1)(B), and, if not, shall justify the reasons for any deviation.".

(2) Section 251(c) is amended—

(A) in subparagraph (A) of paragraph (2)—

(i) by striking out "President" and inserting in lieu thereof "Director of the Office of Management and Budget",

(ii) by striking out "subsection (b)" and inserting in lieu thereof "subsection (b)(1)", and

(iii) by adding at the end thereof the following new sentence: "Such report shall be based upon the same economic and technical assumptions, employ the same methodolgies, and utilize the same definition of the budget base and the same criteria and guidelines as the report submitted by the Comptroller General under subsection (b)(1) (except that subdivision (II) of subsection (a)(6)(D)(i) shall not apply).";

(B) by striking out subparagraph (B) of paragraph (2) and inserting in lieu thereof the following new subparagraph:

"(B) The report of the Comptroller General under this paragraph shall revise (to the extent necessary) the views contained in the report submitted pursuant to subsection (b)(1)(B).''; and

(C) by adding at the end thereof the following new paragraph:

"(3) REPORT BY THE DIRECTOR OF OMB.—

"(A) On October 15 of the fiscal year, the Director of the Office of Management and Budget shall submit to the President and the Congress a report revising the report submitted by the Director of the Office of Management and Budget under subsection (b)(2), adjusting the estimates, determinations, and specifications contained in that report to the extent necessary in the light of the revised report submitted to the Director of the Office of Management and Budget by the Comptroller General under paragraph (2) of this subsection.

"(B) The revised report of the Director of the Office of Management and Budget under this paragraph shall provide for the determination of reductions as specified in subsection (a)(3), shall contain all of the estimates, determinations, and specifications required (in the case of the report submitted under subsection (b)(2)) pursuant to subsection (b)(2)(B)(ii), and shall justify any deviation between the revised report of the Director under this paragraph and the report of the Comptroller General under paragraph (2).

"(C) The revised report of the Director under this paragraph shall contain estimates, determinations, and specifications for all of the items contained in the initial report and shall be based on the same economic and technical assumptions, employ the same methodologies, and utilize the same definition of the budget base and the same criteria and guidelines as those used in the report submitted by the Director under subsection (b)(2) (except that subdivision (II) of subsection (a)(6)(D)(i) shall not apply), and shall provide for the determination of reductions in the manner specified in subsection (a)(3).

"(D) The revised report of the Director under this paragraph for a fiscal year shall not contain, with respect to any item, an amount of budget authority, outlays, spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974), revenues, obligation limitation, obligated balances, unobligated balances, loan guarantee commitments, or direct loan obligations, which is different than the amount of budget authority, outlays, spending authority (as so defined), revenues, obligation limitation, obligated balances, unobligated balances, loan guarantee commitments, or direct loan obligations specified for such item in the report of the Director under subsection (b)(2) for such fiscal year unless, after the Director submits the report required under such subsection (b)(2)—

"(i) legislation is enacted,

"(ii) a final regulation is promulgated, or

"(iii) a notice of a sale of assets is published in accordance with subsection (l), which requires a change in the estimate of such budget authority, outlays, spending authority (as so defined), revenues, obligation limitation, obligated balances, unobligated balances, loan guarantee commitments, or direct loan obligations for such item.".

(3)(A) Section 251(e) is amended by striking out "Directors or the Comptroller General" and inserting in lieu thereof "Directors, the Comptroller General, or the Director of the Office of Management and Budget".

(B) Section 251(f) is amended by striking out "subsections (b) and (c)(2)" and inserting in lieu thereof "subsections (b)(1) and (c)(2), and the reports of the Director of the Office of Management and Budget submitted to the Congress under subsections (b)(2) and (c)(3),".

(c) PRESIDENTIAL ORDERS.—(1) Section 252(a) is amended—

(A) by striking out "Comptroller General" the first place it appears in paragraph (1) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears in paragraphs (1) and (3) and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "September 1" in paragraph (1) and inserting in lieu thereof "September 3"; and

(D) by striking out "COMPTROLLER GENERAL'S" in the heading for paragraph (3) and inserting in lieu thereof "DIRECTOR'S".

(2) Section 252(b) is amended—

(A) by striking out "Comptroller General" each place it appears and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "section 251(c)(2)" each place it appears and inserting in lieu thereof "section 251(c)(3)"; and

(D) by striking out "October 15" in paragraph (1) and inserting in lieu thereof "October 17".

(d) TERMINATION OR MODIFICATION PROCEDURES.—(1) Section 251(d) is amended by striking out paragraph (3).

(2) The last sentence of section 251(c)(1) is amended by striking out "and authorized under subsection (d)(3)(D)(i)".

(3) Section 256(l)(2) is amended by striking out ", in accordance with section 251(d)(3),".

(e) TECHNICAL AMENDMENTS.—(1) Section 254(b)(1)(A) is amended by striking out "Comptroller General under section 251(c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251(c)(3)".

(2) Section 274(f)(5) is amended by striking out "section 251(b) or (c)(2)" and inserting in lieu thereof "section 251(b)(2) or (c)(3)".

(3) Section 274(h) is amended—

(A) by striking out "Comptroller General" the first place it appears and inserting in lieu thereof "Director of the Office of Management and Budget"; and

(B) by striking out "Comptroller General under section 251(b) or (c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251(b)(2) or (c)(3)".

(f) ECONOMIC ASSUMPTIONS; METHODOLOGY.—(1) Section 251 is amended by adding at the end thereof the following new subsections:

"(h) ECONOMIC ASSUMPTIONS.—

"(1) REQUIRED ECONOMIC ASSUMPTIONS FOR FISCAL YEAR 1987.—In preparing each report required under this section for fiscal year 1987, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall use the following economic assumptions:

"The average level of the nominal gross national product is $4,438 billion for fiscal year 1987.

"The average level of the real gross national product is $3,788.6 billion for fiscal year 1987.

"The average level of the gross national product deflator index is 117.2 for fiscal year 1987.

"The average level of the CPI-U index is 334.8 for fiscal year 1987.

"The average level of the CPI-W index is 330.0 for fiscal year 1987.

"The average level of the civilian unemployment rate is 6.8 percent for fiscal year 1987.

"The average level of the three-month Treasury bill rate is 6.2 percent for fiscal year 1987.

"The average level of the ten-year government bond rate is 7.6 percent for fiscal year 1987.

"The average level of corporate profits (economic) is $332.6 billion for fiscal year 1987.

"The average level of wage and salary disbursements is $2,184.2 billion for fiscal year 1987.

"The average level of other taxable income is $893.0 billion for fiscal year 1987.

"The average level of the capital consumption adjustment is $55.6 billion for fiscal year 1987.

"The average level of the inventory valuation adjustment is −$6.6 billion for fiscal year 1987.

"The average level of refiners' acquisition cost for oil is $12.98 per barrel for fiscal year 1987.

"(2) FISCAL YEARS 1988 THROUGH 1991.—

"(A) REPORTS BY THE DIRECTORS AND THE COMPTROLLER GENERAL.—By July 25 of the calendar year in which a fiscal year begins (beginning with fiscal year 1988), the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall each submit to the Temporary Joint Committee on Deficit Reduction established by section 274 a report proposing economic assumptions (for each of the items specified in paragraph (1)) for use by the Directors and the Comptroller General in preparing each report required by subsections (a), (b), and (c) for such fiscal year.

"(B) REPORTING OF JOINT RESOLUTION.—The Temporary Joint Committee on Deficit Reduction established under section 274 may, at any time before September 15 of the calendar year in which a fiscal year begins (beginning with fiscal year 1988), report to the Senate and the House of Representatives a joint resolution for such fiscal year which—

"(i) specifies, for one or more economic assumptions, the amount (within the range of the amounts proposed for each such economic assumption by the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General in the reports required under subparagraph (A)) for such economic assumption for such fiscal year;

"(ii) directs the Directors and the Comptroller General to use the amount specified in such joint resolution for each such economic assumption in preparing each report required under subsections (a), (b), and (c) for such fiscal year; and

"(iii) directs the President to modify the most recent order (if any) issued under section 252 for such fiscal year in a manner which implements the amount specified in such joint resolution for each such economic assumption.

"(C) PROCEDURES.—The provisions relating to the consideration of joint resolutions under section 254(a)(4) shall apply to the consideration of a joint resolution reported pursuant to subparagraph (B), except that

debate in each House shall be limited to two hours.

"(D) ACTION IF ECONOMIC ASSUMPTION IS NOT SPECIFIED BY JOINT RESOLUTION.—In any case in which a joint resolution is not enacted under this paragraph specifying an amount for an economic assumption for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall use the amount for such economic assumption proposed by such Director or Comptroller General in the report required under subparagraph (A) for the fiscal year in preparing the reports required by subsections (a), (b), and (c) for such fiscal year.

"(E) DEFINITION.—For purposes of this paragraph, the term 'range of amounts' means, with respect to an economic assumption, any of the amounts for such economic assumption which is—

"(i) not less than the lesser of the amounts proposed for such economic assumption by either Director or by the Comptroller General in the reports required by subparagraph (A) for a fiscal year; or

"(ii) not more than the higher of the amounts proposed for such economic assumption used by either Director or the Comptroller General in such reports.

"(i) BUDGETARY RESOURCE-OUTLAY RATIOS.—

"(1) IN GENERAL.—

"(A) BASIC RULE.—Except as provided in paragraph (2) and in subparagraph (E), in preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall calculate budget outlays resulting from each item of budgetary resources (specified in subclauses (I) through (VII) of subparagraph (F)(i)) for an account in accordance with this subsection, for purposes of—

"(i) determining under subsection (a) budget base levels of budget outlays for such fiscal year;

"(ii) determining the amount of budget outlays for such fiscal year for defense programs to which subsections (a)(3)(E)(ii) and (d) apply; and

"(iii) determining the amount of budget outlays for such fiscal year for non-defense programs to which subsection (a)(3)(F)(iv) applies.

"(B) COMPUTATION RULES.—For purposes of subparagraph (A), in order to determine the amount of budget outlays for a fiscal year resulting from an item of budgetary resources for each account to which clause (i), (ii), or (iii) of such subparagraph applies, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall make the following determinations:

"(i) The amount of such item of budgetary resources for such account for such fiscal year shall be determined.

"(ii) The ratio described in subparagraph (C) shall be determined for such item of budgetary resources for such account.

"(iii) The amount of budget outlays resulting from such item of budgetary resources for such account for such fiscal year shall be equal to the product of the amount determined under clause (i) of this subparagraph for such item of budgetary resources multiplied by the ratio determined under clause (ii) of this subparagraph for such item of budgetary resources.

"(C) DETERMINATION OF RATIO.—For each item of budgetary resources for each account, the ratio referred to in clause (ii) of such paragraph (B) shall be equal to the quotient of—

"(i) the amount of budget outlays specified as the average of the amounts of budget outlays proposed by each of the Directors for fiscal year 1986 for such account in the first appendix of the report submitted by the Directors under subsection (a) for fiscal year 1986 (as such report was modified by the report of the Comptroller General under subsection (b) for such fiscal year and reaffirmed by H.J. Res. 672, as adopted on July 17, 1986), except as provided by subparagraph (D) of this paragraph, divided by

"(ii) the amount for such item of budgetary resources specified as the average of the amounts for such item proposed by each of the Directors for fiscal year 1986 for such account in such appendix.

"(D) ACCOUNTS WITH MORE THAN ONE ITEM OF BUDGETARY RESOURCES.—In any case in which, in the appendix described in subparagraph (C)(i), there is—

"(i) more than one item of budgetary resources for an account to which clause (i), (ii), or (iii) of subparagraph (A) applies;

"(ii) or an excluded budgetary resource for such an account,

the amount of budget outlays for each such item of budgetary resources, for purposes of subparagraph (C)(i), shall be the amount of budget outlays determined by the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, or the Comptroller General, as the case may be, that was associated with such item of budgetary resources for fiscal year 1986 in the preparation of such appendix.

"(E) EXCEPTION.—

"(i) Subparagraph (A) shall not apply to the calculation of budget outlays resulting from an item of budgetary resources for an account if the appendix described in clause (i) of subparagraph (C) does not specify the amount of budget outlays described in such subparagraph or the amount for an item of budgetary resources described in clause (ii) of such subparagraph.

"(ii) In preparing the reports under subsections (a) and (c)(1) for a fiscal year, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office shall calculate the budget outlays resulting from an item of budgetary resources described in clause (i) in the same manner as the budget outlays resulting from such item were calculated by such Director for purposes of determining the budget base level of total outlays under subsection (a)(1)(A) for fiscal year 1986.

"(F) DEFINITION.—For purposes of this subsection—

"(i) the term 'item of budgetary resources' means—

"(I) budget authority;

"(II) spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974);

"(III) offsetting collection amounts for spending authority (as so defined);

"(IV) direct loan limitations;

"(V) obligation limitations;

"(VI) unobligated balances for defense programs; and

"(VII) budget authority for programs subject to special sequestration rules; and

"(ii) the term 'excluded budgetary resource' means—

"(I) spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974) for automatic spending increases;

"(II) direct loan floors;

"(III) guaranteed loan limitations;

"(IV) guaranteed loan floors;

"(V) unobligated balances for administrative expenses; and

"(VI) budget authority for automatic spending increases.

"(2) PROPOSAL OF ALTERNATIVE RATIOS.—

"(A) IN GENERAL.—By June 20 of the calendar year in which a fiscal year begins (beginning with fiscal year 1988), the Directors may submit a joint report to the Temporary Joint Committee on Deficit Reduction established under section 274(f) which proposes, for one or more items of budgetary resources, the use, for purposes of paragraph (1), of a ratio for such fiscal year which is different than the ratio prescribed by subparagraph (C) of such paragraph. The report shall include, for each such item for which a different ratio is recommended, an explanation of the reasons why the ratio prescribed by paragraph (1)(C) is no longer adequate for purposes of paragraph (1) and a justification for the ratio proposed for such account.

"(B) REPORTING OF JOINT RESOLUTION.—Within 5 days after receiving a report under subparagraph (A), the Temporary Joint Committee may report to the Senate and the House of Representatives a joint resolution affirming the report submitted under subparagraph (A). The provisions relating to the consideration of joint resolutions under section 254(a)(4) shall apply to the consideration of a joint resolution reported pursuant to this subparagraph, except that debate in each House shall be limited to two hours.

"(C) EFFECT OF JOINT RESOLUTION.—If a joint resolution is enacted under subparagraph (B) for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall each, in preparing each report required under this section for such fiscal year, use for each item of budgetary resources for which a ratio is contained in the report submitted under subparagraph (A), the ratio contained in such report (as affirmed pursuant to such joint resolution).

"(j) COMPUTATION OF BUDGET BASE OUTLAYS RESULTING FROM OBLIGATED BALANCES.—In determining the amount of budget base outlays resulting from obligated balances for defense programs and non-defense programs for a fiscal year for purposes of the reports required under subsections (a) and (c)(1)—

"(1) the Director of the Office of Management and Budget shall use the methodology used by such Director in determining such budget base outlays in the report required under subsection (a) for fiscal year 1986; and

"(2) the Director of the Congressional Budget Office shall use the methodology used by such Director in determining such budget base outlays in the report required under subsection (a) for fiscal year 1986.

"(k) FEDERAL REGULATIONS.—Except as provided in subsection (a)(6)(D)(ii), in preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall assume that only regulations which have been promulgated as final regulations by August 15 of the calendar year in which the fiscal year begins (with respect to reports required under subsection (a) or (b) for such fiscal year), or by October 5 of the fiscal year

(with respect to reports required under subsection (c) for such fiscal year), shall be in effect during such fiscal year.

"(l) ASSET SALES.—In preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall assume that the sale of an asset by the Federal Government will occur during such fiscal year only if a final notice of sale during such fiscal year (including a description of the asset to be sold and the date of sale) is published in the Federal Register by August 15 of the calendar year in which such fiscal year begins (with respect to reports required under subsection (a) or (b) for such fiscal year), or by October 5 of the fiscal year (with respect to reports required under subsection (c) for such fiscal year).

"(m) PAY INCREASES.—

"(1) IN GENERAL.—In preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall—

"(A) include amounts of budgetary resources and budget outlays necessary to pay for any Federal pay adjustments for statutory pay systems if such adjustments have been recommended by the President or, notwithstanding subsection (a)(6)(D)(i), have been enacted by law;

"(B) include amounts of budgetary resources and budget outlays necessary to pay for any pay adjustments for elements of military pay if such adjustments occur pursuant to law or are specifically enacted by law; and

"(C) assume that the percentage of the amounts of budgetary resources and budget outlays necessary to pay for such adjustments that will be absorbed by all Federal agencies will not exceed the average (for the three most recently completed pay adjustment absorption fiscal years) of the percentages of such amounts absorbed by Federal agencies for such fiscal years.

"(2) DETERMINATION OF AGENCIES ABSORBING PAY ADJUSTMENTS.—For purposes of paragraph (1)(C), a Federal agency shall be treated as having absorbed a percentage of pay adjustment for a fiscal year only if—

"(A) a pay adjustment becomes effective with respect to the agency in such fiscal year, and

"(B) a bill or joint resolution making supplemental appropriations for pay (including, in the case of members of the uniformed services, elements of military pay) was enacted with respect to the agency for such fiscal year.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'budgetary resources' includes any of the types of budgetary resources described in clauses (i) and (ii) of subsection (i)(1)(F);

"(B) the term 'pay adjustment absorption fiscal year' means a fiscal year in which—

"(i) a pay adjustment becomes effective with respect to any Federal agency, and

"(ii) a bill or joint resolution making supplemental appropriations for pay (including, in the case of members of the uniformed services, elements of military pay) for such fiscal year is enacted for any Federal agency with respect to which such an adjustment becomes effective.

"(C) the term 'statutory pay system' has the same meaning as in section 256(g)(2)(A); and

"(D) the term 'elements of military pay' has the same meaning as in section 256(g)(2)(B).

"(n) FARM DEFICIENCY PAYMENTS.—In preparing each report required under this section for fiscal year 1987, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall assume that advance deficiency payments shall be made available to producers who agree to participate in an acreage limitation or set-aside program for the crop year relating to such fiscal year based on an amount under section 107C(a)(2)(F)(iii) of the Agricultural Act of 1949 (7 U.S.C. 1445b-2(a)(2)(F)(iii)) of—

"(1) in the case of wheat and feed grains, 40 percent of the projected payment rate, as determined by the Secretary of Agriculture; and

"(2) in the case of upland cotton and rice, 30 percent of the projected payment rate, as determined by such Secretary.".

(g) ENTITLEMENTS.—Section 251(a)(6)(A) is amended by inserting before the semicolon a comma and "including the continuation of current law with respect to entitlements funded through annual appropriation Acts and with respect to the Food Stamp Act of 1977".

(h) COMPLIANCE REPORT.—Section 253 is amended to read as follows:

"SEC. 253. COMPLIANCE REPORT BY COMPTROLLER GENERAL.

"On or before November 15 of each fiscal year, the Comptroller General shall submit to the Congress and the President a report on—

"(1) the extent to which the President's order issued under section 252(b) for such fiscal year complies with all of the requirements contained in section 252, either certifying that the order fully and accurately complies with such requirements or indicating the respects in which it does not;

"(2) the extent to which each report of the Director of the Office and Management and Budget under section 251(b)(2) and (c)(3) for such fiscal year complies with all of the requirements contained in this part, either certifying that the order fully and accurately complies with such requirements or indicating the respects in which it does not; and

"(3) any recommendations of the Comptroller General for improving the procedures set forth in this part.".

(i) EXEMPT PROGRAM.—Section 255(g)(1) is amended by inserting before the first item relating to the Western Area Power Administration the following new item:

"Washington Metropolitan Area Transit Authority, Interest payments (46-0300-0-1-401);".

(j) TEMPORARY JOINT COMMITTEE.—Section 274(f) is amended—

(1) in paragraph (1) by inserting "on or after the date of the enactment of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1986" after "invalidated"; and

(2) in paragraph (2)—

(A) by striking out "Upon the invalidation of any such procedure there" in the first sentence and inserting in lieu thereof "There";

(B) by striking out "and" before "to report" in the third sentence and inserting in lieu thereof a comma; and

(C) by inserting before the period in the third sentence a comma and "and to carry out the functions specified in subsections (h) and (i) of section 251".

(k) APPLICABILITY.—The amendments made by this section shall apply only with respect to any report required to be submitted, for fiscal year 1982, and any order issued for fiscal year 1987, after the date of enactment of this Act under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 203. RESTORATION OF AUTHORITY OF COMPTROLLER GENERAL.

(a) If, at any time after the date of enactment of this Act, legislation is enacted which—

(1)(A) establishes the Comptroller General of the United States as an officer of the executive branch of the Government, or

(B) establishes an independent agency in the executive branch of the Government to carry out the functions of the Comptroller General which are executive in nature; and

(2) provides that this section will become effective upon the enactment of the legislation,

the provisions of sections 251, 252, 253, and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect on the date of enactment of such Act) shall be restored or revived and shall be effective as if this Act, and the amendments made by this Act, had not been enacted.

(b) If, pursuant to subsection (a), the provisions of sections 251, 252, 253, and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 are restored and revived, the responsibilities assigned by such Act (as so revived and restored) to the Comptroller General shall be carried out by—

(1) the Comptroller General (if provisions of law described in subsection (a)(1)(A) have been enacted); or

(2) the head of the agency established pursuant to provisions of law described in subsection (a)(1)(B),

as the case may be.

SEC. 204. MODIFICATION OF DEADLINE FOR SUBMISSION OF PRESIDENT'S BUDGET.

(a) Section 1105(a) of title 31, United States Code, is amended by striking out "first Monday after January 3 of each year (or on or before February 5 in 1986)" and inserting in lieu thereof "first Tuesday in February of each year".

(b) Section 300 of the Congressional Budget Act of 1974 is amended by striking out "First Monday after January 3" and inserting in lieu thereof "First Tuesday in February".

Mr. GRAMM. Mr. President, I know that the hour is late, it is Friday, and it is the day before the Senate is to adjourn for three weeks. If everybody else feels like I do, they feel like that old mule that has been plowing all day; it is getting toward quitting time and every time it comes past the gate it sort of wants to drift toward the barn. There is nothing I would like better in terms of my own personal life than adjourn. In fact, I already missed my plane for tonight. I am hoping to get one in the morning, and I know after 2 weeks of midnight sessions everybody looks forward to leaving Washington and going home. And in many ways the public will be better for having us gone.

But I want to ask the forbearance of my colleagues tonight as we talk about the debt ceiling and the problem that

the American economy faces. Quite frankly, Mr. President, I am not going to apologize for taking up the time of my colleagues. For 5 days we have debated and worried about the problems in Central America—and I am deeply concerned about them. For 5 days we have debated and worried about the problems in South Africa—and I am deeply concerned about them as well. And I guess it depends on which side of the aisle you sit and what your values are whether you think the net result of those 5 days of debate was positive or negative.

But the time has come, Mr. President, at this late hour, to do something for the American people, for those who do the work, pay the taxes, and pull the wagon, and make America work. The time has come to do something for the people who provide the resources to Government to take care of the needy and maintain the security of the free world. We are going to vote here tonight on a temporary debt ceiling that raises the debt by $73.3 billion to fund the borrowing of the Federal Government while we go home on recess until we come back in the middle of next month.

Now, I want to give you a figure that to me is pretty revealing and pretty startling. I believe that it more than anything else explains why we have a crisis. From the beginning of the Republic, in 1789, until the onset of the war effort in 1942, the public debt never exceeded $73.3 billion. For 152 years we ran the Republic, fought the wars of the Nation, provided an environment that drew 20 million immigrants to this country in search of opportunity and freedom, built the world's greatest democracy, and did it all without ever going more than $73.3 billion in debt.

Tonight, we are being asked on a temporary debt ceiling, so that we might recess, to raise the debt by $73.3 billion just to last us until the middle of September. My colleagues, to fund the borrowing of the Federal Government between now and the middle of September, we are being asked to incur more debt than the Nation incurred during the first 152 years of the history of the Republic. In fact, the number is really more startling than that. If you exclude the World War II debt incurred in fighting the greatest and most expensive war that the world had ever known, it is not until 1959, toward the end of the Eisenhower administration, that did we at one time owe $73.3 billion. And yet tonight at the 12th hour, after spending a week debating everybody else's problems, we are proposing a temporary debt ceiling to borrow more money to finance the Government for 1 month than, excluding World War II, was borrowed from the day that George Washington took the oath of office until 1959.

Now, if that does not concern you about this problem, I submit that you are not going to be concerned.

We are going to hear the argument here tonight and certainly if we are successful in attaching Gramm-Rudman-Hollings II to this temporary debt ceiling, then we are going to hear the argument over in the House as well, and the argument will be, "Look, we want to go home, we want to recess. This problem will wait. Let's wait until we get back from recess on September 8 and then let's deal with this problem.

□ 2110

There is no problem here that will not wait. Why do it now? Why do it tonight? Let me respond to that.

First of all, Mr. President, the reason we need to do it tonight is that events are fast overtaking us. The effort we undertake tonight—in fact, the effort that was successfully adopted in the Senate on the permanent debt ceiling some 2 weeks ago—will be irrelevant when Congress returns on September 8, unless we act tonight to reconstitute Gramm-Rudman-Hollings and respond to the Supreme Court decision. Let me explain why.

Today, in a very real sense, was a historic day in the deficit and budget history of the country. Today, the 15th of August, was the day for taking the snapshot estimate to see whether or not the budget we adopted during the early summer and the actions we have taken thus far have achieved the target that we promised the American prople. We promised a $144 billion deficit as our first step toward balancing the budget at the end of the decade, calendar year 1990, fiscal year 1991.

Five days from today, on Wednesday of next week, the Office of Management and Budget and the Congressional Budget Office will report jointly on what the deficit is. They will compare that deficit projection to the $144 billion target, they will note whether or not we have exceeded the trigger point, and they will set out what that would mean in terms of an across-the-board cut, unless within the next 2 months we do something about the problem.

The problem is, Mr. President, that we are not going to be here on Wednesday. In fact, after we leave here tonight we are not going to be back here until September 8. On September 8, when we come back into session, the fallback provision to certify the deficit will be operative unless we act to reimpose the automatic mechanism. Under the fallback provision, the two Budget Committees will have 5 days to look at what OMB and CBO did and then report to the two Houses of Congress so that they can vote—not on automatic cuts but on certifying the deficit numbers as projected jointly by CBO and OMB.

I submit, Mr. President, that if we do not act tonight to set into place an automatic mechanism, the first 5 days after we come back on the 8th of September will be used to decide whether to tell the American people the truth, whether to admit there is a deficit problem and acknowledge that additional action must be taken. The question will be whether or not we certify a deficit number and then we refuse to act and make the hard decisions—if the White House refuses to act and make the hard decisions—would cause an automatic cutting mechanism to go into effect.

Even if we are successful, Mr. President, after those 5 days of joint effort, we then face the prospect of another 2 weeks, as the election is bearing down on us, to adopt a permanent debt ceiling. We will then have 1 week left to do something about the sequester order to meet the targets, to act, to pass a continuing resolution.

I submit that by that point we will have guaranteed a legislative train wreck. In the process we will also have guaranteed that either, one, we will not meet the targets and an across-the-board cut will go into effect, which no one wants; or, two, that we will not meet the targets, the deficit will remain above the target, and we will have failed to fulfill our commitment to the American people.

Now, what is this so-called fix we are talking about here? Well, as a gesture of our good intentions to the House, we are not offering the full Gramm-Rudman-Hollings II here tonight. We already have that on the permanent debt ceiling. The House has yet to appoint conferees. When they do, we will have an opportunity to debate that in full. We can debate that in September.

What we are proposing here tonight is simply the 1987 fiscal year part of Gramm-Rudman-Hollings II. How does it differ? It differs because we already have the estimates of CBO and OMB. This enables us to deal with a concern that some have—but, which in my opinion, has very little substance—about OMB having all this discretionary power in Gramm-Rudman-Hollings II. In this bill for fiscal year 1987, we do not let OMB make projections about economic growth and inflation and other economic variables that will determine whether or not there is an across-the-board cut if we admit the deficit exists. We write those economic factors into the bill, into law.

There are those who can and will argue, when we debate the full Gramm-Rudman-Hollings II in September, that it gives too much power to OMB. The Senate was not swayed on that argument. By a margin of almost 2 to 1, we rejected that argument when we adopted Gramm-Rudman-Hollings II. But that argu-

ment cannot be made with any legitimacy about what we do tonight, because we are in fact setting out in law what the economic parameters are and, in the process, determining the outcome of the effort to take the snapshots and determine where we are.

The solution we propose tonight has CBO and OMB meeting jointly, making projections on the deficit. That projection is audited by the General Accounting Office, and that audited report goes to OMB, which, on behalf of the President, certifies the deficit.

The parameters within which that certification will occur are set out in the law. There is no discretionary power in the proposal for 1987 that we vote on here tonight.

Mr. President, we cannot wait until September 8 to deal with this problem. We cannot afford to have the first order of business be a divisive debate, of uncertain outcome, as to whether or not we are going to admit that there is a problem. It is imperative that we come back in September admitting that there is a problem, knowing that our energies must be focused toward dealing with that problem.

If we are successful tonight on this temporary debt ceiling, if the House should recede and concur in this amendment, we would have that certainty

Now where are we? A year ago, we had gone through the budget process and had failed; there was great despair in Congress and throughout the country about the deficit.

□ 2120

The problem has not gone away but we have taken an important step toward dealing with that problem. We adopted the Gramm-Rudman-Hollings law. We set out targets in the law. We made cuts in spending for fiscal year 1986. We raised points of order against budget overages. We sustained those points of order and we saved the taxpayers' money.

The deficit today is $11.7 billion lower than it would have been without Gramm-Rudman thanks to the action we took under the mechanism. But it is even lower than that because of money saved by the threat of raising a point of order and because of actual points of order raised.

The capital market responded to the first clear action we have taken to bind ourselves to a solution to the deficit in 20 years. Interest rates went down. The stock market soared. And the economy—albeit erratically—started a process of improvement.

The Supreme Court, after a lower court decision, then ruled that everything about the bill withstood constitutional muster except that we had chosen the wrong officer to certify the deficit, the Comptroller General.

The day that the Supreme Court struck down the Comptroller General, and with it the automatic mechanism to force Congress and the President to act, the stock market fell more than in any day in American history. It has been in the doldrums ever since the the economy has continued to teeter.

Now, I am not claiming that interest rates went down just because of Gramm-Rudman-Hollings, that the stock market went up just because of Gramm-Rudman-Hollings, or that the largest collapse in American history occurred just because the Supreme Court made the ruling that day. I am not making any of those claims. But I do not think that anybody can legitimately argue that Gramm-Rudman-Hollings, was not a significant part of all of those events.

Now, Mr. President, having made the commitment, if we now refuse to come back and reaffirm the automatic disciplining agent than I am deeply concerned about the impact on the equity market, on investors, and on the economy as a whole.

Quite frankly, Mr. President, we have been very lucky. We have had huge deficits and yet the economy has recovered. It has recovered at a very high price. With those deficits we produced the highest real interest rates in American history. We inflated the value of the dollar on the world market. We made American goods noncompetitive. We created a huge trade deficit as capital came into the country, attracted by the interest rates to fund the deficit and the recovery. We paid a high price for that in terms of our ability to export and in the loss of manufacturing jobs.

But we have come, in my opinion, to a moment of truth. I believe the recovery can be sustained, but I also believe that we can fall into a deep recession; and I think we have the ability to a significant extent to choose our own fate.

I have risen tonight on behalf of myself, Senator RUDMAN, and Senator HOLLINGS, to offer this amendment because I am convinced that we are in very grave danger if we do not live up to the commitments that we have made, if we do not bring the deficit down, if we do not provide some certainty to the American people that we are going to take action.

I believe the fallback position may still work. I always believe that there is hope, but I think given the legislative schedule we face, given the fact that there are many in the House who are here saying, "Let's not admit that the deficit exists; let's not take action that will put the automatic cut over our head and make us act, let's just follow the same old business-as-usual process," that we are at considerable risk.

The business-as-usual process has produced $1 trillion increase in the Federal debt in the last 5 years.

I submit that is a dangerous path. It is a dangerous path for the economy. It is a dangerous path for the American people and the future of our children. And it is a dangerous path for a Congress that by huge majorities of both parties in both Houses said to the American people after 20 years of inaction and excuses and finger pointing at somebody else, "We are going to bind ourselves to a process, a process that will force us to act to avoid automatic cuts that will do the job, if we do not do the job."

If now we refuse to reaffirm that commitment, if we are unwilling or unable to make the backup provision work, then I believe there will be a reassessment by the investors of America. I think whatever confidence they have in us and our ability to deal with the deficit could well be lost, and that could be the beginning of a new and deep recession that would dash our hope of sustaining a recovery that has put 10 million people to work.

So I want to urge my colleagues to vote for this amendment. We did not choose to be here. We adopted this amendment some 2 weeks ago. When we adopted it, the House did not appoint conferees. We could not go to work out our differences, because they refused to act.

Now, at the 11th hour, we are sent a 30-day debt ceiling raising the debt more than the cumulative debt we incurred in the first 152 years of the Republic, and there are those who say, "Don't fix the process, we don't need it, we can make it work, we can make it work by taking action without a disciplining agent in effect."

I do not believe that is so.

And I conclude, Mr. President, by reminding my colleagues that we now are down to a point of decision. I believe this is vitally important. I am not sure what the other body is going to do. I am not sure what we are going to do here tonight. And I am sorry we are debating this issue, which in my opinion is the most important issue that we have debated in the 8 years I have been in the Congress—far more important than what has tied us up for the last week—only now, at the 11th hour, when everybody wants to go home.

But I hope my colleagues will adopt this amendment and reaffirm our commitment to the American people to bring the deficit under control and to balance the budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire, Mr. RUDMAN.

Mr. DOMENICI. Mr. President, I wonder if the Senator would yield just 2 minutes to the Senator from New Hampshire?

Mr. RUDMAN. As a matter of fact, I will be happy to yield the floor to the chairman of the Budget Committee, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I thank my friend from New Hampshire.

I am not going to talk very long at this point.

I want to pay tribute to the speaker who just spoke. I think everyone who is concerned about the future of this country ought to read the explanation of the distinguished junior Senator from Texas on what has happened and what is going to happen.

I do not want any misunderstanding. Yet I am not certain as he that the way to solve the problem is that we must adopt the automatic trigger that he proposes. We will be here for a couple of hours and I will address that issue as it concerns the U.S. Senate and the U.S. House of Representatives and the posture we are in.

Let me say I believe the explanation he just gave of where we are and what is going to happen, not necessarily if we do not adopt this amendment—we will address that later—but if we do not use the discipline built into this law and make sure that our country and the world find out that we are, I submit that we are treading on very dangerous grounds.

What has happened to this country to this point is precisely what he has said. We have incurred the deficits. We have had enormously high interest rates. We have been what I called earlier tonight in a speech that I gave here on the Senate floor, unbeknownst we were a Marshall plan for the rest of the world as they sent us all their goods and then they took our capital and then they loaned it back to us, and now we have this enormous debt and we have to start cutting the debt.

And we have no better way to send a message than to make sure that this U.S. Senate and that U.S. House of Representatives are committed to the targets in Gramm-Rudman-Hollings.

The one thing that concerns me is that maybe the U.S. House of Representatives does not intend, when we return, to pull the trigger.

I have been thinking about that and what happens if they do not and it does bother me. That is why I stood up. Frankly, if we do not intend bicamerally to make sure we get where we committed to be and keep the heat on ourselves and the President—he is supposed to be part of this leveraged process—I am not sure we are going to get there.

I am not yet committed to the proposition that the only way we can do that is by the adoption of this amendment.

I am prepared to tell the Senate that clearly if we can find a way to do that, this is a reasonable amendment. I am not sure we can. But it would be a reasonable way. It would be an assurance that we could get there and it ought to be a way that we can find to accommodate to the differing opinions of the two bodies.

□ 2130

But I understand that we have to get on. We have to extend the debt and we have to get on with the business. So I am not yet standing saying "We better do it or else," but I am saying that we are in big trouble if, come about 15 days after our return, if we have not sent a loud and clear and enforceable signal that we found a way to do it.

And I am not so sure that wishes and hopes and great aspirations are enough. I mean we may hope we are going to do it. The House may wish they are going to do it. But I am not so sure that is enough.

So, with that, let me say to the Senator from Texas, aside and apart from the amendment, I really compliment you on your analysis of what has happened and why we better do some fixing.

I also would like to say that I think our trading partners in the world ought to be aware that protectionism is not dead. And the reason it is alive is because we cannot continue the process that has gone on here for the last 3 years of them expecting to sell all their extra production here, that we are supposed to generate all the demand, we are supposed to borrow the money, consumers, corporations and the Federal Government, to keep that going, keep our interest rates high so they will send us some capital and they keep theirs high because they do not want to generate any demand at home and then we have this, "Let us have free trade." That is all part of this.

If we are going to reduce the deficit—and we ought to—they ought to know we have got some real problems if they do not stimulate also in terms of their own demand. That is a slight aside, but it is part of the overall equation and I hope in the next couple of hours we will find a way to reach a consensus here.

I yield the floor.

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. RUDMAN. Mr. President, let me first say I rise somewhat reluctantly tonight. I imagine there are many who have watched the Senate on television for the last 2 weeks working until midnight, and after, every night on a number of important issues, who feel that we must be lunatics to, at this late hour, be saying that there is something else that has to be done. I do not think we are. I think we have a deep concern, and I think we ought to address it.

You know, we take an oath of office when we come here, and it has a lot of words in it. Let me remind you of some of the words. It says you are supposed "to defend the Constitution of the United States against all enemies, foreign and domestic."

The reason that Senators GRAMM and HOLLINGS and RUDMAN and others are here tonight is over concern about the future of the economy and a fear that we are running out of time to fix it. I do not know whether we have even got time. I have spent the last 10 days talking to economists and financial people across this country whose names are household words. And there is one thing I get agreement on—this economy is fragile, the world economy is more fragile, and the profligacy of the United States of America in its spending policies may well have gone past the point where anything can save us from a fate that the American people do not even vaguely understand.

So I am here tonight simply to say that we ought to take this opportunity and tomorrow if necessary, and, in my view—I speak only for myself—next week if necessary to insure that a process that has been working continues to work. There is no one in the press who covers this body, who covers the Budget Committee, who covers the Appropriations Committee, there is no one on the Appropriations Committee or the Budget Committee and few who sit in this Chamber who will not agree that the discipline of the front half of a bill called Gramm-Rudman-Hollings has been remarkable this year.

We have sat through markup after markup after markup where the chairman could say to the committee: "I am sorry, but we are at our 302(b) allocation. That amendment will take us over and, therefore, we cannot accept it." And time after time Democrats and Republicans have voted against adding money.

It happened in my subcommittee 2 days ago, the one that I chair with my friend, the ranking member, the Senator from South Carolina. We came in $38,000 under our allocation.

What happened last year? Last year, we had a budget resolution. We were told that it had a $172 billion deficit. We are now told the deficit is $230 billion. So much for the old-time estimates, which were not cooked—they were microwaved.

Now, what we are dealing with here is a very simple proposition. I understand there are some here who would rather that we do not vote on this tonight. I would tell them we are between a rock and a hard place. I do not believe we can easily pass a temporary extension without sending to the House of Representatives this very

reasonable amendment proposition which bears the imprimatur of the ranking Democratic member of the Senate Budget Committee, who suggested much of the language in Gramm-Rudman II as applied in 1987.

It was Senator CHILES and his staff, in negotiations with Senator GRAMM, Senator DOMENICI, Senator HOLLINGS, and myself, who came up with that language which we believed was in everyone's interest for this year because of the fears over OMB. And no one can argue with a straight face here tonight that his fix gives OMB any more power whatsoever.

So all we really want, Mr. President, is a chance to vote here. This will be, by my count, the 13th vote on Gramm-Rudman-Hollings—none have carried by less than 62 votes; some by as much as 75 votes—and send it to the House. If the House, a coequal branch, wishes to strip it and send it back, then we will have to take one more look at the situation.

But I am pleading with my friends in this Chamber to let us vote on this; let us vote on it tonight.

Mr. HART. Will the Senator yield?

Mr. RUDMAN. I am pleased to yield to my friend from Colorado.

Mr. HART. Has anyone said anything about not voting?

Mr. RUDMAN. Well, I am delighted the Senator from Colorado has made that comment. I feel much better.

I do know that yesterday someone on that side—I am not sure who, I think if I thought hard enough I could remember—but someone on that side, not the Senator from Colorado, suggested that if we proposed this amendment there would be a long discussion. In the polite parlance of the Senate, that means a filibuster.

Mr. HART. Will the Senator yield?

Mr. RUDMAN. I am pleased to yield.

Mr. HART. It was not the Senator from Colorado.

I think the Senator is correct in his understanding, but he was pleading with Members to let us vote, when no one on the other side has been heard from yet. I mean, the speeches are all coming from that side. I would love to be heard, and then we will talk about voting.

Mr. RUDMAN. Well, I am going to listen with great interest to my friend from Colorado and I am sure that I will be educated by his remarks.

Let me simply say that if I am wrong in my paranoia, then I will be very pleased tonight.

I want to say one last thing. There is one thing we ought not to hear tonight. I hope we do not hear it. We ought not to hear who is to blame for the fiscal mess we are in.

There are some who say that the President of the United States is to blame for his budget policies. There may be a grain of truth to that.

There are some who say the tax cut in 1981 was too big. And there may be more than a grain of truth to that.

There are some who say that the "Great Society" programs of the 1960's so leveraged the entitlement programs that they are to blame. And there is more than a grain of truth to that.

The truth is that there are a lot of people to blame. There is enough blame to go around. And what we ought to be talking about tonight is simply how to fix the deficit problem because, quite frankly, I do not think the American people give a tinker's dam as to who is to blame. They want it fixed.

Let me conclude by saying this: the Senator from Texas has made as compelling an argument as I have heard. And I have talked to people on both sides of the aisle who say that, since this process has worked so well, let us at least put in place this mechanism that we know will result in meeting these targets.

□ 2140

If we do not meet the targets, I have a fear which tracks closely the fear of the Senator from Texas, and the chairman of the Budget Committee, Senator DOMENICI from New Mexico. I do not think we have much time. What I have been told over the last several weeks is simply this: that if the financial markets in this country get the slightest hint that this Congress is not dedicated to reducing deficits, we are going to have economic problems of a serious nature sooner than later.

I have listened to my friend from Nebraska who is on the floor talking about the problems in the farm States. And they are great. The Democratic leader has been on the floor most of this debate. I listened my first 2 years to that distinguished Democratic leader talk about the problems that have devastated and ravished the people of West Virginia. And I share his grief about that.

I have listened to people on this side of the aisle talking about the steel industry in the heartland of America which is being ravaged and shut down. Why is America in that kind of shape? It is in that kind of shape because everybody in public office bears a share of the blame for deficits that are close to bankrupting America and destroying our freedom.

We want to stop that. We want to save America. We want to save our children. We want to save our grandchildren.

We are not here tonight trying to make political gain, because there is no political gain. This bill has bipartisan support. We are not here to embarrass the House of Representatives. They are a coequal body. They have their rights. We are here because we have a grave concern about the future of America, and we think that this deficit spending must stop.

I hope we can vote tonight because it is for America that we are voting.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina, Mr. HOLLINGS.

Mr. HOLLINGS. Mr. President, I differ slightly with respect to the hope expressed by my distinguished colleague from New Hampshire. He did not want to hear anything about assigning blame for the deficits. It would be nice to finesse the blame and move on to a discussion of the solution. But we cannot understand the importance of the solution, Mr. President, if we do not understand the roots and the seriousness of our situation.

Some will say that my describing the seriousness of our current environment is a way to allocate blame. That is not the intent.

It is very difficult for Congressmen and Senators to tackle an overwhelming subject of this kind, to seek serious solutions, when the President does not. It is as simple as that. As the President says, "If not us who? If not now, when?"

On that particular score, our television is totally inadequate. I wish the camera could show the mix of resentment, and disappointment that we even dare to raise this difficult subject. It takes courage, you know. You heard that Gramm-Rudman-Hollings really takes courage and the need for hard choices out of the budget process. I can tell you right now, it takes courage to even talk about it at this late hour.

The television does not focus on the scorn exhibited by many in this Chamber. After all, they say, you all have talked about this thing enough. And the House is headed home. So why talk about it now? Why propose an amendment and put people on the spot?

My whole intent is exactly that, to put this Government on the spot. I want to get this Government off of this deficit addiction that we have been on—this compulsive deficit spending. We face a drug worse than crack or heroin. We face a drug that has taken hold in an insidious fashion over the last 5 years. So insidious is this deficit spending drug that many deny it is destroying us.

I remember the Great Society, when Lyndon Baines Johnson lived in mortal fear that he would not be able to pay for his Great Society, and that he would leave a deficit. In 1968, as a result, we had long sessions where we just flat cut some $5 billion in spending. We did not have fancy words like "reconciliation" and "sequestration."

We just flat cut the budget and balanced the budget—as simple as that.

I remember how the word came down from President Johnson, "We are going to cut it again." And we slapped on a 10-percent surtax. You didn't get any doubletalk about "over my dead body" on the subject of raising new revenues.

And the result was that Lyndon Baines Johnson actually left a surplus under his Great Society Program.

I remember Jimmy Carter. I was chairman of the Budget Committee. He had been defeated. He had been given hell all over the countryside about a $40 million deficit. It makes me downright nostalgic to talk about a $40 billion deficit. I went to President Carter immediately after his defeat in November as chairman of that Budget Committee. And I said, "Mr. President, you are going to leave an even bigger deficit. You are going down in history."

Presidents worry at the end of their terms about how they are going to be judged by history. I said, "There is one historical record you will make. You will leave the biggest deficit in the history of this country." And he said, "How much is that?" I said, "The Congressional Budget Office tells us it will be somewhere around $75 billion."

He said "Heavens, we can't let that happen." I said, "Leave it to us." And I went to men who would now be characterized as liberal-spending Senators. I went to George McGovern, Gaylord Nelson, Birch Bayh, Warren Magnuson, and said, "Look, as Democrats we are going to be in a heck of a fix. We are going to leave a record of the largest deficit in the history of the United States, and we will never hear the end of it." So we passed the first reconciliation bill on December 5, 1980, after President Carter was defeated.

My purpose is not to assign blame. It is to describe the atmosphere that permeated this great body before everybody became drunk on deficit spending. Yet, now you hear the cry, "Don't bother us. We will get back on the wagon and sober up when we come back in September after the Labor Day recess."

I am at a loss for words to instill a sense of shame and shock in my colleagues. We are in the most desperate circumstances you could possibly imagine. Open your eyes: wholesale prices continue to fall, industrial production is down for the fourth month in a row, real interest rates remain sky high, the agricultural economy is in depression and the textile economy is going bankrupt. Look across the length and breadth of America's manufacturing heartland and you see that the jobs are vanishing. On the international front, we are now a debtor nation and a net importer of food.

For all this and more we can thank the deficits. So I say tonight, if you want to do something for the farmer, get rid of these deficits. If you want to do something for the businessman, the small merchant, the doctor, the professional, the poor man who has no food at all, get rid of these deficits.

□ 2150

Yet I hear the cry, "Don't raise the subject of deficits!" This is the atmosphere here tonight. Well, I wonder how many White House aides are in the lobby tonight. The answer is: Not many. They will go to the mat to defeat a textile bill or to kill sanctions against South Africa. They pull out the stops to export our textile jobs overseas. But when it comes to the deficit, they look the other way. They couldn't care less.

Sure, sure, the White House talks a good game about a budget-balancing amendment or the line-item veto. But when it gets down to brass tacks on balancing the budget, the White House is nowhere to be found. And I might add that a good part of the leadership in both Houses is against this. Yet we continue to talk.

A solid majority of Democrats on this side of the Capitol are for Gramm-Rudman-Hollings, vote after vote after votes, 12 votes in all so far.

Yet the spending goes on. It is a wonderful binge, this deficit spending.

I had hoped, momentarily, that we had finally gotten on the wagon. Last fall, after 4 months of thorough debate, we passed Gramm-Rudman-Hollings by an overwhelming vote.

Yet now they come back and say they did not understand it. I submit that they understand it all too well. They know exactly what it says. It says that they have to act, that they cannot dodge. It says to the President, to the Senate, and to the House of Representatives, "We cornered you." Every Member is caught now and cannot avoid it. Yet they still try to get away. They point to the already adopted resolution for recess and they moan about the pressure of 2 weeks of midnight sessions around here, saying, "For Heaven's sake, let us go and we will deal with the deficit when we get back."

And that, Mr. President, is how the discipline breaks down. It's like the drunk who pleads," Just one more round, I'll sober up next week."

I have tried over the past couple of days to be as reasonable as I possibly can with the leadership in the other body. Let me say here and now, GRAMM and RUDMAN and HOLLINGS are not trying to push anybody around. What we are asking for is a fair chance to sustain the budget discipline, to get a vote. That is all I ask. We are asking for a vote.

It's possible that you can get the votes for a debt extension without also passing this deficit-cutting measure. But I have to be perfectly candid. GRAMM, RUDMAN, and HOLLINGS are not Dale Carnegies. We did not sell our bill through the force of our personalities. We forced it through the pressure of the debt-limit extension last fall. That is how we got it. And we have that pressure on our side again with this latest debt-limit extension bill.

I ask, "In good conscience, how can you vote to raise the debt limit by another $73 billion, and then turn around and say, no, let's not try to fix the deficit now. Let's wait and vote on it after Labor Day."

The numbers do not lie. They reveal the true gravity of our situation. I have updated figures here from the Congressional Budget Office. Take just three items in the budget—defense, the interest cost, and entitlements—and you have fully $967 billion of a nearly $1 trillion Federal budget. Three items that no one wants to cut amount to some 97 percent of the entire budget.

The President will not let you economize on defense. No one wants to cut the entitlements. In fact, most are protected under Gramm-Rudman-Hollings. Total entitlements are $467 billion.

Three items; defense, entitlements, and interest costs amount to $967 billion of the budget. Offsetting receipts and interest income amount to $111 billion. This means that the three items with offsetting receipts amount to $856 billion of a budget of $1,012 billion. This leaves $156 billion for the rest of government.

That's right. For the FBI, drug enforcement, agriculture, housing, education, foreign aid, legislative, judicial, and departments of the executive branch, the total is $156 billion.

Revenues: $828 billion. With a budget of $1,012 billion and revenues of $828 billion for 1987, we are on a budget deficit course of $184 billion. This means for those who are talking about cutting spending, if you eliminate the rest of government, that is eliminate all government except defense, interest costs, and entitlements, you would still have a deficit of $28 billion. Revenues are in order.

Yes, we cut spending, Senator DOMENICI and I, in the Domenici-Hollings resolution of 1981. We drew it up and I voted for the $34.4 billion spending cut and I voted against the Kemp-Roth tax cuts. I can make this talk in four words: I told you so.

I yield the floor.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, I agree with much of what the Senator has said. But leaving that point aside, the Senate has begun a marathon exercise in futility.

Every Senator will act this evening in ways consistent with his or her conscience. The senior Senator from Colorado is prepared to do likewise. If the pending amendment is accepted, the Senator from Colorado intends to address this Chamber for a very long time. I hope that is not necessary.

Let me begin by stating the situation we face as I see it.

First, I think all Senators should understand that Gramm-Rudman-Hollings III is defective.

Second, all Senators should understand that the House will not accept this proposal.

Third, there is strong sentiment in the House—and in the Senate, if I am not mistaken—that the time for debating budget procedure has passed. That there are Members of this Congress, who are serious about meeting deficit reduction goals through the traditional legislative process. That if we reject this amendment today, as we should, we will return after Labor Day with a redoubled commitment to reducing the deficit—reducing the deficit fairly, without ceding enormous power to OMB or anyone else.

We will do it ourselves.

DEFECTS OF GRAMM-RUDMAN-HOLLINGS III

Mr. President, despite the soothing words to the contrary, we are not dealing with a benign proposal. We are locking ourselves into a straitjacket that leaves the OMB arm flopping free. The economic impact we wrote into Gramm-Rudman-Hollings II still leaves OMB wide latitude. It does not cover revenue collection rates. It does not cover tariff collections. It does not control OMB's computer model. We have dictated a limited number of inputs; we cannot control the outcome.

We made a mistake 5½ years ago when we trusted OMB's computer. Let us not do it again.

Gramm-Rudman-Hollings III leaves OMB in the driver's seat. The amendment says that when the final sequester is issued in October, as Congress is trying to adjourn, OMB retains the power to make across-the-board cuts. OMB does not go home. OMB does not campaign for reelection. This amendment leaves OMB free to play games with the budget, with important domestic programs and with defense. And OMB has played those games before.

HOUSE WILL NOT ACCEPT

Senators should understand what will happen if this amendment passes. The House will not accept it. I do not like making this argument; Senators are free to do as they choose. But the House has agreed, by unanimous consent, to vote after a brief debate, to strip this amendment off. We will be right back, starting this debate all over again, once the House casts that vote.

When the debt limit bill passed the House, there was unanimity among the House majority on behalf of the clean bill. That is unusual.

This point should be understood. The majority does not want a fix. And there is a reason for that.

A NEW COMMITMENT TO DEFICIT REDUCTION

I believe that House and Senate members are exhausted. They are tired of Gramm-Rudman; they are tired of debating how to cut the budget. They want to reduce the deficit. By legislation. By the normal procedure. In a timely manner.

We have a fallback procedure in law. But more important, Members of this Congress are prepared to cut the deficit in an affirmative way—by voting for revenues, supporting defense and domestic restraint. They want deficit reduction the old-fashioned way. Not through sequesters. Not by aggrandizing OMB. Not by passing Gramm-Rudman-Hollings III.

CONCLUSION

It is my hope that this amendment will be tabled and that we will be able to send the House a clean debt limit bill. I hope that we will send the House an adjournment resolution. It is my hope that we can return to our homes.

If not, the Senate should understand that there will be lengthy debate over this measure, not by those who want to perpetuate budget deficits and not by those who are unwilling to make hard choices and not by those who want to tax and spend and tax and spend, but by those who fundamentally disagree with this procedure. The Senator from Colorado is prepared to discuss this proposal at great length and I hope others are as well.

For now, Mr. President, I yield the floor.

□ 2200

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I have been listening with great interest to my colleagues on this matter. Here we are, I think for the 10th or 11th night, debating in the U.S. Senate until the wee hours of the morning, sometimes. Since we are now on television, I can only suspect that the people of America must think this is the greatest show on Earth. I do not know what kind of rating we are receiving, but at least, we are consistently here and we are here every night. We continue this dialog or carnival over and over again. Here we are again.

Let me say this: I have been on the Budget Committee since I came here 8 years ago. I sat down there in that manager's chair in 1981 or 1982. I outlined then what was going to happen to the deficit of this country under the deficit bill that we were talking about then and the deficit that we had then. I was talking about the budget that had been submitted by the relatively new President of the United States, and I told everybody it would be a disaster. But I am not here to fix blame tonight.

I guess that most of my colleagues know that time and time again, I have been on this floor. I have offered freezes, I have offered, in conjunction with Senator HOLLINGS and others, drastic cuts in the budget because there were those of us who recognized the dilemma that the country was in, not only from the standpoint of a fiscal deficit, but the mushrooming trade deficit many months and in some cases many years ago. I simply seemed to know and understand, Mr. President, that as sincere as all of us are here tonight and as clear as the record is for most of us, having advocated fiscal responsibility for a long, long time—many of us in government before we came here, where we had experience in balancing budgets, where the constitution of my State from whence I came required that we balance the budget each and every year. And we did.

We had a line-item veto, which I have advocated here for the President of the United States to attempt to fix responsibility. So I guess that most of my colleagues know that I come from a long line of fiscal realists or fiscal conservatives, call it what you will. I think most of my colleagues know, certainly my friend from South Carolina who spoke a few moments ago, with whom I serve on the Budget Committee, knows very well that I am dedicated and have always been dedicated to matching income with outgo. That is the simplest way to explain what we have not been doing. I guess all of those people know, including my colleagues on that side of the aisle, for whom I have great respect, recognize and realize that this conservative from Nebraska would have been with them on Gramm-Rudman-Hollings had they not caved in to the political pressure or will at that time and exempted from this famed Gramm-Rudman-Hollings measure over half of the total expenditures of the Government of the United States.

I am wondering how many people in the United States know that. Why is that bad, you might ask. That is bad because when you make the cuts as mandated in Gramm-Rudman-Hollings with that sequester, you are harming unfairly less than half of the Federal budget and leaving the rest of it just as it is. I think the people of America should understand that that is the one main fallacy in the Gramm-Rudman-Hollings bill. So when the sequester falls, it is not going to fall across the whole budget as most people anticipate. It falls disproportionately and unfairly on less than half of the total Federal expenditures and the rest, the other half that are

exempted from cuts, stay just as they are.

I thought the remarks made by my colleague from South Carolina with regard to where the allocations of expenditures are in this budget and how they are going to be cut and the figures he presented to this body are absolutely accurate and they are startling and they are staggering. I think we need to really get tough on this deficit. We need to get tough in two ways.

First, we need to recognize that there is no easy way out of all of this. We need to realize and recognize that we are going to have to make some additional cuts in expenditures, either out of the less than half of the budget that is covered or scheduled for reduction with Gramm-Rudman-Hollings or the whole budget. Then very likely, anyone who is realistic at all should recognize that we are going to have to have some additional revenue. Yet the President of the United States down at 1600 Pennsylvania Avenue says that is a no-no. The President who sits at 1600 Pennsylvania Avenue is the one who inherited a national debt in this country—and let me explain what the national debt is because my colleagues all know but I find some people of America do not quite understand the difference between the deficit and the national debt.

When the President came into office, he inherited a deficit of about $60 billion. Every year it has gone up and now it is estimated at $230 billion, by the end of this fiscal year October 1. So this President of the United States, whom most people consider a conservative, over a period of years, each and every year, has consistently raised and recommended that we raise and signed into law bills that caused the rise of the annual deficit, to go up from $60 billion when he took over to an estimated $230 billion this October 1. Each year at the end of the fiscal year, October 1, what do we do with that accumulated deficit? This year, as I say, it is going to be about $230 billion. We just eliminate it. We just wash it away. We transfer it over to the national debt and then we do not have to worry about it. Well, what happens to the national debt in the meantime?

□ 2210

The national debt under this conservative President of the United States was less than $1 trillion when he took office 6 years ago, and under this conservative President of the United States that debt has more than doubled to over $2 trillion, an increase of over $1 trillion in 8 years. This President of the United States, this conservative President, has created and piled on top of the previous national debt during his 6 years more national debt than all of the previous Presidents in our history. I think we need to put that in perspective so we know where we are and where we are going. While I have said on many occasions there are good things about Gramm-Rudman-Hollings and while they wrote into the original bill the so-called fallback mechanism, which requires us to balance this budget through that fallback mechanism with the sequester that the Supreme Court eventually did knock out—and they anticipated that; they have a fallback—I have said let us get on with the fallback.

But let me conclude, Mr. President, simply by saying that I do not like to play in games, I do not like to play in charades, and I think that is what we are going through again here tonight. I do not wish to be part of a filibuster because I think a filibuster in this case is not going to really help a great deal.

I do feel, however, that once again we should make the case as to what is happening and what is not happening, and then I suspect you might add that, "Well, if you don't like what we are doing, the Senator from Nebraska, tell us what you would do."

I would do this, and I think it has never been suggested. From time to time we pass increases in the national debt limit. Now, what is the national debt limit and how does that fit into all of this, Well, of course, we have to borrow money as we keep going along and from time to time, usually every 6 or 7 months, we raise the debt ceiling, raise the borrowing of more money. We are at that place again. We were at that place, as the Senator from South Carolina said, in December of last year when Gramm-Rudman-Hollings first was brought forth. It was brought forth for a number of reasons, not the least of which was that if they did not have this mechanism which was designed in Congress to begin to reduce the deficit, they could not have gotten the votes in this body to raise the debt limit, and that would have caused all kinds of problems, you see, Mr. President, because then the Federal Government would have begun to close down.

Oh, we could have continued, we could have made the Social Security check payments, we could have made some other payments, but basically if the Government cannot borrow money, it is like an individual or a business that is broke and they have to go out and borrow money to meet the payroll. That is what we have been doing.

It seems to me, if we were sincere, we would simply forget all about the sequester, forget all about Gramm-Rudman type of legislation that designs a system as to how we are going to cut the budget, that over half the budget cannot be touched, that is sacrosanct, that must be left as it is. Why do we not use the situation that we frequently come up with and say each and every time we have to raise the debt ceiling limit of the United States or, to put it in terms of an individual or a business, each and every time that individual or business has to go to the banker to borrow money to carry his family or carry on his business, the banker wants to see a balance sheet, and he wants to know whether or not this is a good credit risk, and he asks that individual or that business, "Well, where is your cash flow going to come from? What reduction in expenditures are you going to make to meet the obligation that you are assuming if I loan you this money?"

Now, that mechanism has been here for a long, long time, but we have never used it because we do not like to take the crunch. It seems to me we should eliminate all of these ridiculous proposals and not raise the debt ceiling of the United States tonight or tomorrow or the next day or next week unless we can stay here in session and do exactly what the Gramm-Rudman-Hollings proposal suggests we are going to have to do when we come back here in September. Why not do it now? Why not do it tonight?

It seems to me that if we are sincere about what we are going to do, let us take the ultimate crunch that is with us right now, right here tonight and say to ourselves we are not going to leave on our recess, as much as this Senator and all of the others would like to escape home for a while. It we are sincere about cutting this budget, let us not do some more patchwork, let us not use a program where we are going to shift the sequester or executioner role from one agency to another. We are going to do it ourselves, which Gramm-Rudman-Hollings assumes we are going to have to do anyway.

Mr. President, if we pass this amendment, this latest fix-up amendment with the new twist that it is only for a year and it is good because it has been approved by the chairman of the Budget Committee on that side and the ranking member of the Budget Committee on this side, that does not make it any more acceptable to this Senator than it was before.

I simply say let us get serious about bringing this deficit under control. Let us not put it off until September. If we have a job to do, we should do it. Let us do it now. Let us lay it on the line.

I am simply suggesting that if we pass this amendment, which I am quite sure we will, when we vote—not with this Senator's vote, but when it is passed, it will go over to the House of Representatives, and I have already been advised that they are going to send it right back with the clean debt ceiling bill that they have laying at the desk. Then we are going to be right back to where we started. There-

fore, I say that as long as we understand what we are doing, and if we want to pass up the opportunity to use the pending crisis that we have in Government, the immediate crisis, with the Government not being able to make its payments, then why not get on with it and use the pressure of the need to borrow money to make the balance budgeting decisions that we have to make in August rather than putting them off until September with a brandnew fixup.

Mr. President, I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise not so much to debate as to inform. We have before us an act sent us from the House, H.R. 5395, an act to increase the statutory limit on the public debt. It is six lines in extent. We are asked to consider an amendment of some 30 pages which, with an average of 25 lines, comes to 750 lines. This amendment, of course, has not been printed. It is commencing to be one of the hallowed principles of the Senate that the Gramm-Rudman-Hollings bill is never printed. It has never been seen before. There have been no hearings on it. It is not known to the public generally, and I think it ought to be known because the public needs to know, Mr. President.

Let me say what we are legislating. Any Member of this body might wish to hear, beyond the confines of this Chamber there are those who will need to know. We are, for example, legislating economic assumptions: The average level of the nominal gross national product is $4.438 billion for fiscal calendar 1987; the average level of the real gross national product is $3.788.6 billion for fiscal 1987; the average level of the gross national product deflater index is 117.2 for fiscal year 1987; the average level of the CPI-U index is 334.8 for fiscal year 1987.

□ 2220

Mr. President, I draw particular attention to the fact that the average level of the CPI-W index is 330.0 for fiscal 1987.

I am prepared to accept an interruption or a question from any Member present who would like to know what the CPI-W index is.

Hearing no inquiry, I will state that that is the price index that measures changes in Social Security payments—W as against U, which is the more general one. I have just learned that from the exemplary staff member of the Committee on Finance.

I want to go forward to discuss important matters that will be of interest to men and women in the working force.

Next fiscal year, the average level of the civilian unemployment rate is assumed in the law to be 6.8 percent. The average level of the 3-month Treasury bill rate is assumed to be 6.2 percent.

Mr. President, are we divulging information that could be of disadvantage to the Treasury?

I ask my friend from Colorado: Does he think it prudent for the U.S. Government to enact into law such assumptions about what will be the bid and sold price for 3-month Treasury bills? Is that not possibly to give advantage to speculators who are at this hour listening to our affairs? On Monday morning will there not be a great rush, one way or the other? Or, perhaps he does not think we know what the average 3-month Treasury bill rate will be in fiscal 1987.

Mr. HART. Mr. President, if the distinguished Senator from New York will yield for the purpose of an answer, I think he makes two points. One is that the Senate of the United States, collectively and most certainly individually, is not prepared to begin to speculate, if you will, in the stock market; and, second, that the prescription or mechanism put forward by the sponsors of the amendment almost necessarily leads to the incorporation in the statute of economic indicators and barometers and indicia of various kinds that have no business in the process of how we reduce the deficit.

With all sympathy to those who are working very hard—and I have great sympathy particularly for the Senator from South Carolina, who has been diligent and consistent and committed and a prophet, if I may say so, on defense spending all the way along, and has not played games in any way—the difficulty of trying to legislate a constitutional responsibility almost necessarily leads us to this point. I know it frustrates him, who supports the measure, as it frustrates those of us who oppose it.

Mr. MOYNIHAN. I thank the Senator from Colorado.

I recall the advisers of King Canute who told him to stop the tide.

We are legislating assumptions about the Treasury bill rate for fiscal 1987. Such silliness, to my knowledge, has not yet appeared in my experience in this Chamber. You cannot do that. We do not know enough. No one knows enough. It is not known. It cannot be legislated.

But I have news for the Senators present. For the fiscal year 1987, the average level of refiners' acquisition cost is to be $12.98. That is a change from July 31, when this measure, as printed in the RECORD, assured a level of $12.90.

You have to keep up with the market and the Gramm-Rudman bill. It changes every day.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. MOYNIHAN. I am happy to yield to the Senator from Maryland.

Mr. SARBANES. What would happen tomorrow if it changed again?

Mr. MOYNIHAN. The distinguished Senator from Maryland asks what would happen tomorrow. I have to say to him that I do not know what would happen tomorrow. I have great hopes that the sun will rise. [Laughter.]

What the price of the average level of refiners' acquisition costs for oil will be, I do not know; and I do not think the Senator from Maryland, with all his great accomplishments, knows, either.

Mr. SARBANES. I daresay that the sponsors of this measure do not know, either.

Mr. MOYNIHAN. Then, I might ask, without yielding my right to the floor, if the sponsors do not know, why do they say?

I do think I may have asked the distinguished Senator from Maryland a question for which he does not have an answer.

Mr. SARBANES. I believe the Senator is correct.

Mr. MOYNIHAN. Mr. President, we return to our theme, our plea for responsibility in this matter. We have the constitutional responsibility to raise funds to provide for the defense of this Nation. We cannot delegate it; we must not.

Mr. SARBANES. Mr. President, will the Senator yield on that point?

Mr. MOYNIHAN. I am happy to yield. If the Senator will allow me to read one sentence, I will yield the floor.

I just would like to say that much of our Constitution—and the Senator from Maryland is a deep student of this matter—derives from the writings of the English enlightenment.

John Locke, in a passage from "Concerning Civil Government, Second Essay," said:

> The Legislative cannot transfer the power of making laws to any other hands. For it being but a delegated power from the people, they, who have it cannot pass it over to others.

That is what this matter is about.

Does the Senator from Maryland wish me to yield, so that the Presiding Officer can recognize him, or would he like me to yield for a question?

Mr. SARBANES. Will the Senator yield, without losing his right to the floor?

Mr. MOYNIHAN. I am happy to yield.

Mr. SARBANES. I want to make this observation, and the Senator may wish to comment on it.

While an incredible amount of the Senate's time is being focused on this process, in which we are simply tying ourselves into a pretzel knot, very im-

portant work of the Senate is being absolutely neglected.

□ 2230

Not one appropriations bill for the coming fiscal year has yet passed the Congress, not one.

It is now August 15. The Congress is scheduled to depart until September 8. The new fiscal year begins on October 1.

The appropriations bills providing the budgets for all of the departments continue to languish.

What one can anticipate is going to happen is that one day in September, late September, perhaps even into October, after the fiscal year has begun a huge omnibus continuing resolution will find its way onto the floor of the Senate. Very few important budget judgments will be made including important cutting and reducing judgments.

Now, I do not know how you expect us to do our business or the Government to do its business in an orderly fashion when the agencies and departments in effect are operating in the dark. What is happening is an incredible amount of time is being spent on these procedural matters, and this very important business, defense appropriations, Treasury, Agriculture, energy and water, Commerce and Justice, and Interior, and so forth and so on, is languishing.

I simply say to the Senator that one of the very high prices that is being paid, in addition to all of the other prices which Members are in the course of discussing this matter, is that we are really neglecting the very important business of putting into place the resources necessary to carry the Government forward in some orderly fashion. We are getting these continuing resolutions. Everything is wrapped up in one ball of wax.

Mr. MOYNIHAN. May I say to my friend that he absolutely correctly states the matter with respect to our duties here which is to provide for the needs of Government.

Not one of the great departments, possibly excepting Defense, will know what it is we intend for them in the next fiscal year while we tell the world what the 3-month Treasury bill rate will be.

This, Mr. President, in my judgment is absurd and I would hope we would do what the House simply suggests of us, which is to allow our Government to pay its bills and get on with the more serious matters of Government.

Mr. President, I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. Before recognizing the distinguished Senator from South Carolina, the Chair observes thus far this week the Senate has been in session for 69 hours, 47 minutes, and has cast 44 votes.

The Senator from South Carolina, Mr. HOLLINGS.

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

In courtesy and respect for my distinguished colleague from New York, he said that this amendment was not printed, there was no hearing. We heard that before with respect to the first part of Gramm-Rudman-Hollings II. I hold in my hand House Joint Resolution 668. It is printed. If the TV would show it, I show it printed.

The Senator is right. There are a lot of things this Senator does not know. But there is one thing the Senate does know.

The average 3-month Treasury bill rate, the average 2-year Government bond rate, the average oil price and other economic data used in this amendment are economic assumptions or estimates. We use such assumptions in all economic bills—tax bills, appropriations bills, and budget resolutions.

We are not guaranteeing the price of oil, or the Treasury bill rate. We are only saying these are the assumptions, these are the economic projections. That is why we put them in there.

The Senator from New York and others opposing this particular initiative to control deficits have continually asked, "How are we going to tell if the Office of Management and Budget is cooking the figures?" We have included in our amendment the most recent economic assumptions, so that we can tell and can keep OMB honest. Understandably, there are those who are wary of the OMB director as the enforcer of the across-the-board spending cuts in the event Congress fails to pass a budget within the Gramm-Rudman-Hollings deficit target. Our previous director did not exactly win the trust of most of us in this body or the House. That is exactly why this amendment clearly defines the economic parameters and confines the Director's authority to implementing the across-the-board spending cuts dictated by those parameters.

As for the matter of hearings, there were hearings. The hearings were held by the Senate Government Affairs Committee. I appeared at the hearing and testified myself. The Senator from New York says this initiative is not printed, yet here it is. I am holding a printed copy of the amendment in my hand and a printed copy of the hearing record.

In one regard the Senator from New York is correct. I cannot give him the exact itemization of the CPI-U, and the CPI-W. These are shorthand for different consumer price indices, and commonly known to those of us who have worked with the Federal budget. Indeed, I pleasurably served with my distinguished colleague from New York on the Senate Budget Committee. The CPI-U is the Consumer Price Index for urban consumers and the CPI-W is the Consumer Price Index for urban wage and clerical worker. And I think the distinguished Senator from New York was in the Department of Labor at one time and would understand it better than I. I believe the CPI-W is the one used for determining Social Security benefits.

Now, the Senator from Maryland is very candid and very open here at 10:30 p.m. He is worried about appropriations, the spending bills, and he says the departments are operating in the dark. I am worried that they are operating in the red. We know our differences here and he does not support this. He has fought it all the way.

I know he is worried about spending and appropriations bills. I know we have not passed them. And I think it would be a delightful occasion in America if we did not pass a single one.

Let us just hold up and say let us not pass any until we get the money for it. But we never want to do that. We never want to draw any revenues or pay any bills.

Yes, that is what many of us in this body are interested in, the appropriations and spending. And that is the very attitude that brings us to this terrible hour.

I can tell you Government is operating in the red and you do not care. You continue on. The intent of Gramm-Rudman-Hollings is to stop that nonsense.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New York to lay on the table the amendment of the Senator from Texas.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Arizona [Mr. GOLDWATER], the Senator from Nevada [Mr. LAXALT], the Senator from Alabama [Mr. MURKOWSKI], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Missouri [Mr. EAGLETON], the Senator from Arkansas [Mr. PRYOR], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 63, as follows:

[Rollcall Vote No. 253 Leg.]

YEAS—29

Andrews	Denton	Hatfield
Bingaman	Exon	Hawkins
Bradley	Glenn	Johnston
Burdick	Gore	Lautenberg
Byrd	Harkin	Mathias
Cranston	Hart	Matsunaga

Melcher	Nunn	Roth
Metzenbaum	Pell	Sarbanes
Mitchell	Riegle	Sasser
Moynihan	Rockefeller	

NAYS—63

Abdnor	Ford	Mattingly
Armstrong	Garn	McClure
Baucus	Gorton	McConnell
Biden	Gramm	Nickles
Boren	Grassley	Packwood
Boschwitz	Hatch	Pressler
Broyhill	Hecht	Proxmire
Bumpers	Heflin	Quayle
Chafee	Heinz	Rudman
Chiles	Helms	Simon
Cochran	Hollings	Simpson
Cohen	Humphrey	Specter
D'Amato	Inouye	Stafford
Danforth	Kassebaum	Stevens
DeConcini	Kasten	Symms
Dixon	Kennedy	Thurmond
Dodd	Kerry	Trible
Dole	Leahy	Wallop
Domenici	Levin	Warner
Durenberger	Long	Wilson
Evans	Lugar	Zorinsky

NOT VOTING—8

Bentsen	Laxalt	Stennis
Eagleton	Murkowski	Weicker
Goldwater	Pryor	

So the motion to lay on the table amendment No. 2769 was rejected.

□ 2300

The PRESIDING OFFICER. The question recurs——

Several Senators addressed the Chair.

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

Mr. DOLE. Will the Senator withhold that for a moment?

Mr. METZENBAUM. Yes.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, let me indicate to my colleagues what may be happening. I am not certain of it. I think there is a rather clear indication that there is still a very strong feeling about the Gramm-Rudman-Hollings amendment. I have conveyed this to the Republican leader in the House, Congressman MICHEL. It has been conveyed, I understand, by others to the Democratic majority leader, Congressman WRIGHT.

I know that Congressman MICHEL and Congressman WRIGHT have had a meeting.

What has been suggested as a way to end the impasse is if there would be some commitment on the House side that in the first week we are back in September they would do one of two things: First, certify the deficit, I guess the so-called fallback procedure, go to conference, agree to do that, or, second, agree to vote the first week back on a 1-year extension of the Gramm-Rudman-Hollings II.

I will now convey the results of this vote to the Republican leader, Congressman MICHEL, who again will confer with Congressman WRIGHT.

Hopefully, we can resolve this matter. If not, then we have to make a decision whether we want to continue tonight or not. It might be well if we could, maybe, stand in recess for 15 minutes, unless some Members wish to speak.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. BYRD. Mr. President, I am going over to see what kind of an understanding I can get.

Mr. GLENN. Mr. President, would it be in order to offer another amendment during this talking period? I had one that we passed before, 93 to 4. If the President presented an unbalanced budget to us, he would be required to give his suggestions as to how we would get it as a balanced budget. I think Members can remember that. If this were adopted tonight, I would plan to offer this, as other amendments would be offered.

Before that, this matter was adopted in conference. It fits in very well with Gramm-Rudman-Hollings in that it takes off where Gramm-Rudman-Hollings leaves off at the end of the 5-year period and makes suggestions as to how we can really balance the budget. It makes a very good complementary amendment to exactly what has been done here this evening.

I would be happy to talk about that.

Mr. DOLE. I do not want to encourage any more amendments. We are trying to dispose of this one or take care of it, whatever the correct wording is.

There were 26 amendments adopted on the debt ceiling and will be in conference. I would suggest we just offer all those 26 amendments en bloc to the short-term debt ceiling and sent it back. That would save everybody time. But I understand that would not meet with complete approval.

We have tried this approach. It would take unanimous consent to set aside the pending amendment to offer more amendments. I would rather we just discuss the pending amendment for a few moments while the distinguished minority leader is conferring and I can talk to the Republican leader.

Mr. BYRD. Whatever the majority leader wants to do is fine with me. I will make the trip to the other side and see what kind of music I can hear.

Mr. DOLE. Good luck.

Mr. SARBANES. Will the majority leader yield for a question?

Mr. DOLE. Yes.

Mr. SARBANES. If a Member is interested in one or another of the other amendments on the debt bill, I take it in the procedure we are in now it would not be in order to offer it.

Mr. DOLE. It would take unanimous consent to set aside the pending amendment.

Mr. SARBANES. But once this amendment is disposed of, it would be in order to offer one or another of those other amendments?

Mr. DECONCINI. Is a second-degree amendment in order on this amendment?

Mr. DOLE. Yes.

The PRESIDING OFFICER. A second-degree amendment would be in order.

Mr. DECONCINI. I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 2770 TO AMENDMENT NO. 2769

(Purpose: To amend section 1105(c) of title 31, United States Code, to limit the amount of any increase in the public debt limit that the President may recommend for a fiscal year)

Mr. GLENN. Mr. President, I send an amendment in the second degree to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN] proposes an amendment numbered 2770.

Mr. GLENN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment, add the following new section:

SEC. . LIMITATION ON RECOMMENDED INCREASES IN THE PUBLIC DEBT LIMIT.

(a) IN GENERAL.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "The President" the first place it appears and inserting in lieu thereof "(1) Notwithstanding any other provision of law, the President",

(2) by inserting "(other than action that would require an increase in the borrowing authority or an increase in the limit imposed by section 3101(b) of this title by more than the applicable amount for the fiscal year for which the budget is submitted)" after "action" the first place it appears, and

(3) by adding at the end the following new paragraph:

"(2) For purposes of this subsection—

"(A) the term 'applicable amount' means, with respect to a fiscal year, the sum of—

"(i) the maximum deficit amount for such fiscal year, and

"(ii) the amount of the estimated surpluses in any trust fund, fund, or government account for such fiscal year that must, under the provisions of law governing the trust fund, fund, or account, be invested in government obligations; and

"(B) the term 'maximum deficit amount' means with respect to a fiscal year—

"(i) the maximum deficit amount determined for that fiscal year under section 3(7) of the Congressional Budget and Impoundment Control Act of 1974, or

"(ii) in the case of any fiscal year beginning after September 30, 1991, zero.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to fiscal years beginning after September 30, 1987.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

□ 0030

Mr. DOLE. Mr. President, I ask that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HATCH). Without objection, it is so ordered.

The majority leader.

Mr. DOLE. Mr. President, let me indicate what I think we may do to end this impasse. I hope it will be satisfactory to Members on both sides. I know some on each side have very strong feelings about Gramm-Rudman-Hollings and other amendments that were on the permanent debt ceiling extension that we sent over 2 weeks ago. What we would like to do is to send over Gramm-Rudman-Hollings by itself on the temporary extension, also at the same time send over the adjournment resolution.

The House would then vote on Gramm-Rudman-Hollings and depending on what happened—if it passed, it passed. If not, I assume they would send us back a clean debt ceiling. In the meantime, they would have had the adjournment resolution and would be halfway home, which is not unusual. I do not say that critically of the House. So it would seem to me that that would be something we ought to consider very seriously. I think we are prepared to consider it on this side. I guess it would mean withdrawing the second-degree amendment the Senator from Ohio has offered, and then if we could voice vote the temporary extension with Gramm-Rudman, do the same on the adjournment resolution, we could complete that part of the business very quickly.

Mr. HART. Will the majority leader yield for a question?

Mr. DOLE. I would be happy to yield.

Mr. HART. Under this proposal, would the version of Gramm-Rudman-Hollings that goes to the House be the one that is pending before the Senate now?

□ 0040

Mr. DOLE. Yes.

We would make one revision, which we have cleared with Senator LONG and the budget people, in the temporary debt extension itself, just changing the numbers, but it has nothing to do with the Gramm-Rudman-Hollings amendment, and we have also cleared this on the House side.

This would permit the Treasury to operate until September 30, which means we would have to face up to it again before we adjourn, in the event the long-term debt extension has not been reconciled.

Mr. HART. What we are talking about is the so-called Gramm-Rudman-Hollings III or II-A, rather than II?

Mr. DOLE. I am not sure about the numbers.

Yes, II-A.

Mr. BYRD. Mr. President, Senator CRANSTON, Senator LEVIN, Senator MITCHELL, and I visited with the majority leader of the other body, and with the majority leader were several Members of the House leadership in addition to the majority leader.

The House says that it will give the Senate a vote tonight, not when we come back after the recess. It would give the Senate a vote tonight on Gramm-Rudman-Hollings, on two conditions: One, that the adjournment resolution accompany the short-term debt limit extension, which will carry with it the Gramm-Rudman-Hollings amendment, and the House will vote up or down.

If the House adopts Gramm-Rudman, that is the end of it. It goes to the President, becomes law, and the House adjourns. If the House does not adopt Gramm-Rudman, it sends a clean temporary debt extension back to the Senate, under the condition that when they send that clean resolution back, the Senate does not amend that resolution and send it back to the House.

So if the Senate gets what the supporters of Gramm-Rudman want, they get a vote. They do not get a vote after they come back. They get a vote tonight, with the adjournment resolution accompanying it. But we have to take it or leave it, and so do they. If they vote it up, fine; it becomes law. If they vote it down, they send us a clean resolution, and we all go home.

Those are the conditions. If they send us back a clean resolution, we do not attempt to amend it.

Mr. DOLE. I think perhaps at that point it would be rather futile, anyway, to amend it. They will be gone.

Mr. BYRD. That is correct.

Mr. DOLE. I do not think we would have any choice at that point.

We have had a vote on this side. We have reaffirmed by a wide margin our desire to move forward with Gramm-Rudman-Hollings, and I think we have kept the faith of those who support that position.

I think we would continue to keep the faith by sending it to the House. The House will work its will. We will also send the adjournment resolution, and they will do precisely what we will do—they will vote. I assume they have the votes to dispose of Gramm-Rudman-Hollings; and, under the unanimous-consent agreement, they will send us back a clean debt ceiling, and in the interim they will depart. I do not see any problem with that.

Mr. METZENBAUM. Mr. President, will the Senator yield for a question?

Mr. DOLE. I am happy to yield.

Mr. METZENBAUM. The majority leader has indicated that we do not have any choice. All of us are realistic enough to understand that an amendment could be offered when they send back a clean bill. Do we have the assurance of the majority leader that if that should occur and someone would offer Gramm-Rudman-Hollings III or IV, whatever the number is, the majority leader would provide the leadership to see that that would not be adopted, so that we could bring this matter to a conclusion and we could go home, knowing that we had taken care of the matter of the debt limit?

Mr. DOLE. Yes.

I would hope that those on this side who made their case—successfully, I might add—would be prepared. They will speak for themselves. We are going to send it to the House. There has been an effort to table it in the Senate, and the motion lost.

It seems to me that at that point if there is an effort to amend it further, yes; I would be disposed to say we have had enough; that the House is gone.

Mr. METZENBAUM. I gather there is no objection to that from Senator GRAMM.

Mr. GRAMM. Mr. President, will the distinguished majority leader yield?

Mr. DOLE. I yield.

Mr. GRAMM. I thank the distinguished majority leader for yielding.

I think we have proved here that we are still committed to the process of bringing the deficit under control and then balancing the budget, within the timetable set out by Gramm-Rudman-Hollings. We are, through this action, sending to the House the 1-year mechanism in which we have already written into law the economic assumptions to be used. So the argument that we are giving power to OMB will not hold water. I do not doubt that it is going to be made in the House, but it has no validity.

So the House will be voting on whether or not to reinstate the disciplining mechanism. If they vote "yes," when we come back on the 8th of September, the trigger will be pulled, and we will have 4 weeks to do our duty, achieve the savings, and avoid the across-the-board cuts. If they vote "no," they are saying "We don't want to continue to bind ourselves. We are going to go to the fallback position."

I, for one, will fight very hard to make that fallback position work. Not all is lost if this does not succeed. I will have to say that it is going to be a lot harder. It is going to be very difficult. It might turn out to be impossible. But I am going to try to make it work, no matter what they do.

To get to the Senator's point: We will have taken our position; we will

have sent it to the House. If they reject it, we are not going to achieve anything further by staying here, since they are going to adjourn. So, no matter what we did at that point, it would have no relevance. As a result, when we send this over, we are through with our business.

Mr. METZENBAUM. I thank the Senator.

Mr. GLENN. Mr. President, a question on procedure: What we are voting tonight, before the time runs out—what is the ending date?

Mr. DOLE. September 30.

□ 0050

Mr. GLENN. We have to vote another debt limit then.

Mr. DOLE. Have a conference on the permanent debt extension which I am advised by the conferees who for the most part are also working on the tax bill if they finish the tax bill tomorrow or sometime soon, they will have time to go to conference on the debt ceiling when we come back in September.

Mr. GLENN. I think some of us have an amendment such as the one I have in the second degree right now as to whether we will have debate and can add things onto the debt limit extension that was largely affirmed at that time.

Mr. DOLE. They are already on there.

Mr. GLENN. The 26 are on there now.

Mr. DOLE. Including yours.

Mr. GLENN. Mine is one of them.

Mr. DOLE. Those will go to conference, I am advised, I think I can say by the chairman, when they complete the work of the tax bill. They did not have time to do it this past week.

Mr. GORE. Mr. President, will the majority leader yield?

Mr. DOLE. I will yield.

Mr. GORE. A point of clarification. If the other body rejects the Gramm-Rudman-Hollings measure and sends back a clean short-term extension, would the majority leader anticipate the necessity for a record vote?

Mr. DOLE. I do not anticipate a necessity for a record vote on any of the things we are going to do now.

Mr. GORE. I thank the majority leader.

We had a number of Members who wanted to debate.

Mr. DOMENICI. Let me compliment the sponsors of the Gramm-Rudman-Hollings short-term fix.

I think once again they made their point and the Senate made its point.

I did not have any doubt, and I do not ask the majority leader's views, but I do not think the House will adopt it. At least it will die in the House.

I want to say to the Senate the fallback provision is far from being dead. I mean it has some implementing language. Clearly it is the will of the U.S. Senate. In my opinion, if it is the will of the Senate to vote and sequester, we have the numbers. They will be delivered to that desk when we come back and within 6 or 7 days, if it is the majority leader's desire and the wish of the Senate, we can have a vote on the sequester. I do not think we lose anything other than we would have had something delivered right to the President had this been adopted by the House. I hope they will adopt it, but I compliment the majority leader and the minority leader for making this arrangement with the House. I think we ought to do it and go home.

Mr. DOLE. I hope I did not leave the wrong impression. I hope we conclude this now without another—I do not want to leave the impression—I hope we can resolve this without a vote. I did not say it would happen and a lot of people are getting up to leave. I did not want to leave that impression.

Mr. GLENN. This is too important. I hate to delay the Senate this late at night. We are talking about a debt limit extension of the United States of America. I think that deserves a record vote. We can voice vote Gramm-Rudman. I will not agree to a unanimous-consent request that we do this by voice vote.

Mr. BYRD. Why do we not voice vote the amendment and rollcall vote on the extension?

Mr. GLENN. I am happy to vote now.

Mr. DOLE. Is the Senator going to withdraw the second-degree amendment?

Mr. GLENN. I withdraw that as this has been explained. The majority leader explained it. I will withdraw it.

Mine is part of that group of 26 that will be considered on the later bill later on. So I withdraw that, but I think we should have a record rollcall on the debt limit extension.

Mr. DOLE. I do not have quarrel with that. It will take a while. We are going to have a notify Members on each side who are probably home to get in here.

The PRESIDING OFFICER. Does the Senator from Ohio now withdraw his amendment?

Mr. DIXON. Can we not have a slow rollcall?

Mr. GLENN. I withdraw it if that is the first step of the procedure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUDMAN. Mr. President, will the majority leader yield?

Mr. DOLE. Yes.

The PRESIDING OFFICER. He does have the right to withdraw the amendment.

Mr. RUDMAN. I would be brief. I was hoping that Senator HOLLINGS, who has been an integral part of this, would be here and I expect he will be shortly, and I will let him speak for himself or advise his leader and our leader what he believes.

I want to say something to our leader and that is simply this: I do not think we ever had any hopes that we could ever dictate a solution in the House.

But, quite frankly, what has been happening all week is an absolute refusal to go to conference and a refusal to vote. We are going to get that vote tonight.

I have no illusions as to how that vote is going to come out.

I want to make just one last comment. We are coming back on the 9th. I hope everybody watchs the economic indicators during the next 30 days. I hope the fallback provision works. It should. I wrote it.

But I do not think it is necessarily going to work as we planned it to work.

I think it is a shame if we do not put this trigger in place. To use a general reference, let the blood not be on our hands if this does not work.

I thank both leaders for their work in trying to get this matter concluded tonight.

Mr. BYRD. May I make a suggestion to the distinguished majority leader, that we begin and he might extend the rollcall vote for 20 minutes or whatever, because some Senators on both sides will have to be notified. I assume that process is going on now.

If the distinguished Senator from Ohio withdraws his second-degree amendment, we go ahead and adopt the amendment by voice vote and then begin the rollcall.

Mr. MOYNIHAN. Vote.

The PRESIDING OFFICER. Does the Senator from Ohio withdraw his amendment?

Mr. METZENBAUM. He has done it twice.

Mr. GLENN. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 2769) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRAMM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2771

Mr. DOLE. Mr. President, I ask unanimous consent that I may be permitted to modify the temporary debt ceiling extension so that it will expire on September 30.

The PRESIDING OFFICER. It is a House measure. The Senate does not have a right to modify it.

The Senator may propose an amendment to it.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 2771.

On page 1, line 6, strike "$2,152,000,000,000" and insert "$2,111,000,000,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas.

The amendment (No. 2771) was agreed to.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

Mr. BYRD. Mr. President, will the distinguished majority leader enter a unanimous-consent order that upon the disposition of the debt limit extension the adjournment resolution will be called up immediately or we will be happy to have that understanding?

Mr. DOLE. We may have a rollcall. We are going to have rollcall on everything else tonight.

Mr. BYRD. We are assured, though that the adjournment resolution will be called up immediately upon the disposition of this?

Mr. DOLE. Yes, I will give that assurance.

Mr. METZENBAUM. Mr. President, if the majority leader will yield, I heard him indicate in a little sense of pique that if we are going to have a rollcall on one we are going to have a rollcall on everything. I wonder why.

Mr. DOLE. Why are we having one on the 30-day extension?

Mr. METZENBAUM. I think it is obvious some feel that is a matter of substance, whereas what the majority leader is doing is requiring us to wait not only 20 minutes—it will be 30 minutes—in order to have the other rollcall.

I wonder if the majority leader will reconsider the necessity to have a rollcall on the adjournment resolution. We are all going to vote for it anyhow. That is for sure.

Mr. DOLE. The only point I want to make is the reason I indicate that is that I am not certain that the debt ceiling will pass. I want to make certain Members are going to stay around here and indicate we are going to have a vote on the adjournment resolution.

If we have a pretty good margin, we will signal everybody to go on home. There is no assurance it will pass.

Mr. METZENBAUM. Is it not a fact the House will not take it up until we have passed the adjournment resolution, so we will not gain anything as far as keeping people here except imposing on all of us the obligation to wait for that second rollcall because we have to have that concluded before the first issue will be voted on by Members of the House.

In other words, they will not vote on the debt ceiling until they have the adjournment resolution.

Mr. DOLE. We want to get them the adjournment resolution quickly as we can.

The point I make is I need to find out how the vote is going. If it is going in the right direction, then I will notify everybody there will be no rollcall vote on the adjournment resolution.

We may have to reconsider it and have two or three votes.

Mr. METZENBAUM. OK.

Mr. GLENN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

□ 0100

The PRESIDING OFFICER. Is there further debate?

Mr. BOREN. Mr. President, will the leader yield?

Mr. DOLE. For what purpose?

Mr. BOREN. For a question.

Mr. DOLE. On this?

Mr. BOREN. No.

Mr. DOLE. Let us save the other until later.

Mr. BOREN. After this vote, I presume we will all disperse; is that not the case?

Mr. DOLE. Not me; I am going to be here.

Mr. BOREN. Pardon?

Mr. DOLE. I know what the Senator from Oklahoma has in mind. I would rather make that unanimous-consent request, as I promised I would, later.

Mr. BOREN. I thank the leader.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Alabama [Mr. DENTON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Arizona [Mr. GOLDWATER], the Senator from Oregon [Mr. HATFIELD], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Nevada [Mr. LAXALT], the Senator from Maryland [Mr. MATHIAS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Indiana [Mr. QUAYLE], the Senator from Vermont [Mr. STAFFORD], the Senator from Wyoming [Mr. WALLOP], and the Senator from Connecticut [Mr. WEICKER], are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska [Mr. MURKOWSKI] would vote "yea."

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from Arizona [Mr. DECONCINI], the Senator from Missouri [Mr. EAGLETON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Arkansas [Mr. PRYOR], the Senator from Mississippi [Mr. STENNIS], and the Senator from New Mexico [Mr. BINGAMAN], are necessarily absent.

The PRESIDING OFFICER (Mr. SIMPSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 34, nays 47, as follows:

[Rollcall Vote No. 254 Leg.]

YEAS—34

Abdnor	Dodd	Lugar
Biden	Domenici	McConnell
Boren	Garn	Packwood
Boschwitz	Gore	Roth
Bradley	Gorton	Rudman
Chafee	Gramm	Simon
Chiles	Hatch	Simpson
Cochran	Heinz	Specter
Cohen	Hollings	Stevens
D'Amato	Kassebaum	Thurmond
Danforth	Levin	
Dixon	Long	

NAYS—47

Andrews	Hawkins	Moynihan
Armstrong	Hecht	Nickles
Baucus	Heflin	Nunn
Broyhill	Helms	Pell
Bumpers	Inouye	Pressler
Burdick	Johnston	Proxmire
Byrd	Kasten	Riegle
Cranston	Kerry	Rockefeller
Dole	Lautenberg	Sarbanes
Evans	Leahy	Sasser
Exon	Matsunaga	Symms
Ford	Mattingly	Trible
Glenn	McClure	Warner
Grassley	Melcher	Wilson
Harkin	Metzenbaum	Zorinsky
Hart	Mitchell	

NOT VOTING—19

Bentsen	Hatfield	Quayle
Bingaman	Humphrey	Stafford
DeConcini	Kennedy	Stennis
Denton	Laxalt	Wallop
Durenberger	Mathias	Weicker
Eagleton	Murkowski	
Goldwater	Pryor	

□ 1330

Mr. DOLE. Mr. President, Regular order.

The PRESIDING OFFICER. Regular order has been called for. Is there any other Senator wishing to vote?

On this vote, there are 34 yeas, 47 nays. The bill (H.R. 5395) fails of passage.

Mr. DOLE. Mr. President, I move to reconsider the vote.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

□ 0150

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. May we have order, Mr. President?

The PRESIDING OFFICER. The Senate will be in order.

The question is on the motion to reconsider.

Mr. GLENN. Mr. President, I move to table.

The PRESIDING OFFICER. The question is on the motion to table the motion to reconsider.

The motion to table the motion to reconsider was rejected.

The PRESIDING OFFICER. The question is on the motion to reconsider.

Mr. GLENN. I ask for the yeas and nays.

Mr. DOLE. On the motion to reconsider?

Mr. METZENBAUM. I thought the leader would accept the motion to reconsider as being the vote itself.

Mr. DOLE. Two votes or one?

Mr. BYRD. Why not have a voice vote on the motion to reconsider?

The PRESIDING OFFICER. The question is on the motion to reconsider.

The motion to reconsider was agreed to.

□ 0200

Mr. DOLE. Mr. President, we are going to try one more time. We are going to keep trying until we get it right.

I must say if we lose this one then we are out of business until they send us another vehicle over here. The problem is we have about 12 absentees on this side and I do not know how many on the other side.

I have given it a lot of thought. We ought to try to round up the 12 and come back at noon today, but I do believe a number of Members would like to get out of here. So let us vote.

Mr. THURMOND. Voice vote.

Mr. GLENN. I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are automatic in this instance.

Mr. GLENN. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GLENN. We cannot do other than vote the yeas and nays on this, is that correct?

The PRESIDING OFFICER. The yeas and nays are automatic.

They may be vitiated by consent.

Mr. DOLE. I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. Objection.

The PRESIDING OFFICER. Objection is heard.

The question is on the passage of the bill on reconsideration.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Florida [Mr. CHILES], the Senator from Arizona [Mr. DECONCINI], the Senator from Missouri [Mr. EAGLETON], the Senator for Colorado [Mr. HART], the Senator from Alabama [Mr. HEFLIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Arkansas [Mr. PRYOR], and the Senator from Mississippi [Mr. STENNIS] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Mississippi [Mr. COCHRAN], the Senator from Maine [Mr. COHEN], the Senator from Missouri [Mr. DANFORTH], the Senator from Alabama [Mr. DENTON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Washington [Mr. EVANS], the Senator from Utah [Mr. GARN], the Senator from Arizona [Mr. GOLDWATER], the Senator from Texas [Mr. GRAMM], the Senator from Oregon [Mr. HATFIELD], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Nevada [Mr. LAXALT], the Senator from Maryland [Mr. MATHIAS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Indiana [Mr. QUAYLE], the Senator from Vermont [Mr. STAFFORD], the Senator from Wyoming [Mr. WALLOP], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

The PRESIDING OFFICER (Mr. BROYHILL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 36, nays 35, as follows:

[Rollcall Vote No. 255 Leg.]

YEAS—36

Abdnor	Gore	McConnell
Biden	Gorton	Packwood
Boren	Hatch	Roth
Boschwitz	Hecht	Rudman
Bradley	Heinz	Simon
Broyhill	Helms	Simpson
Chafee	Hollings	Specter
D'Amato	Kassebaum	Stevens
Dixon	Levin	Symms
Dodd	Long	Thurmond
Dole	Lugar	Trible
Domenici	McClure	Wilson

NAYS—35

Andrews	Inouye	Nickles
Armstrong	Johnston	Nunn
Baucus	Kasten	Pell
Burdick	Kerry	Pressler
Byrd	Lautenberg	Proxmire
Cranston	Leahy	Riegle
Exon	Matsunaga	Rockefeller
Ford	Mattingly	Sarbanes
Glenn	Melcher	Sasser
Grassley	Metzenbaum	Warner
Harkin	Mitchell	Zorinsky
Hawkins	Moynihan	

NOT VOTING—29

Bentsen	Cohen	Eagleton
Bingaman	Danforth	Evans
Bumpers	DeConcini	Garn
Chiles	Denton	Goldwater
Cochran	Durenberger	Gramm
Hart	Laxalt	Stafford
Hatfield	Mathias	Stennis
Heflin	Murkowski	Wallop
Humphrey	Pryor	Weicker
Kennedy	Quayle	

So the bill (H.R. 5395), as amended, upon reconsideration, was passed.

□ 0220

CONDITIONAL ADJOURNMENT OF THE TWO HOUSES UNTIL SEPTEMBER 8, 1986

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to the consideration of House Concurrent Resolution 380, the adjournment resolution with recall language.

The PRESIDING OFFICER (Mr. BROYHILL). The clerk will report.

The bill clerk read as follows:

A House concurrent resolution (House Concurrent Resolution 380) providing for conditional adjournment of the two Houses until September 8, 1986.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to the immediate consideration of the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The concurrent resolution reads as follows:

H. CON. RES. 380

Resolved by the House of Respresentatives (the Senate concurring), That when the House adjourns on Friday, August 15, 1986, or on Saturday, August 16, 1986 pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution, and that when the Senate adjourns on the legislative day of August 11, 1986, pursuant to a motion made by the Majority Leader or his designee, in accordance with this resolution they stand adjourned until 12 o'clock meridian on Monday, September 8, 1986, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution whichever occurs first.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. HEINZ. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. DOLE. Mr. President, I would like to inquire of the distinguished minority leader if he is in a position to pass any or all of the following calendar items: Calendar Nos. 773, 799, 831, 838, 839, 852, and 853.

□ 0240

Mr. BYRD. Mr. President, all of the items identified by the distinguished majority leader have been cleared by

Members on this side. We are ready to proceed.

Mr. DOLE. I thank the distinguished minority leader. I ask unanimous consent that the calendar items just identified be considered en bloc and passed en bloc, and all committee reported amendments and preambles be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSENT OF THE CONGRESS TO A MODIFICATION TO THE SUSQUEHANNA RIVER BASIN COMPACT

The bill (S. 1421) consenting to a modification in the Susquehanna River basin compact relating to the rate of interest on bonds issued by the Susquehanna River Basin Commission, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1421

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to the amendment to the Susquehanna River Basin Compact entered into between the States of New York, Pennsylvania, and Maryland which amendment is as follows:

(1) Section 13.9 of Article 13 of the Susquehanna River Basin Compact is amended by striking out "a rate of not to exceed six percent per annum" and inserting in lieu thereof "such rate as the Commission shall determine".

(2) Section 13.13 of Article 13 of such Compact is amended by striking out the period at the end of the first sentence and striking out the second sentence and inserting at the end of the first sentence the following: "and may sell its bonds at less than their par or face value.".

RELIEF OF JOE HERRING

The bill (H.R. 1260) for the relief of Joe Herring, was considered, ordered to a third reading, and read the third time, and passed.

INSTITUTES OF RURAL TECHNOLOGY DEVELOPMENT

The bill (H.R. 4331) to authorize the Secretary of Agriculture to make grants for the purpose of establishing institutes of rural technology development, was considered, ordered to a third reading, read the third time, and passed.

AMENDMENTS TO STANDING RULES OF THE SENATE RELATIVE TO IMPEACHMENT

The resolution (S. Res. 479) amending the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, was considered, and agreed to; as follows:

Resolved, That the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials are amended to read as follows:

RULES OF PROCEDURE AND PRACTICE IN THE SENATE WHEN SITTING ON IMPEACHMENT TRIALS

I. Whensoever the Senate shall receive notice from the House of Representatives that managers are appointed on their part to conduct an impeachment against any person and are directed to carry articles of impeachment to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers for the purpose of exhibiting such articles of impeachment, agreeably to such notice.

II. When the managers of an impeachment shall be introduced at the bar of the Senate and shall signify that they are ready to exhibit articles of impeachment against any person, the Presiding Officer of the Senate shall direct the Sergeant at Arms to make proclamation, who shall, after making proclamation, repeat the following words, viz: "All persons are commanded to keep silence, on pain of imprisonment, while the House of Representatives is exhibiting to the Senate of the United States articles of impeachment against —— ——"; after which the articles shall be exhibited, and then the Presiding Officer of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

III. Upon such articles being presented to the Senate, the Senate shall, at 1 o'clock afternoon of the day (Sunday excepted) following such presentation, or sooner if ordered by the Senate, proceed to the consideration of such articles and shall continue in session from day to day (Sundays excepted) after the trial shall commence (unless otherwise ordered by the Senate) until final judgment shall be rendered, and so much longer as may, in its judgment, be needful. Before proceeding to the consideration of the articles of impeachment, the Presiding Officer shall administer the oath hereinafter provided to the Members of the Senate as they shall appear, whose duty it shall be to take the same.

IV. When the President of the United States or the Vice President of the United States, upon whom the powers and duties of the Office of President shall have devolved, shall be inpeached, the Chief Justice of the United States shall preside; and in a case requiring the said Chief Justice to preside, notice shall be given to him by the Presiding Officer of the Senate of the time and place fixed for the consideration of the articles of impeachment, as aforesaid, with a request to attend; and the said Chief Justice shall be adminstered the oath by the Presiding Officer of the Senate and shall preside over the Senate during the consideration of said articles and upon the trial of the person impeached therein.

V. The Presiding Officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide.

VI. The Senate shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, precepts, and judgments, to preserve order, and to punish in a summary way contempts of, and disobedience to, its authority, orders, mandates, writs, precepts, or judgments, and to make all lawful orders, rules, and regulations which it may deem essential or conducive to the ends of justice. And the Sergeant at Arms, under the direction of the Senate, may employ such aid and assistance as may be necessary to enforce, execute, and carry into effect the lawful orders, mandates, writs, and precepts of the Senate.

VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the Presiding Officer on the trial shall direct all the forms of proceedings while the Senate is sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for. And the Presiding Officer on the trial may rule on all questions of evidence including, but not limited to, questions of relevancy, materiality, and redundancy of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some Member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision without debate; or he may at his option, in the first instance, submit any such question to a vote of the Members of the Senate. Upon all such questions the vote shall be taken in accordance with the Standing Rules of the Senate.

VIII. Upon the presentation of articles of impeachment and the organization of the Senate as hereinbefore provided, a writ of summons shall issue to the person impeached, reciting said articles, and notifying him to appear before the Senate upon a day and at a place to be fixed by the Senate and named in such writ, and file his answer to said article of impeachment, and to stand to and abide the orders and judgments of the Senate thereon; which writ shall be served by such officer or person as shall be named in the precept thereof, such number of days prior to the day fixed for such appearance as shall be named in such precept, either by the delivery of an attested copy thereof to the person impeached, or if that cannot conveniently be done, by leaving such copy at the last known place of abode of such person, or at his usual place of business in some conspicuous place therein; or if such service shall be, in the judgment of the Senate, impracticable, notice to the person impeached to appear shall be given in such other manner, by publication or otherwise, as shall be deemed just; and if the writ aforesaid shall fail of service in the manner aforesaid, the proceedings shall not thereby abate, but further service may be made in such manner as the Senate shall direct. If the person impeached, after service, shall fail to appear, either in person or by attorney, on the day so affixed thereof as aforesaid, or, appearing, shall fail to file his answer to such articles of impeachment, the trial shall proceed, nevertheless, as upon a plea of not guilty. If a plea of guilty shall be entered, judgment may be entered thereon without further proceedings.

IX. At 12:30 o'clock afternoon of the day appointed for the return of the summons against the person impeached, the legislative and executive business of the Senate shall be suspended, and the Secretary of the Senate shall administer an oath to the returning officer in the form following, viz: "I, ——— ———, do solemnly swear the return made by me upon the process issued on the ——— day of ———, by the Senate of the United States against ——— ———, is truly made, and that I have performed such service as therein described: So help me God."

Which oath shall be entered at large on the records.

X. The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appear, or any person for him, the appearance shall be recorded, stating particularly if by himself, or by agent or attorney, naming the person appearing and the capacity in which he appears. If he do not appear, either personally or by agent or attorney, the same shall be recorded.

XI. That in the trial of any impeachment the Presiding Officer of the Senate, if the Senate so orders, shall appoint a committee of Senators to receive evidence and take testimony at such times and places as the committee may determine, and for such purpose the committee so appointed and the chairman thereof, to be elected by the committee, shall (unless otherwise ordered by the Senate) exercise all the powers and functions conferred upon the Senate and the Presiding Officer of the Senate, respectively, under the rules of procedure and practice in the Senate when sitting on impeachment trials.

Unless otherwise ordered by the Senate, the rules of procedure and practice in the Senate when sitting on impeachment trials shall govern the procedure and practice of the committee so appointed. The committee so appointed shall report to the Senate in writing a certified copy of the transcript of the proceedings and testimony had and given before such committee, and such report shall be received by the Senate and the evidence so received and the testimony so taken shall be considered to all intents and purposes, subject to the right of the Senate to determine competency, relevancy, and materiality, as having been received and taken before the Senate, but nothing herein shall prevent the Senate from sending for any witness and hearing his testimony in open Senate, or by order of the Senate having the entire trial in open Senate.

XII. At 12:30 o'clock afternoon, or at such other hour as the Senate may order, of the day appointed for the trial of an impeachment, the legislative and executive business of the Senate shall be suspended, and the Secretary shall give notice to the House of Representatives that the Senate is ready to proceed upon the impeachment of —— ——, in the Senate Chamber.

XIII. The hour of the day at which the Senate shall sit upon the trial of an impeachment shall be (unless otherwise ordered) 12 o'clock m.; and when the hour shall arrive, the Presiding Officer upon such trial shall cause proclamation to be made, and the business of the trial shall proceed. The adjournment of the Senate sitting in said trial shall not operate as an adjournment of the Senate; but on such adjournment the Senate shall resume the consideration of its legislative and executive business.

XIV. The Secretary of the Senate shall record the proceedings in cases of impeachment as in the case of legislative proceedings, and the same shall be reported in the same manner as the legislative proceedings of the Senate.

XV. Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

XVI. All motions, objections, requests, or applications whether relating to the procedure of the Senate or relating immediately to the trial (including questions with respect to admission of evidence or other questions arising during the trial) made by the parties or their counsel shall be addressed to the Presiding Officer only, and if he, or any Senator, shall require it, they shall be committed to writing, and read at the Secretary's table.

XVII. Witnesses shall be examined by one person on behalf of the party producing them, and them cross-examined by one person on the other side.

XVIII. If a Senator is called as a witness, he shall be sworn, and give his testimony standing in his place.

XIX. If a Senator wishes a question to be put to a witness, or to a manager, or to counsel of the person impeached, or to offer a motion or order (except a motion to adjourn), it shall be reduced to writing, and put by the Presiding Officer. The parties or their counsel may interpose objections to witnesses answering questions propounded at the request of any Senator and the merits of any such objection may be argued by the parties or their counsel. Ruling on any such objection shall be made as provided in Rule VII. It shall not be in order for any Senator to engage in colloquy.

XX. At all times while the Senate is sitting upon the trial of an impeachment the doors of the Senate shall be kept open, unless the Senate shall direct the doors to be closed while deliberating upon its decisions. A motion to close the doors may be acted upon without objection, or, if objection is heard, the motion shall be voted on without debate by the yeas and nays, which shall be entered on the record.

XXI. All preliminary or interlocutory questions, and all motions, shall be argued for not exceeding one hour (unless the Senate otherwise orders) on each side.

XXII. The case, on each side, shall be opened by one person. The final argument on the merits may be made by two persons on each side (unless otherwise ordered by the Senate upon application for that purpose), and the argument shall be opened and closed on the part of the House of Representatives.

XXIII. An article of impeachment shall not be divisible for the purpose of voting thereon at any time during the trial. Once voting has commenced on an article of impeachment, voting shall be continued until voting has been completed on all articles of impeachment unless the Senate adjourns for a period not to exceed one day or adjourns sine die. On the final question whether the impeachment is sustained, the yeas and nays shall be taken on each article of impeachment separately; and if the impeachment shall not, upon any of the articles presented, be sustained by the votes of two-thirds of the Members present, a judgment of acquittal shall be entered; but if the person impeached shall be convicted upon any such article by the votes of two-thirds of the Members present, the Senate may proceed to the consideration of such other matters as may be determined to be appropriate prior to pronouncing judgment. Upon pronouncing judgment, a certified copy of such judgment shall be deposited in the office of the Secretary of State. A motion to reconsider the vote by which any article of impeachment is sustained or rejected shall not be in order.

Form of Putting the Question on Each Article of Impeachment

The Presiding Officer shall first state the question; thereafter each Senator, as his name is called, shall rise in his place and answer: guilty or not guilty.

XXIV. All the orders and decisions may be acted upon without objection, or, if objection is heard, the orders and decisions shall be voted on without debate by yeas and nays, which shall be entered on the record, subject, however, to the operation of Rule VII, except when the doors shall be closed for deliberation, and in that case no Member shall speak more than once on one question, and for not more than ten minutes on an interlocutory question, and for not more than fifteen minutes on the final question, unless by consent of the Senate, to be had without debate; but a motion to adjourn may be decided without the yeas and nays, unless they be demanded by one-fifth of the Members present. The fifteen minutes herein allowed shall be for the whole deliberation on the final question, and not on the final question on each article of impeachment.

XXV. Witnesses shall be sworn in the following form, viz: "You, —— ——, do swear (or affirm, as the case may be) that the evidence you shall give in the case now pending between the United States and —— ——, shall be the truth, the whole trust, and nothing but the truth: So help you God." Which oath shall be administered by the Secretary, or any other duly authorized person.

Form of a Subpena To Be Issued on the Application of the Managers of the Impeachment, or of the Party Impeached, or of His Counsel

To —— ——, greeting:

You and each of you are hereby commanded to appear before the Senate of the United States, on the —— day of ——, at the Senate Chamber in the city of Washington, then and there to testify your knowledge in the cause which is before the Senate in which the House of Representatives have impeached —— ——,

Fail not.

Witness —— ——, and Presiding Officer of the Senate, at the city of Washington, this —— day of ——, in the year of our Lord ——, and of the Independence of the United States the ——.

—— ——,
Presiding Officer of the Senate.

Form of Direction for the Service of Said Subpena

The Senate of the United States to —— ——, greeting:

You are hereby commanded to serve and return the within subpena according to law.

Dated at Washington, this —— day of ——, in the year of our Lord ——, and of the Independence of the United States the ——.

—— ——,
Secretary of the Senate.

Form of Oath To Be Administered to the Members of the Senate and the Presiding Officer Sitting in the Trial of Impeachments

"I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of —— —— , now pending, I will do impartial justice according to the Constitution and laws: So help me God."

Form of Summons To Be Issued and Served Upon the Person Impeached

The United States of America, ss:

The Senate of the United States to —— ——, greeting:

Whereas the House of Representatives of the United States of America did, on the —— day of ——, exhibit to the Senate articles of impeachment against you, the said —— ——, in the words following:

[Here insert the articles]

And demand that you, the said ——— ———, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials, and judgments might be thereupon had as are agreeable to law and justice.

You, the said ——— ———, are therefore hereby summoned to be and appear before the Senate of the United States of America, at their Chamber in the city of Washington, on the ——— day of ———, at ——— o'clock ———, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform such orders, directions, and judgments as the Senate of the United States shall make in the premises according to the Constitution and laws of the United States.

Hereof you are not to fail.

Witness ——— ———, and Presiding Officer of the said Senate, at the city of Washington, this ——— day of ———, in the year of our Lord ———, and of the Independence of the United States the ———.

——— ———,
Presiding Officer of the Senate.

Form of Precept To Be Indorsed on Said Writ of Summons

The United States of America, ss:

The Senate of the United States to ——— ———, greeting:

You are hereby commanded to deliver to and leave with ——— ———, if conveniently to be found, or if not, to leave at his usual place of abode, or at his usual place of business in some conspicuous place, a true and attested copy of the within writ of summons, together with a like copy of this precept; and in whichsoever way you perform the service, let it be done at least ——— days before the appearance day mentioned in the said writ of summons.

Fail not, and make return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the appearance day mentioned in the said writ of summons.

Witness ——— ———, and Presiding Officer of the Senate, at the city of Washington, this ——— day of ———, in the year of our Lord ———, and of the Independence of the United States the ———.

——— ———,
Presiding Officer of the Senate.

All process shall be served by the Sergeant at Arms of the Senate, unless otherwise ordered by the Senate.

XXVI. If the Senate shall at any time fail to sit for the consideration of articles of impeachment on the day or hour fixed therefor, the Senate may, by an order to be adopted without debate, fix a day and hour for resuming such consideration.

ABSENTEE REGISTRATION AND VOTING

The bill (H.R. 4393) to consolidate and improve provisions of law relating to absentee registration and voting in elections for Federal office by members of uniformed services and persons who reside overseas, was considered, ordered to a third reading, read the third time, and passed.

● Mr. WARNER. Mr. President, I rise to discuss H.R. 4393, the Uniformed and Overseas Citizens Absentee Voting Act. H.R. 4393 passed the House of Representatives by a unanimous vote on August 12, 1986. On that same day, S. 2539, a companion bill also carrying that title, was ordered to be favorably reported to the Senate by the unanimous vote of the Committee on Rules and Administration.

Mr. President, it is important to point out that the legislative history of the Uniformed and Overseas Citizens Absentee Voting Act has been characterized by the greatest cooperation between the House and the Senate, and by solid bipartisan support in both bodies. There was a complete sharing of ideas, of information, and of experience between the Members and staffs of the House and the Senate—all with the objective of producing a better bill.

The progress of S. 2539 shows just how successful this effort has been. Since the bill's introduction on June 10, it has attracted the support of 58 cosponsors, representing both sides of the aisle. Recognizing this fact, the distinguished chairman of the Committee on Rules and Administration, Mr. MATHIAS, scheduled the hearings which clearly documented the need for this bill and established the propriety of the remedies which it includes. On August 13, 1986, the Rules Committee agreed to an amendment which completely aligned the House and Senate versions of this bill and recommended its adoption by the full Senate.

Mr. President, it is my privilege today to urge the final step in the cooperative pattern which has been the hallmark of this bill. In doing so, I would like to commend the fine work of Chairman SWIFT and his staff from the House of Representatives, particularly Ms. Kathy Jarvis and Mr. Karl Sandstrom. In the Senate, similar credit should go to our distinguished chairman, Mr. MATHIAS, and his staff from the Rules Committee, Ms. Elaine Milliken, Ms. Harriet Robnett, and Ms. Jennifer Nelson. I also extend my sincere appreciation to Maj. Ken Allard, U.S. Army, assigned to my office during his congressional fellowship with the American Political Science Association. It is because of Major Allard's dedication and perseverance that we have been able to move this bill to the floor for Senate consideration in such a timely fashion.

Finally, I want to thank my 57 fellow Senators who joined me in cosponsoring this bill, not only for myself but also on behalf of the more than 400,000 military and overseas citizens whose votes it will preserve.

Mr. President, I urge my colleagues to support H.R. 4393.●

● Mr. FORD. Mr. President, I commend the distinguished Senator from Virginia [Mr. WARNER] for putting all his energy behind passage of this legislation. This is not a big-ticket, high-profile issue that will cover the front pages of the major newspapers—but it should be, because it goes to the very heart of representative democracy. Voting is a right in this country. But for those Americans overseas—particularly the men and women serving the Nation in the Armed Forces—it has been, at times, not a right but a matter of luck to get one's ballot back in time to be counted.

No one seems to have a kind word for the U.S. Postal Service, but in fact it is a luxury that we take for granted. In many foreign countries, an absentee ballot is just as likely to disappear forever as it is to get to the polling place on time. What we are doing here is making sure that an American's right to vote is not degraded just because he or she happens to be out of the country on election day. Particularly in the case of those who serve this country in difficult, often hazardous, situations, for relatively little pay, it is our reponsibility to ensure that their right to vote is protected.

Mr. President, I am pleased to join the Senator from Virginia as an enthusiastic cosponsor of this bill.●

TELEPHONE SERVICE FOR SENATORS

The bill (S. 2759) relating to telephone services for Senators, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 2759

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1205(a) of the Supplemental Appropriations Act, 1984 (2 U.S.C. 58a) is amended by striking out "(except services for which the charge is based on the amount of time the service is used)".

□ 0230

UNANIMOUS-CONSENT REQUEST—S. 655, S. 528

Mr. DOLE. Mr. President, I am going to propound a unanimous-consent request and I hope there is no debate on it. I will propound it and I hope we can get it agreed to.

TIME AGREEMENT ON CAMPAIGN FINANCING ISSUES

I ask unanimous consent that following the conclusion of morning business on Monday, September 8, the Senate resume the consideration of S. 655, with the Boren and Boschwitz amendments attached, and at that point it be considered under the following time agreement:

Six hours total for debate, to be equally divided between the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Oklahoma [Mr. BOREN] or their designees;

That all amendments be limited to 40 minutes each, to be equally divided and germane or relevant to the Boren

and Boschwitz amendments; and in the first degree only;

That in the event a substitute amendment is adopted, it be treated as original text for the purpose of further amendments;

Ten minutes on any debatable motions, appeals, or points of order if so submitted to the Senate;

That no motions to recommit with instructions be in order;

And that the agreement be in the usual form, with the exception of a Simon amendment dealing with public financing;

I further ask unanimous consent that during the Senate's consideration of S. 655 that there be alternate recognition for the offering of amendments and no amendment dealing with a commission on campaign financing be in order.

Further, I ask unanimous consent that following the conclusion of yielding back of time, the Senate proceed immediately, without any intervening action, motion, debate, or quorum call, to third reading and final passage of S. 655, as amended.

Now, I would ask unanimous consent that following the disposition of S. 655, the Senate turn to the consideration of Calendar No. 834, S. 528, a bill to establish a bipartisan commission on campaign financing, and it be considered under the following time agreement:

One hour total debate, to be equally divided in the usual form;

That no amendments be in order except the committee reported substitute;

Two minutes on any debatable motions, appeals, or points of order, if so submitted to the Senate;

That no motions to recommit with instructions be in order;

And that the agreement be in the usual form.

Finally, I ask unanimous consent that following the conclusion or yielding back of time, the Senate proceed immediately, without any intervening action, motion, debate, or quorum call, to third reading and final passage of S. 528, as amended.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. On behalf of a number of Senators, I do object.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I thank the majority leader for propounding this request. There was an overwhelming vote earlier this week in favor of the campaign reform proposals which I advanced, a vote of 69 to 30. The Senate made it clear that it wishes to move ahead to try to reform the campaign financing process of this country. We signaled our feeling that this is a matter that belongs on the national agenda.

We then had a vote on the amendment by the Senator from Minnesota, which was adopted. It was the hope of this Senator that we could proceed to the conclusion of this matter early in this session, in time for the House to act.

I would hope that we would continue to press on with this effort. This Senator certainly intends to do so, and to work as hard as possible to see that we do something to reform the way we finance campaigns in this country. It is an issue that is important.

Mr. President, it is a system that cries out for change and reform as we are confronted with a tidal wave of money into the political system.

I would ask the majority leader and express the hope to the distinguished majority leader, if I could have his attention for just a moment, that we might continue to work on this.

I want to express appreciation for the work which he and his staff have already done in working on this particular matter.

I would like to continue to try to work with him after we return from the recess to see if there is some way in which we might overcome the objections of those that have expressed such objections tonight and find a way to work on some kind of consent agreement.

I express the hope that he will continue to work with those of us who are concerned about this issue to see if we can make such a unanimous-consent agreement in the future, one that might receive approval of the body so that we can get back to this important issue after we return from recess.

Mr. DOLE. Let me indicate to the distinguished Senator from Oklahoma that I commend him for his work in this area. I think we should continue to work. I think we are not really that far apart. There are Members on this side who feel strongly about certain amendments. Perhaps if we can identify the amendments that Members would like to offer, then we could satisfy some of the real concerns that they have.

I think what is of most concern on this side is that there will be certain amendments offered and others would not be offered because they are not identified. I am certainly willing to continue to work with the Senator from Oklahoma.

Mr. BOREN. I thank the majority leader. I hope we will have the amendments identified and then we can perhaps successfully frame some kind of unanimous-consent agreement that will permit us to return to this.

Again, I want to thank him and the members of his staff for the work they have put in on this. I have had several conversations with the staff, discussions, working together. I do hope we will be able to find a way to successfully during this particular year. We simply must not allow another year to go by without beginning to take steps in the right direction to improve the way campaigns are financed.

Mr. BYRD. Will the Senator yield?

Mr. BOREN. I am happy to yield.

Mr. BYRD. Mr. President, I commend the distinguished Senator from Oklahoma on his determination to press forward and get action on this matter. I share with him that desire. I assure him of my support. I will do everything I possibly can to help us reach an agreement.

I believe the distinguished majority leader has said all that he could say on this subject. He has given his assurance. I can assure the Senator that I will make every effort to be of help in getting that agreement and getting action on the matter before the end of this session.

Mr. BOREN. Mr. President, again, let me thank the distinguished minority leader as well, who is, incidentally, a cosponsor in this matter. He has worked very, very hard for the past several days, again along with his staff, to assist in working out this agreement, negotiating with those on the other side of the aisle.

I want to thank him for his help and thank him for his comment that he intends to continue this effort until we find some way of finally moving ahead to do something about the present system, which I think is nothing short of scandalous, and which we have a moral responsibility to help change.

I thank the leader for his help on the floor in the past several days. I thank both leaders for their efforts. I will continue to work with them to find a way to accomplish our purposes after the recess.

The PRESIDING OFFICER. The Senator from Kentucky.

WILLIAM C. SHERMAN

Mr. FORD. Mr. President, I would like to call the attention of my colleagues to a recent article about a distinguished Kentuckian, Deputy Assistant Secretary of State William C. Sherman. Mr. Sherman has been serving the Nation in a variety of positions for 35 years now, and continues to display the intelligence, determination and commitment necessary to successfully promote U.S. foreign policy objectives.

Mr. President, I ask unanimous consent that the article, "A Wordly Perspective," from the University of Louisville Alumni magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the University of Louisville Alumni magazine, Summer, 1986]

A WORLDLY PERSPECTIVE

(By Oscar Bryant)

"They used to say, 'A diplomat is an honest man who's sent abroad to lie for his country,'" claims U.S. Deputy Assistant Secretary of State William C. Sherman '46A.

But that's not the case anymore, if indeed it ever was. "Ideally, you have to know a lot about the country assigned. Although you don't have to be the world's greatest expert on its history, language, or culture, those help. However, you must know what the United States' policy is, how to express that to the leadership of the host government, and to return their views with equal force and cogency back to your home government."

Currently assigned to the State Department's Bureau of East Asian and Pacific Affairs, Sherman has been exercising these skills since the 1950s. He credits the U.S. Navy for his career in foreign service.

The navy drafted Sherman in 1942 when he was attending U of L on a President's Scholarship. After completing the V-12 program at U of L, Sherman attended midshipman's school and the navy's Japanese language school, finishing this language training after the end of World War II. The school "conditioned my career more than anything else," Sherman recalls.

Sherman accepted a civilian position with the army, which placed him in Korea as an adviser to the fledgling Korean Coast Guard Academy. There, after military government ended, he became involved with the U.S.'s Economic Cooperation Administration until war broke out betweeen North and South Korea in June 1950. Rejoining the navy, he was assigned to intelligence because of his language expertise. That post lasted one year. By 1951, Sherman's assignment to the State Department as a career foreign service officer became official and he landed in Yokohama, Japan as vice consul.

Sherman later held positions in Italy and in the European affairs bureau as well as a stint working on presidential travel during the Johnson administration. "I lost a lot of blood through the eyes," he softly chuckled, recalling many long hours at Johnson's side. "Johnson was larger than life, and it was certainly a very colorful time to be traveling with a U.S. president."

In 1968, Sherman returned to Japanese affairs as consul general in Osaka, in charge of political affairs at our embassy in Tokyo and as Japan desk director in the State Department. At the beginning of the Carter administration newly appointed Ambassador Mike Mansfield took him to Japan as deputy. He became an ambassador in 1981 and worked at the United Nations under Ambassador Jeane Kirkpatrick.

To Sherman, a diplomat's primary duty is helping his or her government keep things in perspective; "To keep conflicts from happening." He cites the current habit of decrying the U.S. Japan trade situation. "We need to focus on the whole spectrum of Japan's importance. It is such a tremendously important relationship for so many other reasons than the economic one. Although you'd think from the publicity that we get nothing from the relationship with Japan, it buys more from us than France, Germany, and the United Kingdom combined. It is our largest overseas trading partner. We sell more to Japan than to any country in the world except Canada."

Keeping two countries' political and economic situations in perspective is a full-time job for a diplomat. But this country's emissaries face some things with each assignment that also need to be kept in perspective. "When I first went to Korea, not that it was unhealthful, there was no such thing as central heating. The Russians had turned off the electricity in the North, so we had to order kerosene lamps from Sears and Roebuck and heat our bath water on a wood stove. It was like rural life in Kentucky in the early 1900s."

Even though U of L didn't have any sort of specialized international programs when Sherman attended, he still credits his alma mater for much of his success. Noting that recalling his college years is "going back to ancient history," Sherman feels that U of L professors were "mind stretchers." Harvey Webster, John Brodenius, Gerhard Herz, and Justus Bier "were a fantastic group of highly motivated teachers who were able to communicate that motivation to their students."

A diplomat doesn't need a background in political science or foreign affairs. He or she "needs to be able to read and write, to be a valid reporter, to be a persuasive arguer, and a logical and valid representative of your country. That's what liberal arts teaches a person to do. That's why I still think that it provides the best of all possible educations."

The PRESIDING OFFICER. The majority leader is recognized.

ORDERS FOR MONDAY, SEPTEMBER 8, 1986

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate convenes on Monday, September 8, 1986, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the Calendar be dispensed with, and following the recognition of the two leaders under the standing order, there be a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE], for not to exceed 5 minutes; to be followed by a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for not more than 5 minutes each; and provided further that the morning hour be deemed to have expired.

AUTHORITY FOR COMMITTEES TO FILE REPORTS

I further ask uninimous consent that committees be authorized to file reports between the hours of 10 a.m., and 3 p.m., on Wednesday, September 3, 1986.

The PRESIDING OFFICER. Without rejection, it is so ordered.

BILL RETURNED TO CALENDAR—S. 2701

Mr. DOLE. Mr. President, I ask unanimous consent that S. 2701 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAPPOINTMENT OF DAVID C. ACHESON AS A CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The joint resolution (S.J. Res. 269) to provide for the reappointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution, was considered, ordered to be engrossed for a third reading, read the third time and passed; as follows:

S.J. RES. 269

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of David C. Acheson of the District of Columbia on December 22, 1986, be filled by the reappointment of the present incumbent. The appointment is for a term of six years and shall take effect on the day after the current term expires.

Mr. DOLE. Mr. President, I move to reconsider the vote by which various calendar items were agreed to.

Mr. BYRD. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

PROVISION OF CERTAIN THINGS FOR PETROLEUM PRODUCED FROM NAVAL PETROLEUM RESERVES

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate turn to consideration of H.R. 4843, dealing with national energy policy.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will state the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 4843, to provide for a minimum price and an alternative production rate for petroleum produced from the naval petroleum reserves, and for other purposes.

The Senate proceeded to consider the bill.

● Mr. BRADLEY. Mr. President, the bill we are about to approve, sponsored by Representative SHARP, mirrors a bill which I introduced in the Senate. I congratulate my colleagues on the speed with which we have dealt with this issue. The speed is clearly attributable to two factors: First, the legislation is needed; second, it represents good policy.

This legislation prohibits the sale of naval petroleum reserve oil for less than 90 percent of the prevailing market value or for less than the price of oil purchased for the strategic petroleum reserve minus the cost of transporting the oil from the naval reserve to the SPR.

It makes no sense for the U.S. Government to dump oil produced from

the naval petroleum reserve into already depressed markets. Yet that is what we are doing today. Last week oil from the NPR sold for as low as $4.90 per barrel—about $7 per barrel below that prevailing in the region. This week's prices might be as low as $4.50 per barrel. These ridiculously low prices represent an unfair attack on other oil producers, a loss of revenue to U.S. taxpayers and a squandering of a national and strategic resource.

This dumping of the Nation's oil reserves is obviously bad policy. It is not anyone's intended goal. Rather, these low prices are the inadvertent result of contract policies and legislation that did not anticipate the possibility of rapidly fluctuating oil prices. The Secretary of Energy has enacted a number of reforms which will help reduce the chance of a recurrence of this ill-advised outcome. This bill, however, goes further and ensures that this dumping of U.S. oil never again occurs.

Mr. President, I am confident we will approve this bill, and that President Reagan will sign it into law without delay. We have been terribly wasting our own scarce petroleum resources. Even though we have moved quickly on this issue, any delay is unconscionable. It is time to move this bill.●

The bill was ordered to a third reading, read the third time and passed.

Mr. DOLE. I move to reconsider the vote by which the bill passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BILL HELD AT DESK—H.R. 4260

Mr. DOLE. Mr. President, I ask unanimous consent that H.R. 4260, a bill to provide the Small Business Administration continuing authority to administer a program for small innovative firms, be held at the desk pending further disposition, once received from the House of Representatives.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

APPOINTMENT OF ADDITIONAL BANKRUPTCY JUDGES

Mr. DOLE. I ask unanimous consent that the Senate turn to H.R. 5316, the House bankruptcy bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the bill.

The assistant legislative clerk read as follows:

A bill (H.R. 5316) to amend title 28 of the United States Code to provide for the appointment of additional bankruptcy judges, to provide for the appointment of United States trustees to serve in bankruptcy cases in judicial districts throughout the United States, to make certain changes with respect to the role of United States trustees in such cases, and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 2772

Mr. DOLE. Mr. President, I send an amendment in the nature of a substitute to the desk on behalf of Senator THURMOND and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. THURMOND, proposes an amendment numbered 2772.

Mr. DOLE. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The text of the amendment is printed under amendments submitted.

Mr. THURMOND. Mr. President, last spring, the Senate Committee on the Judiciary recognized the immediate and critical need for additional bankruptcy judges. The committee expeditiously approved S. 1923 to create 48 new judgeships.

In May, the Senate approved S. 1923 and added to it the U.S. Trustee Program, farm bankruptcy and other important elements—all designed to improve our bankruptcy system. At that time we sent the entire package to the House as H.R. 2211 and insisted on conference, expressing the urgency of enacting this legislation.

I now ask that the Senate reconfirm its commitment to the same package we approved in May and insist once again on conference.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 5316) was passed.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD. I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I move that the Senate insist on its amendment and request a conference with the House and the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Chair (Mr. BROYHILL) appointed Mr. THURMOND, Mr. HATCH, Mr. GRASSLEY, Mr. DECONCINI, and Mr. HEFLIN conferees on the part of the Senate.

EXECUTIVE SESSION

Mr. DOLE. Mr. President, I would like to inquire of the distinguished minority leader if he is in a position to confirm any of the following nominations on the executive calendar: Calendar No. 823, Calendar No. 945, Calendar No. 946, Calendar No. 947, Calendar No. 953, Calendar No. 954, Calendar No. 955, Calendar No. 956, Calendar No. 974, Calendar No. 975, and Calendar No. 996.

Mr. BYRD. Mr. President, all of the nominees identified by the distinguished majority leader have been cleared on this side by all Members and we are ready to proceed with the confirmation thereof.

Mr. DOLE. I thank the distinguished minority leader.

EXECUTIVE SESSION

Mr. DOLE. I ask unanimous consent that the Senate go into executive session in order to consider the nominations just identified and the nominations be considered en bloc and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominees are considered en bloc and confirmed en bloc.

The nominations confirmed en bloc are as follows:

DEPARTMENT OF STATE

Morton I. Abramowitz, of Massachusetts, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State. (New Position)

DEPARTMENT OF ENERGY

Marshall A. Staunton, of California, to be Administrator of the Economic Regulatory Administration, vice Rayburn D. Hanzlik, resigned.

A. David Rossin, of California, to be an Assistant Secretary of Energy (nuclear energy).

ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Theodore J. Garrish, of Virginia, to be Federal Inspector for the Alaska Natural Gas Transportation System.

DEPARTMENT OF STATE

Reginald Bartholomew, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

Julian Martin Niemczyk, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic.

John Hubert Kelly, of Georgia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Robert Brendon Keating, of the District of Columbia, to be U.S. Executive Director of the International Bank for Reconstruc-

tion and Development for a term of two years.

EXECUTIVE OFFICE OF THE PRESIDENT

Michael Mussa, of Illinois, to be a Member of the Council of Economic Advisers.

FEDERAL RESERVE SYSTEM

H. Robert Heller, of California, to be a Member of the Board of Governors of the Federal Reserve System for the unexpired term of fourteen years from February 1, 1982.

VETERANS' ADMINISTRATION

Thomas E. Harvey, of the District of Columbia, to be Deputy Administrator of Veterans' Affairs.

Mr. DOLE. I move to reconsider the vote by which the nominations were confirmed.

Mr. BYRD. Mr. President, I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. I ask unanimous consent that the President be immediately notified the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS OF MARSHALL A. STAUNTON AND A. DAVID ROSSIN

Mr. McCLURE. Mr. President, on July 15, 1986, the Committee on Energy and Natural Resources held a hearing on the nominations of Marshall A. Staunton to be Administrator of the Economic Regulatory Administration and A. David Rossin to be Assistant Secretary of Energy for Nuclear Energy. Each nominee has fully complied with the committee's rules requiring submittal of a financial disclosure report and a detailed information statement.

On July 30, 1986, the Committee on Energy and Natural Resources ordered favorably reported each of the two nominations by a vote of 18 to 0.

Marshall A. Staunton, the nominee for Administrator of the Economic Regulatory Administration, has been serving as Acting Administrator since October of last year. Before his appointment as Acting Administrator, Mr. Staunton was Deputy Administrator for Enforcement at the ERA. He served as counsel for the Bechtel Power Co. from 1974 to 1985, and prior to that he was in the private practice of law. Mr. Staunton attended Brown University where he obtained his bachelors degree, and he received his law degree from Stanford University.

The ERA was established in 1977 as a part of the newly created Department of Energy, and the duties of the Administrator are delegated by the Secretary of Energy. A major responsibility of the ERA is to authorize and regulate imports of natural gas. The Administrator is also responsible for completing the litigation and settlement process relating to the enforcement of the petroleum pricing and allocation regulations that were in effect prior to the decontrol of crude oil and petroleum products in January 1981.

During Mr. Staunton's testimony before the committee, he indicated his priorities in carrying out these responsibilities. He stated:

> The first priority facing the Administrator of ERA is the successful completion of the enforcement program and the cases which remain from the EPAA pricing and allocation regulations. The second priority of the Administrator is to carry out the President's Energy Policy in the licensing of import and export of natural gas. I will, if confirmed, endeavor to carry out these objectives with dedicated leadership.

A. David Rossin has been nominated for the position of Assistant Secretary for Nuclear Energy. Dr. Rossin has spent his entire career in the nuclear energy field, most recently as Director of the Nuclear Safety Analyses Center at the Electric Power Research Institute, a position he has held since 1981. For the previous 10 years he was director of research for the Commonwealth Edison Co. He also worked for 17 years at the Argonne National Laboratory in various technical and management capacities. Dr. Rossin holds four degrees: A bachelors in engineering physics from Cornell University, a masters in nuclear engineering from Massachusetts Institute of Technology, a masters in business administration from Northwestern University, and a Ph.D from Case Institute of Technology.

In the position of Assistant Secretary, Dr. Rossin will be responsible for planning and implementing a number of DOE programs, including uranium resource assessment, uranium enrichment, and research and development programs in the areas of nuclear reactor technology, advanced enrichment techniques, the naval reactor program, and nuclear waste management including both long-term and interim storage.

At his nomination hearing before the committee, Dr. Rossin stated that he believes that nuclear power can continue to supply a significant and growing share of U.S. electric power, but that this can only happen if the United States operates the current plants well, and develops a coherent framework in regulations, safety design, economical construction and component reliability. He indicated his dedication to this objective.

Mr. President, on behalf of the Committee on Energy and Natural Resources, I am pleased to recommend Senate approval of these nominations.

NOMINATION OF THEODORE J. GARRISH

Mr. McCLURE. Mr. President, on July 15, 1986, the Committee on Energy and Natural Resources held a hearing on the nomination of Theodore J. Garrish to be Federal Inspector of the Alaska Natural Gas Transportation System. He has fully complied with the committee's rules requiring submittal of a financial disclosure report and a detailed information statement.

On July 30, 1986, the Committee on Energy and Natural Resources ordered favorably reported this nomination by a vote of 18 to 0.

Mr. Garrish is currently performing the duties of Assistant Secretary of Energy for Congressional, Intergovernmental and Public Affairs at the Department of Energy. He has spent a substantial part of his career in Government service, as both general counsel and Special Assistant to the Secretary of Energy, and in positions at the Department of the Interior, the U.S. Consumer Product Safety Commission, the U.S. Office of Consumer Affairs, the White House, the Federal Trade Commission, and the Department of Justice.

As Federal Inspector of the Alaska Natural Gas Transportation System, Mr. Garrish will have exclusive responsibility for the enforcement of terms, conditions, and stipulations of grants, certificates, permits and other authorizations issued by Federal agencies with respect to the System. The System is an independent agency within the executive branch, and, as Federal Inspector, Mr. Garrish will report directly to the President.

During Mr. Garrish's testimony before the committee, he noted the key objectives he will pursue as Federal Inspector: To ensure the continued presence of the project, and to ensure the preparation for remobilization. He stated:

> It is important that the project's continuity be maintained if the system is to fulfill the role which fostered its genesis . . . I believe it is critical to maintain the readiness of the project for remobilization, thereby assisting a smooth and orderly reestablishment of project activities.

Mr. President, on behalf of the Committee on Energy and Natural Resources, I am pleased to recommend Senate approval of this nomination.

NOMINATION OF THOMAS E. HARVEY

Mr. MURKOWSKI. Mr. President, I rise in support of the nomination of Thomas E. Harvey to be Deputy Administrator of Veterans' Affairs. I urge the support of my colleagues on this matter. I ask unanimous consent that the remarks which I delivered at Mr. Harvey's nomination hearing on August 14 in the Veterans' Affairs Committee be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FRANK H. MURKOWSKI, CHAIRMAN, SENATE COMMITTEE ON VETERANS' AFFAIRS HEARING ON THE NOMINATION OF THOMAS E. HARVEY TO BE DEPUTY ADMINISTRATOR OF VETERANS' AFFAIRS

Good morning and welcome to this morning's hearing in which we will consider the nomination of Mr. Thomas E. Harvey to be the Deputy Administrator of Veterans' Affairs.

Tom, it is a pleasure to welcome you and your very accomplished wife, Cathleen Black, to the hearing. It wasn't too long ago that you were sitting on this side of the witness table. When this Committee held a similar hearing for your predecessor, Everett Alvarez, you sat as Committee Chief Counsel and Staff Director right next to the Chairman, then Alan Simpson. In fact, you even presided during part of the hearing! So, you are familiar with this place, the Members, the staffs and the programs. That is a distinct advantage as you will come to the VA with a working knowledge of the complex programs, and understanding of the policy and planning process, and not only knowledge of the Committee, but an intimate familiarity with the responsibilities and interests of the Committee and its Members.

The Deputy Administrator is a vital position in the government's largest independent agency. As part of our statutory responsibilities, we plan to inquire into policy and administrative issues which will very likely confront you as Deputy Administrator of Veterans' Affairs. We will hear from you regarding your views on this very important position for which you have been nominated by the President. You will be introduced to the Committee by none other than our former distinguished Chairman and your former boss, Alan Simpson.

I've reviewed your biographical sketch. You have certainly had an impressive career path, including distinguished combat service during the Vietnam War. As a company commander with the 173rd Airborne Brigade in Vietnam, you were awarded the Silver Star, Purple Heart, and 12 other decorations for valor and service. As a White House fellow you were assigned to work as a link with the Congress on pending legislation as well as the preparation of the National Foreign Intelligence Budget. During your tenure at the Department of Defense, both as Deputy Assistant Secretary of the Army for Acquisition and as Principal Deputy Assistant Secretary of the Navy for logistics, you had an excellent opportunity to participate in program planning, policy formulation and budget matters, especially relating to procurement. As General Counsel and Congressional Liaison at USIA, you have rounded out your executive branch experience by supervision of the agency's legal issues. Your two years as Chief Counsel and Staff Director of this Committee served to provide you with a substantive background in veterans' affairs, so that as Deputy Administrator, you will be able to "hit the ground running." You appear to have a wide variety of qualifications and experiences which will provide you a fine base on which to serve as the Deputy Administrator of Veterans' Affairs. As the VA Deputy Administrator—designate, I welcome you to today's hearing. I will recommend that the Committee approve your nomination immediately following this hearing and that we ask the Senate to consider the nomination as expeditiously as possible.

I believe it is important to continue to underline our Nation's commitment to a comprehensive VA system of medical care and benefits, and to document that commitment by continuing a strong and open working relationship between the VA and the Congress. I look forward to working with you in your new capacity as we try to realize the fullest management potential of the Agency in order to provide the greatest benefit to all our deserving veterans.

NOMINATION OF THOMAS E. HARVEY

Mr. CRANSTON. As ranking Democratic member of the Committee on Veterans' Affairs, I am delighted to join with the distinguished chairman of the committee, Mr. MURKOWSKI, and past chairman, Mr. SIMPSON, in urging the Senate to approve the nomination of Thomas E. Harvey to be Deputy Administrator of Veterans' Affairs. The Committee on Veterans' Affairs held a hearing on this nomination on Thursday morning and unanimously ordered the nomination favorable reported to the Senate that afternoon.

As those of us on the Veterans' Affairs Committee know, Tom is certainly no stranger to veterans' issues nor to the challenges he faces if confirmed as Deputy Administrator. Tom Harvey's background as a decorated combat veteran, Principal Deputy Assistant Secretary of the Navy for Logistics, Deputy Assistant Secretary of the Army for Acquisition, and chief counsel of this committee, as well as his experience as the general counsel and congressional liaison of the U.S. Information Agency, will provide the VA with a most valuable and necessary reservoir of experience and knowledge.

This nomination is particularly noteworthy in proposing to continue a tradition dating back to March 1977—more than 9 years ago—of having a Vietnam veteran in one of the top two positions at the VA. I congratulate the President for carrying on this tradition.

Mr. President, I submitted written questions to Tom on Tuesday, and his promptness and responsiveness in getting responses back to me 24 hours later was quite extraordinary. In addition, at Thursday's nomination hearing, I submitted to him one further written question on behalf of Senators METZENBAUM and GLENN. He responsed to that question on Thursday afternoon.

Before closing, Mr. President, I want to reemphasize my view that repaying the debts we owe to those who gave of themselves in the armed services is a continuing cost of our country's defense and a fundamental national obligation. The challenges that we all face are great and the answers are rarely easy, but I have pledged to Tom Harvey to do my best when he is confirmed as Deputy Administrator to be helpful and to work with him cooperatively as we carry out our respective responsibilities.

Mr. President, I urge the Senate to approve the nomination of Thomas E. Harvey to be Deputy Administrator of Veterans' Affairs. At this time, Mr. President, I ask unanimous consent that the text of the questions I submitted to Mr. Harvey and his responses be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PRE-HEARING QUESTIONS SUBMITTED BY SENATOR ALAN CRANSTON TO THOMAS E. HARVEY, DEPUTY ADMINISTRATOR-DESIGNATE OF VETERANS' AFFAIRS AND RESPONSES BY MR. HARVEY

1. What discussions have you had with the Administrator regarding the responsibilities you would have if confirmed as the Deputy Administrator?

I have had two substantive meetings with the Administrator regarding my role, if confirmed, as Deputy Administrator. In both of these, we acknowledged that each of us brings a particular background and particular areas of competence to our position, as do others in senior management positions within the V.A. Once confirmed, both the Administrator and I envisioned that after I have been read in on the current status of the significant issues facing the V.A. today, there will be some reallocation of the responsibilities generally resident within the office of the Administrator. Those which I would assume would draw upon my particular background, area of competence, and areas of special interest. I would envision that I would assume significant responsibilities with regard to the V.A.'s relations with Congress and the Veterans Service Organizations, and with regard to issues of special interest to Vietnam Veterans, for example.

2. What would your role be in policy-making decisions at the agency?

I have every expectation that the Administrator would include me fully in any deliberations preceding policy decisions that he would make, and would further expect that in the formulation of policy, he would place heavy reliance upon my own background and expertise.

3. A May 12, 1986, Memorandum from the Administrator to all VA Department Heads, Associate Deputy Administrators and Staff Office Directors describes the organizational structure of the Office of the Administrator.

A. The Administrator stated in this memorandum: "When the Deputy Administrator is named and confirmed, this individual will serve as my full alter ego, functioning in all respects in accordance with my specific direction."

(i) What is your understanding of what this statement means in terms of your managerial responsibilities if confirmed as Deputy Administrator?

(ii) To what extent would you have discretion to exercise management responsibilities and to what extent would you be restricted by the "specific direction" of the Administrator?

B. The Administrator has, as you know, established a position of Chief of Staff. According to the Administrator's May 12 memorandum, all Associate Deputy Administrators and the Staff Office Directors (such as the Office of the General Counsel and the Office of Budget and Finance) report directly to the Chief of Staff. In addition, the Chief of Staff is "responsible for coordination and review of day-to-day issues for the entire Agency." No mention is made of a role for the Deputy Administrator vis-a-vis these or any other functions of the Chief of Staff.

(i) How does the position of the Deputy Administrator relate to the Chief of Staff position?

(ii) Please describe the means or routes through which the Associate Deputy Ad-

ministrators and Staff Office Directors would have access to you and you to them and through which the heads of the three VA Departments (Medicine and Surgery, Veterans' Benefits, and Memorial Affairs) would have access to you and you to them.

(iii) What would your responsibilities be with respect to day-to-day operations of the agency?

(C)(i) In the Administrator's absence, what would your role be in the management of the agency and policy-making?

(ii) Who would have authority in the Administrator's absence to sign on his behalf regulations and other directives, official reports, correspondence, and various types of communications?

D. Are there any plans for making changes in the organization of responsibilities in the Administrator's Office if you are confirmed?

[If so] Please describe any such changes.

E. Are you satisfied that the current organizational framework (with any planned changes) is one that best serves the needs of the agency and the needs of veterans?

At the time the May 12, 1986 memorandum setting forth the organizational structure of the Office of the Administrator was issued, I do not believe I was even under consideration for the position of Deputy. My predecessor, Everett Alvarez, had departed the V.A., or had announced his intention to depart imminently. Thus, an organizational structure had to be crafted with no Deputy either in place or under consideration.

3A(i) If confirmed, as I become more conversant with the issues currently affecting the Veterans Administration, and as I become more cognizant of the particular competence of other senior executives on the Administrator's staff—and they with mine—I would envision a realignment which would specify particular responsibilities which I would have as Deputy Administrator. As I stated in response to another question, I would imagine those responsibilities would rely heavily upon my own background and expertise. As a Vietnam Combat Veteran, I would envision assuming substantial responsibilities for dealing with issues of particular concern to Vietnam Veterans, for example. As a former member of this committee's professional staff, I would imagine assuming additional responsibilities for issues of particular concern to Congress. Having worked with many of the Veterans Service Organizations during my tenure as Chief Counsel and Staff Director of the committee, I would envision a larger role in dealing with those.

3A(ii) The Administrator is the Chief Executive Officer of the V.A. I would anticipate serving as his chief operating officer. As such, I would be responsive to directives issued by him.

B(i) The Chief of Staff and I have yet to work out any specific guidelines which would cover our personal and professional relationships. The Chief of Staff assumed his responsibilities at a time when there was no Deputy Administrator at the V.A. In that case, it was incumbent upon him to assume many of the responsibilities previously exercised by the Deputy lest those responsibilities remain unattended to. If confirmed, I have no reservation regarding the Chief of Staff and myself being able to work out a professional, mutually supportive role within the V.A. "front office."

B(ii) There has been no effort as yet to determine specific "means or routes" through which various senior managers within the V.A. would have access to me and me to them. Those with whom I have worked, or who have worked for me in the past, do know that my relationship with colleagues tends to be one of informality. Indeed having worked with many of the senior managers at the V.A. during my tenure on the committee staff, I know them personally and as friends, I would anticipate they would feel free to contact me directly on any issues of concern to them. Certainly I would have no reservations about contacting them in the same way.

B(iii) As I have mentioned, I would anticipate that my own responsibilities with regard to day to day operations would largely be a function of my own particular interests, competence and background. As I stated, I would envision a particular role with regard to issues of special concern to Vietnam Veterans and the Agency's relations with Congress. I also have a particular interest in other areas of V.A. activity, such as the question of how the agency can assure the provision of quality health care to a deserving constituency. I would hope to assume additional responsibilities with regard to that and other specific issues if confirmed.

C(i) In the Administrator's absence, I would envision assuming his position as Acting Administrator. In such capacity, I would do whatever was called for. This is wholly consistent with acting as the Administrator's "full alter ego."

C(ii) While I have not discussed specifically whose name would appear on correspondence, etc. in the Administrator's absence, I would have every expectation that my own would.

D. As I have stated, I would anticipate that there would be changes within the organization and of responsibilities within the Administrator's office if I am confirmed. Early on I discussed with the Administrator what my role within the V.A. should be prior to confirmation. We agreed that, out of deference for the confirmation process, the appropriate role should be the least possible. That being so, I have attempted to distance myself from the internal operations of the V.A. prior to confirmation. In addition, I have during that time occupied the position of General Counsel and Congressional liaison of the United States Information Agency, in itself a demanding position. To assume responsibilities inconsistent with that would have been unfair to USIA Director, Charles Z. Wick.

E. I am firmly convinced Administrator Turnage is fully committed to meeting the needs of this country's Veterans, and doing so through the most efficient and effective means possible. The organizational structure designed in May, at a time when there was no Deputy Administrator in position—or contemplated—reflected the Administrator's effort to do that. In large measure, he was endeavoring to do so by foisting substantial responsibility which had previously been shouldered by the Deputy upon his Chief of Staff. I am confident that I can work with the Administrator, the Chief of Staff, and other senior executives within the V.A. to develop an organizational structure as well as a set of relationships, formal and informal, that will enable all of us to best serve this nation's Veterans.

4. Section 220 of title 38 requires the Administrator to seek to achieve maximum feasible effectiveness, coordination, and interrelationship of services among all Federal programs and activities affecting veterans and to promote actively the effective implementation of all provisions of law and regulations providing for special consideration, emphasis, or preference for veterans.

If confirmed as Deputy Administrator, what do you perceive your responsibilities would be with respect to this requirement?

Given my background in government service which includes senior responsible positions within both the executive and the legislative branch, I believe I am uniquely qualified to work toward assuring the coordination and interrelationship of services and programs of all federal agencies designed to provide particular benefits for Veterans. Especially in these constrained budget times, I believe that such coordination is essential to assure that this nation's Veterans receive all the benefits designed by Congress and a grateful nation for them.

5. In a January 29 letter to me, Harry Walters noted that, as Administrator, it was his "responsibility to be the advocate for our Nation's 28 million veterans." He said, "Without advocates in the Administration and the Congress, those benefits our veterans, their widows, and orphans have earned will ultimately be lost. Veterans are special and must be treated with dignity, compassion, and respect."

A. What are your thoughts on these characterizations of the Administrator's role and of veterans?

B. Would you similarly characterize the Deputy's responsibilities?

5A. Administrator Harry Walters referred to the role of Administrator as advocate for veterans. He also made reference to the fact that "Veterans are special and must be treated with dignity, compassion, and respect." I concur in that assessment. I know that Administrator Turnage agrees with that as well. I do know that he has assumed the advocate role, although he has received—and sought—little credit for that. In his own confirmation hearing, he made reference to his own advocacy for Veterans and programs designed to benefit them as not just a statutory obligation, but one which he felt "morally and in spirit" as well.

5B. I would similarly characterize the Deputy's responsibilities, and would anticipate being an active, and hopefully effective, advocate for Veterans and Veterans' programs.

6. Tom, as I noted in my opening statement, I am very pleased that the tradition, which dates back to 1977, of having a Vietnam veteran in one of the top two positions at the VA will be continued with your confirmation. In this regard, it is my expectation that you will be identified by many within and outside of the VA as the principal person in a top management position within the agency with expertise on, and particular responsibility for, issues related to Vietnam-era veterans.

A. (i) Is it planned that you would serve as the focal point in the Administrator's office for Vietnam veterans' issues?

(ii) Are you satisfied that you will be utilized appropriately with respect to issues regarding Vietnam-era veterans?

B. Could you give us your views on the overall status of Vietnam-era veterans in terms of their needs for assistance in the areas of readjustment, employment, education, and health-care, including your views on any differences with respect to these needs deriving from their service in Vietnam as such and whether or not they did or did not see combat there?

C. (i) With specific reference to the Agent Orange issue, do you believe that you were

exposed to agent Orange during your service in Vietnam?

(if Yes) Do you have any concerns about that exposure?

(ii) What further actions do you believe the Federal Government should be taking at this time to address the continuing concerns of Vietnam veterans—men and women—about their exposure to Agent Orange?

D. (i) Do you believe that the VA has been sufficiently responsive to the needs of Vietnam veterans suffering from post-traumatic stress disorder?

(ii) What thoughts do you have for any needed improvements in this area and how to make them?

E. What are your views on the Vet Center program and, more specifically, what do you think should be the future of this program in terms of size and whether or not the store-front vet centers should be retained to provide readjustment counseling services to Vietnam-era veterans?

F. One concern that many Vietnam-era veterans express involves what they characterize as the VA's lack of responsiveness to the needs of homeless veterans. Do you have any views as to what the agency should do in response to the needs of homeless veterans?

6A(i). I would anticipate serving as a focal point within the Administrator's office for Vietnam Veterans' issues. As a combat Veteran of vietnam who served for nearly two and one half years, in Vietnam as an infantry officer, I believe I am particularly familiar with the experience of our Vietnam Veterans. I was fortunate. I had an opportunity to complete law school prior to entering on active duty as an infantry officer in late 1966. By the time I arrived in Vietnam, having completed a tour duty with troops in the United States, airborne and ranger training, I was 27 years old. The average age of the soldier in Vietnam was 19. I believe that my own experience in Vietnam, as well as my experiences with Vietnam veterans since, uniquely equips me to serve as focal point for issues of particular concern to Vietnam veterans.

6A(ii). I am completely satisfied that I will be given an appropriate role within the Administration's office with regard to issues affecting Vietnam era Veterans.

6B. One of the reasons I am particularly pleased to have been selected by the president to serve as Deputy Administrator of Veterans Affairs is a concern I have with regard to the popular image of the Vietnam, and Vietnam era, Veterans. It is my firm belief that the vast majority of such Veterans are men—and women—such as myself, who have integrated effectively into the mainstream of American society. We are generally better educated, and healthier than those who did not serve in the military, and we make more money. Many of us, as have I, availed ourselves of GI bill educational benefits, V.A. guaranteed home loans, and other benefits available to us as Veterans. These benefits are significant, and I can assure you, I have appreciated having access to them. They eased my own transition to civilian life when I left the military at the age of 29.

Many others did not—perhaps were unable to—utilize benefits available to them as Veterans. They may have forgone those because of their youth. They may have been reacting to the unpopularity of the war in Vietnam. Their own wartime experiences may simply have been such that they could not productively avail themselves of programs designed to assist their integration into society. I believe this country, through the instrument of the V.A., has an obligation to provide that assistance to those individuals today. Indeed this is as much an opportunity as an obligation. To the extent a Veteran is not in the mainstream of American society, he or she is neither benefitting from, nor contributing to, this land of ours.

6C(i). I do believe that during the nearly two and one half years I spent as an infantry officer in Vietnam, there is a likelihood that I was exposed to Agent Orange. I spent the first year of my tour there as a company commander with the 173 Airborne Brigade in II Corps at the base camp area at An KHE. The second year and a half were spent as an advisor with the Vietnamese Airborne Division, much of that time spent in the field in the III Corps area in the vicinity of Tay Nihn City and along the Cambodian border near there. I often was in areas that has been defoliated, and spent extensive time in fire bases, the perimeters of which had been cleared by various means. I would imagine that among the agents utilized to clear those areas was Agent Orange. Am I concerned about such exposure? Indeed I am. While on the staff of the committee, I had an Agent Orange physical at the V.A. Medical Center here in Washington, and was pleased that there were no apparent physcial abnormalities revealed by that.

6C(ii). I do believe that it is incumbent upon the Federal government to continue its efforts to determine what, if any, causative effects may exist between diseases experienced by Veterans exposed to Agent Orange and that exposure.

6D(i). I do know that the V.A., and indeed, society in general, has become more sensitive to the phenomenon of post traumatic stressive disorder over the past few years. Indeed I would expect that the V.A. should be on the cutting edge of determining appropriate care for those suffering from PTSD. Given the high standards of professionalism of those that I have known and worked with within the V.A. system who have dealt with issues such as this, I would have every expectation that they would be dealing with this issue as best as they can, given the current state of medical understanding with regard to its origins and course of treatment.

6D(ii). I have been away from this issue for sometime, and have no particular observation with regard to improvements needed in the treatment of TSD. If confirmed, I would be pleased to look into this matter further, and to address it at some future date before the committee.

6E. I do know that the VET Center program has provided needed assistance to many Veterans over the past several years. Further, I understand that that program is currently undergoing a review which will determine its future and whether the goals of the VET Center program can be adequately met by shifting that function to the V.A. Hospital system. I believe that the results of that study would be more meaningful than any casual observations I could make as an outsider.

6F. The issue of homelessness in America is one that has captured the attention of American society over the past several years. Veterans who happen to be homeless are obviously entitled to the full range of benefits available to other Veterans. I believe that an effort should be made to insure that Veterans who are homeless are afforded those benefits. Yet, I understand that in the past an effort has been made by V.A. professionals to work through homeless shelters to attempt to find and provide appropriate care for homeless Veterans. In fact, the number of Veterans located through that program was de minimus. Thus, I am not sure at this time whether there is any unique program which would be appropriate to provide care to homeless Veterans.

7. It is my strong belief that the cost of veterans' benefits is a continuing cost of providing for our Nation's defense. What are your thoughts on the relationship between defense spending and our national security, on the one hand, and the costs of veterans' benefits on the other?

I share your view that the cost of Veterans benefits is part of the continuing cost of the national defense.

8. A. What are your views on the VA's response to the needs of women veterans?

B. What improvements, if any, do you believe that the VA needs to make in this area?

8A. I believe that the V.A. has an obligation to meet all of the needs of women veterans—as it does any other veterans. I also believe that the professional staff within the V.A. is committed to meeting such needs and recognizes that the obligations implied will grow in the years ahead as more and more women now serving in the armed forces become Veterans.

8B. I have no particular recommendations with regard to improvements needed to meet the needs of women veterans.

9. If confirmed, will you be available to testify before this Committee and our counterpart in the House of Representatives when your personal appearance is requested?

If confirmed, I will look forward to working with the committee and to your counterpart committee on the House of Representatives and will be pleased to appear before the committee to testify whenever requested.

□ 0300

LEGISLATIVE SESSION

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

JOINT MEETING OF THE TWO HOUSES, SEPTEMBER 11—ADDRESS BY THE PRESIDENT OF THE FEDERATIVE REPUBLIC OF BRAZIL

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess at 9:30 a.m. on Thursday, September 11, 1986, and proceed to the House Chamber for a joint meeting at 10 a.m. to hear an address by President Jose Sarney of the Federative Republic of Brazil.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR CERTAIN ACTION BY PRESIDENT PRO TEMPORE DURING RECESS

Mr. DOLE. Mr. President, I ask unanimous consent that, notwithstanding any adjournment of the Senate until Monday, September 8, 1986, the President pro tempore be authorized to make appointments to the commissions and boards authorized by law.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE AFTER LABOR DAY RECESS

Mr. DOLE. Mr. President, I indicate for the record that on the Monday we return, since we were not able to get consent to move on the Boren-Boschwitz campaign financing matters, we will be taking up available appropriations bills.

I indicate to Senators that because of the rather tight time constraints from September 8 until, it is hoped, we adjourn sine die on October 3, we will be considering appropriations bills, and there could be votes on that Monday.

As I understand it, the following bills will be available by September 8: Energy, Water, Treasury, State-Justice-Commerce, Transportation, Labor-HHS; and we also have the D.C. appropriations bill, which we were not able to work out earlier. I am also advised that Interior will be available.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we are waiting for the House to act on the temporary debt extension.

TRIBUTE TO STAFF MEMBERS

Mr. BYRD. Mr. President, earlier, I joined with the distinguished majority leader in thanking various Senators, including the managers and ranking members of bills that had been acted upon this week and I believe also last week.

I failed to mention the excellent work that was performed by our floor staffs—Abby Saffold, Charles Kinney, Marty Paone, on this side of the aisle; and I want to express my thanks to Elizabeth Greene and Sheila Burke on the other side of the aisle, as we worked hard and long to try to work with all Senators in putting together the time agreements. Then, following the order consenting to those agreements, these same individuals worked studiously and with great dedication and skill, in keeping the legislation flowing, bringing Senators to the floor, being sure that there were Senators here to offer amendments, helping to get a reduction in time on the various amendments. So there were very, very few quorum calls. The Senate stayed busy.

□ 0250

I think this kind of assistance has to be recognized by those of us who understand how important it is and how beneficial it has been to us as leaders.

Without this kind of skill and help and dedication, we could not be very successful in disposing of this difficult and very controversial legislation as it was disposed of.

That agreement called for final vote on the South Africa legislation today at 6 o'clock and with all of the amendments that were listed it worked quite like a clock. The Senate was, I guess, a little after 8 o'clock in disposing of it. That was almost, one might say, a miracle.

But were it not for this kind of assistance on the part of these staff people whom I have named and others, I am sure the distinguished majority leader and I and all of us would certainly not have been able to press the legislation along and get action on it in the time that it took. It would have been very much longer and very much more difficult.

THE SESSION TO DATE AND THE SESSION REMAINING

Mr. BYRD. Mr. President, it appears that the Senate is close to the commencement of its August/Labor Day recess. It is a recess for which Senators are ready—because we have been burning the midnight oil for over 2 weeks around here.

We were forced into this spurt of frenetic activity after having frettered away a great deal of time—in the period immediately prior to this 2-week mad dash toward the recess, and previously during this year.

We have had a taste during these past 2 weeks—just a taste, I emphasize—of what is in store for us when we return in September. I call the attention of my colleagues on both sides of the aisle to the list of unfinished business which we are going to have to address upon our return:

A conference report on the long-term debt ceiling bill (to which was attached the Gramm-Rudman-Hollings II amendment and over 20 other amendments when it left the Senate);

The conference report on the tax reform legislation, if the conferees are able to reach an agreement on that legislation;

At least 10 appropriations bills for the fiscal year that begins on October 1, conferences, and conference reports on same;

The impeachment trial of Judge Claiborne;

Execution of the Senate's advice and consent responsibilities with respect to the nomination of Justice Rehnquist to be Chief Justice and the nomination of Judge Scalia to be an Associate Justice of the Supreme Court;

The fiscal year 1987 budget reconciliation bill;

At least one, and possibly two fiscal year 1987 sequestration resolutions under the provisions of Gramm-Rudman-Hollings I as it currently exists;

And of course there will be a large continuing resolution if it proves impossible to complete action on all fiscal year 1987 appropriations bills by October 1.

In addition to these items, we have not acted on a number of other very important subjects this year, including banking reform, the highway bill, trade legislation, and housing legislation.

We have 4 scheduled weeks of session time remaining before the target sine die adjournment date of October 3 not counting Saturdays or Sundays, that is 20 days of session time.

It is truly unfortunate, Mr. President, that so much legislation so vital to the people of this Nation must be compressed into such a very small period of time. I do not believe that was necessary. I am afraid we did not use our time wisely earlier in the year. And now the chickens have come home to roost.

As I look back on the past 7 months, since the convening of the second session of the 99th Congress in January, Mr. President, I am proud of the contributions that have been made by Senate Democrats.

During the past 2 weeks the Senate has addressed three very critical pieces of legislation on foreign and defense policy—the Defense authorization bill, the military construction bill to which Contra aid was attached, and the South Africa legislation which we debated today.

Democrats have taken the lead in defining critical issues and posing clear and vital choices to the Senate.

Democrats sought to assure the American people that they would be getting a dollar's worth of defense for every defense dollar. Democrats have tried to assure the American people that the Pentagon would not spend precious tax dollars on useless weapons and that those weapons that are supported promote our national security and contribute to increased stability in the United States-Soviet relationship. Democrats have tried to improve the climate for arms control. Especially on the issue of aid to the Contras, Democrats sought to assure the American people that the Nation will not become more deeply involved in Central America until every reasonable effort has been made to achieve an acceptable peaceful resolution to the conflict involving Nicaragua.

Democrats also have led the way in offering amendments to strengthen

the message that this Congress will send to the discriminatory government in Pretoria.

Earlier this year, Democrats sought valiantly to prevent the approval of an unqualified nominee to one of the circuit courts of appeals—the Manion nomination.

Senate Democrats led the way on tax reform legislation. In fact, more than anyone else, it was the senior Senator from New Jersey, Mr. BRADLEY, who devised the concept ultimately employed by the Finance Committee to produce its bill, and who helped steer that bill through the Senate. Many other Senate Democrats, especially, but not solely those who serve on the Finance Committee, made major contributions to that effort.

Senate Democrats also achieved dramatic success in their efforts to help improve the budget for fiscal year 1987. Senate Democrats offered several key amendments designed to increase the budget's equity and fairness, to preserve and enhance the investment in our Nation's future, its people, and the education of our children, and to ensure an adequate and carefully targeted defense—all the while maintaining the budget's adherence to the deficit reduction targets to which the Congress had agreed on last fall.

American farmers also benefited from Democratic efforts this year. Earlier this month, Senate Democrats successfully offered an amendment to the debt ceiling legislation that would provide emergency assistance to those areas, especially in the Southeast, hard hit by this summer's devastating drought. Overcoming initial opposition, the amendment was agreed to by the full Senate. The amendment also spurred the administration into taking some partial measures to relieve some of the acute suffering that farmers and ranchers in that area are experiencing.

Most recently Democrats have taken steps to address the scourge of "crack" and other substances which tear at the fabric of our great Nation.

Mr. President, Democrats have substantially influenced the outcome of the issues and have carried out their duty to be a responsible minority in an admirable way. The line between what the National Republican Party stands for and what the National Democratic Party stands for has been clearly drawn.

In September we will come face to face with all the vital issues I described earlier. We have supported the President when we could and opposed him when we felt the country's interests dictated opposition.

As we move toward adjournment and the start of the 100th Congress, Democrats will continue to stand for moderation and balance and to reflect the values of middle Americans.

Mr. BYRD. I thank the distinguished majority leader for yielding.

Mr. DOLE, Mr. President, I thank the distinguished minority leader.

TRADE REMAINS A PRIORITY

Mr. DOLE. Mr. President, before we recess, a word might be in order about the status of a trade bill.

It has long been my intention, which I have stated repeatedly, to bring omnibus trade legislation to the Senate floor before the end of this session.

There was a point when many of us hoped that such a bill would have been produced, and even considered, by now.

I don't have to tell my colleagues about the crowded Senate schedule which has stood in the way. Even meeting until midnight as often as we have done recently doesn't seem to accomplish everything.

And the Finance Committee, which has the responsibility to mark up a trade bill, has been rather preoccupied with a matter known as the tax conference.

So the slow progress on a trade bill, while regrettable, has been understandable.

But it is misinformation to suggest, as I understand some have done, that the White House has pressured the Republican Senate leadership to frustrate the progress of a trade bill.

To the contrary, despite occasional reports of White House hostility to congressional positions on trade, I have been pleasantly surprised by the administration's cooperative attitude. Over a month ago, for example, Ambassador Yeutter paid me a visit to underscore his desire to work with the Congress to fashion comprehensive trade legislation for passage this session.

If we are to formulate a responsible and effective program, and enact it into law, it is clear that we do need White House cooperation such as Ambassador Yeutter offered.

But make no mistake: we also need congressional cooperation. We need the cooperation of Democrats and Republicans on a bipartisan basis.

It is not a question of choosing between the posture of a Rambo or a Bambi, as some have implied. I believe there is something in between which incorporates toughness and civility. In short, this is an issue on which our approach needs to be that of statesmen.

The last thing we need is another H.R. 4800. That was not serious trade legislation, but a political document intended to exploit the trade issue for electoral purposes.

We need some recognition of our responsibilities. Recent projections for sluggish third and fourth quarter growth can be tied in large part to the drag on employment and production which large and chronic trade deficits involve. It is the highest obligation of the Congress to address momentous national issues such as this in constructive fashion.

At the same time, we need some recognition of our limits. Much of our trade problem will be solved only over time: As the value of the dollar declines relative to other currencies and prices adjust accordingly; as the economic growth rates of our trading partners increase; as U.S. competitiveness improves.

So we are deluding ourselves to think that the Congress can produce overnight panaceas. But there are some useful and intelligent things we can do which will speed the process of trade and agricultural and general economic recovery. I propose we come back after recess and proceed to do them. And I look forward to working with Members of both parties to accomplish our task.

LIST OF ACCOMPLISHMENTS

Mr. DOLE. Mr. President, on July 14 the Senate returned from its Independence Day recess. I came to the floor and outlined the full platter of legislative initiatives we had before us. If you had asked me whether I truthfully believed we would swallow everything—or even almost everything—on that plate, I would have said—"no way." Maybe a bit of nibbling.

But amazingly, we have accomplished most everything we set out to do.

Granted, the past month has been grueling—for everyone. For Members, for staff—for our families. I don't know if we've set a record for amount of hours in session during this period—I know on Wednesday alone we had 16 rollcall votes. But for those cynics who think Members of Congress lead a soft life, these past 4 weeks should be enough to prove them wrong.

For in the past month we have: Reaffirmed the Gramm-Rudman-Hollings March sequester, approved a number of nominations, including that of Terrence Scanlon which had been languishing on the calendar for 1 year; and the nomination of Daniel Manion to the Seventh Circuit Court of Appeals.

We passed risk retention; a long-term debt ceiling and the Gramm-Rudman-Hollings fix; the United Kingdom/United States Extradition Treaty; permanent rules changes allowing televised Senate proceedings; the military construction bill; including aid to the Contra rebels; and the legislative appropriations bill; we voted on the so-called Boren PAC amendment; a massive defense authorization bill; and today we will finally complete action on the South African sanctions bill.

And while we were grinding away on the floor, committees complied with their deficit savings for reconciliation and; the Judiciary Committee held lengthy hearings and just yesterday reported out the nominations of Justice Rehnquist and Judge Scalia. The Appropriations Committee has reported out six appropriations bills that are now pending on the calendar; conferees on the Superfund conference have been toiling away and are almost done. And the tax conferees may yet finish today or tomorrow. So, Mr. President, I think we have an impressive array of accomplishments that will be behind us when we leave town, hopefully today, for the Labor Day recess.

But like I said in July, the Senate's work is never quite done. And we have an equally impressive, some would say daunting, list to confront when we return.

This is not complete, but before sine die adjournment we must approve: Reconciliation, appropriations bills, and most likely a continuing resolution; trade legislation; and some form of product liability. We must approve conference reports on: The tax bill; the long-term debt ceiling and the Gramm-Rudman-Hollings fix; Superfund; clean water and immigration, if the House passes a bill and the defense authorization bill.

We must complete impeachment proceedings for Judge Claiborne; and quite a few nominations—including the Supreme Court nominations of Justice Rehnquist and Judge Scalia—which we will try to do the first week we are back in Washington.

As I said earlier—it is a daunting list. But we have proved in the past month we are up to the task.

Again, I want to thank all my colleagues for their patience, for their endurance through the past month. I hope they have a restful, productive August, and come back to the Senate on September 8 with renewed energy and spirit.

ENERGY SECURITY POLICY ACT

Mr. NICKLES. Mr. President, imports of crude oil and petroleum products are threatening our national security interests. We rely on imports for approximately 40 percent of our consumption—dangerously close to overreliance. For that reason, I am sponsoring legislation today with Senators DOMENICI AND BOREN to impose a fee on oil imports.

There is considerable discussion today about the wisdom of implementing a so-called oil import fee. And while there may be some questions raised as to the long-term effects of such a policy, it is important to focus not just on the import fee proposal but on the Federal Government's entire energy policy.

It may be good politics for many in Congress to bash big oil back home, but this rhetoric fuels the drive which has led to a regressive national energy policy.

Fearing big oil in 1980, Congress imposed the windfall profit tax on domestic producers. This tax had the effect of penalizing our American energy industry and encouraging foreign imports of oil.

On July 31, 1986, the Senate took the appropriate action by adopting my amendment to repeal the windfall profit tax for the purpose of encouraging future domestic production. It is now up to the House of Representatives to follow suit.

The amount of windfall profit tax collected since passage in 1980 is summarized in a table I would like to insert into the RECORD:

	1980	1981	1982	1983	1984	1985
Gross	6.9	23.4	18.5	12.2	9.2	6.6
Net	4.3	13.8	9.5	5.7	3.9	3.2

This represents an equivalent tax per barrel as indicated below:

1980	6.65
1981	9.03
1982	6.35
1983	4.25
1984	3.91
1985	2.96

Where is the wisdom in penalizing our domestic producers and giving OPEC a free ride? This Senator sees none.

At the very minimum, a fair and thoughtful policy on oil should be exactly the opposite of what we have today. The windfall profit tax should be repealed and imports should at least pay an amount equal to what our own producers have been required to pay.

I stated to President Reagan on several occasions that I hoped he would reconsider his position on the oil import fee based on the premise that it was not a tax but an equalization fee.

World oil prices have fallen by more than $18 per barrel or by 60 percent since December. This recent decline in oil prices has not been caused by the demise of OPEC but by the calculated strategy of a couple of major exporting nations trying to manipulate the market for future gain. Therefore, we don't see pure market principles at work but calculated maneuvers by government entities to increase their control over the world oil market.

I believe it would be unwise for our Government to sit idly by and allow countless American producers and refiners to go bankrupt while the Saudis and others are tightening the screws on oil producing countries. As a bare minimum, let's require that they pay at least the same tax that our domestic producers have been forced to pay since 1980. The average windfall profit tax for the lower 48 States has averaged more than $5 per barrel since passage of the windfall profits tax.

I would hope that an equalization fee would be used not to create new Federal spending programs, but to decrease the national deficit.

There are other issues which should be addressed in reforming U.S. energy policy, such as the deregulation of natural gas. We, in the energy committee, have been working to reverse current punitive policies, and I would encourage this body to join us in this effort.

An oil equalization fee would be a first step toward regaining the losses we have suffered in years past at the hands of OPEC. Let us not lose this present opportunity to make a positive change.

WHEAT FARMERS VOTE IN FAVOR OF PROFIT OPPORTUNITY

Mr. NICKLES. Mr. President, the outcome of the wheat poll indicates the majority of those voting are dissatisified with the current farm program and are willing to substantially reduce production in exchange for the opportunity to produce profitably.

The wheat poll stemmed from the Senate farm bill which contained three farm program options, one being a supply control program. Senator BOREN and I supported the Senate version but, like other members of the Oklahoma delegation, voted against the stripped down final bill which reduces farm income support.

In the poll farmers were asked, "Do you favor imposition of mandatory limits on the production of wheat that will result in wheat prices that are not lower than 125 percent of the cost of production, excluding land and residual returns to management?"

Under such controls, USDA determined a bushel of wheat would cost $4.15, based on 1986 costs of production, and acreage would be reduced by 50 percent. Other estimates for the 125 percent of the cost of production figure range from $4.04 to $5.04.

Under current law, the basic 1987 wheat program provides income support of $4.38 per bushel on 72.5 percent of the acreage.

The wheat poll vote indicates a number of Oklahoma wheat farmers are willing to reduce the number of acres they farm in exchange for the opportunity to produce profitably. Farmers deserve this opportunity and that is why last year I developed the farm protection and flexibility plan which allows Oklahoma wheat farmers to receive $5.08 per bushel by producing the crop on 50 percent of their acreage. Although this plan has become law and is an option available to producers today, many are unaware

of the flexibility and income protection it provides.

Under the plan, which I outlined at the first Senate Agriculture Committee hearing in March 1985, producers have the flexibility to diversify while protecting their income and acreage base.

As an example, by leaving 50 percent of his land idle, a wheat farmer with 100 acres, can harvest 50 acres and receive income support equal to $5.08 per bushel. By further reducing acreage and harvesting just 36.25 percent of the acreage, producers can receive $6.14 per bushel next year. And unlike previous programs, this plan protects a farm's acreage base. Producers can even plant nontraditional crops on part of their wheat acreage without losing their acreage base.

Without the flexibility plan, farmers would be forced to continue maximizing production on all of their land in order to maximize program benefits and protect their acreage base.

Past program incentives to overproduce are partly to blame for our Nation's current 1.9 billion bushel wheat stockpile. But even more responsible has been our inability to move our grain into export markets. The crippling of our overseas sales began with the 1980 Soviet grain embargo.

But let's not kid ourselves. The embargo alone wasn't enough to help countries like Argentina and Brazil steal our markets. But billion-dollar low-interest loans from huge lenders like the World Bank have given foreign nations a competitive edge over American farmers and ranchers.

The Oklahoma economy hinges on our ability to export our farm products. For every 1 million bushels in wheat exports, 125 off-farm jobs are created. In Oklahoma, with 80 percent of our wheat crop exported each year, 15,000 to 20,000 off-farm jobs depend on our ability to compete in world markets.

To benefits Oklahoma, we must continue efforts to shut down subsidized foreign competition and provide strong support for expanding our export programs. Additionally, the options in my flexibility plan need greater awareness. Under this plan it is the farmer, not the Secretary of Agriculture, that makes the decisions. And that is the way it should be.

Legislation I have either authored or support is pending in Congress on all three of these issues. Shutting down subsidized foreign competition, expanding export programs, and pinning down producer options to produce profitably are ongoing efforts which deserve the support of all Oklahomans.

Mr. President, I ask unanimous consent that immediately following my remarks, the statistical outcome of the wheat poll be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Wheat poll statistics

National:	
Total ballots mailed	1,565,517
Valid ballots tallied	319,408
Percent tallied	20.4
Number voting "yes"	171,389
Percent voting "yes"	53.66
Number voting "no"	148,019
Percent voting "no"	46.34
Outcome among producers with more than 40 acres:	
Number voting "yes"	122,037
Percent voting "yes"	57.3
Number voting "no"	90,920
Percent voting "no"	42.7
Oklahoma:	
Total ballots mailed	69,324
Valid ballots tallied	16,832
Percent tallied	24.28
Number voting "yes"	10,417
Percent voting "yes"	61.89
Number voting "no"	6,415
Percent voting "no"	38.11
Outcome among producers with more than 40 acres:	
Number voting "yes"	8,834
Percent voting "yes"	62.7
Number voting "no"	5,247
Percent voting "no"	37.3

RESULTS OF THE 1986 USDA POLL OF WHEAT FARMERS

Mr. ZORINSKY. Mr. President, this afternoon the Department of Agriculture announced the results of an official poll of the Nation's wheat farmers on whether they favor mandatory limits on production in exchange for higher prices. The answer was "yes," with over 57 percent of commercial-sized wheat producers voting in the wheat poll saying they favored mandatory limits on production in exchange for higher prices. In fact, over 60 percent of the producers whose predominant crop is wheat favor such production controls.

The poll is nonbinding; it does not force the Secretary of Agriculture to do anything. But it does underscore the fact that wheat producers prefer a policy of limits on production in exchange for higher prices, rather than the current policy of limits on production in exchange for lower prices.

I have long felt the same way. Throughout 1985, I pushed for inclusion of a mandatory control provision for wheat in the multiyear farm bill then being considered by Congress. I succeeded in writing into the bill discretionary authority for the Secretary of Agriculture to impose such controls. I also sponsored the provision triggering the nonbinding wheat poll just concluded.

There are few, if any, problems facing the farm economy today that higher commodity prices won't cure. The reason market prices for wheat are so low is very simple: Supply is far in excess of demand. Specifically, we are producing more than we can get rid of. When this happens, the Federal Government becomes the owner of the surplus and the taxpayer pays for the storage.

Meanwhile, farm prices decline, and the taxpayer again is called upon to provide income support in the form of cash payments to farmers, who then continue to overproduce if for no other reason than to maximize cash flow.

Current farm programs are estimated by the administration to cost the taxpayer $52 billion over the next 3 years. By my estimate, the cost may exceed $70 billion.

Prices will not rise significantly until supply and demand are brought into balance. That can happen by either of two ways—increased demand or reduced supply.

Domestic consumption is basically static, so the primary source of increased demand for farm commodities remains with the export market.

The export picture is not a cheery one. The volume of annual wheat exports, for example, has declined by almost 50 percent from marketing year 1982-83, despite a continual decline in price over this same period. More critically, the value has declined by an astonishing 58 percent. Increasing the volume of export sales will do nothing for the farmer, or for our balance of trade, if the dollar value of those sales does not increase also.

Since the demand side of the equation offers little hope, the only alternative is to address supply. Mandatory limits on commodity production offer one of the most efficient, most profitable, and lowest cost methods for balancing supply and demand, reducing taxpayer costs and increasing net farm income.

Peanut and Flue-cured tobacco farmers can attest to this. They have consistently and overwhelmingly approved mandatory control programs for their corps in referendums for almost 50 years. These programs have given farmers better net returns than those for most other major commodities.

However, the most attractive aspect of mandatory programs is that the farmers themselves get to determine their economic fate. Many arguments against mandatory programs come from those who make their profits from storing or shipping grain, or from selling fertilizer, seed, or other production-related items. For them, increased production means increased profits.

But for the person who must make his living from the production of agricultural commodities, growing more than he can sell is economic suicide.

By letter today, I am urging the Secretary of Agriculture to implement a mandatory supply management program for wheat as soon as possible. I understand that it may not be possible

at this late date to implement such a program for the 1987 crop year.

I am also urging the Secretary to consider such additional steps as using surplus corps to increase the production of ethanol and retiring additional marginal crop land under the conservation reserve program already on the books. Such steps would have the effect of further reducing supplies and, therefore, raising prices.

Should the Secretary of Agriculture refuse to implement a mandatory supply management program for wheat, I am prepared to work for the enactment of legislation that will require the Department of Agriculture to submit the question of mandatory controls to a binding farmer referendum. Of course, serious consideration must also be given to enacting similar legislation for other surplus commodities.

I ask unanimous consent that there be printed in the RECORD the text of my letter to Secretary Lyng, the ballot used in the poll, and the summary results of the poll as released today by the Department of Agriculture.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington DC, August 15, 1986.

Hon. RICHARD E. LYNG,
Secretary of Agriculture,
Washington, DC.

DEAR MR. SECRETARY: American wheat growers have expressed their support for a mandatory supply management program for wheat. Over 57 percent of the commercial-sized wheat producers voting in the wheat poll said they favored mandatory limits on production in exchange for higher prices. In fact, over 60 percent of the producers whose predominant crop is wheat favor such production controls.

I therefore urge you to implement mandatory limits on the production of wheat as soon as possible. I understand that it may not be possible at this late date to implement such a program for the 1987 crop.

The federal government has accumulated vast stocks of wheat over the years. These surpluses have piled up, not only because of increased productivity and other factors, but also because of unwise foreign policy actions by the federal government that have worked an irreparable hardship on agricultural trade. It is the government's responsibility to dispose of these surpluses in a manner that does not depress the value that a balance of supply and demand establishes for the commodity.

In addition to a mandatory supply management program for wheat, I urge you to:

1. Implement immediately an across-the-board, long-term Export Enhancement Program using surplus Commodity Credit Corporation stocks to ensure that U.S. commodities are competitive in international markets;

2. Increase the use of surplus stocks for the development of ethanol and other alternative uses;

3. Continue the use of payments-in-kind where such payments do not adversely affect the market; and

4. Continue the retirement of marginal land, much of which is wheat ground, through the long-term Conservation Reserve Program.

In my judgment, a properly implemented mandatory supply management program should result in a lower percentage of idled acres than the current Administration program. Secondly, the continued acceptance of marginal land into the long-term Conservation Reserve Program would reduce this percentage further. Finally, a market-oriented Export Enhancement Program, combined with the increased development of alternative uses for surplus grain, would contribute greatly to the return of American agriculture to the position of primacy it has historically occupied.

Sincerely,

EDWARD ZORINSKY,
U.S. Senator.

WHEAT POLL

The Food Security Act of 1985 requires that the Secretary of Agriculture conduct a nonbinding poll of wheat producers to determine whether they favor the imposition of mandatory limits on the production of wheat, which will result in wheat market prices that are at least 125 percent of the cost of production (excluding land and residual returns to management), as determined by the Secretary.

Participation in the poll is voluntary and your response will be kept strictly confidential. You are entitled to one response for the farm or combination of all farms that you own, operate, or on which you otherwise have an interest in the wheat crop.

You should mail your response in the enclosed preaddressed envelope. Your response must be postmarked by July 7, 1986. The results of the nonbinding poll will be announced soon thereafter and will reflect types and sizes of farm operations and classes of wheat.

1986 WHEAT POLL BALLOT

Please respond to all the following questions. Your ballot will not be valid unless all items are filled out.

State & County Code & c/o:

1. Do you favor imposition of mandatory limits on the production of wheat that will result in wheat prices that are not lower than 125 percent of the cost of production (excluding land and residual return to management)? Check only one box. (A) YES ☐ (B) NO ☐

2. Are you a farm owner who rents land to others or are you an operator or producer?

Check only one box even if you can classify yourself in more than one category. (A) Owner only/cash lease. ☐ (B) Owner only/crop share. ☐ (C) Owner/operator. ☐ (D) Operator only. ☐ (E) Other. ☐

3. How would you classify your predominant farm operation(s)?

Check only one box. (A) Wheat. ☐ (B) Feed grain/soybean. ☐ (C) Cotton/rice. ☐ (D) Livestock/dairy. ☐ (E) Other. ☐

4. What is the predominant class of wheat produced in your farm operation(s)?

Check only one box. (A) Hard red winter. ☐ (B) Soft red winter. ☐ (C) White. ☐ (D) Hard red spring. ☐ (E) Durum. ☐

5. Size of operation in 1986: Enter the total number of acres in whole acres.

All blanks must be completed. (A) In your farm operation(s) —— (B) Of cropland in your farm operation(s) —— (C) Of wheat base in your farm operation(s) —— (D) Planted to 1986 crop wheat for harvest for grain in your farm operation(s) (Enter "0" if appropriate) ☐

6. During at least one of the 1981 through 1985 crop years, did you produce a crop of wheat on a farm(s) with a wheat crop acreage base of at least 40 acres?

Check only one box. (A) YES ☐ (B) NO ☐

SUMMARY RESULTS OF NATIONAL WHEAT POLL ANNOUNCED BY USDA

Item	Total	Less than 40 AC	40 acres and above	Question 6 blank
1. Ballots mailed	1,565,517	NA	NA	NA
2. Ballots tallied	319,408	99,537	212,957	6,914
A. Percent of ballots mailed	20.40	6.36	13.60	.44
B. Ballots for mandatory controls	171,389	45,793	122,037	3,559
C. Percent for	53.66	46.01	57.31	51.48
D. Ballots against mandatory controls	148,019	53,744	90,920	3,355
E. Percent against	46.34	53.99	42.69	48.52
3. Ballots with all questions answered	182,206	38,391	143,815	NA
A. Percent of ballots tallied	57.04	12.02	45.02	NA
B. Ballots for mandatory controls	99,427	16,924	82,503	NA
C. Percent for	54.57	44.08	57.37	NA
D. Ballots against mandatory controls	82,779	21,467	61,312	NA
E. Percent against	45.43	55.92	42.63	NA
4. Ballots answering question 1 and 6	130,288	61,146	69,142	NA
A. Percent of ballots tallied	40.79	19.14	21.65	NA
B. Ballots for mandatory controls	68,403	28,869	39,534	NA
C. Percent for	52.50	47.21	57.18	NA
D. Ballots against mandatory controls	61,885	32,277	29,608	NA
E. Percent against	47.50	52.79	42.82	NA
5. Ballots not answering question 6	6,914	NA	NA	6,914
A. Percent of ballots tallied	2.16	NA	NA	2.16
B. Ballots for mandatory controls	3,559	NA	NA	3,559
C. Percent for	51.48	NA	NA	51.48
D. Ballots against mandatory controls	3,355	NA	NA	3,355
E. Percent against	48.52	NA	NA	48.52

TREASURY DEPARTMENT APPROPRIATIONS, FISCAL YEAR 1987

Mr. THURMOND. Mr. President, yesterday, the Committee on Appropriations reported H.R. 5294, the fiscal year 1987 appropriations bill for the Treasury Department and certain other agencies. I was surprised to learn that the committee's version contains the Malt Beverage Interbrand Competition Act, or the so-called "beer bill."

Mr. President, this bill is an antitrust measure which falls squarely within the jurisdiction of the Committee on the Judiciary. Specifically, it purports to clarify the circumstances under which exclusive territorial licenses to distribute and sell trademarked malt beverage products are not deemed unlawful. This is a complicated and highly controversial measure, which has been the subject of extensive hearings and debate in the Committee on the Judiciary. It has nothing to do with the funding of Federal agencies; it is not appropriate to include it in an appropriations measure.

The Malt Beverage Interbrand Competition Act has generated many serious concerns, which are outlined in considerable detail in minority views to the Judiciary Committee report on S. 412. In those views, I voiced, along with Senators DENTON, KENNEDY, and METZENBAUM, strong opposition to the bill on the grounds that: First, the

proposed new standard of "substantial and effective competition" would cause uncertainly about existing law, rather than clarifying it; second, the bill would confer special-interest antitrust immunity for the beer industry, with no demonstrated need for such preferred treatment; third, conditions in the malt beverage industry are substantially different from those which generated similar legislation for the soft-drink industry; fourth, the bill is an unnecessary and intrusive gloss on the well-established principles of State-Federal relations in the antitrust area; and fifth, certain exclusive distribution territories can have anticompetitive effects and may result in a rise in beer prices.

Mr. President, on this basis, opposition to the Malt Beverage Interbrand Competition Act has been voiced by a long and impressive list of interested parties, including the Consumer Federation of America, the American Bar Association, the National Association of Attorneys General, the Department of Justice, the Federal Trade Commission, Public Citizen, the Consumers Union, the President's Consumer Affairs Adviser, the National Association of Retail Druggists, the National Grocers Association, the National Small Business Association, the Food Marketing Institute, the National Association of Convenience Stores, the National Licensed Beverage Association, and numerous retailers of malt beverages. As I noted with my distinguished colleagues in our views, the testimony of such diverse and well-informed witnesses attests to the adverse effects on consumers, small business and competition that enactment of this bill may encourage. Even under a "best-case" scenario, the bill is simply unnecessary, and adds nothing to the protections enjoyed by procompetitive or competitively-neutral exclusive territories under existing antitrust law. It only confers privileged status on a special-interest group.

Mr. President, as my preceding discussion amply demonstrates, the Malt Beverage Interbrand Competition Act has been a source of great controversy, and will generate lengthy debate on the floor of the Senate. Legislation of such a complex nature should receive our most careful attention, and an appropriations bill is not the appropriate vehicle to achieve that goal. The Treasury Department appropriations bill, which contains funding for many important agencies and functions, should not be hopelessly tied up over a matter of this nature.

Mr. President, in sum, I want to voice my strong opposition to the actions taken by the Appropriations Committee yesterday. Legislation like the Malt Beverage Interbrand Competition Act should be considered in the regular order, and, as chairman of the Judiciary Committee, I want to note my serious concern in this regard.

NEW REIMBURSEMENT RATES FOR KIDNEY DIALYSIS CLINICS

Mr. HEINZ. Mr. President, today the Health Care Financing Administration announced a reduction in the Medicare reimbursement rates for kidney dialysis clinics. I have serious reason to believe that these cost cuts could cost lives.

The Special Committee on Aging, which I chair, has an ongoing investigation into kidney dialysis and the significant threats associated with reusing the plastic filters, bloodlines, and other so-called "disposable" devices. Testimony before the committee at a March 6, 1986, hearing established that while 65 percent of this Nation's clinics reuse these devices up to 30 times or more, we have no studies, no standards, and thus no surety that reuse can and will be done properly.

Most disturbing was testimony by Dr. John Marshall of the Public Health Service, who assured us that reusing dialysis filters poses no health hazards. Dr. Marshall has since stated that his March 6 testimony was "not based on all the germane facts" and that the Public Health Service may need to take a position "counter to that which we argued" before. Dr. Marshall said he "uncovered serious omissions and inaccuracies" in his testimony and criticized the PHS and other agencies for not being more "forthcoming in telling me what they know."

The Aging Committee's investigation has uncovered other alarming evidence of a severe breakdown in communications and coordination among the agencies responsible for the safety and well-being of dialysis patients. Last week's rush to abruptly conclude the reuse assessment by the National Center for Health Services and Research and Health Care Technology Assessment [NCHSR/HCTA] is the most recent example of this administration's apparent unwillingness to make reasoned, responsible decisions on reuse based on studies on health safety, not budget projections. I do not believe that President Reagan wants to needlessly jeopardize the health and, yes, the lives of thousands of Americans.

Mr. President, HCFA relies very heavily upon NCHSR/HCTA's scientific and technological expertise in developing and finalizing its actions regarding administration of health care financing. I must assume that such was the case in HCFA's decision this week to proceed with the dialysis reimbursement rate reductions. Further, I must assume that HCFA relied upon the NCHSR/HCTA's draft assessment report that was submitted to the Assistant Secretary for Health, Robert E. Windom, M.D., on August 6, 1986.

Yet the committee's investigation shows the NCHSR/HCTA report to be seriously flawed. The report lacks critically pertinent information concerning deaths, serious injuries, extremely poor reprocessing procedures in dialysis clinics, and numerous deficiencies in manufacturing practices of firms that market dialysis and reprocessing devices.

Assuming that HCFA relied upon the seriously deficient NCHSR/HCTA assessment report to make a final decision on the reimbursement rate reductions, one can only conclude that HCFA's decision process was flawed.

Mr. President, today I have written Secretary Bowen asking him for immediate withdrawal of the dialysis reimbursement reductions until NCHSR/HCTA has had sufficient time to complete an assessment report that looks at all available materials. Until we have the full facts in hand, it is unconscionable to endorse a payment rate that forces reuse on 80,000 very vulnerable Americans.

I ask unanimous consent that the letter to Secretary Bowen be printed at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
SPECIAL COMMITTEE ON AGING,
Washington, DC, August 15, 1986.

Hon. OTIS R. BOWEN, M.D.,
Secretary of Health and Human Services, Washington, DC.

DEAR MR. SECRETARY: I am writing to share with you my recent findings concerning a grave injustice that is being done to Medicare's 80,000 dialysis patients who are threatened by recent actions with the Department of Health and Human Services.

The Aging Committee's ongoing investigation into reuse of disposable dialysis devices has revealed inexplicable and ill-conceived activities within the Public Health Service (PHS) and the Health Care Financing Administration (HCFA). Specifically, I am referring to the abrupt termination on August 6, 1986 of the assessment of reuse procedures by the National Center for Health Services Research and Health Care Technology Assessment (NCHSR/HCTA), and HCFA's premature publication on August 15, 1986 of reductions in Medicare's dialysis reimbursement rates, which will become effective on October 1, 1986.

As you know, HCFA relies very heavily upon NCHSR/HCTA's scientific and technological expertise in developing and finalizing its actions regarding administration of health care financing. I must assume that such was the case in HCFA's decision this week to proceed with the dialysis reimbursement rate reductions, Further, I must assume that HCFA relied upon the NCHSR/HCTA's draft assessment report that was submitted to the Assistant Secretary for Health, Robert E. Windom, M.D., on August 6, 1986.

I deeply regret to inform you that the NCHSR/HCTA report is seriously flawed. The report lacks critically pertinent information concerning deaths, serious injuries,

extremely poor reprocessing procedures in dialysis clinics, and numerous deficiencies in manufacturing practices of firms that market dialysis and reprocessing devices.

The Committee's investigation has determined that the NCHSR/HCTA staff was forced to hastily finalize the report in order to meet the August 6 "deadline." This, without their having had the time to review and consider reams of this very pertinent documentation, some of which Committee staff provided to NCHSR/HCTA on August 2 and August 10. Additional such materials were provided to NCHSR/HCTA by DHHS on August 11. It is my understanding that still more of this documentation has yet to be submitted by FDA to NCHSR/HCTA.

Assuming that HCFA relied upon the seriously deficient NCHSR/HCTA assessment report to make a final decision on the reimbursement rate reductions, one can only conclude that HCFA's decision process was flawed.

In light of these very distressing and shocking developments, I very strongly urge you again to take a personal interest in these matters which affect the safety and well-being of all dialysis patients. Specifically, I urge you to consider immediate withdrawal of the dialysis reimbursement reductions until NCHSR/HCTA has had sufficient time to evaluate the materials cited above for inclusion in its final assessment report and recommendations.

Thank you for your cooperation and assistance in this important matter.

Sincerely,

JOHN HEINZ,
Chairman.

TRIBUTE TO KATHLEEN MILLER

Mr. HEFLIN. Mr. President, I rise today to pay tribute to an outstanding Alabamian, Mrs. Kathleen R. Miller. Mrs. Miller has long provided a dedicated service to the people of Gadsden, to the State of Alabama, and to our Nation as a standing trustee of chapter 13 bankrupticies for the U.S. Bankruptcy Court. She has announced her plans to retire, and I wish, at this time, to express my gratitude, and to wish her the best happiness for the future.

As a chapter 13 trustee, Mrs. Miller has worked to help all parties involved in a bankruptcy reorganization. She has ensured that estates are administered in a fair, prompt manner. Her role has been crucial, for while she has helped those who are attempting to set their financial houses in order, she has also protected the interests of any creditors. Her expertise and professionalism will be missed, but the compassion she holds for all around her has, indeed, distingushed her work.

Even before her appointment as a chapter 13 trustee, Kathleen Miller worked for years to benefit the people of her community and our State in many, many ways. As a teacher in the Etowah County and the Gadsden City school systems, she helped to provide the young with an appreciation and a love of learning—one of the greatest gifts which can be given. She has worked to further spiritual awareness throughout the region as an active member of the First Baptist Church of Gadsden, where she has taught an adult Sunday school class for years, and with the Women's Missionary Union, a Baptist southern women's organization, of which she has served as president.

Additionally, she has been active in political concerns in our State, serving as secretary and treasurer of the Etowah County Democratic Executive Committee since 1957, and as a member of the State Democratic Executive Committee.

Mr. President, as you can see from her many contributions, Kathleen Miller has dedicated herself as a concerned, involved citizen who has touched and benefited the lives of those she has known. She is also an attractive, lovely person—a truly charming, gracious southern lady.

A TRIBUTE TO IRA LEE GRAY

Mr. HEFLIN. Mr. President, for a moment I would like to turn the attention of my colleagues to the memory of Ira Lee Gray, of Gadsden, AL, who died on July 9, 1986. I received a letter which informed me of the outstanding efforts and contributions he made throughout his life, and I would like to share these with those present, and leave an account of his service in the RECORD.

Mr. Gray was a pilot instructor for 40 years, including 10 years of service as a flight instructor of Army-Air Force cadets. During World War II he was a transport pilot in the China, Burma, India theater, and he flew 40 missions through this dangerous territory.

Additionally, Mr. Gray is known throughout the Gadsden area for his involvement in his community and his church. He made significant contributions to the people of Gadsden, and to aviation in Alabama. He willingly gave his time, his money, and his experience to young fliers in his community. Many of those he taught have entered various aviation branches of the U.S. military forces. He was also an inspiration to the Senior Air Scouts, and the Civil Air Patrol cadet program.

Ira Lee Gray will long be remembered in Gadsden. He was an individual who struggled to serve his community, his State, and his Nation, and who worked to interest others in those same pursuits. Mr. Gray's life will serve as an example to many in the future.

Mr. President, I ask unanimous consent that the attached article, which tells of Mr. Gray's life, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Gadsden Times, July 10, 1986]

TRIBUTE TO IRA LEE GRAY

Ira Lee Gray, 74, 3004 Lakewood Dr., died Thursday. Survivors: wife, Mrs. Otra Harp Gray; daughter, Janice Middleton, Southside; mother, Mrs. Helen Lee Copeland, Gadsden. Collier-Butler Funeral Home in charge of arrangements.

Funeral services will be Friday at 2 p.m. at White Springs Baptist Church with the Revs. Roy Daughtery and Lewis Haney officiating. Burial in Lee Family Cemetery. Other survivors: son-in-law, Arthur W. Middleton; granddaughters, Renee McKeon, Debra Middleton; great-granddaughter, Helen McKeon; brothers, Buford and Wayne Copeland, both of Gadsden; sisters, Jane Bailey, June McCurley, both of Gadsden; brothers-in-law, Bill Bailey, Bob McCurley; sisters-in-law, Doris Copeland, Helen Copeland, Mrs. Irby Freeman, Mrs. John Harp, Mrs. Eugene Harp; stepbrothers, Eric, Erskine, Milton W. Jr., and Mose Frank and Julian Copeland; stepsisters, Etoyle Blackwell, Opal Ratliff; numerous nieces and nephews. Pallbearers: Nelson Robertson, Orin Hutchins, Albert Wood, Luther Riddle, James McMahan, Robert McCartney, Roy Walker, Charlie Watts, Floyd Tudor. Honorary pallbearers: deacons of White Springs Baptist Church and member of the Gideons Organization. Mr. Gray was a pilot instructor for 40 years, including 10 years as a flight instructor of Army Air Force Cadets. He was a transport pilot in the China, Burma, India Theatre during World War II with 40 missions across the "hump." Mr. Gray established the flight department of Gadsden State Junior College and served as head of the department and chief instructor for 10 years. He was honored by the City Commission in March, 1985, by a resolution naming the street leading to Gadsden Airport "Ira Gray Drive" in recognition of his flying and flight training in Gadsden. He was a member of and deacon of White Springs Baptist Church for 15 years and was active in the Gideon Organization for the past 20 years, organizing rallies and speaking in churches throughout Alabama. He served on the board of directors of Baptist Memorial Hospital from 1974 to 1980. Mr. Gray was appointed by Gov. Jim Folsom to the Alabama Aviation Commission and served from 1946-1950. In lieu of flowers, memorials may be made to the Gideon Memorial Bible Fund. The body will remain at the funeral home and will lie in state one hour prior to the service. The family will receive friends from 5-9 p.m. today.

A TRIBUTE TO LOUISE ELLIS CRAMMER

Mr. HEFLIN. Mr. President, last month, when President Reagan traveled to my home State of Alabama to speak on tax reform, he joined the citizens of Dothan at a luncheon which was held in his honor. Seated next to him was Louise Crammer, who was chosen to instruct the President's table manners as he used his fingers to eat southern fried chicken. I can think of no greater person than Mrs. Crammer to offer such instructions, for she truly possesses the qualifications necessary to tutor any dignitary, head of state, or royalty who may grace Ala-

bama with a visit. She is a southern lady of great grace, charm, and wit.

Additionally, Mrs. Crammer has demonstrated a long-standing commitment and continued dedication to teaching and education in Alabama. Her great contributions have helped many, many different people. She has worked in the Dothan city school system for 23 of the 40 years in which she has lived in Dothan. This by no means spans her entire career in education. She has taught school in a classroom for a total of 16 years, and she has been principal for 18 years. This makes a 34-year total commitment to education. This is 34 years of very positive, strong influence on our young people.

Mrs. Crammer has been active in many other ways in her community. She served on the board of directors, and as vice president of the Dothan Rescue Mission, which provides food and clothing for the indigent. She was a four-term president of the Eclectas Club of Dothan. She has raised money for the blind and handicapped with the American Women Executives, and she started the first Girl Scout troop in Dothan. Mrs. Crammer has also provided leadership and direction during her membership with the Alabama Educational Association, and in the National Education Association.

Additionally, she has helped me perform my duties as a U.S. Senator. She informed me in the past of her wishes that we proclaim the marigold as our national flower. This is a different flower from the French marigold. This is a marigold which is native to America. Although there was also great support to proclaim the rose as our national flower, she instructed me that the rose hybrids were not native to America. Rather, these were primarily French efforts. So, Mrs. Crammer has provided me with her expertise in legislative matters, and I appreciate her help very much.

I commend Mrs. Crammer for her tremendous contributions throughout her life. She is an outstanding woman who has demonstrated the direction which we should all follow in our service to State, and to Nation.

Thank you, Mr. President.

THE FRIENDLY SUPPER CLUB

Mr. HEFLIN. Mr. President, on Sunday, August 3, I read an article which appeared in Parade magazine that I would like to share with my colleagues. It describes the efforts of a group of people in Montgomery, AL, who meet once a month, sit down at two long tables and eat supper. These people are the members of the Friendly Supper Club. They belong to all races, come from all walks of life and every background. Anyone can join—there are no membership dues, no attendance requirements and there is no agenda. Members meet in an attempt to promote friendship and understanding between all people. That is their sole purpose.

Mr. President, I commend the efforts of the Friendly Supper Club. Their concerns and goals are, indeed, nothing less than outstanding. Their courage is inspiring. I believe that the actions of these great citizens truly affirm the words of our Declaration of Independence, and embody the spirit of the Constitution and the American way.

I ask unanimous consent that the article to which I have referred be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Parade magazine, Aug. 3, 1986]

THE FRIENDLY SUPPER CLUB

It is just 6 p.m., the first Monday of the month, as 100 men and women file into the Picadilly Cafeteria on the east side of Montgomery, Ala. After getting their meals, they move to a reserved section and sit down at two long tables. Someone unfurls the group's purple and gold banner and hangs it on the wall. The Friendly Supper Club is ready to come to order.

The members of the club come from all walks of life and all political bents, with about an equal number of blacks and whites. Some wear buttons with a picture of a black hand and a white hand clasped together. There is no agenda to discuss, no special announcements for members. In fact, the club has no officers, no membership dues, no attendance requirements—and anyone can join.

The Friendly Supper Club's sole purpose is for Montgomery's blacks and whites to "break bread" together and talk in a cordial atmosphere—something that rarely occurred before the club was formed.

The people of Montgomery have an anonymous citizen to thank for this special club, which was started on April 28, 1983, when Bill Stephens, a local attorney, received a typewritten letter signed with the alias "Jack Smith."

"Dear Mr. Stephens." the letter began. "Unless I miss my guess, this is the strangest proposition you will receive today." The writer went on to say he was "deeply concerned about race relations" in Montgomery.

And for good reason. Racial tensions, which had been mounting for several years, reached a sudden climax early in 1983, when a violent confrontation in a black household left a white policeman severely wounded. The blacks who were charged in the incident maintained that they later were beaten by the police. The case ended in a mistrial. It left Montgomery embittered and polarized.

Enter Jack Smith. "Part of the problem must be that blacks and whites really do not know one another." he wrote to Bill Stephens. "Outright segregation has disappeared, but there is still very little interaction beyond the most superficial level. Few blacks that I know visit socially with whites, or whites with blacks, in the way that builds understanding between friends. Because we don't know one another, crises tend to swiftly open up old wounds."

Jack Smith proposed an informal dinner for blacks and whites the following week at a local cafeteria. He invited Stephens, a man he felt "would be sympathetic to my idea and who would help carry it out," to read a statement at the first gathering, establishing guidelines for the "Friendly Supper Club."

"I couldn't figure out why he singled me out to do it," says Stephens. "I'd never been a civil rights activist. At first I thought. 'Maybe Smith is some nut.' But curiosity won me over."

Jack Smith likewise aroused the curiosity of about 35 others, including leaders of the city's black and white communities. They also attended the dinner.

Bill Stephens read Jack Smith's letter at the meeting. It explained that the purpose of the Friendly Supper Club was not so much to solve specific grievances as to create an atmosphere in which racial problems could be solved. Jack Smith asked the charter members to continue the once-a-month get-togethers—and for each of them always to invite a guest of a race different from his own. As many as 300 Montgomerians started attending the monthly dinner-socials.

"Jack Smith sought to get at a basic need of all communities—the need for people to get to know one another, across all lines and differences," says the Rev. Murray Branch, pastor of the Dexter Avenue King Memorial Baptist Church. "When people are friends, they're more likely to work things out."

Two years ago, the Ku Klux Klan burned a cross on the front lawn of John Knight, a black county commissioner. After dinner that same night, a contingent of club members went to Knight's home and, in the pouring rain, planted roses where the cross had been burned. "They even offered to stay with me that night," says Knight, who has not been bothered by the KKK since.

The Friendly Supper Club itself has been the target of prejudice. During one meeting, the cafeteria where they were eating received a bomb threat. After the police had searched the premises, the group dauntlessly returned and finished their meals. On another occasion, a cafeteria manager refused to set up tables for them. The club voted to go ahead and eat there one last time before changing to a more amicable cafeteria the next month.

"We're not about to let anybody break us up," says Tom Gardner, a member.

Rosa Parks, the black woman who sparked the civil rights movement in 1955 when she refused to give up her seat on a city bus to a white man, recently attended a club meeting. "Before 1965, it was against the law just for Montgomery's blacks and whites to sit down and eat together," said Parks, now 73. "The Friendly Supper Club is one way to make sure those days never come back."

To this day, no one has discovered who Jack Smith is. "I think he feels that, if the club were identified with one individual, people might suspect its motives instead of seeing it simply as a gesture of friendship and brotherhood," says Hilda Dent, a charter member.

"In a way, everyone in the Friendly Supper Club is Jack Smith," says Bill Stephens. "We're all here to build better understanding between blacks and whites, just as Jack Smith wished."

ACTIONS OF THE HOUSE OF REPRESENTATIVES ON THE FISCAL YEAR 1987 DEFENSE AUTHORIZATION BILL

Mr. WARNER. Mr. President, I rise to call to the attention of my colleagues some of the serious implications of the actions taken by the House of Representatives this week during their consideration of the fiscal year 1987 defense authorization bill. In a series of votes, the House has adopted amendments that would:

Impose a moratorium on United States nuclear weapons tests above 1 kiloton until the President certifies that the Soviet Union has resumed nuclear testing—an action roughly equivalent to imposing a comprehensive test ban on the United States without benefit of a treaty;

Preclude funding for any strategic forces that would bring the United States over the numerical sublimits of the unratified and expired SALT II Treaty—an action comparable to ratification of SALT II but without the two-thirds vote of the Senate required by the U.S. Constitution;

Preclude funding for modernizing the aging and increasingly ineffective United States chemical deterrent—an action that will lessen the Soviet incentive to negotiate seriously, and which undercuts a recent tough decision by our NATO allies;

Preclude funding for testing the F-15 launched antisatellite [ASAT] system against an object in space until the President certifies that the Soviet Union has tested their coorbital ASAT system again—an action which again undercuts the United States negotiating position by giving the Soviet Union unilaterally what they had been seeking at the table in Geneva.

Reduced funding for the President's strategic defense initiative to $3.1 billion, an amount fully $2.2 billion below the administration's request and $800 million below the level approved by the Senate—an action which sends a signal to the Soviets that there is substantial disagreement between the Congress and the administration on strategic issues that are central to our negotiating efforts.

Mr. President, in drafting the Constitution our Forefathers clearly intended that the Congress should have a role in the conduct of U.S. foreign policy. However, they also made it clear that the executive branch had the primary responsibility for formulating and executing U.S. foreign policy. This is a delicate balance of authority. In its actions this week, the House of Representatives has upset this balance and exceeded the bounds of its responsibility in the area of foreign policy. In so doing, it has intruded into the legitimate domain of the executive branch.

I shall not dwell on the reasons for these House actions, which have been the subject of much speculation in the press. Speculation has ranged from a reflection of impatience with President Reagan's arms control policies, to the manifestations of a struggle for control of the House Armed Services Committee. I shall not comment on nor add to this speculation, but instead I shall confine my remarks to the import and impact of these actions, which I find both serious and very disturbing.

The Senate has also contributed to this problem. Last week, during consideration of the fiscal year 1987 defense authorization bill, the Senate adopted by a vote of 64 to 35 a nonbinding sense of the Congress provision urging the President to submit the Threshold Test Ban and the Peaceful Nuclear Explosions Treaties to the Senate for ratification. I opposed that amendment on the grounds that it undermined the administration's efforts to get the Soviet Union to agree to improved verification provisions for these agreements. United States efforts to resolve these verification problems had taken a positive turn recently when United States and Soviet technical experts met to discuss nuclear testing issues in Geneva. I fear that the Senate's action last week undermined the Soviet incentive to resolve these critical verification problems.

In contrast, the action taken by the House of Representatives this week goes much farther in undermining the administration's efforts on this important issue by imposing a test ban regime that has absolutely no provisions for verification, and no mechanisms to induce the Soviets to negotiate in a serious manner. Effective verification of a 1 kiloton test limit will not be possible under existing verification procedures. Detonations far far greater than 1 kiloton could be performed in large cavities, effectively decoupling and shielding the blast from seismic detectors, thus denying the United States the technical data required to establish with certainty that a violation had occurred. Any form of test ban agreement can be considered only if new and improved verification provisions are negotiated and adopted.

Perhaps most importantly, a 1 kiloton test ban threshold at this time would have serious consequences for our national security. Such a limit would virtually eliminate our ability to perform confidence testing of our current nuclear stockpile, and it would thus prevent the detection and correction of problems that naturally occur with prolonged stockpiling. This will result in a reduced level of confidence in our stockpile, and increasing uncertainty about the effectiveness of our nuclear deterrent.

As an example, over one-third of the nuclear weapon designs that were introduced into the U.S. stockpile since 1958, after thorough testing, were subsequently found to have serious defects. Of these designs in which defects were detected, over 75 percent required additional testing to remedy these defects. In addition, without continued testing we would be unable to incorporate the most modern nuclear weapon safety and security measures into our stockpile. Today these features are incorporated in only about one-third of our nuclear weapons.

Such moratoriums—in effect unratified treaties without agreed provisions on definitions or verification—are often called a "back door" approach to arms control. Mr. President, I would remind my colleagues that it is an approach fraught with dangers. It distracts our attention from—and undermines our position in—the direct negotiating approach to mutual and verifiable arms reduction that is being played out between United States and Soviet negotiators. In my judgment, the approach approved by the House damages the security interests of the United States, and it is my hope and expectation that the Senate conferees to the defense authorization bill will not allow this measure to stand.

Mr. President, the Senate approved in its bill a sense of the Congress resolution regarding continued compliance with the numerical sublimits of the expired and unratified SALT II Treaty. I opposed this provision in committee because it does not address those elements of the SALT II Treaty that the Soviets are violating. The President's action was clearly intended to send a signal to the Soviets that we judge their treaty violations to be a serious matter and we will respond to them accordingly.

That signal was first muted by the Senate's action, and now it has been further eroded by the actions of the House. The House approved a binding provision limiting funds for any systems that would cause the United States to exceed the SALT II numerical sublimits. It is not clear to this Senator what the practical effect of the House provision would be. For example, funding has already been approved and obligated for the B-52 cruise missile carriers that will take the United States beyond the SALT II numerical sublimits. Does the House intend that we should not acquire new Trident submarines, which are widely regarded as the most survivable and effective leg of our strategic triad?

One effect of the House action is clear. It is sending the message to the Soviets that we are prepared to adopt a double standard when it comes to compliance with arms controls agreements. Does the House really want to indicate that it is ready to enforce compliance on the United States, and to look the other way when it comes to

Soviet violations? That is not the kind of support the administration needs at this critical juncture, which in my judgment represents a "go or no go" decision on the future of arms control for the balance of the Reagan administration. I will not support a conference report on the fiscal year defense authorization bill which includes such a provision.

Mr. President, the Senate has established a clear record with regard to the necessity to test the F-15 launched miniature homing vehicle [MHV] antisatellite [Asat] system against objects in space. Last year, and again this year, this body has rejected proposals to impose an Asat test moratorium on the United States by wide margins. Again, there are compelling national security reasons to proceed with Asat testing. The Soviets have a somewhat primitive, but nonetheless effective operational Asat system which threatend critical U.S. satellites in low Earth orbits—even if their system is not tested again. At the same time, the Soviets have satellites in low Earth orbit which threaten our terrestrial forces, and we have no corresponding Asat capability with which to negate those threatening systems.

In addition, the Soviets have Asat capabilities in a number of systems that are designed for other purposes. Soviet high energy lasers and their ABM interceptors, for example, are assessed to have the capability to damage or destroy critical U.S. satellites. In view of the inherent Asat capabilities in systems designed for other purposes, verification of Soviet adherence to a bilateral Asat moratorium would be extremely difficult, if not impossible.

The House action in reestablishing a moratorium on U.S. Asat testing undermines the efforts of the United States negotiators in Geneva. It grants the Soviet Union one of its principal arms control objectives, without establishing a framework for mutual and verifiable limitations on antisatellite weapons.

Finally, Mr. President, the House has reduced the President's request for the Strategic Defense Initiative [SDI] Program by about $2.2 billion. The administration had originally requested a total of $5.3 billion. This body debated the issues involved in funding levels for the SDI Program for 2 days last week before approving the $3.95 billion level recommended by the Armed Services Committee. Again, I will not repeat the arguments made in that debate, except to emphasize the critical role that this program has played in bringing the Soviets back to the negotiating table, and continues to play as the administration seeks deep reductions in offensive forces.

Funding the SDI Program at the level voted by the House will slow the program, force premature cuts in promising defensive technologies, and upset the balance between technology development and the demonstration of more near-term concepts. The action of the House seems to ignore the substantial Soviet ballistic missile defense activities, and it undermines our ability to deter a Soviet ABM Treaty breakout or to respond to one if it occurs. In addition, the funding level approved by the House does not provide adequate resources to develop the near-term SDI options to defend U.S. military forces as advocated by many of us here in the Senate.

In general, the action of the House will delay the time when we have options available to move toward a more stable and effective basis for deterrence that utilizes both strategic offensive and strategic defensive forces. Of all the actions taken by the House, the reduction in SDI funding will most severely undermine the initiatives of our negotiators at the Geneva talks.

Mr. President, I do not pretend to understand all the motivations that are driving House Members to support these provisions. I do know, however, that it is not a concern for the Federal budget deficit as some might suggest. With the single exception of the SDI funding level, these provisions have little or no budgetary impact.

I do not accept the argument that the House is being motivated by a concern that President Reagan take advantage of this critical juncture in his Presidency to reach an arms control accord with the Soviets that is in our national security interest. Nor do I accept the argument that they are being motivated by their concern for the American people, who yearn for progress in these areas. I do not accept these arguments because in both cases the actions of the House of Representatives undermine the very goals they seek to achieve. Unilateral constraints on U.S. military programs do not advance our security interests, they do not advance the cause of mutual and verifiable arms reductions, and they do not answer the aspirations of the American people who yearn to live in peace and security. These decisions should more properly be made on a bilateral basis at the negotiating table in Geneva.

Mr. President, even if the Senate conferees are successful in deleting many or all of these House provisions, I believe that damage has already been done to our national security. Ambassador Paul Nitze and a team of United States negotiators have just returned from Moscow after what have been characterized as serious and business-like talks with their Soviet counterparts. The two sides will be meeting again soon, in preparation for a meeting between Secretary of State Shultz and Soviet Foreign Minister Shevardnadze later this year. The message that the Soviets are receiving from the House of Representatives, and to a much lesser extent from the actions of the Senate, is that our negotiators in Geneva have not received the strong bipartisan support from the Congress that they require at this critical period of the negotiations. I say critical, because last year before the summit Congress gave much stronger support than this year, with a summit anticipated late this fall. Historically, this Nation has made the most positive progress on foreign policy and arms control matters when a President receives strong bipartisan support.

JAPANESE TRADE RESTRICTIONS SUBJECT OF MEETING OF SENATORS WITH JAPAN'S AMBASSADOR MATSUNAGA

Mr. HELMS. Mr. President, this past week a number of Senators, all of us from tobacco-producing States, met privately with the Japanese Ambassador to the United States, Mr. Matsunaga, to discuss Japanese trade restrictions that protect the Japanese cigarette monopoly by limiting the sale of American cigarettes in Japan.

The Japanese cigarette market is the second largest in the Free World, second only to our own. Its retail value is approximately $15 billion annually. American cigarettes are very popular among the Japanese people. Unfortunately, they are not widely available, because the Japanese Government imposes unfair trade restrictions that effectively limit the number of American cigarettes that can be sold there. I have been to Japan, Mr. President, and I know how difficult it is to find and buy American cigarettes. I also know how popular they are with the Japanese people.

The most recent estimate I have seen indicates that American cigarettes account for at most only 3.3 percent of the Japanese market. By comparison, in Hong Kong, which has free and open markets, American cigarettes account for roughly 65 percent of all cigarettes sold.

Mr. President, Japanese trade restrictions on American cigarettes protect the Japanese cigarette industry from competition. The Japanese cigarette industry is wholly integrated, and owned and operated by the Japanese Government under the name Japan Tobacco, Inc. JTI, as Japan Tobacco, Inc. is known, is the successor corporation to the Japan Tobacco & Salt Monopoly Corp. The name of this entity was changed in 1985 in what I can only describe as a public relations gimmick. There is no discernible difference otherwise. The Japanese Government still controls every aspect of tobacco and cigarette production, distribution, and sale in Japan.

JTI enjoys a number of important advantages in competition with for-

eign cigarettes. For example, Japanese law prohibits foreign manufacturers, including American manufacturers, from manufacturing cigarettes in Japan.

The Japanese impose an ad valorem excise tax on the retail value of cigarettes. This tax is higher for foreign cigarettes because their retail value includes costs that domestic cigarettes do not bear—tariffs, transportation costs, insurance costs, and the added expenses of distribution. This tax-on-tariff multiplier raises the effective tariff on foreign cigarettes to 43 percent. As a result, American cigarette manufacturers will have to pay an estimated $73 million in discriminatory tax penalties in 1986 alone, not to mention loss of sales due to higher prices.

The Japanese Government has also granted JTI a 3-year schedule of deferred national excise tax payments. Foreign manufacturers were denied this. This discriminatory treatment will cost American manufacturers $10 million in additional taxes over the next 3 years.

Another advantage JTI enjoys is a distribution monopoly. American cigarettes can only be distributed in Japan through Tobacco Haiso, a subsidiary of JTI. American manufacturers cannot arrange for distribution of their product through a source other than their Japanese competitor if they wish.

The Japanese Government unfairly controls the sale of foreign cigarettes in other ways as well. For example, in order to change cigarette prices, American cigarette companies must obtain permission 60 days in advance from the Japanese Ministry of Finance. The Japanese Ministry of Finance, incidentally, is the sole shareholder in JTI.

Mr. President, when my colleagues and I met with Japanese Ambassador Matsunaga, we urged him to encourage his Government to make a commitment to open the Japanese cigarette market to American cigarettes. We indicated that a significant milestone would be achieved if American cigarettes could claim 20 percent of the Japanese market within 18 months.

What would this increased market share mean to American tobacco farmers in terms of increased sales? I've had some calculations made, Mr. President, based on actual sales in 1985. I'd like to share them with my colleagues. I would ask, therefore, that a chart I have had prepared to be printed at this point in the RECORD.

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

INCREASED TOBACCO LEAF PURCHASES IF AMERICAN CIGARETTES GAIN 20 PERCENT OF THE JAPANESE CIGARETTE MARKET

State	1985 Sales		Projected increase	
	Lbs.	Percent of total	Lbs.	Amount
Flue Cured				
North Carolina	296,100,000	65.9	74,025,000	$111,037,500
South Carolina	53,100,000	11.8	13,275,000	19,912,500
Georgia	47,250,000	10.5	11,812,500	17,718,750
Virginia	44,550,000	9.9	11,137,500	16,706,250
Florida	9,000,000	2.0	2,250,000	3,375,000
Total			112,500,000	168,750,000.
Burley				
Kentucky	271,760,000	68.8	67,940,000	105,307,000
Tennessee	71,890,000	18.2	17,972,500	27,857,375
Virginia	16,590,000	4.2	4,147,500	6,428,625
North Carolina	13,035,000	3.3	3,258,750	5,051,062
Indiana	8,295,000	2.1	2,073,750	3,214,312
Ohio	7,110,000	1.8	1,777,500	2,755,125
Missouri	3,950,000	1.0	987,500	1,530,625
West Virginia	1,975,000	.5	493,750	765,312
Total			98,651,250	152,909,436
Grand total			211,151,250	312,659,436

Notes.—Projected increase in purchases reflects an increase equal to 10 percent of the domestic market (the equivalent of 20 percent market share in Japan) multiplied by a factor of 2.5, a figure used by buyers to reflect the 2–3 year period for aging tobacco in inventory. Projected dollar increase in purchases based on a per pound price of $1.50 for flue cured and $1.55 for burley.

CHART

Mr. President, this chart depicts increases in leaf sales that would have occurred in 1985 had American tobacco companies been buying to supply 20 percent of the Japanese cigarette market in addition to the sales they otherwise projected. The chart is of course theoretical, Mr. President, but it should give Senators an idea of what increased cigarette sales in Japan would mean to their tobacco farmers. North Carolina tobacco farmers, for example, could have sold an additional 74,025,000 pounds of flue cured tobacco and 3,258,750 pounds of burley worth $111,037,500 and $5,051,062 respectively. Total increased sales from my State alone could have amounted to $116,088,562. Total increased sales for all States of both types of tobacco could have amounted to $312,659,436.

Mr. President, the tobacco farmers in my State are anxious to claim their share of sales that would result from an open Japanese cigarette market. I intend to do everything I can to insure that they enjoy the fruits of free and open trade, about which we hear so much from this administration.

Unfortunately, I am not convinced American tobacco farmers are getting the support they deserve from the administration in their struggle to knock down Japan's restrictive trade barriers. Cigarettes are an export-oriented product that are being denied sales in Japan because of a government monopoly and unfair traded practices. I urge the President and his advisors to do everything in their power to open Japanese markets to a fair share of American cigarettes.

There is pending an investigation of unfair trading practices by the Japanese in connection with their cigarette market. This investigation is authorized by section 301 of the Trade Act of 1974. The U.S. Trade Representatives must report his findings in this investigation to the President by September 11, 1986. If the Trade Representative finds that the Japanese have engaged in unfair trading practices, the President is authorized to impose retaliatory measures.

I will be communicating with the White House and with executive branch officials to express my support for a finding of unfair trading practices and a remedy of stern retaliatory measures. I urge my colleagues who are concerned about our trade imbalance with Japan to do likewise.

IN PRAISE OF MAJORITY LEADER BOB DOLE

Mr. SYMMS. Mr. President, today the public was treated to an article in the Wall Street Journal about one of our own, the majority leader of the U.S. Senate, ROBERT DOLE. I speak in terms of the public because for those of us in the Senate who are privileged to see this man on a daily basis for what he is—a remarkable leader—the portrayal of this man's rare gifts of conciliation and judgment comes as no surprise.

The article notes not only his intelligence and wit but his compassion. Compassion is not an acquired trait in the case of BOB DOLE. It is part and parcel of his character, rooted in humble beginnings and years of service to this country. I am proud to refer to this man as majority leader. As a colleague and friend I congratulate BOB DOLE. I commend this article to my colleagues and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The Wall Street Journal, Aug. 15, 1986]

DOLE'S LEADERSHIP ROLE IN SENATE HELPS SHAPE HIS BID FOR PRESIDENCY

(By David Rogers)

RUSSELL, KAN.—Like the outcroppings of bleached stone in the prairie grass, there is a hardness to this land, and it shows in Russell's native son, Senate Majority Leader Robert Dole.

In the evening dusk in his old back yard, the Kansas Republican can still find the weathered metal hook he used to exercise his wounded right arm after World War II. Returning to address his former high school, he seems to speak of his own powerful ambition to chase the flat horizon and grab the dreams that lie beyond.

"You've come from a very special place," he tells the graduating class in the crowded gym. "The horizon is out there somewhere, and you just keep chasing it, looking for it, working for it . . . to make your mark not only on Kansas but America."

Bob Dole is running. Running for a fourth Senate term. Running to keep Republicans in power and himself as majority leader. And running for president, his passion since that Kansas City morning in 1976 when Gerald Ford tapped him for the second spot on the GOP ticket.

NEW VISIBILITY

Defeated then and a dropout from the 1980 presidential campaign, Mr. Dole is today finding his stride in the 1988 stakes. The Senate leadership post gives him new visibility in the race of the GOP nomination, and his aggressive, scrambling style has steered Republicans clear of major legislative defeats in this Congress.

Toughness and competence are Mr. Dole's trademarks, and he has gained from the troubles of the early favorites, Vice President George Bush and Rep. Jack Kemp. A new Wall Street Journal/NBC News poll puts Mr. Dole second to the vice president among Republican voters, albeit a distant 10% to Mr. Bush's 43%. Bush operatives view him as a major rival; Democrats fear he threatens their political base. "He would be tough," says Connecticut Sen. Christopher Dodd.

The coming months pose a major test. GOP control of the Senate is at stake in November; beyond that, Mr. Dole must begin to define the presidential candidacy he will offer. He must balance competing ambitions as a Senate leader and White House aspirant. He must articulate his vision for the country and speak not only from the heartland but to the heart. "You have to show enough of yourself that the people can identify with it," said GOP consultant John Sears.

SLASHING WIT

After a quarter century in Congress, this sorting-out process is both political and deeply personal for the 63-year-old Mr. Dole, exposing conflicts in himself. A company man, he is foremost a survivor. His slashing wit, which hurt him in the 1976 campaign, is more tempered these days, but his humor is self-depreciating only when he is in fact in control. "I didn't become majority leader to lose," he said in a recent, biting exchange on the Senate floor.

Under this hardness, though, are a vulnerability and compassion. Crippled by war, Mr. Dole can quote Job without embarrassment. He rages at the treatment of the handicapped. He reminds the GOP, as he did at its 1984 convention, that it is also the party of Lincoln. "His ambitions help people more than hurt them," says House Ways and Means Committee Chairman Dan Rostenkowski, an Illinois Democrat.

Mr. Dole's political challenge is all the more daring because of the way he has chosen to confront it. Other potential candidates—such as former GOP leader Howard Baker and Democratic Sen. Gary Hart—retire from the daily fray to give themselves more time and distance to establish their identities. Mr. Bush and Rep. Kemp have greater claim to the Reagan organization and legacy. The fundamentalist Pat Robertson commands his own base among evangelicals on the right.

RELISHING THE LIMELIGHT

Mr. Dole enjoys none of these advantages and has plunged instead into a difficult leadership role that pushes him to the forefront on often divisive issues. After opposing televison in the Senate, he now relishes the limelight and the role of what Colorado GOP Sen. William Armstrong calls "the guy who gets things done—one of those people who can stand up and take the gaff."

But as he pulls the levers of government, Mr. Dole leaves questions about where he stands. As majority leader, he is the president's man; as a candidate, he must also be his own. "He's opting now to be a loyalist," says Kevin Phillips, a GOP political strategist, but "people are looking for something new. Bob Dole has the talent and vision to be that something new; he can't be that as a loyalist."

Much about Mr. Dole's style is reactive. "I don't think he takes risks with issues as he does with politics," says Sen. Nancy Kassebaum, Mr. Dole's fellow Kansas Republican. He has pointedly let other Republicans take the lead on South Africa policy. His 1982 tax bill tapped some of the same "reform" movement behind the current tax-overhaul drive, but his focus was on meeting the immediate need for new revenue. That same year, his endorsement of the Voting Rights Act was crucial to the civil-rights movement, yet he chose the role of problem solver, not crusader. "If you can't implement ideas," says Mr. Dole, "it doesn't do any good to have them."

What he has is power and a consummately political role. As GOP leader and a presidential candidate, he is more reluctant to challenge Mr. Reagan on taxes, as seen in his weak support for the budget this year. On major foreign-policy issues—the Saudi arms sale and military aid to Nicaraguan Contras—Mr. Dole has protected the administration's interests while also serving his own.

There is always a calculated balance. Mr. Dole helps farmers sell subsidized wheat to the Soviet Union. He wins points with conservative hard-liners by pushing for more sophisticated weapons for guerrillas opposing Soviet-backed governments. He leaps ahead of the president in attacking SALT II. He takes pride—and praise from Jewish organizations—in ratification of the Genocide Treaty.

With the exception of tax overhaul, the domestic record has been less successful. Mr. Dole and the GOP seized the initiative on deficit reduction last year, but their own bold budget was doomed by rising farm costs and a shortfall in revenue. The Gramm-Rudman deficit reduction law was born of that frustration, but a line item veto initiative and a balanced-budget constitutional amendment—two ideas embraced by Mr. Dole—remain blocked by his own Senate.

A VIRTUAL CONGLOMERATE

The loss of the Senate would mean the loss of his forum. So Mr. Dole has transformed himself into a virtual conglomerate of campaign-finance organizations to leverage contributions of Republicans. If the GOP prevails, he is determined to keep his leadership job at least into next year, but he faces qualms about his role among Republicans and an increasingly aggressive Democratic opposition.

Even Lyndon Johnson—who had larger majorities in a less fractious institution—found it difficult to run for president in 1960, the year that Mr. Dole first won election to Congress.

The Kansan's frequent pitchfork style suits Republican needs in the chamber but doesn't help a candidate trying to soften his image. Relations remain strained with Minority Leader Robert Byrd, and Mr. Dole has seemed elusive and distant from House Speaker Thomas O'Neill, who cooperated with Mr. Baker. "His presidential ambitions put him in a position not to come to me in compromise," says Mr. O'Neill.

The fight this summer over the confirmation of federal Judge Daniel Manion illustrates the conflicts. Mr. Dole scored a win for the president and conservatives, but the first roll call was decided under confusing circumstances that led Sen. Bob Packwood, the Oregon Republican to complain that he was misrepresented by the leadership. "Manion won," said a conservative Democrat later, "but Dole lost."

Mr. Dole has the capacity to represent a "forgotten America" of the poor and the handicapped, admirers say. At a time when the party hopes to expand its political base, GOP consultant Tully Plesser sees in Mr. Dole the "humanistic social conscience" that critics find missing too often in Republican priorities. But by courting the right in his quest for the nomination, he risks alienating moderates.

BACKING THE PENTAGON

A recent issue illustrates his dilemma. Last month, the senator admits, he wanted to support a liberal amendment applying $62 million in unexpended military funds to nutrition programs for the elderly. When the roll call proved so narrow that his vote might have tipped the margin against the Pentagon, he voted no.

Leadership pressures account in part for such choices, but Mr. Dole is in fact far more closely linked to conservatives than his moderate image suggests. He won his leadership post with crucial support from such GOP conservatives as Utah's Orrin Hatch and North Carolina's Jesse Helms. The Helms relationship could help in the South, where Mr. Dole's war record and farm expertise give him entree—as does his Southern wife, Transportation Secretary Elizabeth Dole.

Without a single base or legacy to draw from, Mr. Dole must reach into himself to find the message and vision he needs to compete in the presidential arena. His own life, from the brick-paved Main Street of Russell to the stone-tiled corridors of the Capitol, is a story of hardships and personal triumph, and it offers a metaphor for the themes of self-reliance and compassion that he wants to project.

"A guy who can be tough, a guy who can be seen as compassionate," says David Keene, a senior political adviser. The self-made man with a conscience, says Richard Smith, a speech writer and historian.

In the wheat and oil fields of western Kansas, Russell is a reflection of Mr. Dole's personality. The green fields offer promise, but there is a fatalism underneath, heard in the humor of farmers at the local cattle yard. On the horizon stands the Cathedral of the Plains, a legacy of early German settlers and the populism of western Kansas.

Russell welcomed Mr. Dole home after the war, but he recalls, too, the mean poverty of his early years. His grandparents were on welfare, and his own family lived for years in the basement of a single-story home so that his parents could rent out the first floor.

It was in this town that he delivered an emotional speech after the Kansas City convention in 1976. It is here that he brings a film crew to record his high-school appearance for future television ads.

After his speech, he takes a reporter back to the privacy of the family home. The machine he used to record law-school lectures—when he was still recovering from his wound—sits in the corner where his late

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mother kept it. On the wall is an early photo of her, one of eight strikingly beautiful sisters.

"I think I've been tested," Mr. Dole says. "I have a vision. It's trying to keep things together, trying to make the government more responsive, more sensitive to the needs of a lot of people who haven't had the opportunity. It's strong sensible leadership, prudent . . . and what you see is what you get."

THE UNITED STATES, THE WORLD COURT, AND THE NICARAGUA CASE

Mr. PELL. Mr. President, late in the last century, as the United States emerged as a world power, it led the effort to create an international tribunal to resolve disputes among nations. Almost 41 years ago, the International Court of Justice at The Hague became part of the U.N. system. With the advice and consent of the Senate, the United States became a party to the statute of this World Court and accepted its compulsory jurisdiction in all matters outside domestic jurisdiction.

Last year, threatened by a suit initiated by the Government of Nicaragua, the administration, acting without any form of congressional participation or public debate, wiped out a policy that has served U.S. interests well for over four decades. By canceling our acceptance of the World Court's compulsory jurisdiction, the United States relinquished its leadership role in promoting world peace through international law.

Mr. President, we are a nation perceived in the past as one governed by law. Recognizing and appreciating the fundamental importance of that concept, many nations desiring government of, by and for the people have used our Constitution as a model. At the very heart of our tradition is the concept that the actions of our President and legislature are subject to independent judicial scrutiny. In keeping with that tradition, the United States accepted the principle that our action in world affairs, involving legal disputes, should be subject to the scrutiny of the International Court of Justice.

The decision to cancel the compulsory jurisdiction of the Court was a shortsighted overreaction to the Court's decision to take up the Nicaragua case. There may have been legitimate doubts whether Nicaragua had proper standing to bring this case before the Court. It could also have been argued that the Court was never meant to exercise jurisdiction over actions considered by one of the parties to be self-defense. But, the issue is not Nicaragua. It is a far broader question: Is our renunciation of the World Court consistent with the American commitment to a better and more peaceful future through the wider acceptance of the rule of law?

As Coleman McCarthy stated in his Washington Post editorial of November 3, 1985:

> The policy that led to the attacks on Nicaragua was wrongheaded. Now, the decision to snub the court reveals the United States as bullheaded.

The World Court is an imperfect instrument, without power of enforcement and subject to international political pressures. But, it is important. It symbolizes a laudable desire of its signatory countries to substitute reason for brute force in quarrels between nations.

Until its decision last year, the United States was 1 of the 45 nations to abide by the compulsory jurisdiction of the World Court. Our adherence to a rule of law and our belief in the value of truth in the competition of ideas are what distinguishes the United States from the totalitarian regimes that have rejected the compulsory jurisdiction of the Court. The unfortunate decision of the Reagan administration to accept the Court's jurisdiction only in those cases it considers appropriate runs counter to the values that are the source of our strength.

This policy is contrary to long-term U.S. interests. There are many arguments in favor of reaccepting the compulsory jurisdiction of the Court. First, we live in an age threatened by nuclear holocaust. Adjudication prevents small disputes from escalating into larger conflagrations. Compulsory jurisdiction might cause nations to modify conduct which could lead to conflict. Given the enormity of the risks, a strengthened World Court could prove to be a valuable instrument of foreign policy. Second, as the United States expands its contacts abroad through investment, business and tourism, the World Court provides a forum where the United States can seek the protection of its nationals from unjust treatment. Let's not forget that the World Court ruling against Iran in 1980 assisted the United States in its efforts to garner global support for economic sanctions that were helpful in securing the release of the hostages.

Finally, as a nation ruled by law under a progressive Constitution, we have little to fear by being brought to account before the bar of international justice. To have tried, even vainly, to justify our actions against Nicaragua before the World Court would have shown respect for the opinion of mankind. A willingness to risk a loss would have given the United States the moral right to expect and demand that other nations submit to the Court's compulsory jurisdiction.

U.S. policy is moving in the wrong direction. The United States should strongly endorse and support the concept and application of the rule of international law. We should be moving to strengthen, not weaken this principle. The administration should redraft the U.S. declaration of acceptance in a manner carefully tailored to address U.S. concern, while preserving and improving the U.S. ability to use the Court affirmatively in support of the rule of law.

As Richard N. Gardner, a noted professor of international law at Columbia University and former United States Ambassador to Italy stated in a New York Times editorial of August 2, 1986:

> International law is a system of mutual restraints and concessions that nations accept because it serves their interests. The fact that the Soviet Union and its allies repeatedly violates international law does not mean that it does not exist; nor does it justify our doing the same. Democratic governments, unlike totalitarian ones, hold themselves accountable for their actions under a rule of law. When we exercise our lawful right to use armed force in individual or collective self-defense, as we must in some cases, we should be willing to justify our actions in legal as well as political terms.

Mr. President, in conclusion, I ask unanimous consent that Ambassador Gardner's editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD as follows:

[From the New York Times, July 2, 1986]

A REAGAN FIASCO IN THE WORLD COURT

(By Richard N. Gardner)

Suppose you had a lawyer who failed to shield you from an impending lawsuit by neglecting to exercise in a timely manner your right to refuse the court's jurisdiction? And, having missed that opportunity, suppose your lawyer then failed to present the merits of your case to the court, thus helping to assure a judgment against you? That is essentially what our Government has done in the case we lost last week to Nicaragua in the International Court of Justice.

Nicaragua brought its case to the court in April 1984, nearly three years after we started organizing, training and financing a 10,000-man contra army for operations inside Nicaragua. We could easily have blocked the Sandinistas' suit well before it came to the court by refusing to accept the court's jurisdiction in cases involving armed conflict—on the reasonable grounds that the security interests involved are too great, the factual issues too hard to resolve and the law on the subject insufficiently developed. But we failed to do so, and now we stand condemned before the world of breaking international law and violating Nicaraguan sovereignty.

To be sure, the International Court of Justice is not the same as a domestic court. Its decision that we should stop aiding the contras and pay damages to Nicaragua cannot be enforced. Nevertheless, the court's judgment will influence public opinion and policy in other countries, undermining confidence in our foreign policy and tarnishing our reputation as a law-abiding nation.

Significantly, no member of the court was prepared to accept President Reagan's argu-

ment that we have a right to aid "freedom fighters" seeking to overthrow or force the liberalization of Communist regimes. But even the judges who voted against us acknowledged that our aid to the contras might be justified if it were shown to be part of a "collective self-defense"—if it were proved that Nicaragua was aiding leftist guerrillas in El Salvador and if our response was necessary and proportional.

The United States' refusal to come to court to make that case meant that the court heard only the self-serving arguments of the Sandinista witnesses, many of whom, to put it bluntly, lied through their teeth in denying Nicaragua's substantial involvement in the Salvadoran insurgency.

With such self-destructive behavior on our part, it is not surprising that we obtained scant support from the court, since it is difficult for judges to resolve factual issues in favor of a litigant who does not appear to present his case. In the larger court of international opinion, many will conclude that we have no case at all.

There is a new "realism" in vogue in our country today that considers international law a utopian dream and international institutions irrelevant or worse to the advancement of our national interests. That view, which is not shared by most other democratic countries, is itself unrealistic.

International law is a system of mutual restraints and concessions that nations accept because it serves their interests. The fact that the Soviet Union and its allies repeatedly violate international law does not mean that it does not exist; nor does it justify our doing the same. Democratic governments, unlike totalitarian ones, hold themselves accountable for their actions under a rule of law. When we exercise our lawful right to use armed force in individual or collective self-defense, as we must in some cases, we should be willing to justify our actions in legal as well as political terms.

To say that we cannot do so in the Nicaraguan case because we would compromise vital intelligence sources in simply not credible. We were willing to show satellite photographs of Soviet missile sites during the Cuban missile crisis, and we revealed intercepts of Libyan messages to help justify our recent air strike against that country. If our case against Nicaragua is a good one, we must also have nonsensitive evidence from Salvadoran sources.

The Administration could still salvage something from its errors by publishing a full statement of the international law basis for aiding the contras. Other nations have the right to expect this from the world's greatest democracy. The American people, who correctly like to think of themselves as a law-abiding nation, have the right to demand no less.

OIL IMPORT FEE

Mr. DOLE. Mr. President, our Nation's economy and security are dependent upon a secure and affordable supply of energy. And, like it or not, with the exception of nuclear powered naval ships, both our civilian and military transportation systems are almost exclusively reliant on liquid fuel produced by the industry that so many love to hate—the oil industry.

However, unless the price received by producers rises above the cost of production, we will run the risk of suffering an oil shock far surpassing those of the 1970's. For today, we are witnessing the eternal loss of reserves produced from stripper wells, which are those producing 10 barrels of oil per day or less.

The United States is the only nation which so aggressively produces marginal wells. In fact, according to the Interstate Oil Compact Commission, while the average production from a well outside the United States is 290 barrels per day, the average production from a well in our country is just 14 barrels per day. Production from stripper wells nationwide amount to almost 15 percent of our total production in the United States.

On the average, the cost to produce one barrel of oil from a stripper well is $15. Unfortunately, once these wells are shut in, the cost of reentering those wells at a future date will forever prohibit the production of that oil. Plain common sense dictates that we cannot allow this to occur.

Today, our distinguished colleague, the senior Senator from New Mexico, along with 14 other Senators, introduced legislation calling for a $4 per barrel import fee on crude oil and petroleum products in an effort to address this Nation's energy crisis. While in agreement with my colleagues that we must find a solution to this time bomb, I have chosen not to add my name to this initiative at this time. In part, my concern is that our vital domestic oil refining industry would be put at a competitive disadvantage unless a petroleum product differential is not included with the import fee.

A barrel of crude oil does not yield one barrel of motor gasoline or one barrel of heating oil or even one barrel of diesel fuel. Rather, several cuts are made resulting in components which are eventually converted into final products. If foreign refiners secure less expensive crude oil, the resulting petroleum products will be assssed the same fee as that on crude oil, making imported petroleum products less expensive than we would be able to produce in this country.

I do, however, want to compliment my colleagues on their efforts, and look forward to our continued work together to find solutions to the serious problems being faced in the oil patch.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:41 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the bill (H.R. 1343) to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, CA.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 713. Joint resolution making a repayable advance to the Hazardous Substance Response Trust Fund.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 383. A concurrent resolution directing the Clerk of the House of Representatives to make a change in the enrollment of the bill H.R. 4883.

At 8:19 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 410) to repeal the Commercial and Apartment Conservation Service, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3108) to amend title 17, United States Code, to clarify the definition of the local service area of a primary transmitter in the case of a low power television station.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 161. Concurrent resolution directing the Clerk of the House of Represenatives to make a technical correction in the enrollment of H.R. 4329.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 5052) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. HEFNER, Mr. ALEXANDER, Mr. COLEMAN of Texas, Mr. BEVILL, Mr. EARLY, Mr. DICKS, Mr.

FAZIO, Mr. WHITTEN, Mr. EDWARDS of Oklahoma, Mr. LOEFFLER, Mr. RUDD, Mr. LOWERY of California, and Mr. CONTE as managers of the conference on the part of the House.

The message further announced that the House disagees to the amendments of the Senate to the bill (H.R. 5203) making appropriations for the legislative branch for the fiscal year ending September 30, 1987, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. FAZIO, Mr. OBEY, Mr. ALEXANDER, Mr. MURTHA, Mr. TRAXLER, Mrs. BOGGS, Mr. WHITTEN, Mr. LEWIS of California, Mr. CONTE, Mr. MYERS of Indiana, and Mr. PORTER as managers of the conference on the part of the House.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 140. An act to amend the Child Abuse Prevention and Treatment Act to establish a program to encourage States to enact child protection reforms which are designed to improve legal and adminstrative proceedings regarding the investigation and prosecution of child abuse cases, particularly child sexual abuse cases, and to establish demonstration programs of temporary child care for handicapped children and crisis nurseries;

H.R. 3132. An act to amend chapter 44, of title 18, United States Code, to regulate the manufacture, importation, and sale of armor piercing ammunition, and for other purposes;

S.J. Res. 298. Joint resolution to designate the week of October 5, 1986, through October 11, 1986, as "Mental Illness Awareness Week";

S.J. Res. 338. Joint resolution to designate November 18, 1986, as "National Community Education Day"; and

S.J. Res. 358. Joint resolution to designate the month of September 1986 as "Adult Literacy Awareness Month".

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore (Mr. THURMOND).

At 10 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1888. An act to provide for a program of cleanup and maintenance on Federal lands.

At 4:02 a.m., Saturday, August 16, 1986, a message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate numbered 1 to bill (H.R. 5395) to increase the statutory limit on the public debt; and that the House disagrees to the amendment of the Senate numbered 2 to the bill.

MEASURES REFERRED

The following bill and joint resolution were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3102. An act to strengthen the technological literacy of the Nation through demonstration programs of technology education; to the Committee on the Labor and Human Resources.

H.J. Res. 692. Joint resolution to designate the week of October 19, 1986, through October 26, 1986, "National Housing Week"; to the Committee on the Judiciary.

MEASURES HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent:

H.R. 4260. An act to provide the Small Business Administration continuing authority to administer a program for small innovative firms, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3611. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a supplemental summary of the fiscal year 1987 budget; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget and the Committee on Appropriations.

EC-3612. A communication from the Director of the Office of Management and Budget, Executive Office of the President, a cumulative report on budget rescissions and deferrals dated August 1, 1986; pursuant to the order of January 30, 1975, referred jointly to the Committee on the Budget and the Committee on Appropriations.

EC-3613. A communication from the Acting Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, selected acquisition reports and selected acquisition report summary tables for the quarter ended June 30, 1986; to the Committee on Armed Services.

EC-3614. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a listing of contract award dates for the period September 1, 1986 to October 31, 1986; to the Committee on Armed Services.

EC-3615. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the base operating support functions at Naval Air Station, Whidbey Island, Washington, to performance by contract; to the Committee on Armed Services.

EC-3616. A communication from the Chief of the Program Liaison Office, Office of Legislative Affairs, Department of the Air Force, transmitting, pursuant to law, a report on the conversion of the Cycle II function in-house operation at several locations to performance by contract; to the Committee on Armed Services.

EC-3617. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the annual report of the Securities Investor Protection Corporation for calendar year 1985; to the Committee on Banking, Housing, and Urban Affairs.

EC-3618. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on Home Equity Conversion Mechanisms; to the Committee on Banking, Housing, and Urban Affairs.

EC-3619. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1987 and 1988, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-3620. A communication from the Chairman of the Consumer Product Safety Commission as Chairman of the Interagency Committee on Cigarette and Little Cigar Fire Safety, transmitting, pursuant to law, the report of the Committee on progress in implementing the Cigarette Safety Act of 1984; to the Committee on Commerce, Science, and Transportation.

EC-3621. A communication from the Secretary of Energy, transmitting, pursuant to law, the final report entitled "Prospects for Foreign Application of Wind Systems"; to the Committee on Energy and Natural Resources.

EC-3622. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to amend the Disaster Relief Act of 1974; to the Committee on Environment and Public Works.

EC-3623. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "EPA Activities and Accomplishments Under the Resource Conservation and Recovery Act: Fiscal years 1980 to 1985"; to the Committee on Environment and Public Works.

EC-3624. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Tenth Annual Report on the Child Support Enforcement Program; to the Committee on Finance.

EC-3625. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an addendum to a report recently submitted on the experience of the Department in implementing the Freedom of Choice waiver provisions of the Social Security Act; to the Committee on Finance.

EC-3626. A communication from the United States Trade Representative, transmitting, pursuant to law, a report on unfair trade practices petitions; to the Committee on Finance.

EC-3627. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to August 6, 1986; to the Committee on Foreign Relations.

EC-3628. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs) and the Assistant Secretary of the Treasury (Legislative Affairs), transmitting jointly, pursuant to law, a report on progress toward achieving the goals of Title VII–Human Rights, for fiscal year 1985; to the Committee on Foreign Relations.

EC-3629. A communication from the Assistant Secretary of State (Legislative and

Intergovernmental Affairs), transmitting, pursuant to law, a report on inter-American cooperation in space, science, and technology; to the Committee on Foreign Relations.

EC-3630. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to August 8, 1986; to the Committee on Foreign Relations.

EC-3631. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Follow-up Compliance Audit of the District of Columbia Lottery and Charitable Games Control Board"; to the Committee on Governmental Affairs.

EC-3632. A communication from the Assistant Secretary of State (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3633. A communication from the Assistant Attorney General (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3634. A communication from the accountants of the Sacramento Farm Credit Employee's Retirement Plan, transmitting, pursuant to law, the annual report of the Plan for calendar year 1985; to the Committee on Governmental Affairs.

EC-3635. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports issued by the General Accounting Office for the month of July 1986; to the Committee on Governmental Affairs.

EC-3636. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, notice of a computer matching program; to the Committee on Governmental Affairs.

EC-3637. A communication from the Executive Director of the President's Commission on Executive Exchange, transmitting a draft of proposed legislation to establish the maximum period of time for extensions of service at three hundred and sixty-five days for certain participants in executive exchange and fellowship programs; to the Committee on Governmental Affairs.

EC-3638. A communication from the Acting Special Counsel of the Merit Systems Protection Board, transmitting, pursuant to law, the report of the Secretary of the Interior setting forth findings and conclusions of the Secretary's investigation into allegations of mismanagement and a gross waste of funds by officials of the U.S. Geological Survey; to the Committee on Governmental Affairs.

EC-3640. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of Overpayments From the Unemployment Compensation Trust Fund"; to the Committee on Governmental Affairs.

EC-3641. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Auditors Oversight Role Relative to Mayor's Memorandum 76-108"; to the Committee on Governmental Affairs.

EC-3642. A communication from the General Counsel and Congressional Liaison of the United States Information Agency, transmitting, pursuant to law, a proposed amendment to a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-3643. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report with respect to actions taken to recruit and train Indians to qualify for positions which are subject for preference under Indian preference laws; to the Select Committee on Indian Affairs.

EC-3644. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Black Lung Benefits Act to provide for the rounding down to the next lower ten cents at each intermediate stage of benefit computation, and rounding down to the next lower dollar of the actual benefit amount payable; to the Committee on Labor and Human Resources.

EC-3645. A communication from the Secretary of Labor, as Chairman and the Executive Secretary of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report of the Corporation for fiscal year 1985; to the Committee on Labor and Human Resources.

EC-3646. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the National Diffusion Network; to the Committee on Labor and Human Resources.

EC-3647. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Institutional Aid Programs—General Provisions; to the Committee on Labor and Human Resources.

EC-3648. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for the Student Assistance General Provisions; to the Committee on Labor and Human Resources.

EC-3649. A communication from the Secretary of Education, transmitting, pursuant to law, a report on Home Health Services Programs; to the Committee on Labor and Human Resources.

EC-3650. A communication from the Secretary of Health and Human Resources, transmitting, a draft of proposed legislation to reduce costs in the Medicare and Medicaid programs, and for other purposes; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WEICKER, from the Committee on Appropriations, with amendments:

H.R. 5233: A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 1987, and for other purposes (Rept. No. 99-408).

By Mr. ROTH, from the Committee on Governmental Affairs, with amendments:

H.R. 3002: A bill to provide for the establishment of an experimental program relating to the acceptance of voluntary services from participants in an executive exchange program of the Government (Rept. No. 99-409).

By Mr. ABDNOR, from the Committee on Environment and Public Works, with amendments:

S. 1696: A bill to establish a federally declared floodway for the Colorado River below Davis Dam (Rept. No. 99-410).

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1903: A bill to improve the safe operations of commercial motor vehicles, and for other purposes (Rept. No. 99-411).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2439: A bill to amend the act of February 25, 1920, to provide for competitive leasing of oil and gas for onshore Federal lands, and for other purposes (Rept. No. 99-412).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 2635: A bill to protect the integrity and quality of certain reaches of the Henry's Fork of the Snake River, ID, and for other purposes (Rept. No. 99-413).

By Mr. MATHIAS, from the Committee on Rules and Administration, with an amendment in the nature of a substitute:

S. 1311: A bill to authorize the Smithsonian Institution to plan, design, and construct facilities for the National Air and Space Museum (Rept. No. 99-414).

By Mr. MATHIAS, from the Committee on Rules and Administration, without amendment:

S. 2785: An original bill to authorize appropriations for the Federal Election Commission for fiscal year 1987 (Rept. No. 99-415).

By Mr. MATHIAS, from the Committee on Rules and Administration:

Special report on budget allocations of the Committee on Rules and Administration (Rept. No. 99-416).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment:

S. 2287: A bill to amend the Wild and Scenic Rivers Act to designate a certain portion of the Great Egg Harbor River in the State of New Jersey for potential addition to the wild and scenic rivers system (Rept. No. 99-417).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 2320: A bill to amend an act to add certain lands on the Island of Hawaii to Hawaii Volcanoes National Park, and for other purposes (Rept. No. 99-418).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 2466: A bill to designate a segment of the Saline Bayou in Louisiana as a component of the National Wild and Scenic Rivers System (Rept. No. 99-419).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with amendments:

S. 2532: A bill to amend the Wild and Scenic Rivers Act by designating a segment of the Black Creek in Mississippi as a component of the National Wild and Scenic Rivers System (Rept. No. 99-420).

By Mr. McCLURE, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 4378: A bill to govern the establishment of commemorative works within the National Capital Region of the National Park System, and for other purposes (Rept. No. 99-421).

By Mr. DANFORTH, from the Committee on Commerce, Science, and Transportation:

Report to accompany the bill (S. 2760) to regulate interstate commerce by providing for a uniform product liability law, and for other purposes (with additional views) (Rept. No. 99-422).

By Mr. DOMENICI, from the Committee on the Budget, without recommendation without amendment:

S. Res. 459: An original resolution waiving section 303(a) of the Congressional Budget Act of 1974 for the consideration of S. 2405.

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 477: A resolution waiving section 303(a) of the Congressional Budget Act of 1974 with respect to S. 2230 as reported by the Committee on Governmental Affairs.

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 985: A bill to protect the rights of victims of child abuse.

By Mr. SIMPSON, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1225: A bill to amend the Atomic Energy Act of 1954, as amended, to establish a comprehensive, equitable, reliable, and efficient mechanism for full compensation of the public in the event of an accident resulting from activities undertaken under contract with the Department of Energy or activities undertaken by Nuclear Regulatory Commission licensees involving nuclear materials.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD:

S. 2765. A bill to amend section 232 of the Trade Expansion Act of 1962 to improve its administration, and for other purposes.

By Mr. MATHIAS:

S. 2766. A bill to amend the Christopher Columbus Quincentenary Jubilee Act; to the Committee on the Judiciary.

By Mr. ABDNOR (for himself, Mr. GRASSLEY, and Mr. ANDREWS):

S. 2767. A bill to make equitable adjustments in the commodity programs for wheat and feed grains and in the application of the maximum payment limitation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. KENNEDY:

S. 2768. A bill to amend the Immigration and Nationality Act to effect changes in the numerical limitation and preference system for the admission of immigrants; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 2769. A bill to amend title 44 of the United States Code, to provide for an Office of Inspector General in the Government Printing Office; to the Committee on Rules and Administration.

By Mr. COCHRAN (for himself, Mr. PRYOR, Mr. LEAHY, Mr. BUMPERS, Mr. FORD, Mr. BURDICK, Mr. MATTINGLY, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. BENTSEN, Mr. DURENBERGER, Mr. HEFLIN, Mr. ABDNOR, Mr. DENTON, Mr. BOREN, Mr. STENNIS, and Mr. EAGLETON):

S. 2770. A bill to amend the Farm Credit Act of 1971 to provide the opportunity for competitive interest rates for the farmer, rancher, and cooperative borrowers of the Farm Credit System, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 2771. A bill to require the Secretary of Health and Human Services to determine the appropriate regulatory classification of the transitional devices of the Medical Device Amendments of 1976 to the Food, Drug and Cosmetic Act and for other purposes; to the Committee on Labor and Human Resources.

S. 2772. A bill to amend the Orphan Drug Act of the Food, Drug and Cosmetic Act to allow more then one company to be granted a 7-year exclusive marketing privilege due to simultaneous development when more than one company has filed a New Drug Application (NDA) before the time the first company has received FDA approval for its product; to the Committee on Labor and Human Resources.

By Mr. SIMON:

S. 2773. A bill establishing a commission to coordinate the commemoration of the bicentennial of the Congress; to the Committee on Governmental Affairs.

By Mr. LONG:

S. 2774. A bill to provide for a temporary suspension of duty on sethoxydim for a period of three years; to the Committee on Finance.

S. 2775. A bill to suspend for a three year period the duty on 3-Ethylamino-p-cresol; to the Committee on Finance.

By Mr. DURENBERGER (by request):

S. 2776. A bill to reduce costs in the Medicare and Medicaid programs, and for other purposes; to the Committee on Finance.

By Mr. MATSUNAGA (for himself, Mr. INOUYE, Mr. CRANSTON, Mr. MELCHER, and Mr. BAUCUS):

S. 2777. A bill to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units; to the Committee on Energy and Natural Resources.

By Mr. ZORINSKY:

S. 2778. A bill to reinstate the originally authorized cost sharing rules of the Missouri National Recreation River; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself, Mr. BOREN, Mr. BINGAMAN, Mr. NICKLES, Mr. BENTSEN, Mr. LONG, Mr. JOHNSTON, Mr. SIMPSON, Mr. STEVENS, Mr. MURKOWSKI, Mrs. KASSEBAUM, Mr. PRYOR, and Mr. LEVIN):

S. 2779. A bill to amend the Internal Revenue Code of 1954 to impose a fee on the importation of crude oil and refined petroleum products to protect the national and energy security interests of the United States; to the Committee on Finance.

By Mr. DURENBERGER (for himself on and Mr. STAFFORD):

S. 2780. A bill entitled the "Pipeline Safety Act of 1986"; to the Committee on Commerce, Science, and Transportation.

By Mr. EVANS (for himself, Mr. JOHNSTON, Mr. CRANSTON, Mr. MATSUNAGA, Mr. WEICKER, Mr. FORD, Mr. MELCHER, Mr. BUMPERS, Mr. SARBANES, and Mr. GRASSLEY):

S. 2781. A bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances; to the Committee on Energy and Natural Resources.

By Mr. HEFLIN:

S. 2782. A bill to designate the Sipsey River as a component of the National Wild and Scenic Rivers System, to designate certain areas as additions to the Sipsey Wilderness, and to preserve over thirty thousand acres of pristine natural treasure in the Bankhead National Forest for the aesthetic and recreational benefit of future generations of Alabamians, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GLENN:

S. 2783. A bill to deny beneficiary developing country designations under the Generalized System of Preference to countries that aid other countries to circumvent certain quantitative limitations articles imported into the United States; to the Committee on Finance.

By Mr. GLENN (for himself, Mr. D'AMATO, Mr. MOYNIHAN and Mr. SIMON):

S. 2784. A bill to establish a Federal guaranteed loan program to provide for the protection from shoreline erosion of improvements to residential real property contiguous with the Great Lakes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MATHIAS:

S. 2785. An original bill to authorize appropriations for the Federal Election Commission for fiscal year 1987; from the Committee on Rules and Administration.

By Mr. MOYNIHAN:

S. 2786. A bill to amend title XVIII of the Social Security Act to provide the exemption of certain cancer research and treatment centers from the prospective payment system; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mrs. HAWKINS):

S. 2787. A bill entitled the "Mandatory Crack and Other Drug Penalties Act"; to the Committee on the Judiciary.

By Mr. WILSON:

S. 2788. A bill to designate the Federal building located in San Diego, California, as the "Jacob Weinberger Federal Building"; to the Committee on Environment and Public Works.

By Mr. MATTINGLY (for himself, Mr. DENTON, and Mr. TRIBLE):

S. 2789. A bill to provide emergency disaster relief for 1986 to agricultural producers suffering drought disaster by utilizing surplus commodities owned by the Commodity Credit Corporation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MELCHER:

S. 2790. A bill to designate certain National Forest System lands in the State of Montana for inclusion in the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HUMPHREY (for himself, Mr. DENTON, Mrs. HAWKINS, and Mr. HELMS):

S. 2791. A bill to require certain individuals who perform abortions to obtain informed consent; to the Committee on Labor and Human Resources.

By Mr. LUGAR (for himself, Mr. PELL, Mr. LEVIN, Mr. DOLE, Mr. PRESSLER, Mr. BENTSEN, Mr. HATCH, Mr. KERRY, Mr. INOUYE, Mr. BRADLEY, Mr. SIMPSON, Mr. MURKOWSKI, Mr. SIMON, Mr. KASTEN, Mr. GORTON, Mr. ANDREWS, Mr. MOYNIHAN, Mr. BOSCHWITZ, Mr. MITCHELL, Mr. DURENBERGER, Mr. BURDICK, Mr. MELCHER, Mr. RUDMAN, Mr. SARBANES, Mrs. KASSEBAUM, Mr. RIEGLE, Mr. ZORINSKY, Mr. KENNEDY, Mr. WEICKER, Mr. CRANSTON, Mr. BOREN, Mr. ABDNOR, Mr. STAFFORD, Mr. MATSUNAGA, Mr. LEAHY, Mr. HATFIELD, Mr. COHEN, Mr. D'AMATO, Mr. BAUCUS, and Mr. MATHIAS):

S.J. Res. 402. Joint resolution designating July 2 and 3, 1987, as the "United States-Canada Days of Peace and Friendship"; to the Committee on the Judiciary.

By Mr. ROTH (for himself, Mr. BIDEN, and Mr. BOSCHWITZ):

S.J. Res. 403. Joint resolution to designate 1988 as the "National Year of Friendship with Finland"; to the Committee on the Judiciary..

By Mr. SIMON:

S.J. Res. 404. Joint resolution to designate October 1986 as "Polish American Heritage Month"; to the Committee on the Judiciary.

By Mr. GLENN (for himself, Mr. WARNER, Mr. BURDICK, Mr. ZORINSKY, Mr. DANFORTH, Mr. HEFLIN, Mr. DIXON, Mr. CRANSTON, Mr. LEVIN, Mr. METZENBAUM, and Mr. DENTON):

S.J. Res. 405. Joint resolution to designate September 11, 1986, as "9-1-1 Emergency Number Day"; to the Committee on the Judiciary.

By Mr. TRIBLE (for himself and Mr. HELMS):

S.J. Res. 406. Joint resolution to designate October 4, 1986 as "National Outreach to the Rural Disabled Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STAFFORD:

S. Res. 482. A resolution authorizing the printing of the report entitled "Highway Bridge Replacement and Rehabilitation Program, Seventh Annual Report to Congress" as a Senate document; to the Committee on Rules and Administration.

By Mr. KENNEDY:

S. Res. 483. A resolution expressing the sense of the Senate that the concerns of Safeway workers should be addressed as an integral part of the takeover plan currently underway; to the Committee on a Labor and Human Resourses.

By Mr. DOMENICI (for himself, Mr. HEINZ, and Mr. DANFORTH):

S. Res. 484. A resolution expressing the sense of the Senate with respect to international economic policy; to the Committee on Finance.

By Mr. HEINZ (for himself and Mr. SPECTER):

S. Res. 485. A resolution expressing the sense of the Senate that Congress should enact legislation to return Conrail to the private sector through a public stock offering; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR:

S. Con. Res. 161. A concurrent resolution directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 4329; considered and agreed to.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABDNOR (for himself, Mr. GRASSLEY, and Mr. ANDREWS):

S. 2767. A bill to make equitable adjustments in the commodity programs for wheat and feed grains and in the application of the maximum payment limitation, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM POLICY REFORM ACT

Mr. ABDNOR. Mr. President, the bill I am introducing today to reform the Farm Program has three basic objectives:

First, to give farmers the opportunity for improved target prices—as high as $5.35 for wheat and $3.65 for corn; second, to get Government out of the business of storing price-depressing surpluses—by instituting a marketing loan program for wheat, feed grains, soybeans, and oilseeds (sunflower seed, cottonseed, flaxseed, and rapeseed); and third, to close the payment limit loopholes on those who abuse the program and wreck it for everyone else.

IMPROVED PRICES

My bill will compel the Secretary of Agriculture to implement the "Target Option Program." The program—which Senator DOLE and I called "TOP" during debate on the 1985 farm bill—gives farmers the opportunity to select higher target prices in return for agreeing to higher set-aside levels.

The concept is simple, straightforward, responsible and it reflects marketplace realities: Farmers who need higher prices and are willing to make the production adjustments to get them will be given the opportuntiy to do so.

Unlike other proposals, some of which contain severe penalties, no farmer will be forced to do anything under my bill. But every producer of wheat and feed grains will have the chance to tailor his participation in the farm program to meet his own needs.

The only one who will be compelled to do anything is the Secretary of Agriculture. Under my bill, he will be forced to give farmers a realistic alternative to bankruptcy prices and dictatorial edicts issued from Washington.

There are those who believe the only alternative is to have Uncle Sam dictate farm prices and production decisions—and to have Washington enforce those decisions upon farmers through mandatory controls on production or marketing.

I simply disagree. I believe giving farmers a real and effective voice in their own pricing and production decisions is far preferable to expanding the powers of Washington. Bureaucrats already have too much control over the daily affairs of America's farmers. Giving them still more control is no answer at all.

Contrary to anything the supporters of mandatory controls may say, I simply do not believe Washington can be trusted to reverse 50 years of cheap food policies. Why should we believe, all of a sudden, Washington can be trusted to start placing the interests of 2 million farmers above those of 250 million other Americans? That is just not in the cards, and I think those paying lipservice to mandatory controls know it.

The only way improved prices can be achieved is if farmers themselves are given the tools to manage their own business—and that is exactly what TOP does.

There are those cynics who will say TOP is merely an election-year ploy—that we can't possibly let farmers make their own production decisions and select their own target prices.

I say why not.

I've believed in and supported TOP ever since the concept was first introduced by Senator DOLE back in 1978. That was an election year too, but the concept is just as sound now as it was then. For anyone who'd care to check, my initial remarks in support of the idea on the floor of the House or Representatives can be found in the CONGRESSIONAL RECORD, dated April 12, 1978. TOP was known as "flexible parity" then, but the concept was the same.

Flexible parity actually passed the Senate and was championed in the House by my dear friend, the late Keith Sebelius. Unfortunately, it was defeated by the House in conference committee under threat of veto by the Carter administration. The conference committee dropped that version of TOP following defeat of a motion to instruct the House conferees to accept the Senate-passed language. The motion to instruct was offered by Congressman MOORE and was tabled on a motion by Congressman FOLEY.

For the benefit of those unfamiliar with parliamentary maneuvers, the bottom line is that former President Carter and his cohorts in the majority party in the House defeated TOP and denied the farmers the opportunity for higher target prices. Anyone who doubts that fact need only check rollcall vote No. 182 on the Foley tabling motion, found on pages 7960 and 7961 of the permanent RECORD, March 22, 1978, to see who the opponents were.

Well some of the opponents of TOP are now different than those who defeated it back in 1978. But I am one of the supporters who remains committed to giving farmers the opportunity to manage their own production and to achieve a better price—the opportunity to control their own destiny.

During consideration of the 1985 farm bill, I joined Senator DOLE in raising the idea again and TOP was incorporated in the Senate-passed bill for wheat. I objected to the fact feed grains were excluded. I was upset the target prices were reduced in the years ahead, and I voted against the Lugar-Dole amendment accordingly. I was even more disappointed, though, when the House once again—just as in 1978—failed to support TOP, and the Senate-passed language was deleted in

conference and replaced with less forceful provisions.

On the other hand, since farmers had been left hanging in uncertainty too long already and needed to get into their fields, I did vote for the bill on final passage. I cast my vote for the bill on final passage not just because it was the best alternative—it was the only alternative with any chance of becoming law.

Thus, I voiced my displeasure at the bill's flaws and took the only responsible course that could be taken at the time. Accordingly, farmers were finally given the outlines of the program under which they had to make their planting decisions. Moreover, since authority for TOP was included for wheat on a permissive basis, the 1985 farm bill held out at least some hope of an improved program for wheat—a TOP program with higher target prices combined with effective producer-controlled supply management.

It is to achieve those target price improvements and to implement that effective producer-controlled supply management program that I am introducing my bill today.

Considering all the rhetoric from Members of the House about giving farmers a voice, it is ironic the reluctance of the House to support TOP in effect supports the Secretary's decision not to give each farmer a voice in his own price and production levels.

It is time farmers are given that voice and the tool they need to manage their own supplies to achieve the prices they need for economic survival. The tool is TOP, and only through TOP will each farmer be given the voice he needs to be heard.

I categorically reject the assertion of the naysayers that it is too expensive to give farmers a choice—that Uncle Sam must take it upon himself to tell them what to do. There is room for debate over exactly what price and production options should be presented to farmers. The TOP options would be based upon marketplace and budgetary realities. But no one can say in good faith that Uncle Sam is better qualified to make all of the price and production decisions for a farmer than the farmer himself. That's nonsense. We all know it, and its time to do something about it!

The fact is, mandatory controls are far more expensive in the final analysis than a properly focused TOP will ever be. One reason mandatory controls are a costly way to aid the average operator is that they convey most of the benefits to the largest operators and help the average farm family relatively little. Another reason mandatory controls are so costly to the Nation is the distortions of the market inevitably associated with any effort by Government to try to tell entrepreneurs how to run their businesses. Centralized planning doesn't work very well in the Soviet Union, and it can't be expected to work any better here.

The average farm family will be better off under TOP in the short run, and the Nation as a whole will be far better off in the long run.

STORAGE VERSUS SALES

There are those who would have us believe we can "store ourselves to agricultural prosperity." Under their program, Government need only set high commodity loan rates, acquire and store all of the grain forfeited because market prices are below the loan, and all will be well in rural America and the Nation's farm economy.

That is preposterous, and anyone who's honest with farmers knows it.

What those who support high nonrecourse loan rates don't like to talk about is the fact their real program is mandatory production controls. Oh, yes, you'll hear them talk a lot about "voluntary controls," but that's like being a little pregnant. Either you are or you aren't. Either farmers will be controlled by bureaucrats in Washington or they won't be.

Either controls will be imposed and they will be mandatory, or the proponents of high loan rates have no real proposal at all. Why can't they just be honest with farmers about that?

"Voluntary controls" is a contradiction in terms, and there clearly is a more honest and responsible alternative. That alternative is producer-controlled supply management through TOP. And the better alternative to high nonrecourse loan rates is reasonable "marketing loan" rates.

Under the marketing loan authority contained in my bill, Uncle Sam will cease acquiring and storing price-depressing surpluses. Instead of looking for ways to spend more money storing our production, we'll be looking for ways to market and sell it.

Under the Nonrecourse Loan Program, our foreign competitors have undercut us in world markets and been supported in doing so by our high loan rates. Converting to marketing loans will force our competitors to face the fact we are not going to let them get away with it anymore.

At the same time, however, farmers need not fear unbridled production because they will have the tool they need to manage supplies through TOP.

TOP and the marketing loan—which might be called "MOP," for marketing option program—are complementary. The MOP will help to clean out our price depressing surpluses and the TOP will guarantee the average farmer the top support price possible under current market and budgetary conditions.

By contrast, high loan rates will guarantee only—first, the buildup of price-depressing surpluses in Government storage; second, that most of the price relief goes to the largest operators, who are already the most profitable; third, a new round of production-cost inflation, leaving the average farmer worse off than before; and fourth, the loss of sales and ultimately farms to our foreign competitors.

Some have tried to paint mandatory controls as a very rosy picture for farmers—they are not, and by contrast to TOP, they are a bleak prospect indeed.

When it comes to profitability in agriculture, there is simply no substitute for sales. And when it comes to pricing and production decisions, the dictates of bureaucrats in Washington are no substitute for the judgment of farmers themselves. High loan rates and mandatory production controls are a particularly poor substitute.

CLOSING THE LOOPHOLES

My determined efforts to close tax-loss farming loopholes are well known. And I am delighted the principle for which I have fought is incorporated in the tax reform bill now in House-Senate conference. Wealthy outside investors in agriculture not only avoid paying their fair share in taxes, they also contribute to overproduction, production cost inflation, and they often break up highly erodible land.

It's time to call a halt to the practice of tax-loss farming, and to give bona fide, full-time family farmers a fair chance to preserve their livelihood. Moreover, the bill I am introducing today is designed to extend the principle to farm policy as well—by closing loopholes in the $50,000 payment limitation.

There is just no excuse for allowing big, wealthy operators to spoil the farm program for everyone else by circumventing the payment limitation. Not only do big payments to big operators give them added advantage over the average farm family, but the added cost is unjustifiable as well. Those funds would be better spent reducing the deficit or—as would be my preference—increasing price protection for the average farmer. Furthermore, multimillion dollar payment to huge, corporate farmers give farm programs in general a black eye. From what they read in the press and see on TV, the public might be led to believe every farmer is receiving hundreds of thousands of dollars, if not millions, in subsidies from the Government.

Methods used by big operators to circumvent the payment limit take several forms, including: first, formation of dummy corporations to qualify for additional payment; second, participating in the farm program on one crop to collect the maximum payment, while staying out of the program and overproducing other crops; third, participating on one farm but not on others operated by the same producer; and fourth, planting nonprogram

crops on set-aside acres when the payment limit is reached, thus avoiding compliance with the same acreage reductions required of other farmers.

My bill closes these loopholes as follows:

First. The share owned by one individual for a corporation to be considered one entity for payment limitation purposes would be lowered from 50 percent to 20 percent.

Under current regulations some big operators circumvent the payment limitation by reconstituting their farms into several different corporations, each of which is the treated separately for payment purposes. My bill would narrow this loophole by lowering to 20 percent the maximum share of a corporation owned by one individual before it is considered one entity for payment limitation purposes. Currently, the figure is 50 percent, so that an operator intent on circumventing the limit need only get one other person to agree to participate in his scheme in order to double his payment.

The Congressional Budget Office estimates savings of $20 million per year through enactment of this provision. Although it would not shut off the loophole completely, it would increase the number of others the abuser would have to incorporate into his scheme. Thus, it will be more difficult to circumvent the payment limit through this means, and the potential abuser may not find it worth his time and trouble.

Second. A producer participating in the Price Support Program on one crop would be required to comply with acreage reduction requirements on all program crops.

This concept has been called "cross compliance," and it may be considered at two levels—limited and full. Limited cross compliance means that a producer who complies with an acreage reduction program and receives price support benefits on one crop may not exceed his acreage based on plantings of other crops. USDA estimates cost savings as high as $195 million annually from limited cross compliance. Full cross compliance means that a producer seeking price support benefits on any crop must comply with acreage reduction requirements on all program crops, and while there is doubt about the potential cost savings involved, allowing big producers to avoid the payment limitation in this way is clearly contrary to the purposes of the program. My bill would require full cross compliance, but of course, under TOP each producer would be free to choose the level of production and price protection best suited to his operation.

Third. A producer participating in the Price Support Program on one farm would be required to comply with acreage reduction programs on all farms he operates.

Again, it is clearly contrary to the intent of the program to allow an operator the benefit of receiving a full payment on one farm while holding other farms out of the Acreage Reduction Program. It is not that Uncle Sam should tell him what to do on any of his farms, but if he seeks price protection under the program, he must be willing to comply with spirit of the Acreage Reduction Program as well.

To reemphasize once again, however, under TOP the producer himself would be in control of his own production and price protection levels. Therefore, he will have less incentive to try to circumvent the payment limit and no excuse for trying to capitalize on the program on one farm while holding other farms out.

USDA estimates savings up to $87 million from the application of offsetting compliance to wheat and feed grains. The Secretary is currently barred by law from applying offsetting compliance to producers of cotton and rice, but my bill would apply the provision uniformly to anyone participating in the wheat and feed grains programs.

Fourth. Large operators would be required to comply with the same setaside levels as all other participating farmers.

It is almost beyond belief that big operators would be permitted the same level of target price protection without complying with the same acreage reduction requirements as the average family farmer, but that is the case under existing law. Whenever a large operator hits the payment limit, the Secretary of Agriculture is required to allow the producer to grow nonprogram crops on a portion of his acreage which would otherwise have to be retired from production. Not only is this patently unfair to the average operator, who is effectively denied the same opportunity to use his setaside acres, but it tends to stimulate production and depress the price of nonprogram crops as well. CBO estimates savings of $30 million each year from this provision.

Fifth. Payments to foreigners would be abolished.

Strictly speaking, this is not a payment loophole confined to large operators, but as a matter of principle, I believe America's Farm Program should benefit American farmers; that is, American citizens. I don't begrudge those from other nations coming here to try to go into farming. Indeed, my own father came from Lebanon and I would be the last to say our nation of immigrants should turn a cold shoulder to those from other lands. The reality is that American agriculture is in crisis, however, and any foreigner who would come here to farm must already have considerable wealth or it is unlikely he will be able to get into the business anyway. Furthermore, he need only become a citizen to qualify for farm program benefits like any other American farmer.

CBO estimates savings of $30 million per year by precluding Farm Program benefits to foreigners. Even though that is no small amount of money, I can't help observing it is almost insignificant by comparison to the aid we have given to foreign farmers through our high nonrecourse loan rate and storage policies under the Farm Program, and through subsidized loans for foreign agricultural developments. Even those subsidies to foreigners would pale by comparison to the aid we would give them through the unilateral application of mandatory production controls, though, and I believe we must price the interests of America's farmers first.

No doubt ingenious, big operators and their attorneys will find other loopholes through which to abuse the purposes of the program, and any additional loopholes which can be identified should be closed as well. Enactment of these measures will be a significant step in the right direction, though. In addition to the important principles involved—particularly the principle of fairness to the average farmer and the principle of making acreage reduction programs effective—the combined cost savings from closing these five loopholes is significant.

Altogether, closing these loopholes may save as much as $362 million annually, or nearly $1½ billion over 4 years. That's more than we spent in total on target price protection for all of America's farmers as recently as 1980, and its money we could put to much better use today in offering improved target price options to farmers through TOP.

UNLIKELY ALLIES

Yes, it is true, as the Washington Post said a few months ago in an editorial, "The farm bill, whatever its terms, will not solve the farm problem." But, surely, neither the Post nor the big city folks who read it would argue that means we should not do the best we can for America's farmers.

We can't keep every farmer on the farm regardless of the depth of his personal, financial problems or how he got into them, if that's the definition of solving the farm problem. But we can solve the problem as far as the Government's proper role in the crisis is concerned. What it takes is an understanding of what the problem really is, some common sense, and good faith that it is really the average family farmer we are trying to help.

The bulk of farmers' income must come from the marketplace and not from Uncle Sam. The problem in the marketplace is overproduction, leading to low prices, and the pockets of the taxpayers are not deep enough to repeal the laws of agricultural eco-

nomics. It is not as if the Government is without blame, however.

The problem facing farmers and rural America is twofold: First, it is the inevitable result of progress and changing times, technological innovations leading to shifts in the marketplace and to strains on the social structure of rural communities. Second, however, the problem on the farm has been aggravated, if not created, by the well-intentioned but misguided, paternalistic policies of Uncle Sam.

Specifically, in the name of protecting the family farmer, Government has delivered the bulk both of its Direct Farm Program assistance and its indirect tax policy benefits to the larger operators and to wealthy investors. And higher loan rates and mandatory production controls would aggravate the problem. Over the period of time the Federal Government has been involved in tilting farm and tax policies toward the big guys and toward "gentlemen farmers," it doesn't take a genius to figure out they have gained added advantage over their smaller competitors, and the avarage and smaller operators have suffered added financial strain. Indeed, studies have shown income would have been more equitably distributed among farmers if not for the farm program.

As bad as that is, worse yet is the fact Federal farm policies have done just the reverse of what they should do for farmers. Government should be highlighting, in a meaningful way through both farm and tax policies, the realities producers face in the marketplace and how each of them, individually on their own farms can best fit into and survive in the market. Instead, Uncle Sam has paid lipservice to protecting them, while distorting and attempting to mask the irresistible forces of the market. Obviously, it doesn't work. It is aggravating and prolonging the agony, hurting more than it helps.

Farmers do not need to be protected against the fair, albeit sometimes harsh realities of the marketplace. They need to be protected from the unfairness injected into the marketplace by governments, foreign and our own. And, after so many years of Federal farm paternalism, they need a program which lays before them the choices available to them, given both the income potential available to them in the marketplace and the limited Federal assistance dollars budgeted for farm income support.

And that's the issue on which the Washington Post, and the urban oriented point of view it represents are dead wrong and fail so miserably. The Target Option Program [TOP], which the Post argued in its editorial should be dropped from the Senate version of the 1985 farm bill, is the freshest breath of air and hope for farmers since the Soviets took our surplus off our hands early in the last decade. Not only does TOP effectively target taxpayer-funded assistance to the average operators, but it does so in a way which reflects economic reality.

Even the Post is smart enough to figure out we have too much production and the result is bankruptcy prices for many, good farmers. Apparently it is too great a leap of understanding, though, to appreciate the ironclad logic of TOP if it truly is the average operators we are trying to help.

If we have too much production, isn't reduced production the only logical response to achieve higher prices? So what is to keep farmers from doing that themselves, the Post might ask. Well, the answer is pretty basic and simple. In the most perfectly competitive market still existing, no individual farmer can influence the price he receives. In other words, what is the obvious production response for the industry as a whole is by no means the logical decision for an individual producer.

Quite the contrary, the best response for a farmer might very well be to do just the opposite of his neighbors. As they cutback and prices rise, he increases production and nets the gain of his neighbors' restraint. Moreover, while every farmer would like higher prices, each has different circumstances, and it is impossible for Uncle Sam to set a single price and production level that will meet the needs of all farmers. Worst of all, despite paying lip service to production restraint, in reality the farm program actually has given farmers every incentive to continue producing price depressing surpluses.

That's the beauty of TOP. It reflects real market choices in a noncoercive way which is meaningful to the only decisionmaker in agriculture who counts. It is not agriculture as an industry, but each farmer on his own farm who decides how much to plant and grow. And that's the way it should be. Farmers don't want to be told what to do, and it is not in the national interest to have Washington trying to tell them what to do.

Without throwing open the doors of the Treasury to the big guys or imposing "Big Brother" Government-mandated production controls, TOP will give each farmer, for the first time in history, a real voice in the price he receives for his product and especially for his management expertise. TOP will not attempt to force every farmer into the same "either/or—you're-in-or-you're-out" dilemma inherent in existing farm programs which fail to differentiate between those who need assistance and those who don't, while requiring huge payments to induce larger operators to participate.

Rather, TOP will encourage each farmer to make his own best judgment about his own pricing and production levels, and each farmer will receive a target price consistent with the production level he chooses for himself.

Unlike the failed policies of the past, which have attempted to insulate farmers from the market and minimize the importance of their actions in determining their fate, TOP will for the first time draw the essential link between each farmer's own production behavior and the reward he receives.

And therein lies the key to solving the farm problem. TOP will not solve every farmer's problem. But it will solve the problem that can and should be solved; that is, determining the proper role of Government in soothing the strains of change in rural America, maintaining an improved price safety net for America's farmers, and helping to ensure the strength of American agriculture as an industry in the years ahead.

Yes, deficiency payments made to farmers under the target price program are costly, but not nearly so costly in the long run as either price support loans or mandatory production controls, both of which serve short-term political expediencies but fall farmers, agriculture as an industry, and the Nation as a whole in the long run. The inevitable cannot be put off forever, nor can Government somehow ease the pain of those in need by dispensing farm subsidies willy nilly, by trying to tell each farmer and all of his neighbors what to do through production controls, or by encouraging him to forget about the market because it's Uncle Sam's responsibility to take care of him.

Federal paternalism is both demeaning to individual farm families and doomed to continued failure for agriculture as an industry and for the Nation as a whole. Comedians have often drawn laughs by citing the three great lies: Lie First—I love you. Lie Second—the check is in the mail. And lie Third—I'm with the Government, and I'm here to help. But the Farm Program policies of the past have embodied all three into one huge lie as far as farmers are concerned. And no one in rural America is laughing.

Farmers realize that, and its time for the Post and urban Members of Congress to understand it too. It's time to lay before farmers as simply and clearly as possible the hard choices they must face. And it's time for the Federal Government to stand behind the average, full-time family farmer who is the backbone of rural America.

It's time to target limited taxpayer financed farm subsidies to those who need and are deserving of them, and it's time to stop making huge payments to big farmers.

It's time to stop trying to tell farmers what to do and to start asking them to do what is in their own enlightened self-interest.

It's time to hold each farmer responsible for his own production decisions, and it's time to give him a real opportunity to make a meaningful choice, one which will truly make a difference to him and his family.

TOP embodies those principles. TOP is the only hope for most average farm families to have a realistic opportunity to improve their own chance of economic survival, and it is the best hope for preservation of a way of life in rural America.

Under the bill I am offering today, the average American family farmer can choose target prices as high as $5.35 a bushel for wheat and $3.65 for corn. That's the bottom line for farmers—the price they receive for their product—and no other alternative offers them the opportunity for such attractive prices. No other alternative which fails to address the need for targeting of benefits can offer such attractive prices without greatly increased costs.

The time has clearly come for TOP, and the Washington Post is among a most unlikely group of allies opposed to the program. On the one hand, the Secretary of Agriculture seems to be opposed to TOP because he believes it will be too costly, and his bureaucratic advisers at USDA cannot conceive of giving farmers so much flexibility to manage their own affairs. On the other hand, there are those—particularly certain Members of the House of Representatives—who have little concern over the tremendous needless cost and misallocation of resources inherent in a program of high loan rates and mandatory production controls.

The Secretary and these Members of Congress seem to have only two thoughts in common: First, the notion that big subsidies must be paid to big farmers in order for some benefit to trickle down to the average family farmer; and second, the belief that Washington must call the tune and farmers must dance to the tune called in Washington. I reject both notions and urge everyone concerned—particularly the Secretary of Agriculture and those in the House of Representatives who have opposed the concept ever since it was first offered in 1978—to reconsidered and lend their support to TOP.

Farmers can be trusted to manage their own affairs, and Government can do a much better job of targeting limited Federal tax dollars to the average American farmer. TOP is the tool to accomplish both purposes. TOP's time has clearly come, and I urge my colleagues to support enactment of this vital and historic turning point in the evolution of American farm policy.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2767

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Farm Policy Reform Act of 1986."

TITLE I—WHEAT

LOANS AND PURCHASES

SEC. 101. Section 107D(a) of the Agricultural Act of 1949 is amended—

(1) in paragraph (1), by striking out "each of the 1986 through 1990 crops of wheat" and inserting in lieu thereof "the 1986 crop of wheat, and loans for each of the 1987 through 1990 crops of wheat,";

(2) by striking out in paragraph (2) "and purchase";

(3) by striking out in paragraph (3) "the loan and purchase level determined under paragraph (1) shall—" and inserting in lieu thereof "the loan level, (and in the case of the 1986 crop of wheat, the purchase level) determined under paragraph (1) shall—";

(4) in paragraph (3)(B) by striking out "and purchase";

(5) by amending paragraph (4) to read as follows:

"(4)(A) In the case of the 1986 crop of wheat only, if the Secretary determines that the average price received by producers for wheat in the previous marketing year was not more than 110 percent of the loan and purchase level for wheat for such marketing year or determines that such action is necessary to maintain a competitive market position for wheat, the Secretary shall reduce the loan and purchase level for the 1986 marketing year by not less than 10 percent nor more than 20 percent of the loan and purchase level determined under paragraph (3)(A).

(B) Any reduction in the loan and purchase level for the 1986 crop of wheat under the authority of subparagraph (A) shall not be considered in determining the loan level for wheat in subsequent years.";

(6) by amending paragraph (5) to read as follows:

"(5) The Secretary may, in the case of loans made with respect to the 1986 crop of wheat, and shall, in the case of loans made with respect to each of the 1987 through 1890 crops of wheat, permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(A) the loan level determined for such crop; or

"(B) the current national average market price for wheat as determined and announced periodically by the Secretary."; and

(7) by adding at the end thereof the following new paragraph:

"(7) Notwithstanding the provisions of section 405 or any other provision of law, loans made available to producers of any of the 1987 through 1990 crops of wheat under this subsection for which marketing quotas are not in effect shall be recourse loans.".

TARGET PRICES AND ACREAGE LIMITATION PROGRAMS

SEC. 102. Section 107D(c) of the Agricultural Act of 1949 is amended—

(1) in paragraph (1)(C)(iv), by striking out ", set-aside program,";

(2) by amending paragraph (1)(C)(vii) to read as follows:

"(vii) Notwithstanding any other provision of this section, clauses (i), (ii), (iii), (iv), and (vi) of this subparagraph shall apply only to the 1986 crop of wheat.";

(3) in paragraph (1)(E), by striking out "the level of loans and purchases for wheat under subsection (a)(4)" and inserting in lieu thereof "the level of loans and purchases for the 1986 crop of wheat under subsection (a)(4)";

(4) by amending paragraph (1)(G) to read as follows:

"(G) The established price for the 1986 crop of wheat shall not be less than $4.38 per bushel.";

(5) by amending paragraph (1)(H) to read as follows:

"(H) Except as provided in subsection (f)(1)(C)(ii), for any of the 1987 through 1990 crops of wheat for which marketing quotas are not in effect, the established price applicable to the producers on a farm shall not be less than an amount determined on the basis of the percentage by which the producers reduce the acreage planted to wheat on the farm for harvest from the acreage base for the farm (as determined in accordance with title V) in accordance with an acreage limitation program described in subsection (f), a provided in the following table:

If the producers on a farm reduce the acreage planted to wheat on the farm from the acreage base for the farm under an acreage limitation program by:	The established price for wheat applicable to such producers on such farm shall not be less than:
40 percent	$5.35 per bushel
35 percent	5.00 per bushel
30 percent	4.70 per bushel
25 percent	4.40 per bushel
20 percent	4.15 per bushel.".

DISASTER PAYMENT RATE

SEC. 103. Section 107D(c)(2)(B) of the Agricultural Act of 1949 is amended by striking out "established price" and inserting in lieu thereof "average of the established prices".

INDIVIDUAL FARM PROGRAM ACREAGE

SEC. 104. Section 107D(d) of the Agricultural Act of 1949 is amended to read as follows:

"(d) For any crop of wheat for which marketing quotas are in effect, the individual farm program acreage shall be the acreage on the farm that the Secretary determines is sufficient to produce the quantity of wheat equal to the farm marketing quota established for the farm under section 334 of the Agricultural Adjustment Act of 1938.".

ACREAGE LIMITATION PROGRAMS

SEC. 105. Section 107D(f) of the Agricultural Act of 1949, is amended—

(1) by amending paragraph (1)(A) to read as follows:

"(A) The Secretary shall provide for an acreage limitation program for each of the 1986 through 1990 crops of wheat for which marketing quotas are not in effect as provided in this subsection.";

(2) by amending paragraph (1)(C) to read as follows:

"(C)(i) Except as provided in clause (ii), the Secretary shall, with respect to each of the 1987 through 1990 crops of wheat, provide for an acreage limitation program under which the limitation on the acreage planted to wheat shall be achieved by applying the percentage reductions selected by producers under subsection (c)(1)(H) to the

crop acreage base for each wheat-producing farm.

"(ii) Notwithstanding the provisions of subsection (c)(1)(H), the Secretary may, under an acreage limitation program for any of the 1988 through 1990 crops of wheat, announce that a greater or lesser percentage reduction shall be required in order for producers to be eligible to receive payments calculated in accordance with the established prices set forth in subsection (c)(1)(H), if the Secretary determines that such adjustment is necessary to ensure that the total supply of wheat will be adequate but not be excessive.";

(3) by amending paragraph (1)(D) to read as follows:

"(D)(i) The Secretary shall announce any acreage limitation under this paragraph not later than June 1 prior to the calendar year in which the crop is harvested, except that in the case of the 1986 and 1987 crops, the Secretary shall announce such program as soon as practicable after the date of enactment of the Food Security Act of 1985 or the Fairness in Agricultural Programs Act of 1986, respectively.

"(ii) Not later than July 31 of the year previous to the year in which the crop is harvested, the Secretary may make adjustments, as provided in subparagraph (C)(ii), in the program announced under clause (i).";

(4) in paragraph (1)(E), by striking out ", except as provided in subsection (g),";

(5) by amending paragraph (2)(A) to read as follows:

"(2)(A)(i) If the Secretary announces an acreage limitation program for the 1986 crop of wheat, such limitation shall be achieved by applying a uniform percentage reduction to the wheat crop acreage base for each wheat-producing farm.

"(ii) With respect to each of the 1987 through 1990 crops of wheat, the limitation on the acreage planted to wheat shall be achieved by applying the percentage reductions selected by producers under subsection (c)(1)(H) to the crop acreage base for each wheat-producing farm.";

(6) by striking out the first sentence of paragraph (2)(E);

(7) by striking out paragraph (3);

(8) by redesignating paragraph (4) as paragraph (3);

(9) in paragraph (3)(A), as redesignated, by striking out "paragraphs (2) and (3)" and inserting in lieu thereof "paragraph (2)";

(10) in paragraph (3)(D), as redesignated, by striking out "or set-aside";

(11) by redesignating paragraph (5) as paragraph (4);

(12) in paragraph (4)(A)(i), as redesignated, by striking out "acreage limitation program, set-aside program, or marketing quotas" and inserting in lieu thereof "acreage limitation program or marketing quotas";

(13) by redesignating paragraph (6) as paragraph (5);

(14) in paragraph (5)(A), as redesignated, by striking out "Any reduced acreage, set-aside acreage," and inserting in lieu thereof "Any reduced acreage";

(15) in paragraph (5)(C), as redesignated, by striking out "reduced acreage, set-aside acreage," and inserting in lieu thereof "reduced acreage"; and

(16) by redesignating paragraph (7) as paragraph (6).

INVENTORY REDUCTION PAYMENTS

SEC. 106. Section 107D of the Agricultural Act of 1949 is amended by striking out subsection (g).

REDESIGNATIONS

SEC. 107. Subsections (h), (i), (j), (k), (l), (m), and (n) of section 107D of the Agricultural Act of 1949 are redesignated subsections (g), (h), (i), (j), (k), (l), and (m), respectively.

CROSS-COMPLIANCE

SEC. 108. Subsection (m), as redesignated, of section 107D of the Agricultural Act of 1949 is amended to read as follows:

"(m) Notwithstanding any other provision of law, the Secretary may, in the case of the 1986 crop of wheat, and shall, in the case of the 1987 through 1990 crops of wheat, require that, as a condition of eligibility of producers on a farm for loans, purchases, or payments under this section, the producers on the farm comply with the terms and conditions of any other commodity program for which an acreage limitation requirement is in effect.

OFFSETTING COMPLIANCE

SEC. 109. Section 107D is amended by adding a new subsection (n) to read as follows:

"(n) The Secretary shall for each of the 1987 through 1990 crops of wheat require producers on a farm, as a condition of eligibility for loans, purchases, or payments under this section for such farm, to select an acreage limitation percentage and a corresponding established price for wheat with respect to any other farm in which such producers has an interest and to otherwise comply with the terms and conditions of the wheat program with respect to any other such farm.".

TITLE II—FEED GRAINS

LOANS AND PURCHASES

SEC. 201. Section 105C(a) of the Agricultural Act of 1949 is amended—

(1) in paragraph (1), by striking out "each of the 1986 through 1990 crops of corn" and inserting in lieu thereof "the 1986 crop of corn, and loans for each of the 1987 through 1990 crops of corn,";

(2) in paragraph (2), by striking out "the loan and purchase level determined under paragraph (1) shall—" and inserting in lieu thereof "the loan level (and, in the case of the 1986 crop of corn, purchase level) determined under paragraph (1) shall—";

(3) in paragraph (2)(B), by striking "and purchase";

(4) by amending paragraph (3) to read as follows:

"(3)(A) In the case of the 1986 crop of corn only, if the secretary determines that the average price received by producers for corn in the previous marketing year was not more than 110 percent of the loan and purchase level for corn for such marketing year or determines that such action is necessary to maintain a competitive market position for feed grains, the Secretary shall reduce the loan and purchase level for the 1986 marketing year by not less than 10 percent nor more than 20 percent of the loan and purchase level determined under paragraph (2)(A).

"(B) Any reduction in the loan and purchase level for the 1986 crop of corn under the authority of subparagraph (A) shall not be considered in determining the loan level for corn in subsequent years."; (5) by amending paragraph (4) to read as follows:

"(4) The Secretary may, in the case of loans made with respect to the 1986 crop of feed grains, and shall, in the case of loans made with respect to each of the 1987 through 1990 crops of feed grains, permit a producer to repay a loan made under paragraph (1) or (6) for a crop at a level that is the lesser of—

"(A) the loan level determined for such crop; or

"(B) the current national average market price for feed grains as determined and announced periodically by the Secretary.";

(6) by amending paragraph (6) by striking out "for each of the 1986 through 1990 crops" and inserting in lieu thereof "for the 1986 crop, and loans for each of the 1987 through 1990 crops,"; and

(7) by adding at the end thereof the following new paragraph:

"(7) Notwithstanding the provisions of section 405 or any other provision of law, loans made available to producers of the 1987 through 1990 crops of feed grains under this subsection shall be recourse loans.".

TARGET PRICES AND ACREAGE LIMITATION PROGRAMS

SEC. 202. Section 105C(c) of the agricultural Act of 1949 is amended—

(1) in paragraph (1)(B)(i), by striking out "subsection (f)(2)" and "subsection (f)(2)(A)" and inserting in lieu thereof "subsection (e)(1)" and "subsection (e)(2)(A)", respectively;

(2) in paragraph (1)(B)(i)(I), by striking out "subsection (f)(2)(E)" and "subsection (f)(2)(D)" and inserting in lieu thereof "subsection (e)(2)(F)" and "subsection (e)(2)(E)", respectively;

(3) by adding at the end of paragraph (1)(B) the following new clause:

"(vii) Notwithstanding any other provision of this section, clauses (i), (ii) (iii), (iv), and (vi) of this subparagraph shall apply only to the 1986 crop of feed grains.";

(4) in paragraph (1)(D), by striking out "the level of loans and purchases for feed grains under subsection (a)(4)" and inserting in lieu thereof "the level of loans and purchases for the 1986 crop of feed grains under subsection (a)(3)";

(5) by amending paragraph (1)(E) to read as follows:

"(E)(i) The established price for the 1986 crop of corn shall not be less than $3.03 per bushel.

"(ii) Except as provided in subsection (e)(1)(C)(ii), for each of the 1987 through 1990 crops of corn, the established price applicable to the producers on a farm shall not be less than an amount determined on the basis of the percentage by which the producers reduce the acreage planted to corn on the farm for harvest from the acreage base for the farm (as determined in accordance with title V) in accordance with an acreage limitation program described in subsection (e), as provided in the following table:

If the producers on a farm reduce the acreage planted to corn on the farm from the acreage base for the farm under an acreage limitation program by:	The established price for corn applicable to such producers on such farm shall not be less than:
25 percent	$3.65 per bushel
20 percent	3.50 per bushel
15 percent	3.35 per bushel
12.5 percent	3.25 per bushel
10 percent	3.20 per bushel.";

and

(6) by amending paragraph (1)(F) by adding immediately before the period the following: "and shall, with respect to the 1987 through 1990 crops, include a range of established prices applicable to producers

on a farm dependent upon the percentage by which the producers reduce the acreage planted to feed grains from the acreage base for the farm".

DISASTER PAYMENT RATE

SEC. 203. Section 105C(c)(2)(C) of the Agricultural Act of 1949 is amended—

(1) in subparagraph (A)(i)(III), by striking out "established price" and inserting in lieu thereof "average of the established prices"; and

(2) in subparagraph (B), by striking out "established price" and inserting in lieu thereof "average of the established prices".

NATIONAL PROGRAM ACREAGE

SEC. 204. Section 105C of the Agricultural Act of 1949 is amended—

(1) by striking out subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

ACREAGE LIMITATION PROGRAMS

SEC. 205. Subsection (f) of section 105C of the Agricultural Act of 1949 is amended—

(1) by redesignating such subsection as subsection (e);

(2) by amending paragraph (1)(A) to read as follows:

"(A) The Secretary shall provide for an acreage limitation program for each of the 1986 through 1990 crops of feed grains as provided in this subsection.";

(3) by amending paragraph (1)(C) to read as follows:

"(C)(i) Except as provided in clause (ii), the Secretary shall, with respect to each of the 1987 through 1990 crops of feed grains, provide for an acreage limitation program under which the limitation on the acreage planted to feed grains shall be achieved by applying the percentage reductions selected by producers under subsection (c)(1)(E)(ii) and subsection (c)(1)(F) to the crop acreage base for each feed grain-producing farm.

"(ii) Notwithstanding the provisions of subsection (c)(1)(E)(ii) and subsection (c)(1)(F), the Secretary may, under an acreage limitation program for any of the 1988 through 1990 crops of feed grains, announce that a greater or lesser percentage reduction shall be required in order for producers to be eligible to receive payments calculated in accordance with the established prices set forth in subsection (c)(1)(E)(ii) and (c)(1)(F), if the Secretary determines that such adjustment is necessary to ensure that the total supply of feed grains will be adequate but not be excessive.";

(4) in paragraph (1)(D), by striking out ", except as provided in subsection (g),";

(5) by adding a new paragraph (1)(E) to read as follows:

"(E)(i) The Secretary shall announce any acreage limitation program under this paragraph not later than September 1 prior to the calendar year in which the crop is harvested, except that in the case of the 1986 and 1987 crops, the Secretary shall announce such program as soon as practicable after the date of enactment of the Food Security Act of 1985 or the Fairness in Agricultural Programs Act of 1986, respectively.

"(ii) Not later than November 15 of the year previous to the year in which the crop is harvested, the Secretary may make adjustments, as provided in subparagraph (C)(ii), in the program announced under clause (i).";

(6) by amending paragraph (2)(A) to read as follows:

"(2)(A)(i) If the Secretary announces an acreage limitation program for the 1986 crop of feed grains, such limitation shall be achieved by applying uniform percentage reduction to the feed grain crop acreage base for each feed grain-producing farm.

"(ii) With respect to each of the 1987 through 1990 crops of feed grains, the limitation on the acreage planted to feed grains shall be achieved by applying the percentage reductions selected by producers under subsection (c)(1)(E)(ii) and (c)(1)(F) to the crop acreage base for each feed grain-producing farm.";

(7) by striking out the first sentence of paragraph (2)(F);

(8) by striking out paragraph (3);

(9) by redesignating paragraph (4) as paragraph (3);

(10) in paragraph (3)(A), as redesignated, by striking out "paragraphs (2) and (3)" and inserting in lieu thereof "paragraph (2)";

(11) in paragraph (3)(D), as redesignated, by striking out "or set-aside";

(12) by redesignating paragraph (5) as paragraph (4);

(13) in paragraph (4)(A), as redesignated, by striking out "or set-aside";

(14) by redesignating paragraph (6) as paragraph (5);

(15) in paragraph (5)(A), as redesignated, by striking out "Any reduced acreage, set-aside acreage," and inserting in lieu thereof "Any reduced acreage";

(16) in paragraph (5)(C), as redesignated, by striking out "reduced acreage, set-aside acreage," and inserting in lieu thereof "reduced acreage"; and

(17) by redesignating paragraph (7) as paragraph (6).

INVENTORY REDUCTION PAYMENTS

SEC. 206. Section 105C of the Agricultural Act of 1949 is amended by striking out subsection (g).

REDESIGNATIONS

SEC. 207. Subsections (h), (i), (j), (k), (l), (m), and (n) of the Agricultural Act of 1949 are redesignated as subsections (f), (g), (h), (i), (j), (k), and (l), respectively.

CROSS-COMPLIANCE

SEC. 208. Subsection (1), as redesignated, of section 105C of the Agricultural Act of 1949 is amended to read as follows:

"(l) Notwithstanding any other provision of law, the Secretary may, in the case of the 1986 crop of feed grains, and shall, in the case of the 1987 through 1990 crops of feed grains, require that, as a condition of eligibility of producers on a farm for loans, purchases, or payments under this section, the producers on the farm comply with the terms and conditions of any other commodity program for which an acreage limitation requirement is in effect.

OFFSETTING COMPLIANCE

SEC. 209. Section 105C of the Agricultural Act of 1949 is amended by adding a new subsection (m) to read as follows:

"(m) The Secretary shall for each of the 1987 through 1990 crops of feed grains require producers on a farm, as a condition of eligibility for loans, purchases, or payments under this section for such farm, to select an acreage limitation percentage and corresponding established price for feed grains with respect to any other farm in which such producer has an interest and to otherwise comply with the terms and conditions of the feed grain program with respect to any other such farm."

TITLE III—MAXIMUM PAYMENT LIMITATION

SEC. 301. Section 1001 of the Food Security Act of 1985 (Public Law 99-198) is amended—

(1) in paragraph (3)(F), by striking out "107D(g), 105C(g), 103(g)," and inserting in lieu thereof "103A(g)";

(2) by striking out paragraph (4);

(3) in paragraph (5)(B), by striking out "shall be used to establish" and inserting in lieu thereof "shall, with respect to the 1986 and 1987 crops only of wheat, feed grains, upland cotton, extra long staple cotton, and rice, be used to establish";

(4) by adding at the end of paragraph (5) a new subparagraph to read as follows:

"(C) Effective with respect to the 1988 through 1990 crops, the regulations issued by the Secretary under this section shall provide that no person with more than a 20 percent ownership interest in a corporation or limited partnership, or other similar enterprise, or a 20 percent beneficial interest in a trust or estate, or other similar entity, shall be considered a separate person from such entity."; and

(5) by adding at the end thereof the following new paragraph:

"(7)(A) Effective with respect to the 1988 through 1990 crops, no foreign person shall be entitled to receive payments (including disaster payments) under any of the annual programs established under the Agricultural Act of 1949 for wheat, feed grains, upland cotton, extra long staple cotton, and rice.

"(B) The regulations issued by the Secretary under this section shall define the term "foreign person.".

TITLE IV—SOYBEAN AND OILSEED MARKETING LOANS

SOYBEAN MARKETING LOANS

SEC. 401. Effective only for the 1986 through 1990 crops of soybeans, section 201(i)(3) of the Agricultural Act of 1949 (7 U.S.C. 1946(i)(3)) is amended—

(1) in subparagraph (A), by striking out "If" and all that follows through "the Secretary may" and inserting in lieu thereof "The Secretary shall"; and

(2) in subparagraph (B), by striking out "If" and all that follows through "the Secretary" and inserting in lieu thereof "The Secretary".

OILSEED MARKETING LOANS

SEC. 402. Effective only for the 1986 through 1990 crops of oilseeds, section 201 of the Agricultural Act of 1949 (7 U.S.C. 1946) is amended by adding at the end thereof the following new subsection:

"(l)(1) As used in this subsection, the term 'oilseed' means sunflower seed, cottonseed, rapeseed, and flaxseed.

"(2) The Secretary shall make available to producers loans and purchases for each of the 1986 through 1990 crops of oilseed at such level as the Secretary determines will take into account the historical oil content of oilseed and soybeans and not result in excessive total stocks of oilseed taking into consideration the cost of producing oilseed, supply and demand conditions, and world prices for oilseed.

"(3) If the Secretary is required to carry out this subsection at no cost to the Federal Government, the Secretary may require a producer to repay a loan made under paragraph (2) in the same fiscal year in which the loan is received.

"(4)(A) The Secretary shall permit a producer to repay a loan made under paragraph (1) for a crop at a level that is the lesser of—

"(i) the loan level determined for such crop; or

"(ii) the prevailing world market price for oilseed, as determined by the Secretary.

"(B) The Secretary shall prescribe by regulation—

"(i) a formula to define the prevailing world market price for oilseed; and

"(ii) a mechanism by which the Secretary shall announce periodically the prevailing world market price for oilseed.

"(5) For purposes of this subsection, the marketing year of an oilseed shall be prescribed by the Secretary by regulation.

"(6)(A) The Secretary shall make a preliminary announcement of the level of price support for an oilseed for a marketing year not earlier than 30 days before the beginning of the marketing year. The announced level shall be based on the latest information and statistics available at the time of the announcement.

"(B) The Secretary shall make a final announcement of such level as soon as complete information and statistics are available on prices for the 5 years preceding the beginning of the marketing year. Such final level of support may not be announced later than 30 days after the beginning of the marketing year with respect to which the announcement is made. The final level of support may not be less than the level of support provided for in the preliminary announcement.

"(7) Notwithstanding any other provision of law, the Secretary shall not require participation in any production adjustment program for oilseed or any other commodity as a condition of eligibility for price support for oilseed.".

SECTION-BY-SECTION ANALYSIS

A Bill to Reform the Farm Program, to Require Implementation of the Target Option Program for Wheat and Feed Grains; to Implement a Marketing Loan Program for wheat, Feed Grains, Soybeans, and Oil Seeds; and to Close Payment Limit Loopholes.

Sections 101 & 201—Authorize and require *marketing loan programs for wheat and feed grains*, beginning in the 1987 crop year and extending through 1990.

Sections 102 & 202—Mandate implementation of *Target option programs (TOP) for wheat and feed grains.* The following target price and acreage reduction options would be offered to each cooperating producer in 1987, and *these target prices would remain in effect through 1990:*

WHEAT

Target (dollars)	ARP (percent)
5.35	40
5.00	35
4.70	30
4.40	25
4.15	20

CORN

Target (dollars)	ARP (percent)
3.65	25
3.50	20
3.35	15
3.25	12.5
3.20	10

Sections 103 & 203—Technical amendments pertaining to the calculation of disaster payment rates under TOP.

Sections 104 & 204—Technical amendments pertaining to the determination of national and individual program acreages under TOP.

Sections 105 & 205—*Requires that each cooperating producer be permitted to choose his own ARP level and corresponding target price.* Permits the Secretary to adjust the ARP levels in the years 1988-90.

Sections 106 & 206—Authority for deficiency payments to producers complying with only one-half of ARP requirements would be repealed as superfluous under TOP.

Sections 107 & 207—Technical amendments renumbering current provisions of law amended by this measure.

Sections 108 & 208—Requires full cross-compliance by all participating producers of wheat and feed grains on all program crops.

Sections 109 & 209—Requires offsetting compliance by all participating producers of wheat and feed grains on all farms operated by each producer.

Section 301—Closes payment limit loopholes as follows: Repeals authority for large operators to qualify for payments under a lower ARP than other operators. Lowers from 50% to 20% the share of a corporation owned by one operator for it to be considered one entity for payment limitation purposes. Precludes payments to foreign persons.

Section 401—Requires a *marketing loan program for soybeans* beginning in the 1986 crop year and extending through 1990.

Section 402—Authorizes and requires a *loan program for oilseeds* (sunflower seed, cottonseed, rapeseed, and flaxseed) as well as authorizes and requires a *marketing loan program for oilseeds* beginning in the 1986 crop year and extending through 1990.

By Mr. KENNEDY:

S. 2768. A bill to amend the Immigration and Nationality Act to effect changes in the numerical limitation and preference system for the admission of immigrants; to the Committee on the Judiciary.

LEGAL IMMIGRATION REFORM ACT OF 1986

Mr. KENNEDY. Mr. President, the bill I am introducing today is designed to reform our existing system of admitting immigrants, to make it more flexible and generous, and to open it up to a larger number of "independent" immigrants who do not have family ties in the United States. This result can be achieved without curtailing the traditional priority we give for family reunification, and without departing from the principles of equity and fairness established in the 1965 reforms.

This bill reflects the recommendations of the Select Commission on Immigration and Refugee Policy, on which I served, and, more importantly, it reflects the bipartisan proposals I have developed with Senator SIMPSON on the Senate Immigration Subcommittee.

Unfortunately, in recent years, these needed reforms in our legal immigration system have taken a back seat to proposals to halt illegal migration. But there is no justification now for further delay.

There is a growing concern that our immigration laws are out of balance. In redressing years of discriminatory immigration policy, the 1965 law inadvertently created a pattern of reverse discrimination.

The 1965 act was a fundamental reform—a major step toward a fair and nondiscriminatory immigration policy—but it was not frozen in stone.

For example, a further assessment of the reforms was to be guaranteed by the creation of the Western Hemisphere Commission. But the Commission met, filed a report, and nothing happened.

The sad fact is that, as the history of immigration legislation makes clear, Congress deals with the issue only rarely, and then only after extraordinary pressure and intense debate.

Following the major work of the select commission in 1981, and as a result of the leadership of Senator SIMPSON and Congressman RODINO since then, we are now in a position to act again. There is a growing consensus on what needs to be done to reform our system of admitting legal migrants.

The goal of the bill I am introducing today has broad support. It was recommended by the select commission, and has already passed the Senate twice. Its essential feature is to separate the current legal immigration system into two tracks—first, a reordering of the family reunification preferences; and second, the creation of a new "independent" category for nonfamily reunification immigrants who have skills and talents needed in our country.

My bill goes further, however, by expanding this new independent category with 30,000 additional openings each year, while still maintaining the current law's equal treatment of all countries under an annual immigration ceiling of 300,000.

The bill also safeguards American jobs and wages, but gives the Secretary of Labor greater flexibility in administering the labor certification process, so that it will be easier for new immigrants to find jobs and enter the United States without disadvantaging American workers.

This bill will open our door once again to the "old seed" sources of immigration—the traditional ethnic flows from Ireland, Italy, and Western Europe—while protecting the "new seed" immigrants who have rightly benefited from the reforms achieved in the 1965 act. It also opens the door to groups who have not had previous migration flows to the United States.

Finally, unlike other proposals that have been urged upon us, this bill does not abandon the principle of equal treatment of all nations and nationalities. It does not create new quotas for some at the expense of others. But it does create new opportunities for legal migration to the United States—which is what our immigration policy should do, and what this reform is intended to achieve.

Mr. President, I have spoken to our distinguished chairman of the Immigration Subcommittee, Senator SIMPSON, and I look forward to working closely with him on this and other immigration reforms in the days ahead.

I ask unanimous consent that the text of the bill, as well as excerpts from the select commission's recommendations, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2768

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE: REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Legal Immigration Reform Act of 1986".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of, a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

SEC. 2. NUMERICAL LIMITATIONS.

(a) WORLDWIDE NUMERICAL LIMITATION.—Subsection (a) of section 201 (8 U.S.C. 1151) is amended to read as follows:

"(a) Exclusive of special immigrants defined in section 101(a)(27), immigrants born to permanent resident aliens during a temporary visit abroad, immediate relatives specified in subsection (b) of this section, immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative, aliens who are admitted or granted asylum under section 207 or 208, aliens provided records of permanent residence under section 214(d), and aliens whose status is adjusted to permanent resident status under section 245A, aliens born in a foreign state or dependent area who may be issued immigrant visas or who may otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence are limited to—

"(1) family reunification immigrants described in section 203(a) and immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(a), in a number not to exceed in any fiscal year the number equal to (A) 216,000 plus, (B) the difference (if any) between the maximum number of visas which may be issued under paragraph (2) during the prior fiscal year and the number of visas issued under that paragraph during that year, and not to exceed in any of the first three quarters of any fiscal year 27 per centum of the numerical limitation for all of such fiscal year, and

"(2) independent immigrants described in section 203(b) and immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(a), in a number not to exceed in any fiscal year the number equal to (A) 84,000, plus (B) the difference (if any) between the maximum number of visas which may be issued under paragraph (1) during the prior fiscal year and the number of visas issued under that paragraph during that year, and not to exceed in any of the first three quarters of any fiscal year 27 per centum of the numerical limitation for all of such fiscal year.".

(b) PER COUNTRY LIMITATION.—Section 202(a) (8 U.S.C. 1152(a)) is amended—

(1) by striking out "(a) No person" and inserting in lieu thereof "(a)(1) Except as specifically provided in paragraph (2) of this subsection and in section 101(a)(27), 201(b), 203, and 214(d), no person",

(2) by striking out ", except as specifically" and all that follows up to the period at the end, and

(3) by adding at the end the following new paragraph:

"(2)(A) The total number of natives of any single foreign state who are issued immigrant visas or may otherwise acquire the status of an alien lawfully admitted for permanent residence under subsections (a) and (b) of section 203 or who are admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under subsection (a) or (b) of section 203 shall not exceed in any fiscal year—

"(i) 20,000, in the case of any foreign state other than a foreign state contiguous to the United States, or

"(ii) 40,000 (or the number determined under subparagraph (B)), in the case of any foreign state contiguous to the United States.

"(B) If in any fiscal year the number of aliens chargeable to a contiguous foreign state who are issued immigrant visas or otherwise acquire the status of an alien lawfully admitted to the United States for permanent residence is less than 40,000, then in the following fiscal year the number to be used in clause (ii) of subparagraph (A) for the other contiguous foreign state shall be 40,000 plus the amount of the difference.".

SEC. 3. PREFERENCE AND NONPREFERENCE ALLOCATION SYSTEMS.

(a) IN GENERAL.—(1) Section 203 (8 U.S.C. 1153) is amended—

(A) by redesignating subsections (b) through (e) as subsections (e) through (h), respectively, and

(B) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) PREFERENCE ALLOCATION FOR FAMILY REUNIFICATION IMMIGRANTS.—Aliens subject to the numerical limitation specified in section 201(a)(1) for family reunification immigrants shall be allotted visas as follows:

"(1) UNMARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed 15 percent of such numerical limitation, plus any visas not required for the class specified in paragraph (4).

"(2) SPOUSES AND CHILDREN OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence or who (A) as of August 15, 1986, had received approval of a petition made on their behalf for preference status by reason of the relationship described in this paragraph as in effect on such date, and (B) continue to qualify under the terms of the Act as in effect on such date, shall be allocated visas in a number not to exceed 65 percent of such numerical limitation, plus any visas not required for the class specified in paragraph (1).

"(3) MARRIED SONS AND DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed 10 percent of such numerical limitation, plus any visas not required for the classes specified in paragraphs (1) and (2).

"(4) UNMARRIED BROTHERS AND SISTERS OF CITIZENS AND PREVIOUS FIFTH PREFERENCE.—

"(A) qualified immigrants who are the unmarried brothers or sisters of citizens of the United States, if such citizens are at least twenty-one years of age, and

"(B) qualified immigrants who (i) as of the date of enactment of the Legal Immigration Reform Act of 1986 had received approval of a petition made on their behalf for preference status by reason of the relationship described in paragraph (5) of section 203(a) of this Act as in effect on the day before such date, and (ii) continue to qualify under the terms of this Act as in effect on the day before such date,

shall be allocated visas in a number not to exceed 10 percent of such numerical limitation, plus any visas not required for the classes specified in paragraphs (1) through (3).".

"(b) PREFERENCE AND NONPREFERENCE ALLOCATION FOR INDEPENDENT IMMIGRANTS.—Aliens subject to the numerical limitation specified in section 201(a)(2) for independent immigrants shall be allocated visas as follows:

"(1) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING DOCTORAL DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—Qualified immigrants who are members of the professions holding doctoral degrees (or the equivalent degree) or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States, shall be allocated visas. The Attorney General may, when he deems it to be in the national interest, waive the requirement of the preceding sentence that an alien's services in the sciences, arts, professions, or business be sought by an employer in the United States. In determining under this paragraph whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

"(2) SKILLED WORKERS.—Qualified immigrants who are capable of performing skilled labor, not of a temporary or seasonal nature, for which qualified workers are not available in the United States, shall be allocated any visas not required for the classes specified in paragraph (1).

"(3) NONPREFERENCE ALIENS.—Visas authorized in any fiscal year under section 201(a)(2), less those required for issuance to the classes specified in paragraphs (1) and (2), shall be made available to other qualified immigrants in the chronological order in which they qualify. No immigrant visa shall be issued under this paragraph to an adopted child or prospective adopted child of a United States citizen or lawfully resident alien unless (A) a valid home study has been favorably recommended by an agency of the State of the child's proposed residence, or by an agency authorized by that State to conduct such a study, or, in the case of a child adopted abroad, by an appropriate public or private adoption agency which is licensed in the United States, and (B) the child has been irrevocably released for immigration and adoption. No natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or

status under this Act. No immigrant visa shall otherwise be issued under this paragraph to an unmarried child under the age of 16 except a child who is accompanying or following to join his natural parent.

An immigrant visa shall not be issued to an immigrant under paragraph (1), (2), or (3) until the consular officer is in receipt of a determination made by the Secretary of Labor pursuant to the provisions of section 212(a)(14). The provisions of sections 212(d)(11) shall apply with respect to any alien petitioning to be classified as a preference immigrant under paragraph (1).

"(c) GUIDE FOR ALLOCATION BETWEEN PREFERENCE SYSTEMS.—Where it is determined that the maximum number of visas will be made available under section 202(a)(2) to natives of any single foreign state (defined n section 202(b)) or any dependent area (defined in section 202(c)) in any fiscal year, in determining whether to provide for visas to such natives under the preference system described in subsection (a) or that described in subsection (b), visa numbers with respect to natives of that state shall be allocated (to the extent practicable and otherwise consistent with this section) in a manner so that the ratio of—

"(1) the sum of (A) the number of family reunification immigrants described in subsection (a), and (B) the number of immediate relatives specified in section 201(b), immigrants born to permanent residents during a temporary visit abroad, immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent who is such an immediate relative or under section 203(a), and aliens provided records of permanent residence under section 214(d), who are natives of such state and who are issued immigrant visas or otherwise acquire the status of aliens lawfully admitted to the United States for permanent residence in that fiscal year, to

"(2) the sum of (A) the number of independent immigrants described in subsection (b), and (B) the number of special immigrants defined in section 101(a)(27) (other than those described in subparagraph (A) thereof) and immigrants admitted under section 211(a) on the basis of a prior issuance of a visa to their accompanying parent under section 203(b), who are natives of such state and who are issued immigrant visas or otherwise acquire the status of aliens lawfully admitted to the United States for permanent residence in the fiscal year,

is equal to 2.57 to 1.

"(d)(1) A spouse or child as defined in subparagraph (A), (B), (C), (D), or (E) of section 101(b)(1) shall, if not otherwise entitled to an immigrant status and the immediate issue of a visa under subsection (a) or (b), be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join, his spouse or parent.

"(2) Waiting lists of applicants for visas under this section shall be maintained in accordance with regulations prescribed by the Secretary of State.".

(2) Subsection (e) of such section, as so redesignated, is amended—

(A) by inserting "or under subsection (b)" after "subsection (a)" the first place it appears, and

(B) by striking out "subsection (a)" the second place it appears and inserting in lieu therof "the respective subsection".

(b) ELIMINATING INTRA-COUNTRY PREFERENCE SYSTEM.—Section 202 (8 U.S.C. 1152) is amended by striking out subsection (e), section 204 (8 U.S.C. 1154) is amended by striking out subsection (f), and section 245(b) (8 U.S.C. 1255(b)) is amended by striking out "202(e) or ".

(c) CONFORMING AMENDMENTS.—(1)(A) Subsection (f) of section 203 (8 U.S.C. 1153), as redesignated by subsection (a)(1), is amended by striking out "paragraphs (1) through (6) of subsection (a)" and inserting in lieu thereof "subsection (a) or pursuant to paragraphs (1) through (3) of subsection (b)".

(B) Subsection (g) of such section, as so redesignated, is amended by striking out "paragraphs (1) through (6) of subsection (a)" and inserting in lieu thereof "subsection (a) or paragraphs (1) through (3) of subsection (b)" each place it appears.

(2)(A) Subsection (a) of section 204 (8 U.S.C. 1154) is amended—

(i) by striking out "paragraph (1), (4), or (5) of section 203(a)" and inserting in lieu thereof "paragraph (1), (3), or (4) of section 203(a)",

(ii) by striking out "section 203(a)(3)" and inserting in lieu thereof "paragraph (1), of section 203(b)", and

(iii) by striking out "203(a)(6)" and inserting in lieu thereof "203(b)(2) or 203(b)(3)".

(B) Subsection (b) of such section is amended by striking out "section 203(a) (3) or (6)" and inserting in lieu thereof "paragraph (1), (2), or (3) of section 203(b)".

SEC. 4. LABOR CERTIFICATION.

(a) CHANGE IN DETERMINATION.—Paragraph (14) of section 212(a) (8 U.S.C. 1182(a)) is amended by striking out "(A)" and all that follows through the end and inserting in lieu thereof the following: "(A) there are not sufficient qualified workers (or equally qualified workers, in the case of aliens (i) who are members of the teaching profession or who have exceptional ability in the sciences or arts) available in the United States in the occupations in which the aliens will be employed; and (B) the employment of aliens in such occupations will not adversely affect the wages and working conditions of workers in the United States who are similarly employed. In making such determinations the Secretary of Labor may use labor market information without reference to the specific job opportunity for which certification is requested. Except as provided in subsection (d)(11), an alien on behalf of whom a certification is sought must have an offer of employment from an employer in the United States. The exclusion of aliens under this paragraph shall only apply to preference immigrants described in section 203(b) (1) and (2) and to nonpreference immigrants described in section 203(b)(3). Decisions of the Secretary of Labor made pursuant to this paragraph, including the issuance and content of regulations and the use of labor market information under this paragraph, shall be reviewable by an appropriate district court of the United States, but the court shall not set aside such a decision unless there is compelling evidence that the Secretary made such decision in an arbitrary and capricious manner;".

(b) WAIVER OF OFFER OF EMPLOYMENT REQUIREMENT.—Section 212(d) (8 U.S.C. 1181(d)) is amended by adding at the end the following new paragraph:

"(11) The requirement in paragraph (14) of subsection (a) relating to an offer of employment from an employer in the United States may be waived with respect to any alien seeking to enter the United States as an immigrant under section 203(b)(1), if the Attorney General deems it to be in the national interest.".

SEC. 5. EFFECTIVE DATES AND TRANSITION.

(a) EFFECTIVE DATE.—The amendments made by this Act shall apply to the admission of aliens to the United States on and after October 1, 1987.

(b) TRANSITION.—(1) In the case of a petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1987, such petition shall be deemed, as of such date, to be a petition for the new corresponding preference or nonpreference status (as defined in paragraph (2)), and the priority date for such petition shall remain in effect.

(2) For purposes of paragraph (1), the term "new corresponding preference or nonpreference status" means, in the case of a petition for a—

(A) preference status described in section 203(a)(1) of the Immigration and Nationality Act (as in effect on September 30, 1987), the preference status described in such section as in effect after such date;

(B) preference status described in section 203(a)(2) of such Act (as in effect on September 30, 1987), the preference status described in such section as in effect after such date;

(C) preference status described in section 203((a)(3) of such Act (as in effect on September 30, 1987), the preference status described in both paragraphs (1) and (2) of section 203(b) of such Act as in effect after such date;

(D) preference status described in section 203((a)(4) of such Act (as in effect on September 30, 1987), the preference status described in section 203(a)(3) of such Act as in effect after such date;

(E) preference status described in section 203(a)(5) of such Act (as in effect on September 30, 1987), the preference status described in section 203(a)(4) of such Act as in effect after such date;

(F) preference status described in section 203(a)(6) of such Act (as in effect on September 30, 1987), the preference status described in section 203(b)(2), in the case of skilled labor, or the nonpreference status described in section 203(b)(3), in the case of unskilled labor, of such Act as in effect after such date; and

(G) nonpreference status described in section 203(a)(7) of such Act (as in effect on September 30, 1987), the nonpreference status described in section 203(b)(3) of such Act (as in effect after such date).

(c) ADMISSIBILITY STANDARD.—When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1987, makes application for admission, his admissibility under paragraphs (20) and (21) of section 212(a) shall be determined under the provisions of law in effect on the date of the issuance of such visa.

EXCERPTS FROM THE REPORT OF THE SELECT COMMISSION ON IMMIGRATION AND REFUGEE POLICY, MARCH 1981

III.D. INDEPENDENT IMMIGRATION

The Select Commission recommends that provision be made in the immigrant admissions system to facilitate the immigration of persons without family ties in the United States.

Provision has traditionally been made in the law for the immigration of at least some persons without close family members in the United States. The number of visas made available to nonfamily members in the immigration system has dwindled over time,

however. Currently no more than 20 percent of the 270,000 visas assigned to the numerically limited third and sixth preferences is available to qualified nonfamily immigrants and their spouses and children.

Additional provisions have resulted in even lower numbers of nonfamily immigrants being able to qualify to come to the United States in recent years. To qualify for third or sixth preference (nonfamily) status, immigrants must generally be highly skilled, have a U.S. job offer and their prospective employer must obtain labor certification from the Secretary of Labor showing that U.S. workers are not available and that the employment of such aliens will not adversely affect the wages and working conditions of similarly employed workers in the United States. Nonpreference applicants generally have had to meet these same requirements, but since all visa numbers have been and are expected to continue to be used within the preferences, this additional avenue for nonfamily immigrants essentially has been closed since late 1978.

Most Commissioners believe that the entry of nonfamily or independent immigrants, and the goals of economic growth consistent with labor market protection and cultural diversity consistent with national unity, can best be served by creating a separate category with its own visa allocation and selection criteria.

III.D.1. SPECIAL IMMIGRANTS [1]

The Select Commission recommends that "special" immigrants remain a numerically exempt group but be placed within the independent category.

Some numerically small groups of immigrants—certain former employees of the U.S. government abroad, certain persons who lost their U.S. citizenship and ministers of religion whose services are needed by their denominations in the United States—have historically been exempted from any numerical ceilings. About 2,000 immigrants enter in these groups each year. Because of the special nature of the immigrant groups included within this category and the small numbers of admissions, the Commission supports the continuation of a numerically exempt status for special immigrants and the placement of this subcategory within the independent category.

III.D.2. IMMIGRANTS WITH EXCEPTIONAL QUALIFICATIONS [2]

The Select Commission recognizes the desirability of facilitating the entry of immigrants with exceptional qualifications and recommends that a small, numerically limited category be created within the independent category for this purpose.

The United States has traditionally accommodated immigrants of exceptional merit and ability in their professions. Although some Commissioners would not create a separate category for such persons of exceptional merit, the Commission majority favors continuing and giving prominence to this tradition by reserving a numerically small category for persons of exceptional artistic, professional or scientific merit. In creating this category, however, the Commission holds the view that it is important to clarify that the term "exceptional" connotes that qualified immigrants in this group are renowned in their fields and would contribute significantly to the national interest if they immigrate to the United States.

The Commission's intent is not to provide a separate category for highly trained or needed professionals (for example, nurses, doctors, engineers), artists or other persons of merit unless they are exceptional and qualify under specific established guidelines. Although professionals of merit will be admissible under the new immigration system, they will have to meet the criteria established for admission in the "other independent immigrant" category. (See Recommendation III.D.5.) In recommending that a small number of visas be set aside to facilitate the immigration of qualified exceptional persons, the Commission further cautions against the creation of a significant channel which could deprive other nations of the highly skilled persons they need.

III.D.6 SELECTION CRITERIA FOR INDEPENDENT IMMIGRANTS [3]

The Select Commission believes that specific labor-market criteria should be established for the selection of independent immigrants, but is divided over whether the mechanism should be a streamlining and clarification of the present labor certification procedure plus a job offer from a U.S. employer, or a policy under which independent immigrants would be admissible unless the Secretary of Labor ruled that their immigration would be harmful to the U.S. labor market.

With regard to selection criteria for independent immigrants, the Commission recommends continuing the use of labor-related criteria which, in addition to their usefulness as a selection mechanism, will protect the U.S. labor market and provide workers unavailable in this country. There are, however, differing views within the Commission on the type of labor-related criteria which should be recommended. On the one hand, several Commissioners favor a return to a less restrictive policy and would provide only for minimum selection criteria. Other Commissioners favor streamlining the current labor certification procedures but would continue current policy which admits immigrants for purposes of employment only if they enter to fill jobs for which U.S. workers are unavailable and at wages and working conditions that will not adversely affect similarly employed workers in the United States.

Those Commissioners calling for minimum criteria recommend returning to the pre-1965 labor certification procedure under which independent immigrants would be admissible unless the Secretary of Labor certified that there were sufficient workers in a particular place and occupation. Such a system, they believe would reduce the barriers which individual labor certification places in the way of prospective immigrants, but still bar the entry of workers who would be most detrimental to the U.S. labor force and eliminate the inefficiencies of the current individual labor certification process. Further, they argue that, by not requiring a U.S. job offer of applicants, such a selection system would be more fair. It would open the independent category to a wider range of applicants particularly to those without family or friends in the United States to help arrange employment. Some Commissioners believe that the current requirement of a job offer frequently promotes fraud by inducing prospective immigrants to use nonimmigrant status to enter the United States, find work and then adjust to immigrant status.

Other Commissioners believe that the less restrictive system would not be sufficiently protective of the U.S. labor market and would create a visa demand which could not realistically be met within the number of visas likely to be available for independent immigrants. They argue that the deficiencies of the present labor certification system, which has been universally criticized as costly, cumbersome, ineffective and highly acrimonious, can be corrected by streamlining and clarifying the process. They recommend that such words and phrases as "willing," "at the place" and "available at the time of application for a visa and admission to the United States" be deleted from the wording of the exclusionary ground; that the Department of Labor expand and strengthen its lists of occupations for which there are sufficient and insufficient workers available based on statistical evidence and that applicants be required, as under current law, to have valid job offers from U.S. employers. This streamlined system, its advocates believe, would increase the efficiency of the present labor certification system by reducing the incidence of individual certification and the acrimony of its procedures, protect the U.S. labor market, reduce fraud and ensure that prospective independent immigrants do not become public charges once in the United States.

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[1] Commission vote: Yes—16.

[2] An additional number of permanent resident aliens (immigrants) returning from temporary visits abroad are also defined as "special immigrants" to prevent enumerating them as new immigrants on each reentry, but this group does not add to the number of new entries.

Commission vote:

Option 1: (3 votes). Do not create a separate category for immigrants with exceptional qualifications but allow them to enter as they qualify under the provisions of the independent category.

Option 2: (13 votes). Create a small, numerically limited subcategory in the independent category for immigrants with exceptional qualifications.

[3] Commission vote:

Option 1: (7 votes). Revise the present labor certification procedure and require prospective immigrants to have U.S. job offers.

Option 2: Revise the labor certification procedure to make prospective independent immigrants admissible unless the Secretary of Labor has certified there are sufficient workers and require prospective immigrants to have U.S. job offers.

Option 2A: (7 votes). Revise the labor certification procedure to make prospective independent immigrants admissible unless the Secretary of Labor has certified there are sufficient workers but do not require a U.S. job offer.

Option 3: (2 votes). Point system based on multiple criteria.

By Mr. MATHIAS:

S. 2769. A bill to amend title 44 of the United States Code, to provide for an Office of Inspector General in the Government Printing Office; to the Committee on Rules and Administration.

GOVERNMENT PRINTING OFFICE INSPECTOR GENERAL ACT

● Mr. MATHIAS. Mr. President, I am introducing a bill today to establish an Office of Inspector General (OIG) in the U.S. Government Printing Office (GPO).

Originally created in 1861 to fulfill the printing requirements of the Congress, today's GPO handles the printing and binding needs of the entire Federal community and it is the largest single disseminator of Government information anywhere in the free world. During fiscal year 1985, the Government Printing Office handled

more than 800 million dollars' worth of printing and related services and sold U.S. Government publications valued at more than $59 million.

A significant increase in responsibility over the years and corresponding growth to meet greater demands, have created a clear need for a strong and effective Office of Inspector General at the GPO. The Inspector General will serve as an independent auditor of GPO and an initiator of improvements. The Office will focus on ways to reduce costs, to target fraud and other white collar crime, to improve economy and efficiency, and to enhance resource safeguards. Owing to both the value and volume of GPO's workload, an independent review of the soundness and integrity of procurement, printing and binding, and sales activities is imperative for the continued proficiency of this valued agency.

Mr. President, the Government Printing Office is rapidly moving from an industrial printing and distribution facility to a highly technical operation with over 70 complex electronic systems. As this trend continues, the Office of Inspector General will be a necessary aid to management in evaluating existing systems and in reaching automation goals.

Although the GPO presently maintains an Office of Inspector General, established in 1981 through internal regulations, the Office lacks many of the tools and safeguards needed for it to operate more effectively in an unencumbered manner. The bill that I am introducing today will strengthen the authority and operations of the existing OIG without impacting on GPO's current budget.

Mr. President, I anticipate no opposition to this measure and I would therefore hope for rapid consideration in committee. I urge my colleagues in the Congress to lend their support for its swift passage. I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follow:

S. 2769

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That this Act may be cited as the "Government Printing Office Inspector General Act of 1986".

SEC. 2. Title 44 of the United States Code is amended by inserting at the end thereof the following new chapter:

"CHAPTER 38—GOVERNMENT PRINTING OFFICE: OFFICE OF INSPECTOR GENERAL

"SEC. 3801. PURPOSE AND ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL.

"(a) PURPOSE.—In order to create an independent and objective unit—

"(1) to conduct and supervise audits and investigations relating to the Government Printing Office,

"(2) to provide leadership and coordination and recommend policies to promote efficiency and economy, and

"(3) to provide a means of keeping the Public Printer and the Joint Committee on Printing fully and currently informed.

"(b) ESTABLISHMENT OF OFFICE OF INSPECTOR GENERAL.—There is hereby established an Office of Inspector General in the Government Printing Office.

"SEC. 3802. APPOINTMENT OF INSPECTOR GENERAL; SUPERVISION; REMOVAL; POLITICAL ACTIVITIES; APPOINTMENT OF ASSISTANT INSPECTOR GENERAL FOR AUDITING AND ASSISTANT INSPECTOR GENERAL FOR INVESTIGATION.

"(a) APPOINTMENT OF INSPECTOR GENERAL.—There shall be at the head of the Office of Inspector General, an Inspector General who shall be appointed by the Public Printer without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General shall report to and be under the general supervision of the Public Printer.

"(b) REMOVAL.—The Inspector General may be removed from office by the Public Printer. The Public Printer shall communicate in writing the reasons for any such removal to the Joint Committee on Printing within twenty days of such removal.

"(c) APPOINTMENT OF ASSISTANT INSPECTOR GENERALS.—The Public Printer shall, upon the recommendation of the Inspector General and in accordance with applicable laws and regulations.—

"(1) appoint an Assistant Inspector General for Audits who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the Government Printing Office, and

"(2) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations.

"SEC. 3803. DUTIES AND RESPONSIBILITIES: EMPLOYEES AS SPECIAL AGENTS.

"(a) IN GENERAL.—Employees of the Office of Inspector General may be designated as Special Agents and shall conduct audits and investigations relating to programs and operations of the Government Printing Office.

"(b) AUDITS AND INVESTIGATIONS.—Audits and investigations shall be conducted to—

"(1) promote economy, efficiency, and effectiveness in the administration, of, and prevent and detect fraud, waste, and abuse in, the programs and operations of the Government Printing Office, and

"(2) provide a means for keeping the Public Printer fully and currently informed about problems and deficiencies relating to such programs and operations and the necessity for, and progress of, corrective actions.

"SEC. 3804. AUTHORITY OF INSPECTOR GENERAL; INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES: UNREASONABLE REFUSAL; OFFICE SPACE AND EQUIPMENT.

"(a) ADDITIONAL AUTHORITY.—In addition to the authority otherwise provided by this section, the Inspector General, in carrying out the provisions of this section, is authorized—

"(1) to have access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to the Government Printing Office which relate to programs and operations with respect to which the Inspector General has responsibilities under this section;

"(2) to make such investigations and reports relating to the administration of the programs and operations of the Government Printing Office as are, in the judgment of the Inspector General, necessary or desirable;

"(3) to request such information or assistance as may be necessary for carrying out the duties and responsibilities provided by this section from any Federal, State, or local governmental agency or unit thereof;

"(4) to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the functions assigned by this section, which subpoena, in the case of contumacy or refusal to obey, shall be enforceable by order of any appropriate United States district court: *Provided*, that procedures other than subpoenas shall be used by the Inspector General to obtain documents and information from Federal agencies;

"(5) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this section, which oath, affirmation, or affidavit when administered or taken by or before an investigator or such other employee of the Office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;

"(6) to have direct and prompt access to the Public Printer when necessary for any purpose pertaining to the performance of functions and responsibilities under this section;

"(7) to select and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General subject to the provisions of this title governing appointments and employment in the Government Printing Office; and

"(8) to obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS-18 of the General Schedule by section 5332 of title 5, United States Code.

"(b) ASSISTANCE FROM FEDERAL AGENCIES.—(1) Upon request of the Inspector General for information or assistance under subsection (a)(3), the head of any Federal agency involved shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the Federal agency from which the information is requested, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(2) Whenever information or assistance requested under subsection (a)(1) or (a)(3) is, in the judgment of the Inspector General, unreasonably refused or not provided, the Inspector General shall report the circumstances to the Public Printer without delay.

"(c) OFFICE SPACE AND EQUIPMENT.—The Public Printer shall provide the Office of Inspector General with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, and communications facilities and services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein.

"SEC. 3805. ANNUAL REPORTS: TRANSMITTAL TO THE JOINT COMMITTEE ON PRINTING; IMMEDIATE REPORT ON SERIOUS OR FLAGRANT PROBLEMS.

"(a) PREPARATION OF REPORTS.—The Inspector General shall, not later than October 31 of each year, prepare an annual report summarizing the activities of the Office of Inspector General during the immediately preceding fiscal year ending September 30. Such report shall include, but need not be limited to—

"(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Government Printing Office disclosed by such activities during the reporting period;

"(2) a description of the recommendations for corrective action made by the Office of Inspector General during the reporting period with respect to significant problems, abuses, or deficiencies identified pursuant to paragraph (1);

"(3) an identification of each significant recommendation described in previous annual reports on which corrective action has not been completed;

"(4) a summary of matters referred to prosecutive authorities and the prosecutions and convictions which have resulted;

"(5) a summary of each report made to the Public Printer under section 3804(b)(2) during the reporting period; and

"(6) a listing of each audit report completed by the Office during the reporting period.

"(b) SUBMISSION OF REPORTS TO THE JOINT COMMITTEE ON PRINTING.—Annual reports of the Inspector General shall be furnished to the Public Printer not later than October 31 of each year and shall be transmitted by the Public Printer to the Joint Committee on Printing within 30 days after receipt of the report, together with a report by the Public Printer containing any comments the Public Printer deems appropriate.

"(c) REPORTS AVAILABLE TO THE PUBLIC.—Within 60 days of the transmission of the annual report to the Joint Committee on Printing, the Public Printer may, at his discretion, make such report available to the public upon request and at a reasonable cost.

"(d) SERIOUS AND FLAGRANT PROBLEMS.—The Inspector General shall report immediately to the Public Printer whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration of programs and operations of the Government Printing Office. The Public Printer shall transmit any such report to the Joint Committee on Printing within seven calendar days, together with a report by the Public Printer containing any comments such Public Printer deems appropriate.

"(e) DISCLOSURE POLICY.—(1) Nothing in this section shall be construed to authorize the public disclosure of information which is—

"(A) specifically prohibited from disclosure by any other provision of law;

"(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

"(C) a part of an ongoing criminal investigation.

"(2) Notwithstanding paragraph (1)(C), any report under this section may be disclosed to the public in a form which includes information with respect to a part of an ongoing criminal investigation if such information has been included in a public record.

"(3) Nothing in this section or in any other provision of this chapter shall be construed to authorize or permit the withholding of information from the Congress, or from any committee or subcommittee thereof.".

SEC. 3. EFFECTIVE DATE.

The provisions of this Act and the amendments made by this Act shall take effect on January 1, 1987.●

By Mr. COCHRAN (for himself, Mr. PRYOR, Mr. LEAHY, Mr. BUMPERS, Mr. FORD, Mr. BURDICK, Mr. MATTINGLY, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. BENTSEN Mr. BOREN, Mr. HEFLIN, Mr. EAGLETON, Mr. STENNIS, Mr. DURENBERGER, Mr. DENTON, and Mr. ABDNOR.

S. 2770. A bill to amend the Farm Credit Act of 1971 to provide the opportunity for competitive interest rates for the farmer, rancher, and cooperative borrowers of the Farm Credit System, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FARM CREDIT SYSTEM BORROWER INTEREST RATE RELIEF ACT

● Mr. COCHRAN. Mr. President, one of the most critical problems facing agriculture today is the inability of farmers and ranchers to obtain adequate financing at competive interest rates from the Farm Credit System, especially Federal land banks.

Many individuals and businesses, including some farmers, are realizing significant benefits through lower operating cost resulting from today's lower interest rates, but not most Farm Credit System borrowers. Farmers in Mississippi tell me they feel as though the Farm Credit System is letting them down. And what they hear from Washington is that there seems to be more interest in saving the System than in saving System farmer borrowers. My farmers are telling me they need help, and the way to help is allowing the Farm Credit System to reflect in their interest rates today's much lower cost of funds.

Mr. President, high interest rates are adversely affecting farmers and ranchers, but they also threaten the viability of the Farm Credit System as a commercial lending institution. In order for the Farm Credit System to continue providing credit services in the manner which farmers and ranchers have grown to depend, the System must have the opportunity to effectively and competitively supply short-term and long-term credit needs. This type credit service must be made available today, not 1, or 2, or 3 years from now, to provide much needed and timely assistance to System farmer and rancher borrowers. Furthermore, any delay in implementing the provisions of this legislation separates Farm Credit System borrowers from all other farmers and ranchers, as well as individuals and businesses, by specifically denying them the benefits of this administration's successful efforts to generate economic recovery by reducing interest rates.

For these reasons, I am introducing today "The Farm Credit System Borrower Interest Rate Relief Act of 1986."

Under this legislation, the Farm Credit System can make loans available to farmers and ranchers at competitive interest rates which reflect three important criteria: (1) The System's marginal cost of funds, (2) the credit worthiness of the borrower, and (3) the cost of servicing such loans.

The bill removes Farm Credit Administration (FCA) from day-to-day business decisions of determining interest rates and allows FCA to concentrate its resources on efforts to ensure the continued soundness and safety of the Farm Credit System. This will strengthen the role of the Farm Credit Administration as an arms-length regulator which is consistent with the authorities vested in other financial regulators. I believe this arrangement will assure the traditional confidence of both investors and borrowers in the Farm Credit System.

Mr. President, the need for this legislation is underscored by the fact that today interest rates charged by the Farm Credit System are often as much as 3 percent higher than other agricultural lending institutions. This percentage difference on a loan of $100,000 generates an additional annual interest expense of $3,000. Many farmers and ranchers have a total indebtedness in excess of $100,000 and the impact on them is substantially greater.

This wide differential in interest rates encourages the System's most financially secure borrowers to seek credit elsewhere. Flight from the System is already happening and, to the extent it continues or accelerates, will reduce both the size and quality of the System's loan portfolio. This trend must be reversed. Enactment of this legislation, allowing the Farm Credit System's farmer-elected boards of directors to expeditiously establish competitive interest rates, is the best way to reverse this trend.

Mr. President, I ask that a complete copy of the text of "The Farm Credit System Borrower Interest Rate Relief Act of 1986," together with a section-by-section analysis, be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS—"FARM CREDIT SYSTEM BORROWER INTEREST RATE RELIEF ACT OF 1986"

Section 2 amends the "Policy and Objectives" section of the Farm Credit Act to

clarify that it is the policy of the Congress that the institutions of the Farm Credit System take appropriate steps to establish competitive interest rates based on the marginal cost of funds.

Section 3 strikes language from the appropriate sections of the Farm Credit Act which provides the Farm Credit Administration the authority to approve interest rates charged by the (a) Federal land banks, (b) the Federal intermediate credit banks, and (c) the banks for cooperatives.

Section 4 amends the capital adequacy provisions of existing law by adding new language to prohibit the Farm Credit Administration from requiring System institutions to maintain capital levels by charging interest rates to eligible borrowers that exceed rates generally available from other commercial lenders.

Section 5 strikes a reference to the authority of the Farm Credit Administration to approve interest rates and retains existing law pre-empting state laws limiting interest rates.

Section 6 strikes the specific "enumerated power" of the Farm Credit Administration to approve interest rates on loans made by the System.

Section 7 amends the definition of "unsafe and unsound practice" to clarify that the establishment of competitive interest rates based upon marginal cost of funds, taking into account the credit-worthiness of the borrower and the cost of servicing the loan, is not an unsafe and unsound business practice.

S. 2770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Farm Credit System Borrower Interest Rate Relief Act of 1986".

SEC. 2. POLICY.

Section 1.1 of the Farm Credit Act of 1971 (12 U.S.C. 2001) is amended by adding at the end thereof the following new subsection:

"(c) It is declared to be the policy of Congress that the long-term credit needs of farmers, ranchers, and their cooperatives will be served if Farm Credit System institutions take appropriate steps to provide competitive interest rates for eligible borrowers based on the marginal cost of funds, taking into account the credit-worthiness of borrowers and the cost of servicing loans.".

SEC. 3. FARM CREDIT ADMINISTRATION APPROVAL OF INTEREST RATES CHARGED BY CERTAIN INSTITUTIONS.

(a) FEDERAL LAND BANKS.—The first sentence of section 1.7 of the Farm Credit Act of 1971 (12 U.S.C. 2015) is amended by striking out ", with the approval of the Farm Credit Administration as provided in section 4.17 of this Act".

(b) FEDERAL INTERMEDIATE CREDIT BANKS.—The second sentence of section 2.4 of such Act (12 U.S.C. 2075) is amended by striking out "with the approval of the Farm Credit Administration as provided in section 4.17 of this Act".

(c) BANKS FOR COOPERATIVES.—The first sentence of section 3.10(a) of such Act (12 U.S.C. 2131(a)) is amended by striking out ", with the approval of the Farm Credit Administration as provided in section 4.17 of this Act".

SEC. 4. INTEREST RATES FOR BANKS AND ASSOCIATIONS WITH INADEQUATE CAPITAL.

The second sentence of section 4.3(b)(2)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2154(b)(2)(A)) is amended by striking out "may not" and all that follows through the period and inserting in lieu thereof the following: "may not require the System institution to charge interest rates to eligible borrowers that exceed rates generally available to such borrowers from other commercial lenders, or require merger or consolidation, without a majority vote of the voting stockholders or the contributors to the guaranty fund of the institution.".

SEC. 5. DETERMINATION OF INTEREST RATES.

Section 4.17 of the Farm Credit Act of 1971 (12 U.S.C. 2205) is amended by striking out the first sentence and inserting in lieu thereof the following new sentences: "Interest rates on loans from institutions of the Farm Credit System shall not be subject to any interest rate limitation imposed by any State contribution or statute or other law. Such limitations are preempted for purposes of this Act.".

SEC. 6. FARM CREDIT ADMINISTRATION APPROVAL OF INTEREST RATES CHARGED ON DIRECT AND DISCONTINUED LOANS.

Section 5.17(a)(5)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(5)(A)) by striking out "and on loans made or discounted by such institutions".

SEC. 7. DEFINITION OF UNSAFE OR UNSOUND PRACTICE.

Section 5.35(4) of the Farm Credit Act of 1971 (12 U.S.C. 2271(4)) is amended by inserting before the period the following: ", except that such term shall not include the establishment of competitive interest rates based on the marginal cost of funds, taking into account the creditworthiness of a borrower and the cost of servicing a loan".●

● Mr. PRYOR. Mr. President, I am pleased to join my colleague, Senator COCHRAN, in cosponsoring legislation designed to provide competitive interest rates for farmers, ranchers and cooperatives who borrow from the Farm Credit System. The Farm Credit System Borrowers Interest Rate Relief Act of 1986 is intended to allow the farmer-elected boards of directors of System institutions to determine and adjust interest rates without the prior approval of the Farm Credit Administration.

The intent of the Farm Credit Amendments Act of 1985 was to accomplish primarily two objectives: (1) To ensure that the Farm Credit System could effectively and efficiently serve the credit needs of its borrowers, and (2) to make the Farm Credit Administration a true, arms-length, financial regulator on a par with other financial institutions' regulators. However, Mr. President, I have consistently heard from Farm Credit borrowers who believe that these objectives have not been met. Repeatedly I have received complaints about the high competitive interest rates that the Farm Credit System is offering.

At a time when other interest rates are falling, it really makes little economic sense to keep System rates at such noncompetitive levels. At a time, also, when our farmers find themselves in a cash flow crunch, they find their primary lender asking them to pay rates that are honestly unreasonably high. While System members have appealed to the FCA for relief, we find FCA very reluctant to permit rate reductions for any but the strongest of the System's farmer borrowers.

Mr. President, there comes a time when common sense should prevail. Everyone knows of the financial crisis the Farm Credit System is now facing. We realize it will need an infusion of Federal funds in the near future. But why do we keep rates at unreasonably high levels and literally force the System's better borrowers to "turn tail" and run to more competitive rates outside the System? Economic sense would say that if this continues, the System's portfolios of loans will only get worse and only the poorer risks will remain and, Mr. President, in my opinion, that will only serve to drive interest rates even higher. We must have the farm credit banks be competitive. The System banks must be provided the ability to have the flexibility so that they can once again become rate competitive and recapture a sound portfolio of borrowers.

Our bill simply prohibits the FCA from requiring System institutions to charge interest rates that exceed rates generally available to borrowers from other sources. I have hopes of the Farm Credit System once again becoming a strong competitive lender.

This will better allow the Farm Credit System to serve its farmers and cooperative borrowers and to remain viable over the long term.

Mr. President, our farmers must have a reliable, dependable, and cost-efficient source of credit. The intent of the Farm Credit Amendments Act of 1985 has not been carried out. It is time the Congress redefines its intent. Senator COCHRAN's bill does this and I am pleased to be an original cosponsor.●

By Mr. HATCH:

S. 2771. A bill to require the Secretary of Health and Human Services to determine the appropriate regulatory classification of the transitional devices of the Medical Device Amendments of 1976 to the Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Labor and Human Resources.

RECLASSIFICATION OF TRANSITIONAL DEVICES AMENDMENTS

Mr. HATCH. Mr. President, I am very pleased to introduce an amendment to the Food, Drug and Cosmetic Act, the "act," designed to address the reclassification of certain medical devices known as transitional devices. They were so designated in the device amendments of the act in 1976 because they had been regulated previously as new drugs needing FDA clearance prior to marketing and the Food and Drug Administration wanted that level of regulation to continue until

the device classification process was completed. For several reasons, however, the transitional devices have not been effectively considered to determine if they should be reclassified and my amendment will require FDA to accelerate that process to determine the appropriate regulatory classification of these devices. After many of these products are reclassified, the amendment will allow the valuable scientific and financial resources of the Food and Drug Administration to be directed to more pressing areas of public concern, and at the same time promote competition within the medical device industry, decrease costs to the consumer, increase employment, and allow small U.S. based daily wear contact lens firms to compete more effectively in the market.

We now have had 10 years of experience with the Medical Device Amendments of 1976. That legislation automatically placed a number of devices into class III—the highest level of control. These were the so-called transitional devices. Many of these devices did not then and still do not meet the statutory definition of a class III device. Yet FDA's interpretation of existing law have made it difficult to reclassify them to a more appropriate level of regulation. The common daily wear contact lens, and the various cleaning and disinfecting solutions and storage cases used with it, are prime examples of transitional devices which in the opinion of the public, FDA and industry should be reclassified. The FDA attempted reclassification of these devices but apparently required more data than available at that time. This legislation will correct that situation. It is not just the daily wear contact lens which is involved here. The transitional provisions automatically swept other types of devices into class III which in the opinion of many should not be there. This situation can be corrected without risk to the health of consumers. In preparing this legislation, my staff has had extensive discussions with FDA personnel to identify any health issues which might be involved. We have also given careful consideration to communications received from a number of professional associations seeking legislation.

The economic realities which led to the passage of Gramm-Rudman-Hollings are of ever-increasing concern. We are facing severe limitations in the resources for most agencies of Government—including FDA. We cannot continue to allow FDA resources to be misdirected to overregulation of devices which can be marketed safely with less and different regulatory controls. It is obvious that the FDA's valuable and limited resources must now be deployed where they will do the most good.

The legislation which I am introducing will go a long way toward rationalizing the FDA's usage of its resources. In the years since the passage of the Medical Device Amendments of 1976, the agency has been faced with a rising tide of premarket approval applications [PMA's] for class III medical devices. There is already a serious log jam of PMA submissions at the agency awaiting final action; it is now commonplace for submissions to remain trapped in the system for periods well in excess of the statutory review time mandated by the law. Many of these PMA submissions are unnecessary because the device would be adequately regulated by a different premarket approval procedure. FDA has identified a major problem involving transitional devices which by statute were automatically placed in class III instead of going through the classification process. FDA estimated that more than one-half of all original PMA applications are for transitional devices. FDA receives more PMA supplements for transitional devices than for other devices. Roughly one-third of the resources being devoted to this work could be used elsewhere if some of these devices were placed in categories other than class III. It is time to correct the situation.

Under this legislation, reclassified transitional devices would, of course, continue to be subject to the extensive controls provided by the law to prohibit misbranding and adulteration. Their manufacturing processes, for example, would continue to be held to strict compliance with the agency's good manufacturing practices [GMP] regulations. Product introductions would also be monitored by the premarket notification process and product complaints would be subject to the mandatory device reporting regulations.

In summary, this legislation requires FDA to accelerate the process of placing these transitional devices in their appropriate classes, with no such device to be retained in class III unless it meets the statutory definition provided by the Congress for such devices. Our objective is to help FDA direct its efforts to more productive tasks.

I invite the support of all my colleagues for this beneficial bill, and ask unanimous consent that the full text be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2771

Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Re-classification of Transitional Devices Amendments of 1986".

REQUIREMENT TO DETERMINE THE APPROPRIATE REGULATORY CLASSIFICATION OF THE TRANSITIONAL DEVICES OF THE MEDICAL DEVICE AMENDMENTS OF 1976.

Section 520(l) of the Federal Food, Drug, and Cosmetic Act is amended by redesignating the present Section 520(l)(2) as 520(l)(2)(a) and adding the following new Subsection (b):

(b)(i) Within the 90-day period beginning on the enactment date of this section, the Secretary shall initiate a proceeding to reclassify all devices placed in Class III pursuant to subparagraph (1) above. On or before two years after enactment of this section, the Secretary shall, by order, reclassify each such device into class I or II or determine that the device should remain in class III. The proceeding described herein shall be limited to a determination, based on valid scientific evidence, of whether the device meets the criteria for inclusion in class III set forth in S 513(a)(1)(C)(ii)(I-II).

(ii) The Secretary shall not continue the classification of a device in class III unless he determines the controls authorized under S 515 are necessary to provide reasonable assurance of the safety and efficacy of the transitional device.

(iii)(a) A device described in Paragraph (1) which has not been the subject of an order issued pursuant to Paragraph (i) of this section and which is in class III shall be reclassified in class II; such reclassification shall take effect two years after the enactment of this section.

(iii)(b) On or before the thirtieth day after the date on which an order entered under paragraph (iii)(a) is made public, any person who will be adversely affected by such order if placed in effect may file objections thereto with the Secretary, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. If the Secretary determines that such petition shows good cause, then, until final action upon such objections is taken by the Secretary, the filing of such objections shall operate to stay the effectiveness of those provisions of the order to which the objections are made. As soon as practicable after the time for filing objections has expired the Secretary shall publish a notice in the Federal Register specifying those parts of the order which have been stayed by the filing of objections and, if no objections have been filed, stating that fact.

By Mr. HATCH:

S. 2772. A bill to amend the Orphan Drug Act of the Food, Drug, and Cosmetic Act to allow more than one company to be granted a 7-year exclusive marketing privilege due to simultaneous development when more than one company has filed a new drug application [NDA] before the time the first company has received FDA approval for its product; to the Committee on Labor and Human Resources.

ORPHAN DRUG AMENDMENTS

Mr. HATCH. Mr. President, one of the legislative achievements in the health area that I am proudest of is the Orphan Drug Act, which through a series of incentives has provided the impetus for the development of many new drugs for the benefit of people suffering from relatively rare diseases and disorders, with hopefully many more new orphan drugs to come. It has helped create a valuable partnership between the public and private sectors to bring the fruits of biomedical research and development to

people who might otherwise be left out.

As we have moved forward with this new effort, we have also learned by experience. Since the enactment of the Orphan Drug Act in 1982, we have amended the act twice to perfect various aspects of it. Today, I am introducing another modification of the original act based upon the experience accumulated over the past 4 years.

For certain rare disorders and diseases, the costs of drug development and the FDA approval process were so high that, compared to the expected income, no pharmaceutical company could afford to undertake the drug development and approval process. The Orphan Drug Act was drafted with the notion that incentives should be provided to encourage a pharmaceutical company to undertake the process. Consequently, that act was drafted to give a 7-year period of exclusivity to a pharmaceutical company to allow it to recover all or at least a substantial portion of its development cost.

The experience since the act was signed, however, has been to a certain extent different than expected. Much to my surprise, in at least four existing cases, not just one company, as we had originally hoped, but more than one company has undertaken the development, simultaneously, of a orphan drug product. In my view, this is commendable. As with any product, the more sources of an orphan drug, the better. Supply will be assured; prices should be lower to those who need the drug; and continued improvement in the product is more likely in a competitive environment.

In part, this development has occurred because the Orphan Drug Act does not discourage simultaneous drug development. Under the act, more than one company can take advantage of the incentives of the act with regard to the development of the same orphan drug—in particular, protocol assistance from the FDA to help in the design of tests to prove the efficacy of the drug; designation of the drug as an orphan drug; and the resulting substantial tax credits for the expenses of clinical testing.

However, under the present act, only one company receives a 7-year exclusive marketing right, effectively barring other companies which have been simultaneously working on the same orphan drug from the fruits of their labor, unless a licensing agreement can be reached.

Seven-year exclusivity, it seems to me, continues to make sense with respect to subsequent developers—to protect the original developer(s) against copying and preserve the ability to recover development costs, which is at the core of the incentives offered by the Orphan Drug Act. But, now that actual experience shows that there are situations in which more than one company is willing to undertake development of an orphan drug simultaneously, we ought not to shut off the second or third company from taking the product to market by permitting only one company in that situation to obtain a 7-year period of sole exclusivity, for two reasons. First, since public funds, through tax credits, are helping finance the simultaneous development of more than one source of an orphan drug, prudent use of public funds indicates that the public should enjoy the benefits of allowing more than one source of a simultaneously developed orphan drug to go to market. Second, since the underlying purpose of the act is to make more orphan drugs available to people in need of the drugs, allowing more than one source where there is more than one company simultaneouly developing the drug would further the purposes of the act by making more orphan drug products available.

Consequently, I am introducing today legislation to conform the Orphan Drug Act to experience. It would create a new set of circumstances under which more than one company could be granted a 7-year exclusive marketing privilege under the Orphan Drug Act. It would allow a second or third company to share in the exclusive marketing right when that company had filed a new drug application [NDA] before the time the first company had received FDA approval for its product. This is put forth as the test simultaneous development, because the filing of an NDA can only be accomplished by companies that have expended considerable resources and are therefore the legitimately pursuing orphan drug development within a timeframe that provides a fair test of simultaneous effort. The amendment would be effective from date of enactment.

I am proposing this modification to the Orphan Drug Act because I believe it represents an improvement that will address and resolve a development that was not contemplated at the time the act was enacted—that there could be, and in fact are, situations where more than one company would be simultaneously developing an orphan drug. The amendment will guarantee that public funds used to encourage the development of orphan drugs are used wisely and not wasted. I believe it will make orhan drugs even more available, without affecting the basic structure of the act, and, on that basis, I ask my colleagues to support this legislation.

I invite the support of all my colleagues for this beneficial amendment, and ask unanimous consent that the full text be printed in the RECORD, at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2772

Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Orphan Drug Amendments of 1986.

AMENDMENT TO ORPHAN DRUG ACT RELATING TO SIMULTANEOUS DEVELOPMENT

Section 527(b) of the Federal Food, Drug and Cosmetic Act is amended-

(1) by striking out "." at the end of paragraph (2) and inserting in lieu thereof "; or"; and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) said other application for approval under section 505 for a drug designated under section 526, said other application for certification under section 507 for such a drug, or said other application for a license under section 351 of the Public Health Service Act for such drug is pending at the time of the approval of the first application, the issuance of the first certification, or the issuance of the first license.".

This amendment shall be effective upon enactment.

By Mr. SIMON:

S. 2773. A bill establishing a commission to coordinate the commemoration of the bicentennial of the Congress; to the Committee on Governmental Affairs.

COMMISSION ON THE 100TH CONGRESS ACT

Mr. SIMON. Mr. President, today, on behalf of myself and Senators BURDICK, CHILES, CRANSTON, DECONCINI, DIXON, EAGLETON, HATCH, INOUYE, KERRY, MOYNIHAN, and MURKOWSKI, I am introducing legislation which establishes a Commission to commemorate the Bicentennial of Congress. This Commission will bring together various people knowledgeable in the field of congressional history and responsibility to celebrate the Bicentennial.

The 1989 Bicentennial of Congress is a special and historical moment for America. Two hundred years prior to this date, Federalists and anti-Federalists were debating the ratification of the Constitution, which created Congress as one of the three branches of the Federal Government. Once the States ratified the Constitution, Congress was officially established and granted the powers to tax, regulate trade, ratify treaties and impeach. More importantly, then and now, Congress is able, through democratic means, to protect and ensure freedom for all Americans.

In the ensuing years, there have been numerous events and accomplishments that these two bodies have achieved.

A theme that has run through many major legislative battles is the protection of individual rights. The Bill of Rights was passed in 1789; here were laid out many of our most basic rights—freedom of speech, press and petition, the right of habeus corpus and trial by jury. But over time, the Nation, and Congress have discovered

rights that were not in the original Bill of Rights—but rights that are consistent with the original intent of the Constitution.

On December 1, 1985, Congress passed the 13th Amendment, abolishing slavery. This followed Lincoln's Emancipation Proclamation, and the split between the North and the South. The abolition of slavery laid the groundwork for many future legislative efforts to guarantee civil rights. In retrospect, although many believe the guarantee of these rights should have been included in the Constitution, Congress was the vehicle for including in our ever changing laws the protection of one of our most basic rights.

On another issue, one of the first acts of the new Congress was the establishment of our system of justice. In 1789, Congress developed and passed the law which set up our court system. Active participation by Congress in judicial issues has been evident in recent weeks as the Senate Judiciary Committee reviewed two Supreme Court nominees. This year, both the House and the Senate have passed legislation increasing the number of bankruptcy judges. The Constitution did not address the nuts and bolts of how our court system should be developed. It was largely the responsibility of Congress to formulate the design of our judicial system. Members of the original Congress displayed great wisdom and foresight in their plan—with the original system remaining relatively intact.

There are many instances where Congress has reaffirmed the Constitution, consistent with the intent of the original signers. In cases where the Constituional provisions of separation of powers was in jeopardy, Congress has intervened to guarantee that these branches remain independent.

During the Vietnam war, Congress found it necessary to take special precautions to keep the powers of the President in line with those granted in the Constitution. Over a period of years, U.S. troops were committed to Southeast Asia, even though war had never officially been declared. Congressional frustration over not being involved in these decisions led to the passage of the War Powers Act, designed to clarify each bodies role in the commitment of U.S. troops abroad. With the passage of this act, Congress now has the tools to ensure that any commitment of U.S. troops overseas is carefully reviewed by Congress and the American people.

These few examples demonstrate the critical role Congress plays in the functioning of Government. Given the history and power of this body, it is important that Americans, including Members of Congress, are aware of the contributions that Congress has made over the years, and its role in the future.

This bill would establish a Commission to coordinate events that will celebrate the Bicentennial of Congress. A similar bill has been introduced by Congressman RANGLE. It is an honor to be part of this body. All of us who return to our districts and States regularly cannot deny that Congress as a body and we as elected officials, has lost a great deal of esteem and respect in recent years. The reality is, however, that Congress has contributed a great deal and these accomplishments should be recognized. I hope that this Commission will be established and that events across the country will afford many people an opportunity to view the strength and courage this body has demonstrated on numerous occasions.

By Mr. LONG:

S. 2774. A bill to provide for a temporary suspension of duty on sethoxydim for a period of 3 years; to the Committee on Finance.

S. 2775. A bill to provide for a 3-year period the duty on 3-Ethylamino-p-cresol; to the Committee on Finance.

SUSPENSION OF DUTY ON CERTAIN CHEMICALS

● Mr. LONG. Mr. President, I am today introducing two bills to temporarily suspend for 3 years the duty on two chemicals for which there appears to be no domestic source.

The first chemical is used to make a herbicide used widely by farmers to control weeds, particularly in soybean fields. Soybeans are one of our major export crops, and thus the importation of this product will actually contribute to our ability to export.

The second is a chemical used to make dyes and pigments. These dyes and pigments are, in turn, used in high quality printing and in coloring speciality plastics. It is not available from a domestic source.

Identical versions of these bills have been introduced in the House of Representatives, and their introduction here will assure that in the event the House fails to act on them, the Senate will be in a position to put these provisions in its bill if a trade bill is passed this year.●

By Mr. DURENBERGER (by request):

S. 2776. A bill to reduce costs in the Medicare and Medicaid Programs, and for other purposes; to the Committee on Finance.

HEALTH CARE FINANCING REFORM AMENDMENTS

● Mr. DURENBERGER. Mr. President, once again the administration has requested that, in my capacity as chairman of the Senate Finance Committee's Health Subcommittee, I introduce its package of health care cost reduction proposals. Therefore, I am introducing today the Health Care Financing Reform Amendments of 1986 which the administration has just delivered. This bill contains the President's budget recommendations for the Medicare and Medicaid Programs.

This package includes many items that were included in S. 1550, the administration's 1985 package which I introduced at their request on August 1, 1985. Some of these items have been addressed in the Senate Finance Committee markup on July 22 and 23; others are items which Congress has received and rejected in the past; and still others are promising provisions which Congress should consider in the future.

While I don't agree with the package in its entirety, I do feel it's important that the administration's proposals be made available for congressional review. Questions about the details or rationale for its provisions should be referred to the Office for the Assistant Secretary for Legislation at the Department of Health and Human Services. I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2776

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND REFERENCES IN ACT

SECTION 1. (a) This Act may be cited as the "Health Care Financing Reform Amendments of 1986".

(b) The amendments in this Act apply to the Social Security Act, unless otherwise specifically stated.

TITLE I—MEDICARE

PART A—CHANGES IN ELIGIBILITY AND COST SHARING INCREASES IN SUPPLEMENTARY MEDICAL INSURANCE DEDUCTIBLE

SEC. 101. (a) The matter in the first sentence of section 1933(b) (42 U.S.C. 1395l(b)) preceding clause (1) is amended by striking out "of $75" and inserting instead "equal to $100 increased by the percentage increase of an index (as determined by the Secretary), based on appropriate economic index data (as stated in the fourth sentence of section 1842(b)(3)) from 1986 to the year preceding such calendar year and (if not a multiple of $1) rounded to the next higher multiple of $1".

(b) The amendment made by subsection (a) applies to expenses incurred during calendar year 1987 and later years.

FIRST FULL MONTH OF MEDICARE ELIGIBILITY

SEC. 102. (a)(1) Subsections (a)(1), (b)(1), (c)(1)(B)(i), and (e) of section 226 (42 U.S.C. 426), section 1818(a)(1) (42 U.S.C. 1395i-2(a)(1)), section 1836(2) (42 U.S.C. 1935o(2)), subsections (c), (d), and (g)(1) of section 1837 (42 U.S.C. 1395p), section 1839(d) (42 U.S.C. 1395r(d)), and section 1876(a)(5) (42 U.S.C. 1395mm(a)(5)) are each amended by inserting "and one month" after "age 65" each place it occurs.

(2) The first sentence of section 226(b) (42 U.S.C. 426(b)) is amended by striking out "before the month" in the matter following paragraph (2).

(3) Section 226(e)(1) (42 U.S.C. 426(e)(1)) is amended—

(A) by striking out "and" at the end of subparagraph (A),

(B) by substituting a semicolon for the period at the end of subparagraph (B), and

(C) by adding at the end the following:

"(C) section 202(e)(1)(C)(i) and section 202(f)(1)(C)(i) shall each be deemed to be amended by striking out 'and (I) has attained retirement age (as defined in section 216(l)) or (II) is not entitleld to benefits under subsection (a) or section 223,';

"(D) section 202(e)(1)(D) and section 202(f)(1)(D) shall each be deemed to be repealed;

"(E) the matter in the first sentence of section 202(e)(1) following paragraph (F) shall be deemed to be amended—

"(i) by striking out 'becomes entitled to an old-age insurance benefit equal to or exceeding the primary insurance amount (as determined after application of subparagraphs (B) and (C) of paragraph (2)) of such deceased individual,', and

"(ii) by striking out 'retirement age (as defined in section 216(l))' and inserting instead 'age 65 and one month'; and

"(F) the matter in the first sentence of section 202(f)(1) following paragraph (F) shall be deemed to be amended—

"(i) by striking out 'or becomes entitled to an old-age insurance benefit equal to or exceeding the primary insurance amount (as determined after application of subparagraphs (B) and (C) of paragraph (3)) of such deceased individual,', and

"(ii) by striking out 'retirement age (as defined in section 216 (l))' and inserting instead 'age 65 and one month'.".

(4) Section 226(e) (42 U.S.C. 426(e)) is amended by adding at the end the following:

"(5) For purposes of detemining entitlement to hospital insurance benefits undr subsection (b) in the case of an individual described in paragraph (2)(A)(i) of that subsection, 'the retirement age (as defined in section 216(l))' in section 223(a)(1)(B) shall be deemed to read 'age 65 and one month' and 'retirement age (as defined in section 216(l))' in the matter folowing paragraph (D) in the first sentence of section 223(a)(1) shall be deemed to read 'age 65 and one month'.

"(6) For purposes of determining entitlement to hospital insurance benefits under subsection (a) or (b) in the case of an individual who is a qualified railroad retirement beneficiary, section 7(d)(2) of the Railroad Retirement Act of 1974 (45 U.S.C. 231f(d)(2)) shall be deemed to be amended by inserting 'and one month' after 'age 65' each plact it occurs.".

(5) Section 1838(c) (45 U.S.C. 1395g(c)) is amended by inserting "and one month" after "age of 65".

(6) Section 103(a)(1) of the Social Security Amendments of 1965 (45 U.S.C. 426a(a)(1)) is amended by inserting "and one month" after "age 65".

(b) The amendments made by the preceding subsection apply to individuals who attain age 65 after September 1986.

ONE PERCENT COINSURANCE FOR HOME HEALTH BENEFITS

SEC. 103. (a) Section 1813(a) (45 U.S.C. 1395e(a)) is amended by adding at the end the following:

"(5) The amount payable for home health services furnished an individual shall be reduced by a coinsurance amount equal to one percent of the inpatient hospital deductible for each home health visit furnished, other than—

"(A) a visit that occurs within thirty days of discharge from a hospital or skilled nursing facility and is related to a condition or procedure for which inpatient hospital services or extended care services were provided, and any subsequent visit so related that occurs within sixty days of discharge, and

"(B) any visit after the first hundred visits in a calendar year.".

(b) Section 1833(a)(2)(A) (42 U.S.C. 1395 l(a)(2)(A)) is amended by inserting before the semicolon the following: ", less in each case the coinsurance amount specified in section 1813(a)(5)".

(c) The first sentence of section 1866(a)(2)(A) (42 U.S.C. 1395cc(a)(2)(A)) is amended by striking out "or (a)(4), section 1833(b)" and inserting instead "(a)(4), or (a)(5), section 1833(a)(2)(A) or (b)".

(d) The amendments made by the preceding subsections apply to home health services furnished after 1986.

INCREASES IN SUPPLEMENTARY MEDICAL INSURANCE PREMIUM

SEC. 104. (a)(1) Section 1839(a)(2) (42 U.S.C. 1395r(a)(2)) is amended by striking out "(e)" and inserting instead "(c)".

(2) The second sentence of section 1839(a)(3) (42 U.S.C. 1395r(a)(3)) is amended to read as follows: "The monthly premium shall be equal to the monthly actuarial rate for enrollees age 65 and over, determined according to paragraph (1) of this section, for that calendar year, multiplied by 0.5 for each of the years 1984, 1985, and 1986, 0.54 for 1987, 0.58 for 1988, 0.62 for 1989, 0.66 for 1990, and 0.7 for 1991 and later years.".

(3) The first sentence of section 1839(b) (42 U.S.C. 1395r(b)) is amended by striking out "or (e)".

(4) Section 1839(c) (42 U.S.C. 1395r(c)) is amended by striking out "nearest" and inserting instead "next higher".

(5)(A) Subsection (e) of section 1839 (42 U.S.C. 1395r) is repealed.

(B) Subsection (f) of that section is redesignated as subsection (e).

(6) Sections 1844(a)(1)(A)(i) and 1844(a)(1)(B)(i) (42 U.S.C. 1395w(a)(1)(A)(i) as 1395w(a)(1)(B)(i)) are each amended by striking out "or 1839(e), as the case may be".

(b)(1) The second setence of section 1839(a)(3) (42 U.S.C. 1395r(a)(3)) (as amended by subsection (a)(2) of this section) is further amended by inserting before the period the following: "(except that, for individuals for whom the monthly premium is paid under a State plan approved under title XIX or under a group health plan (as defined in section 1890(a)(5)(A)), the monthly premium for 1987 and later years shall be equal to that monthly actuarial rate for each of those years)".

(2) Section 1839(e) (42 U.S.C. 1395r(e)) (as redesignated by subsection (a)(5)(B) of this section) is amended by adding at the end the following:

"(3) This subsection does not apply to any monthly premium determined under the paranthetical phrase in the second sentence of section 1839(a)(3).".

COVERAGE REQUIREMENTS FOR CERTAIN OTHER PAYERS; MEDICARE AS SECONDARY PAYER

SEC. 105. (a) Section 1862(b) (42 U.S.C. 1395y(b)) is repealed.

(b) Title XVIII is amended by adding at the end the following:

"COVERAGE REQUIREMENTS FOR CERTAIN OTHER PAYERS; MEDICARE AS SECONDARY PAYER

"SEC. 1890. (a)(1) A workers' compensation law or plan of the United States or of a State, an automobile or liability insurance policy or plan (including a self-insured plan), and no fault insurance may not take into account that an individual is eligible for or receives benefits under this title.

"(2)(A) A group health plan may not take into account that an individual who is entitled to benefits under this title solely by reason of section 226A is eligible for or receives benefits under this title during the 12-month period that begins with the earlier of (i) the month in which a regular course of renal dialysis is initiated, or (ii) in the case of an individual who receives a kidney transplant, the first month in which he would be eligible for benefits under this title (if he had filed an application for such benefits) under the provisions of section 226A(b)(1)(B).

"(B) A group health plan may not differentiate in the benefits it provides, in the premiums it charges, or in any other manner between individuals who have end stage renal disease and other individuals, except that the plan may take into account entitlement to benefits under this title to the extent permitted under subparagraph (A).

"(3)(A) A large group health plan may not take into account that an active individual (other than an individual described in paragraph (2)(A)) is eligible for or receives benefits under this title.

"(B) A large group health plan may not differentiate on the basis of age in the benefits it provides, in the premiums it charges, or in any other manner between active individuals who have attained age 65 and other active individuals.

"(4) The preceding paragraphs create a private cause of action for which damages shall be doubled.

"(5) For purposes of this subsection—

"(A) the term 'group health plan' means a plan contributed to by an employer or employee organization (including a self-insured plan) to provide health care (directly or otherwise) to the employees, former employees, the employer, others associated or formerly associated with the employer in a business relationship, or their families,

"(B) the term 'large group health plan' means a group health plan that covers employees of at least one employer that normally employed at least 20 employees on a typical business day during the previous calendar year, and

"(C) the term 'active individual' means an employee (as defined in regulations), a former employee under age 65, the employer, an individual associated with the employer in a business relationship, an individual under age 65 formerly associated with the employer in a business relationship, or a member of the family of any of those persons.

"(b)(1) Payment may not be made under this title with respect to any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to the item or service as required under subsection (a). Any payment under this title with respect to the item or service shall be conditioned on reimbursement to the appropriate Trust Fund established by this title. In order to recover payment made under this title for the item or service, the United States may bring an action against any entity which is required

under subsection (a) to pay with respect to the item or service (and may collect double damages against that entity), or against any other entity that has received payment from that entity with respect to the item or service, and may join or intervene in any action related to the events that gave rise to the need for the item or service. The United States shall be subrogated (to the extent of payment made under this title for an item or service) to any right under subsection (a) of an individual or any other entity to payment with respect to the item or service. The Secretary may waive (in whole or in part) the provisions of this paragraph in the case of an individual claim if the Secretary determines that the waiver is in the best interests of the program established under this title.

"(2) If payment required under subsection (a) is less than the amount of the charge for the item or service and is not payment in full, payment may be made under this title (without regard to deductibles and coinsurance under this title) for the remainder of the charge, but—

"(A) payment under this title may not exceed an amount that would be payable under this title for the item or service in the absence of the payment required under subsection (a), and

"(B) payment under this title, when combined with the amount payable under subsection (a), may not exceed—

"(i) in the case of an item or service for which payment is determined under this title on the basis of reasonable cost (or other cost-related basis) or under section 1886, the amount that would be payable under this title on that basis, and

"(ii) in the case of an item or service for which payment is determined under this title on another basis, the greater of the amount that would be payable under subsection (a) (without regard to deductibles and coinsurance) and the reasonable charge or other amount that would be payable under this title (without regard to deductibles and coinsurance under this title).".

(c)(1) Section 1837(i)(1) (42 U.S.C. 1395p(i)(1)) is amended—

(A) by striking out subparagraph (A),

(B) in subparagraph (B), by striking out "a group health plan described in section 1862(b)(3)(A)(iv) by reason of the individual's (or the individual's spouse's) current employment" and inserting instead "a group health plan as an active individual (as those terms are defined in section 1890(a)(5))", and

(C) by redesignating subparagraphs (B) and (C) as (A) and (B), respectively.

(2) Section 1837(i)(2) (42 U.S.C. 1395p(i)(2)) is amended—

(A) by striking out subparagraph (A),

(B) in subparagraph (B)(ii), by striking out "(1)(B)" and inserting instead "(1)(A)",

(C) in subparagraph (C), by striking out "a group health plan described in section 1862(b)(3)(A)(iv) by reason of the individual's (or the individual's spouse's) current employment" and inserting instead "a group health plan as an active individual (as those terms are defined in section 1890(a)(5))", and

(D) by redesignating subparagraphs (B) through (D) as (A) through (C).

(3) Section 1837(i)(3) (42 U.S.C. 1395p(i)(3)) is amended by striking out "a group health plan described in section 1862(b)(3)(A)(iv) by reason of current employment" and inserting instead "a group health plan as an active individual (as those terms are defined in section 1890(a)(5))".

(4) The second sentence of section 1839(b) (42 U.S.C. 1395r(b)) is amended by striking out "has attained the age of 65 and for which the individual can demonstrate that the individual was enrolled in a group health plan described in section 1862(b)(3)(A)(iv) by reason of the individual's (or the individual's spouse's) current employment" and inserting instead "can demonstrate that the individual was enrolled in a group health plan as an active individual (as those terms are defined in section 1890(a)(5))".

(d)(1) Subtitle D (relating to miscellaneous excise taxes) of the Internal Revenue Code of 1954 is amended by adding at the end the following new chapter:

"CHAPTER 47—CERTAIN GROUP HEALTH PLANS

"Sec. 5000. Certain group health plans.

"SEC. 5000. CERTAIN GROUP HEALTH PLANS.

"(a) IMPOSITION OF TAX.—There is hereby imposed on any employer or employee organization that contributes to a nonconforming group health plan a tax equal to 25 percent of the employer's or employee organization's expenses paid or incurred during the calendar year for each group health plan to which the employer or employee organization contributes.

"(b) GROUP HEALTH PLAN.—For purposes of this section the term 'group health plan' means a plan contributed to by an employer or employee organization (including a self-insured plan) to provide health care (directly or otherwise) to the employees, former employees, the employer, others associated or formerly associated with the employer in a business relationship, or their families.

"(c) NONCONFORMING GROUP HEALTH PLAN.—For purposes of this section the term 'nonconforming group health plan' means a group health plan than anytime during a calendar year does not comply with the requirements of section 1890(a)(2) of the Social Security Act, or, if a large group health plan (as defined in section 1890(a)(5)(B) of that Act), with the requirements of section 1890(a)(3) of that Act.

"(d) GOVERNMENTAL ENTITIES.—For purposes of this section the term 'employer' does not include a Federal or other governmental entity.".

(2) The table of chapters for that subtitle is amended by adding at the end the following: "Chapter 47. Certain group health plans.".

(3) Section 162(i) of the Internal Revenue Code of 1954 is amended—

(A) by striking out paragraph (1), and

(B) by renumbering paragraphs (2) and (3) as (1) and (2), respectively.

(e) Section 1903 (42 U.S.C. 1396b) is amended by adding at the end the following:

"(X) The Secretary shall reduce the amount payable under this section to a State for a quarter by 25 percent of the amount of the expenses incurred by the State (or by a State or local governmental entity) during that quarter for each group health plan (as defined in section 1890(a)(5)(A)) to which the State (or a State or local governmental entity) contributes if any such plan at anytime during that quarter does not comply with the requirements of section 1890(a)(2), or, if a large group health plan (as defined in section 1890(a)(5)(B)), with the requirements of section 1890(a)(3).".

(f)(1) Section 4(g) of the Age Discrimination in Employment Act of 1967 (29 U.S.C. 623(g)) is repealed.

(2) Section 12(a) of that Act (29 U.S.C. 631(a)) is amended by striking out "(except the provisions of section 4(g))".

(g)(1) The amendments made by subsections (a), (b), and (d) through (f) apply to items and services furnished after the second calendar quarter beginning after the date of enactment of this Act.

(2) The amendments made by subsection (c) apply to enrollments occurring after, and premiums for months after, the second calendar quarter beginning after the date of enactment of this Act.

DEDUCTIBLE AND COINSURANCE FOR SERVICES FURNISHED IN AMBULATORY SURGICAL CENTERS; ELIMINATION OF SPECIAL MEDICARE PAYMENTS FOR AMBULATORY SURGERY FACILITY SERVICES FURNISHED IN A PHYSICIAN'S OFFICE

SEC. 106. (a) Section 1832(a)(2)(F) (42 U.S.C. 1395k(a)(2)(F)) is amended to read as follows:

"(F) facility services furnished in connection with surgical procedures specified by the Secretary pursuant to section 1833(i)(1) and performed in an ambulatory surgical center (which meets health, safety, and other standards specified by the Secretary in regulations) if the center has an agreement in effect with the Secretary by which the center agrees to accept the amount determined under section 1833(i)(2) as full payment for such services and to accept an assignment described in section 1842(b)(3)(B)(ii) with respect to payment for all such services furnished by the center to individuals enrolled under this part.".

(b)(1) Section 1833(a)(1) (42 U.S.C. 1395l(a)(1)) is amended—

(A) by inserting "and" at the end of clause (D),

(B) by striking out ", and" at the end of clause (E) and inserting instead a semicolon, and

(C) by striking out clause (F).

(2) Section 1833(a)(4) (42 U.S.C. 1395l(a)(4)) is amended by striking out "applicable".

(c) The first sentence of section 1833(b) (42 U.S.C. 1395l(b)) is amended—

(1) by inserting "and" at the end of clause (2),

(2) by striking out clause (3), and

(3) by renumbering clause (4) as (3).

(d)(1) Section 1833(i)(1) (42 U.S.C. 1395l(i)(1)) is amended to read as follows:

"(i)(1) The Secretary shall, in consultation with appropriate medical organizations, specify those surgical procedures which are appropriately (when considered in terms of the proper utilization of hospital inpatient facilities) performed on an inpatient basis in a hospital but which also can be performed safely on an ambulatory basis in an ambulatory surgical center (meeting the standards specified under section 1832(a)(2)(F)) or hospital outpatient department.".

(2) Section 1833(i)(2) (42 U.S.C. 1395l(i)(2)) is amended—

(A) by striking out subparagraph (B),

(B) by striking out the subparagraph designation "(A)",

(C) in the matter preceding clause (i) in the first sentence, (i) by striking out "paragraph (1)(A)" and inserting instead "paragraph (1)" and (ii) by inserting "80 percent of" after "shall be equal to", and

(D) in the first sentence, by redesignating clauses (i) and (ii) as subparagraphs (A) and (B).

(3) Section 1833 (i)(3) (42 U.S.C. 1395l(i)(3)) is repealed.

(4) Paragraph (4) of section 1833 (i) (42 U.S.C. 1395l (i)) is renumbered as (3) and is amended—

(A) by striking out "paragraph (1)(A)" each place it occurs and inserting instead "paragraph (1)",

(B) by inserting "80 percent of" before "a single all-inclusive fee" , and

(C) by adding at the end the following: "The deductible specified by the first sentence of subsection (b) shall apply to payments under this paragraph.".

(e) Section 1861(r)(3) (42 U.S.C. 1395x(r)(3)) is amended by striking out ", 1832(a)(2)(F)(ii)," each place it occurs.

(f) The first sentence of section 1863 (42 U.S.C. 1395z) is amended by striking out "section 1832(a)(2)(F)(i)" and inserting instead "section 1832(a)(2)(F)".

(g) The first sentence of section 1864(a) (42 U.S.C. 1395aa(a)) is amended by striking out "section 1832(a)(2)(F)(i)" and inserting instead "section 1832(a)(2)(F)".

(h) The amendments made by the preceding subsections apply to items and services furnished after the second month beginning after the date of enactment of this Act.

PART B—CHANGES IN REIMBURSEMENT

REDUCTION IN AMOUNTS PAID FOR THE INDIRECT COSTS OF MEDICAL EDUCATION

SEC. 111. (a) Section 1886(d)(5)(B)(ii) (42 U.S.C. 1395ww(d)(B)(ii)) is amended to read as follows:

"(ii) For purposes of clause (i)(II), the indirect teaching adjustment factor for discharges occurring—

"(I) on or after May 1, 1986, and before October 1, 1986, is equal to $2X((1+r)^{.405}-1)$,

"(II) on or after October 1, 1986, and before October 1, 1988, is no greater than $((1+r)^{.471}-1)$, or

"(III) on or after October 1, 1988, is no greater than $((1+r)^{.5795}-1)$, where 'r' is the ratio of the hospital's full-time equivalent interns and residents to beds.".

(b) Section 1886(d)(2)(C)(i) (42 U.S.C. 1395ww(d)(2)(C)(i)) is amended by inserting "and by section 111(a) of the Health Care Financing Reform Amendments of 1986" after "1985".

(c) Section 1886(d)(3)(C)(ii) (42 U.S.C. 1395ww(d)(3)(C)(ii)) is amended:

(1) in subclauses (I) and (II), by inserting "and by section 111(a) of the Health Care Financing Reform Amendments of 1986" after "1985", and

(2) in subclause (I), by striking out "(ii)(II)" and "(ii)(I)" and inserting instead "(ii)(III)" and "(ii)(II)", respectively.

FREEZE ON PAYMENTS FOR CLINICAL DIAGNOSTIC LABORATORY TESTS

SEC. 112. (a) Section 1833(h)(2) (42 U.S.C. 1395l(h)(2)) is amended—

(1) in the first sentence, by inserting "(other than for the 12-month period beginning July 1, 1986)" after "adjusted annually"; and

(2) by inserting after the first sentence the following: "A special adjustment shall be made for the six month period beginning July 1, 1987, to take into account the percentage change in that index over a half year period. Subsequent annual adjustments shall be for calendar year periods. Adjustments made under the preceding sentences for periods beginning after June 1987 shall not include amounts to take into account the absence of an adjustment for the 12-month period beginning July 1, 1986.".

(b) Section 9303(a)(3) of the Consolidated Omnibus Budget Reconcilation Act of 1985 is repealed.

CHANGES IN PAYMENTS FOR DIRECT COSTS OF MEDICAL EDUCATIONAL ACTIVITIES

SEC. 113. (a)(1) Section 1886(h)(2)(A) (42 U.S.C. 1395ww(h)(2)(A)) is amended by inserting "(other than classroom and other educational program costs)" after "education costs".

(2) The amendment made by paragraph (1) applies to cost reporting periods beginning after June 1987.

(b) Section 1861(v)(1)(Q) (42 U.S.C. 1395x(v)(1)(Q)) is repealed.

INCLUSION OF LABOR OR DELIVERY ROOM DAYS IN DETERMINING HOSPITAL ROUTINE INPATIENT PER DIEM COSTS

SEC. 114. (a) Section 1861(b)(1) (42 U.S.C. 1395x(v)(1)) (as amended by section 113(b) of this Act) is further amended by adding at the end the following:

"(Q) In determining hospital routine inpatient per diem costs, the Secretary may count as a patient day a day on which a patient is in a labor or delivery room at the census-taking hour.".

(b) The amendment made by subsection (a) is effective with respect to cost reporting periods beginning after August 1976. Any regulations or instructions issued previously to carry out the effect of that amendment are effective with respect to cost reporting periods beginning after that month until and unless modified or revoked.

REDETERMINATION OF ALLOWABLE COSTS NOT TO AFFECT CERTAIN PAYMENTS TO HOSPITALS

SEC. 115. Section 1886(d) (42 U.S.C. 1395ww(d)) is amended by adding at the end the following:

"(9) No redetermination of any allowable operating costs of inpatient hospital services shall affect any payment under this subsection for a cost reporting period that has begun before the date of the redetermination.".

UNIFORM APPLICATION OF MODIFICATIONS TO THE MEDICARE ECONOMIC INDEX AND OF INHERENT REASONABLENESS LIMITATIONS

SEC. 116. (a) Section 1842(b)(4)(A)(iii) (42 U.S.C. 1395u(b)(4)(A)(iii)) is amended by inserting ", by adjusted, if the level determined for services furnished by participating physicians during that 12-month period incorporates any modification to the limit determined under the fourth sentence of paragraph (3) that was not incorporated for services furnished by participating physicians during that previous calendar year, to the level that would have been determined if the modification had been incorporated" after "clause (ii)(II)".

(b) Section 1842(b)(4) (42 U.S.C. 1395u(b)(4)) is further amended by adding at the end the following:

"(E) In determining the reasonable charge for physicians' services furnished during a 12-month period beginning on or after January 1, 1987, by a physician who is not a participating physician (as defined in subsection (h)(1)) at the time of furnishing the services, any applicable inherent reasonableness level shall be reduced by a percentage that is equivalent to the percent increase (if any) from the previous period in the limit determined under the fourth sentence of paragraph (3) (but adjusted, if applicable, as described in the second parenthetical phrase in subparagraph (A)(iii) of this paragraph).".

PART C—ADMINISTRATIVE CHANGES

ASSIGNMENT OF INPATIENT HOSPITAL BENEFIT PERIOD, DEDUCTIBLE, AND COINSURANCE IN THE ORDER OF FILING OF PAYMENT REQUESTS

SEC. 121. (a) Section 1812(b)(1) (42 U.S.C. 1395d(b)(1)) is amended—

(1) by inserting "as an inpatient of a particular hospital" after "inpatient hospital services furnished to him", and

(2) by inserting "as an inpatient of that hospital, or of another hospital that has previously filed a request for payment under this part for such services," after "150 days during such spell".

(b)(1) The first sentence of section 1813(a)(1) (42 U.S.C. 1395e(a)(1)) is amended by inserting "as an inpatient of a hospital that first files a request for payment under this part for such services" after "any spell of illness".

(2) The second sentence of section 1813(a)(1) (42 U.S.C. 1395e(a)(1)) is amended to read as follows: "In addition, the amount payable for inpatient hospital services funished an individual during any spell of illness shall be reduced by a coinsurance amount equal to—

"(A) one-fourth of the inpatient hospital deductible for each day (after the 60th but before the 91st day) on which such individual is furnished such services during such spell of illness as an inpatient of a particular hospital, or of another hospital that has previously filed a request for payment under this part for such services; and

"(B) one-half of the inpatient hospital deductible for each day (after the 90th but before the day following the last day for which such individual is entitled under section 1812(a)(1) to have payment made on his behalf for inpatient hospital services during such spell of illness) on which such individual is furnished such services during such spell of illness as an inpatient of a particular hospital, or of another hospital that has previously filed a request for payment under this part for such services;

except that the reduction under this sentence for any day shall not exceed the charges imposed for that day with respect to such individual for such services (and for this purpose, if the customary charges for such services are greater than the charges so imposed, such customary charges shall be considered to be the charges so imposed).".

(3) Section 1813(a)(2) (42 U.S.C. 1395e(a)(2)) is amended—

(A) by striking out "to any provider of services", and

(B) by inserting "as an inpatient of a particular hospital, or of another hospital that has previously filed a request for payment under this title for such services" after "such services".

(c) The amendments made by the preceding subsections apply to spells of illness beginning after September 1986.

ELIMINATION OF REQUIREMENT FOR A RAILROAD RETIREMENT BOARD CARRIER CONTRACT

SEC. 122. (a) Section 1842(g) (42 U.S.C. 1395u(g)) is repealed.

(b) The first sentence of section 1841(i) (42 U.S.C. 1395t(i)) is amended by striking out "and section 1842(g)".

(c) The amendments made by the preceding subsections are effective one year after the date of enactment of this Act, or at such earlier time as the Secretary of Health and Human Services and the Railroad Retirement Board may agree.

REPEAL OF EXEMPTION FROM REQUIREMENTS FOR REVIEW OF INFORMATION GATHERING

SEC. 123. Section 9115 of the Consolidated Omnibus Budget Reconciliation Act of 1985 is amended—

(1) by striking out subsection (a), and

(2) by striking out "(b) USE OF INTERIM FINAL REGULATIONS.—".

INCREASED SECRETARIAL FLEXIBILITY IN ENTERING INTO AGREEMENTS FOR MEDICARE CLAIMS PROCESSING

SEC. 124. (a) Section 1816 (42 U.S.C. 1395h) is amended to read as follows:

"USE OF INTERMEDIATES TO FACILITATE PAYMENT TO PROVIDERS OF SERVICES

"SEC. 1816. (a) The Secretary may enter into agreements with entities (referred to as intermediaries) providing for their determination (subject to the provisions of section 1878 and to such review by the Secretary as may be provided for by the agreements) of the amount of the payments required pursuant to this part to be made to providers of services assigned by the Secretary to specific intermediaries, and for the making of such payments by intermediaries to those providers of services. An agreement may also include provision for an intermediary to do all or any part of the following: (1) to provide consultative services to institutions or agencies to enable them to establish and maintain fiscal records necessary for purposes of this part and otherwise to qualify as providers of services, and (2) with respect to the providers of services which are to receive payments through it (A) to serve as a center for, and communicate to providers, any information or instructions furnished to it by the Secretary, and serve as a channel of communication from providers to the Secretary, (B) to make such audits of the records of providers as may be necessary to insure that proper payments are made under this part, and (C) to perform such other functions as are necessary to carry out this subsection.

"(b) The Secretary shall not enter into or renew an agreement with any intermediary under this section unless—

"(1) he finds—

"(A) after applying the standards, criteria, and procedures developed under subsection (d), that to do so is consistent with the effective and efficient administration of this part, and

"(B) that the intermediary is willing and able to assist the providers to which payments are made through it under this part in the application of safeguards against unnecessary utilization of services furnished by them to individuals entitled to hospital insurance benefits under section 226, and the agreement provides for such assistance, and

"(2) the intermediary agrees—

"(A) to furnish to the Secretary information acquired by it in carrying out its agreements under this section, and

"(B) to provide the Secretary with access to all data, information, and claims processing operations,

as the Secretary may find necessary in performing his functions under this part.

"(c) An agreement with an intermediary under this section may contain such terms and conditions as the Secretary finds necessary or appropriate and may provide for advances of funds to the intermediary for the making of payments by it under subsection (a). An agreement with an intermediary under this section may be entered into without regard to any provision of law requiring competition.

"(d) In order to determine whether the Secretary should enter into, renew, or terminate an agreement under this section with an intermediary, whether the Secretary should assign or reassign a provider of services to an intermediary, and whether the Secretary should designate an intermediary to perform services with respect to a class of providers, the Secretary shall develop standards, criteria, and procedures to evaluate intermediaries' (1) overall performance of claims processing and other related functions required to be performed by an intermediary under an agreement entered into under this section, and (2) performance of such functions with respect to specific providers of services; and the Secretary shall publish in the Federal Register standards and criteria with respect to the efficient and effective administration of this part, and opportunity shall be provided for public comment prior to implementation.

"(e) An agreement with the Secretary under this section may be terminated—

"(1) by the intermediary which entered into the agreement at such time and upon such notice to the Secretary, to the public, and to the providers to which it provides services as may be specified in regulations, or

"(2) by the Secretary at such time and upon such notice to the intermediary, to the providers to which the intermediary provides services, and to the public, as may be specified in regulations.

"(f) An agreement with an intermediary under this section may require any of its officers or employees certifying payments or disbursing funds pursuant to the agreement, or otherwise participating in carrying out the agreement, to give surety bond to the United States in such amount as the Secretary may deem appropriate.

"(g)(1) No individual designated pursuant to an agreement under this section as a certifying officer shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payments certified by him under this section.

"(2) No disbursing officer, shall, in the absence of gross negligence or intent to defraud the United States, be liable with respect to any payment by him under this section if it was based upon a voucher signed by a certifying officer designated as provided in paragraph (1) of this subsection.

"(3) No intermediary shall be liable to the United States for any payments referred to in paragraph (1) or (2).".

(b)(1) The matter in section 1842(a) (42 U.S.C. 1395u(a)) preceding paragraph (1) is amended by striking out "with carriers" and inserting instead "with entities (referred to as carriers)".

(2) Section 1842(f) (42 U.S.C. 1395u(f)) is repealed.

(c) Section 1842(b)(5) (42 U.S.C. 1395u(b)(5)) is amended by striking out "and opportunity for hearing".

(d) Section 1842(c) (42 U.S.C. 1395u(c)) is amended—

(1) in the first sentence, by striking out ", and shall provide for payment of the cost of administration of the carrier, as determined by the Secretary to be necessary and proper for carrying out the functions covered by the contract", and

(2) by striking out the second sentence.

(e)(1) Section 402(a)(1)(F) of the Social Security Amendments of 1967 (42 U.S.C. 1395b-1(a)(1)(F)) is amended by striking out "or performance incentive contract" and inserting instead ", performance incentive, or other kinds of contracts".

(2) Section 402(a) of the Social Security Amendments of 1967 (42 U.S.C. 1395b-1(a)) is amended by adding at the end the following:

"(3) Contracts may be entered into under paragraph (1)(F) without regard to any provision of law requiring competition.".

(f) The amendments made by the preceding subsections are effective October 1, 1986.

TITLE II—MEDICAID

LIMITATION ON STATES' ENTITLEMENT TO FEDERAL PAYMENTS FOR MEDICAL ASSISTANCE

SEC. 201. (a) Section 1903 (42 U.S.C. 1396b) is amended by adding after subsubsection (u) the following new subsection:

"(v)(1) Notwithstanding any other provisions of this section, no State (other than Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, or American Samoa) shall be entitled to payment with respect to expenditures for medical assistance under paragraph (1) of subsection (a), for fiscal year 1987 or any succeeding fiscal year, in excess of such State's allotment under paragraph (2).

"(2)(A) For fiscal year 1987, the allotment of each State subject to this subsection shall be an amount which bears the same ratio to $23,257,284,000 as the amount the State is entitled to receive under paragraph (1) of subsection (a) for medical assistance expenditures for fiscal year 1985 bears to the total amount all such States are entitled to receive for such expenditures.

"(B) For fiscal year 1988 and each subsequent fiscal year, each State's allotment shall be an amount equal to its allotment for the preceding fiscal year, multiplied by the change in the MCPI (as defined in subparagraph (C)) for such subsequent fiscal year.

"(C) For purposes of this paragraph, the 'change in the MCPI' for a specified fiscal year means the ratio of (i) the annual average index of the medical care expenditure category of the Consumer Price Index for all urban consumers (U.S. city average) published by the Bureau of Labor Statistics for the first fiscal year preceding such specified fiscal year, to (ii) such index as so measured for the second such preceding fiscal year.

"(3) For purposes of paragraph (2), the amount States are entitled to receive under paragraph (1) of subsection (a) for medical assistance expenditures for fiscal year 1985 shall be the amount approved by the Secretary before October 1, 1986, on the basis of expenditure reports received by the Secretary on or before January 31, 1986.

(b)(1) Notwithstanding the provisions of section 1903(v) of the Social Security Act, the Secretary shall make payments totaling $300,000,000 to qualifying States, for fiscal year 1987 only, in addition to payments subject to the limitations under section 1903(v)(1), in accordance with this subsection.

(2) For purposes of this subsection, the term "qualifying State" means a State (other than Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, or American Samoa)—

(A) which applies to the Secretary before January 1, 1987, for funding under this subsection, and

(B) the Federal share of whose medical assistance expenditures for fiscal year 1987, as approved by the Secretary before July 1, 1988, on the basis of expenditure reports received by the Secretary before January 1, 1988, exceeds 108 percent of the State's al-

lotment as determined under section 1903(v)(2)(A), and

(C) which can demonstrate either—

"(i) that the rate of increase in the Federal share of medical assistance expenditures for the 12-month period ending on September 30, 1984 to the 12-month period ending on September 30, 1986 did not exceed the percentage increase in the annual average index of the medical care expenditure category of the Consumer Price Index for all urban consumers (U.S. city average) published by the Bureau of Labor Statistics (MCPI) for the 12-month period ending on September 30, 1984 to the 12-month period ending on September 30, 1986, or

(ii) that the percentage change in the Federal share of medical assistance expenditures from fiscal year 1986 to fiscal year 1987 is less than the average of the percentage changes in the Federal share of medical assistance expenditures from fiscal year 1984 to fiscal year 1985 and from fiscal year 1985 to fiscal year 1986.

For purposes of this paragraph, the Federal share of each State's medical assistance expenditures shall be calculated without regard to subsections (s) and (t) of section 1903 of the Social Security Act, and as if the Federal medical assistance percentage in effect in the State for fiscal year 1985 was the Federal medical assistance percentage in effect in the State for every fiscal year.

(3) The amount payable to a qualifying State under this subsection shall be that amount which bears the same ratio to $300,000,000 as the excess of the Federal share of the State's medical assistance expenditures for fiscal year 1987 (as determined under paragraph (2)(A)) over 108 percent of its allotment under section 1903(v)(2)(A) bears to the total of all such excess amounts for all qualifying States.

(4)(A) The Secretary shall make interim payments totaling $300,000,000 in accordance with paragraph (3) not later than July 1, 1987, to those States that appear to be qualifying States on the basis of the most recent estimates received by the Secretary as of January 1, 1987.

(B) The Secretary shall make final adjustments in payments under this subsection (including reductions and increases as necessary in payments under subparagraph (A)) not later than July 1, 1988.

ELIMINATION OF INCREASED MATCHING RATES FOR ADMINISTRATIVE COSTS; REDUCTIONS IN MATCHING RATES FOR EXCESS ADMINISTRATIVE COSTS

SEC. 202. (a) Section 1903(a) (42 U.S.C. 1396b(a)), as amended by section 201 of this Act, is further amended by striking out paragraph (2) and all that follows and inserting instead the following:

"(2) an amount equal to 90 per centum of the sums expended during such quarter as medical assistance for family planning services and supplies as defined in section 1905(a)(4)(C); plus

"(3) subject to the limitations prescribed on subsections (r) and (w), an amount equal to one-half of the total amounts expended during such quarter as found necessary by the Secretary for the proper and efficient administration of the State plan.".

(b) Section 1903 (42 U.S.C. 1396b) is further amended by adding after subsection (v) the following new subsection:

"(w)(1) The Secretary shall pay to a State (other than Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, or American Samoa) under subsection (a)(3) 25 per centum (rather than one-half) of that portion of the amounts described in subsection (a)(3) that constitute a State's excess administrative costs, as determined in accordance with this subsection.

"(2) For purposes of applying the limitation prescribed in paragraph (1), the excess administrative costs of any State to which such limitation applies means that portion of the State's per recipient administrative costs (as defined in paragraph (3)) that exceed 175 per centum of the national median of such costs for all such States for the second preceding fiscal year, multiplied by the change in the GNP deflator (as defined in paragraph (3)).

"(3) As used in this subsection—

"(A) a State's 'per recipient administrative costs' in a fiscal year means the ratio of the amounts expended by such State during such fiscal year for the proper and efficient operation of the State plan, and for which Federal financial participation is claimed and allowed, to the unduplicated annual number of individuals receiving assistance under the State plan in such year (such ratios to be established by the Secretary on the basis of the best data available to him before April 1 of the succeeding fiscal year); and

"(B) the 'change in the GNP deflator' for a specified fiscal year means the ratio of (i) the gross national product implicit price deflator, measured for the second quarter of such fiscal year, published by the Bureau of Economic Analysis, Department of Commerce, before August 31 of such fiscal year, to (ii) such deflator, as so measured, for the second fiscal year preceding such fiscal year.".

(c)(1) Section 1903(r) (42 U.S.C. 1396b(r)) is repealed.

(2) Section 1902(a)(25)(A) (42 U.S.C. 1396a(a)(25)(A)) is amended by striking out "including—" and all that follows and inserting instead "including the collection of sufficient information (as specified by the Secretary in regulations) to enable the State to pursue claims against such third parties, with such information being collected at the time of any determination or redetermination of eligibility for medical assistance;".

(d) The amendments made by this section shall be effective with respect to calendar quarters beginning on and after October 1, 1986.

FLEXIBILITY IN DETERMINING BENEFITS

SEC. 203. (a) Section 1902(a)(10) (42 U.S.C. 1396a(a)(10) is amended—

(1) in paragraph (A), in the matter preceding clause (I), to read as follows:

"(A)(i) for making medical assistance available, including at least the care and services listed in paragraphs (1) through (5) and (17) of section 1905(a) (except as provided in paragraph (17)(F)), to all individuals—";

(2) by redesignating paragraph (A)(ii) and paragraph (B) as paragraph (B) and paragraph (A)(ii), respectively, and by relocating paragraph (B), as redesignated, below paragraph (A)(ii), as redesignated;

(3) in subparagraph (A)(ii), as redesignated,—

(A) by inserting ", with respect to the care and services listed in paragraphs (1) through (5) and (17) of section 1905(a)" after "any individual described in subparagraph (A)"; and

(B) by striking out "subparagraph (A)" each place it occurs and inserting instead "clause (i)";

(4) in subparagraph (B), as redesignated,—

(A) by moving the left margin one em to the left;

(B) in the matter preceding clause (I), by inserting "for making medical assistance available" before "at the option of the State";

(C) by striking out "clause (i) of this subparagraph" and "clause (i)" each place they occur and inserting instead "subparagraph (A)"; and

(D) by redesignating subclauses (I) through (VI) as clauses (i) through (vi); and

(E) by adding at the end "and"; and (5)(A) by striking out "and" at the end of subparagraph (C); and

(B) in subparagraph (D), by striking out all that follows "for any individual" and inserting instead "age 21 or over described in subparagraph (A)(i);".

(b) Section 1902(a)(10)(C) (42 U.S.C. 1396(a)(10)(C)) is amended—

(1) in clause (i), by striking out "for all such groups" and all that follows and inserting instead "for all groups not described in subparagraph (A) or (B) (which shall be reasonable, and may differ with respect to income levels based on the variations between shelter costs in urban areas and rural areas);";

(2) in clause (ii), by inserting "and" at the end; and

(3) by striking out clause (iv).

(c) Section 1902(a)(17) (42 U.S.C. 1396a(a)(17) is amended to read as follows:

"(17) include reasonable methods for determining eligibility for each group of individuals covered under the plan and (except as permitted under subparagraph (F)) not described in paragraph (10)(A), and the amount of medical assistance that the State will pay on behalf of each covered individual, which—

"(A) except as provided in subparagraph (F), shall be the same methodology for determining income and resource eligibility for each group as would be employed under the cash assistance program described in paragraph (10)(A) in effect in the State to which such group is most closly categorically related;

"(B) except as provided in subparagraph (F), provide for taking into account only such income and resources as are, as determined in accordance with regulations of the Secretary, available to the applicant or recipient;

"(C) except as required by paragraph (10), do not take into account the financial responsibility of any individual for applicant or recipient of assistance under plan unless such applicant or recipient is such individual's spouse or such individual's child who is under age 21 or (with respect to States eligible to participate in the State program established under title XVI), is blind or permanently and totally disabled, or is blind or disabled as defined in section 1614 (with respect to States which are not eligible to participate in such program);

"(D) take into account, in accordance with regulations of the Secretary, the costs of the applicant or recipient (or of individuals whose income is taken into account in determining the eligibility of the applicant or recipient), whether in the form of insurance premiums or otherwise, for medical care or for any other type of remedial care recognized under State law;

"(E) in determining the amount of income which an individual residing in a medical institution who has been determined to be eligible may be required to contribute to the cost of medical care covered under the State plan, take into account income of the applicant or recipient (other than income equal to the maximum amount of income permit-

ted an individual residing in a medical institution and eligible for supplemental security income under title XVI), to the extent that may be required by the Secretary; and

"(F) may require as a condition of eligibility of an applicant or recipient residing in a medical institution (including any applicant or recipient described in paragraph (10)), that individuals financially responsible for the applicant or recipient (as described in subparagraph (C)) pay an amount consistent with such standards as the Secretary may by regulation prescribe, which shall in no event exceed 20 percent of that portion of the total annual income of individuals financially responsible for the applicant or recipient that exceeds 200 percent of the poverty line as revised by the Secretary pursuant to section 652 of the Head Start Act and, in any case in which such individuals are required to pay, payment shall be made directly to the State;".

(d) Section 1902(f) (42 U.S.C. 1396a(f)) is amended by striking out "incurred medical expenses" each place it occurs and inserting instead "medical expenses".

(e) Section 1903(f) (42 U.S.C. 1396b(f)) is amended in paragraph (3) by striking out "incurred by such family" and inserting instead "of such family".

ELIGIBILITY OF CERTAIN INDIVIDUALS WHO BECOME INELIGIBLE FOR SUPPLEMENTAL SECURITY INCOME OR STATE SUPPLEMENTAL PAYMENTS

SEC. 204. Section 503 of the Unemployment Compensation Amendments of 1976, P.L. 94-566, is amended by inserting ", and for every month since April 1977 for which such individual was entitled to a monthly insurance benefit under title II," after "if for such month".

STATEWIDENESS REQUIREMENT RETAINED ONLY FOR MANDATORY SERVICES TO MANDATORY ELIGIBLES

SEC. 205. Section 1902(a)(1) (42 U.S.C. 1396a(a)(1)) is amended by inserting ", with respect to the care and services listed in paragraphs (1) through (5), (7), and (17) of section 1905(a) and furnished to individuals listed in paragraph (10)(A)," after "provide that".

AMENDMENT CONCERNING "FREEDOM OF CHOICE"

SEC. 206. Section 1902(a)(23) (42 U.S.C. 1396a(a)(23)) is amended by striking out "any individual eligible for medical assistance (including drugs) may obtain such assistance" and inserting instead "any individual listed in paragraph (10)(A) may obtain medical assistance for any of the care and services listed in paragraphs (1) through (5), (7), and (17) of section 1905(a)".

AMENDMENTS CONCERNING HEALTH MAINTENANCE ORGANIZATIONS

SEC. 207. (a) Section 1902(e)(2)(A) (42 U.S.C. 1396a(e)(A)) is amended—

(1) by striking out all that precedes "and who would" and inserting instead the following:

"(2)(A) In the case of an individual who is enrolled—

"(i) with any health maintenance organization under a contract under section 1903(m)(2)(A), or

"(ii) with any entity described in section 1903(m)(2)(G), or

"(iii) in a case management system approved under section 1915(b)(1),"; and

(2) by striking out "or entity" before the period at the end and inserting instead ", entity, or system".

(b) Section 1902(e)(2)(B) (42 U.S.C. 1396a((e)(2)(B)) is amended—

(1) by striking out "organization or entity" and inserting instead "organization, entity, or system"; and

(2) by striking out "the organization or entity" and inserting instead "the organization, entity, or system".

(c) Section 1915(b) (42 U.S.C. 1396n(b)) is amended by inserting "and section 1903(m)" after "section 1902".

AMENDMENTS CONCERNING COPAYMENTS

SEC. 208. (a) Section 1916 (42 U.S.C. 1396o) is amended to read as follows:

"SEC. 1916. (a) The State plan shall provide, with respect to the care and services listed in paragraphs (1) through (5), (7), and (17) of section 1905(a) and furnished to individuals listed in paragraph (10)(A), that—

"(1) no enrollment fees, premiums, deductibles, or similar charges will be made, and

"(2) any coinsurance or similar charges will be nominal (except that the charge for nonemergency services furnished in a hospital emergency room may be twice the nominal amount established under the State plan for hospital outpatient services).

"(b) The State plan may, at State option, provide that no deduction, cost sharing, or similar charge will be imposed under the plan with respect to any or all of the following:

"(1) services furnished to individuals under 18 years of age (and, at the option of the State, individuals under 21, 20, or 19 years of age, or any reasonable category of individuals 18 years of age or over),

"(2) services furnished to pregnant women, if such services relate to the pregnancy or to any other medical condition which may complicate the pregnancy (or, at the option of the State, any services furnished to pregnant women),

"(3) services furnished to any individual who is an inpatient in a hospital, skilled nursing facility, intermediate care facility, or other medical institution, if such individual is required, as a condition of receiving services in such institution under the State plan, to spend for costs of medical care all but a minimal amount of his income required for personal needs, or

"(4) emergency services (as defined by the Secretary), or

"(5) services furnished to such an individual by a health maintenance organization (as defined in section 1903(m)) in which he is enrolled.

"(c) The State plan may provide, with respect to care and services furnished under the State plan (other than the care and services listed in paragraphs (1) through (5), (7), and (17) of section 1905(a) and furnished to individuals listed in paragraph (10)(A)), for—

"(1) enrollement fees, premiums, deductibles, or similar charges, in amounts left to State discretion, and

"(2) coinsurance or similar charges, in amounts left to State discretion.".

(b) Section 1902(a)(10) (42 U.S.C. 1396a(a)(10)), as previously amended by this Act, is further amended, in clause (IV) in the matter following subparagraph (D), to read as follows:

"(IV) the furnishing of an item or service to an individual without the imposition of a deductible, cost sharing, or similar charge under a State plan in accordance with subsection (a) or (b) of section 1916 shall not require the furnishing of that item or service without the imposition of such charge to an individual not exempted from such charge under the State plan;".

ELIMINATION OF FEDERAL REQUIREMENTS CONCERNING STATE PAYMENT RATES

SEC. 209. (a) Section 1902(a)(13) (42 U.S.C. 1396a(a)(13)) is amended—

(1) in the matter preceding subparagraph (B), to read as follows:

"(13)(A) provide assurances satisfactory to the Secretary for the filing of uniform cost reports by each hospital, skilled nursing facility, and intermediate care facility and for periodic audits by the State of such reports; and";

(2) in subparagraph (B)—

(A) by striking out "that the State shall" and inserting instead "include a description of the methodology to be used by the State in setting payment rates for hospitals, skilled nursing facilities, and intermediate care facilities, and", and

(B) by striking out "and" at the end; and

(3) by striking out subparagraph (C).

(b) Section 1902(a)(30)(A) (42 U.S.C. 1396a(a)(30)(A)) is amended—

(1) by striking out ", and the payment for,", and

(2) by striking out "efficiency, economy, and quality of care" and inserting instead "efficiency and economy".

(c) Section 1903(h) (42 U.S.C. 1396b(h)) is repealed.

STATE PLAN REQUIREMENT TO VERIFY THAT MEDICAL SERVICES WERE FURNISHED AS CLAIMED

SEC. 210. Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(1) by striking out "and" at the end of paragraph (45),

(2) by striking out the period at the end of paragraph (46) and inserting instead "; and", and

(3) by inserting after paragraph (46) the following new paragraph:

"(47) provide for an effective method of verifying, by sampling techniques or other methods approved by the Secretary, whether services billed by all participating providers were furnished as claimed to individuals entitled to medical assistance under the State plan.".

ELIMINATION OF PENALTY FOR FAILURE TO PAY PREMIUMS FOR INDIVIDUALS ELIGIBLE FOR MEDICARE PART B BENEFITS

SEC. 211. Section 1903(b) (45 U.S.C. 1396(b)) is amended by striking out paragraph (1).

AMENDMENT TO UTILIZATION CONTROL PENALTY

SEC. 212. Section 1903(g)(4) (42 U.S.C. 1396b(g)(4)) is amended by adding at the end the following new subparagraph:

"(C) "The Secretary shall not find a showing of a State unsatisfactory, with respect to the requirement to conduct annual onsite inspections in mental hospitals, skilled nursing facilities, and intermediate care facilities under paragraphs (26) and (31) of section 1902(a), for failure to review the care of each person receiving medical asssitance (or, as permitted by the Secretary, each person in a sample group of such individuals) where the showing demonstrates, with respect to each institution subject to this requirement, that the State did not fail to meet the requirement with respect to more than—

"(i) (in the case of an institution with more than one, but fewer than fifth-one such patients) the lesser of ten such individuals or two percent of the total number of such individuals in the institution), or

"(ii) (in the case of an institution with fifty or fewer such patients) one individual.".

EFFECTIVE DATE

SEC. 213. (a) The amendments made by sections 201 and 202 shall become effective upon enactment.

(b) The amendments made by section 203 through 212 shall not be effective with respect to any calendar quarter for which sections 201 and 202 are not in effect.●

By Mr. MATSUNAGA (for himself, Mr. INOUYE, Mr. CRANSTON, Mr. MELCHER, and Mr. BAUCUS):

S. 2777. A bill to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units; to the Committee on Energy and Natural Resources.

STUDY OF NATIONAL PARK OVERFLIGHTS

Mr. MATSUNAGA. Mr. President, for myself, Senator INOUYE, Senator MELCHER, Senator BAUCUS, and Senator CRANSTON, I am today introducing a bill S. 2777, which will greatly aid in overcoming the problem of visual and auditory pollution in our national parks caused by low-flying aircraft. An identical measure is now being considered by the House.

Each year, millions of hikers, boaters, campers, tourists, and other visitors come to enjoy the natural splendor of our national parks. Many of them travel great distances, at great expense, to experience for a few hours or days the serenity and natural beauty which characterize our national parks. These visitors come, in large part, to escape from the day-to-day commerce of life, which itself has become faster paced and more demanding than ever before. They come with the expectation that, for a brief respite they may take refuge in the gifts of nature. In this age, it is evident that fulfillment of this expectation is less a casual indulgence than a psychological necessity.

But more and more in recent years, the peaceful atmosphere of our national parks is being increasingly shattered by the roar and whine of helicopters and fixed-wing aircraft flying at low altitude. These aircraft, unhampered by Federal regulations, fly into picturesque valleys, swoop over startled ground visitors, terrify wildlife, and otherwise destroy the serenity and beauty so desperately sought by park visitors. Thousands upon thousands of overflights occur in the Grand Canyon alone: At peak season, the annoying buzz of aircraft can be heard every 4 or 5 minutes. Similar situations exist in other States, including my own. But esthetic and environmental considerations are not the only problems. Recent tragic accidents, including the fatal midair collision between a helicopter and plane over the Grand Canyon last June, have convinced me that safety of human lives is being jeopardized by the increasing volume of low-altitude air traffic.

The legislation that I am introducing today will simply mandate that the Department of the Interior, shall conduct a study, and eventually issue a report to Congress, on the proper minimum altitude of aircraft over national parks, including research on types of aircraft traffic and their impact on various park resources. The study will identify those parks which experience the greatest overflight problems, and specifically include research at Cumberland Island National Seashore Park, Yosemite National Park, Hawaii Volcanoes National Park, Haleakala National Park, Glacier Park, Mount Rushmore National Park, and possibly four other unspecified locations.

While the research is being conducted, the bill would protect visitor enjoyment by requiring altitude restrictions at particular parks. At Haleakala Park in Hawaii, aircraft would be prohibited from flying below 9,500 feet, measured above mean sea level. At Yosemite, in California, that figure would be 2,000 feet. At the Grand Canyon, aircraft would be barred from flights below the rim of the canyon.

Mr. President, I believe that this legislation will help alleviate a long-unaddressed problem. I urge the committees to which this bill is referred to consider it with all due expedition.

Mr. BAUCUS. Mr. President, I am pleased to join Senator MATSUNAGA and others in sponsoring legislation to study the problem of overflights of our national parks.

Montanans have long been concerned about the effects of flights over Glacier National Park. I too, have been concerned that these flights could disrupt the delicate habitat of Glacier. In 1983, Montanans and other park visitors were disturbed by the number of low-level helicopter flights. Again, in 1984, Montanans were alarmed because of plans by the U.S. Air Force to establish a low-flight B-52 bomber test run over Glacier. These tests would have taken the bombers to altitudes as low as 500 feet, once a month for 2 years.

National parks are no place to test B-52 bombers. The National Park System gives millions of Americans the chance to experience some of the most pristine areas in the world. But how can visitors enjoy the quiet and solitude with helicopters and planes flying just overhead.

This study will identify potentially serious problems created by low-flying aircraft. At least 10 parks, including Glacier will be examined.

When the study is finished we'll know the effects these flight have on the natural, historical, and cultural resources of each park.

I believe this bill will help resolve the controversy of low-level flights over our national parks, and I urge my colleagues to join me in cosponsoring this legislation.

Mr. MELCHER. Mr. President. I am pleased to join Senator MATSUNAGA in introducing this bill to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national parks.

Our national parks are a treasure and the premier places to which American families can retreat for a break from the hustle and bustle of everyday life. As far as possible, we must exercise our stewardship over the parks to ensure that visitor enjoyment is not impaired, that wildlife is not subjected to the stress of man's busy intrusion and that public safety standards are developed. I think it is time to examine the issue of aircraft overflights to determine whether some regulation is needed to minimize the adverse impact to overflights on the parks.

The bill requires a report which the Secretary will provide data to determine appropriate aircraft overflight altitudes for national parks. The study specifies several units of the park, including Glacier in Montana.

This is a good idea and a very moderate approach to determine if we can enhance our stewardship of the National Park System. I believe it should be done and hope my colleagues will support the bill.

By Mr. ZORINSKY:

S. 2778. A bill to reinstate the originally authorized cost-sharing rules of the Missouri National Recreation River; to the Committee on Energy and Natural Resources.

COST-SHARING RULES OF THE MISSOURI NATIONAL RECREATION AREA

● Mr. ZORINSKY. Mr. President, the bill I am introducing today is designed to resolve a problem that threatens to prevent construction of the Missouri National Recreation River, a unit of the Wild and Scenic Rivers System.

Under the provisions of Public Law 99-88, the project would proceed not as originally authorized, but subject to the new cost-sharing rules prescribed by the bill. I know of a number of projects in Nebraska that will be dramatically affected by the new cost-sharing policies, and the changes appears inevitable in light of modern fiscal attitudes linking local responsibility to local benefits. However, the special status of the Missouri Recreation River requires special consideration of its unique character and why it should be distinguished from other, more routine flood control/bank stabilization projects within the jurisdiction of the Army Corps of Engineers for the purposes of a cost-sharing analysis.

Under 16 U.S.C. 1274 (22), the Missouri National Recreation River project was authorized within the jurisdiction of the Department of the Interior as a unit of the National Park

Service. The pertinent language in 16 U.S.C. (22) is as follows:

Such segment shall be administered as a recreational river by the Secretary (of the Interior). The Secretary shall enter into a written cooperative agreement with the Secretary of the Army (acting through the Chief of Engineers) for construction and maintenance of bank stabilization work and appropriate recreational development . . . . Administration of the river segment designated by this paragraph shall be in coordination with, and pursuant to the advice of a Recreational River Advisory Group which shall be established by the Secretary of the Interior.

The above language became law in Public Law 95-625, which designated new river project areas and reaffirmed the reasoning and purpose of the fountainhead legislation in this area, Public Law 90-542, the Wild and Scenic Rivers Act. The following excerpts are taken from House Report 1623 (90th Congress), accompanying the House version of the bill, H.R. 18260.

PRINCIPLES OF H.R. 18260

H.R. 18260 rests upon and embodies several simple but basic principles. The first is that, just as the Nation has set aside some of its land areas in national parks, monuments, national historic sites, and the like, so some of its streams which have exceptional values of the sort mentioned above—scenic, recreational, esthetic, and scientific—ought to be preserved for public use and enjoyment.

WHAT DESIGNATION AS A NATIONAL SCENIC RIVER MEANS

Designation of these six rivers as components of the National Scenic River System means three things: First, it means that they have been studied and appraised by competent experts and have been found to have, in the words of the bill,

outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values.

Second, it means that

it has been decided that these values make preservation of the rivers themselves and the countryside through which they flow worthwhile and that, to achieve this objective, it has been decided to authorize the acquisition of the lands, or of interests in the lands, bordering on them to a depth averaging a quarter mile on each side.

Third, it means furthermore that

It has been decided that, in order to achieve the same objective, the licensing of projects under the Federal Power Act on or directly affecting these rivers should be forbidden, that no Federal water project should be constructed on them without being thoroughly reviewed both in the Departments and in Congress, that no Federal agency should make any loans or grants for or give any other form of assistance to such a project without assurance from the head of the Department administering the scenic river that the project will not have a direct and adverse effect on the river and that, in those cases in which the scenic river flows throug public lands, those lands are withdrawn from disposition under the public land laws and that such mineral activities on them as remain permissible must be constructed in accordance with regulations designed to effectuate the purposes of the act.

In passing this legislation, Congress was addressing an issue that, in the language of Report 1623, Congress had neglected while enacting a vast body of law concerning development and control of water resources. "The Federal Government has programs—some of them old, others of comparatively recent origin—respecting virtually every aspect ot the Nation's rivers except the one that will be of prime importance under the present bill . . ." After summarizing the multitude of programs administered by the Army Corps of Engineers and the Bureau of Reclamation, the report marks the stark contrast of the Wild and Scenic Rivers Act by noting that up to that time, "however, the desirability of preserving some of our rivers simply for the sake of being able to enjoy them in their natural state or for their recreational value has not been noticed in any overall piece of Federal legislation. Enactment of (the bill) will close this gap in the law."

The language and the legislative history of the Wild and Scenic Rivers Act and Public Law 95-625 leave no doubt that the intent of Congress was to deal with an issue separate and distinct from other issues normally within the purview of the Army Corps of Engineers or the Bureau of Reclamation. Indeed, the issue raised by the act is more properly described as an environmental one based on what we refer to today as "quality-of-life" concerns. While the purpose of the vast majority of corps and bureau projects were authorized solely to promote and develop hydropower, flood control, bank stabilization, irrigation, municipal and industrial water supplies, recreation, hurricane and storm damage, and so on, the act specifically prohibits most of these activities in an effort to minimize the effects of development on certain sections of rivers and generally preserve those areas for other purposes. From the outset, the Wild and Scenic Rivers Act developed on a different track from other water bills, for different reasons, and should not automatically be grouped with general water legislation with conflicting purposes when promulgating water policy, like cost sharing.

My objection to including the Missouri River project under the new cost-sharing requirements is based on the inconsistency with cost sharing per se as well as the inconsistency with the Wild and Scenic Rivers Act. Much of the reasoning underlying increased cost sharing for federally funded water projects is founded on the fact that much, if not most, of the benefits provided by water projects accrue to local residents. Often, the tangible local benefits and the intangible Federal benefits appear to be inversely proportional, with the greater portion going to the local component. However, the Wild and Scenic Rivers Act was developed to promote a specifically annunicated national interest, and project areas like the Missouri River location were set out to meet that national priority.

The legislative history of the act demonstrates an intent to treat designated rivers as national assets, dwindling resources that should be saved for their unique wild, scenic, or recreational character. Thus, the designated areas were placed under the authority of the National Park Service, and the analogy to other Park Service properties and Federal funding thereof is sound. Although there are local benefits accruing to residents near designated areas and the Missouri River project enjoys local support, it is important to note that a designation under the act greatly restricts future uses and future exploitation of the river. As is the usual case when the Federal Government chooses to set aside areas for a national purpose, there is a substantial opportunity cost to local residents who are the most affected by those restrictions. I know that local residents near the Missouri River project are very supportive of the project and look forward to its completion, but that may not be the case on other projects, and in any event, should not affect our analysis on the propriety of cost-sharing. To require local residents to assume major construction costs on National Park Service assets such as this would be unduly burdensome and not in keeping with the intent of the act. The very nature of the locations suitable for wild and scenic designations dictates that local interests will not have the tax or income base to cost-share the units. I have calculated the estimated local cost on the Missouri River project under the Public Law 99-88 provisions, and there is no way the local interests can meet the requirements. In this case, the inappropriate application of cost-sharing will effectively kill the project.

It would be a very disturbing precedent to begin cost-sharing on elements of the National Park Service without a comprehensive analysis of the rationale and the impact of such a move on the future well-being of the Park Service. I feel very strongly that Congress did not consciously and affirmatively sweep away the existing Park Service funding structure when it included the Missouri River project among a page-full of Army Corps of Engineers projects in Public Law 99-

88. I know that I certainly had no intention to do so when both the Senate version and the conference report on this legislation were passed by voice vote last summer. Such a change in Park Service policy would represent a major departure from past practice, a change that warrants broader discussion in the Senate and among the various committees with jurisdiction over this issue. It is apparent that other members of Congress similarly situated with Wild and Scenic Rivers Act projects in their jurisdiction would be equally interested in this problem.

Mr. President, I realize it is very late in the session to expect action on this bill before the 99th Congress draws to a close. However, I think it is very important to engage the debate as quickly as possible on this matter and lay the groundwork for future consideration. This is a project that could proceed but for the problem herein addressed. We should not wait until February to discuss the ramifications of the change. And interested parties should have time to take note of the issue and determine how it should be addressed going into the 100th Congress, when a number of factors affecting the outcome of this discussion may be radically different from what they are now. I want to make it abundantly clear that I am not satisfied with the current status of the Missouri National Recreation River project, or any other similar project that might be likewise affected, and that the matter should be considered open for review.●

By Mr. DOMENICI (for himself, Mr. BOREN, Mr. JOHNSTON, Mr. SIMPSON, Mr. BINGAMAN, Mr. NICKLES, Mr. BENTSEN, Mr. LONG, Mr. STEVENS, Mr. MURKOWSKI, Mrs. KASSEBAUM, Mr. PRYOR, and Mr. LEVIN):

S. 2779. A bill to amend the Internal Revenue Code of 1954 to impose a fee on the importation of crude oil and refined petroleum products to protect the national and energy security interests of the United States; to the Committee on Finance.

ENERGY SECURITY ACT

Mr. DOMENICI. Mr. President, I am introducing a bill today with Senators BOREN, NICKLES, BINGAMAN, LONG, STEVENS, JOHNSTON, BENTSEN, PRYOR, MURKOWSKI, LEVIN, and KASSEBAUM which would impose a $4 oil import fee, that would begin to phase out when the price of oil reaches $18 a barrel. I have advocated an oil import fee for the past 5 years because it is good energy policy. In April of this year CBO issued a report finding that an import fee would be the best means of reducing U.S. demand for imports and encouraging domestic exploration and production.

The need for this bill can best be explained by breaking the problem into three parts—the case of the market saboteurs, the case of the stability saboteurs and the case of the security saboteurs. This trilogy highlights the recent events taking place in the international oil market. It provides insight into such headlines as, "Oil Hits $10 a Barrel," "OPEC in Disarray," "Gasoline at the Pump Drops Below a Buck," "Falling Oil Prices Is Final Blow for Inflation." Some of my colleagues have genuflected in praise of the market forces. Others of us see falling prices as a mixed blessing that in the long term will leave us repenting unless we take appropriate correcting action.

I. THE CASE OF THE MARKET SABOTEURS

Since 1979 the world's demand for crude oil declined from 54 million barrels per day to about 46 million. OPEC's share of the market dropped from 31 million barrels a day to 16 million.

In December, Saudi Arabia acted to regain its dominant market position by doubling its production. The move was clearly a predatory attack. The strike was lethal. It cut world oil prices by more than half. It is wiping out tens of thousands of the 450,000 stripper wells that don't make money at $10 a barrel. Once these wells are closed down they are usually gone forever. The falling oil prices have cost the U.S. Treasury anywhere from $1.3 to $4.6 billion in lost windfall profits receipts and estimated $6.3 billion in bonuses, rents, and royalties on Federal oil and gas leases, not to mention increased unemployment and weakened financial institutions.

The Saudi's own one-fourth of the world's known reserves. Since they can produce the oil for 50 cents a barrel they can drive the price down even beyond its current level. They can shut down American production; they can virtually guarantee that the search for new energy resources in this country ends; they can stimulate demand and turn us into cheap oil junkies.

The market saboteurs' plan is working. The United States is relying on imports for 31 percent of all its oil supplies now, compared with 27 percent 6 short months ago. According to the Joint Economic Committee, foreign oil dependence by 1988 could equal or surpass the postwar high of 47 percent in 1977. This could be a big "so what" except that oil is a strategic commodity. We have to have it, and no one believes that the price would stay down for very long if the United States were a captive purchaser.

We have to look to the future. Economists at Morgan Guaranty estimate that if future prices average $16 to $18 a barrel, the current gap between world production capacity and demand will close within a decade. By 1996, America could be as vulnerable to OPEC as it was in 1974 and 1979.

II. THE SECURITY SABOTEURS

With our oil dependence increasing by the day, the United States is rapidly approaching a crossroad in energy policy. Twice before in the past generation we have reached this juncture, and twice before it was concluded that a strong domestic energy capability was an asset so precious it could not be allowed to be destroyed.

Thirty years ago, another Republican administration was confronted with oil imports reaching 16 percent of domestic demand. President Eisenhower with his military background did not hesitate to preserve our energy security—a vital component of our basic defense. He instituted quotas. In 1973–74 when OPEC quadrupled oil prices following the oil embargo, the United States took decisive action. Congress enacted the National Energy Act and the Energy Security Act. The Congress is back again at the crossroads and it is time for decisive action.

III. THE STABILITY SABOTEURS

Our economic and political stability is adversely affected in three ways: First, prices could go up again if we allow ourselves to get too dependent on foreign supplies. Second, apart from price, we need the guaranteed supply of oil that only a stable domestic industry can provide. Third, low prices are devastating the energy-producing regions of the country, with ripple effects, mostly involving the weakening of financial institutions.

Bill Martin, Deputy Secretary at DOE agrees that "the dynamics are there" for increasing dependency on OPEC. With OPEC capacity estimated at approximately 30 million barrels per day, API claims OPEC will be able to cause severe disturbances in all oil-producing countries with minimal production changes once world demand crosses the 22-million-barrel-per-day threshold.

The Saudis know exactly what they are doing. They are controlling the market to their advantage, squeezing out marginal producers while the United States becomes more dependent on imports. In 3 to 4 years they will sock it to us, kicking the price back up.

Price stability is one thing, but regional political stability is another concern. The Saudi production strategy has riled Iran, intensified tensions in Egypt, Sudan, and North Yemen, and could be dangerous internally for the kingdom.

It is a fact of geology, Alaska's Prudoe Bay begins to decline in 1987. This fact, coupled with good energy policy would suggest the need for the United States to look for additional oil reserves. However, $13 oil means little exploration. With little exploration going on, it is unlikely that there will be enough new discoveries to offset the decline if oil stays below $15 a

barrel. By 1990, the United States would have lost one-third of its production capability. Losing this production in the next 3 to 4 years creates a very significant national security issue. It is clear that we have to deal with it now rather than later.

The oil import fee is a step toward reversing this trend. When the Congress returns from the recess, I intend to work hard to pass an oil import fee.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Security Act of 1986".

SEC. 2. FEE ON IMPORTED CRUDE OIL AND REFINED PETROLEUM PRODUCTS.

(a) IN GENERAL.—Subtitle E of the Internal Revenue Code of 1954 (relating to alcohol, tobacco, and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

" CHAPTER 54—IMPORTED CRUDE OIL AND REFINED PETROLEUM PRODUCTS

"Sec. 5881. Imposition of tax.
"Sec. 5882. Definitions.
"Sec. 5883. Registration.
"Sec. 5884. Procedures; returns; penalties.

"SEC. 5881. IMPOSITION OF TAX.

"(a) IMPOSITION OF TAX.—In addition to any other tax imposed under this title, an excise tax is hereby imposed on—

"(1) the first sale within the United States of—

"(A) any crude oil, or

"(B) any refined petroleum product, that has been imported into the United States, and

"(2) the use within the United States of—

"(A) any crude oil, or

"(B) any refined petroleum product, that has been imported into the United States if no tax has been imposed with respect to such crude oil or refined petroleum product prior to such use.

"(b) RATE OF TAX.—

"(1) IN GENERAL.—For purposes of subsection (a) the rate of tax shall be $4 per barrel, reduced by an amount which is equal to the excess of—

"(A) the energy policy price per barrel, over

"(B) $18.

"(2) FRACTIONAL PARTS OF BARRELS.—In the case of a fraction of a barrel, the tax imposed by subsection (a) shall be the same fraction of the amount of such tax imposed on the whole barrel.

"(c) DETERMINATION OF ENERGY POLICY PRICE.—

"(1) IN GENERAL.—For purposes of this section, the energy policy price with respect to any week during which the tax under subsection (a) is imposed shall be determined by the Secretary and published in the Federal Register on the first day of such week.

"(2) BASIS OF DETERMINATION.—For purposes of paragraph (1), the energy policy price for any week is the weighted average international price of a barrel of crude oil for the preceding 4 weeks as determined by the Secretary, after consultation with the Administrator of the Energy Information Administration of the Department of Energy, pursuant to the formula for determining such international price as used in publishing the Weekly Petroleum Status Report and as in effect on the date of the enactment of this section.

"(d) LIABILITY FOR PAYMENT OF TAX.—

"(1) SALES.—The taxes imposed by subsection (a)(1) shall be paid by the first person who sells the crude oil or refined petroleum product within the United States.

"(2) USE.—The taxes imposed by subsection (a)(2) shall be paid by the person who uses the crude oil or refined petroleum product.

"(3) TAX-FREE EXPORTS.—

"(A) IN GENERAL.—Under regulations prescribed by the Secretary, no tax shall be imposed under this chapter on the sale of crude oil or refined petroleum products for export or for resale by the purchaser to a second purchaser for export.

"(B) PROOF OF EXPORT.—Where any crude oil or refined petroleum product has been sold free of tax under subparagraph (A), such subparagraph shall cease to apply with respect to the sale of such crude oil or refined petroleum product unless, within the 6-month period which begins on the date of the sale, the seller receives proof that the crude oil or refined petroleum product has been exported.

SEC. 5882. DEFINITIONS.

"For purposes of this chapter—

"(1) CRUDE OIL.—The term 'crude oil' means crude oil other than domestic crude oil (within the meaning of chapter 45).

"(2) BARREL.—The term 'barrel' means 42 United States gallons.

"(3) REFINED PETROLEUM PRODUCT.—The term 'refined petroleum product' means only refined oil, fuels, and chemical feedstocks which are refined or derived from crude oil.

"(4) EXPORT.—The term 'export' includes shipment to a possession of the United States; and the term 'exported' includes shipment to a possession of the United States.

"SEC. 5883. REGISTRATION.

"Every person subject to tax under section 5881 shall, before incurring any liability for tax under such section, register with the Secretary.

"SEC. 5884. PROCEDURES; RETURNS; PENALTIES.

"For purposes of this title, any reference (other than in chapter 45 or section 6429) to the tax imposed by section 4986 shall be treated, except to the extent provided by the Secretary by regulation where such treatment would be inappropriate, as a reference to the tax imposed by section 5881.".

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle E is amended by adding at the end thereof the following new item:

"Chapter 54. Imported crude oil and refined petroleum products.".

(c) DEDUCTIBILITY OF IMPORTED CRUDE OIL TAX.—The first sentence of section 164(a) (relating to deductions for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) The imported oil taxes imposed by section 5881.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to sales and use of imported crude oil and imported refined petroleum products on or after October 1, 1986.

Mr. BOREN. Mr. President, today I join with Senator DOMENICI and 12 of my colleagues in introducing the Energy Security Act of 1986. This legislation seeks to place a $4 per barrel import fee, in the form of an excise tax, on every barrel of imported crude oil and refined petroleum product that enters this country.

Our proposal will allow for the gradual phase out of the fee as the price rises above $18 per barrel. Structured in this manner our fee will not be inflationary. If 100 percent of the fee were passed on to the consumer gasoline prices would rise 8 to 10 cents per gallon. However, as a result of using an excise tax mechanism, which is deductible, it is unlikely that 100 percent of the fee will be passed on and gasoline prices will rise much less than 10 cents per gallon. Mr. President, this is a small price to pay for increased energy security.

In September 1985, the United States was importing 27 percent of our total crude oil needs. Ten months later our reliance on foreign sources of crude oil has jumped to over 38 percent. We are well on our way to an excessive and very dangerous reliance on foreign oil. As an obvious example one need only look at our crude oil purchases from Saudi Arabia over the past 10 months. Where we were once importing 27,000 barrels per day of crude oil, we are now importing over 700,000 barrels per day. This past January we were importing 3.3 million barrels of crude oil daily. By June imports had jumped to over 4.5 million barrels per day. When will we learn the lessons that history has tried to teach? Can we not remember the tremendous shock to our economy that resulted from the embargoes of 1973 and 1979? Isn't it obvious that when Sheik Yamani says the Saudis are flooding the market to drive out high cost producers he means to shut down our domestic industry?

Mr. President, in December 1981 there were over 4,500 drilling rigs operating in the continental United States. Today, there are barely 700 rigs operating. That is 200 fewer rigs than were operating in Oklahoma alone in 1981. How many rigs must be shut down before our national security is at risk?

If the current trend of domestic production is not enough to put our national security at risk, then perhaps we should consider the impact of these so-called "market conditions" on our future ability to produce our own energy. Four years ago nearly 7,000 students were studying petroleum engineering, geology, and geophysics at the University of Oklahoma, the University of Texas, Texas A&M University, and Louisiana State University. This fall semester that number will drop below 3,000. To quote the dean of petroleum engineering at the University of Oklahoma, Dr. Ray Knapp,

We are losing the pool of wisdom, the mental resources that come from those wise heads that are new surplus to the industry—we are making the industry less attractive for young minds to enter. We are losing much of the pool of wisdom that would sustain the industry for the next 20 to 25 years. And it is not a happy prospect.

How many young minds must we close before our national security is at risk?

Mr. President, I began discussing the need for an import fee over a year ago. In fact, I introduced my first version of an oil import fee last July. Since that time the price of oil has dropped by over 50 percent. Now is the time for action. I am pleased that so many of my colleagues have joined in our efforts to ensure our domestic energy security, and I urge the rest of my colleagues to consider the tremendous long-term benefits such an import fee will bring to our Nation.

Mr. MURKOWSKI. Mr. President, I thank my colleague, the Senator from New Mexico.

I cannot express how important this legislation is, and how pleased I am to cosponsor it. Since March, dependence on oil imports have gone from 27 to 39 percent.

Mr. President, for my State of Alaska, this generates approximately $600 million annually. I can tell you to a State that has suffered the consequences from oil, this is a step in the right direction. I heartily commend my colleague. I am glad to see we have a clean bill here.

The revenues forecast about $6 billion for 1987 and about $19 billion for the next 3 years. I think it is high time that we faced up to this. I think this is the legislation we need.

I commend my colleague from New Mexico.

Mr. BINGAMAN. Mr. President, I am pleased to join with my colleagues, the senior Senator from New Mexico and the senior Senator from Oklahoma in introducing the Energy Security Act of 1986.

BACKGROUND

The United States has enjoyed a period of relative energy stability largely because of drilling and exploration between 1973 and 1982, and successful conservation efforts. However, the domestic oil industry today is faced with rapidly declining prices, oversupply, and increased competition from lower priced imports of crude and petroleum products. The industry also has had to restructure to meet the demands of merger activity and now faces the uncertainty of proposed changes in our tax laws.

These factors are undercutting our exploration and production efforts in the United States. Since 1981 nearly 346,000 jobs have been lost in the oil and gas industry. Although almost 82,000 wells were drilled in 1984, the rig count and other indicators point to a significantly lower number in 1985. The past 2 months have seen a substantial decrease in drilling permits, down 37 percent from 1985 levels. Just as the industry responded to the need for more drilling in the 1970's and early 1980s, oversupply and weak prices are now forcing the industry to cut back its activity. Action by major producers such as Arco, Tenneco, Phillips and Amoco in the past few months to slash capital spending for exploration and development prove this point.

As the United States faces reduced drilling, production and exploration, lower refinery capacity and increased imports of crude and product, the inevitable result in the U.S. industry will be a return to foreign dependence. In only 1 year since 1970 has the Nation found as much oil as it produced. That was in 1980, and since then domestic reserves have declined to 27.8 billion barrels, the lowest level since 1951. As the rate of drilling drops as a result of lower oil prices, the shrinkage of these reserves would accelerate. That will make the United States more dependent on foreign sources of oil. Without any exploratory program, the Nation's reserves could drop by half by 1990, with production likely to decline as well. The Energy Information Agency predicts a doubling of imports by 1995. This scenario is based on a per barrel price of oil of $25. Given the current situation, the level of imports will certainly increase.

IMPORT FEE

Clearly, the Nation would benefit most from long-term stability in the oil market, which would in turn ensure the preservation of a strong, constant level of drilling in this country.

The Energy Security Act of 1986 imposes a $4 per barrel oil import fee on crude oil and refined products. This fee phases out, dollar for dollar, as the average weighted world price for oil exceeds $19 per barrel. For example, if the weighted world price is $19.50 the fee would be $3.50. The fee is structured in such a way as not to be inflationary since it would automatically terminate at $27 per barrel. The fee is levied as an excise tax to be administered by the IRS. Such a fee would serve to raise the price of imported oil from the levels determined by an unstable market. A fee would be applied to imports of refined and crude oil products in order to prevent importation of these products to circumvent the crude oil fee. The existence of such a fee would establish a floor for domestic oil prices and help stabilize the world oil price.

Furthermore, a fee would ensure that foreign producers pay a fair tax on oil that flowed into the United States as a result of a price drop. The extremely low tariff imposed on imported oil at present in effect enables imports to be subsidized by the taxes paid in domestic production. A fee would also preserve the value of the Nation's strategic petroleum reserve, on which nearly $13.5 billion has been spent since 1977. A fee would discourage imports, while encouraging domestic production, and thus enable the United States to avoid a return to dangerous levels of foreign dependence.

NATIONAL SECURITY

Most important, an oil import fee would help ensure that our national security is not threatened. Without a fee to stabilize oil prices, the potential threats are significant.

1. REDUCED STRIPPER OIL PRODUCTION

A drop in prices could eliminate over half of the Nation's production from low-volume stripper wells, making necessary an additional $4.6 billion per year in imports. There are over 441,000 stripper wells, and they produce an average of only 3 barrels per day, or a daily total of about 1.3 million barrels. Many operate on a margin of only a few dollars per barrel.

As oil prices decline, large numbers of strippers become uneconomic and have to be shut in. Once production from a well ends, most States require that the wells be plugged and abandoned. The United States could thus lose perhaps 7 to 8 percent of its total domestic production. Furthermore, since stripper wells comprise three-fourths of the Nation's wells, they drive much of the oil well servicing support industry, which has itself been in depression. Although stripper wells produce little individually, collectively they are a major resource for the Nation.

2. THE END OF ALASKAN EXPLORATION

Alaska provides 1.1 million barrels of oil per day, roughly 20 percent of total domestic production. Alaska holds nearly a third of the Nation's known oil reserves, and is estimated by the U.S. Geological Survey to contain up to a quarter of the Nation's undiscovered recoverable reserves. A drop in oil prices would preclude the chance that other Alaskan oil fields could be found and put on stream. Eliminating Alaska's rich potential would mortgage the Nation's energy future.

3. REDUCED OCS EXPLORATION

The U.S. Geological Survey estimates that a third of the Nation's remaining undiscovered recoverable reserves of oil lie under the waters of the Outer Continental Shelf. A fall in prices makes the deeper waters of the OCS uneconomic and ensure that much of the Nation's potential would remain locked away for years.

4. REDUCED NATURAL GAS DEMAND

Virtually all of the powerplant capacity and 45 percent of the U.S. industrial load can switch to residual fuel oil. If oil prices, and therefore fuel oil prices, continue to drop, the

gas bubble may not end until the mid 1990's.

Clearly some action must be taken and I think an oil import fee of this nature must be considered.

SUMMARY

The Congress must take the lead in recognizing the importance of our energy needs. If enacted, an oil import fee would prevent the United States from returning to greater dependency on foreign sources of energy. It would enable the domestic industry to remain a viable source of energy in the future. And it would preserve governmental tax revenues in the event of a fall in world oil prices, and stop the tax subsidization of imported oil. More importantly, the Nation would benefit most from long-term stability in the oil market, which would in turn ensure the preservation of a strong, constant level of drilling and exploration and a viable domestic industry. We must end the complacency that currently clouds our energy future and realize the growing threat to our Nation's desire for energy independence. An oil import fee can help move us in that direction.

Thank you, Mr. President.

By Mr. DURENBERGER (for himself and Mr. STAFFORD):

S. 2780. A bill entitled the "Pipeline Safety Act of 1986"; to the Committee on Commerce, Science, and Transportation.

PIPELINE SAFETY ACT

● Mr. DURENBERGER. Mr. President, today I am introducing the "Pipeline Safety Act of 1986." This legislation would completely rewrite existing Federal law on pipeline safety, requiring the U.S. Department of Transportation to issue regulations to detect, prevent, and correct releases from pipelines. The regulations would place an emphasis on assuring protection of human health and the environment.

The purpose of the Hazardous Liquids Pipeline Safety Act of 1979 [HLPSA] was to protect the Nation against the risk to life and property which are inherent in the transportation of hazardous materials in commerce. Despite the best efforts of the Department of Transportation to carry out the provisions of this act, the protection that is offered to individuals and communities is woefully inadequate.

A 1984 GAO report identified glaring deficiencies in the Department's inspection program. Although DOT established an ambitious program to perform comprehensive annual inspections of each pipeline operator under its jurisdiction, only 24 percent of these operators were inspected in 1981 and 17 percent were inspected in 1982. Further, some operators had been inspected only once in a 5-year period.

The GAO found that there is not an adequate definition of what DOT considers a unit subject to annual inspection. An operator as defined and used in DOT's inspection goal can apply to widely differing pipeline operators. For example, an operator could be a small company owning and operating only a few miles of pipelines, or a large company owning and operating several pipeline systems which carry a variety of products and have independent management divisions.

By way of illustration, take the Williams pipeline system and the Jawhawk Pipeline Co. The Williams' system encompasses over 9,200 miles of pipeline, located in 11 States, transports crude oil, petroleum products, liquefied petroleum gas, and fertilizer solutions, and is managed by four district offices. The Jawhawk system, by contrast, has 711 miles of pipeline, located in two States, and transports one commodity, crude oil. DOT considers it has fulfilled its annual inspection goal if at least one segment of each operator's total system is inspected during the year. That is, one segment of Williams' 9,200-mile system and one segment of Jawhawk's 720-mile system.

Mr. President, I would like to include in the RECORD at this point a table from the GAO report which summarizes gas and hazardous liquids pipelines accident and casualty data reported 1973 through 1983.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SUMMARY OF GAS AND HAZARDOUS LIQUIDS PIPELINE ACCIDENT AND CASUALTY DATA REPORTED 1973 THROUGH 1983

Report year [2]	Gas pipelines [1]			Hazardous liquids pipelines			
	Failures	Fatalities	Injuries	Failures	Fatalities	Injuries	Commodity loss (barrels)
1973	1,364	35	352	273	7	10	377,672
1974	1,477	24	334	256	10	6	292,001
1975	1,373	14	237	254	7	17	318,278
1976	1,579	63	366	212	5	4	249,690
1977	1,996	36	450	237	3	15	224,794
1978	2,088	31	406	256	3	10	280,794
1979	1,970	45	406	251	4	13	548,669
1980	1,996	11	310	219	3	12	289,445
1981	1,623	16	79	239	5	32	214,384
1982	1,711	31	266	200	1	6	221,411
1983	1,580	12	245	161	6	9	384,670

[1] Amounts of commodity losses are not reported for gas pipeline failures.
[2] The data shown in this table was compiled by the Department for inclusion in its annual reports on pipeline safety. For the years 1973–80 data from both written and telephonic reports is included. For 1981 the data is from written reports only. Since 1982, however, the Department has included a portion of the data contained in the operator's telephonic reports. For 1982–83 the data is solely from written reports except for "fatalities" which also includes data from telephonic reports.

Mr. DURENBERGER. Mr. President, these data and the GAO report reveal only the tip of the iceberg. What it doesn't show is the track record of the pipeline companies or the human element involved.

Most of this Nation's pipes were laid in the 1950's. In many cases they were laid in rural areas which have since become urban areas. The pipes come in all shapes and sizes and we have no record of what type of pipes we have in the ground. And we have no way of knowing without tearing them all up.

But we learn from time to time when leaks occur. Leaks which often result in explosions and the death of innocent citizens.

In Minnesota we have 1,400 miles of pipe owned by the Williams Pipeline Co. Since that company began operation in the State in 1951 they have had 139 accidents. Some of these were minor and some molested entire communities.

About 4:20 a.m. on July 8, 1986, line 2N, an 8-inch products pipeline at Mounds View, MN, operated by Williams Pipe Line Co. ruptured. Unleaded gasoline under about 1,480 pounds per square inch pressure spewed from the 7½ foot-long opening along the longitudinal seam of the pipe. Vaporized gasoline combined with the air, and liquid gasoline flowed along neighborhood streets. About 20 minutes later, the gasoline vapor was ignited by sparks from an automobile which had entered the area. Following an explosion noise, fire spread rapidly through the neighborhood along the path of the liquid gasoline. Two persons—Beverly Spano and her 7-year-old daughter Jennifer—were burned severely and later died, and one other person suffered serious burns. There was substantial property damage and soil and water pollution.

I mourn with the people of Minnesota this senseless loss of life and violent disruption to a quite community. We are left in a state in shock. This accident involved a segment of pipe which had been laid in 1958, years before Mounds View was developed to the degree it is today. Before the tragedy of July 8, most of the citizens of Mounds View didn't even know that a liquid gas pipeline snaked beneath their streets.

One of the most significant aftereffects of the explosion is a growing determination that what happened to their neighborhood—in particular to two of its citizens—should never happen again. Anywhere.

This tragedy, coupled with numerous previous breaks in Williams pipeline running through Minnesota, has dramatically focused the attention of Minnesota citizens and governmental officials at all levels of the inherent dangers of aging underground pipelines. Public confidence in the long-term safety of this particular segment and other pipelines is essential to their continued role in this Nation's transportation system.

And it is the basis for the legislation I am introducing today. S. 2780 shifts the focus of the Hazardous Liquids Pipeline Safety Act from regulating the transportation of materials to pro-

tecting human health and the environment.

Highlights of the legislation include:

Existing pipelines would be required to install special coatings or cathodic protection systems to prevent corrosion.

New pipelines and existing pipelines in urban areas and near surface or ground water that is vulnerable would be required to have double walls with monitoring systems that would detect a release and its location immediately.

Other requirements for design, siting, construction, installation, and operation would be established.

All pipelines would be required to conduct tests to determine the soundness of the pipeline system every 3 years.

Pipeline owners would be required to keep records on operations and make those records available for inspection.

Pipeline owners would be required to take corrective action if liquids were released.

Pipeline owners would be required to notify local governments of the presence of pipelines and the nature of the liquid it carries as a part of the Superfund "Right to Know" provisions.

Both interstate and intrastate pipelines would be covered (currently, States are responsible for intrastate lines).

The current preemption of local and State laws and regulation by Federal law and regulations would be stricken. States and local governments could adopt more stringent regulations than those adopted by the Federal Government.

States could be delegated authority to run pipeline safety programs in cooperation with the Federal Government.

Penalties for violations of the requirements are increased from $1,000 to $25,000 per day. The $200,000 cap on penalties is removed.

The Federal Environmental Protection Agency would be given authority to respond to pipeline spills using the $500 million fund created under Superfund to clean up leaks from underground storage tanks. These authorities include relocating residents and providing alternative water supplies.

DOT would be required to hire a sufficient number of inspectors, provide those inspectors with adequate training and conduct inspections of each pipeline company annually.

Fees on pipeline owners would be increased to cover the additional inspection and regulatory costs of the legislation from a total of $3 million per year to a total of at least $40 million per year.

Mr. President, I ask unanimous consent that an article which appeared in the St. Paul Pioneer Press be included in the RECORD at the conclusion of my remarks.

As much as we would like to, we cannot undo the Mounds View tragedy and bring Beverly and Jennifer Spano back to their family and friends. But we can learn from it. And the people of Minnesota have learned a painful lesson. Hopefully their loss can prevent further tragedy.

Mr. President, we need to provide greater protection to the public health and safety and environment. This legislation does that. Current law does not. I urge my colleagues to do as I have done, review the pipeline safety history, think about the human lives that have been needlessly lost and those still at risk if we do nothing. It is my hope that we can still enact this sweeping legislation into law this year.

I ask unanimous consent that a copy of the bill and article appear in the RECORD.

There being no objection, the bill and article mentioned earlier were ordered to be printed in the RECORD, as follows:

S. 2708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Pipeline Safety Act of 1986".

DEFINITIONS

SEC. 2 (a) Section 202(4) of the Hazardous Liquid Pipeline Safety Act of 1979 is amended by striking "but 'right-of-way; as used in this title does not authorize the Secretary to prescribe the location or the routing of any pipeline facility".

(b). Section 202 of such Act is amended by adding at the end thereof the following:

"(12) 'release' means spilling, leaking, emitting, discharging, escaping, leaching, or disposing from a pipeline facility into ground water, surface water, subsurface soils, or air.

"(13) 'surface water' means the waters of the United States including the waters of the territorial seas.

"(14) 'ground water' means water in the saturated zone.".

RELEASE DETECTION, PREVENTION AND CORRECTION

SEC. 3. (a) Section 203(a) of the Hazardous Liquid Pipeline Safety Act of 1979 is amended to read as follows:

"(a) The Secretary shall, after notice and opportunity for public comment, promulgate regulations which establish Federal safety standards, including requirements for release detection, prevention and correction, for the transportation of hazardous liquids and pipeline facilities, as may be necessary to protect human life and the environment. The regulations shall apply to each person who engages in the transportation of hazardous liquids or who owns or operates pipeline facilities.".

(b) Section 203(b) of such Act is amended to read as follows:

"(b)(1) In promulgating regulations under this section, the Secretary may consider—

"(A) relevant available pipeline date;

"(B) whether the standards are appropriate for the particular type of pipeline transportation or facility;

"(C) the reasonableness of any proposed regulations; and

"(D) the extent to which the standards will contribute to public safety.

"(2) In promulgating regulations under this section, the Secretary may distinguish between types, classes and categories of pipeline facilities. In making such distinctions, the Secretary may take into consideration factors, including, but not limited to—

"(A) location of the pipeline facilities, including location within an urban or other settled area:

"(B) soil, climate and environmental conditions within the vicinity of the pipeline facilities including the presence of vulnerable surface water or ground water resources;

"(C) age, history of maintenance and failures of the pipeline facility including known releases of hazardous liquids;

"(D) the presence of permanently occupied dwellings or community facilities including schools, hospitals or nursing homes within the vicinity of the pipeline facility;

"(E) the size of the pipeline facility and the pressure at which it operates;

"(F) the characteristics of the hazardous liquid stored or transported by the pipeline facility.".

(c) Section 203(c) of such Act is amended by striking "Standards" and inserting in lieu thereof "Regulations" in the first sentence and by striking the second sentence thereof. Such section is further amended by adding at the end thereof the following:

"Such regulations shall include, but need not be limited to, the following requirements respecting all pipeline facilities—

"(1) requirements of preventing releases of hazardous liquids from pipeline facilities brought into use before January 1, 1988 by cathodically protecting such facilities or coating such facilities with protective material to prevent corrosion;

"(2) requirements for pipeline facilities brought into use after January 1, 1988 with respect to design, siting, construction, installation and operations of such facilities to prevent releases of hazardous liquids in a manner that is consistent with the protection of human health and the environment;

"(3) requirements with respect to maintaining a release detection system and requirements for testing pipeline facilities to identify releases and the potential for releases in a manner consistent with the protection of human health and the environment;

"(4) requirements for maintaining records with respect to installation, operation, release detection, testing, and corrective action for each pipeline facility;

"(5) requirements for taking corrective action in response to any release from a pipeline facility as may be necessary to protect human health and the environment;

"(6) requirements with respect to marking pipeline facilities and notifying persons residing or working within the vicinity of such facilities of the presence of such facility, the hazardous liquids stored or transported by such facility and the hazards which would result from the release of such liquids.".

(d) Section 203(d) of such Act is amended to read as follows:

"(d) Nothing in this Act shall preclude or deny any right of any State or political subdivison thereof to adopt or enforce any regulation, requirement or standard of performance respecting interstate or intrastate pipelines that is more stringent than a regulation, requirement, or standard of performance in effect under this subtitle or to impose any additional liability with respect to the release of hazardous liquid within such State or subdivision.".

(e) Section 203 of such Act is amended by striking the text of subsection (h) and inserting in lieu thereof the following:

"Requirements for testing pipeline facilities to detect releases or the potential for releases promulgated pursuant to subsection (c)(3) shall be effective not later than January 1, 1988 and shall provide for testing not less frequently than every three years using testing technology which is, in the judgment of the Secretary, the best technology available which has been demonstrated to be effective in detecting releases or the potential for releases.".

(f) Section 203 of such Act is amended by adding at the end thereof the following:

"(i)(1) Requirements with respect to the design, construction and installation of pipeline facilities pursuant to subsection (c)(2) shall be effective not later than January 1, 1988. Such requirements shall, at a minimum, provide—

"(A) for double wall construction with continuous leak detection systems capable of detecting a release at the earliest practicable time for all pipeline facilities brought into service after the effective date of such requirements;

"(B) for double wall construction with continuous leak detection systems capable of detecting a release at the earliest practicable time for all pipeline facilities which were brought into service before such date and which are located within standard metropolitan statistical areas, located in such other areas of human settlement as the Secretary shall by regulation designate, or located within the vicinity of or above vulnerable surface water or ground water resources;

"(C) for double wall construction with continuous leak detection systems capable of detecting a release at the earliest practicable time for such other pipeline facilities as the Secretary may designate including facilities transporting or storing extremely hazardous liquids or operating at high pressure or under other circumstances which may present a threat to human health or the environment.

"(2) Pipeline facilities brought into service before the effective date of the requirements established by subsection (c)(2) and which are subject to such requirements as a result of subsection (i)(1)(B) shall be in compliance with such requirements on the date 15 years after the date brought into service or January 1, 1993, whichever is later.

"(3) For the purposes of this subsection, double wall construction shall mean secondary containment systems designed, installed and operated to prevent migration of any hazardous liquids to the soil, ground water, surface water or air at any time. The systems shall be capable of detecting and collecting releases until the contained material can be removed and protected from corrosion of the primary pipeline interior and the external surface of the outer shell.

"(4) The owner or operator of a pipeline facility may obtain a variance from the requirements of this subsection, if the Secretary finds, as a result of a demonstration by the owner or operator, that alternative design and operating practices, together with location characteristics, will prevent the migration of hazardous liquids into soils, ground water, surface water, or the air.".

STATE PROGRAMS

SEC. 4. (a) Section 205 of the Hazardous Liquid Pipeline Safety Act of 1979 is amended to read as follows:

"(a) Any State may submit a pipeline safety program with respect to release detection, prevention and correction for review and approval by the Secretary. The program may cover either interstate or intrastate pipelines or both. A State program may be approved by the Secretary under this section only if the State demonstrates that the State program includes all of the requirements of section 203(c)(3) of this Act and such requirements in the State pipeline safety program are no less stringent than the requirements promulgated by the Secretary pursuant to such section. If the Secretary determines that a State program complies with the provisions of this section, provides for adequate enforcement of compliance with the requirements and standards of the State program, and the State has adequate authority to require record-keeping, reporting and inspection to carry out the provisions of this Act, the Secretary shall approve the State program in lieu of the Federal program and the State shall have primary enforcement responsibility with respect to requirements of its program.

"(b) Whenever the Administrator determines after a public hearing that a State is not administering and enforcing a program authorized under this subtitle in accordance with the provisions of this section, he shall so notify the State. If appropriate action is not taken within a reasonable time, not to exceed 120 days after such notification, the Administrator shall withdraw approval of such program and reestablish the Federal program pursuant to this subtitle.

"(c) If a State program is approved pursuant to this section, the Secretary shall, for each fiscal year in which the State program is in effect, provide a grant to the State for up to 50 percent of the cost of the personnel, equipment and activities reasonably required to carry out such program.".

COMPLIANCE AND PENALTIES

SEC. 5(a). Section 207(a)(1) of the Hazardous Liquid Pipeline Safety Act of 1979 is amended to read as follows:

"(1) at all times after the date any applicable regulation established under this Act takes effect comply with the requirements of such regulation;".

"(b) Section 207(b) of such Act is amended to read as follows:

"(b)(1) Whenever on the basis of any information, the Secretary determines that any person is in violation of any requirement of this Act, the Secretary may issue an order requiring compliance within a reasonable specified time period or the Secretary may commence a civil action in the United States district court in which the violation occurred for appropriate relief, including a temporary or permanent injunction.

"(2) the Secretary shall give notice to the State in which such violation has occurred prior issuing an order or commencing a civil action under this section.".

(c) Section 208(a)(1) of such Act is amended by striking "$1,000" and inserting in lieu thereof "$25,000"; by striking all after the word "persists" and inserting in lieu thereof a period.

(d) Section 208(b) of such Act is amended by striking "the effect on ability to continue in business," and by striking "ability to pay the penalty,".

(e) Subsection (c)(1) of such Act is amended by striking "$25,000" and inserting in lieu thereof "$250,000".

RIGHT-TO-KNOW

SEC. 6(a) Section 302 of the Emergency Planning and Community Right-to-Know Act of 1986 is amended by adding at the end thereof the following:

"(c) Facilities subject to the requirements of this subtitle shall include pipelines and pipeline facilities subject to regulation under the Hazardous Liquids Pipeline Safety Act of 1979 whether or not the hazardous liquids transported or stored by such facility are included on the list referred to in subsection (a).".

(b) Section 327 of the Emergency Planning and Community Right-to-Know Act of 1986 is amended by adding at the end thereof, "For the purposes of this section "transportation" shall not include the transportation or storage of hazardous liquids by a pipeline or pipeline facility subject to regulation under the Hazardous Liquids Pipeline Safety Act of 1979."

INSPECTION AND MAINTENANCE PLANS

SEC. 7. Section 210 of the Hazardous Liquid Pipeline Safety Act of 1979 is amended by adding at the end thereof the following new subsection:

"(c) Such plan shall include provisions for testing not less frequently than every three years using testing technology which has been prescribed by the Secretary according to the provisions of subsection (c)(3) of Section 203 of this Act.".

POWERS AND DUTIES OF THE SECRETARY

SEC. 8(a). Section 211(a) of the Hazardous Liquid Pipeline Safety Act of 1979 is amended by striking "however, before the Secretary may exercise authority under this section to require testing of portions of pipeline facilities subject to the provisions of this title which have been involved in or affected by an accident, he shall make every effort to negotiate a mutually acceptable plan with the owner of such facilities and, where appropriate, the National Transportation Safety Board for performing such testing." and inserting in lieu thereof, "where the Secretary requires testing of a pipeline facility as the result of an accident or release, the Secretary shall consult with the National Transportation Safety Board and with the Governor of the State and the chief executive of any political subdivision in which the accident or release occurred on the extent and methods of the testing to be required.".

(b) Section 211 of such Act is further amended by adding at the end thereof the following new subsection:

"(f) The Secretary shall hire or retain sufficient qualified personnel to assure that each pipeline facility owner or operator subject to regulation under this Act is inspected on an annual basis. In satisfying the requirements of this subsection, the Secretary shall hire or retain, on a full time equivalency basis, not fewer than 40 inspectors which shall be assigned to hazardous liquid pipelines. The Secretary shall assure that inspectors are adequately trained to carry out the purposes of this Act. Annual inspections shall include travel to the site of the pipeline facilities regulated and an audit of the records maintained by the owner of such facility with respect to monitoring, testing and other operations at the facility.".

RESEARCH AND DEMONSTRATION

SEC. 9. Section 211 of the Hazardous Liquid Pipeline Safety Act of 1979 is amended by adding at the end thereof of the following new subsection:

"(g) The Secretary may conduct and support, through grants, cooperative agreements, and contracts, research with respect to the detection, prevention and correction of releases from pipeline facilities. Such research may include the construction and operation of pipeline facilities to demonstrate new technologies for monitoring, testing, and operating such facilities including various methods of secondary containment and continuous monitoring.".

CITIZEN SUIT

SEC. 10. Section 215(a) of the Hazardous Liquid Pipeline Safety Act of 1979 is amended by inserting "(1)" after "relief," and by adding at the end thereof the following: "(2) the Secretary where there is alleged a fail-

ure of the Secretary to perform any act or duty under this Act.".

SPECIFIC RELIEF AND RESPONSE AUTHORITIES

SEC. 1. Section 9003(h) of Subtitle I of the Solid Waste Disposal Act is amended by adding at the end thereof the following:

"(12) For purposes of the corrective action authorities specifically provided in paragraph (5) of this subsection, the term "underground storage tank" shall include pipelines and pipeline facilities which transport or store petroleum and which are subject to regulation under the Hazardous Liquid Pipeline Safety Act of 1979. The Administrator (or a State acting pursuant to paragraph (7) of this subsection) shall seek full recovery of the costs of all such corrective actions pursuant to the provisions of paragraph (6)(A) of this subsection. The provisions of paragraph (11) of this subsection shall not apply to corrective actions taken pursuant to this paragraph.".

(b) Section 209 of the Hazardous Liquid Pipeline Safety Act of 1979 is amended by adding at the end thereof the following:

"(6) Any person may file a petition requesting that the Secretary make a determination that a particular pipeline or pipeline facility is hazardous. The Secretary shall conduct a hearing on any such petition within 60 days or issue a written finding as to the reasons for denying such petition. The Secretary's determination to deny a petition is reviewable according to the provisions of section 206 of this Act.".

FEES

SEC. 12. Section 7005(d) of the Consolidated Omnibus Budget Reconciliation Act of 1985 is amended to read as follows:

"(d) FEE SCHEDULES.—Fees established by the Secretary under subsection (a) shall be assessed against all natural gas and hazardous liquids transported by pipelines subject to the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 and shall be sufficent to meet the costs of activities described in subsection (c). For the fiscal years after September 30, 1986 fees assessed against hazardous liquids transported by pipelines shall not be less than $40,000,000 nor exceed 120 percent of the appropriations made for such fiscal year for the activities authorized under the Hazardous Liquid Pipeline Safety Act of 1979, as amended by this Act.".

AUTHORIZATIONS

SEC. 13. (a). Section 214(a) of the Hazardous Liquids Pipeline Safety Act of 1979 is amended by striking "and" at the end of paragraph (2); striking the period at the end of paragraph (3) and inserting in lieu thereof "; and"; and by adding at the end thereof the following new paragraph:

"(4) $25,000,000 for each of the fiscal years ending September 30, 1987, 1988, 1990 and 1991.".

(b) Section 214(b) of such Act is amended by striking "and" at the end of paragraph (2); striking the period at the end of paragraph (3) and inserting in lieu therof "; and"; and by adding at the end thereof the following new paragraph:

"(4) $15,000,000 for each of the fiscal years ending September 30, 1987, 1988, 1990 and 1991.".

DAD AND DAUGHTER STRUGGLE TO KEEP FAITH IN TOMORROW

(By Jacqui Banaszynski)

A small burn mars the tan on Donald Spano's forearm. It is where he cradled his daughter's head when he carried her from the fiery front yard to the cool grass behind the house.

"It's from her hair, not much more than a contact burn really," he says.

Physically, the burn is all that lingers of the day, almost two weeks ago, when a gas pipeline explosion ripped through Spano's life—killing his wife, Beverly, and their youngest child, Jennifer, and forever changing things for him and his surviving daughter, Alison.

The light burn, probably not bad enough to scar, gives no hint of deeper wounds inflicted that day—a day Spano simply refers to as "the 8th."

"I'll never be the same person I was two weeks ago Monday," he says. "That's not fatalistic, just realistic."

Everything else seems normal—even peaceful—at the comfortable home on Woodcrest Drive in Mounds View. Jennifer's ducks, Timmy and LaVerne, paddle sedately in the pond that edges the back yard. A woman's shampoo bottles and lotions clutter the vanity in the bathroom that Spano shared with his wife but that was clearly, he says, "Bev's domain." The books and games and dolls of a 7-year-old brighten the white shelves in Jennifer's room, and more dolls are stuffed into the plastic crates in her closet, resting until small hands reach out and bring them back to life.

Alison, 8, fidgets in her father's lap as he talks to visitors, interrupting with an occasional question or skipping off to find her toys when she gets bored.

It seems no different than other afternoons, with Beverly Spano and Jennifer out on one of their legendary shopping sprees. The house, and those in it, seem to be waiting for them to come home.

But there is that burn in the crook of Donald Spano's arm where Jennifer rested her head for the last time. And a patch of burned grass discolors the neighbor's lawn, as if kissed by a bit too much sun.

It is where Spano found his wife and daughter after the flash.

"We had discussed death, but always mine because of my job. It's not the safest job in the world," says Spano, 35, a switchman for the Chicago and North Western Transportation Co. "Only fools think they're infallible and never going to die."

It is the first interview he's granted since the explosion—a way to respond to the sympathy cards that have poured in from around the country, to acknowledge the keen public interest in his family's tragedy and to announce plans to sue the Williams Pipe Line Co. and the manufacturer of the ruptured pipe.

Alison stays close to him as he talks, hugging his arm or nestling in his lap. Spano pads through the plush carpet in bare feet. The blisters he suffered from running along the burning streets that morning have sinced healed.

Spano brought Alison home the day after the explosion. It is here they will continue their lives together, learning anew how to be a family. Spano will return to work soon, and Alison will start third grade at nearby Sunnyside Elementary School.

"This is our home and I love it," Spano says. "It's the cumulation of three houses and 13 years of marriage. The ugliness of a few moments hasn't overshadowed the fun times we had here."

The Spanos moved to the modern, split-level house from Fridley just a year ago. Beverly Spano had redecorated it to her family's needs and tastes. Decks line the back, overhanging a sloping lawn and White Oak Lake, a spring-fed pond surrounded by similar homes and friendly neighbors. In 15 years, their mortgage would be paid, the girls would be through college and Don and Bev Spano would just be turning 50.

"This was going to be it," Spano says. "It was kind of our Waldens Pond out here. It had everything we thought we'd need for the rest of our lives."

Monday, July 7, dawned bright and cheerful in Mounds View. The Spano family was settling back into a routine after their annual summer vacation: a few days of luckless fishing up north, then a trip to Wisconsin Dells, riding the duck boats and watching the waterski show, before coming home for the July 4th weekend.

Alison spend the holiday with friends. Jennifer tagged along with her parents while they shopped for dining room chairs.

Spano had been assigned a swing shift that week, and went to work at 3 p.m.

He got home well before midnight. Alison and Jennifer were in bed. His wife was still up, so the couple talked for about an hour before going to bed. The night was warm, and they left the French doors open to the back deck.

"Everything was completely normal," Spano says.

Early the next morning, they were awakened by an explosion that Spano says "sounded like a cannon." The smell of gas and smoke poured in the open doors. Across the pond, flames danced above the trees.

Like most of their neighbors, the Spanos didn't know a liquid gas pipeline snaked beneath their streets. They thought a natural gas main had ruptured and their instinctive response, Spano says, was to get out of the house.

"You just say, 'Let's grab the kids and go,'" he says. "It took me long enough to get a pair of pants on. Bev didn't bother. She was in her nightgown. The kids were, too."

Jennifer's room was just down the hall from theirs. Beverly Spano grabbed the tiny girl, then ran to the downstairs bedroom where Alison usually slept.

When his wife yelled that she couldn't find Alison, Donald Spano went straight to the living room. As was her habit, Alison had crept out of bed sometime during the night to sleep on the couch, nearer her parents.

As Spano was waking Alison, his wife rushed back upstairs, hand-in-hand with Jennifer. The two ran out the entrance at the top of the stairs, into the front yard. The steel door closed behind them.

Spano followed soon after with Alison. But when he yanked the front door open, he was met by a wall of smoke. He ran with his daughter back through the house, out onto the deck and down the stairs toward the pond.

"Ali was terrified," Spano says. "She kept running back and forth between the lake and the house, yelling for her mom and me. In the process of calming her down is when the flash happened. I could see it down at the lake. It lit everything up.

"And I could hear the screams. So I knew where to look."

Was he able to get to them?

"Yes."

Was he the first one there?

"Yes."

Was there anything he could do?

A pause this time, then finally: "No."

The screams had stopped by the time Spano reached his wife and daughter. Now there were only moans.

"I'm no medical doctor. You always go on faith that there's something that can be done," he says.

"But I knew they were burned. The clothes they had worn were no longer there. The skin on Jenny, once soft, was now hard like leather. The eyes were burned closed. The hair . . . the hair was gone."

He gathered Jennifer in his arms and carried her to the pond, laying her in the soft, cool grass. He asked a neighbor to get a towel or blanket for her, and to keep Alison away. Then he raced back up the hill to his wife.

"I knew she was hurt enough where I shouldn't be picking up her," he says. "She knew she was badly burned and understood I was there and she needed help and I had to go."

Spano ran frantically through the neighborhood, following voices in the dark, searching for flashing lights that might signal an ambulance, retracing his steps and going the long way around when the flames, sometimes eight feet high, blocked his path.

"It was like a war zone," he says.

When the ambulance arrived, it, too, was blocked by the fire and forced to stop a half-block away. Beverly Spano was carried there on a stretcher. Spano followed behind, his daughter once again in his arms.

"They waited then, he thinks as long as 10 or 15 minutes, until more ambulances came. Beverly Spano was rushed to St. Paul-Ramsey Medical Center in the first truck. Spano rode with Jennifer in the second.

"I don't know what good I did, but I kept the compresses of water wet and cool, and I talked to her on the way," he says. "They were concerned with her breathing. I had to encourage her to breathe deep. I told her I was there and we were on our way to the hospital and when we got there they would help her."

Spano stayed with Jennifer in the emergency room, soothing her as the doctors searched her thin arms for a place to insert an intravenous needle, telling her not to be frightened, hushing her childlike fears.

At the hospital, they wanted to take her earrings out, and she was crying, 'No, no, my holes will close up.' "

When Spano was taken to his wife's bedside that morning, both already knew she and Jennifer were dying.

"When I first got to the emergency room, I was confronted by the chief of the burn unit," Spano says. "I asked him to be very straightforward. I asked what were their chances of recovery. He said none.

"You ask him that question, will they make it, and the only thing you can do is hope he'll say yes. But you look in his eyes and know that, yes, he's being honest. But the answer is no.

"Apparently Bev had already asked the same question."

Spano divided his time between his wife and daughter, who were placed in adjacent beds in the burn unit. He spent much of the morning talking with his wife about death and life and God, and the memories shared privately between a husband and a wife. Just two days earlier, after attending Sunday services at Messiah Lutheran Church, Beverly Spano had told her husband how comfortable she felt about her religion, and how peaceful she felt about her life.

"We discussed Ali and myself and what she wanted and didn't want as far as funeral arrangements and a religious upbringing, which was important to her," Spano says. "That was one of her desires for Ali.

"And she had other wishes . . . some silly ones. She wanted me to go out and get married again."

Jennifer was placed on a respirator, so she couldn't talk, but answered her father's questions with nods and noises.

"She knew I was there and that Mom was across the room. Jenn was always my wishy kid as far as . . . falling down was always a major catastrophe. She had a low pain threshold. I asked her if she hurt. She said no and I'm grateful for that.

"They got quite a bit of morphine. But up until the last hour, both of them could respond."

Beverly Spano died at 10:07 a.m. on the 8th. Jennifer died exactly an hour later.

Alison first learned about death eight months ago when her grandfather died. And she was in the hospital waiting room the morning of the 8th, when her mother and sister died.

Spano shielded Alison from the worst of what happened that day. He kept her from running up the hill to her mother's screams, and didn't let her see her mother or Jennifer after the accident.

But he couldn't shield her from their deaths. "There's not much you can say besides, 'Your mother is dead.'

"We hear the wish from her now . . . 'I wish they weren't . . .' To me that says she knows they aren't coming back. She has moved beyond that point and has established that fact. Not that she's dealt with it, but she has established the fact."

Spano is, by his own admission, a quiet man who works hard at not being closed. He forces himself to be aware of his anger, and to deal with it in constructive ways.

He says that will be especially important in the coming months.

"The bitterness has not had a chance to set in, although I'm sure it will in time," he says. "So far from the 8th I've been able to put it on the back burner. But I've been trying to pick a spot to put it, find a way to direct it.

"There are certain things I'm going to demand out of anger, out of hurt, out of grief."

Last week, he contacted lawyers about filing suit against the pipeline's owner and manufacturer. Decisions about additional suites will wait until he is able to study news reports, which relatives are saving for him.

Nor is he yet clear about the specific claims he'll make.

"One of the things I'm going to shoot for is safe communities, to prevent things like this," he says. "There's no excuse for this. There's no excuse why the kids in the neighborhood should have trouble going to sleep at night."

Spano says money can't compensate him for his wife and daughter. But he wants better government control of hazardous pipelines, greater public awareness of their locations and penalties so stringent the industry can't afford to be lax.

"I would like to make it so expensive to do it wrong that the only choice they have is to do it right, so the automatic safety factors are built in," he says. "The way they've been doing it so far, they've not proved this is the safe way. They've hurt the environment a lot, and a few people along the way. There's got to be a better way."

While lawyers and politicans grapple with the public implications of Beverly and Jennifer Spano's deaths, Donald Spano and Alison will be grappling with the private implications of life without them.

For Alison, there are questions of security—physical and emotional—and the sudden status of being an only child.

"Ali will be playing with the toys, and she'll say, 'This is Jenny's.' " Spano says. "And there's an inflection in her voice that says, 'Is it OK to play with it?' As angelic as Jenny was, she could be a stinker about certain things. Sharing her toys happened to be one of them. So now we're in a period • • • overnight," he continues. "Like me, Ali has her good times and her not-so-good times. When the sun goes down, she still gets nervous."

Spano does what he can to reassure her, understanding there are no guarantees. He watches Alison, and himself, closely for signs of stress. He encourages her to spend time with friends, and talks to their parents about Alison's moods. And if they need professional help, Spano says he won't be too proud to seek it.

"But at this point, we'll take care of each other," he says. "That's what a family is for. You grow together and live together and take care of each other."

Meanwhile, Spano must face his own questions, questions without any easy answers, inevitable questions like "Why me?"

"That question can't be answered now," he says. "When it will be is when I stand in front of God, because he's the only one who can answer that. I'm going to have to live with it until that time.

"And I try to stay away from questions like, 'What if?' You can't live with what if. I'm as much at peace as I can be with a situation like this.

"And right now, what I need most is peace, being able to finally sort things out in my mind. Right now, I just know all fathers should give their kids a kiss every night and be thankful they've got them."●

By Mr. EVANS (for himself, Mr. JOHNSTON, Mr. CRANSTON, Mr. MATSUNAGA, Mr. WEICKER, Mr. FORD, Mr. MELCHER, Mr. BUMPERS, Mr. SARBANES, and Mr. GRASSLEY):

S. 2781. A bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances; to the Committee on Energy and Natural Resources.

NATIONAL APPLIANCE ENERGY CONSERVATION ACT

● Mr. EVANS. Mr. President, I am pleased today to join with several of my colleagues in introducing the National Appliance Energy Conservation Act of 1986.

This legislation is the result of long and difficult negotiations involving environmental and energy conservation groups and those who manufacture home appliances and home heating and cooling equipment. It establishes clear, consistent national energy efficiency standards for all major appliances, which will be phased in over the next 5 years. Without national standards, the appliance marketplace would be subject to a patchwork of differing State requirements.

As chairman of the Alliance to Save Energy, I am pleased to announce my organization's endorsement of the proposed standards as well. We applaud

those who struck the compromise for bringing about the near impossible: a situation in which everyone wins. Appliance manufacturers avoid the cost of meeting a plethora of State standards and can better plan their future product lines. And as former chairman of the Northwest Power Planning Council, I know utilities and State regulatory agencies will be better able to anticipate future energy requirements and can defer or avoid the need for costly new generating capacity. And consumers will reap the savings, day in and day out.

The amount of energy we use in our homes—with our home applicances and in heating and cooling our homes—accounts for an estimated one-third of the energy we consume as a nation. The legislation we are introducing recognizes that in that statement of fact, there rests a real opportunity for savings.

It is true that we've made exceptional strides in recent years toward more efficient use of energy. Yet it is clear that even greater savings are well within reach. Using the standards in the bill, the Natural Resources Defense Council has estimated that if this legislation were enacted, consumers will save approximately $25 billion on their energy bills, or over $250 per household, through the year 2000.

I am hopeful that we can schedule hearings soon before the Subcommittee on Energy Regulation and Conservation in order to fully evaluate this legislation. We will be looking at several issues, including the way in which the bill meshes the need for Federal standards with each State's right to manage its own energy resources. The subcommittee will also carefully consider issues that may be raised by parties that did not participate in negotiations leading to the bill.

Today, as we find ourselves in the midst of a temporary period of low world petroleum prices, we occasionally lose sight of the fact that our Nation continues to depend on limited energy resources. But the underlying problem remains the same, as became all too clear more than a decade ago. The urgency of continuing to use energy more efficiently is as great now as it has ever been. In all sectors of the economy, we must seek out and invest in cost-effective opportunities for greater energy efficiency. The National Appliance Energy Conservation Act of 1986 should help us meet this challenge.

Mr. President, I ask unanimous consent that a copy of the bill, along with a brief section-by-section analysis, be included in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2781

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Appliance Energy Conservation Act of 1986".

SEC. 2. DEFINITIONS.

(a) ENERGY CONSERVATION STANDARD.—Section 321(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)(6)) is amended to read as follows:

"(6) The term 'energy conservation standard' means—

"(A) a performance standard which prescribes a minimum level of energy efficiency or a maximum quantity of energy use for a covered product, determined in accordance with test procedures prescribed under section 323; or

"(B) a design requirement for the products specified in paragraphs (6), (7), (8), (10), and (12) of section 322(a); and

includes any other requirements which the Secretary may prescribe under section 325(m)."

(b) NEW DEFINITIONS.—Section 321(a) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)) is amended by adding at the end the following paragraphs:

"(19) The term 'AV' is the adjusted volume for refrigerators, refrigerator-freezers, and freezers, as defined in the applicable test procedure prescribed under section 323.

"(20) The term 'annual fuel utilization efficiency' means the efficiency descriptor for furnaces and boilers, determined using test procedures prescribed under section 323 and based on the assumption that all—

"(A) weatherized warm air furnaces or boilers are located out-of-doors;

"(B) warm air furnaces which are not weatherized are located indoors and all combustion and ventilation air is admitted through grills and ducts from the outdoors; and

"(C) boilers which are not weatherized are located within the heated space.

"(21) The term 'central air conditioner' means a product, other than a packaged terminal air conditioner, which—

"(A) is powered by single phase electric current;

"(B) is air-cooled;

"(C) is rated below 65,000 Btu per hour;

"(D) is not contained within the same cabinet as a furnace the rated capacity of which is above 225,000 Btu per hour; and

"(E) is a heat pump or a cooling only unit.

"(22) The term 'efficiency descriptor' means the ratio of the useful output to the total energy input, determined using the test procedures prescribed under section 323 and expressed for the following products in the following terms:

"(A) For furnaces and direct hearing equipment, annual fuel utilization efficiency.

"(B) For room air conditioners, energy efficiency ratio.

"(C) For central air conditioning and central air conditioning heat pumps, seasonal energy efficiency ratio.

"(D) For water heaters, energy factor.

"(E) For pool heaters, thermal efficiency.

"(23) the term 'energy efficiency ratio' means a ratio (expressed in Btu per hour/per watt) calculated by dividing the cooling capacity in Btu per hour by the power input in watts at any given set of rating conditions, determined using the test procedures prescribed under section 323.

"(24) The term 'furnace' means a product which utilizes only single-phase electric current, or single-phase electric current or millivoltage DC current in conjuction with natural gas, propane, or home heating oil, and which—

"(A) is designed to be the principal heating source for the living space of a residence;

"(B) is not contained within the same cabinet with a central air conditioner whose rated cooling capacity is above 65,000 Btu per hour;

"(C) is an electric central furnace, electric boiler, forced-air central furnace, gravity central furnace, or low pressure steam or hot water boiler; and

"(D) has a heat input rate of less than 300,000 Btu per hour for electric boiler and the low pressure steam or hot water boilers and less than 225,000 Btu per hour for forced-air central furnaces, gravity central furnaces, and electric central furnaces.

"(25) The terms 'heat pump' or 'reverse cycle' mean a product, other than a package terminal heat pump, which—

"(A) consists of one or more assemblies;

"(B) is powered by single phase electric current;

"(C) is rated below 65,000 Btu per hour;

"(D) utilizes an indoor conditioning coal, compressors and refrigerant-to-outdoor-air heat exchanger to provide air heating; and

"(E) may also provide air cooling, dehumidifying, humidifying circulating, and air cleaning.

"(26) The term 'pool heater' means an applicance designed for heating nonpotable water contained at atmospheric pressure, including heating water in swimming pools, spas, hot tubs and similar applications.

"(27) The term 'thermal efficiency of pool heaters' means a measure of the heat in the water delivered at the heater outlet divided by the heat input of the pool heater as measured under test conditions specified in section 2.8.1 of the American National Standards for Gas Fired Pool Heaters, Z21.56–1986, or as may be prescribed by the Secretary.

"(28) The term 'water heater' means a product which utilizes oil, gas, or electricity to heat potable water for use outside the heater upon demand, including—

"(A) storage type units which heat and store water at a thermostatically controlled temperature, including gas storage water heaters with an input of 75,000 Btu per hour or less, oil storage water heaters with an input of 105,000 Btu per hour or less, and electric storage water heaters with an input of 12 kilowatts or less;

"(B) instantaneous type units which heat water but contain no more than one gallon of water per 4,000 Btu per hour of input, including gas instantaneous water heaters with an input of 200,000 Btu per hour or less, oil instantaneous water heaters with an input of 210,000 Btu per hour or less, and electric instantaneous water heaters with an input of 12 kilowatts or less; and

"(C) heat pump type units, with a maximum current rating of 24 amperes at a voltage no greater than 250 volts, which are products designed to transfer thermal energy from one temperature level to a higher temperature level for the purpose of heating water, including all ancillary equipment such as fans, storage tanks, pumps, or controls necessary for the device to perform its function.

"(29) The term 'weatherized warm air furnace or boiler' means a furnace or boiler designed for installation outdoors, approved for resistance to wind, rain, and snow, and supplied with its own venting system."

SEC. 3. COVERAGE.

Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended to read as follows:

"SEC. 322. (a) IN GENERAL.—The following consumer products, excluding those consumer products designed solely for use in recreational vehicles and other mobile equipment, are covered products:

"(1) Refrigerataors, refrigerator-freezers, and freezers which can be operated by alternating current electricity, excluding—

"(A) any type designed to be used without doors; and

"(B) any type which does not include a compressor and condenser unit as an integral part of the cabinet assembly.

"(2) Room air conditioners.

"(3) Central air conditioners and central air conditioning heat pumps.

"(4) Water heaters.

"(5) Furnaces.

"(6) Dishwashers.

"(7) Clothes washers.

"(8) Clothes dryers.

"(9) Direct heating equipment.

"(10) Kitchen ranges and ovens.

"(11) Pool heaters.

"(12) Any other type of consumer product which the Secretary classifies as a covered product under subsection (b)."

SEC. 4. TEST PROCEDURES.

Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended to read as follows:

"TEST PROCEDURES

"SEC. 323. (a) GENERAL RULE.—All test procedures and related determinations prescribed or made by the Secretary with respect to any covered product (or class thereof) which are in effect on the date of enactment of the National Appliance Energy Conservation Act of 1986 shall remain in effect until the Secretary amends such test procedures and related determinations under subsection (b).

"(b) AMENDED AND NEW PROCEDURES.—(1)(A) The Secretary may amend test procedures with respect to any covered product if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3).

"(B) The Secretary may, in accordance with the requirements of this subsection, prescribe test procedures for any consumer product classified as a covered product under section 322(b).

"(C) The Secretary shall direct the National Bureau of Standards to assist in developing new or amended test procedures.

"(2) If the Secretary determines, on his own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the Federal Register proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period shall not be less than 60 days and may be extended for good cause shown to not more than 270 days. In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved.

"(3) Any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use, as determined by the Secretary, and shall not be unduly burdensome to conduct.

"(4) If the test procedure is a procedure for determining estimated annual operating costs, such procedure shall provide that such costs shall be calculated from measurements of energy use in a representative average use cycle or period of use, as determined by the Secretary, and from representative average unit costs of the energy needed to operate such product during such cycle. The Secretary shall provide information to manufacturers with respect to representative average unit costs of energy.

"(c) RESTRICTION ON CERTAIN REPRESENTATIONS.—(1) No manufacturer, distributor, retailer, or private labeler may make any representation—

"(A) in writing (including a representation on a label); or

"(B) in any broadcast advertisement,

with respect to the energy use of efficiency of a covered product to which a test procedure is applicable under subsection (a) or the cost of energy consumed by such product, unless such product has been tested in accordance with such test procedure and such representation fairly discloses the results of such testing.

"(2) Effective 180 days after an amended or new test procedure applicable to a covered product is prescribed under subsection (b), no manufacturer, distributor, retailer, or private labeler may make any representation—

"(A) in writing (including a representation on a label); or

"(B) in any broadcast advertisement,

with respect to energy use or efficiency of such product or cost of energy consumed by such product, unless such product has been tested in accordance with such amended or new test procedures and such representation fairly discloses the results of such testing.

"(3) On the petition of any manufacturer, distributor, retailer, or private labeler, filed not later than the 60th day before the expiration of the period involved, the 180-day period referred to in paragraph (2) may be extended by the Secretary with respect to the petitioner (but in no event for more than an additional 180 days) if the Secretary determines that the requirements of paragraph (2) would impose an undue hardship on such petitioner.

"(d) CASE IN WHICH TEST PROCEDURE IS NOT REQUIRED.—(1) The Secretary is not required to publish and prescribe test procedures for a covered product (or class thereof) if the Secretary determines, by rule, that test procedures cannot be developed which meet the requirements of subsection (b)(3) and publishes such determination in the Federal Register, together with the reasons therefor.

"(2) For purposes of section 327, a determination under paragraph (1) with respect to any covered product or class shall have the same effect as would a standard prescribed for a covered product (or class).

"(e) AMENDMENT OF STANDARD.—(1) In the case of any amended test procedure which is prescribed pursuant to this section, the Secretary shall determine, in the rulemaking carried out with respect to prescribing such procedure, to what extent, if any, the proposed test procedure would alter the measured energy efficiency or measured energy use of any covered product as determined under the existing test procedure.

"(2) If the Secretary determines that the amended test procedure will alter the measured efficiency or measured use, the Secretary shall amend the applicable energy conservation standard during the rulemaking carried out with respect to such test procedure. In determining the amended energy conservation standard, the Secretary shall measure, pursuant to the amended test procedure, the energy efficiency or energy use of a representative sample of covered products that minimally comply with the existing standard. The average of such energy efficiency or energy use levels determined under the amended test procedure shall constitute the amended energy conservation standard for the applicable covered products.

"(3) Models of covered products in use before the date on which the amended energy conservation standard becomes effective (or revisions of such models that come into use after such date and have the same energy efficiency or energy use characteristics) that comply with the energy conservation standard applicable to such covered products on the day before such date shall be deemed to comply with the amended energy conservation standard.

"(4) The Secretary's authority to amend energy conservation standards under this subsection shall not affect the Secretary's obligation to issue final rules as described in section 325."

SEC. 5. ENERGY CONSERVATION STANDARDS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended to read as follows:

"ENERGY CONSERVATION STANDARDS

"SEC. 325. (a) PURPOSES.—The purposes of this section are to—

"(1) provide Federal energy conservation standards applicable to covered products; and

"(2) authorize the Secretary to prescribe amended or new energy conservation standards for each type (or class) of covered product.

"(b) STANDARDS FOR REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—(1) The following is the maximum energy use allowed in kilowatt hours per year for the following products (other than those described in paragraph (2)) manufactured on or after January 1, 1990:

	Energy Standards Equations
"Refrigerators and Refrigerator-Freezers with manual defrost.	16.3 AV + 316
Refrigerator-Freezers-partial automatic defrost.	21.8 AV + 429
Refrigerator-Freezers-automatic defrost with:	
Top mounted freezer without ice.	23.5 AV + 471
Side mounted freezer without ice.	27.7 AV + 488
Bottom mounted freezer without ice.	27.7 AV + 488
Top mounted freezer with through the door ice service.	26.4 AV + 535
Side mounted freezer with through the door ice.	30.9 AV + 547
Upright Freezers with:	

	Energy Standards Equations
Manual defrost	10.9 AV + 422
Automatic defrost	16.0 AV + 623
Chest Freezers and all other freezers.	14.8 AV + 223

"(2) The standards described in paragraph (1) do not apply to refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet or freezers with total refrigerated volume exceeding 30 cubic feet.

"(3)(A)(i) The Secretary shall publish a proposed rule, no later than July 1, 1988, to determine if the standards established by paragraph (1) should be amended. The Secretary shall publish a final rule no later than July 1, 1989, which shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1993. If such a final rule is not published by January 1, 1990, any amendment of such standards shall apply to products manufactured on or after January 1, 1995. Nothing in this subsection provides any justification or defense for a failure by the Secretary to comply with the nondiscretionary duty to publish final rules by the dates stated in this paragraph.

"(ii)(I) If the Secretary does not publish a final rule by January 1, 1990, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, the regulations which established standards for such products and were promulgated by the California Energy Commission on December 14, 1984, to be effective January 1, 1992 (or any amendments to such standards that are not more stringent than the standards in the original regulations) shall apply to California to such products, effective beginning January 1, 1993, and at all times thereafter.

"(III) If the Secretary does not publish a final rule by January 1, 1992, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers. State regulations which apply to such products manufactured on or after January 1, 1995, shall apply to such products until the effective date of a rule issued under this section with respect to such products.

"(B) After the publication of a final rule under subparagraph (A), the Secretary shall publish a final rule no later than every five years after the date of publication of the previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for the products described in paragraph (1).

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured beginning five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which the previous amendment could have been effective; except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

"(c) STANDARDS FOR ROOM AIR CONDITIONERS.—(1) The energy efficiency ratio of room air conditioners shall be not less than the following for products manufactured on or after January 1, 1990:

"Product Class	
Without Reverse Cycle and With Louvered Sides:	
Less than 6,000 Btu	8.0
6,000 to 7,999 Btu	8.5
8,000 to 13,999 Btu	9.0
14,000 to 19,999 Btu	8.8
20,000 and more Btu	8.2
Without Reverse Cycle and Without Louvered Sides:	
Less than 6,000 Btu	8.0
6,000 to 7,999 Btu	8.5
8,000 to 13,999 Btu	8.5
14,000 to 19,999 Btu	8.8
20,000 and more Btu	8.2
With Reverse Cycle and With Louvered Sides.	8.5
With Reverse Cycle, Without Louvered Sides.	8.0

"(2)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) After January 1, 1992, the Secretary shall publish a final rule no later than every five years after the date of publication of a previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for such products.

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured beginning five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which a previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

"(d) STANDARDS FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS.—(1) The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps shall be not less than the following:

"(A) Split Systems: 10.0 for products manufactured on or after January 1, 1992.

"(B) Single Package Systems: 9.7 for products manufactured on or after January 1, 1993.

"(2)(A) The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1999.

"(B) The Secretary shall publish a final rule after January 1, 1994, and no later than January 1, 2001, to determine whether the standard in effect for central air conditioners and central air conditioning heat pumps should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2006.

"(C) After January 1, 2001, the Secretary shall publish a final rule—

"(i) no earlier than five years and no later than seven years after the date of publication of the previous final rule; or

"(ii) if the previous final rule did not amend the standards, five years after the date of publication of the previous final rule.

The Secretary shall determine in such rule whether to amend the standards in effect for such products.

"(D) Standards amended pursuant to subparagraph (C) shall apply only to products manufactured beginning—

"(i) no earlier than five and no later than seven years after the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standard, five years after the earliest date by which a previous amendment could have become effective;

except that in no case may any amended standard apply to products manufactured within five years after publication of the final rule prescribing such standard.

"(e) STANDARDS FOR WATER HEATERS; POOL HEATERS; DIRECT HEATING EQUIPMENT.—(1) The energy factor of water heaters shall not be less than the following for products manufactured on or after January 1, 1990:

"(A) Gas Water Heater	.62=(.0019 x Rated Storage Volume)
"(B) Oil Water Heater	.59=(.0019 x Rated Storage Volume)
"(C) Electric Water Heater.	.95=(.00132 x Rated Storage Volume)

"(2) The thermal efficiency of pool heaters manufactured on or after January 1, 1990, shall not be less than 78 percent.

"(3) The efficiencies of gas direct heating equipment manufactured on or after January 1, 1990, shall be not less than the following:

"Wall	
Fan type:	
Up to 42,000 Btu/hour	73% AFUE
Over 42,000 Btu/hour	74% AFUE
Gravity type:	
Up to 10,000 Btu/hour	59% AFUE
Over 10,000 Btu/hour up to 12,000 Btu/hour.	60% AFUE
Over 12,000 Btu/hour up to 15,000 Btu/hour.	61% AFUE
Over 15,000 Btu/hour up to 19,000 Btu/hour.	62% AFUE
Over 19,000 Btu/hour up to 27,000 Btu/hour.	63% AFUE
Over 27,000 Btu/hour up to 46,000 Btu/hour.	64% AFUE
Over 46,000 Btu/hour	65% AFUE
"Floor	
Up to 37,000 Btu/hour	56% AFUE
Over 37,000 Btu/hour	57% AFUE
"Room	
Up to 18,000 Btu/hour	57% AFUE
Over 18,000 Btu/hour up to 20,000 Btu/hour.	58% AFUE
Over 20,000 Btu/hour up to 27,000 Btu/hour.	63% AFUE
Over 27,000 Btu/hour up to 46,000 Btu/hour.	64% AFUE
Over 46,000 Btu/hour	65% AFUE

"(4)(A) The Secretary shall publish final rules no later than January 1, 1992, to determine whether the standards established by paragraphs (1), (2), or (3) for water heaters, pool heaters, and direct heating equipment should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 1995.

"(B) The Secretary shall publish a final rule no later than January 1, 2000, to determine whether standards in effect for such products should be amended. Such rule shall provide that any such amendment shall apply to products manufactured on or after January 1, 2005.

"(C) After January 1, 2000, the Secretary shall publish a final rule—

"(i) no earlier than every five years and no later than every ten years after the date of publication of the previous final rule; or

"(ii) if the previous final rule did not amend the standards, five years after the date of publication of the previous final rule.

The Secretary shall determine in such rule whether to amend the standards in effect for such products.

"(D) Such amended standards shall only apply to products manufactured beginning—

"(i) no earlier than between five years and no later than ten years after the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standard, five years after the earliest date by which the previous amendment could have become effective;

except that in no case may any amended standard apply to products manufactured within five years after publication of the final rule establishing such standard.

"(f) STANDARDS FOR FURNACES.—(1) Furnances (other than furnaces designed solely for installation in mobile homes) manufactured on or after January 1, 1992, shall have an annual fuel utilization efficiency of not less than 78 percent, except than gas steam boilers shall have an annual fuel utilization efficiency of not less than 68 percent.

"(2) Furnaces which are designed solely for installation in mobile homes and which are manufactured on or after January 1, 1990, shall have an annual fuel utilization efficiency of not less than 75 percent.

"(3)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine whether the standards established by paragraph (2) for mobile home furnaces should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 1995.

"(B) The Secretary shall publish a final rule no later than January 1, 1997, to determine whether the standards established by this subsection for furnaces (including mobile home furnaces) should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2002.

"(C) After January 1, 1997, and before January 1, 2007, the Secretary shall publish a final rule to determine whether standards in effect for such products should be amended. Such rule shall contain such amendment, if any, and provide that any amendment shall apply to products manufactured on or after January 1, 2012.

"(D) After the publication of the final rule described in subparagraph (C), the Secretary shall publish a final rule—

"(i) no earlier than five years and no later than ten years after the date of publication of the previous final rule; or

"(ii) if the previous final rule did not amend the standards, five years after the date of publication of the previous final rule.

The Secretary shall determine in such rule whether to amend the standards in effect for such products.

"(E) Standards amended pursuant to subparagraph (D) shall apply only to products manufactured beginning—

"(i) no earlier than five and no later than ten years after the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standard, five years after the earliest date by which the previous amendment could have become effective;

except that in no case may any amended standard apply to products manufactured within five years after publication of the final rule.

"(g) STANDARDS FOR DISHWASHERS; CLOTHES WASHERS; CLOTHES DRYERS.—(1) Dishwashers manufactured on or after January 1, 1988, shall be equipped with an option to dry without heat.

"(2) All rinse cycles of clothes washers shall include an unheated water option, but may have a heated water rinse option, for products manufactured on or after January 1, 1988.

"(3) Gas clothes dryers shall not be equipped with a constant burning pilot for products manufactured on or after January 1, 1988.

"(4)(A) The Secretary shall publish final rules no later than January 1, 1990, to determine if the standards established under this subsection for products described in paragraphs (1), (2), and (3) should be amended. Such rules shall provide that any amendment shall apply to products the manufacture of which is completed on or after January 1, 1993.

"(B) After January 1, 1990, the Secretary shall publish a final rule no later than every five years after the date of publication of the previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for such products.

"(C) Any such amendment shall apply to products manufactured beginning five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standard, the earliest date by which a previous amendment could have been in effect;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

"(h) STANDARDS FOR KITCHEN RANGES AND OVENS.—(1) Gas kitchen ranges and ovens having an electrical supply cord shall not be equipped with a constant burning pilot for products manufactured on or after January 1, 1990.

"(2)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established for kitchen ranges and ovens in this subsection should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) The Secretary shall publish a final rule no later than January 1, 1997, to determine whether standards in effect for such products should be amended. Such rule shall apply to products manufactured on or after January 1, 2000.

"(C) After January 1, 1997, the Secretary shall publish a final rule no later than every five years after the date of publication of a previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for such product.

"(D) Any amendment prescribed under subparagraph (C) shall apply to products manufactured beginning no earlier than five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standard, the earliest date by which a previous amendment could have been in effect;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such standard.

"(i) STANDARDS FOR OTHER COVERED PRODUCTS.—(1) The Secretary may prescribe an energy conservation standard for any type (or class) of covered products of a type specified in paragraph (12) of section 322(a) if the Secretary determines that—

"(A) the average per household energy use within the United States by products of such type (or class) exceeded 150 kilowatt-hours (or its Btu equivalent) for any 12 calendar-month period ending before such determination;

"(B) the aggregate household energy use within the United States by products of such type (or class) exceeded 4,200,000,000 kilowatt-hours (or its Btu equivalent) for any such 12 calendar-month period;

"(C) substantial improvement in the energy efficiency of products of such type (or class) is technologically feasible; and

"(D) the application of a labeling rule under section 324 to such type (or class) is not likely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products of such type (or class) which achieve the maximum energy efficiency which is technologically feasible and economically justified.

"(2) Any new or amended standard for covered products of a type specified in paragraph (12) of section 322(a) shall not apply to products manufactured within five years after the publication of a final rule establishing such standard.

"(j) CRITERIA FOR PRESCRIBING NEW OR AMENDED STANDARDS.—(1) The Secretary may not prescribe any amended standard which increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

"(2)(A) Any energy conservation standard prescribed by the Secretary under this section for any type (or class) of covered product shall be designed to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

"(B)(i) In determining whether a standard is economically justified, the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed its burdens by, to the greatest extent practicable, considering—

"(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to such standard;

"(II) the savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products which are likely to result from the imposition of the standard;

"(III) the total projected amount of energy savings likely to result directly from the imposition of the standard;

"(IV) any lessening of the utility or the performance of the covered products likely to result from the imposition of the standard;

"(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

"(VI) the need for national energy conservation; and

"(VII) other factors the Secretary considers relevant.

"(ii) For purposes of clause (i)(V), the Attorney General shall, not later than 60 days after the publication of a proposed rule prescribing an energy conservation standard, make a determination of the impact, if any, from any lessening of competition likely to

result from such standard and shall transmit such determination in writing to the Secretary, together with an analysis of the nature and extent of such impact. Any such determination and analysis shall be published by the Secretary in the Federal Register.

"(iii) If the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure, there shall be a rebuttable presumption that such standard level is economically justified. A determination by the Secretary that such criterion is not met shall not be taken into consideration in the Secretary's determination of whether a standard is economically justified.

"(3) The Secretary may not prescribe an amended or new standard under this section for a type (or class) of covered product if—

"(A) for products other than dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens, a test procedure has not been prescribed pursuant to section 323 with respect to that type (or class) of product; or

"(B) the Secretary determines, by rule, that the establishment of such standard will not result in significant conservation of energy or that the establishment of such standard is not technologically feasible or economically justified.

For purposes of section 327, a determination under subparagraph (B) with respect to any type (or class) of covered products shall have the same effect as would a standard prescribed for such type (or class).

"(4) The Secretary may not prescribe an amended or new standard under this section if the Secretary finds (and publishes such finding) that interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States at the time of the Secretary's finding. The failure of some types (or classes) to meet this criterion shall not affect the Secretary's determination whether to prescribe a standard for other types (or classes).

"(k) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Any new or amended energy conservation standard shall be prescribed in accordance with the following procedure:

"(1) The Secretary—

"(A) shall publish an advance notice of proposed rulemaking which specifies the type (or class) of covered products to which the rule may apply;

"(B) shall invite interested persons to submit, within 60 days after the date of publication of such advance notice, written presentations of data, views, and arguments in response to such notice; and

"(C) may identify proposed or amended standards that may be prescribed.

"(2) A proposed rule which prescribes an amended or new energy conservation standard or prescribes no amendment or no new standard for a type (or class) of covered products shall be published in the Federal Register. In prescribing any such proposed rule with respect to a standard, the Secretary shall determine the maximum improvement in energy efficiency or maximum reduction in energy use that is technologically feasible for each type (or class) of covered products. If such standard is not designed to achieve such efficiency or use, the Secretary shall state in the proposed rule the reasons therefor.

"(3) After the publication of such proposed rulemaking, the Secretary shall, in accordance with section 336, afford interested persons an opportunity, during a period of not less than 60 days, to present oral and written comments (including an opportunity to question those who make such presentations, as provided in such section) on matters relating to such proposed rule, including—

"(A) whether the standard to be prescribed is economically justified (taking into account those factors which the Secretary must consider under subsection (j)(2)) or will result in the effects described in subsection (j)(4);

"(B) whether the standard will achieve the maximum improvement in energy efficiency which is technologically feasible;

"(C) if the standard will not achieve such improvement, whether the reasons for not achieving such improvement are adequate; and

"(D) whether such rule should prescribe a level of energy use or efficiency which is higher or lower than that which would otherwise apply in the case of any group of products within the type (or class) that will be subject to such standard.

"(4) A final rule prescribing an amended or new energy conservation standard or prescribing no amended or new standard for a type (or class) of covered products shall be published as soon as is practicable, but not less than 90 days, after publication of the proposed rule in the Federal Register.

"(l) SPECIAL RULE FOR CERTAIN TYPES OR CLASSES OF PRODUCTS.—(1) A rule prescribing an energy conservation standard for a type (or class) of covered products shall specify a level of energy use or efficiency higher or lower than that which applies (or would apply) for such type (or class) for any group of covered products which have the same function or intended use, if the Secretary determines that covered products within such group—

"(A) consume a different kind of energy from that consumed by other covered products within such type (or class); or

"(B) have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard from that which applies (or will apply) to other products within such type (or class).

In making a determination under this paragraph concerning whether a performance-related feature justifies the establishment of a higher or lower standard, the Secretary shall consider such factors as the utility to the consumer of such a feature, and such other factors as the Secretary deems appropriate.

"(2) Any rule prescribing a higher or lower level of energy use or efficiency under paragraph (1) shall include an explanation of the basis on which higher or lower level was established.

"(m) INCLUSION IN STANDARDS OF TEST PROCEDURES AND OTHER REQUIREMENTS.—An energy conservation standard prescribed under this section shall include, where applicable, test procedures prescribed in accordance with section 323 and may include any requirement which the Secretary determines is necessary to assure that each covered product to which such standard applies meets the required minimum level of energy efficiency or maximum quantity of energy use specified in such standard.

"(n) DETERMINATION OF COMPLIANCE WITH STANDARDS.—Compliance with, and performance under, the energy conservation standards (except for design standards authorized by this Act) provided in, or prescribed pursuant to, this section shall be determined using the test procedures and corresponding compliance criteria prescribed under section 323.".

"(o) SMALL MANUFACTURER EXEMPTION.—(1) Subject to paragraph (2), the Secretary may, on application of any manufacturer, exempt such manufacturer from all or part of the requirements of any rule prescribing or amending an energy conservation standard under this section for any period not longer than the 24-month period beginning on the date such rule is effective, if the Secretary finds that the annual gross revenues of such manufacturer from all its operations (including the manufacture and sale of covered products) does not exceed $8,000,000 for the 12-month period preceding the date of the application. In making such finding with respect to any manufacturer, the Secretary shall take into account the annual gross revenues of any other person who controls, is controlled by, or is under common control with, such manufacturer.

"(2) The Secretary may not exercise the authority granted under paragraph (1) with respect to any type (or class) of covered product subject to an energy conservation standard established under this section unless the Secretary makes a finding, after obtaining the written views of the Attorney General, that a failure to allow an exemption under paragraph (1) would likely result in a lessening of competition.

SEC. 6. REQUIREMENTS OF MANUFACTURERS.

Section 326(d) of the Energy Policy and Conservation Act (42 U.S.C. 6296(d)) is amended to read as follows:

"(d) INFORMATION REQUIREMENTS.—(1) For purposes of carrying out this part, the Secretary may require, under this part or other provisions of law administered by the Secretary, each manufacturer of a covered product to submit information or reports to the Secretary with respect to energy efficiency or energy use of such covered product and the economic impact of any proposed energy conservation standard, as the Secretary determines may be necessary to establish and revise test procedures, labeling rules, and energy conservation standards for such product and to insure compliance with the requirements of this part. In making any determination under this paragraph, the Secretary shall consider existing public sources of information, including nationally recognized certification programs of trade associations.

"(2) The Secretary shall exercise authority under this section in a manner designed to minimize unnecessary burdens on manufacturers of covered products.

"(3) The provisions of section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 shall apply with respect to information obtained under this subsection to the same extent and in the same manner as they apply with respect to energy information obtained under section 11 of such Act."

SEC. 7. EFFECT ON OTHER LAW.

Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended to read as follows:

"EFFECT ON OTHER LAW

"SEC. 327. (a) PREEMPTION OF TESTING AND LABELING REQUIREMENTS.—(1) Effective on the date of enactment of the National Appliance Energy Conservation Act of 1986, this part supersedes any State regulation insofar as such State regulation provides at any time for the disclosure of information with respect to any measure of energy consumption of any covered product if—

"(A) such State regulation requires testing or the use of any measure of energy consumption or energy descriptor in any manner other than that provided under section 323; or

"(B) such State regulation requires disclosure of information with respect to the energy use or energy efficiency of any covered product other than information required under section 324.

"(2) For purposes of this section, the term 'State regulation' means a law or regulation of a State or its political subdivisions.

"(b) GENERAL RULE OR PREEMPTION FOR ENERGY CONSERVATION STANDARDS BEFORE FEDERAL STANDARD BECOMES EFFECTIVE FOR A PRODUCT.—Effective on the date of enactment of the National Appliance Energy Conservation Act of 1986 and ending on the effective date of an energy conservation standard established under section 325 for any covered product, no State regulation or other requirement, or revision thereof, concerning the energy efficiency or energy use of the covered product shall be applicable to such product unless the State regulation, requirement, or revision—

"(1) was prescribed or enacted before January 8, 1987, and is applicable to products before January 3, 1988;

"(2) is a State procurement regulation described in subsection (e);

"(3) is a regulation or requirement described in subsection (f)(1) or is prescribed or enacted in a building code for new construction described in subsection (f)(2); or

"(4) is a regulation prohibiting the use in pool heaters of a constant burning pilot; or

"(5) is a regulation described in subsection (d)(5)(B) for which a waiver has been granted under subsection (d).

"(c) GENERAL RULE OF PREEMPTION FOR ENERGY CONSERVATION STANDARDS WHEN FEDERAL STANDARDS BECOMES EFFECTIVE FOR A PRODUCT.—Effective on the effective date of an energy conservation standard established under section 325 for any covered product, no State regulation or other requirement, or revision thereof, concerning the energy efficiency or energy use of such covered product shall be applicable to such product unless the regulation, requirement, or revision—

"(1) is a regulation described in paragraph (2) or (4) of subsection (b);

"(2) is a regulation which has been granted a waiver under subsection (d); or

"(3) was prescribed or enacted in a building code for new construction described in subsection (f)(3).

"(d) WAIVER OF FEDERAL PREEMPTION.—(1)(A) Any State with a State regulation which provides for any energy conservation standard or other requirement with respect to energy use or energy efficiency for any type (or class) of covered product for which a Federal energy conservation standard is applicable under section 325 may file a petition with the Secretary requesting a rule that such State regulation become applicable to such covered product.

"(B) Subject to paragraphs (2) through (5), the Secretary shall, within the period described in paragraph (2) and after consideration of the petition and the comments of interested persons, prescribe such rule if the Secretary finds (and publishes such finding) that the State has established by a preponderance of the evidence that such State regulation is needed to meet unusual and compelling State or local energy conditions.

"(C) For purposes of this subsection, the term 'unusual and compelling State or local energy conditions' means conditions which—

"(i) are substantially different in nature or magnitude than those prevailing in the United States generally; and

"(ii) are such that the costs, benefits, burdens, and reliability of energy savings resulting from the State regulation make such regulation preferable or necessary when measured against the costs, benefits, burdens, and reliability of alternative approaches to energy savings or production, including reliance on reasonably predictable market-induced improvements in efficiency of all products subject to the State regulation.

The factors described in clause (ii) shall be evaluated as part of the State's energy plan and forecast.

"(2) The Secretary shall give notice of any petition filed under paragraph (1) and afford interested persons a reasonable opportunity to make written comments, including rebuttal comments, thereon. The Secretary shall, within the six-month period beginning on the date on which any such petition is filed, deny such petition or prescribe the requested rule, except that the Secretary may publish a notice in the Federal Register extending such period to a date certain but no longer than one year after the date the petition was filed. Such notice shall include the reasons for delay. In the case of any denial of a petition under this subsection, the Secretary shall publish in the Federal Register notice of such denial and the reasons for such denial.

"(3) The Secretary may not prescribe a rule under paragraph (2) if the Secretary finds (and publishes such finding) that interested persons have established, by a preponderance of the evidence, that such State regulation will significantly burden manufacturing, marketing, distribution, sale, or servicing of affected products on a national basis. In determining whether to make such finding, the Secretary shall evaluate all relevant factors, including—

"(A) the extent to which the State regulation will increase manufacturing or distribution costs of affected businesses;

"(B) the extent to which the State regulation will disadvantage smaller manufacturers, distributors, or dealers or lessen competition in the sale of subject products in the State; and

"(C) the extent to which the State regulation would cause a burden to manufacturers to redesign and produce the subject product type (or class), taking into consideration the extent to which the regulation, if applied to the State or to the entire United States, would result in a reduction—

"(i) in the current models or in the projected availability of models that could be shipped on the effective date of the regulation; or

"(ii) in the current or projected sales volume of the subject product type (or class);

"(D) the extent to which the State regulation is likely to contribute significantly to a proliferation of State apliance efficiency requirements and the cumulative impact such requirements would have.

"(4) The Secretary shall not prescribe a rule pursuant to paragraph (1) if the Secretary finds (and publishes such finding) that interested persons have established, by a preponderance of the evidence, that the State regulation is likely to result in the unavailability in the State of any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the State at the time of the Secretary's finding except that the failure of some classes (or types) to meet this criterion shall not affect the Secretary's determination whether to prescribe a rule for other classes (or types).

"(5) No final rule prescribed by the Secretary pursuant to paragraph (2) may—

"(A) permit any State regulation covered by such rule to apply to any covered product manufactured within three years after such rule is published in the Federal Register or within five years if the Secretary finds that such additional time is necessary due to the substantial burdens of retooling, redesign, or distribution needed to comply with the State regulation; or

"(B) apply to a covered product manufactured before the earliest possible effective date specified in section 325 for the initial amendment of the energy conservation standard established under such section for the covered product; except that such rule may apply before such date if the Secretary finds (and publishes such finding) that the State has established, by a preponderance of the evidence, that—

"(i) because of circumstances not reasonably foreseeable by the State, an energy emergency condition exists within the State which—

"(I) imperils the health, safety, and welfare of its residents because of the inability of the State or utilities within the State to provide adequate quantities of gas or electric energy to its residents at less than prohibitive costs; and

"(II) cannot be substantially alleviated by the importation of energy or the use of interconnection agreements; and

"(ii) the State regulation is necessary to substantially alleviate such condition.

"(6) In any case in which a State is issued a rule under paragraph (1) with respect to a covered product and subsequently a Federal energy conservation standard concerning such product is amended pursuant to section 325, any person subject to such State regulation may file a petition with the Secretary requesting the Secretary to withdraw the rule issued under paragraph (1) with respect to such product in such State. The Secretary shall consider such petition in accordance with the requirements of paragraphs (1), (3), and (4), except that the burden shall be on the petitioner to show by a preponderance of the evidence that the rule received by the State under paragraph (1) should be withdrawn as a result of the amendment to the Federal standard. If the Secretary determines that the petitioner has shown that the rule issued by the State should be so withdrawn, the Secretary shall withdraw it.

"(e) EXCEPTION FOR CERTAIN STATE PROCUREMENT STANDARDS.—Any State regulation which sets forth procurement standards for a State (or political subdivision thereof)

shall not be superseded by the provisions of this part if such State standards are more stringent than the corresponding Federal energy conservation standards.

"(f) EXCEPTION FOR CERTAIN BUILDING CODE REQUIREMENTS.—(1) A regulation or other requirement enacted or prescribed before January 8, 1987, that is contained in a State or local building code for new construction concerning the energy efficiency or energy use of a covered product is not superseded by this part until the effective date of the energy conservation standard prescribed in section 325 for such covered product.

"(2) A regulation or other requirement, or revision thereof, contained in a State or local building code for new construction concerning the energy efficiency or energy use of a covered product and enacted or prescribed on or after January 8, 1987, is not superseded by this part until the effective date of the energy conservation standard prescribed in section 325 for such covered product if the code does not require that the energy efficiency of such covered product exceed—

"(A) the applicable minimum efficiency requirement in a national voluntary consensus standard, or

"(B) the minimum energy efficiency level in a regulation or other requirement of the State meeting the requirements of subsections (b)(1) or (b)(5),

whichever is higher.

"(3) Effective on the effective date of an energy conservation standard for a covered product prescribed in or authorized under section 325 a regulation or other requirement contained in a State or local building code for new construction concerning the energy efficiency or energy use of such covered product is not superseded by this part if the code complies with all of the following requirements:

"(A) The code permits a builder to meet an energy consumption objective for a building by selecting items whose combined energy efficiencies meet the objective.

"(B) The code does not require that the covered product have an energy efficiency exceeding the applicable energy conservation standard under section 325, except that the required efficiency may exceed such standard up to the level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under paragraph (d).

"(C) The credit to the energy consumption objective allowed by the code for installing covered products having energy efficiencies exceeding such energy conservation standard under section 325 or the efficiency level required in a State regulation referred to in subparagraph (B) is on a one-for-one equivalent energy use basis.

"(D) If the code uses one or more baseline building designs against which all submitted building designs are to be evaluated and such baseline building designs contain a covered product subject to an energy conservation standard under section 325, the baseline building designs are based on the efficiency level for such covered product which meets but does not exceed such standard or the efficiency level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under paragraph (d).

"(E) If the code sets forth one or more optional combinations of items which meet the energy consumption objective, for every combination which includes a covered product the efficiency of which exceeds either standard or level referred to in subparagraph (D), there also shall be at least one combination which includes such covered product the efficiency of which does not exceed such standard or level by more than 5 percent, except that at least one combination includes such covered product the efficiency of which meets but does not exceed such standard.

"(F) The code does not arbitrarily attempt to promote or discourage use of any type of covered product.

"(G) The energy consumption objective is specified in terms of an estimated total consumption of energy utilizing an equivalent amount of energy (which may be specified in units of energy or its equivalent cost).

"(H) The estimated energy use of any covered product permitted or required in the code, or used in calculating the objective, is determined using the applicable test procedures prescribed under section 323, except that the estimated energy use calculation may be adjusted to reflect the conditions of the areas where the code is being applied, if such adjustment is based on the use of the applicable test procedures prescribed under section 323 or other technically accurate documented procedure.

"(4)(A) Subject to subparagraph (B), a State or local government is not required to submit a petition to the Secretary in order to enforce or apply its building code or to establish that the code meets the conditions set forth in this subsection.

"(B) If the building code requires the installation of covered products with efficiencies exceeding both the applicable Federal standard under section 325 and any applicable standard of such State that has been granted a waiver under subsection (d), such requirement of the building code shall not be applicable unless the Secretary has granted a waiver for such requirement under subsection (d).

"(g) NO WARRANTY.—Any disclosure with respect to energy use, energy efficiency, or estimated annual operating cost which is required to be made under the provisions of this part shall not create an express or implied warranty under State or Federal law that such energy efficiency will be achieved or that such energy use or estimated annual operating cost will not be exceeded under conditions of actual use."

SEC. 8. CITIZEN SUITS.

Section 335(a) of the Energy Policy and Conservation Act (42 U.S.C. 6305) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or";

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary in any case in which there is an alleged failure of the Secretary to comply with a nondiscretionary duty to issue a proposed or final rule according to the schedule set forth in section 325."; and

(4) by adding after the last sentence the following:

"The courts shall advance on the docket, and expedite the disposition of, all causes filed therein pursuant to this paragraph (3). If the court finds that the Secretary has failed to comply with a deadline under section 325, the court shall have jurisdiction to order appropriate relief, including relief that will ensure the Secretary's compliance with future deadlines for the same covered product.".

SEC. 9. ADMINISTRATIVE REVIEW AND JUDICIAL REVIEW.

Section 336 of the Energy Policy and Conservation Act (42 U.S.C. 6303) is amended to read as follows:

"ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

"SEC. 336. (a)(1) In addition to the requirements of section 553 of title 5, United States Code, rules prescribed under section 323, 324, 325, 327, and 328 of this part shall afford interested persons an opportunity to present written and oral data, views, and arguments with respect to any proposed rule.

"(2) In the case of a rule prescribed under section 325, the Secretary shall, by means of conferences or other informal procedures, afford any interested person an opportunity to question—

"(A) other interested persons who have made oral presentations; and

"(B) employees of the United States who have made written or oral presentations with respect to disputed issues of material fact.

Such opportunity shall be afforded to the extent the Secretary determines that questioning pursuant to such procedures is likely to result in a more timely and effective resolution of such issues.

"(3) A transcript shall be kept of any oral presentations made under this subsection.

"(b)(1) Any person who will be adversely affected by a rule prescribed under section 323, 324, or 325 may, at any time within 60 days after the date such rule is prescribed, file a petition with the United States court of appeals for the circuit in which such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be transmitted by the clerk of the court to the agency which prescribed the rule. Such agency shall file in the court the written submissions to, and transcript of, the proceedings on which the rule was based, as provided in section 2112 of title 28, United States Code.

"(2) Upon the filing of the petition referred to in paragraph (1), the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter. No rule under section 323, 324, or 325 may be affirmed unless supported by substantial evidence.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any such rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(4) The remedies provided for in this subsection shall be in addition to, and not in substitution for, any other remedies provided by law.

"(5) The procedures applicable under this part shall not—

"(A) be considered to be modified or affected by any other provision of law unless such other provision specifically amends this part (or provisions of law cited herein); or

"(B) be considered to be superseded by any other provision of law unless such other provision does so in specific terms by referring to this part and declaring that such provision supersedes, in whole or in part, the procedure of this part.

"(c) Jurisdiction is vested in the Federal district courts of the United States over actions brought by any adversely affected person to determine whether a State or

local government is complying with the requirements of this part.".

SEC. 10. ANNUAL REPORT.

Section 338 of the Energy Policy and Conservation Act (42 U.S.C. 6308) is amended by adding the following at the end:

"Nothing in this section provides a defense or justification for a failure by the Secretary to comply with a nondiscretionary duty as provided for in this Act."

SEC. 11. CONFORMING AMENDMENTS.

Part B of the Energy Policy and Conservation Act is amended as follows:

(1) Section 324 is amended—

(A) in subsection (a)(1), by striking out "paragraphs (1) through (9)" and inserting in lieu thereof "paragraphs (1) through (11)";

(B) by striking out paragraph (2) of subsection (a), and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3);

(C) in paragraph (2) of subsection (a), as redesignated by subparagraph (B)—

(i) by striking out "paragraph (14)" and inserting in lieu thereof "paragraph (12)";

(ii) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) the Commission or the Secretary has made a determination with respect to such type (or class thereof) that labeling in accordance with this section will assist purchasers in making purchasing decisions,"; and

(iii) by striking out "section 323(a)" in subparagraph (B) and inserting in lieu thereof "323(b)(1)(B)";

(D) by striking out subsection (b)(1) and inserting in lieu thereof the following:

"(b)(1)(A) Any labeling rule in effect on the date of the enactment of the National Appliance Energy Conservation Act of 1986 shall remain in effect until amended, by rule, by the Commission.

(B) Not later than 30 days after the date on which a proposed test procedure applicable to a covered product of any of the types specified in paragraphs (1) through (12) of section 322(a) (or class thereof) is prescribed under section 323(b) after the date of the enactment of the National Appliance Energy Conservation Act of 1986, the Commission shall publish a proposed labeling rule applicable to such type (or class thereof).";

(E) in subsection (b)(3)—

(i) by striking out "section 323" both places in which it appears and inserting in lieu thereof "section 323(b)";

(ii) by striking out "(13)" and inserting in lieu thereof "(11)"; and

(iii) by striking out "(14)" and inserting in lieu thereof "(12)"; and

(F) in subsection (b)(5), by striking out "(13)" and "(14)" and inserting in lieu thereof "(11)" and "(12)", respectively.

(2) Section 326(b)(3)(A) is amended by inserting "contained in or" before "prescribed under".

(3) Section 332(a)(5) of such Act is amended by striking out "energy efficiency standard prescribed under" and inserting in lieu thereof "energy conservation standard contained in or prescribed under".

NATIONAL APPLIANCE ENERGY CONSERVATION ACT OF 1986

SECTION-BY-SECTION SUMMARY ANALYSIS

Section 1 entitles the Act.

Section 2 defines various terms used in the Act. No change is made to the definition of "consumer product" in EPCA.

Section 3 identifies the appliances for which the Act prescribes or authorizes specific energy conservation standards. These appliances are refrigerators, refrigerator-freezers, freezers, room air conditioners, central air conditioners, central air conditioning heat pumps, furnaces, water heaters, pool heaters, dishwashers, clothes washers, clothes dryers, direct heating equipment, and kitchen ranges and ovens. As in current law, the U.S. Department of Energy (DOE) retains the authority to prescribe energy conservation standards for other consumer products determined to consume a specified amount of energy. Consumer products designed solely for use in recreational vehicles and other mobile equipment are excluded from the Act's coverage.

Section 4 retains current appliance energy efficiency test procedures prescribed by DOE and authorizes DOE to amend the test procedures. Should DOE determine to amend a test procedure, DOE is directed to amend the applicable federal energy conservation standard during the test procedure rulemaking if necessary to ensure that the federal standard is neither strengthened nor weakened by a test procedure change. As under current law, all claims made regarding the energy use or efficiency of a covered product (*e.g.*, in advertising or labeling) must be based on DOE test procedures.

Section 5 sets forth the federal energy conservation standards and the effective date for each covered product. This section also requires DOE to review the standards by publishing final rules pursuant to a specific schedule and procedures, and provides detailed criteria that DOE must apply in determining whether to strengthen the standards. A minimum duration period is specified for each initial standard (varying by product). Manufacturers also are provided adequate lead time (also varying by product) to redesign their products to meet more stringent standards, and adequate time to recoup their investment in new, more efficient products before standards may be further revised.

Section 6 directs DOE to minimize unnecessary burdens on manufacturers in promulgating certification and reporting requirements necessary to administer and enforce the Act.

Section 7 provides for supersession (preemption) of certain State and local regulations that address the energy consumption of covered products. State and local regulations prescribed by January 8, 1987, are not preempted. State and local appliance regulations enacted or prescribed after such dates are preempted, but a State may petition DOE for an exemption from federal preemption subject to certain procedures and criteria. Except in the case of an unforeseeable energy emergency condition in the State, no exemption may be effective prior to the expiration of the minimum duration period for the initial federal standards set forth in Section 5. Manufacturers are provided three years lead time to comply with any State regulation granted an exemption. In addition, this Section provides that State and local building code authorities are permitted to continue to regulate the energy consumption of buildings both before and after the effective date of federal standards so long as such regulation meets certain requirements.

Section 8 provides for expedited judicial review when there is an alleged failure by DOE to adhere to the schedule set forth in Section 6 for review of the federal standards.

Section 9 provides some judicial review of State government compliance with the provisions in the Act.

Section 10 clarifies that the filing of annual reports by DOE does not provide justification or defense for its failure to carry out a nondiscretionary duty.●

● Mr. SARBANES. Mr. President, today I am pleased to join in introducing the National Appliance Energy Efficiency Act which provides for national efficiency standards for major home appliances. Consumers, utility ratepayers, and manufacturers alike will benefit from this legislation. It represents a consensus among manufacturers, environmental and conservation groups, and regulators and is the culmination of many years of debate on the issue.

Energy conservation is a powerful tool for energy security, economic efficiency, and environmental protection. It must not be abandoned in these times of relatively cheap oil. The national appliance standards provided in the bill we introduce today will ensure savings to consumers on their energy bills. Efficiency standards will reduce the need for new expensive electricity generation facilities and thus lessen the negative environmental impact of such generation. And the reasonable but effective standards in the bill will permit manufacturers to produce energy-saving appliances more efficiently than would separate State standards.

Mr. President, early in the 1st session in the 99th Congress, I joined Senator CRANSTON in introducing S. 1360, the Consumer Products Energy Efficiency Amendments of 1985. Much work has been done since that time, and I applaud the efforts of the various groups who have worked so hard to bring about agreement on this important matter. I urge my colleagues to join in supporting this measure and in working for its enactment in this Congress.●

● Mr. JOHNSTON. Mr. President, I am pleased to join Senators EVANS, CRANSTON, MATSUNAGA, WEICKER, FORD, MELCHER, BUMPERS, SARBANES, and GRASSLEY in sponsoring the National Appliance Energy Conservation Act of 1986. This legislation addresses a problem which I thought 8 years ago that the Congress solved, but which in fact is still with us today. It is a matter that needs to be revisited.

Eight years ago the appliance industry was facing an impending hodgepodge of conflicting State regulations all aimed at improving the energy efficiency of our home appliances. These appliances included our furnaces, air conditioners, refrigerators, freezers, ovens, and all the other devices which keep our homes warm in winter, cool in summer, and which spare us most of the drudgery our grandparents endured in their daily lives at home.

In an effort to anticipate the need for expensive new powerplants and to flatten the peaks in electrical energy

demand within their borders, some States were prescribing tough efficiency requirements on new appliances sold in their States.

These States had every right to regulate in this area. The problem was that a few very large States such as California, New York, and Florida, and so forth, were such an important portion of the national market that appliance manufacturers, particularly the smaller ones, could not afford to maintain product lines that they could not legally sell in those large States. In other words a very few large States could in effect, and with no intention of doing so, determine the appliance product lines sold in other States, other States that did not have those same regulations. Those States that chose not to exercise their right to regulate were nevertheless affected by those States who did regulate. To the extent those States which chose to regulate had conflicting regulations the result was predictable—higher costs to the consumer across the country.

The appliance industry finally agreed that they would rather have a uniform Federal regulation than a hodgepodge of conflicting and unpredictable State regulations. So in 1978 we enacted legislation that delegated to the Department of Energy authority to impose uniform Federal standards on appliances that would preempt State standards in this area.

The Reagan administration inherited this task. However, there was a problem. Philosophically, they don't believe in Federal regulation of the market, but they apparently do believe in State regulation of the market. The administration attempted to implement the law in a manner consistent with their philosophy. They said leave it to the free market.

That's a wonderful philosophy, one that I generally share. The problem is, a State-regulated free market is not a free market. It's not even a free market within States that choose not to regulate appliances, because of the collateral effects of regulation by other States as I have explained.

On July 16, 1985, the D.C. Court of Appeals rejected the administration's implementation of the appliance standards and in effect directed them to issue substantative standards. So where are we now?

A free market is not a realistic option because a Federal court has directed DOE to issue Federal standards. That may take 3 years as the administration isn't anxious to issue these standards. Even if we were to repeal the underlying Federal law, we still wouldn't have a free market—we would have a market regulated inconsistently by various States. Meanwhile, while we wait for DOE to write and issue standards more and more States are moving to regulate in this area.

A remarkable thing has happened. The appliance industry and the environmentalists—such as the Natural Resources Defense Council—groups who opposed each other in the protracted litigation over the Federal standards, decided it would be faster, cheaper, and more productive to negotiate rather than litigate. After months of negotiation the appliance industry and energy conservation advocates reached a compromise agreement on appliance efficiency standards. Both sides had to give in order to achieve their goals. They have presented this language to us, it's theirs not mine or Senator EVANS', asking it be adopted as Federal law. I am sponsoring this bill because I believe this remarkable compromise deserves our attention. It deserves a fair hearing and we may well decide it should be enacted. The list of disparate supporters of this language is remarkable in and of itself.

If this bill is not enacted, we will have Federal regulation of the appliance industry. The courts have made that clear. Without this bill there will be a long complex administrative procedure that will eventually result in Federal standards written by the Department of Energy.

On the other hand, if this bill is enacted, most of that Federal regulatory procedure will be precluded. Instead, the Federal Government will simply adopt regulations negotiated by the appliance industry and the chief proponents of energy conservation.

If this be Federal regulation, it is a far less imposition on the appliance industry than will be the result in the absence of this bill. This bill really stands for Federal adoption of a negotiated compromise. It is an intriguing proposal.

Of course, there must be a hearing to ensure that the interests of all affected parties, including the consumer, have been properly considered. The views of the States must be heard, although I understand that several States have already sanctioned this compromise agreement.

This bill deserves careful scrutiny and I am pleased to join in sponsoring it.●

● Mr. MATSUNAGA. Mr. President, as a cosponsor I rise to speak in support of the legislation introduced by the junior Senator from Washington, Mr. EVANS, and the junior Senator from Louisiana, Mr. JOHNSTON, entitled "the National Appliance Energy Conservation Act of 1986."

The goal of energy independence for our Nation remains an elusive objective today, Mr. President. It was articulated in the Nixon administration at a time of cartel-imposed oil import curtailment. It remains an imperative in this period when oil supplies from overseas are on the rise. We will never be able to determine our own economic destiny, fully and effectively, Mr. President, so long as we are dependent upon foreign sources for energy as we are today.

While this goal of independence recedes, our international trade deficit grows apace—to the detriment of the agricultural, manufacturing, and energy sectors of our national economy. It is evident that we must take steps to bring this goal to the fore once more while we strive to enhance American productivity standards.

Such steps include encouraging new renewable energy technologies as well as domestic petroleum production. The legislation just introduced represents another necessary step: instituting innovative energy conservation and efficiency practices in our economy. Conservation is a vital source of "new energy" for the future.

Eleven years ago Congress recognized this fact, Mr. President, in passing the Energy Policy and Conservation Act of 1975. Among its provisions was the establishment of energy efficiency standards for household appliances. Subsequently the groundwork for establishing such standards was undertaken, but when the Reagan administration came in it attempted to evade this mandate by adopting a so-called no standards standard as a way around the Act. This approach was struck down in court as the result of a successful suit brought by the Natural Resources Defense Council.

The bill we are introducing today is the result of agreement among all segments of the home appliance manufacturing industry as well as the Natural Resources Defense Council and the American Council for an Energy Efficient Economy that standards legislation is necessary. They have joined forces as a "Coalition for Federal Appliance Efficiency Standards" to set such standards and work for their attainment. The legislation being introduced today is the product of this concerted effort.

There is a recognition on the part of home appliance manufacturers, Mr. President, that "market forces" do not promote energy efficiency standards when those who bear front-end costs for the purchase of home appliances, such as homebuilders and apartment developers, have no stake in the expense of their operation; that is their life-cycle costs. This is a critical point which the Department of Energy and the administration, at least in the past, have failed to appreciate and to give proper weight.

Also, Mr. President, appliance manufacturers are anxious to avoid imminent "balkanization" in their markets through State-level preemptive regulation in this field—which could be injurious to interstate commerce.

The coalition membership includes the Air-Conditioning and Refrigera-

tion Institute, the Association of Home Appliance Manufacturers, the Gas Appliance Manufacturers Association, and the Hydronics Institute, representing furnacemakers. I believe the standards proposed in this bill to be attainable and in the public interest if our country is to improve its productivity standards in the use of energy and thereby remain competitive in world markets while striving for energy independence at home. I ask all my colleagues to support this worthy measure—the product of an unusual consensus on the part of industry, consumer and environmental groups—and urge its early passage.●

● Mr. FORD. Mr. President, the National Appliance Energy Conservation Act has two principal purposes: to save the consumer money and to save energy. In 1978 the Congress adopted my amendment assuring Federal preemption of State appliance standards. Eight years later, Government regulators, the various States, and the appliance industry have still failed to come together on a national standard. This has resulted in uncertainty, as well as unnecessary costs for manufacturers. The consumer has paid the bill. And foreign manufacturers have capitalized on stateside reluctance to tough it out in a multistandard marketplace. Government policy—in this instance a lack of a single national standard—has encouraged manufacturing jobs to go overseas.

It is my hope this legislation will end that trend. The bill:

Establishes energy conservation standards for most major home appliances and central heating and cooling systems;

Affords appliance manufacturers reasonable regulatory leadtime and greater certainty about future regulation;

Gives State energy commissions and utilities a basis to project real future energy demands;

Generally suspends State regulation of appliance efficiency, but allows for exemption process;

Preserves State building codes affecting appliances.

I have been told that adoption of this bill could save the American consumer $28 billion over the next 15 years. That kind of money should talk.●

By Mr. HEFLIN:

S. 2782. A bill to designate the Sipsey River as a component of the National Wild and Scenic Rivers System, to designate certain areas as additions to the Sipsey Wilderness, and to preserve over 30,000 acres of pristine natural treasures in the Bankhead National Forest for the aesthetic and recreational benefit of future generations of Alabamians, and for other purposes; to the Committee on Agriculture, Nutrition and Forestry.

SIPSEY WILD AND SCENIC RIVER AND SIPSEY WILDERNESS ADDITION ACT

Mr. HEFLIN. Mr. President, today I am introducing a bill relative to the environmental, recreational, and commercial use of the William B. Bankhead National Forest and how the pristine natural treasures of the forest may best be enjoyed by a majority of the citizens of Alabama and elsewhere.

The Bankhead National Forest consist of nearly 180,000 acres and is located in the Alabama counties of Winston, Lawrence, and Franklin. It is a beautiful and diverse area, providing natural habitat for a variety of plant and animal life, including the flatten musk turtle. The topography and climate of the area offers a myriad of recreational opportunities in all seasons of the year.

In the 94th Congress, Mr. President, there was established within the confines of the Bankhead National Forest an area known as the Sipsey Wilderness. The legislation which gave birth to the Sipsey Wilderness was authored by former Alabama Senators John Sparkman and Jim Allen. This existing wilderness consists of 12,546 acres with the centerpiece of the system being the Bee Branch area. The forested lands of the existing Sipsey Wilderness are primarily hardwoods, and the area is honeycombed by many heavily forested canyons which feature numerous waterfalls and caves. The exising Sipsey Wilderness is in truth a majestic setting where people go to experience the heritage of nature and to escape the din associated with their daily lives and vocational pursuits.

Mr. President, the legislation that I introduce today expands the wilderness protection to more than 10,000 additional acres of lands covered with stately oaks and other noble hardwoods. An additional 52 miles of the grandiose river canyons in the Bankhead National Forest will also be preserved for generations to come in this legislation, with wild and scenic river designation. Other pristine areas of the forest will be managed under semiprimitive designation.

To state that the Sipsey Wilderness expansion proposal is controversial is a gross understatement. The issue of whether any additional lands in the Bankhead Forest should be designated as wilderness, and how much, has been the subject of emotional debate almost from the time the issue surfaced in legislation form. Unfortunately, the proposal became the forum where the views of the tree huggers versus the tree killers were acted out.

Somewhere along the line of this controversy, the focus was centered on the two extremely divergent views and the overall public interest was seemingly shunned. The idea of considering different approaches to sound use of these precious natural resources and sound environmental protection was forgotten. I believe, Mr. President, that the broad spectrum of Alabama's citizens prefer a solution which would enhance sensible wilderness preservation, as well as permitting other legitimate uses of our public lands. We must make the best and most balanced use of Alabama's national forest lands if these lands are to benefit all citizens and contribute to their outdoor enjoyment and economic well-being.

Mr. President, some individuals have labeled me the obstructionist in this Sipsey Wilderness expansion process. I want to make it abundantly clear that I support the wilderness concept. Our wilderness areas are, in fact, showplaces and gymnasiums of nature—places for scenic leisure, refuge, recreation and spiritual and physical refreshment.

With this thought in mind, Mr. President, I am hopeful that the bill I am introducing today will serve as a basis for reaching a balanced approach to both rounding out the Alabama wilderness system and releasing areas to nonwilderness management.

This legislation would add 10,070 acres to the existing Sipsey Wilderness, which fully meets the U.S. Forest Service's expected demand for wilderness recreation. The acreage figure contained in the bill, was drawn from a tentative compromise that was discussed by some of the interested parties in Alabama. My bill minimally reduces this acreage, because lands surrounding the Bunyun Hill Cemetary were removed from the proposal. I feel that friends and families, of those buried there, should have easy access to these reverent grounds.

In addition, the legislation would designate some 9,500 acres of the heavily forested river canyons as part of the National Wild and Scenic Rivers System. As the Senate knows, the purpose of the Wild and Scenic Rivers Act is to preserve in free-flowing conditions rivers which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historical, cultural, or other similar values.

Early on in the discussion of wilderness expansion, there were concerns raised about the need to prevent possible contamination of the Sipsey River since it fed the water supply for residence of Birmingham. I have addressed this concern by directing the Secretary of Agriculture to install procedures and mechanism to acquire sufficient water quality information to monitor the water flowing toward and into Lewis Smith Lake.

The bill also provides for the construction of a lake and sufficient recreational facilities in the Bankhead National Forest. This lake will not be located in any of the watershed area

designated as wild and scenic. Such a lake will allow additional recreational benefits to those visiting the wilderness area.

Other issues that were discussed in connection with the expansion of Sipsey Wilderness are also addressed in this bill. Much concern was raised regarding the spread of the southern pine beetle within the wilderness area. This legislation gives authority to the Forest Service to take the necessary measures to control the spread of this infamous pest. Alabama has already lost thousands of acres of prime forest land to the pine beetle, and if such steps are not taken, the pristine wilderness area could be lost forever.

All but one of the existing roads in the expanded wilderness area will be closed and converted to hiking paths and horse trails. The Forest Service is also directed to permit continued use of horse-drawn vehicles in the area. One road, commonly called the Northwest Road, will remain open to allow public access to the wilderness. The legislation introduced by Congressman FLIPPO and passed by the House of Representatives in the 97th and 98th Congress, left portions of this same road open to allow access to the wilderness for the elderly, handicapped, and the young. I feel it is appropriate to keep open this road in order that these people can continue to enjoy the natural treasures within this majestic setting.

Mr. President, I had hoped to have a complete agreement on this proposed legislation before it was introduced. However, there are still many differences. Since the time is running out on this session, I am introducing a proposal that can be amended. There is still time for a hearing and change in the proposed legislation before this Congress ends. I hope that after the August recess is over that a hearing will be held so differences can be worked out. I want to pass legislation which sets forth a proposal that is a reasoned and thoughtful decision regarding the environmental, recreational, and economical utilization of the Bankhead National Forest for the majority of Alabama's citizens and which most people can support.

Thank you, Mr. President.

By Mr. GLENN:

S. 2783. A bill to deny beneficiary developing country designations under the Generalized System of Preferences to countries that aid other countries to circumvent certain quantitative limitations on articles imported into the United States; to the Committee on Finance.

PENALTIES FOR EFFORTS TO CIRCUMVENT CERTAIN QUANTITATIVE LIMITATIONS

● Mr. GLENN. Mr. President, I am introducing legislation today to strengthen the enforcement of our trade laws. This legislation denies benefits under the Generalized System of Preferences [GSP] to countries which aid other countries in circumventing U.S. trade laws or agreements. I urge my colleagues to support this legislation and include it as part of omnibus trade legislation this year.

First, I would like to describe the GSP Program and its value to developing countries. Under international rules of trade, countries may establish a program of tariff preferences to developing countries to assist in their economic development. The United States and 19 other industrial countries maintain GSP Programs. Currently, the United States grants duty-free treatment for approximately 3,000 products from 140 developing countries and territories. Since the GSP Program's inception in 1976, the value of imports receiving treatment has risen from $3.2 billion to $13.3 billion in 1985. Eligibility under the GSP Program is periodically reviewed, and products are graduated from the GSP Program based on a country's level of development, its competitiveness in a specific product and the overall economic interests of the United States.

I support the GSP Program and its purpose in furthering the economic development of developing countries. However, in order to keep this valuable benefit, countries should help and cooperate with us in enforcing our fair trade laws. At the very least, they should not aid another country in circumventing our trade agreements by acting as a passthrough for imported steel, agricultural goods, textiles, machine tools, or other products that are limited under U.S. law or trade agreements.

Mr. President, this legislation complements other restrictions on GSP benefits already written into the law. There are existing restrictions prohibiting GSP to countries that expropriate American property or intellectual property rights, that aid terrorists, or that do not provide internationally recognized worker rights. This bill simply provides an additional restriction on countries that receive valuable GSP benefits from the United States.

I would like to provide an example of how this legislation would work. The Steel Import Stabilization Act of 1984 set a target import market share for steel imports of approximately 20 percent. To implement this program, the United States has signed voluntary restraint agreements with 18 steel-exporting countries. Imports have decreased, but foreign steel is still a serious problem, and we must continue to vigilantly police imports. Numerous concerns have been brought to my attention regarding transshipment and circumvention schemes through third-country markets. Under my bill, if a country with a steel restraint agreement with the United States ships steel through another country and then to the United States, the second country would lose its GSP benefits if it were found to be aiding the first country in circumventing the steel restraint agreement.

This legislation applies to all products covered by a quantitative limitation imposed under U.S. law or under any orderly marketing agreement, voluntary restraint agreement, or bilateral or multilateral arrangement. It will strengthen our trade laws and aid in enforcement. I urge my colleagues to support it.●

By Mr. GLENN (for himself, Mr. D'AMATO, Mr. MOYNIHAN, and Mr. SIMON):

S. 2784. A bill to establish a Federal guaranteed loan program to provide for the protection from shoreline erosion of improvements; to residential real property contiguous with the Great Lakes; to the Committee on Banking, Housing, and Urban Affairs.

PROTECTION FROM SHORELINE EROSION

● Mr. GLENN. Mr. President, today, I am introducing, along with Senators D'AMATO, MOYNIHAN, and SIMON, the Great Lakes Emergency Shoreline Erosion Protection Act. This legislation will provide Great Lakes homeowners with the means to protect their property from the devastating effects of shoreline erosion.

This legislation is designed to encourage financial institutions to provide secured, federally guaranteed loans to residential property owners along the Great Lakes for implementation of shoreline protection measures or for moving structure back from the shoreline. A similar bill is being introduced today in the other body by Mr. ECKART and 21 of his colleagues.

The Great Lakes water levels are at a record high, with little likelihood of their receding in the near future. The high lake levels have already caused serious damage to property by shoreline erosion and flooding. Protection from long-term flooding has been addressed through the advanced measures program of the U.S. Army Corps of Engineers and protection against loss of property due to short-term flooding is available through the National Flood Insurance Program, administered by the Federal Emergency Management Agency. Relief from gradual shoreline erosion, however, is not provided by any Federal program.

The Great Lakes Emergency Shoreline Protection Act has been designed to minimize the risk to the Federal Government by securing each loan by a lien on the improved property being protected, and by requiring State participation in the implementation of the program. The States would have the responsibility to determine the need for each loan under the terms of the act, to specify the use to which the

loan could be put, and to mandate certain terms of repayment, including a potential imposition of a State-levied administrative fee. Most importantly, however, the State would provide a subsidy of from 3 to 5 percentage points of the interest charged on each loan.

The lead Federal agencies for administering the shoreline erosion protection provisions will be the Department of Housing and Urban Development and the U.S. Army Corps of Engineers. An authorization of $2 million per year for the 5 years of this bill will be required for these agencies to administer the program.

Overall, while the program will require some effort and expense on the part of the States, the bill gives each State many options for qualifying loan recipients and for determining the most appropriate property protection measures in each case.

Mr. President, this legislation requires some form of active participation by all beneficiaries while keeping the cost to the Federal Government at a minimum. Federal participation will ensure equitable, regionwide implementation of this program to relieve an unanticipated, natural adversity.

I want to emphasize that the residential property owners along the Great Lakes need some assistance soon to alleviate the threat of encroaching high water levels. I am especially reminded of the increased amount of shoreline erosion which occurs when storms pass over the lakes. I recall, for example, that during a winter storm last December 2, the difference in the level of Lake Erie between Toledo and Buffalo was 16 feet. The increased amount of damage and erosion which accompanied that one storm serves as an example and a warning for the impending winter season.

Mr. President, I urge that the Senate give this Great Lakes Emergency Shoreline Erosion Protection Act their speedy consideration.●

● Mr. MOYNIHAN. Mr. President, I am pleased to cosponsor the Great Lakes Emergency Shoreline Protection Act with Senator GLENN and my other Great Lakes State colleagues. This legislation is designed to provide some relief to homeowners along the Great Lakes who are suffering from the highest lakes levels in this century.

The Great Lakes and their connecting channels make up the largest freshwater system of surface water in the world. Their total water surface area is almost 95,000 square miles. It is to be expected that the levels of the lakes will fluctuate in the short and long term due to natural variations in precipitation, evaporation, aquatic growth, storms, tides, and so forth. The current crisis on the banks of the lakes is the human problem brought by the natural occurrence of elevated levels of water in the lakes.

THE NEED FOR THIS LEGISLATION

The levels of the lakes have risen steadily in recent years; indeed, new records have been set and surpassed several times. These elevated levels have already caused significant damage to property on the lakes' shores. A brief visit to our Great Lakes shoreline makes clear the enormity of the problem.

In some cases, the combination of unusually high water levels and strong wind and wave action have resulted in the loss of substantial amounts of bank in a matter of hours.

Last December Lake Erie was the highest that it has been since the Army Corps of Engineers began keeping records in the late 1800's. A storm that arose during that month caused an estimated $1.3 million in damages in Erie and Chautauqua Counties in New York. Winds of nearly 70 miles per hour drove the water level at Buffalo to a new record instantaneous high. Such occurrences have distressed the residents of all the Great Lakes States.

There is every reason to believe that further increases in lake levels and resultant damage will occur. Although Washington and points south might wish for more water to slake the thirsty soil and relieve the summer swelter, we must realize that as the winter months so inexorably advance, more mischief may be in store for Great Lakes shoreline dwellers. With winter winds come waves that cause destruction; with cold comes ice that magnifies the damage.

DESCRIPTION OF THE LEGISLATION

This legislation will enable financial institutions to provide loans to residential property owners for construction of shoreline protection measures, and for moving structures back from the eroding shoreline.

The act authorizes $10 million over 5 years for Federal loan guarantees to enable banks to generate an even greater amount of loans to homeowners. It directs the Secretary of Housing and Urban Development to administer a program that will provide loans at below market rates, to help homeowners to protect or to move their houses. The Federal Government will guarantee these loans against default. The loans may be for a total of $50,000 over a 30-year term, and may be increased to $75,000 if the Secretary finds that the increase is justified.

The States must subsidize not less than 3 and not more than 5 percent of the interest charged on each loan, so that homeowners will have the advantage of a below market rate. In addition, the States must determine that each borrower's erosion-control or house-moving plans meet minimum engineering standards to be developed by the Corps of Engineers and the States. Priority for loans will be given to owners of properties that are at significant risk, and shall be targeted for those most in need and those that require assistance to protect a principal residence.

Within 4 years of the enactment of this legislation HUD and the corps will report on the effectiveness of the program, and recommend necessary changes to Congress.

I urge my colleagues to join in support of this worthy and most necessary legislation.●

By Mr. MOYNIHAN:

S. 2786. A bill to amend title XVIII of the Social Security Act to provide for the exemption of certain cancer research and treatment centers from the prospective payment system; to the Committee on Finance.

CANCER CENTER REIMBURSEMENT REFORM ACT

● Mr. MOYNIHAN. Mr. President, I am today offering legislation designed to clarify the intent of Congress with respect to the Medicare prospective payment system. Since Medicare became effective in July 1966, hospitals have been reimbursed based on their reasonable cost of providing care to eligible beneficiaries. However, with the passage of the Social Security Amendments of 1983, Public Law 98-21, Medicare began to pay hospitals not according to their cost but with a fixed, predetermined amount depending on the diagnosis of the patient. As we all know, the advent of the prospective payment system has generally worked to make hospitals more efficient and to lower the cost of the Medicare Program.

When Congress enacted the prospective payment system, however, there was a recognition that certain disease categories might not be appropriate for this sort of fixed-payment approach. As a result, the prospective payment legislation included specific authority for the Secretary of Health and Human Services to grant exceptions and adjustments to deserving institutions. Specifically mentioned as candidates for special treatment were hospitals extensively involved in cancer treatment and research.

Unfortunately, the Secretary of Health and Human Services [HHS] has responded in a fashion which leaves vulnerable many of the country's major centers for cancer treatment and research. The implementing regulations acknowledged that cancer centers receiving recognition as such by the National Cancer Institute [NCI] should be eligible for exemption from the prospective payment system. However, the regulatory requirements which the Secretary has imposed on the centers are wholly unrealistic, primarily because the regulations fail to accommodate centers which are part of larger institutions, whether univer-

sity-based or otherwise. As a result of the narrow approach in the HHS regulations, only 8 of the 38 NCI-recognized cancer centers nationwide have been exempted from the prospective payment system. For example, in my State of New York, five cancer centers which should be exempt from the strictures of prospective payment are not because of this technicality.

The NCI-recognized cancer centers provide the best care for cancer patients in the world and, perhaps more importantly, are part of the world's best hope for achieving a cure for cancer. The way in which Medicare pays these hospitals is important not just because of the Federal dollars but also because Medicare is a model for insurance companies and other third-party payors. Congress recognized that Medicare's new payment system should not be allowed to strangle cancer treatment and research while still in its infancy. The legislation I introduce today would make clear that all NCI-recognized cancer centers are to be exempted from prospective payment, although they would remain subject to more reasonable restrictions on their expenditures. In this fashion, the legislation will ensure that the original intent of Congress is fulfilled and that cancer treatment and research continues unabated.●

By Mr. D'AMATO (for himself and Mrs. HAWKINS):

S. 2787. A bill entitled the "Mandatory Crack and Other Drug Penalties Act"; to the Committee on the Judiciary.

MANDATORY CRACK AND OTHER DRUG PENALTIES ACT

● Mr. D'AMATO. Mr. President, I rise today to introduce the Mandatory Crack and Drug Penalties Act. This bill is the product of extensive discussions with Department of Justice officials over several weeks. We agree on the urgent need to guarantee that drug dealers, especially those dealing in crack and other deadly narcotics, are sent to prison, without possibility of probation, parole, or suspended sentences. I am pleased to have the junior Senator from Florida as an original cosponsor of this important legislation.

This bill contains five key provisions:

First. It provides mandatory minimum terms of 5 years for first offenders and 10 years for repeat offenders who traffic in 25 grams of crack, 100 grams of heroin, 500 grams of cocaine, 10 grams of PCP, 1 gram of LSD, or more.

This bill specifically states that courts may not place on probation or suspend the sentence of any person sentenced under 21 U.S.C. 841(b)(1)(A), nor shall the term of imprisonment run concurrently within any other prison term. No person sentenced under this provision shall be eligible for parole.

The only exception to this rule will provide our U.S. attorneys with the authority they need to obtain cooperation and information from drug dealers. This bill provides that, upon the motion of the U.S. attorney, the court may reduce or suspend the sentence of a drug dealer sentenced under this provision if that person provides "substantial assistance in the identification, arrest, or conviction of any of his accomplices, accessories, coconspirators, or principals, or who otherwise provides substantial assistance leading to the identification, arrest, or conviction of any other offenders under this section." Such an action may take place in camera, and the judge has discretion to reduce or suspend the sentence if he finds that the defendant rendered substantial assistance to Federal prosecutors.

Second. This bill lowers the threshold quantity of drugs necessary to trigger the maximum sentences available under our drug laws. For example, 25 grams of crack or 500 grams of cocaine will, under this bill, trigger the maximum sentence. Under current law, 1,000 grams (or the equivalent of 15,000 doses) of crack are required to bring the maximum penalty rules into play.

Third. This bill increases from 20 to 40 years the maximum term of imprisonment authorized in cases of first time large scale drug trafficking convictions. Repeat offenders may be sentenced to up to life imprisonment.

Fourth. Sanctions for simple possession of controlled substances are increased by this legislation in an effort to curb demand for illegal drugs. Minimum fines of $1,000 are established for the first time. Repeat offenders under this new provision shall be sentenced to a minimum prison term of 15 days and up to 2 years, and shall be fined a minimum of $2,500 but not more than $10,000, or both. Persons committing this offense after two or more prior convictions shall be sentenced to a term of imprisonment of at least 90 days, but not more than 3 years, and shall be fined a minimum of $5,000, but not more than $25,000.

Fifth. This bill imposes special penalties for drug trafficking where, as in the recent Len Bias case, death results. Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended by adding, if death results from the use of an illegal drug, that a convicted drug dealer shall be sentenced to a minimum prison term of 20 years, and up to life, and a fine of not more then $500,000 can be levied, or both. This sentence shall not be suspended or subject to parole. It also shall run consecutively with any other prison term.

Mr. President, I ask unanimous consent that the full text of my legislation be printed in the RECORD at the conclusion of my remarks, and I urge my colleagues to give this bill their full support.

Thank you, Mr. President.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Subparagraph 841(b)(1)(A) of title 21, United States Code, is amended to read as follows:

"In the case of a violation of subsection (a) of this section involving—

"(i) 100 grams or more of a mixture or substance containing a detectable amount of heroin;

"(ii) 500 grams or more of a mixture or substance consisting of—

"(I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

"(II) cocaine, its salts, optical and geometric isomers, and salts of isomers;

"(III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

"(IV) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subclauses (I) through (III);";

"(iii) or 25 grams of a mixture or substance described in clause (ii) which contains cocaine base;

"(iv) 10 grams or more of phencyclidine (PCP) or 100 grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP); or

"(v) 1 gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

such person shall be sentenced to a term of imprisonment which may not be less than 5 years and not more than 40 years, a fine of not more than $1,000,000, or both. If any person commits such a violation after one or more prior convictions for an offense punishable under this paragraph, or for a felony under any other provision of this title or title III or other law of a State, the United States, or a foreign country relating to narcotic drugs, marijuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment which may not be less than 10 years and not more than life imprisonment, a fine of not more than $1,000,000, or both. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this subparagraph nor shall the term of imprisonment imposed under this subparagraph run concurrently with any other term of imprisonment under this subparagraph or under any other provision or law. No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein. *Provided,* however, that upon the motion of the United States Attorney, the sentencing court may reduce or suspend the sentence of any person sentenced under this subparagraph who provides substantial assistance in the identification, arrest, or conviction of any of his accomplices, accessories, co-conspirators, or principals, or who otherwise provides substantial assistance leading to the identification, arrest, or conviction of any other offenders under this section. Upon good cause shown, the motion may be filed and heard in camera. The

judge hearing the motion may reduce or suspend the sentence if he finds that the defendant rendered such substantial assistance."

SEC. 2. 21 U.S.C. 844 is amended to read as follows:

SEC. 844. PENALTY FOR SIMPLE POSSESSION.

(a) It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this subchapter or subchapter II of this chapter. Any person who violates that subsection shall be sentenced to a term of imprisonment of not more than one year, and shall be fined a minimum of $1,000 but not more than $5,000, or both, except that if he commits such offense after a prior conviction under this subsection, or a prior conviction for any drug or narcotic offense chargeable under the law of any state, has become final, he shall be sentenced to a term of imprisonment of a minimum 15 days but not more than two years, and shall be fined a minimum of $2,500 but not more than $10,000, or both, except, further, that if he commits such offense after two or more prior convictions under this subsection, or two or more prior convictions for any drug or narcotic offense chargeable under the law of any state or a combination of two or more such offenses have become final, he shall be sentenced to a term of imprisonment of a minimum of ninety days but not more than three years, and shall be fined a minimum of $5,000 but not more than $25,000. The imposition or execution of a minimum sentence required to be imposed under this subsection shall not be suspended or deferred. Further, upon conviction, a person who violates this subsection shall be taxed the reasonable costs of the investigation and prosecution of the offense, including the costs of prosecution of an offense as defined in 28 U.S.C. §§ 1918, 1920. As used in this section, the term "drug or narcotic offense" means any offense chargeable under the law of any state which proscribes the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell or transfer any substance the possession of which is prohibited under this chapter.

SEC. 3.

Section 401(b) of the Controlled Substances Act (21 U.S.C. 841(b)) is amended, in subparagraphs (1) (A) and (B), by adding, after the words "or both" in the first sentence of each subparagraph, the words "and if death results from the use of such substance shall be sentenced to a term of imprisonment of not less than twenty years or more than life and a fine of not more than $500,000, or both, which sentence shall not be suspended or subject to parole and shall run consecutively to any other term or imprisonment".●

By Mr. WILSON:

S. 2788. A bill to designate the Federal building located in San Diego, California, as the "Jacob Weinberger Federal Building"; to the Committee on Environment and Public Works.

JACOB WEINBERGER FEDERAL BUILDING

● Mr. WILSON. Mr. President, I rise today to introduce legislation to designate the Old Federal Courthouse in San Diego, CA., as the "Jacob Weinberger Federal Building."

It is my great privilege to have this opportunity to honor Judge Weinberger who was the first resident District Court Judge assigned to San Diego.

Judge Weinberger was born in Hungary in 1882 and immigrated with his family through Ellis Island in 1889. He successfully studied to become a lawyer and distinguished himself at an early age, becoming the youngest delegate to the State constitutional convention which led to Arizona's joining the Union in 1910.

He was a highly respected San Diegan, having come to the city as a young attorney in 1911. He briefly served as city attorney in 1941, before being made a superior court judge. In 1946, Judge Weinberger was appointed by President Truman to the Federal bench. He became a senior judge in 1958. Judge Weinberger died in 1974.

Judge Weinberger spent his entire life and career serving his adopted nation. After he became a senior judge, he presided over the swearing in of thousands of new American citizens, who like he and his family, sought a new life in this country.

The halls of the Old Federal Courthouse were illuminated by Judge Weinberger's presence throughout his career as a judge. It is most fitting that we designate this historic building as the Jacob Weinberger Federal Building in honor of this highly distinguished man.●

By Mr. MELCHER:

S. 2790. A bill to designate certain National Forest System lands in the State of Montana for inclusion on the National Wilderness Preservation System, and for other purposes; to the Committee on Energy and Natural Resources.

MONTANA WILDERNESS ACT

● Mr. MELCHER. Mr. President. The Montana Wilderness Bill which I am introducing today is a cumulative work of the entire Montana congressional delegation. My colleague, Senator BAUCUS, and our colleagues in the House of Representatives, RON MARLENEE and PAT WILLIAMS, devoted hundreds of hours during this Congress viewing the various RARE II areas in Montana, and dedicated many more hours here in Washington in delegation meetings to discuss, evaluate and make recommendations for wilderness and national recreation and wildlife areas.

Our common goal was to reach a consensus and agreement on every area. We have reached that agreement in all but one area, which is the North Hyalite area. Our agreed upon recommendations amount to almost 1.1 million acres of new wilderness, approximately 218,500 acres to be designated in two National Recreation and Wildlife Areas, a water study for 120,000 acres in the West Big Hole, and the release to the forest plans of the remaining RARE II land in Montana, and only one area not reaching final unanimous agreement.

That exception is the North Hyalite area, comprising 23,400 acres, which under the terms of this bill since it has not been settled is to remain in S. 393 study status. Of the 6 million acres of RARE II land reviewed by the delegation, this is the lone exception for joint approval by all the members of the delegation for a final resolution of its status.

I believe it is proper that the bill be introduced to let Monatanans know what our work has produced, as far as we could go. It is my hope that the public will scrutinize the designations of our joint effort and let us know by their comments on areas that they either agree with or disagree with, and pass their suggestions on to us.

Wilderness bills here in Congress invariably require unanimous endorsement from the State's congressional delegation. Since we do not have that unanimous agreement, we do not anticipate action on the bill.

The following areas are recommended for wilderness:

Anaconda-Pintler Wilderness Additions, 43,000 acres.

Italian Peaks Wilderness, 25,600 acres.

East Pioneer Wilderness—proposed, 74,100 acres.

Tobacco Root Wilderness—proposed, 8,500 acres.

Stony Mountain Wilderness—proposed, 70,300 acres.

Selway-Bitteroot Wilderness additions—proposed, 48,100 acres.

Frank Church-River of No Return Wilderness additions—proposed, 28,500 acres.

Lost Water Canyon Wilderness—proposed, 9,800 acres.

Absaroka Beartooth Wilderness additions—proposed, 4,900 acres.

Electric Peak Wilderness—proposed, 18,900 acres.

Flint Range Wilderness—proposed, 38,000 acres.

Sapphires Wilderness—proposed, 30,000 acres.

Mt. Hefty Wilderness—proposed, 13,800 acres.

Tuchuck Wilderness—proposed, 20,100 acres.

Bob Marshall Wilderness additions—proposed, 157,700 acres.

North Mission Mountain additions—proposed, 1,700 acres.

Jewel Basin Wilderness—proposed, 15,300 acres.

North Absarorka Wilderness additions—proposed, 700 acres.

Earthquake Wilderness—proposed, 22,500 acres.

Porcupine-Buffalo Horn Wilderness—proposed 55,000 acres.

Scapegoat Wilderness additions—proposed, 64,500 acres.

Camas Creek Wilderness—proposed, 20,600 acres.

Mt. Badly Wilderness—proposed, 14,900 acres.

Gates of the Mountains Wilderness—proposed, 10,500 acres.

Scotchman Peaks Wilderness—proposed, 48,800 acres.

Ten Lakes Wilderness—proposed, 33,000 acres.

Cabinet Mountains Wilderness additions—proposed, 28,300 acres.

Big Snowies Wilderness area—proposed, 22,000 acres.

Great Burn Wilderness—proposed, 93,700 acreas.

Quigg Wilderness—proposed, 48,900 acres.

In addition these areas were unanimously recommended:

The Ben Stong National Recreation and Wildlife Area—proposed, 58,500 acres.

The Elkhorns National Recreation and Wildlife Area—proposed, 160,000 acres.

The West Big Hole water study area—proposed 120,000 acres.

The lone undecided area is:

The North Hyalite to remain in S. 393 study, 23,400 acres.●

By Mr. HUMPHREY (for himself, Mr. DENTON, Mrs. HAWKINS, and Mr. HELMS):

S. 2791. A bill to require certain individuals who perform abortions to obtain informed consent; to the Committee on Labor and Human Resources.

INFORMED CONSENT ACT

● Mr. HUMPHREY. Mr. President, I introduce on behalf of myself, and my colleagues, Mr. DENTON, Mrs. HAWKINS, and Mr. HELMS, a bill requiring certain individuals who perform abortions to obtain informed consent.

The bill I am introducing today is a revised version of S. 2420, which I introduced earlier this year. My revised bill applies to medical personnel who receive Department of Health and Human Services funds for the provision of health services, and who, within the scope of their employment, perform an abortion on a woman. These persons must ensure that the pregnant woman has received the general information necessary to give written "informed consent" to the abortion. The bill does not require that specific information be provided the woman, or that printed information be supplied by the doctor.

Medical personnel who fail to comply with the bill's requirements will be unable to continue receiving Federal funds for the provision of health services. But more important, any woman who is injured as a result of the medical personnel's failure to comply with this requirement, will be entitled to bring a cause of action for appropriate relief in Federal court.

Let me emphasize that when I speak of informed consent, I am not talking about parental consent or parental notification. Parental consent and parental notification legislation mandates the involvement of parents in the abortion decision of their minor daughter. These are important matters, but they are not what I am talking about. Rather, I am talking about the informing of any woman, minor or adult, about the abortion procedure, possible complications of the abortion, alternatives to abortion, and about the development of the unborn child.

Informed consent for any other medical surgery is standard professional procedure among medical personnel. Physicians are expected to conscientiously inform their patients about an operation, the risks of the operation, and alternatives to the procedure. However, there appear to be no Federal requirements mandating that informed consent be sought for abortion.

As a result of the recent Supreme Court decision in Thornburgh versus American College of Obstetricians and Gynecologists, I have revised S. 2420, the informed consent bill I introduced before the *Thornburgh* decision, in two ways in order to comply with the Court's opinion.

First, however, it is important to note that the concept of informed consent has not been invalidated by the Court, even in this latest progeny of Roe versus Wade. Rather, in Thornburgh, the Court recognized that "a requirement that the woman give what is truly a voluntary and informed consent, as a general proposition, is, of course, proper and is surely not unconstitutional." Past Court decisions, namely in City of Akron versus Akron Center for Reproductive Health and Planned Parenthood of Central Missouri versus Danforth, have also upheld the concept of requiring informed consent from women contemplating abortion.

So, the Court in Thornburgh has not invalidated the concept of informed consent, but rather has implied certain principles that must be respected in order for informed consent legislation to withstand Court scrutiny:

First, the information must be relevant to the consent, thus advancing a legitimate interest. The law's intent may not be to dissuade a woman from having an abortion. Instead, it must further a State's legitimate interest in promoting the health of the woman.

Second, the informed consent provisions may not require a rigid body of information be provided to the woman. The physician must have flexibility to meet the particular needs of the woman, and may not be required to present what he considers extraneous information.

Finally, the informed consent process must not make the physician an agent of the Government, by requiring that he distribute printed information, even upon the request of the woman.

I believe, then, that informed consent regulations may be upheld if the statute is in accordance with the strictures outlined in the *Thornburgh* decision. Accordingly, I have modified S. 2420 to reflect these changes.

First, this legislation is not intended to limit the access of women to abortion, nor to limit the number of abortions procured each year by American women. However, it cannot be denied that of the 1.5 million abortions legally performed every year throughout the entire 9 months of pregnancy, some of these women have not been adequately informed about the procedure. Indeed, some of these women have been misinformed and lied to about the consequences and risks of their abortion. It seems obvious that upon receiving full information about abortion, some women, indeed many women, may decline to have the abortion they originally sought.

No; the primary intent of this bill is to protect the health of women who are considering abortion without considering the potential ill effects to their health. For more than a decade, abortion advocates have claimed that the legalization of abortion would bring safe abortion. Abortion is now as legal as it ever will be—we have abortion on demand throughout the 9 months of pregnancy. And yet, thousands of women across the Nation are injured, physically and psychologically, by abortion.

Scores of women from around the Nation have written heart-rending letters detailing the trauma and pain that each has felt as a result of not being informed, or being misinformed, about the abortion they were to undergo. Each of these women testifies to the potentially disastrous effects of our current policy of providing abortions without requiring adequate informed consent.

My colleagues may know that I have already begun to insert every day in the CONGRESSIONAL RECORD one letter a day among the many letters sent to me by these women. I encourage the Senators from each State to read these intensely personal and emotional letters, and consider the hundreds, even thousands, of women from their State who have consented to an abortion without understanding the consequences of that decision.

I have letters from each of the 50 States lamenting the lack of information or the misinformation given to women by abortionists. These women discuss difficulties such as subsequent premature births, cervical weakness, periodic or complete sterility, and miscarriages. They discuss emotional ailments such as eating disorders, nightmares, depression and suicidal tendencies. They discuss guilt and anger, obsession with the dead child and a resulting failure to relate emotionally to the spouse and other children. They discuss turning to alcohol and drugs.

Clearly, then, legislation aimed at informing women of the health risks of their abortion can only promote the health of this Nation's women.

The second change I have made to comply with the Supreme Court's con-

cerns, is the elimination of a specific body of information that must be provided to women before their abortion. Instead, the revised version of the bill now requires only that general information be provided, so as to properly inform the woman. This now frees the physician from providing a "rigid" set of information to the woman, but it also reaffirms the responsibility of medical personnel to appropriately assess the needs of the woman and to properly inform her of various aspects of the abortion.

Finally, I have eliminated a previous requirement that printed information regarding alternatives to abortion be provided. I regret having to remove this provision, in light of the vast numbers of letters from women pleading for improved information about alternatives to abortion. There are thousands of pregnancy centers around the Nation that provide access to prenatal care and support and counseling beyond the term of the pregnancy. There are hundreds of adoption centers around the Nation providing counseling and adoption placement services at no expense or at minimal cost. We have provided American women with alternatives to abortion and access to these alternatives. It is now time to provide them with the information about these alternatives at the appropriate time in their pregnancy.

I ask my colleagues to consider this: Even for those who favor abortion, what good is the right to have an abortion, if one is not provided with the facts to elect it on a truly informed basis? Of what use is a right, if the information to use it wisely is withheld? Those who favor abortion refer to their position as "pro-choice." But I submit that any choice made on an uninformed or misinformed basis is no choice at all.

I ask my colleagues to consider this: What other medical procedure or illness is treated in the cavalier manner that abortion is treated, despite the pain and suffering it has caused the women who are its victims? I ask my colleagues, if hundreds of our citizens wrote Congress with a health-threatening and life-endangering condition, would we ignore their pleas? Refuse to hold hearings? Deny that their voices be heard? This is what we have tried to do to these women victims of abortion, these Americans exploited by abortion.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2791

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Informed Consent Act".

DEFINITIONS

SEC. 2. For purposes of this Act, the term—

(1) the term "abortion" means the use of any instrument, medicine, drug, or any other substance or device, to terminate the pregnancy of a woman known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus;

(2) the term "Department" means the Department of Health and Human Services;

(3) the term "Federal financial assistance" means any type of Federal financial assistance for the provision of health services which is provided directly by the Department of Health and Human Services to a recipient or which is provided through a recipient of such assistance from such Department to another individual or entity, and include grants, contracts, loans, cooperative agreements, and reimbursements and payments for services;

(4) the term "informed consent" means the consent to an abortion by a pregnant woman after such woman is provided with all information necessary in order to enable such woman to intelligently exercise her judgment with respect to the abortion by reasonably balancing the probable risks of the abortion against the probable benefits of the abortion;

(5) the term "pregnant woman" means any woman who is pregnant and, with respect to factors other than age, is legally capable of giving valid consent to the performance of an abortion; and

(6) the term "Secretary" means the Secretary of Health and Human Services.

INFORMED CONSENT REQUIRED

SEC. 3. (a) No individual who—

(1) is employed in a hospital, clinic, institution, or facility which provides health care services and is owned or operated by the Department;

(2) is employed by a hopsital, clinic, institution, or facility which receives any Federal financial assistance; or

(3) receives any Federal financial assistance, shall, within the scope of employment of such individual, perform an abortion on a pregnant woman unless such individual has, prior to the performance of such abortion, complied with the provisions of this section.

(b) An individual to whom subsection (a) applies shall, prior to performing an abortion on a pregnant woman—

(1) ensure that such woman has been given sufficient information to enable such woman to give informed consent to the abortion; and

(2) obtain the written certification of such woman that her consent to the abortion is informed, has been freely given, and is not the result of coercion.

(c) Any written certification obtained from a pregnant woman under subsection (b)(2) shall be confidential, and may not be released to any person other than—

(1) such woman;

(2) the individual who performed the abortion; or

(3) any other individual who is required to consent to the abortion pursuant to law,

unless such woman provides written consent to the release of such certification to any other person or a Federal or State court issues an order requiring the release of such certification to any other person.

(d)(1) The Secretary shall promulgate rules and procedures to ensure that officers and employees of any hospital, clinic, institution, or facility described in subsection (a)(1) comply with this Act.

(2) The head of each hospital, clinic, institution, or facility described in subsection (a)(2) shall—

(A) promulgate rules and procedures to ensure that officers and employees of such hospital, clinic, institution, or facility comply with this Act; and

(B) take appropriate actions to monitor and enforce compliance by such officers and employees with this Act and such rules and procedures.

MEDICAL EMERGENCY EXCEPTION

SEC. 4. The provisions of subsections (a) and (b) of section 3 shall not apply in the case of an abortion performed on a pregnant woman, if the woman's physician determines, in the exercise of such physician's best medical judgment, that a medical emergency exists that complicates the woman's pregnancy in a manner which requires an immediate abortion.

ENFORCEMENT

SEC. 5. (a) The Secretary shall monitor compliance with this Act by individuals, hospitals, clinics, institutions, and facilities subject to this Act. If the Secretary determines that such an individual, hospital, clinic, institution, or facility has failed to comply with this Act, the Secretary shall provide a written notice to such individual, hospital, clinic, institution, or facility which—

(1) specifies such determination; and

(2) states that unless such individual, hospital, clinic, institution, or facility complies with this Act within 15 days after the receipt of such notice, all Federal assistance provided to such entity will be terminated.

(b) Any individual, hospital, clinic, institution, or facility which receives a written notice under subsection (a), may, within 30 days after the receipt of such notice, request the Secretary for a hearing with respect to—

(1) the determination to the Secretary under subsection (a);

(2) compliance by such individual, hospital, clinic, institution, or facility with this Act; and

(3) the termination of Federal assistance to such individual, hospital, clinic, institution, or facility pursuant to this Act.

(c) If the Secretary receives a request for a hearing under subsection (b), the Secretary shall schedule a hearing in response to such request within 30 days after receiving such request. Such hearing shall be conducted on the record in accordance with sections 554 through 559 of title 5, United States Code.

LEGAL ACTIONS

SEC. 6. Any individual who is aggrieved by the failure of an individual subject to this Act to provide the informed consent required by this Act, or by the failure of a hospital, clinic, institution, or facility subject to this Act to comply with this Act, may bring an action for appropriate relief in the district court of the United States in which such individual resides or in which such failure occurred.

SEVERABILITY

SEC. 7. If any provision of this Act or the application thereof to any person or circumstance is held invalid, neither the remainder of this Act nor the application of such pro-

vision to other persons or circumstances shall be affected thereby.●

By Mr. LUGAR (for himself, Mr. PELL, Mr. LEVIN, Mr. DOLE, Mr. PRESSLER, Mr. BENTSEN, Mr. HATCH, Mr. KERRY, Mr. INOUYE, Mr. BRADLEY, Mr. SIMPSON, Mr. MURKOWSKI, Mr. SIMON, Mr. KASTEN, Mr. GORTON, Mr. ANDREWS, Mr. MOYNIHAN, Mr. BOSCHWITZ, Mr. MITCHELL, Mr. DURENBERGER, Mr. BURDICK, Mr. MELCHER, Mr. RUDMAN, Mr. SARBANES, Mrs. KASSEBAUM, Mr. RIEGLE, Mr. ZORINSKY, Mr. KENNEDY, Mr. WEICKER, Mr. CRANSTON, Mr. BOREN, Mr. ABDNOR, Mr. STAFFORD, Mr. MATSUNAGA, Mr. LEAHY, Mr. HATFIELD, Mr. COHEN, Mr. D'AMATO, Mr. BAUCUS, and Mr. MATHIAS):

S.J. Res. 402. Joint resolution designating July 2 and 3, 1987, as the "United States-Canada Days of Peace and Friendship"; to the Committee on the Judiciary.

UNITED STATES-CANADA DAYS OF PEACE AND FRIENDSHIP

● Mr. LUGAR. Mr. President, I rise to introduce a joint resolution designating July 2 and 3, 1987, as "United States-Canada Days of Peace and Friendship." Canada is our neighbor and one of our closest allies, yet our relationship often goes unsung, even by our own two countries.

The dates of July 2 and 3 are very appropriate, as they fall between July 1, which is Canada Day, and July 4, our own Independence Day. These days will be a celebration of everything our two countries have in common. They will highlight our long-standing peaceful relationship, the extensive trade we share and tourism we exchange, and our common goals and ideals. The celebration will also highlight our cultural differences and will be an opportunity for American and Canadian citizens to learn more about each other's heritage.

The events of July 2 and 3 will be celebrated in cities and towns on both sides of the 3,500-mile United States-Canada border. Basic to the celebration will be a sharing of cultural, social, and educational ideas and activities. This will be a time for Canadians and Americans to remember that we have an unusual tradition of peace and friendship to nourish and maintain.

Identical joint resolutions are being introduced in the U.S. House of Representatives and the Canadian Parliament. This idea has the blessing of the Canadian section of the United States State Department and the United States section of the Canadian Ministry of Foreign Affairs. Both governments welcome this long overdue recognition of the friendship and vital relationship of two of the most important nations of the world. The American Legion Auxiliary has expressed strong support for the measure as Canada will be the "study country" of its foreign relations committee for 1986-87.

"The United States-Canada Days of Peace and Friendship" will bring together governmental and political leaders of both nations, as well as vast numbers of their constituents, in an atmosphere of fellowship. As the celebrations grow in size and interest, they will foster new international associations and serious discussion, learning and appreciation.●

By Mr. ROTH (for himself, Mr. BIDEN, and Mr. BOSCHWITZ):

S.J. Res. 403. Joint resolution to designate 1988 as the "National Year of Friendship with Finland"; to the Committee on the Judiciary.

NATIONAL YEAR OF FRIENDSHIP WITH FINLAND

● Mr. ROTH. Mr. President, I am introducing a joint resolution today with Senators BIDEN and BOSCHWITZ to designate 1988 as the "National Year of Friendship With Finland." A companion bill, House Joint Resolution 645, has been introduced in the House by Congressman OBERSTAR.

The first Finnish settlers came to North America as part of the new Sweden colony established along the Delaware River in 1638. Nearly one-half of the membership of the new Sweden colony were of Finnish origin.

The new Sweden colonists brought the first Lutheran ministers, constructed the first churches, the first flour mills, the first permanent homes, and the first roads in parts of what we now know as Delaware and Pennsylvania. The American log cabin has its origins in the Finnish method of fitting and notching horizontally laid logs.

Today there are approximately 700,000 Americans of Finnish descent living in the United States. I urge my colleagues to join with us in commemorating our long and valued relations with the Finnish people.●

By Mr. GLENN (for himself, Mr. WARNER, Mr. BURDICK, Mr. ZORINSKY, Mr. DANFORTH, Mr. HEFLIN, Mr. DIXON, Mr. CRANSTON, Mr. LEVIN, Mr. METZENBAUM, and Mr. DENTON):

S.J. Res. 405. Joint resolution to designate September 11, 1986, as "9-1-1 Emergency Number Day"; to the Committee on the Judiciary.

9-1-1 EMERGENCY NUMBER DAY

● Mr. GLENN. Mr. President, it is my privilege to introduce, along with Senators WARNER, ZORINSKY, BURDICK, DANFORTH, HEFLIN, DIXON, CRANSTON, METZENBAUM, LEVIN, and DENTON, a resolution designating September 11, 1986, as "9-1-1 Emergency Number Day." This resolution is supported by many public safety groups, and deserves the support of the U.S. Senate.

Approximately 40 percent of communities across the country have adopted the 9-1-1 emergency system of dialing as a means of providing immediate emergency services to local residents. The basic 9-1-1 telephone service enables a person to dial just three numbers in an emergency to reach a public safety answering point, such as a police or fire department.

While the 9-1-1 system has saved many lives and enhanced the quality of life in many communities, there are still large areas of the country which do not have 9-1-1 system. The need for all citizens to summon help rapidly in an emergency situation is essential to community well-being.

An event occurred on August 13 which exemplifies the value of 9-1-1 systems. In California, a 2-year-old girl wandered into a swimming pool and nearly drowned. By the time she was pulled out, she had stopped breathing and her lungs were filled with water. He older sister ran into the house, saw the red 9-1-1 emergency number sticker by the telephone, and dialed it. An emergency operator was able to give resuscitation instructions to the family, who then proceeded to revive the little girl.

A small child is alive today because of the existence of a 9-1-1 system, the awareness of this system by her family, and the skill of emergency operators.

The day before, in Cleveland, a 6-year-old girl called the operator to report that her mother was on the floor, unconscious. Frantic, without an available 9-1-1 system, and unable to provide her address or phone number, the girl and her mother waited 30 minutes for the call to be traced and a rescue unit dispatched to their home. An article in the Cleveland Plain Dealer accurately describes the potential benefits of having a 9-1-1 system in situations like this. Mr. President, I ask unanimous consent that that article be inserted in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Cleveland Plain Dealer, Aug. 13, 1986]

WHERE 911 COULD HAVE HELPED

A 6-year old girl calls the operator to report that her mother is on the floor, unconscious. Frightened and confused, she is unable to provide an address or telephone number. After a frantic half-hour, telephone workers trace the call at about the same time the girl remembers where she lives. A rescue unit is sent. The mother is saved.

That incident, reported in yesterday's Plain Dealer, points out precisely why Cleveland and Cuyahoga County need a state-of-the-art 911 emergency telephone system. The story had a happy ending because the loss of 30 minutes was not fatal.

Had the woman suffered a heart attack or serious injury, however, 30 minutes easily could have made the difference between life and death.

Sometime next year, all of Cuyahoga County will be linked to a 911 telephone system. Each community will have selective routing, meaning that a call made to 911 in Euclid will be answered by a dispatcher in Euclid; calls made in Cleveland will be answered by a dispatcher in Cleveland. Those communities that want it also can lease equipment that automatically displays the telephone number and address of the calling party.

If the latter system existed in Cleveland—and if the girl had been educated to dial 911 in an emergency—the dispatcher immediately would have known the caller's location and could have sent help within minutes. That option is more expensive, but if Cuyahoga County residents are to receive full benefit from 911, the option needs to be considered.

Mr. GLENN. Mr. President, "9-1-1 Emergency Number Day" is not just another piece of commemorative legislation. By making communities aware of the value of 9-1-1 systems, Congress would be promoting a program which has consistently demonstrated its value in saving lives.

This resolution is supported by the National Emergency Number Association, a nonprofit group of police and fire officials, and other public safety professionals. I ask unanimous consent that a list of organizations with interests in the 9-1-1 system be printed in the RECORD at the end of my statement.

Mr. President, 9-1-1 systems have clearly proven their value across the Nation. I urge my colleagues to vote in favor of this measure as a way to recognize that value and help promote safety programs in their States.

There being no objection, the list was my ordered to be printed in the RECORD, as follows:

American Medical Association.
National Safety Council.
American Automobile Association.
American Society of Safety Engineers.
Associated Public Safety Communications Officers, Inc.
National Association of the Deaf.
National Fire Protection Association.
National Health Council.
American Association for Retired Persons.
Friends Committee on National Legislation.
National Alliance of Senior Citizens.
National Municipal League.
Communications Workers of America.
National Search and Rescue Coordinators.
National Association of Counties.
National League of Cities.
National Registry of Emergency Medical Technicians.
American Nurses Association.
National Education Association.
International Association of Fire Fighters.
U.S. Independent Telephone Association.
National Science Foundation.
American Association for the Advancement of Science.
American Academy of Pediatrics.
American Heart Association.
American Public Health Association.
American Red Cross.
National Police Chief and Sheriffs Information Bureau.
National Coordinators Council on Emergency Management.
International City Management Association.●

By Mr. TRIBLE (for himself and Mr. HELMS):

S.J. Res. 406. Joint resolution to designate October 4, 1986, as "National Outreach to the Rural Disabled Day"; to the Committee on the Judiciary.

NATIONAL OUTREACH TO THE RURAL DISABLED DAY

● Mr. TRIBLE. Mr. President, today I am introducing with the Senator from North Carolina, Mr. HELMS, a joint resolution which designates October 4, 1986, as "National Outreach to the Rural Disabled Day." Passage of this resolution will focus our communities' attention on the unmet needs of the rural handicapped population, underscore their potential, and encourage creative outreach programs by rural communities to their disabled members.

The "National Outreach Day" would occur in conjunction with "National Employ the Handicapped Week," which has been observed every first week of October since 1945. The "National Outreach Day" would also coincide with the beginning of a new Future Farmers of America Program, the "building rural initiatives for the disabled in a group effort" [BRIDGE] scholarship foundation, which will be funded totally through private contributions. The BRIDGE foundation will award an annual scholarship to an outstanding rural disabled FFA member, and will also give national recognition to the FFA chapter having the most outstanding rural handicapped program.

Mr. President, insufficient attention has been given to the unique problems faced by our country's 8.5 million rural disabled persons, although a 1980 study by the Department of Health and Human Services showed that disability is proportionately more prevalent in rural areas. Not only are there more disabled persons in rural areas, but studies show that they are relatively more disadvantaged than their urban counterparts.

A variety of innovative approaches to meet the needs of rural disabled individuals have been tried in the past several decades. These projects have primarily been funded by the Federal Government and implemented at State and local levels.

However, bridging the needs gap of the rural handicapped can only truly be achieved by rural communities themselves getting involved and working together to reach out and help disabled community members.

For instance, in Minnesota a private foundation contracted with local businesses to provide unskilled and semiskilled jobs. The effort included job training and evaluation in the workshop, supportive social work, and community education. Jobs were found with rural businesses and 25 percent of the project's caseload was placed in a competitive work employment over the 3 years of the project.

In Pulaski County, AR, severely handicapped rural individuals were provided with transportation to a workshop or had materials brought to them so that they could be trained. After training, materials were delivered to disabled individuals' homes and later finished products were collected to be sold by local stores. The project proved to be very effective at making highly motivated individuals self-supporting.

Projects such as these are important, and I applaud the new Future Farmers of America BRIDGE program as a fine example of American voluntarism meeting community needs. As my colleagues know, there are FFA chapters in virtually every rural community. The BRIDGE effort will mobilize the boundless energy, good will and idealism of America's farm youth to assist the rural disabled by providing transportation, home meals, recreational and educational activities and other assistance.

I am pleased that the BRIDGE effort is supported by the U.S. Department of Agriculture, and former Secretary of Agriculture John Block has already agreed to serve as honorary member of the BRIDGE scholarship selection committee. Also serving on the BRIDGE committee are USDA Deputy Secretary Peter Meyers, "KIKA" DE LA GARZA, my colleague from Texas and chairman of the House Agriculture Committee, and my good friend from North Carolina, JESSE HELMS, the chairman of the Senate Agriculture Committee.

I urge my colleagues to join me as cosponsors of the "National Outreach to the Rural Disabled Day" and to assist in achieving its prompt passage.

Mr. President, I ask unanimous consent that a copy of my joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 406

Whereas there are approximately 8.5 million disabled persons in rural America;

Whereas, in 1984, farm residents suffered approximately 290,000 disabling injuries and approximately 560,000 agricultural workers were hindered in their farming operations because of permanent disabilities;

Whereas disability is proportionately more prevalent in rural areas than in urban areas and the rural disabled are more disadvantaged than their urban counterparts;

Whereas little attention has been given to the unique problems faced by the rural disabled in the United States; and

Whereas there is a need to focus attention on the unmet needs of the rural disabled, to underscore their potential, and to encourage

outreach programs by rural communities to their disabled members: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 4, 1986 is hereby designated "National Outreach to the Rural Disabled Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe this day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 1251

At the request of Mr. DOMENICI, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1251, a bill entitled "The Natural Gas Utilization Act of 1985."

S. 1296

At the request of Mr. MATHIAS, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of S. 1296, a bill to amend the Immigration and Nationality Act to modify the requirement for naturalization of an understanding of the English language.

S. 1804

At the request of Mr. HATCH, the name of the Senator from Nebraska [Mr. ZORINSKY] was added as a cosponsor of S. 1804, a bill to provide for Federal incentive grants to encourage State health care professional liability reform.

S. 1917

At the request of Mr. BRADLEY, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 1917, a bill to amend the Foreign Assistance Act of 1961 to provide assistance to promote immunization and oral rehydration, and for other purposes.

S. 2225

At the request of Mr. HEFLIN, the name of the Senator from Alabama [Mr. DENTON] was added as a cosponsor of S. 2225, a bill to prohibit the Federal Energy Regulatory Commission from issuing a permit or license for certain facilities to be located at Lake Tuscaloosa, AL.

S. 2277

At the request of Mr. QUAYLE, the names of the Senator from Florida [Mr. CHILES], and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of S. 2277, a bill to amend the Fair Labor Standards Act of 1938 to exclude from sections 6, 7, and 12 of that act individuals of league baseball teams who serve as bat boys and bat girls.

S. 2451

At the request of Mr. MELCHER, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 2451, a bill to provide for entry into the United States of sugar only from friendly developing countries, to provide for entry of sugar from the Philippines on at least as favorable terms as sugar from any other country, and for other purposes.

S. 2499

At the request of Mr. RIEGLE, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 2499, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the benefit payable with respect to the death of a public safety officer, and for other purposes.

S. 2575

At the request of Mr. LEAHY, the names of the Senator from North Dakota [Mr. ANDREWS], and the Senator from Vermont [Mr. STAFFORD] were added as cosponsors of S. 2575, a bill to amend title 18, United States Code, with respect to the interception of certain communications, other forms of surveillance, and for other purposes

S. 2577

At the request of Mr. LAUTENBERG, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 2577, a bill to insure that amounts paid for home improvements to mitigate indoor air contaminants such as radon gas qualify for the tax deduction for medical care expenses.

S. 2588

At the request of Mr. DOMENICI, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Illinois [Mr. DIXON], and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 2588, a bill to provide permanent authorization for White House Conferences on Small Business.

S. 2605

At the request of Mr. SYMMS, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 2605, a bill to amend the Foreign Assistance Act of 1961 to facilitate the use of economic support fund assistance for commodity import programs.

S. 2637

At the request of Mr. LONG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2637, a bill relating to the application of the drawback provisions of section 313 of the Tariff Act of 1930 to certain imports of cane sugar.

S. 2678

At the request of Mr. BENTSEN, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 2678, a bill to provide a comprehensive national oil security policy.

S. 2725

At the request of Mr. CRANSTON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 2725, a bill to increase the amount of capital available to financial institutions and other agricultural lenders for loans to farmers by providing a secondary market for farm mortgages through the establishment of a federally chartered corporation, and for other purposes.

SENATE JOINT RESOLUTION 112

At the request of Mr. PELL, the names of the Senator from Vermont [Mr. LEAHY], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 112, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE JOINT RESOLUTION 313

At the request of Mr. HOLLINGS, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Joint Resolution 313, a joint resolution proposing an amendment to the Constitution of the United States with respect to limiting expenditures in congressional elections.

SENATE JOINT RESOLUTION 322

At the request of Mr. LAUTENBERG, the name of the Senator from North Carolina [Mr. BROYHILL] was added as a cosponsor of Senate Joint Resolution 322, a joint resolution to designate December 7, 1986, as "National Pearl Harbor Remembrance Day" on the occasion of the anniversary of the attack on Pearl Harbor.

SENATE JOINT RESOLUTION 352

At the request of Mr. METZENBAUM, the name of the Senator from Georgia [Mr. MATTINGLY] was added as a cosponsor of Senate Joint Resolution 352, a joint resolution to designate the week beginning September 7, 1986, as "Gaucher's Disease Awareness Week."

SENATE JOINT RESOLUTION 385

At the request of Mr. RIEGLE, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Kansas [Mr. DOLE], the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Nebraska [Mr. ZORINSKY], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of Senate Joint Resolution 385, a joint resolution to designate October 23, 1986, as "National Hungarian Freedom Fighters Day."

SENATE JOINT RESOLUTION 390

At the request of Mr. CRANSTON, the names of the Senator from South Dakota [Mr. ABDNOR], the Senator from Montana [Mr. BAUCUS], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from Oklahoma [Mr. NICKLES], the Senator from Arizona [Mr. DECONCINI], the Senator from Kansas [Mr. DOLE], the Senator from New York [Mr. MOYNIHAN], the Senator from Rhode Island [Mr. PELL], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate

Joint Resolution 390, a joint resolution to authorize and request the President to proclaim the week of November 23, 1986, to November 30, 1986, as "American Indian Week."

SENATE JOINT RESOLUTION 395

At the request of Mr. HATCH, the name of the Senator from Maryland [Mr. MATHIAS] was added as a cosponsor of Senate Joint Resolution 395, a joint resolution to designate the period October 1, 1986, through September 30, 1987, as "National Institutes of Health Centennial Year."

SENATE CONCURRENT RESOLUTION 130

At the request of Mr. HOLLINGS, the names of the Senator from Hawaii [Mr. INOUYE], the Senator from Missouri [Mr. EAGLETON], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Concurrent Resolution 130, a concurrent resolution to recognize the visit by the descendants of the original settlers of Purrysburg, SC, to Neufchatel, Switzerland, in October 1986 as an international gesture of good will.

SENATE CONCURRENT RESOLUTION 156

At the request of Mr. CRANSTON, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Concurrent Resolution 156, a concurrent resolution expressing the sense of Congress concerning the need for international cooperation efforts to identify the individuals exposed to radiation as a result of the nuclear accident at Chernobyl in the Soviet Union and to monitor the health status of those individuals so as to increase, for their benefit and the benefit of the citizens of the United States and of all the world's peoples, the level of understanding of the effects of exposure to radiation.

SENATE CONCURRENT RESOLUTION 160

At the request of Mr. SIMON, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. LEVIN], the Senator from Arkansas [Mr. PRYOR], the Senator from Iowa [Mr. GRASSLEY], the Senator from Vermont [Mr. LEAHY], the Senator from Alabama [Mr. HEFLIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Mississippi [Mr. STENNIS], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Concurrent Resolution 160, a concurrent resolution expressing the sense of the Congress that the jamming of radio broadcasting is contrary to the best interests of the people of the world and should be terminated.

SENATE RESOLUTION 454

At the request of Mr. RIEGLE, the names of the Senator from Virginia [Mr. TRIBLE], the Senator from Montana [Mr. MELCHER], the Senator from New Jersey [Mr. BRADLEY], the Senator from Utah [Mr. HATCH], the Senator from Nebraska [Mr. EXON], the Senator from Tennessee [Mr. SASSER], the Senator from Indiana [Mr. QUAYLE], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Resolution 454, a resolution urging the full restoration in Eastern Europe of the Byzantine Rite Catholic Church and of freedom of religion for the people of all Captive Nations, and for other purposes.

SENATE CONCURRENT RESOLUTION 161—CORRECTING THE ENROLLMENT OF H.R. 4329

Mr. LUGAR submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 161

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 4329) to authorize United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland, as well as other assistance, the Clerk of the House of Representatives shall insert the following at the end of subsection (a) of section 3: "Pending the formal establishment of the International Fund and submission of the certification required by section 5(c) of this act, these funds may, pursuant to an agreement with the Government of the United Kingdom and the Government of Ireland, be disbursed into and maintained in a separate account.".

SENATE RESOLUTION 482—AUTHORIZING THE PRINTING OF A REPORT AS A SENATE DOCUMENT

Mr. STAFFORD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 482

Resolved, That the annual report of the Secretary of Transportation to the Congress of the United States in compliance with section 144(i) of title 23, United States Code entitled, "Highway Bridge Replacement and Rehabilitation Program, Seventh Annual Report to Congress" be printed as a Senate document.

SEC. 2. There shall be printed three hundred additional copies of the use of the Committee on Environment and Public Works.

SENATE RESOLUTION 483—RELATING TO THE SAFEWAY TAKEOVER

Mr. KENNEDY submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 483

Whereas the pending $4.1 billion leveraged buy-out of Safeway Stores, Inc. by Kohlberg Kravis Roberts & Company (KKR) raises substantial question as to the benefit of such transactions to the U.S. economy; and

Whereas such mergers tie up massive amounts of capital but may not provide any benefit to the American economy, because they do not create jobs, lead to store renovation or new store construction, improve productivity through the introduction of technology, or enhance selection for consumers; and

Whereas the company which unsuccessfully threatened a hostile takeover of Safeway gained a profit of at least $100 million because of its actions; and

Whereas takeovers such as the Safeway-KKR transactions jeopardize the creation of jobs, and represent a danger to the workers and consumers who will suffer from the action; and

Whereas the interests and concerns of the workers employed by Safeway nationwide have thus far been ignored, placing their jobs and standard of living in jeopardy; and

Whereas repayment of the massive debt may result in the break-up of Safeway as it presently is structured; and

Whereas the restructuring may mean the sale or closing of stores in dozens of communities across the nation, causing serious job losses among Safeway employees and disruption to communities; and

Whereas in areas where stores are not closed or sold, Safeway may feel constrained to ask wage and benefit concessions from its workers in order to meet debt payments, reducing purchasing power in local communities and adversely affecting other businesses; and

Whereas massive job loss affects not only those laid off, but also families and the community at large; and

Whereas the loss of jobs erodes the local tax base, strains community services, swells unemployment assistance programs, and has a ripple effect on other local businesses; and

Whereas Safeway workers, consumers and local communities—all of whom are important to the company's viability and profitability—will be the ones who pay for the profits reaped by the few, with consumers facing higher prices, reduced selection on supermarket shelves, and the loss of the neighborhood stores;

Whereas if the stores are sold, workers will be forced to pay with their jobs, their pensions, and their standard of living: Now, therefore, be it

Resolved by the Senate of the United States of America here assembled, That the Senate urges KKR and Safeway Stores, Inc. to treat Safeway employees and their communities fairly by taking every reasonable action to preserve the jobs, benefits, and standard of living of tens of thousands of Safeway employees across the U.S.; and

That Safeway and KKR immediately meet all legal and moral obligations to bargain in good faith with the appropriate workers' representatives, particularly the United Food and Commercial Workers Union (UFCW), to minimize the adverse impact of the buy-out on Safeway workers; and

That all terms and conditions of the buy-out that affect Safeway workers be addressed through existing collective bargaining agreements between Safeway and appropriate workers' representatives; and

That in the event Safeway stores are sold, Safeway is urged to demand that the new owners give employment preference to former employees; and

That all appropriate federal agencies give prompt assistance to any displaced workers, including unemployment assistance, job retraining and placement, counseling, and all other services available under law; and

That the Joint Economic Committee study the implication of leveraged buy-outs and assess whether restrictions are needed to protect the integrity of the American free enterprise system as well as the rights of workers involved.

Mr. KENNEDY. Mr. President, in the last few years, hundreds of billions of dollars in assets and debt have traded hands in a wave of mergers and acquisitions. It will be years before the full impact of these transactions are understood, but some of their effects are well known already. Often, the target of a takeover is acquired with massive debt. To meet its debt payments, the acquiring entity must sell assets and close operations, usually throwing scores of workers out of work in the process. Even before the sudden drop in oil prices devastated it, the petroleum industry was reeling under the burden of billions of dollars of debt. Thousands of oil workers lost their jobs because their now debt-heavy companies had to terminate them in order to make good on the new debt. Whole communities have been devastated by the wave of merger debt and its ripple effects.

This summer, the Safeway chain of grocery stores was acquired for $4.1 billion. The debt burden of this acquisition will certainly require a major restructuring of the company. Assets may have to be sold, stores may be closed, and the jobs of thousands of workers are in jeopardy.

Yesterday, Congressman CLAY introduced a House resolution expressing the sense of the House that the Safeway takeover raises these risks, and calling on the new owners to negotiate with the representatives of the workers. Today, I am submitting a similar resolution that will call on the Senate to express the same concerns. For too long, the Congress has borne silent witness to the restructuring of whole sectors of our economy undertaken in many cases with regard only for the fees and transaction profits that these deals produce. The resolution I am introducing today also calls on the Joint Economic Committee to study and report on the effect of these mergers on the economy and on workers. I urge my colleagues to support this resolution.

SENATE RESOLUTION 484—RELATING TO INTERNATIONAL ECONOMIC POLICY

Mr. DOMENICI (for himself, Mr. DANFORTH, and Mr. HEINZ) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 484

Whereas the United States has led the world in economic growth and in the growth of its own domestic demand;

Whereas the dramatic and sustained growth in the United States is the modern day equivalent of the post-war "Marshall Plan";

Whereas the United States, as a result, has accumulated a huge domestic and international debt;

Whereas the United States has reduced the limit of its economic ability to exercise this role alone;

Whereas budget and exchange policies now in place in the United States will reduce this indebtedness dramatically over the next year;

Whereas this transition must take place in an environment of economic prosperity;

Whereas all industrial countries must reverse their increasingly mercantilist policies and share responsibility for world growth;

Whereas there is a ready and growing prospect of protectionist legislation in the United States and a damaging trade war worldwide; and

Whereas there is a clear and present danger that these protectionist policies will lead to a worldwide economic crisis, with serious consequences for the third world: Now, therefore, be it

Resolved, That the other leading industrial nations should take all actions necessary to increase the buying power of their people, including substantial reductions in interest rates, additional budgetary stimulus, acceleration in already planned tax relief, and changes in Government policies or institutional arrangements to promote internal consumption, investment, and domestic growth, and that all countries should work together for more fair and open trade.

Mr. DOMENICI. Mr. President, last week, the U.S. House of Representatives voted by a narrow eight-vote margin to sustain the President's veto of the Textile and Apparel Trade Enforcement Act of 1985. Many, indeed President Reagan himself, have interpreted this vote as a major victory for free trade.

Well, today let me say to my colleagues that this particular vote may be behind us, but the issue of "protectionism" surely is not. To the contrary, this bill is the first flash of lightning in the gathering storm of protectionism.

Mr. President, protectionism is on the horizon in this country today. I say this loud and clear not only so that our own administration will hear, but so that the other governments of the world will hear and will understand. Unless there is a dramatic reversal in economic policy, both here and abroad, protectionism may well become a political and economic reality in the United States for years to come.

I do not say this lightly. I have taken very strong stands on trade issues particularly as they touch my own State of New Mexico. Predatory trade policies have ground domestic production almost to a halt in industries like copper, uranium, and potash, which are important to the State of New Mexico. Even though I have fought long and hard to force other countries to compete with our own industries on a fair and equal basis, I neither condone nor welcome the more general mood of protectionism that is growing in this body and in the Nation as a whole.

Mr. President, we have in place in the world today a very dangerous economic policy environment which encourages mercantilist aggression in place of domestic economic progress. For the past 4 years, the United States has led the world both in economic growth and in the growth of its own domestic demand.

This has proven to be the economic policy equivalent of a modern day "Marshall plan." Whether intentional or not, the economic policy stimulus in the United States has helped to sustain growth in the rest of the world during an otherwise extraordinary deflationary time.

Over the past 5 years, exports have accounted for over one-third of the economic growth of our trading partners. Today, exports represent over one-third of the gross national product in Germany, nearly 30 percent of GNP in other EEC countries, and about 19 percent of GNP in Japan.

The lion's share of this export growth represents exports to the United States. In Germany alone, exports to the United States more than doubled from 1980 to 1985. This translates into a $40 billion improvement in Germany's current account or about 2½ percent of German GNP. In Japan, the surplus with the United States has since grown to over $60 billion—or almost 3 percent of Japanese GNP.

This trend toward greater and greater dependence on world surplus trade to support and sustain economic growth is not an accident of this rather unique economic cycle. The evidence of the 1960's and 1970's points to a persistent shift on the part of many industrialized countries away from domestically generated economic growth toward export based growth.

This clearly "mercantilist" approach to economic policy cannot and will not work. First and foremost, all countries cannot increase their trade surplus at the same time. But more important in today's environment, the United States has simply reached the limit of its economic ability to sustain its role as the world's export market.

Mr. President, the simple fact is that the United States has consumed great quantities of both domestic and foreign goods. Much of the economic benefit of this spending flows to other countries in the form of income but the debt associated with these purchases stays here in the United States. As a result, the debt levels in our own economy, both domestic and international debt, have increased out of all proportion to historical experience.

This is an issue on which I have spoken many times. It is because of this extraordinary runup in debt—led of course by the Federal debt—that the United States today has reached the practical limits of its ability to

carry on this role of economic caretaker alone.

The United States now has in place budget and exchange rate policies that are designed to bring this debt down. On the domestic side, the new Congressional Budget Office report shows that the deficit next year will be $161 billion if all of the policies in the budget resolution are followed. This report, however, does not take into account the prospect of a sequester which we face when we return in September. The joint OMB/CBO report to be released August 20 is likely to show a Gradison baseline deficit, for purposes of calculating the sequester, to be $164 billion. This means that we have either to face the prospect of a $20 billion sequester or we will have to add to the savings in the budget resolution already in place to avoid this sequester.

In any event, whether we fully achieve the Gramm-Rudman-Hollings target of $144 billion, or the higher deficit of $154 billion which includes the $10 billion error factor, the budget deficit next year will represent the largest nominal dollar reduction and the largest reduction in the deficit as a share of GNP in postwar history. If we reach the $144 billion goal, the budget deficit will decline by more than 2 full percentage points as a share of GNP. This is a larger and more sudden shift toward restraint than any single European country made in the early 1980's.

On the international side, the U.S. dollar has come down substantially. The dollar is down 40 to 50 percent with respect to the Japanese yen and German mark since the group of five meeting last September. This decline in the dollar is a major improvement in our terms of trade, at least with these two key countries. But, to date, this has had little impact on our trade deficit.

One reason, of course, is that these things are expected to take time. But, clearly another reason is that growth in other countries has slowed dramatically, making it difficult, if not impossible, to increase exports.

The United States is committed to reducing its trade deficit. We can try to do so entirely through the exchange rate. By this I mean we can let the exchange rate fall to whatever point is necessary such that exports actually increase. Alternatively, we can protect our production and our jobs with explicit trade and tariff legislation.

The overwhelming burden of either an exchange rate war or a trade war would fall on the developing countries, especially those that are already deeply in debt. These countries must repay $350 billion in external debt, much of it owed to the United States. This debt can be repaid only with increased exports to the rest of the world.

Secretary Baker's initiative last October is right on target and deserves to be more broadly applied. But the success of the distinguished Secretary's plan hangs on the overall world economic policy environment in which it is implemented. Up to now, all of the developing countries have reduced their trade debt solely by shrinking imports. This cannot go on indefinitely.

Secretary Baker and Chairman Volcker have worked with extraordinary dedication to make other countries understand that we need to find new sources of economic vitality outside of the United States. Indeed, our good Chairman is now negotiating a coordinated decline in interest rates with the Germans.

If the countries of the world began with a level playing field, then Secretary Baker's and the good Chairman's efforts would not be quite so urgent. But we don't. Developing countries are at a tremendous disadvantage in capital, education, and basic industrial organization. If the world depends solely upon the "survival of the fittest" ethics of mercantilism, the developing countries will slip farther and farther behind.

Chairman Volcker is moving in the right direction and I support him. But it is not nearly enough. We need interest rates to come down in the world as a whole and we need them to come down a lot. After all, the benefits of Gramm-Rudman-Hollings are already in interest rates. We will need substantially lower interest rates when we get the bite in October.

It is clear, to at least this one Senator, that lower interest rates are not the whole answer. The most effective policy would be for other countries to provide some stimulus on the fiscal side and for all countries to work together to reduce restraints to trade. Indeed, most major industrial countries could provide substantial additional stimulus through their budget today and still have a much better overall fiscal balance than they did at the beginning of the 1980's.

It is because of the unspeakable consequences of inaction that I introduce today a resolution calling for the other industrial countries of the world to take the reins of economic progress and for all countries to work together for more fair and open trade. This resolution calls for other countries to adopt the policies necessary to expand consumption and the buying power of their own people. It this realignment in economic policies is not forthcoming, I fear that even this enormously popular president cannot hold back the tide of protectionism.

Any strategy has risks. But, these are risk prone times. The alternative to dramatic realignment of economic policies is, to my mind, clearly protectism and, ultimately, economic crisis.

Make no mistake about it. Protectionism is on the horizon in the United States, Mr. President. It is up to our own Federal Reserve and to the economic and political authorities in other countries to determine whether it becomes a reality.

SENATE RESOLUTION 485—RELATING TO THE SALE OF CONRAIL

Mr. HEINZ (and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 485

Whereas the United States has invested more than $7,000,000,000 since April 1, 1976, to preserve rail service in the Northeast and Midwest;

Whereas Conrail has required no Federal subsidy during the last five years, and has been determined by the United States Railway Association to be a "profitable carrier" as that term is defined in the Northeast Rail Service Act of 1981; and it is in the interest of the American taxpayer to return Conrail to private ownership;

Whereas the Secretary of Transportation, in keeping with the Northeast Rail Service Act of 1981, has demonstrated extraordinary leadership, and commitment to returning Conrail to private ownership;

Whereas the Fiscal Year 1987 Budget Resolution enacted by the Congress assumes $1,900,000,000 in receipts to the Federal government resulting from such sale; which would be a significant contribution to reducing the mounting federal deficit;

Whereas the failure to approve legislation to sell Conrail this year will force the Congress to produce savings commensurate with this $1,900,000,000;

Whereas, a public sale would leave Conrail in a strong financial position by giving it access to the deep pockets of the capital markets, promote long-term freight rail service and competition in the regions served by Conrail, and maximize the return to the United States and its citizens on their investment in Conrail; Now, therefore be it

Resolved, That it is the sense of the Senate that legislation should be enacted to authorize and require the Secretary of Transportation to work with Congress to undertake a public offering of Conrail stock, and that this offering be required to realize an amount at least equal to that assumed under the Budget Resolution.

Mr. HEINZ. Mr. President, today I am introducing a resolution expressing the sense of the Senate that we should enact legislation before adjournment to return Conrail to the private sector through a public stock offering.

It is essential that the Congress complete action on legislation to sell Conrail by the end of the session. First and foremost, the fiscal 1987 budget resolution assumes $1.9 billion in revenues resulting from the sale of Conrail. I don't need to remind my colleagues how important these revenues will be, particularly given the upcoming CBO/OMB snapshot, which is anticipated to project a deficit in fiscal year 1987 far in excess of the $144 bil-

lion upon which the budget resolution was based.

The question of how the railroad will be sold has been the center of debate. It has become clear in recent months that the Secretary of Transportation's original proposal to sell Conrail to the Norfolk-Southern Corp. will not be enacted into law. The leadership of the House Energy and Commerce Committee has made no secret of its opposition to this legislation. Furthermore, significant questions remain regarding the impact such a sale would have on competition in the railroad industry and regarding the financial return such a sale would produce for the American taxpayers.

I have long held the view that a sale of Conrail to Norfolk-Southern is not in the public interest for these and other reasons. What is in the public interest is a sale of Conrail this year through a public offering of stock. This is the only viable sale option remaining, and it the best option to ensure competition and a fair return to the American taxpayers on their $7 billion investment in Conrail.

I urge my colleagues to join me in cosponsoring this resolution, and to work for its adoption. It sends a clear signal to the American people that the U.S. Senate is serious about deficit reduction, and is serious about the need to get the Federal Government out of the railroad business.

AMENDMENTS SUBMITTED

COMPREHENSIVE ANTI-APARTHEID ACT

BIDEN AMENDMENT NO. 2749

Mr. BIDEN proposed an amendment to the bill (S. 2701) to provide a comprehensive policy for the United States in opposition to the system of apartheid in South Africa, and for other purposes; as follows:

Beginning on page 82, strike out line 16 and all that follows through line 14 on page 84, and insert in lieu thereof the following:

SEC. 501. (a) It shall be the policy of the United States to impose additional measures against the Government of South Africa if substantial progress has not been made 12 months after the date of enactment of this Act in ending the system of apartheid and establishing a nonracial democracy.

(b) The President shall prepare and transmit to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate 12 months after the date of enactment of this Act a report on the extent to which substantial progress has been made toward ending the system of apartheid, including—

(1) whether the Government of South Africa has taken the actions listed in paragraphs (1) through (5) of section 313(a);

(2) whether the Government of South Africa has taken any action which would have the effect of undermining or nullifying any action taken by the Government of South Africa under paragraph (1); and

(3) an assessment of the progress, or lack of progress, made in reaching a negotiated settlement to the conflict in South Africa.

(c) If the President reports pursuant to subsection (b) that the Government of South Africa—

(1) has not taken the action described in paragraph (1) of section 313(a),

(2) has not taken three of the four actions listed in paragraph (2) through (5) of section 313(a), or

(3) has taken any action which would have the effect of undermining or nullifying any action taken by the Government of South Africa under paragraphs (1) through (5) of section 313(a).

then the prohibitions contained in subsection (d) of this section shall take effect.

(d) Effective on the date that a report containing any of the findings described in paragraphs (1) through (3) of subsection (c) is transmitted or, in the event that no report required by subsection (b) is transmitted, on a date 12 months after the date of enactment of this Act—

(1) no iron extracted in, or steel made in, South Africa may be imported into the United States;

(2) no food or other agricultural product grown or produced in South Africa, and no diamonds mined in South Africa, may be imported into the United States;

(3) no United States depository institution, within the meaning of section 19(b)(1) of the Federal Reserve Act, may accept, receive, or hold any deposit account from or on behalf of any South African entity or national;

(4) no strategic mineral extracted in South Africa may be imported into the United States except for any strategic mineral for which the President certifies to the Congress that quantities of such mineral which are essential for economic or military uses exceed reasonably secure domestic or international supplies of such mineral and that substitutes for such mineral are not available; and

(5) no military assistance may be furnished to, or cooperation undertaken with, those countries that the report required by section 507 identifies as continuing to circumvent the international embargo on arms and military technology to South Africa.

On page 78, line 9, strike out "sections 501(c) and" and insert in lieu thereof "section".

On page 78, lines 23 and 24, strike out "or section 501(c)".

On page 88, line 15, strike out "313(b), 401(d), and 501(d)" and insert in lieu thereof "313(b) and 401(d)".

On page 89, line 22, strike out "313(b), 401(d), or 501(a)" and insert in lieu thereof "313(b) or 401(d)".

On page 90, line 24, insert "and" after "blank;".

On page 91, beginning on line 11, strike out "and" and all that follows through the period of line 22.

WALLOP (AND OTHERS) AMENDMENT NO. 2750

Mr. WALLOP (for himself, Mr. MCCLURE, Mr. HECHT, Mr. THURMOND, and Mr. SYMMS) proposed an amendment to the bill S. 2701, supra; as follows:

At the end thereof, add the following new section:

SEC. . Protection of human rights of the Soviet Union.

Notwithstanding any other provision of law, the provisions applicable to South Africa under this Act shall be equally applicable to the Soviet Union.

For purposes of this section, the President shall consider practices by the Soviet Union that deprive citizens of their human rights and of full citizenship on the basis of religion, class, race, or national origin, including, but not limited to the following:

(1) The deliberate restriction on the right to live and work in accordance with one's wishes, including the restriction on the right to form free labor unions;

(2) The denial of meaningful democratic participation in the political process by a majority of the population;

(3) The consignment of most citizens to economic, religious, or cultural deprivations;

(4) The denial to citizens of the right to travel within their country or abroad;

(5) The negation of property rights supposedly guaranteed by local laws:

(6) The effective deprivation of rights enjoyed by others in whole or in part on the religion, class, race or national origin of any individual or groups of individuals.

KENNEDY (AND OTHERS) AMENDMENT NO. 2751

Mr. KENNEDY (for himself, Mr. WEICKER, Mr. CRANSTON, Mr. BYRD, and Mr. METZENBAUM) proposed an amendment to the bill S. 2701, supra, as follows:

On page 70, line 8, insert the words "or subsidized" after the word "controlled;" and

On page 79, between lines 13 and 14, insert the following new sections:

PROHIBITION ON IMPORTATION OF SOUTH AFRICAN AGRICULTURAL PRODUCTS AND FOOD

SEC. . Notwithstanding any other provision of law, no;

(1) agricultural commodity, product, by-product of derivative, thereof,

(2) article that is suitable for human consumption, that is a product of South Africa may be imported into the customs territory of the United States after the date of enactment of this Act.

PROHIBITION ON IMPORTATION OF IRON AND STEEL

SEC. . Notwithstanding any other provision of law, no iron or steel produced in South Africa may be imported into the United States.

PROHIBITION ON EXPORTS OF CRUDE OIL AND PETROLEUM PRODUCTS

SEC. . (a) No crude oil or refined petroleum product which is subject to the jurisdiction of the United States or which is expected by a person subject to the jurisdiction of the United States may be exported to South Africa.

(b) Subsection (a) does not apply to any export pursuant to a contract entered into before the date of enactment of this Act.

On page 78, lines 8 and 9, strike out "sections 301 through 312" and insert in lieu thereof "this title".

On page 78, line 28, strike out "sections 301 through 312" and insert in lieu "this title".

KENNEDY AMENDMENT NO. 2752

Mr. KENNEDY proposed an amendment to the bill S. 2701, supra, as follows:

At the appropriate place insert:

PROHIBITION ON COOPERATION WITH THE ARMED FORCES OF SOUTH AFRICA

SEC. 319. No agency or entity of the United States may engage in any form of cooperation, direct or indirect, with the armed forces of the government of South Africa, except activities which are reasonably designed to facilitate the collection of necessary intelligence. Each such activity shall be considered a significant anticipated intelligence activity for purposes of section 501 of the National Security Act of 1947.

D'AMATO (AND OTHERS) AMENDMENT NO. 2753

Mr. D'AMATO (for himself, Mr. MOYNIHAN, Mr. KENNEDY, Mr. BRADLEY, Mr. SIMON, and Mr. MITCHELL) proposed an amendment to the bill S. 2701, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . Anti-Apartheid Amendments.—(a)(1) notwithstanding any other provision of law and subject to paragraph (2)—

(A) the eligibility of a State or a political subdivision of a State to receive funds under any Federal law; and

(B) the amount of funds which a State or a political subdivision of a State is eligible to receive under any Federal law, shall not be affected by the application of any anti-apartheid law of the State or political subdivision to a contract entered into by the State or political subdivision which is funded in whole, or in part, with funds provided by the Federal Government.

(2) The Federal Government shall not be responsible for the payment of the amount of any increase in the cost of any contract entered into by a State or political subdivision of a State if such increase is a result of the application of an anti-apartheid law of that State or political subdivision,

(b) for purposes of this section:

(1) the term "anti-apartheid law" means a law which requires a State or a political subdivision of a State to include in contracts entered into by such State or political subdivision provisions and conditions relating to the contractor's business relationships in South Africa or to limit or condition the award of contracts on the basis of such relationships or to take such relationships into consideration in the award of contracts; or a law which prohibits or restricts the purchase of goods originating in South Africa; and

(2) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

D'AMATO (AND MOYNIHAN) AMENDMENT NO. 2754

Mr. D'AMATO (for himself and Mr. MOYNIHAN) proposed an amendment to the bill S. 2701, supra, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . Notwithstanding Sec. 210 of Public Law 99-349 or any other provision of law—

(1) no reduction in the amount of funds for which a State or local government is eligible or entitled under any federal law may be made, and

(2) no other penalty may be imposed by the federal government.

by reason of the application of any state or local law concerning apartheid to any contract entered into by a State or local government for 90 days after the date of enactment of this Act.

BYRD AMENDMENT NO. 2755

Mr. BYRD proposed an amendment to the bill S. 2701, supra, as follows:

On page 52, line 10, between the period following the word "Government" and the word "This", insert the following: "It further is the purpose of this Act to set forth a framework and to provide guidance so as to encourage and facilitate the establishment of political and social stability in the nation of South Africa as a result of the establishment there of a nondiscriminatory, democratic form of government, in order to prevent dissatisfaction and anger of South African victims of discrimination and government abuse from becoming a fertile bed for the spread of communism and so that South Africa will be able to resist Soviet-Marxist expansionism."

On page 77, strike out lines 13 through 23, and insert in lieu thereof the following:

PROHIBITION ON IMPORTATION OF URANIUM, COAL, AND FLUORSPAR FROM SOUTH AFRICA

SEC. 311. (a) Notwithstanding any other provision of law no—

(1) uranium ore,

(2) uranium oxide,

(3) coal,

(4) textile, or

(5) fluorspar,

that is produced, manufactured, or extracted in South Africa may be imported into the United States.

(b) This section shall take effect 90 days after the date of enactment of this Act.

On page 96, after line 4, add the following new section:

ASSISTANT SECRETARIES OF STATE

SEC. 606. (a)(1) There is established within the Department of State a Bureau of West and Central African Affairs which shall be headed by an Assistant Secretary of State for West and Central African Affairs who shall be appointed by the President, by and with the advice and consent of the Senate and who shall be responsible for so much of the functions of the Bureau of African Affairs (being carried out on the day before the date of enactment of this Act) as relate to West and Central Africa.

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"( ) Assistant Secretary of State for West-Central African Affairs.".

(b)(1) There is established within the Department of State a Bureau of South and East African Affairs which shall be headed by an Assistant Secretary of State for South and East African Affairs who shall be appointed by the President, by and with the advice and consent of the Senate and who shall be responsible for so much of the functions of the Bureau of African Affairs (being carried out on the day before the date of enactment of this Act) as relate to South and East Africa.

(2) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

"( ) Assistant Secretary of State for South and East African Affairs.".

HUMPHREY (AND HECHT) AMENDMENT NO. 2756

Mr. HUMPHREY (for himself and Mr. HECHT) proposed an amendment to the bill S. 2701, supra, as follows:

On page 96 after line 4, insert the following new section:

(A) FINDINGS.—The Congress finds that—

(1) The Soviet Union, like the Republic of South Africa, prohibits the existence of truly representative political parties;

(2) The Soviet Union, like the Republic of South Africa, condones the indefinite detention without trail of political dissidents;

(3) The Soviet Union, like the Republic of South Africa, restricts the freedom of movement for citizens living within that nation;

(4) In the Soviet Union, as in the Republic of South Africa, numerous cases of torture and disappearance of individuals while in detention, remain unresolved;

(5) The Soviet Union, like the Republic of South Africa, punishes individuals participating in peaceful protests and demonstrations;

(6) The Soviet Union, like the Republic of South Africa, exercises the unrestrained prerogative to search the home or personal property of citizens in that nation;

(7) The Soviet Union, like the Republic of South Africa, employs policies to force the relocation of citizens;

(8) The Soviet Union, like the Republic of South Africa, employs policies that discriminate against individuals solely on account of race or personal beliefs;

(9) On June 25, 1986, the Senate unanimously passed a concurrent resolution recognizing that Soviet policies in Afghanistan may constitute the crime of genocide, as defined in Article II of the Internatonal Convention on the Prevention and Punishment of the Crime of Genocide;

(10) The people of the United States are recognized for their concern with violations of human rights in all nations;

(B) None of the provisions in section 306 shall apply unless the same restrictions are applied relative to any civil air transport agreement between the United States and the Union of Soviet Socialist Republics.

CRANSTON (AND OTHERS) AMENDMENT NO. 2757

Mr. CRANSTON (for himself, Mr. KENNEDY, Mr. WEICKER, Mr. BRADLEY, Mr. PROXMIRE, Mr. BIDEN, Mr. KERRY, Mr. BUMPERS, Mr. LEVIN, and Mr. PELL) proposed an amendment to the bill S. 2701, supra, as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. PROHIBITION ON INVESTMENTS IN SOUTH AFRICA.

No United States person may, directly or through another person, make or hold any investment in South Africa.

SEC. 2. PROHIBITION ON IMPORTS AND EXPORTS FROM SOUTH AFRICA.

(a) IMPORTS.—Notwithstanding any other provision of law, no article which is the growth, produce, or manufacture of South Africa may be imported into the United States, except for those strategic minerals of which the President certified to the Congress that the quantities essential for military uses exceed reasonably secure domestic

supplies and for which substitutes are not available.

(b) EXPORTS.—

(1) GENERAL RULE.—No goods, technology, or other information subject to the jurisdiction of the United States may be exported to South Africa, and no goods, technology, or other information may be exported to South Africa by any person subject to the jurisdiction of the United States. The prohibition contained in this paragraph shall apply to goods, technology, or other information of any kind, which is subject to controls under the Export Administration Act of 1979, the Arms Export Control Act, the Atomic Energy Act of 1954, or any other provision of law.

(2) EXCEPTION.—The prohibition contained in paragraph (1) shall not apply to exports described in section 6(g) of the Export Administration Act of 1979.

SEC. 3. PROHIBITION ON LANDING RIGHTS OF SOUTH AFRICAN AIRCRAFT.

(a) PROHIBITION.—The Secretary of Transportation shall prohibit the takeoff and landing of any aircraft by a foreign air carrier called, directly or indirectly, by the Government of South Africa or by South African nationals.

(b) EXCEPTIONS FOR EMERGENCIES.—The Secretary of Transportation may provide for such exceptions from the prohibition set forth in subsection (a) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers are threatened.

(c) DEFINITIONS.—For purposes of this section, the terms "aircraft" and "foreign air carrier" have the meanings given those terms in section 101 of the Federal Aviation Act of 1958.

SEC. 4. PROHIBITION ON IMPORTATION OF KRUGERRANDS.

No person may import into the United States any South African krugerrand or any other gold coin minted in South Africa or offered for sale by the Government of South Africa.

SEC. 5. ENFORCEMENT; PENALTIES.

(a) AUTHORITIES OF THE PRESIDENT.—The President shall take the necessary steps to ensure compliance with the provisions of this Act and any regulations, licenses, and orders issued to carry out this Act, including establishing mechanisms to monitor compliance with such provisions, regulations, licenses and orders. In ensuring such compliance, the President may conduct investigations, hold hearings, administer oaths, examine witnesses, receive evidence, take depositions, and require by subpoena the attendance and testimony of witnesses and production of all books, papers, and documents relating to any matter under investigation.

(b) VIOLATIONS.—Any person that knowingly violates the provisions of this Act or any regulation, license, or order issued to carry out this Act shall—

(1) if other than an individual, be fined not more than $500,000; and

(2) if an individual, be fined not more than $250,000, or imprisoned not more than 5 years, or both.

(c) ADDITIONAL PENALTIES FOR CERTAIN INDIVIDUALS.—

(1) IN GENERAL.— Whenever a person commits a violation under subsection (b)—

(A) any officer, director, or employee of such person, or any natural person in control of such person who willfully ordered, authorized, acquiesced in, or carried out the act or practice constituting the violation, and

(B) any agent of such person who willful carried out such act or practice.

shall, upon conviction, be fined not more than $250,000, or imprisoned not more than five years, or both.

(2) RESTRICTION OF PAYMENT OF FINES.—A fine imposed under paragraph (1) on an individual for an act or practice constituting a violation may not be paid, directly or indirectly, by the person committing the violation itself.

(d) SEIZURE AND FORFEITURE OF AIRCRAFT.—Any aircraft used in connection with a violation of section 3 of any regulation, license, or order issued to carry out that section shall be subject to seizure by the forfeiture to the United States. All provisions of law relating to the seizure, forfeiture, and condemnation of articles for violations of the customs laws, the disposition of such articles or the proceeds from the sale thereof, and the remission of mitigation of such forfeitures shall apply to the seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subsection, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act; except that all powers, rights, and duties conferred or imposed by the customs laws upon any officer or employee of the Department of the Treasury shall, for purposes of this subsection, be exercised or performed by the Secretary of Transportation or by such persons as the Secretary may designate.

SEC. 6. REGULATORY AUTHORITY.

The President may issue such regulations, licenses, and orders as are necessary to carry out this Act.

SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) UNITED STATES.—The term "United States" includes the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(2) UNITED STATES PERSON.—The term "United States person" means any United States resident or national and any partnership, corporation, or other entity organized under the laws of the United States or of any of the several States of the District of Columbia, or of any commonwealth, territory, or possession of the United States.

(3) INVESTMENT IN SOUTH AFRICA.—The term "investment in South Africa" means—

(A) a commitment of funds or other assets (in order to earn a financial return) to a business enterprise located in South Africa or owned or controlled by South Africa nationals, including—

(i) a loan or other extension of credit made to such a business enterprise, or security given for the debts of such a business enterprise;

(ii) the beneficial ownership or control of a share or interest in such a business enterprise, or of a bond or other debt instrument issued by such a business enterprise; or

(iii) capital contributions in money or other assets to such a business enterprise; or

(B) the control of a business enterprise located in South Africa or owned or controlled by South African nationals, in cases in which subparagraph (A) does not apply.

(4) SOUTH AFRICA.—The term "South Africa" includes—

(A) the Republic of South Africa;

(B) any territory under the administration, legal or illegal, of South Africa; and

(C) the "bantustans" or "homelands", to which South African blacks are assigned on the basis of ethnic origin, including the Transkei, Bophuthatswana, Ciskei, and Venda.

(5) BUSINESS ENTERPRISE.—The term "business enterprise" means any organization, association, branch, or venture which exists for profitmaking purposes or to otherwise secure economic advantage, and any corporation, partnership, or other organization which is owned or controlled by the Government of South Africa, as such ownership or control is determined under regulations which the President shall issue.

(6) BRANCH.—The term "branch" means the operations or activities conducted by a person in a different location in its own name rather than through a separate incorporated entity.

(7) SOUTH AFRICAN NATIONAL.—The term "South African national" means—

(A) a citizen of South Africa; and

(B) any partnership, corporation, or other entity organized under the laws of South Africa.

(8) CONTROL BY SOUTH AFRICAN NATIONALS.—For purposes of paragraph (3)(A), South African nationals shall be presumed to control a business enterprise if—

(A) South African nationals beneficially own or control (whether directly or indirectly) more than 50 percent of the outstanding voting securities of the business enterprise;

(B) South African nationals beneficially own or control (whether directly or indirectly) 25 percent or more of the voting securities of the business enterprise, if no other person owns or controls (whether directly or indirectly) an equal or larger percentage;

(C) the business enterprise is operated by South African nationals pursuant to the provisions of an exclusive management contract;

(D) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of a South African national;

(E) South African nationals have the authority to appoint a majority of the members of the board of directors of the business enterprise; or

(F) South African nationals have the authority to appoint the chief operating officer of the business enterprise.

(9) CONTROL BY UNITED STATES PERSONS.—For purposes of paragraph (3)(B), a United States person shall be presumed to control a business enterprise if—

(A) the business enterprise is operated by the United States person pursuant to the provisions of an exclusive management contract;

(B) a majority of the members of the board of directors of the business enterprise are also members of the comparable governing body of the United States person;

(C) the United States person has authority to appoint a majority of the members of the board of directors of the business enterprise; or

(D) the United States person has authority to appoint the chief operating officer of the business enterprise.

SEC. 8. APPLICABILITY TO EVASIONS OF ACT.

This Act shall apply to any United States person who undertakes or causes to be undertaken any transaction or activity with the intent to evade the provisions of this Act or any regulation, license, or order issued to carry out this Act.

SEC. 9. EFFECTIVE DATE.

The provisions of this Act shall take effect 180 days after the date of the enactment of this Act.

SEC. 10. TERMINATION OF PROVISIONS OF THE ACT.

(a) DETERMINATION OF MET CONDITIONS.—If the President determines at any time that the conditions set forth in subsection (c) have been met, the President may submit a report setting forth that determination, and the basis for the determination, to the Congress.

(b) CONGRESSIONAL ACTION TERMINATING PROVISIONS OF THE ACT.—Upon the enactment of a joint resolution approving a determination of the President under subsection (a) that the conditions set forth in subsection (c) have been met, the provisions of the Act, and all regulations, licenses, and orders issued to carry out this Act; shall terminate.

(c) STATEMENT OF CONDITIONS.—The conditions referred to in subsections (a) and (b) are that the Government of South Africa—

(1) has freed Nelson Mandela;

(2) has freed all political prisoners; and

(3) has entered into good faith negotiations with truly representative leaders of the black majority for a new, nonracial political system.

BOSCHWITZ AMENDMENT NO. 2758

Mr. BOSCHWITZ proposed an amendment to the bill S. 2701, supra, as follows:

At the end of the bill add the following new section:

SEC. . (a) The President is hereby authorized to provide humanitarian assistance from the funds made available under Chapter 4 of Part II of the Foreign Assistance Act of 1961, as amended, to any black South African who becomes unemployed due to American actions taken under this Act or any Executive Order. Such humanitarian assistance shall provide at least the Minimum Effective Level for a family of 6 as determined by the University of Port Elizabeth.

(b) The President is hereby authorzied to waive or modify any provision of this Act in the event that more than 40,000 black South Africans have become unemployed as a direct or indirect result of the provisions of this Act.

KERRY AMENDMENT NO. 2759

Mr. KERRY proposed an amendment to the bill (S. 2701), supra as follows:

On page 79, between lines 13 and 14, insert the following:

PROHIBITIONS ON SUGAR IMPORTS

SEC. 313. (a)(1) Notwithstanding any other provision of law, no sugars, sirups, or molasses that are products of the Republic of South Africa may be imported into the United States after the date of enactment of this Act.

(2) The aggregate quantity of sugars, sirups, and molasses that—

(A) are products of the Philippines, and

(B) may be imported into the United States (determined without regard to this paragraph) under any limitation imposed by law on the quantity of all sugars, sirups, and molasses that may be imported into the United States during any period of time occurring after the date of enactment of this Act,

shall be increased by the aggregate quantity of sugars, sirups, and molasses that are products of the Republic of South Africa which may have been imported into the United States under such limitation during such period if this section did not apply to such period.

(b)(1) Paragraph (c)(i) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended—

(A) by striking out "13.5" in the item relating to the Philippines in the table and inserting in lieu thereof "15.8", and

(B) by striking out the item relating to the Republic of South Africa in the table.

(2) Paragraph (c) of headnote 3 of subpart A of part 10 of schedule 1 of the Tariff Schedules of the United States is amended by adding at the end thereof the following new subparagraph:

"(iii) Nothwithstanding any authority given to the United States Trade Representative under paragraphs (e) and (g) of this headnote—

"(A) the percentage allocation made to the Philippines under this paragraph may not be reduced, and

"(B) no allocation may be made to the Republic of South Africa,

in allocating any limitation imposed under any paragraph of this headnote on the quantity of sugars, sirups, and molasses described in items 155.20 and 155.30 which may be entered.".

NICKLES (AND PRESSLER) AMENDMENT NO. 2760

Mr. NICKLES (for himself and Mr. PRESSLER) proposed an amendment to the bill S. 2701, supra, as follows:

On page 69, between lines 10 and 11, insert the following new section:

PARTICIPATION OF SOUTH AFRICA IN AGRICULTURAL EXPORT CREDIT AND PROMOTION PROGRAMS

SEC. . Notwithstanding any other provision of this Act or any other provision of law, the Secretary of Agriculture may permit South Africa to participate in agricultural export credit and promotion programs conducted by the Secretary at similar levels, and under similar terms and conditions, as other countries that have traditionally purchased United States agricultural commodities and the products thereof.

DENTON (AND OTHERS) AMENDMENT NO. 2761

Mr. DENTON (for himself, Mr. SYMMS, Mr. PRESSLER, Mr. MCCLURE, and Mr. HELMS) proposed an amendment to the bill S. 2701, supra, as follows:

"On page 84 between lines 14 and 15, insert the following:

(e) Notwithstanding any other provision of this section, no measure described in paragraphs (1) through (5) of subsection (c) shall take effect against South Africa until the President—

(a) certifies to the Congress that the Soviet Union and its allies will derive no significant direct economic benefit from the imposition of such sanction;

(b) has provided to Congress a detailed written analysis of the possible effects of such sanction, including any European or other sanctions, that such U.S. action might encourage, on the economy of the United States, by State, by industry; and

(c) has provided to Congress a detailed analysis of the possible effects of such sanctions, including any European or other sanctions that U.S. action might encourage, on the strategic interests of the United States and its allies, particularly with respect to the access, at reasonable cost, to southern Africa's vital strategic minerals."

DENTON AMENDMENT NOS. 2762 AND 2763

Mr. DENTON proposed two amendments to the bill S. 2701, supra, as follows:

AMENDMENT NO. 2762

On page 87, after line 25, insert the following:

REPORT ON THE AFRICAN NATIONAL CONGRESS

SEC. 701. (a) Not later than 180 days after the date of enactment of this Act, the Attorney General shall prepare and transmit to the Congress a report on actual and alleged violations of the Foreign Agents Registration Act of 1938, and the status of any investigation pertaining thereto, by representations of governments on opposition movements in Sub-Saharon Africa, including but not limited to members or representatives of the African National Congress.

(b) For purposes of conducting any investigations necessary in order to provide a full and complete report, the Attorney General shall have full authority to utilize civil investigative demand procedures, including but not limited to the issuance of civil subpoenas.

AMENDMENT NO. 2763

On page 69, between lines 10 and 11, insert the following:

RESTRICTION ON USE OF FUNDS UNDER THE FOREIGN ASSISTANCE ACT OF 1961

SEC. 211. Notwithstanding any other provision of law, no assistance under the Foreign Assistance Act of 1961 shall be available for assistance to any country that—

(1) detains or arrests or imprisons for purposes other than immediate expulsion black South African exiles or other than the commission of activities that would be considered criminal in the United States;

(2) permits other organizations operating inside that country to arrest or detain black South African exiles, as described in paragraph (1); or

(3) refuses to permit officers or employees of the United States Government to visit any place where South African exiles are present or to visit detained, arrested, or imprisoned exiles in order to ascertain the conditions under which they are being held.

(4) The President may waive this section if he determines that it is in the national security interest of the United States and so certifies to Congress specifying the country, number of political prisoners, and the justification for this waiver.

PRESSLER AMENDMENT NO. 2764

Mr. PRESSLER proposed an amendment to the bill S. 2701, supra, as follows:

At the end of title III, add the following new section:

EFFECTIVE DATE OF CERTAIN PROVISIONS

SEC. 314. Notwithstanding any other provision of this title, no prohibition contained in section 303 shall take effect until the President prepares and transmits to the Congress, not later than 90 days after the date of enactment of this Act, a report de-

scribing the employment costs to South Africa, the United States, and the southern African region of the implementation of such prohibition.

OMNIBUS BUDGET RECONCILIATION ACT

GRASSLEY AMENDMENT NO. 2765

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill (S. 2706) to provide fo reconciliation pursuant to section 2 of the concurrent resolution on the budget for fiscal year 1987 (S. Con. Res. 120, 99th Cong.); as follows:

On page 52, line 1, insert "with respect to inpatient hospital services of a small rural hospital (described in section 1883(b)(1))," after "1886(d)(1)(B)),".

COMPREHENSIVE ANTIAPARTHEID ACT

DOLE (AND OTHERS) AMENDMENT NO. 2766

Mr. DOLE (for himself, Mr. McCONNELL, and Mr. FORD) proposed an amendment to the bill S. 2701, supra, as follows:

On page 77, strike line 17 and 18.

WILSON AMENDMENT NO. 2767

Mr. WILSON proposed an amendment to the bill S. 2701, supra, as follows:

On page 60, between lines 5 and 6, insert the following:

POLICY TOWARD THE RECRUITMENT AND TRAINING OF BLACK SOUTH AFRICANS BY UNITED STATES EMPLOYERS

SEC. 108. (a) The Congress finds that—

(1) the policy of apartheid is abhorent and morally repugnant;

(2) the United States believes strongly in the principles of democracy and individual freedoms;

(3) the United States endorses the policy of political participation of all citizens;

(4) a free open and vital economy is a primary means for achieving social equality and economic advancement for all citizens; and

(5) the United States is committed to a policy of securing and enhancing human rights and individual dignity throughout the world.

(b) It is the sense of the Congress that United States employers operating in South Africa are obliged both generally to actively oppose the policy and practices of apartheid and specifically to engage in recruitment and training of black and colored South Africans for management responsibilities.

LUGAR AMENDMENT NO. 2768

Mr. LUGAR proposed an amendment to the bill S. 2701, supra, as follows:

On page 47, in the item relating to section 303, strike out the first "of" and insert in lieu thereof "on".

On page 50, line 16, strike out "of" and insert in lieu thereof "or".

On page 60, line 9, insert "(a)" after "Sec. 201.".

Beginning on page 60, strike out line 14 and all that follows through line 17 on page 61 and insert in lieu thereof the following:

"(2)(A)(i) Of the amount authorized to be appropriated to carry out this section for the fiscal years 1987, 1988, and 1989, not less than $4,000,000 shall be used in each such fiscal year to finance education, training, and scholarships for the victims of apartheid, including teachers and other educational professionals, who are attending universities and colleges in South Africa. Amounts available to carry out this subparagraph shall be provided in accordance with the provisions of section 802(c) of the International Security and Development Cooperations Act of 1985.

"(ii) Funds made available for each such fiscal year for purposes of chapter 4 of part II of this Act may be used to finance such education, training, and scholarships in lieu of an equal amount made available under this subparagraph.

"(B)(i) In addition to amounts used for purposes of subparagraph (A), the agency primarily responsible for administering this part, in collaboration with other appropriate departments or agencies of the United States, shall use assistance provided under this section or chapter 4 of part II of this Act to finance scholarships for students pursuing secondary school education in South Africa. The selection of scholarship recipients shall be by a nationwide panel or by regional panels appointed by the United States chief of diplomatic mission to South Africa.

"(ii) Of the amounts authorized to be appropriated to carry out this section and chapter 4 of part II of this Act for the fiscal years 1987, 1988, and 1989, up to an aggregate of $1,000,000 may be used in each such fiscal year for purposes of this subparagraph.

"(C)(i) In addition to the assistance authorized in subparagraph (A), the agency primarily responsible for administering this part shall provide assistance for in-service teacher training programs in South Africa through such nongovermental organizations as TOPS or teachers' unions.

"(ii) of the amounts authorized to be appropriated to carry out this section and chapter 4 of part II of this Act, up to an aggregate of $500,000 for the fiscal year 1987 and up to an aggregate of $1,000,000 for the fiscal year 1988 may be used for purposes of this paragraph, subject to standard procedures for project review and approval.".

On page 61, between lines 17 and 18, insert the following:

(b) The Foreign Assistance Act of 1961 is amended by inserting after section 116 the following new section:

"SEC. 117. ASSISTANCE FOR DISADVANTAGED SOUTH AFRICANS.—In providing assistance under this chapter or under chapter 4 of part II of this Act for disadvantaged South Africans, priority shall be given to working with and through South African nongovernmental organizations whose leadership and staff are selected on a nonracial basis, and which have the support of the disadvantaged communities being served. The measure of this community support shall be the willingness of a substantial number of disadvantaged persons to participate in activities sponsored by these organizations. Such organizations to which such assistance may be provided include the Educational Opportunities Council, the South African Institute of Race Relations, READ, professional teachers' unions, the Outreach Program of the University of the Western Cape, the Funda Center in Soweto, SACHED, UPP Trust, TOPS, the Wilgespruit Fellowship Center (WFC), and civic and other organizations working at the community level which do not receive funds from the Government of South Africa.".

On page 62, beginning with "(f)" on line 3, strike out through "$350,000" on line 4 and insert in lieu thereof the following:

"(f)(1) Of the funds made available to carry out subsection (e)(2)(A) for each fiscal year, not less than $500,000.

On page 62, line 11, strike out "(1)" and insert in lieu thereof "(A)".

On page 62, line 13, strike out "(2)" and insert in lieu thereof "(C)".

On page 62, line 16, strike out "(3)" and insert in lieu thereof "(C)".

On page 62, line 18, strike out "(4)" and insert in lieu thereof "(D)".

On page 62, line 21, strike out "(5)" and insert in lieu thereof "(E)".

On page 62, line 24, strike out the quotation marks and the second period.

On page 62, after line 24, add the following:

"(2)(A) No grant under this subsection may exceed $100,000.

"(B) The average of all grants under this paragraph made in any fiscal year shall not exceed $70,000.".

On page 65, lines 12 through 13, strike out "to the extent permitted by law" and insert in lieu thereof "without regard to any provision of law".

On page 65, line 16, after "Conduct." insert the following new sentence: "Nothing in this section shall be construed to grant any employee of the United States the right to strike.".

On page 70, line 5, insert after "suppliers" the following: "and except for any article to be imported pursuant to a contract entered into before the August 15, 1986; provided that no shipments may be received by a national of the United States under such contract after April 1, 1987.

On page 78, line 6, strike out "30" and insert in lieu thereof "45".

On page 80, line 1, strike out "this".

On page 81, line 12, strike out "adopted" and insert in lieu thereof "enacted".

On page 81, strike out lines 14 through 20, and insert in lieu thereof the following:

LIMITATION ON IMPORTS FROM OTHER COUNTRIES

SEC. 402. The President is authorized to limit the importation into the United States of any product or service of a foreign country to the extent to which such foreign country benefits from, or otherwise takes commercial advantage of, any sanction or prohibition against any national of the United States imposed by or under this Act.

On page 86, line 25, strike out "State" and insert in lieu thereof "the Treasury".

On page 87, line 7, strike out "State" and insert in lieu thereof "the Treasury".

STATUTORY INCREASE IN PUBLIC DEBT LIMIT

GRAMM (AND OTHERS) AMENDMENT NO. 2769

Mr. GRAMM (for himself, Mr. RUDMAN, and Mr. HOLLINGS) proposed

an amendment to the bill (H.R. 5395) to increase the statutory limit on the public debt; as follows:

At the end of the bill, add the following new title:

TITLE II—BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL

SEC. 201. SHORT TITLE.

This title may be cited as the "Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1986".

SEC. 202. REVISION OF PROCEDURES.

(a) REFERENCE.—Except as otherwise specifically provided, whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) REVISION OF REPORTING RESPONSIBILITIES.—(1) Section 251(b) is amended to read as follows:

"(b) REPORTS BY THE COMPTROLLER GENERAL AND THE DIRECTOR OF OMB.—

"(1) REPORT TO THE DIRECTOR OF OMB AND THE CONGRESS BY THE COMPTROLLER GENERAL.—

"(A) REPORT TO BE BASED ON OMB-CBO REPORT.—The Comptroller General shall review and consider the report issued under subsection (a) by the Directors for the fiscal year and, with due regard for the data, assumptions, and methodologies used in reaching the conclusions set forth therein, shall issue a report to the Director of the Office of Management and Budget and the Congress on August 25 of the calendar year in which such fiscal year begins, estimating the budget base levels of total revenues and total budget outlays for such fiscal year, identifying the amount of any deficit excess for such fiscal year, stating whether such deficit excess will be greater than $10,000,000,000 (zero in the case of fiscal year 1991), specifying the estimated rate of real economic growth for such fiscal year, for each quarter of such fiscal year, and for each of the last two quarters of the preceding fiscal year, indicating whether the estimate includes two or more consecutive quarters of negative economic growth, and specifying (if the excess is greater than $10,000,000,000, or zero in the case of fiscal year 1991) the percentages by which defense and non-defense accounts must be reduced during such fiscal year in order to eliminate such deficit excess. Such report shall be based on the estimates, determinations, and specifications contained in the report submitted by the Directors under subsection (a) and shall utilize the budget base, criteria, and guidelines set forth in subsection (a)(6) and in sections 255, 256, and 257.

"(B) CONTENTS OF REPORT.—The report of the Comptroller General under this paragraph shall contain such views as the Comptroller General considers appropriate concerning the estimates, determinations, and specifications contained in the report submitted by the Directors under subsection (a). The report of the Comptroller General shall explain fully any differences between the contents of such report and the report of the Directors under subsection (a).

"(2) REPORT TO PRESIDENT AND CONGRESS BY THE DIRECTOR OF OMB.—

"(A) REPORT TO BE BASED ON GAO REPORT.—The Director of the Office of Management and Budget shall review and consider the report issued by the Comptroller General under paragraph (1) of this subsection for the fiscal year and, with due regard for the data, assumptions, and methodologies used in reaching the conclusions set forth therein, shall issue a report to the President and the Congress on September 1 of the calendar year in which such fiscal year begins, estimating the budget base levels of total revenues and total budget outlays for such fiscal year, identifying the amount of any deficit excess for such fiscal year, stating whether such deficit excess will be greater than $10,000,000,000 (zero in the case of fiscal year 1991), specifying the estimated rate of real economic growth for such fiscal year, for each quarter of such fiscal year, and for each of the last two quarters of the preceding fiscal year, indicating whether the estimate includes two or more consecutive quarters of negative economic growth, and specifying (if the excess is greater than $10,000,000,000, or zero in the case of fiscal year 1991), by account, for non-defense programs, and by account and programs, projects, and activities within each account, for defense programs, the base from which reductions are taken and the amounts and percentages by which such accounts must be reduced during such fiscal year in order to eliminate such deficit excess. Such report shall be based on the estimates, determinations, and specifications, and views of the Comptroller General under paragraph (1) and shall utilize the budget base, criteria, and guidelines set forth in subsection (a)(6) and in sections 255, 256, and 257.

"(B) CONTENTS OF REPORT.—The report of the Director of the Office of Management and Budget under this paragraph shall—

"(i) provide for the determination of reductions in the manner specified in subsection (a)(3);

"(ii) contain estimates, determinations, and specifications for all of the items contained in the report submitted by the Directors under subsection (a); and

"(iii) state whether the estimates, determinations, and specifications contained therein are consistent with the views contained in the report of the Comptroller General under paragraph (1)(B), and, if not, shall justify the reasons for any deviation.".

(2) Section 251(c) is amended—

(A) in subparagraph (A) of paragraph (2)—

(i) by striking out "President" and inserting in lieu thereof "Director of the Office of Management and Budget",

(ii) by striking out "subsection (b)" and inserting in lieu thereof "subsection (b)(1)", and

(iii) by adding at the end thereof the following new sentence: "Such report shall be based upon the same economic and technical assumptions, employ the same methodologies, and utilize the same definition of the budget base and the same criteria and guidelines as the report submitted by the Comptroller General under subsection (b)(1) (except that subdivision (II) of subsection (a)(6)(D)(i) shall not apply).";

(B) by striking out subparagraph (B) of paragraph (2) and inserting in lieu thereof the following new subparagraph:

"(B) The report of the Comptroller General under this paragraph shall revise (to the extent necessary) the views contained in the report submitted pursuant to subsection (b)(1)(B)."; and

(C) by adding at the end thereof the following new paragraph:

"(3) REPORT BY THE DIRECTOR OF OMB.—

"(A) On October 15 of the fiscal year, the Director of the Office of Management and Budget shall submit to the President and the Congress a report revising the report submitted by the Director of the Office of Management and Budget under subsection (b)(2), adjusting the estimates, determinations, and specifications contained in that report to the extent necessary in the light of the revised report submitted to the Director of the Office of Management and Budget by the Comptroller General under paragraph (2) of this subsection.

"(B) The revised report of the Director of the Office of Management and Budget under this paragraph shall provide for the determination of reductions as specified in subsection (a)(3), shall contain all of the estimates, determinations, and specifications required (in the case of the report submitted under subsection (b)(2)) pursuant to subsection (b)(2)(B)(ii), and shall justify any deviation between the revised report of the Director under this paragraph and the report of the Comptroller General under paragraph (2).

"(C) The revised report of the Director under this paragraph shall contain estimates, determinations, and specifications for all of the items contained in the initial report and shall be based on the same economic and technical assumptions, employ the same methodologies, and utilize the same definition of the budget base and the same criteria and guidelines as those used in the report submitted by the Director under subsection (b)(2) (except that subdivision (II) of subsection (a)(6)(D)(i) shall not apply), and shall provide for the determination of reductions in the manner specified in subsection (a)(3).

"(D) The revised report of the Director under this paragraph for a fiscal year shall not contain, with respect to any item, an amount of budget authority, outlays, spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974), revenues, obligation limitation, obligated balances, unobligated balances, loan guarantee commitments, or direct loan obligations, which is different than the amount of budget authority, outlays, spending authority (as so defined), revenues, obligation limitation, obligated balances, unobligated balances, loan guarantee commitments, or direct loan obligations specified for such item in the report of the Director under subsection (b)(2) for such fiscal year unless, after the Director submits the report required under such subsection (b)(2)—

"(i) legislation is enacted,

"(ii) a final regulation is promulgated, or

"(iii) a notice of a sale of assets is published in accordance with subsection (l), which requires a change in the estimate of such budget authority, outlays, spending authority (as so defined), revenues, obligation limitation, obligated balances, unobligated balances, loan guarantee commitments, or direct loan obligations for such item.".

(3)(A) Section 251(e) is amended by striking out "Directors or the Comptroller General" and inserting in lieu thereof "Directors, the Comptroller General, or the Director of the Office of Management and Budget".

(B) Section 251(f) is amended by striking out "subsections (b) and (c)(2)" and inserting in lieu thereof "subsections (b)(1) and (c)(2), and the reports of the Director of the Office of Management and Budget submitted to the Congress under subsections (b)(2) and (c)(3),".

(c) PRESIDENTIAL ORDERS.—(1) Section 252(a) is amended—

(A) by striking out "Comptroller General" the first place it appears in paragraph (1) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears in paragraphs (1) and (3) and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "September 1" in paragraph (1) and inserting in lieu thereof "September 3"; and

(D) by striking out "COMPTROLLER GENERAL'S" in the heading for paragraph (3) and inserting in lieu thereof "DIRECTOR'S".

(2) Section 252(b) is amended—

(A) by striking out "Comptroller General" each place it appears and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "section 251(c)(2)" each place it appears and inserting in lieu thereof "section 251(c)(3)"; and

(D) by striking out "October 15" in paragraph (1) and inserting in lieu thereof "October 17".

(d) TERMINATION OR MODIFICATION PROCEDURES.—(1) Section 251(d) is amended by striking out paragraph (3).

(2) The last sentence of section 251(c)(1) is amended by striking out "and authorized under subsection (d)(3)(D)(i)".

(3) Section 256(l)(2) is amended by striking out ", in accordance with section 251(d)(3),".

(e) TECHNICAL AMENDMENTS.—(1) Section 254(b)(1)(A) is amended by striking out "Comptroller General under section 251(c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251(c)(3)".

(2) Section 274(f)(5) is amended by striking out "section 251(b) or (c)(2)" and inserting in lieu thereof "section 251(b)(2) or (c)(3)".

(3) Section 274(h) is amended—

(A) by striking out "Comptroller General" the first place it appears and inserting in lieu thereof "Director of the Office of Management and Budget"; and

(B) by striking out "Comptroller General under section 251(b) or (c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251(b)(2) or (c)(3)".

(f) ECONOMIC ASSUMPTIONS; METHODOLOGY.—(1) Section 251 is amended by adding at the end thereof the following new subsections:

"(h) ECONOMIC ASSUMPTIONS.—

"(1) REQUIRED ECONOMIC ASSUMPTIONS FOR FISCAL YEAR 1987.—In preparing each report required under this section for fiscal year 1987, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall use the following economic assumptions:

"The average level of the nominal gross national product is $4,438 billion for fiscal year 1987.

"The average level of the real gross national product is $3,788.6 billion for fiscal year 1987.

"The average level of the gross national product deflator index is 117.2 for fiscal year 1987.

"The average level of the CPI-U index is 334.8 for fiscal year 1987.

"The average level of the CPI-W index is 330.0 for fiscal year 1987.

"The average level of the civilian unemployment rate is 6.8 percent for fiscal year 1987.

"The average level of the three-month Treasury bill rate is 6.2 percent for fiscal year 1987.

"The average level of the ten-year government bond rate is 7.6 percent for fiscal year 1987.

"The average level of corporate profits (economic) is $332.6 billion for fiscal year 1987.

"The average level of wage and salary disbursements is $2,184.2 billion for fiscal year 1987.

"The average level of other taxable income is $893.0 billion for fiscal year 1987.

"The average level of the capital consumption adjustment is $55.6 billion for fiscal year 1987.

"The average level of the inventory valuation adjustment is −$6.6 billion for fiscal year 1987.

"The average level of refiners' acquisition cost for oil is $12.98 per barrel for fiscal year 1987.

"(2) FISCAL YEARS 1988 THROUGH 1991.—

"(A) REPORTS BY THE DIRECTORS AND THE COMPTROLLER GENERAL.—By July 25 of the calendar year in which a fiscal year begins (beginning with fiscal year 1988), the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall each submit to the Temporary Joint Committee on Deficit Reduction established by section 274 a report proposing economic assumptions (for each of the items specified in paragraph (1)) for use by the Directors and the Comptroller General in preparing each report required by subsections (a), (b), and (c) for such fiscal year.

"(B) REPORTING OF JOINT RESOLUTION.—The Temporary Joint Committee on Deficit Reduction established under section 274 may, at any time before September 15 of the calendar year in which a fiscal year begins (beginning with fiscal year 1988), report to the Senate and the House of Representatives a joint resolution for such fiscal year which—

"(i) specifies, for one or more economic assumptions, the amount (within the range of the amounts proposed for each such economic assumption by the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General in the reports required under subparagraph (A)) for such economic assumption for such fiscal year;

"(ii) directs the Directors and the Comptroller General to use the amount specified in such joint resolution for each such economic assumption in preparing each report required under subsections (a), (b), and (c) for such fiscal year; and

"(iii) directs the President to modify the most recent order (if any) issued under section 252 for such fiscal year in a manner which implements the amount specified in such joint resolution for each such economic assumption.

"(C) PROCEDURES.—The provisions relating to the consideration of joint resolutions under section 254(a)(4) shall apply to the consideration of a joint resolution reported pursuant to subparagraph (B), except that debate in each House shall be limited to two hours.

"(D) ACTION IF ECONOMIC ASSUMPTION IS NOT SPECIFIED BY JOINT RESOLUTION.—In any case in which a joint resolution is not enacted under this paragraph specifying an amount for an economic assumption for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall use the amount for such economic assumption proposed by such Director or Comptroller General in the report required under subparagraph (A) for the fiscal year in preparing the reports required by subsections (a), (b), and (c) for such fiscal year.

"(E) DEFINITION.—For purposes of this paragraph, the term 'range of amounts' means, with respect to an economic assumption, any of the amounts for such economic assumption which is—

"(i) not less than the lesser of the amounts proposed for such economic assumption by either Director or by the Comptroller General in the reports required by subparagraph (A) for a fiscal year; or

"(ii) not more than the higher of the amounts proposed for such economic assumption used by either Director or the Comptroller General in such reports.

"(i) BUDGETARY RESOURCE-OUTLAY RATIOS.—

"(1) IN GENERAL.—

"(A) BASIC RULE.—Except as provided in paragraph (2) and in subparagraph (E), in preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall calculate budget outlays resulting from each item of budgetary resources (specified in subclauses (I) through (VII) of subparagraph (F)(i)) for an account in accordance with this subsection, for purposes of—

"(i) determining under subsection (a) budget base levels of budget outlays for such fiscal year;

"(ii) determining the amount of budget outlays for such fiscal year for defense programs to which subsections (a)(3)(E)(ii) and (d) apply; and

"(iii) determining the amount of budget outlays for such fiscal year for non-defense programs to which subsection (a)(3)(F)(iv) applies.

"(B) COMPUTATION RULES.—For purposes of subparagraph (A), in order to determine the amount of budget outlays for a fiscal year resulting from an item of budgetary resources for each account to which clause (i), (ii), or (iii) of such subparagraph applies, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall make the following determinations:

"(i) The amount of such item of budgetary resources for such account for such fiscal year shall be determined.

"(ii) The ratio described in subparagraph (C) shall be determined for such item of budgetary resources for such account.

"(iii) The amount of budget outlays resulting from such item of budgetary resources for such account for such fiscal year shall be equal to the product of the amount determined under clause (i) of this subparagraph for such item of budgetary resources multiplied by the ratio determined under clause (ii) of this subparagraph for such item of budgetary resources.

"(C) DETERMINATION OF RATIO.—For each item of budgetary resources for each account, the ratio referred to in clause (ii) of such paragraph (B) shall be equal to the quotient of—

"(i) the amount of budget outlays specified as the average of the amounts of budget outlays proposed by each of the Di-

rectors for fiscal year 1986 for such account in the first appendix of the report submitted by the Directors under subsection (a) for fiscal year 1986 (as such report was modified by the report of the Comptroller General under subsection (b) for such fiscal year and reaffirmed by H.J. Res. 672, as adopted on July 17, 1986), except as provided by subparagraph (D) of this paragraph, divided by

"(ii) the amount for such item of budgetary resources specified as the average of the amounts for such item proposed by each of the Directors for fiscal year 1986 for such account in such appendix.

"(D) ACCOUNTS WITH MORE THAN ONE ITEM OF BUDGETARY RESOURCES.—In any case in which, in the appendix described in subparagraph (C)(i), there is—

"(i) more than one item of budgetary resources for an account to which clause (i), (ii), or (iii) of subparagraph (A) applies;

"(ii) or an excluded budgetary resource for such an account,

the amount of budget outlays for each such item of budgetary resources, for purposes of subparagraph (C)(i), shall be the amount of budget outlays determined by the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, or the Comptroller General, as the case may be, that was associated with such item of budgetary resources for fiscal year 1986 in the preparation of such appendix.

"(E) EXCEPTION.—

"(i) Subparagraph (A) shall not apply to the calculation of budget outlays resulting from an item of budgetary resources for an account if the appendix described in clause (i) of subparagraph (C) does not specify the amount of budget outlays described in such subparagraph or the amount for an item of budgetary resources described in clause (ii) of such subparagraph.

"(ii) In preparing the reports under subsections (a) and (c)(1) for a fiscal year, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office shall calculate the budget outlays resulting from an item of budgetary resources described in clause (i) in the same manner as the budget outlays resulting from such item were calculated by such Director for purposes of determining the budget base level of total outlays under subsection (a)(1)(A) for fiscal year 1986.

"(F) DEFINITION.—For purposes of this subsection—

"(i) the term 'item of budgetary resources' means—

"(I) budget authority;

"(II) spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974);

"(III) offsetting collection amounts for spending authority (as so defined);

"(IV) direct loan limitations;

"(V) obligation limitations;

"(VI) unobligated balances for defense programs; and

"(VII) budget authority for programs subject to special sequestration rules; and

"(ii) the term 'excluded budgetary resource' means—

"(I) spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974) for automatic spending increases;

"(II) direct loan floors;

"(III) guaranteed loan limitations;

"(IV) guaranteed loan floors;

"(V) unobligated balances for administrative expenses; and

"(VI) budget authority for automatic spending increases.

"(2) PROPOSAL OF ALTERNATIVE RATIOS.—

"(A) IN GENERAL.—By June 20 of the calendar year in which a fiscal year begins (beginning with fiscal year 1988), the Directors may submit a joint report to the Temporary Joint Committee on Deficit Reduction established under section 274(f) which proposes, for one or more items of budgetary resources, the use, for purposes of paragraph (1), of a ratio for such fiscal year which is different than the ratio prescribed by subparagraph (C) of such paragraph. The report shall include, for each such item for which a different ratio is recommended, an explanation of the reasons why the ratio prescribed by paragraph (1)(C) is no longer adequate for purposes of paragraph (1) and a justification for the ratio proposed for such account.

"(B) REPORTING OF JOINT RESOLUTION.—Within 5 days after receiving a report under subparagraph (A), the Temporary Joint Committee may report to the Senate and the House of Representatives a joint resolution affirming the report submitted under subparagraph (A). The provisions relating to the consideration of joint resolutions under section 254(a)(4) shall apply to the consideration of a joint resolution reported pursuant to this subparagraph, except that debate in each House shall be limited to two hours.

"(C) EFFECT OF JOINT RESOLUTION.—If a joint resolution is enacted under subparagraph (B) for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall each, in preparing each report required under this section for such fiscal year, use for each item of budgetary resources for which a ratio is contained in the report submitted under subparagraph (A), the ratio contained in such report (as affirmed pursuant to such joint resolution).

"(j) COMPUTATION OF BUDGET BASE OUTLAYS RESULTING FROM OBLIGATED BALANCES.—In determining the amount of budget base outlays resulting from obligated balances for defense programs and nondefense programs for a fiscal year for purposes of the reports required under subsections (a) and (c)(1)—

"(1) the Director of the Office of Management and Budget shall use the methodology used by such Director in determining such budget base outlays in the report required under subsection (a) for fiscal year 1986; and

"(2) the Director of the Congressional Budget Office shall use the methodology used by such Director in determining such budget base outlays in the report required under subsection (a) for fiscal year 1986.

"(k) FEDERAL REGULATIONS.—Except as provided in subsection (a)(6)(D)(ii), in preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall assume that only regulations which have been promulgated as final regulations by August 15 of the calendar year in which the fiscal year begins (with respect to reports required under subsection (a) or (b) for such fiscal year), or by October 5 of the fiscal year (with respect to reports required under subsection (c) for such fiscal year), shall be in effect during such fiscal year.

"(l) ASSET SALES.—In preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall assume that the sale of an asset by the Federal Government will occur during such fiscal year only if a final notice of sale during such fiscal year (including a description of the asset to be sold and the date of sale) is published in the Federal Register by August 15 of the calendar year in which such fiscal year begins (with respect to reports required under subsection (a) or (b) for such fiscal year), or by October 5 of the fiscal year (with respect to reports required under subsection (c) for such fiscal year).

"(m) PAY INCREASES.—

"(1) IN GENERAL.—In preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall—

"(A) include amounts of budgetary resources and budget outlays necessary to pay for any Federal pay adjustments for statutory pay systems if such adjustments have been recommended by the President or, notwithstanding subsection (a)(6)(D)(i), have been enacted by law;

"(B) include amounts of budgetary resources and budget outlays necessary to pay for any pay adjustments for elements of military pay if such adjustments occur pursuant to law or are specifically enacted by law; and

"(C) assume that the percentage of the amounts of budgetary resources and budget outlays necessary to pay for such adjustments that will be absorbed by all Federal agencies will not exceed the average (for the three most recently completed pay adjustment absorption fiscal years) of the percentages of such amounts absorbed by Federal agencies for such fiscal years.

"(2) DETERMINATION OF AGENCIES ABSORBING PAY ADUSTMENTS.—For purposes of paragraph (1)(C), a Federal agency shall be treated as having absorbed a percentage of pay adjustment for a fiscal year only if—

"(A) a pay adjustment becomes effective with respect to the agency in such fiscal year, and

"(B) a bill or joint resolution making supplemental appropriations for pay (including, in the case of members of the uniformed services, elements of military pay) was enacted with respect to the agency for such fiscal year.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'budgetary resources' includes any of the types of budgetary resources described in clauses (i) and (ii) of subsection (i)(1)(F);

"(B) the term 'pay adjustment absorption fiscal year' means a fiscal year in which—

"(i) a pay adjustment becomes effective with respect to any Federal agency, and

"(ii) a bill or joint resolution making supplemental appropriations for pay (including, in the case of members of the uniformed services, elements of military pay) for such fiscal year is enacted for any Federal agency with respect to which such an adjustment becomes effective.

"(C) the term 'statutory pay system' has the same meaning as in section 256(g)(2)(A); and

"(D) the term 'elements of military pay' has the same meaning as in section 256(g)(2)(B).

"(n) FARM DEFICIENCY PAYMENTS.—In preparing each report required under this sec-

tion for fiscal year 1987, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall assume that advance deficiency payments shall be made available to producers who agree to participate in an acreage limitation or set-aside program for the crop year relating to such fiscal year based on an amount under section 107C(a)(2)(F)(iii) of the Agricultural Act of 1949 (7 U.S.C. 1445b-2(a)(2)(F)(iii)) of—

"(1) in the case of wheat and feed grains, 40 percent of the projected payment rate, as determined by the Secretary of Agriculture; and

"(2) in the case of upland cotton and rice, 30 percent of the projected payment rate, as determined by such Secretary.".

(g) ENTITLEMENTS.—Section 251(a)(6)(A) is amended by inserting before the semicolon a comma and "including the continuation of current law with respect to entitlements funded through annual appropriation Acts and with respect to the Food Stamp Act of 1977".

(h) COMPLIANCE REPORT.—Section 253 is amended to read as follows:

"SEC. 253. COMPLIANCE REPORT BY COMPTROLLER GENERAL.

"On or before November 15 of each fiscal year, the Comptroller General shall submit to the Congress and the President a report on—

"(1) the extent to which the President's order issued under section 252(b) for such fiscal year complies with all of the requirements contained in section 252, either certifying that the order fully and accurately complies with such requirements or indicating the respects in which it does not;

"(2) the extent to which each report of the Director of the Office and Management and Budget under section 251(b)(2) and (c)(3) for such fiscal year complies with all of the requirements contained in this part, either certifying that the order fully and accurately complies with such requirements or indicating the respects in which it does not; and

"(3) any recommendations of the Comptroller General for improving the procedures set forth in this part.".

(i) EXEMPT PROGRAM.—Section 255(g)(1) is amended by inserting before the first item relating to the Western Area Power Administration the following new item:

"Washington Metropolitan Area Transit Authority, Interest payments (46-0300-0-1-401);".

(j) TEMPORARY JOINT COMMITTEE.—Section 274(f) is amended—

(1) in paragraph (1) by inserting "on or after the date of the enactment of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1986" after "invalidated"; and

(2) in paragraph (2)—

(A) by striking out "Upon the invalidation of any such procedure there" in the first sentence and inserting in lieu thereof "There";

(B) by striking out "and" before "to report" in the third sentence and inserting in lieu thereof a comma; and

(C) by inserting before the period in the third sentence a comma and "and to carry out the functions specified in subsections (h) and (i) of section 251".

(k) APPLICABILITY.—The amendments made by this section shall apply only with respect to any report required to be submitted, for fiscal year 1982, and any order issued for fiscal year 1987, after the date of enactment of this Act under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 203. RESTORATION OF AUTHORITY OF COMPTROLLER GENERAL.

(a) If, at any time after the date of enactment of this Act, legislation is enacted which—

(1)(A) establishes the Comptroller General of the United States as an officer of the executive branch of the Government, or

(B) establishes an independent agency in the executive branch of the Government to carry out the functions of the Comptroller General which are executive in nature; and

(2) provides that this section will become effective upon the enactment of the legislation,

the provisions of sections 251, 252, 253, and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect on the date of enactment of such Act) shall be restored or revived and shall be effective as if this Act, and the amendments made by this Act, had not been enacted.

(b) If, pursuant to subsection (a), the provisions of sections 251, 252, 253, and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 are restored and revived, the responsibilities assigned by such Act (as so revived and restored) to the Comptroller General shall be carried out by—

(1) the Comptroller General (if provisions of law described in subsection (a)(1)(A) have been enacted); or

(2) the head of the agency established pursuant to provisions of law described in subsection (a)(1)(B),

as the case may be.

SEC. 204. MODIFICATION OF DEADLINE FOR SUBMISSION OF PRESIDENT'S BUDGET.

(a) Section 1105(a) of title 31, United States Code, is amended by striking out "first Monday after January 3 of each year (or on or before February 5 in 1986)" and inserting in lieu thereof "first Tuesday in February of each year".

(b) Section 300 of the Congressional Budget Act of 1974 is amended by striking out "First Monday after January 3" and inserting in lieu thereof "First Tuesday in February".

GLENN AMENDMENT NO. 2770

Mr. GLENN proposed an amendment to amendment No. 2769 proposed by Mr. GRAMM (and other) to the bill H.R. 5395, supra, as follows:

At the end of the amendment, add the following new section:

SEC. . LIMITATION ON RECOMMENDED INCREASES IN THE PUBLIC DEBT LIMIT.

(a) IN GENERAL.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "The President" the first place it appears and and inserting in lieu thereof "(1) Notwithstanding any other provision of law, the President",

(2) by inserting "(other than action that would require an increase in the borrowing authority or an increase in the limit imposed by section 3101(b) of this title by more than the applicable amount for the fiscal year for which the budget is submitted)" after "action" the first place it appears, and

(3) by adding at the end the following new paragraph:

"(2) For purposes of this subsection—

"(A) the term 'applicable amount' means, with respect to a fiscal year, the sum of—

"(i) the maximum deficit amount for such fiscal year, and

"(ii) the amount of the estimated surpluses in any trust fund, fund, or government account for such fiscal year that must, under the provisions of law governing the trust fund, fund, or account, be invested in government obligations; and

"(B) the term 'maximum deficit amount' means with respect to a fiscal year—

"(i) the maximum deficit amount determined for that fiscal year under section 3(7) of the Congressional Budget and Impoundment Control Act of 1974, or

"(ii) in the case of any fiscal year beginning after September 30, 1991, zero.".

(b) APPLICATION.—The amendment made by subsection (a) shall apply to fiscal years beginning after September 30, 1987.

DOLE AMENDMENT NO. 2771

Mr. DOLE proposed an amendment to the bill H.R. 5395, supra, as follows:

On page 1 line 6 strike "$2,152,000,000 000" and insert "$2,111,000,000,000".

APPOINTMENT OF ADDITIONAL BANKRUPTCY JUDGES

THURMOND AMENDMENT NO. 2772

Mr. DOLE (for Mr. THURMOND) proposed an amendment to the bill (H.R. 5316) to amend title 28 of the United States Code to provide for the appointment of additional bankruptcy judges, to provide for the appointment of United States trustees to serve in bankruptcy cases in judicial districts throughout the United States, to make certain changes with respect to the role of United States trustees in such cases, and for other purposes; as follows:

Strike out all after the enacting clause and insert:

TITLE I—BANKRUPTCY JUDGES

SEC. 101. APPOINTMENT OF BANKRUPTCY JUDGES.

(a) There shall be appointed, pursuant to section 152(a)(1) of title 28, United States Code, additional United States bankruptcy judges.

(b) To reflect the changes made by this section in the table of judges for each of the judicial districts, section 152(a)(2) of title 28, United States Code, is amended by striking the following:

"Arkansas:	
Eastern and Western	*2*
California	
Northern	*7*
Eastern	*4*
Central	*12*
Florida	
Middle	*2*
Georgia	
Northern	*4*
Southern	*1*
Idaho	*1*
Illinois	
Northern	*8*
Central	*2*
Iowa	
Northern	*1*
Southern	*1*
Kentucky	
Western	*2*

Maryland	2
Michigan	
Western	2
Nebraska	1
Nevada	2
Oklahoma	
Western	2
South Carolina	1
Tennessee	
Eastern	2
Western	2
Texas	
Northern	4
Southern	3
Western	2
Utah	2
Washington	
Eastern	1"

and inserting in lieu thereof the following:

"Arkansas	
Eastern and Western	3
California	
Northern	8
Eastern	6
Central	17
Florida	
Middle	4
Georgia	
Northern	6
Southern	2
Idaho	2
Illinois	
Northern	9
Central	3
Iowa	
Northern	2
Southern	2
Kentucky	
Western	3
Maryland	3
Michigan	
Western	3
Nebraska	2
Nevada	3
Oklahoma	
Western	3
South Carolina	2
Tennessee	
Eastern	3
Western	3
Texas	
Northern	5
Southern	5
Western	3
Utah	3
Washington	
Eastern	2".

SEC. 102. HOMESTEAD PROTECTION.

Section 352(b)(1) of the Consolidated Farm and Rural Development Act (as added by section 1321 of the Food Security Act of 1985 (Public Law 99-198)) is amended by striking out "may" and inserting in lieu thereof "shall"; and section 352(c)(3) is amended by striking out "$40,000" and inserting in lieu thereof "$15,000"; and section 352(c)(4) is amended by striking out "60" and inserting in lieu thereof "50".

SEC. 103. SUPPORT OBLIGATIONS.

Section 523(a)(5) of title 11, United States Code, is amended by inserting after "or other order of a court of record or" the following: "any order, rule, or determination made pursuant to a State administrative process for obtaining and enforcing support orders, or".

SEC. 104. FAMILY FARMER REORGANIZATION.

(a) Title 11 of the United States Code is amended by inserting between chapters 11 and 13 the following new chapter:

"CHAPTER 12—FAMILY FARMER REORGANIZATION

"Sec.
"1201. Definitions.
"1202. Application of certain sections of this title.
"1203. Trustee.
"1204. Rights and powers of debtor.
"1205. Authorization to operate farming and other businesses.
"1206. Creditor's committee.
"1207. Powers and duties of a committee.
"1208. Right to be heard.
"1209. Removal of debtor as debtor in possession.
"1210. Conversion or dismissal.
"1211. Who may file a plan.
"1212. Contents of plan proposed by debtor.
"1213. Plan by party other than debtor, impairment of claims; postpetition disclosure and solicitation; acceptance.
"1214. Modification of plan.
"1215. Confirmation hearing.
"1216. Confirmation of a plan proposed by the debtor.
"1217. Confirmation of a plan by a party other than the debtor.
"1218. Limitations on confirmation.
"1219. Effect of confirmation.
"1220. Implementation of plan; distribution; exemption from securities laws.
"1221. Aircraft equipment and vessels.
"1222. Adequate protection.
"1223. Sales free of interests.
"1224. Claims and interests.
"1225. Emergency care of stock.

"§ 1201. Definitions

"For purposes of this chapter a 'family farmer' means—

"(1) A person engaged in the production of agricultural products whose aggregate debts do not exceed $1,500,000 if not less than 80 percent of the aggregate noncontingent, liquidated amount of those debts, at the time the case commences, arise out of a farming operation owned or operated by such person and the person receives from such farming operation more than 50 percent of such person's gross income for the taxable year preceding the commencement of the case, or

"(2) A corporation in which more than 50 percent of the outstanding stock or equity is held by a person conducting the farming operation, and

"(A) more than 80 percent of the value of its assets consists of assets related to the production of agricultural products;

"(B) its aggregated debts do not exceed $1,500,000 if not less than 80 percent of the aggregate noncontingent, liquidated amount of those debts, at the time the case commences arise out of the farming operation of such legal entity; and

"(C) if such corporation issues stock, such stock is not publicly traded.

"(3) 'Debtor' means family farmer; and

"(4) 'Debtor in possession' means debtor except to the extent that the court orders otherwise.

"§ 1202. Application of certain sections of this title

"Provisions of sections of other chapters of this title shall apply to this chapter as provided by such section.

"§ 1203. Trustee

"(a) If the court has appointed an individual under section 1302(d) to serve as standing trustee in cases under chapter 13, and if such individual qualifies as a trustee under section 322 of this title, or if a trustee has been appointed pursuant to chapter 15, then such individual shall serve as trustee in any case filed under this chapter. Otherwise, the court shall appoint a person to serve as trustee in any case.

"(b) The trustee shall—

"(1) perform the duties specified in sections 704(2), 704(3), 704(5), 704(6), 704(7), 704(9), 1106(a)(3), and 1106(a)(4) of this title;

"(2) appear and be heard at any hearing that concerns—

"(A) the value of property subject to a lien;

"(B) confirmation of a plan;

"(C) modification of the plan after confirmation; or

"(D) the sale of property of the estate;

"(3) distribute any rental payments received pursuant to section 1222(b)(3) as determined by the court;

"(4) advise, other than on legal matters, and assist the debtor in performance under the plan;

"(5) ensure that the debtor commences making timely payments required by a confirmed plan; and

"(6) if the debtor ceases to be a debtor in possession, perform the duties specified in section 704(8) and section 1106(a).

"(c) If the number of cases under this chapter commenced in a particular judicial district so warrants, the court may appoint one or more individuals to serve as standing trustee for such district in cases under chapter 13 or, in appropriate cases, appoint a trustee under chapter 15.

"(d) The compensation for individuals appointed under subsection (a) shall be authorized and limited by section 1302(e) and the percentage fee provided in section 1302(e)(1)(B) for cases under this chapter shall not exceed 3 percent of payments made under the plan of such debtor, with respect to payments made after the aggregate amount of payments made under the plan exceeds $450,000.

"§ 1204. Rights and powers of debtor

"(a) Subject to any limitations on a trustee serving in a case under this chapter, or a case under chapter 11, and to such limitations or conditions as the court prescribes, a debtor in possession shall have all the rights, other than the right to compensation under section 330, and powers, and shall perform all the functions and duties, except the duties specified in paragraphs (3) and (4) of section 1106(a), of a trustee serving in a case under chapter 11.

"(b) A debtor in possession shall perform the duties of the trustee specified in section 704(8).

"(c) Notwithstanding section 327(a), a person is not disqualified for employment under section 327 by a debtor in possession solely because of such person's employment by or representation of the debtor before the commencement of the case.

"(d) Within sixty days after the date of the filing of a petition under this chapter, and at sixty-day intervals thereafter, or within such time as the court, for cause, may allow, the debtor shall file with the clerk a report which shall include a statement of intention with respect to the disposition of property of the estate, projections of income and expenses for the debtor's farming operation, and, in general terms, a statement of the debtor's strategy for reorganization.

"§ 1205. Authorization to operate farming and other businesses

"(a) Unless the court, on request of a party in interest and after notice and a hearing orders otherwise, the debtor in possession may operate the debtor's farming and other businesses.

"(b) If the debtor ceases to be a debtor in possession, the trustee may operate the debtor's farming and other businesses unless the

court, on request of a party in interest and after notice and a hearing, orders otherwise.

"§ 1206. Creditor's Committee

"(a) On request of three creditors holding unsecured claims, the court may order the appointment of a committee of unsecured creditors, except that if a United States trustee had been appointed pursuant to chapter 15, such United States trustee shall appoint the committee of such creditors.

"(b)(1) A committee of creditors appointed under subsection (a) shall ordinarily consist of the persons willing to serve that hold the five largest unsecured claims against the debtor.

"(2) On request of a party in interest and after a hearing, the court may change the membership or size of a committee appointed under subsection (a) if the membership of the committee is not representative of the different kinds of claims or interests represented.

"§ 1207. Powers and duties of a committee

"(a) At the scheduled meeting of a committee appointed under section 1206 at which a majority of the members of such committee are present, with the court's approval, the committee may select and authorize the employment, by the committee, of an attorney. If the debtor's financial records have not been adequately maintained, or the debtor's financial affairs are deemed by the court to be unduly complex, the committee may select and authorize the employment, by the committee, of an accountant.

"(b) An attorney or an accountant employed pursuant to subsection (a) may not, while employed by the committee, represent any other entity in connection with the case.

"(c) A committee appointed under section 1206 may—

"(1) consult with the debtor in possession of the case;

"(2) investigate the acts, conduct, assets, liabilities, and financial condition of the debtor, the operation of his farming and other businesses, the means required to maintain the farming or other business, and any other matter relevant to the case or to the formulation of a plan;

"(3) participate in the formulation of a plan, advise those represented by the committee of the committee's determinations as to any plan formulated, and collect and file with the court acceptances of a plan;

"(4) request the dismissal of the case if there is no possibility of a feasible plan being accepted or if the debtor fails to comply with final orders of the court;

"(5) request that the debtor not be a debtor in possession; and

"(6) perform such other services as are in the interest of those represented.

"(d) As soon as practicable, after the appointment of a committee under section 1206, the debtor and the trustee shall meet with the committee to transact such business as is necessary and proper.

"§ 1208. Right to be heard

"(a) A party in interest, including the debtor, the trustee, a creditor's committee, a creditor, or any indenture trustee, may raise and may appear and be heard on any issue in a case under this chapter.

"(b) The Department of Agriculture, the Attorney General, or the director or similar chief officer of the agricultural department or agency of any State in which property of the debtor is located, may raise, and appear and be heard on, any issue in a case under this chapter, but may not appeal from any judgment, order, or decree entered in the case.

"§ 1209. Removal of debtor as debtor in possession

"(a) On request of a party in interest, and after notice and a hearing, the court shall order that the debtor shall not be a debtor in possession—

"(1) for cause, including fraud, dishonesty, incompetence, or gross mismanagement of the affairs of the debtor, either before or after the commencement of the case, or similar cause; or

"(2) if it is not in the best interest of creditors for the debtor to be a debtor in possession.

"(b) On request of a party in interest, and after notice and a hearing, the court may reinstate the debtor in possession.

"§ 1210. Conversion or dismissal

"(a) The debtor may convert a case under this chapter to a case under chapter 7 at any time. Any waiver of, or attempt to waive, such right to convert a case under this subsection is unenforceable.

"(b) If a person, in good faith, files a petition for relief under this chapter, but is not a family farmer, such person may convert the case to a case under chapter 7, 11, or 13 if such person may be a debtor under the chapter to which the case is being converted.

"(c) If a person files a petition for relief under this chapter, but is not a family farmer, on request of a party in interest, and after notice and a hearing, the court may convert the case to a case under chapter 7 unless such person is a farmer or a corporation which is not a moneyed business or commercial corporation, or may dismiss the case, whichever is in the best interest of creditors.

"(d) The court may not convert a case under this chapter to a case under chapter 7 of this title if the debtor is a family farmer.

"(e) On request of a party in interest, and after notice and a hearing, the court may dismiss a case under this chapter, for cause, including—

"(1) continuing loss to or diminution of the estate and absence of a reasonable likelihood of rehabilitation;

"(2) inability to effectuate a plan;

"(3) unreasonable delay by the debtor that is prejudicial to creditors;

"(4) failure to propose a plan within any time fixed by the court;

"(5) denial of confirmation of every proposed plan and denial of a request made for additional time for filing another plan or a modification of a plan;

"(6) revocation of an order of confirmation under section 1144 of this title, and denial of confirmation of another plan or a modified plan under section 1216 or 1217 of this title;

"(7) inability to effectuate substantial consummation of a confirmed plan;

"(8) material default by the debtor with respect to a confirmed plan;

"(9) termination of a plan by reason of the occurrence of a condition specified in the plan other than completion of payments under the plan; or

"(10) nonpayment of any fee and charges required under chapter 123 of title 28.

"§ 1211. Who may file a plan

"(a) The debtor may file a plan with a petition commencing a case, or at any time thereafter.

"(b) Except as otherwise provided in this section, only the debtor may file a plan until after 240 days after the date of the order for relief under this chapter. The court may not extend this time period unless substantially justified.

"(c) Any party in interest, including the debtor, the trustee, a creditor's committee, a creditor, or any indenture trustee, may file a plan only if—

"(1) the debtor is not a debtor in possession;

"(2) the debtor has not filed a plan before 240 days after the date of the order for relief under this chapter; or

"(3) the debtor has not filed a plan that has been confirmed before 300 days after the date of the order for relief under this chapter.

"(d) On request of a party in interest made within the respective periods specified in subsections (b) and (c), and after notice and a hearing, the court may, for cause, reduce or increase the 240-day period or the 300-day period referred to in this section.

"§ 1212. Contents of plan proposed by debtor

"(a) Notwithstanding any otherwise applicable provision of nonbankruptcy law, a plan proposed by a debtor shall—

"(1) designate, as provided in section 1122, classes of claims, other than claims of a kind specified in section 507(a)(1) or 507(a)(7) and classes of interests;

"(2) provide the same treatment for each claim or interest of a particular class, unless the holder of a particular claim or interest agrees to a less favorable treatment of such particular claim or interest;

"(3) provide adequate means for implementation of the plan such as—

"(A) retention by the debtor of all or any part of the property of the estate;

"(B) transfer of all or any part of the property of the estate to one or more entities, whether organized before or after the confirmation of such plan;

"(C) merger or consolidation of the debtor with one or more persons;

"(D) sale of all or any part of the property of the estate, either subject to or free of any lien, or the distribution of all or any part of the property of the estate among those having an interest in such property;

"(E) satisfaction or modification of any lien;

"(F) cancellation or modification of any indenture or similar instrument;

"(G) curing or waiving of any default;

"(H) extension of a maturity date or a change in interest rate or other term of outstanding securities;

"(I) amendment of the debtor's charter; or

"(J) issuance of securities of the debtor, or of any entity referred to in subparagraph (B) or (C) of this paragraph, for cash, for property, for existing securities, or in exchange for claims or interests, or for any other appropriate purpose; and

"(4) contain only provisions that are consistent with the interests of creditors and equity security holders and with public policy with respect to the manner of selection of any officer, director, or trustee under the plan and any successor to such officer, director, or trustee.

"(b) Subject to subsection (a) of this section, a plan proposed by a debtor may—

"(1) designate a class or classes of unsecured claims, as provided in section 1122 but may not discriminate unfairly against any class so designated, however, such plan may treat claims for a consumer debt of the debtor if an individual is liable on such consumer debt with the debtor differently than other unsecured claims;

"(2) modify the rights of holders of secured claims, or of holders of unsecured claims, or leave unaffected the rights of holders of any class of claims;

"(3) provide for the curing or waiving of any default;

"(4) provide for payments on any unsecured claim to be made concurrently with payments on any secured claim or any other unsecured claim;

"(5) provide for the curing of any default within a reasonable time and maintenance of payments;

"(6) subject to section 365, provide for the assumption, rejection, or assignment of any executory contract or unexpired lease of the debtor not previously rejected under such section;

"(7) provide for the payment of all or part of a claim against the debtor from property of the estate or property of the debtor;

"(8) provide for the sale of all or substantially all of the property of the estate, and the distribution of the proceeds of such sale among holders of claims or interests;

"(9) provide for the vesting of property of the estate, on confirmation of the plan or at a later time, in the debtor or in any other entity; and

"(10) include any other appropriate provision not inconsistent with this title.

"§ 1213. Plan by a party other than the debtor; impairment of claims; postpetition disclosure and solicitation; acceptance

"(a) Sections 1123 and 1125 apply, as the court for cause may require, to plans proposed by a party in interest, including the debtor.

"(b) Section 1126 applies to plans proposed by a party in interest other than the debtor, except that for purposes of this chapter, the phrase 'that have accepted or rejected such plan' in subsection (c) and subsection (d) of such section shall not apply to this chapter.

"§ 1214. Modification of plan

"(a) The proponent of a plan may modify such plan at any time before confirmation, but may not modify such plan so that such plan as modified fails to meet the requirements of—

"(1) section 1212 if the proponent is the debtor; or

"(2) sections 1122 and 1123 if the proponent is a party in interest other than the debtor.

After the proponent of a plan files a modification of such plan with the court, the plan as modified becomes the plan.

"(b) At any time after confirmation but before the completion of payments under a plan proposed by the debtor, the plan may be modified by the debtor to—

"(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

"(2) extend or reduce the time for such payments; or

"(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim other than under the plan.

Modifications under this subsection are subject to the requirements of section 1216 and the plan as modified becomes the plan unless, after notice and a hearing, such modification is disapproved.

"(c) The proponent of a plan, other than the debtor, may modify such plan at any time after confirmation of such plan and before substantial consummation, as defined in section 1101(2), of such plan, but may not modify such plan so that, as modified, such plan fails to meet the requirements of sections 1122 and 1123. Such plan as modified under this subsection becomes the plan only if circumstances warrant such modification and the court, after notice and a hearing, confirms such modified plan, in accordance with the requirements of section 1129(a). Any holder of a claim or interest that has accepted or rejected a plan is deemed to have accepted or rejected, as the case may be, a plan as modified, unless, within the time fixed by the court, such holder changes such holder's previous acceptance or rejection.

"(d) The proponent of a modification under subsection (c) shall comply with section 1125 with respect to the plan as modified, for any material modification.

"§ 1215. Confirmation hearing

"After notice, the court shall hold a hearing on confirmation of the plan. A party in interest may object to the confirmation of the plan.

"§ 1216. Confirmation of a plan proposed by the debtor

"(a) The court shall confirm a plan proposed by the debtor if—

"(1) the plan complies with the provisions of this chapter and with the other applicable provisions of this title;

"(2) any fee, charge, or amount required under chapter 123 of title 28, or by the plan, to be paid before confirmation, has been paid;

"(3) the plan has been proposed in good faith and not by any means forbidden by law;

"(4) any payment made or to be made by the debtor, or by a person issuing securities or acquiring property under the plan, for services or for costs and expenses in or in connection with the case, or in connection with the plan and incident to the case, has been approved by, or is subject to the approval of, the court as reasonable;

"(5)(A)(i) the debtor has disclosed the identity and affiliations of any individual proposed to serve, after confirmation of the plan, as a director, officer, or voting trustee of the debtor, an affiliate of the debtor participating in a joint plan with the debtor, or a successor to the debtor under the plan; and

"(ii) the appointment to, or continuance in, such office of such individual, is consistent with the interests of creditors and equity security holders and with public policy; and

"(B) the debtor has disclosed the identity of any insider who will be employed or retained by the reorganized debtor, and the nature of any compensation for such insider;

"(6) except to the extent that the holder of a particular claim has agreed to a different treatment of such claim, the plan provides—

"(A) for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, except section 507(a)(7); and

"(B) with respect to a claim of a kind specified in section 507(a)(7), the holder of such claim will receive, on account of such claim, deferred cash payments, over a period not exceeding six years after the date of assessment of such claim, of a value, as of the effective date of the plan, equal to the allowed amount of such claim;

"(7) the value, as of the effective date of the plan, of property to be distributed under the plan, on account of each allowed unsecured claim, is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under chapter 7 of this title on such date;

"(8) with respect to each allowed secured claim provided for by the plan—

"(A) the holder of such claim has accepted the plan;

"(B)(i) the plan provides that the holder of such claim retain the lien securing such claim; and

"(ii) the value, as of the effective date of the plan, of property to be distributed under the plan on account of such claim, is not less than the allowed amount of such claim; or

"(C) the debtor surrenders the property securing such claim to such holder;

"(9) with respect to the holder of an interest provided for by the plan, the value, as of the effective date of the plan, of property to be distributed under the plan on account of such interest is not less than the lesser of—

"(A) the amount that would be paid on account of such interest if the estate of the debtor were liquidated under chapter 7 on such date; or

"(B) any fixed price at which the debtor, under the terms of any security representing such interest, may redeem such security from such holder;

"(10) the debtor will be able to make all payments under the plan, comply with the plan, and the plan complies with the provisions of section 1325(b) without reference to time period; and

"(11) confirmation of the plan is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor or any successor to the debtor under the plan, unless such liquidation or reorganization is proposed in the plan.

"(b) After confirmation of a plan, the court may order any entity from whom the debtor receives income to pay all or any part of such income to the trustee.

"(c) Except as otherwise provided in the plan or in the order confirming the plan, the trustee shall make payments to creditors under the plan.

"§ 1217. Confirmation of a plan by a party other than the debtor

"The court shall confirm a plan proposed by a party in interest other than the debtor if the plan and the proponent meet the requirements of section 1129(a).

"§ 1218. Limitations on confirmation

"(a) The court may confirm only one plan, unless the order of confirmation in the case has been revoked under section 1144. If the requirements of sections 1216 and 1217 are met with respect to more than one plan, the court shall consider the preferences of the debtor, creditors, and equity security holders in determining which plan to confirm.

"(b) Notwithstanding any other provision of this chapter, on request of a party in interest that is a governmental unit, the court may not confirm a plan if the principal purpose of the plan is the avoidance of taxes or the avoidance of the application of section 5 of the Securities Act of 1933 (15 U.S.C. 77e). In any hearing under this subsection, the governmental unit has the burden of proof on the issue of avoidance.

"§ 1219. Effect of confirmation

"(a) Except as provided in subsections (d)(2) and (d)(3), the provisions of a confirmed plan bind the debtor, any entity issuing securities under the plan, any entity acquiring property under the plan, and any creditor, equity security holder, or general partner in the debtor, whether or not the claim or interest of such creditor, equity security holder, or general partner is impaired or provided for under the plan and whether or not such creditor, equity security holder, or general partner has objected to, has accepted, or has rejected the plan.

"(b) Except as otherwise provided in the plan or the order confirming the plan, the confirmation of a plan vests all of the property of the estate in the debtor.

"(c) Except as provided in paragraphs (2) and (3) of subsection (d), and except as otherwise provided in the plan or in the order confirming the plan, after confirmation of a plan, the property dealt with by the plan is free and clear of all claims and interests of creditors, equity security holders, and of general partners in the debtor.

"(d)(1) Except as otherwise provided in this subsection, in the plan, or in the order confirming the plan, the confirmation of a plan—

"(A) discharges the debtor from any debt that arose before the date of such confirmation, and any debt of a kind specified in section 502(g), 502(h), or 502(i) whether or not—

"(i) a proof of claim based on such debt is filed or deemed filed under section 501;

"(ii) such claim is allowed under section 502; or

"(iii) the holder of such claim has accepted the plan; and

"(B) terminates all rights and interests of equity security holders and general partners provided for by the plan.

"(2) The confirmation of a plan does not discharge an individual debtor from any debt excepted from discharge under section 523.

"(3) The confirmation of a plan does not discharge a debtor if—

"(A) the plan provides for the liquidation of all or substantially all of the property of the estate;

"(B) the debtor does not engage in business after consummation of the plan; and

"(C) the debtor would be denied a discharge under section 727(a) of this title if the case were a case under chapter 7 of this title.

"(4) The court may approve a written waiver of discharge executed by the debtor after the order for relief under this chapter.

"§ 1220. Implementation of plan; distribution; exemption from securities laws

"Sections 1141, 1143, 1144, and 1145 shall apply to plans confirmed pursuant to sections 1216 and 1217 of this title.

"§ 1221. Aircraft equipment and vessels

"Section 1110 shall apply to cases under this chapter.

"§ 1222. Adequate protection

"(a) Section 361 does not apply in a case under this chapter.

"(b) In a case under this chapter, when adequate protection is required under section 362, 363, or 364, such adequate protection may be provided by—

"(1) requiring the trustee to make a cash payment or periodic cash payments, to the extent that the stay under section 362, use, sale, or lease under section 363, or any grant of a lien under section 364 results in a decrease in the value of property securing a claim or of an entity's ownership interest in property;

"(2) providing an additional or replacement lien to the extent that such stay, use, sale, lease, or grant results in a decrease in the value of property securing a claim or of an entity's ownership interest in property;

"(3) paying to the trustee for the use of farmland the reasonable rent customary in the community where the property is located, based upon the rental value, net income, and earning capacity of the property; or

"(4) granting such other relief as will adequately protect the value of property securing a claim or of an entity's ownership interest in property.

"§ 1223. Sales free of interests

"In addition to the authorization contained in section 363(f), the trustee in a case under this chapter may sell property under section 363 (b) and (c) free and clear of any interest in such property of an entity other than the estate if the property is farmland or farm equipment.

"§ 1224. Claims and interests

"(a) A proof of claim or interest is deemed filed under section 501 for any claim or interest that appears in the schedules filed in a case under this chapter except a claim or interest that is scheduled as disputed, contingent, or unliquidated.

"(b) For purposes of voting and distribution in a case under this chapter, a claim, secured by a lien on property of the estate shall be allowed or disallowed under section 502 the same as if the holder of such claim had recourse against the debtor on account of such claim, whether or not such holder has such recourse.

"§ 1225. Emergency care of stock

"The court may authorize the obtaining of credit pursuant to section 364 for the case, including feeding of stock owned by, or in the possession of, a debtor without notice or a hearing where the court finds that credit is needed to obtain funds to care for stock, an emergency exists and that immediate and irreparable injury, loss, or damage, will result if authorization to obtain credit for the care of stock is delayed, and that it is in the best interests of the estate to obtain credit and care for the stock. Notice shall be immediately given, by mail, to all creditors of entry of the order authorizing credit under this subsection and a copy of the order entered by the court hereunder shall be attached to the notice.".

(b) The table of chapters for title 11, United States Code, is amended by inserting between the items relating to chapter 11 and chapter 13 the following new item:

"12. Family Farmer Reorganization ..... 1201".

SEC. 105. APPLICABILITY OF CHAPTERS.

Section 103 of title 11, United States Code, is amended by—

(1) in subsection (a) by inserting "12," after "11,";

(2) by adding at the end thereof the following:

"(i) Chapter 12 of this title applies only in a case under such chapter.".

SEC. 106. BANKRUPTCY COURTS.

Section 1930(a) of title 28, United States Code, is amended by inserting between paragraph (4) and the matter that follows such paragraph, the following:

"(5) For a case commenced under chapter 12 of title 11, $200.".

SEC. 107. TITLE 11 CHANGES.

Title 11, United States Code, is amended—

(1) in sections 327(c) and 347(b), by striking out "or 11" each place it appears and inserting in lieu thereof ", 11 or 12";

(2) in sections 329(b)(1)(B) and 363(1), by striking out "or 13" each place it appears and inserting in lieu thereof ", 12 or 13";

(3) in sections 362(c)(2)(C), 365(d)(2), 365(g)(1), 365(g)(2), and 502(g), by inserting "12," after "11," each place it appears;

(4) in section 326(b), by inserting "chapter 12 or" before "chapter 13";

(5) in section 328(a), by inserting "or section 1206" after "section 1102";

(6) in sections 328(a), 328(c), 330(a), and 331, by striking out "or 1103" each place it appears and inserting in lieu thereof "1103, or 1207";

(7) in section 328(c), by striking out "or 1107(b)" and inserting in lieu thereof "1107(b), or 1204(c)";

(8) in section 327(b), by striking out "or 1108" and inserting in lieu thereof "1108, or 1205";

(9) in sections 363(c)(1) and 364(a), by inserting "1205," after "1108," each place it appears;

(10) in sections 348(b), 348(c), and 348(e), by inserting "1210," after "1112," each place it appears;

(11) in section 348(d) and paragraphs (A) and (B) of section 365(g)(2), by inserting ", 1210," after "1112" each place it appears;

(12) in section 347(b), by striking out "or 1173" and inserting in lieu thereof "1173, 1216, or 1217";

(13) in sections 523(a), 524(a)(1), 524(c)(1), and 524(d), by inserting "1219," after "1141," each place it appears;

(14) in sections 322(a) and 546(a)(1), by inserting "1203," before "or 1302" each place it appears;

(15) in section 326(b), by inserting "section 1203(a) or" before "section 1302(a)";

(16) in section 348(b), by inserting "1211(b), 1211(c), 1219(d)(4), 1221," after "1146(b),";

(17) in section 706(a), by striking out "or 13" and inserting in lieu thereof ", 12, or 13";

(18) in section 1112(a), by inserting "or chapter 12" after "7"; and

(19) in section 1307(a), by inserting "or chapter 12" after "7".

SEC. 108. EFFECTIVE DATES.

(a) This Act is an emergency measure and this Act and the amendments made by this Act shall apply with respect to cases commenced under title 11, United States Code, after the date of the enactment of this Act but before 5 years after such date.

(b) This Act and the amendments made by this Act shall be repealed on the date 5 years after the date of enactment of this Act.

SEC. 109. APPOINTMENT OF BANKRUPTCY JUDGES.

(a) Notwithstanding any other provision of this Act, there shall be appointed, pursuant to section 152(a)(1) of title 28, United States Code, additional United States bankruptcy judges.

(b) To reflect the changes made by this section in the table of judges for each of the judicial districts, section 152(a)(2) of title 28, United States Code, is amended by striking the following:

"California	
Northern	8
Central	17
Southern	3
Illinois	
Northern	9
Indiana	
Northern	2
New Jersey	5
North Carolina	
Western	1
Oklahoma	
Northern	1
Oregon	4
Texas	
Southern	5
Virginia	
Eastern	3
Washington	
Western	4
Wisconsin	
Eastern	3"

and inserting in lieu thereof the following:

"California	
Northern	9
Central	19

Southern	4
Illinois	
Northern	10
Indiana	
Northern	3
New Jersey	7
North Carolina	
Western	2
Oklahoma	
Northern	2
Oregon	5
Texas	
Southern	6
Virginia	
Eastern	4
Washington	
Western	5
Wisconsin	
Eastern	4".

SEC. 110. BANKRUPTCY COURT STUDY.

Within four months of the date of enactment, the Administrative Office of the United States Courts shall submit to the Congress a report on the feasibility of a court fee system that would recover all costs of operating and maintaining the Bankruptcy Courts of the United States, and shall include other relevant analyses and recommendations.

SEC. 111. DISCHARGE.

Section 524(d) of title 11, United States Code, is amended to read as follows:

"(d) In a case, concerning an individual, the court shall hold a hearing at which the debtor shall appear in person and the court shall inform the debtor of the rights and duties of the debtor relating to a discharge, which may be entered under section 727, 1141 or 1328 of this title. The court may, at such time as the court determines, hold such additional hearings as the court determines necessary when the court has determined whether to grant or not to grant a discharge under section 727, 1141 or 1328 of this title. At such additional hearing as the court may hold, the debtor shall appear in person and the court shall inform the debtor that a discharge has been granted or the reason why a discharge has not been granted. If a discharge has been granted and if the debtor desires to make an agreement of the kind specified in subsection (c) of this section, then at such hearing the court shall:

"(1) inform the debtor:

"(A) that such an agreement is not required under this title, under nonbankruptcy law, or under any agreement not made in accordance with the provisions of subsection (c) of this section; and

"(B) of the legal effect and consequences of:

"(i) an agreement of the kind specified in subsection (c) of this section; and

"(ii) a default under such an agreement;

"(2) determine whether the agreement that the debtor desires to make complies with the requirements of subsection (c)(6) of this subsection, if the consideration for such agreement is based in whole or in part on a consumer debt that is not secured by real property of the debtor.".

SEC. 112. COURT IN LAWRENCE, KANSAS.

Section 96 of title 28, United States Code, is amended by inserting "Lawrence," after "Kansas City,".

SEC. 113. DIVISION OF BUSINESS AMONG BANKRUPTCY JUDGES.

Section 156 of title 28, United States Code, is amended by adding at the end thereof the following:

"(d) No office of the bankruptcy clerk of court may be consolidated with the district clerk of court office without the prior approval of the Judicial Conference and the Congress.".

TITLE II—UNITED STATES TRUSTEES PROGRAM

PART A—AMENDMENTS TO TITLE 28, UNITED STATES CODE

SEC. 201. Section 156 of title 28, United States Code, is amended by—

(1) redesignating subsection (c) as subsection (d); and

(2) inserting after subsection (b) the following new subsection:

"(c) In a judicial district where a bankruptcy clerk has been appointed pursuant to subsection (b), the bankruptcy clerk shall be the official custodian of the records of the bankruptcy court and of the dockets of all bankruptcy cases and proceedings.".

SEC. 202. (a) Section 519 of title 28, United States Code, is amended by striking out "United States attorneys, assistant United States attorneys, and special attorneys" and inserting in lieu thereof "United States attorneys and United States trustees, assistant United States attorneys and assistant United States trustees, and special attorneys".

(b) The section heading for section 519 is amended to read as follows:

"§ 519. Supervision".

(c) The table of sections for chapter 31 of title 28, United States Code, is amended by amending the item relating to section 519 to read as follows:

"519. Supervision.".

SEC. 203. Section 526 of title 28, United States Code, is amended—

(1) in the heading thereof by striking out "trustee" and inserting "trustees" in lieu thereof;

(2) in subsection (a)—

(A) by striking out "and trustees" and inserting in lieu thereof ", trustees, including trustees in cases under title 11" in paragraph (1); and

(B) by striking out "courts of the Canal Zone and the Virgin Islands, probation officers, trustees in cases under title 11," and inserting in lieu thereof "court of the Virgin Islands, probation officers," in paragraph (2).

SEC. 204. Section 581 of title 28, United States Code, is amended to read as follows:

"§ 581. United States trustees

"(a) The Attorney General shall appoint one United States trustee for each of the thirty bankruptcy regions of the United States. Such regions are constituted of Federal judicial districts (without regard to chapter 5 of this title) as follows:

"(1) The judicial districts established for the States of Maine, Massachusetts, New Hampshire, and Rhode Island.

"(2) The Northern and Western Districts of New York and the judicial districts established for the States of Connecticut and Vermont.

"(3) The Southern and Eastern Districts of New York.

"(4) The Eastern District of Pennsylvania and the judicial districts established for the States of Delaware and New Jersey.

"(5) The Middle and Western Districts of Pennsylvania.

"(6) The District of Columbia and the judicial district established for the State of Maryland.

"(7) The judicial districts established for the States of Virginia and West Virginia.

"(8) The judicial districts established for the States of North Carolina and South Carolina.

"(9) The judicial districts established for the State of Alabama.

"(10) The judicial districts established for the State of Georgia.

"(11) The judicial districts established for the State of Florida, for the Commonwealth of Puerto Rico and for the Virgin Islands of the United States.

"(12) The judicial districts established for the States of Louisiana and Mississippi.

"(13) The judicial districts established for the State of Texas.

"(14) The judicial districts established for the State of Ohio.

"(15) The judicial districts established for the State of Michigan.

"(16) The judicial districts established for the States of Tennessee and Kentucky.

"(17) The Northern District of Illinois.

"(18) The judicial districts established for the State of Wisconsin.

"(19) The Central and Southern Districts of Illinois and the judicial districts established for the State of Indiana.

"(20) The judicial districts established for the States of Minnesota, North Dakota, and South Dakota.

"(21) The judicial districts established for the States of Iowa and Nebraska.

"(22) The judicial districts established for the States of Arkansas and Missouri.

"(23) The judicial districts established for the States of Colorado, Utah, and Wyoming.

"(24) The judicial districts established for the States of New Mexico, Oklahoma, and Kansas.

"(25) The Southern District of California and the judicial districts established for the State of Hawaii, for Guam, and for the Commonwealth of the Northern Mariana Islands.

"(26) The judicial district established for the State of Arizona.

"(27) The Central District of California.

"(28) The Eastern District of California and the judicial district established for the State of Nevada.

"(29) The Northern District of California.

"(30) The judicial districts established for the States of Alaska, Idaho, Montana, Oregon, and Washington.

"(b) Each United States trustee shall be appointed for a term of four years. On the expiration of his term, the United States trustee shall continue to perform the duties of his office until a successor is appointed, qualifies, and takes office.

"(c) Each United States trustee is subject to removal by the Attorney General.".

SEC. 205. Section 582 of title 28, United States Code, is amended—

(1) in subsection (a), by striking out "district" and inserting in lieu thereof "region"; and

(2) in subsection (b), by striking out "for cause".

SEC. 206. Section 584 of title 28, United States Code, is amended by striking out "districts" and inserting in lieu thereof "regions".

SEC. 207. Section 585 of title 28, United States Code, is amended to read as follows:

"§ 585. Vacancies

"(a) The Attorney General may appoint an acting United States trustee for a region in which the office of the United States trustee is vacant. The individual so appointed may serve until the date on which the vacancy is filled by appointment under section 581 of this title or by designation under subsection (b) of this section.

"(b) The Attorney General may designate a United States trustee to serve in more than one region for such time as the public interest requires, and may authorize such United States trustee to remain at his original official station.".

SEC. 208. (a) Section 586 of title 28, United States Code, is amended to read as follows:

"§ 586. Duties

"(a) Each United States trustee, within his region shall—

"(1) establish, maintain, and supervise a panel of private trustees that are eligible and available to serve as trustees in cases under chapter 7 of title 11;

"(2) supervise the administration of cases and trustees in cases under chapter 7, 11, or 13 of title 11;

"(3) deposit or invest under section 345 of title 11 money received as trustee in cases under title 11;

"(4) perform the duties prescribed for the United States trustee under titles 11 and 28 and such duties as may be prescribed by the Attorney General; and

"(5) make such reports as the Attorney General directs.

"(b) If the number of cases under chapter 13 of title 11 commenced in a particular region so warrants, the United States trustee for such region may, subject to the approval of the Attorney General, appoint one or more individuals to serve as standing trustee, or designate one or more assistant United States trustees to serve in cases under such chapter. The United States trustee for such region shall supervise any such individual appointed as standing trustee in the performance of the duties of standing trustee.

"(c) The Attorney General shall prescribe by rule qualifications for membership on the panels established by United States trustees under paragraph (a)(1) of this section, and qualifications for appointment under subsection (b) of this section to serve as standing trustee in cases under chapter 13 of title 11. The Attorney General may not require that an individual be an attorney in order to qualify for appointment under subsection (b) of this section to serve as standing trustee in cases under chapter 13 of title 11.

"(d)(1) The Attorney General, after consultation with a United States trustee that has appointed an individual under subsection (b) of this section to serve as standing trustee in cases under chapter 13 of title 11, shall fix—

"(A) a maximum annual compensation for such individual, not to exceed the annual rate of basic pay in effect for step 1 of grade GS-16 of the General Schedule prescribed under section 5332 of title 5, except that the Attorney General may increase the maximum compensation of such individual to an annual rate not in excess of that for step 6 of GS-16 of the General Schedule prescribed under section 5332 of title 5 upon a determination that such individual has significantly decreased actual expenses resulting in a decrease of the percentage fee; and

"(B) a percentage fee, not to exceed 10 per centum, based on such maximum annual compensation and the actual, necessary expenses incurred by such individual as standing trustee.

"(2) Such individual shall collect such percentage fee from all payments received by such individual under plans in the cases under chapter 13 of title 11 for which such individual serves as standing trustee. Such individual shall pay to the United States trustee, and the United States trustee shall pay to proprietary receipts in the general fund of the Treasury—

"(A) any amount by which the actual compensation of such individual exceeds 5 per centum upon all payments received under plans in cases under chapter 13 of title 11 for which such individual serves as standing trustee; and

"(B) any amount by which the percentage for all such cases exceeds—

"(i) such individual's actual compensation for such cases, as adjusted under subparagraph (A) of paragraph (1); plus

"(ii) the actual, necessary expenses incurred by such individual as standing trustee in such cases. Subject to the approval of the Attorney General, any or all of the interest earned from the deposit of payments under plans by such individual may be utilized to pay actual, necessary expenses without regard to the percentage limitation contained in subparagraph (d)(1)(B) of this section.".

(b) The table of sections for chapter 39, comprising items relating to sections 581 through 589 is amended by amending the item relating to section 586 to read as follows:

"586. Duties.".

SEC. 209. (a) Section 587 of title 28, United States Code, is amended to read as follows:

"§ 587. Salaries

"Subject to sections 5315 through 5317 of title 5, the Attorney General shall fix the annual salaries of United States trustees and assistant United States trustees at rates of compensation not in excess of the rate of basic compensation provided for Executive Level IV of the Executive Schedule set forth in section 5315 of title 5, United States Code.".

"(b) Section 589 of title 28, United States Code, is amended by inserting before the period at the end thereof "without regard to the provisions of title 5, governing appointments in the competitive service".

SEC. 210. (a) The heading for chapter 39 of title 28, United States Code, as added by the Ethics in Government Act, is amended by striking out "CHAPTER 39" and inserting in lieu thereof "CHAPTER 40".

(b) The table of chapters for part II of title 28, United States Code, is amended by striking out the item relating to Independent Counsel and inserting in lieu thereof the following:

"40. Independent Counsel ..... 591".

(c) Section 49(f) of title 28, United States Code, is amended by striking out "chapter 39" each place it appears and inserting in lieu thereof "chapter 40".

SEC. 211. Subsection (f) of section 604 of title 28, United States Code, as added by the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549), is repealed.

SEC. 212. (a) Section 1930(a) of title 28, United States Code, is amended—

(1) in paragraph (1) by adding after "$60", plus such additional amount as is specified in regulations issued by the Attorney General. To convert, on a motion by the debtor, the case under chapter 7 or 11 to a case under chapter 11, the debtor shall pay an additional $400";

(2) in paragraph (3), by striking out "that does not concern a railroad, as defined in section 101 of title 11, $200" and inserting in lieu thereof ", $500, plus such additional amount as is specified in regulations issued by the Attorney General";

(3) in paragraph (4), by striking out "$500" and inserting in lieu thereof "$1,000"; and

(4) by adding at the end thereof the following: "The clerk of the court may collect only the fees authorized under this section. The clerk shall transmit to the Treasury of the United States for deposit into proprietary receipts in the general fund $55 from the filing fee prescribed under paragraph (1), $300 from the filing fee prescribed under paragraph (3), and the additional amounts prescribed in the regulations issued by the Attorney General under this section, including such amounts as may arise from conversion of a case under one chapter of title 11 to a case under a different chapter of title 11.".

(b) Section 1930 is amended by striking out subsection (e) and inserting in lieu thereof the following new subsections:

"(e)(1) In addition to the filing fee paid to the clerk, a monthly charge shall be paid to the United States trustee in each case under chapter 11 of title 11 as an administrative expense under section 503(b) of title 11, until a plan is confirmed or the case is converted or dismissed, whichever first occurs. The charge shall be $100 for each month in which disbursements total less than $20,000, $250 for each month in which disbursements total $20,000 or more but less than $100,000, $750 for each month in which disbursements total $100,000 or more but less than $1,000,000, and $1,000 for each month in which disbursements total $1,000,000 or more. The Attorney General may, by regulation, increase or decrease the amount of these charges, and in a case in which the debtor is a farmer, as defined in section 101(17) of title 11, United States Code, the court, for cause, may modify the monthly charge.

"(2) The United States trustee shall transmit to the Treasury of the United States for deposit into proprietary receipts in the general fund all the charges collected under this subsection.

"(f) Any regulations promulgated pursuant to subsection (e) shall be based on the amount necessary to ensure repayment to the Treasury of the amounts appropriated for the United States trustee system, but also shall take into account changes in the cost of living and other related factors.".

PART B—AMENDMENTS TO TITLE 11 OF THE UNITED STATES CODE

SEC. 221. Section 101 of title 11, United States Code, is amended—

(1) in paragraph (14) by striking out "and governmental unit" and inserting in lieu thereof "governmental unit, and United States trustee" before the semicolon at the end thereof; and

(2) in paragraph (24) by inserting "(but not a United States trustee while serving as trustee in a case under this title)" after "United States" the second place it appears.

SEC. 222. Section 102 of title 11, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (7) thereof;

(2) by striking the period at the end of paragraph (8) and inserting in lieu thereof "; and"; and

(3) by inserting at the end thereof the following:

"(9) 'United States trustee' includes a designee of the United States trustee.".

SEC. 223. (a) Section 104 of title 11, United States Code, is amended by inserting "except as to those charges and portions of fees to be specified in regulations issued by the Attorney General and deposited in the general fund of the Treasury" before the period at the end thereof.

(b) Section 105(a) of title 11, United States Code, is amended by adding at the end thereof the following new sentence: "No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, sua sponte, taking any action or making any determination necessary or appropriate to en-

force or implement court orders or rules, to prevent an abuse of process, or to ensure the proper and expeditious disposition of a case or proceeding.".

SEC. 224. Section 303 of title 11, United States Code, is amended—

(1) in subsection (g), by inserting "order the United States trustee to" after "may", the first time it appears; and

(2) in subsection (i)—

(A) by adding "or" at the end of subparagraph (1)(A);

(B) by striking out subparagraph (1)(C);

(C) by striking out the period at the end of subparagraph (2)(B) and inserting in lieu thereof "; or"; and

(D) by adding at the end thereof the following new paragraph:

"(3) against a party requesting the appointment of a trustee under subsection (g) or section 1104, for any damages proximately caused by the taking of possession of the debtor's property by such a trustee.".

SEC. 225. Subchapter I of chapter 3 of title 11, United States Code, is amended by adding at the end thereof the following new section:

"§ 307. United States trustee

"The United States trustee may raise and may appear and be heard on any issue in any case or proceeding under this title but may not file a plan pursuant to section 1121(c) of this title.".

SEC. 226. The table of sections for subchapter I of chapter 3 of title 11, United States Code, is amended by adding at the end thereof the following new item:

"307. United States trustee.".

SEC. 227. Section 321 of title 11, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The United States trustee for the judicial district in which the case is pending is eligible to serve as trustee in the case.".

SEC. 228. Section 322 of title 11, United States Code, is amended—

(1) at subsection (a), by striking out "A person" and inserting in lieu thereof "Except as provided in subsection (b)(1), a person"; and

(2) by amending subsection (b) to read as follows:

"(b)(1) The United States trustee qualifies wherever such trustee serves as trustee in a case under this title.

"(2) The United States trustee shall determine—

"(A) the amount of a bond required to be filed under subsection (a) of this section; and

"(B) the sufficiency of the surety on such bond.".

SEC. 229. Section 324 of title 11, United States Code, is amended to read as follows:

"§ 324. Removal of trustee or examiner

"(a) The court, after notice and a hearing, may remove a trustee, other than the United States trustee, or an examiner, for cause.

"(b) The United States trustee, after notice and a hearing and unless the court orders otherwise, may remove a trustee in a case under chapter 7, 11, or 13, or an examiner in a case under chapter 11, for cause.

"(c) Removal for cause under subsection (b) of this section in any case shall be deemed cause for removal in all cases in which such trustee or examiner is serving.".

SEC. 230. Section 326 of title 11, United States Code, is amended in subsection (b) by inserting "of the United States trustee or" after "expenses".

SEC. 231. Section 327(c) of title 11, United States Code, is amended by inserting "or the United States trustee" after "another creditor".

SEC. 232. Section 330 of title 11, United States Code, is amended—

(1) in subsection (a) by inserting "to any parties in interest and to the United States trustee" after "notice"; and

(2) by inserting at the end thereof the following new subsection:

"(d) In a case in which the United States trustee serves as trustee, the compensation of the trustee under subsection (b) of this section shall be paid into proprietary receipts in the general fund of the Treasury.".

SEC. 233. Section 341 of title 11, United States Code, is amended—

(1) in subsection (a), by striking out "there shall be a meeting of creditors" and inserting in lieu thereof "the United States trustee shall convene and preside at a meeting of creditors";

(2) in subsection (b), by striking out "court may order" and inserting in lieu thereof "United States trustee may convene"; and

(3) in subsection (b), by inserting "including any final meeting of creditors" before the period at the end thereof.

SEC. 234. Section 343 of title 11, United States Code, is amended to read as follows:

"§ 343. Examination of the debtor

"The debtor shall appear and submit to examination under oath at the meeting of creditors under section 341(a) of this title. Creditors, any indenture trustee, any trustee or examiner in the case, or the United States trustee may examine the debtor. The United States trustee may administer the oath required under this section.".

SEC. 235. Section 345 of title 11, United States Code, is amended—

(1) by striking out "court" in subsection (b)(1)(B) and inserting in lieu thereof "United States trustee"; and

(2) by adding at the end thereof the following:

"(d) The United States trustee may aggregate money of estates for which such United States trustee serves as trustee for deposit or investment under this section, in order to increase the return on such money, taking into account the safety of such deposit or investment. The United States trustee shall maintain complete records identifying separately the money of each estate included in such an aggregation. Any return on any such deposit or investment shall be paid by the United States trustee into proprietary receipts of the general fund of the Treasury.".

SEC. 236. Section 701(a) of title 11, United States Code, is amended to read as follows:

"(a)(1) Promptly after the order for relief under this chapter—

"(A) the United States trustee, other than an officer or employee of the court, shall appoint one disinterested person that is a member of the panel of private trustees established under section 586(a)(1) of title 28, or

"(B) an officer or employee of the court shall appoint one disinterested person that is a member of a panel of private trustees established under section 255(d)(1)(A) of the United States Trustees Act of 1986 or,

either the United States trustee or such officer or employee, as the case may be, shall appoint one disinterested person that was serving as trustee in the case immediately before the order for relief under this chapter to serve as interim trustee in the case.

"(2) If none of the members of such panel is willing to serve as interim trustee in the case, then the United States trustee may serve as interim trustee in the case.".

SEC. 237. Section 703 of title 11, United States Code, is amended by amending subsections (b) and (c) to read as follows:

"(b) Pending election of a trustee under subsection (a) of this section, if necessary to preserve or prevent loss to the estate, the United States trustee may appoint an interim trustee in the manner specified in section 701(a).

"(c) If creditors do not elect a successor trustee under subsection (a) of this section, or if a trustee is needed in a case reopened under section 350 of this title, then the United States trustee may serve as a trustee in the case or shall appoint one disinterested person that is a member of the panel of private trustees established under section 586(a)(1) of title 28 to serve as trustee in the case. An officer or employee of the court shall appoint a disinterested person that is a member of the panel of private trustees established under section 255(d)(1)(A) of the United States Trustees Act of 1986 as trustee in the case, but may not serve as trustee in the case.".

SEC. 238. (a) Section 704 of title 11, United States Code, is amended—

(1) in paragraph (8), by—

(A) inserting ", with the United States trustee," after "court" the first place it appears;

(B) inserting "the United States trustee or" after "information as"; and

(C) striking out "and" at the end thereof;

(2) in paragraph (9), by striking out the period at the end thereof and inserting in lieu thereof the following: "and with the United States trustee; and"; and

(3) by adding at the end thereof the following:

"(10) bring to the attention of the court such additional information as may enable the court to carry out its responsibilities under sections 523, 707, and 727.".

SEC. 239. Section 705(b) of title 11, United States Code, is amended—

(1) by inserting "or the United States trustee" after "trustee" each place it appears; and

(2) by inserting "or the United States trustee" immediately after "court".

SEC. 240. Section 707(a) of title 11, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof the following: "; and"; and

(3) by adding at the end thereof the following:

"(3) failure of the debtor in a voluntary case to file, within fifteen days or such additional time as the court may allow after the filing of the petition commencing such case, the information required by paragraph (1) of section 521.".

SEC. 241. Section 726 of title 11, United States Code, is amended in subsection (b) by inserting ", except as to fees and charges under chapter 123 of title 28" after "paragraph (1)".

SEC. 242. Section 727 of title 11, United States Code, is amended by amending subsections (c), (d), and (e) to read as follows:

"(c)(1) The trustee, a creditor, or the United States trustee may object to the granting of a discharge under subsection (a).

"(2) On request of a party in interest, the court may order the trustee or the United States trustee to examine the acts and conduct of the debtor to determine whether a ground exists for denial of discharge.

"(d) On request of the trustee, a creditor, or the United States trustee, and after notice and a hearing, the court shall revoke a discharge granted under subsection (a) if—

"(1) such discharge was obtained through the fraud of the debtor, and the requesting party did not know of such fraud until after the granting of such discharge;

"(2) the debtor acquired property that is property of the estate, or became entitled to acquire property that would be property of the estate, and knowingly and fraudulently failed to report the acquisition of or entitlement to such property, or to deliver or surrender such property to the trustee; or

"(3) the debtor committed an act specified in subsection (a)(6).

"(e) The trustee, a creditor, or the United States trustee may request a revocation of a discharge—

"(1) under subsection (d)(1) within one year after such discharge is granted; or

"(2) under subsection (d)(2) or (d)(3) before the later of—

"(A) one year after the granting of such discharge; and

"(B) the date the case is closed.".

SEC. 243. Section 1102 of title 11, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) As soon as practicable after the order for relief under chapter 11 of this title, the United States trustee shall appoint a committee of creditors holding unsecured claims and may appoint additional committees of creditors or of equity security holders as the United States trustee deems appropriate.

"(2) On request of a party in interest, the court may order the appointment of additional committees of creditors or of equity security holders if necessary to assure adequate representation of creditors or of equity security holders. The United States trustee shall appoint any such committee."; and

(2) by repealing subsection (c).

SEC. 244. Section 1104 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting "or the United States trustee" after "party in interest";

(2) in subsection (b), by inserting "or the United States trustee" after "party in interest";

(3) in subsection (c), by striking out "court" the second place it appears and inserting in lieu thereof "United States trustee, after consultation with parties in interest"; and

(4) in subsection (c), by striking out "one disinterested person" and inserting in lieu thereof ", subject to the court's approval, one disinterested person other than the United States trustee".

SEC. 245. Section 1105 of title 11, United States Code, is amended by inserting "or the United States trustee" after "party in interest".

SEC. 246. Section 1112 of title 11, United States Code, is amended in subsection (b)—

(1) by inserting "or the United States trustee" after "party in interest";

(2) by striking out "or" in paragraph (8);

(3) by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon; and

(4) by adding at the end thereof the following:

"(10) nonpayment of any fees or charges required under chapter 123 of title 28;

"(11) failure of the debtor in a voluntary case to file, within fifteen days after the filing of the petition commencing such case, the information required by paragraph (1) of section 521, including a list containing the names and addresses of the holders of the lesser of all unsecured claims or the twenty largest unsecured claims, and the dollar amounts of such claims; or

"(12) failure to timely file the information required by paragraph (2) of section 521.".

SEC. 247. Section 1163 of title 11, United States Code, is amended by adding the following new sentence at the end thereof: "The United States trustee shall appoint one of such persons to serve as trustee in the case.".

SEC. 248. Section 1302 of title 11, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) If the United States trustee has appointed an individual under section 586(b) of title 28, or if an officer or employee of the court has appointed an individual under section 255(d)(1)(D) of the United States Trustees Act of 1986, to serve as standing trustee in cases under chapter 13 of this title and if such individual qualifies under section 322 of this title, then such individual shall serve as trustee in the case. Otherwise, the United States trustee shall appoint one disinterested person to serve as trustee in the case or a United States trustee other than an officer or employee of the court may serve as a trustee in the case.";

(2) by repealing subsection (d) and redesignating subsection (e) as subsection (d); and

(3) by amending subsection (d), as redesignated herein, by striking out "under subsection (d) of this section" and inserting in lieu thereof "pursuant to the United States Trustees Act, in districts other than districts in which section 586 of title 28 is effective,".

SEC. 249. Section 1307 of title 11, United States Code, is amended—

(1) in subsection (c) by—

(A) inserting "or the United States trustee" after "party in interest"; and

(B) striking out "or" at the end of paragraph (7) and inserting a semicolon in lieu thereof; and

(C) adding at the end thereof the following:

"(9) failure of the debtor to file, within fifteen days, or such additional time as the court may allow, after the filing of the petition commencing such case, the information required by paragraph (1) of section 521; or

"(10) failure to timely file the information required by paragraph (2) of section 521."; and

(2) in subsection (d) by inserting "or the United States trustee" after "party in interest".

SEC. 250. Section 1326(B) of title 11, United States Code, is amended to read as follows:

"(b) Before or at the time of each payment to creditors under the plan, there shall be paid—

"(1) any unpaid claim of the kind specified in section 507(a)(1) of this title; and

"(2) if a standing trustee appointed under section 586(b) of title 28 or section 255(d)(1) of the United States Trustees Act of 1986 is serving in the case, the percentage fee fixed for such standing trustee under section 586(e)(1)(B) of title 28 or pursuant to such section of the United States Trustees Act of 1986.".

PART C—TRANSITION AND REPEALER

SEC. 251. Section 408(c) of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549, 2686-87), is amended—

(1) by striking out "and chapter 39 of title 28 of the United States Code are repealed, and all references to the United States trustee contained in title 28 of the United States Code are deleted, as of September 30, 1986" and inserting in lieu thereof "is repealed"; and

(2) by repealing the last sentence thereof.

SEC. 252. The service of any United States trustee and of any assistant United States trustee appointed under the authority of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549), is terminated upon the earlier of the expiration of his term or March 31, 1987, except that the Attorney General—

(1) may appoint any such United States trustee to serve for such period, not to exceed two years, as the Attorney General deems necessary to facilitate the transition from the bankruptcy administration program established in chapter 15 of the Act of November 6, 1978, to the United States trustee system established by this title; and

(2) may appoint any such assistant United States trustee under the provisions of section 582 of title 28, United States Code, as amended by this title.

SEC. 253. (a) Except as otherwise provided in this part, this title and the amendments made by parts A, C, D, E, and F of this title shall become effective upon enactment of this title.

(b) The amendment made by subsection (b) of section 212 of this title shall become effective in a region thirty days after the certification of the Attorney General under section 256 of this title or, in those districts making an election under section 255(b)(2) such section 212(b) shall become effective thirty days after the provisions of section 255(d) become effective. Such section 212(b) shall apply to cases in each district filed on or after the date of the enactment of this title.

(c) The amendments made by section 212 other than by subsection (b) of such section shall become effective thirty days after the date of the enactment of this title.

(d) Section 255(d) of this title becomes effective six months after the date of an appropriation for the judicial branch to implement the provisions of section 255(d). Until section 255(d) becomes effective, the United States trustee serving in such district shall continue to serve in that district, notwithstanding the provisions of section 252.

SEC. 254. (a) Except as otherwise provided in subsection (b), the amendments made by part B of this title shall become effective on the date two years after the date that the initial appropriation authorized under section 271 of this title is enacted or thirty days after the Attorney General certifies the last region under section 256 of this title, whichever first occurs.

(b) During the two-year period following the date of the enactment of the initial appropriation authorized under section 271 of this title, the amendments made by part B of this title shall apply in each district in which a United States trustee was authorized by the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549), and, thirty days after the Attorney General's certification under section 256 of this title in those remaining districts established pursuant to this title, except for those districts making the election pursuant to section 255(b)(2). In such districts making an election under section 252(b)(2), the amendments made by part B shall take effect on the effective date of section 255(d): Provided, That, in any case commenced under chapter 7 of title 11, United States Code, prior to the date of the enactment of this title, the failure of a trustee to file the final report and account re-

quired by section 704 of title 11 prior to one year following certification of the district in which such trustee serves shall be deemed cause for removal under section 324 of title 11, as amended by section 229 of this title, and in any case under chapter 11 in which a trustee was appointed prior to the date of the enactment of this title, the failure to obtain approval of a plan prior to one year after certification shall also be deemed cause for removal. In such cases, the United States trustee may remove the trustee by filing a notice of the appointment of a successor trustee.

(c) The court shall continue to have responsibility for the supervision of cases in a district in which a revocation under section 255(b)(4) has been made or in which no election has been made pursuant to section 255(b)(2) until thirty days after that district is certified by the Attorney General.

SEC. 255. (a) The United States trustee system herein established shall be phased in over a two-year period beginning on the date that the initial appropriation authorized under section 271 of this title is enacted. The regions encompassing districts for which United States trustees were appointed pursuant to the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549), shall be certified by the Attorney General pursuant to section 256 of this title not later than two hundred and seventy days after the date of the enactment of the initial appropriation authorized under section 271 of this title.

(b)(1) Section 204 of this title shall not apply to any judicial district which specifically elects not to be included in the bankruptcy regions established by section 204. Notwithstanding section 252 of this title, as to districts for which a United States Trustee was provided in section 224 of the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549) such election shall terminate the services of such trustee in that district upon the effective date of section 255(d) in that district.

(2) Any election under this section shall be granted upon request by any bankruptcy judge after a majority vote of the Chief district judge and each bankruptcy judge in such judicial district in favor of such election. A judicial district shall have sixty days after the date of the enactment of this title in which to make an election under this section. If a district fails to make an election within such sixty days, such district shall be deemed to have chosen to participate in the bankruptcy regions set forth in section 204 of this title.

(3) Notice that an election has been made under this section shall be given, within ten days after such election, to the Attorney General and the appropriate Federal Circuit Court of Appeals for the judicial district.

(4) An election under this section not to participate in the bankruptcy regions set forth in section 204 of this title may be revoked at any time under the same procedures set forth in paragraphs (2) and (3) but not subject to the time limitations provided in paragraph (2). A decision to participate in a bankruptcy region may not be revoked.

(5) The Attorney General shall have not less then ninety days after the date of notification of revocation under paragraph (4) to certify that the district is included in the bankruptcy region. The courts shall promptly publish notice of this certification.

(c) The Attorney General may, through regulation, reconstitute any bankruptcy region wherein a judicial district has made an election under subsection (b) by providing for an increase in the number of currently established judicial districts within such bankruptcy region.

(d)(1) In any judicial district making an election under subsection (b) of this section, the duties and functions granted to the United States trustee, except as otherwise provided in paragraph (2), shall be performed by officers and employees of the courts. Such duties and functions include—

(A) the duty to establish, maintain, and supervise a panel of private trustees that are eligible and available to serve as trustees in cases under chapter 7 of title 11, United States Code;

(B) the duty to supervise the administration of cases and trustees in cases under chapter 7, 11, or 13 of title 11, United States Code;

(C) the duties prescribed for the United States trustees under title 11, United States Code; and

(D) the duty to appoint and supervise standing trustees, if the number of cases under chapter 13 of title 11, United States Code, commenced in a particular region so warrants, subject to the approval of the judicial council of the circuit for which such officer or employee serves.

The Judicial Conference shall promulgate regulations for the appointment and removal of such officers and employees. Such regulations shall provide that the appointment shall be made by the court of appeals for the judicial circuit in which such officer or employee serves, and the removal of an officer or employee shall include the initiation of proceedings for removal by the bankruptcy judges of the district. Such removal shall be subject to the approval of the judicial council of the circuit in which such officer or employee serves.

(2)(A) For purposes of title 11 of the United States Code, the term "United States trustee", as such term is used in title 11, shall include an officer or employee of the court appointed under this subsection, except as otherwise provided in this title.

(B) For purposes of sections 102(9), 321, 322, and 701(a)(2) of title 11, United States Code, a United States trustee, as such term is used in such sections 102(9), 321, 322, and 701(a)(2), shall not include an officer or employee of the court appointed pursuant to this subsection.

SEC. 256. The Attorney General shall certify, to the appropriate Federal Circuit Courts of Appeals, Federal district courts, and bankruptcy courts, his intention to establish offices in a United States trustee region thirty days prior to the assumption of the responsibilities prescribed by this title in that region. The courts promptly shall publish notice of such certification and of the implementation of section 212(b) of this title in and for the districts within the region.

SEC. 257. (a) A case commenced under the Bankruptcy Act, and all matters and proceedings in or relating to any such case, shall be conducted and determined under such Act as if this title had not been enacted. The substantive rights of parties in connection with any such bankruptcy case, matter, or proceeding shall continue to be governed by the law applicable to such case, matter, or proceeding as if this title had not been enacted, except that at the end of one calendar year following the certification of a district in which any case is still pending under the Bankruptcy Act, the district court shall withdraw the reference of any such case and, after notice and a hearing, determine the status of the case. Such case shall be remanded to the bankruptcy judge with such instructions as are necessary for the prompt closing of the case and with a requirement that a progress report on the case be provided by the bankruptcy judge after such interval as the district court deems appropriate.

(b) A case commenced under the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549), and all matters and proceedings in or relating to any such case, shall be conducted and determined under the provisions of this title: Provided, however, That the amendments made by parts A and B of this title relating to the authority and responsibilities of the United States trustees, except in those districts for which United States trustees were appointed pursuant to the Act of November 6, 1978 (Public Law 95-598; 92 Stat. 2549), shall not apply to a case under chapter 7 or chapter 11 of title 11, United States Code, commenced prior to the date of the enactment of this title, until one year after the region encompassing the district in which such case has been filed has been certified under section 255 or 256 of this title. Such provisions shall not apply to such cases thereafter, if—

(1) in a case under chapter 7 of title 11, United States Code, the case trustee has filed the final report and account of the administration of the estate required by section 704 of title 11, United States Code, prior to or within the year after certification; and

(2) in a case under chapter 11 of title 11, United States Code, a plan has been confirmed under section 1129 of title 11, United States Code, prior to or within the year after certification.

SEC. 258. The Attorney General and the Director of the Administrative Office of the United States Courts shall consult in an attempt to achieve optimal coordination and may enter into agreements under which the United States trustees may use the services, equipment, personnel, records, reports, and data compilations, in any form, and the facilities of the Federal judiciary. The United States trustees may cooperate in the use by the Federal judiciary of services, equipment, personnel, records, reports, and data compilations, in any form, and the facilities of the United States trustees in order to prevent duplication during the phasein period.

SEC. 259. The Director of the Administrative Office of the United States Courts shall make available to the United States trustees on a current basis, all records, reports, and data compilations, in any form, relating to cases and proceedings under title 11, United States Code, or the United States trustees' duties under titles 11 and 28, United States Code, as prescribed by this title, and shall instruct all clerks to cooperate in the orderly transfer of functions, documents, and data compilations, in any form, to the United States trustee system, except that no such transfer shall be made without the consent of the Attorney General, and United States trustees shall not be required to give any notice provided for in cases under title 11, United States Code.

SEC. 260. (a) The Executive Office for United States Trustees, in consultation with the Administrative Office of the United States Courts, shall, within twelve months after the date of the enactment of an appropriation therefor under section 271 of this title, take such steps as are necessary to establish an electronic case management demonstration project for three judicial districts in the United States having a sufficient caseload to provide a meaningful test of such system. A contract for such case management demonstration project shall be

awarded by the Director, Executive Office for United States Trustees, upon competitive bids by qualified private sector entities able to design an automated joint information system for use by the courts and the United States trustees, and to provide that level of expertise in the design and implementation of automated case management systems that is required for purposes of this demonstration project.

(b) The demonstration project required by subsection (a) shall continue as provided in subsection (c) but for a period of not less than two years after the date of its implementation. One year after the implementation of such project, the Congress shall cause a study to be performed of the cost effectiveness of such demonstration project in comparison to (1) judicial districts that do not have electronic case management systems in place, and (2) judicial districts that participate in such electronic case management systems as are maintained by the Administrative Office of the United States Courts.

(c) The demonstration project required by subsection (a) shall continue for a period of two years or until such time as the Congress evaluates the success of such project and acts upon its continuance, its expansion to all judicial districts, or its termination, whichever period is longer.

(d) The electronic case management system required by subsection (a) shall provide the clerk of court, in each district in which it may be operated, with a means of maintaining a complete electronic case file of all relevant information contained in the petitions and schedules filed by debtors and any amendments thereto, including—

(1) a complete list of creditors in the case as listed by the debtor;

(2) a complete listing of all assets scheduled by the debtor, showing the manner in which each item is scheduled, the value thereof, and any action taken by the trustee or debtor in possession with regard to that item during the pendency of the case; and

(3) the debtor's statement of current expenses and income.

(e) The demonstration system shall provide the United States trustee in each district in which it may be completed with a means of maintaining a complete electronic case file which shall contain in addition to the information listed in subsection (d) the following:

(1) a record of all motions, complaints, appointments, pleadings, and responses, as well as a record of the responses by the United States Trustee Office to those motions, appointments, and pleadings;

(2) automated generation of motions, complaints, appointments, pleadings, and responses;

(3) automated generation of standard management reports and letters on an exception basis;

(4) those accounting records, reports, and information required to be maintained by debtors in possession and trustees in cases under title 11, United States Code, by the Executive Offices for United States Trustees;

(5) an accurate record of bankruptcy case openings, case milestones, and case closings; and

(6) the calculation of distribution to creditors, final applications and orders for distribution, final case closing reports, and all forms to insure prompt payment of statutory fees to trustees in asset and no asset cases.

(f) The demonstration system shall further provide the clerk of court with a means of electronically maintaining all calendars and dockets, and of producing all notices required to be sent in cases under title 11, United States Code.

(g) The demonstration system shall maintain the information specified in subsections (a) and (f) in a format easily accessible by electronic means, or otherwise, to all entities within the district in which such system is maintained with an interest in a case pending under title 11, United States Code. A charge of $5 shall be collected for each case accessed by such entity and all such charges shall be paid to proprietary receipts in the general fund of the Treasury to help defray the cost of operating the demonstration system.

(h) Notwithstanding subsection (d), unlimited access to the information maintained in the demonstration system shall be provided at no charge to the following:

(1) The Congress.

(2) The Executive Office for United States Trustees.

(3) The Administrative Office of the United States Courts.

(4) The clerks of the court in each judicial district in districts in which the demonstration system is operated.

(5) The judges of the bankruptcy and district courts in which the demonstration system is operated.

(6) Trustees in cases pending in those districts involved in operation of the demonstration system.

(i) Access as provided in subsection (h) shall be subject to such security limitations as may be imposed by the officials in charge of each of the respective offices specified in paragraphs (1) through (5) of such subsection. Access to the information maintained in the electronic code management system by trustees, attorneys of record, and parties in interest in proceedings and attorneys admitted to practice before the courts of participating districts shall be limited to review of the information on file which constitutes information of public record as provided in section 107 of title 11, United States Code.

SEC. 261. If any provision of this title or any amendment made by this title, or the application thereof to any entity or circumstances is held invalid, the provisions of every other part, and their application shall not be affected thereby.

PART D—AUTHORIZATION FOR APPROPRIATIONS FOR BANKRUPTCY ADMINISTRATION

SEC. 271. There hereby are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title, except that such amounts as are collected pursuant to the amendments made by section 212 of this title shall be utilized to reimburse the Treasury for such appropriations. Appropriations authorized under this section shall remain available for obligation until expended.

PART E—THE RULES OF BANKRUPTCY PROCEDURE

SEC. 281. Part X of the Rules of Bankruptcy Procedure applies in any district in which a United States trustee is serving until such Part is superseded by Rules of Bankruptcy Procedure promulgated under the authority of section 2075 of title 28, United States Code.

PART F—SHORT TITLE

SEC. 291. This title may be cited as the "United States Trustees Act of 1986".

TITLE III—TECHNICAL CORRECTIONS

SEC. 301. (a) Section 101(33) of title 11, United States Code, is amended to read as follows:

"(33) 'person' includes individual, partnership, and corporation, but does not include governmental unit: Provided, however, That effective as of October 1, 1979, any agency, department, or unit of the United States, or any corporation chartered by the United States, that acquires assets in a receivership capacity, or purchases, or otherwise acquires, assets from any entity shall be considered a person for purposes of section 1102 of this title.".

(b) Section 101(41)(A)(xv) of title 11, United States Code, is amended by striking out "secuity" and inserting in lieu thereof "security".

(c) Section 101(49) of title 11, United States Code, is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a period.

SEC. 302. (a) Section 303(b) of title 11, United States Code, is amended by striking out "subject on" and inserting in lieu thereof "subject of".

(b) Section 303(c) of title 11, United States Code, is amended by inserting "as to liability or the subject of a bona fide dispute" after "contingent."

(c) Section 303(h)(1) of title 11, United States Code, is amended by striking out "that".

SEC. 303. Section 346(j)(7) of title 11, United States Code, is amended by striking out "owned" and inserting in lieu thereof "owed".

SEC. 304. Section 362(b) of title 11, United States Code, as redesignated by section 392(a) of Public Law No. 98-353, is amended—

(1) in paragraph (6) by striking out "financial institution," each place it appears and inserting in lieu thereof ", financial institutions";

(2) striking "or" after the semicolon in the first paragraph (9);

(3) striking out "(9)" in the second paragraph (9), and "(10)" in paragraph (10) and inserting in lieu thereof "(10)" and "(11)", respectively, and

(4) in paragraph (10) as redesignated, by striking out the period at the end thereof and inserting in lieu thereof "; or".

SEC. 305. (a) Section 363(a) of title 11, United States Code, is amended by inserting "or their cash equivalents" after "property".

(b) Section 363 of title 11, United States Code, is amended by striking out "value" and inserting in lieu thereof "amount".

SEC. 306. (a) Section 365(c) of title 11, United States Code, is amended by—

(1) striking "or and assignee of such contract or lease" in subparagraph (1)(A); and

(2) in paragraph (3) by—

(A) inserting "is" after "lease"; and

(B) inserting "and" after "property".

(b) Subparagraph (2)(A)(i) of section 365(e) of title 11, United States Code, is amended by striking out "the trustee or to an assignee of such contract or lease" and inserting in lieu thereof "an entity other than the debtor or debtor in possession".

(c) Paragraph (1) of section 365(h) of title 11, United States Code, is amended by inserting "or timeshare plan" after "lease" the fourth place it appears.

(d) Section 365(m) of title 11, United States Code, is amended by striking out "362(b)(9)" and inserting in lieu thereof "362(b)(10)".

SEC. 307. Section 502(b)(6)(A)(ii) of title 11, United States Code, is amended by striking out "repossessed" and inserting in lieu thereof "repossessed".

SEC. 308. Section 502(i) of title 11, United States Code, is amended by striking out

"507(a)(6)" and inserting in lieu thereof "507(a)(7)".

SEC. 309. Section 503(b) of title 11, United States Code, is amended—

(1) in subparagraph (1)(B) by striking out "507(a)(6)" and inserting in lieu thereof "507(a)(7)".

(2) in paragraph (5) by inserting "and" after the semicolon; and

(3) in paragraph (6) by striking out "; and" and inserting in lieu thereof a period.

SEC. 310. Section 507(d) of title 11, United States Code, is amended by striking out "or (a)(6)" and inserting in lieu thereof "(a)(6) or (a)(7)".

SEC. 311. (a) Section 452 of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98-353), amending section 521(3) of title 11, United States Code, is repealed.

(b) Section 521(4) of title 11, United States Code, is amended by inserting ", whether or not immunity is granted under section 344 of this title" after "estate" the second place it appears.

SEC. 312. (a) Section 522(h)(1) of title 11, United States Code, is amended by striking out "tittle" and inserting in lieu thereof "title".

(b) Section 522(c)(2)(A) of title 11, United States Code, is amended by striking out "(g)" and inserting in lieu thereof "(h)".

SEC. 313. Section 522(i)(2) of title 11, United States Code, is amended by striking out "his" and inserting in lieu thereof "this".

SEC. 314. Section 523(a) of title 11, United States Code, is amended—

(1) in subparagraph (1)(A) by striking out "507(a)(6)" and inserting in lieu thereof "507(a)(7)"; and

(2) by redesignating the second paragraph (9) as paragraph (10).

SEC. 315. Section 523(b) of title 11, United States Code, is amended by striking out "Services" and inserting in lieu thereof "Service".

SEC. 316. (a) Section 524(c)(6)(B) of title 11, United States Code, is amended by inserting "business debt or" before "consumer".

(b) Section 524(d)(2) of title 11, United States Code, is amended by striking out "subsection" the second place it appears and inserting in lieu thereof "section".

SEC. 317. Paragraph (3) of section 544(a) of title 11, United States Code, is amended by striking out "transfer" the second place it appears and inserting in lieu thereof "purchaser's interest".

SEC. 318. Section 546(e) of title 11, United States Code, is amended by inserting a comma after "stockbroker".

SEC. 319. Section 547(b)(4)(B) of title 11, United States Code, is amended by inserting "and" after the semicolon.

SEC. 320. Section 548(d)(2)(B) of title 11, United States Code, is amended by striking out "financial institution," and inserting in lieu thereof ", financial institution".

SEC. 321. (a) Paragraphs (3), (4), and (5) of section 464(a) of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98-353), amending section 549(a) of title 11, United States Code, are repealed.

(b) Section 549(b) of title 11, United States Code, is amended by—

(1) striking out "of" after "to the extent"; and

(2) inserting "is" after "commencement of the case,".

SEC. 322. Section 553(a)(1) of title 11, United States Code, is amended by striking out "other" through "title" at the end thereof.

SEC. 323. Section 554(c) of title 11, United States Code, is amended by—

(1) striking out "521(a)(1)" and inserting in lieu thereof "521(1)"; and

(2) striking out "to the debtor" after "abandoned".

SEC. 324. The items relating to sections 557, 558, and 559 in the table of sections for subchapter III of chapter 5 of title 11, United States Code, are amended to read as follows:

"557. Expedited determination of interests in, and abandonment or other disposition of grain assets.
"558. Defenses of the estate.
"559. Contractual right to liquidate a repurchase agreement.".

SEC. 325. Section 724(b)(2) of title 11, United States Code, is amended by—

(1) striking out "or"; and

(2) inserting ", or 507(a)(6)" after "507(a)(5)".

SEC. 326. Section 726(b) of title 11, United States Code, is amended by striking out "or (6)" and inserting in lieu thereof "(6) or (7)".

SEC. 327. Section 743 of title 11, United States Code, is amended by striking out "(d)".

SEC. 328. Section 1121(d) of title 11, United States Code, is amended by striking out "subsection" and inserting in lieu thereof "subsections (b) and".

SEC. 329. Section 1129(a) of title 11, United States Code, is amended—

(1) in paragraph (7) by striking out "of" the first time it appears;

(2) in subparagraph (9)(B) by striking out "or 507(a)" the first time it appears and inserting in lieu thereof "507(a)(5) or 507(a)(6)"; and

(3) in paragraph (9)(C) by striking out "(6)" and inserting in lieu thereof "(7)".

SEC. 330. (a) Section 525(b)(1) of the Bankruptcy Amendments and Federal Judgeship Act of 1954 (Public Law 98-353) amending section 1302(e)(4) of title 11, United States Code, is repealed.

(b) Section 1302(b)(1) of title 11, United States Code, is amended by striking out "704(3),".

(c) Section 1302(e)(1) of title 11, United States Code, is amended by striking out "fix" and inserting in lieu thereof "set for such individual".

SEC. 331. Section 1324 of title 11, United States Code, is amended in the second sentence by striking out "the" the first place it appears.

SEC. 332. Section 1325(b)(2)(A) of title 11, United States Code, is amended by striking out "or" after the semicolon and inserting in lieu thereof "and".

SEC. 333. Section 1326(a)(2) of title 11, United States Code, is amended by striking out "payments" and inserting in lieu thereof "payment".

SEC. 334. Official Bankruptcy Form No. 1, referred to in Rule 1002 of the Bankruptcy Rules, is amended—

(1) in paragraph (6) by striking out "7 or 13" and inserting in lieu thereof "7, 11, or 13"; and

(2) by striking out "7 or 13" and inserting in lieu thereof "7, 11, or 13" in the statement to be made by the attorney in "Exhibit 'B'".

SEC. 335. The table of sections of chapter 15 of title 11, United States Code, is amended by striking out "this" in the item relating to section 1501.

SEC. 336. Section 15701(a) of title 11, United States Code, is amended by striking out "trustee" the second time it appears and inserting in lieu thereof "trustees".

SEC. 337. Section 15703(b) of title 11, United States Code, is amended by striking out "truste" and inserting in lieu thereof "trustee".

SEC. 338. Section 151102(b) of title 11, United States Code, is amended by striking out "of" the second time it appears and inserting in lieu thereof a comma.

SEC. 339. (a) Section 311(b)(4) of the Bankruptcy Amendments and Federal Judgeship Act of 1984 (Public Law 98-353), amending section 151301(b)(1) of title 11, United States Code, is repealed.

(b) Section 151302(b)(1) of title 11, United States Code, is amended by striking out "704(8)" and inserting in lieu thereof ", 704(7), and 704(9)".

SEC. 340. Section 156 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) For purposes of financial accountability in a district where a bankruptcy clerk has been certified, such clerk shall be accountable for and pay into the Treasury all fees, costs, and other monies collected by such clerk except uncollected fees not required by an Act of Congress to be prepaid. Such clerk shall make returns thereof to the Director of the Administrative Office of the United States courts under regulations prescribed by such Director.".

SEC. 341. Section 157(b)(2)(B) of title 28, United States Code, is amended by striking out "interest" and inserting in lieu thereof "interests".

SEC. 342. Section 157(b)(2)(G) of title 28, United States Code, is amended by inserting a comma after "annul".

SEC. 343. Section 1334(d) of title 28, United States Code, is amended by striking out "and of the estate" and inserting in lieu thereof "and of property of the estate".

SEC. 344. Section 1930(a) of title 28, United States Code, is amended by striking out "of the court" and inserting in lieu thereof "of the district court or the clerk of the bankruptcy court, if one has been certified pursuant to section 156(b),".

SEC. 345. Section 2041 of title 28, United States Code, is amended by inserting "or any bankruptcy court" after "court of the United States".

SEC. 346. Section 2043 of title 28, United States Code, is amended by inserting ", and each clerk of the bankruptcy courts," after "United States courts".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. ANDREWS. Mr. President, I would like to announce for the information of the public that the Select Committee on Indian Affairs will hold a business meeting on Wednesday, September 10, 1986, at 3 p.m., in room S-205 of the Capitol, on the following bills:

S. 1452, a bill to settle Indian land claims in the Town of Gay Head, Massachusetts;

S. 2118, a bill to provide for the distribution of funds appropriated to pay a judgment awarded to the Sisseton and Wahpeton Tribes of Sioux Indians;

H.R. 1344, a bill to provide for the restoration of Federal recognition to the Ysleta del sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas;

H.R. 1920, a bill to establish Federal standards and regulations for the conduct

of gaming activities on Indian reservations and lands; and

S. 2504, a bill to authorize certain transfers affecting the Pueblo of Santa Ana in New Mexico, and for other purposes.

Those wishing additional information should contact the committee at 224-2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, on Thursday, September 18, 1986, the Committee on Energy and Natural Resources will reconvene oversight hearings on the domestic and international petroleum situation. The hearings will commence at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

Six months will have elapsed since the committee last examined the domestic implications of the dramatic drop of international oil prices that followed a marginal increase in OPEC production that drove oil prices down to their lowest levels since 1973.

These hearings will undertake a comprehensive review of how today's domestic energy situation has been changed and what its future outlook may be. Attention will be devoted to the projected long-term benefits for consumers and our economy, as well as the potential adverse consequences such as a permanent loss of domestic production, increased dependence on foreign oil, and greater power for OPEC.

Particular attention will be devoted to whether, as a matter of national energy or economic policy, the Federal Government should, at this time, undertake initiatives to protect and preserve our domestic petroleum production and to protect our national energy security. Emphasis will be placed on options that rely on the marketplace; their contribution to the formulation of a stable, rational national energy policy; and their advantages and disadvantages toward mitigating a permanent loss of domestic petroleum production, reducing our projected increased dependence on oil imports, and tempering the future political influence of OPEC.

Written statements for the record should be transmitted in 20 copies to Chairman JAMES A. MCCLURE, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. Inquiries regarding this hearing should be addressed to Richard D. Grundy, director of oversight and investigations, care of the committee (or at (202) 224-2564) or Howard Useem, professional staff member (at (202) 224-2366).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public that the Committee on Energy and Natural Resources has scheduled an oversight hearing on Friday, September 12, 1986, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on the consideration of applicable water law during the Federal Energy Regulatory Commission's hydroelectric licensing proceedings.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, room SD-358 Dirksen Senate Office Building, Washington DC. 20510.

For further information, please contact Mr. Russell Brown at (202) 224-2366.

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider the nomination of Martha O. Hesse, of Illinois, to be a Member of the Federal Energy Regulatory Commission and James Allen Wampler, of Illinois, to be an Assistant Secretary of Energy (Fossil Energy).

The hearing will take place Tuesday, September 9, 10 a.m. in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should contact the Committee on Energy and Natural Resources, room SD-358 Dirksen Senate Office Building, Washington DC. 20510. For further information, please contact David Doane or Gerry Hardy at (202) 224-5304.

SUBCOMMITTEE ON WATER AND POWER

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources has scheduled a field hearing on Monday, August 25, 1986, in Kadoka, SD. The time and location of the hearing will be announced as soon as possible.

The purpose of this hearing is to receive testimony on S. 1471, to authorize the Lyman-Jones and West River Rural Development projects.

Those wishing to testify or submit written statements for the hearing record should write the Subcommittee on Water and Power of the Committee on Energy and Natural Resources, room SH-212, Hart Senate Office Building, Washington, DC. 20510. For further information, please contact Mr. Russell Brown at (202) 224-2366.

ADDITIONAL STATEMENTS

NOTICE OF DETERMINATIONS BY THE SELECT COMMITTE ON ETHICS

● Mr. RUDMAN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. Grant Loebs, a member of the staff of Senator STEVE SYMMS, to participate in a program in South Africa, sponsored by the South Africa Foundation, from August 22 to September 2, 1986.

The committee has determined that participation by Mr. Loebs in the program in South Africa, at the expense of the South Africa Foundation, is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35, for Ms. Nancy Soderberg, a member of the staff of Senator EDWARD M. KENNEDY, to participate in a program in Taipei, Taiwan, sponsored by Soochow University, from August 17 to August 24, 1986, and in a program in South Korea, sponsored by the Ilhae Foundation of Seoul, from August 25 to September 1, 1986.

The committee has determined that participation by Ms. Soderberg in the program in Taipei, Taiwan, at the expense of Soochow University, and in South Korea, at the expense of the Ilhae Foundation of Seoul, is in the interest of the Senate and the United States.

NAUM AND INNA MEIMAN: INNOCENT VICTIMS

● Mr. SIMON. Mr. President, my adopted refusenik family, Naum and Inna Meiman, are innocent victims of the Soviet Government's repressive policies.

The Meimans are an elderly and ailing couple who only want to emigrate so that they can obtain cancer treatment for Inna and reunite with their family in the West. The Soviets have denied them this inalienable right, taking away Inna's only chance of survival.

The Meimans are good and caring people. They have not done anything illegal. Their only "crime" is that they voiced their desire to leave the Soviet Union. For that reason, Naum and Inna have been sentenced to life with-

out freedom in the country they choose to leave.

I strongly urge the Soviet Government to grant exit visas to Naum and Inna Meiman so they may live in peace and free of pain in Israel.●

FAULT-BASED DEFENSES: AN AMENDMENT TO BE PROPOSED TO THE PRODUCT LIABILITY REFORM ACT OF 1986

● Mr. KASTEN. Mr. President, a recent survey of small businesses in my home State of Wisconsin indicates that up to 10 percent of those businesses could be forced to close their doors unless something is done about skyrocketing liability insurance costs. All across America, small businesses are finding that when insurance is available, premiums have jumped by 200, 500, even 2000 percent.

The primary cause of this national liability crisis is the explosion of litigation in America. We now have more attorneys in the United States than in all the other countries in the world combined, and this year one lawsuit will be filed for every 15 Americans.

Nowhere is the cost of this litigation explosion more apparent than in the area of product liability. In the past decade, there has been a 758-percent increase in product liability lawsuits filed in the Federal courts alone.

Sometime in September, the U.S. Senate will have an opportunity to finally do something about the insidious liability crisis that is threatening the health and even the very survival of many American businesses. After the Labor Day recess, the Product Liability Reform Act of 1986 will be considered on the Senate floor.

It is absolutely essential that Congress pass the product Liability Reform Act and the Kasten-Lugar amendment to provide two fault-based defenses for product manufacturers. The fault defense amendment which I will offer with Senator RICHARD LUGAR will prevent the courts from continuing the trend toward imposing liability on totally innocent manufacturers. This amendment is fair, moderate, and balanced. It simply provides that a manufacturer should not be liable when products are misused in an unforeseeable or unreasonable way and that, for dangers which are unknowable at the time of manufacture, the manufacturer should not be required to warn about or design around such unknowable dangers.

Unless we restore basic fairness in our tort law through such an amendment, American manufacturers will continue to experience drastic increases in their liability insurance costs, and our product liability system will continue to punish the innocent and conscientious manufacturers in this country to the detriment of product users and sellers, as well as manufacturers.●

● Mr. LUGAR. Mr. President, there is no more important issue facing businesses today than the cost and availability of liability insurance, and the underlying need for product liability reform. America's manufacturers have become the victims of the most costly, chaotic and counterproductive body of law in this Nation today. Each State has, over time, developed its own standards which companies must follow with regard to product liability. There is a quagmire of inconsistent State liability laws in place which stifle economic growth and innovation.

The legislation approved by the Commerce Committee June 26, 1986, reforming the laws governing the award of compensation to persons injured by defective products, is an important congressional response to this issue of national concern. However, I believe that the legislation will be improved by the addition of a fault-based defense amendment.

The amendment Senator KASTEN and I will offer addresses the increasing unpredictability in tort law that lies at the heart of drastic increases in insurance premiums. Recent court cases have held manufacturers responsible for harm caused by the misuse of their products and for risks that could not reasonably have been known at the time of manufacture. Those decisions are both unreasonable and unfair. Our amendment would provide defenses in those two instances.

Holding manufacturers liable under these circumstances creates completely unlimited exposure. No one can anticipate all the ways in which a product might be misused or altered. No one can predict what risks a new scientific process could discover in products manufactured years ago. This unpredictability, more than actual monetary awards, has created the crisis in liability insurance.

Moreover, holding manufacturers liable for product alteration or unforeseeable risks breaches basic standards of fairness and makes the innocent as liable as the guilty. No longer is complete innocence protection against substantial judgments. Our amendment would rectify that injustice.

Our amendment is consistent with existing law in the vast majority of States. But changes in only a few States can cause insurance premiums to rise dramatically. Because national manufacturers are potentially liable for products that are sold and used in many States, their insurance costs must take into account the law in the most extreme State.

This amendment does not establish a Federal standard of product liability; the strict liability standards used in most States would continue to apply. The amendment does place on outer limit on State law by providing two defenses that preclude the imposition of "strict strict" or absolute liability.

This amendment is a reasonable, fair, and just means of restoring some predictability to tort law. I urge my colleagues to support this amendment when we discuss the Product Liability Reform Act.

I ask that the amendment be printed in the RECORD.

The amendment follows:

FAULT-BASED DEFENSES—AN AMENDMENT TO BE PROPOSED TO THE PRODUCT LIABILITY REFORM ACT OF 1986

SEC. . (a) In addition to any other applicable defense or limitation under State law, a manufacturer shall not be liable for harm caused by an unreasonable or unforeseeable use or alteration of a product, which includes but is not limited to any use or alteration of the product which the manufacturer specifically prohibited or warned against.

(b) In addition to any other applicable defense or limitation under State law, a manufacturer shall not be liable for harm caused by a defect in the product or failure to warn about the defect, if at the time of manufacture (or in a case involving an aircraft or its parts or accessories, at the time of certification by the Federal Aviation Administration), knowledge of the defect was not reasonably available or obtainable in light of existing scientific, technological, or medical information.

THE PROSPECT FOR CHILDREN IN THE UNITED STATES

● Mr. SYMMS. I would like to submit for the record the following remarks made by Dr. Harold Howe II, senior lecturer at the Harvard Graduate School of Education (Former Commissioner of Education), before the convention of the National Association of School Psychologists. Dr. Howe's presentation is entitled "The Prospect for Children in the United States."

I believe Dr. Howe speaks directly to concerns that many of us have about the plight of children in this country. The political leverage working on behalf of children is changing. This change is illustrated by the redistribution of voting power. The proportion of voters with children of school age or younger children has declined, while those without a direct personal interest in schools, child care, and health care needs have increased in number. This change in the political force has created a potential competition in resources between the interests of people who are middle-aged or older, compared to children and youth.

Major changes in the structure of the family precipitate concern about the welfare of children and youth. The increasing number of women in the work force combined with the growth in single-parent families have created new social needs for children: Day care, after school care, health care services, support networks, and

special educational efforts in our schools.

As the wealthiest Nation in the world, we should be increasing our resources to children who represent the future of our country. As Dr. Howe aptly states, "The administration is engaged in the mindless pursuit of useless military hardware, partly at the expense of children and of youth with college or job aspirations." It is important for us to remember the words of Abraham Lincoln regarding the importance of children, "A child is a person who is going to carry on what you have started * * * He will assume control of your cities, States, and nations * * * The fate of humanity is in his hands."

Under the present administration, I do not believe living conditions have improved for children. The House Ways and Means Committee reported in December 1985, that between 1979 and 1984, there was a 60-percent increase in poverty for all families with children. This increase was due to the combined factors of a reduction in Government social program benefits and an increase in taxes. Statistics such as these do not indicate to me that children can say they are better off living under this Republican administration.

I recommend to you the comments and recommendations by Dr. Howe concerning the present political, demographic, business, educational, and economic climate pertaining to children.

The material follows:

THE PROSPECT FOR CHILDREN IN THE UNITED STATES

(By Harold Howe II, Senior Lecturer at the Harvard Graduate School of Education—Remarks at the Convention of the National Association of School Psychologists, Hollywood, FL, April 19, 1986)

I. INTRODUCTION

I am grateful to you for inviting me to this meeting. I accepted your invitation because I wanted to talk about children—children in families, children in schools, children in communities and children in the United States.

The overwhelming fact faced by children in our country today is that they are losing ground; the efforts we make to provide them with healthy and rewarding lives are declining as their needs for such efforts are growing. The self-interest of adults is moving center stage, and the interests of children are shoved toward the wings. These observations are particularly true of children from poor families, whose numbers are growing, and most poignantly true of children who combine minority status with their poverty. In a short time, one-third of our public school enrollment will consist of poor and minority group children. But they aren't the only children losing ground today. Major changes in America's family patterns leave a growing number of middle-class children shortchanged for adequate adult support because of the work habits and divorce proclivities of their parents.

Ironically, this generalization about our growing neglect of children could be good news to this gathering of psychologists, whose job it is to help young people develop into effective adults. I can promise you that you will have plenty of business in your professional role in the years ahead. What this society is doing to children guarantees that. But sad to say, the society is not inclined to make adequate provision for the counseling and psychological services that can help children and families deal with today's sources of stress. Nor do we want a society that solves its family problems by hiring a psychologist for every child.

During the past eighteen months, I have been chairing a study for the College Board looking at counseling in schools. One of our early findings is that in the 1980s, there has been a downturn in the provision of school based counseling and guidance services. Indeed, as schools have been subjected to fiscal pressures from state enactments like Proposition 13 in California and Proposition 2½ in Massachusetts, counseling has been regarded as expendable. So you may have plenty to do, but there won't be as many of you to do it. Also, you will be more likely to be working in clinical settings than in the schools, where children are, and serving families that can afford your fees rather than families with greater needs, who can't.

II. THE LOSS OF POLITICAL LEVERAGE FOR CHILDREN

At the base of the decline in the fortunes of children is a fundamental shift in political leverage working on their behalf. This shift is best illustrated in the redistribution of voting power in most towns, cities, and states. The proportion of voters with children of school age or younger has shrunk, and the proportion without a direct personal interest in schools, child care, and health needs of children has increased. This change wasn't planned by anyone. It is the by-product of a variety of demographic, economic, and social changes. Its attendant increase in the proportion of older people will be with us for a long time and is well documented. This change has created a powerful political force for the interests of people who are middle-aged and older as compared to children and youth in the competition for local, state, and national resources.

Major changes in the work habits of women and in family structure combine to create new demands for public services to children and youth at the same time that political leverage on their behalf is declining. The growth in families with two working parents and the parallel growth of single parent families have created new social needs for large numbers of children—needs for day care, needs for health services, needs for special efforts in schools. The variety, complexity, and magnitude of these unmet needs is all too well known to you, who work daily with the tragedies in young people's lives because these needs are ignored.

We are the wealthiest nation in the world, but we are rapidly becoming a nation with a declining political will to provide its children with the necessities for physical, intellectual, emotional, and moral growth. Look at the national scene and ask yourself, who is the champion for children? Neither the President nor any member of his cabinet occupies such a role. Indeed, the administration is engaged in the mindless pursuit of useless military hardware, partly at the expense of children and of youth with college or job aspirations.

In the Congress there are a few voices that have been raised, particularly in the House of Representatives, to slow the erosion of federally provided child services. But there is none to champion the cause of children the way Senator Pepper has for years protected and augmented the fortunes of the aging. All you have to do is look about you right here in Florida to achieve a sense of how successful he has been. On the whole, his success is admirable and has brought dignity and meaning to lives that had been long neglected in American society. But where is our sense of balance? Do Americans still care for children, or are they willing to sacrifice them to the political imbalance that now exists between the young and the old in the United States?

When I try to provide my own answers to frustrating questions like these, my bottom line is that children don't vote, and the public money goes in this country to where the votes are. Yet, I know that this is a cynical response. Have we really lost our understanding that the coming generation is the hope on which our future rests? Have we regressed to an amoral condition in which we are willing to neglect the needs of children in favor of other demands with more immediate political leverage? Or might it be possible to put together in this country a political coalition broadly conceived around the needs of children and reflecting Abraham Lincoln's view that "A child is a person who is going to carry on what you have started . . . He will assume control of your cities, states, and nations . . . The fate of humanity is in his hands."

My guess is that there is a possibility of such a coalition, but constructing it will not be an easy task. To start with, one must ask whether a national crusade for children in the U.S.A. should identify itself with a political party, or whether it should endeavor to become a broad bipartisan effort. A few years ago that question would have been difficult to answer, but it's easy now. Considering the views it has expressed, and the directions in which it is moving, the Republican party and its national leadership hold no hope for the country's neediest children. The record is so clear on this matter that there seems little need to recite the omissions and a commissions of national leadership that support it. At the state and local levels there are certainly exceptions to the indifference to children that starts in the White House and the Office of Management and Budget, but these exceptions do not constitute a national base on which a countrywide campaign can be built with an emphasis on the needs of the next generation.

If anything useful is to be done for a national children's crusade, with political identity, it will have to be done by Democrats, partly because they have some commitment to such endeavors in the past and partly because the recent Republican record in such matters is largely negative. When it comes to assessing the usefulness of past programs in dealing with the growing problems of children and youth in a rapidly changing society, the record of President Reagan and his followers would give them a very low score on a fair test of their knowledge of what has really happened. They continue to use the mindless and bombastic assertion that no social programs work and that they constitute the useless "throwing of money" at problems. This is a wornout phrase that is powerfully denied by convincing evidence. Anyone who will spend half an hour with the materials produced by The Children's Defense Fund will gain some understanding of that assertion; so will anyone willing to examine what has been found out about the effects of Headstart, Title I of Elementary

and Secondary Education Act, the Job Corps, Foodstamps, and various other programs.

III. TODAY'S CIRCUMSTANCES FOR CHILDREN

Any responsible effort to mount a children's agenda for the United States should not be dominated by squabbles over the record of programs developed for that purpose in earlier times. It should be concerned instead with the circumstances of today and, to the extent we can predict them, the circumstances of the future. At this point, I would like to offer you a list of six of those circumstances and some comments on each of them:

(1) The Lack of Political Will

The overriding circumstance of today is our lack of national political will to deal with our pressing social issues. Not only is there inadequate national leadership in bringing awareness of those issues to the public, there is also a numbing sense that we can do nothing about them even when we understand them. This sense of frustration is based on a combination of worry about the growing national debt, a greedy unwillingness to consider additional taxes, and the effects of overselling the public on its national defense needs. The resulting, dubiously motivated inaction is accompanied by a tendency to thrust domestic social issues out of Washington and onto states and localities, where resources for action on social issues vary widely. Any responses that emerge from states and municipalities will almost certainly deny equity to children who are citizens of the United States and whose life chances should not be left to the political whims of fifty separate jurisdictions.

(2) A Negative View of Government

A second circumstance to consider grows from the efforts of two presidents to bamboozle us into thinking that our national government is growing and threatening us with excesses of bureaucracy and with a loss of freedom. Jimmy Carter managed to get elected on this theme and didn't do much about it after the election except to launch some efforts at deregulation. Ronald Reagan used the same theme for election and then proceeded to use government as a tool for reducing protection for civil rights, for enhancing the privileges of the rich at the expense of the poor, and for dumping onto states, localities, and the private sector uncoordinated responsibilities for numerous public needs that transcend local and state boundaries. Against this background, we need a new and better debate on what our national government can do and should do in the realm of social issues. Governor Cuomo offered a thoughtful contribution to that debate in his inaugural message in New York. He suggested that there are strong grounds for thinking positively about government as a significant sector of our national life that can develop and enhance freedom. I might add, as a matter of fact, that growth in government for the last 20 years has not been in its national aspects but in state and local government.

(3) Demographic Trends Affecting Social Strategies

Today's demographic trends and their implications for the future must be taken into consideration as we think about social strategies. Although these trends were to some extent discernible in the 1960s, when the most recent major efforts to use government to help needy people had their origins, they are much clearer today. As already noted, we know more than we did about changes in the family and in the work habits of women and their impact on children. These changes are sufficiently broad and deep to warrant rethinking of all kinds of social programs, including those with which we are familiar in the fields of health, education, welfare, and jobs. But these changes are accompanied by another kind of change that demands attention also. This is a shift in our population to a growing proportion of people, who come from groups that have suffered discrimination and have been least successful economically up to now. Because of their higher birthrates, their younger age distributions, and the rapid immigration of some of them, minority Americans who are Black, Hispanic, and Asian will constitute a growing proportion of our total population and a majority in many cities. The number of white children with poverty at home is growing at the same time. If we cannot move rapidly to make such children successful educationally and economically, we deny ourselves a needed addition to our skilled workforce in the years ahead, and we cast a shadow on our moral commitments within this country. I might add that every major national study of education that has appeared in recent years including the federally sponsored report, "A Nation At Risk," strongly recommends a significant federal role in working on this set of problems. So far the Reagan government's response has been a reduction in the real value of appropriations for the purpose, and suggestions that the major program for the schools be turned into a block grant (a proposal that failed) or a voucher plan (a proposal that is likely to fail in the House of Representatives).

(4) A New Business Interest in Children and Youth

A fourth circumstance affecting our thinking about children today is the vigorous presence of some of the business leadership of the country in the national debate about improving the largest and most pervasive institution serving children and youth, the public schools. The emergence of business as a potential ally of education grows in part from the discovery by the business world that it needs better educated workers to compete internationally. It grows also from the simultaneous realization that the age cohorts now passing through secondary schools and colleges are smaller than in the past, creating a shortage of workers as these students enter the job market. The private sector will need to dig deeper into each age group to satisfy its needs for skilled employees, and it is seeking ways to help the schools reduce dropouts and enhance learning among the children of poor and minority people.

Support from business for improving schools is a welcome addition, even if it leaves unanswered some nagging questions. Among these is whether the depth and scale of the business commitment will extend to the major needs of public schools for added tax funds, as they struggle with the overwhelming problem of an inadequate supply of able people to fill a rapidly gorwing number of classroom vacancies.

The children of adults who were born in the post-World War II baby boom are just beginning to enter the schools. They will increase school enrollments over the next ten years. At the same time the best teachers are leaving schools rapidly to work at more attractive jobs in the growing service sector of the economy; able women are declaring their independence of teaching and seeking more rewarding professional roles; and the number of people entering teacher training is declining along with a decline in the academic ability of those people.

Major changes in teaching conditions, teachers salaries, and teacher preparation will be required if schools are to compete for their share of able people. All of these will be costly. Although there are some positive signals from some business leaders about helping with these changes, the jury is still out on any large scale political support for schools from that quarter. The main activity of business in recent years has been in small amounts of private aid to individual schools or school systems. This aid is useful, but it is not sufficient to meet the major needs of schools and children. If business ends up by defining its role in this fashion, its requirements for better prepared workers are unlikely to be met. Moreover, business remains the major contributor to efforts to impose blanket tax limitations on states and localities. Proposition 13 in California, and Proposition 2½ in Massachusetts were business sponsored, and they have deeply damaged services to children. In Massachusetts, where I come from, a particularly virulent anti-tax lobby is pressing the state to return surplusses to wealthy tax payers in preference to using them for the needs of children or other social programs. It is mainly supported by business.

(5) The School Reform Movement's Prospects for Children

A fifth circumstance of today's national scenario for children is the school reform movement that started in the 1970s and received added momentum from the publication of numerous reports and studies about the schools in the early 1980s. There has been a massive awakening of educators and citizens generally to the needs and problems of schools. The school reform movement of the 1980s is a multi-faceted and complex affair. It consists of initiatives by individual schools, by school districts and by states, particularly the latter. The federal government has had a minor role in it, although a study sponsored by the Department of Education has been a major force in promoting action by states.

School reform has centered more on secondary schools than elementary schools, and its main direction to date have been to raise standards of performance required in schools, to institute testing to measure that performance and to make graduation from high school more demanding through added course requirements. Stipulations of the same general nature typify the actions of states to improve teacher preparation. The reform movement includes other efforts to enhance the instructional roles of school principals, to tap the creativity of teachers, to motivate teachers by differential salary systems of various kinds, and to emphasize the substance of what is taught and learned. There is only a minor emphasis within the movement on methods of teaching and very limited attention to the needs and nature of children.

My own general assessment of the school reform movement falls into two broad generalizations. On the one hand it is characterized by imposing from above a whole new set of requirements and standards that schools and teachers and students are supposed to meet. These impositions are generally from the state level, and they have not been adequately accompanied by the provision of new resources to help students to meet the requirements they dictate. They

show relatively little recognition of the importance of motivating both students and teachers, and they are woefully lacking in any recognition of the extent and nature of educational inequity as it exists in America today.

On the other hand there is a refreshing aspect of the school reform movement in which schools are thought about as places where teachers, parents, and principals work together to fashion education that serves the needs of students. In this conception each school has some freedom to draw on the initiatives of those concerned with it, particularly teachers. There is some latitude for schools to be different from each other and to invent their own future and take pride in it. In a sense this way of thinking about schools offers to public schools some of the freedom private schools have always had. Beyond this advantage, the second mode of the school reform movement is more concerned with making learning interesting and with enlisting young people in the cause of their own education rather than seeing schooling as something that is done to them. It tends to view children not as receptacles into which learning must be stuffed as they pass through classrooms in an assembly line model but more as human beings with endless differences from each other, with special individual needs, and with a shared general requirement to find in school an atmosphere that welcomes and respects them.

Teenagers who are alienated, rebellious, and sometimes self destructive can find in this second conception of school reform the chance to bring meaning into their lives. Suggestions for caring adult mentors to help youth with family problems, for school credit awarded to studnets who perform tasks valuable to the adult community, and for opportunities to help younger students attain success in school are all characteristic of this aspect of the school reform movement. Although some critics deplore such activities as diluting the academic emphasis of schools, my guess is that they will rescue more dropouts and promote more academic success than all the new tests and higher standards and required courses combined.

To the degree that this second set of characteristics prevails, I am inclined to think that the school reform movement can indeed improve learning. It will, however, need a powerful assist from state and national government on behalf of the special needs of poor, minority, and handicapped children. As already noted, the political will to bring that about is not now in sight.

(6) The Economic Fortunes of Children: Some Hard Facts

Let me give you a few examples of how children will fare if President Reagan's FY 1987 federal budget were enacted as he presented it to Congress. In considering these it is important to remember that there is a good chance of federal appropriations for FY 1987 being controlled by the Gramm-Rudman legislation rather than by the President's budget. If that happens, children will be even worse off. Here are some points to consider, all of them taken from "A Children's Defense Budget, An Analysis of the FY 1987 Budget and Children" developed by the Childrens Defense Fund:

(A) First of all, a basic description of "Child Poverty in America":

Thirteen million children in America are poor.

More than one of every five children is poor.

Nearly one out of every four children under six is poor.

Almost two out of every three poor children are white.

Nearly half of all black children in America are poor.

Nearly two out of every five Hispanic children are poor.

More than half of the children in female-headed families are poor.

(B) America leads the world in military spending but ranks 14th in keeping infants alive in the first year of life. A black infant in Chicago is more likely to die in the first year of life than an infant in Cuba or Costa Rica.

(C) Under the Reagan 1987 budget, poor children and families would lose another $6 billion from programs that have already lost $10 billion a year since 1980. From 1987 to 1991, if the President has his way, children would lose another $33 billion in federal support.

(D) Only 18 percent of the children eligible for Headstart are served by it, and the President proposes to cut it by $12 million. (The Committee for Economic Development, an organization of major business leaders, has strongly advocated expanding Headstart as the best investment the country can make in its children.)

(E) According to Senator Daniel P. Moynihan of New York, "The United States in the 1980s may be the first society in history in which children are distinctly worse off than adults."

(F) The years 1983 and 1984 saw a small improvement in the poverty rate in the United States. If that rate of change continued, and assuming we suffer no more recessions, it would take thirty years to get the number of poor children back to where it was in 1979, a level then regarded as intolerable.

(G) All these figures relating to poverty must be thought about against the background that greater child poverty means worse nutrition, less health care, more homelessness, less education and greater despair as opportunities and options are foreclosed.

IV. WHAT TO DO?

If these circumstances are a fair reflection of the situation facing the coming generation of children in this country, one can't help feeling discouraged about their prospects. Most of the forces impinging upon children's lives will diminish these prospects. Only two rays of hope shine through. One is the possibility that to meet its own needs for better prepared employees the business community may lend some of its clout to children's causes; the other is the possibility that child centered concerns within the school reform movement may overcome some of its more unconstructive tendencies.

In such a situation one can't help wondering whether some major national effort centered around the needs and problems of children in America isn't called for. It is hard for me to predict where the leadership of such an effort might be found, but I have some thoughts about the vanguard that is waiting for that leadership if it ever appears.

If you are wondering why I came all the way to Florida to address a bunch of psychologists, whose main concerns are not with the economic and political issues I have been raising and not mainly with some of the educational matters either, the answer is that you and this organization are part of what I refer to as "the vanguard." Just to clear up this assertion, the word vanguard applies, according to Webster, to "the troops moving in the front of an army." I want to argue that if you haven't felt yourselves to be in that position, you should start doing so.

An interesting characteristic of education in our country is the plethora of organizations spawned by it. There is a state and a national organization for every conceivable group connected to schools. Parents, principals, teachers, and teachers of particular subjects join superintendents, school board members and for all I know, custodians and bus drivers in this organizational melange. All these outfits are mainly concerned with their own particular facet of the educational scene, and some of them are narrowly focussed on the interests and improvement of the members. Although every one of them would assert that a main concern is the welfare of children, there is often considerable dilution of that interest in the programs and activities they promote.

My simplistic notion is that a National Children's Center could be put together with the participation of organizations like yours. The new entity could develop a children's agenda for consideration by the national government and a separate agenda for state political authorities to examine. If each membership organization in this country with direct or peripheral interest in the needs and problems of children were to put one percent of its annual membership dues into a national center for policy studies on children, the depth and significance of what we know and think about children's issues would be powerfully augmented. For starters, such an activity could make the American public more highly conscious of the practices of other countries in their family policies and their child health and preschool arrangements. Americans need to know that they are neglecting children as compared to a number of countries with smaller per capita resources.

Whether or not such an agency should become an advocacy group for children's interests or remain an information-providing activity is a question for further discussion. I do, however, want to say that in my view the small-scale child advocacy organizations now existing in this country carry an awesome responsibility, when one considers the resources at their disposal. These small, ill supported agencies, spread haphazardly across the land, take up the cudgels for children and youth in important ways. They help individual children to get their rights under existing laws: they push for more enlightened legislation and regulations on behalf of children; and they work to act as the conscience of their communities and states in awakening the public to children's needs.

Since 1978, these agencies have been organized into a National Coalition of Advocates' for Students (NCAS) with headquarters in Boston and with a membership of 23 organizations from 20 states. By far the largest of them is the Childrens' Defense Fund in our nation's capitol. It operates on both the state and national levels. At the present time, this group of organizations knows more about the day to day details of how children are being short-changed by schools and other agencies that are supposed to serve them than anyone else. Right now NCAS is stretching itself to develop a comprehensive picture of how immigrant children are served by schools and other agencies in the various states and localities where most immigrants and refugees con-

gregate, an important task that ought to have government support even if it is done under private auspices.

There are, of course, social work agencies, with program emphasis on serving families and children, that have a major contribution to make to thinking about the issues I am raising. Their national organizations are just as relevant to the problems of children as are the education related activities, and the two are not in as close communication as they ought to be. Getting all these potential sources of interest and support together around a national childrens agenda for a nation that is now quite demonstrably failing its children, seems to me worth considering. Additional resources for such an agency would be found in the many university based studies concerned with children and with the public policy issues affecting their welfare. Paradoxically, the United States has done an immense amount of research on child development without ever connecting the research as fully as it might to public programs for serving children.

My basic argument boils down to two main points. First of all, we need a national political leader who has an agenda for children along with whatever other agenda he may maintain for defense or for the economy or for the well being of the aged. We have no such person now and none on the horizon. If groups in this country concerned about education can join with others interested in social services and still others focussed on families and start looking at national politics with the interests of children in mind, that activity may call forth the required leadership for a children's crusade in a country sorely in need of one.

Secondly, we need a continuing, independent, sophisticated capacity to analyze the agenda of our national government through the lens of the needs of children and their families. We have national independent think-tanks for the environment, for foreign policy, and for urban affairs, but we don't have enough of that kind of activity focussed on children and families and family policy. When children are involved, we divide them into separate pieces and discuss the impact of welfare or tax reform or educational initiatives on their prospects. We seldom start with children. Consider the list of subjects on which our national government maintains programs and that directly affect children. Here are the main headings, but there are many more:

Health delivery systems;
Family income maintenance;
Income tax policies;
Food assistance programs;
Low income housing;
Education including Headstart;
Youth employment in preparation for work;
Special needs children;
The Juvenile Justice System;
Provision of child care for working parents;
The Civil Rights of Children; and
Research on Children's Health, Mental Health, Education, etc.

For years the President of the United States has had a Science Advisor because of the importance of scientific knowledge to our country and indeed to all the world. But no president, as far as I know, has even thought about an Advisor on Children's Needs broadly conceived. I'm glad we don't have one right now because his or her main activity would be to promote prayer and vouchers, two causes that are just as well left to Secretary Bennett. But perhaps at some future time the general notion that the money our national government spends on children and youth is an investment and not an expenditure will again be in the ascendent. When that time arrives, I hope that you psychologists will be in the vanguard along with millions of others who really care about kids.

Note on Sources: Most of my ideas about the situation of children in the U.S.A. in 1986 have emerged from talking with several hundred people throughout the country over the past three years. With Marion Wright Edelman I co-chaired a study in 1984-5 to examine the educational needs and problems of children and youth in low income groups. The resulting publication, "Barriers to Excellence: Our Children at Risk" drew on hearings we held in Massachusetts, Illinois, Kentucky, Michigan, New York, Georgia, Ohio, Washington, and Texas. Copies of it are available from the National Coalition of Advocates for Students, 100 Boylston Street., Suite 737, Boston, MA 02116. (Tel. 617-357-8507) for $5.50.

A second study that I am now chairing focusses on guidance and counseling services for young people with difficulties in achieving access to college. A final report on it will be issued in October 1986 by the College Board at 45 Columbus Avenue., New York, New York 10019. An Interim Report is now available free of charge. Our commission has been to Washington, D.C., the greater Boston area, Kansas City, Albuquerque, and San Franciso and has met with students in Miami, Chicago and North Carolina.

For demographic information about the increase of minorities in the population and shifts in the size of age groups, I have depended mainly on "All One System: Demographics of Education, Kindergarten through Graduate School" by Harold L. Hodgkinson. Published in 1985, it is available from the Institute of Educational Leadership, 1001 Connecticut Avenue, N.W., Washington, D.C. 20036. for $5.00.

The best piece I have found on shifts in voting power and their effects on children was in The Scientific American for December 1984: "Children and the Elderly in the U.S." by Samuel H. Preston.

I have perused all the recent studies and report on American schools from "A Nation At Risk" by the National Commission on Excellence in Education to John Goodlad's "A Place Called School," the most comprehensive piece of research on what is going on in schools today. I won't list all the others.

A useful book about the school reform movement is "The Great School Debate," edited by Beatrice and Ronald Gross, Simon and Schuster, 1985.

The Committee on Economic Development, a business sponsored organization, put out a study entitled "Investing in Our Children" in 1985. It is a statement favoring more support for early childhood education and for new approaches to problems of teacher supply and quality. I served as an advisor to the study, which is available from CED, 1477 Madison Avenue, New York, N.Y. for $9.50.

For a focus on Hispanic issues, the study entitled "Make Something Happen" put out by the Hispanic Development Project, 1001 Connecticut Avenue, N.W., Suite 310, Washington, D.C. 20036 is a fine source. It can be ordered for $12.50.

Finally, materials from the Childrens Defense Fund, 122 C Street, N.W., Washington, D.C. 20001, are invaluable for information about the special needs of poor and minority children. It's "Children's Defense Budget," which is widely quoted in my remarks can be ordered for $12.95.●

COMMEMORATING THE 10TH ANNIVERSARY OF THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS

● Mr. DURENBERGER. Mr. President, America's tradition of town and township government is over 350 years old, dating back to this continent's first town meeting in what was to become the State of Massachusetts. Yet here in the Nation's Capital, active representation of America's proud town heritage did not begin until 10 years ago, with the founding of the National Association of Towns and Townships [NATAT].

For a solid decade, NATAT's dedicated professionals—economists, environmental scientists, community development specialists, educators, and more—have produced profound results, to the benefit of individual towns and millions of citizens throughout the United States.

NATAT, most recently through its National Center for Small Communities, has provided invaluable educational and technical assistance, and critical policy research to local elected officials—most of whom would otherwise lack the time and resources to obtain such important assistance.

Here in Washington, NATAT provides the Congress, the Federal agencies, and the White House with reasoned and documented issue analysis from the unique perspective of the Nation's smaller communities. This input is critical to the design of effective and appropriate Federal policy.

On the occasion of NATAT's 10th Anniversary, this Senator is especially pleased to note that the administrative reins of this vital association are today passing to a highly qualified and distinguished individual, Jeffrey H. Schiff. From its inception until now, NATAT has been directed by an outstanding young executive, Barton D. Russell. I have no doubt that the proud tradition of leadership, innovation and creativity established by Mr. Russell will be continued and strengthened by former Assistant Director and now Director Jeff Schiff.

To underscore the success and value of this young national institution, NATAT will welcome some 1,000 town officials from across the country to its annual education conference—"America's Town Meeting"—here in Washington, September 3 to 5. I look forward to meeting individually with all the attendees and to presenting the NATAT 1986 Grassroots Government Leadership Award to an outstanding town leader.

I am certain I speak on behalf of all my colleagues in the Senate when I salute NATAT, its new director and its entire national membership as this proud organization enters its second decade.●

THE 350TH ANNIVERSARY OF THE NATIONAL GUARD

● Mr. LAUTENBERG. Mr. President, I join my colleagues in cosponsoring Senate Joint Resolution 300, a resolution recognizing the National Guard for 350 years of service, and honoring the Army and Air National Guard for services rendered to their communities, their States, and to the Nation.

The National Guard evolved over many years from the tradition of the citizen-soldier. That fine tradition is rooted in the militia units organized 350 years ago by America's first settlers to defend the lives and property of those living in the Colonies. These settlers demonstrated an admirable willingness to leave their work to serve their Nation in times of need. That willingness remains a central tenet of the National Guard today.

The National Guard has played an important role in helping to shape the history of the United States, defending our Nation at every critical juncture. During the Revolutionary War, some 164,000 brave militiamen from the Thirteen Colonies fought for and helped win our Nation's independence. More than 116,000 militiamen responded to the call of duty during the War of 1812. These militiamen fought during the Civil War and pushed their way up San Juan Hill in the Spanish-American War. National Guardsmen are credited with piercing the Hindenburg line, for helping to defeat the St. Mihiel salient, and for fighting in the Meuse-Argonne in World War I. And in World War II they participated in 34 different campaigns and numerous assault landings in the European and Pacific theaters of operation. Since that time, the National Guard has played a key role in every conflict, including Korea, Berlin, and Vietnam.

But the men and women of the National Guard have served our Nation with dedication and loyalty during peacetime as well. The National Guard has responded quickly and efficiently to ease the damage from natural disasters and emergencies. Their assistance has been invaluable during floods, snow storms, fires, and earthquakes. And their dedication has saved numerous lives.

In my own State of New Jersey, the National Guard acted swiftly when heavy floods posed a serious threat to the central part of the State during the winter of 1983. They brought water to northern New Jersey when the water mains broke in 1985. And they intervened during Hurricane Gloria last year to help avert disaster. Additionally, the New Jersey National Guard has been responsible for coordinating the State special olympics in Monmouth, Ocean, and Burlington Counties.

Enlistment in the Army and Air National Guard has reached its highest level in several decades. The Army National Guard now has well over 400,000 enlisted men and women and has contributed to the U.S. Army's combat readiness. I am proud that the dedicated men and women of the 1st and 2d Brigades of the 50th Armored Division of the Army National Guard in New Jersey have played an important role in ensuring that readiness. The Air National Guard now exceeds 100,000 and has strengthened and enhanced the U.S. Air Force. The contributions of the New Jersey residents in the 177th Fighter Interceptor Group, the 170th Air Refueling Group, and the 108th Tactical Fighter Wing of the New Jersey Air National Guard are testimony to their commitment to ensuring the safety of our Nation.

I commend Maj. Gen. Francis Gerrard for his fine service as adjutant general of the New Jersey Army and Air National Guard. I also commend Brig. Gen. Mark Mullin, division commander of the 50th Armored Division of the Army National Guard in New Jersey, and Col. John E. Chavanne, Robert J. Byrne, Hector G. Pieretti Jr., Joseph A. Evangelist, and Vito Morgano for their contributions as commanders in the New Jersey Army National Guard. I also would like to recognize the outstanding leadership of Brig. Gen. Charles J. Young, Jr., commander of the New Jersey Air National Guard, as well as Col. Neil D. Kennedy, Rich C. Cosgrave, and Ralph W. Applegate, commanders of the 170th Air Refueling Group, the 177th Fighter Interceptor Group, and the 108th Tactical Fighter Wing.

We should demonstrate our appreciation for and commitment to the individuals of the Army and Air National Guard by approving Senate Joint Resolution 300. For 350 years, the National Guard has played a vital role in the history of our Nation. Answering the call of duty, the National Guard has protected our Nation against threats, both at home and abroad. Its immediate response to civil disturbances, natural disasters and emergencies, and active involvement in national defense has provided an invaluable service to the people of this Nation. The brave individuals of the Army and Air National Guard deserve to have their efforts recognized.●

RETIREMENT OF EARL DRESSER

● Mr. DURENBERGER. Mr. President, I rise today to acknowledge the invaluable contributions to health care that have been made by Earl Dresser, president of Methodist Hospital in St. Louis Park, MN. He will be retiring in September after 35 years in hospital administration, but before he does, I want to express my appreciation for the service he has provided to Minnesotans and the assistance he has given me in shaping health policy.

Earl has guided many hospitals safely through the shifting sands of health care policy and reimbursement: In fact, Methodist has been rated one of the most cost-efficient hospitals in the Twin Cities area each of the past 4 years in a survey conducted by the Council of Community Hospitals.

Earl's talent as an innovative and introspective manager predate the changes in Medicare reimbursement that were meant to stimulate those approaches to health care delivery. He has been a valued adviser to me and a trusted source of information on how health care policies designed at the Federal level actually affect hospitals and other providers.

I want to wish Earl well in his retirement, and let him know I will always welcome his comments and ideas. I ask that the following article from the Minneapolis Star-Tribune describing Earl's career be inserted in the RECORD.

The article follows:

[From the Minneapolis Star-Tribune, Aug. 11, 1986]

RETIRING HOSPITAL PRESIDENT SAYS THE INDUSTRY IS AILING

(By Jon Jeter)

Earl Dresser has been a hospital administrator for 35 years and according to his experienced diagnosis, the health-care industry is ill.

Dresser, president of Methodist Hospital in St. Louis Park since 1966, will retire in September after a career that has seen dramatic changes in the industry.

What he will leave behind, he said, is a health care system struggling to convalesce.

"There are two forces working on the cost of health care," Dresser said, forces that have put a squeeze on the hospital industry.

The first is pressure on prices that health-care providers can charge. Medicare and Medicaid, the federal programs that account for nearly 55 percent of hospital revenues, have turned tightwad; employers who provide health-care packages for workers have become cost-conscious, and health maintenance organizations (HMOs) are having more patients treated outside hospitals.

Simultaneously, advances in medical technology have widened the gap between the cost of services and the public's ability to pay for them.

"Technology raises costs and the government (through Medicare and Medicaid) has tried to put a cap on prices," Dresser said.

His dour outlook is shared by others, "It's a really tough time for the health-care industry," said market analyst Barbara Santry.

Dresser, 63, has seen the industry through tough times and good times since 1960 when he took his first job as an administrator at a "50-bed hospital in Decorah, Iowa."

Born and raised in Arlington, Minn., Dresser first became interested in health-care administration during World War II when he served as a medical service officer in the States. The war produced an explosion in medical technology, he said, resulting in improved treatments and diagnostic methods.

He has planned to return home to take over his father's tile manufacturing business, but after his father died in 1944, "there was no business to go back to," he said.

Instead, he returned to the University of Minnesota to obtain a master's degree in hospital and health-care administration.

In 1951, Dresser became an assistant administrator at Asbury Methodist Hospital in Minneapolis, the predecessor of Methodist Hospital.

After stints in Illinois and Wisconsin, and two unsatisfying years out of hospital administration, he returned to Methodist in 1966, in the midst of what Dresser "termed the era of regulation."

The concept of "health care as a right of all Americans" had been enacted in the mid-1960s under the leadership of President Lyndon Johnson and Vice President Hubert Humphrey. Medicare was born from the Great Society and "for the first time the federal government had become the major single purchaser of health care," Dresser said.

While the relationship between hospitals and the government started smoothly, it soon soured as federal officials became more and more cost-conscious. After nearly a decade of reimbursing hospitals for their costs in treating patients, Medicare adopted a new payment plan in 1983 that paid hospitals fixed rates for 467 specific ailments.

Meanwhile, HMOs and independent doctors and clinics were providing more services outside hospitals, taking away patients who formerly were treated or underwent diagnostic tests as hospital bed patients.

As a consequence, occupancy levels at hospitals have declined nationally, sinking to 62 percent of capacity in 1985, well below the 73 percent recorded in 1983, according to an American Hospital Association study. Santry said some industry experts believe as many as 1,000 of the country's 5,800 hospitals might be forced to close soon.

To fight the industry's common crunch, Dresser concocted a remedy centered on cost containment. Methodist has been rated one of the most cost-efficient hospitals in the Twin Cities area each of the past four years in a survey conducted by the Council of Community Hospitals.

Scott Anderson, president of North Memorial Medical Center in Robinsdale, one of Methodist's leading competitors, said, "Earl Dresser has made Methodist a leading facility in terms of cost-effective management in the Twin Cities."

Dresser was practicing cost-containment long before it became an industry buzz phrase. He said he first saw the need to clamp down on escalating costs in the early 1970s when Methodist suffered a severe drop in occupancy. Opposed to employee layoffs, Dresser and other administrators at Methodist decided to "look at what we were doing."

From that introspection evolved a number of innovations aimed at improving efficiency at the hospital. "Management's role is to facilitate creativity," he said.

One of his more creative ideas was the application of industrial productivity concepts to health care. For instance, Methodist established a system in which the nursing needs of the patients determined the number of personnel assigned to a particular floor. Previously floors were staffed according to the number of patients on a floor, rather than the amount of care they required.

Dresser also established a One-Day-Surgery Center to eliminate lengthy, costly hospital stays in cases where the patient could recuperate at home. Methodist, one of the first Twin Cities hospitals to offer surgery on a short-stay basis in 1974, completed construction on the $2.5 million building in 1983.

Dresser said the change in Medicare and Medicaid reimbursement isn't totally unhealthy because it has forced hospitals to emphasize wise fiscal management. "We've had to learn how to do things differently without changing the quality of care for our patients," he said.

But there's a danger, he said, that hospitals will make decisions based primarily on cost-effectiveness, rather than providing the best possible care. "If you can't recoup your legitimate costs, it's going to have a negative impact on the quality of care," he said. "If the screw is tightened any more, there is a real danger."

In Dresser's tenure, though, health care has made strides toward improvement, he said.

The Body Shop, a weight reduction program for young people 8 through 18, was started at Methodist and has been marketed in 36 states and Australia.

Community outreach programs have evolved, providing skilled and nonskilled domestic care to area residents in their own homes.

The Upper Midwest Oncology Registry System has blossomed from Methodist. The program, initiated nine years ago, now serves 21 Upper Midwest hospitals and represents the largest data base for the diagnosis and treatment of cancer patients in this part of the country.

Dresser is reluctant to take credit for the accomplishments that have taken place at Methodist in his 20 years at the hospital, pointing instead to the people he has worked with over the years. "Being part of an organization like that is what I'm proudest of," he said. But he added, "I think leadership has to set the tone," he said.

Colleagues think highly of his administrative skills. Dr. Elizabeth Craig, a member of Methodist's board of governors, has known him since his days at Asbury Methodist. She said Dresser reminds her of a line from the Rudyard Kipling poem "If"—"If you can keep your head about you when all others are losing theirs . . ."

Dresser's brother William, an oral surgeon, said the key to Dresser's success is his "ability to make value judgments."

In retirement, Dresser, who calls himself a "spectator sport enthusiast," said he will be leaving a profession that "gets in your blood." With two adult children, Dresser and his wife will do some traveling this fall and return to their home in Eden Prairie, where Dresser said he will maintain some contact with the health-care field.

His career has been enjoyable, he said, and he has been amazed at the technology that has developed, especially in the areas of cancer and coronary treatment.

He recalled an incident nearly 15 years ago. An elderly woman who had hip surgery just a few days before recognized Dresser and walked up to him to voice her concerns over the pain and discomfort she had experienced as a result of the surgery.

She was justified in her complaints, Dresser recalled, but as he listened he could not help thinking to himself: "She wouldn't have even been able to walk up to me 10 years ago."●

WETLAND PROTECTION

● Mr. HECHT. Mr. President, today I am very pleased to join with my colleague Senator LAXALT, and my two distinguished colleagues from the State of Florida, in introducing a bill that will help protect our Nation's vital wetland resources while allowing further economic development in Nevada.

The bill will accomplish a land exchange between the U.S. Fish and Wildlife Service and the Aerojet General Corp. The Government will get several thousand acres of excellent wetland habitat in Florida, and Aerojet will receive a large tract of BLM land in southern Nevada.

The Florida land will in turn be sold to the State of Florida, and the proceeds used to buy additional land for components of the National Wildlife Refuge System in Florida.

Mr. President, this bill allows everyone to win. The Federal Government wins, the State of Florida wins, the State of Nevada wins, Aerojet General wins, and perhaps most importantly, our Nation's ever-shrinking and irreplaceable store of wetland resources comes out a definite winner.

I hope this excellent bill will receive rapid consideration from the Senate and the House, so the final work on this project can be accomplished before the year is out.●

FISH CONSUMPTION BENEFITS HEALTH

● Mr. STEVENS. Mr. President, heart disease is America's No. 1 killer. Evidence indicates that a tendency for acquiring heart problems can be inherited. However, it has become increasingly clear that the risk of heart disease, or atherosclerosis, can be significantly reduced through proper diet. The latest news is that one food in particular has properties that have proven to be beneficial to the heart—fish, particularly salmon.

In 1983, I invited Dr. William Castelli, director of the Framingham Heart Study, to be a guest speaker at one of my press luncheons. Dr. Castelli is a noted expert on heart disease. He discussed recent research showing that omega-3 fatty acids, which are found in fish oil, may inhibit the buildup of harmful cholesterol in the body and prevent the "hardening of the arteries" which causes heart attacks.

The subsequent 3 years of diet and nutritional studies have supported Dr. Castelli's prediction. Fish oil has been the topic of many health studies, and

has received deserved recognition as a source of nutrition and disease prevention. I am pleased that my initiatives to expand this research are being followed up by our country's leaders in disease research, the National Institutes of Health [NIH]. The National Institute for Heart, Lung, and Blood has announced that it will be accepting at least $1.5 million in research grant proposals which focus on identification of the properties of fish oil linked with cardiovascular disease prevention.

The National Cancer Institute has also been attentive to fish findings. It has issued a program announcement requesting proposals for further research on the apparent link between fish consumption and prevention of cancer. I congratulate Dr. James Wyngaarden, Director of NIH, on both of these responses to America's need for new breakthroughs in disease prevention.

Medical literature and popular magazines are both carrying this exciting news to the public. For the benefit of those that have not been exposed to information about the healthful attributes of seafood, I submit the following articles for publication in the CONGRESSIONAL RECORD. The first article is from the New England Journal of Medicine of May 1985. The second article is from the July 1986 issue of Prevention.

[From the New England Journal of Medicine, May 9, 1985]

THE INVERSE RELATION BETWEEN FISH CONSUMPTION AND 20-YEAR MORTALITY FROM CORNONARY HEART DISEASE

(By Drs. Daan Kromhout, Ph.D., M.P.H., Edward B. Bosschieter, M.D., and Cor de Lezenne Coulander, M.Sc.)

Abstract.—The low death rate from coronary heart disease among the Greenland Eskimos has been ascribed to their high fish consumption. We therefore decided to investigate the relation between fish consumption and coronary heart disease in a group of men in the town of Zutpken, the Netherlands. Information about the fish consumption of 852 middle-aged men without coronary heart disease was collected in 1960 by a careful dietary history obtained from the participants and their wives. During 20 years of follow-up 78 men died from coronary heart disease. An inverse dose-response relation was observed between fish consumption in 1960 and death from coronary heart disease during 20 years of followup. This relation persisted after multiple logistic-regression analyses. Mortality from coronary heart disease was more than 50 percent lower among those who consumed at least 30 g of fish per day than among those who did not eat fish.

We conclude that the consumption of as little as one or two fish dishes per week may be of preventive value in relation to coronary heart disease. (N Engl J Med 1985; 312:1205-9.)

It has been suggested that the low death rate from coronary heart disease among the Eskimos of Greenland may be explained by their high fish consumption.[1] This average per capita fish consumption of the Eskimos is estimated to be about 400 g per day.[2] Low death rates from coronary heart disease are also found in Japan.[3] One of the reasons may be the relatively high fish intake of the Japanese. The average per capita fish consumption in Japan is estimated to be about 100 g per day.[4] Within Japan the lowest death rates form coronary heart disease are found on the islands of Okinawa, where fish consumption is about twice as high as on the mainland of Japan.[4] In another study carried out in Chiba Prefecture in Japan, a fishing and a farming village were compared.[5] The average fish consumption amounted to about 250 g per day in the fishing village and 90 g per day in the farming village. Mortality from coronary heart disease was significantly lower in the fishing village than in the farming area (Hirai A, et al.: unpublished data). These descriptive epidemiologic data suggest that fish consumption may protect against coronary heart disease.

The Zutphen Study, an ongoing longitudinal study of risk factors and chronic diseases, provided us with the opportunity to investigate the etiologic relation between fish consumption and coronary heart disease.

This Dutch population is of particular interest because about 20 per cent of the middle-aged men in Zutphen did not consume any fish at all in 1960. In the others the intake varied between 1 and 307 g per day. The average fish intake of the Zutphen men amounted to 20 g per day. We now report on the relation between fish consumption at base line and mortality from coronary heart disease during 20 years of follow-up.

METHODS

Since 1960, a longitudinal investigation of the relations of diet and other risk factors to chronic diseases has been carried out among middle-aged men from the town of Zutphen in the Netherlands. The Zutphen Study is the Dutch contribution to the Seven Countries Study[6,7] Zutphen is an old industrial town in the eastern part of the Netherlands. In 1960 there were 25,000 inhabitants. For this study a random sample of 1088 men was selected; all were born between 1900 and 1919 and had lived in Zutphen for a least five years. Of the 1088 men, 872 who were 40 to 59 years of age took part in both the medical examination and the dietary survey in 1960.

Data on food intake were collected by the cross-check dietary-history method[8] adapted to the Dutch situation.[9] This method provides information about the usual pattern of food consumption in the 6 to 12 months before the interview. Each participant's wife was interviewed (for about an hour) about her husband's usual food consumption on weekdays and weekends. For the first check the average consumption of foods during a day or a week was estimated, and for the second the quantities of food bought per week for the whole family were estimated. Each participant was also interviewed (for about 20 minutes) about his usual food consumption away from home. On the basis of this information the food consumption during a typical weekday was calculated.

The interviews were carried out over three months by six experienced dietitians who had undergone an intensive training course given by Dr. Th.F.S.M. van Schaik, the chief nutritionist responsible for the dietary survey. The quantities of the foods eaten were estimated by the dietitians, and quantities that were difficult to estimate were measured on a postal balance. The dietitians also recorded whether a participant followed a special diet prescribed by his family physician or a specialist.

In order to judge the accuracy of the dietary-history method, we compared the information with that obtained by sampling and chemical analysis of the diet of a group of 49 men. The dietary history overestimated the average energy intake by about 200 kcal, but the percentages of energy consumed as protein, fat, and carbohydrate were similar.

In 1978 and 1979 two dietitians recorded the foods consumed according to the uniform food encoding (UFE) system developed in the Netherlands.[10] Thereafter, the data on food intake were converted into values for energy and macronutrients with the UFE food table, an extended, computerized version of the Netherlands food table that contains the energy and nutrient composition of foods in the 1960s.

Other risk factors—serum total cholesterol, blood pressure, smoking habits, anthropometric measures, physical activity, and occupation—were determined according to a standardized protocol.[6] The vital status of all 1088 men enrolled in the study was verified after 20 years of follow-up. No one was lost to follow-up. During 20 years of follow-up 390 men died. The underlying cause of death was coded according to the eighth revision of the International Classification of Diseases (ICD) on the basis of information obtained from the death certificate, the hospital, or the general practitioner. One hundred thirty-two men died from cancer (ICD codes 140 to 209), 110 from coronary heart disease (ICD codes 410 to 413), and 33 from cerebrovascular accidents (ICD codes 430 to 438). The men with coronary heart disease at entry were excluded from the analyses. Complete information on diet, other risk factors, and mortality from coronary heart disease was available for 852 men who were free of the disease at entry. Of these, 78 men died from coronary heart disease during 20 years of follow-up.

The men were divided into five categories based on the number of grams of fish consumed per day: 0, 1 to 14, 15 to 29, 30 to 44, and 45 or more. For these categories risk ratios and their 95 per cent confidence limits were calculated.[11] A chi-square value for trend was calculated to determine whether there was a dose-response relation between fish consumption and death from coronary heart disease. Relations between fish consumption, dietary variables, and other risk factors were investigated by analyses of variance.[12] Contrasts were tested for statistical significance by the Scheffé method.

Multiple logistic-regression analyses were used for estimating the independent contribution of fish consumption to death from coronary heart disease.[13] This was done in two steps. First, age, fish consumption, and the dietary variables significantly related to fish consumption in the analyses of variance were related to coronary heart disease. The standard errors of the estimates of the regression coefficients were estimated from the asymptotic covariance matrix of β. The ratio of the regression coefficient divided by its standard error, which follows at distribution, was significant for age, fish consumption, and dietary cholesterol. These variables and other risk factors for coronary heart disease were used as independent variables in the final logistic-regression model.

Fish consumption was entered into the logistic model as a categorical variable. The logistic-regression coefficients allow the cal-

culation of risk ratios and their 95 per cent confidence limits for different categories of fish consumption, adjusted for other risk factors associated with coronary heart disease.[11] The risk ratios for the different categories of fish consumption showed some indication of a nonlinear relation. Therefore, a quadratic term for fish consumption was added to the logistic model. This did not improve the log likelihood. Consequently, the quadratic term for fish consumption was not included in the final logistic model.

In the analysis and the presentation of the results the emphasis is placed on the relation between fish consumption in 1960 and death from coronary heart disease between 1960 and 1980. This relation was also analyzed for death from coronary heart disease during the periods 1960 to 1970 and 1971 to 1980. Because of small numbers statistical significance is more difficult to obtain during the shorter follow-up periods. Therefore, more emphasis is placed on congruence between the results for the 10-year and 20-year follow-up periods than on statistically significant results during the 10-year follow-up periods. Only two-tailed probabilities were used for testing statistical significance.

RESULTS

The average fish consumption of the Zutphen men was 20 g per day in 1960. About two thirds consisted of lean fish (e.g., cod and plaice) and one third consisted of fat fish (e.g., herring and mackerel). About 19 percent of the men did not eat fish. The average fish consumption in the other four categories (1 to 14, 15 to 29, 30 to 44, $\geq$45 g per day) was 8, 22, 36, and 67 g per day, respectively.

Twenty-seven men died from coronary heart disease between 1960 and 1970, 51 between 1971 and 1980, and 78 between 1960 and 1980. For all three follow-up periods inverse relations were found between fish consumption in 1960 and mortality from coronary heart disease (Table 1). The risk ratios for death from coronary heart disease decreased with increasing fish consumption, but the chi-square value for trend was statistically significant for death from coronary heart disease during the 20-year follow-up period only.

No relations was found between the fish consumption and the major risk factors for coronary heart disease (age, serum total cholesterol, systolic blood pressure, and cigarette smoking). Fish consumption was also unrelated to subscapular skinfold thickness, physical activity, occupation, and energy intake. Significant relations were found with the intake of some nutrients. In particular, the men with the high fish consumption ($\geq$45 g per day) had a significantly higher intake of monounsaturated and polyunsaturated fat and of dietary cholesterol, animal protein, and alcohol and a significant lower intake of polysaccharides than the men who did not eat fish (Tables 2 and 3).

In the first logistic model death from coronary heart disease during 20 years of follow-up was used as the dependent variable, and age, prescribed diet, fish consumption, energy intake, monounsaturated and polyunsaturated fat intake, and dietary cholesterol, animal protein, polysaccharides, and alcohol were used as independent variables. Only age, fish consumption, and dietary cholesterol were significantly related to death from coronary heart disease during 20 years. In the final model the following independent variables were used: age, fish consumption, dietary cholesterol, systolic blood pressure, serum total cholesterol, cigarette smoking, subscapular skinfold thickness, physical activity, energy intake, prescribed diet, and occupation. Fish consumption remained inversely related ($t=-2.33$, $P<0.05$) to 20-year mortality from coronary heart disease after adjustment for these risk factors.

The risk ratios for death from coronary heart disease adjusted for other risk factors were calculated from the logistic-regression coefficients (Table 4). These risk ratios were similar to the unadjusted risk ratios (Table 1). The risk ratios for death from coronary heart disease during 20 years of follow-up decreased with increasing fish consumption and were about 2.5 times lower among men who consumed either 30 to 44 g or more than 44 g of fish per day.

[Tables not reproducible for the RECORD .]

DISCUSSION

The results of the present study show that fish consumption is an independent risk factor for coronary heart disease. The inverse relation between fish consumption and coronary heart disease was present during different periods of follow-up. The chi-square value for trend, indicating a dose-response relation, was significant for death from coronary heart disease during 20 years of follow-up. This is particularly interesting because the average fish consumption of 20 g per day in this population was low in comparison to the averages of about 100 g among Japanese and 400 g among Greenland Eskimos.[2 4] These results suggest that a low habitual fish intake, equivalent to one or two fish dishes a week, may be of value in the prevention of coronary heart disease.

The average fish intake of the Zutphen men was comparable to the average per capita fish consumption of 25 g per day among all Dutchmen in 1960.[14] In 1980 the per capita fish consumption in the Netherlands had increased to 40 g per day.[14] The division of the fish consumption into two thirds lean fish and one third fatty fish found in Zutphen in 1960 was similar to that found in the data on food balance in the Netherlands.

Eskimos with a high fish consumption have significantly lower levels of total cholesterol and triglycerides and significantly higher levels of highdensity-lipoprotein (HDL) cholesterol than Danish controls.[2 15 16] An intervention study in the Netherlands has shown that replacement of 150 g of cheese with 200 g of mackerel per day leads to a significant decrease in serum total cholesterol and triglycerides.[17] Similar results are generally found when high amounts of fish are added to the diet.[18] The results of intervention studies on the effect of high amounts of fish on HDL cholesterol are inconsistent.[17 18] When smaller amounts of fish are added to the diet, no change in serum levels of total and HDL cholesterol is generally found, but the serum triglyceride level is generally reduced.[19 20]

In the present study no relation was found between fish consumption and serum total cholesterol. This is in accordance with the results of other studies in which moderate amounts of fish were added to the diet.[19 20] Serum HDL cholesterol and triglycerides were not measured in the Zutphen Study in 1960. Small amounts of fish do not influence serum levels of HDL cholesterol.[19 20] It is possible that serum triglyceride levels were lower in men who ate more than 45 g of fish per day than in men who did not eat fish.[20] Although serum triglycerides are an important risk factor in women,[21] their importance in men is still under debate.[22] Thus, it seems unlikely that the inverse relation between fish consumption and coronary heart disease can be explained by the effect of fish consumption on lipid and lipoprotein metabolism.

Fish contains eicosapentaenoic acid (20:5 omega-3). In vitro experiments have shown that this fatty acid is the precursor of platelet thromboxane A_3 and of prostaglandin I_3, which is derived from eicosapentaenoic acid in the vessel wall. Unlike thromboxane A_2, which is derived from arachidonic acid (20:4 omega-6), thromboxane A_3 has no platelet-aggregating power, and prostaglandin I_3 is an effective anti-aggregating substance like prostaglandin I_2 (prostacyclin). Dyerberg et al. therefore hypothesized that high levels of eicosapentaenoic acid and low levels of arachidonic acid may lead to an antithrombotic state in which active prostaglandin I_3 and inactive thromboxane A_3 are formed.[23] This may explain the low rate of death from coronary heart disease among Eskimos. Evidence is accumulating that thromboxane A_3 and prostaglandin I_3 are also formed in people who ingest 4 g or more of eicosapentaenoic acid per day.[24 25]

An alternative hypothesis has been put forward by Hornstra et al.[26] and Goodnight et al.,[27] who suggest that the low thrombogenicity of diets rich in fish oils is primarily due to the fact that platelets cannot produce sufficient thromboxanes to maintain platelet aggregation. Evidence for this hypothesis was obtained in animal experiments showing that platelet and vascular prostaglandins of the 3 series are not important in the regulation of arterial thrombosis.[28] This hypothesis was confirmed in human subjects who had reduced production of thromboxane B_2 (the stable metabolite of thromboxane A_2) after ingesting at least 4 g of eicosapentaenoic acid per day.[25 29] On the basis of the results of their intervention studies, Fisher and Weber fromulated the hypothesis that reduced platelet aggregability and increased bleeding times after dietary eicosapentaenoic acid might be due to the formation of prostaglandin I_3 and thromboxane A_3 in association with a reduced synthesis of thromboxane A_2 and unchanged or even increased formation of prostaglandin I_2.[25] This hypothesis integrates the two lines of evidence put forward to explain the effect of fish oils on coronary heart disease.

In other studies platelet aggregation was lower in Japanese fishermen than in farmers and lower in Eskimos than in Danes.[5 30] The bleeding time of Eskimos was longer than that of Danish controls.[30] Reduced platelet aggregation[25 29 31 32] and longer bleeding times[25 31 34] were also found in intervention studies using different levels of omega-3 polyunsaturated fatty acids. It may be concluded that platelet aggregation is reduced and bleeding time is prolonged by a fatty-fish intake of 100 g or more per day.

In the present study the group with the highest fish intake consumed an average of 67 g per day. The average amount of eicosapentaenoic acid present in the diet of this group was estimated to be 0.4 g per day. One might question whether such an intake is high enough to reduce platelet aggregation and increase bleeding time. In addition, the inverse relation between fish consumption and death from coronary heart disease was seen not only with the highest fish consumption but over the whole range of fish consumption. This would imply that tiny amounts of eicosapentaenoic acid might have a preventive effect against coronary heart disease, assuming that eicosapentaen-

oic acid is the only active component of the fish diet.

It is also possible that other constituents of fish influence platelet aggregability, bleeding time, and the development of coronary heart disease. Some evidence to support this hypothesis was obtained in the Zutphen Study. The fish consumption of the Zutphen men consisted of two thirds lean fish and only one third fatty fish. Lean fish was also inversely related to mortality from coronary heart disease. Lean fish contains on average about 1.5 per cent fat, of which about 5 per cent is eicosapentaenoic acid.[35] Thus, the inverse relation between lean fish and coronary heart disease cannot be explained by eicosapentaenoic acid. In an intervention study 150 g of fatty fish per day was added to the diet. [36] In that study no relation was found between the fatty acid composition of the platelets and bleeding time. These results show that in addition to the effect of eicosapentaenoic acid, an effect of other constituents of fish on coronary heart disease cannot be ruled out.

A comprehensive biologic explanation for the inverse relation between fish consumption and coronary heart disease is not available at present. Nonetheless, the association between dose and response that we observed suggests that this relation is of biologic importance. On the basis of the epidemiologic and experimental data available, it seems justifiable to include a recommendation for one or two fish dishes a week in dietary guidelines for the prevention of coronary heart disease.

REFERENCES

1. Bang HO, Dyerberg J, Sinclair HM. The composition of the Eskimo food in north western Greenland. Am J Clin Nutr 1980; 33:2657-61.

2. Bang HO, Dyerberg J. Plasma lipids and liprproteins in Greenlandic west coast Eskimos. Acta Med Scand 1972; 192:85-94.

3. Keys A. Seven countries: a multivariate analysis of death and coronary heart disease. Cambridge, Mass.: Harvard University Press, 1980.

4. Kagawa Y, Nishizawa M, Suzuki M, et al. Eicosapolyenoic acid of serum lipids of Japanese islanders with low incidence of cardiovascular diseases. J Nutr Sci Vitaminol (Tokyo) 1982; 28:441-53.

5. Hirai A, Hamazaki T, Terano T, et al. Eicosapentenoic acid and platelet function in Japanese. Lancet 1980; 2:1132-3.

6. Keys A, Aravanis C, Blackburn HW, et al. Epidemiological studies related to coronary heart disease: characteristics of men aged 40-59 in seven countries. Acta Med Scand (Suppl] 1967; 460.

7. Keys A. Coronary heart disease in seven countries. Circulation 1970; 41: Suppl 1.

8. Burke BS. The dietary history as a tool in research. J Am Diet Assoc 1947; 23:1041-6.

9. Hartog C den, Schaik ThFSM van, Dalderup LM, Drion EF, Mulder T. The diet of volunteers participating in a long term epidemiological field survey on coronary heart disease at Zutphen, the Netherlands. Voeding 1965; 26:84-208.

10. Hautvast JGAJ. Commissie uniforme codering voedingsenquetes: ontwikkeling van een systeem om gegevens van voedingsenquetes met behulp van de computer te verwerken. Voeding 1975; 36:356-60.

11. Breslow NE, Day NE. Statistical methods in cancer research. Vol. 1. The analysis of case-control studies. Lyon, France: International Agency for Research on Cancer, 1981:122-59 (IARC scientific publication no. 32).

12. Nie NIH, Hull CH, Jenkins JG, Steinbrenner K, Bent DH, eds. SPSS: statistical package for the social sciences. New York: McGraw-Hill, 1975.

13. Dixon WJ, Brown MB. BMDP-81 biomedical computer programs, P-series. Berkely, Calif.; University of California Press, 1981.

14. van den Berg HJK. Consumptie van voedingsmiddelen in Nederland in 1978, 1979, 1980 en 1981 (met vergelijkende oudere jaren). The Hague: Landbouw-Economisch Instituut, 1983.

15. Bang HO, Dyerberg J, Brondum Nielsen A. Plasma lipid and lipoprotein pattern in Greenlandic west-coast Eskimos. Lancet 1971; 1:1143-6.

16. Dyerberg J, Bang HO, Hjorne N. Plasma cholesterol concentration in Caucasian Danes and Greenland west-coast Eskimos. Dan Med Bull 1977; 24:52-5.

17. Lossonczy TO von, Ruiter A, Bronsgeest-Schoute HC, Gent CM van, Hertmus RJJ. The effect of a fish diet on serum lipids in healthy human subjects. Am J Clin Nutr 1978; 31:1340-6.

18. Harris WS, Connor WE, McMurry MP. The comparative reductions of the plasma lipids and lipoproteins by dietary polyunsaturated fats: salmon oil versus vegetable oils. Metabolism 1983; 32:179-84.

19. Brongeest-Schoute HC, Gent CM van, Luten JB, Ruiter A. The effect of various intakes of ω3 fatty acids on the blood lipid composition in healthy human subjects. Am J Clin Nutr 1981; 34:1752-7.

20. Fehily AM, Burr ML, Phillips KM, Deadman NM. The effect of fatty fish on plasma lipid and lipoprotein concentrations. Am J Clin Nutr 1983; 38:349-51.

21. Kannel WB, Castelli WP, Gordon T, McNamara PM. Serum cholesterol, lipoproteins and the risk of coronary heart disease. Ann Intern Med 1971; 74:1-2.

22. Hulley SB, Rosenman RH, Bawol RD, Brand RJ. Epidemiology as a guide to clinical decisions: the association between triglyceride and coronary heart disease. N Engl J Med 1980; 302:1383-9.

23. Dyerberg J, Bang HO, Stoffersen E, Moncada S, Vane JR. Eicosapaentaenoic acid and prevention of thrombosis and atherosclerosis? Lancet 1978; 2:117-9.

24. Fisher S, Weber PC. Thromboxane A_3 (TXA_3) is formed in human platelets after dietay eicosapentaenoic acide (C20:5ω3). Biochem Biophys Res Commun 1983; 116:1091-9.

25. *Idem.* Prostaglandin I_3 is formed in vivo in man after dietary icosapentaenoic acid. Nature 1984; 307:165-8.

26. Hornstra G, Haddeman E, Kloeze J, Verschuren PM. Dietary-fat-induced changes in the formation of prostanoids of the 2 and 3 series in relation to arterial thrombosis (rat) and athersclerosis (rabbit). Adv Prostaglandin Thromboxane Leukotriene Res 1983; 12:193-202.

27. Goodnight SH Jr, Harris WS, Connor WE, Illingworth DR. Polyunsaturated fatty acids, hyperlipidemia, and thrombosis. Arteriosclerosis 1982; 2:87-113.

28. Hornstra G, Haddeman F, Hoor F ten. Fish oils, postaglandins, and arterial thrombosis. Lancet 1979; 2:1080.

29. Seiss W, Scherer B, Bohlig B, Roth P, Kurzman I, Weber PC. Platelet-membrane fatty acids, platelet aggregation, and thromboxane formation during a mackerel diet. Lancet 1980; 1:441-4.

30. Dyerberg J, Bang HO. Haemostatic function and platelet polyunsaturated fatty acids in Eskimos. Lancet 1979; 2:433-5.

31. Thorngreen M, Gustafson A. Effects of 11-week increase in dietary eicosapentaenoic acid on bleeding time, lipids and platelet aggregation. Lancet 1981; 2:1190-3.

32. Goodnight SH Jr, Harris WS, Connor WE. The effects of dietary ω3 fatty acids on platelet composition and function in man: a prospective, controlled study. Blood 1981; 58:880-5.

33. Sanders TAB, Naismith DJ, Haines AP, Vickers M. Cod-liver oil platelet fatty acids, and bleeding time. Lancet 1980; 1:1189.

34. Dyerberg J, Mortenson JZ, Nielson AH, Schmidt EB. *n*-3 Polyunsaturated fatty acids and ischaemic heart disease. Lancet 1982; 2:614.

35. Exler J, Weihrauch JL. Finfish: comprehensive evaluation of fatty acids in foods. J Am Diet Assoc 1976; 69:243-8.

36. Thorngren M. Dietary fish and haemostasis. University of Lund, Sweden, 1983:1-21. (Ph.D. thesis).

[From Prevention Magazine, July 1986]

NUTRITIONAL BREAKTHROUGH OF THE 80'S: OMEGA-3

FIRST CAME UNSATURATED FATS—THEN CAME FIBER—NOW THE SEA HAS PROVIDED THE NEXT IMPORTANT ADVANCE IN THE PREVENTION OF DISEASE

(By Jeff Meade)

Heart disease, psoriasis, rheumatoid arthritis, breast cancer, migraine headaches.

There's a common thread running through this rogues' gallery of modern ills: an unsaturated fat called omega-3. With this thread, scientists hope to unravel the mysteries of some of our most preplexing diseases.

Scientists first became intrigued by omega-3 when they studied the diet of Greenland Eskimos. The Eskimos ate a great deal of fish, much of it very fatty. In fact, Eskimos ate more fat than anyone in the world, yet they suffered virtually no heart disease. The Eskimos' immunity to heart disease was hard to explain. Researchers reasoned that some other factor in the diet might be the key.

They were right. Fish, it turned out, was rich in omega-3, and omega-3 is not just another fish story. Every new study demonstrates the heart-healing properties of this important group of fatty acids. Most medical experts now greet each new bit of information about omega-3 with enthusiasm.

"These highly unsaturated fats seem to give benefit in every study we've reviewed," says William Castelli, M.D., director of the Framingham Heart Study.

Another prominent omega-3 researcher, William E.M. Lands, Ph.D., professor of biological chemistry at the University of Illinois at Chicago, also favors including more fish in the diet.

"The best way to obtain the beneficial omega-3 fatty acids is to eat more seafood," he says. "All the reasons for eating polyunsaturated oils from vegetables remain, certainly. But we need to balance them with omega-3 oils from fish. Omega-3 moderates the doby's overutilization of chemicals called eicosanoids formed from polyunsaturates."

One of the prime beneficiaries of a diet high in omega-3 is your heart. That's where the most intensive research has been done. Studies show that omega-3 reduces harmful cholesterol and triglycerides and helps keep arteries clear of blood clots that can cause heart attack or stroke. But scientists recent-

ly have been finding other uses for this highly unsaturated fat.

FISHING FOR ARTHRITIS RELIEF

One of the most intriguing areas of research involves rheumatoid arthritis.

There is no cure for this painful disease. But some researchers have found that omega-3 fatty acids might offer some relief from the pain and swelling. "We may be recommending omega-3 as an adjunct to traditional therapy in the future," says arthritis researcher Joel M. Kremer, M.D., of Albany Medical College.

A group of eicosanoids called leukotrienes, formed in the body, are thought to cause the characteristic pain and inflammation of rheumatoid arthritis. But omega-3 appears to change the chemical composition of the leukotrienes, making them less inflammatory.

In a study conducted by Dr. Kremer and associates, 23 arthritis patients each were given 1.8 grams of a concentrated fish-oil supplement every day for 12 weeks. Twenty-one other patients received placebos—capsules filled with nothing but wax. As the study progressed, the pain and swelling were reduced in the patients taking supplements. The patients taking placebos showed no improvement (Lanced, January 26, 1985).

"The results are very encouraging," says Dr. Kremer.

Patients with psoriasis may also benefit from omega-3, since leukotrienes are believed to trigger the characteristic inflammation and scaling of this skin disorder. In British and U.S. studies, omega-3 fatty acids appeared to render leukotrienes less active, resulting in some improvement—but not in all cases. In any event, omega-3 may give some relief from the itching and scaling of psoriasis (Annals of Allergy, November, 1985).

Omega-3 also appears to reduce the body's rejection of tissue grafts, though it isn't clear how or why. It's believed graft failure has something to do with the function of blood platelets, which are involved in blood clotting. Tests on laboratory animals show that a diet high in omega-3 reduces tissue-graft failure, presumably by changing the function of the blood platelets (Journal of Surgical Research, January, 1986).

HELP FOR MIGRAINES

"The Eskimos have no word in their vocabulary for headache," says Robert J. Hitzemann, Ph.D., associate professor of psychiatry and behavioral sciences at the State University of New York at Stony Brook. All that fish in the Eskimo diet, it seems, can go to your head, too.

One reason why migraine sufferers are predisposed to these unusually painful headaches might be a shortage of eicosapentanoic acid, or EPA, one of the omega-3 fatty acids found in fish. Without EPA, Dr. Hitzemann says, the body releases too much serotonin, a brain chemical that has the capability of either tightening or loosening blood-vessel walls in the brain. All that excess serotonin appears to put the squeeze on blood vessels, resulting in pain.

To test the theory, Dr. Hitzemann and his colleagues gave omega-3 supplements to 15 migraine patients. For about half the test subjects, the supplements alleviated pain and resulted in fewer headaches. But all the news wasn't as good, says Dr. Hitzemann. Three of the migraineurs didn't notice any change and four actually became worse.

It's too soon to tell whether eating fish or taking fish-oil supplements can help relieve most migraines, says Dr. Hitzemann. But, he adds, if you've already sought conventional medical advice, it might be worth a try.

"I can't make sweeping recommendations on the basis of a 15-patient study," says Dr. Hitzemann. "Nevertheless, I think we're all convinced this is a breakthrough."

TUMOR PREVENTION

Scientists studying omega-3 also appear to have taken a hopeful step in the battle against breast cancer. Studies linking omega-3 to prevention of breast tumors are still in a very early stage, but they seem to hold promise.

A group of eicosanoids known as prostaglandins lower immunity and encourage tumor growth, says Rashida A. Karmali, Ph.D., associate professor of nutrition at Cook College, Rutgers University.

As a result of an overabundance of these chemicals, says Dr. Karmali, "tumors form faster and the body can't fight them off."

Omega-3 appears to fight off the harmful effects of these overactive chemicals. Dr. Karmali fed fish oil to laboratory rats with breast tumors. The result was a reduction in the number of tumors. "Even when we transplanted tumors from one rat into another, the growth of those established tumors was much slower when we fed them fish oils," she says.

It is one thing to prevent cancer in rats. It is quite another to prevent cancer in people, Dr. Karmali cautions. But the preliminary results of her studies offer some encouragement.

Other studies in the United States tend to support Dr. Karmali' s theory.

In one study, conducted at the University of Rochester School of Medicine, rats fed fish oil developed fewer tumors (Journal of the National Cancer Institute, May, 1985).

Researchers at Cornell University had encouraging results, too, when they fed fish oil to laboratory rats. There were fewer tumors and the tumors that did develop were small (Federation Proceedings, March 1, 1985).

No one can guarantee that eating fish will definitely help prevent breast cancer. But if you want to hedge your bets, Dr. Karmali advises eating more fish or replacing dietary fat with fish-oil supplements.

BACK TO THE HEART

Those potentially harmful eicosanoids, prostaglandins, also know the way to your heart. Simply put, they have a role in making your blood platelets stick to one another, forming floating blood clots.

Where a prostaglandin derivative called thromboxane is telling your placelets to stick together, an omega-3 derivative tells them to break it up and move along. This makes your blood more fluid and reduces the risk that one of those clots—called a thrombus—might find its way into a blood vessel narrowed by atherosclerosis, or hardening of the arteries. The blockage could trigger a heart attack or stroke.

In addition to preventing blood clots from forming, omega-3 fats also seem to help prevent atherosclerosis as well—by influencing cholesterol.

Omega-3 may be very beneficial to people whose cholesterol levels are on the high side—between 230 and 260 milligrams per deciliter of blood. According to Framingham's Dr. Castelli, people with cholesterol levels this high are particularly at risk for heart attack. Depsite this, he says, many doctors don't express concern until the levels reach 300 or higher.

"Doctors are missing three-quarters of all the heart attacks in their town by overlooking all the lower numbers," Dr. Castelli says. "The bulk of all our heart attacks occur at cholesterol levels between 230 and 260. If you do not lower cholesterol, you will not have a favorable effect on heart disease."

One way to lower your cholesterol, says Dr. Castelli, is simply to eat more fish.

In one recent study at Vanderbilt University School of Medicine, in Nashville, patients took about three tablespoons of an omega-3-rich fish-oil supplement every day. At the end of the four-week study, serum cholesterol was reduced by 15 percent (*Internal Medicine News*, January 15-31, 1986).

ADDING FISH TO YOUR DIET

You don't have to eat as much fish as the Eskimos do to decrease your risks of heart disease, cancer and other illnesses. Experts think we might prevent disease by eating comparatively little.

Most researchers believe as few as two to four fish meals a week might be sufficient. The more you eat, obviously, the better.

"The ideal amount to eat probably varies from person to person," says William E. Connor, M.D., professor of medicine at the Oregon Health Sciences University and one of the pioneers in omega-3 research. "A couple of six-ounce fish meals a week is probably the minimum. I certainly enjoy three to four servings of fish a week."

Of course, Dr. Connor adds, you ought to watch your weight, keep your blood pressure under control, avoid stress, eat fewer saturated fats and stop smoking. "The omega-3 theory is a tremendous advance," Dr. Connor told a symposium audience in March. "But there are other basic things to consider."

Most experts agree that fish should be substituted for red meat and poultry and not eaten in addition to what you normally consume. The meat we get from farm animals is low in omega-3.

Not all fish contain the same amount of omega-3. Generally, fattier fish—sardines, salmon and mackerel, for example—contain more. Ocean fish have more than freshwater fish. Shellfish, too, contain considerable omega-3.

HOW MUCH OMEGA-3 IS THERE IN YOUR FISH?

[Here are some of the best sources of omega-3 in fish (Grams per 3½ oz. serving)]

Sardines, Norway	5.1
Salmon, Chinook	3.04
Mackerel, Atlantic	2.18
Pink salmon	1.87
Albacore tuna [1]	1.69
Sablefish	1.39
Herring, Atlantic	1.09
Rainbow trout (U.S.)	1.08
Pacific oyster	.84
Striped bass	.64
Channel catfish	.61
Alaska king crab	.57
Ocean perch	.51
Blue crab [2]	.46
Halibut, Pacific	.45
Shrimp, different species	.39
Flounder, yellowtail	.30
Haddock	.16

[1] Canned light. [2] Cooked, canned.

Sources: Adapted from the Journal of the American Dietetic Association, volumes 69 and 71, and from "Omega-3 Food for a Healthy Heart," the Norway Sardines Industry.

If you don't like fish, supplements may be an alternative. Ten capsules of concentrated marine lipids supply 1.8 grams of eicosapentanoic acid, or EPA, one of the omega-3 components. A serving of salmon (about

four ounces) contains about a gram of EPA. Cod-liver oil, too, contains EPA, but the amount varies according to brand. Cod-liver oil usually contains high amounts of vitamins A and D, however, and in large amounts these can be toxic, so cod-liver oil should not be used for this purpose.●

COPYRIGHT PROTECTION FOR CREATORS OF MUSIC

● Mr. GORE. Mr. President, I rise today to commend the American Bar Association Section of Patent, Trademark, and Copyright Law for an action it took recently which will help preserve the copyright protections now enjoyed by creators of music.

I refer to the section's 76-8 vote on August 11 to oppose, in principle, legislation which would mandate a particular method of licensing performing rights in copyrighted musical compositions. The section also declared its opposition to bills now in Congress which would require "source licensing" as the only method of licensing musical performance rights to local television stations. These bills, S. 1980 and H.R. 3521, would end a longstanding system of licensing performance rights, thereby causing extreme harm to creators of music.

Under the current system, source licensing is but one of four options now available to television broadcasters. Those of us in Congress who have opposed S. 1980/H.R. 3521 have pointed out that such freedom of choice needs to be preserved in the marketplace and that the current system works well. I urge my colleagues to note this week's overwhelming vote by ABA's Section of Patent, Trademark, and Copyright Law as yet another expression of support for a system that has worked well and fairly for decades.

Mr. President, I ask that the section's resolution, along with its subcommittee report on this issue, be included in the RECORD.

The resolution follows:

RESOLUTION

Resolved, that the Section of Patent, Trademark and Copyright Law opposes in principle legislation which would impose on the marketplace a particular method of licensing performing rights in copyrighted musical compositions for broadcast purposes, and would prohibit all other methods of licensing such rights which would otherwise be lawful; and

Specifically, the Section opposes H.R. 3521 (Boucher) and S. 1980 (Thurmond), 99th Congress, which would amend the Copyright Act to prohibit all forms of licensing musical performing rights in syndicated television programming except for so-called "source" licensing.

REPORT

Past Action. None.

Discussion. H.R. 3521, 99th Cong. 1st Sess. (1985) (Boucher) and S. 1980, 99th Cong. 1st Sess. (1985) (Thurmond), would drastically alter the long-existing system of licensing performing rights in copyrighted musical compositions to local television broadcasters. At present, at least four types of performing rights licensing are available to broadcasters in the marketplace: (1) the "blanket" license, by which the broadcaster acquires from a performing rights organization (ASCAP, BMI or SESAC) the right to perform the works in that organization's repertory in all programs aired by the broadcaster, usually for a fee based on a percentage of all revenues from sponsors; (2) the "per program" license, by which the broadcaster acquires from a performing rights organization the right to perform the works in that organization's repertory in only those programs specified by the broadcaster, usually for a fee based on a percentage of those programs' revenues only; (3) "direct" licensing, by which the broadcaster acquires the performing right directly from the music copyright owner; and (4) "source" licensing, by which the broadcaster obtains the performing right from the program producer who has acquired it from the copyright music owner. The proposed legislation would designate "source licensing" as the only permissible form of licensing for music in non-network commercial television programming.

The overwhelming majority of television broadcasters have, for the past forty years, used the blanket license to acquire musical performing rights. However, they recently challenged the legality of the blanket license in an anti-trust class action, contending that its existence made the three other forms of music licensing noted above unrealistic. The court held that there was no evidence that the blanket license impeded other forms of licensing. It held further that the broadcasters chose the blanket license because of its many competitive advantages. *Buffalo Broadcasting Co., Inc.* v. *ASCAP*, 744 F.2d 917 (2d Cir. 1984), *cert. denied*, —U.S.—, 53 U.S.L.W. 3587 (1985). The proposed legislation effectively would reverse the result of *Buffalo Broadcasting*.

The broadcaster proponents of the legislation argue that they do not have the bargaining power of the performing rights organizations; that the blanket license results in inflated license fees; that the per program license is cost-prohibitive and its reporting requirements are difficult to comply with; that direct licensing is an impossibility; that producers will not voluntarily engage in source listening; that the marketplace is thus imbalanced; and that the proposed legislation would bring balance to the marketplace.

The opponents of the legislation include creators and copyright owners of music, the performing rights organizations, program producers and syndicators, and representatives, of owners of other forms of intellectual property. They responded that broadcasters have always freely chosen the blanket license, negotiated the fees for it in the free marketplace, and that safeguards exist which guarantee reasonable fees should such negotiations fail. (For example, under the consent decree which governs ASCAP, the U.S. District Court in the Southern District of New York will determine "reasonable" blanket and program license fees; such a proceeding brought by the broadcasters is now pending.) They also reject the claim of unequal bargaining power, noting that the local television broadcast industry has been represented for decades by an all-industry committee, and that the combined power of the broadcasting industry is far greater than that of creators and copyright owners. Thus, the opponents argue, the imposition of source licensing would result in an imbalance in the market favoring the broadcasters. The opponents also point the *Buffalo Broadcasting* decision which found that alternative forms of licensing were realistically available. They conclude that these bills are nothing more than special interest legislation designed to interfere with the free marketpace, for the purpose of reducing the amount broadcasters pay for copyrighted musical property.

A majority of the Subcommittee members oppose this legislation as being contrary to sound copyright principles, an unwarranted intrusion into the workings of the licensing marketpace, and a harmful precedent for other areas of intellectual property.

The proposed legislation would effectively merge the prerforming right, now acquired by broadcasters, and the reproduction right (termed a "synchronization" right), now acquired by program producers. Those rights are distinct and are properly kept separate, as the Copyright Act provides (17 U.S.C. §§ 106 (1) and (4)) and the *Buffalo Broadcasting* case held.

The present marketplace system of licensing allows for a continuing royalty payment for continuing use. The system which the legislation would mandate may result in a one-time buy-out of copyright rights which could seriously harm creators and copyright owners. Any interference in the marketplace is to be avoided; such a drastic interference certainly should not be countenanced.

Finally, the precedent of such legislation could endanger licensing not only of other copyright rights, but of other forms of intellectual property, such as patents, as well. For example, the logic of these bills would allow users of patent rights who do not find existing forms of a patent licensing to their liking to seek imposition of a Congressionally-mandated licensing form more to their liking. The Subcommittee does not believe intellectual property rights should be subject to such erosion.

As the Subcommittee report has been written, initial hearings on H.R. 3521 have been scheduled for March 19, 1986. The Subcommittee also notes that the American Intellectual Property Law Association has adopted a resolution opposing these bills.●

PREVENTING ILLITERACY

● Mr. ZORINSKY. Mr. President, The following is one of many letters I have received from teachers who share my concern about our high illiteracy rate. Mrs. Mackey's views, based on 28 years of experience, should be read by anyone who is concerned about the fact that many of our children are not learning to read.

The letter follows:

SPRINGFIELD, IL,
May 5, 1986.

EDWARD ZORINSKY,
Senator, U.S. Senate, Washington, DC.

DEAR SENATOR ZORINSKY: As a teacher who has taught in public schools for 28 years I am very concerned about our national illiteracy rate. I have a B.A. degree, and hours beyond the master degree. I am well aware of the inadequacies of the "look-say" approach to reading. It is very clear to me how effective "phonics first" (taught properly) is in the learning of beginning readers. Unfortunately the national trend, especially in the larger school districts, has been for 55 years "look-say". Educational reform pack-

ages that I have read do not even mention this issue. I know from experience that a child can be taught in less than a year to be an extensive reader—if a "phonics first" method is used and taught properly.

If a child has to wait until third grade to build an adequate vocabulary for extensive reading, he/she can lose the enthusiasm and enjoyment of reading. Also there are many children who have trouble memorizing words. Many times these children never learn well enough to become fluent readers. They are lost before third grade. I am very anxious for this issue to be addressed nationally and at state levels as it relates to all public schools. I feel it is the single most important issue facing education in the elementary grades in our nation.

Most administrators, heads of reading departments, and college professors in education departments will say that all reading programs have phonics and that it doesn't make any difference by the time they reach third grade. "Phonics analysis" is not the same thing as "phonics first". "Phonics analysis", (phony phonics) is ineffective. The child does not care what any sound makes after he knows the word and consequently does not learn "sound tools" for figuring out new words.

I know of no clearer concise way of explaining what has happened to the teaching of reading in the last 55 years than the enclosed script, which I hope you will read. Many teachers, who know this to be true keep a low profile and slip in "phonics first" methods on their own.

I would like the revised version of your bill and the testimony of the March 10 hearing. If there is any thing I can do to promote "phonics first" I will be happy to do it. I do teach first grade presently.

Sincerely,

DOROTHY J. MACKEY.

Why are we as a nation continuing to pour more and more money into education and not even addressing the main issue as to why Johnny still can't read?

At this point in the RECORD I include a Mutual of Omaha's radio program, "The Best Years," October 22, 1985:

ILLITERATE CHILDREN

HELEN HAYES. Hello, this is Helen Hayes.

The author of "Why Johnny Can't Read", has followed his first book, written in 1955, with an update: "Why Johnny Still Can't Read".

Rudolph Flesch blames the "look-and-say" method for illiteracy in America.

In the 55 years since we abandoned the phonic method of sounding out letters, we have raised some 27 million functionally illiterate adults.

Another 45 million are only marginally literate.

(That's not counting the children.)

None of these people could sound out the author's name: F-L-E-S-C-H, could they?

He explains that "with phonics-first, you teach a child to read the word 'fish' by telling him the sound of 'f', about the short 'i', and the 'shhh' of s-h.

Then, you tell him to blend the sounds from left to right to read the word 'fish'."

To teach the same word by the "look-and-say" system, you give the child a picture with the word printed underneath.

Visual ability and especially memory are crucial.

Repetition, drills, and—above all—guesswork.

[Pause.]

Change the letter "h" in "fish" to "t" for "fist", and the child had better remember a different picture.

Thousands of pictures for thousands of words.

But, we have merely 26 letters in the alphabet!

There's an *alphabet code* that applies to all English words (with just a few exceptions).

"It consists of 200 letters and letter groups, each standing for one or more of the 44 sounds in English".

Doesn't that sound more reliable and easier to learn than struggling with those incredibly repetitious, boring workbooks?

"The number of adult problem readers is increasing by 2.3 million each year."

Flesch says: "Ever since 1500 B.C., wherever an alphabetic system of writing was used, people have learned to read by simply memorizing the sound of each letter. Except in 20th century America.

We have thrown 2,500 years of civilization out the window."

Just about every child should be able to read by the middle of the first grade—and *enjoy* this glorious accomplishment—for the rest of life.●

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

● Mr. BINGAMAN. Mr. President, I would like to commemorate the opening of the White House Conference on Small Business which will convene in Washington, DC, on August 18. At that time, elected and appointed small business delegates from across America—more than 1,800—will gather to discuss the problem facing the Nation's small firms and to develop specific recommendations for dealing with this problem.

Among the delegates will be 17 men and women from my State of New Mexico. These delegates represent a cross section of small business people throughout New Mexico and, indeed the Nation. Each of these delegates are typical of the innovative men and women who help keep our economy vital by forging new businesses and providing a steady stream of employment opportunities for our citizens. Each of the delegates are particularly well qualified to deal with the important issues facing small business people.

I am pleased I was able to appoint one of these delegates, Mr. David L. Bradley, President of Bradley Construction, Inc., of Albuquerque, NM. Bradley Construction is a particularly successful business which is expertly managed by David Bradley and his family. I feel he is an excellent representative of the New Mexico business community. He has an excellent grasp of the many problems and issues facing small business people today.

The importance of small business is widely accepted in this country. Small business employs 48 percent of the private work force and accounts for 38 percent of the GNP.

The White House Conferences on Small business have been tremendously successful. A similar conference was held in 1980 and the vast majority of the 60 recommendations made have been enacted or implemented. This Senator looks forward to reviewing the recommendations of the 1986 conference.

Thank you, Mr. President.●

WHITE HOUSE CONFERENCE ON SMALL BUSINESS

● Mr. RIEGLE. Mr. President, next week delegates from the 50 States representing the Nation's small businesses will meet in Washington, DC, for a White House Conference on Small Business. This is the first such conference since 1980.

Every Member of this body in keenly aware of the tremendous impact small business has on the national economy and on the American people. America boasts over 14 million small businesses that employ about 48 percent of our private work force. Small businesses also account for 38 percent of our gross national product.

It is unfortunate that the White House Conference on Small Business will occur when the Congress will be in recess. Members of both Houses could benefit greatly from the unique insights provided by these businessmen and women on such issues as tax reform, product liability reform, international trade, and budget deficits.

Of major concern to the delegates will be the need to retain the Small Business Administration as an independent agency and to have in place a permanent Administrator for the SBA. I share these concerns and have worked to maintain the SBA as an independent agency. I have also cosponsored legislation urging the President to submit to the Senate a nominee to be the Administrator of the SBA. For the SBA to be an effective tool for the small business community it must have an Administrator to act as both a catalyst for small business concerns and an intermediary with the White House in defining the future of the SBA.

I note with some interest that nearly 40 of the 60 recommendations from the 1980 White House Conference on Small Business have been acted upon either by statute or regulation. Clearly, the work of the 1980 delegates has proved to be a valuable source of information for the Congress.

It is my hope that the 1986 White House Conference on Small Business will continue this tradition and will provide the Congress a constructive framework in which to deal with the difficult issues affecting small businesses in our Nation. I look forward to reviewing the final recommendations of this conference and to working with

the small business community in my State of Michigan.●

THE MONROE DOCTRINE MUST CONQUOR THE BREZHNEV DOCTRINE

● Mr. SYMMS. Mr. President, I ask that the following article by Dr. Claudio Benedi published in Diario Las Americas on July 26, 1986, be printed in the RECORD. Dr. Benedi is the distinguished Washington representative of the Junta Patriotica Cubana, and he is a great American patriot, supporter of the Monroe Doctrine, and anti-Communist advocate.

The article follows:

CLAUDIO BENEDI ASSERTS THAT CUBA IS NOT A CAPTIVE NATION, BUT A SOVIET SATELLITE

(By Ariel Remos)

From the viewpoint of Inter-American and International Law, Cuba cannot be classified among the Captive Nations, since in it the circumstances and conditions that characterize Captive Nations are not present, but those which distinguish satellite states are, since it rotates within the political orbit of the Soviet Union, comprised in the great neo-colonialist strategy of the latter, said Dr. Claudio Benedi in Washington, speaking about the celebration of Captive Nations' Week in the U.S. capital.

The reasons mentioned by Benedi, among others, are the following:

1. Cuba is a member of the Inter-American System.

2. Its government is excluded from the Organization of American States (OAS), but not as a nation and a state, since as the latter it continues to be a part of the OAS and its seat is there, albeit vacant.

3. Cuba is one of the signatory nations of the Inter-American Treaty of Reciprocal Assistance (IATRA).

4. Cuba continues to be under the umbrella of the Monroe Doctrine.

5. The countries of the Third World elected Cuba to chair the group of Non-aligned Countries, thus for those nations Cuba is not a captive nation.

"Juridically and politically", said Benedi, "captive nations are included in the Warsaw Pact, and the Soviet Union and other countries included in that Pact can apply the Brezhnev Doctrine of limited sovereignty.

"According to the OAS, the IATRA and the Monroe Doctrine, the Soviet Union cannot invade a Latin-American country, nor it can apply the Brezhnev Doctrine, although it is in fact applying, or trying to apply it, to Cuba and Nicaragua." According to Benedi, the Soviet Union has 25,000 troops in Cuba and has situated tanks and armored trucks there before any uprising might come about. "The Cuban sovereignty is not limited, although Casto's covenants with the Soviet Union have limited it 'de facto'."

"What is pertinent to do with Cuba", Dr. Benedi concluded, "is to eradicate communism, applying the IATRA and other treaties and covenants that are in force in this Hemisphere."●

ACTION IS NEEDED ON AIR BAGS AND SEAT BELTS

● Mr. DANFORTH. Mr. President, highway safety has improved in the last 12 years because of measures such as the 55 mile-per-hour speed limit and the national minimum drinking age law. We must do more, however, especially in the airbag and seatbelt areas, to prevent the 44,000 highway deaths that still occur each year.

Mr. President, installation of life-saving airbags is one area in which we must do more. Every month we get new information demonstrating that airbags are an effective, proven technology that should be installed in every new car. The Department of Transportation [DOT] estimates that airbags could save 8,500 lives and prevent more than 30,000 injuries each year. These estimates are supported by an April 1986 DOT report that examined 65 crashes involving Government-owned vehicles equipped with airbags. In each of the 65 crashes the driver suffered no significant injuries, and in most cases the driver suffered only minor injuries or no injury at all.

A good example is the case of U.S. Sgt. Tommy Covett. On August 1, 1985, Sergeant Covett was driving on rain-slicked Highway 70 outside of Nashville, TN, when his Ford Tempo went out of control at 40 miles-per-hour and collided head-on into a 1-ton truck. The collision demolished the Tempo—the doors were jammed; the battery was torn in two; and the front of the car was smashed in over 2 feet, but Sergeant Lovett escaped with minor injuries. Sergeant Lovett stated in an interview after the crash:

I'm just happy I had my seat belt on and the air bag worked. You can see from the condition of the car that if the air bag hadn't worked and I hadn't had my seat belt on—well, I know it saved my life.

Despite the overwhelming evidence of the value of airbags, they have not been installed on a wide scale. Mr. President, I ask for inclusion in the RECORD of a summary of a few of the delays cataloged in an Insurance Institute for Highway Safety [IIHS] publication titled "Air Bags: A Chronological History of Delay."

After all these years of delay, we have hope that DOT's July 1984 passive restraint rule will result in wide-scale airbag installation. However, several events may dash this hope once again. Our hopes will be dashed if DOT revokes its rule because States representing two-thirds of the population of the United States enact mandatory seatbelt-use laws. A review of these laws shows they have weak penalties, will not be followed up with strong enforcement, and do not meet the criteria DOT has established for these laws.

Examples of States with these sham laws include: Minnesota, where a motorist is not fined when he is stopped for not wearing a seatbelt; Idaho, where the fine is just $5; and Ohio, where the fine of $20 will be waived if the motorist views a safety film. The other State laws either fail to comply or questionably comply with the criteria DOT has established for these laws.

I support the enactment of effective mandatory safety belt laws. Seatbelt use saves lives and effective mandatory use laws increase belt use. These user laws should serve as a supplement to and not a substitute for airbags, however. No matter how effective the use law, studies and actual experience demonstrate that a seatbelt is not a substitute for an airbag.

Our hopes for wide-scale airbag installation are also threatened by a Ford Motor Co. petition that would weaken the passive restraint rule. The DOT rule currently mandates the installation of passive restraints—that is, airbags, automatic seatbelts, or energy absorbing interiors—in all cars by model year 1990. On June 11, 1986, Ford petitioned DOT to weaken its rule by extending the 1990 model year deadline for automatic crash protection in both front-seat positions. Ford's petition would allow it, and any other automaker seeking similar relief, to meet DOT's rule by equipping some of its cars with a driver-side airbag and a manual seatbelt for the front passenger. Ford claims it wants to use airbags rather than automatic seatbelts, but it is not prepared to install passenger-side bags because of supply problems and technical problems. In exchange for a weakened rule, Ford states it "will in all likelihood" install its one-airbag system in the majority of its "North American designed car production." The petition states no date by which Ford would install airbags for the full front compartment.

We should not have to weaken the passive restraint rule in order to get airbags. We should not accept Ford's claim about technical problems with passenger-side bags. General Motors developed and sold cars with a passenger-side bag 12 years ago. Further, the alleged supply problem is a "chicken and egg" situation. If and only if a major automaker such as Ford commits to airbags will there be a sufficient supply.

Seatbelt design is another area in which action is needed. The National Transportation Safety Board [NTSB] recently released a study of back seat occupants in 26 car crashes. NTSB found that the wearing of back seat lapbelts may, in some instances, increase the risk of injury to back seat occupants. Given this finding, immediate action to require three-point rear seatbelts is essential to prevent what many motorists who ride in cars equipped with rear lapbelts will perceive to be a "catch 22." The catch 22 is presented because five States require rear seat passengers to wear seatbelts even if they are lapbelts.

The need for action in these areas compelled me to write Secretary of

Transportation Dole. I urged the Secretary to begin a rulemaking immediately to require that three-point lap-shoulder safety belts be installed in the back seat of all newly manufactured cars. Moreover, the Department should provide consumers with information about how they can retrofit their cars with lap-shoulder safety belts.

The letter also proposes a better idea about how DOT should approach the Ford airbag petition. First, if Ford or any other automaker is allowed to use a one-bag system beyond the 1990 model year it should guarantee that it will install this system in all its cars. Second, the automaker should demonstrate its commitment to airbags by guaranteeing that it will install driver and passenger airbags in all its model year 1992 cars. I also urged the Secretary to recognize that few, if any, of the State safety-belt laws meet the DOT passive restraint rule's criteria.

If DOT resists petitions to weaken the passive restraint rule and does not nullify the rule because of mandatory seatbelt laws, there will be less of a need for congressional action in this area. Otherwise, Congress should enact legislation such as S. 864, the Automobile Occupant Protection Improvement Act, which I introduced in April 1985. As I explained at the time of S. 864's introduction, the legislation would require installation of airbags for the entire front compartment of every new car sold in the United States on a schedule paralleling the one in the DOT passive restraint rule. There are, however, two important differences between S. 864 and the DOT rule. First, the legislaton would not be nullified by mandatory seatbelt laws. Second, S. 864 requires installation of airbags in all cars, while the DOT rule permits automakers to install airbags, automatic seatbelts or energy absorbing interiors.

We cannot allow more lives to be lost through delays—the public must either be protected by administrative action on airbags or we must protect the public with airbag legislation.

Mr. President, I ask that the letter to Secretary Dole and summary be printed in the CONGRESSIONAL RECORD in its entirety.

The material follows:

AIR BAGS: A CHRONOLOGICAL HISTORY OF DELAY

(Excerpts from a 1984 IIHS report)

March 1967: William Haddon, Jr., Administrator of the National Traffic Safety Agency and the National Highway Safety Agency, tells the Senate Commerce Committee that automatic (or passive) restraints will be mandated as soon as the technology permits.

August 1970: In a submission to the National Highway Safety Bureau (NHSB) and a letter to 82 members of Congress who had urged NHSB to stand fast on its passive restraint proposal (issued July 2, 1969), General Motors pledges to provide air bags voluntarily, first as options and then as standard equipment, on all its cars by the 1975 model year.

March 1971: The National Highway Traffic Safety Administration (NHTSA) grants a two-year delay in the passive restraint standard—until the 1976 model year.

March 1974: NHTSA proposes a revised passive restraint standard to take effect with the 1977 model year.

December 1974: NHTSA issues a cost-benefit analysis showing that air bags are superior to lap-shoulder belts. NHTSA's projected annual benefit of airbags is 11,600 lives saved, compared to 2,700 lives saved with belts.

December 1976: The Department of Transportation (DOT) . . . declares that air bags in all cars would "probably save over 12,000 lives annually and prevent or reduce in severity over 100,000 moderate-to-critical injuries per year." (DOT) calls for agreements under which General Motors and other auto makers will voluntarily build air bag-equipped cars.

July 1977: (DOT puts aside its 1976 decision by announcing) a decision to require front-seat passive protection in all new automobiles on the following schedule: September 1, 1981 for new cars with 115-inch wheelbases or greater; September 1, 1982 for new cars with 101-inch wheelbases or greater; and September 1, 1983 for all new cars.

June 1980: General Motors announces it has cancelled plans to provide air bags as options in its large 1982 models—despite having promised to do so only a few months earlier both in its 1980 Public Interest Report and in a filing with NHTSA.

October 1981: NHTSA cancels the automatic restraint standard, citing "uncertainty" about the public acceptability and use of automatic seat belts of the type "which the car manufacturers planned to make available to most new car buyers" and "the relative substantial cost of automatic restraints."

June 1983: The United States Supreme Court unanimously finds that NHTSA's decision to revoke the automatic restraint standard was "arbitrary and capricious" and must be reconsidered.

July 1984: DOT orders that all new 1990 model cars must be equipped with automatic restraints unless two-thirds of the nation's population is covered by state laws requiring seat belt use by 1989. Ten percent of all 1987 model cars, 25 percent of 1988 models, 40 percent of 1989 models (and 100 percent of 1990 models) must be equipped with automatic restraints.

U.S. SENATE, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,

Washington, DC, August 15, 1986.

Hon. ELIZABETH H. DOLE,

Secretary, U.S. Department of Transportation, Washington, DC.

DEAR ELIZABETH: I want to join with the National Transportation Safety Board (NTSB) in urging the Department of Transportation (DOT) to begin immediately a rulemaking to require that three-point lap-shoulder safety belts, now required only for front seat passengers, be installed for all passenger seats in newly manufactured cars sold in the United States. In addition, the Department should use its authority under the Motor Vehicle Information and Cost Savings Act to provide consumers with information as to how they can retrofit their cars with lap-shoulder safety belts in the back seat. Urgent action is essential because NTSB has found that the wearing of lap belts may, in some instances, increase the risk of injury to back seat passengers, and at the same time five states currently require rear seat passengers to wear seat belts.

Two other important automobile safety issues are currently before the Department: (1) the Ford Motor Company request for a modification in the passive restraint standard; and (2) certification of state seat belt laws.

The "better idea" people at Ford must not have been involved in developing the Company's passive restraint proposal. It indefinitely delays full front seat automatic crash protection and provides no guarantee that life-saving air bags will be more widely available. I urge you to either reject the request, or substantially modify the approach.

Ford suggests that automakers be allowed to continue to meet the passive restraint standard after 1990 by equipping cars with driver-side air bags and passenger-side manual belts. In return, Ford will "in all likelihood" install driver-side air bags in the "majority" of its North American designed car production. Ford states a safety preference for air bags over automatic belts, but cites supply and technical problems in the provision of full front seat air bag protection.

Ford correctly prefers air bags to automatic belts. The life-savings value of air bags was reconfirmed in an April 1986 DOT study which showed that, in each of the 65 crashes examined, drivers in air bag-equipped cars suffered no significant injuries. However, Ford's proposed relaxation of the passive restraint standard incorporates no enforceable commitment to put driver-side air bags in any cars, and not the hint of a promise to perfect and produce passenger-side air bags. There is nothing in the Ford proposal to prevent automakers from moving from air bags to less effective forms of passenger protection, such as automatic belts.

Ford's petition should be rejected, or the approach modified to require any automaker seeking a relaxation of the full front seat automatic crash protection standard to: 1) guarantee installation of driver-side air bags in all its cars produced after September 1, 1989; and 2) guarantee full front seat air bag protection in all its cars produced after September 1, 1991.

With regard to certification of state safety belt laws, the time has come for the Department to recognize formally that few, if any meet its minimum standards, and therefore cannot be considered in determining whether two-thirds of the nation's population is covered by effective safety belt laws. Many of these laws are shams. Examples include: Minnesota, where the motorist is not even fined when he is stopped for not wearing a seat belt; Idaho, where the fine is just $5; and Ohio, where the $20 fine will be waived if the violator views a safety film.

As you know, I support the enactment of effective mandatory safety belt laws. Seat belt use saves lives and effective mandatory use laws increase belt use. However, I support such laws as a supplement to air bags. No matter how effecive the use law, studies and actual experience demonstrate that safety belts are not substitutes for air bags. The Department's own research is conclusive; air bags represent the best in auto safety technology. Their availability is long overdue.

I look forward to hearing from you on these matters.

Sincerely,

JOHN C. DANFORTH.

DRUG ABUSE EDUCATION AND PREVENTION ACT

● Mr. D'AMATO. Mr. President, I am pleased to be an original cosponsor of S. 2727, the Drug Abuse Education and Prevention Act. As did S. 1583, legislation I have previously introduced, this bill extends the life of the Justice and Customs assets forfeitures to fight a real war on drugs.

Rather than turn forfeited assets over to the general Treasury, Senator Kerry and I propose making use of these funds to assist our hard-pressed and underfunded drug prevention and rehabilitation programs. This approach was recommended last year by the American Bar Association.

Each year, $300 to $400 million in drug money and property is seized by Federal drug law enforcement agencies. As we make full use of our drug forfeiture laws, there is no reason why, in the next few years, we cannot seize $1 billion or more per year of the $100 billion a year narcotics industry's illegal income.

In 1984, in the Comprehensive Crime Control Act, we established a Department of Justice forfeiture fund and the Customs forfeiture fund. These funds consist of the proceeds of the sale of property forfeited under the laws enforced by the Department of Justice and the Customs laws. These were important, but limited, steps forward. The uses of the funds are strictly limited.

Drug education and treatment are not even mentioned as possible purposes for these new funds. They should be. We must reduce the demand for drugs as well as the supply, and to do this we must have adequately funded drug prevention programs nationwide.

When our forfeiture efforts attain their full potential, the provisions of this bill would enable us to mount a truly effective education and prevention program to reach millions of school children to teach them to say "no" to drugs in the earliest grades when they are still reachable, and to counter the peer pressure they face to use drugs with the examples of positive role models.

Mr. President, we need a massive commitment of people and resources to win the war on drugs. S. 2727 can help provide this reinforcement. I encourage my colleagues to join me in cosponsoring this legislation and to give it their full support.●

VFW COMMANDER JOHN S. STAUM

● Mr. DURENBERGER. Mr. President, as the senior Senator from Minnesota, I am delighted to bring to the attention of my colleagues a native son and a good friend of mine, John S. Staum of Blaine, MN, who is the current commander of the 25,000 member Veterans of Foreign Wars. He has done an outstanding job for the VFW, the American veterans and the Nation. I ask that the following article from the Minneapolis Star and Tribune about John's era at the VFW be printed in the record.

The article follows:

[From the Minneapolis Star and Tribune, Aug. 15, 1986]

VFW COMMANDER LOOKS BACK ON A HECTIC YEAR

(By Paul Gustafson)

While 25,000-plus Veterans of Foreign Wars members are winding up for their week-long national convention that begins today in Minneapolis, John S. Staum of Blaine is winding down from a hectic year as the VFW's commander-in-chief.

"If you're around here when 11:30 p.m. comes (next Friday) you'll see one happy guy. It's been a long year," Staum said yesterday from his room atop the Hyatt Regency Hotel.

Staum said the two million-plus member VFW stands foursquare behind Ronald Reagan's defense buildup, including nuclear missile defense research, his decision to bomb Libya and his Central American policy.

But the VFW has had its battles with Reagan and Congress over proposed cuts in veterans benefits and efforts to make a full accounting of Vietnam War POWs and MIAs, he said.

Staum termed the outcome of recent Congressional hearings on the POW/MIA issue disappointing but said he remains hopeful U.S. and Vietnam officials will reach an agreement within 18 months that will result in a full accounting of the fate of missing Vietnam War veterans.

"We have members . . . who want to speak out more forcefully on the issue," he said. "But we've always maintained there should be a government to government approach rather than a 'Rambo' approach."

Staum, who toured Central America last year, said he supported Reagan's Central America policy because free nations there "want to do their own fighting . . . and it's better to send a dollar down there now than troops later."

The veteran's group opposition to threatened federal cuts in veteran's benefits has been as adamant as its support of Reagan's defense and foreign policies.

Last year the VFW took a stand against any income eligibility standards for veterans' benefits but had to compromise in the face of the Gramm-Rudman deficit reduction plan.

Staum said the VFW was able to exempt most veterans' programs from exposure to Gramm-Rudman cuts by agreeing to restrict unlimited hospital care benefits for veterans with nonservice connected illnesses to those who have incomes of $15,000 or less if single and $18,000 or less if they have dependents.

For veterans with dependents the income ceiling increases $1,000 for each dependent over one.

The VFW commander-in-chief said he remains concerned about the lack of funding to expand or build new VA hospitals, some of which he said "are at 95 to 100 percent occupancy."●

GAMING WITHIN INDIAN RESERVATIONS

● Mr. ANDREWS. Mr. President, the Select Committee on Indian Affairs has before it three bills to establish regulatory authority over gaming within Indian reservations or on Indian trust or restricted lands. A committee bill has been drafted which draws heavily from each of the three bills but incorporated additional language which appears to be appropriate to the issue.

This legislation would provide a comprehensive regulatory system for the approximately 100 Indian gaming enterprises, mostly bingo, that are providing needed revenues to tribal governments. These revenues are being used for a variety of governmental purposes, including medical services, fire protection services, flood control, water and sewer systems, road repairs, educational services and the like. Significant employment opportunities have been provided in these communities where unemployment frequently exceeds 50 percent.

Many of these Indian games also have a substantial beneficial impact on local non-Indian communities, either through direct contracts from the Indian tribes with local merchants for supplies, or from increased patronage of local outlets by persons visiting the reservation.

The Federal regulatory involvement in the supervision of gaming operations on Indian reservations is presently based mainly on review of management contracts by the Department of the Interior. There is a substantial Federal investment in facilities used in the operation of some Indian games, including an estimated $8 million in federally insured loans or direct grants under the Indian Finance Act. While it is clear that these games are providing a much needed source of revenue to many Indian tribes, it is also clear that legislation is needed to insure the integrity of the games, to assure the character of persons contracting with tribes for management of these games, and to provide clarification with respect to the authority of Federal, tribal and State governments insofar as the operation of these games.

A great deal of effort and consideration has brought the committee to a point where I believe we are close to consensus on the legislative approach. The major issue to be resolved is the treatment of class III major gambling: Whether such games should be prohibited entirely, or made to conform or comply with State regulations. The select committee has rescheduled its markup of H.R. 1920 for September 10, 1986, at 3 p.m., in room S 205 of the Capitol. It is my firm hope that we will be able to enact this legislation into law before the end of this Congress.●

GREAT LAKES EMERGENCY SHORELINE PROTECTION ACT

●Mr. D'AMATO. Mr. President, I rise today in support of the Great Lakes Emergency Shoreline Protection Act, and I commend my colleague from Ohio, Senator GLENN, for his leadership on this issue.

We are all aware that Great Lakes water levels are at an all-time high, with little hope of significant relief in the near future. Various proposals for diversions would have little effect in the long run, virtually no effect in the short run, and would be difficult to reverse if Great Lakes levels ever become dangerously low. In addition, diversions could simply move the problem from one area to another, causing flooding in the areas to which the water is diverted.

In short, Mr. President, it is clear that we must address this problem by looking for ways to protect property owners along the lakes from high water levels, rather than attempting to change those levels.

Currently, protection from long-term flooding can be addressed through the advanced measures program of the Army Corps of Engineers, while protection against loss of property due to short-term flooding is available through the National Flood Insurance Program administered by the Federal Emergency Management Agency. However, there is no Federal program to provide relief for homeowners along the Great Lakes who are experiencing gradual erosion problems.

The bill I am cosponsoring today, the Great Lakes Emergency Shoreline Protection Act, is designed to assist these homeowners through a program shared by the Federal and State governments. The program will encourage financial institutions to provide loans on residential property owners by guaranteeing the loans at the Federal level. States would participate in the program both by determining the need for the program and by providing a subsidy on the interest rate.

At the Federal level, this program will be administered jointly by the Department of Housing and Urban Development and the Army Corps of Engineers. This will require an authorization of $2 million per year for 5 years.

The bill gives each State several options for qualifying loan recipients and for determining the most appropriate property protection measure in each case. However, it does set forth specific eligibility requirements. For example, the improvement to be protected must have been in existence or under construction on the date of enactment unless the State establishes setback requirements for new construction. The term of the loan cannot exceed 30 years, and the aggregate amount of the loan cannot exceed $50,000 unless the Secretary of HUD finds an increase justified. The States must subsidize from 3 to 5 percent of the interest charged on the loans.

States must certify that the borrower's plan for erosion control meets minimum engineering standards, and that there is a significant risk that the improvement to be protected will be damaged from erosion if no action is taken.

Mr. President, I believe this bill represents a reasonable approach to protect properties along the Great Lakes. It is an innovative, fiscally responsible approach, and I urge my colleagues to join me in cosponsoring this bill.●

SOVIET JEWRY

● Mr. D'AMATO. Mr. President, I rise to call to the attention of my colleagues an important article by Anatoly Shcharansky which appeared in the Washington Post's Friday, August 15, 1986 edition. This article is entitled "Soviet Jewry: The World Must Not Be Fooled by 'Menu 9A'."

I ask that this article be printed in the RECORD at the end of my statement.

Anatoly Shcharansky is a man who has been tested in the fires of the Soviet gulag. The heat and the pressure burned away all that was not true, leaving behind a man who has become a hero to freedom-loving people all over the world. When he speaks, his words carry great moral force.

In this article, he speaks about Soviet Jewry and Israel's negotiations with the Soviet Union over consular matters. These talks are to begin next Monday in Helsinki, Finland. While his words are directed to Israel's leaders, they have meaning for us, too. I want to emphasize several of Shcharansky's points to my colleagues and to leaders in the State Department and the administration.

When Shcharansky testified before the Helsinki Commission, of which I am chairman, on May 14 of this year, he called for strong and active public diplomacy coupled with parallel private diplomatic efforts. His position has not changed. In this article, he says:

> Israel's position on Soviet Jewish freedom must be unrelenting and *public*. No room can be left for the claim that Israel representatives adopted a more compromising tone in private discussions than in public forums. [Emphasis in the original.]

Shcharansky then says:

> Let us not allow prolonged Soviet intransigence and barbarity to convince us that release of a few prominent activists is a major concession. I am certain that my colleagues in the Soviet Union agree with me. . . . We must not be fooled.

This message is as important for us as it is for the leaders of the State of Israel to whom this article is directed. Specifically, earlier in the article, he mentions the forthcoming Vienna followup meeting of the Conference on Security and Cooperation in Europe. As Chairman of the Helsinki Commission, I am deeply involved in preparations for United States participation in this meeting. I intend to lead a Commission delegation to the meeting when it opens.

In Vienna, we will be faced with a Soviet Union actively working on its bilateral relations with the United States. General Secretary Gorbachev has objectives he wants to achieve. The timing of the beginning of the Vienna meeting, in the context of work on the second Reagan-Gorbachev summit and the Geneva arms reduction talks, leads to the conclusion that the Soviets will make gestures at Vienna intended to influence Western public opinion.

There is a chance that, in response to continued pressure on them to live up to their Helsinki human rights obligations, the Soviet leaders may decide, as Shcharansky warns, to "release a few prominent activists" and present such an action to the world as "a major concession." We must take Shcharansky's warning to heart and "not be fooled." If we go along with Soviet attempts to portray such an action on their part as a major concession, we will have fallen into the moral trap Shcharansky describes so clearly in his article.

Shcharansky presents a list of actions the Soviet Union could take if it were serious about its Helsinki human rights promises. These actions are as follows:

> (1) The Soviets (must) release all prisoners of Zion, those who are detained in Soviet jails or in the U.S.S.R. itself, merely for wanting to go to Israel;
>
> (2) Soviet Jewish families, some of whom have been separated for more than 15 years, (must) be reunited in Israel; and
>
> (3) Any of the 3 million Jews in the Soviet Union who wish to come to Israel (must) be allowed to do so.

This is one measure of true Soviet willingness to comply with their human rights promises. When the United States and our allies and friends confront the Soviet Union and its allies in Vienna, we need to have firmly in mind this list of Soviet actions. We can add to this list persons who wish to emigrate from the Soviet Union to the United States and persons who wish to be reunited with their families in the United States. The United States must not be fooled by Soviet tokenism, either.

Again, I very strongly commend this article to my colleagues and to the American people. It has the unmistakable ring of truth and moral force. We would do well to read it carefully, understand it fully, and heed its message carefully.

The article follows:

SOVIET JEWRY: THE WORLD MUST NOT BE FOOLED BY "MENU 9A"

JERUSALEM.—Israel's reaction to the Soviet call for negotiations on establishing bilateral consular relations will determine the fate of the worldwide effort to free Soviet Jewry. The success of that struggle is dependent on an uncompromising public Israeli position linking any progress on other issues—indeed, any willingness to negotiate on other issues—to the release of the 400,000 Soviet Jews who have indicated their desire to emigrate to Israel.

The wide-scale aliya—immigration to Israel—of Soviet Jews began after 1967, during a period when no diplomatic relations existed between Israel and the Soviet Union. The severing of diplomatic relations between Jerusalem and Moscow did not set the process in motion; both mass emigration and the break in relations did result, however, from a single source: the expression of Jewish national identity embodied in Israel's victory in the Six-Day War.

Pressure was exerted on the Soviet Union by Western governments, especially by the government of the United States. This pressure was not limited to a single trade operation; it became a cornerstone of American policy in negotiating with the Soviet leadership.

Repression of the individual is a fundamental principle of a political system that sees the value of man as nothing more than an insignificant cog in a huge machine. This principle is protected by Soviet law—a law that was designed to guard "the system" that decides what the individual must read, what he must do, what his national and political feelings should be.

This fundamental principle on which the political culture of the Soviet dictatorship is founded was seriously challenged by the demand of Soviet Jews, whom official Soviet policy does not even recognize as a separate nation, to decide for themselves whether to live in the Soviet Union or to leave.

The fact that for a short time the Soviet government was willing to allow Soviet Jewish emigration, in spite of the threat it posed to the principles on which the regime is based, was not the result of a decision of the Soviet leadership to improve its public image. The sacrifice on the part of the Soviets was too great to be perceived as part of a gesture of good will.

Today, as then, the Soviets will not tolerate free *aliya* unless forced to do so. The Soviet Union will move significantly on the question of *aliya* only if it perceives the status quo to be more dangerous than a mass release of Russian Jewry. The free world has the potential to bring the Soviet leadership to this realization.

The Russian economy is stagnating, and the current Russian leadership is more conscious of the dangers of economic stagnation than any of its predecessors. Mikhail Gorbachev's public warning that the Soviet Union will lose its economic and strategic race with the United States if progress is not made is unparalleled in Soviet history. We who were brought up in the Soviet Union were taught that the victory of socialism was inevitable.

The Soviet Union must reach out to the West to expand its technology and trade. The West has made it clear that it is willing to cooperate with the Soviet Union in this endeavor. The only question left outstanding is the price the Soviets will have to pay. In the West, two approaches compete with each other in regard to dealing with Soviet repression of Jews.

The first approach is to strengthen cultural and economic ties with the Soviet Union in the hope that such ties will lead to greater Soviet flexibility on human rights issues. This hope is based on a naivete that ignores the real danger the Soviet system sees in freedom of emigration and the efforts it is willing to make to avoid the granting of such freedom.

The second approach demands that any concessions to the Soviet Union be linked to progress on human rights.

The Jackson Amendment led to the signing of the Helsinki Accords, which established the principle of linkage in an international agreement. Testimony to the importance of linkage as a weapon against Soviet repression is provided by the constant Soviet machinations to undermine that linkage.

Each of these two approaches—the approach of granting concessions unconditionally in the hope of engendering reciprocity and the approach of linkage, making concessions conditional on real changes in Soviet policy—has its champions in the West. In Bern, a few months ago, Western European countries proposed a resolution that would have excluded Soviet Jews wishing to reunite with their families in Israel from the human rights clause of the Helsinki Accords. Only American opposition defeated this proposal.

Many holders of high political office in the West remain convinced that the principle of linkage must be maintained. This feeling is reinforced by the conviction that trust must be based on the fulfilment of previous obligations, obligations that include Soviet undertakings to improve Soviet policy on human rights. This autumn, a new conference of the 35 signatories of the Helsinki Accords will be convened in Vienna. Later this year an American-Soviet summit will probably take place in Washington. Which approach will prevail?

To a large extent, the answer to that question lies with Israel. At this decisive moment in East-West relations, the leadership of the Soviet Union has suddenly recalled that it has church property in the Holy Land and has proposed an exchange of consular delegations. Preliminary talks on this subject are to begin Monday, in Helsinki.

What will be Israel's reaction? Will Israel link relations to free emigration of all Soviet Jews, or will it adopt the other approach—moving first toward normal relations in the naive hope that this will create conditions for a solution to the problem of Soviet Jewry?

Western governments, even the most friendly, look to Israel for guidance on policy vis-a-vis the issue of Russian Jewry. None will be more adamant than Israel is in defense of Jewish rights.

At the Helsinki meeting, Israel must insist on Russian recognition of the right to emigrate as a precondition to further negotiations on improved relations.

If the negotiations on other issues proceed despite Soviet refusal to agree to this right of free Jewish emigration, the U.S.S.R. will have succeeded (or, more correctly, Israel will have allowed it to succeed) in establishing itself as the party less interested in the renewed ties. It will have relegated Israel's talk of Jewish emigration to the status of mere lip-service. This is the tradition of Soviet diplomacy: Listen. Ignore. Proceed to issue of Soviet interest.

Israel's position on Soviet Jewish freedom must be unrelenting and public. No room can be left for the claim that Israeli representatives adopted a more compromising tone in private discussions than in public forums.

The prison camp is a simple, yet surprisingly apt model of the Soviet system. A prisoner who presents a moral example of defiance and self-respect that other prisoners may choose to emulate is a threat to the prison system. One method used to counter this threat is for the KGB to call him in for hours of private talks on trifling matters. Agents then spread rumors that in these private sessions the prisoner made concessions to the KGB in order to gain personal benefits. The rumors, of course, may have no basis in fact, but the credibility of the moral individual is broken.

Soviet prison "culture" provides another example of what Israel must avoid in its contacts with the Soviet Union. This is what may be called the "menu 9A syndrome."

The Soviet prison system uses the curtailment of calorie intake in the prisoner's diet as a punishment for disobedience, and supplements the prisoner's diet as a reward. There are 18 levels of diet in Soviet prisons, ranging from 1A to 9B. Even the "best" diet in Soviet prisons is far worse than what the prisoner has eaten before he was incarcerated. Yet, after weeks and months of gruelling starvation, a disobedient prisoner is frequently tempted to cave in to the demands of his jailers on the promise that his menu will be improved from the lowest, near-starvation standard—9B—to a menu only slightly better—9A. Lowered expectations make it seem that a slight easing of pressure or a milder form of torture are a major Soviet concession.

Let us not allow prolonged Soviet intransigence and barbarity to convince us that release of a few prominent activists is a major concession. I am certain that my colleagues in the Soviet Union agree with me. "Menu 9A" is not a recipe for real dialogue and understanding. It is a tactic of torture. We must not be fooled.

In response to Moscow's "generous proposals," we are tempted to lower our demands and limit them to an insistence on "symmetry and mutuality." This demand is an affront to our moral sense, unless the symmetry begins at an equal and acceptable status and not from "menu 9B."

Israeli jails hold no Soviet prisoners of conscience who have been imprisoned for expressing Soviet ideology; Israel must therefore insist that the Soviets release all Prisoners of Zion, those who are detained in Soviet jails or in the U.S.S.R. itself, merely for wanting to go to Israel.

Israel has not prevented thousands of Soviet families from being united with their kinsmen in the Soviet Union; it must insist, therefore, that Soviet Jewish families, some of whom have been separated for more than 15 years, be reunited in Israel.

Israel does not hold even one person who wishes to emigrate to the U.S.S.R. hostage in discussions with the Russians; it must therefore insist that any of the 3 million Jews in the Soviet Union who wish to come to Israel be allowed to do so. This is the only symmetry that holds any meaning.

This symmetry must be a condition of any future talks. Insistence on it is a moral imperative.●

HONORING THE REVEREND NOAH E. McCOY

● Mr. ANDREWS. Mr. President, for those of us from rural States, like North Dakota, who still make a living by working the land, at harvest time we pause to express recognition and appreciation to the Lord for providing us with the abundant blessings we enjoy. In so doing, it is also appropriate that we honor a man who has devoted his life to God and mankind through his unique combination ministry.

The Reverend Noah E. McCoy was born in West Virginia, but was raised and educated in Burleigh County, ND. Reverend McCoy received his formal ministry training at the Salvation Army College of Chicago and Northwestern College of Minneapolis.

Before becoming the Baptist minister in Carrington, ND, from 1929 to 1937, Reverend McCoy served in churches in Kulm and Edmunds, ND, and as a Union City Mission staff pastor in Minneapolis.

In 1937, with faith in his calling and confidence in his mission, Reverend McCoy set forth on a then-uncharted course. He became the radio pastor on radio station KRMC in Jamestown, ND, going on the air the first day of broadcast. As the station grew and expanded, changing the call letters to KSJB, so grew the radio ministry of Reverend McCoy.

Reverend McCoy is a name and voice familiar to generations in the Upper Midwest, particularly in North Dakota, through his radio ministry. Reverend McCoy has reached countless individuals through his unique ministry and has served as personal pastor to thousands regardless of their station in life or professed religion. He has been the pastor to the unchurched, the friend of the friendless, provided encouragement to the discouraged, and offered hope to those who knew only despair. Reverend McCoy has been an adviser to business and community leaders, to legislators, and to the clergy of all faiths.

Not only has Reverend McCoy sought to serve his church, but he has also given of himself for his State and community by aiding as chaplain of the North Dakota National Guard during World War II, chaplain of the State prison for 35 years, and chaplain of the North Dakota House of Representatives for the full session of 1935.

He has been honored and recognized by Jamestown College, by the Chamber of Commerce as the "Outstanding Citizen of Jamestown," by the Sertoma Club for "Service to Mankind," by the National Religious Broadcasters, by the Fraternal Order of Eagles, by the American Protestant Correctional Chaplains, and by many more organizations—all attesting to leadership, citizenship, faith, and compassion for his fellow human being.

Mr. President, on September 7, 1986, in Pingree, ND, a location not unknown to our Senate Chaplain Dick Halverson, I intend to recognize Reverend McCoy for his continuing pastorate in the Pingree Congregational Church starting in 1941. I also want to recognize his near 50 consecutive years in the radio ministry and almost 65 years in parish ministry.

Thank you, Mac.●

THE NORTHWEST POWER ACT CREATED A REGIONAL REVIEW AND PLANNING COUNCIL, NOT AN INTERSTATE COMPACT

● Mr. McCLURE. Mr. President, Congress passed the Pacific Northwest Electric Power Planning and Conservation Act in 1980 to give the Northwest States of Idaho, Oregon, Washington, and Montana a voice and an additional information and planning source, independent and separate from the Bonneville Power Administration in dealing with the harsh realities facing the region in the decades ahead. This independent voice, information, and planning source was needed with respect to the availability, allocation, and pricing of Bonneville Power Administration electrical energy. There was also a demonstrated need to coordinate the activities of not only Bonneville Power Administration but the many public and private utilities in the region. Bonneville's authority to acquire additional resources and participate in the areas of conservation, fish and wildlife programs, and other such programs needed to be established, but limited. The act attempted to bring a regional perspective and planning process to avoid a myriad of lawsuits, customer competition for scarce energy resources, protection of fish and wildlife resources, establish conservation programs, and eliminate conflicts among the affected States through some formalized regionwide mechanism.

The legislation also created the Northwest Power Planning Council, a State-appointed eight member body with two members each from Idaho, Oregon, Washington, and Montana. The council has come under some scrutiny since its inception, and has been challenged in the Ninth Circuit Court of Appeals as being unconstitutional. In April the ninth circuit issued an opinion in the Seattle Master Builders versus Northwest Power Planning Council suit, finding that the council was not only constitutional, but that it was an interstate compact agency as well. Today, I am taking issue not with the constitutionality of the Northwest Power Planning Council as a council, but with the ninth circuit's conclusion that the council is an interstate compact with potentially sweeping powers.

The court's recent denial of the Government's petition for rehearing prompts me to clarify my position on what I believe was the legislative intent behind the establishment of the Power Planning Council in 1980. The act was designed both to give the States an alternative voice in Northwest energy issues distinct from BPA, and to serve as a regional review and planning council that would play an integral role in the future development of the region's energy picture. My intent in developing the council was to promote creative tension between the BPA and the council, which would bring about the best possible solutions to fit the region's energy needs. I wanted the region to avoid reliance on only one energy planner—the BPA—on Northwest energy issues, and allow an independent entity representing the affected States the opportunity to supply input into the region's power planning process.

The ninth circuit cited remarks made by me in the legislative history of the Northwest Power Act at three different places in its opinion. I would like to state for the record that it was never my intent during the evoltuion of the Northwest Power Act legislation, to establish the council as an interstate compact agency. It was my desire to develop an entity that would be an alternative voice to Bonneville, but without the full force of law given to an interstate compact by the court. The difficulty with the interstate compact concept readily appears. The Northwest Power Act allowed formation of the council with the participation of only three of the four States. If one of the States had declined to participate, we would have the anomalous result, under the court's reasoning, of an interstate compact of three States preparing an energy plan for the nonparticipating State, not to mention the portions of Wyoming, Utah, Nevada, and California that are within the region but have no formal representation on the council in any event. I might add that each of these States could unilaterally repeal their membership in the council, unlike the usual situation involving actual interstate compacts. Further, unlike other interstate compacts, the Power Council does not operate pursuant to substantive State laws. All of its functions and responsibilities are governed by a Federal statute.

I would now like to comment on the use by the ninth circuit of my statements in the legislative history of the act. As I stated earlier, the court referred three times to my remarks, all in support of the proposition that the council was not to be considered a Federal agency. One of the references in the opinion is incorrectly paginated, but all three were apparently relied upon by the court to reach the ulti-

mate conclusion that the council was an interstate compact entity.

A closer reading of my actual comments would show that the ninth circuit's reliance was misplaced. In the cited remarks I quoted extensively from Congressman FOLEY on the possible application of the appointments clause of the constitution to the council. My statements indicated that legal research done at that time did not predict a conflict with the appointments clause because the council was not to be a Federal agency and was not to be exercising significant authority. I believe these statements illuminate my intent behind the legislation. I believed the council would evolve into a State-appointed entity offering guidance, support, and technical assistance to BPA, without interstate compact status, just as the authors of the legislation had envisioned.

The ninth circuit court opinion openly states that the intention of Congress was clear, from both the language of the statute and the legislative history, that the council was not to be a Federal agency and was not to be controlled by the Federal Government. This was correct, was consistent with my intent, and the court's opinion should have stopped at that point. Unfortunately, the opinion went on to find the council an interstate compact and offered some confusing dicta about the application of the appointments clause. That discussion is disturbing. It was also unnecessary, if the council had been correctly viewed as merely an advisory council to offer BPA alternatives and guidance in the regional planning process.

The dissenting views of Judge Beezer in the Master Builders suit more closely tracks the legislative intent behind the Northwest Power Act, as I believe the act was to be interpreted. Even if the council is an interstate compact, which I do not believe it is, it is not thereby immune from scrutiny under the appointments clause.

Nevertheless, I disagree with the conclusion drawn by Judge Beezer's dissent, namely that the council is unconstitutional because it violates the appointments clause. It is not necessary to reach this result because the council was never designed or intended to be an interstate compact, but merely a regional review and planning council. It is difficult to imagine how such an entity could present constitutional problems.

As the Supreme Court just recently reminded us in the Synar case involving the Gramm-Rudman-Hollings situation, we cannot constitutionally vest authority over executive functions in an entity beyond the President's power of removal. If this principle is applied to the council, as it may be some day, I fear for the outcome and its impact on the Pacific Northwest. I believe now, as I stated in 1980 when the statute was being drafted, that the region will not lightly suffer the presence of another Federal agency affecting its energy future and empowered to dictate its economic future. Yet I am afraid this may be the result if the type of entity envisioned by the majority opinion of the ninth circuit is examined by the Supreme Court. For this reason, I would urge the Bonneville Administrator to carefully weigh the risks of seeking Supreme Court review of the Master Builders decision. While I believe the ninth circuit's reasoning to be seriously flawed, it may be in the best interests of the region not to take any action which would unnecessary jeopardize the existence of the State-appointed council, an arrangement clearly preferred by Congress as well as the States themselves.

To summarize, in molding the Northwest Power Act in 1980, Congress conceived an entity in the Northwest that was neither fish nor fowl. This legislation gave birth to a council in the Northwest designed to provide guidance to Federal agencies and State and local governments and allow a strong voice to each State in the region when devising the regional power plan. This council was not a Federal agency, as the legislative history clearly states, and not an interstate compact, as I believe the legislative intent, including my own remarks, implies. I believe the Northwest Power Planning Council was designed independently of BPA and Congress to help the region make decisions concerning the region's power planning process with the input of the Northwest States. The council can establish guidelines for the BPA as they develop action plans for the future, but cannot direct BPA to adhere solely to their guideline. The council is similar to a firm hired outside the scope of the Federal and State agencies to develop an energy plan with data from the private sector as well as Government. The Council shouldn't be any more than a regional review and planning council, with the input of each of the affected States in the region. Such was my intent in this legislation, and I still see no contrary evidence in the legislative history to convince me otherwise.●

CUSTOMS ENFORCEMENT ACT

● Mr. D'AMATO. Mr. President, I am pleased to be an original cosponsor of S. 2748, the Customs Enforcement Act, along with Senators HAWKINS and DECONCINI. As we move to increase the pressure on drug traffickers this year, we need to reduce as many of the barriers to effective law enforcement as possible and to act more forcefully to regain control of our borders. We also must act to ensure that our trade laws are more effectively enforced. That is precisely what this bill does.

Mr. President, this legislation contains numerous reforms of our Customs laws. This statement highlights some of the most significant features of this legislation. I ask that a detailed section-by-section analysis be printed in the RECORD at the conclusion of my remarks.

S. 2748 opens with a detailed clarification of key law enforcement and customs terms. For example, the term "merchandise" under the Tariff Act is clarified by including specific references to monetary instruments.

This bill also requires all vessels arriving in the United States to report to the Customs Service. This is an attempt to reduce the level of smuggling through the use of small vessels used to ferry contraband between mother ships and our coasts. With the exception of small vessels arriving from Canada or Mexico, existing law permits 24 hours in which to report the arrival of a vessel, even though all other conveyances must immediately report to Customs.

Persons entering the United States at our land borders must, under the terms of this bill, do so only at authorized border-crossing points. Passengers must report for customs inspection and remain in the customs area until cleared by a Customs Service officer.

To enforce the terms of this bill, civil penalties, seizure and forfeiture provisions, and criminal penalties for violations of the Tariff Act are strengthened and clarified. The Customs Service is provided with increased administrative summons authority to gather evidence concerning possible violations of Customs laws and regulations.

The proposed amendment to section 433 of the Tariff Act would authorize the Secretary of the Treasury to require the master of a vessel, the person in charge of a vehicle, or aircraft pilot to report immediately—in person or by radio or other means as prescribed in the regulations—and would also afford greater flexibility in designating the places where arrival may be reported. Customs thus would be in a position to concentrate enforcement activities on those conveyances failing to report immediately to the designated facility.

This bill also increases the civil and criminal penalties for unlawful unloading or transshipment. In addition, the geographical limits of the statute are changed from 12 miles to "customs waters," which term means "12 miles" or the distance permitted by treaty or special arrangement with a foreign country for the boarding of vessels flying its flag.

Another section will control aviation smuggling by adopting many of the provisions contained in 19 U.S.C. 1586

and the Anti-Smuggling Act of 1935 which now apply to vessels. In addition, this section is intended to address a relatively new phenomena, air drops of contraband to vessels in international waters. The statute addresses these problems as follows.

Subsection 14(a) makes it unlawful for any person to possess merchandise knowing or intending that it be unlawfully introduced into the United States or its territories or possessions, or within 12 miles of the coast. Subsection (b) makes it unlawful to transfer any merchandise between an aircraft and a vessel on the high seas or within customs waters if the plane or boat is of U.S. nationality or the circumstances indicate the purpose is to introduce the merchandise contrary to law, unless the transfer has been authorized by the Secretary of the Treasury.

S. 2748 amends section 596 of the Tariff Act (19 U.S.C. 1595a) to permit the civil seizure and forfeiture of merchandise introduced or attempted to be introduced contrary to law. While it is true that most laws which restrict or prohibit merchandise provide for forfeiture, others, such as the motor vehicle laws and coffee laws, merely deem the goods to be a "prohibited importation," but do not provide for forfeiture.

S. 2748 also makes it clear that the Secretary of the Treasury is authorized to utilize commercial cover corporations and bank accounts, and to lease property and pay for services without revealing Government involvement when such activities are needed in authorized investigative activities. Many large smuggling, export and currency investigations require Customs special agents and other officers to assume commercial cover identities and set up cover operations. At present, Customs officers must often rely on the utilization of cover corporations and businesses established by local and State—or other Federal—enforcement agencies. This has proven awkward and, in some cases, may actually compromise the investigation. The proposed authority parallels the authority of other Federal law enforcement authorities, such as the DEA and the FBI.

This bill also amends 21 U.S.C. 959 to make it unlawful for a U.S. citizen or any person aboard a U.S. aircraft to possess controlled substances with an intent to manufacture or distribute, or for any person aboard an aircraft to possess with an intent to manufacture or distribute a controlled substance knowing or intending that it be unlawfully introduced into the United States or within a distance of 12 miles from the coast. These provisions are complementary to proposed section 590 of the Tariff Act and 21 U.S.C. 955a and close certain gaps in the law as it relates to aircraft.

Finally, S. 2748 provides criminal, in addition to the current civil, penalties for willfully operating aircraft at night without lights and for the willful use and/or installation of unlawful fuel systems in aircraft. These tactics are often used by drug smugglers.

Over 160 aircraft intercepted by Customs officers last year for Customs related violations were found to be operating without lights. In addition, many planes used in smuggling are found equipped with illegal fuel installations to extend their range. By making these operations criminal in nature, there will be an increased deterrent to this dangerous activity. Providing criminal penalties for such conduct also enhances the capability of law enforcement personnel to search and seize these aircraft—based upon probable cause to believe a crime has been committed—and, thereby, interdict such smuggling activity.

In addition to criminal penalties, the proposal subjects unlawful fuel systems and the aircraft in which they are installed to seizure by Customs officers and other persons designated by the Attorney General and to civil forfeiture in accordance with procedures set out in the customs laws.

Mr. President, a comprehensive modernization of our customs and tariff laws is long overdue. I urge my colleagues to join Senators HAWKINS, DECONCINI and me in cosponsoring and supporting S. 2748.

The analysis follows:

ANALYSIS

Section 1 provides that the Act may be cited as the "Customs Enforcement Act of 1986."

Section 2 contains definitions for various terms. The term "merchandise" in the Tariff Act is clarified by including specific references to monetary instruments. The term "controlled substance" has the same meaning as that term in the Controlled Substances Act. The terms "prohibited" and "restricted" which are used in numerous sections of the Tariff Act are defined for the first time. These terms are used interchangeably throughout the Customs and related laws. The term "prohibited" is at present misleading since it implies that an article may not be imported under any condition. In fact, few—if any—articles are truly "prohibited" in the commonly understood sense. For example, various laws or regulations refer to coffee (19 U.S.C. 1356k), obscene articles (19 U.S.C. 1305), milk (21 U.S.C. 141), controlled substances (21 U.S.C. 952), honeybees (7 U.S.C. 281), tea (21 U.S.C. 41-50), and automobiles (42 U.S.C. 1857), as "prohibited;" yet all may be lawfully imported with appropriate licenses, permits, security or other documentation. The proposed section would remedy the confusion by defining "prohibited" and "restricted" as interchangeable terms.

Section 3 of the bill would combine the existing Tariff Act of 1930 section 433 reporting requirements for vessels from noncontiguous countries and vessels over 5 net tons from contiguous countries with the reporting requirements under existing section 459 for vehicles and vessels under 5 net tons from contiguous countries and section 1109 of the Federal Aviation Act for aircraft.

Paragraph (a) would amend section 433 of the Tariff Act to require the master of any vessel arriving from a foreign port or place, or of a foreign vessel arriving from a domestic port, or a vessel of the United States carrying bonded merchandise or foreign merchandise for which entry has not been made, to immediately report arrival of the vessel at the nearest customhouse or such other place as the Secretary of the Treasury may prescribe in regulations.

Paragraph (b) would replace the existing vehicle reporting requirements of section 459 to require crossing only at designated facilities and immediate reporting of vehicle arrivals.

Paragraph (c) would provide similar requirements for aircraft and thus subjects them to specific penalties provided under section 436 rather than the more general (and lighter) penalties contained in 49 U.S.C. 1474.

In recent years, the use of all types of conveyances to smuggle narcotics and dangerous drugs has created a significant detection and interdiction problem for the Customs Service. The existing law contributes to this problem because, with the exception of small vessels arriving from Canada or Mexico, the law permits 24 hours in which to report arrival of a vessel, even though all other conveyances must immediately report to Customs, and some aircraft must even notify Customs prior to entering U.S. airspace. In addition, vehicles may cross into the United States at any point along the border, the only requirement being that after crossing, they report to the nearest Customs facility. Thus, a narcotics smuggler using a vessel or vehicle can arrive in the United States without facing the prospect of an immediate Customs inspection and discovery of contraband. Although this problem has become particularly acute in Florida where pleasure yachts and small commercial vessels with easy access to nearby foreign islands and the U.S. inland waterways complicate detection, the reporting problem is also present along the entire east and west coasts where small commercial vessels and pleasure craft are used to ferry loads between the so-called "motherships" which hover off the coast and the numerous inlets and bays which line our shores.

The proposed amendment to section 433, would authorize the Secretary of the Treasury to require the master of a vessel, the person in charge of a vehicle, or aircraft pilot to report immediately (in person or by radio or other means as prescribed in the regulations) and would also afford greater flexibility in designating the places where arrival may be reported. Customs would, thus, be in a position to concentrate enforcement activities on those conveyances failing to report immediately to the designated facility, on the assumption that they are liable to be involved in smuggling.

Section 4 of the proposed bill establishes, in addition to existing criminal sanctions, civil penalties for violation of sections 433, 434 and 435 of the Tariff Act, and provides for the seizure and forfeiture of any conveyances used in connection with these violations. These penalties are subject, in appropriate cases, to mitigation or remission under section 618 of the Tariff Act (19 U.S.C. 1618). The amount of the criminal fines which may be imposed has also been increased.

Section 5 of the proposed bill would amend section 454 of the Tariff Act to increase the penalties for discharging passengers without a permit.

Section 6 of the proposed bill would clarify the existing law, section 459 of the Tariff Act, to require all persons arriving in the U.S. as pedestrians or by means other than by vessel, vehicle or aircraft (horseback, for example) to immediately report their arrival to a designated Customs facility. Persons on board conveyances are required to remain aboard until authorized by Customs to depart. Present law only requires the master or person in charge to keep persons on board but imposes no obligations on the passengers or crew members themselves. An incident at a New York airport involving a near riot after a delayed landing showed the weaknesses of existing law. In addition, passengers and crew members arriving aboard conveyances which did not report arrival in accordance with section 433 are also required to notify Customs and report the circumstances of their arrival.

Section 7 of the proposed bill would amend section 460 of the Tariff Act to increase substantially the civil penalties for failure to report to Customs or proceeding without permission. Of course, all the penalty and forfeiture provisions are subject to remission or mitigation for cause under section 618 of the Tariff Act. The section also establishes criminal penalties similar to those presently contained in section 433 of the Tariff Act for reporting violations.

Section 8 reduces from 1 year to 6 months the time that general order merchandise must be stored before it may be sold. This amendment should result in reduced storage expenses and increased revenues. In addition, this amendment permits merchandise to be retained for official use (in the same manner as forfeited goods). Finally, the amendment vests title to the goods in the United States so that a buyer of the merchandise receives full title. The rights of any interested parties are protected in the same manner as if the goods were sold.

Section 9 permits the retention or other disposition of property rather than destruction where the proceeds are insufficient to cover taxes. This section will not parallel the forfeiture provisions.

Section 10 of the proposed bill would expand the scope of Customs administrative summons for documents to conform to the scope of the summons coverage for testimony. Presently, section 509 of the Tariff Act allows a summons to be used to ascertain the correctness of entries, determine liability for duties and taxes, fines and penalties, and to insure compliance with any law administered by the Customs Service. Although the summons can be used to take testimony under oath in connection with an investigation of any of these areas, it can only be used to obtain those documents which are "required to be kept" pursuant to section 508, Tariff Act. It is thus unavailable to obtain documents which were prepared by third persons, by the importer subsequent to the import transaction, or which pertains to a law administered by Customs but not directly related to imports, such as drawback shipping records, or currency transactions or export records. The amendment would facilitate the use of the summons in these other investigations.

Section 11. This section reduces the time that forfeited counterfeit trademarked items must be held before being sold. This amendment will reduce storage expenses to the government. The other provisions of 526 including notice, obliteration of the offending mark and availability to eleemosynary and government agencies will remain unchanged.

Section 12 would amend section 584 of the Tariff Act of 1930 to eliminate the prepenalty procedures which were added in 1978 but which have proven to be of little benefit to the public or the Government. This section would also substantially increase penalties relating to unmanifested drugs and other merchandise.

Section 431 of the Tariff Act of 1930 (19 U.S.C. 1431) requires the master of the vessel and any person in charge of any vehicle arriving in the United States to keep on his ship or vehicle a manifest in the form prescribed by the Secretary of the Treasury. The manifest must be signed by the master (or person in charge of the vehicle) under oath as to the truth of the statements it contains. Under section 584 of the Tariff Act (19 U.S.C. 1584), the penalty for an error in the manifest is a penalty equal to the lesser of $10,000 or the domestic value of the goods to which the error relates. The Customs Service uses the manifest primarily to insure that all goods in the cargo are ultimately entered or otherwise appropriately disposed of under the Customs laws.

The Customs Procedural Reform and Simplification Act of 1978 (P.L. 95-410, 92 Stat. 888) amended section 584 to: (1) extend liability for an error in the ship's manifest to those persons directly or indirectly responsible for the error, including the importer or broker, (2) to require a prepenalty notice of any proposed penalty greater than $500, and (3) require the Customs Service to consider representations made as a result of the notice before issuing a penalty claim. It was believed that ocean carriers were being penalized under section 584 for discrepancies between the manifest cargo packaged in a manner which prevents the master from knowing its contents. For example, cargo containers are often filled at the exporter's factory in a foreign country and the container is not opened again until it reaches the importer's facility inside the United States.

It was anticipated that the prepenalty notice procedure would enable carriers to resolve quickly possible violations before a penalty notice is issued, and since the notice would go to all persons directly or indirectly responsible for the error, importers, exporters, brokers and carriers would cooperate in reconciling problems. However, in actual practice the prepenalty notice has been of no tangible benefit either to importers, carriers, brokers, or to the Customs Service. Inasmuch as the violations of this requirement do not involve serious offenses, they can be handled adequately through normal penalty procedures, with a substantial reduction in both paperwork and administrative expense.

The penalties for unmanifested opium of $25 an ounce were first set in 1922 and the penalties for other controlled substances have been set at $10-$50 an ounce (depending on the drug) since 1935. In order to increase vigilance on the part of carriers, the bill would raise penalties to $200-$1,000 an ounce.

Section 13. This section increases the civil and criminal penalties for unlawful unlading or transshipment. In addition, the geographical limits of the statue are changed from 12 miles to "customs waters," which term means "12 miles" or the distance permitted by treaty or special arrangement with a foreign country for the boarding of vessels flying its flag.

Section 14. This is a new section which is intended to control aviation smuggling by adopting many of the provisions contained in 19 U.S.C. 1586 and the Anti-Smuggling Act of 1935 which apply to vessels. In addition, this section is intended to address a relatively new phenomena, air drops of contraband to vessels in international waters. The statute addresses these problems as follows—

Subsection (a) makes it unlawful for any person to possess merchandise knowing or intending that it be unlawfully introduced into the U.S. or its territories or possessions or within 12 miles of the coast. Subsection (b) makes it unlawful to transfer any merchandise between an aircraft and a vessel on the high seas or within customs waters if the plane or boat is of U.S. nationality or the circumstances indicate the purpose is to introduce the merchandise contrary to law unless the transfer has been authorized by the Secretary of the Treasury.

The section provides civil and criminal penalties and civil forfeiture. In addition, subsection (e) contains certain rebuttable presumptions of an intent to unlawfully transship merchandise. These presumptions expand on the presumptions contained in the Anti-Smuggling Act of 1935. Customs and other law enforcement officers often discover suspicious aircraft or vessels without contraband on board, but under circumstances indicating that they were used or intended to be used for unlawful purposes, such as smuggling. The presumptions contained in subsection (e) would have the effect of shifting the burden of proof to the claimant of seized property. Thus, the claimant would have to explain why his aircraft had illegally installed fuel tanks, or false registration markings. These are similar to the presumptions presently contained in 19 U.S.C. 1703.

To the extent this section covers drug activities, it would be enforced by the Customs Service, but only in the geographic areas of responsibility currently assigned to it by Reorganization Plan No. 2 of 1973.

Section 15 amends the prior disclosure provisions of section 592 to make it clear that the more lenient prior disclosure provisions do not apply to cases where Customs is already conducting an inquiry or investigation regarding the violation (whether or not the Office of Investigations has commenced a formal investigation). In some cases, importers have attempted to take advantage of the prior disclosure provisions even though the so-called "disclosure" was made after a regulatory auditor or import specialist had already discovered a violation and reported it to both the importer and Customs investigators, but before the investigators have formally opened a case. In addition, in small value cases, such as false statements by a traveller, the matter is resolved without the intervention of investigators, by inspectional personnel. This amendment reflects the administrative practice which was in effect prior to the 1978 codification of the practice which imposed the "formal investigation" standard. The subsection is also being amended to permit the seizure, in prior disclosure cases, of prohibited or restricted goods. Goods which would be dangerous if imported, or would violate international obligations should not be allowed to enter our commerce simply because the importer notifies Customs that he violated the law.

The seizure and forfeiture provisions in 592(c)(5) are also being amended to make it clear that prohibited or restricted merchan-

dise may be forfeited, administratively or judicially (as appropriate), not only to secure payment or penalties, but also to prevent their introduction into the United States, whether or not penalties are assessed and whether the penalties are paid or reduced to judgment. Jurisdiction for forfeitures under this provision is vested in the Court of International Trade, as at present.

Section 16 creates a new section 593 which is primarily intended to address the need for civil penalties in the drawback fraud area. At the present time, 18 U.S.C. 550 provides criminal penalties for drawback fraud, but there is no civil penalty counterpart. Recent investigations have uncovered widespread fraudulent drawback claims in certain types of commodities with losses to the government in the millions of dollars. New section 593 would make it unlawful for any person to make a materially false written or oral statement or to make or submit materially false claims for drawback, refunds, rebates or allowances. It would also prohibit false statements or documents which relate to merchandise being unlawfully exported. The penalties and penalty procedures are generally parallel to those in section 592, a companion statute which deals with the entry of goods by false statements.

Section 17 would amend section 594 of the Tariff Act to eliminate the expensive and time consuming requirement that conveyances seized to secure payment of penalties (not for forfeiture) be proceeded against in an admiralty court action and would substitute the normal Customs forfeiture procedures which permit administrative forfeiture in many instances, but protects the rights of individuals by requiring court proceedings whenever a claim and cost bond are posted. In addition the exemptions from common carriers being seized are being revised. Under present law a common carrier may not be seized or forfeited for violations of the Customs laws unless the owner or master or other person in charge consented to or were privy to the violation. This protection was given to protect the common carrier from seizures where dishonest passengers concealed contraband in baggage or otherwise violated the Customs laws or where a dishonest shipper misdescribed the contents of cargo on a bill of lading. However, in recent years, common carriers in increasing and alarming numbers had escaped seizure where large quantities of drugs were concealed on board the vessel or aircraft, outside the cargo, by crew members or other personnel employed by common carriers. In addition, common carriers have escaped liability where 2,500–3,000 pounds of cocaine were placed in unmanifested or falsely manifested cargo boxes or containers. A simple comparison of the bills of lading with the external marks on the cartons or an actual external count of the cargo by the carrier would have revealed these discrepancies.

The amendment would continue protection for common carriers where contraband is contained in the baggage of a passenger being lawfully transported or in manifested cargo with external marks and quantities which match the bill of lading, unless the owner, operator or person in charge participated in or had knowledge of the violation or was grossly negligent in preventing or discovering the violation. However, in the case of prohibited merchandise or controlled substances, common carriers would be subject to seizure for transporting such items in unmanifested cargo, in cargo whose external character did not match the documents or for articles concealed on the conveyance, but outside the cargo. After investigation, the common carrier would be subject to forfeiture unless the owner or operator, master or officers can show that they did not know and through the exercise of the highest degree of care and diligence could not have known that the contraband was on board. This standard is identical to the standard contained in 19 U.S.C. 1584 for common carrier penalties for unmanifested drugs and is intended to encourage greater vigilance by common carriers. Of course common carriers can avail themselves of the remission and mitigation procedure in 19 U.S.C. 1618.

Subsection (d) defines "owner or operator," "master" and similar terms relating to the person in charge to include responsible managerial and supervisory personnel to reflect modern practices relating to cargo manifests. Subsection (e) makes the carrier responsible for expenses arising out of seizures under subsection (c) which relate to discoverable, unmanifested drugs and prohibited merchandise.

Section 18 expands the Customs civil search and seizure warrant in section 595 of the Tariff Act (19 U.S.C. 1595) to cover any article subject to seizure rather than just the imported merchandise. This amendment would permit this civil warrant to be isued to seize conveyances, monetary instruments and evidence of violations of the Customs laws which are subject to forfeiture under laws enforced by Customs. The obsolete reference to U.S. Commissioner is changed to Federal Magistrate.

Section 19 amends Section 596 of the Tariff Act (19 U.S.C. 1595a) to permit the civil seizure and forfeiture of merchandise introduced or attempted to be introduced contrary to law. This provision is intended to fill a gap which was caused when former section 593 was moved in 1948 to the criminal code as 18 U.S.C. 545. In addition, although 19 U.S.C. 1592 permits the seizure of prohibited goods, this is in some cases unsatisfactory. While it is true that most laws which restrict or prohibit merchandise provide for forfeiture, some such as the motor vehicle laws and coffee laws merely deem the goods to be a "prohibited importation" but do not provide for a separate forfeiture.

Section 20 amends section 613 of the Tariff Act to treat amounts tendered in lieu of merchandise subject to forfeiture in the same manner as the proceeds of sale. This would permit the Secretary of his designee to grant relief from the forfeiture in certain instances but would still permit the deposited funds to be used to pay expenses of the seizure and to be placed in the Forfeiture Fund to be used for the same purposes for which forfeiture proceeds may be used. In addition 613(d) would treat agency seizure expenses in the same manner as court costs and marshal's expenses. A recent court decision held that only seizure expenses incurred by the custodia legis after a complaint is filed are priority claims. Thus, under this interpretation agency expenses incurred prior to referral for judicial proceedings would not be paid in some instances where the proceeds of sale are insufficient to cover preferred mortgage liens and all the expenses incurred by the seizing and custodial agencies. The amendment would remedy the situation by putting agency expenditures on an equal footing with marshal fees and court costs and allow them to be paid before liens.

Section 21 amends section 619 to allow Customs officers to exercise some discretion in determining the percentage of an informants' award. Under present law, when Customs makes a recovery of property, or penalties, the person who provided the original information is entitled to an award of 25 percent of the recovered value, but not more than $250,000 (until 1984, this was $50,000). The amendment would permit an award in a lesser amount up to the 25 percent/$250,000 maximum depending on the information provided. The amendment also deletes a requirement which was contained in P.L. 98-473, requiring the Commissioner to approve any award in excess of $10,000. Prior to P.L. 98-473, the maximum award was $50,000 which could have been approved by subordinate officials. The award is only payable after the government has made a recovery based on the information supplied by the informant. The officer receiving the information and the District Director where the recovery was made must both approve any claim. In addition, headquarters attorneys in both the Offices of Regulations and Rulings and Chief Counsel must review all awards before payment is approved. With these "checks and balances" the personal approval of the Commissioner is unnecessary.

Section 22 clarifies the statute of limitations provisions contained in Section 621 so that monetary penalty cases are deemed to have been commenced when the penalty notice is issued. Customs cases, especially those involving fraud are often difficult to detect. Once discovered, they must be investigated. Frequently, one discovery leads to others and companion civil and criminal cases are pursued. During the criminal case, which has a shorter statute of limitations, grand jury information is not generally available to civil investigators. In addition, alleged violators do not wish to respond to civil penalty cases while a criminal investigation is being actively pursued. Unfortunately, under present law the civil statute of limitation is not tolled until a court action is filed. The amendment would toll the civil statue when the penalty is issued.

Section 23 would amend section 622 of the Tariff Act to permit the Secretary of the Treasury to require landing certificates to comply with international obligations such as bilateral or multilateral agreements to reduce or prevent smuggling.

Section 24 would clarify the Secretary's authority to exchange information with foreign customs and law enforcement authorities. Such exchanges are necessary to determine whether voluntary quotas and other cooperative arrangements are working as intended. Exchanges are also necessary to verify information on import and export documents and to comply with bilateral and multilateral obligations. In addition, the section would permit U.S. authorities to exchange information with foreign officials when such exchanges are necessary to assist in U.S. investigations or judicial or quasi-judicial proceedings. Frequently, foreign authorities have information which would be valuable in a U.S. investigation but are reluctant to provide the information unless U.S. authorities can also provide information.

Section 25 would grant the Secretary specific authority to operate customs facilities in foreign countries and give him the authority to extend U.S. Customs laws to foreign locations (with the consent of the country concerned). Although U.S. officials have been at air preclearance locations in Canada, Bahamas and Bermuda since the 1950's, their presence has never been specifi-

cally authorized by statute, nor have they had the law enforcement tools necessary to perform properly their jobs. The section would also permit the U.S. and Canada to build and operate single border stations serving both countries to effectuate economies on both sides. We understand that the proposed Canadian Customs Act has similar provisions.

Section 26 would make it clear that the Secretary of the Treasury is authorized to utilize commercial "cover" corporations, bank accounts and to lease property and pay for services without complying with the normal requirements which would reveal government involvement when such activities are needed in authorized investigative activities. Many of the larger smuggling, export and currency investigations require Customs Special Agents and other officers to assume commercial "cover" identities and set up "cover" operations. At present, Customs officers must often rely on the utilization of "cover" corporations and businesses established by local and state (or other federal) enforcement agencies. This has proven awkward and in some cases may actually compromise the investigation. In addition the proposed section would make it clear that the usual laws governing bank deposits and space rentals do not apply in such undercover situations. The proposed authority parallels the authority of other federal law enforcement authorities such as the DEA and the FBI.

Section 27 would amend the reporting laws so that vessels receiving merchandise from aircraft or other vessels on the high seas or in Customs waters would be treated in the same manner as vessels which visit hovering vessels or foreign countries. They would have to report their arrival and make formal entry.

Section 28 would amend the documentation laws to make it clear that while documented yachts do not have to make formal entry they must report their arrival to Customs and declare any goods on board. Recent changes to the language in the documentation laws has led to some confusion with some private yacht owners believing that they were exempt from all Customs regulations. In fact they are only exempt from formal entry and clearance procedures.

Section 29 provides criminal penalties for any person who knowingly operates, or being the owner, allows the operation of, any aircraft which has not been registered as required by law. This provision is the necessary follow-up to make the proposal in section 31 enforceable. This proposal also provides criminal penalties for knowingly serving as, or employing for service in connection with any aircraft, any person who does not possess a valid airman's license. This provision is necessary to ensure that drug smugglers who have had their licenses revoked under the provisions of the recently enacted Aviation Drug-Trafficking Act do not engage in such related activity, at least, during the period of such revocation.

Section 30 would amend section 904 of the Federal Aviation Act of 1958 to raise the civil penalties for aircraft violations from $500 to $1,000 and would extend the manifesting penalties of section 584 of the Tariff Act to controlled substance violations involving aircraft.

Section 31 amends the Federal Aviation Act to require reports of aircraft transfers of ownership to be reported to the Secretary of the Treasury. Under present law, the purchaser of an aircraft provides notice to the government, by virtue of the aircraft's registration, that an aircraft has been sold or transferred to another party. Drug smugglers, too often, simply do not comply with this registration requirement, thereby making it impossible to track the transfer of aircraft from lawful to unlawful users or to determine, in many instances, who the actual owners are of aircraft abandoned in fields after their use in drug smuggling operations. In addition registry information is not available in a timely fashion. The proposal would require the seller of a registered aircraft to file a notice of such sale or transfer with the government. If an unlawful user/purchaser, then, subsequently fails to register the aircraft, law enforcement personnel would have, by virtue of the seller's notice, sufficient information to identify the aircraft being used without lawful registration and, by virtue of the proposal in section 29(a), supra, apprehend such individuals for such unlawful activity. In addition such notifications can be considered by Customs officials in deciding whether to grant waivers from Customs regulations relating to notices of arrival, permission to land at nondesignated airports and other entry requirements. The seller's filing will not relieve any person from complying with section 501 or 503 requirement.

Section 32 would amend the administrative subpoena authority of Customs, to delete reference to the controlled substances laws and substitute reference to any import, export or currency reporting law. This provision would expand the investigative tools available to Customs officers. Since the subpoena authority would not relate solely to narcotic investigations, it is being moved to title 19 as a new section, 631 of the Tariff Act. Because of its present wording, the provision has remained virtually unused since the 1973 Reorganization Plan transferred most drug investigation authority from Treasury to Justice. The court would also have the authority to assess the costs of enforcements proceedings against a person who improperly refuses to comply with a subpoena issued under this section.

Section 33 would amend 19 U.S.C. 507 which Customs officers use to request the assistance of others by eliminating references to a three mile distance and by raising the criminal penalties for failure to render assistance. Customs officers must frequently rely on assistance by state and local agencies and civilians in performing their duties. For example, suspect planes picked up on radar may land before Customs officers can arrive. Local police or airport authorities are frequently called upon and asked to detain the pilot and passengers until Customs can arrive. Subsection (b) would provide immunity to persons other than Federal employees assisting Customs offices in good faith. This provision is based on various "good Samaritan" laws and is intended to reassure individuals who are unsure of their liability for coming to the aid of Federal officials. The liability of Federal employees will continue to be governed by existing case law, which permits qualified immunity defense to a Federal official who was acting in good faith with a reasonable belief in the validity of his action. See *Bivens* v. *Six Unknown Named Agents*, 456 F.2d 1339 (2d Cir. 1972).

Section 34 would raise the amount which must be reported by a person who receives monetary instruments to $10,000. This amendment merely conforms the reporting requirements to amendments contained in P.L. 98-473.

Section 35 would amend 21 U.S.C. 959 to make it unlawful for a U.S. citizen or any person aboard a U.S. aircraft to possess controlled substances with an intent to manufacture to distribute, or for any person aboard an aircraft to possess with an intent to manufacture or distribute a controlled substance knowing or intending that it be unlawfully introduced into the U.S. or within a distance of twelve miles from the coast. These provisions are complimentary to proposed section 590 of the Tariff Act and 21 U.S.C. 955a and close certain gaps in the law as it relates to aircraft.

Section 36 provides criminal, as opposed to the current civil, penalties for willfully operating aircraft at night without lights and for the willful use and/or installation of unlawful fuel systems in aircraft. These tactics are often used by drug smugglers. Over 160 aircraft intercepted by Customs officers last year for Customs related violations were found to be operating without lights. In addition, many planes used in smuggling are found equipped with illegal "bladder" and other illegal fuel installations to extend their range. It is hoped that by making these operations criminal in nature, there will be some deterrent to this dangerous activity. Providing criminal penalties for such conduct also enhances the capability of law enforcement personnel to search and seize these aircraft, based upon probable cause to believe a crime has been committed, and, thereby, interdict such smuggling activity. In addition to criminal penalties, the proposal subjects unlawful fuel systems and the aircraft in which they are installed to seizure by Customs officers and other persons designated by the Attorney General and to civil forfeiture in accordance with procedures set out in the customs laws.●

CHILD WELFARE SERVICES FORUM

● Mr. DODD. Mr. President, over a year ago my distinguished colleague, Mr. CRANSTON, from California held an excellent forum in Los Angeles sponsored by the Senate children's caucus. The issue was child welfare services.

Both my distinguished colleague from California and the distinguished Senator from Illinois, Mr. SIMON, toured the McLaren Children's Center in Los Angeles and subsequently heard from four panels of experts on the problems of providing adequate services for abused and neglected children. The first panel of witnesses were young people, including those who had experienced such services first hand. All of them have gone on to build successful lives and careers for themselves. Some were graduates of the Free Arts Clinic, a voluntary organization dedicated to teaching art, music, and drama to children in residential care facilities as a result of abuse at home. The Free Arts Clinic was represented by art therapist Elda Unger.

The second panel of experts included Robert Chafee, interim director of Los Angeles County Department of Children's Services; Mrs. Linda Allen, a foster parent, and Joyce Francisco, a children's services worker. And the third panel included Lt. Richard Wiley

of the Los Angeles County Sheriff's Department; Dr. Michael Durfee of the Los Angeles Department of Health Services; Herschel K. Swinger, director of the Southern California Child Abuse Training Center; and Deanne Tilton, director of the Los Angeles County Interagency Council on Child Abuse and Neglect. And the fourth and final panel included Dorothy Courtney, executive director of the Richstone Center: Flor Fernandez of the Richstone Center; and Sharon Watson, executive director of the Crittenden Center for Young Women and Infants.

Given the epidemic of child abuse and neglect which still confronts every State from Connecticut to California, I urge my colleagues to review the following transcript of this excellent forum. I ask that the text of the transcript be printed in the RECORD.

The text follows:

Senator CRANSTON. I want to welcome all of you to this policy forum of the Senate Children's Caucus. Before proceeding with my own opening statement, which will simply set forth what we hope to accomplish at this hearing I want to recognize Los Angeles County Supervisor Ed Edelman. He has a commitment elsewhere shortly. I appreciate very much your coming and your interest in what we are seeking to do here. We will be delighted to hear from you at this time.

Supervisor EDELMAN. Thank you very much Senator and we thank you for your interest in this area and for coming to MacLaren's Children Center. The County of Los Angeles has been in the childrens' services business for many, many years. In our Department of Social Services, the County had been providing protective services to children who needed county protection until last December. Last December after some hearings that I held it was determined that we should set up a separate department in this county for children. In the past the childrens services had been fragmented, if you will, between the Department of Public Social Services, probation, and adoptions and this fragmentation of the delivery of services we felt caused some cases to fall through the crack so to speak and not to maximize our resources. So we created for the first time at the local level, and it took state legislation, a Department of Childrens' services with a citizens commission. I think you met some members of that commission which oversees the new department. It was not an easy thing to accomplish because we had certain bureaucratic problems in having other departments sort of let go of their jurisdiction and allow a new department to be created. But, nevertheless, we have a new department. Now our new department won't solve all the problems. Obviously the problems of why children are abused, why they are neglected are deep seated problems. I think the answer as I see it is to strengthen the family. The President talks about the family in his new tax simplification program. I think that we should do everything we can do to keep families together. One of the things that I think the federal government could do is to encourage early intervention in getting families the kind of help they need by making resources available to different groups that are working in this area. I'm talking about many of the nonprofit groups that are running sessions for families to keep them together, early intervention, isolating problems through the schools and getting the help of the federal government in this area. I think it's a national problem and I'm sure that obviously you're concerned not just with California but nationally. What we can do to strengthen the resources to prevent children ending up at Maclaren Center. Now we try to do the best job we can. We're overcrowded as you know. We try to do the best job we can with limited resources. But nevertheless, I think that we might address some new initiatives at the federal level in keeping families together. I don't have the answers as to the specific legislation but certainly some help to groups that are working in this area would be of help to us locally and to the national problem. We in this county have found that sometimes when children go through the system it's already too late. It's already to late. So we have to develop then the alternative resources and methods to keep children out of this system and hopefully this hearing today will lead possibly to some new initiatives by yourself and your colleagues in the Senate. So I thank you for allowing me to speak, we welcome you. I would like to stay for the hearings. I have my staff monitoring the hearings but we wish you well in your hearings today. We thank you for your interest.

Senator CRANSTON. Thank you. I very much thank you for coming. I wish you could stay but I know why you can't. I have the same problem often when I'm in Washington. I have three different meetings I have to be at all at the same time. And I thank you for having your staff present. Thank you.

Senator Paul Simon, the Senator from Illinois, will be joining us after a bit. Senator Christopher Dodd from the State of Connecticut, who serves as co-chair of the Senate Children's Caucus had planned to be with us this morning but other matters intervened in his schedule. A member of his staff, Marsha Renwanz is here and I'm grateful for her presence. I have a prepared opening statement that is available to all of you who wish to see it. It goes in greater length into the concerns that we have that we want to explore today. I limit myself at this stage to just a few remarks. I toured the emergency children's center this morning and found that very, very interesting and informative. As most of you I'm sure know, hundreds of children pass through here each year. Many of them have been abused or abandoned by their families. Much is being done to help these children. But even under the best of circumstances, it is difficult in a center that houses nearly 200 children, often less and sometimes even more, to provide the kind of warm family like environment that we would all like to provide for these children, especially for very young children. MacLaren has a longstanding problem of overcrowding. As we toured the center I couldn't help wondering why must so many infants remain in an institutional setting. Why aren't more foster homes readily available?

Part of the answer, unfortunately, is money. Or rather the shortage of money and it's getting shorter, too short. The federal government faces a $200 billion deficit that we have to cope with this year and for the next several years. I would be willing to accept a freeze on the foster care program for 1986 at the 1985 level as part of an overall effort to slash the deficit that is doing such terrible damage to our economy. I'd be very reluctant in supporting such a freeze. I would like to see more money available for these programs. But because of the overriding demands of the effort to move toward a balanced budget, I'm willing to support a freeze. But President Reagan isn't satisfied with the freeze. He wants to go back two years to the 1984 level. And he wants to cut foster care funds $32 million below the level of a real freeze. That is literally, literally taking money out of the mouths of hungry children. And to make matters worse, President Reagan proposes to change the federal formula under which the federal government help states with their foster care programs. He wants to make the 1984 level of grants permanent. That could mean a $20 million loss to California next year and even more in future years. Using MacLaren children's center as an example, the annual budget is around $11 million and about $7 and a half million come from the federal government. If we cut back on federal aid, money for MacLaren probably would be reduced and that would be very, very unfortunate. Other meritorious programs that presently get federal support in California and throughout the country would also be affected. This idea of cutting back on aid to abused children is an idea whose time will not ever come if I can help. I'm working with the Finance Committee Chairman, Bob Packwood, a Republican and Russell Long, the ranking Democrat on that key committee to try to stop this sorry idea from getting off the ground. We must cut the deficit, we must head toward a balanced budget. But never should we reduce our commitment to quality child care, quality foster care, and quality child welfare services in California and across the nation. And we have not generally achieved that high quality goal yet. So to cut back at this point I think would be tragic. Our children are too important to our nation's future to be neglected in the way that that would mean. In my prepared statement I have some information about the Senate Children's Caucus and what it has been doing. Today's policy forum is one of many that the Caucus will be holding during the current Congress.

We will now hear from our witnesses who will testify briefly on various aspects of MacLaren and these programs generally. First, we have children from the Free Arts Clinic accompanied Elda Unger, an art therapist.

Ms. UNGER. Thank you.

Our organization is a nonprofit group which brings the arts to more than 1,000 of youths or neglected children on a weekly basis. We are presently serving 39 residential care facilities throughout the county. My testimony today addresses itself to the premise on which our organization was founded. That is "art heals." Our work has shown that the abused children who find it difficult to express themselves through traditional methods can find an alternative form of expression through the arts. The Free Arts Clinic currently has 97 art volunteers teaching and sharing art, music, drama, creative writing, dance and other forms of creative art with these young children. Through the art experiences abused children learn to communicate in a positive manner rather than through the violent methods that they have experienced. These children through our program have proven that art is not just a luxury but an absolute necessity. Our group functions strictly with volunteer services. It costs us merely $50 per child per year and our volunteer sees them on a weekly basis. We still need funds to

help us. But we are doing this magnificent job and the committee has asked me to illustrate some of the art projects we use with the children. I have brought two of the many favorites and this is a soft sculpture which we call a clone. With this project the young artist creates a view of himself as he wishes to be such as a basketball player, a surfer, rock star. In order to make a clone the resident must lie perfectly still while an arts volunteer traces an outline of their body on a large double piece of vinyl. Another example we have is a mask. Mask making requires that the volunteers cover the face of the resident with plaster paris strips while the child lies still and breathes through a straw. This requires great trust and faith in our volunteers—which is also part of the healing process, the faith and trust. I have here today two young people who would like to tell you of their experiences they have shared with our creative arts volunteers. I have one of our arts volunteers, Jane Kell and I have Hadley here. Damon from Pride House and here also the Director of Pride House, Elliott Goldstein and I have Eileen Sunner, Sunner is here from Erickson Center and Janice is here from Erickson Center. I would like to turn the testimony over to Jane, one of the volunteers.

Ms. KELL. Yes. I teach creative writing. I've been involved at Pacific Lodge and I understand there's a shortage of time but I taught the children basically through journals and having them write their feelings and I know that it made a difference. One boy who couldn't talk about his experiences started taking drugs at 12 was able to write about it. Just being able to express the problems that happened to them in a positive way makes a difference in their life. One boy broke his ankle and he was able to write about it and said he didn't have to have painkillers. And I have a poem of Chris who is a very special student. He was my first one and he couldn't make it this morning. But I entered it to a magazine "The Times" puts out and they accepted it. He won $500 towards college. This is called "Understand Me."

I want to be understood because things happen. I want to be respected because I should. I want to be happy because I know me. I want to make because I can. I want to be free because I'm human. I want to be myself because it's easier. I don't want to be stupid because I've paid already. I don't want to get mad because you won't like me. I don't want excuses because I'm not a fool. I don't want to lie because it's not my style. I don't want to believe because I know you. I just want to be don't you know me. That's Chris Pasley.

Senator CRANSTON. Thank you very much.

Ms. UNGER. And Janice would you like to tell us about your art work.

JANICE. Yes. Working with the Free Arts Clinic was a very positive experience for me. Because I had a lot of trouble at the time and there were activities such as aerobic dancing where we were taught jazz dance. There were poetry groups and drama and we learned a lot of creative ways to express ourselves. As she said rather than violent methods or acting out so it was a very positive experience for me.

Senator CRANSTON. What sort of troubles were you having?

JANICE. I was having a lot of trouble with parents who just, you know, the whole point of being somewhere, you know, being somewhere where I didn't want to be and the Free Arts Clinic helped out a lot.

Senator CRANSTON. How did you get into the Free Arts Clinic?

JANICE. I was in the Erickson Center and we were given a certain amount of volunteers that came weekly for different activities. Like we had staff for aerobic classes, we had poetry groups and drama where we actually acted out our plays and Neil Simon plays and different things.

Senator CRANSTON. What are you doing now?

JANICE. Right now I am going to school.

Senator CRANSTON. Great. Thank you very much.

Ms. UNGER. Damon.

DAMON. I can also say that the Free Arts Clinic was a really positive thing for me. They taught me a lot about turning creative instincts that I had into stories. You know and things like that that I've written. Since then I sold my first story.

Senator CRANSTON. Who did you sell it to.

DAMON. This man who writes children's operas. His name is Robert Charles, I think.

Senator CRANSTON. Wonderful.

DAMON. And it's being performed in New York this summer. I also like to act a lot and you know we got to do things like that when I was in Pride House. We did plays and we had drama lesson class about once a week.

Senator CRANSTON. How did you get in the program?

DAMON. Into the Free Arts Clinic? When I was, I was a resident at Pride House and the Free Arts Clinic, they devote a lot of time to things like that, you know, for the kids at Pride House.

Senator CRANSTON. What are you doing now?

DAMON. Well right now I'm trying to save money. I want to go to the Universal School of Arts when I save enough money.

Senator CRANSTON. Great.

Ms. UNGER. Senator, if I may add that our program really emphasizes the fact that art is a necessity and not a luxury and that's the first thing that the budget cuts. And if we could make that point clear.

Senator CRANSTON. Yes.

Ms. UNGER. We feel our testimony is important.

Senator CRANSTON. Thank you very much. Does anybody else have anything to add. Thanks a lot. I appreciate your coming a great deal. You've been very fine witnesses. Thank you.

Our next witness is Alysum Long who is a former foster child and someone who has been subjected to some abuse in her life. Alysum, thank you very much for coming to us today.

Ms. LONG. Thank you for inviting me today.

Part of my experience, Senator, was I've been involved in the system more in the sense that I was ignored by the system. My brother was in foster care for many years and that was an extremely beneficial experience for him. I'm here to speak to you as a survivor of child abuse. I'm also a survivor of an irresponsive system that did not acknowledge that I was abused. And what I want to do a little bit of is to share some of my experiences. I'm the eldest of two children and both my parents were college graduates. We lived in middle class suburban neighborhoods where my parents were well respected and well liked. When I was eight and my brother was six, my mother died of cancer. And throughout our childhood she had been ill and was hospitalized many times. I was first sent for counseling and psychological testing following my mother's death. At that time there was no inquiry made into possible abuse. The first abuse that I can clearly remember began when I was nine shortly following my father's remarriage. Throughout most of the two-year marriage, my stepmother was physically and verbally abusive to both my brother and to me. She hit me with wooden spoons, switches and coathangers. She called me thing rather than by my name. And she forbade me to touch the family pets saying they would die if I did. She did not allow me to speak to anyone at home. I was also beaten up regularly by an older stepbrother. During this time I became more withdrawn and depressed and I was again referred for testing. Again there were no questions about possible abuse and no intervention was made.

When I was ten, I was placed in a Catholic boarding school where I was molested by a doctor who had volunteered to take me on outings. He said that it was normally the job of fathers to teach their daughters such things. But because I rarely saw my father he would take over this important duty. When I finally told another girl in the school I was questioned by the nuns and taken for a gynecological exam which was not explained to me and was very frightening. To my knowledge the man was never confronted or prosecuted. I became even more withdrawn and unable to function in school. My teacher eventually kicked me out of the class in sheer frustration because I either slept or cried most of the time. I was tested again and there were no questions about my family life or the molestation. When I was 11 I was referred by the school to the psychiatric unit where I was hospitalized for one year. My diagnosis was delayed grief reaction and my treatment was focused on helping me to accept my mother's death. My psychiatrist never knew or suspected that I had been abused or molested and she never asked. Following my release from the hospital, I lived with my grandmother for two years before returning to live with my father and his third wife. My stepmother was constantly belittling me. She also hit me, slapped me, pulled my hair and on one occasion she threatened to kill me. When I was 15, I was attacked at knifepoint with the intent of rape by my best friend's brother. He was not booked, but sent home with the recommendation to get counseling. I was also molested on several occasions by a police officer who was a family friend. Six other men, including an uncle, and a female roommate also assaulted or molested me before I was 22. My inability to stop the abuse and my utter confoundment about what I did to cause it led me to conclude that I was without worth. There were so many incidents and people that convinced me that it was my fault. I hated myself because I believe that there was something innate about me that caused people to act in such twisted ways. I attempted suicide many times. That no one, especially the professionals, ever asked about my abuse only confirmed my beliefs. In my early adult years the depression, self-destructiveness and self-hatred persisted. I continued consulting professionals but was never asked about my abuse. I did not get better and began to believe I would be crazy all my life. I wanted to die. I finally began to understand the source of my pain as I heard other adult survivors talking about their experiences and feelings. At that point I saw a therapist who worked with survivors. Through my therapy with her I uncovered what has been the most difficult part

of my abuse to accept, molestation by my father. In part, it has been difficult because I did not remember it until about three years ago. I have been very suspicious of my memories even wondering if I should call them that. They came to me as images, as sensations, as flashbacks and as connections between bits of memories previously without context. I am more certain now but I am still unsure at times. I suspect that he began molesting me somewhere between one and four years old and continued off and on until I was ten or eleven. I finally talked to him about it last fall. And he said that it never happend and that I had wrapped myself around the axile of my own brain again.

In the course of growing up over 60 people who would now be required to report my abuse did not. I know that there are many more children who like me slip through the system undetected. That my abuse continued unidentified through so many years nearly cost me my life.

So how do we make it possible for those who have been abused to tell what happened to them. We begin by making the subject speakable. Prevention programs are certainly a positive step in this direction. And teaching victims that they have the right to tell is so critical. But we cannot leave the entire burden on the victims to disclosing their abuse. We must also continue to teach ourselves as professionals, as people involved with children, to detect abuse. And we must take more responsibility for asking about it. Child abuse is a kind of murder. It snuffs out the very spark of life and innocence within us. And rekindling that spark is incredibly difficult and for some it's impossible. The problem of detecting and intervening in and stopping child abuse is a costly one. As you mentioned this morning with the incredible figures that you gave and still the money we have is not enough. But what is the alternative? I know what it was for me. How many other children must pay that price before we make a commitment?

Senator CRANSTON. Thank your very, very much for your courage in coming before us. I admire greatly the way you have overcome the problems that came to you out of that abuse.

Ms. LONG. Thank you.

Senator CRANSTON. Why do you think it was that nobody ever asked you about it? Because it was sort of an unspeakable subject at that time?

Ms. LONG. I really do think that it was in good part that. I find that although our awareness is much greater, it is still very difficult for people who work with children to suspect that there is abuse involved in a family. It's very easy for us to acknowledge that child abuse is a bad thing and that we don't want to have it around. But it's much more difficult for people to take their intuition that something isn't right with a child and to suspect that there is abuse going on, and particularly to suspect that someone that they know or may know, such as a parent, is abusing a child. We don't have enough support systems in the schools and other places where children are to encourage professionals to take that step.

Senator CRANSTON. I presume you didn't volunteer anything about it out of embarrassment and feeling that it was an unspeakable thing.

Ms. LONG. It was partly that and it was partly I didn't have an idea that it was something to tell somebody about. My family was very clear that the things that went on within it were a part of normal growing up and the normal things that went on and would get angry at me just by the fact that I was referred for counseling because my behavior was so out of order and that they didn't want me to say anything that was a violation of our family trust.

Senator CRANSTON. I suppose your impressions out of the series of abuses to which you were subjected led you to a feeling that this is a fairly widespread practice or did you just think it was limited to you.

Ms. LONG. For a long time I thought it was limited to me especially because there were so many different incidents. It really was not until I was an adult and taking classes at the University, I heard a presentation by survivors and although I started to hear at that point that there was child abuse I did not identify myself as someone who experienced it. In my estimation what happened to me was too minor. I didn't have broken bones. I didn't have bruises and also in my estimation the things that happened to me were not that important even if it was out of the ordinary. So it wasn't until I heard other people talk and saw how it was affecting my life that I began to get clear that I had been abused and it's taken a long time.

Senator CRANSTON. What's your feeling now out of talking to other people of your age or other young people about how widespread child abuse really is?

Ms. LONG. One of the things I was able to do a few years ago with another student at the University was to start a program called the incest awareness project on campus. We went to the student body and asked them for some funds which we had to fight really hard for because the belief of the student body was that we were all grown up now and that it wasn't a problem that affected us. So we worked with a number of professionals and survivors and they funded us for a year. We saw close to a thousand people in the process of that year through programs that we spoke at. One of the things that we did was that we posted signs on the campus about the work of the project on bright fluorescent paper so that it stood out and it said incest awareness. We got calls from students who would say I can't come to your services and I can't come to your programs but I'm just so relieved to see that word here at school. So my sense is from young people even at my age and younger that the problem is still incredibly widespread and that part of what happened to a fair number of people that I'm also meeting now who did not remember the experience for whatever reason they don't remember most of their childhoods. And as they are out in the world and not under the stress of living in a violent home or a crazy home they have their freedom to start to remember those things and hopefully through some of the media the support to start to remember those things. So it seems very widespread to me.

Senator CRANSTON. What do you think are the most constructive things that can be done to reduce child abuse.

Ms. LONG. There are several areas. One thing that just seems immimently critical to me is that there needs to be more support and funding to train the people that are the mandating reporters and how to be aware of it. We know what child abuse is but we don't know necessarily know to take the symptoms and codify that into a suspicion and then make a report with that and I especially see it in the schools. The teachers are there because they care about children. That's their profession. But because they don't have the tools, they don't make the reports. And once they have those tools, they begin to report. I also think that it is incredibly important that we provide especially some information for the adults that are abusing and adults that have been abused. There's very, very few services for adult survivors of any kind of abuse. There's somewhat more now for survivors of sexual abuse but almost nothing for someone who has been abused physically or emotionally or in any other way and one of the things we find is that a lot of the people who are now abusing their children were abused themselves so that in breaking that cycle it's important not only to tell the children that they can tell but to tell the adults that they can tell. To have those services available for the entire family, it just seems really, really critical for me. And I know that we are beginning to do some of that work but it's certainly not nearly enough.

Senator CRANSTON. What are you doing now?

Ms. LONG. I'm a student at Cal State, Long Beach and I'm working on my Masters in counseling.

Senator CRANSTON. You're going to go in the field professionally?

Ms. LONG. Yes.

Senator CRANSTON. Wonderful. You should be great in helping other people out of that background. Thank you again.

Ms. LONG. Thank you.

Senator CRANSTON. Thank you again. It's been very helpful to have you and I have great admiration for the way you have overcome your problems.

Ms. LONG. Thank you very much. It's been a lot due to the fact that I was lucky enough as an adult finally get some help and I see that that therapy and the work with the other survivors was really what saved my life for me. To make that more widely available to people I think it's very possible to help.

Senator CRANSTON. Was finally getting to that one really understanding therapist the turning point?

Ms. LONG. Yes, it really was.

Senator CRANSTON. Thank you very much.

Ms. LONG. Thank you.

Senator CRANSTON. We now have a panel on childrens' services consisting of Robert Chafee, Interim Director, Los Angeles County Department of Childrens' Services accompanied by Linda Allen, a foster parent, and Joyce Francisco, Children's Services Worker.

Thank you very much for your presence.

Mr. CHAFEE, Good morning Senator. I'm Robert Chafee Interim Director, Los Angeles County Department of Childrens' Services and certainly would like to thank you Senator for taking the time to visit MacLaren Children's Center and conducting these hearings. Also I appreciate the opportunity to discuss some of the issues that are impacting the childrens services operation in Los Angeles County at this time. The factors leading to children being placed in shelter facilities have come about for several reasons. But I believe certainly Senator as a principal sponsor of P.L. 96-272 this brought needed attention to the important issue of protection and care for victims of child abuse and neglect. In California, our Senate Bill 14 is the implementing legislation for Public Law 96-272. This law assists children by requiring programs that hopefully will reduce foster care drifts and provide services that will enable children to stay in their own homes. In Los Angeles

County potential child abuse situations may be reported to our department or to law enforcement authorities or agencies and referrals usually come from neighbors, family members, medical and school and school personnel. Casework decision is then made to remove children from their home when there is a need for protection and their safety cannot be assured. Placement here in Los Angeles County's MacLaren Center occurs when an abused, neglected or exploited child is removed from his or her home. And extensive medical treatment is required in cases such as drug withdrawal infants and victims of severe abuse. Also, they may be brought to MacLaren where a more secure setting than a foster home is needed to protect the child from a threatening adult or where no spaces are available in shelter care foster homes. In California counties and other states it's certainly becoming increasingly difficult to recruit and retain foster parents. And the reasons for this include economic hardship, the increase in the number of families where both parents work and the more difficult children going into foster care. Also I might add at this point that certainly public awareness of abuse and protection programs has caused fantastic increases in the percentage of referrals in Los Angeles County within the last year—over 48 percent increase of child protection referrals in 1984 compared to 1983 and over 190 percent increase in child abuse reporting for the same period. So we are finding increased public awareness is putting tremendous strain on the present resources that we have. Now California Senate Bill 14 includes a child abuse and neglect response system providing for immediate in-person response 24 hours a day, 7 days a week.

During this first contact with the family, crisis intervention services are offered to maintain a child's safety in his or her own home. We believe it's crucial to provide an interdisciplinary assessment at the time of the crisis. And certainly the early joint assessment by trained social work, law enforcement and medical personnel brings together the three disciplines which are responsible for providing services to children at risk. By involving these professionals at an early point in the initial stages of the family crisis, solutions may be found that will prevent removal of the child from his or her home. We also believe, however, that the child welfare system could be more responsive in preventing placements. Preplacement prevention services which are critical to child protection include counseling, in-home caretakers and teaching homemakers. We hope for continuing federal support for these critical services. Also in Los Angeles County we have developed a pilot project that should help prevent placement of children by combining the three components of law enforcement, social work and medical assessment into a unit that will respond together at the time of family crisis. This emergency response unit is designed to provide immediate protection to the child in his home and community using both private and public sector resources. If medical assessment is needed, specialized child abuse and neglect teams are available to medically diagnose and treat the child at many major hospitals in Los Angeles County. These teams of doctors, nurses, and medical and pyschiatric social workers are specifically trained to identify and treat child abuse. On August 4, 1983, the Los Angeles County's Board of Supervisors formed a children's services task force with representatives from public and private sectors. The purpose was to focus attention on services to children and families. As a result of their findings, a separate Department of Children's Services was formed in December 1984. A Children's Services Commission made up of private citizens was also created to help focus community attention on the needs of abused and neglected children. We believe that these actions will result in more comprehensive services to victim children. However, we see the need for continued federal interest and support for children's services. The problems of child abuse and neglect continue to increase placing many children in jeopardy. Foster home recruitment is an ongoing program of high priority so that a family-like setting can be provided for children who must be temporarily removed from their homes. The more foster homes available, the fewer placements in MacLaren Children's Center and the more selective and successful the placements will be. We hope that you will continue to recognize the need for funding of all reasonable costs for the treatment services given by foster care providers and associated services. Because of the increasing number of child sexual abuse reports our Board of Supervisors ordered the development of a child sexual abuse trauma center. A one-stop community based comprehensive treatment center for victims of child sexual abuse. We believe that this pilot project could serve as a model for communities nationwide. We also believe that continuous collaboration of public and private agencies to identify service gaps is urgently needed. We recently completed a research project, for example, with our local United Way to determine the status of pre-placement prevention services in private sector agencies in LA County and we are now setting up a broad-based group of executives from both the private and public sectors to ensure that any identified service gaps are closed. In summary, I believe early assessment and treatment is the key to placement prevention and early family reunification. Prevention and treatment services must be coordinated so that children may safely remain at home or have their homes made safe for the return at the earliest time possible. Thank you for the opportunity to share some of my views with you and of course would be happy to answer any questions if you wish.

Senator CRANSTON. Thank you very, very much. I's like to go on to hear from the two of you and then I do have a couple of questions.

Ms. ALLEN. Senator Cranston, first I'd like to thank you very much for inviting me to testify and give you my viewpoints as far as child abuse goes.

Senator CRANSTON. Would you identify yourself for the record.

Ms. ALLEN. I'm sorry Linda Allen. I'm a foster parent.

Child abuse to me is an adult disease. We get there too late with too little when we treat only the abused child. Behind the beaten child is a disturbed parent. Often a parent trying to cope with other contrary problems over which he or she has lost control. I have a real hard time, pardon me, not feeling sorry for the parents because I understand that this is a disease. I understand that the parents need the help, that they'er under stress. A lot of them are taking drugs. A lot of them are alcoholics. You have to know what and who the abusive parents are in order to better understand the statements. Less than 10 percent of them are psychologically or mentally ill. But the other 90 percent are emotionally ill. They often are socially isolated. They're alcoholics and a percentage of them are on drugs. If I were asked what is the single qualification necessary for one who has the care of children, I would say patience with their understanding of the progress of the children. There's four types of child's abuse, generally speaking—physical, verbal, emotionally and sexually. A lot of this is done conscious and unconscious, which is neglect. I also feel that if there was more media publication as far as self-help, programs for the parents that these kids might not be so as severely abused. We've had over 500 children through our home and I love being a foster parent. I enjoy tremendously helping the children, helping them help themselves. My number one motto is that the kids are number one and that they like themselves before they can love or understand anyone else. And I thoroughly enjoy being a foster parent.

Senator CRANSTON. You've had over 500 children?

Ms. ALLEN. Over 500 children and we take newborn to 18 years old.

Senator CRANSTON. How long do they stay then?

Ms. ALLEN. We're an emergency shelter care and the kids stay anywhere from three days to three weeks but we have had them as much as six and one-half to seven months. And we also have one long-term. We have taken a very special child on a long-term basis along with our emergency shelter care.

Senator CRANSTON. What is the setting of your home?

Ms. ALLEN. As far as what are you speaking of?

Senator CRANSTON. Well, is it in your own home?

Ms. ALLEN. Yes, it is and my husband and I are right now in the process of opening a group home for sexually-abused teenaged girls.

Senator CRANSTON. How many do you have at any one time?

Ms. ALLEN. Well we have our own children and then we have four fosters so there's six total.

Senator CRANSTON. Thank you very much.

Ms. ALLEN. Thank you.

Ms. FRANCISCO. I'm Joyce Francisco. I've been a childrens' services worker with the County for a number of years and I want to thank you very much for inviting a line social worker. I don't feel anyone ever really talks to us much. Yet we are the ones who are on the front lines when the Administrators talk about the service delivery system. We are the service delivery system. We are the people who go out and see the client on a face to face basis and we deliver the services, we monitor their progress. We are as I say essentially on the front lines. We work with a number of kinds of problems on a day-to-day level. We go into field territories where the police tell us they only go in threes with shotguns and we go by ourselves armed with a notebook and a smile. We have crowded working conditions and problems at that level. But as a department we are subject to so many political kinds of things at this point in time that we're in a great state of flux and we're also such a reflection of what's going on in the society. For example, if you could ask me what one thing you could do to change my caseload I'd say get rid of drugs because you could probably eliminate about 50 percent of the cases I see if you could do something substantial about the drug abuse problem. In

one way or another I would estimate that 50 percent of the cases that cross my desk are in some way drug related. Either they've injured their children while they are under the influence or they're living on the streets with their children because all of their money is going for drugs, something of that nature.

Senator CRANSTON. Do you have suggestions as to how we do that?

Ms. FRANSISCO. I tell you when I hear that they have just confiscated 2 tons of cocaine, it makes my day. You have, seriously, no idea how pervasive this problem is. I've made the observation that if drug abuse were a contagious disease there are certain parts of our city that would be quarantined. It is that pervasive and I don't think the average person in the street has any idea. And the prognosis for the cure of these people is so poor. I understand the statistics are 80-90 percent don't make it. Many times I've said to a parent, look, you're going to have to make a decision. What's more important to you, your children or your drugs. And unfortunately, all too often they choose the drugs.

Ms. FRANCISCO. Actual explosion of sexual abuse problems, the fact that it is getting more publicity, children are coming forward, women are able to talk about more openly what happened to them as children has contributed to a climate where thank goodness children are able to talk about it and come forward. But again it has been an absolute explosion on our caseloads and also unfortunately the prognosis for a cure of these people is very, very poor. Services and staffing have not kept up with the increase in the volume of cases. Society has simply been running too fast for us to keep up. The situation at MacLaren reflects this. They have such a volume of children in and out that recently it took MacLaren two days to notify me that one of the children I had here had run away. And the reason was simply the backlog that they had had to deal with. On another occasion they had lost the papers that indicated that a child was to be here and who had permission to visit. On another occasion I had to call three times to advise them that children were able to be released to a relative, again the papers had been misplaced. On another occasion I was told that one of my children was not here and I had just been to see that child the day before. But this is simply as I say a reflection of the volume that they are dealing with. Because in the past we didn't have these problems when the numbers that we dealt with were more manageable and we had the staff to do it.

Senator CRANSTON. What are the numbers you personally deal with in terms of your caseload?

Ms. FRANCISCO. I am in dependency investigation which is essentially an intake situation where I get cases directly from the court when they're brand new and I do the initial evaluation and diagnosis and recommendation to the court. I don't carry a case on an ongoing basis. I have a relatively rapid turnover. My yardstick is 13 a month when in reality I get 20 to 25 a month and given continuances and things that stay on in the courts for a period of time I generally carry 30 to 40.

Senator CRANSTON. Are you able to give adequate personal attention to each of those cases?

Ms. FRANCISCO. Absolutely not.

Senator CRANSTON. And what are the consequences of inadequate personal attention?

Ms. FRANCISCO. Well the thing I think that is very important in what I do are the collateral contacts because obviously when you go out and talk to the parent nine times out of ten you're not going to get an honest appraisal of what has occurred. And indeed often there is particularly with drug addicts a tremendous amount of denials and outright lies. So what you need to do is find outside people who know this family, schools, law enforcement, neighbors, relatives, church people if they are involved in a church. And get to these people who can give you a more unbiased viewpoint of what's been happening in this home. And that takes a lot of time and a lot of times it means working after hours because people are employed and that's the one area that takes a great deal of my time and that is in many ways the most important and in some ways more important than dealing with the family directly.

Senator CRANSTON. The other workers have the same workload caseload problem?

Ms. FRANCISCO. Yes, I'm not unique. I was going to say also I think training standards have slipped somewhat because, again, of the volume that we're working with. But I think the most important thing to look at with staff is the caring and sensitivity of the individual staff members as opposed to simply their paper qualifications and that sort of thing. I think that we have had an influx of people who are highly trained and I think that that's wonderful but what I'm also seeking is people who while having the high training may not always just have good common sense and the sensitivity that the young lady addressed earlier to really sense what is happening and have what you'd say a gut level reaction.

Senator CRANSTON. Are the salary levels adequate to attract people that will be as sensitive and wise as we would like in dealing with these problems.

Ms. FRANCISCO. My coworkers may hate me for this but frankly I think that they are. I think that given what private industry and private agencies are paying social workers we fare on a competitive basis quite nicely. I think where we fell down is in working conditions because in private agencies you get people who come to you because they want help. We get people who are going to tell us where to go. They want us in their lives like they want a hole in the head. But they have to put up with us because they are in the court system. And, as I say that's where we really fall down. The caseloads are unmanageable. The working conditions are very poor. Just the physical plant. Where I work we're overcrowded, the cooling system is generally broken, the heating system is often off in the winter. We've got a rodent problem. I mean it really very honestly is a very unpalatable place to work. It's sort of that you're grateful that you can go to the field sometimes.

Senator CRANSTON. So those conditions may make it difficult to hire somebody.

Ms. FRANCISCO. I would think so. We've gotten some very highly trained, very good people who have left within a matter of months because they simply feel it isn't professional.

Senator CRANSTON. As far as your salary levels go, one way to determine adequacy is to compare it to private competition. The other is to other professions.

Ms. FRANCISCO. Yes.

Senator CRANSTON. And how does it stack up in terms of what you can earn elsewhere in a different profession?

Ms. FRANCISCO. I'd say it's a little bit lower even within the County. For example, one of our big arguments recently has been parity with the Probation Department. They do essentially the same things but they make a substantially larger amount of money. And they have much, much better working conditions. One of the grievances that has been brought up is that perhaps this is the reflection of the fact that Probation Officers are primarily male and Social Workers are primarily female. And this is one of the issues that the new commission regarding——

Senator CRANSTON. Comparable worth.

Ms. FRANCISCO. Comparable worth, yes. Thank you.

In conclusion I would like to say that being in impersonal places like Maclaren Hall are not the answer for these children. I think that we need more foster homes, better training for foster homes, specialized foster homes, and perhaps a series of smaller facilities like this to which children can come which are not so institutional and not so large that they get lost in the shuffle. I realize that places like this are a necesary evil but I do feel as I say that this is the only place such as this in the entire county. If a child is picked up in Lancaster it's a long way for a police officer to have to go and he may think twice about picking that child up. As I say that decentralizing this, I think would be very good. I don't think that there are any really profound things that I could suggest. The changes that I see in the department I think are positive but I think that they need to sit down to the line level and then I think we will see some very substantial changes in the services that are being given to the children. And again, thank you for this opportunity.

Senator CRANSTON. Thank you, Joyce, very much you've been very helpful.

Linda, what do you think are the biggest problems facing you as a foster parent?

Ms. Hall. There are several. When you take an abused child into your home, you take the entire family—mothers, fathers, the relatives. I personally try and understand them, try to get them to understand their problem. A lot of the parents feel very jeopardized that not just my home but any foster home is trying to steal their children away from them because we are providing them with a roof over their head, love, understanding. I think a lot of the problems within the family are that the kids are talking to parents but the parents are really not listening. And I think this is a real deficit in the initial family. And when the kids leave our home it's extremely hard because we are very open to the kids. We let them voice their feelings, their likes or dislikes and sometimes it's real hard on the kids. We have what we call our family counsel meeting and everyone sits around and we talk about each one's problems whatever they are—they don't like their chores or you know if they have gripes about each other and it's real hard on some of the kids because they are not used to a family atmosphere and so therefore once they get in tune to having a normal family life it's real hard on them to leave that. And like I tell every one of the kids you have the right to voice your feelings and your opinions. That's not to say that I'm going to go along with them but you are a young adult and you do have the right to voice your feelings.

Senator CRANSTON. How did you happen to become a foster parent?

Ms. HALL. My husband is a police officer and he had to take a little seven year old girl that was severely beaten to an inappropriate setting because there was no shelter care home available. And the entire week-

end he was just absolutely miserable and he came home and he says I want to go pick up that little girl and bring her home and take care of her. So we called, we'd had no idea how to get in touch with the department in order to become foster parents. So we'd started with Leroy Boys Home, the Masonic Home and called all around and my husband just thought that he could as a police officer go and get this little girl and bring her back to our home. And so then Monday morning that was on a Friday, of course, nothing could be done on the weekend and Monday morning we, I did a lot of calling around and that's how we became foster parents.

Senator CRANSTON. That's wonderful you got into doing it that way.

Ms. HALL. Thank you.

Senator CRANSTON. I'd like to welcome, Senator Paul Simon of Illinois, who has been very dedicated in his public career in the Congress in the House first and now in the Senate to the problems of children. He was a key sponsor in the House of Representatives of legislation to help locate missing children which is another great problem that confronts the children of our time and families. He's been a leader on issues particularly involving education and protecting the rights of disabled Americans.

Paul, would you like to say anything at the outset.

Senator SIMON. Just I'm happy to be here.

Senator CRANSTON. Thank you very much for coming.

Senator SIMON. Oh, I'm happier to be here than you know because on the way over here we had a flat tire out here on the highway. We were standing out there for what seemed like an interminally long time and finally Officer Lee Anderly of the California State Highway Police came along and I want to thank the California State Highway Police.

And I apologize for being here only a brief time because of this we were supposed to be here about 45 minutes ago. But let me express my appreciation to you, Alan, for your invitation and for your leadership. The real test of whether we are a civilized society is not whether we respond to the whims of the rich and powerful. It's whether we really help the powerless, the kids who don't know where to turn, the handicapped, the people who get forgotten so easily, who fall through the cracks and Alan Cranston has been one of those who has consistently been a spokesperson for people who otherwise get forgotten. And he has been giving me some background about this Center and about the problems that you face specifically in California. The Adoption Assistance Act was designed obviously to move us in the right direction and I think we have in many ways moved in the right direction. But there are still problems and all of us working together if we face the problem realistically and if we have the will to solve the problems we can move on the problem. So I'm eager to hear what you have to say. And for those who have already testified and those who will testify after I leave I will get a copy of the hearings and see what you have to say. And I hope we can respond effectively.

Senator CRANSTON. Thank you, Paul very much.

Senator SIMON. Thank you.

Senator CRANSTON. Bob, one question, how do you feel the Child Welfare System of LA County today compares to what it was five years ago?

Mr. CHAFEE. I'd answer it in two ways Senator. I'd say first of all there's no doubt that it is under fantastic pressure and I think that's because of that really geometric increase in response from the public on child abuse and protection problems. So I think it would be fair to say that we are just under tremendous pressure. We have to revise many of our internal systems really to take advantage of new thinking in child abuse programs. There's been a lot of stereotyping in the past that has to be changed. So I'd say a fair question would be that probably we were more comfortable five years ago and more successful. But successful in terms that probably were not germane at that time and certainly are not germane now. I think we have a whole new mission and I wouldn't want to you know wax on about it as if it were a new call. But I think it is in many ways. In a time of retrenchment, economic retrenchment and supposed stabilization and topping of programs, we've opened up a public awareness in this area that is being responded to. So we are in a period of tremendous growth, tremendous expectations, fantastic expectations are being expected of child welfare staff. So this is the one time not to constantly talk about funding. But if we are to truly expand and make our program intelligent and responsive and involve all the various disciplines that we must in order to be successful, there's no doubt in my mind that unless we support that with funding we're going to not only disappoint the public, we're going to disappoint the professional staffs of the nation.

Senator CRANSTON. I thank the three of you very much. You've been very helpful.

We now have a panel that is an interagency group comprised of Lt. Richard Wiley, Los Angeles County Sheriff's Department, Michael Durfee, M.D., Medical Coordinator, Child Abuse Prevention Program, Los Angeles Department of Health Services, Herschel K. Swinger, Director, Southern California Child Abuse Training Center, and Deanne Tilton, Director, Los Angeles County Interagency Council on Child Abuse and Neglect, who is also a member of the Attorney General's Commission on the Enforcement of Child Abuse Laws and President of the California Consortium of Child Abuse Councils.

Lieutenant WILEY. I think you have heard from probably most of the speakers that what we are seeing here in California is literally an explosion in the area of reported child abuse cases—both physical and sex abuse of children. I would submit that this explosion that we are seeing here in southern California is also replicated throughout the rest of the United States. There are a lot of areas of need. Some of which I think I would like to address briefly this morning.

One is in the area of research. We need some longitudinal studies in the area of research basically dealing with program development. We have all seen what we think are excellent programs in the field in terms of community resources. But what makes an excellent program, an excellent program. What are the dynamics, what are the structures of that program that makes it truly successful? And how does it differentiate from those that are less successful in dealing with the families. The cycle of abuse. We have all seen children grow up to be adults that were battered as children and watched the cycle go on and on through generation after generation. But on the other hand, we have also seen those people that were abused as children who grow up to be caring, loving adults very cognizant of their responsibilities as a member of the family. What are the differences between those two? Why does one turn into a loving, caring parent and the other continue that cycle of abuse? What are the real long-term ramifications of both physical abuse and sexual abuse? There have been some studies done in the area, some of them contradictory. We need to know if we are really going to impact the problem. In the area of education, and I hope I'm not stepping on Herschel's.

Mr. SWINGER. You are.

Lieutenant WILEY. Probably. But I'm going to get it in anyway. Parenting education is something that is almost non-existent today. We generally leave probably the most important role that we will ever perform as adults up to those that are in some instances the least qualified to teach one how to parent. And that is our own parents. There is nothing or relatively few areas within the school that deal with parenting education.

Conflict resolution isn't even addressed until one gets into college generally in a masters program in communication. Interpersonal communications is the same thing. We had a conference not too long ago made up of professionals dealing with child abuse. And to a person we came up with a crying need for the development of curriculum within the schools dealing with those things, parent education, interpersonal communication, conflict resolution. We need courses in our schools to teach our children safety. Not only safety within the community but safety within the home to make them aware that they do have a right to be free from physical and sexual assault within their own home and who and how to report to. Pornography—we are seeing more and more and more. In almost every instance where we deal with pedophiles that are sexually abusing children, we find elements of child pornography being used either to seduce the child or to I would guess incite the pedophiles. The mere possession of child pornography should be a violation of the law. There is absolutely no reason that it should be legal to have documentation of the sexual abuse of children and that is what pornography boils down to. Resources and training are much needed. We fully support the call for the elimination of barriers in the federal law that act as constraints against reporting. Drug and alcohol programs I think are a prime example where they take precedence, the confidentiality take precedence over the reporting. You've heard from other people that testify that individuals involved in drug and alcohol abuse are at extremely high risk of abusing their children. Yet under current federal law this confidentiality is maintained there. There is a need for a national clearinghouse of information, not just documentation but knowledge where professionals within the field can call and get consultation and, if necessary, personnel to assist them in unusual or extremely complex problems. We get probably now on a weekly basis calls from across the United States asking how to deal multi-victim, multi-suspect cases of child abuse occurring in pre-school settings. We need a national clearinghouse to assist those professionals in dealing with those types of cases. I think we need an obvious continuation of federal grants to the states for ongoing training. Training, I think is the key in this area if we are professionally going to address the problems of child abuse. And lastly I think we need an affirmation of the rights of a child. Are children born or are we born with the same constitutional rights that we enjoy as adults? Are children guaranteed the right to safe and

secure environment free from physical and sexual assault? If so, I think we as a nation need to declare that. Thank you.

Senator SIMON. I thank you. And if I may just ask a couple of questions before we move on to the next one. Right now if you or others want to get technical information or advice and how do you deal with, you know, all of a sudden you have a case involving Johnny or Jane and the average say small police department or wherever it may be, doesn't know how to deal with it. Where do you turn, where do they turn right now?

Lieutenant WILEY. Generally right now they send out teletypes requesting any information from any law enforcement agency that has had any type of case similar in nature to this. And I would submit that it is a hit and miss proposition and a poor way to try and get information. We receive calls as I said on a weekly basis now from Reno, from Atlanta, all over the United States requesting information on how to handle multi-victim, multi-suspect cases. We need one central number that all professionals can call whether it be medical personnel that feel that they may have an instance of physical abuse or sexual abuse and they don't know what they are dealing with so that they can be tied in with a professional that does know what in fact they are doing, with law enforcement, with the legal profession, with social work. And we don't have that.

Senator SIMON. And second I'd be interested in any specific suggestions you have on how we should change the law, regulations on this reporting on drug and alcohol abuse. Clearly you have a fine line here where you want to encourage people to turn themselves in who have problems and you want to have them turn themselves in without fear of all of a sudden I'm going to be in some kind of a national list. On the other hand, you have to protect society. So if you come up with a specific suggestion, I'd be very interested in taking a look at that.

Lieutenant WILEY. I'd be happy to. May I submit that in writing to you.

Senator SIMON. You do that.

Lieutenant WILEY. Thank you.

Senator SIMON. Great.

Dr. Durfee.

Dr. DURFEE. My name is Michael Durfee. I'm a child psychiatrist and I coordinate the Child Abuse Prevention Program in the Los Angeles County Department of Health Services. And what I want to run you through initially is some graphs that I believe you have in front of you. And just make some comments about the increasing number of toddlers and of infants entering the child abuse service system. The data in front of you is based upon a central system using reports of child abuse made by health professionals in this county who also submit a copy of that report to the health department's central child abuse office, trying to coordinate the various medical systems. The first graph is for 1983. The graph is the number of children by age, by category of abuse. This is holding up basically the similar curve we had in 1982 and 1981. The most common age for health professionals to report child abuse in the categories of physical abuse and neglect and in homicide is the first year of life. If you look at the exception to that age grouping, in 1983 sexual abuse peaked at age four. Now this is not all child abuse reports in this county. It is not all health professional reports, though my guess is it's 98-99 percent of health professional reports. You go to the next graph which is 1984 you can see the curves rising basically holding a similar contour, physical abuse and neglect primarily in the first year of life. Child death, suspicious child death cases in this county, we have a special project following these children. But that again follows in the first year of life. There is some similar work with child death in New York City and they're finding a very similar age profile. Again you see the exception for them.

Senator SIMON. If I can just interrupt to ask as you compare the 83 and 84 figures we see this is a lot in you know not only in your report but in others, there is obviously an increase in reporting. Does that, in your opinion does that mean that the abuse is increasing or are we getting more reports?

Dr. DURFEE. No, the vast majority of that increase is from getting more reports. I mean our data on going back in systems with the adult survivors or with older kids with previous history is that we are simply missing kids. One of the phenomenon that health professionals bring to a child abuse service system is that by our nature we deal with pre-schoolers, primarily infants. So our intervention tends to be with that population we primarily serve. What I thought working in this facility in 1975 and 1976 is that with fairly little digging you could find that the history of problems in any child's life was generally about as old as the child. We had earlier testimony about a woman who is guessing her molestation may have begun at age one and I think it'd be surprising to find that her birth was not a problem to that group of people that were serving as her family. We're learning more. You also see in the 1984 graph a single point at 240 for the number of neonatal drug/alcohol withdrawal babies. This is the first time that we graphed that number because it's the first time that our report data system went from, I think, terrible to bad. The fact is health professionals are not very skilled at identifying newborn infants as drug/alcohol withdrawal babies and that is reflected I think in the rest of the service system. I think of the children that we do more poorly with it is the youngest and I think of those young children that we most poorly serve is the drug/alcohol withdrawal babies. If you go to the next graph you see a series of lines, this is basically the number of children with gonorrhea in this county by age, by year. If we graph all the children under age 12 with gonorrhea in our public health records, what we find is very consistently the peak incidences between ages 2 and 7. Up until fairly recent years the medical literature argued the point where gonorrhea comes from in children suggesting that adults get it sexually and children get from sheets and pillowcases, and doorknobs, and bathtubs. We're a whole lot more sophisticaed about such things now. But what we're finding is with these children while we generally do report them, at least the health professional that performed the culture that gave the positive gonorrhea test will report that they'd reported, these children are lost in the system. And it gives us one of our attempts at quality control that is demonstrating over and over again that while we are getting better at reporting we are not an awful lot more skilled at following these children. So basically to sum up the points, what I would want to argue is that we are seeing infants and that numbers are only increasing as are the complexity of the cases. We are seeing child abuse in infants and toddlers in all categories, including homicide and sexual abuse and neonatal drug/alcohol withdrawal. The complexity of the cases is going up to include children with multiple problems. For example, we'll find in our child death cases that a small percentage of them had evidence of being sexually abused. We'll find in our failure-to-thrive infants, children who are physically not growing because of physical neglect, a small percentage with fractures and then add on top of that, in terms of complexity of cases in general, is the fact that we are almost entirely mis-labeling the developmentally disabled population, the handicapped. Children are basically seemingly allowed one category, you can be blind, you can be retarded but you can't be blind or retarded and abused. And if you hit all three then you are in a whole lot of trouble. We don't fund programs that way. Our service system is absolutely not ready for these children. You'd asked, earlier the question had been asked about contrasting this department's efforts with 5 years ago and one of the big contrasts is, now the babies are here. Five years ago child abuse was primarily phenomena of school-age children, older toddlers. Generally children who could talk and give a story and manage to get their way into a system that was trying to, I think, for a large part keep them out. And what we are finding with these children both with the gonorrhea children, or with efforts to find the siblings of dead children is the fact that we are at least mildly confounded in our efforts to put continuity of care into the services that we render to these children. I would suggest in years to come what we are going to see is only more of this. In terms of change obviously what we'd all like to have is more money. I appreciate the arguments about balancing budgets and I'm glad I'm not in charge of such things. We're going to see more agencies entering the system. We're going to find that child abuse simply is not the business of any one profession or any one group of people. That it involves a group of us talking together. Lt. Wiley is able to call me when he has problems with the hospital and I can use his name and my name to help encourage a hospital to build a child abuse program. And I'm able to call back with him when we're having troubles with law enforcement. And frankly, the system in this county would not work without that interagency cooperation at a very personal level one-to-one. If you do one thing and I think if we do one thing for a child abuse systems it'll make a difference, it's accountability. Social service systems seems primarily to be accountable only for dollars. If you look at a national-state-county level, it's difficult to identify, for example, the number of children who were murdered last year. And if we can't identify just that number then I seriously doubt that we can demonstrate that we are serving the population very well. And following accountability, I think, what we will find is a need for continuity of care. It is nice to build what we call a home-like atmosphere in institutions such as this but I'm much more impressed with the need to do some type of intervention that will make that child's life different a month, a week, and a year later. Like ten years later when I worked here it was easier to meet teenagers who had previously been in this institution multiple times. We have legislation to change that. But my personal sense is that 10-15 years from now we will have some more professional foster children who are bouncing around the systems getting inadequate resources. Those are my comments.

Senator CRANSTON. Thank you, Mike very much, personally.

Mr. SWINGER. I started in 1975 as the Director of one of the federally-funded child abuse and neglect resource centers. So all of this awareness business that people are talking about I'm sure had a lot to do with the activities of the Center. When we started there at the time, there were not uniform reporting laws. The awareness was clearly not what it is today. And I've seen a kind of a gradual evolution moving from acceptance of child abuse and neglect as a problem to a kind of zealous pursuing of this problem at the level of awareness and what I really think is that at a reactive level. And I believe that the mandates under Public Law 93-247, the original Child Abuse Prevention and Treatment Act helped set the standard for all the geometric increases that we are talking about today. And really the materials from the National Center on Child Abuse and Neglect that were disseminated throughout the country probably had a great deal to do with, more to do with all of the activities than most people would realize. There had to be federal money connected with those activities and I can't say that that hurt at all. In the last few months I have become the Director of the Southern California Child Abuse Prevention Training Center. If there's one piece of information that I would like for you to look at from your perspective or one attitude that I would like for you to start to think of is to start thinking in terms of moving child abuse and neglect from a reactive to a proactive stance. And I think that's going to have to come from the federal level because quite frankly most people are at varying states of awareness about it and unless you give that direction, I think we're just going to keep building better mousetraps than trying to find out where the mice come from. The better mousetrap idea that we're more actively involved in here that is the most prospective in terms of prevention is to try and target the school systems. We figure that the educational system is the system where all children have to pass through, that they're local, they're neighborhood, so that involves all the cultural and awareness and sociology of the community. And that school performance is a major indication of how well a particular family is functioning. So that because all children have to attend school and have to be a part of the educational system I would suggest that certain forms of early intervention must be instituted. From the federal level I think would be a good idea to start to think just as you think about uniform reporting laws throughout the country. Uniform educational standards that must take place in all professional schools so that people going in to teach and so forth will have something like uniform standards of baseline information regarding child abuse and neglect activities. I do think also that there should be parenting information. Not just information for the children that are going to be parents but for the parents that are already parents. We had a volunteer program a few years back in which we asked a number of parents that were willing to find out a great deal more about parenting if they would like to attend. We assumed that it would be a very small number. Over 2,000 parents came to find out more information on how to be parents. And it was quite a volunteer activity. They did not have to attend. Educational awareness I think it should continue but I think the awareness should have more depth than the kind of awareness that we are getting today. Awareness primarily, in fact, that these people, are, in fact, people. Awareness about the importance of the family and not just the poor little child that's been abused. Because frequently the abusers were abused themselves and if we're looking toward strengthening families I don't think we need to continue to focus on a model that separates families. I think that prevention should be targeted at all four levels, preschool, elementary junior high and high school and that the coordination of those prevention activities should take place within the schools and continue within the schools in the sense that our coordination with local treatment agencies, public and private organizations and that the school could serve as a hub or a model, as a gathering place to help strengthen the family. I believe that Public Law 93-247 was a good step, the original prevention and treatment act. I think that Public law 96-272 was an even greater step. The idea that we provide certain services for these families and try to reunify them. But I believe that the next step, the step we must take because the last figure I heard indicated a million and a half children in this country are abused. And we keep talking about the numbers going up and

Senator CRANSTON. A million and a half in one year?

Mr. SWINGER. A million and a half children are affected each year by abuse. The frank number is supposed to be one million.

Senator CRANSTON. The what?

Mr. SWINGER. The actual number. The denotable number.

Senator CRANSTON. Could you give us an explanation?

Mr. SWINGER. The explanation is that there are siblings that are not abused but they are affected by the abuse of one child. That number is so high and it keeps going up means that we've got to take a federal focus in terms of prevention and start prevention activities even in the hospitals and at birth and throughout at least the educational system.

Senator CRANSTON. Thank you very much, Herschel. Deanne.

Ms. TILTON. I'm Deanne Tilton, Director of ICAN here in Los Angeles. I thank you very much for asking me to work with your fine staff to set up these hearings and I also thank you for sponsoring the legislation that responds to the issue we've mentioned twice already this morning, that is the confidentiality issue with respect to drug/alcohol programs. Your leadership in moving forward in that area has given us a great deal of encouragement because we have been trying for two years to seek a resolution.

When Alysum was testifying it occurred to me that what she was saying was that there were a lot of people who really didn't want to get involved in her life in a way that might put them in a position of responsibility for whatever pain she might be suffering or to see what might be happening to her. And it just occurred to me that there were three reasons that came to my mind. One has to do with the fact that when we deal with professionals now we're beginning to realize that so many of them were hurt themselves as children. And are trying to deny that pain that they are living with. The second is the lack of confidence in the system. If they do report then what will happen. And if they do report and the system isn't adequate to respond to that child then they feel they're doing more damage than if they leave the situation alone. And the third is that because of this discomfort in reporting, regulations or statutes or any kind of process that enables someone not to make that report such as the federal statutes with respect to drug and alcohol programs. If you have something there that they can hang on to, they will. And that's why it has been so important. There have been employees and counselors in drug/alcohol programs who have reported child abuse because they were very concerned about children. But they have done with a great deal of confidence in the response system. The profile of an abusive family is very much like our child abuse system has been. If you look at an abusive family you find that they are isolated, they lack self-esteem, they have a history of abuse and they are poorly integrated within the family itself and within the community.

And it has been interesting that our child abuse system has very much reflected the nature of an abusive family. We've been poorly integrated, we certainly lack self-esteem. Those people in the child care industry and the child welfare system haven't had the level of respect people in the private sector and people in other fields have had. So essentially we also have the history of abuse, criticism and in my entire 20 years in the child protection system I will say that I only have begun to feel important enough to come forward as a result of being part of an interagency system that says this is not just a social services problem. It's a problem of all of us. I'm here also representing along with Dick Wiley, Sheriff Sherman Block who was unable to attend these hearings in large part because of his schedule and responding to an incredible overload in the jail system in this county including the one named after Sybil Brandt, who was sitting here earlier. My feeling is that there is no doubt that very few of those people incarcerated would be there if they had healthy homes. If they had not been abused as children. We know that as Dr. Durfee mentioned there's mental illness, alcohol/drug abuse as a result of being abused as a child as well as causing the abuse. Depression, educational failures they all result from child abuse. But the one common denominator seems to be the rage and the anger that comes from that. We missed you at our conference Friday and you were very well represented by Susanne but we did an informal poll of those attending, professionals who had overcome at least to be able to attend a conference and they were asked to identify the one word that would clearly reach inside of them and describe the feeling they carry with them as a result of being abused. Well over half of the professionals at this conference had either been abused children by definition in their own minds or had been victimized by someone outside their family who was important to them or within their family at a time when they were helpless and couldn't report it. The one word that was used most of all, the highest number of people reported the word anger. Now if anger is the word that stays with you and you have survived abuse then you can certainly understand the relationship to crime and violence. I would encourage not only cooperation among all disciplines because it isn't a social service problem or a law enforcement problem, education problem, it's a community problem. It's our problem. And I think that the social service system needs the support of the rest of the system. And the rest of the system needs the support of all other components including medical, mental, health. I think we've been distrustful and I think this extends to the state and national level. And I would say

that interdepartmental cooperation among departments at the federal level would probably be one of the most beneficial steps forward on behalf of children that could be made. Again, I think that is one of the most pressing issues before our country. And I thank you very, very much for your commitment to making a difference and for your past record in speaking out on behalf of children and families. Thank you.

Senator CRANSTON. Thank you very much. I'm not going to ask any questions now because we are running short of time. But we may have some to submit to you in writing. And I thank you very much for your constructive attitudes and help. Thank you.

Our final panel is a community programs panel consisting of Dorothy Courtney, Executive Director of the Richstone Center accompanied by Flor Fernandez and Sharon Watson, Executive Director of the Crittenden Center for Young Women and Infants. I regret that I cannot stay to hear your testimony but Ed Edelman had the problem of having to go to a budget hearing and I have the problem of having had to delay my trip here on Firday because of the Senate votes on Central America that I was involved in. I want to keep us out of the war in Central America. And I've got leave now to get back to duty in the Senate. I'm very grateful to the three of you for coming and I will review your testimony and the responses to whatever questions are asked later on as well Senator Dodd who will be represented by Ms. Renwanz who will stay here and Susanne Martinez of my staff will stay here. And they will together conclude this hearing and ask you whatever questions seem appropriate. The Senators will followup on the information from this hearing. I hope that out of this, we are able to be more constructive in supporting and guiding, as far as the federal impact is concerned, programs that touch the lives of children who need the help of all of us. I've learned a lot out of this hearing already. I intend to learn more and to do all that I can to be helpful. I thank you all.

Dr. SHARON WATSON. I am Dr. Sharon Watson, Executive Director of Crittenden Center for Young Women and Infants.

Dr. WATSON. I am also President Elect of the California Association of Services for Children. Crittenden Center, established in 1892, is a private non-profit comprehensive residential treatment center for 40 abused and neglected adolescent girls, half of whom are also pregnant or teen mothers and up to 16 of their infant children ages newborn to three. All of our residents are dependents or wards of the juvenile court and are referred to us from the Department of Children's Services and the Probation Department. The young woman who comes to Crittenden is a victim generally of years of sexual abuse including incest and as a reaction to this abuse has turned against society and/or herself. Perhaps through truancy, running away, suicide attempts, prostitution, drug abuse, stealing and/or gang affiliation. These girs are, in short, very damaged, very angry and very depressed and very difficult to treat.

By the time Crittenden sees these girls they have been in 5 to 10 previous out-of-home placements and have failed in each. The bonds with their families are poor or non-existent. In spite of these conditions within six months to a year of treatment at Crittenden Center approximately one-third are able to return home, one-third to emancipate and the remainder to go into other placement situations. This tremendous progress is due to Crittenden intensive treatment services which include psychiatric assessment, individual family and group therapy, an on grounds high school program, medical services, recreation therapy, vocational training, practical skills classes and parenting education. Seventy percent of Crittenden funding comes from the AFDC foster care program, which incidentally does not on the federal level provide any treatment or recreation funding for residential centers. These services are provided through the State of California, the County of Los Angeles and through private donations. What is most lacking in the way of funding for agencies like Crittenden is the lack of money for aftercare.

As stated earlier most of the children in residential treatment centers today have been multiple placement failures because of their multiple problems. To spend large amounts of money for residential care and then zero dollars to aid in the transition back to the community whether to families or independent living situations is as they say penny wise and pound foolish. This is especially true for our teenage mothers with infant children. Since these mothers are victims of abuse we know they are at high risk of abusing their children, as the only parenting they have experienced has been abusive. Provision of intensive and long-term aftercare for these young women in particular is critical if we are to break the cycle of child abuse and neglect. While residing in Crittenden Center the babies of our teenage mothers are not eligible for AFDC foster care, but only for $269 per month in AFDC family group funding.

The reason for this seriously insufficient funding is that Crittenden infants are technically living with their biological mothers. Ignored is the fact that these babies' mothers are in placement through the juvenile court precisely because they cannot sufficiently care for themselves let alone a small child in addition. The cost of providing intensive spervision, education, and treatment for these infants is over $800 per month. Because of this huge disparity between expense and reimbursement there are only 23 beds for teen mothers and their infants in residential treatment centers in Los Angeles County. If Crittenden Center which has 16 of these beds decides to reduce or eliminate its mother/infant beds because of this severely inadequate funding situation, and Crittenden is considering it, Los Angeles County will not be able to provide this crucially significant child abuse prevention service to its citizens.

And for your information Los Angeles County had over 52,000 reported cases of child abuse during 1984. In conclusion, centers such as Crittenden are providing highly effective services to very troubled, disturbed children but are hampered in their service delivery by the lack of funding for prevention and follow-up services.

Thank you.

DOROTHY COURTNEY. Well we go on to the next phase now you've looked at individuals with the problem and you've looked at a system that's attempting to respond to the problem and you look at a level of residential care which honestly I'm horrified to hear how few beds there are. Then you go on to the next level. I think we're the people out in the boonies, the people out in the sticks who are providing services to families primarily counseling services with no residential care. So I'm Dorothy Courtney and I represent the Richstone Family Center which is typical of many services across this country that have grown up in response to a problem but without specific guidelines shall we say. So I will tell you briefly of the history of Richstone but it could apply to many agencies. Richstone started in a garage in response to a request from Parents Anonymous seeking help for parents who were more troubled than they thought they could help and children who were more troubled. Starting from a garage in 1973, it today has a ½-acre site. It started with no staff and two volunteers. Today it has a staff of 13, ten of whom are professionals and it has 300 volunteers. It started with no funding and today it has a budget of approximately $400,000, which it will be in 1985-86.

Approximately ⅓ is the state of California money and the rest of it is garnered from the community. It started originally responding to physical abuse. It started originally with six families. Today we are responding to a minimum of 100 families with 150 children. Approximately half the caseload today is sexual abuse. I think the good news is that agencies like this grew up. In growing up we not only responded to these families in their needs but also sought to expand our programs into other areas. Because all of a sudden people at Richstone as in other agencies throughout LA County and across the nation were the experts. And all of a sudden we got calls from law enforcement, from the medical field, from teachers and said help us make decisions. So what we have done is sought private funding to begin preventative programs and also training programs for professionals. The bad news is that we're working with nine cities, we work with nine school districts, that we have, not a waiting list because we don't believe in it but we are turning away two families each week.

So even though we have grown tremendously we are still only beginning to respond to the need. I could tell you all kinds of specifics about programs but what I did is I brought you each a portfolio that outlines them. But I'd rather turn you over to Flora, I really felt that agenda should say Flora Fernandez accompanied by Dorothy Courtney because she's the one out on the line, she's the one out in the community and she's going to share with you some of her experiences in the community. So I present to you Flora Fernandez.

Ms. FERNANDEZ. Thank you, Dorothy and thank the rest of you for giving me the opportunity to be here today and voice the needs of my community. As a bi-lingual counselor I have been working with the Richstone Center for three years now and when I first started working there I found myself in a real mess. That's the only word I can use because I went out to the community and tried to find out what kind of resources there were for the Hispanic people and what was available, what resources they could go to treat child abuse and find some help and I found there were none.

Another problem that I found was that people were not coming to my office even when I was available for them to be there. So I decide I was going to go into the community and bring help to them. What I found was a very detrimental picture. As I walked into the area of Lenox which is located near the Los Angeles airport I found walls scrawled with graffiti and I found children walking around the streets. I found poverty everywhere I turned. Many times when I visited the homes of the families I was seeing I had to walk across a room with four and five beds.

Where everything was in a one room apartment, a kitchen, a stove, everything was there. The health conditions of that area in each of those homes is a real serious problem and what I have been doing is working with the schools in that area to try to help the people in that community. And the problems that I have been finding as a counselor working in that area are basically that there are no services given to that community. There is a lot of child abuse that is related to different problems. One is that that neighborhood, that particular neighborhood is extremely isolated from the rest of society. Alcohol and drug abuse is a big problem. You find nine and eight year olds children already dealing drugs, selling you cocaine in the small bags or taking it and selling it.

So at school everyday when I go to school to work with them they tell me well we took a bag of cocaine from so and so. So that's a very sad picture. Unemployment is a big problem. Issues of culturation and assimiliation that cause a lot of stress and tension in these families. No resources on where to go and get some help. Also Lenox is the highest in gang crime at the moment. There's a lot of gangs and vandalism. About a year ago the high school in that area closed up because of low attendance. It was blamed on children. The real problem is that the school was not really fulfilling the needs of the children.

And what is clear to me is that we need to develop programs in that area that really fulfill the needs of that community. We are beginning to understand child abuse in relation to the Latino people. And we need to develop more programs that will train parents in dealing with issues of parenthood, dealing with the issues of culturation. These people that get in contact with social agencies that we're talking about come from the small villages in Mexico. They have a very low education, many times they don't know how to read and write. So the kind of therapy that we can give them has to be modified.

We cannot use regular therapeutic interventions that we use for the rest of the population and use it with them. We have to modify our techniques, we have to modify our ways of treating them. We need a lot of cultural sensitivity, especially develop a lot of cultural sensitivity in the schools and social agencies like the Department of Social Services. I find a lot of problems in dealing with social workers that are not culturally sensitive to the needs of my clients. One of the problems is that there is a lack of people who are bi-cultural and bi-lingual—people who are trained to deal with our population. So most of the people that are dealing with my population are people who don't have any knowledge of the issues of that community. And as a result many of my clients get mistreated by the system. And that's real sad to me when I hear from my clients.

I had a social worker that went and made threats to me, really for no reason. I think we really need a lot of training programs. We need more programs for counseling in that area. We need to develop enough recreational programs because many children are hanging around the streets with nothing to do but getting involved in gangs and drugs. As a counselor what I have been doing is trying to work with the teachers in that area, going directly to the schools and working with the school counselors and developing groups and giving also service in terms of individual and therapy and parents groups, parent education.

My goal is to continue expanding those services to all those schools in that area. There is five schools and right now I'm going to be covering two of those schools. I spent two days of my week in those schools, going there and working with the children directly in school And my goals are to expand those services to more schools. The school is right there in the community and those people are not going to go outside to get counseling. So the schools are real convenient to our system to get to the Latino community working directly with the schools where they already have some trust and located in the neighborhood so they don't have to be afraid of taking the bus and going out and be caught by the immigration officers.

So all I can say is that that area is in real need of help. There's a lot of poverty, there's a lot of drug abuse and there's a lot of children who are being abused every day and that are not even receiving any treatment because of the lack of professional help going to that area. Thank you.

Ms. RENWANZ. Thank you very much for your testimony. I'd like to assure you all that I'm going to share testimony from all the witnesses today with Senator Dodd. He was very sorry that he couldn't be here but pressing business in Washington kept him there. And I thought maybe I'll ask a few questions and I'm sure Susanne is going to have some questions. Why don't I start with you Flora. In January of 1984 the Senators with the Senate Children's Caucus went to New York City and held a hearing on high school dropouts and it was in Manhattan's lower east side. And there we learned about, I mean in New York City the rate of dropping out of school is over 50 percent. In the South Bronx something like 75 percent of all 16 to 18 year olds have already dropped out of school. So my question would be you're working with the schools to reach children earlier but what do you do to try to reach the high school dropouts who are already on the streets?

Ms. FERNANDEZ. I think what we need to do that is specific in that area is that we need to develop drug preventive programs where we can develop some awareness in those kids who are already on the streets and I think what to do is to develop programs where they come and participate and get a sense of what's going on in the community. I really feel like recreational programs in the parks are important. Lenox Park doesn't have any programs going on. They don't even have a swimming pool during the summer. They have nothing to do during the summer time. So they just hang around. So I feel, we already have an after school program in Richstone Center. And in that after school program we have kids coming from the community and kids that are our clients coming to that program.

And it's a combination of art and sports and therapeutic intervention as well. And we have many kids that were coming from the streets that were just hanging around with no place to go and came and then they didn't want to leave. They find a place where they could go and find support, find special attention. For example, we have two kids and I'm going to mention names because I really feel that that is not breaking confidentiality, but Kim and Willie were two black kids that were just hanging around getting involved with drugs in the community that came to Richstone Center and they changed totally.

They got involved in a baseball team in the neighborhood, their self-esteem improved. So I think when they are given the opportunity to really find that they can really succeed in something, it changed the way that they could see life. So I think that if we take that after school program and take it to Lenox area and have it every day after school, I think the kids would prefer to come and do some art work or do something like play sports or swim or learn to play soccer or something than be hanging around the gangs. Because they go to the gangs place to get some sense of belongingness, some sense of support, some sense of security they don't have otherwise.

Ms. RENWANZ. And the other question I would have for you would be, a lot of the focus of this morning's hearing have been on networking and communication and I just wondered what happens to other counselors or workers who're in like situations as you are. Can people call you up and ask for, you talked about the social workers who weren't sensitive to this special cultural needs of the Hispanic community, is there a networking that goes on, is this something that has to be incorporated more into training programs or interagency coordination?

Ms. FERNANDEZ. I think, well the problem is that right now in that area, I'm the only one Hispanic counselor dealing with the population. I mean I have doing sexual abuse, physical abuse counseling, I have been doing a little bit of everything, parenting groups, parenting training. So there is a lack of professional people in Latino community to deal with these problems. And I think the only solution we can have is if the government maybe will give more grants to students in college to maybe go into fields like psychology or to be trained as counselors. You know community college, you know develop training programs for professionals so. But especially, I think the money is an important factor. Cause I know in talking with those kids in that particular area, they want to go to school but they know that that's not a possibility because their parents don't have the money to send them to college. So I think that would be a very significant and important factor.

Ms. MARTINEZ. I had one question, Flo. In terms of originally working with the schools, did you meet resistance with your coming in and actually working closely with them.

Ms. FERNANDEZ. No, I think people in that area are so overwhelmed that when I made the original call to one of the school counselors he was so happy that he said come over and he immediately introduced me to the school superintendent. And of course, we really developed a real good relationship and began to work cooperatively so I think it was one of those things where the need is there. And any help they get they will welcome.

Ms. RENWANZ. Dorothy, I would have a question for you. Senator Dodd got some legislation passed last session which would provide federal matching challenge grants for states that have set up child abuse prevention trust funds. And I know California has a trust fund. It's an effort to get private money into these prevention programs. And I was going to ask you, what about using private money. You mentioned you've gotten private money for training programs, is that enough.

Ms. COURTNEY. It's never enough, is it. I'd say that the concept of challenging the private sector to raise money in order to help in these problems is an excellent one because it is never enough. And different agencies have different wherewithal to be

able to raise private money. We have been fortunate to develop a strong volunteer corps with a lot of tenacles in the community in order to raise private money. But that's not always the case. Also with grants either state or federal, there's never anything written in them about encouraging you to take some of the money to develop furture money.

They always say things like: this is only a demonstration grant and on completion of this demonstration grant you will, of course, have raised the community dollars to continue your program. But never in there is there any budget money allotted for doing that. And I think we have to come to the realization that it takes a few dollars to raise a lot of dollars. And you're not going to raise them without staff time, energy and money. And I think government has to recognize that aspect for the agencies.

Ms. RENWANZ. That's a great suggestion.

Ms. MARTINEZ. I just had one question when you mentioned you were turning two families away a week. Do you have a sense of where those families are going in the community?

Ms. COURTNEY. Well, when we do turn someone away we attempt to place them. In other words when we turn them away we just don't hang up the telephone. But we're often placing them in agencies that don't feel that comfortable. In a nine city area, we are the only agency that does child abuse service alone. So we're considered kinda of the, how do I put it, "akin to experts". We have other agencies who have child abuse components in our area. So what we try and do is refer families who need us a little less or maybe other agencies who feel more comfortable. But other agencies are constantly calling us saying, you know we really should refer this family to you and we say, well we just can't take them.

Ms. RENWANZ. Dr. Watson, the question I would have for you is you talked a lot about aftercare and the fact that the services stop and then there are no provisions for aftercare. What are we looking at in terms of aftercare, what's the minimum do you think that's really needed out there for the teen mothers that are graduating?

Dr. WATSON. Well, I'd say three months at a bare minimum but three to six months would be excellent. Especially considering the length of time the girls that we see have been in residential centers. We had one girl who, for example, is 16 years old that has been in 15 placements. She's going to need an awful long period of aftercare to try to transition that to the community. So it depends on how long they've been in care.

Ms. RENWANZ. And it would take the form of counseling sessions or can you describe what you think would be the best method?

Dr. WATSON. Well, I see outreach. I see social workers who have been familiar with the girl and who have been working with her intensively, following her out in the community, helping her find a place to stay, making sure she's getting medical appointments for her child and herself, helping her obtain and keep a job. Working on those kinds of skills, so that kind.

Ms. COURTNEY. Do you mind if I just throw in something. A little tag to what you said. The other thing we're seeing is we have several adolescent girls who were sexually abused in foster care. Now a few of them have also become parents. But the other dramatic problem we see is that we have these girls approaching 17-18 years of age with still no self-esteem. You know the multiple foster care homes, being told everywhere that they're useless and worthless, having no job skills and at age 18 there they are. So you know, we sometimes complain about the foster care system but then no system at all is what happens. In our agency we ponder it but we wonder can our agency take on one more task. And who is.

Ms. MARTINEZ. When the 23 beds in Los Angeles are filled, where do new cases go?

Dr. WATSON. That's the babies you just saw here at McLaren Hall, a lot of them. Because that's where are babies are coming from. It's the teen mothers that are here at McLaren Hall, their babies in the nursery, there's no place for them to go out in the community and so they stay here. And back up in shelter care or even in hospitals or other kinds of settings or they get separated. The other answer is you take the baby and you put it in one foster home, you take the teen mother and your put her in either a foster home or group home and you start right off the bat interfering with the bonding process which only ensures that she's going to probably be abusive to that child when they finally get reunited maybe several years down the road. So it's separation that's what's happening.

Ms. RENWONZ. And how many of these young mothers would eventually end up in homeless shelters. I know in New York City a large percentage of the population they end up in homeless shelters.

Dr. WATSON. Again just another statistic, 13,000 babies are born to teen parents in Los Angeles County in 1982. So we're talking about a lot of numbers for only 23 beds.

Ms. MARTINEZ. Before we conclude, I want to thank you all very much for the testimony you've given and as Senator Cranston earlier we will have a transcript of the entire proceeding and we will be sharing it with the other members of the Senate Children's Caucus. There are 30 Senators who are members. I also want to particularly express our appreciation to the staff of the McLaren Childrens Center, of the Los Angeles Department for Childrens Services and especially to ICAN for their help in facilitating the forum this morning and the logistics of our tour of MacLaren Center itself. We very much appreciate that assistance. Thank you.●

DR. WILLIAM C. FLEWELLEN

● Mr. WEICKER. Mr. President, I would like to take take this opportunity to congratulate and thank Dr. William C. Flewellen, director of the Institute for Business at the University of Georgia in Athens, for his outstanding work and commitment to the Small Business Development Center Program in his home State of Georgia and throughout the country. As chairman of the Senate Committee on Small Business, I have had the pleasure of watching this unique program grow and develop into one of the most important and effective management assistance programs offered by the Small Business Administration [SBA]. The program which originated in 1977 on a pilot basis at nine universities in the States of California, Maine, New Jersey, Georgia, Florida, Missouri, Nebraska, and the District of Columbia was designed to link together the resources of the private sector and the Government into a unique partnership that would offer free and comprehensive management and technical assistance to potential or existing small business owners.

Today, there are 45 small business development centers throughout the country providing one-on-one counseling to countless small business owners on a wide variety of issues ranging from international trade, procurement assistance, office automation services and capital formation. Much of the success of this program is due to Dr. Flewellen, who provided the national impetus and leadership for the establishment of the Small Business Development Center Program. He recognized the importance of small business and the need to foster the growth of the entrepreneurial spirit in America. Throughout his tenure at the University of Georgia, Dr. Flewellen has provided the SBDC program with sound counsel, advice and support and has made it a model for other States. His work has made the difference between success and failure for many small businesses.

Again, I want to commend Dr. Flewellen for his sponsorship and dedication to the SBDC Program and wish him continued success in his work to aid this country's small business community.●

THE SMALL AGENCY AUDIT IMPROVEMENT ACT OF 1986

● Mr. ROTH. Mr. President, I am pleased to present for the Senate's consideration S. 2005, the Small Agency Audit Improvement Act of 1986. This bill was reported favorably by unanimous vote by my Committee on Governmental Affairs on June 25, 1986.

S. 2005 would make certain technical amendments to the Inspector General Act of 1978—IG Act—and extend statutory IG protections and requirements to audit and investigative units in Federal agencies, boards, commissions, and corporations that are not currently subject to the IG Act. At these agencies, the bill would:

Require that there be only a single internal audit unit.

Insulate the audit unit from program operating responsibilities.

Mandate that the audit unit head report to the agency head or officer next in rank.

Require a report to both Houses of Congress stating the reasons for removal or involuntary transfer of the audit unit head.

Empower certain of the audit unit heads with authorities and responsibilities similar to the existing statutory IGs.

In May 1984, GAO issued a report providing certain information on the audit capability of agencies not subject to the IG Act, based on responses

to a survey questionnaire from 99 agencies. These responses showed that the organizations varied greatly in funding and staff size and that internal audit staff size ranged from one person at each of seven organizations to over 500 personnel at the U.S. Postal Service.

GAO's survey also showed that some agencies were not complying with OMB circulars on Federal program audits and audit followup, and with GAO's audit standards. Some agencies had no audit coverage; at others the internal auditor did not report to the agency head or deputy; and at several agencies that had more than one audit or investigative unit, there were no procedures for coordination. Given the success of the IG Act in consolidating and strengthening the audit and investigative units in Cabinet departments and major independent agencies, the next step was to extend its provisions to smaller Federal organizations.

In April 1985, the administration forwarded to the Congress a series of technical amendments to the IG Act which would establish uniform salary levels for all IG's, place the IG's in the Departments of Energy and Health and Human Services under the provisions of the IG Act and provide authority to the IG's to administer oaths. This proposal provided a vehicle for making the other needed changes to the IG Act summarized above.

S. 2005 extends the IG Act concept to about 40 Federal organizations which presently have one or more audit or investigative staffs. There are about 60 other small organizations which have no audit or investigative audit capability at all. The bill establishes an Inspector General interagency committee appointed by the President, to study and make recommendations regarding: First, the extent and effectiveness of audit and investigative activities at Federal entities, especially those in which internal audit units have not been established; and second, the most appropriate and efficient methods of assuring effective audits and investigations at such entities.

In testimony before the Governmental Affairs Committee in February of this year, the Comptroller General of the United States, Charles A. Bowsher, supported passage of S. 2005, stating that it would "significantly improve the effectiveness" of small agency audit and investigation activities and help correct the problems GAO had found, "particularly the poor coordination among, and the potential lack of independence of the audit and investigative function."

In its comments on S. 2005, the Office of Management and Budget noted that the Inspectors General are in the forefront of the administration's fight to control fraud, waste, and abuse in Federal programs. The administration supports, in concept, the extension of the IG Act to small agencies with audit units, believing such units would contribute to the President's efforts. However, concern was expressed that several of the IG Act's requirements may be "unduly burdensome" on small agencies. OMB asked the President's Council on Integrity and Efficiency [PCIE] to work with the committee to "identify ways to alleviate unnecessary burdens without compromising independence and the dual-reporting relationship with Congress and agency management." OMB suggested a two-tier approach.

PCIE representative subsequently met with the committee staff at which time they provided information on staff size and the nature of audit and investigative activities at some of the smaller agencies. They also recommended alternative courses of action that represented some combination of:

Proceeding with the provisions of section 6 (S. 2005) that would ensure independence of all internal audit units.

Performing the study required in the bill; and

Either transferring only those duties and responsibilities that can realistically be assumed by even the smallest internal audit unit, or awaiting the results of the PCIE study, then extending additional authorities and responsibilities based on the PCIE's case-by-case assessment of each agency.

The substitute amendment adopted by the committee builds on the OMB and PCIE suggestions and takes a two-tier approach as follows:

1. All Federal entities having audit/investigative units, except those specifically excluded, would be required to: (a) consolidate their audit and investigative operations; (b) insulate the audit unit from program operating responsibilities; (c) have the audit unit head report to the agency head or deputy; and (d) notify the Congress of the reasons for removal or involuntary transfer of the audit unit head.

2. Certain Federal entities with larger audit/investigative staffs, generally 10 or more, would be granted most of the authority, duties and responsibilities in sections 4-7 of the IG Act. We omitted the more labor-intensive duties in section 4 (items (2) and (3)) which are not directly related to the basic audit and investigative functions. We also chose not to include subpena power or independent hiring authority as provided the current IG's in section 6. We do not believe either of these authorites is essential for carrying out the audit and investigative functions in these smaller offices. If experience shows that additional offices should be granted these authorities, they could be provided in subsequent legislation. The audit unit heads would issue annual reports to the agency heads and Congress, rather than the semi-annual requirement for IG's.

The proposed substitute also modifies the study requirement by designating the PCIE to perform the study in lieu of a Presidentially appointed interagency committee of IG's. PCIE representatives said the Council is ready to undertake the study now. Because of the two-tier approach taken in this bill, a provision was added to the study agenda requiring an assessment of the extent to which the authorities, duties, and responsibilities in sections 4-7 of the IG Act should be extended to additional audit offices.

To expedite its start, I requested by letter dated May 7, 1986, that the PCIE begin the study mandated by section 7 of the proposed substitute. We have retained the study requirement in section 7, however, to ensure successful completion of the project.

Mr. President, I believe this legislation is a significant step forward in our efforts to minimize fraud, waste, and mismanagement in Government, and I urge my colleagues' strong support for its enactment.●

NATIONAL WHITE HOUSE CONFERENCE ON SMALL BUSINESS

● Mr. WEICKER. Mr. President, from August 17-21, 1986, over 1,800 small business owners from all 50 States, will convene in Washington to participate in the second White House Conference on Small Business. This conference is a result of legislation coauthored by Congressman PARREN MITCHELL and myself and is modified after the highly successful conference held in 1979-80.

Over the past year and a half, small business men and women have met in State and regional conferences to develop and vote on policy recommendations in 11 broad issue areas including, taxation, financing, future of the Small Business Administration, procurement, international trade, liability insurance, economic policy, education and training, innovation, payroll costs, and regulation and paperwork.

During the 4-day conference, the elected and appointed small business delegates will refine and shift out these proposals in an effort to establish a national small business agenda.

Mr. President, I commend all of the small business delegates for taking the time from their busy schedules and, be willing to pay the expenses to participate in this important national event. This grassroots small business input will help to guide the activities of the Senate Small Business Committee.●

THE GOVERNMENT MANAGEMENT REPORT ACT OF 1986

● Mr. ROTH. Mr. President, I am pleased to present for the Senate's consideration S. 2004, a bill which provides for the President of the United States to submit an annual report, with his budget, on the major activities undertaken and planned to improve the management of the executive branch of Government. The bill also requires the Comptroller General

to prepare for Congress a statement analyzing such report within 90 days of its submission.

In 1984, the Congress mandated in the Deficit Reduction Act a report by the President on how he had responded to recommendations made by outside organizations, including the Grace Commission, to improve Government management. A report issued by OMB in 1985 not only addressed the legislative requirement, but also informed the Congress of other efforts being undertaken, especially Reform 1988: the President's Management Improvement Program. OMB issued a second report, "Management of the U.S. Government, Fiscal Year 1987," with this year's budget documents.

OMB has advised my Committee on Governmental Affairs that it plans to continue reporting annually on management at the time the budget is issued, but we have no assurance beyond the agency's promise that this report will be issued in future years, and Congress has no voice in deciding what the report will contain. The Deficit Reduction Act required only a single report. S. 2004 ensures that Congress will receive such a report every year. In addition, it outlines the specific subjects on which the President would report, including the provision of a summary of major management improvement initiatives and a discussion for each initiative of its purpose, the progress and problems in implementation, and the impact on agency operations.

The report required by S. 2004 would not be another document to be quietly forwarded to Congress and end up collecting dust in committee staffers' in-boxes. Rather, I see this report as the basis for annual hearings before the Governmental Affairs Committee on the state of Government management, any Presidential management legislative initiatives, and what is being done to ensure that our Government has the leadership, the systems, and the organization to meet the challenging times ahead.

The bill keeps the reporting requirements as simple and flexible as possible, but improves the usefulness of information available to Congress for overseeing executive branch management improvement activities. It also assures that the President's report will cover all management activities and present, insofar as possible, a balanced summary of both the problems and accomplishments in management.

In his February 26, 1986 testimony before the Governmental Affairs Committee, Comptroller General Charles A. Bowsher said, "History tells us that implementing management initiatives effectively has often proven illusive. Sustained attention is needed from OMB and the line agencies." He said S. 2004 is a means for establishing a process to help sustain executive branch commitment and for providing a forum for congressional oversight.

In its comments on S. 2004, the Office of Management and Budget welcomed the opportunity to provide a report on the administration's initiatives, but expressed concern about the overly prescriptive requirements contained in the bill. Following the hearing, the committee staff met with OMB officials to clarify the nature of these concerns.

To respond to these concerns, the committee adopted an amendment removing language on page 3 of the bill pertaining to costs, benefits, efficiency improvements, and so forth, and inserted in lieu thereof a requirement that the President submit for each initiative a description of "any significant and identifiable impact of the initiative on agency operations." The committee report on S. 2004 noted that such description should include information on costs, savings, efficiencies, and service delivery improvements only where appropriate.

To accommodate another OMB concern, the committee in its report on S. 2004 requested that GAO minimize its information and documentation requests on OMB, but also stated that OMB should be forthcoming in meeting those information needs. Finally, the report made clear that the President need report only on his major management improvement initiatives—as currently specified in the bill—not the detailed report on all Governmentwide problems and issues described in OMB's comments on the bill.

Three years ago, OMB instituted a management review process, parallel to the budget process, wherein OMB officials meet annually with the management staff of each of the 20 or so largest Federal agencies to discuss an agenda of management reforms for the coming year. Following these meetings, the agencies submit management plans for OMB review and approval. These plans then are the blueprints for agency action the following year. The annual hearings triggered by the report required by S. 2004 would not set up so systematic a process, but they would give Congress an opportunity, similar to that exercised by OMB with executive agencies, to ensure that appropriate actions are being taken to see that the Federal Government is managed in the manner the Nation expects and deserves.

On June 25, 1986, the Governmental Affairs Committee ordered S. 2004 reported to the full Senate by unanimous vote. I strongly urge my colleagues' support of this measure in a similar manner.●

AGRICULTURAL COMMODITIES TRADE IMPROVEMENT

● Mr. BOSCHWITZ. Mr. President, I have received resolutions from the Minnesota Agri-Growth Council and the Midwest Association of State Departments of Agriculture [MASDA] commending Majority Leader DOLE for his efforts to improve the trade of our Nation's agricultural commodities. Both of these organizations recognize the leadership role played by Senator DOLE in expanding our Export Enhancement Program to the Soviets and they are appreciative of his fine work to help move our agricultural commodities into the hands of exporters.

The Minnesota Agri-Growth Council is comprised of over 150,000 organizations and individuals engaged in agriculture in the State of Minnesota. The Departments of Agriculture in the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin comprise MASDA.

Mr. President, I ask that these two resolutions be printed in the RECORD.

The resolutions follow:

RESOLUTION OF THE MINNESOTA AGRI-GROWTH COUNCIL BOARD OF DIRECTORS

Whereas, the surplus of American agricultural production continues to build to unmanageable levels in our domestic storage facilities; and

Whereas, any improvement in American farm prices depends on a significantly expanded international agricultural export market; and

Whereas, the American farmer has had to compete in the world marketplace with foreign subsidization of agricultural exports; and

Whereas, the United States Senate, under the leadership of Majority Leader Senator Robert Dole of Kansas, has passed a bill permitting the United States to use "export enhancement" programs in the sale of grain to the Soviet Union and other Eastern-bloc countries.

Now, therefore, be it resolved, that the Minnesota Agri-Growth Council board of directors does hereby call on the Minnesota members of the U.S. House of Representatives to take immediate action to support this Senate-passed export enhancement measure; and does hereby call on the entire Minnesota congressional delegation—House and Senate members alike—to form a working coalition with other farm-state lawmakers to approach President Reagan as a collective body, urging his support of this legislation and calling on him to direct the Department of State to withdraw its efforts to kill or cripple this new bill. We also call on President Reagan to direct the U.S.D.A. to take action upon enactment of this export enhancement legislation to see that it is implemented immediately to meet the full intent of the United States Congress.

RESOLUTION

The Midwest Association of State Departments of Agriculture [MASDA] commends Senator Dole and the United States Senate for adoption of the export enhancement program, including the Eastern bloc coun-

tries and the Soviet Union, and urges the House of Representatives to immediately pass similar legislation.

Further, MASDA urges the congressional delegations of these states to join together with Senator Dole to meet with the President to request immediate implementation of this program.●

THE DOMENICI-BOREN OIL IMPORT FEE LEGISLATION

● Mr. WALLOP. Mr. President, while I support the intent of the Domenici-Boren oil import fee legislation, which was introduced today, and will work with my colleagues to ensure that a responsible import fee is enacted, I have certain reservations about this legislation as it now stands, and would like to continue working with the sponsors to see if we cannot include certain other concepts and possibly refine others.

Mr. President, some of my colleagues may recall that on December 19, 1985, Senator BENTSEN and I introduced, S. 1997, an excise tax on imported crude oil and refined petroleum products. That bill centered around the concept of a floating oil import fee that would be triggered if the price of world oil dropped below a survival standard of $22 per barrel. If the world price dropped to $20 than the excise tax would be $2 per barrel, and once the world price reached $22 the tax would automatically terminate.

At the time, the price of a barrel of imported oil was still above $20 a barrel, and many thought prices would not dip below that in the near future. Unfortunately, all of us who represent energy-producing States saw that by February 25, our domestic benchmark, west Texas intermediate crude, sold for $14.55 per barrel and plunged as low as $9.75 per barrel on April 1 for May delivery.

Also, when Senator BENSTEN and I introduced our bill, I was still uncertain that an oil import fee was the proper course to follow in trying to provide sound energy policy for our country. Now, I am more comfortable with that concept, especially one that includes a fluctuating oil import fee that eventually phases out once prices reach an established survival price, along with a differential for imported petroleum products which would serve in taking this Nation closer toward an energy secure and independent future.

I want to reemphasize something I said at the time S. 1997 was introduced. That is simply that America's refiners are subjected to environmental requirements not placed on their foreign competition, and to the extent that these can be quantified and equalized within any excise tax we should do so. On that same note, I would also want to again stress that I believe that if a fee is enacted, it should be done on the basis of sound energy policy, and not be driven primarily on the basis of increasing revenues to the general treasury.

If an oil import fee is ever to be enacted, we will have our work cut out for us because all the consuming States must be convinced that an action such as this is not one which solely benefits the domestic oil industry or just the oil and gas producing States. It must be viewed as a positive action that will benefit both our national security and the long-term health of our economy.

For example, Mr. President, back in April the Cambridge Energy Research Associates outlined how the U.S. economy would fare with $10 a barrel oil. Briefly, those suggested disadvantages were: a deep recession in energy industries and energy-producing regions, with ripple effects on the rest of the country; a freeze on new oil and gas exploration (the United States needs to add about 4 billion barrels a year of oil reserves to make up for production); a shutting down of current higher cost oil and gas production; an increase in oil imports by the end of the decade, if not before, renewing energy security and vulnerability concerns; severe pressure on the part of the U.S. banking system—of the $61 billion of identified energy loans, more than 90 percent are held by major oilpatch and money center banks; a revenue crisis for energy-producing areas—including the Southwest, the Rocky Mountain, region and Alaska; increased economic pressure on nonoil energy industries such as coal and renewable energy source and decreased conservation incentives. Unfortunately, this outline is beginning to read more like the daily newspaper headlines in almost every energy producing State in America.

Mr. President, as a general rule, direct Government involvement in regulation of energy prices has not been overly successful in the past. Yet, this Senator is tired of trying to explain to hundreds of unemployed Wyoming people, why, after going through two energy crises in the 1970's, America is still vulnerable to the production and pricing whims of OPEC. It is time we decided on some course of action to ensure both a nationally secure and energy secure America. I intend to continue working with my colleagues to achieve that goal as quickly as possible.●

THE MICHIGAN FARMERS' HALL OF FAME

● Mr. RIEGLE. Mr. President, later this month the Michigan Farmers' Hall of Fame will honor several outstanding farmers and their families for contributions to farming.

The Michigan Farmers' Hall of Fame was established to honor publicly 10 farmers each year who have contributed in an extraordinary fashion to their communities and to the development and improvement of Michigan agriculture.

Agriculture is Michigan's second largest industry, behind the auto industry, and it's importance to our economy cannot be overstated. Michigan has one of the most diversified agriculture systems in the entire Nation. Michigan is a leading producer of dry edible beans and cherries, and is among the top 10 producers of milk, corn, apples, peaches, and many other crops both fruit and vegetable. It is this diversity which enables Michigan ariculture to endure during the very difficult period that farming is in at this time.

To be sure, Michigan possesess tremendous natural resources. We are fortunate to have abundant water, rich soil, and generally stable weather. The key to our success, however, is our farmers, who have taken all that nature has provided and created a bounty that is in my view unmatched anywhere else.

The Michigan Farmers' Hall of Fame gives us all the opportunity to take a moment to honor, remember, and thank the people that have invested so much over the years to provide for all of us. It is a fitting monument to these labors, and the few who are honored each year truly represent the thousands who have made agriculture in Michigan strong, and to the thousands more who keep it that way.●

ORDER OF BUSINESS

Mr. DOLE. Mr. President, I am advised the House will not convene until 3 o'clock and there may be as much as 30 minutes of debate.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DOLE. Mr. President, I see no reason to remain.

Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 2:55 a.m., the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 4:01 a.m., when called to order by the Presiding Officer (Mr. SIMPSON).

□ 0400

STATUTORY INCREASE IN PUBLIC DEBT

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 5395.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate numbered 1 to

the bill (H.R. 5395) entitled "An Act to increase the statutory limit on the public debt.".

Resolved, That the House disagree to the amendment of the Senate numbered 2 to the aforesaid bill.

Mr. DOLE. Mr. President, I move that the Senate recede from its amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

ADJOURNMENT UNTIL MONDAY, SEPTEMBER 8, 1986

Mr. DOLE. Mr. President, I move the Senate stand in adjournment, under the provisions of House Concurrent Resolution 380, until the hour of 12 noon on Monday, September 8.

The motion was agreed to; and at 4:03 a.m., the Senate adjourned until Monday, September 8, 1986, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate August 15, 1986:

DEPARTMENT OF STATE

James Daniel Phillips, of Kansas, a career member of the Senior Foreign Service, class of counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Peter O. Murphy, of the District of Columbia, for the rank of Ambassador during the tenure of his service as Special Negotiator for United States-Canada Trade and Investment Issues.

THE JUDICIARY

Frederic N. Smalkin, of Maryland, to be U.S. district judge for the district of Maryland, vice James R. Miller, Jr.

James L. Graham, of Ohio, to be U.S. district judge for the southern district of Ohio, vice Robert M. Duncan, resigned.

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

David Alan Heslop, of California, to be a member of the National Council on Educational Research for a term expiring September 30, 1989. (Reappointment.)

EXECUTIVE OFFICE OF THE PRESIDENT

Jorge L. Mas, of Florida, to be a member of the Advisory Board for Radio Broadcasting to Cuba for a term expiring August 12, 1989. (Reappointment.)

FEDERAL EMERGENCY MANAGEMENT AGENCY

Harold T. Duryee, of the District of Columbia, to be Federal Insurance Administrator, Federal Emergency Management Agency, vice Jeffrey S. Bragg, resigned.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Richard E. Bissell, of Virginia, to be an Assistant Administrator of the Agency for International Development, vice Richard A. Derham, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 15, 1986:

DEPARTMENT OF STATE

Frank G. Wisner, of the District of Columbia, a career member of the Senior Foreign Service, class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Edgar A. Chavarrie, xxx-xx-xxxx xxx-...FR, U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Robert E. Kelley, xxx-xx-xxxx FR, U.S. Air Force.

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. Andrew P. Iosue xxx-xx-xxxx FR, U.S. Air Force.

The following named-officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Thomas J. Hickey, xxx-xx-x... xxx-...FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designed by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. John A. Shaud xxx-xx-xxxx FR, U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Emmett H. Walker, Jr., xxx-xx-x... xxx-... (age 62), Army National Guard of the United States.

The following-named officer under the provisions of title 10, United States Code, section 3015, for appointment as Chief, National Guard Bureau, and further under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States code, section 601:

To be lieutenant general

Maj. Gen. Herbert R. Temple, Jr., xxx-xx-x... xxx-x... Army National Guard of the United States.

The U.S. Army Reserve officers named herein for appointment as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371, and 3384;

To be lieutenant general

Brig. Gen. Marvin G. Back, xxx-xx-xxxx.
Brig. Gen. George E. Barker, xxx-xx-xxxx.
Brig. Gen. Murray E. Cantrall, xxx-xx-xxxx xxx-...
Brig. Gen. Joseph G. Gray, xxx-xx-xxxx.
Brig. Gen. Roger W. Sandler, xxx-xx-xxxx.
Brig. Gen. George J. Vukasin, xxx-xx-xxxx xxx...
Brig. Gen. Robert L. Wick, Jr., xxx-xx-xxxx xxx...

To be brigadier general

Col. Gary A. Stemley, xxx-xx-xxxx.
Col. Richard G. Quick, xxx-xx-xxxx.
Col. Thomas P. O'Brien, Jr., xxx-xx-xxxx.
Col. James A. Brooke, xxx-xx-xxxx.
Col. Howard A. Pope, xxx-xx-xxxx.
Col. Francis T. Mataranglo, xxx-xx-xxxx.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Richard D. Lawrence, xxx-xx-xx... xxx-... (age 55), U.S. Army.

The following-named Army Chaplains Competitive Category officer for appointment in the U.S. Army to the grade indicated under the provisions of title 10, United States Code, sections 611(a) and 624:

To be permanent brigadier general

Col. Charles J. McDonnell, xxx-xx-xxxx, Chaplains Competitive Category, U.S. Army.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Bernard M. Kauderer, xxx-xx-x... xxx-.../1120, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Edward A. Burkhalter, Jr., xxx-... xxx-xx-x.../1120, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 5148(b), to be assigned as Judge Advocate General of the Navy:

To be Judge Advocate General of the Navy

Rear Adm. Hugh D. Campbell, xxx-xx-xxxx xxx-.../2500, Judge Advocate General's Corps, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Richard M. Dunleavy, xxx-xx-x... xxx-.../1320, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 610:

To be vice admiral

Vice Adm. Robert F. Dunn, xxx-xx-xxxx/1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by

the President under title 10, United States Code, section 610:

To be vice admiral

Rear Adm. Diego E. Hernandez, xxx-xx-xx... xxx-.../1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 610:

To be vice admiral

Rear Adm. Charles R. Larson, xxx-xx-xxxx xxx-.../1120, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 610:

To be vice admiral

Vice Adm. Edward H. Martin, xxx-xx-xxxx xxx-.../1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 711, to be reassigned in his current grade to be Senior Navy Member of the Military Staff Committee of the United Nations and to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be Senior Navy Member of the Military Staff Committee of the United Nations

Vice Adm. Henry C. Mustin, xxx-xx-xxxx/1110, U.S. Navy.

IN THE AIR FORCE

Air Force nominations beginning Yon Chan Lee, and ending Theodore K. Loyd, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 22, 1986.

Air Force nominations beginning Maj. Charles E. Amos, xxx-xx-xxxx and ending Maj. Henry Edelenbos, xxx-xx-xxxx which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 28, 1986.

Air Force nominations beginning Robert D. Childs, and ending Robert B. Renz, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 31, 1986.

Air Force nominations beginning Maj. Frederick J. Barratt, xxx-xx-xxxx and ending Maj. Margaret A. Woods, xxx-xx-xxxx xxx-... which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 1, 1986.

Air Force nomination of Gary A. Piepkorn, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of August 5, 1986.

Air Force nominations beginning Gary A. Piepkorn, and ending Charlene A. Miller, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 5, 1986.

Air Force nominations beginning Robert P. Belihar, and ending Daniel W. Litwhiler, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 5, 1986.

IN THE ARMY

Army nominations beginning Verlin L. Abbott, and ending Jack W. Zimmerly, Jr., which nominations were received by the Senate on July 18, 1986, and appeared in the CONGRESSIONAL RECORD of July 21, 1986.

Army nominations beginning Nicoll F. Galbraith, Jr., and ending Edward T. Salvato, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 22, 1986.

IN THE MARINE CORPS

Marine Corps nominations beginning Craig S. Esslinger, and ending Jeffrey D. Warren, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 31, 1986.

Marine Corps nominations beginning Donald P. Baldwin, and ending Michael A. McCollough, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of August 5, 1986.

IN THE NAVY

Navy nomination of Maryus O. Saunders, which was received by the Senate on July 18, 1986, and appeared in the CONGRESSIONAL RECORD of July 21, 1986.

Navy nominations beginning Scott G. Chatlin, and ending John W. Alexander, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 22, 1986.

Navy nominations beginning John B. Anderson, and ending Robert A. Yale, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of July 28, 1986.

Executive nominations confirmed by the Senate August 16, 1986:

DEPARTMENT OF STATE

Morton I. Abramowitz, of Massachusetts, a career member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State.

DEPARTMENT OF ENERGY

Marshall A. Staunton, of California, to be Administrator of the Economic Regulatory Administration.

A. David Rossin, of California, to be an Assistant Secretary of Energy (Nuclear Energy).

ALASKA NATURAL GAS TRANSPORTATION SYSTEM

Theodore J. Garrish, of Virginia, to be Federal Inspector for the Alaska Natural Gas Transportation System.

DEPARTMENT OF STATE

Reginald Bartholomew, of Virginia, a career member of the Senior Foreign Service, class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

Julian Martin Niemczyk, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic.

John Hubert Kelly, of Georgia, a career member of the Senior Foreign Service, class of counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Robert Brendon Keating, of the District of Columbia, to be U.S. Executive Director of the International Bank for Reconstruction and Development for a term of 2 years.

EXECUTIVE OFFICE OF THE PRESIDENT

Michael Mussa, of Illinois, to be a member of the Council of Economic Advisers.

FEDERAL RESERVE SYSTEM

H. Robert Heller, of California, to be a member of the Board of Governors of the Federal Reserve System for the unexpired term of 14 years from February 1, 1982.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

VETERANS' ADMINISTRATION

Thomas E. Harvey, of the District of Columbia, to be Deputy Administrator of Veterans' Affairs.

HOUSE OF REPRESENTATIVES—*Friday, August 15, 1986*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty God, we know that Your everlasting arms are over all the world, and Your goodness follows each of us wherever we are. We ask that Your good word of blessing be with those who labor in this place. As Your spirit brings hope and confidence to people of faith, so we are grateful that no matter where we go, or what we do, or how difficult our task or how uncertain may be tomorrow, we never are alone, nor must we face the challenges of life with only our own strength. We are thankful, O God, that we need not fear any evil for You are with us and Your spirit will ever comfort and give us peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate agreed to the following resolutions:

S. RES. 480

Resolved, a summons shall be issued which commands Harry E. Claiborne to file with the Secretary of the Senate an answer to the articles of impeachment no later than September 8, 1986, and thereafter to abide by, obey, and perform such orders, directions, and judgments as the Senate shall make in the premises, according to the Constitution and laws of the United States.

SEC. 2. The Sergeant at Arms is authorized to utilize the services of the Deputy Sergeant at Arms or another employee of the Senate in serving the summons.

SEC. 3. The Secretary shall notify the House of Representatives of the filing of the answer and shall provide a copy of the answer to the House.

SEC. 4. The Managers on the part of the House may file with the Secretary of the Senate a replication no later than September 15, 1986.

SEC. 5. The Secretary shall notify counsel for Harry E. Claiborne of the filing of a replication, and shall provide counsel with a copy.

SEC. 6. The Secretary shall provide the answer and the replication, if any, to the Presiding Officer of the Senate on the first day the Senate is in session after the Secretary receives them, and the Presiding Officer shall cause the answer and replication, if any, to be printed in the Senate Journal and in the Congressional Record. If a timely answer has not been filed the Presiding Officer shall cause a plea of not guilty to be entered.

SEC. 7. The provisions of this resolution shall govern notwithstanding any provisions to the contrary in the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials.

SEC. 8. The Secretary shall notify the House of Representatives of this resolution.

S. RES. 481

Resolved, pursuant to Rule XI of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials, the Presiding Officer shall appoint a committee of twelve Senators to perform the duties and to exercise the powers provided for in the rule.

SEC. 2. The Majority and Minority Leader shall each recommend six Members to the Presiding Officer for appointment to the committee.

SEC. 3. Necessary expenses of the committee shall be paid from the contingent fund of the Senate from the appropriation account "Miscellaneous Items" upon vouchers approved by the chairman of the committee.

SEC. 4. The committee shall be deemed to be a standing committee of the Senate for the purpose of printing reports, hearings, and other documents for submission to the Senate under Rule XI.

SEC. 5. The Secretary shall notify the House of Representatives of this resolution.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 410) "An act to repeal the Commercial and Apartment Conservation Service, and for other purposes."

The message also announced that the Senate recedes from its disagreement to the amendment of the House to the title.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1562. An act to amend the False Claims Act, and title 18 of the United States Code regarding penalties for false claims, and for other purposes;

S. 1744. An act to require States to develop, establish, and implement State comprehensive mental health plans;

S. 2426. An act to amend the Contract Disputes Act of 1978 to require that a competitive examination process be used for the selection of members of boards of contract appeals of Federal Government agencies; to provide that the members of such boards shall be treated in the same manner as administrative law judges of the Federal Government for certain administrative purposes; and to revise the procedures for the collection of claims under Federal Government contracts;

S. 2641. An act to authorize certain construction at military installations for fiscal year 1987, and for other purposes; and

S. 2642. An act to authorize appropriations for the Department of Energy for national security programs for fiscal year 1987, and for other purposes.

SHORT-TERM SUPERFUND EXTENSION

Mr. BOLAND. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 713) making a repayable advance to the Hazardous Substance Response Trust Fund.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GREEN. Mr. Speaker, reserving the right to object, I take this time only so the distinguished chairman of the HUD-Independent Agencies Subcommittee of the Committee on Appropriations can explain what we are doing in this joint resolution.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I am happy to yield to the distinguished chairman of the subcommittee.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the joint resolution be considered as read and printed in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of the joint resolution is as follows:

H.J. RES. 713

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That language under the heading "Environmental Protection Agency, Hazardous Substance Response Trust Fund" in Public Law 99-160, as amended by Public Law 99-270, is further amended by deleting "$750,000,000 shall be derived from the Hazardous Substance Response Trust Fund and $150,000,000 shall be derived from an advance from the general fund of the Treasury to the Hazardous Substance Response Trust Fund to be repaid in accordance with section 223(c)(3) of Public Law 96-510 and notwithstanding section 223(c)(2)(D) of Public Law 96-510: *Provided*, That none of the $150,000,000 shall be available for obligation after May 31, 1986, to remain available until expended: *Provided*," and inserting in lieu thereof "$702,000,000 shall be derived from the Hazardous Substance Response Trust Fund and $198,000,000 shall be derived from advances from the general fund of the Treasury to the Hazardous Substance Response Trust

Fund to be repaid in accordance with section 223(c)(3) of Public Law 96-510 and notwithstanding section 223(c)(2)(D) of Public Law 96-510: *Provided*, That none of the $150,000,000 made available by Public Law 99-270 shall be available for obligation after May 31, 1986: *Provided further*, That of the additional $48,000,000 made immediately available, $15,000,000 shall be obligated by September 30, 1986, for continuation of ongoing remedial and removal site work and $19,000,000 shall be used only to continue ongoing contracts and to replace contracts for essential services: *Provided further*, That all funds appropriated shall remain available until expended, except as specified above: *Provided further*,".

Mr. BOLAND. Mr. Speaker, this joint resolution is virtually identical to the resolution passed last April to provide a short-term funding extension for Superfund. This resolution would make $48 million immediately available for Superfund. This is the minimum amount required to carry the program through September. It will avoid EPA having to send out contract termination letters to all Superfund contractors on September 1, and it will avoid terminating clean up work at sites.

This $48 million would be advanced from the general fund to the Superfund trust fund—to be repaid from Superfund taxes once they are enacted and collected. And this action requires no new budget authority and will result in no additional outlays.

However, it is important that all Members understand that this resolution is just another bandaid to carry the Superfund Program into September. Make no mistake about it—we need a long-term reauthorization bill for Superfund and for Superfund taxes now more than ever. I trust that the tax committees and the authorizing committees for Superfund will rapidly complete conference action—because it is critical that we have a Superfund reauthorization and tax bill signed by the President before September 30.

Mr. Speaker, I want to express my appreciation and compliments to the distinguished gentleman from New Jersey [Mr. FLORIO], who is one of the leaders in the House with reference to the Superfund Program, and to my distinguished colleague, the ranking minority member of the subcommittee dealing with the Department of Housing and Urban Development and various independent agencies, for their support and their interest in this matter.

I also want to compliment Members on the other side of this building. I commend the distinguished Senator from Vermont for his leadership and the Committee on Ways and Means.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. GREEN. I yield to the chairman of the Appropriations Committee.

Mr. WHITTEN. Mr. Speaker, I would like to ask, how long would this money last? The Senator from Vermont, Senator STAFFORD, talked to me about it. This $48 million, would that take us to the beginning of the next fiscal year or beyond that?

Mr. BOLAND. No—this will last until the end of September.

Mr. WHITTEN. Mr. Speaker, I thank the gentleman very much.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts for the immediate consideration of the joint resolution?

Mr. FLORIO. Mr. Speaker, reserving the right to object, I will not object, and let me state first that I also commend the gentleman from Massachusetts [Mr. BOLAND] and the gentleman from New York [Mr. GREEN] for what they have done.

Mr. Speaker, I rise in support of the request of the gentleman from Massachusetts because I am concerned about the possibility based upon EPA's representations that unnecessary and potentially serious disruption of the already damaged Superfund Program may occur if emergency funds are not given to EPA now. I wish to make it clear, however, that this measure is at best a stopgap effort to postpone the current crisis until no later than September 30, 1986. At that time, we will be faced with the same crisis unless we enact a comprehensive, 5-year reauthorization of Superfund. So that we are clear about how EPA will use the $48 million in borrowing authority that is given under the legislation before us, I would ask the chairman of the subcommittee to explain how we are limiting the uses of the money we are providing.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. FLORIO. I yield to the chairman of the subcommittee.

Mr. BOLAND. Mr. Speaker, the legislation establishes $48 million in borrowing authority against the Treasury, to be repaid by future Superfund trust fund revenues. The $48 million is to be used for four specific purposes:

First, $10 million will be used to continue in force 14 "core" contracts which were identified in the EPA Administrator's letter dated August 13, 1986.

Second, $9 million will be used to exercise new options on three categories of replacement contracts, listed as items 4, 5, and 6 at page 4 of attachment A to the Administrator's August 13 letter.

Third, $14 million will be available to satisfy Anti-Deficiency Act requirements for newly obligated contracts.

Fourth, $15 million will be spent to conduct removal and remedial activities at sites specifically identified in attachment B of the Administrator's August 30 letter.

Mr. FLORIO. Can my colleague from Massachusetts also clarify for me the overall fiscal situation at EPA with regard to Superfund? Are there any other sources of money that could be used for purposes other than the ones you described earlier?

Mr. BOLAND. The basis for the Congress' decision to enact a second short-term extension of Superfund funding is that there is no other significant amount of money readily available to meet the purposes identified above. We have been informed by senior EPA officials that there are only two other sources of available funding and that each is negligible: First, money from the States under cooperative site agreements, if the States agree to release such funds; and second, a very limited amount of Superfund money which has been transferred to other Federal agencies and departments under interagency agreements and that could not easily be transferred back.

Because of these assumptions, we expect the effect of the $48 million extension to be that the circumstances described in the Administrator's August 13 letter will reoccur on September 30, 1986, unless Congress takes further legislative action.

Mr. FLORIO. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. BOLAND] for his courtesy, and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts for the immediate consideration of the joint resolution?

Mr. GREEN. Mr. Speaker, continuing my reservation of my right to object, I simply want to join my colleagues in impressing upon the House the urgency of adopting this measure.

Although the conference—and a very complicated conference it has been—has dealt with the substantive matters at issue, the fiscal matters have unfortunately not been concluded.

I want to say at this point that I have conferred with the ranking minority member of the Ways and Means Committee, and he has no objection to what we are doing here today.

But the failure to conclude the fiscal aspects of the conference leaves us at the point where the Administrator of EPA informs us that he must start delivering termination notices to contractors in the program, terminations for the convenience of the Government, by September 1; and he would also have to set in place reduction-in-force procedures within the EPA if we do not act.

Obviously the cost of terminations for the convenience of the Government and the costs of grinding this program to a halt and then restarting it some time from now would be much greater than the cost of what we are doing today.

So although this is somewhat of an interim step and we are not where we should like to be in terms of a completed conference report with a full appropriation for this operation, I think it is something we must do today in order to keep this program moving along, at least at a minimum level.

Therefore, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. BOLAND] for the immediate consideration of the joint resolution?

Mr. LENT. Mr. Speaker, reserving the right to object, I am sorry that we are today providing only interim funding for the Superfund program. This very important environmental program has been limping along for 1 year now while Congress struggles with a reauthorization. I believe we are very close to reauthorizing the Superfund.

I do not plan to object to this interim funding measure because the amount of funds is sufficiently small, but Congress will have to turn its attention to Superfund authorization upon returning from the recess.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts for the immediate consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VETERAN'S COMPENSATION AND BENEFITS IMPROVEMENTS ACT OF 1985

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1887) to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and the rates of dependency and indemnity compensation for surviving spouses and children of veterans, to improve veterans' education benefits, and to improve the Veterans' Administration home loan guaranty program; to amend titles 10 and 38, United States Code, to improve national cemetery programs; and for other purposes, and ask for its immediate consideration in the House.

Mr. Speaker, I would inform the Members that this request has been cleared on the minority side.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The clerk read the Senate bill as follows:

S. 1887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND REFERENCES

SECTION 1. (a) This Act may be cited as the "Veterans' Compensation and Benefits Improvements Act of 1985".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION

RATE INCREASES

SEC. 101. (a) Section 314 is amended—

(1) by striking out "$66" in subsection (a) and inserting in lieu thereof "$68";

(2) by striking out "$122" in subsection (b) and inserting in lieu thereof "$126";

(3) by striking out "$185" in subsection (c) and inserting in lieu thereof "$191";

(4) by striking out "$266" in subsection (d) and inserting in lieu thereof "$274";

(5) by striking out "$376" in subsection (e) and inserting in lieu thereof "$388";

(6) by striking out "$474" in subsection (f) and inserting in lieu thereof "$489";

(7) by striking out "$598" in subsection (g) and inserting in lieu thereof "$617";

(8) by striking out "$692" in subsection (h) and inserting in lieu thereof "$713";

(9) by striking out "$779" in subsection (i) and inserting in lieu thereof "$803";

(10) by striking out "$1,295" in subsection (j) and inserting in lieu thereof "$1,335";

(11) by striking out "$1,609" and "$2,255" in subsection (k) and inserting in lieu thereof "$1,659" and "$2,325", respectively;

(12) by striking out "$1,609" in subsection (l) and inserting in lieu thereof "$1,659";

(13) by striking out "$1,774" in subsection (m) and inserting in lieu thereof "$1,829";

(14) by striking out "$2,017" in subsection (n) and inserting in lieu thereof "$2,080";

(15) by striking out "$2,255" each place it appears in subsections (o) and (p) and inserting in lieu thereof "$2,325";

(16) by striking out "$968" and "$1,442" in subsection (r) and inserting in lieu thereof "$998" and "$1,487", respectively;

(17) by striking out "$1,449" in subsection (s) and inserting in lieu thereof "$1,494"; and

(18) by striking out "$280" in subsection (t) and inserting in lieu thereof "$289".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

ADDITIONAL COMPENSATION FOR DEPENDENTS

SEC. 102. Section 315(1) is amended—

(1) by striking out "$79" in clause (A) and inserting in lieu thereof "$81";

(2) by striking out "$132" and "$42" in clause (B) and inserting in lieu thereof "$136" and "$43", respectively;

(3) by striking out "$54" and "$42" in clause (C) and inserting in lieu thereof "$56" and "$43", respectively;

(4) by striking out "$64" in clause (D) and inserting in lieu thereof "$66";

(5) by striking out "$143" in clause (E) and inserting in lieu thereof "$147"; and

(6) by striking out "$120" in clause (F) and inserting in lieu thereof "$124".

CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS

SEC. 103. Section 362 is amended by striking out "$349" and inserting in lieu thereof "$360".

DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES

SEC. 104. Section 411 is amended—

(1) by striking out the table in subsection (a) and inserting in lieu thereof the following:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$491	W–4	$703
E–2	505	O–1	621
E–3	518	O–2	640
E–4	552	O–3	686
E–5	566	O–4	725
E–6	578	O–5	799
E–7	607	O–6	900
E–8	640	O–7	973
E–9	[1] 669	O–8	1,067
W–1	621	O–9	1,145
W–2	645	O–10	[2] 1,255
W–3	664		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $722.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 402 of this title, the surviving spouse's rate shall be $1,345.";

(2) by striking out "$55" in subsection (b) and inserting in lieu thereof "$57";

(3) by striking out "$143" in subsection (c) and inserting in lieu thereof "$147"; and

(4) by striking out "$70" in subsection (d) and inserting in lieu thereof "$72".

DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 105. Section 413 is amended—

(1) by striking out "$240" in clause (1) and inserting in lieu thereof "$247";

(2) by striking out "$345" in clause (2) and inserting in lieu thereof "$356";

(3) by striking out "$446" in clause (3) and inserting in lieu thereof "$460"; and

(4) by striking out "$446" and "$90" in clause (4) and inserting in lieu thereof "$460" and "$93", respectively.

SUPPLEMENTAL DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN

SEC. 106. Section 414 is amended—

(1) by striking out "$143" in subsection (a) and inserting in lieu thereof "$147";

(2) by striking out "$240" in subsection (b) and inserting in lieu thereof "$247"; and

(3) by striking out "$122" in subsection (c) and inserting in lieu thereof "$126".

EFFECTIVE DATE

SEC. 107. The amendments made by this title shall take effect on December 1, 1985.

SENSE OF THE CONGRESS REGARDING MAINTAINING THE TAX-EXEMPT STATUS OF DISABILITY COMPENSATION

SEC. 108. It is the sense of the Congress that any payments by the Veterans' Administration to veterans as compensation for service-connected disabilities should remain exempt from Federal income taxation.

TITLE II—EDUCATIONAL ASSISTANCE PROGRAM IMPROVEMENTS

APPRENTICESHIP AND ON-JOB TRAINING UNDER THE NEW GI BILL

SEC. 201. (a) Section 1402 is amended—

(1) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) The term 'program of education' (A) has the meaning given such term in section 1652(b) of this title, and (B) includes a full-time program of apprenticeship or other on-job training approved as provided in clause (1) or (2), as appropriate, of section 1787(a) of this title."; and

(2) by adding at the end the following new paragraph:

"(7) The term 'training establishment' has the meaning given such term in section 1652(e) of this title.".

(b)(1) Section 1432 is amended by adding at the end the following new subsection:

"(c)(1) In any month in which an individual pursuing a program of education consisting of a program of apprenticeship or other on-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this chapter to the individual shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

"(2)(A) The amount of the monthly educational assistance allowance for an individual pursuing a full-time program of apprenticeship or other on-job training under this chapter shall be reduced by 50 percent for months following the twelfth month of the individual's pursuit of such program.

"(B) An individual's entitlement under this chapter shall be charged at the rate of one-half month for each month that the individual is paid a monthly educational assistance allowance as reduced under subparagraph (A) of this paragraph.".

(2) The heading of such section is amended to read as follows:

"§ 1432. Limitations on educational assistance for certain individuals".

(3) The item relating to such section in the table of sections at the beginning of chapter 30 is amended to read as follows:

"1432. Limitations on educational assistance for certain individuals.".

(c) Section 1434 is amended—

(1) in subsection (a), by striking out the parenthetical matter in the first sentence and inserting in lieu thereof "(with the exception of section 1787)"; and

(2) in subsection (b)(2), by inserting "or training establishment, as the case may be," after "educational institution".

ADJUSTMENT OF DELIMITING PERIOD FOR INDIVIDUALS ENTITLED TO CERTAIN COMBINED BENEFITS

SEC. 202. (a) Section 1411(a)(1)(B) is amended by inserting "and was on active duty on October 19, 1984, and without a break in service since October 19, 1984," after "title".

(b) Section 1412(a)(1)(B) is amended by inserting "and was on active duty on October 19, 1984, and without a break in service since October 19, 1984," after "title".

(c) Section 1431 is amended—

(1) by striking out "(d)" in subsection (a) and inserting in lieu thereof "(e)";

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

"(e) In the case of an individual described in section 1411(a)(1)(B) or 1412(a)(1)(B) of this title who is entitled to basic educational assistance under this chapter, the 10-year period prescribed in subsection (a) of this section shall be reduced by an amount of time equal to the amount of time that such individual was not serving on active duty during the period beginning on January 1, 1977, and ending on October 18, 1984.".

EDUCATIONAL ASSISTANCE FOR CORRESPONDENCE COURSES UNDER THE NEW GI BILL

SEC. 203. Section 1434 is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) When an eligible individual is pursuing a program of education under this chapter by correspondence, the individual's entitlement under this chapter shall be charged at the rate of 1 month's entitlement for each month of benefits paid to the individual.".

RESPONSIBILITIES OF THE ADVISORY COMMITTEE ON EDUCATION

SEC. 204. Section 1792 is amended—

(1) in subsection (a), by inserting "30," after "chapter"; and

(2) in subsection (b), by inserting "30," after "chapters".

WORK-STUDY ALLOWANCE UNDER THE NEW GI BILL AND THE POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM

SEC. 205. (a) The first sentence of section 1434(a) is amended by striking out "and 1683" and inserting in lieu thereof "1683, and 1685".

(b) Section 1641 is amended by inserting "1685," after "1683,".

(c) The first sentence of section 1685(b) is amended by striking out "education or training under chapters 31 and 34" and inserting in lieu thereof "rehabilitation, education, or training under chapter 30, 31, 32, or 34".

ON-JOB TRAINING UNDER THE POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM

SEC. 206. (a) Section 1602 is amended—

(1) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The term 'program of education' (A) has the meaning given such term in section 1652(b) of this title, and (B) includes a full-time program of apprenticeship or other on-job training approved as provided in clause (1) or (2), as appropriate, of section 1787(a) of this title."; and

(2) by adding at the end the following new paragraphs:

"(4) The term 'educational institution' has the meaning given such term in section 1652(c) of this title.

"(5) The term 'training establishment' has the meaning given such term in section 1652(e) of this title.".

(b) Section 1631(a)(2) is amended by striking out "The" and inserting in lieu thereof "Except as provided in section 1633 of this title and subject to section 1641 of this title, the".

(c)(1) Subchapter III of chapter 32 is amended by adding at the end the following new section:

"§ 1633. Apprenticeship or other on-job training

"(a)(1) In any month in which an individual pursuing a program of education consisting of a program of apprenticeship or other on-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this chapter to the individual shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

"(2)(A) The amount of the monthly benefit payment to an individual pursuing a full-time program of apprenticeship or of other on-job training under this chapter shall be reduced by 50 percent for months following the twelfth month of the individual's pursuit of such program.

"(B) An individual's entitlement under this chapter shall be charged at the rate of one-half month for each month that the individual is paid a monthly benefit as reduced under subparagraph (A) of this paragraph.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1632 the following new item:

"1633. Apprenticeship or other on-job training.".

(d) Section 1641 is amended—

(1) by inserting "(a)" before "The";

(2) by striking out "sections 1777, 1780(c), and 1787) shall be applicable to the program." and inserting in lieu thereof "section 1787) shall be applicable with respect to individuals who are pursuing programs of education or training while serving on active duty."; and

(3) by adding at the end the following new subsection:

"(b) The provisions of sections 1663, 1670, 1671, 1673, 1674, 1676, 1683, and 1691(a)(1) of this title and the provisions of chapter 36 of this title (with the exception of section 1787) shall be applicable with respect to individuals who are pursuing programs of education or training following discharge or release from active duty.".

DURATION AND LIMITATIONS ON ENTITLEMENT TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE

SEC. 207. Section 1632 is amended to read as follows:

"(a)(1) Except as provided in paragraphs (2) and (3) of this subsection, educational assistance benefits shall not be afforded an eligible veteran under this chapter more than 10 years after the date of such veteran's last discharge or release from active duty.

"(2)(A) If any eligible veteran was prevented from initiating or completing such veteran's chosen program of education during the delimiting period determined under paragraph (1) of this subsection because of a physical or mental disability which was not the result of such veteran's own willful misconduct, such veteran shall, upon application made in accordance with subparagraph (B) of this paragraph, be granted an extension of the applicable delimiting period for such length of time as the Administrator determines, from the evidence, that such veteran was so prevented from initiating or completing such program of education.

"(B) An extension of the delimiting period applicable to an eligible veteran may be granted under subparagraph (A) of this paragraph by reason of the veteran's mental or physical disability only if the veteran submits an application for such extension to the Administrator within 1 year after (i) the last date of the delimiting period otherwise applicable to the veteran under paragraph (1) of this subsection, or (ii) the termination date of the period of the veteran's mental or physical disability, whichever is later.

"(3) When an extension of the applicable delimiting period is granted an eligible veteran under paragraph (2) of this subsection,

the delimiting period with respect to such veteran shall again begin to run on the first day after such veteran's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations prescribed by the Administrator, for such veteran to initiate or resume pursuit of a program of education with educational assistance under this chapter.

"(b)(1) In the event that an eligible veteran has not utilized any or all of such veteran's entitlement by the end of the delimiting period applicable to the veteran under subsection (a) of this section, such eligible veteran is automatically disenrolled.

"(2)(A) Any contributions which were made by a veteran disenrolled under paragraph (1) of this subsection and remain in the fund shall be refunded to the veteran after notice of disenrollment is transmitted to the veteran and the veteran applies for such refund.

"(B) If an application for refund of contributions under subparagraph (A) of this paragraph is received from a disenrolled veteran within 1 year after the date the notice referred to in such subparagraph is transmitted to the veteran, it shall be presumed, for the purposes of section 1322(a) of title 31, that the veteran's whereabouts is unknown and the funds shall be transferred as provided in such section.".

EDUCATIONAL AND VOCATIONAL COUNSELING

SEC. 208. Section 1663 is amended by inserting after the first sentence the following: "In any case in which the Administrator has rated the veteran as being incompetent, such counseling shall be required to be provided to the veteran prior to the selection of a program of education or training.".

DELIMITING PERIOD UNDER THE SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM

SEC. 209. Section 1712(b) is amended by adding at the end the following new paragraph (3):

"(3)(A) Notwithstanding the provisions of paragraph (1) of this subsection, any eligible person (as defined in clause (B), (C), or (D) of section 1701(a)(1) of this title) may, subject to the approval of the Administrator, be permitted to elect a date referred to in subparagraph (B) of this paragraph to commence receiving educational assistance benefits under this chapter. The date so elected shall be the beginning date of the delimiting period applicable to such person under this section.

"(B) The date which an eligible person may elect under subparagraph (A) of this paragraph is any date during the period beginning on the date the person became an eligible person within the meaning of clause (B), (C), or (D) of section 1701(a)(1) of this title and ending on the date determined under subparagraph (A), (B), or (C) of paragraph (1) of this subsection to be applicable to such person.".

ELIMINATION OF THE REQUIREMENT FOR AN EDUCATION PLAN FOR SURVIVORS AND DEPENDENTS

SEC. 210. (a) Section 1720 is amended to read as follows:

"§ 1720. Educational and vocational counseling.

"The Administrator may, upon request, arrange for educational or vocational counseling for persons eligible for benefits under this chapter to assist such persons in selecting their educational, vocational, or professional objectives and in developing their programs of education.".

(b)(1) Section 1721 is amended—

(A) by striking out "finally";

(B) by striking out clause (1); and

(C) by redesignating clauses (2), (3), (4), and (5) as clauses (1), (2), (3), and (4), respectively.

(2) The catchline of such section is amended to read as follows:

"§ 1721. Approval of application".

(c) The items relating to sections 1720 and 1721 in the table of sections at the beginning of chapter 35 are amended to read as follows:

"1720. Educational and vocational counseling.
"1721. Approval of application.".

MEASUREMENT OF CERTAIN NONCOLLEGE DEGREE COURSES

SEC. 211. (a)(1) Section 1780(a) is amended—

(A) in clause (1), by inserting a comma and "or a course that meets the requirements of section 1788(a)(7) of this title," after "degree"; and

(B) in clause (2), by inserting "courses that meet the requirements of section 1788(a)(7) of this title and" after "excluding".

(2) Section 1788 is amended—

(1) in subsection (a)—

(A) by striking out "and" at the end of clause (5);

(B) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon and "and"; and

(C) by inserting after clause (6) the following new clause:

"(7) an institutional course not leading to a standard college degree, offered by an institution of higher learning in residence on a standard quarter- or semester-hour basis, shall be measured as full time on the same basis as provided in clause (4) of this subsection if (A) such course is approved pursuant to section 1775 of this title, and (B) a majority of the total credits required for the course is derived from unit courses or subjects offered by the institution as part of a course, so approved, leading to a standard college degree."; and

(2) in subsection (c), by striking out "(4)".

(b) Section 1788 is amended by inserting at the end the following new subsection:

"(e) For the purpose of determining whether a course—

"(1) which is offered by an institution of higher learning, and

"(2) for which such institution requires one or more unit courses or subjects for which credit is granted toward a standard college degree

will, during the semester (or quarter or other applicable portion of the academic year) when such unit course or subject is being pursued, be considered full time under clause (1) or (2) of subsection (a) of this section, each of the numbers of hours specified in such clause shall be deemed to be reduced, during such semester (or other portion of the academic year), by the percentage described in the following sentence and rounded as the Administrator may prescribe. Such percentage is the percentage that the number of semester hours (or the equivalent thereof) represented by such unit course or subject is of the number of semester hours (or the equivalent thereof) which, under clause (4) of such subsection, constitutes a full-time institutional undergraduate course at such institution."

PAYMENT OF EDUCATIONAL ASSISTANCE FOR CERTAIN LESS-THAN-HALF-TIME TRAINING

SEC. 212. The first sentence of section 1780(f) is amended by striking out "during" and inserting in lieu thereof "not later than the last day of".

PROHIBITION ON BENEFITS UNDER MORE THAN ONE EDUCATIONAL ASSISTANCE PROGRAM

SEC. 213. Section 1781(b) is amended by striking out "for the pursuit of the same program of education".

REPORTING REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS

SEC. 214. Section 1784(a) is amended—

(1) by striking out "(a) The" and inserting in lieu thereof "(a)(1) Except as provided in paragraph (2) of this subsection, the"; and

(2) by adding at the end the following new paragraph (2):

"(2) In the case of a program of independent study pursued on less than a half-time basis in an educational institution, the Administrator may approve a delay by the educational institution in reporting the enrollment or reenrollment of an eligible veteran or eligible person until the end of the term, quarter, or semester if the educational institution requests the delay and the Administrator determines that it is not feasible for the educational institution to monitor interruption or termination of the veteran's or eligible person's pursuit of such program.".

PROHIBITION OF A TERM-BY-TERM CERTIFICATION REQUIREMENT

SEC. 215. Section 1784(a) (as amended by section 214 of this Act) is further amended by adding at the end the following new paragraph (3):

"(3)(A) Subject to subparagraph (B), an educational institution offering courses on a term, quarter, or semester basis may certify the enrollment of a veteran who is not on active duty or an eligible person in such courses for more than one term, quarter, or semester at a time, but not for a period extending beyond the end of a school year (including the summer enrollment period).

"(B) Subparagraph (A) of this paragraph shall not apply with respect to any term, quarter, or semester for which the veteran or eligible person is enrolled on a less than half-time basis and shall not be construed as restricting the Administrator from requiring that an educational institution, in reporting an enrollment for more than one term, quarter, or semester, specify the dates of any intervals within or between any such terms, quarters, or semesters.".

COMMISSION TO ASSESS VETERANS' EDUCATION POLICY

SEC. 216. (a)(1) There is established a Commission on Veterans' Education Policy (hereafter in this section referred to as the "Commission").

(2)(A) The Commission shall consist of 11 members, 10 of whom shall be appointed by the Administrator of Veterans' Affairs in consultation with the chairmen and the ranking minority members of the Committees on Veterans' Affairs of the Senate and of the House of Representatives (hereafter in this section referred to as "the Committees"), and 1 of whom shall be the Chairman of the Advisory Committee on Education established under section 1792 of title 38, United States Code.

(B) The members of the Commission (i) shall be broadly representative of entities engaged in providing education and training and of veterans' service organizations, and (ii) shall be selected on the basis of their knowledge of and experience in education and training policy and the implementation of such policy with respect to programs of assistance administered by the Veterans' Administration.

(3) The Administrator of Veterans' Affairs, the ex officio members of the Advisory Committee on Education referred to in paragraph (2)(A), and the chairmen and ranking minority members of the Committees, or a designee of any such individual, shall be ex officio, nonvoting members of the Commission.

(4)(A) The Administrator shall designate a member from among the voting members of the Commission to chair the Commission.

(B) The chairperson of the Commission, with the concurrence of the Commission, shall appoint an executive director, who shall be the chief executive officer of the Commission and shall perform such duties as are prescribed by the Commission.

(C) The Administrator shall furnish the Commission with such professional, technical, and clerical staff and services as the Commission determines necessary for the Commission to carry out the provisions of this section effectively.

(b)(1) Not later than 18 months after the date on which at least 8 members of the Commission have been appointed, the Commission shall submit a report on the Commission's findings and recommendations on the matters described in paragraph (2) of this subsection to the Administrator and the Committees.

(2) The report required by paragraph (1) shall include the Commission's findings, views, and recommendations on the following matters:

(A) The need for distinctions between certificate-granting courses and degree-granting courses.

(B) The measurement of courses for the purposes of payment of educational assistance benefits.

(C) The vocational value of courses offered through home study.

(D) The role of innovative and nontraditional programs of education and the manner in which such programs should be treated for purposes of payment of educational assistance benefits by the Veterans' Administration.

(E) Such other matters relating to administration of chapters 30, 31, 32, 34, 35, and 36 of title 38, United States Code, by the Veterans' Administration as (i) the Commission considers appropriate or necessary, or (ii) are suggested by the Administrator or, concurrently, by the chairmen and ranking minority members of the Committees.

(c)(1) Not later than 6 months after the date on which the report is submitted under subsection (b), the Administrator shall submit an interim report to the Committees. The interim report shall contain—

(A) the Administrator's views on the desirability, feasibility, and cost of implementing each of the Commission's recommendations, and the actions taken or planned with respect to the implementation of such recommendations;

(B)(i) the Administrator's views on any legislation or regulations proposed by the Commission, (ii) the Administrator's views on the need for any alternative or additional legislation or regulations to implement the Commission's recommendations, (iii) the Administrator's recommendations for any such alternative or additional legislation, (iv) the proposed text of any regulations referred to in subclause (i) or (ii) which the Administrator considers necessary and the proposed text of any legislation referred to in such subclause which is recommended by the Administrator, and (v) a cost estimate for the implementation of any regulations and legislation referred to in such subclause; and

(C) any other proposals that the Administrator considers appropriate considering the Commission's report.

(2) Not later than 90 days after the date on which the Administrator's interim report is submitted under paragraph (1), the Commission shall submit a report to the Administrator and the Committees containing the Commission's views on the Administrator's interim report.

(3) Not later than 2 years after the date on which the Commission's report is submitted under subsection (b), the Administrator shall submit a final report to the Committees. The final report shall include the actions taken with respect to the recommendations of the Commission and any further recommendations the Administrator considers appropriate.

(d) The Commission shall terminate 90 days after the date on which the Administrator submits the final report required by subsection (c)(3).

TECHNICAL AMENDMENTS

SEC. 217. (a) Section 1431(e)(2) is amended by inserting "not" after "educational institution".

(b)(1) The catchline of section 1631 is amended to read as follows:

"§ 1631. Entitlement; payment of benefits".

(2) The table of sections at the beginning of chapter 32 is amended by striking out the item relating to section 1631 and inserting in lieu thereof the following:

"1631. Entitlement; payment of benefits.".

(c) Section 1781(b)(2) is amended by striking out "Chapter 107" and inserting in lieu thereof "Chapters 106 and 107".

TITLE III—SPECIALLY ADAPTED HOUSING AND HOME LOAN GUARANTY PROGRAM IMPROVEMENTS

SPECIALLY ADAPTED HOUSING

SEC. 301. (a) Section 801(b)(1) is amended by inserting before the period at the end the following: "or in acquiring a residence already adapted with special features determined by the Administrator to be reasonably necessary for the veteran because of such disability".

(b) Section 802(b)(1) is amended by striking out "cost" and inserting in lieu thereof "cost, or, in the case of a veteran acquiring a residence already adapted with special features, the fair market value,".

CREDIT UNDERWRITING AND LOAN PROCESSING STANDARDS

SEC. 302. (a) Section 1810(b)(3) is amended by inserting a comma and "as determined in accordance with the credit underwriting standards established pursuant to subsection (g) of this section" before the semicolon at the end.

(b) Section 1810 is further amended by adding at the end the following new subsection:

"(g)(1) For the purposes of this subsection, the term 'veteran', when used with respect to a loan guaranteed or to be guaranteed under this chapter, includes the veteran's spouse if the spouse is jointly liable with the veteran under the loan.

"(2) For the purpose of determining whether a veteran meets the standards referred to in subsection (b)(3) of this section and section 1819(e)(2) of this title, the Administrator shall prescribe regulations which establish—

"(A) credit underwriting standards to be used in evaluating loans to be guaranteed under this chapter; and

"(B) standards to be used by lenders in obtaining credit information and processing loans to be guaranteed under this chapter.

"(3) In the regulations prescribed under paragraph (2) of this subsection, the Administrator shall establish standards that—

"(A) include—

"(i) debt-to-income ratios to apply in the case of the veteran applying for the loan;

"(ii) criteria for evaluating the reliability and stability of the income of the veteran applying for the loan; and

"(iii) procedures for ascertaining the monthly income required by the veteran to meet the anticipated loan payment terms; and

"(B) are designed to be in accordance with the loan underwriting principles and application procedures generally accepted and used by commercial lending institutions with respect to loans with comparable security arrangements.

"(4)(A) Any lender making a loan under this chapter shall certify, in such form as the Administrator shall prescribe, that the lender has complied with the credit information and loan processing standards established under paragraph (2)(B) of this subsection, and that, to the best of the lender's knowledge and belief, the loan meets the underwriting standards established under paragraph (2)(A) of this subsection.

"(B) Any lender who knowingly and willfully makes a false certification under subparagraph (A) of this paragraph shall be liable to the United States Government for a civil penalty equal to two times the amount of the Administrator's loss on the loan involved or to another appropriate amount, not to exceed $10,000, whichever is greater. All determinations necessary to carry out this subparagraph shall be made by the Administrator.

"(5) Pursuant to regulations prescribed to carry out this paragraph, the Administrator may, in extraordinary situations, waive the application of the credit underwriting standards established under paragraph (2) of this subsection when the Administrator determines, considering the totality of circumstances, that the veteran is a satisfactory credit risk.".

(c) Section 1816 is amended by adding at the end the following new subsection:

"(e) The Administrator may not make a loan to finance a purchase of property acquired by the Administrator as a result of a default on a loan guaranteed under this chapter unless the purchaser meets the credit underwriting standards established under section 1810(g)(2)(A) of this title.".

(d) Section 1819(e)(2) is amended by inserting "as determined in accordance with the regulations prescribed under section 1810(g) of this title and" after "credit risk,".

LOAN GUARANTY AMOUNT

SEC. 303. (a) Section 1810(o) is amended by striking out "$27,500" and inserting in lieu thereof "$33,500".

(b) Section 1811(d)(2)(A) is amended by striking out "$27,500" each place it appears and inserting in lieu thereof "$33,500".

DEFAULT NOTIFICATION AND FORECLOSURE PROCEDURES; FORECLOSURE INFORMATION

SEC. 304. (a) Section 1816(a)(1) is amended by striking out the first sentence and inserting in lieu thereof the following: "The holder of a loan guaranteed under this chapter shall promptly notify the Administrator of any failure of the debtor under the loan to make in full two monthly payments due on the loan. Within 15 days after the date on which the Administrator receives

such notification, the Administrator shall notify the veteran of the requirement set forth in paragraph (4) of this subsection.".

(b) Section 1816(a) is further amended by adding at the end the following new paragraph:

"(4) Except as provided in paragraph (2) of this subsection, not later than 15 days after the first date on which a veteran has failed to make in full four monthly payments due on any loan guaranteed under this chapter, the holder of the loan shall initiate foreclosure.".

(c) Section 1816 is further amended by adding at the end the following new subsections:

"(e) If a holder of a loan guaranteed under this chapter fails to initiate foreclosure on the loan as required by subsection (a)(4) of this section, the Administrator shall not be liable under the guaranty for interest accruing on such loan during the period beginning on the date the holder should have initiated the foreclosure and ending on the date the holder initiates the foreclosure.

"(f)(1) The Administrator shall identify and compile information on common factors which the Administrator finds contribute to foreclosures on loans guaranteed under this chapter.

"(2) The Administrator shall include the Administrator's findings under paragraph (1) of this subsection in the annual report submitted to the Congress under section 214 of this title.".

COMPETITIVE CONTRACTING REQUIREMENTS

SEC. 305. Section 1820(b) is amended by striking out "$1,000" and inserting in lieu thereof "the amount prescribed in clause (1) of the first sentence of such section".

AUTHORITY TO TRANSFER FUNDS

SEC. 306. Section 1823 is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of the Treasury shall transfer from the direct loan revolving fund to the loan guaranty revolving fund established by section 1824(a) of this title such amounts as the Administrator determines are not needed in the direct loan revolving fund.

"(2) Not later than 30 days after the date on which the Administrator makes a transfer under paragraph (1) of this subsection, the Administrator shall submit a notice of such transfer to the appropriate committees of the Congress.".

USE OF ATTORNEYS IN HOME LOAN FORECLOSURES

SEC. 307. The second sentence of section 1830(a) is amended by striking out "With the concurrence of the Attorney General of the United States, the" and inserting in lieu thereof "The".

APPRAISALS

SEC. 308. (a) Subchapter III of chapter 37 is amended by adding at the end the following new section 1831:

"§ 1831. Appraisals

"(a) The Administrator shall—

"(1) prescribe—

"(A) standardized examinations on appraising, taking into consideration local appraising practices; and

"(B) uniform qualifications for appraisers;

"(2) use such examinations and qualifications in determining whether to approve an appraiser to make appraisals of the reasonable value of any property, construction, repairs, or alterations for the purposes of this chapter; and

"(3) in consultation with appropriate representatives of institutions which are regularly engaged in making housing loans, develop and maintain a list of appraisers who are approved under clause (2) of this subsection to make appraisals for the purposes of this chapter.

"(b) The Administrator shall select appraisers from the list required by subsection (a)(3) of this section on a rotating basis to make appraisals for the purposes of this chapter.

"(c) The Administrator shall furnish a copy of the appraisal made of property for the purposes of this chapter to the lender proposing to make the loan which is to be secured by such property and is to be guaranteed under this chapter.

"(d) If a lender—

"(1) has proposed to make a loan to be guaranteed under this chapter,

"(2) has been furnished an appraisal of the reasonable value of any property or of any construction, repairs, or alterations of property which is to be the security for such loan, as required by subsection (c) of this section, and

"(3) within a reasonable period prescribed by the Administrator, has furnished to the Administrator an additional appraisal of the reasonable value of such property, construction, repairs, or alterations which was made by an appraiser selected by the lender from the list required by subsection (a)(3) of this section,

the Administrator shall consider both the initial appraisal and the additional appraisal before issuing a certificate of reasonable value of such property, construction, repairs, or alterations.

"(e) The Administrator shall establish such appraisal fee limitations as the Administrator considers appropriate to ensure that appraisers making appraisals in any locality for the purposes of this chapter are paid a fee which is comparable to fees generally paid for other comparable appraisals in such locality.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1830 the following new item:

"1831. Appraisals.".

FURNISHING INFORMATION TO REAL ESTATE PROFESSIONALS TO FACILITATE THE DISPOSITION OF PROPERTIES

SEC. 309. (a) Subchapter III of chapter 37 (as amended by section 308 of this Act) is further amended by adding at the end the following new section 1832:

"§ 1832. Furnishing information to real estate professionals to facilitate the disposition of properties

"The Administrator shall furnish to real estate brokers and other real estate sales professionals information on the availability of real property for disposition under this chapter and the procedures used by the Veterans' Administration to dispose of such property.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1831, as added by section 308(b) of this Act, the following new item:

"1832. Furnishing information to real estate professionals to facilitate the disposition of properties.".

TASK FORCE ON MANAGEMENT AND DISPOSITION OF PROPERTY

SEC. 310. (a)(1) Not later than 90 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall establish a task force to be known as the Task Force on Management and Disposition of Property (hereafter in this section referred to as the "Task Force"). The Task Force shall terminate 3 years after the date on which the Task Force is established.

(2) The purposes of the Task Force are—

(A) to develop effective methods for the exchange of information between the Veterans' Administration and the real estate industry on efficient real property management and disposition practices and new developments in such practices; and

(B) to advise the Administrator on ways to improve the manner in which the Veterans' Administration manages and disposes of real property acquired under chapter 37 of title 38, United States Code.

(3) The members of the Task Force shall be appointed by the Administrator and shall include—

(A) appropriate representatives of the Veterans' Administration;

(B) real estate brokers and other real estate sales professionals; and

(C) representatives of commercial residential real property management organizations.

(4) The Administrator shall designate one member to chair the Task Force.

(5) The Administrator shall prescribe the number and terms of service of members of the Task Force.

(b) The Administrator shall, on a regular basis, consult with and seek the advice of the Task Force with respect to matters relating to the purposes of the Task Force.

(c)(1)(A) Not later than 16 months after the date on which the Task Force is established under subsection (a), the Task Force shall submit to the Administrator a report on the activities of the Task Force during the preceding year.

(B) Not later than the day before the date on which the Task Force terminates, the Task Force shall submit to the Administrator a final report on the activities of the Task Force.

(C) Each report required by this paragraph shall include such recommendations relating to the purposes of the Task Force as the Task Force considers appropriate.

(2) The Task Force may also submit to the Administrator such other reports relating to the purposes of the Task Force as the Task Force considers appropriate and may include recommendations with respect to matters relating to such purposes in such reports.

(d) Not later than 60 days after the date on which the Administrator receives a report required by subsection (c)(1) of this section, the Administrator shall submit such report, together with such comments and recommendations as the Administrator considers appropriate, to the Committees on Veterans' Affairs of the Senate and the House of Representatives

PROPERTY MANAGEMENT AND DISPOSAL PILOT PROGRAM

SEC. 311. (a) In order to evaluate the effectiveness, feasibility, and desirability of contracting with commercial organizations to perform the functions of management and disposal of properties acquired by the Veterans' Administration under chapter 37 of title 38, United States Code, the Administrator of Veterans' Affairs, during the period beginning April 1, 1986, and ending September 30, 1987, shall conduct a pilot program under which the Administrator shall contract with one or more qualified commercial

organizations for the performance of such functions.

(b) In order to carry out the pilot program under this section, the Administrator shall—

(1) designate a representative nationwide sample of 10 percent of the inventory of properties held by the Veterans' Administration and referred to in subsection (a); and

(2) enter into contracts with one or more qualified commercial organizations to manage the properties in the designated sample and to dispose of such properties through the use of local real estate brokers and other real estate sales professionals.

(c) Not later than February 1, 1988, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the experience under the pilot program. The report shall include—

(1) the Administrator's assessment of the cost effectiveness of the program taking into account—

(A) the effectiveness of the program in providing quality management and timely disposition of properties acquired by the Veterans' Administration under chapter 37 of title 38, United States Code; and

(B) a comparison of the cost of the program with the cost of management and disposal of properties by the Veterans' Administration under such chapter;

(2) a description of the effects, if any, which the program had on the functions and duties performed by employees of the Veterans' Administration; and

(3) any recommendations for legislation which the Administrator considers appropriate.

EFFECTIVE DATES

SEC. 312. (a) The amendments made by sections 302, 303, 304, and 308 shall take effect September 1, 1986.

(b) The amendments made by section 301 shall apply with respect to residences acquired after the date of the enactment of this Act.

TITLE IV—NATIONAL CEMETERY SYSTEM

NATIONAL CEMETERY GRAVE MARKERS

SEC. 401. (a) Section 1004(c) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by adding at the end the following new paragraphs (2) and (3):

"(2)(A) Except as provided in subparagraph (B) of this paragraph, the Administrator shall designate a section in each national cemetery in which persons eligible for interment may be buried in graves to be marked with upright grave markers pursuant to paragraph (3)(B) of this subsection.

"(B) Subparagraph (A) shall not apply to a national cemetery established before January 1, 1986, if the Administrator has never, before that date, authorized graves in such cemetery to be marked with upright markers.

"(3)(A) Except as provided in subparagraph (B) of this paragraph, each marker in a national cemetery shall be flat.

"(B) If a person to be buried in a national cemetery (or the survivor or the legal representative of such person) has requested that the person's grave be marked with an upright marker and space is available in a section designated under paragraph (2)(A) of this section for graves marked with upright markers, the person shall be buried in such section and an upright marker shall be used to mark the grave.".

(b) The amendments made by subsection (a) shall apply with respect to markers for the graves of persons who die on or after July 1, 1986.

REPORT ON THE NATIONAL CEMETERY SYSTEM

SEC. 402. (a) Not later than 18 months after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the National Cemetery System established by section 1000 of title 38, United States Code. The Administrator shall submit a second such report not later than 60 months after such date.

(b) Each report required by subsection (a) shall include—

(1) a plan for the operation of the National Cemetery System through the year 2000, including a description of anticipated general trends relating to the operation of the National Cemetery System between the years 2000 and 2020 and a discussion of the provisions of the plan which were developed in response to those trends;

(2) a list, in order of priority, of the 10 geographic areas in the United States in which the need for additional burial space for veterans is greatest;

(3) assessments of the desirability and feasibility of acquiring existing State veterans' cemeteries in the geographic areas identified on the list described in clause (2) and of the role of State veterans' cemeteries generally in meeting the needs for burial space for veterans; and

(4) general plans (including projected costs, site location, and, if appropriate, necessary land acquisition) for any anticipated expansion of the National Cemetery System, including plans for meeting (A) the need for burial space for veterans in each geographic area identified on the list described in clause (2), and (B) the need for burial space in cemeteries other than cemeteries in the National Cemetery System in those areas.

MEMORIAL AREAS IN ARLINGTON NATIONAL CEMETERY

SEC. 403. (a) Chapter 75 of title 10, United States Code, is amended by adding at the end the following new section 1491:

"§ 1491. Memorial areas in Arlington National Cemetery

"(a) The Secretary of the Army may set aside, when available, a suitable area or areas in Arlington National Cemetery, Virginia, to honor the memory of members of the armed forces and veterans (as defined in section 101(2) of title 38)—

"(1) who are missing in action;

"(2) whose remains have not been recovered or identified;

"(3) whose remains were buried at sea, whether by the member's or veteran's own choice or otherwise;

"(4) whose remains were donated to science; or

"(5) whose remains were cremated and whose ashes were scattered without interment of any portion of the ashes.

"(b) Under regulations prescribed by the Secretary, appropriate memorials or markers may be erected in Arlington National Cemetery to honor the memory of those individuals, or group of individuals, referred to in subsection (a).".

(b) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1491. Memorial areas in Arlington National Cemetery.".

TITLE V—MISCELLANEOUS PROVISIONS

CLARIFICATION OF REQUIREMENT FOR A DETAILED PLAN AND JUSTIFICATION FOR ADMINISTRATIVE REORGANIZATION

SEC. 501. (a) Subparagraph (C) of section 210 (b)(2) is amended by inserting at the end the following new division:

"(iii) The term 'detailed plan and justification' means, with respect to an administrative reorganization, a written report which, at a minimum—

"(I) specifies the number of employees by which each covered office or facility affected is to be reduced, the responsibilities of those employees, and the means by which the reduction is to be accomplished;

"(II) identifies any existing or planned office or facility at which the number of employees is to be increased and specifies the number and responsibilities of the additional employees at each such office or facility;

"(III) describes the changes in the functions carried out at any existing office or facility and the functions to be assigned to an office or facility not in existence on the date that the plan and justification are submitted pursuant to subparagraph (A) of this paragraph;

"(IV) explains the reasons for the determination that the reorganization is appropriate and advisable in terms of the statutory missions and long-term goals of the Veterans' Administration;

"(V) describes the effects that the reorganization may have on the provision of benefits and services to veterans and dependents of veterans (including the provision of benefits and services through offices and facilities of the Veterans' Administration not directly affected by the reorganization); and

"(VI) provides estimates of the costs of the reorganization and of the cost impact of the reorganization, together with analyses supporting those estimates.".

(b)(1) Except as provided in paragraph (2), the amendment made by subsection (a) shall take effect with respect to administrative reorganizations proposed to be carried out in fiscal years beginning after fiscal year 1986.

(2) The amendment made by subsection (a) applies to the administrative reorganization referred to in the letters from the Administrator of Veterans' Affairs to the Committees on Veterans' Affairs of the Senate and the House of Representatives, dated February 1, 1985, relating to the consolidation of certain Veterans' Administration Department of Veterans' Benefits activities from 59 regional offices into three processing centers.

DEFINITION OF VIETNAM ERA

SEC. 502. Section 101(29) is amended to read as follows:

"(29) The term 'Vietnam era' means (A) the period beginning on August 5, 1964, and ending on May 7, 1975, or (B) the period beginning on February 21, 1961, and ending on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during such period.".

EFFECT OF PAYMENT FOR THERAPEUTIC AND REHABILITATION ACTIVITIES ON PENSION ENTITLEMENT

SEC. 503. (a) Section 618 is amended by adding at the end the following new subsection:

"(g) Notwithstanding any other provision of law, no amount of remuneration provided to an individual as a participant in a thera-

peutic or rehabilitative activity carried out pursuant to this section shall be included in determining annual income for purposes of pension payments under laws administered by the Administrator.".

(b) The amendment made by subsection (a) shall take effect with respect to pension payments made on or after January 1, 1986.

ESTATE LIMITATIONS RELATING TO INCOMPETENT INSTITUTIONALIZED VETERANS

SEC. 504. Section 3203(b)(1)(A) is amended—

(1) by striking out "$1,500" and inserting in lieu thereof "$6,000"; and

(2) by striking out "$500" and inserting in lieu thereof "$2,000".

EVALUATION OF THE NEEDS OF NATIVE AMERICAN VETERANS

SEC. 505. (a)(1) Not later than February 1, 1986, the Administrator of Veterans' Affairs shall establish an advisory committee to conduct an evaluation to determine the extent to which the programs and other activities of the Veterans' Administration meet the needs of veterans who are Native Americans, including Alaska Natives (as defined in section 3(b) of the Alaska Native Claims Settlement Act (85 Stat. 689; 43 U.S.C. 1602(b)).

(2) The advisory committee shall consist of—

(A) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);

(B) the Chief Medical Director and Chief Benefits Director of the Veterans' Administration or their representatives; and

(C) members appointed by the Administrator from the general public, including—

(i) representatives of veterans who are Native Americans, including Alaska Natives and those with service-connected disabilities; and

(ii) individuals who are recognized authorities in fields pertinent to the needs of veterans described in subclause (i), including specific health care needs of such veterans and the delivery of health care services by the Veterans' Administration to such veterans.

(b) The evaluation required by subsection (a)(1) shall include—

(1) an assessment of the needs of the veterans described in subsection (a)(1) for health care, rehabilitation, readjustment counseling, drug and alcohol counseling, outreach services, and other benefits and assistance under programs administered by the Veterans' Administration; and

(2) a review of the manner in which and the extent to which the programs and other activities of the Veterans' Administration meet such needs.

(c)(1)(A) Not later than August 1, 1987, the advisory committee shall submit to the Administrator a report containing the findings and any recommendations of the advisory committee on the matters described in subsection (b).

(B) Not later than August 1, 1988, the advisory committee shall submit to the Administrator a report containing any views developed by the advisory committee after August 1, 1987, on the recommendations included in the report required by subparagraph (A) and the views of the advisory committee on any actions taken by the Administrator on such recommendations.

(2)(A) Not later than October 1, 1987, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives the report submitted by the advisory committee to the Administrator under paragraph (1), together with any comments on the report and recommendations relating to such report that the Administrator considers appropriate.

(B) Not later than October 1, 1988, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives the report submitted by the advisory committee to the Administrator under paragraph (1)(B), together with any comments and recommendations relating to the report that the Administrator considers appropriate.

(d) The Administrator shall determine the number and pay and allowances of members of the advisory committee appointed by the Administrator.

(e) The advisory committee shall terminate 90 days after the date on which the Administrator submits the report required by subsection (c)(2)(B).

COLLOCATION OF REGIONAL OFFICES AND MEDICAL CENTERS; ASSESSMENT OF COMBINING NEARBY REGIONAL OFFICES

SEC. 506. (a)(1) Not later than June 1, 1986, the Administrator of Veterans' Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a plan, including a schedule, for collocating at least 7 regional offices of the Veterans' Administration described in paragraph (3) with Veterans' Administration medical centers on the grounds of such medical centers. The plan and schedule shall provide for the collocations to be commenced and completed as soon as practicable.

(2) The plan required by paragraph (1) shall include—

(A) an analysis of the estimated costs and savings which would result from the collocations;

(B) the advantages and costs of furnishing personnel, supply, administration, and finance services and other supporting services jointly to regional offices of the Veterans' Administration and Veterans' Administration medical centers; and

(C) any other advantages and any disadvantages of such collocations relating to costs and the provision of benefits and services to veterans.

(3) The regional offices referred to in paragraphs (1) and (2) are regional offices of the Veterans' Administration which are not located at Veterans' Administration medical centers on the date of the enactment of this Act.

(b) The Administrator of Veterans' Affairs may submit together with the plan submitted under subsection (a) any assessment that the Administrator has made of the advantages, disadvantages, and costs of combining regional offices of the Veterans' Administration which, on the date of enactment of this Act, are located near each other.

VIETNAM EXPERIENCE STUDY OF THE HEALTH STATUS OF WOMEN VIETNAM VETERANS

SEC. 507. (a)(1)(A) Except as provided in paragraph (2), the Administrator of Veterans' Affairs shall provide, through contracts or other agreements with private or public agencies or persons, for the conduct of an epidemiological study of any long-term, adverse, and gender-specific health effects and other health effects which have been experienced by women who served in the Armed Forces of the United States in the Republic of Vietnam during the Vietnam era and which may have resulted from (i) traumatic experiences, (ii) from exposure to phenoxy herbicides (including the herbicide known as Agent Orange), to other herbicides, chemicals, or medications that may have deleterious health effects, or to environmental hazards during such service, or (iii) from any other similar experience or exposure during such service.

(B) The Administrator may also include in the study conducted under subparagraph (A) an evaluation of the means of detecting and treating long-term, adverse, and gender-specific health effects and other health effects found through the study.

(2)(A) If the Administrator, in consultation with the Director of the Office of Technology Assessment, determines that it is not feasible to conduct a scientifically valid study of an aspect of the matters described in paragraph (1)(A)—

(i) the Administrator shall promptly submit to the appropriate committees of the Congress a notice of that determination and the reasons for the determination; and

(ii) the Director, not later than 60 days after the date on which such notice is submitted to the committees, shall submit to such committees a report evaluating and commenting on such determination.

(B) The Administrator is not required to study any aspect with respect to which a determination or determinations have been made and a notice or notices have been submitted pursuant to subparagraph (A)(i).

(C) If the Administrator notifies the Congress of a determination made pursuant to subparagraph (A) that it is not scientifically feasible to conduct the study described in paragraph (1)(A), this section shall cease to be effective as if the section were repealed by law on the date of the notification under this subparagraph.

(b)(1) The study required by subsection (a) shall be conducted in accordance with a protocol approved by the Director of the Office of Technology Assessment.

(2) Not later than April 1, 1986, the Administrator shall publish a request for proposals for the design of the protocol to be used in conducting the study under this section.

(3) In considering any protocol for use or approval under this section, the Administrator and the Director shall take into consideration the protocol approved under section 307(a)(2)(A)(i) of the Veterans Health Programs Extension and Improvement Act of 1979 (Public Law 96-151; 93 Stat. 1097; 38 U.S.C. 219 note), and the experience under the study being conducted pursuant to that protocol.

(c)(1) Concurrent with the approval or disapproval of any protocol under subsection (b)(1), the Director shall submit to the appropriate committees of the Congress a report—

(A) explaining the reasons for the Director's approval or disapproval of the protocol, as the case may be; and

(B) containing the Director's conclusions regarding the scientific validity and objectivity of the protocol.

(2) If the Director has not approved a protocol under subsection (b)(1) by the last day of the 180-day period beginning on the date of the enactment of this Act, the Director—

(A) shall, on such day, submit to the appropriate committees of the Congress a report describing the reasons why the Director has not approved such a protocol; and

(B) shall submit to such committees an updated report on the report required by

clause (A) each 60 days thereafter until such a protocol is approved.

(d)(1) In order to ensure compliance with the protocol approved under subsection (b)(1)(A), the Director shall monitor the conduct of the study under subsection (a).

(2)(A) The Director shall submit to the appropriate committees of the Congress, at each of the times specified in subparagraph (B), a report on the Director's monitoring of the conduct of the study pursuant to paragraph (1).

(B) A report shall be submitted under subparagraph (A)—

(i) before the end of the 6-month period beginning on the date on which the Director approves the protocol referred to in paragraph (1);

(ii) before the end of the 12-month period beginning on such date; and

(iii) annually thereafter until the study is completed or terminated.

(e) The study conducted pursuant to subsection (a) shall be continued for as long after the date on which the first report is submitted under subsection (f)(1) as the Administrator determines that there is a reasonable possibility of developing, through such study, significant new information on the health effects described in subsection (a)(1)(A).

(f)(1) Not later than 24 months after the date of the approval of the protocol pursuant to subsection (b)(1)(A) and annually thereafter, the Administrator shall submit to the appropriate committees of the Congress a report containing—

(A) a description of the results obtained before the date of such report under the study conducted pursuant to subsection (a); and

(B) any administrative actions or recommended legislation, or both, and any additional comments which the Administrator considers appropriate in light of such results.

(2) Not later than 90 days after the date on which each report required by paragraph (1) is submitted, the Administrator shall publish in the Federal Register for public review and comment a description of any action that the Administrator plans or proposes to take with respect to programs administered by the Veterans' Administration based on (A) the results described in such report, (B) the comments and recommendations received on that report, and (C) any other available pertinent information. Each such description shall include a justification or rationale for the planned or proposed action.

(g) For the purposes of this section—

(1) the term "gender-specific health effects" includes (A) effects on female reproductive capacity and reproductive organs, (B) reproductive outcomes, (C) effects on female-specific organs and tissues, and (D) other effects unique to the physiology of females; and

(2) the term "Vietnam era" has the meaning given such term in section 101(29) of title 38, United States Code.

SEC. 508. (a)(1) The first sentence of section 1 of Public Law 98-77 (29 U.S.C. 1721 note) is amended to read as follows: "This Act may be cited as the 'Veterans' Job Training Act'.".

(2) Any reference in any Federal law to the Emergency Veterans' Job Training Act of 1983 shall be deemed to refer to the Veterans' Job Training Act.

(b) Section 5(a)(1)(B) of such Act is amended by striking out "fifteen of the twenty" and inserting in lieu thereof "10 of the 15".

(c) The second sentence of section 8(a)(1) of such Act is amended to read as follows: "Subject to section 5(c) and paragraph (2), the amount paid to an employer on behalf of a veteran for a period of training under this Act shall be—

"(A) during the first 3 months of that period, 50 percent of the product of (i) the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (ii) the number of hours worked by the veteran during those months; and

"(B) during the fourth and any subsequent months of that period, 30 percent of the product of (i) the actual hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (ii) the number of hours worked by the veteran during those months.".

(d) Section 14 of such Act is amended by inserting "(a)" before "The" and adding at the end the following new subsections:

"(b) The Administrator and the Secretary shall jointly provide for a program of counseling services designed to resolve difficulties that may be encountered by veterans during their training under this Act and shall advise all veterans and employers participating under this Act of the availability of such services and encourage them to request such services whenever appropriate.

"(c) The Administrator shall advise each veteran who enters a program of job training under this Act of the supportive services and resources available to the veteran through the Veterans' Administration, especially, in the case of a Vietnam-era veteran, readjustment counseling under section 612A of title 38, United States Code, and other appropriate agencies in the community.

"(d) The Administrator and the Secretary shall jointly provide for a program under which a case manager is assigned to each veteran participating in a program of job training under this Act and periodic (not less than monthly) contact is maintained with each such veteran for the purpose of avoiding unnecessary termination of employment and facilitating the veteran's successful completion of such program.".

(e) Section 16 of such Act is amended—

(1) by inserting "and $55 million for fiscal year 1986," after "1985"; and

(2) by striking out "1987" and inserting in lieu thereof "1988".

(f) Section 17 of such Act is amended—

(1) by striking out "Assistance" and inserting in lieu thereof "(a) Except as provided in subsection (b), assistance";

(2) in clause (1), by striking out "February 28, 1985" and inserting in lieu thereof "January 31, 1987";

(3) in clause (2), by striking out "July 1, 1986" and inserting in lieu thereof "July 31, 1987"; and

(4) by adding at the end the following new subsection:

"(b) If funds for fiscal year 1986 are appropriated under section 16 but are not both so appropriated and made available by the Director of the Office of Management and Budget to the Veterans' Administration on or before February 1, 1986, for the purpose of making payments to employers under this Act, assistance may be paid to an employer under this Act on behalf of a veteran if the veteran—

"(1) applies for a program of job training under this Act within 1 year after the date on which funds so appropriated are made available to the Veterans' Administration by the Director; and

"(2) begins participation in such program within 18 months after such date.".

(g)(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this section.

(2)(A) The amendment made by subsection (c) shall apply with respect to payments made for programs of training under such Act that begin after January 31, 1986.

(B) The amendment made by subsection (f)(2) shall take effect on February 1, 1986.

SEC. 509. (1) In carrying out section 1516(b) of title 38, United States Code, the Administrator of Veterans' Affairs shall take all feasible steps to establish and encourage, for veterans who are eligible to have payments made on their behalf under such section, the development of training opportunities through programs of job training consistent with the provisions of the Veterans' Job Training Act (as redesignated by section 508(a)(1) of this Act) so as to utilize programs of job training established by employers pursuant to such Act.

(2) In carrying out such Act, the Administrator shall take all feasible steps to ensure that, in the cases of veterans who are eligible to have payments made on their behalf under both such Act and such section, the authority under such section is utilized to the maximum extend feasible and consistent with the veterans' best interests to make payments to employers on behalf of such veterans.

SEC. 510. (a) For the purposes of this section:

(1) The term "private industry council" means a private industry council established pursuant to section 102 of the Job Training Partnership Act (29 U.S.C. 1512).

(2) The term "service delivery area" means a service delivery area established pursuant to section 101 of the Job Training Partnership Act (29 U.S.C. 1511).

(b)(1) The Secretary of Labor shall evaluate the feasibility and advisability of establishing and administering, under part C of title IV of the Job Training Act, a program described in paragraph (2).

(2) The program referred to in paragraph (1) is a program under which, upon the Secretary's determination and declaration of a severe State or regional employment deficiency or a veterans' employment deficiency in a State or service delivery area, grants are made, from a veterans' job training grant fund established by the Secretary from funds available to carry out part C of title IV of the Job Training Partnership Act, to a State or appropriate private industry council to fund an on-the-job training program which is similar in structure and purpose to the job training program established under the Veterans' Job Training Act 1983 (as redesignated by section 508(a)(1) of this Act) and is to be conducted in such State or service delivery area.

(c) Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the evaluation made under subsection (b). The report shall include—

(1) recommended definitions, standards, and implementation procedures for declaring and determining the duration of a severe State or regional employment deficiency and a veterans' employment deficiency in a State or service delivery area;

(2) recommended procedures for commencing a job training program in a State or service delivery area and for making financial assistance and other resources available for such job training program when a

veterans' employment emergency is declared with respect to the State or service delivery area;

(3) recommended procedures for administering an emergency veterans' job training grant fund, including recommended minimum and maximum amounts to be maintained in such fund;

(4) recommended limits on the amounts of grants to be made to any grantee State or private industry council;

(5) recommended veteran and employer eligibility criteria and entry and completion requirements;

(6) a description of the support and counseling services that are necessary to carry out a job training program in a State or service delivery area;

(7) the recommended administrative component or components of the Department of Labor which would be appropriate—

(A) to administer a grant program described in subsection (b), including the contracting and monitoring functions;

(B) to determine the eligibility criteria for applicants for training and for employer certifications;

(C) to establish findings of veterans' employment deficiencies in States and service delivery areas; and

(D) to verify the level of compliance of grantee States or private industry councils, veterans, and employers with the requirements of the grant program and the job training programs funded by the grant program;

(8) the estimated costs of administering and monitoring a job training grant program described in subsection (b) and consistent with the recommendations made in such report; and

(9) such other findings and recommendations, including any recommendations for legislation, as the Secretary considers appropriate.

SEC. 511. The Veterans' Administration Medical Center in Phoenix, Arizona, shall after the date of the enactment of this Act be known and designated as the "Carl T. Hayden Veterans' Administration Medical Center". Any reference to such medical center in any law, regulation, map, document, record, or other paper of the United States shall after such date be deemed to be a reference to the Carl T. Hayden Veterans' Administration Medical Center.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. MONTGOMERY: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. AMENDMENTS TO CHAPTER 32 PROGRAM.

(a) IN GENERAL.—(1) Section 1601(1) of title 38, United States Code, is amended by inserting "and before July 1, 1985," after "December 31, 1976,".

(2) Section 1602(1)(A) of such title is amended by inserting "and before July 1, 1985," after "January 1, 1977," both places it appears.

(3) Section 1621(a) of such title is amended—

(A) by inserting "and before July 1, 1985," after "January 1, 1977,"; and

(B) by inserting "before July 1, 1985" before the period at the end of the first sentence.

(b) CONFORMING REPEAL.—Section 704 of Public Law 98-524 is repealed.

Mr. MONTGOMERY (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from Mississippi [Mr. MONTGOMERY].

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to the title offered by Mr. MONTGOMERY: Amend the title so as to read: "An Act to amend chapter 32 of title 38, United States Code, and for other purposes.".

The amendment to the title was agreed to.

A motion to reconsider was laid on the table.

□ 1015

FINAL APPROVAL FOR "COP KILLER" BULLET BILL

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, a little more than 6 years ago, I began a legislative effort aimed at outlawing armor-piercing cop-killer bullets. Despite the compelling nature of this issue and the total support it received from the law enforcement community, this legislation was slow in moving.

Yet, in the end, our persistence paid off. Two nights ago the Law Enforcement Officers Protection Act received final congressional approval, and it now awaits the willing signature of President Reagan.

Significantly, our final legislative product was not some watered-down version of what we set out to do. In the end, there was no compromise on the part of police safety. The bill approved by Congress, H.R. 3132, establishes a total ban on the public availability of armor-piercing ammunition. That includes what's already out there, as well as any new supply. We could do no more, and as a 23-year police veteran I want to thank my colleagues for all of their support.

CONTRA AID SHOULD BE ACTED ON NOW

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, it is my understanding that the other body has acted upon the aid to the Contras. I have been told by some of my colleagues that we may not be acting upon it until after the recess, Mr. Speaker. And I submit to you, Mr. Speaker, that it is very important to the people of Central America and the United States that that be acted upon today before we recess.

We are going to be acting upon the South African resolution, I understand, which came subsequent to the aid to the Contra bill. I submit to you that the will of the people of this country has been spoken very clearly in this Chamber by Members of this body and by the other body, and I think that it is unforgivable that people who are fighting for their freedom in Central America are going to be denied the resources that are necessary to take that fight to the enemy because the Speaker of this body is going to sit on it.

Mr. Speaker, I hope that you will seriously reconsider your actions and bring this matter to the floor of the House today.

POSTHUMOUSLY AWARDING CONGRESSIONAL GOLD MEDAL TO JESSE OWENS

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, I rise today to introduce a resolution of Congress, for the purpose of awarding a congressional gold medal posthumously, to the greatest Olympic champion of our time, Jesse Owens.

Fifty years ago this month, Jesse Owens was the central character of the most important sports story of this century, which took place at the 1936 Olympic games, held in Berlin, Germany. The scene was charged with political, social and world-altering significance. The cruelest and most prominent dictator of the 20th century, Adolf Hitler had declared the superiority of the Aryan race. Jesse Owens entered that oppressive atmosphere and performed athletic feats that had the German crowd on its feet and chanting his name. Adolf Hitler, humiliated on his own turf, was forced to leave the stadium, with his Aryan superiority theory totally discredited. Jesse emerged, a hero.

Jesse Owens is universally regarded as the most famous and symbolic hero of the modern Olympic games. Perhaps no other athlete has become

more closely identified with the true meaning and spirit of the Olympics. Although his athletic feats at the Games took place in the world's most politically charged era, Jessee steadfastly believed that politics had no place in the games. In 1980, he wrote:

> The Olympics never were meant to be a contest between nations, only between individuals. Winning was never intended as the ultimate goal. That goal, as Pierre de Coubertin, the founder of the modern Games, put it, is "achieving one's full potential." The sweetest victory, in other words, is doing one's best.

However, Mr. Speaker, as we have learned from history, politics have played an enormous part in the Olympic games. It was that atmosphere into which Jesse Owens was born and in which he ultimately prevailed.

James Cleveland Owens was born on September 12, 1913. His early childhood was spent picking cotton until he and his family moved to Cleveland when he was 9 years old. There, when asked his name by a schoolteacher, he replied "J.C.". She understood him to say "Jesse" and thereafter, he was known by that name.

Owens began his track career at the age of 13. He became a nationally known sprinter at East Technical High School in Cleveland, where he set national AAU records. He continued his education at Ohio State University, where, despite his high school performance, he was admitted without an athletic scholarship and was forced to find odd jobs to finance his education.

Mr. Speaker, despite this hardship, Jesse was an undisputed track star at Ohio State where he was known as the "Buckeye Bullet." His overwhelming talent was most conclusively demonstrated on May 25, 1935, at the Big Ten Track and Field Championships at Ann Arbor, MI.

On that day, Owens was hobbled by a painful back injury incurred the previous day after falling down a flight of stairs while roughhousing with a fraternity brother. He could barely bend over, but the record books show no indication of Jesse's injury. In less than 1 hour, Owens successively equaled the world record for the 100-yard dash, 9.4 seconds, broke the world record for the broad jump on one attempt, 26 feet, 8¼ inches, a record that stood for 25 years, broke the world record for the 220-yard dash, 20.3 seconds, and broke the world record for the 220-yard low hurdles, 22.6 seconds.

Mr. Speaker, those present were awed by Jesse's performance. "He is a floating wonder, just like he had wings." said Big Ten Commissioner Kenneth L. (Tug) Wilson. Bill Reed, who went on to be an assistant Big Ten Commissioner, said, "It was one of those rare moments in sports when you can't believe what you are seeing." Mark Heisler of the Los Angeles Times wrote later that "no one before or since has ever had a day like that and no one probably ever will."

The next year, as the Italians occupied Ethiopia, Spain erupted into a civil war, and the Germans marched into the Rhineland, Jesse Owens traveled to Germany to participate in the 1936 International Olympic Games. In the foreboding climate of Berlin, in which the entire setting, the new Olympic Stadium and the gaily decorated city were prepared to demonstrate the superiority of the "Aryan" race, Jesse Owens demonstrated his superiority in track and field events.

He won the 100-meter dash in 10.3 seconds on Monday, August 2. On Tuesday, August 3, he won the broad jump at 26 feet, 5½ inches. On Wednesday, August 4, he surpassed his previous efforts and won the 200-meter finals in 20.7 seconds, when no one in the history of the event had run it faster that 21.0 seconds. On the final day of track competition, Owens won his fourth gold medal as leadoff man of the 400 meter relay team. Hitler, consumed by anger, stalked from the stadium before Owens won his third medal. The "Black Auxiliaries" as the black athletes were derisively labeled by the German dictator, had conclusively shown that they were not inferior to anyone.

Mr. Speaker, Jesse Owens returned to America a hero, and was given the ultimate hero's welcome—a ticker tape parade. Americans expressed love and pride for Jesse and were very indignant that Hitler had not congratulated Owens, nor any of the black athletes.

"It was alright with me," Owens commented years later. "I didn't go to Berlin to shake hands with him, anyway." He also made an astute observation about American reaction to the snub. "When I came back, after all those stories about Hitler and his snub, I came back to my native country, and I couldn't ride in the front of the bus. I had to go to the back door. I couldn't live where I wanted. Now what's the difference?"

Although widely proclaimed as a national hero, Jesse Owens received no phone call from the President, nor was he invited to the White House. Jesse returned to life as a black man in the United States. Initially, he began a business career, but as memories of his feats faded, he was forced to race horses and machines in order to make a living. He also worked as a playground janitor and toured with the Harlem Globetrotters. He finally achieved business success later in life when he formed his own public relations firm. Despite the hardships he endured, Jesse Owens still believed in America and still believed in the Olympic ideal.

He was finally officially honored by this Nation in 1976, when President Gerald R. Ford awarded him the Presidential Medal of Freedom. Three years later, President Jimmy Carter gave him the Living Legends award. I believe that it is now time for Congress to honor him as well.

Jesse Owens died in 1980, but his spirit lives on. He was more than a sports legend, more than a national figure, greater than a hero. He was the embodiment of fair play, perseverance under pressure, dignity, and grace in the face of discrimination and prejudice. He succeeded where a lesser individual would have failed. And he fervently believed in the power of sport to spread peace and understanding throughout the world.

Shortly before he died, he wrote:

> The Games are more than a great athletic spectacle. They are a spectacle of peace. Barriers of distance and language are broken in a few moments; a few hours at most. Life long friendships are made. Fierce rivalries are transformed into beautiful brotherhood * * *. The road to the Olympics * * * leads to no city, no country. It goes far beyond Lake Placid or Moscow, ancient Greece or Nazi Germany.
>
> The road to the Olympics leads, in the end, to the best within us.

Mr. Speaker, Jesse Owens' contributions to American sport, American society, and American history are invaluable. I urge my colleagues to join me by cosponsoring this resolution to honor one of our greatest Americans.

"OPERATION ALLIANCE" TO COMBAT DRUG TRAFFIC

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, yesterday, Vice President BUSH and Attorney General Meese announced the commencement of "Operation Alliance," an initiative aimed at combating the drug traffic into this country from the Mexican border region. This effort is an attempt to beef up our enforcement presence in the area, and to establish a long-term commitment to interagency coordination in order to stem the flow of lethal narcotics into our Nation. Part of this effort involves a request for $266 million to be spent for personnel, equipment, and training. While budget constraints are a reality, our job as a Congress is to set priorities. Protecting society from this menace surely must be among our highest priorities.

Mr. Speaker, the effect of yesterday's announcement was a declaration of war on drugs. Let there be no mistake about it; $266 million may not be enough to win the war, but it is a war best begun and begun now—before we lose our children, our friends and our coworkers to the onslaught of the most insidious enemy this country has ever faced. We must recruit every

man, woman and child in that war to end the demand for narcotics, and we must coordinate all of our law enforcement agencies—at the Federal, State and local levels—in order to stem the supply of drugs. Only through this two pronged approach will this war be won.

I urge my colleagues to take an active leadership role in this war; to approve the request of the administration for the extra funds needed to escalate the fight; and to spread the word about the lethal danger drugs pose not only to our bodies but to our minds.

Mr. Speaker, let the battle begin, and let the battle be won.

HOUSE CAN BE PROUD OF RESTRAINED USE OF MAILING PRIVILEGES

(Mr. FAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAZIO. Mr. Speaker, we are about to return to our districts for a period of time, and I am sure that many of the Members will be in touch with their constituents in townhall meetings, and it is very likely that the subject of how the Congress has handled its frank, its mailing privileges, may become a subject of issue.

I would simply like to set the record straight before we leave. Currently, as of the end of the first three-quarters of this fiscal year, the Congress has sent out the equivalent of $72 million out of an appropriated $95 million for the entire year. We will be, if we stay on the course that we are on, almost exactly on or close to the target in terms of meeting the appropriated amount. That is a surprising result, because we had anticipated spending far more. The earlier estimate from the Postal Service was $144 million. We have cut back by at least 25 percent.

As you know, Members of the other body have used this to somehow cast aspersions on the House, implying that we were not controlling our mail volumes.

In fact, if you look at the record, the House has made a slightly larger contribution to that over 25-percent reduction in the anticipated amount of mail that we send out in response to our constituents. The earlier estimate had been we would utilize 61 percent of the 1986 mail bill. But the House has cut back to 59 percent, as of the end of the third quarter.

I think that we have nothing to be ashamed of. In fact, I think that under the leadership that has been provided in this House on both sides of the aisle, by the whip and the majority leader, we have effectively advised the Members and caused them to be more restrained in the use of the frank.

I think that we will stay on target, come very close to meeting our goal, and have something to be proud of.

WAR ON DRUGS INCLUDES FIGHTING CORRUPTION

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, this morning we read again on our front pages of the kidnaping and torture of yet another one of our U.S. drug enforcement agents. This very distressing report came during several days of meetings some us had with Mexico's Attorney General Ramirez, in which he assured us that Mexico was working to combat narcotics trafficking and corruption from within.

Today we were informed that our agent was kidnaped by members of the Jalisco State Police. News reports indicate that this same police unit were the abductors of our DEA agent Enrique Camarena, who was tortured and murdered last year.

That these acts occur in the same Mexican state is clear proof that additional major efforts are needed by the Mexican Government to root out the corruption in their midst. The thrust of our newly negotiated agreement between Attorney General Meese and Mexican Attorney General Ramirez is sorely needed, but these sensitive agreements are vulnerable. Unless and until these insidious acts against our own agents cease, we will be unable to work together with the Mexican Government in the spirit that is needed.

Our declared war against narcotics needs a strong, combined, cooperative effort, and that war includes fighting corruption wherever that may be.

CORRUPTION IN MEXICAN LAW ENFORCEMENT HAMPERS DRUG WAR

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, on Wednesday, about the time that I was meeting with the Mexican Attorney General here on the Hill, Jalisco State Police officials in Guadalajara arrested DEA Agent Victor Cortez for more than 6 hours. According to confirmed sources, he was, in fact, tortured by cattle prods and soda water up the nose during this period. The confidential informant arrested with him was also treated in the same fashion.

This incident bears a striking resemblance to what occurred 18 months ago to DEA Agent Enrique Camarena, who met a fate much worse.

It is time to lance the boil of corruption that allows some Mexican law enforcement officials to act with impunity as thugs and terrorists. Those of us who deal with the drug situation on a daily basis understand the circumstances in Mexico, but the Mexican Government's continuing tolerance of such widespread corruption would try even the patience of Job. The safety and lives of our DEA agents are at stake.

The latest joint antidrug initiative cannot succeed as long as such corruption continues within the Mexican law enforcement establishment. The American people will not long tolerate these outrages. Who are we supposed to be fighting? Who are the bad guys, anyway—the drug smugglers or the Mexican police?

NEW APPROACH NEEDED IN SOUTH PACIFIC

(Mr. SUNIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNIA. Mr. Speaker, the news this week about our country's relations with our two main allies in the South Pacific, Australia and New Zealand, has not been very assuring or comforting to those of us Americans who live in that part of the world.

We are aware and supportive of our country's position in the matter of our ships entering New Zealand ports. We also understand why we need to sell wheat to the Soviets and sugar to the Chinese. But having worked out those deals with our adversaries, we wonder why it is so difficult for us to work out our differences with our friends.

The ANZUS Treaty has been the safety net, the umbrella of security, for the South Pacific for 40 years. Like a fish in our ocean, it is now entangled in a net of conflicting international interests.

We are hopeful, and I ask, on behalf of us Americans in the South Pacific, that a new approach be fashioned for protecting our interests, and indeed our security, in our part of the world.

TIME IS RUNNING OUT FOR SANE WORLD FARM TRADE POLICY

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, for a long time now, I have been urging our Government leaders to arrange an international conference on the increasingly serious problems of world trade in agricultural products, a summit meeting for officials dealing in agricultural trade.

Today I am renewing that call, because the time left for avoiding a trade war is running out. If leaders from our

own country and other agricultural exporters cannot reach fair agreements soon, it will be too late to avoid a trade war that all of us say we do not want.

I know that reaching agreements will not be easy. But it can be done if all of the nations involved want to get the job done. As my colleagues know, the United States and the European Common Market recently announced the settlement of a long and bitter trade dispute involving European pasta and American citrus. That agreement does not, of course, settle the major trade issues on which we disagree. But it does give me some hope for the future. It shows that trade disputes can be settled on terms that both sides can live with. And if we can do that on an issue like the citrus and pasta matter, perhaps we can go on to deal with larger issues in the same spirit. If we do not, we face the possibility of a series of brushfire skirmishes that could grow into a major trade war.

I raise this issue again because there has been so much debate and some confusion recently about efforts to help American farmers regain overseas grain markets—markets they have lost for reasons which include unfair subsidy practices by other exporting nations.

The efforts I'm talking about include proposals to require the administration to use its existing authority to broaden the so-called Export Enhancement Program, which Congress adopted last year as part of the omnibus farm bill. In operating the program, the administration has refused—with the exception of the limited action it took for the Soviet Union recently—to extend the program to a number of our traditional foreign customers. At a time when American farmers are facing depressed prices, many Members felt they could not ignore the need to take whatever steps might be available to regain markets for our producers.

Legislation of this kind may sound simple, but it is not either simple or easy. We do not want to create new problems for friendly countries. The controversy over the administration's recent sale of sugar to China underlines the difficult decisions that can arise. And for myself, I want the record to show that I am willing to look at anything I can do to minimize problems for trading partners—within the bounds of our obligation to the survival of our own efficient farmers.

I want the record to show, also, that when Congress discusses efforts to expand export sales, we are not acting out of a desire to raid the world market or practice protectionism. The issue we face now has been triggered by events and policies in other competing countries, policies which have forced us into a position in which we must do one of three things: We must respond with measures like the Export Enhancement Program; we must allow our farmers and our taxpayers to bear the whole burden of problems they did not create and cannot control; or we must find a way to remove the need for export subsidy programs.

The steps we have heard discussed are being proposed because these are extraordinary times and we must do whatever we can to recapture the markets we have lost. But the best long-term answer to the problems we face lies in another direction. It lies in persuading other trading nations, especially the European Economic Community, to move away from the destructive export subsidy policies that have brought us to where we are today.

That is why I have urged the administration to call an agricultural summit. That is why I am renewing that recommendation today.

ALCOHOL ABUSE IS A DRUG PROBLEM, TOO

(Mr. REID asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REID. Mr. Speaker, I want to express my full support for the International Narcotics Control Act, an omnibus drug bill aimed at intensifying U.S. efforts at narcotics control assistance and eradication. Escalating drug production and trafficking poses a devastating threat to our country that demands our immediate attention.

Equally frightening, however, are the problems created through use of another kind of drug, the legalized intoxicant we know as alcohol. Alcohol abuse is responsible for disease, accidents, and violent acts that claim the lives of almost 100,000 people each and every year. Not including the cost of these lives to which we can attach no monetary value, society spends more than $116 billion annually in an attempt to compensate for damage done by alcohol abuse. The statistics are staggering; the outcry for assistance deafening. We must remember to count alcohol among the drugs that create the problems we face, so that our efforts are not only effective, but comprehensive as well.

□ 1025

ADOPT A PRISONER OF APARTHEID

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, on July 12, 1986, South African President Botha announced the sweeping state of emergency. September 19, 1986, will mark the 100th day of that state of emergency.

The gentleman from Michigan [Mr. CONYERS], myself, and others, in discussing with David Saperstein, groups from Trans-Africa and other interested parties, will be organizing during the week following and on the day of September 19, "Adopt a Prisoner of Apartheid," modeled on a program of adopting Soviet Jews who are prisoners in the Soviet Union.

This will help the American people understand the circumstances of individual South Africans. It will give the masses of Americans who are concerned about the situation in South Africa an opportunity to participate in a clear statement about the individual who is suffering in that racist state.

I would hope that all my colleagues would join with the gentleman from Michigan, JOHN CONYERS, and myself, and many others in organizing local efforts in each of their own States. I would hope that the citizens of those States would start calling Members of Congress now to ask them to join this effort in adopting a prisoner of apartheid.

REPUBLICANS CHALLENGED TO VOTE "YES" ON DEFENSE

(Mr. HERTEL of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERTEL of Michigan. Mr. Speaker, the word is out. The Republicans are going to vote "no" on the Defense authorization bill.

The bill will be finished today, and most of the work has already been done. We challenge them today to vote "yes."

If you are afraid of reforming the Pentagon, then vote "no." If you are afraid of changing the system, then vote "no." If you are afraid of saving money, vote "no." If you are afraid of stopping waste, vote "no." If you are afraid of improving negotiations, vote "no." If you are afraid of avoiding nuclear war, vote "no," because all of these improvements and reforms will be lost if the bill is defeated.

I ask you to vote "yes." Vote "yes" for the future.

RUNNING OUT OF TIME

(Mr. LEWIS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Florida. Mr. Speaker, Monday we read of the wonderful agreement reached by the United States and the European Community with respect to the longstanding pasta war.

Unfortunately, the agreement, heralded by the administration as a breakthrough, is nothing but a sham.

In return for small tariff reductions, our citrus industry had been told they can no longer challange the EC's system of preferences, preferences which are in themselves a violation of the General Agreement on Tariffs and Trade.

No agreement would be better than the so-called agreement which has been set before us.

I voted to sustain the veto on the Textile and Apparel Trade Enforcement Act. I believed this legislation would hurt American jobs and hinder those ongoing trade negotiations.

My vote was a vote for time, time for the United States to take full advantage of upcoming trade negotiations.

Unfortunately, if the agreement with the EC is a sign of what lies ahead, our trade negotiations just run out of time.

VOTE TO KEEP FUNDS FOR STRATEGIC HOMEPORTING

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, today we are considering an amendment to delete funds for strategic homeporting. I believe it would be a serious mistake if the House voted to adopt the Hertel amendment.

Strategic homeporting is a step that makes military sense. It is supported by virtually all former Chiefs of Naval Operations, and current Navy leaders. It will increase fleet survivability. It will improve Active and Reserve integration, and it will help our industrial base.

Most important, it is affordable. The overall cost of $799 million has been capped by the other body and agreed upon by the Navy. These numbers have been verified by the prestigious accounting firm of Coopers & Lybrand, and let there be no mistake, we could not accommodate the growing fleet in existing home ports. It would cost money, only $200 million less than dispersal over a 5-year period.

We have invested billions in new Navy ships. It only makes sense to make this small investment to insure that they are available where and when needed.

I urge support of strategic homeporting. Make no mistake. Today's vote is on the policy of strategic homeporting.

I believe we should reverse our prior stance and approve this vital and affordable national security policy. Vote against the Hertel amendment.

THE BUDGET DEFICIT

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, in the past few days, new budget deficit estimates have been issued by the Office of Management and Budget and by the Congressional Budget Office. These figures show that the 1986 deficit will hit a record high of $230 billion. That amounts to excess spending of $1,000 for each man, woman, and child in this country. I wonder how many of my constituents feel that they received $1,000 more in Government services than they put into the system in taxes. Not many, I am sure. This record deficit makes them angry. It makes me angry.

For the last few years, we have heard a lot of talk about spending cuts. Last year, the budget passed by this Congress was supposed to cut $57 billion. Listening to the news media and the rhetoric of Members of Congress, you would think that massive spending cuts have taken place. But let's take a look at the real numbers. This year we are spending $45 billion more than last year—$45 billion more. That doesn't sound like a cut. It sounds more like a huge spending increase. In fact, if we hadn't made a cut at all but had just held overall spending down to last year's level, our deficit could be down to $179 billion.

What is the outlook for next year? Our budget says that the deficit will be down to $144 billion in 1987. And yet, every one of the appropriations bills we are passing will be an increase in spending over last year. It sounds like another $200 billion deficit to me.

Some people have described the budget process and the numbers that are thrown around as smoke and mirrors. I think it is time to call it what it is, an out-and-out lie to the American people.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 5 P.M., SEPTEMBER 5, 1986, TO FILE REPORTS ON CERTAIN BILLS

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until 5 p.m., September 5, 1986, to file reports on the following seven bills:

1. H.J. Res. 631: White House Conference on Drug Abuse and Control;
2. H.R. 5076: Drug and Alcohol Dependent Offenders Treatment Act of 1986;
3. H.R. 5217: Money Laundering Control Act of 1986;
4. H.R. 5246: Designer Drug Enforcement Act of 1986;
5. H.R. 5394: Narcotics Penalties and Enforcement Act of 1986;
6. H.R. 4885: Career Criminal Amendments Act of 1986; and
7. H.R. 5393: Drug Enforcement Enhancement Act.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

NEW PROVISIONS OF GRAMM-RUDMAN II

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, a few months ago, the Supreme Court broke PHIL GRAMM's toy, Gramm-Rudman II, and he has been in slavish indulgence in trying to fix it.

So, as a way of trying to fix it, they first thought up that OMB would be the folks who would make the cuts. But everyone realized, even the good gentleman from Texas, that OMB was at least unreliable and at worst political in its projections.

So now listen to this: In Gramm-Rudman II, the proposal that is going to be sent over to us later this afternoon, they dictate the amount of growth, the rate of inflation, the amount of unemployment that OMB must find in the future year. If a depression occurs and the bottom falls out, they are still going to say that growth occurred at approximately 4 percent. If the economy zooms and inflation takes off, they still have to say that 1.9 percent was the rate of inflation.

Ladies and gentlemen of this House, that is not legislation, that is sorcery. It is alchemy. You cannot, by legislating by fiat, say what growth will be in 6 months from now.

The gentleman from Texas needs a wand and a magic hat, not a pen and piece of paper. This is not legislation.

U.S. STAND ON OIL FEE SHOWS A TROUBLING INCONSISTENCY

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARTON of Texas. Mr. Speaker, a good friend of mine in Dallas, TX, named Ed Vetter, recently wrote an editorial in the Dallas Morning News regarding the situation in the oil patch. He points out that we have just imposed a 35-percent duty on imported shingles from Canada. He points out that we are asking our Japanese trading partners to voluntarily restrict their imports of automobiles into this country. He points out that we have asked machine tool manufacturers in Europe and elsewhere to restrict their imports below 43 percent into this country. He points out that our largest import into this country is oil. We are spending about $60 billion a year to import foreign oil into this country. He points out that we are daily becoming more and more at the mercy of the OPEC oil cartel. He points out that if

we do not do something in the next year and a half we are going to be importing 67 percent of our oil needs in this country. He points out that it might be a good idea to impose some sort of a domestic oil import fee.

I would like to point out that my good friend, the gentleman from Texas, CHARLIE STENHOLM, and myself have such an import bill, and I would ask my colleagues to cosponsor this bill.

I include the editorial by my friend, Edward O. Vetter.

[From the Dallas Morning News, Aug. 13, 1986]

U.S. STAND ON OIL FEE SHOWS A TROUBLING INCONSISTENCY

(By Edward O. Vetter)

Item: The United States has imposed a 35 percent duty on roofing shingles imported from Canada.

Item: The United States is seeking voluntary restraints on the export of machine tools to this country. Exporting countries are asked to reduce shipments from 43 percent of domestic demand to 25 percent.

Item: Japanese car manufacturers are voluntarily continuing a limit on the number of units exported to the United States, but the shift of such exports is to top-of-the-line models.

Item: The administration is rejecting requests from domestic oil producers for a temporary fee on imported crude oil and products. Says one administration official: "The free market is working."

How inconsistent can we get? In past columns I've argued several positions on energy that all start with the thesis that there is no free market for oil today.

There is ample evidence to suggest that the control of OPEC, or at least a few of its members, is as strong today on world oil economics and supply as it has ever been. To protect our flanks from becoming too dependent on imported oil that will be priced increasingly higher as demand and supply reach better balance, I've suggested, somewhat reluctantly, an oil import fee.

Simply put, an oil import fee is the only quick stablizing force that will keep our domestic industry from becoming completely comatose. Equally important, a fee that is variable—i.e., pegged to a ceiling price—would furnish one element that is vital to making positive reinvestment decisions—predictability.

Other initiatives such as eliminating the windfall profit tax, postponing well abandonment and repealing the fuel use act, are good and should go forward. But they are second-order effects, like giving free airline tickets to the condemned man while the noose is being put around his neck.

The consumption of oil is increasing on a worldwide basis. But most of the increase is in the United States, where oil products continue to be the cheapest in the world.

A Harris poll conducted for Business Week in April said that 60 percent of Americans outside the oil patch thought cheap oil would lead to more expensive oil later because U.S. production would decline. But then 61 percent said the U.S. should not intervene to keep up oil prices so U.S. production would not decline. Like the proverbial grasshopper, who danced around all summer singing: "The world owes me a living," we are doing nothing—absolutely nothing—to prepare for winter.

Most of the consuming countries of the world have taken advantage of the oil-price collapse to raise taxes. Product prices in some countries now exceed prices that prevailed last year. As a result, their consumption is not rising.

A recent study by Data Resources Inc., a highly regarded econometric service, ran a forcast for 1990 based on oil at two levels—$10 and $24 per barrel. With $10 oil, the United States would be consuming 18.4 million barrels per day (mbd) and domestically producing 7 million barrels. At $24 per barrel, consumption would be 16.6 mbd and production 8.6. Our imports thus can swing from 11.4 to 8 mbd. At $24 our domestic production would almost hold its own from the present level.

There are only two parts of that study that I would quarrel with. If $10 oil remained the price through 1990, we would be producing domestically substantially less than 7 mbd. Second, I doubt that the price would stay flat at $10, because with our rising demand for imports, a higher price would prevail—most going to pay for the import.

No matter what we do now, much of the damage to the domestic industry has already taken place. Certainly the service component will continue to contract and restructure.

But the oil patch is looking for stability and predictability as much as anything, and a variable import fee pegged to an appropriate price seems to be the only game in town.

(Edward O. Vetter is president of Edward Vetter & Associates Inc., management consultants.)

TO GOVERN IS TO CHOOSE, NOT TO HIDE

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, President Kennedy once said that to govern is to choose. What the other body will attach to the debt ceiling and send over here as Gramm-Rudman II basically states the principle that to govern is to hide, hide from a vote on sequestration, hide from the responsibility to develop an approach that gets us below the sequestration target, hide from the very backup process that was built into Gramm-Rudman itself and that should be followed.

We fought in the House for the principle that we ought not to surrender authority or additional power to the Office of Management and Budget. What Gramm-Rudman II essentially does is surrender on that principle. It surrenders to OMB the power to design sequestration, it surrenders to OMB the power to implement its own assumptions and its own spend out rates.

I urge the Congress to stand by the principle that we fought for last year, and I urge us to stand by the backup process, implement a strategy that gets us below the target and stand for the principle that to govern is to choose, not to hide.

ADOPT A PRISONER OF APARTHEID

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, September 19 will mark the 100th day of the sweeping state of emergency in South Africa. A number of Members have joined with me to create a program called Adopt a Prisoner of Apartheid.

What we are doing with many of our community organizations, with many of our church groups, is adopting a prisoner in the South African jails. It is modeled on the Amnesty International Prisoner of Conscience Program.

It is bipartisan. We have members from all over the country, and there will be kick-off rallies in cities starting in New York on September 19, sweeping across the country, North and South, ending up in Los Angeles.

I invite my colleagues that have not joined in this Adopt a Prisoner of Apartheid to join with us who are holdng it. It is an important statement that links Americans with their friends in South Africa who may be in prison, and in South Africa you are in prison whether you are in jail or not in jail.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

The SPEAKER pro tempore. Pursuant to House Resolution 523, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4428.

□ 1040

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenance, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes with Mr. Russo (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, August 14, 1986, amendment numbered 113 made in order pursuant to paragraph 3 of the House Resolution 531 had been completed.

It is in order to consider an amendment if offered by Representative HAWKINS relating to the application of the Davis-Bacon Act at this point, which shall not be subject to amendment except a substitute if offered by Representative DICKINSON consisting of the text of amendment numbered 114 printed in House Report 99-766, which shall not be subject to amendment.

The amendment and the substitute shall each be debatable for 1 hour equally divided and controlled by the proponent and a Member opposed thereto.

AMENDMENT OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Chairman, I offer an amendment.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DICKINSON. Mr. Chairman, in order to clarify the parliamentary situation, Mr. Chairman, I would like to get a ruling from the Chair as to the procedure.

The Chair has already announced the preference of offering the amendments and what would be available as a substitute. My question is, Under the rule, is it correct to say that Mr. HAWKINS would offer an amendment which would give him 1 hour to be divided, half by him and half by some Member in opposition, which in this case would be myself?

At the end of that time, then the substitute, which I have, would be offered and there would be another hour of debate, or is there another allocation of time?

The CHAIRMAN pro tempore. That would be the scenario, the Chair will state.

Mr. DICKINSON. Is that the scenario, unless it is changed?

The CHAIRMAN pro tempore. If the gentleman from California [Mr. HAWKINS] would yield to the gentleman at this point, we could have both the amendments pending at the same time by unanimous consent.

Mr. DICKINSON. Mr. Chairman, it was my thinking that perhaps it would be advantageous, rather than having the gentleman go forward for an hour and my going forward an hour, if we would agree that there would be a total of 2 hours, half of which the gentleman would control and half of which I would control. That would give us an hour each. That way, we would combine the time, of which I would give half of the time to the gentleman.

Mr. HAWKINS. Let us do it different from the rule procedure and what we have agreed to——

The CHAIRMAN pro tempore. The Chair needs to make a clarification.

The Chair will state that under the rule, the gentleman's amendment has to be debated for 1 hour.

Mr. DICKINSON. Well, that was my question.

The CHAIRMAN pro tempore. Before the substitute can be offered.

Mr. DICKINSON. I see.

The CHAIRMAN pro tempore. At that point we will deal with the substitute and the first vote will come on the substitute.

Mr. DICKINSON. I thank the Chair.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HAWKINS: Page 313, after line 17, insert the following new section:

SEC. 2715. EXEMPTION FOR CERTAIN MILITARY CONSTRUCTION CONTRACTS.

Section 2852 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) With respect to the rate of wages to be paid in fiscal year 1987 for laborers and mechanics employed on any authorized military construction or military family housing project (including any alteration or repair project), the Secretary of Defense and the Secretaries of the military departments may enter into a contract for not more than $25,000 to carry out such a project without regard to the requirements of the Act entitled 'An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes', approved March 3, 1931 (40 U.S.C. 276a-276a-5) (referred to in this subsection as the 'Davis-Bacon Act').

"(2) Any 2 or more contracts for any authorized military construction or military family housing project (including any alteration or repair project) that—

"(A) individually do not exceed $25,000,

"(B) in the aggregate do exceed $25,000, and

"(C) all relate to the same project or related projects at the same site.

shall be treated as a single contract for purposes of paragraph (1).

"(3)(A)(i) Any interested person may bring an action against the Secretary of Defense or Secretaries of the military departments to enforce the requirements of the Davis-Bacon Act with respect to any contract to which paragraph (1) applies.

"(ii) For purposes of this paragraph, the term 'interested person' means any contractor likely to seek or to work under a contract to which paragraph (1) applies, any association representing such a contractor, any laborer or mechanic likely to be employed or to seek employment under such a contract, or any labor organization which represents such a laborer or mechanic.

"(B) An action described in subparagraph (A) may be brought in any United States district court for the district in which the violation of the Davis-Bacon Act is alleged to have been committed or in the United States District Court for the District of Columbia. Such an action shall be commenced not later than 90 days after the day on which the last labor was performed under the contract with respect to which the action is brought.

"(C) If in an action brought under subparagraph (A) the court finds that there has been a violation of the Davis-Bacon Act with respect to a contract to which paragraph (1) applies, the court may order such relief as may be appropriate, including (i) compliance with the Davis-Bacon Act in the payment of wages under such contract, and (ii) the payment by the Secretary of Defense and the Secretaries of the military departments, as the case may be, of prevailing wage rates in accordance with that Act from the date construction began under the contract involved in such action until the date of the judgment of the court, together with interest, at a rate determined by the court, on the difference between the wages paid under such contract and the wages required to be paid under such contract by the Davis-Bacon Act.

"(D) If an interested person prevails in an action brought under subparagraph (A), the court in such action shall assess the defendants in the action reasonable attorney fees and other litigation costs reasonably incurred by the interested person.

"(E) If in an action brought under subparagraph (A) the Secretary of Defense certifies that performance of the contract involved in such action is essential to the national security, the court shall not grant any relief which delays, halts, or in any other manner hinders the performance of that contract.".

The CHAIRMAN pro tempore. The gentleman from California [Mr. HAWKINS] is recognized for 30 minutes in support of his amendment.

Is the gentleman from Alabama [Mr. DICKINSON] opposed to the amendment?

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes in opposition to the amendment.

The Chair recognizes the gentleman from California [Mr. HAWKINS].

Mr. HAWKINS. Mr. Chairman, let me simply review the procedure that we intend to follow. As has been stated by the rule, we will debate the so-called Hawkins amendment for 1 hour, the time to be equally divided. At the end of that time it is my understanding that the gentleman from Alabama [Mr. DICKINSON] intends to offer in effect a substitute to that amendment.

The vote then would occur on the substitute before the vote occurs on the so-called Hawkins amendment. It is necessary, let me emphasize, to reject the Dickinson amendment in order to get a vote on the Hawkins amendment.

So at that time we will obviously ask for the defeat of the Dickinson amendment in order that we may vote on the Hawkins amendment in its original form without having been changed or modified by the Dickinson amendment.

To present the main provisions of the so-called Hawkins amendment, I yield 7 minutes to the gentleman from Pennsylvania [Mr. MURPHY], the

chairman of the Subcommittee on Labor Standards.

Mr. MURPHY. Mr. Chairman, I thank the chairman of the Education and Labor Committee, Mr. HAWKINS, for yielding to me.

I rise in my capacity as chairman of the Labor Standards Subcommittee because for the second year in a row the Armed Services Authorization Act has been used to consider nongermane amendments to our basic labor laws. Under the rule, amendment No. 114 to be offered by the gentleman from Alabama [Mr. DICKINSON] would directly amend the Davis-Bacon Act to exempt from the coverage of the act all military construction and military housing contracts for $250,000 or less; equivalent to 86 percent of the military contracts in that field.

As Chairman HAWKINS and I stated in a letter to the chairman of the Rules Committee we object to Mr. DICKINSON'S amendment because it substantially alters the impact of statutory labor standards protection for workers employed in construction projects financed with Government contracts. Rule 10, subsection (g) of the rules of the House specifically states that labor standards are exclusively within the jurisdiction of the Education and Labor Committee. Had Chairman HAWKINS and I persisted in our protest, we may well have prevented this amendment from being in order under the rule. However, in order to avoid threatened delay and discord during the debate on legislation vital to our national defense, we agreed to support a rule which would allow consideration of prevailing wages on Department of Defense construction projects.

I want all of my colleagues to know that my opposition to amendment No. 114 by Mr. DICKINSON is because it directly invades the explicit jurisdiction of the Committee on Education and Labor and not because I am opposed to reasonable reform of the Davis-Bacon Act. I have spoken to many of my fellow Members over the last several weeks and assured them that sensible reform of the Davis-Bacon Act is a high priority on the agenda of the Labor Standards Subcommittee. The integrity of the rules of the House with respect to committee jurisdiction and the orderly procedures of the House regarding consideration of legislation require that the committee with appropriate jurisdiction be allowed to complete its review of our basic labor protection statutes. The committee can then discharge its responsibilities by reporting a reasonable proposal to bring the Davis-Bacon Act up to date.

Mr. BARTLETT. Mr. Chairman, would the gentleman yield?

Mr. MURPHY. I yield to the gentleman.

Mr. BARTLETT. Mr. Chairman, I serve on the subcommittee with the gentleman, and I respect the chairman a great deal. He and I served together on the conference committee last year, in which as I recall the chairman of the subcommittee pledged to have hearings this year on this very subject, so we could consider a reform of some of the provisions of prevailing wage.

We have not had those hearings, and I think that is one of the reasons that this modest reform comes to the floor in this form today.

Mr. MURPHY. Reclaiming my time, I am coming to that very point.

In order to accomplish our goal, Mr. HAWKINS and I prepared this amendment to the Dickinson amendment now under consideration.

□ 1050

Our amendment, like Mr. DICKINSON'S, raises the Davis-Bacon threshold for military construction and military housing contracts. Our amendment mandates a 12-fold increase from the present $2,000 exemption to $25,000 for fiscal year 1987. This will provide the Education and Labor Committee with sufficient time to fulfill its commitment to report its own comprehensive Davis-Bacon Reform Act, which we are working on now. We already have held a hearing on the Service Contract Act, which is similarly related to Davis-Bacon.

On September 10 of this year, a bare 3 or 4 weeks hence, we are holding a hearing and the final hearing on the Davis-Bacon Act. We already know that the Department of Labor, the building trades union, and the members of our full committee are in negotiations to work out a compromise on Davis-Bacon. That compromise is being taken into consideration in the bill that we hope to report from the Subcommittee on Labor Standards to the full Committee on Education and Labor for early next year.

Also, like the Dickinson amendment, our amendment here, the Education and Labor Committee amendment, today provides for the severing of contracts to avoid the new $25,000 threshold. We have provided a simple objective standard to determine violations.

In order to insure that the provisions against dividing contracts to avoid compliance with the act is not a hollow promise, we have established a private right to seek court enforcement of the contract splitting language. However, our language would waive any remedies which would halt or delay military construction essential to the national security.

We do not attempt by this amendment to in any way interfere with our national security and offer the right to the Defense Department to exempt any of those contracts.

I believe that the Hawkins/Murphy Davis-Bacon amendment is a reasonable and equitable proposal. It will certainly assuage the concerns of many of my colleagues who have urged me to pursue the committee goal of responsible revision of our construction prevailing wage laws.

Mr. HAWKINS and I used the scope and spirit of the Dickinson amendment as a guide in drafting our amendment. We also carefully followed the ongoing discussions between the Secretary of Labor and the buildings trades department of the AFL–CIO which has produced considerable agreement on the terms and conditions essential to a fair Davis-Bacon reform bill.

I might insert here that we have the full support of the building trades department on our amendment and their total opposition to the Dickinson amendment. They have come a long way in compromising this issue before us today.

Our amendment closely tracks both developments and is therefore truly a consensus vehicle which significantly addresses the important concerns of all parties, Government, business, and labor.

There is a middle ground between those whose primary objective is to abolish prevailing wage protection for construction workers and those who oppose any change. The amendment is that middle ground which can be equally defended in both the boardroom and the union hall. I strongly urge my colleagues on both sides of the aisle to support the Hawkins/Murphy amendment and to reject the Dickinson substitute which will be offered pursuant to the rule.

As you all know, this whole issue of a Davis-Bacon vote on the armed services bill arose at the last possible moment before the bill came to the floor. Consequently we were unable to complete the drafting of the Education and Labor Committee amendment in time to publish it in the CONGRESSIONAL RECORD. For that reason and in order to expedite consideration of the Hawkins/Murphy amendment. I would like to quickly run through a section-by-section analysis of the measure.

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent at this time that I be permitted to yield 15 of my 30 minutes to the distinguished gentleman from Vermont [Mr. JEFFORDS] who is the ranking member on the Education and Labor Subcommittee dealing with this subject.

The CHAIRMAN pro tempore (Mr. RUSSO). Is the gentleman asking that the gentleman from Vermont also be allowed to yield the time?

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent that he own and be able to yield the time during his 15 minutes.

The CHAIRMAN pro tempore. Without objection, the gentleman

from Vermont [Mr. JEFFORDS] is recognized for 15 minutes.

There was no objection.

Mr. JEFFORDS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Alabama. I do so somewhat reluctantly, I would much rather be supporting my friend and my chairman GUS HAWKINS in a bipartisan comprehensive reform of the Davis-Bacon Act, and hope that some day soon we will have that opportunity.

But for today, I think we have to recognize that change is long overdue. The threshold for coverage must be increased substantially above the current $2,000 level. As my colleagues know, this standard was set more than 50 years ago and has remained unchanged since.

It was set in the midst of the Great Depression. Itinerant work crews were undercutting local contractors and workers, thus undermining local wages and working conditions. Support for the original act in 1931 was overwhelming. It was drafted by the Hoover administration and was introduced by two Republicans, Congressman Robert Bacon and Senator James Davis. It passed the House and Senate without change, by a wide margin in the House and unanimously in the Senate.

"This bill," as Congressman Bacon said during the debate, "is simply to give local labor and the local contractor a fair opportunity to participate." I wholeheartedly agree. I support the Davis-Bacon Act. Throughout my career, both in the Vermont Legislature and in Congress, I have consistently voted in support of the act, and will continue to do so. I believe that the driving principle behind Davis-Bacon, that the Federal Government not undercut wages and working conditions, remains as valid today as it was over 50 years ago.

But while the principle is still sound, the practice is not. A $2,000 threshold is clearly outmoded. The Department of Labor is swamped with wage determinations for the thousands of projects and areas across the country. There is no way that it can do a good job given the resources it has on hand.

As a result, the determinations are badly flawed, in some cases to the point of uselessness. Organized labor points to cases where the determination of the prevailing rate was $2.62 for a laborer and $2.70 for a truck driver. Contractors point to examples where the rates are grossly inflated above the local rate. High or low, the point is that the act is not working.

In my own State, contractors are reluctant to bid on Davis-Bacon jobs across the river in New Hampshire. It does not take a human resources expert to know that it is bad for morale to have one crew working in Vermont for $8 an hour and another a few miles away working for $13 an hour. Just last year, a bridge project from Vermont to New York was to pay laborers in Vermont $5 an hour, while those at the other end of the bridge in New York were to get $15 an hour.

We have come full circle. In many cases I think the impact of Davis-Bacon is just the opposite of what Robert Bacon had in mind. Local labor and the local contractor are not getting a fair opportunity to participate, and jobs are lost to the community.

We need to reform Davis-Bacon, no question about it. The question is not when, but how.

On one point there is agreement. Both of the amendments before us have language designed to prevent the splitting of contracts so as to avoid coverage under Davis-Bacon. Even now, but especially if the threshold is increased, this protection is an important one.

That is where the similarities end. Mr. HAWKINS' amendment would raise the threshold to $25,000, that of Mr. DICKINSON would raise it to $250,000. Is there any magic to either number? I think the answer is "no."

The Hawkins' amendment represents an inflation indexation since the threshold was lowered from $5,000 to $2,000 in 1935. According to the Congressional Budget Office, the budgetary impact of the Hawkins' amendment is nonexistent. It results in no savings. Just as important, it does next to nothing in relieving the enforcement burden on the Department of Labor and the paperwork burden on small employers. The amendment would exclude 1 or 2 percent of the dollar volume from coverage and only 20 percent or so of the contracts.

It is primarily for these three reasons that I support the higher threshold of the Dickinson amendment. It will save the taxpayers money, it will encourage small and local business participation, and it will allow DOL to focus its enforcement.

Finally, as my colleagues know, this is not the end of Davis-Bacon reform. We will vote on it again and again until we have reached a comprehensive reform of this act. Crafting this reform is the responsibility of the Education and Labor Committee, and one we should not shirk or defer. I hope, whatever the results of today's votes, that the various parties will sit down and negotiate in earnest on a comprehensive reform of the Davis-Bacon Act. I believe that we need reform, and that one set of rules should apply governmentwide.

Comprehensive reform is not, unfortunately, what we are voting on today. For today, we have a narrower issue. I believe that the Dickinson amendment is a measured step that will ease DOL's administrative burden while retaining the protections of the Davis-Bacon Act for the vast majority of all military construction work. I urge my colleagues to join me in supporting it.

Mr. HAWKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I rise in opposition to the substitute being offered by the gentleman from Alabama and in support of the amendment offered by the gentleman from California. The gentleman from Alabama proposes that we eliminate Davis-Bacon Act coverage for all construction projects of $250,000 or less funded under the DOD Authorization Act. Contrary to what some have said, this is not mere legislative reform. It is tantamount to repeal of the Davis-Bacon Act. The money we would allegedly save by adoption of the substitute will come directly from the pockets of American workers, diminishing their standard of living. While the substitute will succeed in reducing wages and living standards of construction workers, it will not produce any savings at all for taxpayers.

For those who believe this is mere legislative reform, allow me to acquaint you with certain facts. First, the Department of Defense accounts for 85 percent of all direct construction work by the entire Federal Government. Second, more than 85 percent of all construction projects covered by the Davis-Bacon Act are valued at less than $250,000. Reducing the scope of the act by 85 percent is not mere legislative reform. We will have effectively eliminated the protection this law affords workers.

The Davis-Bacon Act requires no more than paying construction workers on Government contracts wages equivalent to those paid other workers doing similar work in the same locality. By law, the Government is required to award contracts to the lowest bidder. Any other system invites favoritism and corruption to the discredit of the Government. Given this system, however, some form of wage protection is needed. In an industry as labor intensive as the construction industry, the low bidder is virtually automatically the bidder paying the lowest wages. Eliminating Davis-Bacon protections will not only drive skilled workers who can command decent wages out of the market, but will force their employers from the market as well. Reputable contractors, committed to paying decent wages, will no longer bid on Government work for fear of losing competent workers. Even those who continue to bid will lose work to fly-by-night contractors employing semiskilled and unskilled workers at rock bottom wages. Inferior workers and contractors, more noted

for avarice than reliability, will not save money for the Government.

The cost of inferior construction does not begin to measure the total cost of this misguided policy. At a time when capital accumulation has reached unprecedented levels, when more wealth is controlled by fewer people than ever before, we are being asked to adopt a policy whose explicit purpose is to depress the wages of American workers. The average nonunion construction worker subject to the Davis-Bacon Act earns $14,000 a year. The average union worker earns $17,000 a year under the Davis-Bacon Act. Further, given the amount of construction performed by the Defense Department, $10 billion in fiscal year 1985, the effect of adopting this substitute will be to depress wages throughout the entire industry. It is not just morally reprehensible, but logically ludicrous, to believe that reducing these meager incomes of construction workers even further will somehow reduce the budget deficit.

Adopting this substitute will undoubtedly have the effect of increasing the profits of a few employers, but it does so at the expense of both workers and taxpayers. This substitute deserves to be defeated and I urge my colleagues to join me in doing so.

□ 1105

Mr. DICKINSON. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, let me try to put a little bit of this into perspective. What is the Davis-Bacon Act and what does it do?

Well, in 1934, the Congress in its wisdom decided there were so many people being driven from their farms and the rural areas, and going to seek jobs in the city, where they were being exploited. So, in 1934, an act was put on the books that has not been changed since, saying that if the Government is building a project, it has to pay, in effect, the highest prevailing wage. This legislation was to protect the workers.

The original intent has long since disappeared. Over the years, the Government has grown so that it is now estimated that 25 percent of all construction is by the Federal Government. Because of the way it is written, if the Federal Government is building or contributing funds, then counties, States, and local governments are bound by this and have to pay the highest rate, not competing for the local prevailing wage.

The threshold now is $2,000. Well, you cannot build a sidewalk or a front stoop for $2,000. Rather than doing away with Davis-Bacon, I think that a realistic threshold is needed.

My amendment has to do with military construction. That is my committee. I serve on the subcommittee. I sit in on the budget deliberations and the authorization for expenditure, and I know a little bit about how much money we are wasting because of Davis-Bacon.

My amendment, when offered, will say that we are going to raise the threshold to $250,000. With the price of houses these days, that is really not such a threshold. It simply says that the small businessman and the small contractor can come in and compete for some Government jobs where he is frozen out today.

Big contractors come in and they do not mind paying the high wages, because they get the big multi-million-dollar contracts. Well, they will still be able to do that.

According to the General Accounting Office in the testimony that has been elicited in the hearings here on the Hill, my amendment will open it up for small businesses to come in and be more competitive—they are limited to a $250,000 contract—but it gives them an opportunity to come in and compete against the big boys. It gives them an opportunity to hire local people rather than people from someplace in another community or another State, because it is the major contractors who come in and soak up most of the Federal dollars.

This is an amendment to ameliorate a bad situation, to give local small business an opportunity to participate in Federal building. It is in the interest of the small business, not big business, that we pass my amendment.

Citizens Against Waste in Government, the National Federation of Independent Business, and the Associated Building and Contractors are all in favor of modifying Davis-Bacon by raising the ceiling.

The Senate Armed Services Committee has already done so, and I have adopted the same ceiling that they have adopted.

It is a commonsense approach. It is needed. The original act has not been changed since 1934, and in the meantime, the Consumer Price Index has gone up 500 percent. So I think this is fair, it is moderate, and it is needed.

I would urge the members of this committee to support it.

The gentleman from Pennsylvania [Mr. MURPHY] alluded to the fact that this should come through the committee process, and I will agree that in principle this is so. But the fact is we have tried for years to get some relief out of the committee that has initial jurisdiction. It has become the burying ground for any attempt at remedial legislation. Nothing comes out of that committee.

Last year it was agreed on the military construction part that, if we did not force the issue, we would have hearings this last year in their committee to try to come to grips with this problem. What happened? Zilch, nothing, no hearings and no legislation. You cannot get it out of the committee.

So if you are going to do anything, this is the way you are going to have to do it. I have done it in this bill because this deals with defense dollars and it deals with my committee. The amendment does not do anything with any other part of Government. But I am telling you that all of the Members who say that they are for economy in government and want less defense spending or more return on the defense dollar—it is estimated that in 5 years, this simple amendment in raising the threshold will save over $100 million.

So all of these people who get down here in the well and scream about a $300 hammer or a $600 coffee pot, if you are serious about saving money, this is your chance. We are talking about millions of dollars of savings. So do not come down here rattling a coffee pot or showing a claw hammer. If you want to save, not $300, not $600, but $600 million, this is what we need.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Chairman, I rise in strong support for the Hawkins amendment. The House has a golden opportunity to set the stage for realistic reform of the Davis-Bacon Act. I know I speak for many Members when I say that it is time to stop these piecemeal attempts to make changes in Davis-Bacon. Instead, we should allow the chairman of the Education and Labor Committee and the chairman of the Labor Standards Subcommittee to fulfill their commitment to develop comprehensive reform legislation that we can vote on next year.

The Hawkins amendment is a sound amendment. It would lift the Davis-Bacon threshold from $2,000 to $25,000. This amount matches the small business exemption threshold and will further simplify procedures and reduce paperwork burdens on small construction contractors. Under the amendment, it is estimated that about 20 percent of military construction contracts will be exempt from Davis-Bacon coverage, most of which represent contracts with small business enterprises.

Mr. Chairman, over the years, attempts have been made to amend the prevailing wage law by amending reference statutes instead of the basic law, the Davis-Bacon Act. By voting "yes" on the Hawkins amendment and opposing the Dickinson substitute, we will approve the first step in the process by which the committee having original jurisdiction over the Davis-Bacon Act will begin considering legislation to reform the act itself.

I strongly urge a "yes" vote on the Hawkins amendment.

Mr. JEFFORDS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, the reason that we are here this morning debating this issue, regarding the point made by the chairman of the Education and Labor Subcommittee, that it should not be debated here on the military construction bill because it should be in the Education and Labor Committee, the reason we are here is that they refused to consider it.

Two years ago, the gentleman from California [Mr. MILLER] and I exchanged in a colloquy on this floor and, in return for dropping an attempt to revise, to reform, and to move Davis-Bacon into the 20th century, I was promised here that we would do it within the committee.

One year ago, Mr. MURPHY, the chairman of this committee, in exchange with a colloquy, said, "We will hold hearings on this issue." Here we are 1 year later being told once again we are going to hold hearings and we are going to solve this problem.

I would submit to Members of this body nothing is going to happen unless we vote for the Dickinson amendment.

The amendment offered by the Education and Labor Committee this morning is tokenism at its best, because it does not even meet inflation. If you assume that construction in military is equivalent today with what it was in 1931, their amendment does not even meet inflation.

□ 1115

How anybody can assume that modern-day America is equivalent in construction today as it was in 1931 defies my mind. The amount of $25,000 is ridiculous if you are talking about its being a significant step in the direction of reform, especially now since it appears that we have some agreement that we may need to move in that direction.

Last night we had some of the most emotional debate on this floor concerning minority set-asides, and I voted for that because on principle I agree with it. I submit to the Members that if they want to really do nothing for minority businesses, which basically are small businesses, they want to vote for the $25,000 thershold, because that is business as usual. That is saying to minority contractors all over this country, "We say one thing, but when it gets down to the tough votes where you have political decisions to be made, we are not going to do it."

I would challenge anyone on this committee to debate me on this.

The gentleman from California [Mr. DELLUMS], the chairman, has made eloquent statements in saying that we have time limits and time restraints and we do not ever have an opportunity to debate these issues. This is one opportunity we have to debate the issue.

This is not a management and labor issue, as we tend to want to make this argument. That is the furthest thing from the issue. I ask the Members to talk to any small business and see how they feel about Davis-Bacon requirements. I ask them to talk to any small business and find out how difficult it is for them to even consider bidding on a contract. Talk to them. Do not just listen to labor and management as they view this. Talk to your local communities and talk to your county governments. Talk to small businesses and to those who so eloquently last night pleaded for a set-aside so that minority small businesses may have an opportunity to gain that first leg on the ladder of economic success. Talk to them. Let us get away from the debate of making this a labor and management issue.

If you want economic opportunity, you have got to take some of the Government's stumbling blocks away from small businesses. And if there are any economic stumbling blocks that are out here today keeping small business—and I submit that is minority small business—from having an opportunity, Davis-Bacon is one of them.

And what is the response today from the Education and Labor Committee? They say, "Well, we are going to study it." I have heard that for the last 2 years: "We are going to study it."

At the same time we are going to come down here and we are going to say, "Let us cut the defense budget. Let us cut some of the fat." We are going to come down here and say that the Dickinson amendment will save $100 million, but we avoid doing it, and I say to the Education and Labor Committee that these amendments are not going to do a cotton-picking thing. Let us consider the taxpayers and labor and management, and then let us vote the way we are going to vote, but do not kid anybody, this is a small business issue and that is the way we ought to frame the debate. Vote to ease the Government burden on small business, vote for the Dickinson amendment.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. Mr. Chairman, I want to point out that this is not the first time in the last three Congresses that we have dealt with the question of Davis-Bacon with some kind of reform. It has come to us attached to any number of bills.

I have not supported those reforms because I have felt that if we are going to deal with the question of Davis-Bacon, I think everybody in Congress realizes that changes have to be made; it ought to be done across the board. I have been hopeful that we would be able to reach some kind of a compromise and do what is right by the Government and by labor and management and by the taxpayers. That has not happened, so I rise in support of the Dickinson amendment.

CBO says that this is going to save something on the order of $111 billion over the next 5 years. Given their margin of error, I would suggest that means somewhere between $50 and $150 billion.

With reference to the question of why I would want to do such a thing relative to military construction, I think we have to review a little bit of history, and I would point to something that the gentleman from Texas [Mr. STENHOLM] brought up. Last year he was in front of our committee, and he has been working very hard for many years to get some reform of the entire Davis-Bacon law. He came in front of our subcommittee, and let me make the statement that I do not think anybody can receive fairer treatment than they would in front of the committee of the gentleman from California [Mr. DELLUMS], and the gentleman from Colorado [Mr. KRAMER] as ranking member. You may get the fairest treatment there perhaps than before any subcommittee in this Congress, and I am very proud to serve on that subcommittee.

They tried to work something out so the gentleman from Texas [Mr. STENHOLM] could have hearings with the Committee on Education and Labor and he could at least be heard and we could perhaps have a piece of legislation dealing with Davis-Bacon across the board. But Mr. STENHOLM was denied, and that is not fair. That is not responsible. That is not the way this place should be operated. The gentleman was promised that he was going to have a hearing, and he has not received it.

Putting the threshold up from $2,000 to $250,000 is still going to leave better than 87 percent of the military subject to Davis-Bacon, and I do not think that is unfair, as far as the people who embrace Davis-Bacon are concerned.

But having said all that, there is one very practical aspect of this that should be pointed out. I spoke with Secretary Brock at length, and I think everyone knows that the administration is not in favor of the repeal of Davis-Bacon. I think we all know that, whether we agree or not. But as the Secretary points out, they spend so much of their time dealing with the details of tiny contracts that they cannot enforce the provisions of Davis-Bacon the way they ought to, and they feel that if the threshold is set at $250,000, they can make sure that people are going to abide by that threshold.

I remember, my dad said to me many years ago that "you can watch a thief, but it is the chiselers who really bother you because you take all your time watching people chisel you."

The Federal Government has in instances been chiseling to try to get away from the threshold of Davis-Bacon. If we can give the Department of Labor the manpower and the resources and take away all the paperwork on these tiny contracts, they can enforce it and small business people and minority businesses can also participate in the program and build the projects we need so desperately.

So, Mr. Chairman, I would suggest, as far as the Committee on Education and Labor is concerned, that the longer this is stonewalled, when the changes come, they are going to be more drastic and I would suggest to them that it is in their best interest to support the Dickinson amendment.

Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. HAWKINS. Mr. Chairman, I yield 4½ minutes to the gentleman from Montana [Mr. WILLIAMS].

The CHAIRMAN pro tempore. (Mr. RUSSO). The gentleman from Vermont [Mr. JEFFORDS] has 4 minutes remaining, the gentleman from Alabama [Mr. DICKINSON] has 5 minutes remaining, and the gentleman from California [Mr. HAWKINS] has 10½ minutes remaining.

The Chair informs Members that the gentleman from Alabama [Mr. DICKINSON] has the right to close debate.

Mr. HAWKINS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is merely to clarify some of the statements that have been made, particularly concerning the lack of hearings. I think that the previous speaker, the gentleman from Montana [Mr. WILLIAMS], did indicate that there have been a series of hearings.

What some individuals seem to want to say is that because their particular proposal has not been adopted by the committee, that this in effect shows a defect in the committee process itself.

I would simply like to remind Members that here is an amendment, the Dickinson amendment, that has been brought to this body today without a single hearing open to the public; no witnesses; no opportunity to examine these so-called studies that are supposed to save millions of dollars. A committee that has not really had the responsibility of dealing with this issue for almost a decade wishes in that way to bring this matter before this body today and tell Members that this is a rational, well-thought-out amendment.

I think that it has also been clearly demonstrated why the figure of $25,000 has been used. The Dickinson amendment proposes $250,000. One of the proposals before the Committee on Education and Labor today would make it $1 million. These are arbitrary amounts, with no justification for the amounts whatsoever.

If the current threshold is adjusted for inflation, it would be much lower than $25,000. So we are being very conservative. If adjusted to the Consumer Price Index, it would also be much lower. So again we are very conservative.

I think that the gentlemen in opposition to this, as they have expressed it, do not recognize that we are not talking about a union wage.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. HAWKINS] has expired.

Mr. HAWKINS. Mr. Chairman, I yield myself an additional 30 seconds.

Mr. Chairman, I wish it were 30 minutes, because it does require some time to answer the misstatements of individuals who do not serve on the committee of jurisdiction and who have not really been concerned about this problem as the members of the Committee on Education and Labor have.

The amendment offered by the gentleman from Alabama [Mr. DICKINSON] invades the concept of prevailing wages. The wages required under Davis-Bacon are not necessarily a union wage. We are not talking about adjusting to the union wage. We say that, if the Federal Government is going to invade any community in this country, it certainly should conform itself to local prevailing wages, but that is not necessarily a union wage.

Mr. JEFFORDS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I rise to put this issue and this amendment back into context. I rise in support, along with liberals and conservatives and workers and managers and Republicans and Democrats and people from all over this country, of the Dickinson reform amendment; a higher threshold.

Mr. Chairman, I think that there is a good deal of misunderstanding about this amendment and what it would do and what it would not do. If Members would listen for just a minute, I think that it is fair to review what the amendment does.

What the Dickinson amendment is not is a repeal of Davis-Bacon. It does not cripple or gut Davis-Bacon. It is merely a commonsense amendment that will allow the concept of locally prevailing wages to work, which it does not now, given the current prevailing-wages statute.

That fact is that the $250,000 threshold is a compromise. It is a consensus. Throughout the negotiations that have been held behind the scenes over the last year, the threshold of $250,000 has been universally understood to be the threshold that ought to be $250,000 is a middle ground. The middle ground is what the gentleman from Alabama [Mr. DICKINSON] is proposing. He is also proposing a prohibition against split contracts, and that, combined with a higher threshold, makes some considerable sense.

The reality of Davis-Bacon and the prevailing wage law today is that it does not work. It drives local contractors and local workers and local jobs out of the business.

The original purpose of Davis-Bacon, as articulated by Robert Bacon of New York, a Republican, was to give local labor and local contractors a fair opportunity to participate in the Federal building program. Well, Davis-Bacon today, with a $25,000 threshold, or the current threshold of $2,000, does not do that, because it drives up paperwork costs and drives local contractors out of the building process.

An estimate that I received this morning says that, in 1984, contractors in this country under Davis-Bacon requirements have to submit 11 million forms a year. That is 250,000 pieces of paper every Friday—every Friday—year in and year out. Local contractors, medium-sized contractors, small, struggling business men and women, who are trying to give jobs to local workers, cannot compete on that basis, and it drives the work, as the gentleman from Vermont [Mr. JEFFORDS] said, to the large interstate firms.

□ 1135

Mr. CONYERS. Mr. Chairman, will the gentleman yield for a question?

Mr. BARTLETT. I yield to the gentleman from Michigan.

Mr. CONYERS. I was fascinated by the gentleman's statement about 11 million pieces of paperwork. Does that have a reference source that I can check?

Mr. BARTLETT. Yes, sir. It is the Department of Labor, the report to OMB, and I will be happy to make it a part of the RECORD if the gentleman would like. It is Document No. WH-347.

Mr. CONYERS. If the gentleman would just give me a copy of it on the floor, I would appreciate it.

Mr. BARTLETT. I will be happy to.

The fact of the matter is this threshold for the Department of Defense leaves 88 percent of the dollar volume covered by Davis-Bacon, but it would exempt 73 percent of the actual contracts themselves, thus allowing local contractors to bid on local small- and medium-sized jobs.

This amendment makes a great deal of sense for everybody. First, it would allow Davis-Bacon to work in a way that today is unenforceable. There is too much paperwork. There is too much time involved and there are too many requirements for small contractors, local contractors, to bid on.

Second, it would allow local contractors employing local workers to bid on these Federal jobs. They are taxpayers, too. Those local workers ought to have the right to compete for Federal construction jobs.

Third, it would change and eliminate the unnecessary costs of filling out those 11 million pieces of paper a year.

There is one reason to vote for the Dickinson reform amendment and one reason only. We have heard a lot of things about committee jurisdiction, and we have heard a lot about no hearings, and as a member of the Education and Labor Committee, I can tell you there have been no hearings during this session of Congress. But there is one reason for the Members of Congress, Republicans and Democrats, and conservatives and liberals, to vote for the Dickinson reform amendment, and that reason is local jobs for local workers, to allow those small-and medium-sized contractors employing local workers to compete for those smaller Federal contracts.

The intent is to give local workers jobs, and an opportunity to bid on Federal jobs. The $25,000 threshold would continue to shut those local workers out of jobs. It would shut out the local workers, it would shut out those jobs from your constituents and from workers from all over this country.

The purpose of the Dickinson amendment is to restore those jobs for Federal construction jobs to local workers.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, what we have seen today is a great illustration of why you should not proceed out of order, as is being done here, with something like labor legislation attached, at the last minute, to Department of Defense legislation.

It is true we have seen over the years attempts to attach various kinds of Davis-Bacon amendments to all kinds of legislation, but it always comes to the same thing. You have a combination of other Members who have not spent any time studying the matter and do not know much about what we are talking about, cluttering the RECORD with a lot of mistaken information; and some new Members, like the gentleman who just spoke, who have not been around here long enough to know that we have been up and down this road over the last 20 years, time and time again, and there have been hundreds and hundreds of hours of hearings and debate on this floor about these issues.

What is really at stake here is not the threshold. When did you ever have a constituent come and talk to you about the threshold? What the constituent complains about is the way the Department of Labor establishes the area for prevailing wages. That is what the gentleman from Texas [Mr. STENHOLM] has always complained to me about, incidentally, on each occasion on which he has talked to me about Davis-Bacon. His complaint has never been to the threshold, his complaint has been to the Labor Department's determination of the prevailing wage.

I have told him in the past, and I repeat it here on the floor, your problem is not with the legislation, your problem is with the Labor Department. You are now looking at a Labor Department controlled by a conservative President who presumably would be sympathetic to a conservative approach.

But let us get one thing straight. It comes as a shock to some people who have not paid attention, Mr. Davis and Mr. Bacon were Republicans. And the President who signed this into law, unlike what the gentleman from Alabama would have you believe, was not the New Deal President, President Roosevelt, it was his predecessor, President Hoover, and it was signed into law in 1931.

It was not some idea that just feel off a tree. Kansas adopted a Davis-Bacon type law for expenditure of their tax money in 1891. New York followed in 1897, Idaho in 1911, Arizona in 1912, New Jersey in 1913, and Massachusetts in 1914.

Then in 1927, a Republican Congressman from New York said, "Enough." Taxpayers' money is being used to kill local businesses in New York by letting people come in with cheap labor from other parts of the country, undercut our local contractors, beat them out of the contracts, and something has got to be done.

In 1927 Davis and Bacon started this legislation, and there were a lot of hearings. I invite you to look at the records. The things that were said then were relevant.

This, incidentally, was some time before the Depression, so let us disabuse ourselves of the notion that this was some kind of a knee-jerk reaction to the Depression. This, in fact, preceded the boom of 1928.

In 1931 the President signed it into law, and the law has worked as it was intended to ever since. The law works so well, in fact, and has been so widely accepted by the American people that all but a handful of States have passed their own "Little Davis-Bacon Acts" and continue to enforce them today.

The CHAIRMAN pro tempore (Mr. RUSSO). The Chair would like to correct a statement he made earlier. Because there is no committee position on this amendment, under the rules of the House, the proponent of the amendment has the right to close debate.

So, on this amendment, the gentleman from California [Mr. HAWKINS], will have the right to close debate.

When we get to the Dickinson substitute, again, there is no committee position, and the gentleman from Alabama [Mr. DICKINSON], would have the right to close debate.

So, in fairness to both sides, the gentleman from California [Mr. HAWKINS] will have the right to close on this amendment, and the gentleman from Alabama [Mr. DICKINSON] will have the right to close on his amendment.

Mr. DICKINSON. Mr. Chairman, just to clarify, when all time is consumed, the first vote will be on the Dickinson amendment?

The CHAIRMAN pro tempore. The gentleman is correct.

Mr. DICKINSON. And if that fails, then we vote on the Hawkins amendment?

The CHAIRMAN pro tempore. The gentleman is correct, except that even if the substitute is adopted the amendment, as amended, is still voted on.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I would like to take 3 minutes to get a little debate going, because we seem to be accusing each other of speaking untruths when we talk about this issue of Davis-Bacon reform.

I would like to ask the gentleman from California [Mr. HAWKINS], author of this amendment, a question. I am confused when you say that we have had hearings for the last 4 or 5 years, but yet you oppose the Dickinson amendment because it comes to the floor without hearings. Now we cannot have it both ways. Would the gentleman respond to me: Have we had hearings on the Dickinson amendment or have we not, have we, in the last 2 years?

Mr. HAWKINS. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from California.

Mr. HAWKINS. Mr. Chairman, we have been considering this issue for at least 5 years, and we have had hearings in the past on various amendments, not specifically the Dickinson amendment, but certainly it has ranged all the way from no change to a $1 million threshold.

Mr. STENHOLM. I am still confused. Has your committee held hearings on the subject of the threshold in the last 5 years?

Mr. HAWKINS. Yes.

Mr. STENHOLM. Then it is not fair to say that this amendment comes before the committee without hearings.

Mr. HAWKINS. I said that it came to this body without a hearing. It

originated not in the committee of jurisdiction.

Mr. STENHOLM. I reclaim my time. The point is you cannot have it both ways.

Mr. HAWKINS. Will the gentleman let me answer the question? I said that this amendment comes by way of a different committee, not the committee of jurisdiction. Therefore, it has had no hearings as such.

We have been hearing all kinds of things pertaining to defense, but you are not in the committee of jurisdiction. This committee really is out of order because it violates rule X.

Mr. STENHOLM. If I might reclaim my time, I have a limited time and the gentleman has answered my question.

My point is simply this: I appeared before the Military Construction Committee 2 years ago and asked for an amendment to be put in order. The gentleman from California [Mr. DELLUMS], chairman of that committee, said, and I agreed with him, this is not the proper committee.

I came to the floor and the gentleman from California [Mr. MILLER] said in response to a question, you are totally correct in withdrawing this amendment for this is not the place to discuss it.

My point is, this has happened, not only once, but it has happened on several occasions and nothing has happened.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Pennsylvania.

Mr. MURPHY. Mr. Chairman, I issue an invitation to the gentleman. Will you please be the leadoff witness on September 10, 1987 before the Subcommittee on Labor Standards? We will send you a notice. Please be the leadoff witness.

Mr. STENHOLM. September 10, 1987, that will be a big deal.

Mr. MURPHY. 1986, excuse me. We will have a bill by 1987.

Mr. STENHOLM. I appreciate that, and I certainly will accept that invitation. Particularly the promise of a bill by 1987.

The point today though is that we are debating an issue that I think is fundamental to the small business interests of this Nation, that I think is fundamentally of importance to our need to balance the budget and meet the terms of Gramm-Rudman-Hollings. This saves money. It has been suggested that it does not. But it does it saves $100 million over the next 5 years.

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Chairman, I urge my colleagues to vote "no" on Dickinson and "yes" on Hawkins. Hawkins does increase the value of the contracts 12 times more than they are today. This is a kind of reform.

But I want to say one quick thing, and that is we are dealing with national security issues. If you do not want to pay people the prevailing wage, not necessarily a union wage, the prevailing wage, then conceivably you could have cheap labor, and once again have foreign people with green cards coming into our country and working on our construction projects.

Mr. FORD of Michigan. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, not if they come into Texas and it is a State project, because Texas has a Davis-Bacon law with no threshold. And you cannot come in and undercut their local businessmen if they are spending local money.

Alabama has a Davis-Bacon type law that is the best in the country. It goes down all the way to county government spending, and that has a $2,000 threshold.

So I suggest that the gentleman are not being quite fair. They are not in their amendment asking to preempt the protection that they have for their local taxpayers and their local businessmen.

Ms. OAKAR. This is an all-American issue. Vote "no" on Dickinson. Protect the American workers.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the Dickinson amendment and in support of the Hawkins amendment.

The Dickinson amendment, just plain and simple, let's call it what it is, let's have some truth in labeling; it is a repeal of Davis-Bacon by any yardstick that you measure it.

The Hawkins amendment is reform. It is a modest step in changing the Davis-Bacon Act, one that is reasonable, one that is sensible. It does not repeal this law.

□ 1150

What is the Davis-Bacon Act? Simply a guarantee that the prevailing wage, freely established in the marketplace by labor and management, is going to be paid on Government-funded construction contracts.

Construction work is labor intensive. That is a fancy term for backbreaking work. I have worked on construction jobs to earn my way through college. I have carried concrete blocks; I have shoveled concrete on jobs; I know what it is to work hard and hope for a decent wage. All we are asking is to have a decent wage, when Government funds are used in construction projects.

Now, if you want to repeal that basic, simple comity, you vote for the Dickinson. If you want to make a step in the direction that the chairman of the Education and Labor Committee has taken, of raising that threshold for Davis-Bacon coverage, that is a responsible way to go.

The basic issues here, Mr. Chairman, are threshold and fragmentation. The threshold established in the Dickinson amendment will wipe out Davis-Bacon, effectively. The fragmentation in which contracts can be broken up into smaller pieces to get away from that threshold will mean that you will just have no Davis-Bacon at all on Government-funded contracts.

I can give an example of a bridge built between Duluth, MN, and Superior, WI. In order to get Japanese steel in a center arch span of that bridge, the contract was broken up into little pieces; and the center arch span was built first with foreign steel. That took away jobs, that took away jobs in the steel industry, that took away the opportunity for people in the iron ore mining country in northern Minnesota to earn a living processing iron ore.

Don't let that happen on other projects. Vote no on Dickinson.

Vote for the Hawkins amendment.

Mr. DICKINSON. Mr. Chairman, I yield myself the remaining 1 minute.

Mr. Chairman, I would like to emphasize one point. We have had a lot of obfuscation here and a lot of exaggeration, a lot of evasion, slip-sliding, and dodging.

Let me make one point, and the facts bear it out: Of the total moneys available under military construction in our budget this year, there are some $8.3 billion; of that amount, if you accept my threshold and raise it to $250,000, only 12 percent of the dollars would be affected.

Eighty-eight percent of the entire $8 billion-plus will still be covered by Davis-Bacon. Give us a few crumbs off the table, will you? Just to help the small businessman by that much. This means 70 percent of the contracts will be available to the small businessman; 70 percent of the contracts, but only 12 percent of the total dollar figure is affected by raising the threshold.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The gentleman from California [Mr. HAWKINS] has 2 minutes to close debate.

Mr. HAWKINS. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. Mr. Chairman, I raise in opposition to the Dickinson amendment and in support of the Hawkins amendment.

Mr. Chairman, yes, the gentleman is right. There has been confusion; there has been obfuscation, but tear aside

the veil and you look at one thing: you are threatening the livelihood of the working people of America.

There is 12 percent. What does that represent hundreds of thousands of individuals who will be subject to wages below the prevailing wage?

Now, we have dealt with the Davis-Bacon issue for many, years. There is always an attempt to erode it and to encroach upon the principle. It is essential that we support and vote for the Hawkins amendment. Davis-Bacon must be preserved if you are concerned about the working people of America.

The issue we have before us has several facets. The first, of course, relates to the intent more the content of the Dickinson amendment. The precise language would raise the threshold of applicability of Davis-Bacon from the current $2,000 to $250,000. On its face, it is referred to as a modest adjustment. The administration supports raising the threshold to $1 million for military contracts. The Hawkins amendment by contrast raises the threshold to $25,000.

The intent of this amendment is to set defense contracts into a separate category whereby protections for workers need not be afforded. The fact is if you raise the threshold—you are in fact removing the protections that Davis-Bacon provides for all contracts under $250,000. Let's not look at it purely in terms of numbers. Examine it in terms of individuals. The impact of the Dickinson amendment would be to suddenly relegate thousands of workers, some of whom would have just come off unemployment, to second class citizenry status because Davis-bacon protections and the guarantee of a decent wage would be removed.

Is there a need to reform Davis-Bacon? No question that there is. The Education and Labor Committee, on which I serve as a senior member, has been working on such reform legislation for a number of years. The legislative process does not need to be distorted in the manner suggested by this amendment. Davis-Bacon reform can and will be realized—that has been promised by the committee. The Congress must have faith in this committee which has always served as the champion of the working men and women of this Nation.

Yet what troubles me the most about this amendment is that it perpetrates a cruel hoax. on the one hand, we herald the awarding of new military and defense contracts into an area of the United States. We spotlight the number of new jobs the project or projects are likely to create. Yet while we may give on the one hand, we will take with the other. If you remove Davis-Bacon protections from new and/or existing Federal contracts, you are in fact taking with the other hand and that is wrong.

If this Congress is committed to the principle of a decent wage for a day's work; if this Congress is committed to the principles of worker protection; if this Congress is committed to the principle of one standard of justice in Federal wage policy—then we must defeat the Dickinson amendment. It establishes a double standard for defense contracts, Creates a new group of second-class workers of these Federal contracts and sets a horrible precedent. Let us not fall for the idea that this is Davis-Bacon reform. There is no reform when a law which is established for the working man suddenly turns on that same person.

Let us not forget the fact that Davis-Bacon was first enacted in the 1930's in the words of Mr. DICKINSON in his August 13 "Dear Colleague" letter—"to protect laborers from wage abuses by unscrupulous contractors." I urge a "no" vote on this amendment so we do not permit Federal defense contractors and subcontractors to exploit workers in the way Davis-Bacon was needed to correct.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from California, the distinguished chairman of the Committee on Education and Labor, Mr. HAWKINS.

While we all agree that our Federal budget deficit must be reduced, why is it that so many of the Members of this Chamber insist on trying to lower that deficit by putting the burden on the backs of America's working men and women. We all know who caused our present deficit and it wasn't American workers. Yet time and time again, American workers, Federal employees, food stamp recipients, civil service retirees are singled out to bear the brunt of deficit cutting actions.

I want someone to tell me exactly who is getting rich off of the wages paid under Davis-Bacon? The wages paid under the act are not the cause of our present deficit. The specific purpose of Davis-Bacon is simply to require that the Federal Government pay the prevailing wage in a locality when it builds or seeks services there.

So I ask again, who is getting rich from the protections of Davis-Bacon? It's certainly not the average nonunion construction worker. If he or she is lucky enough to find employment, they earn about $14,000 a year or less; it's certainly not the average union construction worker. They earn about $17,000 each year. I challenge the supporters of this amendment to show me how such wages can make these workers rich.

On the contrary, eliminating the protections afforded by Davis-Bacon would cause undue hardship for an industry that is already plagued with a 13-percent unemployment rate. Of course we can reduce spending by refusing to pay workers a decent wage. Of course we can reduce spending by telling Federal construction workers that they should not be given the prevailing wages in their locality. Yes this is possible, but I must tell my colleagues who support this amendment—those savings are false.

The net effect, the reality of this proposal, will be to increase our deficit problems. By reducing the ability of American men and women to earn a decent wage, we also reduce the taxes they pay and thereby reduce Federal revenues. Not only will tax revenues decrease, worker productivity would also decline. Given a choice, would skilled construction workers even think about working on Federal construction sites which pay wages that are lower than the prevailing wages in their area when other non-Federal, better paying sites might be available? Of course not. The result would be an increase in the use of nonskilled construction workers and consequently, a decrease in the quality of the work they produce.

A lower standard in the skills of construction workers will ultimately lead to shoddy construction and increased costs to repair such worksites. In short, cutting the wages of workers is not the answer to lowering our deficit. Davis-Bacon did not cause our deficit and it should not be used as a scapegoat.

I urge my colleagues to support the amendment offered by the distinguished chairman of the Committee on Education and Labor.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CONYERS].

Mr. Chairman, I yield the remaining time on this side to the chairman of the committee of jurisdiction, the gentleman from Pennsylvania [Mr. MURPHY], coauthor of the amendment.

Mr. MURPHY. Mr. Chairman, just to eliminate some of the obfuscation that we are talking about; the inflationary spiral. Let me tell you what Davis-Bacon would amount to in limits today.

The Department of Commerce's recent calculations based on the construction cost inflation index, adjusted for improvements in productivity, determined that the Davis-Bacon threshold should be set at $20,000 if the underlying principal of exempting small contracts is to be preserved.

The Congressional Budget Office, using the Consumer Price Index obtained from the Bureau of Labor Statistics, reported that 2,000 1935 dollars, adjusted for inflation, would result in a Davis-Bacon threshold in 1986 of $14,154.

The amendment offered by Mr. HAWKINS and myself exceeds both of these suggested Davis-Bacon threshold adjustments.

These are the facts and studies that our committee has been making, I remind the gentleman from Texas.

The higher threshold was selected in order to coincide with the governmentwide small business procurement exemption thus further simplifying administrative procedures and reducing paperwork burdens on small construction contracts.

We are trying to aid the Department of Defense and every other Government agency in meeting that small business exemption of $25,000; even though the $25,000 exceeds the inflation-adjusted threshold that Davis-Bacon should be at.

I think that should clear up the figures; these figures are available, they are in Government documents, and we will very happily provide them to you.

The CHAIRMAN pro tempore. All time has expired on the amendment.

The Chair recognizes the gentleman from Alabama for the purpose of offering a substitute.

AMENDMENT OFFERED BY MR. DICKINSON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HAWKINS

Mr. DICKINSON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the substitute.

The text of the amendment is as follows:

Amendment offered by Mr. DICKINSON as a substitute for the amendment offered by Mr. HAWKINS: Page 313, after line 17, insert the following new section:

SEC. 2715. EXEMPTION FOR CERTAIN MILITARY CONSTRUCTION CONTRACTS.

(a) IN GENERAL.—Section 2852 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(c)(1) The Secretary of Defense and the Secretaries of the military departments may enter into a contract for not more than $250,000 to carry out any authorized military construction and military family housing project without regard to the requirements of the Act entitled 'An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes', approved March 3, 1931 (40 U.S.C. 276a-276a-5) (commonly referred to as the 'Davis-Bacon Act').

"(2) The Secretary of Defense or the Secretary of a military department may not divide any project into contracts of not more than $250,000 for the purpose of avoiding the application of the Act described in paragraph (1) to contracts entered into with respect to such project."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to solicitations for bids or proposals made on and after the date of enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 531, this amendment is not subject to amendment.

Under the rule, the gentleman from Alabama [Mr. DICKINSON] will be recognized for 30 minutes and a Member opposed will be recognized for 30 minutes.

The Chair recognizes the gentleman from Alabama [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nebraska [Mrs. SMITH].

Mrs. SMITH of Nebraska. Mr. Chairman, I stand in strong support of the Dickinson substitute amendment to reform the outdated Davis-Bacon Act as it pertains to military construction projects.

The Dickinson substitute would increase the threshold for application of the Davis-Bacon Act to military construction projects from $2,000 to $250,000. This effort would exempt 12.3 percent of the total contract dollar volume of military construction and repair contracts from Davis-Bacon coverage. Although I wish the dollar threshold was increased even further, this substitute offered by my friend from Alabama represents the best chance this Chamber has had to bring some sanity into an outdated, unnecessary, and wasteful law.

The Davis-Bacon Act was enacted in the Depression era to prevent the exploitation of construction workers. The last time it was significantly amended was in 1935. Given all the worker-protection legislation Congress has enacted in the last 40 years, it is hard to argue that workers on federally funded construction projects need the special protection against exploitation they did during the Depression.

Besides being unnecessary, Davis-Bacon requirements are extremely costly. And in this time of budgetary constraints, we need all of the cost savings we can get. The Congressional Budget Office estimates the Dickinson amendment would save $28 million in budget authority in fiscal year 1987, and $150 million over the next 5 years.

Mr. Chairman, the current Davis-Bacon Act is bad for taxpayers, bad for small businesses, bad for local governments, and bad for rural communities. The Davis-Bacon Act is, without a doubt, one of the least justifiable causes of deficit spending in this country.

As the New York Times stated in an editorial this Tuesday, August 12, "At a time when Congress can barely scrape up the cash to feed poor children or maintain national parks, it would be unconscionable to let the Davis-Bacon scandal continue unchecked."

I strongly urge my colleagues to support the Dickinson substitute amendment.

The CHAIRMAN pro tempore. Does any Member desire to speak in opposition to the amendment?

Mr. HAWKINS. I do, Mr. Chairman.

The gentleman from California [Mr. HAWKINS] will be recognized for 30 minutes.

Mr. HAWKINS. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of Califonria. Mr. Chairman, before I discuss my opposition to this amendment, I would like to say with regard to the remarks that were made by my colleague, the gentleman from Texas [Mr. STENHOLM] that he is quite correct; that in fact, 2 years ago when he sought to bring this amendment to the floor, I did offer him hearings, and I would like to say to him that if I continued my service on the Committee on Education and Labor I would have given him those hearings. I think he is entitled to those hearings.

I think this issue is important enough, obviously, by the divisions created in the Congress that it should have those hearings.

□ 1200

I am delighted to hear that the subcommittee chairman plans on doing that. So I think he is here in good faith, and I would hope that everybody would understand that.

Let me say that from my viewpoint I do not support any of these amendments because I think Davis-Bacon should be kept the way it is. I will obviously support the Hawkins amendment because it does the least amount of damage to the intent of the Davis-Bacon Act, and that is that Federal dollars and Federal projects should not be used to undermine the prevailing wage of any jurisdiction. That is the purpose of this act. That is what this act has accomplished. I believe that is what the act ought to continue to accomplish, that we ought not to be using Federal dollars and Federal projects driving down the wages of working people.

One of the earlier speakers in this well said this came at a time in the 1930's when there were a lot of unemployed people looking around for jobs and that does not exist today.

I do not know what is going on in his district, but every time there is a job opening for 100 jobs or 50 jobs, thousands of people show up for those jobs. We know that in fact we see unions, we see workers organizations engaged in the give-back, the give-back, the give-back, and we in fact see to the extent that this week stories in national magazines telling us about middle-income people losing their wage base, losing their ability to enjoy middle-class life in this country, that in fact it is getting harder and harder.

So what we do with these thresholds is destroy another principle in this country, and that is equal pay for equal work. Somehow if you work on a job under $250,000 in value you will be paid less than the person working alongside of you, across the street on an identical job. If you are both painting, one of you will get a prevailing wage and one of you may not. If you are both welding, one of you may get a prevailing wage and one of you may not. If you are carrying a hod, laying brick, one of you is going to get paid differently than the other.

We have rejected that notion in this country, we have rejected that notion in the belief that there is equal pay for equal work. This threshold suggests that that is no longer the case. This threshold also suggests that you can start whacking up contracts into $250,000 increments, and you can get underneath the Davis-Bacon requirements of the law. I just do not think that that is the role that the Federal Government should play. I am sure there are others who disagree with that. But the fact of the matter is that was the intent of this law and it should continue.

I think we also must understand that constantly it has been suggested that this somehow is an enforcement of the union wage. It is not. It is enforcement of a prevailing wage, taking all of the wages given in a geographical area for those jobs, determining what is the prevailing wage for specific jobs and then determining that when you have a Government contract, a Government project, that that prevailing wage should not be undermined by the bidding on this job, by importing labor, by competing out the job to undermine that wage base.

That is very important to local economies. That is very important to local workers because those workers have more mortgages on their houses, those workers have loans for college scholarships for their children, those workers have monthly bills that are based upon the wages that they are receiving.

Now what you are saying is that the Federal Government can be the engine to undermine that worker, to undermine that wage. I think it is wrong. I think both of these raisings of the threshold are wrong. I think especially the way the Dickinson amendment is worded that allows the continuation of a subterfuge; it invites fraud, it invites misrepresentation on complying with Davis-Bacon. It invites fraud and misrepresentation on the bidding of jobs, on the characterization of jobs because it continues to allow the splitting up of those contracts.

I would hope that our colleagues in the House would do as they have done so many other times, and that is reject these notions of fooling around with Davis-Bacon.

You would be far more honest to come out here and seek a repeal of Davis-Bacon than to engage in this kind of subterfuge about what you are doing in terms of modest dollar reforms.

I hope you would turn down the Dickinson amendment.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. I would like first of all to thank the gentleman from Alabama for making this time available to me. I do not know whether I will even need to use all of the 3 minutes. I came down here to the well of the House with prepared remarks. Everybody has said two or three times, Mr. Chairman, what I intended to say to my colleagues in the House. I think I will begin, however, by saying that just before I was recognized I was handed a stack of papers which Mr. STENHOLM, my colleague, has on the bench beside him. This one is warm from the copying machine. It is a news release from the National Association of Minority Contractors.

I am privileged to represent a district that has a minority population of approximately 42 percent, most of whom have supported me. While I sat here, and I have done a lot of listening and maybe not enough talking in the almost 4 years that I have been in this body, I heard this hall ring last night with cries for help for minority business and jobs for minority workers people in this country. I say to you that one way that we can accomplish that purpose is by correcting what the New York Times, not a paragon of conservativism, refers to as "the Davis-Bacon scandal."

What I hold in my hand is a news release from the National Association of Minority Contractors which says—and I do not know, but I assume that it is valid, and maybe somebody will tell me if it is not—it says, "Contact: Ralph Thomas." It concludes by saying, "Any efforts presently taking place in Congress that would limit the terrible effect that Davis-Bacon presently has on minority contractors and minority employment are wholly supported by the National Association of Minority Contractors."

Now, we could talk all we want to, my friends, about big labor and little labor and big business and little business. But this is, I suggest to you, what the New York Times said it was, a situation that should be corrected and, in their words, a "scandal." We want to do something. We ought to do something about these deficit problems. Here is a place to start, here is a place to create fairness in this country. What sense does it make, as the gentleman says, to have a situation where you build a bridge across the river between two States and on one end they have to pay one wage and on the other end a different wage?

Mr. Chairman, I strongly support the gentleman's amendment to raise the Federal contract dollar threshold for application of the Davis-Bacon Act from $2,000 to $250,000 and to preclude splitting up projects to get under that threshold.

I believe this is a sensible amendment, and one that is long overdue. We have an excellent opportunity to make a real difference in the way in which we award contracts for Federal military construction projects. Not only will this amendment result in significant cost savings to the American taxpayers, but it will help ease the plight of the small businessmen and women competing for public construction work.

This amendment could save taxpayers $111 million in outlays and $150 million in budget authority over the next 5 years. Passage of this amendment would help us convince our constituents that we must recognize our responsibility to spend their tax dollars wisely.

If there is one thing that should be clear to all of us today, it is the fact that Davis-Bacon discourages competition. And, when the number of bidders for a product is reduced, the price is likely to be higher. Those firms who have adjusted their operations to comply with the myriad of Davis-Bacon requirements understandably welcome a reduced number of competitors. The result is that the taxpayers pay more.

This amendment saves taxpayers millions of dollars and enhances small business participation in Federal contracts. But, more importantly, Mr. Chairman, this amendment will create employment opportunities for many who have been shut out of the job market. The unemployment figures for this country, although they have declined slightly, are still alarming, and especially so in the minority community. We can aid our communities by making our small businesses more competitive in bidding for these projects. We can aid our constituents by providing for more jobs—jobs for those who need employment most.

As I have already said, earlier this week, the New York Times published an editorial supporting Davis-Bacon reform. The Times makes a compelling case and concludes with the following:

At a time when Congress can barely scrape up the cash to feed poor children or maintain parks, it would be unconscionable to let the Davis-Bacon scandal continue unchecked.

I agree and urge my colleagues in the House to support the gentleman's amendment to increase the Davis-Bacon threshold from $2,000 to $250,000.

Thank you, Mr. Chairman.

Mr. HAWKINS. Mr. Chairman, I yield 6 minutes to the gentleman from Pennsylvania [Mr. MURPHY].

Mr. MURPHY. I thank the gentleman for yielding me this time.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield briefly?

Mr. MURPHY. I yield to the gentleman from California.

Mr. MILLER of California. I thank the gentleman for yielding.

It has been said here a number of times about the debate last night which would argue for a set-aside for minority businesses. I do not remember anybody in that debate arguing that they wanted a set-aside, that they wanted a right to participate in the defense contracts of this country, that they wanted that right so they could be paid less than the prevailing wages. They argued that they wanted to participate as full American citizens in the expenditure of those dollars. I assume that that meant that they wanted to participate like everybody else and get the prevailing wages for their labor.

Mr. MURPHY. First, let me say that we go back to statistics for a few seconds: from my calculations, according to the great cost savings that are supposed to be projected if we throw Davis-Bacon out the window for 86 percent of the defense contracts, they are contending there would be about 4 percent additional cost by using Davis-Bacon 3½ to 4 percent. Let me say that in 1971 President Nixon heard that same allegation and, as you know,

Davis-Bacon provides a clause that the President may suspend Davis-Bacon if he believes there is a national security interest. Well, President Nixon decided that there was such a national security interest. So he set aside Davis-Bacon. There were 1,000 projects bid under Davis-Bacon that he ordered to be rebid. Of those 1,000 orders, let me read you this: "No significant reductions in costs occurred. Data on more than 1,000 projects which were bid under Davis-Bacon and then rebid under the executive order shows that the rebids were lower by only six-tenths of 1 percent, and this lower wage cost does not mean savings to the Government because it overlooks the impact of lower wages on productivity and quality and taxes paid in return." The six-tenths of 1 percent were even wiped out.

So we are going under a false assumption that 3½ to 4 percent are added costs.

Now, my friends and colleagues who are in your offices and who are here on the floor, what is Davis-Bacon? The Davis-Bacon Act merely says that when Government contracts are involved, the Government should insist that the prevailing wage in the area be paid. We do not say the highest union wage, we do not inflate wages, Congress does not set that wage, the employees do not necessarily set that wage, the unions certainly do not set that wage. But it is determined by the Department of Labor.

And if the Department of Labor, which has been controlled by your President for almost 7 years, is requiring 11,000 forms, then I certainly think, Mr. Chairman, we should have Secretary Brock before us and question him on why he is placing such a burden on American business and, certainly, the Defense Department.

The Department of Labor establishes what a prevailing wage is in any area of the country. And they have done that well. I think they do that well today.

How do they establish that prevailing wage? They take a compendium of 50 percent of the wages that are paid in that area, and that is then the prevailing wage, as it should be.

Now, why do we have a Davis-Bacon? We know now we do not set the wages, the unions do not set them, we know how it is set, by the Department of Labor and the Secretary of Labor, appointed by President Reagan, and I think he is doing a pretty good job.

Why do we have Davis-Bacon? Why was it conceived in the first place? My State's Republican Senator, Senator Davis, who had also served as a Secretary of Labor under three Republican Presidents, Harding, Coolidge, and Hoover, and was a renowned expert in labor law and was a steelman at one time, he decided that the Davis-Bacon law was needed to prevent contract piracy with cheap imported labor.

It was determined then, as it should be determined today, that contract piracy using cheap imported labor is not in the best interest of our national goals, either economically or for our security.

I submit that when we establish, if we were to establish a $250,000 threshold, over 80 percent of the Defense Department contracts in housing would then fit within that category and without preventing fragmentation of contracts, that would increase. We would then, in effect, by taking the Dickinson amendment, practically wipe out Davis-Bacon in procurement insofar as housing and construction are concerned.

I say it again, my friends, that what was good in 1935 to prevent this type of piracy using cheap imported labor, just as we have been using cheap imported goods in our country, should be prevented by a continuation of Davis-Bacon. I urge my colleagues to cast a "no" vote on Mr. DICKINSON's amendment and suggest that we have a reasonable compromise with Chairman HAWKINS' amendment.

□ 1215

Mr. DICKINSON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Minnesota [Mr. STANGELAND].

Mr. STANGELAND. Mr. Chairman, I rise in strong support of the amendment offered by my good friend from Alabama, Mr. DICKINSON.

Mr. Chairman, during the days of the Great Depression Davis-Bacon was enacted to ensure fair wages for those working on Federal construction contracts over $2,000. However, because it has not been reformed in over 50 years, the statute is now outdated and inflates the cost of labor to the Federal Government. In fact, the General Accounting Office estimate that Davis-Bacon costs American taxpayers more than a billion dollars each year.

I am pleased to note the distinguished chairman of Education and Labor recognizes the need to reform Davis-Bacon. However, the reform he offers is at best miniscule. Stick it in your eye and you wouldn't even blink.

The Dickinson amendment would increase the Davis-Bacon threshold contract amount of $2,000, to a modest $250,000 for all new military construction. According to the Congressional Budget Office this reform would save $111 million in budget outlays over the upcoming 5 years. These dollars can then be more adequately used to defend our great Nation.

While the budgetary savings are significant, the amendment offers other merits, such as job creation and opportunity for small enterprises.

Mr. Chairman, it is no secret that many urban areas of our Nation are experiencing high levels of unemployment. Minorities and the disadvantaged have been especially hard hit. By increasing the threshold and limiting military construction contracts covered by Davis-Bacon, even more construction can be performed and job opportunities could be created for many now out of work. I hope members of the Black Caucus and others who represent generally urban areas will consider following the direction of the National League of Cities which supports Davis-Bacon reform.

The Dickinson amendment will also create jobs in another fashion as it assists small business which provides four of every five new jobs in America.

As a GAO report notes, Davis-Bacon causes construction workers on Federal projects to be paid rates above those that would prevail under free market competition. Because of this, many businesses, particularly smaller local construction firms, feel that the Davis-Bacon Act is discriminatory in that it favors larger, often unionized firms capable of bidding projects based on higher wage levels.

A $250,000 threshold exempts only 12.3 percent of the total dollar volume of work, while exempting 70 percent of the number of contracts. Basic Davis-Bacon coverage would continue for the vast majority of work and the vast majority of workers. However, significant competition on many small contracts would be opened up for the first time for many small and minority contractors and their employees.

Mr. Chairman, reform along the lines of the Dickinson amendment is supported by President Reagan, Defense Secretary Weinberger, Labor Secretary Brock, the CBO, the GAO, and many associations including the National Association of Counties, the National League of Cities, the Associated Builders and Contractors, the Associated General Contractors, the National Federation of Independent Business, the Public Service Research Council, and the U.S. Chamber of Commerce.

However, the most important supporters of this amendment are the American people. A recent nationwide survey completed by DMI of McLean, VA, demonstrated that 58 percent of the American people, including even 46 percent of union-member households, favored reform of Davis-Bacon.

Considering this and the need to limit excessive defense expenditures, help small business, and create new jobs, doesn't it make more sense to reform an outdated statute and create many jobs at a fair market wage, instead of paying unreasonably high wages to a select few?

Please vote up the Dickinson amendment.

Mr. HAWKINS. Mr. Chairman, I yield 20 seconds to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to point out with particular interest that the previous speaker and several others who have expressed great concern about minority contractors had an excellent opportunity last night to vote for a 10-percent set-aside, and that gentleman and several others voted "no" on the Savage amendment to set-aside contracts for minorities.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, there is no need to repeat the very reasonable arguments that have already been offered here showing how the principle of prevailing rate is a very reasonable approach.

I think the important question at this point is to ask ourselves: Why at this time do we have this amendment, an amendment that we should definitely vote against?

This substitute that is offered at this point is part of an escalating program that has been in place since the Reagan administration took power. This is an attempt to drive one more nail into the coffin of the American working person. The American wage-earner who is the foundation of our economy has suffered from one onslaught after another. Whenever they can possibly do it, they close the plants, they pick up and they go abroad to manufacture with cheap labor costs abroad and sell back in our economy at the same prices and make tremendous windfall profits.

They cannot do it with construction. They cannot pick it up. There are some things you cannot pick up and take overseas. So now they want to undermine and destroy the benefits of the American laborer who still has something to cling to in Davis-Bacon.

What is unique about this country is that we have a tremendous set of consumers generated by the fact that we have a well-paid working class. And now we are destroying that. This is one more attempt to drive a nail into the coffin of organized labor.

We have already had a National Labor Relations Board which does not advocate the interests of the worker, but the business instead. We have an OSHA which does not protect the safety of the workers. Step by step, every aspect of this administration has undercut the New Deal institutions that were put in place, very reasonable institutions like Davis-Bacon and the prevailing wage, and now we want to drive one more nail into the coffin and commit suicide. It is economic suicide to destroy the benefits and to destroy the wage-earning power of the American worker.

I hope we will all vote "no" on this substitute amendment.

Mr. DICKINSON. Mr. Chairman, may I inquire of the Chair as to how much time is remaining?

The Chairman pro tempore (Mr. GRAY of Illinois). The gentleman from Alabama [Mr. DICKINSON] has 21 minutes remaining and the gentleman from California [Mr. HAWKINS] has 16⅔ minutes remaining.

Mr. DICKINSON. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, before I get into my prepared remarks, I would like to address some of the points that have been made today.

The proponents of Davis-Bacon started by saying that we have not had enough hearings on this issue and we should not be doing this today. And yet, when we pointed out that they had failed to schedule hearings as had been promised, they then changed to business arguments and started talking about how difficult it is to find a job.

Yes; it is tough to find a job when Davis-Bacon denies opportunities to the small businesses that create jobs.

The gentleman from Montana gave us a lesson in business by saying that if we did not have Davis-Bacon, big business would come in and undercut small business.

I say to you that I am a small businessman, and give me equal terms to compete with big business and I will beat them any day. I will beat them every day because my overhead is much, much lower than big business overhead, and I can provide a quality, on-the-site supervised job that is much better than any big business can provide. Big business and big unions benefit from Davis-Bacon and shut me out from being able to participate in Government contracts.

Davis-Bacon not only requires me to pay higher wages, but more importantly, Davis-Bacon increases my paperwork.

Now, many have come down here, tugging at the heartstrings of emotion and saying, "How dare you come in here and try to cut the standard of living of the worker by cutting his wages below the prevailing wage?"

We have been given a real nice lession on how the prevailing wage is supposed to work, but it is a fact that in contracts on the State level and the Federal level the prevailing wage is often the union wage. In answering the gentleman from Michigan, yes, I am from Texas where we have a prevailing wage with no threshold: It goes all the way down to school boards. When I was in the Texas Legislature, I tried to repeal that prevailing wage because we found out in Texas, in all levels, it cost our governments $80 million a year in increased construction costs because our prevailing wage is set at the union wage. There is no efficient system other than burdensome paperwork—and this answers the gentleman from Pennsylvania—to set the true prevailing wage. That is why they easily take the union wage rate in most areas.

So what we are talking about here is paying inflated rates, not market rates. Let us not make a mistake about that. Let us not cover it up. We are paying inflated union rates and locking people out of the process.

Now, let us talk about the creation of jobs. It has been estimated that under the Dickinson amendment we might save $28 million in budget authority and, I believe, some $9 million in direct budget outlays each year. If we could save that amount of money, I would love to turn it back to the taxpayers, but what usually happens in Congress is that we go ahead and spend it.

With that amount of money, we could increase the standard of recreational facilities and better working conditions. But, no, the proponents of Davis-Bacon and the proponents of the Hawkins amendment do not want better services and a better quality of life for our service personnel. They want a better quality of life and higher wages for a select few—that is, those who work on the 20 percent of all construction in this country that happens to be covered by Davis-Bacon.

Davis-Bacon also prevents the taxpayers from getting the most for their money. Can you imagine the amount of money we could have saved over the last 50 years if this amendment saves this many millions of dollars per year?

Mr. Chairman, if Members vote "no" on the Dickinson amendment, they are telling the taxpayers that they must continue to pay higher taxes to benefit a select few, because Davis-Bacon offers no other "benefits" than that.

Mr. HAWKINS. Mr. Chairman, I yield 2⅔ minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for these 2⅔ minutes. I really appreciate that.

Mr. Chairman, the question is this: Are we going to reform Davis-Bacon or are we going to ruin it? Now, to "ruin" it might sound harsh to some of the very good-meaning proponents of the Dickinson amendment. But we are talking about $8 billion plus in spending that goes out to literally hundreds of thousands of contractors, and if you vote "yes" on the Dickinson amendment, you are voting to eliminate 80 percent of those contractors from the protection of Davis-Bacon.

So if we ask the American people, "Do you want to lower the wages of 80 percent of the people, 80 percent of

the contractors for the Defense Department, and do you want to lower the wages of their workers?" I think the American people would say that it sounds a little bit harsh to lower their wages at a time like this when wages are not even keeping up with inflation, when inflation is only operating at 2½ to 3 percent and wages are not even keeping up with that. So they might ask, "Why would you want to lower it?"

"Well, we want to lower it because we want to help those moderately priced contractors, plus we want to bring down the costs of the Defense Department."

People would say, "Oh, I am for that. But not 80 percent." The American people would say, "We don't want to strip 80 percent of the contractors out from under the basic protections their workers have under Davis-Bacon."

"Well, how many would you want to strip out?"

"Oh, I don't know. Maybe about 10 or 15 percent."

Is that the reform the American people would want? I think it is, and I think most Members of the House think it is. That is Hawkins.

If you want to get rid of 80 percent of the contractors, I think that would be ruining Davis-Bacon. That is Dickinson.

How do the Members of this House get an opportunity to vote on Hawkins? That is to reform Davis-Bacon and say, "Well, we probably should have done it earlier, but we are finally going to do it now. We are going to take 15 percent of these hundreds of thousands of contractors out from under Davis-Bacon and lower the wages of those workers, undeniably." If you want to support that 15 percent, you have to get to the Hawkins amendment. How do you do it? You have to vote "no" on Dickinson first and then vote "yes" on Hawkins.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). The time of the gentleman from Montana [Mr. WILLIAMS] has expired.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I have the privilege, like most of those in the debate today, of serving on the Education and Labor Committee, and I enjoy it greatly because I like to think of that committee as a committee of opportunity. It is the committee that works for the little guy, whether it be the worker, whether it be the person who needs training, or whether it be the small businessman, or whatever. And I would put up my voting record on these issues with any Member in terms of plant closings, parental leave, job training, polygraph, and all these other issues.

But I would like to suggest today that if we are going to talk about spending time on enforcement and training of the little guy, we ought to also talk about giving that little guy some opportunities to participate in some of these Federal programs. I do not think we ought to limit them to the large contractors, so to speak.

Let us take a look at what we are going to do here today. The fact is that if we pass the Dickinson amendment, we will still have 88 percent of all Federal dollars in defense on construction covered under Davis-Bacon. What we are going to do is the same thing the Education and Labor Committee is doing today in OSHA, in EMSHA, and in many of our other programs, which is to focus our enforcement on the big guy, focus our enforcement on the guy who is causing all the trouble and make sure we go into those big contractors and do exactly what ought to be done.

Now, the fact is that when we look at a law that has not been changed since 1935, I think that in and of itself says it is time for a change, and I think it is time for a major change.

Every Member of this Congress has had or I suspect will be having defense procurement conferences in their districts. The purpose of those is to try to find ways in which we can bring some of the defense dollars of this country into our districts, in particular our rural districts. I have got another one this coming Thursday.

We passed small business set-aside last week, and I voted for the increase in the minority set-aside. But it does no good to do any of those things if we are only going to limit the ability to bid on construction contracts to the large contractors and to the workers of the large contractors as well.

Mr. Chairman, I ask the Members to support the Dickinson amendment.

Mr. HAWKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. PERKINS].

Mr. PERKINS. Mr. Chairman, let me say to my dear colleagues that I want to take this opportunity today to speak just a little bit about one of the issues that I think is of major importance to the American worker, and that is what is before us today.

I join with my colleague, the gentleman from California [Mr. MILLER], who believes that we should not be having the Hawkins amendment before us, that we should not be having the Dickinson amendment before us, that we should have no amemdment at all. Indeed, what we are talking about when we talk about Davis-Bacon is an insurance that the Federal Government stay neutral in the imposition of wages across this country. We are not asking the Federal Government either to drive the wages up or to drive the wages down; we are asking the Federal Government to remain neutral in that process. We are asking that the Federal Government does not take a chance on driving the standard of living of the regular American workers down further and further. That is precisely what we are talking about when we refer to this particular amendment today.

I say to my dear colleagues that when we talk about this type of legislation, we have to realize that we have a number of these districts spread out across the country, and the American laborer, the one who works on a regular basis, does not understand what area we are talking about, because he moves around in that area, and within that area we are referring to, that worker is going to have to be employed in a variety of locations. Within that designated area, there is a standard wage, and that standard wage is something that the Federal Government says we will pay, under today's provisions.

We should not come in and drive that wage down. How does it drive it down, you may ask. Let me tell you. You start spending that money, pouring billions and billions of dollars in these projects across this country, and naturally it has one effect; it influences it by setting a lower ceiling or a lower level on the overall funding. What does that do? It drives the wage rates down for all workers in that area.

□ 1235

So what you are talking about is not just the imposition of lower wages for these people who are affected, but you are talking about the imposition of lower wages for everyone who is within that area with this type of amendment. That is why this is so dangerous and that is why we must reject the Dickinson amendment. We must try to maintain some semblance of order for the American worker.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Chairman, I would like to pose some questions to the majority here on the amendment which they have offered. As you know, there were no hearings on this amendment and actually no opportunity to see it before we came here.

As I read the amendment, and I would urge you to correct me if I am wrong, it amends the military construction aspects only and not Davis-Bacon. Now, that is important as I go on.

As I understand the amendment, it only goes for 1 year. In other words, we will have to revisit this whole issue next year, whereas the Dickinson amendment is a permanent change to the MilCon law.

Second, that it does not exempt the contracts, but only the wage rates, which means that you still have to fill out the whole contract if you are under $25,000, but the only thing that you are exempted from are the wage rates.

Third, as I understand it, it sets up a whole alternative procedure for handling matters which may come up under this by allowing it to be circumvented and go to a district court, rather than following the normal procedures of the Department of Labor.

I bring that out because those are very significant differences in the Dickinson amendment.

I would be happy to yield to the other side if I am in any way incorrect in my perception of what this amendment does.

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Pennsylvania.

Mr. MURPHY. Mr. Chairman, the Education and Labor Committee is committed to comprehensive reform of Davis-Bacon. We have worked. We are negotiating with representatives of labor, the DOL.

Were the amendment to be permanent, the gentleman suggests it is only for 1 year, this authorization is for only 1 year. We therefore attach our amendment for 1 year. To be permanent, any subsequent consideration of the Education Committee, on which the gentleman is the ranking member, would mean that we would then have sequential referral to the Armed Services Committee because we would be making it a permanent part of their act.

I suggest to change the restrictions and address it in a proper manner.

Mr. JEFFORDS. Mr. Chairman, I take back the balance of my time just to point out that apparently I was correct in my interpretation of their amendment.

Mr. HAWKINS. Mr. Chairman, I yield myself 2 minutes.

I think it should be thoroughly understood what the intent of the Dickinson amendment is. Do not be fooled by the fact that reform is being suggested. This obviously stops short of outright repeal, but behind this amendment I think it has been admitted in debate, even by the gentleman from Alabama, that the intent is to force down wages, because that is the only way that would make valid his assertion that this is the way to save money on defense.

So obviously, if that intent is not served, then there is no other way those so-called savings, and they are only so-called savings, because it has been certainly testified before the Education and Labor Committee that time after time the studies referred to did not involve productivity. The studies did not include the fallout from defective workmanship, for example, from repairs and other corrrections that had to be made as the result of those who were the low bidders, who did not perform adequately on the contract.

Now, this is not a high wage industry. At the present time the average construction worker who is going to be affected by this amendment earns an average of between $14,000 and $17,000 yearly, certainly not an adequate family wage to support a family.

The unemployment among construction workers today is over 13 percent, certainly one of the highest among any group.

So this forcing down the wages below what are now being paid in a locality certainly is not justified.

May I simply remind the body of this, that it is remarkable that those who are so brilliant in fashioning a national defense system, who are so concerned about the tax fares, can find no other place to whack $300 billion, except in the wages of those who are paid the lowest in our society today. That to me is just remarkable in its import and its implications.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for yielding.

I think it is time to begin to sum up and to go over some of the things that were presented today.

First of all, the gentleman from Vermont [Mr. JEFFORDS] told us a minute ago that it is not accurate to characterize the Hawkins amendment as a compromise. In fact, the Hawkins amendment as presented would exempt only wage rates, but would not exempt from the requirements or from coverage of these contracts; so the contractors, all contractors, under the Hawkins amendment would still be required to fill out these some 11 million forms a year that are filed in area district offices, that are not filed, that are not compiled, that are not enforced because there are too many of them, and yet it tends to drive small- and medium-sized contractors away.

By contrast, the Dickinson amendment is a true reform. It is not repeal. It simply changes the threshold and the results would be that small- or medium-sized contractors would be able to bid on small- and medium-sized contracts.

The result of the Dickinson amendment is that Dickinson would exempt some 74 percent of the actual contracts, but it would leave coverage of prevailing wages in place for 88 percent of the Department of Defense work by dollar volume.

Now, let me say that again. Under the Dickinson amendment, 88 percent of the Department of Defense contracts by dollar volume would still be covered, but we would be able to take that paperwork burden away from 74 percent of the contracts that are in this country.

The New York Times has called the current Davis-Bacon Act a scandal.

The National Association of Minority Contractors has called it poison, the law in its current form is poison to minority contractors.

The fact of the matter is that the current threshold, whether it is $2,000 or the almost no change of $25,000 under the Hawkins amendment would still preclude minority contractors from bidding on Government work, would continue the status quo, would still drive local jobs away from the local economy, would still have that essential problem of prohibiting small- and medium-sized growing contractors from bidding on Government work. That is all we are after. We are after jobs in each Member's individual district, to allow those jobs to be kept locally.

Let us vote for the Dickinson reform to keep the original intent of Davis-Bacon and keep local jobs at home building local economies.

Mr. CLAY. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore (Mr. GRAY of Illinois). Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 353]

Ackerman	Brown (CO)	Derrick
Akaka	Bruce	DeWine
Alexander	Bryant	Dickinson
Anderson	Burton (CA)	Dicks
Andrews	Burton (IN)	Dingell
Annunzio	Bustamante	DioGuardi
Anthony	Byron	Dixon
Applegate	Callahan	Donnelly
Armey	Carney	Dorgan (ND)
Aspin	Carper	Dornan (CA)
Atkins	Carr	Dowdy
AuCoin	Chandler	Downey
Badham	Chapman	Dreier
Barnard	Cheney	Duncan
Barnes	Clay	Durbin
Bartlett	Clinger	Dwyer
Barton	Coats	Dymally
Bateman	Cobey	Dyson
Bates	Coble	Early
Beilenson	Coleman (MO)	Eckart (OH)
Bennett	Coleman (TX)	Eckert (NY)
Bereuter	Collins	Edgar
Berman	Combest	Edwards (CA)
Bevill	Conte	Edwards (OK)
Biaggi	Conyers	Emerson
Bilirakis	Cooper	English
Bliley	Coughlin	Evans (IL)
Boehlert	Courter	Fascell
Boggs	Coyne	Fawell
Boland	Craig	Fazio
Boner (TN)	Crane	Feighan
Bonior (MI)	Crockett	Fiedler
Borski	Daniel	Fields
Bosco	Darden	Fish
Boucher	Daschle	Florio
Boulter	Daub	Foglietta
Boxer	Davis	Foley
Brooks	de la Garza	Ford (MI)
Broomfield	DeLay	Franklin
Brown (CA)	Dellums	Frenzel

Gallo	Manton	Schroeder
Gaydos	Markey	Schuette
Gejdenson	Marlenee	Schulze
Gekas	Martin (IL)	Schumer
Gephardt	Martin (NY)	Seiberling
Gibbons	Matsui	Sensenbrenner
Gilman	Mavroules	Sharp
Gingrich	Mazzoli	Shaw
Glickman	McCain	Shelby
Gonzalez	McCandless	Shumway
Goodling	McCloskey	Sikorski
Gordon	McCollum	Siljander
Gradison	McCurdy	Sisisky
Gray (IL)	McEwen	Skeen
Gray (PA)	McGrath	Skelton
Green	McHugh	Slattery
Gregg	McKernan	Slaughter
Guarini	McMillan	Smith (FL)
Gunderson	Meyers	Smith (IA)
Hall (OH)	Mica	Smith (NE)
Hall, Ralph	Michel	Smith (NJ)
Hamilton	Mikulski	Smith, Denny (OR)
Hammerschmidt	Miller (OH)	
Hansen	Miller (WA)	Smith, Robert (NH)
Hatcher	Mineta	
Hawkins	Mitchell	Smith, Robert (OR)
Hayes	Moakley	
Hefner	Molinari	Snowe
Hendon	Mollohan	Snyder
Henry	Monson	Solarz
Hertel	Montgomery	Solomon
Hiler	Moody	Spence
Holt	Moorhead	Spratt
Hopkins	Morrison (WA)	St Germain
Horton	Mrazek	Staggers
Howard	Murphy	Stallings
Hoyer	Murtha	Stangeland
Hubbard	Myers	Stark
Huckaby	Natcher	Stenholm
Hughes	Neal	Stokes
Hunter	Nelson	Strang
Hutto	Nichols	Stratton
Hyde	Nielson	Studds
Ireland	Nowak	Stump
Jacobs	Oakar	Sundquist
Jeffords	Oberstar	Sweeney
Jenkins	Obey	Swift
Johnson	Olin	Swindall
Jones (NC)	Ortiz	Synar
Jones (OK)	Owens	Tallon
Kanjorski	Oxley	Tauke
Kaptur	Packard	Tauzin
Kasich	Panetta	Taylor
Kastenmeier	Parris	Thomas (CA)
Kemp	Pashayan	Thomas (GA)
Kennelly	Pease	Torres
Kildee	Penny	Torricelli
Kindness	Pepper	Towns
Kleczka	Perkins	Traficant
Kolbe	Petri	Traxler
Kolter	Pickle	Valentine
Kostmayer	Porter	Vander Jagt
Kramer	Price	Vento
LaFalce	Pursell	Visclosky
Lagomarsino	Quillen	Volkmer
Lantos	Rahall	Vucanovich
Latta	Ray	Waldon
Leach (IA)	Regula	Walgren
Leath (TX)	Reid	Walker
Lehman (CA)	Richardson	Watkins
Lehman (FL)	Ridge	Weaver
Leland	Rinaldo	Weber
Lent	Ritter	Weiss
Levin (MI)	Roberts	Wheat
Levine (CA)	Robinson	Whitehurst
Lewis (CA)	Rodino	Whitley
Lewis (FL)	Roe	Whittaker
Lightfoot	Roemer	Whitten
Lipinski	Rogers	Williams
Livingston	Rose	Wilson
Lloyd	Rostenkowski	Wirth
Loeffler	Roth	Wise
Long	Roukema	Wolf
Lott	Rowland (CT)	Wolpe
Lowery (CA)	Rowland (GA)	Wortley
Lowry (WA)	Roybal	Wright
Lujan	Rudd	Wyden
Luken	Russo	Wylie
Lundine	Sabo	Yates
Lungren	Savage	Yatron
Mack	Saxton	Young (AK)
MacKay	Schaefer	Young (FL)
Madigan	Schneider	Young (MO)

□ 1300

The CHAIRMAN pro tempore (Mr. RUSSO). Three hundred ninety-six Members have answered to their names, a quorum is present, and the Committee will resume its business.

The Chair will state that the gentleman from California [Mr. HAWKINS] has 10 minutes remaining and the gentleman from Alabama [Mr. DICKINSON] has 11 minutes remaining.

Mr. BADHAM. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I have been here for almost 2 hours listening to the debate on this important issue, extremely grateful that we have an opportunity to finally debate this issue in this body.

I have to admit that there have been times during the debate when I felt very encouraged and very excited, and there have been times that have been bitterly disappointing to me. Throughout the debate there have been recurring allegations that unless you are on the committee of jurisdiction, the Education and Labor Committee, you have no legitimate interest in this issue. I take exception to that.

It has been alleged, I think in quite particular terms, when at least on one occasion there was a characterization of Members of the debate in terms of those who are old defendants or opponents of Davis-Bacon, or those of us that are so new to this body that we do not know what is going on. I am new to this body and there are many of us who are not members of the Education and Labor Committee or old Members but we understand the history of Davis-Bacon. I understand the history of Davis-Bacon. I have to tell you quite frankly I am sorry that it was members of my party that introduced the legislation, and I am sorry that it was a Republican President that signed the legislation, because I truly believe that it was mean spirited legislation passed at the time it was passed for mean spirited reasons.

This amendment is a good amendment. It opens opportunity. We need to consider this.

I also applaud the chairman of the Education and Labor Committee for his amendment. It also opens opportunity. But the question is how far should we open opportunity.

I have to tell you, I am a member of the Education and Labor Committee. I do not believe that committee intends to bring this issue up for open, unbiased hearings, debate, and floor action.

I would remind the Members of the body that we stood down from this Defense authorization bill for 2 days while the framer of this amendment Mr. DICKINSON fought for his right to get it before the body, 2 days he had to fight.

I want to talk about the opportunity I mentioned earlier. If you are an entrant, either an entrant firm trying to get started, or an entrant in the work force, if you are unskilled, inexperienced, you have the opportunity in this country to move to a different location, to offer to do the job for less, to be competitive, to get a start. Somebody will take a chance on you if you can offer them to do the job at a lower price.

That opportunity to move to a new location, to offer your services at a lower price, to get your chance, is guaranteed in this country. It is foreclosed by the Davis-Bacon Act, and the gentleman's amendment opens that opportunity ever so little for so many entrepreneurial and occupational entrants.

I recommend that this body vote for this amendment and provide an opportunity for people to get started, to make their way in this country.

Mrs. HAWKINS. Mr. Chairman, I yield 5 minutes to the distinguished majority leader, the gentleman from Texas [Mr. WRIGHT].

Mr. WRIGHT. Mr. Chairman, I would like to say a few words in opposition to the Dickinson amendment and in favor of the Hawkins amendment.

This gets down to a very simple question: Do we want to use the powers of the Government of the United States consciously to reduce wages? There has been a movement, consciously afoot within this branch of Government, the administrative branch, and exerted to some degree consciously through the Defense Department, to reduce wages.

I think that is the wrong direction for our society to take. This would be achieved if the Dickinson amendment were agreed to, because it would exempt some 80 percent of all the contracts entered into by the Defense Department from the guarantees of Davis-Bacon.

Those are not high wage guarantees. By very definition, they are guarantees that no less than prevailing wages shall be paid. In other words, the purpose of Davis-Bacon originally was to protect workers from exploitation, to protect communities from the use of the Federal Government's money to depress the wage level and reduce wages.

The words of art in the Davis-Bacon language are "prevailing wages."

The determination is made by the administration, by the Department of Labor. They are the people who decide what the prevailing wage is. It is not made by labor organizations. It is made by the Department of Labor.

So the purpose of Davis-Bacon is to protect prevailing wages, to keep the Government of the United States from coming in with a heavy hand and actively depressing the wage level in a community.

My dear friend and colleague in the adjoining district of mine, my neighbor, the gentleman from Texas [Mr. ARMEY] just characterized that entire Davis-Bacon philosophy as mean spirited. It seems to me that it is quite the reverse, and if we were to characterize anything as mean spirited, it should seem to me that any effort on the part of the Government to depress wages would be more mean spirited.

I do not think that the purpose of the gentleman from Alabama [Mr. DICKINSON], I do not think it consciously is to depress wages. But that surely would be the effect of the gentleman's amendment. If it were to remove from the protection of the Davis-Bacon wage formula 80 percent of the contracts, the probability is that it would indeed depress wages.

The gentleman from California [Mr. HAWKINS] recognizes quite well that the effects of inflation have made changes in the market, and he is willing to accommodate to those changes in a realistic way. He is willing to reform the level of the Davis-Bacon applicability from the existing $2,000 upward to $25,000.

That surely is reasonable. If you were to use the Congressional Budget Office estimate of the effect of inflation upon the $2,000 threshold since it was established, it would come to some $14,000 to make the same level of activity applicable to the Davis-Bacon formula.

□ 1315

Even the U.S. Department of Commerce's Composite Cost Index of Construction Costs brings it somewhere in the vicinity of $20,000.

Well, the gentleman from California does better than that from the standpoint of those who would exclude contracts from Davis-Bacon; he raises it to $25,000. The gentleman from Alabama would raise it to $250,000; and without an effective tool of enforcement to prevent those who bid on contracts from fragmenting those contracts and having several contracts for several components of what would truly be one contract, thus avoiding the applicability of prevailing wage, it surely would depress wages.

Some of my friends who support abolishing Davis-Bacon have said in support of that idea that what they are really trying to do is to help small business, or even to help minority business by giving them the opportunity to bid low and pay their employees low.

Well, I am not sure that that helps small business or minority business, but I find it strangely inchoate that the gentlemen who are making this argument, when given the opportunity last year to vote for a set-aside for small business voted against it.

Only yesterday, when we had the opportunity for a 10-percent set-aside for minority business, the very people that are making this argument to protect minority business voted against that.

So it seems to me that the crocodile tears that are being spilt in behalf of small business and minority business for the actual purpose of reducing wages are being wasted upon the desert air.

So I ask you, in the interest of simply being realistic and reasonable, and of giving the Department of Labor and the labor organizations of this country full and ample opportunity to negotiate, as they are presently engaged in negotiation, and Secretary Brock I am sure, I am told, made that point to the gentleman on my left, that you will vote down this amendment by the gentleman from Alabama, and then vote for the reasonable amendment by the gentleman from California.

Mr. BADHAM. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I appreciate these 4 minutes so much. It has taken us so many years to get to this place where we can debate this issue and have a final vote.

I want to answer, as best I can in these short minutes, what this Member believes the Dickinson amendment does and why I support it so strongly. This Member voted for the minority set-aside last night because the arguments were compelling; this Member agrees with the Minority Contractors Association, who supports this effort today, because I believe it is the right thing to do.

Some Members have honestly said they want no reform. They really believe that a 1931 act is just as good today as it was then; I do not. This Member used to agree with those who have expressed the interest of repeal and doing away with it.

I have been persuaded by the arguments on this side that would be a mistake. Therefore, I am for reform of Davis-Bacon.

The insinuation has been made that some would vote to cut wages and salaries but will not vote to cut anything out of the defense budget. This Member voted for the Spratt amendment, and believed that the $100 million in savings that the Dickinson amendment offers versus the tokenism of the opposite extreme today; that this is a vital, integral part of a sincere budget effort.

This Member agrees that the issue is not prevailing wage; I agree to that. I agree that we ought to pay the prevailing wage. That is not the issue with this amendment. We are talking about the threshold. The prevailing wage argument is not an argument. Even this afternoon on the construction bill, I am not going to argue to do away with that; I agree with that.

So let no one vote based on the arguments that have been presented here today that it is the prevailing wage argument.

Now it has been said that inflation is $14,000, et cetera. I will quote to you and be happy to show any of you that the CBO estimates between $20,000 and $40,000 is the inflation estimate of the threshold today. CBO tells me today it is $40,000 when you take all of the indexes. We can argue about which one we want to use, but the real one according to CBO is $40,000, if you want to do inflation.

That is why I call this tokenism, Mr. Chairman.

Now, if you want to talk about savings, the Dickinson amendment saves $100 million over the next 5 years; the substitute will save $2.78 million. If you are talking about contracts, I agree it is somewhere between 70 and 80 percent of the contracts will be exempted, and that is what I want to do. I want to give small businesses an opportunity to eliminate the unnecessary paperwork and restrictions of the Davis-Bacon Act. That is what I want to do.

I do not believe that that is going to do the things to labor and wages, et cetera, that the other side says. Local governments support the Dickinson amendment; State governments support it; minority contractors support it.

The other point that was made earlier today is, why, why after 5 years of this administration have we not eliminated the 11 million pieces of paper that all businesses, small and large, have to file weekly in order to comply with Davis-Bacon?

The reason we have not is because it is the law. It is the law of Davis-Bacon that says "You must comply with the Copeland Act." Therefore it is not for the President to unilaterally destroy that which the Congress has said is the law of the land. We have got to do that, and we are not even talking about that in this amendment; we will talk about it this afternoon on the Highway Construction Act, because that is what I think we ought to do. We ought to eliminate the paperwork requirements. We ought to make it easier, because thereby you give an opportunity to small businesses, and I submit to those small businesses who are of a minority nature, the opportunity to grab that first rung on the ladder.

My final point today is the same one I started with: To those that will argue in closing; this is not the time, this is not the place. I have stood in

this well and been promised hearings and action for the last 2 years. Two years I have been promised hearings and action—and you are going to hear it, we have heard it already today—if you want reform, if you want to do that which is absolutely necessary to provide opportunity for small businesses, you will vote for the Dickinson amendment and against the tokenism of the substitute offered by the Committee on Education and Labor.

Mr. HAWKINS. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. MITCHELL].

Mr. MITCHELL. Mr. Chairman, I thank the chairman for yielding to me, and I will not consume more than 1 minute.

Mr. Chairman, I have served on the House Small Business Committee for 15 years, and I have chaired the subcommittee that deals with minority business for the last 5 years. In that total of 15 years, I have never received one single complaint from any minority business with regard to Davis-Bacon, not one. I hear about them in terms of capital; I hear about their complaints in terms of everything else, but I have not received one complaint from a single minority business with regard to Davis-Bacon.

Second, before you take for granted a hastily prepared letter that came from the Association of Minority Contractors, I think you ought to take into account that that association was not polled in the last 2 years on the issue of Davis-Bacon. There has been no poll by the minority contractors; so I do not think that letter offers very much in terms of valid opposition or support for the proposition.

I am just delighted that we have got all these buddies of minority businesses all of a sudden.

Mr. HAWKINS. Mr. Chairman, I yield my remaining time to the chairman of the subcommittee of jurisdiction, the gentleman from Pennsylvania [Mr. MURPHY].

Mr. JONES of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. Mr. Chairman, no one can question the fact that the Davis-Bacon law needs to be revised and updated. Unfortunately, neither one of the choices before us today is satisfactory.

There is also legitimate criticism against the Labor Committees of Congress for their failure to recommend legislation that can be considered in an orderly legislative manner. This issue is far too important to be considered piecemeal on different authorizing bills which come before us.

Frankly, I oppose both amendments because they both miss the mark. One sets the threshold too high, the other sets it too low, and neither addresses the fundamental problem of Davis-Bacon: the crippling paperwork burden on small business.

Furthermore, neither amendment addresses the second biggest problem of Davis-Bacon: the manner in which prevailing wages are determined by the Department of Labor.

Both amendments are silent on these issues.

The Congressional Budget Office studied Davis-Bacon and suggested that an appropriate new threshold for projects would be $40,000. Regrettably, the House cannot vote on that proposal. Clearly, the Dickinson amendment sets far too high a threshold if the Congressional Budget Office study is correct. The Hawkins amendment is closer, and while I will vote for it, I do so under protest that it has somewhat too low a threshold, and addresses neither one of the fundamental problems with Davis-Bacon.

We have heard promises from committee members today that they would move ahead expeditiously with genuine reform of Davis-Bacon. I hope that they are not empty promises. I first called for Davis-Bacon reform when I offered my first House budget more than 5 years ago. The Labor Committees need to start showing some action toward reform.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, I intend to vote no on the Dickinson amendment on Davis-Bacon because I think the amendment goes too far, but I want my colleagues to understand that I support the Hawkins substitute, because I believe that reform of the Davis-Bacon Act is necessary and important.

If the Dickinson amendment fails, the Hawkins substitute will propose a $25,000 threshold for the Davis-Bacon Act. That increases the threshold from its present $2,000 to $25,000. I support that reform. I think it's overdue, and I intend to vote for it.

The Hawkins-Murphy substitute will eliminate Davis-Bacon requirements for 14 percent of the Department of Defense contracts, and I think that's appropriate.

Again I want to emphasize that I intend to support this reform because reform of Davis-Bacon is overdue.

Mr. DICKINSON's proposal would eliminate the Davis-Bacon requirements for 80 percent of DOD contracts, and I think that's inappropriate. As I understand it, even the Secretary of Labor who appeared before a Republican caucus said the $250,000 threshold is out of line.

So, let's defeat the Dickinson amendment and then let's support the Hawkins-Murphy amendment that provides the right kind of reform of Davis-Bacon.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I want to compliment the gentleman from Alabama [Mr. DICKINSON] for bringing this issue before us. I think it's clear that the Davis-Bacon Act needs to be reformed. And while I believe the Davis-Bacon Act needs to be reformed, there is a difference between reform and a threat of repeal. I believe the gentleman's amendment goes too far and defeats the basic purpose of the Davis-Bacon Act. For that reason, I must oppose the Dickinson amendment.

I have always been a supporter of Davis-Bacon because I believe that if you're going to be awarded a government construction contract, you ought to pay a fair wage and have very qualified workers. The Davis-Bacon Act has served to further that requirement, but Davis-Bacon was written more than 50 years ago. I believe we need to update Davis-Bacon because the $2,000 limit is too low. The $2,000 limit may have made sense in the 1930's, but I'm not sure it is applicable today.

The Dickinson amendment raises the threshold, and the threshold should be raised, but the Dickinson amendment just goes too far. Frankly, the committee substitute does not raise the threshold high enough, in my opinion. But the committee substitute is a whole lot closer to where we need to be than the Dickinson amendment. I could support a higher threshold than $25,000, but that alternative is not before us today. Therefore, I will oppose the Dickinson amendment, but I believe we need to revisit this issue again next year and adopt a more reasonable threshold.

Raising the threshold from $2,000 to $25,000 is a beginning. It's the first time we have changed the figure in 50 years. That is definite progress, but it is not enough.

Mr. PENNY. Mr. Chairman, will the gentleman yield?

Mr. MURPHY. I yield to the gentleman from Minnesota.

Mr. PENNY. Mr. Chairman, I agree with my colleague from Oklahoma, JIM JONES, that the choice today is between one Davis-Bacon threshold that is too low and another that is perhaps too high. I also concur with Mr. JONES that the key issues of paperwork for small businesses and wage rate computation formulas are not adequately addressed by either the Dickinson or the Hawkins amendments. I appreciate the fact that a public commitment was made here on the House floor today by the leadership of the Education and Labor Committee to review and propose comprehensive reform in Davis-Bacon in the near future. As a member of the Education and Labor Committee, I look forward to participating in those deliberations.

However, we all know that if we adopt the Dickinson amendment to the Defense Authorization bill there will be no opportunity for debate in this area during conference with the Senate.

By opposing the Dickinson amendment and supporting the Hawkins amendment, we will give the House conferees and opportunity to meet the Senate part way on this matter. But we must go beyond the 1-year Defense Authorization bill and enact permanent reform for all Government agencies and programs.

Currently, negotiations are underway between the Department of Labor and union leaders. I am confident that they will address many crucial issues—wage computation, size of contracts, job classifications, and others—in a manner that can satisfy many of the legitimate complaints by local governments and business groups and also be sensitive to legitimate worker interests.

The Education and Labor Committee will certainly give strong consideration to the reforms recommended by the Department of Labor and the concerns reflected by working men and women.

I'm pleased that with the Hawkins amendment we are beginning the necessary process of fair Davis-Bacon reform and trust that this Defense Authorization bill is the first step toward similar reform covering all other agencies and departments.

I expect work in the Education and Labor Committee will result in such legislation in the very near future.

Mr. FOGLIETTA. Mr. Chairman, I rise in opposition to the Dickinson amendment to raise the Davis-Bacon "threshold" on military construction contracts to $250,000.

Supporters of this amendment claim that increasing the threshold of the Davis-Bacon Act will achieve a savings for the Federal Government of about $2 billion over a 5-year period. While such savings are immediately attractive, the fact remains that implementation of this amendment will result in unfair competition on military contracts and, more importantly, the loss of hundreds of thousands of jobs around the country.

The Davis-Bacon Act, as enacted in 1931, ensures equal and fair competition for bids on federally funded work projects. Local contractors are put on equal footing with those across the Nation. Repeal or weakening of Davis-Bacon would disrupt the local labor market and force working men and women to pay the price.

I refuse to support an amendment that asks laborers to take a paycut while waste in the Defense Department flourishes at an unprecedented rate. It is absurd to believe that a threshold increase of this amount would benefit anyone but big business. I think that if we are truly concerned about eliminating waste in the defense budget we should focus on stopping defense contractors from overcharging the Government.

Allow me to explain what I mean. On October 30, 1985, Rockwell International Corp. pleaded guilty to charges that one of its divisions had made false statements to the Government regarding an Air Force ADP contract.

In December of last year, Hydrid Components Inc., a Massachusetts manufacturer of semiconductors and other electronic components, was charged with criminal fraud in connection with the manufacture and testing of products Hybrid supplied under Government subcontracts.

On June 23, 1986, TRW Inc., was charged with fraudulently mischarging the Government on defense subcontracts for aircraft parts and equipment.

The Justice Department has filed a suit which would make the compnay liable for at least $20 million. Execuair Corp., a Los Angeles based aircraft parts manufacturing firm, has been indicted on charges that they sold counterfeit, defective parts to the Air Force.

On March 26, 1986, the Justice Department sued Gernal Dynamics for defrauding the Government, alleging that the firm's Pomona Division mischarged the Pentagon by millions of dollars during 1979 and 1980 on a contract to build a prototype antiaircraft gun.

As the Members of this body are well aware, this litany does not begin to touch on the magnitude of the problem. Reports of waste and fraud by defense contractors are commonplace. Now, I ask my colleagues, should we reduce a welder's or bricklayer's wages in order to accommodate this wasteful action?

Mr. Chairman, I cannot in good conscious support an amendment that will force hard working men and women to take a cut in pay while defense contractors continue to steal millions of dollars from the Federal Government. I urge my colleagues to defeat this amendment.

Mrs. LLOYD. Mr. Chairman, I support the Hawkins amendment. It is, by far, the superior choice between the two amendments.

I voted "no" to the Dickinson amendment because I believe the $250,000 threshold proposed in that amendment is unrealistic at this time. I agree Davis-Bacon needs amending in order to reflect the changes in wages and monetary values over the past decades. The Hawkins amendment, will begin the task to accomplish that goal. The most important issue is reform of the Davis-Bacon law. It is crucial, and because I believe that, I will support the amendment.

Raising the unrealistic $2,000 threshold is reform that would provide the greatest assistance to small businesses. It must be raised to some degree to force the reforms necessary. Because a small amount of work in the military construction is done through a large number of small contracts, change is appropriate and reasonable.

The current law is too restrictive. With this reform of Davis-Bacon, basic coverage would continue for the vast majority of workers. At the same time, significant competition on many small contracts would be opened up for the first for many small contractors and their employees. This could be a real stimulus for expanding small businesses. Small businesses, after all, provide the most new jobs. The act, as it stands, if unfavorable toward small businesses.

I stand in favor of reducing Federal costs, reducing unnecessary paperwork for the small businesses, and all measures which will allow small businesses to grow and prosper, in turn providing an ever growing workforce.

I am convinced that reform is the most critical aspect of this issue, I am compelled to vote for this measure.

□ 1325

Mr. MURPHY. Mr. Chairman, we requested the CBO to do a study. We have heard these figures all day long. We have been quoting accurate figures. CBO on August 14, 1986, based upon the $25,000 threshold the amendment of Chairman HAWKINS, would be 1.3 percent of the total volume, would equate to a $55 million savings. The gentleman has pointed out that his amendment, at the $250,000 level, would equate to close to some $100 million savings. We go to a $55 million savings. So I am pointing out to the gentleman this is a true compromise, a true half-way mark that we are coming to after a lot of exhaustive study by the members of the Committee on Education and Labor.

We have been working on this bill, contrary to the allegations that have been made. In closing, Mr. Chairman, I would like to point out to my colleagues that we have been told in this entire 2-hour debate about the prevailing wage, the prevailing wage. And they keep insisting on that side that these prevailing wages are driving up the astronomical cost of government.

Let me point out to you, my colleagues, a couple of the prevailing wages that have been granted by this Department of Labor this year.

For those who claim Davis-Bacon supports high-paid construction workers, let me quote these statistics: On April 17, 1986, the Department of Labor determined that heavy construction work in Martin County, FL, which is on the east coast, the gold coast of Florida, that the basic prevailing wage should be $3.35 per hour, the minimum wage.

At Kings Bay, GA, at the Trident submarine base, laborers are paid $4.70 per hour under the prevailing wage for a Government contract.

For this year alone, no less than 43.6 percent of the wage determinations issued by this present Department of Labor for a given geographical area contained wage rates of $5.30 or less. These are prevailing wages. Certainly not astronomical and certainly are not driving up the cost. They are the bare minimum wages, providing these laborers with a bare $10,000 a year, $900 below the poverty level.

I would submit to all of the Members that we have been working diligently on this measure. We will continue to work on it. I can tell it is the intent of my subcommittee to have a bill reported out of our subcommittee for consideration next year by the next Congress, of a reaffirmation of Davis-Bacon with thresholds that are different than perhaps are proposed today but after we have finished our work, I beg the Members allow us to finish our work, grant this 1-year extension with the Hawkins amendment as a compromise, vote against Dickinson and support Hawkins and we will have a true compromise next year. We will have our work finished.

Mr. DICKINSON. Mr. Chairman, I yield myself my remaining time.

The CHAIRMAN pro tempore (Mr. RUSSO). The gentleman from Alabama [Mr. DICKINSON] is recognized for 4 minutes to close debate on the Davis-Bacon amendment.

Mr. DICKINSON. Mr. Chairman, ladies and gentlemen of the Committee, it is very difficult in the 4 minutes remaining to set in order and to correct the facts that should be made here. Let me try as best I can.

You hear pictures conjured up verbally of starving children, families

that are going to be forced into substandard living conditions if we raise the threshold on Davis-Bacon.

Ladies and gentlemen of the Committee, there are $8,300 million in the military construction budget. This only affects and takes out of the $8,300 million, or 12 percent.

It leaves 88 percent of over $8 billion not even touched. And they would have you think everybody is going to the poor house, is going to be bankrupt. Eighty-eight percent of all Davis-Bacon moneys are not touched by my amendment.

Seventy percent of the little contracts, the smaller contracts are affected. That means that big contractors cannot come in and compete with the smaller contractors. I think that is fair.

They are not worried about union wages or whatever, the big contractors, they are union anyway.

So that gives us 70 percent of the contracts, over 70 percent where the small business man can go in and compete on a level playing field. But do not forget 88 percent is not even touched.

Let me ask you this, you have heard it said, "Give us a chance to turn out legislation." Give them a chance? This statute has been on the books for 50 years. It has not been changed. We have been begging for a change. For 2 years they have been before our committee trying to get something done and the Committee on Education and Labor people say, "Wait, we will give you a hearing, we will give you a hearing." They have not given them a hearing in 2 years. Maybe this is a prize pull, to get something out. That is what it is going to take because they are going to kill it if something does not happen. "Give them a chance to get it out?" My God, how much chance do you need?

Do you know what alternative they are offering, what the sop is? Throw them a bone.

They want the threshold to be $25,000, not $250,000. Let me ask you, ladies and gentlemen of the Committee, what do you think you can build for $25,000? Can you build one home for $25,000? The alternative they are offering, the fair compromise is to maybe let the military department, the Department of Defense, build one garage, one garage. They cannot build one house for the threshold they would put.

What I am asking you is that I am talking from the Department of Defense as a serviceman now. If you put this in and let us raise the threshold to $250,000, and this is the first break we have had in 50 years—they did everything they could to keep it from getting to the floor, even denied my rule until we finally got their attention—let us put this in and help the serviceman because it is estimated that in the next 5 years the savings alone—you are interested in saving money out of defense spending? We can build over $100 million worth of family housing without one nickel of cost extra over what is presently in place.

We have seen people come in this well, you have on the defense bill, with a hammer, or a coffee pot, as graphic and as effective. It helps you get emotional. Three hundred dollars per hammer, $700 for a coffee pot, $600 for a toilet seat. "Oh, let us save. What a waste that is." Let me tell you, if you want to save we are talking about billions in savings, right here, billions, and it would not cost you anything. Just raise the threshold, give us a straight shot, vote for the committee position, vote for this.

The CHAIRMAN pro tempore (Mr. RUSSO). The question is on the amendment offered by the gentleman from Alabama [Mr. DICKINSON] as a substitute for the amendment offered by the gentleman from California [Mr. HAWKINS].

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 167, noes 244, not voting 20, as follows:

[Roll No. 354]

AYES—167

Andrews	Fields	Mack
Anthony	Franklin	MacKay
Archer	Frenzel	Marlenee
Armey	Gekas	Martin (IL)
Badham	Gibbons	Martin (NY)
Barnard	Gingrich	McCain
Bartlett	Goodling	McCandless
Barton	Gradison	McCollum
Bateman	Gregg	McCurdy
Beilenson	Gunderson	McEwen
Bereuter	Hall, Ralph	McKernan
Bilirakis	Hammerschmidt	McMillan
Bliley	Hansen	Meyers
Boulter	Hatcher	Michel
Broomfield	Hefner	Miller (OH)
Brown (CO)	Hendon	Miller (WA)
Byron	Henry	Molinari
Callahan	Hiler	Monson
Carney	Holt	Montgomery
Chandler	Hopkins	Moorhead
Cheney	Huckaby	Morrison (WA)
Coats	Hunter	Myers
Cobey	Hutto	Neal
Coble	Hyde	Nelson
Coleman (MO)	Ireland	Nichols
Coleman (TX)	Jeffords	Nielson
Combest	Jenkins	Oxley
Craig	Kasich	Packard
Crane	Kindness	Parris
Daniel	Kolbe	Petri
Darden	Kramer	Porter
DeLay	Lagomarsino	Pursell
Derrick	Latta	Quillen
DeWine	Leach (IA)	Ray
Dickinson	Leath (TX)	Ritter
Dornan (CA)	Lewis (FL)	Roberts
Dreier	Lightfoot	Roemer
Duncan	Livingston	Rogers
Eckert (NY)	Loeffler	Roth
Edwards (OK)	Lott	Roukema
Emerson	Lowery (CA)	Rudd
English	Lujan	Schaefer
Fiedler	Lungren	Schuette
Sensenbrenner	Snowe	Tauzin
Shaw	Snyder	Taylor
Shumway	Solomon	Valentine
Shuster	Spence	Vander Jagt
Siljander	Spratt	Vucanovich
Skeen	Stallings	Walker
Slaughter	Stangeland	Watkins
Smith (NE)	Stenholm	Weber
Smith, Denny (OR)	Strang	Whitehurst
	Stump	Whitley
Smith, Robert (NH)	Sundquist	Whittaker
	Sweeney	Wolf
Smith, Robert (OR)	Swindall	Young (FL)
	Tauke	

NOES—244

Ackerman	Gaydos	Pease
Akaka	Gejdenson	Penny
Alexander	Gephardt	Pepper
Anderson	Gilman	Perkins
Annunzio	Glickman	Pickle
Applegate	Gonzalez	Price
Aspin	Gordon	Rahall
Atkins	Gray (IL)	Rangel
AuCoin	Gray (PA)	Regula
Barnes	Green	Reid
Bates	Guarini	Richardson
Bennett	Hall (OH)	Ridge
Berman	Hamilton	Rinaldo
Bevill	Hawkins	Robinson
Biaggi	Hayes	Rodino
Boehlert	Hertel	Roe
Boggs	Horton	Rose
Boland	Howard	Rostenkowski
Boner (TN)	Hoyer	Rowland (CT)
Bonior (MI)	Hubbard	Rowland (GA)
Bonker	Hughes	Roybal
Borski	Jacobs	Russo
Bosco	Johnson	Sabo
Boucher	Jones (NC)	Savage
Boxer	Jones (OK)	Saxton
Brooks	Jones (TN)	Scheuer
Brown (CA)	Kanjorski	Schneider
Bruce	Kaptur	Schroeder
Bryant	Kastenmeier	Schulze
Burton (CA)	Kemp	Schumer
Burton (IN)	Kennelly	Seiberling
Bustamante	Kildee	Sharp
Carper	Kleczka	Shelby
Carr	Kolter	Sikorski
Chapman	Kostmayer	Sisisky
Chappell	LaFalce	Skelton
Clay	Lantos	Slattery
Clinger	Lehman (CA)	Smith (FL)
Coelho	Lehman (FL)	Smith (IA)
Collins	Leland	Smith (NJ)
Conte	Lent	Solarz
Conyers	Levin (MI)	St Germain
Cooper	Levine (CA)	Staggers
Coughlin	Lewis (CA)	Stark
Courter	Lipinski	Stokes
Coyne	Lloyd	Stratton
Crockett	Long	Studds
Daschle	Lowry (WA)	Swift
Daub	Luken	Synar
Davis	Lundine	Tallon
de la Garza	Madigan	Thomas (GA)
Dellums	Manton	Torres
Dicks	Markey	Torricelli
Dingell	Matsui	Towns
DioGuardi	Mavroules	Traficant
Dixon	Mazzoli	Traxler
Donnelly	McCloskey	Udall
Dorgan (ND)	McDade	Vento
Dowdy	McGrath	Visclosky
Downey	McHugh	Volkmer
Durbin	McKinney	Waldon
Dwyer	Mica	Walgren
Dymally	Mikulski	Waxman
Dyson	Miller (CA)	Weaver
Early	Mineta	Weiss
Eckart (OH)	Mitchell	Wheat
Edgar	Moakley	Whitten
Edwards (CA)	Mollohan	Williams
Evans (IL)	Moody	Wilson
Fascell	Mrazek	Wirth
Fawell	Murphy	Wise
Fazio	Murtha	Wolpe
Feighan	Natcher	Wortley
Fish	Nowak	Wright
Florio	Oakar	Wyden
Foglietta	Oberstar	Wylie
Foley	Obey	Yates
Ford (MI)	Olin	Yatron
Ford (TN)	Ortiz	Young (AK)
Frank	Owens	Young (MO)
Frost	Panetta	
Gallo	Pashayan	

NOT VOTING—20

Bedell	Evans (IA)	Hillis
Bentley	Flippo	Martinez
Breaux	Fowler	Moore
Campbell	Fuqua	Morrison (CT)
Chappie	Garcia	Thomas (CA)
Dannemeyer	Grotberg	Zschau
Erdreich	Hartnett	

□ 1350

The Clerk announced the following pairs:

On this vote:

Mr. Thomas of California for, with Mr. MARTINEZ against.

Mr. Chappie for, with Mr. Morrison of Connecticut against.

Mr. COUGHLIN changed his vote from "aye" to "no."

So the amendment offered as a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FAWELL. Mr. Chairman, I inadvertently voted against the Dickinson Davis-Bacon amendment to the DOD authorization bill. As a cosponsor of H.R. 472, the Davis-Bacon Reform Act, and a strong believer in major reforms of the Davis-Bacon-Act, it was my intention to vote for the Dickinson amendment. I regret this error.

The CHAIRMAN pro tempore (Mr. RUSSO). The question is on the amendment offered by the gentleman from California [Mr. HAWKINS].

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MURPHY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 406, noes 5, not voting 20, as follows:

[Roll No. 355]

AYES—406

Ackerman	Bonior (MI)	Collins
Akaka	Bonker	Combest
Alexander	Borski	Conte
Anderson	Bosco	Conyers
Andrews	Boucher	Cooper
Annunzio	Boulter	Coughlin
Anthony	Boxer	Courter
Applegate	Brooks	Coyne
Archer	Broomfield	Craig
Armey	Brown (CA)	Crane
Aspin	Brown (CO)	Crockett
Atkins	Bruce	Darden
AuCoin	Bryant	Daschle
Badham	Burton (CA)	Daub
Barnard	Burton (IN)	Davis
Barnes	Bustamante	de la Garza
Bartlett	Byron	Derrick
Barton	Callahan	DeWine
Bateman	Carney	Dickinson
Bates	Carper	Dicks
Beilenson	Carr	Dingell
Bennett	Chandler	DioGuardi
Bentley	Chapman	Dixon
Bereuter	Chappell	Donnelly
Berman	Cheney	Dorgan (ND)
Bevill	Clay	Dornan (CA)
Biaggi	Clinger	Dowdy
Bilirakis	Coats	Downey
Bliley	Cobey	Dreier
Boehlert	Coble	Duncan
Boggs	Coelho	Durbin
Boland	Coleman (MO)	Dwyer
Boner (TN)	Coleman (TX)	Dymally
Dyson	Lehman (FL)	Rinaldo
Early	Leland	Ritter
Eckart (OH)	Lent	Roberts
Eckert (NY)	Levin (MI)	Robinson
Edgar	Levine (CA)	Rodino
Edwards (CA)	Lewis (CA)	Roe
Edwards (OK)	Lewis (FL)	Roemer
Emerson	Lightfoot	Rogers
English	Lipinski	Rose
Evans (IL)	Livingston	Rostenkowski
Fascell	Lloyd	Roth
Fawell	Loeffler	Roukema
Fazio	Long	Rowland (CT)
Feighan	Lott	Rowland (GA)
Fiedler	Lowery (CA)	Roybal
Fields	Lowry (WA)	Rudd
Fish	Lujan	Russo
Florio	Luken	Sabo
Foley	Lundine	Savage
Ford (MI)	Lungren	Saxton
Ford (TN)	Mack	Schaefer
Frank	MacKay	Scheuer
Franklin	Madigan	Schneider
Frenzel	Manton	Schroeder
Frost	Markey	Schuette
Gallo	Marlenee	Schulze
Gaydos	Martin (IL)	Schumer
Gejdenson	Martin (NY)	Seiberling
Gekas	Matsui	Sensenbrenner
Gephardt	Mavroules	Sharp
Gibbons	Mazzoli	Shaw
Gilman	McCain	Shelby
Gingrich	McCandless	Shumway
Glickman	McCloskey	Shuster
Gonzalez	McCollum	Sikorski
Goodling	McCurdy	Siljander
Gordon	McDade	Sisisky
Gradison	McEwen	Skeen
Gray (IL)	McGrath	Skelton
Gray (PA)	McHugh	Slattery
Green	McKernan	Slaughter
Gregg	McKinney	Smith (FL)
Guarini	McMillan	Smith (IA)
Gunderson	Meyers	Smith (NE)
Hall (OH)	Mica	Smith (NJ)
Hall, Ralph	Michel	Smith, Denny (OR)
Hamilton	Mikulski	
Hammerschmidt	Miller (OH)	Smith, Robert (NH)
Hansen	Miller (WA)	
Hatcher	Mineta	Smith, Robert (OR)
Hawkins	Mitchell	
Hayes	Moakley	Snowe
Hefner	Molinari	Snyder
Hendon	Mollohan	Solarz
Henry	Monson	Solomon
Hertel	Montgomery	Spence
Hiler	Moody	Spratt
Holt	Moorhead	St Germain
Hopkins	Morrison (WA)	Staggers
Horton	Mrazek	Stallings
Howard	Murphy	Stangeland
Hoyer	Murtha	Stark
Hubbard	Myers	Stenholm
Huckaby	Natcher	Stokes
Hughes	Neal	Strang
Hunter	Nelson	Stratton
Hutto	Nichols	Studds
Hyde	Nielson	Stump
Ireland	Nowak	Sundquist
Jacobs	Oakar	Sweeney
Jeffords	Oberstar	Swift
Jenkins	Obey	Swindall
Johnson	Olin	Synar
Jones (NC)	Ortiz	Tallon
Jones (OK)	Owens	Tauke
Jones (TN)	Oxley	Tauzin
Kanjorski	Packard	Taylor
Kaptur	Panetta	Thomas (GA)
Kasich	Parris	Torres
Kastenmeier	Pashayan	Torricelli
Kemp	Pease	Towns
Kennelly	Penny	Traficant
Kildee	Pepper	Traxler
Kindness	Petri	Udall
Kleczka	Pickle	Valentine
Kolbe	Porter	Vander Jagt
Kolter	Price	Vento
Kostmayer	Pursell	Visclosky
Kramer	Quillen	Volkmer
LaFalce	Rahall	Vucanovich
Lagomarsino	Rangel	Waldon
Lantos	Ray	Walgren
Latta	Regula	Walker
Leach (IA)	Reid	Watkins
Leath (TX)	Richardson	Waxman
Lehman (CA)	Ridge	Weaver
Weber	Wilson	Wylie
Weiss	Wirth	Yates
Wheat	Wise	Yatron
Whitehurst	Wolf	Young (AK)
Whitley	Wolpe	Young (FL)
Whittaker	Wortley	Young (MO)
Whitten	Wright	
Williams	Wyden	

NOES—5

DeLay	Foglietta	Perkins
Dellums	Miller (CA)	

NOT VOTING—20

Bedell	Evans (IA)	Hillis
Breaux	Flippo	Martinez
Campbell	Fowler	Moore
Chappie	Fuqua	Morrison (CT)
Daniel	Garcia	Thomas (CA)
Dannemeyer	Grotberg	Zschau
Erdreich	Hartnett	

□ 1400

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). Under the rule, the next amendment in order is amendment No. 115.

Mr. DICKS. Mr. Chairman, I move that the Committee now rise and report the bill back and strike everything after the enacting clause.

The CHAIRMAN pro tempore. The motion is not in writing or in the proper form. The gentleman may offer it when it is.

Under the rule, amendment No. 116 has been offered and agreed to.

Under the rule, amendment No. 117 is now in order.

Does the gentleman from California [Mr. DANNEMEYER] wish to offer his amendment?

PARLIAMENTARY INQUIRY

Mr. BADHAM. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. BADHAM, What is before the House, Mr. Chairman?

The CHAIRMAN pro tempore. The Chair has just called for amendment No. 117. The Chair does not observe its author present.

The Chair observes that amendment No. 118 has been offered and agreed to.

The Chair now will call amendment No. 119.

Does the gentleman from New Mexico [Mr. RICHARDSON] desire to offer his amendment?

Mr. RICHARDSON. Mr. Chairman, I withdraw my amendment.

The CHAIRMAN pro tempore. The gentleman wishes not to offer his amendment?

Mr. RICHARDSON. Mr. Chairman, that is correct.

The CHAIRMAN pro tempore. The next amendment in order is amendment No. 120, which has been offered and accepted.

The next amendment in order is amendment No. 121.

Does the gentleman from New Mexico [Mr. RICHARDSON] desire to offer his amendment?

Mr. RICHARDSON. Mr. Chairman, I will not offer the amendment.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. ASPIN. Mr. Chairman, I yield to the chairman of the Military Construction Subcommittee for the purpose of engaging in a colloquy with the gentlewoman from California.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding.

I yield to the gentlewoman from California.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] must be on his feet and he must yield the time to the gentlewoman from California.

Mr. ASPIN. Mr. Chairman, I yield to the gentlewoman from California.

Mrs. BOXER. Mr. Chairman, I thank the chairman.

A part of the Hamilton Air Force Base in Nevada, California, has been sold by the GSA pending final details. The Navy is planning to construct 300 units of housing at Hamilton and local officials have been particularly concerned that these units would be built on the parcel known as the Commissary Triangle section; however, the staff has assured us that this is not so and that the units will be located elsewhere on the site.

Mr. Chairman, will the gentleman from California [Mr. DELLUMS] confirm that this is so?

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank the gentleman for yielding.

I would say to my distinguished colleague, the gentlewoman from California, that she is absolutely correct. The 300 units that are authorized in this legislation for the San Francisco area will be located on two parcels of land contiguous to the family housing where 1,200 units are presently located on the site. I would say that they are not—and I would emphasize for the purpose of emphasis, they are not planned to be located on the section known as the Commissary Triangle.

I hope that is responsive to the gentlewoman's question.

Mrs. BOXER. Mr. Chairman, I thank the good gentleman for his response and I thank the chairman for yielding.

Mr. ASPIN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DOWNEY). Under the rule, the next amendment in order is amendment No. 123. The amendment will not be offered.

The next amendment in order is amendment No. 124, which has been agreed to.

The next amendment in order is amendment No. 125.

AMENDMENT OFFERED BY MR. WIRTH

Mr. WIRTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WIRTH: At the end of division C (page 353, after line 10), add the following new title:

TITLE IV—NUCLEAR WINTER RESEARCH

SECTION 3301. SHORT TITLE.

This title may be cited as the "Nuclear Winter Research Act of 1986".

SEC. 3302. PURPOSE.

It is the purpose of this title to—

(1) authorize $8,500,000 in each of the next five fiscal years for Department of Defense funding of research on the nuclear winter theory by reducing by an equal amount the authorization for strategic nuclear weapons research programs;

(2) authorize $2,500,000 for Department of Energy funding of research on the nuclear winter theory by reducing by an equal amount the authorization for strategic nuclear weapons research programs;

(3) encourage the development of a nuclear winter scientific research program that encompasses all potential consequences of nuclear explosions and nuclear exchanges, including atmospheric, climatic, biological, health, and environmental consequences;

(4) promote the development of a balanced scientific research program which makes increased use of university and nongovernmental research organizations; and

(5) establish a commission, to be chaired by the Secretary of Defense and appointed by the President, in consultation with the Speaker of the House of Representatives and the President pro tempore of the Senate, to examine the science and defense policy implications of the nuclear winter theory.

SEC. 3303. AUTHORIZATION FOR NUCLEAR WINTER RESEARCH.

(a) AUTHORIZATION.—

(1) DEPARTMENT OF DEFENSE.—Of the funds appropriated to the Department of Defense for each of fiscal years 1987 through 1991 for research, development, test, and evaluation for defense agencies, the Secretary of Defense shall obligate not less than $8,500,000 for nuclear winter research as described in subsection (b) for each of such fiscal years.

(2) DEPARTMENT OF ENERGY.—Of the funds appropriated to the Department of Energy for each of fiscal years 1987 through 1991 for research and development for weapons activities, the Secretary of Energy shall obligate not less than $2,500,000 for nuclear winter research as described in subsection (b) during each of such fiscal years.

(3) ALLOCATION FOR DEFENSE NUCLEAR AGENCY.—$8,000,000 of the amount obligated pursuant to paragraph (1) shall be allocated to the Secretary of Defense, who, acting through the director of the Defense Nuclear Agency, shall distribute such funds to government and nongovernment agencies and research organizations for nuclear winter research as described in subsection (b).

(4) ALLOCATION FOR COMMISSION.—$500,000 of the amount obligated pursuant to paragraph (1) shall be used to carry out section 3304 of this title.

(b) PURPOSES.—The funds authorized under subsection (a) shall be used for the following purposes:

(1) to improve computer modeling efforts on the short- and long-term climatic effects of nuclear winter;

(2) to expand field research in areas related to the nuclear winter theory, including fire ignition, smoke production and composition, and smoke plume dynamics;

(3) to create a substantial research program on the atmospheric, climatic, biological, health, and environmental consequences of nuclear explosions and nuclear exchanges; and

(4) to develop new sources of research apart from government laboratories and agencies, including universities, nongovernmental laboratories, and research organizations.

(c) REPORT.—The Secretary of Defense, acting through the Director of the Defense Nuclear Agency, and the Secretary of Energy shall each submit to Congress by the end of each of fiscal years 1987 through 1991 a detailed report on the allocation of funds appropriated pursuant to the authorization in subsection (a). The report shall include a list of the recipients of such funds, the research which such funds were used for, and information on the progress of such research.

SEC. 3304. NUCLEAR WINTER STUDY COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Nuclear Winter Study Commission" (hereinafter in this title referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 13 members as follows:

(A) The Secretary of Defense (or his delegate).

(B) 12 persons appointed within 30 days after the date of the enactment of this title by the President, six of whom shall be from a list of 10 persons submitted to the President by the Speaker of the House of Representatives, and six of whom shall be from a list of 10 persons submitted to the President by the President pro tempore of the Senate. The persons on the lists submitted shall be persons who are specially qualified to serve on the Commission by virtue of their education, training, or experience in—

(i) defense policy in the areas of nuclear weapons, arms control, and civil defense policies, or

(ii) atmospheric, climatic, biological, health, or environmental sciences, or other appropriate sciences,

and who have knowledge and experience in nuclear winter theory.

(2) CHAIRMAN.—The Secretary of Defense or his delegate shall act as chairman of the Commission.

(3) TERM.—The term of office of each member shall be for the life of the Commission. A vacancy in the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made.

(4) EXPENSES.—Each member of the Commission shall be reimbursed for travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(c) DUTIES.—The duties of the Commission are as follows:

(1) STUDY.—The Commission shall conduct a comprehensive study on the atmospheric, climatic, biological, health, and environmental consequences of nuclear explosions and nuclear exchanges and the implications that such consequences have for the nuclear weapons, arms control, and civil defense policies of the United States.

(2) REPORT.—Not later than one year after appointment of the Commission, the Commission shall submit to the President and the Congress an unclassified report suitable for release to the public, with classified addenda if necessary, on the study conducted under paragraph (1). The report shall contain the following:

(A) A detailed review and assessment of the findings in the current body of domestic and international scientific literature on the atmospheric, climatic, biological, health, and environmental consequences of nuclear explosions and nuclear exchanges.

(B) A thorough evaluation of the implications that such finds have on—

(i) the nuclear weapons policy of the United States, especially with regard to strategy, targeting, planning, command, control, procurement, and deployment;

(ii) the nuclear arms control policy of the United States; and

(iii) the civil defense policy of the United States.

(C) A discussion of the manner in which the results of such evaluation of policy implications will be incorporated into the nuclear weapons, arms control, and civil defense policies of the United States.

(D) An analysis of the extent to which current scientific findings on the consequences of nuclear explosions are being studied, disseminated, and used in the Soviet Union.

(d) POWERS.—

(1) The Commission or any member it authorizes may, for the purpose of carrying out this title, hold such hearings, sit and act at such times and places, request such attendance, take such testimony and receive such evidence, as the Commission considers appropriate. The Commission or any such member may administer oaths or affirmations to witnesses appearing before it.

(2) The Commission may obtain from any department or agency of the United States information that it considers useful in the discharge of its duties. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission to the extent permitted by law.

(3) The Commission may appoint and fix the pay of such personnel as it considers appropriate, in accordance with the Federal Advisory Committee Act (5 App. U.S.C. 1 et seq.)

(4) The Commission may request the head of any Federal agency to assign, with or without reimbursement, any personnel of such agency to the Commission to assist in carrying out the Commission's duties under this title.

(5) The Commission may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(6) The Commission may solicit, accept, use, and dispose of donations of money, property, or services.

(7) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(8) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(9) The Commission may procure by contract any supplies, services, and property, including the conduct of research and the preparation of reports by Government agencies and private firms, necessary to discharge the duties of the Commission, in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts.

(e) TERMINATION.—The Commission shall terminate upon submission of its report to the President and the Congress under subsection (c).

(f) SUBJECT TO FEDERAL ADVISORY COMMITTEE ACT.—The Commission is subject to the Federal Advisory Committee Act (5 App. U.S.C. 1 et seq.) to the extent such Act is not inconsistent with this section.

MODIFICATION OF AMENDMENT OFFERED BY MR. WIRTH

Mr. WIRTH. Mr. Chairman, I ask unanimous consent to modify my amendment.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. WIRTH: Modify the amendment to read as follows: At the end of division C (page 353, after line 10), add the following new title:

TITLE IV—NUCLEAR WINTER RESEARCH

SEC. 3301. AUTHORIZATION FOR NUCLEAR WINTER RESEARCH.

(a) AUTHORIZATION.—

(1) DEPARTMENT OF DEFENSE.—Funds are hereby authorized to be appropriated to the Department of Defense for fiscal year 1987 for nuclear winter research as described in subsection (b) in the amount of $8,500,000.

(2) DEPARTMENT OF ENERGY.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1987 for nuclear winter research as described in subsection (b) in the amount of $2,500,000.

(b) PURPOSES.—The funds authorized under subsection (a) are for the following purposes:

(1) To improve computer modeling efforts on the short- and long-term climatic effects of nuclear winter.

(2) To expand field research in areas related to the nuclear winter theory, including fire ignition, smoke production and composition, and smoke plume dynamics.

(3) To create a substantial research program on the atmospheric, climatic, biological, health, and environmental consequences of nuclear explosions and nuclear exchanges.

(4) To contract with the National Academy of Sciences to carry out an independent evaluation and submit a report as described in section 3302(c).

(c) REPORT.—Not later than September 30, 1987, the Secretary of Defense and the Secretary of Energy shall each submit to Congress a detailed report on the allocation of funds appropriated pursuant to the authorization in subsection (a). The report shall include a list of the recipients of such funds and the research for which such funds were used.

SEC. 3302. NUCLEAR WINTER STUDY AND REPORT.

(a) STUDY.—The Secretary of Defense shall conduct a comprehensive study on the atomospheric, climatic, biological, health, and environmental consequences of nuclear explosions and nuclear exchanges and the implications that such consequences have for the nuclear weapons, arms control, and civil defense policies of the United States.

(b) REPORT.—Not later than November 1, 1987, the Secretary shall submit to the President and the Congress an unclassified report suitable for release to the public, with classified addenda if necessary, on the study conducted under subsection (a). The report shall contain the following:

(1) A detailed review and assessment of the findings in the current body of domestic and international scientific literature on the atmospheric, climatic, biological, health, and environmental consequences of nuclear explosions and nuclear exchanges.

(2) A thorough evaluation of the implications that such findings have on—

(A) the nuclear weapons policy of the United States, especially with regard to strategy, targeting, planning, command, control, procurement, and deployment;

(B) the nuclear arms control policy of the United States; and

(C) the civil defense policy of the United States.

(3) A discussion of the manner in which the results of such evaluation of policy implications will be incorporated into the nuclear weapons, arms control, and civil defense policies of the United States.

(4) An analysis of the extent to which current scientific findings on the consequences of nuclear explosions are being studied, disseminated, and used in the Soviet Union.

(5) A plan for a five-year research program to advance understanding of nuclear winter and an estimate of the funding necessary to carry out such a research program.

(c) EVALUATION OF REPORT.—Upon submission of the report under subsection (b), the Secretary shall contract with the National Academy of Sciences to—

(1) make an independent evaluation of the material contained in the report; and

(2) not later than April 1, 1988, submit a report to the Secretary of Defense and to the Committees on Armed Services of the Senate and the House of Representatives, setting forth the results of the evaluation and any recommendations pertaining to the contents of the report, including the plan for the five-year research program.

Mr. WIRTH (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN pro tempore. Without objection the modification is agreed to.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Colorado [Mr. WIRTH].

Mr. WIRTH. Mr. Chairman, I am offering this amendment on behalf of myself, the gentleman from Georgia [Mr. GINGRICH], the gentleman from Iowa [Mr. LEACH], and the gentleman from Louisiana [Mr. ROEMER].

The changes in this amendment are very simple to the legislation which we have introduced three times over the last 3 years. This legislation was ac-

cepted last year and the year before to the bill.

This year, we have reduced the amendment's authorization for nuclear research from 5 years to 1 year in the modification and eliminated the Presidentially appointed Commission. In its place, we would require the Secretary of Defense to do the report on nuclear winter as in the legislation and submit his report to independent evaluation by the National Academy of Sciences.

Mr. Chairman, we have worked out this compromise working with the chairman of the full committee, the committee leadership, and I believe that this has also been discussed with the minority.

I would hope that the amendment offered by myself along with the other three Members—Mr. GINGRICH, Mr. LEACH, and Mr. ROEMER—would be accepted as modified.

Mr. Chairman, this bipartisan amendment—offered by myself with the support of Representatives, LEACH, GINGRICH, and ROEMER—is very straightforward. It is designed, quite simply, to improve our understanding of the nuclear winter theory—which projects the potential environmental, climatic, biological, and health consequences of nuclear war.

We have worked out a fair compromise with the Armed Services Committee on the amendment's contents and I strongly urge its adoption.

Mr. Chairman, it is fair to say that we have always thought of nuclear war as devastating—at least for the nations involved in such a conflict. The specter of nuclear winter, however, raises additional concerns about any nuclear exchange.

It raises concerns about the impact of nuclear war on our neighbors and their neighbors, indeed our entire planet. It raises concerns about the long-term effects of nuclear war on the Earth's atmosphere, climate, and ecosystems—in short, our planet's livability.

These concerns—and their important implications for our national security—have not gone unnoticed on Capitol Hill. Since the discovery of nuclear winter, I have worked with a bipartisan coalition of Senators and Representatives to push for a greater Federal role in studying the science and policy implications of nuclear winter.

Twice we have successfully sponsored legislation requiring the Pentagon to provide Congress with a detailed study of these issues and their meaning for our strategic nuclear policies. Twice Congress had received shallow reports—the most recent was five pages—that, while admitting the concept of nuclear winter is valid, did not examine its consequences for our strategic doctrine and plans.

The Pentagon attributed the reports' brevity to the scientific uncertainties surrounding the theory. Ironically, I believe those same uncertainties—plus a deep-seated concern in the Pentagon about this new and dramatic idea—have kept it and other Federal agencies from providing serious funding for the study of nuclear winter.

There is no doubt that nuclear winter is scientifically complex; absent the event, we can never be sure that the smoke from burning cities would precipitate a climatic catastrophe. But there is a saying on Wall Street: "Never bet the company." So long as responsible scientists say that nuclear winter cannot be ruled out, the proper course to follow is one of caution, not business as usual.

That is why we need an indepth scientific and policy study of nuclear winter—a study which my amendment would provide.

The nuclear winter amendment has two parts. The first would increase current funding for nuclear winter research—from $5.5 to $11 million. At a time when we are investing anywhere from $24 to $36 billion in our nuclear arsenal, it seems to me to be good public policy to invest a small part of that amount in research on the potential consequences of using that arsenal.

The research done with this new funding is expected to develop an understanding of all the potential consequences of nuclear war, including biological and health consequences. Subsection (b) of section 3301 emphasizes that the funds authorized by the amendment should cover expanded field research in fire ignition, smoke production and composition, and smoke plume dynamics. The funds should also be dedicated to creating "a substantial research program on the atmospheric, climatic, biological, health, and environmental consequences of nuclear explosions and nuclear exchanges."

In the wake of the Chernobyl accident, I think these areas are especially important. Despite the fact that the radiation yield from the reactor meltdown did not exceed the yield from a single warhead detonation, the calamity exhausted the Soviet Union's medical resources, required external aid, and had a major impact on the health quality of neighboring countries in Eastern and Western Europe. What does this imply about the aftermath of large-scale—or even limited—nuclear war? My legislation is designed to begin addressing this question, as well as others about the likely nature of nuclear aftermath.

The second part of the amendment requires the Secretary of Defense to continue the Pentagon's study of the science and defense policy implications of nuclear winter. This legislation also mandates that the Defense Departments study and report be submitted for an independent evaluation by the National Academy of Science.

Nuclear winter is simply too important to our national security—and perhaps the world's security—to be ignored. I believe that this combination of the Pentagon's report and the procedure for an independent assessment of the report will help advance our understanding of the theory and how it may affect our arms control, civil defense and strategic policies.

Mr. Chairman, nuclear winter changes the context in which we work to head off nuclear war. It carries implications for policy that our planners and an informed public must evaluate. It is not too much to ask that the Federal Government study those questions and share its findings as though our lives depended on the answers.

Because they do.

And I am determined to begin the process of developing those findings, which may be critically important to how we shape our defenses.

That is why I have offered this amendment. It is carefully crafted legislation. It has strong bipartisan support in the House and strong support in the scientific community. It builds on a legislative history which reflects congressional interest in—and commitment to—a thorough evaluation of the important scientific theory of nuclear winter. I urge my colleagues to vote for the nuclear winter amendment.

Mr. WYDEN. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I yield to the gentleman from Oregon.

Mr. LEACH of Iowa. Mr. Chairman, to refuse to attempt seriously to understand the effects of nuclear winter is to take a head-in-the-sands approach to national security policy.

It is irrational for our defense community to ask Congress to fund weapon systems the full effects of which it refuses to assess.

Accordingly, I urge adoption of the amendment of the gentleman from Colorado [Mr. WIRTH].

AMENDMENT OFFERED BY MR. WYDEN TO THE AMENDMENT OFFERED BY MR. WIRTH, AS MODIFIED

Mr. WYDEN. Mr. Chairman, I offer an amendment to the amendment, as modified.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WYDEN to the amendment offered by Mr. WIRTH, as modified: At the end of the amendment add the following:

Page 337, line 8, insert "(a) RESTRICTION.—" before "Funds".

Page 337, line 15, strike out ", or to" and all that follows through line 3 on page 338 and insert in lieu thereof a period and the following new subsection:

(b) EXCEPTION.—Subsection (a) shall not apply with respect to an environmental requirement if—

(1) the President fails to request funds for compliance with the environmental requirement; or

(2) the Congress has appropriated funds for such purpose (and such funds have not been sequestered, deferred, or rescinded) and the Secretary of Energy fails to use the funds for such purpose.

Mr. WYDEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oregon?

Mr. STRATTON. Mr. Chairman, I reserve the right to object.

The CHAIRMAN pro tempore. Does the gentleman object to dispensing with the reading of the amendment?

Mr. STRATTON. Mr. Chairman, I object to the modification of the amendment.

The CHAIRMAN pro tempore. The Chair will state to the gentleman from New York [Mr. STRATTON] that the gentleman from Oregon [Mr. WYDEN] is offering an amendment to the

amendment of the gentleman from Colorado [Mr. WIRTH], and this is permitted under the rules.

Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Oregon [Mr. WYDEN] is recognized for 5 minutes in support of his amendment.

Mr. WYDEN. Mr. Chairman, this is a noncontroversial amendment that has been worked out with the committee. The amendment addresses the principle concerns that the Committee on Energy and Commerce had with a provision in the bill relating to the compliance by Department of Energy facilities with applicable environmental laws.

The amendment makes clear that section 3032 is not intended in any way to reduce or eliminate the responsibility of the Department of Energy to comply with applicable environmental laws.

Our committee has heard considerable testimony concerning the dangers inherent in the pollution caused by those facilities. Our environmental laws are carefully crafted with respect to their effect upon Federal facilities, and there is certainly no reason to confer any new and special status upon the Department of Energy nor to provide new excuses to the Department for any failure to comply.

The amendment has the support of our Energy and Commerce Committee chairman, Mr. DINGELL, and I appreciate the considerable cooperation of the Armed Services Committee in working out this amendment.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, in discussing this with the chairman of the Committee on Energy and Commerce, there was a section dealing with liability under the Department of Energy. Does that provision strike that section?

What you are doing is removing that section that says that failure to perform work or services required by another Federal agency, or State or local. If that is the case, then I agree with the amendments that the gentleman offers, and I appreciate his offering them.

Mr. WYDEN. I appreciate the gentleman's comments, and as I said, I think this is a noncontroversial amendment.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from Colorado.

Mr. WIRTH. Mr. Chairman, I want to congratulate the gentleman. He is offering a very constructive amendment. This is relevant to a large number of facilities around the country, including the Rocky Flats plant in Colorado, and I greatly appreciate the gentleman's offering this amendment, which I think is an important clarification.

Mr. FAZIO. Mr. Chairman, will the gentleman yield?

Mr. WYDEN. I yield to the gentleman from California.

Mr. FAZIO. Mr. Chairman, I want to thank the gentleman from Oregon and the members of the Committee on Energy and Commerce for their alertness in catching this provision. I believe this would have undermined the provisions that will be adopted in the Superfund bill which go to the heart of cleaning up toxic facilities on military as well as Department of Energy installations.

Mr. Chairman, again, this is a very important amendment. The amendment of the gentleman from Oregon [Mr. WYDEN] will help ensure that the Department of Energy complies fully with all applicable Federal, State, and local health and environmental protection laws and regulations.

Two of the forty-seven Federal installations on the Environmental Protection Agency's [EPA] National Priorities List [NPL], EPA's list of the worst toxic dumps in the Nation, are owned and operated by the Department of Energy, one of which is the Lawrence Livermore Laboratory, in my own State of California. Moreover, there are an estimated 36 other DOE facilities scattered throughout the country with some 485 separate sites that have been identified as being potentially dangerous to the environment.

The amendment will help ensure that these sites are cleaned up to the same standards and schedules required of other Federal agencies and the private sector. And, if our environmental and health authorities need to take an enforcement action against DOE to protect the public health and environment, this amendment will make certain they have access to all of the tools necessary to bring about compliance. DOE should not be treated differently than any other Federal agency or private entity in this regard. The amendment makes this clear and I urge its adoption.

Mr. WYDEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member seek time in opposition to the amendment offered by the gentleman from Oregon [Mr. WYDEN]?

If not, the question is on the amendment offered by the gentleman from Oregon [Mr. WYDEN] to the amendment offered by the gentleman from Colorado [Mr. WIRTH], as modified.

The amendment to the amendment, as modified, was agreed to.

PERFECTING AMENDMENT OFFERED BY MR. FOLEY TO THE AMENDMENT OFFERED BY MR. WIRTH, AS MODIFIED, AS AMENDED

Mr. FOLEY. Mr. Chairman, I offer a perfecting amendment to the amendment as modified, as amended.

Mr. DICKINSON. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. FOLEY to the amendment offered by Mr. WIRTH, as modified as amended: At the end of the amendment, add the following:

At the end of the bill, add the following new section:

SEC. 4005. NAME OF NEW SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM.

Any program established by this Act or any other Act during the 99th Congress to establish a foundation in the executive branch of the Government to award scholarships and fellowships for study in the fields of science and mathematics in order to further scholarship and excellence in education shall be named for Barry Goldwater, Senator from the State of Arizona, and Henry M. "Scoop" Jackson, late a Senator from the State of Washington. Any such foundation, and any board of trustees, fund, or other entity established in connection with such foundation, shall include in its name the names of Barry Goldwater and Henry M. "Scoop" Jackson.

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POINT OF ORDER

Mr. DICKINSON. Mr. Chairman, insisting on my point of order, this has come late. I was furnished a copy of it just recently. But doing my utmost to understand the relevance, this gentleman cannot understand the germaneness of the proposed perfecting amendment to the amendment.

I would insist on my point of order that it is not germane.

The CHAIRMAN pro tempore. Does the gentleman from Washington [Mr. FOLEY] desire to be heard on the point of order?

Mr. FOLEY. Mr. Chairman, I do, briefly.

The pending amendment deals with a study of nuclear winter, and provides funding for that study. This deals with scholarships or studies, or studies in the field of science and mathematics, and would designate jointly in the name of Senator Jackson, and primarily the name of Senator GOLDWATER, and then Senator Jackson, the designation of any such study.

There is an amendment to the bill in the other body which provides for Senator GOLDWATER.

The CHAIRMAN pro tempore. Does the gentleman from Colorado [Mr. WIRTH] desire to be heard on the point of order?

Mr. WIRTH. Yes, Mr. Chairman. I would like to speak against the point of order and on behalf of the amendment offered by the gentleman from Washington [Mr. FOLEY].

It is the intent of the authors of the nuclear winter amendment that a careful study of nuclear winter be done related to a variety of disciplines running all the way from biology to the chemical impacts, the weather modification, and so on.

The gentleman from Washington [Mr. FOLEY] is quite accurate in stat-

ing that it is the intent that this kind of study be done. Not only that, but that it be reinforced by further analysis by the National Academy of Sciences. So I would hope that the gentleman from Washington would be allowed to offer this important amendment.

Mr. DICKINSON. Mr. Chairman, before the Chair rules, if I might be heard further, I offer this reluctantly because I stand in very high regard of Scoop Jackson, with whom I served and sat across the table from for many years. I mean this in no way to depreciate or minimize my affection or esteem for the gentleman.

But, as I understand, there was a sum appropriated in the other body in support and in commemorating the long service of Senator GOLDWATER. I have supported the name of a medical hospital for Senator Jackson. I think it is a great thing to do. But it was just my feeling, from what little bit I have seen presented here, that the proposed perfecting amendment was not germane to the original amendment, and it was for that reason that I made the point of order, and I insist on it.

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). The Chair is prepared to rule.

Without reading further in the amendment, the Chair notes on line 3, "Any program established by this Act or any other Act," the Chair believes goes beyond the subject matter of the pending amendment.

For that reason, the Chair sustains the point of order of the gentleman from Alabama [Mr. DICKINSON].

AMENDMENT OFFERED BY MR. FOLEY TO THE AMENDMENT OFFERED BY MR. WIRTH, AS MODIFIED, AS AMENDED

Mr. FOLEY. Mr. Chairman, I offer a perfecting amendment to the amendment, as modified, as amended.

The Clerk read as follows:

Amendment offered by Mr. FOLEY to the amendment offered by Mr. WIRTH, as modified, as amended:

SEC. 4005. NAME OF NEW SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM.

Any program established by this Act during the 99th Congress to establish a foundation in the executive branch of the Government to award scholarships and fellowships for study in the fields of science and mathematics in order to further scholarship and excellence in education shall be named for Barry Goldwater, Senator from the State of Arizona, and Henry M. "Scoop" Jackson, late a Senator from the State of Washington. Any such foundation, and any board of trustees, fund, or other entity established in connection with such foundation, shall include in its name the names of Barry Goldwater and Henry M. "Scoop" Jackson.

Mr. FOLEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. DICKINSON. Mr. Chairman, reserving the right to object, I would reserve a point of order against the amendment, which I have not seen, but I would just reserve the point of order and let the gentleman explain the amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. FOLEY. Mr. Chairman, the difference in the two amendments is that it provides for the amendment to be considered as additional language at the end of the Wirth amendment and strikes the words "or any other Act," which is contained in the original amendment.

POINT OF ORDER

Mr. DICKINSON. Mr. Chairman, I would insist on my point of order on the grounds stated, that it is beyond the scope and nongermane. I state my reluctance in insisting on this point of order, but I think it is proper.

The CHAIRMAN pro tempore. Does the gentleman from Washington [Mr. FOLEY] wish to be heard on the point of order?

Mr. FOLEY. Mr. Chairman, I submit to the judgment of the Chair on the point of order.

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). The Chair is constrained to observe that the pending amendment deals with nuclear winter research, and that the subject matter of the amendment offered by the gentleman from Washington has little relevancy to the pending amendment.

For that reason, the Chair sustains the point of order of the gentleman from Alabama [Mr. DICKINSON].

Mr. WIRTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Wirth-Gingrich-Leach-Roemer amendment has now been clarified by the gentleman from Oregon [Mr. WYDEN] and in that fashion I believe we all now understand. We have also modified the amendment in a way that moves us back from 5 years to 1 year, which had been an initial concern of the committee, and second, taken out the Presidential Commission which has been, as I understand it, the other concern that the committee had had.

As such, I would hope that we would now have agreement on the amendment, and that we could go ahead and pass the amendment as offered.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I am sure the gentleman can appreciate that this gentleman is being pulled in many directions from many Members who want to change this, that or the other by unanimous consent. Does the gentleman tell me this was already in order?

Mr. WIRTH. Absolutely.

Mr. DICKINSON. And no consent is necessary, the gentleman is simply offering it?

Mr. WIRTH. Amendment No. 125, which I initially offered, was in order, and we then modified the amendment to account for the concerns that the members of the Armed Services Committee had to come to an agreement.

Mr. DICKINSON. I have spoken with staff about it, and it is my understanding this corrects the extension to which we had gone previously in a provision in our bill, and which was not intended, and the gentleman is making the correction.

I have no objection to that.

Mr. WIRTH. I thank the gentleman.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. WIRTH. I am happy to yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, I thank the gentleman for yielding. I would just like to tell the House how I personally feel admiration for the gentleman from Colorado and the work he has done on the nuclear winter issue. It is an issue that will not go away. It is an issue that deserves and requires further study, both for the defense of this country and the implications and the results of the use of nuclear weapons. It is a knowledge from which we can all benefit.

I salute the gentleman for pushing the issue.

Mr. WIRTH. I thank the gentleman for his assistance on this, as well as the gentleman from Georgia [Mr. GINGRICH] and the gentleman from Iowa [Mr. LEACH], for their persistent pursuit of understanding both the scientific and the policy implications of the concept of nuclear winter.

Mr. ROEMER. If the gentleman will yield further, there has been some concern by a few Members that the purpose of the report on the nuclear winter was based on a premise that was itself false, and that the only thing we had to worry about in nuclear weapons was their impact devastation.

The concept of nuclear winter as expressed by some scientists in this country and other countries is that the implication of nuclear winter impacts goes far beyond the destruction onsite. It has to do with debris flown into the stratosphere, the Sun being blotted out, and in effect winter settling over the Earth for up to a year or more.

The gentleman from Colorado is correct, the implications in this study reside not only to the defense of this country, they reside to the concept of the use of nuclear weapons. If the worst scene were to follow, and nuclear weapons were to be used, should we

worry only about the tens of millions who would die on day one, or about the hundreds of millions who could not survive the winter that could follow for up to a year.

That is why I support the gentleman from Colorado and thank him for his efforts.

Mr. WIRTH. I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member rise in opposition to the amendment?

AMENDMENT OFFERED BY MR. WEAVER TO THE AMENDMENT OFFERED BY MR. WIRTH, AS MODIFIED, AS AMENDED.

Mr. WEAVER. Mr. Chairman, I offer an amendment to the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. WEAVER to the amendment offered by Mr. WIRTH, as modified, as amended: Add to Sec. 3304 a new subsection to subsection (d) as follows:

(10) The Commission may study the additional potential danger of nuclear winter occurrence caused by subsidized grain sales to the Soviet Union which, by freeing Soviet funds for additional nuclear weapons production are against the national security interest of the United States and may contribute to the possibility of nuclear winter occurrence.

Mr. DICKINSON. Mr. Chairman, I reserve a point of order against the amendment. I will withhold to let the gentleman explain, but I would insist on my point of order.

The CHAIRMAN pro tempore. The gentleman from Oregon [Mr. WEAVER] is recognized for 5 minutes in support of his amendment.

Mr. WEAVER. Mr. Chairman, first let me apologize to my dear and distinguished friend from Colorado [Mr. WIRTH] whose amendment is extremely important, and I fully support it. Nuclear winter is one of the great horrors that this Nation faces, and in every vote and in every thought we have on nuclear weapons, the idea of nuclear weapons, the nuclear winter should be foremost. The excellent amendment offered by the gentleman from Colorado [Mr. WIRTH] must and should be passed by this House.

Unfortunately, I was unable to offer my amendment on Russian grain sales last night, and so I take this occasion simply to offer an amendment to give the House the opportunity to vote on whether they approve or disapprove of subsidized grain sales to the Soviet Union.

I have for 12 years in the House of Representatives strongly opposed the idea of on the one hand voting billions to defend ourselves against the Soviet Union, and on the other hand selling our most precious commodity, food, to the Soviet Union for subsidized prices. We ship not only cheap grain to the Soviet Union, we ship it below the cost of production, and we ship our soil and our water together, in effect, with that to the Soviet Union.

I strongly believe that the House of Representatives should go on record as saying that subsidized grain sales, which allies of ours find detrimental to their own interest, and which will cause American families to pay more for food at the supermarket than Russian families because they are subsidized by the very tax moneys American families pay into the Treasury, I strongly believe that we should go on record opposing subsidized grain sales to the Soviet Union.

I offer this amendment at this time purely to let the House go on record as opposing subsidized grain sales to the Soviet Union, and I will ask for a vote on this.

□ 1440

POINT OF ORDER

Mr. DICKINSON. Mr. Chairman, if I had known this was just a political gambit to make a speech, I would not even have reserved it.

Yes, I insist on my point of order, and I suggest that the political speeches be in some other arena.

The CHAIRMAN pro tempore. (Mr. DOWNEY of New York). The gentleman will state his point of order.

Mr. DICKINSON. First, there is no commission in the subject legislation. Second, it is nongermane and beyond the scope. I believe it is subject to the point of order.

The CHAIRMAN pro tempore. Does the gentleman from Oregon [Mr. WEAVER] wish to be heard on the point of order?

Mr. WEAVER. Yes, Mr. Chairman. It is clearly in order. It is a new subsection 10, under Powers of the Commission. This says, it gives the Commission additional authority to study the potential danger of nuclear winter; an occurrence caused by the freeing of funds for the Soviet Union to build more nuclear weapons production by subsidized grain sales.

It is perfectly germane to the amendment.

Mr. STRATTON. Mr. Chairman, there is no commission.

The gentleman from Colorado [Mr. WIRTH] has previously explained the difference between his initial proposal and the one that the committee agreed to, and it leaves out any commission.

The CHAIRMAN pro tempore. Does any other Member desire to be heard on the point of order?

Mr. WIRTH. Mr. Chairman, if I may be heard, the gentleman is absolutely correct that we had taken the commission, in the modification of the amendment, out, and as pointed out by the gentleman from New York, the commission is no longer part of the amendment offered by the gentleman from Colorado.

Mr. WEAVER. Mr. Chairman, I beg the committee's foregiveness. I was just simply reading from the book, and assumed that the amendment offered by Mr. WIRTH was as it is in the book.

If it is not, then my amendment at this time does not apply, and I ask unanimous consent to withdraw it.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

The question is on the amendment offered by the gentleman from Colorado [Mr. WIRTH], as modified, as amended.

The amendment as modified, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the next amendment in order is No. 126.

The next amendment in order is No. 127, which has been agreed to.

The next amendment in order is No. 128.

AMENDMENT OFFERED BY MR. RICHARDSON

Mr. RICHARDSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RICHARDSON: Page 320, line 16, strike out "$1,000,000" and insert in lieu thereof "$10,000,000".

Page 320, line 17, strike out "$4,000,000" and insert in lieu thereof "$13,000,000".

Page 329, insert the following after line 20:

(6) For verification and control technology:

Project 85-D-171, space science laboratory, Los Alamos, New Mexico, $2,000,000, for a total project authorization of $7,500,000.

Mr. RICHARDSON. Mr. Chairman, I ask unanimous consent that a modification be included.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. RICHARDSON: The amendment as modified is as follows:

Page 320, line 16, strike out "$1,000,000" and insert in lieu thereof "$10,000,000".

Page 320, line 17, strike out "$4,000,000" and insert in lieu thereof "$13,000,000".

Page 329, insert the following after line 20:

(6) For verification and control technology:

Project 85-D-171, Space Science Laboratory, Los Alamos, New Mexico, $2,000,000, for a total project authorization of $7,500,000.

(7) The sum of the amounts authorized to be appropriated by this section is hereby reduced by $11,000,000.

The CHAIRMAN pro tempore. Is there objection to the modification?

Mr. DICKINSON. Mr. Chairman, I reserve the right to object.

Under my reservation, if I might inquire, it was my understanding that the original amendment added $10

million. The gentleman's unanimous-consent request asks that it not be in addition thereto, but substituted for another equal amount in the bill?

Mr. RICHARDSON. If the gentleman will yield, the gentleman is correct.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield under my reservation to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I am not sure whether the Clerk read the final sentence on that page in connection with the modification by the gentleman from New Mexico that said the sum of the amounts authorized to be appropriated are hereby reduced by $11 million.

While there is an authorization, there is no appropriation assigned to it.

Mr. DICKINSON. Mr. Chairman, if the gentleman assures me this is a zero sum, that he is simply substituting one for the other with no increase, but going to a different item in his existing amendment, I would have no objection.

The CHAIRMAN pro tempore. without objection, the modification is agreed to.

There was no objection.

Mr. RICHARDSON. Mr. Chairman, this is an amendment that simply restores to the authorized and appropriated level, that both the Senate and the Energy and Water Appropriations Committee have for this project.

I believe the amendment enjoys the support of the gentleman from New York, and I would yield to him to reinforce this support. It is not, once again, an add-on. It is an important project of the Los Alamos Space Science Laboratory, and I would ask my colleague, Mr. STRATTON, for his view on the amendment.

Mr. STRATTON. Mr. Chairman, the point I wanted to make was to underline what I just said a little bit before. The proposal refers to two space science laboratories located at Los Alamos, NM; one for $2 million and a total project authorization of $7.5 million. These sums, however, have not been appropriated for but the committee is authorizing the appropriations at the appropriate time.

Mr. RICHARDSON. Mr. Chairman, I thank the gentleman for his remarks.

Mr. Chairman, I am precluded from offering this amendment because of the rules, but it is my understanding from the committee that this amendment will be favorably considered in Congress.

Amendment would extend the authorization of atomic community assistance contract authority for Los Alamos County and the Los Alamos School Board until 1996.

Los Alamos receives funds from DOE in recognition of the special needs of a city which is home to a national laboratory. The school board's contract authority with DOE has already expired and the county's is close to expiration.

Amendment would simply extend this authority until 1996. There is no money involved. Does not violate the Budget Act as contracts must seek annual appropriations. Is included in the Senate Defense authorization.

AMENDMENT TO H.R. 4428, AS REPORTED OFFERED BY MR. RICHARDSON OF NEW MEXICO

Page 365, after line 23, insert the following new section:

SEC. 4005. EXTENSION OF DATE FOR CERTAIN CONTRACT AUTHORITY

Section 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2394) is amended by striking out "June 30, 1986" and inserting in lieu thereof "June 30, 1996" and striking out "June 30, 1987" and inserting in lieu thereof "June 30, 1996".

The CHAIRMAN pro tempore. Does any Member wish to be heard in oppositon to the amendment?

If not, the question is on the amendment offered by the gentleman from New Mexico [Mr. RICHARDSON], as modified.

The amendment, as modified, was agreed to.

Mr. DICKINSON. Mr. Chairman, I intend to move to strike the requisite number of words before the Committee rises, but I understand there is another amendment.

Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, colleagues, I am very disturbed to come to this point, but I am in the well now to inform you that I have a motion to recommit at the desk that will be offered at the appropriate time, that will in effect kill the bill.

I feel like I am sort of strangling my own child. We started off under a gag rule that was not the best; but we decided to try to live with it. We were faced with unwarranted amendments, but we thought we could live with them.

We have seen the dollar amount reduced, the budget authority, from $292 billion, which the Budget Committee gave us, cut $7 billion. When this occurred, all manner of weapons systems were deleted that we had put in; that I might add are very desperately needed.

Then the arms control amendment passed, which is certainly taking away from the Chief Executive of this country his authority, intruding on his ability to manage the affairs of state.

The SDI amendment was cut so that it is a wounded bird if it ever flies. The ASAT amendment was passed, to deny us the right to do the very same thing that the Soviets have done, to perfect a weapons system which they already have in place which we do not.

The comprehensive test ban was passed to again shackle this administration and the President. The chemical weapons which we approved last year we have put another moratorium on, and denied the going forth with chemical weapons.

To add insult to injury, after what I thought was a very unusual procedure to deny me to even offer an amendment, and finally forcing myself to the floor, the David-Bacon portion of it, my amendment was defeated.

□ 1450

In addition to which my amendment on the T-46 which is a bird, I think, that the Air Force will never fly, which is wasteful, parochial in nature, strictly politics, it is something of which I would be ashamed to sponsor, for all of these reasons this is a bad bill. We would be better off without a bill than with the bill before us now in its present shape. I have been in tough with the White House and I understand they would rather have no bill than this crippled bird we have here. For that reason I would ask my colleagues and all in this Chamber, all of my colleagues, kill this bill, and if we have to, we will start over.

I am going to vote "no" on final passage. I am asking each of you to vote "no" on final passage. We would be better off with no bill at all than this bruised, mangled and maimed thing they brought in here under a rule that prefers the majority over the minority and works to the disadvantage of the defense of this country. I am asking everyone to vote "no" on final passage and vote for a motion to recommit.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in terms of this bill I would like to address, because the gentleman from Alabama has addressed this bill, let me address a couple of issues, here, myself.

The first point to make is that we attempted to do something here which we attempted for the first time, which was to bring this bill to the floor under a less than complete open rule. It was necessary because of the large number of amendments that we dealt with. We will have dealt with 159 amendments to this bill that we are dealing with this year. Last year we dealt with 121. The year before that it was 75.

The number of amendments is going up by dramatic leaps and bounds every year to this bill. There is no way that we can do this bill in the old ways in which we used to with the open rule.

Last year we brought this thing to the floor with an open rule, and we were on the floor wrestling with this for 3 weeks. This year at least we dealt with it in a reasonable amount of time.

Whatever we do, I would hope we do not abandon our attempt to bring this bill to the floor with a reasonable amount of debate and allocate the time so that at least we spend the bulk of our time addressing the main issues before the Nation having to do with defense.

I do not say that there is not a way in which we can improve this rule or the process under which we do it, but I would hope that whatever happens we are going to continue to operate this way, in some fashion, without an open rule, under some kind of a more structured debate.

Let me respond in part to the gentleman from Alabama's claim about the quality of this bill.

Mr. Chairman, I think we have before us an exceptionally good defense bill. I have been involved for the last 4 years in trying to put together a package of arms control amendments, and working with a lot of people that I see here on the Chamber floor, working with a lot of people to add a package of arms control amendments to the bill. We did it first in 1983 where the gentleman who is presiding was involved. I see Mr. DICKS, Mr. AUCOIN, they were involved. Our former colleague, now a Senator, the gentleman from Tennessee, Mr. GORE, was involved. We put together a package of arms control amendments for the first time and tried to attach them to the bill. We did it again in 1984, did it again in 1985, and here we are for the fourth year in a row trying to do it in 1986.

Let me tell you this year there has been a greater success than we have ever had before. In all of the packages that we have attempted to add to the bill before, we had amendments that did not win. We won most of them, but we did not win all of them. There was usually one that was in there we knew we would throw over the side because the mood was not there and nobody could vote for it. This year all of them passed.

I think they all passed for a couple of important reasons. One is that on this side of the aisle the liberals and moderates worked together in a way we have not worked together before. I would think that is a message on our side of the aisle for how to do things over here with this bill in the future.

The second point to point out, and I point this out to the gentleman from Alabama, if you look at the reasons why these amendments passed by the margin they did, was the large number of Republican votes for them. What is different about this year, the difference is not that we win, we were winning them before, but the reason we are winning them with such large numbers is the large number of Republicans that are voting for the amendment this year.

SDI and ASAT, to take but two examples of things that we tried to do last year and did not succeed with the large numbers as we did this year, the difference is the Republicans. There is a very marked difference in the number of Republican votes that these arms control amendments are getting this year than they have in the past.

Mr. DICKINSON. Will the gentleman from Wisconsin yield?

Mr. ASPIN. I would be happy to yield.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, I will concede what the gentleman says is so. We do not have the control on our side of the aisle as do the Democrats on your side. We do not visit sanctions or recriminations on those who bolt the line.

Let me say, if you, my chairman, are proud of this bill, then I will certainly move that this bill be called the Les Aspin Memorial Bill. It is certainly a monument to your chairmanship and guidance of this bill through the floor, and I certainly want your name affixed thereto.

Mr. ASPIN. I think that is a pretty good idea.

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to my friend from Oklahoma [Mr. MCCURDY].

Mr. McCURDY. I thank the gentleman for yielding.

Mr. Chairman, I just want to address my friend, the ranking member of the Research and Development Subcommittee, as I am on our side: There are many times in this bill, I would say to the gentleman that I was one of the small number of Democrats that voted for some of the amendments offered by the gentleman from Alabama and others. But that is not a reason to vote against this bill. We need a Defense authorization bill. We need to go to conference. We should not be writing defense policy on a continuing resolution. That is not where you do it. We have won some, we have lost some. But we do not take the ball and go home if you do not win.

It is now, the time, and I think there are a number of important policy decisions made in this bill, it is important that we have a defense authorization bill, and I am going to vote for it and I think the majority in this House will vote for it.

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). The time of the gentleman from Wisconsin [Mr. ASPIN] has expired.

(On request of Mr. DELLUMS and by unanimous consent, Mr. ASPIN was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from California, and then I will yield to the gentleman from Oregon [Mr. AUCOIN].

Mr. DELLUMS. I thank the gentleman for yielding.

Mr. Chairman, we are now ending in the waning moments of the debate on the bill, the military budget for fiscal year 1987. The gentleman from Alabama has stated his posture with respect to how he will vote on final passage now that we have moved through this process.

A number of my colleagues on this side of the aisle have said to me, "RON, you represent the Oakland/Berkeley area, you represent the peace movement. You came here in the era of Vietnam. You have been a voice trying to challenge the escalating arms race to move us toward peace. We now have won a number of important victories. We are asking you to vote on final passage." And some said, "If you can't vote on final passage, RON, would you wait until the end of the vote because you bring votes with you? So if you wait until the end, maybe you won't determine how other people will vote."

About 5:30 this morning I awakened, sat up in the middle of my bed and said, "Did I come to Congress to serve 16 years to sneak on the floor of Congress in the waning seconds of a vote to determine how I will vote on a $286.4 billion military budget?" I did not do it.

So I have to stand up front, have to be able to say to you and look all of you in your faces and tomorrow morning look myself in the mirror to determine whether I shall vote this bill up or vote this bill down.

Some have said now that my colleague, Mr. DICKINSON, has said he is going to oppose it, "RON, you must be for it." My response to that is Mr. DICKINSON determines his position, I determine mine. And that is what it is all about.

Now, there are some good things in this bill, Mr. Chairman. There are some extraordinarily good things that have been done.

This is a lower military budget, but the difference between 296 and 287, when you really understand the outlays, we all know what the game is. The name of the game and this speech is, "Don't fool yourself, don't play games with yourselves." We understand the reality. There is not a lot of difference in the money.

There is procurement reform, an extraordinary progressive statement. But we are also talking about procuring weapons that bring potential death to millions of human beings. And the reforms may be good, but what are the reforms directed at? What are the end results? What are you purchasing?

That is a policy question.

Test ban language, fantastic; for the first time in 16 years we finally got that done.

Antisatellite language, we won in the bill, but those of us who live in this environment in the real world know that antisatellite technology is on target and in the future and is coming to us. And this language does not stop that.

The next thing, strategic defense initiative freeze. This gentleman offered an amendment to stop star wars, but only 114 Members saw fit to join us in that.

The majority of Congress said, "We freeze it." Which means that we are concerned about the dollar figure but not about continuing it.

The SDI is on target, moving forward and still is funded with more money than can be expended in fiscal year 1987. We know that as a reality.

We wanted a 10-percent set-aside for minorities and socially and economically disadvantaged. A fantastic policy. But it is also 10 percent set-aside for weaponry that this gentleman has marched into the well for 16 years to oppose because I believe the world is at that level of danger with respect to the potential of nuclear war.

Chemical weapons, we won. I hope that we can hold to that. I do not know.

We won on arms control. But when the gentlewoman from Colorado and this gentleman from California offered an alternative military budget to really bring us to arms control, where were the majority of my colleagues? Only 54 Members voted for it. We passed arms control language but when the gentleman from New York offered an amendment to stop the D-5 missile, which is a destabilizing, frightening, dangerous, silo-killing weapon that will bring us closer to nuclear war, where were the majority of my colleagues?

The point I make is that you have taught me something. I came from the ghettos of Oakland. But after 16 years you in the establishment of Washington, DC, have taught me one lesson very clearly, and that is that words that express policy do not mean anything if the money that is expended is not expended to implement the policy.

You and I live in a world of artful words and artfully drawn language. We do it every day, in front of the public and behind the public.

The CHAIRMAN pro tempore. The time of the gentleman for Wisconsin [Mr. ASPIN] has again expired.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin be allowed to proceed for 5 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. BURTON of Indiana. I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. DELLUMS. Please do not object, please do not object.

Mr. Chairman, I ask unanimous consent the gentleman from Wisconsin be allowed to proceed for 3 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. BURTON of Indiana. Mr. Chairman, I withdraw my objection.

The CHAIRMAN pro tempore. The gentleman from Wisconsin [Mr. ASPIN] is recognized for 3 additional minutes.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the gentleman for yielding, and I thank the gentleman for withdrawing his objection.

I am simply trying to make a statement, trying to assert my responsibility here on this floor.

The point I make is this: We have won a number of important policy battles but the fact of the matter is that this is still a war budget, make no mistake about that.

And I can debate any Member of Congress. I would challenge the Chair, the ranking minority member, any Member in this body. I can show you without equivocation that this is a war budget. I have marched into the well for 16 years saying one of the great dangers to this planet is offensive nuclear weapons that destabilize the world. Not one of these things stopped that.

The D-5 is there, first strike, war fighting; MX is there, first strike, war fighting; cruise missile is there, war fighting; Pershing missile is there, war fighting; B-1 is there, war fighting; Trident submarine is there, war fighting. All of the factors that precipitate the cold war and bring us at loggerheads are still in this bill.

I compliment all of my colleagues for having engaged in the policy debate that allowed us to win on a number of these issues.

□ 1505

But I would say to my colleagues that it has not moved far enough for this gentleman to say that I could vote "aye." I would not allow my position to be determined by those who are conservative, who say we have not done enough.

I would argue from my own political perspective that while we have done some things, we still have not done enough. I would like when RON DELLUMS votes for a military budget to be able to go home to my constituency, be able to go home to the national peace community, and say the world is a safer place. But all I can say is that we have passed some important policy statements, but this bill is not a peace budget by any stretch of the imagination. It is still a war machine.

I would argue to those who plan to oppose this budget that I really do not understand why you are opposing it. All of the things that have been done only nibble at the margins. We know this in the real world.

So let us not play games with each other. I appreciate what has been done, but I have to stand on the floor, not lurking off the floor to vote at a last second, to vote "no" and not bring people with me. If people want to stand with me, fine; if they do not, fine. Each of us must make our decision intellectually, politically and in the framework of our own conscience.

I believe at this point, while things have gone well, they have not gone well enough for this gentleman to be able to say that I can stand in support of a budget that still has destabilizing weapons, that still is committed to preparation for war as a way of achieving peace.

The CHAIRMAN pro tempore (Mr. RUSSO). The time of the gentleman from Wisconsin [Mr. ASPIN] has again expired.

(By unanimous consent, Mr. ASPIN was allowed to proceed for 2 additional minutes.)

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to take this time to speak to my friends on the Republican side of the aisle. I would particularly address my remarks to the gentleman from Alabama.

I can understand how many Members on the Republican side feel right now, because you have lost on a fair-play basis a number of amendments that you felt very sincerely about.

I had been in the same position in years past. I have been on the losing side of a number of issues when you have prevailed. But in each and every one of those cases as I worked for arms control restraint, for arms control provisions, and have lost, I can remember when the smoke cleared and we got to final passage, the ringing words of the gentleman from Alabama and others on his side of the aisle who have said, those fights are now over. Those determinations have now been made. The House has now worked its will, and the remaining question is whether or not the Members of this body are going to vote for a national defense budget.

I would say to my friends on the Republican side of the aisle, the table is turned and the question now comes to you. Your choice today is whether or not you are going to be sore losers or whether you are going to vote for a national defense. That is the question, and we will be eager to see what your answer is.

I want to say to my friends, if I may, my friends on the Democratic side of the aisle, this is not a perfect bill. I have been an arms control advocate in the 12 years I have served in the Congress, and there are defeats that we have taken that pain me today.

But I am going to vote for this bill, because I want to tell you something. It is not perfection. We are never going to have a perfect bill. But this bill represents the most significant breakthrough in doctrine I have seen in the 12 years that I have represented my district in this Congress.

It says, unlike the Republican side of the aisle, which we have seen the thinking expressed in this bill time and time again, year after year, that in order to find security, you will not find it in an endless chase to find a better bomb. Real security comes out of arms control.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin [Mr. ASPIN] has again expired.

(On request of Mr. AUCOIN, and by unanimous consent, Mr. ASPIN was allowed to proceed for 1 additional minute.)

Mr. AUCOIN. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Oregon.

Mr. AUCOIN. I just want to say to my colleagues that our bill, as the House has worked its will with the support of Republicans on this side of the aisle, we now have a document, though not perfect, which has the most impressive number of measures of arms control I have seen in the 12 years that I have served. It is not perfect, but significant. It is a departure. It recognizes the national security arguments for arms control coupled with sound investments in defense spending. We are 75 percent on the way home.

The question for this side of the aisle and those who have voted for those amendments on this side of the aisle is: Who is going to bring now this bill across the finish line? Are we going to work to defeat this bill, or are we going to pass it, on this side of the aisle having crafted these amendments with those allies on this side of the aisle?

Now is the time to legislate. Now is the time for leadership. This is a bill that gives us a historic opportunity to make a declaration to the American people that their voices have been heard.

I ask for its passage.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. Mr. Chairman, the gentleman from Alabama, my good friend, seems to feel that there is a Sam Rayburn type of person around giving orders.

None of the Members on either side of the aisle are listening to the voice of authority here. They are listening to thier own people. They have learned in the last months that the people want real arms control negotiations. They want reform in our procurement processes. They do not want SDI.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin [Mr. ASPIN] has again expired.

Mr. SCHEUER. Mr. Chairman, I ask unanimous consent the gentleman from Wisconsin [Mr. ASPIN] be allowed to proceed for 10 additional seconds.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

Mr. WALKER. Mr. Chairman, reserving the right to object, just to indicate that I think the gentleman who mentioned something about sore losing a minute ago ought to think a little bit about sore winning. The party that has come out here and won virtually all of the major amendments now decides that at the end of the bill they are going to come to the floor and do a little bit of Republican bashing and a little bit of conservative bashing to kind of finish off the deal.

So it seems to me they are sore winners of the worst regard.

Mr. Chairman, I withdraw my reservation of objection.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I am one who has never voted against a defense bill, and I am going to vote against this one. I want to make sure that my colleagues know precisely why.

Sure, the Republicans have lost—not only Republicans—lost some individual votes, but I believe it is the accumulative impact of these various things like a 10 percent real cut in defense authorizations since 1985. How many people know that this bill that we are about to pass now is 10 percent lower than 1985? If you talk to the average person on the street, they would think it was 20 percent higher, but it is 10 percent lower at the time everybody is saying, at the least, what we have to do is to keep the same level as prior years.

There is no money in the bill for research on hardening our modern land-based leg of our triad, the nuclear testing vote, SALT II requiring this President to comply with an agreement that the Soviets are violating, Asat, strategic defense; I could go on.

But I did talk with Ed Rowny this morning, who came to my office. As everybody knows, he just spent the last number of hours in the Soviet Union. He is very disturbed about the message that the House of Representatives is giving the Soviet Union. He feels that on no uncertain terms, we have taken the cards away from our negotiators, we have taken the blue chips away from our negotiators. We do not have any leverage to negotiate true arms control and real reductions.

I think that if you want arms control, if you want to give some power to our negotiators and some leverage, there is one thing we can do that is left, there is one vote that we have left, and that is to vote down this bill and give something to our negotiators so they can negotiate a fair, reasonable agreement in Geneva.

Mr. DICKINSON. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to talk about something that I think the gentleman from Alabama and I agree on. We have on the Armed Services Committee a rather large number of people who are leaving the committee this year, and they have been very, very valuable people, and we will miss them all.

□ 1515

Let me just mention them.

There is the gentleman from Virginia [Mr. WHITEHURST], who is retiring after nine terms in the Congress;

There is the gentlewoman from Maryland [Mrs. HOLT], who is retiring after seven terms in the Congress;

There is the gentleman from Indiana [Mr. HILLIS] after eight terms in the Congress;

There is the gentleman from Colorado [Mr. KRAMER], who has served four terms and is seeking election to the U.S. Senate from Colorado;

There is the gentleman from South Carolina [Mr. HARTNETT], who has served three terms and is seeking the Lieutenant Governorship of the State of South Carolina;

And there is the gentleman from New York [Mr. CARNEY] who is leaving the Congress after four terms.

These Members have been very, very valuable people on the Armed Services Committee. The committee is not going to be the same without them, and we are going to sorely miss them all.

Mr. DICKINSON. Mr. Chairman, I thank the committee chairman.

On behalf of my side of the aisle, let me say that their departure is going to leave quite a hole. As a matter of fact, I have never known freshmen on the committee, those in the lower tier, to move up so fast. But the gentleman is right; unfortunately, they will not be with us, and they will be sorely missed. They have been conscientious, hard

working, contributing members of the Armed Services Committee. We will miss them all.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. RUSSO). Under the rule, the next amendment made in order is amendment No. 130.

MODIFICATION OFFERED BY MR. SOLOMON TO THE AMENDMENTS OFFERED EN BLOC BY MR. ASPIN TO THE TEXT OF SECTION 3031

Mr. SOLOMON. Mr. Chairman, I have amendment No. 130 at the desk, but before I offer this last amendment to this recently named LES ASPIN memorial bill, which is probably the least controversial, most noncontroversial and most humane bill that is being offered today, let me first ask unanimous consent that section 3031, as amended by the en bloc amendment, offered by the gentleman from Wisconsin [Mr. ASPIN] on August 14, 1986, be modified. The modification is at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification Offered by Mr. SOLOMON to the text of section 3031, as amended by the en bloc amendment offered by Mr. ASPIN on August 14, 1986: In the first sentence of section 3031 of the bill (as amended by the en bloc amendment offered by Mr. ASPIN on August 14, 1986)—

(1) strike out "reserved the right" and insert in lieu thereof "elected";

(2) insert after "the Department of Energy" the second place such term appears "and the contractor requests waiver of any property rights";

(3) strike out "shall decide" and insert in lieu thereof "may decide";

(4) strike out "whether"; and

(5) strike out "any property rights" and insert in lieu thereof "property rights".

Mr. SOLOMON (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the en bloc amendment relating to section 3031, offered by Mr. ASPIN on August 14, 1986, as now modified by Mr. SOLOMON is as follows:

On pages 335, 336 and 337, strike section 3031 in its entirety, and insert in lieu thereof:

"SEC. 3031. PROTECTION OF SENSITIVE TECHNICAL INFORMATION.

"(a) SECRETARY OF ENERGY DETERMINATION.—Whenever any contractor makes an investigation or discovery to which the Department of Energy has elected to retain ownership at the time of contracting pursuant to 35 U.S.C. 202(a)(ii) or (iv) or pursuant to section 152 or section 159 of the Atomic Energy Act of 1954, as amended, (42 U.S.C. 2182 or 2189) in the course of or under any Government contract or subcontract of the Naval Nuclear Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy and the contractor requests waiver of any property rights the Secretary of Energy may decide whether or not to assign to the contractor property rights in such invention or discovery. Such decision shall be made within a reasonable time (usually six months from the date of disclosure to the Department or from the date of request by the contractor for assignment of such rights, whichever is later).

"(b) MILITARY LIAISON COMMITTEE.—In making a decision under subsection (a), the Secretary may consider the recommendation and written determination of the Military Liaison Committee (established by section 27 of the Atomic Energy Act of 1954 (42 U.S.C. 2037)) as to whether or not, if such a claim is not asserted—

"(1) national security will be compromised;

"(2) sensitive technology information (whether classified or unclassified under the Naval Nuclear Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy for which dissemination is controlled under Federal statutes and regulations) will be released to unauthorized persons;

"(3) an organizational conflict of interest contemplated by Federal statutes and regulations will result; or

"(4) failure to assert such a claim will adversely affect the operation of any program of the Naval Nuclear Propulsion Program or the nuclear weapons programs or other atomic energy defense activities of the Department of Energy.

"(c) CONSULTATIONS BY COMMITTEE.—(1) In making any recommendation and determination under subsection (b) for matters pertaining to the Naval Nuclear Propulsion Program, the Committee shall consult the Director of that program.

"(2) In making any recommendation and determination under subsection (b) for matters affecting nuclear weapons and other atomic energy defense activities of the Department of Energy, the Committee shall consult the Assistant Secretary of Energy for Defense Programs.

Mr. SOLOMON. Mr. Chairman, this modification is a technical amendment which is being offered by myself on behalf of the chairman of the committee.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from New York [Mr. SOLOMON]?

There was no objection.

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOLOMON: At the end of the bill, add the following new section:

SEC. 4005. AMENDMENT OF MILITARY SELECTIVE SERVICE ACT TO PROVIDE ELIGIBILITY FOR BENEFITS TO CERTAIN PERSONS WHO FAIL TO REGISTER.

(a) ELIGIBILITY FOR BENEFITS.—Section 12 of the Military Selective Service Act (50 U.S.C. App. 462) (relating to penalties) is amended—

(1) by striking out "Any person" in subsection (f)(1) and inserting in lieu thereof "Except as provided in subsection (g), any person"; and

(2) by adding at the end the following new subsection:

"(g) Any person discharged under honorable conditions from the armed forces may not be denied any right, privilege, or benefit under Federal law by reason of his failure to present himself for and submit to registration under section 3.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply—

(1) to a person discharged under honorable conditions before, on, or after the date of the enactment of this Act; and

(2) to rights, benefits, and privileges to which such person would have been entitled had such subsection been in effect at the time of such discharge.

The CHAIRMAN pro tempore. The gentleman from New York [Mr. SOLOMON] will be recognized for 5 minutes.

Mr. SOLOMON. Mr. Chairman, I will take just a little time on this amendment that I am offering, because of the fact that the homeporting amendment was polled just recently, and, of course, another amendment which was scheduled for a 40-minute debate was also polled. The two sides have not had an opportunity to get their troops in order, so I will delay just briefly in explaining my amendment. Otherwise we would not take the time.

Mr. Chairman, the amendment I am offering would benefit our Nation's veterans. It is a technical or clarifying amendment designed to insure the Solomon amendments are not unfairly applied to veterans.

My amendment simply states that no person who has served honorably on active duty in the Armed Forces shall be denied any rights, privileges or benefits because of his failure to register with the Selective Service System.

In 1982, this body overwhelmingly approved the first Solomon amendment, conditioning Federal education assistance to the registration requirement. Since then Job Training Partnership Act [JTPA] benefits and Federal employment have been conditioned to the registration requirement. My amendment would simply clarify that it was never intended that these laws be unfairly applied to veterans.

Current law requires veterans, if they have not turned 26, to register with the Selective Service. Some veterans, unaware of the requirement, have failed to register by the age 26 and, therefore, been permanently denied Federal education benefits.

Mr. Chairman, this is a very real problem. I have spoken personally with a young man who served in the Army for 6 years and was honorably discharged shortly before turning age 26. The young man was unaware of the requirement to register. He turned 26 a few months after being discharged and is now being refused Fed-

eral higher education assistance by the college he wishes to attend.

This problem has arisen on other occasions and I fear could become much more serious as some of the newer laws take effect. The amendment is noncontroversial and would greatly benefit the few individuals who are trapped in this catch-22.

The Department of Education and the Selective Service System have indicated they can do little to help these young men until Congress approves this technical amendment. I would also note that I have drafted the amendment to allow for the reimbursement of education funds to any veteran who has been denied benefits.

Congress approved legislation, conditioning Federal education assistance to peacetime registration in 1982 (50 U.S.C. App. 462(f)). In 1983, Congress conditioned JTPA benefits to registration (29 U.S.C. 1504). And in 1985, Congress conditioned Federal employment to the requirement (50 U.S.C. 3328). Since the original Solomon amendment was attached to the DOD authorization in 1982 and the Military Selective Service Act falls within Armed Services jurisdiction I believe the authorization is the most appropriate vehicle for the amendment.

I appreciate the action this body has taken in the past—the Solomon amendments have been a success—and I respectfully request your support once again to ensure no abuses occur in the implementation of this law.

Mr. Chairman, at this time I will yield to the gentlewoman [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from New York for yielding.

I appreciate the gentleman's help to me in my concern about this specific case that I have. I have an amendment to the gentleman's amendment which I think he will accept.

Mr. Chairman, I thank the gentleman, and I will now call up my amendment, and hopefully we can move right along.

AMENDMENT OFFERED BY MRS. SCHROEDER TO THE AMENDMENT OFFERED BY MR. SOLOMON

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER to the amendment offered by Mr. SOLOMON: In subsection (g) of section 12 of the Military Selective Service Act Act (50 U.S.C. App. 462) as added by the Solomon amendment, insert "forces of permanently handicapped individual may not" in lieu of "forces may not."

Mrs. SCHROEDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, the gentleman from New York [Mr. SOLOMON] and I have worked on this. All it does is add to the gentleman's amendment the words, "or permanently handicapped individual," because in my area many handicapped people did not realize they were to register for the draft, and then they found out later on that this discriminated against them.

The gentleman from New York has been very understanding, and he agreed to this amendment. He helped me draft it, as a matter of fact. I appreciate his concern. It shows his compassion for making sure that many people who really were innocent are not hurt by this.

Mr. SOLOMON. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I thank the gentlewoman for yielding.

The gentlewoman has pointed out a flaw in the Solomon amendment, and certainly those people who are permanently handicapped and were never applicable to the draft in the first place should not be denied college loans and grants.

Mr. Chairman, I certainly thank the gentlewoman from Colorado. She has done a service to the handicapped people, and I for one accept the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] to the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment to the amendment was agreed to.

Mr. SOLOMON. Mr. Chairman, may I inquire, was some Member seeking time on my amendment?

The CHAIRMAN pro tempore. The Chair was about to make that inquiry, and the Chair will inform the gentleman from New York [Mr. SOLOMON] that he has 1 minute remaining.

Mr. SOLOMON. Mr. Chairman, I yield that 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the amendment, but I would like to take this time to express my opposition to the entire bill. I would like to quote from the Jean Francois Ravel's book, "Why Democracies Perish," to give the Members a reason why. I think everybody ought to listen to this:

Democracy tends to ignore, even deny, threats to its existence because it loathes doing what is needed to counter them. It awakens only when the danger becomes deadly, imminent, evident. By then there is little time for it to save itself, for the price of survival has become crushingly high.

Mr. Chairman, I hope the Members will pay attention to these very, very wise words.

□ 1525

The CHAIRMAN pro tempore (Mr. RUSSO). The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON], as amended.

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 408, noes 0, not voting 23, as follows:

[Roll No. 356]

AYES—408

Ackerman	Cobey	Foley
Akaka	Coble	Ford (MI)
Alexander	Coelho	Ford (TN)
Anderson	Coleman (MO)	Fowler
Andrews	Coleman (TX)	Frank
Annunzio	Collins	Franklin
Anthony	Combest	Frenzel
Applegate	Conte	Frost
Archer	Conyers	Gallo
Armey	Cooper	Gaydos
Aspin	Coughlin	Gejdenson
Atkins	Courter	Gekas
AuCoin	Coyne	Gephardt
Badham	Craig	Gibbons
Barnard	Crane	Gilman
Barnes	Crockett	Gingrich
Bartlett	Daniel	Glickman
Barton	Darden	Gonzalez
Bateman	Daschle	Goodling
Bates	Daub	Gordon
Beilenson	Davis	Gradison
Bennett	de la Garza	Gray (IL)
Bentley	DeLay	Gray (PA)
Bereuter	Dellums	Green
Berman	Derrick	Gregg
Bevill	DeWine	Guarini
Biaggi	Dickinson	Gunderson
Bilirakis	Dicks	Hall (OH)
Bliley	Dingell	Hall, Ralph
Boehlert	DioGuardi	Hamilton
Boggs	Dixon	Hammerschmidt
Boland	Donnelly	Hansen
Boner (TN)	Dorgan (ND)	Hatcher
Bonior (MI)	Dornan (CA)	Hawkins
Bonker	Dowdy	Hayes
Borski	Downey	Hefner
Bosco	Dreier	Hendon
Boucher	Duncan	Henry
Boulter	Durbin	Hertel
Boxer	Dwyer	Hiler
Brooks	Dymally	Holt
Broomfield	Dyson	Hopkins
Brown (CA)	Early	Horton
Brown (CO)	Eckart (OH)	Howard
Bruce	Eckert (NY)	Hoyer
Bryant	Edgar	Hubbard
Burton (IN)	Edwards (CA)	Huckaby
Bustamante	Edwards (OK)	Hughes
Byron	Emerson	Hunter
Callahan	English	Hutto
Carney	Evans (IL)	Hyde
Carper	Fascell	Ireland
Carr	Fawell	Jacobs
Chandler	Fazio	Jeffords
Chapman	Feighan	Jenkins
Chappell	Fiedler	Johnson
Cheney	Fields	Jones (NC)
Clay	Fish	Jones (OK)
Clinger	Florio	Jones (TN)
Coats	Foglietta	Kanjorski

Kaptur	Mrazek	Slattery
Kasich	Murphy	Slaughter
Kastenmeier	Murtha	Smith (IA)
Kemp	Myers	Smith (NE)
Kennelly	Natcher	Smith (NJ)
Kildee	Neal	Smith, Denny (OR)
Kindness	Nelson	
Kleczka	Nichols	Smith, Robert (NH)
Kolbe	Nielson	
Kolter	Nowak	Smith, Robert (OR)
Kostmayer	Oakar	
Kramer	Oberstar	Snowe
LaFalce	Obey	Snyder
Lagomarsino	Olin	Solarz
Lantos	Ortiz	Solomon
Latta	Owens	Spence
Leach (IA)	Oxley	Spratt
Leath (TX)	Packard	St Germain
Lehman (CA)	Panetta	Staggers
Lehman (FL)	Parris	Stallings
Leland	Pashayan	Stangeland
Lent	Pease	Stark
Levin (MI)	Penny	Stenholm
Levine (CA)	Pepper	Stokes
Lewis (CA)	Perkins	Strang
Lewis (FL)	Petri	Stratton
Lightfoot	Pickle	Studds
Lipinski	Porter	Stump
Livingston	Price	Sundquist
Lloyd	Pursell	Sweeney
Loeffler	Quillen	Swift
Long	Rahall	Swindall
Lott	Rangel	Synar
Lowery (CA)	Ray	Tallon
Lowry (WA)	Regula	Tauke
Lujan	Reid	Tauzin
Luken	Richardson	Taylor
Lundine	Ridge	Thomas (GA)
Lungren	Rinaldo	Torres
Mack	Ritter	Torricelli
MacKay	Roberts	Towns
Madigan	Robinson	Traficant
Manton	Rodino	Traxler
Markey	Roe	Udall
Marlenee	Roemer	Valentine
Martin (IL)	Rogers	Vander Jagt
Martin (NY)	Rose	Vento
Matsui	Rostenkowski	Visclosky
Mavroules	Roth	Volkmer
Mazzoli	Roukema	Vucanovich
McCain	Rowland (CT)	Waldon
McCloskey	Rowland (GA)	Walgren
McCollum	Roybal	Walker
McCurdy	Rudd	Watkins
McDade	Russo	Weaver
McEwen	Sabo	Weber
McGrath	Savage	Weiss
McKernan	Saxton	Wheat
McKinney	Schaefer	Whitehurst
McMillan	Scheuer	Whitley
Meyers	Schneider	Whittaker
Mica	Schroeder	Whitten
Michel	Schuette	Williams
Mikulski	Schulze	Wilson
Miller (CA)	Schumer	Wirth
Miller (OH)	Seiberling	Wise
Miller (WA)	Sensenbrenner	Wolf
Mineta	Sharp	Wolpe
Mitchell	Shaw	Wortley
Moakley	Shelby	Wright
Molinari	Shumway	Wyden
Mollohan	Shuster	Wylie
Monson	Sikorski	Yates
Montgomery	Siljander	Yatron
Moody	Sisisky	Young (AK)
Moorhead	Skeen	Young (FL)
Morrison (WA)	Skelton	Young (MO)

NOT VOTING—23

Bedell	Flippo	McHugh
Breaux	Fuqua	Moore
Burton (CA)	Garcia	Morrison (CT)
Campbell	Grotberg	Smith (FL)
Chappie	Hartnett	Thomas (CA)
Dannemeyer	Hillis	Waxman
Erdreich	Martinez	Zschau
Evans (IA)	McCandless	

□ 1540

Mr. CONYERS changed his vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

Mr. SHELBY. Mr. Chairman, I rise today to urge my colleagues to support the Navy's strategic homeporting plans.

The issue here is strategy. Homeporting makes strategic sense by dispersing our fleet on all three coasts. There should be no doubt about the military benefits. To argue otherwise defies the history of Naval warfare.

During the American Revolutionary War, British Admirals Graves and Hood were unable to come to the aid of General Cornwallis after they concentrated their combined fleets at New York, thus allowing French naval units under Admiral De Grasse to blockade and subsequently win the battle of the Virginia Capes.

In the Civil War, the United States conducted effective blockades of the four major Confederate ports—Norfolk, Charleston, New Orleans, and Mobile—the effects of which were devastating to the Confederacy.

During the Spanish-American War, with the Spanish Fleet in one spot at Manila Bay, the United States was able to effect a signal victory.

At Scapa Flow in World War II, The British Fleet was bottled up by only one German submarine, which also sank the *Royal Oak*.

During World War II at Rabaul—the Japanese "Pearl Harbor"—and later at Truk, with the great concentration of naval forces in those areas, the United States was able to attack and destroy a significant portion of the Japanese Navy.

We are all, of course, aware of the events of Pearl Harbor. With our current concentration of ships in San Diego and Norfolk, we have now reached a 1941 Pearl Harbor situation.

Mr. Chairman, I would like to point out that today one of our greatest strategic advantages in a maritime sense is the concentration of the Soviet fleet in only four sea areas—the Baltic, the Black, and the Barents Seas, and the Sea of Japan—all of which are susceptible to chokepoint blockades. These Soviet choices and geography have favored us. The principle works both ways.

A recent event just off our coast can be used to illustrate the concept's relevancy today. For obvious reasons, the Soviets have a burning interest in the Trident program, with our single basing site, they know exactly where to concentrate their efforts to gain intelligence. There is evidence to lead us to believe that, last year, two Soviet intelligence collection ships, along with an unprecedented number of Soviet submarines, engaged in anti-Trident operations just off the strait of Juan de Fuca, Washington State, over a 2-month period. The advantages of Stealth, associated with our submarine operations, make a single site more acceptable; the point is, from a military perspective, two sites are far better than one, and three or more are even more so. A diluted Soviet force is preferable to one that is concentrated.

When the additional consideration of proximity to important sea lines of communication is included, dispersal becomes even more attractive. I know I don't have to convince you of the significance of the proximity of our 49th State to the Soviet Union land mass and its growing importance in terms of oil, the vulnerability of the Aleutian chain, and the expanding activities of the Soviets in the region. These considerations alone justify homeporting a carrier battle group in the Northwest.

There is an old adage that applies here—that is "don't put your eggs in one basket."

Mr. Chairman, homeporting simply makes the most strategic sense.

I urge my colleagues to oppose the Hertel Amendment to delete funds for the Strategic Homeporting Program.

Mr. ROYBAL. Mr. Chairman, I would like to address the subject of America's defense, but in a slightly different context than the arguments I have been hearing over the past few days.

There have been two basic arguments concerning defense spending—it's not enough, and it's too much. But in the midst of all these facts and figures about the Bradley, the MX, the T-46, and the SDI, I am worried that we are on the verge of surrendering a battle we have been fighting since the Declaration of Independence—the battle against poverty and ignorance. In the long run, this battle will be more important to the security of the United States than all the Grenadas and Nicaraguas and even Libyas combined.

It is no longer fashionable to talk about the War on Poverty. Social services programs are spoken about in whispers, much as the Vietnam war was a decade ago. How did our struggle against want become reduced to such an ignominious level? Why do we no longer argue about guns versus butter, just guns versus missiles? We are making a grave mistake. Even though many of our so-called Great Society programs haven't worked out the way we thought they would, we have nothing to be ashamed of. Our only cause for shame would be if we abandoned these programs instead of trying to improve them. We must remember that poverty and ignorance will destroy the human spirit just as surely as a bomb will destroy the human body. When substantial numbers of our citizens no longer believe in the American dream; when they don't see any hope for their future or their children's future—just the continuing struggle to keep food on the table and the landlord away from the door; when a job no longer becomes a way out—just a way to survive; when your community no longer makes you feel proud—just trapped; then America is no longer an ideal—it's just another place to live. And that, Mr. Chairman, is just as dangerous to us as is the spread of communism in Central America or the rise of the the Shi'ite Moslems in the Middle East.

And yet we know we can fight against poverty and ignorance, and we know there are many battles to be won. How many success stories are out there today who got where they are because America once had a social conscience? How many have we fed, doctored, educated, sheltered? And how many have returned our investment a hundredfold? How many are doctors, engineers, scientists, leaders? How many discoveries have they made possible? How many tax dollars have they paid? How many young minds have they

inspired? And how poor we would be without them!

For the price of one MX missile, how many students could we send to college? For just a fraction of the cost of the SDI, how many teachers could we train? For the price of the Pentagon overpayments with which defense contractors line their pockets, how many hungry children could we feed?

Hawks and doves will both agree that America must be defended. But when was the last time we seriously evaluated all the things we have that are worth defending—our spirit, our opportunities, our quality of life? It takes more than bullets to preserve these things, and it's about time we shifted some of our attention, not to mention resources, to these areas, If America is worth defending, butter should be just as important as guns.

Mr. RANGEL. Mr. Chairman, H.R. 4428, National Defense Authorization Act for fiscal year 1987, contains many provisions designed to enhance America's drug detection and interdiction effort. H.R. 4428 provides $35.6 million in operations and maintenance funds for drug enforcement.

H.R. 4428 contains funding for look-down radar on eight aircraft used in the Caribbean by the Air Force Reserve. The bill authorizes $10 million to equip four each Air Force Reserve special operations/combat rescue KC–130's and HC–130's with APG–63 look-down radar for drug detection and surveillance. The four HC–130 special operations/combat rescue aircraft to be utilized in military support to drug interdiction will require installation of modifications to permit aerial refueling of long-range HH–3 special operations helicopters. The bill provides that $1 million of the Air Force Reserve's operations and maintenance budget be allocated to this project.

The bill contains $3.6 million to permit Air National Guard installations of Government furnished APG–63 look-down radars on current-service C–130 aircraft to provide Guard support to drug detection and surveillance.

H.R. 4428 also contains $9 million in order to reimburse Air National Guard units flying under State control in support of civilian drug interdiction. It provides $12 million in operation and maintenance funds to reimburse Army National Guard units operating under State control in support of civilian drug interdiction.

Mr. Chairman, I am pleased that a national consensus is developing on the need to take action to curtail narcotics smuggling and use. The military has some unique resources and expertise which it can bring to bear in this effort. I am pleased that H.R. 4428 provides $35.6 million in operation and maintenance funds for drug enforcement support.

Mr. BONKER. Mr. Chairman, for the first time in 5 years, I plan to support final passage of the House's defense authorization bill. While I would argue that our defense budget is still bloated and wasteful, I am supporting this bill because numerous provisions in it indicate a majority of the House has finally become disillusioned with the administration's defense and arms control policies and is taking matters into its own hands.

The bill's tough, 1-year moratorium on all nuclear testing over one kiloton is one of the most hopeful provisions in the bill. Support for a test ban was partially garnered from needs that a team of seven U.S. scientists had succeeded in negotiating an agreement with the Soviets to place state-of-the-art seismographic equipment in Soviet soil to monitor their nuclear testing. This move demonstrates the significant role that citizen diplomacy can play in shaping Soviet-American relations and for the role that Congress can play in initiating important arms control.

I was also happy to support an amendment to keep the administration within the SALT II limits by barring the use of funds to deploy any nuclear weapons that would violate any of the weapons sublimits of the SALT II Treaty. The administration's decision this past May to declare the treaty "dead" reflected a victory for hardliners in the White House who are opposed to any arms control and who mistakenly believe that the United States can win a nuclear arms race. The message of this bill is that Congress does not and will not condone the President's destructive approach to arms control.

In two other important moves, the House supported a moratorium on antisatellite and chemical weapons. In neither area would an arms race improve our security or benefit the taxpayers. It would be foolish indeed to spread the arms race further into space at a time when our own space program is crippled and the Soviets are observing an Asat test moratorium. With regard to our chemical weapons, we have a more than adequate stockpile of functioning weapons to meet any foreseeable needs. Instead of building more we should be negotiating a total ban with the Soviets.

I am also supporting the defense bill because of its important defense reorganization and procurement reform provisions, which should improve the readiness capability of our military while cutting waste and fraud among defense contractors.

Finally, for the first time in 7 years, a majority has voted to decrease defense spending. For the first time in 3 years, we voted to freeze funding for star wars. There is no question that the 1987 defense authorization bill could represent a turning point in this Nation's approach to defense.

At the same time, there is no question that we have a long way to go, and today's bill is by no means perfect. While this bill would halt the rapid growth of the defense budget, we must remember that during the last 2 years of the Carter administration and the first 4 years under Reagan, military spending rose by an average of 8 percent a year, after allowing for inflation. In other words, the last 8 years have seen a 50-percent increase in defense spending.

Not only has the "spend-up" been expensive, it has not resulted in a stronger or more capable military. For instance, during the first 4 years of the Reagan buildup, the United States spent 150 percent more for tanks and armored vehicles than it had under Jimmy Carter but increased its purchases of tanks by only 30 percent. Aircraft appropriations went up more than 75 percent while purchases went up less than 9 percent, and there are many other examples such as these.

The DOD has also benefited from windfall profits as inflation dropped and congressional appropriations proved too generous. The Pentagon has never offered to return the extra money. In fact, the Pentagon has "protected" part of its budget against inflation by allowing for a 30-percent increase over expected inflation levels. In one recently released report, surplus inflation payments from 1982 to 1986 amounted to the incredible sum of $39.5 billion. That comes to about $165 per person in the United States! Even more remarkable, the Pentagon has been unable to account for the money.

Since 1981, military contracting has become a high-profit, low-risk enterprise. At a time when American manufacturers as a whole were suffering severe problems, (some of this directly attributable to the enormous budget deficit caused by increases in defense spending combined with tax cuts) the defense business was doing remarkably well. Today's defense spending regime creates an environment in which even our best manufacturers can make more money producing weapons than doing practically anything else. Boeing's 1984 sales to the Government (mainly to the Defense Department), for instance, represented 42 percent of the company's business, but accounted for 94 percent of its profits.

Beyond these spending level issues, I am also skeptical of certain provisions within this bill, which would fund weapons like the T–46 and the Bradley Fighting Vehicle—about which there are serious questions and concerns. The T–46, for example, is a trainer aircraft that even the Air Force cut from its budget. Instead of pausing to consider this move in light of its ultimate $2.8 billion cost, the House plowed ahead and supported authorization for procurement of the first 12 T–46's. Mindless buying is producing a military described by one former Army general as a "force without power."

Worst of all, we have spent without fully paying. The costs of this decision will haunt us well into the next century as we struggle to deal with a staggering Federal debt that mortgages the future of our children.

In spite of these imperfections in the 1987 defense authorization bill, I will cast my vote in favor of today's bill because it incorporates a number of significant reforms.

We have never had the opportunity to vote on a defense authorization bill that included more arms control measures. I have never seen a bill that addressed the deficiencies in our procurement and organizational practices so effectively.

We've come a long way. I look forward to future years, when we can fully realize the promise of this bill.

Mr. MINETA. Mr. Chairman, I rise today to express my concern about the provisions in H.R. 4428 which affect the transportation of the military on chartered aircraft. These provisions were added to the Department of Defense's 1987 authorization to reflect the concerns of the Committee on Armed Services, following the Arrow Air accident at Gander.

Mr. Chairman, first let me say that I understand and fully share with all Members of Congress the desire to ensure that air transportation of our military personnel by commercial airlines, whether on charters or scheduled flights, will be conducted in the safest manner. I am not opposed to the Department of De-

fense taking the steps necessary to ensure that the carriers on which military personnel fly are inspected and evaluated, so long as this is done under consultation with the Federal Aviation Administration [FAA].

In this regard, following the tragic Arrow Air accident, the FAA, the Secretary of Transportation, and DOD agreed that it was necessary to take a critical look at their working relationship to ensure an exchange of safety information between the FAA and DOD. Several steps have been taken to improve this relationship and safety information is now provided daily to DOD officials by the FAA.

Our Subcommittee on Aviation has also been working to improve the effectiveness of the FAA's air carrier inspection program and FAA is now conducting, as part of its National Inspection Program, an indepth inspection of a number of carriers which have contracts with the military. DOD has been invited by the FAA to sit in with FAA officials during the review briefings of the inspected operations, and to observe the conduct of the investigations. DOD will also be provided copies of all the final inspection reports.

Moreover, DOD has itself implemented a series of new specific survey and inspection requirements that will enhance substantially DOD's oversight of its charter program. Indeed, it appears that DOD has already undertaken most of the steps called for by the proposed legislation.

For example, the Secretary of Defense in a directive dated June 9, 1986, specifically required an intensification of the military air charter [MAC] system of capability surveys and inspections, not only to cover MAC flights but also to cover domestic flights under the authority of MTMC, the Military Traffic Management Command. The net result will be capability surveys of all air carriers doing business with DOD as well as inspections by DOD of at least 25 percent of the aircraft used by these carriers for transport of military personnel. I would note that this program goes well beyond the proposed legislation in that it provides for inspections of all air carriers, not just charters.

I support DOD's efforts in this regard. However, the proper monitoring and inspection of the airlines and their fleets is a complex and continuous task which requires time and experienced inspectors. I believe—as does the Aviation Subcommittee—that the FAA should continue to have the basic responsibility for developing safety standards and enforcing them by inspections of the airlines.

In this regard, I am most concerned with the amendment which was added by Representative CHARLES BENNETT in the Armed Services Committee markup on H.R. 4428. This amendment would require that each aircraft under charter for transportation of the Armed Forces be inspected by DOD, FAA, or a contractor within a 72-hour period prior to the departure of that military chartered flight, irrespective of whether the charter is for personnel or cargo. After reviewing this particular provision, it is unclear to me how this requirement will result in a higher level of aviation safety.

For example, the provision does not define the scope of the inspections it requires, nor the time it would take to complete such inspections, nor does it specify the qualifications for inspectors. It is presumed that the inspection will be a walk around the aircraft to inspect tire and brake condition, to ensure flight surveys are undamaged and to ensure the absence of excessive dripping fluids, as well as a review of maintenance logbooks. If so, this inspection would duplicate those performed routinely by air carriers or contractor personnel whenever there is a crew change. In fact, a large portion of this inspection is already performed before the start of each flight segment.

Moreover, the crews themselves perform additional inspections out of justifiable concern for their own safety. Alternatively, is the inspection supposed to be a more indepth mechanical inspection? If so, how long will it take? How is it possible to ensure that the aircraft will be idle long enough to conduct the inspection? Who will pay for that aircraft's downtime? Where will the qualified inspectors come from?

Another concern that I have is the number of inspection sites. I understand from discussions with DOD personnel that there are over 4,000 charter flights originating from 320 locations worldwide. These sites include such diverse areas as Mason City, IA; Lansing, MI; Andoya, Norway; and Him Hae, Korea. Two hundred of these sites generate 10 or fewer departures a year, which is certainly not enough to justify maintaining an onsite inspection staff. Ninety-six of the sites have only one departure a year. Clearly the movement of DOD, FAA, or other parties for performance of these indepth inspections will be an expensive and logistically difficult, if not impossible, task. If the FAA assumes the inspection responsibility, is it contemplated that the DOD will reimburse the FAA for this function?

Additionally, I am concerned as to whether or not DOD has sufficient personnel available who possess the knowledge and skills needed to inspect the wide variety of aircraft utilized in military charter operations. I have been advised that there are some 45 different types of aircraft which are used for military charters. Even if the necessary inspectors can be trained for each aircraft type and sent to each location site, what will happen if, for some reason, a different type of aircraft has to be substituted? Must that substitute aircraft also be inspected? What would be the availability of a DOD inspection team to perform a second inspection for the same flight on short notice? Should the bill or contractual terms between DOD and the air carrier provide for some waiver provision?

I note that the bill applies to passengers and cargo charters alike. Surely, we do not want to institutionalize unnecessary delay in the movement of our military and its provisions with this statute.

Perhaps the most fundamental point with regard to the 72-hour inspections is that made by Capt. Henry A. Duffy, president of the Air Line Pilots Association, who has strongly maintained that mandating inspections of individual aircraft cannot ensure flight safety and can only siphon off qualified personnel from their primary task. That task is not to clamor around one aircraft at a time but rather to inspect the maintenance itself. Making sure the overall system is healthy and working is clearly the best way to prevent individual defects.

In sum, Mr. Chairman, I believe that the scope of the 72-hour inspection provision may be far beyond the capabilities of either the DOD or the FAA to execute without inadvertent and far-reaching results that may not have been anticipated by the amendment's author. For the record, I would like to indicate my own opposition to the provision. I would also like to state that it is my understanding that both DOD and the FAA are opposed to this amendment because they, too, believe it is unnecessary. I would urge my distinguished colleagues to address the problems we have identified in conference.

Thank you, Mr. Chairman, for the opportunity to speak to this important matter.

Mr. FRENZEL. Mr. Chairman, when all is said and done on this Defense authorization, when all the pluses and minuses are added up, the bill is still too expensive.

Compared to my original budget, this bill is $10 or $15 billion more expensive, depending on whether the standard of comparison is budget authority or outlays.

Normally, on an otherwise satisfactory authorization bill, my vote is not driven by a little too much money. In this case, however, there will probably be no appropriation. Our spending will be done in a continuing resolution.

Since I will most likely have no other way to express my dissatisfaction with what I believe is a continuing case of overspending, I shall vote "no."

Further, I hope my "no" vote also expresses my disapproval with the process. The rule was cumbersome. The procedure was unfair in that most Members could not even participate in the debate. Because it is unlikely that the bill will ever be passed, I don't understand why it was used to fill up a week when we should have been completing reconciliation or other matters that must, and will, be completed before we can adjourn.

Mr. McCAIN. Mr. Chairman, last year, citing the need for a "greater upfront incentive to reenlist," the committee increased from 50 percent to 75 percent the portion of the bonus given to service members immediately upon reenlistment. The committee said that the change "makes sense, from the member's, as well as from the Government's standpoint."

Regarding costs associated with this change, the committee, in the fiscal year 1986 DOD authorization report, stated that "from the Government's point of view, the initiative would increase the service's ability to retain high-quality individuals * * * at no additional—and perhaps less—cost."

This year, citing an effort to meet budget reduction targets, the committee reversed last year's decision, again mandating that only 50 percent of the reenlistment bonus be given to members. Further, the committee recommended a 15-percent reduction in the resources available for new payments. Finally, the committee recommended an end to the payment of enlistment bonuses for all services but the Army.

My colleagues, these moves are extremely shortsighted. Elsewhere in the report on this year's DOD authorization, the committee states that it believes that successful recruiting results are attributable to the compensation and education incentives enacted in

recent years, as well as the improved image of the military. The committee emphasizes that the challenge for next year is to sustain the present quality of manning in the career force—economics and quality of life play a large part in career decisions.

The cuts in enlistment and reenlistment bonuses are going to make it much more difficult to attract and retain the highest quality men and women in the service. Military men are not, by habit mercenary. If they were, they would not be in the military. On the other hand, it is difficult enough to make a living in the military with a family, and children that you hope to send to college. A pilot in his midforties with the possibility of a $100,000 a year job with an airline, and two children to send to college, will probably leave the service for the highest paying job. The improved image of the military notwithstanding, Tom Cruise and Top Gun do not pay tuition. I urge that the effects of these changes be carefully considered in conference with the other body.

Mr. VENTO. Mr. Chairman, I rise to state my views on the Defense authorization as amended during the consideration on the floor.

Mr. Chairman, the Defense authorization and appropriation measures are very important to our Nation; to our national security; a significant commitment is reflected toward maintaining military capability and our system of government, our way of life.

The decisions and outline of these measures add significant substance to U.S. policy positions.

They also make up a significant portion of our national budget, exclusive of interest on the total $2 trillion national U.S. debt. Department of Defense expenditures represent over 40 percent of the budget, even more if all the retired military and civilians that should properly be scored to our defense efforts are included and related programs such as the space shuttle.

It is obvious to all the membership that we must effectively address this segment of the budget if we are going to come to grips with the overall national Government budget,

Balanced national priorities will and can result in a balanced national budget Mr. Chairman. The U.S. citizen needs progress at the arms reduction forums, both reducing and limiting nuclear and nonnuclear weapons. The lack of progress these past 6 years has resulted in an unprecedented increase in U.S. military expenditures, in fact the greatest peacetime increase in our Nation's history. And while the votes in Congress and Presidential support have been forthcoming for these spending programs, both Congress and the President have not been willing to raise the taxes to pay for these weapon systems and spending; rather it has been put on the annual U.S. deficit credit tab. Military spending therefore results in the most significant contribution to the doubling of our national debt. In just 5 years the U.S. national debt has grown from $1 trillion in 1981 to $2 trillion in 1986.

Frankly, this military buildup has been denied a fundamental accountability test that is inherent in a democracy; in other words, are the folks back home willing to pay for these weapon systems and spending policies? Are the U.S. citizens satisfied to pay in tax dollars and the inherent risk of living in a world with thousands or more nuclear warheads for the policy path that has been followed these past 6 years?

This question is masked over by a discussion of values, but such circumvention is not useful, we are all against nuclear war, we are all for freedom, we don't trust the Soviets and disagree with their form of government, we all want an effective military, but can any amount of Federal spending achieve those goals exclusively of multilateral arms agreement? I think that the answer is in the negative.

Finally now in 1986 the House of Representatives has called for a rational answer to the budget questions and security risks expressed by the U.S. policies that have been followed.

Mr. Chairman, I'm going to support this Defense authorization measure today because I think it sends the necessary signal that we are re-ordering our defense spending priorities. I've strongly supported and voted for a host of amendments which reshape the priorities of our existing defense programs. Choosing priorities is what our role in Congress is all about. When every military program is treated as a priority then nothing is a priority.

When the Congressional Military Reform Caucus was initially formed I participated, and while in recent months I've not been as active, I'm pleased to see that this group has matured and is providing some balance to the special interests and turf fights that have dominated defense authorization consideration in the past.

First of all I was pleased to support the amendment by Mr. SPRATT to force the defense authorization, budget outlay, and authority spending into the House/Senate budget resolution that we agreed to earlier this year.

That was essential for maintaining credibility, especially when we as Members all recognize and mostly share the goal of staying within the budget target for 1987 with a deficit no greater than the $144 billion. Because of the shortfall of economic growth we will face even more reductions and reforms. It would have been highly inappropriate and unfair to shield the military budget from sharing in achieving this budget goal. The House adopted this amendment and gave a reaffirmation to our budget blueprint and to fairness.

Second, the House acted overwhelmingly on the measure in this legislation advanced by Mr. NICHOLS, the subcommittee chairman, who shaped a new title to provide reorganization of war fighting commands of the DOD, providing the type of coordination among the military branches that have been lacking in the past. This offers a real advance for improving the readiness and capability of our U.S. Armed Forces and centralizing their field performance.

Third, procurement reforms are included in this measure many that Members of this House and I have previously sponsored in order to advance their successful consideration on this floor the past few days.

The revolving door from military service to work for defense contractors is slowed by a 2-year wait for those who were intimately involved with a weapon system or program, further whistleblower protections are achieved, limits on unpriced contracts, "should cost data" is mandated, competitive weapon prototypes, small business set asides and notification is required and penalties are applied to the defense companies and their corporate officers; when misrepresentation occurs, these officials will be held accountable.

Fourth, Mr. Chairman, the strategic weapon systems are restrained, while in many instances I feel the dollars spent are excessive. Considering the lack of progress in Geneva, however, provides an insight into why some House Members are unwilling to reduce these systems. Frankly, all too often the nuclear weapons and strategic systems advanced as bargaining chips result in deployed weapons. We cut back the administration request for SDI, star wars by $640 million with the Bennett amendment weich I supported and could have done better with the Dellums amendment. The final figure is $2.3 billion less than the administration request and still is an increase over the 1986 SDI budget.

Amendments which would have limited the MX missile and the Trident D–5 were also defeated, again I voted to limit these systems and feel that the continued production of such weapons will make arms agreements more difficult to achieve. The existing ICBM weapons that we now have deployed are sufficient for a U.S. deterrent.

The House overwhelmingly reaffirmed its commitment and this measure states as U.S. law, a 1 year nuclear test moratorium, provided that the Soviets do the same. It's an important step forward to insure the continued viability of the test ban treaty. Similarly, we reaffirmed our commitment to the SALT II Treaty and the limits inherent in that agreement. The Dicks amendment which I supported bars funds that would be used to deploy any weapons which would violate the sublimits of the SALT II Treaty, clearly a necessary action in light of President Reagan's announced intention to abandon SALT II. This treaty is not dead and must be retained. If there are violations or misunderstandings, the place to resolve these issues is within the standing consultive committee; not by killing the SALT II agreement. In action on the House floor we adopted an amendment which bars testing Asat as long as the Soviets observe a moratoria on such antisatellite tests. It is important that we continue to make every effort to abide by existing accords and these actions support such a policy.

Fifth was the narrow defeat of chemical weapons on the floor in adoption of the Porter/Fascell amendment which bars use of spending authorization by the bill for binary nerve gas. I strongly supported this amendment and am concerned that we prevent the production of a chemical weapon which would take a step backward in history. It is hard to understand when the United States has agreed not to use such a weapon why some should be advocating the production and research of new deadly forms of chemical weapons.

Mr. Chairman, this measure is far from perfect. I've noted some of my disagreements, but I think it is a significant improvement over the administration submitted DOD request. It places a significant reliance on maintaining high quality enlisted personnel, provides a 3-

percent raise for 1987, a modest but necessary increase.

Too often we act as if weapon systems are all that matters when in fact the most important resource is the human resource, our sailors, airmen and women, and soldiers who so loyally serve our Nation.

Finally, I believe that we must come to grips with the limits inherent in making choices. When we opt for a $10 billion or $50 billion weapon system that means that we won't have the dollars to expend on other defense capabilities, it represents a significant commitment by the American people often stretching into decades, therefore we must exercise our best judgment, my colleagues. Some have said in these past days that we should not spend the long hours and numerous days considering this defense legislation—I strongly disagree; these decisions are among the most important that we make, they deserve all the attention that we can focus upon them. I sincerely hope that we will, in the future, continue these debates because surely the defense budget and issues must be better addressed, so that finally our Nation receives the most efficient and effective defense capability that the hard earned tax dollars of our constituents can provide.

Mr. WEISS. Mr. Chairman, I rise in support of H.R. 4428, the National Defense Authorization Act for fiscal year 1987.

Throughout my tenure in this body, I have been a strong and vocal critic while expressing support for a strong and adequate defense of the number of dollars devoted to the purchase of many wasteful and destabilizing weapons.

Though the amount authorized by this bill for defense is more than $30 billion less than the President's request, it is still above the level needed to provide for a strong defense of our Nation. And many of the weapons authorized are extraordinarily dangerous and unnecessary.

But this bill contains a series of provisions which represent a dramatic departure from recent congressional action on the urgent and pressing matter of nuclear arms control. On issue after issue, the House has sent a message to the President of the United States. That message is loud and clear. It says, "We will no longer endlessly approve weapon system after weapon system as bargaining chips for negotiations with the Soviet Union. We will no longer stand by as the negotiations proceed without results. We demand action on nuclear arms control."

After more than 5 years, the present administration cannot point to a single achievement on nuclear arms control. Instead, the President seems intent on scrapping the existing agreements which have already been negotiated. It is therefore up to the Congress, acting on behalf of the American people, to direct the President to maintain existing arms agreements and to work diligently toward concluding future agreements. In fact, no single task for Congress could be more important.

This year's defense authorization bill begins to live up to this task. It contains directions to the President on a series of matters, including nuclear testing, compliance with the SALT II arms control agreement, antisatellite weapons, and chemical weapons. These directions represent a major advance in the fight to reduce the threat of nuclear war, and they deserve the support of all who seek to achieve that goal.

I strongly supported an amendment by Representatives ASPIN, GEPHARDT, and SCHROEDER calling for a bilateral moratorium on nuclear tests.

Nuclear testing permits the superpowers to develop new nuclear warheads that are more powerful, more accurate, and more dangerous. It helps drive the arms race forward.

For this reason, every President from Dwight Eisenhower through Jimmy Carter has pursued a Comprehensive Test Ban Treaty to ban nuclear explosions once and for all. For this reason, the American public wholeheartedly supports a ban on nuclear testing. And for this reason, both the House of Representatives and the U.S. Senate have previously passed nonbinding resolutions calling on the President to reopen negotiations with the Soviet Union to make such an agreement.

But Ronald Reagan will have none of it. He is the first President of the nuclear age who does not include a Comprehensvie Test Ban Treaty as one of this major foreign policy objectives. He has ignored the pleas of the American people to negotiate. He has ignored the will of Congress. And he has ignored the overtures of the Soviets, who have refrained from testing nuclear weapons for more than a year and have permitted a private U.S. scientific group to place seismic monitoring equipment in their nation to monitor Soviet compliance with a test ban.

The Aspin-Gephardt-Schroeder nuclear testing amendment will force the President to join the Soviet pause on nuclear testing. It will therefore create the preconditions necessary for the conclusion of a long-term and comprehensive agreement to ban nuclear explosions for all time.

The amendment, which is a revised version of the bill (H.R. 3442) introduced by Representative SCHROEDER, calls for a 1-year halt on nuclear explosions larger than 1 kiloton. The ban would begin on January 1, 1987, and continue for 1 year. The President would retain the right to end the test ban if the Soviets explode a weapon outside the designated testing area, or if the Soviets refuse to place on-site verification equipment in their country to help monitor their compliance.

These conditions make it abundantly clear that the test ban the amendment calls for is a bilateral moratorium that will be monitored carefully to ensure compliance.

I believe that a moratorium on nuclear testing is an important first step on the road toward a mutual freeze on nuclear weapons and eventual agreements to reduce our nuclear arsenals. Therefore, we are deeply indebted to those in Congress and those in the arms control community who worked so hard to see that this provision was enacted.

I also enthusiastically supported the amendment by Mr. DICKS to ensure continued compliance by the United States with the SALT II arms control treaty.

The President announced earlier this year that he intends to abrogate the SALT II treaty in the fall. I believe that this is an extraordinarily dangerous and counterproductive action. It will significantly increase tensions with the Soviet Union. It will lead to the unravelling of the entire existing arms control regime with the Soviets. And it will drive a wedge between the United States and its allies, who have been unanimous in their disapproval of this action.

The decision to scrap SALT II threatens to boost the arms race into its most dangerous phase yet—a phase in which each side hurries to outdo the other in acquiring more and more weapons with more and more destructive power.

This would be threatening under any circumstances. But it is even more threatening because the Soviet Union is poised to exploit the situation to its own advantage. The Soviets have many more "hot" production lines than we do, so they will be able to increase the number of missiles deployed and the number of warheads on those missiles much faster then we can. Even advocates of a sustained military buildup in this Nation must realize that scrapping the SALT II Treaty is not in our national interest.

There are legitimate arguments about Soviet compliance with some aspects of the SALT II Treaty. But there is absolutely no evidence that the Soviet Union has violated the main part of the treaty, which sets numerical limits on each side's nuclear missiles. Therefore, the Dicks amendment prohibits the use of funds to deploy nuclear weapons which violate the numerical limits of the treaty. If at any time the President certifies that the Soviet Union has violated those limits, the United States would be free to do the same.

Passage of the Dicks amendment is a major step in the fight to ensure that the existing arms control regime—which is the only obstacle to an all-out nuclear arms race—is maintained.

The House also adopted an extremely important amendment that continues the current moratorium on the testing of antisatellite [Asat] weapons. Congress acted last year to block testing of these weapons so long as the Soviets similarly refrain. In doing so, we sought to prevent the initiation of an ertirely new arms race in space that could threaten the viability of our early warning and communication satellites.

The moratorium is a success. It contributes to stability and reduces the risk of nuclear war. There is simply no plausible reason to end it, and the House has acted responsibly in adopting the Brown-Coughlin amendment to extend it.

The House also acted to postpone for 1 year the procurement of heinous nerve gas weapons. These weapons have no place in the arsenal of any nation, and we should be negotiating to do away with them entirely rather than building more of them. Moreover, the Bigeye bomb which the administration wants to produce is technically flawed in a manner that would threaten the safety of our own forces if it was ever used.

The Fascell-Porter amendment will give us some time to negotiate an end to chemical weapons before we purchase an entirely new generation of nerve gas weapons whose safety and efficacy has been called into question. I strongly supported this amendment.

The adoption of strongly worded amendments on nuclear testing, SALT II, antisatellite weapons, and chemical weapons, demonstrates that the House is seeking a dramatic change in our approach to arms control matters. For the first time in recent memory, we are not only calling for action, but directing that action be taken.

However, the Defense authorization bill is not without its serious flaws. The bill continues to give approval to destabilizing first-strike weapons such as the MX and the Trident II or D–5 missile. And though the funding level for star wars was decreased, the bill also lends support to this dangerously misguided plan for a defense against ballistic missiles.

I have been a strong opponent of the President's star wars plan since it was announced. Star Wars will abrogate the existing Anti-Ballistic Missile (ABM) Treaty, and it will harm our ability to negotiate arms agreements in the future. Further, there is increasing evidence that the star wars scheme will not work as the President hopes. Because no antiballistic missile system could ever be 100 percent effective, the Star Wars Program will amount to a costly boondoggle that greatly increases the risk of nuclear war.

The House agreed to approve $3.1 billion for the President's star wars plan in the coming year. While I am gratified that the House chose to reduce funding for star wars well below the President's request of $5.4 billion, I do not believe that we should continue to throw the taxpayers' money away in this manner. Instead, we should make every effort to negotiate a treaty to prevent the militarization of space.

The House rejected the amendment which I offered to transfer funds for the Trident II Missile Program into an account designated for continued production of the Trident I missile.

I proposed such a transfer because the Trident II missile is a highly destabilizing first-strike weapon. Like the MX missile, it is characterized by high explosive yield and pinpoint accuracy. Like the MX, it will destroy hardened silos in the Soviet Union. But unlike the MX, which has been capped at a level of 50 missiles, the size of the envisioned Trident force is truly massive. The Navy plans to deploy at least 480 Trident missiles carrying almost 4,000 warheads. As a result, the United States will acquire the capability to destroy all of the Soviet Union's land-based forces in a preemptive first strike.

The acquisition of a first-strike capability by the United States will be highly destabilizing. In all likelihood, it will force the Soviets to adopt a policy of launch on warning, which will greatly increase the risk of an accidental nuclear war.

However, we could easily avoid this danger by canceling the Trident II Program and instead continuing production of the existing Trident I missile, which is a formidable retaliatory weapon. Not only would this enhance our national security, but it would save more than $10 billion.

Those of us who understand the danger posed to our Nation and the world by a nuclear war will not be satisfied with the arms control achievements made by this bill. We will continue to press for an end to the Star Wars Program. We will continue to press for the elimination of first-strike weapons like the MX and the Trident II. And we will continue to press for a freeze on the production of nuclear weapons and for eventual reductions in the superpowers' arsenals.

Mr. Chairman, I am greatly pleased that we have made some real progress this year in slowing the nuclear arms race. I will support this bill. But I am hopeful that this year's achievements will represent only a first step in the battle to bring the nuclear arms race under control once and for all.

Mr. DICKINSON. Mr. Chairman. I move to strike the last word.

Mr. Chairman, just prior to the last vote, the chairman of the full committee, the gentleman from Wisconsin [Mr. ASPIN], was kind enough to observe that we will be diminished in number, on our side of the aisle at least, in the committee by some retiring Members.

Since most of the Members were not present to join in the observance, I was wondering if the chairman would again make his comments, because I think that they are most appropriate.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I would like to say, for the benefit of all Members present, that there are some very, very important members of the House Committee on Armed Services who are leaving our committee and leaving Congress this year. They are large in number, and even larger in terms of importance on the committee. I would like to commend all of them for their service and to say how much we will miss them.

They are the gentleman from Virginia [Mr. WHITEHURST], who is retiring after nine terms; the gentlewoman form Maryland [Mrs. HOLT], who is retiring after seven terms; the gentleman from Indiana [Mr. HILLIS], who is retiring after eight terms; the gentleman from Colorado [Mr. KRAMER], who is leaving Congress after four terms to run for Senate in Colorado; the gentleman from South Carolina [Mr. HARTNETT], who is leaving Congress after three terms to run for Lieutenant Governor; and the gentleman from New York [Mr. CARNEY], who is leaving Congress after four terms.

These are people who have made a very, very significant contribution to the functioning of the Armed Services Committee. They are people whom we have come to admire, to like, and to depend on. I am saying here on behalf of all members of the Armed Services Committee that we will sorely miss them all.

[Applause, the Members rising.]

□ 1550

Mr. DICKINSON. Let me add my remarks, if I might, to those of the chairman and say that I join with him on our side of the aisle in saying we appreciate the remarks of the chairman. Those retiring Members are going to leave quite a deficit and a hole on our side of the aisle on the Armed Services Committee.

Having worked with them anywhere from 20 years to perhaps as little as 4 years, we are going to miss them very much. They are hard working, diligent, concerned Members that have been most effective, and we certainly will miss them.

Mr. Chairman, in the time remaining let me just advise the Members that when we return to the House, I will have one motion to recommit which will delete the four amendments that were added, one by Mr. ASPIN on nuclear testing, one by Mr. DICKS relating to SALT II, one by Mr. BROWN of California related to antisatellite weapons, and one by Mr. PORTER relating to chemical weapons. It will be the same bill as we have just passed deleting these four amendments that were added, and adding an amendment dealing with posse comitatus which has been espoused by the gentleman from California [Mr. HUNTER] simply saying that the Federal Government will have the right to intercept incoming aircraft in its pursuit, in hot pursuit, in an effort to control drugs.

So that would be the only addition to the motion to recommit, plus taking out the four amendments that have been previously adopted when we get to that point.

So, with that explanation, when the time arrives, I will offer the motion to recommit.

The CHAIRMAN pro tempore (Mr. RUSSO). The question is on the Committee amendment in the nature of a substitute, as modified, as amended.

The Committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FOLEY], having asssumed the chair, Mr. RUSSO, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4428) to authorize appropriations for fiscal year 1987 for the Armed Forces for procurement, for research, development, test, and evaluation, for operation and maintenace, and for working capital funds, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, pursuant to House Resolution 531, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DICKINSON. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit with instructions.

The Clerk read as follows:

Mr. DICKINSON of Alabama moves to recommit the bill H.R. 4428 to the Committee on Armed Services with instructions to report it back forthwith with the following amendment:

The bill, H.R. 4428, as reported to the House with such amendments adopted by the House, is amended by deleting the following amendments adopted in the House and Committee of the Whole:

The amendment offered by Mr. ASPIN, relating to nuclear testing; and the amendment by Mr. DICKS relating to SALT II; the amendment by Mr. BROWN relating to antisatellite weapons; and the amendment by Mr. PORTER relating to chemical munitions; and adding the following new section at the end of the bill, as follows:'

SEC. 1. USE OF ARMED FORCES FOR INTERDICTION OF NARCOTICS AT UNITED STATES BORDERS.

(a) GENERAL REQUIREMENT.—

(1) AUTHORITY TO LOCATE, PURSUE, AND SEIZE AIRCRAFT AND VESSELS.—Within 30 days after the date of the enactment of this Act, the President shall deploy equipment and personnel of the Armed Forces sufficient to halt the unlawful penetration of United States borders by aircraft and vessels carrying narcotics. Such equipment and personnel shall be used to locate, pursue, and seize such vessels and aircraft and to arrest their crews. Military personnel may not make arrests of crew members of any such aircraft or vessels after the crew members have departed the aircraft vessels, unless the military personnel are in hot pursuit.

(2) RADAR COVERAGE.—Within 30 days after the date of the enactment of this Act, the President shall deploy radar aircraft in sufficient numbers so that during the hours of darkness there is continuous aerial radar coverage of the southern border of the United States.

(3) PURSUIT AIRCRAFT.—The President shall deploy sufficient numbers of rotor wing and fixed wing aircraft to pursue and seize intruding aircraft detected by the radar aircraft referred to in paragraph (2). The President shall use personnel and equipment of the United States Customs Service and the Coast Guard to assist in carrying out this paragraph.

(4) USE OF NATIONAL GUARD AND RESERVES.—In carrying out this section, the President shall use members of the National Guard and the Reserves. The tours of such members shall correspond to their training commitments and shall be considered to be within their mission. The President shall withhold Federal funding from any National Guard unit whose State commander does not cooperate with the drug interdiction program required by this section.

(5) EXPENSES.—The expenses of carrying out this section shall be borne by the Department of Defense.

(b) 45-DAY DEADLINE.—The President shall substantially halt the unlawful penetration of United States borders by aircraft and vessels carrying narcotics within 45 days after the date of the enactment of this Act.

(c) REPORT.—Within 60 days after the date of the enactment of this Act, the President shall report to Congress the effect on military readiness of the drug interdiction program required by this section and the costs in the areas of procurement, operation and maintenance, and personnel which are necessary to restore readiness to the level existing before commencement of such program.

(2) The number of aircraft, vessels, and persons interdicted during the operation of the drug interdiction program and the number of arrests and convictions resulting from each program.

(3) Recommendations for any changes in existing law that may be necessary to more efficiently carry out this program.

(d) REQUEST FOR FUNDING.—Within 90 days after the date of the enactment of this Act, the President shall submit to Congress a request for—

(1) the amount of funds spent as a result of the drug interdiction program required by this section; and

(2) the amount of funds needed to continue operation of the program through fiscal year 1987.

Such request shall include amounts necessary to restore the readiness of the Armed Forces to the level existing before commencement of the program.

(e) BUDGET REQUESTS.—Beginning with the budget request for fiscal year 1988 and for each fiscal year thereafter, the President shall submit in his budget for the Department of Defense a request for funds for the drug interdiction program required by this section in the form of a separate budget function.

Mr. DICKINSON (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. DICKINSON. Ladies and gentlemen of the House, we are coming to the end of the 2 weeks of long arduous deliberation and debate here, and we only have two more votes I think facing us. One is the motion to recommit, which is before us, and the other is final passage.

I said this while we were in the committee, and I would like to reiterate while we are here in the House my reason for offering this motion. In the 22 years that I have been here I have always supported the bill of the committee, and it is with a great deal of reluctance that I have come to the conclusion that I cannot support the committee's product in this final passage today.

We started off with a pretty good bill, and it got successively worse, and I wondered at what point it would get so bad that I would feel like I could not support it. And one by one the amendments were added, first to reduce the funding level by $7 billion less than the Budget Committee said we could spend; second was on SDI, third was Asat, SALT, comprehensive test ban, chemical weapons, then Davis-Bacon, not to mention the politically popular New York amendment dealing with the T-46, that turkey that will never fly.

So, Mr. Speaker, reluctantly I have come to the conclusion that we are really better off without a bill than the present bill. For that reason I am not going to vote for it, and I would ask the Members of the House not to vote for it. I think we will be better off without a bill.

Having said that, I have offered a motion to recommit which will take out four amendments that were added, that have been alluded to. That is the Aspin amendment relative to the nuclear testing, the Dicks amendment relative to SALT II, the Brown amendment relating to Asat, the Porter amendment on chemical weapons, and I have added a section that had been requested by the gentleman from California [Mr. HUNTER] in the Rules Committee, but denied to be added to this bill which simply says the Federal Government, using military planes, can intercept in hot pursuit incoming drugs into this country, and make arrests. I think it is a desirable addition.

I think that the vote to accept the bill without the amendments I have enumerated is also a desirable thing. I would like to say I appreciate the cooperation I received from my chairman in trying circumstances, and I certainly urge the Members to carefully consider what I have said. I think we are better off without a bill than with the bill we have before us.

For that reason, I would ask my colleagues, all of you, vote this down. The administration would rather have no bill than the bill before us.

I yield back the balance of my time.

Mr. ASPIN. Mr. Speaker, I urge a no vote on the motion to recommit offered by the gentleman from Alabama [Mr. DICKINSON].

The gentleman from Alabama says that he is opposed to the bill and opposed to the amendments which have been offered, but they have, of course, been offered and adopted by the whole House, and voted by, in most cases, an overwhelming majority of the Members of this House. They are, as the gentleman pointed out, the four issues of nuclear testing, SALT II, antisatellite weapons and the chemical

munitions, so these are issues that have been debated and voted on, and a majority of Members of the Congress have accepted the positions that are in this bill.

As for the Hunter provisions having to do with the posse comitatus, those were not allowed by the Rules Committee because the Rules Committee is fashioning and the whole House, the leadership of the House, is fashioning a drug fighting bill which will come later, and all of these issues will come as a part of that. The House will have plenty of opportunity to vote its will on the issue of the use of military troops in the fight against drugs.

So I would urge the voting down of this motion to recommit, and then followed by a vote in favor of the bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKINSON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 247, not voting 21, as follows:

[Roll No. 357]

AYES—163

Archer	Fawell	McCain
Armey	Fiedler	McCollum
Badham	Fields	McDade
Barnard	Frenzel	McEwen
Bartlett	Gallo	McGrath
Barton	Gekas	McMillan
Bateman	Gilman	Michel
Bentley	Gingrich	Miller (OH)
Bereuter	Gradison	Miller (WA)
Bevill	Gregg	Mollohan
Bilirakis	Hall, Ralph	Monson
Bliley	Hammerschmidt	Montgomery
Boulter	Hansen	Moorhead
Broomfield	Hendon	Morrison (WA)
Bryant	Hiler	Murtha
Burton (IN)	Holt	Myers
Byron	Hopkins	Nelson
Callahan	Hubbard	Nichols
Carney	Hunter	Nielson
Chandler	Hutto	Oxley
Cheney	Hyde	Packard
Coats	Ireland	Parris
Cobey	Kasich	Pashayan
Coble	Kemp	Petri
Coleman (MO)	Kindness	Quillen
Combest	Kolbe	Ray
Courter	Kramer	Regula
Craig	Lagomarsino	Rinaldo
Crane	Latta	Ritter
Daniel	Lent	Roberts
Darden	Lewis (CA)	Robinson
Daub	Lewis (FL)	Roemer
Davis	Lipinski	Rogers
DeLay	Livingston	Roth
DeWine	Lloyd	Rowland (CT)
Dickinson	Loeffler	Rudd
DioGuardi	Lott	Saxton
Dornan (CA)	Lowery (CA)	Schaefer
Dreier	Lujan	Schuette
Duncan	Lungren	Schulze
Dyson	Mack	Shaw
Eckert (NY)	Madigan	Shelby
Edwards (OK)	Marlenee	Shumway
Emerson	Martin (NY)	Shuster
Siljander	Solomon	Vander Jagt
Sisisky	Spence	Vucanovich
Skeen	Stangeland	Walker
Slaughter	Stenholm	Whitehurst
Smith (NE)	Strang	Whittaker
Smith, Denny (OR)	Stratton	Wolf
	Stump	Wortley
Smith, Robert (NH)	Sundquist	Wylie
	Sweeney	Young (AK)
Smith, Robert (OR)	Swindall	Young (FL)
	Tauzin	
Snyder	Taylor	

NOES—247

Ackerman	Glickman	Panetta
Akaka	Gonzalez	Pease
Alexander	Goodling	Penny
Anderson	Gordon	Pepper
Andrews	Gray (IL)	Perkins
Annunzio	Gray (PA)	Pickle
Anthony	Green	Porter
Applegate	Guarini	Price
Aspin	Gunderson	Pursell
Atkins	Hall (OH)	Rahall
AuCoin	Hamilton	Rangel
Barnes	Hatcher	Reid
Bates	Hawkins	Richardson
Beilenson	Hayes	Ridge
Bennett	Hefner	Rodino
Berman	Henry	Roe
Biaggi	Hertel	Rose
Boehlert	Horton	Rostenkowski
Boggs	Howard	Roukema
Boland	Hoyer	Rowland (GA)
Boner (TN)	Huckaby	Roybal
Bonior (MI)	Hughes	Russo
Bonker	Jacobs	Sabo
Borski	Jeffords	Savage
Bosco	Jenkins	Scheuer
Boucher	Johnson	Schneider
Boxer	Jones (NC)	Schroeder
Brooks	Jones (OK)	Schumer
Brown (CA)	Jones (TN)	Seiberling
Brown (CO)	Kanjorski	Sensenbrenner
Bruce	Kaptur	Sharp
Bustamante	Kastenmeier	Sikorski
Carper	Kennelly	Skelton
Carr	Kildee	Slattery
Chapman	Kleczka	Smith (FL)
Chappell	Kolter	Smith (IA)
Clay	Kostmayer	Smith (NJ)
Clinger	LaFalce	Snowe
Coelho	Lantos	Solarz
Coleman (TX)	Leach (IA)	Spratt
Collins	Leath (TX)	St Germain
Conte	Lehman (CA)	Staggers
Conyers	Lehman (FL)	Stallings
Cooper	Leland	Stark
Coughlin	Levin (MI)	Stokes
Coyne	Levine (CA)	Studds
Crockett	Lightfoot	Swift
Daschle	Long	Synar
de la Garza	Lowry (WA)	Tallon
Dellums	Luken	Tauke
Derrick	Lundine	Thomas (GA)
Dicks	MacKay	Torres
Dingell	Manton	Torricelli
Dixon	Markey	Towns
Donnelly	Martin (IL)	Traficant
Dorgan (ND)	Matsui	Traxler
Dowdy	Mavroules	Udall
Downey	Mazzoli	Valentine
Durbin	McCloskey	Vento
Dwyer	McCurdy	Visclosky
Dymally	McHugh	Volkmer
Early	McKernan	Waldon
Eckart (OH)	McKinney	Walgren
Edgar	Meyers	Watkins
Edwards (CA)	Mica	Waxman
English	Mikulski	Weaver
Evans (IL)	Miller (CA)	Weber
Fascell	Mineta	Weiss
Fazio	Mitchell	Wheat
Feighan	Moakley	Whitley
Fish	Molinari	Whitten
Florio	Moody	Williams
Foglietta	Mrazek	Wilson
Foley	Murphy	Wirth
Ford (MI)	Natcher	Wise
Ford (TN)	Neal	Wolpe
Fowler	Nowak	Wright
Frank	Oakar	Wyden
Frost	Oberstar	Yates
Gaydos	Obey	Yatron
Gejdenson	Olin	Young (MO)
Gephardt	Ortiz	
Gibbons	Owens	

NOT VOTING—21

Bedell	Evans (IA)	Hillis
Breaux	Flippo	Martinez
Burton (CA)	Franklin	McCandless
Campbell	Fuqua	Moore
Chappie	Garcia	Morrison (CT)
Dannemeyer	Grotberg	Thomas (CA)
Erdreich	Hartnett	Zschau

□ 1615

The Clerk announced the following pairs:

On this vote:

Mr. McCandless for, with Mr. Martinez against.

Mr. Chappie for, with Mr. Morrison of Connecticut against.

Mr. Hartnett for, with Mr. Garcia against.

Mr. LIGHTFOOT changed his vote from "aye" to "no."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DICKINSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 255, nays 152, not voting 24, as follows:

[Roll No. 358]

YEAS—255

Ackerman	Daniel	Hawkins
Akaka	Darden	Hayes
Alexander	Daschle	Hefner
Andrews	de la Garza	Henry
Annunzio	Derrick	Hertel
Anthony	Dicks	Horton
Applegate	Dingell	Howard
Aspin	Dixon	Hoyer
Atkins	Donnelly	Hubbard
AuCoin	Dorgan (ND)	Huckaby
Barnard	Dowdy	Hughes
Barnes	Downey	Hutto
Bates	Durbin	Jacobs
Beilenson	Dwyer	Jeffords
Bennett	Dymally	Jenkins
Berman	Dyson	Johnson
Bevill	Early	Jones (NC)
Biaggi	Eckart (OH)	Jones (OK)
Boehlert	Edgar	Jones (TN)
Boggs	Edwards (CA)	Kanjorski
Boland	English	Kaptur
Boner (TN)	Evans (IL)	Kennelly
Bonior (MI)	Fascell	Kildee
Bonker	Fawell	Kleczka
Borski	Fazio	Kolter
Bosco	Feighan	Kostmayer
Boucher	Fish	LaFalce
Boxer	Florio	Lantos
Brooks	Foglietta	Leach (IA)
Brown (CA)	Foley	Leath (TX)
Bruce	Ford (MI)	Lehman (CA)
Bryant	Ford (TN)	Lehman (FL)
Bustamante	Fowler	Leland
Byron	Frank	Levin (MI)
Carper	Frost	Levine (CA)
Carr	Gaydos	Lipinski
Chapman	Gejdenson	Lloyd
Chappell	Gephardt	Long
Clay	Gibbons	Lowry (WA)
Clinger	Glickman	Luken
Coelho	Gonzalez	Lundine
Coleman (TX)	Gordon	MacKay
Collins	Gray (IL)	Manton
Conte	Gray (PA)	Markey
Conyers	Green	Matsui
Cooper	Guarini	Mavroules
Coughlin	Hall (OH)	Mazzoli
Coyne	Hamilton	McCloskey

McCurdy	Rahall	Stenholm
McHugh	Rangel	Stokes
McKernan	Ray	Stratton
McKinney	Reid	Studds
Mica	Richardson	Swift
Mikulski	Ridge	Synar
Miller (CA)	Rinaldo	Tallon
Mineta	Robinson	Tauzin
Mitchell	Rodino	Thomas (GA)
Moakley	Roe	Torres
Molinari	Roemer	Torricelli
Mollohan	Rose	Towns
Montgomery	Rostenkowski	Traficant
Moody	Roukema	Traxler
Mrazek	Rowland (GA)	Valentine
Murphy	Russo	Vento
Murtha	Sabo	Visclosky
Natcher	Savage	Volkmer
Neal	Scheuer	Waldon
Nelson	Schneider	Walgren
Nichols	Schroeder	Watkins
Nowak	Schumer	Waxman
Oakar	Seiberling	Weaver
Oberstar	Sharp	Weiss
Obey	Sikorski	Wheat
Olin	Sisisky	Whitley
Ortiz	Skelton	Whitten
Owens	Slattery	Williams
Panetta	Smith (FL)	Wilson
Pease	Smith (NJ)	Wirth
Penny	Snowe	Wise
Pepper	Solarz	Wolpe
Perkins	Spratt	Wright
Pickle	St Germain	Wyden
Porter	Staggers	Yates
Price	Stallings	Yatron
Pursell	Stark	Young (MO)

NAYS—152

Archer	Hammerschmidt	Quillen
Armey	Hansen	Regula
Bartlett	Hendon	Ritter
Barton	Hiler	Roberts
Bateman	Holt	Rogers
Bentley	Hopkins	Roth
Bereuter	Hunter	Rowland (CT)
Bilirakis	Hyde	Roybal
Bliley	Ireland	Rudd
Boulter	Kasich	Saxton
Broomfield	Kastenmeier	Schaefer
Brown (CO)	Kemp	Schuette
Burton (IN)	Kindness	Schulze
Callahan	Kolbe	Sensenbrenner
Carney	Kramer	Shaw
Chandler	Lagomarsino	Shelby
Cheney	Latta	Shumway
Coats	Lent	Shuster
Cobey	Lewis (CA)	Siljander
Coble	Lewis (FL)	Skeen
Coleman (MO)	Lightfoot	Slaughter
Combest	Livingston	Smith (IA)
Courter	Loeffler	Smith (NE)
Craig	Lott	Smith, Denny (OR)
Crane	Lowery (CA)	Smith, Robert (NH)
Crockett	Lujan	Smith, Robert (OR)
Daub	Lungren	Snyder
Davis	Mack	Solomon
DeLay	Madigan	Spence
Dellums	Marlenee	Stangeland
DeWine	Martin (IL)	Strang
Dickinson	Martin (NY)	Stump
DioGuardi	McCain	Sundquist
Dornan (CA)	McCollum	Sweeney
Dreier	McDade	Swindall
Duncan	McEwen	Tauke
Eckert (NY)	McGrath	Taylor
Edwards (OK)	McMillan	Vander Jagt
Emerson	Meyers	Vucanovich
Fiedler	Michel	Walker
Fields	Miller (OH)	Weber
Franklin	Miller (WA)	Whitehurst
Frenzel	Monson	Whittaker
Gallo	Moorhead	Wolf
Gekas	Morrison (WA)	Wortley
Gilman	Myers	Wylie
Gingrich	Nielson	Young (AK)
Goodling	Oxley	Young (FL)
Gradison	Packard	
Gregg	Parris	
Gunderson	Pashayan	
Hall, Ralph	Petri	

NOT VOTING—24

Anderson	Bedell	Burton (CA)
Badham	Breaux	Campbell
Chappie	Garcia	McCandless
Dannemeyer	Grotberg	Moore
Erdreich	Hartnett	Morrison (CT)
Evans (IA)	Hatcher	Thomas (CA)
Flippo	Hillis	Udall
Fuqua	Martinez	Zschau

□ 1630

The Clerk announced the following pairs:

On this vote:

Mr. Martinez for, with Mr. McCandless against.

Mr. Morrison of Connecticut for, with Mr. Chappie against.

Mr. Garcia for, with Mr. Hartnett against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4428, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4428, the Clerk be authorized to make such clerical and technical corrections as may be necessary.

The Speaker pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

COMMENDING THE STAFF OF THE HOUSE COMMITTEE ON ARMED SERVICES

(Mr. ASPIN asked and was given permission to address the House for 1 minute.)

Mr. ASPIN. Mr. Speaker, I yield to the distinguished gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I take this time to commend the staff of the House Committee on Armed Services. They really did an outstanding job. They worked with all the members, whether their philosophies were different or not, and they gave us great service. Certainly I want to commend the staff of the House Committee on Armed Services.

Mr. ASPIN. Mr. Speaker, I would like to echo what the gentleman from Mississippi said. Without their help and without their devotion, we would have been in very deep trouble in getting this bill handled as expeditiously as possible.

GENERAL LEAVE

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous material, on the bill, H.R. 4428.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill and concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 2000. An act to clarify the exemptive authority of the Securities and Exchange Commission; and

S. Con. Res. 161. Concurrent resolution directing the Clerk of the House of Representatives to make technical correction in the enrollment of H.R. 4329.

PROVIDING CONDITIONS FOR CONSIDERATION OF H.R. 5395, PUBLIC DEBT LIMIT INCREASE

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that at any time after the House receives from the Senate H.R. 5395 with any Senate amendment thereto; First, it shall be in order to consider a motion in the House, without intervening motion, if offered by the majority leader or his designee to take said bill from the Speaker's table, with the Senate amendment or amendments thereto, and to disagree to said amendment or amendments, with debate on said motion to continue not to exceed 1 hour, and with the previous question considered ordered thereon without intervening motion; and second, and upon the adoption of said motion, it shall be in order to consider in the House a bill containing the text and title of H.R. 5395 if offered by the majority leader or his designee with debate on said bill to continue not to exceed 1 hour, and with the previous question considered ordered thereon to final passage without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MICHEL. Mr. Speaker, reserving the right to object, and I shall not object, because this has been agreed upon by the two sides, but it might deserving of clarification to the Members to give you a little bit of an insight as to what we may or may not expect from the other body.

It is my understanding in consultation with the majority leader that they are still involved in debating the South African sanction measure. There were at the time the majority leader and I discussed this three or four, at least, amendments that still had to be offered to that proposition. It will only be when that was com-

pletely disposed of could they bring up the debt ceiling extension.

□ 1640

Of course, we passed that, the temporary extension for 30 days, and it was anticipated that on Gramm-Rudman-Hollings they would want to offer their motion to that debt-limit extension and obviously have an extensive debate on that issue.

We are trying to cover ourselves with both possibilities here, so that if per chance it is added to the debt ceiling and returned here to this body, we would then have the mechanism to cope with that by simply having assured our Members an hour's debate on that proposition and an up-or-down vote.

It is assumed that there would be a significant number of Members on our side who would be in sympathy with what the other body would like to do. It is also assumed that there may very well be a majority of this House who would disagree, and it would then be returned to the other body, and then hopefully that would give those in charge of running the other body a better opportunity to do what they have to do to finally get us out of here at some hour.

We have no assurance of what the time frame might be here. I think the majority leader had suggested that we would probably go on with the surface transportation bill as a filler for the time being. The fact that we have had this dialog will give the message to those in the other body that we are prepared to meet this situation either way.

I would certainly like to implore those Members in the other body, with as strong feelings as they have and, yes, some even on our side, that we would like to dispose of this issue tonight. Undoubtedly it will surface again in 30 days, in spades. But there are Members here in the House who have made their plans to take what vacation period there is. And I call it a "vacation period," not a "district work period."

Members of the Congress are entitled to a vacation like anybody else, particularly those with families. I do not have any qualms with the media talking about some flim-flam work period or whatever. It is a vacation for us, and deservedly so, when there are Members of Congress with growing children. I am over the hump, and our children are all grown. But I remember those days when I was a junior Member around here, and we had that agonizing kind of situation when growing children were only out of school during the month of August, and that is why we have prescribed the month of August usually as a vacation period for Members of Congress.

I think what I am trying to lay the groundwork for here is for some amicable agreement as we move along to finalize the debate. We have had a very acrimonious one for the past week. I would hope that the forthcoming surface transportation measure will not be quite that acrimonious, although there will probably be some spirited debate. But we could leave here at least in a good frame of mind and in good spirits, knowing that whatever vacation we do get will be enjoyed hopefully by all.

Now, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the unanimous-consent request offered by the majority leader?

The Chair hears none.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the distinguished minority leader might be privileged to revise and extend his remarks on the subject of vacation.

The SPEAKER pro tempore. Without objection, so ordered.

Mr. MICHEL. Mr. Speaker, obviously the majority leader must have heard something that I was not altogether conscious of saying. I may very well let the record stand as it is.

Mr. WRIGHT. Mr. Speaker, I would just like for him to extend. It is such music to our ears. We enjoy it.

The SPEAKER pro tempore. Is there objection to the unanimous consent request of the majority leader?

The Chair hears none, and without objection, the request is agreed to.

There was no objection.

AN EXPRESSION OF SURPRISE RELATIVE TO THE VOTE ON DEFENSE AUTHORIZATION

(Mr. CONYERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I would like to give a little friendly advice to the 145 Republicans who astounded me by voting zero bucks for the national defense for 1987.

I do not know how you are going to explain this to your constituents, I say to the Members, but as one who has been down this road before, if I might, I would just tell you that the first time it is very traumatic. If you keep doing it on a more regular basis, you will finally get used to it and you will get selective. If you can get away with it the first time, it may work again. Otherwise, I do not know what is going to happen here.

Mr. Speaker, I voted with the 23 Republicans who supported the armed services bill as it was reported out.

APPOINTMENT OF CONFEREES ON H.R. 5203, LEGISLATIVE BRANCH APPROPRIATIONS, 1987

Mr. FAZIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5203) making appropriations for the legislative branch for the fiscal year ending September 30, 1987, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. (Mr. FOLEY). Is there objection to the request of the gentleman from California? The Chair hears none, and, without objection, appoints the following conferees: Messrs. FAZIO, OBEY, ALEXANDER, MURTHA, and TRAXLER, Mrs. BOGGS, and Messrs. WHITTEN, LEWIS of California, CONTE, MYERS of Indiana, and PORTER.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 5203, LEGISLATIVE BRANCH APPROPRIATIONS, 1987

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 5203), making appropriations for the legislative branch for the fiscal year ending September 30, 1987, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT (REPT. No. 99-805)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5203) making appropriations for the legislative branch for the fiscal year ending September 30, 1987, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 12, 14, 18, 22, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 5, 7, 8, 10, 11, 15, 19, 20, 21, and 23, and agree to the same.

Amendment numbered 6:

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended as follows:

In lieu of the sum named insert: *$91,423,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$150,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate num-

bered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$137,039,000*; and the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: *$4,516,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 13, and 24.

VIC FAZIO,
DAVID R. OBEY,
BILL ALEXANDER,
JOHN P. MURTHA,
LINDY BOGGS,
JAMIE L. WHITTEN,
JERRY LEWIS,
SILVIO O. CONTE,
JOHN T. MYERS,
JOHN EDWARD PORTER,
Managers on the Part of the House.

ALFONSE M. D'AMATO,
MARK O. HATFIELD,
TED STEVENS,
DALE BUMPERS,
TOM HARKIN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5203) making appropriations for the Legislative Branch for the fiscal year ending September 30, 1987, and for other purposes, submit the following joint statement to the House and Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

Amendment No. 1: Reported in technical disagreement. This amendment relates solely to the Senate and in accord with an agreement reached with the managers on the part of the Senate, the managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

"Delete the paragraph headed 'Official Mail Costs' "

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Official mail costs are funded under "Joint Items" in Title I of the bill as proposed by the House.

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which appropriates $75,100.

OFFICIAL MAIL COSTS

Amendment No. 3: Deletes the appropriation of $47,409,000 as proposed by the Senate. The House bill and the conference agreement include funds for this purpose in the "Joint Items" part of the bill.

JOINT ITEMS

OFFICE OF THE ATTENDING PHYSICIAN

Amendment No. 4: Provides $869,500 for reimbursement to the Department of the Navy as proposed by the Senate instead of $768,700 as proposed by the House. The additional funds are necessary due to a senior medical officer being assigned.

Amendment No. 5: Appropriates $1,298,000 for medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants as proposed by the Senate instead of $1,098,000 as proposed by the House. The additional funds are provided for needed medical equipment and for reimbursement for a senior medical officer.

OFFICIAL MAIL COSTS

Amendment No. 6: Appropriates $91,423,000 for official mail costs instead of $94,818,000 as proposed by the House.

STATEMENTS OF APPROPRIATIONS

Amendment No. 7: Appropriates $20,000 for statements of appropriations as proposed by the Senate instead of $13,000 as proposed by the House.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

Amendment No. 8: Provides that funds shall be available for and reimbursement can be accepted by the Office of Technology Assessment in connection with the assessment required by section 101(b) of Public Law 99-190, as proposed by the Senate.

BIOMEDICAL ETHICS BOARD

SALARIES AND EXPENSES

Amendment No. 9: Appropriates $150,000 for the Biomedical Ethics Board instead of $2,500,000 as proposed by the Senate. The Conferees note that the advisory council has not been appointed. A lower amount has been provided to enable the advisory council and staff, when they have been appointed, to develop and submit a budget program for consideration by the Committees on Appropriations on the first appropriate vehicle.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

The Conferees agree that the Congressional Budget Office should have discretion in assigning the two new positions within the Budget Analysis Division provided for the technical data support required by the Appropriations Committees as a result of Public Law 99-177. The CBO should advise the Committees regarding plans to assign these duties and the new positions.

ARCHITECT OF THE CAPITOL

CONTINGENT EXPENSES

Amendment No. 10: Appropriates $50,000 for contingent expenses, Architect of the Capitol, as proposed by the Senate instead of $100,000 as proposed by the House.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

Amendment No. 11: Appropriates $12,068,000 for Capitol buildings as proposed by the Senate instead of $11,959,000 as proposed by the House.

CAPITOL GROUNDS

Amendment No. 12: Appropriates $3,182,000 for Capitol grounds as proposed by the House instead of $3,249,000 as proposed by the Senate. Repairs to the Taft Memorial should be made out of available funds.

SENATE OFFICE BUILDINGS

Amendment No. 13: Reported in technical disagreement. Inasmuch as this amendment relates solely to the Senate and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will move to recede and concur in the Senate amendment.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

Amendment No. 14: Appropriates $62,000,000 for Congressional printing and binding as proposed by the House instead of $64,200,000 as proposed by the Senate. The Conferees are in agreement that the permanent edition of the 1986 Congressional Record should be produced. Funds have not been provided, however, since the GPO has not yet completed the permanent edition of the 1981 Congressional Record. The deferral of these funds, therefore, should not affect the overall program. The GPO is directed to begin work on the 1986 and 1987 editions, when necessary, using available funds.

Amendment No. 15: Provides that this appropriation is not available for copies of the permanent edition of the Congressional Record for Members of the House, as proposed by the Senate, instead of providing that this appropriation shall not be available for printing and binding the permanent edition of the Congressional Record, as proposed by the House.

TITLE II—OTHER AGENCIES

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

Amendment No. 16: Provides $137,039,000 for salaries and expenses, Library of Congress, instead of $136,339,000 as proposed by the House and $137,939,000 as proposed by the Senate. The increase of $700,000 over the House bill consists of $250,000 for acquisitions and $450,000 for cataloging. The Library is urged to further explore the use of computers in making the cataloging operation more efficient and cost effective. As directed in the House report, the Library should use available funds to maintain a suitable schedule of operating hours in the reading rooms.

Amendment No. 17: Provides that $4,516,000 is to remain available until expended for the acquisition of books and other materials instead of $4,266,000 as proposed by the House and $4,766,000 as proposed by the Senate.

GOVERNMENT PRINTING OFFICE

PRINTING AND BINDING

Amendment No. 18: Appropriates $10,700,000 as proposed by the House instead of $12,800,000 as proposed by the Senate. As outlined in the joint statement of the managers under "Congressional Printing and Binding", the GPO is directed to begin work on the 1986 and 1987 editions of the permanent Congressional Record, when necessary, using available funds.

Amendment No. 19: Deletes House language, as proposed by the Senate, which provided that funds were not available for printing and binding the permanent edition of the Congressional Record.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Amendment No. 20: Appropriates $23,634,000 as proposed by the Senate in-

stead of $24,359,000 as proposed by the House for salaries and expenses of the Office of the Superintendent of Documents.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

Amendment No. 21: Deletes House language, as proposed by the Senate, which provided that expenses not to exceed $25,000 shall be available from the revolving fund to host a world-wide Public Printers' Conference.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

Amendment No. 22: Appropriates $304,910,000 as proposed by the House instead of $306,910,000 as proposed by the Senate for salaries and expenses, General Accounting Office. The Conferees wish to point out the outstanding job done by the GAO in supporting Congressional oversight. The agency has stretched resources to the limit in meeting its requirements to assist the Congress.

TITLE III—GENERAL PROVISIONS

Amendment No. 23: Deletes House language, as proposed by the Senate, which defined the term "program, project, and activity" for purposes of P.L. 99-177.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which defines the term "program, project, and activity" for purposes of Public Law 99-177.

Amendment No. 25: Deletes language proposed by the Senate which amends Section 3216 of Title 39, United States Code.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1987 recommended by the Committee of Conference, with comparisons to the fiscal year 1986 amount, the 1987 budget estimates, and the House and Senate bills for 1987 follow:

New budget (obligational) authority, fiscal year 1986	[1] $1,556,318,800
Budget estimates of new (obligational) authority, fiscal year 1987	1,822,215,800
House bill, fiscal year 1987	1,305,264,100
Senate bill, fiscal year 1987	1,648,202,214
Conference agreement, fiscal year 1987	1,635,190,214
Conference agreement compared with: new budget (obligational) authority, fiscal year 1986	+78,871,414
Budget estimates of new (obligational) authority, fiscal year 1987	−187,025,586
House bill, fiscal year 1987	+329,926,114
Senate bill, fiscal year 1987	−13,012,000

[1] Reflects the March 1, 1986, sequester of funds pursuant to Public Law 99-177, subsequently ratified by Public Law 99-366.

VIC FAZIO,
DAVID R. OBEY,
BILL ALEXANDER,
JOHN P. MURTHA,
LINDY BOGGS,
JAMIE L. WHITTEN,
JERRY LEWIS,
SILVIO O. CONTE,
JOHN T. MYERS,
JOHN EDWARD PORTER,
Managers on the Part of the House.

ALFONSE M. D'AMATO,
MARK O. HATFIELD,
TED STEVENS,
DALE BUMPERS,
TOM HARKIN,
Managers on the Part of the Senate.

Mr. WALKER. Mr. Speaker, reserving the right to object, and I shall not object do I understand that while the noise was going on here, we have appointed conferees for the legislative appropriation bill, and the gentleman intends to file the conference report by midnight tonight?

Mr. FAZIO. Mr. Speaker, if the gentleman will yield, we have no idea whether we will be able to do that, but we are seeking permission to do it.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. MICHEL. Mr. Speaker, further reserving the right to object, and I will not object, I failed in my exchange with the majority leader to make an inquiry. I think I know the answer to this, but I would like to have it stated for the edification of our Members.

Is it not the intention of the Chair to also appoint conferees this evening on the military construction bill?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MICHEL. I thank the Chair, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE JOINT RESOLUTION 602

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the name of the gentleman from Montana [Mr. WILLIAMS] be removed as a cosponsor of House Joint Resolution 602, "National Diabetes Month."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DIRECTING THE CLERK TO MAKE A CORRECTION IN ENROLLMENT OF H.R. 4329, ANGLO-IRISH ASSISTANCE

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 161) directing the Clerk of the House of Representatives to make a technical correction in the enrollment of H.R. 4329, and ask for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the text of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 161

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H.R. 4329) to authorize United States contributions to the International Fund established pursuant to the November 15, 1985, agreement between the United Kingdom and Ireland, as well as other assistance, the Clerk of the House of Representatives shall insert the following at the end of subsection (a) of section 3: "Pending the formal establishment of the International Fund and submission of the certification required by section 5(c) of this Act, these funds may, pursuant to an agreement with the Government of the United Kingdom and the Government of Ireland, be disbursed into and maintained in a separate account.".

Mr. FASCELL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate concurrent resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Is there objection to consideration of the Senate concurrent resolution?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I take this time to afford the chairman of the committee an opportunity to explain this technical correction.

Mr. FASCELL. Mr. Speaker, if the gentleman will yield, Senate Concurrent Resolution 161 authorizes the Clerk to make an enrollment correction to the text of H.R. 4329, the Anglo-Irish assistance bill, which the House passed previously.

All the resolution does is add a sentence to H.R. 4329, providing that funds appropriated for 1986 will be maintained in a separate account pending the formal establishment of the international fund provided for in the basic legislation. The language was included at the suggestion of the executive branch and agreed to in the negotiations between the House and Senate, but inadvertently omitted by the other body when it passed the bill on Wednesday, so they sent this corrective Senate concurrent resolution over to us.

□ 1650

Mr. BROOMFIELD. Mr. Speaker, I withdraw my reservation of objection and support the recommendation.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Florida [Mr. FASCELL]?

There was no objection.

The SPEAKER pro tempore. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 5052, MILITARY CONSTRUCTION APPROPRIATIONS, 1987

Mr. HEFNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5052) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. EDWARDS of Oklahoma. Reserving the right to object, Mr. Speaker, I will not object, but I reserve the right to object only to inform my colleagues that title II of the Milcon bill which deals with aid to the Contras in Nicaragua and the similar provision in the Senate are identical and therefore this will not be a conference item. There is no dispute between the Houses over that provision.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina? The Chair hears none and without objection, appoints the following conferees: Messrs. HEFNER, ALEXANDER, COLEMAN of Texas, BEVILL, EARLY, DICKS, FAZIO, WHITTEN, EDWARDS of Oklahoma, LOEFFLER, RUDD, LOWERY of California, and CONTE.

There was no objection.

CLARIFYING DEFINITION OF LOCAL SERVICE AREA OF A PRIMARY TRANSMITTER FOR LOW POWER TELEVISION STATIONS

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 3108) to amend title 17, United States Code, to clarify the definition of the local service area of a primary transmitter in the case of a low power television station, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, after line 5, insert:

SEC. 2. (a) Section 111(d) of title 17, United States Code, is amended—

(1) in paragraph (3) by striking out "clause (2)" and inserting in lieu thereof "paragraph (1)";

(2) in paragraph (2) by striking out "clause (5)" and inserting in lieu thereof "paragraph (4)";

(3) in paragraph (2)(B) by striking out "clause (5)" and inserting in lieu thereof "paragraph (4)";

(4) by striking out paragraph (1); and

(5) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively.

(b) Section 111(f) of title 17, United States Code, is amended by striking out "subsection (d)(2)" in the third undesignated paragraph defining a cable system and inserting in lieu thereof "subsection (d)(1)".

(c) Section 801(b)(2) of title 17, United States Code, is amended by striking out "111(d)(2)(B)" each place it appears and inserting in lieu thereof "111(d)(1)(B)".

(d) Section 801(d)(2)(D) of title 17, United States Code, is amended by striking out "111(d)(2) (C) and (D)" and inserting in lieu thereof "111(d)(1) (C) and (D))".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. MOORHEAD. Reserving the right to object, Mr. Speaker, I yield to the gentleman from Wisconsin to explain the Senate amendment.

Mr. KASTENMEIER. Mr. Speaker, I would be glad to explain the Senate amendment. Before doing so, I should note for the House membership that H.R. 3108, the low-power television—copyright improvements bill, as approved by the House on July 28, 1986, has been sent back to the House in precisely the form we passed it.

The Senate amendment to H.R. 3108 modifies the cable compulsory license section of the Copyright Act (17 U.S.C. 111) in order to eliminate the notice of identity and notice of change requirements for cable television systems. Technical in nature, the Senate amendment is noncontroversial. It does not affect the cable compulsory license. The current notice of identity and signal requirements have not been utilized by copyright owners or the public and have resulted in unnecessary paperwork.

Mr. MOORHEAD. Further reserving the right to object, would the Senate amendment cost the taxpayers any money?

Mr. KASTENMEIER. No; as a matter of fact, according to the Licensing Division of the Copyright Office, the elimination of these unnecessary filing requirements will save the office approximately $55,000 annually. Cable television operators also will benefit from a paperwork reduction.

Mr. MOORHEAD. Reserving again the right to object, since the House has not held hearings on the Senate amendment, can the gentleman from Wisconsin give an assessment of who supports the amendment?

Mr. KASTENMEIER. Yes, the amendment was initially requested by the Copyright Office. We are been provided with a letter from the Register of Copyrights, Ralph Oman, in this regard:

AUGUST 12, 1986.

Hon. ROBERT W. KASTENMEIER,
Chairman, Subcommittee on Courts, Civil Liberties and the Administration of Justice, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In connection with House consideration of H.R. 3108, the "Low Power Television" bill, I would like to bring to your attention certain technical amendments to 17 U.S.C. § 111, the cable compulsory license, which would significantly reduce the paperwork burden on the Copyright Office and the cable systems. The Senate has already attached the proposed amendments to H.R. 3108.

As you know, the Copyright Office strongly supports enactment of H.R. 3108. This bill clarifies an ambiguity in the concept of "local signals" under the cable compulsory license of the Copyright Act. While carriage of either local or distant signals by a cable system gives rise to copyright liability unless the requirements of the compulsory license are satisfied, the Copyright Act makes an important distinction between local and distant signals in the computation of copyright royalties paid by large cable systems whose semiannual gross receipts total $292,000 or more. H.R. 3108 makes clear that signals of low power television stations, which usually have a transmitting range of 20 miles or less, are "local" for purposes of computing cable copyright royalties under the Copyright Act.

I hope that it will also be possible to make another noncontroversial, technical change in 17 U.S.C. § 111.

I propose the elimination of the unnecessary reporting and filing requirements in 17 U.S.C. § 111(d)(1). Presently, cable systems must file with the Copyright Office, prior to becoming operational, an Initial Notice of Identity and Signal Carriage Complement," and within 30 days after each occasion on which the ownership or control or signal carriage complement changes, the cable system must file a "Notice of Change of Identity or Signal Carriage Complement" or a "Notice of Change." These reporting requirements are in addition to the semiannual filing of Statements of Account, which contain the same information.

In the belief that the notices of identity and signal carriage have not been utilized by copyright owners or the public, the Copyright Office consulted associations representing the groups primarily affected by the operation of the cable compulsory license: the National Cable Television Association, the Motion Picture Association of America, the National Association of Broadcasters, sports claimant representatives, and the performing rights societies. These associations have telephoned or filed letters with the Copyright Office and with your Subcommittee confirming their support for the elimination of notices of identity and signal carriage filing requirements. Copies of letter responses are attached.

Finally, Mr. Chairman, the Licensing Division of the Copyright Office estimates that elimination of these unnecessary filing requirements would save the Copyright Office $55,390 annually in salaries. Cable system operators would also benefit from reduced paperwork costs.

The amendments I propose are noncontroversial and would benefit the Copyright Office and cable system operators without

any harm to owners of copyright. A draft of the proposed amendments is attached.

Sincerely,

RALPH OMAN,
Register of Copyrights.

The change also is supported by the Motion Picture Association of America, the National Cable Television Association, the National Association of Broadcasters, the performing rights societies, and sports interests.

Mr. MOORHEAD. I wish to express support for H.R. 3108, as amended by the Senate. I further would like to commend the gentleman from Wisconsin and his counterpart in the Senate, Mr. MATHIAS, for their leadership not only on this measure but also on other proposals to improve this Nation's intellectual property laws. I look forward to a Presidential signature on H.R. 3108, as amended.

Mr. KASTENMEIER. I thank the gentleman from California and also recognize him for his ongoing efforts to improve this country's copyright, trademark, and patent laws.

Mr. MOORHEAD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON S. 410, CONSERVATION SERVICE REFORM ACT OF 1986

Mr. RALPH M. HALL. Mr. Speaker, I call up the conference report on the Senate bill (S. 410) to repeal the Commercial and Apartment Conservation Service, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 12, 1986.)

The SPEAKER pro tempore. The gentleman from Texas [Mr. RALPH M. HALL] will be recognized for 30 minutes and the gentleman from California [Mr. MOORHEAD] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. RALPH M. HALL].

Mr. RALPH M. HALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of my Subcommittee Chairman ED MARKEY, I am pleased to bring before the House a conference committee report on the Conservation Services Reform Act (Rept. No. 99-787). This report represents the culmination of a sustained effort by the House and Senate that began in the 98th Congress to bring about needed changes in the Residential Conservation Program and the Commercial and Apartment Conservation Service Program—commonly known as the RCS and CACS Programs.

The House bill, H.R. 969, was introduced on February 6 of last year by me and my good friend from California, CARLOS MOORHEAD. Hearings were held in September by the Energy Conservation and Power Subcommittee and the bill was reported from the Energy and Commerce Committee in December.

The Conservation Service Reform Act continues the RCS Program through June 1989 and broadens it to include certain types of multifamily housing. The bill provides increased flexibility to States or utilities to develop and implement alternatives to the Federal RCS Program. The CACS Program is repealed, effective on date of enactment.

In addition to continuing the RCS Program, this legislation gives utilities the option of developing alternative energy conservation programs instead of being limited by the current requirements of Federal law under the RCS Program. While the current RCS Program specifies home energy audits to be the only method for achieving residential energy conservation, the act requires that for an alternative utility program to be approved, it must be designed to save more energy than is being saved under the current RCS Program. Utilities are free to choose any method or combination of methods that will save more energy than the RCS Program.

Under the alternative State program, the appropriate State officials under State law may develop and implement a State plan in lieu of RCS. The alternative State program in many ways is similar to the alternative utility program. However, the State program must be designed to achieve an energy savings of at least 2 percent. It gives the States an opportunity to achieve greater savings than under the RCS Program. Utilities are required to participate in the alternative State plan.

The act extends the last date for which utilities are required to issue announcements to all eligible customers on the availability of the RCS Program from January 1, 1985 to June 30, 1989. However, no utility will be required to issue more than one more program announcement.

Finally, Mr. Speaker, the bill deals with a concern raised by a number of small contractors in the business of installing, servicing, and maintaining energy conservation equipment with respect to alleged anticompetitive activities by the utilities in connection with their audit activities. In order to provide a forum and a remedy for resolution of these complaints, the act provides that anticompetitive complaints be filed with the appropriate State official or agency. In most cases this is the State public utility commission. It is our intention that these complaints be resolved at the State level, under State law and procedure.

However, if the State fails to begin a proceeding within 6 months, or finds that it does not have authority to act under State law, then a request for review may be filed with the Federal Trade Commission. Thus, the small contractors are assured of a forum for the resolution of their complaint. I believe that these provisions provide a fair and equitable solution to the problems that have been raised by the small business community and have been pleased to work with them on this issue.

In closing, I want to take this opportunity to thank Chairman DINGELL and Mr. MARKEY for their hard work in moving this legislation—Mr. LUKEN for his cooperation in working with us on the small contractor provisions—and of course my original cosponsor, Mr. MOORHEAD, for his steadfast support from day 1 on this bill. This has been a bipartisan effort all the way along that has involved Mr. MARKEY, Mr. DINGELL and their staffs as well as Mr. MOORHEAD and the minority staff. My special thanks to the staffs for the time and extraordinary effort they have given to produce this legislation.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a cosponsor of H.R. 969, the conservation service reform bill adopted by the House, I supported the repeal of both the Residential Conservation Service Program and the Commercial and Apartment Conservation Service Program. The RCS and CACS Programs have been ineffective and burdensome to consumers.

While I supported the immediate repeal of both programs, I believe that the compromise bill agreed to by the House and Senate conferees achieves, in a reasonable fashion, the goal of terminating these programs. Under this bill, the CACS Program will terminate immediately and the RCS Program will terminate on June 30, 1989.

Moreover, the bill provides for an alternative conservation program that permits the States and utilities to have greater flexibility in achieving residential energy conservation savings. An alternative program can be tailored to fit existing conditions, such as climate, population density, customer income level, and degree of market saturation, in ways in which an RCS Program implemented under uniform Federal standards cannot. While components of an alternative program would vary, such components could include programs providing low income and elderly customers with direct financial assistance for installation of

energy conservation measures or directing such customers to agencies through which assistance is available. Financial and other incentives to encourage customers to replace older inefficient applicances with more efficient modern models could also be used, as could educational programs recommending simple but effective means of reducing consumption. Conservation recommendations that are more customer-specific could be provided to customers in a cost effective manner though a do-it-yourself variant on the traditional RCS audit. The options are numerous and are limited only by the bounds of the creativity of the State or utility designing the program.

The compromise bill will help States like my own State of California which has been in the forefront on energy conservation. California not only has a Residential Conservation Program but California and various California utilities have instituted numerous alternative programs including zero interest loans, rebates for installation of certain energy conservation measures, and weatherization of low-income homes. One of our utilities in 1985 alone spent over $90 million on low-interest loans and rebates for installation of energy conservation measures. Under this legislation, similarly innovative and farsighted conservation programs may be undertaken by States and utilities.

The bill also fills a statutory gap left by the 1978 act establishing the Residential Conservation Program. While the 1978 act prohibited anticompetitive acts or practices by utilities against small businesses supplying energy conservation measures, it did not provide a forum in which small businesses could enforce this prohibition. This bill provides that forum. A small business can request review of alleged anticompetitive practices arising out of the RCS Program from either the State regulatory authority or the Federal Trade Commission.

In conclusion, it has taken a long time to reach agreement on this bill. I want to commend the efforts of my colleagues, in particular Mr. HALL, in bringing about this legislation. I urge my colleagues to vote for S. 410, as agreed to by the House and Senate conferees.

Mr. RALPH M. HALL. Mr. Speaker, I yield such time as he may use to the chairman of the subcommittee, the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman very much.

I intend to speak briefly and only for the purpose of complimenting the gentleman from Texas [Mr. RALPH M. HALL] the gentleman from Ohio [Mr. LUKEN], and the gentleman from California [Mr. MOORHEAD] for their work in crafting what I believe is a compromise which reflects both a commonsense analysis of the effectiveness of one program and on the other hand a reinforcement of a commitment to yet another program which is working and for crafting a compromise which I think works for America and works for the conservation which I think we are trying to continue to establish in this country.

I might add parenthetically that out of our committee we hope in the next 3 weeks or so to also produce an appliance standards bill which I think has the potential for being one of the major energy conservation bills of the decade and will follow on the heels of this bill, which I think once again reflects a common sense and wise compromise that was drafted by all members of the committee.

I thank the gentleman once again and want to compliment the primary author and proponent of this piece of legislation, the gentleman from Texas [Mr. RALPH M. HALL].

Mr. RALPH M. HALL. Mr. Speaker, I yield as much time as he may require to the gentleman from Ohio [Mr. LUKEN].

Mr. LUKEN. Mr. Speaker, I join in the gratification that has been expressed for the persistence of the gentleman from Texas [Mr. RALPH M. HALL] and the gentleman from Massachusetts [Mr. MARKEY] in pursuing this not very glamorous, but very essential and necessary piece of legislation.

□ 1705

Mr. Speaker, I would like to engage in a colloquy with the gentleman from Texas [Mr. RALPH M. HALL].

Mr. Speaker, section 106 of the bill provides a mechanism for reviewing potentially anticompetitive activities of utilities under the RCS Program. The House bill referred to several anticompetitive activities to be reviewed, including unauthorized cross-subsidies, charging unfair or unreasonable prices or rates of interest, and engaging in unfair methods of competition or unfare or deceptive practices. It was my intention as the author of the amendment which added this language to the bill to make certain that utilities under the RCS Program could not use their regulated businesses to subsidize enterprises that were competing with unregulated businesses. Is it the gentleman's view that such cross-subsidies would still be prohibited under the agreement of the conferees?

Mr. RALPH M. HALL. Mr. Speaker, will the gentleman yield?

Mr. LUKEN. I yield to the gentleman from Texas.

Mr. RALPH M. HALL. Mr. Speaker, the conferees believe that the kind of practices that the gentleman wishes to forbid by prohibiting unauthorized cross-subsidies would be covered under the legislation under unfair methods of competition and complaints filed alleging cross subsidization would be reviewable under the provisions of this act.

Indeed, as the statement of managers in the conference report reflects, we believe that a prohibition on unauthorized cross subsidization is encompassed by the prohibition on unfair, deceptive, or anticompetitive acts.

Mr. MOORHEAD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. LENT], the ranking Republican on the Committee on Energy and Commerce.

Mr. LENT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I urge my colleagues to support the Conservation Service Reform Act of 1986 with the changes recommended by the House and Senate conferees. This act repeals two programs—one, the Residential Conservation Service Program on June 30, 1989, the other, the Commercial and Apartment Conservation Service Program immediately. Both were found by Vice President BUSH's regulatory reform task force to be among the most burdensome and least effective of the Federal programs it reviewed.

Residential conservation service participants save only 2.8 percent more energy than nonparticipants, for an annual savings of about $35. Moreover, less than 3 percent of utility ratepayers participate in the RCS Program and they generally have household incomes in excess of $30,000. As all utility ratepayers pay for the RCS Program, if they do not participate. This means that the RCS Program subsidizes the affluent at the expense of the poor. Finally, the Commercial and Apartment Conservation Service Program is expected to be even less effective than the Residential Conservation Service Program as landlords will already have installed cost-effective energy conservation measures in order to enhance the value of their properties. In all likelihood, a commercial and apartment audit program will not result in any additional energy savings.

In other words, the original RCS and CACS Programs are classic examples of Washington dealing with a problem in an ineffective way. In this regard, it is important to note that this compromise bill provides for alternative State and utility conservation plans which will permit those entities to have greater flexibility in achieving meaningful residential energy conservation savings.

Finally, the bill before us today rectifies some of the problems of small businesses that were not addressed in the act establishing the Presidential Conservation Service Program. While the original act prohibited anticompetitive acts by utilities engaged in the

provision of energy conservation measures, it did not provide small businesses with a forum where they could challenge anticompetitive utility acts. This bill provides two forums for such challenges, either the State regulatory authority or the Federal Trade Commission, at the option of the small business.

With regard to the FTC procedure applicable to a small business request for review of an alleged anticompetitive act, the bill eliminates the public interest finding ordinarily made by the FTC. This finding permits the FTC to wait until it has received several similar complaints before instituting an investigation. While eliminating the public interest finding for this type of request for review, the bill strikes a balance by permitting FTC to reject frivolous or unsubstantiated requests. In this day of budget cuts, the FTC's ability to reject such requests for review is in the best interest of small businesses who have actually been affected by anticompetitive utility acts. This flexibility should ensure that the FTC focuses its resources on substantiated cases, rather than stretching its meager resources to cover all filed requests.

In summary, I commend my colleagues who have worked so long and hard to produce this compromise legislation and I urge you to support this conference report.

Mr. RALPH M. HALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1986

The SPEAKER pro tempore. Pursuant to House Resolution 513 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3129.

□ 1710

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3129) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes, with Mr. SCHUMER, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, August 7, 1986, titles I, II, III, and IV of the committee amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation, which is considered as an original bill for the purpose of amendment, were open for amendment at any point. Pending was the amendment offered by the gentleman from Texas [Mr. STENHOLM].

AMENDMENT OFFERED BY MR. STENHOLM

The text of the amendment offered by Mr. STENHOLM on August 7, 1986, is as follows:

Amendment offered by Mr. STENHOLM: Page 163, after line 12, insert the following new section:

SEC. 163. APPLICATION OF MODIFIED DAVIS-BACON AND COPELAND ACT EQUIVALENCY REQUIREMENTS TO HIGHWAY CONSTRUCTION CONTRACTS.

(a) GENERAL RULE. —Section 113 of title 23, United States Code, is amended by redesignating subsections (b) and (c) (and any reference thereto) as subsections (c) and (d), respectively, and striking out subsection (a) and inserting in lieu thereof the following new subsections:

"(a) APPLICATION OF MODIFIED DAVIS-BACON REQUIREMENTS. —

"(1) GENERAL RULE. —The Secretary shall take such action as may be necessary to insure that all laborers, mechanics, and helpers employed by contractors or subcontractors on the construction work performed on highway projects on the Federal-aid systems, the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid systems, shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined in accordance with the Act entitled 'An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes', approved March 3, 1931 (commonly referred to as the 'Davis-Bacon Act') (46 Stat. 1494; 40 U.S.C. 276a-276a-5), with the modifications described in paragraph (2) of this subsection.

"(2) MODIFICATIONS.—The modifications referred to in paragraph (1) are as follows:

"(A) This Section shall be applied to contracts with advertised specifications in excess of $1,000,000 rather than in excess of $2,000.

"(B) The area for which the prevailing wage is to be determined shall be the particular urban or rural subdivision (of the State) in which the work is to be performed rather than the city, town, village, or other civil subdivision of the State.

"(C) Helpers of a class of laborers or mechanics shall be considered as a separate class and prevailing wages for such helpers shall be determined on the basis of the corresponding class of helpers.

"(D) For purposes of this paragraph, the term 'helper' means a semi-skilled worker (rather than a skilled journeyman mechanic) who—

"(i) works under the director of and assists a journeyman;

"(ii) under the direction and supervision of the journeyman, performs a variety of duties to assist the journeyman, such as—

"(I) preparing, carrying, and furnishing materials, tools, equipment, and supplies and maintaining them in order;

"(II) cleaning and preparing work areas;

"(III) lifting, positioning, and holding materials or tools; and

"(IV) other related semi-skilled tasks as directed by the journeyman; and

"(iii) may use tools of the trade which are under the direction and supervision of the journeyman.

"(E) In determining the prevailing wage for a class of laborers, mechanics, or helpers where more than a single wage is being paid to the corresponding class of laborers, mechanics, or helpers, the prevailing wage shall be established as—

"(i) the wage paid to 50 percent or more of the corresponding class of laborers, mechanics, or helpers employed on private industry projects of a character similar to the contract work in the urban and rural subdivision of the State in which work is to be performed, or in the District of Columbia if the work is being performed there; or

"(ii) if the same wage is not paid to 50 percent or more of the laborers, mechanics, or helpers in the corresponding class, the weighted average of the wages paid to the corresponding class of laborers, mechanics, or helpers employed on private industry projects of a character similar to the contract work in the urban or rural subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there.

"(F) In determining the basic hourly rate of pay, data from Federal or federally assisted projects subject to the prevailing wage requirements of the Davis-Bacon Act or another Act incorporating such Act by reference shall be excluded, unless it is determined that there is insufficient wage data to determine the prevailing wages in the absence of data from such Federal or federally assisted projects. Data from Federal or federally assisted projects may be used in compiling wage rate data for heavy and highway wage determination.

"(b) PAPERWORK REDUCTION.—Section 2 of the Act entitled 'An Act to effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes', approved June 13, 1934 (commonly referred to as the 'Copeland Act') (48 Stat, 948; 40 U.S.C. 276c), shall be applied to highway projects on the Federal-aid systems, the primary and secondary, as well as their extensions in urban areas, and the Interstate System, authorized under the highway laws providing for the expenditure of Federal funds upon the Federal-aid systems, in a manner which requires that a statement concerning the weekly wages paid each employee, pursuant to a contract entered into with respect to such a project, be made only at the beginning and at the conclusion of the period covered by the contract rather that on a weekly basis.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to con-

tracts entered into with respect to highway projects on the Federal-aid systems, the primary and secondary, as well as their extensions is urban areas, and the Interstate System, authorized on or after the date of the enactment of this Act under the highway laws (including this Act) providing for the expenditure of Federal funds upon the Federal-aid systems.

Mr. STENHOLM. Mr. Chairman, this amendment was also intended to move toward the reform of the Davis-Bacon Act. In light of the fact that earlier today we had a substantial debate on the issue and the House spoke quite clearly of their reluctance to reform the Davis-Bacon Act at this time, I would like at this moment to clarify for the record with the gentleman from Pennsylvania [Mr. MURPHY], the chairman of the Labor Standards Subcommittee of the Committee on Education and Labor, an earlier colloquy that he and I engaged in.

I would like to verify that I was correct in hearing, regarding the military construction bill, the inference from the gentleman and the promise from him that there would be hearings next month, September 1986, regarding the subject of a comprehensive reform of Davis-Bacon, and also a promise from the gentleman, on behalf of his committee and the Committee on Education and Labor, that this House will have a reform bill, a comprehensive reform bill, on the floor for action in 1987. Is my understanding correct?

Mr. MURPHY. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Pennsylvania.

Mr. MURPHY. Mr. Chairman, the gentleman from Texas is correct. Our committee has been working on the Davis-Bacon Act for several months now. We held a hearing on the Service Contract Act, which is very similar to Davis-Bacon. We intend to hold a hearing on the Davis-Bacon Act on September 10, 1986. The gentleman from Texas has been invited to be the first witness. We are going to hear from witnesses from the labor unions, the construction trades, and the contractors, and we intend to delve into the allegations concerning whether or not Davis-Bacon is still working, what it is doing, how it is working, and whether it is costing the Government any money.

We have accumulated a great many statistics, as the gentleman knows from our debate earlier today. There will be hearings.

Next year I will have on the floor of the House—at least it will come out of my subcommittee, and hopefully will be reported from the full committee—a modification of Davis-Bacon. I do not promise the gentleman what will be in there. There may be things that he will not like, and there may be things in the bill that I will not like but it will be on the floor subject to our full debate and discussion. I hope that we can get that out in the early part of next year, because as the gentleman well knows, my amendment today, which did carry in the defense authorization bill, is only for the duration of that particular legislation, which would be 1 year. Therefore, we hope to have our Davis-Bacon bill out—at least the amendment that we had today, or more, or less—we will have it on the floor for consideration next year.

Mr. STENHOLM. I thank the gentleman for that assurance. Certainly I did not mean to infer that a bill must be reported out that would be in total agreement with me or any other Member, but I would hope that what I heard the gentleman say is that we will have a bill out in which the House can work its will. Is that correct?

Mr. MURPHY. Exactly.

Mr. STENHOLM. With that assurance, Mr. Chairman, I ask unanimous consent to withdraw my amendment at this time. I do not wish to take any more of the House's time at this time. It would be nonproductive.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas [Mr. STENHOLM].

There was no objection.

AMENDMENT OFFERED BY MR. BLILEY

Mr. BLILEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BLILEY: Page 47, line 6 after "title" insert the following "(other than funds transferred by the State under section 119(f)(2))".

Mr. BLILEY. Mr. Chairman, on behalf of the gentleman from Virginia [Mr. SISISKY] and myself I offer an amendment that would clarify a provision in section 116 of the bill. It would make it clear that a State may use its 20 percent of its 4R funds, as authorized, under section 118 of the bill, on projects under section 139(b) of the act, and that for purposes of the State's application for funds under the $200 million 4R discretionary set-aside established in section 116 of this bill, any such funds expended on 139(b) projects during the fiscal year should not be a factor considered by the Secretary pursuant to section 116(c)(3)(D)(I) in selecting States to receive funds from the set-aside.

Virginia has two critical interstate connector projects designated under 139(b) that it hopes to finish by 1990 at the latest. Virginia also wishes to make the best possible use of its 4R funds to maintain its interstate highways to the highest standard possible, which incidentally, Virginia is already required to do because of State law.

This amendment will assure each State maximum flexibility in the use of 4R funds and assure each State that it will be given a full and fair opportunity to receive 4R funds under the newly created discretionary set-aside.

□ 1715

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I am happy to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined this amendment and it is important.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, we have also examined the amendment. We accept the amendment.

Mr. BLILEY. Mr. Chairman, I thank both gentlemen, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SCHUMER). The question is on the amendment offered by the gentleman from Virginia [Mr. BLILEY].

The amendment was agreed to.

MODIFICATIONS OFFERED BY MR. ANDERSON TO THE AMENDMENT OFFERED BY MR. SHUSTER AS A SUBSTITUTE FOR THE AMENDMENTS OFFERED BY MR. SHAW

Mr. ANDERSON. Mr. Chairman, I have a unanimous-consent request for modifications to the Shuster amendment offered as a substitute for the Shaw amendments on highway beautification.

The CHAIRMAN pro tempore. The Clerk will report the unanimous-consent request.

The Clerk read as follows:

Mr. ANDERSON asks unanimous consent that the following technical corrections be made in Mr. SHUSTER's amendment, relating to highway beautification, which was adopted as a substitute for Mr. SHAW's amendment to H.R. 3129:

(1) On page 6, line 21, insert "AND" after "COMMERCIAL".

(2) On page 7, line 8, strike out "the".

(3) On page 8, line 23, strike out "and" and insert in lieu thereof "or".

(4) On page 12, line 17, strike out "provides" and insert in lieu thereof "provide".

(5) On page 12, line 19, strike out "should" and insert in lieu thereof "shall".

(6) On page 13, line 5, strike out "system and" and insert in lieu thereof "systems than",

(7) On page 14, line 3, before "aside" insert "it".

(8) On page 18, line 9, strike out "and" and insert in lieu thereof "or".

Mr. ANDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the request be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ANDERSON. Mr. Chairman, these amendments to the Shuster substitute are purely technical. They have been reviewed by both sides. They have also been reviewed by the gentleman from Florida [Mr. SHAW], the

author of the original amendment, and he concurs that they are purely technical in nature. I understand there are no objections to these changes, Mr. Chairman.

The CHAIRMAN pro tempore. Without objection, the modifications are agreed to.

There was no objection.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

On page 55, Line 14, after the word "trailer" insert a comma and the following: "dump trailer".

On page 55, Line 15, after the word "more" substitute a semicolon for the comma, insert the word "and", and delete the remainder of line 15 and all of lines 16 and 17.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, in section 121 of the bill as reported by the committee, we inadvertently excluded dump trailers from the temporary relief given tank trailers and ocean transport containers from the axle spacing requirements of the bridge formula contained in section 127 of title 23, United States Code.

Existing law provides that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, providing the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more. Since the mid-1970's, the vehicles covered by section 121 of the bill have been acquired and placed in service which, while complying with overall gross vehicle weights, inadvertently would trigger the bridge formula provisions when loaded to capacity.

In the bill as reported, the committee modified the requirement—terminating on September 1, 1988—to provide for 30 feet between the axles in question for tank trucks and ocean transport containers. We modified the requirement for dump trucks to 32 feet.

The technical amendment would place all three classes of vehicles in the same category. That is, each of these three types of vehicles, having 30 feet between the axles in question, could be operated until September 1, 1988. Because of the relatively small number of such vehicles, the committee believes the modification is altogether reasonable.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined this amendment, and we accept it.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, we also have examined this amendment, and we accept it.

Mr. TRAFICANT. I thank the gentleman very much, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Page 31, line 9, insert "(1)" before "Except".

Page 31, after line 16, insert the following:

(2) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually survey and compile a list of the small business concerns referred to in pargraph (1) and where those concerns are located in the State.

Mr. GOODLING. Mr. Chairman, I checked this amendment with the gentleman from Maryland [Mr. MITCHELL] who has been very active and very successful in trying to help disadvantaged businesses. He has no problems with this amendment.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I am happy to yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, we have examined the amendment, and we are willing to accept the amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined this amendment, and we support it.

Mr. GOODLING. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TORRICELLI

Mr. TORRICELLI. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TORRICELLI: Page 176, after line 16, add the following:

(e) DEMONSTRATION OF CERTAIN DRUG AND ALCOHOL TESTING TECHNOLOGY.—

(1) IN GENERAL.—The Secretary is authorized to test a new drug and alcohol testing technology which measures corneal retinal potential as exhibited in the brain function wave form and to determine the potential for applying such technology in preventing drug and alcohol related traffic deaths.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall report to Congress on the effectiveness and the potential for application of the technology described in paragraph (1).

Mr. TORRICELLI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. TORRICELLI. Mr. Chairman, in the best traditions of our country, just as we have come to recognize the drug epidemic in America a new technology is arising to help us to deal with this problem, a technology that electronically can help us to measure whether people are suffering from drug abuse or the abuse of alcohol.

Mr. Chairman, this amendment does not impact or address the public policy questions of when such technology should be used, but may help us to avoid the problems and the issues, the difficulties of urinalysis.

My amendment is simple. It asks the Secretary to look at this technology, to determine and to report to the House whether it might be useful in addressing the questions of drug abuse.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. TORRICELLI. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, we have examined this amendment and we accept the amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. TORRICELLI. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we accept this amendment.

Mr. TORRICELLI. I thank the gentleman and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey [Mr. TORRICELLI].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CRAIG

Mr. CRAIG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAIG: On page 88, line 12, strike section 142 entirely and renumber the sections accordingly.

Mr. CRAIG. Mr. Chairman, it is my intent to withdraw this amendment, but before asking to do that, there are several points that I wanted to make, and I wanted to also ask the chairman of the full committee to engage in a colloquy.

It has been my concern and the concern of I think a growing number of Members of the House, and certainly citizens of the State of Hawaii that a 30-year-old program that is now before the committee and before the Congress would appear in section 142 of this legislation in which not one word was mentioned of the State of Hawaii, not one word was mentioned of the amount of the cost to the trust fund and about the moneys for the State of Hawaii. There are some strong environmental considerations here with the waiving of 4(f) but also literally the waiving of court actions that have taken place on this issue in the State of Hawaii over a period of time.

I have examined this very closely along with other Members of this House. It appears that it is H-3 or the remainder of the interstate highway moneys going to Hawaii, and in this case the island of Oahu, some $717 million to build 10.7 miles of highway, or $100 million a mile worth of highway.

That is a 1983 cost figure, Mr. Chairman, that has not been indexed since that time. It is my concern that we are looking at the potential of another Westway, that we are looking at something that once we get start, Mr. Chairman, this House will say they made a mistake and, of course, we know the history of the kinds of projects of this magnitude. Once we are committed to them we usually remain committed to them, even though there is considerable concern by the body and attempts on occasion to block these kinds of tremendously costly programs.

I also have before me a trade-in list provided by the island of Oahu by the city council and the city of Honolulu that they feel are of critical concern and would be a much better use of these kinds of moneys than the building of some 10.7 miles of highway.

As I mentioned, there is the environmental concern with waiving of 4(f), and also some archaeological concerns that I would ask later my colleague from the State of Hawaii to talk about. But, at this time, I would like to engage the chairman of the full committee in an explanation as to why the committee chose to waive 4(f) without hearings. I believe it is a precedent setting situation, large sums of money and tremendous impact with the construction of this major highway.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. CRAIG. I yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I wish to thank the gentleman for bringing this subject up, because it is a very serious subject, and it might be considered by some as precedent setting.

This highway, H-3, which would be an expensive highway per mile as we find around the country, because it is through a very mountainous and hilly area, would be very expensive. 4(f) is a provision that is being exempt in this legislation, and I would like to explain the catch-22 situation we are in.

There is a park that exists near to where the right-of-way had been intended to go for H-3 in Hawaii for quite some time. The State, realizing that this highway would be built, determined that they would not like to have any development on the park side of the highway once it is built. So in order to avoid that, what the State did was give the land to the park, and let it be park all the way so that that would preserve that area.

Then when they were ready to begin the highway, what we found was that some people objected and said you are building this highway right alongside the park. So we felt, and have gotten a court decision on it, we felt that this was not a proper way to stop this highway, and not a proper reason and not a proper decision.

However, people wondered why did you exempt in your legislation all of 4(f), which has concerns, as the gentleman mentioned, both environmental and archaeological. If we did not exempt that in this legislation, we would come to a time problem whereby by September 30, if this has not been approved, it could not be approved because it would be past the deadline. Therefore, anyone in Hawaii or anyone else would be able to go to court with a case, whether it was justified or not, and just be able to hold on to not get a decision until this September 30, and then that would eliminate the possibility of that highway. We felt that would not be fair.

However, I want to state here my view and the view of my committee in this, and we have discussed it and been on record for it, is that we do expect, and have heard from the State of Hawaii, that they certainly will and must abide by every other part of 4(f) whether it be environmental, archaeological or whatever.

The CHAIRMAN pro tempore. The time of the gentleman from Idaho [Mr. CRAIG] has expired.

(By unanimous consent, Mr. CRAIG was allowed to proceed for 2 additional minutes.)

Mr. HOWARD. So what we are trying to do, while we are trying to avoid an unfair situation by not exempting the rest of 4(f) and having it unfairly brought to court just to kill time, we also expect and believe that the State should be fair, and they should and must abide by every other part of 4(f).

Should they not do this, the gentleman has my word, if I am back here next year, and I am sure the committee leadership also on our committee will see to it that H-3 not proceed if there is any other provision that everyone else has to meet that they do not meet.

Mr. CRAIG. If my chairman would continue in the colloquy, am I understanding, because it is my understanding, that there is the potential of damaging or destroying a major archaeological discovery, a native Hawaiian house platform, irrigation systems and burial grounds dating back to the 4th century, A.D., the oldest on the Island? Are you actually telling me that section 142 would not exempt this particular archaeological find?

Mr. HOWARD. What I say is if there is an archaeological reason under the law, as we have had in my own State in New Jersey with finding Indian bones in sites, that there are procedures that must be gone through satisfactorily if that road is to be built there. If not, it cannot be built.

Mr. CRAIG. So my chairman is saying the waiver of 4(f) is only for the nature of this park situation, is that correct?

Mr. HOWARD. This is the intent. We have only that one park court decision situation, the gentleman is absolutely correct.

Mr. Chairman, it is clear that H-3 in Hawaii presents an extraordinarily difficult problem. There is merit on both sides of the argument. Environmental requirements must be weighed against transportation needs and, in the final result, we have to find a solution that is environmentally sound but meets Hawaii's transportation needs.

On one side we have the Hawaiian delegation that has unanimously supported the need for legislation to allow H-3 to be built. They feel, with justification, that the environmental laws have been misused to prohibit construction and they want that corrected. I feel sympathy with their position on this issue.

On the other hand, the opponents of H-3 argue that the courts have ruled, and that Congress should not take action to overrule the courts. They object to the granting of an exemption from an environmental protection statute which, in this case, has only been done indirectly or as part of a broader exemption before now. I also feel sympathy with their position on this issue.

The final complication in this puzzle is the congressionally mandated deadline that the State of Hawaii must make a decision on construction of H-3 by September 30, 1986. If no decision is made by that date to seek interstate transfer funds, the State must then build H-3 or lose over $700 million in Federal highway funds.

I do not intend today to discuss the merits of building H-3 or the arguments against building it. I do intend, however, to describe my intention in proposing an exemption for H-3 to allow it to be built. First and foremost,

it is my intention to be fair to both sides. I do not intend to foreclose either side from making its case on H-3.

As reported by the Committee on Public Works and Transportation, H.R. 3129 does include an exemption for H-3 from section 4(f) of the Department of Transportation Act of 1966. That section is designed to protect parks, wildlife refuges, and historic sites from the detrimental effects of highway construction.

In this case, it is clear that construction of H-3 has been blocked through use of section 4(f) to protect a parkland buffer that was designed for that specific purpose—to protect the existing park from the highway and to prevent environmentally unsound development that might occur between the park and the highway. Hawaii officials believe that is a misuse of the 4(f) provision and they are seeking an overturning of the ninth district court of appeals decision that held that H-3 would violate 4(f).

The request to allow H-3 to be constructed near that buffer area seems perfectly reasonable and that is my intention in H.R. 3129. I have no intention of prohibiting legitimate lawsuits filed on other environmental grounds. I also expect the State of Hawaii to comply with all other 4(f) requirements beyond the ninth circuit court decision.

My concern, however, is that other lawsuits on less than legitimate issues will delay construction of H-3 beyond the September 30 deadline. That would not be fair to Hawaiian officials who are faced with a deadline that is not of their own making.

At the same time, however, I have made it clear to the Hawaiian delegation that this is their battle to win or lose. The real test will come in the other body where the committee chairman has said he is strongly opposed to any exemption for H-3. If he or the full Senate cannot be persuaded to accept an H-3 exemption, it is not my intention to attempt to force them to do so. If the Senate willingly accepts an H-3 exemption in conference, or a narrower provision, then we will have an agreement.

The committee is attempting to be fair to Hawaii by keeping this issue open for discussion. However, if Hawaii officials cannot make a persuasive case for their road, then they will be forced to live with the court decision.

If we do nothing on this issue, H-3 will not be built. If we grant the exemption that is sought by Hawaii, we make it possible to build H-3. I believe the committee has chosen the acceptable middle ground on this issue that is fair to all sides. I hope we will continue this fair approach to the H-3 issue.

Mr. CRAIG. I thank my chairman for responding because that is of great concern. There are many of us involved in the construction of Federal highway projects who run into the difficulty of these 4(f) types of situations, there is a purpose for 4(f) being within the law, and that is to protect environmentally fragile areas and also to conserve our archaeological sites. I know there are numerous times when Members of this body have asked for that waiver and have not been granted it.

Mr. HOWARD. It would not have been granted in this case other than the situation I mentioned with the time elements.

Mr. CRAIG. Mr. Chairman, I thank my chairman and would now like to engage the gentleman from Hawaii [Mr. AKAKA] in a colloquy.

The CHAIRMAN pro tempore. The time of the gentleman from Idaho [Mr. CRAIG] has again expired.

(By unanimous consent, Mr. CRAIG was allowed to proceed for 3 additional minutes).

Mr. CRAIG. Mr. Chairman, I would ask my colleague from Hawaii [Mr. AKAKA] if what the chairman of the committee has just said is his understanding and the intent of section 142, and would he agree with the comments of the chairman of the full committee?

Mr. AKAKA. Mr. Chairman, will the gentleman yield?

Mr. CRAIG. I yield to the gentleman from Hawaii.

Mr. AKAKA. Mr. Chairman, the chairman of the full committee covered it very well.

Mr. Chairman, I rise in opposition to the amendment and in support of section 142, which will allow construction of Hawaii Interstate Highway H-3 to proceed.

Section 142 provides for the completion of a much-needed interstate highway in Hawaii, which is now included in the interstate cost estimate. The H-3 highway has the support of the Reagan administration, the entire Hawaii congressional delegation, and the leadership of the House Public Works and Transportation Committee. On the homefront, it has the support of the Governor; broad, bipartisan support in the Hawaii State Legislature; and a bipartisan majority of the city council. And independent polls have consistently shown that 70 to 80 percent of the people of Oahu want H-3.

H-3 was conceived in August 1960 as part of Hawaii's Interstate and Defense Highway System consisting of H-1, H-2, and H-3. H-1 and H-2 have been completed and are in service. Upon completion of H-3, the system will provide an integrated transportation facility connecting major population areas, employment centers, and major defense installations on the Island of Oahu, such as Pearl Harbor.

In 1967, the alignment of H-3 was established so as to allow for the construction of a flood control project. In 1971, the 91st Congress passed the Flood Control Act of 1970 authorizing the construction of the flood control project, which included a recreational area. These projects culminated in the establishment of Ho'omaluhia Park. It is essential that Members understand that the establishment of the highway alignment preceded the park. Ho'omaluhia Park, originally designed as a 75-acre recreation area, was ultimately expanded to its current size of 223 acres so that its boundary would become coterminous with the H-3 right-of-way. The boundary of the park was extended up to the highway to prevent any possible development along the edge of the park, thereby allowing the highway to serve as a natural buffer zone to the park. Coordination between the county and State department of transportation resulted in a designation of a common right-of-way, cooperative hydraulic designs, inclusion of noise barriers, designing of an 8-foot landscape berm and plantings, and coordinated trail access points for hikers and horseback riders.

Unfortunately, a recent decision of the ninth circuit court, while finding that the project complied with the National Environment Policy Act, the Endangered Species Act, and all portions of the Department of Transportation Act other than section 4(f), makes approval of this project virtually impossible without further studies and possible design modifications, thus exhausting all judicial routes available to meet the 1986 and 1990 deadlines for interstate construction.

In reaching its decision, the court focused on a highly technical reading of a provision of the Department of Transportation Act designed to protect publicly owned parkland. The Ninth Circuit Court of Appeals overturned the findings of the Federal district court on section 4(f) and based its ruling on a highly controversial interpretation of "constructive use." However, no land from the park involved, Ho'omaluhia Park, has been physically taken; and in fact, the park boundary was expanded by the State, at the request of the city, to take advantage of the highway as a buffer against development. In other words, the State agreed to purchase the land between the park and the highway from private ownership and turned it over to the city to protect this land from development. It was in an effort to meet the very requirements of section 4(f) that State officials expanded the boundary of Ho'omaluhia Park to meet the H-3 right-of-way. Simply stated, Ho'omaluhia Park would not enjoy its expanded boundary were it not for the extensive planning by city and State officials to minimize any ad-

verse environmental impact on the park. I hope these facts will demonstrate that H-3 is an example of enlightened planning—the type we want to encourage, not punish.

By the year 2000, the traffic level between Honolulu and the windward side of the island will rise from 90,000 to 120,000 vehicles per day. If H-3 is not built, the peak traffic period on these roads will increase to 8 hours a day, creating an almost constant traffic jam. Upgrade alternatives of the existing Pali and Likelike Highways will not meet the increasing demand for travel between the windward and central areas of Oahu. Other alternatives available for the highway—which is vital for transportation and defense purposes—are not prudent and/or feasible since they are either one or more of the following: First, unsafe; second, environmentally damaging; third, much more expensive; or fourth, unduly disruptive and costly to the local communities.

Mr. Chairman, this issue is not an environmental issue. It is a no-growth issue. Despite cries of foul play by environmental groups, H-3 does not violate environmental laws. The design of this highway, which has been under development for a number of years, incorporates a great deal of environmental mitigation. Many of the mitigation features were added at the insistence of the Secretary of Transportation in response to concerns expressed by the public and other government agencies. The record demonstrates that State and Federal transportation officials have done their job in protecting the environment.

As I said at the outset, this highway has the support of the administration, the entire Hawaii delegation, Hawaii's Governor, the State legislature, and the city council. The amendment will not save any money because the project is already in the interstate cost estimate. Twenty years of planning have gone into this highway; and polls run 3 to 1 in favor of the project. I urge you to defeat this amendment.

Some of you may have heard some arguments by opponents of H-3. I would like to take this moment to address them:

First, H-3 is the most expensive per-mile segment of the Interstate System ever built.

Not true. H-3's total cost is $742 million, which includes engineering and right-of-way costs. The total length of H-3 is 16.1 miles, 5.4 of which has been completed. This translates into a cost of $49 million per mile. Based on the uncompleted 10.7 mile section of H-3 alone, it is estimated to cost $69 million per mile. The Federal Highway Administration lists a number of more costly interstate segments. Baltimore's I-95 at a cost of $518 million per mile, Massachusetts' I-90 at a cost of $198 million per mile, and Seattle's I-90 at a cost of $117 million per mile are just a few examples.

Second, H-3 has an inequitable benefit-cost ratio of .22 to 1.

Not true. A computer study by the Office of Highway Planning, Urban Planning Division, FHWA, determined that H-3 has a benefit-cost ratio of 1.05 with a 30-percent transit diversion and 1.26 with a 10-percent transit diversion. The present transit use on the Pali and Likelike Highway is 15 percent. The FHWA method of computing benefit-cost is site specific and takes into account operating costs, travel time value, and accident costs. Even higher benefit-cost ratios could be computed by accounting for the reduction in the peak period on existing highways and intersections.

Third, if constructed, H-3 would prevent other States from receiving federal funds for more essential projects.

Not true. This allegation is unfounded and unsupported by the Department of Transportation or Congress. The cost of H-3 represents only 2.8 percent of the total cost to complete the Interstate System nationwide, based on DOT estimates.

Fourth, the Supreme Court upheld the Ninth Circuit Court decision.

Not true. The Supreme Court declined, without comment, to hear the case. They did not uphold the decision.

Fifth, Congress has never granted an exemption from Federal environmental laws.

Not true. Section 4(f) exemptions include the Conrail Assistance Act relating to service transfer by Conrail and the Alaska Railroad Transfer, which freed the State from 4(f) requirements in placement of a railroad. Additionally, the Tellico Dam Construction Snail Darter case was granted a total exemption of environmental laws by Congress.

Sixth, in every case, H-3 has been found to be in violation of Federal law by the courts.

Not true. Every Federal statutory regulation compliance was affirmed by the U.S. district court and the U.S. Ninth Circuit Court of Appeals, except for section 4(f) as determined by the Ninth Circuit Court. These regulations include: First, general environmental requirements; second, public involvement and design/location approval; third, historic and archeological preservation; fourth, Clean Water Act; fifth, Safe Drinking Water Act; sixth, floodplains; seventh, endangered species; eighth, wildlife; ninth, farmland; tenth, air quality; eleventh, energy; twelfth, esthetics; thirteenth, joint development; and fourteenth, noise.

Seventh, the people of Hawaii do not want H-3.

Not true. Independent polls have consistently shown that 70 to 80 percent of the people of Oahu support the construction of H-3.

Eighth, H-3 will take acreage from a public golf course.

Not true. The land in question was acquired by the State in 1975. It is unused and in a low lying area prone to flooding. Approximately 3.5 acres will be used for the Halekou interchange, which is currently over 60 percent completed. In no way does this interfere with the enjoyment of those using the golf course.

Ninth, H-3 will destroy one of the oldest archaeological sites in the Hawaiian islands.

Not true. H-3 will be designed to avoid the Luluku archeological sites. Additionally, a plan has been worked out with the archeologists of the world-renowned Bishop Museum that will assure preservation of these sites. They are located on private lands and are in a deteriorating condition. The Bishop Museum has stated that not building H-3 "may lead to the total destruction and loss of this most important archaeological resource by private development." It may interest you to know that the Hawaii Department of Transportation has been recognized for "Outstanding Public Service to Transportation and Historic Preservation" by the U.S. Department of Transportation and the Advisory Council on Historic Preservation this year. The awards are for exemplary solutions to problems involving transportation and historic places.

Tenth, H-3 could result in health hazards, even deaths and highway casualties, due to the electromagnetic field of the Coast Guard OMEGA antenna station.

Not true. The issue of constructing H-3 through the U.S. Coast Guard's Haiku-OMEGA navigational tansmitter facility has been thoroughly investigated. The combined studies conclude that H-3 can be safely constructed and used through Haiku-OMEGA, including people with cardiac pacemakers. In fact, based upon actual field measurements, it has been found that the public is currently exposed to over 1 million times more absorption rate of electromagnetic radiation due to exposure to television and radio towers than they would experience in Haiku Valley.

Eleventh, H-3 does not solve contemporary traffic needs. It conflicts with the island development plan.

Not true. H-3 is consistent with the development plans of Hawaii by the fact that it is reflected in the State transportation functional plan of the Hawaii State Plan as adopted by the State legislature, Oahu General Plan and related development plans as adopted by the city and county of Honolulu, and Oahu Metropolitan Planning Organization's Long-Range Transportation Plan for the island of Oahu as adopted by the OMPO Policy Committee. H-3 is intended to take

traffic to the growing Pearl Harbor/leeward industrial complex and not to downtown Honolulu. This complex is an area containing a growing number of jobs, as well as most of the major military bases on the island.

Mr. Chairman, I ask for the support of section 142 from my fellow colleagues. I believe that the planning and coordination between H-3 and Ho'omaluhia Park is an exemplary effort by the State and city governments to see that the park is, indeed, protected from detrimental urban impact. Who could have possibly foreseen that this careful planning would backfire due to the court's interpretation of section 4(f)? I believe that we, in Hawaii, have no other alternatives than to seek congressional relief for the completion of H-3. The need for relief from traffic congestion for our windward residents grows more pressing every day. H-3 has been a carefully planned interstate highway and all concerns have been taken into account in establishing the existing route.

As the author of legislation to allow H-3 to proceed in construction, H.R. 3659, and as the author of the amendment which became section 142 of the committee bill, I want to offer the following explanation of the purpose of section 142 to establish legislative history on this matter.

Bill language is included by the committee allowing construction to proceed on a needed interstate highway in Hawaii, which is now included in the interstate cost estimate. The design for this highway, H-3, which has been under development for a number of years, incorporates a great deal of environmenal mitigation. Many of the mitigation features were added at the insistence of the Secretary in response to concerns expressed by the public and other Government agencies. The record demonstrates that State and Federal transportation officials have done their job in protecting the environment.

Unfortunately, a recent decision of the Ninth Circuit Court, *Stop H-3 Assn., et al.* v. *Dole, et al.*, 740 F.2d 1442 (9th Cir. 1984) cert. denied, ——— U.S. ———, 105 S.CT. 2344 (1985), while finding that the project complied with the National Environmental Policy Act, the Endangered Species Act, and all portions of the Department of Transportation Act other than section 4(f), makes approval of this project virtually impossible without further studies and possible design modifications, thus exhausting all judicial routes available to meet the 1986 and 1990 deadlines for interstate construction. In reaching its decision, the court focused on a highly technical reading of a provision of the Department of Transportation Act designed to protect publicly owned parkland. However, no land from the park involved—Ho'omaluhia Park—is being taken and, in fact, the park boundary was expanded with the cooperation of the State to take advantage of the highway and allow it to serve as a logical buffer against residential development along the boundary of the park. Under these circumstances, further studies and modifications would not result in any further protection for the park and may, indeed, prove harmful. Other alternatives available for the highway—which is vital for transportation and defense purposes—are not prudent and/or feasible since they are either one or more of the following: First unsafe, second, environmentally damaging, third, much more expensive, or fourth, unduly disruptive and costly to the local communities. All other aspects of the record were found lawful by the court of appeals.

This section directs the Secretary to approve the construction of this project in the location currently planned without administrative review pursuant to section 4(f) of the Department of Transportation Act—section 138 of title 23, United States Code, and section 303 of title 49, United States Code. The committee has acknowledged by this section the Ninth Circuit Court's findings that H-3 has complied with the National Environmenal Policy Act, the Endangered Species Act, and all portions of the Department of Transportation Act other than section 4(f). There are no additional funds associated with this provision.

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Mr. CRAIG. Mr. Chairman, my colleague is telling me that the archaeological site, as it is presently being found, would be preserved? That is the intent?

Mr. AKAKA. As a matter of fact, it will be improved for the public to view. Right now, and before the highway came, nobody knew that it was there. Since the highway has been under design, they found this, and the highway people are willing, if it comes under the public lands, to work this out as a part of the park.

This would certainly help the people of Hawaii, and not damage the sites.

Mr. CRAIG. Mr. Chairman, I would like to thank my colleague from Hawaii.

CITY AND COUNTY OF HONOLULU TRANSPORTATION CAPITAL IMPROVEMENT PROJECTS

[With proposed candidates for H-3 substitute projects]

Project description	TIP [1] List	Estimated cost (in thousands of dollars)				Proposed substitute projects Federal share
		P&E	Right-of-way	Construction	Total	
Windward Oahu:						
1. Likelike Highway improvements and Contra-flow [2]		$3,000		$20,000	$23,000	$19,550
2. Likelike Highway/Kahekili Highway Interchange [2]	X		$3,300	16,000	19,300	16,400
3. Likelike Highway/Kamehameha Highway Interchange [2]		1,000	800	10,500	12,300	10,460
4. Castle Junction Interchange [2]	X	900	1,000	[3] 16,000	17,900	15,220
5. Kahekili Highway Widening, (Likelike Highway to Kamehameha Highway) [2]	X	700	160	14,000	14,860	12,630
6. Bus/Contra-flow lane on Kamehameha Highway, (Likelike to Castle Junction) [2]		250		2,500	2,750	2,340
7. Kamehameha Highway at Paleka Road Intersection improvements [4]	X	36	34	390	460	391
8. Kamehameha Highway, Unit II improvements [4] (Haiku Road to Ipuka Street, Heeia)	X	145	630	1,795	2,570	2,185
9. Kailua Road widening and sidewalk improvements [4] (Hahani Street to Wanaao Road)	X			1,200	1,200	1,020
10. Kaneohe Bay Drive, (Puohala Street to Mokapu Saddle Road [2]		1,000	500	5,000	6,500	5,530
11. Pali Highway improvements and Contra-flow [2]		3,000		20,000	23,000	19,550
Central Honolulu:						
1. Pali Highway/Vineyard Boulevard underpass [2, 4]		1,000		8,850	9,850	8,375
2. Pali Highway/Beretania Avenue underpass [4]		1,000		6,200	7,200	6,120
3. Lusitana/Vineyard [2, 4]		280	[5] 20	2,800	3,100	2,635
4. McCully overpass widening and on-ramp [2]		400	800	4,800	6,000	5,100
5. Dole Street improvements [4] (McCully to Alexander)		650		2,500	3,150	2,678
6. Lunalilo Street on-ramp to H-1, WB [2]		500		5,000	5,500	4,680
7. Ward Avenue widening, [4] Kinau to Beretania		250	1,500	750	2,500	1,913
8. Ala Wai Bridge [4] (University extension)		800		7,200	8,000	6,800
9. Kapahulu Avenue widening [4] (Harding-date)		800	1,500	3,000	5,300	4,505
10. McCully Street widening [4] (King-Kapiolani)		500	5,000	2,000	7,500	6,375
11 Increase capacity, H-1 [2] Kapiolani Interchange to Punchbowl Street		2,000		18,000	20,000	
12. Wilder off-ramp, Dole/Wilder Intersection improvement [2]		250	500	2,000	2,750	
13. H-1 University Avenue Interchange reconstruction [2]	X		2,900	6,400	9,300	
14. Alakea Street widening [4] King Street to Queen Street—Add a 5th lane on east side of Alakea Street	X	180	3,000	300	3,480	2,958
15. Keeaumoku Street/Lunalilo Street Freeway access improvements [4] Keeaumoku Street to Lunalilo Street	X	240		2,000	2,240	1,900
16. Monsarrat Avenue improvement, [4] widen roadway to 40 feet from Paki Avenue to Leahi Avenue	X	75		425	500	425
17. Wilder Avenue reconstruction [4] Punahou Street to Metcalf Street	X	5		632	637	541

CITY AND COUNTY OF HONOLULU TRANSPORTATION CAPITAL IMPROVEMENT PROJECTS—Continued

[With proposed candidates for H–3 substitute projects]

Project description	TIP [1] List	Estimated cost (in thousands of dollars)				Proposed substitute projects Federal share
		P&E	Right-of-way	Construction	Total	
West Honolulu:						
1. Likelike/School Street underpass [2]		1,000	2,000	9,000	12,000	10,200
2. Puuhale Road, Nimitz to Dillingham [4]		1,000	2,000	2,000	5,000	2,550
3. Mokauea Street, Nimitz to Dillingham [4]		1,250	3,000	2,000	6,250	2,763
4. Kalihi Street , Nimitz to Dillingham [2]		1,700		6,500	8,200	6,970
5. Middle Street Interchange [2] reconstruction	X		2,500	29,000	31,500	26,775
6. H–1 increase safety and capacity, Middle Street to Vineyard Boulevard [2]	X	650	1,000	17,000	18,650	
7. Nimitz Highway improvements, Middle Street toward Waiakamilo Road [2]	X	300	2,000	1,800	4,100	
8. Dillingham Boulevard reconstruction,[4] King Street to Waiakamilo Road, reconstruct curb lanes, curbs, gutter, and sidewalks	X			1,332	1,332	1,132
9. Middle/School Streets reconstruction,[4] Liliha Street to Kaua Street	X			951	951	808
East Honolulu:						
1. Kalanianaole Highway,[2] provide for median bus/carpool reversible lanes from Ainakoa to Hawaii Kai	X		[3] 8,000	65,690	73,690	62,637
Central/Leeward Oahu:						
1. Kamehameha Highway and bus lanes [2] (H–1 to Mililani)		5,000	5,000	50,000	60,000	51,000
2. Moanalua Road, Pali Moni to Aiea Interchange [4]				7,000	7,000	5,950
3. Salt Lake Boulevard,[4] Stadium to Ala Lilikoi		600		16,000	16,600	14,110
4. Waipahu Street widening and realignment, Kamehameha Highway to Kunia Road [4]		800	4,000	16,000	20,800	17,680
5. H–1 Kaonohi I.C., Pearl City [2]	X	500	500	4,500	5,500	
6. H–2 Waipio Interchange [2] (Cemetary Road Interchange)	X		500	6,000	6,500	
7. H–2 HOV Lane [2] (Mililani to Waiawa)		500		2,000	2,500	
8. H–1 Contra-flow lane [2] (Waiawa to Halawa)		600		3,000	3,600	
9. Fort Weaver Road/realignment and widening [2] Hanakahi Street to Ewa Beach	X			11,000	11,000	
10. Farrington Highway [2] improvement and beautification		2,000		5,000	7,000	6,000
11. Farrington Highway [2] replacement of 7 timber bridges at Makaha	X	500		5,200	5,700	
12. Waipuna Avenue bridge over Waiawa Stream, Pearl City [4]	X	60		890	950	808
13. Kaukonahua Road truck climbing lane [4]	X	100		900	1,000	850
Islandwide:						
1. Minor highway improvements at various locations [2]	X			4,000	4,000	
2. Reconstruct, restore, rehabilitate and resurface highways at various locations [2]	X			32,000	32000	
3. Resurfacing, restoration, rehabilitation and/of reconstruction projects on the Federal-aid system at various locations [4]	X			4,800	4,800	
Transit projects:						
1. Honolulu Rapid Transit project [4] (based on officially approved EIS completed in 1982)	X	80,000	124,000	666,000	870,000	850,000
2. Park-and-ride (2 sites—Kaneohe [4] and Kailua, 1,000 Vehicle capacity each)		1,200	8,000	12,000	21,000	
3. Bus service facility (Windward) [4]		500	1,500	4,000	6,000	
Grand total		117,221	185,644	1,165,805	1,468,670	[6] 720,514

[1] TIP Transportation Improvement Program (fiscal year 1986). [2] State Jurisdiction. [3] Estimated. [4] City Jurisdiction. [5] Easement. [6] Target.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 12, 1986.

Hon. JAMES HOWARD,
Chairman, Committee on Public Works and Transportation, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: It is our understanding that the House will soon resume consideration of H.R. 3129, the Surface Transportation Act. We are writing to express our concern with Section 142 of that legislation as reported by the Public Works and Transportation Committee.

As you are aware, Section 142 would explicitly exempt Hawaiian Highway H–3 from Section 4(f) of the Department of Transportation Act (23 U.S.C. Section 138 and 49 U.S.C. Section 303). The effect of this action would be to overturn the decision of the Ninth Circuit Court of Appeals in *Stop H–3 Association* v. *Dole*, 740 F.2nd 1446 (9th Cir. 1984), cert. denied, 105 S. Ct. 2344 (1985). That decision, which the U.S. Supreme Court declined to review, enjoined the planned highway due to Section 4(f)'s prohibition of transportation projects that harm natural or cultural resources where feasible and prudent alternatives exist.

The Court held that construction of the highway would cause serious adverse effects to parklands. In addition, research subsequent to the Court's decision has identified highly significant archeological sites which would be destroyed by the highway's construction.

The environmental damage attendant to this highway is inarguable. On the other hand, a combination of transportation alternatives has been suggested that would not violate Section 4(f) and would be responsive to local transportation needs. In light of these facts, there has been a clear judicial determination that Section 4(f) prohibits construction of the highway.

There is no apparent justification to merit the grant of a waiver from Section 4(f) requirements in this case. It is our understanding that, in the almost twenty-year history of Section 4(f), no such waiver has ever been granted. The granting of a waiver would set a dangerous precedent that could lead to Congressional involvement in many controversial transportation projects.

We believe that the Committee bears a heavy burden of persuasion in seeking the House's concurrence to overturn this Court action. We are prepared to work with the Committee and the Hawaii delegation to insure that Hawaii's transportation needs are accommodated. We believe that his goal can be met without approval of Section 142. If this is not possible, then we may be forced reluctantly to oppose this provision when the bill reaches the House floor.

Sincerely,

John F. Seiberling, Philip R. Sharp, Thomas Petri, Sam Gejdenson, George Miller, Parren J. Mitchell, Claudine Schneider, Andrew Jacobs, Jr., Vic Fazio, Leon Panetta, Anthony C. Beilenson, John Miller, John Conyers, Bruce F. Vento, James Weaver, Ted Weiss, Bob Kastenmeier, Berkley Bedell, Morris K. Udall.

(By unanimous consent, Mr. CRAIG was allowed to proceed for 1 additional minute.)

Mr. CRAIG. Mr. Chairman, my concern for this very sensitive highway continues, and I think we have brought out today some important points.

It is in fact precedent-setting that we would waive 4(f), and it was my concern that it be done in this case. I think it is an environmentally sensitive area, an environmentally sensitive issue.

It is an exorbitantly expensive highway; I think I have brought that out in the fact that it may well cost over $100 million a mile to construct this. There is growing opposition in the State of Hawaii, as I understand, it is bipartisan and on both sides of the issue, and I would not attempt to hide that from the body of the House.

There are a variety of other concerns that I will not address; this is an issue obviously that will be taken up in conference, as I hope it will be.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. SCHUMER). Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEREUTER: Page 163, after line 12, insert the following new section:

SEC. 163. FERRY BOAT SERVICE.

(a) STUDY.—The Secretary, in consultation with the highway departments of the States of Nebraska and South Dakota, shall conduct a study to determine the feasibility and cost of establishing public ferry boat service on the Missouri River which connects a Federal-aid highway in the vicinity of Niobrara, Nebraska, with a Federal-aid highway in the vicinity of Springfield, South Dakota, and which meets the requirements of section 129(g) of title 23, United States Code.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit a report to Congress on the results of the study conducted under this section together with any recommendations the Secretary may have concerning

the establishment of the ferry boat service described in subsection (a).

Conform the table of contents accordingly.

Mr. BEREUTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I did want to point out to the leadership of the Committee on both sides of the aisle that there was a technical error in drafting that has been corrected. It should refer to the Missouri River as opposed to the Niobrara River.

This study amendment proposes that the Secretary would conduct a study to determine the feasibility and the cost of establishing a public auto ferryboat service across the Missouri River, to connect Federal-aid highways in the vicinity of Niobrara, NE, and Springfield, SD. The Missouri River at that point constitutes the boundary between the States.

The situation meets the requirements of section 129(g) of title 23, the United States Code, related to the construction of ferryboats. It does require the Secretary to report to the Congress with her findings and any recommendations, within 1 year.

I now yield to the gentleman from Kentucky [Mr. SNYDER].

Mr. SNYDER. Mr. Chairman, this is the first time I have seen this amendment. I am looking at section 129(g) of title 23, which you refer to in your amendment.

Do I understand that it has already been determined that it is not feasible to build a bridge between these highways?

Mr. BEREUTER. Yes; that was a determination that was made some years ago. There has been a private ferry at that point until recently, which has been abandoned.

Mr. SNYDER. Then can I assume that because the private ferry was not profitable, that is the reason why they abandoned it?

Mr. BEREUTER. No; it was damaged and restored for other uses as an excursion boat on the Lewis and Clark Reservoir.

Mr. SNYDER. No private concern wants to come back and rebuild?

Mr. BEREUTER. That is correct.

Mr. SNYDER. Now, Mr. Chairman, this study decades ago that it was not feasible to build a bridge or other normal highway structure, about how long ago was that?

Mr. BEREUTER. Mr. Chairman, I would say that it is in excess of a decade. This area happens to be beneath one of the main stem dams on the Missouri River. It is a volatile kind of environment with occasional but substantial changes in sand bars. Most of that changing activity has taken place within the last decade.

Mr. SNYDER. Mr. Chairman, it seems to me that it might be more advisable to have a current study on a bridge; one at least within the past decade. I assume that like most parts of the country, the traffic pattern has changed considerably?

Mr. BEREUTER. I would say to the gentleman that this is a substantial distance across the river. We are talking about at least a 2-mile crossing, perhaps 3 miles across the Missouri River at this stretch of river. It is the last 100 plus mile unchannelized portion of the Missouri River below the main-stem dams of the Pick-Sloan Project.

Mr. SNYDER. Well, this does not refer to the Missouri River; it refers to the Niobrara.

Mr. BEREUTER. Yes; I regret that. I just mentioned that there was an error in drafting. The Clerk has the proper amendment. It is the Missouri River.

Mr. SNYDER. Oh, I see. The copy I have refers to a different river.

You say it is several miles across the river at that point?

Mr. BEREUTER. Yes; it is.

Mr. SNYDER. My goodness, that is wider than the Bosporus Sea.

Who does the gentleman suggest would own and operate this ferry, if it is proven feasible?

Mr. BEREUTER. Well, it would have to be publicly owned to be authorized by this existing section of law, section 129(g) of title 23 of the United States Code as I understand it. It would be my expectation that it would be owned by one or the other of the two States.

Mr. SNYDER. And what you would hope, if it proves feasible, is that they would take out of the Highway Trust Fund some money to build a ferryboat?

Mr. BEREUTER. Correct. Yes, sir.

Mr. SNYDER. Does the gentleman have any idea how much money that would cost? I do not know.

Mr. BEREUTER. I certainly do not, and that is the major part of the feasibility study.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman.

Mr. SHUSTER. Mr. Chairman, am I correct in my understanding that this does not require the expenditure of any funds other than for the study, nor does it prejudice any decision, and whether or not any funds would be required for the construction of the operation of the ferryboat is a matter which would have to stand on its own in a future evaluation?

Mr. BEREUTER. Mr. Chairman, that is absolutely right, and that is the introducer's intent.

Mr. SNYDER. Mr. Chairman, if the gentleman will yield further, my concern is that verbally I understand from DOT the reason the ferryboat is not operating is the guy was losing his shirt. I just do not want to see us get into that kind of thing; take Federal money to build a ferryboat and have it laying around somewhere because they cannot operate and make it work.

Mr. BEREUTER. I would say to the gentleman, I think that is a basic element in the feasibility study.

The ferry did operate, indeed until it was damaged or destroyed.

Mr. SNYDER. How was it destroyed?

Mr. BEREUTER. I have been told it was damaged or destroyed by storm activities.

Mr. SNYDER. I see. All right. I thank the gentleman for answering my inquiries.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 2 additional minutes.)

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman.

Mr. SHUSTER. Mr. Chairman, based on the colloquies which have taken place, and based on the clear understanding that this is nothing more than a feasibility study, I have no objection to the amendment.

Mr. BEREUTER. I thank the gentleman.

I am particularly grateful to the gentleman, since this is a last-minute request.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman.

Mr. ANDERSON. Mr. Chairman, this side has checked the gentleman's amendment. It is the first time I had a chance to really read it; and we have no objections to the amendment.

Mr. BEREUTER. I thank the Chairman very much for his graciousness in accepting it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the genteman from Nebraska [Mr. BEREUTER].

The amendment was agreed to.

□ 1740

AMENDMENT OFFERED BY MR. MOODY

Mr. MOODY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOODY:

Page 43, line 6, strike out, "under this paragraph" and insert in lieu thereof the following:

pursuant to this paragraph (other than subparagraph (F)) and subsection (c)(1) of this section

Page 44, strike out lines 12 through 15 and insert in lieu thereof the following new subparagraph:

"(F) PERIOD OF AVAILABILITY; USE OF LAPSED FUNDS.—

"(i) PERIOD OF AVAILABILITY OF DISCRETIONARY FUNDS.—Sums made available pursuant to this paragraph (other than clause (ii) of this subparagraph) and subsection (c)(1) of this section shall remain available for obligation under subparagraph (B) of this paragraph for a period of 395 days.

"(ii) LAPSING OF FUNDS.—Sums not obligated within the 395-day period prescribed by clause (i) shall lapse. To the extent necessary to carry out section 157(a)(2)(C) of this title, the Secretary shall make such lapsed funds available for carrying out such section. Any of such lapsed funds which are not necessary for carrying out such section in a fiscal year shall be available for obligation in accordance with subparagraph (B) of this paragraph.

(iii) PERIOD OF AVAILABILITY OF LAPSED FUNDS.—Sums made available pursuant to this subparagraph shall remain available until expended.".

Page 48, lines 19 and 20, strike out "by indenting" and insert in lieu thereof "(I) in".

Page 48, line 21, before "and" insert the following: by inserting "(B)" after "(b)(2)," and (2) by indenting such paragraph

Page 63, after line 9, insert the following new subsection:

(a) MODIFICATION OF FORMULA.—Subsection (a) of section 157 of title 23, United States Code, is amended by inserting "DETERMINATION OF ELIGIBILITY AND ALLOCATION AMOUNTS.—after "(a)", by inserting "(1) FISCAL YEARS 1983 THROUGH 1986.—" before "In the fiscal", and by adding at the end thereof the following new paragraph:

"(2) FISCAL YEARS AFTER 1986.—

"(A) ELIGIBILITY.—

"(i) GENERAL RULE.—In fiscal year 1987, as soon as practicable after the date of the enactment of the Federal-Aid Highway Act of 1986 and in each fiscal year thereafter, on October 1, the Secretary shall allocate, subject to the provisions of subparagraphs (B), (C), and (D) of this paragraph, among the States amounts sufficient to ensure that a State's percentage of the total apportionments in such fiscal year and allocations for the prior fiscal year for Federal-aid highway programs shall not be less than 85 percent of the percentage of estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the latest fiscal year for which data are available.

"(ii) EXCEPTION.—For purposes of clause (i), apportionments and allocations for Federal-aid highways do not include allocations for interstate discretionary construction projects under section 118(b)(2) of this title, emergency relief under section 125 of this title, forest highways, Indian reservation roads, and parkways and park roads under section 202 of this title, highway related safety grants under section 402 of this title, nonconstruction safety grants under sections 402, 406, and 408 of this title, and Bureau of Motor Carrier safety grants under section 404 of the Surface Transportation Assistance Act of 1982.

"(B) BASIC ALLOCATION.—

"(i) DETERMINATION OF RATIO.—For each fiscal year beginning after September 30, 1986, the Secretary shall determine the ratio by dividing—

"(I) the amount of funds which would be necessary to carry out paragraph (1) of this subsection if paragraph (1) were in effect in such fiscal year, by

"(II) the amount of funds which would be necessary to carry out subparagraph (A) of this paragraph if this subparagraph were not in effect in such fiscal year.

"(ii) AMOUNT.—Except as provided in subparagraph (C), the amount of funds made available to a State eligible for an allocation under subparagraph (A) of this paragraph in a fiscal year shall equal the amount of funds which would be allocated to such State under subparagraph (A) if this subparagraph were not in effect in such fiscal year multiplied by the ratio determined for such fiscal year under clause (i) of this subparagraph.

"(C) SUPPLEMENTAL ALLOCATION.—If, at any time in a fiscal year beginning after September 30, 1986, the Secretary determines that any funds will lapse under section 118(b)(F)(ii), the Secretary—

"(i) shall determine the percentage of funds which, but for subparagraph (B) of this paragraph, would be made available under subparagraph (A) of this paragraph to each State eligible for allocations under subparagraph (A); and

"(ii) subject to subparagraph (D) of this paragraph, shall make that percentage of such lapsed funds available to the State.

"(D) MAXIMUM ALLOCATION AMOUNT.—No State shall receive in a fiscal year an aggregate amount under subparagraphs (B) and (C) of this paragraph in excess of the amount such State is eligible to receive under subparagraph (A) in such fiscal year.".

Page 63, line 10, strike out "(a)" and insert in lieu thereof "(b)".

Page 64, strike out lines 8 through 20 and insert in lieu thereof the following:

(c) EXTENSION OF PROGRAM.—Subsection (e) of such section 157, as redesignated by subsection (b) of this section, is amended to read as follows:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) such sums as may be necessary—

"(1) for carrying out subsection (a)(1) of this section for each of fiscal years 1983, 1984, 1985, and 1986; and

"(2) for carrying out subsection (a)(2)(B) of this section for each fiscal year beginning after September 30, 1986.".

(d) CONFORMING AMENDMENT.—Subsection (a) of such section is further amended by indenting paragraph (1), as designated by subsection (a) of this section, and aligning such paragraph with paragraph (2), as added by subsection (a) of this section.

Mr. MOODY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. SCHUMER). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. MOODY. Mr. Chairman, this is an amendment to provide what I consider to be basic justice to the various States in the distribution of the highway aids. First, let me praise my committee chairman and cochairman and the ranking members, Mr. ANDERSON, Mr. HOWARD, Mr. SHUSTER, and Mr. SNYDER. We have worked through this amendment, and we have not been able to reach agreement. I admire the spirit in which the chairman and the ranking members have worked with me. We have tried hard to find ground for agreement but have not.

So I think it is important to bring it to the body. It is painful to break with my committee, particularly such a fine committee, but I think the policy issues are significant and should be aired.

This is an amendment to give every State at least 85-percent, or as close to that as we can come to the amount of dollars that they put into the trust fund.

In 1982 the highway bill was passed that included a provision that was in fact necessary for its passage at that time that provided that every State would get 85-percent return on its dollars.

That was the philosophy of this House, clearly espoused at that time.

It was adopted by this House.

Mr. Chairman, it was not generally realized, as I have been checking around, that the actual mathematical computation that was written into the law did not include the discretionary component of the spending. Now, that was not so significant in those times, but it has become increasingly significant as a larger and larger part of the highway funds are going for discretionary spending as opposed to simple formula spending.

What are these discretionary spending items that are growing and are therefore driving down the 85-percent number because it is not included? These are such things as demonstration projects in this new bill, and they are very valuable projects. Now, I do not disparage them, I just enumerate what they are. That adds up to $231 million in this bill. Contrast that if you will with only $75 million in the current law, more than a 3½-fold increase.

Interstate discretionary, another very large, important as it be, but a very large and growing component, in this bill, $300 million.

Bridge discretionary, $300 million, other discretionary programs $420 million, for a total exceeding $1,250,000,000.

Over 11 percent of the bill.

Now, these are good programs, that is not the issue. The issue is, should they be counted when we compute the total computation to determine that the States have their 85 percent money? I believe they should be. My amendment would go a long way to doing that, although it would not go all the way because we still would exclude the emergency relief funds which are, after all, unplanned and are hardship moneys and, in my judgment, should not be included.

We also, out of deference for the concerns raised by my subcommittee chairman, Mr. ANDERSON, and I know the concern shared by others, I think

Mr. SHUSTER, we have also excluded from our calculation the interstate discretionary funds. Those are not touched at all. That is also an attempt to reach some compromise.

But what does the current formula do? The current formula that does in fact exclude all of the discretionary programs produces a very unfair net result within this country.

The great disparity that this produces ranges from $4.60 per dollar put in for some States, down to 63 cents per dollar put in for the other States, hardly a fair distribution.

For example, Arkansas, for those of you who are listening from Arkansas, gets 66 cents on the dollar for every dollar put in; Texas gets only 70 cents for every dollar put in; North Carolina, 73 cents for every dollar you put in; South Carolina, 78 cents for every dollar you put in; New Mexico, 76 cents; Missouri, 77; Maine, 63; Indiana, 66; California, 81 cents; Georgia, 81 cents; Delaware, 81 cents; Mississippi, 75 cents; Ohio, 74 cents; Tennessee, 83 cents. These are not the kind of distributions that were envisaged when the highway bill of 1982 was passed.

Yet these are the distributions which the current law provides for because we do not count the discretionary spending when calculating the formulas.

Let me contrast those numbers with these: Rhode Island, $2.49 for every dollar they put in; Alaska, $4.06 for every dollar they put in; Connecticut, $2.06, Mr. Chairman, for every dollar they put in. Hawaii breaks the bank at $4.60.

The CHAIRMAN pro tempore. The time of the gentleman from Wisconsin [Mr. MOODY] has expired.

(By unanimous consent, Mr. MOODY was allowed to proceed for 1 additional minute.)

Mr. MOODY. Mr. Chairman, Hawaii receives $4.60 for every dollar it puts in. I do not think they should not get money, they should. But should the disparity be this enormous? Sixty-three cents to $4.60. I think that is a disparity in the allocations of the formula.

The situation is so imbalanced that the Transportation Committee of the National Governors Conference, which was made up of a cross section of Governors from all sections of the country, not just the States that might benefit, passed, on a strong 2-to-1 majority, a resolution supporting a turnback. A turnback will be to take all the money and let the States collect it and divide it themselves. I am not for that, but the situation is coming to the point where States are going to seriously consider asking their delegations in Washington through their Governors to move to a turnback situation. We cannot continue to be so unfair to some of the States in this Nation. This amendment does not give States 100 cents on the dollar, it does not give them 95 cents on the dollar, not even 90 cents on the dollar, it does not even give them 85 cents on the dollar but it moves it closer than current law.

I think we should move closer to the 1982 pledge of 85 percent by including most of the discretionary spending in the calculation of the formula.

Mr. SHUSTER. Mr. Chairman, I move to strike the last word, and I rise in reluctant opposition to the amendment.

Mr. Chairman, I rise not only on behalf of myself but on behalf of the bipartisan leadership of our committee in opposition to this amendment, for several reasons.

First of all, we addressed this issue in committee, the 85-percent issue, in a slightly different form and overwhelmingly defeated it. This formula brought to the floor today, however, is significantly different. However, it is also quite complex. We believe in the committee that we should not at the last minute accept this, and indeed we are prepared not to reject it either. We are hopeful that the gentleman will withdraw the amendment after further discussion. We will have an opportunity to study it further because we recognize that when we go to conference, there will be in the conference debate and negotiation with regard to the 85 percent because the distinguished Senator from Texas [Mr. BENTSEN] has been a leader in this fight for the 85-percent allocation on behalf of the other body. We recognize we are going to have to deal with this issue and we are going to have to work out some sort of compromise.

So on behalf of our committee leadership, I am authorized to say that we are prepared to deal with this issue in conference. We believe it is very important, however, that we not accept this last-minute proposal here on the floor today. So if we are required to vote on it, then the committee will ask for a "no" vote.

One final thing, Mr. Chairman, and that is that when we talk about the 85-percent allocation, it is quite misleading to look at any particular year and say that a State only received 82 cents on the dollar or 96 cents on the dollar or whatever it may be and then imply by that that one should make a judgment as to the essential fairness of what that State has received. And why is it unfair to make that kind of a leap in judgment? For two reasons. The first reason is because the fundamental principle behind the Federal-aid highway system is that the money should flow to the areas where the greatest need exists.

So if one State in my particular area gets more money than another, it is because a decision has been made that this is a Federal system, not just a State system and that is how the money should be allocated. But beyond that and equally significant, it is totally unfair to talk in terms of what a State receives in a given year and extrapolate that into a judgment on the long-term fairness. I take, for example, a very specific example which the gentleman mentioned; that is Arkansas. He referred to Arkansas receiving substantially less than $1 for every dollar that the people of Arkansas put into the trust fund, and that is true.

Last year according to the highway statistics published by the Federal Highway Department, last year Arkansas received only 94 cents out of every dollar they put in. But get this: since the beginning of the Federal-aid highway program, Arkansas has received $1.03 for every dollar they put in. So I suppose if we want to really be fair, we should take some more money away from Iowa and from Arkansas. We are certainly not proposing that but we are saying that it is very misleading to simply look at a statistic for a particular year.

With those arguments, and on behalf of the bipartisan leadership of our committee, I would respectfully ask my good friend to consider withdrawing his amendment at this point with the assurance that we must deal with it in conference, and if he should not be so inclined, then I would urge a defeat of the amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the previous speaker is correct, this is a Federal system. We are a nation and we should be able to work out certain arrangements so that, while one State may gain on a given program, another State may lose but in the end you wind up with essential justice. That is what we ought to do. But the fact is that is not what we do under this highway program.

I have been a supporter of the highway program for a good long time, going back to the days that I spent in the Wisconsin Legislature back in the 1960's. I have always supported highway construction programs at the State level and at the Federal level, and I have been a strong supporter of the Federal trust fund approach for highway construction.

But I have to tell you that I am about ready to pull the plug. We have in our State of Wisconsin for years put into this fund a whole lot more than we have gotten out of it.

For years we have asked for some reasonable adjustment in that formula. We got a small adjustment 4 years ago. At that time the general impression on the House floor was that we would wind up with each State getting at least 85 percent of what they put in the trust fund back by way of Federal construction dollars. But the fact is

that because you have a lot of pots under this program, as Members know, it does not work out that way.

There comes a time when you simply have to ask yourself whether or not it is in the interest of your own taxpayers. And there are a lot of States in this position. There comes a time when you have to ask yourselves whether there is any useful purpose to be served by continuing the Federal highway program.

I have come to the judgment that I do not intend to vote for this bill because I do not believe this amendment is going to be adopted today. But I also do not think there is going to be any significant adjustment on the part of the committee in conference or on the floor that will make that Highway Trust Fund any more just than it is today.

It seems to me that for not just Wisconsin but a good many other donor States the time has come to ask whether or not we would not be a whole lot better off if we had simply let the States raise their own gas taxes, let the States raise their own motor vehicle taxes and build their own highways. We have got the interstate system. It is almost through. I could care less if it is finished, frankly. I think we have most of what we need.

I think the time has come to ask whether or not this is not another function which we should not turn over to the States. We have built the interstate network. We now essentially have a reconstruction problem on our hands, and we are not getting a fair distribution of funds out of this program. So I just for one Member want to indicate my support for the Moody amendment and to indicate that I personally have no intention any longer of supporting the Federal highway program because I think it is a wonderful deal if you come from a select few States and a pretty lousy deal if you come from a State like mine.

Mr. Chairman, I yield back the balance of my time.

□ 1755

Mr. PETRI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Wisconsin.

In 1982 when we passed the Surface Transportation Act, we took a small step toward establishing equity in the allocation of highway funds.

At that point, Wisconsin received back only 75 cents for every dollar its citizens paid into the trust funds.

And there were other States in the same boat.

As a compromise, we agreed to establish the so-called 85-percent minimum allocation formula.

On the surface, it seemed that Wisconsin and other donor States were going to get back at least 85 cents for every dollar their citizens paid in Federal gas taxes.

It looked good, but time has shown that the new formula has not ensured a real 85-percent return for many States.

Because discretionary spending is not counted in the 85-percent calculations, many States, including my home State of Wisconsin, receive less than a fair return from the Highway Trust Fund.

The amendment before us would fully fund the 85-percent minimum allocation by including discretionary spending in the 85-percent formula.

This will provide approximately $250 million to donor States.

Yet, because this amendment provides the funding from moneys carried over from previous years, no State would receive less than they get under the current minimum allocation.

It seems to me that it is only fair that States should get a return that more closely approximates what they contribute to the Highway Trust Fund.

Since these trust funds are billed as user-fee funded, States like Wisconsin deserve to get their fair share.

Almost one-third of the States are donor States. They subsidize the highways programs of other States.

While it is possible that the needs of the Interstate System as a whole require this kind of cross subsidy, there is no reason that the Highway Trust Fund should not be distributed as equitably as possible.

States that are not currently donor States should look to the future when they may become donor States.

States that don't benefit directly from the Moody amendment should support it because it reduces the incentive for donor States to seek discretionary funding for demonstration projects.

Nondonor States also don't stand to lose any funding under the proposed formula.

In the interests of fairness to donor States I urge my colleagues to support this amendment.

Mr. SNYDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, let me say to my colleagues who think they want a little bit more money out of the Highway Trust Fund, if you want more money from the Highway Trust Fund, the way to get it is to vote for the motion to recommit, because there is where the money is being held and it cannot be used for anything else. That will take care of everybody, and it will be used for the purposes for which the people of this country were taxed. That is the legitimate way to get more money out of the Highway Trust Fund. It is there and it cannot go into the debt ceiling.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, is the gentleman suggesting that we ought to do an end-run around Gramm-Rudman? Is the gentleman suggesting that we ought to allow trust funds to expand moneys to outlay at whatever rate they would outlay even if it results in a reduction in expenditures in other programs because of Gramm-Rudman?

Mr. SNYDER. Mr. Chairman, I want to suggest to the gentleman that I am not suggesting an end-run around Gramm-Rudman. I am suggesting a little bit of honesty in this place. I happen to think this place ought to be on the level. Does the gentleman see what I mean?

Mr. OBEY. We passed Gramm-Rudman.

Mr. SNYDER. Mr. Chairman, the gentleman asked the question, and I will answer the gentleman. I will try to get the gentleman more time if the gentleman wants to argue this now. I was going to get ready to the gentleman's misconceptions that this comes out of 4(r) money, too, but the gentleman got screwed up on that.

Mr. OBEY. I did not mention 4(r).

Mr. SNYDER. The gentleman said reconstruction. That is 4(r) money; that is not where this money comes from.

Mr. OBEY. The gentleman did not hear what I said.

Mr. SNYDER. Then I apologize.

I want to tell the gentleman I am not suggesting an end-run. I am telling the gentleman that the money that is being held in the Highway Trust Fund cannot be spent for anything else. The law does not allow it. It is just gimmickry on the budget to show a lesser deficit. When the gentleman suggests that that money can be spent for other programs, the gentleman is dead wrong.

Mr. OBEY. Mr. Chairman, if the gentleman will yield, let me simply say that if the gentleman wants this gentleman to vote for the gentleman's recommit motion or to allow any further expenditures out of the highway fund, then we should start to get a basic fair shake on the basic formula or this Member is not going to vote to allow any more expenditures out of the highway fund.

Mr. SNYDER. The gentleman made his point.

Now let me suggest that this is very similar to two amendments that we had in committee. One was a record vote and get two votes in favor of it, the other was a voice vote.

Mr. Chairman, the 85 percent minimum allocation program was enacted

as a part of the Surface Transportation Act of 1982. At that time, the House accepted this program, rather reluctantly, as a part of the compromise necessary to get the gasoline tax increase, which we needed for our highways.

Prior to that time, our committee had opposed this proposition that any minimum allocation concept was proper, and they did so with good reason. This concept runs counter to building a nationwide system of highways.

What this amendment does is expand on what is in the present law of 85 percent. It takes about $250 million to $300 million more out of the interstate construction fund, which means that the construction in the Interstate System is going to be delayed or go on for quite some time.

Since the whole purpose of the Federal Aid Highway Program is to build a national network of highways, there are going to be donors and there are going to be donees. If we expect to have an interconnected National Interstate System, there are going to be States like California and Ohio and Texas that have to help the less populous States with insufficient revenue sources to support an extensive Highway Construction Program.

I have to say to you that if they do not, some of the Western States like perhaps Montana, Nevada, and some of those, they would not get enough money to put signs up, much less build their Interstate System. That is why we need to have the program to be as equitable as it is.

It is argued that the donor States are not getting back their fair share of the revenues, that the formulas are wrong, that they are inequitable. Well, these alleged inequities are more a reflection of the fact that we are approaching completion of the Interstate System, and fewer States are receiving a bigger chunk of interstate construction money because of the fact that their interstates are further along in construction.

When we finally complete the Interstate System, I would suggest that any inequities would be alleviated.

Another problem, too, and the gentleman from Pennsylvania alluded to it, is that with the minimum allocation program, we are inclined to look only at the relative position of a State in a particular year.

For example, one might presume that because Illinois is an 85-percent minimum allocation State that they have been shortchanged over the years. The truth of the matter is that they have not been. They received $1.12 back for every dollar they paid into the trust fund, if you go back to the midfifties when it was established, in 1956.

You have to look at it over the whole program and not just over a 1-year situation.

I would say to you that it is inconsistent with national policy to increase the funding in this particular program. The more appropriate way to address the problem, if indeed one exists, is to modify the apportionment formulas to more adequately reflect highway needs, not to increase the size of the slush fund.

For these reasons, I believe that an expansion of the 85-percent minimum formula is not in the national interest.

The CHAIRMAN pro tempore (Mr. SCHUMER). The time of the gentleman from Kentucky [Mr. SNYDER] has expired.

(By unanimous consent, Mr. SNYDER was allowed to proceed for 1 additional minute.)

Mr. MOODY. Mr. Chairman, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Wisconsin.

Mr. MOODY. Mr. Chairman, I thank the gentleman for yielding to me. I will try not to take the full minute.

Mr. Chairman, I just wanted to correct one thing I think I heard the gentleman say, that this would be funded out of interstate construction.

Let me clarify that that is not right, nor is it completely wrong, but it needs clarification. This amendment would fund out of only interstate discretionary money if, and only if, there was some left over, only after the carryover. It would not take anything out of the interstate formula money.

□ 1805

It would not take anything out of interstate discretionary money that was used up in the first 164 days of the year. Only if there was any left, unused at the end, then and only then would it be used. I just wanted to clarify that point.

Mr. SNYDER. Yes; that is right. And, of course, discretionary money is interstate construction money.

Mr. COOPER. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I would like to congratulate my colleague, the gentleman from Wisconsin [Mr. MOODY], for bringing this cause of the floor that are not being treated fairly at the moment.

I would also like to echo the comments of my distinguished colleague, the gentleman from Wisconsin [Mr. OBEY]. I feel that the consensus that has been underlying many of these public works programs is eroding due to this simple unfairness.

When I came to the floor today, I asked now many other States, other than my home State of Tennessee, were mistreated by the current formula. A head that is wiser than stated that not enough States were mistreated to overturn the current practice. That may be. The vote will tell. But I do feel that the consensus is eroding. I would urge the committee to be aware of this erosion and to try to repair the formula to make it fairer as soon as they possibly can so we do not face bigger and bigger struggles over this issue as the years progress.

There are many other programs that have been challenged on fairness grounds, as the committees have been slow in being aware of the change in population of this country, the move of population, and the need of particular areas.

So, Mr. Chairman, I urge the committee to take that into consideration.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. COOPER. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, I want to associate myself with the gentleman's remarks and say that a good many States can be devastated by this approach. The gentleman from Wisconsin [Mr. OBEY] has very eloquently described the problem, so has the gentleman from Wisconsin [Mr. MOODY], as well as the gentleman from Tennessee [Mr. COOPER].

I just want to associate myself with the gentleman's remarks in the hope that soon we can come to a resolution that is fair to all of us.

Mr. COOPER. Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I would like to associate myself with the remarks of my colleagues, first of all, the gentleman from Wisconsin [Mr. MOODY], and the gentleman from Wisconsin [Mr. OBEY], as well as the gentleman from Tennessee [Mr. COOPER].

The support for an adequately funded highway program is really on the line on whether the present formula, which is becoming more and more unfair to certain States, is perpetuated and increased or whether we provide a minimum guarantee of 85 percent of the leftover discretionary funding.

This is not a parochial amendment by those of us from Wisconsin, although I think we are probably squawking the loudest tonight because we get back one of the lowest returns on dollars sent to Washington of all of the 50 States. But there is a large number of other States whose return on dollars sent in through the highway fund is getting less and less. Some of that is due to the accident of geography, or one has a border on an ocean or a lake on the side of each State, and some of it is due to the fact

that some States in this country took the bull by the horns and completed their Interstate Highway Systems significantly ahead of time.

I remember, when I started out in the political business a long time ago, when the gentleman from Wisconsin [Mr. OBEY] and I served as members of the Wisconsin State Assembly, that we actually provided a State-bonded revenue to complete the State highway system in our State ahead of schedule and then waited for the Federal formula to provide enough money to retire those bonds. So rather than waiting for the Federal funds to come to improve the transportation and increase highway safety for those who use our roads, we put our money where our mouth was and used State funds to put the system ahead of schedule. As a result, Wisconsin, I believe, was one of the first States in the entire country to complete its Interstate Highway System.

The fact of the matter is that in many States the number of interstate projects left, either in the formula funding or the discretionary funding, is relatively minimal because the job has all but been completed, and those States really should not be penalized for making their highways such a priority that the job did get completed at the present time.

So I would hope that we would look at this from a long-range standpoint and pass the 85-percent floor which the gentleman from Wisconsin [Mr. MOODY] is proposing. I can tell the Members that if this floor is not passed when this bill comes up for reauthorization at whatever date it expires, there will be much more opposition to the continuation of an interstate highway fund and much more support either for the turnback proposal or dealing away with the trust fund and letting each State levy its own highway taxes and spend them locally rather than sending them to Washington and getting back the change.

Mr. Chairman, I yield back the balance of my time.

Mr. HOWARD. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 10 minutes, with half of the time being controlled by the gentleman from Texas [Mr. BARTON] and half by myself.

The CHAIRMAN pro tempore. (Mr. SCHUMER). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. I yield myself such time as I may consume, and I rise in support of the Moody amendment.

Mr. Chairman, I agree with my distinguished colleague, the gentleman from Kentucky, who spoke in opposition, stating that we should not have an allocation formula that guarantees exact equality.

In my State of Texas, though, it appears based on some statistics I received in my office, that we get 63 percent of what we pay into the Highway Trust Fund, and I would point out to the Members of this body that the highway trust fund is supposed to be a user fund and there should be at least proportionality between what one puts into the fund and what one receives under the current allocation formula. But because of some of the ways the Department of Transportation has interpreted that formula, that proportionality is not being addressed.

I would hope that even those States that perhaps receive a greater per capita return or a greater return than 100 percent would say that it makes sense to go back to the 85 percent formula and at least get us close to equality. In my particular State we have a vast amount of highways, U.S. highways and interstate highways. The system is basically complete but we are now at a stage where we need to upgrade and maintain those highways. Given the economic climate in my State, we will not be able to do that unless we can get a larger amount of money out of the trust fund.

So, Mr. Chairman, I would support the amendment offered by the gentleman from Wisconsin [Mr. MOODY] and encourage my colleagues to do likewise.

Mr. FIELDS. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I am happy to yield to the gentleman from Texas.

Mr. FIELDS. Mr. Chairman, the Surface Transportation Assistance Act of 1982 contained a provision assuring States that they would receive back at least 85 percent of their contributions to the Highway Trust Fund. But, because discretionary spending—totaling over $1 billion—is not included when determining the 85-percent figure, many States, like my State of Texas, still receive less than 85 percent of our contributions.

The Moody amendment before us today is imminently fair, because it would provide more money to States not now receiving their 85-percent share without taking money away from other States. This amendment would include discretionary spending in calculating the 85-percent minimum allocation.

Leftover money from the interstate discretionary account—which has totaled over $200 million in recent years—would provide the additional funds necessary to meet the expanded 85-percent allocation.

If no money is left over in the interstate discretionary fund, the Moody amendment would not be funded. If insufficient money is left over in the interstate discretionary fund, the 85-percent Moody formula would be funded as fully as the leftover funds allow.

So, in no case will any State get less than it receives under the current allocation formula.

I want to, again, emphasize, that the Moody amendment does not take away money from any State. The Moody amendment provides that leftover interstate discretionary funds will be divided among the States to bring them closer to receiving their full 85-percent minimum return of Highway Trust Fund money.

Congress adopted an 85-percent minimum return policy in 1982. That is, for every dollar a State pays into the Highway Trust Fund, it should receive at least 85 cents back. But, because discretionary funds were not included in the calculation, many States have never received the 85-percent minimum allocation which Congress deemed them to be entitled to receive.

This amendment helps actually achieve the 85-percent minimum allocation goal which Congress deemed appropriate in 1982. I urge my colleagues to support the Moody amendment.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the amendment of the gentleman from Wisconsin.

If there is a key to the success of Highway Trust Fund, it is that those who use our highway system are the same as those who pay to have it built and repaired.

An effective national highway system has been built because the highway trust fund provides a flow of funds to States who may not be able to raise sufficient money in a timely manner to meet user needs. I support this concept.

At the same time, so-called donor States—those States which pay more into the highway trust fund than they receive back—must be treated fairly.

The Surface Transportation Act of 1982 mandated that donor States would receive at least 85 percent of the funds they paid into the highway trust fund.

Since it is impossible to determine how much revenue each State pays into the highway trust fund on a current basis, a formula was developed—a formula based on States' contributions and apportionments from the preceding year.

However, not all of the funds disbursed are included when the 85-percent allocation is determined.

The current formula disregards over $1.25 billion in highway trust fund spending. The effect of this error is to skew the formula so that less than 85 percent is actually paid to the donor States.

This amendment offers a more accurate approach. It would include funding for virtually all programs paid out of the highway trust fund—including discretionary programs and demonstration projects—when computing the 85-percent formula.

During debate in subcommittee, this amendment was opposed on the grounds that its cost, about $250 million annually, would exceed budget limitations. This was a legitimate concern which deserved to be addressed.

We have done that. We have found a way to pay for our amendment. It is a method of payment which is sensible and equitable. No State will be apportioned less money after enactment of this amendment than it would before. This more accurate computation of the Minimum Allocation will be paid for with funds left over in the interstate discretionary account. In past years, these funds—about $300 million annually—have merely lapsed back to the trust fund. Since this money has already been authorized, no additional budget authority would be needed. No budget limits would be exceeded.

Under current law, Texas' real return on its investment in our Nation's highways is about 81 percent—81 cents out of every dollar contributed to the Highway Trust Fund. Before the 85-percent Minimum Allocation formula was enacted, it was 76 percent.

With this amendment, it approaches very closely a true 85 percent. This is what was originally intended in 1982.

The heart of fiscal responsibility is equity.

No one wants to continually receive less than their due. Some assurance of equity must be given. This amendment will give that assurance.

Texas and other donor States will still pay more into the Highway Trust Fund than they receive back—15 cents out of every dollar—and all States will benefit form this.

Altering the minimum allocation formula to assure donor States a true. accurate, minimum return of their money is fiscally responsible if the current structure is to be ultimately successful.

This amendment will accomplish this, and I urge its passage.

Mr. BARTON of Texas. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The gentleman from New Jersey [Mr. HOWARD] is recognized for 5 minutes.

Mr. HOWARD. Mr. Chairman, we are discussing here the distribution of funds by the Congress of the United States in one particular area. We are talking basically about a highway bill.

To appreciate the fact that we have a Federal program to build efficient and safe highways all across this country, you just have to look at a map to see where the people are and where the drivers are; then you look at that same map and you see the size of the separate States.

□ 1815

We are talking about States here. We find that there may be a difference. That is all done for the common good of all of us.

There is money paid by taxpayers from all over this country to subsidize milk and butter. My taxpayers pay for it. I do not think we get much in milk and butter, but some of the States do. I believe Wisconsin gets a great deal of that money that comes from New Jersey.

Mr. OBEY. Mr. Chairman, will the gentleman yield on that point?

Mr. HOWARD. I yield briefly to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, did the gentleman vote for the differential which gave huge price increases to farmers in Georgia, while they cut the guts out of the price for farmers in Wisconsin? Did the gentleman vote for that?

Mr. HOWARD. I presume, I would hope I had been voting in the national interest, I would say to the gentleman, in each case.

Mr. OBEY. Then do you give us any lectures about what the gentleman has done for Wisconsin, if he voted for that amendment, because the gentleman will be wrong.

Mr. HOWARD. Mr. Chairman, I recall my time, as long as the gentleman is not going to be polite in the way he talks to me about lectures.

Mr. Chairman, we pay a lot of money in general farm aid. A lot of the States do not get very much out of that, but we do not need it. In the farm States they do need that money.

We find that in some areas in an industrial State like New Jersey that is built up industrially, needs a lot of pollution control money, we get a larger share than some of the States that do not have that problem. Toxic wastes and other things, our State gets a great deal.

Alaska, many, many miles, not many people, they get about $12 for each dollar they put in.

Now we are having objections to this kind of a program. We are a national body here. People say, "We're going to pull out of this national highway program unless each State keeps all its own money," and you have excellent roads in some States and you have very poor roads in others. In my State of New Jersey, if we kept all the money we got, we are a little State, we do not have that many miles. We want good roads in New Jersey, but we also want good roads in every other State where our people drive.

That is why I object to this kind of an amendment. People are going to pull out of the program, or there will be a lot of other States that want to pull out of the farm program, pull out of the space program, if we do not get much money, like Texas and California get for space.

We are the United States of America. The word "United" is there for one purpose so that we can do the most good for all the people, not to have 50 different areas and levels of transportation, of health, of education, of a lot of other things. This program is based on the need for the whole country for all the people to drive in all the States and I hope we will vote down this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin [Mr. MOODY].

The question was taken; and the CHAIRMAN pro tempore announced that the noes appeared to have it.

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count.

Mr. SENSENBRENNER. Mr. Chairman, I withdraw my point of order of no quorum.

The CHAIRMAN pro tempore. Does the gentleman still demand a recorded vote?

Mr. SENSENBRENNER. No, Mr. Chairman.

The CHAIRMAN pro tempore. The noes have it. The amendment is rejected.

So the amendment was rejected.

Mr. DORGAN of North Dakota. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee, if I might.

I rise to oppose a provision in this bill that specifically refers to compensation for signs in North Dakota which were constructed after the Highway Beautification Act was passed and after waivers were signed by the sign company that they would remove these signs without compensation.

The State Highway Commissioner is opposed to this provision (123(d) of the reported bill). It has been the subject of substantial litigation and controversy for over a decade in North Dakota.

This provision was added to this bill without consultation with me or with the State of North Dakota. I think it is wrong and I oppose it.

Mr. Chairman, because we are in the final hours of the session before the

recess this evening, I will not ask for a vote on a motion to strike this provision if the chairman will consider my opposition to this provision as we go to conference and if the gentleman would give me some assurances that between now and the time this issue would be considered in conference that the gentleman would ask his staff to fully investigate all the history and facts about this issue and to consult with State highway authorities in North Dakota.

If the chairman can give me those assurances I will reiterate my opposition but I will not force a vote on this because of the lateness of the hour and the pending adjournment of the House.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from New Jersey.

Mr. HOWARD. Mr. Chairman, I wish to thank the gentleman for yielding and thank him for bringing this up for discussion at this time and to tell the gentleman that I certainly agree with what the gentleman states.

As the gentleman may know, rather scanty information on this did come over from the other body. We had put legislation in the bill. However, I have already found some differences in what I understand the facts are and have been for several years in North Dakota concerning this situation.

We certainly will before we go to conference not only have the staff look into the history of this situation here and also in North Dakota, but want to state that before we do go to conference I will be happy to discuss this with the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, I appreciate the chairman's indulgence and his assurances.

Mr. DYMALLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if my good friend, the gentleman from California, the chairman of the Subcommittee on Surface Transportation, will engage in a colloquy with me.

Mr. ANDERSON. I am happy to engage in a colloquy with the gentleman.

Mr. DYMALLY. Mr. Chairman, as the gentleman knows, I have discussed with the gentleman many times my concern about the Artesia Freeway and the noise and air pollution on that freeway. I would appreciate if the gentleman could shed some light on how we could go about solving that problem mutually.

I yield to the gentleman from California.

Mr. ANDERSON. Well, I appreciate the gentleman's concerns, and as he knows, I share them.

Mr. DYMALLY. Can the gentleman outline any features in this bill that is before us that might help in addressing them?

Mr. ANDERSON. Section 118 of the bill will allow any State to use 20 percent of its Interstate 4-R, or reconstruction money in any year on its primary system, the Federal-aid system of which Route 91 is a part. So, this will allow California, at its discretion, to program 20 percent of its 4-R funds on Route 91 and other Federal-aid primary routes.

I might also point out that the 4-R formula is revised in this bill, and this change, if enacted, will bring the State a larger share of 4-R funds. So, these two provisions taken in conjunction, mean that the State can shift 20 percent of its increased 4-R share, on highways such as Route 91.

I would also direct the gentleman to section 115, which enhances the ability of a city to pay for highway improvements, such as soundwalls, with increased assurances that they will be reimbursed by the State with Federal funds whenever the project rises in the State's transportation improvement plan.

Mr. DYMALLY. Mr. Chairman, I thank the gentleman for his clarification.

Mr. Chairman, in conclusion let me say this. I was inspired to introduce an amendment recently and previous to that a bill, because, I was certainly impressed by the work my friend did on the Harbor Freeway and subsequently on the Long Beach Freeway. Both freeways run through the 31st District which I represent. I had occasion to think about the political genius of my friend having converted those two State routes into interstate freeways. It has resulted in tremendous improvement in the Harbor Freeway and certainly I am looking forward to the improvement that will follow on the Long Beach Freeway.

I trust that with the gentleman's information he will move the State and the cities to do something about the noise and air pollution on the Artesia Freeway.

I thank the gentleman for his kind response.

Mr. COLEMAN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would appreciate very much being able to engage in a colloquy with the gentleman from California.

I would like to point out some of the difficulties that section 226, as amended, last year or last session have created.

Motor carriers that are in international transportation are, of course, required to obtain a certificate of registration from the ICC for entry into the United States commercial zone. It must be presented to the U.S. Customs Service upon entry. Carriers must meet numerous restrictions. Some of these restrictions in the way the statute is written have caused a great deal of problems for many of the United States companies which necessarily have got to have transportation and trucking, for example, between the two nations, the United States and Mexico.

The legislation I introduced would attempt to resolve some of those problems while still retaining and preserving the original intent of the author, the gentleman from California, yet at the same time attempts to deal with the very large problem that they have.

While my bill, I have decided, might indeed be better worked on in the committee process, because I am a believer in that process, my question to the gentleman from California is whether or not the gentleman could make a commitment that his subcommittee would be willing to hold hearings no later than the beginning of the next session, if not before the end of the present session of Congress.

I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, I appreciate the gentleman's question. I think without any doubt we can hold hearings early next year. I am not sure we can do it at the end of this year, but early next year. I will give the gentleman my word that we will have hearings on this subject.

Mr. COLEMAN of Texas. Mr. Chairman, I appreciate very much the commitment of the gentleman from California.

I wonder if the gentleman could further assure me that should the Committee on Public Works and Transportation report a bill amending the Motor Carrier Safety Act of 1984 that he would be willing to consult with myself or other Members representing border districts of the United States to consider changes in section 226 of the act?

Mr. ANDERSON. I would be very glad to consult with my friend from Texas on this and all our Members from the border States.

Mr. COLEMAN of Texas. Mr. Chairman, I thank the gentleman.

I would only say that I have every confidence in the gentleman's committee and the work of the specific subcommittee.

I appreciate the gentleman's agreement and I thank the gentleman.

Mr. HOWARD. Mr. Chairman, I move to strike the last word. I do so in order to engage in a colloquy with the distinguished chairman of the Ways and Means Committee, the gentleman from Illinois [Mr. ROSTENKOWSKI].

Mr. ROSTENKOWSKI. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. I thank the gentleman. I would ask the gentleman to engage in a brief colloquy in regard to the $100 million cost escalation adjustment to Interstate Transfer Transit.

H.R. 3129 contains a provision which would add $100 million to the unfunded balance for the Interstate Transfer Transit Program. It is my understanding that this is simply a one-time adjustment to the cost estimate for completing the Interstate Transfer Transit Program. Does the chairman agree?

Mr. HOWARD. Yes; I agree. The purpose of this $100 million adjustment is merely to provide some mitigation against the future losses of today's value of the Transfer Transit Program balance.

Mr. ROSTENKOWSKI. Would the $100 million be reflected in the next interstate substitute cost estimate?

Mr. HOWARD. Yes; it is intended that the $100 million be allocated to each State Transit Transfer Program according to the apportionment factors contained in revised table 4 of Committee Print 99-40. This allocation will then be reflected in the next interstate substitute cost estimate.

Mr. ROSTENKOWSKI. Will the $100 million for the Interstate Transfer Transit Program involve annual appropriations in addition to and separate from current appropriations?

Mr. HOWARD. No; it is intended that the current appropriation process for Interstate Transfer Transit will continue under the new authorization as specified in section 307 of the bill. Section 307 provides for the appropriation of such sums as may be necessary to fund the cost to complete all substitute projects by the end of 1991 including the additional $100 million.

Mr. ROSTENKOWSKI. Mr. Chairman, I appreciate this clarification.

□ 1830

Mr. OBERSTAR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to review and revisit a discussion which I had with the chairman of the subcommittee when last we considered the pending legislation with respect to the section of the bill that deals with the study required of the Transportation Research Board, section 153, to study the bridge formula.

Is it the understanding of the committee that the Transportation Research Board, in consulting with motor truck manufacturers, should evaluate whether the formula results in an unfavorable location of the front steering axle? And that the report should address whether there are any influences restricting vehicle maneuverability, truck ride quality, safe entry and egress, and access by operators? If there are such influences, is it the committee's intention that the TRB include among the alternatives reported under section 153(c)(2)(C) any feasible and prudent remedies concerning the location of the front steering axle?

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. ANDERSON. I concur with the views of my friend, the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman.

Mr. ANDREWS. Mr. Chairman, I rise in opposition to the amendment of Mr. WAXMAN, which would prohibit the Secretary of Transportation from entering into any contract with the Southern California Rapid Transit District until a supplemental environmental impact statement is completed, and until Congress approves such a contract.

This amendment passed with my support earlier in this debate; I am pleased that we will be revisiting this issue today. Having studied this issue carefully in recent days, and reviewing the debate held earlier on this issue I am struck by the wide support for the proposed rail transit system from among the elected representatives from Los Angeles and California. This project is supported by the Los Angeles City Council, the Los Angeles County Board of Supervisors, Mayor Bradley, Governor Deukmejian, the majority of the diverse California House delegation, and its two Senators.

Most importantly, the citizens of the area support the Los Angeles Metro Rail project. They demonstrated their support by voting for a special one-half cent increase in the county sales tax, a portion of which was dedicated to funding the transit system.

Over $400 million in State funds will be appropriated for the project as well. In fact, fully 45 percent of the cost of construction of the system, twice the required amount, is to come from non-Federal sources. An analysis performed by the Urban Mass Transportation Administration [UMTA] concluded that the Los Angeles Metro Rail project is the most cost-effective proposed subway in the country.

On the Federal level, this project enjoys the strong support of the House Public Works and Transportation Committee, on which I formerly sat, and which has ably addressed the transportation and infrastructure needs of our country for many years. The Congress has voted three times in favor of funding this metrorail. Even the Reagan administration favors building this addition to the Nation's public transit system. Just a few weeks ago, the Department of Transportation announced that an agreement had been reached to sign a funding contract with the Southern California Rapid Transit District [SCRTD] for construction of the first segment of the metrorail.

Clearly strong and varied support for this project has been demonstrated. Even so, I would oppose beginning construction if I thought that conditions existed which might potentially cause harm to the workers building the system or the general public. I am satisfied that that is not the case.

This metrorail has rightly undergone exhaustive and independent safety investigations. Indeed, UMTA has stated that no project in its history has undergone a more thorough environmental process. The Los Angeles Metro Rail has passed every test. UMTA specifically stated that the supplemental environmental impact statement called for in this amendment need not be prepared.

Mr. Chairman, the city of Los Angeles is clearly in need of a rail transit system. Its traffic congestion and poor air quality are already notorious. In future years, the need will become even more acute. By the year 2000, a population equal to my own city of Houston will have been added to Los Angeles. This metrorail project has been duly scrutinized; safety concerns have been properly addressed. It is cost-effective and is supported by the people of the area and local, State, and Federal elected officials. This project should go forward. I hope on the separate vote of the Waxman amendment it will be defeated.

Mr. RAHALL. Mr. Chairman, I rise in strong support of H.R., 3129, the Surface Transportation and Uniform Relocation Act of 1986. This legislation is of great importance to the State of West Virginia as it extends authorizations for highways, highway safety, and mass transportation for fiscal year 1987–fiscal year 1991.

Under title I, the Highway Trust Fund is authorized at a level of $13.9 billion for each year through fiscal year 1991. Funds are authorized through fiscal year 1993 to complete the Interstate System. Also included is the approval of the interstate cost estimate and the interstate substitute cost estimate. The Bridge Discretionary Program is increased to provide additional funding for high-cost bridge projects.

Title II of the bill contains requirements to encourage and enhance this Nation's much needed highway safety programs. Included are safety belt and alcohol incentive grant programs and the recognition of the continued importance of the 55 mile-per-hour speed limit.

Title III authorizes funding for various mass transportation programs funded from the mass transit account of the Highway Trust Fund. Under the formula and block grant assistance programs, these funds will be available to transit authorities such as the Tri-State Transit Authority in my district which provides invaluable public transportation services to the people in the Huntington area.

One of the provisions of the bill which I strongly support permits State and local governments, when awarding federally assisted highway projects, to establish limits on the award of contracts to enterprises which conduct business in South Africa. I also applaud the bill's requirement that cement used in highway and mass transit projects which receive Federal aid must be made in the United States and the provisions which increases the domestic content requirement for transit vehicles acquired under the Urban Mass Transit Act from 50 to 85 percent.

A provision of H.R. 3129, which I authored in the Public Works Committee, authorizes $17.6 million for the construction of the New River Parkway which will run through the New River Gorge in southern West Virginia. It is my hope that the parkway will promote recreation and tourism, as well as economic and industri-

al development in the southern region of my State and thereby provide a much needed boost to the economy of this area as we work to diversify and expand the economic base of the State.

The bill contains a total of $94.5 million in funds for West Virginia's road construction and maintenance program. Included is $9.7 million in interstate construction funding and $16.8 for interstate maintenance work, as well as $62 million for work on rural roads and bridges.

Again Mr. Chairman, I strongly support H.R. 3129 and urge its passage.

Mr. GEJDENSON. Mr. Chairman, I would first like to congratulate my colleagues on the House Public Works and Transportation Committee for drafting a fine piece of legislation to reauthorize our Nation's highway transportation programs.

I am especially proud to support the passage of this legislation as it contains a provision which is derived from legislation I introduced this session of Congress. This provision seeks to ease the burdens and barriers many disabled people face everyday—finding handicapped parking spaces.

Too many handicapped drivers around the Nation find that interstate transportation is a nightmare. Many States refuse to recognize the handicapped parking stickers of other States. Thousands of handicapped persons are ticketed each year because they park in a handicapped parking place in a State in which they do not reside.

Ruby Degiovanni, a constituent of mine from Middletown, CT, originally brought this difficulty to my attention when she and other handicapped persons in eastern Connecticut received parking tickets when they went to the doctor or went shopping in neighboring Massachusetts. As I looked into this problem further, I discovered that Ruby Degiovanni's parking tickets were not an isolated incident: Thousands of handicapped persons nationwide receive tickets when they travel to another State and attempt to park in a specially designated parking space.

If an individual is handicapped in one State, he or she is handicapped in all States. States that deny out-of-State handicapped persons the privilege of parking close to a building need to be told that this harassment of handicapped persons is unacceptable. Our Nation has made tremendous strides in recent years to tear down the barriers to the free travel of handicapped persons, and I feel that my legislation will ensure that this progress continues.

This amendment not only asks the Secretary of Transportation to study the question of establishing parking privileges for handicapped persons which are granted to all handicapped persons regardless of State residency, but also requires the Secretary, upon determination of the extent of this problem, to draft a uniform State law to rectify this inequitable situation. This law will be submitted to all States and to Congress for consideration and action.

By further requiring the Secretary to annually report to Congress on the extent to which each State has adopted the proposed uniform State law, Congress will be able to monitor the effectiveness of this amendment and determine whether further, more stringent, action is required.

Reciprocal recognition of handicapped parking stickers is long overdue. I am pleased that my colleagues on the Public Works and Transportation Committee took action on my legislation and moved to put an end to this senseless situation.

Mr. KOSTMAYER. Mr. Chairman, I would like to thank Mr. HOWARD, chairman of the Committee on Public Works and Transportation and the ranking minority member of that committee, Mr. SHUSTER, for their support and assistance in incorporating into H.R. 3129, the Surface Transportation and Uniform Relocation Assistance Act of 1986, the provisions of H.R. 4408, legislation I introduced on March 13, 1986.

Basically, this section would amend the Interstate Compact existing between the State of New Jersey and the Commonwealth of Pennsylvania to allow the Delaware River Joint Toll Bridge Commission to use the tolls collected on its revenue generating bridges for expenses incurred on other bridges under its jurisdiction. In other words, the commission would assume full financial responsibility for the operation and maintenance of all bridges under its control, including a group of bridges which previously have been supported by State appropriations. The net effect of this legislation will be to relieve the States of a financial burden, thereby making the commission the single agency responsible for these bridges.

In addition, this section would allow the Delaware River Joint Toll Bridge Commission to continue tolls on the Delaware Water Gap Bridge on Interstate 80 and to impose tolls on the yet uncompleted bridge under construction on I-78. The imposition of tolls on this new bridge would only last until the commission is able to recover the funds it expends on this bridge.

Mr. Chairman, these provisions have been approved by the New Jersey Department of Transportation, Penn DOT and U.S. DOT. This legislation is extremely important to both New Jersey and Pennsylvania and again, I want to thank Mr. HOWARD and Mr. SHUSTER for their support.

The CHAIRMAN pro tempore (Mr. CARPER). If there are no further amendments, the amendment adding a new title V to the committee amendment in the nature of a substitute recommended by the Committee on Ways and Means printed in the CONGRESSIONAL RECORD of July 23, 1986, is considered as having been adopted, and no further amendment is in order.

The text of the amendment as printed in the CONGRESSIONAL RECORD of July 23, 1986, referred to above, adding a new title V to the committee amendment in the nature of a substitute, is as follows:

At the end of title IV of the bill insert the following new title:

TITLE V—HIGHWAY REVENUE ACT OF 1986

SEC. 501. SHORT TITLE.

This title may be cited as the "Highway Revenue Act of 1986".

SEC. 502. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND TAXES AND RELATED EXEMPTIONS.

(a) EXTENSION OF TAXES.—The following provisions of the Internal Revenue Code of 1954 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1993":

(1) Section 4041(a)(3) (relating to special fuels tax).

(2) Section 4051(c) (relating to tax on heavy trucks and trailers sold at retail).

(3) Section 4071(d) (relating to tax on tires and tread rubber).

(4) Section 4081(b) (relating to gasoline tax).

(5) Sections 4481(e), 4482(c)(4), and 4482(d) (relating to highway use tax).

(b) EXTENSION OF EXEMPTIONS, ETC.—The following provisions of the Internal Revenue Code of 1954 are each amended by striking out "1988" each place it appears and inserting in lieu thereof "1993":

(1) Section 4041(b)(2)(C) (relating to qualified methanol and ethanol fuel).

(2) Section 4041(f)(3) (relating to exemption for farm use).

(3) Section 4041(g) (relating to other exemptions).

(4) Section 4221(a) (relating to certain tax-free sales).

(5) Section 4483(f) (relating to exemption for highway use tax).

(6) Section 6420(h) (relating to gasoline used on farms).

(7) Section 6421(h) (relating to tax on gasoline used for certain nonhighway purposes or by local transit systems).

(8) Section 6427(g)(5) (relating to advance repayment of increased diesel fuel tax).

(9) Section 6427(m) (relating to fuels not used for taxable purposes).

(c) EXTENSION OF REDUCED RATES OF TAX ON FUELS CONTAINING ALCOHOL.—

(1) Paragraph (3) of section 4041(k) of such Code (relating to fuels containing alcohol) is amended by striking out "December 31, 1992" and inserting in lieu thereof "September 30, 1993".

(2) Paragraph (4) of section 4081(c) of such Code (relating to gasoline mixed with alcohol) is amended by striking out "December 31, 1992' and inserting in lieu thereof "September 30, 1993".

(d) OTHER PROVISIONS.—

(1) FLOOR STOCKS REFUNDS.—Paragraph (1) of section 6412(a) of such Code (relating to floor stocks refunds) is amended—

(A) by striking out "1988" each place it appears and inserting in lieu thereof "1993", and

(B) by striking out "1989" each place it appears and inserting in lieu thereof "1994".

(2) INSTALLMENT PAYMENTS OF HIGHWAY USE TAX.—Paragraph (2) of section 6156(e) of such Code (relating to installment payments of tax on use of highway motor vehicles) is amended by striking out "1988" and inserting in lieu thereof "1993".

SEC. 503. 5-YEAR EXTENSION OF HIGHWAY TRUST FUND.

(a) IN GENERAL.—Subsections (b), (c), and (e) of section 9503 of the Internal Revenue Code of 1954 (relating to Highway Trust Fund) are each amended—

(1) by striking out "1988" each place it appears and inserting in lieu thereof "1993", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1994".

(b) EXPENDITURES FROM HIGHWAY TRUST FUND.—Paragraph (1) of section 9503(c) of such Code (relating to expenditures from Highway Trust Fund) is amended by strik-

ing out "or" at the end of subparagraph (B) and by striking out subparagraph (C) and inserting in lieu thereof the following:

"(C) authorized to be paid out of the Highway Trust Fund under the Surface Transportation and Uniform Relocation Assistance Act of 1986, or

"(D) hereafter authorized by a law which does not authorize the expenditure out of the Highway Trust Fund of any amount for a general purpose not covered by subparagraph (A), (B), or (C) as in effect on December 31, 1986."

(c) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Subsection (b) of section 201 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-11) is amended—

(1) by striking out "1988" and inserting in lieu thereof "1993", and

(2) by striking out "1989" each place it appears and inserting in lieu thereof "1994".

SEC. 504. REDUCTION IN EXCISE TAX EXEMPTION FOR QUALIFIED METHANOL AND ETHANOL FUELS.

(a) IN GENERAL.—Subparagraph (A) of section 4041(b)(2) of the Internal Revenue Code of 1954 (relating to exemption for qualified ethanol and methanol fuels) is amended to read as follows:

"(A) IN GENERAL.—In the case of any qualified methanol or ethanol fuel, subsection (a)(2) shall be applied by substituting '3 cents' for '9 cents'."

(b) CONFORMING AMENDMENT.—The heading for section 4041(b) of such Code is amended by striking out "EXEMPTION" the second place it appears and inserting in lieu thereof "REDUCTION IN TAX".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1987.

SEC. 505. TECHNICAL CORRECTIONS.

(a) REFUND OF ENTIRE DIESEL FUEL TAX WITH RESPECT TO SCHOOL BUSES.—

(1) IN GENERAL.—Paragraph (2) of section 6427(b) of the Internal Revenue Code of 1954 (relating to intercity, local, or school buses) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) EXCEPTION FOR SCHOOL BUS TRANSPORTATION.—Subparagraph (A) shall not apply to fuel in an automobile bus while engaged in the transportation described in paragraph (1)(B),"

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 6427(c)(2) of such Code is amended by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)".

(B) The heading for subparagraph (C) of section 6427(b)(2) of such Code, as redesignated by paragraph (1), is amended by striking out "EXCEPTION" and inserting in lieu thereof "EXCEPTION FOR CERTAIN INTRACITY TRANSPORTATION".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in section 915 of the Tax Reform Act of 1984.

(b) CERTAIN TRANSFERS FROM HIGHWAY TRUST FUND TO BE MADE PROPORTIONATELY FROM MASS TRANSIT ACCOUNT.—Subsection (e) of section 9503 of such Code (relating to establishment of Mass Transit Account) is amended by adding at the end thereof the following new paragraph:

"(5) PORTION OF CERTAIN TRANSFERS TO BE MADE FROM ACCOUNT.—

"(A) IN GENERAL.—Transfers under paragraphs (2), (3), and (4) of subsection (c) shall be borne by the Highway Account and the Mass Transit Account in proportion to the respective revenues transferred to such Accounts under this section.

"(B) HIGHWAY ACCOUNT.—For purposes of subparagraph (A), the term 'Highway Account' means the portion of the Highway Trust Fund which is not the Mass Transit Account."

SEC. 506. STUDY OF COLLECTION OF GASOLINE AND OTHER FEDERAL EXCISE TAXES.

(a) IN GENERAL.—The Secretary of the Treasury or his delegate shall, after consultation with the Department of Justice, the Federal Highway Administration, State tax administration, and industry representatives, prepare a report on the extent to which the Federal excise taxes on gasoline are being evaded. Such report shall include—

(1) an assessment of administrative options and proposals (including enhanced enforcement and examination efforts) and legislative changes which may be appropriate, and

(2) comprehensive information on the extent to which other Federal excise taxes (including other fuel taxes, taxes on tobacco products, and taxes on alcoholic beverages) are being evaded or not collected.

(b) SUBMISSION.—The report under subsection (a) shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate—

(1) not later than October 1, 1986, with respect to the portion of the report relating to Federal excise taxes on gasoline, and

(2) not later than December 31, 1986, with respect to the other portions of such report.

Amend the table of contents of the bill by adding the following after the items relating to title IV:

TITLE V—HIGHWAY REVENUE ACT OF 1986

Sec. 501. Short title.
Sec. 502. 5-year extension of Highway Trust Fund taxes and related exemptions.
Sec. 503. 5-year extension of Highway Trust Fund.
Sec. 504. Reduction in excise tax exemption for qualified methanol and ethanol fuels.
Sec. 505. Technical corrections.
Sec. 506. Study of collection of gasoline and other Federal excise taxes.

The CHAIRMAN pro tempore. The question is in the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SMITH of Florida) having assumed the chair, Mr. CARPER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3129) to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, to expand and improve the relocation assistance program, and for other purposes, pursuant to House Resolution 513, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 513, an amendment to the amendment adopted in the Committee of the Whole adding a new title V recommended by the Committee on Ways and Means, printed in the CONGRESSIONAL RECORD of July 23, 1986, is considered as having been adopted.

(For text of amendment, see proceedings in the Committee of the Whole of today just prior to the Committee rising.)

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole?

Mr. ANDERSON. Mr. Speaker, I demand a separate vote on the amendment offered by the gentleman from California [Mr. WAXMAN] which begins on page 240, line 8, and which relates to the Los Angeles Metro Rail Project.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 240, strike line 8 and all that follows through line 3 on page 241 and insert:

Notwithstanding any other provision of law, the Secretary shall not enter into any contract with the Southern California Rapid Transit District to fund construction of the Minimum Operable Segment-1 until completion of a supplemental environmental impact statement for the entire Downtown Los Angeles to the San Fernando Valley Metro Rail Project and until such construction is authorized by an Act of Congress enacted after the date of enactment of this Act.

Mr. HOWARD (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WAXMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 153, nays 231, not voting 47, as follows:

[Roll No. 359]

YEAS—153

Armey	Hansen	Reid
Bartlett	Hendon	Richardson
Barton	Henry	Ridge
Berman	Hertel	Rinaldo
Bilirakis	Hiler	Ritter
Boehlert	Hubbard	Roberts
Broomfield	Ireland	Roemer
Brown (CO)	Jacobs	Rowland (GA)
Bruce	Jones (TN)	Russo
Bryant	Kasich	Schaefer
Carney	Kennelly	Scheuer
Carper	Kindness	Schneider
Chandler	Kleczka	Schuette
Cheney	Kostmayer	Schumer
Coats	Kramer	Sensenbrenner
Cobey	Lagomarsino	Sharp
Coble	Leach (IA)	Shelby
Coleman (MO)	Levin (MI)	Shumway
Combest	Levine (CA)	Sikorski
Cooper	Livingston	Siljander
Coughlin	Loeffler	Slattery
Courter	Long	Smith (FL)
Craig	Luken	Smith (NE)
Crane	Lungren	Smith (NJ)
Daub	Mack	Smith, Denny (OR)
de la Garza	MacKay	
DeWine	Madigan	Smith, Robert (NH)
Dickinson	Markey	
DioGuardi	Marlenee	Smith, Robert (OR)
Dorgan (ND)	Martin (IL)	
Downey	Mazzoli	Snowe
Eckart (OH)	McCain	Solarz
Eckert (NY)	McCloskey	Solomon
Edwards (OK)	McCurdy	Stenholm
English	McKernan	Stratton
Evans (IL)	McKinney	Stump
Feighan	McMillan	Synar
Fiedler	Meyers	Tauke
Florio	Mikulski	Tauzin
Foglietta	Miller (OH)	Vander Jagt
Foley	Miller (WA)	Vucanovich
Frank	Montgomery	Walgren
Frenzel	Moody	Walker
Gejdenson	Morrison (WA)	Waxman
Gekas	Neal	Weaver
Glickman	Nielson	Weber
Goodling	Oakar	Weiss
Gordon	Penny	Whittaker
Gradison	Pepper	Wirth
Green	Petri	Wolpe
Gregg	Pursell	Wyden
Hall, Ralph	Regula	Wylie

NAYS—231

Ackerman	Byron	Fawell
Akaka	Callahan	Fazio
Alexander	Carr	Fields
Anderson	Chapman	Fish
Andrews	Chappell	Ford (TN)
Annunzio	Clay	Franklin
Anthony	Clinger	Gallo
Archer	Coelho	Gephardt
Atkins	Coleman (TX)	Gibbons
AuCoin	Collins	Gilman
Badham	Conte	Gingrich
Barnard	Coyne	Gonzalez
Barnes	Daniel	Gray (IL)
Bateman	Darden	Gray (PA)
Bates	Daschle	Guarini
Bellenson	Davis	Gunderson
Bennett	DeLay	Hall (OH)
Bentley	Dellums	Hamilton
Bereuter	Derrick	Hammerschmidt
Bevill	Dicks	Hawkins
Biaggi	Dingell	Hayes
Bliley	Dixon	Hefner
Boggs	Dornan (CA)	Holt
Boner (TN)	Dreier	Howard
Bonior (MI)	Duncan	Hoyer
Bonker	Durbin	Huckaby
Borski	Dwyer	Hughes
Bosco	Dymally	Hunter
Boulter	Dyson	Hutto
Boxer	Early	Hyde
Brooks	Edgar	Jeffords
Brown (CA)	Edwards (CA)	Jenkins
Burton (IN)	Emerson	Johnson
Bustamante	Fascell	Jones (NC)
Kanjorski	Murphy	Sisisky
Kastenmeier	Murtha	Skeen
Kemp	Myers	Skelton
Kildee	Natcher	Slaughter
Kolbe	Nelson	Smith (IA)
Kolter	Nichols	Snyder
LaFalce	Nowak	Spence
Lantos	Oberstar	St Germain
Latta	Obey	Staggers
Leath (TX)	Olin	Stangeland
Lehman (CA)	Ortiz	Stark
Lehman (FL)	Owens	Stokes
Leland	Oxley	Strang
Lent	Packard	Sundquist
Lewis (CA)	Panetta	Sweeney
Lewis (FL)	Parris	Swift
Lightfoot	Pashayan	Swindall
Lipinski	Pease	Tallon
Lloyd	Perkins	Taylor
Lott	Pickle	Thomas (GA)
Lowery (CA)	Porter	Torres
Lowry (WA)	Price	Torricelli
Lujan	Quillen	Towns
Lundine	Rahall	Traficant
Manton	Rangel	Valentine
Martin (NY)	Ray	Vento
Matsui	Robinson	Visclosky
Mavroules	Rodino	Volkmer
McCollum	Roe	Waldon
McDade	Rogers	Watkins
McEwen	Rostenkowski	Wheat
McGrath	Roth	Whitley
McHugh	Roukema	Whitten
Mica	Rowland (CT)	Williams
Michel	Roybal	Wilson
Miller (CA)	Sabo	Wise
Mineta	Savage	Wolf
Mitchell	Saxton	Wortley
Molinari	Schroeder	Wright
Mollohan	Schulze	Yates
Monson	Seiberling	Yatron
Moorhead	Shaw	Young (AK)
Mrazek	Shuster	Young (MO)

NOT VOTING—47

Applegate	Flippo	McCandless
Aspin	Ford (MI)	Moakley
Bedell	Fowler	Moore
Boland	Frost	Morrison (CT)
Boucher	Fuqua	Rose
Breaux	Garcia	Rudd
Burton (CA)	Gaydos	Spratt
Campbell	Grotberg	Stallings
Chappie	Hartnett	Studds
Conyers	Hatcher	Thomas (CA)
Crockett	Hillis	Traxler
Dannemeyer	Hopkins	Udall
Donnelly	Horton	Whitehurst
Dowdy	Jones (OK)	Young (FL)
Erdreich	Kaptur	Zschau
Evans (IA)	Martinez	

□ 1840

The Clerk announced the following pair:

On this vote:

Mr. Martinez for, with Mr. Moakley against.

Messrs. DENNY SMITH, SCHAEFER, and LOEFFLER changed their votes from "nay" to "yea."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SMITH of Florida). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1855

MOTION TO RECOMMIT OFFERED BY MR. MCEWEN

Mr. McEWEN. Mr. Speaker, on behalf of the chairman of the full committee and the ranking members, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. McEWEN. I am, in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McEWEN moves to recommit the bill H.R. 3129 to the Committee on Public Works and Transportation with instructions to report back the same forthwith with the following amendment:

At the end of the bill add the following new title:

SEC. —. AVAILABILITY OF FUNDS.

The receipts and disbursements of the Highway Trust Fund provided by this Act or existing law shall be available to carry out the programs, projects, activities, and purposes of this Act or existing law; provided that, effective October 1, 1987, no such receipts and disbursements shall be available for inclusion in—

(1) the totals of the budget of the U.S. Government as submitted by the President;

(2) the congressional budget;

(3) any general budget limitation imposed by statute on expenditures and net lending (budget outlays) of the U.S. Government;

(4) any order cancelling budget authority or reducing obligation limitations; or

(5) any reconciliation bill or resolution, provided further that, nothing in this section shall alter the rules or procedures of the House of Represenatives or alter the current treatment of such receipts and disbursements in calculating the deficit or excess deficit for purposes of comparison with any maximum deficit provided by law.

Mr. McEWEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. MCEWEN] is recognized for 5 minutes in support of his motion to recommit.

Mr. McEWEN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the motion proposes to take the highway trust fund, and make it honest by October 1 of next year. It does not change the rules or procedures of the House of Representatives; the current treatment of the highway trust fund, receipts and disbursements, in calculating the deficit under Gramm-Rudman; or the role or the responsibility of the Committee on Appropriations or of the Committee on Ways and Means.

It does provide that these receipts and disbursements shall be available for inclusion in the President's budget,

the congressional budget, or sequestration.

We believe that this is being honest with the American people. Highway trust fund spending is generated exclusively by fees levied on transportation users; may be used exclusively for that purpose. It is administered separately from the general funds of the Treasury. It has absolutely no impact on the tremendous, monstrous deficit confronting this country.

Yet there are those at OMB who would like to hold down these under the guise of maintaining a lower deficit.

Mr. Speaker, we should not try to fool the American people.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. HOWARD], the chairman of the committee.

Mr. HOWARD. Mr. Speaker, I rise in support of the motion to take the highway trust fund off budget.

I think it is important that we understand what is before us today. Taking the highway trust fund off budget is not a Public Works Committee issue, a JIM HOWARD issue or an us versus them issue. It is an American people's issue. As such, it should transcend politics and committee jurisdictions. The focus should be on the American people and not Congress, for it is they, not the institution, who are being victimized.

No doubt you will hear people attack this motion. Some will argue that taking the highway trust fund off budget will result in greater cuts in other transportation programs; that doing so will result in drastic increases in across-the-board cuts under Gramm-Rudman; and that this would set a precedent for taking other trust funds off budget.

At the least, these assertions are exaggerations; at the most, they are wrong.

Taking the highway trust fund off budget does not necessarily mean cuts in other transportation programs just like taking Social Security off budget last year did not result in automatic cuts this year in other income security programs.

In addition, some are alleging that taking the highway trust fund off budget would result in millions of dollars of extra sequestration cuts in the areas of farm price support, health, education and housing. This is misleading. First of all, nothing would change for fiscal year 1987 since the motion is effective beginning in fiscal year 1988. Second, these figures are exaggerated since they include funding for safety net programs currently exempt from Gramm-Rudman and not affected by this motion. Third, they are wrong because they address all transportation trust funds while the motion only goes to the highway trust fund. And fourth, they distort the truth by failing to point out that what we are really talking about involves hundreds of thousands of programs and activities whose funding would be impacted only minimally, if at all, by this action.

Mr. Speaker, what we are proposing here would not set a precedent. We are not simply talking about trust funds but a user-fee financed trust fund whose programs receive no general fund appropriations. Other than Social Security and the aviation trust fund, the highway trust fund is the only one that fits this definition.

Finally, as the gentleman stated, this motion does not change the rules or procedures of the House or the current treatment of the highway trust fund receipts and disbursements in calculating the deficit under Gramm-Rudman.

This is not budget gimmickry. It will not open the flood gates. And, it is not a question of haves and have-nots. Rather, it is good public policy based upon truth in budgeting.

Unfortunately, the parliamentary situation has forced us to pursue this issue in this fashion. However, the merits must override the procedures and I urge an "aye" vote on the motion.

Mr. MCEWEN. Mr. Speaker, I yield to the ranking member of the Subcommittee on Surface Transportation, the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, we are asking on a bipartisan basis for an "aye" vote on this motion to recommit. Your constituents are paying tax dollars, highway user dollars, into the trust fund, and over $6 billion in surpluses has built up. That money should be spent for the purpose that your constituents paid it.

So we are asking, on a bipartisan basis, for you to vote in favor of this motion to move the Highway Trust Fund off budget.

Mr. MCEWEN. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RITTER].

Mr. RITTER. Mr. Speaker, I rise in support of Mr. MCEWEN'S motion to recommit with instructions. The motion would result in increased funding for needed highway projects across this country. I request unanimous consent to include at this point, for each State, the highway funds in excess of obligational authority. Mr. MCEWEN'S proposal if adopted will prevent the even greater buildup of unobligated funds that will continue to occur.

This is the best way we can address the problem of our deteriorating infrastructure of roads and bridges. Necessary maintenance and completion of infrastructure projects uses enormous amounts of steel, cement, and basic industrial/manufactured products. We've been losing jobs in those industries and we all know our roads and bridges are in desperate need of repair. This motion to recommit offers the financing mechanism to do the job.

Without this action, your State and my State will not be allowed to obligate at a rate that equals their highway apportionment. In Pennsylvania for example the federally mandated obligation ceiling versus its apportionment was only 93 cents on the dollar in 1985 and 84 cents on the dollar in 1986. Pennsylvania now has an unobligated balance of at least $363 million because of the low mandated obligation ceilings.

Do you know what the balance is for your own State? If you read my dear colleague this morning, you would know.

To remedy this situation, I urge my colleagues to support the McEwen motion which will virtually eliminate that buildup of unobligated funds, in the Highway Trust Fund, by the end of fiscal year 1990. By going through the appropriation process each year, reasonable reserves against unexpected obligations would be provided. The current reserve of over $10 billion is not reasonable.

The need for these funds is great in this country. The Nation has invested over $100 billion in the Interstate Highway System which is 86 percent complete. It is sad to let this investment fall into disrepair, but that is exactly what is happening.

Mr. MCEWEN'S motion would also stimulate the economy. For example, a study by the Pennsylvania Economy League, found that 104 jobs are supported by every $1 million of highway construction. The increase therefore would provide an additional 8,500 jobs in Pennsylvania annually and 187,200 nationally.

In addition, data from the Federal Highway Administration, shows that for every $1 million of Federal money spent, 121 tons of steel and 560 tons of cement are used in highway construction. If we were able to use the unspent balance, we would receive an economic and employment shot in the arm based on the use of more than 5,600,000 tons of cement and 1,210,000 tons of steel.

Not only are the Federal highways and related infrastructure badly in need of maintenance, but it is also important that we protect the moneys remaining in the trust fund—moneys which the taxpayers paid for a very specific purpose. User fees to support projects benefiting a specific user public make good sense and nowhere has this worked better for the American people than in our Federal and Interstate Highway System.

Mr. Speaker, the current policy is flawed and I urge my colleagues to correct it by supporting the McEwen motion. I include the table from the Federal Highway Administration at this point:

BACKLOGGED HIGHWAY AUTHORIZATIONS

The Highway Trust Fund has a cash balance of over $10 billion—taxes paid in good faith by the highway user. The recent Surface Transportation Assistance Acts have authorized, to the maximum extent possible, these funds for much needed transportation improvements. However, the States now have more than $6.6 billion in past highway authorizations they are unable to spend because limitations have been placed on obligation of the funds during the budget process. A table with a State by State breakdown of the $6.6 billion follows:

Highway funds in excess of obligation authority

State:	*Millions*
Alabama	$106
Alaska	46
Arizona	102
Arkansas	62
California	703
Colorado	94
Connecticut	103
Delaware	52
Florida	243
Georgia	198
Hawaii	131
Idaho	42
Illinois	107
Indiana	102
Iowa	82
Kansas	109
Kentucky	92
Louisiana	257
Maine	32
Maryland	180
Massachusetts	275
Michigan	107
Minnesota	137
Mississippi	86
Missouri	106
Montana	64
Nebraska	43
Nevada	38
New Hampshire	53
New Jersey	221
New Mexico	42
New York	183
North Carolina	125
North Dakota	23
Ohio	254
Oklahoma	119
Oregon	98
Pennsylvania	363
Rhode Island	53
South Carolina	136
South Dakota	46
Tennessee	109
Texas	365
Utah	67
Vermont	51
Virginia	151
Washington	163
West Virginia	100
Wisconsin	83
Wyoming	34
D.C., Puerto Rico, Territories	137
Total	6.675

Mr. McEWEN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, very simply, we ask American taxpayers to give money to maintain their highways and their bridges. OMB wants to use that money as a savings account to purchase Treasury certificates.

We believe the Congress should use that money to purchase highways and bridges and safety factors for our Nation's infrastructure.

The question is, do we let OMB use the fund as a savings account, or do we, the Congress, use it?

Mr. FAZIO. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California [Mr. FAZIO] for 5 minutes in opposition to the motion to recommit.

Mr. FAZIO. Mr. Speaker, I yield to the gentleman from Texas [Mr. BROOKS]

□ 1905

Mr. BROOKS. Mr. Speaker, I rise in opposition to this motion Management of the Federal budget is crucial to the operations of this Government and we cannot tolerate efforts to remove programs from the mainstream of budgetary decision making simply because they are funded with user fees.

As we all know, getting control of the Federal budget is without a doubt the most urgent problem facing us right now. In the next few weeks, Congress must decide which programs to keep and which ones to discontinue so that we can meet our budget targets.

In one word, we are talking about—priorities—budgetary priorities. We cannot possibly determine our true budget priorities if we remove programs from the realm of consideration, prematurely declaring them to be more important than others programs. Rather than making the pie from which budget cuts must be taken as small as it possibly can be, we should be working to see that it is as large as it can possibly be. Only if we have everything on the table at the same time, will the tough budget decisions facing us in the coming days and weeks be made as fairly as possible.

I urge you to join with me in defeating this motion.

Mr. FAZIO. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. GRAY] chairman of the Committee on the Budget.

Mr. GRAY of Pennsylvania. Mr. Chairman, I rise in strong opposition to this action to move the highway and mass transit trust funds off budget and exempt them from potential Gramm-Rudman reductions.

First of all, we all need to have access to the information about what is going on in the Federal budget in a unified way. Second, exempting these programs from Gramm-Rudman places additional pressure on the remaining programs, education, elderly, and farm programs and, third, you should know that if you vote for this motion you will add $1 billion to the deficit in 1988, which means you will have to cut in the areas of farm, elderly, health, children, and defense.

Vote against this motion.

Mr. FAZIO. Mr. Speaker, I yield to the gentlewoman from Illinois [Mrs. MARTIN].

Mrs. MARTIN of Illinois. I hope the strange constellation of having a Committee on the Budget and the Committee on Appropriations agree does not frighten other Members of the House. To do in a motion to recommit in 10 minutes, to pull off budget Federal highway funds should be a wee ludicrous but again it is part of the understandable frustration of the Committee on Public Works of which I was once a member. To do so, however, would be the height of fiscal irresponsibility and cross party lines and committee turf. We should object to the recommital.

Mr. FAZIO. Mr. Speaker, I yield to the gentleman from South Carolina [Mr. DERRICK].

Mr. DERRICK. I thank the gentleman for yielding.

I ask you to vote "no" to take this trust fund off. You know, I hate to disagree with my good friend, Chairman HOWARD, but I do not know any chairman of this House who would not like to take a large part of what they have to deal with off budget. I want to tell you, if you want to guarantee that you are going to start like having your finger in the dike and then pull it out and we will be dealing with this matter for years and years to come and if you want to guarantee that we will never ever get an opportunity to have any control over the budget, if you want to make it very likely that we are going to have sequestration and you want to make it very likely that the deficit is going to be another billion dollars, you can vote with Chairman HOWARD. But I would suggest that you vote "no" on taking the trust funds off.

Mr. FAZIO. Mr. Speaker, I yield to the distinguished gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Chairman, I strongly oppose this effort to take the transportation trust funds off-budget. Why in the world should we single out transportation trust funds for special treatment, and ignore all the other large trust funds? We ought to make a reasoned decision about all trust funds in a comprehensive manner, when these trust funds have such a large impact on the total Federal spending picture.

Let us remember that when the money in a given trust fund is not spent, the money stays in the trust funds for future use. If we take these trust funds off-budget, the result would be disastrous.

The executive branch would have the authority to spend the money from these trust funds on anything it considers necessary.

We would lose our ability to annually oversee the proper expenditure of these funds—we would be giving the Transportation Department a blank check.

This is not going to help our transportation programs—you know it and the taxpayers know it.

We should not make highways and airports exempt from the budget act, from Gramm-Rudman-Hollings, or from any other form of budgetary control. That would clearly exhibit a misplaced sense of priorities. The overall result of unlimited trust fund spending would be its negative effect on nontrust fund transportation programs—the have-not programs. These programs have already taken their fair share of necessary reductions. Coast Guard drug interdiction, Amtrak, mass transit spending, or FAA air traffic control, to name a few, would all suffer if we make such a hasty decision.

And not only transportation programs would be adversely affected.

If we take these trust funds off-budget, we would be subjecting programs like student assistance, maternal and child health, NIH research, farm programs, and aid to Israel to an increased reduction under Gramm-Rudman-Hollings. Mr. Speaker, a vote for this motion is the same as a vote to cut education, to cut health care, to cut the whole range of general fund programs.

Mr. Speaker, I strongly urge the defeat of this motion.

Mr. FAZIO. Mr. Speaker, here we go again. Last year when the House considered the budget reconciliation well before Gramm-Rudman, the Public Works Committee tried to take the trust funds off budget. The House rejected that effort.

This year, the Public Works Committee went before the Rules Committee to get a waiver of points of order on germaneness to take the trust funds off budget. The Rules Committee by a bipartisan vote of 10 to 2 rejected this effort.

Now the Public Works Committee comes in with a backdoor method of getting what has been denied them.

Further, all this talk about getting to the surplus is nothing short of a ruse. We don't need to take the trust funds off budget to use up the surplus, this highway bill does just that: There is a $9 billion surplus of which $3 billion must remain in the trust fund for liquidity. Projected revenues over the next 5 years will be approximately $12.8 billion per year.

This bill authorizes new spending at $14.1 billion per year.

What this means is that over 5 years we will take in $63 billion and spend $70 billion. In other words, this bill spends $6 billion more than we take in, thereby depleting the surplus.

Mr. MCEWEN doesn't want to take the trust funds off budget to get to the surplus, he wants to do so to avoid sequestration. He wants highway exempt while other programs are whacked: Housing programs; farm programs; low-income programs; elderly programs; student loans; NASA; Coast Guard; and air traffic controllers.

We have a good highway bill—let's not ruin it with this motion. I urge you to vote no and not add an additional burden to the problem we face to avoid the Gramm-Rudman scythe.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise today in opposition to the motion to recommit H.R. 3129, the Surface Transportation and Uniform Relocation Assistant Act of 1986. It is my understanding that the motion will instruct the Public Works Committee to amend the bill to remove the highway trust fund and the aviation trust fund from the unified budget. The Committee on Ways and Means opposed this attempt to go off budget with the highway and aviation trust funds as it would violate the integrity of the unified budget. This effort threatens congressional resolve to control spending and would have a serious budgetary impact on may other programs by requiring additional across-the-board reductions in on-budget programs. In this time of enormous budget deficits, it is essential for us to be able to view a complete picture of the Federal budget in setting spending levels.

I think that we must be concerned that efforts to obtain exemptions from budgetary review would open the floodgates for other special interests to seek similar preferential treatment. This could have a serious impact on our goal of deficit reduction.

There trust funds were originally included in the unified budget so that we would have a fully comprehensive budget with which to define the scope of the Government, assess economic policy and assure an effective use of fiscal resources. It is important to continue inclusion of the highway and aviation trust funds as part of the unified budget so as to ensure continued full budget review of Government activities. I urge my colleagues to oppose this motion to commit with instructions.

The SPEAKER pro tempore (Mr. SMITH of Florida). Without objection, the previous question is ordered, on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHUSTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—ayes 171, noes 214, not voting 46, as follows:

[Roll No. 360]

AYES—171

Alexander	Badham	Bentley
Anderson	Barnard	Bereuter
Anthony	Bartlett	Bilirakis
Archer	Barton	Bliley
Armey	Bateman	Boehlert
Atkins	Bennett	Borski
Bosco	Ireland	Roemer
Boulter	Jacobs	Rogers
Boxer	Jeffords	Rowland (CT)
Broomfield	Johnson	Rowland (GA)
Brown (CA)	Jones (NC)	Savage
Brown (CO)	Kindness	Schaefer
Burton (IN)	Kleczka	Schuette
Callahan	Kolter	Schulze
Carney	LaFalce	Shaw
Chandler	Lagomarsino	Shumway
Chapman	Leath (TX)	Shuster
Chappell	Lewis (FL)	Siljander
Clinger	Lightfoot	Sisisky
Coats	Lipinski	Skeen
Cobey	Lloyd	Skelton
Coelho	Long	Slaughter
Coleman (MO)	Lott	Smith (IA)
Combest	Lujan	Smith (NJ)
Courter	Madigan	Smith, Denny (OR)
Craig	Marlenee	
Crane	Martin (NY)	Smith, Robert (OR)
Daniel	McCollum	
Darden	McEwen	Snyder
Daub	Mineta	Solomon
DeLay	Molinari	Staggers
DeWine	Monson	Stangeland
Dickinson	Montgomery	Stenholm
DioGuardi	Moody	Strang
Dornan (CA)	Moorhead	Stratton
Dreier	Morrison (WA)	Stump
Duncan	Murphy	Sundquist
Edgar	Myers	Sweeney
Emerson	Nielson	Swindall
Fascell	Nowak	Tallon
Fawell	Oberstar	Tauke
Fields	Packard	Taylor
Florio	Parris	Thomas (GA)
Frank	Pashayan	Torricelli
Gallo	Pepper	Towns
Gekas	Perkins	Traficant
Gilman	Petri	Valentine
Gingrich	Quillen	Visclosky
Glickman	Rahall	Volkmer
Gray (IL)	Ray	Vucanovich
Gunderson	Reid	Weber
Hammerschmidt	Ridge	Wirth
Holt	Rinaldo	Wise
Hopkins	Ritter	Wortley
Howard	Roberts	Wright
Huckaby	Robinson	Young (AK)
Hunter	Rodino	Young (MO)
Hyde	Roe	

NOES—214

Ackerman	Downey	Hiler
Akaka	Durbin	Hoyer
Andrews	Dwyer	Hubbard
Annunzio	Dymally	Hughes
AuCoin	Dyson	Hutto
Barnes	Early	Jenkins
Bates	Eckart (OH)	Jones (TN)
Beilenson	Eckert (NY)	Kanjorski
Berman	Edwards (CA)	Kasich
Bevill	Edwards (OK)	Kastenmeier
Boggs	English	Kemp
Boland	Evans (IL)	Kennelly
Boner (TN)	Fazio	Kildee
Bonior (MI)	Feighan	Kolbe
Bonker	Fiedler	Kostmayer
Boucher	Fish	Kramer
Brooks	Foglietta	Lantos
Bruce	Foley	Latta
Bryant	Ford (TN)	Leach (IA)
Bustamante	Franklin	Lehman (CA)
Byron	Frenzel	Lehman (FL)
Carper	Gejdenson	Leland
Carr	Gephardt	Lent
Cheney	Gibbons	Levin (MI)
Clay	Gonzalez	Levine (CA)
Coble	Goodling	Lewis (CA)
Coleman (TX)	Gordon	Livingston
Collins	Gradison	Loeffler
Conte	Gray (PA)	Lowery (CA)
Cooper	Green	Lowry (WA)
Coughlin	Gregg	Lundine
Coyne	Guarini	Lungren
Daschle	Hall (OH)	Mack
Davis	Hall, Ralph	MacKay
de la Garza	Hamilton	Manton
Dellums	Hawkins	Markey
Derrick	Hayes	Martin (IL)
Dicks	Hefner	Matsui
Dingell	Hendon	Mavroules
Dixon	Henry	Mazzoli
Dorgan (ND)	Hertel	McCain

McCloskey
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Miller (WA)
Mitchell
Mollohan
Mrazek
Murtha
Natcher
Neal
Nelson
Nichols
Oakar
Obey
Olin
Ortiz
Owens
Oxley
Panetta
Pease
Penny
Pickle
Porter
Price
Pursell
Rangel
Regula
Richardson
Rostenkowski
Roth
Roukema
Roybal
Russo
Sabo
Saxton
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Sharp
Shelby
Sikorski
Slattery
Smith (FL)
Smith (NE)
Smith, Robert (NH)
Snowe
Solarz
Spence
Spratt
St Germain
Stark
Stokes
Swift
Synar
Tauzin
Torres
Vander Jagt
Vento
Waldon
Walgren
Walker
Watkins
Waxman
Weaver
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams
Wilson
Wolf
Wolpe
Wyden
Wylie
Yates
Yatron

NOT VOTING—46

Applegate
Aspin
Bedell
Biaggi
Breaux
Burton (CA)
Campbell
Chappie
Conyers
Crockett
Dannemeyer
Donnelly
Dowdy
Erdreich
Evans (IA)
Flippo
Ford (MI)
Fowler
Frost
Fuqua
Garcia
Gaydos
Grotberg
Hansen
Hartnett
Hatcher
Hillis
Horton
Jones (OK)
Kaptur
Luken
Martinez
McCandless
Moakley
Moore
Morrison (CT)
Rose
Rudd
Stallings
Studds
Thomas (CA)
Traxler
Udall
Whitehurst
Young (FL)
Zschau

□ 1920

Mr. LEWIS of California and Mr. AKAKA changed their votes from "aye" to "no."

Messrs. STRANG, ROBERTS, GLICKMAN, and SKELTON changed their votes from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

□ 1930

The SPEAKER pro tempore (Mr. SMITH of Florida). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HOWARD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 345, nays 34, not voting 52, as follows:

[Roll No. 361]

YEAS—345

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Atkins
AuCoin
Badham
Barnard
Barnes
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brooks
Broomfield
Bruce
Bryant
Burton (IN)
Bustamante
Byron
Callahan
Carney
Carper
Carr
Chandler
Chapman
Chappell
Clay
Clinger
Coats
Cobey
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Courter
Coyne
Craig
Daniel
Darden
Daschle
Davis
de la Garza
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart (OH)
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Evans (IL)
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Florio
Foglietta
Foley
Ford (TN)
Frank
Franklin
Frenzel
Gallo
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Hall, Ralph
Hamilton
Hammerschmidt
Hawkins
Hayes
Hefner
Hendon
Hertel
Hiler
Holt
Hopkins
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (TN)
Kanjorski
Kasich
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lightfoot
Lipinski
Livingston
Lloyd
Loeffler
Long
Lott
Lowery (CA)
Lowry (WA)
Lujan
Lundine
Madigan
Manton
Markey
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCain
McCloskey
McCollum
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
McMillan
Meyers
Mica
Michel
Mikulski
Miller (OH)
Miller (WA)
Mineta
Mitchell
Molinari
Mollohan
Monson
Montgomery
Moody
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Savage
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Seiberling
Sharp
Shaw
Shelby
Shuster
Sikorski
Sisisky
Skeen
Skelton
Slattery
Slaughter
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Strang
Stratton
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Waldon
Walgren
Walker
Watkins
Weber
Weiss
Wheat
Whitley
Whittaker
Whitten
Williams
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (MO)

NAYS—34

Archer
Armey
Bartlett
Brown (CO)
Cheney
Crane
Daub
Dorgan (ND)
Dreier
Fiedler
Gunderson
Henry
Hubbard
Ireland
Jacobs
Kastenmeier
Kramer
Lehman (FL)
Lungren
Mack
Marlenee
McEwen
Moorhead
Obey
Roth
Schaefer
Sensenbrenner
Shumway
Siljander
Smith (NE)
Smith, Denny (OR)
Solomon
Stump
Waxman

NOT VOTING—52

Applegate
Aspin
Bedell
Biaggi
Breaux
Brown (CA)
Burton (CA)
Campbell
Chappie
Conyers
Crockett
Dannemeyer
Donnelly
Dowdy
Eckert (NY)
Erdreich
Evans (IA)
Flippo
Ford (MI)
Fowler
Frost
Fuqua
Garcia
Gaydos
Grotberg
Hall (OH)
Hansen
Hartnett
Hatcher
Hillis
Horton
Jones (OK)
Kaptur
Luken
MacKay
Martinez
McCandless
Miller (CA)
Moakley
Moore
Morrison (CT)
Rose
Rudd
Stallings
Studds
Thomas (CA)
Traxler
Udall
Weaver
Whitehurst
Young (FL)
Zschau

Mr. ARMEY changed his vote from "yea" to "nay."

Mr. LOWRY of Washington and Mr. SCHEUER changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore (Mr. GRAY of Ilinois). Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, I have a unanimous-consent request. Prior to making that unanimous-consent request, to clarify our situation, I take this time to discuss the program.

The first request I am going to make is to permit us to have a recess.

The other body is reportedly in its final stages of debate on sanctions and following a vote on that is expected to take up the resolution that we sent

them concerning the extension of the debt ceiling. Depending on the manner in which that is concluded in the other body, we may or may not have a vote on it, but I think it would be safe for Members to presume that we will have a vote on amendatory language which will be added in the other body.

REQUEST TO AUTHORIZE THE SPEAKER TO DECLARE RECESSES ON FRIDAY, AUGUST 15, AND SATURDAY, AUGUST 16, 1986

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses at any time on Friday, August 15, or Saturday, August 16, 1986, subject to the call of the Chair.

May I say in further explanation that we would anticipate at least an hour and a half during which time Members might have dinner and expect to return. We would plan a 30-minute notification for Members prior to our coming back into session. Bells would ring and the individual buzzers would sound. Members will be notified that in 30 minutes the House would resume.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. LOTT. Reserving the right to object, Mr. Speaker, if I could ask the distinguished majority leader, did I understand correctly the gentleman was asking for recesses subject to the call of the Chair at any time both today, Friday, August 15, and Saturday, August 16, if necessary?

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield, and/or tomorrow, just as a safety precaution. I should like to say that it surely is not my expectation, and most emphatically is not my wish, that we have any occasion to be here on tomorrow, but while we are getting the authorization it seems appropriate and proper that we should ask for the right to have a recess, if necessary.

Mr. LOTT. Well, I would certainly hope it would be our intention to conclude tonight. I would think maybe we would be sending the wrong signal to the other body if we start off talking about Saturday, the 16th, and all at this point, so I would hope that at the appropriate time the gentleman maybe would ask for that recess authority just for now, today, Friday the 15th. If it becomes necessary at some subsequent point, I am sure this side will be glad to cooperate in that effort.

Mr. WRIGHT. Mr. Speaker, I withdraw my request.

REQUEST TO AUTHORIZE THE SPEAKER TO DECLARE RECESSES ON FRIDAY, AUGUST 15, 1986

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses at any time on today, Friday, August 15, 1986, subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MILLER of Ohio. Reserving the right to object, Mr. Speaker, I understand what we are attempting to do and we have done it before, but we, the Members, find ourselves in our offices wondering whether we would be going back in session at 9 p.m. tonight or 2:30 in the morning. If we had a time certain so that we would know for sure, as an example, 9 o'clock, that we would be back in, only a few Members would need to come here. With the closed-circuit television that we have at the present and with the very good Democrat staff people and very good Republican staff people that keep in touch with the Senate constantly, you could update us as to where we stand at that point.

The gentleman mentioned the possibility of having a one-half hour call ahead of going in, but that can happen at 2:30 in the morning.

So I would reserve the right to object, unless we set a time certain as to when we would call the body back and again only a few would need to come back, the rest would get the message through the beeper system. It would update us to what is going on.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield on his reservation?

Mr. MILLER. I yield to the gentleman from Texas.

Mr. WRIGHT. Let me just kind of try to explain the reason we find it difficult to forecast with any certainty just when we will be able to return.

The other body, as my distinguished friend is aware, has different rules than ours. It operates under the rule of unlimited debate. It may be that it will require longer than I think it will.

I think they will discuss this probably about an hour and then have a vote.

The distinguished minority leader and the Speaker and I, along with the other Members, discussed this matter with the minority leader and the majority leader in the Senate and tried to get the best understanding we could. They did their best to describe their situation to us, but it is unclear to them how the vote will come. There is at least one threat of which we are advised by one Member of the other body that if the vote should go a certain way he would propose to filibuster for a time following that.

□ 1945

Therefore, for me to say a specific time would be impossible, and we might get Members back in here for no purpose at all.

Therefore, I would say this—as I tried to suggest a moment ago, and perhaps I was not clear on it—that we would let Members have at least an hour and a half. We would not call them back before the expiration of 1½ hours, which would be 9:15 at the earliest, and prior to their coming back in we would notify them through their Cloakrooms. They could be notified 30 minutes in advance, and we would try our best to keep the Cloakrooms on both sides advised as to what progress appears to be occurring on the other side so that they might call the Cloakroom and get an advisory.

For Members to come back in arbitrarily and just be told to recess again seems to impose upon them an unnecessary burden.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Texas [Mr. WRIGHT]?

Mr. MILLER of Ohio. Reserving the right to object, Mr. Speaker I appreciate what the gentleman has said. The majority leader has said that we would have at least 1½ hours. That gives us some idea.

If we could have after that, say not later than 10:30—not later than—that gives you an opportunity to call the House back and then, if we are still in our offices by 10:30, we would have an idea as to what is going on, because we could be updated by those who would be on the floor at that time.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, in tradition the Speaker has been given the right to make judgments as conditions develop and declare recesses subject to the call of the Chair. If the gentleman insists——

Mr. MICHEL. Mr. Speaker, would the gentleman yield under his reservation?

Mr. MILLER of Ohio. I yield to the gentleman from Illinois, the minority leader.

Mr. MICHEL. Mr. Speaker, I wish that the gentleman would have to bear the responsibility of trying to help put this thing together as we come to the close of any kind of session. He would have a little different view of this thing.

The majority leader is absolutely correct. We do not know for sure what they are going to do. We have been through this kind of thing before. If you set 10 o'clock and all of a sudden they decide to wrap it up at 9 o'clock, we have frittered away another hour.

Some of us want to get our bags packed and get out of town tomorrow.

If the gentleman is tired, he can go back to the office and poop out and we will call the gentleman. But Jeeminy Christmas——

Mr. MILLER of Ohio. I had already stated "not later than." The House can be called in earlier. The gentleman, as the minority leader, and the gentleman from Texas [Mr. WRIGHT], the majority leader, have the information far ahead of the rest of us.

Mr. MICHEL. I do not know about that.

Mr. MILLER of Ohio. They have the information, the staff people are feeding it to you. Other Members would like to know and be updated as to what is going on. That is all that I am trying to do.

I believe that the gentleman from Texas was willing.

Mr. MICHEL. I do not want the gentleman to do anything more than what we normally have to do. He has asked for recess authority. If I were in that spot, that is exactly what I would be asking for. I am telling the gentleman that that is no more than a reasonable request that he has asked for. We will give Members a half-hour notice. Hopefully we can bring some pressure to bear on that other body to bring this thing to some conclusion.

If we have to vote again this evening, I want it to come as early as possible, get that out of the way and get back over to the other body.

Mr. MILLER of Ohio. It can come as soon as possible, but let us put a time certain on when we return.

Mr. MICHEL. The gentleman from Mississippi just asked the majority leader to recant and reduce his request from Friday and Saturday to Friday. That takes us up to midnight. I think that that is a reasonable request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. WRIGHT]?

Mr. MILLER of Ohio. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES TO TAKE EFFECT DURING CERTAIN SPECIFIED TIMES ON FRIDAY, AUGUST 15, 1986

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it may be in order for the Speaker to declare recesses at any time on Friday, August 15, 1986, subject to the call of the Chair, to resume sitting not earlier than 9:15 o'clock, nor later than 10:30 o'clock.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES ON THURSDAY, SEPTEMBER 11, 1986, TO RECEIVE IN JOINT MEETING THE PRESIDENT OF THE FEDERATIVE REPUBLIC OF BRAZIL

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, September 11, 1986, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint meeting the President of the Federative Republic of Brazil.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, SEPTEMBER 10, 1986

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday, September 10, 1986, may be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES NOTWITHSTANDING ADJOURNMENT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that, notwithstanding any adjournment of the House until Monday, September 8, 1986, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2482, FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT AMENDMENTS OF 1985

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 99-803) on the resolution (H. Res. 536) providing for the consideration of the bill (H.R. 2482) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2889, COMPUTER SECURITY ACT OF 1986

Mr. DERRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 99-804) on the resolution (H. Res. 537) providing for the consideration of the bill (H.R. 2889) to amend the act establishing the National Bureau of Standards to provide for a computer security research program within such Bureau, and to provide for the training of Federal employees who are involved in the management, operation, and use of automated information processing systems which was referred to the House Calendar and ordered to be printed.

FEDERAL LANDS CLEANUP ACT OF 1985

Mr. VENTO. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from further consideration of the Senate bill (S. 1888) to provide for a program of cleanup and maintenance on Federal lands, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, I do so to allow the gentleman from Minnesota [Mr. VENTO] to explain this measure.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, the other body passed S. 1888 on August 11, 1986. The bill would provide for a program of cleanup and maintenance of national parks, Federal public lands, and recreation areas.

S. 1888, requires each Federal land management agency to organize, coordinate, and participate with citizen volunteers and State and local agencies in cleaning and maintaining Federal public lands, recreation areas, and waterways within the jurisdiction of each agency. Each agency would plan activities to encourage continuing public and private sector cooperation in preserving the beauty and safety of Federal lands; increase citizens' sense of ownership and community pride in these areas; reduce litter on Federal lands along trails and waterways and other recreation areas; maintain and improve trails, recreation areas, waterways and facilities. These efforts would culminate in Federal Lands Cleanup Day, which the bill designates as the first Saturday following Labor Day each year. Prior to the first Federal Lands Cleanup Day after enactment, each Federal land manage-

ment agency is required to prepare a report to Congress within 90 days after the first Cleanup Day.

Mr. Speaker, I believe this is a sound program and I commend the author of the bill for setting out a Federal program encouraging the private sector to assist the Federal land managing agencies and citizen volunteers to aid in cleaning up litter problems and improving trails and other recreation areas.

I strongly favor enactment of S. 1888 and urge the House to concur and forward the bill to the President.

Mr. LAGOMARSINO. Mr. Speaker, further reserving the right to object, I rise in support of S. 1888. As the subcommittee chairman has explained, this bill would provide for an annual Federal Lands Cleanup Day, to be observed the first Saturday after Labor Day or on a more appropriate alternative date.

On this date, the Federal Land Management agencies, including the Forest Service, Bureau of Land Management, National Park Service, Fish and Wildlife Service, Bureau of Reclamation, and Army Corps of Engineers, are instructed to organize and coordinate with citizen volunteers in cleaning up the areas under their jurisdiction.

Mr. Speaker, this is a good bill which promotes public involvement in preserving the beauty and safety of our Federal lands. I urge all of my colleagues to support this measure.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Lands Cleanup Act of 1985".

FINDINGS

SEC. 2. Congress finds that—

(1) Federal lands, parks, recreation areas, and waterways provide recreational opportunities for millions of Americans each year;

(2) the Federal lands administered by the several Federal land management agencies contain valuable wildlife, scenery, natural and historic features, and other resources which may be damaged by litter and misuse;

(3) it is in the best interest of our country and its citizens to maintain and preserve the beauty, safety, and availability of these Federal lands;

(4) these land management agencies have been designated as the caretakers of these Federal lands and have been given the responsibility for maintaining and preserving these areas and facilities;

(5) there is great value in volunteer involvement in maintaining and preserving Federal lands for recreational use;

(6) the Federal land management agencies should be concerned with promoting a sense of pride and ownership among citizens toward these lands;

(7) the use of citizen volunteers in a national cleanup effort promotes these goals and encourages the thoughtful use of these Federal lands and facilities;

(8) the positive impact of annual cleanup events held at various sites has already been proven by steadily declining levels of litter at these sites; and

(9) a national program for cleaning and maintaining Federal lands using volunteers will save millions of tax dollars.

DESIGNATION OF PUBLIC LANDS CLEANUP DAY

SEC. 3. The first Saturday after Labor Day of each year is designated as "Federal Lands Cleanup Day". The President shall issue a proclamation calling upon the people of the United States to observe Federal Lands Cleanup Day with appropriate ceremonies, programs, and activities: *Provided, however,* That the activities associated with Federal Lands Cleanup Day may be undertaken in individual States on a day other then the first Saturday after Labor Day if the affected Federal land managers determine that because of climatological or other factors, an alternative date is more appropriate.

FEDERAL PARTICIPATION IN FEDERAL LANDS CLEANUP DAY

SEC. 4. (a)(1) In order to observe Federal Lands Cleanup Day at the Federal level, each Federal land management agency shall organize, coordinate, and participate with citizen volunteers and State and local agencies in cleaning and providing for the maintenance of Federal public lands, recreation areas, and waterways within the jurisdiction of such agency.

(2) For purposes of this Act, the term "Federal land management agency" shall include—

(A) the Forest Service of the Department of Agriculture;

(B) the Bureau of Land Management of the Department of the Interior;

(C) the National Park Service of the Department of the Interior;

(D) the Fish and Wildlife Service of the Department of the Interior;

(E) the Bureau of Reclamation of the Department of the Interior; and

(F) the Army Corps of Engineers.

(b) Each Federal land management agency shall plan for and carry out activities on Federal Lands National Cleanup Day which—

(1) encourage continuing public and private sector cooperation in preserving the beauty and safety of areas within the jurisdiction of such agency;

(2) increase citizens' sense of ownership and community pride in such areas;

(3) reduce litter on Federal lands, along trails and waterways, and within such areas; and

(4) maintain and improve trails, recreation areas, waterways and facilities.

Such activities shall be held in cooperation with appropriate State, county, and local government agencies.

(c)(1) Within ninety days following the first Federal Lands Cleanup Day occurring after the date of enactment of this Act, each Federal land management agency shall provide a summary report to Congress briefly outlining the types of activities undertaken; the sites involved; the nature and extent of the volunteer involvement; the cost savings realized from the program and the overall success of such agency in observing Federal Lands Cleanup Day.

(2) Such reporting requirements shall remain in effect for two years after the submission of the first report.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1955

DEFENSE DEPARTMENT PROCUREMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Speaker, as you know, the Government Operations Committee has had the unpleasant duty over the years to uncover a larger number of so-called horror stories that emerged from our investigations of Defense Department procurement. Paying $659 for ashtrays, $404 for socket wrenches, $529 for seat cushions in warplanes—such practices are wasteful, unacceptable, and aviodable. What is even more troublesome in Pentagon procurement, however, is the Defense Department's persistent and pervasive practice of developing and foisting upon our fighting forces gold-plated weapons and equipment that fail operational tests, are too complex to be practical, and too fragile to withstand the conditions of the battlefield.

Mr. Speaker, I submit for the RECORD one of the most recent and most compelling indictments of that practice—this one by a just-retired Marine Corps lieutenant colonel and Vietnam veteran. Writing in the Washington Post, David Evans tells of one failure after another of the Defense Department to equip our troops with proper weapons and equipment. Colonel Evans writes also of serious failures in command and control arrangements and in training exercises.

Mr. Speaker, the first step in solving problems is to identify and acknowledge them. In writing this article, Colonel Evans has performed one more valuable service to the country. At this point I include the article:

[From the Washington Post, Aug. 3, 1986]

WE STILL DON'T HAVE THE ARMS AND TACTICS FOR A MAJOR WAR

(By David Evans)

When I joined the 3d Marine Division on Okinawa last year, I was issued brand new equipment. Helmet, pack, canteens, the works. It was the first time in two decades the Marines had ever issued me anything new. Evidence, I thought, that the huge spending increases for defense were finally having an effect. Hard goods were trickling all the way to the tip of the national security spear.

Then I tried to install the leather sweatband in the new German-style helmet made of Kevlar. The simple spring clips on the sweatband of yore had been replaced by fasteners with little metal loops. It took a good half-hour, armed with pliers and jeweler's screwdriver, to work the sweatband into the helmet.

It was obvious the designers of the new headgear were sublimely ignorant of the infantryman's rustic lot in the field, where vise-grip pliers and miniature screwdrivers are as rare as Faberge eggs.

The helmet is symptomatic of the kind of military the United States is producing. It is rather like the British sports cars of the 1950s. Beautiful to look at, they were nevertheless cantankerous and touchy to operate. Under less than optimum conditions—like rain—their electrical systems were maddening. They stand as an apt paradigm for today's combat systems.

War remains very simple, direct, and brutal. In contrast, our latest combat systems offer baroque complexity. They require the skills of highly trained technicians to understand and maintain. As we have pushed technology, the operating tolerances of our systems have narrowed. The military is now so complex it cannot go to war without air-conditioners. Not for the comfort of the troops, mind, but to keep its delicate computers from overheating. The question is whether we are overdesigning forces that cannot win wars.

Indeed, the American military system suffers from seven deadly flaws:

The system is not self-correcting. Instead, the American military is stuck in the rut of ingrained and comfortable habit. Too many of the lessons learned painfully years ago remain uncorrected.

When the Marines staggered out of the Chosin Reservoir 35 years ago, they said the standard five-gallon water can was too heavy for troops weakened by fatigue and cold. They suggested a three-gallon, insulated model.

In those engagements, only the simple M1 rifle, with its loose tolerances and robust operating mechanism, could be kept working in the extreme cold. The temperamental carbine, with its shorter bolt movement, jammed frequently. The complicated Browning Automatic Rifle (BAR) tended to clog with ice, and the Marines urged "simplification of the weapon."

Few of the men who fought that bitter campaign had received actual experience in cold-weather operations beforehand. Those who survived commented enviously on the white cloaks worn by the Chinese, which made them all but impossible to spot.

The situation today: White parkas are in the system. Genuine progress there. But the standard water can remains the five-gallon model, uninsulated. "How we're going to get water to the troops remains a basic, unanswered problem," one colonel told me. The M16A2 rifle with its close tolerances and short bolt movement, experienced significant failures in cold weather tests in 1984.

The Marines have pre-positioned a brigade's worth of equipment in Norway, but they have not designated or trained a specific unit for cold-weather operations.

Whether campaigning in the snow or desert, American troops are likely to encounter Soviet tanks. Their ability to kill them remains dismal. Recall the Army's experience with Task Force Smith, the Rapid Deployment Force of its day, fighting North Korean tanks at Osan in July, 1950. The forward companies were overrun because the Army's 2.36-inch bazooka lacked the punch to kill a tank from the front. Today, the infantryman's last-ditch weapon is still essentially a disposable bazooka—the M72—which fires a warhead that remains too small to inflict a kill.

The Army seems to have forgotten that fighting is largely psychological, and that battles are oftentimes won or lost on the strength of perceptions. If an attacking tank is hit from the front and explodes, an entire armored attack may be halted. Nobody wants to burn to death. On the other hand, if the tank is hit and keeps coming, what incentive does the defending infantryman have to stand and fight?

We're easy targets. Three rules for battlefield survival remain unchanged since World War I: Keep a low profile, stay off the skyline, and spread out. The U.S. military is distinguished by its billboard profile. The standard M923 cargo truck is a good 10 percent bigger than the M54 truck of 1960s vintage. Yet the new truck carries the same five-ton load.

The Army's M2 Bradley troop carrier is fully 10 feet high. Crashing through the woods at Fort Benning, it looks as big as a house.

Standing out against a neutral background is worse—troops moving along the crest of a ridge, for example. There is a electronic skyline, to. Anything that sends out electromagnetic radiation—radars and radios specifically—can reveal one's position. The need to transmit has to be balanced against the risk of detection. Instead, radios have become a convenient crutch. There are about 1,100 of them in a Marine division now, filling the air with mostly routine administrative messages, advertising our positions like so many searchlights on a dark night.

Omnidirectional antennas aggravate the situation by broadcasting in every direction. Directional antennas would greatly enhance communications security. One of the more powerful tactical radios, the AN/TSC95, does not come so equipped, and pours out its 1,000 watts of power in all directions, like one of those faceted mirrored balls that hang from discotheque ceilings. Yet a good high-gain, directional antenna can be had for a fraction of the radio's cost. Claims one signals officer, "You can buy a better antenna for the TSC95 from Radio Shack than the one that comes with it."

Contrary to the need for dispersion, the massive and more powerful electronics tend to aggregate into large headquarters complexes. A division command post looks like an antenna farm, pumping out electromagnetic radiation, as well as heat and noise from ranks of diesel generators, fairly shouting its location.

We're too complicated. The virtue of simplicity runs counter to the reigning devotion to complex weapons. Although more can go wrong with complicated systems, the U.S. military is now freighted with unnecessary complexities.

The Pentagon's approach to weapons design is a major contributor. "Cost-effectiveness analysis," says one former Army officer, "tends to drive one to single-purpose weapons because of the one-on-one simulations and the fact that special interest communities conduct the analyses." The end effect was captured in one recent report, revealing for its frankness on the matter, "All combat-vehicle programs have designed their own unique weapons stations, resulting in a significant number of single-purpose stations with unique logistics . . . heavy demands on training, and little or no interoperability or commonality . . . between different vehicles."

The Air Force and Navy have incompatible aerial refueling systems. The Air Force flies "female" fighters; its pilots fly next to the tanker and are plugged in by the boom on the mother ship. The Navy flies "male" fighters, mounting a probe that the pilot flies into the tanker's fuel receptacle. Unless both systems are mounted on the tanker, as in the case of the new hermaphroditic KC10, or the modification kit is handy for the older KC135, the two systems are not interchangeable.

At a more fundamental level, all the players on the battlefield are not dealing in the same units of measure. Infantry units use kilometers and meters for horizontal and vertical measure, using grid coordinates to mark locations. Pilots flying close air support for them deal in nautical miles, feet above sea level, and latitude-longitude locations.

Some aviators claim the difference is trivial, as it is easy to convert from one to the other. But why convert at all? The conversion process injects an unnecessary source of errors. The military adopted 24-hour time to eliminate potential confusion. The same argument applies for problems of location.

There is not enough slack in the system. We are building systems where anything less than perfect execution can upset the game plan. Loose tolerances are more forgiving, especially under the terrific and often unpredictable strains of combat. The Navy's latest air-cushioned amphibious landing craft, the LCAC, is a good example of the kind of unforgiving systems now entering service. Since the LCAC is more like a helicopter with the roof off than a boat, the latest employment manual cautions that the "spotting of cargo is critical" to stay within center of gravity limits. Three inches is the allowed tolerance. Now imagine doing this with a 60-ton tank from a heaving loading ramp at sea.

Laser-guided bombs are the current rage in high-fashion weaponry. Accurate, yes, but they present unique problems. Laser spotters held by troops on the ground generate pulsed codes. These are meant to be read by a seeking device in the nose of the bomb hung under the wing of an aircraft. Yet the ground-based spotter pulses in a three-digit code while the bomb only "recognizes" a four-digit code. So, rather than having both components use the same three- or four-digit code, the bomb's coding has to be carefully translated beforehand into a three-digit equivalent.

There is absolutely no room for error here. Not only must the laser on the ground and the seeker in the air work perfectly, the pilot must be in constant radio contact with the infantryman to ensure that the ground laser is turned on at precisely the right time. If it is turned on prematurely, the bomb will lock on too early and fall short of the target. Moreover, since the pilot has to ride right down the laser beam, he must come in directly over the soldier's back. Thus, a bomb that falls short is likely to fall on friendly troops.

We are not ready for close-in fighting. The Army and Marine Corps have adopted a three-layer approach to antitank combat: TOW heavy antitank missiles for kills beyond two miles, the DRAGON medium antitank missile for kills at about a mile, and shoulder-launched rockets at beltbuckle range.

For these weapons, they have not invested in enough ammunition to do the job. The military does not buy munitions according to wartime need, but on the basis of what share of its peacetime budget it chooses to spend on ammunition. The planned consumption rates that result are absurdly low—in intense combat, one shot every two days for the TOW, and one shot every four days for each DRAGON, for example. "I'll shoot up my allowance in the first five minutes," said one astonished battalion commander when he was informed of these planned firing rates.

Even with adequate stocks of missiles, there are problems. The TOW can be spoofed by smoke and heat. The DRAGON is notoriously unreliable. After a decade of neglect the Army is finally moving to replace the near-useless DRAGON with an effective weapon of European design, but only for select units such as Rangers.

However, few battles are won or lost at long range. Opening fire early at long range can betray one's positions, and Rommel, a master at setting antitank ambushes, repeatedly inveighed against opening fire too soon for this very reason.

The nature of the battleground probably will not allow for the distant shots, anyway. Germany, for example, is heavily wooded and urbanized, and the Bundeswehr estimates 55 percent of all targets will be sighted at less than a quarter-mile. The Soviets, too, figure roughly 60 percent of all antitank engagements will take place within a half-mile range.

Army Gen. Frederick J. Kroesen, former commander of NATO's Central Army Group, is even more conservative: "Fog . . . and smoke-generating devices in abundance lead me to believe the next war will be won or lost at the 300-meter [fifth of a mile] range, just as in the past."

It is at this vital range that American troops are most vulnerable to the unnerving psychological impact of massed armored attacks, and where they stand virtually naked. The Army and Marines are buying the AT4 shoulder-fired rocket to replace the M72. It is not much of an improvement, and is known among cynics as "The Paint-Scratcher" because it will not penetrate the frontal armor of modern Soviet tanks.

Effective alternatives are available. Yet the situation now is that Soviet tanks will be able to break through at close range, and then there is almost no limit to what they can do. They will create havoc in the rear, overrunning artillery units with impunity. The standard U.S. 155mm artillery piece, although an excellent weapon for long-range fire, cannot kill tanks at close range, as it does not come supplied with antitank shells.

We are over-centralized. The swirling nature of a mechanized war of movement, slugged out at the small-unit level, calls for on-the-spot decisions. Leaders at the head of their troops will see more and react more quickly than commanders in the rear.

"There is no inspiration in the squeaking voice made dim and quavering by a mile of [telephone] wire," said Patton. But state of the art has come to mean centralized command, and a growing family of esoteric command-and-control systems are intended to push the flow of information to the rear.

This definition from a Marine Corps handbook is instructive: "Command-and-control is an active system for decision-making where decision makers are some distance from events [emphasis added] on which their decision is based," and [significantly] "from the people who must carry it out"!

Note the shift away from officers as commanders and leaders to pallid "decision makers" who, like wingless queen bees, are absolutely dependent on a rich flow of information from engaged troops who have more pressing matters than sending detailed reports to the rear. The big difference from the bunker generalship of the First World War is that what was once done with telephone lines now takes place via radio.

The on-site, personal presence of the commander remains the greatest "force multiplier" of all. Instead, he has been pushed to the rear, snuggled up to a dozen or more radios, all broadcasting like beacons telling the enemy exactly where he is.

There are signs of change. Col. Creighton Abrams, Jr., commander of the Army's 3rd Infantry Division's artillery in West Germany and son of the late Army chief of staff, suggests committing each artillery unit in a sector to support a designated front-line maneuver battalion. "This violates the time-honored principle of maximum feasible centralized control of artillery," Abrams admits, "but it frees up the bottleneck" of trying to control all the artillery firing from a central location. Abrams' argument for decentralization recognizes the fast-paced nature of modern maneuver combat, where there isn't time for elaborate coordination through centralized facilities far to the rear.

We do not push ourselves in training. The prospect of our complex systems working in battle is not likely to be discovered in peacetime, because our units and systems are rarely stressed under less than ideal conditions. Most large-scale exercises lack operational realism. Intended to orchestrate and rehearse the complicated command relationships stemming from over-centralization, the basic systems are not challenged.

"We should start field problems with a quarter instead of a full tank of gas," says one logistician, in order to pressure the supply systems from the first hours.

Despite all the Pentagon hype about Soviet numerical superiority, we do not train to deal with it. Maneuvers typically are carried out against token and hopelessly outnumbered enemy forces. Although battalion commanders are admonished they must be prepared to fight outnumbered, they practice against company-size foes. Local air superiority is taken for granted. Frequent time-outs are provided to refresh and resupply units.

The ingrained and comfortable habits of peacetime exercise are not easily shed; recall that 6,500 troops were hurled against a few hundred haphazardly armed Cubans on Grenada.

Occasionally the defense establishment admits to itself things are badly amiss. Last spring the RAND Corp., a Pentagon-funded think tank, offered this confessional to its board of trustees: "The Army is currently deploying increasing numbers of technically sophisticated weapons that are hard to maintain, extremely expensive, and whose wartime demand rates are difficult to forecast." This assessment applies with equal, if not greater force, to the other armed services.

Appearances can lead to a false perception of power, and the U.S. military stands like a fine porcelain figure, good for display but best not dropped onto the hard surface of the battlefield. How did we get here? By not looking at the reality of war. "Touchy, sensitive, delicate technology has no place at the front line," asserts one Marine reserve colonel. He's right, of course, but that is what the troops have got.

An aura of "techno-prophecy" surrounds the promises of weapons now under development. But the current penchant for revolutionary leaps in capability aggravates technical and cost uncertainties. A vicious cycle of unrealized expectations and explosive cost growth is the usual result, with readiness cutbacks and smaller forces in the field. Steady, incremental improvements may not be as dramatic, but they are likely to produce more usable combat power.

Other factors are at work. An absence of healthy skepticism, for one, leaving too many basic assumptions unchallenged. For example, the current rubric that "High-technology weapons are more lethal" is belied by actual battlefield experience. Shrapnel and bullets are doing most of the killing in the war between Iran and Iraq, although both sides have invested in some of the most complex weaponry money can buy—from Exocet missiles to F14 fighters. In field exercises, the U.S. Army is discovering that large numbers of antitank missiles must be fired to achieve relatively few kills.

Counterproductive parochialism, for another, leads to endless compromises with special-interest fiefdoms. The Bradley troop carrier, for example, is the proverbial "camel"—a horse built by a committee. As an armored taxi, it carries too few troops. As a high-profile weapons platform, it will draw fire from every enemy weapon in range.

The Navy and Air Force have their own legacy of costly parochialism. The lightweight-fighter program of the 1970s was intended to produce a common first-line aircraft for both services. Instead, the Air Force flies the winner of that competition, the F16, and the Navy flies the loser, the F18.

Perhaps the basic problem is the easy availability of money. It has corrupted a sense of reality, and distorted the focus on fighting. "The battle's the thing," said the late military historian S.L.A. Marshall. Instead of figthing power, the wealth poured into the business of war now stands as the measure of effectiveness.

There is much earnest talk coming out of the Pentagon about the need for 3, 5, or 8 percent growth in defense spending. But when the argument shifts to the subject of fighting power, the certain rhetoric of an instant before devolves into vague ramblings about the "synergistic effects of combined arms," about the "single-pass multiple-kill" systems the troops will have five years hence, and the forthcoming marvels of "enhanced connectivity."

Faddish jargon has become a substitute for clear and serious thinking about the underlying foundations of combat effectiveness. Poetry devoid of philosophy is merely verse, and spending absent a sound concept of national defense is simply procurement. A freeze on defense spending would be an appropriate first step to sort things out. Mindless buying is producing a military described by one former Army general as a "force without power"—and at a cost the country cannot afford.

PAYMENT LIMITATIONS REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, financial conditions in the agriculture sector make it virtually impossible for young farmers to start their own farming operations without assistance from their families. Starting a farm from scratch requires a monumental expenditure. The necessary land and equipment must be leased or purchased and in addition, they must pay for seed, fertilizer, chemicals, and labor. All these expenses make financing necessary even for someone who is an established farmer. For a young farmer with no history in farming, not only must they have fi-

nancing but someone willing to share the responsibility for a loan so that a bank will extend them credit.

After financing is arranged with the help of a family member willing to cosign for a loan, the young farmer must then begin to acquire the necessary farm implements. Naturally, once again, the family offers to help by leasing land and equipment. However, Government regulations prohibit this practice. Under ASCS payment limitation regulations, a family member cannot assist another family member with financing and lease them land or equipment without the two farmers being considered one entity for the purposes of deficiency payments.

This regulation penalizes those farmers who need assistance from their family to start a farm. Many farmers in the First District of Arkansas have expressed their concern over this regulation. A farmer in my district hoping to retire is trying to establish his two grandsons in farming so that they can one day take over his farm. However, ASCS regulations prohibit him from leasing them land and helping them to obtain financing. Without his signature on the loan, they would not be able to get money. Without leasing his land, they would not be able to take over his operation. And for the three farm families to survive they need the Government deficiency payments.

Today, I am introducing legislation which would allow family members to help finance another family member and lease them land or equipment without losing their separate deficiency payments. This bill only applies to farm families. It is a profarm family bill.

As it stands, more and more young people are leaving the farm, forsaking their lifestyle, because times are too tough in agriculture for them to make it. Those few who choose to stay need all the assistance their families can give them. We, in Congress, must offer them our assistance as well, not only in this area, but in all areas which affect the family farmer. If we do not come to their aid, America will see the passing of the small family farmer within a generation.

PROTECTING RATEPAYERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. WYDEN] is recognized for 5 minutes.

Mr. WYDEN. Mr. Speaker, telecommunications plays an increasingly important role in the health of our economy and in our everyday lives. If there is one common thread which unifies virtually all of us across the Nation, it is that we all rely at some point on the telephone to communicate with others. Whether it is for social, business, or important emergency and medical purposes, having accessible, efficient, and affordable telephone service is, for most of us, a necessity.

The telecommunications industry continues to undergo significant changes. Judicial and regulatory decisions, as well as technological innovations and increasing competition, are reshaping the ways in which we communicate.

As part of these sweeping changes, the Bell Operating Cos. have intensified their efforts to expand into new competitive markets. While I believe that there are several positive aspects of this diversification, such as wider availability of new products and services to the average telephone consumer, I also believe that we must be careful not to allow the Bell Operating Cos. to make forays into new and often highly competitive markets at the expense of local telephone customers.

Protecting local telephone customers from unnecessary increases in local telephone rates is now the centerpiece of intense debate. This issue was the central focus of House subcommittee hearings earlier this year. Time after time, the debate continues to come back to the issue of local ratepayer safeguards and affordable telephone rates.

On November 5, 1985, I introduced the Telephone Ratepayer Protection and Technology Promotion Act. This legislation was the first bill to explore the possibilty of lifting the information service and manufacturing restriction on the Bell Operating Cos. which prevent them from entering certain competitive markets. H.R. 3687 also was the first legislation which directly addressed the concerns of local ratepayers by giving State authorities a significant role in determining the extent to which the Bell Operating Cos. can expand into these new markets. State commissions are best qualified to understand the needs of the local telephone customers in their jurisdictions and must have a part in determining how best to protect local ratepayers.

Mr. Speaker, today, on behalf of myself and Mr. LUKEN, Mr. BRYANT, Mr. LELAND, and Mr. SYNAR, I am announcing provisions which set forth specific guidelines for protecting ratepayers if the Bell Operating Co. are allowed to provide information services.

I know other Members have similar concerns about protecting taxpayers. In particular, my good friend Mr. SWIFT, who has been a leader on telecommunications issues, has been developing ratepayer provisions of his own. I look forward to working with Mr. SWIFT and other Members who are interested in this critical area.

The thesis of the piece Mr. LUKEN, Mr. BRYANT, Mr. LELAND, Mr. SYNAR, and I are submitting today is simple: Customers of regulated services should not bear any financial risks associated with the Bell Operating Cos'. provision of information services. This proposal reflects Congress' long-standing commitment to ensuring that the goal of universally available and affordable telephone service is realized. The availability and affordability of local telephone service must not be jeopardized by BOC efforts to enter unregulated markets.

To that end, the proposal we are advancing today ensures that the Bell Operating Cos.' costs of providing information services are assigned and allocated fairly. If a cost can be attributed solely to an information service, it shall be assigned directly to that service. If a cost cannot be attributed solely to an information service because it involves the use of facilities and resources that are used to offer basic telephone service, it shall be allocated equitably between information services and basic telephone service based on how much the information service actually uses the local exchange facilities and resources.

Moreover, under this proposal, the Bell Operating Cos.' revenue requirement for the provision of local telephone service must be reduced by an amount equal to the share of joint and common costs shouldered by the information service. This reduction of revenue required for local telephone service will help ensure the stabilization—and even possibly reduction—of local rates, directly benefiting local telephone customers.

In addition, the Bell Operating Cos.' information service operations would be required to make a contribution to the local exchange activities in order to compensate local ratepayers for having funded the development of certain intangible benefits—such as corporate goodwill, recognition, and reputation—that directly benefit the Bell Operating Cos.' information service operations. Local telephone customers helped pay for the development of this corporate goodwill; therefore, since the information services operations will reap the rewards of these intangible benefits, local ratepayers should be compensated. Such compensation also will help defray the Bell Operating Cos.' costs of providing local exchange telephone service.

Finally, under this proposal State regulatory authorities will have a role in determining how the Bell Operating Cos. allocate the costs of providing information services. State commissions are best qualified and equipped to assess the needs of the local ratepayers in their jurisdictions. Therefore, the proposal requires the formation of a Federal-State joint board which will establish appropriate cost-allocation safeguards that must be implemented and enforced by the Federal Communications Commission.

If the Bell Operating Cos. are permitted to offer information services, I believe that this proposal provides the safeguards that are necessary to protect local telephone customers. Anything less than that will jeopardize our efforts to ensure universally available and affordable telephone service.

I would like to note that I also am concerned about the potential impact that allowing the Bell Operating Cos. to enter competitive markets could have on their competitiors and on communications workers, and I plan to address these concerns in the near future.

The proposal follows:

SECTION 1. AUTHORITY TO PROVIDE INFORMATION SERVICES.

Notwithstanding any provision of the Modified Final Judgment, a Bell operating company may engage in the provision of information services and in research and development related to such services, subject to the limitations and conditions contained in this Act. The provision of information services (and related research and development) shall not be subject to regulation by any State commission. This section shall not be construed to prohibit any State from enacting and enforcing any consumer protection law, to the extent not inconsistent with this Act.

SEC. 2. RATEPAYER PROTECTION.

(a) ASSIGNMENT OF DIRECT COSTS.—The costs of any plant, equipment, personnel, research, or other resources used only to provide information services shall be assigned exclusively to information services and shall not be recovered through charges paid by customers of exchange telecommunications service.

(b) ALLOCATION OF JOINT AND COMMON COSTS.—

(1) IN GENERAL.—The share of joint and common costs that shall be allocated to information services shall be a share equal to the estimated proportionate use that information services will make of plant, equipment, personnel, research, and other resources used both for information services and exchange telecommunications service.

(2) ASSIGNMENT OF COST OF CAPACITY AND SPECIAL FEATURES.—In addition to the costs allocated pursuant to paragraph (1), the costs of any capacity or special features which are—

(A) required primarily for or used (or proposed to be used) substantially in the provision of information services; and

(B) included in the plant, equipment, personnel, research, or other resources used (or proposed to be used) both for information services and exchange telecommunications services,

shall be allocated exclusively to information services and shall not be recovered through charges paid by customers of exchange telecommunications service.

(3) REDUCTION OF REVENUE REQUIREMENT.—The revenue requirement associated with the provision of exchange telecommunications service shall be reduced by an amount equal to the share of joint and common costs allocated to the provision of information services under paragraphs (1) and (2) of this subsection.

(c) COMPENSATION FOR INTANGIBLE BENEFITS.—

(1) IN GENERAL.—In order to compensate customers of exchange telecommunications service for bearing the costs associated with the development of intangible benefits (such as good will) which are available to a Bell operating company that engages in the provision of information services, each Bell operating company shall use a fraction, specified in regulations promulgated under section 3, not to exceed 5 percent, of the gross revenues derived from the offering of information services to defray the cost of exchange telecommunications service.

(2) EXCEPTION.—Paragraph (1) of this subsection shall not apply to any Bell operating company that provides information services through a separate corporate entity (with separate officers) that—

(A) conducts all dealings with the Bell operating company on an arm's length basis;

(B) utilizes operating, marketing, installation, and maintenance personnel separate from the personnel of the Bell operating company;

(C) markets its services without reference to its affiliation with the Bell operating company; and

(D) obtains financing on its own credit without recourse to the assets of any Bell operating company or affiliate of such a company (other than the separate corporate entity itself).

(d) ANNUAL REASSIGNMENT AND REALLOCATION.—On October 1, 1987, and on each October 1 thereafter, the assignment of direct costs and the allocation of joint and common costs required by this section shall be revised to reflect the use of plant, equipment, personnel, research, or other resources made by such services during the immediately preceding twelve-month period.

(e) SEPARATE BOOKS OF ACCOUNT.—A Bell operating company providing information services shall maintain separate books of account for such services, in a manner prescribed by the Joint Rulemaking Board by regulation.

SEC. 3. JOINT RULEMAKING BOARD.

(a) ESTABLISHMENT OF BOARD.—Not later than 30 days after the date of enactment of this section, the Commission shall establish a Joint Rulemaking Board for the purpose of promulgating regulations concerning compliance with the requirements of this Act. Regulations promulgated by the Board shall not be subject to review by the Commission.

(b) COMPOSITION OF BOARD.—The Board shall be composed of—

(1) five commissioners of the Commission; and

(2) four State commissioners nominated in accordance with subsection (c) of section 410 of the Communications Act of 1934 and approved in accordance with subsection (a) of such section.

(c) SUBJECT MATTER OF REGULATIONS.—The regulations promulgated by the Joint Rulemaking Board shall—

(1) prescribe the procedures for compliance with the requirements of section 2;

(2) specify the fraction or fractions which each Bell operating company is required to use as provided in section 2(c);

(3) define terms and prescribe standards for evaluating costs under such section;

(4) identify the information and materials that shall be submitted to the Commission in order to obtain approval under section 4(b); and

(5) exercise exclusive administrative jurisdiction with respect to the matters pending before the Commission in CC Docket 86-111.

(d) PROCEDURAL REQUIREMENTS FOR BOARD.—In promulgating regulations pursuant to this section, the Board shall comply with section 553 of title 5, United States Code. Such regulation shall be subject to review in accordance with chapter 7 of such title.

(e) STAFF.—The Joint Rulemaking Board may, in accordance with title 5, United States Code, appoint such staff as it considers necessary to carry out its functions under this Act.

SEC. 4. ENFORCEMENT BY COMMISSION.

(a) IN GENERAL.—The Commission shall be responsible for enforcing the requirements of section 2 of this Act and the requirements of the regulations promulgated by the Joint Rulemaking Board under section 3 of this Act.

(b) COMMISSION APPROVAL REQUIRED.—A Bell operating company may not engage in the provision of information services as authorized by section 1 of this Act—

(1) unless the Commission has approved—

(A) the assignment by such company of direct costs as required by section 2(a) and the regulations prescribed under section 3; and

(B) the allocation by such company of joint and common costs as required by section 2(b) and the regulations prescribed under section 3;

(2) if the approval required by paragraph (1) is withdrawn; and

(3) if the Commission determines that such company has failed to provide the compensation required by the regulations promulgated by the Joint Rulemaking Board under section 3(c)(2).

[(c) PETITIONS FOR REVIEW OF COMMISSION DETERMINATIONS.—A State commission may, within 30 days after the Commission's action, petition the Commission for review of any determination made pursuant to subsection (b). Upon receipt of such a petition the Commission shall establish a joint board in accordance with section 410 of the Communications Act of 1934 and refer such determination to such joint board for review.

[(d) PUBLIC PARTICIPATION.—The joint board established under subsection (c) shall afford a reasonable opportunity to any customer of exchange telecommunications service to present evidence concerning the assignment of direct costs and the allocation of joint and common costs under section 2 of this Act.

[(e) REMAND OF DETERMINATIONS TO COMMISSION.—The joint board shall issue a decision on any matter referred to it under subsection (a) within 90 days after such referral. After completing its review of any determination referred to it under subsection (c), a joint board established under such subsection shall remand the determination to the Commission together with its recommendations that such determination be affirmed, modified, or rescinded.]

SEC. 5. DEFINITIONS.

For purposes of this Act—

(1) the term "Modified Final Judgment" means the Modification of Final Judgment entered August 24, 1982, in *U.S. v. Western Electric*, Civil Action No. 82-0192 (United States District Court, District of Columbia);

(2) the term "Bell operating companies" has the same meaning as such term has in the Modified Final Judgment, except that such term does not include any centralized organization for the provision of engineering, research, and administrative services, the costs of which are shared by such operating companies or their affiliates;

(3) the term "information services" has the same meaning as such term has in such Judgment but does not include electronic publishing (as that term is defined in such Judgment);

(4) the term "exchange telecommunications service" has the same meaning as such term has in such Judgment;

(5) the term "joint and common costs" means the costs of plants, equipment, personnel, research, or other resources used in the provision of exchange telecommunications service and information services, and includes the cost of capital and any depreciation expenses;

(6) the term "State commission" means the commission, board, or official (by whatever name designated) which under the laws of any State has regulatory jurisdiction with respect to the intrastate operations of carriers; and

(7) the term "Commission" means the Federal Communications Commission.

Mr. LELAND. Mr. Speaker, I commend my good friend and colleague from Oregon, RON WYDEN, for his leadership on the important issue of ratepayer protection from cross-subsidization. While I have yet to see a perfect approach to the difficult issue of cross-subsidization, the Wyden approach is the best proposal I have seen to date. The principles outlined in the Wyden approach are essential protections for the residential ratepayer, and the Wyden proposal is an excellent starting point for the debate on this crucial issue.

I feel very strongly that this Congress should not allow the Bell Operating Cos. to engage in further speculative economic ventures until or unless we are completely satisfied that residential ratepayers will not have to foot the bill for exotic new features that they neither want nor need.

I recognize that there appears to be considerable interest among my colleagues in possi-

bly freeing the Bell Cos. from some of the restrictions of the modified final judgment. There also are a number of other important issues, however, that should be considered contemporaneously with or prior to consideration of the MFJ. For example, many Members of Congress, including this Member, are concerned about preservation of universal telephone service and the development of a meaningful national lifeline telephone service program. Other issues of concern include, but are not limited to: the role of labor if the Bell Operating Cos. become involved in new ventures; the status of competition in the long-distance industry; protection of existing and prospective competitors of the regional companies; and the impact of bypass on residential rates.

Mr. WYDEN has made an outstanding contribution to the debate on common carrier legislation with his proposal today. I would caution my colleagues, however, that there are a number of difficult issues to be discussed and resolved before we move forward on proposals that would eliminate or relax the modified final judgment.

A section-by-section analysis of the Wyden proposal follows:

SECTION-BY-SECTION EXPLANATION OF RATEPAYER PROTECTION PROPOSAL

SECTION 1—AUTHORITY TO PROVIDE INFORMATION SERVICES

Section 1 permits the Bell Operating Companies to engage in the provision of information services and in associated research and development, subject to the limitations and conditions set forth in the remaining sections of this proposal. The Bell Operating Companies' provision of information services will not be subject to state regulation, but will be subject to the terms and conditions established by the Joint Board in accordance with the provisions of Section 2 of this Act. The Act does not preclude state regulatory authorities from enacting and enforcing any consumer protection laws which are not inconsistent with this proposal.

SECTION 2—RATEPAYER PROTECTION

In order to protect local telephone customers, the costs associated with the provision of information services must be assigned and allocated fairly to ensure that the Bell Operating Companies do not use revenues generated by their basic regulated local telephone services to fund their information service activities. Section 2 sets forth standards for the assignment of direct costs and allocation of joint and common costs associated with the provision of information services by the Bell Operating Companies.

The rules governing the assignment and allocation of costs will be established by a Joint Board (as described in Section 3 below), and the rules established by the Joint Board will be implemented and enforced by the Federal Communications Commission.

(a) Assignment of direct costs

This subsection requires that any costs that can be attributed solely to the provision of information services shall be assigned directly to information services. None of these costs shall be recovered through the charges paid by local telephone customers.

(b) Allocation of joint and common costs

Subsection (b) establishes standards for the allocation of joint and common costs. These costs are incurred whenever the provision of an information service utilizes any plant, equipment, personnel, research, or other resources that also are used for the provision of basic local telephone service. Specifically, this subsection requires that the share of joint and common costs allocated to each Bell Operating Company's information service activities be equal to the information service activities' estimated proportionate use of plant, equipment, personnel, research and other resources that are also used to provide basic local telephone service.

Subsection (b) also sets forth requirements for the allocation of costs associated with the costs of any transmission capacity of special features required primarily in the provision of information services and which is included in the plant, equipment, personnel, research, or other resources used or proposed to be used for local exchange service. These costs shall be allocated exclusively to information services and not covered through charges paid by local exchange telephone customers.

Finally, subsection (b) requires that the Bell Operating Companies' revenue requirements for providing basic local telephone service be reduced by an amount equal to the share of joint and common costs allocated to the provision of information services. This provision ensures that ratepayers will realize a direct benefit from the use of local exchange facilities by the Bell Operating Companies' information service activities.

(c) Compensation for intangible benefits

The Bell Operating Companies have developed considerable "intangible" benefits, such as corporate goodwill, name recognition, and reputation as a result of their 100-year government-sanctioned local telephone service monopoly. The Bell Operating Companies' local ratepayers have helped to pay for the development of these intangible benefits. Subsection (c) recognizes that because the Bell Operating Companies' information service activities will derive significant advantages from these intangible benefits, local ratepayers must be compensated for bearing the costs associated with the development of these benefits.

Accordingly, subsection (c) requires the Bell Operating Companies to contribute a portion, not to exceed 5 percent, of the gross revenues derived from the offering of information services to their local exchange service operations. This contribution will help to defray the costs of providing local telephone service.

The compensation required by this subsection will not apply to any Bell Operating Company which establishes a separate for company the provision of information services. Such separate corporate entities must conduct all dealings with the Bell Operating Company on an arms-length basis, utilize operating, marketing, installation, and maintenance personnel separate from the personnel of the Bell Operating Company, market information services without referring to any affiliation with the Bell Operating Company, and obtain financing on their own credit without recourse to any assets of a Bell Operating Company or any other affiliate.

(d) Annual reassignment and reallocation

The assignment of direct costs and the allocation of joint and common costs described in subsection (b) will be reviewed and revised annually beginning on October 1, 1987. These annual revisions will reflect the level of use of plant, equipment, personnel, research and other resources by the Bell Operating Companies' information service activities during the immediately preceding twelve-month period.

(e) Separate books of account

This subsection requires all Bell Operating Companies which provide information services to maintain separate books of account for such services according to rules promulgated by a Federal-State Joint Rulemaking Board and enforced by the Federal Communications Commission.

SECTION 3—JOINT RULEMAKING BOARD

Section 3 requires the establishment of a Joint Rulemaking Board to promulgate regulations for the Bell Operating Companies' compliance with the requirements of this proposal.

(a) Establishment of Board

The Federal Communications Commission is required within thirty (30) days of enactment of this section to establish a Joint Board consisting of five commissioners of the Federal Communications Commission and four state commissioners. The Joint Board's decisions reached in accordance with the provisions of this Act are final, subject to judicial review.

(b) Subject matter of regulations

The regulations promulgated by the Joint Board as described in Subsection (a) shall prescribe the procedures for the Bell Operating Companies' compliance with the requirements of this proposal, specify the portions of their gross annual information service revenues which each Bell Operating Company is required to contribute to compensate local ratepayers for bearing the costs associated with the development of the intangible benefits described in Section 2(c).

The Joint Board's regulations will identify the information and materials that the Bell Operating Companies must submit to the Commission in order to obtain approval of their information service offerings.

Finally, the Joint Board will exercise exclusive administrative jurisdiction over the matters that currently are pending before the Commission in its proceeding on cost-allocation guidelines (CC Docket 86-111).

SECTION 4—ENFORCEMENT BY COMMISSION

Section 4 charges the Federal Communications Commission with the responsibility to enforce the regulations promulgated by the Joint Board. A Bell Operating Company may not provide an information service unless the Commission has approved the company's assignment and allocation of the costs of providing that service according to the rules and regulations established by the Joint Board.

Section 4 also allows state commissions (within 30 days) to petition the Commission for reconsideration of decisions which approve or deny a Bell Operating Company's provision of information services. When the Commission receives such a petition, it is required to establish a Joint Board in accordance to Section 410 of the Communications Act of 1934, for purposes of reviewing the petitions for reconsideration.

The Joint Board will provide any local exchange service customer the opportunity to comment on the Commission's determination. Within 90 days of receiving a petition for reconsideration of a determination made by the Commission, the Joint Board will

issue its findings, together with its recommendations to the Commission on whether the Commission's initial determination should be affirmed, modified, or rescinded.

SECTION 5—DEFINITIONS

Section 5 sets forth the pertinent definitions of the proposal.

The term "Modified Final Judgment" is defined to mean the Modification of Final Judgment that was entered on August 24, 1982 in *U.S.* v. *Western Electric* (Civil Action No. 82-0192) in the U.S. District Court, District of Columbia.

The terms "information services" and "Bell Operating Companies" have the same meanings as these terms have in the Modified Final Judgment. "Information services," however, does not include electronic publishing as defined in the Judgment. In addition, the term "Bell Operating Companies" does not include any centralized organization for the provision of engineering, research, or administrative services.

The term "exchange telecommunications service" also has the same meaning as such term has in the Modified Final Judgment.

"Joint and common costs" is defined as the costs of plant, equipment, personnel, research, or other resources used in the provision of exchange telecommunications service and information services. These costs include the cost of capital and any depreciation expenses.

Mr. BRYANT. Mr. Speaker, I am proud to join with my colleagues, Mr. WYDEN, Mr. LELAND, Mr. LUKEN, and Mr. SYNAR, in proposing something very simple and equitable for the tens of millions of people of our Nation who use and depend upon telephones for their day-to-day existence, for business, for emergencies—in some cases for their very lives.

Telephone service is indispensible for America. We, as a nation, are committed to universal telephone service of the highest quality, accessible to the greatest number of people at the least possible cost consistent with the profit motive that helped to make our country great.

The average telephone subscriber is not an investor, but a consumer of a product. He or she should not be compelled to support through higher rates for service other business ventures fundamentally unrelated to his or her telephone needs.

Because the local Bell Operating Cos. are still, effectively, officially sanctioned monopolies providing an essential, regulated public service, they are special entities in the business world. They are special entities in our society that have special responsibilities to our society.

What we are proposing today is that, if these local telephone companies are permitted to branch out into other, unregulated fields—such as information services and manufacturing—the telephone user should not bear the burden. The consumer should not be compelled in any way to be an involuntary financier of the phone companies' expanded ventures.

What we are proposing today is a renewal of our commitment to universal telephone service that is universally available at reasonable cost—a cost limited to the provision of the communications desired by the user. The universal need of telephone service demands an even lesser "lifeline" charge to assure that minimal service is accessible to all Americans including the poor and those consumers such as the elderly and infirm for whom telephone service may be the only contact with the outside world.

Because of the special nature of telephone service in this country, consumers deserve—and we intend to fight for—special protection. That is what we are talking about today.

Certainly, permitting the local Bell Operating Cos. to provide other services and enter other business areas is a complex issue that will affect not only consumers, but also competitive markets, communications employees, and our Nation at large. We must be sensitive to all the changes that a decision of this sort will have on our society, but we must begin by assuring that telephone ratepayers will have our top priority consideration.

Mr. MARKEY. Mr. Speaker, I wish to commend my colleague, Mr. WYDEN, for articulating the reservations which many of us share about current proposals to allow the Bell Operating Cos. to engage in the provision of information services and equipment manufacturing. His efforts to improve those proposals on behalf of ratepayers helps to demonstrate the difficulty associated with regulating local telephone monopolies which are rapidly expanding into competitive commercial activities. In particular, it raises complicated competitive, regulatory and fairness questions which have been explored, but not answered, in hearings before the Subcommittee on Telecommunications, Consumer Protection and Finance.

The testimony before the subcommittee made clear that the dangers of cross-subsidies between regulated and unregulated activities of the BOC's remains real. The BOC's control the local exchange networks and have every economic motivation to use that control to compete unfairly to the detriment both of its telephone ratepayers and of fair competition itself. Under the consent decree which placed the line-of-business restrictions on the BOC's, the court will shortly receive a report outlining the antitrust problems which remain. At the very least, those who downplay the significance of the dangers of cross-subsidies should be willing to read that report before weakening current protections against anticompetitive activity.

The FCC itself has demonstrated a notable lack of interest in maintaining strong ratepayer protections against various forms of crosssudsidies. Its willingness to abandon structural separation requirements in the absence of adequate alternatives in various rulemakings has revealed a propensity to jump off the diving board before checking the pool. Now is not the time to follow their example.

I have also been concerned with the failure of the FCC to monitor the extent of the dangers of bypass, with the absence of effective consumer representation before the FCC, and with the absence of a system for ensuring universal telephone service through lifeline service for the poor. These issues cannot be overlooked in any legislative overhaul of our existing system for regulating the BOC's.

AIRLINE COMPUTER RESERVATIONS SYSTEMS ARBITRATION ACT OF 1985

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] is recognized for 10 minutes.

Mr. HAMMERSCHMIDT. Mr. Speaker, for several years now, the Congress and the aviation industry have been wrestling with the problems of airline computer reservations systems [CRS] which travel agents use to book flights for passengers.

The fact is that most agents use either the sabre system owned by American Airlines or the Apollo system owned by United Airlines. Any other airline that wants to reach its customers through travel agents must participate in one of these systems. TWA, Eastern, and Delta also own systems but their market share is much smaller. Thus, the Nation's two largest airlines have significant control over their competitors. Many have expressed concern that this has a negative impact on consumers under the current deregulated airline system.

In 1984, at the urging of the Committee on Public Works and Transportation, the Civil Aeronautics Board issued regulations in this area. These regulations were primarily designed to end the bias that the CRS owners were building into their systems. Those regulations are now administered by the Department of Transportation [DOT].

Despite these rules, problems evidently remain. For one, some airlines contend that the fees they must pay when a passenger makes a booking through a competitor's computer system are too high. Also, travel agents have complained about the liquidated damages clause in their contracts with the CRS owner airline. These provisions make it difficult, if not impossible, for a travel agent to switch to a computer system of a competing airline.

Hearings have been held, lawsuits have been filed, and studies have been issued. But the controversy remains unresolved. Recently, Congressman MINETA, Senator KASSEBAUM, and I asked DOT to look into the matter further. But, at this time, it is unclear what, if any, action they will take. DOT was supposed to brief us on their plans by August 1 but they have not yet made a decision.

Therefore, in order to help resolve these issues, I am joining with Congressman MINETA, chairman of the Aviation Subcommittee, in introducing a bill to provide for arbitration of certain disputes involving airline-owned computer reservations systems. At this point, we cannot be certain that arbitration is the best way to resolve the CRS controversy. But by putting this bill before the public we can encourage discussion of this issue. That discussion and the DOT study should help us gain further insight into possible solutions.

Arbitration may very well be the best way to resolve the disputes both between competing airlines and between airlines and travel agents. At the very least, it should be less costly and draconian than the other solutions, such as forced divestiture, that have been proposed.

RECESS

The SPEAKER pro tempore. The Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 58 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2225

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. WRIGHT] at 10 o'clock and 33 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement to the Members.

The situation with regard to our possible adjourning is still indefinite, and still dependent upon action in the other body. Conversations are proceeding with Members of the other body, and it is possible that we may have some agreement that will permit us to adjourn, but we do not have it at this time.

RECESS

The SPEAKER pro tempore. That being the case, the Chair will declare a recess, subject to the call of the Chair.

Accordingly (at 10 o'clock and 34 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0300

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. WRIGHT] at 3 o'clock a.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 380. Concurrent resolution providing for a conditional adjournment of the two Houses until September 8, 1986.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5395. An act to increase the statutory limit on the public debt.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2638. An act to authorize appropriations for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal year 1987, to revise and improve military compensation programs, to improve defense procurement procedures, to authorize certain construction at military installations for fiscal year 1987, to authorize appropriations for national security programs of the Department of Energy for fiscal year 1987, and for other purposes.

PROVIDING CONDITIONS FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 5395, PUBLIC DEBT LIMIT INCREASE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent, notwithstanding the previous order agreed to today by the House concerning H.R. 5395, that at any time after the House receives from the Senate H.R. 5395 with Senate amendments thereto: First, it shall be in order to consider a motion in the House, without intervening motion, if offered by Representative FOLEY of Washington or his designee, to take said bill with the Senate amendments from the Speaker's table, to agree to the Senate amendment striking out the level of the public debt limit contained in the bill and inserting a new figure, and to disagree to the Senate amendment inserting additional language in the bill, said amendments shall be considered as having been read and said motion shall not be subject to a demand for a division of the question but shall be debatable for not to exceed 30 minutes, and the previous question shall be considered as ordered on said motion to final adoption without intervening motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so simply to ask, we are changing the procedure that was earlier agreed upon. Could the gentleman give us an explanation of just why we are changing the procedure here this evening, or this morning, I guess it is at this point.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am happy to yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, the previous unanimous-consent request assumed that the level to the public debt limit which we had sent to the Senate would be returned by the Senate with perhaps an amendment to that debt limit and that we would then take up and vote upon the Senate amendment.

The Senate in amending the temporary debt ceiling has also amended the number of the debt ceiling level and so the previous unanimous-consent agreement would not be representative of the condition of the Senate message as we have just received it.

In other words, if we were to disagree with the Senate amendments, we would be disagreeing with the level of public debt which the Senate has sent to us and we have no desire to do so.

Mr. WALKER. So the House under the new procedure will still be left with a vote on an amendment to disagree with essentially the Gramm-Rudman package and also will then, if that disagreement should carry, we will still then have a separate vote on a clean bill for a debt ceiling?

Mr. FOLEY. No. It is all contained in one motion. We would be in effect agreeing to one motion to a unanimous consent to take up the Senate amendment to the debt ceiling, the Gramm-Rudman amendment, debate that for 30 minutes and vote on it, that we will not debate or disagree with the Senate level of the public debt ceiling as amended by the Senate.

If I remember correctly, the original temporary debt ceiling was $2,134 billion. The Senate felt that that number represented a longer term of debt capacity than was intended by them, so they amended it to a figure of $2,111 billion, I believe, which is now before us. That would not take us beyond September 30.

We do not have any disagreement with the Senate amendment of that debt ceiling level. We are disagreeing with the Senate amendment, the Gramm-Rudman II amendment to the debt ceiling, and this will permit that to be debated for 30 minutes and voted on.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, the understanding of at least some of us on this side was that we would get a chance to disagree on Gramm-Rudman, but in addition there would be a chance then to vote on the clean bill.

Now, if I understand the gentleman correctly, we would not get a chance to vote on the clean bill on the debt limit under this procedure.

Mr. FOLEY. Under this procedure, which by the way has been subject to an agreement with the Senate leadership on both sides of the aisle in the other body, we would simply act one way or the other on the Gramm-Rudman amendments to the debt ceiling. They have agreed to accept the decision of this House therewith and that we would either adopt those Gramm-Rudman amendments and they would go to the President, or we would return the bill without those amendments to the Senate, whereupon they would accept them in that form and we would adjourn.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington [Mr. FOLEY]?

There was no objection.

PUBLIC DEBT LIMIT INCREASE

Mr. FOLEY. Mr. Speaker, pursuant to the order of the House of today, I move to take from the Speaker's table the bill (H.R. 5395) to increase the statutory limit on the public debt, with Senate amendments thereto, concur in Senate amendment No. 1, and disagree to Senate amendment No. 2.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Page 1, line 6, strike out "$2,152,000,000,000" and insert "$2,111,000,000,000".

Page 1, after line 6, insert:

TITLE II—BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL

SEC. 201. SHORT TITLE.

This title may be cited as the "Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1986".

SEC. 202. REVISION OF PROCEDURES.

(a) REFERENCE.—Except as otherwise specifically provided, whenever in this section an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be a reference to a section or other provision of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) REVISION OF REPORTING RESPONSIBILITIES.—(1) Section 251(b) is amended to read as follows:

"(b) REPORTS BY THE COMPTROLLER GENERAL AND THE DIRECTOR OF OMB.—

"(1) REPORT TO THE DIRECTOR OF OMB AND THE CONGRESS BY THE COMPTROLLER GENERAL.—

"(A) REPORT TO BE BASED ON OMB-CBO REPORT.—The Comptroller General shall review and consider the report issued under subsection (a) by the Directors for the fiscal year and, with due regard for the data, assumptions, and methodologies used in reaching the conclusions set forth therein, shall issue a report to the Director of the Office of Management and Budget and the Congress on August 25 of the calendar year in which such fiscal year begins, estimating the budget base levels of total revenues and total budget outlays for such fiscal year, identifying the amount of any deficit excess for such fiscal year, stating whether such deficit excess will be greater than $10,000,000,000 (zero in the case of fiscal year 1991), specifying the estimated rate of real economic growth for such fiscal year, for each quarter of such fiscal year, and for each of the last two quarters of the preceding fiscal year, indicating whether the estimate includes two or more consecutive quarters of negative economic growth, and specifying (if the excess is greater than $10,000,000,000, or zero in the case of fiscal year 1991) the percentages by which defense and non-defense accounts must be reduced during such fiscal year in order to eliminate such deficit excess. Such report shall be based on the estimates, determinations, and specifications contained in the report submitted by the Directors under subsection (a) and shall utilize the budget base, criteria, and guidelines set forth in subsection (a)(6) and in sections 255, 256, and 257.

"(B) CONTENTS OF REPORT.—The report of the Comptroller General under this paragraph shall contain such views as the Comptroller General considers appropriate concerning the estimates, determinations, and specifications contained in the report submitted by the Directors under subsection (a). The report of the Comptroller General shall explain fully any differences between the contents of such report and the report of the Directors under subsection (a).

"(2) REPORT TO PRESIDENT AND CONGRESS BY THE DIRECTOR OF OMB.—

"(A) REPORT TO BE BASED ON GAO REPORT.—The Director of the Office of Management and Budget shall review and consider the report issued by the Comptroller General under paragraph (1) of this subsection for the fiscal year and, with due regard for the data, assumptions, and methodologies used in reaching the conclusions set forth therein, shall issue a report to the President and the Congress on September 1 of the calendar year in which such fiscal year begins, estimating the budget base levels of total revenues and total budget outlays for such fiscal year, identifying the amount of any deficit excess for such fiscal year, stating whether such deficit excess will be greater than $10,000,000,000 (zero in the case of fiscal year 1991), specifying the estimated rate of real economic growth for such fiscal year, for each quarter of such fiscal year, and for each of the last two quarters of the preceding fiscal year, indicating whether the estimate includes two or more consecutive quarters of negative economic growth, and specifying (if the excess is greater than $10,000,000,000, or zero in the case of fiscal year 1991), by account, for non-defense programs, and by account and programs, projects, and activities within each account, for defense programs, the base from which reductions are taken and the amounts and percentages by which such accounts must be reduced during such fiscal year in order to eliminate such deficit excess. Such report shall be based on the estimates, determinations, and specifications, and views of the Comptroller General under paragraph (1) and shall utilize the budget base, criteria, and guidelines set forth in subsection (a)(6) and in sections 255, 256, and 257.

"(B) CONTENTS OF REPORT.—The report of the Director of the Office of Management and Budget under this paragraph shall—

"(i) provide for the determination of reductions in the manner specified in subsection (a)(3);

"(ii) contain estimates, determinations, and specifications for all of the items contained in the report submitted by the Directors under subsection (a); and

"(iii) state whether the estimates, determinations, and specifications contained therein are consistent with the views contained in the report of the Comptroller General under paragraph (1)(B), and, if not, shall justify the reasons for any deviation.".

(2) Section 251(c) is amended—

(A) in subparagraph (A) of paragraph (2)—

(i) by striking out "President" and inserting in lieu thereof "Director of the Office of Management and Budget",

(ii) by striking out "subsection (b)" and inserting in lieu thereof "subsection (b)(1)", and

(iii) by adding at the end thereof the following new sentence: "Such report shall be based upon the same economic and technical assumptions, employ the same methodologies, and utilize the same definition of the budget base and the same criteria and guidelines as the report submitted by the Comptroller General under subsection (b)(1) (except that subdivision (II) of subsection (a)(6)(D)(i) shall not apply).";

(B) by striking out subparagraph (B) of paragraph (2) and inserting in lieu thereof the following new subparagraph:

"(B) The report of the Comptroller General under this paragraph shall revise (to the extent necessary) the views contained in the report submitted pursuant to subsection (b)(1)(B).";" and

(C) by adding at the end thereof the following new paragraph:

"(3) REPORT BY THE DIRECTOR OF OMB.—

"(A) On October 15 of the fiscal year, the Director of the Office of Management and Budget shall submit to the President and the Congress a report revising the report submitted by the Director of the Office of Management and Budget under subsection (b)(2), adjusting the estimates, determinations, and specifications contained in that report to the extent necessary in the light of the revised report submitted to the Director of the Office of Management and Budget by the Comptroller General under paragraph (2) of this subsection.

"(B) The revised report of the Director of the Office of Management and Budget under this paragraph shall provide for the determination of reductions as specified in subsection (a)(3), shall contain all of the estimates, determinations, and specifications required (in the case of the report submitted under subsection (b)(2)) pursuant to subsection (b)(2)(B)(ii), and shall justify any deviation between the revised report of the Director under this paragraph and the report of the Comptroller General under paragraph (2).

"(C) The revised report of the Director under this paragraph shall contain estimates, determinations, and specifications for all of the items contained in the initial report and shall be based on the same economic and technical assumptions, employ the same methodologies, and utilize the same definition of the budget base and the same criteria and guidelines as those used in the report submitted by the Director under subsection (b)(2) (except that subdivision (II) of subsection (a)(6)(D)(i) shall not apply), and shall provide for the determination of reductions in the manner specified in subsection (a)(3).

"(D) The revised report of the Director under this paragraph for a fiscal year shall not contain, with respect to any item, an amount of budget authority, outlays, spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974), revenues, obligation limitation, obligated balances, unobligated balances, loan guarantee commitments, or direct loan obligations, which is different than the amount of budget authority, outlays, spending authority (as so defined), revenues, obligation limitation, obligated balances, unobligated balances, loan guarantee commitments, or direct loan obligations specified for such item in the report of the Director under subsection (b)(2) for such fiscal year unless, after the Director submits the report required under such subsection (b)(2)—

"(i) legislation is enacted,

"(ii) a final regulation is promulgated, or

"(iii) a notice of a sale of assets is published in accordance with subsection (l), which requires a change in the estimate of such budget authority, outlays, spending authority (as so defined), revenues, obligation limitation, obligated balances, unobligated balances, loan guarantee commitments, or direct loan obligations for such item.".

(3)(A) Section 251(e) is amended by striking out "Directors or the Comptroller General" and inserting in lieu thereof "Direc-

tors, the Comptroller General, or the Director of the Office of Management and Budget".

(B) Section 251(f) is amended by striking out "subsections (b) and (c)(2)" and inserting in lieu thereof "subsections (b)(1) and (c)(2), and the reports of the Director of the Office of Management and Budget submitted to the Congress under subsections (b)(2) and (c)(3),".

(c) PRESIDENTIAL ORDERS.—(1) Section 252(a) is amended—

(A) by striking out "Comptroller General" the first place it appears in paragraph (1) and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears in paragraphs (1) and (3) and inserting in lieu thereof "section 251 (b)(2)";

(C) by striking out "September 1" in paragraph (1) and inserting in lieu thereof "September 3"; and

(D) by striking out "COMPTROLLER GENERAL's" in the heading for paragraph (3) and inserting in lieu thereof "DIRECTOR's".

(2) Section 252(b) is amended—

(A) by striking out "Comptroller General" each place it appears and inserting in lieu thereof "Director of the Office of Management and Budget";

(B) by striking out "section 251(b)" each place it appears and inserting in lieu thereof "section 251(b)(2)";

(C) by striking out "section 251(c)(2)" each place it appears and inserting in lieu thereof "section 251(c)(3)"; and

(D) by striking out "October 15" in paragraph (1) and inserting in lieu thereof "October 17".

(d) TERMINATION OR MODIFICATION PROCEDURES.—(1) Section 251(d) is amended by striking out paragraph (3).

(2) The last sentence of section 251(c)(1) is amended by striking out "and authorized under subsection (d)(3)(D)(i)".

(3) Section 256(l)(2) is amended by striking out ", in accordance with section 251(d)(3),".

(e) TECHNICAL AMENDMENTS.—(1) Section 254(b)(1)(A) is amended by striking out "Comptroller General under section 251(c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251(c)(3)".

(2) Section 274(f)(5) is amended by striking out "section 251(b) or (c)(2)" and inserting in lieu thereof "section 251(b)(2) or (c)(3)".

(3) Section 274(h) is amended—

(A) by striking out "Comptroller General" the first place it appears and inserting in lieu thereof "Director of the Office of Management and Budget"; and

(B) by striking out "Comptroller General under section 251 (b) or (c)(2)" and inserting in lieu thereof "Director of the Office of Management and Budget under section 251 (b)(2) or (c)(3)".

(f) ECONOMIC ASSUMPTIONS; METHODOLOGY.—(1) Section 251 is amended by adding at the end thereof the following new subsections:

"(h) ECONOMIC ASSUMPTIONS.—

"(1) REQUIRED ECONOMIC ASSUMPTIONS FOR FISCAL YEAR 1987.—In preparing each report required under this section for fiscal year 1987, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall use the following economic assumptions:

"The average level of the nominal gross national product is $4,438 billion for fiscal year 1987.

"The average level of the real gross national product is $3,788.6 billion for fiscal year 1987.

"The average level of the gross national product deflator index is 117.2 for fiscal year 1987.

"The average level of the CPI–U index is 334.8 for fiscal year 1987.

"The average level of the CPI–W index is 330.0 for fiscal year 1987.

"The average level of the civilian unemployment rate is 6.8 percent for fiscal year 1987.

"The average level of the three-month Treasury bill rate is 6.2 percent for fiscal year 1987.

"The average level of the ten-year government bond rate is 7.6 percent for fiscal year 1987.

"The average level of corporate profits (economic) is $332.6 billion for fiscal year 1987.

"The average level of wage and salary disbursements is $2,184.2 billion for fiscal year 1987.

"The average level of other taxable income is $893.0 billion for fiscal year 1987.

"The average level of the capital consumption adjustment is $55.6 billion for fiscal year 1987.

"The average level of the inventory valuation adjustment is −$6.6 billion for fiscal year 1987.

"The average level of refiners' acquisition cost for oil is $12.98 per barrel for fiscal year 1987.

"(2) FISCAL YEARS 1988 THROUGH 1991.—

"(A) REPORTS BY THE DIRECTORS AND THE COMPTROLLER GENERAL.—By July 25 of the calendar year in which a fiscal year begins (beginning with fiscal year 1988), the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall each submit to the Temporary Joint Committee on Deficit Reduction established by section 274 a report proposing economic assumptions (for each of the items specified in paragraph (1)) for use by the Directors and the Comptroller General in preparing each report required by subsections (a), (b), and (c) for such fiscal year.

"(B) REPORTING OF JOINT RESOLUTION.—The Temporary Joint Committee on Deficit Reduction established under section 274 may, at any time before September 15 of the calendar year in which a fiscal year begins (beginning with fiscal year 1988), report to the Senate and the House of Representatives a joint resolution for such fiscal year which—

"(i) specifies, for one or more economic assumptions, the amount (within the range of the amounts proposed for each such economic assumption by the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General in the reports required under subparagraph (A)) for such economic assumption for such fiscal year;

"(ii) directs the Directors and the Comptroller General to use the amount specified in such joint resolution for each such economic assumption in preparing each report required under subsections (a), (b), and (c) for such fiscal year; and

"(iii) directs the President to modify the most recent order (if any) issued under section 252 for such fiscal year in a manner which implements the amount specified in such joint resolution for each such economic assumption.

"(C) PROCEDURES.—The provisions relating to the consideration of joint resolutions under section 254(a)(4) shall apply to the consideration of a joint resolution reported pursuant to subparagraph (B), except that debate in each House shall be limited to two hours.

"(D) ACTION IF ECONOMIC ASSUMPTION IS NOT SPECIFIED BY JOINT RESOLUTION.—In any case in which a joint resolution is not enacted under this paragraph specifying an amount for an economic assumption for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall use the amount for such economic assumption proposed by such Director or Comptroller General in the report required under subparagraph (A) for the fiscal year in preparing the reports required by subsections (a), (b), and (c) for such fiscal year.

"(E) DEFINITION.—For purposes of this paragraph, the term 'range of amounts' means, with respect to an economic assumption, any of the amounts for such economic assumption which is—

"(i) not less than the lesser of the amounts proposed for such economic assumption by either Director or by the Comptroller General in the reports required by subparagraph (A) for a fiscal year; or

"(ii) not more than the higher of the amounts proposed for such economic assumption used by either Director or the Comptroller General in such reports.

"(i) BUDGETARY RESOURCE-OUTLAY RATIOS.—

"(1) IN GENERAL.—

"(A) BASIC RULE.—Except as provided in paragraph (2) and in subparagraph (E), in preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall calculate budget outlays resulting from each item of budgetary resources (specified in subclauses (I) through (VII) of subparagraph (F)(i)) for an account in accordance with this subsection, for purposes of—

"(i) determining under subsection (a) budget base levels of budget outlays for such fiscal year;

"(ii) determining the amount of budget outlays for such fiscal year for defense programs to which subsections (a)(3)(E)(ii) and (d) apply; and

"(iii) determining the amount of budget outlays for such fiscal year for non-defense programs to which subsection (a)(3)(F)(iv) applies.

"(B) COMPUTATION RULES.—For purposes of subparagraph (A), in order to determine the amount of budget outlays for a fiscal year resulting from an item of budgetary resources for each account to which clause (i), (ii), or (iii) of such subparagraph applies, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall make the following determinations:

"(i) The amount of such item of budgetary resources for such account for such fiscal year shall be determined.

"(ii) The ratio described in subparagraph (C) shall be determined for such item of budgetary resources for such account.

"(iii) The amount of budget outlays resulting from such item of budgetary resources for such account for such fiscal year shall be equal to the product of the amount determined under clause (i) of this subparagraph for such item of budgetary resources multiplied by the ratio determined under

clause (ii) of this subparagraph for such item of budgetary resources.

"(C) DETERMINATION OF RATIO.—For each item of budgetary resources for each account, the ratio referred to in clause (ii) of such paragraph (B) shall be equal to the quotient of—

"(i) the amount of budget outlays specified as the average of the amounts of budget outlays proposed by each of the Directors for fiscal year 1986 for such account in the first appendix of the report submitted by the Directors under subsection (a) for fiscal year 1986 (as such report was modified by the report of the Comptroller General under subsection (b) for such fiscal year and reaffirmed by H.J. Res. 672, as adopted on July 17, 1986), except as provided by subparagraph (D) of this paragraph, divided by

"(ii) the amount for such item of budgetary resources specified as the average of the amounts for such item proposed by each of the Directors for fiscal year 1986 for such account in such appendix.

"(D) ACCOUNTS WITH MORE THAN ONE ITEM OF BUDGETARY RESOURCES.—In any case in which, in the appendix described in subparagraph (C)(i), there is—

"(i) more than one item of budgetary resources for an account to which clause (i), (ii), or (iii) of subparagraph (A) applies;

"(ii) or an excluded budgetary resource for such an account,

the amount of budget outlays for each such item of budgetary resources, for purposes of subparagraph (C)(i), shall be the amount of budget outlays determined by the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, or the Comptroller General, as the case may be, that was associated with such item of budgetary resources for fiscal year 1986 in the preparation of such appendix.

"(E) EXCEPTION.—

"(i) Subparagraph (A) shall not apply to the calculation of budget outlays resulting from an item of budgetary resources for an account if the appendix described in clause (i) of subparagraph (C) does not specify the amount of budget outlays described in such subparagraph or the amount for an item of budgetary resources described in clause (ii) of such subparagraph.

"(ii) In preparing the reports under subsections (a) and (c)(1) for a fiscal year, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office shall calculate the budget outlays resulting from an item of budgetary resources described in clause (i) in the same manner as the budget outlays resulting from such item were calculated by such Director for purposes of determining the budget base level of total outlays under subsection (a)(1)(A) for fiscal year 1986.

"(F) DEFINITION.—For purposes of this subsection—

"(i) the term 'item of budgetary resources' means—

"(I) budget authority;

"(II) spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974);

"(III) offsetting collection amounts for spending authority (as so defined);

"(IV) direct loan limitations;

"(V) obligation limitations;

"(VI) unobligated balances for defense programs; and

"(VII) budget authority for programs subject to special sequestration rules; and

"(ii) the term 'excluded budgetary resource' means—

"(I) spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974) for automatic spending increases;

"(II) direct loan floors;

"(III) guaranteed loan limitations;

"(IV) guaranteed loan floors;

"(V) unobligated balances for administrative expenses; and

"(VI) budget authority for automatic spending increases.

"(2) PROPOSAL OF ALTERNATIVE RATIOS.—

"(A) IN GENERAL.—By June 20 of the calendar year in which a fiscal year begins (beginning with fiscal year 1988), the Directors may submit a joint report to the Temporary Joint Committee on Deficit Reduction established under section 274(f) which proposes, for one or more items of budgetary resources, the use, for purposes of paragraph (1), of a ratio for such fiscal year which is different than the ratio prescribed by subparagraph (C) of such paragraph. The report shall include, for each such item for which a different ratio is recommended, an explanation of the reasons why the ratio prescribed by paragraph (1)(C) is no longer adequate for purposes of paragraph (1) and a justification for the ratio proposed for such account.

"(B) REPORTING OF JOINT RESOLUTION.—Within 5 days after receiving a report under subparagraph (A), the Temporary Joint Committee may report to the Senate and the House of Representatives a joint resolution affirming the report submitted under subparagraph (A). The provisions relating to the consideration of joint resolutions under section 254(a)(4) shall apply to the consideration of a joint resolution reported pursuant to this subparagraph, except that debate in each House shall be limited to two hours.

"(C) EFFECT OF JOINT RESOLUTION.—If a joint resolution is enacted under subparagraph (B) for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall each, in preparing each report required under this section for such fiscal year, use for each item of budgetary resources for which a ratio is contained in the report submitted under subparagraph (A), the ratio contained in such report (as affirmed pursuant to such joint resolution).

"(j) COMPUTATION OF BUDGET BASE OUTLAYS RESULTING FROM OBLIGATED BALANCES.—In determining the amount of budget base outlays resulting from obligated balances for defense programs and nondefense programs for a fiscal year for purposes of the reports required under subsections (a) and (c)(1)—

"(1) the Director of the Office of Management and Budget shall use the methodology used by such Director in determining such budget base outlays in the report required under subsection (a) for fiscal year 1986; and

"(2) the Director of the Congressional Budget Office shall use the methodology used by such Director in determining such budget base outlays in the report required under subsection (a) for fiscal year 1986.

"(k) FEDERAL REGULATIONS.—Except as provided in subsection (a)(6)(D)(ii), in preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall assume that only regulations which have been promulgated as final regulations by August 15 of the calendar year in which the fiscal year begins (with respect to reports required under subsection (a) or (b) for such fiscal year), or by October 5 of the fiscal year (with respect to reports required under subsection (c) for such fiscal year), shall be in effect during such fiscal year.

"(l) ASSET SALES.—In preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall assume that the sale of an asset by the Federal Government will occur during such fiscal year only if a final notice of sale during such fiscal year (including a description of the asset to be sold and the date of sale) is published in the Federal Register by August 15 of the calendar year in which such fiscal year begins (with respect to reports required under subsection (a) or (b) for such fiscal year), or by October 5 of the fiscal year (with respect to reports required under subsection (c) for such fiscal year).

"(m) PAY INCREASES.—

"(1) IN GENERAL.—In preparing each report required under this section for a fiscal year, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall—

"(A) include amounts of budgetary resources and budget outlays necessary to pay for any Federal pay adjustments for statutory pay systems if such adjustments have been recommended by the President or, notwithstanding subsection (a)(6)(D)(i), have been enacted by law;

"(B) include amounts of budgetary resources and budget outlays necessary to pay for any pay adjustments for elements of military pay if such adjustments occur pursuant to law or are specifically enacted by law; and

"(C) assume that the percentage of the amounts of budgetary resources and budget outlays necessary to pay for such adjustments that will be absorbed by all Federal agencies will not exceed the average (for the three most recently completed pay adjustment absorption fiscal years) of the percentages of such amounts absorbed by Federal agencies for such fiscal years.

"(2) DETERMINATION OF AGENCIES ABSORBING PAY ADUSTMENTS.—For purposes of paragraph (1)(C), a Federal agency shall be treated as having absorbed a percentage of pay adjustment for a fiscal year only if—

"(A) a pay adjustment becomes effective with respect to the agency in such fiscal year, and

"(B) a bill or joint resolution making supplemental appropriations for pay (including, in the case of members of the uniformed services, elements of military pay) was enacted with respect to the agency for such fiscal year.

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'budgetary resources' includes any of the types of budgetary resources described in clauses (i) and (ii) of subsection (i)(1)(F);

"(B) the term 'pay adjustment absorption fiscal year' means a fiscal year in which—

"(i) a pay adjustment becomes effective with respect to any Federal agency, and

"(ii) a bill or joint resolution making supplemental appropriations for pay (including, in the case of members of the uniformed services, elements of military pay) for such fiscal year is enacted for any Federal agency

with respect to which such an adjustment becomes effective.

"(C) the term 'statutory pay system' has the same meaning as in section 256(g)(2)(A); and

"(D) the term 'elements of military pay' has the same meaning as in section 256(g)(2)(B).

"(n) FARM DEFICIENCY PAYMENTS.—In preparing each report required under this section for fiscal year 1987, the Director of the Office of Management and Budget, the Director of the Congressional Budget Office, and the Comptroller General shall assume that advance deficiency payments shall be made available to producers who agree to participate in an acreage limitation or set-aside program for the crop year relating to such fiscal year based on an amount under section 107C(a)(2)(F)(iii) of the Agricultural Act of 1949 (7 U.S.C. 1445b-2(a)(2)(F)(iii)) of—

"(1) in the case of wheat and feed grains, 40 percent of the projected payment rate, as determined by the Secretary of Agriculture; and

"(2) in the case of upland cotton and rice, 30 percent of the projected payment rate, as determined by such Secretary.".

(g) ENTITLEMENTS.—Section 251(a)(6)(A) is amended by inserting before the semicolon a comma and "including the continuation of current law with respect to entitlements funded through annual appropriation Acts and with respect to the Food Stamp Act of 1977".

(h) COMPLIANCE REPORT.—Section 253 is amended to read as follows:

"SEC. 253. COMPLIANCE REPORT BY COMPTROLLER GENERAL.

"On or before November 15 of each fiscal year, the Comptroller General shall submit to the Congress and the President a report on—

"(1) the extent to which the President's order issued under section 252(b) for such fiscal year complies with all of the requirements contained in section 252, either certifying that the order fully and accurately complies with such requirements or indicating the respects in which it does not;

"(2) the extent to which each report of the Director of the Office and Management and Budget under section 251(b)(2) and (c)(3) for such fiscal year complies with all of the requirements contained in this part, either certifying that the order fully and accurately complies with such requirements or indicating the respects in which it does not; and

"(3) any recommendations of the Comptroller General for improving the procedures set forth in this part.".

(i) EXEMPT PROGRAM.—Section 255(g)(1) is amended by inserting before the first item relating to the Western Area Power Administration the following new item:

"Washington Metropolitan Area Transit Authority, Interest payments (46-0300-0-1-401);".

(j) TEMPORARY JOINT COMMITTEE.—Section 274(f) is amended—

(1) in paragraph (1) by inserting "on or after the date of the enactment of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1986" after "invalidated"; and

(2) in paragraph (2)—

(A) by striking out "Upon the invalidation of any such procedure there" in the first sentence and inserting in lieu thereof "There";

(B) by striking out "and" before "to report" in the third sentence and inserting in lieu thereof a comma; and

(C) by inserting before the period in the third sentence a comma and "and to carry out the functions specified in subsections (h) and (i) of section 251".

(k) APPLICABILITY.—The amendments made by this section shall apply only with respect to any report required to be submitted, for fiscal year 1982, and any order issued for fiscal year 1987, after the date of enactment of this Act under part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 203. RESTORATION OF AUTHORITY OF COMPTROLLER GENERAL.

(a) If, at any time after the date of enactment of this Act, legislation is enacted which—

(1)(A) establishes the Comptroller General of the United States as an officer of the executive branch of the Government, or

(B) establishes an independent agency in the executive branch of the Government to carry out the functions of the Comptroller General which are executive in nature; and

(2) provides that this section will become effective upon the enactment of the legislation,

the provisions of sections 251, 252, 253, and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect on the date of enactment of such Act) shall be restored or revived and shall be effective as if this Act, and the amendments made by this Act, had not been enacted.

(b) If, pursuant to subsection (a), the provisions of sections 251, 252, 253, and 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 are restored and revived, the responsibilities assigned by such Act (as so revived and restored) to the Comptroller General shall be carried out by—

(1) the Comptroller General (if provisions of law described in subsection (a)(1)(A) have been enacted); or

(2) the head of the agency established pursuant to provisions of law described in subsection (a)(1)(B),

as the case may be.

SEC. 204. MODIFICATION OF DEADLINE FOR SUBMISSION OF PRESIDENT'S BUDGET.

(a) Section 1105(a) of title 31, United States Code, is amended by striking out "first Monday after January 3 of each year (or on or before February 5 in 1986)" and inserting in lieu thereof "first Tuesday in February of each year".

(b) Section 300 of the Congressional Budget Act of 1974 is amended by striking out "First Monday after January 3" and inserting in lieu thereof "First Tuesday in February".

The SPEAKER pro tempore. The gentleman from Washington [Mr. FOLEY] is recognized for 30 minutes.

Mr. FOLEY. Mr. Speaker, we are at I think the end of a very long legislative day.

Under the agreement just adopted by the House, each side will debate the question of disagreeing with the Senate amendment for 15 minutes. I will yield time as requested, but very simply put, this is a question of whether we want to accept for a period of 1 year the Senate amendment, the so-called Gramm II amendment. That amendment extends for beyond 1 year in its full form. We are considering whether to accept it for the first year. If we do accept it, Members should be advised that certain consequences will follow. We will have an automatic sequestration and that sequestration will occur by order of the Office of Management and Budget, which is incorporated into the amendment as a replacement for the Comptroller General.

As a consequence of the other features of the bill, the requirement for the sequestration order to be avoided will not be a matter of some $10 billion or so more than our present reconciliation targets, but approximately $16 billion more; so we will be setting for ourselves an approximately 50 percent higher level of additional reductions in deficit.

Beyond that, we will have established a principle which many in this House believe is undesirable that an executive agency of the United States, the Office of Management and Budget, should make a determination to the President putting in effect an automatic sequestration order.

Last year when Gramm-Rudman-Hollings was passed, it contained a provision authored by one of its distinguished sponsors, Senator RUDMAN, of a so-called fallback position, in the event the Comptroller General feature of that bill was found to be unconstitutional, indeed the Supreme Court so found it this year, and the fallback position is now in effect.

We believe that it should remain in effect and we should utilize this provision to deal with the deficits that we face and the deficit reduction targets that we have undertaken to meet.

If we do so, the Joint Committee on the Budget will make its report to the Speaker and to the President of the Senate on the eighth day of September when we return from our recess and the House will vote on that matter within 5 legislative days thereafter.

The most important thing is that we will undertake early in September a reconciliation bill which will meet the target of $153.999 billion, below $154 billion, and thus achieve the goals of Gramm-Rudman.

What is important is not the mechanism by which we reach these targets, but the reaching of the targets.

We believe the present mechanism is sufficient.

Indeed, we believe it is preferable to one in which the constitutional responsibilities and powers of this House are delegated to an executive agency.

For many reasons, because it is more efficient, because it is more constitutional in tradition and spirit and because it will not add additional burdens for us to meet with respect to the reconciliation, I strongly urge that we disagree to the Senate amendment and stay with the present provisions of the Gramm-Rudman bill.

The SPEAKER pro tempore. Does the gentleman from Washington yield time?

Mr. FOLEY. Mr. Speaker, I yield 15 minutes to the minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Might I inquire on our side if there are those who would like to be recognized for any time?

I have no speakers, Mr. Speaker.

Mr. FOLEY. Mr. Speaker, I yield back the balance of my time.

Mr. LUNDINE. Mr. Speaker, when Hollywood makes a hit movie, it is frequently followed by a sequel. Often the sequel is a flawed and shoddy piece of work, simply designed to capitalize on the success of the first effort. Today in Washington we are seeing the same phenomenon. In December we passed the Gramm-Rudman law. Now we may be asked to vote on a sequel, Gramm-Rudman II.

In this case, the sequel isn't worth the price of admission.

Last December 11, 271 Members of the House of Representatives voted for the Gramm-Rudman bill. I cast my vote in favor of that legislation.

I voted for Gramm-Rudman because I believed that it would halt the misguided fiscal policies of the last 5 years. Under the Reagan administration, this Government has lived far beyond its means, spending money on the military like a drunken sailor and running up bills that have doubled our national debt. We have undermined our economy and mortgaged our future.

I voted for Gramm-Rudman in order to put a stop to all that.

I voted for Gramm-Rudman because it set deficit targets that we must meet to balance the budget by 1991. Those targets have taken the idea of fiscal responsibility out of the realm of abstract consideration and made it into a tangible and enforceable set of goals.

And I voted for Gramm-Rudman because it provided an effective way of forcing the President and Congress to meet those deficit targets. Gramm-Rudman contained an automatic cutting process, which threatened both defense and domestic programs with across-the-board cuts, if the President and Congress could not come up with another budget package. The threat of these cuts was designed to force Congress and the President—and the people they represent—to reach a reasonable consensus for reducing the deficit. Gramm-Rudman also included a "fallback" provision, in case the automatic cutting process was ruled unconstitutional. This backup provision is now in effect.

In my view, Gramm-Rudman has worked. It has made Democrats and Republicans come to terms with the spending policies of the last 5 years. It has forced us to cut the deficit, to hold the line on defense, and to reassert the priorities that are important to our country.

I voted for Gramm-Rudman in December and I would vote again for it today.

But now we are being asked to vote on a new bill, called Gramm-Rudman II. This legislation would provide a new kind of automatic cutting mechanism, to replace the one that was ruled unconstitutional.

I oppose Gramm-Rudman II as vigorously as I supported Gramm-Rudman I.

I oppose Gramm-Rudman II because it is unnecessary. We already have a "fallback" procedure in the existing law to enforce our budget targets. I am against Gramm-Rudman II because it is ill timed. The new fiscal year will be here in October, and we still have more budget trimming in order to meet the deficit targets. In the next few years, we should concentrate our efforts on debating the real issues of spending and revenues. We cannot afford to waste our time in devising new, intricate budget procedures.

Above all, though, I oppose Gramm-Rudman II because it will not help us reverse the misguided priorities policies of the last 5 years, but will only advance them. Gramm-Rudman I worked to bring the Federal Government to its senses because it threatened a wide array of defense and domestic programs with automatic cuts. The budget ax was held in the hands of the Comptroller General, who could be trusted to carry out the automatic cuts impartially.

Gramm-Rudman II, on the other hand, puts the automatic cutting process in the hands of the President's hatchet man, the Director of OMB. It is therefore fatally flawed. It gives the President the ultimate say over which programs will be cut or spared. Rather than putting a halt to the budget madness of the last 5 years, as Gramm-Rudman I promised to do, Gramm-Rudman II will only perpetuate the misguided priorities of the Reagan Administration.

Mr. Speaker, let no one be confused. The original Gramm-Rudman legislation is far superior to the new proposal. Gramm-Rudman has allowed us to pursue progressive government with fiscal responsibility. Gramm-Rudman II would sabotage those efforts. In my view, we must stand by our original vote on Gramm-Rudman and maintain the responsible course we have set.

Mr. BROOKS. Mr. Speaker, I rise in strong opposition to including in the temporary debt ceiling bill the so-called fix to the Gramm-Rudman-Hollings law.

The authors of Gramm-Rudman-Hollings II would like us to believe that this provision is simply a technical fix of the original law to bring it into compliance with the recent Supreme Court decision that struck down the law's automatic trigger mechanism. I submit that fix is a most appropriate word to use with respect to Gramm-Rudman-Hollings II because that is precisely what it will do to the legislative branch of Government.

If we vote to approve this amendment, we will be transferring the core of Congress' power over the Federal pursestrings to the individual in the executive branch who is handpicked by the President to use the budget process to implement the President's political agenda. Some members of the legislative branch are most willing and eager to hand over vast and dangerous power to the head of the President's Office of Management and Budget. My colleagues, we in this body cannot allow this to happen. Do we want this precedent.

Pages, chapters, and books have been written—some of them by former Directors of OMB themselves—about the number-cooking process that lies at the core of OMB's operations. It is well-documented that the budget estimates prepared by the Directors of OMB bear virtually no relation to reality. Instead, they quite simply reflect the political wishes and desires of the man in the White House who can hire and fire them.

Supporters of Gramm-Rudman-Hollings II would have you believe that the OMB Director's responsibilities under this amendment would be little more than a mechanical accountant's function—a "green eyeshade" role. This amendment gives the Director of OMB the same responsibilities, however, that the law gave originally to the Comptroller General. Barely a month ago, the Supreme Court struck down the Comptroller General's role in the original law precisely because it was not a mechanical function, but in fact, because it gave him the ultimate authority to determine the budget cuts to be made.

So, my colleagues, do not be deceived by assurances that this amendment has been drafted so tightly that we have tied the hands of the Director of OMB. The truth is that adoption of this amendment will transfer to the Director of OMB the authority to make the hundreds of discretionary decisions that are required to implement the Gramm-Rudman-Hollings deficit reduction process.

As we all know, there is another way that we can meet the Gramm-Rudman-Hollings deficit targets before the end of this Congress—we can let the law operate the way it was written. The original Gramm-Rudman-Hollings law contained a "fallback" mechanism which requires that Congress itself vote, and the President sign, any reductions necessary to achieve the deficit reduction targets.

Nobody argues that this would be a pleasant or painless process—but if the choices were easy, we would have made them a long time ago. The fact remains, however, that both Congress and the President were elected to make the tough choices as well as the easy ones.

I urge you to join with me in opposing this provision. We owe it to ourselves and to this institution of which we are all a part.

Mr. PANETTA. Mr. Speaker, as we draw closer to a vote on legislation raising the public debt limit and the Gramm-Rudman II procedures attached to that bill and it becomes increasingly critical that all Members understand the process the Senate is asking us to accept.

I believe most Members—including those that voted for the original Gramm-Rudman bill as I did—are going to find the Senate proposal unacceptable and the fallback process in the original Gramm-Rudman bill a much more attractive option as Congress faces the difficult choices encompassed in reducing the Federal budget deficit.

To summarize, the Senate proposal—

Hands unprecedented new power to the Office of Management and Budget, undermining the constitutional powers of the U.S. Congress;

Allows OMB to trigger or detrigger sequestration cuts in hundreds of Federal programs by manipulating economic assumptions;

Would force Congress to vote, for the first time in its history, on economic assumptions such as unemployment, inflation, interest rates, and economic growth;

Would force Congress to vote on spend-out rates for hundreds of Federal programs;

Threatens to lock in spend-out rates which would devastate vital programs such as defense procurement;

Raises the same constitutional questions that resulted in the Supreme Court decision ruling the original Gramm-Rudman automatic cut process unconstitutional.

In the wake of the shocking news that the fiscal year 1986 budget deficit will reach $230 billion, we should not be wasting precious time trying to think up more procedural budget gimmicks. Instead we should be facing the tough choices and debating how best to reduce the deficit.

The better path to deficit reduction is to stick with the fallback process contained in the original Gramm-Rudman bill. This fallback process requires the House to consider a sequestration report from CBO and OMB in early September. This report will call for across-the-board cuts of about $20 billion—$10 billion in defense and $10 billion in domestic programs. To avoid the need for these reductions we must, in September, pass a reconciliation bill and a continuing appropriations resolution which will take us under the Gramm-Rudman target of $154 billion. If we are successful, the updated CBO/OMB report on October 5 called for in the backup process will tell us that no sequestration is necessary, that we have met our deficit reduction responsibilities for the year.

OMB DESIGNS THE SEQUESTRATION ORDER

In the first Gramm-Rudman bill the General Accounting Office was given the task of designing the sequestration order. Does the Congress trust the GAO? Yes. Does the GAO play it straight? Yes. That is why they were chosen for the job.

Gramm-Rudman II gives OMB the final power to design sequestration. Does the Congress trust OMB to do an honest job in this task? Let me just review some of the events of the past 6 years to refresh all of our memories.

David Stockman tricks (from his book the Triumph of Politics):

On problems of getting budget to balance in outyears:

"Bookkeeping invention thus began its wondrous works." We invented the "magic asterisk": If we couldn't find the savings in time—and we couldn't—we could issue an IOU. We would call it "future savings to be identified.

"It was marvelously creative. A magic asterisk item would cost negative $30 billion * * * $40 billion * * * whatever it took to get to a balanced budget in 1984 after we toted up all the individual budget cuts we'd actually approved." p. 124

On trying to make the deficit number acceptable in the fiscal year 1982 budget:

"We got out our economic shoehorn and tried to jimmy the forecast numbers until all the doctrines fit." p. 93

On determining the inflation forecast for the fiscal year 1982:

"Weidenbaum (Murray, chairman of Council of Economic Advisers) unfurled his scenario. There was a discontented rumbling from the monetarists and supply siders, accompanied by a few growls. Some finally taunted the professor.

"What model did this come out of, Murray?" Weidenbaum glared at his inquisitor a moment and said, "It came right out of here." With that he slapped his belly with both hands. "My visceral computer." He smiled.

As a result "Nearly $200 billion in phantom revenues tumbled into our budget computer in one fell swoop." p. 96, 97

CBO reestimates of President's deficit based on submitted budget over the past 6 years (reestimates based on economic and technical assumptions):

President's deficit increased by:

Fiscal year 1982 budget: + $26.3 billion.

Fiscal year 1983: + $23.9 billion.

Fiscal year 1984: + $13.0 billion.

Fiscal year 1985: + $7.0 billion.

Fiscal year 1987: + $16.1 billion.

I doubt that you can find one Member of Congress who is not aware of some budget or regulatory game that OMB has played in the past 6 years. Gramm-Rudman II suggests we put the entire sequestration power in their hands. Yes, there are some restrictions on what OMB can do with the sequestration order—the Senate recognizes how dangerous OMB can be and tried to tie their hands to some degree. But frankly, I do not have much confidence that anything we design will prevent OMB from finding loopholes and manipulating sequestration to fit the President's budget priorities.

ECONOMIC ASSUMPTIONS

As the summary explains, for the fiscal year 1987 sequestration OMB must use 14 specified economic assumptions in developing the sequestration order. In succeeding years, Congress must vote on new economic assumptions. If we fail to enact new assumptions then OMB is on its own—it can use any assumptions it wants.

The dangers here are that the Senate did not go nearly far enough in specifying all of the numbers which go into an economic forecast. In fact they only provide about 5 percent of the necessary numbers. This will allow OMB to play with the deficit estimate to the tune of $20 billion to $30 billion—up or down. This means the decision on whether sequestration is necessary and how large it has to be is entirely out of the hands of Congress. The impact on hundreds of programs, in defense and domestic areas, will be subject to the whim of the OMB.

In succeeding years things get even more complicated—and dangerous. Congress must vote on economic assumptions—unemployment, inflation, interest rates and economic growth—and if we fail to pass them or if the President vetoes them then OMB is given a free hand in using its own economic assumptions in developing the sequestration order for that year.

Are these numbers we should be or want to be voting on? And do we really want to give OMB a shot at building in their own economic assumptions on the sequestration process for the next 4 years? I don't think so.

CHANGES IN BA TO OUTLAY RATES

Gramm-Rudman II requires that the spending rates—budget authority to outlay ratios—in the fiscal year 1986 sequestration be used for fiscal year 1987 sequestration. In the outyears, fiscal year 1988 to fiscal year 1991, the same rates would be used unless new rates can be enacted. The Joint Committee would be responsible for sending to the House and Senate a joint resolution containing new rates agreed upon by OMB and CBO. If approved by both Houses and signed by the President, these revised rates would replace the fiscal year 1986 rates.

Spending rates for programs can change drastically year by year, and cuts could become extremely damaging in the outyears unless Congress and the President agree to update BA to outlay ratios. For many large weapons systems, the first year spendout rates are extremely low, while in future years the rates are higher as more and more of the funds are spent. Locking ourselves into a low fiscal year 1987 spendout rate matched with failure to enact new rates could devastate many defense procurement programs in years when sequestration is necessary.

OTHER MODIFICATIONS IN GRAMM-RUDMAN II

Most of these modifications are technical in nature to clear up disputes between CBO and OMB over how to develop the sequestration order.

One modification that is a policy decision involves exempting Federal retirement COLA's from sequestration. This obviously increases the cuts which must be made in defense and domestic programs which are not exempt. I would also say that both the House and Senate have agreed to protect COLA's in the congressional budget resolution. They will remain protected if we can do our job and reach the $154 billion Gramm-Rudman target in September.

CONSTITUTIONALITY OF GRAMM-RUDMAN II

Gramm-Rudman II requires that after OMB receives the GAO report, it "shall," with due regard for the data, assumptions, and methodologies used in reaching the conclusions (in the GAO report), issue a report to the President ordering sequestration (if it is needed to meet the deficit targets).

Gramm-Rudman II states that the OMB report must be consistent with the estimates, determinations, specifications and views found in the GAO report.

Gramm-Rudman II states that OMB must justify any deviations from the GAO report.

Frankly, we are going to face the same argument the Supreme Court agreed to in the Synar case: GAO is ordering OMB to act, and that is unconstitutional as violation of separation of powers.

FOLLOW THE FALLBACK PROCESS

When you look at the complications associated with trying to develop another automatic process, and the dangers most proposals pose to congressional power, I think the backup process in the original Gramm-Rudman law begins to look better and better. Yes it will give us some tough choices to make, but we are going to have those choices anyway—the deficit is not going to disappear, one way or another we will be forced to deal with it.

Apparently the OMB-GAO deficit snapshot will show a deficit of $163 billion. That means we have to reduce the deficit by October 1 by about $10 billion. I would argue that we can do that by action on reconciliation, and appropriations bills and then by looking at additional revenues provided in the tax reform bill.

We can use up our energies trying to develop another automatic cut process which may or may not be constitutional, which may or may not preserve the power of Congress, or we can concentrate on reaching the deficit targets by doing what we were sent here to do—to make choices.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the previous question is considered as having been ordered.

The question is on the motion offered by the gentleman from Washington [Mr. FOLEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CRANE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 133, not voting 123, as follows:

[Roll No. 362]

AYES—175

Akaka	Guarini	Rahall
Anderson	Hall, Ralph	Rangel
Andrews	Hamilton	Reid
Annunzio	Hayes	Richardson
Barnard	Holt	Rinaldo
Bateman	Howard	Roberts
Bates	Hoyer	Roe
Bennett	Hughes	Roemer
Bentley	Hutto	Rostenkowski
Berman	Jeffords	Rowland (GA)
Bilirakis	Jenkins	Roybal
Boggs	Jones (TN)	Russo
Boland	Kanjorski	Sabo
Bonior (MI)	Kastenmeier	Scheuer
Borski	Kennelly	Schumer
Boxer	Kildee	Seiberling
Brooks	Kleczka	Sharp
Bruce	Kolter	Shumway
Bryant	Kostmayer	Sikorski
Bustamante	LaFalce	Sisisky
Carr	Leach (IA)	Skelton
Chapman	Lehman (CA)	Slattery
Clay	Leland	Smith (FL)
Coelho	Levin (MI)	Smith (IA)
Coleman (TX)	Lipinski	Smith (NJ)
Collins	Lloyd	Spratt
Conte	Lowry (WA)	St Germain
Cooper	Lundine	Staggers
Coyne	MacKay	Stark
Darden	Manton	Stenholm
Daschle	Marlenee	Stokes
de la Garza	Matsui	Stratton
Dellums	McCain	Swift
Derrick	McCloskey	Synar
DeWine	McGrath	Tallon
Dicks	McHugh	Tauzin
Dingell	McKinney	Thomas (GA)
Downey	Miller (CA)	Torres
Durbin	Mineta	Torricelli
Dwyer	Mollohan	Traficant
Dyson	Moody	Vento
Eckart (OH)	Murphy	Visclosky
Eckert (NY)	Murtha	Volkmer
Edgar	Myers	Waldon
Evans (IL)	Natcher	Watkins
Fazio	Neal	Weiss
Feighan	Nelson	Wheat
Foley	Nowak	Whitley
Ford (TN)	Oakar	Whitten
Frank	Oberstar	Williams
Frost	Obey	Wilson
Gejdenson	Olin	Wise
Gephardt	Ortiz	Wolf
Gilman	Panetta	Wolpe
Glickman	Parris	Wright
Gonzalez	Pease	Wyden
Gordon	Penny	Young (MO)
Gray (IL)	Pepper	
Gray (PA)	Perkins	

NOES—133

Archer	Hendon	Ritter
Armey	Henry	Robinson
AuCoin	Hiler	Rogers
Bartlett	Hopkins	Roth
Barton	Hubbard	Roukema
Bereuter	Huckaby	Rowland (CT)
Bliley	Hunter	Saxton
Boehlert	Ireland	Schaefer
Boulter	Jacobs	Schneider
Brown (CO)	Johnson	Schuette
Burton (IN)	Kasich	Schulze
Byron	Kindness	Sensenbrenner
Callahan	Kolbe	Shaw
Carney	Kramer	Shelby
Carper	Lagomarsino	Skeen
Chandler	Latta	Slaughter
Cheney	Lewis (FL)	Smith (NE)
Clinger	Lightfoot	Smith, Denny (OR)
Coats	Livingston	
Cobey	Lowery (CA)	Smith, Robert (NH)
Coble	Lungren	
Combest	Mack	Smith, Robert (OR)
Coughlin	Madigan	
Courter	Martin (IL)	Snowe
Crane	McEwen	Solomon
Daniel	McKernan	Spence
Daub	McMillan	Stangeland
DeLay	Meyers	Strang
DioGuardi	Michel	Stump
Dornan (CA)	Miller (OH)	Sundquist
Dreier	Miller (WA)	Sweeney
Duncan	Molinari	Swindall
Edwards (OK)	Monson	Tauke
Emerson	Moorhead	Taylor
English	Morrison (WA)	Vander Jagt
Fawell	Nielson	Vucanovich
Fields	Oxley	Walgren
Frenzel	Packard	Walker
Gallo	Pashayan	Weber
Gekas	Petri	Whittaker
Gingrich	Pickle	Wirth
Goodling	Pursell	Wortley
Green	Quillen	Wylie
Gregg	Ray	Young (AK)
Gunderson	Regula	
Hammerschmidt	Ridge	

NOT VOTING—123

Ackerman	Fish	Mavroules
Alexander	Flippo	Mazzoli
Anthony	Florio	McCandless
Applegate	Foglietta	McCollum
Aspin	Ford (MI)	McCurdy
Atkins	Fowler	McDade
Badham	Franklin	Mica
Barnes	Fuqua	Mikulski
Bedell	Garcia	Mitchell
Beilenson	Gaydos	Moakley
Bevill	Gibbons	Montgomery
Biaggi	Gradison	Moore
Boner (TN)	Grotberg	Morrison (CT)
Bonker	Hall (OH)	Mrazek
Bosco	Hansen	Nichols
Boucher	Hartnett	Owens
Breaux	Hatcher	Porter
Broomfield	Hawkins	Price
Brown (CA)	Hefner	Rodino
Burton (CA)	Hertel	Rose
Campbell	Hillis	Rudd
Chappell	Horton	Savage
Chappie	Hyde	Schroeder
Coleman (MO)	Jones (NC)	Shuster
Conyers	Jones (OK)	Siljander
Craig	Kaptur	Snyder
Crockett	Kemp	Solarz
Dannemeyer	Lantos	Stallings
Davis	Leath (TX)	Studds
Dickinson	Lehman (FL)	Thomas (CA)
Dixon	Lent	Towns
Donnelly	Levine (CA)	Traxler
Dorgan (ND)	Lewis (CA)	Udall
Dowdy	Loeffler	Valentine
Dymally	Long	Waxman
Early	Lott	Weaver
Edwards (CA)	Lujan	Whitehurst
Erdreich	Luken	Yates
Evans (IA)	Markey	Yatron
Fascell	Martin (NY)	Young (FL)
Fiedler	Martinez	Zschau

□ 0325

The Clerk announced the following pairs:

On this vote:

Mr. Martinez for, with Mr. McCandless against.

Mr. HUNTER and Mr. SHELBY changed their votes from "yea" to "nay."

Messrs. GILMAN, RINALDO, MARLENEE, and NEAL changed their votes from "nay" to "yea."

So the motion was agreed to.

The SPEAKER pro tempore (Mr. WRIGHT). Without objection, the motion to reconsider is laid on the table.

Mr. CRANE. Mr. Speaker, I object. Mr. Speaker, I object to that and I ask for a recorded vote.

The SPEAKER pro tempore. The Chair will declare that there has been a recorded vote and the recorded vote registered 175 yeas and 133 nays, and that by that vote the motion is agreed to and the motion to reconsider was then laid on the table.

Mr. CRANE. Mr. Speaker, I object to the motion to recommit, and so I ask for the yeas and nays.

The SPEAKER pro tempore. The Chair will advise the distinguished gentleman from Illinois [Mr. CRANE] that there is no motion to recommit. There was no motion under the rule made possible to recommit.

The rule required that without intervening motion a vote would be taken. The vote was taken, and the motion to reconsider was laid on the table.

Mr. CRANE. Mr. Speaker, was there a motion to reconsider?

The SPEAKER pro tempore. The motion to reconsider was laid on the table.

Mr. CRANE. Mr. Speaker, I objected and I asked for a recorded vote.

The SPEAKER pro tempore. Did the gentleman vote upon the prevailing side?

Mr. CRANE. No, Mr. Speaker.

The SPEAKER pro tempore. Then the gentleman does not qualify to move to reconsider.

PARLIAMENTARY INQUIRY

Mr. FRENZEL. Mr. Speaker, I have a parliamentary inquiry. The gentleman did not move to reconsider. The Chair has laid the motion on the table without objection, and the gentleman objected.

The SPEAKER pro tempore. The Chair will try to accommodate the wishes and protect the rights of all Members. This is very irregular, it would be untimely, but in an abundance of protection of the rights of any Member, is there a Member who wants to move to reconsider the vote?

Mr. FRENZEL. A further parliamentary inquiry, Mr. Speaker: The gentleman from Illinois objected to the motion to reconsider being laid upon the table.

The SPEAKER pro tempore. The objection came late.

Mr. FRENZEL. No, Mr. Speaker, The gentleman was on his feet.

Mr. CRANE. Mr. Speaker, I was on my feet all the while.

The SPEAKER pro tempore. It is perfectly all right if the gentleman desires to make a motion, and the gentleman qualifies to make the motion.

Mr. CRANE. Mr. Speaker, I objected to the motion.

The SPEAKER pro tempore. Does someone desire to move to reconsider the motion?

Mr. CRANE. Mr. Speaker, I objected to the motion to reconsider.

Mr. FOLEY. Mr. Speaker, I move to reconsider the vote whereby the House disposed of the Senate amendments to H.R. 5395, having voted on the prevailing side.

The SPEAKER pro tempore. The gentleman from Washington [Mr. FOLEY] moves to reconsider the vote.

Mr. DASCHLE. Mr. Speaker, I move to lay the motion on the table.

The SPEAKER pro tempore. The gentleman from South Dakota [Mr. DASCHLE] moves to table the motion to reconsider the vote.

Mr. CRANE. Mr. Speaker, I ask for a recorded vote.

The SPEAKER pro tempore. Let the Chair state the vote. The vote will not be taken until the Chair states the vote.

The Chair will state the vote that is about to occur. The gentleman from South Dakota [Mr. DASCHLE] moved to table the motion to reconsider the vote.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CRANE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 193, noes 102, not voting 136, as follows:

[Roll No. 363]

AYES—193

Akaka	Combest	Gejdenson
Anderson	Conte	Gephardt
Andrews	Cooper	Gilman
Annunzio	Coyne	Glickman
Barnard	Crane	Gonzalez
Bateman	Daniel	Gordon
Bates	Darden	Gray (IL)
Bennett	Daschle	Gray (PA)
Bentley	Dellums	Guarini
Berman	Derrick	Hall, Ralph
Boehlert	DeWine	Hamilton
Boggs	Dicks	Hayes
Borski	Dingell	Hefner
Boxer	Dorgan (ND)	Holt
Brooks	Durbin	Howard
Bruce	Dwyer	Hoyer
Bryant	Dyson	Hubbard
Bustamante	Eckart (OH)	Huckaby
Byron	Edgar	Hughes
Carper	English	Hutto
Carr	Evans (IL)	Jacobs
Chandler	Fawell	Jeffords
Chapman	Fazio	Jenkins
Cheney	Feighan	Jones (TN)
Clay	Foley	Kanjorski
Coelho	Ford (TN)	Kastenmeier
Coleman (TX)	Frank	Kennelly
Collins	Frost	Kildee
Kindness	Obey	Smith (IA)
Kleczka	Olin	Smith (NJ)
Kolter	Ortiz	Spratt
Kostmayer	Panetta	St Germain
LaFalce	Parris	Staggers
Leach (IA)	Pashayan	Stark
Leland	Pease	Stenholm
Levin (MI)	Penny	Stratton
Lightfoot	Perkins	Swift
Lipinski	Quillen	Synar
Lloyd	Rahall	Tallon
Lowery (CA)	Rangel	Tauke
Lowry (WA)	Ray	Tauzin
Lundine	Reid	Thomas (GA)
Manton	Richardson	Torres
Matsui	Rinaldo	Traficant
McCain	Roberts	Vento
McCloskey	Robinson	Visclosky
McGrath	Roe	Volkmer
McHugh	Roemer	Waldon
McKinney	Rostenkowski	Walgren
Michel	Roukema	Watkins
Miller (CA)	Rowland (CT)	Weiss
Miller (WA)	Rowland (GA)	Wheat
Mineta	Roybal	Whitley
Mollohan	Russo	Whittaker
Moody	Sabo	Williams
Morrison (WA)	Scheuer	Wilson
Murphy	Schumer	Wise
Murtha	Seiberling	Wolf
Myers	Sharp	Wolpe
Natcher	Shumway	Wright
Neal	Sikorski	Wyden
Nelson	Sisisky	Wylie
Nowak	Skelton	Young (MO)
Oakar	Slattery	
Oberstar	Smith (FL)	

NOES—102

Archer	Hendon	Roth
Armey	Henry	Saxton
AuCoin	Hiler	Schaefer
Bartlett	Hopkins	Schneider
Barton	Hunter	Schuette
Bereuter	Johnson	Schulze
Bliley	Kasich	Sensenbrenner
Boulter	Kolbe	Shaw
Brown (CO)	Kramer	Shelby
Burton (IN)	Lagomarsino	Skeen
Callahan	Latta	Slaughter
Carney	Lewis (FL)	Smith (NE)
Clinger	Livingston	Smith, Denny (OR)
Coats	Loeffler	Smith, Robert (NH)
Cobey	Lungren	Smith, Robert (OR)
Coble	Mack	Snowe
Coughlin	Madigan	Solomon
Courter	Marlenee	Spence
Daub	Martin (IL)	Stangeland
DeLay	McEwen	Strang
DioGuardi	McKernan	Stump
Dornan (CA)	McMillan	Sundquist
Dreier	Meyers	Sweeney
Duncan	Miller (OH)	Swindall
Edwards (OK)	Molinari	Taylor
Emerson	Monson	Vander Jagt
Fields	Moorhead	Vucanovich
Frenzel	Nielson	Walker
Gallo	Oxley	Weber
Gingrich	Petri	Wirth
Goodling	Pickle	Wortley
Green	Regula	Young (AK)
Gregg	Ridge	
Gunderson	Ritter	
Hammerschmidt	Rogers	

NOT VOTING—136

Ackerman	Breaux	Dymally
Alexander	Broomfield	Early
Anthony	Brown (CA)	Eckert (NY)
Applegate	Burton (CA)	Edwards (CA)
Aspin	Campbell	Erdreich
Atkins	Chappell	Evans (IA)
Badham	Chappie	Fascell
Barnes	Coleman (MO)	Fiedler
Bedell	Conyers	Fish
Beilenson	Craig	Flippo
Bevill	Crockett	Florio
Biaggi	Dannemeyer	Foglietta
Bilirakis	Davis	Ford (MI)
Boland	de la Garza	Fowler
Boner (TN)	Dickinson	Franklin
Bonior (MI)	Dixon	Fuqua
Bonker	Donnelly	Garcia
Bosco	Dowdy	Gaydos
Boucher	Downey	Gekas
Gibbons	Luken	Rose
Gradison	MacKay	Rudd
Grotberg	Markey	Savage
Hall (OH)	Martin (NY)	Schroeder
Hansen	Martinez	Shuster
Hartnett	Mavroules	Siljander
Hatcher	Mazzoli	Snyder
Hawkins	McCandless	Solarz
Hertel	McCollum	Stallings
Hillis	McCurdy	Stokes
Horton	McDade	Studds
Hyde	Mica	Thomas (CA)
Ireland	Mikulski	Torricelli
Jones (NC)	Mitchell	Towns
Jones (OK)	Moakley	Traxler
Kaptur	Montgomery	Udall
Kemp	Moore	Valentine
Lantos	Morrison (CT)	Waxman
Leath (TX)	Mrazek	Weaver
Lehman (CA)	Nichols	Whitehurst
Lehman (FL)	Owens	Whitten
Lent	Packard	Yates
Levine (CA)	Pepper	Yatron
Lewis (CA)	Porter	Young (FL)
Long	Price	Zschau
Lott	Pursell	
Lujan	Rodino	

□ 0350

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

DESIGNATION OF THE HONORABLE STENY HOYER TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS UNTIL SEPTEMBER 9, 1986

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
August 15, 1986.

I hereby designate the Honorable Steny H. Hoyer to act as Speaker pro tempore to sign enrolled bills and joint resolutions until September 9, 1986.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 5395, and the motion of the House agreed to this morning.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ERDREICH of Alabama (at the request of Mr. WRIGHT) after 8 p.m. Thursday, August 14, and for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. KOLBE) to revise and extend his remarks and include extraneous material:)

Mr. HAMMERSCHMIDT, for 10 minutes, today.

(The following Members (at the request of Mr. MAVROULES) to revise and extend their remarks and include extraneous material:)

Mr. BROOKS, for 5 minutes, today.
Mr. ALEXANDER, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. WYDEN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FOGLIETTA, prior to the vote on the Dickinson amendment to H.R. 4428, in the Committee of the Whole, today.

Mr. FAWELL, following the vote on Dickinson amendment to H.R. 4428, in the Committee of the Whole, today.

Mr. VENTO, during consideration of H.R. 4428, in the Committee of the Whole, today.

Mr. LEACH of Iowa prior to the vote on the Wirth amendment to H.R. 4428, in the Committee of the Whole, today.

Mr. CRAIG, to include extraneous matter on H.R. 3129, in the Committee of the Whole, today.

Mr. SEIBERLING, to include extraneous matter on H.R. 3129, in the Committee of the Whole, today.

Ms. OAKAR, prior to the vote on the Moody amendment to H.R. 3129, in the Committee of the Whole, today.

Mr. ANDREWS, on the Waxman amendment to H.R. 3129, in the Committee of the Whole, today.

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. CRANE.
Mr. GILMAN in two instances.
Mr. SCHULZE.
Mr. MCEWEN in two instances.
Mr. SHUMWAY.
Mr. GREEN.
Mrs. VUCANOVICH.
Mr. PARRIS.
Mr. WORTLEY.
Mr. CLINGER.
Mr. BEREUTER.
Mr. GRADISON.
Mr. CHENEY.
Mr. DREIER of California.
Mr. TAUKE.
Mr. HORTON.
Mr. HANSEN in two instances.
Mr. SCHAEFER in two instances.
Mr. LEWIS of California in two instances.

(The following Members (at the request of Mr. MAVROULES) and to include extraneous matter:)

Mr. COELHO.
Mr. YATRON.
Mr. BENNETT.
Mr. ATKINS.
Mr. STARK.
Mr. WHEAT.
Mr. GARCIA in two instances.
Mr. HOYER.
Mr. JACOBS.
Mr. BARNES.
Mr. MILLER of California in three instances.
Mr. LOWRY of Washington.
Mr. WALDON.
Mr. SMITH of Florida.
Mr. BONIOR of Michigan.
Mr. YOUNG of Missouri.
Mr. MINETA.
Mr. FASCELL.
Mr. MARKEY.
Mr. FLORIO.
Mr. BERMAN.
Mr. TORRES.
Mr. NELSON of Florida.
Mr. RANGEL in two instances.
Mr. GLICKMAN.
Mr. SCHEUER.
Mr. LAFALCE.
Mr. GEJDENSON.
Mrs. BURTON of California.
Mr. UDALL.
Mr. WYDEN.
Mr. WAXMAN.
Mr. KOSTMAYER.
Mr. LANTOS.
Mr. DWYER of New Jersey.
Mr. TOWNS.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1562. An act to amend the False Claims Act, and title 18 of the United States Code regarding penalties for false claims, and for other purposes; to the Committee on the Judiciary.

S. 1744. An act to require States to develop, establish, and implement State comprehensive mental health plans; to the Committee on Energy and Commerce.

S. 2426. An act to amend the Contract Disputes Act of 1978 to require that a competitive examination process be used for the selection of members of boards of contract appeals of Federal Government agencies; to provide that the members of such boards shall be treated in the same manner as administrative law judges of the Federal Government for certain administrative purposes; and to revise the procedures for the collection of claims under Federal Government contracts; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3132. An act to amend chapter 44, of title 18, United States Code, to regulate the manufacture, importation, and sale of armor piercing ammunition, and for other purposes.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following title:

S. 140. An act to amend the Child Abuse Prevention and Treatment Act to establish a program to encourage States to enact child protection reforms which are designed to improve legal and administrative proceedings regarding the investigation and prosecution of child abuse cases, particularly child sexual abuse cases, and to establish demonstration programs of temporary child care for handicapped children and crisis nurseries;

S.J. Res. 298. Joint resolution to designate the week of October 5, 1986, through October 11, 1986, as "Mental Illness Awareness Week";

S.J. Res. 358. Joint resolution to designate the month of September 1986 as "Adult Literacy Awareness Month"; and

S.J. Res. 338. Joint resolution to designate November 18, 1986, as "National Community Education Day."

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills and a joint resolution of the House of the following title:

H.R. 4151. An act to provide enhanced diplomatic security and combat international terrorism, and for other purposes;

H.R. 2478. An act to amend the Revised Organic Act of the Virgin Islands, to amend the Covenant to Establish a Commonwealth of the Northern Mariana Islands, to amend the Organic Act of Guam, to provide for the governance of the insular areas of the United States, and for other purposes; and

H.J. Res. 683. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Maine Central Railroad Company and Portland Terminal Company labor-management dispute.

ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CRANE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 202, nays 91, answered "present" 1, not voting 137, as follows:

[Roll No. 364]

YEAS—202

Akaka	Holt	Reid
Anderson	Howard	Richardson
Andrews	Hoyer	Ritter
Annunzio	Hubbard	Roberts
AuCoin	Huckaby	Roe
Barnard	Hughes	Rostenkowski
Bates	Hutto	Roukema
Bennett	Jenkins	Rowland (GA)
Bentley	Johnson	Roybal
Berman	Jones (TN)	Russo
Bliley	Kanjorski	Sabo
Boggs	Kastenmeier	Scheuer
Borski	Kennelly	Schneider
Boxer	Kildee	Schulze
Brooks	Kleczka	Schumer
Bruce	Kolter	Seiberling
Bustamante	Kostmayer	Sharp
Byron	LaFalce	Shaw
Carper	Leland	Shelby
Carr	Levin (MI)	Shumway
Chandler	Lewis (FL)	Sikorski
Chapman	Lightfoot	Sisisky
Chappell	Lipinski	Skeen
Cheney	Livingston	Skelton
Clay	Loeffler	Slattery
Coelho	Lowery (CA)	Slaughter
Coleman (TX)	Lowry (WA)	Smith (FL)
Collins	Lundine	Smith (IA)
Cooper	Madigan	Smith (NJ)
Coyne	Manton	Snowe
Daniel	Martin (IL)	Spratt
Darden	Matsui	St Germain
Daschle	McCloskey	Staggers
Dellums	McGrath	Stangeland
Derrick	McHugh	Stark
Dicks	McKernan	Stenholm
Dingell	McKinney	Stratton
Dorgan (ND)	Meyers	Swift
Duncan	Michel	Tallon
Durbin	Miller (CA)	Tauke
Dwyer	Miller (WA)	Tauzin
Dyson	Mineta	Taylor
Eckart (OH)	Mollohan	Thomas (GA)
Edgar	Monson	Torres
Edwards (OK)	Moody	Traficant
English	Murphy	Vento
Evans (IL)	Murtha	Visclosky
Fawell	Myers	Volkmer
Fazio	Natcher	Waldon
Feighan	Nelson	Walgren
Foley	Nowak	Watkins
Ford (TN)	Oakar	Weiss
Frank	Oberstar	Wheat
Frost	Obey	Whitley
Gallo	Olin	Whittaker
Gejdenson	Ortiz	Wilson
Gephardt	Panetta	Wirth
Glickman	Pashayan	Wise
Gonzalez	Pease	Wolf
Gordon	Penny	Wolpe
Gray (IL)	Perkins	Wortley
Gray (PA)	Petri	Wright
Green	Pickle	Wyden
Guarini	Quillen	Wylie
Hall, Ralph	Rahall	Young (AK)
Hamilton	Rangel	Young (MO)
Hayes	Ray	
Hefner	Regula	

NAYS—91

Archer	DeLay	Kindness
Armey	DeWine	Kolbe
Bartlett	DioGuardi	Kramer
Barton	Dornan (CA)	Lagomarsino
Bereuter	Dreier	Latta
Boehlert	Emerson	Leach (IA)
Boulter	Fields	Lloyd
Brown (CO)	Frenzel	Lungren
Bryant	Gilman	Mack
Burton (IN)	Gingrich	Marlenee
Callahan	Goodling	McCain
Carney	Gregg	McEwen
Clinger	Gunderson	McMillan
Coats	Hammerschmidt	Miller (OH)
Cobey	Hendon	Molinari
Coble	Henry	Moorhead
Combest	Hiler	Neal
Conte	Hopkins	Nielson
Coughlin	Hunter	Parris
Courter	Jacobs	Ridge
Crane	Jeffords	Rinaldo
Daub	Kasich	Robinson
Roemer	Smith, Robert (NH)	Swindall
Rogers	Smith, Robert (OR)	Synar
Roth	Solomon	Vander Jagt
Rowland (CT)	Spence	Vucanovich
Saxton	Strang	Walker
Schaefer	Stump	Weber
Schuette	Sundquist	Williams
Sensenbrenner	Sweeney	
Smith (NE)		
Smith, Denny (OR)		

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—137

Ackerman	Flippo	McCurdy
Alexander	Florio	McDade
Anthony	Foglietta	Mica
Applegate	Ford (MI)	Mikulski
Aspin	Fowler	Mitchell
Atkins	Franklin	Moakley
Badham	Fuqua	Montgomery
Barnes	Garcia	Moore
Bedell	Gaydos	Morrison (CT)
Beilenson	Gekas	Morrison (WA)
Bevill	Gibbons	Mrazek
Biaggi	Gradison	Nichols
Billirakis	Grotberg	Owens
Boland	Hall (OH)	Oxley
Boner (TN)	Hansen	Packard
Bonior (MI)	Hartnett	Pepper
Bonker	Hatcher	Porter
Bosco	Hawkins	Price
Boucher	Hertel	Pursell
Breaux	Hillis	Rodino
Broomfield	Horton	Rose
Brown (CA)	Hyde	Rudd
Burton (CA)	Ireland	Savage
Campbell	Jones (NC)	Schroeder
Chappie	Jones (OK)	Shuster
Coleman (MO)	Kaptur	Siljander
Conyers	Kemp	Snyder
Craig	Lantos	Solarz
Crockett	Leath (TX)	Stallings
Dannemeyer	Lehman (CA)	Stokes
Davis	Lehman (FL)	Studds
de la Garza	Lent	Thomas (CA)
Dickinson	Levine (CA)	Torricelli
Dixon	Lewis (CA)	Towns
Donnelly	Long	Traxler
Dowdy	Lott	Udall
Downey	Lujan	Valentine
Dymally	Luken	Waxman
Early	MacKay	Weaver
Eckert (NY)	Markey	Whitehurst
Edwards (CA)	Martin (NY)	Whitten
Erdreich	Martinez	Yates
Evans (IA)	Mavroules	Yatron
Fascell	Mazzoli	Young (FL)
Fiedler	McCandless	Zschau
Fish	McCollum	

So the motion was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WRIGHT). Pursuant to the provisions of House Concurrent Resolution 380 of the 99th Congress, the House stands adjourned until 12 o'clock noon, Monday, September 8, 1986.

Thereupon (at 4 o'clock and 12 minutes a.m.) pursuant to House Concurrent Resolution 380, the House adjourned until Monday, September 8, 1986, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4055. A communication from the President of the United States, transmitting proposed amendments to the request for appropriations for fiscal year 1987 for the Department of Health and Human Services, pursuant to 31 U.S.C. 1107 (H. Doc. No. 99-259); to the Committee on Appropriations and ordered to be printed.

4056. A communication from the President of the United States, transmitting a report on the survivability, cost effectiveness, and combat effectiveness of six ships for combatant forces, authorization requests, and recommendations whether each ship should be nuclear or conventionally powered, pursuant to 10 U.S.C. 7310(B) (H. Doc. No. 99-260); to the Committee on Armed Services and ordered to be printed.

4057. A letter from the Chief, Program Liaison Office, Office of Legislative Liaison, Department of the Air Force, transmitting notification of the decision not to convert the Rivet Mile Cycle II function in-house operation to commercial contract; to the Committee on Armed Services.

4058. A letter from the Secretary of Housing and Urban Development, transmitting an evaluation of the existing use of home equity conversion mortgages for the elderly, pursuant to 12 U.S.C. 1709 nt (Public Law 98, section 448); to the Committee on Banking, Finance and Urban Affairs.

4059. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a transaction involving U.S. exports to Brazil, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking, Finance and Urban Affairs.

4060. A letter from the Secretary of Education, transmitting final regulations for the National Diffusion Network, pursuant to 20 U.S.C. 132(d)(i); to the Committee on Education and Labor.

4061. A letter from the Secretary of Agriculture, transmitting the annual horse protection enforcement report, pursuant to 15 U.S.C. 1830; to the Committee on Energy and Commerce.

4062. A letter from the Secretary of Health and Human Services, transmitting a report on the need for and impact of grants and loans for home and health services, pursuant to PHSA, section 339(c) (96 Stat. 2058); to the Committee on Energy and Commerce.

4063. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Department of the Army's proposed letter(s) of offer to Turkey for defense articles and services estimated to cost $27 million; certification that this action is consistent with section 620C(b) of the Foreign Assistance Act of 1961, pursuant to 22 U.S.C. 2776(b); section 620C(d), FAA; to the Committee on Foreign Affairs.

4064. A letter from the Secretary of Defense, transmitting a report on the impact that the transfer of goods or technology on the list of military critical technologies to controlled countries has had on the military capabilities of those countries, pursuant to 50 U.S.C. app. 2404(d)(4); to the Committee on Foreign Affairs.

4065. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on political contributions by Alexander Fletcher Watson, of Maryland, to be Ambassador to the Republic of Peru, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

4066. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on political contributions by L. Paul Bremer III, of Connecticut, to be Ambassador at Large for Counter Terrorism, pursuant to

22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

4067. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on political contributions by David C. Fields, of California, as Ambassador to the Central African Republic, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

4068. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on political contributions by Sam H. Zakhem, of Colorado, as Ambassador Extraordinary and Plenipotentiary to the State of Bahrain, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

4069. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on political contributions by Charles J. Pilliod, Jr., of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mexico, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

4070. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report on inter-American cooperation in space, science, and technology, pursuant to Public Law 99-93, section 149 (99 Stat. 427); to the Committee on Foreign Affairs.

4071. A letter from the Director, Office of Management and Budget, transmitting a determination that additional amounts are necessary to maintain the authorized level of operation of RFE/RL, Inc., because of adverse fluctuations in foreign currency exchange rates, pursuant to 22 U.S.C. 2877(a)(2); to the Committee on Foreign Affairs.

4072. A letter from the Comptroller General, General Accounting Office, transmitting a list of all reports issued by General Accounting Office during July 1986, pursuant to 31 U.S.C. 719(h); to the Committee on Government Operations.

4073. A letter from the Acting Assistant Attorney General for Administration, transmitting notice of a new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4074. A letter from the Administrator, Veterans' Administration, transmitting notification of a computer matching program, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4075. A letter from the Assistant Secretary of State for Administration, transmitting notice of a new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4076. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation to amend title 31, United States Code, to improve the method of disbursing Federal funds to State governments and for other purposes; to the Committee on Government Operations.

4077. A letter from Kaufmann & Goble Associates, transmitting the Sacremento Farm Credit Employee's Retirement Plan for 1985, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

4078. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting notification of the necessity to construct modifications to Fontenelle Dam, Seedskadee Project, Wyoming, pursuant to 43 U.S.C. 509; to the Committee on Interior and Insular Affairs.

4079. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a copy of the order granting defector status to Gunter Gerhard Von Hagens, pursuant to 8 U.S.C. 1182(a)(28)(1); to the Committee on the Judiciary.

4080. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Alice, TX; to the Committee on Public Works and Transportation.

4081. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers, Department of the Army, on Tucson Urban Study, Arizona; to the Committee on Public Works and Transportation.

4082. A letter from the Secretary of Health and Human Services, transmitting an addendum to the report (EC1578) on the experience of the Department in implementing the freedom of choice waiver provisions contained in section 1915(b) of the Social Security Act; to the Committee on Ways and Means.

4083. A letter from the Secretary of State, transmitting a letter regarding U.S. production of binary munitions; jointly, to the Committees on Armed Services and Foreign Affairs.

4084. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending June 30, 1986, pursuant to AEA, section 147e (94 Stat. 788); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

4085. A letter from the Acting Chairman, Nuclear Regulatory Commission, transmitting a report on the number of full-time permanent employees hired and promoted between April 1 and June 30, 1986, pursuant to Public Law 93-438, section 201(h) (91 Stat. 1482); jointly, to the Committees on Interior and Insular Affairs and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1156. A bill to coordinate and expand services for the prevention, identification, treatment, and follow-up care of alcohol and drug abuse among Indian youth, and for other purposes; with an amendment (Rept. 99-733, Pt. II). Ordered to be printed.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5410. A bill to facilitate the enforcement of the customs laws against illegal drug traffic, to deter the production of illegal drugs by foreign countries, and for other purposes; without amendment (Rept. 99-794). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4136. A bill to authorize the establishment of a Military Auxiliary Revolving Fund within the Treasury of the United States, and for other purposes; with an amendment (Rept. 99-795, Pt. I). Ordered to be printed.

Mr. CONYERS: Committee on the Judiciary. H.R. 4403. A bill to amend the Federal Aviation Act of 1958 to increase criminal penalties for failure to file certain reports and for falsification of records and to increase civil penalties for violations of aviation safety regulations; with an amendment (Rept. 99-796, Pt. I). Ordered to be printed.

Mr. CONYERS: Committee on the Judiciary. H.R. 5241. A bill to amend titles 18 and 28 of the United States Code to make technical and other changes occasioned by the enactment of the Comprehensive Crime Control Act of 1984, and for other purposes; with an amendment (Rept. 99-797). Referred to the Committee of the Whole House on the State of the Union.

Mr. FASCELL: Committee on Foreign Affairs. H.R. 5352. A bill to combat international narcotics trafficking; without amendment (Rept. 99-798). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2499. A bill to modify the boundary of the Uinta National Forest, Utah, and for other purposes; with an amendment (Rept. 99-799). Referred to the Committee of the Whole House on the State of the Union.

Ms. OAKAR: Committee on House Administrations. H.R. 4545. A bill to authorize appropriations for the American Folklife Center for fiscal years 1987, 1988, and 1989, and for other purposes; with amendments (Rept. 99-800). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5230. A bill to amend the Public Health Service Act to extend the program of childhood vaccinations and to require the Secretary of Health and Human Services to maintain a 6 months stockpile of vaccines; with an amendment (Rept. 99-801). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 5259. A bill to amend the Public Health Service Act to revise the authorities of the Alcohol, Drug Abuse, and Mental Health Administration; with amendments (Rept. 99-802). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. H. Res. 536, a resolution providing for the consideration of H.R. 2482. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes (Rept. 99-803). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. H. Res. 537, a resolution providing for the consideration of H.R. 2889. A bill to amend the act establishing the National Bureau of Standards to provide for a computer security research program within such Bureau, and to provide for the training of Federal employees who are involved in the management, operation, and use of automated information processing systems (Rept. 99-804). Referred to the House Calendar.

Mr. FAZIO: Committee of conference. Conference report on H.R. 5203 (Rept. 99-805). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL CONCURRENTLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

The Committee on Appropriations was discharged from further consideration of H.J. Res. 626.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself, Mr. DINGELL, Mr. LUKEN, Mr. ECKART of Ohio, Mr. SLATTERY, Mr. SWIFT, Mr. SYNAR, Mr. RICHARDSON, Mr. LELAND, Mr. BATES, Mr. SCHEUER, Mrs. COLLINS, Mr. MARTINEZ, Mrs. BOXER, Miss SCHNEIDER, Mr. DONNELLY, Mrs. BYRON, Ms. OAKAR, and Mr. TRAFICANT):

H.R. 5439. A bill to amend the Securities Exchange Act of 1934 to require audits performed under the Federal securities laws to include reasonable procedures for material financial fraud detection, to require reporting on internal control systems, and to require the reporting of fraudulent activities to appropriate enforcement and regulatory authorities; to the Committee on Energy and Commerce.

By Mr. DE LA GARZA (for himself, Mr. MADIGAN, Mr. BEDELL, and Mr. ROBERTS):

H.R. 5440. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act, and for other purposes; to the Committee on Agriculture.

By Mr. ALEXANDER:

H.R. 5441. A bill to amend the Food Security Act of 1985 to allow the family members to assist other family members in their farming operations without becoming one entity for the purpose of deficiency payments; to the Committee on Agriculture.

H.R. 5442. A bill to amend the Communications Act of 1934 to clarify policies regarding the right to view satellite-transmitted television programming, and for other purposes; to the Committee on Energy and Commerce.

By Mr. AUCOIN (for himself, Mr. FOLEY, Mr. STALLINGS, Mrs. BURTON of California, Mr. DICKS, Mr. WEAVER, Mr. DORNAN of California, Mr. GONZALEZ, Mr. FAZIO, Mr. UDALL, Mr. SWIFT, Mr. EDWARDS of California, Mr. MARTINEZ, Mr. LOWRY of Washington, Mr. MILLER of Washington, Mr. HAWKINS, Mrs. BOXER, Mr. MORRISON of Washington, Mr. REID, Mr. LANTOS, Mr. BADHAM, Mr. LEVINE of California, Mr. MINETA, Mr. RICHARDSON, Mr. BATES, Mr. LOWERY of California, Mr. COELHO, Mr. WILLIAMS, Mr. CRAIG, Mr. BERMAN, Mr. COLEMAN of Texas, Mr. MILLER of California, Mr. DANNEMEYER, Mr. TORRES, Mr. LEHMAN of California, Mr. DIXON, Mrs. SCHROEDER, Mr. KOLBE, Mr. ROYBAL, Mr. CHAPPIE, Mr. MATSUI, and Mr. THOMAS of California):

H.R. 5443. A bill to amend the Export Administration Act of 1979 to require the establishment and operation of a western regional export licensing office; to the Committee on Foreign Affairs.

By Mr. BEREUTER (for himself and Mr. BONKER):

H.R. 5444. A bill to remove foreign policy controls on exports to the Soviet Union of oil and gas equipment and technology; to the Committee on Foreign Affairs.

By Mr. BOUCHER (for himself, Mr. BRYANT, Mr. GEKAS, Mr. COBLE, and Mr. SWINDALL):

H.R. 5445. A bill to amend chapter 96 of title 18, United States Code; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.R. 5446. A bill to designate the Federal building and U.S. Post Office located at 315 West Allegan Street in Lansing, MI, as the "Charles E. Chamberlain Federal Building and U.S. Post Office"; to the Committee on Public Works and Transportation.

By Mr. BRYANT:

H.R. 5447. A bill to provide a limited antitrust exemption for independent natural gas producer cooperatives; to the Committee on the Judiciary.

H.R. 5448. A bill to amend the Atomic Energy Act of 1954, as amended, to reorganize the functions of the Nuclear Regulatory Commission by abolishing the Commission and in its place establishing the Nuclear Regulation and Safety Agency, a Nuclear Study Board and an Inspector General in order to promote safer, more effective and efficient nuclear regulation, siting and licensing, to encourage the development and use of standardized powerplant designs, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. COELHO:

H.R. 5449. A bill to amend the Wiid and Scenic Rivers Act by designating a segment of the Merced River in California as a component of the National Wild and Scenic Rivers System; to the Committee on Interior and Insular Affairs.

By Mr. DINGELL (for himself, Mr. WAXMAN, Mr. PEPPER, Mr. STARK, Mr. ROYBAL, Mr. SCHEUER, Mr. FLORIO, Mrs. COLLINS, Mr. RICHARDSON, and Mr. BATES):

H.R. 5450. A bill to amend title XIX of the Social Security Act to change Medicaid requirements for nursing facilities (other than facilities for the mentally retarded) based on recommendations of the Institute of Medicine, to the Committee on Energy and Commerce.

By Mr. DIOGUARDI (for himself and Mr. FISH):

H.R. 5451. A bill to provide for the establishment of the John Jay National Historic Site in the State of New York; to the Committee on Interior and Insular Affairs.

By Mr. DYMALLY:

H.R. 5452. A bill to establish a program to provide funds for school facilities construction, maintenance, and repair where exceptional growth in the school-aged population or impoverishment has caused the local educational agency to be unable to provide necessary educational facilities, and for other purposes; to the Committee on Education and Labor.

By Mr. ECKART of Ohio (for himself, Mr. ASPIN, Mr. CONYERS, Mr. DAVIS, Mr. FEIGHAN, Mr. HORTON, Ms. KAPTUR, Mr. KEMP, Mr. KINDNESS, Mr. KLECZKA, Mr. LAFALCE, Mr. LUKEN, Mr. LUNDINE, Ms. MIKULSKI, Mr. NOWAK, Ms. OAKAR, Mr. OBERSTAR, Mr. OBEY, Mr. PEASE, Mr. RIDGE, Mr. STOKES, Mr. TRAXLER, Mr. VANDER JAGT, and Mr. VISCLOSKY):

H.R. 5453. A bill to establish a Federal guaranteed loan program to provide for the protection from shoreline erosion of improvements to residential real property contiguous with the Great Lakes; jointly, to the Committees on Banking, Finance and Urban Affairs and Public Works and Transportation.

By Mr. FISH (for himself, Mr. KASTENMEIER, and Mr. MOORHEAD):

H.R. 5454. A bill to amend title 28 of the United States Code to provide for retired magistrates to be recalled to service and to provide a retirement system for U.S. magistrates equal to the retirement system for bankruptcy judges; to the Committee on the Judiciary.

By Mr. FUSTER:

H.R. 5455. A bill to amend the International Banking Act of 1978; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GEPHARDT (for himself and Mr. WHEAT):

H.R. 5456. A bill to amend the Tariff Schedules of the United States to change the classification of certain prefabricated bitumen roofing membranes; to the Committee on Ways and Means.

By Mr. GEPHARDT (for himself, Mr. BRYANT, Mrs. COLLINS, Mr. MCKINNEY, Ms. OAKAR, and Mr. RICHARDSON):

H.R. 5457. A bill to amend title XVIII of the Social Security Act to provide for community nursing and ambulatory care to Medicare beneficiaries on a prepaid, capitated basis; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. GLICKMAN (for himself, Mr. SCHEUER, Mr. ROBERTS, Mr. WAXMAN, Mr. WYDEN, Mr. BROWN of California, Mr. SIKORSKI, Mr. LELAND, Mr. FLORIO, Mrs. COLLINS, and Mr. RICHARDSON):

H.R. 5458. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require the Administrator of the Environmental Protection Agency to establish, monitor, and enforce efficacy standards for antimicrobial control agents used to control pest micro-organisms that pose a threat to human health, and for other purposes; to the Committee on Agriculture.

By Mr. HANSEN:

H.R. 5459. A bill to direct the Secretary of the Interior to release, on behalf of the United States, certain conditions and reservations contained in a conveyance of land to the State of Utah; to the Committee on Interior and Insular Affairs.

H.R. 5460. A bill to correct historical and geographical oversights in the establishment and development of the Utah component of the Confederated Tribes of the Goshute Reservation, to unify the land base of the Goshute Reservation, to simplify the boundaries of the Goshute Reservation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KASTENMEIER (for himself, Mr. RODINO, Mr. FISH, and Mr. MOORHEAD):

H.R. 5461. A bill to provide for the retirement and recall of fixed-term judicial officers in the Federal Judiciary; to the Committee on the Judiciary.

By Mr. KINDNESS:

H.R. 5462. A bill to amend the Federal Election Campaign Act of 1971 to require that bank loans to political committees and other persons subject to such act be fully collateralized and reported and to require the Federal Election Commission to determine that such loans are legitimate loans and not campaign contributions; to the Committee on House Administration.

By Mr. LEHMAN of California (for himself, Mr. GONZALEZ, and Mr. FRANK):

H.R. 5463. A bill to amend the Housing Act of 1949 to prevent the displacement of lower income and elderly residents of rural rental housing due to the prepayment of loans made by the Secretary of Agriculture;

to the Committee on Banking, Finance and Urban Affairs.

By Mr. LOWRY of Washington (for himself, Mr. MILLER of California, Mr. STUDDS, Mr. HUTTO, Mr. BENNETT, Mr. HUGHES, Mr. WEAVER, Mr. FOGLIETTA, Mr. HERTEL of Michigan, Mrs. BOXER, Mr. MANTON, Mr. MILLER of Washington, and Mr. TAUZIN):

H.R. 5464: A bill to establish a program for the exploration for and commercial recovery of hard mineral resources on those portions of the seabed subject to the jurisdiction and control of the United States; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. MARKEY (for himself, Mr. MOORHEAD, Mr. GEJDENSON, Mr. LENT, Mr. BRYANT, Mr. OXLEY, Mr. LELAND, Mr. LATTA, Mr. SHELBY, Mr. ZSCHAU, Mr. WYDEN, Mrs. SCHNEIDER, Mr. RALPH M. HALL, Mr. HILER, Mr. ECKART of Ohio, Mr. SIKORSKI, Mr. WOLPE, Mr. SCHEUER, Mr. ECKERT of New York, and Mr. SWIFT.

H.R. 5465. A bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances; to the Committee on Energy and Commerce.

By Mr. MINETA (for himself and Mr. HAMMERSCHMIDT):

H.R. 5466. A bill to amend title 49 of the United States Code to provide for arbitration of certain disputes concerning airline-owned computer reservations systems, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MOORHEAD:

H.R. 5467. A bill to establish a Federal Courts Study Commission; to the Committee on the Judiciary.

By Mr. MORRISON of Washington:

H.R. 5468. A bill to amend Public Law 94-423, relating to the Oroville-Tonasket unit, Chief Joseph Dam project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. NELSON of Florida:

H.R. 5469. A bill to provide for assured access to space for national security, scientific, commercial, and other users and foster the development of an expendable launch vehicle capability, and for other purposes; to the Committee on Science and Technology.

By Mr. PARRIS:

H.R. 5470. A bill to designate the Federal Courthouse for Eastern District of Virginia in Alexandria, VA, as the "Albert V. Bryan Federal Courthouse"; to the Committee on Public Works and Transportation.

By Mr. RICHARDSON (for himself and Mr. LUKEN):

H.R. 5471. A bill to establish uniform standards governing product liability actions; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. SCHEUER (for himself, Mr. WRIGHT, Mr. EDGAR, Mr. LEHMAN of California, Mr. ROE, Mr. MCDADE, Mr. NATCHER, Mr. KOSTMAYER, Mr. PERKINS, Mr. LENT, Mr. GRAY of Illinois, Mr. MURPHY, Mr. NOWAK, Mr. HATCHER, Mrs. BURTON of California, Mr. MURTHA, Mr. MACKAY, Mr. CHAPPELL, Mr. WILSON, Mr. SOLARZ, Mr. SCHUMER, Mr. DONNELLY, Mr. UDALL, Mr. HILLIS, Mr. BRYANT, Mr. FORD of Michigan, Mr. LUNDINE, Mr. HORTON, Mr. MCHUGH, Mr. MITCHELL, Mr. DYSON, Mr. SOLOMON, Mr. BOLAND, Mr. GREEN, Mr. GORDON, Mr. WOLPE, Mr. FEIGHAN, Mr. MONTGOMERY, Mr. DANNEMEYER, Mr. FUQUA, Mr. MCKINNEY, Mr. PRICE, Mr. AUCOIN, Mr. MYERS of Indiana, Mr. DANIEL, Mr. MARKEY, Mr. PURSELL, Mr. YATRON, Mr. SCHULZE, Mrs. KENNELLY, Mr. GAYDOS, Mr. DE LUGO, Mr. ENGLISH, Mr. WALGREN, Mr. CLAY, Mr. MOAKLEY, Mr. FASCELL, Mr. PENNY, Mr. ANNUNZIO, Mr. BONIOR of Michigan, Mr. DWYER of New Jersey, Mr. WYLIE, Mr. BENNETT, Mr. WORTLEY, Mr. KASTENMEIER, Mr. COELHO, Mrs. HOLT, Mr. PICKLE, Mr. ORTIZ, Mr. PEPPER, Mr. LEATH of Texas, Mr. WHITTEN, Mr. PORTER, Mr. HEFNER, Mr. SAVAGE, Mr. TOWNS, Mr. RANGEL, Mr. ROYBAL, Mr. ECKERT of New York, Mr. HOYER, Mr. HOWARD, Mr. SPENCE, Mr. DIXON, Mr. BEVILL, Mr. REID, Mr. STOKES, Mr. BUSTAMANTE, Mr. SMITH of Florida, Mr. COLEMAN of Texas, Mr. MORRISON of Connecticut, Mr. SMITH of Iowa, Mr. AKAKA, Mr. VENTO, Mr. HENDON, Mrs. BENTLEY, Mr. YOUNG of Missouri, Mr. BOEHLERT, Mr. WHITLEY, Mr. BIAGGI, Mr. LAGOMARSINO, Mr. DURBIN, Mr. HAYES, Mr. HUGHES, Mr. MARTIN of New York, Mr. MRAZEK, Mr. SABO, Mr. CHAPPIE, Mr. HUTTO, Mr. DAUB, Mr. KILDEE, Mr. OWENS, Mr. NIELSON of Utah, Mr. WEISS, Mr. DE LA GARZA, Mr. BROOKS, Mr. CONTE, Mr. PANETTA, Mr. EDWARDS of California, Mr. GALLO, Mr. TORRES, Mr. MINETA, Mr. LEWIS of Florida, Mr. MOLLOHAN, Mr. CLINGER, Mr. MCGRATH, Mr. KLECZKA, Mr. YOUNG of Florida, Mr. RUDD, Mr. STRATTON, Mr. SEIBERLING, Mr. LANTOS, Mr. CARR, Mr. EMERSON, Mr. LIVINGSTON, and Mr. WALDON):

H.R. 5472. A bill to name a certain Veterans' Administration extended care center in Queens, NY, as the "Joseph P. Addabbo Veterans' Administration Extended Care Center at St. Albans"; to the Committee on Veterans' Affairs.

By Mrs. SCHROEDER (for herself, Mr. EDWARDS of California, Mr. GLICKMAN, and Mr. FRANK):

H.R. 5473. A bill to amend chapter 13 of title 18, United States Code, to impose a criminal penalty for damage to a licensed medical facility and for injury to a person seeking to obtain lawful medical treatment; to the Committee on the Judiciary.

By Mr. SIKORSKI:

H.R. 5474. A bill to amend titles II and XVI of the Social Security Act to establish more realistic rules for determining the eligibility of individuals who have multiple sclerosis for benefits based on disability under the OASDI and SSI programs; to the Committee on Ways and Means.

By Mr. SOLOMON (for himself, Mr. ROTH, and Mr. COURTER):

H.R. 5475. A bill to amend section 620(f) of the Foreign Assistance Act of 1961 (relating to the prohibition on assistance to Communist countries) and to require certain reports with respect to Communist countries receiving U.S. humanitarian disaster relief assistance; to the Committee on Foreign Affairs.

By Mr. TAUZIN (for himself, Mr. GREGG, Mr. ROSE, and Mr. HAMMERSCHMIDT):

H.R. 5476. A bill to provide for increased penalties for interference with satellite communications, to establish uniform standards for encryption and to promote fair marketing of certain encrypted satellite programming for private viewing; to the Committee on Energy and Commerce.

By Mr. FOLEY (for himself, Mr. LOTT, Mr. GEPHARDT, Mr. SISISKY, Mr. FRENZEL, Mr. GEJDENSON, Mr. PANETTA, Mr. ATKINS, Mr. ROYBAL, Mr. RICHARDSON, Mr. MILLER of California, Mr. LOEFFLER, Mr. BIAGGI, Mr. AKAKA, Mr. WHITLEY, Mr. STRATTON, Mr. MICA, Mr. SKELTON, Mr. DICKS, Mr. SWIFT, Mr. SLATTERY, Mr. HEFNER, Mr. HAYES, Mr. VOLKMER, Mr. FOGLIETTA, Mr. MRAZEK, Mr. STENHOLM, Mrs. KENNELLY, Mr. GLICKMAN, Mr. BEDELL, Mr. DE LA GARZA, Mr. JONES of Oklahoma, Mr. SCHUMER, Mr. BONKER, and Mr. WATKINS):

H.R. 5477. A bill to provide permanent authorization for White House Conference on Small Business; to the Committee on Small Business.

By Mr. LAFALCE:

H.R. 5478. A bill to extend the expiration date of the Defense Production Act of 1950, to authorize appropriations for purposes of such act, and for other purposes; to the Commitee on Banking, Finance and Urban Affairs.

H.R. 5479. A bill to amend the Defense Production Act of 1950 with respect to the functions of the Cost-Accounting Standards Board; to the Committee on Banking, Finance and Urban Affairs.

H.R. 5480. A bill to extend the expiration date of the Defense Production Act of 1950 and to authorize appropriations for purposes of such act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. YOUNG of Alaska (for himself, Mr. UDALL, Mr. LAGOMARSINO, Mr. CHENEY, and Mr. REGULA):

H.R. 5481. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, to permit the use of park entrance, admission, and recreation use fees for the operation of the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BOLAND:

H.J. Res. 713. Joint resolution making a repayable advance to the Hazardous Substance Response Trust Fund; considered and passed.

By Mr. BIAGGI (for himself, Mr. JONES of North Carolina, Mr. HOWARD, and Mr. ROE):

H.J. Res. 714. Joint resolution to authorize and request the President of the United States to issue a proclamation designating the week beginning October 5, 1986 as "National Port Week"; to the Committee on Post Office and Civil Service.

By Mr. BONIOR of Michigan (for himself, Mr. HORTON, Mr. NOWAK, Mr. BLAZ, Mr. ACKERMAN, Mr. ALEXANDER, Mr. ANDERSON, Mr. ATKINS, Mr. BARNARD, Mr. BARNES, Mr. BATEMAN, Mr. BEDELL, Mr. BEILENSON, Mrs. BENTLEY, Mr. BIAGGI, Mr. BOLAND, Mr. BONER of Tennessee, Mrs. BOXER, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BRYANT, Mr. BURTON of Indiana, Mrs. BURTON of California, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CARNEY, Mr. CARPER, Mr. CARR, Mr. CHANDLER, Mr. CLAY, Mr. COELHO, Mr. CONTE, Mr. CONYERS, Mr. CROCKETT, Mr. DARDEN, Mr. DASCHLE, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DE LUGO, Mr. DIOGUARDI, Mr. DIXON, Mr. DONNELLY, Mr. DORGAN of North Dakota, Mr.

DORNAN of California, Mr. DOWDY of Mississippi, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. ECKERT of New York, Mr. ERDREICH, Mr. EVANS of Illinois, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLORIO, Mr. FOLEY, Mr. FORD of Michigan, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. FUSTER, Mr. GARCIA, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GIBBONS, Mr. GILMAN, Mr. GRAY of Illinois, Mr. GRAY of Pennsylvania, Mr. GREEN, Mr. RALPH M. HALL, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HANSEN, Mr. HATCHER, Mr. HAYES, Mr. HEFNER, Mr. HENRY, Mr. HERTEL of Michigan, Mrs. HOLT, Mr. HOWARD, Mr. HOYER, Mr. HUTTO, Mr. JEFFORDS, Mrs. JOHNSON, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KEMP, Mr. KILDEE, Mr. KINDNESS, Mr. KOLBE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LELAND, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LIPINSKI, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. LUNGREN, Mr. MCDADE, Mr. MCGRATH, Mr. MCHUGH, Mr. MCKERNAN, Mr. MACK, Mr. MACKAY, Mr. MANTON, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MATSUI, Mr. MILLER of Ohio, Mr. MILLER of Washington, Mr. MONSON, Mr. MRAZEK, Mr. MURPHY, Mr. NIELSON of Utah, Ms. OAKAR, Mr. OBERSTAR, Mr. ORTIZ, Mr. OWENS, Mr. PACKARD, Mr. PANETTA, Mr. PEPPER, Mr. PERKINS, Mr. PURSELL, Mr. RANGEL, Mr. REID, Mr. RICHARDSON, Mr. RODINO, Mr. ROE, Mr. SABO, Mr. SAVAGE, Mr. SCHEUER, Mr. SCHUMER, Mr. SEIBERLING, Mr. SHUSTER, Mr. SOLARZ, Mr. SOLOMON, Mr. STANGELAND, Mr. STRATTON, Mr. SUNIA, Mr. SWIFT, Mr. TALLON, Mr. TAUKE, Mr. TAUZIN, Mr. TOWNS, Mr. TRAXLER, Mr. UDALL, Mr. VANDER JAGT, Mr. VENTO, Mr. VISCLOSKY, Mr. VOLKMER, Mr. WALGREN, Mr. WEAVER, Mr. WEISS, Mr. WISE, Mr. WOLPE, Mr. WORTLEY, Mr. YOUNG of Alaska, Mr. BEVILL, Mr. MOLINARI, Mr. BROWN of Colorado, Mr. BOEHLERT, Mr. LANTOS, Mr. MCMILLAN, and Mr. GEKAS):

H.J. Res. 715. Joint resolution to designate July 2 and 3, 1987, as "The United States-Canada Days of Peace and Friendship"; to the Committee on Post Office and Civil Service.

By Mr. BROWN of California (for himself and Mr. KEMP):

H.J. Res. 716. Joint resolution to designate October 1986 as "Learning Disabilities Awareness Month"; to the Committee on Post Office and Civil Service.

By Mr. ROSE:

H.J. Res. 717. Joint resolution designating September 20, 1986, as "National Youth in Politics Day"; to the Committee on Post Office and Civil Service.

By Mr. GILMAN (for himself and Mr. FRANK):

H. Con. Res. 384. Concurrent resolution expressing the sense of the Congress concerning the Soviet Union's continued interference with postal communications between the United States and the Soviet Union; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

By Mr. SHUMWAY (for himself, Mr. LAGOMARSINO, Mr. WORTLEY, Mr. FRENZEL, Mr. KINDNESS, Mr. LOWERY of California, Mr. BEREUTER, Mr. LIVINGSTON, Mr. BADHAM, and Mr. DENNY SMITH):

H. Con. Res. 385. Concurrent resolution expressing the sense of the Congress regarding the goals and objectives in international trade of the member nations of the General Agreement on Tariffs and Trade; to the Committee on Ways and Means.

By Mr. ARMEY (for himself, Mr. HYDE, Mr. LENT, Mr. REGULA, Mr. BERMAN, Mr. DELAY, Mr. HENDON, Mr. HUNTER, Mr. HORTON, Mr. SAXTON, Mr. GEKAS, Mr. BADHAM, Mr. FRANK, Mr. BLILEY, Mr. KINDNESS, Mr. BOULTER, Mr. BUSTAMANTE, Mr. MORRISON of Washington, Mr. DREIER of California, Mr. MONSON, Mr. BURTON of Indiana, Mr. CONTE, Mr. PORTER, Mrs. ROUKEMA, Mr. DORNAN of California, Mr. LAGOMARSINO, Mr. MCDADE, Mr. WORTLEY, Mr. DIOGUARDI, Mr. BEREUTER, Mr. VOLKMER, Mr. SMITH of New Jersey, Mr. WALDON, Mr. MORRISON of Connecticut, Mrs. BENTLEY, Mr. COBEY, Mr. GARCIA, Mr. LEVIN of Michigan, Mr. SCHUETTE, Mr. NIELSON of Utah, and Mr. FAWELL):

H. Con. Res. 386. Concurrent resolution expressing the sense of the Congress that the jamming of radio broadcasting is contrary to the best interests of the people of the world and should be terminated; to the Committee on Foreign Affairs.

By Mr. ENGLISH (for himself, Mr. JONES of Oklahoma, Mr. WATKINS, Mr. MCCURDY, Mr. SYNAR, Mr. DASCHLE, Mr. DORGAN of North Dakota, Mr. GLICKMAN, Mr. PENNY, Mr. VOLKMER, Mr. EVANS of Illinois, Mr. CHAPMAN, and Mr. GEPHARDT):

H. Res. 538. Resolution expressing the sense of the House of Representatives that wheat producers have expressed their desire for change in farm policy by their affirmative vote on the wheat poll, and that the President should acknowledge the desires of a majority of wheat producers and direct the Secretary of Agriculture to change the philosophy and direction of the wheat program and take other steps necessary to alleviate the economic crisis in the farm belt; to the Committee on Agriculture.

MEMORIALS

Under clause 4 of rule XII,

453. The SPEAKER presented a memorial of the Legislature of the State of Colorado, relative to the rate of pay for Members of Congress; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. JONES of North Carolina:

H.R. 5482. A bill to clear certain impediments to the licensing of the vessel *BAR 376* for employment in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. KASTENMEIER.
H.R. 155: Mr. KASTENMEIER.
H.R. 157: Mr. KASTENMEIER.
H.R. 158: Mr. KASTENMEIER.
H.R. 159: Mr. KASTENMEIER.
H.R. 160: Mr. KASTENMEIER.
H.R. 526: Mr. IRELAND, Mr. BILIRAKIS, Mr. GLICKMAN, Mr. LUNDINE, Mr. MACK, Mr. COELHO, and Mr. KLECZKA.
H.R. 1402: Mr. CLAY.
H.R. 1435: Mr. RUSSO and Mr. SOLARZ.
H.R. 1875: Mr. MOORE.
H.R. 1902: Mr. MURPHY.
H.R. 1946: Mr. SENSENBRENNER and Mr. GUARINI.
H.R. 2014: Mr. NEAL and Mr. MCDADE.
H.R. 2280: Mr. WISE.
H.R. 2406: Mr. SPENCE and Mr. RINALDO.
H.R. 2768: Mr. GUARINI.
H.R. 2793: Mr. MCEWEN.
H.R. 2911: Mr. LEVINE of California.
H.R. 3000: Mr. SKELTON.
H.R. 3359: Mr. MILLER of Ohio.
H.R. 3404: Ms. MIKULSKI, Mr. GEJDENSON, Mr. BILIRAKIS, and Mr. MACK.
H.R. 3465: Mr. COOPER.
H.R. 3661: Mr. MARLENEE.
H.R. 3793: Mr. MARTINEZ.
H.R. 3817: Mr. SCHEUER.
H.R. 3842: Mrs. KENNELLY, Mr. LUNGREN, Mr. MCMILLAN, Mr. DONNELLY, Mr. GLICKMAN, Mr. HAWKINS, Mr. GEJDENSON, Mr. PEPPER, Mr. JENKINS, Mrs. COLLINS, Mr. PRICE, Mr. MCCLOSKEY, Mr. ROEMER, Ms. MIKULSKI, Mr. HOYER, Mr. BARNES, Mr. MOAKLEY, Mr. SOLARZ, Mr. LUNDINE, Mr. ECKART of Ohio, Mr. SYNAR, Mr. TRAFICANT, Mr. GAYDOS, Mr. DICKS, Mr. TORRICELLI, Mr. KOLTER, Mr. COUGHLIN, Mr. HUBBARD, and Mr. WALGREN.
H.R. 3936: Mr. WORTLEY and Mr. GUARINI.
H.R. 4065: Mr. RINALDO, Mr. NEAL, Mr. MARKEY, Mr. KILDEE, and Mr. COURTER.
H.R. 4155: Mr. AUCOIN and Mr. KLECZKA.
H.R. 4183: Mr. ROGERS, Mr. FISH, Mr. ROSE, Mr. WOLPE, Mr. BRYANT, Mrs. BOXER, Mr. SUNIA, Mr. FROST, Mr. EMERSON, Mr. STALLINGS, Mr. BARNES, and Mr. MAVROULES.
H.R. 4330: Mr. HEFNER, Mr. CLINGER, Mr. BUSTAMANTE, Mr. STARK, and Mr. ASPIN.
H.R. 4344: Mr. RITTER.
H.R. 4368: Mr. VENTO.
H.R. 4408: Mr. COURTER.
H.R. 4439: Mr. CRAIG, Mr. CHANDLER, and Mr. SOLOMON.
H.R. 4450: Mr. CHAPPIE and Mr. NELSON of Florida.
H.R. 4460: Mr. GRAY of Illinois.
H.R. 4567: Mr. GEPHARDT.
H.R. 4611: Mr. MARLENEE.
H.R. 4620: Mr. OWENS, Mr. WEISS, Mr. ROTH, Mr. YATES, Mr. KANJORSKI, Mr. MARKEY, Mr. JEFFORDS, Mr. REID, Mr. HAYES, Mr. ROWLAND of Connecticut, Miss SCHNEIDER, Ms. OAKAR, Mr. RODINO, Mrs. BENTLEY, Mr. ASPIN, Mr. DWYER of New Jersey, Mr. WISE, and Mr. ROE.
H.R. 4636: Mr. GILMAN.
H.R. 4696: Mr. COOPER.
H.R. 4711: Mr. OLIN, Mr. LEVINE of California, and Mr. BARNES.
H.R. 4723: Mr. WHITTAKER, Mr. ANDERSON, Mr. UDALL, Mr. PANETTA, and Mr. LOTT.
H.R. 4762: Mr. MCGRATH, Mr. GUARINI, and Mr. RODINO.
H.R. 4831: Mrs. BYRON and Mr. RAY.
H.R. 4835: Mr. GLICKMAN.
H.R. 4838: Mr. FRANK.

H.R. 4882: Mr. CLINGER.

H.R. 4929: Mr. ACKERMAN, Ms. MIKULSKI, Mr. SMITH of Florida, and Mr. SCHEUER.

H.R. 4933: Mr. HENRY and Mr. WALGREN.

H.R. 4934: Mr. ECKERT of New York, Mrs. ROUKEMA, and Mr. MICA.

H.R. 5021: Mr. JACOBS, Mr. COLEMAN of Texas, Mr. DE LA GARZA, Mr. LEATH of Texas, Mr. RALPH M. HALL, Mr. MORRISON of Connecticut, Mr. FRANK, Mr. KLECZKA, Mr. LEVIN of Michigan, Mr. WILSON, Mr. TALLON, Mrs. BOXER, Mr. BIAGGI, Mr. GLICKMAN, and Mr. ORTIZ.

H.R. 5048: Mr. BOULTER.

H.R. 5066: Mr. LEWIS of Florida.

H.R. 5067: Mr. FROST, Mr. FEIGHAN, and Mr. NIELSON of Utah.

H.R. 5070: Mr. BROWN of California, Mr. KOLTER, and Mr. CONYERS.

H.R. 5092: Mr. OLIN and Mr. ARMEY.

H.R. 5103: Mr. GUARINI.

H.R. 5121: Mr. MAVROULES, Mr. HUGHES, and Mr. MOODY.

H.R. 5131: Mr. GRAY of Illinois, Mr. KANJORSKI, Mr. VOLKMER, Mr. FOGLIETTA, Mr. HAMMERSCHMIDT, Mr. ALEXANDER, Mr. MURPHY, Mr. GAYDOS, Mr. KOLTER, Mr. WALGREN, Mr. BONER of Tennessee, Mr. CARR, Mr. BEVILL, and Mr. WHITTEN.

H.R. 5142: Mr. LEVIN of Michigan and Mr. ECKART of Ohio.

H.R. 5156: Mr. WALDON and Mr. RANGEL.

H.R. 5183: Mr. CROCKETT, Mr. WALGREN, Mr. TOWNS, Mr. SAVAGE, Mr. EDWARDS of California, Mr. GRAY of Pennsylvania, Mr. GARCIA, Mr. OWENS, and Mr. DELLUMS.

H.R. 5184: Mr. GRAY of Illinois, Mr. JEFFORDS, and Mr. REID.

H.R. 5208: Mr. GEJDENSON, Mr. MORRISON of Connecticut, Mr. MCKINNEY, Mr. UDALL, Mr. YOUNG of Florida, and Mr. ROE.

H.R. 5209: Mr. TOWNS, Mr. ROE, Mr. RANGEL, and Mr. YOUNG of Florida.

H.R. 5218: Mr. ST GERMAIN and Mr. HAYES.

H.R. 5225: Mr. TALLON, Mr. JONES of North Carolina, and Mr. OLIN.

H.R. 5229: Mr. FUQUA, Mr. LUJAN, Mr. ROE, Mr. WALKER, Mr. SENSENBRENNER, Mr. SCHEUER, Miss SCHNEIDER, Mr. BOEHLERT, Mr. YOUNG of Missouri, Mr. VOLKMER, Mr. HENRY, Mr. RALPH M. HALL, Mr. MCCURDY, Mr. ANDREWS, Mr. MONSON, Mr. TORRICELLI, Mr. MINETA, and Mr. CHAPMAN.

H.R. 5237: Mr. FROST, Mr. EDWARDS of Oklahoma, and Mr. LEVINE of California.

H.R. 5238: Mr. TOWNS and Mr. MITCHELL.

H.R. 5274: Mr. OWENS and Mr. FORD of Tennessee.

H.R. 5275: Mr. ROE.

H.R. 5278: Mr. SWEENEY.

H.R. 5327: Mr. HORTON, Mr. YATRON, Mr. ATKINS, Mr. BARNES, Mr. LUNDINE, and Mr. MITCHELL.

H.R. 5349: Mr. MARTINEZ, Mr. YOUNG of Florida, and Miss SCHNEIDER.

H.R. 5352: Mr. HEFNER and Mr. ANDERSON.

H.R. 5355: Mr. ROWLAND of Georgia, Mr. DERRICK, Mr. DANIEL, Mr. NICHOLS, Mr. GRAY of Illinois, Mr. FRANK, Mr. TALLON, Mr. BEVILL, Mr. BIAGGI, and Mr. MITCHELL.

H.R. 5370: Mr. KINDNESS.

H.R. 5381: Mr. COURTER, Mr. SCHUETTE, and Mr. BARTON of Texas.

H.R. 5396: Mr. LUKEN

H.R. 5423: Mr. MITCHELL.

H.R. 5427: Mr. BARNES and Mr. FUSTER.

H.J. Res. 7: Mr. MARLENEE.

H.J. Res. 270: Mr. BIAGGI and Mr. HUGHES.

H.J. Res. 417: Mr. MACKAY and Mr. MCHUGH.

H.J. Res. 524: Mr. STANGELAND, Mr. KOSTMAYER, Mr. DASCHLE, Mr. HENDON, Mr. LENT, and Mr. ROWLAND of Connecticut.

H.J. Res. 550: Mr. HAMMERSCHMIDT, Mr. MOAKLEY, Mr. LOWRY, of Washington, Mr. MARKEY, and Mrs. BURTON of California.

H.J. Res. 578: Mr. MANTON.

H.J. Res. 588: Mr. BATEMAN, Mr. HENRY, Mr. RODINO, Mr. LUNGREN, Mr. MONSON, Mrs. HOLT, Mr. VANDER JAGT, and Mr. APPLEGATE.

H.J. Res. 615: Mr. ACKERMAN, Mr. ANDREWS, Mr. ASPIN, Mr. ATKINS, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BATES, Mr. BEILENSON, Mr. BENNETT, Mr. BERMAN, Mr. BIAGGI, Mr. BOUCHER, Mr. BROOKS, Mr. BROWN of Colorado, Mr. BRUCE, Mr. BRYANT, Mr. CARNEY, Mr. CHAPMAN, Mr. CLAY, Mr. COBLE, Mr. COELHO, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. CONYERS, Mr. DEWINE, Mr. DIXON, Mr. DONNELLY, Mr. DOWNEY of New York, Mr. DYSON, Mr. EDWARDS of California, Mr. ENGLISH, Mr. EVANS of Illinois, Mr. FIELDS, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Michigan, Mr. FUQUA, Mr. GARCIA, Mr. GEKAS, Mr. GIBBONS, Mr. GILMAN, Mr. GLICKMAN, Mr. GRAY of Illinois, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HENDON, Mr. HERTEL of Michigan, Mr. HUCKABY, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KEMP, Mr. KILDEE, Mr. KLECZKA, Mr. LEHMAN of California, Mr. LIPINSKI, Mr. LUKEN, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MACKAY, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mr. MAZZOLI, Mr. MICA, Mr. MILLER of California, Mr. MILLER of Washington, Mr. MOLLOHAN, Mr. MOODY, Mr. MOORHEAD, Mr. OBERSTAR, Mr. ORTIZ, Mr. PANETTA, Mr. REID, Mr. RICHARDSON, Mr. ROBINSON, Mr. ROGERS, Mrs. ROUKEMA, Mr. ROWLAND of Georgia, Mr. RUSSO, Mr. SCHUMER, Mr. SHAW, Mr. SIKORSKI, Mr. SKELTON, Mr. SPRATT, Mr. STAGGERS, Mr. TALLON, Mr. TORRICELLI, Mr. TRAFICANT, Mr. TRAXLER, Mr. VOLKMER, Mr. WEBER, Mr. WHITLEY, Mr. YOUNG of Missouri, Mr. DICKS, Mr. WIRTH, Mr. HEFNER, Mr. NEAL, and Mr. GREEN.

H.J. Res. 619: Mr. HANSEN, Mr. MOAKLEY, Mr. HENDON, Mr. FRANK, and Mr. FOWLER.

H.J. Res. 625: Mr. VISCLOSKY.

H.J. Res. 631: Mr. CLINGER, Mr. EDWARDS of Oklahoma, and Mr. FROST.

H.J. Res. 643: Mr. SCHULZE, Mr. WHITEHURST, Mr. RIDGE, Mr. CLINGER, Mr. GREGG, Mr. ENGLISH, Mr. BEREUTER, Mr. HOPKINS, Mr. FUQUA, Mr. HENDON, Mr. BARTLETT, Mr. BARTON of Texas, Mr. LEACH of Iowa, Mr. ROSE, Mr. STENHOLM, Mr. ROWLAND of Georgia, Mr. KOLBE, Mr. DE LA GARZA, Mr. NELSON of Florida, and Mr. CRAIG.

H.J. Res. 660: Mr. STRANG, Mr. EDWARDS of Oklahoma, Mr. FISH, Mr. MINETA, Mr. MORRISON of Connecticut and Mr. BEDELL.

H.J. Res. 677: Mr. PURSELL, Mrs. HOLT, Mr. HORTON, Mr. DERRICK, Mr. KOLTER, Mr. HUGHES, Mr. LIGHTFOOT, Mr. FAZIO, Mr. LUNGREN, Mr. LEACH of Iowa, Mr. CARNEY, Mr. TRAFICANT, Mr. MATSUI, Mr. BONER of Tennessee, Mr. BONIOR of Michigan, Mr. BLILEY, Mr. DELLUMS, Mr. DYMALLY, Mr. DE LA GARZA, Mr. ROE, Mr. COURTER, Mrs. BURTON of California, Mr. CHAPPIE, Mr. BUSTAMANTE, Mr. COELHO, and Mrs. BENTLEY.

H.J. Res. 684: Mr. VANDER JAGT, Mr. COBEY, Mr. DERRICK, Mr. GALLO, Mr. LEACH of Iowa, Mr. REGULA, Mr. APPLEGATE, Mr. BONER of Tennessee, Mr. BOUCHER, Mrs. BOXER, Mr. DYMALLY, Mr. FLIPPO, Mr. FLORIO, Mr. GREEN, Mrs. HOLT, Mr. MCCLOSKEY, Mrs. MARTIN of Illinois, Ms. OAKAR, Mr. RINALDO, Mr. ROTH, Mr. ROYBAL, Mr. WALGREN, Mr. WOLPE, and Mr. BURTON of Indiana.

H.J. Res. 687: Mr. WYLIE, Mr. MILLER of Ohio, Mr. FIELDS, Mr. HYDE, Mr. DUNCAN, Mr. DORNAN of California, Mr. IRELAND, Mr. GRADISON, Mr. LUJAN, Mr. LAGOMARSINO, Mr. MOLINARI, Mr. QUILLEN, Mr. DICKINSON, Mr. ARMEY, Mr. COBLE, Mr. MONSON, Mr. HUNTER, Mr. STRANG, Mr. LEWIS of California, Mrs. HOLT, Mr. WHITTAKER, Mr. SNYDER, Mr. KASICH, Mr. EMERSON, Mr. SHAW, Mr. DREIER of California, Mr. RINALDO, Mr. JEFFORDS, Mr. MADIGAN, Mr. SMITH of New Hampshire, Mr. LEWIS of Florida, Mr. TAYLOR, Mr. YOUNG of Florida, Mr. REGULA, Mr. COUGHLIN, Mr. BADHAM, Mr. LOTT, Mr. SILJANDER, Mr. DANNEMEYER, Mr. SUNDQUIST, and Mr. GILMAN.

H.J. Res. 688: Mr. VOLKMER, Mrs. BOXER, Mr. BEVILL, Mr. LEVIN of Michigan, Mr. LANTOS, Mr. SOLOMON, Mr. BONER of Tennessee, Mr. HAYES, Mr. WOLPE, and Mr. COOPER.

H.J. Res. 693: Mr. BONER of Tennessee, Mr. FUSTER, Mr. MCDADE, Mr. KASICH, Mr. APPLEGATE, Mr. SMITH of Florida, Mr. CARR, Mr. YOUNG of Missouri, Mr. WAXMAN, Mr. MARTIN of New York, Mr. FAZIO, Mr. HATCHER, Mr. MATSUI, Mr. HORTON, Mr. DWYER of New Jersey, Mr. DASCHLE, Mr. NIELSON of Utah, Mr. ROBERTS, Mr. WYDEN, Mr. KLECZKA, Mrs. BURTON of California, Mr. BOUCHER, Mr. FRENZEL, Mr. FUQUA, Mr. BRYANT, Mr. BATEMAN, Mr. OWENS, Mr. MANTON, Mr. CARPER, Mr. DE LA GARZA, Mr. MOLINARI, Mr. LAGOMARSINO, Mr. HOWARD, Mr. REID, Mr. LUNGREN, Mr. MRAZEK, Mr. LEHMAN of California, Mr. DYMALLY, Mr. BEVILL, Mr. DEWINE, Mr. WALDON, Mr. BOSCO, Mr. HUBBARD, Mr. WIRTH, Mr. WILSON, Mr. ATKINS, Mr. RICHARDSON, Mr. MARTINEZ, Mr. LEVINE of California, Mr. WEISS, Mr. ROE, Mr. HOYER, Mr. HAYES, and Mr. LANTOS.

H.J. Res. 698: Mr. WEISS, Mr. HAYES, Mr. KEMP, Mr. MCGRATH, Mr. WALDON, Mr. MARTINEZ, Mr. SMITH of Florida, Mr. MONSON, Mr. BARNES, Mrs. HOLT, Mr. COATS, and Mr. HATCHER.

H. Con. Res. 341: Mr. TAUKE, Mr. DORNAN of California, Mr. BEDELL, and Mrs. MARTIN of Illinois.

H. Con. Res. 344: Mr. HAYES.

H. Con. Res. 355: Mr. CLINGER, Mrs. SMITH of Nebraska, Mr. DE LUGO, Mr. PERKINS, Mr. ROWLAND of Connecticut, Mr. HENRY, Mr. TRAFICANT, Mr. TOWNS, Mr. HOWARD, Mr. ECKERT of New York, Mr. WEAVER, Mr. BIAGGI, and Mr. BRYANT.

H. Con. Res. 381: Mr. LIPINSKI, Mr. GUARINI, Mrs. HOLT, Mr. RINALDO, Mr. SCHUMER, Mr. ROE, Mr. HAYES, Ms. OAKAR, and Mr. WALDON.

H. Res. 394: Mr. BADHAM, Mr. GINGRICH, Mr. CHAPPIE, Mr. FRENZEL, Mr. GOODLING, Mr. GILMAN, Mr. COBEY, Mr. LIGHTFOOT, Mr. DANNEMEYER, and Mrs. MARTIN of Illinois.

H. Res. 412: Mr. FEIGHAN.

H. Res. 509: Mr. MARTINEZ.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.J. Res. 602: Mr. Williams.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

463. By the SPEAKER: Petition of the City Council, Boston, MA, relative to the

immigration system; to the Committee on the Judiciary.

464. Also, petition of the chairman, Quileute Tribal Council, La Push, WA, relative to taxation of Pacific Northwest tribal fisherman; to the Committee on Ways and Means.

465. Also, petition of the Nuclear Waste Board, Olympia, WA, relative to high-level nuclear waste management; jointly, to the Committee on Interior and Insular Affairs and Energy and Commerce.

EXTENSIONS OF REMARKS

FRED MEURER—FORT ORD LOSES AN OUTSTANDING OFFICER

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. PANETTA. Mr. Speaker, I want to bring to the attention of my colleagues the recent retirement of Lt. Col. Fred Meurer, who served 20 years in the Army and performed outstanding work at Fort Ord, in Monterey, CA.

Among the most serious issues at Fort Ord is a severe housing shortage, which is exacerbated by the relatively high rents for offbase housing in the Monterey Peninsula Area. Fred Meuer did an outstanding job, working with both Army and local officials, as well as landlords in the Monterey community, to help alleviate the problem. As director of engineering and housing for nearly 4 years until his retirement this year, Fred Meurer did as much as any one person could possibly have done to improve the housing situation for the men and women who serve our country at Fort Ord. His innovative thinking and ability to work with people from many different walks of life made him ideally suited to the job. It should be added that this work was accomplished at a time when the 7th Division, which is stationed at Fort Ord, was converting to a light infantry division, a factor that of course made the challenge even greater.

From my own perspective as the Representative from the Monterey area, I can also report that Fred Meurer was an immense help in my own efforts to promote strong community/military relations. He was always available, always willing to assist, and always alert to opportunities to improve the situation. As far as I am concerned, his work in this area was a model for military installations throughout the Nation.

In addition to these tasks, Fred Meurer performed a wide variety of other housing- and building-related missions which were crucial to the stability and future strength of Fort Ord.

Of course, LTC Meurer's career ended at Fort Ord, but his service was equally illustrious prior to his arrival in our area. He graduated in 1966 from the U.S. Military Academy at West Point. From this distinguished beginning, he went on to a series of key jobs, including company commander, first engineer, 1st Infantry Division in Vietnam; chief of master planning, U.N. Command in Korea; project design and construction engineer at Fort Lewis, WA; project engineer, U.S. Army Corps of Engineers in the Sacramento District; director of operational testing, Fort Ord/Fort Hunter Liggett, CA; and then his final position as director of engineering and housing at Fort Ord.

Mr. Speaker, Fred Meurer is the model of a career member of our armed services. Wherever he went, he served well. He improved life for countless personnel, and helped make Fort Ord a good neighbor for those who live nearby. I am sure my colleagues join me in thanking him for his service and wishing him the best of luck as he moves on to new endeavors.

THE IMPORTANCE OF CAPTIVE NATIONS WEEK

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. GEKAS. Mr. Speaker, last month we marked the annual recognition of Captive Nations Week on July 20 to 26. The importance of that week to people around the world can never be underestimated, as it provides hope to millions of people who live under the domination of governments that restrict basic human freedoms every day.

When the glare of international attention is not focused on the actions of Communist governments, they feel they can continue the terrible treatment of their citizens. Thus, the primary goal of Captive Nations Week is to let people everywhere know of the inhumane acts perpetrated upon the innocent inhabitants of those countries living under Communist domination. In that way, the governments may be forced to address the concerns of the international community, or else bring further scorn upon themselves.

An even more important reason for Captive Nations Week has already been mentioned, that is, the hope it brings to captive persons around the globe. Our commemorating this week exhibits clearly the fact that we have not forgotten the unfortunate men, women, and children who wish to be free. How could they keep their hopes alive if they thought nobody cared about their plight? Let the governments of captive nations be put on notice: we do care.

The immense nationwide celebration of the Fourth of July in the United States this year in conjunction with the Statue of Liberty's "birthday" showed how important the concepts of liberty and freedom are to the American people. It plainly lets the captive persons abroad know that those principles, so vital to the fabric of our Nation, must be rightfully extended to everyone around the world, and that the United States will continue to mark this Captive Nations Week until all people are free.

FEEDING OUR NATION'S HUNGRY

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. HAWKINS. Mr. Speaker, according to estimates, almost 20 million people in the United States will be hungry at the same period each month. While these 20 million people go hungry, the U.S. Department of Agriculture has over 7 billion dollars' worth of wheat, rice, butter, cheese, and nonfat dry milk in storage facilities around the country.

Through numerous agricultural laws, the Government purchases commodities from farmers to help maintain farm price support levels. However, these surpluses were simply accumulating in privately owned warehouses until 1982, when an effort was begun to reduce the amount of Government holdings and to distribute food to the hungry. Since 1982, 3 billion pounds of commodities, valued at $3.4 billion have been distributed to States under the Agricultural Act of 1980. Yet, contrary to popular belief, this has not been enough to alleviate hunger in the United States.

A recent report by the U.S. Conference of Mayors, "The Growth of Hunger, Homelessness and Poverty in America's Cities in 1985: A 25-City Survey," noted that in 55 cities, the demand for emergency food increased by an average of 28 percent in 3 years. Twenty-two cities anticipate a sharp increase in demand. And in two out of every three cities, emergency food centers must turn people seeking food assistance away.

What can we do to decrease and eventually eliminate hunger in the United States? One option is to look into the availability of the commodities being stored in warehouses and the costs of reprocessing, shipping, and distributing surplus food to private and public organizations versus storing the food. Many food relief agencies reported a significant number of unemployed workers seeking aid, and families with children. The Reagan administration says that the key to reducing hunger is economic growth. This is true, but people must eat while this economic growth is being realized. And many more may never feel the warmth of any economic recovery.

The Reagan administration requested no funding for the Temporary Emergency Food Assistance Program in their fiscal year 1987 budget proposal. The administration also requested a reduction in Federal funds to the States for transportation, storage, and distribution. States and local communities desperately need volunteer and paid staff. In addition, agencies need more funds and facilities in order to adequately respond to the needs of the hungry.

There are several arguments for and against distributing more food to the needy. Farmers say that commercial sales may ultimately be displaced because of the food distribution. Research indicates that people receiving food commodities cannot afford to purchase the products in a store. On the other hand, food commodities are of little value to society while in warehouses. The value of this food to the hungry outweighs the costs in-

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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volved with distributing and reprocessing. More research and thought must be given to this issue. I am sure less costly forms of repackaging items such as cheese can be found. The hungry in our country deserve top priority in our legislative considerations. Programs affecting their plight must be thoroughly considered, researched, and discussed. Federal Food Assistance Programs need our support in carrying out the tremendous task of feeding our Nation's hungry.

McDONALD AWARD RECIPIENT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. LIPINSKI. Mr. Speaker, it is my privilege and honor to rise this evening to recognize a constituent of mine, Mr. Joseph Hamzik, who has received the Ray McDonald Community Achievement Award sponsored by the staff of the Midway Sentinel.

Mr. Hamzik's dedication and service to the community extends over a variety of areas. He has spent the past 27 years as a Chicago Park district supervisor, the past 10 years at Curie Park.

His involvement began at an early age. A native member of our community, Mr. Hamzik attended St. Bruno Grammar School, and Kelly High School, where he played varsity baseball and captained the basketball team. His involvement and commitment continued to grow over the years. He is presently a member of St. Pancratius Parish, the Archer Road Kiwanis Club, Darius Girenas American Legion Post and the 12th Ward Regular Democratic Organization.

According to Mr. Hamzik, his involvement comes easily: "My work takes no effort—I consider it a pleasure to be able to serve both young and old."

In an effort to share his knowledge of history, Mr. Hamzik has compiled two manuscripts tracing the history of Brighton Park. Copies of these manuscripts, "Nostalgic Brighton" and "Gleanings of Archer Road", have been donated to the Brighton Park Library and the Chicago Historical Society.

Mr. Hamzik's love of history has led to numerous trips abroad. His travels span the expanse of the globe, and he has described his experiences in over 200 articles for the local Midway Sentinel and the Brighton Park Life newspapers. He and his wife have visited the Orient, Turkey, Egypt, Israel, Western Europe, and seven Iron Curtain countries, including the Soviet Union. The Hamziks have logged 249,131 miles; equivalent to 10 times around the world.

Mr. Hamzik's extensive contributions to the community are to be commended. It is to dedicated individuals such as Mr. Joseph Hamzik that we are proud to recognize the awarding of the Ray McDonald Award.

EVEN SMALL PROBLEMS FOR FSLIC HAVE EXPENSIVE SOLUTIONS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. PARRIS. Mr. Speaker, on Wednesday, the other body's Banking Committee took a major step toward preserving the safety and soundness of the Federal Savings and Loan Insurance Fund by passing a bipartisan bill to infuse the FSLIC with $25 billion over the next 5 years. A similar aid package has been approved by the financial institutions subcommittee of our body's Banking Committee. Although many of us are encouraged by the preliminary approval this critical legislation has received in both bodies, the concern about FSLIC's financial strength will not ease until this bill reaches the President's desk.

Mr. Speaker, the Federal safety net for savings and loans and their depositors is straining at the seams, and is at risk. FSLIC has $4.7 billion in reserves to insure almost $1 trillion of deposits, and the insurance fund estimates that 200 institutions will need assistance over the next 5 years at a cost estimated between $16 to $22 billion. There are other credible estimates which project a $30 billion and up need for the FSLIC over the next 5 years.

Federal regulators are currently managing 42 insolvent S&L's—known as the living dead in the industry—with assets of roughly $23 billion. FSLIC is trying its best to avoid direct cash outlays and has instead been providing these wards with promissory notes and management expertise where possible in a desperate hope the Congress will approve the recapitalization plan this year.

Last Friday, FSLIC finally closed one of these insolvent S&L's, Presidio Savings and Loan of Porterville, CA. Little Presidio had assets of $128 million. FSLIC estimated that the liquidation would cost it $112 million over time—an 87 percent loss on the thrift's assets. So, Mr. Speaker, as the old joke goes: They claimed they had assets of roughly $130 million. When you smoothed it out it was $1.75 million and three toasters.

Put another way, Presidio made up one-hundredth of 1percent of FSLIC-insured assets at the end of 1985. But the liquidation cost will be 2.5 percent or one-fortieth of FSLIC's reserves. No worry, Except that of the 42 insolvent thrifts currently being run by FSLIC, 25 have assets over $250 million and 8 of these have assets over $1 billion.

As you can see Mr. Speaker, the magnitude of the problem far outstrips FSLIC's current and future resources unless other funds are provided. We must pass emergency legislation for FSLIC before we adjourn for the year.

DUTY SUSPENSION ON CERTAIN PLASTIC SHEETING INTRODUCED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. FRENZEL. Mr. Speaker, today I have introduced H.R. 5425, which temporarily suspends a narrow category of plastic web sheeting which is used in water purification processes. The product in question is now categorized under TSUS 355.25, part 4C, schedule 3 covering a variety of webs, wadding, bathing, bonded fabrics of manmade fibers.

This bill was introduced at the request of a constituent company which had a customs reclassification of web sheets from category 771.43 to 355.25. Unfortunately, the latter category is one that covers textiles forcing the tariff up from 4.4 to 12.9 percent ad valorem plus 2 cents per pound, tripling the rate. This has placed a severe hardship on this small company.

The precise product imported by the company is called Awa paper, which is a plastic web sheet comprised of polyester fibers bonded with a resin. There is a similar domestic product used by the company for some filter applications. However, for some of the more demanding applications, there is no domestic source of a webbing that can perform as well as the Awa paper. The intent of my bill is to cover only the webbing that cannot be provided by domestic suppliers.

The filter elements that incorporate this webbing comprises a significant export market for the company. Without the ability to provide a full product line, we will lose an important export market that will be usurped by other countries. Much of the company's export markets is Japan. Needless to say, we should be promoting sales to Japan, not discouraging them.

PAKISTAN INDEPENDENCE DAY

HON. FRED J. ECKERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. ECKERT of New York. Mr. Speaker, since today is Pakistan Independence Day I rise to address the House on the importance of Pakistan in world affairs, especially those affairs on the continent of Asia. I recently met with a group of citizens in my district who have come to the United States from Pakistan. This group asked me to work with them in urging President Reagan to visit Pakistan on his trip to Asia earlier this year. While we were unable to have the President stop in Pakistan, I know the President appreciates how important Pakistan and its people are to America and world peace. A brief article from the August 15 issue of the National Review highlights Pakistan's role in resisting the Soviet Union's aggression. I urge my colleagues to read this article which outlines the Soviet Union's bullying of Pakistan.

THE ROAD TO PAKISTAN

No country in the world has done more, or risked more, to resist Soviet aggression than Pakistan over the past five years. By providing a sanctuary for the Afghan resistance and a conduit for clandestine arms shipments from the United States, China, and elsewhere, Pakistan has kept the Afghan nation alive, giving its beleaguered people a small measure of hope for a free future. While bearing the burden of millions of Afghan refugees, Pakistan has placed its own security on the line by standing up to mounting pressures and threats from its superpower neighbor to the north.

The Soviets have sent Islamabad a sternly worded warning: Stop supporting the Afghan resistance. Not the first such warning from Moscow, but this one has a new twist: Pakistan's alleged capacity to produce nuclear weapons is a threat to the southern part of the USSR to which the Soviets "could not be indifferent" (It was an ostensible threat to its southern border that the USSR used as an excuse to invade Afghanistan in 1979.)

Gorbachev has been bullying Pakistan ever since he assumed power. It began at Chernenko's funeral, when Gorbachev rudely warned President Zia to keep out of Afghanistan's affairs or face serious consequences. Understandably miffed by Gorbachev's posing as a defender of Afghan sovereignty, Zia returned home proclaiming his determination to continue allowing arms to reach the Afghan resistance.

Gorbachev followed a few months later with a major military offensive in which Soviet troops in Afghanistan for the first swept along Pakistan's western border, cutting off resistance forces from their supply lines, followed by dozens of violations of Pakistani air space. This year the USSR began another offensive in eastern Afghanistan, with further cross border incursions. The Soviets have also fostered separatist sentiment among the Baluchi populations of Afghanistan and Iran, laying the groundwork for the eventual declaration of an independent, pro-Soviet Baluchistan that would give Moscow its long-sought access to the warm-water ports of the Persion Gulf.

So long as President Reagan is in the White House, Moscow is unlikely to take any drastic steps vis-à-vis Pakistan. But if he should be succeeded by a weaker man, we may begin to witness mounting Soviet pressures and new destabilizing tactics. The USSR did not invade Afghanistan in order to stop three hundred miles short of the Persian Gulf.

A TRIBUTE TO RCA

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise in tribute to RCA, a very special school that serves the Philadelphia area, and had provided quality educational services for adjudicated delinquents throughout the southeastern Pennsylvania region for the last 16 years and is worthy of this body's respect and admiration. The school has a history of excellent educational achievement and has received two national awards, including the Phi Delta Kappa Award for excellence in discipline.

In the school, where security and open residential students study together, the programs include, basic education, vocational education, guidance and testing, bilingual education, computer education, special education, and varsity sports. More importantly, the school has provided a critical alternative to youngsters who would otherwise be relegated to the penal system's programs for rehabilitation.

The school is worthy of note because its principles can be emulated by any educational institution. They include: First, a commitment to educating students; second, a committed staff of educators; third, strong supervision and control; fourth, a curriculum that is relevant to both students and staff; fifth, a strong emphasis on self-esteem and respect; and sixth, strong leadership.

The staff at the school includes: chief school administrator, Wylie J. Hinson, Jr.; vice principal, Brayants L. Horsley, Sr.; dean of students, William F. Brown; supervisors Jeanene I. Anker, Jeffrey Brown, Thomas C. Burst, Ronald V. Edwards, and William Simmons; guidance counselors Isaac Hickson, Alberta Myers, Michelle Roberts, and Carol Thompson; instructors Nina Apfelbaum, Michael Ciccotti, Bobby Clark, Samuel Cook, Joseph Devlin, Mary Dunbar, Cindy Golden, Warren Hartz III, Tanya Morgan, Carl Penxa, Valerie Slott, Rhoda Stein, William Stokes, and Leroy White; and teacher aides Walker Boardly, David Dorsey, Craig Hodges, Norman Hode, James Nash, and Norman Whitehead, all of whom have offered a program with high educational and personal goals for all students.

We can all be proud of the faculty of the RCA school for dedication, commitment to their students, and we express deep appreciation and gratitude for their work with the delinquent youth, enabling these students to become responsible citizens in a variety of endeavors.

We extend best wishes for continued success in their difficult and challenging task, and look to the model they have set as an example of quality education, serving the needs of both the community within and the community without.

THE 1986 CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. ANDERSON. Mr. Speaker, I rise today to comment on the plight of the Jews living in the Soviet Union and denied the right to emigrate to their Jewish homeland in Israel. These refuseniks, unable to leave a country where the Government discriminates against Jews economically, socially, and religiously, need the support of the U.S. Congress.

On July 14, I wrote a letter to Ambassador Dubinin of the Soviet Embassy on behalf of Mikhail Marinov and his family of Moscow who have been denied visas since 1981. In the letter I urged that Mr. Dubinin do everything in his power to assure that the Marinovs' reasonable request to emigrate to Israel is fulfilled. In recent years, the Soviet Government has cut Jewish emigration to next to nothing. The exodus rate currently is at the lowest level in nearly a quarter of a century. We are the only hope for the thousands of Jewish families like the Marinovs.

Dr. Marinov resigned from his post as senior research worker at Moscow's Institute of Theoretical and Experimental Physics prior to his initial application to emigrate. This action forestalled embarrassment to his superiors and eliminated the need for him to obtain a clearance to apply for a visa from the institute's administration. Nevertheless, Dr. Marinov and his family were denied permission to leave the Soviet Union in October 1981 and again in May 1982 on the grounds that the family had insufficient kinship in Israel.

The last 7 years have been difficult for Dr. Marinov, his wife Lilia, and their daughters Maria and Dina. The Marinovs and the thousands of other Jewish families suffer from restrictions in jobs, schooling, and all aspects of Soviet life. They are victims of state-sponsored, institutionalized racism. The right to emigrate is guaranteed by the Helsinki Final Act, the Universal Declaration of Human Rights and several other agreements to which the Soviet Union is a signatory. Because basic human rights are being denied to these Jewish refuseniks, Members of Congress and the American people should continue to support the Call to Conscience Vigil for Soviet Jews.

IN HONOR OF MR. JACK PETERSON

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. McCAIN. Mr. Speaker, I rise to pay tribute today to Mr. Jack Peterson, the designer of the Sperry Space Systems Phase I Facility in Glendale, AZ, which will be dedicated on August 21.

For 23 years Mr. Peterson has demonstrated consistent leadership for environmental excellence in architectural design of high-technology facilities. He has received awards from the American Institute of Architects and Valley Forward Association, an organization of Metropolitan Phoenix business leaders, for industrial architecture that contributes to the community as well as the lives of the users and employees.

His buildings, including the new Sperry Space Systems facility, have received awards for environmental efficiency and excellence in architecture.

In addition to an honored active practice, Mr. Peterson has maintained an equal commitment to scholarship as professor of architectural design on the Arizona State University faculty for 25 years.

Mr. Peterson has made a great contribution to the field of architecture and community design in general. His record of service is an example for us all. I join all his colleagues and family in paying him a well-deserved tribute.

MAMMOGRAM MOBILE ON CAPITOL HILL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. JACOBS. Mr. Speaker, Dr. Cory SerVaas of Indianapolis is the physician equivalent of Florence Nightingale. She is the leader of the Benjamin Franklin Literary and Medical Society.

People on Capitol Hill may be wondering what the huge van is doing parked day after day just outside the Capitol Building. The answer is clear: It is saving women's lives.

Call it the "Mammogram Mobile." and call it a miracle, an angel of mercy.

It is the good work of Dr. SerVaas, the Benjamin Franklin Literary and Medical Society, and Dr. Myron Moskowitz of the University of Cincinnati Hospital Department of Radiology, as well as the Saturday Evening Post.

According to the Capitol Physician's Office, the free program of breast cancer correction at Bethesda Naval Hospital, operated by Dr. Judith Bader, 301-496-5457, is filled with new applications because of the timely discoveries being made by the mobile unit at the Capitol.

Mr. Speaker, with fierce debates about bigger and better vehicles for destroying human life raging on the House floor only a few yards away, it is refreshing to stroll past this smaller and better vehicle for saving human life.

PERSONAL EXPLANATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. TORRES. Mr. Speaker, I was unavoidably detained on official business during rollcall vote No. 292 on Wednesday, August 6. Had I been present on the House floor, I would have cast an "aye" vote for the Jacobs amendment to cut $58,000 from allowances to former U.S. Presidents for office expenses.

I was also absent for rollcall vote No. 312 on Friday, August 8. Had I been present, I would have cast a "aye" vote for the Spratt amendment to the DOD bill that reduces the total outlay level to $279 billion and reduces budget authority by $5.8 billion.

Due to the failure of my electronic voting alert device, I missed rollcall votes No. 329 and No. 330 on Tuesday, August 12. Had I been present, I would have voted "no" on the Broomfield amendment to allow U.S. violations of the SALT II Treaty until the Soviet Union is in compliance with all provisions of the agreement. I would have voted "aye" on the Dicks amendment to prohibit the deployment of any nuclear weapons that would violate the limits of the SALT II Treaty.

AN APOLOGY TO PORTUGAL

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mrs. SCHROEDER. Mr. Speaker, yesterday I stated that none of our NATO allies allowed our supply planes to land and refuel during the Yom Kippur war. That was incorrect. The gentleman from California [Mr. COELHO] correctly pointed out one NATO ally did allow us to refuel and that ally was Portugal. I thank and apologize to Portugal for my mistake.

UNITED STATES AND TAIWAN: A COMMON COMMITMENT

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. PORTER. Mr. Speaker, it was a great honor to address the Ninth Convention of the Taiwan Benevolent Association of America on July 26, 1986. This distinguished organization has a membership that now exceeds 20,000 while representing over 300,000 Chinese-Americans coming from Taiwan. Their joining together in an ethnic organization is something that is distinctly human as well as distinctly American. It insures that the relationship between the Republic of China and the United States stays on the front burner and remains a good one.

The relationship between free China and the United States is a good one, as I learned from my first visit to Taiwan in January, as a guest of their Cultural University. Fred Chien and Marietta Lieau at the Coordinating Council of North America along with their able staff did a wonderful job in making sure our visit was not only enjoyable, but a full learning process as well.

It was during my visit that I learned that the relationship is strong because of shared values. Yes; both societies share in opposing communism!

We all know that as an economic system, communism simply doesn't work. A case in point is the Soviet Union itself. The Soviet Union has simply failed to deliver the goods and services necessary to provide for and sustain a vital and creative society. While we here in the United States are enjoying the fruits of economic prosperity the Soviets are faced with a declining growth rate and disillusionment among its population.

Communist China has also been forced to make a tacit admission of failure by recognizing the value of economic liberalization. Perhaps they will evolve someday to the point where the Republic of China can take them back.

We all know that communism as a political system doesn't work either. The future of human life isn't the glorification of the state or party at the expense of the individual but rather it is the opposite. Under President Reagan's able leadership our Nation and others around the globe have come to see that the future is the release of the potential of each individual, and that each one of us, in freedom, through hard work and personal incentives, fulfill our highest potential to the benefit of all.

If I wanted to learn about hard work, Taiwan was certainly the appropriate place. Never have I seen a busier more productive society, where it is not uncommon to see people put in a 12- to 14-hour day 6 and 7 days a week. All of this is reflective of the miracle that is the Republic of China.

When I visited Taiwan I had the privilege to meet K.T. Lee, the man behind the miracle, and thought of how every American would benefit by his ideals and to see the example set by the people of the Republic of China and use it to renew our own understanding and commitment to freedom in our own economy.

The Republic of China on Taiwan is living proof right in communism's front yard that freedom will outproduce slavery any day, and that quality of life and human happiness flourish under free enterprise and when the individual works for himself and his family and not for the state.

But more than a sharing of opposition to communism and belief in free economies and free societies bond America and Taiwan together. Ultimately, it is the next step, of political diversity and full democracy along with the elevation of human rights to the highest of society's goals and ideals that are important to our future together. I applaud the announcement made by the Government on May 13th that will allow opposition parties to set up offices throughout the country. I look forward to further efforts by the Government in establishing a more pluralistic society.

I have the honor of being cochairman of the Congressional Human Rights Caucus. At the caucus, we apply diplomatic pressure along with sponsoring letter-writing campaigns by concerned individuals and by exposing the reports we find to be true to the international community. All too often reports of human rights violations come from the Soviet Union. When we inquire, the Soviets argue that we in America have a double standard—that we trade and sell arms to our allies who are guilty of human rights abuses while we publicly admonish our foes. I personally want to make certain that their argument doesn't hold water.

I went to Taiwan to learn, not only of the broad concerns of trade and strategic importance, but also about the human rights situation and it was a major focal point of my visit. I visited with Dr. Han-Li Wu and several members of the Chinese Association of Human Rights. I strongly expressed the need for progress on human rights to improve stability and relations with the West. I cannot say that there are no problems on Taiwan regarding human rights. Unfortunately, when dealing with the Chinese Communists the Government has crossed the line between law enforcement and the violation of human rights. However, I can say that there is evidence of change and liberalization. I was encouraged by the release in February of Ch'en Chu, one of those arrested for observing International Human Rights Day.

We want to encourage further liberalization and a broader commitment to human rights. If

asked, based on direction, are things improving? My answer is "yes."

I came from my trip to Taiwan with a sense of optimism because of the many wonderful and compassionate people I met while there. People who understand the closeness of our two countries relationship depends on that further step, the sharing in the belief that political pluralism, the basic rights of freedom of speech and press and worship, the rule of law, the value of the right to dissent and the rights of the minority, because all are fundamental to a true democracy.

I realize that the relationship between the United States and Taiwan is a two-way street and that Taiwan has concerns about our recent trend toward selling technology and military hardware to the People's Republic of China. I am disturbed that some aspects of these sales have simply been overlooked and not addressed at all.

Most recently, the United States has sold 500 million dollars' worth of avionics for the Communist Chinese F-8 aircraft. While I agree the United States needs to be concerned with offsetting the Soviet military strength in Asia, and while it does appear this avionics package will be controlled by the United States and will not be a threat to Taiwan, I question the entire policy of arms sales and sales of nuclear technology to Communist China. Yes; we want to pull the mainland Chinese away from their Soviet comrades. Yes; we want to encourage liberalization and greater free enterprise trade but the inherent risks in dealing with a society of sudden revolutions like the great leap forward and the cultural revolution are obvious. It would be strategically unwise to blind ourselves from the possibility of our arms being used in ways we do not envision, particularly to threaten our allies on Taiwan.

If we are to trade arms to mainland China, should we not continue vigorously to provide advanced defensive weapons to the Republic of China? Again, obviously, the answer is "yes." President Chiang Ching Kou and Defense Minister Admiral Soong both emphasized this need to us in our January visit.

I agree that F-20 Tigerhawk or F-16 Falcon aircraft would meet the concerns of vulnerability of air defenses of the leaders of the Republic of China. While this has not become American policy, U.S. aerospace companies have not been discouraged from helping Taiwan with its own fighter aircraft, which could be ready in the 1990's. Israel's Lavi fighter, just unveiled last week, indicates what can be done. With the intelligence and the commitment of the people of the Republic of China, I know this defensive strategy could be realized. I will do all I can to help on both counts.

Another aspect of the relationship between the United States and the Republic of China involves trade. The Prime Minister of Singapore, Lee Kman Yeu, said in a speech last year to Congress: "You Americans came to Asia after World War II and taught us the importance of free trade. Now we hear in Congress the hypocritical echoes of that policy as you promote protectionism through the Jenkins bill." The Jenkins bill would have severely restricted imports of Taiwanese textiles into the United States.

Fortunately, we have a President who believes in freedom in all aspects of life, economic, political, and in trading internationally. Although the Jenkins bill passed, I voted "no" and the President subsequently vetoed it.

Now protectionism is back in the form of the trade bill which, along with the Gephardt amendment, will only serve to damage free trade between the Republic of China and the United States. Again, I opposed it but it passed the House in May.

This is a democracy where every voice can be heard and every vote counts. Let your voices be heard in opposition to this folly, this terrible shortsighted policy. Let's work together, you and I, to ensure that freedom, both within our countries and between them, is the centerpiece of our close relationship.

May the bonds of friendship between the United States and Free China remain strong for a thousand years.

SENATOR KASTEN REMINDS CONGRESS DELAYING THE EFFECTIVE DATE FOR TAX REFORM WOULD THREATEN THE ECONOMY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. KEMP. Mr. Speaker, I want to bring to the attention of my colleagues an insightful and important article by my colleague, Senator BOB KASTEN, of Wisconsin, one of the leaders in this historic tax reform movement. BOB argues that delaying the date for tax rate reduction and increasing taxes would slow the economy, add to the deficit, and increase social spending outlays.

I urge my colleagues to carefully consider BOB's trenchant point, and quickly move to pass a genuine tax reform bill that will be good for our Nation and economy.

We all owe BOB KASTEN a debt of gratitude for not only his insight but his strong leadership as well.

[From the Washington Times, Aug. 12, 1986]

ECONOMIC RECOVERY IN PERIL

Item: real GNP rose only 1.1 percent in the second quarter of 1986.

Item: The U.S. trade deficit increased by a huge 21 percent in the first six months of this year.

Item: business capital spending fell at a 9 percent rate during the first two quarters.

The clear message: our current economic recovery is a fragile one. And clearly, Congress should be working overtime to boost the economy, not to undercut it.

Yet today, we are perilously close to passing a tax reform bill that, while a boon for our economy in the long run, could be the force that pushes our economy into a recession in 1987.

The villain—one simple provision that insiders call the "six-month stagger."

The six-month stagger in the tax reform bill would close tax loopholes effective Jan. 1, 1987. Yet the offsetting tax-rate reductions would not go into effect until July.

That means American taxpayers would experience a $29 billion tax increase next year. And what would that mean to our already sluggish economy?

Experience has shown how powerful the impact of anticiapted tax policy changes can be. A recent survey by the Chamber of Commerce found that 42 percent of its business members have delayed or canceled investment plans because of the uncertainty surrounding the effective date of tax reform. (No wonder economic growth is so slow.)

Back in 1981 Congress underestimated the importance of effective dates and decided to phase in the Reagan tax-rate cuts gradually. Taxpayers delayed investment decisions and deferred any income they could, waiting for tax rates to go down. The economy crept to a halt, fell into recession, and the paper "savings" that were to be realized from the phase-in were transformed into triple-digit deficits.

Now Congress is about to make the same mistake again.

And the reason, once again, is revenue estimates. Congress still worships at the altar of static revenue estimates. This year, we are so devout we seem willing to offer up the health of our economy in sacrifice.

If you eliminate the stagger, it is argued, it will "cost" $29 billion. How would you pay for it?

Yet according to a study run on the Washington University econometric model, eliminating the stagger would increase real economic activity by $31.7 billion over the next three years, create 900,000 additional jobs, and have no noticeable effect on inflation or interest rates.

Delaying the effective date, on the other hand, would slow the economy, reduce the tax base, decrease tax revenues, and increase outlays for social programs. Delay the effective date and the deficit will rise.

I believe that the revenue loss that might result from eliminating the stagger would be offset by the higher revenues that would follow from increased economic growth over the next five years.

In the real world, people adjust their behavior in response to incentives, not to Joint Committee on Taxation's static revenue estimates.

Better to risk a short-term revenue shortfall coupled with robust economic growth than to suffer the consequences of imposing a major tax increase on a very fragile economy.

Maintaining the six-month stagger is a prescription for economic disaster.

THE OMNIBUS DIPLOMATIC SECURITY AND ANTITERRORISM ACT: MAJOR PROGRESS IN THE FIGHT AGAINST TERRORISM

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. BROOMFIELD. Mr. Speaker, America has taken a major step forward in the battle against international terrorism. This is truly a historic moment. I praise the President for his leadership in the struggle against the terrorist menace. I also commend my colleagues in the Congress for their bipartisan support of the House Foreign Affairs Committee's efforts to provide more resources to face up to this growing worldwide threat.

Since the early days of his administration, the President has made the issue of confronting terrorism a high priority item for his administration. He promised the American people that he would do something about the increasing number of attacks against U.S. diplomats and facilities overseas. In the aftermath of terrorist bombings of our facilities in Beirut, Secretary of State Shultz organized the Secretary's Advisory panel on Overseas Security, which was chaired by Adm. Bobby Inman.

The omnibus diplomatic security bill, which was just passed by the Congress, provides implementing legislation for many of the recommendations included in the report prepared by the advisory board.

In brief, the bill provides better protection for our fellow citizens serving overseas and gives our Government more tools to use in the struggle to combat international terrorists. H.R. 4151 authorizes the appropriation of funds for the construction of new and more secure diplomatic facilities overseas. The bill also does the following: Establishes the Diplomatic Security Service at the Department of State; provides rewards for information regarding international narcoterrorism and drug trafficking; establishes criminal punishment for international terrorists; calls for multilateral cooperation to combat international terrorism; provides compensation for victims of terrorism; calls for more progress in the area of combating the problem of international nuclear terrorism; and requires U.S. Government efforts to improve shipboard and seaport security.

This sweeping antiterrorism legislation represents a major commitment on the part of the U.S. Government to combat international terrorism and better protect our diplomats serving at embassies in distant lands. I commend President Reagan for keeping the fight against terrorism on the front burner of America's national priority goals. I am encouraged by the Congress' support of the President's efforts to really do something about the threat of worldwide terrorism. All of us can be proud of the Omnibus diplomatic Security Act.

VENTO INTRODUCES LEGISLATION TO ESTABLISH THE MISSISSIPPI NATIONAL RIVER AND RECREATION AREA

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. VENTO. Mr. Speaker, I am pleased to introduce today major new legislation to designate the 80-mile segment of the Mississippi River through the St. Paul-Minneapolis metropolitan area as the "Mississippi National River and Recreation Area."

This segment of the Mississippi is truly a national asset, containing a diversity of resources found in no other stretch of this great river. The river itself undergoes a transformation in its passage through the Twin Cities area—going from a wild and shallow river to a channel cutting through a deep scenic gorge before breaking out into a broad floodplain overlooked by magnificent bluffs.

It was because of the diversity of natural resources that man was drawn here. Former Indian sites abound along the river, and when whites entered the area they drew upon the river's natural features to establish the major military post of the upper Midwest, Fort Snelling, along the Mississippi's bluffs.

The river further spurred the economic life of the area, an important role it still plays today. At St. Anthony Falls in Minneapolis, the only significant waterfall along the entire Mississippi, commerce boomed through the development of sawmills and flour mills and the operation of the first hydroelectric dam on the Mississippi. As with the river's early history, the Twin Cities today still serve as the terminus for commercial navigation on the Upper Mississippi.

The unique historic, cultural, recreational, economic and other values of the river through the seven-county metropolitan river corridor make the Mississippi a special national resource. However, the value of this resource is, unfortunately, not being fully realized. The preservation and utilization of the river is impeded by the lack of a coordinated plan for the river's management. A large number of Federal, State, and local agencies have jurisdiction over various aspects of the river, with the result that there are conflicting and overlapping policies in the land and water management of this magnificent resource.

The legislation I am introducing today recognizes the national significance and interest in the river. It builds upon that to develop a policy framework that draws upon the ideas and expertise at the Federal, State, and local levels. One thing is for certain, the effective care and management of this river segment needs to be a cooperative effort. For too long, Federal, State, and local plans and policies have run in different directions—the result of this being that the river environment has suffered.

Following a National Park Service reconnaissance study in 1980 which I requested, I offered legislative language that became law, creating the Metropolitan Area River Corridor Study Committee [MARCSC]. The MARCSC's report submitted to Congress earlier this year provided further impetus for the need for a comprehensive effort to address the Mississippi River's future management and use.

The legislation I am introducing also contains provisions authorizing Federal participation in a Tri-Rivers Board, which will provide a forum for consultation and cooperation in the management of the Mississippi, St. Croix, and Minnesota Rivers within the Twin Cities Metropolitan Area. By working with State and local governments, we can significantly improve the management of these rivers.

I am heartened by the emergence of a community consensus that recognizes what an outstanding physical feature the Mississippi River is, its important role in the development of the region, as well as the important role it continues to play today in the recreation and economic life of the community.

I believe my legislation can build upon this recognition to define the appropriate national role and implement a cooperative plan that recognizes valued historical, cultural, natural, recreational and economic resources which the Mississippi has to offer.

H.R. 5434

A bill to provide for the establishment of the Mississippi National River and Recreation Area, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that:

(1) The Mississippi River Corridor within the St. Paul-Minneapolis Metropolitan Area represents a nationally significant historical, recreational, scenic, cultural, natural, and scientific resource.

(2) There is a national interest in the preservation, protection and enhancement of these resources for the benefit of the people of the United States.

(3) Existing State and local planning and regulatory authorities lack sufficient resources and authority over Federal agency programs to provide for adequate and comprehensive resource management and economic development consistent with the protection of the Mississippi River Corridor's nationally significant resources, and the public use and enjoyment of the area.

(4) The preservation, enhancement, enjoyment, and the Mississippi River Corridor can be accomplished by a cooperative Federal, State and local planning and management effort.

(b) PURPOSES.—The purposes of this Act are:

(1) To protect, preserve and enhance the significant values of the waters and land of the Mississippi River Corridor within the St. Paul-Minneapolis Metropolitan Area.

(2) To encourage adequate coordination of all governmental programs affecting the land and water resources of the Mississippi River Corridor.

(3) To provide a management framework to assist the State of Minnesota and its units of local government in the development and implementation of integreated resource management programs for the Mississippi River Corridor in order to assure orderly public and private development in the area consistent with the finding of this Act.

SEC. 2. ESTABLISHMENT OF NATIONAL RIVER AND RECREATION AREA.

(a) ESTABLISHMENT.—There is hereby established the Mississippi National River and Recreation Area (hereinafter in this Act referred to as the "Area") which shall consist of the portion of the Mississippi River and adjacent lands generally with the St. Paul-Minneapolis Metropolitan Area, as depicted on the map entitled. numbered and dated . The map shall be on file and available for public inspection in the offices of the Department of the Interior in Washington, D.C., and in the offices of the Metropolitan Council of the Twin Cities Area in St. Paul, Minnesota.

(b) BOUNDARIES.—The Secretary of the Interior (hereafter referred to as the "Secretary") shall publish in the Federal Register, as soon as practicable after the date of enactment of this Act a detailed description and map of the boundaries established under subsection (a).

SEC. 3. MISSISSIPPI RIVER COORDINATING COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a Mississippi River Coordinating Commission whose purpose shall be to assist Federal, State and local authorities in the development and implementation of an integrated resource management plan for those lands and waters as specified in section 2. The Commission shall consist of the follow-

ing 18 members appointed by the Secretary of the Interior:

(1) The Director of the National Park Service, or his designee.

(2) The Chief of Engineers, or his designee.

(3) The Director of the Fish and Wildlife Service, or his designee.

(4) 3 individuals, nominated by the Governor of Minnesota, to represent the interests of the State of Minnesota.

(5) 1 individual, nominated by the Governor of Wisconsin to represent the interests of the State of Wisconsin.

(6) 1 individual, to represent the Metropolitan Council of the Twin Cities Area.

(7) 2 individuals, to represent the cities of St. Paul and Minneapolis.

(8) 2 individuals, nominated by the Governor of Minnesota, to represent the interests of the other affected municipalities and counties.

(9) 1 individual, to represent the Metropolitan Parks and Open Spaces Commission.

(10) 1 individual, nominated by the Governor of Minnesota, to represent the interests of commercial navigation.

(11) 4 individuals, nominated by the Governor of Minnesota, to be chosen from the general public.

(b) TERMS.—(1) Except as provided in paragraphs (2) and (3), members (other than ex officio members) shall be appointed for terms of 3 years.

(2) Of the members first appointed—

(A) Under paragraph (4) of subsection (a):

(i) 1 shall be appointed for a term of 1 year.

(ii) 1 shall be appointed for a term of 2 years.

(B) Under paragraphs (7) and (8) of subsection (a), one shall be appointed for a term of 1 year.

(C) Under paragraph (11) of subsection (a):

(i) 1 shall be appointed for a term of 1 year.

(ii) 1 shall be appointed for a term of 2 years.

(iii) 1 shall be appointed for a term of 4 years.

(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(c) COMPENSATION.—Members of the Commission shall serve without pay. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(d) CHAIRPERSON.—The Chairperson of the Commission shall be appointed by the Secretary from among the members of the Commission to serve for a term of 3 years.

(e) QUORUM.—7 members of the Commission shall constitute a quorum.

(f) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members.

(g) DEVELOPMENT OF POLICIES AND PROGRAMS.—As a coordinator and advisory organization, the Commission shall assist the Secretary, the State of Minnesota and local units of government in developing the following:

(1) Policies and programs for the preservation and enhancement of the environmental values of the Area.

(2) Policies and programs for enhanced public outdoor recreation opportunities in the Area.

(3) Policies and programs for the conservation and protection of the scenic, historical, cultural, natural and scientific values of the Area.

(4) Policies and programs for the commerical utilization of the Area and its related natural resources, consistent with the protection of the values for which the Area is established as the Mississippi National River and Recreation Area.

(h) STAFF.—The Secretary shall provide the Commission with such staff and technical assistance as the Secretary, after consultation with the Commission, considers appropriate to enable the Commission to carry out its duties. Upon request of the Secretary, any Federal agency may provide information, personnel, property, and services on a reimbursable basis, to the Commission to assist in carrying out its duties under this Act. The Secretary may accept the services of personnel detailed from the State of Minnesota or any political subdivision of the State and may reimburse the State or such political subdivision for such services.

(i) PLAN.—Within 3 years after enactment of this Act, the Commission shall submit to the Secretary a general plan for land and water use measures for the area to be developed and implemented by the responsible Federal agencies, the State of Minnesota, and local political subdivisions. The plan shall include but not be limited to each of the following:

(1) A program for management of existing and future land and water use.

(2) A program providing for coordinated implementation and administration of the plan with proposed assignment of responsibilities to the appropriate governmental unit at the Federal, State, regional and local levels.

(3) A coordination and consistency component which details the ways in which local, State and Federal programs and policies may best be coordinated to promote the purposes of this Act.

(j) DEVELOPMENT OF PLAN.—

(1) In developing the plan the Commission shall consult on a regular basis with appropriate officials of any local government or Federal or State agency which has jurisdiction over lands and waters within the Area.

(2) In developing the plan the Commission shall consult with interested conservation, business, professional and citizen organizations.

(3) In developing the plan the Commission shall conduct public hearings within the Area, and at such other places as may be appropriate, for the purposes of providing interested persons with the opportunity to testify with respect to matters to be addressed by the plan.

(k) APPROVAL OF PLAN.—The Commission's plan shall be submitted to the Secretary for his review and approval. No plan submitted to the Secretary under this section shall be approved unless the Secretary finds that the plan, if implemented would adequately protect the significant historical, recreation, scenic, cultural, natural and scientific resources of the Area and, consistent with such protection, provide adequate and appropriate outdoor recreational opportunities and economic activities within the Area.

(l) INTERIM PROGRAM.—Prior to the adoption of the Commission's plan, the Secretary shall monitor all land and water use activities within the Area to ensure that said activities are in keeping with the purposes of this Act, and shall consult and cooperate with the State of Minnesota and its political subdivisions to minimize adverse impacts on the values for which the Area is established.

(m) COMMISSION REVIEW.—The Commission shall assist the Secretary in reviewing and monitoring the implementation of the plan by Federal, State, and local governmental agencies having jurisdiction in the Area. The Commission may, after providing, for public comment and subject to the Secretary's approval, as set forth in subsection (j), modify said plan, if the Commission determines that such modification is necessary to further the purposes of this Act.

(n) TERMINATION OF COMMISSION.—The Commission shall terminate on the date 10 years after the enactment of this Act.

SEC. 4. FEDERAL LANDS AND DEVELOPMENTS.

(a) LANDS.—Notwithstanding any other provision of law, any Federal property located within the boundaries of the Area as identified on the map referred to in section 2, is hereby transferred without consideration to the administrative jurisdiction of the Secretary for use by him in implementing the purposes of this Act, except as follows:

(1) Facilities and lands administered by the Secretary of the Army through the Corps of Engineers for navigational purposes may continue to be used by the Secretary of the Army subject to the provisions of subsection (b).

(2) Federal property on which there is located any building or other structure which is in use (as of the enactment of this Act) shall not be transferred under this subsection without the concurrence of the administering agency.

(b) FEDERAL AGENCY ACTIVITIES.—

(1) IN GENERAL.—Before any department, agency, or instrumentality of the United States issues or approves any license or permit for any facility or undertaking within the Area and before any such department, agency or instrumentality commences any undertaking or provides any Federal assistance to the State or any local governmental jurisdiction for any undertaking within the Area, the department, agency, or instrumentality shall notify the Secretary. The Secretary shall review the proposed facility or undertaking to assess its compatibility with the plan approved under section 3. The Secretary shall make a determination with respect to the compatibility or incompatibility of a proposed facility or undertaking within 60 days of receiving notice under this subsection. Unless the Secretary determines that the proposed facility or undertaking is compatible with the plan, or that such proposed facility or undertaking is essential for the protection of public health or safety or is necessary for national security or defense, no license or permit may be issued by a department, agency, or instrumentality of the United States for the facility or undertaking and no such department, agency, or instrumentality may commence the undertaking or provide Federal assistance for such undertaking.

(2) WATER RESOURCES DEVELOPMENTS.—The authority of the Secretary of the Army, through the Corps of Engineers, to undertake or contribute to water resources developments, including shore erosion control and navigation improvements on lands and waters within the Area shall be exercised in accordance with plans that are mutually ac-

ceptable to the Secretary and the Secretary of the Army. Such authority shall be exercised in a manner consistent with the purposes of this Act and the purposes of existing statues dealing with water and related resources development.

SEC. 5. ADMINISTRATION.

(a) AUTHORITIES.—The Secretary shall administer the Area in accordance with this Act, and in accordance with the provisions of law generally applicable to units of the national park system. In the case of any conflict between the provisions of this Act and such generally applicable provisions of law, the provisions of this Act shall govern.

(b) STATE AND LOCAL AUTHORITIES.—In administering the Area, the Secretary shall consult and cooperate with the State of Minnesota and its political subdivisions concerning the development and management of Federal lands within the Area.

(c) LAND ACQUISITION.—Within the boundaries of the Area, the Secretary is authorized, in consultation with the State of Minnesota and the affected local governmental unit, to acquire land and interests therein by donation, purchase with donated or appropriated funds, exchange or transfer, except as provided in paragraphs (1) and (2).

(1) Any lands or interests therein owned by the State of Minnesota or any political subdivision thereof may be acquired only by donation.

(2) Privately owned lands or interests therein may be acquired only with the consent of the owner thereof unless the Secretary makes a determination pursuant to subsection (d)(2).

(d) REVIEW OF LOCAL PLANS.—

(1) AUTHORITY.—For the purpose of protecting the integrity of the Area the Secretary shall review all relevant local plans, laws and ordinances to determine whether they substantially conform to the plan approved pursuant to section 3. Additionally the Secretary shall determine the adequacy of enforcement of such plans, laws, and ordinances, including review of building permits and zoning variances granted local governments, and amendments to local laws and ordinances.

(2) PURPOSE.—The purpose of review under paragraph (1) shall be to determine the degree to which actions by local governments are compatible with the purposes of this Act. Following the approval of the plan under section 3 and after a reasonable period of time has elapsed, upon a finding by the Secretary that such plans, laws and ordinances are nonexistent, are otherwise not in conformance with the plan or are not being enforced in such manner as will carry out the purposes of this Act (as determined by the Secretary), the Secretary may exercise the authority available to him under the provisions of paragraph (3).

(3) ACQUISITION.—In those sections of the Area where local plans, laws and ordinances, or amendments thereto or variances therefrom are found by the Secretary not to be in conformance with the plan approved pursuant to section 3, or are not being enforced in such manner as will carry out the purposes of this Act (as determined by the Secretary), the Secretary shall notify the local government authority concerned. Unless, within 60 days after the date of such notice, the plan, law, or ordinance, amendment, or variance is modified to conform with the plan or enforced in such manner as will carry out the purposes of this Act (as determined by the Secretary), the Secretary may acquire land or interests in land without the consent of the owner thereof. Land and interests in land acquired pursuant to this subsection shall be restricted to the geographical area of the local governmental unit failing to conform with the plan and shall be limited to those lands clearly and directly required, in the judgment of the Secretary, for the protection of the Area in a manner compatible with the plan.

(e) RIGHT OF USE AND OCCUPANCY OF ACQUIRED IMPROVED PROPERTY.—

(1) GENERAL RULE.—The owner or owners of any improved residential property acquired by the Secretary under this Act may retain a right of use and occupancy of the property for noncommercial residential uses which are not incompatible with the plan approved pursuant to section 3.

(2) DURATION.—Except as provided in paragraph (5), rights retained under this subsection shall terminate at the end of one of the following:

(A) A definite term of not more than 25 years from the date of acquisition.

(B) A term ending at the death of the owner or owners.

The owner shall elect the term to be reserved, except that if the owner is a corporation, trust, partnership or any entity other than an individual, the term shall not exceed 25 years.

(3) PAYMENT.—Unless the property is wholly or partially donated, the Secretary shall pay to the owner reserving a right of use and occupancy under this section the fair market value of the property on the date of its acquisition, less the fair market value on that date of the right retained by the owner.

(4) DETERMINATION OF OWNERSHIP.—For purposes of applying this subsection, ownership shall be determined as of the date of acquisition, except that in applying paragraph (2)(B) ownership shall be determined as of July 1, 1986.

(5) EARLY TERMINATION.—

(A) GENERAL RULE.—A right retained by the owner pursuant to this subsection shall be subject to termination by the Secretary upon his determination that it is being exercised in a manner incompatible with the plan approved pursuant to section 3. It shall terminate by operation of law upon notification by the Secretary to the holder of the right of such determination and tendering to him the amount equal to the fair market value of that portion which remains unexpired.

(B) CERTIFICATE OF EXEMPTION.—When an owner of property within the Area desires to take an action with respect to his property, he may request, in writing, a prompt written determination from the Secretary as to the likelihood of such action provoking a determination by the Secretary under subparagraph (A). The Secretary is thereupon directed to promptly issue such owner a certificate of exemption for such actions proposed by the owner which the Secretary determines to be compatible with the plan approved under section 3.

(C) EXISTING USES.—For purposes of this paragraph, existing uses of any property acquired under this Act shall not be treated as incompatible with the plan. The Secretary shall publish specific guidelines under which determinations shall be made respecting incompatible uses. No use which existed with respect to any land or waters prior to the enactment of this Act shall be treated under such guidelines as an incompatible use.

(6) LIMITATIONS ON RESERVATION.—

(A) ACCESS AND DEVELOPMENT RIGHTS.—Any right retained pursuant to paragraph (1) shall be subject to such access and development rights as may be required by the Secretary for visitor use and resource management.

(B) EXCLUDED PROPERTY.—This subsection shall not apply to property which the Secretary determines to be necessary for purposes of administration, development, access, or public use.

(7) DEFINITION.—As used in this subsection, the term "improved residential property" means a single-family dwelling, the construction of which began before January 1, 1986, together with such land on which the dwelling and appurtenant buildings are located as is in the same ownership as such dwelling and as the Secretary designates is reasonably necessary for the owner's continued use and occupancy of the dwelling. The amount of land so designated with respect to any such dwelling shall be the lesser of the following:

(A) At least 3 acres.

(B) The total acreage on which such dwelling and appurtenant buildings are located which is in the same ownership as such dwelling.

SEC. 6. STATE AND LOCAL ASSISTANCE AND JURISDICTION.

(a) GRANTS.—Upon approval of the plan under section 3, the Secretary is authorized to make grants to the State of Minnesota, or its political subdivisions, for the acquisition within the Area of lands and waters or interests therein in a manner consistent with the purposes of this Act.

(b) TECHNICAL ASSISTANCE.—To enable the State of Minnesota and its political subdivisions to develop and implement programs compatible with the plan, the Secretary shall provide such technical assistance to the State and its political subdivisions as he deems appropriate.

(c) STATE AND LOCAL JURISDICTION.—Nothing in this Act shall diminish, enlarge, or modify any right of the State of Minnesota or any political subdivision thereof, to exercise civil and criminal jurisdiction within the Area, or to tax persons, corporations, franchises, or private property on the lands and waters included in the Area.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

TITLE II—TRI-RIVERS MANAGEMENT

SEC. 201. TRI-RIVERS MANAGEMENT BOARD.

(a) FEDERAL REPRESENTATIVES.—In furtherance of the integrated management of those portions of the Mississippi, St. Croix, and Minnesota Rivers within the St. Paul-Minneapolis Metropolitan Area, the Secretary of the Interior and the Secretary of the Army are authorized and directed to appoint representatives to a Tri-Rivers Management Board (hereafter referred to as the "Board"), or any similar organization, which may be established by the State of Minnesota to assist in the development and implementation of consistent and coordinated land use planning and management policy for such portions of such rivers.

(b) PERSONNEL.—Upon request of the Board, the Secretary of the Interior and the Secretary of the Army may detail, on a reimbursable basis, any personnel to the Board.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to carry out the purposes of this section the sum of $100,000 annually; except that the Federal contribu-

tion to the Board shall not exceed one-third of the annual operating costs of the Board.

SPEECH BY PRIME MINISTER COMRADE R.G. MUGABE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. SCHEUER. Mr. Speaker, the All-African Conference of Parliamentarians on Population and Development was a significant event in terms of Africa's future because it marked a major change in the attitude of African leaders concerning the need to reduce the continent's rapid population growth rate.

Among those who addressed the assembled African leaders at the conference in Harare, Zimbabwe, last May were Prime Minister Robert Mugabe of Zimbabwe and Ide Oumarou, Secretary General of the Organization of African Unity.

As recently as 10 years ago, Africans branded any calls for family planning as genocidal and racist. But today, efforts to reduce Africa's explosive population growth rate are supported by most policymakers and leaders on the continent.

Prime Minister Mugabe told those at the conference that "We in Zimbabwe have recognized the need for family planning since independence," and he exhorted the conferees to transform rhetoric into action.

Secretary-General Oumarou stressed that population is the first hurdle that must be dealt with as Africa strives for development.

Mr. Speaker, I am introducing the speeches by Mr. Mugabe and Mr. Oumarou into the record today to demonstrate the growing resolve of Africa's foremost leaders to come to grips with excessive population growth on the continent.

I commend the speeches to my colleagues' attention.

SPEECH BY THE HONOURABLE PRIME MINISTER, COMRADE R.G. MUGABE, ON THE OCCASION OF THE OPENING OF THE ALL-AFRICA PARLIAMENTARY CONFERENCE ON POPULATION AND DEVELOPMENT, HARARE, MAY 12, 1986

Comrade Chairman, Your Excellencies, Members of the Diplomatic Corps, Honourable Ministers, Distinguished Delegates and Parliamentarians, Comrades and Friends.

It gives me great pleasure to address this important gathering of parliamentaries from the African continent and distinguished guests from other parts of the world. I would like to welcome you all and wish you a very happy stay in Zimbabwe.

Let me add that we in Zimbabwe feel greatly honoured to have been asked to host this important All-Africa Conference on Population and Development. We hope your deliberations will be successful as to their results and fruitfull as to the possibility of their being translated into action programmes.

Before I declare this Conference open, allow me to share a few ideas with you. We consider this Conference to be very important for the basic reason that it is going to discuss an issue that is fundamental to the social, economic and cultural development of any society. Underlying all our developmental efforts is the need to improve the standard of living and enrich the quality of life of all our peoples. This calls for very close links between population programmes and development plans. Put differently, no population programme should be considered in isolation from policies and plans on health, housing, education, employment, the environment and the use of available resources. Herein lies the crucial importance of this conference.

There is hardly a developing country which does not appreciate the serious problems posed by rapid population growths. We, in Zimbabwe, have recognised the need for family planning since Independence. Indeed, that recognition has found expression in our current Five-Year National Development Plan, in Volume 1 of which we state, under the Section dealing with Health, that [our "present population annual growth rate of about 2.84 per cent is high relative to the growth rate of the Gross Domestic Product." "This", we stress, "retards efforts at raising the standard of living of the masses."] We then go on to affirm that [programmes such as family planning, health education that are underway are intended to reduce that rapid growth and to improve the quality of life of mother and child in particular.]

This Conference has brought together parliamentarians, or policy makers, from various nations. I challenge the experts to educate and inform these policy makers on the need to formulate viable national and regional population and development programmes so that they can in turn facilitate, through legislation, the upgrading of our people's lives.

There have been similar Conferences in other parts of the world—in Sri Lanka (1979) and Mexico (1984), to name but two. The question to pose here is: How effective have these Conferences been? Yes, they yielded, as I am informed, an impressive number of resolutions and recommendations on the problems of population and development, but, I should ask: How many of these recommendations have been adopted and successfully implemented? This is the question I urge you all to pursue seriously in your deliberations. I hope that you will always remember that you are here in Harare to deal with African problems with a view to finding practical and practicable solutions because our people elected us to do precisely that. I therefore urge you as parliamentarians and the experts, both present here and at home, to provide us with practical solutions to our problems. I believe for those solutions to be relevant and practical they need to take into account our socio-economic systems, our cultural backgrounds and indeed our ideological orientations. This calls for solutions that can be implemented at both the macro- and micro-levels. While they should be applicable to the whole African continent they should also be capable of being adapted to suit regional or, for that matter, national circumstances.

I hope our key-note speakers have prepared their papers in the full knowledge that this is not a Conference for experts only. The Conference involves politicians who may not necessarily be as widely read as you are. But you need to communicate with them so that they will in turn become advocates of your prescribed solutions and recommendations. Only then will they be able to mobilize their respective governments for action aimed at combating the problems we face.

To the parliamentarians, I say, nothing less than full participation in the activities of this Conference will be good enough. Take this opportunity to learn as much as you can so that you will emerge from the Conference more knowledgeable representatives of the people. After this Conference, we shall expect you to make improved contributions both in your Legislatures and in your individual constituencies. We shall also expect you to portray correctly the views of your respective governments on the issue of population and development. Such views will enable the technocrats to make recommendations that conform with the policies and aspirations of your governments and people.

I am glad to note that the history of these population and development Conferences reveals strict adherence to the principle that every nation has the sovereign right to determine its own population policy. This is important because nations have to accept and identify themselves with given policies before they can resolutely proceed to implement those policies. Nations should never be made to feel that certain policies have been imposed upon them; otherwise they will not apply them whole-heartedly, that is, if they accept at all.

Finally, I would like to thank the Parliament of Zimbabwe and the Global Committee on Population and Development for organising this very important Conference. Let me once again wish all our visitors a happy and enjoyable stay in Zimbabwe. I hope many of you will take this opportunity to visit other parts of our country beyond the boundaries of the City of Harare.

With these words, it is now my honour and pleasure to declare the All-African Parliamentary Conference on Population and Development officially open.

Thank you.

MESSAGE BY HIS EXCELLENCY, MR. IDE OUMAROU, SECRETARY GENERAL OF O.A.U., TO THE ALL-AFRICA PARLIAMENTARY CONFERENCE ON POPULATION AND DEVELOPMENT

Mr. Prime Minister, finding myself for the first time in your beautiful Capital on such a solemn occasion, which has brought together so many distinguished political personalities, parliamentaries, legislators, experts and institutes on population and development problems I cannot help expressing to you my admiration for the way you have taken up the challenge which was for you, your party, your Government and for your people, the building of a democratic nation, stable and non racial in painful but heroic conditions that we know.

You are, Mr. Prime Minister, succeeding in an undertaking that the enemies of yesterday did not expect but which, we Africans, knew would be realizable, from the day when, under the banner of the Patriotic Front, your people took arms and rose against injustice, oppression, racial discrimination, denial of rights and humiliation.

Hasn't Zimbabwe not rapidly thrown Rhodesia into oblivion and democratic law elevated to highest positions those elected by the people? Aren't the white people, former masters through force, egoism complex because in the minority or simply through the spirit of demination in peace in this country? In a new society, reconciled, tolerant and collectively responsible? Hasn't the building of the Zimbabwean nation finally become the concern of all her daughters and sons, without racial, ethnic, class or religious distinctions?

It is certainly consideration of all these facts, Mr. Prime Minister, which made the

non-aligned Movement think of Zimbabwe, and of you, as an appropriate place to hold, very soon, its eighth summit conference, thus recognising the active, millitant and decisive role your small but great country is playing in the struggle for rehabilitation of those who are already tired of the division of the world into two autegonish camps, each wanting to impose its supremecy on our planet.

No one doubts that holding that summit conference will magnify and implify lessons that you display every day, in the eyes of the South African racist regime which stubbornly want to hide the sun with the palm of its hand and which refuses to recognise the desire, I mean the demand for justice for black populations and their irreversible determination to shake off the yoke of apartheid.

As the Secretary General of Organisation of African Unity, I would like to express to you, today, my pride the pride of Africa, the pride of all friends of Africa throughout the world who supported encouraged and helped the Patriotic Front to honour its struggle not only pride for considerable work already accomplished, in spite of International Climate of crisis and daily aggressions from neighbouring South Africa but also pride because you are giving the world confirmation that men of quality, faithful patriots, providential Statement who know at the right time how to overcome resentment of yesterday which disperse and disunite, always emerge from the ranks of Freedom fighters to work only in the higher interests of the moment. In saying this, I am thinking of Samora Machel who liberated Mozambique and who still firmly stands his ground to preserve national honour and freedom. I am thinking of the late Augustion Neto and of his successor Eduardo Dos Santos, who today courageously faces South Africa while still continuing with building Angola unperturbed. I am thinking of Nelson Mandela who has been paying, for more than 20 years the price for his convictions and for his just revolt against Apartheid and oppression. I am thinking of Oliver Tambo who, symbolised the heroic struggle of ANC, as well as Sam Nujomo who galvanizes Swapo for Namibia, free democratic and non-aligned.

Mr. Prime Minister, thank you for your hospitality which is appreciated by all. What I have just said, highlights the merits and the price of this hospitality which depicts its African character and its Zimbabwean militantism.

Mr. Prime Minister, Mr. Chairman, Parliamentarians, Members of the Global Committee of Parliamentarians on Population and Development, Excellencies, Ladies and Gentlemen.

In accepting the invitation which made my presence here today possible, I wanted to bring supplementary evidence of organisation for African Unity new orientation, namely the priority given to development problems in our continent and consequent search for ways and means by which our Africa should be mobilized, and mobilize her populations to hasten indispensable order which conditions her development. By choosing the theme Population and Development for your conference which is held this time on African soil, you wanted to bring Africa your contribution in ideas to help African governments as already underlined by President Abodou Drouf in his message read earlier on, "to define better from all aspects, organizational relationship between Population and Development so as to formulate consequent and appropriate policies in this area".

What is more normal for O.A.U. then to be present at such a forum to know analyses, stands, suggestions and conclusions of Parliamentarians and legislators that you are, on a topic which encompasses, in the last analysis, all development. Whoever talks of development orientates it towards populations. Whoever says population, means inevitable desire for development. How can one think of development without the contribution, consent and participation of populations? Who do we want development for, if not populations? How can we build societies which are healthy, dynamic and balanced without matching development to population.

I affirm, therefore, that we basically agree: Population and Development, this is the first problem of development. But, all pertinent questions I have just asked must be answered in relation to development. In Africa, the problem of population must be considered with lots of precautions.

In the present stage of her evolution, Africa is still a continent of sensitive mentalities, strong taboos, deeply rooted traditions and paradoxes that are difficult to eliminate; in short, a continent of peasants, that is, a continent of particularly pragmatic and vigilant populations which do not accept inputs or changes unless they are carefully prepared, educated, conscientised, persuaded and involved in the search for their own development, failing which, they will stand by or go away.

It is for this reason that, a few days ago, at Port-Louis, I told O.A.U. Ministers of Culture that they have an important role to play in Africa, in virtue of their posts, in promoting harmonious cultural development in our countries so as to provoke self-promotion of our populations by stimulating their capacity for adaptation and their creativity, which means that these populations should be given mentalities of agents of development by liberating them from social and cultural constraints, which effectively hinder their development and their opening up. Parliamentarians, what are we seeing in Africa today? A chain of unending paradoxes, as I mentioned earlier.

A paradox of a continent famine is becoming rampant but where food habits impose numerous and severe food restrictions, where agricultural organization itself is deeply linked to an outdated social system which refers itself to a religious order.

A paradox of a continent of 30 million sq. km. with 555 million inhabitants but which is said to be already over populated.

A paradox of a continent where a good number of countries have less than One (1) million inhabitants, but where the necessity for birth control is felt as an essential development measure. A paradox of a continent which has the highest rate of urbanization in the world, implying propensity to consumption other than to production, but which is in fact the least urbanized Continent.

The problem of development in Africa can be reduced, in many respects, to a problem of populations which should be prepared rapidly to adopt attitudes and to assume development activities, thus a problem of human resources whose under-employment should be corrected at whose productivity should be increased. Our development programme 1986-1990 which forms the basis of the "African Document", submitted to United Nations for the Special Session on the Critical Economic Situation in Africa deals with this aspect to a large extent, to clearly show the international community whose tangible participation we are soliciting, in our efforts to fight against this crisis, that nothing henceforth will be undertaken in our states, in development matters without the participation, provoked and obtained, of workers, peasants, youth, women previously sensitized and associated with the elaboration of our development projects. We have promised to carry out revision of structures, to improve management methods, and even to question some of our political options which always delay mobilisation of our people for their convincing in matters of development.

We have equally made it clear that African Development efforts should not favor materialism to the detriment of the human element, search for the well being of the individual to the detriment of our own concept of the family which is so dear to us, and which we wish to maintain in our march toward "modernity". The equation Population—Development should therefore mean, for us, mobilization of methods and appropriate means of development which will make it possible for our states to obtain a rate of economic growth which will be regularly higher than our current average rate of population growth which in the contemporary economic climate, considerably hinders our growth by redusing our efforts to nothing.

Mr. Prime Minister, Mr. Chairman, Parliamentarians, There are some ideas I thought it useful to present to you for your reflection. I know that discussions on the question of population and development have always provoked controversies, at times based on individual or group prejudices, at times influenced by religious beliefs or political motives. This is not a good enough reason not to discuss them. This is why I would like to congratulate the organizers of this Conference which is the new dynamic of construction of Africa, will certainly make a valuable contribution to the realization of being the well-being of our populations. I reaffirm the support of our organization and its renewed desire to maintain close collaboration with them all the time.

I thank you.

A PROPOSAL FOR ENTREPRENEURIAL GROWTH IN MEXICO

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. KEMP. Mr. Speaker, yesterday, I had the privilege to meet, together with the House leadership in Speaker TIP O'NEILL's office with Mexico's President Miguel de la Madrid, shortly after he met with President Reagan. No ally is more important to the United States people than Mexico. We share not only a 2,000 mile border, but a history of friendship, respect, and mutually beneficial trade.

The United States needs a prosperous and democratic Mexico, not just as a prerequisite for U.S. national security and regional political stability, but because it accords with our own ideals. Allegiance to our own heritage requires that we extend a hand to our neighbors to help them achieve a future of growth and development, strong democracy and individual

freedom, and better opportunities to win a fight over poverty and joblessness. By helping our American neighbors, we are also helping ourselves.

Today, as Jack Anderson reminds us in an outstanding article in the Washington Post, Mexico is facing severe financial difficulties exacerbated in large part by the 50-percent drop in oil prices. But in the past, Mexico's problems have also been exacerbated by IMF austerity policies which have lead Mexico into higher taxes, tariff and licensing restrictions, currency devaluation and restrictive wage policy—not policies of growth and opportunity, but a perscription for recession, despair, and ever-increasing debt.

The 1982 IMF package intended to reduce demand for imports and decrease comsumption, supposedly freeing up foreign exchange to pay for Mexico's heavy foreign debt. Indeed Mexico's imports have declined by 5–6 percentage points of GNP between 1982–1984. But this short-term adjustment occured at a tremendous cost in human and economic terms. The huge devaluation of the peso, for example, stimulated export growth, but fueled inflationary pressures, eroded real incomes and reduced incentives to save. Import restrictions blocked out capital investment and input goods necessary to keep Mexico's industry and agricultural sectors modernized and operating efficiently. Income and value added taxes soared in Mexico's inflationary climate, causing additional capital flight and undercutting growth incentives.

The results of IMF austerity have been severe. Although the IMF recommendations were above all designed to reduce Mexico's budget deficit, a deteriorating economy and zooming interest rates instead raised the budget deficit to a new record. Real wages have fallen 30 percent or more; poor Mexicans have lost 40 percent of their buying power since 1980; inflation in the first half of this year rose to nearly 100 percent on an annual basis. Unemployment has soared, some estimate up to half the work force. Internal investment as a percent of Mexico's economy fell by 11 percentage points.

Clearly, the IMF's policies failed and failed miserably. It is wrong to tell the Mexican people, with an average per capita income of $2,000, that they must tighten their belts further. It is wrong to tell Mexicans that they must reduce consumption through austerity when many are already wondering where there next meal is coming from. It is wrong to increase the cost of basic necessities or eliminate jobs without also offering the Mexican people the hope of a real private sector job and that their effort will be rewarded by higher incomes.

The problem in Mexico is not overconsumption; its underinvestment. It's too little entrepreneurship, too little growth, and too few jobs in the private sector. Too often in the past, the IMF has destabilized emerging American democracies snuffed out jobs and opportunities, and recommended policies which destroy the foundation for real growth.

Focusing solely on reducing budget deficits, dampening consumption, and raising taxes, the IMF has forgotten that prosperity flows from microeconomic policies that free individual families from constraints preventing them from getting a good job, starting a small business, and saving and investing their hard-earned money.

The new IMF agreement recently signed by President Miguel de la Madrid is a welcome, though not complete, departure from the 1982 austerity policies. Indeed, it offers bright avenues for change by recognizing the primordial importance of economic growth and full employment, by understanding that only a prosperous Mexico can hope to pay back its debts, and by recommending some policies that may contribute to a stronger, more efficient economy.

The new agreement, for example, points toward less central direction of the economy and more market-driven decisions, through greater privatization of government-owned enterprises, elimination of some tariffs, removal of some barriers against outside investment, and reduced government subsidies for basic commodities and services. I believe that these elements should be a crucial part of any genuine long term strategy for economic recovery.

While recognizing these positive steps, I am nonetheless concerned that the IMF agreement does not fully address the fundamental economic problems affecting Mexico; and it continues the self-defeating policy of piling debt upon debt and raising taxes. Unfortunately, it doesn't offer much hope that the Mexican economy will grow and eventually be able to pay off loans and reduce its debt.

While I wish I could hail the Mexico agreement as the beginning of a new era for the IMF, I am afraid that unless major changes are made in the agreement, Mexico will not only fall short of its economic growth goals, but it will fall further behind in a self-defeating debt accumulation. I am also worried that the so-called Baker plan, which offers a ray of hope to Latin debtor countries, could fail in this, its first test, unless more fundamental structural economic reforms are made by the Mexican Government.

Indeed, the IMF's privatization campaign, which I applaud as a general principle, could nonetheless be destabilizing and counterproductive without a growing, flourishing economy. A genuine and workable privatization strategy must first guarantee that working men and women as well as entrepreneurs will reap the fruits of their enterprise and work.

In the spirit of friendship, I would like to suggest a new model, one based not on austerity but on growth; one based on investment and equity capital not more debt; a recipe for success which has worked not just in the United States but throughout the world.

I offer it as a model so compelling and powerful that leaders and people should welcome it, adapting it to their own experince and conditions. But the United States can help. As Mr. de la Madrid said "a dead man does not pay his debts." In this same spirit, I offer these suggestions as a model to help revive the Mexican economy.

First. Mexico should move forward to bring tax rates to levels that promote incentives for growth and entrepreneurship. With the United States likely to enact a tax plan this year that has a top individual tax rate under 30 percent, I believe that it is incumbent for Mexico to reduce its own steeply graduated tax rates as a means of retaining investment capital, skilled workers, and business. Mexico currently has a 55 percent top individual tax rate that hits incomes above about $30,000; very high tax rates are even levied on individuals earning below $10,000 a year.

Countries around the world are now lowering tax rates and increasing the income tax threshold to increase fairness, simplicity, and economic growth. This type of reform, combined with the elimination or reduction of the regressive VAT tax would spur Mexico's domestic investment, help bring capital back to the country, and increase growth. Indeed, multilateral development banks should set up a "Tax Reform and Growth Fund" to make up any tax revenue loss resulting from tax cuts—although I am confident there would be none. The entire Mexican income and value added tax only bring in $2 billion today. Certainly if the IMF is willing to underwrite a $500 million trade liberalization loan for Mexico, why not the same for tax reform?

Second. In my view, Mexico should also work to achieve monetary reforms that stabilize exchange rates and maintain the purchasing power of its currency. The Kissinger Commission suggested a "common currency" zone for Latin America to promote regional monetary integration and currency stability.

Such a reform might very well follow the successful pattern of the European Monetary System [EMS]. Latin American and South American countries could pledge to stabilize their own currency and exchange rates within an agreed upon "target zone" using a basket of regional currencies, weighted in importance by the relative size of the economies participating in the monetary union. This reform would not only help arrest Mexico's extreme inflation, it would help stop capital flight and the extreme speculation and instability in exchange markets.

Third. The IMF should also be supporting the idea of a Common Market for the Americas. Brazil and Argentina are talking about establishing a common market in which trade subsidies and tariffs would be progressively removed. Mexico would tremendously benefit from joining a new "American Common Market" that included Argentina, Brazil, the United States, and other American countries that might want to join. Latin American and South American trade, which now is far below its potential, could be enormously expanded, and ties of friendship and commercial intercourse would be multiplied.

Fourth. The major money center banks should also give serious consideration to the outlook for Mexico and other heavily indebted borrowers. There is agreement from experts like Paul Craig Roberts on the right to Senator BRADLEY of New Jersey on the left that it is destructive to pile debt upon debt, without improving prospects for growth. Yet if prospects for growth increase sufficiently, there is nothing wrong with lending even more.

Whether at home or abroad, it is only prudent banking to recognize economic reality and maximize the chances that growth can be restarted and remaining debts paid off. If the banks were inclined to do so, they could write off some debt and offer Mexico greater hope for the future. Congress can assist banks by allowing debts to be written off over a longer

period and by reexamining banking regulations that affect problem loans and institutions. But debt relief without the promise of strong economic growth addresses symptoms not causes.

The world commercial banking system may also want to work with the multilateral banks to consider the newly discussed debt-equity swap arrangements, which hold hope for reducing Mexican debt in a fair fashion. Domestically, Mexico also needs to begin reforming its own banking system allowing a much greater role for private sector financial service firms.

The United States has a great deal at stake with Mexico. The 1982 IMF agreement, for example, may have cost 1 million American jobs by encouraging policies that restricted American exports, especially agricultural exports. But even more fundamentally, U.S. security and prosperity depend on a Western hemisphere that is stable, democratic, and prosperous. Countries hobbled by high debt and high taxes are not only economically unstable, they are also poor candidates for democracy.

In the past, the IMF has ill-served both American and the debtor nations; its has too often been an enemy, not a friend of freedom. The latest IMF agreement with Mexico, while moving in the right direction, is not nearly bold enough either to solve the debt crisis or restore Mexico to prosperity.

It is time for a new chapter in U.S. foreign economic policy. A program for sustained entrepreneurial growth in Mexico would be a watershed event, a milestone in truely progrowth and profreedom foreign policy. By attacking the underlying causes of stagnation and despair in Mexico, we can make the United States a force for promoting democracy, improving economic development, and fighting proverty in the Third World. This new direction could truly begin a new era of progess for our entire hemisphere.

THE MIDDLE EAST PEACE PROCESS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. BROOMFIELD. Mr. Speaker, all of us want peace in the Middle East. I encourage the administration to continue its important efforts to bring peace to that turbulent part of the world.

The innocent in the Middle East have suffered long enough. Israelis and Arabs alike have lost loved ones. The fear of terrorism and war has taken its toll on the people of that region. The constant tension in those countries has eroded the human spirit of men, women, and children. The recent series of mindless car bombings in Beirut is a case in point. Terrorism and violence create more and more hatred and the cycle of madness continues.

Beginning with the Camp David peace talks, progress has been made in improving the prospects for reducing the difficulties in that volatile area. In 1982, President Reagan proposed a bold new peace initiative that was sensitive to the security needs of Israel and to the issue of a homeland for the Palestinians. In pursuing the plan, U.S. emissaries were dispatched to the Middle East, talks were held, and real progress appeared to be underway. While that peace offensive has not stopped, it has slowed. The problems of the Middle East are deep rooted. I have long counseled against expecting dramatic breakthroughs. Finding ways to bridge serious differences is no small challenge. Resolving the problems will require additional effort, ingenuity, and political courage.

The wave of terrorist attacks directed against U.S. facilities in Lebanon in 1983 shocked and saddened our Government officials who were, at that time, sincerely trying to work with all parties in the conflict. We must not, however, allow terrorist fanatics to cloud our vision. A handful of madmen must not be allowed to derail all of the good work which has been done up to this point.

Peace is still our ultimate goal. With determination, compromise, and hard work, a resolution of the problems in the Middle East is attainable.

Most important is the fact that our Government must continue its diplomatic efforts. One of the successes of former Secretary of State Kissinger is that he convinced both the Israelis and the Arabs that the United States could be trusted as an intermediary that was willing to work with both parties in the peace process. It is important that we retain the position of objective and fair mediator. The United States is still seen in the Middle East as the only country that can really bring about a peaceful resolution of the difficulties in that distant region.

Given our special role, I urge the President to continue the process. The recent visit to that region by Vice President BUSH is an encouraging sign. We must continue to play our role. We have no other choice. Continuing the peace effort is the only game in town.

HOSTILE AREAS EXPLORATION INCENTIVE ACT OF 1986

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. YOUNG of Alaska. Mr. Speaker, our Nation's energy security must continue to be a top priority despite unforeseen vagaries in market forces and international political considerations. The current temporary slump in the oil market and concomitant restrictions on cash flow generated for reinvestment in exploration must not be allowed to hamper the continuing search for new petroleum resources.

To facilitate and encourage ongoing exploration and production, I have introduced the "Hostile Areas Exploration Incentive Act of 1986." This bill would provide an incentive tax credit for those interests who maintain their commitment to seeking new oil and gas reserves in domestic frontier areas such as offshore deep-water and the Arctic. The bill defines these terms as: First, areas on the U.S. Outer Continental Shelf [OCS] where water depth is 600 feet or deeper; and second, onshore areas of the U.S. Arctic above the 49th parallel.

Petroleum industry analysts and the Department of the Interior have estimated that up to 50 percent of future domestic oil and gas production could come from the OCS and the Alaska North Slope. However, continued dependence on Middle East oil is a real possibility as reserves in the North Sea, South America, and Africa begin to be depleted. It is more important than ever that the United States act forcefully for its own energy security. If development and exploration in these areas are not encouraged, the United States could find itself dependent upon other nations for half its petroleum needs by the mid-1990's. In addition, OPEC could once again become the price-setting force of the world market.

A tax credit for exploration and production in hostile areas would result in a minimal impact on Federal Treasury receipts since exploration and production activity would increase bidding in the Outer Continental Shelf and would ultimately increase collection of income tax, royalties and windfall profits tax from Federal offshore and onshore leases. These bonus and royalty receipts from Federal OCS and onshore lands represent the largest source of Federal receipts after taxes.

Development of efficient production facilities in these hostile areas can often take up to 10 years. Such a long-term investment could be made less forbidding with the implementation of this tax credit. Its incentive would create a greater degree of security and stability by facilitating long-range planning in a highly speculative field.

This bill would also have a tremendously beneficial effect in preserving the oil and gas support industries which are vital to energy security. There is always the real possibility that the United States may require greatly accelerated exploration and production due to domestic shortages. The support industries must always be maintained and at the ready to work with petroleum interests to maintain adequate domestic reserves.

In short, the Hostile Areas Exploration Act would be a tremendous boost to our domestic petroleum industry, its support industries and to the overall energy security of the Nation. I urge my colleagues to consider it carefully and lend their support.

ADDRESS BY EDDAH W. GACHUKIA AT ALL-AFRICAN CONFERENCE OF PARLIAMENTARIANS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. SCHEUER. Mr. Speaker, during the first All-African Conference of Parliamentarians on Population and Development, held in Harare, Zimbabwe, in May, Eddah W. Gachukia, professor of English literature at the University of Nairobi, delivered a compelling and interesting paper documenting the importance of reducing the explosive population growth in Africa.

Noting that Africa has the highest fertility rate and fastest rate of population growth of all regions in the world, Professor Gachukia

pointed out that education, especially for African women, has both direct and indirect influence on fertility rates and a marked impact on many facets of development in relation to increased awareness, improved performance, and productivity.

In addition, Professor Gachukia said that a decline in fertility has long-term impact on prospects for improving both coverage and quality of education. The concern with the status and education of women is justified not only because women compose the majority of Africa's population but also because African women continue to be responsible for many economic activities in rural areas.

Professor Gachukia stresses that the education of women is one of the most effective ways for influencing and changing fertility levels, through the improvement of the role of women.

I commend the attention of my colleagues to Professor Gachukia's report.

POPULATION DIMENSIONS ON THE AFRICAN DEVELOPMENT CRISIS

EDUCATION

1. Introduction

1.1. The document prepared by experts from the Organization of African Unity (OUA) and the U.N. Economic Commission for Africa (ECA) for submission to the special session of the United Nations General Assembly on Africa's economic and social crisis in May, 1986 is unique and most welcome. It is refreshing in the way African leaders appear to come to grips with harsh realities by, among other things, including themselves in the catalogue of Africa's development bottlenecks. There appears to be an unembarrassed admission that the factors aggravating Africa's economic crisis include:

Inadequacy and/or misdirection of human and financial resources;

Inappropriate economic strategies and policies;

Poor economic management;

Persistence of social values, attitudes and practices that are not always conducive to development;

Political instability.

1.2. It is acknowledged that Africa has suffered humiliation, injustices and calamities throughout history. Some of these still persist in the sense that their impact is long-term. Historical reference must however not remain escapist and it is a health sign when we begin to identify the sources of our continent's problems by self-analysis and self-criticism. In the final analysis Africans must remain responsible and accountable to themselves for most of the issues implied by underdevelopment including lack of basis necessities for survival, the deterioration of the environment as well as the causes of these phenomenon.

1.3. Development implies the ability to tap and harness all resources available and the utilization of such resources for the benefit of the entire population. Social development refers specifically to the people themselves not only as beneficiaries of, but also as the crucial contributors to, or generators of, development. To pick the example of food production, here development would need not merely to match the availability of food with demographic growth, but to also surpass it, thereby eliminating the current deficit, and increasing the availability of food for all, at all times.

At the level of the individual, development implies "increased skill and capacity, greater freedom, creativity, self-discipline, responsibility and material well-being" (Rodney, 1972, p. 9).

1.4. Among the most important factors in the future economic and social development of Africa is the rate of growth of the continent's population. Sufficient discussion exists on the complex subject of interaction between population growth and the development of a nation. While such interaction can be observed at it relates to such factors as the connection between population growth, unemployment and underemployment, the rate of population and corresponding growth or decline in per capita income, we are concerned in this paper with the relationship between population, education and development.

Adequate data is available to alarm the leaders of African countries as to the rapid growth rate of population in many of the African countries, a rate that is unmatched by corresponding economic development.

1.5. The term "explosion of population growth" is no longer considered to be alarmist. As a result of improved demographic data collection and analysis, it is now established that Africa has the highest fertility and the fastest rate of population growth of all the regions in the world. The population of the continent is expected to double its present size shortly after the turn of the century. Some countries have growth rates approaching 4 per annum and 50% of their population below the age of 15 years. (Court and Kinyanjui, 1985, Ndegwa, 1985 UNESCO, UNICEF).

The Lagos Plan of Action recognizes the high rate of population growth and the growing levels of unemployment and underemployment.

1.6. The implication of these factors in the field of education are of tremendous importance. The direct result is the increasing public demand for education and intensification of pressure on very limited resources.

The inevitable expansion of involvements in response to public demand has fast exceeded the capacity of African economies to maintain the quality of education. The ensuing deficiency has implications for the state of health, fertility and agricultural productivity. It has also been associated with threatening a condition of "perpetual intellectual dependency". (Kinyanjui and Court, 1985, p. 12, Vandemoortele, 1983, p. 48).

1.7. In this brief paper, we underline the problems posed by rapid rate of population growth in African countries which are striving to make a reality the goal of universal primary education, the expansion of out of school education and the eradication of illiteracy in order to enhance socio-economic development.

It is our contention that:

A decline in fertility has long-term impact on prospects for improving both coverage and quality of education.

Education, especially that of women, has direct and indirect influence on fertility levels and a marked impact on many facets of development in relation to increased awareness, improved performance and productivity.

2. Education

2.1. For the purposes of defining the interrelationship between education, population and development, education is understood to mean the development in human person of a critical consciousness that in turn produces or results in interventions in the world around one. The individual is thereby enabled and empowered to act upon and transform one's world as appropriate towards the achievement of desired goals. Ideal education equips the individual with a curiosity adaptability and problem solving capacities. A problem solving oriented education enables men and women to perceive critically not only the way they exist in the world but also how to better their lives. Viewed from this stance, education represents not merely consumer demands for services but is long-term investment in the human capital of a society (so is health). It is therefore an essential component of development and a never ending activity whose product ought to be a dynamic society, responsive to developmental measures.

2.2. The process of education influences the individual in a variety of ways:

Besides informing the individual, it also broadens one's horizons beyond immediate environs.

Education develops one's reasoning capacity thereby enabling the individual to make informed and rational choices between alternatives that life presents.

Education becomes a vital prerequisite for all other sectors which depend on human productivity, a fact acknowledged in the world population plan of action.

Having acquired and absorbed knowledge, education influences the individual towards attitudal and possible behavioural change. The individual becomes more flexible towards new ideas and new values, whose adoption might in turn enable one to adopt comfortably to new phenomenon.

In the absence of formal and informal education, the process of consciously informing oneself, of intellectual development and the development of a personality adaptable to new environments, new ideas and new circumstances, can be curtailed or handicapped. Attitudinal and behavioural change becomes difficult. This can be an inhibition with serious implications, when it comes to tackling modern-day issues and to adapting oneself to the challenges posed by the rapid social change taking place in Africa today.

Illiteracy, which is still very high in Africa, with nearly 70% of the total adult population on the continent being illiterate, is a major obstacle, recognizing the correlation between literacy and adaptability to change. As an essential component of any education, literacy opens up the mind and increases curiosity and awareness while illiteracy perpetuates insular tendencies.

3. Formal education

3.1. Among numerous anomalies inherited by African Governments from their colonial legacy, and which they have attempted to grapple with was the problem of imbalance in the distribution of educational facilities in the country. This imbalance is evident by regiona and by gender.

3.2. Racial discrimination in the provision of education, missionary activities (which were concentrated in a few districts), and regional differentials in the colonial governments investments in infrastructure, were crucial determinants influencing the distribution of educational opportunities in many countries during the colonial period. The process towards universal primary education has therefore been compounded by efforts by Governments to eliminate these regional imbalances as they strive to ensure equal educational opportunities for all.

3.3. Most African Governments have adopted the long-term goal of universal primary education and have made significant progress towards its achievement. Many

countries however still face serious shortcomings.

The high rate of population growth in some countries implies an ever increasing number of enrollments to the education system.

Many countries are burdened with the problem of persistent insufficiencies in the essential areas of accommodation, shortage of trained teachers, lack of teaching and learning materials and other necessary equipment.

These issues among other raise fundamental questions concerning the ability of most countries to meet the desired goal of universal primary education.

3.4. Despite the immense efforts and resources allocated by the various African Governments of formal education in their countries, the figures of those enrolled at the various levels are not very encouraging. Out of a total population of about 449 million people in Africa, there are about 50 million primary school pupils. 9.5 million in secondary schools and 900,000 students in higher education (Ndegwa, p. 19).

These inadequacies are compounded by the fact that Africa as a whole lacks higher level manpower, this more so in the professions. In such fields as are scientifically and technical oriented, Africa remains with a variation of an importer of manpower.

3.5 The post-independence scene has therefore been characterized by rapid quantitative expansion in response to popular demand and the quest for equity. We have already referred to the implications of this expansion that was faster than the economic capactiy of Governments to maintain quality. Shortage and low morale of teachers and administrators, shortage of books and other basic equipment are some of the factors leading the erosion of quality.

3.6. In addition to these constraints have been various attempts at curriculum change, revision and development as Governments have tried to make formal education more relevant to the needs of Africa. In the past education alienated young people from life in the rural areas with the resultant migration to urban areas and the impoverishment of the former in terms of able bodied and enlightened manpower, while intensifying population and problems in the latter.

Special efforts have been directed towards linking formal education with the realities of rural life. The introduction of practical subjects within the primary school curriculum has been tried in many countries, designed to link the school with the community. (see Nyerere: Education for self-reliance).

The overriding consideration today is that primary education should be relevant to the needs of the majority who will not go to secondary school rather than the minority who do.

3.7. There is urgent need for the use of the primary school as communication channel for broader social and economic objectives. The incorporation of agriculture and food production, population and family life education, nutrition and home economics and the basic issues in primary health care, into the primary school curriculum is already underway in most countries.

Educators need join forces with specialists to determine these subjects in a manner that will bring about behavioural and attitudinal change in the lives of the recipients and their families. We need to find the link between education (knowledge) and behavioural change.

The last few years have seen the development of curriculum for family life education. The question of who teaches it at what levels appears to be not so easy to resolve at the national level.

4. Women's education

4.1. As early as 1922, the Phelps-Stokes fund report on African education had drawn attention to the neglect of girls' education in African countries. In spite of their recommendation that more serious consideration be given with regard to quantity and quality, significant progress has to await the post-independence period.

4.2. Both the lags plan of action (1981) and the Arusha forward-looking strategies for the advancement of women develoment beyond the United Nations Decade for Women (1984), record the dissatisfaction of African leaders with the progress made in correcting imbalances so negatively affecting the education of women and girls. They call for new and more effective strategies for correcting these imbalances.

4.3. The concern with the situation and education of women is justified not only because women are the majority population but also because African women continue to be responsible for many economic activities in the rural areas. Their acceptance of adaptation to new ideas and strategies in such fields as agriculture, environment and population, are crucial for the development of Africa.

4.4. The serious lag in women's education means that women have been denied the chance not only to develop intellectually and to be generally informed, they have also remained custom, attitude and value bound. Their tendency to cling to old habits and values irrelevant to their modern day needs renders desired development and their own survival precarious.

4.5. With specific reference to the issue of fertility, the education of women has been identified as one of the most effective ways for influencing and/or changing fertility levels, through the improvement of the status of women. (Gatara and Musyoki, 1985, Gachukia, 1983).

Education remains as the main criterion for assigning individual statuses in society. The more the number of women accorded a chance in the education system at all levels, the more they have access to opportunities for social mobility in training and professional employment.

4.6. Education has both diret and indirect impacts on fertility.

Educational attainment influences family size through age at first marriage. A large proportion of women of child-bearing age who marry late have fewer children than those who marry early.

Education positively influences the age of women at first birth. (Gatara 1982).

The age of a woman at first birth may also influence her educational attainment. Very few African countries have as yet instituted measures of re-absorbing young mothers into the lower and middle levels of their educational systems. As a result, girls who enter into early motherhood do so at the expense of their formal education.

The age of girls at first birth rises with the attainment of formal education. In Kenya, the mean age at first birth for women unexposed to formal schooling is 17.7 years while that of women with 9 or more years of schooling is 21.2 years.

4.7. Heavy investment in the education of women and girls is further justified by the high correlation between maternal education and child survival. Mensch's study revealed that in one African country twice as many infants under 1 year of mothers with no formal education as of mothers with secondary education: (UNICEF, 1984) such staggering differentials are caused by the assertion of wisdom of school over traditional wisdom by educated mothers, easier communication with husband resulting in family becoming child centered, and the empowering of women by education not only for the provision of better child care but also for becoming less fatalistic, and more capable of handling ideas and institutions and adopting alternatives in child care and treatment of illnesses now available.

4.8. Discrimination of women in the educational systems has been described as a recipe for higher infant mortality (Newland, 1981).

Giving mothers 7 or more years of education lowers mortality of an average of 41 (Trussel and Pebbly, 194).

The mother with education can manouvre institutions and professional personnel i.e. use them as her right.

5. Eradication of illiteracy and nonformal education

5.1. In view of the constraints experienced by Governments in their provision of universal primary education and the inherited problems of imbalances in distribution, the various countries have mounted programmes with varying degrees of success to combat illiteracy and to continue education and training for those who drop out of the formal education system. The majority in either case are women.

5.2. Recent emphasis is on functional literacy that will enable participants to cope with the demands of everyday life reading messages, applying correct measures and keeping records of their produce and incomes. Materials production for new literates is still lagging behind.

5.3. Adult education programmes continue education and skill development in response to the needs of the participants and their environment.

5.4. There is emphasis on the concept of basic education as Governments, and nongovernmental organizations join forces to empower the communities and especially the women to become self-reliant. In the field of health, health education is defined as encouraging people to want to be healthy, know how to stay healthy, do what they can, individually and collectively and seek help when needed (WHO, Primary Health Care, 1978).

A healthy-related behaviour all-inclusive package has already been identified for learning within and without school system with renewed emphasis on relevance and applicability.

5.5. New, activist approaches in social marketing of development programmes need developing to ensure closer touch with the people.

5.6. With reference to family planning, education must include not only effective family planning methodology but also the consequences of their use. In the continent of Africa as in other developing countries, withholding of information enhances the effectiveness of rumours, misinformation and sensationalization.

As Gatara and Musyoki have so appropriately observed, acceptance and use of modern contraceptives should be based on *informed consent* (emphasis ours).

6. In conclusion, we wish to reiterate out underlying them, theme, that resource limitations will not in the near future allow for

increased allocation of the national budget and education.

6.1. It is therefore necessary to adopt new approaches that may require change in the conventional use of existing educational resources and the mobilisation of new resources. Such initiatives include:

Greater use of the media in education.

Encouragement of economically productive activities in schools.

Greater involvement of the community in the education process, towards self-reliance.

Increased use of "distance education" technologies especially for teacher upgrading and non-formal education.

Maximization in the use of existing facilities (many educational institutions are under-utilised).

Encouragement of the complimentary role of the private sector and NGOs in education.

6.2. There is need to support maximum participation and continuity of girls in primary schools. Every effort should be made to avoid stereotyping women's roles in education. Education must recognize women's daily needs and multiple roles.

6.3. Non-formal education and literacy programmes should promote community development, basis services and self-help activities.

6.4. Appropriate technology means technology that is easily accessible, affordable and easy to use.

THE CLARKE FAMILY FARM CENTENNIAL

HON. BILL SCHUETTE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. SCHUETTE. Mr. Speaker, Dave and Gretchen Clarke of Coleman, MI, will this year celebrate the centennial of their family farm.

While farming is a noble profession, it has never been an easy one. The Clarkes' ancestors faced great hardships in pioneering the great State of Michigan and establishing their farm 100 years ago. Today, farming is still a challenge, it still demands hard work and a deep commitment. The Clarkes, along with so many other farmers today, face great hardships. Yet the Clarkes' success, based on hard work and dedication, in bringing their farm into its centennial year offers hope and encouragement to farmers throughout our country.

Mr. Speaker, I am proud to congratulate the Clarke family on the occasion of their farm's centennial year, and I thank them for steadfastness and reminding us all of our Nation's great agricultural heritage.

GREECE PUTS THE HEAT ON DRUG TRAFFICKERS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. BROOMFIELD. Mr. Speaker, I want to commend the Government of Greece for its new efforts against international narcotics traffickers. The Greek Government is clearly making progress in this important fight.

As the following article points out, Greece has undertaken a major program to interdict the flow of illegal drugs through the Aegean Islands. In addition, that Government is moving to increase penalties for possession of drugs. It is encouraging to see the high level of cooperation which exists between the Greek Public Order Minister, Antonis Drossoyannis, and officials of the United States Government's Drug Enforcement Administration.

In recent years, progress has been made in other aspects of security in that country. Security at Athens Airport has been dramatically improved and shipboard security for Greek cruise liners has also been greatly enhanced. These are steps in the right direction. I encourage the Greek Government to continue its excellent efforts and know that the United States Government stands ready to provide Greek officials with additional assistance in combating terrorism and interdicting drug traffickers.

With these thoughts in mind, I commend the following New York Times article to my colleagues in the House:

[From the New York Times, Aug. 10, 1986]

GREECE MAPS WAR AGAINST NARCOTICS

(By Paul Anastasi)

ATHENS, August 9.—Greece has started a new campaign against the international narcotics trade and has simultaneously introduced some of the strictest penalties of any Western country for possessing drugs.

The new effort is receiving major assistance from the United States Drug Enforcement Administration and several other international bodies.

"Greece is situated on the crossroads of the international narcotics trade," the Greek Public Order Minister, Antonis Drossoyannis, said recently at a news briefing.

"Asia produces the drugs," he said, "and Europe and America consume them. But for these vast quantities to be transported to the Western markets, they mainly have to pass through Greece. The problem is increasing, so that's why we are launching this new effort."

The drive has included recalling to active service some 100 officers and experts who had recently retired and the establishment of a central coordinating body of experts to supervise the campaign. "We are giving more power to the narcotics force in the form of more staff, more dogs, more sophisticated equipment, as well as better training with the help of foreign expertise," Mr. Drossoyannis said.

FOCUSED ON AEGEAN ISLANDS

The campaign is focused largely on the Aegean Islands, since statistics at the Narcotics Division of the Ministry of Public Order show that most of the drugs come through the Mediterranean and the Aegean in small merchant vessels or private yachts. The cargos usually originate in Turkey or other Middle East and Far East countries.

The largest haul to date was in 1982, when 30 tons of marijuana were seized from two vessels.

The same statistics show that hashish and marijuana are the main drugs transported from the East, but that there is also a dangerous increase in opiates, like opium, morphine and heroin. The recent increase in cocaine trafficking from the East is also a primary target to the new campaign.

The Narcotics Division at present says it seized 20 to 30 percent of the drugs thought to move through the country. Statistics show the number of people arrested and convicted has risen from 625 in 1979 to 1,022 in 1985.

TEN PERCENT ARE FOREIGNERS

About one-tenth of those arrested are foreigners. Of these, most are Turks or seamen from Ghana and Sri Lanka on ships bringing narcotics from India. Only a small number of Americans or West Europeans have been arrested.

The new policing measures are being backed by legislative ones. A Government bill submitted to Parliament last week raised the minimum imprisonment term two to five years for people found guilty of possessing small quantities of marijuana for private use. The maximum penalty for dealers in heavy drugs is life imprisonment and a fine of up to $400,000 as well as the confiscation of their private property.

A Security Police director said Greek efforts had become much more effective thanks to the assistance of such agencies at the American Drug Enforcement Administration, Interpol and the United Nations, and to the cooperation of individual governments.

The American agency is assisting with direct financial grants, material assets and information on drug dealers. It also has trained 220 Greek antinarcotic agents, and it is concentrating on teaching means of detecting drugs which pass through airports.

"With the appearance of the D.E.A., the crackdown on the international narcotics trade has taken a radical turn for the better throughout the world," the Security Police Director said. "In the case of Greece, I guess they realize we can do a lot to close the door on drugs entering the West."

PLIGHT OF THE HUNGARIAN MINORITY IN ROMANIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. SMITH of New Jersey. Mr. Speaker, several times in the past I have helped expose the unfortunate plight of the Hungarian minority in Romania. Numbering 2.5 million people, this minority forms the largest national minority in Europe outside the U.S.S.R. These Hungarians settled there around 1000 A.D. and during the intervening period, until 1918, Transylvania formed, directly or indirectly, as a part of the Hungarian Kingdom. The culture, art and politics of Transylvania have been completely dominated by the Hungarians and the smaller number of German Saxons who had settled there around 1150 A.D.

Now this minority lives under siege by a Communist government which tries to deprive them of their religious and ethnic traditions. The nationality churches (The Roman Catholics are Hungarian and German, the Lutherans German and the Reformed Church purely Hungarian) are deprived of adequate replacement of their aging priests and ministers. Only six starting seminarians are allowed for the nearly 1 million Hungarian Reformed Church members and only 30 seminarians are allowed for the more than 1.5 million parishioners of the Roman Catholic Church.

Opportunities to receive education in the mother tongue, which is guaranteed by the Romanian Communist Constitution, have become nonexistent on the higher educational level, and very limited opportunities are available on the high school level. Even if an Hungarian school exists and an Hungarian-speaking student attends the school, he has practically no chance to enter the universities and colleges.

The libraries with books in Hungarian and German languages are being transferred to Bucharest to deprive the national minorities from using them. As noted in the most recent report on the Implementation of the Helsinki Final Act, there is substantial evidence that the Romanian Government continues its efforts to systematically integrate and absorb minorities such as the Hungarians into its nationalistic society.

Disappearances, brutal police beatings, imprisonment on false charges, and arranged car accidents abound. One Hungarian high school professor, Bela Pall, was sent to a psychiatric ward for having attended the funeral of the great Hungarian writer, Gyula Illyes, in Hungary. Eventually Mr. Pall was driven insane by the electric shocks and drugs.

In light of these activities perpetrated against the national minorities and the harassment of the religious denominations which are not approved by the state, I along with Mr. WOLF and Mr. HALL have introduced legislation which would suspend Romania's Most Favored Nation trading status for 6 months. Mr. Speaker, these violations must not continue unnoticed by Romania's trading partners. The United States must use the leverage of this trading status, which is especially beneficial to Romania, to encourage religious freedom and adherence to human rights accords.

FARMERS NEED STABLE COMMODITY PRICES AND LOWER INTEREST RATES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. KEMP. Mr. Speaker, everyone is looking for answers to our farm crisis, but, unfortunately, most people are addressing its symptoms rather than attacking the problem at its root.

One of those who are offering deeper insights is Stephen Chapman. In a recent article, Mr. Chapman points out that severe commodity deflation and high interest rates, both a result of excessively tight monetary policy, are the fundamental cause of farm problems and loss of farm income.

Mr. Chapman also shows export subsidies and the current array of farm programs are often counterproductive: They price U.S. farm products out of world markets, generate a huge overhang of price depressing farm surpluses, and cruelly manipulate the American farmer. Clearly, Congress should be addressing as a top priority both the monetary and programmatic causes of farm crisis.

I commend the following article as the beginning of a genuine reform to make American farmers more competitive, prosperous, and secure.

[From the Washington Times, Aug. 8, 1986]

GRAIN SALES DISTORT U.S. PRIORITIES

(By Stephen Chapman)

President Reagan, who has inflicted a trade embargo on Nicaragua for the Sandinistas' Marxist-Leninist bent and their close ties to the Soviet Union, has announced that the taxpayers of the United States will have the privilege of spending $52 million to subsidize a shipment of 4 million tons of American wheat to . . . the Soviet Union.

What's wrong with this picture? The problem lies in the president's willingness to subordinate American security interests to Republican electoral fortunes.

The wheat sale is strange as foreign policy and ridiculous as economics, worse still, it may be only the prelude to a full-scale orgy of export subsidies. Its only excuse is to help the GOP in a handful of farm states in the November congressional elections.

The sale illustrates the absurdity of federal farm programs. Thanks to federal price supports, the price of wheat in the United States is about $105 a ton, which is $10 to $20 more than the cost of wheat in most of the rest of the world. American farmers, given a choice between getting $95 a ton to sell to foreign consumers and $105 to sell to the Department of Agriculture (which is obligated to buy), are partial to the latter.

To bring American farmers together with foreign buyers, the government has to make up the difference between the U.S. price and the world price. Here, the Soviets get some free government-owned wheat as a bonus for buying a large shipment, effectively cutting the price they pay—though not the price American farmers get—by about $13 a ton.

The effect, as Secretary of State George Shultz pointed out, is to make American wheat cheaper for Soviet citizens than for Americans.

The complaint is not so much that the deal makes the Soviets better off—they could buy wheat elsewhere for the same price. Still, it's hard to reconcile Mr. Reagan's anti-Communism with his decision to spend money to reduce the price Moscow pays for our wheat.

Even more bizarre is the fact that, as the World Bank reports, Western Europe and the United States provide $23 billion a year in subsidies of food sales to East Bloc nations.

And helping wheat producers probably will hurt other farmers. Even Republican Sen. Robert Dole of Kansas, who pushed the deal, fears it will cut sales of corn and soybeans. His solution? Provide subsidies to other crops and to other nations. That makes sense only by the weird logic of U.S. farm subsidies.

The government has a lot of surplus wheat it would like to unload, and this is one way. But why does the government own so much grain? Only because it is committed to buy whatever the farmer can't sell above the federal support price. Lately, it has bought a lot.

The point is to help farmers. The effect is to produce an avalanche of federal spending that helps some who need the help and many who don't, while steadily enfeebling the agricultural sector.

From 1982 through 1986, farm programs cost $63 billion, nearly six times more than originally estimated. This year alone, the U.S. Department of Agriculture will spend $26 billion on aid to farmers.

But some of the farmers' problems are worsened by federal subsidies, and the others are unaffected by them.

The first problem is chronic overproduction. Farmers produce too much for the existing demand, so prices fall. The government boosts the price received by farmers for their goods, which in turn stimulates them to produce still more, depressing prices further. The longer the process goes on, the more painful it is to stop.

The second problem has been the strength of the dollar and the weakness of foreign demand for American food and fiber. Basic commodities of all kinds—steel, oil, lumber, and farm products—have been going through deflation over the past five years, with no end in sight.

Since 1981, the prices paid to farmers have fallen every year, declining by a total of 13 percent. Nearly a quarter of that drop came in the past year.

The immediate cause is Fed Chairman Paul Volcker. Excessively tight money and persistently high real interest rates have combined to squeeze producers of basic commodities.

What needs loosening is not the USDA's fiscal policy, but the Federal Reserve's monetary policy. This doesn't mean a resumption of perpetual inflation. The goal should be stable prices—neither rising nor falling.

What is needed in the long run is to end federal interference in agriculture and insist that American farmers compete in as free a market as possible. But until the Fed relaxes its grip on the supply of money, any scheme to help farmers has a good chance of enactment.

The administration has discovered what one economist noted some time back; it's hard to pull the rug out from under someone who's already flat on his back.

REPRESENTATIVE JACK KEMP'S REMARKS ON THE LAVI AIRCRAFT

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. COURTER. Mr. Speaker, the gentleman from New York was present in Israel on the occasion of the rollout of the Lavi fighter aircraft. This fine airplane is, as the gentleman said, the product of a partnership of Israel's technical excellence with United States industry and financial support. It is one of those paradoxes of our time to say that Israel's friends hope the magnificent Lavi never needs to demonstrate how well fitted it really is for military purposes.

The gentleman from New York's remarks follow:

HON. JACK KEMP REMARKS PREPARED FOR DELIVERY AT THE ROLLOUT OF THE LAVI, TEL AVIV, ISRAEL, JULY 21, 1986

Mr. President, Mr. Prime Minister, Defense Minister Rabin, Members of the Knesset, Mr. Keret, my fellow Members of the U.S. Congress, distinguished guests, ladies and gentlemen:

As an American, a brother in freedom, and a long and true friend of Israel, I am honored to be invited by President Keret and IAI to speak on this memorable occasion. I look out on this audience, I see the ranks of

your officers and men and women present here tonight, and my heart shares the pride I know you feel in the quality and dedication of all who wear the uniform of the IDF and those who fly for your outstanding Air Force. You have shown the world again and again, that Israel's security depends on more than just good will. Israel's security depends on Israel's superiority.

The Book of Proverbs tells us that, just as gold and silver are tested in the furnace of fire, so man is tested in the fires of adversity. 210 years ago this month, the United States was born when men and women joined together to pledge their lives, their fortunes and their sacred honor to gain America's independence and secure their personal liberties.

Here in Israel, that same pledge must not only be lived anew by each successive generation, it must be defended every day, often at great and tragic human cost. We in America admire your resiliency. We admire your strength. Most of all, we admire your courage to defend freedom.

Israel and America may be long leagues apart, but as President Reagan has declared, we are philosophical neighbors, bound by our Judeo-Christian values, our shared commitment to democracy, the rule of law and enduring ties of trust and friendship—qualities that in our eyes make Israel a great nation.

In truth, we are even more. We are the sons and daughters of Abraham. We are one family. We are kin who stand together as few countries have stood together in modern times—to defend freedom, to support democracy, to fight terrorism, and to resist the rising clamor of hypocrisy in the once hallowed halls of the United Nations.

The West must never fall victim to tactics of tyrants who, as Churchill observed of the Nazis in the 1930's, trample all legal principles into the dirt when it serves their purposes, yet hold us to the highest possible moral standards when we attempt to defend ourselves. Defending freedom is not just an honorable right; it is our sacred trust. Our presence here tonight, to witness and celebrate the roll-out of the Lavi, is a real and visible expression of the partnership of our two democracies. I am proud to have been one of the principal sponsors of the legislation providing U.S. funding for the Lavi, proud to have fought for that funding, and proud that our congressional delegation here is bipartisan, and I know that one of my heroes, were he alive, would be with us this evening, Senator Henry "Scoop" Jackson.

May I express my highest compliments for the technological and engineering expertise of all here who have labored to produce this amazing fighter aircraft. It is a beauty to behold. And I know that Israel does not treat casually the selection of combat aircraft to meet critical mission requirements and survive in this high-threat, SAM-saturated environment. Israel does not have the luxury of being able to make a mistake.

We all know there has been controversy over the Lavi in Israel and in the United States. We in the United States are monitoring the costs of our major weapon systems. I congratulate Israel for exercising your right to review and even criticise—another mark of your strong, fiercely independent nation—and still be able to stand behind your decision.

The Lavi is the product of Israeli technical excellence, in partnership with U.S. industry and financial support. Actually, this aircraft could have both the Star of David, and the Stars and Stripes, as its insignia. It is a joint venture in a very real sense, with a number of leading American aerospace companies directly participating such as Pratt & Whitney, Grumman, Lear Siegler, including, I am proud to say, Moog—located in my own congressional district.

But this is no marriage of convenience. It is a union of spirit and purpose. When the United States provides aid to Israel, we are not extending charity. We are investing our faith and precious resources in a key ally; we are contributing to a vital defense outpost for the West, just as surely as our own defense budget is vital to our freedom.

Israel is an island of democracy surrounded by a sea of peril. To those who foment violence, to those who resist Israel's right to exist and live in peace—from the PLO, Qadhafi, and Khomeini to Syria and the Soviet Union—our message and our actions must be firm and forthright: Israel is not America's client; Israel is our ally and friend—a most reliable friend, indeed. And being our friend, she is not alone, she is not expendable, and she will never be abandoned.

As I stand here this evening in the presence of Prime Minister Peres and Minister of Defense Rabin, I am reminded that earlier this month, Israel commemorated the tenth anniversary of a stunning defeat against terrorism—the victory at Entebbe. Entebbe showed the world that terrorism will never succeed when confronted by leaders with the will to act, nations with the courage to persist and individual heroes like Yoni Netanyahu. President Reagan's courageous action with regard to Libya should be understood as another signal that the U.S. will no longer tolerate what was always in a moral sense intolerable. We must work with Israel, and with our other allies, to develop a coherent and morally consistent policy, not only towards terrorism, but towards terrorist states.

Too many people still believe that terrorism is the result of groups and individuals reacting against real or perceived injustice in the world, and that, in the currently fashionable slogan, we cannot eliminate terrorism unless we address the "root causes" of terrorism. While some may be fighting for objectives they consider noble, terrorism by its nature is illegitimate.

The true cause of terrorism is a base and deep-seated drive by radical regimes to expand their power by attacking us, our friends and our allies.

The only way to eliminate terrorism is to go after terrorists; to hold to account those regimes that harbor, train and command terrorists; and to support the opponents who would resist these outlay regimes.

So let us dispel any illusions about the real obstacles to peace and stability in the Middle East. It is not refugees, nor energy, nor even borders, grave and momentous as these problems are.

No, what continues to impede every earnest attempt to resolve critical problems is the unrelenting hostility and belligerency toward Israel, which the Soviet Union and its client states like Syria and Libya exploit to stir up the waters of terrorism and turmoil. That is the strategy through which the Soviets seek to project their presence and their power deeper and deeper into this region. Continuing hostility in the region is fundamental to Soviet expansionism.

The Soviets have long pursued sea control capability in the Mediterranean, Indian Ocean and Persian Gulf. Through treaties of cooperation and military supplies to radical governments and terrorist groups, they seek to establish the military infrastructure operations to coerce and destabilize Israel and other pro-Western governments in the Middle East.

The strategic consequences of Soviet success would be catastrophic. Soviet domination of this region would out-flank Europe, carrying with it Soviet control of Africa, large parts of Asia, and directly threatening the United States.

I am convinced that the invincible strength of the American/Israeli alliance is the greatest restraint on Soviet expansion in this region. And Israel's willingness to work with responsible Arab leaders offers the brightest ray of hope for a future of freedom, democracy, justice and peace among nations of the Middle East. And so I am encouraged by the creation of an American/Israeli free trade zone, which will be a source of unity and economic prosperity for our two countries.

I am heartened that we are expanding our defense cooperation, not only with the Lavi, whose roll-out we celebrate tonight, but with the Merkava tank, and missile patrol boats, and tactical assault bridges. Indeed, IAI-made KFIRS, now called F-21A's, are now operating in the aggressor role for the U.S. Navy.

Even more importantly, at long last we have embarked upon real and serious strategic cooperation between our two nations. Beginning in 1983, Israel and U.S. strategic planning groups have been meeting to coordinate our joint defense efforts. Among the things under discussion and implementation are joint military exercises, medical assistance, intelligence cooperation (which is already extensive), and the pre-positioning of supplies.

With the signing of the Memorandum of Understanding in May of this year, Israel became a full partner with other NATO countries in the research and development efforts relating to President Reagan's strategic defense initiative, which I strongly support. In a global context, the SDI has far-reaching implications for the preservation of Western security, stability and peace.

But the SDI also has immediate consequences for near-term Israeli defense needs. Israeli firms and research centers—including IAI—have much to contribute in the area of space based sensors, interceptor vehicles, defense against tactical ballistic missiles and system architecture for regional defense against surface-to-surface missiles—defense systems well tailored to Israel's threat environment.

The questions of U.S./Israeli relations go far beyond the specific issues of aid, or Middle East peace plans, or even contingency planning for the security of the Eastern Mediterranean and the Persian Gulf. When all of these details are placed in proper context, we see our natural alliance with Israel as part of the broad network of alliances America enjoys with other free nations throughout the world. For it is we, the freedom loving peoples of the world, who yearn so deeply for stability and peace and the right to pursue our own way of life. It is we, the U.S. and Israel, who must stand together.

My friends, at the beginning of my remarks I spoke of Israel and America as a family. The U.S. and Israel must send an uncompromising message to Syria and the Soviet Union; aggression will not be allowed to succeed. Let us treasure our American/Israel family, let us keep it always as the great power for good it was meant to be—to

preserve our strength, and to heal and transcend whatever differences and problems we may encounter along the way. This we must endeavor to do together.

I first visited Israel in 1972, having just left Poland where I had visited the Auschwitz Concentration Camp and my heart cried with anguish over the monstrous evil. While in Israel, like thousands upon thousands of Americans, I went to Yad Vashem and I have pledged along with my countrymen—and pledge this evening with all of you—never again. For the United States, for the Congressman from New York, our enduring support for Israel is the solemn embodiment of that pledge.

As we look upon this shining new fighter aircraft, I am reminded of the scene in "Fiddler on the Roof". When one of the Town's people asked the Rabbi if he had a proper blessing for the Czar, the Rabbi answered, "Of course; may God bless and keep the Czar far, far away from us."

Good friends of Israel, may the Lavi and the Israeli Air Force help protect your nation and keep any and all enemies far, far away. But my deepest wish is that the magnificent aircraft will never have to be used in combat.

May the great and good and loving God we worship together bless our American-Israeli family. And may he keep us always close, always safe, and always free.

B'Hatzlacha Raba (much success).

HONORING AN EDUCATOR

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. KOLTER. Mr. Speaker, I rise before the House of Representatives to honor a constituent of my Fourth District of Pennsylvania: Marie K. Twinem in Beaver County who has been dedicated to Geneva College and Beaver Falls for the past 63 years.

After earning her bachelor of arts and bachelor of oratory degrees from Geneva College in 1931, she taught in Geneva's extension classes and speech department and in a local day school's public speaking department.

The oldest member of College Hill Methodist Church, she taught Sunday school for 62 years and served as chairman of the Official Board, first president of the Woman's Society of Christian Service and was the first woman to be elected a church trustee.

She is past president of Christian Women United, the American Association of University Women, the Outlook Club, and the College Hill Women's Club. Marie has many years of volunteer work to her credit, particularly with the Salvation Army, Geneva Women's Auxiliary, and Red Cross.

She has taught full time in Beaver Falls Junior High School from 1949 through 1966 when she retired. She continued teaching in the area as a substitute for several years thereafter.

Presently, she is writing her autobiography and was recently a nominee for the 1985 Beaver County Times Women-of-the-Year.

Because of her dedicated service to her community, I salute Marie K. Twinem before the full U.S. House of Representatives.

RESPONDING TO THE LOEFFLER AMENDMENT

HON. TOM LOEFFLER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. LOEFFLER. Mr. Speaker, the following is a response to allegations made against my amendment to H.R. 5300, during debate on House Resolution 534.

Allegation: Accusations were made that the Loeffler amendment would save $100 million by forcing Medicare beneficiaries out of the hospital before their medical condition would justify their discharge.

Response: This is completely false. A provision included in H.R. 5300 which was reported by the Committee on Ways and Means, allowed Medicare beneficiaries the right to appeal their discharge notice from the hospital and remain in the hospital until the State Peer Review Organization decided on the case. This is a no cost provision which was not altered in any way by the Loeffler amendment.

Allegation: Services and benefits to Medicare beneficiaries are reduced and eliminated by the Loeffler amendment.

Response: This is again false. The additonal savings in the Medicare programs achieved by the Loeffler amendment result from the deletion of Medicare expansions for new services and new money for nondirect health care expenses. No current benefits or services are cut, only new spending add ons are deleted.

BILL HUGHES—THE CRIMINAL'S WORST ENEMY, LAW ENFORCEMENT'S BEST FRIEND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. BIAGGI. Mr. Speaker, it is with great pleasure that I rise today in tribute to one of our most esteemed colleagues, my good friend from New Jersey, BILL HUGHES.

Simply put, there is no Member of Congress who has done more to help law enforcement and combat crime than BILL HUGHES. As chairman of the House Subcommittee on Crime for the last 6 years, he has been a tireless worker, leaving virtually no crime-related issue untouched. Oliver Wendell Holmes, Jr., one of our Nation's most distinguished jurists, said, "The best service that we can do for our country and for ourselves is to see so far as one may, and to feel the great forces that are behind every detail * * * to hammer out as compact and solid a piece of work as one can, to try to make it first rate, and to leave it unadvertised." That is an apt description of BILL HUGHES' work on the Subcommittee on Crime. His work is far reaching, thorough and precise. There may be partisan differences concerning a Crime Subcommittee bill—as there are with most others—but rest assured that there will be no criticism about the work that went into it.

These observations are particularly timely today. Late last night the Senate completed congressional consideration of H.R. 3132, the Law Enforcement Officers Protection Act, and it is now on the way to the White House. This legislation bans armor-piercing "cop killer" bullets that can penetrate the bullet resistant vests worn by police officers. It has been the top legislative priority for the law enforcement community over the last 4 years. Yet, despite the compelling nature of the issue and the importance placed upon it by the police community, the long and short of it is that without BILL HUGHES' leadership, deep concern and dogged persistence, this vital police protection measure would have never made it out of committee.

BILL HUGHES not only coauthored the bill with me, but he chaired four hearings on the issue and was responsible for breaking one impasse after another. Perhaps the most critical juncture came in 1984 when, after 2 years of waiting for failed results, BILL told key administration officials that either you work with us in developing a suitable definition of armor-piercing ammunition, or we'll move ahead without you. Within a matter of weeks, the administration crafted the compromise language that finally got the bill moving.

But, BILL HUGHES is not one to let progress stand in the way of what's right. For example, soon after the compromise was developed, presumably with the gun lobby's consent, BILL HUGHES was quick to spot a fatal flaw in the bill. The definition was fine, but it did not ban the sale of existing armor-piercing ammunition—projected to be up to 2 million rounds. The administration said the compromise would crumble if changes were made. BILL HUGHES didn't care about the compromise. He cared about what's right. He went ahead and made the changes that were essential to police safety. Those changes probably cost time, but they will save lives, since the final product sent to the President bans the sale of existing and any new supply of armor-piercing ammunition. That's leadership. That's courage. That's BILL HUGHES.

It's the same BILL HUGHES who went toe to toe with the gun lobby during the recent consideration of the Federal Firearms Law Reform Act and, against almost insurmountable odds, came away with an assortment of impressive victories on behalf of the law enforcement community. Those victories included a ban against machineguns; a ban against silencers; a retention of the law that prohibits the interstate sale of handguns; a mandatory 5-year prison sentence for carrying a firearm during the commission of a drug trafficking offense; and an added 10-year mandatory prison sentence for using a machinegun in a crime. There were other victories, as well, during this process, but the point is clear; just as in the case of the "cop killer" bullet bill, nobody fought any harder nor any more effectively for the interests of law enforcement than BILL HUGHES.

Just how seriously does BILL HUGHES take his job as chairman of the Crime Subcommittee? Consider that during the prior Congress, 16 of his bills coming out of the Crime Subcommittee became law. Few, if any subcommittee chairmen, can lay claim to such an abundance of achievement. Good staff work? Sure. Conscientious and hardworking subcom-

mittee members? Absolutely. After all, BILL HUGHES demands no more from others than he gives of himself, and he gives all there is.

That is why BILL HUGHES has been fighting the war on illicit drugs long before most recognized the severity of the problem. In fact, during the 98th Congress, 5 of his 16 bills that became law sought to provide some form of drug abuse prevention. One established a "Drug Czar" to better coordinate our drug enforcement programs. Another created drug treatment programs for Federal prisoners. A third established enhanced Federal penalties for drug trafficking crimes. The fourth provided deterrents to pharmaceutical robberies; and the fifth sought to crack down on those who sell dangerous prescription drugs on the black market for a sizable profit. In other words, he addressed the drug abuse problem from every conceivable aspect, which is exactly the approach now being recommended by so many others.

He has also been just as tenacious in addressing many other areas of crime, such as money laundering, drug tampering, child pornography, computer fraud, terrorism, trademark counterfeiting, and organized crime. Recognizing the need to provide Federal assistance to help State and local law enforcement efforts, he authored the Justice Assistance Act, which provides millions of dollars each year to State and local law enforcement agencies.

His comprehensive knowledge of criminal law and his expert questioning of hearing witnesses is no coincidence. It comes from having served for 10 years as a well respected prosecutor in his home State of New Jersey. In fact, it was BILL HUGHES who tried the last capital punishment case ever conducted in New Jersey—successfully, I might add.

That is just a brief look at a very remarkable man. There are many other achievements worthy of mention, but they all lead to the same conclusion: BILL HUGHES is the criminal's worst enemy and the law enforcement officer's best friend. As a 23-year police veteran, I am proud to serve with such a man and even prouder to call him my friend.

AN EDITORIAL VIEWPOINT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. BEREUTER. Mr. Speaker, as we approach the last remaining hours of the session before adjourning until September, this Member wishes to share with my colleagues the following editorial from the largest newspaper in my State.

The Omaha World Herald has already laid the groundwork for a message we should expect to hear over and over again as we return to our congressional districts and States. The deficit problem continues to grow worse. Congress refuses to accept its responsibility to deal effectively with this troubling situation.

The task of reducing the deficit is perhaps the greatest endeavor we should be undertaking at this time. The longer we delay, the more difficult that task becomes. This message is absolutely correct and I urge the leadership of the U.S. House of Representatives to permit us to address these crucial fiscal issues now.

I commend to my colleagues the text of the editorial, "Deficit Picture Looks Worse."

[From the Omaha World Herald, Aug. 6, 1986]

DEFICIT PICTURE LOOKS WORSE

New estimates of the 1987 federal budget deficit suggest that the country might be in a worse fix than appeared to be the case just a few weeks ago.

The Congressional Budget Office now projects the deficit for the 1986 fiscal year, which ends Sept. 30, at $224 billion. Next year, even with the efforts Congress has made to comply with the Gramm-Rudman deficit reduction law, the deficit is projected at $177 billion.

Some people might consider the 1987 projection to be moving in the right direction. But what a pitifully inadequate step. Gramm-Rudman requires a deficit of no more than $144 billion next year.

Estimating deficits in federal budgets is an imprecise science. Changing ecomomic conditions take their toll on the accuracy of projections. In recent years, the deficits have almost always turned out to be higher than originally projected.

Indications of a larger-than-expected deficit don't make the job of Congress any easier. The House still hasn't passed an amendment that restores the machinery for automatic reductions in spending if Congress and the White House can't agree on a budget that keeps the deficit within the set limits.

If the amendment didn't pass, Congress might be confronted with the need to vote on deep cuts in spending this fall. If the amendment did pass, the cuts would be made by the administration. Either way, the timing would not be the best; biting the bullet is often the most difficult just before an election.

But what alternative is there? Efforts of the administration and Congress to reduce the deficit have failed miserably.

Last year's deficit was $179 billion. The first projection for this year put the deficit at $171 billion. Now, with an estimated 1986 deficit of $224 billion and a 1987 deficit projected at 23 percent above the target, the budget is slipping backward. Almost no task facing Congress this fall is more important than reducing the deficit; a better opportunity to do so may not be available soon.

MEALS FOR MILLIONS/FREEDOM FROM HUNGER FOUNDATION

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. FAZIO. Mr. Speaker, I would like to call your attention to the work of a nonprofit agency that is making significant progress in the struggle to alleviate hunger and malnutrition around the world. Meals for Millions/Freedom from Hunger Foundation, based in Davis, CA, is observing its 40th anniversary this year. Meals for Millions receives financial support from individuals and institutional donors across the country to conduct its programs. It does not spend a great deal of money on promotion, however, and as a result is not widely known. Its story, I am convinced, deserves to be told.

Beginning in 1946 as a food relief agency, the foundation's history is characterized by creative approaches to complex food and nutrition problems. The path that Meals for Millions is pursuing today, the systematic, applied self-help program it has developed, is worthy of wide awareness, support and replication. I urge Members of both Houses to acquaint themselves with Meals for Millions and to look for means to share what this agency has learned with others who are concerned about lasting solutions to problems of global malnutrition.

As a member of the Select Committee on Hunger, I have had several opportunities to follow Meals for Millions work—including a visit to its headquarters and through testimony it presented at a select committee hearing at the University of California, Davis, in 1984. In the fall of that same year, Meals for Millions received the Presidential World Without Hunger Award in recognition of its important accomplishments.

Meals for Millions' goal is:

First. To strengthen the capabilities of people in developing communities to solve their own food and nutrition problems;

Second. To do so within the framework of the community's economy and culture.

Third. To give special emphasis to nutritional needs of infants, children, pregnant and lactating women;

Fourth. To advance and perfect the participatory or self-help approach to achieve lasting development.

Meals for Millions operates 13 programs in 10 countries, including the United States. It works in Antigua, Honduras, Ecuador, Bolivia, Sierra Leone, Togo, Kenya, Nepal, Thailand, and in southern Arizona. It is currently laying the groundwork for additional programs in Mali, Ghana and Indonesia, while assessing the future role it might play in the fight against malnutrition in the United States itself.

Over the years Meals for Millions has developed effectively ways to coordinate the delivery of government and nongovernment agencies' services to achieve community development. In the coordination process, services are improved and expanded. Meals for Millions has been able to provide people in developing countries with information and skills necessary to produce more food, make more money and obtain improved health care service. It has specifically increased the quality and delivery of nutrition education. The end result is a significant lowering of malnutrition levels among 0–5-year-old children. Meals for Millions calls the process for achieving this kind of integrated rural development an Applied Nutrition Program [ANP].

The ANP provides a comprehensive framework for addressing the wide range of complex, interrelated factors which contribute to hunger and malnutrition. The ANP operates through a process which involves local communities and development agencies in collaborative efforts to identify problems and design and evaluate programs and activities which promote grassroots integrated rural de-

velopment with a nutrition focus. The ANP does not duplicate the activities of existing institutions, rather it aims to fill gaps where they exist, strengthen institutions' delivery capabilities, and establish linkages between people and needed services. The goal is to improve the nutritional status of local populations, particularly mothers and children.

Typically an ANP will consist of a series of specific development projects supported by training for the community members who carry out these projects. The training includes instructions on improving agricultural production, home gardening, basics of nutrition, child spacing, household and community sanitation, growth monitoring of children and small animal raising. The projects involve such activities as home and community gardens, latrine construction, fish ponds, water wells, home improvements, improved rice and soybean production and many other projects with a linkage to nutrition. These projects are supported through a revolving loan fund managed by a community organization.

The kinds of training and projects are determined by the conditions and needs of each program area and are influenced in large part by decisions made by the people of the communities who participate in and benefit from the these programs.

The projects are all aimed at alleviating the root causes of malnutrition—poverty, disease, ignorance, food shortages, etc. Through a process of training, demonstrations and participation, poor people are enabled to be more self-reliant and are producing more food and better conditions for themselves.

I would like to cite only two of the many examples of increased food production: In Lampang, Thailand, two fish ponds were introduced early in the programs to demonstrate how to raise fish to help meet the need for protein and calcium in the diet. In less than 3 years, over 400 fish ponds were constructed by the villagers. The villagers dug their own ponds, the revolving loan fund provided the fingerlings to get them started.

In Zopilotepe, Honduras, corn, bean and rice production were increased by 20 percent through the use of fertilizers and improved management and farming techniques, supported by a revolving loan fund. Adding to that increased production was another 30 percent savings due to improved storage practices introduced by Meals for Millions and adopted by the local farmers. This provides a 50-percent increase in availability of corn, bean and rice for this community.

Development is a process that requires time as well as technical amd monetary input. Each Meals for Millions' program requires a minimum of 5 years and could require 10 years before sufficient local capacity has been developed that the activities can be sustained wholly by local institutions.

The process that Meals for Millions uses in conducting its work is as important as the substance of the program. Let me list what I feel are the significant aspects of the Meals for Millions' approach and the factors I believe most responsible for its success:

First. Meals for Millions will only work where it is welcomed. It has an extensive list of criteria that help determine where it will establish programs. Foremost among these criteria are need and a reasonable resource potential for self-help action to eliminate malnutrition.

Second. The foundation hires primarily local nationals to manage and staff its programs. This policy helps promote acceptance of the program at all levels in the host country, builds in-country expertise, promotes long-term effectiveness and speeds up the process of creating in-country capacity to manage and maintain benefits without outside support.

Third. Building local self-management capability to carry on this development process is the aim of every Meals for Millions' program from the outset. This is accomplished by identifying or creating a local organization, training leadership and volunteer members, so the critical applied nutrition activities can be carried on and extended after Meals for Millions has withdrawn to turn its attention to additional areas of need.

Fourth. Meals for Millions emphasizes collaboration with other agencies, other PVO's, U.N. agencies such as UNICEFF, the Peace Corps and USAID, and especially local public and private organizations. Malnutrition has many causes and it is essential—and more cost effective—to attack the problem from several fronts simultaneously. Typically a Meals for Millions Program will involve local authorities as well as ministeries of health, education, and agriculture plus international private agencies working in the area, two or three Peace Corps volunteers all of whom contribute their special expertise to mobilize the community self-help program to eliminate malnutrition.

Mr. Speaker, while many emergencies require an immediate relief response, we have long recognized that food handouts simply can not solve long-term food problems. Rather, they tend to create a dependence that works against food self-sufficiency. Meals for Millions has taken what is clearly the more difficult path in stemming hunger and malnutrition by joining a self-help philosophy with a substantive, systematic development process, then committing itself to work in programs for the time it takes to enable self-reliant communities to sustain the benefits long beyond the presence of outside benefactors.

Meals for Millions is observing its 40th anniversary by expanding its programs and by exploring the most effective means of sharing its results with others. Again, I urge the endorsement and support of my colleagues in Congress for this kind of program, for there is so much more work to be done. Likewise, I encourage all Americans to be better informed about the problems and consequences of world hunger and to support this kind of self-help response that can demonstrate real improvement, family by family community by community, nation by nation throughout the world.

NUCLEAR WASTE

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. MORRISON of Washington. Mr. Speaker, the Department of Energy has the responsibility to safely dispose of America's accumulating high level nuclear waste. In a most sensitive balancing act, Congress established the framework for nuclear waste disposal with the Nuclear Waste Policy Act in 1982. Since then, the Department has learned that folks all across the country are sensitive about this issue, and their job is not going to be easy.

Through recent decisions, the Department has complicated their working relations with potential host States by first, reaching siting conclusions that go beyond scientific factors, and second, dropping the search for a second repository. The Nuclear Waste Policy Act requires an unprecedented level of cooperation with involved States, and I am sorry to report that the Department has lost credibility.

I'm not throwing radioactive rocks. In fact, I am convicted that we can safely dispose of nuclear waste and am introducing legislation in an effort to get the search for a waste repository back on track.

Yesterday, Congressman SWIFT and I introduced legislation on behalf of our Governor's office that sends the Department of Energy on a technical and scientific search for a repository to store high level nuclear waste and spent fuel.

This bill amends the Nuclear Waste Policy Act of 1982. It incorporates two major concepts: First, the DOE must make a nationwide search for a nuclear waste repository. This is only appropriate since the DOE claims there is presently no need for a second repository. If this is the case, then the first repository should be the best site in the country, not the best site in the Western United States.

Second, political considerations are effectively removed from the process. This is done by establishing a Federal Nuclear Waste Board comprised of the Secretary of Energy, the Secetary of the Interior, and the Administrator of the Environmental Protection Agency. In addition, the National Academy of Sciences would be required to operate as an adviser to this group. A methodology for site selection would have to be designated before the search for a repository could be renewed. This methodology would be the decisionmaking tool and only the President would have the authority to change the final ranking. Even this authority would be checked by an 18-month congressional review of any ranking change proposed by the President.

This bill also removes the deadlines included in the NWPA. Once new guidelines have been issued, a specific amount of time is allocated to each of the next steps. In addition, the Nuclear Waste Policy Act amendments require that an independent group study the need for a second repository. Although the 70,000-metric-ton limit is retained, Congress would have to act on these recommendations.

I am convinced that nuclear power can be a safe, efficient, and economical energy source. This Nation has the scientific resources and the technical knowledge to safely store nuclear waste. This legislation gives the Department another chance to persuade the public that they can carry out the site selection process in an acceptable, technically sound manner.

CONGRESSIONAL AWARD FOR EXEMPLARY SERVICE TO THE PUBLIC BILL

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. GILMAN. Mr. Speaker, today I am introducing H.R. 5431 legislation to amend title 5, United States Code, to codify the Congressional Award for Exemplary Public Service Program. This bill indicates the concern of the Congress for securing proper levels of courtesy and responsiveness in the delivery of services to the public. The Federal Government is the leader in supplying and maintaining exemplary service to the public and without its fine example other large employers would be without a role model.

Exemplary Public Service Program recognizes and publicizes exemplary and courteous service to the public. An additional objective of the Exemplary Public Service Program is to insure that the public is approached with concern and responsibility.

This bill provides that the nominee has demonstrated a degree of courtesy in associating with the public that is outstanding in normal circumstances. Courtesy that is most outstanding to normal expectations is displayed by frequent promptness in responding to requests for assistance. Moreover, more efficient, economic, and effective procedures must have been taken to satisfy the needs of the citizens.

Passage of the legislation will put the Congress on record that it seeks to support worker's responsiveness that exceed normal expectations. The impact of the adoption of this legislation will certainly be with our Nation for a long time to come. I therfore urge my colleagues to support this bill.

Mr. Speaker at this point, in the RECORD I am inserting a full copy of our bill.

H.R. 5431

A bill to amend title 5, United States Code, to codify the Congressional Award for Exemplary Public Service Program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the nature and quality of the contacts citizens have with Government personnel at all levels influence the way Americans think and feel about their Government;

(2) public recognition for consistently courteous service to the public, encouragement of a concerned and responsible attitude toward the public among Government personnel, and underscoring of the previously expressed interest of the President and the Congress in the importance of courtesy throughout Government, should provide greater incentive for courteous conduct by Government personnel;

(3) during the period from 1980 through 1985, the program for the Congressional Award for Exemplary Service to the Public, administratively established by the executive and legislative branches, has generated such interest, enthusiasm, and favorable publicity that 41 departments and agencies participated in the program last year, each nominating outstanding employees; and

(4) the success of such program justifies that it be enacted into permanent law.

SEC. 2. CONGRESSIONAL AWARD FOR EXEMPLARY PUBLIC SERVICE.

Title 5 of the United States Code is amended by redesignating sections 4505, 4506, and 4507, as sections 4506, 4507, and 4508, respectively, and by inserting after section 4504 the following:

"§ 4505. Congressional award for exemplary public service

"The Office of Personnel Management may incur necessary expenses for the honorary recognition of 5 employees annually who provide exemplary and courteous service to the public. Such award may be in addition to any other award under this chapter.".

SEC. 3. CONFORMING AMENDMENT.

Section 4507 of title 5, United States Code, (as redesignated by section 2 of this Act), is amended—

(1) by inserting "(a)" before "The Office"; and

(2) by adding at the end the following:

"(b) The Office shall—

"(1) prescribe regulations and instructions under which nominations for the award under section 4505 shall be made;

"(2) prepare recommendations concerning each nominee for such award; and

"(3) submit such recommendations for consideration by 4 Members of Congress, two to be chosen by the Speaker of the House of Representatives (or his designee) and the chairman and the ranking minority member of the Committee on Post Office and Civil Service of the House of Representatives, and two to be chosen by the President pro tempore of the Senate (or his designee) and the chairman and the ranking minority member of the Committee on Governmental Affairs of the Senate. The 4 Members of Congress so chosen shall annually select from such recommendations a recipient of the Congressional Award for Exemplary Public Service and shall, with the Director of the Office of Personnel Management, present such award to the recipient.".

SEC. 4. TECHNICAL AMENDMENTS.

(a) CLERICAL AMENDMENTS.—The following provisions of law are each amended by striking "4507" and inserting "4508":

(1) Sections 5383(b) and 5384(a)(2) of title 5, United States Code.

(2) Section 1601(c) of title 10, United States Code.

(3) Section 405(b) of the Foreign Service Act of 1980 (22 U.S.C. 3965).

(4) Section 733(a)(5) of title 31, United States Code.

(5) Sections 4101(e) and 4107(c)(3) of title 38, United States Code.

(b) AMENDMENT OF SECTION ANALYSIS.—The section analysis for chapter 45 of title 5, United States Code, is amended by striking the item relating to sections 4505 through 4507 and inserting the following:

"4505. Congressional award for exemplary public service.
"4506. Awards to former employees.
"4507. Regulations.
"4508. Awarding of ranks in the Senior Executive Service.".

A CONGRESSIONAL SALUTE TO C. ROBERT AND AUDREY LANGSLET

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. ANDERSON. Mr. Speaker, today I rise to pay tribute to two very close friends of mine, individuals who have worked diligently on a variety of community projects in the Long Beach area. Mr. C. Robert (Bob) Langslet and his wife Audrey are being honored by the Long Beach Lung Association with the 1986 Humanitarian Award on September 13 of this year. I wish to take this opportunity to express my appreciation for their selfless hard work through the years.

Bob is a World War II veteran and has in the past served as the chairman of the board of directors for the St. Mary Medical Center. He is a member of the President's Council for California State University at Long Beach, the board of trustees for Long Beach City College, Forward Long Beach, the Rotary Club, and the California State World Trade Commission. He is also chairman of the Long Beach Symphony Blue Ribbon Task Force. Bob was appointed to the Long Beach Harbor Commission in October of 1979 and currently serves as the president of the commission. He has received many honors in the community, including the Golden Man and Boy Award presented by the Boys' Club of Long Beach in 1974; the Humanitarian Award given by the National Conference of Christians and Jews in 1980; and is in the Long Beach City College Hall of Fame. In addition, Bob's own construction firm has been lauded for its achievements in innovative land use, environmental beautification, reconstruction and special design projects, and has received 31 national and local awards.

Audrey has in the past served as president of the Long Beach Day Nursery, a member of the Civic Light Opera Board, and the board of the Long Beach Symphony Association. She is currently a member of the boards of the Long Beach Art Museum, the Assistance League, the St. Mary Medical Center, the American Cancer Society, and the American Heart Association. She is vice-chair of the Long Beach City College Child Development Associates, and a member of the executive board of the Long Beach Cancer League. She is also the founder of Operation School Bell, which provides clothing for needy children.

My wife, Lee, joins me in congratulating Bob and Audrey on this special occasion and thanking them for their service to the community. We wish to add our best wishes for the years ahead to them and their children, Craig and Julie Ann, and their grandsons Christopher, Erik, Bryan, and Brett.

AN EDITORIAL VIEWPOINT

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. BEREUTER. Mr. Speaker, an editorial that appeared recently in the Nebraska City News Press of Nebraska City, NE, is especially worthy of notice.

The editorial points out that while we have many problems in agriculture, we must increase exports if we are going to help our agricultural economy. One way to increase exports is to offer the Export Enhancement Program (Export PIK Program) to all interested foreign grain buyers instead of on a limited targeted basis.

The Nigerians, Soviets, and other nationalists are traditional grain customers of the United States, have long said that if the United States would offer their grain on the same terms as it is offered to other countries under Export PIK, they would buy more grain. While we have succeeded in taking back some of the lost markets in a few countries by using Export PIK, we have offended and lost markets in other areas of the world.

Since the beginning of the program, I have urged the administration to apply Export PIK across-the-board to all of our good traditional grain customers. But now more than ever, we cannot miss any opportunities to increase our agricultural exports.

I commend this editorial to my colleagues' attention.

AMERICAN GRAIN SALES SHOULD BE FOR EVERYONE

There are no easy answers to America's agricultural problems—if there were, we presumably would not be in such trouble.

However, it has almost become a truism that we must increase exports if American agriculture is ever to regain its health. One of the first steps to increasing exports is to remove politics from the sale of agricultural commodities to the largest extent possible. Using food as a weapon of foreign policy has contributed to the present problems.

Taking this one step further, we must conclude that the export policies for American agricultural products should be the same for every nation. Regardless of what we work out regarding export subsidies or the lack of subsidies, the policy should apply to all nations, not just friends and allies or nations which we want to influence.

In other words, we would support the amendment passed by the Senate last week which would expand export subsidies on wheat to the Soviet Union and certain other customers. The U.S. sells grain in a world market that is subsidized in other countries; whether or not we subsidize grain sales is a separate question. But as long as the subsidies are available for one nation, they should be available for all nations.

TRIBUTE TO THE HONORABLE ED GARMATZ

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. BIAGGI. Mr. Speaker, on Tuesday, July 22, 1986, my good friend, and former colleague, Eddie Garmatz crossed the bar for the final time. When I joined the Committee on Merchant Marine and Fisheries in the 92d Congress, he was my chairman—and what a chairman he was. I doubt we will see his like pass this way again. He had the good fortune to preside over the committee—and the maritime industry—at perhaps the high watermark for both. He had that special gift—to paraphrase Rudyard Kipling—to walk with kings and never lose the common touch.

Eddie will be remembered as a great champion of the U.S. shipbuilding industry. Now suffering the common fate of steel, automobile, textile, and even agriculture. Such men are irreplaceable. He likewise championed the cause of port industry in the United States—before it even thought of itself in those terms. He supported the American merchant marine with a matchless devotion that bordered on chauvinism.

Above all, Eddie's name, reputation, and voting record were synonymous with American labor. You always knew where Eddie stood on any issue—with the working man. Eddie's unique brand of fundamentalism predated current sloganeering, "Made or Born in the U.S.A." To me Eddie Garmatz personified those uniquely American institutions and forms of symbolic expression from Liberty weekend and Opsail 76 to the Fourth of July barbecue and fireworks.

Eddie Garmatz had his own special brand of patriotism and tradition, infectious qualities that touched everyone with whom he came in contact. Eddie exuded it. You could feel it in his handshake. You could see it in his eyes, too. Eddie had that compassion, zest for living, and love of his fellow man that made him larger than life. Ring no final bells for Eddie. He's just mustered in on a new duty station.

NICARAGUAN AID

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mrs. BOXER. Mr. Speaker, the following article from the Pacific Sun was sent to me by a constituent in Novato, CA. It points out that not always do the American people hear the whole story about what our tax dollars are doing in Nicaragua. Nevertheless, the American people still overwhelmingly oppose Contra aid. I urge my colleagues to consider the implications of this fact as they read the following article:

ALEXANDER COCKBURN

Shortly after ten o'clock on the morning of July 3, a truck headed along a muddy little road from the Nicaraguan village of San Jose de Bocay, about 30 miles from the Honduran border and 160 miles northeast of Managua. The truck carried 33 people, all of them civilians, including 12 women and 12 children. Thirteen of the passengers came from the family of Castillo Lopez. The land mine that detonated under the truck killed 32 of the passengers instantly, blowing their bodies into the surrounding woods and leaving only a portion of the engine block intact. One person survived.

The shock wave from the blast was felt in villages 15 miles away. Soldiers of the German Pomares unit of the Nicaraguan armed forces, hastening to the scene from Jinotega, were unable to find a detonating device. Nicaraguan officials later said they reckoned the land mine had been a U.S. made M-15 contact mine.

Consider for a moment what would have been the reaction in the U.S. media if such a land mine had exploded under a busload of Israelis driving along a road in northern Galilee. And having made such a consideration, now ponder what did appear in U.S. media.

On July 3, TV screens and newspapers were saturated with material about the celebration of the Liberty Cult. As the Nicaraguan soldiers were picking up fragments of human flesh and bone from the woods on either side of the road from San Jose de Bocay, fragments blown there by a mine placed by men to whom the United States had just given $100 million, President Reagan gazed at some ancient sailing craft, including a Chilean torture ship, and said, "Perhaps, indeed, the vessels embody our conception of liberty itself—to have before one no impediments, only open spaces to chart one's course, to take the adventure of life as it comes."

The networks, in the days preceding Liberty Weekend, had not ignored Nicaragua. They found time to mention the closing of La Prensa and the exile of Father Bismarck Carballo and Bishop Vega. They did not find time to mention the murder of 32 men, women and children by the contras. CBS said later that there had been a foul-up, and that no film had been available. NBC said that it had been preoccupied with the coverage of Liberty Weekend. ABC said nothing at all. Many newspapers similarly ignored this striking example of U.S.-sponsored and exported terrorism. Some ran a brief UPI story. The Washington Post and the Boston Globe both ran a story from Julia Preston, filed from Jinotega on July 4.

A familiar excuse of TV and newspaper editors for not covering an event is that deadline pressure or the inaccessiblity of the site prevented adequate reporting. Such excuses are invariably false. If a network or a newspaper wants to cover an event, it will do so, even if it means carrying a picture of Dan Rather talking on the telephone or talking to himself. Bill Kenkeler of the National Catholic Reporter was one person who was stunned by the lack of coverage. He called around trying to find out what happened. Warren Hoge, foreign editor of the New York Times, told him, "It sounds to me like I made a mistake. I ran out of here July 3 for a long weekend. How many fatalities?" Kenkeler told him, and Hoge said, "Obviously, that's major. Let me check with Kinzer what happened to that story."

In fact, the New York Times had run the UPI snippet on July 4, under the headline "Nicaraguan Claim 31 Killed" and next a long Kinzer story about the closing of La Prensa. On July 11 it ran another story by Kinzer, presumably the result of Hoge's

check. After noting that one of the immediate causes of the expulsion of Bishop Vega had been the failure of the Catholic hierarchy to condemn the explosion, Kinzer devoted himself to the task of trying to suggest that (a) the land mine may have been placed by Nicaragua's own armed forces and (b)—contradicting the first supposition—"at least the victims of the explosion . . . were members of the Sandinista milita who may have been wearing olive-green clothing." Sources for the allegations quoted by Kinzer included "diplomats" (i.e. the U.S. Embassy), "a Latin American diplomat" and "reports circulating in the diplomatic community."

Thus did the U.S. media celebrate liberty.

Q&A ON THE INTERNATIONAL COFFEE AGREEMENT

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. GUARINI. Mr. Speaker, the United States is the world's largest consumer of coffee. Each year we import more than 18 million bags. On June 24, 1986, I introduced legislation to extend United States participation in the International Coffee Agreement [ICA] until October 1, 1989. The ICA has been extremely important in maintaining adequate coffee production and accelerating coffee exports to improve world coffee supply and quality in an orderly manner. I believe it is vital that we continue our participation in the agreement. For my colleagues' further understanding of the ICA, I would like to submit the following Q&A:

THE INTERNATIONAL COFFEE AGREEMENT—QUESTIONS AND ANSWERS

Question. What is the International Coffee Agreement?

Answer. The International Coffee Agreement is a treaty under which 50 coffee producing nations and 25 consuming nations, including the United States, strive to attain coffee market stability through a system of export quotas linked to annual consumer demand. The Agreement is administered by the International Coffee Organization, which also undertakes a wide range of activities to strengthen the coffee economy.

Question. Does the Coffee Agreement fix coffee prices?

Answer. No; the Coffee Agreement machinery seeks to keep coffee price fluctuations within a high-low range mutually agreed upon periodically by the producing and consuming nations.

Question. Why not leave coffee prices to the supply-demand forces of "free trade"?

Answer. Before the Agreement, the "free trade" system for coffee was tried for many years, with disastrous results to the producing countries. Prices gyrated wildly: short years of high prices followed by long years of depressed prices. The consequences led to socio-economic and political havoc in many countries of Latin America and Africa which depend heavily on coffee for their export earnings.

Question. When was the International Coffee Agreement initiated?

Answer. In 1962, by 60 producing and consuming countries. The United States was a leading proponent of the Agreement, which has had the support of every President since its establishment: Kennedy, Johnson, Nixon, Ford, Carter and Reagan. The United States has participated in all the International Coffee Agreements: 1962, 1968, 1976 and 1983.

Question. Why has the United States supported the Agreement?

Answer. President Kennedy saw the Agreement as a bulwark for the Alliance for Progress. All Presidents since have recognized that the Agreement provides the producing countries—all underdeveloped or developing countries—with a substantial measure of stability for their coffee earnings and for their economic planning. Colombia, El Salvador, Guatemala, Costa Rica, Honduras and the Ivory Coast, among other friendly countries, earn an important part of their foreign exchange from coffee exports. The livelihood of more than 20 million people around the globe depends on coffee.

Question. Does the United States benefit from the Agreement?

Answer. The relative stability of the world coffee market under the Agreement also assures relative stability of coffee prices to the US consumer and a steady flow of coffee to the US market at fair prices. The United States annually purchases 18 million bags (60 kilos or 132 pounds each) of coffee valued at approximately 4 billon dollars.

Question. If the Coffee Agreement is intended to provide a stable price range, why is the price of coffee today higher than last year?

Answer. A drought in 1985 in Brazil, the largest coffee producer, affected the new year's Brazilian crop. Roasters and speculators alike vied to purchase coffee futures, so that prices rose higher than the Coffee Agreement range of 1.20–1.40 US dollars, despite the action of the producers to throw 2 million additional bags of coffee into the market. Once the prices rose above the range, the Agreement export quota system was automatically suspended on Feb. 19, 1986, so that since there has been in effect a free market in coffee. Meanwhile, prices have come down as producing countries have increased exports to the consuming countries.

Question. What happens if the price of coffee reaches the mid-range of 1.20–1.40 US dollars a pound?

Answer. The Coffee Agreement would automatically restore the suspended export quota machinery at approximately 1.35 dollars a pound level in order to bring back stability to the coffee market.

Question. If this process is automatic, why is action by the US Congress required?

Answer. In 1983 the renewal of the Agreement was ratified by the US Senate for six years, but Congress approved the implementing legislation, essential for the US government to carry out its responsibilities under the treaty, for only three years. The implementing legislation expires September 30, 1986. Failure of the Congress to approve the implementing legislation for the next three years of the six-year Agreement will lead to collapse of the pact. Breakdown of the Agreement will follow because the United States is the largest consumer of coffee and will not be enabled to control coffee imports into the United States as required by the Agreement.

Question. Is US support for the Coffee Agreement a form of aid?

Answer. There is little or no direct cost to the US government. Market stability engendered by the Agreement helps the producing nations by providing stability of earnings. Only with stability in earnings can the coffee countries undertake realistic long-term development programs.

Question. Consumption of coffee has been decreasing in the United States for more than 20 years. Is this due to the Coffee Agreement?

Answer. The decline in coffee consumption is attributable to changes in US drinking habits and attitudes, the fierce competition from other beverages and youth's lack of motivation in following parental traditions. The decline in coffee consumption in the United States has never been halted at any level of price since 1963.

Question. Is it true there have been violations of the Agreement by some producer members selling to nonmembers at lower than market prices?

Answer. There were cases of abuse of the system last year, but the International Coffee Council has taken steps to eliminate violations, to the satisfaction of the US government. Today, nonmembers are paying more than the Agreement member countries for their coffee.

Question. Is it true that some Coffee Agreement members, unable to fill their quotas, were at the same time active exporters to nonmember countries?

Answer. With few exceptions, producers have been shipping their annual quotas in full. In some cases, failure to export full quotas was due to unusual circumstances, such as the lack of demand for specific coffees and problems of currency exchange. Another temporary difficulty was above-normal export to nonmembers, but this problem has been eliminated by the Coffee Organization.

Question. Is it true that the Agreement helps countries regarded as enemies of the United States, such as Cuba and Nicaragua?

Answer. There are 50 producing nations members of the Agreement. Cuba and Nicaragua are small producers, together accounting for only 1.3 percent of total world exports. The Coffee Agreement is also beneficial to the other 48 members, which account for 98.7 percent of total world exports.

Question. With supplies tight as a result of the Brazilian drought in 1985 and anticipation in some quarters of a Brazilian frost this year, it may be many months before the supply situation and coffee prices resume their normal cycle. Why, then, is it urgent for Congress to pass the implementing legislation by September 30, 1986?

Answer. No one can predict a frost in Brazil with certainty, and no one can predict when prices will fall. But when prices drop, they can drop precipitously. Prices have already declined more than 10 percent since January. The implementing legislation, renewed by the US Congress in this session, will provide the Coffee Agreement with the essential standby system to restore stability to the coffee market.

MENTAL ILLNESS AWARENESS WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. GILMAN. Mr. Speaker, I am pleased to join my colleagues in enthusiastic support of House Joint Resolution 552, designating the week of October 5–11, 1986, as "Mental Illness Awareness Week." I would like to thank the gentleman from Oregon [Mr. WYDEN], for

reintroducing this measure this year which will allow us all to focus our attention and our efforts on the great strides that have been made, and the even greater potential which rests with future research, in areas of mental health.

As ranking minority member of the Select Committee on Narcotics Abuse and Control, I have seen firsthand, the frequency with which alcohol and drug abuse go hand in hand with mental illness. Indeed alcohol, drug, and mental disorders affect almost 19 percent of American adults in any 6-month period. Additionally, deaths related to mental disorders are estimated to be 33,000 each year with suicide accounting for at least 29,000 of those deaths. Mental illness knows no socioeconomic boundaries. Indeed our lives were all touched earlier this year when the distinguished junior Senator from the State of North Carolina [Senator East], took his own life. As we all now know, Senator East was suffering from hypothyroidism, a condition known to cause severe depression. Sadly enough, however, Senator East was just one of over 31 million Americans who suffer from diagnosable mental illness. Who can estimate the countless others who live a life of confusion and pain, who are not diagnosed or receiving proper treatment.

The need for this proclamation is apparent. By designating the week of October 5–11 as "Mental Illness Awareness Week," we will turn the Nation's attention to the great need for further research in the area of mental health and to supplement the great work that has been done over the past few decades.

Mr. Speaker, I wonder how many Members in the Chamber know that our 16th President, Abraham Lincoln, suffered from severe depression. Many experts believe him to have been manic-depressive. Fortunately for us Mr. Lincoln persevered through what must have been tremendous adversity and brought this Nation through a terrible Civil War. What if he had not survived. Let us think for a moment of the hundreds—thousands of others who suffer in silence, who are completely debilitated because of mental illness. By adopting this resolution we will be able to bring to the public's attention, for 1 short week, the many different manifestations and treatments, for mental illness. Even if just a few are helped through this proclamation, it will not have been in vain.

THE 84TH ANNUAL CONVENTION OF AMERICAN ROAD AND TRANSPORTATION BUILDERS ASSOCIATION

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. O'NEILL. Mr. Speaker, a list of landmark legislation passed by the Congress of the United States would necessarily include the National System of Interstate and Defense Highways enacted by the 84th Congress.

Today, the 42,500-mile Interstate System stands as the greatest public works project ever undertaken and as a monument to the American construction genius.

1986 marks the 30th anniversary of the Interstate Program and I take this opportunity to salute the talented and dedicated men and women of our transportation construction industry.

Since 1902, this industry has been represented in Washington by the American Road and Transportation Builders Association. The ARTBA has consistently provided Congress with information and support as we have considered transportation and construction issues.

Always in the forefront, the ARTBA has had outstanding leadership to steer its efforts. The new ARTBA chairman, Denver Collins, Jr., continues this tradition.

Mr. Collins is president of Marshal C. Rardin & Sons, Inc., a highway construction firm based in Akron, OH. His road-building experience dates to his days as a waterboy working at his father's side on a road construction crew.

Last month, Mr. Collins addressed the 84th annual convention of the ARTBA in San Francisco. His speech, entitled "Free Enterprise, ARTBA—and You!," follows:

FREE ENTERPRISE, ARTBA—AND YOU!

(By Denver Collins, Jr.)

It is indeed an honor and a privilege to be standing before you as your elected chairman. I can assure you tonight that I do not take this assignment lightly; nor do I stand in awe of it. I recognize the inherent responsibility that accompanies it; and I look forward to the challenges that lie ahead.

I do not look upon the coming year as any kind of personal sacrifice or liability; I welcome it as an opportunity to pay past dues to an industry that has been very kind to me. I want you to know also, that I am extremely proud to be a member of the ARTBA.

I salute those individuals who preceded me in this office because they have created a heritage that is priceless. I challenge you to join with me this coming year so that we might continue to pursue their unfinished work and forge a future that will be even more meaningful than the past.

An association such as this one is much more than a name. It is people! ARTBA, my friends, is you and me. It is our collective efforts and our collective voices that make it our successful spokesman in Washington, DC.

ARTBA is our home in our Nation's Capital. The staff is our staff, and, as is the case with our own home and our own business, what we put into ARTBA in time and resources is what we can expect to get out of it.

I believe ARTBA is a very valuable investment and I pledge to you tonight that I will work diligently to maximize the dividends that flow out of Washington, DC, during the coming year.

Collectively, we must give ARTBA direction. We must look beyond the events and activities of the next few weeks and months. We must begin to plan the future course of our industry. ARTBA, if nothing else, should be the one industry association with vision. If it is, we will further strengthen our position as an industry leader.

If we have a clear vision of the future and provide services that will help the industry meet it, others will be intent on joining and following us.

For those that may not know me too well, let me introduce myself. Thirty years ago, I was a young, eager civil engineer out of Ohio State University. I knew what I wanted to do, but like all young people, I wasn't too sure about how I was going to get it done. The only thing I was positive and confident about was that I wanted to be active in the highway industry.

As it has turned out, I've been fortunate to spend my entire adult life in this industry. In fact, I have spent the last 30-plus years with the same company. It goes without saying that to do something that long you must not only enjoy it, but you must believe in it. Ladies and gentlemen, I truly believe in this industry and am extremely proud to be a part of it.

Through the years, I have been a very patriotic individual—extremely proud and grateful for the opportunity of being an American. One of the reasons that I have always felt this way is because of the freedom that I have had to conduct myself so as to remain in control, somewhat, of my own destiny. That is very important to me, and especially so when you consider the fact that there are millions of people throughout this world who live an entire lifetime and never know that opportunity. Because I feel this way, I am becoming more and more concerned about what is happening to us in this industry.

Through the years, I have seen this industry change considerably. First, it was a collection of strong-willed men able to operate in a true free entreprise system. They combined personal incentive, creativity, investment of surplus in tools, innovative thinking, and opportunities of freedom, and came out with a personal annual production rate that had never before been achieved anywhere in the world.

I am here tonight to tell you that same system still exists—even though it has been warped and shackled by an overgrown government.

As each day goes past, I see an even greater need for people in this industry to maintain a united and dedicated effort, so that we might, as a unit, exemplify a strong commitment to the free enterprise principles that we all so desperately need to survive in this industry.

I truly feel the construction industry is the last frontier of that true free enterprise system. It has allowed our industry to achieve greatness and maintain the freedoms that we all have been so privileged to work under. I think also, history has proven repeatedly, it is these basic freedoms, more than any other single cause, that has allowed the rest of the world to look upon us with respect, envy, and yes, sometimes even resentment.

As we look back at where we came from, it is obvious that this industry was conceived and created by men who had the desire to dream, the wisdom and the will to make those dreams come true, and the dedication and the determination to remain in control of their own industry. They disciplined their own lives as well as their own organizations in accordance with these guidelines. They realized that free enterprise and individual freedoms are inseparable. If we lose one, we lose them both.

We certainly cannot afford to have that happen to this industry. When you consider the fact that it takes 15 years from the time that a major highway is conceived until it goes to construction, it is obvious that we in this industry have lost some of our freedoms to create and build what is expected from us.

When you consider the fact that we must prepare bid documents in accordance with quotas, not competitive prices, it is obvious that this industry is compromising basic freedoms. We must, each one of us, personally take a position that places the preservation of our industry's freedom as our number one priority.

Thomas Jefferson, a remarkably brilliant man who loved his country dearly, wrote his friend John Adams and said: "I agree with you, John, that there is a natural aristocracy among men. The grounds of these are virtue and talents."

He was expressing his strong belief that there are extraordinary possibilities in common, ordinary people. If you give them the freedom and the opportunity, they will not only better their own lives, but they will at the same time properly shape and advance America's destiny.

I can assure you that there are constructive and productive ways for this industry to participate in the social and economic changes that are taking place in our country—ways that will not compromise and destroy the basic freedoms of this industry. We must work hard to change the present legislation that is destroying the very foundation upon which our free enterprise system is built.

This industry is more capable and willing to shoulder its share of these national problems. All we need is to have programs which give legitimate opportunities to all, not regulations with unworkable quotas and numbers that in the end have proven only to deny and to destroy. We must work hard as an association to bring sanity back to our open competitive bid process.

There has never been a generation in the history of our nation that has paid a higher price for the freedom of which I speak. Our generation spans three wars: World War II, Korea, and Vietnam.

When I go to Washington, DC, I always visit a couple of close friends who are buried on a rolling hillside in Arlington Cemetery. Etched in marble at Arlington is a score card: World War II, 396,637; Korea, 36,299; and Vietnam, 57,617.

We have paid a high price because we believed in our own personal freedoms—freedom to control our own lives—freedom to control our own destiny. Now, after having paid that kind of a price, we are for some reason getting away from the economic incentive philosophy that historically has been so successful in keeping our economy strong, both at home and around the world.

It is really not our place—in my mind—to question and change these time-tested principles that for 200 years have been absolute proof of our industry's ability to build a better America. It is more our place to decide how best we can implement these same principles in our changing world today. To help put these changes into proper perspective, let me remind you that between 1935–1950 prime rate only changed three times. Since 1970 it has changed over 200 times.

ARTBA must not blindly resist these changes, but must position itself so that it can capitalize upon the opportunities that inevitably follow change.

As we go about the business of doing this, there are those who will say that the free enterprise system is no good, that it isn't fair. Well, I believe it is the fairest and best wealth-producing system the world has ever known. And it is this system, and the surplus wealth that it generates, that makes it possible for this nation to develop all aspects of the good life: better education, better health, more leisure time, cultural activities, music, art, church, schools, hospitals. All of these things depend on surplus wealth.

The free enterprise system closes no doors; it offers hope and promise to those who are willing to go the extra mile, to work a bit harder than the next guy, and to constantly seek out the opportunities that some unwisely call "lucky breaks."

The free enterprise system, the system of competitive bidding that sparks our industry and the American economy, is well worth preserving. We should not be ashamed to stand up and defend it against its critics. We should be proud to have the privilege of participating in it. We have to get back to the basics and let this system work!

We are kind of like the sailor, I think.

We must sail sometimes with the wind, sometimes against it. But we must always sail; never drift or lie at anchor. We must get back to rewarding results, not efforts.

We must provide educational programs so that we can give people incentive to work smarter, not necessarily harder.

We must realize as individuals and as an association, that we will never be any better than what we demand of ourselves, and we will always be as poor as what we will tolerate.

As industry leaders, we must begin anew, to encourage individuals to dream, create, achieve, improve, and join together as an industry in the pursuit of new ideas and of excellence.

We can no longer afford to sit around in this industry as individuals and talk about "Who are you? Who am I?" We better be wise enough to spend our time working together and talking about "who are we."

If we don't our industry's voice will be drowned out in the halls of Congress and in our state legislatures across this land. If we do not provide the vision, the future plan, the strategy for excellence, we will further lose our freedoms. They will continue to be taken from us as surely as night turns to day.

I hope you realize that ARTBA is one of the few vehicles that we have available to properly accomplish this job. We must all, working together, bear the burdens of this industry! Then, and only then, can we all share equally in its rewards.

I trust that you will recognize this fact and treat your association accordingly. Treat it with constructive criticism. Treat it with helpful praise. But be active enough in its affairs to treat it often.

You have officers who are very capable leaders, all they need is your support. I trust that you will continue to supply that support through the coming years. When you experience those times when it is easier to skip a meeting rather than attend, or you get the feeling that you are not accomplishing anything, then I challenge you to work harder.

I would remind you that within a couple miles of the Capitol Building in Washington, DC, there exist over 2,300 active associations and special interest groups.

Why, you ask, would there be this many? The answer is simple. These people have already learned that it is a unified, dedicated, collective effort that gets results. If those who oppose our freedoms, our beliefs, our plans for the future mobility of this nation, work harder than we do, or are more articulate when they express their point of view, they will win, we will lose. It's that simple.

It is my conviction that this association must be accurate, articulate, and aggressive with its ideas. And since I believe in the saying "we are what we speak," I think it is important for ARTBA to have guidelines that are up front for all to see and hear.

Through these past years, I have held dear a few basic beliefs that were passed along to me as a young man. I think they will give you some idea of what to expect this coming year. Let me share them with you:

I believe in the supreme worth of the individual and in his right to life, liberty and the pursuit of happiness.

I believe that every right implies a responsibility; every opportunity, an obligation; every possession, a duty.

I believe that the law was made for man and not man for the law; that government is the servant of the people and not their master.

I believe in the dignity of labor, whether with the head or with the hand; that the world owes no man a living, but that it owes every man an opportunity to make a living.

I believe that thrift is essential to well ordered living and that economy is a prime requisite of sound financial structure, whether in government, business or personal affairs.

I believe that truth and justice are fundamental to an enduring social order.

I believe in the sacredness of a promise, that a man's word should be as good as his bond; that character—not wealth or power or position—is of supreme worth.

I believe that the rendering of useful service is the common duty of all mankind.

I believe in an all-wise and an all-loving God, and that the individual's highest fulfillment, greatest happiness, and widest usefulness are to be found in living in harmony with His will.

And last, I believe that love is the greatest thing in the world; that it alone can overcome hate; that right can and will triumph over might.

Just so that you don't misunderstand what I am saying, I have one other thought.

I know full well as I stand here before you, that what I say, what I believe, what I dream for this industry will, in the final accounting, be of very little consequence.

I know also that just as in all other stations in life, the thing that always truly means the most, is that which we can do.

I commend each one of you for what you are doing this week. For having taken time to come and support this convention. It is these kinds of actions that will not only lead to the betterment of yourselves, but equally as important, to the betterment of your industry.

I came here tonight to express my belief in the future of this country and of this industry; a belief that is based upon confidence in people such as yourselves. I am not ashamed of the fact that I am bullish on America. But I would be something less than honest with you if I did not openly recognize the fact that we have a few economic and social problems in this country and, in turn, in this industry.

I would only remind you that over the past 200 years this nation has deviated from its course before, and we, the American people, have always been able to return it to a proper heading. I would point out also that if we are to do this again, and if we are to rebuild America as we know we must, it must be done by you and me. I say this because if there is one thing that I have learned these past years as I traveled

around this country, it is a simple fact of truth, that America truly is you and me.

I can assure you that if we will rededicate ourselves to doing our part, our problems today will become tomorrow's opportunities. I think that we in ARTBA have not only an opportunity, but an inherent responsibility, to help lead this country and this industry back to good health and prosperity.

I, for one, certainly would not want to be part of a generation that gave up the battle and surrendered our country to economic ruin. The resources are available. The opportunities are many. It is really up to us. I can assure you tonight that the American Dream can never die as long as you and I have the will to keep it alive.

Just two weeks ago, I could not help but stand tall with pride as I watched the President of the United States throw the switch that relit the torch that is symbolic of all our dreams. I felt the renewal of the spirit and the raw guts that have made this country great. It was also a sobering reminder that everything worthwhile carries the risk of failure.

We must be prepared to face these risks with the same spirit that accompanied those 17 million immigrants who gambled on America. They learned very quickly that to be born free is a privilege, to die free is an awesome responsibility.

In a way, tonight is our torch lighting. We inherit the flame that has been kept alive by those who have preceded us.

I have the utmost confidence that one year from tonight we will be passing a torch that will be burning even brighter than it is now. I intend to carry this torch so that I will be able to appear before you at that time and be extremely proud of where we have been, be extremely grateful to all of you, my friends, and be extremely humble because God gave me the chance.

If that chance might include offering a prayer for this coming year, it would be very simple:

Let there be peace on earth, good will toward all men.

Let there be meaningful and effective leadership throughout this association this coming year.

And please, Dear Lord, let it begin with me!

I thank you very much!

IDA NUDEL

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. HOYER. Mr. Speaker, today I received a copy of a story that appeared in the Jerusalem Post International Edition from Elena Fridman. The article is a story of a woman the world has come to know, to respect, and to care for. It is illustrative of the plight of Soviet Jews, yet atypical in its depiction of the individual withstanding the senseless yet purposeful brutality of the Soviet state. It is the story of the strength, the courage, and the determination of a remarkable woman who may feel alone yet speaks for millions. It is the story of Ida Nudel. I commend it to my colleagues.

[From the Jerusalem Post International Edition, July 5, 1986]

IDA NUDEL'S LONG WHITE NIGHT

Ida Nudel, in her 15th year as a leader of the movement to free Soviet Jews from their Russian Communist masters, managed to elude her KGB shadows for a few days at the beginning of June, emerging suddenly among friends in Leningrad, on her first visit there in years. It was an act that reflected both defiance and desperation. The woman who is considered the soul of the Jewish emigration movement remains obsessed with the desire to live in Israel, and though she is considered as selfless as ever—aiding prisoners of conscience, or sheltering evacuees from the Chernobyl region—it is felt that she herself cannot wait any longer, that the Jewish people and the Israeli government must somehow rescue her immediately, or she will not be able to survive.

At the same time, she is concerned that the entire movement, though revitalized by a new generation of refuseniks, may be in jeopardy, as the Soviet regime continues to pursue a neo-Stalinist line on "the Jewish question."

Nudel, whom her friends describe as "a city person," has been living in semi-exile in the small rural Moldavian town of Bendery since her release from four years of Siberian exile in 1982. She is a cosmopolitan soul among simple, provincial people, many of them Jews who are too afraid even to talk to her. At 55, her bespectacled face is a map of where she has been and what she has gone through: cracked country lips, a furrowed intelligent brow, black hair streaked with grey, penetrating Gloria Swanson eyes, and an aura that alternates between massive strength and obvious vulnerability.

She is warm, inspiring and indomitable, yet the wear and tear of Soviet persecution is evident. It is the nature of secret police to be cruel, and until now, they have been unrelenting in hounding and tormenting the frail refusnik, who suffers from a diseased heart. "I cannot wait anymore," she says. "Take me out. I want Israel now!"

About a month before her visit to Leningrad, she had tried unsuccessfully to leave Bendery for a trip to Tbilisi to say goodbye to her close friends Isai and Grigory Goldshtein the long-time refuseniks who had finally gotten permission to go to Israel. She got as far as the Kishinev airport, where a militia detective pointed his umbrella at her and commanded his men: "This woman. Take her!"

As they hustled her into a waiting car, they demanded: "Keep silent!" Nudel would remark later: "Everything in the Soviet Union must be kept quiet." They warned her not to try again: "It is in your interest not to go."

Nevertheless, she tried again the next morning, by bus from Bendery. A green Volga packed with KGB men trailed the bus until it reached the town limits. Local militiamen, who towered over the diminutive refusenik, wrestled her out of the bus. "Big strong men—it was really funny, if it wasn't so depressing," recalled Nudel, who has an eye for the farcical and the tragic.

Ida Nudel is an actress, too, with a dramatic voice and manner; and in the view of those who know her, she is a seer, one who looks deeply into her own soul, drawing upon a treasure of self-knowledge. In the course of conversation, she displays a wide range of emotions of her face, from intense concentration, to melancholia, to joy of life. She smiles broadly, and the silver crowns of her teeth reflect the light.

My initial meeting with her lasted 10 hours, as she talked deep into the white night: in June in Leningrad, the sun still shines at midnight, a strange phenomenon that disturbs the equilibrium, confusing one's sense of time. Ida Nudel unburdened herself in the first such interview she has managed to give in years. It took place in a boxy little flat inside a vast grey complex of hundreds of identical apartments, like innumerable other projects that surround the great Soviet cities and house millions of worker bees. Our host, checking for surveillance, frequently parted the curtains to look out the window, which was clouded with salty residue from the Baltic seas air. The KGB men, most of whom look like they belong in a "B" movie, were not yet in evidence—it would take them a whole day to pick up her trail again.

Leningrad, the "Window on the West" built by Peter the Great, is the city of Pushkin, Dostoevsky, and, of course, the Communist deity, V.I. Lenin. The inner city, much of it built by the achitect Rastrelli, has a Venice-like quality. But to Ida Nudel and the other refuseniks, it is a precinct of hell—there's nothing quaint or redeeming or "European" in the evil empire. Only Israel, or their dream of Israel, is beautiful in their eyes.

So the great Russian culture leaves them cold. Ida, as a teenager, had read Pushkin and Lermontov to the Soviet nation on the radio. And then, suddenly, at age 17, she wasn't a Russian anyone. Early on, she came to understand that the ancient history of the Jews of Russia was over, that the Exile was over, that the Jews had to leave Russia forever.

One of her favourite ballads, by the late Vladimir Visotsky (the USSR's Bob Dylan), is about an animal surrounded by hunters, and the "red line" around him. "He knows, through the milk of his mother, that it is forbidden to go through that line," Nudel said, as she recalled an episode during her Siberian exile. An article had appeared in the local press about the Zionist enemy, mentioning Ida Nudel as one of the foremost villains. The next day, as she walked through the woods on her way back to her cabin, she was followed by five men.

She could hear them talking about her, but blocked out their actual words. "I could only hear them on an animal level—I listened to their tone, to know whether they were really angry or not. Visotsky's song repeated in my heart all that day, because it was my own situation. It you are followed, you feel hounded. This feeling applies to all who are surrounded and persecuted. These men were angry about this women with the clever eyes * * * but they didn't attack me. I didn't turn around. Just kept walking, until I was out of the woods * * *"

In Siberia, she was under constant surveillance throughout her four-year term. When she was released in March 1982, she had the legal right to live in Moscow or anywhere else she chose, and to be registered there—all Soviet citizens must be registered in the town or city where they reside. But Nudel, like her friends Anatoly Shcharansky and Vladimir Slepak (the latter received a five-year term in exile at the same time that she was sentenced to four years for "anti-Soviet activity") was regarded as a primary enemy of the people. And the Soviet authorities flaunt their own laws whenever they feel called upon to do so.

When she got to her home in Moscow after the rigours of Siberia, they gave her 72 hours to get out. They never said how long the ban would last. She tried to register in seven towns outside the 100-kilometre zone around greater Moscow. It was a nightmare. For example, she thought she would get permission to live in Strunino near Alex-

andzov, where her friend Mark Nashpitz, who had also been in Siberian exile, was living (Nashpitz was permitted to emigrate to Israel last year); but despite his efforts to help her, she was expelled. After four days in the town, the police and KGB came, took the book of registration from the home where she was staying, and threatened the woman who owned the house, as well as her son. "Why are you registering this terrible woman?" one KGB agent asked, as he removed Nudel's name from the book.

Wherever she went, it was the same. Every time, after four days, when the KGB reviewed the registration lists in every hamlet of the USSR, she would be expelled. "I began to understand how popular I was with the KGB." She tried again, this time in the Baltic republics, where she had some cousins—in Riga, for example. But she was in a state of homelessness that would last for half a year. And she felt like a hunted animal.

"I went to Tartu in Estonia, where a friend I helped in prison camp now lived. He wrote to me and said he would try to get me registered there. I had no registration stamp in my internal passport, the document that all Soviet citizens over age 16 must carry." That was the mark, or nonmark, of Cain.

"I only had my friend's post-office box address, and I arrived late at night in the little town. I was very weak from my exile, and carried an outsized, very heavy suitcase. I was absolutely exhausted, suffering from heart disease and carrying that suitcase, which was bigger than I am. I went to a rooming house, and the clerk gave me a registration card, which I duly filled out. Then she wanted to check my passport. When she found that I wasn't registered, she said, 'You're not registered anywhere. How's that possible? Get out of here right now, or I'll call the militia.' She became very pale, and went out to call the police."

"I left immediately, walking to the bus station. It was closed, and there was no place to wait. I walked very slowly to a little square with benches. Physically, I was absolutely exhausted, and very depressed. Some people were lying on the benches. I watched the police come by and roust them, shouting at them to move on. I wondered, by God, what should I do? I came across a long-distance telephone station and asked a woman clerk there if I could sit and wait to make my call. She said okay. But after an hour, she told me, 'We're closing now. We're closing the door. Get out of here.'

"I went back to the bus station, but there was no place to stay. The police roust homeless people, the drunks and whores who are at the bottom of society—in prison, they're called 'ex-intelligentsia.' I went with some of them and found a place to rest. I was numb. But I couldn't stand it among them after half an hour, and didn't know what to do. That's what it means not to have registration, not to have that stamp in your internal passport. I told myself in my heart that never again would I go to a town where I didn't know there was someone to give me shelter. . . .

"This incident was just one of many which exhausted my soul. A human being is really very limited in his power. I was suffering from my heart problems—the left and right sides must be synchronized, and the left side of my heart was blocked. It is a very painful condition, and stress made it worse. It hurt most at night when I lay in bed, especially between 3 and 4 a.m. The emotional and physical effort increased the pain in my heart."

She didn't know where to go, but she knew where not to go—the Ukraine, virulently anti-Semitic, was dangerous for a well-known refusenik, and "not for me"; nor did Byelorussia, where she knew no one, offer a haven. She tried again elsewhere in the Baltic states, the three countries annexed by the Soviet empire in the World War II era. But the KGB warned prospective hosts—including the father of former prisoners Sylva and Israel Zalmanson—that she would never be allowed to register there.

Then, when she was about to abandon hope after six months of wandering around the Soviet Union, she received a message from a man in Bendery, Moldavia, who had sent her packages while she was in exile. Somehow, he managed to have her registered in the town of 100,000, some 200 kilometres north of the Black Sea and east of the Romanian border.

Nevertheless, after four days, she was pushed into a police car and brought before the town's police chief, a big man who shouted and stamped his feet, demanding to know how she had managed to be registered in his town.

"I just sat there as he ranted at me, until the storm subsided. He was calmed by my personality. I said, 'Look at you. You're a man. You have a gun. You have many aides here who can kill me. Why are you shouting?' My manner, and my spirit, were my only weapons. 'Why are you afraid of me?' I asked him. He was no fool. He calmed down, and turned toward the window. A big very strong man who had shouted hysterically at a small woman. But I had bested him, and he knew it, and he let me go."

Nudel attributes some of her stronger qualities to her parents and her upbringing. She was born in 1931 in Novorossiysk on the Black Sea. Her father was "highly energetic and charming and kind and communicative," and both parents were very loving to her and her sister, Ilana (who now lives in Rehovot). Her father was in charge of the labour force at a cement factory, and was devoted to his work. When Ida was one month old, a flood threatened the factory, and both her parents ran out to help save the plant's equipment, leaving her in a cradle on the bed. They didn't realize that the flood waters also threatened their small hut. When they returned home, they found their daughter floating around the room. "It was good timing . . . That's where my devotedness comes from, my father. He was a very devoted man."

Fifty years later, she is back in the Black Sea region, living in the primitive conditions she had known as a child. Only this is much worse: Bendery is limbo. "I don't live there spiritually. I don't live in the Soviet Union in my spirit. I wish the Russian people well, but I want all Jews to understand; it was our fate before to live here. But now we have a country of our own, at last.

Bendery has a population of about 100,000, but it is more a big village than a town, with small, individual houses, which are rare in the big cities. Before the big wave of Jewish emigration that peaked in 1979, there were about 15,000 Jews in the town. Now there are some 8,000 Jews: tailors, shoemakers and craftsmen, whose children are teachers or engineers. There are 40 refusenik families, but Nudel has contact with only two of them—the Liebermans and the Royaks. Everyone else is afraid.

She lives with her collie dog in a pleasant hut of two small rooms. It took two years to make it livable; piping in cold water, bringing in electricity. When she first settled in, Nudel thought that she would be able to change the lives of her Jewish neighbours, by applying her formidable energies to the task. "I thought I could change the mood of the Jews of Bendery. I tried, and these two families tried with me—they were born there, know the town. I organized a Hanukka celebration, including a musical show and a talk on Jewish history. The kids dressed up in blue and white and held candles while I told them something of the story of our people. It was a very simple show, and the kids were very happy.

Then the police came, and intimidated the 30 people there, telling them what the consequences would be at their places of work—it's harder for the Jews of small towns. After that day, when I met people who had been at the celebration, they pretended not to know me. It was the end of my short career in Bendery. I understood. I could do nothing. I kept trying, but it was fruitless. I don't stop with one disappointment. I'm stubborn and devoted to my ideas. I tried for two years to influence the people there. But they are afraid. They are simple people, and they have reason to be afraid."

When Nudel went to Bendery, she knew what a great gulf separated her from the local Jews. She was a famous person, with supporters around the world—in Siberia, she got 12,000 letters from people in 51 countries. She knew she had the sympathy of many more people. "I'm safe, secure in my heart. But the Jews of Bendery don't have this feeling, this inner security." They do not feel that anyone in the West is at all interested in their fate, and they do not want to get involved with "the troublemaker." Nudel is virtually isolated, not allowed to travel. Actress Jane Fonda visited her in April 1983—even the Kremlin could not say no to her—but when former vice-presidential candidate Geraldine Ferraro attempted to visit Nudel last year, she was denied permission.

It took Nudel almost two years to recover physically from the strain of Siberian exile and the six-month nightmare that followed. Given her frail condition, the house chores in Bendery were excrutiating for her: she had to bring water inside, dump the dirty water outside, carry coal. Like all Soviet citizens, she had to spend hours waiting in long queues to buy food, or anything else. But it was the chores that took the biggest toll. "It took me many hours to do this housework. I'd feel my heart pounding into my body. Pain . . .

"Westerners just do not comprehend the complicated Soviet life, how depressing it is, how much time and energy the Soviet system demands. It took me a year to get gas to warm my house. And I was lucky!"

She has continued to write and to send packages to the refuseniks who were imprisoned by the Soviet regime on trumped-up charges. Her efforts to keep up-to-date on their conditions of servitude were undiminished. There is no more important work in the Jewish movement, according to other refuseniks. Information is the only weapon the Jews have. And the prisoners are at the forefront of the movement. When Ida found that a prisoner was ill, she would send telegrams to doctors, get the information to refusenik circles in Moscow or Leningrad and thence to the West. She has received hundreds of letters from prisoners, and one of her dreams is to publish a book of these letters. "They tell it all. They give you an idea of their inner lives, how their Jewishness has evolved and how it changes, and how

the support is going on." She has never stopped being involved.

But she feels she has lost touch with the day-to-day developments in the movement. "I was exiled, and still live in exile. They punished me severely by cutting me off. I don't know most of the young refuseniks, but I have some understanding of the situation." (In the next few days in Leningrad, she would visit many of the new generation of refuseniks, as well as veteran movement people.)

"I do know that the Jewish soul is awakening here again. There is a special spirit of dignity and identity. Part of it is a reaction to the malicious anti-Semitism that is vented in the newspapers and on television, and young Jews feel it. Years ago, Jews had to suppress their wounded heart. But now—in the big cities, because the situation is different there—you can see that Jewish people are more dignified and proud, speak openly about being a Jew. It's especially true of the youth, between the ages of 12 and 15, the time when you become your own self.

Some children feel only guilt when confronted by the anti-Jewish venom on television, but I think most of the youth will choose to pursue their Jewish identity. It's a new life, unusual, fantastic! All of us, Russians as well, lead a double life in the Soviet Union. We lead a secret life. Now these young Jews totally reject the colourless, annoying Soviet life. Their Jewish identity makes life suddenly so interesting."

She believes that the question of whether the movement will continue to grow and to succeed in the goal of repatriation—these Jews regard themselves as Israelis held captive in an authoritarian land—depends entirely on the West. "Otherwise, the movement will be lost. People in the West must protest against every persecution, against every attempt to suppress our movement. No one can understand just how powerful our movement can be, but it depends completely on support from the West."

Like most of the 35 refuseniks I spoke to during a 15-day visit to the USSR, Ida Nudel spoke glowingly of President Reagan. (When she told Jane Fonda how much she admired Reagan and hoped for his reelection, the liberal actress held her finger to her mouth and whispered "shhh—the intellectuals would never understand that.") Nudel urges a tough, no-nonsense line when dealing with the Kremlin. Referring to the Helsinki accords (the 1975 agreement on European security, cooperation and human rights). Nudel said: "The Soviets signed it. They agreed to fulfil it. So do it! If they don't do it, how can the U.S. trust their word on more complicated agreements? Helsinki is the key and always will be. The West should not sign any accords on arms or anything else until the Soviets show a willingness to abide by the Helsinki agreement."

She thinks the Kremlin would strongly resist any attempts by the West to abrogate the agreement because of Soviet non-compliance with the human rights question, which include the basic human right to emigrate. "You can say to the Soviets, 'If you don't want to fulfil the accords, then take back your signature.' But they'll never take it back, because the first and second parts are so important to them—so the demand must be: 'Then fulfil the third basket.'" [The political aspects of the accords recognize Soviet hegemony over Eastern Europe territories. The third basket concerns human rights.]

She feels that there should be a conference to discuss the question of abrogating the accords unless the Soviet comply with all three baskets. The Reagan administration and Congress should call this conference, perhaps with the participation of all 35 signatories. But she is not sanguine about the chances for any action. The West continually appeases the Kremlin, in her view.

The Soviets never do anything without testing the waters first. They throw a bone to see how the dog will react. If they get the desired reaction, they'll throw the bone further each time. The West more or less kept silent when the KGB put Sakharov on a plane [sending him to exile in Gorky]. If there had been a strong, universal reaction, the Soviets would have given in. Something similar occurred when they decided to cut off emigration. It started in Kharkov in the Ukraine, when they said that, 'Only people with immediate relatives abroad will be allowed out.' The West was silent. When there was no reaction to what they did in Kharkov, they applied this rule to the whole USSR.

"You must understand, it's like a different planet here. After Chernobyl, it has become obvious that our life on earth depends on making this society more open. Otherwise, tomorrow, nobody knows what will happen. If emigration is open, this society will change."

She advocates a high-pressure campaign in the West, and says she is in complete agreement with the approach pursued by Anatoly (Natan) Shcharansky. "We were together many years. We shared opinions on many thing. Because of our common understanding, we were very close. He understands my place in the movement—as a former prisoner, he understands."

Like Shcharansky, Nudel was deeply involved with the dissident movement, the Helsinki Watch Group led by Yuri Orlov, Alexander Ginzburg and others. "I was with the Helsinki people, and know them better than some Jews. I agreed entirely with them. Shcharansky was absolutely right when he stressed the connection between the Jewish movement and the dissident movement. If you don't think like the authorities, you are a dissident. If you're not loyal to the system, you're a dissident. . . [The dissident leaders were imprisoned in 1978, the same year that Nudel, Shcharansky and Slepak, all of whom supported the human rights movement, were also sentenced.]

The only solace Ida Nudel gets is from her writing—letters to some 30 people, prisoners and members of their families. It takes almost all of her time. She had just lost contact with some of her correspondents, and was worried about them, for instance: Leonid Shrayer, a refusenik serving three years in Izraslay, Ukraine, for "anti-Soviet activity."

Ida also works in her garden, growing her own vegetables and tending fruit trees, all of which were affected by the Chernobyl radiation. Immediately after the nuclear disaster, she took in five children evacuated from Kiev, Jews and non-Jews. "Everybody is a slave here," Nudel says, "They don't care if we live or die." The refuseniks want to get out, and now. Ida Nudel, after 15 years of struggle, is the epitome of this desperate desire. In short, she has had it.

"I think only how to escape from this place. I've gone through thousands of clashes with the KGB. What can I say more? Take me out. I cannot wait anymore. I want Israel now!"

But in her mind, she has made a "Schindler's list" of who should get out first, and her own name is not at the top. Her list begins with the 21 prisoners of conscience, with the ailing Yuli Edelstein, and with Yosef Begun, and the others; Moshe Abramov, Yevgeny Yakir, Ya'acov Levin, Nadezhda Fradkova, Zachar Zunshyne, Alexander Cholimyansky, Yoseph Zissels, Yaacov Rozenbert, Leonid Volvosky, Yoseph Bernstein, Roald Zelichonik, Vladimir Brodsky, Vladimir Lifshits, Betzalel Shalolashvili, Alexei Magraik, Lev Shefer.

Then come the people who have served in prison or in exile, like Vladimir and Masha Slepak, and herself. Then refuseniks with boys approaching army age (once inducted into the army, Jews, though they do not carry rifles or engage in anything but manual labour, are said by the Soviet authorities to have had access to "state secrets" and can be denied emigration visas for five, 10, even 15 years.)

Then come the families with three children or more, and the most activist refuseniks. Then the rest of the refuseniks (no one knows the number, but its estimated that there are as many as 400,000 who want to emigrate), followed by the rest of Soviet Jewry (according to the Soviet census, there are about two million Jews; but Nudel and other activists say there are three to four million Jews in the USSR, a large number of whom were intermarried and registered themselves as "Russians" or "Ukrainians" in order to ease their lives).

"I daydreamed that they asked me, 'Who goes out?' I thought about it a lot." What can people in the West do? "Rally public opinion, press for government declarations, make films and write books, send letters to refuseniks and to the Soviet government. Deluge them, approach French, German and Japanese businessmen who trade with the Soviet Union, get them to each ask for one person, one family. It has to be done on a personal level. If the businessman works at it, he'll succeed. You need very devoted people, you need many people like Isai Goldshtein. Make an animated film—the grotesque story of how I escaped this town for a few days. Make people understand the situation. Make posters. Make it so you laugh and cry. The Soviets are very sensitive, and they're afraid to be laughed at. Find people who can finance these activities."

She speaks with semi-professional authority when she suggests making an animated film (she thought her friend Felix Kandel, a writer and former refusenik now in Israel, could do "the perfect script"). When Nudel was in Siberia, she made a film about her life there that has been seen around the world, and remains one of the most moving and impressive shorts ever made. In the winter of 1978-1979, Yevgeny Tzirlin and Boris Chernobylsky had planned to travel to the Jewish village of Ilyika—a forbidden place, because all of the Jews there had applied to go to Israel—and to make a documentary. Tzirlin visited Nudel in Siberia first, and said he wanted to practise with his camera.

Why practise? Let's make a film", she told him. She wrote the scenario, which he translated into English, "We worked all day, shooting film in my very little room where I lived with my dog. It was very cold, the snow blowing and churning outside, I said 'Zenya, if we lose this moment we are both fools. Stand up and go to work.' The weather was so miserable that no man or beast braved the out-of-doors. We shot film all

day. In the last scene, I sat on my cot and looked into my soul—I turned my face to the camera and looked directly at the future audience to tell each one of them: 'But if you forget us, all this suffering is in vain.'"

Tzirlin left the next day, and managed to smuggle the film to the West. "Months later, I start getting letters from England, 'Ida, it's not in vain.' Five thousand people in a London church saw it, and many wept. Now, it's seven years later. I'm very, very tired. And I say it again. "If you forget us, all this suffering is in vain.'"

ON SOVIET JEWRY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. GARCIA. Mr. Speaker, Anatoly Shcharansky wrote an excellent article for today's Washington Post on Israeli and Soviet talks on establishing consular relations and the important relationship between those talks and the plight of Soviet Jews. As Mr. Shcharansky aptly put it, on this issue, "Israel will set the standard for negotiating with the U.S.S.R."

I commend Mr. Shcharansky's excellent article to my colleagues, asking that they take a moment to read it.

SOVIET JEWRY: THE WORLD MUST NOT BE FOOLED BY "MENU 9A"

(By Anatoly Shcharansky)

JERUSALEM.—Israel's reaction to the Soviet call for negotiation on establishing bilateral consular relations will determine the fate of the worldwide effort to free Soviet Jewry. The success of that struggle is dependent on an uncompromising public Israel position linking any progress on other issues—indeed, any willingness to negotiate on other issues—to the release of the 400,000 Jews who have indicated their desire to emigrate to Israel.

The wide-scale aliya—immigration to Israel—of Soviet Jews began after 1967, during a period when no diplomatic relations existed between Israel and the Soviet Union. The severing of diplomatic relations between Jerusalem and Moscow did not set the process in motion; both mass emigration and the break in relations did result, however, from a single source; the expression of Jewish national identity embodied in Israel's victory in the Six-Day War.

Pressure was exerted on the Soviet Union by Western governments, especially by the government of the United States. This pressure was not limited to a single trade operation; it became a cornerstone of American policy in negotiating with the Soviet leadership.

Repression of the individual is a fundamental principle of a political system that sees the value of man as nothing more than an insignificant cog in a huge machine. This principle is protected by Soviet Jewry—a law that was designed to guard "the system" that decides what the individual must read, what he must do, what his national and political feelings should be.

The fundamental principle on which the political culture of the Soviet dictatorship is founded was seriously challenged by the demand of Soviet Jews, whom official Soviet policy does not even recognize as a separate nation, to decide for themselves whether to live in the Soviet Union or to leave.

The fact that for a short time the Soviet government was willing to allow Soviet Jewish emigration, in spite of the threat it posed to the principles on which the regime is based, was not the result of a decision of the Soviet leadership to improve its public image. The sacrifice on the part of the Soviets was too great to be perceived as part of a gesture of good will.

Today, as then, the Soviets will not tolerate free aliya unless forced to do so. The Soviet Union will move significantly on the question of aliya only if it perceives the status quo to be more dangerous than a mass release of Russian Jewry. The free world has the potential to bring the Soviet leadership to this realization.

The Russian economy is stagnating, and the current Russian leadership is more conscious of the dangers of economic stagnation than any of its predecessors. Mikhail Gorbachev's public warning that the Soviet Union will lose its economic and strategic race with the United States if progress is not made is unparalleled in Soviet history. We who were brought up in the Soviet Union were taught that the victory of socialism was inevitable.

The Soviet Union must reach out to the West to expand its technology and trade. The West has made it clear that it is willing to cooperate with the Soviet Union in this endeavor. The only question left outstanding is the price the Soviets will have to pay. In the West, two approaches compete with each other in regard to dealing with Soviet repression of Jews.

The first approach is to strengthen cultural and economic ties with the Soviet Union in the hope that such ties will lead to greater Soviet flexibility on human rights issues. This hope is based on a naiveté that ignores the real danger the Soviet system sees in freedom of emigration and the efforts it is willing to make to avoid the granting of such freedom.

The second approach demands that any concessions to the Soviet Union be linked to progress on human rights.

The Jackson Amendment led to the signing of the Helsinki Accords, which established the principle of linkage in an international agreement. Testimony to the importance of linkage as a weapon against Soviet repression is provided by the constant Soviet machinations to undermine that linkage.

Each of these two approaches—the approach of granting concessions unconditionally in the hope of engendering reciprocity and the approach of linkage, making concessions conditional on real changes in Soviet policy—has its champions in the West. In Bern, a few months ago, Western European countries proposed a resolution that would have excluded Soviet Jews wishing to reunite with their families in Israel from the human rights clause of the Helsinki Accords. Only American opposition defeated this proposal.

Many holders of high political office in the West remain convinced that the principle of linkage must be maintained. This feeling is reinforced by the conviction that trust must be based on the fulfillment of previous obligations, obligations that include Soviet undertakings to improve Soviet policy on human rights. This autumn, a new conference of the 35 signatories of the Helsinki Accords will be convened in Vienna. Later this year an American-Soviet summit will probably take place in Washington. Which approach will prevail?

To a large extent, the answer to that question lies with Israel. At this decisive moment in East-West relations, the leadership of the Soviet Union has suddenly recalled that it has church property in the Holy Land and has proposed an exchange of consular delegations. Preliminary talks on this subject are to begin Monday, in Helsinki.

What will be Israel's reaction? Will Israel link relations to free emigration of all Soviet Jews or will it adopt the other approach—moving first toward normal relations in the naive hope that this will create conditions for a solution to the problem of Soviet Jewry?

Western governments, even the most friendly, look to Israel for guidance on policy vis-a-vis the issue of Russian Jewry. None will be more adamant than Israel is in defense of Jewish rights.

At the Helsinki meeting, Israel must insist on Russia recognition of the right to emigrate as a precondition to further negotiations on improved relations.

If the negotiations on other issues proceed despite Soviet refusal to agree to this right of free Jewish emigration, the U.S.S.R. will have succeeded (or, more correctly, Israel will have allowed it to succeed) in establishing itself as the party less interested in the renewed ties. It will have relegated Israel's talk of Jewish emigration to the status of mere lip-service. This is the tradition of Soviet diplomacy: Listen. Ignore. Proceed to issues of Soviet interest.

Israel's position on Soviet Jewish freedom must be unrelenting and public. No room can be left for the claim that Israeli representatives adopted a more compromising tone in private discussions than in public forums.

The prison camp is a simple, yet surprisingly apt model of the Soviet system. A prisoner who presents a moral example of defiance and self-respect that other prisoners may choose to emulate is a threat to the prison system. One method used to counter this threat is for the KGB to call him in for hours of private talks on trifling matters. Agents then spread rumors that in these private sessions the prisoner made concessions to the KGB in order to gain personal benefits. The rumors, of course, may have no basis in fact, but the credibility of the moral individual is broken.

Soviet prison "culture" provides another example of what Israel must avoid in its contacts with the Soviet Union. This is what may be called the "menu 9A syndrome."

The Soviet prison system uses the curtailment of calorie intake in the prisoner's diet as a punishment for disobedience, and supplements the prisoner's diet as a reward. There are 18 levels of diet in a Soviet prisons, ranging from 1A to 9B. Even the "best" diet in Soviet prisons is far worse than what the prisoner has eaten before he was incarcerated. Yet, after weeks and months of grueling starvation, a disobedient prisoner is frequently tempted to cave in to the demands of his jailers on the promise that his menu will be improved from the lowest, near-starvation standard—9B—to a menu only slight better—9A. Lowered expectations make it seem that a slight easing of pressure or a milder form of torture are a major Soviet concession.

Let us not allow prolonged Soviet intransigence and barbarity to convince us that release of a few prominent activists is a major concession. I am certain that my colleagues in the Soviet Union agree with me. "Menu 9A" is not a recipe for real dialogue and understanding. It is a tactic of torture. We must not be fooled.

In response to Moscow's "generous proposals," we are tempted to lower our demands and limit them to an insistence on "symmetry and mutuality." This demand is an affront to our moral sense, unless the symmetry begins at an equal and acceptable status and not from "menu 9B."

Israeli jails hold no Soviet prisoners of conscience who have been imprisoned for expressing Soviet ideology; Israel must therefore insist that the Soviets release all Prisoners of Zion, those who are detained in Soviet jails or in the U.S.S.R. itself, merely for wanting to go to Israel.

Israel has not prevented thousands of Soviet families from being united with their kinsmen in the Soviet Union; it must insist, therefore, the Soviet Jewish families, some of whom have been separated for more than 15 years, be reunited in Israel.

Israel does not hold even one person who wishes to emigrate to the U.S.S.R. hostage in discussions with the Russians, it must therefore insist that any of the 3 million Jews in the Soviet Union who wish to come to Israel be allowed to do so. This is the only symmetry that holds any meaning.

This symmetry must be a condition of any future talks. Insistence on it is a moral imperative.

THE AFRICAN NATIONAL CONGRESS AND SOUTH AFRICA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. CRANE. Mr. Speaker, I was appalled at yesterday's attempt to recognize an outlawed Communist Party as the legitimate political representative of the majority of blacks in South Africa. Not only do most blacks in South Africa reject the notion that the African National Congress [ANC] represents their views and interests, but the mere fact that this legislative body sought to recognize a Soviet-backed movement is alarming to me as an American. Although I recognize that the proponents of this legislation were well intentioned, similar intentions in the past have helped Communist movements gain power in Angola, Mozambique, Zimbabwe, and most recently, Nicaragua, to name a few. In an effort to restore democracy, today we find ourselves financing the freedom movements in many of these same countries. Let's support peaceful change in South Africa, otherwise, we might find ourselves financing a freedom movement against the ANC in that country.

The following article, by Peter Duignan of the Hoover Institute, warns of the dangers of supporting the ANC. I commend it to my colleagues' attention.

[From USA Today, Mar. 31, 1986]

RECOGNIZING DISSIDENTS IS IRRESPONSIBLE MOVE

(By Peter Duignan)

STANFORD, CALIF.—The State Department has unfortunately decided to recognize the African National Congress and to support ANC demands for one-man, one-vote in South Africa. Calling ANC terrorists "freedom fighters" and espousing a majoritarian rule can only lead to a bloody civil war.

What is the ANC that the Reagan administration now legitimizes? It is a coalition of the opponents of apartheid who want to overthrow the whites by force, not by negotiations. Its "Freedom Charter" called for public ownership of "the mineral wealth . . . the banks and monopoly industry," and land to the toilers. In 1960, the ANC was banned and in 1961 organized a guerrilla organization that declared war on white South Africa.

By 1959, the ANC had become a front organization of the South African Communist Party. The SACP cadre continued to dominate the ANC. In return for political and financial support from the Soviet bloc, the ANC-SACP alliance, or front, has followed every twist and turn of Soviet policy. On most issues, the official organ of the ANC does not differ from *Pravda*.

About half of the ANC's National Executive Committee are members of the SACP, and officers of the ANC are also officers in Soviet "fronts" such as the World Federation of Trade Unions and the World Peace Council.

Until the ANC leadership purges itself of, or at least controls its SACP members, and promises to negotiate and protect minority rights, the USA should not support the ANC. Given the violent record of freedom fighters dominated by communists who have come to power in Angola and Mozambique, whites fear that ANC rule will lead to the expulsion of the whites and confiscation of their property as in Angola and Mozambique.

Nor are the whites going to accept peacefully a majoritarian system. Where political parties represent ethnic groups in deeply divided, multiracial societies, ethnic groups that lose political power lose everything else as well. We should insist on peaceful change and a constitutional system with a democratic franchise (but not one-man, one-vote) based upon power-sharing, proportional representation, a joint veto, and coalition building.

The ANC will have to fight to get one-man, one-vote. It will be a bloody war with no guarantee that the blacks will win. (Zimbabwe's Mugabe admitted that he did not win with the rifle but with the ballot box, once he moderated his Marxist program.)

The State Department has therefore acted in an irresponsible manner by recognizing the ANC as freedom fighters and calling for majoritarian rule. We should aim not at ANC-sponsored confrontation and polarization, but at dialogue on how power can be shared in South Africa in a way that protects the interests of all ethnic and racial groups.

MEDICAID FOR DISABLED FAMILY MEMBERS THREATENED

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. MILLER of California. Mr. Speaker, it has come to my attention, through a recent New York Times article, that there is yet another administration proposal under serious consideration which would, in my view, force more families into bankruptcy, drive them apart, and result in unnecessary and costly institutionalization of disabled children and elderly parents.

The proposal would substantially increase restrictions in Medicaid eligibility, and by doing so would deny health care, and increase health costs, to an already vulnerable group of families. In addition to requiring that families with high medical expenses pay their entire share of medical bills before qualifying for Medicaid assistance, the new proposal would restrict Medicaid eligibility for families establishing trust funds to secure their disabled children's future.

Medicaid already excludes millions of low-income children because of restrictive eligibility requirements. In 1984, 84 percent of children living in poverty, almost 11 million children, were either uninsured or only partially insured for their basic health care needs. In addition, as many as 40 percent of all disabled children in poverty are ineligible for Medicaid.

Even for those families receiving Medicaid assistance, the scope and quality of services available for disabled children vary tremendously from State to State, including the availability of in-home services and supports.

To impose severe new restrictions on a program that now only minimally support families is not only inhumane, but more costly in the long run. We should be improving health care opportunities for this group, not restricting them. There are still millions of families without adequate insurance coverage or other support services who incur tremendous emotional and financial hardships while caring for a disabled or chronically ill family member.

A 1983 national survey revealed that almost 6.5 million families have a family member with a serious illness. Almost one-fourth indicated that the serious illness caused major financial problems. Almost one-half million of these families had no health insurance coverage of any kind.

In a random sample of children with disabilities in five of the Nation's largest school systems, a significant percentage had no regular source of health care, no regular physician, or no public or private health insurance.

We know that even when families have private health coverage, it's often not sufficient to meet tremendous medical costs. Estimated average expenditures for health services for chronically ill or disabled children may be 10 times as high as for nondisabled children. While 68 percent of all children receive health benefits under private group plans, we know many of the costs faced by families with chronically ill or disabled children are not covered. In addition, many families cannot get private insurance because of preexisting health conditions.

It is easy to see how family stability is threatened under such circumstances. We know that in families with disabled chronically ill children, the risk of child abuse is significantly higher, and the rate of divorce or separation may be twice as high.

For many of these families, Medicaid is a last hope for keeping disabled family members at home. The current administration proposal once again attempts to gut the minimal coverage these families may be entitled to under Medicaid if they chose to provide in-home care, requiring them to deplete all their resources before help is available, or forcing them in greater numbers to institutionalize their dependent family members.

Medicaid has always been more generous in paying for more costly out-of-home care, which families are forced to resort to when in-home supports are not sufficient. Now, by including trust funds as income, Medicaid eligibility for institutional care under this new approach may be in question as well. These families had few alternatives and little support before. If this proposal should go forward, their choices will be nonexistent, and their hardship even greater.

Mr. Speaker, the administration has been persistent in its attempts to weaken the Medicaid Program. You'll recall that in 1981, the administration succeeded in restructuring and weakening the program. Eligibility was restricted, States were penalized by cutting the Federal share, and thousands lost coverage. An additional 2 million children who would have been eligible for Medicaid in 1976 were not eligible in 1983. Congress responded compassionately and wisely to restore Medicaid cuts and even expanded coverage to certain groups of low-income pregnant women and children. In some instances, Congress also gave States the opportunity to reimburse in-home care through Medicaid.

I urge my colleagues to read the following article, warning us about the confidential documents prepared by the Department of Health and Human Services outlining a new Medicaid Program to be submitted to Congress.

Why plan policies that drive families apart, cost more, and contribute to the great levels of stress families already face? We must stand up, once more, against policies that are harmful to families. Our policies should help families; not contribute to their impoverishment or instability.

CURBS ON MEDICAID BEING CONSIDERED

(By Robert Pear)

WASHINGTON, July 12—The Reagan Administration is working on proposals that would delay or deny Medicaid benefits for many people with high medical costs, including disabled children and elderly people needing long-term care.

Under one proposal, people, with high health care costs would have to pay their entire share of the medical bills before anything could be paid by Medicaid, a program that was set up to assist low-income people who did not have enough money to pay all their medical bills.

Another proposal would sharply restrict Medicaid eligibility for people who set aside money to help support their disabled or retarded children.

CONGRESS TO GET PROGRAM

Details of the plan are set forth in confidential documents prepared by the Department of Health and Human Services as part of its new legislative and regulatory program for Medicaid, to be submitted to Congress.

The documents acknowledge that some proposals are "draconian" and could cause "hardship." But they say "the threat of hardship is essential" to make people spend more of their own resources on nursing homes and institutions for handicapped children.

Under current law, people may qualify for Medicaid if they have incurred but not yet paid large medical expenses. The law permits people to pay their share of the medical costs in installments while Medicaid pays the rest of the bill.

Under the proposals, states could deny Medicaid benefits to people needing long-term care if their parents or spouses were able to defray part of the cost but failed to do so. This would reduce Federal and state spending on Medicaid and would require the families of Medicaid applicants and beneficiaries to pay more.

In a description of its plan, the department says: "Proposing to increase family financial responsibility for long-term care is likely to be controversial, especially as it affects parents whose children face years of institutional care. Family refusal would lead to the loss of eligibility. The severity of these consequences provides the incentive for the spouse or parent to pay the required amount."

Last year, medicaid spent $4.7 billion on long-term care for 146,000 people in facilities for the mentally retarded and $11.6 billion for 1.4 million people in nursing homes, according to the Government.

Over all, Medicaid finances health care for 22 million low-income people. The costs are shared by the Federal Government and the states, with the Federal Government paying about 55 percent of total costs nationwide. Each state designs and administers its own program but must comply with guidelines set by the Federal Government in order to receive Federal money.

A FUNDAMENTAL CHANGE

Some of the changes sought by the Administration could be made through regulations, but most would require legislation.

The proposal to require people to pay their medical bills before qualifying for Medicaid represents a fundamental change. The original Medicaid statute, in 1965, included special provisions to assist people who were not on welfare but who were able to demonstrate they had incurred high medical expenses. The new proposal would delay or deny Medicaid eligibility for many of these families. The proposal represents a procedural change that, in effect, would require potential recipients to exhaust most of their resources before they could obtain benefits.

In its description of the proposals, the Administration acknowledges that loss of Medicaid eligibility "may cause providers to refuse services" to people who need them.

In general, according to the government, people may not qualify for Medicaid if their available assets exceed specified limits: about $1,700 for an individual and $2,550 for a couple.

Under current law, in determining whether a child is eligible for Medicaid, the Government usually assumes that the parents' income is available to the child if they live in the same household. But if the child lives in an institution, the Government takes account only of the income and resources actually contributed to the child by the parents.

In its proposals, the Administration said, "Relatively affluent families are currently permitted to rely on Medicaid for the long-term care of chronically disabled spouse or minor child."

EXPANDED AUTHORITY PROPOSED

The Administration says the current rule tends to "encourage institutionalization" and "contributes to escalating Medicaid costs" by shifting the burden from parents and spouses to taxpayers. The Administration says its proposal would give states the "legal means to compel relatives" to contribute to the cost of long-term care for a chronically disabled spouse or minor child.

The proposal would require substantial contributions, on a sliding scale, by any family with income of more than $22,000 a year. For a family with income of $50,000, for example, the maximum contribution would be $5,600. "Failure to make the required contribution would result in loss of the child's or spouse's Medicaid eligibility," according to the proposals.

Nursing homes charge, on the average, $50 to $55 a day, but the rate may exceed $100 a day in parts of New York. Facilities for the mentally retarded charge an average of more than $80 a day, according to Medicaid officials.

The Administration proposal would "require states to restrict Medicaid eligibility" of people who set up trusts for their relatives, even where the relatives were disabled or retarded. Under the proposal, states would have to count such assets as being available to the person who established the trust if that person later applied for Medicaid. Thus, the money legally earmarked for support of a disabled child would be treated as if it were available for support of the Medicaid applicant.

TRUST WOULD BE AN ASSET

Under the proposals, assets held in a trust would be counted against the eligibility limits, just as if they were in a checking or savings account.

In effect, Administration officials said, a Medicaid applicant who had established a trust to provide for a retarded child would have to dissolve the trust and use the funds to pay for his own care.

The Administration said the purpose of these changes was to "insure that those who have the resources to pay for their own care do so before being permitted to rely on Medicaid."

But Sara Rosenbaum, a healthy policy analyst at the Children's Defense Fund, said it was "astonishing" to see such proposals from an Administration that had often expressed concern about handicapped children.

"The proposals," she said, "both discourage parents from providing for their children through trusts and deny Medicaid to children whose parents will not support them."

100TH HEART TRANSPLANT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. UDALL. Mr. Speaker, last week the University Medical Center, Tucson, AZ, heart transplant team performed its 100th heart transplant. This was a proud day for Arizona and a proud day for the heart transplant team. The founder of the team is Dr. Jack G. Copeland. Dr. Copeland came from Stanford University having worked under the reknown guidance of Dr. Norman Shumway, an early pioneer in heart transplants.

Dr. Copeland came to the University Medical Center in 1979 and performed 4 heart transplants that year. Today, the heart transplant team is performing 24 heart transplants a year; about 2 a month. Recently, the heart transplant team successfully performed a heart/lung transplant. Dr. Copeland's team has performed transplants on patients as

young as a 7-year-old boy and as old as a 65-year-old gentleman. Both patients are doing well and have been given a new lease on life.

Statistics show that the survival rate for heart transplant patients at the University Medical Center is 80 percent for the first year and 65 percent for 3 years. The miracle of transplantation has revolutionized medical practice and human existence. The flaw in this new technology is a very basic problem; the lack of available organ donors given today's need. Nationwide statistics prove the need becomes greater with each passing day. People from all walks of life are becoming increasingly more aware of this need. Families need to take the time to reflect on this issue. It is undoubtedly a difficult area to discuss but a necessary one. One that will save lives. Next of kin need to be made aware of each individual's wishes. Hospitals should assume the task of discussing donorship with families. Hospital networks need to be established to inform other institutions of the availability of donated organs.

The University of Arizona heart transplant team has gained a national and international reputation in terms of patient care. The University Medical Center now has in the planning stages a $20 million heart center which would bring together the clinical and research technologies of cardiology.

This is a proud time for Dr. Jack Copeland and his team and a distinguished achievement for Arizona.

The Tucson Citizen recently published an article on Dr. Copeland's accomplishments and I would like to bring it to the attention of my colleagues.

UA Success at Heart of Transplant Story—100 Operations Later, Tucson Leads Way

(By Carla McClain)

When they sewed the first heart into the first human chest at the University of Arizona seven years ago, it was hailed as a "miracle." It was front-page news. It was risky, experimental, last-resort medicine. It was strange.

When they sewed the 100th heart into a dying human body at the UA yesterday, the only reason it made news was the magic number, not the medical miracle. A heart transplant these days gets three paragraphs in the newspaper, if that. It is ho-hum stuff, routine, predictable surgery.

And therein lies the story of what has happened here, and around the country, during the past seven years. A major chapter in medical history has been written, with much of its action set in Tucson.

"We felt a little bit lonely when we started this," said Dr. Jack G. Copeland, UA's chief of cardiothoracic surgery and head of the heart-transplant team. He has performed most of the 100 operations and singlehandedly and unexpectedly launched the UA into the forefront of the heart-transplant business.

"Most hospitals had called a moratorium on the procedure because it had failed," he said. "We felt pressure to succeed because almost everyone doubted then that it would ever be a reasonable thing to do."

Even so, Copeland himself had no doubts and was confident he could make heart transplants work. For 12 years before he came to Arizona, he had either assisted or performed more than 30 heart transplants at Stanford University Medical Center in California, where he received his surgical training. Stanford was one of the few centers in the United States that still believed you could save and improve lives by replacing a diseased heart with someone else's healthy one.

"I knew it was a much better operation than most thought and that it would work," Copeland said, recalling those pioneer days.

Today, the heart transplant does work and the UA program is a major reason why. It is no longer considered an experiment, but is accepted medical therapy for people with severe heart disease. Most insurance companies, who wouldn't have touched heart-transplant surgery several years ago, will pay without a fuss now. A donor heart can be counted on to give almost everyone at least a year of life they would not have otherwise had, and somewhat more than half the patients get five years or more out of the operation. Some have gone on to live 10, 15 years.

But perhaps more important than the years of live is the quality of life, Copeland stresses. People with end-stage heart disease live their last days weak, short of breath, blue, almost unable to move. When they wake up with a new heart, they are pink and energetic.

Copeland's patients ski, race horses, run marathons, enjoy their children and grandchildren, travel around the world, go back to work.

"I do it because I'm confident heart transplants have something to offer patients," the surgeon said.

Watching this happen slowly but surely in Arizona, the medical world began to get interested, then excited all over again about the idea of transplanting hearts.

In every state in the union today, doctors and hospitals are climbing aboard the heart-transplant bandwagon. Last year, 513 people in the United States had their diseased hearts replaced with donor organs.

"Thank God we have a fairly short list of patients, so we can take care of these people better," he said. His patients include a 65-year-old man and several people suffering from diabetes—two conditions that automatically knocked people out of transplant consideration a few years ago. Even so, the UA's survival statistics for the operation equal the best in the world, Copeland pointed out.

Despite this success story, controversy is growing nationwide.

A new survey has revealed that nearly half of the medical centers now getting into the business are skirting the standards for safe and successful transplants, and are not qualified to do such operations.

Also, the shortage of donor hearts is becoming steadily more acute as more hospitals compete for them.

Some doctors are now using older donor hearts, and even partially diseased hearts, because they can't find better donors.

Copeland, Fame as Heart Surgeon Has Double Edge

(By Carla McClain)

Picture Jack Copeland—shuffling affably around University Medical Center in his rumpled scrub shirt and baseball shoes, flashing a boyish, dimpled grin above a compact, athletic body.

The image belies the national superstar reputation he has built during the past decade as one of the pioneers in modern cardiac surgery.

That fame is a double-edged sword to him, a love-hate dynamic.

"When things are going well, when the patients are doing well, when they're up and out and playing volleyball in the park, then the spotlight seems like a great place to be," said Copeland, the University of Arizona's chief of cardiothoracic surgery, whose transplant team just hit the century mark in heart transplants here.

"But when things are not going well, it seems like an awful place to be. You don't want to admit to yourself or to your closest colleagues, and certainly not to America, that things are not going right. I feel a heavy pressure."

But in the spotlight is where the young but graying heart surgeon has performed since he arrived here almost 10 years ago to beef up the UA's floundering cardiac program.

At that time Copeland was the boy wonder from Stanford University, the honors medical student already described as a "brilliant" surgeon by peers though he was only in his early 30s. The UA thought it had landed a big one and bragged about it. He since has catapulted the university ("I didn't know there was a university in Tucson") into national medical news and history with his pioneering, even maverick, exploits in heart transplant and artificial heart implant surgery.

Besides sewing nearly 100 human hearts into human chests, Copeland has performed two experimental heart-and-lung transplants, implanted four artificial hearts (two of them in the same patient), and earned deep respect in medical circles as one of the most skilled surgeons performing infant heart surgery.

His transplant patients have ranged in age from 7 to 65.

He has "piggybacked" a donor heart onto a patient's own ailing heart and given one teen-ager two donor hearts and one mother two artificial hearts. He has helped raise money for transplant patients, spoken out about the lack of donor organs and written Arizona's first law designed to get more organs.

Along the way, he played a major role in bringing the heart transplant back from discredit and failure to acceptance as successful medical therapy for dying patients. He established the UA as one of the nation's solid, proven transplant centers with survival statistics as good or better than anywhere else in the world.

Then he convinced the federal government to allow the unproven artificial heart to be used for the first time as a "bridge to life"—a way to keep patients from dying before scarce donor hearts can be found.

Through it all, Copeland, 44, has managed to keep his person a low-key, casual, even humble—a tough feat in the medical world of big egos, in the high-profile specialty of organ transplantation, in the glare of constant media coverage, in the adulation of people who credit him with their lives.

He has an ego, they say. He can be quite demanding, even gruff-sometimes, they say. But he has always taken care to credit his transplant team, coordinators and nurses with his program's success.

"I see myself as just part of a large team effort," he explained. "I am the spokesman, to be sure, but I am far from indispensable. What spotlight there is, is a fleeting one. It won't be there forever. The team is the strength and can carry on perfectly, whether I'm there or not. It's a good feeling."

But he has been hurt, he has admitted, by criticism from his peers and the public, some of it jealousy, some of it real. He has

been accused of "grandstanding," of practicing bizarre, even reckless medicine, of experimenting on human beings.

He thinks he has only been trying to save lives, and he has pondered the critics' words deeply and painfully, trying to figure out if they have sometimes been right and he has sometimes been wrong.

At one point, early in this heart transplant program, he almost shut down the whole business after two patients, who had been alive when he wheeled them into the operating room but never woke up again because the donor hearts he gave them failed to start breathing.

That was almost more than he could take. And it is the major reason he defied federal law, the fury of critics and the discomfort of his own bosses to get into the artificial heart business.

That defiance—what others have called great courage—brought Copeland what he views as his toughest moment in what has been, overall, an undeniably brilliant medical career. The trouble started when the donor heart he gave young Thomas Creighton failed just days after the operation.

That failure spurred the frantic surgeon to call for the unauthorized artificial "Phoenix" heart for his patient, and launched a five-day, nearly sleepless marathon of heart surgeries that finally ended in Creighton's death.

"Sometimes it seems like you are breaking all the rules—your own limits and society's," he said. "You find yourself in this fishbowl with everyone looking in, and you not only don't know why things have gone wrong, you don't know what to do about it. That's a hard thing to handle. It seems terrible when you're in the middle of it. I have not enjoyed that."

That happened to him again, he said, when Bernadette Chayrez came down with the flu, got an artificial heart, then rejected a human donor heart. In an effort to save her life that has been called both heroic and bizarre, Copeland went on to implant a second artificial heart, then to perform four more major surgeries on the dying woman, who today waits for her second human donor heart.

So bashed was he by the intense media attention and harsh criticism from some of his peers that Copeland actually went into hiding for a brief time, shunning the media during Chayrez' worst hours.

"It's hard," he said, "because when you don't have the answers, you know those are the exact questions you are going to be asked. And the sicker the patient, the worse it gets."

Those who have followed Copeland's medical adventures have sometimes been awestruck by the long hours he stays on his feet, performing delicate life-and-death surgeries, one after the other, with little or no rest.

Despite the fame, and the fortune of his $300,000-a-year salary, the man works hard. This is no 9-to-5, weekends-off job. Donor hearts usually show up in the wee hours, or on the holidays. People who are dying can't be put off.

"Yes, sometimes I feel I have been pushed to my mental and physical edge," he admitted. "Sometimes it has been hard to just stay awake, let alone do the operation. But there is a certain discipline of the operating room that gets beaten into you after spending so many hours there.

"But when I can, I cancel surgeries that aren't emergencies. People always understand. They want a surgeon who's rested and ready and working under the best conditions."

In the operating room, Copeland's confidence is clearly visible. His hands are quick and sure, his manner light, easy-going, even jocular. There is little tension, and a lot of good-natured banter.

But what plagues Copeland most is the lack of hours in the day to do everything he needs and wants to do. He gets into that pinch because he insists on staying close to his patients, attending to their medical details even after the cutting and suturing are over. It takes a heavy toll on his personal life and played a part in breaking up his first marriage several years ago.

"The payoff is in saving lives, and you become driven by that goal," he explained. "Every cardiac surgeon, every doctor who is involved in life-and-death experiences feels the restriction of his personal life, the disruption of interpersonal relationships. It is difficult to be a good husband, father, son, relative or friend."

His second marriage, however, appears to be a great success. He married his sidekick, his teammate, his co-lifesaver, who knows this business as intimately as he does. He married the former Janice Sailer, 37, three years ago. She is a cardiac nurse and a heart transplant coordinator at UMC. She finds the hearts; he puts them in.

"It helps immensely to have my wife in this work with me," he said, with a sigh of emphasis. "I am so grateful she works with me. She knows what's wrong when I can't sleep, when I'm pacing the floor at home at 4 in the morning . . ."

Besides that, Jan Copeland, a pretty, petite blond with a great laugh, is just one of those individuals that people like to see coming down the hospital hall. The "Jan and Jack Show," as it is sometimes called, is a good one. They hold hands, he sings out "Hi, darlin' " when he sees her.

Jan and Jack manage to relax, to play. On his wall in his cramped, cluttered office is not a medical degree, but a degree in country swing dance. There is Sunday morning tennis, and skiing trips to Europe.

"We play hard, too, when we can," said Jack with a grin.

ARMCO BOUNCES BACK

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. McEWEN. Mr. Speaker, the American steel industry is facing stiff competition at home and abroad. I would like to commend to the attention of my colleagues the following article from the National Journal which describes how the world's fifth largest steelmaker, Armco, is dealing with this crisis.

TECHNOLOGY: STEEL'S SALVATION?

(By Bruce Stokes)

BUTLER, PA.—Atop a barren hillside in this western Pennsylvania community, in a rectangular hangar the size of 12 football fields, four lonely Armco Inc. employees use a laser to "zap" miles of steel sheets every day, turning out what may be the best electrical steel in the world.

Armco's system of laser-scribing improves the magnetic quality of the steel used in electrical transformers and reduces subsequent transformer power losses by 5-10 per cent. Armco makes about half the electrical steel sold in the United States and sold about 10 per cent of its production overseas in 1985.

Nevertheless, the firm is in serious financial trouble. Although it showed an operating profit of $127 million in 1985, profits fell to $12 million in the first half of 1986. From 1982-84, it had a total operating loss of $294 million.

Armco is not alone. All U.S. steel producers are suffering from declining demand for steel and rising foreign competition. LTV Corp. recently filed for bankruptcy, and some industry analysis think Bethlehem Steel Corp. may soon follow. U.S. Steel Corp. has changed its name to USX Corp., in part to disassociate itself from its unprofitable steel operations.

In the wake of this new wave of financial woes, steel companies will likely ask for additional government protection from imports and for new tax breaks. But there are other means of ensuring the industry's future.

The success of Armco's Butler works in making electrical steel and its equally profitable stainless steel operation there demonstrate that U.S. steel makers can successfully compete with Japanese and Third World steel producers when they use high technology to produce specialty steels. But developing that technology takes money and scientific expertise that the domestic steel industry doesn't have. While the government can provide some of the resources, it may take the know-how of high-tech U.S. firms to solve the problem.

Imports captured a record 26.4 per cent of the U.S. steel market in 1984, sparking a successful industry effort to force the Reagan Administration to negotiate voluntary restraints on shipments to the United States by major foreign producers. The controls have worked. Imports through the first five months of 1986 had been reduced to an annual rate of 22.7 per cent, the Commerce Department said.

The problem, according to D. Bruce Merrifield, assistant Commerce secretary for productivity, technology and innovation, is that "we can still import steel from Brazil for $30 less a ton than we can make it." And that competitive disavantage in basic steel is not going to go away.

"The voluntary restraint agreements are not going to exist forever," said David E. Todd, president of Armco's specialty steel division. "If we are going to be competitive with Korea and Brazil, we have to increase technology, retrench and come out with new products."

Merrifield is even more blunt: "You automate, you innovate or you evaporate."

The prospects for the U.S. steel industry staying on the technological cutting edge are not good. The industry spent only $132 million on research and development from July 1984-June 1985, according to the International Trade Commission. Of that, only $18 million was spent on R&D in specialty steel. While no comparative data exist, such an investment apparently represents a dramatic cutback from prior years. For example, industry records show that since 1978, steelmakers have reduced the number of research personnel on their payrolls by 58 percent. And even deeper cuts are planned. Bethlehem Steel is reportedly negotiating the sale of much of its research facility to Lehigh University.

"It's a survival mode," said Rep. Don Ritter, R-Pa. "R&D has been scaled way back to cut costs. By doing that, the long-

range promise of technological competitiveness is diminished because some of the big foreign companies are putting [much more] money into developing new technology." (Nippon Steel Corp., for example, spends more than twice what the entire U.S. steel industry spends on R&D.) American steelmakers "could conceivably survive, but in three to four years, when the import restrictions are up, be in a worse situation vis-à-vis the world market than they are today," he said.

The importance of technology is apparent at Armco's Butler works. In addition to the state-of-the-art $2.9 million laser-scribing unit, Butler was the first U.S. steel mill to continuously cast all of its steel into eight-inch thick slabs. About half of the U.S. industry still casts steel into less efficient 100-inch thick ingots that require additional processing. And a $50 million cold rolling mill, which will permit the rolling of very thin metal sheets, is on the drawing board.

Such investments have paid off. The company has been able to cut its payroll from 4,300 hourly employees in the 1960s to 2,100 today, while maintaining the same volume of production. And the company has been able to manufacture new products. "Over 80 percent of our sales are products we didn't even have five years ago," Todd said, "and that is a conservative estimate."

Yet the Butler works needs to invest in more improvements. Every year, it melts down and refines more than 350,000 tons of scrap metal for rolling and processing into stainless and electrical steel. The melting and refining process is monitored by 17 computers to ensure proper heat and composition of the steel.

The computers permit a degree of quality control that was previously unattainable. "In the past, most of these measurements weren't taken," said Terry Germanoski, a senior metallurgical engineer in Butler. "If they were, they were taken periodically, recorded by hand and you had to take a guy's word for it." Now, measurements are taken continuously, are not subject to the whims of the operator and can be instantaneously recalled for evaluation. Trouble spots can be identified and, it is hoped, corrected quickly.

But the melt shop computers are not yet linked with those in other parts of the plant. As a result, it is not possible for engineers in the rolling mill to monitor the progress of the steel coming their way.

Armco plans such computer links, but it will take time and money. And even then, the Butler works will not have a fully automated, flexible production process capable of tailoring steel to its customers' needs.

"No company will be able to get to that point alone," said Merrifield of Commerce. "They don't have the skills, the disciplines and the metallurgical competence."

To try to overcome the limitations facing individual companies, the government has begun to encourage cooperative R&D efforts among major steel producers. Antitrust limitations on such cooperation have been removed by Congress, which last year appropriated nearly $10 million to enable federal laboratories and the National Bureau of Standards to work with steel industry engineers to develop new technologies.

Already, USX and Bethlehem Steel, in conjuction with the Energy Department, have begun work on a new steel-casting process that would produce two-inch thick slabs. These thinner slabs would require less additional processing, lowering total production costs.

But most of the R&D money has been deferred by the Administration, for budget-cutting reasons. While Congress will try again this year, there is general agreement that the program is too small to have much of an effect.

"They are good programs," said Ritter, cosponsor along with Rep. Doug Walgren, D-Pa., of the R&D programs. "But they are a drop in the bucket."

As a result, industry experts say, U.S. companies risk falling behind foreign competitors not only in the production of steel but also in the development of new steelmaking technologies. Already, German and Japanese firms have subsidiaries that manufacture steelmaking machines, giving them a leg up in developing new casting processes.

Merrified argues that overcoming this competitive disadvantage will require marrying high technology to steel production. That will necessitate further revision of antitrust laws to enable joint production efforts involving not only major steel producers, but also high-tech firms, such as International Business Machines Corp. and General Electric Co., and advanced machine tool firms, he said.

"We are the only country in the world with the advanced technology and the multiplicity of skills to do what it will take," Merrifield said, "but it will take billions of dollars and probably 5-10 years."

What Merrifield describes sounds similar to the high-tech revolution that General Motors Corp. is attempting to initiate in the auto assembly business through its acquisition of the advanced computer firm Electronic Data Systems Corp. and its development of an automated production facility for the new Saturn automobile. It would be a whole new approach for U.S. steel producers, who in recent years have concentrated on acquiring oil companies and insurance firms to provide the cash flow needed to sustain money-losing steel businesses.

"We can catalyze collaborative efforts, remove barriers and provide incentives, but the dumbest thing [the government] can do is get in the middle and try to do it for them," Merrifield said.

It may not be as easy as it sounds. There is great opposition to antitrust law revisions. A marriage of steel companies and high-tech firms is not even at the kissing cousin stage. And the steel giants are hemorrhaging and may not last to see their wedding day. Once again, Uncle Sam may have to bail out the industry, if only so he can then be a marriage broker.

INTRODUCTION OF THE RURAL RENTAL HOUSING DISPLACEMENT PREVENTION ACT OF 1986

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. LEHMAN of California. Mr. Speaker, today I am introducing the "Rural Rental Housing Displacement Prevention Act of 1986" which will temporarily address a very serious and growing housing problem in rural America. The problem is one of increased displacement of residents from low-income subsidized housing in rural areas. The displacement occurs when the sponsors of Farmers Home housing convert these projects to conventional rental units or condominiums. To understand the roots of the problem we are now facing, I would like to quickly review how we arrived at this junction.

In 1962 Congress enacted the Section 515 Program under the Farmers Home Administration [FmHA]. The Section 515 Program was designed for the purpose of providing reduced interest loans, usually 1 percent, to eligible sponsors who are willing to build low-income multifamily housing projects. These loan subsidies make it possible for project sponsors to charge lower rents so that lower income families can afford to pay. The maximum repayment term for these section 515 loans is 50 years. Congress' intent when providing developers with low-interest loans was to encourage development of low-income housing. In return, Congress expected that this housing stock would be preserved for purposes of low-income housing for a substantial number of years.

When the Section 515 Program was implemented, loans were only made to nonprofit organizations who had no incentive to prepay these loans. In 1972, the program was expanded to include profit motivated developers and partnerships. Unfortunately, the Farmers Home Administration failed to establish measures defining the allowable conditions for loan prepayment by this new group of for-profit sponsors. As a result of this serious ommission, developers are allowed to prepay at any time and do what they wish with the rental projects which they had financed with low-interest loans from the Government.

In 1979, when Congress became aware of the number of prepayments that were occurring, there was considerable concern over the impact these prepayments could have on low-income tenants. The prospect of displaced residents, as well as the loss of low-income housing inventory, was very real and prompted Congress to address the issue through legislation. While I was not a Member of this body in 1979, I applaud those efforts. The purpose of this legislation was to clarify the intent of Congress with respect to the obligation of developers of rural rental housing and to insure that the sponsors adhered to Congress' intent. This legislation placed restrictions on prepayments of loans and generally required that the Secretary of Agriculture not accept prepayment of section 515 loans unless the owner obligated the housing to low- and moderate-income families for 20 years. This legislation applied to all existing and future loan commitments made by the Farmers Home Administration.

Not long after the ink had dried on this public law, successful efforts were made to repeal the retroactive provisions of this legislation. In 1980, opponents of the congressionally mandated restrictions on prepayments for loans entered into prior to the enactment of the 1979 legislation, felt that the Congress was "changing the rules in the middle of the game." Changing the rules of the game, they argued, would dimish the trust of the developers and provide a disincentive for investors to participate in the Section 515 Program. Additionally, there were doubts as to whether the available evidence on prepayments of section 515 loans demonstrated that such a legisla-

tive remedy was necessary, and further, whether the situation was serious enough to warrant retroactive legislation.

Mr. Speaker, it has now been 6 years since the repeal of these retroactive provisions pertaining to the prepayment of loans under the Section 515 Program. Today we are faced with a more serious problem. While many of the issues that were raised in 1980 will be raised again, I feel strongly that Congress must once again revisit this issue and formulate policy to protect residents in section 515 projects from being displaced when the owners of the projects decide for economic reasons to prepay. Congress acted responsibly when it placed restrictions on loan prepayments by requiring that loan projects placed into service after the effective date of the 1979 legislation be preserved for low-income housing for 20 years. However, the repeal of the retroactive provisions left a tragic void in our Nation's housing policy that has resulted in the displacement of elderly, handicapped and low-income individuals from their housing through no fault of their own.

The legislation that I am introducing today, Mr. Speaker, will put a stop to this drain on our Nation's low-income housing. I would like to emphasize that my legislation is an interim measure. It would prohibit the Secretary of Agriculture from accepting Farmers Home section 515 loan prepayments for 1 year, unless certain conditions are met by the project sponsor. I am proposing an interim measure because I feel strongly that the Congress must thoroughly assess this matter and develop a comprehensive and long-term policy to address these prepayments. The participation of private investors in this program is vitally important and certain advantages must be present to entice their involvement. I cannot, however, ignore the significant number of individuals, including many from my district, who are evicted from a project because the attractive tax advantages for the owners have expired.

The Subcommittee on Housing and Community Development, of which I am a member, will conduct hearings on this issue. At this time, there is a dearth of information regarding the details of section 515 prepayments and the attendant problems such as displacement. In my own State of California, data is available and it is far from encouraging. Loan payoffs have occurred or are pending in 31 Farmers Home projects. According to housing officials as many as 90 percent of the tenants in these projects have been or will be displaced. From all accounts what is happening now is just the tip of the iceberg. The information obtained at congressional hearings will give us the basis from which to start when formulating policy to fill this gap. I look forward to these hearings and hope to hear from all parties involved, including developers, tenants, investors, and housing officials from the Farmers Home Administration.

The resolution of this issue takes on even greater importance when the condition of our Nation's housing stock is considered. The situation today is drastically different than it was when this issue was debated in 1979. First of all, in the past 6 years of the Reagan administration our housing programs have suffered draconian cuts which have resulted in significant reductions in the number of families receiving assistance under both HUD and FmHA. The number of families assisted under FmHA programs has declined by more than 51 percent between 1981 and 1986. Furthermore, in 1979, the Department of Housing and Urban Development had $30 billion in budget authority, in 1986, they have $8 billion in budget authority. In 1979, FmHA had $4.3 billion in loan activity. In 1986, that loan activity dropped to $2 billion.

I bring these figures to the attention of my colleagues to illustrate that the assisted housing stock in our country is diminishing. We simply are not building the number of units now that we were in 1979. If we continue to allow Farmers Home assisted housing projects that were put in service before 1979 to prepay at will, we will continue to lose valuable and needed housing. Statistics show that 52 percent of all units produced through 1985 were approved prior to 1979 and are therefore eligible for prepayment.

Mr. Speaker, we cannot continue to stand by and let the needy, the elderly, and the handicapped fall through the cracks of our Nation's housing policy. We must not allow ourselves to forget the intent and the purpose of the Farmers Home section 515 Program. It is time to draft a policy that will address the serious prepayment issue which is contributing to the shortage of decent, affordable low-income housing in our Nation's rural areas. In doing this, we have to consider both the well being of the low-income residents, as well as the needs of the developers and investors who are instrumental to the success of this program.

The following is the text of the Rural Rental Housing Displacement Prevention Act of 1986.

H.R. —

A bill to amend the Housing Act of 1949 to prevent the displacement of lower income and elderly residents of rural rental housing due to the prepayment of loans made by the Secretary of Agriculture

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Rental Housing Displacement Prevention Act of 1986".

SEC. 2. ASSISTANCE TO PERSONS DISPLACED DUE TO LOAN PREPAYMENTS.

Section 502(c)(2) of the Housing Act of 1949 is amended—

(1) by inserting "(A) after "Secretary"; and

(2) by inserting before the period at the end the following: "; and (B) in the case of such tenants displaced during, or displaced as a result of prepayments approved during, the 1-year period ending on the date of the enactment of the Rural Rental Housing Displacement Prevention Act of 1986, shall provide rental assistance on behalf of such tenants under section 521(a)(2)".

SEC. 3. MORATORIUM ON LOAN PREPAYMENTS UNDER PRIOR CONTRACTS.

Section 502(c) of the Housing Act of 1949 is amended by adding at the end the following new paragraph:

"(3) During the 1-year period following the date of the enactment of the Rural Rental Housing Displacement Prevention Act of 1986, the Secretary shall take the appropriate action referred to in paragraph (1) with respect to any loan made or insured under section 514 or 515 pursuant to a contract entered into before December 21, 1979, if, after examining the offer to prepay the loan and the likely consequences of accepting the offer, the Secretary determines that—

"(A) due to a change in the use of the housing and related facilities involved or to an increase in rental or other charges, likely to occur as a result of prepayment, the moderate or low income families or persons and the elderly or handicapped persons or families residing in the Housing and related facilities at the time of the offer cannot reasonably be expected to remain in occupancy for the applicable period described in paragraph (1), unless the Secretary determines that such residents who are likely to be displaced will be provided with affordable, decent, safe, sanitary, and available alternative housing; or

"(B) in the case of housing and related facilities containing more than 10 dwelling units, the changes likely to occur as a result of prepayment will have a substantial adverse effect on the supply of affordable, decent, safe, and sanitary housing available to moderate or low income families or persons and elderly or handicapped persons or persons and elderly or handicapped persons or families in the area in which the housing and related facilities are located.".

SOVIET MAIL INTERFERENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. GILMAN. Mr. Speaker, today the gentleman from Massachusetts [Mr. FRANK] and I are introducing House Concurrent Resolution 384, legislation expressing the sense of Congress with respect to the Soviet Union's violations of international law governing international mail.

Since 1977, our House Post Office and Civil Service Committee has been holding hearings on the Soviet interception of international mail. To date, we have accumulated over 2,700 exhibits which document the fact that the Soviets are interfering with the international mails in a cold and calculated manner.

Soviet authorities are cutting the lifelines of communication between those living behind the Iron Curtain and their friends and family members on the outside. One letter we received documented the fact that a daughter did not know that her father had been dead for 7 years until the Soviet authorities allowed the information to get out of the country.

Recently our Postal Committee heard testimony from Alexi Semenoff, Alena Bonner's son, on the issue of KGB interception and forgery of correspondence from Ms. Bonner to her family in Boston. A special technical officer from the FBI was also there to discuss detailed photographs of exhibits of the tampered correspondence. It seems the Soviets will go to any length to cover up their misdeeds.

According to testimony from Dr. Sakarov's step-son, Alexi Semyonov, the mail service to his parents is severely limited to occasional post cards to and from Dr. Bonner's mother

living in the United States and rare phone calls made from a public phone in Gorky. In May of last year, the Soviet officials launched a disinformation campaign to refute reports that Dr. Sakharov had renewed his hunger strike protesting the denial of his wife's request to visit abroad for medical treatment. A combination of telegraph, video, and postal forgeries according to the FBI were utilized to make it appear that all was "normal" for the exiles in Gorky. In fact, the Nobel laureate was hospitalized for months against his will and tortuously force fed, while Dr. Bonner knew nothing of her husband's whereabouts. As you know, the diligence of Andrei Sakharov won out. Yelena Bonner received her much needed medical attention. It was her first opportunity in years for her to visit her mother, children, and grandchildren in Massachusetts, hopefully it will not be her last.

Many Members of Congress have already provided our committee with exhibits for our investigation. Most ethnic groups in the United States have been in communication with the committee and have also furnished proof of nondelivery of mail. Accordingly, during the last Universal Postal Union Congress in Hamburg, Germany, five resolutions were adopted that sought to prevent future Soviet mail interference, and a publication entitled "Mailing to the Soviet Union" was recently released by the Postal Service.

The issue is an emotional and a vital one with most ethnic and religious groups not only in the Soviet Union but also here in America. And, we believe it is incumbent upon the House to continue annunciating its concern over their interruption of the international mails.

Accordingly, we invite our colleagues to join with us in condemning these misdeeds and cosponsor House Concurrent Resolution 384.

Mr. Speaker, at this point in the RECORD, we are inserting a full copy or our bill.

H. CON. RES. 384

Concurrent resolution expressing the sense of the Congress concerning the Soviet Union's continued interference with postal communications between the United States and the Soviet Union

Whereas normal postal relations between the residents of the United States and the Soviet Union serve an important and useful purpose toward mutual understanding between both nations, thereby furthering the cause of peace in the world;

Whereas the integrity of the mail service between the United States and the Soviet Union is being called into question by mailers in the United States who assert that postal items are systematically not being delivered to various addresses and addressees in the Soviet Union;

Whereas the nondelivery of mail which is deliverable as addressed and which does not contain prohibited articles is a violation by the Soviet Union of internationally recognized human rights guaranteed to all persons by Article 12 of the Universal Declaration of Human Rights, and is also a violation by the Soviet Union of the provisions of the Helsinki Final Act calling for the freer flow of information between signatory states;

Whereas such nondelivery also violates the Acts of the Universal Postal Union;

Whereas the Congress of the United States has on several occasions addressed this issue and has collected voluminous evidence of Soviet postal malfeasance, and Members of Congress continue to receive complaints of such malfeasance to the present time;

Whereas none of the letters sent in a special mailing to Dr. Andrei Sakharov by our colleagues Senators Boren, Bradley, Cohen, D'Amato, and Denton, and Representatives Biaggi, Courter, Frank, Gilman, Lagomarsino, and Lowery were delivered by Soviet postal employees;

Whereas postal service serves as a lifeline for individuals living within Soviet Bloc nations; and

Whereas the Universal Postal Union Congress in Hamburg, Germany, adopted 5 resolutions in July 1984 in response to Soviet postal malfeasance: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress—

(1) that the President—

(A) through the Secretary of State, should express to the Government of the Soviet Union the disapproval of the American people regarding innumerable instances of Soviet violations of the above-mentioned international agreements;

(B) should raise the issue of Soviet noncompliance with the above-mentioned agreements at the upcoming summit meeting; and

(C) should, through the Secretary of State, raise the issue of Soviet violation of the Helsinki Final Act at the follow-up meeting of the Conference on Security and Cooperation in Europe scheduled to convene in Vienna in November 1986; and

(2) that the United States Postal Service—

(A) should increase its efforts in combatting Soviet postal malfeasance; and

(B) should undertake a full investigation with regard to the undelivered letters sent to Dr. Andrei Sakharov by 11 Members of Congress, and inform the Congress, as well as the Universal Postal Union, of its findings.

A TRIBUTE TO AMBASSADOR GEORGE J. FELDMAN

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. GEJDENSON. Mr. Speaker, I rise to pay tribute to the work of a man who has distinguished himself in years of public service, Ambassador George J. Feldman. Ambassador Feldman has served in many capacities, including appointments as Ambassador to Malta in 1965 and to Luxembourg in 1967. Ambassador Feldman has also taken it upon himself in recent years to follow Pope John Paul's visits to major religious sites, including one to the Rome Synagogue in April of this year. Mr. Speaker, I include the remarks made by the Pope on this occasion as well as a letter from Ambassador Feldman to you remarking on the significance of the Pope's words.

August 12, 1986.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker of the House of Representatives.

DEAR TIP: When I wrote my letter to his Holiness Pope John Paul, II, which you so considerately entered into the Congressional Record for May 21, 1986, I was understandably moved by his universally acclaimed and historically unprecedented visit to the "Major Temple" in Rome and to the thanks he gave to Chief Rabbi, Professor Elio Toaff and to the members of the Jewish Community in Rome. At that time I was reacting to excerpts and to abridged versions of his Holiness' address and particularly to the theme his Holiness expressed when he said, "You are our dearly beloved brothers and, in a certain way, it could be said, you are our elder brothers."

As a result of my letter I have received a copy of the full text from the Vatican and I note a much deeper significance which I believe you will share with me. Although his theme related to "the example of so many men and women who have worked . . . on both sides, to overcome old prejudices . . . that exist between Christians and Jews" his words apply to differences that divides so many of us everywhere. One further quote, "Furthermore it is necessary to say that the path undertaken is still at the beginning, and therefore a considerable amount of time will still be needed, notwithstanding the great efforts already made on both sides, to remove all forms of prejudice, even subtle ones, to readjust every manner of self expression . . . at every level of outlook, teaching and communication", is an illustration of the applicability of that visit to all people.

I am pleased to enclose a copy of his Holiness' address and know you will feel the goodness of it and the strength of the rationale behind it as have I, for I remain in the firm conviction that finally, we shall all be gathered to the bosom of the same God.

My highest regards as always.

Sincerely,

GEORGE J. FELDMAN.

Enclosure.

SECRETARY OF STATE,
FROM THE VATICAN,
July 16, 1986.

Hon. GEORGE FELDMAN.

DEAR AMBASSADOR FELDMAN: His Holiness Pope John Paul II duly received your letter and he has directed me to send you this acknowledgment. He appreciates the sentiments which prompted you to share your thoughts with him.

His Holiness is pleased to assure you of a remembrance in his prayers, and he invokes upon you God's blessings.

Sincerely yours,

MONSIGNOR G.B. RE,
Assessor.

ADDRESS OF HIS HOLINESS POPE JOHN PAUL II AT THE ROME SYNAGOGUE, 13 APRIL 1986

Dear Chief Rabbi of the Jewish community in Rome,

Dear President of the Union of Italian Jewish communities,

Dear President of the community in Rome,

Dear Rabbis,

Dear Jewish and Christian friends and brethren taking part in this historic celebration,

1. First of all, I would like, together with you, to give thanks and praise to the Lord who stretched out the heavens and laid the foundations of the earth (cf. Is 51:16) and who chose Abraham in order to make him father of a multitude of children, as numerous "as the stars of heaven and as the sand which is on the seashore" (Gen 22:17; cf. Is 15:5)—to give thanks and praise to him because it has been his good pleasure, in the mystery of his Providence, that this evening there should be a meeting in this your "Major Temple" between the Jewish community that has been living in this city since the times of the ancient Romans and

the Bishop of Rome and universal Pastor of the Catholic Church.

I likewise feel it is my duty to thank the Chief Rabbi, Professor Elio Toaff, who from the first moment accepted with joy the idea that I should make this visit, and who is now receiving me with great openness of heart and a profound sense of hospitality; and in addition to him I also thank all those members of the Jewish community in Rome who have made this meeting possible and who in so many ways have worked to ensure that it should be at one and the same time a reality and a symbol.

Many thanks therefore to you all.

Todâ rabbâ. (Many thanks).

2. In the light of the Word of God that has just been proclaimed and that lives for ever (cf. Is 30:8), I would like us to reflect together, in the presence of the Holy One—may he be blessed! (as your liturgy says)—on the fact and the significance of this meeting between the Bishop of Rome, the Pope, and the Jewish community that lives and works in this city which is so dear to you and to me.

I had been thinking of this visit for a long time. In fact, the Chief Rabbi was kind enough to come and see me, in February 1981, when I paid a pastoral visit to the nearby Parish of San Carlo ai Catenari. In addition, a number of you have been more than once to the Vatican, on the occasion of the numerous audiences that I have been able to have with representatives of Italian and world Jewry, and still earlier, in the time of my predecessors Paul VI, John XXIII and Pius XII. I am likewise well aware that the Chief Rabbi, on the night before the death of Pope John, did not hesitate to go to Saint Peter's Square; and accompanied by members of the Jewish faithful, he mingled with the crowd of Catholics and other Christians, in order to pray and keep vigil, as it were bearing witness, in a silent but very effective way, to the greatness of soul of that Pontiff, who was open to all people without distinction, and in particular to the Jewish brethren.

The heritage that I would now like to take up is precisely that of Pope John, who on one occasion, as he passed by here—as the Chief Rabbi has just mentioned—stopped the car so that he could bless the crowd of Jews who were coming out of this very Temple. And I would like to take up his heritage at this very moment, when I find myself not just outside, but, thanks to your generous hospitality, inside the Synagogue of Rome.

3. This gathering in a way brings to a close, after the Pontificate of John XXIII and the Second Vatican Council, a long period which we must not tire of reflecting upon in order to draw from it the appropriate lessons. Certainly, we cannot and should not forget that the historical circumstances of the past were very different from those that have laboriously matured over the centuries. The general acceptance of a legitimate plurality on the social, civil and religious levels has been arrived at with great difficulty. Nevertheless, a consideration of centuries-long cultural conditioning could not prevent us from recognizing that the acts of discrimination, unjustified limitation of religious freedom, oppression also on the level of civil freedom in regard to the Jews were, from an objective point of view, gravely deplorable manifestations. Yes, once again, through myself, the Church, in the words of the well-known Declaration *Nostra Aetate* (No. 4), "deplores the hatred, persecutions, and displays of anti-Semitism directed against the Jews at any time and by anyone"; I repeat: "by anyone".

I would like once more to express a word of abhorrence for the genocide decreed against the Jewish people during the last War, which led to the holocaust of millions of innocent victims.

When I visited on 7 June 1979 the concentration camp at Auschwitz and prayed for the many victims from various nations, I paused in particular before the memorial stone with the inscription in Hebrew and thus manifested the sentiments of my heart: "This inscription stirs the memory of the People whose sons and daughters were destined to total extermination. This People has its origin in Abraham, who is our father in faith (cf. Rom 4:12), as Paul of Tarsus expressed it. Precisely this people, which received from God the commandment: 'Thou shalt not kill', has experienced in itself to a particular degree what killing means. Before this inscription it is not permissible for anyone to pass by with indifference" (Insegnamenti 1979, p. 1484).

The Jewish community of Rome too paid a high price in blood.

And it was surely a significant gesture that in those dark years of racial persecution the doors of our religious houses, of our churches, of the Roman Seminary, of buildings belonging to the Holy See and the Vatican City itself were thrown open to offer refuge and safety to so many Jews of Rome being hunted by their persecutors.

4. Today's visit is meant to make a decisive contribution to the consolidation of the good relations between our two communities, in imitation of the example of so many men and women who have worked and who are still working today, on both sides, to overcome old prejudices and to secure ever wider and fuller recognition of that "bond" and that "common spiritual patrimony" that exists between Jews and Christians.

This is the hope expressed in the fourth paragraph of the Council's Declaration *Nostra Aetate*, which I have just mentioned, on the relationship of the Church to non-Christian religions. The decisive turning-point in relations between the Catholic Church and Judaism, and with individual Jews, was occasioned by this brief but incisive paragraph.

We are all aware that, among the riches of this paragraph No. 4 of *Nostra Aetate*, three points are especially relevant. I would like to underline them here, before you, in this truly unique circumstance.

The first is that the Church of Christ discovers her "bond" with Judaism by "searching into her own mystery", (cf. *Nostra Aetate, ibid.*). The Jewish religion is not "extrinsic" to us, but in a certain way is "intrinsic" to our own religion. With Judaism therefore we have a relationship which we do not have with any other religion. You are our dearly beloved brothers and, in a certain way, it could be said that you are our elder brothers.

The second point noted by the Council is that no ancestral or collective blame can be imputed to the Jews as a people for "what happened in Christ's passion" (cf. *Nostra Aetate, ibid.*). Not indiscriminately to the Jews of that time, nor to those who came afterwards, nor to those of today. So any alleged theological justification for discriminatory measures or, worse still, for acts of persecution is unfounded. The Lord will judge each one "according to his own works", Jews and Christians alike (cf. Rm 2:6).

The third point that I would like to emphasize in the Council's Declaration is a consequence of the second. Notwithstanding the Church's awareness of her own identity, it is not lawful to say that the Jews are "repudiated or cursed", as if this were taught or could be deduced from the Sacred Scriptures of the Old or the New Testament (cf. *Nostra Aetate, ibid.*). Indeed, the Council had already said in this same text of *Nostra Aetate*, but also in the Dogmatic Constitution *Lumen Gentium* (No. 16), referring to Saint Paul in the Letter to the Romans (11:28-29), that the Jews are beloved of God, who has called them with an irrevocable calling.

5. On these convictions rest our present relations. On the occasion of this visit to your Synagogue, I wish to reaffirm them and to proclaim them in their perennial value.

For this is the meaning which is to be attributed to my visit to you, to the Jews of Rome.

It is not of course because the differences between us have now been overcome that I have come among you. We know well that this is not so.

First of all, each of our religions, in the full awareness of the many bonds which unite them to each other, and in the first place that "bond" which the Council spoke of, wishes to be recognized and respected in its own identity, beyond any syncretism and any ambiguous appropriation.

Furthermore, it is necessary to say that the path undertaken is still at the beginning, and therefore a considerable amount of time will still be needed, notwithstanding the great efforts already made on both sides, to remove all forms of prejudice, even subtle one, to readjust every manner of self-expression and therefore to present always and everywhere, to ourselves and to others, the true face of the Jews and of Judaism, as likewise of Christians and of Christianity, and this at every level of outlook, teaching and communication.

In this regard, I would like to remind my brothers and sisters of the Catholic Church, also those living in Rome, of the fact that the guidelines for implementing the Council in this precise field are already available to everyone in the two documents published respectively in 1974 and in 1985 by the Holy See's Commission for Religious Relations with Judaism. It is only a question of studying them carefully, of immersing oneself in their teachings and of putting them into practice.

Perhaps there still remain between us difficulties of the practical order waiting to be overcome on the level of fraternal relations: these are the result of centuries of mutual misunderstanding, and also of different positions and attitudes, not easily settled, in complex and important matters.

No one is unaware that the fundamental difference from the very beginning has been the attachment of us Christians to the person and teaching of Jesus of Nazareth, a son of your People, from which were also born the Virgin Mary, the Apostles who were the "foundations and pillars of the Church" and the greater part of the first Christian community. But this attachment is located in the order of faith, that is to say in the free assent of the mind and heart guided by the Spirit, and it can never be the object of exterior pressure, in one sense or the other. This is the reason why we wish to deepen dialogue in loyalty and friendship, in respect for one another's intimate convic-

tions, taking as a fundamental basis the elements of the Revelation which we have in common, as a "great spiritual patrimony" (cf. *Nostra Aetate*, No. 4).

6. It must be said, then, that the ways opened for our collaboration, in the light of our common heritage drawn from the Law and the Prophets, are various and important. We wish to recall first of all a collaboration in favor of man, his life from conception until natural death, his dignity, his freedom, his rights, his self-development in a society which is not hostile but friendly and favourable, where justice reigns and where, in this nation, on the various continents and throughout the world, it is peace that rules, the shalom hoped for by the lawmakers, prophets and wise men of Israel.

More in general, there is the problem of morality, the great field of individual and social ethics. We are all aware of how acute the crisis is on this point in the age in which we are living. In a society which is often lost in agnosticism and individualism and which is suffering the bitter consequences of selfishness and violence, Jews and Christians are the trustees and witnesses of an ethic marked by the Ten Commandments, in the observance of which man finds his truth and freedom. To promote a common reflection and collaboration on this point is one of the great duties of the hour.

And finally I wish to address a thought to this City in which there live side by side the Catholic community with its Bishop, and the Jewish community with its authorities and its Chief Rabbi.

Let this not be a mere "co-existence", a kind of juxtaposition, interspersed with limited and occasional meetings, but let it be animated by fraternal love.

7. The problems of Rome are many. You know this well. Each one of us, in the light of that blessed heritage to which I alluded earlier, is conscious of an obligation to work together, at least to some degree, for their solution. Let us seek, as far as possible, to do so together; from this visit of mine and from the harmony and serenity which we have attained may there flow forth a fresh and health-giving spring like the river that Ezekiel saw gushing from the eastern gate of the Temple of Jerusalem (cf. Ezek 47:1 ff.), which will help to heal the wounds from which Rome is suffering.

In doing this, I venture to say, we shall each be faithful to our most sacred commitments, and also to that which most profoundly unites and gathers us together: faith in the One God who "loves strangers" and "renders justice to the orphan and the widow" (cf. Deut 10:18), commanding us too to love and help them (cf. ibid., and Lev 19:18.34). Christians have learned this desire of the Lord from the Torah, which you here venerate, and from Jesus, who took to its extreme consequences the love demanded by the Torah.

8. All that remains for me now, as at the beginning of my address, is to turn my eyes and my mind to the Lord, to thank him and praise him for this joyful meeting and for the good things which are already flowing from it, for the rediscovered brotherhood and for the new and more profound understanding between us here in Rome, and between the Church and Judaism everywhere, in every country, for the benefit of all.

Therefore I would like to say with the Psalmist, in his original language which is also your own inheritance:

hodû la Adonai ki tob
ki le olam hasdô
yomar-na Yisrael
ki le olam hasdô
yomerû-na yir'è Adonai
ki le olam hasdô (Ps 118:1-2.4).

O give thanks to the Lord for he is good,
his steadfast love endures for ever!
Let Israel say,
"His steadfast love endures for ever".
Let those who fear the Lord say,
"His steadfast love endures for ever".

Amen.

SAM JACOBY: GATEWAYS MAN OF THE YEAR

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. WAXMAN. Mr. Speaker, on November 2, 1986, Gateways Hospital's Men's Club will honor Sam Jacoby as the 21st "Man of the Year." Sam was unanimously endorsed in recognition of his 40-plus years of commitment to serving the community as well as countless charitable organizations.

The man of the year received several citations for combat action with the 1st Cavalry Division in the Pacific during World War II and, later, served in the Philippines as a special Army agent in the CID's Criminal Investigation Division. Back in civilian life after completing his studies in journalism at major universities, he pursued a successful career as a columnist, editor, publisher, motion picture author and producer as well as advertising and public relations executive, speech writer, and songwriter.

Sam Jacoby's principal activity and concern over the past four decades has been his involvement in community and charitable causes. He has earned dozens of awards and held numerous official positions. Among them are ambassador for Al Malaikah Temple; president of Westwood Shrine Club in 1974 and honored as man of the year in 1976; organizer of B'nai Chaim Temple; recipient of Akiba Award for helping organize Toluca Lake B'nai Brith Lodge; award of life membership for founding, organizing, and serving as commander, three terms, of the San Fernando Valley Post Jewish War Veterans.

He holds a charter membership in King Solomon Lodge B'nai B'rith and was president in 1983-84; is a member of the Show Business Shrine Club, Peace Officers Shrine Club, Masonic Press Club, Hollywood Press Club, the Disabled American War Veterans Association, and Saints and Sinners. He has also lent his guidance to United Way, Adat Ari El Temple, United Jewish Appeal, Motion Picture Producers Association Permanent Charities Committee, Red Cross, Anti-Defamation League and Hillel organizations.

On behalf of Gateways Hospital, Sam Jacoby has served as organizer and dinner chairman for 15 Heal-A-Mind campaigns and balls. He is a member of the board of directors of the hospital and was president of the men's club in 1978. In all, Sam has helped to raise more than $1 million for Gateways Hospital and Mental Health Center.

Sam Jacoby attributes his dedication to charity directly to his mother. In "literally giving of her heart, soul, even possessions to the needy" * * * a Biblical dictum that charity, above all else, is every man's duty * * * an example was set for him to follow as a "way of life."

I ask the Members to join me in congratulating Sam Jacoby on this special occasion and to wish him many more years of fulfillment and success in all of his endeavors.

SSDI AND SSI PROGRAMS MAKE INSUFFICIENT ALLOWANCE FOR MS VICTIMS

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. SIKORSKI. Mr. Speaker, I am proud to introduce today legislation that will address the unusual difficulties which people with multiple sclerosis face in applying for and retaining benefits under the Social Security Administration's disability programs.

When the Social Security Act of 1935 was signed into law on August 14, 1985, a chief goal of the legislation was to devise safeguards against misfortune which cannot be wholly eliminated in this manmade world of ours. Two of the key programs which eventually resulted are known as Social Security Disability Insurance [SSDI] and Supplemental Security Income [SSI]. These programs provide benefits to persons with disabling impairments who are unable to perform substantial gainful work. Although the primary concern of these programs has been to provide monthly cash benefits to the disabled, recent amendments have incorporated work incentive provisions which seek to encourage beneficiaries to attempt to work whenever possible.

Regrettably, both the SSDI and SSI programs make insufficient allowance for features of multiple sclerosis [MS] that set it apart from other diseases. As the result of the highly unpredictable and variable character of MS, many people who are serverely disabled by the disease face unusual problems in obtaining Social Security disability benefits. Similarly, those who do become eligible face considerable disincentives to attempting a return to work. In short, for people with MS, the Social Security disability programs often fail to achieve their purposes.

In order to alleviate the serious obstacles faced by people with MS who seek to obtain Social Security disability benefits or to return to work after gaining eligibility, I propose that titles II and XVI of the Social Security Act be amended to:

First, provide SSDI and SSI beneficiaries with multiple sclerosis with a permanent "extended period of elibigility" following initial period of "trial work." This extended period of eligibility would continue until they become eligible to transfer into the Old Age Program.

Second, exempt applicants for SSDI who have multiple sclerosis from the "recency of work" requirements used to determine eligibility.

Third, for SSDI beneficiaries with MS, raise the threshold earnings level used to define "substantial gainful activity" [SGA].

Multiple sclerosis is a lifelong disease. It is an often progressive, moderately to severely disabling condition of the central nervous system consisting of the brain and spinal cord. There is no effective treatment and no cure.

The disease is characterized by deterioration of the myelin coating that sheaths human nerve fibers. When myelin is destroyed, it is replaced by plaques of hardened tissue, "sclerosis." Plaquing occurs in multiple locations in varying patterns in the central nervous system. At first, nerve impulses may be transmitted through areas of plaque with only minor interruptions. Later, however, plaques may completely obstruct the passage of nerve impulses along affected nerve pathways.

Myriad bodily functions associated with obstructed pathways are disrupted. Among the many MS signs and symptoms are: weakness and paralysis, incoordination, visual deterioration including blindess or double vision, exertional fatigue and nonexertional lassitude (an overwhelming feeling of being "wiped out"), sensory dysfunction, bowel and bladder incontinence, numbness, slurred speech, intention tremors, stiffness of spasticity, and an array of neuropsychological problems including cognitive disturbances.

What is most distinctive about multiple sclerosis is its astonishing unpredictability and variability. The disease is marked by uncertainties of prognosis; uncertainties of fluctuating symptoms; uncertainties of the "course" it will take (its progression); uncertainties of the cumulative debilitating effects of combinations of fluctuating symptoms; in many cases, unpredictable cycles of exacerbations and remissions; and the unpredictable occurrence of residual dysfunction following each new exacerbation.

These symptoms produce serious functional and coping problems for the person with MS and for his or her family. With most other diseases, there is a single period of adjustment, followed by stasis or predictable progression; once the emotional responses of affected parties have stabilized, coping techniques can be developed and maintained. In contrast, with MS, changes in the individual's condition are typically so marked that there is a need to readjust emotionally and learn new coping methods following each new episode of the disease.

Multiple sclerosis is the most common neurological disease among young adults, most often white females. By the point of disease onset, many have completed their formal education, have begun families, and have begun to establish themselves in careers. Approximately two-thirds of those with MS experience their first symptoms between the ages of 20 and 40, with average age of onset at about 30. In some cases, the diagnosis is not made until a person is in his or her 40's or even 50's. In these cases, a detailed medical history often reveals that symptoms had appeared previously but had not at the time been sufficiently pronounced to warrant intensive medical attention and hence a disagnosis.

Extremes of unpredictability and variability, diagnostic difficulties, the range of symptoms, and special coping problems render multiple sclerosis unique and deserving of unusual treatment under Federal disability standards.

A majority of people with multiple sclerosis experience periodic remissions, with subsequent exacerbations, throughout the course of their lives. Many others have MS that begins in this exacerbating/remitting form, but that evolves into remitting/progressive or straight progressive MS.

In its exacerbating/remitting and remitting/progressive forms, MS yields a variety of severe and disabling conditions that come and go. Therefore, the ability to work fluctuates. An individual with MS might on a given day be wholly incapable of engaging in any form of work activity. Yet shortly thereafter, that person's symptoms may have altered in a manner that work is temporarily both possible and desirable.

MS presents other unusual problems with respect to Social Security determinations of an individual's disability and work capability. These include: First, the difficulty and delay in diagnosing MS (in one-third of cases, this amounts to at least 5 years between first appearance of symptoms and diagnosis); second, the consequent problem of having to establish the onset date retroactively; and third, the common problem of poor medical documentation for the early years when the diagnosis was not yet established. The foregoing difficulties can be critical with respect to Federal disability determinations.

Because multiple sclerosis is a lifelong disease, when people with MS become eligible for disability payments they usually retain their benefits permanently, so long as they do not attempt to work. MS is one of a number of diseases categorized by the Social Security Administration as medical improvement not expected.

Problems often arise, however, because MS typically attacks young adults, many of whom have a particularly strong need and desire to work. For the majority of these people, the symptoms of the disease come and go. During remissions, despite residual impairments, they are able to work and enjoy productive daily schedules. Often these remissions will cover a substantial portion of each year, leaving the individual incapacitated a few weeks or months at a time.

The process of obtaining a diagnosis of MS and establishing initial benefit eligibility is exceedingly difficult and uncertain. Beneficiaries are acutely aware of these difficulties and are afraid to place their benefits at risk by attempting to work during periods when the symptoms of their MS are in remission or stabilized. The fear is that they will lose their benefits and that a period of exacerbation, or renewed incapacitation, will return after they have been deemed capable of work. This fear creates a serious work disincentive which is counterproductive to the interests of the MS community and the Social Security Administration.

SSDI and SSI beneficiaries are offered a trial work period. If they successfully earn above $75 in gross wages in each of 9 (not necessarily consecutive) months, they are given an extended period of eligibility of 15 months, and then lose their benefit eligibility.

During the extended period of eligibility, benefits can be received for each month in which the beneficiary does not earn above threshold levels, but benefits are suspended during months when the threshold levels are exceeded. If, after the 15-month extended period of eligibility, a beneficiary must stop work because of disability, he or she must file a new Social Security application.

I propose enabling beneficiaries with MS to maintain their extended period of eligibility permanently following trial work—subject only to conversion to Old Age benefits at age 65—and to move freely between work and benefits as often as necessary.

In the long run, this change will promote the well-being of both MS Social Security beneficiaries and the benefit programs themselves. Beneficiaries will achieve the greater self-esteem, self-reliance, personal growth, and potentially increased income that come from remunerative work. The Federal Government will benefit from the increased efficiency and cost savings that result from the payment of benefits for far fewer months—only those when individual MS beneficiaries are unable to earn above the threshold levels. Federal and State governments will also obtain increased tax revenues.

In order for an applicant to be eligible for Social Security Disability Insurance, the individual must meet the requirements of both "fully insured status" and "disability insured status.' One of the key criteria for achieving disability insured status is the "recency test," which measures the applicant's work history in 3-month periods, or quarters. The recency test requires the applicant to have worked during a minimum of 20 quarters out of the 10-year period preceding the point in time when the onset of disability occurred. For applicants who became disabled before age 31, this requirement is modified to one-half of the quarters which fall between age 21 and the onset of disability. A minimum of 6 quarters of coverage is required.

The recency criteria present a number of special difficulties for people with multiple sclerosis who seek to establish SSDI eligibility. The criteria fail adequately to allow for the difficulty of obtaining a definitive MS diagnosis and for the frequently considerable delay that results. As the result of these difficulties, people with MS encounter problems in establishing an MS onset date within the period of eligibility as defined by the recency of work requirements. Some applicants with MS attempt to establish an onset date retroactively to prove that their disability onset occurred when they still had disability insured status. This effort is usually impeded by a lack of early medical documentation of the disease and its effects on the applicant. Others with a delayed diagnosis may simply be informed that their eligibility period has lapsed, and never learn about or undertake the difficult legalistic effort of establishing onset date retroactively. Still others, debilitated by MS fatigue and neuropsychological effects of the disease, are aware of but unable or unwilling to undertake this effort.

The recency of work requirements also pose serious difficulties for people with MS because a majority of the affected individuals are young adult females. Even in contemporary society, in which women often work, many continue to leave the work force at some point in their prime child-bearing years to have and raise children. These women often experience their first symptoms after

leaving the work force. Often, too, they are initially unaware that they have MS, because of the long period required for diagnosis. By the time they are finally diagnosed and apply for Social Security Disability Insurance, they recency of work test, combined with the absense from the work force during the preceding years, precludes eligibility. Accordingly, the recency requirements exert a disproportionate impact on the female young adults who are most subject to MS.

Under my proposal SSDI applicants with MS would be exempt from the recency test. They would, nonetheless, remain subject to the minimum requirements needed for fully insured status.

To be classified as under a disability for purposes of SSDI eligibility, the applicant or beneficiary must be deemed unable to engage in any "substantial gainful activity" [SGA] by reason of any medically determinable physical or mental impairment. One standard applied to ascertain whether an individual is capable of engaging in SGA is by checking his or her income level. If certain threshold earnings—currently $300 per month, with the exception of that for the blind—are exceeded, a finding of SGA is made, and the individual is deemed ineligible for benefits.

This threshold earnings level provides disabled beneficiaries in general with a major disincentive to work. They fear that their valuable disability income and associated health insurance benefits might be endangered if they exceed this remarkably low level of earnings. The disincentive is particularly significant with respect to people with multiple sclerosis. In part, this is because of the difficulty many of them have in obtaining benefits. Also, in view of the unpredictable and lifelong nature of the disease, and the unavailability of insurance, health insurance coverage is especially valuable to them. If these individuals were to lose their benefits, earnings at the SGA level would be wholly inadequate to meet their needs in the absence of health insurance coverage. Further, temporary remissions often render people with MS capable of performing some work, notwithstanding their disability, but typically they remain incapable of sustaining highly remunerative work on a continuing basis. Exacerbations will likely occur, again making them incapable of work.

I propose increasing the SGA threshold for beneficiaries with MS to approximately $610 per month—comparable to that for persons disabled due to blindness—and calculating future amounts in the same manner as they will be calculated for the blind. This change would bring those with MS closer to a level at which they would have a true incentive to attempt work, consistent with the aims of the Social Security Program, while reducing the loss of benefits based on sporadic and insufficient income.

The Social Security Administration, in recent rules published in the Federal Register, has recognized some of the unusual features of multiple sclerosis that distinguish it from most other diseases and that merit special consideration in SSA disability determinations. In a rule affecting continuing reviews of disability, SSA established that in cases such as MS where evidence shows that an individual's impairment is subject to temporary remission, SSA examiners should be careful to consider the longitudinal history of the impairment(s), including the occurrence of prior remissions, and prospects for future worsening of the impairment(s). The rule specifies that improvement in such impairments that is only temporary will not warrant a finding of medical improvement. Similarly, most recently, in response to a comment by the National MS Society, the SSA agreed to amend the definition of "permanent impairment," and indicated that temporary remission in the severity of an impairment will not be a factor in deciding if an impairment is permanent. SSA stated, "a prime example of such an impairment is multiple sclerosis." The proposals in my bill are consistent with this growing recognition of the exceptional nature of MS, and of the special difficulties that this disease presents to SSDI and SSI applicants and beneficiaries.

The proposed amendments are not exhaustive. There are other problems faced by applicants and beneficiaries with MS that are not addressed. Nor are the amendments the only ways by which these people could be assisted to lead useful and productive lives to the maximum possible extent. Nonetheless, implementation of the suggested changes will constitute a significant step toward the objective of providing unique forms of assistance to people affected by this lifelong, severe, disabling, unpredictable, and unique disease. I invite and welcome your support of this important legislation.

H.R. —

A bill to amend titles II and XVI of the Social Security Act to establish more realistic rules for determining the eligibility of individuals who have multiple sclerosis for benefits based on disability under the OASDI and SSI programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OASDI AMENDMENTS: TERMINATION MONTH, RECENCY OF EMPLOYMENT, AND THRESHOLD EARNINGS LEVELS.

(a) TERMINATION MONTH.—Section 223(a)(1) of the Social Security Act is amended—

(1) by striking out "the earlier of", and inserting "If earlier," after "(II)", in the second sentence; and

(2) by inserting after the second sentence the following new sentence: "In determining the termination month in the case of an individual whose impairment (on which his or her benefits are wholly or partly based) is multiple sclerosis, such impairment shall be considered permanently disabling for purposes of clause (I) of the preceding sentence, and clause (II) of such sentence shall not apply.".

(b) RECENCY OF EMPLOYMENT.—The first sentence of section 223(c)(1) of such Act is amended by inserting immediately before the period at the end thereof (in the matter after and below subparagraph (B)) the following: "or who has multiple sclerosis".

(c) THRESHOLD EARNINGS LEVELS.—The second sentence of section 223(d)(4) of such Act is amended by inserting after "No individual who is blind" the following: "or who has multiple sclerosis".

SEC. 2. SSI AMENDMENT: TERMINATION MONTH.

Section 1614(a)(3)(F) of the Social Security Act is amended—

(1) by striking out "the earlier of", and inserting "if earlier," after "(ii)", in the second sentence; and

(2) by adding after the second sentence the following new sentence: "In determining the termination month in the case of an individual whose impairment (on which his or her benefits are wholly or partly based) is multiple sclerosis, such impairment shall be considered permanently disabling for purposes of clause (i) of the preceding sentence, and clause (ii) of such sentence shall not apply.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall become effective October 1, 1986.

A GOOD GOVERNOR

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. GARCIA. Mr. Speaker, Charles Krauthammer wrote an excellent essay on Gov. Mario Cuomo of New York in today's Washington Post. As usual, there is speculation about the Governor's quest for the 1988 Presidential nomination.

I would like to insert Mr. Krauthammer's essay into the RECORD not to fan those speculative fires, but to point out that the people of New York are fortunate to have a Governor with such a highly defined sense of the ultimate purpose of politics in a democratic society—to serve the people. One does not always have to agree with Mario Cuomo to respect and admire his strong convictions and sense of integrity.

I mention all this, as I said, not to push the Governor's name in the forefront of future political races; that is, those beyond 1986. No; I mention this only to reinforce what most of us in New York already know, that we have a fine Governor who serves his State well. The future will take care of itself.

The essay follows:

[From the Washington Post, Aug. 15, 1986]

CUOMO WON'T TAKE THE EASY ROUTE

(Charles Krauthammer)

Vintage Mario Cuomo. Addressing the American Bar Association this week, he deplored the practice of appointing judges on the basis of ideology. He called instead for judging judges solely on the basis of "merit." Cuomo acknowledged that for 150 years presidents have tried to appoint ideological soulmates. One hundred and fifty years, but still a "bad habit." We should—he would—stop it.

"Perhaps many will label this as naive," said Cuomo. Sen. Orrin Hatch had another label, "Sour grapes," he said, from a man whose "party is not in control of who gets appointed," Since *Brown v. Board of Education*, liberalism, finding the president and the Congress often recalcitrant if not hostile, has made the courts its chosen instrument of social change. Now that a conservative president moves to reshape the Supreme Court to his liking, Democrats have suddenly discovered the merit principle.

Hatch has a point about timing. By and large, the charge is true that liberals, having held the judicial ball for 30 years and then fumbled it away, now want to declare the forward pass illegal. But on

intent—Cuomo's intent—I think Hatch missed the mark. Mario Cuomo is exactly the kind of man who as president would disappoint his liberal supporters and choose for the court the best and brightest, even (especially—it would reinforce his point) those not of this ideological stripe.

A statesman is a retired politician who urges his successors to do all the noble things he never had the courage to do. Cuomo is a premature statesman. He urges difficult things before he gets in the office and then, once in, sticks by them. He ran for governor of New York opposed to capital punishment, knowing it was an overwhelmingly unpopular position. As governor, he has stuck to his guns. Every year the legislature passes the death penalty. Every year Cuomo vetoes it.

Two years ago he waded into the Geraldine Ferraro-Archbishop O'Connor abortion debate. He took neither position but instead staked out new and difficult ground. The usual solution (John Kennedy's, for example) to a politician's "Catholic problem" is to say. "I serve first the Constitution. I will permit nothing to supersede that commitment."

There is nothing dishonorable about this solution, but Cuomo does not choose it. Religion is for him a matter of belief and not just affiliation. He said publicly, "I am a governor, I am a Democrat, but I am a Catholic first—my soul is more important to me than my body." On abortion Cuomo declared, "I accept the teaching of my church," He then proceeded to give the theology faculty at Notre Dame a closely reasoned argument, appealing to the American tradition of "Catholic realism," as to why he would nevertheless not seek to turn the Catholic position into civil law.

There is a lot to argue with in this view. Nevertheless, in this case as in others, Cuomo demonstrates that he is not one to take the easy route. His reputation for moral hauteur comes from the feeling that he won't let anyone else take that route either. His thunderous San Francisco convention speech was about the obligation of the well-off to share their good fortune with the poor.

Not a popular theme in the age of Reagan. In Reagan's Opportunity Society, virtue is at best a byproduct, at worst a nuisance. Reagan has achieved enormous political success by offering the opposite vision: like capitalism, it encourages the baser instincts (acquisitiveness, selfishness) in the expectation (it must be admitted that history has been kind to this idea) that an invisable hand will transmute them into the general good.

Cuomo's creed is the need to strengthen the visible hand, which in this era must belong to government. He believes in compassion—for what it does not just for the receiver but for the giver. He is considered the candidate of liberalism. In fact, he is the candidate of virtue.

Virtue—they don't call it that—is emerging as a Democratic theme for '88. Cuomo's is perhaps the most extreme form, but the idea of sacrifice or "true patriotism" is the Democratic alternative to the self-congratulatory, narcissistic patriotism of Reaganism. Each candidate gives the civic virtue theme his own rationale. Wired Joe Biden: we need the feeling back. Cool Hand Hart: it is a technical requirement for the machine of state (if we are to compete with the Japanese, etc). Mario Cuomo, political ascetic: it is a moral necessity.

Can you win an American presidential election running on virtue? On feeling, on community, on Hands Across America? Without a recession, doubtful. And if, on the road to New Hampshire, the theme begins to fade in Pat Caddell's polls, expect the others to look for another one. Not Cuomo. He would no more do that than stack a court with liberals.

CHILD CARE CENTER CLOSINGS SPUR CRISIS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. MILLER of California. Mr. Speaker, I would like to warn my colleagues of a potential nationwide crisis in child care. Recently, I was alerted to such a crisis in my own district.

On August 29, two State-subsidized child care centers serving 75 low-income children will close in Concord, CA, leaving their families, most of whom are single parents, scrambling to find child care so that they can go to work to attend job-training programs. The centers are closing because State subsidies have failed to keep pace with the rising cost of quality child care. The crisis is particularly acute because there are already 300 families waiting for subsidized child care in Contra Costa County.

The alternatives are not promising. Many fear that these children, who are between the ages of 5 and 9, will be left home alone and unsupervised after school.

The other alternative is also unacceptable. For many single mothers with low-paying jobs who currently need subsidized child care to work or to seek job training, the alternative is to drop out of training or the work force, and join the welfare rolls.

My own district may be one of the first to be affected, but it certainly won't be the last. Every district has working families who depend on child care every day.

County officials in my district are doing their best to try to meet the tremendous need, but there are 25,000 children in the county in need of child care, and only 3,000 slots. They have recognized that child care is an essential municipal service and have come up with a plan to meet some of the need. But they can't do it alone.

The Federal Government must play a greater role, so that child care programs for the children of working families can stay open, and so that families trying to be self-sufficient can be supported in their efforts.

We need to be expanding the supply of child care, not shrinking it.

I would like to share an article from the Contra Costa Times. Parents who will lose child care at the end of the month describe the crisis better than I, and I urge my colleagues to heed their message.

[From the Contra Costa Times, Aug. 14, 1986]

DAY CARE CLOSINGS SEND PARENTS SCRAMBLING

(By Judy Ronningen)

CONCORD.—Single parents working for low pay are scrambling to find care for their school-age children after learning that two subsidized centers serving 75 children will close Aug. 29.

Closure of the Crawford Village and part of the Willow Creek centers will eliminate one-third of all the state-subsidized spaces in Central County where low-income parents can send 5- through 9-year-olds.

They are closing because state subsidies rose only 1 percent this year, while expenses rose higher, said Carolyn Lewis, executive director of the Mt. Diablo Community Child Care Advocates. The state pays 82 percent of the operating budget. Last year, the centers operated $4,000 in the red.

As a result, child-care professionals are predicting that more children as young as kindergarten age will be carrying their fingerprinting and math papers home to an empty house.

"You can be sure there'll be a lot of kids taking care of themselves," said Ronnie Vale of the Contra Costs Children's Council.

Ruth Fernandez, a waitress, worries about who will pick up her 8-year-old daughter and take her to day care—even if she can find care she can afford on a salary of $3.50 an hour.

At Willow Creek center, there was a bus to pick up children. Fernandez said she has no one to pick up her daughter at school and take her to day care.

"I told my ex-husband, maybe she's not going to school this year. Maybe she has to come with me to work," she said.

Clauette Roberts, a bank employee, says she will pay $250 to $300 a month for after-school care for her 8-year-old daughter. She paid one-third as much at Willow Creek Center.

"My parents are going to help me (pay for it), but I'm not sure how long I can depend on that," said Roberts. She said she knows mothers who will let even younger children stay home by themselves.

Parents pay as little as 50 cents a day per child for care at the Crawford Center and in the school-age program at Willow Creek Center, where a preschool program will continue.

During the summer, they provide a full-day program for children for 9 to 10 hours a day.

Nearly all of the parents are single mothers working at low-paying jobs. To qualify, a single mother, with a child can earn no more than $1,300, but most of the slots go to the lowest-paid mothers who may earn $770 to $1,000 a month. A few are on welfare and taking job training.

Lewis said it is impossible to raise parent fees in order to break even: Fees are set by the state as a condition of receiving subsidies.

She said another factor in the decision to close the centers was that the Mt. Diablo School District said the child-care agency would no longer be able to use the Crawford Village school.

It was needed as an alternative high school; since the Olympic High School campus is being sold. Since then, the district has changed its mind and would have allowed use of the school for another year.

Other centers with state-subsidized room for school-age children are the Cambridge Community Center, the Concord Child Care Center, the Martinez Early Childhood Education Center, and the Mt. Diablorun Holbrook Child Care Center.

All are full except Holbrook, which may take 14 transfers from the child centers.

The city of Concord sponsors "Our Place" for fourth- through sixth-graders, the age

group most likely to be left alone by themselves.

Anita Michel, an entry-level computer programmer, is grateful that her fourth-grade daughter qualifies for "Our Place." At $50 every eight weeks, it's a bargain.

Her younger daughter, a kindergartner, will go to a private home for family day care at $1.75 an hour.

Michel considers herself lucky to be paying double what she paid at Willow Creek, and lucky that her programming classes ended this year and she was able to land a job.

"If it were not for child care, I would not have finished school and gotten work," she said. "It's very sad that they're closing."

REPRESENTATIVE GILMAN'S ADDRESS ON HUMAN RIGHTS TO THE EUROPEAN PARLIAMENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. LANTOS. Mr. Speaker, earlier this summer the delegations from both our own body and that of the European Parliament met in Santa Fe, NM, to discuss a wide range of issues. Prominent among these was human rights, a deep concern of so many Members of Congress. One of our most active fighters in the struggle for human rights worldwide, Congressman BEN GILMAN, was asked to deliver the American delegation's address on this important subject. As ranking minority member of the Foreign Affairs Subcommittee on Europe and the Middle East, and as an executive committee member of the human rights caucus, BEN GILMAN has been a champion for many years on behalf of those tens of thousands of innocent men and women denied the basic freedoms of communications, religion, and cultural heritage guaranteed them by the Helsinki Final Act and other international agreements.

I would like to share with my colleagues the thought-provoking and forceful messages of his address, which I request be printed below. It is only through such commitment and dedication, displayed by Congressman GILMAN throughout his many terms in the House of Representatives, that we will be able to acheive our goal of basic human rights for every man and woman on this Earth, and I recommend this speech as required reading for us all.

REMARKS OF REPRESENTATIVE BENJAMIN A. GILMAN

"Man was born free, and he is everywhere in chains".[1] This premise of Rousseau's argument in " The Social Contract" is still valid today. The individual's human rights, consisting of freedoms emcompassing the religious, cultural, social and economic spectra, are among the most important in any society. The common values of freedom and justice which those of us here share are goals we seek throughout the world. Yet the precious ability to communicate—to express oneself freely, to discourse whenever on so desires, are among the basic freedoms being denied those whose only desire is that the social contract with their government be upheld.

The chains shackling men and women vary in scope. While none of us can lay claim to citizenship in a human rights utopia, we can assure ourselves that having committed our hearts and minds to this concept, mankind's existence can be improved if our efforts do not lose pace.

Yet underlying the desire for man rights globally, we must first acknowledge that the definition of freedom varies from nation to nation, implementation of theory is based on the understanding of the concepts presented, and it is a unified acknowledgement of the importance of the individual which we seek. Unfortunately, however in a world fraught with conflict and discrimination, there exist many nations who renounce the individual's inalienable rights in favor of state control. "To renounce freedom is to renounce one's humanity * * * (and) such renunciation is contrary to man's very nature." [2]

Freedom House has assessed human rights in the 167 countries of the world. 56 are characterized as free, 56 as partially free, and 55, not free. This report is based on Freedom House's own definition of freedom, but suffice it to say, most of us would endorse the precepts upon which they base their analysis. The situation is precarious, with almost complete balance, one-third is free, one-third is semi-free, and one-third is not free. Accordingly, the struggle for human rights, is staggering, as the one-third battles the two-thirds for control. While many bemoan and throw up their hands in despair, it behooves us to remember that we are morally obligated to pursue human rights for our fellow man. Is that not the essence of "am I not my brother's keeper?"

Though our concern, our struggle and awareness for human rights have grown in the past few decades, so too have abuses of those rights. Which brings us back to one's definition of what is fundamental human freedom. For example, although the Soviet Union is a signatory to the Helsinki accords, and in theory has committed itself to the human rights concepts expounded in basket three, in actuality it does not enforce them. Rather, in meetings with various Soviet officials and parliamentarians, we are told time and again that shelter, health care and education are primary human rights. Granted, shelter, education and other physical amenities, are of importance, but first and foremost an individual most be free in his environment. Otherwise, the social contract with the forces that govern him cannot be complete. Though we may differ on the nuances of the human condition that constitute a free individual, in our hearts and minds we all recognize abuses of human rights.

Our governments meet from time to time to discuss various proposals on a variety of subjects. It is during these sessions that we attempt to promote harmony and unity. In the past year we have witnessed several multilateral and bilateral meetings, in which human rights were on the agenda. These include an expert's meeting on human rights that met in Ottawa one year ago, a cultural forum in Budapest as well as the meeting on human contacts that took place in Berne, Switzerland. The Ottawa meeting, which I was pleased to attend, focused on a broad range of human rights principles and isues. The Budapest cultural forum addressed the many artistic issues that have not yet been reconciled, such as the necessary freedoms that novelists, poets, artists and others require if they are to be true to their conscience and their art. The Berne meeting, on the other hand, centered its efforts on avenues to promote the positive development of contacts amount persons, institutions and organizations. It considered such topics as family reunification, binational marriages, and travel for personal and professional reasons.

The modestly fruitful summit meeting in Geneva between President Reagan and Soviet Leader Mikhail Gorbachev led to the release of several prominent Soviet Jewish and Pentacostal dissidents just prior to and following that session. A number of long-term unresolved binational marriage cases were also settled, leading some to believe that the Soviet Union had "turned the corner" on the important matter of human rights.

While we continue to assess the outcome of all these meetings, and maintain a close interest in the conference on confidence and security building measures and disarmament that has been meeting in Stockholm since January 1984, many of us have concluded that the recent flurry of activity on human rights cases by the Soviet Union is a public relations initiative designed to divert attention from the serious infringements that continue in depth and on a wide scale.

Witness the remarks made by Secretary General Gorbachev in France: "The issue of human rights does not represent any difficulty for us. We are ready to discuss this issue anywhere, with any audience, and any representatives." Yet in reality, when Members of Congress and others attempt to discuss human rights and emigration, we are met with strong resistance and evasion.

In view of this, we are then convinced that there has been a serious misinterpretation of human rights principles. Even though the Soviet Constitution guarantees certain rights, in reality, they are not abided by. Two articles of the Soviet Constitution, among others, make provision for "guaranteed freedom of speech, of the press, and of assembly, meetings, street processions and demonstrations," and "the privacy of citizens, and of their correspondence, telephone conversations and telegraphic communications." [3]

If these two provisions of Soviet law are true, then why had the U.S. House of Representatives Postal Committee documented thousands of cases of mail and parcels from the U.S. to the Soviet Union that never reached their intended destinations? Why do hundreds of innocent Soviet Jews, Pentacostals, Baptists, Baltic nationalists and writers, artists and other creatively-minded people languish in prisons and labor camps across the vast expanses of the Soviet Union on transparent charges?

It is obviously due to the underlying Soviet assumption that these people and so many thousands of others who are persecuted for their beliefs in the Soviet Union on a daily basis, are contrary to the Soviet manifesto which dictates that all means are possible to satisfy the end result. Soviet ideology and activity require subsuming the individual in favor of the state, whereas in a democracy, majority rule shifts as individual decisions change. Indeed, in the Soviet Union, it is an insult to call someone an "individualist." Additionally, derived from the

[1] *The Social Contract*, Jean Jacques Rousseau. Book 1, chapter 1.

[2] *Ibid.* Book 1, chapter 4.

[3] *Soviet Constitution*, Articles 50 and 56.

Biblical injunction, "do unto others as you would have them do unto you" is Kant's notion, "act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only." [4]

But we regularly hear of cases, rife in the Soviet Union and elsewhere, where religious, cultural and social oppression are perpetuated. In a systematic, state-sponsored attempt at silencing all but the official view, movement and communication are restricted, innocent men and women are arrested on false charges, physical violence is perpetrated, and on numerous occasions, individuals are drugged into submission in various psychiatric hospitals. One cannot even think out loud for fear of arrest, and you cannot trust anyone in this atmosphere. Big brother is indeed watching * * *

The injustices that have been documented to those of us in the West have been committed against Soviet Jews, Helsinki monitors and their affiliates, Baptists, Pentacostals and ethnic nationalists. There are those who want to change the system from within and those who simply desire to leave, as is their right. Of a Jewish population estimated at 2.5 million, 400,000 have made known their desire to emigrate. Of these 20,000 have been refused repeatedly. Either "it is not in the state's interest" that they leave, or the individual applying purportedly has access to state secrets. It does not matter that the supposed secrets are outdated by decades. To apply to emigrate means certain loss of one's job. Yet to be without employment means risking arrest on charges of parasitism. These and many other catch-22 situations are the true backbone of the Soviet system.

Currently, more than twenty Soviet Jewish cultural and religious activists are in prisons or labor camps for simply wanting to practice their Jewish heritage in Israel. Some were arrested on false drug possession charges, while others, known to be Hebrew teachers, were accused of "defaming the Soviet state and social system." Ida Nudel, Iosef Begun and Iosef Berenshtein will not be forgotten, regardless of where they are imprisoned or exiled. We will continue to work for their release and emigration to Israel.

The plight facing Soviet Baptists and Pentacostals is just as dim. It is known that thousands desire to emigrate, as do over one hundred thousand ethnic Germans. These men and women only want the religious and cultural freedom that is their due, but which has been rudely denied them. Emigration of ethnic Germans dwindled to a trickle, while Baptist and Pentacostal leaders are incarcerated, their children threatened to be taken away as wards of the state. American and Soviet spouses and their families are separated by thousands of miles and official Soviet refusals that have no basis in fact. Why then cannot the Soviets comprehend the moral imperative that "every man has the right to risk his own life in order to preserve it?" [5]

Human struggle, dictated by human nature, continues to this day. Our collective resolve that fundamental human rights be established and maintained around the world has borne some fruit. Global consciousness of the inviolability of the human spirit has been raised. Freedom House reports that our world is a bit freer than last year. We have witnessed change in the Philippines, in Haiti and in Argentina. In South Africa and in Afghanistan, to mention just two, the struggle goes on. Within the Soviet Union the struggle continues mightily. We must lend our voices and our hearts to produce a unity of thought and commitment about human rights, elevating this concept until it is a reality everywhere.

To do less would be an injustice to our brothers and sisters around the globe. There is an appropriate Latin phrase that captures the essence of human rights which sums up our commitment to this principle:

Malo periculosum libertatem quam quietum servitium—better perilous liberty than quiet servitude.

[4] *Foundations of the Metaphysics of Morals*, Immanuel Kant. Second section: Transition from the popular moral philosophy to the Metaphysics of morals.

[5] *Op. Cit.* Rousseau. Book 2, Chapter 5.

ASSURED ACCESS TO SPACE ACT

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. NELSON of Florida. Mr. Speaker, today, I am introducing legislation to provide assured access to space for national security, scientific, commercial and other users. The bill will also foster the development of an expendable launch vehicle industry. Such a commercial industry is essential if this country is to have robust and reliable access to space. This fact was recognized by Congress when it passed the Commercial Launch Act in 1984.

But things have changed since then. The industry has not developed and now more than ever this country needs the alternate launch capacity which a commercial expendable launch vehicle [ELV] industry would provide.

The Subcommittee on Space Science and Applications, which I chair, has held a number of hearings on the issues addressed in this legislation. From the record it is clear that additional steps must be taken now to foster the development of this vital resource.

Access to space is critical if this Nation is to maintain its leadership role in space. We cannot relinquish our position, either intentionally or nonintentionally by failing to act now.

The bill which I have introduced today requires the Administrator of NASA to purchase competitively commercial launch services for Government payloads which will be backlogged as a result of a 2-year downtime in shuttle launchings.

The Administrator will be required to carry out the procurement of launch services for Government payloads in a manner which fosters the development of an expendable launch industry. The procurement will also complement the medium launch vehicle [MLV] procurement [MLV] which is currently planned by DOD for national security payloads.

The bill will also ensure that Government facilities are made available for commercial use on an additive cost basis, that is, we will charge commercial users incremental costs and not costs otherwise required to meet the Government's space transportation needs.

In effect, this bill will encourage ELV's as the primary launch system for commercial customers, but will ensure the availability of shuttle as a backup launch vehicle. This is important. One lesson we have learned is that we should not rely on any launcher as the sole means to space. This applies to all users.

Encouraging greater ELV use will be accomplished by modifying the shuttle pricing policy for commercial and foreign users. In no case will the Administrator be able to charge a commercial customer less than that customer would be charged to fly on a comparable expendable launch vehicle. It is important that ELV's become competitive in the world marketplace, and this incentive should assure that. Importantly, NASA will continue to provide no-cost or low-cost flights for customers involved in research programs with NASA. The Committee on Science and Technology has persistently encouraged NASA to promote research use of the shuttle.

This bill will help us achieve a robust fleet of launch vehicles to assure continued access to space and leadership for the U.S. Space Program:

H.R. —

A bill to provide for assured access to space for national security, scientific, commercial, and other users and foster the development of an expendable launch vehicle capability, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Assured Access to Space Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) The assurance of reliable access to space is critical in order to meet national security, scientific, and commercial objectives of the United States space program.

(2) The United States space program (including government and industry) must provide the assurance of reliable and continued access to space.

(3) The United States should demonstrate reliability by honoring existing lanuch commitments.

(4) In order to ensure reliable and continued access to space, the United States should utilize the capability of expendable launch vehicles and the Space Shuttle.

(5) Provision of launch vehicles and services by the private sector is an important complement to United States launch capability, and Congress remains committed to the findings contained in the Commercial Space Launch Act (P.L. 98-575).

(6) The United States cannot concede the commercial launch vehicle business to foreign competition.

SEC. 3. PURPOSE.

The purpose of this bill is to assure reliable and continued access to space by providing for the utilization of commercial expendable launch vehicle capability in order to meet national security, scientific, and commercial objectives of the United States space program.

SEC. 4. PROCUREMENT OF LAUNCH SERVICES.

(a) AUTHORITY.—The Administrator of the National Aeronautics and Space Administration shall purchase, through competitive procurement, expendable launch vehicle services for the purpose of launching government payloads, as aggregated by the Administrator. The services purchased under this subsection shall be provided on a reimbursable basis.

(b) SCHEDULE FOR PROCUREMENT AND LAUNCHING.—The Administrator shall procure at least 15 launches over a 5-year period beginning in 1988. Such launches shall be launched beginning in 1988 at a rate of no less than two each year.

(c) IMPLEMENTATION.—The Administrator shall carry out this section in a manner which fosters the development of an expendable launch vehicle industry and complements the medium launch vehicle procurement planned for national security payloads.

(d) REPORT.—The Administrator shall report to Congress on how he will carry out this section no later than November 1, 1986.

SEC. 5. DEFINITION OF DIRECT COSTS.

Section 15(b) of the Commercial Space Launch Act is amended by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) For purposes of paragraph (1), direct costs shall not include costs associated with meeting the space transportation needs of the United States.".

SEC. 6. RESPONSIBILITIES UNDER COMMERCIAL SPACE LAUNCH ACT.

Section 5(a) of the Commercial Space Launch Act is amended to read as follows:

"(a) The Secretary shall be responsible for carrying out this Act, and in doing so shall consult with other agencies to provide consistent application of licensing requirements under this Act and to ensure fair and equitable treatment for all license applicants.".

SEC. 7. SHUTTLE PRICING POLICY.

(a) AMENDMENTS.—

(1) Section 202(2) of the National Aeronautics and Space Administration Authorization Act of 1986 (Public Law 99-170; 42 U.S.C. 2466) is amended to read as follows:

"(2) the efficient use of the Space Transportation System;".

(2) Sections 204 and 205 of such Act are amended to read as follows:

"SEC. 204. (a) The Administrator shall establish and implement a pricing system to recover reimbursement in accordance with the pricing policy under section 202 from each commercial or foreign user of the Space Transportation System, which except as provided in subsection (c) shall include a base price of not less than $74,000,000 for each flight of the Space Transportation System in 1982 dollars, and in no case shall be less than the price for a comparable launch on a United States expendable launch vehicle.

"(b) Each year the Administrator shall submit to the President of the Senate, the Speaker of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Science and Technology of the House of Representatives, a report, transmitted contemporaneously with the annual budget request of the President, which shall inform the Congress on the implementation of the shuttle pricing policy under this section.

"(c) The Administrator may set a price lower than the price determined under subsection (a), or provide no-cost flights, for any commercial or foreign user of the Space Transportation System who is involved in research, development, or demonstration programs with the National Aeronautics and Space Administration.

"SEC. 205. This title shall apply to flights of the Space Transportation System beginning on and after January 1, 1988.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall not effect contracts entered into before the date of the enactment of this Act.

(c) REPORT.—(1) Not later than 3 years after the date of the enactment of this Act, the Administrator of the National Aeronautics and Space Administration shall determine the effectiveness of the amendments made by subsection (a) and whether or not there has been demonstrated a competitive domestic expendable launch vehicle capability, and shall report the determinations to Congress.

(2) For purposes of paragraph (1), the existence of 3 contractual commitments between commercial users and a launch service provider, made in good faith, to launch nongovernment payloads, shall create a presumption of a demonstration of a competitive domestic expendable launch vehicle capability.

THE BREAD AND ROSES STRIKE OF 1912

HON. CHESTER G. ATKINS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. ATKINS. Mr. Speaker, Labor Day in this country is often regarded as a "rite of passage"—that Monday respite which reminds us that the twilight of summer is at hand. But as with all holidays this Nation solemnly observes, the significance of the day is far more than seasonal. Lawrence, MA, a city in my district, was the site for the very labor dispute which inspired this holiday: The bread and roses strike of 1912. In recognition of the 75th anniversary of this important turning point in the American workers' movement, I hereby offer the following proclamation for insertion into the RECORD.

PROCLAMATION

Whereas, the period between Labor Day 1986 and Labor Day 1987 marks the 75th Anniversary of Lawrence's Bread and Roses Strike of 1912 and

Whereas, the Bread and Roses Strike marked the beginning of the legitimization of labor in America, a turning point in the women's movement and an example of people from many lands speaking many languages uniting to achieve a common goal, and has inspired poets, singers, painters and novelists for several generations, and

Whereas, the City of Lawrence is now rediscovering its heritage as an immigrant city—a city of workers and the historic mill district where the strike occurred is being restored as a cultural and residential focal point for the Merrimack Valley including a Heritage State Park and the Museum of America Textile History, and

Whereas, the Bread and Roses Heritage Committee was started last fall by an enthusiastic group of young people who believe in the City of Lawrence, its rich history and its promising future and

Whereas, this group has planned a yearlong celebration from Labor Day 1986 through Labor Day 1987 entitled "The Year of the Worker" featuring multi-cultural festivals, conferences, art exhibits, tours, and the re-creation of historical events.

Therefore, I, Congressman Chester Atkins proclaim the year from Labor Day 1986 through Labor Day 1987 "The Year of the Worker" in Lawrence, Massachusetts, and declare that the City of Lawrence be recognized by the Congress of the United States of America for its supreme example of unification of the various ethnic groups within the City.

Congressman CHESTER G. ATKINS,
5th District, Massachusetts.

Attest: This fifteenth Day of August in the year Nineteen Hundred and Eighty Six.

SOUTH AFRICAN SANCTIONS

HON. ALTON R. WALDON, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. WALDON. Mr. Speaker, the other body's continuing debate on South African sanctions comes as a great disappointment to me. Their proposed legislation does not raise the price South Africa must pay for imposing a brutal state of emergency to preserve their savage racist apartheid system. The amended Senate bill lacks the force sufficient to make sanctions effective. With the passage of this bill, U.S. policy is in danger of substituting illusion and symbolism for political courage and action. As the world's most powerful democracy, we are morally bound to help South Africa move toward democratic rule based on freedom and justice for all of the citizens of South Africa and we need legislation which reflects this commitment.

I wholeheartedly support H.R. 4868, Congressman DELLUMS' sanctions bill. His bill completely breaks trade relations with South Africa, with the exception of strategically important minerals, and it sends a clear message that America will not tolerate the actions of the South African Government.

South Africa is not a legitimate state. It is not within the bounds of acceptable civilized behavior. It attacks its neighboring black-ruled states, it forces it neighbors into economic dependency, and it steals 87 percent of the land in South Africa for the white rulers. They never super-exploited black labor in order to create a situation for the whites in which ordinary white workers can live in homes with swimming pools and have black servants.

To maintain this white privilege they have imposed conditions upon the blacks that are totally unacceptable. The state of medical care, education, wages, caloric consumption, and housing would be enough to cause any people to revolt against a privileged class who enjoy one of the highest economic standards of living in the world.

The only way to balance the inequities in South Africa is to establish a new black-majority government. The present government needs to be pressured to move in this direction, however impossible it may seem to them at the moment. The African National Congress has been struggling for decades to make majority rule a reality without automatically excluding whites. They have always said that white people will be invited to stay in a unified, African, majority-ruled South Africa. The whites can be citizens of the new African nation if they give up their racist dream of white minority rule. If they integrate into a black-majority African nation, they will simply

be South Africans, subject to the same rights and duties as all other South Africans.

It is time for the United States to recognize the inevitable in South Africa: apartheid is doomed and it will be replaced. America should try to hasten the apartheid state's disappearance by establishing strong economic sanctions to induce it to negotiate a transfer of power. If the South African Government refuses, we have even more reason to impose sanctions to slow down and blunt the genocidal war which will occur if they reject negotiations.

The United States also faces an equally important choice. We must either support sanctions and a negotiated transfer of power or we will be doomed to end up on the wrong side of another historical battle for justice. If we decide not to support the struggle for black liberation we will compromise our democratic values. We will weaken our relations with African and European nations. Worst of all, the new South African Government will view us with hatred and hostility.

The future of South Africa must be based on comprehensive racial equality. If the black people of South Africa were free of the chains of apartheid, then they could enjoy the benefits of economic, social, and educational opportunities, freedom of speech, the right to vote, and the right to choose their government leaders. Our duty is clear, unless the South African Government frees all political prisoners, unbans all organizations, ends apartheid, and begins negotiating the transfer of the government's power then we must impose tough economic sanctions with real teeth. Let us work together to make a trade embargo and mandatory disinvestment the law of the land, a signal of hope for South Africans, and a rallying cry for freedom.

ACTION AGAINST CHILE

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. GARCIA. Mr. Speaker, today's Washington Post included two letters to the editor from Representative STAN LUNDINE of New York, chairman of the Banking Committee's Subcommittee on International Development and Institutions and Finance, and Peter Hakim, staff director of the Inter-American Dialog, on the need for Congress to pass legislation that would force the administration to vote against loans to Chile.

I totally agree with Representative LUNDINE's and Mr. Hakim's cogent arguments in favor of such legislation, and I am submitting their letters to the RECORD for my colleague's perusal.

The letters follow:

[From the Washington Post, Aug. 15, 1986]

SANCTIONS AND CHILE

"Sanctions and Chile" [editorial, Aug. 3] asked Congress to grant the administration "flexibility" to conduct its own policy. Based on recent experience it is imperative for Congress to exhibit a healthy skepticism toward the administration's commitment to human rights in Chile.

Assistant Secretary of State Elliott Abrams made headlines recently by telling the subcommittee I chair that he would indeed recommend a "no" vote on loans to Chile "at this time."

Behind that headline development, however, were months of escalating pressure by Congress, particularly my subcommittee, on the administration to change its policy. The fact is that Mr. Abrams resisted even coming to testify publicly before Congress on U.S.-Chile policy. When obliged to do so by the subcommittee, he then was confronted with the obvious likelihood of provoking a fresh public outcry if he failed to shift publicly the administration's policy on Chile.

That shift is a positive step, and should be commended. But it does nothing to undo the fact that the Reagan administration has supported nearly $3 billion in loans to the Pinochet regime in just six years. Gen. Pinochet has never had to pay an economic price for his disregard of human rights. Never, until perhaps now. This is despite clear evidence of human rights abuses in Chile and constant congressional pressure on the administration to obey U.S. human rights law passed in 1977.

The longstanding congressional record, including the record of the House Banking Committee, in pushing, shaming and pleading with President Reagan to see Gen. Pinochet for what he is demonstrates the need for Congress to stay very involved in foreign policy—not to withdraw and naively trust the president to do what is right. The fact is that for Veronica de Negri and so many other grieving mothers, this action is already too late.

STAN LUNDINE,
Chairman, Subcommittee on International Development Institutions and Finance.

Over the past year, U.S. policy toward Chile has, without question, taken a positive turn. The administration has become a strong advocate for human rights, free elections and a democratic renewal in that country. But whatever impact such advocacy may be having would be blunted if the United States voted this fall in favor of critical multilateral loans to Chile.

Legislation is necessary to ensure that this does not happen. Congress should not be criticized for trying to "tie the administration's hands." Instead, it should be applauded for seeking to stiffen the resolve of an administration that has too often been wavering and indecisive in its policies toward repressive regimes such as Gen. Pinochet's.

What is needed is not "flexibility," as The Post states, but action. Formal and final decisions on loans worth $1 billion are scheduled to take place within the next two to four months. The loans are already in an advanced stage of development and negotiation. They will almost certainly be approved—no matter how the United States votes—unless the White House begins now to persuade other countries also to oppose them.

JUSTICE IN SOUTH AFRICA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. CRANE. Mr. Speaker, as the debate continues over sanctions for South Africa, I want to call my colleagues' attention to a recent speech by Assistant Secretary of State Alan Keyes before the National Urban League Conference in San Francisco. Alan Keyes, formerly a deputy to Jean Kirkpatrick at the United Nations, is the highest ranking black political appointee at the State Department. His speech, "Does South Africa Have a Future?" deserves careful reading by all of us.

The speech follows:

DOES SOUTH AFRICA HAVE A FUTURE?

(By Alan L. Keyes)

AN ESCALATING CYCLE OF VIOLENCE

The world today is burdened with the tragic consequences of righteous passion undisciplined by careful thought. Not every crusade against evil and injustice leads to the promised land. Many instead are lost in a wilderness of violence, a vicious circle of repression, retribution, and revenge. Will this be the fate of South Africa? Will the just demands and hopes of a people long oppressed end in a quagmire of civil war—black against white, black against black, white against black, and white against white—until equality in suffering and atrocity grimly refutes the hateful premises of racism?

In a world beset by so many ills and host to so many deadly and intractable conflicts, it is awfully hard to see through the ugly realities of present-day South Africa to a better day. Why should South Africa fare better than Lebanon, Northern Ireland, Cyprus, Chad, Ethiopia, Angola, Iran, and Iraq? What will keep it from this tragic roll of countries burnt out with conflicts no one in the world knows how to end? The South African situation has all the qualifications for inclusion. On the one hand, people determined by any means to throw off the yoke of physical oppression and indignity imposed upon them by the heinous apartheid system. On the other, people too crudely arrogant or terrified to share power or to use it well. Bound together now by the iron bands of a long and bitter history, they must live and let live or kill and be killed together. On the one side, the advantages of a just, angry, and unquenchable determination to be free. On the other, the advantages of technology, organization, and the residue of a stubborn and bigoted national spirit, crystallized in bitterness after the Afrikaners suffered defeat at the hands of what was then the world's most powerful empire. The one side will never give up, for suffering only sharpens the thirst for justice. The other will not easily yield, since fear and misbegotten pride are often willing partners in self-destruction.

As these antagonists come to grips, not only South Africa but the whole southern African region will be embroiled in conflict.

Now there are some who contemplate this prospect with grim resignation. I think they feel that if this is the price that must be paid to end the long nightmare of apartheid, then so be it. Yet no one can guarantee that the nightmare of apartheid will end before the nightmare of war and mutual atrocity has established itself as a permanent reality. No one can say that the whirlwind of violence will not give birth to a tyranny of violence, rejecting racism only so that it may oppress all equally. Is this the justice for whose sake apartheid is condemned? Is this the future for which the oppressed victims of apartheid have suffered and struggled and died and are dying today?

APARTHEID AND THE STRUGGLE FOR JUSTICE

Apartheid is the evil against which we fight, but we do not fight against evil for the sake of evil. We fight against evil for the sake of a present and future good. Without the sense of a positive good to be preserved and realized, the struggle against evil is determined and defined by evil itself. The oppressed see themselves only with the eyes of the oppressor. They fear as he would have them fear; they hate as he would have them hate; they kill as he would have them kill. They react according to a logic determined not by their own good but by the violence, fear, and hatred at the heart of the evil they seek to undo.

Such logic can be the basis of struggle but not of victory, for true victory is achieved not when the present enemy is vanquished but when a better destiny is won. To achieve that destiny, it is not enough to know the good we seek to achieve. It is not enough that we seek to destroy apartheid unless, in the process, we see and help to build the foundations for a South Africa that is just, democratic, and free. Yet how is it possible to see the ingredients for such a future in the present welter of stubborn discrimination, injustice, physical brutality, and oppression?

Clearly, it is impossible if we allow the reality of apartheid to blind us to the complex reality that is South Africa itself. It is unfortunate that among the chief victims of apartheid is the racism that apartheid represents, to see without racial blinders the problem of governance and nation-building that confronts the whole South African people. Apartheid is not unjust only because it is racist; it is unjust because it manipulates racism in order to achieve the arbitrary domination of the whole society by one group or faction within it.

Historically, I think apartheid had the twin purposes of neutralizing the power of the English-speaking whites in South Africa while guaranteeing the political supremacy of the Afrikaners. It achieves these purposes by isolating whites within the false solidarity of a racist enclave. Within this all-white enclave, the political power of the more numerous Afrikaners counterbalances the economic power of the more wealthy English-speaking community. At the same time, the resentment engendered by racist practices prevents cooperation, and has prevented it, between the English and the nonwhites to challenge Afrikaner domination.

In South Africa, therefore, the injustice is not simply racism, it is the arbitrary domination of one faction of the society, skillfully manipulating and employing racism to keep all its other elements in check. But if the injustice lies in factional domination, justice cannot be achieved simply by substituting the tyranny of one faction for that of another, even if the new faction was a majority of the population. Justice, therefore, I believe, is not simply majority rule. As an American, but especially as a black American, nothing is more evident to me than this oft-neglected truth. I often think about it—if simple majority rule had prevailed in the United States. I certainly would not be sitting up here today as an official of the U.S. Government. In the history of the United States, simple majority rule meant slavery. Simple majority rule meant Jim Crow. Simple majority rule meant the unjust repression of a vulnerable minority.

Fortunately, the basic principles of the American Constitution did not sanction unlimited majority rule. They demanded respect for individual rights, whether the individuals composed a majority or a minority of the population. What we often forget, however, is that guarantees for individual rights were not originally intended to protect the welfare of poor, vulnerable minorities. They were intended to prevent the personal and property rights of the wealthy few from being invaded and expropriated by the more numerous majority. They were part of the overall system of checks and balances through which a political system based upon the authority of the people avoids tyranny, demagoguery, and endless factional strife. As it turned out, the same principles that protected the wealthy few from the arbitrary abuses of government power could later be invoked to protect a poor, black minority.

The American experience suggests, therefore, that when rightly conceived, the constitutional protections afforded a privileged minority can become bulwarks for all against arbitrary and tyrannical uses of government power. What seemed at first to be limits on democratic freedom were revealed instead as guarantees of that freedom. Justice, therefore, is not the simple assertion of the political power of a majority. In a just society, whether a small minority or a large majority, no one is allowed arbitrarily to dominate the whole. The power of each must be balanced and limited by protections for the power of the other.

TOWARD A DEMOCRATIC FUTURE

Now I hope you will all excuse me for that slight digression into political theory, but I thought it was necessary because we talk a lot about justice, but we don't think about it in great detail, despite the fact that it is a very difficult thing to achieve and understand sometimes. Injustice, not so; we all know what injustice is. We just have to watch our TV sets to know what injustice is, to know what brutality is—the oppression, the jailings of the black leadership in South Africa—just watch that, and you know what injustice is.

But justice requires some further thought; but as you can see when you think about it, it is not impossible to conceive of. It shouldn't be impossible for the whites in South Africa to conceive of either because, on the basis of the concept of democratic justice I have just outlined, it is quite possible to envisage a democratic future for South Africa that no one in South Africa need be afraid of. It is a future in which all have an equal vote but in which the power of the majority is limited and constrained by laws and practices which protect the persons and property of minorities. It is a future in which the archaic or artificial divisions of race and tribe are gradually replaced by the more productive and useful divisions of economic, professional, and social interest. It is a future in which whites and blacks understand that human beings may have more in common than language or race or even the shared experience of oppression and the struggle to overcome it. It is a future in which the long-repressed but undying spirit of black Africa joins with the stubborn pride and careful industry of white Africa in the crucible of a new national identity—one that could point the way toward the brighter future of the entire continent.

Strange as it may seem, in that future, South Africa—the very community that today maintains a system to repress freedom in South Africa—could be the anchor and shield against repression. In the new South Africa, the white community would retain the advantages of economic power, of technical and managerial expertise, of skills invaluable to the maintenance and progress of society. Too few to dominate, they would, nonetheless, be too powerful to be oppressed. Individuals and groups that would otherwise be exposed to the arbitrary abuse of power could, by forging alliances with whites, successfully thwart efforts to rule by fear or brute force. The pattern of arbitrary rule by one man or one race or one party that prevails in so many other parts of Africa and the world could be successfully brought to an end if the whites could be brought to play a constructive role in the political system.

I believe that a just constitution for South Africa will protect property but accord no privileges to race. It will allow a certain influence to economic interests, but without recognizing such interests as the privileged possession of any race or ethnic group. By respecting the balance of public and private forces within the society, it will guarantee that all have the instruments with which to protect their interests while none has the power to destroy or dominate the interests of the rest. Taking advantage of geographic as well as economic divisions, it will aim to prevent tyranny and to compel shifting patterns of cooperation along nonracial, nontribal lines. It will aim to preserve the existence of a thriving private sector in South Africa. This sector will serve both as a refuge and a base for Afrikaners no longer able to enjoy the privileges of the present racially exclusive welfare state. It will also avoid reliance upon government power as the exclusive engine of progressive social and economic change.

Without the racist blinders of apartheid, such a future for South Africa is easy to imagine. Given the ugly realities of apartheid, it will be difficult to achieve. Yet the effort to conceive of it can help us to discern better and worse ways of working for justice and against the apartheid regime. Once we conceive a positive future for the country, we realize that our efforts now must help to build the new, more just society even as we support those forces working to dismantle the present unjust regime. Justice in South Africa cannot wait until the campaign against apartheid is over. Laying its foundation must be an integral part of that campaign. In a campaign of destruction, bombs and bullets and negative pressures might suffice, but in the effort to construct a just society we must seek to transform the pillars and walls of oppression into the bricks and mortar of a new mansion of freedom.

If we wish to foster such a process of transformation, the first step is to realize that it is a process that must involve all the people of South Africa. The common error that is made on all side in the current discussion of the South Africa tragedy is the assumption that the white government and the white community are the arbiters of the country's future. Whether the goal is pressure or engagement, the primary object of every existing approach is to influence a change of heart among South Africa's whites. The nonwhite population is often perceived either as victim or threat, the target of repression or the source of angry violence.

The tragic irony of apartheid lies precisely in this insidious triump of its racist presumptions. When shall we come to see in the angry faces of striking students not only the desperate hatred of oppression but the desperate passion for learning and truth? When shall we come to know in the grim de-

termination of striking workers not just the burning reaction to repression but the deep will to labor with dignity, rise with merit, and pass on to a future generation a legacy of achievement? When shall we be able to see beyond the "necklaces" and battling shantytown gangs to perceive the unquenchable spirit that can light a hearthfire in the deepest poverty, maintain the bonds of family through long years of separation, keep home and even hope alive, despite every brutal blow of degradation? When shall we see beyond the categories of victimization to the strong, resilient human beings whose passion, will, and spirit are the constructive flame in which the better future of South Africa can be forged and tempered?

Despite every effort of the apartheid system, these people have already been the makers of a profound revolution in South Africa's life. We speak glibly of South Africa's mineral wealth, of its agricultural plenty, of its developed industrial economy. But whether on the land or in the mines or in the factories, the hands and sinews that have made such progress possible have been drawn primarily from South Africa's black community. Blacks comprise over 75% of South Africa's labor force, and without them hardly a crop would grow, hardly a drill or screw would turn. They are the indispensable builders of present-day South Africa, the positive power of its economic life. If they have been weak, it is only because until now, they have not been fully conscious of this power or fully capable, through organization, of transforming it into an instrument of change.

More than anything else, the growth and expansion of South Africa's modern economy have impelled the development of this consciousness. The very economic arena in which blacks were unjustly deprived of their arable land, discriminated against in wages, unjustly denied promotion for their skill and merit, nevertheless provided the framework for developing the most potent form of power in the hands of South Africa's blacks today. It is not their power to destroy that offers the most potent threat to the apartheid system. It is the indispensable necessity to South Africa's existence of their power to labor and to build. And what people should realize, I think, is that blacks do not have this power because the South African Government permits them to enjoy it; they have it because neither the government nor the country could long survive without it. Those who talk of powersharing in South Africa as if it were only a future goal have been duped into forgetting that, despite every effort of repression, black South Africans have begun to make it a present reality. The question is not whether whites and blacks will share power but, rather, how blacks, effectively using the power they have, can work toward the justice they have been denied.

U.S. INFLUENCE IN PROMOTING POSITIVE CHANGE

Seen in this light, the question for Americans and for others in the international community is not with what well-intentioned gestures we can show our hatred of apartheid and our sympathy with the suffering of its black victims but rather how, with concrete acts, we can support the expansion and use of their positive power. Will we serve the latter through a campaign which, in order to bring pressure to bear on the white South African Government, sacrifices the modern arena in which this black power is today emerging in full force? Will we serve that purpose by withdrawing our effective presence from South Africa, leaving a weakened black community alone with an armed oppressor, facing the desperate choice of combat or surrender? The proponents of punitive economic sanctions claim that such sanctions are the last means of avoiding an all-out civil war. I believe that, on the contrary, by depriving South African blacks of their most potent nonviolent tool for change, these sanctions will, in fact, make such a war inevitable. Given the future for which we hope, given the positive goal of justice for which we strive, we should oppose such sanctions—not because they will hurt South Africa's blacks but because they are not the most effective way to help them.

Our goal should be to help South African blacks transform the economic revolution that could not have occurred without them into the political revolution that is their moral right. To achieve this goal, we must not dismantle or withdraw from our role in South Africa's economy. We must seek broadly and effectively to develop and use that role in ways that explicitly enhance the actual power of South Africa's unjustly oppressed black majority. Our effort should not be undertaken in the token spirit of reformers but in spirit of peaceful revolutionaries. Even Marx acknowledged that man has never invented a more potent tool of revolutionary historical change that the capitalist economic system. Its insistence upon profit and efficiency has little tolerance for the archaic categories of feudal tradition or the invented classifications of racist delusion. It is no accident that the South African business sector has gradually come to be among the most outspoken opponents of apartheid repression. It is no accident that South Africa's modern economic sector has yielded an ever-stronger antiapartheid labor union movement, which continues to grow, despite repeated efforts at repression and destruction of its leadership by the South African Government.

Now this does not mean, and I am not arguing, that on their own, economic forces will bring an end to apartheid. Even if this were true, it might take several generations, and we don't have several generations. What is needed is a conscious effort to harness and accelerate the effects of the financial and organizational forces of the modern private sector. We must continue and intensify the sharing and use of power in the economic sphere as a base and instrument for change in the political arena.

Now I think this could be addressed in three broad areas:

Within the modern corporations and enterprises themselves and in their relations with the black community, and I think, for those of you who are from the private sector out there, what you should understand is that what I am talking about here is actually harder that what the proponents of sanctions are asking you to do. They are asking you to withdraw your power. In fact, I am asking you to share it now in effective ways with the black people of South Africa, to share it now by means that will involve black people in the decisionmaking structures of the South African economy—structures that are in the hands and within the power of corporate structures that can be influenced today by people in the American community and other parts of the international community.

In addition to this kind of acton, there should be massive support for the increasingly effective South African labor movement.

I would see, as well, a novel suggestion but one that bears thinking on—a program of expanded capital ownership that seeks to facilitate ownership by black South African workers of shares in firms doing business in South Africa so that they will directly derive benefit from the operation of those corporations, directly see their financial and organizational power base increased by the activities of those corporations.

In line with the spirit of quiet revolution, efforts in these areas must go beyond reformist schemes to improve the conditions of life for blacks. The aim should be effectively to incorporate the black community within the power structure of the economic sector and to use some portion of the resources of that sector to support black efforts to build and sustain effective bases of economic, social, and political organization. Corportions should consciously seek to become the wellsprings of expanding oases of transformation in South Africa—the focus of peacefully revolutionary communities in which the new South Africa ceases to be a dream and becomes a powerful, incorporate reality competing with the sordid spectacle of apartheid for the allegiance of South Africans, white and black, who dare to believe in the better destiny of their country.

The American corporations in South Africa, as well as those of other foreign states, could be the best available positive leverage the international community has in that situation. If we throw this leverage away in order to create pressure, we will deprive outselves of the ability to create change and to make the future happen now. This is not to say that these corporations or the private economic sector are the only instruments of change in South Africa, but they are the ones over which we, as outsiders, can have the greatest influence and through which we could hope to achieve the most immediate and direct effects. In a world prone to facile gestures and easily disposable moralism, it may seem better to use these instruments once and then throw them away. But I believe that such a course would be cheap, selfsatisfying, and morally wrong.

I do not mean to suggest, either, that using America's position in South Africa in the way I have outlined will bring about immediate political change in South Africa, but then again, what will? I do believe it is the best way to make maximum positive use of America's important influence in bringing about the conditions for change. Because we all know the final analysis: it's not going to be outsiders who decide the future of South Africa. That future will come about only as the result of negotiations among all South Africans of good will—black and white.

It's also clear that such negotiations are unlikely to occur, and even more unlikely to bear good fruit, in a climate of violent state repression, with the most important leaders of the nonwhite community jailed and the leaders of the South African Government barring the gates against peaceful agitation for change. Free from the racist assumptions and effects of the apartheid system, we can see the way clearly to a future—a secure future for all South Africans.

But between the idea and the reality, between the motion and the act, there falls the shadow of violence—violence to preserve evil, violence to destroy evil, violence feeding upon itself to block out the vision of a better day. Violent repression and the violence it foments are the chief enemies of

South Africa's present and future hopes. If international pressure serves a useful purpose in this situation, then it should be as a means of discouraging such violence on all sides, beginning with the repressive violence of the South African state. This, not the destruction of the economic engines of change, should be America's immediate aim and the aim of all people of good will in the world at large.

CONTRA AID

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. MILLER of California. Mr. Speaker, since the House voted last June to approve $100 million in aid to the Contras in Nicaragua, conditions inside Nicaragua have worsened. The Sandinistas have closed down the opposition paper La Prensa, have expelled a bishop who was a leading critic of the regime, and have prevented another highranking Church figure from returning to Nicaragua.

I deplore these actions, as have many of my colleagues. In the words of the U.S. Catholic Conference, the crackdown aimed at the leaders of the Catholic Church is "legally unjust, and morally wrong, as well as politically ill-considered."

Last spring when we were debating whether or not to send military aid to the Contras, many of my colleagues argued that military pressure was necesssary to force the Sandinistas to negotiate. Proponents of aid argued that Contra pressure would force the Sandinistas to come to terms with their domestic opponents and with their Latin American neighbors. Opponents of aid rejected that logic and said that aid to the Contras would worsen the observance of human rights and civil liberties in Nicaragua, and serve as the government's excuse to crack down even further on its opponents.

In light of the Sandinistas' actions of the last few months, I ask whether our vote in the House has contributed to dialogue and reconciliation in Nicaragua, or has darkened the horizons with more recriminations and bitter distrust?

Repression against the Church in Nicaragua contributes to the isolation of the Sandinista government at home and abroad. The crackdown may even please proponents of Contra aid, who have the most to gain from these Sandinista actions.

But lest my colleagues doubt that the hierarchy of the Catholic Church in this country remains unalterably opposed to U.S. aid to the Contras, despite its condemnation of recent Nicaraguan Government actions against the church, I would like to share the text of a letter from the U.S. Catholic Conference to our colleagues in the Senate, who this week have debated the issue of Contra aid:

U.S. CATHOLIC CONFERENCE,
Washington, DC, August 7, 1986.

DEAR SENATOR: As the Senate once again takes up the troublesome issue of military aid to the Nicaraguan contras, I would like to re-state the position of the U.S. Catholic Conference on the matter.

Our opposition to such aid has been unvarying since the question first arose. It is not based on our negative assessment of the contras' human rights record, although all are agreed that this continues to be a serious problem. Still less is it based on any positive assessment of the human rights performance of the Nicaraguan government. Quite the contrary, the USCC has consistently denounced specific violations of human rights in Nicaragua and we have vigorously protested government infringement of the rights of the Church.

The silencing of church media, the appropriation of church property and especially the expulsion of foreign church workers remain serious and still unresolved sources of tension between church authorities and the government. To these are now added the unjustifiable expulsion of Bishop Pablo Antonio Vega and the refusal to readmit Msgr. Bismarck Carballo. We are unalterably opposed to these actions of the Nicaraguan government, considering them legally unjust and morally wrong, as well as politically ill-considered.

It should be recognized, however, that the Bishops of Nicaragua, in their pastoral letter of April 6, 1986 stated:

"We believe that any form of aid, no matter where it comes from, if it is the cause of destruction, pain or death for our families or of hatred among Nicaraguans, is to be condemned."

In accord with this position, the U.S. Catholic Conference remains firmly opposed to the use of military force and violence as a means to pressure the Nicaraguan government.

The proposed package of military aid to the contras must therefore, in our view, be rejected. We deplore the recent vote in the House of Representatives approving such and urge that the Senate exhibit the superior wisdom of rejecting it.

Furthermore, the legislation passed by the House calling for an additional $300 million to be provided in economic aid to four countries of Central America specifies three possible sources for this added money: unobligated Food for Peace (P.L. 480) funds, the Emergency Reserve for African Famine Relief, and Development Assistance Accounts. We are concerned lest humanitarian and development aid funds be diverted to purposes and regions for which they were not intended. Humanitarian programs must not be converted into mere tools of political expediency.

We urge the Senate to reject the provision of military assistance to the Nicaraguan opposition which, in our view, will only intensify and prolong the conflict, result in much greater death and suffering, and serve no valid political, still less humanitarian, objective. We join our opposition to military assistance, as we have in the past, to support for a political settlement in Central America, following the lines of the Contadora process, and a continuing concern for human rights in Nicaragua and the rest of Central America.

Sincerely yours,
Rev. Msgr. DANIEL F. HOYE,
General Secretary.

A TRIBUTE TO SENATOR THOMAS EAGLETON

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. YOUNG of Missouri. Mr. Speaker, I would like to take this opportunity to note that I, along with many of my colleagues, have been invited by a group of Hellenic-Americans, headed by Mr. Sam Nakis of my district and past president of the Ahepa, to participate in an appreciation night dinner in honor of Senator THOMAS EAGLETON. At the close of the 99th Congress, Senator EAGLETON will be retiring from the U.S. Senate. On September 6, 1986, in St. Louis, MO, this group will recognize Senator EAGLETON's support of Greece and Cyprus and his efforts with respect to Greek-American projects in Missouri, as well as other matters of importance to Greek-Americans.

This event is supported by Greek-American organizations around the country and will be held in conjunction with the annual meeting of the Ahepa Supreme Lodge, which will also take place in St. Louis. The dinner is to benefit the new Thomas F. Eagleton Endowment Fund at Washington University in St. Louis. Senator EAGLETON will occupy an endowment chair and teach public affairs at Washington University when he retires from the Senate.

Mr. Speaker, Senator EAGLETON was instrumental in cutting off American aid to Turkey after that country invaded the island of Cyprus in July 1974. In that regard, it is my understanding that the Cypriot Ambassador to the United States, the Honorable Andreas Jacovidis, will attend the dinner. Senator EAGLETON, you will recall, persuaded Congress and the President that continued military aid to Turkey was in violation of our foreign assistance laws because Turkey had used U.S.-supplied equipment in its invasion of that island nation.

Shortly after the Turkish invasion of Cyprus, Senator EAGLETON sponsored an amendment to the foreign aid bill to stop military assistance and sales to Turkey. An embargo of U.S. arms sales to Turkey became effective in February 1975, as a result of Senator EAGLETON'S persistent support.

Later that same year, Senator EAGLETON visited both Greece and Cyprus, accompanied by Mr. Nakis, and witnessed first hand the suffering of refugees. Since that time, he has continued to act as a national spokesman for Greek-Americans on this important issue.

I would also like to commend Senator EAGLETON for his efforts in obtaining Federal assistance for the AHEPA 53 apartments for elderly Americans. This project, which has enjoyed enormous success, has since become a model for many similiar AHEPA-sponsored federally assisted senior citizen projects around the country.

It is in this context that Mr. Nakis has remarked to me that, "Senator EAGLETON has done more for Greece and Greek-Americans than any American politician since Harry Truman."

In conclusion, I am pleased to join with so many others across the country in saluting my

good friend and colleague TOM EAGLETON for three decades of service and devotion to the United States.

PROTECTION FOR WITNESSES IN THE CASE OF RODRIGO ROJAS

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. BARNES. Mr. Speaker, Members of the House frequently use the extension of remarks privilege to insert the names of constituents and others with whom they are acquainted, that have performed some kind of laudatory service, or are celebrating an anniversary, and so forth.

However, today I am inserting the names of 15 individuals whom I have never met, and probably will never meet. I am doing so not so much to congratulate them, as hopefully to focus attention on them so as to save their lives.

These 15 men and women recently gave eyewitness testimony implicating members of the Chilean military in the brutal murder of Rodrigo Rojas, an American resident, in Chile. These courageous individuals have risked their lives by coming forward to recount the horror of having seen Chilean military personnel, with their faces blackened, pouring gasoline over Rodrigo Rojas and a companion, Carmen Quintana, and setting them both on fire. Two of the witnesses are nurses assistants in Quilicura, a small town outside of Santiago, where those responsible for this heinous crime dumped the burned bodies, leaving them for dead.

Many of the witnesses have already received death threats because of their testimony. I hope that the publication of their names in the CONGRESSIONAL RECORD will be a reminder that the Congress of the United States is watching this case closely, and will deter anyone from attempting to retaliate against these brave individuals.

NAMES OF WITNESSES GIVING TESTIMONY IN THE CASE OF RODRIGO ROJAS

1. Florencio Rodriguez Cituentes.
2. Maria Elena Osorio Rojas.
3. Jose Francisco Rosales Farias.
4. Isabel Quintana Arancibia.
5. Luis Fuentes Marin.
6. Maria Virginia Hernandez.
7. Pablo Leiva Pastenes.
8. Pedro Marcelo Martinez Pradenas.
9. Rosa Lusmila Cabrera.
10. Jorge Irigorio Olmedo.
11. Marcial Estrogez Araya.
12. Mario Andres Allende Ramonal.
13. Jorge Sanhueza Medina.
14. Teresa Alvares Aravena.
15. Orielle Campoix Mondaca.

NATIONAL DEFENSE STOCKPILE AND SOUTH AFRICA

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. BENNETT. Mr. Speaker, the July 8, 1986, Presidential proposal to reduce our national defense stockpile goals from $16 billion to $700 million would be very detrimental to our national security. That proposal if carried out, would cause the disposal of a number of strategic and critical materials including chromium, cobalt, manganese and the platinum group metals which are supplied to the United States largely from southern Africa. In this regard, I would call my colleagues' attention to an August 14, 1986, Wall Street Journal editorial entitled "Stockpiles Are Inadequate" by Hans H. Landsberg, senior fellow emeritus at Resources of the Future.

STOCKPILES ARE INADEQUATE

(By Hans H. Landsberg)

In June, Rep. Ronald Dellums (D., Calif.) achieved a coup of sorts by steering through the House a measure slapping sanctions on South Africa that were far tougher than what most observers had thought politically possible. Included is an absolute ban on U.S. imports of South African goods.

Well, not quite absolute. Even so implacable a foe of apartheid as Rep. Dellums thought it prudent to create a loophole for what often are styled indispensable strategic minerals from South Africa—primarily chromium and the platinum-group metals. These minerals are critical to the high-tech U.S. economy and to defense industries, and they simply are not found in the U.S. in quantities and at costs that make domestic production an attractive proposition. Moreover, South Africa's major competitor for both chromium and platinum is the Soviet Union, hardly a welcome alternative. These facts largely explain this past Monday's dramatic run-up in the price of platinum, over 80% of the supply of which comes from South Africa.

LACK OF PRECISION

South Africa's internal conflict is a legitimate cause for worry in this context, but most talk about the threat posed by cutoffs in the supply of minerals suffers from lack of precision. Do we envisage a deliberate South African ban on exports? Highly unlikely. A U.S. embargo on imports from South Africa? Only somewhat more possible. Short-term interruption of production and/or transportation facilities through civil unrest? Likely. Longer-term interruption for the same reason? Possible, but unlikely.

Except for the last contingency, and leaving aside the situation in other industrial countries, U.S. stockpiles would be our first line of defense, bolstered by letting prices rise and throttling back demand that can do with less or without. More drastic measures would consist of government-established allocation to what are deemed essential uses. Costs would include not only higher prices but also probably diminished performance in those uses for which other materials are substituted. Any combination of these measures would be inconvenient, but few would argue that they constitute mortal danger.

Stockpiles, improved efficiency and allocation apart, no other remedies offer a quick fix. Domestic production, even at high cost, cannot be initiated at the flip of a switch. Substitution by other materials, where that is physically possible (there is no substitute for manganese, for example), is equally a time-consuming process.

If stockpiles are so important, what shape are they in? A strange thing happened a year ago: The Reagan administration proposed a drastic cutback in the U.S. strategic stockpile. Referred to in the official July 1985 announcement as "modernization," the proposals would set up two tiers of stockpiles. The top one (Tier I) would consist of "materials that would be required during a protracted military conflict that would not be available in sufficient quantities from domestic or reliable foreign sources." The second, or "supplemental," reserve (Tier II) would consist of materials that "the U.S. government already possesses" and that "would offer additional assurance against materials shortages during a period of military conflict." Obviously, Tier I is the serious stockpile. Tier II appears designed largely to buffer opposition to the entire proposal.

Surprisingly, Tier I goals include no platinum or manganese. Even Tier II has no goal for the platinum-group metals. Manganese turns up only in Tier II, and then at only 60% of its current goal. As for chromium, a place has been retained in Tier I, but the goal has been reduced by 85%. The new numbers were put together by an interagency committee, not by some anonymous, green-eyeshade accountant. One assumes, therefore, that they have the blessings of the departments of Defense and Commerce, and every other responsible agency.

POSSIBLE EXPLANATIONS

The question that arises is, what has happened since 1981 when the newly elected president ordered as "long overdue" the purchase of cobalt to raise the stockpiled quantities? (Cobalt is mined mostly in Zaire, but shipped mostly through South Africa. The recommended goal for cobalt would reduce the current goal by 75%.) Possible explanations range from the notion that the administration is discounting civilian needs to a more charitable view that the president and his advisers are optimistic about supplies from secure foreign sources or about technological innovation, or both. Others would argue—and this sounds a more realistic note—that the administration sees in this situation a source of additional funds as newly surplus stockpiles are sold and acquisitions held at modest level.

Whatever the assumptions and motivations, the proposed stockpile modernization clearly spells "Who needs South Africa?" That may not have been the intent. Nor are the administration's recommendations likely to be adopted in full. Congress has barred any reduction in stockpile goals until the end of the current fiscal year on Sept. 30, about which time a General Accounting Office report should be available. The probable outcome is a compromise on stockpile levels, but the verdict already is in on the U.S. stake in South Africa's strategic materials. If the tough-minded realists of the Reagan administration no longer believe that South African minerals are indispensable, who will?

ESTABLISHING A WESTERN REGIONAL EXPORT LICENSE OFFICE

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. AuCOIN. Mr. Speaker, the State of Oregon has been one of the last in the Nation to climb out of the depths of the 1981 recession. But, after some pretty tough times, we are finally starting to see some light at the end of the tunnel. And one of the catalysts in our recovery has been Oregon's burgeoning high technology community.

Primarily located in Washington County's "Silicon Forest," these electronic pioneers have generated millions of dollars in new tax revenues, thousands of new jobs and new hope to the residents of the First Congressional District.

Still, the competition for high technology products in the international marketplace is fierce. And the workers in Silicon Forest burn the midnight oil to ensure that they maintain their innovative edge.

But the edge has been blunted significantly in the last few years because the U.S. Government—under the guise of national security—has set up roadblocks before our high tech industry in the form of restrictive and confusing export controls.

Uncle Sam has become an impediment to exports, rather than a facilitator. And he has put our folks behind the eight ball.

THE PROBLEM: GETTING AN ANSWER OUT OF WASHINGTON

One of the most frustrating problems confronting our high tech exporters is, quite simply, getting a response on an export license applications. Now, this might seem like an easy task to us on the outside. But you talk to someone who has actually tried to ship the simplest of technolgies out of this country and you will soon learn about the hoops and fires that they must go through in the bureaucratic circus.

The 8 month delays in getting applications approved, conflicting opinions from the same agency, lost licenses, and constant busy signals on the so-called status line are well documented by now. But, in addition to these problems, our high tech exporters on the west coast face one other practical problem: their physical distance from Washington, DC.

All redtape leads to Washington. So, there comes a time when the only recourse for the exporter is to visit our Nation's Capital to try to personally coax the bureaucracy into giving him or her an answer on their application.

And they come to Washington because it is the only office in the country that processes export licenses. It is the only place in the country where an exporter can talk to a real person about the technology in question.

And it's particularly unfair to the large high technology community on the west coast.

First of all, there's the 3 hour time difference that cuts into the amount of work time they have in common with Department of Commerce employees. If an Oregon export manager arrives at his or her office at 8 a.m. and you allow 1 hour for lunch, there is a "window" of only 4 hours to conduct work.

Second of all, they face considerable travel expenses, such as hotels, food, and airfare, when they come to Washington. This can run into hundreds of dollars per trip. Multiply that by a trip a month and the tab gets pretty high. The expense puts small startup companies at a particular disadvantage.

Third, this usually means having to take an executive, export manager, or a technician out of the office for at least 1 or 2 days. Time away from the office means less time promoting business.

For the Oregon businessperson, Washington can be light years away. But for businesses based on the east coast, all it takes is a hop, skip, and a jump on the shuttle to talk in person with a Commerce Department license officer. This situation is also a disadvantage to small businesses that cannot afford to hire Washington-based law firms or consultants to track down their licenses.

Mr. Speaker, as much as I like seeing my friends in the high-technology community, space in my office is already at a premium. I'm happy to serve as a way-station for high-technology export managers in search of the lost license, but I think there's an easy solution to this problem.

THE SOLUTION: A WEST COAST EXPORT LICENSE OFFICE

It's time to give the high-technology community west of the Mississippi a fair shake. That's why today I am introducing legislation that would require the Department of Commerce to establish and operate a Western Regional Export License Office.

The goal of this bill is simple—to put west coast exporters on a level playing field with exporters on the east coast. This office would serve the same function that the Washington, DC, office serves—the only restriction would be that its services would be available only to exporters on the west coast.

This office would accept and process regular export licenses, emergency licenses and amendments to licenses. This office would also be equipped with the necessary technicians and engineers who understand the technologies in question.

The establishment of such an office would make it much easier to get an answer on an export licenses application. And export licenses are the ticket into the competitive marketplace.

This office will save our companies—some of whom have had to lay off employees in the last few years—hundreds and thousands of dollars. It would expedite overseas sales, further production and ultimately mean more jobs to the industry.

THE FIRST STEP: ASKING GAO FOR FEASIBILITY STUDY

It's my hope that the introduction of this legislation will serve as a catalyst for further detailed discussion of the idea.

There are many questions that have to be answered:

How much money will it cost to establish and operate such an office?

How can we accommodate the Departments of Defense and Energy and their necessary review of certain licenses?

If the workload of the Washington Office was significantly cut back, would it be possible to shift personnel to the west coast?

These and other important questions must be answered. Therefore, I will immediately request that the General Accounting Office conduct a feasibility study of this proposal.

I do have one bottom line, however. It would make no sense to add an office in the west coast if it meant adding yet another layer of Government bureaucracy to the already interminable export license process. I would not pursue this idea and I would not expect the high technology industry to support my proposal if that were the ultimate result.

Mr. Speaker, our exporters are being strangled by a noose of redtape, conflicting policies, and frustrating bureaucracy.

A west coast export license office will streamline the process and shake some of the cobwebs loose. But, more importantly, it will send a message to our businesses that the Government wants to help and that it's willing to provide them with the bare essentials—decent access to a licensing process that the U.S. Government itself requires.

The text of my legislation follows:

H.R. —

A bill to amend the Export Administration Act of 1979 to require the establishment and operation of a western regional export licensing office

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 15 of the Export Administration Act of 1979 (50 U.S.C. App. 2414) is amended by adding at the end the following:

"(d) WESTERN REGIONAL OFFICE.—The Secretary shall establish and maintain a western regional office which shall have the authority to issue licenses for the export of goods and technology from the United States."

NATIONAL APPLIANCE ENERGY CONSERVATION ACT OF 1986

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. MARKEY. Mr. Speaker, it is with great pride that I am introducing today the National Appliance Energy Conservation Act of 1986. As indicated by the broad bipartisan cast of original cosponsors, this bill represents a rare consensus among industry and consumer groups reached over the last 6 months. An identical bill will be introduced today in the Senate by Senators EVANS, JOHNSTON, CRANSTON, and others. In other words, although this bill arrives late in the session, it starts with the switches "on" and the compressors humming. I intend to work with my colleagues to enact this law before Congress adjourns.

This bill is without question the most important energy conservation legislation to come forward in over a decade. It fulfills the promise of Federal appliance standards that has been held out since the 1975 Energy Policy and Conservation Act, a promise that will translate into at least $28 billion in savings for consumers over the life of the products affected by

this bill. It also means a reduction in electrical peak demand of 22,000 megawatts, or the equivalent of 22 large electric powerplants. And, finally, it means a certain and predictable climate for long-term planning by the appliance industry, which has been buffeted in recent years by an uncertain legislative and regulatory environment.

The structure of this bill cannot be understood without a little history. The Department of Energy, which has been under a statutory obligation to promulgate appliance standards since the late 1970's, missed key deadlines and ultimately issued, in April 1982, the now notorious no-standard standards—the agency's determination that the appliance standards best suited to the Nation's needs were no standards at all. DOE's determination is one of those rarities in regulatory lore, an approach that displeased everybody: Consumers, who were robbed of the savings from Federal appliance standards; manufacturers, who were pitched into the uncertain and at times volatile waters of the State legislatures which, not content to wait around for DOE, were enacting appliance standard laws of their own; Congress, which did not take kindly to having its clear directive ignored; and the court, which struck down the defective no-standard standard 1 year ago in a strongly worded, 154-page decision.

While Federal standards were suffocating under DOE's regulatory pillow, the battle for appliance standards shifted to the State fronts. California, New York, Maine, and others enacted State legislation. Massachusetts and Wisconsin began the process of doing the same. This growing plethora of individual State standards brought some long-term adversaries—environmentalists and appliance manufacturers—to the bargaining table to see whether it would be possible to cure the errors of the past decade. The result of that negotiation was an agreement that is the foundation for this bill.

The heart of the agreement is the following: Congress directly legislates strong appliance standards for eleven major appliances; in turn, State appliance laws and regulations are preempted. Although States with appliance standards on the books before January 1987 are grandfathered, that grandfather too expires on the effective date of the Federal appliance standard, which varies depending upon the appliance. While we all agree that preemption is a sensitive issue in most cases, it is significant that the industry is asking Congress to enact Federal standards as tough or tougher than any State standards currently in effect. States thereby stand to save as much or more energy, the Nation as a whole gets appliance standards, which exist in only half a dozen States at present, and the appliance manufacturers will be able to tool their production lines and target their R&D in an intelligent way.

This is a bill with no losers, and significant winners all around. It is a bill that enjoys broad support on both sides of the aisle in both houses. I urge all of my colleagues to put their best efforts toward making this hard-fought quest for Federal appliance standards a reality by the close of the 99th Congress.

THE NATIONAL APPLIANCE ENERGY CONSERVATION ACT OF 1986

The National Appliance Energy Conservation Act of 1986 sets specific energy conservation standards for major home appliances. It is the result of a breakthrough in negotiations between appliance manufacturers represented by the Association of home Appliance Manufacturers (AHAM); the Air Conditioning and Refrigeration Institute (ARI); the Gas Appliance Manufacturers Association (GAMA) and the Hydronics Institute and the Natural Resources Defense Council (NRDC).

Most appliance manufacturers and energy conservationists now agree that national standards will be more beneficial and less costly than a proliferation of differing state standards. And, at present, it appears more efficient and less costly to set standards by law than to invoke a federal rulemaking process.

Manufacturers prefer one national standard to a profusion of dissimilar state standards because a single standard maintains a more stable market for the development of energy efficient products. NRDC supports a single standard because it believes a single standard provides a reliable basis for forecasting and managing energy consumption.

What the National Appliance Energy Conservation Act of 1986 does, as of the effective dates, is basically the following:

It establishes specific future energy conservation standards for most major home appliances and central heating and cooling systems.

It supersedes further state regulation of appliance efficiency but allows petition for exemption after a set period.

It establishes some element of predictability on future energy demand for utilities and state energy commissions.

It preserves existing state building codes affecting appliances.

It retains the national Energy Guide labeling program.

It gives manufacturers adequate lead time to develop new energy efficient appliances to meet the standards.

And it establishes timetables and criteria for the Department of Energy to reevaluate and, if appropriate, revise the standards.

In developing the National Appliance Energy Conservation Act of 1986, care has been taken to respect the right of each state to manage its own energy resources and needs in light of its own special circumstances. At the same time, it is recognized that a multitude of differing state standards adds unduly to the costs and risks of developing more energy efficient products and run counter to the need for a coherent and stable national energy policy.

The National Appliance Energy Conservation Act of 1986 amends the existing Energy Policy and Conservation Act of 1975.

APPLIANCE EFFICIENCY STANDARDS CHRONOLOGY

Federal activities

1973—Arab oil embargo triggers four-fold increase in oil prices and raises consumer awareness of the need to conserve energy.

1975—Congress passes the Energy Policy and Conservation Act (EPCA), requiring the Department of Energy (DOE) to mandate energy labeling of appliances and to prescribe voluntary, industry-wide appliance efficiency improvements and authorizing DOE to set mandatory efficiency standards only if labeling and voluntary approaches proved ineffective.

1978—Congress passes the National Energy Conservation Policy Act (NECPA), 42 U.S.C. § 6291 *et seq.*, requiring that mandatory efficiency standards be established expeditiously for 13 products (refrigerators, freezers, water heaters, room air conditioners, central air conditioners, furnaces, dishwashers, clothes washers, clothes dryers, home heating equipment, kitchen ranges/ovens, television sets, and humidifiers/dehumidifiers) and preempting all state appliance efficiency regulations, while allowing states to petition for an exemption from preemption upon demonstrating a "significant" state interest.

1980—DOE issues proposed rules that would establish efficiency standards for eight products.

1981—Under the Reagan Administration, DOE retracts the 1980 proposed rules. DOE is sued by NRDC and others for failing to issue final standards by January 2, 1981, the deadline imposed by NECPA. *NRDC* v. *Edwards*, Civ. No. 81-2546 (D.D.C.) The suit results in a settlement establishing new deadlines, which DOE later fails to meet.

April 1982—DOE issues proposed rules that would establish "no standard" standards—i.e., no federal regulation—for all appliances. The proposal is based on findings that standards would not result in significant energy savings and would not be economically justified and on DOE's policy preference to rely on the "free market" rather than on government regulations to improve efficiencies.

December 1982—DOE issues final "no standard" standards for clothes dryers and kitchen ranges/ovens, preempting all state regulations.

February 1983—NRDC files petition for judicial review of December 1982 rules in the U.S. Court of Appeals for the D.C. Circuit.

August 1983—DOE issues final "no standard" standards for refrigerators, freezers, room air conditioners, central air conditioners, water heaters, and furnaces, preempting all state regulations.

October 1983—NRDC files petition for judicial review of August 1983 rules in the U.S. Court of Appeals for the D.C. Circuit; similar petitions are subsequently filed by the California Energy Commission, the State of New York and the State of Minnesota.

1985—The D.C. Circuit issues its opinion overturning DOE's "no standard" standards. *NRC* v. *Herrington*, 768 F.2d 1355 (D.C. Cir. 1985). The Court rules that DOE set an unreasonably high threshold for "significant" energy savings, failed to analyze the "maximum technologically feasible" energy efficiency improvements, overestimated the economic burdens on manufacturers of standards, failed to prepare an environmental impact statement, and violated procedural requirements in enacting the "no standard" standards. The Court orders DOE to reevaluate its decision and to establish standards by 1988.

July 1986—NRDC and appliance manufacturers reach agreement on consensus legislation that would establish national efficiency standards and would clarify and strengthen preemption of state standards.

State activities

1974—California enacts the Warren-Alquist State Energy Resources Conservation and Development Act, emphasizing the importance of energy conservation and authorizing the California Energy Commission (CEC) to adopt appliance efficiency standards.

1976-1977—CEC adopts standards for refrigerators/freezers, room air conditioners, central air conditioners, furnaces and water heaters, and other appliances.

1983—NRDC formally petitions the CEC to revise and strengthen the state's central air conditioner and refrigerator/freezer standards.

March 1984—DOE grants petitions allowing California, New York, Wisconsin, Minnesota, and Oregon to enforce standards regarding clothes dryers and/or kitchen ranges/ovens. 49 Fed. Reg. 11764 (March 27, 1984).

August 1984—DOE proposes to grant petitions from 26 states to enforce various appliance efficiency standards. 49 Fed. Reg. 32944 (August 17, 1984).

December 1984—CEC adopts tightened efficiency standards to become effective in two stages: for central air conditioners, in 1988 and 1993; for refrigerators/freezers, and 1987 and 1992.

January 1985—Appliance industry files separate lawsuits challenging the refrigerator/freezer and central air conditioner standards.

October 1985—Los Angeles County Superior Court denies industry's motion seeking to overturn refrigerator standards. *AHAM* v. *CEC*, No. C 530060 (L.A. Super. Ct.).

December 1985—Sacramento County Superior Court upholds validity of central air conditioner standards; case currently on appeal. *Lennox Industries* v. *CEC*, No. 326378 (Sacramento Super. Ct.), on appeal, 3 Civil 25986 (3d Appellate District).

1986—Bill that would establish appliance efficiency standards passes Massachusetts House of Representatives; action pending in Senate. Similar bill passes New York Assembly.

FILLING A GAP IN MEDICARE: THE COMMUNITY NURSING AND AMBULATORY CARE ACT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. GEPHARDT. Mr. Speaker, today I have introduced legislation to fill an important gap in our Medicare system. In the wake of Medicare payment reforms in 1983, the length of stay in hospitals has dropped dramatically. Patients are being discharged earlier, and going home sooner. For some, that's good news. For others, it means needing nursing care in the home. That is why I am introducing the Medicare Community Nursing and Ambulatory Care Act of 1986.

I am joined by several distinguished cosponsors, from all parts of the Nation, and from both sides of the aisle.

The bill is designed to help bridge the gap between hospital and home, or for any Medicare beneficiary who needs nursing care for whatever reason. I'm sure you have been hearing a great deal about the "quicker and sicker" problem. Skilled nursing care provided by community centers can turn that into "healthier at home."

The act would let community nursing centers set up and receive payments for each enrollee. These centers will provide high quality nursing care under the supervision of RNS, as well as physical, occupational, or speech therapy. All those eligible under Medicare part B may enroll in a community nursing center, and will receive all of their home care benefits from the center they choose.

This bill strengthens our health network by making it diverse, flexible, and responsive to those who need care. Our health system is changing rapidly, and we in Congress must do our part to lead the way to compassionate and cost-effective care.

This is legislation that provides sophisticated care through sophisticated finance. It relies on prepayment based on actuarial data, which provides incentives for efficiency and cost control. Prepayment has been the key to health maintenance organizations' success, because it encourages good management, and even more important, it encourages prevention.

Community nursing centers will help more Medicare beneficiaries live independently. This bill is for those who need some help, but who don't need or want to move to a nursing home. I believe care should be brought to the patient, instead of bringing him or her to a hospital or a nursing home whenever possible.

The bill includes quality assurance measures which will protect beneficiaries. The safeguards include peer review and a grievance procedure to insure both the Medicare enrollees and the Federal Government get what they are paying for.

The Community Nursing and Ambulatory Care Act makes use of one of the best resources of our health care system: professional nurses. Professional nurses' skills have been underutilized. We have not made full use of their training and capacity to help patients in their own homes and in their own communities.

The bill recognizes the expanded role nurses can play in providing primary health care. Within the community nurses will be able to provide regular health assessments, case findings, and post-hospital care. They will be able to educate their patients, promote health, and prevent disease.

The nursing care providing under the terms of this legislation can substitute for more expensive institutional services. Professional nurses can decrease the need for institutionalization by delivering a wide variety of health services to the elderly. Nurses can oversee this care, and make the best use of health resources through careful coordination and planning.

To contain costs, we need new ways of delivering health care. The bill gives nurses a broader role, which uses their skills efficiently to provide primary care to our elderly who need it. We can make our Medicine dollar go further by making better use of our professional nurses.

I would like to thank the American Nurses Association for the assistance in drafting this legislation, and I am looking forward to moving this bill into reality.

TRIBUTE TO CORY SERVAAS

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. JACOBS. Mr. Speaker, Dr. Cory SerVaas is the physician equivalent of Florence Nightingale. She is a leader of the Benjamin Franklin Literary and Medical Society.

Our colleagues may have wondered what the large van is doing parked just outside the Capitol Building. The answer is simple: It is saving women's lives. It is the Mammobile, an angel of mercy brought to us by the Benjamin Franklin Literary and Medical Society and the Saturday Evening Post.

Dr. SerVaas and Dr. Myron Moskowitz, professor of radiology at the University of Cincinnati are directing the effort.

Because of timely discoveries by this mobile miracle, the free cancer treatment study being conducted at Bethesda Naval Hospital by Dr. Judith Bader of the National Cancer Institute, is catching a lot of new cancers in time.

Mr. Speaker, it is refreshing to know that while the debate on bigger and better vehicles to destroy human life is raging only a few yards away on the House floor, at the curb this smaller and happier vehicle is quietly saving human life.

Please read the following letter to Dr. SerVaas from Dr. Bader:

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Bethesda, MD, July 30, 1985.

CORY SERVAAS, M.D.,
Benjamin Franklin Society, Indianapolis, IN.

DEAR DR. SERVAAS: I am writing to congratulate you on the magnificent service you are providing to the women of the Washington, D.C. metropolitan area with your Mammobile. Your educational and diagnostic services are contributing in a very important way to saving lives with early diagnosis of breast cancer.

Any woman's mammogram that leads to a diagnosis of cancer, might like to know that the National Cancer Institute is now conducting an important study of treatment for early breast cancer. Participation in the study (comparing treatment with mastectomy and reconstruction to treatment with lumpectomy and radiation) is available to qualified women who have had only a diagnostic biopsy and no other therapy. The initial evaluation, treatment and follow-up care are provided without cost to women who wish to participate in this study. A personal consultation regarding entry into our program at the National Cancer Institute is available by contacting me or Teresa d'Angelo (our nurse) at (301) 496-5457.

Sincerely yours,

JUDITH L. BADER, M.D.

AIRLINE COMPUTER RESERVATION SYSTEMS ARBITRATION ACT OF 1986

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. MINETA. Mr. Speaker, today I am introducing legislation to protect airline passengers, travel agents, and the smaller airlines from the consquences of the dominant position of two large airlines, American and United, in operating the computer reservations systems [CRS] used by most travel agents. The legislation is cosponsored by the ranking minority member of the Aviation Subcommittee, Congressman JOHN PAUL HAMMERSCHMIDT. I emphasize at the outset that although the legislation I am introducing would help remedy some of the worst CRS abuses, the legislation is not intended as a substitute for timely and effective regulatory action by the Department of Transportation.

The Aviation Subcommittee of the Committee on Public Works and Transportation has long been concerned with the problems arising form American's and United's domination of the CRS industry.

In recent years, most travel agents have become automated. As a result, 80 to 90 percent of the tickets sold by travel agents are processed through a CRS. It has become difficult, if not impossible, for an airline to compete effectively if it does not have access on reasonable terms to the CRS systems used by agents. In view of the domination of the CRS industry by United and American there has been continuing concern as to whether these airlines are using their control of the CRS market to take unfair competitive advantage of travel agents and other airlines, to the detriment of airline passengers.

In 1983, the Aviation Subcommittee conducted extensive hearings on the CRS problem. Following these hearings the Aviation Subcommittee chairman and ranking minority member wrote to the Civil Aeronautics Board suggesting that the CAB establish standards of fair competitive practices for the CRS industry. In response, CAB adopted rules which prohibited various unfair competitive practices, including bias in the display of schedules, and discrimination in the fees charged to airlines to participate in a CRS system.

Despite the CAB's rulemaking and some CRS owners' remedial measures, I am concerned that there may continue to be unfair competitive practices in the CRS industry. I have been particularly concerned with three problems: excessively high fees charged to airlines to participate in CRS systems, continuing bias in the display of schedules, and the high-liquidated damages which must be paid before a travel agent can change systems.

My first area of concern has been the fees charged by United and American for participation in their CRS systems. Following the CAB rulemaking, CRS vendors were required to establish uniform booking fees to be paid by all airlines participating in a CRS system. The new fees established by American and United raised prior fees by as much as 500 percent. We have been concerned that these fees may produce unreasonably high profits, and unfairly affect the costs of other airlines.

A second CRS problem is bias in schedule displays to favor the vendor carrier and disadvantage competitors. Bias obviously presents serious problems for a carrier whose schedules are given inferior display space. In addition, bias makes it difficult for travel agents to serve the public by finding the best flights for a customer. To the extent a passenger does not learn of the best flights he or she may be seriously disadvantaged.

Although the CAB's rules outlaw the most obvious forms of bias, there have been recent allegations of a new and very subtle form of bias in the display of schedules on CRS screens. Delta Airlines has filed a complaint with DOT alleging that American Airlines changed its schedules in competitive markets for the purpose of having American's flights displayed on a higher line in the CRS. Under the formula used in American's CRS to determine the order of flights, elapsed time is an important factor.

Delta alleges that American reduced the elapsed times to get the flights displayed on a higher line. American has denied these charges and claims that the change in its schedules was a legitimate response to its competitors who were showing shorter elapsed times than American.

Whether American or Delta is correct is a complex factual issue. At this time I am taking no position on the merits of the case. But I think that it is a very significant case and we will be watching it carefully.

If Delta is correct in its charges, we will have to face up to the difficult question of how we can control bias if the CRS vendors have the ability to tinker with the formulas used to order schedule displays and the inputs used in these formulas.

A third CRS problem involves the liquidated damages clauses in travel agents' contracts to lease a CRS system. Some vendors require a travel agent to make very substantial payments to end a contract to use a CRS system. For example, it has been estimated that under one contract an agent would have to pay $63,000 to terminate a 5-year CRS contract when it was half way through. This type of contract may make it prohibitively expensive for an agent to switch to a new CRS system. In addition to being a burden on the agents, the provision may inhibit competition between CRS systems and discourage new entry into the CRS industry.

I have been deeply concerned with the apparent reluctance of the Department of Transportation to deal with these CRS problems.

On the question of whether booking fees are excessive, several Government studies have concluded that the level of booking fees may be a serious problem. Late in 1985, the Department of Justice issued a study pointing out that despite the CRS rulemaking there has been little reduction in the market power of the principle CRS owners. DOJ also pointed out that "it is possible that, even with the CRS rules, current access prices are far above competitive levels." DOJ further found that "the effectiveness of the nondiscriminatory price rule in constraining access fees depends on the existence of 'countervailing market power' in the hands of large nonvendor carriers. * * * It does not appear that any major nonvendor airlines possess countervailing power in bargaining with the major CRS vendors."

Despite these disturbing conclusions of the Department of Justice, the Department of Transportation did not undertake any investigation of whether CRS booking fees are producing excessive profits or anticompetitive consequences. On May 21, following a study by the GAO which also found that there was a serious question about whether booking fees were excessive, Congressman HAMMERSCHMIDT, Senator KASSEBAUM, and I wrote to Secretary Dole urging that DOT begin a study on the booking fees. The Secretary's interim response suggested that the study we requested might not be undertaken because there would be complex economic and regulatory issues and "serious data collection problems." We were promised a final decision on whether the study would be conducted by August 1. To date we have not been advised of DOT's final decision on whether DOT will study booking fees.

On the question of liquidated damages, I wrote the DOT almost 1 year ago asking them to look into the problem. On November 25, DOT gave me an interim response stating that they were aware of the problem and were actively considering several alternative courses of action, including an enforcement investigation or issuing an advance notice of proposed rulemaking. They promised to advise me "shortly" of what they were going to do. I have not yet received any indication that DOT has decided what action it will take.

DOT's lack of enthusiasm for carrying out its regulatory responsibilities is one of the reasons I am introducing legislation establishing an alternative means of dealing with CRS problems. However, the legislation does not cover all CRS problems and it is not intended as a substitute for regulatory action. We will continue to urge the Department of Transportation to carry out its responsibilities.

The bill I have introduced permits airlines and travel agents to have disputes over the terms of CRS contracts resolved by binding arbitration.

I recognize that in most industries the parties are free to negotiate the terms of contractual relations, and neither party is compelled to accept an arbitrator's decision on what contractual terms are fair and reasonable. However, the CRS industry is different from other industries. CAB and the Department of Justice have found that in the CRS industry there are competitive problems which have not been satisfactorily resolved by market forces. These problems have required Government regulation over areas that would not be regulated in other industries, such as how schedules are displayed on CRS screens, and whether CRS booking fees must be the same for all airlines. The bill I am introducing proposes arbitration as an alternative to further Government regulation to deal with these types of problems. Arbitration appears to be a more efficient and less burdensome means of resolving these problems than resolving them by regulatory or judicial decision.

In general, the bill I am introducing permits airlines listed in a CRS system or travel

agents to request binding arbitration on the issue of whether provisions in a CRS contract—such as booking fees and liquidated damages—are fair and reasonable. In an arbitration on fees, the arbitrator would evaluate whether revenues realized by the CRS owner from the fees and other sources—including incremental revenues—would cover the costs of the CRS system, including a return on investment. For other contractual provisions—for example, liquidated damages for an agent ending a contract—the arbitrator would decide whether the provision was consistent with normal business practices in a case in which neither party had monopoly power.

For arbitration to be required, it would have to be requested by a substantial number of airlines—one-third of the total RPM's of all carriers not owning a CRA—or agents—one-third of all the agents using a CRS system, or 100 agents. There would also be limits on how often arbitration could be requested.

A more detailed summary of the legislation is set forth at the conclusion of my statement.

I recognize that this is a novel approach to dealing with the CRS problem, and I would particularly welcome written comments from interested persons on this legislation. The details of the CRS Arbitration Act are set forth below.

How the CRS Arbitration Act would work:

The basis scheme of the CRS Arbitration Act is to establish binding arbitration to resolve any dispute over any provision in a CRS contract if a sufficient number of participating carriers or travel agents indicate a need for such arbitration.

For participating carriers, the threshold is set at the number of carriers which accounts for at least one-third of all domestic scheduled revenue passenger miles flown by participating carriers subject to such provision in the most recent calendar year—but excluding the revenue passenger miles flown by the vendors from the calculation. The one-third threshold recognizes that a substantial interest should be exhibited but that majority rule would be inappropriate. For subscribers, that is travel agents, the threshold is set at one third of all subscribers subject to the provision or 100 such subscribers, whichever is less. Again, the threshold is intended to insure a sufficient showing of need before the arbitration procedures are invoked.

The Federal Mediation and Conciliation Service [FMCS] would be given the responsibility for appointing arbitrators and establishing the detailed ground rules for arbitrations.

The standards to be applied by arbitrators in these disputes are defined as broadly as possible and recognize that binding arbitration is necessitated by the fact that arms-length negotiations have not been possible in the marketplace. For example, the standard for fee disputes takes into account the position of participating carriers and travel agents that such fees should be cost-based while also recognizing the vendors' arguments for "an adequate return on investment" and a "reasonable profit."

The act contemplates three arbitration scenarios:

1. First round arbitration: Within 90 days after enactment, any participating carrier or travel agent could petition the FMCS for arbitration on any provisions. The FMCS would then give the vendors 30 days to advise it as to the number of participating carriers or travel agents affected by each provision. If the FMCS determined that the number of petitions met the threshold for a particular provision, that provision would be arbitrated. The arbitrator's decision would be binding on all of the petitioners' contracts as well as on contracts executed or renewed at a later date.

2. Second round arbitration: A new provision, that is a provision not included in contracts on the date of enactment, can be the subject of a petition for arbitration at any time. Similarly, a provision in a particular contract existing at the date of enactment but not subject to arbitration because of the failure of the participating carrier or agent to file a petition may be the subject of a petition for arbitration at any time 1 year after the date of enactment. In either instance, the FMCS would not order arbitration unless the petitioners exceeded the threshold numerical standards.

3. Changed circumstances arbitration: One year or more after the date of an arbitrator's decision, that decision may be reviewed on the basis of changed circumstances.

INDIAN INDEPENDENCE DAY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. GARCIA. Mr. Speaker, today is the 39th anniversary of India's independence from Great Britain—in yesterday's RECORD, I mistakenly stated that it was the 40th anniversary.

In honor of this auspicious occasion, News India, a popular Indian American weekly newspaper headquartered in New York City has published a special 44-page edition on India and on the Indian-American community. I want to commend News India and its fine staff, especially John Perry, Arthur Pais, and Minoli De Soysa, for the excellent job they have done of making us all more aware of India's rich heritage, as well as our own Nation's growing Indian community.

On a related note, I am submitting for the RECORD a copy of a speech by the President of India, His Excellency Zail Singh in honor of today's celebrations. I hope my colleagues find his words as inspiring as I did.

THE PRESIDENT'S ADDRESS

On the occasion of the thirty-ninth anniversary of our Independence, I greet you all my countrymen and extend to you my best wishes. This is an occasion for us to remember with gratitude the great sacrifices made by our people during the freedom movement. I pay my respectful tributes to all those who participated in the freedom struggle with exemplary courage and devotion.

We have reason to be proud of our achievements in various fields since Independence. We have reached a stage in our development and growth where further sustained efforts will ensure accelerated progress. Our aim should be to become a strong and prosperous nation in the near future. Unfortunately in the recent past, disruptive forces have been at work, which seek to threaten our unity and integrity. This diverts our attention from the mighty task of development. It is extremely painful for us to witness the growing trend of violence in the country. Whether the people inciting or indulging in violence are driven by religious fanaticism or are persuaded by any other concept, they are striking a serious blow at the very foundation of our national existence. I express my profound grief over the loss of many innocent and precious lives owing to senseless violence.

In a democratic society there is ample scope for the people to press their legitimate demands in a peaceful manner. Unless the people concerned are willing to tackle the issues in a spirit of give and take, it will be difficult to arrive at a lasting solution to any problem that may be agitating the minds of any section of the society. Let us ask ourselves if we have been doing our duty to the country without narrow or selfish consideration. Also whether we have subordinated our self or sectarian interest to the overall interest of the country.

India has been passing through a phase full of threats and dangers. The dark forces of communalism, casteism, regionalism and chauvinism have been trying to have their way. Taking a cue from these disruptive events, some external powers have been taking an unhealthy interest in our internal affairs. Their intention is to further endanger our unity. This calls for alertness and vigilance. Our countrymen have always demonstrated complete solidarity at critical moments of our history. But it is very important to anticipate such events without complacency and to always remain united. Our sovereignty and integrity are paramount. We have to ensure that no quarter is given to any outside power to directly or indirectly encourage or promote fissiparous tendencies in our country. Our own strength should be the best guarantee for safeguarding our dignity and honour. I call upon all citizens of the country whatever their ideological or political affiliations, whether they belong to the ruling parties in various States or support the opposition, they should all apply their energies in seeking solutions to problems in a peaceful and constructive manner.

The people of India have given themselves a socialist and secular democracy. This democracy has shown its inner strength and efficiency to the world. It is the most important duty of everyone to inculcate a sense of honesty and integrity in social and political life. Corruption at all levels has to be ruthlessly eliminated. There is a special responsibility cast on leaders, publicmen and administrators to maintain an honest image. Democracy also calls for firmness and tolerance in interaction among political parties and social groups.

The Prime Minister has shown statesmanship in rising above Party interests in dealing with some long standing issues of national concern. National problems call for solution based on national consensus. The spirit of mutual accommodation should be strengthened and everything should be done to eradicate the feelings of mutual mistrust.

Our younger generation has to defend and protect the Independence and promote unity and goodwill among people. I am happy that during the past year the student community by and large has shown a sense of discipline. But their exploitation by opportunists whether political or religious is detrimental to the interests of the country. The elements who try to exploit the impres-

sionable minds of our younger generation not only impair their future but also do great disservice to the nation. The energies of our young men and women should be channelised toward reconstruction and development.

Our strategy of planned economic development has worked successfully over the years. We have made appreciable progress in many directions. But the fruits of development have still not reached large sections of society. Economic growth with stability and social justice is our objective. But we are yet to reach a reasonable degree of satisfaction in the provision of even the minimum needs of the poorest people. Apart from the Scheduled Castes and Scheduled Tribes there are other backward classes accounting for approximately half the population. A large number of them are politically, socially and economically weak. A major endeavour is needed to provide opportunities to these people for growth and development.

Economic offenders and tax evaders undermine the effective implementation of economic policies. Government have taken several measures to contain the activities of these anti-social elements. It would need determination, rectitude and impartiality on the part of law enforcing authorities to bring the genuinely guilty to book.

India stands for peace and friendly relations with all countries. In pursuance of this objective we are continuously endeavouring to reduce tension in the world. We have been trying for the establishment of a new International Economic Order based on justice and equity. Under the stewardship of India the Nonaligned Movement has taken long strides toward cohesion and unity of purpose among the Third World countries. The Movement has been striving hard for disarmament. Only disarmament can ensure the survival of mankind. We are greatly concerned over Super Power rivalry in the Indian Ocean and are making determined efforts to free it from their military presence. The continuance of policies of discrimination based on colour is a great blot on civilization. India is committed to extend every possible support to the struggling majority in South Africa to attain emancipation from racial discrimination.

We are closely bound to countries in the South Asian Region by geo-political and historical links. SAARC no doubt has emerged as a symbol of regional cooperation. India extends its whole hearted support to this association. At the time there has to be progress in our bilateral relations with our immediate neighbors.

Our defence forces have served the nation with a sense of duty and utmost devotion. They are a symbol of national unity and discipline. The nation appreciates their excellent services and expresses its gratitude for their dedication and sense of patriotism.

I would like to conclude by appealing to all my fellow citizens to bear in mind that the unity and integrity of the country are supreme and no sacrifice is too big to preserve our independence and sovereignty.

ALEX NAIMON

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. BARNES. Mr. Speaker, I invite my colleagues' attention to the retirement earlier this year from the Federal service of Alex Naimon, one of my constituents, who rendered distinguished service to four agencies over a period of more than 36 years.

Mr. Naimon began his career as an electronic technician with the Department of the Navy during World War II. With the assistance of the GI bill, he obtained a masters degree from Columbia University and then a law degree from Harvard Law School.

He was then appointed to the Office of Price Stabilization, where he served as an attorney in the Rubber, Chemical and Drugs Division. When OPS was abolished in 1953, Mr. Naimon accepted an appointment in the Office of the Surgeon General of the Army, where he worked for the next 17 years and rose to be its highest ranking civilian attorney.

Among his accomplishments was his idea of a "Army Investigational Drug Review Board" which was subsequently implemented through his efforts. For this work—and for negotiating the approval and coordination with the Food and Drug Administration of an antimalarial drug for use by the troops in Vietnam—thus preventing untold numbers of cases—Mr. Naimon was cited with a Department of the Army Certificate of Achievement.

In 1965, Mr. Naimon was appointed to the Army's most powerful board, the Army Board for Correction of Military Records, established after World War II to ensure that benefits were provided for veterans for whom they had been mistakenly or unjustly denied.

As OTSG's compliance officer, Mr. Naimon was instrumental in making nondiscrimination policy applicable to hospitals and physicians in CHAMPUS contracts. His contributions to the Army Medical Department in general, and to preventive medicine officers in particular, were recognized by the International Health Society, which in 1968 gave him a "Distinguished Deputy Judge Advocate."

In 1970, Mr. Naimon transferred to the Health and Welfare Department, where he served as both the legislative liaison officer and the regulations officer for the National Center for Health Services Research. In these capacities he was active in projects in such areas as: Health Maintenance Organizations, national health planning, biomedical research, and medical malpractice.

From 1977 until his recent retirement, Mr. Naimon worked for the Veterans' Administration's Office of General Counsel, drafting legislative proposals and legal opinions on a variety of issues. He received numerous commendations for his work, including one by the Department of Justice for his work on a complex kidney organ bank litigation case.

In addition to his Government work, Mr. Naimon has been active in the Federal Bar Association, and served his community on a variety of capacities.

Mr. Naimon's career exemplifies the ideal of public service—working in the public interest both in interpreting the law and in proposing changes to the law. Our country has certainly benefited from Mr. Naimon's having dedicated his life to the belief that the role of lawyers in Government should be to preserve the rule of law and our democratic form of Government.

PROTECT AUTO INDUSTRY JOBS

HON. FRED J. ECKERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. ECKERT of New York. Mr. Speaker, once again I rise in support of easing the automobile mileage regulations known as the corporate average fuel economy. It is imperative that the Department of Transportation make the necessary changes and ease these standards before they cause American autoworkers and others who are employed in this field to lose their jobs.

Thousands of hardworking taxpayers are employed at Gleason Works, Rochester Products, Delco, Alton Tool Works and other auto related businesses in the Rochester area. Many retirees in this area whose retirement benefits are reliant upon the success of these businesses are concerned about the effects these outdated regulations could have on them. While energy conservation is important, the change in standards is minimal when you consider what the negative effects could be on jobs and retiree benefits if they are not changed.

I have included an article from the June 12, 1986, issue of the Detroit News on the plans of Japanese auto companies to sell larger and more luxurious cars in the United States. Because of the current fuel economy program, the Japanese automakers have a significant advantage over domestic full-line manufacturers as they pursue this strategy. The Japanese companies have amassed substantial credits which they can now use to offset the lower fuel economy of larger cars which they plan to sell. It would be unfortunate if our largest domestic automakers were to be needlessly penalized by an overly stringent CAFE program. It is time for the Department of Transportation to modify this program and reduce the CAFE standards.

NEW INVASION IN WORKS: JAPANESE LUXURY AUTOS

(By Richard A. Ryan)

TOKYO.—Japanese auto executives say a majority of the new cars they will build in the United States will be larger, more luxurious and more profitable models than those they have traditionally sold.

Recent interviews in Japan with top auto officials of Toyota, Nissan, Mazda and Honda reveal an eagerness to expand the Japanese share of the United States auto market, already at 22 percent, by sharply increasing the number of cars manufactured in America.

And they think they can do that best by building cars designed to compete in a segment of the market historically dominated by American-made automobiles.

"I have observed the American market, "Seija Tanaka, general manager of Honda Motor Co. Ltd., said between sips of green tea in the Honda World Headquarters building in Tokyo.

"And even if we have another oil crisis in the years ahead, I think there is a very high probability that there will be continued demand for luxurious and sporty models. Americans have to drive long distances and the people are really accustomed to that way of living."

Small, fuel-efficient Japanese-built cars gained a foothold in the American market during the gasoline shortage of the early 1970s. Now, with oil plentiful and prices down, Japanese manufacturers, like their American counterparts, are shifting to the larger, more powerful cars they think U.S. consumers want.

"Thanks to the growth of the economy in the United States," said Tetsuo Arakaws, executive managing director of Nissan Motor Co. Ltd., "we have good forecasts for auto sales."

The Japanese hint that they are willing to give up the lower end of the automobile market, the sector they once dominated, to the Korean-built Hyundai Excel, which sells for under $6,000, and to Yugoslavia's Yugo, which retails for less that $5,000. In 1985, according to the Motor Vehicle Manufacturer's Association, American consumers purchased 23,302 Hyundais and 8,277 Yugos, both newly introduced.

"Frankly speaking, we cannot compete with the Korean cars and their low prices," acknowledged Nissan's Arakawa. Sales of smaller Japanese-built cars have declined since January while sales of the more expensive models have increased by 10 percent, he noted.

Honda's Tanaka says market surveys show that sales of "sporty and luxurious" model cars will double between now and 1990. To meet this demand, Honda intends to market its Regent and Integra models in the United States. The Integra will sell for between $10,000 and $12,000 while the Regent will be priced in the $20,000 range.

"With the larger spaces and larger roads in the United States, larger cars are more in keeping with the latest of the American people," said Hideu Kamio, executive vice-president of Toyota Motor Corp., in an interview in the firm's Tokyo headquarters.

"Certainly the era when people were interested in small cars seems to be ending and people seem to be moving again toward the larger cars."

THE DREAM CALLED FUSION

HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. YOUNG of Missouri. Mr. Speaker, on August 7, there were only a few small articles buried deep in a few large papers to draw the public's attention to an event of major significance. As the Associated Press reported that day, scientists at Princeton University had managed to heat a rarefied gas to a record 13 times hotter than the core of the Sun.

Now certainly that seems like a scientific achievement of note, but is it really all that relevant to the average person, or even the average Congressman? Mr. Speaker, the answer is yes, an absolute yes!

It is remarkable that this temperature of 200 million degrees Centigrade was reached at all. The previous worldwide scientific record was a mere 80 million degrees Centigrade reached in 1980. Princeton's experiment exceeds that record by 2½ times, 13 times hotter than the core of the Sun itself.

But this accomplishment is only part of the significance of the event. The scientists and engineers responsible for the experiment were at the Department of Energy's Princeton Plasma Physics Laboratory patiently continuing their efforts to bring the dream of fusion closer to the reality of power. The temperatures recorded in the Tokamak fusion test reactor [TFTR] should remind all of us that fusion research is on track and is producing results. At temperatures of 200 million degrees Centigrade, fusion can and will take place.

In addition to the success with temperature, the TFTR is showing substantial progress in achieving critical requirements for a successful fusion reactor, such as the density of plasma—that is, the hot gas that is contained by the device's magnetic field. Slowly but surely, we are moving toward our next fusion milestone—the elusive, but critical break-even point.

For a fusion reactor, the break-even point occurs when the energy produced equals the energy required to keep the plasma hot. The plasma or superheated gas, if successfully heated and confined, will create a medium in which atoms will collide and fuse. Once break-even occurs, Mr. Speaker, nuclear fusion becomes a technological reality and a commercial challenge. The realization of fusion-powered electricity will quickly follow.

And what is the significance of fusion-powered electricity? Imagine a potential source of energy which relies on low-cost, readily available, inexhaustible fuels. Imagine energy produced by sea water. Imagine the absence of the environmental and safety concerns associated with nuclear fission. Imagine harnessing the process that powers the Sun and the stars for the benefit of all mankind. This is the dream called fusion.

Mr. Speaker, the recent technical achievement in the TFTR at Princeton demonstrates to the Congress and to the American people that the U.S. Magnetic Fusion Program is providing a significant return on our Nation's investment. In fact, the levels of plasma temperature and heat confinement achieved in recent TFTR experiments exceed the objectives specified for the TFTR when the project was first authorized by the Congress in March 1976. This program is moving ahead and deserves the support of the Congress so that the United States can remain preeminent through its achievements in TFTR and the planned follow-on device to produce a burning fusion plasma.

Mr. Speaker, there may not have been banner headlines or special newscasts. There may not have been much congressional or public awareness. But I would suggest to my colleagues that it is a welcome alternative to the daily slew of crises to hear of a program which embodies the highest aspirations of the American people and is successful.

JOHN D. LUSK HONORED SEPTEMBER 18, 1986

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. LEWIS of California. Mr. Speaker, I would like to take this opportunity to recognize a truly outstanding citizen, Mr. John D. Lusk. The Old Baldy Council, Boy Scouts of America will present their 1986 "Good Scout of the Year Award" to Mr. Lusk on September 18 of this year.

This award serves to recognize those individuals who are supportive of the Boy Scout organization and whose personal characteristics serve as examples to the young men in Scouting today. John Lusk has long been involved in Boy Scouts and he continues to support the program and its fine ideals.

Mr. Lusk started his career as a developer in 1946 by building custom homes in the Brentwood-Bel Air area. Now 40 years later, he is the chairman of the board and chief executive officer of the Lusk Co. Its residential projects include the entire spectrum of housing possibilities: luxury, waterfront homes, equestrian estates, condominiums, townhomes, and even manufactured housing.

In addition to making his business a success, John Lusk has served as past president of the Building Contractors Association, western trustee of the International Council of Shopping Centers and director of the National Association of Home Builders. He is a trustee of Mead Housing Inc., an eleemosynary trust to develop housing for low-income families, and a life trustee of Claremont-McKenna Men's College.

John Lusk was honored with the "Builder of the Year Award" from the Building Contracters of America, as well as the past president's award. He was also named "City of Hope Man of the Year" for the Construction Industries Alliance.

John Lusk has long been active in many philanthropic and community endeavors in addition to his active support of the Boy Scouts. Other contributions to the community include his role as founding trustee of Presbyterian Community Hospital in Whittier, CA. Mr. Lusk is an ardent supporter of Nuestros Pequenos Hermanos, which is an orphanage in Cuernavaca, Mexico, and many other charitable causes as well.

Mr. Speaker, I ask that you join me in saluting John D. Lusk. His many contributions and successes make him an outstanding leader in the community and a most deserving recipient of the "Good Scout of the Year Award."

MERCED RIVER LEGISLATION

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. COELHO. Mr. Speaker, I am introducing today legislation to place the upper portion of the main stem and the south fork of the Merced River within the National Wild and Scenic Rivers System. This bill will help to guarantee that the beauty of this river will be preserved and maintained for future generations.

The main stem and south fork of the Merced River offer a number of scenic, cultural, and recreational resources for all people who come to visit it. The river serves as an important habitat for a variety of fish, with the south fork being designated as a California wild trout stream. Red-tailed hawks and

golden eagles have been seen in the area, along with a variety of wild animals. Many rare plants and flowers make the river an enjoyable place to visit throughout the year.

The geological formations that can be found in the canyon are as striking as you will find anywhere in the world. The effects of a long ago ice age have left their indelible mark resulting in magnificant scenery for all who come through the area. Waterfalls in several places enhance a visitor's enjoyment of all that the Merced has to offer.

The river system also provides a number of people with the opportunity for hiking, fishing, white-water rafting, and swimming. The Merced has truly become an active recreational area, which I have been able to enjoy many times in the past.

The tremendous values of the river are threatened by those who wish to develop projects along the Merced. If these projects are permitted to continue, not only the river but Yosemite Park itself will experience severe consequences.

Consequently, the legislation I am introducing today will insure that all projects will be prohibited along the Merced River in the future. The upper portion of the main stem of the river will be designated a wild and scenic river from its source in Yosemite National Park to the town of Briceburg at Highway 140. Additionally, the South Fork of the Merced River from its origin in Yosemite National Park will receive the same wild and scenic designation.

Pending final recommendations from the Bureau of Land Management on the lower portion of the main stem of the Merced from Briceburg to Bagby, and to explore other possible uses for this segment of the river, a moratorium will be placed on the Briceburg to Bagby section for 5 years. Additionally, the legislation would require consultation with the Mariposa County Board of Supervisors when decisions are made regarding the management of those sections of the river placed within the wild and scenic designation.

The Merced River has provided many memorable times for people of my generation. This bill will ensure that our children and grandchildren will be able to experience what we see is worthy of protection today.

H.R. 5205, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. RANGEL. Mr. Speaker, I rise in support of H.R. 5205, Department of Transportation and related agencies appropriations bill, 1987. As chairman of the House Select Committee on Narcotics Abuse and Control, I am pleased that $372,983,000 of the Coast Guard's operating expenses budget is earmarked for drug interdiction activities.

House Report 99-696, which accompanies H.R. 5205, states:

It seems clear that the Coast Guard's drug interdiction activities have been only marginally effective in combating illegal drug use. The Appropriations Committee continues to believe that the Coast Guard's drug interdiction activities are an important component of our national effort to combat illegal drug use. The committee, however, recognizes that there are not unlimited resources for this effort and expects the Coast Guard to develop program performance measures and to improve the coordination, evaluation, and direction of its drug interdiction activities.

Mr. Speaker, I have found the men and women of the Coast Guard to be extremely dedicated to their mission and cognizant of the need to make wise use of available resources. Because of their expertise in conducting at-sea boardings of suspected drug smuggling ships, Congress authorized an additional 500 Coast Guard personnel to place more law enforcement boarding teams on Navy ships operating in drug smuggling areas. My information is that this program is effective and proceeding on schedule.

Improved measures of performance are needed and would certainly be welcome. However, I point out that no one knows how much drugs are transported to the United States, and that the Coast Guard is just one of several Federal agencies charged with narcotics law enforcement. Also, drug smugglers adjust their methods of operation and smuggling routes to avoid detection and interdiction. For example, America's Southwest border has become an appealing point of entry for narcotics smugglers in part because Federal law enforcement pressure in south Florida has been increased.

H.R. 5205 contains $2,416,607,000 for the activities of the Coast Guard in fiscal year 1987. Of this amount $1,849,800,000 is for Coast Guard operating expenses, of which $15 million will come from the boating safety account.

The operating expenses account is the heart of the Coast Guard's budget. In fiscal year 1986, the Coast Guard experienced a $142 million shortfall, which was partially offset by $45 million which the Coast Guard received in the urgent supplemental, Public Law 99-349. The effect of these cuts was to force the Coast Guard into a "squeeze down/slow down" operating procedure which reduced routine drug patrols in many parts of the country and affected other vital Coast Guard missions. The amount in H.R. 5205 is $13 million less than required due to projected fuel savings, but still 15 percent over the amount appropriated for operating expenses in fiscal year 1986. Mr. Speaker, while there may have been some fat in the Coast Guard budget at times in the past, I can assure you that this is no longer the case. Every cent contained in the Coast Guard's operating expenses buget is vitally needed to restore Coast Guard services to near normal levels in 1987.

H.R. 5205 includes an appropriation of $101,850,000 for the capital acquisition, construction, and improvement [ACI] programs of the Coast Guard. This recommended appropriation plus an estimated $102,250,000 in unobligated carryover funds will provide for a total program level of $204,100,000, approximately $63 million below the President's request. Moreover, these unobligated carryover funds include $69,750,000 from the coastal defense augmentation account, which Congress approved last year to provide additional resources to enhance the Coast Guard's military readiness. Now these funds are to be used to meet the Coast Guard's ongoing procurement needs, such as the renovation of existing medium and high endurance cutters. The total program level includes $144,900,000 for vessels, and $5,600,000 for aircraft. Mr. Speaker, many drug smugglers possess state-of-the-art boats and airplanes. I question whether the recommended level for ACI in H.R. 5205 is sufficient for the Coast Guard just to keep pace with the resources available to sophisticated drug traffickers, and whether it is consistent with the intent of Congress expressed last year in creating the coastal defense augmentation fund.

I am disappointed that in fiscal year 1987 full-time positions, including reimbursables would be 342 military and 41 civilian positions below the fiscal year 1986 level. Drug interdiction is a dangerous and labor intensive business, and situations arise in which there is just no substitute for having adequate manpower.

Mr. Speaker, these are hard times economically, and I urge that the Coast Guard keep a close watch on all its expenditures. I support passage of H.R. 5205, although it contains the bare minimum necessary for the Coast Guard to carry out its multimission role. However, we cannot expect the Coast Guard to be more effective in drug interdiction unless we give them additional resources. At present, the Coast Guard is doing the best job it possibly can with the resources it has. It is my hope that the House can find a way to give the Coast Guard, and our other hard-pressed drug enforcement agencies, some additional resources in the comprehensive drug bill Members will have the opportunity to vote on later this year. However, by including these funding levels for Coast Guard operations when it passed H.R. 5205 on July 30, 1986, the Congress reaffirmed its support for the vital role the Coast Guard plays in America's drug interdiction efforts.

H.R. 4825: EXPANSION OF MENTAL HEALTH SERVICES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. TOWNS. Mr. Speaker, this week the House passed H.R. 4825 which will allow clinical social workers to be reimbursed under the Federal Employee Health Benefits Program [FEHBP]. I believe that this legislation will expand the choice of mental health practitioners for Federal employees and thus improve the quality of health care.

H.R. 4825 removed the unnecessary requirement that a psychiatrist referral was re-

quired before a FEHBP beneficiary could receive services from a clinical social worker. The current referral requirement may add additional costs for the clinical social worker in private practice who may have to arrange for the consulting services of a psychiatrist for this purpose. In rural areas, where there are few or no psychiatrists, the referral condition becomes a more serious problem. It may result in the absence of reimbursement for mental health services provided by clinical social workers, and consequently the absence of needed mental health services.

A Department of Defense study, in fact, verified that "no quality of care problems" resulted from the use of clinical social workers and that the cost was in fact reduced. I believe that H.R. 4825 will place clinical social work in its rightful place as a mental health profession equivalent to psychiatry and psychology. Hopefully, the Senate will also act on similar legislation so that the services clinical social workers will be readily available to Federal employees.

HONORING WILL BENNEY, ROBERT RUIZ, AND JERRY ROSALES

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. TORRES. Mr. Speaker, I rise today in recognition of several dedicated men; Mr. Will Benney, Mr. Robert Ruiz, and Mr. Jerry Rosales. Mr. Benney is a sixth-grade teacher at Valinda Elementary School in La Puente, CA and the current president of East San Gabriel Valley Task Force on Drug and Alcohol Abuse. Mr. Ruiz and Mr. Rosales are members of the task force. These three gentleman have developed an antidrug program called Friend to Friend.

Approximately 75 high school students were chosen to participate in the program, which commenced with a conference in Pico Rivera, CA. The conference was the kickoff for a year of activities in which the participants will first develop solid, positive friendships and then spread the antidrug message to their peers. These students will also spread the message to elementary school children through a student-operated speaker's bureau.

The task force is an outgrowth of a Chemical People Program presented last year under the auspices of Nancy Reagan, in which communities were urged to implement local anti-substance abuse programs. The program promotes positive peer pressure so other youths will choose a drug-free lifestyle.

Mr. Benney, Mr. Ruiz, and Mr. Rosales should be commended for taking a stand against drug abuse and actively participating in a program that will give the youth of today the ability to make the right choice about drug use.

THE NATIONAL SEABED HARD MINERALS ACT OF 1986, AND THE NEED TO EXPLORE AND MAP OUR NATION'S EXCLUSIVE ECONOMIC ZONE [EEZ]

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. LOWRY of Washington. Mr. Speaker, the Panama Canal/Outer Continental Shelf Subcommittee held a hearing on June 26, 1986, to examine the adequacy of section 8(k) of the Outer Continental Shelf Lands Act Amendments [OCSLAA] as a regime for the exploration and commercial recovery of hard mineral resources in the exclusive economic zone [EEZ]. At that time, witnesses representing the industry, the environmental community, and coastal States, expressed serious misgivings about the present regulations for hard mineral exploration and commercial recovery under an act designed to regulate oil and gas development.

Therefore, today I am introducing the National Seabed Hard Minerals Act of 1986. This act is designed soley as a regime for hard mineral resource exploration and commercial recovery off the U.S. coastline on the Outer Continental Shelf and within our Nation's recently established EEZ.

Presently very little is known about hard minerals on the seabed of the United States. This bill is intended to initiate a comprehensive and systematic research plan that will support activities with respect to environmental assessment, and general mapping and charting of the EEZ, including areas that may be subject to future exploration and commercial recovery of hard mineral resources. The resource assessment, mapping, and environmental assessment called for in this bill would provide the necessary information and data to improve our understanding of the Earth's geology which will be useful to researchers, government, and industry, and may lead to the future exploration and commercial recovery of valuable hard mineral resources.

There is also a need for improving State-Federal consultation regarding resource development offshore of a State's coastline but in Federal waters beyond the territorial sea. The OCSLAA has not, in my view, allowed enough State participation in resource decisionmaking which could affect the marine and coastal environment. Therefore, this bill introduces the concept of State-Federal task forces that will provide an arena for the discussion of issues of concern. It also provides a means for the resolution of disputes between States and the Federal Government if they arise.

The key sections of the National Seabed Hard Minerals Act of 1986 [NSHMA] are as follows:

Section 102 contains the findings and purposes.

Section 103 contains the definitions, including the definition of "Seabed of the United States", which is defined as the lands beyond the territorial sea out to a minimum of 200 nautical miles from the baseline, and to a maximum of 350 nautical miles as long as the submarine lands are part of a natural prolongation of the continental shelf.

Section 201 establishes a resource assessment, mapping, and environmental assessment program to be administered by the National Oceanic and Atmospheric Administration (NOAA) and the Department of the Interior.

Section 202 provides for the establishment of state-federal task forces to advise the Administrator of NOAA (Administrator) and the Secretary of Interior (Secretary).

Section 203 establishes criteria for Stable References Areas in which no exploration or commercial recovery activities may be carried out.

Section 204 defines the roles of the Secretary of Interior, and the Administrator of NOAA. The Secretary is granted authority over the mining code provisions of the Act while the Administrator is given responsibility to ensure environmental compliance, including the specifications of environmental terms and conditions for licenses and permits, and the preparation of any environmental impact statements which are required. This section also requires the Secretary and Administrator to more clearly delineate, and agree upon, their respective roles and report to Congress within one year from the date of enactment.

Section 301 gives the Secretary the authority to issue to eligible applicants licenses for exploration and permits for commercial recovery.

Section 302 creates a priority of right for the issuance of licenses on the basis of chronological order of applications filed.

Section 304 lists the criteria necessary for an acceptable application.

Section 305 lists the criteria which must be met for the issuance of licenses and permits, and defines the terms "logical exploration unit" and "logical recovery unit".

Section 306 requires the Administrator to prepare environmental impact statements for the issuance of licenses and permits.

Section 307 requires a certification of consistency with state coastal management programs for each license or permit issued under the Act.

Section 308 allows a consultation period between the Governor(s) of the affected state(s) and the federal government. It also provides for the formation of a Dispute Resolution Panel based on the request of the Governor(s).

Section 309 lists the terms, conditions, and restrictions to be contained in licenses and permits.

Section 310 establishes the duration of a license for a period of 10 years and the duration of a permit for a period of 20 years.

Section 311, 312 and 313 specify the procedures for modifications and revisions of the license or permit, the revocation and suspension of activities under the license or permit, and relinquishment.

Section 314 establishes a revenue sharing formula for royalties received from hard mineral recovery, which provides for 50 percent of revenues to affected coastal states, 40 percent of revenues, similar to the formula in the Mineral Lands Leasing Act of 1920, to a Marine and Coastal Environment Protection and Mitigation Fund, and 10 percent to the General Treasury.

Section 401 through 408 provide for enforcement, private actions for equitable relief, and administrative procedures.

Section 503 authorizes appropriations of $10 million per year, for five years, for resource evaluation, mapping, and environment assessment of the Seabed of the

United States and $500,000 per year, for five years, for public education and research to the Secretary and Administrator, respectively.

Section 504 repeals section 8(k) of the OCSLAA.

Section 505 states that this Act does not cover salt and sulfur leases.

Section 506 states that navigation and fishing rights and other reasonable uses of the high seas are not affected by this act.

TRIBUTE TO DR. RICHARD F. SCHIER

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise today to share with you the outstanding accomplishments of Dr. Richard F. Schier, professor of political science at Franklin and Marshall College in Lancaster, PA. Dr. Schier will retire from Franklin and Marshall College at the end of this academic year. It is fitting that we honor him today.

Dr. Schier served his country in World War II with service in New Guinea and the Philippine Islands from 1943 to January 1946. He returned home to his native Iowa and completed a bachelor of arts degree in 1946 and a masters degree from the State University of Iowa in 1947. In 1951 Dr. Schier earned his Ph.D. from the University of California at Los Angeles. He then left the United States to become an education adviser to the Department of Defense in Europe from 1951 to 1953. In 1953 Dr. Schier returned to the United States and joined the faculty at Franklin and Marshall College. He has been with the Government Department at Franklin and Marshall College for over 20 years, earning the respect of his colleagues and all who have come in contact with him.

During his years at Franklin and Marshall College, Dr. Schier has published extensively in such respected publications as: The New Leader, Intellect, USA Today, and the New York Times. He has written on topics as diverse as political fundraising, party reform, political advertising, and tax collection policies. Professionally, Dr. Schier has been a political analyst for ABC–TV on Pennsylvania races since 1966. He served on the board of directors of the Pennsylvania Division of the American Civil Liberties Union from 1964 to 1968. He has served on numerous committees for the American Political Science Association. Currently he is an associate editor for national affairs with USA Today.

Dr. Schier's political career brought him to Washington in 1965 to serve as legislative assistant to former U.S. Senator Joseph S. Clark. In his adopted State of Pennsylvania, Dr. Schier rose through the ranks of the Pennsylvania Democratic State Platform Committee, going from staff director in 1962 to chairman of the committee in 1974.

Mr. Speaker, as you can see from Dr. Schier's outstanding accomplishments, he is indeed a great scholar. But just as importantly, he is a devoted teacher. Dr. Schier has taught thousands of students through the years. He has passed on his love of the political process to them. He encourages government service and participation in party politics. He has instilled in his students the importance of participation. Dr. Schier serves as an example to all of us that we can influence, we can participate and we can make a difference in our country's future.

Dr. Schier will retire from Franklin and Marshall College at the end of this academic year. Those of us who have passed through the ivy-covered halls of Franklin and Marshall are grateful for having the experience of being taught by him. It is my hope that although Dr. Richard Schier is retiring from Franklin and Marshall, he will continue to teach and influence the young people who will become our leaders of tomorrow.

RESTRICTING NATIONAL GUARD TRAINING MISSIONS OUTSIDE THE UNITED STATES

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. BEREUTER. Mr. Speaker, on Wednesday, August 14, the House of Representatives voted 261 to 159 in support of the amendment of the gentleman from Mississippi [Mr. MONTGOMERY] to the fiscal 1987 DOD authorization bill which would prohibit State Governors from withholding consent for the training of National Guard members outside the United States.

The Montgomery amendment was probably motivated by recent experiences relating to the refusal of certain Governors to allow State National Guard units' training missions in Honduras because of protests over U.S. policies in Central America.

In an editorial printed in the Omaha World Herald on August 13, 1986, this issue was discussed in depth, and I submit a copy of that editorial for the benefit of my colleagues:

GUARD TRAINING MISSION DESERVES TO GO AHEAD

Iowa Gov. Terry Branstad deserves the public's support for refusing to cancel an Iowa National Guard unit's training mission in Honduras next week despite protests by opponents of U.S. policies in Central America. Sit-ins and letter-writing campaigns aren't the right way to establish a military unit's training program.

True, the right to dissent is guaranteed. But nowhere is it written that officials must hold a question open indefinitely and submit themselves to the cross-examination of everyone who holds a conflicting point of view. In the case of the Guard's mission to Honduras, responsible officials made their decision months ago. No good reason has been presented for them to reverse it.

Branstad, who is campaigning for re-election, says opponents of the training mission are playing politics. A resolution approved by the Democratic-controlled Iowa House of Representatives urged that the mission be called off. Four legislative Democrats reiterated their opposition to the mission last month after returning from a trip to Honduras.

The protest has been carried beyond a mere recitation of the arguments to the point of unreasonableness. Several days ago, a group of protesters took up a position outside the governor's office in the State Capitol and refused to leave the building at closing time. They were removed by police. Thirteen people were charged with trespassing. A spokesman said the group had intended to stay in the building until Branstad called off the training mission.

Opponents contend that such training exercises could lead to greater U.S. military involvement in Central America. But the Iowans would be stationed at a U.S. facility on the grounds of a Honduran air academy in a mountainous valley in the central part of Honduras—far from contra and Sandinista forces. It is unlikely that the U.S. forces would be involved in combat or in training contras; Congress and the Honduran government monitor the facility to be sure that doesn't happen.

What is the warlike act that Branstad has approved? The 38-member unit—a medical company—is scheduled to leave for Honduras next week. While there, the unit's doctors, dentists, nurses and corpsmen—all volunteers—will treat U.S. servicemen and Honduran civilians. Branstad's office said he gave his approval because he was convinced that the Iowans would be safe and that the training exercise would be worthwhile.

Those were proper questions for Branstad to answer. However, for a governor to use the Guard to make a political statement, as Branstad is being urged to do, would be a highly questionable use of authority—as well as being unfair to the men and women who wear the uniform of the National Guard.

STATE LEGISLATURES' STANCE ON RISK RETENTION BILL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. FLORIO. Mr. Speaker, my subcommittee is actively considering legislation to help facilitate self-insurance groups and insurance purchasing groups. The National Conference of State Legislatures [NCSL] recently adopted a resolution on this subject by a unanimous vote. The statement covers a number of points that all Members will be interested in considering in connection with this legislation. The NCSL resolution follows:

NCSL RESOLUTION

Congress has before it legislation proposing to expand the 1981 Risk Retention Act to most lines and sublines of liability insurance. The 1981 legislation permitted the formation of risk retention groups which could self-insure or collectively purchase product liability coverage regardless of state anti-grouping laws.

One problem which has surfaced during the current crisis has been the absolute unavailability of certain lines of liability coverage or unavailability prompted by increased premiums. Nearly every state has addressed this problem, for political subdivisions particularly, by either establishing self-insurance authority, permitting pooling arrangements or risk retention groups, and/or establishing joint underwriting associations and market assistance plans.

The National Conference of State Legislatures believes that insurance availability is

critical for public and private sector entities. NCSL believes that federal legislation providing yet another alternative for potential liability insurance coverage through risk retention groups or collective purchasing groups is desirable. Such legislation will not entirely resolve the current crisis but could assist businesses, political subdivisions and others to obtain coverage.

Federal legislation should ensure that groups are similarly situated, that one risk retention group not serve as a reinsuror for other risk retention groups, that groups pay premium taxes and that such groups be subject to state regulation and/or oversight both in the chartering and non-domicilary states.

Federal legislation should ensure that adequate regulatory safeguards be made applicable to risk retention groups. These safeguards should include, but not essentially be limited to, protections against unfair trade practices and unfair claims settlement practices, state examinations of financial condition, submission of annual reporting requirements, participation in all insolvency guaranty fund and adequate capitalization.

THE HONORABLE BERKLEY BEDELL

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 7, 1986

Mr. MINETA. Mr. Speaker, I rise to pay tribute to my good friend, BERKLEY BEDELL.

This is a House that employs such expressions as "my distinguished colleague" and "my good friend" as a matter of custom, and the words sometimes lose their meaning. Yet when I speak of BERK, I am truly speaking of my good friend.

BERK BEDELL and I were the two old men of the class of 1974. In a class full of 20- and 30-year-olds, we were the senior statesmen.

Over the years, we have worked together on many projects. I have come to value my good friend for his integrity, and his determination to forge ahead when others' spirits weaken.

BERK BEDELL simply gets out there with his quiet Iowa twang and just won't move until the right thing gets done.

There are perhaps flashier Members of this Congress but it's is BERK's style of hard work, determination, and thoroughness that actually makes this House work.

BERK is a wonderful person. His sense of humor and kindness are well known to those of us who are proud to count ourselves as his friends.

We will miss BERK. We will miss him as a legislator, and as a friend. I join with all of my colleagues in wishing him well.

I would be remiss if I didn't also mention that my wife, May, and Elinor Bedell, have become close and special friends over the last 12 years. I know that May will miss Elinor greatly.

And so, Mr. Chairman, on behalf of May and myself, we wish the Bedells good fortune as the next exciting chapter of their life begins.

I understand that while their plans are not fully decided, they do intend to spend a major part of their time here in Washington fighting for world peace.

It is typical of BERK and Elinor that rather than take a well-deserved quiet retirement, they will keep up their efforts for the good of the world.

They are truly fine human beings, and this House will be poorer without them.

TREAT ACCOUNTANTS FAIRLY

HON. FRED J. ECKERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. ECKERT of New York. Mr. Speaker, over the past year the Oversight and Investigations Subcommittee of the Committee on Energy and Commerce has been conducting hearings on the role of accountants in our financial system. The subcommittee reviewed the role of accountants in the ESM Government Securities case and the Beverly Hills Savings & Loan case. We have also heard from critics of the accounting industry who have suggested that more regulations are required over accountants because they do not have enough independence from their clients.

In response to these charges I submit an article from the June 30, 1986, issue of Forbes. This article refutes the charge that accountants are not independent of their clients by reviewing a recent situation which involves an accounting firm and an insurance company. The accounting firm quit an audit engagement it had for 14 years, one that brought the firm fees of probably $1 million a year. The reason the firm quit was over the way the company was reporting its operating income. If the accounting firm was not independent it would have simply given in to the insurance company's method of reporting operating income.

The point I make by inserting this article is that accountants are independent of their clients and need to be treated fairly. The reason Congress is now looking into the role of accountants is that we seem to be having a change in the expectations of what role accountants play in our financial system. As a result of these changing expectations the accounting industry has started a substantial number of initiatives at the Auditing Standards Board, Accounting Standards Executive Committee, and other standard-setting bodies. Let's give the accounting industry some time to respond to these changing expectations before Congress steps in and imposes a set of troublesome and burdensome regulations. Let's treat the accountants fairly.

NOW YOU SEE IT, NOW YOU DON'T

(By John Heins)

Without warning Coopers & Lybrand resigned on April 24 as auditor for Baltimore's USF&G Corp. What's the deal? Big Eight accounting firms don't often up and quit an audit engagement after 14 years, especially one that brings in fees of probably $1 million a year from an $8 billion property/casualty insurance company. Something big? Big indeed. Two weeks before the resignation, USF&G, prodded by Coopers & Lybrand, had restated its financial statements for 1983, 1984 and the first nine months of 1985. The results were not pretty. The restatement cut 1983's operating income by 19 percent, to $140 million, and slashed 1984's operating income from plus $93 million to minus $41 million.

What happened? Battered by huge underwriting losses since 1981, USF&G needed help. It discovered it could use its investment portfolio to exploit some of the new financial abstractions Wall Street has dreamed up in recent years. Until Coopers & Lybrand finally blew the whistle, financial wheeling and dealing enabled USF&G to boost investment income and take it into operating income.

Explains David O'Leary, an insurance stock analyst at Hartford, Conn.'s Fox-Pitt, Kelton, Inc., "USF&G was basically transferring money from capital to income. While its [reported investment] income was going up, capital was getting killed."

How do you transfer money from the investment portfolio to operating income? One clever USF&G strategy involved selling covered call options—that is, selling investors the right to buy stock in USF&G's portfolio at a predetermined price.

Suppose, hypothetically, that USF&G owned IBM at a cost of $100 a share. IBM rises to $150, so USF&G has earned a capital gain of $50. But the insurer might sell a $140 call (the right to buy the stock for $140) against its IBM for a premium of $20.

The accounting question is, Where do you record that $20 premium? As part of "realized gains or losses on investments"? Or as part of operating income, along with gains or losses on underwriting? Operating income, remember, is what analysts and investors tend to look at when judging an insurer's performance.

Until the restatement, USF&G was recording the entire premium as operating income. It was doing so despite the fact that part of the premium ($10 in our example) reflected a capital gain already in the stock when the call was sold. Then, when the call was exercised, USF&G would show a $10 capital loss—the stock, carried at $150 on the books, was being "sold" for $140. By sticking $10 of what had been a capital gain into income, USF&G effectively depleted the capital account to augment the operating income account. Coopers & Lybrand, then, required USF&G to put some of these capital gains back into "realized gains on investments."

Another of USF&G's devices to boost reported income involved buying dividends. USF&G would buy stocks before the dividend date of record, entitling it to receive the dividend and record investment income. Then, still before the record date, USF&G would agree to sell the stock exdividend at a capital loss—that is, at the market price, minus the dividend payment the new owner would not receive. Again—taking money out of the capital account and putting it into operating income. According to the restatement, these dividend machinations overstated operating income by $81 million ($1.49 a share) in 1984 and $120 million ($2.02 a share) in 1985.

There was more. In order to take unrealized gains on some of its debt securities into net income, USF&G would sell and then immediately repurchase the securities. Similar "wash sales" are common to realize losses near the end of the year for tax purposes. But neither the IRS nor the accountants have any standards dealing with wash sales to realize gains. Only after Coopers & Lybrand argued that the economic substance of the wash sale transaction was not really a

sale did USF&G restate the questionable gains—which had, it now appears, overstated net income by $52 million in 1984 alone.

USF&G executives seek to shift the blame to fuzzy accounting rules. "There are so many new ways to invest your money and trade your securities," contends Paul Schlough, USF&G's vice president for investor relations, "that the accounting treatment never really was very clear." Schlough might have a point—except for the rules of common sense, and the fact that other firms have been more conservative. Several mutual fund companies and at least two other insurers (Combined International and American General), for example, also write covered call options but mostly credit all proceeds to capital gains, not investment income.

Are USF&G's shenanigans unique? Probably not. The Securities & Exchange Commission was worried enough that it asked the Financial Accounting Standards Board to put a major project concerning "financial instruments"—such as options—on the FASB's already crowded agenda. The board has its work cut out. "The area of financial instruments is one of the final frontiers," says John Deming, KMG Main Hurdman's director of accounting. "There is no real authoritative accounting literature, and anyway, Wall Street seems to come out with a new scheme every day."

What of Coopers & Lybrand's partners, without whose prodding USF&G might still be magically turning capital gains into income? The firm refuses to comment on the USF&G affair. That may be because Coopers rendered clean opinions for USF&G's 1983 and 1984 reports; those opinions may have helped USF&G in raising $268 million in much-needed capital through two stock offerings last year. A shareholder class action suit was filed against Coopers and USF&G soon after the restatement, alleging negligent misrepresentation and fraud.

Perhaps a little late, the accountants nonetheless did the courageous thing in forcing its client to stop playing accounting games. What a pity Coopers ends up paying for its courage by being sued as well as by losing a valuable account.

ROBERT O. TOWNSEND HONORED SEPTEMBER 18, 1986

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. LEWIS of California. Mr. Speaker, it gives me great pride to honor at this time a longtime friend, Mr. Robert O. Townsend. He will be recognized by the Old Baldy Council, Boy Scouts of America when they award him with the "Good Scout of the Year Award" on September 18 of this year.

Recipients of this award are those individuals who have supported Boy Scouts by involving themselves in the organization and by exemplifying those personal characteristics which are taught and encouraged. Bob Townsend—a role model for all Scouts—is a fine leader and a dedicated contributor to his community.

The Boy Scouts have been a part of Bob's life since his youth. His father, Mr. Oliver Elvin Townsend, was instrumental in founding troop No. 1, of which Bob is a charter member.

Bob was a veteran of World War II, having nobly served in the U.S. Navy in all three theaters of the war. For the next 25 years he was active in the agricultural production business, as well as the teaching profession. He also involved himself in real estate and land development, and in 1968 was appointed to the San Bernardino County Planning Commission, where he served as chairman for 4 of the 6 years of his involvement.

Water development and the protection of water quality are important to Bob Townsend, and accordingly he has planned and executed numerous projects that will benefit the people of southern California for years to come. One such project in which Bob was the leading force was the construction of a Cucamonga flood control project, which at the time was the largest flood control project west of the Mississippi.

Although Bob retired this year from his position as a member of the San Bernardino County Board of Supervisors, he remains active in improving water quality for the area. He is a private consultant and is working with the city of Fontana.

Mr. Speaker, please join me in congratulating Bob Townsend on receiving the "Good Scout of the Year Award." His many years of hard work and his countless contributions to his community have benefited many of his fellow citizens. Indeed, he represents one of the most important goals Boy Scouts strive to achieve—effective and active community leadership.

A TRIBUTE TO GLENN MARCUSSEN

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. COELHO. Mr. Speaker, I would like to take this opportunity to commend Glenn Marcussen for the job that he has done as city manager for Coalinga, CA.

Glenn has served in this capacity since 1960 and has been only the second city manager for Coalinga. In his role, Glenn has been responsible for getting most of the city involved in curb and gutter districts as well as making vast improvements in the streets. Perhaps his greatest accomplishment has been bringing drinking water to the residents of Coalinga—something which had always been short in supply.

All in all, Glenn has made many contributions and provided dedicated service to the city of Coalinga. I would like to wish Glenn well upon his resignation.

JOINT BOLIVIAN-UNITED STATES DRUG OPERATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. RANGEL. Mr. Speaker, the recent deployment of U.S. military forces to assist Bolivian efforts to suppress illicit cocaine manufacturing has brought national attention to the widespread illicit production and trafficking of coca and cocaine in that country. Bolivia's rationale for requesting United States assistance was explained by Fernando Illanes, Bolivia's Ambassador to the United States, who said, "If we don't attack this problem our country will disappear as a nation as we know it very soon." In short, the Bolivian narcotics traffickers were taking over control of the country, and this operation, known as Stop Prop, is designed to prevent that from happening.

Revelations of the seriousness of the problem in Bolivia were, however, no surprise to the select committee. Coca leaf produced in Bolivia is the raw material responsible for 40 percent of the cocaine entering the United States and approximately 10 percent of that cocaine is also illicitly produced in Bolivia. Most of the Bolivian coca leaf crop is converted to coca paste for smuggling to Colombia where it is processed into cocaine and then trafficked to the United States.

Since the 1970's, Bolivian cocaine production has expanded. New regions have come under cultivation. The committee estimates that in 1985, Bolivia could produce 240 tons of cocaine for international traffic, making it responsible for 40 percent of the international cocaine trafficking.

In the report of our 1985 Study Mission, the Select Committee on Narcotics recommended a more realistic recognition of the depth of the problem and a more comprehensive program of support and assistance from the United States to bring the production and traffic under control. Bolivian President Paz Estonsoro by requesting United States assistance to move against the cocaine processing laboratories within his country, has demonstrated that he is aware of the serious nature of the problem. By addressing the problem of narcotics trafficking, Bolivia should improve the health of its people, bring stability to the countryside, and create an environment for industrial and agricultural development. Failure to do so will simply exacerbate the problem.

Therefore, I believe it is imperative that the administration develop, as soon as possible, a comprehensive program to assist the Bolivian Government reduce the quantity of coca leaf production to legal levels and progressively eliminate all other production of coca leaf by the voluntary compliance of growers, or by eradication, if necessary.

I hope that recent efforts, where United States military and DEA personnel are assisting the Bolivian police suppress illicit cocaine manufacturing installations and trafficking, will reduce the volume of cocaine directed at the United States this year. I am, however, not convinced that reductions in cocaine trafficking will occur until the Bolivian authorities halt the constantly expanding production of coca leaf in their country and commence the progressive eradication of the enormous illicit cultivation that now exists.

FIFTY YEARS OF CORPORATE LEADERSHIP

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. STARK. Mr. Speaker, it is my pleasure today to honor an American corporation that has served *well the individual* consumer and the communities of which it is a part.

"Proud of Being Unique, Dedicated to Being the Best." This is the motto of Cornnuts, Inc., a company founded some 50 years ago in Oakland, CA.

Like the beginnings of many companies in America, Cornnuts, Inc. sprang from the combination of a good idea and a lot of hard work. But Cornnuts, Inc. did not stop there. A third ingredient that has made this business not only a consistent supplier of snacks for 50 years but an exemplary corporation is its commitment to socially responsible values.

Mr. Speaker, allow me to submit the "Cornnuts Mission Statement."

We are dedicated to providing high levels of consumer satisfaction through attentive service and superior product quality and value;

We appreciate the inherent human worth of our coworkers;

We encourage participation and decisionmaking at every level in the organization;

We will generate sufficient earnings to fund Cornnuts growth and to maintain its financial integrity;

We will be a good "corporate citizen" by supporting the work of deserving community organizations and operating our plants in an environmentally responsible manner.

I present this to you as an example of the possibility, if not the necessity, for looking beyond the simple criterion of fiscal solvency. At Cornnuts, Inc., product quality and customer satisfaction are given top priority. In addition, by combining a respect for the rights of the employee with shared decisionmaking and responsibility among the workers, Cornnuts, Inc. has created an excellent atmosphere in the workplace. Growing out of this positive work atmosphere, Cornnuts, Inc. has extended itself and has registered an excellent record of advancing the well-being of the community.

Mr. Speaker, I present Cornnuts, Inc. to you today as an example of corporate responsibility. I commend Cornnuts for its continued service to the consumer and to the community. Cornnuts, Inc., with its solid foundations, is sure to be successful for another 50 years.

DOD STUDY ON REPRESENTATION OF RELIGIOUS FAITHS AN IMPORTANT FIRST STEP

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. TOWNS. Mr. Speaker, as a cosponsor of H.R. 1875, the Military Chaplains Faith Balance Act, I was pleased to see that the House agreed to mandate a study by DOD to seek proportionate representation among clergy serving in the Armed Forces.

H.R. 1875 enjoyed broad support with over 180 cosponsors. In this "Year of the Flag" and rededication to the principles embodied in our Constitution, I am hopeful that this study will lead to a resolution of the current imbalances which exists in the representation of those faiths among chaplains of the Armed Forces compared to the representation of those faiths among members of the Armed Forces as a whole.

I believe that it is important that civil and religious liberties of our citizens be protected by providing religious leaders and chaplains of their respective faiths.

HONORING DAV'S NEW COMMANDER, KEN MUSSELMAN

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. TORRES. Mr. Speaker, I rise today to recognize a very dedicated man, Mr. Ken Musselman, formerly of Pico Rivera, CA. Mr. Musselman was one of the many courageous men who risked their lives in Vietnam.

When Mr. Musselman left the United States for Vietnam he was a strong, able-bodied man. He returned home a disabled veteran. Unfortunately, he stepped on a land mine in Chu Lai, South Vietnam.

Even though Mr. Musselman and his wife were accepting of his disability, many employers were not. Through the assistance of the Vietnam Readjustment Act, Mr. Musselman obtained employment at the Naval Weapons Station in Seal Beach, CA. He has worked there ever since.

He was recently elected commander of the Disabled American Veterans, a private organization that lobbies for the rights of disabled veterans. Mr. Musselman is an active advocate of the rights and benefits of disabled veterans. Mr. Musselman attended his first chapter meeting of the DAV in 1974. He was immediately elected treasurer.

As the commander, he will act as the liaison between the national headquarters and the local chapters. In this capacity he will travel throughout the United States keeping the 1-million members informed of the activities of the national headquarters.

Mr. Musselman's dedication to the Disabled Veterans of America is to be commended. I urge my colleagues to join me in recognizing the commitment that this gentleman has made to the betterment of many disabled veterans in the United States.

CONTINUED RAMIFICATIONS OF THE SUGAR PROGRAM

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. GRADISON. Mr. Speaker, almost 1 year ago we were preparing for debate on the 1985 farm bill. At that time, I offered an amendment, along with Mr. DOWNEY of New York, that we felt was a reasoned approach to the problems arising from the Sugar Program. As you recall, last September we were unable to persuade a majority of our colleagues to adopt our approach for a gradual reduction of the floor in the non-recourse-loan rate for sugarcane to 15 cents over the course of 4 years.

A number of important issues were addressed during the debate. In the end, the House retained the Sugar Program essentially intact. Ultimately, Congress unwisely added provisions to the farm bill that compel the administration to adjust sugar import quotas downward in an effort to avoid cost to the Government resulting from forfeited sugar.

In spite of assurances, the Sugar Program is not a no cost program and it has added to the budget deficit. Last year, the Federal Government accepted over 425,000 tons of forfeited sugar at a cost in excess of $160 million. In an effort to lessen the budgetary impact of the program, the law now requires the Government to dispose of sugar forfeited to the Commodity Credit Corporation [CCC] prior to the announcement of new sugar quotas on December 15.

Unable to dispose of the CCC sugar on the domestic market, the Department of Agriculture announced last Tuesday the sale of the remainder of the surplus stock to China. The administration sold 145,850 metric tons of sugar for $15.3 million. While the sale will save added costs to the CCC, the taxpayers took a loss of approximately $45 million on the sugar sold to Beijing. That is in addition to substantial losses already incurred through sales in the domestic market.

Of added importance was the reaction of Australia. The government of Prime Minister Robert Hawke reacted sharply against the sale which cuts into a traditional market for Australian sugar, which it should be noted is not subsidized. The economic blow struck by the sale, therefore, was not felt by members of the European Community, who continue to subsidize sugar production, but by a valued ally in a region of the world undergoing considerable change.

The announced sale came only 1 week after the United States, also to the dismay of Canberra, announced its decision to subsidize wheat sales to the Soviet Union. The erosion of the trilateral alliance between Australia, New Zealand, and the United States, for reasons other than agricultural trade, is evidently of concern to all parties. Recently, American and Australian officials have met to discuss ways to strengthen the bilateral security relationship.

Although neither side appears to want to link security and commercial issues, actions

such as these can only do damage to the American position in the region. This is especially important given the expansion of Soviet naval power in the Pacific and recent diplomatic initiatives by Moscow in the Southwest Pacific.

Mr. Speaker, I am not arguing that the United States should bow to the commercial desires of our allies. I am suggesting, however, that the effects of our agricultural policy extend far beyond the farm. The Sugar Program, in particular, has proven deleterious to our friends in Central America and the Philippines. The sale to China has driven down the world market price for raw sugar. The prospect of tighter quotas will add even more to their difficulties.

Requirements that amount to dumping American sugar on the world market have aggravated American-Australian relations at a sensitive time for both countries. Dumping and subsidization will only make it more difficult to arrive at equitable trade agreements with the European Community, Canada, Australia, Argentina, Brazil, and other major agricultural exporters. Prime Minister Hawke referred, correctly in my view, to trade subsidies as self-defeating stupidity. As the lastest case indicates, our agricultural policies can have unfortunate political results.

For the United States, the maintenance of the Sugar Program continues to be economically unsound, politically unwise, and strategically injurious. These practices may prove to be beneficial to a few farmers in the short-term. Ironically, they may also prove to be more harmful to the long-term interests of the farmers these policies are designed to benefit.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1987

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 14, 1986

Mr. WORTLEY. Mr. Chairman, I rise in opposition to the Hertel-Martin amendment and in strong support of the Navy's Homeporting Program.

This Congress has approved the 600 ship Navy. We've invested $50 billion in building the new fleet. Now we have to decide where to put the additional ships. We have two choices: Expand existing ports or construct new ones.

There is a fundamental problem associated with expanding existing ports. These ports already are congested and overcrowded, and the real estate is not available to relieve these conditions. The current situation would only be made worse by basing additional ships at existing ports.

There are some important advantages to construct new ports as called for in the Navy's Homeporting Program.

Dispersal of ships to various ports around the country reduces the vulnerability of the fleet to a single devastating attack.

Dispersal would diminish the fleet's vulnerability to random acts of terrorism.

Dispersal would give the Navy a wider geographical base, making it easier to respond to regional conflicts and to protect vital trade routes.

Dispersal would help maintain an important industrial base and shipbuilding capability in peacetime, which becomes absolutely vital in time of war.

Dispersal would improve training and command effectiveness because ships that would be deployed together would also train together. Integration of naval forces would be improved.

Dispersal would improve the ability of the Naval Reserve to recruit the number of reservists required for it to fulfill its enhanced role in our strategic naval strategy. As the highly respected gentleman from Mississippi [Mr. MONTGOMERY] has stated:

> The Navy will not be able to recruit and retain the reservists necessary to man an increasing number of Naval Reserve ships unless the force is dispersed to additional locations.

The cost of gaining all of the benefits of homeporting is estimated to be about $217 million more than the cost of expanding current ports. State and local governments have already pledged more than $150 million to offset the cost of homeporting because they recognize the benefits of the program for their local economies.

Homeporting should not be a regional issue, but a national security issue. Homeporting will enhance our defense capabilities, it would avoid overcrowding of current port areas, and it would not result in the sacrifice of vital naval facilities in the Great Lakes region.

I strongly urge my colleagues to support the Homeporting Program and vote to defeat the Hertel-Martin amendment.

UNITED STATES-CANADA DAYS OF PEACE AND FRIENDSHIP

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. HORTON. Mr. Speaker, the United States and Canada have for many years been at peace; we have been trading partners; we have shared tourism; and we have generally been good neighbors. Our relationship is positive and productive.

We have been like friendly neighbors. And if ever, like any neighbors, we have our differences; they do not hamper the relationship itself. However, this relationship may be one of the world's most unsung relationships. Much news is made of our activities with the countries of NATO or those we consider our adversaries; and justifiably so. But I think it is time to make much ado about something—that something is our ties with Canada.

I have joined Mr. BONIOR as a prime sponsor of "United States-Canada Days of Peace and Friendship," which sets aside July 2 and 3, 1987 to actively celebrate the United States-Canadian relationship. A similar resolution is moving through the Senate, as well as the Canadian Parliament. No other 2 days could be more appropriate than July 2 and 3. July 4 is our Independence Day, and July 1 is Canada Day, their celebration of independence.

The celebrations will take place on a local level. In cities and towns on both sides of our border, there will be picnics, barbecues, lectures and seminars, sports competition and debates, exhibits and performances. Each community will decide how it wishes to observe July 2 and 3. The celebrations could be an extension of the July 1 and 4 activities. Any group or organization could participate and sponsor activities: Federal, State, and local officials, educators, local businesses, service clubs, youth and student groups, and others. It will be an excellent opportunity for United States and Canadian citizens to learn more about their similarities and differences.

This resolution has the support of a number of American and Canadian dignitaries, the U.S. Chamber of Commerce, the American Legion, and other organizations.

Mr. Speaker, I believe that "United States-Canada Days of Peace and Friendship" is a worthwhile project, and I am glad to be a prime sponsor. The Senate is joining us today by introducing the resolution on their side. I ask all my colleagues to help us in this effort, as I know that July 2 and 3, 1987, will be very educational, a lot of fun for those involved, and a wonderful way for the United States and Canada to express appreciation for each other.

UNITED STATES/UNITED NATIONS: FUNDING CRISIS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. FASCELL. Mr. Speaker, the Committee on Foreign Affairs has been very concerned about U.S. budget cuts on its U.N. assessed contribution. Last year, we passed a 2-year Foreign Relations Authorization Act that contained the U.S. assessed contributions to the United Nations. We also passed a 2-year Foreign Assistance Authorization Act that contained funds for various U.N. programs. Before the Foreign Relations Authorization Act got out of the Congress, various restrictive amendments were attached to it. One was the Kassebaum-Solomon amendment that called for a reduction of the U.S. assessment from 25 percent to 20 percent unless the United Nations adopted budget reform measures. Then there was the amendment offered by Mr. SUNDQUIST on the House floor that aims to end so-called kickbacks made by Eastern-bloc Secretariat officials to their U.N. Missions. There was also the PLO/SWAPO withholding that was put on this legislation back in 1979 and every year since then that requires the United States to withhold its proportionate share of the U.N. budget that is allocated to in any way assist activities supporting the PLO or SWAPO.

The administration in sending to Congress its fiscal year 1987 appropriations subtracted moneys for the Kassebaum amendment—$79.1 million; $1.9 million for PLO/SWAPO—so already in their presentation the proposed U.S. assessment was short about $81 million

plus about another $30 million that the administration has taken out for currency fluctuation and for a dispute between the United States and the United Nations over payment of taxes by Secretariat officials. That brings the total to $110 million. But on top of these cuts, the Gramm-Rudman-Hollings amendment to the Federal Deficit Act of 1985 can impose even greater cuts and without any concern for our treaty obligations to the United Nations which are imposed on us under article 19 of the U.N. Charter. The House Foreign Affairs Subcommittee on Human Rights and International Organizations chaired by the Honorable GUS YATRON, Democrat of Pennsylvania, and the Subcommittee on International Operations chaired by the Honorable DAN MICA, Democrat of Florida, held hearings on the impact of the GRH on the U.N. budget last March so we would know where we stood. They also discussed the U.S. voluntary contributions to various U.N. programs whose authorization is in the Foreign Assistance Act. It is disturbing the extent to which actual and estimated cuts could drop. Just a few weeks ago, the House Appropriations Subcommittee on State, Justice, and Commerce cut another $47 million from that assessment for money for the Sundquist amendment noted earlier, the Swindall amendment for the U.S. proportionate share of the U.N.'s Department of Public Information and an across-the-board cut. The Senate is taking action this week on the appropriations bill and I hope that after they have acted that the United States will still be a member of the United Nations.

The United Nations Secretary-General has already begun to trim from the U.N. budget where he can; right after the first of the year, he authorized administrative cuts that would save about $30 million and he called back into session the 40th session of the General Assembly to find ways to reduce still further his 1986 budget. The General Assembly finally agreed by consensus to about $30 million more in reductions. However, U.S. shortfall is going to be a good deal more than $60 million perhaps as much as $160 million. When added onto all the other cuts from 18 other U.N. members that are shorting the United Nations in regular contributions, the United Nations is clearly in what is probably the worst financial pinch it has ever faced. Of course, reforms in the United Nations are necessary and I hope that the group of experts will produce serious proposals to report to the Secretary-General this September and that the General Assembly will incorporate them. If this is possible, I hope that the Congress will respond favorably and fund the United Nations at a level that it needs to do its job. It is unfortunate but I fear that the U.S. assessment could fall from 25 percent to perhaps 12 percent or even 10 percent, all within 1 year.

These deep budget cuts in our U.N. assessment have brought the light of public interest to this matter. In two recent public meetings, both held last June on Capitol Hill, key perspectives on this current situation have been thoroughly aired. The results of these discussions deserve wide publicity. I had hoped to be able to insert the transcripts of these meetings for all to read in the CONGRESSIONAL RECORD. But, in view of the estimated high costs of doing so, my intention is to advise you that a written record of each of these meetings exists and is available from the offices noted below.

The first meeting, sponsored by the American Society of International Law, on June 12 focused on the "Legal Issues in the Crisis in U.N. Funding." Participants included: The Honorable Elliot Richardson, chairman of UNA-USA; Keith Highet, president of the Society; Larry Hargrove, vice president and executive director of the Society; Richard Nelson, director, International Organization Program, American Society of International Law; Carl August-Fleischauer, the U.N. Legal Advisor; Michael Kozak, Deputy Legal Advisor, Department of State; Alan Gerson, Special Assistant to the Attorney General; and Margaret E. Galey, staff consultant, Committee on Foreign Affairs. The transcript of that session, held in the main Committee on Foreign Affairs hearing room, will be available from the American Society's headquarters: 2223 Massachusetts Avenue NW., Washington, DC 20008.

The second meeting, sponsored by the Friends Committee on National Legislation, and cosponsored by 57 public interest groups, met all day, June 20, in the main Committee on Foreign Affairs hearing room to consider "The U.S. and the U.N.: A Crisis of Money and Influence." This was perhaps the largest meeting in recent memory held on Capitol Hill to discuss the various and interrelated issues in the U.S./U.N. funding crisis. Following welcoming remarks by the Honorable Elliot Richardson, currently chairman of the UNA-USA, the Honorable Stephen Lewis, Canadian Ambassador to the United Nations discussed "Reviving a Vision of the United Nations." Then, a panel of experts each representing an important though different perspective of the U.S./U.N. funding situation offered their respective insights: James Sutterlin, Director, Executive Office of the U.N. Secretary-General and a member of the Advisory Committee on the Financial Crisis; Dennis Goodman, Senior Deputy Assistant Secretary, Bureau of International Organization Affairs, Department of State; Charles Lichenstein, senior fellow, Heritage Foundation; David Lonie, minority consultant to Representative GERALD SOLOMON; the Honorable JIM LEACH, Member of Congress from Iowa and the Committee on Foreign Affairs.

The session was moderated by Nancy Alexander, legislative director, the Friends Committee on National Legislation. Following the morning meeting, I had the honor during a luncheon attended by about 250 interested citizens, of delivering an address on the topic: "Is U.S. Membership Still in the U.S. National Interest." In my remarks, I indicated that the United States is not only indispensible to the United Nations but that the United Nations is indispensible to the United States. FCNL has arranged for the morning briefing and lunch meeting to be transcribed. If you are interested in reviewing the transcript of this meeting, you should contact the Committee on Foreign Affairs, room 2170, Rayburn House Office Building, Washington, DC 20515.

Let me conclude by saying that U.S. budget cuts in its assessed contribution to the United Nations and the specialized agencies appear to demonstrate that the United Nation has few friends on Capitol Hill. Last year, more restrictive amendments were adopted than at any previous time to foreign relations authorizing legislation. On top of the cuts being imposed by the Kassebaum-Solomon amendment and the Sundquist amendment which total about $100 million, the Gramm-Rudman-Hollings amendment to the Federal Deficit Act of 1985 is also causing sharp cuts in the U.S. assessed contribution. The U.S. assessed payment, which has been set at the level of 25 percent of the United Nations' regular budget, since 1972 is likely to fall far below this percentage level in real terms for fiscal year 1987. Some think that U.S. financial squeeze will lead to needed reform in the organization. An 18-member group of experts is expected to make constructive proposals to the U.N. Secretary-General this September. If U.N. delegations at the upcoming 41st session of the U.N. General Assembly will find a way to implement them, much of the U.S. concern could be alleviated. Meanwhile, the two public meetings held last June that I have referred to earlier would indicate that the United Nations does have a constituency critical though it may sometimes be. Those meetings have provided a useful record on an important issue in our foreign relations

WHAT PRESIDENT REAGAN SAID ABOUT THE AFRICAN NATIONAL CONGRESS

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. WOLPE. Mr. Speaker, I am pleased today to share with this Congress an article written by the distinguished former Prime Minister of Australia and the cochairman of the British Commonwealth Eminent Person's Group which seeks to correct the impression given by President Reagan during his August 12, 1986, press conference in Chicago on the African National Congress. In his current position, Mr. Fraser was involved in the creation of the Commonwealth report which provides a careful and convincing case for new economic sanctions. It is my hope that this letter will provide a useful view for my colleagues. This letter to the editor appeared in the Washington Post on August 14, 1986.

WHAT PRESIDENT REAGAN SAID ABOUT THE ANC

(By Molcolm Fraser)

I am sure my co-chairman, Gen. Olesegun Obasanjo of the Commonwealth Eminent Person's Group on Southern Africa, would want to join me in correcting the impression given by President Reagan's speech Tuesday night in Chicago.

Mr. Reagan said, among other things, the one South African group supporting sanctions was the African National Congress. He also said the ANC was dominated by communism.

In fact, the current leadership of that group is largely moderate, nationalist and

pragmatic. After many decades of nonviolence as a policy, it was forced to respond to the violence of apartheid by violence of its own. It did that against a background of denial of political and legal rights to blacks. This view of the ANC is supported by Prof. Lodge of Witwatersrand University, who is an accepted authority on the ANC from South Africa itself.

The ANC is not the only black group supporting sanctions. The United Democratic Front and all its many affiliated groups across South Africa support sanctions. The trade union groups COSATU and CUSA support sanctions. Most prominent church leaders, such as Bishop Desmond Tutu and the Rev. Alan Boesak, support sanctions. Alan Boesak's origins were in the Dutch Reform Church. The leading Catholic hierarchy also supports sanctions. These groups all support sanctions as the only means by which the West can offer effective support to the legitimate cause of blacks.

Everyone knows sanctions would hurt blacks. But blacks are hurting every day. Many are dying daily as a result of attacks by the security forces. They also know that continued and increasing guerrilla warfare will hurt both blacks and whites. Most of all, the use of effective sanctions offers the only opportunity of averting that course.

The blacks in South Africa are seeking to exercise those same rights that President Reagan asserts for the contras in Nicaragua, where, incidentally, I support the president's policies.

The president has argued, as does British Prime Minister Margaret Thatcher, that sanctions should be avioded because they would hurt blacks. Even so, there are some sanctions, such as the denial of air links and the freezing of overseas bank accounts, that virtually inconvenience whites alone.

If the United States and Britain do not provide substantial support for the cause of black rights in the form of sanctions, the blacks will conclude, as our group indicated in its report, that they are on their own as far as the West is concerned. The black leadership would then make decisions leading to total guerrilla warfare in response to the violence of apartheid.

Because of numbers, the blacks would win such a contest. It may take up to eight or 10 years after great loss of life. The government arising from such a conflict would be pro-Soviet and anti-West. It would nationalize the totality of Western economic and commercial interest. That will be the consequence of maintaining present policies in the United States and Britain. In such circumstances, Western strategic and commercial interests would both be destroyed.

On the contrary, a government composed of current black leaders would be largely pragmatic and would want the economic system to continue. This is recognized by many members of both sides of Congress, and I hope current proposed legislation receives substantial support.

It is tragic that the two most powerful and effective leaders in the Western world, President Reagan and Prime Minister Thatcher, stand very much alone in not recognizing these factors.

The writer, former prime minister of Australia, is co-chariman of the Commonwealth Eminent Person's Group on Southern Africa.

BRIG. GEN. GEORGE EVANS BARKER PROMOTED TO MAJOR GENERAL

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. GREEN. Mr. Speaker, I rise to recognize the promotion of Brig. Gen. George Evans Barker, a constituent of mine, to major general.

General Barker is a 31-year veteran of military service, an executive with the American Cancer Society, and a resident of Manhattan. This highly respected and dedicated citizen-soldier has long been active in civic, business, and community affairs throughout the Greater New York metropolitan area.

In his 31 years of service, Barker has received numerous awards, including the Meritorious Service Medal with two oak leaf clusters; the Army Commendation Medal; the Army Achievement Medal; and the National Defense Medal.

General Barker was commissioned in the U.S. Army as a second lieutenant in the field artillery after graduating from Arkansas State University in 1955. He will receive his second star at ceremonies to be held at Fort Torren, Flushing, NY, on August 16, 1986.

He has had a variety of assignments in both the Active Army and the U.S. Army Reserve. His recent major duty assignments include commander of the 5th Battalion, 5th Field Artillery; deputy chief of staff for personnel and administration; and chief of staff for the 77th U.S. Reserve Command.

General Barker was selected for promotion to flag rank in 1984 and prior to his current assignment commanded the 353d Civil Affairs Command. He assumed command of the 77th Army Reserve Command, the largest one in the United States with a total strength of over 15,000 personnel, on December 15, 1984.

Mr. Speaker, I ask that my colleagues join me in congratulating Brig. Gen. George Evans Barker on his promotion to major general and on his 31 years of dedication to military excellence.

EMERGENCY APPROPRIATIONS FOR SUPERFUND

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. CLINGER. Mr. Speaker, I want to extend thanks to the leadership of the Appropriations Committee for offering legislation earlier today making emergency appropriations for EPA's Superfund Program. Without their leadership, EPA would have been forced to begin terminating contracts on September 1 for hazardous waste site cleanup. Even though there is every expectation Congress will report a reauthorization bill before the end of this fiscal year, EPA did not have funding necessary to keep the program alive.

I am hopeful the Senate will act in a similarly expeditious manner and that we can leave for the upcoming district work period assured that Superfund will still be with us on our return September 8.

THE MILITARY CHAPLAINS REFORM ACT OF 1984

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. KOSTMAYER. Mr. Speaker, I urge all of my colleagues to support, as I do, long overdue legislation that would provide for representation of chaplains in the U.S. Armed Forces in proportion to the religious makeup of the Armed Forces.

This measure, H.R. 1875, enjoys the bipartisan support of nearly 200 cosponsors and was introduced by my good friend and colleague from Pennsylvania, BOB BORSKI.

The Military Chaplains Reform Act of 1984 is based on one of our most sacred traditions, the freedom of worship, and would make it easier for the men and women who serve in our military to seek and receive religious counsel from a clergyperson of his or her own faith.

I hope my colleagues will join me in supporting and working for the speedy enactment of this worthy legislation.

CHANGES IN U.S. MARSHALS SERVICE

HON. PAT SWINDALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. SWINDALL. Mr. Speaker, on July 24, 1986, I introduced H.R. 5258, a bill which provides a simple amendment to title 28 569(a) of the United States Code of Laws. This amendment has a straightforward and worthwhile purpose. That it, to emphasize that the courts of this land are empowered to require the presence of the district marshals at any court session and to eliminate any prospect that the discretion granted to the courts under section 569(a) can be altered by administrative fiat or any agency interpretation thereof.

For almost 200 years since the two were created under the Judiciary Act of 1789, the district courts and the district marshals have enjoyed the most harmonious relationship. The U.S. marshals have always been officers of the article III courts. This is still true notwithstanding the statutory supervision of the marshals by the Attorney General. The status of the marshals as an officer of the court supervised by the Attorney General is no anomaly. The U.S. attorneys and their assistants are officers of the court in which they practice. The presense of the marshals and their career deputies during court proceedings serves to assure the dignity, formality, and respect for Federal court proceedings which the public expects of them.

In recent years, subtle and pervasive changes have occurred in the U.S. Marshals Service and in court administration. Among

these are administrative agreements which purport to limit the judicial discretion granted by the Congress in 28 U.S.C. 569(a) to the courts so that they may require the presence of marshals at court sessions. The dignity, authority and independence of Federal courts and their proceedings are beyond price. It is necessary to clothe the article III courts of this Nation with an unmistakable grant of authority on matters touching court security so that no one will presume to alter the clear expression of the Congress in this regard.

The language of the proposed amendment is clear. However, it does not lead to the absence of appeal for the abuse of judicial discretion. Virtually identical language in other statutes has been construed not to prevent review by mandamus where a court has exceeded its authority acting on impermissible grounds. The 1471(d) language of this amendment is familiar in the Federal law. It appears in title 28 in sections 1334(c)(2), 1452(b), 1471(d), 1478(b) and 2906. The language is familiar to the courts through many precedental decisions. The enactment of this forceful language will eliminate delay, relieve frustration, ease friction between the branches of Government and achieve finality in all but the rarest of instances.

The language of the amendment should not be construed to provide that a deputy marshal must be in attendance during all courts proceedings. Such is left to the discretion of the courts. Section 569(a), as amended, will simply provide that marshals will be on hand when the judges of our article III courts require their presence in the exercise of sound judicial discretion.

Mr. Speaker, the laws that we pass are merely promises to the public. They are kept or broken in the courts. Our actions in this body and in the Senate require the judges of this Nation to face wrenching and difficult decisions. We cannot leave them to the mercy of agency interpretation and administrative fiat when they feel that the presence of a marshal is required in their courtrooms.

TRIBUTE TO DOROTHY ELDRIDGE

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. DWYER of New Jersey. Mr. Speaker, on Wednesday, July 30, the arms control movement lost one of its most committed members with the death of Dorothy Eldridge.

Mrs. Eldridge was the founder and executive director of New Jersey SANE. To those of us who knew her and worked with her, Dorothy Eldridge was New Jersey SANE, for one was truly synonymous with the other.

Though in her eighties, Dorothy Eldridge was in her office daily. Though the executive director of New Jersey SANE, she personally made the phone calls to congressional offices each time a vote on an arms issue was pending. She kept New Jersey SANE the grassroots organization she created it to be.

Dorothy Eldridge cared deeply about the need for arms reduction and recognized the need to bring an awareness of the dangers of an arms buildup to the people of her community. Because of her commitment and her efforts, the New Jersey Committee for a Sane Nuclear Policy was born. New Jersey SANE has now become a model for disarmament and peace organizations across the country.

New Jersey has lost an exceptional woman and the peace movement will be poorer for her passing. The legacy which Dorothy Eldridge has left, however, will continue wherever there are people willing to work for a safer world through sensible arms policies.

BANK LAWS NEED REFORM

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. LAFALCE. Mr. Speaker, I wanted to take this opportunity to share with my colleagues a most insightful recent editorial from the Washington Post. In highlighting the need for a fundamental reform of our Nation's banking laws, the editorial recognizes that, "the financial industry is changing very rapidly, driven by two forces—telecommunications and deregulation. The collision of these new practices with obsolescent banking laws is generating intolerable situations." The editorial urges Congress to go beyond enactment of legislation to recapitalize the FSLIC and to reform the laws governing emergency interstate acquisitions. It points out that, "the needs of the S&L insurance fund and the difficulties of coping with failing banks both count as crisis. But they are not isolated crises. They are only aspects of a system of laws and protections that requires fundamental revision."

I am in complete agreement that a comprehensive and fundamental restructuring of our banking system is long overdue. I am hopeful that the House and Senate Banking Committees, the Congress, and the administration will soon roll up their proverbial shirt sleeves and begin working together toward the critical and complex task of banking law reform.

OLD LAWS FOR THE BANKS

Sen. Jake Garn has now abandoned his own bill, introduced hardly six weeks ago, for comprehensive reform of the banking laws. As chairman of the Banking Committee, he has been working toward reform for some years—but with the degree of uncertainty that this latest turnabout reflects. The record of the House Banking Committee has been no better, and as for the Reagan administration, it has tried to stay out of sight altogether in this whole struggle. The current quarrel over tax breaks for the undertaxed banking industry hardly touches the job of restructuring that urgently needs to be begun.

The financial industry is changing very rapidly, driven by two forces—telecommunications and deregulation. Interconnected computers make it possible to move money and to trade securities on a scale, and at speeds, that are wholly new to the world economy. Deregulation has made the deposit system more profitable but less stable and—since deregulation is also under way abroad—it is vastly increasing the movement of funds across national borders. The collision of these new practices with obsolescent banking laws is generating intolerable situations.

Example: Goldman Sachs and Co., one of this country's most eminent investment banking houses, announced a few days ago that it is negotiating a limited partnership with a Japanese bank, Sumitomo. A gigantic operation, Sumitomo is larger than any American bank. There's nothing wrong with the marriage. But American banking laws prohibit Sumitomo's American competitors from buying into such investment houses as Goldman Sachs.

The two make a very powerful combination: the lending resources of a big bank, allied to the great flexibility of an investment house to underwrite all sorts of securities, participate in mergers and acquisitions, and to deal on its own account as well as its customers'. If it's proper for a Japanese bank to make this kind of a connection, it ought to be proper for American banks to do the same thing. And if American banks are going to do it, they ought to do it under sophisticated legal safeguards carefully adapted to current circumstances. Instead, most of the big American commercial banks are edging their way toward some of the traditional functions of the investment houses by exploiting the crevices and crannies in banking laws passed half a century ago.

Mr. Garn says that he wants to devote the rest of the year to two particularly urgent requirements: legislation to provide more money for savings and loan deposit insurance, and to allow merger of failing banks across state lines. The needs of the S&L insurance fund and the difficulties of coping with failing banks both count as crises. But they are not isolated crises. They are only aspects of a system of laws and protections that requires fundamental revision. And that fundamental revision now seems to have been, once again, indefinitely postponed.

RECOGNITION OF THE ACCOMPLISHMENTS OF THE 82ND AIR BORNE DIVISION THROUGH A FEDERAL CHARTER

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. WALGREN. Mr. Speaker, I urge all Members of Congress to support and cosponsor H.R. 669, a bill to grant a Federal charter to the 82nd Airborne, Inc., an organization that strives to keep alive the memory of its members who fought so courageously for our country and the traditions of the 82nd Airborne. From its activation in 1917, the 82nd Airborne Division fought bravely in both World Wars, Korea, Vietnam, and Grenada. Nicknamed the "All-Americans" because they represented all of the regions of the United States, they have become known as "America's Guard of Honor" with the distinction as the Army's number one reaction force. As an organization, the 82nd Airborne Division, Inc. helps strengthen the bond between the active and retired members of the 82nd Airborne and served their interests in a myriad of ways, from preserving the history of the division to providing help with the Veterans' Administra-

tion. I urge members to support a Federal charter for 82nd Airborne Division, Inc. Currently, the division has a membership of 20,000 with units throughout the world. The Federal charter would give this division congressional recognition and express the appreciation of the American people that those who have served in the 82nd Airborne have earned.

SATELLITE TV DISHES

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. ALEXANDER. Mr. Speaker, today I am introducing legislation to guarantee that satellite television programming will be available to satellite dish owners at a fair price.

My bill is similar to H.R. 1840, which was introduced by my colleague Mr. TAUZIN of Louisiana in March of last year and which has rested peacefully in the Telecommunications Subcommittee ever since.

I call the House's attention to the fact that satellite dish owners are no closer to price relief than they were 2 years ago, despite the tremendous amount of publicity this issue has received during the 99th Congress.

The people of the First Congressional District of Arkansas are calling for help. The satellite dish is a necessity in rural America, not a luxury. If you don't own one, you just can't get the same programming as people in areas served by cable television.

I agree that satellite broadcasters should receive a fair price for their product. But satellite broadcasters should not have a license to commit airwaves robbery from the sky. They should not be permitted to set prices so high that Americans who live outside the city are penalized every time they turn on their TV. Times are tough enough in the heartland.

We have heard time and again that we should allow the market to work its will and determine the prices for satellite programming without Government interference. We are told market forces will ensure that dish owners will pay no more per month for programming than do cable subscribers.

I say that's fine. If the market works the way we are told it will, providing competitive prices all by itself, the provisions of this legislation will never come into play.

But let's make sure that there is an enforcement mechanism in place if a particular provider in a particular area persists in holding his prices too high.

This bill says that if you are a dish owner, and

First, you can't receive a particular channel,

Second, you live in a cable-serviced area and are forced to deal with the local cable operator to obtain satellite programming, or

Third, you live outside a cable-serviced area and have to pay more than cable subscribers do for the same service,

Then the market isn't working for you and you can petition the Federal Communications Commission, which then must set a fair price.

The satellite dish owners in my district, Mr. Speaker, are not looking for an end to scrambling of satellite TV signals. They don't want something for nothing. They want equal access to programming that cable subscribers receive, and they want it at a fair, equitiable price. I support their aims and will continue to work for them.

A SALUTE TO THE GILBERTON BOROUGH FIRE DEPARTMENT

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the Gilberton Borough Fire Department of Gilberton, PA. From September 13–20, 1986, the fire department, which consists of the American Hose Company No. 2 of Mahanoy Plane and the Continental Hose Company No. 3 of Gilberton, will be celebrating its 100th anniversary.

The Gilberton Borough Fire Department has a long and storied history. It was first organized in January 1886 in response to a disastrous fire which destroyed the Philidelphia and Reading Railroad Co. Plane and Engine House at the head of the famous Mahanoy Plane. The department originally consisted of three companies—one for each of the three villages comprising Gilberton Borough. Friendship Hose No. 3 of Maizeville was disbanded in 1919. The other two companies, American Hose No. 2 of Mahanoy Plane and Continental Hose No. 3 of Gilberton, have been operating continuously since 1886. For the past 100 years, the companies have bravely and diligently protected the surrounding community and its citizens.

Under the current leadership, the fire companies are thriving. Fire Chief John Zuban and Fire Marshal Michael J. Kitsock are ably supported by American Hose President Michael G. Kazema and Continental Hose President John McCabe. Each hose company has 100 members who are dedicated and skilled firefighters. Through generous donations and active fundraising efforts, the company has been able to purchase their own buildings and state-of-the-art equipment, further improving the quality of their services. With years of experience, top-quality equipment, and a committed and dedicated membership, the Gilberton Borough Fire Department is one of the most respected fire companies in our area. Mr. Speaker, I rise today to pay tribute to this commitment and I know that my colleagues will want to join me today in congratulating the Gilberton Fire Department on its centennial and in wishing them continued success and good fortune in the years to come.

JOSHUA LOGAN AND HIS ARTISTIC CONTRIBUTIONS

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. SMITH of Florida. Mr. Speaker, as a member of the Congressional Arts Caucus, I would like to take this opportunity to pay tribute to Joshua Logan, a Pulitzer-prize-winning playwright, for his outstanding contributions to the artistic and theatrical world.

Joshua Logan is one of the most distinguished men in the history of American theater. His legendary career as author, director, and producer of numerous Broadway productions and Hollywood films include: "Mister Roberts," "Annie Get Your Gun," "The World of Suzie Wong," "Camelot," and "Paint Your Wagon." Perhaps best known for winning a Pulitzer prize for coauthoring "South Pacific" with Oscar Hammerstein II, Joshua Logan also directed the film version of that popular musical.

Joshua Logan was born in Texas in 1908 and raised in Louisiana. He attended Culver Military Academy and Princeton University where he was president of the Triangle Club. He left Princeton to study with Stanislavsky at the Moscow Arts Theatre.

I also am pleased to recognize Joshua Logan for his recent contribution to the south Florida community. He is the first person to hold the "Dorothy F. Schmidt Eminent Scholars Chair in the Visual and Performing Arts" at Florida Atlantic University [FAU]. Since assuming the post in 1983, Mr. Logan has brought distinction to FAU by choosing the university theater for the world premier of his original musical, "Huck and Jim on the Mississippi."

As an eminent scholar, Mr. Logan broadened the horizons of FAU's theater students by sharing his personal experiences and reminiscences with them in the seminars and workshops he taught. At spring commencement ceremonies in April 1986, Florida Atlantic University awarded a doctor of humane letters degree to Joshua Logan for his artistic contributions to the students and faculty at FAU and to the south Florida community.

Earlier this year, Joshua Logan retired from his teaching post at FAU and returned to his home in New York. His spirit and enthusiasm for the arts will continue to enlighten the south Florida community however. In honor of Joshua Logan's contributions to south Florida, "South Pacific" will be performed at Bailey Hall on Broward Community College's central campus from September 2 to 21, 1986. The popular Broadway musical will be presented by Melissa Hart Productions in partnership with the AFL–CIO of Broward County.

LAND EXCHANGE BETWEEN NEVADA AND FLORIDA

HON. BARBARA F. VUCANOVICH

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mrs. VUCANOVICH. Mr. Speaker, yesterday I introduced a bill which would facilitate a land exchange between the States of Nevada and Florida. This legislation authorizes the exchange of public land in Nevada for privately owned land of equal value in Florida.

Under this transfer, Aerojet General Corp., will exchange approximately 4,800 acres of land it owns in Florida for approximately 54,000 acres of BLM land in Nevada in Lincoln, Mineral, and Clark Counties. Aerojet

plans to construct facilities on the land for new aeropsace and defense projects.

This legislation authorizing the transfer is extremely important. I believe Nevada will eventually benefit by additional jobs and a boost to a depressed economy. The people who live in the counties affected by this exchange are excited at the prospect of a major corporation constructing a new facility so close to their home and look forward to the new jobs it will create.

The entire Nevada delegation is delighted with this agreement between Aerojet and the Bureau of Land Management and we welcome Aerojet to our State with open arms.

The Florida land will be added to the Wildlife Habitat Preservation Program of the U.S. Fish and Wildlife Service and to the south Florida water management district.

This legislation is good for Nevada and Florida and I urge its passage during this Congress. Thank you.

TRADE NEGOTIATIONS

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. SHUMWAY. Mr. Speaker, on September 15 the GATT member nations will convene a ministerial meeting in Uruguay to determine the scope of the next round of multilateral trade talks, the eighth such round to be held under the auspices of the GATT since its creation in 1947.

The GATT negotiations represent a unique opportunity to discuss with some of our major trading partners the problems which impede free trade and economic prosperity, including subsidies, tariffs, and nontariff barriers.

In addition, it is essential that the GATT mandate be expanded to provide an international framework for enhancing agricultural trade, direct foreign investment, the service industry, the protection of intellectual property rights, and the GATT dispute settlement procedures.

These trade negotiations are greatly needed to counter the protectionist trend which has grown in response to the 1982 world recession. As a result of the last round of GATT negotiations, the Tokyo round, the United States received agricultural trade concessions totaling millions of dollars when phased in. Yet, according to the Department of Agriculture, agricultural trade problems have grown because of the broad exceptions to the GATT rules which have been expended to agriculture over the years.

Agriculture is one sector of the world economy which is particularly fraught with trade distortions. Existing protectionism in agriculture has contributed to surplus production, low world commodity prices, and international price instability. International rules designed to eliminate agricultural export subsidies and to remove barriers to agricultural markets in both developed and developing countries are essential to the future of our agricultural section.

Today I am introducing a resolution which calls on the GATT member nations to agree to broad negotiations encompassing all of these important trade issues. I urge my colleagues to join me in sending a message to the GATT ministers in September.

ADDITIONAL STATEMENT ON ADMIRALTY ISLAND LAND EXCHANGE LEGISLATION

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. SEIBERLING. Mr. Speaker, earlier this week the House passed H.R. 4883, the Admiralty Island Land Exchange Act of 1986, after that bill was reported from the Committee on Interior and Insular Affairs.

During consideration of the bill on the House floor, there was discussion of litigation involving lands on Admiralty Island which would be affected by the bill.

I think it is important that the RECORD reflect that the Committee on Interior and Insular Affairs has never taken any position or expressed an opinion as to the rights or duties of any of the parties to such litigation, and that in reporting the bill the committee did not either take a position regarding that litigation or intend that the reporting of the bill or the actions of the House in passing the bill should be construed as of themselves limiting, expanding, or otherwise affecting any duty under existing law which the Secretary of Agriculture or any other Federal official may have either with respect to the lands on Admiralty Island addressed by the bill or with respect to the owners of those lands. Only enactment of the bill into law will have such an effect.

So far as the committee is concerned, the merits of the issues which have been raised in litigation concerning the Admiralty Island lands are for the courts to decide, now as in the past.

U.S.-CANADA DAYS OF PEACE AND FRIENDSHIP

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. BONIOR of Michigan. Mr. Speaker, it is my pleasure today to introduce a resolution to commemorate July 2 and 3, 1987, as "U.S.-Canada Days of Peace and Friendship." I am joined by over 160 of my colleagues in the House who wish to show their high regard for our country's special relationship with Canada, our neighbor to the north.

We share a continent with Canada and she is one of our closest allies, yet our relationship often goes unsung even by our own two countries. The resolution we are introducing today would serve to highlight our longstanding peaceful relationship with Canada, the extensive trade and tourism our two countries exchange, and our common goals and ideals. The celebrations occurring on these days would also shed light on our cultural differences and would be an opportunity for American and Canadian citizens to learn more about each other's heritage.

Cities and towns on both sides of the border await this proclamation by both governments so that they may begin planning a variety of events to celebrate these 2 days. The dates of July 2 and 3 are very appropriate, as they fall between July 1, which is Canada Day, and July 4, our own Independence Day. These days would give American and Canadians time to pause and remember that we have an unusual tradition of peace and friendship to nourish and maintain.

A similar resolution is to be introduced in the other body. But in order for this to be a truly international celebration, the House of Commons of the Canadian Parliament is also acting to designate these 2 days as "U.S.-Canada Days of Peace and Friendship."

Mr. Speaker, I believe it is fitting that we set aside 2 days to honor our relationship with Canada. The 3,500-mile border between our two countries is the longest undefended border in the world. Canada is our largest trading partner and is truly a longstanding ally in our international political and economic endeavors.

The passage of this resolution is supported by the Canadian section of the U.S. State Department and the U.S. section of the Canadian Ministry of Foreign Affairs. Both governments welcome this long-overdue recognition of the friendship and vital economic, political, and cultural relationships of our two nations.

I have worked closely with two distinguished gentlemen from New York on this resolution, Mr. HORTON and Mr. NOWAK, and our distinguished colleague from Guam [Mr. BLAZ]. All of us hope, Mr. Speaker, that the Members of this body will join us in supporting the quick passage of this resolution to show our resolve and respect for our multifaceted relationship with Canada.

At this time, I would also like to recognize the efforts of David Boyer, senior writer at National Geographic magazine, who has worked tirelessly to bring this idea to the attention of Congress. His innumerable contacts with Members and staff have earned him the respect and affection of all of us who have had the pleasure to work with him on this resolution. It is efforts like those of David Boyer's that should make us remember that we must not take our peaceful and fruitful international relationship for granded.

There is much to be gained by international cooperation and amity. This resolution is one way we can celebrate the warmth and high regard we all hold for our very special relationship with Canada.

H.R. 5073, ASBESTOS HAZARDS EMERGENCY RESPONSE ACT

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. WALGREN. Mr. Speaker, I urge support for H.R. 5073, the Asbestos Hazard Emergency Response Act, before us today. It is long past time that the Nation took action to remove hazardous asbestos from our schools.

Unfortunately, many schools across the country, including many in the Pittsburgh area,

were built at a time when we were unaware of the dangers of asbestos; it was used as an insulator and fire retardant. But we now know that asbestos can be a carcinogen. Damaged asbestos can release fibers into the air that remain airborne for a long time. The fibers can be easily inhaled and cause several diseases, including cancer. Children are much more susceptible to harm from these airborne particles. This is why asbestos-containing materials can be so dangerous in schools.

Congress created a grant and loan program for cleanup several years ago, but the asbestos problem is large and progress has been slow. EPA's efforts have been insufficient and many cleanups that have been done have been done sloppily—in some cases, creating even more dangers. The bill before us today directs EPA to issue regulations covering the cleanup process: to prescribe proper asbestos inspection procedures; define appropriate cleanup actions; establish standards for safe cleanup; and require the use of accredited cleanup personnel. Equally, if not more important, the bill also creates a trust fund for helping schools inspect and eliminate asbestos.

A majority of the schools in the Pittsburgh area responding to a survey indicated that asbestos is present. In response, the Allegheny County Health Department formed a task force to create an Asbestos Public Information Program. The county health department is now developing regulations to accredit contractors and to ensure that asbestos removal is done by qualified contractors.

I hope that H.R. 5073 will fill in the gaps in our current effort and provide clear guidance for the removal of hazards and ensure the safest environment possible for schoolchildren.

PROMOTING INTERNATIONAL GOODWILL

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. WHEAT. Mr. Speaker, the tensions and conflicts that arise between nations around the globe could often be avoided with a greater understanding of a country's culture, lifestyle, and political system. Government and private-sector programs that serve to increase mutual understanding between the people of different countries are invaluable in the quest for world peace.

K.C./NEAR, a nonprofit organization located in my congressional district, sponsors annual visits to Kansas City by Japanese students from Kyoto University of Foreign Studies. The visits give Japanese students the opportunity to experience American culture and lifestyles by sharing experiences with families in the United States. It also provides American families with the unique and enriching opportunity to glimpse a different way of life through relationships with the charming and talented young people from Japan.

In 1974, Professor Kimio (Kim) Kotani brought 11 students to the United States under the auspices of the International Student Exchange Service. During that summer, the group visited 13 cities, including Rockford, IL. In Rockford, Professor Kotani established a friendship with Wynn and Andrea Presson that helped to continue the visits each summer.

When the Pressons moved to Kansas City in 1978, they invited the students to spend 2 days in Kansas City with the Research Medical Center family. In 1981, K.C./NEAR was formed. An acronym for Kansas City/New Experiences and Relationships, K.C./NEAR's purpose is to provide a formal framework for the visits with the intent of promoting international understanding and goodwill.

Each year, the students begin their visit to the United States in Rockford, IL. Three weeks later, they visit Kansas City, and later they travel to Denver and San Francisco.

Professor Kim carefully selects the students for each visit from more than 350 applicants each year. The students must speak better than average English, pass an examination, and be musically or artistically talented.

This year, Kansas City area families will host 32 Japanese students. Among other activities, the students will visit Royals Stadium to watch the world champion Kansas City Royals, see a "Summer on the Square" concert at Crown Center, and take a trip to the Missouri State Fair in Sedalia.

Mr. Speaker, the Japanese students will receive honorary citizenship certificates from Kansas City Mayor Richard Berkley at the K.C./NEAR farewell banquet on August 24. In appreciation, the students will perform a musical show for the host families and K.C./NEAR members. All the participants in the program—both United States and Japanese students—are to be commended. Through their participation, this program helps to assist in the further development of friendly, sympathetic, and peaceful relations between the United States and Japan.

NATIONAL PORT WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. BIAGGI. Mr. Speaker, I am pleased to join with my distinguished colleagues Mr. JONES of North Carolina, Mr. HOWARD, and Mr. ROE in introducing a resolution that designates the first week in October as National Port Week.

National Port Week is a period designated by the Congress and the President to recognize the important role played by our river, coastal, and Great Lakes ports. Since most goods in international trade are transported by ship and pass through our ports, they are important facilitators of trade and ocean transportation. Additionally, the commitment of our ports to building and maintaining modern and efficient shoreside facilities is an important contribution to the movement of international cargo. Our modern and efficient system of ports helps U.S. farmers and manufacturers to compete in the international marketplace. These ports also benefit the American consumer by contributing to the availability of low-cost imports.

The economic impact of ports is indeed substantial. Our national port system provides employment for over 1 million people. They generate over $60 million in direct and indirect economic benefits to our national economy—and $1.5 billion to the balance of payments.

This year, both Houses of the Congress have passed port development legislation. This legislation, now in conference, will facilitate the dredging of our harbors to accommodate the larger merchant and naval vessels that have evolved in recent years.

Finally, I would like to touch on the defense role of our ports. It is estimated that, in any overseas conflict, over 95 percent of the necessary arms, supplies, and troops would be transported by ship. Our port industry is fully aware of the part it has in assuring the swift and safe transport of troops and equipment. Whenever the port community has been called on to assist in a military exercise, its response has been prompt and fully cooperative.

National Port Week recognizes the economic and defense importance of our ports. It is a small action by Congress that conveys an important message to our citizens. I strongly urge my colleagues to join with me in honoring the ports of our Nation.

MOVING THE NORTHERN PUEBLOS AGENCY OF THE BIA TO SAN JUAN PUEBLO

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. RICHARDSON. Mr. Speaker, I would like to go on record as supporting the proposed relocation of the Northern Pueblos Agency of the Bureau of Indian Affairs [BIA] to San Juan Pueblo in New Mexico. The San Juan Pueblo is seeking to expand and stabilize its economic base through the development of a tribal office complex. It has been proposed that the Northern Pueblos Agency of the BIA relocate their offices to the San Juan Pueblo tribal office complex. This move would provide a financial cornerstone for the tribal enterprise. One of the major thrusts of the BIA is self-determination and economic self-sufficiency—I believe that the BIA can actively promote this goal by leasing office space in tribal enterprises.

The report for the Senate interior appropriations bill contains language stating that within available funds, the Santa Fe portion of the Northern Pueblos Agency should be relocated to San Juan Pueblo. I am in strong support of this relocation. The BIA should make every effort to identify appropriate funds. Relocating the Northern Pueblo Agency offices would serve several significant purposes—it would give a needed boost to San Juan tribal economic enterprises—at the same time, it would enable the BIA to facilitate its own admirable goal of tribal self-sufficiency.

POLISH AMERICAN HERITAGE MONTH

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. GUARINI. Mr. Speaker, I would like to take this opportunity to commemorate the designation of August 1986 as "Polish American Heritage Month." It is time to honor the Poles and Polish Americans who have contributed to developing our Nation's culture and history.

Since the earliest days of our Nation, Poles and Polish Americans have played an important part in shaping the direction of not only America but the world, Poles were among our first settlers during the founding of Jamestown in 1607. Five Poles voyaged on the *Mayflower*, landing at Plymouth Rock in 1620.

Between 1870 and the close of World War II, approximately 2.5 million Polish citizens found their way to the United States. Today the Polish-American community is over 8 million strong. America was made with the hands of pioneers of different nationalities. The participation of Polish immigrants in contributing to our country's greatness thus forming an important chapter of American history.

Poles have left a lasting mark in the history books of the world. We are all so very pleased that Pope John Paul II is leading the Roman Catholic Church and all persons of good will as a pilgrim of peace. He exemplifies the expression and conviction that service to humanity must be at the basis of all our efforts to assure the dignity and worth of each human being regardless of race, religion, or place of birth. Pope John Paul II said, on October 28, 1978: "There can be no true human progress without the steadfast loyal and sincere pursuit of growing cooperation and unity among peoples." We are all aware of the courage and steadfastness of Lech Walsea, the Polish labor leader who has proved to be a valiant fighter for human rights. This commemoration provides us with a great opportunity to send a message to the Poles struggling for freedom and democracy in their country today. All freedom-loving Americans must continue standing behind the Solidarity movement as they struggle and suffer in the totalitarian rule of the Soviet Union.

Today we pay tribute to those of Polish background as we salute them and honor them for their many contributions to the world. They include Marja Sklodowska, the Polish-born chemist who discovered radium and Frederick Chopin, an outstanding musician. Closer to home, we have the Pulaski Skyway in Jersey City, named in memory of the Great Polish General. It is traversed by millions of automobiles from my congressional district forming a connecting link into the surrounding cities and suburbs.

In all the communities in Hudson County, Polish Americans are leaders in religion, business, education, and government. Here, many doctors, dentists, attorneys, and other professionals join with educators and business leaders as examples of character which make up the foundation on which America stands. I am privileged to have them all as constituents, friends and fellow citizens.

Dziekujemy—Sto Lat.

THE CONFEDERATED TRIBES

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. HANSEN. Mr. Speaker, this bill which I introduce today corrects perplexing land problems affecting a small Indian tribe located in my district along the west-central border of Utah. The Confederated Tribes of the Goshute Reservation have lived for more than 80 years on an area beset with various boundary problems and uncertainties. While these difficulties have been recognized for some time, no congressional action has yet been taken to resolve them. This bill is an important first step toward ending these problems.

The Goshute Reservation, which consists of approximately 95,000 acres, straddles the Utah-Nevada border about 40 miles south of the city of Wendover. When established by Executive orders shortly after the turn of the century, the reservation's legal description contained an error which created a strip of land running through the middle of the reservation ¼ mile wide and 7 miles long. Technically, this strip, today, is owned by the United States and is administered by the Bureau of Land Management. The bill would change the status of the strip to be reservation land held in trust by the United States for the tribe.

Among the other provisions of the bill are sections which will place the tribal cemetery (now owned privately by the tribe) in trust status along with surrounding BLM land. Other sections will combine surface and subsurface interests where such are not split between tribal and Federal ownership.

I believe that this bill is noncontroversial and will meet with the support of the tribe, the non-Indians in the area, and affected Government agencies. I have personally met with members of the tribal government and with members of the non-Indian community. Their concerns and interests have been carefully noted and are reflected in the draft of the bill which I introduce today. Through the process of meeting with the public and receiving their comments, I believe I have been able to eliminate the possibility of local objections to the bill.

In addition, I have worked closely with representatives of the Department of the Interior and have accepted their suggestions to improve the bill.

I hope that this bill will see prompt action by the House of Representatives to make passage possible before we adjourn this year.

THE CALL TO CONSCIENCE VIGIL

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. SCHULZE. Mr. Speaker, I rise today to join my colleagues in the Congressional Call to Conscience Vigil, sponsored by the Union of Councils for Soviet Jews. I would like to express my deep thanks to my colleague from Ohio, TOM KINDNESS, for coordinating these efforts and speaking out on behalf of those desiring to emigrate from the Soviet Union.

Mr. Speaker, the situation for Jews in the Soviet Union is becoming increasingly dismal. The emigration of Jews from the Soviet Union has fallen drastically, to the point where the doors seem to have been closed. To date, only 417 Jews has been permitted to exit from the Soviet Union this year. In addition, only 31 were permitted to emigrate last month, the second lowest monthly figure in history. The cases that were to be resolved as a result of the recently concluded Bern Conference have not been resolved, those promised exit visas still have not seen those visas become a reality. And the Soviet Government still plays games with the promised emigration of Leonid Shcharansky and Ida Milgrom, brother and mother of Anatoly Shcharansky. Mr. Speaker, the situation is indeed grim.

On a more personal note, I would like to talk of the case of Dr. Joseph Irlin. Dr. Irlin was a noted specialist in cancer research when he applied to emigrate to Israel in 1979. When he submitted his application to emigrate, he was forced by Soviet authorities to resign from his job. Two years later, he was refused permission to leave the Soviet Union on the grounds that "there was no reason for your emigration." Since that time, he has been forced to work as a research scientist in Moscow. Boris Gulko, the international chess master and former refusenik, was recently in Washington and made a special plea for the release of Dr. Irlin. It is my hope that the upcoming discussions between the United States and the Soviet Union and the Government of Israel and the Soviet Union will bring positive results on the issue of Jewish emigration and those like Dr. Irlin, will soon be permitted to emigrate.

NAMING FEDERAL COURTHOUSE AS "ALBERT V. BRYAN FEDERAL COURTHOUSE"

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. PARRIS. Mr. Speaker, today I am introducing legislation to designate the Federal Courthouse for the Eastern District of Virginia in Alexandria, as the "Albert V. Bryan Federal Courthouse."

Judge Albert Vickers Bryan was a native Alexandrian, born on July 23, 1899. After serving in the U.S. Army during World War I, he

was the city attorney of Alexandria from 1925 to 1928, and served as the Commonwealth's attorney in Alexandria from 1928 until 1947. In 1947, he was appointed by President Truman as judge of the U.S. District Court for the Eastern District of Virginia, and served as chief judge from 1959 through 1961. In 1961 Judge Bryan was appointed to the Court of Appeals for the Fourth Circuit, where he served until his death on March 13, 1984. He also was the rector of the University of Virginia from 1960 through 1964, and a member of the board of visitors from 1956 through 1960. In the community he was a member of the board at Mount Vernon, and was senior warden and a vestryman of Christ Episcopal Church in Alexandria.

As that brief history of major accomplishments clearly indicates, he spent most of his life serving the public and was an outstanding judge for 37 years, until the age of 84. It is fitting that we honor Judge Bryan's devotion to our courts and to the Constitution by dedicating the Alexandria Federal Courthouse in his memory.

ACTION AGAINST TERRORISM

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. GLICKMAN. Mr. Speaker, June marked the anniversary of the TWA hijacking in Beirut last year. I think all of us remember the anger, shock, and sorrow that was felt after we heard the news that hostages had been taken and one American, Robert Stethem, had been killed. Those long days while Americans were held captive were difficult ones for the country and those who knew individual hostages. There have been numerous other incidents since then, and Americans traveling abroad are still the frequent target of terrorist activities.

There is no question that something must be done, and I do think Congress has taken the lead in pursuing a proper course of action. However, all too often, it takes a major event, such as the hijacking, to refocus our attention on the problem of international terrorism. As pessimistic as it may sound, terrorism is a problem we must continue to confront. That is why I introduced an amendment to the Department of Defense authorization bill which calls for action, not reaction.

The amendment, which was approved by the House, expresses the sense of Congress that the President, with the advice of the Department of Transportation, should consider utilizing U.S. military forces overseas, as appropriate, to assist in securing the safety of American air carriers and passengers. Placement of military personnel in overseas airports to fulfill security functions such as screening passengers and baggage, and securing aircraft could be used to guard against terrorist activity. The amendment ensures that troops would be stationed at airports only in those countries which have agreed to this arrangement and that their assignment would not adversely affect our military preparedness.

We have in place all throughout Western Europe and the Orient the world's finest security force: the American military. In fact in some cases these forces are stationed very close to the airports. We should put them in those airports to serve a defensive role in the war against terrorism. It is a logical use of a force already in place and trained to help in this ongoing battle.

I think it is important that we send a message to terrorists around the world that we mean business when it comes to the safety of American citizens. Although this measure cannot erase the suffering and the pain felt by the families of the TWA hostages or the victims of terrorist actions, it does let those like the Peel family of Hutchinson, KS, know we have not forgotten their trauma and that we are willing to take steps to provide the best security possible for Americans traveling abroad so they can have confidence to travel abroad without fear.

MEDICARE COMMUNITY NURSING AND AMBULATORY CARE ACT OF 1986

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Ms. OAKAR. Mr. Speaker, I am pleased to join my distinguished colleague from Missouri, Representative GEPHARDT, as an original cosponsor to the Medicare Community Nursing and Ambulatory Care Act of 1986. This legislation would establish community nursing centers to provide the necessary health services which bridge the gap between hospitalization and independent living. The centers would provide nursing care supervised by registered nurses, occupation therapy, physical therapy, and speech therapy. Reimbursement for services would be provided on a prepaid basis to cover those persons eligible under Medicare, part B.

Our fragmented health care system is in desperate need of this type of legislation. With the current incentives for prompt discharge from hospital care, the elderly client is being returned to the home with more complex nursing needs. These needs range from simple physical assessment and observation to extensive physical rehabilitation and education. Unfortunately, at this time, the system does not provide the continuity, coordination, and post hospitalization support necessary to effectively meet these needs. We must improve the stucture of services to be more responsive to the needs of the 30 million Medicare beneficiaries.

The community nursing center fits comfortably with the direction of our health care policy. The program encourages community-based noninstitutional care, early identification of health problems, prevention, and efficient use of health care providers. The financing mechanism relies on prepayment, which has been the key to the success of the health maintenance organization. The CBO has estimated the act would cost $10 million in the first year, and $50 million over 3 years.

Only by enacting creative and innovative legislation like the Community Nursing and Ambulatory Center Act of 1986 will we be able to continue to meet the health care needs of our elderly citizens. I urge my colleagues to join in this worthy effort.

COMMENDING THE FORT LAUDERDALE CHILDREN'S THEATER

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. MICA. Mr. Speaker, I would like to take this opportunity to congratulate the Fort Lauderdale Children's Theater on the addition of the new Lenzen room. It is an honor for me to share with you in the proud feelings that surround this joyous occasion.

The Children's Theater has always been a special interest of mine. It was conceived in 1952, and 7 years later, the theater was established as a not-for-profit theatrical and educational organization. Since then, I have observed a flourishing cultural concept that has greatly enriched the community.

Expansion and growth have been a key factor in the overwhelming success of the Children's Theater. The first classes were held in a rented garage with a 65-student capacity; the students attended classes after school from September to May. Several moves occurred within the following years and in 1970, the theater converted a building in Fort Lauderdale into a fully equipped studio theater with classrooms. Today the program enrolls 300 students from Miami to Palm Beach, and has established itself as a quality theatrical facility.

Certain aspects of the Children's Theater have remained intact since its beginning. A great emphasis has always rested on education in the theater arts, concentrating on individual potential and the development of self-confidence, poise, discipline, and self-expression. The program also instills a community awareness and responsibility in the students, and performs for festivals, hospitals, senior citizens, libraries, the Broward Arts Council, and the county school system.

In 1985, the summer touring company became a new facet of the Children's Theater. Last summer, the company appeared in 27 locations and this year, is performing in 45 locations in Broward, Palm Beach, Dade, and Monroe Counties. The company members must audition for the job and are paid for their employment. The program is funded by the South Florida Cultural Consortium and National Endowment of the Arts, and is a unique opportunity for students and south Florida.

As we celebrate the addition of the new Lenzen room, I want to extend my warmest wishes for success in all your future endeavors. And I would like to thank you for the doors you have opened for young actors and actresses, and for the joy you have given south Florida.

DESERVING TRIBUTE TO JOE ADDABBO

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. SCHEUER. Mr. Speaker, today I am introducing, along with 136 of my colleagues, a bill to rename the St. Albans Veterans' Administration Extended Care Center in Queens, New York, as the "Joseph P. Addabbo Veterans Administration Extended Care Center at St. Albans."

Joseph P. Addabbo served this body with distinction since 1960. He was one of the most highly respected Members of Congress. I knew him as an outstanding legislator and a warm, compassionate friend. Serving at one time on the Veterans' Affairs Committee, Joe took a special interest in the welfare of veterans. He sponsored numerous bills helping veterans in the areas of education, housing, employment and health.

Quiet, effective and dedicated, Joe was instrumental in converting the St. Albans Naval Hospital Extended Care Center to the Veterans' Administration Extended Care Center that exists today.

The renaming of the Extended Care Center in honor of Joe Addabbo is a fitting tribute to a man who did so much to help our veterans and those in our society who most needed concern and assistance.

Born and educated in Queens, New York, Joe Addabbo was dedicated to improving the quality of life for his constituents. He personified the highest standards of integrity and unselfish devotion to public service.

Joe was a great friend to chapter No. 76 of the National Amputation Chapter of the Disabled American Veterans. It is that group, including its chairman, Tony Galgano, and trustee, Sol Kaminsky, which deserves much of the credit for the bill I am introducing today.

I urge my colleagues to join me in this deserving tribute to Joe Addabbo.

THE FINANCIAL FRAUD DETECTION AND DISCLOSURE ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. WYDEN. Mr. Speaker, in May of this year I introduced the Financial Fraud Detection and Disclosure Act to require and enable independent auditors to detect and disclose illegal and fraudulent activities at publicly held corporations.

Today, along with the Chairman of the Energy and Commerce Committee, Mr. DINGELL of Michigan and 17 of our colleagues, I am introducing a revised version of the legislation.

This new legislative proposal [H.R. 5439] incorporates suggestions made during the course of public hearings on financial fraud held by the Oversight and Investigations Subcommittee of the House Energy and Commerce Committee on June 19 and 23, 1986. After those hearings, I discussed this issue at length with accounting experts, practicing accountants, and nonpartisan governmental organizations. As a result of the hearings and additional input, I believe that this revised legislation responds to all major reservations expressed about the original legislation.

Mr. Speaker, in 16 hearings conducted by the Subcommittee on Oversight and Investigations during 1985 and 1986, the subcommittee compiled an overwhelming record of devastating financial frauds. Again and again, the subcommittee found that independent auditors have failed to detect or to report fraudulent activities at a number of major corporations and financial institutions in this country.

In one financial disaster after another, including E.F. Hutton, United American Bank, Penn Square Bank, E.S.M. Government Securities, Home State Savings Bank of Ohio, American Savings and Loan of Florida, Drysdale Government Securities, Saxon Industries, and others, the disaster struck virtually on the heels of clean audit certificates issued by audit firms indicating that the companies were financially sound. The result? Hundreds of thousands of investors and creditors were out hundreds of millions of dollars.

In spite of these and the many other major audit failures that have taken place in recent years, Mr. John Shad, Chairman of the Securities and Exchange Commission, said in his written statement to the subcommittee on June 23, 1986, "The evidence * * * suggests that the system is working well."

Mr. Speaker, the many small depositors, investors, and others who are out in the cold because of these financial disasters do not share Mr. Shad's viewpoint. The fact is that SEC has failed to take the steps necessary to deal with financial fraud—even though both the Commission and the accounting profession have the authority to do so. Under current rules, when an auditor discovers a major financial fraud, the auditor is required to do nothing but inform corporate management and consider resigning. While this rule may help protect accounting firms from lawsuits, it does very little to protect the consumer from fraud and illegal activity.

To correct this glaring problem, the revised Financial Fraud Detection and Disclosure Act establishes a comprehensive and integrated system for assuring the detection and reporting of financial fraud. The revised bill emphasizes the crucial role of corporate management in establishing effective internal control systems and correcting material financial problems when they are found. The new bill clearly establishes the responsibility of independent auditors to detect and disclose financial fraud and provides the profession with legal protection and the tools needed to get the job done. The auditors responsibilities are based on procedures which the General Accounting Office has used successfully in its audits of Federal programs and agencies.

The revised bill contains the two major changes the profession sought in the original bill. First, it includes a materiality provision. The earlier legislation required detection and disclosure of any illegal or fraudulent act. The profession said that this could be interpreted to include a parking ticket or a stolen pencil. No one wants nitpicking. The new bill has been revised to avoid this result.

Second, instead of immediately bringing materially fraudulent or illegal acts to the attention of regulators, the revised legislation requires that auditors first report instances of fraudulent activity to the corporation's management and to the audit committee of the board of directors. The management and the audit committee would have up to 90 days to correct the material fraud or illegality. Only if management and the audit committee fail to act responsibly to correct the material fraud or illegality would the auditor report the matter to appropriate regulatory and law enforcement authorities.

Mr. Speaker, in a 1984 decision, *United States* versus *Arthur Young and Company,* the Supreme Court described the independent accountant as the public's watchdog. The court stated:

> By certifying the public reports that collectively depict a corporation's financial status, the independent auditor assumes a public responsibility transcending any employment relationship with the client. The independent public accountant performing this special function owes ultimate allegiance to the corporation's creditors and stockholders, as well as the investing public. This "public watchdog" function demands that the accountant maintain total independence from the client at all times and requires complete fidelity to the public trust.

The present system for dealing with financial fraud falls far short of that described by the Supreme Court. Ten years ago, the accounting profession was put on notice by the Congress that the public legitimately expects independent auditors to make reasonable efforts to detect and report financial fraud. The accounting profession's response—from the Cohen Commission to the Treadway Commission—has been to study the issue, but to take no effective action.

The problem of financial fraud is growing. Last year, the Oregon Corporation Commissioner Jane E. Edwards said, "I am amazed at the amount of fraud that is going on." We read about insider trading abuses and financial corruption virtually every day in the newspaper. Although the vast majority of business persons and auditors are honest, responsible citizens, there is no question that a growing minority are trying to skirt or ignore our laws and take improper advantage of our citizens.

Contrary to the views of Mr. Shad who believes the system is "working well," many other Government regulators are calling for significant changes to protect the public from major financial fraud. The former and present chairmen of the Federal Deposit Insurance Corporation testified before the subcommittee that 50 percent of the 120 bank failures that occurred last year were due to fraud and insider abuse. Both testified that increased measures are needed to combat the serious problem of financial fraud, and that independent auditors should be doing more in the area of detecting and reporting fraud and illegal activity. As the executive partner of a major auditing firm recently pointed out, under the current system, the only way instances of financial fraud surface is if the auditor happens "to stumble into it in the dark."

Mr. Speaker, such a system falls far short of providing the protection the American public deserves. Let's pass the Financial Fraud Detection and Disclosure Act—with it our country will have a far better system for the detection and reporting of significant financial frauds.

TRIBUTE TO SOOKY GOLDMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to a wonderful woman, who is an outstanding member of my community and a close personal friend, Ms. Sooky Goldman. Sooky is the Julia Ann Singer Center's 1986 honoree and the friends of Julia Ann Singer will honor her on September 11, 1986, in the International Ballroom of the Beverly Hilton.

The Julia Ann Singer Center is a treatment facility for abused, emotionally disturbed and learning disturbed young children and their families. The center employs an innovative psychoeducational approach in treating these children. In her typical manner, Sooky has worked tirelessly to support the center, with fundraising and with a variety of special projects.

I have had the pleasure of working with Sooky Goldman on many issues and know that she is a highly motivated and admirable individual who is always ready to lend a hand and hard work to help with any worthwhile cause. She is always ready to take on the most challenging proposals and with her winning ways, she is invariably successful.

Sooky has been involved with so many important programs and charitable organizations that have benefited the community that it is an impossible task to do justice to the breadth of her experience and the magnitude of her contribution. Sooky has always been there when she is needed: She served on the board of directors of Meals on Wheels, she is the founder of the Beverly Hills Art League, and she was the founder of the Beverly Hills Teen Center "The Water Department." Her most special and favorite project is an environmental education program known as the William O. Douglas Outdoor Classroom. When it comes to preserving this beautiful area and making it available for students to learn about their environment, her dedication is legendary.

Sooky's tireless commitment and her diligent hard work have earned her the gratitude and admiration of all. The Beverly Hills Chamber of Commerce named her "Woman of the Year." She was selected as the "Democrat of the Year" by the County Democratic Central Committee for the 43d Assembly District. She is also a recipient of the "Woman of the Week Award" from the Beverly Hills Times.

It is a distinct pleasure and honor to join with my colleagues and the friends of Julia Ann Singer in saluting this remarkable woman. Sooky Goldman is a special person—a valued friend, a dedicated and much-beloved member of our community, and a great philantropist and humanitarian.

FISCAL RESPONSIBILITY

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. SCHAEFER. Mr. Speaker, Congress has once again presented itself with these options: Extending the debt ceiling, allowing the Government's finances to collapse, or raiding the Social Security trust fund for a termporary financial fix. Speaking for myself, none of these are appealing. Do we push the Federal Government further into debt, do we disrupt all Government payments, or do we dip our hands into the assets of America's elderly?

Each year we force ourselves into making these no-win decisions. The fact is, we have the power to avoid them all together. While I am encouraged that Congress has finally realized that the deficit is a problem that must be dealt with, we lack the responsibility to significantly reduce Federal spending. As a result, we are forced to enact a temporary extension of the debt ceiling, then another, and another. Unless we act now, this progression will never stop.

I realize that serious deficit reduction is not easy. We must tell our constituents that they will have to do without certain benefits which they may be accustomed to receiving. While this may be difficult at first, I am certain that the American people will accept less Government in return for financial integrity. After all, fiscal responsibility is not easy or popular, but it is prudent and necessary. It is also a decision which will benefit America—ones which we are not accustomed to dealing with.

CAN WE BELIEVE HANOI?

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. DREIER of California. Mr. Speaker, I rise today to highlight the release of a former American serviceman from imprisonment in Vietnam. Missing for over a year, Robert Schwab III, was handed over to U.S. authorities in Bangkok yesterday.

I am not here to defend Mr. Schwab's illicit entry into Vietnam. However, it should be noted that he was on what may be called a humanitarian mission to rescue his stranded Vietnamese family. In the process of executing his mission, Mr. Schwab became America's most recent MIA in Southeast Asia on April 23, 1985. During his custody, Hanoi not only failed to report his apprehension they denied it. As Vietnam celebrated the fall of Saigon last year and denied holding any Americans against their will, Mr. Schwab languished in their jail.

Mr. Speaker, my message should be obvious. There are over 2,400 Americans in Vietnam who Hanoi would have us believe died or disappeared into thin air. Time after time after time, the Vietnamese have told us they are not holding any Americans against their will. And for the most part our bureaucracy in Washington has taken Hanoi's word, I hope the release of Mr. Schwab will raise more than a few eyebrows around here as we attempt to bring our missing servicemen home from Vietnam.

HIGHER FEES WILL HELP PROTECT OUR IRREPLACEABLE NATIONAL PARKS

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. CHENEY. Mr. Speaker, I am proud to join with three of my House colleagues today in introducing a bill that will help protect the beauty, the wildlife, and the visitor attractions of America's splendid national parks. The legislation I've introduced today, along with Representatives YOUNG, LAGOMARSINO, and REGULA, will give the parks a fighting chance to maintain a high quality visitor experience for years to come.

There is nothing very good about the current system of entrance fees. It is a kind of deception: I believe most park visitors think the money they hand to the ranger at the entrance station goes to the park where it was collected. But it doesn't. The money goes into a Federal account called the Land and Water Conservation Fund. The fund makes many worthwhile municipal park projects possible around the country, but the general treasury ought to be the source for the fund, not the Nation's national park visitors.

Even if current law allowed entrance fees to stay at the park where they were collected, which it does not, the admission fee is ridiculously small. At the current maximum of $2, the entrance fee is little more than a token. And since 1979, Congress has forbidden any increase in the fee, preventing the National Park Service from raising any more money from the most obvious source.

Wyoming's four national park units, and particularly Yellowstone and Grand Teton, urgently need the revenues which this will help to generate. Our bill would raise entrance fees to a maximum of $10 at those two parks. And the National Park Service would be authorized to raise fees at Wyoming's other two park units, Fort Laramie National Historic Site and Devil's Tower National Monument. The admission fees would be considerably less than $10 at Fort Laramie and Devil's Tower.

This bill is an improvement from the version originally proposed by the administration in one very significant way: it dedicates all the revenue collected from entrance fees to the National Park Service. The original bill would have taken away 20 percent of the revenues and diverted them to the general treasury. The bill gives priority in spending the entrance fee revenue to the park where the fees were collected.

As the administration originally proposed, our bill would authorize volunteers to collect admission fees at park entrance kiosks. Such a procedure could greatly reduce the cost of collecting fees, directing more of the revenue toward park improvements and less toward simply covering collection costs. But we have improved the original proposal by providing

that the use of volunteers cannot lead to dismissing park employees.

Mr. Speaker, it is essential that we preserve the natural resources of our parks. It is equally important that we maintain park visitor facilities. I am delighted with the support of my colleagues, and I hope this legislation can move quickly through the House in the remaining days of this session. There can be no doubt that Yellowstone, Grand Teton, and the other parks in the Nation desperately need the money.

A TRIBUTE TO OHIO'S VIETNAM VETERANS

HON. BOB McEWEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. McEWEN. Mr. Speaker, the Ohio Council of Vietnam Veterans will be holding its Sixth Annual State Convention, September 19–21, 1986, in North Canton, OH. This annual convention, which is open to all of our State's Vietnam Veterans, families and friends, and serves to remind all of us of the sacrifices they made for our Nation.

Mr. Speaker, our veterans who served in Southeast Asia during the Vietnam era were thrust into conditions unlike those of any previous conflict or war. Due largely to the significant efforts of Vietnam veterans themselves and one organization in particular—Vietnam Veterans of America—there is now a fairly comprehensive package of Vietnam Administration benefits and services intended to address the unique concerns of this special group of Americans.

Though Vietnam Veterans of America is a relatively young organization, formed in 1978 as a lobbying organization and chartered by Congress in May 1986, it has become a viable and respected force in veterans' affairs. Its Washington staff testifies regularly before congressional committees. Fresh, innovative, and growing, the organization has matured into an effective representative of not only Vietnam veterans, but the general veteran population as well.

Vietnam Veterans of America has helped bring about a greater understanding of psychological problems experienced by Vietnam veterans and has worked steadily, energetically, and successfully to correct many inaccurate public perceptions of the Vietnam War and its American participants. VVA has been instrumental in ensuring the establishment of programs to address issues of particular concern to Vietnam veterans, including agent orange, post-traumatic stress disorder, readjustment counseling, and unemployment. The organization has strong support on Capitol Hill, highlighted by the existence of a Vietnam Veterans in Congress Caucus, which VVA helped form.

Mr. Speaker, as a nation, we are still in the infant stages of understanding the Vietnam war and what its veterans went through, but the important thing is, we are trying. America's Vietnam veterans have many times over earned our highest praise for being noble participants in a noble cause. Vietnam Veterans of America has been in the forefront of effecting a renewal of national pride for these courageous individuals. VVA has been an active ingredient of the salve that has begun to heal the wounds of controversy stemming from the war.

We owe an infinite debt of gratitude to those we asked to leave home, leave family, leave friends, leave jobs to be thrust into the grisly carnage of a jungle on the other side of the world. Their country asked and they went. It is with that same loyalty that we should embrace our Vietnam veterans and remember those who did not return.

On the day that the Statue of Three Fighting Men was dedicated at the Vietnam Veterans Memorial here in Washington, President Reagan had this to say of our Vietnam veterans:

> You performed with a steadfastness and valor that veterans of other wars salute. And you are forever in the ranks of that special number of Americans in every generation that the Nation records as true patriots.

Mr. Speaker, these true patriots are fortunate to have Vietnam Veterans of America, a truly responsive and caring organization, serving their needs with compassion and integrity. I know my colleagues will want to join me in saluting both the organization and its mission.

PROTECTING TELEPHONE RATEPAYERS

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. SWIFT. Mr. Speaker, since the divestiture of the Bell Operating Cos., was forced on AT&T as part of the resolution of an antitrust suit brought by the Justice Department, many of us have been concerned about the ultimate fate of the ratepayers, especially residential and rural customers.

The gentleman from Oregon [Mr. WYDEN] has been instrumental in seeking to protect ratepayers, as have Congressmen DINGELL, WIRTH, LELAND, BLILEY, and others. The gentleman from Iowa [Mr. TAUKE] and I introduced a comprehensive bill, H.R. 3800, to permit the Bell Operating Cos., into new lines of business primarily because we saw advantages to ratepayers if restrictions were lifted. But, at the time we introduced H.R. 3800, we noted the need to flesh out a sound ratepayer protection section to make sure ratepayers would not be subsidizing new, competitive ventures undertaken by the telephone companies. I believe that we have now been able to do that. During the hearings held by the Subcommittee on Telecommunications, many of us spent considerable time exploring with the various witnesses why this was important to do and how best to do it.

It's clear from the comments of the Department of Justice that preventing cross-subsidies is good policy.

Mr. Douglas Ginsburg, Assistant Attorney General for the Justice Department, testified that it would be "inappropriate for the ratepayers of the monopoly service to cover the entire cost of the plant and equipment when some of it is being used to participate in the competitive market." He stated clearly that "if the same plant and equipment serve both the regulated business and the competitive business, then some allocation of the fixed cost of that plant and equipment must be made between the two." He said, "the competitive buisness conducted by the telephone company should be expected to make a contribution to the overhead of the telephone company for its use of those common facilities."

Mr. Ginsburg stated his view that, when the same service is provided by a telephone company and by a competitor, "each of them should be charged an equal amount, and each of them, therefore, should be making a contribution to the cost of having the poles and wires there in the first place." He stated that, "there should be a mechanism to make sure that only those who use the—new—service pay for it." He indicated that, to the extent that new services used common equipment, they should contribute to joint and common costs.

It's clear from the comments of the Federal Communications Commission that this is good policy.

In its notice of inquiry into cost allocation issues, the Commission has stated that, in order to assure "just and reasonable rates for services that remain subject to regulation, it must guard against cross-subsidy of nonregulated ventures by regulated services." It noted that "marginal cost standards, however attractive in theory, are difficult to use for regulatory purposes, because marginal costs are not readily measured by conventional accounting methods." And, in both alternative plans it proposed, the two first principles were that "costs shall be directly assigned to either regulated or nonregulated activities whenever possible" and "only those costs which cannot be directly assigned to regulated or nonregulated activities shall be treated as common costs." These common costs are to be allocated whenever possible according to their actual or expected use.

It's clear from the comments of consumer groups that this is good policy.

Mr. Gene Kimmelman, legislative director of the Consumer Federation, stated his belief that "whatever transmission tariffs are, they must involve equitable distribution of costs among all services."

And, It's clear from the comments of the Bell Operating Cos. that this is good policy.

Mr. Gary McBee, of Pacific Telesis, testified that, if the Bell Operating Cos. are allowed to get into new lines of business, consumers will benefit because "the cost itself would go down, because we would be distributing the recovery of those costs over a wider range of services." He stated that "the usage of plant ought to be assigned directly to new services, and the joint and common costs of the business ought to be assigned to new services on the basis of usage."

Mr. Larry DeMuth, of U.S. West, agreed. Specificly he said that "the fixed costs of the utility business * * * would receive wider use if we were permitted into these other competitive businesses. The costs associated with those other competitive businesses would have * * * to be borne by the competitive

business entirely, so that the benefit to the regulated business would be greater usage by the competitive businesses."

I specificly asked both witnesses whether they thought that new, competitive services should pay not only their own costs but also pick up their share of fixed costs, and both witnesses agreed that, to the extent that the new services use existing facilities, they should also pay a portion of the joint and common costs associated with the business.

In response to a question whether new services should pick up a share of fixed costs on a basis of usage, Mr. DeMuth responded, "In my view, they must pay for all of the embedded costs that they use." Mr. McBee stated that his view was that "a new service provided through the network would also have to pick up a portion of * * * every common cost of the business."

Ameritech has written to our subcommittee that a "contribution to common costs, which cannot be associated with the provision of a specific product or group of products, will be assessed to unregulate services. If this policy is adopted by the FCC, basic ratepayers will directly benefit through lower rates because new services will be provided which will pay not only for the costs that they cause but also for a share of the common costs of the business."

Since our hearings, I have worked closely with other interested Members and with a variety of interested parties to refine—as precisely as we can—what the essential elements of a ratepayer amendment should be. I believe that the amendment we've come up with today will protect ratepayers and make sure they don't subsidize new business ventures by the Bell Operating Cos. Other issues, no doubt, could be added and I'm sure others would offer their own refinements to this proposal. I will, of course, work with interested Members.

While I've tended to focus on this as a ratepayer protection piece, it's really a piece that will protect competition at the same time. Protecting ratepayers and protecting competition are two sides of the same coin. The worry that competitors have is that they will face unfair competition because they will compete against subsidized products and services. And, if there is a subsidy, it's going to be coming out of the ratepayers pockets. So, protecting ratepayers and protecting competition are the same thing.

Mr. Speaker, in an increasingly competitive environment, the self-interest of telephone companies in maximizing universal service has changed. Where once a company could clearly benefit by making telephone service available at the lowest possible price, once there is competition and others can benefit without contributing, it's no longer in anyone's self-interest to maximize universal service. While the self-interest of Bell Operating Cos. in trying to get H.R. 3800 enacted is obvious, and while they make a good case that their being able to offer new services will benefit consumers, where I see the real benefit is by allowing new services to pick up their share of the costs of the basic telephone network. Sharing costs between existing and news services can take pressure off local rates and help preserve universal service. But, to ensure that will happen—and to assure ratepayers benefit—means making sure costs are properly allocated and new services pay their fair share of costs. The risk that we won't be able to do that are not insignificant; but, potential benefits make the risks worth taking.

Consumers will benefit not because there will be some subsidy of some sort. To the contrary, this amendment would prohibit subsidies of any sort going either to or from regulated services. The benefit, here, will be in the form of savings due to efficiencies. This amendment will make clear that the benefit of those efficiencies will flow both to consumers of new services and to the customers of basic phone service who, with their monthly phone bills for phone service, provided the capital to build that network.

The amendment and explanation follow:

SWIFT/TAUKE AMENDMENT TO H.R. 3800

Page 3, strike out line 20 and all that follows through line 5 on page 5 and insert the following new sections (and redesignate the succeeding sections accordingly):

SEC. 4. INFORMATION SERVICE RESTRICTIONS.

(a) PUBLIC INTEREST FINDING.—The authority granted to a Bell operating company under section 3 to engage in the provision of information services shall be available only if the Commission determines that—

(1) there is no substantial possibility that the providing of such services by the Bell operating company could (A) harm competition in the information services industry, or (B) harm customers of telephone service, and

(2) such authority is otherwise consistent with the public interest.

In making the determination under this subsection, the Commission shall consult with the Secretary of Commerce and with the Attorney General.

(b) NONDISCRIMINATORY INTERCONNECTION.—The authority granted to a Bell operating company under section 3 to engage in the provision of information services shall be available only if there are in effect rules prescribed by the Commission which ensure that other information service providers have opportunities for interconnection to the telephone service facilities of the Bell operating company which are comparable to the interconnection provided by the Bell operating company to itself or to any affiliate of such company.

(c) ELECTRONIC PUBLISHING.—[Reserved.]

SEC. 5. MANUFACTURING RESTRICTIONS.

(a) PUBLIC INTEREST FINDING.—The authority granted to a Bell operating company under section 3 to engage in manufacturing shall be available only if the Commission determines that—

(1) there is no substantial possibility that the manufacturing by the Bell operating company could (A) harm competition among manufacturers in the United States, or (B) harm customers of telephone service, and

(2) such authority is otherwise consistent with the public interest.

In making the determination under this subsection, the Commission shall consult with the Secretary of Commerce and with the Attorney General.

(b) NONDISCRIMINATORY PROCUREMENT.—The authority granted to a Bell operating company under section 3 to engage in manufacturing shall be available only if there are in effect rules prescribed by the Commission which ensure (1) that other manufacturers have opportunities to sell equipment related to telephone service to the Bell operating company, and (2) such opportunities aer comparable to the opportunities the Bell operating company provides to itself or to any affiliate of such company.

SEC. 6. SAFEGUARDS AGAINST SUBSIDIES.

(a) PROHIBITION AGAINST CROSS-SUBSIDIES.—

(1) LIMITATION.—Telephone service shall not subsidize, nor be subsidized by, lines of business authorized by this Act. The Commission shall prescribe rules to carry out this subsection.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to prohibit the use of cross subsidies within a Bell operating company if such cross subsidies do not involve telephone service.

(b) RULES FOR COST ASSIGNMENT AND ALLOCATION.—The Commission shall establish rules for assigning and allocating all costs of factors of production which are in any way used in lines of business authorized by this Act. The authority granted to a Bell operating company under section 3 to engage in manufacturing or information services shall be available only if the Commission has determined that the company has provided reasonable assurances that it will comply with the rules prescribed under this section.

(c) SPECIFIC REQUIREMENTS FOR RULES.—The rules shall require that—

(1) to the extent the cost of any factor of production is caused solely by one or more lines of business authorized by this Act, such cost shall not be assigned to, or recovered by charges for, telephone service, and

(2) to the extent that any line of business authorized by this Act uses factors of production that are also used, jointly or in common, to provide telephone service—

(A) so much of the costs of such factors as are caused by or attributable to a line of business authorized by this Act, shall not be assigned to, or recovered by charges for, telephone service, and

(B) so much of the costs as cannot be directly assigned to lines of business authorized by this Act or to telephone service, shall be allocated, in accordance with the requirements of such rules, in a manner that the Commission determines will provide for a reasonable allocation between—

(i) such lines of business, on an aggregated basis, and

(ii) telephone service.

(d) JOINT AND COMMON COST ASSIGNMENT AND ALLOCATION CRITERIA.—The assignment and allocation criteria established under subsection (c)(2) shall include the assignment or allocation of—

(1) the cost of capacity or special characteristics jointly or commonly required for telephone service and for any line of business authorized by this Act;

(2) investment and associated costs (including depreciation and maintenance) jointly or commonly needed to provide plant availability to meet demand (including peak demand) for telephone service and for any line of business authorized by this Act; and

(3) the costs of plant and facilities jointly or commonly used for telephone service and for any line of business authorized by this Act.

(e) INSULATION OF RATEPAYERS FROM FAILED VENTURES.—

(1) ASSETS.—The Commission shall ensure that economic risks of line of business authorized by this Act are not borne by telephone service ratepayers and, in the event of a business failure, investment assigned the line of business shall not be reassigned

to the telephone service except upon a showing that the customers of telephone service will benefit.

(2) DEBT.—Any Bell operating company affiliate—

(A) which is engaged in a line of business authorized by this Act, and

(B) which is structurally separate from an affiliate engaged in the provision of telephone services,

shall not obtain credit under any arrangement that would permit a creditor, upon default, to have recourse to the assets of the telephone service affiliate.

(f) TRANSFERS OF ASSETS BETWEEN RELATED COMPANIES.—The Commission shall establish rules governing the transfer of assets between a company providing telephone service and related companies. Such rules shall protect the interests of ratepayers of telephone service.

(g) ANNUAL AUDITING REQUIREMENT.—Each Bell operating company that engages in any line of business authorized by this Act shall provide to the Commission each year a report on the results of an audit by an independent auditor conducted for the purpose of determining whether the company has complied with the cost assignment and allocation rules prescribed under this section.

SEC. 7. FEDERAL-STATE JOINT BOARD.

The Commission shall convene a joint board under section 410(c) of the Communications Act of 1934 regarding the establishment and implementation of principles of cost assignment and allocation to be used by the Commission and State commissions in the exercise of their respective authorities.

Page 6, line 24, strike out "and" and on page 7, after line 2, add the following new paragraphs:

(6) the term "factors of production" means any property, plant, equipment, personnel, research, services, investment, or other tangible or intangible resources which is used to produce a product or service, and

(7) the term "telephone service" means telephone exchange service, within the meaning of section 3(r) of the Communications Act of 1934.

Page 7, strike out lines 4 through 15 and insert the following:

(a) IN GENERAL.—Except as provided in subsection (b) and (c) this Act shall be effective on July 1, 1987.

(b) AUTHORITY OF MANUFACTURE.—The authority to manufacture telecommunications equipment under section 3 shall be effective on July 1, 1987, or such later date as the Commission may establish in its determination under section 5(a).

(c) EFFECTIVE DATE OF COMMISSION AUTHORITY.—The authority of the Commission to prescribe regulations and to institute proceedings under this Act is effective upon enactment.

JOINT EXPLANATION OF RATEPAYER PROTECTION AMENDMENT

As introduced, H.R. 3800 granted authority for a Bell Operating Co. to offer information services and to engage in manufacturing. This general authority was subject to restrictions, set forth with regard to information services in section 4 of the bill and with regard to manufacturing in section 5. This amendment would add new provisions which embody protections for ratepayers and competition and which requires the FCC to convene a Federal-State joint board to advise it with regard to the protections. In addition, there is a need to add two new definitions and to change the effective date of the authority.

INFORMATION SERVICE RESTRICTIONS

As in the original bill, this amendment requires that a public interest finding be made before a Bell Operating Co. could engage in providing an information service. There could be no harm to competition or to ratepayers. In addition, the Commission would have to seek the advice of the Secretary of Commerce and the Justice Department to draw on their then current knowledge and expertise regarding markets into which the companies are seeking entry.

The new section 4 adds one new restriction as a precondition before a Bell Operating Co. can offer information services: the FCC must first require that other information service providers have comparably efficient interconnection to the telephone network—often referred to as CEI. CEI must be in place and available to other providers before the BOC can, itself, offer information services. This requirement, which has been proposed by the FCC, makes good sense. It gives the BOC's every incentive to ensure that others have a fair opportunity to compete and assures that, to the extent new services require use of the existing telephone network, there will be a sharing of network costs not only by the BOC's, in their role as information service providers, but also by others offering information services. As Mr. Ginsburg suggested in his testimony, when the same service is provided by a telephone company and by a competitor, "each of them should be charged an equal amount, and each of them, therefore, should be making a contribution to the cost of having the poles and wires there in the first place."

There is an issue that remains unresolved in this amendment—the issue of electronic publishing. In the original H.R. 3800, we did not lift the ban on electronic publishing that currently applies to the BOC's. We defined electronic publishing by reference to the court decree in the United States versus AT&T decision. Many suggestions have been made on how this issue has been handled but, in this context, we have chosen to limit the amendment to changes necessary to provide general protections for ratepayers and competition.

MANUFACTURING RESTRICTIONS

As in the original bill, this amendment requires that a public interest finding be made before a Bell Operating Co. could engage in manufacturing. There could be no harm to competition or to ratepayers. In addition, the Commission would have to seek the advice of the Secretary of Commerce and the Justice Department to draw on their then current knowledge and expertise regarding markets into which the companies are seeking entry.

The new section 5 adds one new restriction as a precondition before a Bell Operating Co. can engage in manufacturing: the FCC must first require that other manufacturers have opportunities to sell network-related equipment to the Bell Co. that are comparable to the opportunities the BOC provides itself. Open procurement policies must be in place before the BOC can, itself, engage in manufacturing. It gives the BOC's every incentive to assure that others have a fair opportunity to compare and assures that ratepayers do not pay prices that are too high for equipment provided to the network by a manufacturing arm of the Bell Operating Co.

PROTECTING RATEPAYERS AND COMPETITION

Our fundamental goal is to ensure that ratepayers do not subsidize new ventures, and at the same time not hamper competition in the markets into which the Bell Operating Cos. seek entry.

The bill states, as a matter of Federal law, that telephone service shall neither subsidize, nor be subsidized by, new business ventures. This is not to say that ratepayers will not benefit from new ventures. They will. Greater use of the existing plant and equipment will result in a broader base across which to share costs. With more users sharing the costs, the ratepayers' burdens will lessen.

The essence of the ratepayers protection provisions are that the FCC is required to assign costs, to the maximum extent possible, to those lines of business that causes them. To the extent that costs are not solely caused by a new activity, but are shared jointly with telephone service, as much as possible they should be assigned to the new activity to which they are attributable. Only if no assignment can be made will the FCC allow a BOC to allocate joint and common costs between a telephone service and new activities. When it does, the costs must be allocated in a reasonable way, taking into account the capacity and special characteristics required by a new activity and its cost, the investment needed to provide plant availability, and the relative use made by new activities. This will ensure that, at a minimum, new activities pick up their proportionate share of the use of existing plant and equipment and, to the extent they cause costs that would be higher than that, they pay for the costs they cause and a proportionate share of other costs.

In many ways this is the "fully distributed" cost allocation—something which many telephone companies have argued hurts their ability to offer new services. They argue, and the point is well taken, that if a new service or product is forced to carry a fully distributed share of general overhead costs, that product or service may not be offered competitively, if at all, in the marketplace. On equitable grounds, they argue that other companies against whom they will compete will have no such limitations and, as a result, the BOC's will be at a competitive disadvantage.

On the other side of the equation is the concern of many that the BOC's not be able to compete unfairly by leveraging their position as a monopolist to the disadvantage of both ratepayers and competitors. After all, their competitors who choose to price at less than fully distributed costs will not be able to load costs onto ratepayers with no choice but to pay the higher price for monopoly services.

The solution which this amendment offers, we believe, satisfies both concerns. We give to the BOC's complete flexibility to assign and allocate costs as they choose among competitive products and services. In no case can costs attributable to competitive ventures be loaded onto telephone customers. This provides the legitimate concerns by the BOC's for flexible pricing while protecting monopoly ratepayers.

The ratepayer amendment will also insulate ratepayers from having to pay for failed ventures by prohibiting the transfer of assets back

into the rate base unless there is an affirmative showing that telephone customers will benefit. There is no benefit in a more stringent test. If an investment will benefit the ratepayers and the price paid is fair to ratepayers, that's fine. Any losses will have to be absorbed by shareholders or by other competitive lines of business. In addition, the amendment tracks the requirement attached by Judge Greene to current waivers that any debt financing not be secured by the assets of regulated telephone service.

In addition, we require that the Commission adopt rules to protect ratepayers that will govern transactions between related companies. The FCC, in their ongoing cost-allocation study, has proposed several alternatives that could meet this test. This amendment does not specify which, if any, of the current proposals should be adopted, but does require that any rule have, as its goal, the protection of ratepayers.

Finally, each BOC must provide the FCC with the results of an annual audit, conducted by an independent auditor, that verifies compliance with the requirements of this amendment. In addition, the audit must be conducted so as to ensure that noncompliance would be detected, that accounting controls are adequate to ensure compliance, and that the auditor has had access to the information needed to determine whether the company has complied with the requirements of this amendment.

FEDERAL-STATE JOINT BOARD

The joint board that will be set up under this amendment is a standard, section 410(c) joint board that has worked well with regard to allocation of costs between Federal and State jurisdiction. We use the current joint board process under the Communications Act, a process that has worked well and provides a significant role for State regulators who share with the FCC authority for regulating our telephone system.

TECHNICAL AND CONFORMING AMENDMENTS

The new definitions are not complicated. "Telephone service" is telephone service—the basic service that most of us must rely on for communication and for which we have no reasonable alternative. And "factors of production" is intended to capture each and every cost—of any nature whatever—that goes into a product or service. I will just comment briefly on the new effective date. First, although the original effective date was chosen because September 1, 1986, is the date by which most "equal access" will be provided, it's unlikely that this legislation will be completed prior to that time and we thought it would be useful to push the effective date off for three reasons. One is that the preliminary steps involved—the joint board process, CEI, and the cost allocation study, will take until early next year. Also, we will by then have the reports being prepared by the Department of Justice and by NTIA. And, finally, I'd like to see the rules implementing this be in place for at least several months before the restrictions are lifted. That will give adequate time for Congress—and the courts if any decisions are appealed—to consider whether the FCC has done the job with which they are being charged. And any harm in delay of a few months will be greatly outweighed by the time for careful reflection of these issues.

Mr. Speaker, a lot of people have helped us understand the issues that we had to understand in order to write this amendment. I doubt any would claim it in whole as their version of "perfection" but I would like to thank each and every one for their help, advice and criticism. We look forward to continuing to work with everyone interested in making this bill as perfect as possible.

RATEPAYER PROTECTION LANGUAGE OFFERED FOR H.R. 3800

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. TAUKE. Mr. Speaker, today I am pleased to join my colleague from Washington [Mr. SWIFT] in introducing an amendment to H.R. 3800 concerning ratepayer protection and safeguards that ensure the continued development of a competitive telecommunications industry. Mr. SWIFT and I hope to introduce this amendment whenever the Subcommittee on Telecommunications marks up this important piece of legislation.

The amendment is a product of many hours of discussion and negotiation with interested parties, both for and against H.R. 3800, in and out of Government, and representing both political parties. We believe it represents a balanced, constructive and reasonable approach to several unresolved issues in the legislation. I want to commend my colleague from Washington for his continued strong leadership and commitment to the issue.

The amendment addresses several fundamental concerns that have been raised about the legislation. First, some have said the Bell companies still could exert unfair control over access to essential local exchange facilities—the so-called bottleneck problem. The amendment requires that before a Bell company can engage in information services, it must offer other providers of such services comparable interconnection, according to rules prescribed by the FCC.

The amendment also requires that a Bell company can manufacture telecommunications equipment only after it has established nondiscriminatory procurement practices, according to rules prescribed by the FCC.

Both provisions are intended to enhance competition in the information services and equipment manufacturing markets. They may not guarantee any existing competitors profits. But they do not guarantee everyone has a fair and equal opportunity to compete.

The potential for cross-subsidies between regulated and unregulated services is also addressed in the amendment. The principle underlying the amendment is unequivocally pro-consumer and procompetition: Telephone service shall not subsidize, nor be subsidized by, any other line of business. Bell companies can engage in new services only after the FCC adopted tough accounting rules concerning the allocation of costs, ensuring that any new service recover all of its direct costs as well as a fair share of the joint and common costs, by making corresponding reductions in the regulated rate base.

I am gratified to announce that my colleague from Mississippi, the distinguished Republican whip Mr. LOTT and an original cosponsor of H.R. 3800, has joined us in support of this amendment.

With this amendment in mind, I call upon my colleagues to examine this language closely and join with the nearly 180 Members of the House in cosponsoring this bill. Given the encouraging signs of activity in the other Chamber, under the strong leadership of Senators DOLE and DANFORTH, I am confident we may be able to advance the concepts embodied in this bill this year.

LEGISLATION AUTHORIZING NEEDED CHANGES IN ENTRANCE FEES IN NATIONAL PARK SYSTEM

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today along with our distinguished colleagues, Messrs. UDALL, LAGOMARSINO, CHENEY, and REGULA, which would authorize needed changes in the statutory limits on entrance fees in units of the National Park System.

As many of the Members of this Chamber are aware, our national parks have seen a resurgence in visitations in recent years. At some parks, it has become increasingly difficult to maintain park infrastructures due to significantly increased use. One area in which we can act to address this problem is to eliminate several obsolete limits on park entrance fees and to earmark the resulting revenue increase to park operation and maintenance. The legislation I am introducing is designed to accomplish this result, which retaining protections to ensure that fee levels will be retained at amounts which are affordable for park visitors, including families. Specifically, the legislation would:

Limit the annual specific park pass to a cap of $15.

Cap the fee for a single visit at $10, and permits one increase every 5-year period thereafter following 180 days' notice to the Congress.

Make available for expenditure 100 percent of all fees collected.

State that expenditures shall be for the cost of collection, interpretation, and protection and management, including research, of natural and cultural resources. It also provides that priority shall be given to resource needs within the collecting parks.

Mr. Speaker, in an era of budget limitations, we must deal with creative means to meet our obligations. This legislation will maintain a commitment to the maintenance of the national parks so that those who visit and enjoy those parks will be provided with the type of experience promised when the park units were set aside. For these reasons, I urge my

colleagues to support this important legislation.

A CONGRESSIONAL SALUTE TO RICHARD S. RIEGNER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to Mr. Richard S. Riegner, who will celebrate his 40th anniversary with the Firestone Tire & Rubber Co. on August 29, 1986.

Mr. Riegner was born on August 3, 1922, in Pottstown, PA. After graduation from the University of Pennsylvania he worked for 1 year as an order clerk for the Shultz Baking Co. and for 2 years as a stock control expediter for Jacobs Aircarft Co. From 1941 until 1943 he served as an honorable member of the U.S. Navy.

Richard Riegner joined Firestone Tire & Rubber Co. on August 29, 1946, as an office clerk in a Pennsylvania store. Since then he has served as a district credit manager, wholesale credit manager, tire division credit manager, and director of wholesale and commercial credit. Since December of 1985 he has served as manager of corporate credit. Through his recognition of the potential in the Young Talin family many years ago, Mr. Riegner is greatly responsible for the success of the Talin Tire, Inc., of Long Beach.

Mr. Riegner enjoys many hobbies, including extensive travel, tropical fish, and growing exotic plants.

My wife, Lee, joins me in honoring Mr. Riegner on this happy occasion. We wish to extend our congratulations and warmest wishes for the years ahead to Mr. Riegner, his wife, Mary Elizabeth, his two children, Richard Joseph Riegner and Deborah Anne Thoma, and his two grandchildren, Amanda Leigh Thoma and Elizabeth Anne Thoma.

IN SUPPORT OF DAVIS-BACON REFORM AMENDMENTS

HON. JIM ROSS LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. LIGHTFOOT. Mr. Speaker, I am disappointed that the House earlier today rejected Congressman DICKINSON'S amendment to the fiscal year 1987 defense authorization bill. This amendment would have exempted from the Davis-Bacon Act military construction projects which cost up to $250,000. However, the House approved Congressman HAWKINS' amendment that exempts military construction projects which cost up to $25,000 from the Davis-Bacon Act. While approval of the Hawkins' amendment is a step in the right direction, much more should be done to reform the Davis-Bacon Act to update it to today's labor standards.

It is also regrettable that Congressman STENHOLM decided to withdraw his amendment to the surface transportation reauthorization bill in light of the earlier vote on Davis-Bacon. Congressman STENHOLM's amendment was a more comprehensive approach to reforming Davis-Bacon, and was similar to H.R. 472, which 120 of my colleagues and I have endorsed. His amendment would have raised the threshold from $2,000 to $1 million; codified existing administrative regulations that make Davis-Bacon wage determinations more accurately reflect actual locally prevailing wages; allowed the expanded use of "helpers" (semiskilled and unskilled workers); and reduced paperwork requirements.

It is unfortunate that the House refused to adopt Davis-Bacon reforms today. The reforms proposed by Congressmen STENHOLM and DICKINSON would benefit small businesses, lead to greater job creation, and most important, save taxpayer's money

For example, raising the threshold and reducing the paperwork requirements would encourage more small businesses to bid for Federal contracts. It has been over 50 years since the threshold was raised, which makes for an extremely outdated figure. And the current burdensome paperwork requirements discourage many firms, especially small and minority contractors, from even bidding on Federal jobs.

Expanding the use of helpers would result in the creation of more jobs because contractors would be more inclined to hire disadvantaged jobseekers, such as women, minorities, and the long-term unemployed. Worker protections would also be included in Davis-Bacon changes to ensure that workers are not paid substandard wages for doing skilled work.

Furthermore, reforming the Davis-Bacon Act would provide us with considerable savings without having to make hard budget choices, such as cutting back programs. It these days of fiscal restraint and Gramm-Rudman, we must scrutinize all programs closely to find budget savings, and what better place to do this than by updating the archaic Davis-Bacon provisions. It is estimated that leaving Davis-Bacon in its present form inflates Federal construction costs by nearly $5 billion over 3 years. Passage of the Stenholm amendment to the highway bill would have achieved savings of $1.8 billion in budget authority and $1 billion in outlays over 5 years.

Support for reforming Davis-Bacon is broad-based and bipartisan. In a nationwide poll taken in May 1986 by Decision-Making-Information, Inc., 58 percent of the America people supported reform of Davis-Bacon. In addition, groups such as the National Association of Counties, the National League of Cities, the National Federation of Independent Business, the U.S. Chamber of Commerce, the Associated Builders and Contractors, the Associated General Contractors, and the Citizens Against Government Waste, all support reform of the Davis-Bacon Act.

In light of today's actions, comprehensive reform of the Davis-Bacon Act will not take place this year. However, the chairman of the Labor Standards Subcommittee has made a commitment that hearings would be held on this issue next month. He also stated his intentions of bringing before the House next year a comprehensive Davis-Bacon reform bill. I look forward to debating this issue next year, and I hope that the House will approve these much-needed Davis-Bacon reforms.

OMNIBUS NUCLEAR SAFETY ACT OF 1986

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. BRYANT. Mr. Speaker, today I have introduced the Omnibus Nuclear Safety Act of 1986. This legislation is intended to reform the current regulatory procedures of the Nuclear Regulatory Commission by abolishing that Commission and in its place establishing the Nuclear Regulation and Safety Agency and creating the office of Inspector General and a Nuclear Safety Board within that new agency. My proposal also addresses the issue of prospective preapproval of sites, standardization of design and joint construction and operating licenses for the next generation of nuclear power plants.

A section-by-section summary follows, which I commend to my colleagues' attention. I intend to solicit their support to enact legislation to make nuclear power a safe alternative energy source to help diminish our country's dependence on foreign suppliers.

ONMIBUS NUCLEAR SAFETY ACT OF 1986—SECTION-BY-SECTION ANALYSES

The proposed Act represents the first legislative embodiment of the Kemeny Commission's and the Rogovin Special Inquiry Group's major recommendations. Different bills over the years, in a piecemeal approach to reforms urged in the wake of the Three Mile Island incident, have sought separate political paths to standardization and licensing reform, and to the single-administrator, inspector general and safety board concepts. But the proposed Omnibus Act, with the exception of intervenor funding, brings all the separate paths into one legislative vehicle for the first time.

FINDINGS AND PURPOSES

Sec. 2. This section of the proposed Act tracks almost entirely the NRC standardization and licensing reform bill—with one major exception on page 6, line 5 where the proposed Act says that it is appropriate to "consider the overall safety consequences of regulatory practices." The NRC bill spoke to the need to "consider the economic consequences of regulatory practices."

Sec. 3. Defines "Agency" as the Nuclear Regulation and Safety Agency. It is called the Nuclear Regulation Agency in the Simpson bill (S. 1235). The "Director" is defined as the head of the Agency.

Title I—Establishment of Agency

Sec. 4. Establishes Nuclear Regulation and Safety Agency as the successor organization to the Nuclear Regulatory Commission.

OFFICERS

Sec. 5. (a) Establishes the Agency's Director as a person appointed by the President with Senate confirmation. The Director shall carry out all functions transferred to the Agency.

Sec. 5. (b) Establishes the Agency's Deputy Director as a person appointed by the President with Senate confirmation.

Sec. 5. (c) Establishes offices for the Agency's four Assistant Directors, one for each of

the NRC's existing program areas: nuclear reactor regulation; inspection and enforcement; nuclear material safety; and, research. Each of the Assistant Directors is appointed by the President with Senate confirmation.

Sec. 5. (d) This provision, new in the proposed Act, creates the Office of Inspector General (IG) in the Agency. The IG would be appointed by the President with Senate confirmation. The Agency's IG is defined as having all the powers and responsibilities of inspectors general in all other federal agencies.

Sec. 5. (e) This provision, new in the proposed Act, creates a three-member, Presidentially-appointed Nuclear Safety Board. The Safety Board proposed by the Omnibus Act cannot investigate anything it likes. There is a threshold event that must take place in order for the Board in the Omnibus Act can be activated. An "abnormal occurance" standard was put in the Act. The Board must make periodic reports to Congress, the President and the Director.

Sec. 5. (f), (g), and (h) Conforming Amendments.

Sec. 6. Abolishes the NRC.

Sec. 7. Transfer of Personnel and Appropriations.

Sec. 8. Specifies that personnel changes shall not cause anyone loss in compensation or grade for a year after the Act takes effect.

Sec. 9. Incidental Transfers.

Sec. 10. The Savings Provisions Sec. 10(f) on pg. 18: requires the Agency Director to promulgate regulations for licensing hearings to be held by administrative law judges, not multi-member licensing boards. Agency staff is prohibited from serving in its traditional role as a party to hearings, and appeals boards are abolished.

Sec. 11. Reference.

Title II—Siting and Licensing

Sec. 101. Amends section 185 of the Atomic Energy Act as follows below:

Subsection (a) of section 185 as it would be amended authorizes the Agency to grant a construction permit for a production or utilization facility and, upon the completion of construction to grant an operating license. This subsection restates existing authority with one exception. This legislation would delete the requirement for specification of the earliest and latest completion dates for construction permits. The existing provision has produced unnecessary paperwork and expenditure of resources without assuring that construction is diligently pursued. Moreover, the provision in current section 185 for earliest and latest completion dates made sense when it was included in the Act in 1954 because the federal government would be owning the fuel and would need to allocate special nuclear material between the civilian nuclear power and defense programs. It was important to AEC to predict completion dates (and hence operation commencement dates) with accuracy so that civilian requirements for special nuclear material could be predicted accurately and planned for properly. The federal government no longer allocates fuel and has a much lesser need to predict completion dates accurately. Thus, the provision is no longer needed to serve the purpose for which it was adopted.

Although the requirement for the specification of the earliest and latest construction completion dates is deleted, the Agency will still issue a construction permit or a combined construction permit/operating license for a fixed period not to exceed forty years pursuant to sections 103(c) and 183 of this Act. The legislation would also provide specifically for an opportunity for a public hearing.

Subsection (b) of section 185 as it would be amended permits issuance of what would be called a combined construction permit and operating license (CP/OL) for a thermal neutron power generation facility. This definition excludes facilities such as breeder reactors and fuel reprocessing plants. The language of Section 185(b) tracks the NRC bill with five important exceptions.

First, the Omnibus Act requires that any design eligible for a CP/OL be "essentially complete."

Secondly, any public hearing held for CP/OL must be adjudicatory. This was not specified in any of the pending bills.

Thirdly, a CP/OL application may reference no more than two design approvals granted under section 194(a) of the Omnibus Act. (Section 194(a) deals with the pre-approval of standard designs).

By prohibiting a CP/OL from referencing more than two prior design approvals, the Omnibus Act makes clear that industry cannot obtain standard design approvals for a multiplicity of pre-approved subsystems or components. The provision means that no single unified design eligible for a CP/OL can be made up of more than two separate "pieces" that have prior Agency approval: NSSS and BOP or a nuclear island/turbine island configuration.

Fourth, a CP/OL must incorporate a phased-approval procedure for construction quality assurance. This is a requirement for Agency "sign-as-you-go" approvals that require opportunities for public notice and comment that do not constitute hearings.

Fifth, a CP/OL must incorporate requirements and acceptance criteria for operator training and emergency plans. These requirements are in addition to the NRC bill's provision that a CP/OL incorporate the "inspections, tests, and analyses which shall be performed and the acceptance criteria therefor, . . ."

Specification of the required inspections, tests and analyses in the combined construction permit and operating license, i.e., before facility construction commences, would establish a clearly defined set of requirements governing the licensee and the Agency in discharging their complementary responsibilities as respects facility construction and operation. The Agency will be in a better position to assure that the plant has in fact been constructed and can be expected to operate in accordance with the license authorization. At the same time, license specifications of those requirements would enhance regulatory certainty for the facility licensee by prescribing what will be expected of the licensee in the construction and early operational phases of the plant and the bases for determining the adequacy of the licensee's performance. Importantly, this will also facilitate and make more effective public participation by providing information, prior to authorization of facility construction, of how the applicant's compliance with specified construction and operation requirements will be demonstrated following license issuance.

The significance of the latter point cannot be overstated. Since all inspections, tests and analyses—as well as the acceptance criteria used to judge whether they have been properly carried out—are part of the CP/OL, they can be litigated by the public during a CP/OL hearing. So before construction ever begins, the public can intervene to challenge the validity of all the "yardsticks" that will be used to measure construction quality. This would also be true of the acceptance criteria for operator training and emergency preparedness plans.

CP/OL-specified inspections, tests, analyses and acceptance criteria also have an important role to play in determining whether a pre-operational hearing is granted under section 185(b).

To obtain a pre-operational hearing, one must either present new information—an issue that "was not and could not have been raised and resolved" in any prior proceeding—or one must show "nonconformance with the license." CP/OL-specified acceptance criteria and inspections tests and analyses give the public a broad range of issues on which to build a pre-operational case for nonconformance. This would be true, for example, if the CP/OL-specified inspections or tests for welds showed that the welds did not meet their CP/OL-specified acceptance criteria, and it would be true if a utility did not meet the CP/OL-specified acceptance criteria for its emergency plan or operator training program. Either way, one would have a case for nonconformance and obtain a pre-operational hearing.

Today's system of design-as-you-go construction in a two-stage licensing process cannot establish (before construction begins) all the groundrules for measuring construction and operations adequately. It has been necessary to delay identification of "inspection, tests and analyses, and acceptance criteria therefor," until near the time when design and construction were nearly complete. The subsection establishes all the groundrules in a litigated CP/OL so that prior to plant operation it will be completely clear as to whether or not a license has met all acceptance criteria. If the licensee has not, then a nonconformance situation demonstrably exists and a pre-operational hearing must be granted.

Subsection (c) of section 185 is the backfitting standard for the CP/OL. The Agency cannot modify a CP/OL without meeting a threshold. The modification would have to be required "to protect the public health and safety or the common defense and security [and it must] substantially enhance the public health and safety or the common defense and security by improving overall safety of facility operation." The subsection contains no cost standard.

Early Site Review

Sec. 103. Amends the Atomic Energy Act by creating a new section 193 as follows below:

Subsection (a) of section 193 lists the factors the Agency must consider in granting early site approval. Early site approvals are valid for 10 years.

Subsection (b) of section 193 deals with fees to be collected by the Agency for early site approval.

Subsection (c) of section 193 requires an adjudicatory public hearing for a site to be approved.

Subsection (d) of section 193 allows a site permit to be referenced in a CP/OL application. The subsection also allows the Agency to renew a site permit for a period of not less than 5 nor more than 10 years unless the Agency finds that "the site will not comply with this Act or the Agency's regulations."

Subsection (e) of section 193 makes it clear that if an approved site is not used for a nuclear plant, it can be used for other purposes. The subsection, in effect, frees a

piece of property for other uses if no nuclear project is actually undertaken.

Subsection (f) of section 193 is the backfitting standard for a site permit. The Agency cannot modify a site permit without meeting a threshold. The modification would have to be required "to protect the public health and safety or the common defense and security [and it must] substantially enhance the public health and safety or the common defense and security." The subsection contains no cost standard.

Approval of Designs

Sec. 104. Amends the Atomic Energy Act by creating a new section 194 as follows below:

Subsection (a) of section 194 is the backbone of standard design preapprovals. It directs the Agency to establish procedures permitting the approval of standardized facility designs for thermal neutron power generation facilities for ten years, notwithstanding the fact that no utility has filed for a license to construct and operate the facility.

The Omnibus Act allows the Agency to consider approvals for "any major subsystems,"; the Omnibus Act as a whole would prevent vendors and architect-engineers from seeking standard design approvals for a multiplicity of plant subsystems. That's because section 185(b) of the Omnibus Act specifies that any unified design incorporated in a CP/OL application cannot reference more than two prior design approvals granted under section 194(a). Again, no plant to be built under a CP/OL regime can be made up of more than two "pieces" that have prior Agency approval.

The Omnibus Act directs the Agency to "specify by regulation the criteria and requirements for approval of any such subsystems and interfaces." This means that should a particular nuclear plant design be made up of two separate filings with the Agency (NSSS and BOP or a nuclear island/turbine island configuration), then the vendors and architect-engineers would have to specify—upfront—the interfaces between any two pieces that together make up a single whole plant.

Finally, a design approval granted under 194(a) is a license. This is very important from a public participation standpoint since the Atomic Energy Act specifies that the granting (or amending) of any license by the Agency requires a public hearing.

Subsection (c) of section 194 contains two major departures from all three pending bills.

First, any hearings for standard design approvals must be adjudicatory. While section 189 of the Atomic Energy Act (not amended by the Omnibus Act) speaks to public hearings, it never specified that they be adjudicatory. They could be legislative, for instance. Under 194(c) of the Omnibus Act, then, the hearing is specified to be ajudicatory. The Omnibus Act also contains this requirement for early site approvals and CP/OL applications.

Secondly, sec. 194(c) of the Omnibus Act prohibits the Agency from granting any approvals for designs that do not demonstrate technical resolution of all applicable Unresolved Safety Issues (USIs). This is a key feature of the Omnibus Act, a feature that would drive the next generation of nuclear plants to be "safer."

Subsection (d) of section 194 connects standard design approvals to CP/OL applications. The subsection also allows the Agency Director to renew standard design approvals for a period of time of "not less than five nor more than ten years . . . unless he finds that the design will not comply with this Act or the Agency's regulation."

Subsection (e) of section 194 is the backfitting standard for pre-approved standard designs. The Agency cannot modify a design approval unless the "modification is required to protect the public health and safety or the common defense and security and that the modification proposed will substantially enhance the public health and safety or the common defense and security by improving overall safety or security of facility operation." The subsection contains no cost standard.

Subsection (f) of section 194 deals with the process to be undertaken by holders of standard design approvals who seek amendments to those approvals.

Deleted from the Omnibus Act is a provision that would allow a utility to seek variances from a design approval in its CP/OL application.

Title III—Miscellaneous Provisions

Definitions

Sec. 201. Amends section 11 of the Atomic Energy Act by adding a definition of "thermal neutron power generation facility."

Sec. 202. Defines "standardized design."

Title IV—Conforming Amendments

Sec. 301. Antitrust Provisions.

Sec. 302. General Provisions.

Sec. 303. Expands role of the Advisory Committee on Reactor Safeguards (ACRS) review and report upon applications for CP/OLs, early site approvals and sign approvals.

Sec. 304. Conforming Revocations.

Sec. 305. Amends the table of contents of the Atomic Energy Act.

Title V—Effective Date

THE BERLIN WALL

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. BEREUTER. Mr. Speaker, we in the West are at this time taking note—I am careful not to say celebrating—the 25th anniversary of the erection of the Berlin Wall. For the most part we are using the opportunity to point out to the world what a testament to the failures of communism the wall is. It is altogether appropriate that we do so, just as we also should not fail to pay homage to the brave persons who tried, many unsuccessfully, to breach the wall.

But many of us have overlooked the manner in which East German authorities are attempting to exploit this situation to their own advantage. As the editorial from the August 12, 1986 edition of the Lincoln Journal which follows, and which I commend to my colleague, makes clear, the GDR is using the West German constitutional right of asylum to flood West Berlin, and ultimately the Federal Republic of Germans, with refugees of every kind. As many as 100,000 such persons are expected this year. By contrast, the United States, with a population four times that of West Germany, takes in only 50,000 refugees per year. All of these people make demands on social services; some of them also are said to be responsible for ethnic tension, crime, drug use, and terrorism.

None of the solutions proposed to deal with this problem is ideal. Whichever way Bonn chooses to handle the matter, we should do our best to be supportive.

A NEW CHALLENGE IN BERLIN

The 25th anniversary of the Berlin Wall finds that city again a testing ground for the West. How far is the community of free nations willing to go to support its high ideals? That has become the root issue in West Berlin and West Germany, now inundated by a tide of refugees.

Remembering Central European Jews' often futile search for a haven from Hitler's Holocaust, the foundng fathers of West Germany wrote into its constitution a right of asylum. That is a precious principle.

Precious, too, not only to West Germany but to its allies, including the United States, is the principle that the Bonn Republic is an open society, Berlin an open city—that the Berlin Wall serves only the Communist East, and stands as a monument to totalitarian failure.

With no basic bar to refugee immigration, lacking even border guards in most places to check newcomers' claims to be fleeing political oppression or war, West Germany and the allied governors of Berlin are finding their commitment to asylum and openness sorely challenged.

For those flooding into Berlin and West Germany bring with them ethnic tensions, demands on social services, crime, drug use and the danger of terrorism. Last year there were about 75,000 of them; this year more than 100,000 are expected. By contrast, the United States, with a population four times that of West Germany, accepts only 50,000 refugees a year.

East Germany and the Soviet Union clearly are exacerbating the problem by offering Third World refugees cheap air fares to Berlin. They would be delighted to see the West German constitution revised to eliminate asylum, or the West erect a "wall" of its own in Berlin.

Bonn needs a helping hand. Other West European nations could accept part of the refugee inflow. But those countries are tightening immigration restrictions, not liberalizing them. Or Washington could pressure Moscow, asserting that a solution to the refugee problem is essential to superpower relations. That would necessitate a shift of priorities in U.S. foreign policy.

Or Western checkpoint could be set up throughout Berlin, and more refugees turned away. But that would change the Western concept of Berlin, and require more allied troops than are now Berlin. The city would be militarized.

None of these responses is likely. Refusing the humiliating step of rewriting its constitution, West Germany probably will have little choice but to negotiate directly with East Germany. And that would recognize East Germany's authority in Berlin, and amount to a Communist victory.

Moreover, in return for stemming the refugee flood, the East Germans undoubtedly would ask for more interest-free trade credits, increased payments for maintaining transit routes to West Berlin and generally a greater flow of funds from West to East Germany.

Bonn, in other words, may well end up paying blackmail to preserve its ideals. And, in this case, the West's ideals.

TRIBUTE TO TERRY ANDERSON

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. PEASE. Mr. Speaker, 1 year and 5 months ago, Terry Anderson was taken hostage in Lebanon. Today, he is still a hostage, far away from his family and friends. Most of you have heard his name, but I doubt that many of you know much about Terry Anderson. In tribute to him I am submitting an excellent article from Sunday's Washington Post. This article, written by a friend of Terry's, allows us to become acquainted with a man in captivity. It reveals his high character and dedication to his career as a journalist. Please take a moment to read this article. We cannot forget Terry Anderson and the other hostages still in Lebanon.

[From the Washington Post, Aug. 10, 1986]

REMEMBER TERRY ANDERSON: STILL HELD HOSTAGE

(By David Ignatius)

One of Terry Anderson's friends from the Associated Press tells this story about him: Anderson is in Tripoli in northern Lebanon in late 1983 covering the bloody fighting there between Palestinian factions. He is on the main boulevard of the city, which is desolate and deserted.

"We ought to go up that road and see what's happening," says Anderson to his AP colleague, Bill Foley.

"Why? The road is deserted for a good reason!" responds Foley.

"I'm going," insists Anderson. They head up the road together. They have travelled about 100 yards when all hell breaks loose and the area is pounded with artillery shells. Anderson agrees on the wisdom of a tactical retreat. But he is back on that same road the next day.

Edward Behr of Newsweek describes reporters as people who want to see what's around the next corner, regardless of the risks. Terry was that kind of correspondent. He wasn't the sort of bureau chief who wanted to sit in the office and write checks. He wanted to go see the action, no matter where it was. That was part of why he stayed on in Beirut long after most of his American colleagues had left town.

Anderson liked to quote Winston Churchill: "Nothing in life is so exhilarating as to be shot at without results."

Terry Anderson is now a hostage. Most Americans know him only as one of the faces in the grainy photographs that appear occasionally in newspapers and on television. Recent reports suggest that he spends his days chained to the wall.

I met Anderson during my visits to Beirut in the early 1980s when I covered the Middle East for The Wall Street Journal. Like many of Terry's friends from Beirut, I feel a sense of outrage and shame that he is still in captivity 17 months after he was seized by the kidnappers who call themselves Islamic Jihad. I don't know how we can get Terry back among us. But I do wish other Americans could see him the way his friends remember him—as a courageous reporter who represented the very best of his profession—and not as the anonymous face that stares out from the photographs. That dehumanized anonymity seems like a victory for the kidnappers.

Anderson's world in Beirut revolved around the AP office, where he was the bureau chief. The bureau was on the fourth floor of a building across the street from the Commodore Hotel. When the electricity was out in the neighborhood, as it often seemed to be, you climbed the stairs to the AP office. It was one of the great journalistic outposts in the world, staffed by a cast of characters worthy of "The Front Page."

There was Farouk Nassar, a short, white-haired man with a large stomach who had suffered two heart attacks on duty in the bureau. Farouk loved to play the horses, and he regarded the closing of the Beirut race track as one of the unforgiveable depredations of the Lebanese Civil War.

Farouk wrote most of the AP leads and bulletins. He was very fast and rarely made mistakes. He had once worked for the AP as a stringer in Syria, and his colleagues claimed that he had filed so many stories and run up such huge bills that the AP decided it would be cheaper to take him on as a full-time reporter.

Next there was Francois Ghattas, a simple Lebanese man with little education who had taught himself electronics. He was the bureau's technician, and he would make the rounds in Beirut repairing broken telex machines so that subscribers could receive the news from AP. Anderson recognized Ghattas' talents and encouraged him to travel on repair jobs to Cairo, Amman and the Gulf states.

Then came the office manager and "fixer," a diminutive Lebanese Christian named Charles Bishara. He seemed able to obtain anything. During the height of the Israeli siege of West Beirut in 1982, for example, Bishara took Anderson aside.

"Terry, would you like some mineral water?" asked the fixer.

"Are you kidding? Of course I would!" replied Anderson. At the time, mineral water was selling for about $20 a bottle.

An hour later, a truckload of mineral water arrived from East Beirut, the driver having somehow navigated the Israeli blockade of the city. Nobody was quite sure how Bishara accomplished this miracle, and it was probably better not to ask.

Anderson joined the AP bureau in Beirut in 1982 in the midst of the Israeli invasion. He was coming from the AP bureau in Johannesburg.

The first thing most of us knew about Anderson was that he was an ex-Marine. He certainly looked the part. He was stocky, with a beard and glasses, dressed often in a safari suit. As time passed, Anderson's looks change a bit; He lost weight, the beard turned into a mustache, and he switched to aviator glasses. But he still looked like an ex-Marine.

Anderson tried to impart his Marine Corps training in September 1983 to the Washington Post's corespondents in Beirut, Herbert Denton and Nora Boustany. There was sniping and shelling of West Beirut that day as the Lebanese Army tried to regain control of the Moslem half of the city, and the three decided to leave the relative safety of the Commodore Hotel and see what was happening. Denton remembers that an argument erupted between Boustany, who thought they should run fast to avoid getting shot, and Anderson, who said that as an ex-Marine, he was convinced that they should walk slowly.

The argument was interrupted at one point by a Lebanese women screaming at them in Arabic: "You fools! You're going in the direction of the shelling!" When Anderson returned to the hotel, he told the other two that he had only been joking about how the Marines do things. "I'm just getting old and have to go slow," he explained.

Anderson chose to stay on in Beirut long after the story stopped being glamorous. He covered the internecine Palestinian warfare in Tripoli; he covered the harsh Israeli anti-terrorism campaigns in South Lebanon, and he covered the daily round of car bombs and carnage in West Beirut. That the world seemed to have lost interest in the Lebanon story didn't deter him.

"He had a real sense of right and wrong. He was troubled by what was happening in Lebanon, and he thought that if somebody was covering it, perhaps it would make a difference," recalls his former AP colleague Foley, now a photographer with Time.

Anderson knew the risk that he would be kidnapped, and a kind of fatalism developed. The militias all kept files on the dwindling group of foreign reporters in West Beirut, and they knew where Anderson lived, his daily schedule, the license number of his car. They increasingly came to see foreign journalists as pawns—bargaining chips—in the vicious game of Lebanese politics.

Explains Foley: "The bottom line was that if these guys wanted you, they would get you."

The day before Anderson was actually kidnapped, someone tried unsuccessfully to grab him. A car attempted to block his automobile, and he escaped only by gunning the engine and driving on the curb. Characteristically, he didn't mention the incident in the office because he didn't want to frighten his colleagues.

Foley warned Anderson that night to keep his head down. But Anderson dismissed the attempted kidnapping, saying: "It was nothing."

The next morning, March 16, 1986, on his way back home from playing tennis, Anderson was stopped by three men in a green Mercedes and thrown into their car. That was the last time he was seen by any of his friends in West Beirut. A British correspondent who was a close friend of Terry's risked his life over the next few days distributing handbills with Anderson's picture to checkpoints throughout the Bekaa Valley. But there was no sign of him. Only a cruel silence.

A lot of people, quite understandably, like to find fault with American press coverage overseas. I have a collection of books and articles at home, for example, taking my colleagues and me to task for our alleged failures covering the Middle East in the early 1980's. And this week I came across a long article in a publication called "The National Interest" criticizing press coverage of Central America. "It is common," opines the author of this broadside, "for journalists to flesh out sometimes sedentary stays in controlled nations with some very careful language."

Maybe so. Maybe there are foreign correspondents as lazy and tendentious as the critics claim. But Terry Anderson isn't one of them. He is a person of the highest character and professional commitment. Like most of the foreign correspondents I know, he worked hard and selflessly at his job, without any political stake in the events he was covering. What made him tick was that odd curiosity that makes some people determined to know what's around the next corner. He must not be forgotten. I hope he's back on the job soon.

S. 1888, PUBLIC LANDS CLEANUP ACT

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. ALEXANDER. Mr. Speaker, I rise in support of S. 1888, Public Lands Cleanup Act. This bill is directed at establishing for the Nation a national, volunteer-powered, public lands cleanup program similar to one which has been phenomenally successful in Arkansas for more than a decade and a half.

Concerned about the tons of trash blotting the landscape around Greers Ferry Lake, in my district, and the shortage of public funds to clean up the recreation areas visited by millions of people annually, Carl Garner, a dedicated and determined public servant, went into action. Carl is the resident engineer for the U.S. Corps of Engineers at Greers Ferry Lake.

He originated the cleanup day in 1970. And, despite stormy weather, about 50 volunteers joined him in that first effort. Their goal was to clear away 6 years of trash that had accumulated along the lake's 300 miles of shoreline.

Each year, since the first one, the volunteer effort has grown. As one who has regularly participated since that first year, I am proud to say that our corps of volunteers now numbers in the thousands as each annual cleanup day arrives. Now, in addition to the efforts at Greers Ferry Lake, there are annual cleanup days on 13 lakes and along the Arkansas River which are lead by the U.S. Corps of Engineers and the Keep Arkansas Beautiful Association.

The Arkansas effort has earned national recognition, including multiple first place awards from Keep America Beautiful, Inc.

I believe that S. 1888, Public Lands Cleanup Act, can help spread the volunteer-powered, public lands cleanup movement throughout the United States and make our Nation, and public lands in particular, a world-class example of what people can achieve when joined together in dedication, determination, and initiative.

Mr. Speaker, we can take the example provided by the Great Arkansas Cleanup and use it to instill in all Americans a sense of stewardship over the public lands.

The Great Arkansas Cleanup is not just about eliminating pollution. It is not just about volunteer involvement or community spirit. It is about education. As a result of the cleanup, the people of Arkansas' First Congressional District now have a keener awareness that they themselves own the public lands, benefit from them, and must take responsibility for them.

I hope we don't stop with this bill tonight. We can take action to bring together citizen volunteers, established organizations such as Keep America Beautiful and the Boy Scouts, for example, and the Federal land management agencies, in a program of partnership. This program would work to keep the public lands clean and spread the word about the pride of ownership Americans should have in those lands. The Public Lands Cleanup Act is an important step, but it is only the first step.

The Interior Department has instituted a major program this year called Take Pride in America—This Land Is Your Land." The Advertising Council, Inc., has made the program one of its national campaigns for 1986.

I call upon Interior not to let their efforts end this year, but to incorporate this legislation and similar efforts into a permanent plan of action.

With an attitude of responsibility for their public lands, Americans will think twice before abusing the parks, waterways, and recreation areas of the Nation. An ongoing, educational approach which encourages volunteers to actively engage in programs like the Great Arkansas Cleanup is a proven way to bring about that hardest of things to legislate—a change in attitudes.

With this legislation and other initiatives I feel sure will follow, we can produce a triumph of democracy by involving the people in the maintenance and management of their own national heritage. I urge the passage of S. 1888.

COMPLIANCE WITH SECTION 308 OF THE BUDGET ACT

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. FAZIO. Mr. Speaker, the Congressional Budget Act, as amended by the Gramm-Rudman law, requires that each committee that files a conference report make certain material available to the membership "as soon as practicable prior to the consideration of such conference report." In compliance with this requirement, I will insert in the RECORD at this time the material required by section 308 of the Budget Act:

CONFERENCE AGREEMENT ON H.R. 5203 LEGISLATIVE BRANCH APPROPRIATIONS, FISCAL YEAR 1987—COMPARISON WITH BUDGET RESOLUTION

Section 308(a)(2) of the Congressional Budget and Impoundment Control Act of 1974, as amended, requires that the conference report accompanying a bill providing new budget authority contain a statement detailing how the authority compares with the reports submitted under section 302 of the Act for the most recently agreed to concurrent resolution on the budget for the fiscal year. This information follows:

	Sec. 302(b)			Conference agreement		
	Discretionary	Mandatory	Total	Discretionary	Mandatory	Total
Budget authority	$700,000,000	$984,000,000	$1,1684,000,000	$677,246,000	$1,006,753,214	$1,683,999,214
Outlays	575,000,000	1,107,000,000	1,682,000,000	545,156,000	1,134,292,000	1,679,448,000
Direct loans	0	0	0	0	0	0
Primary guarantees	0	0	0	0	0	0

MILITARY CHAPLAINS FAITH BALANCE ACT

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. BORSKI. Mr. Speaker, I want to express my gratitude to the Armed Services Committee for accepting my amendment to the Department of Defense Authorization for Fiscal Year 1987. This amendment requires the Department of Defense to conduct a thorough and complete study of the causes and conditions of the current shortages of military clergy, and to submit recommendations to Congress for alleviating the existing imbalances.

Religious support and guidance is vital to our military personnel and their families, especially when they are far away from home, or are faced with critical personal and interpersonal conflicts. The study mandated by this amendment is an important victory in the long and difficult struggle to assure that all of the men and women in the Armed Forces have access to clergy of their faith.

I want to take this opportunity to pay special tribute to Father Joseph J. Turner. As director of the Chaplains Research Committee, he has worked tirelessly with many other veterans groups, religious organizations and individuals to guarantee the free exercise of religion for all of our military personnel and their families. Their efforts have generated strong, bipartisan support for this amendment and for H.R. 1875, the Military Chaplains Faith Balance Act, which I introduced and is cosponsored by nearly 200 Members of this body. H.R. 1875 directs the Pentagon to take specific steps to achieve a proportionate representation of military clergy.

Mr. Speaker the time has come for us to take charge of an intolerable situation. Freedom of worship, one of our most fundamental consititutional guarantees, is being denied to many of our soldiers, sailors, and marines. According to the National Council of Churches and Department of Defense statistics, these brave men and women are without access to clergy of their own faith. While they risk their lives to protect our freedoms and security, their basic spiritual needs are not being met.

I believe that the men and women who are devoting their lives to defend our country deserve to have their religious and spiritual needs served by a chaplain of their faith. We owe every man and woman who wears the uniform of the United States the opportunity to

engage in the special bond which exists between a soldier and clergy who shares with him or her longstanding, common religious beliefs. We need to act now to eliminate shortages of clergy within the Military Chaplaincy Corps.

The simple fact is that the Department of Defense has failed to respond adequately to the shortages of military clergy. Our military services must do considerably more to fully utilize clergy of underrepresented faiths who have and want to volunteer for military service. That means improving recruiting programs, overhauling outmoded Pentagon personnel policies and a more efficient utilization of existing resources, money, and manpower alike.

One of the most serious obstacles to easing and eliminating the present shortages is the unwarranted and involuntary separation of clergy as a result of Defense Department mandatory retirement policies. These policies dismiss much needed clergy for reasons that have nothing to do with their basic peacetime function. As one former military chaplain has observed, military clergy are "hired as ministers and priests and rabbis but fired as soldiers."

Nothing illustrates this better than the Defense Department's up-or-out rule. Under this rule, a captain must be promoted within two eligibility periods, or he can be honorably discharged from the service. Military chaplains begin their careers as captains and many have been released simply because they they failed promotion.

It's time to take a closer look at the military's up-or-out policy as it relates to the dismissal of military chaplains. Ultimately, it is our soldiers who must suffer the loss of these dedicated clergy and their many years of experience.

The objectives of this amendment are threefold.

First, its seeks to provide Congress with essential information. Despite repeated requests, the Department of Defense has failed to provide complete data regarding existing denominational shortages within the Military Chaplaincy Corps. This information is vital to understanding the causes and scope of the current shortages, and it's absence impedes efforts to guarantee that all of our military personnel and their families have access to clergy of their faith.

The study mandated by this amendment will include: A listing of all religious denominations represented in the Armed Forces and the goals that are set by the Defense Department for the number of chaplains to serve each denomination; a comparison of such goals and the actual number of chaplains for each such religious denomination for fiscal year 1987; an analysis of how such goals and the actual number of chaplains compares to the demographic representation of religious denominations in the United States; and recommendations to ensure that chaplains in the Armed Forces better reflect current and future demographic.

Second, this amendment requires that the study in question include a thorough review of the use of grade retentions, continuation boards and standby tours of duty for Reserve and inactive Reserve clergy from underrepresented faiths. Presently these active duty extensions are being fully utilized by other Branch Service Corps to meet the dire needs of the military. Their use is no less applicable to the Military Chaplaincy Corps.

Finally, the Department of Defense is instructed to make a comparative analysis of the use of retention in grade and age waivers for physicians and clergy in the Armed Forces. This analysis must include an examination of the rationale and purpose of their use and application.

The present policy of the services to grant military doctors greater protections against involuntary separation should be extended to military clergy. As stated by the Veterans of Foreign Wars of the United States:

War of peace, the unique spritual needs of our soldiers must be as understandingly met as their physical ailments. It cannot, nor should not, be one or the other.

Mr. Speaker, I am hopeful that this legislation will go a long way to eliminate the existing shortages of clergy within the Military Chaplaincy Corps. The courageous men and women who are serving in our Armed Forces deserve to have clergy of their faith. We must act now to make that a reality.

LIABILITY CRISIS SENDS AVIATION INDUSTRY INTO A TAILSPIN

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. NELSON of Florida. Mr. Speaker, the general aviation industry is just one industry hardest hit by the liability insurance crisis. The viability of the industry is tenuous due to sizable and unpredictable court judgments and settlements that are currently facing aircraft manufacturers. In some cases, insurance premiums alone now exceed labor costs—they averaged $70,000 per airplane in 1985, despite the general aviation industry's best safety record in years. These and other factors have had a dramatic effect on sales. In 1979, over 17,000 general aviation aircraft were sold in the United States; last year there were 2,032.

General aviation tort law has become highly specialized with issues that are not generally considered a part of the general tort law. The relationship between Federal regulations and tort law as they affect general aviation can best be addressed by legislation separate from bills which have been proposed to deal with the general issue. Thus, groups representing aircraft users have taken an active role in trying to legislatively address this problem.

Mr. Speaker, Congress must play a delicate yet important role in solving the liability insurance crisis. Most of the legal questions that arise from this crisis are the responsibility of State governments, and Congress must carefully decide where, and if, Federal regulations should be placed. For these reasons, I am a cosponsor of H.R. 4142 to provide uniform rules of liability for bodily injury and property damage arising out of general aviation accidents. I believe that the issue of increasing product liability costs must be addressed by Congress in fairness to both general aviation manufacturers and purchasers.

A recent article in the Florida Today outlines the evidence problems in the aviation industry due to the liability crisis. I commend the article and would like to bring it to the attention of my colleagues. I respectfully request insertion of this article, "Liability Crisis Sends Aviation Industry Into Tailspin," in the RECORD at this point.

LIABILITY CRISIS SENDS AVIATION INDUSTRY INTO TAILSPIN

(By Ann Mittanas)

Product liability insurance costs top the list of causes for the nose dive in sale of general aviation aircraft in the United States, according to Frank Manning, president of Piper Aircraft Corp.

In the past 10 years, the average cost of product liability paid by Piper per airplane increased from $1,750 to $75,000 "and it's still going up," Manning said while addressing the Florida Airport Manager's Association conference Monday at the Holiday Inn Oceanfront, Indialantic.

"When you consider the fact that our lowest-priced model, the Warrior, has a base price of some $10,000 below that figure, you begin to get a feel for the enormity of the product liability problem," he said. "Without question, if something is not done very soon to change the product liability laws, our general aviation industry, especially major manufacturers will be destroyed."

Because of the liability insurance crisis that's affecting businesses nationwide, the General Aviation Manufacturer's Association has been lobbying in Washington, DC, for changes in the laws. Those efforts resulted in a bill that came out of a U.S. Senate committee last week, but it contains a clause that still holds the industry liable for a product 20 years after it is manufactured.

"Unfortunately, a 20-year statute of repose doesn't do a lot for the industry," Manning said. "By the time an aircraft is 10 years old, many of its parts have been changed or altered and it is not conscionable to hold a manufacturer responsible."

Private aircraft manufacturers in the United States have been experiencing one of their worst years ever. Sales have plummeted and workers have been laid off at both Cessna Aircraft in Wichita, Kan., and Piper in Vero Beach. In February, Piper laid off 600 employees, but 150 were rehired with resumed production of the piston-powered aircraft.

Aircraft sales for the entire industry in 1980 totaled 11,877 airplanes. In 1986, experts predict 1,500 units will be sold.

Piper Aircraft was acquired in January, 1984, by Lear Siegler, Inc., a Santa Monica, Calif., company that produces aerospace, automotive and commercial/industrial products.

H.R. 5450 MEDICAID NURSING HOME QUALITY CARE AMENDMENTS OF 1986

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. WAXMAN. Mr. Speaker, Mr. DINGELL and I are pleased to introduce today, along with Mr. PEPPER and Mr. ROYBAL of the Select Committee on Aging, Mr. STARK, chairman of the Subcommittee on Health of the Committee on Ways and Means, as well as five of our colleagues of the Subcommittee on Health and the Environment, H.R. 5450, the Medicaid Nursing Home Quality Care Amendments of 1986. The purpose of this legislation is to improve the quality of care and the quality of life for 1.5 million elderly and disabled Americans—mostly women, disproportionately poor—now residing in nursing homes.

Mr. Speaker, the Federal Government will spend about $1.7 billion under the Medicaid program on services delivered to the elderly and disabled poor by skilled nursing facilities [SNF's] and intermediate care facilities [ICF's]. That represents about 30 percent of all Federal Medicaid expenditures. To assure that the services we are buying are of adequate quality, we rely on a Federal-State regulatory system. Unfortunately, this system does not work. As the prestigious Institute of Medicine of the National Academy of Sciences recently observed:

[T]here is a broad consensus that government regulation of nursing homes, as it now functions, is not satisfactory because it allows too many marginal or substandard nursing homes to continue in operation. * * * In many * * * Government-certified nursing homes, individuals who are admitted receive very inadequate—sometimes shockingly deficient—care that is likely to hasten the deterioration of their physical, mental, and emotional health. They also are likely to have their rights ignored or violated, and may even be subject to physical abuse.

This bill would end this disgraceful state of affairs by reforming the current regulatory framework along the lines suggested by the Institute of Medicine [IOM] in its recent report, "Improving the Quality of Care in Nursing Homes" (1986). This 2-year, independent study was undertaken at the request of the administration with the support of the Congress, and has been widely viewed as the most thorough, comprehensive, and up-to-date analysis of this issue. The IOM's findings and recommendations have been endorsed by every major national senior citizen and nursing home reform organization, in addition to several State and local groups.

In brief, Mr. Speaker, the IOM report makes five major findings that are the underlying basis for the legislation we are introducing today. First, it concludes that, despite the massive infusion of Fedral (and State) Medicaid funds, poor-quality homes outnumber the very good homes. Second, the report makes clear that the effective regulation of nursing homes is absolutely essential to the health and well-being of their frail elderly and disabled residents. Third, it acknowledges the critical role of the Federal Government in establishing and enforcing an appropriate nursing facility regulatory scheme. Fourth, it documents the inadequacy of the current Federal regulatory system in ensuring the availability of quality care and demonstrates the need for major revisions in that system. And finally, the study recognizes that the touchstone for any meaningful regulatory revisions must be a focus on what actually happens to nursing home residents, not just on whether the facility is properly staffed and offers a safe and sanitary physical environment.

The IOM report was the subject of joint hearings held in March by the Subcommittee on Health and the Environment and the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce, along with the Subcommittee on Health and Long-Term Care of the Select Committee on Aging. At that hearing, representatives of each of the various interest groups—consumers, providers, and regulators—all testified in support of the IOM's findings and endorsed the study's specific proposals. The witnesses were unanimous in their concern over reports of continuous and chronic quality of care violations, their criticism of the present regulatory system, and their commitment to enacting legislation that would help bring about needed regulatory reform.

This bill would implement many of the IOM's legislative proposals. It would revise and consolidate the current conditions of participation for SNF's and ICF's. It would restructure the current survey and certification and inspection of care processes. And it would expand the range of enforcement options available to both the Federal and State governments. Specific reforms found in the legislation are outlined below.

I want to note that the bill's reforms are limited to the Medicaid Program (which pays for over 40 percent of all nursing home care) and do not apply to nursing homes participating in Medicare only. Medicare part A is not within the jurisdiction of the Committee on Energy and Commerce. Similarly, the bill limits its reforms to the nursing homes serving the elderly and physically disabled. While I recognize that there are substantial quality problems in some of the intermediate care facilities for the mentally retarded [ICF's/MR] serving Medicaid patients, the IOM report did not contain recommendations in this area. The bill therefore leaves current law, as it affects Medicare—only nursing homes and ICF's/MR, unchanged.

The Subcommittee on Health and the Environment will be holding hearings on this bill this fall. We will be asking consumers, industry representatives, State officials, and other experts how this bill can be strengthened. On the basis of these comments, I would expect the bill to be revised and reintroduced for future subcommittee action.

Mr. Speaker, the time has come to face up to the problem of poor quality nursing homes. The growth of our Nation's elderly population means major increases in the demand for long-term care services, including nursing home care, for the foreseeable future. According to the National Center for Health Statistics, at current utilization patterns the number of elderly nursing home residents will increase by 58 percent from 1978 to 2003, even if one does not assume that mortality rates will decline. We simply have to get an effective regulatory system in place before the problem of poor quality care overwhelms the Nation and its frail elderly.

I urge Members to support this legislation and look forward to working with them on this most important issue.

SUMMARY OF H.R. 5450, MEDICAID NURSING FACILITY QUALITY CARE AMENDMENTS OF 1986

SCOPE

The bill applies only to what are currently defined as skilled nursing facility (SNF) and intermediate care facility (ICF) services under Medicaid. It does not affect SNF services under Medicare, and it does not alter current Medicaid requirements regarding services in intermediate care facilities for the mentally retarded (ICFs/MR).

REQUIREMENTS FOR NURSING FACILITIES (SEC. 2)

The bill would eliminate the current distinction between SNFs and ICFs by requiring that all nursing facilities participating in Medicaid meet a uniform set of requirements designed to assure quality care. These would apply to free-standing facilities, distinct parts of institutions, and "swing beds" in rural hospitals. The current Medicaid State plan requirement that nursing facility payments be "reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable State and Federal laws, regulations, and quality and safety standards" would be maintained. However, the current statutory payment differential between SNF and ICF services would be eliminated.

The bill would require that, to participate in Medicaid, a nursing facility must:

(1) be primarily engaged in providing nursing care or rehabilitation services to residents;

(2) promote maintenance or enhancement of quality of life of each resident;

(3) provide covered services under a written plan of care that is periodically reviewed and revised after each resident assessment;

(4) conduct an assessment of each resident, using an instrument designated by the Secretary, upon admission, periodically thereafter, and promptly after each significant change in the resident's physical or mental condition;

(5) protect and promote the rights of each resident;

(6) be administered in an effective and efficient manner;

(7) permit access to each resident by relatives and others;

(8) follow the same policies regarding admission, transfer, discharge, or service for all residents, regardless of source of payment;

(9) protect and periodically account for each resident's personal funds;

(10) provide, or arrange for the provision of registered nursing, physician, social, dental, pharmaceutical, dietician, and other services and activities sufficient to carry out each resident's plan of care (registered nursing services must be provided on a 24-hour basis);

(11) maintain physician supervision over all health care delivered to residents and clinical records on all residents.

(12) be licensed under State law and meet applicable life safety code standards;

(13) maintain a safe and sanitary physical environment;

(14) comply with all applicable Federal, State, and local laws and professional standards; and

(15) meet such other requirements as the Secretary may find necessary.

The current requirement that all SNFs have in effect a utilization review program would be repealed.

USE OF RESIDENT ASSESSMENTS (SEC. 3)

The bill would direct the Secretary, within one year after enactment, to designate an instrument for use by all nursing facilities in conducting resident assessments which describe, without reference to diagnosis, each resident's capability to perform daily life functions. Within two years after the implementation of the new uniform requirements for nursing facilities, the Secretary would be required to evaluate, and to report to Congress, on the resident assessment process.

SURVEY AND CERTIFICATION PROCESS (SEC. 4)

To assure compliance by all participating nursing facilities with the requirements set forth in section 2, the bill would require the States to conduct a standard survey of each participating nursing facility (other than State-owned facilities) on an unannounced basis not earlier than 9 months, and not later than 15 months, after the previous survey. The standard survey would include a review of a sample of the resident assessments. Where a State finds through a standard survey that a facility performed poorly with regard to one or more specified requirements, the State must then perform an extended survey, in which each resident's assessment is reviewed. Results of surveys would be available to the public. For the first three years of implementation, the Federal government would pay 100 percent of reasonable State survey and certification costs.

The Secretary would be responsible for developing, testing, and validating the protocol used by the States in both the standard and extended surveys. The Secretary would also be responsible for assessing the adequacy of each State's standard and extended surveys through "look behind" surveys of a sample of facilities. States with inadequate survey and certification performance would be subject to a reduction of their Federal matching payment for administrative costs. The Secretary would also be responsible for conducting standard and extended surveys of all nursing facilities owned by the States.

The current law requirements that States annually review and evaluate the care of each Medicaid resident in an SNF or ICF (known as "inspection of care"), and the physicians periodically recertify the need of Medicaid residents for SNF or ICF services, would be repealed, as would the penalties associated with noncompliance with these requirements.

ENFORCEMENT PROCESS (SEC. 5)

States would be required to have at their disposal the following remedies for noncompliance with Medical requirements for nursing facilities:

(1) termination of participation;

(2) denial of payment for new patients;

(3) civil money penalty;

(4) temporary receivership;

(5) emergency closure; and

(6) transfer of residents.

With the exception of temporary receivership, the bill provides similar remedies to the Secretary.

In the case of noncompliance with the requirements of section 2 of the bill that would immediately jeopardize the health and safety of residents, the State is required to terminate the facility's participation in Medical and may invoke any additional remedy. In the case of noncompliance with the requirements of section 2 that does not immediately jeopardize the health and safety of the residents, the State is allowed to terminate participation or, in the alternative, use one or more of the other remedies at its disposal.

EFFECTIVE DATES (SEC. 6)

In order to allow the Secretary, the States, and participating facilities a reasonable time to prepare for implementation, the provisions relating to requirements for nursing facilities (section 2) and survey and certification (section 4) would be effective October 1, 1989. The provision relating to the development of a resident assessment instrument (section 3) and enforcement (section 5) would be effective the first calendar quarter beginning 90 days after enactment, except where State legislation is required.

THE DEFENSE PRODUCTION ACT AMENDMENTS OF 1986

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 15, 1986

Mr. LaFALCE. Mr. Speaker, today I am introducing legislation that will reauthorize the Defense Production Act [DPA], now scheduled to expire on September 30 of this year, for a 2-year period. In addition, this legislation addresses two other concerns central to the preservation of our industrial competitiveness and defense preparedness.

The first additonal concern is the potentially adverse impact the increasing demand for offsets may be having on the stability and vitality of our industrial base. Because of this concern, the Subcommittee on Economic Stabilization, which I chair, instituted an annual offsets reporting requirement under the 1984 amendments to the DPA. The administration's first report, issued by OMB earlier this year, was disquietingly perfunctory given very serious concerns that we might be unadvisedly exporting jobs and production overseas. The legislation I am introducing would clarify the offsets reporting requirement to ensure that annual reports give us an objective and thorough picture of the increasing impact of offsets on our industrial competitiveness and defense preparedness.

The second additional concern is the efficient management of defense procurement. In recent months, public disclosure of seemingly improper charges to Government contracts has undermined public confidence in the conduct of industry and in the ability of the Government to manage the procurement process. If we are to regain public confidence, we must ensure that standards effecting that process are established and implemented in an objective, reasonable, and timely manner. To that end, my legislation would reestablish an independent Cost Accounting Standards Board outside the Department of Defense. DOD is currently moving quickly to exercise what I believe to be questionable authority over cost allocability standards governing defense contractors. I do not believe DOD has either the necessary expertise or independence from procurement issues to perform this function.

THE REAUTHORIZATION OF THE DEFENSE PRODUCTION ACT

In my view, it is critical that we extend Defense Production Act authorities. The DPA is our country's basic preparedness statute. Our preparedness depends on ensuring that our defense industrial base can respond adequately in the event of an emergency mobilization.

This act helps ensure that readiness. It contains the authorities which the Department of Defense and other agencies utilize on a day-to-day basis to establish priorities in defense contracting and to implement programs to maintain the mobilization readiness of our industrial and material resources. The contract performance priority and materials allocation authorities of title I represent the sole legal authority for our Government to keep the procurement, production, and deployment of national defense weapons systems on schedule. Title III contains the authorities, and provides financial incentives, for expansion of domestic productive capacity and supply of materials necessary for the national defense.

These efforts are critical. It is increasingly unclear that our defense industrial base would be able to meet the challenge of a serious mobilization effort. Over the past few years, the Subcommittee on Economic Stabilization has examined closely the status of key U.S. industries and the changing nature of our industrial base. We have found ample and disturbing documentation that that base is seriously and dangerously eroded. The erosion is continuing as the competitiveness of key sectors continues to decline.

A significant portion of the manufacturing leadership the United States once enjoyed has left our shores. In particular, a number of industries which make up the second- and third-tier levels of defense production, the subcontractor and supplier levels, have shrunken, and in some cases, virtually disappeared. These are the companies that supply the essential elements, components, parts, minerals, and materials to our prime defense contractors, and we are losing them. In addition, we are increasing our dependence on foreign sources for many of the basic materials, minerals, and processes which are absolutely vital to our defense programs. The reliability of some of these foreign sources cannot be assured.

The United States cannot remain a first-rate world power with a second-rate industrial base. We might have the most sophisticated weapons systems in the world, but if we do not have the industrial capacity to produce them quickly and efficiently when needed, we place ourselves in serious jeopardy.

Clearly, we cannot return to the totally self-sufficient days of the past. Neither the economic complexities of today's world, nor our security pacts with our allies, would permit that. However, it makes elementary common sense to make our country more secure by

devoting a very modest amount of the defense dollars we spend every year to addressing our deteriorating defense industrial base. DPA is a small program, but an important one.

Despite the importance of the program, I do not believe that the 5-year extension the administration seeks is appropriate. The authorities granted under the DPA are as broad as they are critical. With one exception, we have extended the program for no more than 2 years, in order for Congress to adequately oversee how those broad authorities are being applied. I do not think that now is the time to change that practice. Criticism has been levied in the past that projects did not adequately justify the national security benefits to be derived and/or the economic cost associated with the financial incentives provided, or that they did not adequately address identified weaknesses in our industrial base. The Congress must monitor the program closely to insure that these projects are effectively targeted to address real weaknesses in our defense industrial base.

THE OFFSETS REPORTING REQUIREMENT

Under the 1984 amendments to the Defense Production Act, the Subcommittee on Economic Stabilization mandated an annual report from the executive branch on the impact of offsets on the defense preparedness, industrial competitiveness, employment and trade of the United States. The first of these reports was issued by OMB in February of this year, approximately 4 months late.

The Subcommittee on Economic Stabilization has held several hearings to consider the impact of offsets on our industrial base. Those hearings established that foreign buyers of U.S. military equipment increasingly require offsets that serve their own economic interests as a condition of sale. The reporting requirement under DPA is the only means we now have of determining how the increasing demand for offsets may be adversely affecting our own defense industrial base, our employment, and the competitive position of our industries. We must focus our attention on the effect offset requirements are having on our own economic strength.

The administration report concluded that offsets have little impact on key elements of our economy. That conclusion is impossible to defend given some of the report's own findings.

The report makes clear that offsets are increasing foreign competition in key industrial sectors, particularly at the subcontracator level. In addition, the report found that direct offsets may have a longrun negative effect on some sectors of the U.S. industrial base. According to the OMB document, while the U.S. defense industry maintains an overall advantage in many areas of competitiveness, the margin of advantage in many areas of competitiveness, the margin of advantage has narrowed in recent years due to technology transfer through offsets. This is particularly troublesome since most offset obligations occur in key high-technology areas—namely aircraft, engines, and electronics. The long-term impact on our industrial competitiveness of the more rapid and wider ranging transfer of sophisticated technology and attendant technology development skills could be severe.

The subsequent GAO audit of the OMB study calls the adequacy and good faith of a study seriously into question. GAO found that the study ignores key data suggesting offsets may in fact have a serious impact on our defense industries and our industrial base; disregards major concerns of the Commerce and Treasury Departments regarding the impact of offsets on trade and competitiveness; and, generally, gives a far more positive impression of the impact of offsets than is justified given specific agency findings.

The administration has thus produced a report that appears to be a totally inadequate response to the Congress' legitimate concerns. Now it wishes to produce no report at all. The administration is taking the position that the reporting requirement should be repealed since, based on its own questionable analysis, offsets are not a problem.

I do not believe there is any justification whatever for the administration's recommendation that the requirement be repealed. Offsets may present us with very serious competitive problems. They may, as others argue, provide a useful trade tool that we, too, can effectively utilize. But it is impossible for either the Congress or the administration to make necessary policy judgments without the benefit of a decent data base and objective policy analysis. The Congress must ensure that we have them. It is unfathomable to me that an administration ostensibly so concerned about our trade problems appears so willing to do less.

In my view, the inadequacy of the initial report is symptomatic of this administration's desire to totally ignore a phenomenon that could be seriously undermining the competitive position of American industry, weakening our industrial base, and unnecessarily exporting American jobs and production overseas. The total inadequacy of the administrations' initial offsets report makes continuation and more careful targeting of the requirement all the more critical.

COST ACCOUNTING STANDARDS

The legislation I am introducing would create an independent Cost Accounting Standards Board outside the Department of Defense.

Congress first established an independent Cost Accounting Standards Board in 1970 to promulgate cost accounting standards designed to achieve uniformity and consistency in the cost accounting principles followed by defense contractors and subcontractors under Federal contracts. The Board was active until the end of fiscal year 1980, when it no longer received funding. Since that time, there has been no mechanism for interpreting, clarifying or amending the standards, or granting waivers and exemptions. There is a continuing need for an administrative body to perform these functions. Accounting is a dynamic discipline and conditions affecting the standards are in a continual state of flux.

But, while there is a clear need for this function to continue, I do not believe that the Department of Defense is the appropriate locus for that responsibility and am very skeptical regarding its efforts to assume effective control over this function. Independence was a primary feature sought by the Congress when it established the Cost Accounting Standards Board in 1970. It continues to be very important to insulate the responsibility for establishing, interpreting and updating cost accounting standards from the influences associated with the procurement process. Satisfying the need for independence within an agency like the Department of Defense with the largest procurement in the Federal Government is problematic.

Defense spending accounts for approximately $300 billion of our budget. At a time when budget pressures are intense, and we are being forced to closely scrutinize even the most critical programs, it is vital that whatever moneys are authorized and appropriated be spent legitimately and economically. We cannot guarantee what occurs without cost accounting standards that are objective, reasonable, and responsive to changing circumstances.

The business of doing business with the Government has become inordinately complex and in many respects unnecessarily so. This situation has created increased potential for abuse, but, in addition, increased potential for innocent mistakes to be perceived as criminal wrongdoing. Public disclosure of seemingly improper charges to Government contracts has seriously undermined public confidence in the conduct of industry and in the ability of the Government to manage the acquisition process. Certainly we must seek out and prosecute any wrongdoing. But we must also state the rules of the game in unambiguous, simple, and precise terms. Only in this way can we ensure that those who seek to comply with the intent and letter of the law can do so with reasonable effort and a sense of confidence that the standards applied to their conduct are necessary and appropriate.